CONGRESSIONAL RECORD:

33287

CONTAINING

THE PROCEEDINGS AND DEBATES

OF THE

FORTY-NINTH CONGRESS, FIRST SESSION;

ALSO,

SPECIAL SESSION OF THE SENATE.

VOLUME XVII.

WASHINGTON:
GOVERNMENT PRINTING OFFICE.
1886.

VOLUME XVII, PART II.

CONGRESSIONAL RECORD,

FORTY-NINTH CONGRESS, FIRST SESSION.

Mr. COCKRELL. Will the Senator permit me?

Mr. LOGAN. Yes, sir.

Mr. COCKRELL. I desire to say that my colleague [Mr. VEST] regrets as much as the Senator does his absence, but he is absent simply because he is confined in bed by sickness.

Mr. LOGAN. I am very sorry to hear this, and I certainly sympathize with him as much as any one, as I have for him great respect; but in dealing with this question I must reply, or at least attempt to do so, in my feeble way, to some of the objections that have been made by these two Senators, and first to the objections made by the Senator from South Carolina [Mr. BUTLER].

The two leading propositions that seem to me to be in his mind, although clothed in such a manner that they did not stand out very boldly, except in one instance, are these: First, that Congress alone has the right to bring in new States; that is to say, if I understand him aright, that Congress after the organization of a Territory shall take the initiative in the preparation for its admission into the Union as a State; that is to say, that no State can properly be admitted unless an enabling act has first been passed by Congress. That, if I do not misunderstand him, is his position. In answer to that, I call attention to the fact that in the admission of twenty-five new States into this Union fourteen have been admitted under enabling acts of Congress and eleven States have been admitted without enabling acts of Congress. Hence there are two lines of precedents laid down for the admission of States by Congress, and these precedents have been followed so often that either one may be adopted by Congress and be perfectly correct. These precedents, sir, have become recognized in fact as law, and not in conflict one with the other, as circumstances indicate the rule of action by Congress. There being no rule laid down by the Constitution of the United States except that Congress may admit new States, rules have been laid down by Congress, varying as circumstances arose surrounding each case as it presented itself.

My friend from South Carolina, if he were here, perhaps at this point would differ with me—in fact I know he would—in reference to the manner of the admission of some of these States. There were in the cases of Vermont, Kentucky, Michigan, Arkansas, Florida, Iowa, California, Tennessee, Maine, and Oregon no enabling acts of Congress, and it will not do for the Senator from South Carolina to say because certain rights were claimed under certain cessions or grants that therefore they, the people of certain Territories, were organized into States properly without an enabling act, but in this case it would be unlawful. That, sir, is dodging the question. It makes no difference what Territory the State was carved out of, no difference what treaties may have existed, and none have existed having more binding force than those which are applicable to the Territory that now asks admission as a State; none whatever more applicable than that connected with Louisiana, a part of which was this Territory, and the ordinance of 1787 also extended to and over this Territory.

But laying this all aside, I care naught about it, you can not shift the question by saying there was a difference in the condition. The fact remains the same, as the States I have mentioned were admitted without an enabling act of Congress, were admitted with the present conditions for a State and in a great majority of instances not nearly so ample as in the case of Dakota. Congress assented without reference to any enabling act, only requiring the fact to be established that they had the population, had sufficient area, the productive capacity, and all that was essential, according to the views of Congress at the time, to make them a State in this Union.

Then, sir, if that be true, why is it that Dakota shall be required to enter the Union on a different basis from the eleven States which I have mentioned? Why is it that when Dakota is ready, with a population not transitory, with the productive capacity, the wealth, the intelligence, and being friendly disposed toward the Government, and with a desire to become a part of the family of States by being recognized as a State, we stick in the bark, technicalities and shadows instead of substance appear in the way in order to prevent that justice from being done these people which has always been meted out to others?

When I listened to the speech of my friend from the State of Missouri, without meaning any disrespect to him personally or his argument, I was reminded somewhat of a young lawyer who on first entering court was attempting to argue a special demurrer and insisting before the court that it went to the substance and materiality of the declaration. There never were so many merely technical and flimsy objections by men called statesmen, in my judgment, presented on the floor of the Senate against the rights of any people.

At this point it may be well to examine for one moment and see if we can what objection can be fairly made to the admission of Dakota as a State.

First I would ask the Senator from South Carolina, were he present, whether or not he objects to the size of this great Territory. As has been stated by the Senator from Indiana [Mr. HARRISON] in his admirable presentation of this case both by report and in argument, this division of Dakota Territory that now asks admission into the Union as a State has in area 77,000 square miles. I can only repeat what has been said by him when I call the attention of the Senator to the fact that if Dakota is admitted according to the lines laid down by the division made or asked to be made by Congress admitting them into the Union, they then would be the eighth State in this Union in number of square miles.

It has twice the area of Indiana, and is 20,000 square miles larger than the State of Illinois; 23,000 square miles larger than Arkansas; 8,000 square miles larger than Missouri; more than two and a half times as large as South Carolina; and from this State, not nearly half so large Dakota finds her greatest and strongest opposition—a State whose statesmen have led on the line upon which they moved, whether correct or incorrect, always in the advance; perhaps right sometimes, but wrong more times than right, and who now lead their political friends in opposition to this immense and grand Territory being admitted as a State into this Union.

Dakota is 10,000 square miles larger than all the six New England States together. One of the States of this Union has presented to the nation men regarded as statesmen, and to-day has given one of her citizens to this Government to manage the affairs of State. In area this Territory is more than thirty times as large as that State. Will the representatives from this State object? Surely, surely, Mr. President, the State of Delaware will not object to her big sister. Certainly there then can be no objection for want of length and breadth in the size of Dakota.

What next can be the objection? Can it be on account of its population, with over a quarter of a million of people, with a greater population to-day than any State (with the exception of three) had when admitted as new States into the Union? Then I take it for granted the objection can not go to the population.

Well, can it go to the character of the population? They are an energetic people; they are hardy pioneers; they are an intelligent people; they cultivate the soil; they have builded churches; are a civilized and Christianized people. Your objection, then, certainly can not go to the character of her population.

To what, then, does objection lie? One of the Senators said that the population was not distributed over the Territory sufficiently, and therefore he wants to divide it north and south because east of the Missouri River is the greater portion of the population. I desire to call that Senator's attention to the fact in connection with his own State that when it was admitted into the Union the population was not distributed more equally than the population of Dakota is. North Missouri was a vast wild country with widely scattered population. Take the State of Iowa when admitted into the Union; its population was not diffused or distributed throughout the Territory. Take the population of the State of Illinois. Within my recollection, from Springfield, near the center of the State, to the northern line was included in one Congressional district. In 1832 the Indians occupied the northern portion of Illinois, and Fort Dearborn at Chicago was the only protection there was in that portion of it from the Indians. The southern part of Illinois was the only populous part of the State when it was admitted into the Union. The northern portion that now bears the great mass of the population of that State, which now sends you a great majority of the Representatives from the State, was a waste, an open, wide expanse of prairie roamed over by Indians and uninhabited by white people.

So then the objection made that the western portion of this Territory has not the population in number found in the eastern portion is an objection not made against those States heretofore admitted and is not well taken. Mr. President, I feel justified in saying that these objections are far-fetched and frivolous. They certainly are not made seriously, but are made for old women and weak-minded men to hang an excuse upon in justification of the action of their objecting representatives, and not because they are founded in reason.

The farm products of this Territory, as stated by my friend from Indiana, amounted to $17,000,000 in 1884; the number of schools, 1,534; school-houses, 1,340; amount expended for schools in 1885, $1,200,000. I will not say, by way of criticising the action of States, but merely by way of calling attention to the arguments made by Senators, that were I so inclined I could name a number of States now having their interests represented on this floor by able men that were in existence as States almost a half-century before they had the number of schools and school-houses that there are now found in the Territory of Dakota, and some of the States represented by Senators who are in opposition to this bill, within a very few years have not had the number of schools and school-houses or expended the amount of money for the education of the children of their States that has been expended in the Territory of Dakota for the education of the children of that Territory; and yet it is not to be admitted as a sister State in this Union! But surely, sir, not on this ground will it be excluded.

Well, sir, are there other reasons? It can not be objected that her constitution is not republican in form. I have read it carefully and I think it a better constitution than some of the States have which have been in the Union for many, many years.

To these objections answer has been fully made. But, sir, the real objection—what can it be? Ah, sir, that objection is surrounded and covered up in such a way that it does not fully make its appearance to the Senate; it lies underneath the surface, only occasionally raising its

head so that it may be seen. Perhaps by reading a paragraph from the speech of the Senator from South Carolina we may get a glimpse at it; its shadow appears. Let us examine and see what it is; whether or not it is a ghost that appears and haunts the Senators from South Carolina and from Missouri. On page 899 of the RECORD containing the Senator's speech I find the following—the speech is not a very long one, but a very able one to be based on nothing [laughter]:

Is there a pressing political exigency lurking behind this movement which impels it forward with almost unseemly haste and zeal? Is there a purpose underlying the pressure for Statehood to forestall the orderly progress of events in Dakota Territory under a new national administration, which might change the political complexion of representatives sent to the National Legislature different from those now seeking admission from this so-called State? I can not divest my mind of such a suspicion, and that a "snap" judgment would be rendered if we ratify this effort to make a State.

If I can understand the meaning of the Senator from South Carolina, and I think the language is plain enough to be understood, he means that he is opposed to the admission of Dakota for the reason that if it comes in now it will have representatives in the Congress of the United States of a different political complexion from the Administration. Is not that it?

Mr. BUTLER. Not at all, sir.

Mr. LOGAN. Then I should like to know.

Mr. BUTLER. If the Senator had read the speech he would not have found that question necessary, for I said distinctly that if the Territory were as largely Democratic as it appears now to be Republican I should oppose it as earnestly as I do this proposition, coming as it does. So the Senator has not done me the honor to read the whole of my remarks.

Mr. LOGAN. I have read the whole of the speech.

Mr. BUTLER. That was the explanation.

Mr. LOGAN. I know that in the commencement of your speech that is true, but why does this crop out in the conclusion, or near the conclusion of it?

I can not divest my mind of such a suspicion, and that a "snap" judgment would be rendered if we ratify this effort to make a State.

The Senator says he does not mean that.

Mr. BUTLER. I did not say any such thing. I beg the Senator's pardon. I do mean exactly what I said.

Mr. LOGAN. You said that?

Mr. BUTLER. Certainly I did, but the Senator gives that as the ground on which I was resisting the application of South Dakota for admission.

Mr. LOGAN. The Senator is very much mistaken. He was not in when I commenced replying to him. I say that there are two grounds; first, the want of an enabling act, and I tried to answer that in the Senator's absence; and, second, I called attention to this as an objection. Is it not an objection?

Mr. BUTLER. It is a very serious objection; that is to say, it is an objection in the present form of the application for admission. If I was satisfied that that was the honest expression of the people of Dakota, if it was Republican I should not object in the slightest degree, but I do not believe that it is the honest expression.

Mr. LOGAN. Now, sir, I am not so far wrong after all. That is one objection, he says, in the present condition of things, or in other words, the manner in which it comes knocking at the door. If it was to come in a different form from what it does, then this objection would not arise. That is about it, is it not?

Mr. BUTLER. I do not know that I understand the Senator.

Mr. LOGAN: If I understood the response of the Senator it was this, that this is an objection in his mind now, inasmuch as Dakota comes to the door of Congress as she does. That is it?

Mr. BUTLER. Yes.

Mr. LOGAN. Very well; then I say if Dakota came in a different garb, it would not be an objection.

Mr. BUTLER. If Dakota came under an enabling act authorized by Congress, and I was perfectly satisfied that she had all the essential conditions necessary to Statehood, I should not object to it because she was Republican. I repeated that over and over again. But if the Senator will permit me, if she came here and I had any suspicion that even then it did not express the wishes and purposes of the people of that Territory, I should oppose it, not at all because she was Republican, but because I believed, as I stated in my remarks which the Senator has quoted from, that if we do it now, we shall render a snap judgment upon proceedings which appear to my mind to be controlled and influenced by a political clique.

Mr. LOGAN. "Controlled by a political clique!" That is very easily said. I believe if you will examine the speeches of nearly all of the Senators and Representatives who have opposed the admission of States heretofore you will find that similar expressions were used. It is very easy in a county where some people have things not exactly as they want them to get up in their own imagination what they call a town clique. So it is in a State. There is always a clique. If a person is dissatisfied he imagines he sees or understands that there is a clique. There is always a clique. If it is a Republican Territory that wants to come into the Union, there is always a clique that is forcing it in.

Now, Mr. President, I feel differently. I believe when a people having sufficient population and all the necessary requisites, believing in this Government, want to be admitted as a State, statesmanship should rise to that height that it would not inquire as to cliques or politics, Democratic or Republican. The man who stands in the doorway preventing a State from entering this Union because the people are Republicans is a partisan, too much so to make a great statesman, and the man who would do the same thing against a Territory because it is Democratic is equally wanting in statesmanship, and in my judgment will never rise, in the estimation of those whose good opinion he would desire, to the elevation he has fixed for himself.

Mr. BUTLER. I agree with the Senator entirely.

Mr. LOGAN. Then there is no dispute on that point.

Mr. BUTLER. Not a particle.

Mr. LOGAN. Then, if we do not dispute on that point, the Senator says that if this was fair he would agree to it. Fair how? In the Territory of Dakota where they have in round numbers 263,000 people in this part of Dakota that desires to be admitted as a State, they voted about 55,000 at an election a short time ago, while South Carolina at the same time or about the same time, with a population of about 700,000, voted 91,000 votes.

Mr. BUTLER. Seven hundred thousand!

Mr. LOGAN. Yes, sir. Well, how many have you?

Mr. BUTLER. The Senator is entirely mistaken. We have in round numbers a million of population by the last census.

Mr. LOGAN. That increases it. I am glad it is a million. My mind was directed to another State at the time. South Carolina has a million of population, and Dakota Territory has 263,000. At the same time that the million of population of South Carolina voted about 91,000 votes, the 263,000 people of Dakota voted about 55,000 votes. Now, there is something wrong somewhere. How is that? It is said that they voted on this constitution about 31,000, and the thing cropped out here the other day that the reason why they did not cast as many votes as they had for Representative in 1884 was that the Democrats did not vote. The Democratic committee recommended them not to vote, and therefore they did not vote. Why? They perhaps had instructions not to vote so that these objections might be made to the admission of Dakota as a State.

Now, sir, when you tell the people of this country that you want votes sufficient to show that the proceeding was fair, with 263,000 population voting 55,000 formerly, and with your Democrats declining to vote voting about 31,000, you had better explain why it is that South Carolina the same year, with a million of population, voted only about 91,000 all told.

Mr. BUTLER. What has that to do with it?

Mr. LOGAN. Nothing except this, that you argue that this is not fair, and so did the Senator from Missouri the other day, because the vote was light at the adoption of the constitution. If it is not fair in the one case because the vote has fallen off, why fair in the other? In other words, there must be no falling off of votes in Dakota, if so it must be explained, but in South Carolina the vote may fall off nearly one-half in four years, and there it requires no explanation.

Mr. BUTLER. I remind the Senator that South Carolina is not applying for admission into the Union.

Mr. LOGAN. I understand that.

Mr. BUTLER. Therefore I think his observations have about as much to do with this question as would the vote in Kamtchatka have.

Mr. LOGAN. That is the opinion of the Senator.

Mr. BUTLER. Yes.

Mr. LOGAN. I admire the Senator very much, and I regard his opinions very highly, but at the same time I will ask him to allow me to make my own deductions.

Mr. BUTLER. Certainly.

Mr. LOGAN. You say South Carolina is in the Union. So do I; and I say she has never been out of it.

Mr. BUTLER. I am glad the other side say that.

Mr. LOGAN. But Dakota as a Territory is in, and as a State is out and wants to get in; and when you are in the Union with a million of people voting 91,000 votes at a Presidential election do not find fault with Dakota, this child that comes here asking the great mother to take her in as one of the family; do not find fault with her when she votes a third as many votes as your State does, more than half as many at one election, and on this constitution a third as many as your State, with a population of one-fourth as many as your State; find no further fault with the vote of this young sister that applies to be recognized along by your side.

Mr. BUTLER. I have found no fault with Dakota.

Mr. LOGAN. Very well, then; do not.

Mr. BUTLER. I have found no fault with Dakota. I do not intend that the Senator shall put me in the attitude of finding fault with her. I compared the vote on this constitution, as I think I had a right to do; but whenever Dakota comes here, as I have said over and over again, in a regular, orderly, constitutional way, as I understand it, I shall vote for her admission; and I do not intend to be put in the position of antagonizing or finding fault with Dakota at all, because it is not correct.

Mr. LOGAN. If the Senator does not intend to be put in that position he had better correct his speech.

Mr. BUTLER. No; I stand by it. The Senator had better read what I said.

Mr. LOGAN. I have read it; you need have no fears on that point. I have read all the speeches that have been made on this subject. I occasionally read some *things*. [Laughter.]

Mr. President, I think right in this connection that the "clique" business might be found on the other side. Let us see. The Republicans all voted—at least, when I say all there may have been a few exceptions, but the great mass of them voted. The Democrats did not vote. Why not? Because they did not want this State to be admitted. The Senator says it is a clique. What clique? The Democratic clique or a committee composed of Democrats, who notified the Democrats not to vote. Why? That the statesmen from South Carolina and Missouri might object to her admission on the ground that there was a "clique" in Dakota. The clique found response in the Democratic organ here in the city of Washington. Let me read what I find published on the 25th of January in the Post (the organ of our friends on the other side) about the admission of Dakota, and see if it does not comport exactly with the character of speeches which have been made in the Senate:

And now they are talking—

Says this newspaper—

about admitting Washington Territory into the Union. Washington happens to have a Democratic Delegate in Congress now, and the wary Republican spiders of the Senate committee are more than willing to compromise with the Democratic House on the admission of Dakota and Washington at the same time.

The result of this arrangement would be two new Republican States, four new Republican Senators, a Republican Senate from 1887 to 1889, and six certain Republican votes in the next electoral college. Washington and Dakota would come in in 1888 as Colorado did in 1876; and but for Colorado the Hayes fraud would never have been consummated.

The country wants no more raw commonwealths anyway. She has yet to digest Nevada and Colorado. And she wants no more crude statesmanship.

Take that article and put it in the belly of the speech of the Senator from Missouri, and it will accord precisely with what he said; and the insinuation of the Senator from South Carolina, in reference to a suspicion he had that there might be a "snap judgment" during this national Administration, is on a line with this article in the Post.

It will not do for Senators here to throttle this young State and put their opposition to its admission on the technical grounds they have. The true ground is that it is Republican and is not Democratic; and why not say so? It has every element of a State in all respects except recognition. And after eleven States have been admitted into the Union without an enabling act—nearly half the new States that have been admitted into the Union—when this twelfth one comes, it will not do for Senators to say that there must be an enabling act in order that the law may be complied with. Why, sir, there is no such law on the statute-books; there is no such provision in the Constitution; there has been no such principle laid down by statesmen either here or elsewhere, that it is necessary that a State should have an enabling act prior to her admission into the Union.

We might as well talk plainly with one another about these things when we do it without intending any offense. These precedents that I have given were established when Democrats controlled Congress. They where followed by Democrats whenever Democratic States applied for admission. The Democratic party has never failed in a single instance to admit a State into this Union if it came with Democratic Senators and a Democratic Congressman, if they had the power to admit them. But they have ever opposed as a party—and I state it as a fact—the admission of States that differed with them in politics. Everything must be complied with, the House of Representatives against the Senate politically; you must wait for an enabling act, that which perhaps Congress would not pass, before this State can be admitted; you must have that which Congress will not give before you can knock at the door of Congress for admission into this Union.

I do not wish to refer to that institution which has passed away except for the purpose of illustration; but while it existed in this country it was the policy of a certain party to never admit a free State unless a slave State came hand in hand into the Union whenever it could be done. No one will deny that. What then is the result? Slavery has passed away, but the principle of admitting a Democratic State, or a slave State with a free State, still exists; there is objection to the admission of a State that is politically opposed to them unless a State politically agreeing with them can come hand in hand into the Union. That is the point.

Then another objection is made, I find, in reading the speeches that have been made against the admission of Dakota. It is said by one Senator that we have enough States; we ought to be very careful about admitting States; we do not want any more States; no more States ought to be admitted without great scrutiny. This is the argument of the Senator from Missouri. I desire to examine this argument for a few minutes.

Suppose that principle had been adopted by the thirteen original States; suppose the thirteen original States had said, "We do not wish any more States in this Union; thirteen States are enough; we are the Government; you are outside; you are mere Territories, colonial dependencies; you can not be admitted as States." With all this great territory in the west, south of the Ohio River and north of the Ohio River, and west as far as our Territories extended, with a growing population driving the Indian in advance and developing a growth, a civilization, and a prosperity, what would have been the result? Soon the Territories would have had a greater population than the States. What then would have happened? The States would have been sending them governors, judges of their courts, collectors of the revenues, all the officers dependent upon national power, and they would have made the same cry against the operations of the government of the thirteen States that the colonies did against Great Britain.

The colonies objected to Great Britain's usurpation and power over them—the very same objections that would have been made by these people had these impositions been practiced on them. Yet no more States must be admitted! If no more States are to be admitted, what will be the result? All this great northwestern territory is to be held by the Government in a dependent condition, in a colonial state, subject their laws to revision, all their officers controlling, governing, and guiding them in their destiny, subject to the Government. Is that to be the result? When Senators say that these people have proceeded in a revolutionary manner, I say that if we had done this in behalf of the thirteen States originally against the Territories a revolution would have been inevitable, and no power on earth could have stayed it when the Territories attained a greater population than the thirteen States had.

Oh, but it is said by Senators the action of this people is revolutionary, because forsooth they or some of them inadvertently call themselves a State. Sir, revolutionary against what? Against the power of the Government? No, sir. The very action of these Senators who are trying to deprive the people of the Territories of the Statehood that they desire is more arbitrary and more calculated to force people to desperate means than any action the people themselves have taken. Sir, millions of people in a few years will be numbered in the Western Territories instead of the few hundred thousand there now. The time will come, sir, when that party which is ever changeable, except on the question of holding power in their own hands, will not oppose the admission of these people. Will any Senator tell me that, with a vast population in Territories having rich and fertile soil, the people industrious, energetic, and intelligent, this Government is going to continue to fasten officers upon them against their consent? And at the same time if complaint is made against this policy will it be said that this is revolution? I thought this, sir, a strange argument when made, coming from whence it did.

Mr. President, I dislike very much to refer to this matter in the absence of the Senator from Missouri [Mr. VEST], but there are one or two things in his remarks to which I feel called upon to make reply. I repeat, sir, that true statesmanship does not require the inquiry to be made as to what States the people went from when settling in the Territory, nor their politics, but only into their civilization, their numbers and intelligence, the square miles in area of the territory settled, its productive capacity, &c., whether the soil and the climate are calculated to induce a fixed and permanent population. All these things being admitted, statesmanship demands the admission of the Territory, whether the people are Republican or Democratic.

I was very sorry to hear the Senator from Missouri say what he did in reference to our former troubles. I certainly should not have alluded to them in any way in the arguments that I should make on this question if it had not been for the unnecessary remarks made by the Senator from Missouri. He attributed an allusion to the soldiers to the Senators from Iowa [Mr. WILSON] and Indiana [Mr. HARRISON], but in reading the speech of the Senator from Iowa I do not find it. However, in the speech of the Senator from Indiana he alluded to the fact merely that a portion of the population of Dakota was made up of Union soldiers who had helped preserve the Union. The retort in reply to that by the Senator from Missouri was of a very severe character, and to that I have only to reply, that I should not have mentioned the fact that the "soldiers" had largely settled this Territory, as it is immaterial what the population is, whether soldier or other citizens, so it is good, honest, and true. No matter whether soldiers or other citizens, it is the number and character that we inquire into. But, sir, I wish now to know if in the Congress of the United States to mention the fact that soldiers have settled in a certain locality is to be considered an offense? Is the fact spoken that any portion of our people were patriots and fought to preserve the Union, to offend or insult any man or class of men in this country? Sir, why should it? If the Senator from Indiana had said confederate soldier and Union soldier and citizen it would have all been the same to me. So far as the recognition of this new State is concerned it is immaterial who they are, so they are good citizens; but the mere mention of soldiers brought out a stricture from the Senator from Missouri, in which he remarks that these things have been thrown out heretofore for the purpose of arousing the feelings of a certain class of people. Sir, I am sorry that any man should suspect for a moment that the mere mention of this fact would arouse any man to say that which might well be left unsaid on a question of this kind.

Mr. BUTLER. I think it is due to the Senator from Missouri—of course I am not his champion at all, but he is sick in bed and therefore not able to speak for himself—that I should say I do not think the Senator from Illinois is doing him entire justice.

Mr. LOGAN. In what?

Mr. BUTLER. In the reference he has made to what the Senator from Missouri said in regard to the soldiers. The remarks of the Senator from Missouri, as I understood them, were made entirely in response to an observation of the Senator from Indiana.

Mr. LOGAN. Certainly.

Mr. BUTLER. The Senator from Indiana had made some intimation, rather more than an intimation as it occurred to some of us on this side, that the opposition to Dakota was based, among other things, upon the fact that it was occupied by Union soldiers.

Mr. HARRISON. The Senator from Illinois must in justice to me yield to allow me to ask the Senator from South Carolina to find any such intimation in any remark I made on this floor.

Mr. BUTLER. That was the construction put upon the Senator's remarks by the Senator from Missouri.

Mr. HARRISON. Then it was a misconstruction.

Mr. BUTLER. I think if the Senator from Missouri were here he would bear me out in it.

Mr. HARRISON. It is not what the Senator from Missouri understood, but what he was authorized to understand from any remark I made.

Mr. BUTLER. The Senator from Indiana need not cast his eyes up to the reporters' gallery to see whether his remarks meet approbation or not. I simply stated, in justice to the Senator from Missouri, that I thought the Senator from Illinois was doing his position injustice in implying that he construed the remarks of the Senator from Indiana as intimating that the opposition of this side of the Chamber, at least so far as he and I were concerned, was instigated very largely by the fact that Dakota was inhabited by Union soldiers. That was an improper construction.

Mr. HARRISON. I ask the Senator from Illinois to yield one moment.

Mr. LOGAN. Certainly.

Mr. HARRISON. I desire simply to say to the honorable Senator from South Carolina that the direction in which I cast my eyes was a matter wholly in my own volition.

Mr. BUTLER. Certainly.

Mr. HARRISON. And if I found some more attractive direction than that in which the Senator sits for me to look for the moment I hope it was without offense to him.

Mr. BUTLER. The Senator is entirely right. I do not happen to be the reporter of a newspaper, and therefore I take it for granted that the Senator does not direct his gaze to me.

Mr. LOGAN. I must say, in response to the Senator from South Carolina, that the attempt on his part to place me in a false position will not succeed. In any attempt on his part to make it appear that I was attacking the Senator from Missouri he will find that he is mistaken. I was not quoting what the Senator from Missouri said. I said he made strictures on what the Senator from Indiana said, and I have turned to the speech of the Senator from Indiana. I propose to read what he said to show that there was no justification for the remarks that were made. Here is what the Senator from Indiana said:

> It is true of Dakota, as it is of all our Northwestern States, largely settled since the war, that the men who came home after bearing the heat of that great conflict, the men who established the Union of the States, and brought back the banner of their country in triumph, have in large numbers found new homes within her borders.

If there is anything that can be twisted in any way whatever in those remarks to show that there was a fling at anybody I should like to understand it. It was to that I was replying, because when he merely alluded to the fact that soldiers had settled there with other people, it brought out the assertion that an attempt was being made to prejudice the minds of the people, I say this in response to what was said then, without reference to the Senator from Missouri.

I have desired that the question of who was on this side or that side should not be brought up in the Senate Chamber except when the necessity arises for it on some question that should bring it out. I certainly do not desire to do it. I am sure that my mode of treating our friends on that side has not been of a character to show that I have bitterness in my heart; but when matters of this kind come up and questions are thrown out and insinuations made, I only call the attention of the country to the fact that in the part of the country where I reside the question as to who did this or that, as was said in the war, is not the question before the country. The people there are not discussing or talking about these things. If you will take that side of the Chamber and this side of the Chamber and count the members who have gone from the camps of either, the people will see which section of this country cares most about that and broods over it the longest and enjoys the bitterness of it most.

It is no matter of enjoyment to me to allude to these things; it is more in sorrow than in anger that I reply to matters of this kind. I am sorry to see them brought in and handled in the manner in which they were here the other day. I will give in my speech the remarks of the Senator from Missouri and refrain from comment in his absence:

> Mr. VEST. Why is it necessary, or was it necessary then, that in making this declaration of non-partisan feeling both the Senators from Indiana and Iowa saw proper to drag into the debate the fact that Dakota being a Republican Territory or State, as they claimed it to be, was the only cause in fact why its admission to the Union is now opposed upon this side of the Senate? Why was it that both these Senators saw proper to go further and say that the ex-Union soldiers who had populated Dakota were restive under their exclusion from the Union because they thought they had a right to be admitted into the country whose life they had saved?
>
> I make no namby-pamby appeal to the war sentiment of the country. I make no apology for my past history and no professions for the future. I am here accredited by two and a half million people as intelligent, law-abiding, conservative as any upon this continent, and their votes are my credentials. I have voted consistently and persistently in this Chamber for the most liberal pensions to the men to whom I was opposed in the late unfortunate struggle, happily closed twenty years ago, and while I avow now all absence of hostility and prejudice, let it be believed or not believed, I distinctly and emphatically oppose the sentiment that any man is entitled to peculiar privileges in this country before the law or before the Constitution because he fought under any flag, because he espoused any cause, because he did his duty to the principles and convictions he held and as he understood them. Justice should be done to all, and the question now before the Senate is one appealing to the unlimited discretion of Congress, and that alone. Why bring in these adventitious circumstances? Why attempt, for it can result in nothing else, to thrust into every question, financial, social, and religious, that is brought before the American people the dead issues of a dead strife, when the country, as we heard the other day, is now for the first time really and honestly being cemented together by the glorious memories of the past and the bright anticipations of the future.
>
> Union soldiers are restive because Dakota is kept out of the Union! Before I conclude this address I shall undertake to show that soldiers as gallant as any who fought under the Union flag and amid "shot and shell and saber stroke" demonstrated their devotion to the Union are as heartily opposed to the passage of the bill before the Senate as any of those whose patriotic endeavor has been cited as an argument upon this floor. What can be the result or the object of such appeals as these except an indirect statement to the people in Dakota and to the country at large that many of us who were upon the other side in that unfortunate strife are now fighting to exclude Dakota, and that, forsooth, this is the sole reason of our parliamentary action in this body?
>
> Mr. President, this is not the first time I have heard this charge. This is not the first time it has been used to inflame partisan feeling and sectional hate. Whatever may have been the object of the distinguished Senators who use it here to-day, I have seen it before clothed in not such persuasive tones, not such dulcet accents and set phrase, but containing the very same idea, the same sentiment and prejudice which we heard yesterday and the day before from the distinguished Senators.

Mr. President, it is not from the States north of this line once drawn between contending forces that bitterness is found. It is not north of this line that injustice is encouraged and inculcated. It is not north of this line that a desire exists to deprive people of their rights in this Union. It is not in that liberal part of the country where the people are energetic and where they are educated that people are usually deprived of their rights. It is not in that part of the country that the people have ever been denied the right to vote for President of the United States. When I say that, I mean the right to vote at the polls. The States north of this line have not failed to allow all citizens entitled under the law to participate in the affairs of Government. So when the insinuation is made that illiberal views are entertained and prejudices enjoyed in that part of the country it is a mistake.

Now, Mr. President, passing to another part of the discussion, what does this mean—this process to be adopted to prevent the admission of States into the Union? Is it a part of a plan, sir, which may not have been matured and well understood by all—is it that no more new States shall come into the Union unless they are Democratic, or unless a Democratic State and a Republican State shall come in hand in hand. Is it the old doctrine, the old theory of the old-fashioned Democracy which believed that slavery was a Divine institution and that they were entitled to rule and control the people of this great Government, that is to control us hereafter in this respect? I find an article in a paper to which I call attention. I do not know the character of the paper; the Senator from South Carolina can tell me. It is the Charleston News and Courier.

Mr. BUTLER. That is a Democratic paper in South Carolina, at Charleston.

Mr. LOGAN. I said it was perhaps a part of a scheme to keep out Republican Territories or States, and then to hold fast to this Government, and I find it cropping out in different directions. In this copy of the Charleston News and Courier I find an article in which the proposition is made that the colored people, according to the apportionment of the legislative districts in South Carolina, are entitled to a majority of the Legislature. It so states it. I believe there are but few colored people, however, in the Legislature.

In order to prevent this calamity, as the writer calls it, a certain thing must be done, and that suggestion has been responded to by others. What is it? That the Legislature must pass a property qualification act, and that property qualification must not apply to individuals but to counties, so that the property in a county, not the individuals, shall entitle the county to so many representatives; and he says according to that, in a certain number of counties where wealthy people live and where there are more white people than colored it will give them more representatives than will be given to the other counties, outnumbering the others because they are poorer and therefore will not have the amount of property. There is the proposition made in that Democratic paper to deprive the people of the right to control by majorities, but by this contrivance a certain class shall control. The article to which I refer is as follows:

> REPRESENTATION AND TAXATION.
>
> A correspondent, whose thoughtful letter was published yesterday, advises that the constitution of the State be so amended that both population and property shall be specifically represented in the State Legislature, as was the law in South Carolina from 1808 to 1868. The prime reason for the proposition is the necessity of protecting the property-holding class from the raids of those who

have little or no property and who pay no taxes. In considering the suggestion of our correspondent, some important facts require to be borne steadily in mind.

By the United States census the total population of South Carolina in 1880 was 995,577. The population by race was: White, 391,105; colored, 604,332; Chinese and Indians, 140.

Scrutinizing the population by race and by counties, it is found that the colored people were in the majority in 1880 in twenty-five of the thirty-three counties in the State.

The house of representatives consists of one hundred and twenty-four members, assigned in proportion to population. On the basis of the census of 1880 the counties in which the whites are in the majority are entitled in all to twenty-four members of the house of representatives, and the counties in which the colored people are in the majority are entitled to one hundred members.

There are in these simple facts, if they are carefully studied and their consequences are understood, the strongest argument for some such modification of the constitution as our correspondent proposes.

The colored people are in the majority in South Carolina, and the representation in the Legislature is required to be in proportion to population. The time must come when the colored vote will be energized again and make itself fully felt. When it shall again be an instrument in the hands of white politicians, it will count for all it is worth. What, then, will be the condition of the white people of the State if the representation in the Legislature continues to be determined by numbers alone, without regard to intelligence or the possession of property?

It was proposed some time ago that the constitution be so amended as to impose an educational qualification, but there were serious objections to this plan which need not be mentioned here.

There can not be any discrimination on the score of race, color, or previous condition of servitude in regulating the suffrage. If there shall not be an educational qualification, we fall back upon a property qualification; and we consider this to be a wise mode of meeting a growing difficulty, when, as is advised by our correspondent, the representation of property, as such, is combined with representation by population.

The old plan was to give to the election districts of the State one member of the house of representatives for every sixty-second part of the whole number of white inhabitants in the State, and one member for every sixty-second part of the taxes raised by the Legislature. Eliminating from this the element of race, it is advised that sixty-two members be now apportioned among the several counties in proportion to population, and sixty-two members be apportioned in proportion to the amount of real and personal property on which taxes are paid.

Lest it might be supposed that this would change materially the representation of the different counties, our correspondent gives a tabular statement showing the representation according to population under the census of 1880 and the representation on the basis of combined population and property.

The new mode would increase Charleston's representation from 8 to 15 and Aiken's representation from 3 to 4, while Colleton would be reduced from 5 to 4, Edgefield from 6 to 5, Kershaw from 3 to 2, Laurens from 4 to 3, Marlborough from 3 to 2, and Sumter from 5 to 4. The equilibrium between the sections would be little disturbed, and a glaring wrong would be righted. What is that wrong?

According to the recent returns, the assessed value of the taxable property in the State is $151,978,184. On this basis, each member of the Legislature, on an average, represents property to the amount of $1,225,630. But a glance at the table, as compiled by our correspondent, shows how gross is the inequality.

The members from Charleston, on the basis of the census of 1880, would represent $3,309,247 each, while the members from Edgefield, Beaufort, Barnwell, Chesterfield, Clarendon, Colleton, and a number of other counties represent less than a million dollars each. Or putting it in another way, and always on the basis of the census of 1880, there is $16,669,000 of property in Charleston which is taxed without representation, over and above the $9,804,000 to be represented by eight members. Charleston, in other words, must do one-twentieth of the tax-levying and one-sixth of the tax-paying.

There is great complaint already in the State on the subject of the incidence of taxation by reason of the inequality of assessment. If facts count for anything in political calculations South Carolina is in danger, as no other State is, of being taxed at will by voters who pay no taxes. The plan which has been submitted will protect the people against this, and nowhere is such protection more necessary, we imagine, than in the upper part of the State. As well as can be judged, the majority of the voting population is to be found in the lower counties. And these counties, by representation in proportion to population alone, can control South Carolina legislation.

We have no doubt that the proposition to amend the constitution will excite surprise, and it is not unlikely that heedless persons will deride it and even denounce it; but the white people of the State—the property-holding class—need some safeguard, and we know of no better safeguard than that which has been described.

It is absolute, as far as it goes, in securing representation for property, and, in estimating that representation, there can be no discrimination on account of race or color of the tax-payer. The thrifty and well-to-do colored man, as a property-holder, will be protected in the same manner as the intelligent and progressive white farmer and mechanic in the State.—*Charleston News and Courier*, January 9, 1886.

The Senator from South Carolina laughs. I do not see why he should not laugh, because it is the way control in that part of the country will remain in the hands of his friends when all other methods fail. The programme, in order to control in spite of majorities, is now cropping out, and where? In the very State, sir, where all the leading ideas of Democracy have cropped out for fifty years. The starting of Democratic theories, the starting of Democratic doctrines has been from that State, and well it has been done, too.

Mr. BUTLER. While the honorable Senator was a distinguished leader of that party?

Mr. LOGAN. I was never a leader of that party; I was a follower, and I followed so far behind that I got left, and went into another. [Laughter.]

I was going to say for the benefit of the Senator from South Carolina that the Democratic party never originated an idea for fifty years that did not first germinate in South Carolina, and I was going to give that State the credit for it. Whether it led to good or evil results makes no difference, its germ was planted in that State. The first lead of Mr. Calhoun was in the direction of protection. The very minute he changed, the whole Democratic party changed; and then it lodged on free trade. When Calhoun started on his raid the Democratic party followed him, and the ideas implanted in that party grew and spread until the Democratic party had no life except the life that sprang from the ideas promulgated by the State of South Carolina. It finally led them into deep water, where they have struggled ever since.

Sir, they led it ably and well when right, and with equal ability when wrong; and were wrong more times than right, unfortunately, for the whole country. I mean that out of no disrespect whatever to the Senator; I speak only of the historical facts.

But still South Carolina is in the lead. The first suggestion is made from the Democratic papers of South Carolina as to how control can be maintained hereafter against the popular will. "Keep your Territories out," says the Post. "Keep your Territories out," says the Senator from Missouri. "No more States shall be admitted," say these statesmen. Why, sir? Ah, sir, they are Republican; this is the underlying cause, this is clearly the true inwardness of the objections by the Democracy led by the Senator from South Carolina.

Therefore they feel that if "they can keep new States out they will continue to control the country in the line of Democracy;" but if they come in "they must control it anyhow." "How will they do it?" They will do it by a property qualification, and put it over the States in the South, where the colored people are in the way. That Democratic idea, however strange we may view it now, will grow faster than any one now believes. But, sir, whenever the necessity arises it will be adopted by the Democracy in the States where there is a probability of the Republicans controlling with the aid of the colored voter when and where he may vote without let or hindrance.

Mr. President, I desire to say in reference to the people of Dakota, without speaking of them in any other sense than that of citizens of the United States, that many of them went from the State of Illinois from near where I reside. Many of them were my neighbors and friends. In one little county just northwest from Chicago nine hundred people went to the Territory of Dakota in one year, all intelligent, energetic, and honest people; and, sir, may I not appeal to this great country, to its magnanimity, and the justice that it ought to mete out to those people, that they be permitted to exercise the same rights that are guaranteed and given to States that have been admitted into the Union on the same theory and basis that this Territory now applies for admission as a new State?

Sir, it was the idea of our patriotic fathers that as fast as the Territories acquired a population and all the other prerequisites they should be admitted as sister States. Why is it that we have grown so wise of late? Why is it that we of latter years find reasons that were not held in past times against new States? Why is it that party lines are drawn so strictly? Why is it that one side of the Chamber votes one way and the other side votes the other way on this question? Sir, it will not do to say that logic or reason fails; it will not do to put it on the ground that all are wrong on one side and all are right on the other. That is not the ground on which it must stand. It is on the ground of partisanship; it is because of the feeling that has grown up in one party against the other, a feeling which ought not to exist. We ought to be honest with one another; we ought to be honest with the people. We ought to represent our constituents fairly and justly, and we ought, too, to represent the Territories fairly and justly, as they are not entitled to representation in and of themselves.

I heard a gentleman say the other day that they were already represented. That is a mistake. A Territory is represented nowhere. They have a mere agent who hangs around on the outskirts of the other House without a vote; there, perhaps, to watch for some little measure beneficial to his Territory. He has no rights as a Representative. They, the people of the Territories, are outside of the pale of representation, and you deny them the right your fathers were denied by England. When they are ready to become a State and have respresentation lawfully, you say no, true we will tax you, but will deny you the right of representation. You desire a quarter of a million of people to stay out of doors, as it were, and tax them and represent them without their consent. You furnish them officers whom they do not choose, you deny them the rights that you yourselves enjoy. Why? Because the powers that be are afraid that their political ideas are not in harmony with Democracy, it will prevent us having a Democratic governor, secretary of State, and judges to mold public opinion. Ah! sir, there is "the rub."

Eleven States have come in in the same manner, but that makes no difference. You will go back on the precedents of your own party and Congress. You will set at naught the rule that has been laid down for the admission of many States. You will deny the citizen the right that you claim for yourselves, and why? Forsooth, Mr. President, the Democracy must have the offices for the benefit of the party.

Ah, Mr. President, hide it as you may, draw the veil over it as you will, the gauze manufactured by the opposition is so faulty in its warp and woof that it is easily seen through and discovered that it is clearly for the reason that because her Senators and Members of Congress are not of the political faith of the objecting Senators she must stay out. Sir, I hope the time will never come when I shall stand before the American people and plead one technicality after another to prevent citizens who are my equals in all respects from enjoying the same rights that I do, when they have all the necessary requirements and elements to entitle them to the same privileges, because they shall be Democratic. No Territory can knock at this door and ask me to vote for its admission, whether Democratic or Republican, with the population, the wealth, and all the requirements, with a constitution republican in form, and I be found opposing it, whether they come under an

enabling act or not. When we shall show a willingness to do this, then, sir, we will be doing that justice in a proper spirit that should be meted out by the representatives of this great people to a dependent people, as these are who now apply for admission into this Union of States, that their star may be placed upon the flag of a redeemed nation.

Mr. MORGAN. Mr. President, I shall not engage in this debate for the purpose of answering the arguments of any Senator, but for the purpose of stating the grounds upon which I shall give my vote upon the bill, feeling that I have done a duty to myself and my constituents if I should be able to make that ground plain. The closing remark of the Senator from Illinois [Mr. LOGAN], if intended in seriousness, would reflect an injustice at least upon some of us on this side of the Chamber, for as to myself I do here asseverate that my judgment in regard to the admission of Dakota into the Union is not in the slightest degree to be affected by the condition of politics existing in that Territory.

The admission of a State into the Union must always be, of course, in some sense a political question, and it must always in some sense affect the relations of political parties; but those Senators who find themselves unable to rise above party considerations in dealing with a question of this kind merely prove that they are incapable of discharging the highest functions of the grand office which they hold.

The Senate in considering this proposition has before it the most important thing that we can possibly engage in considering. There is no event in American history which is comparable at all to that of the admission of a State into the Union, unless it may perhaps be some great event like that which grew out of the civil war between the States, the question of the preservation of the life of the Union. But in the civil and ordinary administration of our affairs and in keeping up with the march of progress which our people are making so grandly in this country no question can address itself to the Senate of the United States so important, none that demands such judicial examination, such care, such circumspection as the admission of a State into the Union. The powers which we exercise here are judicial and legislative. More than that, they rise into the embodiment of a great national idea, in which we look upon and consider and deal with a question as a great supreme nation.

The first inquiry that ought always to be made in respect of any body of citizens of the United States who claim admission into the Union as a State is in its nature a judicial inquiry. We inquire, first, what is the state of the law that entitles them to recognition as a State. Unless we understand what is the state of the law that does so entitle them to recognition we can not properly understand the question and we can not decide it judicially.

The admission of States into the American Union is not confined by the Constitution to the admission of new States to be formed out of the Territories belonging to this country, but we have determined in our own practice, as well as by the express authority of the Constitution, that there are two other cases, one where a State is formed by the consent of the Legislatures of several States and by the consent of Congress out of the existing territory of existing States, a power that I suppose was claimed to have been exercised in the case of the admission of West Virginia into the Union. I shall not stop to comment upon that event to say whether I think the power was properly exercised then or not, but still I will remark as I go along that some questions arose in that event which perhaps will hereafter come back to plague us.

Another manner of obtaining States is illustrated in the case of Texas, where we brought a State into the American Union that was not at the time any part of our territory. It was an independent government, having its own autonomy, having its own sovereignty, having its own supremacy, and having its recognition also as such independent government by the United States and by other great powers of the world.

What was the first act to be performed in the admission of Texas into the Union? It was an act of the very highest judicial character. It was an act by which we ascertained according to our own judgment, concurring with the judgment of the people of Texas, that it was a free, independent, sovereign state, not existing under the laws of the United States, and having no possible connection with the laws of the United States, and not the subject or dependent of any other power.

After we had determined that Texas had the right of sovereignty and the right of supremacy in every sense as an independent nation, we found that we were prepared, shall I say, to treat with her? Yes, not through the agency of the treaty-making power, but through the agency of a power expressly granted in the Constitution to Congress—not to the President and the Senate. We were prepared to treat with her through commissioners to ascertain her sovereign will in respect of coming into the American Union, and then we were prepared to decide upon her record as presented, whether she was a free, sovereign, and independent state. That was all judicial; that was all according to law; that was all in obedience to law.

The next act which we performed was simply one of recognition—first, that she was an independent state; secondly, that she was entitled to be, and was, a State of the American Union; and in that act of recognition on our part and consent on her part Texas became the great empire State of the Southwest, and is in the Union, to remain upon an equality with all the original thirteen States.

In forming the Union itself the thirteen original States recognized each other as being sovereign Commonwealths, free from the dominion of the Crown of Great Britain, and at liberty to come in or to remain out, as they chose; so that nine out of the thirteen States were only necessary in order to form a more perpetual compact of the present Constitution, or the original Articles of Confederation. There was recognition by each supreme sovereign government of other supreme sovereign governments when the Union was formed.

That recognition is no less distinct when we admit a new State into the Union, whether we admit it, like Texas, from foreign territory, or whether we admit it, as Colorado was admitted, from our own territory. In either case a sovereign is recognized by Congress, but in neither case is it created by Congress.

There is a point of time at which a State becomes such and before which it was not a State. That is the moment of our recognition by the acts of Congress. There is a condition existing the moment after the recognition is established that did not exist before, and a condition which is absolutely irrevocable by any act of Congress; for while Congress may recognize and Congress may admit, Congress can neither control nor destroy the States beyond the powers expressly conferred upon it under the Constitution.

The question presented here to-day is, therefore, a judicial question. The question is whether under our laws and Constitution, without respect to precedents, whether they be good or whether they be bad, the paper which is presented to us as the constitution of the State of Dakota and these people who assume to represent the body of the people of the Territory of Dakota have, in conformity with the laws of the United States, placed themselves in such an attitude as that the Congress of the United States is under a moral obligation to recognize them in that character and to admit these people as a State; for if they have come in violation of law, if they have come in despite of law, if they have contravened the statutes of the United States in their preparatory steps to get here, we have either to repeal those statutes to get them out of our way and out of their way, or else we must cure it by an act of condonation which admits the breach of the law and forgives it. Our attitude as judges to determine here whether Dakota is in a situation to come in as a State involves, first of all, the question whether we shall give respect to our own laws or whether we shall assist in their violation in order to bring in a State by force through the breach made in the law.

Sir, I maintain, and I shall always maintain, as I have always done, that after the Congress of the United States has enacted a law which has become such by the consent of both bodies and the approval of the President, the Senate and the other House and the President are all equally bound by it, and it is as much the oath of a Senator as it is of the President of the United States to maintain and support the laws of this country. We have no right, because we can enact one law, to break another. We have a statute-book that is full of interesting and useful statutes. It is no part of the power or duty of the Senate either under the obligation of its oath or in any parliamentary sense to nullify, disregard, or break a law, or to sustain other people in nullifying, disregarding, or breaking laws in order that they may acquire a certain status that is agreeable to us in which they may become States. I repeat, therefore, that this is a question of law, and the Senate is bound by the law and must support it, and should not violate the law.

Need I say more to emphasize the value of this position? Surely my feeble strength of intellect and body would be totally inadequate to describe the importance of the theme upon which I am now dwelling. Coming generations of men will rise to thank those men who, in the Senate of the United States to-day, have upheld the banner of the law as the rule for the government of Senates and Houses and Presidents and people alike. This is a Government of laws, and if we should raise our hearts in thankfulness to Almighty God for the supreme blessing which has crowned this constitutional effort of ours to govern according to the will of the people, our utmost thanks must be due to Him for having inspired us with a sentiment that this is a Government of laws. No man great or small, nobody powerful or weak, can trample upon the law to the injury of any, or escape its denunciations and its sanctions when that law is violated.

I am here to-day to appeal to the laws of the United States and to ask the Senate to preserve them in regard to this great question whether the people of Dakota are here asking us in the name of the law and in accordance with it for admission into the United States as one of the sovereign sisters of this great Republic. Are these the people of Dakota who come here? Who are the people of Dakota? How do we know who are the people of Dakota? We refer to the act of organization, and we see certain boundaries there, certain rights of citizenship conferred under our statutes; and when we speak of the people of Dakota, we stultify ourselves unless we speak of the whole body as described in the law. Who are the people of Dakota? Not those represented on this floor by the Senator from Indiana and the Senator from Illinois. They are a mere junta, a mere faction, a mere figment, a particular set of pretenders who are usurpers of power in the Territory against the law. What is Dakota under the law? A Territory and a commonwealth with certain distinct and defined boundaries, boundaries fixed by an act of Congress which has never been repealed or altered.

In the act of March 2, 1861, incorporating that Territory, that idea was so distinctly and so carefully preserved as that the Congress after it had fixed the boundaries with precise definition added the following proviso to that act:

Provided, further, That nothing in this act contained shall be construed to inhibit the Government of the United States from dividing said Territory into two or more Territories in such manner and at such times as Congress shall deem convenient and proper, or from attaching any portion thereof to any other Territory or State.

There is a power reserved in the charter. That charter is as much the constitution of the Territory of Dakota to-day as this book that lies before me is the Constitution of the United States. In the very charter there was reserved the right to whom to alter the boundaries? To Congress expressly. The right was given to whom to partition the Territory with reference to its admission as States? To Congress, and only to Congress. Who has assumed the right to partition it? The Territorial Legislature, it is said. Grant, for the sake of the argument, but not as the fact, that this has been done fairly and in form legally, if you please, in the exercise of whatever power the Territorial Legislature may possess; concede for the argument that the Territorial Legislature has done this—the Territorial Legislature is not Congress. Never can it be within the power of any part of the people of that Territory to alter its boundaries or to divide its Territorial domain, because in doing that the Legislature of Dakota would be exercising a power that in this very act of incorporation has been reserved expressly to Congress. The formality of the act or the honesty of it can not create for this Legislature a power that the law refuses to it.

In maintaining the laws of the United States am I to be expected to say that that act which prohibits the Territorial Legislature from interfering with the subject at all is respected by that Legislature when it violates the very fundamental law of that Territory, and shall gentlemen say that I am insincere or partisan in my opposition to a violation of it by the Territorial Legislature, conceding, as I have said before, for the sake of the argument, that they might legislate even upon the subject or that they had legislated upon it?

So much for the boundaries and so much for the people. So much for the boundaries, to show that Congress alone can divide the Territory or rearrange them; so much for the people, to show that a portion of the people in that Territory can not unite themselves into a political organization of any kind with authority of Territorial laws and ask us to violate the laws of the United States in order to give recognition to them as a State.

Further, in regard to the legislative power of that Territory, the act of 1861 provides—

SEC. 4. That the legislative power and authority of said Territory shall be vested in the governor and a Legislative Assembly. The Legislative Assembly shall consist of a council and a house of representatives.

* * * * * * *

SEC. 6. That the legislative power of the Territory shall extend to all rightful subjects of legislation consistent with the Constitution of the United States and the provisions of this act.

I have read the provision of the act about the changing of Territorial boundaries or interference with them, and here in the grant of legislative power to that tribunal is the express prohibition put upon that Legislature that all of their acts shall be consistent with this act—not consistent with some general idea of public justice, not consistent with some imaginary thought about the sovereignty of the people of the Territory and their rights of local self-government, but consistent, and consistent only with the act of Congress which gave to that Legislature all the power it possesses, and expressly restrained its authority to certain defined limits.

We can only discover the sovereignty where it is the lawful expression of the will of all the people in the manner prescribed by law, and only in that way can we be expected to recognize it.

We have other officers there besides the Legislature. We have governors, we have judges, we have the representatives of course in the Legislature. Let us see the sort of tutorship that this Territory, like all the other Territories, is placed under by Congress. Those men, though some of them are elected by the people of Dakota, are officers of the Government of the United States, I might say in every sense, certainly in a very large sense. Really, I do not know how to say that they are not officers of the United States Government in any of the functions that they exercise. We see it provided in the eleventh section of the act of 1861:

The governor shall receive an annual salary of $1,500 as governor—

It has been raised since, I believe—

The governor shall receive an annual salary of $1,500 as governor and $1,000 as superintendent of Indian affairs; the chief-justice and associate justices shall each receive an annual salary of $1,800; the secretary shall receive an annual salary of $1,800. The said salaries shall be paid quarter-yearly at the Treasury of the United States. The members of the Legislative Assembly shall be entitled to receive $3 each per day during their attendance at the session thereof, and $3 for every twenty miles' travel in going to or returning from the said sessions, estimated according to the nearest usually traveled route. There shall be appropriated annually the sum of $1,000, to be expended by the governor, to defray the contingent expenses of the Territory. There shall also be appropriated annually a sufficient sum, to be expended by the secretary of the Territory and upon an estimate to be made by the Secretary of the Treasury of the United States, to defray the expenses of the Legislative Assembly, the printing of the laws, and other incidental expenses; and the secretary of the Territory shall annually account to the Secretary of the Treasury of the United States for the manner in which the aforesaid amount shall have been expended.

Not only are these our agents there with limited authority, but they are supported by the Government of the United States. Annual appropriations upon estimates are made out of the Treasury of the United States to nurture and sustain those men in what? In their legislative duties, their legislative duties as restrained and restricted in this charter, not in some new scheme or enterprise for organizing a State government. The legislative assemblage which authorizes the meeting of the constitutional convention at Huron appropriated $20,000 for its expenses. The money may have been drawn by taxation from the people of Dakota; I do not know; it maks no difference; the question is upon the power of that Legislature to appropriate it to a purpose of that kind. That would depend upon the power of the Legislature to give constitutionality or legality to the body when met.

Suppose they had appropriated $20,000 to a church, $20,000 to a debating society, $20,000 to a Democratic political conference, or to a Republican political conference, they would have been equally within the limits of their authority in doing that. They would have had just as much right to do it as they had to appropriate it for that supposititious convention, that thing which might exist or might not according to a vote not of the people of Dakota but of a part of the people of Dakota.

That act of appropriation, however, did not apply to the people of Dakota. They were not to enjoy the advantages of it. The Legislature disregarded the fact that there was a great body-politic, a commonwealth there which was in every section of the Territory entitled to equal respect of the laws and equal provision in the laws. They voted $20,000 to be applicable to the assistance of certain gentlemen who might be elected to a convention of one-half of the Territory in order to ordain a political party and a political power there through which men could be wrapped in Senator's togas, and into whose hands the scepters of government might be given. As the outcome of this new scheme of usurpation the legislation appropriated $20,000. If in accounting for that money they have to come before the Secretary of the Treasury, I suppose we shall know what was done with it. I do not know whether they will have to do that or not.

I wish to read something more about the membership of that legislation. I read from section 8 of the same act, and I desire to call the attention of the Senator from Indiana to this section, because I think that in the report and in the debate that has gone on upon the bill perhaps it has been entirely overlooked. I do not remember to have heard any reference to it. Section 8 provides—

That no member of the Legislative Assembly shall hold or be appointed to any office which shall have been created, or the salary or emoluments of which shall have been increased, while he was a member, during the term for which he was elected, and for one year after the expiration of such term; and no person holding a commission or appointment under the United States except postmasters shall be a member of the Legislative Assembly, or shall hold any office under the government of said Territory.

The use of the $20,000 to which I have just referred was to pay the expenses of delegates to a convention to be assembled at Huron, to be elected by the people, as was said. When those men met there they took oaths of office, they qualified as officers of the Territory. They assumed that the Territorial Legislature had transferred to them so much of its power given under the acts of Congress or usurped, whichever the case may be, as was necessary to enable them to become members of a constitutional convention and to enter upon the ordination of a constitution for Dakota Territory and a compact between that Territory and the United States, a compact in the nature of a treaty.

We see what the prohibition is, that no member of a Legislature shall hold an office. I should like to ask the honorable chairman of the committee how many of the men who were in that Legislature were in the convention at Huron.

Mr. HARRISON. I have no knowledge of a single one, and there may have been several.

Mr. MORGAN. There may have been several?

Mr. HARRISON. I do not know. That is a simple conjecture.

Mr. MORGAN. The Senator is not prepared to deny it.

Mr. HARRISON. To deny it? No; I am not. It is a subject into which I have never looked. I have no knowledge in the world about it. The Senator may assume it to be either way, just as he pleases to think.

Mr. MORGAN. The Senator has omitted to look into a very important question which bears on the constitutionality of the action of the Legislature.

Mr. HARRISON. I think it was for the Senator from Alabama to look into it, for he himself has raised the question. None was raised in my mind.

Mr. MORGAN. No, sir; it is for the Senator in charge of this bill to know whether the body was a body organized according to law; for we are judges here, and when they bring a constitution before us ordained by men who are disqualified by the laws of Congress from acting, it is for him to look into it and report on it. I am not here in the sense of trying to oppose it merely because I have an opportunity to vote against it, but I am here in the sense of trying to find out every fact

which will influence my judgment upon the question. Suppose every member of the Legislature who voted to appropriate $20,000 to organize this Dakota constitution had gone into that convention and become a member of it. If one may do it, all may do it. Would that have been a legal body? Would it have been a body organized according to the constitution of Dakota, as I call this act of Congress? Assuredly not.

I wish to show exactly what was the object, or one of the main objects, of that convention. It is said in the sacred Book, and I believe there is no higher authority than that, that if you want to understand the quality of a tree you look at its fruits always. You do not expect to find hickory-nuts under an orange tree, nor oranges under a walnut tree. I find among the members of the constitutional convention who ordained this constitution and now present it so pathetically to the Congress of the United States, claiming that they represent the sovereignty of the people of Dakota not merely in the constitution ordained but in the State government organized under the constitution, the following gentlemen, members of that constitutional convention: Hon. A. J. Edgerton, who is now a Senator of the United States in prospect; Hon. G. C. Moody, also a Senator in prospect; Hon. A. E. Frank, lieutenant-governor; Hon. Frank Alexander, secretary of state; Hon. Robert Dollard, attorney-general; Hon. T. D. Kanouse, Delegate to Congress; Hon. D. Carson, supreme court judge; Hon. A. G. Kellam, supreme court judge; Hon. J. E. Bennett, supreme court judge; Hon. Joseph Ward, member of the State executive committee; Hon. Hugh J. Campbell, member of the State executive committee. I have heard a statement made, which I believe to be correct, that fifteen members of that convention were members of the Territorial Legislature. If it be true that "by their fruits ye shall know them," we understand the whole affair.

Mr. GEORGE. How many members were in the body?

Mr. MORGAN. There were one hundred and eleven in the convention, of whom ninety attended.

Mr. HARRISON. Ninety-odd.

Mr. MORGAN. The patriotism of this band of gentlemen, while it does not rest under the slightest suspicion, takes into it a flavor of interest, of self-promotion, when we consider how very many of them got the most exalted offices in that proposed State government, and that they are here now, not for the sole purpose of asking us to admit Dakota into the Union as a State, but for the purpose also of asking us to admit Dakota and them into the Union as a State. As the bill is framed, as the petition is worded, as the executive committee have ordained it, you can not separate between the parties who have been elected to these high offices and the constitution and the Statehood of Dakota without severing an artery that would kill them as quick as it would have killed the Siamese twins to have cut the band that bound them together. One and inseparable are the proposed officers and the proposed State.

I should feel a little more freedom in the discussion of this question if it was a State applying here with a constitution which after admission might go on appealing to the voice of its people to organize its Statehood under the respective offices provided for in that constitution; but I feel cramped and constrained when in taking this State of Dakota into the Union we must take in as the Senators from that State gentlemen who have been elected by a Legislature of the State which Legislature was provided for by a convention of the State of which they were the chief and leading members. They have put too many eggs in one basket, sir, and I feel not the slightest hesitancy in saying to these gentlemen, "You must go back to the people of Dakota and try your chances before those people after we have informed them that the Congress of the United States has erected a State in that country," and then they shall have come out to the elections by their own consent, believing that they are doing something worth talking about, to vote for governors and Senators and members of the Legislature and all this other retinue of great officers provided for in the State constitution.

I do not know what right the House of Representatives has got to admit Senators on this floor; I do not know what right the President of the United States has got either to admit a Senator here or to veto a bill bringing him into the Senate; but the Constitution says that Congress may admit new States. That means Congress in its Congressional power, the act of Congress accompanied with the approval of the President, a legislative act as well as a judicial act. Suppose that the House of Representatives, not feeling that they have a right to admit Senators on this floor, should say, "We propose to strike out so much of this measure as recognizes this retinue of Senators and other officers who have come here demanding admission into the Union," and send the bill back to us, will we vote it in again just as it is now, or would the Senator from Indiana—I ask him the question—recede from his attempt to bring in this retinue of officers and say, "I will take the Constitution and the Statehood as the House provides by striking out all about the officers; I will take it in that form and let Dakota come in, and let a new set of officers be selected by that State hereafter under this constitution and under laws enacted in accordance with it?"

Mr. HARRISON. Does the Senator ask a question?

Mr. MORGAN. Yes.

Mr. HARRISON. If he wants a reply I will give it to him briefly. Whenever I saw a disposition on the part of any one on that side of the Chamber to make any reasonable proposition which seemed likely to bring to the support of this main proposition, the admission of South Dakota as a State, any portion of Senators, I have shown always a disposition to meet it; but when these things are merely presented as objections to the bill and are not accompanied by any protestations on the part of Senators on that side of the Chamber that if such amendments were made they would support the movement, then I prefer to go on with my bill as I have it.

Mr. MORGAN. Then the Senator, as chairman of the Committee on Territories, one of the greatest committees of this body, a gentleman who is in a distinguished sense worthy of the position, frames his bill and brings it before the Senate with a view and expectation of meeting a compromise arrangement on this side by which we shall propose to strike out the officers and leave the constitution of the State to stand. That is the attitude. Now, if the Senator is gambling with us on the chances of success, let me inform him I am a judge in this case that he can not gamble with.

Mr. HARRISON. It is not the judicial qualities of the gentleman that would terrify me from engaging in a scheme of that kind, but other qualifications that I know he and his associates possess. They would beat me in that game.

Mr. MORGAN. The Senator comes here with a bill to admit the State of Dakota and also two Senators upon this floor, for if Congress passes the bill, when the President has signed it those two Senators are rightfully here. Not that only, but there is a Delegate in the other House elected, and we say the House must receive him. Not that only, but there is a governor, a supreme bench, a circuit bench, and various other officers who have been elected under that supposed or so-called State government. I ask the Senator, in the event the bill should be amended in the other House so as to strike out those Senators and that Delegate and the governor, &c., would he be willing to admit Dakota as she is?

Mr. HARRISON. I can only say to that, that I hope the House of Representatives will give me an opportunity.

Mr. MORGAN. By making such an amendment?

Mr. HARRISON. By making any amendment that looks to the admission, the main proposition of the bill. If the Senator will pardon me, I say to him now that this is not a scheme to advance the personal interest of any man or set of men. It is a scheme to secure to those people, as we believe, their rights under the Constitution to complete self-government.

Mr. MORGAN. Then, Mr. President, when the Senator from Indiana saw that an endeavor of this kind was being made which he himself would regret, when he saw that these men were coming here claiming the right to these offices, when he himself says on this floor he would be willing to strike out these men, destroy their offices, and take the State with the constitution, I think the Senator before he ever expects to find fault with anybody on this side for our position on this question should first answer to the Senate and to himself why it was that he was only willing to take that ground after the House had acted against the admission of these officers.

Mr. HARRISON. I believe the election of these officers has been by a free and fair and overwhelming expression of the wishes of that people; yet so intent am I upon securing the main proposition in this bill, to which I believe those people are entitled, that I have already made concessions in the bill itself by depriving the people of one Representative in the other House of Congress to which they are justly entitled under the law, and there are other rights to which I deem them justly entitled that I would sacrifice for the main proposition.

Mr. MORGAN. Now, Mr. President, I do not think the Senator or the committee either have done themselves justice by bringing in here a bill that they are willing to cut half in two and take one-half of.

Mr. DAWES. Half a loaf is better than none.

Mr. MORGAN. I know it is to a mere politician, but I do not happen to be one.

Mr. LOGAN. You have no politics at all.

Mr. MORGAN. I have very good politics, but they do not control my judgment upon judicial questions.

Mr. DAWES. I thought the Senator said this was a political question.

Mr. MORGAN. I said it was made a political question in the Territory. I said just the reverse. The honorable Senator was not in when I had the honor to lay down my definition of what my views are.

The Senator from Indiana, in reply to my last suggestion, says—and I have no doubt he says candidly—that his great and earnest desire in all this business is that the people of Dakota shall have a State government. I do not believe that that Senator desires any more than I do that the people of Dakota shall have a State government. But he says that an overwhelming majority of the people there have indicated a desire to have this constitution. We have but one means that I know of of ascertaining what that overwhelming desire may be, and yet the Senator from Illinois informs us that there were 280,000 people in Southern Dakota in round figures, and that there were 57,000 votes there in the last election for Delegate.

Mr. HARRISON. The Senator from South Carolina [Mr. BUTLER] stated it at 54,000 in response to the Senator from Missouri [Mr. VEST], which I think was nearly accurate.

Mr. MORGAN. But only 31,000, pro and con, voted in the south half of Dakota upon the question of the ratification of this constitution. It can not be possible that the Senate of the United States, looking at its laws upon the statute-book on the one hand and the power and influence of 31,000 voters in the Territory of Dakota on the other hand, can hold to the doctrine that the Senate of the United States is bound to give up the laws organizing that entire Territory and disregard the will of all the people of Dakota lying north of forty-six degrees of latitude at the behest and on the demand of merely 31,000 voters, 6,000 of whom and more voted against the constitution.

Here we are looking at our duty, for we have got a duty to perform, looking at the honorable duty that rests upon us, if not a sworn one, to maintain the laws of the United States in their integrity throughout the whole of our borders; we see this great Territory there with a population approximating a half million very closely; we see it divided asunder by 31,000 men in the southern half of it; we see it torn to pieces upon lines arbitrarily fixed by a set of men who profess to represent not the whole but a part, and we ask ourselves the question, Does that address itself to our judgment as Senators as something that we are obliged to receive as conclusive evidence of an overwhelming vote of a majority of the people, that they want that constitution, want these officers also, and want this whole thing, cut and dried, arranged to suit, carried through the Congress of the United States and into that exalted act of the recognition of a State in the American Union?

There is one peculiar thing about all these proceedings in Dakota. Gentlemen who are more familiar with the history of this matter than I am, gentlemen on the committee, have spoken in the Senate, and they have informed us that in no case at all have the people of Northern Dakota been consulted in regard to this matter. I do not mean that the members of the Legislature that passed this appropriation of $20,000 and organized the Huron convention all resided south of 46°, but I do mean that when you come to the question of the division of the Territory, as I am informed of the facts, that point about the division has never been submitted to the votes of the people of the northern part of the Territory.

I am not going into the reasons, the physical reasons or the reasons of convenience, which might have made it appropriate and best, or might not have made it appropriate and best, to submit this question to the people of North Dakota. I merely want to rest my position in regard to this subject upon the proposition that, as a member of Congress, I am compelled to regard the law of the United States as it relates to the Territory of Dakota as a unit and as affecting the whole body of the people; and if I could find that this Territorial Legislature had the right of doing anything in regard to the establishment of this Huron convention, I could not ever consent, as a judge upon the facts, to say that I was here giving attention to the voice of the people of the entire Territory of Dakota, this legal unit which we ourselves have established, when in fact no question in regard to the division of the Territory, no question in regard to the establishment of this constitution, no question in regard to these United States Senators or the Delegate in Congress or any of the balance of this array of officers has ever been submitted to the people north of the line of 46°.

Mr. President, this is a mere Cæsarian operation in bringing this State into the Union. These surgeons cut down into the very bowels of that commonwealth organized by the Congress of the United States, and they bring forth this young infant and ask us to cover it with the mantle of charity until it shall have time to overcome its disfigurement, to warm and nurture it in the bosom of the Government of the United States until it shall have growth enough to stand upon its own feet. It is an act of violence, an act of wrong, whether considered in reference to the law or considered in reference to the will of the people of Dakota.

Sir, I happen to have reports made to me personally by gentlemen who reside in North Dakota. They do not want this great commonwealth dissevered. There is a large body of people in that country who do not want a division at all, and I confess that my views of State policy have always accorded with that body of people. If I were a citizen of the Territory of Dakota to-day I would just as much object to the division of that Territory as the honorable Senator from Texas on my left would object to the division of the territory of Texas, though there is the right to make five States of it. The two Senators from that State understand as well as we do, and perhaps very much better, that the power of that great Commonwealth in taking care of the interests of her people is very greatly increased by the breadth and richness of its territory. Let me illustrate. Suppose that the little State of Delaware had taken into mind in the early days of this country that she would build the Erie Canal instead of New York. She would have built the Erie Canal to the border of Delaware and would have reached it in fifty miles or less from the point of starting. The great State of New York, however, bounded on one side by the ocean and on the other by the lakes, concluded that she would build the Erie Canal. She built it through her own territory. She had the power of a great State lying behind it, and with that wonderful work of internal improvement she did more to add to the wealth of her great commercial metropolis than by any other one act.

Why was New York able to build it? Because she had the water borders, and the distance, and the people, and the wealth, and the resources to build it. Suppose Dakota desires to build a railway from the Black Hills on the western boundary to connect with her southeastern boundary at Yankton. She wants to do it with State aid, with State influence, she wants to control it, and it is built without coming to Congress to ask Congress to control it, and she has got an empire through which the road lies, all under the control of one Legislature, and no question to be asked about whether Congress will consent to this or that. Compare the power of a great broad State, with its millions upon millions of acres, with that of a small State like Delaware or Rhode Island, and you can easily conceive, I think, that the people of these large States, with their local Legislatures, have very greatly the advantage over the people of the smaller States, and these are not unimportant affairs. Take the power of a great State, as Dakota would be, in the Union. It counts but two here in the Senate, but what does it count in the other House? A multitude.

What will be the power of Texas in the House of Representatives in the next thirty years to come? It will be greater perhaps than that of all the Gulf States east of the Mississippi River. In the House, that great tribunal of the people where taxes are voted, where appropriation bills originate, where the people come up through their Representatives fresh every two years to participate in the Government, there the power of a great State like New York or a great State like Texas is felt with an influence that no small State can possibly rival. Compare New York to-day with Rhode Island in the House of Representatives with her two Representatives and Delaware with her one Representative. What is the power of Delaware or Rhode Island in the House compared with that of New York, and who can wonder at the growth of New York in her ability to avail herself of the advantages of national legislation, and who can wonder that in speaking about future Presidents and all the policies of the Government we turn to New York instead of to Providence? And yet there might have been at Providence a city as large as New York if Rhode Island had extended all the way up from New York through New England, including Maine.

These are considerations that do not address themselves particularly to the Congress of the United States, but they would address themselves to me as a citizen of Dakota, and I assure you that citizens of Dakota living in the north part of that Territory are fully cognizant of them and appreciate them. The people of that Territory do not want it emasculated, and I deny the assumption here either that it is for the welfare of Dakota or that the people of that Territory wish to have their grand commonwealth cut to pieces and made into States of diminutive proportions.

Mr. President, I have gone through with all the facts that I desire to recite in support of my theory about this bill, which is, first, that it is not a bill coming from the people of Dakota; second, that it comes in violation of the laws of Congress; third, that it disrupts the Territory by violence that Congress in the charter of that Territory said should be inviolable until an act of Congress was passed; so that in regard to this particular Territory when you undertake to bring in a State out of a part of it, thereby making it necessary to divide the Territory, you must first get the consent of Congress. There is not a lawyer in the United States who would not advise his client so on a proposition of law of that kind. He would say, "I find in this act an inhibition upon the Territorial Legislature to change the boundaries or to provide for a change of boundaries; it shall not be a subject within their power in any sense; and I find an express declaration that Congress alone shall change the boundaries." Then if you come here with part of the Territory to be admitted as the State of Dakota, you must first produce an act of Congress showing that we have authorized a change in the boundaries; otherwise the act is in violation of law, it is contumacious. If accompanied with force, it would be rebellion; if also accompanied with a conspiracy to enforce it, it is treason against the Government of the United States to foist a government into authority without the consent of Congress first had and obtained in a Territory which Congress has said shall be inviolable except by its own consent.

Mr. President, in support of this view that I entertain and which concerns me more than everything else about this case, that we must act in accordance with law here, as judges we must decide whether the law has been complied with or whether it has been violated in this proposed admission of the State, I beg leave to read an extract from an opinion given by a great judge who will be recognized by some at least in the United States as very high authority. I mean the late Jeremiah S. Black. He says:

> Mr. Grote, the most learned and thoughtful of modern historians, has shown by divers examples that fidelity to the fundamental law—which he terms constitutional morality—is the one indispensable condition upon which the safety and success of every free government must depend.

He was speaking in regard to the fundamental or constitutional law of a Territory as well as of the United States.

> The high career of Athens from the expulsion of the Pisistratidæ to a period after the death of Pericles—the marvel and the admiration of all time—was plainly due to the faithful practice of this supreme virtue. It was this that made the steady Roman strong enough to shake the world. England observes not

only the theories, but the minutest forms of her constitution when legislating for her own people, and that has given her domestic tranquillity and solid power at home; her shame and her misfortunes are all traceable to the disregard of it in dealing with colonies and outside dependencies. Constitutional morality was cherished and inculcated by our fathers in the early ages of the Republic as the great principle which should be the sheet-anchor of our peace at home and our safety abroad, and to the end that it might never be forgotten they imposed a solemn oath upon every legislator and every officer to keep it and observe it with religious care at all times and under all circumstances. In contrast with the self-imposed restraints of the American democracy, Grote mentions the French, a nation high in the scale of intelligence, but utterly destitute of attachment to any constitution or any form of government except as a matter of present convenience. You know what came of it—eleven revolutions in less than eighty years—a history filled with wrong and outrage, a people forever alternating between abject slavery and the license of ferocious crime.

It is as plain as the noonday sun that without constitutional morality every pretense of patriotism must be false and counterfeit. The man who says he loves his country, and yet strikes a fatal blow at the organic law upon which her life depends, shows his sincerity as Nero proved his filial affection when he killed his mother and mutilated her body.

A violation of constitutional law is not an offense which is ever made venial by the occasion. You can not do evil that good may come. The evil is there, and the good never comes.

No matter how unimportant the breach may seem, though small at first, it will widen like a crevasse in the Mississippi, until the whole stream of arbitrary power goes rushing through it. Besides, the grade of a crime is not measured by the extent of the particular mischief. Forgery is forgery, whether the sum obtained by it be great or small, and murder is not mitigated by showing that the victim was short of stature. It often happens that legislators, as well as other men, feel themselves hampered by such restrictions; but that does not authorize disregard of them. You can not break lawlessly over the Constitution because it confines you to limits inconveniently narrow.

I commend those doctrines as to the moral law of the Constitution and the moral duty of supporting it to the Senate.

What more has this bill got in it besides the admission of the State of Dakota and the admission of the officers elected to the Congress of the United States under the State of Dakota and other officers elected as it has said under that constitution? This bill has got after its twentieth section a provision for the organizing of a lacerated Territory, that the north half of that Territory after we snatch this State from it by this Cæsarian method, being the Territory of Dakota, shall have its name changed from Dakota to Lincoln; proposes to change its organization; proposes to give it a governor by itself and a Legislature by itself. The bill as presented from the Committee on Territories is a bill to admit a State into the Union, it being found necessary before that State can come into the Union that we shall by law reorganize a Territory, for surely it is not expected that we shall pass half this bill.

When we admitted Michigan, which is cited as an authority, or Colorado, or any other Territory into the Union, first of all the boundaries were prescribed by an act of Congress or by the consent of an act of Congress, and that commonwealth came in as a whole. I call it a commonwealth because it is a commonwealth, with power to do all things that are delegated to it under its charter, subject only to the revision of its legislative acts by the Congress of the United States. Here, then, is a State one-half of which this bill proposes shall be admitted out of a certain commonwealth. Suppose we stop right there and do no more. We disorganize and destroy a Territorial government in order to admit a State. The bill says, however, we shall reorganize that Territory. Then if we shall, it is because that is a necessary condition precedent to the admission of the State. What does that imply? What is the admission that comes from that state of facts? Congress, and Congress alone, can fix the boundaries, and when this Huron convention undertook to fix the boundaries, and the people of Southern Dakota to vote upon them, they were not even exercising the lawful right of petition, because they were petitioning in contumacy against the law.

Gentlemen speak of precedents. They say this State has been admitted without an enabling act, and that State has been admitted under certain peculiar circumstances. They say no State was ever formed out of one State of the Union, except during the time of civil rebellion, as occurred when the State of West Virginia was formed. Is that to be a precedent for the formation of States in time of peace hereafter? Can an act of Congress cut Pennsylvania in two by the consent of a certain body of men who may call themselves a legislature at Pittsburgh and haul one-half of that State into the Union by the ears, leaving the balance of it, from Harrisburg east, as the State of Pennsylvania? No, Mr. President, a bad precedent is better broken than followed. But the idea of arguing this case upon the precedents is utterly absurd—not to use any improper expression about the arguments of my colleagues on this floor—but it is absurd in itself, for the reason that there is no precedent for this case.

Mr. HARRISON. Will the Senator, now that he has stated that—and I have tried several times to get a bill of particulars; we have had that general statement from the Senator from Missouri and others—give a bill of particulars in which it differs from other examples?

Mr. MORGAN. The mere fact of your starting to cut it in two by consent of one-half those people.

Mr. HARRISON. The same thing was done in the case of Iowa, as I showed, and California fixed its own boundaries.

Mr. MORGAN. No, sir; those Territories were never cut in two by the consent of one-half of their own people. They were not first cut in two by politicians and then ratified by Huron conventions. No, sir; that was an act of sovereignty of the whole people, to which we paid respect. There is no case like this of Dakota. There is no case which robs a Territory of one-half of its domain, and cuts out one-half the people from saying a word about it. Suppose there had been precedents, what Senator can content himself as a judge by following a precedent that he knows is a bad one, any more than a judge of the Supreme Court can content himself by following a precedent that he knows is a bad one? They decide what the law is, and so do we in a matter of this kind. The Supreme Court decided first that paper money should be made a legal tender. They took their decision back, and they decided that it could not be made a legal tender, and other judges, coming afterward, took that decision back and decided that it could be a legal tender. Each one of them was a valid decision, because coming from valid authority, but I suppose we could hardly take either of them as a precedent. That question remains open for the constitutional determination of every Senator on this floor whenever it arises, although there may be some judges in the land who are bound by it. So, sir, with us, we can set aside these precedents or disregard them at our will and pleasure, provided, in doing so, we are influenced by good conscience and sustained by good reason. That is the whole question.

I protest, Mr. President, that in this matter of admitting new States out of the territory yet remaining to us or out of the territory that we bought from Russia, which is yet really unorganized, or out of any territory that we may hereafter acquire, we shall not set the precedent of allowing the people in that territory to break down and disregard the laws of Congress in order that they may get a pretext for an organization to come here for the sake of admission. No, sir, let these States come in equal honor. When they get into the American Union one State is the equal of every other. So it was with the old thirteen; so it was with every sister that has come in. Let there be no question about it; no serious question as to whether the voice of the people has been actually ascertained, as to whether our laws have been violated in the manner of ascertaining it. Let us at least on our part feel that we have not broken the law in order to admit a State into the Union either for the gratification of our personal desires or our political ambition. Let them all come alike.

I want Dakota to come into this Union, and if that whole Territory presented this constitution that is here to-day as expressing the will of the people lawfully, without an array of officers elected by a party clique before the admission of the State, I would vote for her admission. I want her to come in before the first centennial anniversary of the American Constitution. I would like to see this State welcomed on that day, if you please. I would like to see Dakota prepared, under a bill that we shall enact, to adopt a constitution. I know she will adopt a good one—so that her good and brave people can come into this Union on the very day of the centennial anniversary of the adoption of the Constitution of the United States. There is a beautiful fitness and aptitude in the thought to me. Three times thirteen is thirty-nine. We have thirty-eight States now. Let us admit Dakota. I should like to see it done on the last day of the centennial period, so that we could say to the world, Behold this array of States, these thirteen grandmothers, each with a daughter on either hand! They stand here to prove to all coming generations of men that this century has witnessed the most marvelous work of the human hand and human mind in the creation of free government by a free people. Three times thirteen, thirty-nine, will be accomplished when Dakota is in, and I will join hands with the honorable Senator, though the State might be ninety-nine one-hundredths Republican in politics.

Mr. HARRISON. Mr. President——

Mr. BUTLER. I simply want to read a note from the Senator from Missouri [Mr. VEST].

Mr. HARRISON. I yield for that purpose, of course.

Mr. BUTLER. This was not intended to be made public, but I think it is proper that it should go into the RECORD.

FEBRUARY 3, 1886.

DEAR BUTLER: As it seems uncertain when I can get out of bed, I write you as to a matter of some importance in the Dakota debate. I am suffering a good deal, but I will try to make it plain.

At the election for Congressional Delegate in November, 1884, Southern Dakota polled 57,915 votes. You will find exact vote in my speech in yesterday's RECORD—

I think perhaps he is mistaken about that; the number was 54,000.

In June, 1885, the vote for delegates to the constitutional convention was less than 12,000 (so Johnson informs me).

In November, 1885, the vote on the adoption of the constitution was about 31,000.

This shows the fact that capital-moving, prohibition, &c., increased the vote from 12,000 in June to 31,000 in November.

If the people were so anxious for this movement, why did only 12,000 come out in June? No election could be more important to the new movement; but there was no attention given to the thing by the people, and therefore Messrs. Moody & Co. invented the additional issues to bring out a big vote. Even then only about half the voters came to the polls.

Again, Mr. HARRISON says that out of 79,000 people in Iowa, 11,500 votes were cast. This would make two-thirds of the whole vote. At the ratio of 5 to 1 for 79,000 people would give about 16,000 votes, and 11,500 voted.

In Dakota only about half voted in November, 1885, and only one-fifth in June.

Do not fail to put this on record.

Truly,

G. G. VEST.

I should like before I take my seat, if it will not inconvenience the Senator from Indiana especially, to have an article read from a leading

Republican paper in Dakota in reply to the article commented upon by the Senator from Illinois from the Charleston News and Courier, this bearing specially upon Dakota and that article being irrelevant to the question at issue.

Mr. HARRISON. I suggest that, by unanimous consent, it be put in the RECORD as part of the Senator's remarks. The other was not read.

Mr. BUTLER. I will retain it, then, until the Senator gets through to-morrow.

Mr. HARRISON. I have no objection, if the Senator chooses, to have it read now. Let it go in the RECORD.

Mr. BUTLER. I will, with the permission of the Senate, allow it to go in the RECORD.

The PRESIDENT *pro tempore*. That order will be made, if there be no objection.

The article is as follows:

As to the Dakota Statehood movement, the Journal knows as well as we do that the Sioux Falls convention did not represent the people of Southern Dakota, nor one-tenth of them. The Journal knows as well as we do that not half of the voters in Southern Dakota voted on the question of adopting the constitution, and of that half a large percentage voted against it, notwithstanding that the capital was to be located at Sioux Falls, Huron, Mitchell, Pierre, Chamberlain, and Alexandria, and that a majority of the tickets read: "For the constitution, yes," and no "no." The Journal knows the facts as well as we do, and still it constantly, day after day, reiterates the stale falsehood that the people of Southern Dakota frantically demand admission under the Sioux Falls constitution. It is a solemn fact that the people of Southern Dakota demand nothing of the kind and never did, and the Journal ought to know it. Even the so-called Legislature which met at Huron a while ago refused to recognize Hugh J. Campbell, who is and has been acknowledged by all to be the father of the whole State movement in its present shape.

It would seem, the Journal thinks, Dakota means only Hugh J. Campbell, Frank Pettigrew, J. H. King, J. R. Gamble, and a few other noisy and ambitious politicians with their expectant followers, and this and these was all there was of the Sioux Falls convention, and the Journal knows it as well as we do and always has. It may be the thing to do, for the Journal, from a party standpoint, to deny the truth and clothe a fraud and humbug in flowing and attractive robes, but that paper should have more honor of itself, if it has no respect for the rank and file of the yeomen of this part of Dakota, than to use its great influence in misrepresenting the people of Southern Dakota.

This county had one delegate in the Sioux Falls convention, M. J. Shultz, and he got just 80 votes out of some 1,300 in the county, and he a State organizer and representing the people of this county! What was true here was true in nearly every county in Southern Dakota. In fact, one rich and populous county, Davison, was not represented at all in that convention. These being the facts, how does it comport with truth to claim 270,000 in Dakota south of the forty-sixth parallel as shrieking for admission under the Sioux Falls constitution? The thing is so absurd as to be simply ridiculous.—*The Dakota Republican*, Thursday, January 14, 1886.

Mr. HARRISON. Mr. President——

Mr. EDMUNDS. I ask the Senator from Indiana to yield.

Mr. HARRISON. I yield.

Mr. EDMUNDS. In view of the storm prevailing, I move that the Senate do now adjourn.

Mr. HARRISON. Before that motion is put I desire to say that it is my purpose, if I can do so without injustice to any one, by maintaining our sitting a little longer than usual to-morrow, to ask the Senate to finish the consideration of this bill to-morrow.

The PRESIDENT *pro tempore*. The Senator from Indiana gives notice that he will ask the Senate to conclude this bill to-morrow.

Mr. EDMUNDS. I move that the Senate adjourn.

The motion was agreed to; and (at 4 o'clock and 49 minutes p. m.) the Senate adjourned.

HOUSE OF REPRESENTATIVES.

WEDNESDAY, *February* 3, 1886.

The House met at 12 o'clock m. Prayer by the Chaplain, Rev. W. H. MILBURN, D. D.

The Journal of the proceedings of yesterday was read and approved.

ORDER OF BUSINESS.

The SPEAKER. The Chair, under the rule, will lay before the House several executive communications.

INMATES OF SOLDIERS' HOMES.

The SPEAKER laid before the House a letter from the Secretary of War, transmitting a letter from the President of the Board of Commissioners of the Soldiers' Home, recommending that the estates of inmates remaining unclaimed three years after the death of the owner shall escheat to the home, and asking legislation to that end; which was referred to the Committee on Military Affairs, and ordered to be printed.

The SPEAKER also laid before the House a letter from the Secretary of War, transmitting a letter from the president of the Board of Commissioners of the Soldiers' Home, recommending legislation fixing the charge for medical treatment of inmates of the Home at the Government Hospital at $8 per annum; which was referred to the Committee on Military Affairs, and ordered to be printed.

MAIL TRANSPORTATION BY RAILROADS.

The SPEAKER also laid before the House a letter from the Postmaster-General, in response to a resolution of the House of Representatives calling for information as to what, if any, changes should be made in the law regulating the compensation to railroad companies for carrying the mails; which was referred to the Committee on the Post-Office and Post-Roads.

UNITED STATES PENITENTIARY, BOISÉ CITY, IDAHO.

The SPEAKER also laid before the House a letter from the Secretary of the Treasury, transmitting, with inclosures, a letter from the Attorney-General recommending an appropriation of $25,000 to enlarge and improve the United States penitentiary at Boisé City, Idaho; which was referred to the Committee on Appropriations, and ordered to be printed.

LANDS OF CROW INDIANS, MONTANA.

The SPEAKER also laid before the House a letter from the Secretary of the Treasury, transmitting an estimate from the Secretary of the Interior of an appropriation of $2,000 for completing the allotment of lands in severalty to the Crow Indians in Montana; which was referred to the Committee on Appropriations, and ordered to be printed.

STEAM-BOILERS.

The SPEAKER also laid before the House a letter from the Secretary of the Treasury, transmitting a letter from the Board of Supervising Inspectors of Steam-Boilers, recommending a modification of the provisions of section 4435 Revised Statutes concerning the construction and arrangement of steam-boilers; which was referred to the Committee on Commerce, and ordered to be printed.

MILITIA OF THE UNITED STATES.

The SPEAKER also laid before the House a letter from the Secretary of War, transmitting an abstract of the militia force of the United States; which was referred to the Committee on the Militia, and ordered to be printed.

EMOLUMENTS OF CUSTOMS OFFICERS.

The SPEAKER also laid before the House a letter from the Secretary of the Treasury, transmitting an abstract of the emoluments of officers of customs for the fiscal year ending June 30, 1885; which was referred to the Committee on Appropriations, and ordered to be printed.

STANDARD BALANCES, WEIGHTS, AND MEASURES.

The SPEAKER also laid before the House a letter from the Secretary of the Treasury, transmitting, with inclosure, a letter from the Superintendent of the Coast and Geodetic Survey, recommending the passage of a joint resolution to authorize the Bureau of Weights and Measures to duplicate or repair injured, lost, or destroyed standard balances, weights, and measures; which was referred to the Committee on Coinage, Weights, and Measures, and ordered to be printed.

PRINTING.

The SPEAKER, in accordance with statute, also laid before the House a resolution of the House (with the amendments of the Senate), for printing and binding 25,000 extra copies of the President's annual message, with accompanying documents; and a resolution of the Senate for printing and binding 3,050 additional copies of the Compilation of Senate Election Cases, 1789–1886; which were referred to the Committee on Printing.

LEAVE OF ABSENCE.

Mr. BARBOUR, by unanimous consent, obtained indefinite leave of absence, on account of sickness in his family.

SIGNAL-SERVICE BUREAU.

Mr. ROBERTSON. I am directed by the Committee on Expenditures in the War Department to report back with an amendment the resolution which I send to the desk, for which I ask immediate consideration.

The SPEAKER. The Clerk will report the resolution, together with the amendment proposed by the committee, after which the Chair will ask for objection.

The Clerk read as follows:

Whereas section 3678 of the Revised Statutes of the United States provides that all sums appropriated for the various branches of expenditures in the public service shall be applied solely to the objects for which they are respectively made and for no others; and

Whereas it is represented that said section was violated in this, namely: that certain moneys heretofore appropriated by Congress for the carrying on of the Signal Service Bureau have been misapplied: Therefore,

Be it resolved, That the Committee on Expenditures in the War Department be instructed to inquire whether the statute above referred to is now being obeyed, and whether or not it has heretofore been violated; and to report by bill or otherwise such measures as will secure its enforcement.

The amendment proposed by the committee was read, as follows:

At the end of the resolution add: "That the committee be empowered to send for persons and papers."

There being no objection, the House proceeded to the consideration of the resolution.

The amendment reported by the committee was agreed to; and the resolution as amended was adopted.

Mr. ROBERTSON moved to reconsider the vote by which the resolution was adopted; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

SILVER COINAGE.

Mr. BLAND. I rise for the purpose of submitting a privileged resolution of inquiry, on the adoption of which I ask the previous question.

The SPEAKER. Is it a report from a committee?

Mr. BLAND. It is submitted by the direction of the Committee on Coinage, Weights, and Measures.

The SPEAKER. The Clerk will read the resolution reported from the Committee on Coinage, Weights, and Measures.

The Clerk read as follows:

Whereas, at the convention of the American Bankers' Association, held at Chicago, Ill., in the month of September, 1885, Mr. George S. Coe, a member of the executive council of said association, and the president of the American Exchange National Bank of New York City, made, in an address delivered before said convention, the following statements, namely:

"Under these peculiar circumstances [referring to assumed dangers resulting from the continued coinage of silver] the new Government came into power. It was at once confronted by the peculiar difficulties surrounding the Treasury Department. Like his predecessor, the President clearly appreciated the magnitude and imminence of the danger, and in the interim before the meeting of Congress he is taking as efficient steps as are practicable under the existing law to save the nation from being precipitated into the deep abyss of financial deterioration.

"His temporary expedient is both simple and safe. The law requires the Treasurer to purchase not less than $2,000,000 worth of silver bullion per month and coin it into dollars. But he is required to pay them out only when necessary.

"To avoid this necessity the Treasurer now confines his disbursements to strictly legal demands and refrains from monthly payments as hitherto of the funded debt.

"The surplus of revenue supplies requisite means not only to purchase the monthly sum of silver bullion required by law, but also to withdraw a sufficient amount of silver certificates issued upon previous purchases to overcome the excessive accumulations which so perplexed the prior administration.

"This will safely hold the situation until Congress shall convene.

"The temporary danger which existed until income thus overtook expenditures was satisfactorily arranged by concert with the clearing-house committee in New York, whose earnest efforts at that critical moment to preserve the gold standard were enlisted in behalf of the commercial community, which it is their function to specially represent." (Page 35 of published record of the proceedings of said convention.)

And whereas, near the close of the second session Forty-eighth Congress, to wit, on the 26th day of February, 1885, this House refused, by a decided vote, to consider a then pending proposition looking to suspension of the coinage of silver dollars: Therefore,

Be it resolved by this House, That the Secretary of the Treasury be, and he is hereby, requested to inform this House whether or not any such agreement or arrangement was effected by the management of the Treasury Department with the clearing-house committee in New York, or with any other association or person, as is alleged in the said address of Mr. Coe; and, if so, by what authority of law such arrangement was made and carried out.

And, further, to inform this House what amount of silver dollars was in the Treasury on the 4th day of March last unrepresented by outstanding certificates, and what amount of silver certificates was in circulation; what amount of such dollars is now in the Treasury unrepresented by outstanding certificates, and what amount of such certificates is now in circulation.

Also, what amount of silver dollars was in the Treasury on the 4th day of March last that could have been applied in the payment of the interest-bearing debt and other dues of the Government, and what amount of such dollars is now held in the Treasury that could be so applied; also, what amount of silver certificates is held in the Treasury that could be reissued; also, what amount of interest-bearing debt is now subject to call, and what policy is to be pursued in the payment of silver thereon and on other public dues.

Mr. BLAND. I move the previous question on the adoption of the resolution.

Mr. MORRISON. Is there a report accompanying this resolution?

The SPEAKER. It has none. The rule requires every proposition reported to be accompanied by a report in writing. The gentleman from Illinois inquires whether there is a report.

Mr. BLAND. I will introduce a report in writing at a later period in the day. I did not suppose that objection would be made. A report in writing can be made in a few moments.

Mr. MORRISON. It is probably not essential, but it may lead to a better understanding of the resolutions. I ask this delay that I may see what there is in this resolution. While the report is being prepared I can examine and ascertain what is proposed or asked for.

The SPEAKER. The gentleman from Illinois makes the point there is no report in writing accompanying this resolution under the rule, and the matter will be withdrawn for the present.

NORTHERN CHEYENNE INDIANS.

Mr. NELSON. Mr. Speaker, I ask by unanimous consent to report back from the Committee on Indian Affairs for present consideration certain amendments to joint resolution (H. Res. 91) entitled "Joint resolution authorizing the Secretary of the Interior to issue certain unexpended balance for the relief of the Northern Cheyennes in Montana."

The Clerk read as follows:

IN THE SENATE OF THE UNITED STATES, *January* 25, 1886.

Resolved, That the joint resolution from the House of Representatives (H. Res. 91) entitled "Joint resolution authorizing the Secretary of the Interior to issue certain unexpended balance for the relief of the Northern Cheyennes in Montana," be passed with the following amendments:

In line 1 strike out the word "Resolved" and insert "Be it enacted."

In line 10, strike out the word "live" and insert "life."

In line 14 strike out the word "Tounge" and insert the word "Tongue."

Amend the title so as to read: "An act to authorize the Secretary of the Interior to issue certain unexpended balance for the relief of the Northern Cheyennes in Montana."

The SPEAKER. Is there objection to the present consideration of this report?

Mr. MILLS. I should like to know how long it will take.

Mr. NELSON. I ask consent to make a brief explanation.

Mr. BURROWS. Have these amendments been considered by the committee?

Mr. NELSON. Yes, sir; they have been considered by the Committee on Indian Affairs. I make the report by the direction of the committee.

The SPEAKER. Is there objection to the present consideration of the amendments?

Mr. BEACH. I do not object; but I would like to know how these orthographical errors occurred in the bill, so we may have legislation on that point if necessary.

The SPEAKER. The gentleman from Minnesota will proceed, there being no objection.

Mr. NELSON. I wish to make a brief explanation. This is the joint resolution of the House which passed some two weeks ago, to authorize the Government to issue $12,000 of an Indian appropriation of last year for the immediate relief of the Cheyenne Indians. It was in the form of a joint resolution, prepared by the Indian Office, and sent up here for our action. The resolution passed this House, went over to the other body, from whence it comes back with these amendments.

Now, these amendments, Mr. Speaker, are mere corrections of misspelling of words. In one instance the word "life" is spelled "live," and in the other case the word "Tongue" is spelled "Tounge." [Laughter.]

The third amendment is to change the joint resolution into a bill.

This is a case of great urgency. Already the attention of Congress has been called to the matter twice. It does seem to me that these amendments evince a hypercritical spirit, something like that attributed to Nero, who it is said fiddled while Rome was burning.

The amendment changing the joint resolution into the form of an act was wholly uncalled-for, as there are abundant precedents showing the original form was the proper one. However, in view of the necessities of the case, the Committee on Indian Affairs of this House report in favor of concurrence in all of the Senate amendments.

Mr. BEACH. I have no objection to the passage of the resolution, but what I would like to be informed about is how these errors in spelling occurred. Were the mistakes made by the person who draughted the resolution, or were they the mistakes of the engrossing clerk?

Mr. NELSON. To answer the gentleman's questions specifically, I will remark that so far as I am advised the mistakes occurred on the part of the engrossing clerk of the House.

Mr. WELLBORN. Mr. Speaker, I ask the House to indulge me for a moment or two in a brief statement in explanation of this matter, which I feel ought to be made in justice, if not to the House, at least to the Committee on Indian Affairs. So urgently does the situation of these Indians appeal for assistance that the President of the United States deemed the matter of sufficient importance in the early days of the present session of Congress to make it the subject of a special message. Subsequently thereto the chairman of the House Committee on Indian Affairs received a communication from the Secretary of the Interior earnestly asking speedy action and early legislation on the subject.

In response to these executive calls, the House a few days ago, on motion of the gentleman from Minnesota [Mr. NELSON], passed the legislation recommended by the President in the form of a joint resolution. The Senate in its dignified conservatism, I suppose, or perhaps its superior parliamentary wisdom, has returned the joint resolution to the House with an amendment changing the proposed legislation from the form of a joint resolution into that of a bill; or, to be more specific, an amendment striking out the words "Be it resolved," &c., and substituting the words "Be it enacted." Now, sir, while I shall ask the House, for reasons to be stated before taking my seat, to concur in this amendment of the Senate, yet I do it being fully aware of the fact that if the House were to adhere strictly to its practice in former years it would reject the amendment, because I am advised that there is but one instance on record where the House has accepted a Senate amendment changing a joint resolution into the form of a bill, and that in the closing hours of a dying Congress when contest over the matter would be fruitless.

I wish, however, to make this statement, which I think the circumstances authorize, if they do not require. There was no occasion for this Senate amendment, so far as the object of the proposed legislation is concerned. That object could be accomplished either by a joint resolution or by a bill, and just as effectually in one way as the other. The only significance of the amendment, if it has any significance, is an intimation that the House in its proceedings on this matter has disregarded established forms of legislation. And now, Mr. Speaker, to that intimation, no matter whence it comes, indeed I am constrained to enter a respectful but an emphatic denial; and in proof of this denial I desire to place on record some pertinent facts. In the general appropriation bill for the Indian service for the present fiscal year appears this clause:

To supply food and other necessities of life in cases of distress among the Indians not having treaty funds, arising from emergencies not foreseen or otherwise provided for, to be used at the discretion of the President, $50,000.

Now the manifest purpose of this clause was to enable the Indian

Office to feed and otherwise suitably care for such Indians as might be overtaken by distress from any unforeseen cause, and for whose relief no annuities or other Indian funds were available.

The Indians embraced in this resolution, it is true, have small annuities, but they are wholly exhausted, and the Indians, from unexpected emergencies not otherwise provided for, are in destitution and want. These Indians, therefore, are clearly within the spirit of the appropriation, although they would perhaps be excluded from its benefits by a strict construction of the language in which the appropriation is made.

While I will not assert that the legislation now proposed is, strictly speaking, the construction of a prior act of Congress, yet I do say that its sole purpose is to bring under the operation of a former law of Congress a class of persons who are manifestly indisputably within its spirit.

Now, Mr. Speaker, I am justified by long usage, traceable through numberless accordant precedents—I am thus fully justified in the assertion, which I now make, that to accomplish just such objects as that contemplated in the proposed legislation is the legitimate, appropriate office of a joint resolution, the action of the Senate of the United States to the contrary notwithstanding.

And one word further, Mr. Speaker. While it is true, while in my judgment the House is clearly right in this matter and the Senate clearly wrong, I can not shut my eyes to the fact that the difference relates to a mere matter of form, not touching even remotely the substance of the thing to be effected. For this reason, and believing that the House of Representatives can not afford in the face of a grave emergency to fight over a quibble, I join the gentleman from Minnesota in asking that the Senate amendments be concurred in.

The SPEAKER. Unless there be a separate vote demanded the question will be taken upon concurring in all of the amendments.

The Senate amendments were concurred in.

Mr. NELSON moved to reconsider the vote by which the Senate amendments were concurred in; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

QUESTION OF PERSONAL PRIVILEGE.

Mr. BRADY. Mr. Speaker, I rise to a question of personal privilege.

The SPEAKER. The gentleman will state it.

Mr. BRADY. I desire to say, sir, at the outset that I realize the importance of a strict adherence to the rules, so that order and decorum may be preserved in the House, and I shall not knowingly transgress them.

The rules for the government of the House are complex and difficult to be understood, especially by new members. Indeed, sir, that is not at all remarkable, when I have found during my short membership of the House that even the best parliamentarians differ widely as to their interpretation; and therefore, before proceeding to state my question of personal privilege, and in order that I may proceed strictly under the rules, I desire to submit to the Chair a parliamentary inquiry, which is: Believing that the dignity and integrity of the proceedings of the House, and that my reputation and conduct individually and in my representative capacity, are affected by the statements made in the House by one of its members concerning a Senator from the State of Virginia and as to myself; and as the name of the senior Senator from my State was twice called by a member of the House in debate a few days ago, and the effort was made, as I believe, in this House to cast reproach upon him; and as my own name was not only called upon the floor of the House, but a threat made against me; and also, as I have seen it publicly stated, that my name has been called and threats made against me before one of the committees of the House by one of its members concerning my action as a Representative in Congress; and as it was stated on the floor of the House that a twice-wounded and a twice-promoted-for-gallantry Union soldier was removed from office at the dictation of the senior Senator from Virginia and another official was dismissed for "beastly intoxication," I desire, Mr. Speaker, to be informed whether or not under the operation of the question of personal privilege I can show to the House, as I propose to do by official communications of recent date from high officials under the present Administration, by the public records and otherwise, that each and all of the said statements made by the member from Virginia are not true?

The SPEAKER. The gentleman's parliamentary inquiry is a very comprehensive one [laughter], and can not be specifically answered. The Chair can only state in response to the gentleman's question what the rule of the House is as the Chair understands it. If any statement has been made upon the floor or elsewhere, the Chair thinks, which reflects upon the gentleman individually in his representative capacity, or if any threat has been made upon the floor of the House or in a committee of the House by a member or by any one else which was intended to put him in fear of personal violence, or a threat which was intended to influence the action of the gentleman in any way as a Representative, a question of privilege would be presented. But the gentleman has not informed the Chair what the statement is which was made on the floor of the House, nor what the supposed threat was which he says he has been informed was made before a committee of the House. Under these circumstances the Chair can not say whether there is a question of personal privilege presented or not.

Mr. BRADY. Is it in order, then, to ask unanimous consent to make a statement?

The SPEAKER. It is.

Mr. BRADY. I make that request.

The SPEAKER. The gentleman from Virginia asks unanimous consent to make a personal explanation.

Mr. HERBERT. I object.

Mr. REED, of Maine. You want to stifle the facts.

Mr. HERBERT. And you are very anxious to make speeches in anticipation of the facts that will come out; for you know the report of the Secretary will show the facts to be against you.

Mr. BOUTELLE. I rise to a question of order.

The SPEAKER. There is nothing before the House.

Mr. BOUTELLE. I rise to a question of order. [Cries of "Regular order!"] I do not think gentlemen will take me off my feet when I rise to a point of order. I make the point of order that the gentleman from Alabama should address the Speaker and not address the gentleman from Maine in the second person.

The SPEAKER. The Chair will rule that the colloquy between the gentleman from Maine and the gentleman from Alabama was not in order.

SILVER COINAGE.

Mr. BLAND. I rise to make a privileged report from the Committee on Coinage, Weights, and Measures.

The Clerk read as follows:

I am directed by the Committee on Coinage, Weights, and Measures to report the following resolution, and ask its passage by the House, in order to proper legislation on the subject.

R. P. BLAND,
Chairman Committee on Coinage, Weights, and Measures.

The SPEAKER. The question is on agreeing to the resolution, which has already been read.

Mr. REED, of Maine. When did the committee make this report?

Mr. HENDERSON, of Iowa. I ask that the resolution be again read.

The resolution was again read.

Mr. BLAND. I move the previous question on the adoption of the resolution.

Mr. MORRISON. Will the gentleman yield to me for a moment?

Mr. BLAND. Yes, sir.

Mr. MORRISON. I do not intend to offer any objection to the adoption of this preamble and resolution, but I want to say I think it is entirely too general, if not objectionable, in asking what is to be the future policy of the Treasury Department as to the payment of the public debt or other of its duties under the law? I presume that policy will depend entirely on the condition of the Treasury and the requirements of the law.

Mr. BLAND. I have only this to reply. We know what the policy has been heretofore, from the time that Mr. Sherman was Secretary of the Treasury up till now; and it is a proper matter for legislation on the part of Congress to determine whether that policy shall be changed or not; and it is proper to inquire from the Treasury Department whether it is to be pursued in the future or not before we legislate upon it. I therefore demand the previous question.

The previous question was ordered.

Mr. LONG. I ask to have the resolution again read.

The SPEAKER. Is there objection?

Mr. HATCH. I demand the regular order.

Mr. BEACH. I object to the resolution being read again.

The SPEAKER. The regular order has been demanded, which is equivalent to an objection. Unless some gentleman demands separate votes on the preamble and the resolution the question will be taken on them as a whole.

Mr. RANDALL. I was not able to follow very closely the reading of the resolution so as to ascertain what right exists as to having separate votes on the different parts of the resolution.

The SPEAKER. The preamble can be voted on separately according to the rules of practice.

Mr. RANDALL. The object I have in view would be accomplished either by separate votes on the different parts of the resolution or by a motion to strike out that part which asks as to the policy of the Administration. The policy of the Administration can best be learned by its acts.

Mr. BLAND. I rise to a question of order.

The SPEAKER. The gentleman will state it.

Mr. BLAND. The previous question having been ordered, the resolution is not subject to amendments.

The SPEAKER. The inquiry of the gentleman from Pennsylvania was whether there would be an opportunity to take separate votes on the different parts of the resolution. The Chair is now examining the resolution to ascertain whether that would be in order or not.

Mr. RANDALL. I was not able to follow the reading closely enough to learn that.

The SPEAKER. The first vote is upon the adoption of the resolu-

tion without the preamble, and then on the preamble if a separate vote should be demanded; and the Chair has been examining the resolution to see if it contained more than one proposition on which separate votes could be had.

Mr. HEWITT. Would it be in order after the previous question has been ordered, as it has been, to move to recommit the resolution with instructions?

The SPEAKER. That motion would be in order.

Mr. HEWITT. Then I move to recommit the resolution to the Committee on Coinage, Weights, and Measures, with instructions to strike out that portion of it which asks the Secretary of the Treasury to define the policy of the Administration.

The SPEAKER. The gentleman from New York [Mr. HEWITT] moves to recommit the resolution to the Committee on Coinage, Weights, and Measures, with instructions to report it back, omitting that portion which calls upon the Secretary of the Treasury to state the policy of the Department.

Mr. MILLS. Now, Mr. Speaker, I think it is in order to have that part of the resolution read, so that we may know exactly what we are voting upon.

The SPEAKER. It will be read. The gentleman from New York [Mr. HEWITT] will please reduce his instructions to writing.

Mr. ADAMS, of Illinois. Mr. Speaker, I rise to a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. ADAMS, of Illinois. The preamble and resolution were read and then were withdrawn. After other business they were again presented, but only the resolution was in fact read.

The SPEAKER. The gentleman is correct.

Mr. ADAMS, of Illinois. My inquiry is whether it is now in order to ask that the preamble be again read, and if so I ask that it be read.

The SPEAKER. The Chair thinks that any gentleman has a right to have the entire proposition read after it has been reported back from the committee. The Clerk will read the preamble and resolution in full.

The Clerk again read the preamble and resolution.

Mr. HEWITT. Now, Mr. Speaker, my motion is to recommit the resolution to the committee with instructions to strike out at its close all after the words "now subject to call."

The SPEAKER. The gentleman from New York [Mr. HEWITT] will please suspend a moment. The Chair understood the gentleman from Missouri [Mr. BLAND] to state that the committee had reported some amendment to the resolution which was referred to the committee by the House. If that be so, the gentleman will please indicate the amendment.

Mr. BLAND. I have reported the resolution in its present form as a substitute for the original proposition.

The SPEAKER. As the Chair understands, then, the gentleman from Missouri [Mr. BLAND] reports the resolution in the form just read as a substitute for the original resolution referred to the committee.

Mr. BLAND. Yes.

Mr. KING. Mr. Speaker, can the original proposition be now read?

The SPEAKER. The whole of it has been read together. There is nothing in the paper sent to the Clerk's desk to show what was the original proposition and what are the amendments. The Clerk will now report the amendment as proposed.

The Clerk read as follows:

Strike out the following words: "The Treasury Department assumes to virtually suspend the coinage of silver by hoarding the money in the Treasury after it is coined" and insert the words "such arrangement was made and carried out."

Strike out, at the close of the resolution, the words "and what policy is to be pursued in the payment of silver thereon and other public dues" and insert "and will the same policy be pursued in the payment of silver thereon and on other public dues in the future as in the past."

The SPEAKER. The question is first on the motion made by the gentleman from New York [Mr. HEWITT] to recommit the resolution to the Committee on Coinage, Weights, and Measures with instructions to strike out certain words.

Mr. HEWITT. Mr. Speaker, I should like to have the Clerk read the words proposed to be struck out.

The SPEAKER. The gentleman from New York [Mr. HEWITT] moves to recommit this resolution to the Committee on Coinage, Weights, and Measures, with instructions to report the same back with the portion stricken out which the Clerk will now read.

The Clerk read as follows:

Strike out, at the close of the resolution, the following words:
"And will the same policy be pursued in the payment of silver thereon and on other public dues, in the future as in the past."

The SPEAKER. The question is on the motion of the gentleman from New York [Mr. HEWITT] to recommit the resolution to the committee with instructions to report the same back with the words which have just been read stricken out.

The question being taken, the Speaker stated that the "noes" seemed to have it.

Mr. BLAND. Let us have the yeas and nays upon this.

The yeas and nays were ordered.

Mr. LOWRY. Mr. Speaker, there was so much confusion prevailing in this part of the House when the amendment was being read that it was not understood. If in order, I ask that it be again reported.

Several members objected.

The SPEAKER. The Chair has made every effort to secure order on the floor. The difficulty rests with gentlemen themselves.

The question was taken; and there were—yeas 90, nays 169, not voting 64; as follows:

YEAS—90.

Adams, J. J.	Dingley,	Hewitt,	Ranney,
Anderson, C. M.	Dougherty,	Hiestand,	Reed, T. B.
Barry,	Dowdney,	Hires,	Rockwell,
Bayne,	Eden,	Irion,	Seymour,
Beach,	Ellsberry,	James,	Sowden,
Blanchard,	Ely,	Ketcham,	Springer,
Bliss,	Evans,	King,	Stahlnecker,
Boyle,	Everhart,	Le Fevre,	Stone, E. F.
Breckinridge, C. R.	Findlay,	Lehlbach,	Stone, W. J., of Ky.
Breckinridge, W. C. P.	Gay,	Long,	Storm,
Bunnell,	Geddes,	McComas,	Swope,
Burleigh,	Gibson, C. H.	Millard,	Trigg,
Campbell, Felix	Glover,	Mitchell,	Tucker,
Campbell, J. M.	Green, R. S.	Morrison,	Turner,
Candler,	Green, W. J.	O'Ferrall,	Van Eaton,
Catchings,	Hale,	O'Neill, Charles	Viele,
Cole,	Hall,	Osborne,	Wait,
Collins,	Hammond,	Outhwaite,	Ward, J. H.
Compton,	Harmer,	Parker,	West,
Cox,	Hayden,	Payne,	Wilson,
Crain,	Haynes,	Perry,	Wolford.
Croxton,	Hemphill,	Pindar,	
Davidson, R. H. M.	Herbert,	Randall,	

NAYS—169.

Adams, G. E.	Farquhar,	Lowry,	Romeis,
Allen, C. H.	Felton,	Lyman,	Rowell,
Anderson, J. A.	Fisher,	Markham,	Ryan,
Atkinson,	Fleeger,	Martin,	Sadler,
Baker,	Foran,	Matson,	Sayers,
Ballentine,	Ford,	Maybury,	Scranton,
Barksdale,	Forney,	McCreary,	Skinner,
Barnes,	Frederick,	McKenna,	Snyder,
Bennett,	Fuller,	McKinley,	Spooner,
Bland,	Funston,	McMillin	Stewart, Charles
Bound,	Gallinger,	McRea,	Stone, W. J., of Mo.
Boutelle,	Gilfillan,	Miller,	Strait,
Brady,	Glass,	Mills,	Struble,
Bragg,	Goff,	Moffatt,	Symes,
Browne, T. M.	Grout,	Morgan,	Tarsney,
Brown, C. E.	Halsell,	Morrill,	Taulbee,
Brown, W. W.	Hanback,	Morrow,	Taylor, J. M.
Buchanan,	Harris,	Neal,	Taylor, Zach
Buck,	Hatch,	Neece,	Thomas, J. R.
Burrows,	Heard,	Negley,	Thomas, O. B.
Bynum,	Henderson, D. B.	Nelson,	Thompson,
Caldwell,	Henderson, J. S.	Norwood,	Throckmorton,
Campbell, J. E.	Henderson, T. J.	Oates,	Tillman,
Cannon,	Hepburn,	O'Donnell,	Van Schaick,
Carleton,	Herman,	O'Hara,	Wade,
Caswell	Hill,	Owen,	Wadsworth,
Clements,	Hitt,	Payson,	Wakefield,
Cobb,	Holman,	Peel,	Warner, William
Comstock,	Holmes,	Perkins,	Weaver, A. J.
Conger,	Hopkins,	Peters,	Weaver, J. B.
Cooper,	Houk,	Pettibone,	Weber,
Cowles,	Jackson,	Pidcock,	Wellborn,
Crisp,	Johnson, F. A.	Pirce,	Wheeler,
Culberson,	Johnston, J. T.	Plumb,	White, A. C.
Cutcheon,	Johnston, T. D.	Price,	White, Milo
Davenport,	Jones, J. H.	Reagan,	Whiting,
Davidson, A. C.	Jones, J. T.	Reid, J. W.	Wilkins,
Davis,	Kleiner,	Reese,	Winans,
Dawson,	Laffoon,	Rice,	Woodburn,
Dockery,	Laird,	Richardson,	Worthington.
Dorsey,	Landes,	Riggs,	
Dunham,	Lanham,	Robertson,	
Dunn,	Little,	Rogers,	

NOT VOTING—64.

Aiken,	Dibble,	Lore,	Shaw,
Allen, J. M.	Eldredge,	Loutitt,	Singleton,
Arnot,	Ermentrout,	Lovering,	Smalls,
Barbour,	Gibson, Eustace	Mahoney,	Spriggs,
Belmont,	Grosvenor,	McAdoo,	Steele,
Bingham,	Guenther,	Merriman,	Stephenson,
Blount,	Hahn,	Millikin,	Stewart, J. W.
Brumm,	Henley,	Muller,	St. Martin,
Burnes,	Hiscock,	Murphy,	Swinburne,
Butterworth,	Howard,	O'Neill, J. J.	Taylor, E. B.
Cabell,	Hutton,	Phelps,	Taylor, I. H.
Campbell, T. J.	Kelley,	Pulitzer,	Townshend,
Clardy,	La Follette,	Sawyer,	Ward, T. B.
Curtin,	Lawler,	Scott,	Warner, A. J.
Daniel,	Libbey,	Seney,	Willis,
Dargan,	Lindsley,	Sessions,	Wise.

So the motion of Mr. HEWITT to recommit with instructions was rejected.

The following pairs were announced:

Mr. WISE with Mr. LIBBEY, on all political questions, until further notice.

Mr. MULLER with Mr. HISCOCK, on all political questions, until further notice.

Mr. HOWARD with Mr. LINDSLEY, until further notice.

Mr. TOWNSHEND with Mr. GROSVENOR, until further notice.

Mr. BUTTERWORTH with Mr. CABELL, until the 5th of February.

Mr. AIKEN with Mr. GUENTHER, for this day.

Mr. SCOTT with Mr. STEPHENSON, for this day.
Mr. SPRIGGS with Mr. SMALLS, for this day.
Mr. SENEY with Mr. IKE H. TAYLOR, for this day.
Mr. ERMENTROUT with Mr. BINGHAM, for this day.
The result of the vote was announced as above stated.

The SPEAKER. The question is now upon agreeing to the amendments reported by the committee. The Clerk will report the first amendment.

The Clerk read as follows:

Strike out these words: "The Treasury Department assumes to virtually suspend the coinage of silver by hoarding the money in the Treasury after it is coined" and insert "such arrangement was made and carried out."

The amendment was agreed to.

The second amendment of the committee was read, as follows:

Strike out these words: "And what policy is to be pursued in the payment of silver thereon and on other public dues" and insert the following: "And will the same policy be pursued in the payment of silver thereon and on other public dues in the future as in the past."

The amendment was agreed to.

The resolution as amended was adopted.

Mr. BLAND moved to reconsider the vote by which the resolution was adopted; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

SINKING FUND.

Mr. MORRISON. I desire to present a privileged report from the Committee on Ways and Means.

The Clerk read as follows:

The Committee on Ways and Means, to which was referred resolution No. 5, respectfully report the accompanying resolution in relation to amount of payments applied to sinking fund during the fiscal year 1885 and recommend its adoption, it being the substance of the resolution submitted by Hon. J. B. WEAVER January 18, 1886:

Resolved, That the Secretary of the Treasury be, and he is hereby, directed to report to the House the total amount applied to the sinking fund between June 30, 1884, and July 1, 1885, and under what dates and in what several amounts the same was applied.

Mr. MORRISON. I move the previous question on the adoption of the resolution reported by the committee.

The previous question was ordered; and under operation thereof the resolution was adopted.

Mr. MORRISON moved to reconsider the vote by which the resolution was adopted; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

Mr. MORRISON. I ask that the original resolution on this subject, which I report back, lie on the table.

The SPEAKER. If there be no objection that order will be made.

There being no objection, it was ordered accordingly.

CONGRESSIONAL RECORD FOR COMMITTEES, ETC.

Mr. BARKSDALE. I desire to present a privileged report from the Committee on Printing.

The Clerk read as follows:

Your Committee on Printing beg leave to report that, owing to the increase in the number of the committees of the House, there are not now distributed a sufficient number of CONGRESSIONAL RECORDS to supply each committee with a copy thereof. Your committee recommend the passage of the following resolution:

Resolved, That the Clerk of the House be directed to order from the Public Printer one copy of the CONGRESSIONAL RECORD during the present Congress for each of the standing and select committees of the House and the Chaplain of the House.

The SPEAKER. This is not a privileged report under the rules of the House, but if there be no objection it will be received.

Mr. REAGAN. I shall not object, but the members of the committees do not read the RECORD, and these will only lumber up the committee-rooms.

Mr. HOLMAN. Each member of the House has now two copies.

Mr. BARKSDALE. The resolution is offered at the request of several committees of the House, who state that they are not furnished with the RECORD. I ask unanimous consent for the present consideration of the resolution.

Mr. COBB. I understand this resolution provides for furnishing each select and standing committee of the House with a copy of the CONGRESSIONAL RECORD.

Mr. BARKSDALE. Yes; that is it.

Mr. SPRINGER. It has been rendered necessary by the creation of new committees at this session, which are not furnished with copies of the RECORD.

Mr. COBB. Does it refer to bound copies of the RECORD?

Mr. BARKSDALE. No; but to the current daily issue of the RECORD.

Mr. COBB. My committee has a RECORD every day.

Mr. SPRINGER. But other committees do not receive the RECORD.

The SPEAKER. Is there objection?

Mr. DOCKERY. I was going to suggest, Mr. Speaker, that the resolution be so amended as to provide only for supplying RECORDS to the committees which do not now receive them.

The SPEAKER. The Chair hears no objection to the consideration of the resolution at this time.

Mr. DOCKERY. I move to amend the resolution so that it will read "to furnish a sufficient number of copies of the RECORD to supply each committee with one copy;" that is, standing and select committees of the House.

The amendment was agreed to.

The question recurred on the adoption of the resolution as amended.

The House divided; and there were—ayes 105, noes 2.

So the resolution was adopted.

Mr. BARKSDALE moved to reconsider the vote by which the resolution was adopted; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

ATLANTIC AND PACIFIC RAILROAD.

Mr. COBB, from the Committee on the Public Lands, reported back with amendments the bill (H. R. 453) to forfeit the lands granted to the Atlantic and Pacific Railroad Company to aid in the construction of a railroad and telegraph line from the States of Missouri and Arkansas to the Pacific coast and to restore the same to settlement, and for other purposes; which were referred to the House Calendar, and, with the accompanying report, ordered to be printed.

Mr. McRAE, by unanimous consent, from the Committee on the Public Lands, submitted the views of the minority; which were ordered to be printed with the majority report.

CALL OF COMMITTEES.

The SPEAKER. The Chair will now proceed to call committees for reports.

DISTRICT JUDGE, SOUTHERN ALABAMA.

Mr. OATES, from the Committee on the Judiciary, reported back with an amendment the bill (H. R. 28) to provide for the appointment and compensation of a district judge for the southern district of Alabama; which was referred to the Committee of the Whole House on the state of the Union, and, with the accompanying report, ordered to be printed.

J. D. MORRISON.

Mr. McMILLIN, from the Committee on Ways and Means, reported back the bill (H. R. 5187) for the relief of J. D. Morrison, surviving partner of C. M. & J. D. Morrison; which was read a first and second time, referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

HORSE-STEALING IN INDIAN TERRITORY.

Mr. ROGERS, from the Committee on the Judiciary, reported, as a substitute for H. R. 3858, a bill (H. R. 5188) prescribing the punishment of horse-stealing in the Indian Territory; which was read a first and second time, referred to the House Calendar, and, with the accompanying report, ordered to be printed.

House bill 3858 was laid upon the table.

LIMITATION OF TIME FOR CLAIMS AGAINST THE UNITED STATES.

Mr. TUCKER, from the Committee on the Judiciary, reported, as a substitute for H. R. 2496, a bill (H. R. 5189) limiting the time for the presentation and payment of claims against the United States; which was read a first and second time, referred to the House Calendar, and, with the accompanying report, ordered to be printed.

House bill 2496 was laid upon the table.

MRS. LIZZIE D. CLARKE.

Mr. TUCKER, from the Committee on the Judiciary, also reported back favorably the bill (H. R. 958) for the relief of Mrs. Lizzie D. Clarke; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

EFFECT OF JUDGMENTS OF UNITED STATES COURTS.

Mr. TUCKER, from the Committee on the Judiciary, also reported back favorably the bill (H. R. 2497) to regulate the effect of judgments and decrees of courts of the United States in the several States; which was referred to the House Calendar, and, with the accompanying report, ordered to be printed.

DISTRICT COURT, NORTHERN DISTRICT OF NEW YORK.

Mr. PARKER, from the Committee on the Judiciary, reported back with amendments the bill (H. R. 2996) to amend the Revised Statutes of the United States establishing the times, places, and provisions for holding terms of the district court of the northern district of New York; which was referred to the House Calendar, and, with the accompanying report, ordered to be printed.

NATIONAL BANKING ASSOCIATIONS.

Mr. WILKINS, from the Committee on Banking and Currency, reported back favorably the bill (H. R. 1811) to provide for the issue of circulating notes to national banking associations; which was referred to the Committee of the Whole House on the state of the Union, and, with the accompanying report, ordered to be printed.

Mr. MILLER, by unanimous consent, from the Committee on Bank-

ing and Currency, submitted the views of the minority; which were ordered to be printed with the majority report.

ADVERSE REPORT.

Mr. MILLER, from the Committee on Banking and Currency, also reported back adversely the bill (H. R. 1748) to amend section 5151 of the Revised Statutes of the United States making shareholders of national banks individually liable for the debts of the banks; which was laid on the table, and, with the accompanying report, ordered to be printed.

CHANGE OF REFERENCE.

On motion of Mr. MILLER, by unanimous consent the Committee on Banking and Currency was discharged from the further consideration of the bill (H. R. 1594) to allow all duties on imports to be paid by certified check on any national bank duly authorized under the laws of the United States; and the same was referred to the Committee on Ways and Means.

DEPARTMENT OF AGRICULTURE.

Mr. HATCH, from the Committee on Agriculture, reported, as a substitute for H. R. 2932, a bill (H. R. 5190) to enlarge the powers and duties of the Department of Agriculture; which was read a first and second time, refefred to the Committee of the Whole House on the state of the Union, and, with the accompanying report, ordered to be printed.

House bill 2932 was laid on the table.

CHANGE OF REFERENCE OF BILLS.

On motion of Mr. BRAGG, from the Committee on Military Affairs, said committee was discharged from the further consideration of bills of the following titles; which were severally referred as indicated, namely:

A bill (H. R. 867) for the relief of Francis Scala—to the Committee on Naval Affairs;

A bill (H. R. 2128) for the relief of Lieut. John B. Reed—to the Committee on War Claims; and

A bill (H. R. 2174) for the relief of J. D. Golden—to the Committee on War Claims.

ADVERSE REPORTS.

Mr. BRAGG, from the Committee on Military Affairs, also reported back with adverse recommendations bills of the following titles; which were severally ordered to be laid on the table, and the accompanying reports printed:

A bill (H. R. 2563) relating to laundresses in the Army;

A bill (H. R. 1038) for the relief of Peter McCabe;

A bill (H. R. 2570) providing for the retirement of wagon-masters; and

A bill (H. R. 2521) to regulate the method of purchasing tobacco for the use of the Army.

Mr. FINDLAY, from the Committee on Military Affairs, reported back with an adverse recommendation the bill (H. R. 3373) to correct the military record of Wilson George; which was ordered to be laid on the table, and the accompanying report printed.

NATIONAL CEMETERY, NATCHEZ, MISS.

Mr. HOUK, from the Committee on Military Affairs, reported back favorably the bill (H. R. 1341) to construct a road to the National Cemetery, at Natchez, Miss.; which was referred to the Committee of the Whole House on the state of the Union, and, with the accompanying report, ordered to be printed.

FRANCIS H. SHAW.

Mr. LAIRD, from the Committee on Military Affairs, reported back favorably the bill (H. R. 2995) for the relief of Francis H. Shaw; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

ADVERSE REPORT.

Mr. NEGLEY, from the Committee on Military Affairs, reported back with an adverse recommendation the petition in relation to the claim of John A. Morrison, of Russell County, Kentucky; which was ordered to be laid on the table, and the accompanying report printed.

CHANGE OF RANK, RETIRED ARMY OFFICER.

Mr. WHEELER, from the Committee on Military Affairs, reported back favorably the bill (H. R. 37) to change the rank of an officer on the retired-list of the Army; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

FERRY ACROSS MISSOURI RIVER.

Mr. CAREY, from the Committee on Military Affairs, reported back favorably the bill (H. R. 1280) to authorize Frank W. Hunt to erect and maintain a ferry across the Missouri River at the military reservation of Fort Buford, Dak.; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

WILBUR P. STEEL.

Mr. STRAIT, from the Committee on the Public Lands, reported back the bill (H. R. 3751) for the relief of Wilbur P. Steel, and to settle the title to section 16, township 139, range 73 west.

Mr. STRAIT. I ask the reference of the bill to the House Calendar.

The SPEAKER. Does this propose a grant of the public lands?

Mr. STRAIT. It does, with the privilege of the Territory selecting alternate lands. It relates especially to school sections.

The SPEAKER. It may go either to the Committee of the Whole House on the State of the Union or the House Calendar. If the gentleman prefers its reference to the House Calendar it can take that course.

The bill was referred to the House Calendar, and, with the accompanying report, ordered to be printed.

HOMESTEAD SETTLERS WITHIN RAILWAY LIMITS.

Mr. McRAE, from the Committee on the Public Lands, reported back the bill (H. R. 129) to protect homestead settlers within railway limits, and for other purposes; which was referred to the House Calendar, and, with the accompanying report, ordered to be printed.

IDAHO AND WASHINGTON TERRITORIES.

Mr. SPRINGER, from the Committee on the Territories, reported back favorably the bill (H. R. 2889) to annex a portion of the Territory of Idaho to Washington Territory; which was referred to the House Calendar, and, with the accompanying report, ordered to be printed.

PRISONERS' LABOR.

Mr. JAMES, from the Committee on Labor, reported favorably the bill (H. R. 1622) to prohibit any officer, agent, or servant of the Government of the United States of America to hire or contract out the labor of prisoners incarcerated for violating the laws of the Government of the United States of America; which was referred to the House Calendar, and, with the accompanying report, ordered to be printed.

NANCY J. FREELS.

Mr. TAULBEE, from the Committee on Invalid Pensions, reported back the bill (H. R. 4287) to grant a pension to Nancy J. Freels, widow of Pleasant M. Freels, late of Company E, Third Tennessee Infantry Volunteers; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

EDGAR PAYNE.

Mr. TAULBEE, from the Committee on Invalid Pensions, also reported back the bill (H. R. 837) granting a pension to Edgar Payne; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

CALVIN MEANS.

Mr. TAULBEE, from the Committee on Invalid Pensions, also reported back the bill (H. R. 851) for the relief of Calvin Means; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

C. W. J. PUGH.

Mr. TAULBEE, from the Committee on Invalid Pensions, also reported back with a favorable recommendation the bill (H. R. 3419) granting a pension to C. W. J. Pugh; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

SAMUEL BALLARD.

Mr. TAULBEE, from the Committee on Invalid Pensions, also reported back with amendments the bill (H. R. 846) granting a pension to Samuel Ballard; which was referred to the Committee of the Whole House on the Private Calendar, and, with the amendments and accompanying report, ordered to be printed.

LUCY J. MITCHELL.

Mr. TAULBEE, from the Committee on Invalid Pensions, also reported back with a favorable recommendation the bill (H. R. 858) granting a pension to Lucy J. Mitchell; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

MRS. LIZZIE E. COONEY.

Mr. MORRILL, from the Committee on Invalid Pensions, reported back with a favorable recommendation the bill (H. R. 3402) granting a pension to Mrs. Lizzie E. Cooney; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

MRS. HANNAH M. CHAPMAN.

Mr. MORRILL, from the Committee on Invalid Pensions, also reported back with a favorable recommendation the bill (H. R. 3539) granting a pension to Mrs. Hannah M. Chapman; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

PATSEY JACKSON.

Mr. MORRILL, from the Committee on Invalid Pensions, also reported, as a substitute for H. R. 1426, a bill (H. R. 5191) to increase the pension of Patsey Jackson; which was read a first and second time,

referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

MARIA MIBORD.

Mr. MORRILL, from the Committee on Invalid Pensions, also reported back with a favorable recommendation the bill (H. R. 3534) granting a pension to Maria Mibord; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

HENRY H. GREEN.

Mr. MORRILL, from the Committee on Invalid Pensions, also reported back with a favorable recommendation the bill (H. R. 2939) granting a pension to Henry H. Green; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

ELMIRA M. DORMAN.

Mr. MORRILL, from the Committee on Invalid Pensions, also reported, as a substitute for H. R. 3403 a bill (H. R. 5192) granting a pension to Elmira M. Dorman; which was read a first and second time, referred to the Committee of the Whole House on the Private Calendar, and, with the accompanyng report, ordered to be printed.

LEVI KOONTZ.

Mr. MORRILL, from the Committee on Invalid Pensions, also reported, as a substitute for H. R. 1393, a bill (H. R. 5193) granting a pension to Levi Koontz; which was read a first and second time, referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

ANDREW J. FULLER.

Mr. MORRILL, from the Committee on Invalid Pensions, also reported back with a favorable recommendation the bill (H. H. 1351) to restore to the pension-roll the name of Andrew J. Fuller; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

FRANK LIGHTNER.

Mr. MORRILL, from the Committee on Invalid Pensions, also reported back with a favorable recommendation the bill (H. R. 4118) granting a pension to Frank Lightner; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

JAMES A. UNDERWOOD.

Mr. MORRILL, from the Committee on Invalid Pensions, also reported back with a favorable recommendation the bill (H. R. 805) to increase the pension of James A. Underwood; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

GEORGE H. PERKINS.

Mr. MORRILL, from the Committee on Invalid Pensions, also reported back with a favorable recommendation the bill (H. R. 1369) granting a pension to George H. Perkins; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

CHANGE OF REFERENCE.

Mr. MORRILL, from the Committee on Invalid Pensions, also reported back the bill (H. R. 4097) for the relief of William J. Owings, and moved that the committee be discharged from the further consideration of the same and that it be referred to the Committee on Pensions.

The motion was agreed to.

ADVERSE REPORTS.

Mr. MORRILL, from the Committee on Invalid Pensions, also reported back with adverse recommendations bills of the following titles; which were severally laid on the table, and the accompanying reports ordered to be printed:

A bill (H. R. 1399) granting a pension to Phebe Martin;

A bill (H. R. 804) granting an increase of pension to James D. Vernay;

A bill (H. R. 3398) to grant a pension to Andrew Houser;

A bill (H. R. 2945) granting a pension to Malinda A. Holmes;

A bill (H. R. 3393) to grant a pension to Frederick Schrumpp;

A bill (H. R. 1433) for the relief of Charles H. Holt;

A bill (H. R. 1440) granting a pension to John Benson;

A bill (H. R. 3413) granting a pension to Lorenzo D. Austin; and

A bill (H. R. 2941) for the relief of Thomas Murphy.

WILLIAM B. JACOBS.

Mr. ELLSBERRY, from the Committee on Invalid Pensions, reported back with a favorable recommendation the bill (H. R. 4199) granting a pension to William B. Jacobs; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

JAMES M'MULLIN.

Mr. ELLSBERRY, from the Committee on Invalid Pensions, also reported back with an amendment the bill (H. R. 1858) granting an increase of pension to James McMullin; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

MARY HOFF.

Mr. O'HARA, from the Committee on Invalid Pensions, reported back with a favorable recommendation the bill (H. R. 1254) granting a pension to Mary Hoff; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

THOMAS ASKEW.

Mr. O'HARA, from the Committee on Invalid Pensions, also reported back with a favorable recommendation the bill (H. R. 1742) for the relief of Thomas Askew; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

ANGELINA BROMAGHIN.

Mr. O'HARA, from the Committee on Invalid Pensions, also reported back with an amendment the bill (H. R. 1286) granting a pension to Angelina Bromaghin, of Janesville, Minn.; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

GEORGE A. ROBERTS.

Mr. O'HARA, from the Committee on Invalid Pensions, also reported back with a favorable recommendation the bill (H. R. 4076) for the relief of George A. Roberts; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

MRS. EDNA ROBERTS.

Mr. O'HARA, from the Committee on Invalid Pensions, also reported back with an amendment the bill (H. R. 3193) granting a pension to Mrs. Edna Roberts; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

CHANGE OF REFERENCE.

Mr. O'HARA, from the Committee on Invalid Pensions, also reported back the bill (H. R. 1705) for the relief of W. P. Payne, and moved that the committee be discharged from the further consideration of the same, and that it be referred to the Committee on Military Affairs.

The motion was agreed to.

ADVERSE REPORTS.

Mr. O'HARA, from the Committee on Invalid Pensions, reported back with an adverse recommendation bills of the following titles; which were severally laid on the table, and the accompanying reports ordered to be printed:

A bill (H. R. 1706) granting arrears of pension to Mary Townsend;

A bill (H. R. 1281) granting a pension to Johanna Paul and Anna Kaberla; and

A bill (H. R. 1702) granting arrears of pension and increase to Daniel Lucas.

LOUIS ABEAR.

Mr. WINANS, from the Committee on Invalid Pensions, reported back with a favorable recommendation the bill (H. R. 1198) granting a pension to Louis Abear; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

HARRY B. HARRINGTON.

Mr. WINANS, from the Committee on Invalid Pensions, also reported back with an amendment the bill (H. R. 1228) granting a pension to Harry B. Harrington and Grace A. Harrington; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

LENFORD ROSE.

Mr. WINANS, from the Committee on Invalid Pensions, also reported back with an amendment the bill (H. R. 2976) granting a pension to Lenford Rose; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

NORMAN S. BULL.

Mr. WINANS, from the Committee on Invalid Pensions, also reported back with an amendment the bill (H. R. 2740) for the relief of Norman S. Bull; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

ASAHEL MIDDLETON.

Mr. CONGER, from the Committee on Invalid Pensions, reported back with a favorable recommendation the bill (H. R. 3364) granting a pension to Asahel Middleton; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

MINTON PRALL.

Mr. CONGER, from the Committee on Invalid Pensions, also reported back with a favorable recommendation the bill (H. R. 626) granting a pension to Minton Prall; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

JOHN D. CLARK.

Mr. CONGER, from the Committee on Invalid Pensions, also reported back with a favorable recommendation the bill (H. R. 3375) granting a pension to John D. Clark; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

HENRY S. MORGAN.

Mr. CONGER, from the Committee on Invalid Pensions, also reported back with a favorable recommendation the bill (H. R. 3359) granting a pension to Henry S. Morgan; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

BRIDGET O'BRIEN.

Mr. CONGER, from the Committee on Invalid Pensions, also reported back with a favorable recommendation the bill (H. R. 3919) granting a pension to Bridget O'Brien; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

HIRAM L. WAIT.

Mr. CONGER, from the Committee on Invalid Pensions, also reported back with a favorable recommendation the bill (H. R. 3358) granting a pension to Hiram L. Wait; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

ROBERT F. H. GOODE.

Mr. CONGER, from the Committee on Invalid Pensions, also reported back with a favorable recommendation the bill (H. R. 619) granting a pension to Robert F. H. Goode; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

MAGDALENA REHKOPF.

Mr. CONGER, from the Committee on Invalid Pensions, also reported back with an amendment the bill (H. R. 3351) granting a pension to Mrs. Magdalena Rehkopf; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

MARY A. FOSTER.

Mr. CONGER, from the Committee on Invalid Pensions, also reported back with an amendment the bill (H. R. 3367) granting a pension to Mary A. Foster; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

ADVERSE REPORT.

Mr. CONGER, from the Committee on Invalid Pensions, also reported back with an adverse recommendation the bill (H. R. 627) for the relief of Daniel K. Wright; which was laid on the table, and the accompanying report ordered to be printed.

CHANGE OF REFERENCE.

Mr. CONGER, from the Committee on Invalid Pensions, also reported back bills of the following titles; and, upon his motion, the Committee on Invalid Pensions was discharged from the further consideration of the same, and they were severally referred to the Committee on Pensions:

A bill (H. R. 622) for the relief of W. A. Lemaster; and
A bill (H. R. 3354) granting a pension to Welty M. Jonas.

ESTATE OF JOHN SHIRLEY.

Mr. CONGER, from the Committee on Invalid Pensions, also reported back the bill (H. R. 124) for the relief of the estate of John Shirley; and, upon his motion, the Committee on Invalid Pensions was discharged from the further consideration of the same, and it was referred to the Committee on Claims.

MRS. KATE MILLER.

Mr. PIDCOCK, from the Committee on Invalid Pensions, reported back favorably the bill (H. R. 1292) granting a pension to Mrs. Kate Miller; which was referred to the Committee of the Whole House on the Private Calendar, and the accompanying report ordered to be printed.

JAMES M'ANNY.

Mr. PIDCOCK, from the Committee on Invalid Pensions, also reported back favorably the bill (H. R. 1506) granting a pension to James McAnny; which was referred to the Committee of the Whole House on the Private Calendar, and the accompanying report ordered to be printed.

ADVERSE REPORTS.

Mr. PIDCOCK, from the Committee on Invalid Pensions, also reported back adversely bills of the following titles; which were severally laid on the table, and the accompanying reports ordered to be printed:

A bill (H. R. 1512) granting arrears of pension to Susan C. Mandeville;
A bill (H. R. 1492) granting a pension to James Butler; and
A bill (H. R. 1507) for the relief of Oliver Van Billiard.

PHILIP JACOBS.

Mr. PINDAR, from the Committee on Invalid Pensions, reported back favorably the bill (H. R. 1567) granting a pension to Philip Jacobs; which was referred to the Committee of the Whole House on the Private Calendar, and the accompanying report ordered to be printed.

PETER TOWERS.

Mr. PINDAR, from the Committee on Invalid Pensions, also reported back favorably the bill (H. R. 3562) for the relief of Peter Towers; which was referred to the Committee of the Whole House on the Private Calendar, and the accompanying report ordered to be printed.

JOHN F. CHASE.

Mr. SAWYER, from the Committee on Invalid Pensions, reported back adversely the bill (H. R. 3016) for the relief of John F. Chase; which was laid on the table, and the accompanying report ordered to be printed.

THOMAS WARD.

Mr. MATSON, from the Committee on Invalid Pensions, reported back with amendment the bill (H. R. 3309) to increase the pension of Thomas Ward; which was referred to the Committee of the Whole House on the Private Calendar, and the accompanying report ordered to be printed.

WILLIAM CONDON.

Mr. NEECE, from the Committee on Invalid Pensions, reported back with amendment the bill (H. R. 415) granting a pension to William Condon; which was referred to the Committee of the Whole House on the Private Calendar, and the accompanying report ordered to be printed.

GILES C. HAWLEY.

Mr. NEECE, from the Committee on Invalid Pensions, also reported the bill (H. R. 426) to pension Giles C. Hawley; which was read a first and second time, referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

THOMAS T. SMITHERS.

Mr. NEECE, from the Committee on Invalid Pensions, also reported back with amendment the bill (H. R. 427) for the relief of Thomas T. Smithers; which was referred to the Committee of the Whole House on the Private Calendar, and the accompanying report ordered to be printed.

JOHN C. FREES.

Mr. SWOPE, from the Committee on Invalid Pensions, reported back with amendment the bill (H. R. 1989) granting a pension to John C. Frees; which was referred to the Committee of the Whole House on the Private Calendar, and the accompanying report ordered to be printed.

ANDREW J. PUTNAM.

Mr. SWOPE, from the Committee on Invalid Pensions, also reported back favorably the bill (H. R. 2161) granting a pension to Andrew J. Putnam; which was referred to the Committee of the Whole House on the Private Calendar, and the accompanying report ordered to be printed.

MRS. ADA O. KREPPS.

Mr. SWOPE, from the Committee on Invalid Pensions, also reported back favorably the bill (H. R. 3632) granting a pension to Mrs. Ada O. Krepps; which was referred to the Committee of the Whole House on the Private Calendar, and the accompanying report ordered to be printed.

ADVERSE REPORTS.

Mr. SWOPE, from the Committee on Invalid Pensions, also reported back adversely bills of the following titles; which were severally laid on the table, and the accompanying reports ordered to be printed:

A bill (H. R. 2164) for the relief of Linas Toles;
A bill (H. R. 2165) for the relief of Phineas Goodwin; and
A bill (H. R. 2162) granting a pension to William B. Webster.

BETSEY MARTIN.

On motion of Mr. HAYNES, by unanimous consent the Committee on Invalid Pensions was discharged from the further consideration of the bill (H. R. 4395) to grant a pension to Betsey Martin; and the same was referred to the Committee on Pensions.

JOSIAH B. SUELL.

Mr. HAYNES, from the Committee on Invalid Pensions, reported back favorably the bill (H. R. 1302) granting a pension to Josiah B. Suell; which was referred to the Committee of the Whole House on the Private Calendar, and the accompanying report ordered to be printed.

ANDREW J. HILL.

Mr. HAYNES, from the Committee on Invalid Pensions, also reported

back with amendment the bill (H. R. 1471) increasing the pension of Andrew J. Hill; which was referred to the Committee of the Whole House on the Private Calendar, and the accompanying report ordered to be printed.

MARY G. COLBY.

Mr. HAYNES, from the Committee on Invalid Pensions, also reported back favorably the bill (H. R. 1474) granting a pension to Mary G. Colby; which was referred to the Committee of the Whole House on the Private Calendar, and the accompanying report ordered to be printed.

ADDIE L. MACOMBER.

Mr. HAYNES, from the Committee on Invalid Pensions, also reported back with amendment the bill (H. R. 1462) granting a pension to Addie L. Macomber; which was referred to the Committee of the Whole House on the Private Calendar, and the accompanying report ordered to be printed.

LYDIA A. NELSON.

Mr. HAYNES, from the Committee on Invalid Pensions, also reported back favorably the bill (H. R. 1456) granting a pension to Lydia A. Nelson; which was referred to the Committee of the Whole House on the Private Calendar, and the accompanying report ordered to be printed.

MRS. MARY E. SAWYER.

Mr. HAYNES, from the Committee on Invalid Pensions, also reported back favorably the bill (H. R. 3452) granting a pension to Mrs. Mary E. Sawyer; which was referred to the Committee of the Whole House on the Private Calendar, and the accompanying report ordered to be printed.

ADVERSE REPORTS.

Mr. HAYNES, from the Committee on Invalid Pensions, also reported back adversely bills of the following titles; which were severally laid on the table, and the accompanying reports ordered to be printed.

A bill (H. R. 3722) granting arrears of pension to Mrs. Mary L. Martin;

A bill (H. R. 1031) granting a pension to Willie F. Ward;

A bill (H. R. 1458) granting a pension to Nathaniel W. Davis; and

A bill (H. R. 1023) granting a pension to Thomas J. Knowles.

PENSIONS TO SOLDIERS AND SAILORS OF THE WAR OF 1812.

Mr. ZACH. TAYLOR, from the Committee on Pensions, reported back with amendment the bill (H. R. 236) amending the laws granting pensions to the soldiers and sailors of the war of 1812; which was referred to the Committee of the Whole House on the state of the Union, and, with the accompanying report, ordered to be printed.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. McCOOK, its Secretary, announced the passage of the following bills; in which concurrence was requested:

A bill (S. 1136) additional to an act entitled "An act to provide a national currency secured by a pledge of United States bonds, and to provide for the circulation and redemption thereof," passed June 3, 1864;

A bill (S. 52) to divide a portion of the reservation of the Sioux Nation of Indians in Dakota into separate reservations and to secure the relinquishment of the Indian title to the remainder;

A bill (S. 71) for the benefit of the States of Texas, Colorado, Oregon, Nebraska, California, Kansas, and Nevada, and the Territories of Washington and Idaho, and Nevada when a Territory;

A bill (S. 289) for the relief of J. A. Henry and others;

A bill (S. 24) for the relief of Samuel B. Seat, administrator of Christian Krop, deceased; and

A bill (S. 32) for the relief of Mrs. Lizzie D. Clarke, of New Orleans.

THOMAS F. PURNELL.

Mr. LANHAM, from the Committee on Claims, reported back favorably the bill (H. R. 2397) for the relief of Thomas F. Purnell; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

ALEXANDER SMILEY.

Mr. WARNER, of Missouri, from the Committee on Claims, reported back favorably the bill (S. 221) for the relief of Alexander Smiley; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

MRS. FANNIE S. CONWAY.

Mr. BUCHANAN, from the Committee on Claims, reported back with an amendment the bill (H. R. 914) for the relief of Mrs. Fannie S. Conway; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

JOHN FRASER.

Mr. BUCHANAN, from the Committee on Claims, also reported back favorably the bill (H. R. 1982) for the relief of John Fraser; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

H. H. FAULKNER AND MARY WOODLEE.

Mr. NEAL, from the Committee on Claims, reported back favorably the bill (H. R. 2357) for the relief of H. H. Faulkner and Mary Woodlee; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

WILLIAM D. STEWART AND OTHERS.

Mr. NEAL, from the Committee on Claims, also reported back favorably the bill (H. R. 275) for the relief of William D. Stewart and others, heirs at law of James Stewart, deceased; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

INDIAN CLAIMS, STATE OF FLORIDA.

Mr. DOUGHERTY, from the Committee on Claims, reported back favorably the bill (H. R. 3877) to authorize the Secretary of the Treasury to settle and pay the claim of the State of Florida on account of expenditures made in suppressing Indian hostilities, and for other purposes; which was referred to the Committee of the Whole House on the state of the Union, and, with the accompanying report, ordered to be printed.

M'MINNVILLE AND MANCHESTER RAILROAD COMPANY.

Mr. RICHARDSON, from the Committee on War Claims, reported, as a substitute for H. R. 2340, a bill (H. R. 5194) directing the Quartermaster-General to settle with the McMinnville and Manchester Railroad Company, and for other purposes; which was read a first and second time, referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

The bill (H. R. 2340) was laid on the table.

MRS. ELIZA E. HEBERT.

Mr. JOHNSTON, of Indiana, from the Committee on War Claims, reported back adversely the bill (H. R. 1219) for the relief of Mrs. Eliza E. Hebert; which was laid on the table, and the accompanying report ordered to be printed.

ROBERT BROWN.

Mr. KLEINER, from the Committee on War Claims, reported adversely on the petition for the relief of Robert Brown; which was laid on the table, and the accompanying report ordered to be printed.

CHRISTOPHER SCHOEFNOCKER.

Mr. GEDDES, from the Committee on War Claims, reported back favorably the bill (H. R. 2195) for the relief of Christopher Schoefnocker; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

JAMES M. BACON.

Mr. GEDDES, from the Committee on War Claims, also reported back favorably the bill (H. R. 3384) for the relief of James M. Bacon; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

HENRY GEE.

Mr. GREEN, of New Jersey, from the Committee on Private Land Claims, reported back favorably the bill (H. R. 248) for the relief of Henry Gee; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

CHANGE OF REFERENCE.

On motion of Mr. HALSELL, the Committee on Private Land Claims was discharged from the further consideration of the bill (H. R. 3754) defining the powers of the Commissioner of the General Land Office in respect to the canceling of private entries of the public lands, and to quiet titles to lands acquired upon the public domain; and the same was referred to the Committee on the Public Lands.

JOHN ELLIS.

On motion of Mr. SPOONER, by unanimous consent the Committee on Accounts was discharged from the further consideration of the bill (H. R. 3908) for the relief of John Ellis, and the same was referred to the Committee on Claims.

ADVERSE REPORT.

Mr. ADAMS, of Illinois, from the Committee on Accounts, reported back adversely the resolution that said committee be directed to inquire into the propriety of Willie S. Howard being employed as page or folder under the control of the Doorkeeper during the residue of the present session of Congress, and to report by resolution or otherwise.

The SPEAKER. Does the gentleman desire the adverse report placed on the Calendar?

Mr. HOLMAN. It might as well go to the Calendar.

Mr. ADAMS, of Illinois. Let it go to the Private Calendar.

The resolution was referred to the Committee of the Whole House on the Private Calendar, and the accompanying report ordered to be printed.

AMERICAN STEAMSHIP CAROLINE MILLER, BALTIMORE, MD.

Mr. DUNN, from the Select Committee on American Ship-building and Ship-owning Interests, reported, as a substitute for H. R. 1042, a bill (H. R. 5195) to provide for an American register for the steamship Caroline Miller, of Baltimore, Md.; which was read a first and

second time, referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

The bill (H. R. 1042) was laid on the table.

ORDER OF BUSINESS.

The SPEAKER. This completes the call of standing and select committees for reports. The hour for the consideration of bills begins at half past 2 o'clock, and the call rests with the Select Committee on American Ship-building and Ship-owning Interests.

Mr. DINGLEY. I wish to make a parliamentary inquiry before that hour begins. It is a parliamentary inquiry for the purpose of securing from the Speaker the construction of one of the recent rules adopted with reference to the time to be occupied in the morning by any committee. In case that a committee shall be called near the close of the hour, is that committee entitled simply to the remainder of the time, whether it may be five or ten minutes of the hour, or will it be entitled at the next time the committee is called to complete its hour and have another hour in addition?

The SPEAKER. The Chair thinks that, under the rule, the committee is entitled to have its measures considered for some time during two morning hours; that is to say, it is entitled to have its measures considered at some time during each one of two morning hours; and if it happens to be called five or three minutes before the close of the hour the Chair is of the opinion that it would have on the next day when the committee was called for this class of business, under the rule, only one more hour to complete it; after which, if the business should not be concluded, it would go on the Calendar as unfinished business.

Mr. DINGLEY. I supposed that would be the construction, but I desired to have a ruling of the Chair upon the question.

ABOLITION OF CERTAIN SHIPPING DUTIES.

The SPEAKER. The Clerk will report the title of the bill under consideration when the Committee on Ship-building and Ship-owning Interests was last called.

The Clerk read as follows:

A bill (H. R. 4838) to abolish certain fees for official services to American vessels, and to amend the laws relating to shipping commissioners, seamen, and owners of vessels.

The SPEAKER. This bill is in Committee of the Whole House on the state of the Union.

Mr. DINGLEY. I move that the House resolve itself into Committee of the Whole House on the state of the Union for the purpose of considering the bill the title of which has been read.

The motion was agreed to.

The House accordingly resolved itself into Committee of the Whole House on the state of the Union, Mr. CRISP in the chair.

The CHAIRMAN. The House is now in Committee of the Whole for the purpose of further considering the bill the title of which has been read.

Mr. DINGLEY. Mr. Chairman, I had commenced an explanation of the provisions of this bill when the House was last in committee for its consideration, and had substantially completed my explanation of the first section, which is its most important feature. I desire to add to that explanation that the provision of the bill providing that the abolition of certain fees for services to vessels should not disturb the compensation of collectors and other officers of customs who are paid in whole or in part by fees does not in any manner change either the method of ascertaining their present compensation or the amount of it. The same provisions of law and the same safeguards will continue until Congress shall determine specifically a stated compensation or salary in each particular case; so that the question of safeguards will not enter into the consideration of this bill. All that is practically done in this respect is to abolish these fees so far as they are a charge upon vessels of the United States, and leave to the Treasury Department the determination of the compensation of each officer so far as these fees affect it as now.

I may add that the compensation of inspectors of steam-vessels is now fixed by law and the compensation of shipping commissioners by the Secretary of the Treasury. I doubt not that in due time the Committee on Expenditures of the Treasury Department, to whom has been referred a plan submitted by the Secretary of the Treasury to establish a fixed salary for each officer of customs, will make a report which will be favorably considered by the House. It is of course improper to attempt to go into the question of determining salaries without investigation in the consideration of a bill dealing solely with the merchant marine.

The second section provides that shipping commissioners shall have authority, in case they are requested by a master of a vessel engaged in the coastwise trade or in the trade with the West Indies, Mexico, Central America, or British North America, to ship seamen in the same manner that they now ship seamen on vessels engaged in other trades. The shipping act of 1872 excluded from its operations vessels in trade with British North America, the West Indies, Mexico, and Central America; and, notwithstanding shipping commissioners have, for convenience, been accustomed to ship seamen for these trades, yet it is clearly without authority of law. But the convenience of the transaction is so great that the Treasury Department asks that a distinct recognition of this authority may be made by law; and this section has been reported for that purpose.

Section 3 amends what is known as the Cox section of the shipping act of 1884, which prohibited the payment of advance wages and the allotment of wages yet to be earned, except to relatives. The same difficulties have been experienced in enforcing the measure that I pointed out at the time would probably be found, and persons interested have made suggestions as to the need of modifications. The committee have adopted the same modifications that were suggested by Mr. Cox himself in the Forty-eighth Congress, and which, in the form of a bill, was unanimously passed by the House but did not become a law for want of time. The provisions then suggested have been substantially incorporated into the bill which is now presented for the consideration of the committee.

Another modification of the Cox section of the shipping act of 1884 is incorporated in this bill, so as to apply the same penalty to a foreign vessel for violating that act as is applied to a vessel of the United States. That section as it now stands leaves it uncertain whether the penalty is to be simply the refusal of a clearance to a foreign vessel violating the act, or is to be that and also a penalty. A refusal of a clearance is a penalty of doubtful propriety, and for this reason is stricken out and a uniform penalty substituted.

Section 4 extends all the limited liability laws relating to sea-going vessels, so as to include vessels in the inland trade, except barges, canal-boats, and lighters, which have always been excepted from the limited liability provisions of our shipping laws. Originally these limited liability laws did not extend to shipping on the great lakes, but several years ago the courts extended these laws to these lakes on the ground that their navigation was as perilous as that of the ocean.

The reasons for extending the provisions of the limited liability laws to vessels on the inland waters of the United States are substantially these: First, that such vessels encounter to a certain degree substantially the same perils of navigation, although of a different character, that are encountered by sea-going vessels; secondly, that they go beyond the control of the owner in the trips which they make; and thirdly, that the liability laws as they exist discriminate against ownership in inland vessels, particularly steamers upon our rivers.

Mr. HENDERSON, of Iowa. I desire to ask the gentleman a question. Does this bill give any relief from the fees paid by owners of inland vessels?

Mr. DINGLEY. The first section gives relief from fees as regards vessels engaged in the inland, coastwise, and foreign trade. It covers the whole merchant marine of the United States.

Sections 5, 6, and 7 of this bill simply change the penalties for certain minor violations of the laws relating to shipping. The penalty now provided for certain minor violations is forfeiture of the vessel. The penalty is changed here to a small fine. These changes are all recommended by the Treasury Department.

Section 8 imposes a penalty on a foreign vessel for transporting passengers between two ports of the United States. This has been rendered necessary by a construction which has been given to our laws imposing a penalty on foreign vessels for transporting merchandise between ports of the United States. Merchandise has been construed by the Department to cover simply goods transported. In view of the construction which has been given, there seems to be no penalty provided for the conveyance of passengers between ports of the United States. There have been found no difficulties in this respect except with Canadian vessels on the lakes, which have been accustomed during the summer season to come to the American side and convey excursion parties. And it has been suggested by the Treasury Department that the penalty which is provided by this section will be sufficient to break up the practice.

Section 9 provides that the Secretary of the Treasury may remit fines and penalties imposed under the provisions of the four preceding sections when he finds that the offense has been unintentional. As these fines are all imposed by collectors of customs, it seems appropriate that there should be an appeal to the Secretary of the Treasury.

Section 10 provides that the provisions of law allowing a drawback of 75 cents per ton on bituminous coal imported for the use of vessels shall be construed to apply solely to American vessels, as was originally intended when the act was passed.

Mr. HEWITT. I desire to call the attention of the gentleman from Maine to the fact that he used the expression "bituminous coal imported." The language in the section is, "Bituminous coal used for fuel."

Mr. DINGLEY. I will propose an amendment, covering this point, at the proper time. Section 11 amends section 14 of the shipping act of 1884, relating to the tonnage tax, which is equivalent to the light-house dues of other countries. The act of 1884, changing the mode of collecting the tonnage tax upon vessels, offered to all countries in North and Central America and the West Indies, that if they would abolish the tonnage tax, light-house dues, and other equivalent taxes on American vessels the United States would abolish the tonnage tax as to vessels engaged in trade between the ports of that country and the ports of the United States. This bill amends that act so as to extend this offer to all countries which do not discriminate against American vessels.

Mr. HEWITT. There has been an international representation on the subject, has there not?

Mr. DINGLEY. There has been a representation made to the Government of the United States by Portugal and certain other nations with which we have treaties containing what is known as "the favored-nation clause," that the act of 1884, by force of this treaty provision, entitled the vessels of these countries, in the direct trade with the United States, to the same privilege as vessels trading between the United States and the countries of North America. But I may add, the Attorney-General of the United States has given an opinion showing very clearly that that act was not, even in the respect complained of, a violation of the "favored-nation clause," as it gave equal privileges to the vessels of all nations in the same trade; and the Secretary of State, in a communication made to Congress, is in accord with the opinion of the Attorney-General. At the same time, to avoid all chances of complaint, the committee are unanimously of the opinion that the act of 1884 should be amended so as to make this tender to all nations, and it is so provided in the amendment made by section 11.

The last section of the bill simply requires the President to make known his tender to all foreign countries.

Mr. Chairman, I have made a very brief explanation of the provisions of the bill, and if any gentleman desires to inquire further I shall be happy to answer so far as I am able.

Mr. COLE. I should like to inquire of the gentleman from Maine whether the third section provides that the seamen shall have two months' advance of wages.

Mr. DINGLEY. It does not provide that seamen shall have that; but if there is an agreement between the master of the vessel and the seamen for an allotment of not exceeding two months' wages for just debts for board and clothing it shall be recognized by the shipping commissioner.

Mr. STORM. I desire to ask the gentleman from Maine a question in regard to the eleventh section. I ask the gentleman what will be the difference in the revenues of the Government between the tonnage rate of 30 cents and the tonnage rate of 3 cents per ton? The eleventh section reads:

That in lieu of the tax on tonnage of 30 cents per ton per annum, imposed prior to July 1, 1884, a duty of 3 cents per ton, not to exceed in the aggregate 15 cents per ton in any one year, is hereby imposed, &c.

What difference will that make in the revenues?

Mr. DINGLEY. I may say to the gentleman that no change is made by this bill in the rate of tonnage tax previously imposed. This section of the bill recites the whole section of the act of 1884, but makes no change in its provisions except tendering the offer of an abolition of tonnage taxes to all nations that do not discriminate against us, if they will abolish similar charges on our vessels.

Mr. STORM. Then it makes no difference in the revenues?

Mr. DINGLEY. None, except so far as other countries may accept our tender.

Mr. ANDERSON, of Kansas. I wish to ask the gentleman from Maine [Mr. DINGLEY] a question about this bill. Certain fees are now collected by customs officers and other officers from vessels. Those fees this bill proposes to abolish. Can the gentleman inform us what is the amount of such fees per annum?

Mr. DINGLEY. The amount is estimated at about $300,000—somewhere between three hundred thousand and three hundred and fifty thousand, as I stated in my remarks the other day.

Mr. ANDERSON, of Kansas. Then, as I understand it, this $300,000 which is now paid by the vessels is to be paid hereafter out of the Treasury. In other words, the vessels are to be relieved from that burden.

Mr. DINGLEY. The gentleman is correct.

Mr. ANDERSON, of Kansas. Why is that?

Mr. DINGLEY. On that point I will read the reasons presented in the report of the Treasury Department for the abolition of these dues. The report says:

The revenue collected from these sources—

The sources specified in this bill—

while inconsiderable in aggregate amount, is regarded as a burden from which the ship-owners should be relieved, and it is recommended to abolish the fees entirely. Most of the services performed by the Government officers for which fees are collected are not especially beneficial to the ship-owner, but are for the protection of the revenue, or of the public, or of the seamen, or for statistical purposes, and there is no good reason why the ship-owners should bear the burden.

That is the reason given by the Treasury Department why these fees should be abolished.

Mr. HENDERSON, of Iowa. Then this change is not made at the request of the ship-owners?

Mr. DINGLEY. Of course ship-owners desire that this should be done. They feel that these are burdens that ought not to be put upon them.

Mr. HENDERSON, of Iowa. But the change, I understand, is proposed wholly for the benefit of the Government.

Mr. DINGLEY. The services for which these fees are now collected being required for the protection of the revenue, and for the protection of the public interest, it is proper that the Government pay for such services of its own officers, and not impose their compensation as a charge upon vessels.

Mr. ANDERSON, of Kansas. Mr. Chairman, as I understand the gentleman's statement, it would amount to this, that the Government, in order to protect the people, find it necessary to collect certain fees or dues and to collect them from ship-owners. Now the Government officers are for the protection of the public——

Mr. REAGAN. Will the gentleman from Maine [Mr. DINGLEY] let me say a word just here?

Mr. DINGLEY. Certainly.

Mr. REAGAN. Mr. Chairman, there is a broader view of this question, which I have no doubt influenced the action of the committee, and if brought to the attention of the House will doubtless influence its action also. It is a fact that we have been losing our carrying trade, and it is desirable to recover it in order that our American seamen may be kept in training and employment.

The English Government, in securing to so large an extent as it has secured the carrying trade of the world, has removed nearly all kinds of burdens from its ships. I can see from this bill that the committee which reported it is moving in the same direction, and while this measure will not accomplish all that is desirable or necessary, it will do something toward regaining our ocean carrying trade and our ship-building trade.

Mr. ANDERSON, of Kansas. Mr. Chairman, as I understand it, these dues are chiefly collected from our internal commerce. I will ask the gentleman from Maine [Mr. DINGLEY] to state whether that is the fact, or whether they are collected from foreign vessels.

Mr. DINGLEY. I may say, Mr. Chairman, for the information of the House that this bill does not propose the abolition of fees upon any foreign vessel. It relates solely to vessels of the United States.

Mr. KING. It relates to American vessels on rivers as well as those engaged in the coastwise trade.

Mr. DINGLEY. Certainly.

Mr. ANDERSON, of Kansas. In section 3, line 6, I observe that it is proposed to amend the act of 1884 by inserting this provision:

Or to an original creditor in liquidation of any just debt for board or clothing which he may have contracted prior to engagement.

That amendment refers, I suppose, to seamen, boarding-houses, and shipping agents.

Mr. DINGLEY. What is known as the Cox section of the act of 1884 prohibited the payment of advance wages and also an allotment of wages yet to be earned to any person, except a relative of the seaman, his wife, his children, his mother, or some other relative. It has been found, or it has been represented, that there are many cases where seamen have contracted just debts for board and clothing, and petitions have come in that the law may be amended so as to permit such allotments to extend to any just debt for board or clothing, the matter to be under the supervision of the shipping commissioner. This provision was unanimously passed in the Forty-eighth Congress.

Mr. HEWITT. It is only for one month's pay, anyhow.

Mr. DINGLEY. One month for board and one month for clothing.

Mr. ANDERSON, of Kansas. As I understand, the Cox amendment sought to protect the seamen against the "sharks."

Mr. DINGLEY. Yes, sir; and that is the object of this amendment.

Mr. ANDERSON, of Kansas. Now, does this proposition so modify that provision as to place the seaman in the hands of that gang? If it does, I am against it. The ordinary seaman and his interests do not appear much on this floor; but the interests of these boarding-house "sharks" and of the shipping men can generally be made to appear. Now, I ask my friend—and I know he will give us accurate information—to state what the effect of this amendment, if adopted, will be upon the sailor in a boarding-house or out of it, shipping for a voyage?

Mr. DINGLEY. My own judgment about the matter, as expressed when this measure was originally under consideration in the Forty-eighth Congress, was that while the object of all these restrictions is a highly commendable one, yet practically it is exceedingly difficult to protect any man who does not show a disposition to protect himself; still it has been the policy of all nations to throw as much protection as possible around the seaman on the ground that he is a ward of the Government, so to speak—not having a permanent home, and therefore not being in a position to protect his interests as the ordinary citizen can.

The Cox section, so called, of the act of 1884, prohibited absolutely the payment of advance wages under any circumstances. But in practice it has been found, as it also has been found in Great Britain, where there has been similar legislation, practically impossible to enforce a law drawn thus closely. Hence, in accordance with petitions not only from owners of vessels but also petitions from seamen themselves, the committee have broadened out the objects for which an advancement of wages or an allotment of wages to be earned may be made, namely, that it shall be confined to a just debt for the board of a seaman or a just debt for clothing actually furnished, and that it shall be limited to one month's advance pay with reference to clothing and one month's pay with reference to board.

Mr. HENDERSON, of Iowa. How much was it under the Cox amendment?

Mr. DINGLEY. That provision did not allow advance wages at all. That provision has proved almost a dead-letter, because of the impracticability of enforcing it; and therefore, after conference, the various par-

ties have thought that by broadening out in this direction the law might be enforced and might prove, what it is not now, some protection to the seaman.

Mr. ANDERSON, of Kansas. One other question. Section 8, I suppose, would apply simply to ports in the United States and passengers carried between such ports.

Mr. DINGLEY. Yes, sir; the gentleman is right as to that.

Mr. ANDERSON, of Kansas. But suppose there was a port, for instance, below Niagara Falls, this provision would not apply as between the American shore and the other?

Mr. DINGLEY. The provision in this section has reference to a vessel going from one port of the United States to another port. Other provisions of law apply to such a case as that supposed by the gentleman.

Now, Mr. Chairman, if there are no other questions I will yield the floor. But as this bill covers a large number of minor details which can be better considered when the committee come to consider the bill by sections under the five-minute rule, my hope is, in view of the short time we have for its consideration to-day, that the general debate may be as brief as possible, in order that the committee may take up the bill in detail.

Mr. O'NEILL, of Pennsylvania. I desire to state to the gentleman that I have an amendment to offer to the fourth section.

Mr. DINGLEY. When we reach that section the amendment can be offered.

Mr. Chairman, I ask unanimous consent that we now proceed to consider this bill by sections.

The CHAIRMAN. If there be no objection, general debate on the bill will be closed and the Committee of the Whole will proceed to consider the bill by sections.

There was no objection, and it was ordered accordingly.

The first section was read, as follows:

Be it enacted, &c., That on and after July 1, 1886, no fees shall be charged or collected by collectors or other officers of customs, or by inspectors of steam-vessels or shipping commissioners, for the following services to vessels of the United States, to wit: measurement of tonnage and certifying the same; issuing of license or granting of certificate of registry, record, or enrollment, including all indorsements on the same and bond and oath; indorsement of change of master; certifying and receiving manifest, including master's oath, and granting permits; granting certificate of payment of tonnage dues; recording bill of sale, mortgage, hypothecation, or conveyance, or the discharge of such mortgage or hypothecation; furnishing certificate of title; furnishing the crew-list, including bond; certificate of protection to seamen; bill of health; shipping or discharging of seamen, as provided by title 53 of the Revised Statutes and section 2 of this act; apprenticing boys to the merchant service; inspecting, examining, and licensing steam-vessels, including inspection certificate and copies thereof, and licensing of master, engineer, pilot, or mate of a vessel; and all provisions of laws authorizing or requiring the collection of fees for such services are repealed, such repeal to take effect July 1, 1886. Collectors or other officers of customs, inspectors of steam-vessels, and shipping commissioners who are paid wholly or partly by fees shall make a detailed report of such services and the fees provided by law to the Secretary of the Treasury, under such regulations as that officer may prescribe; and the Secretary of the Treasury shall allow said officers such compensation for said services as each would have received prior to the passage of this act: *Provided*, That such services have, in the opinion of the Secretary of the Treasury, been necessarily rendered.

Mr. DINGLEY. By direction of the committee I offer an amendment to make clear what otherwise might be subject to some misapprehension.

The Clerk read as follows:

Amend section 1 by striking out, in line 12, the words "granting permits," and inserting the word "permit;" also, insert after the word "permit" the words "granting permit to vessel licensed for the fisheries to touch and trade."

The amendment was agreed to.

Mr. HEWITT. Mr. Chairman, for the purpose of making a brief statement I move to amend by striking out the last word. A number of my constituents are large owners of vessels, and are interested in being relieved from as many charges as possible. Perhaps, therefore, if I had regard simply to the interests of that portion of my constituents I ought not to call the attention of the House to what I think is a stretch of legislation possibly beyond what the House may intend in this first section.

Some of the services included in this section are purely governmental—the discharge of governmental functions, looking to the interest of the Government, and not to the benefit of the ship-owner. In those cases, it seems to me, the tax should not be imposed upon the ship, but the Government should assume it. But other things purely for the benefit of the ship-owner himself; for example, recording bill of sale, mortgage, hypothecation, or conveyance, or the discharge of such mortgage or hypothecation, furnishing certificate of title, certificate of protection to seamen, bill of health, inspecting, examining, and licensing steam-vessels, including inspection certificate—these are services merely for the benefit of the ship-owner. They correspond exactly to the services rendered by the county clerk or the register or recorder who records a deed or mortgage or who puts a satisfaction piece or release on record. Those are proper charges upon the ship and ship-owner beyond all doubt.

Now, the only excuse for removing these charges is that you want to help the shipping trade, which is now in distress. It is perfectly true, Mr. Speaker, the shipping interest is in distress. It needs and ought to have relief, and so far as this House can give such relief I shall be glad to extend it. But it seems we ought not to proceed without making a distinction between these two classes of things. This relief is given to the coasting trade and to American vessels—I should say to American vessels, and those only engaged in the coasting or inland trade, of which they have a monopoly. There is therefore no ground upon which relief should be given to this American interest except it may be the general desire to afford the shipping interest a chance. I share in that as much as anybody. I do not propose to offer any amendment to strike out these items, but I simply want the House to proceed with a full knowledge of the nature of the legislation they propose to enact.

Mr. DUNN. Let me ask the gentleman from New York a question.

Mr. HEWITT. Certainly.

Mr. DUNN. Does he not think that a bill of health is a service for the public security—that it is more for the public benefit than for the benefit of the owner of the vessel?

Mr. HEWITT. On the contrary, if I owned a vessel, or was responsible for its voyage, I should want to be dead sure before it went out to sea that every man on it was in condition to do his full duty, first, because he was a well man; and secondly, because if a contagious disease broke out on shipboard it would ruin the voyage beyond recovery.

Mr. DUNN. No doubt every ship-owner would have that interest, but the public is far more deeply concerned than any individual owner against the spread and dissemination of contagious diseases.

Mr. HEWITT. I wish to call the attention of the gentleman from Tennessee to the fact that while his criticism as to the bill of health, if I had a doubt on the subject, might be sufficient, it does not, nevertheless, apply to recording bills of sale, mortgages, hypothecations, or conveyances, or the discharge of such mortgages or hypothecations.

Mr. DUNN. On the contrary, I think it does, because the Government, for the purpose of keeping the control of all vessels as to registration, requires to have the control of all these papers. It requires to know all the time where the vessel is sent and what for. It is required, therefore, that the bill of sale, mortgage, hypothecation, or conveyance, or the discharge of such mortgage or hypothecation, shall be made in the nearest customs district.

The SPEAKER. The time of the gentleman from New York has expired.

Mr. HEWITT. I will merely say that will apply to every case of conveyance of private property. The public is interested in one way, but the individual is interested much more.

Mr. PARKER. I wish to inquire of the gentleman having charge of the bill whether the provisions of section 4834 of the Revised Statutes are covered by the language of the twenty-second line?

Mr. DINGLEY. In response to the inquiry of the gentleman from New York, I will say it does cover the charges imposed on vessels of the United States unless their abolition would work the abolition of similar charges upon foreign vessels. The design of the committee is to sweep away all these charges on vessels of the United States where it can be done without relieving foreign vessels from the same charges.

Mr. PARKER. Mr. Chairman, I move a formal amendment with the view of saying a few words in reference to this bill. As my colleague [Mr. HEWITT] has said he has some concern with reference to the bill, permit me to say that I also have. But my concern goes in a contrary direction. While I am thankful to the committee for the bill given us, I can not but recognize the great reforms that lie beyond that many of us would like immediately to reach. This bill aids to some extent. It helps a little, and goes a short distance in the right direction of raising the burdens upon our shipping; but there are so many burdens beyond that ought not to be on our shipping interests that I have no hesitancy in saying that those situated as I am only accept the bill as a limited movement in the right direction. I deem it my duty in the interests of a large class of my fellow-citizens to support this bill. I only wish that it went further in removing the embarrassments which rest upon and hamper our trade.

Mr. MILLS. But other bills will be coming on in the same direction.

Mr. PARKER. I trust the gentleman will assist in sending us other bills from the committee to remove obstructions to trade, some of which oppress the lake and river trade and ought to be done away with.

When I see that a single tow of a half-dozen barges coming across the St. Lawrence River to bring freight from Canada to New York is compelled to pay a tax of $2.50 on every barge to the consular office at the port of shipment as often as the tow may come across—sometimes being four or five times a week—I understand that there is something wrong in our shipping laws which makes such a tax possible.

Also, Mr. Chairman, when I see the wreckers of Canada allowed to go in to our northern rivers and lakes where an American vessel may be wrecked and assume the privileges and benefits of removing freights and raising the wreck in our waters while aid to American vessels by American wreckers is prohibited in Canadian waters; when we see an American vessel, wrecked in Canadian waters, even though convenient to our ports or shores, prohibited from receiving aid from an American wrecker, but must be allowed to go to pieces, with the destruction of the vessel and cargo, while waiting till assistance can be obtained from a Canadian wrecker, I submit that when such a state of things as this exists we must recognize the fact that some reform is needed in our shipping laws. And so I might call attention to many other provisions in which the law is in need of amendment.

The theory of our legislation seems to have been to tax ships and tax commerce and tax business wherever it could be reached in these relations, while upon the other side of our northern rivers and the great lakes Canada, following the course of Great Britain in this direction, has made its shipping practically free. Their charges are nothing, and the government supports in every possible way the ship-building and the ship-owning interests of Canada. Therefore, while I am ready and glad to support this bill, and will not interfere to embarrass it in any manner, I yet hope that the committee having these matters in charge will so continue their labors as to give further assistance in regard to this important branch of our national interests.

Mr. DINGLEY. Mr. Chairman, in response to my friend from New York, I wish simply to say that the committee have other measures looking in the direction he suggests for the relief suggested, and they hope to be able to report some of them at an early day. I am entirely of the opinion that all of these unnecessary charges and burdens should be removed.

The SPEAKER. The Clerk will read the next section.

Mr. ANDERSON, of Kansas. Mr. Chairman, I wish to say a word in regard to this section of the bill, and move to strike out the last word for that purpose. As I understand from the reading of the bill these fees for "recording of bills of sale, mortgages, hypothecation, or conveyance, or the discharge of such mortgage or hypothecation," &c., are repealed. I wish to ask if there is any record required of that mortgage? In other words, this would be like a bill of sale of a farm, to be recorded in the county clerk's office, as I understand?

Now I do not exactly see why the United States Government should pay for that service. That is a little different in principle from lifting a burden upon shipping. That is a fee which stands to the owner as a benefit accruing to him, and has relation to his title. I have a general idea that when a demand is made here—and I am glad of it—to free shipping from burdens and commerce from burdens, we should treat property in ships, vessel property, as a vehicle of commerce, and place it upon the same footing that we would treat real estate, horses, and everything in the shape of property in the United States. And I wish to say that I will go as far as any one else in seeking to restore the carrying trade of the United States by American vessels. I do not propose in doing that to place a class of property upon the sea at an advantage over other property in the United States, and while removing the burden from shipping undertake to give it privileges which you will not give to other classes of property.

I do not see why the tax-payer of the United States shall, through the United States Treasury, pay for the record of a bill of sale of a vessel. It seems to me that is carrying it a little bit too far; and I have got a general idea that there are several of that class of things here.

Mr. CUTCHEON. I desire to ask the gentleman from Kansas the question, Of what interest or benefit is it to the owner of a vessel to have a bill of sale or mortgage recorded?

Mr. ANDERSON, of Kansas. I should think about the same interest as it would be to the man who sold a horse.

Mr. DUNN. Just about the same; and that is not necessary or required by the law of any State or country.

Mr. ANDERSON, of Kansas. The gentleman's point, then, is that the whole thing is useless?

Mr. DUNN. The public law requires that record to be made in the nearest customs district for public purposes—for the purposes of the Government in following the vessel and its ownership.

Mr. ANDERSON, of Kansas. I supposed that it was required for the reason that the vessel is movable property. It is not simply for the benefit of the Government. The man who takes the mortgage has an interest.

Mr. DUNN. It has nothing to do with mortgages.

Mr. HENDERSON, of Iowa. We are encouraging by these provisions transportation by water in the interior of the country.

Mr. ANDERSON, of Kansas. And likewise the Pacific Mail Steamship Company.

Mr. HENDERSON, of Iowa. No, sir; and we are thereby providing a safety-valve against railroad monopoly.

Mr. ANDERSON, of Kansas. I am obliged to the gentleman for his suggestion. I want to give to our foreign commerce and our home commerce, wherever it can be, relief from monopoly; but I do not want to give to the Pacific Mail Steamship Company or the Morgan Steamship Company down South or any other concern relief from a burden on property under the guise of free commerce which would not be given to any other class of property in the United States.

[Here the hammer fell.]

Mr. HENDERSON, of Iowa. I move to strike out the last three words, for the purpose of saying a word or two. I live on the Mississippi River, and am interested in encouraging the shipping interests on the Mississippi River. When the waters of the Mississippi River are open the cost of transportation to my people to the East and the West drops very perceptibly, and our shipping interests in the interior need just as much encouragment as the other shipping interests do. I appeal to my friend from Kansas [Mr. ANDERSON], who stands on this transportation question like a head-light in front of an engine, to tumble gracefully with us on this occasion and help to relieve water-transportation interest and encourage it in order that it may successfully compete with the iron horse that treads so ruthlessly on the interests of the people.

Mr. ANDERSON, of Kansas. I agree with the desire expressed by my friend from Iowa, and would like to see the navigation of the Mississippi and the commerce on it facilitated. But I have not forgotten the time when it was attempted to run a line of barges from Kansas City to New Orleans. Mr. Gould's railroads put on a barge line at lower rates and ran out the other line.

Where there is a possibility of securing lower rates I am for it, but I do not want under that guise to be led into doing a lot of things which I otherwise would not do. My difficulty about this provision and some others is to know how many mice are in there.

Mr. HEWITT. I have an amendment which I desire to propose to the pending section, and I hope the gentleman from Maine [Mr. DINGLEY] will see his way clear to accept it. The only question I suppose is whether it would be germane or not.

Mr. DINGLEY. I reserve the point of order.

Mr. HEWITT. I send the amendment to the desk.

The Clerk read as follows:

Add at the end of the section the following:

"*Provided further*, That only one consular certificate shall be required on any one tow of canal-boats or barges when trading between any port of the United States and any port in the Dominion of Canada."

Mr. HEWITT. That amendment would prove a great benefit.

Mr. DINGLEY. I reserve the point of order. I want to say, personally I have no objection to the object which the amendment has in view. But it was the intention of the committee to reserve that and a number of other subjects relating to navigation on the lakes for another bill. If, however, there is no other member of the committee who objects, I will not object.

Mr. BURLEIGH. I hope the gentleman from Maine will not object to this. It is very important.

Mr. DINGLEY. The committee will make no objection.

The amendment was agreed to.

Mr. HOLMAN. I submit another amendment to go in at the end of the section following that which has just been adopted.

The Clerk read as follows:

Provided, however, That no collector or other officer of customs, inspector, or shipping commissioner shall receive from the Treasury of the United States any salary, fees, or other compensation for services connected with his office above enumerated a greater sum in the aggregate than $6,000 per annum, except the collector of the port of New York, whose salary and compensation in the aggregate shall not exceed $12,000 per annum.

Mr. DINGLEY. I reserve the point of order.

Mr. HOLMAN. I do not see how the amendment can be subject to a point of order, inasmuch as it is a question of compensation. I wish to call the attention of the gentleman from Maine to the fact that I introduced this proposition without being exactly certain about it; but on examining the various statutes touching compensation of collectors of customs and other officers connected with that service I find there is so much confusion in them that I am very apprehensive by these general provisions we are running the risk of very materially increasing the compensation of public officers connected with that branch of the service.

Twelve thousand dollars is the present salary of the collector of the port of New York, and that I would leave as it is. The salaries of two or three others—I think the salary of the collector of Philadelphia and possibly that of the collector of New Orleans—exceed $6,000. But it is generally admitted, and has been so reported to the House repeatedly by the Secretary of the Treasury, that the matter of the compensation of the officers in this branch of the public service is in a very unsatisfactory condition. Many of the salaries are extravagantly high, and if we should make these salaries correspond in some degree to the compensation paid by the Government to like officers in other branches of the service, probably $6,000 would be about the proper amount. I wish to say to the gentleman from Maine [Mr. DINGLEY] that I offer this amendment merely out of abundant caution, for I would regret very much, and so should we all, in the present condition of the service, if a year hence it should be found that we had inadvertently opened up opportunities for increasing the compensation of these officers beyond what they are now paid.

Mr. DINGLEY. Mr. Chairman, I will say to the gentleman from Indiana [Mr. HOLMAN] that there can not be any increase of salaries under this bill. It is impossible.

Mr. HOLMAN. I am not certain that there can be, but I desire to guard against any such chance.

Mr. MILLS. Mr. Chairman, I suggest to the gentleman from Indiana [Mr. HOLMAN] that as there are only a few minutes of the hour now remaining and he can discuss his amendment at another time, I propose to move that the committee rise.

Mr. DINGLEY. Mr. Chairman, reserving the point of order on the amendment proposed, I move that the committee now rise. Before the question is put, however, I desire to give notice that, this bill going now on the Calendar as unfinished business, I shall move at the first opportunity that the House resolve itself into Committee of the Whole for the purpose of considering the unfinished business. I now move that the committee rise.

Mr. O'NEILL, of Pennsylvania. I ask the gentleman from Maine [Mr. DINGLEY] to withhold his motion for a moment in order that I may offer an amendment to this bill.

Mr. DINGLEY. The gentleman can offer his amendment and have it printed in the RECORD.

Mr. O'NEILL, of Pennsylvania, offered the following amendment:

Strike out of section 4, after the word "navigation," at the end of line 11 and beginning of line 12, the words "but shall not apply to any" and insert the words "including canal-boats, barges, and lighters."

The motion of Mr. DINGLEY was agreed to.

The committee accordingly rose; and the Speaker having resumed the chair, Mr. CRISP reported that the Committee of the Whole House on the state of the Union had had under consideration a bill to abolish certain fees for official services, and had come to no resolution thereon.

ORDER OF BUSINESS.

Mr. MORRISON. Mr. Speaker, I move that the House resolve itself into Committee of the Whole House on the state of the Union for the purpose of taking up a tax-bill.

Mr. BUTTERWORTH. Mr. Speaker, I wish to ask the chairman of the Committee on Ways and Means a question before the vote is taken upon his motion. I do not understand that he desires to dispose of the bill at this time.

Mr. MORRISON. Mr. Speaker, I will say to the gentleman that I desire to dispose of this bill at the earliest possible moment; but I understand that the gentleman from Texas [Mr. MILLS] wishes to speak to the bill, and that will consume the balance of the day, so that it will not be disposed of to-day.

The motion of Mr. MORRISON was agreed to.

The House accordingly resolved itself into Committee of the Whole on the state of the Union, Mr. HAMMOND in the chair.

The CHAIRMAN (Mr. HAMMOND). The House is in Committee of the Whole for the purpose of considering revenue bills. The Clerk will report the first bill.

The Clerk read the bill, as follows:

Be it enacted, &c., That in lieu of the existing law taxing certain fractional parts of a gallon of distilled spirits and exempting from taxation certain other parts of a gallon, all fractional parts of a gallon of distilled spirits produced on or after the 1st day of May, 1886, shall be taxed; and the Commissioner of Internal Revenue shall thereafter assess, monthly, against each distiller, owner, or person having them in possession, a tax of 90 cents upon each proof-gallon, or wine-gallon when below proof, which the fractional parts of a gallon contained in casks or packages of distilled spirits produced by such distiller on or after said 1st day of May, 1886, and withdrawn from distillery warehouse or from special bonded warehouse upon payment of tax, or upon which the tax has otherwise become payable, during the preceding month, may aggregate, together with the proportionate tax upon any final fraction of a gallon beyond the number of full gallons aggregated; and the Commissioner of Internal Revenue, with the approval of the Secretary of the Treasury, shall make such regulations and prescribe such warehousing bonds as are needful to carry this law into effect. All assessments made under this act shall be a lien on all distilled spirits on the distillery premises, the distillery used for distilling the same, the stills, vessels, fixtures, and tools therein, the tract of land whereon the said distillery is located, and any building thereon, from the time such assessment is made until the same shall have been paid.

Mr. MILLS. I offer an amendment, which I send to the Clerk's desk to be read.

The Clerk read as follows:

At the end of the bill add: "And all taxes imposed by this act shall be paid in standard silver coin."

[Laughter.]

Mr. MILLS. Mr. Chairman, in 1878 Congress passed a law authorizing the limited coinage of standard silver. Ever since that time there has been a constant demand for its repeal. Within the last twelve months associations of national bankers, cotton exchanges, and boards of trade have been very active and zealous in their efforts to create a public sentiment that would compel Congress to retrace its steps. They charge that the country is perilously near the edge of a great financial crisis; that if we continue to coin silver as we have been doing, gold will leave the country, and that we will be flooded with the cheap silver of foreign countries. They charge that the dollar which we are coining under the act of February 28, 1878, is a dishonest dollar, and that every creditor is defrauded who is compelled to accept it. These are grave charges, and I propose to consider them in the order in which I have stated them.

Is it true that gold will leave the country if we continue to coin silver? It was Patrick Henry who said that he had but one lamp by which his feet were guided, and that was the lamp of experience.

I propose to test these propositions by the rays of light that are thrown from that lamp on our pathway.

It was predicted by all the friends of scarce money when we were passing this law that gold would begin at once to leave the country and that the cheap silver of foreign countries would begin to be unloaded on us. The law has been in force eight years; what has the lamp of experience revealed? The very first year after the law was passed we imported more gold than we exported. We have coined $218,000,000 of silver dollars, and gold has continued to come to us, and during the eight years we have imported largely more than we have exported. When this law was passed we had $218,000,000 of gold coin in the country; we have now about $600,000,000. Does that look like gold was leaving us? It is a curious fact that from the opening of the mines of California to the passage of the law of 1878 we were constantly exporting more gold than we were importing, and since that time we have been constantly importing more than we have been exporting. During the last eight years we have coined more gold than our mines produced. It was not the cheap silver but the cheap gold that has been dumped upon us. I do not wish any one to understand me as contending that the importation of gold was in any way caused by the limited coinage of silver. I assert nothing of the kind. Gold is directed in its movement by the same inflexible laws that direct the movement of cotton, wheat, and corn. It always goes from the lowest to the highest market for itself, and from the highest to the lowest market for the commodity for which it is to be exchanged. We see that gold has been coming from foreign countries, and we know that it came to buy wheat and cotton and provisions, because they were cheaper here than they were in Europe. The lamp of experience shows that gold found it profitable to come from Europe and buy our cheap agricultural products. We still have it, and will retain it until prices are lower in other countries, and then it will begin its movement from us until its withdrawal from our markets makes prices low again, and then it will stop its outward movement. Just in proportion as it leaves the country, and its volume grows smaller prices will decrease, and a level of prices between this and other countries will be reached, when its exodus will cease. So that there is no danger that gold will leave this country.

But for what will gold leave us? When we look over the whole field of our trade what article is it for which gold will go abroad? Will it go for silver? Why, silver is dearer in Europe than it is here. Every kind of silver is higher in Europe, higher in India, higher in every country on the earth than it is here, whether it is coined silver or manufactured silver or bullion silver. Then it can not go for silver. It can not go to Europe to buy something that is higher there than here and bring it here to be sold at a loss. What will it go for? Will it go for cotton? We ship about two hundred and fifty million dollars' worth of cotton every year. We produce a surplus of cotton, and it can be bought cheaper here than in Europe. Gold will not go abroad for cotton; it will not go abroad for wheat; it will not go for petroleum; it will not go for provisions.

Then for what will it go? It will certainly not go as a gift. Our gold-owners are not so philanthropic as to give away $600,000,000 in gold. If they send it away they must have something in exchange for it, and I want some of the alarmists to tell me what gold is going for. It can only go for such articles as are produced at a less cost in other countries than here, such as coffee, tea, sugar, and manufactures. We import seven or eight hundred millions of such commodities, but does gold go to pay for them? It never has, and it never will. Why? Because we pay for them with commodities which they want, and which we produce cheaper than they do. They can not eat gold nor wear it, and if they had all our gold they would send it to us for bread and meat, as they did in 1879 and 1880. We pay for all our imports with the commodities we export, and then have a surplus of a hundred or more millions, which we apply to our foreign debt. There is no evidence and none can be produced to show that gold will leave this country as a consequence of silver coinage, and the history of the last eight years demonstrates the truth of that proposition.

Now, the next question is, will we be flooded with the cheap silver of other countries? Are we to be buried in a sepulcher of this bright and beautiful metal? Suppose the silver of other countries were all sent to us. Would it be a curse instead of a blessing? If money is a curse, why is all the world struggling to get it. Now, I am going to demonstrate to you that this prediction is as groundless as the other. Silver is higher in Europe than it is here, and can only come here at a loss. Last year the annual average value of a gold dollar in silver bullion in New York was 451.9 grains of fine silver. That makes 1 ounce of fine gold equal in value to 19½ ounces of fine silver. There is in round numbers three billion dollars' worth of coined silver in the world. It is coined in different countries at different ratios. In France, Germany, Switzerland, Italy, Greece, and Spain it is coined at 15½ ounces of silver equal to 1 ounce of gold. In England, 14.28 to 1; in Portugal, 14.9 to 1; in the Scandinavian states, 14.88 to 1; in Austria-Hungary, 15.3 to 1; in Russia and India, 15 to 1. All this silver is legal tender and fully invested with debt-paying power. In some countries it is limited tender, in others full tender, but in all it is money, and the relative amount as fixed by the coinage laws of the several countries will buy as much, exchange as much, and pay as much as the equivalent in gold. In Germany and the Latin states 15½ ounces of silver will pay as much and buy as much as 1 ounce of gold. In Russia and India 15 ounces of silver will buy and pay as much as 1 ounce of gold, and so with all the rest. In each one of these countries silver is money, and has the monetary value conferred on it by law, but when it leaves the jurisdiction of the government that issues it and invests it with monetary functions, it leaves its monetary value behind it and becomes a mere commodity. Does any one deny this?

The Secretary of the Treasury is required by law to fix the value of all foreign coins, and that value is determined in silver-standard countries by the value in open market of the metal contained in the coin, and not according to the monetary value given to the coin by the law of the country that makes it. The florin of Austria is worth at home

48 cents in gold, but it is only worth here 37 cents. The rupee of India is worth 47 cents at home, but it is only worth 35 cents here. The yen in Japan is worth 99 cents; it is worth only 81 cents here. Within the jurisdiction of the country that coins it silver has a value given it by law, but when it gets beyond the protection of that government it loses that value and takes only such value as is accorded it on the open market of the world. France has a stock of silver worth in gold at home $553,000,000. If she should withdraw that silver and send it here for sale it would be worth $401,000,000; she would lose $152,000,000.

Belgium has a stock of silver worth $54,000,000 at home and $40,000,000 here. She would lose $14,000,000. Italy, Switzerland, Greece, and Spain, coining at the same relative value, would lose $24,000,000. Austria would lose $18,000,000, and India would lose $285,000,000. Has any nation ever embarked in such an enterprise? And yet we are told that all these countries are going to withdraw all their silver and dump it on us, to the incalculable injury of our people, and at a loss to themselves of more than $550,000,000. They are so anxious to take advantage of our stupidity that they will withdraw all the silver from circulation where every 15½ ounces is worth 1 ounce of gold and bring it here and sell 19½ ounces for 1 of gold and lose 4 ounces of silver in every 1 of gold. India is the greatest of all the silver-owning countries. She is to withdraw her $1,300,000,000 and dump it down on us at 19½ ounces of silver for 1 of gold, when 15 ounces of silver at home will buy 1 ounce of gold; and she is going to do all this at a loss of $285,000,000. Now, is not that proposition perfectly absurd? [Applause.]

You must remember that of the great stock of silver in the world the great body of it is coin. The mints are the great consumers of silver and there is no place where we can get any large amount of silver unless we extract it from the circulation of other countries. Now I have proved, I think, conclusively that silver can not be withdrawn from other countries and brought here. What has been our experience in the last eight years? All the time we have been threatened with the silver deluge. When we began to coin silver in 1878 we had $65,000,000 of silver coins in the country. We have coined since then $218,000,000 of silver dollars and $10,000,000 of fractional coins and ought to have now $293,000,000 of silver coins. The report of the Director of the Mint shows that we had in the country on the 1st day of January, 1886, $293,293,873.

We have just got what we have coined for our own use, and while we have only coined what we were permitted to do, and having a large surplus, the product of our mines, we have been constantly exporting more than we have imported. The lamp of experience has played sad havoc with the predictions of the prophets. Experience shows that gold is higher here and silver is higher in other countries. Twenty-three and twenty-two one-hundredths grains of gold will buy 451.09 grains of silver here; it will only buy 359.91 grains in Germany and the Latin states, 326.93 grains in Portugal, 345.51 grains in the Scandinavian states, 355.26 in Austria, 348.30 in Russia, and 331.58 in England. Our gold dollar, the equivalent in value of 451.09 grains of silver, is worth 100 cents here; it is worth 79.8 cents in Germany and the Latin states, 72.5 cents in Portugal, 76.5 cents in the Scandinavian states, 78.7 cents in Austria-Hungary, 77.2 cents in Russia, and 73.5 cents in England.

Gold will purchase more silver here than in any of these countries, and silver will purchase more gold there than it will here; therefore gold will not go there to exchange for silver and silver will not come here to exchange for gold—451.09 grains of silver, which is worth $1 here, is worth by the laws of Germany, France, Belgium, Italy, Greece, Switzerland, and the Netherlands $1.25, in Russia $1.30, Scandinavian states $1.30, Portugal $1.38, Austria-Hungary $1.27, and England $1.36. It is evident from these figures, which I have from official sources, that we may repress our alarms about the exodus of gold and the silver-dumping business.

It may be contended that there is a large stock of silver not coined that may be dumped upon us. My reply is that it is in manufactures and more valuable than the coin; and if the coin can not be imported on account of its value neither can the manufactures of silver. Every day coined silver is melted down in this and other countries to be worked up in manufactures. That would not be done if the manufactures were not more valuable than the coin. When that is done the highest skilled labor is put upon it and its value is in proportion to the amount of that labor. A silver cup or pitcher or spoon or watch is worth five times as much as the metal contained in it. A silver cup worth ten, fifteen, or twenty dollars, if melted down would not perhaps contain fine silver equal in weight to one dollar. Now, that silver is not going to come here to be coined. A blind man can see that.

Now what other silver is to come? There is some silver bullion. The last year's product is estimated at its coinage value at $115,000,000; $45,000,000 is estimated annually must go into the arts. That leaves $70,000,000 for the coinage of the world. India has taken on an average about $20,000,000 per annum for the last twenty years, and if none of the other countries took any we could coin $50,000,000 and keep it at par with gold. But every year there is some silver coined by other peoples. There was $90,000,000 coined in 1884, of which $28,000,000 was ours. But if all the mints in the world were closed but ours, we could coin the world's product and keep it at par with gold as long as the two metals are produced in proportions so nearly of the same value. The production of the two metals have kept near each other for centuries; they are still near each other. The last year's product of gold was $95,000,000, while silver was $115,000,000; but gold, in the circulation of the world, is yet $300,000,000 more than silver. Besides, the demand for the consumption of both metals in the arts is annually increasing.

The annual consumption of gold in the arts is estimated at $75,000,000 and silver at $45,000,000. If silver is driven from circulation we have to depend upon the residue of $20,000,000 of gold to keep the world's circulation abreast of the enormous annual production of the world's labor. If all of both metals were coined the supply would not be too great. There is no reason why silver should not be kept at par with gold here unless the production of one of the metals should materially decrease, and then they could be kept at par by changing the ratio. If silver and gold are at par now in their coinage value while gold exceeds silver in the circulation $300,000,000, why should they not be at par if silver exceed gold by that amount?

We can never be flooded with silver bullion from any country because it is cheaper here than elsewhere. Of the annual product of the world in 1884 of $115,000,000, the United States, Mexico, and Bolivia produced more than $100,000,000; and after consuming what they wanted for home purposes they exported the balance to hunt higher markets. Now, I ask, where is the cheap silver to come from that is threatening us with a financial crisis? It is not in the world.

The next is that our dollar is a dishonest dollar; that it is an 83-cent dollar, that it is a clipped dollar. I heard it called on this floor eight years ago in the discussion of this question by all of these bad names, and yet by the authority of the laws of the United States it is invested with a monetary function just the same as the gold dollar.

Now, if there is anybody in this House or outside of it who believes in his heart that it is an 83-cent dollar, if he will advertise that he will supply all that are wanted at 83 cents and sell them for gold dollars at 100 cents, he will soon see demonstrated the truth of the old aphorism, "The fool and his money soon part company."

Why, sir, if the Secretary of the Treasury should advertise in the New York papers to-day that he will sell all the silver dollars in the Treasury at 98 cents on the dollar, there would be a rush in New York by the gold men to get to the trains and come to Washington to exchange their gold dollars for the silver and make the profit of 2 per cent. This would be $2,000,000 profit on $100,000,000. The silver dollar goes all over this country from one man's pocket to another without question. It performs the same functions, it pays the same debts, and will buy the same commodities that a gold dollar will. It will discharge, within the jurisdiction of the United States, every solitary function which can be performed by the gold dollar or by any other dollar issued or protected by the authority of the Government of the United States. Why? Simply because it is a legal tender in payment of debts; it is a dollar clothed with monetary functions. In that case additional value is given to it from the fact that every creditor is bound to take it when it is tendered to him in payment of his debt. Now, sir, if it be true that our silver dollar is overvalued and that it is only worth 83 cents, why is it that in 1853, when we coined our fractional silver at 347.13 fine grains of silver in two half-dollar pieces when the standard dollar was 371¼ grains, we never heard that they were dishonest? I say why was not some outcry raised by all of these people who are protesting against smirching the honor of our country in supporting what they say is a dishonest dollar? Why is it that for twenty-five or thirty years this fraudulent coin has been allowed to go all over the country discharging all debts, paying all obligations on a par with gold, passing from pocket to pocket, and yet there never has been a doubt or a suspicion raised by any one as to its character?

Why, sir, within the last few months the national bankers, the men from whose offices this accusation has come, in their patriotic devotion to the Government of the United States, finding the Government, as they said, on the perilous edge of ruin and bankruptcy, tendered $6,000,000 of gold from their vaults, and stipulated with the Government of the United States that they should be paid in the fractional coins. Do you suppose these gentlemen would have made any such agreement if they had supposed they would have lost by it? These fractional coins in bullion value are worth 77 cents on the dollar; they would have lost 23 cents on every dollar. Do you suppose that patriotic as they are, philanthropic as they are, with all the good motives that animated their bosoms, they would have come to a rich Government like this and offered to make an exchange of six millions in gold for six millions of fractional silver when it involved them in a loss of one and one-quarter millions of dollars? They did not do it. They knew perfectly well that silver dollars performed the same functions as gold and that they would not lose a cent by it.

Why is it that the creditor class of France have not complained that 371¼ grains of silver in the French coins are only worth their bullion value of 79.8 cents instead of their money value of 103.1 cents? Why have they not demanded that silver enough should be put in to make the bullion value equal to their money value? But there never has been a whisper of that kind in France. The same is the case in Belgium, Spain, Portugal, in all the countries of continental Europe, and in North and South America.

Look even at England, conspicuous as the creditor country of the whole world, conspicuous for her devotion to the creditor class that constitutes her aristocracy and that supports her throne. The whole policy of that state has been for years to build up by every conceivable measure the aristocratical element in her society. And yet they never have learned up to this day that their silver coins, worth only 74 cents in the dollar, according to their bullion value, are swindling the people of that country out of 26 cents on the dollar.

Now, Mr. Chairman, as I have said, the silver dollar has a monetary value that is placed on it by law. How? The law opens a new market for the silver. Everything in trade by an unerring law of political economy takes value in proportion to the uses to which it may be applied. If there was no demand for silver by the mints its value would be determined by the demand for consumption in the arts. But when there is in addition to that a large demand for consumption in coinage, then the increased demand increases the price; and if the Government would consume the whole product and say to the holder of the bullion, "I will give you $1 in silver for every 371¼ grains of silver," it fixes the value of silver and prescribes the functions it is to perform. When the Government takes the silver from the holder and coins it and gives it back to him it adds to it 17 cents more in value than it had before. In all transactions in the United States and within the jurisdiction of our laws the silver dollar is the equal of the gold dollar.

What difference does it make to the creditor or the debtor whether the silver has 480 or 380 or 280 grains in it when it is a legal tender? When the debtor tenders it in payment of his debt, the creditor is bound to accept it; and if he refuses, and enters suit and obtains judgment, when the sheriff comes with the execution to sell he will be stopped and compelled at last to accept the tender. The money confronts him and he is bound to take it, and that is the end of it. It cancels every debt where it is tendered, and that is what makes it money. And yet Wall street tells us and the people of the United States that there is but one honest dollar—that which is coined in the proportion of 1 ounce of gold to 19½ ounces of silver. There is no government on this earth that ever coined silver and gold at that ratio; and, sad as it is, according to their standard there never was an honest dollar. But it is some comfort to know that as we put more silver in our dollar than any people in Europe we come nearer being honest than they do.

But I admit when a debt has to be paid to a foreign creditor that if it is paid in silver coin it must be paid at its bullion value. Our coins when they go beyond the boundaries of our Government go as commodities, not as money. If such a payment should be made in silver coin it would be at a loss of 17 cents on every dollar. But he will not do that, but do as we did during the suspension of specie payment. He will buy silver bullion or wheat or cotton or provisions and ship them and draw on his consignee. But that is not a perfect condition of our circulation. The perfect condition of our money is when the monetary value of the coin is equivalent to the commercial value, and we ought to come to that. Well, how are we to do it? We are certainly not going to do it by stopping the coinage of silver. It was the stopping of the coinage of silver and depriving silver of its market that made it depreciate and gold appreciate. Now, a great many of our friends say that the difference between silver and gold is all to be attributed to the appreciation of gold. Our friends on the other side say that all the difference is to be attributed to the depreciation of silver. The truth is the difference is equally divided between the two, according to the economic principle that everything takes its value in proportion to the demand that is made on it or the uses to which it is applied. When the mints were shut down on silver there was no demand for silver but in the arts. Silver then ceased to occupy a certain field of circulation in the world. It left that field unoccupied and there was increased demand for gold to take its place. Then the two metals parted, diverging from a point where they were on terms of equality until they got down to the point of difference at which they are to-day, which is about 17 cents on our dollar, one-half of which may be attributed to the appreciation of gold and one-half to the depreciation of silver. But it is a strange sort of philosophy which teaches us that in order to bring back the desired equality we must stop the coinage of silver. That is like telling a man when there is something the matter with one of his legs that the proper way to restore it is to cut off that leg and "peg" about as well as he can on the other, and that perhaps after a while, by some miracle—for nothing short of a miracle can produce the result—his leg will grow out again. It is like saying to a man when one of his eyes is diseased that he ought not to cure the disease and restore the ailing eye to the same condition as the other, but that the proper thing to do is to jab it out, with the idea that may be some of these days a miracle will be wrought—that somebody will come along and touch the eye and relume it again.

The way to bring the monetary value of gold and silver together is to restore the market to silver. Give silver free coinage. Throw open to it all the mints of the world. If you were to do that to-day silver would be at a premium, as it was in 1873 when Germany and other powers of Europe closed their mints against it. But, Mr. Chairman, there is this other difficulty in the way. If we go on and coin at the rate of 16 to 1, as we are doing now, what is going to be our condition when these foreign governments open their mints to silver at 15½ for 1? The fact is, we have never been a double-standard country, much as it has been talked about on this floor and elsewhere. The United States has been a single-standard country, but laboring all the time under the delusion that it was a double-standard country. Why? Because we have been doing from 1792 to the present time just what we are doing now; coining these two metals at relative values different from that adopted by the commercial nations of the world.

In 1792 we started coining at 15 to 1. Gold and silver were then coined at 15½ to 1 in Europe; and the result was that we had no gold. This was a silver-standard country up to 1834. In that year we tried to restore gold, and it is one of the singular things in history—and some great philosophers tell us that history repeats itself—it is one of the singular things that the double-standard people in those days were opposed by the same classes who are opposing silver to-day, and they called Benton and his friends who wanted to bring the gold back to this country "gold-bugs," just as we are now called, because we are trying to restore silver, "silver lunatics." Then we went on and changed the relative value of the two metals form 15 to 1 to 16 to 1; we jumped right over the space that divided the metals on one side to an equidistant position on the other side. What was the result? All the silver left the country. There was no standard silver in this country in 1853, and then the Government debased the fractional coin and brought it down to 347 grains of fine silver to the dollar instead of 371¼ grains. Then there were no silver dollars coined.

The silver was all passing out of the country because it was at a premium of 4 cents on the dollar in Europe. Then we were a gold-standard country with a subsidiary silver coinage of halves, quarters, and dimes. From 1853 to 1873 we coined only $60,000,000 of this fractional coinage, while our mines turned out over two hundred millions of silver. If we had not stopped the coinage, but had granted free coinage to all the silver at 14.95, it would have driven out all the gold again; for if 15 to 1 drove out the gold from 1792 to 1834, certainly 14.95 to 1 would have driven it out still faster. So, in order to keep some silver in the country, we limited the coinage, to a small amount, as we have it to-day; and during the twenty years between 1853 and 1873 we coined only sixty millions of fractional silver coinage, while the free coinage of gold amounted to seven hundred millions.

Now we are refusing to learn anything from all this history; and we have already coined 218,000,000 of these standard silver dollars. What is to become of these when the mints of foreign countries are thrown open—when, for instance, Germany opens her mints? And there is a powerful upheaval in Germany to-day, which means that the government must bow in submission to the will of the German people. When Germany extorted a thousand millions in gold from France she thought she would take up all her silver coin and put herself on a gold standard with that amount of gold in her vaults. She proceeded to sell some of her silver, and was carrying out her cherished object; but she was forced by the German people to put back silver into circulation and reinvest it with its legal-tender quality at the rate of 15½ of silver to 1 of gold. But that has not proven satisfactory to the German people. To-day, in their parliament, they are demanding of their government to restore silver to its full monetary functions, as they had it before 1873. It is only a question of time when the people are going to be stronger than all these aristocratic governments that are placing their heels on their necks. There is a depth of suffering which, when reached, will arm the down-trodden with superhuman power. They will rise in their might and shake the fabrics of government from turret to foundation-stone, and make their rulers come back to the old doctrine of our fathers—a government "of the people, by the people, and for the people." [Applause.]

When Germany throws open her mints, France and her Latin confederates will follow; then what is going to become of the dollars of our fathers which we have almost wept over during the last seven or eight years? They will all be gathered up by these bankers, just as they gathered up the fractional currency under the law we passed in 1878 which compelled the Treasury of the United States to redeem coin. They have collected $28,000,000 of the fractional coin and sent it into the Treasury and taken gold in place of it. And now that it is in the Treasury it can not pay the national debt; it can not take the bottom from under their banks; and it gives them the additional argument that the people do not want silver anyhow. They will bag up your silver dollars the same way and ship them out of the country to get the profit of 4 cents on the dollar.

If we want to keep both metals in circulation we must either coin at an agreed standard between the commercial powers and ourselves, or if they will not agree, then we must coin upon their standard. That is the only solution of this question. If we are going to keep both metals, we must stop our coinage on the basis of 16 to 1 and coin at the rate of 15½ to 1. Instead of putting into a dollar 371¼ grains of fine silver, we must put 359.91 grains. Is it not obvious that if we go on coining at that rate and have a large stock of silver on hand when this collapse comes in Europe and the governments there shall be forced by their people to replenish the volume of circulation to prevent confiscation and ruin, we shall be on the same monetary platform with them?

Our silver and gold will stand in the relation of 15½ to 1 as theirs will, and there will be no disturbance of the commercial relations between those governments and ours so far as coin is concerned.

Mr. WARNER, of Ohio. Would you have the coinage unlimited at 15½?

Mr. MILLS. Yes, sir; I would have the coinage of silver unlimited at that ratio. I may not meet the views of all the doctrinaires on this subject; I am somewhat of a doctrinaire myself, but I started upon the investigation of this question with a loyal devotion to truth and I have determined to follow it wherever I can see its light gleam on my pathway. I have just stated what seems to me to be the only reasonable solution of this question. Have we not been making overtures to the governments of Europe and sending commissions to induce them to agree upon some uniform basis of coinage? If they had stated they would agree to open their mints upon the basis of 15½ to 1 we would have acceded to the proposition; but they will not agree to adopt with us any specific ratio, either 16 to 1 or 15½ to 1 or anything else. France is afraid of Germany and Germany is afraid of France and the Latin Union. If they would have agreed to open their mints at 15½ to 1 it would have been the part of wisdom for us to have accepted the proposition. Why would it not be equally conducive to our interests now to adopt that standard without any agreement with them?

If we can not consent to change our ratio and coin with the commercial nations, then the next best thing is to open our mints to the free coinage of silver at 16 to 1. With the experience we have had on that subject we may change our standard in time to save our coins. We can do as our fathers did, although they did not act till their silver was all gone. If we coin freely both metals the world will have both in its circulation; whereas, if we take the advice of the scarce-money people and stop the coinage of silver, the world will have only one metal to measure its values, and the price of labor and the products of labor will come down, men will be thrown out of employment throughout the earth, tramps will fill the highways as they do to-day, and we will see a depth and an intensity of suffering we have never seen before.

Now, Mr. Chairman, I come to answer the real objection to the free coinage of silver. I have been dealing with the fine-spun sophistries which have been thrown around the subject. I come to uncover the false pretender, to take the mask from his face, to expose his repulsive features to the American people whom he seeks to defraud. The objection to the free coinage of silver is because it will increase the volume of circulation that measures the value of labor. It will make money cheap, but it will make the stroke of the arm dearer. It will make clothing dearer, it will make wheat dearer, it will make corn and cotton dearer, but it will make every day of toil bring a better price than it is now worth. The best condition of every people is that in which labor receives the highest possible reward for its toil. [Applause.] Mr. Clay once said in that old Hall out there that the highest wages and the highest interest for money were the best conditions in which any country could be placed.

There are about $6,000,000,000 of money in the world. Whatever the volume is it measures all the values of the world. I mean the money in circulation; I do not mean the money in the mines. I do not mean the money locked up in the Treasury vaults. I do not mean the money locked up in bank vaults; but I do mean whatever amount is in actual circulation, going into the markets, demanding exchanges, raises the price of labor and its products throughout the world. If you decrease that volume one-half, if you strike down silver, if you take it out of circulation, as Germany tried to do, and fix values alone by the gold standard, then the value of the products of labor would be reduced one-half.

Mr. BROWN, of Pennsylvania. How about debts?

Mr. MILLS. I will come to that after awhile. If you take silver out of circulation we know there will be a decrease in the value of labor. What would be the consequence? Whenever prices are sinking money goes out of the market. Who is going to buy a piece of property when the price has been falling and continues to fall? Who is going to buy property when it is low to-day and still lower to-morrow? No one will buy in a market that is sinking. No one will buy property when it is sinking in price and has been sinking. So it is with money, the most sensitive of all things. What becomes of labor then? We have heard many fine things said about the laboring people, and by these very men who want to reduce the price of labor. What becomes of labor when money goes out of the market, and when the employer tells his hands, "You are needed no more; we have nothing for you to do?" Then the farmer can get nothing for his corn or his cotton or his wheat. He can not buy anything of the manufacturer. The manufacturer can not sell him anything, for he is not able to pay for it. Then there is a greater supply of labor than there is demand for it. Then comes upon the country the greatest possible suffering to all the laboring classes. There is no curse in existence like the contraction of the circulation. War and pestilence and famine may spread their baleful wings over the land, but the evils they bring with them are not to be compared to the contraction of circulation which throws out of employment from three to five millions of laborers, enforcing idleness, bringing tears to every cheek, sorrow and distress to every home, hunger and starvation to every door. Yet this is what these advocates of scarce money are asking us to do to-day in the name of the laborers.

Why is this thing done? Why, if money possessed no other qualification than that of a railroad or a steamship or of a bill of exchange, if it simply exchanged one commodity for another, you would not hear this creditor class making Rome howl with its denunciations of dishonest money.

But it is because money is a measure of value. When money is scarce it measures prices low. I will give you an instance of it. In 1870 corn was worth 92½ cents a bushel; there was a full circulation of money then. The whole money of the United States was not as much as it is to-day, but the actual circulation was more, and prices are low now, because there is more money locked up in vaults now than there was then. That congestion had not gone so far in those days, and the immense volume of money poured out during the war was scattered throughout the country and was felt in every market.

At this period, I say, corn was 92½ cents a bushel. The average value of last year was 54 cents a bushel. Now, let us see the difference. All values start first with the ground, with the agriculturist and the miner. The man who digs up the iron ore is the first man who puts any value on it, and it then goes through all of the various processes of manufacture. The man who raises the corn, who produces the cotton, the wheat, and the oats, is the first man who puts any value upon it. All is dependent upon him, just as the branch of the tree is dependent upon the trunk. But let us see the difference in values between then and now.

The corn crop of last year, in round numbers, amounted to 1,936,000,000 of bushels. It was worth 54 cents per bushel. If we had had the actual circulation of 1870 it would have retained the price of 1870, and the crop would have been worth $750,000,000 more than it is. Cotton was then worth 23½ cents a pound. The last year's crop was 6,500,000 bales. Cotton was worth, last year, 10 cents per pound. If we had had the same price for cotton we had in 1870 the cotton crop would have been worth $300,000,000 more than it was. We raised last year 350,000,000 bushels of wheat. It was worth, in 1870, $1.28 per bushel. Last year it was worth 86 cents per bushel. A loss of $150,000,000 on wheat. We raised last year 629,000,000 bushels of oats. They were worth, in 1870, 63 cents per bushel. They were worth last year 38 cents per bushel. A loss on the oat crop of over $1.. .,000,000. Here are four crops where scarce money, falsely called honest, has defrauded our farmers out of more than $1,300,000,000 in one year. But they are not the only ones injured.

If that money were in their pockets there would be wants behind every dollar, and to satisfy them all the labor of the land would be demanded. They would want more cotton and woolen goods and more manufactures of iron and steel, more boots and shoes, and more of everything that employs labor. So great would be the demand for manufacturing labor that every arm would be employed and all wages would be raised. Whenever there is an active demand for labor, its wages are raised. But when money is scarce and prices are low, the people find that the products of their labor all go to their creditor and they have nothing with which to buy.

My friend from Pennsylvania [Mr. BROWN] asked me a moment ago what about debts? That question goes to the bottom of this controversy. It is on account of debts that the creditor class is trying to make money scarce. They are trying to make the poor debtor work two days to pay that for which he owes one day's labor; and disguise it as you will, that is the head and front of the offense of the silver dollar. The debts of the people of the United States are set down at $25,000,000,000. It is a low estimate to say that its annual interest is at the rate of 5 per cent. per annum. That is an annual drag on their labor of $1,250,000,000; in addition to that the taxes to support national, State, and local governments are $600,000,000 more. Now, with this enormous burden bending the backs of our people to the ground, is it not a crime to make money scarce, and thus lower the price of all the products of their labor? I want to repeat it, and emphasize it, that high prices for labor always bring prosperity to the country; and high prices can never be had with a scarce volume of money.

But notwithstanding the fact, which ought to be apparent to all, we are here debating how we can make money scarce. To enable us to do this all the old sophistries have been resurrected. The wheelbarrow of 1878 has been brought out of its long retirement and loaded down with "clipped" dollars and is on the road to market to buy a ham sandwich for breakfast. All the workmen in the country are to work for 100 cents in gold and be paid in a dishonest dollar worth 83 cents. All our gold which is locked up in the vaults of the bankers is to take wings and fly away, to the incalculable injury of a people who have never seen it. All the silver of the world is to be dumped down on us, and we are to be irretrievably ruined by being made the rich recipients of the hoarded treasures of forty centuries! Silver must be suppressed, gold must be made dearer, debts must be made harder to pay, the hours of labor must be made longer, the hours of rest must be made shorter, the products of labor must be made cheaper, or the laboring people will be cheated and the country ruined!

Scarce money has always been attended with disaster the world over. History tells us of its horrors in Europe, but we need not go beyond our own country for proof of the statement.

Mr. Chairman, from the time of the first discovery of the mines in the New World up to 1809 the world was full of money. Vessels of Spain were carrying into all the channels and marts of trade the wealth pro-

duced in the New World. The history of that period reads like a romance of the Middle Ages. The Spanish galleons with their cargoes of the precious metals were sailing over the ocean, loaded with the enormous productions of the mines of the New World. So rich was the booty, so tempting was the prize, that the ocean was soon covered with pirates, who swarmed in the track of the vessels to rob them. But in 1809 all the dependencies of Spain on this continent broke into open revolt for the establishment of their own independence. From 1809 to 1849 the mines were abandoned and closed up. The revolting provinces established their independence in 1823 after the long, exhausting struggle; and when they did establish their independence they were not strong enough or able to protect the owners of the mines in investing capital enough to work them. Up to 1849 the prices were low, so low that the difference between the prices from 1809 to 1849 show that they had risen from that time more than 100 per cent., and one distinguished author says 145 per cent.

There was only one exceptional period that I remember in all that long period of depression; and that was in 1836, when the country was taking a ride through the air on the Icarian wings of paper money. In 1835 the circulation amounted to one hundred and sixty-one millions of money. In 1836 it rose to two hundred and four millions. There was an addition of forty-three millions to the circulation in one year, and thirty-six millions of that amount was wild-cat paper money. But it increased prices, and while the circulation went up 30 per cent. in one year, prices went up 29 per cent. But the business of the country, like Icarus of old, soon felt its wings giving way, and it fell from a giddy height. Circulation contracted and prices tumbled. The downward tendency continued till 1843, when the circulation had fallen to $142,000,000 and prices had fallen correspondingly. This year was the year that prices touched the lowest point reached in this century.

In 1848 mines of gold were discovered in California, and they commenced pouring enormous quantities of that metal into the markets of the world, and in 1850 we had two hundred and sixty-five millions of money in circulation. Next year we had more, and prices went up. Next year still more, and prices still went up. And the circulation continued to increase year by year until 1857, when the volume of circulation was precisely 100 per cent. over 1850. We had $530,000,000 of circulation, actual circulation, and prices went up 31 per cent. above 1850. Each year prices rose above the year before, and there is no period of equal length in the history of this country when there was such unbounded prosperity in all the departments of our industry. The national wealth increased at the rate of 12½ per cent. per annum. We had a good system of finance and taxation, and both aided in thrusting the country forward on the road to prosperity. In 1858 the circulation fell $88,000,000 below 1857, and prices fell 20 per cent. They commenced rising again when the war began and money was poured out all over the country, and touched the highest point ever reached in the country in 1865, when they were 4 per cent. higher in gold than in 1857, and the circulation rose to $1,157,000,000.

[Here the hammer fell.]

Mr. HATCH was recognized and yielded to Mr. MILLS.

Mr. MILLS. I thank my friend for his courtesy; I am nearly through.

About this time a number of gentlemen who had amassed a large amount of depreciated paper money started on a wild hunt after honest money—started to impress the Government with the necessity of coming with rapid strides back to gold—started to bring this country by forced marches to a gold currency. They commenced to contract the currency for that purpose, and prices came down till they brought the country to the crash of 1873. We certainly all remember that. We certainly all remember that from 1873 to 1879, after we had commenced the coinage of silver, this country passed through a period of darkness and gloom that has never been witnessed at any other time in its history, and God grant that it may never be witnessed again.

I remember standing here and seeing a venerable Representative of Pennsylvania (Mr. Hendrick B. Wright, now no more) rise and unroll a petition signed by 20,000 of his fellow-citizens asking this Government to relieve their distresses and, if it gave them no other relief, to give them some means of flying from their homes where starvation confronted themselves, their wives, and their children. We remember the time when the city of Pittsburgh was set on fire; when the United States Government had to send its armed troops to protect property and suppress the terrible disturbance made by the Congress of the United States bending its knees in devotion to the gold power of the East. Every State in the North tottered from turret to foundation-stone, and every one of them was calling on the Government of the United States to stretch its strong arms around them and help them to stand in the midst of the tempest of disorder and violence created by their distressed and suffering people. Three millions of men willing to work were out of employment. They could have earned $3,000,000 per day; but there was none to employ them. Bread and meat were cheap, house-rent was cheap, fuel was cheap, everything was cheap but gold. Gold was high, but the pockets of the workmen were all empty.

Would you take the country again through that valley of the shadow of death? Would you repeat again that experience so full of lamentations and mournings and woes? If you would, listen to the soft, sweet notes of the siren as she sings from the vaults of the national bankers about dishonest dollars. Drive out into banishment the old silver dollar of our fathers; call in the silver certificates; retire all the Treasury notes; make money so scarce that the poor bankers in New York can buy a bushel of wheat for a dime, a pound of cotton for a penny; make it impossible for people to pay their debts; make labor so cheap that working people can only earn enough to pay interest to money-lenders and taxes to support the Government, and you will see again the return of that night with all its horrors intensified.

Sir, let the man who lives by the sweat of his brow, and his Representative here, be not deceived by the shams and false pretenses that are thrown around this measure that is filled to the brim with the direst of consequences to millions of people. Let the laborer remember, and write it on his wristlets, carve it on his frontlets, and wear it as an amulet over his heart, that scarce money is his sleepless and unforgiving foe, a foe whose bosom never swells with a sigh of sorrow, whose eye never moistens with a tear of pity. No one can deny that it increases the burden of debt which labor must pay. No one can deny that it makes the life-struggle darker and harder.

One of the most distinguished advocates of the suppression of silver has but recently said if we stop coining silver that the act will be a drag upon production and that suffocation and strangulation are words not too strong to express the agonies of a people who are encircled in the coils of this golden serpent. And yet, with our eyes open and looking down into the abyss of human suffering that yawns before us, we are entreated and importuned to drag the country to the edge of the precipice and plunge it over into the tortures and agonies of contraction, to satiate the lust for gold. Sir, history has recorded on its pages every kind of scourge that has been sent upon mankind from the hand of his fellow, and it has carved the names of the guilty wretches on its pillory where they stand before the eyes of each recurring generation to suffer the execration due to the atrocity of their crimes. It tells of Nero vainly struggling to extinguish the truths of Christianity by lighting the streets of Rome with the burning bodies of her missionaries; of Tamerlane discussing philosophy with the sages of Aleppo while his savage soldiery were gathering the heads of his slaughtered foemen into monumental piles to please the eye of the royal invader; it tells of Philip II sacking, burning, and butchering the helpless inhabitants of the Netherlands, loyal to his kingdom and crown, because they elected to worship at the shrines where conscience bade them kneel; it tells of the obliteration of Poland, the partition of its territory, the banishment and confinement of its unhappy people in the caves of Siberia by the sceptered robbers of Russia, Prussia, and Austria; it tells of the conquest and long-continued oppression and robbery of Ireland by the kings, parliaments, and people of England for five hundred years, and that in the face of the remonstrances of all Christendom still stretches her victim on the bed of torture.

But in all the wild, reckless, and remorseless brutalities that have marked the footprints of resistless power there is some extenuating circumstance that mitigates the severity of the punishment due to the crime. Some have been the product of the fierce passions of war, some have come from the antipathy that separates alien races, some from the superstitions of opposing religions. But the crime that is now sought to be perpetrated on more than fifty millions of people comes neither from the camp of a conqueror, the hand of a foreigner, nor the altar of an idolator. But it comes from those in whose veins runs the blood of a common ancestry, who were born under the same skies, speak the same language, reared in the same institutions, and nurtured in the principles of the same religious faith. It comes from the cold, phlegmatic, marble heart of avarice—avarice that seeks to paralyze labor, increase the burden of debt and fill the land with destitution and suffering to gratify the lust for gold [applause]—avarice surrounded by every comfort that wealth can command, and rich enough to satisfy every want save that which refuses to be satisfied without the suffocation and strangulation of all the labor in the land. With a forehead that refuses to be ashamed it demands of Congress an act that will paralyze all the forces of production, shut out labor from all employment, increase the burden of debts and taxation, and send desolation and suffering into all the homes of the poor. In this hour, fraught with peril to the whole country, I appeal to the unpurchased representatives of the American people to meet this bold and insolent demand like men. Let us stand in the breach and call the battle on, and never leave the field until the people's money shall be restored to the mints on equal terms with gold as it was years ago. [Prolonged applause.]

Mr. BUTTERWORTH. Mr. Chairman, it is not my purpose to discuss the silver bill, but the bill to which the amendment has been offered by the gentleman from Texas [Mr. MILLS].

Mr. HATCH. Mr. Chairman, I should like to know how the gentleman from Ohio gets the floor in my time.

The CHAIRMAN. The gentleman from Missouri [Mr. HATCH] yielded all his time to the gentleman from Texas [Mr. MILLS]. The gentleman from Texas used as much of it as he desired, and yielded the floor. The gentleman from Ohio [Mr. BUTTERWORTH] then rose and was recognized by the Chair, and had been speaking for a minute or more before the point was raised.

Mr. BUTTERWORTH. Then, Mr. Chairman, I desire to have the attention of the House for a few moments while I call attention to the provisions of the pending bill.

The CHAIRMAN. The gentleman from Ohio is entitled to the floor.

Mr. BUTTERWORTH. This bill seeks to amend a law which has been on the statute-book fifteen years, and which allows to distillers the fraction of a gallon under one-half when in drawing off spirits into original packages there is a fraction of less than one-half gallon. That is, no account is taken of that fraction. Originally distillers paid tax only on the amount of spirits that went into consumption. Subsequently the payment of tax was required upon the entire production of every still, without regard to whether the spirits go into consumption or not. The tax upon every proof-gallon of spirits is about 600 per cent. more than the cost thereof. It costs 13 to 15 cents to produce a gallon of whisky, and the tax upon that quantity is 90 cents. This is the only article manufactured in this country upon which the tax is 500 or 600 per cent. more than the cost of production. Beyond that, it is the only article in this country upon which the tax is required to be paid before the article goes into consumption, and without reference to whether it goes into consumption or not.

Now, there may be some gentlemen here—I take it for granted there are a number—who are not familiar with the course of internal-revenue legislation upon this subject; and I call attention to this matter because I only demand, in behalf of my constituents and the trade generally, that which is fairly and decently just—no more and no less. I do not ask that they shall escape the payment of taxes upon one gill of manufactured spirits. I only ask that they shall not be taxed upon that which they not only do not consume, but are not permitted to keep, handle, consume, or sell.

Now, under our former legislation—I think it was the law of 1869—an allowance was made with direct reference to preventing the requirement of the payment of tax upon spirits which were not consumed, or rather out of which the distiller was unable to realize anything.

Let me state that in the manufacture of distilled spirits the distiller does not handle or touch the spirits distilled until they are drawn off and gauged by a Government officer. The spirits, when so drawn from the cisterns, are placed in barrels and conveyed to what is known as a distillery warehouse; and by the gauge taken by the officer at that time the manufacturer is required to pay tax. That fixes the extent and limit and measure of his liability. It invariably happens that in drawing off the spirits, and taking them to a Government warehouse and thence to the rectifiers or compounders a loss is entailed—not of half a gallon merely, but from that quantity up to three gallons and a half, the distiller or rectifier deriving no benefit at all from that much of the spirits manufactured, that quantity being a total loss. Under what is known as the "Carlisle bill," passed in 1878 or 1879—and, in fact, long before that—an allowance for this loss was made. Under the law of 1868 distillers were required to pay tax upon every fractional part of a gallon; so that if a man had in his barrel 43 gallons and a gill or a pint, he was required to pay tax upon 44 gallons. That was manifestly wrong.

Not only was the distiller required to pay a tax of 500 per cent. more than the cost of the article produced; not only was he required to pay without reference to its going into consumption, to pay beforehand, thus advancing his money to the Government, but he was required to pay tax upon what he never produced, and what of course he could not consume or sell. That was so palpably unjust, that under a provision of law—not the "Carlisle bill," but a previous act—an allowance was made, so that in all cases when the spirits came from the still there was a fraction of over half a gallon the Government exacted tax for a gallon, and whenever the fraction was less than half a gallon the Government gave the distiller the benefit of the fraction and charged him no tax upon that. The reason for granting this allowance was that it was ascertained beyond peradventure that the loss by soakage, &c., in removal to and from the distillery warehouse was in every instance an absolute loss of more than half a gallon, running up in fact as high as three and one-half gallons.

I speak now of what is known as high wines. In Kentucky and Pennsylvania they manufacture Bourbon whisky. High wine is made by a different process. But when Bourbon whisky is first made the manufacturer does not put it upon the market. Why? Because at that time it is not fit for consumption. It contains fusel oil, which only passes off by aging. Therefore it is placed in a warehouse and kept there. Fifty members who are now within the sound of my voice remember very well that in 1879, in order not to do a wrong to the distillers of Kentucky, the law was so amended as to allow those gentlemen a leakage or loss of from 1 to 7½ gallons. It was thoroughly just. Why? Because the Government ascertained that those distillers, out of the amount they placed in the warehouse, necessarily suffered a loss to that extent; in other words, that every warehouse-man or distiller lost from 1 to 7½ gallons on each barrel, and hence it was thought to be an outrage upon the distiller to exact tax upon that which the distiller did not have and which did not enter into consumption. The high-wine distillers do not get any benefit from that law. They do not prepare the goods for market by aging. The fusel oil is removed from what are known as high wines by distillation or rectifying. Hence the only allowance they have is one-half gallon allowed in the manner I have suggested. Now that allowance has been by virtue of the statute for fourteen or fifteen years.

Some brother asks me why this bill was introduced. I will tell you why. A few years ago, and with almost unanimous consent in this House, small original packages of spirits containing 10 gallons were allowed to be put up to meet what was described here as the South American trade. It was said quite a trade was being built up with South America, and that they required 10-gallon packages in order to carry them up into the Andes on the backs of mules. It was ascertained, however, that trade did not amount to much. This bill is the result of an abuse of the privilege mentioned, that is, of filling 10-gallon cans as original packages. That law, as stated, authorized the putting up of these 10-gallon packages for the benefit of those engaged in the South American trade. They shipped them at once to South America, and there they took them on the backs of mules up into the Andes, or wherever else they were to be carried. That was the object of that provision.

Prior to that time no original package of less than 20 gallons (half-barrel) was permitted. What was the result? Under this law certain distillers to cover losses began to put up 10-gallon packages to take from their distilleries to the rectifying-houses, so that they saved a half-gallon on each 10-gallon package. That was unjust. It was a palpable wrong against the spirit of the law, for the 10-gallon keg was not a commercial package recognized under the law by the trade. And now, because certain distillers were disposed to abuse a right which ought to belong to every distiller, it has pleased our friends of the Committee on Ways and Means to punish the few by doing a great injustice to all distillers and dealers in high wines in Ohio and many other localities.

Mr. WORTHINGTON. Representing the greatest distilling center, I had the honor to introduce that bill, the object of which was to prevent that abuse.

Mr. BUTTERWORTH. My friend no doubt did so as the representative of the Peoria district of Illinois. I will tell him why his people are quite satisfied to have this bill pass, while mine are not. His people will not say, nor any one of them, that the loss each distiller sustains in putting up a package or half-barrel or barrel is not at least one-half gallon. I know no distiller will say so. Now, why are the constituents of my honored friend satisfied to have this change? I will tell you. Peoria does not rectify or redistil and compound spirits to any extent. She ships her goods to New York, Boston, and Philadelphia, and in each barrel she puts 84 proof-gallons. The freight is about the same. Our people in Cincinnati do an immense business in compounding. Peoria putting two barrels into one can afford to lose a half-gallon. If our people on the same amount are compelled to lose a gallon she has an advantage just in that way. And to-day if she was doing compounding as we are doing in our city of Cincinnati she would not be satisfied to lose a gallon on every barrel. She has just that advantage, because in each barrel she ships 84 proof-gallons. I do not speak of wine-gallons but of proof-gallons. This half-gallon is cut off too with us. We do not ship but manufacture, and on each barrel we lose half a gallon.

Some brother may say, but I observe your distillers always construct the package so as to get the fraction on their side. Exactly. The object of the statute was to prevent them sustaining an actual loss. That was the very object of it, and hence they construct the package in that way in order that the law intended for their benefit might not prove an actual injury. What is there wrong about it? Why are statutes provided against the loss by leakage? If I withdraw 10,000 gallons at Cincinnati to ship to Europe I am allowed for leakage, although I do not pay a cent of tax to the Government, the spirits being for export. If I make a thousand barrels of Bourbon whisky and store it and keep it for three years, I may be allowed 7½ gallons on the barrel.

Mr. HENDERSON, of Iowa. Let me ask the gentleman a question.

Mr. BUTTERWORTH. Let me complete what I was about to say, that this was a just measure. I supported it myself, knowing it to be just; but now it occurs that our people, and I speak for men all over the country, in different sections of the country, for the entire wholesale trade, for every establishment that manufactures high wines, unless they are so situated that by imposing a loss upon business rivals, as is proposed by this bill, they can gain enough to remunerate them.

Mr. HENDERSON, of Iowa. Let me ask the gentleman from Ohio do the Peoria distillers ship high wines or whisky?

Mr. BUTTERWORTH. Well, they are in a measure convertible terms. They ship alcohol—high-proof spirits.

Mr. HENDERSON, of Iowa. The gentleman does not mean to say that high wines and whisky are convertible terms?

Mr. BUTTERWORTH. Why not, if you take the fusel oil out? Why, some even drink high wines.

Mr. HENDERSON, of Iowa. If they shipped mainly alcohol and high wines what would be the difference in the tax?

Mr. BUTTERWORTH. Let me complete my statement. Undoubtedly they ship double portions, and by compelling us to lose the gallon on the package they can well afford to lose the half gallon. They ship two barrels in one. But they very naturally conclude if they can compel you (their competitors) to lose the gallon they are perfectly willing to stand the half-gallon loss.

Mr. MORRISON. They can avoid all that by taking a big, honest barrel.

Mr. BUTTERWORTH. We do not ask to use any other kind than such as have been known to the trade and the law ever since spirits

were taxed in this country. I am here to say that from my friend's district, Peoria, and the district of my other friend from Iowa also—for they have large distilleries out there—they ship largely the high-proof spirits and alcohol. Eighty per cent. of all the high wines and alcohol received in New York was received from these points. They can well afford the loss of the half-gallon if their competitors are forced to lose the gallon by this system of allowances. And that is the reason my brethren are so amiable in support of this bill.

Mr. HENDERSON, of Iowa. My friend from Ohio is so familiar with the whisky question that I fear he is going away altogether from those of us who have not so much information upon the subject. [Laughter.]

Mr. BUTTERWORTH. It is not familiarity with its use; only its careful manipulation as a matter of Government taxation.

Mr. HENDERSON, of Iowa. I cheerfully concede the gentleman's superior ability in the direction of its manipulation. But let me ask, as a matter of information, do I understand you to mean that under the Peoria system, that as they ship high wines they do not break bulk and therefore get the benefit of the half-gallon, whereas in Ohio where they rectify the high wines and make it into whisky——

Mr. BUTTERWORTH. And other compounds.

Mr. HENDERSON, of Iowa. Is that not rectification?

Mr. BUTTERWORTH. It is compounding.

Mr. HENDERSON, of Iowa. I yield to the gentleman's technical and chemical knowledge. But under the Ohio system you claim you break bulk near the distilleries not within 600 feet perhaps.

Mr. BUTTERWORTH. They do not break packages at the distillery.

Mr. HENDERSON, of Iowa. Well, I understand you to claim that they lose one gallon, when the Peoria distiller, who ships high wines, loses but one half-gallon.

Mr. BUTTERWORTH. They do not break bulk at the distillery. They have no right to do so. It is gauged as it is turned out, and it is then taken to the distillery warehouse, thence to the rectifiers or compounders.

Mr. HENDERSON, of Iowa. If they ship in the barrels in which it is deposited can they get the benefit of this half-gallon?

Mr. BUTTERWORTH. Undoubtedly. If you are the Government gauger and gauge the spirits at my distillery, if you please; if the amount of whisky contained in the barrel is 43.49 gallons, you take no account of the odd half-gallon or less. If it runs over that I must pay for it, that is, tax on a whole gallon.

Now the question is where is there a remedy for the condition of affairs to which I have referred? I take it that the House as a mere matter of taking a tilt at this particular industry does not desire to do injustice. I propose to offer an amendment to the bill, restoring the old law in regard to size of original packages or barrels. For fifteen years these men have been allowed this privilege as a matter of equal and exact justice. I propose to offer an amendment restoring that old law which prohibits the use of smaller packages than the half-barrel. Now if I am right about that, that all that this House desires is to prevent the abuse of the statute allowing 10-gallon packages, leaving untouched the just provision of the law allowing the distiller the fraction of a gallon, and I can accomplish this by the amendment I offer, it seems to me that my honored friend from Illinois ought to cheerfully co-operate with me.

Mr. WORTHINGTON. Let me ask the gentleman from Ohio if the class of distillers who are opposing this bill is not the same class that wanted the 10-gallon system?

Mr. BUTTERWORTH. Some are, no doubt, for convenience of shipping purposes.

Mr. WORTHINGTON. Is the gentleman sure that that is the only reason?

Mr. BUTTERWORTH. I am quite sure of it. But if we can correct the abuse by an amendment to the law, why does my friend from Illinois still insist on the passage of a bill which works a great hardship and wrong to every distiller in the country where they make high wines other than for shipment to distant markets?

Mr. WORTHINGTON. I will answer very candidly, if he will ship the liquors in whole packages I have no objection. But by reducing the old law from twenty to ten gallons you divide the evil instead of eradicating it.

Mr. BUTTERWORTH. My friend is falling into the error of supposing there is an evil. There is no evil in not allowing the Government to exact a tax where no tax is due. I have here a communication from a gentleman largely engaged in the distilling business which puts this matter in a clear light and which I will hereafter submit to the House. The fact is, the losses allowed by law do not approximately cover the actual loss. The amount ought to be increased instead of being diminished. My friend will observe that ever since we have collected the tax on distilled spirits the use of the half-barrel has been allowed and no hardship results. In the first place, we exact payment of tax on more liquor than ever goes into consumption, contrary to the law of every other nation that taxes distilled spirits, and contrary to the usage of our own country prior to 1868. All we ask is that we pay on what we get, and no more; and nothing can be more just than that.

I shall desire to say something further on this subject when my amendment is offered. The statement I have alluded to shows that this whole protection does not amount to 1 per cent., while the loss is over 3 per cent. by actual test. Now what is the trouble? A few distillers used improperly 10-gallon packages, and exacted an allowance they ought not to have had; and to meet that abuse this other abuse on the part of the Government is proposed.

I submit to the House as to the country that to correct an abuse by the citizen by committing another by governmental action is not just. In Kentucky, Pennsylvania, every locality where Bourbon whiskies are manufactured, they are allowed as high as 7½ gallons outage to protect them against loss. Our people only ask to be allowed a half-gallon to each original package in pursuance of the law that has been on the statute-books during all the period I have mentioned, fourteen or fifteen years. They do not wish to escape payment on a gill they get. I insisted on this floor, as many of you will remember, that this Government was unjust to exact tax on goods that did not go into use; and this House, by a vote of 3 to 1, adopted that idea and passed a bill prepared by your Committee on Ways and Means in which they determined that the tax should be collected on spirits drawn out of the distillery warehouses and put on the market, and not arbitrarily on all that ran from the still.

The amount allowed for loss from the barrel is one half-gallon, and I show here by figures prepared by dealers and manufacturers that in point of fact that does not cover it. And if not, why insist on taking away even that poor measure of justice? It is simply to impose a tax on 1 gallon of whisky to every barrel which the distiller does not get and never sells. Is that just from any possible standpoint where there is a seasoning of the commonest desire to treat this industry fairly?

I am not enthusiastic to demand special advantages to the liquor trade; so far as that is concerned, I simply stand here representing a great interest which has paid in the districts represented by my colleague [Mr. BROWNE] and myself over $200,000,000 to the Government, and I submit it is only fair and proper to those people that no law be passed which is unjust in its provisions, and I submit that this is.

I may have stated the amount paid by our districts much too low. They have paid from nine to thirteen million dollars a year. I submit they are entitled to some consideration. And I say this because some thoroughly temperance brethren refusing to look at this from a practical business standpoint, as a commercial matter simply, tilt at it because it relates to whisky. That, in my judgment, is neither wise, dignified, nor statesmanlike. It is a business transaction, and I desire the House shall not pass a law that is unjust; that we shall at least know the facts in this matter, in order that it may be known, if we persist, we are sinning against the light, since the truth is that the Government suffers no damage even if the law remained as now, and beyond question the alleged abuse will be cured by the amendment I offer.

Mr. HENDERSON, of Illinois. Before the gentleman from Ohio resumes his seat, will he allow me to ask him a question?

Mr. BUTTERWORTH. Certainly.

Mr. HENDERSON, of Illinois. I wish to ask whether it was the gentleman from Iowa [Mr. HENDERSON] to whom he referred or myself.

Mr. BUTTERWORTH. I am quite willing you should divide the honors.

Mr. BLAND. Will the gentleman from Ohio yield to me for a motion that the committee rise?

Mr. BUTTERWORTH. I have here some figures to which I will call the attention of the committee at the proper time. I desire to reserve the balance of my time, and I will hereafter submit these figures and my amendment, and, with that understanding, will move that the committee rise.

Mr. MORRISON. When the House shall again go into Committee of the Whole on this subject, if the committee will allow me, I will undertake to explain the bill I have reported and the reasons why I think it ought to pass.

Mr. WEAVER, of Iowa. Mr. Chairman, I announced a few moments ago that I desired to address the House upon the pending amendment, but after conferring with the chairman of the Committee of Ways and Means I have concluded not to ask that privilege now, but will await an opportunity to address the House upon economic questions at some other time.

ORDER OF BUSINESS.

Mr. MORRISON. Mr. Chairman, I move that the committee do now rise.

The motion was agreed to.

The committee accordingly rose; and the Speaker having resumed the chair, Mr. HAMMOND reported that the Committee of the Whole House on the state of the Union had had under consideration the bill (H. R. 4833) relating to taxation of fractional parts of a gallon of distilled spirits, and had come to no resolution thereon.

Mr. GREEN, of New Jersey. Mr. Speaker, I ask unanimous consent to present concurrent resolutions of the Legislature of New Jersey, and ask that they be referred to the Committee on Commerce, which has charge of the matter to which they relate.

Mr. BEACH. I shall have to object. They can be referred in the morning.

Mr. SHAW. Mr. Speaker, I ask unanimous consent to present a privileged report from the Committee on Claims.

Mr. BEACH. I must object.

Mr. HAMMOND. I move that the House do now adjourn.

The motion of Mr. HAMMOND was agreed to; and accordingly (at 5 o'clock and 15 minutes p. m.) the House adjourned.

PETITIONS, ETC.

The following petitions and papers were laid on the Clerk's desk, under the rule, and referred as follows:

By Mr. BARBOUR: Petition of Jacob D. Virtz and Luther H. Vinke, praying that war claim of Peter Virtz, deceased, late of Loudoun County, Virginia, be referred to the Court of Claims—to the Committee on War Claims.

Also, papers relating to the claims of Atwell Butler; of Elizabeth Idens; of George Minger; of Israel Warner; of Jacob Boger and Jacob Boger's estate; of Thomas Sherman; of J. T. White, administrator of Elizabeth White; of Joseph Lowe; of heirs of James Bowen; of William D. Cooper; and of Elise Manteller—to the same committee.

By Mr. BARNES: Bill for an appropriation for the improvement of and continuing the work on the Savannah River between Augusta and Trotter's Shoal—to the Committee on Rivers and Harbors.

Also, bill for an appropriation for the improvement of and continuing the work on the Savannah River between Savannah and Augusta—to the same committee.

By Mr. BLISS: Memorial of the United States Trust Company and the Central Trust Company of New York, trustees for certain mortgagees, praying for examinations and report as to their legal rights in certain matters, &c.—to the Committee on the Judiciary.

Also, memorial of John Y. Cross, A. L. Stephens, and others, praying for the ascertainment of legal rights as bondholders—to the same committee.

By Mr. T. M. BROWNE: Petition of 457 citizens of Rush County, Indiana, for the passage of a service pension for the soldiers of the late war, and for other purposes—to the Committee on Invalid Pensions.

By Mr. BUCHANAN: Papers relating to the claim of Emily J. Grover—to the Committee on War Claims.

By Mr. CLEMENTS: Petition of James M. Lee and of James H. Rogers, of Walker County, Georgia, for reference of claims to the Court of Claims—to the same committee.

By Mr. COX: Papers relating to the claim of William A. Allen—to the same committee.

By Mr. DOCKERY: Petition of George P. Carmichael, of De Kalb County, Missouri, for reference of his claim to the Court of Claims—to the same committee.

By Mr. DOUGHERTY: Papers relating to the claims of William H. Holden and of Henry Van Balson—to the same committee.

By Mr. ERMENTROUT: Petition of a citizen of Pennsylvania, for the payment of $300 commutation money, paid by persons drafted into the military service of the United States in lieu of performing such service—to the same committee.

By Mr. FISHER: Petition of Hon. Francis Palms and 40 others, citizens of Detroit; of W. H. Sanburn and 16 others, citizens of Ossineke, Alpena County; of the Board of Trade of Detroit; of Hon. Henry M. Duffie, Hon. Henry B. Ledyard, Hon. C. Walker, Darius Cole and 40 others, citizens of Detroit; and of Herman Hoeft and 104 others, citizens of Rogers City, asking that United States courts may be established in Bay City—to the Committee on the Judiciary.

Also, resolution of the State board of control of swamp lands in Michigan—to the Committee on the Public Lands.

By Mr. GOFF: Petition of John L. Wise and Garfield Local Assembly, No. 1721, of Knights of Labor, requesting action relative to organizing the Indian Territory and opening the same to settlement under the homestead laws—to the Committee on the Territories.

By Mr. Hall: Papers in the case of Richard Middleton—to the Committee on War Claims.

By Mr. HATCH: Petition of Kirksville Local Assembly, No. 2772, Knights of Labor, asking for a Territorial form of government for Indian Territory and opening the same to settlement under the homestead laws—to the Committee on the Territories.

By Mr. HAYNES: Petition of Albert P. Colby, in behalf of an act to extend the time of filing declarations in pension claims—to the Committee on Invalid Pensions.

By Mr. J. H. JONES: Papers relating to the claim of Caroline A. Cain—to the Committee on War Claims.

By Mr. KLEINER: Papers to accompany bill for the relief of Charles Spencer—to the same committee.

By Mr. LANDES: Petition of William Parker and the members of the grand jury of the circuit court of the United States for southern district of Illinois, for the enactment of a law increasing jury fees to $3 per day—to the Committee on the Judiciary.

By Mr. LIBBEY: Papers relating to the claim of Samuel Selden, executor of John E. Tunis, deceased—to the Committee on War Claims.

By Mr. McCOMAS: Papers in the case of Daniel S. Loy—to the same committee.

By Mr. McCREARY: Petition of the legal representatives of James D. McKenzie, deceased, for relief—to the same committee.

By Mr. McKENNA: Papers relating to the case of Ewing M. Skaggs—to the same committee.

By Mr. McRAE: Petition of Hon. James P. Copeland and 10 others, citizens of Pike County, Arkansas, for national aid to common schools—to the Committee on Education.

By Mr. MATSON: Petition of John B. Bishop and 59 others, asking for the passage of bill to increase the pensions of widows, &c.—to the Committee on Invalid Pensions.

By Mr. MILLARD: Petition of Norwich Local Assembly, Knights of Labor, asking for a Territorial form of government for Indian Territory and that the same be opened to settlement under the homestead laws—to the Committee on the Territories.

By Mr. MURPHY: Papers in the case of William McGarrahan—to the Committee on Mines and Mining.

By Mr. NELSON: Petition of Kent & Brown and others, and of August Christiani and others, for the opening of the Red Lake Indian reservation—to the Committee on Indian Affairs.

By Mr. O'FERRALL: Papers relating to the claims of John Jett; of William Dean, sr.; of Jacob Warwick; of Joseph T. Mitchell; of George Chrisman, executor of George H. Chrisman, deceased; of Jonathan Headley; and of William S. Downs—to the Committee on War Claims.

By Mr. PARKER: Resolution of the Legislature of New York, relative to the establishment of an Army gun-foundry at Watervliet—to the Committee on Military Affairs.

By Mr. PERKINS: Petition of Knights of Labor of Kansas, asking for the organization of a Territorial government in the Indian Territory—to the Committee on the Territories.

Also, resolutions of Knights of Labor of Parsons, Kans., asking for legislation giving to employés in Government Printing Office the compensation paid them prior to March 4, 1877—to the Committee on Labor.

By Mr. PRICE: Petition of Kennett Lodge of Good Templars, of Pennsylvania, officially signed, asking for the adoption of a joint resolution proposing a prohibitory constitutional amendment to the several States—to the Select Committee on the Alcoholic Liquor Traffic.

Also, petition of Kennett Lodge of Good Templars, of Pennsylvania, for the prohibition of liquor traffic in District of Columbia—to the same committee.

Also, petition of Kennett Lodge of Good Templars, of Pennsylvania, for a commission of inquiry concerning the alcoholic liquor traffic—to the same committee.

By Mr. REAGAN: Petition of John Taylor Wood, for removal of his political disabilities—to the Committee on the Judiciary.

By Mr. ROGERS: Memorial of Margaret B. Harwood, asking for a pension as widow of Rear-Admiral A. A. Harwood—to the Committee on Pensions.

By Mr. ROMEIS: Petition of fishermen at Huron, Ohio, against the renewal of what is called the treaty of Washington—to the Committee on Foreign Affairs.

By Mr. TAULBEE: Petition of James F. Blount, of Lee County, Kentucky—to the Committee on Military Affairs.

By Mr. WILSON: Petition of Thomas B. Scott, of Randolph County, asking reference of claim to the Court of Claims—to the Committee on War Claims.

Also, petition of Mary B. P. Black, praying for relief for St. John's Episcopal church at Harper's Ferry, W. Va.—to the same committee.

The following petitions, praying Congress to place the coinage of silver upon an equality with gold; that there be issued coin certificates of one, two, and five dollars, the same being made a legal tender; that one and two dollar legal-tender notes be issued, and that the public debt be paid as rapidly as possible by applying for this purpose the idle surplus now in the Treasury, were presented and severally referred to the Committee on Coinage, Weights, and Measures:

By Mr. REAGAN: Of E. C. Bayley and 36 others, of Montague County, Texas.

SENATE.

THURSDAY, *February* 4, 1886.

Prayer by Rev. T. DE WITT TALMAGE, D. D., of Brooklyn, N. Y.

The Journal of yesterday's proceedings was read and approved.

TREASURY CONSCIENCE FUND.

The PRESIDENT *pro tempore* laid before the Senate the following communication from the Secretary of the Treasury; which was read, referred to the Committee on Finance, and ordered to be printed:

TREASURY DEPARTMENT, *February* 3, 1886.

SIR: The Department is in receipt of Senate resolution of the 28th ultimo, directing the Secretary of the Treasury to inform the Senate as to the origin of what is known as the "Conscience Fund" in the Treasury of the United States, the amount of the same, and what disposition is made thereof.

In reply thereto I have the honor to state that the term "conscience fund," as

applied to donations received by the Treasury from unknown sources, has its origin in the popular belief that such donations are made by persons who have at some time wrongfully taken or withheld from the United States moneys which were justly due and who thus seek to make restitution to the Government.

The moneys which have thus been received from time to time have been covered into the Treasury as "miscellaneous receipts from persons unknown," and have been used for the general purposes of the Government in connection with moneys received from other sources, having at no time been distinguished from other moneys in the general Treasury.

The first donation of this character of which the Department has any record was made by the Register of the Treasury in 1827, "for moneys received from a person unknown, stated to be on account of imports and tonnage," and the total amount received by the Treasury up to June 30, 1885, was $220,747.26.

Respectfully, yours,

DANIEL MANNING, *Secretary.*

Hon. JOHN SHERMAN,
President pro tempore United States Senate.

REPORT OF THE PUBLIC PRINTER.

The PRESIDENT *pro tempore* laid before the Senate the annual report of the Public Printer, showing the condition of the public printing, binding, &c., for the fiscal year ending June 30, 1885; which was referred to the Committee on Printing.

PETITIONS AND MEMORIALS.

The PRESIDENT *pro tempore* presented the petition of Edward D. Patchin, son of Bernard Patchin, late a private in Company B, Forty-first Ohio Volunteer Infantry, praying to be allowed a pension; which was referred to the Committee on Pensions.

Mr. SEWELL presented a concurrent resolution of the Legislature of New Jersey; which was read and referred to the Committee on Commerce, as follows:

State of New Jersey—concurrent resolution.

Whereas information has reached the Legislature that a bill has been introduced into Congress providing for the erection of a bridge or viaduct over the navigable waters separating this State from the State of New York where the tide ebbs and flows, which, if made, will be contrary to a statute of this State entitled "A supplement to an act respecting bridges," approved April 10, 1846, and which supplement was approved April 5, 1878; and

Whereas the lands under the said waters are the property of the State of New Jersey to the middle thereof by original acquisition by the colony of New Jersey, and by subsequent treaty with the State of New York, dated September 16, 1833, ratified and confirmed by act of Congress passed June 28, 1834; and

Whereas it hath been declared and decided by the Supreme Court of the United States that "the right of eminent domain over the shores and the soil under the navigable waters, for all municipal purposes, belongs exclusively to the States within their respective territorial jurisdictions, and they, and they only, have the constitutional power to exercise it;" that "inspection laws form a portion of that immense mass of legislation which embraces everything within the territory of a State not surrendered to the General Government; inspection laws, quarantine laws, health laws of every description, as well as laws for regulating the internal commerce of a State, and those which respect turnpike roads, ferries, &c., are component parts of this mass," and that "bridges are of the same nature with ferries, and are undoubtedly within the category thus laid down;" and

Whereas the judiciary of the State of New York, as well as other States, has solemnly reasserted this doctrine: Therefore,

Be it resolved by the house of assembly (the senate concurring), That the State of New Jersey doth hereby solemnly and respectfully protest against any action on the part of the Congress of the United States, by statute or otherwise, having for its object the erection of a bridge over said navigable waters, as being beyond the powers conferred by the Constitution of the United States and a usurpation of a power belonging, so far as its own territory extends, to the State of New Jersey.

2. That while in no wise denying the power of Congress to regulate commerce by directing the manner in which such a bridge, if duly authorized by the States of New Jersey and New York, should be erected and providing that it do not obstruct navigation, yet the State of New Jersey distinctly takes the position that the erection of such bridge can only be authorized by said States of New York and New Jersey.

3. That the attempt to legalize such a bridge in advance of its construction by enacting that it shall be a post-road is an evident subterfuge, and should be rejected as an attempt to establish a precedent under which all exclusive powers of the States may be set at naught.

4. That in aid of this her protest New Jersey invokes the sympathy of all her sister States in the maintenance of the doctrine of established and acknowledged State rights. Only through preserving those rights and the powers of the General Government in just equipoise can the nation we compose continue her happy and beneficent career.

5. That a copy of these resolutions be forwarded to our Senators and Representatives, with the request that they be presented to Congress, and that they use their utmost endeavors to defeat any bill such as that referred to.

I certify that these resolutions passed the house of assembly of the State of New Jersey on Wednesday, January 27.

SAMUEL TOOMBS,
Clerk House of Assembly.

I certify that these resolutions passed the senate of New Jersey on February 3, 1886.

R. B. READING,
Secretary Senate.

Mr. MILLER, of New York, presented the memorial of Crammond Kennedy, a citizen of the United States, remonstrating against the proposed new convention for the review of the Venezuelan awards; which was referred to the Committee on Foreign Relations.

Mr. DAWES presented a petition of Wendell Phillips Local Assembly, Knights of Labor, of Massachusetts, and a petition of Worcester Local Assembly, Knights of Labor, of Massachusetts, praying for legislation providing a Territorial form of government over the Indian Territory and the opening to settlement of all public and unoccupied lands therein; which were referred to the Committee on Indian Affairs.

Mr. PLUMB. I present certain petitions which, while addressed to me, were designed undoubtedly for the consideration of the Senate, from various lodges of the Knights of Labor in the State of Kansas, praying that the Indian Territory may be opened to homestead settlement and that the Indians may be allotted lands in severalty upon their present reservation. I move that the petitions be referred to the Committee on Indian Affairs.

The motion was agreed to.

Mr. HARRIS. I have received a paper addressed to myself, but from its nature and character evidently intended as a petition to Congress, from Davidson Local Assembly, Knights of Labor, of Tennessee, praying that a Territorial form of government be established in the Indian Territory. I move the reference of the petition to the Committee on Indian Affairs.

The motion was agreed to.

Mr. WILSON, of Iowa. I present a petition which, although addressed to me personally, is evidently intended for the consideration of the Senate, from the Local Assembly, No. 4574, of the Knights of Labor, of Marshalltown, Iowa, praying for the passage of an act of Congress opening the Oklahoma lands in the Indian Territory to settlement. I move that the petition be referred to the Committee on Indian Affairs.

The motion was agreed to.

Mr. HALE. I present a petition of like nature from Eastern Star Local Assembly, Knights of Labor, of Maine, which I move be referred to the Committee on Indian Affairs.

The motion was agreed to.

Mr. HOAR presented the petition of John M. Goodhue, late major of the Eleventh United States Infantry, praying to be restored to the Army on the retired-list; which was referred to the Committee on Military Affairs.

Mr. PAYNE. I present resolutions adopted by the Merchants and Manufacturers' Association, of Cincinnati, Ohio, remonstrating against the passage of what is known as the Lowell bankruptcy bill. Inasmuch as a bill on the subject has been reported, I move that the resolutions lie on the table.

The motion was agreed to.

Mr. EVARTS presented a petition of the Society of Veterans of the regular Army and Navy of the United States, praying for grants of land and equalization of bounty to veterans; which was referred to the Committee on Pensions.

REPORTS OF COMMITTEES.

Mr. SEWELL, from the Committee on the Library, to whom was referred the joint resolution (H. Res. 71) authorizing the superintendent of public buildings and grounds in the District of Columbia to supply plants and shrubs to fill certain vases in the Pension building, reported it without amendment.

Mr. MORRILL, from the Committee on Finance, to whom the subject was referred, reported a bill (S. 1365) to authorize the increase of the capital stock of the First National Bank of Shakopee, Minn.; which was read twice by its title.

Mr. DAWES, from the Committee on Indian Affairs, to whom were referred the following bills, reported them severally without amendment:

A bill (S. 1100) to amend the ninth section of an act entitled "An act making appropriations for the current and contingent expenses of the Indian Department and for fulfilling treaty stipulations with various Indian tribes for the year ending June 30, 1886, and for other purposes," approved March 3, 1885;

A bill (S. 1211) to accept and ratify an agreement made with the confederated tribes and bands of Indians occupying the Yakama reservation, in the Territory of Washington, for the extinguishment of their title to so much of said reservation as is required for the use of the Northern Pacific Railroad, and to make the necessary appropriations for carrying out the same;

A bill (S. 1056) to accept and ratify an agreement made by the Pah-Ute Indians, and granting a right of way to the Carson and Colorado Railroad Company through the Walker River reservation, in Nevada; and

A bill (S. 1057) granting a right of way to the Jamestown and Northern Railroad Company through the Devil's Lake Indian reservation, in the Territory of Dakota.

Mr. DAWES, from the Committee on Indian Affairs, to whom was referred the bill (S. 1210) authorizing the Secretary of the Interior to make sale of certain lands of the Umatilla Indian reservation, in Oregon, to William S. Byers and others, and to issue patent therefor, reported it with an amendment.

Mr. MAHONE, from the Committee on Public Buildings and Grounds, to whom the subject was referred, reported a bill (S. 1366) to change the limit of appropriation for the public building at Montpelier, Vt.; which was read twice by its title.

He also, from the same committee, to whom was referred the bill (S. 577) for the erection of a public building at Stillwater, Minn., reported it with an amendment.

He also, from the same committee, to whom were referred the following bills, reported them severally with amendments:

A bill (S. 1255) to authorize the purchase of a site for a building for a post-office, court-house, and other offices in San Francisco, Cal.; and

A bill (S. 229) to provide for the erection of a public building at Wilmington, N. C.

Mr. MAHONE, from the Committee on Public Buildings and Grounds, to whom were referred the following bills, reported them severally without amendment:

A bill (S. 856) to provide for the erection of a public building in the city of Dayton, Ohio;

A bill (S. 206) to provide for the erection of a public building in the city of Zanesville, Ohio;

A bill (S. 44) providing for the erection of a public building at San Antonio, Tex.;

A bill (S. 771) to provide for the erection of a public building in the city of Dover, in the State of New Hampshire;

A bill (S. 712) for the erection of a public building at Augusta, Ga.;

A bill (S. 480) for the improvement and enlargement of the public building at Petersburg, Va.;

A bill (S. 185) to provide for the erection of a public building at the town of Houlton, Me.;

A bill (S. 263) providing for the erection of a public building at Springfield, Mass.; and

A bill (S. 1350) to provide for the erection of a public building for the use of the post-office and Government offices at the city of Atchison, Kans.

Mr. VANCE, from the Committee on the District of Columbia, submitted a report to accompany the bill (S. 349) for the promotion of anatomical science and to prevent the desecration of graves, heretofore reported by him.

Mr. VAN WYCK. I am directed by the Committee on Public Lands, to whom was referred the bill (S. 333) for the relief of settlers and purchasers of lands on the public domain in the States of Nebraska and Kansas to report it without amendment, and I ask that hereafter we may have leave to submit a report on this bill.

BILLS INTRODUCED.

Mr. CAMERON introduced a bill (S. 1367) granting an increase of pension to Catherine Doyle; which was read twice by its title, and referred to the Committee on Pensions.

Mr. TELLER introduced a bill (S. 1368) for the relief of Richard H. Porter and James Porter; which was read twice by its title, and referred to the Committee on Claims.

Mr. MAXEY introduced a bill (S. 1369) making the city of Houston, Tex., a port of entry; which was read twice by its title, and referred to the Committee on Commerce.

Mr. MANDERSON introduced a bill (S. 1370) to facilitate promotions, and retire from active service upon their own application officers of the Army who served during the rebellion as officers of volunteers; which was read twice by its title, and referred to the Committee on Military Affairs.

Mr. VOORHEES introduced a bill (S. 1371) to fix the status of carpenters in the United States Navy; which was read twice by its title, and referred to the Committee on Naval Affairs.

He also introduced a bill (S. 1372) to reimburse Gunner William Wilson, United States Navy, for effects lost by him while attempting to save Government property from destruction by fire; which was read twice by its title, and referred to the Committee on Naval Affairs.

Mr. GORMAN introduced a bill (S. 1373) to fund stocks, liens, and bonds in the District of Columbia, and for other purposes; which was read twice by its title, and referred to the Committee on the District of Columbia.

Mr. MILLER, of New York, introduced a bill (S. 1374) to increase the appropriation for the erection of the public building at Rochester, N. Y.; which was read twice by its title, and referred to the Committee on Public Buildings and Grounds.

Mr. VAN WYCK (by request) introduced a bill (S. 1375) for the relief of E. C. Chirouse, late United States Indian agent; which was read twice by its title, and referred to the Committee on Indian Affairs.

He also (by request) introduced a bill (S. 1376) for the relief of John F. Malo; which was read twice by its title, and referred to the Committee on Indian Affairs.

Mr. SEWELL introduced a bill (S. 1377) to grant the right of way for railroad purposes through the lands of the United States powder depot near Dover, N. J., to the Morris County Railroad Company; which was read twice by its title, and referred to the Committee on Military Affairs.

Mr. PAYNE introduced a bill (S. 1378) for the relief of Faran & McLean; which was read twice by its title, and referred to the Committee on Claims.

Mr. INGALLS introduced a bill (S. 1379) to authorize the construction of a bridge across the Missouri River at some accessible point within two miles north and two miles south of the city of Atchison, in the county of Atchison, in the State of Kansas; which was read twice by its title, and referred to the Committee on Commerce.

He also (by request) introduced a bill (S. 1380) regulating the sale of distilled and fermented liquors in the District of Columbia; which was read twice by its title, and referred to the Committee on the District of Columbia.

Mr. PLUMB introduced a bill (S. 1381) for the relief of J. W. Patterson; which was read twice by its title, and referred to the Committee on Post-Offices and Post-Roads.

Mr. SAWYER introduced a bill (S. 1382) for the relief of Lydia O. Hutchings; which was read twice by its title, and referred to the Committee on Pensions.

He also introduced a bill (S. 1383) for the relief of Harriet Welch; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Pensions.

He also introduced a bill (S. 1384) granting a pension to Mathias Wondrak; which was read twice by its title, and referred to the Committee on Pensions.

He also introduced a bill (S. 1385) for the relief of John D. Ham; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Pensions.

Mr. PLUMB introduced a bill (S. 1386) for the completion of a public building at Fort Scott, Kans.; which was read twice by its title, and referred to the Committee on Public Buildings and Grounds.

He also introduced a bill (S. 1387) for the completion of a public building at Wichita, Kans.; which was read twice by its title, and referred to the Committee on Public Buildings and Grounds.

Mr. GORMAN introduced a bill (S. 1388) for the relief of the trustees of Isaac R. Trimble; which was read twice by its title, and referred to the Committee on Military Affairs.

Mr. FRYE introduced a bill (S. 1389) relating to public accounts and claims; which was read twice by its title, and referred to the Committee on the Judiciary.

Mr. McPHERSON introduced a bill (S. 1390) for the relief of B. Frank Patterson; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Pensions.

Mr. EVARTS introduced a bill (S. 1391) referring to the Court of Claims the claim of the Compagnie Generale Transatlantique for duties of tonnage illegally exacted; which was read twice by its title, and referred to the Committee on Claims.

Mr. HAWLEY introduced a joint resolution (S. R. 37) providing for the execution of the joint resolution of February 5, 1883, voting thanks and a medal to John F. Slater; which was read twice by its title, and referred to the Committee on the Library.

PAPERS WITHDRAWN AND REFERRED.

On motion of Mr. PLUMB, it was

Ordered, That the papers in the case of J. W. Patterson be taken from the files and referred to the Committee on Post-Offices and Post-Roads.

ENROLLED BILL SIGNED.

A message from the House of Representatives, by Mr. CLARK, its Clerk, announced that the Speaker of the House had signed the enrolled bill (H. R. 5186) authorizing the Secretary of the Interior to use certain unexpended balances for the relief of the Northern Cheyennes in Montana; and it was thereupon signed by the President *pro tempore*.

ASSISTANT SECRETARY OF THE NAVY.

Mr. CAMERON. I ask unanimous consent to proceed to the consideration of Senate bill 1302, Order of Business 128.

The PRESIDENT *pro tempore*. The Senator from Pennsylvania moves that the Senate proceed to the consideration of a bill the title of which will be stated.

The CHIEF CLERK. A bill (S. 1302) authorizing the appointment of an assistant Secretary of the Navy and fixing the salary of the same.

Mr. PLUMB. I hope before that consent is given the Senator from Pennsylvania will enlighten the Senate not only as to the necessity for the creation of this office, but also as to the necessity for haste in the matter.

The PRESIDENT *pro tempore*. The question is, Shall the Senate proceed to the consideration of the bill? which must be decided without debate.

The motion was agreed to; and the Senate, as in Committee of the Whole, proceeded to consider the bill (S. 1302) authorizing the appointment of an assistant Secretary of the Navy and fixing the salary of the same, and for other purposes.

The bill was reported from the Committee on Naval Affairs with amendments: in line 3, before the word "Department," to insert "Navy," and after the word "Department" to strike out the words "of the Secretary of the Navy;" and in line 5, after the word "person," to insert "from civil life;" so as to make the bill read:

Be it enacted, &c., That the President shall appoint in the Navy Department, by and with the advice and consent of the Senate, a competent person from civil life who shall be called the assistant Secretary of the Navy, whose salary shall be $4,000, payable in the same manner as the salary of the Secretary of the Navy, who shall perform all such duties in the office of the Secretary of the Navy, belonging to that Department, as shall be prescribed by the Secretary of the Navy or as may be required by law, and who shall act as Secretary of the Navy in the absence of that officer.

The PRESIDENT *pro tempore*. These amendments will be considered as agreed to if there be no objection.

Mr. CAMERON. I will state for the information of the Senator from Kansas and the Senate that I know of no reason why there should be very great haste about the passage of the bill, but I have called it up at the request of the Secretary of the Navy, who seems to think that

the service requires some assistance, and it was thought best by the committee that that assistance should come from civil life, and so the committee proposed that amendment.

Mr. HOAR. I should like to inquire of the Senator from Pennsylvania whether it is sound policy not merely to take the Secretary of the Navy and his assistant from civil life, but to tie up the President of the United States so that even if a war should break out he would not have the power of calling into the service of the Government a person who is now in the Navy and who has the experience with naval affairs of a naval officer or a naval engineer or whatever. While practically he would ordinarily be taken from civil life, I have never heard any reason suggested against having naval officers except that the jealousies, disputes, and cliques in the Navy might be excited by it when one would be preferred to another. Why should not the President of the United States have the right, if he saw fit, in case of a war, to call some competent person who has naval experience to the assistance of the head of the Department?

Mr. CAMERON. I will say in reply to the Senator from Massachusetts that it was to avoid the jealousies of which he speaks, more than anything else, that the amendment was placed in the bill by the committee. The President has authority at any time to appoint any naval officer he chooses to this position, who would thereupon resign his former position in the Navy; so that the bill does not prevent the Government from getting the service of a naval officer, if it is desired to have it.

Mr. HALE. This whole subject was investigated pretty thoroughly by the Committee on Naval Affairs in a previous Congress, and it was found then by consultation with the head of the Department and from the experience of the committee in relation to that Department, having a near relation to it, that one thing greatly needed in the Navy Department is a further infusion of civilian or business experience and competency. The Department is growing in importance as a great business Department, and if we go on and reconstruct the Navy, as I hope we may and as there is a prospect we may, there will be a large amount of added business matters thrown into that Department.

Each Secretary for the last ten years or more, during all the time that I have had any knowledge of the operation of the Department, has felt the need of a civilian assistant. He has nobody now in the whole Department whom, even in his absence, he can call upon to take the whole charge and responsibility temporarily, but must have recourse to some naval officer at the head of one of the bureaus, and that at once gives rise to what the Senator from Pennsylvania has referred to, the jealousies of rank and of other kinds that are continually pestering this Department.

I should be very glad to see the bill go further. I have the impression that there are certain bureaus of the Navy Department, the business bureaus, that in the case of a reorganization of the Department can better be put under a civilian business head.

The trouble will be, unless it is foreclosed in the bill and provided that the appointment shall be from civil life, that there will always be more or less solicitation on the part of officers or sets of officers for the place to be filled by a naval officer, and that at once arouses jealousy and animosity, while a competent civilian put into the Department through the President to work with the Secretary arouses no such feeling.

In the case suggested by the Senator from Massachusetts, if any thoroughly competent naval officer desires to resign his commission in order that a Secretary may have him as an assistant, he can come within the provisions of the bill, and upon resignation would leave all that domain of competition and animosity which surrounds and includes naval officers and would be in civil life, and therefore would be eligible under the bill. So that case is provided for. It is another thing to select a naval officer over and above his fellows and put him in the place.

As to times of emergency that may arise in the Department, the Secretary has the power and the President has the power, and it is freely exercised, to summon bright, competent, able naval officers for consultation by means of advisory boards or other processes well known and resorted to by the Navy Department, so that the head of the Department gets the benefit of the brains and the wit of the Navy in that way.

But I believe that it is essential to this bill and to the good running of the Department that this officer should be taken from civil life, and that if it is, as I have said, foreclosed in the bill it puts an end to all question, and then the President and the Secretary may search the land for a competent business man, and he will add to the executive force and strength of that Department very greatly, and I think the sooner it is done the better. The present Secretary feels the need as former Secretaries have done.

Mr. SAULSBURY. I should like to ask the Senator from Maine, who has had considerable experience in connection with the Committee on Naval Affairs, if he thinks there is a necessity for such an officer as is provided for in the bill?

Mr. HALE. Yes, I do. So great was the necessity, that once before Congress, upon a statement of the case, provided this officer, and it became a part of the enacted law that he should be added to the force of the Navy Department; but the salary was left at so small a rate that the Secretary could not obtain the services of a man such as he desired to be in that place. No objection was made then, because the need seemed to be imperative; and I know that any Secretary who has been examined before the committee, or any committee I will say, during the last twenty years, would have stated the needs much more strongly than I have done of this additional officer. Other Departments have assistant secretaries. This Secretary has none. I believe the Navy Department and the War Department are the only Departments which have no assistant secretary. I hope the Senate will pass the bill to-day, so that it may go to the other branch and become a law as soon as may be.

Mr. PLUMB. We have got along without an assistant Secretary of the Navy for a good many years, during a period of time in which the Navy had more to do than I think either the Senator from Maine or I will ever live to see it do again. No matter how large it may become, it is not likely to have the important functions to perform during the generation that we are a part of that it had from 1861 to 1865.

Mr. CAMERON. It had an assistant secretary at that time.

Mr. HALE. There was an assistant Secretary of the Navy during the war. He was dropped after the war.

Mr. PLUMB. That is just what I was coming to. The moment the war was over it occurred to everybody who realized that we had been carrying on this Department in the time of a great emergency that the force which was needed for that purpose was not needed any longer.

We have seen all the Departments of the Government during the last few years reaching out for new officers; and yet in the most of them the business really diminishes. The Navy Department does not do, and can not possibly do, the business it did during the war, and, so far at least as we can foresee, it will not have it to do in the future. And so with the War Department. The Interior Department, which has control of public lands and pensions and business of that kind, which is increasing, needs, of course, all the while an added force; but the Navy and the War Departments are not in that condition.

Nothing of this kind is needed, except upon the theory that we need a few more persons to perform the social duties of this beautiful and growing capital. There is no duty to be performed by the present Secretary of the Navy that was not required to be performed by his predecessor and by all those who preceded him since the close of the war. The fact that we may build a few more ships in the future than in the past adds nothing, because they will not be all built in one year. The addition of these adds but little to the active business of the Department, because the regular machinery can take on more as well as less without extra help. And the appliances for such added work are not such as an assistant Secretary of the Navy would be able to materially aid.

When the Secretary of the Navy desires to build a ship he calls in an advisory board. He takes the counsel of civilians who are expert in the business, men of approved reputation and judgment and consults with them. No assistant Secretary of the Navy will ever perform any part of that function for him; and he ought not to do it, because we ought more to concentrate the responsibility as we concentrate the power of that Department. There ought to be no assistant Secretary of the Navy who is to act instead of the Secretary and take away that responsibility which ought to devolve upon the Secretary, and which ought to be always present with him in the discharge of his duty.

One of the vices of the Executive Department as now carried on is that responsibility is fixed nowhere. Commencing in any of the bureaus we have a chief; next to him is some one separated from him only by a few hundred dollars perhaps of salary, and so on through all the grades clear down until we get to the person who closes and opens the doors; and the responsibility is shaded off in precisely the same way. In place of having Secretaries and heads of bureaus who are responsible for all the acts conducted nominally under their authority, we find that they shuffle off that responsibility to the next below them, and then onto the next, and so on all the way down, until you can not fix the responsibility of the action or non-action of any of the Departments in any satisfactory way.

The Departments are not carried on on the basis of the responsibility of their respective heads, but by a machine which runs just the same when the Secretary is absent as when he is present, which is largely independent of him, and in which the responsibility is divided among the employés largely with reference to their emoluments, each one having his own responsibility, and the Secretary having practically none. If anything goes wrong, he simply says: "This machine was not organized right; it was organized before I came here. I am the creature of the hour; here for only a short time at best, and liable to go out at any moment; but this Department, like the brook, goes on forever and forever; and as I found it so I leave it." No Secretary has yet had the courage, if having the ability, to tackle his Department with a determination to thoroughly reorganize it in order that it might represent in all its parts his judgment and reflect his will.

It is not the addition of an assistant secretary that the Navy Department wants; it is reorganization from top to bottom; and just as long as we stand here ready to supply new officers for the purpose of meeting temporary conditions we shall not have reorganization. Instead of reorganization we shall constantly be half-soling it, putting on here and there, according to supposed emergencies, and leaving the great

error of defective organization, of machine management, of an indurated condition of things, which produces little of merit and nothing of the highest degree except the drawing of salaries and the expenditure of public money.

I think that the present Secretary of the Navy, able and expert as I have no doubt he is, could get along without an assistant secretary just as his predecessor did. I am very sure that he will not build any more ships in any one year than his predecessor did. He will not be called on to exercise in any way any more skill, any more judgment, or to put any more of his time into the discharge of the Department business than his predecessors have done; and he will not do it, either.

The heads of the Departments are the ornamental part of the machine. They give no character to the work that is being done. That, as I said, was organized before them, and will continue after them. If there is an assistant secretary there it is just simply another rose in the button-hole, another ornamental but practically useless appendage; but the real fundamental business of the Departments will be done underneath, as it always has been, as it ought not to be done, as it will be until we reorganize the Departments on the principle of the responsibility of their respective heads.

Mr. HAWLEY. I am sorry the Senator from Kansas does not take the view of this case which the committee did, and which was so thoroughly presented by the Senator from Maine. I am in favor of the bill.

Let us presuppose that this Secretary of the Navy is anxious to reform the abuses to which the Senator from Kansas has referred, reform the processes of doing business; let us take for granted that he desires to make himself a useful and influential public officer. There is work for him, great work for him possibly in that Department.

I find that the previous Secretaries complained that they were hampered more or less; they desired additional assistance of a certain character. I recollect that while the Republicans in power were very anxious to give the Navy additional work to do in the regeneration of our Navy, the building of new ships, there was continual criticism made upon the processes of business in the Departments. Sometimes the criticism was in the form of attacks, not to say bitter and personal attacks, on the chiefs of the Navy. At other times the criticism was directed to the awkward and cumbersome methods of doing business. Now, take it for granted that we have put an able, a capable, an ambitious man into that place; that there is such a one in the place now. He goes there and finds himself, so far as the work of the Navy is concerned, absolutely alone. He has a chief clerk, to be sure, who is a civilian, but it is not required or expected that he is to be the sort of man that the Secretary can detail to various classes of work wherein he requires assistance. The chief clerk has his own limited and laborious field of duty. Now, this Department expends, say, twelve to sixteen million dollars a year, and I hope is to expend more, for I have no shadow of doubt that the American people will demand that we shall have something resembling a respectable navy, which we have not now. There is to be a larger expenditure there; and in conducting that work, as well as in reforming the existing methods, we require a capable Secretary, and I know of no business in civil life anywhere expending twelve or fifteen million dollars annually that would think it an unreasonable thing that the president or the chief manager thereof should have a confidential deputy, an able and responsible man.

Here, for example, is a certain field of inquiry that comes before the Secretary; we will say it is to inquire into the capabilities of the private works of the country to build steel ships, or it is to consider a particular form of armor, or a particular form of gun, or a reform in the organization of the different departments of the Navy; whom shall the Secretary now send for? For some of these things he could find a capable man, but for others, for the correction of abuses in organization, is he to detail the identical men who have been conducting these things in this manner?

A man who desires new business vigor and organization there I say is absolutely alone; and when he desires this investigation to be conducted or this work to be done, he can do it himself if he can leave his office for a day or a week or a fortnight to do it. I think it only reasonable to give him a civilian; we suppose he will select only an able business man from civil life who without prejudice will be entirely outside of the professional rivalries and jealousies, and, if you please, the Bourbonism likely to grow up in any branch of the service.

Mr. BECK. Mr. President, this matter was very fully discussed some two years ago before the Committee on Appropriations where it was presented very ably both by the Secretary of War and the Secretary of the Navy, Mr. Chandler being then Secretary of the Navy and Mr. Lincoln Secretary of War. The committee and Congress agreed that they had made out a necessity for an assistant secretary in each of these Departments so clearly that a law was passed authorizing each of them to employ an assistant at $3,500 a year. I understand that they were unable to obtain for that salary the character of assistants that they needed and the places were not filled. Am I correct in that? I think I am. I believe I am correct in saying they were unable to fill the places.

Mr. HALE. That is so.

Mr. BECK. I became satisfied after a thorough examination that they ought to have such assistants, and that they ought to have men of the very highest order of capacity, and that $4,000 a year was the proper salary that ought to be given to them. The main argument was this—it is as good to-day as it was then and always will be—that the Secretary of War and the Secretary of the Navy are the only civilians in either of these Departments who are in authority. The Secretary has to deal with organized bodies of men in each of these Departments who have their own views, their own jealousies, their own organizations within themselves, staff and line, and all sorts of things, and the moment his back is turned and he has to leave the Department in charge of somebody, he has to pick a man belonging to one set or the other of some of the organizations within his Department.

It was shown to us conclusively, and the fact is as plain now as it ever was, that the Secretary, being the only civilian in power, felt that he could not leave his Department and put it in charge of any one, no matter how able or conscientious he might be, who belonged to the naval or military organization of the country, without the fear that something would be done that would upset what he had previously determined should be done. He also needs an assistant for consultation for examination, not only because of the large amount of money to be expended, but as to new plans for guns, for ships, and so on. He needs some confidential, able man, himself a civilian, who can take his place when he is absent and with whom he can consult freely without having to call on any of the officers of the Army or the Navy who were liable to be warped or prejudiced to one particular view or another. Having so much money to disburse, having so many things to consider, and having to be absent from time to time and leave the Department in charge of somebody, it seemed to us then, and it seems to me now, that it is not wise, in order to save a salary, to prevent these two executive officers from having able men with whom they can confer, civilians not attached to the Army or the Navy, but having confidential relations with the Secretary himself, as I said, the only civilian in each Department, who has to arbitrate and judge between conflicting claims that come before him. Such a salary should be allowed as will enable us to get a good man, in whose hands in the Secretary's absence, or in consultation with whom, the interests of the United States would be safe without the risk that has been run heretofore.

That was made very plain to the committee both by Secretary Chandler and Secretary Lincoln. Their statement made an impression on my mind, and I understand and believe that we made a great mistake in not making the salary $4,000 instead of $3,500. It would be a matter of economy, a matter of prudence, a matter of good administration.

Mr. PLUMB. I should like to ask the Senator from Kentucky a question. I ask if we did not repeal the provision for the assistant Secretary of the Navy at the special request of Secretary Chandler?

Mr. BECK. I do not know.

Mr. PLUMB. That is my recollection.

Mr. BECK. I am not sure about that. I know I looked into the question very carefully.

Mr. ALLISON. Mr. President, in 1882 we passed in one of the appropriation bills, I think perhaps the legislative bill, a provision allowing an assistant Secretary of the Navy and an assistant Secretary of War, the salary of each to be $3,500. These officers were not appointed by the President, and I think on the 3d of March, 1883, we repealed the law providing for these two assistant secretaries. I am not clear now as to the reason given for the repeal at the time. The Senator from Kansas seems to think it was at the request of the Secretary of the Navy. It is possible that persons could not be found of sufficient capacity to fill those places, but the reason that governed the committee in fixing the salary at $3,500 was that, with one exception, is the salary now paid to assistant secretaries, and we thought then if we set the example of paying $4,000 or $4,500 as is now suggested by the Senator from Kentucky to these new assistant secretaries, of necessity we should have to increase the compensation of the Assistant Secretaries of the Treasury and of the Interior. For myself I believe that the salaries now paid to the Assistant Secretaries of the Treasury and of the Interior are not sufficient for the securement of men of sufficient capacity to discharge the duties they are called upon to discharge.

Mr. CAMERON. I think the Senator from Iowa is wrong about the pay of the Assistant Secretary of State. The First Assistant Secretary of State I am informed receives $4,500 per annum.

Mr. ALLISON. I said "with one exception."

Mr. CAMERON. And the Assistant Secretaries of the Interior receive $4,000, and of the Treasury $4,500.

Mr. ALLISON. . The Assistant Secretaries of State until a few years ago—until 1881—received but $3,500.

Mr. CAMERON. Now it is $4,500 for the First Assistant Secretary.

Mr. ALLISON. Then, for the purpose of securing a competent person whom it was understood would accept the office if the salary was increased, an addition of $1,000 was made to the salary of the First Assistant Secretary of State. Last year I think we provided for an additional Assistant Secretary of the Interior.

Mr. CAMERON. At $4,000.

Mr. ALLISON. At $4,000. But I only desired now to call attention to the fact that if this salary is fixed at $4,500 for the assistant Secretary of the Navy—and I think it is not an excessive salary—we shall be called upon and in fair dealing ought to increase the salaries of the existing assistant secretaries of the other Departments.

Mr. HALE. The Senator will allow me a word on that very point. Some examination was made by the Committee on Naval Affairs into this subject of the salaries of assistant secretaries in the different Departments. I do not know that it was an exhaustive examination; but the statutes were looked up, and we found, rather to my surprise, that most of the assistant secretaries in the different Departments by one bill and another that has been passed pertaining to those Departments are as high now as $4,000. There are only two or three that we found are left at the old rate of $3,500, and instead of fixing this at $4,500 the committee took the intermediate rate of $4,000.

Mr. ALLISON. I only spoke from memory, but I venture to state that the First Assistant Secretary of State and the new Assistant Secretary of the Interior are the only two officers now acting as assistant secretaries who receive a higher compensation than $3,500.

I do not criticise this salary of $4,000. I think it is necessary to have a competent man, if we have any man in this office as assistant Secretary of the Navy, a man competent to discharge the duties of Secretary when the Secretary is absent; but I also believe that the assistant secretaries in other Departments should have the same salary if we apply that salary here.

Mr. CAMERON. That is another question.

Mr. ALLISON. It is another question, but it is a question that ought to be considered, I think, in connection with this bill. I desired to call attention to it at this moment.

Mr. DAWES. Mr. President, there was until last year but one assistant secretary that had $4,500, and that was made $4,500 for a special case, and the place was not accepted by the person for whom that $4,500 salary was provided.

Mr. INGALLS. What assistant secretary was that?

Mr. DAWES. That was the First Assistant Secretary of State. There was a desire on the part of the officials to obtain special service in that Department, and it was supposed it could be obtained by raising the salary from $3,500 to $4,500; but in that they were mistaken. Still the salary of that office has remained, although filled in the ordinary way, at $4,500. When we created the new Assistant Secretary of the Interior, last March, I believe, his salary was put at $4,500, but I am not certain.

Mr. ALLISON. Four thousand dollars.

Mr. DAWES. It may have been $4,000.

Mr. HALE. I have the statute right here. In the Department of State the First Assistant Secretary receives $4,500, the others $3,500. In the Treasury Department each of the Assistant Secretaries of the Treasury receives $4,500. I thought it was $4,000, but I see it is $4,500.

Mr. INGALLS. How many are there?

Mr. HALE. Two. In the Department of the Interior the Assistant Secretaries receive $4,000. So I do not discover any others than the two lower assistants in the State Department who get $3,500.

Mr. DAWES. There is no desire, so far as I know, to make the salary more than $4,000. I think $4,000 is a proper salary for this officer. I do not think $3,500 is enough. The lowness of the salary provided was the reason why the office was not filled when it was created. The services of a person competent for that place can not be obtained for that figure.

Mr. BECK. This bill fixes $4,000 for this salary. Four thousand dollars perhaps will secure a competent man; and if it does, well. There must be a very competent man to fill the place properly.

Mr. DAWES. I heartily agree with the bill. I think it is necessary, and I think such an assistant is also necessary in the War Department. It is necessary for reasons which have already been suggested that the War Department and the Navy Department should be lifted as much as possible in their administration out from under the Army and the Navy, so that the Secretary, who is a civilian, shall have an opportunity to impress his views upon the Department and be responsible for its work, and so that whenever he is necessarily absent it may not fall back into the influences and under the control of the Army or Navy. I do not say that with a disposition to criticise that policy, but only that he thereby is relieved often of responsibility for the changes of policy and changes of administration that happen the moment any person from the Army or the Navy has to act in the capacity of head of either of those Departments. It will be necessary that somebody do the duties of an assistant secretary, and the only question is whether he shall be from the Army or Navy or from civil life. I think there is every reason in the world why he should be from civil life.

I hope with the Senator from Connecticut that there is to be something more done toward rehabilitating the Navy than has been done heretofore. If there has been in the past any wisdom of statesmanship in putting off that duty until the execution of that policy could come into different hands, I have nothing to say upon that point. It has now fallen into different hands. I am willing to do whatever is in my power to aid them in any disposition they may have to do that which I think they ought to have permitted to be done years before.

Mr. HALE. I find on looking further that each of the assistants in the Post-Office Department, places corresponding to this, receive, not $3,500, but $4,000, and that is the salary of the assistant Attorneys-General. So the only assistants remaining that receive $3,500, as I stated at first, are the two minor assistants in the State Department. All the rest receive either $4,500 or $4,000.

Mr. PLUMB. I made no point about the salary.

Mr. HALE. No; I was only answering some other suggestions which were made by other Senators.

Mr. ALLISON. I made the suggestion, and on looking further I find that the very thing we did some years ago resulted in increasing the salaries of nearly all these assistants to $4,500. When we increased the salary of the First Assistant Secretary in the State Department, that at once required us to increase all the others.

Mr. PLUMB. I do not object to the salary. I am willing to vote all the money that may be necessary for administration, but I object to the creation of this office as unnecessary. It is often convenient to have an assistant on whom a responsibility, disagreeable to his chief, may be thrown. There have been abundant such instances during the last few years, and will likely be more in the future.

I am opposed to that method of administration not only in regard to this—because my opposition to this is not different from that which I have assumed at all times—but I believe in making the head of the Department responsible for everything that occurs in it, and I do not want to put any more scape-goats in the Navy Department or any other Department than there are now. If the Secretary of the Navy or the Secretary of War desires means of collecting information, desires expert skill or anything of that kind for the purpose of enabling him to form a judgment, give it to him; but if it is for the purpose of enabling somebody else to form a judgment for which he is not responsible, then I object.

But the Senator from Massachusetts [Mr. DAWES], hoping that we shall do better than we have done heretofore in this Navy business, thinks that the Democratic party now are going to be willing to build up the Navy as they have not heretofore been willing to do. Taking as a sample what has been done during the few months this Administration has been in power I doubt if more will be done than heretofore, and what has been done so far does not inspire me with the confidence I would like to have, and I think best to stand just where we are for the present.

I do not think it is necessary, in order to build up a navy, that we shall break down old and responsible and reputable contractors who are to build our ships if they are to be built with the requisite skill. I do not observe that the present Secretary of the Navy has needed any help in the direction he has already gone. He undertook the completion of four ships of the Navy, including a dispatch-boat, and for this purpose took them out of the hands of the contractor, whom he first ruined. That job he completed; the ships are still on hand uncompleted. No assistant secretary could have aided him in what he has done. His work has been perfect of its kind. I am willing that the responsibility of all future transactions shall rest upon him. I am not willing to put any person in his office who shall divide that responsibility with him or upon whom it can be cast at a convenient moment.

When I say that of the Secretary of the Navy, it is not of him personally, but it applies to all the Departments alike. There is too much of this divided responsibility. It is not an assistant Secretary of the Navy that is needed, but men of skill and experience, who can be had as needed, and whom it will be better to change at intervals.

The bill was reported to the Senate as amended, and the amendments were concurred in.

Mr. PLUMB. I move to amend by striking out the word "shall," in line 3, and inserting "may;" so as to read: "That the President may appoint in the Navy Department," &c.

Mr. CAMERON and Mr. HALE. No objection to that.

Mr. VAN WYCK. Mr. President, if my recollection serves me, this is the first attempt on the part of the opposition to this Administration to force—probably not to force, because I do not know the attitude of the Administration toward gentlemen—but to attempt to make them have an additional officer at a large salary. Before we commence—because I think this is the commencement—we should understand whether this is entirely acceptable to the Administration now in power. I know it is not in conformity with their expressed desires in their platform and speeches. I know it is not in conformity with our platform and speeches. It stands in antagonism to the attitude of both the great political parties of this country and the expression of the wishes of the people of this country, because when they sought in the exercise of sovereign power to change administrations the people believed it was to be in the interest of reform and in the interest of economy. Now, if the Administration or the Secretary of the Navy does not desire this, the chance is that they may be a little suspicious of the Greeks, though bearing gifts. I am not willing to place the Administration in that attitude.

I only judge from the advocates of this measure on this floor, I only judge from the members of the committee who have expressed so much anxiety on the subject, and I desire to put our friends on the other side on their guard. The advocates of this measure seem to be among the political opponents of the Administration, and therefore it is that it is proper, I think, that I should make the suggestion, so that they may not be entrapped into accepting this office with this salary.

We have heard much about this matter. It is perfectly evident, I think, to the ordinary comprehension of Senators, or at all events of the people, that this office is not really needed, because the Government has been administered many years without it; and if we have got on with-

out it, certainly there can be no necessity for it. I remember that only a little while ago there were discharges from the Bureau of Engraving and Printing. They were reducing then the force of men in the employ of the Government. That reduction, however, was confined to men who received a dollar per day, I think—laborers; and therefore it threw upon the laborers retained the necessity of performing that which the discharged men had performed; and yet without apparently any necessity, with no increase of business, we are asked now to establish an office whose salary will be about equivalent to the pay of fifteen discharged laborers.

Our friends in front, the Senator from Iowa [Mr. ALLISON], the distinguished chairman of the important Committee on Appropriations, the Senator from Massachusetts [Mr. DAWES], a distinguished member of the same committee, insist that this office shall be created, as I understand them, and while making a suggestion about the salary, they indicate that it is impossible to reach out and obtain competent men to discharge this duty at $3,500 per year, and then, of course, from the intimations dropped, all the other assistant secretaries are to be raised up to $4,000 or, if necessary, to $4,500. I do not understand the expression of the Senator from Maine, "the minor assistant Secretaries in the State Department." I do not see any warrant in law for speaking of an assistant secretary as a "minor" assistant. They are all assistant secretaries, raised to the dignity of the office, and they will need the dignity of the pay.

We are told that there was difficulty in finding some one to fill the place—the old story we hear whenever a bill is proposed to increase salaries or make new offices. Then we are reminded of the difficulty of obtaining men to fill the place. So we hear of a distinguished gentleman, who was looked for to be Assistant Secretary of State, who could not think of touching that office unless the salary was made $4,500. The increase was made, but it seems $4,500 was not a sufficient inducement for him to take the office, and then our friends say that $3,500 only is paid to the assistant Secretary of the Treasury. Now, I would ask Senators if they are aware that this Administration when making changes were embarrassed in finding competent men to fill the office of assistant Secretary of the Treasury? The Senator from Iowa, I presume, did not intend that his remarks should receive that construction, because, if so, there was no difficulty. The Treasury Department was filled by very competent assistants. They were trained men; they were competent men; they discharged their duties without fault, because the new Secretary kept them in his household when he had the power to remove them but did not; so that the ability and the competency of those gentlemen was indorsed not only by the previous but by the present Administration. They were receiving $3,500 a year, and I think that neither of the assistant Secretaries of the Treasury was anxious, even at that pittance, to drop out on the change of administration, but they were perfectly willing to serve their country under a Democratic Administration and without any increase of salary. So there was no difficulty on that score. This pictured embarrassment certainly does not exist in this matter of assistant secretaries.

I only desired now to pause long enough to emphasize this proposition. It will be repeated. You may discharge the laborers at $1 a day in any of the Departments, to be followed by the increase of assistant secretaries at $4,000 a year. Therefore it is that right at the beginning of this sort of reform I desired to call to it the attention of the Senate and of the country.

Mr. BLACKBURN. Mr. President, it occurs to me that there can be but one opinion as to the advisability of introducing more civil influence as in contradistinction to naval influence in the administration of this Department. I, as a member of the committee from which this bill has been reported, favor it, and I do so among other reasons for the very one which the Senator from Kansas [Mr. PLUMB] assigned as his reason for opposing it. I do not want to relieve the Secretary of the Navy from one atom of the just responsibility which under the law rests upon him to-day; upon the contrary, I want to rivet and fasten that responsibility upon him to the fullest measure possible. The question is whether this bill does not accomplish that purpose among other good purposes which I think it embraces.

It is practically impossible that the Secretary of the Navy should either be present all the time in his office in the discharge of the duties that pertain to it, or that he should be able to meet all the duties that rest upon the head of that Department and in his own person discharge all the functions pertaining to its management. That we know; and among the most lamentable instances that we are to note occurs this to me: From the sheer impossibility of meeting all these obligations and discharging all these duties we see to-day one of the most important functions of this great Department lodged in the hands of a naval officer—the matter of detail. The bureau of detail is to-day not in the hands of the Secretary of the Navy except for the purpose of revision, but practically it is in the hands of a naval officer, and he a captain, and the twelfth captain on the list; and yet there is not an officer of the American Navy, including its Admiral, whose details are not made by this subordinate officer.

It does not lie in the mouth of the Senator from Kansas to comment upon it from a political standpoint, nor does it lie in my mouth to make such a comment, because it is the practice of the Administration to-day, and it has been the practice of the present Secretary's predecessors in office. I do not blame his predecessors for doing it; I do not blame the present Secretary for the practice, for, as I have stated, I am convinced that it is a physical impossibility for him to discharge all the routine duties incident to the office which he holds. Now, sir, it seems to me that the responsibilities of the Secretary would be intensified and clinched and riveted if you give him an officer from civil life, of his own selection, not only for whose acts but for whose selection and appointment he, and he alone, is responsible.

Is it a proper thing to see the twelfth captain of the line in the Navy issuing orders of detail for cruises and sea-service to every officer in that Department up to his superior, the Admiral? Yet we find that that is the practice to-day and has been under former administrations, and for the reason I have assigned, that it is demonstrated to be a physical impossibility for either of this officer's predecessors or for himself to discharge all these duties and give personal supervision to every detail of machinery in the Department.

It seems to me, sir, that it would be far better for an officer taken from civil life to be charged with this very important function. In that way you would get rid of all the bickerings and all the jealousies that have been adverted to by Senators who have preceded me this morning. It is not fair to require an officer of the Navy to put himself in the position which this captain holds to-day. We know quite well that there are comparatively desirable and non-desirable assignments to duty. The officer who gets the better place surely will not undertake to protect the officer acting in the details from the criticisms that will come upon him from the friends of those who have failed.

I do not mean to reflect upon the administration of Captain Walker as the head of this bureau of detail. His competency and efficiency are known and admitted of all men. His honesty of purpose it is not my desire to impugn. It is not that; I have no criticisms to pass and no complaints to make as to the manner in which the officer discharges this important function. I am trying to call the attention of the Senate to the evil that exists, and the only proper remedy, as it seems to me, which is presented to us, and that is, without relaxing one atom of your demands for the responsibilities that attach to the head of the Department, but even fastening them more closely and more firmly upon him, let him have the power to call from civil life an assistant secretary of this Department, and let that assistant secretary take charge, for instance, of this very duty of the detail of officers of the Navy and relieve a subordinate officer of the naval service from such an important trust.

I can not tell what special objection may be assigned bearing on the creation of this office—an assistant secretary of this Department. The Postmaster-General has three assistants; the Treasury Department has two; the Interior Department has two; the State Department has three; and why not let there be two civil officers in this Department, if you mean to infuse any civil influence into its administration at all?

I myself heartily approve the bill, and believe that it is not only in the direction of good administration, but that it is the only means which can be adopted to make efficient the administrative policy that you have determined a civil officer shall bring into existence in the conduct of this Department of the Government.

Mr. INGALLS. Mr. President, I intend to treat this Administration with absolute justice. Whatever assistance any officer of any Department may certify that he requires, whatever moneys he may say are, in his judgment, essential to the proper administration of his Department, I shall vote to supply. But I do not propose to place myself in the attitude, as one member of the majority in this body, of tendering to that Administration any assistance they do not themselves certify that they require or any moneys that they do not themselves aver are necessary for carrying on their Departments.

Mr. CAMERON. This has been requested by the Secretary of the Navy.

Mr. INGALLS. I have not yet heard any public declaration from any member of the party which supports this Administration and to which it is accredited that the Secretary of the Navy has stated that this officer is necessary and that he requires additional assistance.

Mr. BUTLER. The Secretary of the Navy has recommended it.

Mr. INGALLS. Let us have his request read.

Mr. BUTLER. On page 40 of his report—

The system of organization——

Mr. INGALLS. From what does the Senator read?

Mr. BUTLER. From the annual report of the Secretary of the Navy.

The system of organization indicated herein begins with the Secretary (who occupies a position at the confluence of all the powers confided to the Department), and supports him with some aids or advisers in such number and of such character as shall seem judicious; (an assistant Secretary of the Navy would seem to be an essential feature.)

Mr. INGALLS. That is a remarkably emphatic declaration!

Mr. BUTLER. Modest.

Mr. INGALLS. Very modest!

Mr. BUTLER. But nevertheless emphatic and quite sufficient for the ordinary intellect.

Mr. INGALLS. It would seem to be under all the circumstances not very emphatic. Let that be quoted again, so that I may not misapprehend it.

Mr. BUTLER. If I can be assured of silence while reading I will read it again.

An assistant Secretary of the Navy would seem to be an essential feature.

Mr. INGALLS. A very guarded statement! I wish the Senator would send me that book.

Mr. BUTLER. I had not quite finished reading what I desired.

Mr. INGALLS. Then I beg the Senator's pardon.

Mr. BUTLER. Oh, no! I send the report to the Senator.

Mr. INGALLS. And the most amusing feature about this all is—to which my attention had not been called—that the paragraph that the Senator has read appears to be an interpolation and is in parenthesis.

Mr. CONGER. Not necessary to make sense.

Mr. INGALLS. Not only not necessary to make sense, but evidently it was an afterthought.

The system of organization indicated herein begins with the Secretary (who occupies a position at the confluence of all the powers confided to the Department), and supports him with some aids or advisers in such number and of such character as shall seem judicious;

Then comes a semicolon, and after that in parenthesis appear the words:

(an assistant secretary of the Navy would seem to be an essential feature.)

Mr. BUTLER. Of the Department.

Mr. INGALLS. No, sir, in the system of organization, not in the discharge of the duties; not that any additional assistance is required, for we have no navy; it has been said *iterum iterumque* that we had no navy, and the hope has been expressed from time to time that the patriotism of the Democratic party would rise to the exigency of the occasion and give us a navy. I believe the Tallapoosa has been raised and is now in process of repair; but if there has been any enormous increase in the labors and duties which devolve upon this Department under the appropriations or legislation of the last two years I shall be very glad to hear from the Committee on Naval Affairs in what it consists and how the burdens of the Secretary of the Navy have been increased, so that we should be called upon to force upon them, in defiance of their repeated declarations that this was an administration based upon reform and economy in the public service, an additional officer which the Secretary of the Navy says is an essential feature of the system, or rather would seem to be an essential feature of the system, but which he does not intimate is at all necessary for the purpose of discharging the duties of that office.

Sir, I should have been much better contented if the Committee on Naval Affairs instead of busying themselves to find some method of conferring new patronage and new offices upon this Department had endeavored to make some satisfactory inquiry into the conduct of the administration of the Department in connection with our naval construction and in connection with the transactions by which attempt after attempt has been made to reject the Dolphin. I can not forget, nor can the American people forget, that a studious attempt has been made on the part of the Secretary of the Navy to crush out a great American enterprise; that in pursuance of a predetermined plan one of the greatest industrial establishments in this country was forced into bankruptcy; that an American citizen whose life had been devoted to the interest of the American marine was compelled to suspend his operations upon the pretext—I repeat it, sir, the pretext—that the Dolphin, which had been constructed in accordance with the designs and under the direction of the officers of the Navy Department, was structurally weak and unfit for acceptance, and when one attempt under the operations of the board that was organized for the purpose of declaring that that ship was not fit for service had failed another was organized, another attempt was made to show that this vessel was structurally weak, and when that failed I am told that another was organized and the Dolphin was again sent out in search of a cyclone which it encountered off Cape Hatteras, where the waves were so high and the winds were so tempestuous that the experts had to go below sea-sick, and still she outrode the gale and came into port without any indications of structural weakness. And I understand that at last all hostile efforts having failed, by some subterranean arrangement that is kept out of sight, no public notice having been given, this Secretary of the Navy has decided that the Dolphin can not be rejected; that she was constructed in accordance with the plans and specifications, and that, therefore, the effort which crushed John Roach, threw three thousand men out of employment, and closed one of the great industrial enterprises of this country, was a gross, unwarranted, and abominable wrong.

I confess, sir, I am not in the mood of handing out on a salver any additional patronage or any additional emoluments to the Secretary of the Navy, which he is only able to certify in parenthesis are essential apparently to the perfection of a system of organization. It is barely possible that if the Secretary of the Navy had had an assistant from civil life appointed by President Cleveland he might have been so far re-enforced in his herculean efforts to reject the Dolphin that the attempt would have been successful.

Therefore, Mr. President, so far as I am concerned, I see no occasion for the adoption of this measure. I see no warrant for it. I see no justification for it. The duties of this office have been for years discharged without this assistance, and it will certainly puzzle the most active of all the champions of this Administration to tell us where the burdens and duties of that officer have been increased by any legislation or by any expenditure or by any increased operations in the direction of rendering the Navy more efficient.

Mr. COCKRELL. Mr. President, it is remarkable that the distinguished Senator from Kansas [Mr. INGALLS] should have made a speech of the character he has when his side of the Chamber control the majority of the Committee on Naval Affairs and control the legislation of this Senate; and if the statements he has made are true he is failing to discharge a solemn duty he owes to his State and to the people of the United States in his failure to demand an investigation of the matters connected with the Dolphin.

Mr. INGALLS. They will be investigated. Do not be uneasy.

Mr. COCKRELL. Why not have the investigation before an attempt is made to create a false impression in regard to the facts? The Secretary of the Navy did simply his duty, nothing more and nothing less than his duty, in attempting to have a Government contractor comply with the law, and the Secretary of the Navy will not avoid an inquiry into that matter. Let it be investigated. That is all we ask. Let there be an investigation of that conduct and let the world know the facts in the case.

Mr. President, I am not a member of the Committee on Naval Affairs, and I can not say from my personal knowledge of the condition of that Department that an assistant secretary is absolutely necessary. I remember very distinctly that the late Secretary of the Navy before the Committee on Appropriations convinced us very conclusively that an assistant Secretary of the Navy was necessary; and so did the late Secretary of War as to his Department, and we authorized the appointment. I voted for it, although I am not inclined to vote for an increase of the number of officers of this Government. I much prefer voting for a decrease whenever an opportunity offers; but we thought it was necessary.

I did not know that this measure was coming up and do not know what information the Committee on Naval Affairs had in regard to the necessity for it. But I desire to say to the distinguished Senator from Kansas and the distinguished Senator from Nebraska that they must remember the condition of the Departments when they were transferred to the new Administration on the 4th day of last March. They were taken in the condition they were in. I am not bringing this up for the purpose of any censure on any one. I will commence with the Interior Department, over which the distinguished Senator from Colorado [Mr. TELLER] presided so ably. I simply want to show the condition the Administration was in when it was received on the 4th day of last March, and every Senator will see from that condition that there ought to be some change, if possible.

The Senator from Colorado will bear me out, I think, in the statement that in his Department, the Interior Department, the business of administration was far behind. Take the Land Office; the current business was eighteen months behind, I will say. I believe it was further behind when the Senator first took charge of the Department. If my recollection serves me, it was probably nearly two years behind then. I think he brought it nearer up to date. It was the same way in other branches of the service. Take the Pension Office, and that is behind with its business. Now go to the Treasury Department, where all the accounts and expenditures are audited and adjusted, and there in the office of the Second Auditor, the office where the balances of the bounty and back pay to soldiers, their widows and their orphans, are examined and adjusted, the business was two years behind.

I say, and I say it without any reflection upon any one—because this business has accumulated and piled up from year to year; it never has been taken hold of in my opinion in the way it should be and brought up to date—it is a burning shame that the balances due the soldiers, their widows and their orphans, should after twenty years from the close of the war be unadjusted and unsettled. A change is needed; what that change ought to be is an entirely different question. Whether it must be by an increase in the clerical force, or whether it must be by placing greater responsibility upon certain officers of the Departments. I am not competent just now to say; but something is needed. A change is needed. What is needed is to bring the business up to date; the change needed is to bring all the business of the Departments up to date.

What is the result and what is the effect? Every Senator here is flooded with letters from claimants for pensions. Why? Because they can not get their letters answered from the Departments. Every Senator is flooded with letters in regard to back pay and bounty. Why? Because they can get no satisfaction from the Second Auditor's office. So it is with claims for horses pending before the Third Auditor, and so it is with claims for quartermaster and commissary stores pending before the Commissary-General and the Quartermaster-General.

The Administration has been taken in this condition, and it will not do for gentlemen to commence criticising quite so early yet; it has had no opportunity yet. I do not know whether it will make changes for the better or not. Give it an opportunity. If an assistant Secretary of the Navy is needed in order to bring the departmental business of the Navy Department up to what it ought to be, the Secretary ought to have that help. If it is for the purpose merely of creating a new office

and giving patronage, I am as much opposed to it as the Senator from Kansas or the Senator from Nebraska; but I do not understand that that is the object. I understand from the members of the committee that the Secretary of the Navy desires it.

Mr. LOGAN. Will the Senator allow me to interpose right there?

Mr. COCKRELL. With pleasure.

Mr. LOGAN. The Senator mentioned the fact that under the prior Secretary the Committee on Appropriations was convinced that an assistant secretary was needed in this Department. I was on the committee, and I recollect very well that at the time we agreed to it it was in the early stages of the administration of the then Secretary of War and the then Secretary of the Navy, and afterward when they got the run of the office they both declined to appoint an assistant secretary.

Now, what I want to call the Senator's attention to is this: Whether it may not be that the same influences inside both these Departments that induced these two Secretaries to recommend an assistant may have been at work now for the purpose of bringing about certain things; for instance—I do not say it is so, but I merely call the Senator's attention that he may reflect about it—it may be much easier for officers of the Navy to control an assistant Secretary of the Navy than it is to control a Secretary. I will not say what controlled the two Secretaries in their refusal afterward to appoint an assistant; I merely call the Senator's attention to the fact that they did not do it, although we passed a law authorizing it. Neither of them nominated or sent to the Senate an assistant. Without, as I said, saying why they did not, I merely throw the suggestion out, that Senators may reflect and make a little inquiry before this is done, to see whether the Secretary of the Navy means to say that he absolutely needs this officer in transacting the business of that Department. If he does, I will vote for it; if he does not, I will not. I am opposed to it as I understand it now from my former information; but if the Secretary absolutely needs it that is another thing; he does not say so.

Mr. COCKRELL. The Senator is correct in regard to the passage of the act authorizing the appointment of an assistant Secretary of War and an assistant Secretary of the Navy. It was early in the administration of the late Secretaries of the Navy and of the War Departments, and I remember distinctly the discussion in regard to allowing those assistant secretaries. It was agreed, I believe almost unanimously, by the committee, from the representations we had, that they ought to have them. Now, I remember that time rolled on and no appointments were made, and the question came up about the time we repealed the law. I can not say how I got my information. I heard it mentioned at different times, "Why have they not appointed assistants?" I do not say from whom or how I got the impression, but my impression is just this, that for $3,500, which was the salary then allowed, neither one of them thought he could get a man of the character, ability, and firmness who could take the place there and resist the pressure that would be brought to bear.

Mr. LOGAN. It is well to put in about the salary; but the fact appears that those Secretaries did not turn over their own power and control to a man who might be appointed assistant secretary. It looked as if the very pressure that they were themselves afterward forced to resist was that which caused them to make the recommendation in the first place; and when they discovered it they did not make the appointment. Is not that true?

Mr. COCKRELL. My impression was just as I say, that they could not get for the price allowed the character of man needed. There may have been other reasons, but that was my understanding.

Mr. BUTLER. I intended to submit some observations; but if we can have a vote, I am willing to give way.

Mr. CAMERON. It is but three minutes to 2 o'clock, and I think a vote can be had.

Mr. LOGAN. There will not be any vote taken now.

Mr. CAMERON. I wish to say in answer to the question of the Senator from Illinois, that the Secretary of the Navy inclosed a copy of this bill to me in a letter three or four days ago, asking me to present it in the Senate and giving his reasons for it, and stating that he needed the services of an assistant. That letter is not now in my possession, but he wrote a similar letter to the chairman of the Committee on Naval Affairs of the House of Representatives. I have sent over for that, and it will probably be here in a few minutes.

Mr. BUTLER. I had no idea of participating in this debate; but for fear my remarks may be construed into indifference as to this appointment, I simply desire to say that in my judgment the appointment of this officer is extremely essential and very important for the proper administration of the Navy Department. It was so decided by the Committee on Naval Affairs after very full consultation, and it seems to me, notwithstanding the severe remarks of the Senator from Kansas as to the recommendations of the Secretary of the Navy, that they are as full and explicit and complete as he could possibly make them. It strikes me so.

Those of us who have been upon the Committee on Naval Affairs have realized and appreciated fully the difficulties surrounding the Secretary of the Navy in dealing with that immense organization, and all of us have felt that some very decided material changes in the organization were necessary in order to have a more effective Navy. Indeed, this is one of the initial points to accomplish that end. It has been recommended by the Secretary of the Navy. The wants of the Government seem to demand it. I therefore can see no earthly reason why Congress should not grant this additional officer.

I will say to the Senator from Kansas that I do not think it is an act of kindness to Mr. John Roach to have his name brought into this discussion, and the real, true friend of Mr. Roach would refrain from interjecting his name into a discussion like this. At a proper time, on a proper occasion, when it is relevant to the subject under discussion, I think that I shall be able to say something upon that subject which will sustain me in the observation that I have just made. I see, sir, that the hour of 2 o'clock has arrived.

The PRESIDING OFFICER (Mr. MANDERSON in the chair). The hour of 2 o'clock having arrived, it is the duty of the Chair to lay before the Senate the unfinished business of yesterday.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. CLARK, its Clerk, announced that the House had passed the following bills; in which it requested the concurrence of the Senate:

A bill (H. R. 3160) to amend section 533 of the Revised Statutes of the United States;

A bill (H. R. 4378) to detach Hood County, Texas, from the Waco branch of the northern judicial district of Texas and attach the same to the Graham branch of said district, and for other purposes; and

A bill (H. R. 4834) to provide an additional mode of taking depositions of witnesses in causes pending in the courts of the United States.

ADMISSION OF DAKOTA.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (S. 967) to provide for the admission of the State of Dakota into the Union and for the organization of the Territory of Lincoln, the pending question being on the amendment proposed by Mr. BUTLER as a substitute for the bill.

Mr. HARRISON. Mr. President, when I addressed the Senate first upon this bill I was not certain where the opposition to it would be placed. I was compelled, therefore, in view of what had been said at prior sessions of Congress in opposition to the admission of Dakota to take a somewhat wide range in the remarks which I made at that time. I congratulate myself and the Senate that the debate is now narrowed; that it is no longer necessary to shell the woods in order to locate the enemy, but that they have placed themselves, and we are now able to eliminate from the debate much that has been matter of discussion heretofore. And yet, though the opponents of this bill have abandoned many positions which they held with great courage in the earlier part of the debate, I do not find that the opposition itself has diminished. I do not find as yet any indication, though I hoped there might be some before the debate was over, that any Senator having been routed from position in which the opposition to this bill has previously located itself was now willing to surrender and to give to the people of Dakota their constitutional rights. The opposition seems to be as strenuous and to come from the same quarter as it did when the debate was placed upon other grounds.

Mr. President, I have endeavored ever since I have had any connection with this legislation—and that connection began in the Forty-seventh Congress—to meet every reasonable proposition that came from its opponents and to accommodate the bill to every sincere objection that was made to it. I have endeavored also in all that I have said, both in committee and here on the floor of the Senate, to refrain from any allusion to motives, from any charges against the opponents of this bill and from any imputation upon their sincerity in that opposition. I entered upon this discussion, as I expressly declared to the Senate, not only in the hope but in the belief that there were at least on the opposite side of this Chamber two or three minds open to a fair discussion of this question. I will not abandon the hope, though the belief has fled.

Mr. President, when Dakota first asked recognition as a State the opposition was put upon the ground that she had not sufficient population. It was said, "We are ready to admit her if she can make it plain that she has the requisite population, a population equal to the unit of representation in the lower House of Congress." At once I proposed that there should be incorporated into the bill a provision for a census, and a further provision that if the census did not reveal the presence of a sufficient number of people all proceedings under the enabling act should at once cease. Was I not entitled to expect that those who put their opposition upon the ground of a lack of population would support that proposition and put it to the test? But they did not. They were driven from that position simply to fall back to another.

It was said next in the course of this discussion that the question of division ought to be submitted to the people of the whole Territory, and it is still said. At the last session of Congress, when that argument came from the opposite side of this Chamber, I expressed then a willingness, if those who talked so would vote as they talked, that a proposition should be incorporated in the bill to submit the question of admission to a vote of the people of the entire Territory. Was I not entitled, if this objection was sincere, if the men who urged it were putting their opposition upon the true gronnd, to be met by these gentle-

men upon that proposition with an amendment that should have settled forever the question whether the people of the whole Territory were in favor of division?

But no, Mr. President, I was met with an enabling act for the whole Territory; I was met with a proposition that Dakota might come into the Union if she would come in as one State. I am entitled to believe that when gentlemen in argument urge such objections and when their amendments are in a different direction and they fail to accept so fair a proposition, they are simply putting forward here objections which are not their real ground of opposition to this legislation.

At the last session of Congress I made in debate the following proposition; I quote from the RECORD:

Mr. President, I took occasion to say the other day, when addressing the Senate upon this subject, that if any Senators here felt that the expressed wishes of the people of Dakota upon the question of the division of the Territory would be influential with them on their votes upon this bill, I should not oppose a proposition to test the sentiment of the people of the present Territory of Dakota upon the question of division by a direct vote upon that question. I adhere to the proposition I made then, and if the Senator from Arkansas or any one feeling with him that the expressed wishes of the people of this Territory upon this question should be controlling, feeling with him that if there is a popular majority in the whole Territory in favor of this division, then Southern Dakota ought to be admitted as a State. If he, or any holding that view, will propose an amendment to this bill reported by the committee, providing that before a constitutional convention is assembled at all, the distinct question, ay or no, upon the division of this Territory upon the forty-sixth parallel shall be submitted to all the people and shall be voted upon, and that in case the vote shall be against division the convention provided for in this bill shall be called for the whole Territory, and in case the vote is in favor of division it shall be called for the southern half of the Territory I will not oppose it. On the other hand, Mr. President, I should be glad to see that the Senators on the other side of the Chamber were willing to meet us upon such a proposition. I should be glad to see it, because it would give some hope of the passage of the bill through the other branch of Congress.—*Congressional Record*, Forty-eighth Congress, second session, page 236.

Mr. MORGAN. What bill was that, allow me to ask?

Mr. HARRISON. It was the bill at the last session of Congress, providing an enabling act for South Dakota. It was met by an amendment from the Senator from Arkansas, the present Attorney-General, in the nature of an enabling act for the whole Territory.

Now, Mr. President, am I not justified in believing, when the friends of this measure make such a proposition and it secures no response whatever, that the gentlemen who urged then and urge now that this division ought not to take place because it is not in accordance with the wishes of the people, do not believe what they say and are not willing to put their opinions to a test?

We were met last session also with the objection that the people of South Dakota did not want admission into the Union.

Mr. MORGAN. I suppose the honorable Senator, if he will allow me, is aware that the Senator from South Carolina [Mr. BUTLER] has an amendment to this bill pending now as a substitute which proposes to take the vote of the whole people.

Mr. HARRISON. I do not understand that the Senator's amendment proposes to take any such vote. It is an enabling act for the whole Territory of Dakota.

Mr. MORGAN. Of course it is.

Mr. HARRISON. Certainly it is, and it is the same old Kansas proposition, "You can come in under the Lecompton constitution now, but if you reject that and put into your constitution a prohibition of slavery you must wait until you have got 93,000 people." It is the same old proposition of last session, not to submit the question in advance to the vote of the people, but to say to them, "You can come in now if you come in as a whole as one State; but if you reject this proposition, you shall begin *de novo*."

That is the proposition of the Senator from South Carolina. It is the same proposition I was met with at last session.

But I was saying another objection we met with was that the people of South Dakota did not want it; and my friend from Missouri [Mr. VEST], whose absence to-day I very much regret, not only because he is himself a sufferer, but because it puts some limitations upon what I should otherwise say—the Senator from Missouri at the last session had been so fortunate as to get two or three letters from people living in South Dakota, two I think was the limit, one from a gentleman by the name of Richmond and another from a lady named Marietta Bones, and in order to satisfy the Senate that the people of South Dakota did not want to be admitted as a State he read those two formidable letters!

He pursues the same policy in the debate this session, gathering up a few letters and pouring them in upon the Senate in order to give Senators a correct idea of the popular sentiment in the Territory. Every one of these people from whom the Senator reads letters has been counted once. I must suppose that when the vote was taken they voted against the constitution; and if they did so they are part of that number of 6,000 that are recorded against it. Do Senators think that it strengthens their case to parade these individual expressions again before the Senate?

I once heard a celebrated theatrical manager say that there was one thing in the way of stage deception that the gallery gods would not stand, and that was to have the army of "supes" come around the second time. When they recognized the face of a fellow who had been on the stage once before that business had to be stopped. And yet just that stage deception these gentlemen are attempting to practice upon the Senate and the country. The persons in South Dakota who oppose this constitution have been counted once, and that is enough. We do not want this army of supes marched around again.

It was said in the Forty-seventh Congress that a Presidential election was pending, and that it was unseemly to hurry this new State into the Union, and thus add an uncertain element to the electoral college on the very eve of a great national contest. The suggestion was no sooner made than the friends of Dakota at once accepted it and inserted a provision in the bill that the constitutional convention should not assemble until after the election of 1884 had taken place; but did that make any friends? Did that bring anybody to the support of the measure? Not one; and now we hear the suggestion from the distinguished Senator from Alabama that Dakota shall wait until 1889, until another of these great transactions shall have taken place, until the Democracy have had one more chance to secure a Democratic succession. He suggests that as there were thirteen original States, and Dakota will be thirty-nine, it will be so appropriate in the centennial year of the Constitution to multiply the thirteen by three and show that each grandmother has a child at her knee. [Laughter.]

Another Presidential election must be passed before Dakota can receive the hand of fellowship from the Senator from Alabama. I ask him, I ask the country, how long shall 300,000 American citizens, as justly entitled as he or the people of his State to participate in the great decision of a Presidential election, be kept out in order that the chances of a Democratic succession may be increased or the power and influence of other States magnified?

Mr. MORGAN. The Senator asks me——

The PRESIDING OFFICER. Does the Senator from Indiana yield?

Mr. HARRISON. Certainly.

Mr. MORGAN. I say they ought to wait until they get the consent of more than 31,000 voters.

Mr. HARRISON. I will come to that presently, and I will give some Senators enough of that question before I am through with it. I will show the per cent. of votes in the Senator's own State at the last Presidential election and see how well equipped he is here to criticise this vote upon the constitution in Dakota. Another Presidential election, and it may be that some fanciful combination of figures will then induce the distinguished Senator from Alabama to think that she ought to stay out four years longer.

Mr. MORGAN. There is one that I would——

Mr. HARRISON. I will yield, of course, not to too frequent interruptions, but now and then.

Mr. MORGAN. The Senator from Indiana evidently is a candidate for the Presidency, and he might have a chance to obtain the votes of the State, but I do not think he will ripen in four years.

Mr. HARRISON. If I ever should be, though I would not be at all certain that I might not justly claim the electoral vote of Alabama I would never expect to have it counted for me. [Laughter.]

I am passing in review now the objections that have been made. I want to see if I can not show gentlemen on the other side of this Chamber that it has been the Atlanta campaign over again. Forced from one intrenchment, another is prepared behind. There is no yielding to argument, there is no willingness to meet this question upon its merits or to meet the concessions which have been offered by the friends of Dakota.

Mr. President, when a man urges one objection to me to a course of action and I compel him to abandon it himself and he falls back upon another, and, when that is taken from him, still back upon another, I am driven to the conclusion that he has not been disclosing in the argument the real ground on which his opposition rests.

The Yankton County bonds were made an objection at one term. The Senator from Missouri declaimed upon that as if the skirts of Missouri were clear of municipal repudiation. Mr. President, I shall never be, here or anywhere, an advocate or defender of repudiation; but I should not deal justly with those people if I did not say that, in refusing to pay those bonds, they believed they had a just defense to them, and, in the hands of the first holders, I have no doubt they had. A railroad corporation had asked a subsidy. The people of Yankton County had voted it as a donation. Congress was then appealed to, and an act was passed by Congress changing the character of this affair and making it a subscription by the county to the capital stock of the railroad. The contract was changed without their consent and the railroad corporation did not comply with the terms of the subscription.

We were treated yesterday by the Senator from Alabama to something new in this debate. The Senator clothed himself with the judicial ermine; he was here as a judge, and no consideration that was not proper to influence a judge upon the bench should find lodgment in his mind. Mr. President, I never knew how absolutely impregnable the claims of Dakota were until I heard the speech of the Senator from Alabama. I never could appreciate before the stress that was upon those who opposed her admission. The Senator starts out with declaring that in the organic act of Dakota there is a provision which expressly prohibits the people residing in that Territory from suggesting any change in the bounds thereof. The provision he read was as follows:

Provided further, That nothing in this act contained shall be construed to inhibit the Government of the United States from dividing said Territory into two or more Territories in such manner and at such times as Congress shall deem

convenient and proper, or from attaching any portion thereof to any other Territory or State.

And he says that was a limitation upon the power of the people and of the Territorial Legislature. Why, Mr. President, it was a proviso inserted as a reservation of power in Congress upon that subject. It was not a limitation upon the people of the Territory. It did not say what they might or might not do. It was as utterly useless there as if the space had been left blank where those words are written. But if it is capable of any use, it is the use that in that organic act it was expressly contemplated by the Congress of the United States that this Territory should be divided. It was thought necessary to say that the bounds then fixed for the Territory of Dakota should not be held to be definite bounds, but that Congress might at any time change them.

I shall come presently to discuss the question whether there is any limitation upon the power of the people respectfully to propose anything to Congress. I understood the Senator from Alabama to say yesterday, though I do not find it in his reported remarks, that the people of Dakota could not petition Congress to do this thing because it was contrary to law.

Mr. MORGAN. I never said anything of that sort. My remarks are all in the RECORD as I delivered them.

Mr. HARRISON. That was the understanding I got at the time.

Mr. MORGAN. The Senator has made a very serious mistake about the first proposition he made as to my speech. It lies open before him. There it is.

Mr. HARRISON. It is very possible that I made a mistake. I think it is an error into which almost any one would fall who attempted to follow the line of argument urged by the Senator from Alabama. It is quite open to misconstruction. Certainly I have not intended to misconstrue it, and I was greatly amazed when I made a note of the remark of the Senator yesterday as I understood it, that by reason of this limitation the people could not ask Congress to do anything else, and I am glad to hear him disavow any such sentiment.

Mr. MORGAN. I never denied the right of petition to the people of Dakota or any other people; but I deny utterly that any body can form itself within that Territory as a Legislature or convention for the purpose of breaking down boundaries fixed by Congress without first getting the consent of Congress to do it.

Mr. GEORGE. May I ask the Senator a question?

Mr. HARRISON. Certainly.

Mr. GEORGE. I desire to know whether the position of the Senator is that all these proceedings of the Legislature and the convention amount merely to a proposition to be admitted in the Union?

Mr. HARRISON. I am glad the Senator has called my attention to that matter, and, if he will excuse me, I will not now digress from the line of my argument to answer it, but will answer it very fully in a few moments.

What was another objection of the Senator from Alabama? He read a provision of the organic act that no member of the Legislature should be chosen to any office created by the Legislature, and then he asked me whether there were not some of the members of that Legislature in the constitutional convention. He had not any information on the subject himself at all. He thought that it was my duty as chairman of the Committee on Territories to go through the list of the men composing that body and search out their personal and official antecedents and see whether any of them were subject to any disqualification to sit in the convention.

Mr. MORGAN. The Senator will allow me to say that I stated in my argument yesterday that I had information that there were thirteen of them.

Mr. HARRISON. I was coming to that. If the Senator will only have patience I will myself reach some of these things.

Mr. MORGAN. The Senator has just said that I had no information, whereas I stated to the Senate that I had information.

Mr. HARRISON. The Senator first said he had none and appealed to me for information, and then he did say that he had information that there were fifteen, as I understood. I want to say to the Senator that I have information that there was not one.

Mr. MORGAN. I am glad to hear it.

Mr. HARRISON. The Senator is glad to hear it. Now, Mr. President, is this a candid way of dealing with Dakota, to hunt out a personal disqualification of a small fraction of the convention that framed the constitution, even if it existed? If there were fifteen there would it invalidate the proceedings? And yet I am told by a gentleman from Dakota who ought to know that there was not one there.

Mr. MORGAN. I am told by a gentleman from Dakota who says he does know that there were thirteen or fifteen, I forget which.

Mr. HARRISON. Will the Senator give me his name?

Mr. MORGAN. You have not given the name of your man.

Mr. HARRISON. I understand from Judge Moody and from another gentleman whose name I do not now recall, but I talked with him.

Mr. MORGAN. I understand so from Mr. Johnson, a man quite as respectable.

Mr. HARRISON. Exactly; I will come to Mr. Johnson in this debate after a while.

Mr. MORGAN. You may make war on Mr. Johnson, but do not do it on me.

Mr. HARRISON. I make no war on anybody. I have not dragged into this discussion the names of individual citizens of Dakota; but if they are brought here I shall give the Senate before I get through some of their antecedents and present relations to this question. I will show the Senator from Democratic newspapers in the State of Dakota just the relation of Mr. Johnson to the Democratic party and to this question and whom he represents here.

So it is, Mr. President. The Senator from Alabama who last session talked so blandly and kindly about the admission of Dakota that he absolutely persuaded me that I could count, if not upon his vote, at least upon his candid and kind consideration of this bill, goes about looking up some question of personal disqualification in some member of the convention, and that, as I think, upon insufficient information.

Then the Senator does not like to adopt this constitution because he says we have to take with it the Senators who have been elected by the Legislature which was convened under it. "We have to take," Mr. President! What has the Senator or any other Senator here to do with the question as to who shall be the Senators from any State? We have to take the Senator and his colleague, and we do it agreeably and without protestation; we have to take the Senator from Missouri and his colleague, and why? Because they have been chosen by the Legislatures of their respective States. I can not understand why we should not deal in the same way with Dakota, unless there be some question of personal unfitness, which is put out of the question, because the Senator from Missouri has conceded to both the gentlemen who come here to represent Dakota when she shall be admitted the highest personal character. If these proceedings of Dakota have been such that we can approve them, then I submit it is for no Senator to say here that he objects to her demand because he has to take Senators whom her people have chosen.

What has been the history of all these transactions? The Senator from Alabama knows that when enabling acts have been passed for the Territories they have sent here with their constitutions their Senators to take seats in this body when the States should be admitted. Does he deny that Missouri did so under an enabling act? Does he not know that, having framed and adopted a constitution, when Missouri sent it to Congress for approval she sent with it two Senators to represent her on the floor of the Senate? The same thing has been repeated in the case of every State that has been admitted under an enabling act or without it, so far as I now recollect. Would the Senator have thought it quite in taste for any gentleman to have said, when Mr. Benton and his colleague came here and the constitution of Missouri was presented, "We will not accept this constitution because we have to accept Thomas H. Benton as a Senator? Would it have been accepted as a proper argument in any of those cases? And if not in those, why in the case of Dakota? As I say, it is the usual, almost the invariable, course. I think in the case of an enabling act it has been the invariable course for a State to go on and choose its State officers and its Senators; and in the case of California the memorial for the admission of that State was signed by John C. Frémont and another, Mr. Gwin, I think, as Senators from that State. It was through them that the appeal of California came to the Senate; and would the Senator from Alabama have deemed it right for Congress to have said, "We are embarrassed, because if we accept your constitution we are compelled to accept the Senators that you sent along with it?"

The Senator talks as if the question of the admission of these Senators was submitted by the bill to the Congress of the United States and to the approval of the President. That argument, I am afraid, is subject to misconstruction if I talk about it at all. What is there in the bill, I ask the Senator from Alabama, that remits to the House of Representatives or to the President the question of the admission of these Senators? It admits the State, and when the State is once admitted these Senators come here with their credentials and present them as other Senators do, and the Senate is then under the Constitution the judge of the election and qualification of these men. Yet with elaboration the Senator from Alabama discussed the question as if my bill remitted to Congress the question of the admission of these Senators. The bill admits the State, and when the State is once admitted it is a question for the Senate whether she has chosen Senators and whether they are properly avouched to this body in order to entitle them to seats.

What are the amendments which are now suggested from the other side of the Chamber? Do they run in line with the arguments which have been made? Not at all. The Senator from Missouri insists that we have no sufficient ground for knowing that the people of Dakota want division, and forthwith he introduces a bill that divides the Territory on the Missouri River and constitutes two Territories, without any provision for taking the opinion of the people of Dakota on the subject at all. The Senator from Alabama talks about a Cæsarian operation, about the rude mangling of this Territory, and yet the Senator from Missouri proposes an amendment that is to cut the Territory by a north and south line, as I affirm to-day, without the expression of a single convention of either party, without an expression from any popular assemblage of respectability or any body of respectable citizens for the proposition he advocates.

Congress is by the amendment asked to run the knife lengthwise through Dakota without asking the opinion of her citizens; and that proposition comes from gentlemen who insist that I have not sufficiently shown that the people want division on the forty-sixth parallel, and that the question should be remitted to them for decision. I ask Senators to look at the map of Dakota. I have a map here, colored so as to show the two States as they would be constituted under the bill of the committee, symmetrical in shape in every way, and adequate in area. Take the proposition of the Senator from Missouri and cut the State here [indicating], and I ask any Senator on the other side of the Chamber whether you have not marred the conformation of the States, whether you have not made shoestrings out of them, cutting the State in two upon its longest line instead of upon its shortest? Yet that proposition comes from a gentleman who has argued here upon the floor that the people of Dakota do not want division, and I suppose it is to be supported by some at least of his colleagues upon the strength of those arguments.

I have already shown what the other proposition was, that of the Senator from South Carolina. It is to admit the whole Territory as one State. He is not troubled then about the wishes of the people. He settles the question for them. He takes upon himself to say, "There is to be no division; you shall come in as one State." We listened by the hour to a discussion on that side of the Chamber as to what the wishes of the people of Dakota are upon this question, yet when Senators come to deal with the question by amendment they utterly ignore the wishes of the people and set up their own will.

When I asked for a bill of particulars as to those points in which the proceedings in Dakota in the formation of their State government differed from the precedents the Senator from Alabama mentioned one, and that was that the people of an organized Territory had never by their own act divided that Territory or organized a State within a part of its defined limits as a Territory. I suppose that is what he meant.

Mr. MORGAN. No, I meant exactly what I said. The Senator will find it in the RECORD.

Mr. HARRISON. Let me read what the Senator said, then. He said:

> No, sir; those Territories were never cut in two by the consent of one-half of their own people.

Mr. MORGAN. That is the point.

Mr. HARRISON. That is what the Senator said. I say to the Senator that the State of California was organized by its own people, cut out of the domain we got from Mexico by the vote of the people who lived within those lines without asking the consent of anybody who lived outside of the lines.

Mr. BUTLER. Does the Senator refer to California?

Mr. HARRISON. Yes, sir; to California.

Mr. BUTLER. California was an independent organization before it ever applied for admission into the Union.

Mr. HARRISON. California was an independent State, the Senator from South Carolina says, like Texas?

Mr. BUTLER. No; I did not say that.

Mr. HARRISON. If not like Texas, then what?

Mr. BUTLER. I did not say any such thing.

Mr. HARRISON. The Senator said it was an independent State.

Mr. BUTLER. No, not an independent State; I said it was an independent separate organization.

Mr. HARRISON. What does the Senator mean by that?

Mr. BUTLER. I mean that it was a separate, independent organization.

Mr. HARRISON. Separate and independent from what?

Mr. BUTLER. From everybody. And then it was put under the control of a military governor—General Riley. That is what I meant.

Mr. HARRISON. California separate and independent from everybody?

Mr. BUTLER. At one time, so they claimed.

Mr. HARRISON. California was procured by us under the treaty with Mexico.

Mr. BUTLER. I understand that.

Mr. HARRISON. It was a part of the domain we got from Mexico, and California had no independent political organization that was ever recognised by this Government.

Mr. BUTLER. I never said it had.

Mr. HARRISON. If you did not say that, then what did you say?

Mr. MORGAN. The Senator does not want to understand it; let him go on.

Mr. HARRISON. The United States placed, as I say in the report, a military governor over it. It had no defined lines that the United States had ever assented to in any way in the world. It was governed by a military governor as a part of the territory acquired from Mexico, as I have shown in the report. It was not a political entity with which we treated at all. We dealt with it as a part of the public domain precisely as we might deal with New Mexico or any other part of that domain which had not previously been given even a civil organization. I showed, in my remarks in opening, the case of Iowa; but the Senator from Alabama could not have been attending, or he would not have made that remark.

Mr. BUTLER. I wish to interrupt the Senator, with his permission.

The PRESIDING OFFICER. Does the Senator from Indiana yield to the Senator from South Carolina?

Mr. HARRISON. Certainly.

Mr. BUTLER. I find in the note in volume 1 of Poore's Constitutions and Colonial Charters this statement, which I take to be true:

> California was first discovered by the Spaniards in 1542, and they began to establish missions there in 1769. After the Mexican revolution, in 1824, it formed a province of that republic until 1846, when the inhabitants and emigrants from the United States established an independent government. The treaty of Guadalupe Hidalgo brought it within the limits of the United States.

Mr. HARRISON. Precisely.

Mr. BUTLER. "And it was then governed by the commanding officer of the military force stationed there, acting as provisional governor." That is what I said. Does the Senator understand that?

Mr. HARRISON. Yes, I understand that very well.

Mr. BUTLER. That is what I said, sir.

Mr. HARRISON. But I do not understand that that supports the proposition of the Senator from South Carolina. California came to us under the treaty of Guadalupe Hidalgo. California may have done this, that, or the other as a Mexican State; what has that to do with the question? When it became a part of our territory we set over it a military governor. It became a military district and nothing more, and the people of that Territory, without any legislation by Congress as to what should be the bounds of that State, met together in convention, and those within certain bounds voted for a constitution and made it a State.

Mr. BUTLER. There is no doubt about that, but that does not touch the question I submitted.

Mr. HARRISON. Then I can not understand what the Senator's question has to do with the matter in debate.

Mr. BUTLER. I will state just what it has to do with it. If the Senator does not choose to understand the point, as a matter of course I can not compel him to do so. I simply stated, as he was passing, that California had had an independent organization in 1846. I give my authority. Now the question is between the author of this book and the Senator from Indiana, if he denies it. I take this to be true. I then stated that it came in under the treaty of Guadalupe Hidalgo, but that prior to that time the inhabitants of the Territory and the emigrants from the United States had organized an independent government. That is all I stated.

Mr. HARRISON. We do not need to waste time about this matter. I do not care what had been the condition of California prior to the treaty of Guadalupe Hidalgo. When that treaty was ratified by Mexico and the United States and California became a part of the public domain it had no government, it had no political organization or existence, it had no boundaries, and the people within certain boundaries prescribed by themselves organized a State.

Now, I pass from that to the State of Iowa. I said the Senator from Alabama could hardly have observed the case of Iowa or he would not have made that remark. Iowa in 1844 called a constitutional convention and formed a constitution and proposed to Congress certain boundaries, which carried her northern boundary up to the Minnesota River and down the Minnesota River to Fort Snelling and down the Mississippi River to her present southern boundary. That was only a part of the then Territory of Iowa. It was distinctly a case where the people residing within a part of the limits of an organized Territory did form a constitution and proposed that they should be admitted under it with smaller limits than those fixed in the Territorial bounds.

Mr. BUTLER. Would it interrupt the Senator to correct him right there?

The PRESIDING OFFICER. Does the Senator from Indiana yield?

Mr. HARRISON. Yes, moderately. I do not want to make this a conversational talk, but I yield.

Mr. BUTLER. Then I will reserve what I have to say about Iowa.

Mr. HARRISON. The trouble is if I should print this speech I should have to print much that is being said by others which I would not want to be responsible for, and yet I am always willing, and indeed I am usually helped by a moderate amount of interruption. As the Senator at least knows (whether I am helped by it or not) I am usually good natured in yielding, and I yield now if he thinks this is a more appropriate time.

Mr. BUTLER. I think perhaps the Senator is laboring under a misapprehension or I am, and it is simply in the interest of a correct statement of fact.

Mr. HARRISON. I should be very glad then to have the Senator make his statement.

Mr. BUTLER. The Senator has stated, and several other Senators have stated, that Iowa had no enabling act. I find in this same book, volume 1, what was called a supplementary enabling act for Iowa.

Mr. HARRISON. What is the date of it? Will the Senator tell me?

Mr. BUTLER. In one moment I will give the dates. First, I find the Territorial government of Iowa was established in 1838. Then I find the next is an enabling act approved March 3, 1845. Then I find an act of Congress in 1846, in the Twenty-ninth Congress, first session, defining the boundaries of Iowa. Then I find the constitution of Iowa in 1846, which appears to me to come along in regular sequence; and

I also find an enabling act for the State of Florida, which seems to have organized a constitution in 1838–'39. I simply state that. If it is incorrect I should be very glad if the Senator would correct me.

Mr. HARRISON. The Senator has either misconceived the statements of the book from which he reads or they are incorrect. I showed the Senate that Iowa first formed her constitution and State government on the 2d of April, 1844.

Mr. BUTLER. I remember that.

Mr. HARRISON. Very good. The history of the legislation that followed was this: She prescribed to herself the boundaries to which I have just referred. Congress rejected those boundaries, and proposed to Iowa admission with certain smaller boundaries. Iowa rejected those boundaries, and then again went on and called a constitutional convention and proposed her present boundaries, and was admitted into the Union.

Mr. BUTLER. That sustains exactly what the statement in this book says, that in 1845 Iowa received a supplementary enabling act, and in 1846, in pursuance of it, organized a constitution.

Mr. HARRISON. An enabling act proper antedates the action of the people in forming a State government, and, as I have shown, so far from being an enabling act, it was an act adopting the constitution and State government with certain limitations as to boundaries.

Mr. LOGAN. That was the act of admission.

Mr. HARRISON. That was the act. An enabling act, to be called so with any propriety, is something that antedates the formation of a constitution and State government; and in Iowa there was no such act; neither was there in the case of Florida. The Senators from Florida will bear me witness that the constitution of Florida, under which she was admitted to the Union, was formed six years before the passage of the act that admitted her to the Union.

Mr. BUTLER. I have never denied that. I make no question about that.

Mr. HARRISON. If anything is clear at all, it is that in the case of both those States there was no enabling act; that the initiative was taken by the people, and taken precisely as it has been taken in Dakota under the act of a Territorial Legislature calling the people together for that purpose.

Mr. GEORGE. I should like to ask the Senator a question for information.

Mr. HARRISON. Certainly.

Mr. GEORGE. I should like to know whether any considerable number of citizens were affected by the change in the boundaries of Iowa.

Mr. HARRISON. That I can not tell. That is impossible for me to tell.

Mr. GEORGE. Is it not a fact that the territory between the varied boundaries was wholly uninhabited by white people and was only occupied by Indians?

Mr. HARRISON. I can not say that the Senator is strictly correct, and yet I have no doubt that he is approximately correct. That it embraced the bulk of the population that was then in the Territory of Iowa I have no doubt is true.

I may say to the Senate in passing that I am not a defender of the right of any Territory to divide itself. I do not insist that they can do any efficient or final act in that direction at all; but I am a defender of their right to propose to Congress any bounds they please, and within those bounds to organize a State government and constitution and submit it to Congress.

I would hardly go as far as the argument of some gentlemen on that side of the Chamber would lead them if they would follow the argument to its conclusion. I do not believe that Congress should submit it wholly to the wishes of the people of a Territory as to what the size of a State should be. On the other hand, in my report at the last Congress I expressly said that the question of the area of a State was one that affected public interests of a general nature, and that it was not a local question which we could wholly commit to the wishes of the people of a Territory.

The Senator from Missouri, as I had occasion to say once before, has what I think is a bad habit in debate—the habit of making a man of straw and dusting him about all over the Senate Chamber. I believe that in debate the combatants should get into the same arena, that they should define their propositions, and that debate should be closed upon them. It is the most innocent and the most useless business in which a man can engage to construct a man of straw and then exhibit his skill in buffeting it about and knocking it to pieces. And yet the Senator from South Carolina and the Senator from Missouri, both finding no adversary here, are driven out into the field of the pamphleteer or the newspaper in order to find one against whom to direct the most of the power of their assault. The Senator from South Carolina asked, "Was it ever heard in this Chamber before that a State could constitute itself without the consent of Congress?" Has the Senator heard anybody say it here?

Mr. BUTLER. I should like to know what this is, then, that the Senator is talking about.

Mr. HARRISON. I shall show the Senator what it is.

Mr. BUTLER. What is it?

Mr. HARRISON. What is it, Mr. President?

Mr. BUTLER. Yes, what is it?

Mr. HARRISON. There is now only the present Territory of Dakota, with its bounds and its government officers appointed and assigned by the General Government.

Mr. BUTLER. Does the Senator mean to say that they do not consider themselves a State?

Mr. HARRISON. That they do not consider themselves a State! Has this debate got to go in one ceaseless and unending round?

Mr. BUTLER. Oh, let the Senator answer that question and keep himself down to the issue now. I beg the Senator to confine himself to the issue. He put a direct question to me, in response to what I had asked, if anybody had ever heard of the people of a Territory organizing themselves into a State without the authority of Congress.

Mr. HARRISON. Will the Senator say who said it here on this floor or where it is claimed in any paper that is here?

Mr. BUTLER. If it has not been said by the Senator from Indiana, then all that he has said is nothing but froth from beginning to end, because upon the very face of the paper that he presents it says, "the State of Dakota." It has proceeded to exercise the very highest functions of sovereignty by claiming to elect United States Senators, judges, &c., and I say that proceeding which those people have attempted, in my judgment, has never been done before in the history of this country, except by the consent of Congress.

Mr. HARRISON. The Senator is sometimes unfortunate in the use of expressions. He was yesterday. I overlook another to-day, when he talks about what I have been saying being mere froth.

Mr. BUTLER. No, I did not state that; I say unless this is a State.

Mr. HARRISON. That does not help it much.

Mr. BUTLER. Then the Senator can take it as he pleases.

Mr. HARRISON. I please to take it now without offense.

Mr. BUTLER. Well, sir, go ahead.

Mr. HARRISON. The Senator gets up and bravely reads from a pamphlet in his hand containing the constitution of the State of Dakota and shows that it is called a State. Will the Senator tell me how it would be possible to have entitled that instrument? Would he have said "a proposed State, by the grace of God and the Senator from South Carolina?"

Mr. BUTLER. No, I should have preferred to say "by the grace of the Senator from Indiana."

Mr. HARRISON. Now see if we can not understand how this instrument should be drawn. A people assemble in one of the organized or unorganized Territories of the United States with a view of organizing a State government, framing a constitution, and submitting it to Congress. What would you call it?

Mr. BUTLER. I would rather the Senator would denominate it.

Mr. HARRISON. Well, sir, I would denominate it "the constitution of the State of Dakota." What else would you call it? If you said "the constitution of the proposed State of Dakota," and Congress should admit the State, you would have to call your constitutional convention together again to strike out the word "proposed."

Mr. GEORGE. I think the difficulty will be removed possibly by the idea that the constitution only speaks from the date at which the State is admitted into the Union.

Mr. HARRISON. Undoubtedly, but it must be called the constitution of a State. What else will you call it?

Mr. BUTLER. Call it one thing when it is another. Is that the idea?

Mr. HARRISON. It must be called the constitution of a State or else it can never be admitted into the Union, for only States can be admitted. As I said before, if this nice dealing with phrases, these niceties of court etiquette are to be applied to the people of this great Territory, they would have to write in their constitution "the constitution of the proposed State of Dakota," and then when Congress had admitted them and they wanted to publish their constitution they would have to call the convention together again and strike out the word "proposed."

Mr. BUTLER. I think the whole trouble might have been obviated if the people of Dakota had waited for an enabling act from Congress. That would have obviated the whole of it.

Mr. HARRISON. Yes, wait for an enabling act; and yet if Senators on that side of the Chamber whose States came here without an enabling act and who are States to-day by the very process and under the very same popular movements that have been initiated in Dakota will only recognize as sufficient here what has been efficient to make States for them, there will be no division on party lines on this bill.

I do not talk to any one in this stage of the debate about the necessity of an enabling act. The Senator from South Carolina does not insist that it is essential I am sure. He will not put himself against the great line of Democratic precedents and against the expressed opinions of the greatest Democrats that ever lived in this country in an unbroken line of expression in Congress that it was in the power of the people acting in their primary capacity to organize a State government and apply to Congress for admission.

Mr. BUTLER. For fear that I may be misunderstood, I will say to

the Senator that I most certainly do take issue with him on this subject, and that in the observations I submitted the other day I showed that those precedents have no analogy whatever to this case.

Mr. HARRISON. The Senator from Alabama said this was a judicial question. Let us see what sort of judges have sat upon it. The Democratic party was in power in this country for a long term of years. Most of the States came into the Union while the Democrats were in power, and this question was never once presented to a Democratic Congress that they did not by an overwhelming majority establish the right of the people to organize a State government and to apply for admission.

Mr. BUTLER. What was the vote in the case of Tennessee?

Mr. HARRISON. I do not recall the figures now. I know it was close in the Senate, because the Democratic majority was small; but it was very large in the House; and that was the first case, the first precedent.

Now, I feel this way when these gentlemen talk about the value of precedents. With this long line of succession, when quite half the States that have come into the Union from a Territorial condition have come in without enabling acts, this question ought to be at rest. But when I lay before the Senator from South Carolina the expressions of the ablest Democrats who have ever sat in either branch of Congress and the action of Congress upon these subjects, oh! he says, precedents are of no value. The Senator from Alabama says we must not allow ourselves to be bound by precedents. If a judge should hold a certain line of precedents to be valid and binding in every case where his brother-in-law was to be benefited by the decision, and when the question came of giving the benefit of the same line of precedents to some one against his relative he should turn around and declaim against the precedents and declare that they were unsafe, I should suspect his judicial fairness.

I say again that nowhere in my report, nowhere in this debate has anybody announced the proposition that Dakota is a State or can become a State until Congress has passed some act recognizing her as a State. That is in the report. I announced it in my opening argument. No one has asserted any contrary view of the question; and in order to find an adversary the Senator from Missouri and the Senator from South Carolina had to go out into the field of the newspaper and the pamphleteer. I objected to the Senator from Missouri having a gladiatorial contest here with Hon. Hugh J. Campbell, of Dakota, because Mr. Campbell could not get into the same arena where the Senator from Missouri was.

I always felt that if there was to be a fight there ought not to be a fence between the people who wanted to engage in it; and yet the Senator from Missouri, finding no advocate here of the doctrine that Dakota is a State or can become a State until Congress has passed some law recognizing her as a State, has gone out of the Senate to find one.

It is well enough to bear in mind in this connection that Congress can not make a State. I should like to see the Senator from South Carolina or the Senator from Missouri set about making a State by a law. We can frame no State constitution. We can set up no State government. Congress may, either in advance or by an act of ratification, approve what the people have done; but Congress can not make a State any more than it can unmake one. The authority of a State constitution and organization rests upon the sure foundation of the popular will. Mr. President, what is the use of all this vain discussion? Here are two concurrent things that must be done. First, the State constitution must be formed. Who can do it? The people who are to live under it, and no other hand can intermeddle in the work. Congress can not do it. What is the other efficient act to constitute a State of the American Union? It is recognition by Congress of the existence of the State.

These two things must concur before a State can exist, and the simple question here is, is the initiative in that movement necessarily with Congress? I say it is not. Two bodies are to act, Congress and the people, and all I contend for here to-day is that it is competent for either to take the initiative, and that the act is not consummated until both have concurred. Who will controvert that?

Is this limitation upon the power of the people to come from the Democratic party, the party that has boasted through its history that it lay upon the breast of the people and was responsive to their impulses? Is it from Senators on that side of the Chamber that the argument is to come that the people may not originate a movement to set up a State government and bring it to Congress for ratification? It will be turning back the whole history of the party on this question if we divide here upon this bill on that proposition.

I called attention in my speech before to a brief extract from the letter of Mr. Webster to the governor of Texas, growing out of an attempt to set up in New Mexico a State government embracing territory that was claimed by the State of Texas. It is a most interesting letter. I read again a single extract from it, and I ask any constitutional lawyer in this body whether Mr. Webster is not absolutely and unquestionably right in what he says.

Mr. GEORGE. Would it suit the Senator to have all of it read?

Mr. HARRISON. I read but a single extract; I had a larger part of it read in my opening remarks. Mr. Webster said:

> But as it is the right of all to petition Congress for any law which it may constitutionally pass, this people were in the exercise of a common right when they formed their constitution with a view of applying to Congress for admission as a State.

Mr. BUTLER. Referring to what instrument?

Mr. HARRISON. Referring to the people in the Territory of New Mexico, an unorganized Territory of the United States, a Territory over which we had not even extended civil government of any kind. Where is the Senator who will deny that proposition, that "it is the right of all to petition Congress for any law which it may constitutionally pass," and "this people were in the exercise of a common right when they formed their constitution with a view of applying to Congress for admission as a State?" The man who wrote those words has been called the Expounder of the Constitution. He is a man whose fame as a constitutional lawyer is wider than the country that he honored with his great services. And shall I expect to find here on that side of the Chamber among Democrats who claim to stand as defenders of the ultimate rights of the people men who will controvert what Mr. Webster said, and deny to the people of Dakota the right to assemble and form a constitution and submit it to Congress for its ratification?

That, sir, is my proposition. It had been announced in the report of the committee before my attention was called to this discussion between Mr. Webster and the governor of Texas. I believe we assail the dearest, the deepest, the most fundamental rights of the people when we deny them the right thus to assemble and to respectfully petition Congress for anything that Congress may lawfully do. I can not go again to these memorials. The people of Dakota have expressly staid their State government for the action of Congress. They respectfully petition you to ratify what they have done and constitute them a State.

I said that the Senator from Missouri went out into the newspapers and to the field of the pamphleteer to find an adversary. In his first speech he made a personal reference to Judge Campbell, of Dakota, which I find repeated in a letter that he had read when he next addressed the Senate. I deem it fair to Judge Campbell, as reference has been made to what the Senator called his disreputable or unsavory connection with affairs in Louisiana, that what he has said in his own defense in a public letter to the Senator from Missouri should be heard in the Senate. I ask the Secretary to read down to the point that I have indicated with a pencil. That part of the letter which is somewhat personal I omit to have read, though I would have had it read if the Senator from Missouri had been in his seat.

The Secretary read as follows:

> Vest Answered—Judge Campbell's reply to the charges made against him by the Missouri Senator—his connection with the Presidential election in 1876 clearly stated—The recent action of the people of South Dakota very ably defended.
>
> CHICAGO, *December 24.*
>
> HON. GEORGE VEST,
> *United States Senator.*
>
> SIR: I have this day, for the first time, been able to obtain an authentic copy of some remarks made by you in the Senate Chamber personal to myself. In the course of these remarks you took occasion to indorse, with the weight of your official position as Senator, certain charges against me in the following paragraph which I quote from the CONGRESSIONAL RECORD for December 13, page 207:
>
> "A gentleman who, in recent events in the State of Louisiana, distinguished himself as a partisan of the Hayes administration, and who was rewarded by appointment as United States attorney for the Territory of Dakota for his zealous and not overscrupulous efforts in behalf of Mr. Hayes. This gentleman, carrying his revolutionary principles to the Territory of Dakota, now figures as the chairman of this committee."
>
> This short extract contains two serious misstatements with regard to myself, which, if I did not correct now in some proper manner, would perhaps be considered to be admitted by me to be true.
>
> You have, of course, a great advantage over me in your exalted official station, which enables you, as in this case, to scatter broadcast over the land such charges as you deem proper to make against individuals, while the correction I may make will reach a much more limited number of people. I submit to you, however, that this power brings with it, or ought to bring with it, a greater responsibility and a greater care that the power be not abused.
>
> As to my character, both as judge in Louisiana and as United States attorney in Dakota, for honesty and uprightness I can safely refer you to the people in both States who have known me best in both capacities, whether they be Democrats or Republicans. I was a Republican, and lived in the State of Louisiana during the Presidential election of 1876. I was not officially connected with that election nor with its management, directly or indirectly.
>
> My only direct participation in the election was to canvass a portion of the State before the election, and after the election to write a brief history of the election law of that State at the request of parties who desired me to do so. My only official act in connection with the election was this: As judge of the fourth district court, a number of witnesses whose testimony was taken before the returning board were sworn before me; and I also draughted a form of an affidavit in conformity with the law at the request of the Republicans. In none of these particulars did I do a single act which could be amenable to your charge of unscrupulousness; nor was I in any manner, directly or indirectly, a party to or concerned in any act which was not strictly honest and just in every sense. The only charge that was ever made against me for any connection with that election was a statement made before a Congressional committee by one James Anderson, under oath, in which he stated that the affidavit to which his name was appended, together with my jurat as having sworn him, had never been sworn to by him.
>
> I was subpœnaed as a witness before that committee, and testified then, as I say now, that if my signature to the jurat is genuine, and the paper itself genuine throughout—that is, not altered or forged in any way—then I would say positively that I did administer the oath to Mr. Anderson, for the reason that I have never, as judge, affixed my name to any jurat unless the oath had been previously administered by me to the person named therein.
>
> I stated further then, as I state now, that the number of witnesses sworn before me being quite large (several hundred in number), it was utterly impossible for me to remember personally, or in any way, except by reference to the paper itself, whether I had administered any one of the oaths to the individuals named

in the jurats. Another witness, however, did testify before that committee that he did personally remember seeing Anderson take the oath before me.

I did not receive my appointment from Mr. Hayes as a reward for any effort of mine in behalf of Mr. Hayes. I have always understood that it was my brief on the law of elections in Louisiana which introduced me to the notice of Mr. Hayes. That brief was undoubtedly good law. It demonstrated the lawful election of the Packard government, which you will doubtless recollect was overthrown by a "revolution" of which I was an opponent, and of which your party were the advocates.

Mr. HARRISON. So much of this I have introduced simply because I deem it due to Judge Campbell, who has been twice drawn into this discussion, and about whom unfavorable comments have been made. But Judge Campbell's view of the law of this case as to whether Dakota is or is not a State I do not think is of controlling importance here.

The Senator from South Carolina spoke of this executive committee which had sent the constitution here as an executive committee of a political party, and he really seemed to be under the impression, until I corrected him, that it was the executive committee of some State political convention that was here communicating with Congress. One of the signers of this memorial, one of the members of this State executive committee, is Mr. J. A. Ward, a prominent Democrat of the Territory of Dakota and a member of this Territorial committee. Yet it is called a communication from the executive committee of a political party. But I have done with this question of phrases. If I chose to take the time I could show that in all other cases where constitutions have been sent here they have been designated to be State constitutions. In the nature of things it is impossible to designate them otherwise. I could show that distinguished Senators who have presented these constitutions and Presidents who have transmitted them to Congress when they have been formed without any enabling acts have called them State constitutions, and could not in the nature of things call them anything else. I have here in my hand the credentials of Hon. Thomas H. Benton to be a Senator from Missouri, issued I think about a year before Missouri was finally admitted into the Union. How do they read? The credentials are as follows:

STATE OF MISSOURI, *to wit:*

The General Assembly of this State on the second day of October, one thousand eight hundred and twenty, having in pursuance of the Constitution of the United States of America chosen Thomas H. Benton a Senator, I, Alexander McNair, being governor of the State of Missouri, do hereby certify the same to the Senate of the United States.

Given under my hand and private seal (there being no seal of State yet provided) this 9th day of October, one thousand eight hundred and twenty.

A. McNAIR.

By the governor.

[SEAL.] JOSHUA BARTON,
Secretary of State.

I respectfully submit to Senators that this is not a question of phrases; that in dealing with the rights of this people in Dakota we are not to stand upon court etiquette; we are not to exclude them if they have, as is now confessed in this debate, all the requisites of Statehood simply because the phrases with which they come to us do not accord with our sense of what is nice and proper.

In the course of the debate before, and in the report of the committee, I alluded to the ordinance of 1787 as containing certain guarantees which had been extended by law to the people of Dakota. The Senator from South Carolina gravely advised me that the ordinance of 1787 had been suspended by the adoption of the Constitution. In the first session of the very first Congress the ordinance of 1787 was revived. The case to which he refers in 10 Howard as holding that the ordinance of 1787 had been superseded was a case of this sort: A slave from Kentucky had been permitted by his master to go into Ohio, and having returned to the State of Kentucky a claim was made in his behalf that he had become free, having been allowed to pass into Ohio under the provisions of the ordinance of 1787. The court, Judge Taney delivering the opinion, simply held that as to Ohio, Congress having accepted the constitution of Ohio, which prohibited slavery, no Federal question arose under the ordinance of 1787 that could be taken into the United States courts; that that Constitution had as to that matter superseded the ordinance. But does the Senator from South Carolina argue as a lawyer that when in 1836 Congress said the privileges and benefits of the ordinance of 1787 shall be extended to the people of Dakota this would not be efficient legislation, even if it were true that the ordinance was dead at the time the act was passed, and was simply referred to in order that the intention of Congress as to these privileges and immunities might be understood?

Mr. BUTLER. No, all that I would state as a lawyer—and I confess I am not as good a one as the Senator from Indiana——

Mr. HARRISON. The Senator is modest.

Mr. BUTLER. All I attempted to state in that connection and all I did state was that where the ordinance of 1787 came in conflict with any provision of the Constitution, which was the fundamental law adopted two years afterwards, the ordinance gave way. I did not say that the ordinance of 1787 had been entirely superseded by the Constitution.

Mr. HARRISON. Then the remarks of the Senator did not meet either my argument or the suggestions of the report, because my argument was that the compact was extended to Dakota by the act of 1836. What was the use of trying to establish from the case in 10 Howard or what was the use in saying that the ordinance of 1787 had been superseded by the Constitution when it was revived at the first session of the First Congress, and when in 1836 Congress declared that its privileges and immunities should extend to the Territory of Dakota?

Mr. BUTLER. Simply for the reason that the argument I made, and I only made it for what it was worth, was that the Constitution of 1789, having prescribed another mode for the admission of States, the provisions of the ordinance of 1787 were as to that superseded. That was the argument I used.

Mr. HARRISON. If the ordinance of 1787 gave to the people of any Territory to which it referred the right to become a State when it should have 60,000 population, then, when Congress in 1836 extended those privileges to Dakota, what is there in the Constitution that takes away the right? Nothing, certainly.

Mr. BUTLER. I read the article from the Constitution upon which I relied. The Senator can put his own construction upon it, of course.

Mr. HARRISON. I have never claimed that the ordinance of 1787, as extended to Dakota or any other State, took away from Congress a certain discretion with reference to the admission of States, for it is not simply a question of 60,000 people, but it is also a question of the area in which 60,000 people shall be found. So I have argued that the question of the area of a State, of its capacity to sustain a population, the character and disposition of its people, were matters of which Congress must judge in any case.

Mr. BUTLER. Then the Senator, as a matter of course, sustains all that I undertook to claim for what I stated in my observations the other day—everything that I claimed for it. He comes now, I am glad to see, and meets an argument and stops talking about side issues.

Mr. HARRISON. I am willing to submit to a reasonable amount of proper interruption, but hardly to that sort of criticism. I have not been talking about side issues. If the Senator has any trouble I think it has been because I have been talking about central issues in this case.

There are two or three matters to which I wish to call attention. The Senator from South Carolina said that in the case of Tennessee an enabling act was not necessary, because, as to Tennessee, the State of North Carolina had consented, and that the consent of the State was equivalent to an enabling act. The Territory of Tennessee was ceded by North Carolina to the United States. I have at my desk the deed of cession, and there was no condition in it as to this matter except that it was to be constituted into a State or States; that was all. It came to us just as the Northwest Territory came to us. No act of North Carolina could give to the people of Tennessee any right to organize a State government or have a whit more effect in relation to the question of the admission of Tennessee than it had to the admission of the State of Indiana. Tennessee was a part of our public domain. We had received it simply upon the condition that we received the cession from Virginia, and upon the same condition that we received the cession from Louisiana, that we would constitute the people who should settle there into States—a condition that applies quite as well to Dakota as to any of the States that have previously been constituted.

Enough then for this part of the case. Here are a people asking for admission against whose fitness no Senator has ventured in this debate to allege a word. They are here pursuing methods that have been recognized in nearly one-half of the cases of the admission of States since the original thirteen—at least nearly one-half of those that passed through a Territorial organization to Statehood. They are here, not asserting themselves to be a State, not resisting the authority of the government, but respectfully, and yet in a manly way, asking those rights guaranteed by treaty and ordinance, guaranteed by tradition and precedent, guaranteed by the very organization of the Government under which we live, a Government of the people, a Government that treats it as an anomaly that anywhere under her flag there should be a people who do not choose their own rulers and regulate their own local and domestic affairs. Yet I am to expect here that Senators on the other side of the Chamber who so strenuously in debate and even in open war asserted this right of local control are to resist the appeal of nearly 300,000 American citizens, who ask here to share with you the immunities and privileges of American citizenship. I do not know what the party stress may be; I have not been disposed to discuss that question; but if I were at all to take the part of advisor to my Democratic friends, I should ask them to consider for a moment whether they can thus safely turn back upon the traditions of their own party, whether a momentary advantage may not be more than lost in thus antagonizing the just rights of this people, for it can not be made a local wrong. Wrong is never local; it is universal. The relationships of the people who dwell there stretch out into every neighborhood in all the States. Every manly man who values his own rights as a citizen will be regardful of the rights of others.

I come now to consider the question of division. What consideration should control? I have already said that for one I believe it is a question that Congress could not always submit to the determination of the people of a Territory; that it affects the general good; that we as Senators must look into the question somewhat for ourselves and say what is right. Yet, I agree that the opinions and wishes of the people

who live there are entitled to great weight and to our most respectful consideration.

What has been our public policy on this subject? The Senator from Missouri, arguing for the admission of the Territory as a single State, said there would be two larger States. We are asked to make Dakota the third State in size in the American Union.

Congress has never prescribed to any State including as large an area as the whole Territory of Dakota. California and Texas only are larger. In the case of Texas it was expressly stipulated in the act admitting her into the Union that that State might be divided into five States. Here is an expression of the opinion of Congress as to what is the suitable size for an American State? California is the only other larger State, and California prescribed her boundaries for herself.

So I assert that Congress has never suggested in the case of any State an area of 150,000 square miles, which would be the area of Dakota if admitted. Divide the State of Texas into five States and each would have 53,000 square miles, 24,000 less than the State of Dakota, as bounded in the bill of the committee. The average size of the new States which have been admitted to the Union since the original thirteen is 66,435 square miles, including Texas and counting it as a single State. So the State I propose here is 11,000 square miles larger than the average of the States which have been admitted since the original thirteen, and would be much more in excess of the average if the original thirteen were included.

Why this discrimination? Will Senators from the Southwest and West tell me upon what ground they justify themselves? I have heard in the not distant past the suggestion coming from gentlemen from the Southwest and South that New England had too large a control in the Senate of the United States, that the smaller States of the original confederation had an overweening and controlling power here in the higher branch of Congress. Yet these gentlemen now insist that it shall be the policy of the West and Southwest to demand that Dakota shall have 150,000 square miles and only two representatives in the Senate of the United States.

Is it not possible, Senators, that divisions may sometimes be drawn on other lines? Is it not possible that this discrimination against the great agricultural populations of the West may yet come home to plague you? Is it not possible that this disposition to magnify and conserve and increase the representation of the smaller States here may yet be in your way in the consideration of some of the great questions of finance and revenue? Is it to be true by your votes that these great agricultural regions of the West shall be diminished in their representation in the Senate? If so, let us have the record made.

But it is said the people do not want it, and the Senator from Missouri at this point introduces his procession of stage soldiers and marches them around. I shall not follow that Senator far in this line. He read a letter of Mr. Dickie relating to the Fargo convention. I shall not stop to read it now, but I have here the evidence from reputable newspapers in North Dakota that the Fargo convention was called for the purpose of declaring against division on the forty-sixth parallel; that it was the friends of anti-division who got up the convention, and that those who favored division gave little attention to it. Yet when the convention met they had to lay the subject aside, for they could not carry resolutions against division. A resolution was adopted to the effect that the convention would give no expression on the subject at all. Here is a convention assembled in North Dakota that you say is to be rudely severed from her relations to South Dakota without her consent, a convention called to give expression to the anti-division sentiment, and yet when the convention was assembled they were not able to get a resolution through against division on the forty-sixth parallel.

I shall not refer at any length to the Whitbeck letter. I am extremely reluctant in the Senate, where the persons whose names and characters we are called upon to discuss are not present, to say anything about the personal character of men. I will say as to this Mr. Whitbeck, whose letter the Senator from Missouri had read in the Senate, that if Senators want to know who he is and what he is and the origin of these malicious flings against Judge Moody, ask that gentleman about Mr. Whitbeck and ask others who know him. So far from being the editor of a paper, he is a mere local reporter or news-gatherer, now on one paper and now on another. I am sure when you push your inquiries as far as you may be disposed and have an opportunity to do among Dakotaians who are here, you will not give much weight or influence to the opinion of Mr. Whitbeck, but that you will on the other hand conclude that his expressions were not fit to be laid before Senators as indicative of the sentiment in Dakota.

Mr. GEORGE. Is not Mr. Whitbeck a correspondent of the Chicago Times?

Mr. HARRISON. No, sir; Mr. Whitbeck is a gentleman who lives at Deadwood, who wrote a letter which was read by the Senator from Missouri in the course of his remarks.

There are some other gentlemen. Whenever we ask a Senator on the other side for the source of his information, it is either Mr. Boynton or Mr. Johnson. The Senator from Missouri read a letter addressed to me as chairman of the Committee on Territories. I wish to call attention to a few of the expressions in that letter, and also to the address to the Democratic voters of the Territory. Mr. Boynton was a member of the constitutional convention that assembled in 1883 in South Dakota and framed a constitution for South Dakota.

Mr. GEORGE. Was that convention held in pursuance of a Territorial law?

Mr. HARRISON. No, sir; it was held without any Territorial law. The Legislature passed the bill, but the governor, Governor Ordway, declined to sign it, and it failed to become a law. A popular convention was held, and this Mr. Boynton, who claims now to represent the anti-division sentiment, and who indulges in this letter in criticism of those who have framed the present constitution, was himself a member of the constitutional convention of 1883; and I am advised by those who were there that he insisted upon going forward and electing State officers and completing a State organization.

Mr. BUTLER. May I inquire of the Senator from whom he derives that information?

Mr. HARRISON. I derive that information from Judge Moody, who was in the convention.

Mr. BUTLER. I merely wish to get the facts as we go along.

Mr. HARRISON. I have in the room of the Committee on Territories that constitution of 1883 as it was submitted with Abraham Boynton's name to it as a member of the Convention. The Senator from Missouri says men change their views. Yes, Mr. President, they may and do change; but when, without any act of the Legislature, Mr. Boynton went into that movement for a constitution and was one of the most zealous promoters of it, I submit it does not lie in his mouth now to criticise those who in a more orderly way, and supported by more than twice the popular vote that his movement had, have laid a constitution before Congress.

Mr. BUTLER. Am I to understand that the Senator would have us infer from that statement that Mr. Boynton is unworthy of credit, or is the Senator merely discussing what he has done as a matter of taste?

Mr. HARRISON. I say that the man who participated in such a convention so late as 1883 is not the man to criticise those who in 1885 did only what he did.

Mr. BUTLER. But the Senator does not answer my inquiry very distinctly. If he does not choose to do so, of course I do not press it.

Mr. HARRISON. I have answered the inquiry. I propose to show the purpose of Mr. Boynton, if the Senator will be patient for a moment.

Mr. BUTLER. I have no desire to interrupt the Senator, but I should like to know.

Mr. HARRISON. In the course of this letter he says:

> In support of this protest I inclose a copy of the unanimous protest and address of the regular Democratic Territorial committee, which was promulgated and published throughout the Territory previous to the election at which the so-called officials of the State government in the southern part of the Territory claim to have been elected.

Now, I wish to show that the Democratic convention of the Territory, from which Mr. Boynton derived his authority to act as a committeeman, passed a resolution in favor of division, and then I wish to ask the Democrats on that side of the Chamber who are familiar with their party organization and its methods whether when a convention has declared in its platform in favor of a particular measure an individual member of the committee or the whole committee are authorized to rescind it as an expression of democratic sentiment. I have here in the Daily Sioux Falls Press the proceedings of that convention. I ask the Secretary to read the opening paragraph, which is the address of the president of the convention, and if the Senator from Missouri were here he would recognize it, I think, from the remarks of the president as being genuine as the sentiment of his party, and then in another column I ask the Secretary to read the resolution on the subject of division.

Mr. BUTLER. What is the date of that paper, if I may inquire of the Senator?

Mr. HARRISON. It was the last Democratic convention held in Dakota, and the date of the paper is October 2, 1884. I ask the Secretary to read what is marked, the opening address of the president of the convention, and then the resolution on the subject of division.

The Secretary read as follows:

NOMINATING A CANDIDATE—TEMPORARY ORGANIZATION.

The Democratic Territorial convention met in the court-house at 2 p. m., and was called to order by D. M. Inman, chairman of the central committee, who presented the name of C. H. Price, of Hyde County, as temporary chairman, and he was unanimously elected.

In taking the chair Mr. Price made a facetious speech, declaring the watchword of the Democracy to be, "Cleveland and reform! Hendricks and revenge!" He referred to the old story that all that hell lacks is decent society and good water, and said that this convention is as good society as he wants, and that while water is good enough as a beverage for cows, jackasses, and Republicans, the Democracy prefers whisky straight, without sugar or adulterating trimmings. He read Rise-up William Allen's definition of the Democratic party, and then declared he would rather be a high private in the rear ranks of such an organization than a general at the head of the column led by the doomed knight, for he wanted to be identified with the movement for restoring this Government to its pristine purity, and he felt that the only way for the Democracy to capture the honors and the emoluments of office is for them to hang together. The applause at the first stages of the speech was quite hearty, but it dwindled as the speaker blurted out opinions which were felt to be well enough as private expressions, but which made the cold chills run through the delegates when publicly stated as the sentiments of the party.

Mr. HARRISON. Now read the resolution marked in another column.

The Secretary read as follows:

Resolved, That we are in favor of the division of the Territory on the seventh standard parallel, and appeal to the Democratic members of Congress to favor such division.

Mr. HARRISON. That is the latest expression of a Democratic convention in Dakota.

Mr. BUTLER. But the line of that——.

Mr. HARRISON. If the Senator will just be patient for one minute——

Mr. BUTLER. I beg the Senator's pardon; I had not the slightest idea of disturbing his equanimity.

Mr. HARRISON. He says "the seventh standard parallel," which would be at some parts of the Territory a difference of two or three miles. The seventh standard parallel is not surveyed entirely across the Territory; but here is the declaration of the last Democratic convention held in the Territory for a division on an east and west line that is practically the same with the forty-sixth parallel.

Who are these gentlemen who come here? A committee appointed by that convention, and they come here and oppose division, or they come here and suggest division on a north and south line to the Senator from Missouri. I do not know, gentlemen, what party discipline is on your side, but it seems to me clear that a committee constituted by a convention has no right to rescind its platform.

Further, as to this address which has been spoken of, and which purports to be issued by the Democratic committee of the Territory, it has already been read. I have had placed in my hands a dispatch from James A. Ward, who is a member of that committee, a man of the highest respectability, and widely connected with the business interests of Dakota. To show how this proposition was gotten up let me read from the address:

At a meeting of the Democratic Territorial committee held this day at Mitchell to consider the proper course to be taken, &c., it was decided by said committee, after consultation with numerous prominent Democrats from all sections of the Territory then and there present, that the proper policy of the Democratic party is to take no action whatever, &c.

The resolution says:

The entire proceedings from their inception in the Legislature down to the present time are revolutionary and antagonistic to the best interest of the people of Dakota.

We deny the right of one part of the Territory to separate itself from the other without the express consent of the people of the whole.

Mr. Ward, referring to that meeting, gives us the following information:

PIERRE, DAK., *January* 31.

Hon. P. F. McCLURE—

It is addressed to another Democrat who is mayor of the city of Pierre and happens to be in this city—

Mitchell convention, October 14, of prominent Democrats and Territorial committee, called together by Chairman Inman. Resolutions against division on forty-sixth parallel and admission were tabled.

Mr. BUTLER. Whom does the Senator say that is from?

Mr. HARRISON. It is from Mr. James A. Ward, a member of the Democratic Territorial committee of Dakota.

Mr. BUTLER. Is he a gentleman of character?

Mr. HARRISON. Yes, sir; he is a gentleman of character.

Mr. BUTLER. Do I understand the Senator, then, to say that Mr. Boynton and Mr. Johnson are not men of character?

Mr. HARRISON. I am not going to be questioned as to what I think of Mr. Boynton and Mr. Johnson further than I choose to express it. I am going to show here that the representation that a large assemblage of Democrats, with their committee, adopted certain resolutions is not true upon the statement of Mr. Ward and others.

Mr. BUTLER. Well, Mr. President, my only reason for interrupting the Senator was that he stated some time ago that he desired to see combatants in the same arena, and, inasmuch as he has been pummeling Mr. Boynton and Mr. Johnson pretty severely, I thought I would come to the rescue and at least ascertain if he thought they were respectable.

Mr. HARRISON. Mr. President, I did not turn this discussion into this form. The Senator from Missouri and the Senator from South Carolina did it. They attempted to make the impression that here was a unanimous expression from the Democratic committee of the Territory and from a large assemblage of Democrats who had been brought into consultation against this bill and against this movement. I have shown you that the convention that constituted this committee declared for division on an east and west line, and I was now reading the dispatch of Mr. Ward as to what was done in that meeting where this action purports to have taken place. He says:

PIERRE, DAK., *January* 31, 1886.

Hon. P. F. McCLURE,
(*Care of National Hotel, Washington, D. C.*):

Mitchell convention, October 14, of prominent Democrats and Territorial committee, called together by Chairman Inman. Resolutions against division on forty-sixth parallel and admission were tabled; afterward adopted by majority of committee present in secret session—fourteen members and three proxies present. Membership, thirty.

JAMES A. WARD.

As it seems that this meeting which was called for consultation tabled the proposition against division on the forty-sixth parallel, voted it down, and after withdrawing from this consultation the committee present, being less than a majority of the whole committee, adopted these resolutions that have been presented here to the Senate.

Mr. President, if it were worth while to detain the Senate, I have here extracts from Democratic papers in the Territory showing the sentiment on the subject of division. I will not stop to read them, but from the Sioux Falls Argus, a Democratic paper, I take this list of Democratic papers in the Territory of Dakota that favor division on the forty-sixth parallel:

Salem News, Pierre Signal, Mitchell Mail, Arlington Sun, Miller Gazette, Milbank Review, Fargo Democrat, Scotland Citizen, Harrold Sentinel, Bismarck Journal, Manchester Times, Bridgwater Journal, Northwood Headlight, Highmore Vox Populi, Gettysburg Union-Index, Beadle County Democrat.

This, from a Democratic newspaper, is a partial list of the Democratic papers in the Territory of Dakota that support division on the forty-sixth parallel. If it were worth while to detain the Senate I have several pages of extracts from leading Democratic papers in Dakota, north and south, showing what the sentiment of the party there is upon this subject.

Mr. BUTLER. Put them in the RECORD. Let us have the record made up.

Mr. HARRISON. I do not care to encumber the RECORD with so much of this newspaper material. The Senator is welcome to see them.

Mr. BUTLER. I would rather have the record made up fully.

Mr. HARRISON. He will have the record made up of all I use and all I say, but nothing more.

Mr. President, the proposition to divide on the forty-sixth parallel has been under debate in Congress for four years, and I challenge the gentlemen who oppose division on that parallel to present the proceedings of a single popular convention, political or otherwise, held in North Dakota or in South Dakota that has ever passed resolutions against division by an east and west line. Four years it has been debated here, this exciting and interesting question, this attempt to cut that Territory in two and violate the wishes of its people, as Senators say; four years it has been under discussion here, and I challenge the gentlemen to produce a resolution adopted in any popular convention of any kind or in any Legislative Assembly against division by an east and west line. There has not been one. The sentiment has been so concurrent in both sections of that Territory that no one opposing division has ever been able to carry through any convention or any Legislature a resolution against it; and yet gentlemen tell us here they are not satisfied that it is the wish of the people to divide the Territory.

Mr. President, the next suggestion made is that the vote on the constitution is such that it did not show sufficient interest in the people, and that it has not received such a popular indorsement as should authorize us to accept it as the constitution of the State of Dakota. I have had made up a statement of the cases of Iowa, Kansas, Maine, Nebraska, Wisconsin, Dakota, and California, in order that we might see what the vote had been upon the adoption of their constitutions by these different States at the time of their organization.

In Iowa the total population was 78,819. The vote was 18,528, making 1 voter to 4½ inhabitants.

In Kansas the vote was 15,951; the population was 107,206, or 1 in 7 of the population.

In Maine the vote was 9,836; the population 298,369, or 1 in 33 of the population.

In Nebraska the vote was 7,776; the population was 100,000, or 1 in 13 of the population.

In Wisconsin the vote was 22,591; the population was 180,000, or 1 in 8.

In Dakota the vote was 31,791, the population 263,553, or 8½ to one.

So that it seems that the vote in Dakota was as large as in the case of most of the States to which I have referred at the time of the adoption of their constitutions proportionately to population.

But now, Mr. President, how do we find it in some of the States when we come to take this question of the per cent. of their total vote cast at important national elections? In South Carolina by the census of 1880 the voters then in that State, white and black, were 205,789. The total vote cast at the Presidential election in 1884, four years afterward, when there had been a four years' increase of voters, was 91,578, only 4,778 in excess of the number of white voters there were in the State four years before and only about 44 per cent. of the voting population four years before. If this per cent. of the voting population of the State of South Carolina is to be regarded as entitled to such respect that it shall be effective to choose not only Senators but Presidents, is it to be contended by those who thus affirm that a vote of over 58½ per cent. of her population in Dakota for a constitutional convention is not sufficiently expressive of the popular will?

It may be interesting to look at the votes of some of the other States in this contrast. Alabama in the same year voted 59 per cent. of her voting population; Louisiana voted 50.3 per cent. of her voting population; South Carolina, as I have said, 44.5 per cent. of her voting population; and yet here in the case of Dakota upon the question of the adoption of a constitution, at a special election where there was no organized opposition, the people cast 58 per cent. of their voting popula-

tion; and that vote is said to be so small as not to entitle it to the respect of Congress!

Mr. President, I do not want to prolong this debate further. I have spoken longer now than I intended. Where do we leave the debate? Dakota is conceded to possess every requisite of Statehood. It is not pretended that the course her people have taken has not been justified by abundant precedent and defended by the ablest and wisest of our public men. It can not be denied by any one that her people have a right to come here and make this proposition to Congress. It is not denied that when thus constituted she will have an area greatly in excess of the majority of the States, ranking eighth in the entire list. It is not denied that upon that area she will be able to maintain her full share of the increasing population of this great country. It is not denied that her people are intelligent, thrifty, well disposed toward the institutions of our country, well disposed toward the institutions of learning and religion, and that they cherish among them no institution that is out of line with the Christian civilization of the age. It is not denied that her Legislature for more than ten years, by unanimous votes, have been asking division. It is not denied that her legislation for ten years has assumed division upon the forty-sixth parallel. It is not denied that her people, by 25,500 votes as against 6,000, have expressed their wish to be admitted into the Union under the constitution which they have formed.

Where does the debate rest? Where do Senators put their opposition? It is not for me to suggest. If there are open minds here to this plea in behalf of 263,000 of your fellow-citizens who have forfeited no political right by any act of theirs, as well entitled to be endowed with full citizenship as any Senator who hears me to-day, now occupying that anomalous position that taxes may be imposed upon them, governors sent to administer their affairs, and judges to sit in arbitrament upon their disputes, without any voice in the selection of the men who shall discharge these governmental functions—are they to be continued so? If so, does the necessity grow out of their condition or is it formed elsewhere?

Mr. President, this plea of Dakota is not only heard here, where the decision rests in part, but it is heard throughout the land. She may be turned away now in order to gratify the fancy of the Senator from Alabama or to gratify some less commendable desire than that there shall be a fine arithmetical development in 1889 in the progress of the States. But these questions, while they are lodged with us for the time being, are in the control of a larger and a wider and a more powerful tribunal.

Again I appeal to those who would themselves, as the descendants of the men of '76, feel restive under such limitations upon their personal and political rights to do this simple act of justice for the people of Dakota.

Mr. BUTLER. Mr. President——

Mr. CALL. I ask——

The PRESIDENT *pro tempore*. Does the Senator from South Carolina yield to the Senator from Florida?

Mr. BUTLER. For what purpose?

Mr. CALL. I move that the Senate proceed to the consideration of executive business.

The PRESIDENT *pro tempore*. Before the Chair puts that motion he asks leave to lay before the Senate sundry House bills.

Mr. HARRISON. I did not understand the motion of the Senator from South Carolina.

Mr. BUTLER. I made no motion.

The PRESIDENT *pro tempore*. The Senator from Florida moves that the Senate proceed to the consideration of executive business.

Mr. HARRISON. I think we had better go on a little while with this bill. It is only a little after 4, and I think we can possibly finish it. I do not know how long the Senator from South Carolina proposes to speak.

Mr. BUTLER. I shall not occupy the Senate long.

The PRESIDENT *pro tempore*. Does the Senator from Florida insist on his motion?

Mr. CALL. I ask if it will be more agreeable to the Senator from South Carolina to defer his remarks until to-morrow morning.

The PRESIDENT *pro tempore*. What is the motion of the Senator from Florida?

Mr. CALL. That the Senate proceed to the consideration of executive business.

Mr. HARRISON. I hope that will not be done; and in saying this I am not speaking at all as to my own convenience; but I know other matters are pressing here, and I have come under some obligations to occupy the time as fully as we could with this discussion and to conclude it if possible. I have occupied the time pretty well to-day, I agree.

Mr. BUTLER. The Senator has occupied two hours and twenty minutes of the time, and the Senator from Illinois occupied, I think, about an hour and a half yesterday.

Mr. HARRISON. And yet, all put together, it has not been as long a time as has been occupied by those who have opposed the bill.

Mr. BUTLER. I was not making any comparison.

Mr. HARRISON. It is suggested to me whether we may not get some arrangement about taking the vote to-morrow.

Mr. BUTLER. I doubt very much whether it would be entirely fair to ask that, after what the Senator has said himself this evening and after what the Senator from Illinois said yesterday, his remarks not being in the RECORD this morning ——

Mr. HARRISON. I will say to the Senator that I shall have mine in the RECORD to-morrow, if I can.

Mr. BUTLER. I do not make any comparison.

Mr. HARRISON. If not, I will put the manuscript in the Senator's hands.

The PRESIDENT *pro tempore*. The Chair feels bound under the rules to interrupt the proceedings to lay before the Senate certain House bills for reference.

HOUSE BILLS REFERRED.

The following bills from the House of Representatives were severally read twice by their titles, and referred to the Committee on the Judiciary:

A bill (H. R. 3160) to amend section 533 of the Revised Statutes of the United States;

A bill (H. R. 4378) to detach Hood County, Texas, from the Waco branch of the northern judicial district of Texas and attach the same to the Graham branch of said district, and for other purposes; and

A bill (H. R. 4834) to provide an additional mode of taking depositions of witnesses in causes pending in the courts of the United States.

UNION PACIFIC RAILROAD COMPANY.

The PRESIDENT *pro tempore* laid before the Senate the following message from the President of the United States; which was read:

EXECUTIVE MANSION, *February 4, 1886.*

To the President of the Senate pro tempore:

SIR: In response to Senate resolution dated January 5, 1886, "That the Secretary of the Interior be, and hereby is, directed to communicate to the Senate a copy of each report made by the Government directors of the Union Pacific Railroad Company from date of first appointment of such directors to the present time," I transmit herewith a communication from the Secretary of the Interior, dated the 2d instant, with the copies required.

GROVER CLEVELAND.

Mr. WILSON, of Iowa. In connection with that communication I offer the following resolution:

Resolved by the Senate (the House of Representatives concurring), That, in addition to the usual number, there be printed of the letter of the President of the 4th instant, communicating to the Senate copies of the reports of the Government directors of the Union Pacific Railroad Company, together with said reports, 3,000 copies; 1,000 for the use of the Senate and 2,000 for the use of the House of Representatives.

The resolution was referred to the Committee on Printing.

Mr. WILSON, of Iowa. I move that the message be referred to the Committee on Printing.

The motion was agreed to.

MIAMI INDIAN FUNDS.

The PRESIDENT *pro tempore* laid before the Senate the following message from the President of the United States; which was read, and, with the accompanying papers, referred to the Committee on Indian Affairs, and ordered to be printed:

To the Senate and House of Representatives:

I transmit herewith a communication of 3d instant from the Secretary of the Interior, submitting, with accompanying papers, a draught of a bill authorizing the use of certain funds belonging to the Miami Indians in Indian Territory, proceeds of sales of their lands, for the purpose of relieving their present pressing necessities.

The matter is presented for the consideration and action of Congress.

GROVER CLEVELAND.

EXECUTIVE MANSION, *February 4, 1886.*

BILLS INTRODUCED.

Mr. DOLPH introduced a bill (S. 1392) for the relief of Mrs. Kate Hatton; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Indian Affairs.

He also introduced a bill (S. 1393) to extend the limits of the port of Portland as a port of entry; which was read twice by its title, and referred to the Committee on Commerce.

Mr. CONGER introduced a bill (S. 1395) for the relief of George C. Codd, late postmaster at Detroit, Mich.; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Post-Offices and Post-Roads.

PAPERS WITHDRAWN AND REFERRED.

On motion of Mr. DOLPH, it was—

Ordered, That the papers relating to the claim of Mrs. Kate Hatton be taken from the files and referred to the Committee on Indian Affairs.

On motion of Mr. COLQUITT, it was—

Ordered, That the papers relating to the claim of Thomas A. McLaughlin be taken from the files and referred to the Committee on Claims.

On motion of Mr. CALL, it was—

Ordered, That the papers in the case of Arvah Hopkins be taken from the files and referred to the Committee on Claims.

ADMISSION OF DAKOTA.

The PRESIDENT *pro tempore*. The Dakota bill being before the Senate, the Senator from Florida [Mr. CALL] moves——

Mr. HARRISON. I ask the Senator from Florida to yield to me a moment.

Mr. CALL. Certainly.

Mr. HARRISON. I intended to have read in the course of my remarks a letter which I had before me, and which I will ask leave to have read now and have incorporated in my remarks.

Mr. BUTLER. Put it in the RECORD.

Mr. HARRISON. I prefer to have it read. It is a letter from Hon. Bartlett Tripp, present chief-justice of the Territory of Dakota, appointed and confirmed at the present session of the Senate.

The PRESIDENT *pro tempore*. If there be no objection the paper will be read.

The Chief Clerk read as follows:

YANKTON, DAK., *January* 20, 1886.

MY DEAR JUDGE: I have your favor of the 14th instant. I regret that I am unable to be at Washington with you, but my terms of court are so arranged that it will be doubtful whether I can come this winter. I had a long talk with President Cleveland when I was at Washington last and I am sure we may expect fair treatment from him. I stand where I have always stood since Dakota had the requisite population to entitle her to become a State. I am for immediate admission. I have spent all the best years of my life in a Territory. I would like to become an American citizen before I die or get too old to appreciate a "republican form of government."

With best wishes, I am, yours truly,

BARTLETT TRIPP.

Hon. G. C. MOODY, *Washington, D. C.*

Mr. HARRISON. I desire to say that some question being raised as to whether that division referred to was the division proposed in the bill, I have here a telegram addressed to Mr. Mellette from Bartlett Tripp, in which he says:

I am for division on the forty-sixth parallel.

I will incorporate this in my remarks.

Mr. BUTLER. I think it is due to Mr. Johnson that I should have a letter read from him addressed to Senator MORGAN and myself.

The PRESIDENT *pro tempore*. The Senator from South Carolina asks consent to have a paper read. If there be no objection it will be read.

The Chief Clerk read as follows:

Senator MORGAN or BUTLER:

You will find by the memoranda I handed you that it was fifteen members of the constitutional convention were elected to the "State" Legislature. I did not intend to say that fifteen members of the Territorial Legislature were members of the constitutional convention.

Respectfully,

L. G. JOHNSON.

The PRESIDENT *pro tempore*. The Senator from Florida moves that the Senate now proceed to the consideration of executive business.

Mr. HOAR and Mr. EDMUNDS called for the yeas and nays; and they were ordered.

Mr. HARRISON. I did give notice that I would want to proceed with this bill to-day to a conclusion if I could; but I do not wish to insist if the Senator from South Carolina feels that he does not want to go on to-night with what he has to say. After I have occupied as much time as I have done I do not feel that it would be just for me to insist. I should like to ask for unanimous consent to dispose of the bill at some hour to-morrow.

Mr. BUTLER. I have no doubt that can be done.

Mr. HARRISON. Suppose we do that. What time would the Senator suggest?

Mr. BUTLER. I will allow the Senator from Indiana to make the suggestion.

Mr. HARRISON. Say half past 4.

Mr. BUTLER. That will do.

Mr. HARRISON. Very good.

Mr. BUTLER. Of course I only speak for myself; I have no right to commit anybody else.

Mr. HARRISON. We were just asking unanimous consent.

Mr. BUTLER. It is possible some other Senator may wish to speak.

The PRESIDENT *pro tempore*. The Senator from Indiana asks the unanimous consent of the Senate that at half past 4 to-morrow the vote shall be taken upon the pending bill.

Mr. EDMUNDS. Or earlier.

Mr. HARRISON. Or earlier if it can be reached.

Mr. BECK. I do not expect to say a word on the bill. I am ready to vote now, or at 2 o'clock or at 4 o'clock to-morrow; but the Senator from Missouri [Mr. VEST] is a leading member of the Committee on Territories——

Mr. HARRISON. He is not on the committee now.

Mr. BECK. He has taken an active part in this debate and seems to know quite as much about the subject as anybody else. He has been unwell for two or three days and not able to hear the speeches on the other side. I object to any agreement in his absence, though I am willing to vote now, so far as I am concerned.

Mr. HARRISON. I am advised by the colleague of the Senator from Missouri that his sickness is such that he is not likely to be in the Senate for a week or more. We certainly can not postpone the consideration of the bill till his return. I want to accommodate the Senator from South Carolina if we can get some arrangement about it, but if we can not I shall vote "nay" upon the motion to go into executive session.

Mr. BUTLER. The Senator will do as he pleases on that subject. I have simply done what I have seen done here, I think, a hundred times since I have been a member of the Senate, when a Senator expressed a desire for an adjournment in order that he might have an opportunity to be heard.

The PRESIDENT *pro tempore*. The pending question is not debatable.

Mr. HARRISON. If we can not have unanimous consent to an arrangement, let us go on.

Mr. BECK. I rose in absolute good faith. The Senator from Missouri may not wish to occupy time at all; but if, after the speech of the Senator from Illinois, made yesterday, which is not yet published in the RECORD, and the speech of the Senator from Indiana, made to-day, it is going to be intimated that the bill is to be pressed to-night unless an arrangement be made, I simply say that I can not agree, in the absence of the Senator from Missouri, to consent to a vote at a given hour to-morrow. If the idea is to force such an arrangement, so that the Senator from Missouri shall not he heard and shall not be consulted, the Senator from Indiana may be mistaken. The Senator from Missouri may be able to be here in the morning.

Mr. HARRISON. The Senator from Kentucky refuses to give consent. I simply then give notice that to-morrow I shall ask the Senate to dispose of the bill, to take up the consideration of it immediately after the morning business and to conclude it during the day.

The PRESIDENT *pro tempore*. The Secretary will call the roll, the pending question not being debatable.

Mr. EDMUNDS. If my friend from Indiana agrees to let the bill go over, I move that the Senate do now adjourn.

The PRESIDENT *pro tempore*. Pending the motion to go into executive session——

Mr. CALL. I withdraw the motion.

Mr. EDMUNDS. I move that the Senate adjourn.

The PRESIDENT *pro tempore*. The Senator from Vermont moves that the Senate do now adjourn.

Mr. EDMUNDS. I withdraw the motion for the Senator from Wisconsin.

GOVERNMENT PROPERTY IN CHICAGO.

Mr. SPOONER. I ask unanimous consent to be allowed to present a report at this time.

The PRESIDENT *pro tempore*. If there be no objection the report will be received.

Mr. SPOONER, from the Committee on Public Buildings and Grounds, to whom was referred the bill (S. 484) to authorize the Secretary of the Treasury to sell and convey certain premises in the city of Chicago, reported adversely thereon; and the bill was postponed indefinitely.

He also, from the same committee, submitted a report accompanied by a bill (S. 1394) to provide for the ascertainment of the market value of certain property in the city of Chicago and to authorize the Secretary of the Treasury to sell and convey said property; which was read twice by its title.

Mr. LOGAN. I desire to say that in the morning hour to-morrow I shall endeavor to call up the bill just reported, and I will state very briefly then the importance of it and ask its consideration.

Mr. EDMUNDS. I renew the motion to adjourn.

The motion was agreed to; and (at 4 o'clock and 33 minutes p. m.) the Senate adjourned.

HOUSE OF REPRESENTATIVES.

THURSDAY, *February* 4, 1886.

The House met at 12 o'clock m. Prayer by the Chaplain, Rev. W. H. MILBURN, D. D.

The Journal of the proceedings of yesterday was read and approved.

SENATE BILLS REFERRED.

The SPEAKER laid before the House Senate bills of the following titles; which were severally read twice, referred as indicated below, and ordered to be printed:

A bill (S. 52) to divide a portion of the reservation of the Sioux Nation of Indians in Dakota into separate reservations and to secure the relinquishment of the Indian title to the remainder—to the Committee on Indian Affairs.

A bill (S. 1136) additional to an act entitled "An act to provide a national currency secured by a pledge of United States bonds, and to provide for the circulation and redemption thereof," passed June 3, 1864—to the Committee on Banking and Currency.

A bill (S. 71) for the benefit of the States of Texas, Colorado, Oregon, Nebraska, California, Kansas, and Nevada, and the Territories of Washington and Idaho, and Nevada when a Territory—to the Committee on the Judiciary.

A bill (S. 289) for the relief of J. S. Henry and others—to the Committee on War Claims.

A bill (S. 24) for the relief of Samuel B. Seat, administrator of Christian Kropp, deceased—to the Committee on Claims.

A bill (S. 32) for the relief of Mrs. Eliza D. Clarke, of New Orleans—to the Committee on Claims.

ENROLLED BILLS SIGNED.

Mr. NEECE, from the Committee on Enrolled Bills reported that the committee had examined and found duly enrolled an act (H. R. 5186) authorizing the Secretary of the Interior to use certain unexpended balances for the relief of the Northern Cheyennes in Montana; when the Speaker signed the same.

ORDER OF BUSINESS.

Mr. REID, of North Carolina. Mr. Speaker, I ask unanimous consent to introduce a bill for reference.

Mr. BEACH. I shall have to object, Mr. Speaker, and demand the regular order.

SUBCOMMITTEE OF COMMITTEE ON AGRICULTURE.

The SPEAKER laid before the House the following request:

The undersigned, members of the Committee on Agriculture, composing the subcommittee on appropriations, respectfully ask leave of the House to sit during the sessions of the House during the remainder of this week.

W. H. HATCH.
WHARTON J. GREEN.
EDWIN B. WINANS.
WILLIAM T. PRICE.
MILO WHITE.

The SPEAKER. If there be no objection, the leave requested in this case will be granted.

There was no objection, and it was ordered accordingly.

ORDER OF BUSINESS.

The SPEAKER. The regular order is the call of standing and select committees for reports to go to the appropriate Calendars.

MOBILE AND OHIO RAILROAD COMPANY.

Mr. OATES, from the Committee on the Judiciary, reported back favorably the joint resolution (H. Res. 72) to provide for the settlement of accounts with the Mobile and Ohio Railroad Company; which was referred to the Committee of the Whole House on the Private Calendar, and the accompanying report ordered to be printed.

JUDICIAL DISTRICTS IN CALIFORNIA.

Mr. HEPBURN, from the Committee on the Judiciary, reported back, as a substitute for H. R. 192, a bill (H. R. 5196) to detach certain counties from the United States judicial district of California and create the United States judicial district of Southern California; which was read a first and second time, referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

By unanimous consent, H. R. 192 was laid on the table.

ROBBERY IN INDIAN TERRITORY.

Mr. ROGERS, from the Committee on the Judiciary, reported back favorably the bill (H. R. 4849) to punish robbery in the Indian Territory; which was referred to the House Calendar, and the accompanying report ordered to be printed.

SECTION 914 REVISED STATUTES.

Mr. CULBERSON, from the Committee on the Judiciary, reported, as a substitute for H. R. 2432, a bill (H. R. 5197) to amend section 914 of the Revised Statutes; which was read a first and second time, referred to the House Calender, and, with the accompanying report, ordered to be printed.

By unanimous consent, H. R. 2432 was laid on the table.

CHANGES OF REFERENCE.

On motion of Mr. HERBERT, by unanimous consent the Committee on Naval Affairs was discharged from the further consideration of bills of the following titles; which were respectively referred as indicated:

A bill (H. R. 2515) for the relief of the officers and crew of the United States sloop-of-war Cumberland—to the Committee on War Claims; and

A bill (H. R. 3838) for the relief of Charles A. McDaniel—to the Committee on Claims.

On motion of Mr. CUTCHEON, by unanimous consent the Committee on Military Affairs was discharged from the further consideration of a bill of the following title; which was referred to the Committee on Naval Affairs:

A bill (H. R. 1498) extending the provisions and benefits of the act approved August 7, 1882, entitled "An act to relieve certain soldiers of the late war from the charge of desertion" to certain named recruits serving in said war.

On motion of Mr. WELLBORN, by unanimous consent the Committee on Indian Affairs was discharged from the further consideration of bills of the following titles; which were referred to the Committee on Claims:

A bill (H. R. 3917) to appropriate $127.50 to reimburse the Indian committee of Western Yearly Meeting of Friends in Indiana for money expended by them in the purchase of Government lands in North Carolina for an Indian training-school; and

A bill (H. R. 3937) for the relief of M. M. Brown and Lee M. Owens.

GEORGE H. CAMPBELL.

Mr. NEECE, from the Committee on Invalid Pensions, reported back favorably the bill (H. R. 291) granting a pension to George H. Campbell; which was referred to the Committee of the Whole House on the Private Calendar, and the accompanying report ordered to be printed.

ABIGAIL SMITH.

Mr. SAWYER, from the Committee on Invalid Pensions, reported back with amendment the bill (H. R. 3019) to increase the pension of Abigail Smith; which was referred to the Committee of the Whole House on the Private Calendar, and the accompanying report ordered to be printed.

EMERSON ETHERIDGE AND WILLIAM B. STOKES.

Mr. SHAW, from the Committee on Claims, reported back favorably the bill (H. R. 506) for the relief of Emerson Etheridge and William B. Stokes; which was referred to the Committee of the Whole House on the Private Calendar, and the accompanying report ordered to be printed.

MRS. ELLEN S. TOLMAN.

Mr. LOVERING, from the Committee on Invalid Pensions, reported back favorably the bill (H. R. 1152) for the relief of Mrs. Ellen S. Tolman; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

PHILOMENA E. NOLAN.

Mr. LOVERING, from the Committee on Invalid Pensions, also reported back favorably the bill (H. R. 3481) granting a pension to Philomena E. Nolan; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

ELIZABETH SULLIVAN.

Mr. LOVERING, from the Committee on Invalid Pensions, also reported back favorably the bill (H. R. 1104) granting a pension to Elizabeth Sullivan; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

JOHN H. BARRY.

Mr. LOVERING, from the Committee on Invalid Pensions, also reported back favorably the bill (H. R. 1109) granting a pension to John H. Barry; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

ORDER OF BUSINESS.

The SPEAKER. I will now, under the rule, call committees for the consideration of bills for one hour. The hour begins at nine minutes before 1 o'clock.

TEXAS EASTERN JUDICIAL DISTRICT.

Mr. CULBERSON, from the Committee on the Judiciary, called up from the House Calendar for present consideration the bill (H. R. 3160) to amend section 533 of the Revised Statutes of the United States.

The bill was read, as follows:

Be it enacted, &c., That section 533 of the Revised Statutes be amended as follows, namely: Add, after the words "the eastern district includes the residue of said State," the following:

"Said eastern district shall be, and is hereby, divided into two divisions, to be known as the eastern and western divisions of the eastern district of Arkansas. The eastern division shall consist of the following counties, to wit: Mississippi, Crittenden, Lee, Phillips, Desha, Chicot, Clay, Craighead, Poinsett, Greene, Cross, Saint Francis, and Monroe; and the western division the remaining counties in said district; but no additional marshal shall be appointed in said district.

"The court for the eastern division shall be held at Helena, and for the western division at Little Rock, as now provided for by law; and each of said courts shall have exclusive jurisdiction over all matters cognizable in said courts and arising in the counties comprising the division to the same extent, to all intents and purposes, as if said divisions were separate districts."

Mr. CULBERSON demanded the previous question on the engrossment and third reading of the bill.

The previous question was ordered; and under the operation thereof the bill was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

Mr. CULBERSON moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

HOOD COUNTY, TEXAS.

Mr. CULBERSON, by direction of the Committee on the Judiciary, also called up for present consideration the bill (H. R. 4378) to detach Hood County, Texas, from the Waco branch of the northern judicial district of Texas and attach the same to the Graham branch of said district, and for other purposes.

The bill was read, as follows:

Be it enacted, &c., That the county of Hood, in the State of Texas, be, and the same is hereby, detached from the Waco branch of the northern judicial district of Texas and attached to the Graham branch of said district, and that all process against persons residing in said Hood County shall hereafter be returnable to said court at Graham, Tex.

The bill was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

Mr. CULBERSON moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

TAKING DEPOSITIONS IN CASES IN UNITED STATES COURTS.

Mr. CULBERSON, by direction of the Committee on the Judiciary, also called up from the House Calendar for present consideration the bill (H. R. 4834) to provide an additional mode of taking depositions of witnesses in causes pending in the courts of the United States.

The bill was read, as follows:

Be it enacted, &c., That in addition to the mode of taking the depositions of witnesses in causes pending at law in the district and circuit courts of the United States, it shall be lawful to take the depositions or testimony of witnesses in the mode prescribed by the laws of the State in which the courts are held.

The bill was ordered to be engrossed and read a third time; and being engrossed, it was read the third time.

Mr. HALL. I ask the gentleman whether the bill authorizes depositions to be taken in accordance with the laws of the particular State in which the Federal court is sitting or introduces the methods of each State into the Federal courts of all the States—the methods of Texas into the Federal courts of Iowa?

Mr. CULBERSON. I will state that this bill simply provides a method of taking the depositions of witnesses for use in Federal courts in addition to the one already prescribed by statute. It does not attempt to repeal the law of Congress or to change it, but it merely gives an additional method. That is to say, whenever the United States court is sitting in any State any party in a suit pending in that court can take depositions either by the mode prescribed by the act of Congress or the mode prescribed by the laws of the State in which the court sits.

Mr. HOLMAN. Is there not legislation of the States for that purpose?

Mr. CULBERSON. The Supreme Court has decided, and that is the reason why this legislation is made necessary—the courts having heretofore permitted depositions to be taken in the mode and manner prescribed by the law of the State where the court is sitting; but, as I have said, the Supreme Court has lately decided that Congress, having prescribed the method by which depositions are to be taken, the Federal court must follow that act and not tolerate the practice of taking them in the mode prescribed by the State laws.

Mr. HOLMAN. I was not aware of that decision, and therefore asked the question I did.

Mr. GOFF. Why not let the provisions of the bill also extend to the suits in equity?

Mr. CULBERSON. I saw no objection to that being done, but the committee recommended no amendment in that regard.

Mr. REED, of Maine. Has the gentleman from Texas carefully examined the provisions of the bill to see what the effect will be? It seems to me, from a cursory reading of the bill, that it does permit the taking of depositions in other States in accordance with the laws of the State where the court is sitting; as, for instance, to be taken in Iowa in accordance with the law of Texas.

Mr. HOLMAN. That is what is intended.

Mr. REED, of Maine. We ought to know thoroughly the effect of the provisions of this bill before it is passed.

Mr. CULBERSON. In suits pending in Maine in the United States court, if you desire to take testimony of witnesses residing in Arkansas, you can do it, if this bill shall become the law, either in the mode prescribed by the act of Congress, or you can take the testimony in the mode prescribed by the law of Maine.

Mr. LANHAM. It is merely cumulative to the methods already prescribed in the Federal statutes and provides an additional mode for taking testimony, so that a party litigant can pursue either mode.

Mr. CULBERSON. That is all.

The bill was passed.

Mr. CULBERSON moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

WAR TAXES AS SET-OFF AGAINST STATE CLAIMS.

Mr. HAMMOND, by direction of the Committee on the Judiciary, called up from the House Calendar for present consideration the bill (H. R. 3) to prevent the claim of the war taxes under the act of August 5, 1861, and acts amendatory thereof, by the United States, as set-off against States having claims against the General Government.

The bill was read, as follows:

Be it enacted, &c., That it shall not be lawful for the Secretary of the Treasury, or other person charged with or concerned in the payment of any sum of money from the United States to any State of the Union, to withhold the same from such State, or its duly authorized agent, by reason of any claim that such State is bound for any part of the war tax levied by the act of August 5, 1861, or any act amendatory thereof, or to treat the said tax in any way as a set-off against any claim in favor of any State.

SEC. 2. That all laws or parts of laws, and all rulings or decisions of any Department of the Government or of any officer thereof, inconsistent with the foregoing section be, and are hereby, repealed and annulled.

Mr. HOLMAN. I trust the gentleman from Georgia will allow the report of the committee to be read.

Mr. HAMMOND. The gentleman from Indiana suggests the report of the Committee on the Judiciary be read.

The SPEAKER. The reading of the report will come out of the gentleman's time.

Mr. HAMMOND. I do not desire it to be read in my time; but as this bill will occupy more than this hour, I would suggest, by unanimous consent, the report of the committee, together with the views of the minority, be printed in the RECORD to-morrow morning, and then every gentleman can have them on his table before discussion is ended and before we are called upon to vote.

Mr. HOLMAN. I hope that will be done.

Mr. HAMMOND. Then I ask, by unanimous consent, that the report of the committee, together with the views of the minority, be printed in the RECORD.

There was no objection, and it was ordered accordingly.

The report of the Committee on the Judiciary as well as the views of the minority are as follows:

Mr. HAMMOND, from the Committee on the Judiciary, submitted the following report, to accompany bill H. R. 3:

The Committee on the Judiciary, to whom was referred bill H. R. 3, have considered the same, and submit the following report:

By an act of Congress approved March 3, 1883, the Secretary of the Treasury was required to pay to the State of Georgia $35,555.42 (see 22 U. S. Stat., 485). It was not paid because of a decision of Mr. Lawrence, First Comptroller of the Treasury, placing it to the credit of the State on the books of the Treasury against a sum charged there against the State as its quota of a direct tax levied during the late war.

Bill H. R. 4703, first session Forty-eighth Congress, was to compel payment, that decision to the contrary notwithstanding. The Judiciary Committee, by Mr. Hammond, on the 11th of March, 1884, reported in favor of the passage of that bill. (See Report No. 752, first session Forty-eighth Congress.)

On the 2d of May, 1884, Mr. Barksdale, of Mississippi, introduced and had referred to said committee a bill (H. R. 6867) to authorize settlements with any State, and directing that "in such settlement and adjustment no charge shall be made, or if made shall be valid, by way of set-off or otherwise, against any State on account of the direct war tax laid by Congress by an act approved August 5, 1861."

On the 20th of May, 1884, said committee, by Mr. Hammond, reported thereon as follows:

"The obstacles in the way of paying claims of States against the General Government growing out of the charge of the direct war tax against the States on the books of the Treasury Department, and the opinions by Treasury officials thereon, as well as the reasons why those obstacles should be removed, are set forth in Report No. 752 of this session of Congress in the Georgia case, made on the —th of March, 1884.

"Your committee believe that the relief therein recommended for that State should be general as to all the States against which such set-off of war taxes is being or may be claimed, and report accordingly. They, however, report a substitute for bill H. R. 6867, and recommend the passage of the substitute herewith submitted."

The substitute so reported was this:

"That it shall not be lawful for the Secretary of the Treasury, or other person charged with or concerned in the payment of any sum of money from the United States to any State of the Union, to withhold the same from such State, or its duly authorized agent, by reason of any claim that such State is bound for any part of the war tax levied by the act of August 5, 1861, or any act amendatory thereof, or to treat the said tax in any way as a set-off against any claim in favor of any State.

"SEC. 2. That all laws or parts of laws, and all rulings or decisions of any Department of the Government, or of any officer thereof, inconsistent with the foregoing section, be, and are hereby, repealed and annulled."

This report was No. 1658, and the substitute bill H. R. 7082, first session, Forty-eighth Congress. The substitute bill and Georgia's separate bill both remained on the Calendar, but were never reached in the last Congress. The present bill (H. R. 3) is a copy of said substitute.

This committee adopted the reasoning of the former Judiciary Committee in those reports.

While the former was on the Georgia case only, it covered all the States in like condition. Omitting, therefore, only the introductory parts already substantially given, your committee adopts the language of that report, as follows:

"A little history will cast much light upon the subject. The act of August 5, 1861, provided for collectors and assessors, and for lists of property 'from all persons owning, possessing, and having the care or management of any lands,' &c., for the purpose of taxing the same. (Sections 14 to 29, inclusive.)

"Section 33 enacted that 'the taxes so assessed shall be and remain a lien upon all lands and other real estate of the individuals who may be assessed for the same' for two years.

"Section 52 provided that as soon as Federal authority could be restored in the Southern States the tax should be collected 'from the persons residing or holding property or stocks therein.'

"The eighth section enacted—

"'That a direct tax of $20,000,000 be and is hereby annually laid upon the United States, and the same shall be and is hereby apportioned to the States, respectively, in manner following: * * * To the State of Georgia, $584,367.33½.'

"To the other States according to their populations, respectively. But so far from proposing to tax the States as such, by section 13 it expressly exempted from such taxes 'all property, of whatever kind * * * belonging to the United States or any State,' &c.

"Section 53 enacted 'that any State or Territory and the District of Columbia may lawfully assume, assess, collect, and pay into the Treasury of the United States the direct tax, or its quota thereof, imposed by this act upon the State, Territory, or the District of Columbia in its own way and manner, by and through its own officers, assessors, and collectors,' with deduction of 15 per cent. if paid by the 30th of June, and of 10 per cent. if paid by the last of September, of the tax year.

"It further provided 'that whenever notice of the intention to make such payment by the State, Territory, and the District of Columbia shall have been given to the Secretary of the Treasury,' then the United States should cease trying to collect by its officers unless such State should 'be in default.' In that event the Secretary of the Treasury 'was to collect all or any part of said direct tax the same as though said State, Territory, or District had not given notice nor assumed to levy, collect, and pay said taxes or any part thereof (section 46).

"Said section 53 further provided—

"'That the amount of direct tax apportioned to any State, Territory, or the

District of Columbia shall be liable to be paid and satisfied in whole or in part by the release of such State, Territory, or District, duly executed to the United States, of any liquidated and determined claim of such State, Territory, or District of equal amount against the United States, with the same abatement as if it were paid in money.' (See 12 U. S. Statutes, 292-312.)

"Another law of June 7, 1862, applied only to the States in 'insurrection or rebellion.' It made the tax upon each parcel of land in each State chargeable with the tax due upon that parcel, plus 50 per cent., and made a lien on the lands therefor. It provided that 'the owner or owners of said lots or parcels of lands' might discharge them by paying within a fixed time.

"It provided for commissions to collect the tax in those States, to sell the lands of defaulting owners, &c., but was silent as to any assumption of the tax by those States. (12 U. S. Statutes, 422-426.)

"From time to time Congress passed other acts as to direct taxes, but none of them seem to have any bearing upon this question. For instance, that of May 13, 1862, enlarged the release proviso to include certain expenditures of the States in sending troops to the war, &c. (*Ib.*, 384); that of July 1, 1862, limited the collection to one year, till April, 1865 (*Ib.*, 489), and that of February 6, 1863, provided for sales of lands and redemption by their 'owners' (*Ib.*, 640).

"All the States, &c., 'formally assumed the payment of the tax except Delaware, the Territory of Colorado, and the eleven insurrectionary States.' (Report Commissioner Internal Revenue, 1870. Sen. Ex. Doc. 24, first session Forty-sixth Congress, 236.)

"The collection of them was suspended as to unpaid sums by Congress.

"In 1868 an account was opened upon the books of the Treasury Department against the State of Georgia for her said quota of the direct tax, though Georgia had in no way assumed to pay the same. We stop not now to discuss why that was done, but proceed with the history.

"The Western and Atlantic Railroad belongs to Georgia. The State bought for said road some of the rolling stock which had been used by the United States at the South in prosecuting the late war. This property was paid for in cash, the last payment being on the 16th of October, 1867. By an act approved the 3d of March, 1877, because of alleged overvaluation of said property when sold, Congress authorized the reopening of said account and adjustment thereof. The act required:

"'That when said claims shall have been adjusted in pursuance of the provisions of this act the Secretary of War be, and he is hereby, authorized to issue his warrant on the Treasury of the United States to the governor of Georgia or his order, for the amount of money it is found ought to be refunded to said railroad on account of said settlement.' (19 U. S. Stat., 402-3.)

"The amount found to be due the State on that account was $199,038.58. (See Q. M. Gen.'s Report, 1887, p. 120.)

"So far as we are advised no question of set-off was then made. Certainly the money was paid in cash.

"On the 3d of March, 1879, Congress enacted in the sundry civil bill—

"'That the Secretary of the Treasury be, and he is hereby, directed to pay to the State of Georgia $72,296.94 for advances made to the United States for the suppression of hostilities by the Creek, Seminole, and Cherokee Indians in 1835, 1836, 1837, and 1838, and that said sum be paid out of any money in the Treasury not otherwise appropriated.'

"When payment was requested the Third Auditor called attention to this direct-tax account, and asked information. Mr. Sherman, Secretary of the Treasury, referred to Hon. A. G. Porter, First Comptroller, 'whether said amount should be set off against the amount of the direct tax under act August 5, 1861, and acts amendatory thereto, apportioned to the State.' He wrote an opinion. In stating the facts, after giving a synopsis of the acts of 1861 and of June, 1862, *ante*, he added: 'The State of Georgia never assumed the amount apportioned to that State, or any part of it.' And then, after stating the question, he said:

"'If the sum apportioned is a debt owing by the State of Georgia, as a political corporation, then it may be assumed that it ought to be so credited. If, however, it is a debt owing by the persons within that State, whose lands have been taxed, and not by the State itself, then payment ought not to be withheld.'

"He then called attention to the decision of Mr. McCulloch, Secretary of the Treasury in 1866, as to Texas, and said:

"'Mr. McCulloch treated the apportionment of the direct tax as a debt owing by citizens of Texas belonging to the class whose property was taxed, and not as a debt owing by the State in its political capacity.'

"Proceeding, he said:

"'The privilege of a State to assume implies that the debt before the assumption was not its own. Before the adoption of the Constitution the person whose property was charged with the tax owed the tax to the State, because the State imposed it and levied and collected it. Since the adoption of that instrument the United States has imposed the tax, and has itself levied and collected it. The obligation of the citizen is therefore to the Union and not to the State, and he and not the State is the debtor.'

"Enforcing his view by various citations, urging that any other would leave the States with power to thwart the collection of taxes, in an emergency, directly from the people, and declaring that this direct tax of 1861 could still be collected when the United States wishes, he concluded:

"'It follows, therefore, that it is my duty to direct that the sum appropriated to the State of Georgia shall not be credited as upon a debt owing by that State to the United States, but shall be paid at once to the State.'

"In answer to a resolution by the Senate this decision was transmitted, 'with accompanying papers,' to the Senate by Secretary Sherman on May 24, 1879. (See Senate Ex. Doc. No. 24, first session Forty-sixth Congress.)

"The 'accompanying papers' show that before this opinion was made attention was called to the fact that Kansas, Missouri, West Virginia, and other States had been credited with various sums there stated. Mr. Porter paid no attention to them, because (as we presume) they had assumed their respective quotas, and thus made them a debt against the States as such. Subsequently, in May, 1881, Mr. Lawrence, the successor of Mr. Porter, decided the Kansas case. His opinion contains thirty-three head-notes and twenty-five subhead-notes. Those which are material, in our opinion, to the present discussion are as follows:

"'In May, 1879, it was decided by the then First Comptroller that the direct tax apportioned to the State of Georgia by the acts of August 5, 1861, and of June 7, 1862, was not a debt of the corporate State, which had not by an act assumed it; and that although the tax had not been paid, yet money due from the United States to the State must be paid to the latter, and could not be used by way of set-off or in discharge of any part of the claim for direct taxes. (8. Ex. Doc. No. 24, first session Forty-sixth Congress.) That conclusion is correct in law. The decision of that question was affected somewhat by the act of June 7, 1862, not applicable to the question now presented. But the same result would be reached without reference to it. Under the Constitution Congress can not levy or enforce the collection of a tax or assessment on a corporate State which has not assumed it. The National Government does not operate on States in the collection of revenues, but on persons or property, or both.' (2 Lawrence, Compt., Dec., 310.)

"He further held that his predecessors had decided that Kansas had voluntarily assumed her quota of the tax; that he was bound by that decision, and that therefore a sum appropriated to Kansas should not be paid, but must be placed to her credit against said assumed debt. (*Ib.*, 324.)

"The decision of Lawrence, Comptroller, made 12th of May, 1883, refusing to pay this money to Georgia, has thirty head-notes. We do not believe that we need differ with any of them but the sixth, seventh, tenth, and nineteenth. We call attention to them, and the eighth, also. They are:

"'6. The First Comptroller had jurisdiction and authority in May, 1868, to certify a balance as due from the State of Georgia to the United States for the quota of direct taxes apportioned to said State by the direct-tax act of August 5, 1861. (12 Stat., 294.)

"'7. The Comptroller now in office can not inquire whether the Comptroller in office in May, 1868, who then certified a balance due from the State of Georgia to the United States on account of direct taxes, had before him sufficient evidence to authorize such action, or whether on such evidence as he then had he properly construed the law. The judicial courts or Congress can furnish the only relief in such case, if the comptroller erred in charging the State with such liability.

"'8. Congress may by law require the accounting officers of the Treasury Department to set off a claim of the United States against a State, when such State demands payment of a claim due to it from the United States, although in such case Congress might not under the Constitution charge such corporate State with a liability and enforce its payment in any other mode except by such set-off.

"'9. The legislation of Congress in relation to the quota of direct taxes apportioned to Missouri and West Virginia seems in principle to recognize the correctness of the judgment of the First Comptroller, by which, in May, 1868, he certified a balance as due from the State of Georgia to the United States for its quota of the direct tax apportioned to that State by the act of August 5, 1861.

"'10. The direct-tax act of August 5, 1861 (12 Stat., 311, section 53), provides a special statutory mode of paying the quota of tax apportioned to any State by declaring that it 'shall be liable to be paid' by set-off 'of any liquidated and determined claim of such State * * * against the United States.

* * * * * * *

"'19. The balance certified by the First Comptroller, May 29, 1868, as due to the United States from the State of Georgia, for its quota of direct tax, under the act of August 5, 1861, has not been in any form set aside or rendered inoperative.'

"First Did any Comptroller ever, in any fair sense, try to raise a debt against Georgia for this tax? Mr. Lawrence, in this opinion, stated the facts in this language:

"'May 11, 1868, by report No. 55448 the Fifth Auditor "examined and adjusted an account between the United States and the State of Georgia," and found "that the sum of $584,367.33 is due from said State to the United States * * * for amount of direct tax imposed and apportioned by the eighth section of" the direct-tax act of August 5, 1861, "amount to be debited to the State of Georgia on the books of the Register of the Treasury."

"'May 29, 1868, the First Comptroller certified to the Register a balance due and payable as stated in the above report, and it was accordingly charged, on the Register's books, as a debt due from the State of Georgia to the United States.

"'September 3, 1874, the Fifth Auditor by report No. 5 adjusted an account between the United States and T. P. Robb, Samuel A. Pancoast, and John C. Bates, commissioners of direct tax for the State of Georgia, from August 1, 1865, to December 15, 1866, and found them chargeable with "amount of direct tax laid upon the State of Georgia by act of Congress approved August 5, 1861, $584,367.33." The report shows costs chargeable to the State $649.72, and finds the commissioners entitled to credit for salaries and expenses $9,835.06, amount of taxes remaining uncollected $301,939.86, amount refunded to tax-payers on account of collections improperly made $46.17, and cash deposited $71,407.75, covered into the Treasury by miscellaneous warrants numbered and dated in 1866, respectively, 747 March 31, 524 June 25, 607 June 30, 596, September 20, and 726 December 31.

"'January 9, 1875, the acting First Comptroller certified a balance of $1,788.22 "due to the United States from the commissioners, as stated in the above report." The amount of these warrants was placed to the credit of the State of Georgia in the Register's office on said account for direct taxes.'

"In May, 1868, the amount fixed by the statue as the quota of Georgia was charged to her, and afterward, in 1874, the same amount was charged by the same office to the United States commissioners of direct tax for the State of Georgia, and they were credited with various sums collected and uncollected, and among others an "amount refunded to tax-payers on account of collections improperly made, $46.17." The dealing with "tax-payers" showed that the State was not considered the debtor. The "tax-payers" owed only if Georgia had not assumed the debt. Taking the two accounts together, it seems plain that the account was so stated only for convenience of keeping the books of the Department. Any other view makes us to assume that the officer raising the account acted in ignorance of the law. The First Comptroller could have no jurisdiction under the act of 1861 to state an account against any State which had not assumed the debt.

"It is true, as stated in the tenth head-note, *supra*, that said act provides a special statutory mode of paying the quota of tax apportioned to any State, by declaring that it 'shall be liable to be paid' by set-off 'of any liquidated and determined claim of such State * * * against the United States.' But more is true. That 'special satutory mode of paying' is in the words which Mr. Lawrence omitted from the quotation, namely, 'by the release of such State * * * duly executed to the United States.' By such release, with a view to such credit, the State consents to the account against it, and thus assumes the debt. It was by such a release that Missouri was credited (see act of July 17, 1862, in said Senate Ex. Doc. 24, page 197). The same is true as to West Virginia, under the act of February 25, 1867 (*Ib.*, 207). They assumed the debt and sought to have certain credits allowed. Georgia did not assume it, and therefore nothing in their cases authorizes the raising of such an account against Georgia.

"Mr. Lawrence admits that this action of his predecessor is the only obstacle, and that it is not in the way of payment if it was 'unauthorized or void.' If no statute authorized it, it was 'unauthorized.' No statute created such a debt except by the consent of the State, and the State did not consent. There is no pretense that the First Comptroller found such fact upon inquiry. It is only stated that he did an act from which it is inferred that he found such fact. But that does not follow; for he may have raised the account for other reasons. Congress can not make such a debt against a State without its consent. There was no consent, and therefore the act raising such account, when considered as to whether that act made Georgia the debtor, is 'void.'

"We admit that 'all claims or demands whatever by the United States * * * shall be settled and adjusted in the Department of the Treasury' (Rev. Stat. 2236). But there must be a claim or demand to adjust. The statute declared there could be none against a State till it assented, and Georgia never assented. So, while the Second Comptroller must 'examine all accounts' settled by the Auditors (*Ib.*, 273), and the First Auditor 'must examine all accounts accruing in the Treasury Department' (*Ib.*, 277), there must be a debtor, by law, before an account can exist for examination.

"It is useless to examine whether Congress 'may so far declare a State indebted to the United States as to secure satisfaction of the debt by withholding from it by set-off, as in this case, money admitted to be due from the United States to such State,' for Congress has never made such declaration. Nor need we discuss whether Congress had power 'to enforce the collection of tax against the corporate property of the State,' though Mr. Lawrence said 'the power to do so in time of war seems undoubted.' Mr. Thaddeus Stevens, when he presented the direct-tax bill to Congress, in the midst of war and to raise means promptly to prosecute the war, said 'Congress has no constitutional power to assess taxes upon a State. It must assess it upon the individual' (Sen. Ex. Doc. 24, *ante*, page 41). And the act levying the tax expressly exempted all State property. It sought not to exercise such power if it existed.

"Suppose we admit that Congress might legislate as the eighth head-note declares: Congress has not so legislated in this case. On the contrary, an effort to have it so legislate was defeated. On the 6th of December, 1882, the bill was reached and taken up in the House.

"Mr. Holman, as soon as the report had been read, said:

"'The question is presented whether or not this sum should be paid by the United States directly to the State of Georgia, or whether it shall be allowed as a credit to that State on the amount of direct tax apportioned against the State under the act of August 5, 1861.'

"Mr. Turner replied:

"'The direct tax is a tax due by the people of the State, not by the State in its corporate or aggregate capacity.' &c.—*Congressional Record*, volume 59, page 59.

"The issue thus made was debated pro and con. Mr. Holman moved to add to the bill—

"'*Provided, however*, That the said sum, $35,555.42, shall not be paid by the Secretary of the Treasury until the sum due the United States of direct taxes apportioned to the State of Georgia under the act entitled "An act to provide increased revenue from imports to pay the interest on the public debt, and for other purposes," approved August 5, 1861, shall have been adjusted.' (*Ib.*, 65.)

"A motion to strike out the enacting clause was lost; the ayes were 52 and the nays were 76.

"Mr. Holman's proposed amendment was also lost by ayes 53 to nays 90. An effort to adjourn was lost by 80 nays to 50 yeas. Upon the passage of the bill the yeas and nays were demanded, and it was passed by yeas 96 to nays 80. (*Ib.*, 68.) The report was read in the Senate, and the bill passed without debate.—*Congressional Record*, volume 62, pages 3660, 3670-3672.

"Again, we think the payments made to the State of Georgia, aforesaid, were at least waivers of any such claim by the United States as is here asserted, and did set aside and render inoperative said certification of the account in May, 1868, if it ever were operative for the purpose claimed.

"Mr. Lawrence does not claim that the decision of his predecessor was correct. He seems to admit, in the opinion, that he would reverse it if he thought he could. He really suggests this legislation in his annual report for the fiscal year ending June 30, 1883. His language was this:

"'In 1868 the First Comptroller then in office certified balances due to the United States from several States respectively, for direct taxes due and unpaid, under the direct tax act of August 5, 1861 (12 Stat., 292), and such States were accordingly debited on the books in the office of the Register of the Treasury. It may well be doubted whether any *corporate* State was properly so charged, but as the Comptroller had jurisdiction of the subject-matter, his action, even if erroneous, can not be treated as void by the Comptroller now in office. The result is that money due, or which may become due, from the United States to any State so charged, to the extent of the amount so charged, can not be paid to the State, but, by usage and law, is to be applied by way of set-off. It may thus happen that some States will in this mode pay the direct tax, while others indebted in the same form will continue so indebted; and hence there will seem to be inequality, if not injustice, in the dealings between the United States and such States. The money appropriated by the act of March 3, 1883 (22 Stat., 485), "to refund to the State of Georgia certain money expended by said State for the common defense in 1877," was withheld and applied by way of set-off on the sum charged against said State for direct taxes. If it be the purpose of Congress that moneys due to such States shall be paid, it is respectfully suggested that provision should be made authorizing payment without reference to the charge against any such States.'

"Suppose this money can not be paid, and that Mr. Lawrence is right that the judicial courts or Congress can furnish the only relief in such case, if the Comptroller erred in charging the State with such liability; still this bill should pass, and for that very reason. The United States admits this indebtedness to Georgia; it admits Georgia is not in debt to the United States, and it has formally undertaken to pay this debt to Georgia. Why should she be remitted to the Court of Claims? We see no reason therefor.

"By reason of a real or supposed obstacle, unknown to Congress when the bill for payment was passed, the debt of the United States has not been paid. An officer of the United States erroneously put that obstacle in the way. It should be removed, unless there is some other reason to the contrary.

"Is there any? There is none, unless the United States should refuse to pay simply because Georgia did not pay the direct tax. Laying aside the question whether this tax act was operative within the States with which the United States was then at war, a refusal on that ground seems to be unjust for these and other reasons: Georgia does not owe the debt to the United States, but, at most, parts of it are due from certain of her citizens respectively. Only those citizens who in 1861 owned the lands taxed owe the taxes, and no property is bound for the tax except those lands. If Secretary McCulloch was right in his Texas decision, *ante*, and Mr. Porter was right in the Georgia case, *ante*, Georgia could not, after a fixed day in 1862, assume the debts, if she wished. Georgia can not collect these taxes without such assumption.

"It does not seem just to collect from Georgia, as a State, any part of a debt she does not owe, nor from her, as representing the land-owners of 1861, by withholding money which belongs to Georgia as a State, and if, as representing any citizens, as representing all her citizens, whether owning lands in 1861 or anything else at any time.

"It does not seem that the United States will ever collect those direct taxes of 1861. But could it and should it determine to do so, equal collections should be made from all the Southern States simultaneously. To make Georgia pay indirectly by withholding from her admitted dues from the United States has not been the policy of the Government, as appears from the payments already of over a quarter of a million of dollars to her in cash since said account was raised in 1868. We do not think it should become the policy of the Government. Therefore, we recommend that the bill do pass."

The committee therefore recommend the passage of the bill.

Mr. HEPBURN, from the Committee on the Judiciary, submitted the following as the views of the minority (to accompany bill H. R. 3):

The officers of the Treasury are required to, and do, set off sums of money due from the United States to any State against any sums that may be due from the State.

These officers have for many years regarded the unpaid tax levied upon the United States and apportioned among the States by the eighth section of the act of Congress approved August 5, 1861, as a debt due from the delinquent State, and have treated the same as a proper set-off against any moneys due to said State. Thus the sum of $35,555.42 was appropriated to pay to the State of Georgia, by the act approved March 3, 1883, but the Secretary of the Treasury declined to make such payment, because he found that on the books of the Treasury there was charged against the State of Georgia the sum of $512,959.48, that had been for many years, certainly since the year 1868, regarded as a debt due from the State of Georgia to the United States, being the balance of the direct tax apportioned to said State under the act above referred to and amendments thereto.

House bill No. 3 forbids the officers of the Treasury to treat the unpaid portions of such direct tax as a debt or in any way as a set-off against any claim in favor of any State. The majority of the committee have recommended the passage of the bill. The undersigned are of the opinion that it should not pass, at least until it undergoes material modification.

Accompanying a letter of Hon. Charles J. Folger, late Secretary of the Treasury, addressed to Hon. GEORGE F. EDMUNDS, under date of March 29, 1884, was the following:

Statement of the condition of the direct-tax accounts of the several States and Territories and the District of Columbia, under acts of August 5, 1861, and June 7, 1862.

State or Territory.	Amount imposed.	Amount paid.	Fifteen per cent. allowance.	Balance due United States.
Alabama	$529,313 33	$8,491 46	.....	$520,821 87
Arkansas	261,886 00	184,082 18	.....	77,803 82
California	254,538 67	247,941 13	.....	6,597 54
Colorado	22,905 33	1,516 89	.....	21,388 44
Connecticut	308,214 00	261,987 90	$46,232 10	.....
Dakota	3,241 33	.....	.....	3,241 33
Delaware	74,683 33	74,683 33	*4,350 50	.....
District of Columbia	49,437 33	49,437 33	.....	.....
Florida	77,522 67	43,529 81	.....	33,992 86
Georgia	584,367 33	71,407 75	.....	512,959 58
Illinois	1,146,551 33	974,568 63	171,982 70	.....
Indiana	904,875 33	769,144 03	135,731 30	.....
Iowa	452,088 00	384,274 80	67,813 20	.....
Kansas	71,743 33	71,743 33	.....	.....
Kentucky	713,695 33	606,641 03	107,054 30	.....
Louisiana	$385,886 67	$268,515 12	.....	$117,371 55
Maine	420,826 00	357,702 10	$63,123 90	.....
Maryland	436,823 33	371,299 83	65,523 50	.....
Massachusetts	824,581 33	700,894 14	123,607 19	.....
Michigan	501,763 33	426,498 83	75,264 50	.....
Minnesota	108,424 00	92,245 40	16,278 60	.....
Mississippi	413,084 67	74,742 57	.....	338,342 10
Missouri	761,127 33	646,958 23	411,869 10	.....
Nebraska	19,312 00	19,312 00	(See note.)	.....
Nevada	4,592 67	4,592 67	.....	.....
New Hampshire	218,406 67	185,645 67	32,761 00	.....
New Jersey	450,134 00	382,614 83	67,519 17	.....
New Mexico	62,648 00	62,648 00	(See note.)	.....
New York	2,603,918 67	2,213,330 86	390,587 81	.....
North Carolina	576,194 67	386,194 45	.....	190,000 22
Ohio	1,567,089 33	1,332,025 93	235,063 40	.....
Oregon	35,140 67	35,140 67	.....	.....
Pennsylvania	1,946,719 33	1,654,711 43	292,007 90	.....
Rhode Island	116,963 67	99,419 11	17,544 56	.....
Tennessee	669,498 00	387,722 06	.....	281,775 94
Texas	355,106 67	130,008 06	.....	225,098 61
Utah	26,982 00	.....	.....	26,982 00
Vermont	211,068 00	179,407 80	31,660 20	.....
Virginia	†729,071 02	515,569 72	.....	213,501 30
West Virginia	†208,479 65	181,306 93	27,172 72	.....
Washington	7,755 33	4,268 16	.....	3,487 17
Wisconsin	519,688 67	429,196 68	39,346 43	51,145 56
South Carolina	363,570 67	377,961 30	‡14,390 63	.....

*Included on compromise.

†Joint resolution February 25, 1867, authorized the Secretary of the Treasury to transfer $208,479.65 of the amount originally appropriated to Virginia to the State of West Virginia.

‡Overpaid.

NOTE.

Nebraska:
Amount collected $4,281 60
Amount allowed by act of August 7, 1882 (22 Stat., p. 314).. 15,030 40
$19,312 00

New Mexico:
Amount allowed by act of July 1, 1862 (12 Stat., p. 489)..... 62,648 00

Nearly $17,500,000 of the original $20,000,000 levied is shown to have been paid, and something more than $2,500,000 now stands charged against fourteen States, more than $2,000,000, of it being against the States of Alabama, Georgia, Mississippi, North Carolina, Tennessee, Texas, and Virginia.

It is more than probable that no part of this sum of $2,500,000 will ever be realized by the Government, except as it may be used as a set-off against claims like that of Georgia, first aboved referred to, and the effect of this bill (H. R. No. 3) will, in behalf of all of the delinquent States, be as effective as payment, or a release.

The question is a pertinent one: Why should the delinquent States be released? The majority of the committee answer that the claim against Georgia and the other delinquent States is not a debt due from the State, making a distinction between Georgia as a political corporation, and the whole of the people of Georgia. Indeed, it is claimed that a tax can not be levied upon a State. We do not see why. There might be difficulty in many instance to make collections if the State refused to perform its duty by prompt payment. There are but few of the States that are the owners of real estate beyond that that is used in the performance of the functions of government. The United States is greatly interested in the full performance by each of the States of all the duties imposed upon them, and could not consent to throw any impediment in the way of such performance, as would be the case if the Government should seize the capitol, the prisons, the hospitals, and the colleges belonging to a non-paying State and sell them in order to realize the tax. Hence, in the case of one of the reluctant and non-performing States, the Government crosses the State line and lays hold upon the citizen, levies upon his land, and forces him to make the payment that is due from his State and that is owed by him, and payment of which is forced from him, only because his State is not in such condition as to be forced to pay, except at the expense of its usefulness as a governing factor.

The Federal Government is always forced to deal with the individual when the State refuses the performance of duty. When States were in rebellion they were forced to the resumption of duties through and by the exertions of the Government upon the individual members of the society composing and constituting the State. There is no other medium through which the Government can act. It coerces the State through the individual. Hence the machinery of the law of August 5, 1861, providing for the levy on and sale of the property of individuals and collections from them. If each of the States had been in sympathy and accord with the purposes of the Government, it is more than probable that the sections following the eighth of the act of 1861 would never have been enacted. The Congress would have contented itself with the imposition of the tax upon the United States and "apportionment among the several States." But it was known that several of the States were hostile to the Government; that they would not pay the sum apportioned to them, and for this reason, and in our judgment only for this reason, do we find these provisions in the law that look to the collection of the sums not paid by States from the citizens of the delin-

quent States. We do not regard these provisions of the act as do the majority, as evidencing a purpose on the part of the law-makers to exempt the State from indebtedness, and impose indebtedness primarily upon the individual citizens composing the State. The practice of our courts illustrates this principle. A debt is due from a county as a political corporation. Its officers refuse payment and refuse to levy a tax to meet a judgment rendered. The court will send the marshal and his deputies to make levies and collections, to lay hold of the individuals composing the political corporation that is derelict in its duty.

But it is said by the report of the majority that the tax can not be a debt due from the States to be relieved because those States had not assumed the debt. We submit that if the power to tax exists it exists independently of consent. In the obligation to pay taxes there are none of the elements of a contract. The power to levy these taxes came from the Constitution. The language is, "The Congress shall have power to lay and collect taxes." "Direct taxes shall be apportioned among the several States." Not among the people of the several States, but among the States.

If the United States by a levy and apportionment of a direct tax among the States does not impose an obligation, a debt, upon the States, by what right do the States assume such tax and thus impose a burden on the people? The power of a State to levy taxes upon the people is limited to the necessities of its present or prospective indebtedness. These needs alone bound the power of taxation. If the States did not owe, or if it was not certain that at a future day the State would owe, various debts, then we submit the act of taking the people's money through the exercise of the taxing power would be the veriest robbery. What right has the State to assume the individual debt of A, B, or C, its citizens? If this tax was a debt from individuals, where did the several States get the power to assume it? Is the payment of the debts of citizens one of the functions of State government? The property of individuals can only be taken for public uses, but here we find a State seizing the property of one citizen to pay what the majority say is the private debt of an individual to the Government of the United States. It can not be said that the prospect of a 15 per cent. fee can invest the State with the right to become a collecting agent and force its citizens to a payment of their debts, not by the use of the State courts, but by the use of the taxing power of the State.

In our belief the State had no power to assume the debt of another, but being indebted to the United States, it had the power to assume the duty of the levy and collection of such sums of money as would pay the debt, and by so doing relieve the United States from the expense and responsibility of making the collections from many individuals, and by this assumption earn the 15 or 10 per cent. promised in the law.

We are of the opinion that there are many reasons indicating the impolicy of attempts on the part of the United States to collect the sums due from the delinquent States. Yet a large majority of the States have paid their full apportionment. Why should those States which have refused to perform their duty receive rewards that are not bestowed upon those that were faithful to duty?

We are willing that the provisions of House bill No. 3 should be enacted into law, but only on the condition that the States are all placed in an equally just position. If Georgia, that has not paid, is to be released, then Illinois, that has paid in full, should be repaid all she has paid of this direct tax, as well as all of her expenses incurred. The duty of prompt payment of the sums apportioned to each of the States rested upon all alike. It was Georgia's duty to pay promptly just as it was the duty of Illinois. The latter did pay and did discharge in full her indebtedness. The other utterly refused to pay, and now demands, through House bill No. 3, that the United States shall surrender the only means by which it is practicable to force partial and long-deferred payment. We do not believe there is justice in this demand; certainly not without all of the States are restored to the position occupied before the levy was made and the debt imposed.

We favor the restoration of all of the States to the status occupied before the imposition of the tax by the remission of all that part of the $20,000,000 not paid to the States delinquent, and the return of all sums of money paid to the States making the payments, together with the percentage of 10 or 15 per cent. due to the States making collections.

And as a measure that would establish proper relations of equality between the States and Territories in regard to said direct taxes levied, we report the following substitute for House bill No. 3, and recommend its passage.

W. P. HEPBURN.
A. A. RANNEY.
A. X. PARKER.
L. B. CASWELL.

Strike out from House bill No. 3 all after the enacting clause, and insert the following words:

"That the Secretary of the Treasury be, and he is hereby, directed to state an account with each of the States and Territories of the United States as they existed on the 5th day of August, 1861, and with the District of Columbia, and in said statement of account he shall place to the credit of each State, Territory, and District all moneys paid by either of them into the Treasury of the United States, or all moneys that were collected by the agents of the United States, from either of them or from their citizens, as direct taxes levied upon the United States, and apportioned among the several States, under the provisions of the act of Congress approved August 5, 1861, and the amendments thereto, and he shall also place to the credit of each State, Territory, and District such sums of money as were earned by any such States, Territories, or District, by reason of collections of said direct taxes made by them and paid into the Treasury of the United States; and said Secretary is directed to pay to each of said States, Territories, or District the sums under said accountings found to be due, and credited to them, respectively, and the said Secretary is further directed to write opposite to any charges of debt that now stands on the books of the Treasury of the United States against any State, Territory, or the District of Columbia, by reason of the direct tax above mentioned, the words 'remitted in full,' and the said unpaid portion of said direct tax is hereby remitted in full to the States, Territories, and District of Columbia, and that they are hereby released from all obligation to pay any of the unpaid portions of said tax."

Mr. HAMMOND. Mr. Speaker, until that report is in the possession of the House and the views of the minority have been seen by the different members discussion upon them will not be so well understood. There are other gentlemen here who desire to speak on the general topic, or incidentally connected with it, who do not desire to discuss the particular views expressed in these papers; and hence I will reserve the time to which I am entitled, and allow those gentlemen to proceed this morning. The gentleman from Mississippi [Mr. BARKSDALE] wishes to speak upon the subject, as his State is interested in the matter. I will therefor yield the floor to him, reserving the remainder of my time.

Mr. BARKSDALE. Mr. Speaker, it has been ascertained and officially stated that there are moneys due by the United States to certain States which have been withheld in consequence of balances alleged to be due from those States to the General Government for direct taxes under the act of August 2, 1861. Mississippi is one of the States to which there is acknowledged indebtedness by the United States, and she, in common with the rest, is seeking the relief which the pending bill will afford. The amount which is shown to be due her by the report of First Comptroller Durham is $41,453.91. This sum is due the State by virtue of acts of Congress passed March 1, 1817, and September 4, 1841, providing that 2 and 5 per cent. on the net proceeds of lands sold within the State shall be paid to the State for internal-improvement purposes.

Section 1766, Revised Statutes, says that—

No money shall be paid to any person for his compensation who is in arrears to the United States, until he has accounted for and paid into the Treasury all sums for which he may be liable.

First Comptroller Durham, in his report of October 16, 1885, page 14, states that under this section the accounting officers of the Treasury have been applying the proceeds arising from the sale of these lands to the credit of the State on her indebtedness to the United States.

It is clear that this is a strained and improper construction. The act of 1861 operates only upon the property of individuals. The tax was imposed upon lands within the geographical limits of the State by persons residing in the State, and in part by citizens of other States. Moreover, the Government, by discontinuing the collection of the tax, discharged the owners of the property from its payment and virtually canceled their indebtedness. I will cite the following order of the Secretary of the Treasury of July 28, 1866:

TREASURY DEPARTMENT, *August* 3, 1866.

SIR: Section 14 of an act to protect the revenue, and for other purposes, approved July 28, 1866, authorizes the Secretary of the Treasury to suspend the collection, in any of the States hereafter declared in insurrection, of the direct tax imposed by an act of Congress passed August 5, 1861, until January 1, 1868.

By virtue of the authority conferred upon me by this provision of law, I hereby direct the suspension of the collection of the above-mentioned direct tax in all the States hereafter in insurrection.

You will please give the necessary instructions to direct-tax commissioners.

In connection with this subject, I have to request your opinion as to whether the employment of all persons engaged, in whatever capacity, in the collection of the direct tax may not properly and usefully be suspended.

Respectfully, yours,

HUGH McCULLOCH,
Secretary of the Treasury.

Hon. E. A. ROLLINS,
Commissioner of Internal Revenue.

The policy indicated by this order has been continued up to the present date.

But admitting, for the sake of argument, and for argument only, that these "arrears" still exist, the pretension that the State is responsible for the alleged delinquency of "persons" is wholly indefensible. It would be as reasonable to charge the State with the arrears of a person who, in the exercise of a trust under the government, had failed to pay over moneys belonging to it. The language of the law shows that it was designed to operate, not upon the State, but upon the "person." In the collection of taxes, the United States deals with the individual and not with the State. It is a historical fact that one of the main objects of the convention to frame a "more perfect union" than existed under the Confederation, was to get rid of the system of calling upon the States for revenue to support the common government, and for this reason the States delegated to the United States the power to enact measures operating directly upon the individual. Under the Confederation each State was bound to furnish its quota for the maintenance of the common government. The plan was insufficient. Mr. Madison, whose conspicuous part in the formation of the existing government is historical, explained the change of the system in the following language:

The change relating to taxation may be regarded as the most important, and yet the present Congress have as complete authority to require of the States indefinite supplies of money for the common defense and general welfare as the future Congress will have to require them of *individual citizens*. (Federalist, forty-fifth chapter.)

Hence, with a view to enable the General Government to deal directly with the individual, it was provided in the Constitution that Congress should have power to lay and collect taxes, duties, imposts, and excises, to pay the debts and to provide for the general welfare—a sovereign power which the States delegated to form "a more perfect union." Nothing can be added to the forcible exposition of this subject by Mr. Webster:

The Constitution creates direct relations between this Government and *individuals*. It has power to tax individuals. The maintenance of the Constitution does not depend on the plighted faith of the States as States to support it. It relies on individual duty and obligation. In the articles of confederation the States did make promises, but in the Constitution there is nothing of the kind. It does not exact from the State any plighted faith to maintain it. On the contrary, it makes its own preservation depend on individual duty and individual obligation. I have always said that to obtain a power of direct legislation over the people was always prominent as a reason for getting rid of the confederation and forming a new Constitution. Under the confederation Congress had only power to make requisitions on States, and if the States declined compliance, as they did, there was no remedy but war. The Constitution was adopted to avoid this necessity. It was adopted that there might be a Government which could act directly on individuals without borrowing aid from the State governments. This is as clear as light itself.

In 1862 Congress passed a supplemental act superseding the act of 1861 as to the Southern States. The Supreme Court has decided that it created a lien on the lands (9 Wall., 336, and 14 Wall., 553). If it is undeniable that a State can not be taxed and was not intended to be taxed, how can it be held responsible for taxes levied upon the property of individuals?

But to leave no ground whatever for the occupancy of those who maintain that the sum certified to be due the States by the United States should be set off by the alleged arrears of individuals, some of whom were never residents thereof, and a still larger number of whom have gone to that bourn whence no traveler returns, it is only necessary to adduce the following conclusive reply of the Secretary of the Treasury to the proposition of the State of Texas to settle the taxes which had been levied upon property within its boundaries:

TREASURY DEPARTMENT, *December* 28, 1866.

SIR: I have to acknowledge the receipt of your letter of December 14, in which you inclose a copy of an act of the Legislature of Texas assuming payment of the uncollected portion of the direct tax due from Texas under the provisions of the law of June 7, 1862. You ask for a statement showing the amount collected and the sum still due. The law under which this tax has been collected contains no provision authorizing its assumption by a State, the permissory clause of the act of August 5, 1861, not having been re-enacted in that of June 7, 1862. In the absence of such a provision this Department would not be justified in recognizing such assumption. In my annual report of December, 1865, I recommended that sales under this law should be suspended until the States interested had an opportunity of assuming payment of the tax, but this recommendation has only been so far carried out as to authorize the suspension of collections for a definite time, no provision for assuming the debt being contained in the law which gives authority for such suspension.

Under such circumstances it is unnecessary to reply in detail to that portion of your letter which asks for a statement of collections, or to your suggestion for the acceptance of Texas indemnity bonds in part payment.

Respectfully yours,

H. MCCULLOCH,
Secretary of the Treasury.

Hon. J. W. THROCKMORTON,
Governor of Texas.

TREASURY DEPARTMENT, *March* 13, 1867.

SIR: I am in receipt of your letter of February 19, proposing a plan for payment of the direct taxes still due by citizens of Texas to the United States. As the plan proposed proceeds wholly upon the assumption that payment of their taxes may be accepted from the State government, I am under the necessity of calling your attention to the inclosed copy of my former letter of December 28, 1866; a letter which from the tenor of that just received must, I fear, have failed to reach you.

As the direct-tax laws remain unchanged since that letter was written, I have only to repeat that this Department is not at liberty to accept payment in any other manner or through any other agencies than as proposed in those laws.

Respectfully, yours,

H. MCCULLOCH,
Secretary of the Treasury.

Hon. J. W. THROCKMORTON,
Governor of Texas, Austin, Tex.

Here it will be seen that the application of Texas to settle the alleged "arrears" of taxes on the lands within her boundaries was distinctly refused.

In further support of the position which I have taken in favor of the bill to authorize the settlement of these claims, and the removal of obstacles which only the weakest quibbling could have suggested, I will cite the able and unanswerable reasoning of First Comptroller A. G. Porter, in his decision upon the case of Georgia, precisely analogous to that of Mississippi, which led up to the conclusion that it was his "duty to direct that the sum appropriated (under the direct tax law) to the State of Georgia shall not be credited as upon a debt owing by that State to the United States, but shall be paid at once to the State." (Decision of the First Comptroller, May 24, 1879, Executive Document 24, Forty-sixth Congress.)

And finally, Mr. Speaker, the United States created the obligation to the State of Mississippi for the specific purpose nominated in the bond, and can not divert the sums due her without violating its plighted faith. It would be far greater honor to moderate its own demands than to incur the hazard of trenching upon the rights of others. Can this Government, illimitable in its resources, and as powerful to maintain its pledges inviolate as to enforce its authority, afford to plant itself upon the Rob Roy doctrine—

> The simple plan
> That they should take who have the power,
> And they should keep who can?

Mr. HEPBURN addressed the committee. [See Appendix.]

Mr. PRICE. Mr. Speaker, it seems to me that if this bill and its effect upon our revenues and upon the several States were thoroughly understood it would have but little support in this House. I am obliged to go briefly over the history of the matter, and I will do so as rapidly as I can, avoiding as far as possible circumstances already referred to by the gentleman from Iowa [Mr. HEPBURN].

On the 5th of August, 1861, this Government found it necessary to secure a fund which it did not possess. It adopted the plan of assessing, not upon the individuals of a State, as the gentleman from Mississippi [Mr. BARKSDALE] has said, but upon the United States, a tax of $20,000,000, which was apportioned among the several States of the Union. The President was authorized to divide the various States and Territories and the District of Columbia into convenient collection and assessment districts. All the paraphernalia and machinery of law were provided, and it was further enacted that where a State voluntarily assumed the payment of the debt there should be an allowance of 15 per cent. within a given time and 10 per cent. within another period, as the Government would thus be saved the necessity of putting the machinery of collection into motion.

Now, that law stands to-day upon the statute-book unrepealed. Its constitutionality may have been doubted; but it has never yet been decided to be unconstitutional. Under it $2,647,000 remain yet unpaid; the balance has been paid into the Treasury of the United States by a portion of the States for the good of the whole.

The SPEAKER. The hour devoted to this order of business has expired.

Mr. PRICE. Then I shall have the floor when the subject comes up again.

The SPEAKER. The gentleman from Wisconsin [Mr. PRICE] will then be entitled to the floor.

RETIREMENT OF NAVAL OFFICERS.

Mr. DINGLEY obtained the floor and said: I yield for a moment to my friend from Alabama [Mr. HERBERT], who desires to make a motion.

Mr. HERBERT. Mr. Speaker, on a previous day a bill from the Naval Committee was pending on a motion made by the gentleman from Illinois [Mr. THOMAS] to recommit it.

The SPEAKER. That is the unfinished business. If the gentleman desires, it must be disposed of under the rules.

Mr. DINGLEY. Is that business in Committee of the Whole on the state of the Union?

The SPEAKER. It is unfinished business of the House, and under the rules a motion to go into Committee of the Whole generally is in order after the unfinished business is disposed of. The Clerk will report the title of the bill referred to by the gentleman from Alabama [Mr. HERBERT].

The Clerk read as follows:

A bill (H. R. 339) authorizing the voluntary retirement of officers of the United States Navy who have rendered conspicuous service in battle or who have served thirty years in the Navy.

The SPEAKER. This comes over as unfinished business, and the pending question is upon the motion to recommit to the Committee on Naval Affairs.

Mr. HERBERT. On that I call the previous question.

The previous question was ordered; and under the operation thereof the motion to recommit was agreed to.

ORDER OF BUSINESS.

Mr. DINGLEY. I move that the House resolve itself into the Committee of the Whole on the state of the Union for the purpose of resuming the consideration of the unfinished business.

The motion was agreed to.

The SPEAKER. The gentleman from Alabama [Mr. OATES] will take the chair temporarily in the absence of the regular chairman of the Committee of the Whole, the gentleman from Georgia [Mr. CRISP].

The House accordingly resolved itself into the Committee of the Whole, Mr. OATES in the chair.

The CHAIRMAN. The Clerk will read the title of the bill which is the first business in order.

The Clerk read as follows:

A bill (H. R. 4333) relating to the taxation of fractional parts of a gallon of distilled spirits.

Mr. MORRISON. I ask that this bill may be passed over, in order that the bill of the gentleman from Maine [Mr. DINGLEY] may be disposed of.

The CHAIRMAN. The gentleman from Illinois requests that this bill may be passed over for the present. If there be no objection, it will be so ordered.

There being no objection, it was ordered accordingly.

AMENDMENT OF SHIPPING LAWS.

The next business in order was the bill (H. R. 4838) to abolish certain fees for official services to American vessels and to amend the laws relating to shipping commissioners, seamen, and owners of vessels.

Mr. DINGLEY. I ask the Clerk to read the pending amendment.

The Clerk read the following amendment, offered yesterday by Mr. HOLMAN:

Provided, however, That no collector or other officer of customs, inspector, or shipping commissioner shall receive from the Treasury of the United States, in salary, fees, or other compensation for services connected with his office above enumerated, a greater sum in the aggregate than $6,000 per annum, except the collector of the port of New York, whose salary and compensation in the aggregate shall not exceed $12,000 per annum.

Mr. DINGLEY. Mr. Chairman, when the gentleman from Indiana [Mr. HOLMAN] offered this amendment I reserved a point of order to it. I do not see that gentleman in his seat, but understand he will be here in a moment. He is now in the House and I will proceed.

The CHAIRMAN. The gentleman from Maine will state his point of order.

Mr. DINGLEY. I will reserve the point of order until the gentleman from Indiana can be heard, if he has anything further to say.

Mr. HOLMAN. I know of no reason, so far as I am concerned, why the point of order should not be disposed of. In some remarks made by me last evening I stated that I had offered this amendment simply out of abundant caution. The provisions of the first section of the bill throw upon the public Treasury the payment of all these charges, and

it seems to me to be desirable on our part to avoid any possibility of increase in the compensation of officers connected with the customs-revenue service. The highest salary paid, so far as it appears on the face of the papers before Congress, to any collector of customs is to the collector of the port of New York, who receives $12,000 a year. The collector of the port of Philadelphia receives $8,000, and the collector of New Orleans and I believe the collector of Baltimore get $7,000 per annum. The salaries then run down to comparatively small figures.

Now my proposition, Mr. Chairman, does not interfere with the salary of the collector of the port of New York as fixed by law, but it would have the effect to change the salaries of three or four collectors. But that is not its main purpose, which is to prevent any possibility in the change proposed of calls upon the Treasury, so as to increase salaries beyond what is now paid to these collectors of customs.

The whole system is full of confusion, and I only excuse myself for submitting the amendment because of the necessity to guard against increase of salaries. As to the salaries of the collectors of Philadelphia, Baltimore, and New Orleans, which will be affected by my amendment, they are manifestly above what is paid for corresponding services in other branches of the Government. Take as a parallel salaries paid in the internal revenue or to the assistant treasurers of the United States or in the subtreasury, and compared with them these salaries are too high. It is a system made up by piecemeal in the way of legislation from time to time. It has not been subjected to revision, and I am apprehensive the present Congress will pass without any remedy being applied to the present confused condition of these salaries.

On the point of order, I wish to say, Mr. Chairman, that from my standpoint it is well taken. It is a limitation of the section itself, which provides for the payment of these fees out of the Treasury of the United States. My amendment declares the sums paid to the collectors and other officers of the customs service shall not in any event exceed a given amount per annum. That is the only effect of the proposition. It is only a limitation of the amount to be received from the public Treasury, and nothing more.

Mr. DINGLEY. Before the gentleman takes his seat I wish to ask him, as he has examined the matter somewhat, what officers, in his judgment, would be affected by his amendment.

Mr. HOLMAN. I sought to explain that matter. The salary of the collector of the port of Philadelphia is $8,000, and the salary of the collectors of the ports of New Orleans, Chicago, and possibly Boston, is, I believe, $7,000. They are the only salaries above $6,000. It does not affect the salary of the collector of the port of New York, and fixing the salaries at New Orleans, Philadelphia, Boston, and Chicago at $6,000, as compared with other salaries of officers of equal responsibility, is up, in my judgment, to the full measure of what has been deemed fitting and proper. I concede as to New York, from which a large portion of our revenue is derived, the salary now provided for the collector of that port is excusable, if not justifiable.

Mr. DINGLEY. I move to strike out the last word.

A MEMBER. What about the point of order?

Mr. DINGLEY. Before I urge the point of order I wish to call attention to the objection of the committee to the attempt made to place upon this bill an amendment of this character, as it is an endeavor to deal with a subject which has not yet been investigated by any committee, namely, salaries of collectors of customs throughout the country. I hold in my hand a scheme submitted by the Secretary of the Treasury for determining salaries of these officers, which has been referred to the Committee on Expenditures in the Treasury Department.

Mr. HOLMAN. Does the gentleman refer to the last report, which came in yesterday?

Mr. DINGLEY. I refer to the letter of the Secretary of the Treasury submitted January 16, just printed.

Mr. HOLMAN. That has been referred to the Committee on Appropriations.

Mr. DINGLEY. Whatever may be the effect of the amendment suggested by the gentleman from Indiana, it is trenching upon a subject which no committee of this House has yet investigated, and which, before any action shall be taken, ought to be carefully examined by some committee. This bill does not propose to deal at all with the subject of salaries of collectors or other officers, but provides practically it shall not affect salaries.

I notice in the report submitted by the Secretary of the Treasury, outlining the plan he recommends, that he fixes the salary of the collector of customs at $8,000 for Boston; $8,000 for the appraiser of New York, which would be affected by the amendment of the gentleman from Indiana, $8,000 for the naval officer, $8,000 for the surveyor, and $8,000 for the collector at Philadelphia; $7,000 for the collector at Baltimore, $7,000 for the collector at Chicago, and $7,000 for the collector at San Francisco. Now, with reference to all of these officers, certainly the gentleman's amendment would cut down the salaries to a lower figure than that recommended by the Secretary of the Treasury.

But, Mr. Chairman, my objection is not to that point so much; it is rather to the attempt to deal with this subject without investigation, and an investigation that certainly its importance ought to suggest. And I hope and would appeal to the gentleman from Indiana, in view of all the circumstances, as this matter is to go before some committee of the House to be carefully considered, that he withdraw his amendment at the present time and allow it to come up in regular order after due investigation.

Mr. HOLMAN. I not only withdraw the amendment, Mr. Chairman, but I move to strike out the last clause for the purpose of saying a word as to why I withdraw it.

Mr. DINGLEY. It is understood that the point of order is still pending.

The CHAIRMAN. The gentleman from Indiana has withdrawn his proposed amendment.

Mr. DINGLEY. I did not so understand the gentleman.

Mr. HOLMAN. Mr. Chairman, I have the honor to be a member of the committee which reported this bill, and I regret very much, sir, that I have not been able to perform the duties I owed to the committee in reference to the consideration of the bill before it was reported to the House. I ought not, perhaps, to feel justified in saying a word in reference to the bill, not having had the opportunity of devoting more time to its consideration while it was pending in the committee, but I I do not feel entirely satisfied with the measure in its present form.

In the attempt to relieve our ships and shipping, a project which has been engaging the attention of Congress for thirteen or fourteen years, I think some very important questions affecting the shipping interests have been largely overlooked, and that the efforts we have made have produced no important results, while throwing material burdens upon the general trade and the people at large. We relieved this shipping interest, not only external but our internal shipping as well, from hospital dues, which involved a very considerable sum of money, and threw its burden upon the people through the Federal Treasury. Now, it is a very difficult thing to see how the Federal Treasury should be any more required to bear that particular burden than a burden in connection with any other of the active industries of the country involving the employment of large bodies of men.

This bill proposes to relieve the shipping interests, not the foreign alone but the inland shipping as well, of all exactions which have been deemed necessary and wise in the past for the maintenance of a careful system of police, so to speak, or police regulations, not only for the benefit of the owners of steamboats and vessels themselves, but for the benefit of the general public as a measure of security for life as well as property. The ship-owner is interested in this matter just as well as the general public. It is a protection to his property. The action taken in this respect in former years, although it has been deemed necessary, has not apparently affected any very material results, and I must confess that I do not indulge much hope, with all due respect to the gentleman from Maine and his intelligence and information upon this subject, that this kind of an expedient will give any very great vigor to our shipping interests.

Especially I do not see how it can stimulate these industries upon our Western rivers and lakes, where our vessels do not come in competition with the vessels of other nations. I have not myself heard these fees complained of by the shipping interests in that region. I have the honor to represent a district largely engaged in steamboat building, ship-owning, and the running of steamboats; and yet I have not heard that this is a subject of complaint.

But, sir, the point of my objection really is the tendency to take off from particular industries the exactions which somebody is compelled to bear and throw the whole weight upon the Federal Treasury. The tendency is always in the direction of promoting certain industries and by indirect subsidies, so to speak. I think that my friend from Maine, on examining carefully some of the charges which are proposed to be removed from vessels, sail-vessels, steam-vessels, and steamboats, and throwing them upon the Federal Treasury, will reach the conclusion, ultimately, that they are in the main such charges as the owners of the ship or vessel is interested in paying for his own sake and for the safety and security of his own property. But, sir, as I have said, I am placed in a somewhat embarrassed position on this bill, as I was not able to go into the committee at the time it was being considered, and, therefore, do not stand upon an equal footing with gentlemen who have had a better opportunity of knowing its provisions.

I withdraw the *pro forma* amendment.

Mr. DUNN. I offer an amendment to strike out the last words of the bill for the purpose of answering some of the remarks of my distinguished friend from Indiana [Mr. HOLMAN].

He takes three points of objection; one that a mass of charges are taken off the shipping interests and cast upon the Treasury, and, as connected with that, that it is an indirect subsidy; and another, and finally, that he does not see that that will relieve the shipping interests. Now, with all kind regard and due consideration as well as deference to the gentleman from Indiana, I must say that his conclusions, when carefully considered, must appear exceedingly illogical. The shipping interests of this country have been undergoing a steady decline for more than twenty-five years. A large mass of the taxes imposed upon the shipping interests which we are seeking to remove were imposed during the war for revenue. They were war taxes and a necessary incident to the levying of war taxes. They have been imposed for the purposes of

the Government and not for the benefit of the shipping interests or vessel-owners. The Secretary of the Treasury and the Commissioner of Navigation both state that fact.

Mr. WARNER, of Ohio. Mr. Chairman, if the gentleman from Arkansas will permit me, I think he has right there touched the very heart of this question, and I would be glad, therefore, if he would explain two things: First, is this a tax that was levied after the war or during the war—were these taxes levied during the war, or did they exist before; and second, were they levied for the public interests generally, or do they exist, any of them, for the special benefit of the ship-owner? If so, then it seems to me they should bear the actual cost; but if it is a matter of public interest or public regulation, and not for their special benefit alone, then I see no impropriety in the expenditure being borne by the public Treasury.

Mr. DUNN. The Secretary of the Treasury and the Commissioner of Navigation both report, and I will read from the report, that this entire mass of charges should be relieved.

The revenue collected—

And I read from the report of the Commissioner of Navigation—

The revenue collected from these sources, while inconsiderable in its aggregate amount, is regarded as a burden from which the ship-owners should be relieved, and it is recommended to abolish the fees entirely. The officers of the customs, whose compensation is dependent on this collection, the steamboat inspection service and the shipping service, should be provided for out of moneys not otherwise appropriated. Most of the service performed by the Government officers, for which the fees are collected, are not specially beneficial to the ship-owner, but are for the protection of the revenue, or of the public, or of the seamen, or for statistical purposes, and there is no reason why the ship-owner should bear the burden.

Mr. DUNN. Now, on yesterday the distinguished gentleman from New York [Mr. HEWITT] sought to pick out of this list of fees abolished—for we have specified those which shall be abolished distinctively and have left no discretion anywhere—he sought to pick out of that list some items as to which he doubted if they were for the public interest, and made a question whether they were not for the benefit of the ship-owner, among which he named a bill of health and others, all of which were manifestly for the public interest and for public purposes. The Government laid during the war tonnage taxes, licenses, occupation taxes, as well as income taxes, which reached the vessel and its earnings and reached the officers and employés of the vessel and their occupation and affected the revenue.

[Here the hammer fell.]

Mr. WARNER, of Ohio, was recognized, and yielded his time to Mr. DUNN.

Mr. DUNN. And these charges have been laid in order to enable the Government to keep their control of the matter and for public purposes entirely and alone. Now, I have a statement here from the Commissioner of Navigation, showing that, including the deterioration, the taxes now raised upon the shipping interests of the country reached the enormous sum of 14½ or 15 per cent. There is not another property interest in the country resting under any such burden of taxation. We reduced their burdens last year by more than half a million dollars by the reduction of tonnage and change of fees, and we cast the burden of fees that were to remain upon the Government hospital dues for sailors. Why, the hospitals for the sailors have sprung out of the common sentiment of humanity of the whole civilized world that takes care of the sailor. He is a homeless creature; he has no home anywhere, except upon the shore upon which he may be cast by the exigencies of his avocation. The world has provided for him a hospital at the common expense of all the civilized maritime nations of the world.

Mr. HOLMAN. Will my friend allow me to ask him, is not that correct solely as to the hospital system in connection with foreign commerce?

Mr. DUNN. I have been referring to the act of 1884. But that was not cast upon the Treasury; that was charged upon the tonnage tax that remained unrepealed; and that part which now falls upon the Treasury is below $50,000, for this year the tonnage dues will meet all the hospital charges except $39,000 or $40,000.

Mr. HOLMAN. But does not the necessity of maintaining the hospital system, which has always been recognized, apply to the foreign commerce rather than to the local internal commerce, which stands upon a common basis with other employments?

Mr. DUNN. We are not maintaining any internal hospitals that I am aware of; but we ought to maintain more hospitals than we do.

Mr. HOLMAN. We are maintaining several.

Mr. DUNN. It is as important to protect the internal shipping interest as it is the foreign shipping interest. Our foreign carrying trade has been swept from the seas by taxation as well as by the restrictions of trade, which rob shipping of the opportunity to get cargoes everywhere. There is but one road to relief, and that is to remove taxation, remove the restrictions, remove burdens, and open the way for our people to do shipping business at a profit. Until that is made possible they will never do it. Can it be supposed that American capital will engage in a business that is burdened with a tax of 14½ per cent.?

Mr. HOLMAN. Will the gentleman state the items that make that up?

Mr. DUNN. It includes deterioration, and it does not include what we have removed heretofore. Local taxation, municipal and otherwise, 2.3 per cent.; tonnage tax, 1 per cent.; fees, .1 per cent.; deterioration, 10 per cent.; pilotage, 1.5 per cent.

Mr. HOLMAN. The deterioration forms a large proportion of it.

Mr. DUNN. Besides, there is a constant and ever-increasing tendency to add new taxes in the way of imposing new inventions upon vessels for life-saving and all other imaginary beneficial services. Why, sir, last year, as chairman of the subcommittee on commerce, to whom measures relating to commerce and navigation were referred, if I had favored the measures propounded there, and pressed upon my subcommittee, to compel ship-owners to take new inventions, life-saving boats, life-saving dresses, life-saving machinery, and had secured their enactment into law, every ship-owner in America would have set his vessel on fire and fled from it by night.

[Here the hammer fell.]

Mr. DUNN. I would like a little more time to have this communication read. I withdraw the *pro forma* amendment.

Mr. ROGERS. I renew it, and yield my time to my colleague.

Mr. DUNN. Now, I wish to answer one more point made by the gentleman from Indiana. If the removal of taxation is indirect subsidy, God save the country; there is an end of all arguments for reducing taxation. To whom is it a subsidy? To what is it a subsidy? All the taxes that rest upon the shipping and carrying trade of the country enter into and swell the cost of the products of the country which they transport and move and swell the cost of all products imported into the country, so that the burden of cost falls upon the producer and the consumer, the original producer being the heaviest sufferer.

If he is subsidized, I want to subsidize in that way every laborer in this nation of fifty-five millions of people; I want to subsidize every consumer of the tax-burdened commodities that enter into our national consumption. That is the subsidy policy that I am for. I am opposed to all subventions in the legitimate and proper acceptation and meaning of that term, but I am for removing all burdens of taxation which may be removed consistently with the needs of the revenues of the Government. Now, Mr. Chairman, I ask that the Clerk read the communication which I send to the desk.

The Clerk read as follows:

TREASURY DEPARTMENT, BUREAU OF NAVIGATION,
Washington, D. C., February 1, 1886.

MY DEAR SIR: In compliance with your request I herewith send you statement of the benefit derived from shipping legislation proposed and already enacted. The items go far toward placing our ships in a position to compete with foreign vessels; but as remarked by you in conversation on Saturday, nearly all of such relief from burdens comes ultimately to the pockets of the producer and the consumer, so that I think such measures should be considered as removing war taxes and burdens upon the commerce of the country at large.

Yours, very truly,

JARVIS PATTEN.

Hon. POINDEXTER DUNN,
Chairman of Committee on Shipping, House of Representatives.

Memorandum regarding taxation on American vessels.

	Per cent.
Local taxes, municipal and otherwise	2.3
Tonnage tax	1.0
Fees	.1
Depreciation per annum	10.0
Pilotage	1.5
Total	14.9

In addition, there are charges for port warden (no estimate), harbor dues (no estimate), quarantine and local dues (no estimate).

The local taxation of 2.3 per cent. is imposed at a certain town in the State of Maine. I am informed that on the lakes and in some other States this would be about a fair average.

Vessel property is subject to more depreciation than most other kinds and to greater risks. In the foreign trade especially they have to compete with the cheapest vessels of the world, and should therefore be relieved of all unnecessary burdens, otherwise the business of shipping in the United States, so far as regards foreign trade, must be altogether discontinued. The total tonnage tax collected during the year 1885 from all vessels was $390,875.15; from vessels of the United States $59,325.29. The entire customs fees for that period were $500,444.20, of which probably nearly one-third was paid for services to United States vessels, namely, $166,814.73. The amount paid for the last fiscal year by the Government to consular officers, under the provision of the act of June 26, 1884, abolishing consular fees, in the case of vessels of the United States, is stated in the report of the Fifth Auditor to have been $15,511.73. The whole sum this provision saved to the owners of vessels amounted to about $90,000.

The fees received by shipping commissioners and deposited in the Treasury as a fund for their compensation amounted to $61,484.12, of which $53,248.24 were expended in salaries, rents, &c. The fees deposited for inspection and license in the case of steam-vessels amounted to $111,468.85.

It will be seen from the foregoing that property in vessels is very highly taxed, and it is necessarily subject to many restrictions under existing legislation. The fees sought to be abolished by bill 4838 are an additional burden. They have been paid by the vessels without any recompense for the use of the Government. Should they be abolished, the Government, of course, would have to provide for the officers paid therefrom. This provision, as estimated above, would cost, say, for—

United States shipping commissioners, their clerks, &c.	$53,248 24
Steamboat service	111,468 85
Fees to customs officers*	166,814 33
Total	331,531 42

*The amount mentioned as paid for services to vessels generally include services to foreign vessels as well as to those of the United States, and as the fees for foreign vessels are not abolished by the bill, the amount would be considerably less than that above stated.

This comparatively small amount might well be collected in some other manner if necessary.

Statement of amount saved to United States vessels, &c., during the year ending June 30, 1885, by the passage of the act of June 26, 1884.

	Saved to foreign vessels.	Saved to American vessels.
Tonnage tax	$692,109	$213,788
Hospital tax	.....	421,348
Consular fees	.....	90,000
	692,109	724,136

The relief afforded by the passage of the bill would not only go to the ships, but also to the shippers and the producers, in consequence of the reduction in freight charges which necessarily follows a reduction in expenses of transportation.

It is admitted by all economists that taxes of this kind, although borne directly by the ship, are really burdens on the commerce of the country that levies them, and in the end fall upon the shipper, to be paid by the producer. In my experience as a ship-master, a case of the kind came directly under my observation in the cotton trade, where it is the custom for ships to pay the cost of compressing the bales. At this time, in the port of New Orleans, the rate of compressing had risen to $1 per bale, while freights were low. All at once the combination among the different cotton-presses was broken and a spirit of competition introduced among them, when the rates of compressing fell to 50 cents per bale. This at first appeared to be good news to the captains who were loading cotton, as they expected to make a saving of 50 cents per bale expense in loading, but it was soon found that this was not to be so, as in course of a week the rate of freight adjusted itself to the change and vessels were accepting just 50 cents less per bale for carrying the cotton. The relief afforded shipping by this bill tends to enable them to compete with foreign ships which are not assessed in like manner, but although the money be first paid by the ship, it falls ultimately on the commodities carried, and so upon the producer. The relief voted is virtually to take off a burden on the commerce and production of the whole country, rather than to relieve ship-owners alone. The amount of a million dollars taxes taken off shipping may sound large, but when it is acknowledged, as it must be, that the million dollars is ultimately scattered through the whole country, going mostly to the producers of every commodity that is exported, it will be seen the measure is a relief to the whole country from taxes established years ago as a war measure.

During the reading of the foregoing paper the chairman announced that the time of the gentleman from Arkansas [Mr. DUNN] had expired; whereupon

Mr. OATES took the floor in opposition to the amendment and yielded his time to Mr. DUNN.

Mr. DUNN. Now, Mr. Chairman, the statement just read shows that by the act of 1884 burdens to the amount of something more than a million dollars were taken off the shipping interests of the United States. It is estimated that this bill will reduce burdens in the form of fees, &c., to the amount of about $300,000. The tonnage provision of the bill, if it is responded to by foreign governments, will sweep away the balance of tonnage taxes, amounting to some $400,000. Then if we shall be able to follow up this reduction of near $2,000,000 by a reduction in the cost of pilotage, which now amounts to perhaps more than $2,000,000, we shall have accomplished a great deal for the relief of American shipping interests and shall have done much to open the way to the resumption of that kind of business by American enterprise and American capital. Then, if we shall be able to follow that up with a great crowning measure to give them free ships, the cheapest that may be made in the world, the entire restoration of American dominance upon the seas in the carrying trade will have been made possible.

Mr. HOLMAN. Will the gentleman permit me to ask him a question?

Mr. DUNN. Yes, sir.

Mr. HOLMAN. Does not my friend perceive that this reduction affects very largely vessels owned abroad as well as those owned at home?

Mr. DUNN. It does not affect vessels owned abroad except as to tonnage. The act of 1884 reduced tonnage dues to certain foreign vessels. This bill does not release one dollar of tonnage dues to any foreign vessel except in consideration of a like reduction by other nations to American vessels.

Mr. HOLMAN. But does not the gentleman see that to the extent that foreign vessels are released the burden is put upon our people?

Mr. DUNN. No, sir. We take off burdens from the American consumer in this way, just as you do by taking off tariff taxes.

Mr. HOLMAN. On the same principle?

Mr. DUNN. Exactly. The effect is just as direct.

Mr. CANNON. Mr. Chairman, I move to strike out the last word in order to get an opportunity to make a few remarks upon this bill. I am not very familiar with the provisions of the bill. The gentleman from Arkansas [Mr. DUNN] evidently is, as well as the gentleman from Maine. I do not propose to say much about it. In many of its provisions, if not all, it may be well enough. Like many other members of this House, in much of the legislation that comes before us I follow in the main the committee that reports the bill. I want to say, however, that I regretted that the gentleman from Indiana [Mr. HOLMAN], at the first fire, withdrew the amendment he offered yesterday, which tended to limit the compensation of customs collectors, because it is known in a general way to the country, from repeated assertion through long years past, that many of these officers do receive a very large compensation. It is known further that there are a good many collection districts, many more than most of us are aware of; and, as I have said, it is known that the compensation of the collectors in some of these districts is very large—in some instances, as I am informed, as high as ten thousand or twelve thousand or fifteen thousand dollars a year. Now, I regretted to see the gentleman from Indiana [Mr. HOLMAN] withdraw his amendment, because the millennium has come, the time has arrived when the gentleman has a President in harmony with himself and a majority of 40 in this House, and when he has an opportunity to run matters, and glorify his party, and keep some of the promises that he has been making for the last twenty-five years. I hope he will not be obstructed in doing that.

In all seriousness, I do believe that a great reform might be made, and ought to be made, touching the collection of the revenues and the cost of that service. I hope that nobody will put any obstacle in the way of the gentleman from Indiana, and the other side of the House, in making these reforms. In season and out of season—upon this bill or any other bill—let them be made.

Mr. DINGLEY. If we can pass immediately to the other sections of the bill I will not move that the committee rise for the purpose of limiting debate; but I see there is a little tendency to run into outside questions.

Mr. HOLMAN. I congratulate my friend from Illinois [Mr. CANNON] upon the manifest improvement not only in his way of speaking but in his theories of economy. He always speaks well; but on this occasion he has spoken with unusual animation and energy. My friend must have perceived that the amendment I offered and which was, from the necessities of the case, but a partial remedy, affecting a very few salaries, was withdrawn because the gentleman from Maine [Mr. DINGLEY] was apprehensive that his bill would be embarrassed; and surely the gentleman from Illinois does not wish to embarrass the measure of the gentleman from Maine. Besides, I indulge the hope that a measure comprehensive enough to embrace all the salaries of the customs service will be brought in during the present session of Congress; and I trust the gentleman from Illinois will give it a cheerful support.

The Clerk read as follows:

SEC. 2. That shipping commissioners may ship and discharge crews for any vessel engaged in the coastwise trade, or the trade between the United States and the Dominion of Canada or Newfoundland, or the West Indies, or the Republic of Mexico, at the request of the master or owner of such vessel, the shipping and discharging fees in such cases to be one-half that prescribed by section 4612 of the Revised Statutes, for the purpose of determining the compensation of shipping commissioners.

SEC. 3. That section 10 of the act entitled "An act to remove certain burdens on the American merchant marine and encourage the American foreign carrying trade, and for other purposes," approved June 26, 1884, be amended by inserting after the word "relative," in line 19, the following: "Or to an original creditor in liquidation of any just debt for board or clothing which he may have contracted prior to engagement, not exceeding one month's pay for board and one month's pay for clothing." And said section 10 is further amended by striking out all of the last paragraph after the words "vessels of the United States," and inserting in lieu of such words stricken out the following: "And any master, owner, consignee, or agent of any foreign vessel who has violated this section shall be liable to the same penalty that the master, owner, or agent of a vessel of the United States would be for a similar violation."

SEC. 4. That section 4289 of the Revised Statutes be amended so as to read as follows:

"SEC. 4289. The provisions of the seven preceding sections, and of section 18 of an act entitled 'An act to remove certain burdens on the American merchant marine and encourage the American foreign carrying trade, and for other purposes,' approved June 26, 1884, relating to the limitations of the liability of the owners of vessels, shall apply to all sea-going vessels, and also to all vessels used on lakes or rivers or in inland navigation, but shall not apply to any canal-boat, barge, or lighter."

Mr. O'NEILL, of Pennsylvania. I offer the amendment which I send to the desk.

The Clerk read as follows:

Strike out in lines 11 and 12 of section 4 the words "but shall not apply to any," and insert the words "including canal-boats, barges, and lighters."

Mr. O'NEILL, of Pennsylvania. Mr. Chairman, just about the time that the committee was rising yesterday afternoon, I proposed this amendment, which is printed in the RECORD. I desire to occupy a moment or two in explanation of it, and I trust the Committee of the Whole will see the propriety of adopting it.

This bill, as reported by the Committee on American Ship-building and Ship-owning Interests, does not include in its limited-liability clause canal-boats, barges, or lighters, but on the contrary they are excepted from its provisions. I need not say to the House that since the original laws affecting these interests were passed the business of lighterage and tugboating has become an immense business in all parts of the country—in Boston, New York, Philadelphia, Baltimore, and elsewhere; and I can see no reason why this bill should not be now amended so as to include this class of vessels. They are certainly liable to be damaged by collision and otherwise. There is certainly value in these vessels—of course not great value, but more or less value. Yet they are not within the limitations of this bill, and I think they should be included, in deference to the desire of those interested in tugboats, barges, and lighters.

Mr. DINGLEY. Mr. Chairman, with reference to the amendment moved by the gentleman from Pennsylvania [Mr. O'NEILL], the Shipping Committee has maintained the exception which has always been observed in our limited-liability law. The exception now embraced in the Revised Statutes as to canal-boats, barges, or lighters is an exception which was placed in the first limited-liability act passed in 1851,

and I wish merely to restate the reasons which then governed the action of Congress.

The limited liability was granted to vessels mainly on these grounds: First, that the vessel goes beyond the control of its immediate owner, and can not be under his immediate care; secondly, that it encounters peculiar and exceptional perils of navigation; and, thirdly, that it is in the interest of public policy to grant this exceptional privilege to the owners of shipping property. It was argued that these exceptions did not apply, at least in their ordinary force, to canal-boats, barges, and lighters—first, because these vessels are usually employed in a harbor or on a canal, and do not meet the ordinary perils of navigation; secondly, that they are always, when moved, attachments of other vessels; and, thirdly, that as the limited-liability act provided that the aggregate measure of liability should be the value of the vessel and pending freight, these vessels afforded a small measure of aggregate liability.

Those, in substance, were the reasons which led Congress, in passing the original limited-liability act, to except these three classes of vessels. Having stated the reasons which then controlled the judgment of Congress, I leave to the Committee of the Whole to determine this question as may seem to it proper.

Mr. O'NEILL, of Pennsylvania. Mr. Chairman, I do not see that we need be bound by the judgment of the Congress which enacted the law of 1852. In our day tugboating and lighterage, the use of canal-boats with lighters, &c., in our rivers and other streams, has become in many parts of our country a greatly extended business. Now, I do not think that the question of the measure of damage which might be incurred by a canal-boat or tugboat or a lighter should enter into this question at all. There is no reason why the owner should not be compensated for damages.

In trying to pass this bill amendatory of our shipping laws—and I sincerely hope we shall succeed in passing it—I do not see why we should not seek to put the law in as good a shape as possible, a shape suited to the business of the times. I wish to urge the Committee of the Whole to adopt this amendment. I had hoped that the gentleman in charge of the bill might assent to it. I know he could not accept it as chairman of the committee and acting under their instructions, yet perhaps a word or two from him might have given the Committee of the Whole a more favorable idea of this proposition. But I repeat, the fact that the act of 1852, passed thirty-four years ago, excepted these canal-boats, barges, and lighters from the limited-liability clause is no reason why now, with the experience of the intervening years, we should not allow these vessels to be included in the provisions of the limited-liability law. The smaller interests of the parties owning these vessels are just as important to them as the larger interests of larger vessel-owners. We are seeking to do the best we can for American shipping; and we now have an opportunity to include these vessels in the provisions of the general law on this subject. No sufficient reason is presented in favor of continuing the exception which was made years ago. I ask this Committee of the Whole to adopt this amendment. It can certainly do no wrong to any one. It can not affect adversely the shipping interests. It does not impose any additional fee upon any one. It simply gives to the owners of these smaller vessels the same rights that are accorded to the owners of larger vessels.

Mr. BURLEIGH. I certainly hope the amendment of the gentleman from Pennsylvania will be adopted. In 1852 the tonnage of a canal-boat was from 60 to 80 tons. Now they carry from 200 to 300. In 1852 they simply navigated canals. Now a canal-boat takes a load at Quebec or Ottawa and delivers it at New York, Philadelphia, or Baltimore. The whole system of transportation has changed, and it is as important to accommodate shippers on the lakes, rivers, and canals as any others. Therefore I sincerely hope the amendment of the gentleman from Pennsylvania will be adopted.

Mr. BOYLE. Mr. Chairman, I understand the effect of this section, if adopted, will be to extend to vessels engaged in lake and other inland navigation the same exemption from liability which the owners of vessels engaged in ocean navigation enjoy under the act of 1851. The gentleman from Arkansas [Mr. DUNN] says that the legislation already upon the statute-book extends to lake navigation. If so, the effect of this section will be to extend it to carriers on rivers.

A MEMBER. And canals.

Mr. BOYLE. Yes; and canals.

I think, sir, the policy of this legislation from the beginning is doubtful. The effect of it is to relieve common carriers by water almost entirely from their liability as such. It goes even beyond that. It not only relieves the carrier from his common-law liability, but it limits the liability of the owner of a vessel to his interest in the vessel itself and the pending freight. For, sir, as I understand the proposition——

Mr. DUNN. It is to limit the liability?

Mr. BOYLE. Yes; to limit the liability of the owner of the vessel to the shipper, the person for whom he carries and to others having claims to the interest of the owner in the vessel and the pending freight. Now, vessels are sometimes owned by partnerships. If the shipper suffers a loss, even by negligence of the carrier's servants, if the shipper suffers loss by embezzlement of the carrier's servants, and in many other cases referred to in section 4289, the carrier is bound to the shipper only to the extent of his interest in the vessel.

Under the law as it stood prior to the act of 1851, and as it stands now, as affecting carriers by river, while the owner is liable to the shipper to the full extent of the loss, whatever may be the owner's interest in the vessel, this would limit it to the particular vessel itself. I can see no reason why carriers by water should be relieved from the liabilities which attach to carriers by land. If a shipper by rail suffers loss the railroad company, or the owner or carrier, whatever he may be, is personally liable to the full extent of the loss.

In some cases, Mr. Chairman, it will relieve the common carrier altogether. Suppose the vessel to have been mortgaged to its full value, what relief would the shipper or passenger have even for negligence or embezzlement of the agents of the owners of the vessel?

Mr. DUNN. They avoid it now. I will inform the gentleman that it is a common thing now for a rich partner in the ownership of a vessel to transfer the title to an irresponsible employé and take a mortgage upon it for a debt or assumed debt. That is the custom in inland navigation now. You protect these owners to the exact extent to which the law protects the navigators on the high seas.

Mr. BOYLE. As the law stands the rich carrier is liable beyond his interest in the vessel. He is personally liable.

Mr. DUNHAM. Not in case he uses due diligence.

Mr. BOYLE. As to a common carrier due diligence goes for nothing. Only the act of God or the act of the public enemy relieves a common carrier. The mortgaging of the interest of the rich partner in a vessel does not relieve him.

The CHAIRMAN. The gentleman's time has expired.

Mr. HOLMAN. I will take the floor and yield my time to the gentleman from Pennsylvania.

Mr. BOYLE. But you propose now to relieve him by act of Congress. Suppose a vessel to be owned by a rich and strong corporation and the shipper's goods are embezzled or destroyed by negligence of that corporation or its servants, what is the remedy under this proposed legislation for the shipper? He will have nothing beyond the value of the vessel.

Mr. NEGLEY. The value of the vessel and the pending freight?

Mr. BOYLE. Yes, and the pending freight; but the vessel may be mortgaged, and then he will have but the pending freight. But both vessel and pending freight may be altogether insufficient to make good his loss. You will have a powerful corporation, a strong corporation, which has undertaken to safely carry the goods and failed to do so, and yet it will be relieved altogether from liability by this provision.

Mr. DUNN. The gentleman from Pennsylvania overlooks the fact that the liability of the corporation would be equal to the value of the vessel and the pending freight.

Mr. BOYLE. That is a new view of the question, and one which does not seem to be warranted by the terms of the bill. My understanding of the section if adopted is this, that it makes only the vessel liable; only the interests of the parties in it, and that it does not make the owner liable to the extent of the value of the vessel.

Mr. HENDERSON, of Iowa. That would be in the nature of a proceeding *in rem*, and that is not the rule of liability which is contemplated by this bill.

Mr. BOYLE. That would not reach the owner personally——

Mr. DUNN. Let me say to the gentleman from Pennsylvania that under this act you can reach the owner to the extent of the value of the vessel and the pending freight. There is no question of that.

Mr. BOYLE. What I have been endeavoring to maintain is that the owner's interest in the vessel is all that will be liable. I do not understand that the value of the vessel affords the measure of the owner's liability which may be collected off him personally, but that only his interest in the vessel can be seized.

Mr. DUNN. Let me state again: each owner is liable to the extent of his interest, and all of them in the aggregate to the full value of the vessel and the pending freight.

Mr. BOYLE. Very well. Now suppose that to be the fact——

Mr. DUNN. That is it exactly.

Mr. BOYLE. Well, suppose it is; the loss of the shipper may far exceed the value of the vessel, which may be comparatively worthless. You have then, I repeat, a vessel owned by a rich corporation which undertakes to carry goods, and they are destroyed, lost, or embezzled. Now what provision is there to cover the loss outside of the value of the vessel itself?

Mr. DUNN. The loss is usually covered by insurance. He would be protected by the insurance.

Mr. BOYLE. What I complain of is that the law you are enacting here for carriers by water is not the law that governs other classes of common carriers.

Mr. DUNN. You should have made that argument in 1851.

Mr. BOYLE. I was not here to make the argument at that time, but I make it at the earliest possible opportunity.

Mr. O'NEILL, of Pennsylvania. Mr. Chairman, a word in response to what my colleague from Pennsylvania has said. I do not think my colleague has any objection to including canal-boats, barges, or lighters,

because the provisions of the limited-liability law apply to all vessels, whether on the lakes or rivers or engaged in any inland navigation. This would perfect the section by including all vessels, whether canal-boats, barges, or lighters. His objection appears to be to the limited-liability clause generally, and I do not suppose he makes that objection to the amendment which I have offered.

Mr. BOYLE. I will say, Mr. Chairman, that I can see no reason for discriminating between canal-boats or lighters and steamboats and other vessels employed in commerce.

Mr. HENDERSON, of Iowa. I do not understand the argument of the gentleman from Pennsylvania reaches to the point of refusing to relieve inland navigation of these burdens which do not rest on our coastwise trade?

Mr. BOYLE. I would not discriminate against inland navigation. But I wish to say that if I had been here in 1851 I should have voted against relieving ocean vessels from these liabilities, and I will go no further in that direction.

The CHAIRMAN. The question is on agreeing to the amendment proposed by the gentleman from Pennsylvania.

The question was taken; and upon a division there were—ayes 41, noes 35.

Mr. HOLMAN. No quorum has voted. I think we had better have a full vote on this proposition.

Mr. DINGLEY. I hope the gentleman will not press that point.

Mr. HOLMAN. I ask that the amendment be again reported.

The amendment was again read.

The CHAIRMAN. The point of order being made that no quorum has voted, the Chair will order tellers.

Mr. HOLMAN and Mr. O'NEILL of Pennsylvania were appointed tellers.

The committee again divided; and the tellers reported—ayes 75, noes 93.

So the amendment was rejected.

Mr. HALL. I offer the amendment which I send to the desk.

The Clerk read as follows:

Add to section 4, at the end of line 12:

"*Provided*, No master, officer, or seaman shall be made liable under section 4287 or other provision of law for any act or omission of any other master, officer, or seaman to a greater extent than the value and freight of such vessel, unless such first-mentioned master, officer, or seaman, being the owner in whole or part, directly and personally contributed to such act or omission."

Mr. HALL. I offer this amendment, Mr. Chairman, with the view of encouraging the construction and operation of vessels upon the Western rivers in my own region of the country. Heretofore, since 1852, the exemption by which owners of vessels were liable only to the extent of the value of the vessel and pending freight as common carriers has been limited to the ocean business, while the vessels employed upon the Western rivers have not been encouraged by this exaction, and capital has not been induced to invest in that direction.

The only exception in which the statute of 1852 or the present statute changes the liability of common carriers is in the single matter of destruction by fire. In that instance the burden of establishing the negligence is thrown upon the shipper. In all other cases there rests upon the common carrier an absolute liability for freight lost, destroyed, or damaged, with the exception that the liability is itself limited to the value of the vessel and the pending freight.

Now, out upon the Western rivers it so happens that nearly all owners are more or less engaged in navigating the vessels that they own; and under section 4287 of the Revised Statutes that class of owners who are engaged in navigating their own vessels are made liable for the whole extent of the loss, though it may exceed many times the value of the vessel and the pending freight. The amendment which I offer proposes to change that and to leave such owners under precisely the same obligation as those owners who remain at home and are not actively engaged in the navigation of the vessels. It puts all owners on an exact equality, with this addition, that if the navigating owner is himself guilty of any act or omission which contributes directly to the loss, he then is liable upon the same ground as all other common carriers—to the full extent of the injury sustained. If such owner fails to employ a competent crew or fails to discharge any of the duties that pertain to him as owner or master, he becomes absolutely liable for the whole extent of the loss. But this amendment proposes that such owner and master or officer or seaman shall not be made liable to the full extent for any act or omission of any other master or officer or seaman in which he did not participate and to which he did not contribute; of course, leaving him still liable to the extent of the value of the vessel and the pending freight.

I trust, sir, on behalf of this interest, which is a large and vast one, and which has heretofore been crippled by a variety of circumstances, that this amendment for its encouragement may prevail.

Mr. DINGLEY. I ask that the amendment be again reported.

The amendment was again read.

Mr. HOLMAN. Mr. Chairman, I would be glad to have section 18 of the act passed in 1884 to relieve American shipping from certain burdens read, so that the present state of the law may appear. I especially invite the attention of the gentleman from Iowa [Mr. HALL] to that provision.

The Clerk read as follows:

SEC. 18. That the individual liability of a ship-owner shall be limited to the proportion of any or all debts and liabilities that his individual share of the vessel bears to the whole, and the aggregate liabilities of all the owners of a vessel on account of the same shall not exceed the value of such vessels and freight pending: *Provided*, That this provision shall not affect the liability of any owner incurred previous to the passage of this act, nor prevent any claimant from joining all the owners in one action; nor shall the same apply to wages due to persons employed by said ship-owners.

Mr. HOLMAN. I now ask that the original section of the act of 1851 may be read as a part of the history of this legislation. It is section 4283 of the Revised Statutes.

The Clerk read as follows:

SEC. 4283. The liability of the owner of any vessel, for any embezzlement, loss, or destruction, by any person, of any property, goods, or merchandise, shipped or put on board of such vessel, or for any loss, damage, or injury by collision, or for any act, matter, or thing, lost, damage, or forfeiture, done, occasioned, or incurred, without the privity or knowledge of such owner or owners, shall in no case exceed the amount or value of the interest of such owner in such vessel, and her freight then pending.

Mr. HOLMAN. I suppose the effect of this provision of the act of 1851 is either modified or entirely superseded by the eighteenth section of the act of 1884. And it is now proposed, after a controversy of at least fifteen years in duration, for this subject was before Congress many years ago—it is proposed to extend the principles embodied in both these sections more definitely in the last, that of the act of 1884, to vessels navigating inland rivers. Many years ago, while the language seemed to apply to foreign commerce alone, the Supreme Court decided that the same principles applied to vessels navigating the great lakes of the North. But now it is proposed to apply the same principles to vessels navigating the inland rivers, and the question is this, to which I invite the gentleman from Maine [Mr. DINGLEY] and the gentleman from Iowa [Mr. HALL], whether or no you will promote the interests of those engaged in the navigation of the inland rivers by steamboats by relieving them from liability for losses sustained of life and property.

Take the instance where a railroad accident occurs. The railroad passes right along on the margin of a river. As to the one common carrier, the railroad, for the general safety of the people, you apply strictly the rules which apply to the common carrier for the benefit of all men; as to the other common carrier, right by its side, employing a different element for transportation and travel, there you release the carrier from these liabilities as to life and property, except to a very limited extent.

I trust gentlemen will consider whether or no you are in fact promoting the interest of the common carrier by water on these navigable streams by this exemption of liability. Are we not running the risk at least of enlarging travel and transportation by those channels where there is the security of a monetary liability when you exempt the other agencies from such liability?

That is a question I think well worthy of consideration. And yet, as I have said, I discuss this subject with hesitation, because I was not present when these provisions were considered. As far back as 1872 the subject was in the House, and was then very carefully considered. It has been occasionally before Congress ever since, and I think even before 1872, as far back as 1867, it was under consideration, and the question has always been whether it was a wise policy to extend these exemptions to vessels engaged in inland navigation, with reference to their own interests as well as with due regard to the public safety.

Mr. DINGLEY. Mr. Chairman, the gentleman from Iowa [Mr. HALL] proposes to limit the personal liability and responsibility of a master, officer, or seaman, on account of any embezzlement, injury, loss, or destruction of merchandise or of property put on board any vessel, or on account of any negligence, fraud, or other malversation of such master, officer, or seaman, respectively. This proposition, of course, touches another question, namely, whether an individual who has been personally negligent, or who has been guilty of fraud, being a master or officer of a vessel, should not be personally liable on account of such neglect or fraud. That is a new question, and certainly there is a great deal of doubt about the propriety of undertaking to extend the limited liability law to a man who has committed a fraud. As to the other question raised, the general question——

Mr. HALL. If the gentleman from Maine [Mr. DINGLEY] will yield to me for a moment I will explain. I think I have not been able to make myself quite understood.

Mr. DINGLEY. I yield to the gentleman. It may be that I have not understood him correctly.

Mr. HALL. Mr. Chairman, by section 4283 there is an exemption made on behalf of men who invest their capital in sea-going vessels, but who do not personally undertake to operate and manage them. Section 4287 expressly provides that when they do undertake to operate and manage their own vessels they shall be personally liable to the same extent as common carriers, regardless of the question whether such owners or masters are themselves personally guilty of fraud or neglect, or whether it is the act or omission of their subordinates. Now the point I make is, that if you extend this exemption at all it ought to be carried out so as to effectuate the principle involved. On the Western rivers there are men who invest their capital and also operate and manage their own vessels, nd while they should be held responsible,

whether the act or omission is on their own part or on the part of their agents to the extent of the value of their vessels and the pending freight, their responsibility ought not to extend any further, and they should not be held responsible for the whole loss, which in any particular case may be ten times as much as the whole value of the vessel, unless such loss is caused by their personal individual act or omission.

Mr. DINGLEY. That raises a new question, and I have not had time to ascertain whether the provisions of law already enacted will not reach the case presented. I wish, however, at this time to respond to the suggestion of the gentleman from Indiana [Mr. HOLMAN] with reference to the propriety of extending these limited liability laws to vessels plying on our interior waters. I wish, first, to call attention to the fact that it is very easy, under existing laws, for any owner or part owner of a vessel on the interior waters to escape liability by having the owners incorporated under the State laws, most of which limit the liability of the individual to the proportion of the capital stock which he individually may own. But, secondly, where those laws do not exist, the tendency has been for the owners of steamers on our inland waters to put their property into the hands of men who are not responsible, in order to escape individual personal responsibility. There does, however, seem to be as much reason for extending this limited liability to vessels navigating the larger interior waters, such as the Mississippi and the Ohio Rivers, considering that the perils of navigation there are almost equal to those upon the great lakes, as there is for extending them to sea-going vessels. As was stated by the gentleman from Indiana [Mr. HOLMAN], originally our limited-liability laws were confined in their operation strictly to sea-going vessels, but by decisions of the courts many years ago the principle of those laws was extended to those vessels navigating the great lakes, on the ground that they encountered substantially the same perils as vessels navigating the ocean; and, carrying that reasoning still further, it has been thought by the committee that the same ground exists for limiting the liability of vessels navigating our internal waters, and that it would be good policy to do so, because it would preserve the ownership of the vessels in responsible hands, and discourage such evasions of the law as are now practiced.

Mr. HOLMAN. If the gentleman will permit me, I wish to ask him if it is not his understanding that the act of 1851, in its terms, applied only to sea-going vessels, and was designed to place American vessels engaged in foreign commerce upon the same footing as the vessels of other nations? Had not that been the general policy of the commercial powers for some years prior to that time, and did not we follow them and enact the law of 1851 for the purpose of conforming to that policy and putting our ships in the same condition in that respect as the vessels of other nations?

Mr. DINGLEY. Precisely. That was one of the reasons; but in addition to that, the reason was set forth that vessels on the high seas go beyond the control of the owner, so that he can not have the personal oversight which ordinarily can be exercised by the owner of property upon land; and, secondly, it was urged that vessels upon the high seas are subject to peculiar dangers of navigation. The courts, when by their decisions they extended the operation of the limited liability act to vessels upon the great lakes, relied solely upon the latter two principles—the fact that navigation upon the great lakes encounters substantially the same perils as navigation upon the sea——

Mr. HOLMAN. And because, as the term "ship" is constantly made use of in the act of 1851, the foreign trade not being specified, the Supreme Court very naturally came to the conclusion that the act applied to all navigation by ships, rather than to foreign commerce solely.

Mr. DINGLEY. I think the committee sufficiently understands the question so far as concerns the extension of this provision to interior waters. I hope we may have a vote.

The question being taken on the amendment of Mr. HALL, it was rejected.

The Clerk read as follows:

SEC. 5. That section 4153 of the Revised Statutes be amended by striking out the last sentence of the last paragraph and inserting instead the following: "In every vessel documented as a vessel of the United States the number denoting her net tonnage shall be deeply carved or otherwise permanently marked on her main beam, and shall be so continued; and if the number at any time cease to be continued, such vessel shall be subject to a fine of $30 on every arrival in a port of the United States if she have not her tonnage number legally carved or permanently marked."

SEC. 6. That from the close of section 4177 of said statutes the following words shall be stricken out, to wit: "Such vessel shall be no longer recognized as a vessel of the United States;" and in lieu thereof there shall be inserted the words following: "Such vessel shall be liable to a fine of $30 on every arrival in a port of the United States if she have not her proper official number legally carved or permanently marked."

SEC. 7. That section 4371 of said statutes is hereby repealed, and in lieu thereof the following provisions shall be inserted: "Every vessel of 20 tons or upward, entitled to be documented as a vessel of the United States, other than registered vessels, found trading between district and district, or between different places in the same district, or carrying on the fishery, without being enrolled and licensed, and every vessel of less than 20 tons and not less than 5 tons burden found trading or carrying on the fishery as aforesaid without a license obtained as provided by this title, shall be liable to a fine of $30 at every port of arrival without such enrollment or license. But if the license shall have expired while the vessel was at sea, and there shall have been no opportunity to renew such license, then said fine of $30 shall not be incurred."

Mr. DINGLEY. I move to amend section 7 by striking out all down to the words "every vessel," in line 3, and also by adding at the end of the section the following: "And so much of section 4371 of the Revised Statutes as relates to vessels entitled to be documented as vessels of the United States is hereby repealed."

This amendment has been agreed to by the committee, after consultation with the Bureau of Navigation, as being preferable to the repeal of the section of the Revised Statutes referred to.

The amendment was agreed to.

The Clerk read as follows:

SEC. 8. That foreign vessels found transporting passengers between places or ports in the United States, when such passengers have been taken on board in the United States, shall be liable to a fine of $1 for every passenger landed.

SEC. 9. That the fines imposed by sections 5, 6, 7, and 8 of this act shall be subject to remission or mitigation by the Secretary of the Treasury when the offense was not willfully committed under such methods of ascertaining the facts as may seem to him advisable.

SEC. 10. That the provision of Schedule N of "An act to reduce internal-revenue taxation, and for other purposes," approved March 3, 1883, allowing a drawback on bituminous coal used for fuel on vessels propelled by steam, shall be construed to apply only to vessels of the United States, and to vessels of foreign countries granting similar privilege to vessels of the United States in their ports.

Mr. DINGLEY. In order to make clear what otherwise might be subject to some doubt, I move to amend section 10 by inserting in line 4, before the word "bituminous," the word "imported."

The amendment was agreed to.

The Clerk read as follows:

SEC. 11. That section 14 of "An act to remove certain burdens on the American merchant marine and encourage the American foreign carrying trade, and for other purposes," approved June 26, 1884, be amended so as to read as follows:

"SEC. 14. That in lieu of the tax on tonnage of 30 cents per ton per annum imposed prior to July 1, 1884, a duty of 3 cents per ton, not to exceed in the aggregate 15 cents per ton in any one year, is hereby imposed at each entry on all vessels which shall be entered in any port of the United States from any foreign port or place in North America, Central America, the West India Islands, the Bahama Islands, the Bermuda Islands, or the Sandwich Islands, or Newfoundland; and a duty of 6 cents per ton, not to exceed 30 cents per ton per annum, is hereby imposed at each entry upon all vessels which shall be entered in the United States from any other foreign ports: *Provided*, That the President of the United States shall suspend the collection of so much of the duty herein imposed, on vessels entered from any foreign port, as may be in excess of the tonnage and light-house dues, or other equivalent tax or taxes, imposed in said port on American vessels by the government of the foreign country in which such port is situated, and shall, upon the passage of this act, and from time to time thereafter as often as it may become necessary by reason of changes in the laws of the foreign countries above mentioned, indicate by proclamation the ports to which such suspension shall apply, and the rate or rates of tonnage duty, if any, to be collected under such suspension: *And provided further*, That such proclamation shall exclude from the benefits of the suspension herein authorized the vessels of any foreign country in whose ports the fees or dues of any kind or nature imposed on vessels of the United States, or the import or export duties on their cargoes, are in excess of the fees, dues, or duties imposed on the vessels of the country in which such port is situated, or on the cargoes of such vessels; and sections 4223 and 4224, and so much of section 4219 of the Revised Statutes as conflicts with this section, are hereby repealed."

Mr. BUCHANAN. I offer the amendment which I send to the desk.

The Clerk read as follows:

Page 6, section 14, strike out lines 12, 13, 14, 15, 16, and 17.

Line 20, page 7, after the words "foreign port," insert the words "of first departure."

Line 21, after the words "light-house dues," insert the words "estimated by tonnage burden."

Page 7, line 29, after the words "under such suspension," insert the following:

"And such proclamation shall operate to carry back the exemption to the date of the first exemption of vessels of the United States from tonnage tax and light-money in the ports of such foreign countries since passage of this act: *And provided further*, That any vessel arriving from a foreign port in a port of the United States in distress, or not engaged in trade, shall be exempt from such tonnage tax; and that all vessels which shall have paid for the current year the tonnage tax imposed by law at rates in force until the passage of this act shall not be liable to the tax herein levied until the expiration of the certificate of last payment of tonnage tax."

Mr. BUCHANAN. Mr. Chairman, the section as it stands in the bill will be admitted by all to be a very cumbrous and complicated one. I must say that I myself prefer to see re-enacted in its stead the act of March 31, 1830. My first idea was to introduce an amendment to strike out this section and re-enact the law of 1830, which is plain, simple, and direct, and under which the business of the Government in this matter was administered for a great length of time. But on second thought I have concluded to offer the amendments as now presented. They are, I think, in the direction of perfecting this section.

As to the first amendment, I see that in the section as it is draughted there is a discrimination in duties between vessels from the northern waters and vessels from European waters. I am unable to ascertain why if a vessel from the Dominion of Canada enters a port of the United States she should pay a tonnage tax of 3 cents a ton, while a vessel coming from Liverpool is obliged to pay a tax of 6 cents per ton. Striking out the lines I have indicated will repeal the exemption and put all these vessels on the same footing.

This section, as will be seen, is an amendment of a section of the act of 1884. Some of the language in this section is already law, and some confusion has already arisen from the indefinite language embraced in line 20, on page 7 of this bill. I propose to remedy that confusion by the next amendment which I offer, inserting after the word "port," in line 20, page 7, the words "of first departure." Let us, while we are about it, make this section so plain that a wayfaring man, though he be a little below the average, need not err therein.

The next amendment is in line 21. It proposes to insert after the word "dues" the words "estimated by tonnage burden." That I un-

derstand is the rule by which the tax is estimated in European countries, and the amendment is simply in the line of securing uniformity. I do not think there can be any objection to it.

Mr. DINGLEY. Will the gentleman explain the difference between "tonnage" as recognized by the Department and "tonnage burden?"

Mr. BUCHANAN. I have but a few moments to spare, and I have considerable more matter to refer to. I will leave that question to the gentleman.

Now, Mr. Chairman, I come to the main proposition embraced in my amendments. It has reference to the remission of tonnage tax on vessels of countries that do not themselves levy a tonnage tax. As I have said, I much prefer the language of the act of 1830; but I suppose this bill has received the careful consideration of the Shipping Committee, and this Committee of the Whole will not be willing to amend it in any important particular.

The amendment which I propose is to remedy an injustice which has grown up under the operation of the act of 1884. Under the operation of that act certain vessels were admitted free of tonnage tax because the countries whence those vessels came admitted our vessels free of tonnage tax. When this remission shall occur, however, is dependent on the proclamation of the President, and it is a fact to-day, with reference to a number of countries which have thus remitted their tonnage tax, that no proclamation has yet been issued. That, perhaps, is the meaning of the clause in the message of the President where he speaks of this remission as being a geographical one. In other cases the proclamation was not issued until some time after the countervailing dues were taken off. Now, my amendment provides simply for doing justice where the proclamation has been delayed or where it ought to have been issued.

Another amendment is simply to put the United States of America in line with all other civilized countries of the world. It provides there shall be no tonnage tax collected on vessels seeking refuge in American harbors. We certainly should not treat vessels driven into our ports by stress of weather or the perils of sea with the hospitality of savages by exacting dues for the privilege of seeking shelter. We should make this matter so clear, and plain, and distinct, that there can be no question about it.

I hold in my hand, Mr. Chairman, a telegram received but a few moments ago from the assistant Secretary of the Treasury, in which he says sections 2891 and 2894 are silent on that question. Whether the latter section exempts from tonnage tax collectors disagree. In point of fact such tonnage tax has been levied in cases where vessels have been driven into American ports through stress of weather, or when disabled by perils of the sea.

It seems to me there should be no question about the adoption of this amendment, in order to make the law so clear and plain that every collector in the United States would understand exactly what his duties are in the premises.

I believe, Mr. Chairman, this explains all the amendments I have offered. As I have said, they are simply for the purpose of perfecting and making more just and equitable the provisions of the bill. I should much prefer, as I have already intimated, that the provision itself should be stricken out and we should substitute therefor the plain and clear provisions of the act of May 31, 1830.

Mr. DINGLEY. I rise to oppose the amendment. My friend from New Jersey has offered five substantial amendments. The first amendment proposes to impose the same tonnage tax upon vessels engaged in trade between the United States and Central America and Canada that is imposed on vessels engaged in trade with Europe. Tonnage tax is merely a substitute for the light-house dues of other nations; and I may say it is the universal practice of all nations to gauge such tonnage tax or light-house dues with some regard to the length of the voyage. For instance, England charges a vessel engaged in trade with France only 3 cents a ton as light-house dues, or what we call tonnage tax, while she charges a vessel engaged in trade with the United States from 12 to 15 cents a ton, because the voyage of a vessel from the United States is longer. In the course of a year, while the vessel trading to Europe will make fewer voyages than vessels trading with Canada, the rate of the tonnage tax or light-house dues, according to the length of the voyage, will bring about some sort of equality of charge. And clearly a distinction should be made, as is done in the act of 1884, making the tonnage tax depend upon the length of the vessel's voyage.

Secondly, it is proposed to amend by providing that the port of first departure shall be taken to determine the trade in which the vessel is engaged. Suppose a vessel sails from Liverpool in ballast, without any cargo, for Halifax, and there takes in a cargo and proceeds to New York. Under this amendment that vessel will be regarded as engaged in the trade between Liverpool and New York, which would not be just. And I may say in that connection, Mr. Chairman, that we have followed the principle, which has always existed in our laws in imposing a light-house or tonnage tax, of allowing the manifest itself, showing between what ports the vessel is trading, to determine what shall be the port from which it sails within the purview of this section.

Mr. BUCHANAN. Let me ask the gentleman whether in case this amendment is adopted it will not have the effect to lower the tonnage tax at least 3 cents per ton on American vessels plying to European countries?

Mr. DINGLEY. If it does, more than four-fifths would go to vessels of foreign countries and not to American vessels.

Mr. BUCHANAN. But would it not give it to vessels of any foreign nation which would grant like favor in return to our vessels?

Mr. DINGLEY. But the return would be only a small percentage of what we would grant.

Mr. BUCHANAN. Is it not the purpose of this bill to revive the struggling interests of American commerce?

Mr. DINGLEY. I do not exactly comprehend what is meant here by "tonnage burden," as the term is used in this amendment——

M. BUCHANAN. I am referring in this to the port of departure.

Mr. DINGLEY. But passing from that. "Estimated by tonnage burden" is the third substantial amendment. I do not know the distinction between tonnage burden and the ordinary tonnage of a vessel.

The tonnage of a vessel, that determined by the custom-house and marked upon the main beam of every vessel, is the only thing, it seems to me, to which the custom-house can refer to determine the official tonnage of the vessel.

Mr. DUNN. Will the gentleman from Maine allow me a moment?

Mr. DINGLEY. Certainly.

Mr. DUNN. I understand the amendment of the gentleman from New Jersey, in making use of this description of charges estimated by tonnage, to confine reciprocal surrender of charges to that description alone. But while there is no tonnage tax in England, they charge light-dues and other fees equivalent to but not estimated by tonnage burden at all.

Mr. BUCHANAN. I understand that; but if the gentleman will examine the amendment he will see that there is a clear distinction.

Mr. DUNN. Our proposition is to compel them to surrender these charges by whatever means estimated or by whatever name called. If we adopt that amendment we must surrender our tonnage charge on English and other foreign vessels, while they keep on their light-dues and other charges by whatever different names called on our ships. We are holding to compel them to let go everything of that kind.

Mr. DINGLEY. The substantial point of the amendment of the gentleman from New Jersey is where he proposes to date back the effect of the proclamation of the President to the time the foreign nation abolished its dues in relation to our vessels. The difficulty of that, it seems to me, is that it opens the question of refunding dues in the case of several countries, and will open up an exceedingly difficult question to settle hereafter.

The tender that we make to foreign nations is that when they shall satisfy the President that they have abolished their dues as to American vessels he then shall issue his proclamation; and if any foreign country fails for some length of time to satisfy the President with reference to that, the fault is with the foreign country and not with the President of the United States; for the proclamation on his part issues as soon as he is satisfied that such charges have been abolished by any foreign country as to our vessels.

It seems to me if we undertake to date back the time when the proclamation shall take effect, we shall open a very serious question of refunding the tonnage dues that have been already collected, and there stands ready now more than one country—certainly three—to make a claim on the Congress of the United States to refund these dues in case that principle should be sustained here.

I am of the opinion, Mr. Chairman, the committee will be wise if in the consideration of this matter they will consent to what is proposed in the bill reported by the committee with reference to the time when the proclamation of the President shall go into effect; that is, by confining it to the date when it shall be actually issued by the President.

As to the last point suggested by my friend from New Jersey, I concur entirely in the view he has suggested, that a vessel which enters a port of the United States in distress and does not land its cargo to be disposed of ought not to pay a tonnage tax. Under such circumstances no tonnage tax should be imposed upon it, and I had supposed the law was explicit enough on that point without legislation. This, I may be permitted to say, is the first time that I have ever received any information as a matter of fact that a vessel entering a port of the United States in distress and not unlading and disposing of its cargo has been assessed tonnage dues. Section 2894 of the Revised Statutes, bearing on that point, seems to me to be clear enough. That provides for the case of a vessel that has been driven into an American port in distress and explicitly declares that no such tax shall be imposed. I quote from this section:

> And the vessel may proceed with the same to the place of her destination free from any other charge than for the storing and safe-keeping of the merchandise and fees to the officers of the customs as in other cases.

Now if that provision of the statute does not cover the case, if upon examination it shall be shown that it does not, why undoubtedly when the Senate shall examine this bill—because there is no time to go into the examination of it to-day—an amendment of that kind can be appended in the Senate. But I supposed, and I am inclined to the opinion yet, that it is sufficiently explicit as the law now stands. As to

the other amendments of my friend from New Jersey, it seems to me that it would be wise for us to decline to adopt them.

Mr. BUCHANAN. I call for a separate vote on each amendment which I have offered. The first is the amendment putting vessels arriving from whatever country they may happen to come on an equality.

The CHAIRMAN. The Clerk will report the first amendment proposed by the gentleman from New Jersey.

The amendment proposing to strike out of section 14 lines 12, 13, 14, 15, 16, and 17 was again read.

The first amendment was rejected.

The CHAIRMAN. The Clerk will report the next amendment offered by the gentleman from New Jersey.

The Clerk read as follows:

On line 29, page 7, after the words "foreign port," insert the words "of first departure."

The question being taken, there were—ayes 15, noes 62.

So (further count not being called for) the amendment was not agreed to.

The CHAIRMAN. The Clerk will report the next amendment.

Mr. BUCHANAN. As it is evidently the purpose to pass the bill in the shape in which the committee have reported it, I will withdraw the other amendments, insisting only on the one with reference to vessels entering ports in distress. That I insist upon, because the law as it stands to-day is not construed to relieve them from that burden.

Mr. DINGLEY. I suggest that that amendment be modified slightly by leaving out the last clause.

Mr. BUCHANAN. I agree to that.

The CHAIRMAN. The Clerk will report the proposed amendment as now modified.

The Clerk read as follows:

And provided further, That any vessel arriving from a foreign port in a port of the United States in distress or not engaged in trade shall be exempt from such tonnage tax.

The amendment was agreed to.

The Clerk read the twelfth and last section of the bill, as follows:

SEC. 12. That the President be, and hereby is, directed to cause the governments of foreign countries which, at any of their ports, impose on American vessels a tonnage tax or light-house dues, or other equivalent tax or taxes, or any other fees, charges, or dues, to be informed of the provisions of the preceding section, and invited to co-operate with the Government of the United States in abolishing all light-house dues, tonnage taxes, or other equivalent tax or taxes on, and also all other fees for official services to, the vessels of the respective nations employed in the trade between the ports of such foreign country and the ports of the United States.

Mr. DAVIS. I move to amend by adding at the end of the bill as a new section what I send to the desk.

The Clerk read as follows:

SEC. 13. That section 11 of an act to remove certain burdens on the American merchant marine and to encourage the American foreign carrying trade, and for other purposes, approved June 26, 1884, shall not be construed to apply to vessels engaged in the whaling or fishing business.

Mr. DINGLEY. That amendment is entirely proper.

The amendment was agreed to.

Mr. DINGLEY. I move that the committee rise and report the bill with the amendments.

Mr. HEWITT. Will the gentleman yield to me for a moment before making that motion?

Mr. DINGLEY. Yes, sir.

Mr. HEWITT. Yesterday, after the remarks of my colleague from the northern part of New York [Mr. PARKER], I hastily draughted an amendment to meet what I considered a real grievance. The amendment was adopted. But I am satisfied, on reflection, that it should receive more consideration than it can receive without delaying this bill. I ask unanimous consent to reconsider the vote by which that amendment was adopted, and I shall then ask unanimous consent to withdraw it.

The CHAIRMAN. The Clerk will report the amendment referred to by the gentleman from New York.

The Clerk read as follows:

Add at the end of section 1 the following:

"*And provided further*, That only one consular certificate shall be required on any one tow of canal-boats or barges, when trading between any port of the United States and any port in Canada."

Mr. HEWITT. I ask unanimous consent to reconsider the vote by which that amendment was adopted. I am satisfied it is too vague and could not be executed in practice.

There was no objection.

Mr. HEWITT. I now ask unanimous consent to make a motion to strike out that amendment.

There was no objection, and the motion to strike out the amendment was agreed to.

Mr. DINGLEY. I move that the committee rise and report the bill with the amendments to the House.

The motion was agreed to.

The committee accordingly rose; and the Speaker having resumed the chair, Mr. CRISP reported that the Committee of the Whole House on the state of the Union, having had under consideration the bill (H. R. 4838) to abolish certain fees for official services to American vessels and to amend the laws relating to shipping commissioners, seamen, and owners of vessels, had directed him to report the same back to the House with sundry amendments.

Mr. DINGLEY. I ask unanimous consent that the amendments may be considered as a whole.

The SPEAKER. If no separate vote be demanded, the question will be taken upon the amendments in gross.

No separate vote was demanded.

The amendments were adopted; and the bill as amended was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time.

Mr. DINGLEY. I move the previous question on the passage of the bill.

The previous question was ordered; and under the operation thereof the bill was passed.

Mr. DINGLEY. I ask unanimous consent that the title of the bill may be amended by adding at the end the words "and for other purposes."

There was no objection, and the title was amended accordingly.

Mr. DINGLEY moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

MIAMI INDIANS.

The SPEAKER. If there be no objection the Chair will lay before the House, out of its order, a message from the President of the United States. There seems to be some urgency in the matter.

There was no objection.

The Clerk read as follows:

To the Senate and House of Representatives:

I transmit herewith a communication of the 3d instant from the Secretary of the Interior, submitting, with accompanying papers, a draught of a bill authorizing the use of certain funds belonging to the Miami Indians in Indian Territory, proceeds of sales of their lands, for the purpose of relieving their present pressing necessities.

The matter is presented for the consideration and action of Congress.

GROVER CLEVELAND.

EXECUTIVE MANSION, *February 4, 1886.*

The message was referred to the Committee on Indian Affairs, and ordered to be printed.

FITZ-JOHN PORTER.

Mr. BRAGG. I ask unanimous consent to introduce for present consideration the resolution which I send to the desk.

The SPEAKER. The resolution will be read, after which the Chair will ask for objections.

The Clerk read as follows:

Resolved, That Friday and Saturday of the present week, immediately after the reading of the Journal on each day, be set apart for the consideration of the bill for the relief of Fitz-John Porter, not to interfere with the night session for the consideration of pension bills, and that the previous question be ordered on Saturday, February 6, at 5 p. m., and the vote on the bill be taken on Tuesday, February 9, immediately after reading the Journal.

The SPEAKER. Is there objection to the present consideration of the resolution?

Mr. REED, of Maine, and others objected.

Mr. HAMMOND. I move that the House do now adjourn.

LEAVE OF ABSENCE.

Pending the motion to adjourn,

By unanimous consent leave of absence was granted as follows:

To Mr. MARKHAM, for two days, on account of important business.

To Mr. ELY, from this day to February 11.

The motion to adjourn was agreed to; and accordingly (at 4 o'clock and 20 minutes p. m.) the House adjourned.

PETITIONS, ETC.

The following petitions and papers were laid on the Clerk's desk, under the rule, and referred as follows:

By Mr. J. A. ANDERSON: Petition of John W. Hoyt and other citizens, and of J. C. McPherson and others, of Kansas, for pension of ex-soldiers—to the Committee on Invalid Pensions.

By Mr. BEACH: Petition of 52 citizens of Sullivan County, New York, in favor of the legislation recommended by the national pension committee of the Grand Army of the Republic—to the same committee.

By Mr. BLANCHARD: Memorials of the State superintendent of education of Louisiana and of Cyrus Harrington, president school board of De Soto Parish, Louisiana, and others, asking national aid to education—to the Committee on Education.

Also, papers relating to the claim of Thomas L. Terry—to the Committee on War Claims.

By Mr. BOYLE: Petition and affidavit of D. H. Dunkel, late postmaster at Livermore, Pa., praying for the passage of a law requiring the Postmaster-General to obey the law of March 3, 1883, relating to postmasters' salaries—to the Committee on the Post-Office and Post-Roads.

By Mr. BRADY: Petition of Benjamin K. White, of Dinwiddie

County, Virginia, praying that his war claim be referred to the Court of Claims—to the Committee on War Claims.

By Mr. BURLEIGH: Joint resolution of the New York Legislature, to suppress the damaging and dangerous adulterations and counterfeiting of dairy products—to the Committee on Ways and Means.

By Mr. BURROWS: Joint resolution requesting the Congress of the United States to make an appropriation to aid in the construction of a soldiers' home in the State of Michigan—to the Committee on Military Affairs.

Also, petition of the Lake Carriers' Association, for the improvement of Saint Mary's River—to the Committee on Rivers and Harbors.

By Mr. CALDWELL: Petition of Local Assembly No. 2778, at Nashville, Tenn., for the passage of the House bill for the organization of the Territory of Oklahoma—to the Committee on the Territories.

By Mr. R. H. M. DAVIDSON: Petition of 108 citizens of Florida, asking that appropriations may be made for the improvement of the Saint Mark's and Wakulla Rivers—to the Committee on Rivers and Harbors.

By Mr. ERMENTROUT: Petition of citizens of Missouri, to extend civil law over Indian Territory—to the Committee on Indian Affairs.

Also, memorial for the redemption of the trade-dollar—to the Committee on Coinage, Weights, and Measures.

Also, petition of Albert Schaeffer, of Pennsylvania, for a pension—to the Committee on Invalid Pensions.

By Mr. FISHER: Petition of Gratwick, Smith and Fryer Lumber Company and 55 other business men, asking for the improvement of the mouth of the Au Sable River, Michigan—to the Committee on Rivers and Harbors.

Also, petition of Hon. Albert Miller and 301 others, of Bay City; of Hon. James Clements and 317 others, of Bay City; of W. H. Simpson and 31 others, of Au Sauble; of Emery Brothers and 42 others, of Fargo; of R. R. Rogers and 51 others, of Tuscola County; of John McGuire and 31 others, of Alpena County; of B. P. Cowley, the county officers, and others, of Alcona County; and of M. M. McCormick and 131 others, of Bay County, Michigan, asking that United States courts may be established at Bay City, Mich.—to the Committee on the Judiciary.

By Mr. GALLINGER: Papers relating to pension claim of Mrs. Anna Butterfield (H. R. 5008)—to the Committee on Invalid Pensions.

By Mr. GOFF: Petition of John A. Joseph, praying compensation for all soldiers confined in confederate prisons during the late war—to the same committee.

By Mr. GRANT: Papers relating to the claim of James Lindsay—to the Committee on War Claims.

By Mr. HILL: John J. Fritch and others, protesting against the suspension of silver coinage—to the Committee on Coinage, Weights, and Measures.

Also, petition of the Knights of Labor, Ohio, asking for organization of the Territory of Oklohoma—to the Committee on the Territories.

By Mr. HOLMAN: Petition of John W. Hite and 28 others, Union soldiers and citizens of Franklin County; of Oliver P. Waggoner and 135 others, Union soldiers and citizens of Andersonville, Ind.; and of George W. French and 200 others, Union soldiers and citizens of Rising Sun, Ind., praying that all honorably discharged Union soldiers shall be pensioned at the rate of $8 per month—to the Committee on Invalid Pensions.

By Mr. T. D. JOHNSTON: Papers relating to the claim of Levi Jones—to the Committee on War Claims.

By Mr. KETCHAM: Petition of Edward Crummey and 74 others, citizens of Poughkeepsie, N. Y., for the establishment of a permanent system of arbitration to adjust differences between nations—to the Committee on Foreign Affairs.

By Mr. KING: Papers relating to the claim of Hypholite Filhiol—to the Committee on War Claims.

By Mr. KLEINER: Memorial of ex-soldiers and sailors of the late war, praying for a pension—to the Committee on Pensions.

By Mr. LIBBEY: Papers relating to the claim of George Minger—to the Committee on War Claims.

By Mr. LITTLE: Petition of Alman Bradford and others, for refunding of bounties in certain cases to officers and soldiers of the late war, their widows and legal representatives—to the same committee.

By Mr. LONG: Petition of Boston Marine Insurance Company and 29 others, of W. J. Canes and 6 others, and of Frank G. Lathrop and 40 others, for completing harbor of refuge at Scituate, Mass.—to the Committee on Rivers and Harbors.

By Mr. LORE: Petition of John H. Layton and 40 others, citizens of Delaware, for the completion of the Government pier at Lewes, Del.—to the Committee on Rivers and Harbors.

Also, affidavit of W. P. Clyde, owner of steamship Ozama, to accompany House bill to provide for an American register for said steamer—to the Select Committee on American Ship-building and Ship-owning Interests.

By Mr. McKINLEY: Petition of tobacco-growers of Sterling, Ohio, praying for protection of their interests against competition with foreign countries—to the Committee on Ways and Means.

By Mr. MILLARD: Resolution of the New York State senate, relative to adulterations of dairy products—to the same committee.

By Mr. MITCHELL: Papers relating to H. R. 4436—to the Committee on the Judiciary.

Also, petition of Samuel Adams, a private of the war of 1812, for a pension—to the Committee on Pensions.

By Mr. MORRILL: Petition of sundry citizens of Arizona, for the passage of a bill granting a pension to the orphans of General W. H. H. McCall—to the Committee on Invalid Pensions.

By Mr. PRICE: Petition of Mrs. William H. Green, for enforcement of act approved March 3, 1883, concerning commissions of postmasters—to the Committee on the Post-Office and Post-Roads.

By Mr. ST. MARTIN: Petition of Loeb & Bro., of New Orleans, La., requesting reference of their claim to the Court of Claims—to the Committee on War Claims.

By Mr. J. W. STEWART: Petition and paper of George S. Hawley, for increase of pension—to the Committee on Invalid Pensions.

By Mr. SWOPE: Petition of 240 citizens of York County, praying that section 2 of Schedule I of the tariff act of 1883, relative to the importation of tobacco, be amended—to the Committee on Ways and Means.

By Mr. TAULBEE: Petition of 71 citizens of Lawrence County, Kentucky, relative to improvement of Sandy River—to the Committee on Rivers and Harbors.

By Mr. O. B. THOMAS: Petition of J. W. Gale, S. Ramsey & Co., and 30 others, business men of Reedsburg, Sauk County, Wisconsin, setting forth the evils caused by the continued coinage of the silver dollar, and praying relief by immediate suspension of the coinage thereof—to the Committee on Coinage, Weights, and Measures.

By Mr. TOOLE: Memorial of citizens of Montana, asking right of way for the Clarke's Fork and Cinnabar Railroad—to the Committee on the Public Lands.

By Mr. TUCKER: Petition of Moses B. Smart, of Augusta County, Virginia, for supplies and stores, stated at $22,303.70, with request that the same be referred to the Court of Claims—to the Committee on War Claims.

By Mr. WELLBORN: Papers relating to the claim of Black Beaver—to the same committee.

By Mr. WINANS: Petition of Isaac R. Sutton, of Salem, Mich., praying for relief—to the same committee.

By Mr. WISE: Papers relating to the claim of Mack Davis—to the same committee.

By Mr. WORTHINGTON: Petition of wholesale grocers of Peoria, Ill., for the appointment of a commission for the settlement of the fisheries question—to the Committee on Foreign Affairs.

The following petitions, praying Congress to place the coinage of silver upon an equality with gold; that there be issued coin certificates of one, two, and five dollars, the same being made legal tender; that one and two dollar legal-tender notes be issued, and that the public debt be paid as rapidly as possible by applying for this purpose the idle surplus now in the Treasury, were presented and severally referred to the Committee on Coinage, Weights, and Measures:

By Mr. J. A. ANDERSON: Petition of S. A. Bland and others, and of Isaac Rigney and others, of Kansas.

By Mr. FREDERICK: Of citizens of Benton County, Iowa.

By Mr. SPOONER: Of Benjamin G. Chace and 78 others, of Providence, R. I.

By Mr. OWEN: Of John W. Swan and others, of Indiana.

By Mr. WELLBORN: Of John B. Cox and others, citizens of Texas.

SENATE.

FRIDAY, *February* 5, 1886.

Prayer by the Chaplain, Rev. E. D. HUNTLEY, D. D.

The Journal of yesterday's proceedings was read and approved.

PETITIONS AND MEMORIALS.

Mr. CONGER presented a petition of Mary L. Dor and 35 other citizens of Lansing, Mich., praying for an amendment to the Constitution granting the right of suffrage to women; which was referred to the Select Committee on Woman Suffrage.

He also presented petitions of the Knights of Labor organizations in Detroit, East Saginaw, Three Rivers, and other cities in Michigan, praying that a Territorial form of government be established in the Indian Territory; which were referred to the Committee on Indian Affairs.

Mr. CULLOM presented the petition of the Knights of Labor of Fidelity Local Assembly No. 138, of Illinois, and the petition of the Knights of Labor of Gillespie, Ill., praying for the opening to settlement of lands in the Indian Territory; which were referred to the Committee on Indian Affairs.

Mr. HOAR. I present sundry petitions from different local assemblies of Knights of Labor in Massachusetts to the same effect as those just presented. I move that they be referred to the Committee on Indian Affairs.

The motion was agreed to.

Mr. FRYE. I present a similar petition from Knights of Labor of the State of Maine, and move its reference to the Committee on Indian Affairs.

The motion was agreed to.

Mr. SEWELL. I present a memorial of a number of manufacturing firms of New Jersey, owners of shore front on the Staten Island Sound, or Arthur Kill, and the waters adjacent thereto. It is signed by the Standard Chemical Company, Berne, Scrymser & Co., the Russell-Coe Fertilizer Company, the Singer Manufacturing Company, the Elizabethport Steam Cordage Company, and many others, and remonstrates against the passage of Senate bill 121 and House bills Nos. 1220 and 1601, which authorize the bridging of Staten Island Sound in the narrow parts thereof at Elizabethport, unless such bridge shall be constructed without piers in said water way and of a sufficient height to allow the free passage of such vessels as now use this great highway of commerce. I move that the memorial be referred to the Committee on Commerce.

The motion was agreed to.

Mr. BLAIR. I present a memorial of pastors of Christian churches in the District of Columbia, respectfully petitioning Congress not to sanction a provision of the Senate bill No. 696, now pending, by which saloon-keepers and other proprietors of bar-rooms will not be required annually to secure the written consent of a majority of the residents keeping house and a majority of the owners of real estate on the side of a square where it is desired to locate a saloon and on the side of the square fronting the same. This memorial is signed by 41 of the clergymen of the city whose names I perceive are familiar as those of pastors of the leading churches of the various denominations. I move the reference of the memorial to the Committee on the District of Columbia.

The motion was agreed to.

Mr. BLAIR. I also present the petition of 42 of the clergymen of this city, addressed to Congress, praying for the enactment of a law requiring that all schools in the District of Columbia and in the several Territories, that the Military and Naval Academies and schools for Indians and all other schools in whole or in part supported by the National Government, give such instruction in physiology and hygiene as shall give special prominence to the nature of alcoholic drinks, narcotics, and poisons and their effect upon the human system. This petition is signed by these ministers in their clerical and official capacities, designating the various churches of which they have the charge, constituting the Pastors' Alliance. I move that the petition be referred to the Committee on Education and Labor.

The motion was agreed to.

Mr. WILSON, of Maryland, presented a petition of citizens of Maryland, praying that an appropriation be made for the completion of a pier already commenced by the Government at Lewes, in the State of Delaware; which was referred to the Committee on Commerce.

Mr. DAWES presented the petition of Thomas Jefferson Local Assembly, Knights of Labor, in Quincy, Mass., praying for legislation in reference to homesteads and the establishment of a Territorial government in Oklahoma; which was referred to the Committee on Indian Affairs.

Mr. ALLISON. I present a petition of Stuart Local Assembly, Knights of Labor, of Iowa, respectfully requesting that Congress will continue the present laws on pilotage, and expressing opposition to the bills introduced by Messrs. FRYE and DINGLEY upon that subject. I move that this petition be referred to the Committee on Commerce.

The motion was agreed to.

Mr. ALLISON. I also present a petition of the same assembly, favoring the opening up to settlement of the territory known as Oklahoma. I move that it be referred to the Committee on Indian Affairs.

The motion was agreed to.

Mr. HARRISON presented the petition of Oliver C. Rice, late a drummer in Company D, Nineteenth Regiment, Indiana Volunteers, praying that his name be placed on the rolls of his former company, and that he be made an allowance for pay and clothing for the time he served as drummer; which was referred to the Committee on Military Affairs.

Mr. CAMERON presented the petition of Mary Carr, of Harrisburg, Pa., praying the passage of a special act of Congress granting her relief on account of the services of her husband as a carpenter in the late war; which was referred to the Committee on Pensions.

Mr. SAULSBURY presented a petition of citizens of Delaware, praying that an appropriation be made for the completion of a pier at Lewes, in Delaware Bay; which was referred to the Committee on Commerce.

REPORTS OF COMMITTEES.

Mr. HOAR, from the Committee on Claims, to whom was referred the bill (S. 1263) for the relief of Richard T. Bryan, submitted an adverse report thereon; which was agreed to, and the bill was postponed indefinitely.

He also, from the same committee, to whom was referred the bill (S. 1069) for the relief of George E. W. Sharretts, reported it with an amendment, and submitted a report thereon.

Mr. BLAIR, from the Committee on Education and Labor, to whom was referred the bill (S. 182) to provide for a commission on the subject of the alcoholic liquor traffic, reported it without amendment, and submitted a report thereon.

NAVAL OBSERVATORY OBSERVATIONS.

Mr. HAWLEY. I am instructed by the Committee on Printing, to whom was referred the joint resolution (S. R. 29) for printing the astronomical and meteorological observations of the Naval Observatory, to report a substitute for the joint resolution.

The PRESIDENT *pro tempore*. The substitute reported by the Committee will be read.

The Chief Clerk read as follows:

Concurrent resolution for printing the astronomical and meteorological observations of the Naval Observatory.

Resolved by the Senate (the House of Representatives concurring), That the annual volumes of the astronomical and meteorological observations of the Naval Observatory for 1883, 1884, and 1885 be printed, and that 1,800 additional copies of each report be printed; of which 300 copies shall be for the use of the Senate, 700 for the use of the House of Representatives, and 800 copies for the use of the Navy Department.

Mr. HAWLEY. These have been omitted for some reason not known to the committee; that is to say, the resolution to print has not been passed for a few years. This continues the series, and we change the resolution from a joint to a concurrent resolution.

The PRESIDENT *pro tempore*. If there be no objection the joint resolution will be indefinitely postponed, and the question is on the adoption of the concurrent resolution reported by the Committee on Printing.

The concurrent resolution was agreed to.

BILLS INTRODUCED.

Mr. McMILLAN introduced a bill (S. 1396) making an appropriation for the erection of a light-house at Two Harbors, Minn.; which was read twice by its title, and referred to the Committee on Commerce.

Mr. DAWES introduced a bill (S. 1397) to establish a port of delivery at Springfield, in the State of Massachusetts; which was read twice by its title, and referred to the Committee on Commerce.

Mr. WILSON, of Iowa, introduced a bill (S. 1398) granting a pension to Milton T. Shockley; which was read twice by its title, and referred to the Committee on Pensions.

Mr. CULLOM introduced a bill (S. 1399) granting an increase of pension to John Moore; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Pensions.

Mr. INGALLS introduced a bill (S. 1400) granting a pension to William H. Beck; which was read twice by its title, and referred to the Committee on Pensions.

He also (by request) introduced a bill (S. 1401) for the relief of Sarah M. Rittenhouse; which was read twice by its title, and referred to the Committee on the District of Columbia.

Mr. GORMAN introduced a bill (S. 1402) for the relief of St. Patrick's church, in the city of Washington, D. C.; which was read twice by its title, and, with the accompanying papers, referred to the Committee on the District of Columbia.

Mr. GRAY introduced a bill (S. 1403) to provide for an American register for the steamship Ozama, of New York city; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Commerce.

Mr. HARRISON introduced a joint resolution (S. R. 38) for the relief of Maria Virginia Brown, of Indiana, assignee; which was read twice by its title, and referred to the Committee on Claims.

PAPERS WITHDRAWN AND REFERRED.

On motion of Mr. PLUMB, it was

Ordered, That the papers in the case of the Continental Fire Insurance Company and others be taken from the files and referred to the Committee on Finance.

INDIAN INSPECTOR HENRY WARD.

The PRESIDENT *pro tempore*. If there be "no concurrent or other resolutions" the Chair lays before the Senate a resolution coming over from yesterday, which will be read.

The Chief Clerk read the resolution submitted by Mr. DAWES on the 3d instant, as follows:

Resolved, That the Secretary of the Interior be directed to communicate to the Senate copies of all papers which have been filed in the Interior Department, and of all papers which have been presented to any officer of that Department, touching the official and personal conduct of Henry Ward, Indian inspector, during his continuance in said office.

The PRESIDENT *pro tempore*. The question is on the adoption of the resolution.

The resolution was agreed to.

PORTS OF KEY WEST AND TAMPA.

The PRESIDENT *pro tempore*. The Calendar is now in order under the eighth rule, and the first case on the Calendar will be stated.

Mr. CALL. I ask unanimous consent of the Senate to call up Senate joint resolution No. 10, being Order of Business 82 on the Calendar. I will state that there will probably be no time lost in the consideration of this resolution. It is needed by the condition of things in the State of Florida at the port of Tampa, where a large manufacturing enterprise is being established. There is required an amendment of the statutes relative to the importation of dutiable goods, so that these parties may receive their raw material (tobacco) from Cuba in bulk at Tampa. The

joint resolution has been favorably reported by the Committee on Commerce, and I presume that there will be no trouble at all in its passage.

Mr. EDMUNDS. Let it be read for information.

The PRESIDENT *pro tempore*. The Senator from Florida asks consent of the Senate to proceed to the consideration of Senate joint resolution No. 10, which will be read for information.

The Chief Clerk read by its title the joint resolution (S. R. 10) to amend the statute in relation to the immediate transportation of dutiable goods, and for other purposes, approved June 10, 1880, so that the provisions of the same shall be extended to the port of Key West, Fla., and the provisions of the seventh section of the statute be extended to the port of Tampa, Fla.

Mr. EDMUNDS. Let it be read at length.

The PRESIDENT *pro tempore*. The joint resolution will be read at length.

The Chief Clerk read the joint resolution as follows:

Resolved, &c., That the provisions of the first and seventh sections of the act entitled "An act to amend the statutes in relation to immediate transportation of dutiable goods, and for other purposes," approved June 10, 1880, be extended to the port of Key West, Fla., and that the provisions of the seventh section of the same act be extended to Tampa, Fla.

The PRESIDENT *pro tempore*. The joint resolution will be considered as in Committee of the Whole and open to amendment.

Mr. EDMUNDS. Let us see what the act of 1880 is.

Mr. CALL. I will state to the Senator that the bill simply provides that goods may be transported in bulk to the port of Tampa and the duties paid there after the examination provided by the statute. Tampa is not a port of entry but a port of delivery, and the only provision of the bill is that goods which have passed Key West, the port of entry, may be entered at Tampa without being opened, being there subject to such examination as it is provided shall be had in such case, and there discharged on the payment of duties.

Mr. EDMUNDS. I should like to ask my friend the chairman of the committee why this additional act is confined to the first and seventh sections of the act of 1880? I notice that one of the sections between the first and seventh provides how these goods shall be transported, that is to say, they shall be transported in sealed cars, &c.

Mr. McMILLAN. The Senator from Oregon [Mr. DOLPH] made the report in this case, and he will explain it.

Mr. EDMUNDS. I beg pardon; I thought it was reported by the Committee on Finance.

Mr. McMILLAN. No, sir; the Committee on Commerce.

Mr. DOLPH. I have not a copy of the joint resolution before me, but this is similar to several bills of the same character which we have passed. I think this simply places the port of Tampa, which is a port of delivery, among the list of ports mentioned in the seventh section of the act of 1880 as a port to which goods may be transported under the provisions of that act; and all the provisions of the act would apply to this port. I think if the Senator from Vermont will examine the act he will see that all its provisions apply to the port. The joint resolution simply enumerates Tampa as one of the ports to which goods may be transported under the provisions of that act.

Mr. McMILLAN. I think the necessity for the passage of this bill arises from the fact that a line of steamships has been established between Havana and Tampa, touching also at Key West, in connection with a new line of railroad which terminates at Tampa Bay; and it is for the purpose of facilitating the transportation of freight from that line and over the railroad terminating there that the bill is proposed.

Mr. DOLPH. I understand the Senator from Vermont not to inquire as to the necessity of the resolution, but to make a suggestion that inasmuch as only certain sections were mentioned the other provisions of the act of 1880, found in other sections, would not apply to this port; and in answer to that I meant to say, and now say, that I understand all the provisions of the act would apply to the port of Tampa that apply to any other port mentioned in section 7 of the act. It was only thought necessary to say that the port of Tampa, for instance, should be entitled to the same privileges as are enjoyed by other ports mentioned in section 7.

Mr. MORRILL. The original act was prepared by and introduced from the Committee on Finance; but for the last two or three years the Committee on Commerce have seemed to take entire jurisdiction of this subject.

The great objection to an extension of these privileges is that it involves the Government in a very large additional expense, and at this port of Tampa I do not understand that they have officers who are competent or authorized to receive and deliver goods as they are received and entered at ports of entry on the payment of the duties required and appraisement made, not having all the paraphernalia of a regular custom-house. I do not understand that they have that at Tampa.

I really think that these bills ought to be considered by the Committee on Finance, as the act upon which they are grounded was one reported by that committee years ago after long and patient consideration, and it was very carefully limited at the time to ports where it would be a national convenience. If we are to extend this to every little port upon the coast or to all in the interior of the country we might about as well abandon the idea of collecting any revenue upon importations. I suppose the larger portion of the duties that are expected to be collected at Tampa will be on Cuban cigars.

The PRESIDENT *pro tempore*. The Senator from Vermont will allow the Chair to suggest that the question now is, Will the Senate proceed to the consideration of the joint resolution? That is not debatable, although the Chair has allowed the debate to proceed.

Mr. EDMUNDS. The reason why I rose to debate it was that I understood the Chair to say that it was now in the Committee of the Whole, and if there were no amendments proposed it would be reported.

The PRESIDENT *pro tempore*. The Chair probably was a little in advance. The question of taking up the joint resolution has not yet been submitted. The question is, Will the Senate proceed to its consideration?

Mr. INGALLS. Is that the motion?

The PRESIDENT *pro tempore*. That is the motion.

Mr. INGALLS. I think it would be very much more in accordance with the appropriate conduct of the public business in the interval between the time when the regular morning business has been completed and 2 o'clock we should go on with the Calendar in its regular order; and I should be very glad if that course should be adopted. I shall have no objection to the resolution of the Senator from Florida being taken up after that time, and will assist him in having it taken up; but the object of the segregation of this period of time was to enable the consideration of cases on the Calendar in their regular order, and I will therefore object until the hour of 2 o'clock, at which time I shall be glad to assist the Senator in taking it up.

Mr. CALL. I appeal to the Senator from Kansas to allow me to say a word before he makes that objection and I think he will withdraw it.

There is a large factory being established, in which perhaps something like $200,000 has been invested by some enterprising New York people, at the port of Tampa, in Florida. They have bought a large amount of property, constructed a street railway out to their factory, and have brought some two or three hundred people from the country around there and from Cuba to engage in the business of manufacturing tobacco in the United States. I suppose there are not less than five hundred people, who are brought there or are about to be, dependent on this industry. There is a steamer now running, a very superior vessel, lately built by an enterprising company in this country.

The PRESIDENT *pro tempore*. The Chair must remind the Senator that this motion is not debatable.

Mr. CALL. I only want to explain to the Senator from Kansas to show the necessity for immediate action. The steamer is now running and they are desirous of importing the tobacco which is to be mixed with American tobacco and manufactured here. Their whole business is suspended because of the cost and difficulty of having to discharge their goods at Key West instead of at Tampa. That is the whole thing. There is a large business now about to be commenced and to which this law is a serious obstruction. They simply ask that they may be placed in a like position with other places in this country under the statute.

The PRESIDENT *pro tempore*. Will the Senate proceed to the consideration of the joint resolution at this time? The question is on that motion.

The motion was agreed to; and the Senate, as in Committee of the Whole, proceeded to the consideration of the joint resolution (S. R. 10) to amend the statute in relation to the immediate transportation of dutiable goods, and for other purposes, approved June 10, 1880, so that the provisions of the same shall be extended to the port of Key West, Fla., and the provisions of the seventh section of the statute be extended to the port of Tampa, Fla.

Mr. EDMUNDS. I move to amend by adding at the end:

And all the other provisions of said act shall apply to both of said ports and to all goods and merchandise therein mentioned.

The joint resolution as it is framed, I am very much afraid, in point of strict law would take out from the conservative and securing provisions in the middle part of the act of 1880 about sealed cars, &c., these two ports, and I offer the amendment in order to make it sure that every one of the provisions for security shall apply to these ports as well as all others.

Mr. McMILLAN. There is no objection to that.

Mr. CALL. That is entirely satisfactory to me.

The PRESIDENT *pro tempore*. The question is on the amendment of the Senator from Vermont.

The amendment was agreed to.

The joint resolution was reported to the Senate as amended, and the amendment was concurred in.

Mr. DOLPH. I ask that a letter from the Secretary of the Treasury may be allowed to appear in the RECORD.

Mr. McMILLAN. Let it be inserted.

Mr. DOLPH. It may be inserted without reading.

The PRESIDENT *pro tempore*. If there be no objection the letter will be printed in the RECORD without reading.

The letter is as follows:

TREASURY DEPARTMENT, OFFICE OF THE SECRETARY,
Washington, D. C., January 2, 1882.

SIR: I have the honor to acknowledge the receipt from your committee of a communication, dated the 23d ultimo, in which was inclosed, for an expression of

my views thereon, joint resolution (S. R. 10), "to amend the statute in relation to the immediate transportation of dutiable goods, and for other purposes, approved June 10, 1880, so that the provisions of the same shall be extended to the port of Key West, Fla., and the provisions of the seventh section of the statute be extended to the port of Tampa, Fla.," and in reply to say that I see no objection to the passage of said resolution.

Respectfully, yours,

D. MANNING, *Secretary.*

Hon. S. J. R. McMILLAN,
Chairman Committee on Commerce United States Senate.

The joint resolution was ordered to be engrossed for a third reading, read the third time, and passed.

Mr. ALLISON subsequently said: I move a reconsideration of the vote on Senate joint resolution No. 10, which has just passed. I desire to examine into it.

The PRESIDENT *pro tempore.* The motion to reconsider will be entered.

CHANGES OF REFERENCE.

Mr. PLUMB. On the 21st day of December I introduced Senate joint resolution 18. It had been introduced by me at two previous Congresses and sent to the Committee on Railroads, by which it was reported favorably and passed by the Senate. By some mistake this resolution was referred this time to the Committee on Claims. I now ask consent that that reference may be changed, and the resolution referred to the Committee on Railroads as before.

The PRESIDENT *pro tempore.* The Senator from Kansas asks that the reference of the joint resolution (S. R. 18) for the relief of the Kansas City, Fort Scott and Gulf Railroad Company, be changed from the Committee on Claims to the Committee on Railroads. That order will be made if there be no objection.

Mr. DAWES. Two or three days since I introduced a bill (S. 1359) for the relief of the heirs of Erskine S. Allin, which was referred through inadvertence to the Committee on Claims. I ask unanimous consent that that reference be changed to the Committee on Patents.

The PRESIDENT *pro tempore.* The Senator from Massachusetts asks consent to change the reference of the bill named by him from the Committee on Claims to the Committee on Patents. That order will be made, no objection being interposed.

JOSEPH F. WILSON.

Mr. LOGAN. In the case of the bill (S. 922) for the relief of Joseph F. Wilson, reported on Wednesday last adversely by the Senator from Oregon [Mr. DOLPH], I desire to enter a motion to reconsider the vote by which that bill was indefinitely postponed, so that it may be placed on the Calendar. I will state to the Senator from Oregon that this is not with a view of pressing the bill, but that it may have consideration at some time hereafter either in this or some future Congress; but there being an adverse report and the bill indefinitely postponed, it would not be very easy to get it on the Calendar again. I should like the Senator to allow it to be placed on the Calendar.

Mr. DOLPH. I think it is usual, when there is objection at the time or a request is made afterward, to place on the Calendar a bill reported adversely.

Mr. LOGAN. I was not in at the time or I would have made the request then.

Mr. DOLPH. I have no objection.

The PRESIDENT *pro tempore.* The Senator from Illinois asks that the bill named by him, reported adversely, be placed on the Calendar with the adverse report. That order will be made if there be no objection.

SITE OF FORT BRADY.

Mr. CONGER. I ask this morning unanimous consent to take up Order of Business 103 out of its order. It is the bill (S. 753) to provide for the sale of the old site of Fort Brady, Michigan, and for a new site and the construction of suitable buildings thereon. The report of the War Department and the report of this committee, as well as the committee of the last Congress, are all unanimous in favor of the passage of the bill, and it was passed by the Senate at the last session of Congress. It is very important that if this change is to be made it should be made at once. The bill should go to the House and be passed, so that the work of the change may commence early in the spring, as I am informed by the War Department. I think there will be no objection to the passage of the bill, for it has already been thoroughly considered.

The PRESIDENT *pro tempore.* The Senator from Michigan moves to proceed to the consideration of Senate bill 753.

The motion was agreed to; and the Senate, as in Committee of the Whole, proceeded to consider the bill (S. 753) to provide for the sale of the old site of Fort Brady, Michigan, and for a new site and the construction of suitable buildings thereon.

Mr. CONGER. The Senator from Nebraska [Mr. MANDERSON] reported this bill. There is an amendment reported.

The amendment reported by the Committee on Military Affairs was to add to section 2 the following proviso:

Provided, That the title to the lands authorized to be purchased under the second section of this act shall be approved by the Attorney-General.

Mr. MANDERSON. This bill embodies the recommendation made by the Secretary of War, based upon a letter from General Sheridan advising this action. Fort Brady, as it is now situated, is entirely inadequate for the purposes of the defense of the important canal there. The letter of the Lieutenant-General shows that if the present site be sold it probably will bring nearly the amount of money appropriated by this bill for a new site. The amount of the appropriation for the new fort is $120,000, and the Lieutenant-General says he thinks the present site would sell for about $100,000. The matter seems to be of great importance, and my understanding from the Senator from Michigan is that it is important that no time should elapse before this change is made. The bill has heretofore passed the Senate and has received a favorable report from the Committee on Military Affairs of the other House.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The PRESIDENT *pro tempore.* The Secretary calls the attention of the Chair to the fact that a comma should be stricken out at the top of the third page in the third line, after the word "to." If there be no objection that amendment will be made.

Mr. INGALLS. I do not see by looking at the bill that the reservations which the Lieutenant-General recommends should be retained by the United States are provided for in the bill. This letter, which bears date April 21, 1884, contains this paragraph:

> In disposing of the old military reservation, however, I would urgently recommend the retention of the Government dock and warehouse—

About which there does not appear to be anything said in the bill—

> together with the plat of ground in connection lying north of Water street extended—

That is provided for—

> and west of Church street extended.

About which nothing is said, and the communication of the Lieutenant-General concludes:

> I can see no good reason for the transfer of the water front of claim No. 97 to the owner of that claim. They now have all that was confirmed to them. The water front could only be of service by being sold because of the price it would bring, and if the owners of the claim have any equity in the matter it would be better for the Government to retain the reservation and pay the owners of the claim a reasonable sum of money in lieu of it; but I do not recommend this course until the claim is fairly established. In short, I recommend that none of that portion of the former military reservation recently transferred to the canal reservation be sold.

This is a matter with which of course I am entirely unfamiliar; but inasmuch as the propriety of the bill is based upon this recommendation of the Lieutenant-General of the Army, it appears to me that the reservation he recommends should be clearly established in the bill before we are asked to enact it.

Mr. CONGER. The part referred to by the Senator lying north of Water street extended——

Mr. INGALLS. That appears in the bill—

Mr. CONGER. Incloses that part referred to as a claim for a portion of reservation 97, incloses the water front in front of claim 97, which was by act of Congress given to the canal company for its purposes.

Mr. INGALLS. But the language of the Lieutenant-General is:

> North of Water street extended and west of Church street extended.

Mr. CONGER. Church street is a proposed intersecting street through the reservation. The whole of the reservation, including all the part that is in dispute lying north of Water street extended, has heretofore been given to the canal for docking purposes. The part referred to in the letters of General Sheridan and of General Poe as that which should still be reserved and not sold is amply covered by the bill.

Mr. INGALLS. Is the water front of claim 97 reserved in this bill?

Mr. CONGER. That has been set apart by act of Congress, and is reserved in this bill as part of that land given for the canal, in reference to the water front there.

Mr. INGALLS. Will not the Senator point out to me the language in the bill that includes the water front of claim 97?

Mr. CONGER. This provides for the sale of the whole reservation "except that portion lying north of Water street extended." All in front of 97 is a part of the reservation lying north of Water street extended.

Mr. INGALLS. What about "west of Church street extended?"

Mr. CONGER. Church street is a street running north and south, and that would if extended to the river (and it does extend to the river perhaps as a street for water purposes), that leaves a part of this water front open on it.

Mr. INGALLS. Then would not the recommendations of the Lieutenant-General be effectuated by inserting after the word "extended," in line 6 of section 1, the words "and west of Church street extended?"

Mr. CONGER. It is not desirable to have in this platting Church street extended through the canal docks to the river, but if it were extended that would be an addition to the portion lying west of it.

Mr. INGALLS. The Lieutenant-General thinks it would be desirable.

Mr. CONGER. I do not find it.

Mr. INGALLS. If the Senator will look at the bottom of page 2 of report No. 67, the last paragraph on that page, he will find what I have read. The Lieutenant-General recommends "the retention of the Government dock and warehouse, together with the plat of ground in con-

nection, lying north of Water street extended and west of Church street extended." That must have some significance; and if we are to pass this bill on the recommendation of Lieutenant-General Sheridan, his views ought to control.

Mr. CONGER. The part he refers to is north of Water street extended.

Mr. INGALLS. How about "west of Church street extended?"

Mr. CONGER. All that, including the Government dock, now is reserved for dock purposes by a former act of Congress.

Mr. INGALLS. Will not the Senator refer us to that?

Mr. CONGER. I did not anticipate any such question, and I have not the law before me.

Mr. INGALLS. I should judge from the appearance of this bill that it not only included what General Sheridan wanted, but what somebody else apparently might want, for I observe in section 3 that there is a further provision—

That in platting these grounds the Secretary of War, in his discretion, may reserve all that part of the reservation lying south of Portage street, to be set apart and kept by the municipal authorities of Sault Sainte Marie as a public park for its citizens and the people of the United States.

Mr. CONGER. That is a little piece of ground which is used as a parade ground and has a good lookout on the falls of Sainte Marie.

Mr. INGALLS. I do not see anything about that in the letter of the Lieutenant-General.

Mr. CONGER. I suppose the Senator does not know anything about the location.

Mr. INGALLS. No, that is what I am trying to find out. We are asked to pass this bill on the recommendation of the Lieutenant-General, and I should like to know whether that is the ground of passing it, or whether something else is the ground. I supposed being public property I should have a right to make an interrogation on that subject as one citizen of the United States.

Mr. CONGER. The Senator is entirely at liberty to exercise that right.

Mr. INGALLS. I will move to insert after the word "extended," in line 6, section 1, according to the recommendation of the Lieutenant-General, the words "and west of Church street extended."

The PRESIDENT *pro tempore*. The question is on the amendment of the Senator from Kansas.

Mr. CONGER. I have no objection to that. It is already provided for in the law, but if it makes it any surer I am willing to satisfy the Senator.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

ARMS, ETC., FOR THE MILITIA.

Mr. SEWELL. I ask to take up Order of Business 59, which was laid over at the request of the Senator from Oregon [Mr. DOLPH].

Mr. HARRISON. There was practically an agreement yesterday, or at least notice given yesterday that we would try to finish the Dakota bill to-day. I ask consent that the usual business under the eighth rule be laid aside and that the Senate proceed now to the consideration of the Dakota bill.

Mr. SEWELL. Will not the Senator from Indiana allow us to finish this bill which was practically almost completed a few days ago, but laid over at the request of the Senator from Oregon? It will probably not take a minute.

Mr. HARRISON. The Senator from New Jersey has a preferred place for his bill, so that he can not lose an opportunity for a very early consideration of it. It is the first business under the eighth rule. As others are asking to take up special matters here, I wish he would find it consistent with his pleasure to yield.

Mr. SEWELL. I shall decline to yield.

The PRESIDENT *pro tempore*. The motion of the Senator from New Jersey is not debatable. He moves that the Senate proceed to the consideration of the bill stated by him, being Senate bill 222, Order of Business 59.

The motion was agreed to; and the Senate resumed the consideration of the bill (S. 222) to amend section 1661 of the Revised Statutes, making an annual appropriation to provide arms and equipments for the militia.

Mr. SEWELL. I desire to correct the phraseology of the bill in one or two places. In section 1, line 9, after the word "arms," I move to strike out the word "and" and insert a comma.

The PRESIDENT *pro tempore*. That change will be made unless there be objection.

Mr. SEWELL. In section 3, line 1, after the word "arms," I move to strike out the word "and" and insert a comma.

The PRESIDENT *pro tempore*. That change will be made unless there be objection.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

Mr. DOLPH. I tried to secure recognition before the question was put on the passage of the bill and I suppose I may make a suggestion now inasmuch as the bill, was laid over, when under consideration before, at my request. I have thought it proper to state that I had in my mind at the time a joint resolution of 1876 which authorized the issue to border States of a thousand stand of arms by the Secretary of War, provided they were to be issued from arms which were out of use, no longer issued to regular troops, and also an act passed in 1878, providing for an additional issue of a thousand stand of arms to each of such States. I find on examination that this bill would not, as I feared it might, repeal those acts, and therefore I have no objection to the bill.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. CLARK, its Clerk, announced that the House had passed a bill (H. R. 4838) to abolish certain fees for official services to American vessels and to amend the laws relating to shipping commissioners, seamen, and owners of vessels, and for other purposes; in which it requested the concurrence of the Senate.

HOUSE BILL REFERRED.

Mr. FRYE. I ask that the bill which has just been received from the other House may be referred to the Committee on Commerce, so that we may have it before us for consideration to-morrow morning.

The bill (H. R. 4838) to abolish certain fees for official services to American vessels and to amend the laws relating to shipping commissioners, seamen, and owners of vessels, and for other purposes, was read twice by its title, and referred to the Committee on Commerce.

ADMISSION OF DAKOTA.

Mr. HARRISON. I move that the Senate proceed now to the consideration of the Dakota bill.

The PRESIDENT *pro tempore*. The question is on the motion of the Senator from Indiana.

The motion was agreed to; and the Senate, as in Committee of the Whole, resumed the consideration of the bill (S. 967) to provide for the admission of the State of Dakota into the Union and for the organization of the Territory of Lincoln, the pending question being on the amendment proposed by Mr. BUTLER as a substitute for the bill.

Mr. BUTLER. Mr. President, the Senator from Indiana [Mr. HARRISON] has drawn into this debate so many side issues and has answered so few of the propositions which I had the honor to submit to the Senate when I first addressed it on this subject, that I do not feel inclined to follow him in the digressions which he has made. He has adopted the common refuge of all persons who have a bad case supported by bad logic. He would have the Senate and the country believe that the opposition to Dakota has been confined to this side of the Chamber and solely to Democrats. Why, sir, that Senator has the most convenient or the most treacherous memory that I have ever known mortal man to have—convenient to suppress the facts of the case or treacherous in having forgotten them. He asserted yesterday that he had made proposition after proposition to this side of the Chamber and it had been met by amendment after amendment, suggestion after suggestion, made simply in the interest of delay and opposition; and in that he was supplemented by the Senator from Illinois [Mr. LOGAN] the day before. Sir, the Senator could not have forgotten that the original opposition to this proposition to admit Dakota came from his side of the Chamber and from one of his political allies and friends and associates. I do not mention this with a view of bringing reproach upon the honorable Senator from Maine [Mr. HALE] who interposed that opposition, for I think he was right, but to correct the Senator from Indiana and to ask him when he is presenting his views to the country to state the whole case and not suppress part of it.

I find that on March 21, 1882, in the first session of the Forty-seventh Congress, the Senator from Maine [Mr. HALE] presented the memorial of N. T. Palmer and others, remonstrating against the admission of Dakota as a State.

I wish to say—

Said that honorable Senator—

I wish to say that the remonstrance discloses a remarkable condition of affairs in Dakota. In 1872 the county of Yankton, one of the large counties in that Territory, under an act of the Legislative Assembly, sought for by the people of that county, issued bonds to the amount of $200,000 to aid in the construction of the Dakota Southern Railroad. The bonds having been issued, they were put upon the market, accompanied by representations of the leading men in the Territory as to their being sound and good, and they were taken by people all over the United States, representing many different States. The road was built; the people of the Territory have got the benefit of it. It is the only road going into Yankton County, is running at this day, and everybody there is receiving the benefit of it.

After paying interest for a short time the county repudiated its obligations and declined to pay, and the bondholders were thrown into the courts.

He then goes on to explain what the petition represents. Mr. HALE says further, in reply to an inquiry from the honorable Senator from Minnesota [Mr. MCMILLAN]:

I will say to the Senator from Minnesota that I have received letters from individuals whom I know to be of the first responsibility, some of whose names are upon this protest and others who are not. The memorial is signed by the First National Bank of Brunswick, Me.; A. H. Merryman, of Brunswick, Me.; the Pejepscot National Bank of Brunswick, Me.; J. F. Whitney, of Topsham, Me.; John S. Wallace, chaplain United States Navy, Annapolis, Md.; Benjamin F. Emerson, of Nashua, N. H.; the Municipal Trust Company (limited), of London, England, by S. W. Packard, its attorney; Hettie B. Darlington, of West Chester, Pa.; William P. Marshall, of West Chester, Pa.; Eben Newton, of Can-

field, Ohio, attorney for Mrs. Eliza Jennings, holding $34,000 of the bonds; William C. Scranton, of Utica, N. Y., and so on.

I will read no further because I do not want to take up so much of the time of the Senate. The Senator further said:

I ask that the memorial be laid on the table, the bill for the admission of Dakota having been already reported from the Committee on Territories.

On March 27, 1882, upon the question coming up again of the admission of Dakota, the Senator from Maine said:

I stated at that time that I had only heard one side of that protest; it seemed to me a very important matter, and it did not touch simply the act of some one person or one municipal corporation or one county in the Territory of Dakota, but the representations made in that protest showed that the inhabitants of the whole Territory, through their Legislature, participated in the act that resulted in the repudiation of a fair and legal debt, and the protest that I submitted wound up by declaring that the evidence from all that was that the people of Dakota were not in a condition or frame of mind to form a State to be admitted.

And so on to the end of the chapter. The opposition came from the Senators upon the other side of this Chamber, and yet the entire burden of the remarks yesterday of the Senator from Indiana was that the opposition had been raised on this side.

Mr. McMILLAN. Will the Senator from South Carolina permit me to call his attention to a single subject?

Mr. BUTLER. Certainly.

Mr. McMILLAN. The Senator refers to the friends of the Senator from Indiana on this side of the Chamber. The name of the Senator from Maine was mentioned in connection with my own. I do not remember that any opposition came to that Territory from any other source than the Senator from Maine, and he did not find any sympathy upon this side of the Chamber at all.

Mr. BUTLER. That does not alter the proposition which I have just suggested.

Mr. McMILLAN. The Senator's reference would embrace me in the opposition to the admission of Dakota at that time, and my position was altogether the reverse of that.

Mr. BUTLER. No, sir; I did not intimate any such thing.

Mr. McMILLAN. The Senator's language might be so construed.

Mr. BUTLER. I simply quoted from the debate that the Senator from Maine, in response to a question from the Senator from Minnesota, had said so and so. The Senator from Minnesota declared himself very decidedly in favor of the admission of Dakota at that time, even with the stain of repudiation upon it.

Mr. McMILLAN. I shall not reply to the Senator's remark now but subsequently.

Mr. BUTLER. So I submit that the honorable Senator from Indiana and the honorable Senator from Illinois, in attempting to give this debate a partisan turn, in "shelling the woods," in the graphic and classic language of the Senator from Indiana, have frightened up one of their own political friends, and it turns out that the principal opposition to the admission of Dakota came from a Republican Senator, and that it was continued until the end of that Congress.

Now, sir, what next? In the next Congress a bill was introduced, reported favorably by the Committee on Territories, and passed by this body, and it is that bill which I have introduced as a substitute for the bill of the Senator from Indiana—I say the same bill in all its essential particulars, differing only, as I stated before, in this, that it proposes to admit the whole Territory instead of dividing it on the forty-sixth parallel of latitude. That bill passed the Senate. It went to the other House and there seems to have slept. So much for that.

The Senator from Illinois, if he will pardon me for saying so in his presence, I have always found faces his antagonists, strikes right out from the shoulder and never takes an unfair advantage; and I was therefore surprised when the honorable Senator, in discussing this bill, should feel called upon (in which he was followed by the Senator from Indiana the next day) to introduce into this debate observations about votes in one section of this country, and with the same convenience of memory did not have the candor and fairness to give the votes in other sections. They have lugged into this debate the States of South Carolina and Alabama. They have referred to the percentage of the votes in those States cast at the last Presidential election. For what purpose? For the purpose, I must assume, of giving a sectional turn to this debate, and arraying the prejudices, if any exist, against that section and against the State which I have the honor in part to represent. That State and the other have been under fire for a great many years. They have survived heavier artillery than that which is now turned upon them and will survive this. Whatever may be the fact as disclosed in the vote at the last election, let me say to those Senators that never until your political friends camped upon the fair bosom of that State were her State officials ever tainted with the blemish of corruption. She may have committed a good many errors, will commit a good many in the future, does now perhaps, but it can never be said of her in her past history that her public officials were compelled to fly from her borders to escape the State's prison until our friends on the other side saw fit to reconstruct her; and while the degrading and disgraceful and humiliating spoliation was going on, not one word of protest did I hear from the honorable Senators who now arraign her.

Mr. LOGAN. Will the Senator allow me to interrupt him right there?

Mr. BUTLER. Yes, sir.

Mr. LOGAN. I am sure if the Senator will read carefully what I said he will not feel justified in passing so far away from the scene of trouble, perhaps, that he thinks we were in. In reference to the vote of South Carolina, my attention was attracted to it from the fact that the Senator himself, representing that State, was the leader in this debate. I contrasted the vote of Dakota with the vote of South Carolina inasmuch as the Senator from South Carolina and the Senator from Missouri complained that Dakota, in 1884, I believe it was, voted some 55,000 votes, and on the adoption of this constitution cast only 31,000 votes. I then called the attention of the Senator to his own State, and to the fact that Dakota, with a population of a quarter of a million, voted 31,000 votes, and that South Carolina, with a million inhabitants in round numbers, as he said, voted 91,000 votes, and I asked him if Dakota was required to explain that would there not be an explanation needed on the other side. That is what I said.

Mr. BUTLER. Precisely; and I shall proceed now to explain. I was proceeding to do so, and as a part of that explanation I desired to impress upon the Senator a historic fact that might have some bearing upon the explanation which is to follow. In pursuance of what I was just saying I will make another statement for the information of the Senator from Illinois and the Senator from Indiana. Since that State was redeemed under the lead of my distinguished colleague her escutcheon has never been tarnished by official corruption by any of her State officers.

Now the Senator from Illinois asks me to explain how it is that out of a population of about a million there were but 91,000 votes cast. I will tell him. At the last election the political friends and allies of the Senator in that State were *industriously* neglected. They were not encouraged or instructed or even approached by the honorable Senator from Illinois. All the people of that State, I believe, white and colored, are content with the present State government; at least we have a right to assume that they are. We have a right to assume that, inasmuch as there was no opposition ticket to the governor and State officers and none of any consequence to the Legislature, there was no issue in the State except that made by the Presidential electors, and the Presidential electors were not men calculated to bring out the vote. That is the explanation why only 44 per cent. of the vote was polled.

Now that I have given the Senator from Illinois an explanation will he vouchsafe one to me? Will the Senator from Indiana vouchsafe one to me? Will the Senator from Illinois be kind enough to explain how in his own State there were but 62 per cent. of the voters who went to the polls according to the record? Where were the other 38 per cent.? One hundred and twenty-odd thousand voters in the State of Illinois do not appear to have gone to the polls. Notwithstanding the fact that the favorite son of Illinois was upon the ticket as the candidate of the Republican party for Vice-President, with the "Plumed Knight" from Maine at its head, with a full State ticket of the most popular men of that State on both sides, yet but 62 per cent. of the vote was polled. Will the Senator explain that?

Mr. LOGAN. Does the Senator desire an answer now?

Mr. BUTLER. I should be very glad to have it.

Mr. LOGAN. The explanation is only bearing out the argument that the Senator from Indiana and myself have tried to make, and inasmuch as the Senator from South Carolina is producing that which we were trying to bring before the Senate in a much stronger light than I at least did, I do not think any explanation is necessary. The point was this: Both the Senator from South Carolina and the Senator from Missouri desired that an explanation should be made as to why the vote had fallen off in Dakota. I tried to explain it as best I could from the statement of the Senator from Missouri that the committee of the Democratic party had notified the Democrats not to vote, and therefore the vote was less. That was the explanation.

Mr. BUTLER. Now, then——

Mr. LOGAN. Wait, inasmuch as you asked me to explain. If the vote of South Carolina fell off 40 per cent. and the vote of Illinois fell off at the same time and so in other States, without any reason, as the Senator says except that there was nothing to induce them to come out, why should not the vote in Dakota fall off at the same time without an explanation being required?

Mr. BUTLER. I will come to that.

Mr. LOGAN. That was the point I made precisely.

Mr. BUTLER. I shall come to that after a while.

Mr. LOGAN. I said that there might not be as much reason for the vote falling off in Dakota, although it had fallen off, as in South Carolina; but if it had fallen off in a State at the Presidential election, why complain that it had fallen off in a Territory? That is the point.

Mr. BUTLER. I see the point, but the Senator has failed to explain it. I have explained, in response to his request that I should do so, why it was that the vote had fallen off in South Carolina. The Senator has failed to explain why the vote fell off in Illinois.

Now I will ask the Senator another question. I will ask the Senator why, in that old, reliable, solid Republican State of Vermont, under the brilliant leadership of the distinguished Senator from that State who sits nearest to me [Mr. EDMUNDS], who was wild with enthusiasm for the success of the Republican ticket, but 62 per cent. of the vote came out and his own town went Democratic for the first time in its history? In that State, a neighbor to the "Plumed Knight," canvassed from

one end to the other under the leadership of the distinguished Senator, supplemented by the brilliant leadership of my friend from Illinois and my friend from Indiana and all the big guns of the Republican party, but 62 per cent. of the vote of Vermont was polled for that popular ticket. Perhaps that can be explained. Perhaps the Senator from Illinois can explain how it is that the stalwart little State of Rhode Island, equally wild with enthusiasm for the Republican party, polled but 42 per cent. of her vote for that popular ticket; or perhaps the Senator from Indiana or the Senator from Illionis will vouchsafe an explanation as to how it is that in the State of Maine, the home of the "Plumed Knight," but 69 per cent. of the vote was cast for that popular ticket.

Mr. LOGAN. Will the Senator allow me to ask him a question?

The PRESIDING OFFICER (Mr. HARRIS in the chair). Does the Senator from South Carolina yield to the Senator from Illinois?

Mr. BUTLER. I shall be through in a short while.

Mr. LOGAN. I do not desire to interrupt the Senator unless he is perfectly willing.

Mr. BUTLER. I prefer that the Senator would wait until I get through.

Mr. LOGAN. Certainly.

The PRESIDING OFFICER. The Senator from South Carolina declines to yield.

Mr. BUTLER. Perhaps these things may be explained.

Mr. LOGAN. I was just going to do that.

Mr. BUTLER. I would be very glad after I get through to hear the explanation of the Senator from Illinois, and especially how it is that in Vermont the honorable Senator from that State, crowned with leadership in this body and in his own party, anxious for the success of the Republican ticket, could get but 62 per cent. of his vote out, his own town going Democratic for the first time in its history.

Mr. ALLISON. What town is that?

Mr. BUTLER. I think it is Burlington. That is my recollection. When these things are explained, perhaps there will be shown some relevance of the inquiry of the Senator from Illinois and the Senator from Indiana to the question of the admission of Dakota; but until that is shown I submit that the reference to the proportion of the vote in South Carolina and Alabama has nothing whatever to do with this debate.

It is perfectly amazing, and sometimes edifying and amusing, in our history in this body for those of us who have not and can not in the nature of things have Presidential aspirations to witness and watch the contests going on between some of our friends on either side. I remember it was said of one of the most distinguished soldiers of the war—I think I am not guilty of disloyalty in saying that—a man who was called the "Wizard of the Saddle," that he had but one rule in military strategy, and that was "to try and get thar fust with the most folks." He was, perhaps, and I say it not to his discredit, somewhat more familiar with the use of his sword than with the English language. The man "who gets thar fust with the most folks," who occupies the strategetic point of a battlefield, everything else being equal, will whip the fight; and the race between my friend from Illinois and my friend from Indiana to get to Dakota "fust with the most folks" has been edifying, instructive, and amusing, applying to political strategy the strategy which was applied in war. I have no doubt that Dakota will be a State within twelve months, and that electoral vote will be a very acceptable, luscious plum to fall into the lap of some ambitious statesman who has become infected with the Presidential fever. But there is my genial able friend from Iowa [Mr. ALLISON], who lives near the border. All he has to do is to cross over and shake the bush, and I now warn my two friends from Indiana and Illinois that he will bear watching. It is perfectly amazing when the Presidential bee begins to buzz around a man's head even in this cold inhospitable weather to see how gentlemen will concentrate all their efforts, unconsciously perhaps, toward that goal at which they are looking with so much eagerness and anxiety.

The Senator from Indiana thrashed over so much of the old straw which he had gone over before, and put up so many men of straw which he said my friend from Missouri had constructed, that I shall confine myself to one or two points. The first is upon the question of division. He cites instances where States have been admitted, and I think he says—if I am mistaken he will correct me—that the average size of all the States admitted into the Union, including Texas, is 66,000 square miles, and that Dakota has 150,000 square miles if admitted under the proposed enabling act. If the people of Dakota, when they come to act under this enabling law, as I trust they will do, come to the conclusion that Dakota would be better divided than as she is, and all the people of that Territory have had an opportunity of expressing their opinion, North as well as South Dakota, I say to the Senator from Indiana I will join him in helping the people of that Territory to accomplish it; but I shall never consent to one-half of that Territory, as I believe in defiance of the wishes of a majority even of that half and certainly in defiance of the wishes of the north half, cutting that Territory in two to suit themselves, and I shall never consent until, as I have stated, all the people have had an opportunity of expressing their opinions upon it.

Upon that point, notwithstanding the flings and slurs of the Senator from Indiana that the Senator from Missouri and I have relied upon irresponsible pamphleteers and newspapers, I read from a leading Republican paper of the Territory of Dakota upon that subject, the Pioneer, edited, and owned I presume, by Fred. J. Bowman, published at Scranton, Dak. In the issue of January 20, 1886, the editor has the following:

Our esteemed contemporary the New York Sun seems to be at a loss to account for the wide gap between the reported population and the voting population of South Dakota, and says:

"According to the last census of South Dakota, on June 1, 1885, as filed in the Interior Department August 29, 1885, by the governor of the Territory, the population was 263,455. The vote of the constitution now before Congress, at the election held November 3, 1885, is reported at 25,226 for adoption and 6,565 against adoption, or an aggregate of 31,791 voters to represent a population more than eight times as large. The census of 1880 shows that the males in this Territory outnumbered the females by 30,000 in round numbers, and the immigration since that time has doubtless kept up this disparity."

The Sun, as usual, is right in its surmises. There is a wide gap between the census and the vote, and none are more conscious of that fact or more discreetly silent regarding it than the band of hungry office-seekers now posing in Washington as political martyrs for Dakota's sake.

The Sun rightly conjectures that the managers of the division and admission used effort to augment the vote, but it seems to have entirely overlooked the potent cause of the lightness of the vote, which is due alone to the general apathy prevailing among the people—not the politicians—regarding the move for division and Statehood.

The ringleaders of the scheme, actuated by a selfish desire to obtain offices, and that only, knew the people were indifferent to the project, and so they ingeniously set their wits at work to devise ways and means to counteract that undeniable fact, and to force an expression at the polls that, nominally at least, would augment the vote, which would have been very small indeed if confined strictly to the issue as to whether or not the so-called constitution should be adopted, as was clearly demonstrated by the vote on a similar constitution two years ago. So they proceeded to raise a number of side issues calculated to excite minds of the people and get them interested in personal aims and ambitions, which would serve as a cover to the selfish aims of the schemers in hoodwinking the people of South Dakota, and of the entire nation as well, by bringing out all the strength possible for the scheme.

The most easily worked and best-played card among the side issues was the scheme to locate a temporary capital for the alleged State, and as was expected the cupidity and personal pride and ambition of a number of booming towns "caught on" to the scheme and made strenuous efforts to obtain the prize, which was the chief source of the vote as exhibited by the returns.

The prohibition question also was dragged to the front, and, to the dismay of the ringleaders, who did not know that the "old thing was loaded," it carried, and thus became part and parcel of the alleged constitution.

The minority representation clause was the card played for the avowed purpose of drawing out the Democratic vote, and in a measure it succeeded.

Last of all was the scheme to "elect" a full "State," Congressional and legislative ticket, and in some cases a county ticket, also, was in the field, all of whom were "elected." The so-called Legislature met afterward and "elected" two alleged United States Senators, and organized so as to be ready for the dispatch of business, provided Congress sees fit to breathe the breath of life into its form, that it may in reality become a State.

Thus it will be seen that, notwithstanding the strenuous efforts of the schemers, the ringleaders of whom all occupy positions in the so-called State government, less than 40 per cent. of the voters south of the forty-sixth parallel cast their vote either for or against the question, for the reason simply that they viewed the scheme as being visionary and unauthorized, and promulgated chiefly by a horde of office-seekers, who have everything to gain and nothing to lose by its success.

The people of several counties, notably among them being this county of Walworth, with upward of 1,000 voters, refused absolutely to vote upon the question, the members of both parties being unanimous in the opinion that the project was unworthy of countenance or support.

The opinion prevailing here is that Dakota should be admitted but not divided, as provided in Senator Butler's bill, because Dakota is and always will be strictly an agricultural commonwealth, and such being the case, it never can become so densely populated as the manufacturing States farther east, even though their area is infinitely less, and consequently one State government is all that is necessary and all that her tax-payers ought to support.

The plea for greater representation in the Senate is the mouthing of knaves or worse, and is indulged in only by those who hope to climb into that position through a forced and arbitrary division of our grand Territory, inasmuch as great States of the Union secure their benefits rather from a large, active, united, and aggressive complement of Congressmen than from the dignified rubbish that too frequently in these days of a moneyed aristocracy pose as "grave and reverend Senators" in the United States Senate.

The Pioneer is a Republican newspaper, but it is solidly and unalterably opposed to any division of Dakota.

Mr. HARRISON. Will the Senator from South Carolina please advise me whether that paper is published in North or South Dakota?

Mr. BUTLER. I do not know. It is published at Scranton. I do not know what part of Dakota it is published in; I do not know where Scranton is, I am frank to say. It is, however, a Republican newspaper, and the article is certainly very well and cogently and clearly written; and, as my friend [Mr. MORGAN] suggests, it is all the stronger if it comes from North Dakota as a protest from a people who have never been consulted in this matter.

I was somewhat struck with a remark made by the Senator from Indiana that he liked to see combatants within the same arena, and he went on to animadvert somewhat severely upon my friend the honorable Senator from Missouri [Mr. VEST] because he had seen fit to criticise the conduct of one of the executive committee, not disrespectfully I submit, and introduced his reply at the desk of the Senate to be read in justification of Mr. Campbell, when right upon the heels of that statement of the Senator from Indiana he began to pay his respects to two gentlemen from Dakota who he knew could not reply to him upon this floor. I asked him the question if he desired to be understood that because one of those gentlemen, having been a member of a constitutional convention in 1883, now saw fit to oppose this movement he was not entitled to credit. The Senator from Indiana declined to answer that question directly, but I submit he did worse; he attempted to destroy the character of Mr. Johnson and Mr. Boynton by administering the poison of innuendo and insinuation. They could not

get into the arena with the Senator, but I am authorized by those two gentlemen to say that if the Senator will come into their arena before the people of Dakota, where they are known, and where their home is, they will convince the honorable Senator that they are entitled to as much respect and credence as he is or any Senator upon this floor. It makes a great deal of difference whose ox is gored.

I understand Mr. Boynton to have been a soldier in the Federal Army, as gallant and faithful as any Senator upon this floor, who went into the ranks with his musket on his shoulder, while some others—who are always prating their performance, ringing the changes for all they are worth, and some people think a great deal more—were lolling in the luxury of a tent, this ex-Union soldier, with his musket on his shoulder, was marching in the ranks to the tune of his country. In justice to that gentleman I ask that the letter from him, which I send to the desk, be read.

The PRESIDING OFFICER. If there be no objection the Chief Clerk will read the letter referred to.

The Chief Clerk read as follows:

NATIONAL HOTEL, *Washington D. C., February* 4, 1886.

DEAR SIR: The undersigned, members of the regular Democratic organization in Dakota Territory and residents of the most populous and wealthy counties, although widely separated, situated in that portion of the Territory lying south of the forty-sixth parallel, desire to correct through you certain misrepresentations which have been made in the Senate during the recent debate on the bill for creating a State out of the southern portion of the Territory. It has been falsely charged and repeated in a telegram read in the Senate from Mr. James A. Ward, of Pierre, that the Democratic Territorial committee, in their action at Mitchell in opposition to this Statehood movement, did not represent the sentiments of the Democratic party in Dakota, and that a resolution favorable to the action of the committee was voted down at a public meeting of leading Democrats at Mitchell.

The undersigned were present at the public meeting referred to and took part in its proceedings. The officers of the Territorial committee called the meeting referred to at Mitchell for the purpose of determining what action should be taken by the recognized party organization upon the division and Statehood question at the then coming election on these questions. In order to get at the sentiment of prominent Democrats in different sections of the Territory the committee invited the leading men of the party to meet them on the day fixed for the meeting of the Territorial committee for a general conference.

The members of the committee met and exchanged views before the public conference was held, and decided to ask at the public conference for a full and free expression of the views of those outside of the committee, with a distinct understanding that the committee would not attempt to influence the expressions at the general conference, but would rather sit as jurors to hear the evidence on both sides of the questions which were under consideration.

At the public conference the chairman of the Territorial committee was called upon to preside, and a full and free expression of opinions was solicited by him and also by other members of the committee. The numerous speeches were all in the line of the subsequent action of the committee, with the exception of the remarks made by Mr. James A. Ward and one other gentleman, both of whom had been members of and taken an active part in the Sioux Falls convention which had formulated the division and Statehood movement now before the Senate. Neither of these gentlemen made any vigorous defense of the movement, but their remarks seemed more in the nature of an apology for having taken a part in it; and Mr. Ward in private conversation with members of the committee stated that, as a Democrat, he agreed with the general expressions in opposition to the movement, but that his interests in the city of Pierre, which was competing with Huron for the seat of government under the Statehood scheme, induced him to attend the Sioux Falls convention and stand by its action.

The expressions in opposition to the division and premature Statehood scheme seemed to be so strong that a gentleman, not a member of the Territorial committee, hastily drew and introduced a resolution instructing the committee to take decided action in opposition to the movement. As this resolution was not in accord with the express understanding of the committee at its meeting previous to the public conference, one of the undersigned, who for twelve consecutive years had been a member of the Democratic Territorial committee, stated the position of the committee to the conference, and both of the undersigned publicly expressed the desire that no action should be taken by the conference which would seem to control the committee's action on such an important question, whereupon the resolution was unanimously laid upon the table.

Mr. Ward subsequently, as a member of the Territorial committee, offered to sign an address recommending that the Democrats take no action at the election, provided that the committee would refrain from incorporating their reasons or their objections to the composition and action of the Sioux Falls convention, in which Mr. Ward had so recently, for local and personal reasons, taken an active part.

The telegram from Mr. Ward, and similar attempts to mislead Congress, and especially Democratic members, by letters and telegrams from certain Democrats who have been conspicuous in Republican gatherings favorable to the Statehood movement, impels the undersigned to assert, in the most positive manner, that the Democratic party, as a party, and a large proportion of the best elements of the Republican party in the Territory, are at the present time unalterably opposed to the Statehood movement now before Congress and to the successive steps which have been taken by those who have been instrumental in its manipulations from its inception to the present time.

The meager vote for delegates to the so-called constitutional convention, the fact that the constitution, presented to the people with all the allurements with which it was surrounded, did not receive the sanction of much more than one-third of the voters in the portion of the Territory proposed to be set off as a State, and that more than one-third of the voters in the whole Territory have been excluded from any voice relating to a division which turns them out from under the paternal roof and deprives them of the name and Territorial home solemnly decreed by Congress to every settler in the Territory, ought to convince the members of every branch of the National Government that the division and Statehood scheme now before Congress is a gross usurpation of power not conferred by the people of Dakota, and ought not to be sanctioned by the General Government.

That the rapid settlements and unprecedented developments in the counties on either side of the forty-sixth parallel have caused many of the former advocates of division on that line to change their views, and are now strongly advocating early admission as a whole, or if division is deemed inevitable, that the division should be made north and south, substantially on the Missouri, a natural boundary, can not be denied. Any attempt by the advocates of the present Statehood scheme to attack or misrepresent the motives of those who have for the past two years steadily but honestly opposed their revolutionary programme should have little weight with Senators or Representatives, many of whom are familiar with the increased means of communication between the north and south, and fully understand that all that portion of the Territory lying east of the Missouri River is homogeneous in character as well as in population, while the Territory west of this natural line, in which there are at least twenty-five thousand Indians, should be retained under Territorial control as long as any portion of the Territory is excluded from Statehood.

Respectfully,

A. BOYNTON,
Lincoln County, Dakota.
GEO. S. ENGLE,
Brown County, Dakota.

Hon. M. C. BUTLER,
United States Senate.

Mr. BUTLER. That is from Mr. Boynton, who, as I have stated, was a Union soldier, but he appears to have committed the unpardonable sin in the eye of the Senator from Indiana of being a Democrat; and being a Democrat, although a Union soldier, he is to be assaulted, is to be questioned, though I believe his character has never before been suspected or impeached. I may say the same of Mr. Johnson. Neither of these gentlemen has it been my pleasure to know until within the last six weeks or two months, but I am informed by gentlemen who are familiar with their character that they stand as fairly in their own communities where they are known as any gentlemen on this floor.

Mr. President, in the remarks which I had the honor to submit to the Senate the other day I studiously avoided, as I thought, any expression that could possibly give a partisan turn to this discussion. I tried to confine myself to the law, and I must say that I have seen nothing in the speeches of either the Senator from Indiana or the Senator from Illinois which has successfully combated one single proposition that I laid down. They practically admit that they can not do so, but say, "We can make faces at your States." I expect they will survive those grimaces. They do not answer the argument, but, as I said in the outset, resort to the refuge of all gentlemen who have a bad case sustained by worse logic.

The Senator from Indiana said yesterday that I paid no respect to the wishes of the people of Dakota. No, Mr. President, my first duty here is—and, if he will pardon me for saying so, his first duty—to pay respect to the Constitution and laws, and then respect to the wishes of the people under that Constitution and those laws. On the contrary, the Senator pays respect to a political clique in Dakota of his own party friends, and then attempts to cut out a Territory according to the pattern which they frame. I prefer to consult first the Constitution of this country and the laws made in pursuance of it, and as far as they permit me to go consult the wishes of the people of Dakota Territory and of every other Territory and State in this country. The Senator has chosen to reverse the order of things, and complains because I prefer to obey law rather than concede the correctness of his position. I have no feeling against Dakota or its people; certainly not because Union soldiers are citizens of that country, and the suggestion, if it has been made, is unworthy a Senator upon this floor.

I have the profoundest respect and regard for all honorable, brave soldiers, and day after day and week after week and month after month and year after year I have given evidence of my respect for the Federal soldier by voting him pensions, millions upon millions, when my own comrades neither expect nor receive one single dime, while they pay their share of the tax for pensioning Federal soldiers. I do not complain of this. They were the victors—I was of the vanquished; and they are entitled to the thanks and honors of this Government; but they have no right to be eternally flaunting their performances in the face of the country in order to excite prejudice against others not circumstanced as they are. I am glad that there is enough of the public domain to give them homes, and no Senator upon this floor will rejoice more in their happiness and prosperity than myself, and no one will go further than myself to contribute to their comfort and health and prosperity. But, sir, when I exercise my rights as an American Senator, under the Constitution and laws as I understand them, I am not to be driven from the discharge of my duty by intimations from any source that it is actuated by hostility to the Union soldiers.

The Senator from Indiana has, as I said, thrashed over and over again the old straw which he first brought under the thrasher in the opening speech that he made. He has cited opinions from the distinguished statesmen of the past as to the regularity and propriety and legality of some of the precedents which he presented in support of his bill. He laid especial stress upon the opinions of Mr. Buchanan and Mr. Benton, but he did not read all that they said in relation to the State of Michigan applying as the Senator said under similar circumstances to Dakota. I have shown that the circumstances were entirely different. What did Senator William Hendricks, of Indiana, in the debate on that question say?

Sir, I undertake to say that Michigan is not a State, neither *de facto* nor *de jure*, and that she never can be a State with her assumed boundaries. The President of the United States is bound to see that the laws of the Union are faithfully administered in and over the Territory of Michigan, until the people of that Territory shall have the permission of Congress to pass from a Territorial to a State government, and no one can doubt that he will faithfully perform that duty. * * * There is no case in existence to which the present condition and attitude of Michigan can be assimilated.—*Congressional Globe*, page 42, 43.

What did Mr. Buchanan say?

He never should, whilst he had the honor to occupy a seat upon that floor, give a vote which might tend to disturb the States of Indiana or Illinois in the peaceable possession of all the territory within their present boundaries. The constitutional rights of these States, as well as sound policy, equally condemned

any course which could interfere with their chartered limits. He was as free to express this opinion as the Senator from Indiana himself.

John C. Calhoun, of South Carolina, said in the Senate:

My opinion was and still is, that the movement of the people of Michigan in forming for themselves a State constitution, without waiting for the assent of Congress, was revolutionary, as it threw off the authority of the United States over the Territory, &c.

Mr. Prentiss, a Senator from Vermont, agreed with Mr. Calhoun, and said:

He viewed the movements of these two Territories, with regard to their admission into the Union, as decidedly revolutionary, forming their constitutions without the previous consent of Congress, and importunately knocking at its doors for admission.

Mr. Porter, a Senator from Louisiana, said:

Being opposed in principle to any State coming into the Union in the manner attempted by Michigan and Arkansas, and which he considered so revolutionary, he felt himself constrained to vote against the bill.

In the House, Mr. Hamer, of Ohio, said:

Ohio acknowledges no right in the Supreme Court to try such questions (of boundary); she will never submit to such a mode of determination. It is a legislative question and not a judicial one. Here is the place to determine it. Congress has only to relinquish the claim of the Federal Government to the country in dispute, and there is an end of all controversy.

Mr. Horace Everett, of Vermont, said:

In relation to the point in controversy with Ohio, such objections, in my opinion, formed on the evidence present, do exist; arising, first, from the public works of Ohio, to which the mouth of the Maumee River is necessary, as an essential to Ohio; and, secondly, from the danger to the peace of the country from the acerbity of the controversy. On these grounds, and on these alone, I am in favor of granting the disputed territory of the State of Ohio.

Senator John Davis, of Massachusetts, said:

I do not like the mode in which Michigan has conducted this business. She has assumed rights that all agree are not well founded, and the consequence is that she stands in an embarrassing posture. She claimed to be a State before she could be one. She has acted as such without authority. She has elected Senators when our Constitution provides that they shall be elected by the Legislature of the States, and by no other authority. She had no such Legislature. She has elected a Representative, when the Constitution of the United States allows none but the people of States to elect Representatives, and none to vote for such a person except those who are qualified to vote for the most numerous branch of the State Legislature. If she claim rights under this Constitution, as she does when she claims to be represented here, then she must be not only a State, but one of the States of this Union, over which the Constitution spreads itself; but we all agree she is not, or we should not be making provisions by law for her admission. (Appendix to *Congressional Globe*, page 558.)

On a similar line Senator Richard H. Bayard, of Delaware, said:

By passing this bill the Senate would be sanctioning the most obnoxious principle, and would inflict a vital injury on the cause of freedom. He argued that, according to the provisions of the ordinance of 1787, which regulates the disposition of the territory northwest of the Ohio and east of the Mississippi, Michigan had no right to form a constitution at all without the leave of Congress." (Appendix to *Congressional Globe*, 1836-'37, page 80.)

So Mr. Niles, of Connecticut, and Mr. Vinton, of Ohio. Mr. Thomas H. Benton said:

He held that the people of that Territory (Michigan) might meet as often as they pleased, might take up the map, and drawing a diagram representing any boundaries they pleased, adopt these boundaries in their constitution and send the whole to Congress, and all this would be an innocent operation. It would be innocent, because Congress might act on it or not act on it, as it thought proper; they might agree to the constitution or not agree to it, and the whole would be innocent, for it would be nothing more than a proposition for the acceptance of Congress.

Mr. Buchanan, of Pennsylvania—

Thought it would have been better had a previous law been enacted by Congress, authorizing the formation of a constitution by the people of the Territory.

Again Mr. Buchanan said on January 5, 1837:

Did gentlemen intend to push their doctrine of State rights to such an extreme, and thus enable every Territory to rise up into a foreign state, and put Congress and the Union at defiance? If this doctrine be not revolutionary with a vengeance, he did not know what could be so called. No, sir; our Territories belong to us. They are integral parts of the nation. We authorize their people to erect themselves into States subject to our approbation; but until they actually enter the Union, they continue in a subordinate condition, and are subject to our control. (Appendix to *Congressional Globe*, 1836-'37, page 149.)

And, sir, I might multiply authority after authority on that line. Now I have only to say in reply to the admonition of the Senator from Indiana that this was a question confined not to the people of Dakota Territory alone, but it was being voiced from one end of this broad land to the other that there were 300,000 people deprived of their rights under the Constitution and the laws, and it would not be safe to continue on that line much longer. I have made no such proposition, Mr. President. I have introduced a bill which will enable those people to assert their rights under the Constitution and laws, and when they do in pursuance of these laws I repeat, for the second, the third, the fourth, and fifth time, that they shall have my assistance in getting into the Union; and let me admonish the Senator from Indiana that if he and those who sustain his measure will take the responsibility of defeating this enabling act it will return to plague them in the future, and instead of the blessings, they will in my judgment receive the imprecations, of the good people of that Territory and of this whole country.

The proposition which I submit, I repeat again, is fair to the people of the proposed State. It will enable them to come into this Union within twelve months from this day; it will give them an opportunity to express their wishes and desires and preferences upon the question of division or no division; and when they are presented again to the Senate, if the distinguished gentlemen who are now knocking at the door for admission as Senators should be their standard-bearers, it will give me the greatest pleasure to extend to them the right hand of fellowship upon this floor.

Mr. LOGAN. I would not take the floor now if the Senator from South Carolina had allowed me to answer his question at the time he put it; but inasmuch as it would have interrupted him and he desired to go on, I reserved my answer. One or two remarks fell from the Senator's lips in reference to the votes of the Territory compared with the votes of some of the States to which I wish to make reply.

It is true I did say that there was as much reason for the vote falling off at different elections in a Territory as there might be for the falling off of the vote in a State. I did not attack the State of the Senator as he intimates, but I thought I was paying him a very high compliment—but perhaps I was mistaken—when I said that he was one of the leaders of the State of South Carolina, and that his State had always been in the forefront in every thing vital to the Democratic party, and had always, for fifty years, led it, whether in the right or the wrong. He may have taken this otherwise than intended. I hope not, however. Mr. President, I should like to ask the Senator, and will now give him the privilege of answering, as to where he gets his figures in reference to the State of Illinois when he says that the vote there in 1884 fell off from the vote of 1880 over 100,000?

Mr. BUTLER. I did not make that statement.

Mr. LOGAN. May I ask what the statement was?

Mr. BUTLER. I made the statement that Illinois polled but 62 per cent. of the vote at the election of 1884. I said nothing about a falling off. If the Senator desires to know my authority, I will state that I got it from the American Almanac for 1885. The vote in 1884 was 123,998 less than the number of males twenty-one years of age and over in 1880.

Mr. LOGAN. Now, sir, let us see whether or not the Senator is correct. Almanacs sometimes in figuring up make mistakes, or the persons who make the calculations do. The vote in Illinois in 1864 was 348,226; in 1868, 359,446; in 1872, 429,940; in 1876, 554,066 (an increase, the Senator will find, at every election up to 1884 in about the same ratio); in 1880 the vote was 622,312, and in 1884 the vote was 672,669; an increase from 1880 to 1884 of 50,357. So the Senator will readily see the error into which he has fallen. The vote in my State has increased at every Presidential election up to the present.

I do not claim that there is any credit to be attached to it for that, as people are expected to vote when not restrained. Circumstances might arise, however, that might cause the vote of my State to be decreased probably at some future election on account of some great calamity or misfortune befalling the people. Up to this time, however, we have not suffered in this particular. The Senator's State has suffered in some way, as the falling off in her vote has been nearly equal to one-half of the whole number cast in 1880.

The statement made by me in reference to the vote cast in favor of the constitution in Dakota as compared with the vote cast in the Senator's State was not incorrect, and is not subject to the criticism made by the Senator, as the per cent. of decrease in the vote of his State was much greater than the per cent. of decrease in the last vote in Dakota.

Now inasmuch as the Senator called in question what I stated in this regard, I hope that he is satisfied that I was justified in my remark when I said that the vote had not fallen off in the Territory of Dakota in the same proportion that it had in the State the Senator represents.

Mr. BUTLER. Of course the Senator has a right to take as wide a range as he pleases in replying to what I said; but my inquiry was addressed to him specifically, and I asked for an explanation how he accounted for Illinois voting but 62.1 per cent. of its vote in 1884. That was the inquiry. I replied to that question which he propounded to me about South Carolina.

Mr. LOGAN. Then I have replied to the question of the Senator in reference to Illinois. He will find in the almanac from which he quotes this error—and perhaps that led him to make the statement he did in reference to Illinois—the total vote of 1876 in the almanac from which he perhaps obtained his information is figured up at 709,207; but if you add the figures together correctly giving the vote for the two candidates you will find the total vote to be 564,066. I do not know whether the Senator fell into his error in this way or not. This statement as now made by myself is correct, however.

I have replied then to the question so far as Illinois is concerned and shown that the vote, instead of falling off, has increased steadily at every election. What I said was, as I remarked a moment ago, that Dakota, having voted at one time about 55,000 in round numbers, and the vote on the adoption of the constitution for and against was about 31,000, the Senator criticised that vote in a way that caused the inference to be drawn that the falling off showed that this population was not of a stable character, the vote at one time being larger than at a later date, thereby drawing the conclusion that the population had decreased since the census had been taken. I made the comparison with his own State to show that in States where the population was fixed and not transitory the vote had fallen off in a greater proportion according to population than it had in this Territory.

I said, and I repeat, "that perhaps while the Senator was calling for

an explanation in reference to the decrease in the vote in the Territory, his own State might require some explanation in reference to that particular view given by him. There was no offense in that remark. I would have compared it with Vermont or any other State just as soon; but inasmuch as the State of the Senator who was taking the lead in the opposition to the admission of Dakota had fallen off, I chose to make the comparison with his State, and I can see nothing improper or unfair in that. Now, inasmuch as that has been called in question, let me give the Senator some of the figures in regard to his State.

The population of South Carolina being 1,000,000, in 1880 at the Presidential election of that year South Carolina cast 170,956 votes. In 1884, with the same population and perhaps an increase, South Carolina cast 92,860 votes. If South Carolina is compared with Illinois between 1880 and 1884 the vote in Illinois increased 50,000, while in South Carolina the vote decreased 78,000. I said an explanation is due from the State of South Carolina as much and more than it is from the Territory of Dakota.

I am willing to leave that statement exactly where the figures place it, and if the explanation of the Senator is correct, that the electors were not of a character to induce the voters to come out, that explanation of course must be accepted for the purpose of this debate. The electors were not of a character to induce the voters to come out in a State that has such a eulogium passed upon it by the Senator as to its honesty, its integrity, and its ability! I ask the Senator why they nominated such electors in that State in the midst of that honest and patriotic people as described by himself?

Mr. BUTLER. The Republican electors I spoke of.

Mr. LOGAN. The Republican electors got but few votes. It was your own electors that failed to get the vote you cast four years before. You can not. Oh, no; that will not do.

But the Senator went further than this. He said that the Presidential bee was buzzing around in such a manner on this side of the Chamber that it had in some way or other, either by excitement or something else, caused the minds of individuals to bend in a certain unjustifiable direction. All I have to say to that kind of argument is that when a Senator is debating a great constitutional question and can find no answer to make to the argument of his antagonists except to throw out insinuations that their minds are warped in some way by their aspirations, that Senator fails in having accumulated sufficient arguments of a substantial character to answer those which have been made by those with whom he is contending.

But the Senator says the same thing does not affect his side of the Chamber, and he alluded to the Senator from Indiana and myself as being in a contest here as to which one should do the most for Dakota. Mr. President, whatever may be thought of myself by others, I am sure that I stand upon a higher plane than that on which the Senator desires to place me. I am not governed by such small things as I find governing some men who think themselves great; I act from loftier motives and more elevated sentiments than that, and the men who attribute those things to others are sometimes actuated by those sentiments not calculated to be of an elevating character themselves. The Senator said he could not be actuated by any such ambition as that. Why? Because, he said, he was out of the pale. How out of the pale? I do not see why he is. I do not say that he has any such desire or that it would influence him; I would not believe that about him, although his estimate of myself is on that low plane; but I say to him he is no more out of the pale than anybody else on his side of politics in this country. He is not to be discarded for that or any other position. There is nothing in the Constitution that would prevent his aspirations and certainly nothing in the Democratic party that would affect him in the slightest in that direction.

Mr. BUTLER. Now, I hope the Senator——

The PRESIDING OFFICER. Does the Senator from Illinois yield?

Mr. LOGAN. Certainly.

Mr. BUTLER. Allow me to remark that what I said on that subject was really more by way of badinage than anything else, and I am sorry to see the Senator taking it so seriously. I did not mean at all to belittle the honorable Senator, for I have the greatest respect for him. I think he is quite worthy to be a candidate for the Presidency or any other office.

Mr. LOGAN. I am not a candidate for any office.

Mr. BUTLER. I said that really more by way of badinage than anything else.

Mr. LOGAN. I did not so understand the Senator; but no matter; let it pass for the present.

Again, sir, before moving in the direction of the constitutional question, I can not understand why it is that the Senator from South Carolina and another, whose absence I deplore, drag in the question of "soldier" all the time. Who has done that? The Senator says I flaunt—I use his very word; while pointing over to this side of the Chamber, said, "Why do you flaunt their performances in our faces every day?" Flaunt their performances! He can correct it if he thinks the English is not good.

Mr. BUTLER. Well, Mr. President, I will allow the Senator to correct my English for me.

Mr. LOGAN. No, sir; I do not desire to do it. I have enough to do to attend to my own. Who has done this offensive thing?

Mr. BUTLER. I must do the honorable Senator the justice to say that he has not.

Mr. LOGAN. I am very much obliged to the Senator; I hope I shall not, for if there is anything I have a contempt for it is the speaking of a man's own exploits. The Senator, however, said, probably in the heat of debate—in his cooler moments he perhaps would not have said it—that a certain man—I do not remember the name—a soldier from Dakota——

Mr. BUTLER. Boynton.

Mr. LOGAN. That Mr. Boynton was a private soldier. Well, sir, if he was, he is entitled to just as much credit in proportion to the duty he performed as if he had commanded the whole Army. "But," said the Senator, "while he was bearing a musket gentlemen on that side of the Chamber were resting in their tents." I do not know to whom the Senator alluded by this remark.

Mr. BUTLER. No; I said some of them; I did not say the gentlemen on that side.

Mr. LOGAN. That was an unkind remark, and I think the Senator if he will reflect will see that it was. I will not say that "he was resting in his tent," yet I do not think he ever carried a musket.

Mr. BUTLER. Pretty low down.

Mr. LOGAN. Those little things that are thrown out occasionally for the purpose—and if not are certainly calculated to raise a prejudice between soldier and officer, between those who occupied what are called inferior positions and those who occupied what are called higher positions in the Union Army—that is not the character of speech that I think is well in the discussion of a great question of this kind.

Mr. BUTLER. I think I ought to say in behalf of Mr. Boynton that I was informed that he entered as a private but became an officer before the end of the war. He served four and a half years.

Mr. LOGAN. No disgrace to him that he was a private. The only thing I object to is the allusion.

But, sir, the Senator then said that we make faces at his State. Well, I have known little boys who would run to their mother and say, "Jimmie Johnson made a face at me," or "was making mouths at me," but I never knew a man to do it before. [Laughter.]

Mr. BUTLER. I must confess I never saw it before myself.

Mr. LOGAN. Making faces at South Carolina! I have not heard of anybody making faces at South Carolina, nor have I heard of any one making faces at any other States. I tried to say the other day—perhaps I was not understood—that South Carolina had been in the lead for fifty years as far as the Democratic party was concerned, that all the ideas upon which the Democratic party fed germinated in that State. Now, sir, if the Senator believes the Democratic party is patriotic, devoted to the country, and is the great party that he claims it to be, I ask him if that is making faces at South Carolina? I said she had been in the lead, and I state to-day she is in the lead, that the honorable Senator from South Carolina, representing that people on this floor, is in the lead in opposition to the admission of the new State of Dakota with a quarter of a million of citizens good and true, as a sister State in this Union. Is that not true?

Mr. BUTLER. No, sir. I think the Senator has not stated my position fairly. I am not in opposition to the admission of the State of Dakota into the Union. I am opposed to this proceeding before the Senate, but not opposed to her admission. The Senator will allow me to be more explicit. I am opposed to her admission under the proceedings which the Senator from Indiana has presented to the Senate. If she came here under different circumstances I should be glad to vote for her admission.

Mr. LOGAN. I will not retract what I have said for this reason—and the Senator will understand that I mean it out of no disrespect to him or his argument—but as I said, the Senator is in the lead in opposition to the admission of the new State of Dakota. The new State of Dakota applies here to-day for admission, and he is the objector. I suppose he looks upon it now as it comes as though it was a ghost appearing in a questionable shape, so much so that the Senator desires it may be driven away until it is clothed in a different garb, and then if it becomes more beautiful to him he may admit it into his presence. Until it does so, he objects.

Mr. BUTLER. The Senator has expressed really my view with so much classic grace and beauty that I am almost tempted to accept his quotation from Shakespeare; but that is not exactly——

Mr. LOGAN. I did not attempt to make any particular quotation.

Mr. BUTLER. The Senator referred to Banquo's ghost, and I believe Shakespeare is the authority for that.

Mr. LOGAN. It was a mere reference.

When the Senator spoke of the Senator from Indiana thrashing the old straw, the Senator in his wanderings after the Senator from Indiana reminded me of a man in dreamland, where he first imagines himself on a high mountain and ready to fall over some great precipice; next crossing an immense stream; then riding upon the boisterous billows of a mighty ocean; then almost falling into a fire; and then again some beautiful scenery rises before his eyes on which he gazes for a moment, then plunging into some vast abyss where darkness and gloom hang about him and all the terrible thoughts that man's imagination is capable of. The Senator traveled all around soldier, citizen, newspaper, pamphlet, over States, Territories, empires, Indians, sandy plains, des-

erts, and Presidential elections, and in fact everything except the main question, and if he approached that it was when I was absent.

Mr. President, what is the main question? It is, Shall a new State, formed and fashioned regularly in accordance with law, with a convention assembled by virtue of law, preparing a constitution and submitting it to the people, who voted for and adopted it, and sent their agents here as petitioners to the Congress of the United States, with a sufficient population, with a sufficient number of square miles, with sufficient wealth, industry, energy, education, and all the requirements necessary to make a State, be admitted as a State? That is the proposition. If he touched it, I did not hear him. If he met the question, I did not hear it.

The Constitution does not prescribe the mode; the Constitution only provides for the admission by Congress of new States into the Union if they come in proper form. What is the form? Two modes are pointed out. One is by an enabling act, which is passed by Congress, giving authority to the Territory to form a constitution and be admitted into the Union under certain conditions prescribed by Congress. The other is where the State has all the prerequisites, the population, the wealth, the industry, energy, civilization, good-will toward the Government, and a constitution republican in form. All these are present with the Territory of Dakota.

First, the objection is made, as I said day before yesterday, because the population is not distributed. Second, it is said you must cut north and south a Territory 350 miles wide and over 400 miles long, divide it and make two shoestrings out of it. To make that character of a State is the desire, I suppose, of some of the Senators who say they would admit it as a State if it came in proper form. The form that they desire is to cut it clear down between the eyes, half-and-half, and they will take one half and take the chances that the other half will never get in. That is a strange proposition, but that is one of the propositions.

These objections do not meet the argument in favor of the admission of this State, or Territory, as the Senators on the other side call it. I call it an inchoate State. The Constitution provides for the admission of new States, not Territories. In other words, it is the admission of a Territory which has organized itself in the form and clothed itself with all the necessary paraphernalia of a State; when all that is done, all then that is wanting to make it a State on a perfect equality with each and every other State is the assent of Congress to her sovereignty as such.

That is the request made for Dakota, and that request is denied by statesmen representing States on this floor which were admitted into the Union under more unfavorable circumstances than those under which this Territory comes here. I did say, and I hope I will be pardoned for repeating it, that the only objection which can possibly be made to the admission of Dakota into the Union is its political character. Other objections are made, it is true, but they are made so that men may have an excuse furnished as a slight justification for refusing her admission into the Union.

Senators may say what they please, Senators may higgle as they choose, and stick in the bark as much as they desire, but I tell you the people of this country have a keen sense of justice, and when you tell them that you refuse to admit Dakota because some little clique, as you say, was urging admission, the people will ask you, "Did she not have the requisite population?" You must say "yes." They will ask you, "Did she not have the requisite number of square miles in area?" "Yes." "Did not the people have the intelligence?" "Yes." "Did they not have the wealth?" "Yes." "Did they not have all the educational facilities that are necessary?" "Yes." "Then why did you not admit her?" You will answer, "Because she did not have an enabling act." Then they will reply to you, "Eleven States have been admitted on the very basis on which she asked admission, and they were not as well equipped as new States as she is to-day; and why, then, did you keep her out?" The people will ask you these questions; and you may argue with them, but you will not convince them with the flimsy objections that have been made, but the common sense of the people who do not go into technicalities will say, "Well, I can not see why this State should not be admitted into the Union." The common sense of mankind will say, "It is an injustice; it is a wrong;" and your people in the States where political excitement does not run so high as it does in others will say, "I can not see the reason for objecting to the admission of Dakota."

This will be the judgment and verdict of the American people, and the longer you keep this issue before them the more intense it will become in favor of justice being done these people. It is strange, I must say, when a quarter of a million people who have been citizens of former States, permitted to participate in the affairs of the government, who have collected themselves together in new homes in the far West where they have gone to blaze the road of civilization that your descendants may follow hereafter, where the church spires point heavenward and the school-house shows that enlightenment is abroad in that land, come and beg of you to give them the same rights conferred upon you, it is hard, Mr. President, yes, it is hard, that these people shall be denied these rights. The denial of rights to American citizens has been before in this land, but whenever discovered by the people those who have denied them have gone down, and the time will come when the people will respond in favor of justice to our Dakota fellow-citizens.

Mr. President, I have said much more than I intended when I rose, and in conclusion I only desire to say that at the door of this great Capitol of this nation stands a quarter of a million American citizens, good, loyal, and true, asking that justice may be meted out to them, that they may have a right to a place on the flag that represents this mighty Republic; that in that cluster of stars theirs may be fixed and be permitted to reflect its glory upon rising generations, and be counted as one in the galaxy of States united in one great and prosperous nation.

Mr. MORGAN. Mr. President, in the part that I have taken in this debate I have not attempted to introduce any political consideration, or at least any consideration that relates to the opinions of political parties as they now exist in this country. I have tried to place it upon grounds which I think are entirely defensible. I started out with the proposition that if I should make my positions plain to the satisfaction of my own constituents and to my own satisfaction, I should have succeeded in all that I desired to do.

I think it is to be regretted that the debate on so important a question as this, one that ought to go upon very high grounds, should be mixed up with mere political considerations. I felt that the honorable Senator from Illinois who has just taken his seat did himself, rather than us, an injustice when he said that we might argue as we pleased or might state as we pleased, we might do anything we pleased, we might asseverate as we pleased, but that after all the opposition we had to the passage of the bill was based solely upon the fact that this was a prospective Republican State coming into the Union.

I confess that I do not know how to meet a statement of that kind. When I make a statement on this floor and defend it by argument and by facts to the satisfaction of those by whom I am surrounded and to the satisfaction of myself, I stand upon the argument and stand upon the facts and stand upon the result, and the Senator from Illinois has no right to say to me, "Your argument is strong, I can not answer it; your facts are true, I can not deny them; your conclusions are just, I can not refute them; but the motive that actuates you is not a correct motive; you are a Democrat, and you want to keep a Republican State out of the Union."

Suppose I should retort upon this honorable leader of the great Republican party and should say, "You want more States in the Union that are Republican the next time you are nominated for the Presidency than you had before, so that you can get elected, when you were not elected the last time." Suppose I should put it in that light; it might do perhaps great injustice to the Senator—not more, however, than the imputation he casts upon me and upon this side of the Chamber. Suppose I should say to him that there are nearly 500,000 people in Dakota, the great majority of whom are Republicans, and that he desires to cut up that great Republican Territory into two States for the purpose of maintaining a power in the Senate of the United States which perhaps he might hereafter lose and that very early; that might be unjust to the Senator from Illinois, but it would be a conclusion against him quite as natural as his conclusion against me, that I oppose the admission of part of Dakota as a State without the consent of the people of the whole of that State, and without their having been consulted about it, because it is Republican.

There is a way to determine this question, and only one way to do it, and that is by the votes of the men in the Senate who have a right to vote, of the men in the other House who have a right to vote, and the action of the President of the United States, who has the right to approve or the right to veto. We can not determine this controversy either in morality or in law otherwise than according to law. What I am trying to ascertain, and all that I am trying to ascertain, is whether Dakota is here. I have argued that Dakota is not here. Dakota as known in the law is not here. The people of Dakota as known in the law are not here. Five hundred thousand people are not here, represented by 25,000 voters, neither are 300,000 people here, represented by 25,000 voters. A mere fragment, a vulgar fraction, if you will allow the expression, of the people of Dakota are here represented by the men who seek to come into the Union.

Therefore I contend, and I contend rightly, that the people of that organization as known to the laws of the United States have never been here; and when they did first come and first attempt to come in they were met and repelled by Republicans, and not by Democrats. They were criticised for their public immoralities; they were accused of being repudiators of their own debts. It was said that the Legislature of Dakota, after a decision of the Supreme Court had been made, refused to pay the public debt, and that they would not have a State to come into the Union with any such brand upon it. That, I am very glad to know, has been removed, and Dakota has learned its duty, and has brought itself now into a position where that stigma placed upon it, not by Democrats, but by Republicans, has been removed.

I maintain that the people of Dakota are entitled to admission into the American Union. They have got the population, they have got the wealth, they have got the boundaries, they have got every element of civil power splendidly developed, and they are entitled to admission into the Union; and I think that it is an outrage and an insult to that great people for the Congress of the United States to become a participant in an act by which that Territory is to be divided without the con-

sent of Congress, and a portion of those people, without consulting the rest, are to bring one-half of that Territory into the Union.

I do not believe that the people of North Dakota desire it, and so I have asserted. I do that upon evidence which convinces me beyond all question. I am sure that if this very day the vote could be left to the people of Dakota at large whether their Territory should be divided north and south or east and west, that vote would be against division and those people would come in as a unit.

I shall not go over the ground that I have debated on this subject, for I rose merely for the purpose of trying to correct some incorrect impressions which came from the speech of the Senator from Indiana, the chairman of the committee. That Senator yesterday found that it was entirely convenient to ignore the first section of his bill, because he had, unwittingly, I suppose, run upon a rock in trying to navigate these shoals. He found, as was attempted in the case of Michigan, that his bill was to bring a State government into the Union, with Senators and a Representative in the other House, a governor, a supreme court, and all the paraphernalia of a thoroughly organized State by an act of Congress. When I asked him the question the other day, being on the floor, if the other House should strike out the last clause of the first section of the bill, which reads as follows—

> And that the constitution and State government which the people of Dakota have formed for themselves be, and the same are hereby, accepted, ratified, and confirmed—

whether then he would be willing to vote for his own bill, the honorable Senator said that if a reasonable proposition or any reasonable assurance would come from this side of the Chamber (he always puts it on this side of the Chamber) that we would be willing to do anything in reason to bring in Dakota, he would be found willing to modify his views so as to join hands with us and let this one-half of the State in. Is it not a reasonable proposition that we shall admit the whole State? The Senator says, no; he wants two States.

> Insatiate archer! could not one suffice?

After Dakota comes into the Union there is nothing easier than to have the State divided by consent of Dakota and the American Union, provided the States of the Union will vote for it.

The honorable Senator, however, said yesterday that he was proposing to do nothing in this bill but simply to bring Dakota as a State with her constitution into the Union, and he was startled and astounded that anybody should be disposed to vote against the bill, which was so entirely fair and clear upon that proposition; and yet he was willing that the last clause should go out of the first section. Let me ask what else is it but the legislating of Senators into this body and of a Representative into the other body, providing as follows:

> And that the constitution and State government which the people of Dakota have formed for themselves be, and the same are hereby, accepted, ratified, and confirmed.

Mr. HARRISON. Would it interrupt the Senator from Alabama if I should ask him a question.

Mr. MORGAN. Not at all, I think.

Mr. HARRISON. Is the Senator able to point to the case of a State coming in even under an enabling act where her Senators did not come here with her constitution?

Mr. MORGAN. Of course they would come with the constitution.

Mr. HARRISON. So when Congress accepted that constitution and accepted the State government, the Senators who had already been elected were admitted.

Mr. MORGAN. There is a very great difference between allowing Senators to come upon this floor, which can be done by a vote of this body after a State has been admitted into the Union, and voting all the officers of that State from governor down into office.

Mr. HARRISON. May I ask the Senator if the language used in the bill is not exactly the language that has been used in all such bills where a State came here with a constitution?

Mr. MORGAN. No, sir; not all, I think. If it had been used in every one before this time, the honorable Senator must see the point which was made this morning in the argument of the Senator from South Carolina that States may elect Senators and States may elect members of the House of Representatives, but before such an election can be ratified by the Congress of the United States it must appear that a State has done it. There is no power whatever in Congress to give any such ratification as is here proposed. No, sir; they thought that would slip through the drive without anybody seeing it, I suppose. This band of enlightened patriots of whom we have heard so much, who have got themselves in the shape of Senators and Representatives and governors and the like of that, expected that they would come in as a body, voted in by the Senate of the United States, when the Constitution stood here confronting us and saying that nobody but States can make Senators.

Let the Senator answer that argument, and after he has done, so if he can convince me or any other reasonable man about it, then he can say that I am opposed to the bill because it is a Republican State that is coming in. So far from answering it, or being able to do so, the Senator will have to clear up with this body, and with the country, and with the people of Dakota the fact which he announced on the floor the other day, that if the other House were to strike out that proposition he would still be willing to admit the State without this coterie of officers. That is the situation.

The honorable Senator has made various allusions to this side of the Chamber. He identifies us. Yet I know that on this side of the Chamber there is considerable disagreement about one proposition in this matter, to say the least, as to the question of preference between the bill of the Senator from South Carolina and the bill of the Senator from Missouri in regard to the preparation of the Territory for admission into the Union. The Senator from South Carolina proposes a measure here which brings the entire Territory in and leaves it to the whole body of citizenship within the boundaries defined by the act of Congress to say whether they want to come in or not. It gives the whole State ample power to perform the same functions that they are petitioning now to come in with by the consent of Congress. The Senator from Missouri proposes to divide that Territory by the line of the Missouri River until you approach a certain region of longitude and then run due north to the northern boundary of the Territory.

These propositions are not equally popular on this side of the Chamber. There are some Senators who side with the Senator from Missouri in his view of it, and there are others who side with the Senator from South Carolina. I take the ground with the Senator from South Carolina that while the act of Congress remains this is an entire commonwealth, with defined boundaries and a certain organized citizenship and a government that we recognize, and it is our duty to provide for the admission of that Territory into the Union, and if we want to create two Territories pass an act to do it and then let either of them come in.

The question whether we should pass an act running the line along the Missouri River is a very interesting one. The Senator from Missouri sustained his side of the case upon facts and arguments almost conclusive. The one great fact which he presented, which to my mind is stronger than any of the rest, is that the great Sioux reservation lies within the boundaries of Dakota just west of the Missouri River. It might not be a convenient thing for us to cut that Territory through on the line of the forty-sixth parallel, placing the great Sioux reservation in the western half of the State. While it is a Territory and while we have absolute power over those people, it is hard enough to keep the peace there and to prevent aggressions of Indians upon white people and of white people upon Indians. We have had trouble enough with them. Put it in the bosom of a State and your troubles are increased. The first thing you know you may have a question like that between Georgia and the Cherokees to be determined. If the Territory is to be divided, I would very much prefer the line of the Missouri River for that one great reason if for no other. But if we divide on that line the Territory out to the western border of Dakota will be a long time growing into Statehood. It is largely a grazing country, largely a mineral country, extensively covered with forests, and its agricultural area is quite small. The portion of it west of the Missouri River will be a long time forming into Statehood. I repeat an observation that I made the other day on this floor, that if I were a citizen of Dakota it would be the last vote I would ever give to reduce the borders of that great commonwealth. But I pass from that.

I supposed this was a subject which could be debated. I did not suppose that it was a subject which could only be wrangled over by politicians and in a political way. The honorable Senator from Indiana did not content himself with a political wrangle on this question. He had found occasion to assail the whole policy, not merely of the Democratic party but of the Southern States in regard to this business. He gave me to understand in regard to the votes in my own State that he would give me enough of it before I got through. I had enough of it then; I was full of that emptiness at that time; and so I retired to the cloakroom and went to sleep.

The Senator from Indiana was going to give me enough of it. Enough of what? Enough of the reproaches he thought he could cast on my State because his ticket down there last year did not draw out a very large vote. Let us compare these cases and see whether they are analogous. Here is a question of Statehood presented to the people of Southern Dakota. Here is a question of division upon the line of the forty-sixth parallel presented to the people of Southern Dakota. Here is something about which they are clamoring until they make the heavens blue with their complaints because we will not vote them in the moment they come to the threshold of the Senate. The Legislature passes a law, makes appropriations, provides an executive committee to conduct the elections for delegates and spends the $20,000 appropriated in maintaining the delegations when they get to Huron. It empowers that executive committee also to create a debt against the coming State for whatever expenses are not met by the $20,000. You shall not legislate, they say, except for the purpose of bringing this State into the Union, but you may legislate to bind the future State by the creation of a debt upon it to cover the expenses of bringing the State in. This *imperium in imperio* has the power of legislation given to it by the organic act and by the ordinance of that organic convention to tax the people of Dakota by a debt that they can create and that the Legislature is authorized and required to meet. They have met and they have elected Senators to this body; and I suppose that if the police or the constables in Dakota had gone to them for the purpose of breaking up the meeting as an unlawful assemblage their sergeant-at-arms would

have taken them and lodged them in jail for standing in contumely and contempt of the sovereign power of the little junta that met there at Huron. Coming here with all legislative powers as far as they dare to go, they stop just at the line where their action would not become violently opposed to the laws of the United States.

In defense and vindication of this little squad in Southern Dakota the Senator finds it necessary to say that because the people of Southern Dakota would not vote for it, would not come out, and did not respect it enough to pay any attention to it, the people in Alabama did not respect the Presidential election sufficiently, he says, to come out at the last election. The Republican ticket in Alabama did not have that great supremacy of popularity in my State to make it necessary for our people to come out to beat it. We knew that we could beat it without any difficulty, because the Republicans themselves did not care anything about it.

How was it with this constitution and this division of the territory in Dakota, the most supreme question that was ever submitted to those people, if it was any question at all? It is complained here that the Democratic party through its committee caused the people not to go to the polls, and in that way the fact is to be accounted for that the constitution only got 25,000 votes. The power of the Democratic party in that Territory seems to be much greater than I supposed it was. Are they in the majority? Fifty-seven thousand votes were cast for the last Delegate in those same counties, if I have the figures right. Some say the vote was 54,000, and others say it was 57,000. Take it at 54,000; where were all the rest of the voters? Were they Democrats? If so, these Senators are violating the first principles of political morality, as they understand it, by bringing a State into the Union without the consent of the majority, they being Democrats, in South Dakota. How does that look?

Were all the men who staid away Democrats? The honorable Senators know that they did not have a majority of the voters of South Dakota in support of this proposition, to say nothing about a majority of the voters of all Dakota. There is perhaps a proper comparison of the fact, and it shows the value of the parallel the honorable Senators are trying to draw between the falling away of the vote in Alabama at the last Presidential election and the falling away of the vote in South Dakota. The people of Southern Dakota had no respect for the convention at Huron. They did not believe that it was anything else than a political exploit. They thought its result was a mere tentative measure, through which, perhaps, some men might flatter themselves that they would get in here as Senators and in the other House as Representatives and into the State offices, and get the control of power, as was said here, by a snap judgment. The people staid away from the polls; they would have nothing to do with the election. That this constitution is to-day destroyed by the severe contempt and silence of the people of Southern Dakota is the fact about it. It can not survive their contempt; it can not outlive their silent opposition.

The honorable Senator from Indiana said, speaking of the question of our discriminating between Dakota as presented here and other States that had been admitted into the Union heretofore:

> Why this discrimination? Will Senators from the Southwest and West tell me upon what ground they justify themselves? I have heard in the not distant past the suggestion coming from gentlemen from the Southwest and South that New England had too large a control in the Senate of the United States, that the smaller States of the original confederation had an overweening and controlling power here in the higher branch of Congress. Yet these gentlemen now insist that it shall be the policy of the West and Southwest to demand that Dakota shall have 150,000 square miles and only two representatives in the Senate of the United States.
>
> Is it not possible, Senators, that divisions may sometimes be drawn on other lines? Is it not possible that this discrimination against the great agricultural populations of the West may yet come home to plague you? Is it not possible that this disposition to magnify and conserve and increase the representation of the smaller States here may yet be in your way in the consideration of some of the great questions of finance and revenue? Is it to be true by your votes that these great agricultural regions of the West shall be diminished in their representation in the Senate? If so, let us have the record made.

I maintain for the Southern States that as long as they had any liberty of action they always voted for the admission of States into this Union whether they were Democratic or not Democratic. Whenever the conditions of law were reasonably complied with, and whenever they could do so without fostering and encouraging a spirit of rebellion against the laws, they always did so. Who brought that Territory into the Union out of which this State is going to be composed? Thomas Jefferson and the Democratic party, aided only by one prominent man in the North, and that was Alexander Hamilton. What was the attitude of the South in regard to the division of that country into Territories and afterward States? It was acquired for the purpose of being made into States; and no Southern man has ever objected to any Northern States coming into the Union except when the question of slavery became so intensified as that it was a struggle of life and death with us whether we should maintain the equilibrium of power in this body and in the other House; for whatever else may be said about the slavery question and the slavery issue, this is true of it, that it was to the people of the South a question of $3,000,000,000 of property; it was a question that related to every household in the land; it was a question whether there should be political and social equality between our servants and ourselves; it was a question that was surrounded and fortified in the very citadel of the Constitution, and what we did and what we said in admitting States and afterward in going out ourselves and fighting the battles of the confederacy was all done upon the honest conviction, which no man has ever yet denied, that the Constitution did protect our property, and we believed that that Constitution was violated. So much for that now; so much for all of the slavery question that has been drawn in here.

I could retort upon the honorable Senators by saying that perhaps two-thirds of the slaves who were brought into the American Union came through the New England States, and that while they sent their slavers out to catch the slaves in Africa they prayed for the blessings of Almighty God upon the captains of the slavers that they might have a successful voyage and return home in peace and quietude to enjoy the liberties of their country.

But we brought the Territory in, and we brought it in to make States of it. That was our purpose and has always been our purpose, and we have never flinched from it, unless is was at times when we said "we want another State to come in with a Northern State in order to maintain the balance of power, so that you shall not transgress the Constitution of the country and put us to cutting each other's throats."

I wish to call the honorable Senators' attention to the place where the opposition comes from about cutting up that Territory into States. The effort is made to charge it upon the Democratic party, to charge it upon the Democratic party of the South, to charge it upon that portion of the Democratic party who represent what were called the rebel States of this country. I want to show from the history of the country how far that was true.

Mr. HARRISON. If it will relieve the Senator from any trouble I will state that I took no such position. On the other hand, I said that in all the history of the past the Democratic party had been in favor of admitting States, and that they were turning back on their record when now the Senators on the other side opposed the admission of Dakota.

Mr. MORGAN. The Senator from Indiana turns to this side of the Chamber as the men who are opposing the admission of this State and turns to New England as the country that has always been willing to have States formed.

Mr. HARRISON. There is not a hint of such a thing in anything I said. On the other hand, I said the Democratic party would be turning back on its whole record as to the admission of States in its opposition to Dakota.

Mr. MORGAN. Then why should the honorable Senator have appealed to sectional questions on this great issue? Why does he try to array New England against the South and the Southwest and the West upon this question? I am glad the honorable Senator disclaims, but I want the facts to go out with his speech, so that those who do not happen to hear his disclaimer may know how thoroughly he is defeated on the facts. I read from Von Holst's Constitutional History of the United States, which I believe is a good authority, at least upon historical questions:

> In the resolutions of the Hartford convention, of which more will be said below, it was declared necessary that there should be an amendment to the Constitution, limiting still further the right of Congress to admit new States into the Union. The grounds of the demand are as follows: "At the adoption of the Constitution a certain balance of power among the original parties was considered to exist, and there was at that time, and yet is, among those parties a strong affinity between their great and general interests. By the admission of these States that balance has been materially affected, and, unless the practice is modified, must ultimately be destroyed. The Southern States will first avail themselves of their new confederates to govern the East, and finally the Western States, multiplied in number and augmented in population, will control the interests of the whole. Thus, for the sake of present power, the Southern States will be common sufferers with the East in the loss of permanent advantages. None of the old States can find an interest in creating prematurely an overwhelming Western influence, which may hereafter discern, as it has heretofore, benefits to be derived to them by wars and commercial restrictions." (Dwight's *History of the Hartford Convention*, page 371.) At the same time a New England paper wrote: "The Western States beyond the mountains are not taken into view in this connection for any other purpose than to show that they do not, ought not, and never can belong to the Union. Let the Western States go off and take care of themselves." (Ingersoll's *Second War between the United States of America and Great Britain*, page 225.)
>
> Plumer, of New Hampshire, declared in the Senate: "Admit this Western world into the Union and you destroy at once the weight and importance of the Eastern States and compel them to establish a separate independent empire." And thus Griswold, of Connecticut, who was looked upon as the leader of the Federalists, said in the House, October 25, 1803: "The vast, unmanageable extent which the accession of Louisiana will give to the United States, the consequent dispersion of our population, and the distribution of the balance which it is so important to maintain between the Eastern and Western States, threatens, at no very distant day, the subversion of our Union."—*Von Holst's Constitutional History of the United States*, volume 1, page 187.

I wonder if the honorable Senator from Indiana had that in mind when he made that prophecy and that appeal combined to the South and the Southwest and the West. I discard, as I have always discarded, the action and the doctrines of that Hartford convention. They intended to get the whole power of this Government in their own hands; or rather, having got it, they intended to hold it at every peril. The Southern people have acted just on the reverse rule. They acquired the Louisiana territory for this country. It started on the Southern coast and it ran to Canada and to the far West. I shall never object to a State coming in from that Territory; I could not do so without reversing the traditions of the South and all of the policies and precedents established by the Democratic party of this country.

Now, sir, I trust that I have at least, vindicated the people of the South

and Southwest in this one particular, and that no Senator will ever point his finger at me and say that the South has shown a disposition to prevent the coming in of new States from this Louisiana purchase until at least he has first answered the arguments of the New England people upon that question and has shown where the true opposition started to the formation of States in the West. I repeat on this floor that the first objection I ever heard made to Dakota in the Senate came from New England, not from the South or the West. We are acting in good faith about this matter and we do not intend to be cheated. We are willing for Dakota to come in, but we are not willing to assist in the division of that Territory at the bidding and behest of a few men who assume to themselves the right to control the public opinion of a half million of people though only 25,000 strong, a lot of politicians congregated together for the purpose of capturing a State, as they would lasso a wild steer on the prairies, and haul it into the Union by the horns.

Senators may reproach us if they choose, they may misunderstand our views and our sentiments if they choose, but they can neither frighten us nor seduce us to cast our votes for any such contemptible scheme as this is.

Mr. PLUMB addressed the Senate. [See Appendix.]

Mr. HARRISON. Mr. President——

Mr. PAYNE. I rise to a matter of privilege.

Mr. HARRISON. I yield to the Senator from Ohio.

CREDENTIALS.

Mr. PAYNE. I present the credentials of Hon. JOHN SHERMAN, re-elected to this body. I ask that they be read and placed on file.

The credentials of JOHN SHERMAN, chosen by the Legislature of Ohio a Senator from that State for the term beginning March 4, 1887, were read, and ordered to be filed.

Mr. EDMUNDS. Let us hear the proceedings. The paper from the governor just read refers to accompanying proceedings of the Legislature. I ask that they be read, because some other credentials which have been sent here have been extremely defective. I hope they are not in this case.

The PRESIDENT *pro tempore*. The proceedings of the two houses of the Legislature will be read.

The Chief Clerk read the proceedings of the Legislature accompanying the certificate of the governor of Ohio.

Mr. EDMUNDS. That is a good certificate in every respect.

The PRESIDENT *pro tempore*. The credentials will be placed on file.

PRINTING OF A BILL.

Mr. MORRILL. I ask for an order to reprint a bill which I am informed has been exhausted.

By unanimous consent it was

Ordered, That 500 extra copies of the bill (S. 1276) to amend an act entitled "An act to authorize the coinage of the standard silver dollar and to restore its legal-tender quality," passed February 28, 1878, be printed for the use of the Senate.

SITE OF FORT BRADY.

Mr. CONGER. I move to reconsider the vote by which the bill (S. 753) to provide for the sale of the old site of Fort Brady, Michigan, and for a new site and the construction of suitable buildings thereon, was passed to-day. I now enter the motion; I will not call it up to-day.

The PRESIDENT *pro tempore*. The Senator from Michigan moves to reconsider the vote by which Senate bill No. 753 was passed. The motion will be entered.

ADMISSION OF DAKOTA.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (S. 967) to provide for the admission of the State of Dakota into the Union and for the organization of the Territory of Lincoln.

Mr. HARRISON. Mr. President, at this hour of the day I could not excuse myself in protracting this debate, particularly as I have requested Senators to remain that we may vote on this bill to-day and dispose of it; but there are two or three personal references in the remarks of the Senator from South Carolina [Mr. BUTLER] to which I will give very brief attention.

That Senator is very felicitous and gracious and deferential to the views and opinions and character of others. He began his remarks by an assault upon me because I had not mentioned in connection with the Yankton County bond matter that a Senator or two on this side of the Chamber had opposed the admission of Dakota on that ground. Sir, the point I was undertaking to make in connection with my argument was that the Senators on that side of the Chamber made no progress in the consideration of this question at all; that when the matter of objection as to the Yankton County bonds was wholly removed they were found still in their same old position of obstinate resistance to the admission of Dakota. The Senator from Maine, representing some of his people, felt that Yankton County had been guilty of a breach of faith toward her creditors and that the Territory of Dakota had complicated herself in that act of repudiation; but the very moment that matter was set right, as it has been set right by the refunding of the debt dollar for dollar and a proper arrangement for the payment of those bonds, he surrendered his opposition and is now favoring the admission of Dakota. But has it made the slightest difference in the attitude of the Senator from Missouri? Has it in any degree more kindly disposed the Senator from South Carolina? Not a whit, Mr. President.

What argument may I draw from that? That so far as this objection was used by those Senators it was at the time a pretext and an excuse; that and nothing more. If their objection had been based upon the Yankton County bond matter, when that was cleared up they would have yielded their opposition; but, as I said yesterday, it only assumed another shape.

The Senator said I had been thrashing over old straw, and he complained of it. I do not wonder that the twice-thrashed straw cries out against the flail.

He said I had been going into by-paths in this discussion. I do not wonder that one who has been following the endless round of the bark-mill in the discussion thinks that the roadster who goes by on the road is lost.

Where is this discussion, I repeat again? The Senator from South Carolina by the hour argued that the vote upon this constitution in Dakota is not sufficient to stamp it with the popular approval. Does he mean that? Does it influence his judgment in the smallest degree? If it did he would propose that this constitution should be resubmitted to the people for a popular vote. But he makes no such proposition. He argues again that the people are opposed to division. Does he propose to submit that question to the people of Dakota in any form? Not at all. He proposes to settle it himself and to say that there shall be no division.

Now, Mr. President, I repeat that when Senators spend their time in arguing such propositions and then offer amendments that are not calculated to test the popular support of this constitution or to test the popular opinion in Dakota as to division, but assuming those questions themselves, the one dividing the Territory upon the Missouri River and the other denying the division altogether, they are not sincere when they put their opposition upon the ground that there is not a popular acquiescence in this movement. The Senator from Vermont [Mr. EDMUNDS] asks me if there have been any memorials remonstrating against the division. I alluded to that yesterday. Not a popular convention, not a meeting of agriculturists, not a religious association of any kind, no body of men met together in North or in South Dakota have ever protested against this division. On the other hand, before it could be a question of politics, before any man could know what the politics of the States to be formed out of that Territory could be, her people settled upon the idea of division, and by memorials from their Legislature to Congress, by legislative enactments which assumed it for eleven years, have poured in upon Congress one uninterrupted and uniform expression in favor of division.

That is the history of this matter, and yet Senators who assume to attack the motives and to impute purposes to us ask that their opposition may be treated as sincere when the propositions they make to amend the bill lie right across the very arguments they make.

Mr. President, the Senator from South Carolina said that I had impugned the character of Mr. Boynton. It is not true, sir, and the RECORD with my remarks in it was upon the table of the Senator when he made that statement. The Senator interrupted me, and asked if I meant to make any imputation upon the personal character of Mr. Boynton. I told him then that what I said of Mr. Boynton was simply this, that he was here denouncing the proceedings of the Sioux Falls convention of 1885 as a revolutionary proceeding, and that by the record on the files of the Territorial committee he had two years ago himself been a member of a constitutional convention called in a manner less orderly, and had there been an advocate of going on to the complete organization of a State government. That is what I said about him, and the Senator from South Carolina had the means of informing himself and did not need to let it rest in recollection.

He imputed to me a disposition to attack any man, and especially a Union soldier, because he was a Democrat! Mr. President, I have never anywhere or at any time, here or on the hustings, had but one voice upon this subject, and that was, that the man who in the hour of his country's need had bravely gone to the rescue, had exposed himself to shot and shell and saber-stroke in defense of the flag, was entitled to choose his own politics, and, while I might object to his taste, I had no criticisms for him.

Sir, who introduced all these personalities? Where has this tide of abuse which has been heaped upon citizens of Dakota had its strength? Not on this side of the Chamber; but Senators on that side of the Chamber from the very beginning of this debate have felt warranted in calling the men who had been conspicuous in this movement for the formation of a new State conspirators, ambitious and scheming politicians; and that course of vituperation has run through the whole debate on the part of gentlemen on the other side of the Chamber. What is the distinction between an ambitious politician and a statesman? Do all my friends on the other side of the Chamber fall into the list of statesmen? Have they no ambition? I appeal to Senators who have heard every word I have spoken in this debate from first to last whether I have not avoided, against strenuous temptation, the bringing into this debate of the private characters of men whose names have been drawn in here by the Senator from South Carolina, whose opposition to this bill

has been so intense that I never regarded him as within the reach of reason or logic. It has seemed to me that nothing but Pasteur's new treatment would do in his case.

Mr. President, I alluded to the vote of South Carolina and to the vote of Alabama; and how sensitive the Senator is! As the Senator from Illinois has said, the whole object, the whole force of the reference to the votes of these States was that if South Carolina voted only 44 per cent. in 1884 of her voting population in 1880 it ought not to be a conclusive objection to this constitution in Dakota that nearly 58 or quite 58 per cent. of her people had voted on the question. The Senator is so sensitive to the honor of his State that he is blind to the argument or the purpose for which the facts were used, and forthwith he rushes to the American Almanac to see if in any other States, as well as in those to which I referred, the vote in a Presidential election has been a less per cent. of the total vote than was given for this constitution in Dakota.

Mr. BUTLER. Where does the Senator get his information from?

Mr. HARRISON. I do not understand the Senator.

Mr. BUTLER. I asked where the Senator got his information from? Did he not read from that same almanac?

Mr. HARRISON. Yes, sir. I was not criticising the Senator's authority.

Mr. BUTLER. I thought you were.

Mr. HARRISON. I wish the Senator may always go to as reliable a book. I was only suggesting that the Senator's sensitiveness about what he thought to be a reflection upon South Carolina led him to bring in additional facts here to the Senate, and from the votes of other States to show us that the vote in Dakota was a very reasonable one after all. I do not undertake to account for this diminished vote in South Carolina. It must have been less than 40 per cent. of the voting population in 1884, for it was only 44 per cent. of that in 1880, four years before.

The Senator from South Carolina says that we did not encourage the Republicans down there to come out and vote; that they needed encouragement, and that the Senator from Illinois and other leaders of the Republican party failed to go down and encourage them. Well, Mr. President, they are a discouraged set, those Republicans in South Carolina. They have never had any encouragement since 1876, and the only efficient encouragement, according to their judgment, was the presence of some of the troops of the United States. We can not do that any more, and perhaps it never ought to have been done. But this is aside from the question altogether. The elections in South Carolina may be fair; everybody who wants to vote may have a chance to vote; all the talk of intimidation may be absolutely false; all the stories of bloodshed and violence and red-shirted cavalry may all be imagination; all the stories of tissue ballots may be vain and fraudulent. For the purposes of this argument I assume that they are; that there is nothing in them in the world; and yet I ask the Senator from South Carolina if in a Presidential election, if in the election of a Legislature that is to choose Senators for this body, 44 per cent. of the total vote in South Carolina is sufficiently expressive of the popular will there to choose these officers, may it not be that upon the mere question of voting on a constitution in Dakota 58 per cent. is enough?

Mr. President, whatever the Senator from Alabama may say, he and the Senator from South Carolina both know that a vote upon a constitution is not an exciting election. In my own State, in 1880, the people were called at a special election to vote for certain important amendments to the constitution of that State, and yet the vote was 140,000 short. Why was that? Simply because it is true that political contests between men, where political leaders are upon the stump, where candidates are soliciting popular suffrage, tend to bring out a larger vote than any mere abstract question upon the selection or rejection of a State constitution; and that is particularly true where the constitution itself does not present an issue, as in Kansas, between slavery and freedom.

The Senator from Alabama was also sensitive about the reference to his State. I selected those States because the Senators in whose States those votes were taken were the Senators on this floor who were urging this objection; not for any purpose of giving a sectional turn to this discussion, for, as I have said to the Senator from South Carolina, I do not care what the reason is, whether Republicans were discouraged because we did not go down there and help them and make speeches for them, or whatever explanation may be given of it. There is the fact that in his own State a very much smaller percentage of the population voted in a Presidential election than voted in Dakota for this constitution.

But, Mr. President, what is the use of discussing this with the Senator from South Carolina? If every adult male and female over the age of twenty-one years had voted for this constitution in South Dakota the Senator would not have favored it.

Mr. BUTLER. Now I will return the compliment of the Senator by saying that it is not true.

Mr. HARRISON. The Senator could not have favored it unless he has abandoned the argument which he has made, because he says those people, even if they all concurred, had no right to divide the Territory; and if I understand him now to say that if there had been unanimity in that vote he would have conceded the right of the people to divide the Territory without the consent of those living north of that line, then I submit again he has abandoned one of the fundamental lines of his argument in this case; and I assumed therefore that he would not have consented if the vote had been unanimous, because he could not do so without involving himself in contradiction with the rest of his argument.

The Senator from Alabama says that in his State the Democrats did not come out because the Republicans were so weak that they knew they could beat them and a great many of them staid at home. May it not be possible that notwithstanding these people in Alabama staid at home the result of the election is to be accepted? Who claims that in Dakota the election there was not well advertised; that polling places were not established convenient to every voter so that every one might vote if he pleased? Who denies it? That being so, with a fair opportunity to vote, abundant advertisement of the election, shall we say that 58 per cent. of the population is too small an expression of the popular will on this subject?

But, Mr. President, I will not protract this debate; I will not even restate the propositions upon which I rely; I only say that meeting the Senator from Alabama, who criticised an expression in the first section of the bill, I will presently move to strike out the words "and State government" with a view of ascertaining whether this objection upon which he dwelt so long was a serious one in his mind or will influence in any way his vote upon the bill.

Mr. BUTLER. I simply want to say one word. The Senator from Indiana says he thinks I ought to have Pasteur's treatment, which I believe is the inoculation of the virus of a mad dog. Does the Senator understand that I shall use the virus which comes from the Senator to inoculate me?

Mr. HARRISON. No, sir.

Mr. BUTLER. He has been very bitter, but I have not yet been bitten—by him.

Mr. HARRISON. That is very good. I would suggest the rabbit.

Mr. CALL. Mr. President, I do not propose to make a speech upon this bill, but I must before giving my vote on so important a measure state the grounds on which I shall vote. I do not wish to be regarded as being influenced in any vote which I shall give by many of the arguments and considerations which have been urged on this subject. I do not see that because there was a great civil conflict some years ago in which grave errors were committed in Kansas and elsewhere, to-day in legislating for sixty millions of people and for thirty-eight States to be a hundred in the near future, statesmen and men of reason are to be influenced in giving their votes because of the errors of a past generation or because mistakes of public policy were committed. If we can not rise to consider what these sixty millions of people need, such legislation as shall destroy the pauperism, the inequalities, the wrong, and the suffering which permeate the society of this country everywhere, but must spend our time in idle discussions of the past, we shall contribute but little to the character and the glory of this people and this great nation of States.

It matters not what Mr. Buchanan thought or what wrongs were committed in the Lecompton constitution, what evils were created by the great errors of policy on the part of Southern statesmen or Northern statesmen. Let the dead past bury its dead, and the Senators who to-day seek to represent States and the coming glories of another age and a greater age of human happiness must forget the past and rise to the consideration of the great practical questions of the day.

Why, sir, it seems to me that there ought to be but little trouble in coming to a conclusion on this subject which should satisfy all minds and demonstrate of itself its own propriety. What are the considerations that should govern in the admission of another State to this Union of States? They are but few, and they are plain. It does not concern alone the people of the State to be admitted. Thirty-eight States and sixty millions of other people, of whom they are a component part, have an interest in that question, and it must be decided in reference to not only the thirty-eight States of to-day and the sixty millions of people, but to the hundred millions of people that are soon to be here and the one hundred States of the not distant future.

Extent of territory and of population should decide the admission of new States in the great western empire of States yet to be created. What is that extent of territory? It must be measured by the question of representation in this body, which can not be changed, as it may be in the other House of Congress, by an increasing population. This must be regarded with a view to the hundred States which are soon to be represented here in this body. Manifestly that is true; and we can not regard legislation in reference to the admission of a State to-day and the extent of her territory without some consideration of what is due to the future representation in this body, some consideration of the convenience and necessities of business and legislation and the relative influence of States of larger and smaller size and the condition of public affairs, when a hundred States and a hundred millions of people will live under the protection of our Government.

But, sir, that is not all. Is it not too apparent for discussion, although we have been discussing the question here for days and days, that no State should be admitted without really ascertaining what is the desire of a majority of her people? Can there be any doubt about that? And is not the statement a fact that in this case it is an argument of inference, it is an argument of assumption and presumption, as to what a majority of the people of Dakota desire? Is it a difficult matter to

ascertain by some practical legislation? Are the statesmen of this day unable to devise a plan by which the clearly defined will of an actual majority of the people of Dakota shall be ascertained? And are we to have days of discussion and controversy here as to what is the wish of a majority of the people? Reliance is sought to be placed on the fact that a clearly ascertained minority, namely, twenty-seven or twenty-eight thousand actual votes out of more than 55,000 votes in South Dakota alone, favor the admission of the State of South Dakota.

Mr. EDMUNDS. May I ask the Senator from Florida a question?

Mr. CALL. Certainly.

Mr. EDMUNDS. Would the Senator from Florida vote for this bill with an amendment which provided for submitting this constitution to these people for their approval before it should go into effect?

Mr. CALL. I will state to the Senator very candidly that I think the first step most clearly ought to be to ascertain what is the will of a majority of the people, and it matters but little whether you call that an enabling act or by what you phrase it; it is the essential condition of any proper act that a majority of the people should have their will clearly expressed in some satisfactory and definite form.

Mr. EDMUNDS. Will my friend from Florida allow me to ask him which way he has answered my question?

Mr. CALL. Certainly I will. I think very clearly the Senator wishes to know what I would do in regard to this bill. I stated that the first step that should be taken by the honorable Senator, with his great experience here, should be to ascertain what a majority of the people of Dakota desire.

Mr. EDMUNDS. But if my friend will permit me——

Mr. CALL. Certainly.

Mr. EDMUNDS. I wish to ask the honorable Senator and all his associates who have found difficulties with this bill as it now stands, whether they would be willing to vote for it, considering the great number of this people and the fair fertility of that Territory, if it were provided that it should be sent back to this people, first, to ask them if they will take this constitution as it stands with their approval if we are willing that they should? Will he vote for it then?

Mr. CALL. I will say to the Senator from Vermont that I think, as I stated before, that if he will prepare a bill providing for submitting it to the whole people of Dakota to know, first, if they desire to come into the Union as an entire State; and, second, if they prefer to come into the Union as the State of Dakota or as two States, and authorizing them to form a constitution, allowing the whole population to vote and giving them notice under the authority of the Government that they are called upon to come forward and vote upon these propositions and upon the establishment of a constitution, I should vote for such a bill.

Mr. EDMUNDS. Yes; but may I ask the Senator—I do not wish to interrupt him without his consent.

Mr. CALL. I yield with pleasure.

Mr. EDMUNDS. Would the Senator and his associates, if they will not vote for this bill without an amendment which should provide for submitting this constitution to the people that framed it for their approval, vote for this bill with an amendment which should provide that this constitution shall be submitted to the whole people of the State of Dakota whether they are willing that South Dakota should be set up in this way?

Mr. CALL. I will state my position in regard to that. As the honorable Senator is a lawyer and deals with law and logic, strictly speaking the proper mode and the only authorized mode of proceeding under the Constitution would be to pass an act calling upon those people to form a State, or government, allowing them the privilege of doing so and providing for an election, but as the precedents are and as the act of power by which a State is admitted into the Union exhausts itself and from which there is no appeal, I should say if any great public exigency, if any question of polity to the Government or to the people required the immediate admission of the State of Dakota or any other State either by submitting her constitution to her people or in any other mode, that it would be a proper thing to do.

In the present condition of things I see no necessity for urgent haste; and the first condition, the first manifestly in reason and in law, is to ascertain what the will of the majority of the people of Dakota is, both in reference to her admission as a State and in reference to the division of her territory; not that I believe that Congress is bound to respect the wishes of the people in any Territory with regard to the division of the Territory; not that I do not admit that Congress has the power, and in some cases it may be its duty, to apportion the boundaries in its own sovereign discretion, regardless of the wishes of the people; but in this case I see no reason why such a thing should be done, and therefore I think here should be the first step, because you can not admit a State properly into the Union without some great public exigency demands it unless a majority of her people require and demand that it should be so; for if after being admitted as a State a majority of her people were opposed to exercising these powers, you could not force them to do so.

It would be an anomaly in our system of States that there should be a State with only a minority in favor of exercising the privileges of citizenship and a majority opposed to it and unwilling to do it. Therefore manifestly that is the first step in reason, and it is admitted here that the will of a majority of the people of Dakota has not been expressed in a clear and satisfactory manner. The argument is one of inference, one of information derived from conventions and from individual opinions, from the acts of Legislatures representing the people through an ascertained vote which is itself a minority vote, and therefore I think it is idle for either side here to awake these forgotten memories of the dead past, which should be buried so far as the evil of them is concerned, leaving only the glorious memories of courage and endurance and honest conviction upon both sides a ground and motive for our action on this subject. We have no concern with the crimination and recrimination which has been made in this debate on any part of the people of the United States. No word of censure or applause of them has properly a place here. In all parts of the Union and in every State they are the same people, with the same traditions and the same qualities and characteristics; but the virtues or the faults of the living or the dead, the errors of judgment or the wisdom and forecast of statesmen or parties in the past can not prove that a larger or smaller extent of territory in the new State of Dakota will be better for them or for the other States.

I shall control my vote, therefore, sir, first in reference to the present wants of these sixty millions of people and these thirty-eight States and to the one hundred millions that will be in the near future with the one hundred States that shall be here, and I shall control it by the proposition that the first action in the admission of a State is to ascertain by some clear, proper, practical, and definite mode of expression the will of a majority of the people of the proposed State. It seems to me very unreasonable that it should be claimed that twenty-seven thousand votes can represent or express the will of nearly a half million of people on this or any other subject, but especially in reference to their admission into the Union, where, differing from other elections, the validity of the whole action depends on an actual majority of the people capable of voting; and yet this is the whole argument in this case.

There is no necessity of important public policy demanding immediate action to avoid great danger to the States and the nation as there was in California and in the border States and in Kansas, where a civil war was being waged between two great opposing bodies of opinion, intensified with the most deadly animosities and inflamed into taking the most extreme and unreasonable methods of success; but here happily we are in a time of peace. We are required calmly to consider what extent of territory and what number of population, now and in the future, it is best for them and for all the States the new State of Dakota shall have. We are required to decide what a majority of the people of Dakota want in respect to her admission. We are required to devise the means for an expression of the wishes of all the people and for the protection of the rights and interests of all her people and of the future States and people of the United States.

These are the considerations which will influence and control my vote.

Mr. BUTLER. I desire to make a brief explanation in reply to the Senator from Indiana. He says it is not true that he made an attack upon Mr. Boynton and Mr. Johnson. I desire to state exactly what the Senator did in reference to Mr. Boynton, and to show you what the opinions of those two gentlemen are on the subject. I ask to have read a letter sent to me by them as an act of justice to them.

Mr. HARRISON. Put in the letter.

Mr. BUTLER. Let it be read.

The PRESIDENT *pro tempore*. The paper will be read.

The Chief Clerk read as follows:

NATIONAL HOTEL, *Washington, D. C., February* 5, 1886.

DEAR SIR: In reading over Senator HARRISON's remarks in the CONGRESSIONAL RECORD on yesterday, the undersigned have noticed an evident purpose to impugn our motives, if not in a measure to impeach our veracity and standing, as citizens of Dakota.

In reply to any such insinuation or suggestions, you are authorized to say that we hold ourselves in readiness to substantiate in the most public manner every statement or suggestion which either of us has made before the committees of Congress or placed in your hands; and we further pledge ourselves to prove that our standing and representative character in Dakota, where we have lived and been engaged in important business transactions, will bear a favorable comparison with those of any of Senator HARRISON's informants, not excepting Judge Moody, who seems to have filled Senator HARRISON's ears with denunciations of almost every person in Dakota who dares to oppose his life-long ambition of securing a seat in the United States Senate.

In reference to the suggestion made by Senator HARRISON that the same parties, or stage attendants, as he termed them, had been constantly appearing in opposition to his division and Statehood scheme, we will simply say that we have never appeared before any committee of either House of Congress until since the commencement of the present session; hence such slurs and insinuations can not apply to us. As an outside letter addressed by Hugh J. Campbell to Senator VEST has been placed in the RECORD by Senator HARRISON, a public reply to Campbell's letter is inclosed, which you are at liberty to place in the RECORD if you deem proper.

Respectfully,

A. BOYNTON,
L. G. JOHNSON.

Hon. M. C. BUTLER,
United States Senate.

Mr. HARRISON. I want to contribute a little to this interesting episode. After I had finished my speech yesterday afternoon and went to my committee-room one of these gentlemen, Mr. Johnson, who says he understood me to impugn his veracity, came into the committee-room, introduced himself to me, shook hands with me, and congratu-

lated me on my speech. [Laughter, and manifestations of applause in the galleries.]

The PRESIDENT *pro tempore*. The Chair will remind the galleries that by the rules of the Senate there must be no expressions of approbation or disapprobation. While it would be very unpleasant to the Chair, it is made his duty to clear the galleries when a violation of the rules is repeated.

Mr. EDMUNDS. Mr. President, it is manifest, I think, that the Senators who oppose this bill in its present form admit that they will not vote for it if it shall provide by amendment that this constitution shall be submitted to the people of the counties and district of country proposed to be erected by this bill into a State. If I am wrong in this inference from what the honorable Senator from Florida and others have said, I wait to hear myself corrected.

Mr. CALL. I desire for one to say that I have not said anything of that kind. I have said that I thought at this time it would be far better in the first instance to invite a clear and definite expression of opinion on both these subjects from the people of Dakota; but I have not said what I would do upon a bill presented in that shape and urged for consideration.

Mr. EDMUNDS. That was precisely what I had discovered, and therefore I said that I understood from the remarks of the Senator from Florida and gathered from the remarks of other Senators, that they would not vote for this bill if it were amended by the insertion of a clause which should provide for the submission of this constitution to the people who are proposed to be included in this new State; and I said that if I was wrong in that impression I should be glad to be corrected. The Senator from Florida has not corrected me, nor has anybody else.

Mr. BUTLER. Now may I ask the Senator a question?

Mr. EDMUNDS. Certainly.

Mr. BUTLER. I should like to ask the Senator whether or not he would consent before submitting this constitution to the people to eliminate from it all else that has been done in the way of the election of officers, United States Senators and Representatives to Congress and governor and members of the Legislature? That is the question I should like to ask.

Mr. EDMUNDS. I will answer it with the very greatest cheerfulness—no, I would not at the present time. After all these years of application by these people to be admitted to the Union either as a whole or as a part, I would say now there is here a constitution that a portion of you at least have agreed upon; that is a constitution like the constitutions of all the other States in respect of the security of private rights, the orderly management of government, the administration of justice, the equal levying of taxes, and everything that goes to make up the best of modern constitutions; I would not put you off for one or two or three years if you want this thing, because there is no suggestion that the constitution itself is not a good one. I would say, therefore, "Are you willing to be a State with this constitution?" Would my honorable friend from South Carolina go for that?

Mr. BUTLER. Well, Mr. President, I have indicated very clearly what I would go for, and I think the same object may be accomplished by the enabling act which I have proposed.

Mr. EDMUNDS. By which the Senator means that he will not vote for that.

Mr. BUTLER. No, I have not said that.

Mr. EDMUNDS. Yes, but he will say it.

Mr. BUTLER. I will say this, that if the Senator will consent to begin *de novo* and submit this question to the whole Territory divested of all this paraphernalia of office-holding and politicians that surround it, it would present a very different question and one that I would consider.

Mr. EDMUNDS. That he would consider!

Mr. BUTLER. The Senator says he would not consent to do that, and therefore it is perfectly unnecessary for me to give my opinion as to what I should do under any such circumstances.

Mr. EDMUNDS. I have stated that I will not consent to the proposition of the Senator from South Carolina. I ask him and his associates if they will consent to go for this bill with a proposition that leaves this constitution as it stands to the people who framed it?

Mr. BUTLER. And all the officers?

Mr. EDMUNDS. The Senator from South Carolina does not choose to answer that question, by which I infer that he will not vote for such a proposition.

Mr. BUTLER. Clearly not.

Mr. EDMUNDS. Now I have a definite answer.

Mr. BUTLER. Clearly not with this annex that it has, what purport to be two United States Senators, a Representative to Congress, and so on and so on. I will state very frankly that I would not support it under those circumstances.

Mr. EDMUNDS. Very well; I am glad to have such frankness from the Senator from South Carolina. Now, I understand the proposition——

Mr. BUTLER rose.

Mr. EDMUNDS. The Senator will allow me to go on. Then the objection of the Senator from South Carolina is that this irregular autonomy, as he styles it, has added to it—I am not quoting his language, but giving the idea—that this irregular autonomy which has been set up there awaiting the approval of Congress is bad, because they have proceeded to elect State officers and United States Senators, as all their predecessors in other Territories had done. Now suppose we submit this constitution to this people; if, as the Senator from South Carolina supposes, there is anything disagreeable to them in this arrangement and the consequence that has followed, the people of Dakota can vote it down; but if that people are willing to take this constitution with the burden of a State government already elected, why should the Senator from South Carolina or the Senator from Vermont object to it? I should be glad to wait for an answer to that.

If the people do not want this constitution with what follows from it, they have only to say no. But I think the Senator from South Carolina is fearful—if I may venture timidly to use such a phrase to him—that to what he considers to be the wrong and the burden of these particular State officers and particular Senators the people of that Territory would say yes, after all. If they did, what business is it to us? Have they not the right to say whom they will prefer to have for State officers and Senators, or are we to decide upon that?

Mr. BUTLER. I will tell the Senator why I would not do it. I do not think the people would have a fair chance with all this Statehood, as it is called. I think with the influences brought to bear by United State Senators, governor, State officers, and so on, they could not perhaps give as fair an expression of their opinion as if they had the simple naked question of the constitution presented. That is my apprehension about it.

Mr. EDMUNDS. I understand the proposition now. I beg to assure the honorable Senator from South Carolina that I know a good many people in Dakota.——

Mr. BUTLER. So do I.

Mr. EDMUNDS. And they have come from States and from previous experiences in this world where the influence of governors and judges and Senators does not amount to much in the free expression of their independent will. They do not come from States where it is sometimes said, and I am afraid truly, that the public will is coerced and overborne by the autonomy of State officers and State officials and State senators. They have been born and raised under situations which make them independent men, and they are able to take care of their liberties and their rights and to understand what is meant by them, and therefore the idea of the honorable Senator from South Carolina, that if you send this constitution loaded with the election of these officers to these people they will be influenced and overborne by that to do what they otherwise would not, is a great mistake, and he does a great injustice to the people of Dakota in so saying.

So then, Mr. President, we find that under no present circumstance returning this to the will of this people who have formed this constitution or to the will of the people of the whole Territory to say whether they are willing to take it, will the Senators represented by the honorable Senators from South Carolina, Florida, and Alabama agree to have them express their opinion on that. It is useless, therefore, to try to obtain their support to this measure by any such proposition. That being the case, the only thing is to go forward with this bill and let it take its chance, wherever it may go.

Here are a people numbering now more than a quarter of a million—free, intelligent, wealthy, prosperous, educated, with all the things that make up a well-regulated society, with fertile lands, with mines, with enterprise, with everything that would go to make a great and good State—asking to be admitted into the brotherhood and sisterhood of our States, and the objection to it, when you simmer it down, is simply the fact, as it is now stated, that they have gone in advance of an enabling act to do that very thing.

I am one of those who maintain that the people of no Territory have a right to stay as a Territory forever, even if they wish to do so. In respect to pecuniary expense it is a great benefit to the people of a Territory to be a Territorial people. The Congress of the United States pays a very large part of the expenses of carrying on the Territorial government; and therefore I maintain that when the people of a Territory are in a condition to take on Statehood, whether the majority of them like it or not, they ought to be induced to do that thing, in order that we may be relieved from that burden, in order that the theory of the American Government can be carried out, that there shall be complete local State government and State sovereignty over the objects that it covers in the localities where justice is to be administered and the operations of government carried on.

As the Senator from Florida very well remarked, it is clear that no question of the division of a Territory, the lines that should include a new State, is one that belongs to the people of that Territory of themselves alone. Their wishes and their opinions and their facts are entitled to consideration undoubtedly, but beyond that it is for the Congress of the United States, all the States together, to say what ought to be the true and correct boundaries of a State and what ought to make up the autonomy of a people who are to come into this Union. The Senator from Florida is quite right and has stated the proposition with great clearness. That is this case. Here you have from the configurations of nature, the course of the streams, the arrangement that Providence has made in respect of the ease and convenience of society there, proof of the propriety of dividing this immense Territory upon an east

and west line. Here you have a people growing all the time, increasing in everything that makes up a good society, filling up that Territory, and they are ready to come in. Senators are unwilling to even leave them to say now again whether they are ready to come in; so that it is opposition on something else than that. What is it? Nobody can tell, except the circumstance that these people happen to have a large preponderance of a political opinion one way. My theory is that every people that are fit for self-government at all ought to have a political opinion one way or the other, and it is the misfortune of fate to the gentlemen on the other side that these particular people happen to have a political opinion that they do not seem to agree with, and that is what is the matter.

Mr. CALL. If the Senator from Vermont will allow me, I should like to ask him a question. I would like the honorable Senator to state what would be the difference practically in passing an act authorizing the people of Dakota to form a State government and a constitution and submitting it to them to vote what is their will upon both questions? Congress is not bound to accept that will, I agree entirely with him, in the exercise of the wise discretion which on our part we are authorized to exercise. Inasmuch as there is controversy and opposition in the Territory and as we have no evidence here which is clear and definite as to what is the will of the people, either in respect to the division or in respect to the State government and the constitution that they have adopted, what would be the practical difference and what the hardship, in the present state of our information upon that subject, with the admitted fact in the argument that what is the will of that people is a matter of inference, is a matter of presumption, without any clear and definite expression, nothing but a minority of the votes being brought here—what is the practical hardship in the present state of things in having an act authorizing the people of Dakota to express their opinion at an election, due notice being given first, as to whether they wish to come into the Union, authorizing them to call a convention and form a constitution, which may adopt this and elect these same officers? That being done, the State is admitted. In reference also to the division of the Territory, what is the practical difference?

Mr. EDMUNDS. The practical difference is that it keeps these people out of the capacity to govern themselves for an indefinite period of time, because after such an enabling act as the Senator states it, it must again come to Congress and we must go over all this thing again; and, applying it personally, it is the same difference between a man who wants pay to which he is entitled to-day being told by his debtor, "I will pay you next week, and if it is not convenient next week I will have a conference with you week after next." That is the difference. It is a mere method of staving off what is manifest—and everybody agrees to that—that the condition of these people is such as to entitle them and require them to take on the duties that belong to a State and to govern themselves and help us, representing a great people, to govern all the people of the United States within the sphere of our action. That is the difference.

Mr. BECK. Mr. President, we are about to vote on this proposition now, as I understand it. I am paired on all questions connected with it with the Senator from Maine [Mr. HALE], who is absent, and, as I shall be marked "absent" on the yea-and-nay vote, as I believe all persons who are paired are, I wish briefly to explain my position. I do not desire to take part in the discussion; I have not done so, and will not. I desire only to state my position briefly.

I will vote cheerfully for the admission of Dakota with the boundary lines laid down by the Congress of the United States for the Territory now organized. I deny the right of the people to divide a Territory once organized by Congress, and come here and raise a clamor for the admission of part of it. I deny that any such action has been taken by the people of that whole Territory as makes the thing now presented fair. What is it? Dividing it in two, with an Indian reservation occupying nearly half of that portion which now seeks admission. That is not a fair thing to do; and I am by no means convinced that it is wise in us to multiply the Senators in the Senate of the United States to an undue number because of the territorial area of the States admitted. If the Territories as now organized in the present form should be admitted there will after a while be one hundred Senators. If there are a half million people in Dakota now and Dakota is divided into two States four Senators will come here from that Territory to offset the States of New York and Pennsylvania on this floor or Kentucky and Tennessee. If this is to be done, it ought to be upon very good and careful grounds.

I had hoped that Dakota would come as a State with the territorial lines defined by Congress; whether Republican or Democratic I care not. I would not consider that question in looking at the matter of admission, but I do not believe—and I know Dakota pretty well—that that Territory is going to grow as rapidly as many gentlemen think. It has been pushed rapidly. Railroads have been made there, but they are only valuable when immigrants are brought there and when their products can be hauled over the railroads which have been constructed in advance of settlements. A very large proportion of the people there are Scandinavians, many of them not citizens of the United States in any proper sense, brought there by immigration companies, brought there by railway companies, working to produce crops of wheat without being to any extent farmers, neither raising stock nor anything else. Great farms are there, where men are employed five or six months and away the rest of the year.

While it may grow reasonably it will not grow as rapidly, as it has grown in times gone by; and I doubt whether we ought to give four Senators to that Territory. The result will be to make this body a mob if we divide all the other Territories because of their great area. While we can arrange the House of Representatives in its numbers by increasing the ratio of representation, each State is obliged to have two Senators under the Constitution.

I only desired to say this much, as I shall not be able to vote. I am willing to vote to admit the whole Territory as a State, but not to admit a part of it or for any division of it. It is because I shall be marked "absent" on account of my pair that I have deemed it proper to say this much.

The PRESIDENT *pro tempore*. The question is on the amendment proposed by the Senator from South Carolina [Mr. BUTLER].

Mr. HARRISON. Upon that I ask for the yeas and nays.

The yeas and nays were ordered; and the Secretary proceeded to call the roll.

Mr. BECK (when his name was called). I desire to announce now that I am paired on this and every other question connected with this bill with the Senator from Maine [Mr. HALE], who is necessarily absent. I would vote "yea" and he would vote "nay" on this particular proposition.

Mr. GRAY (when his name was called). I am paired on this question with the Senator from Pennsylvania [Mr. MITCHELL]. If he were present, I should vote "yea."

Mr. HARRIS (when his name was called). The Senator from Massachusetts [Mr. HOAR] informed me a little while since that he was about to leave the Chamber, and I agreed to pair with him upon this question. If the Senator were present, I should vote "yea" and he would vote "nay."

Mr. BLACKBURN (when Mr. KENNA'S name was called). In the absence of the colleague of the Senator from West Virginia [Mr. CAMDEN] I wish to state that Mr. KENNA is detained at home by reason of illness in his family and is paired with the Senator from Minnesota [Mr. SABIN]. If Mr. KENNA were present, he would vote "yea."

Mr. MCMILLAN (when Mr. SABIN'S name was called). My colleague [Mr. SABIN] is absent from the Chamber temporarily and is paired with the Senator from West Virginia [Mr. KENNA]. If my colleague were present, he would vote "nay."

The roll-call was concluded.

Mr. CULLOM. The Senator from Rhode Island [Mr. ALDRICH] is paired, as I am informed, with the Senator from West Virginia [Mr. CAMDEN], and the Senator from Colorado [Mr. BOWEN] is paired with the Senator from Florida [Mr. JONES].

Mr. PLUMB. Before voting I wish to state that I am paired generally with the Senator from Missouri [Mr. VEST], with the privilege, however, of transferring the pair. I, therefore, transfer his pair to the Senator from California [Mr. STANFORD] and will vote. I vote "nay."

Mr. DOLPH. I am paired with the Senator from Georgia [Mr. BROWN]. If he were here, I should vote "nay."

The result was announced—yeas 22, nays 33; as follows:

YEAS—22.

Berry,	Eustis,	Jones of Arkansas,	Saulsbury,
Blackburn	George,	Maxey,	Vance,
Butler,	Gibson,	Morgan,	Walthall,
Call,	Gorman,	Payne,	Wilson of Md.
Coke,	Hampton,	Pugh,	
Colquitt,	Jackson,	Ransom,	

NAYS—33.

Allison,	Frye,	Miller of N. Y.,	Sherman,
Blair,	Harrison,	Mitchell of Oreg.,	Spooner,
Cameron,	Hawley,	Morrill,	Teller,
Chace,	Ingalls,	Palmer,	Van Wyck,
Conger,	Jones of Nevada,	Pike,	Voorhees,
Cullom,	Logan,	Platt,	Wilson of Iowa.
Dawes,	McMillan,	Plumb,	
Edmunds,	Mahone,	Riddleberger,	
Evarts,	Manderson,	Sawyer,	

ABSENT—21.

Aldrich,	Dolph,	Jones of Florida,	Sewell,
Beck,	Fair,	Kenna,	Stanford,
Bowen,	Gray,	McPherson,	Vest.
Brown,	Hale,	Miller of Cal.,	
Camden,	Harris,	Mitchell of Pa.,	
Cockrell,	Hoar,	Sabin,	

So the amendment was rejected.

Mr. COCKRELL. I now formally offer the amendment of my colleague [Mr. VEST], who is sick and unavoidably detained at home, an amendment which was submitted some days ago and printed. It provides for the division of the Territory on a line running north and south and for a Territorial government for the eastern and western parts of the Territory.

The PRESIDENT *pro tempore*. The Senator from Missouri offers for adoption an amendment which will be read.

Mr. HARRISON. Does it need to be read?

Mr. ALLISON. We understand it.

The PRESIDENT *pro tempore*. Unless the reading is called for, it need not be read.

Mr. COCKRELL. I offer the amendment at the request of my colleague, who can not be here. It has been printed, and I have no doubt the Senators are generally acquainted with it, and I shall not insist upon its being read unless some Senator on the other side desires it.

Mr. HARRISON. Perhaps we had better have the yeas and nays on it. ["No!" "No!"]

Mr. COCKRELL. I shall not insist on its being read unless some Senator on the other side desires it.

Mr. HARRISON. No; we have all read it.

Mr. ALLISON. We all understand it.

Mr. COCKRELL. Now, Mr. President, I desire to say that I am in favor of a division of the Territory, and did not vote for the amendment proposed by the Senator from South Carolina because I do not believe as large an area of country as was embraced within the limits of his amendment should be admitted, with the sparse population it has, as a State in the Union.

The amendment is to strike out all after the enacting clause of the bill and insert the following:

That all that part of the territory of the United States now constituting a portion of the Territory of Dakota and described as follows, to wit: Commencing at a point where the forty-ninth degree of north latitude crosses the twenty-third degree and forty minutes meridian of longitude west from Washington; thence due south on the twenty-third degree and forty minutes meridian of longitude west from Washington until it strikes a bend in the Missouri River; thence down the main channel of the river to the boundary line of the State of Nebraska at the mouth of the Niobrara or Running Water River; thence westerly along the north boundary line of the State of Nebraska to the twenty-seventh meridian of longitude west from Washington at the eastern boundary line of the Territory of Wyoming; thence northerly on the eastern line of Wyoming and the eastern line of Montana Territories to the forty-ninth degree of north latitude at the southern boundary of the British possessions; thence easterly along the southern line of the British possessions and the forty-ninth degree of north latitude to the place of beginning, be, and the same is hereby, organized into a temporary government by the name of the Territory of Lincoln.

SEC. 2. That all the provisions of chapter 1 of title 23 of the Revised Statutes of the United States and the amendments thereto, except as herein otherwise provided, shall apply to and be in full force and effect in the said Territory of Lincoln.

SEC. 3. That the legislative council of said Territory shall consist of eighteen members and the house of representatives thereof of thirty-six members, to be elected in single legislative districts, to be apportioned and fixed by the governor of the Territory of Lincoln until otherwise provided by the Legislative Assembly.

SEC. 4. That there shall be appointed, in the manner provided by law, a surveyor-general for the said Territory, who shall locate and keep his office at such place within said Territory as the Secretary of the Interior shall from time to time direct, and whose duties, powers, obligations, responsibilities, compensation, and allowance for clerk-hire, office-rent, fuel, and incidental expenses shall be the same as those of the surveyor-general of the Territory of Dakota.

SEC. 5. That the judicial power in the Territory of Lincoln shall be vested in a supreme court, district court, probate courts, and justices of the peace.

SEC. 6. That writs of error and appeals from the final decisions of the supreme court of said Territory shall be allowed to the Supreme Court of the United States, in the same manner and under the same regulations as from the circuit courts of the United States, where the value of the property or the amount in controversy, to be ascertained by the oath of either party litigant, or other competent witnesses, exceeds $1,000, except that a writ of error or appeal shall be allowed to the Supreme Court of the United States from the decision of the supreme court of said Territory or any judge thereof, or of any district court thereof or any judge thereof, upon writs of habeas corpus involving the question of personal freedom.

SEC. 7. That each of the district courts in said Territory shall have and exercise the same jurisdiction in all cases arising under the Constitution and laws of the United States as is vested in the circuit and district courts of the United States; and the first six days of every term of the respective district courts, or so much thereof as is necessary, shall be appropriated to the trial of causes arising under such Constitution and laws; but writs of error and appeals in all such cases may be had to the supreme court of said Territory, as in other cases made and provided.

SEC. 8. That the supreme and district courts of said Territory, and the respective judges thereof, may grant writs of habeas corpus in all cases in which the same are grantable by the judges of the United States courts in the District of Columbia.

SEC. 9. That the probate courts of said Territory, in their respective counties, in addition to their probate jurisdiction, are authorized to hear and determine civil causes wherein the damages or debt claimed do not exceed $500, and such criminal cases arising under the laws of the Territory as do not require the intervention of a grand jury; but they shall not have jurisdiction of any matter in controversy where the title or right to the peaceable possession of any land may be in dispute or of chancery or divorce causes; and in all cases an appeal may be taken from an order, judgment, or decree of the probate court to the district court.

SEC. 10. That no justice of the peace in said Territory shall have jurisdiction in any case where the debt or sum claimed exceeds $100.

SEC. 11. That the Attorney-General of the United States, under direction of the President, may organize, alter, or modify the several judicial districts thereof, and may assign the judges appointed for said Territory to the several judicial districts, and may fix or alter the times and places of holding the district courts therein, in such manner as shall be deemed proper and convenient.

SEC. 12. That all township, municipal, county, district, and Territorial officers, except such Territorial officers as are appointed by the President, shall be appointed or elected in such manner as may be provided by the governor and Legislative Assembly of said Territory of Lincoln; and all township, municipal, county, and district officers of the Territory of Dakota who shall be in office within the limits of the said Territory of Lincoln when this act shall take effect shall be, and they are hereby, authorized and required to continue to exercise and perform the duties of their respective offices until their successors are duly appointed or elected and qualified, as provided by the governor and Legislative Assembly of said Territory of Lincoln, or until such office shall be abolished.

SEC. 13. That all laws passed by the Legislative Assembly and the governor of said Territory of Lincoln shall be valid and binding without being submitted to Congress for its approval: *Provided, however*, That Congress reserves the right to annul any law thus enacted.

SEC. 14. That the governor of said Territory of Lincoln shall have power to call the Legislative Assembly together by proclamation on an extraordinary occasion, at any time, after presenting the reasons therefor to the President of the United States and his approval having been duly given.

SEC. 15. That there shall be appropriated annually $1,000, to be expended by the governor, to defray the contingent expenses of said Territory, including the salary of the clerk in the executive department.

SEC. 16. That there shall be appropriated for said Territory of Lincoln annually a sufficient sum, to be expended by the secretary of said Territory upon an estimate to be made by the Secretary of the Treasury, to defray the expenses of the Legislative Assembly and other incidental expenses; and the secretary of said Territory shall annually account to the Secretary of the Treasury for the manner in which such sums have been expended.

SEC. 17. That the members of the Legislative Assembly of said Territory shall each receive $3 for every 20 miles traveled in going to and returning from the sessions of their respective bodies, estimated according to the nearest traveled route.

SEC. 18. That sections numbered 16 and 36 of the public lands in each township of said Territory of Lincoln shall be reserved for the purpose of being applied to schools in said Territory and in the States and Territories hereafter to be erected out of the same.

SEC. 19. That the inhabitants of the said Territory shall be entitled to all the rights, privileges, and immunities heretofore granted and secured to the Territory of Dakota and to its inhabitants, and the laws in force in the said Territory of Dakota at the time of the passage of this act shall continue to be operative and valid in the said Territory of Lincoln, in so far as the same may not be incompatible with the provisions of this act, until the same shall be altered, modified, or repealed by the governor and Legislative Assembly of the said Territory of Lincoln or shall be annulled by Congress.

SEC. 20. That the general laws of the United States as to the punishment of crimes in any place within the sole and exclusive jurisdiction of the United States, except the District of Columbia, shall be extended to all that portion of said Territory not embraced in any organized county, so long as the same shall so remain unorganized, to the exclusion of the criminal statutes of said Territory; and the courts of said Territory exercising the jurisdiction of United States district and circuit courts shall have exclusive jurisdiction to try and punish all persons committing offenses within said portion of said Territory; and if any offense be committed therein which is not prohibited by the laws of the United States, the person or persons committing the same shall be liable to and receive the same punishment as the laws of said Territory of Dakota provide for the like offense.

SEC. 21. That all suits, process, and proceedings, civil and criminal, and all indictments and criminal proceedings, which shall be pending and undetermined in the courts of the Territory of Dakota within the limits of said Territory of Lincoln, when this act shall take effect, shall be transferred to be heard, tried, prosecuted, and determined in the district courts hereby established which may include the counties or districts where any such proceedings may be pending. All bonds, recognizances, and obligations of any kind whatsoever valid under existing laws within said Territory of Dakota shall be valid under this act; and all crimes and misdemeanors against the laws in force within said limits may be prosecuted, tried, and punished, and all penalties, forfeitures, actions, and causes of action may be recovered the same as they would have been under the laws in force in the Territory of Dakota at the time this act shall go into operation.

SEC. 22. That all suits and actions which have been removed from any district courts held within said limits, by appeal or otherwise, to the supreme court of the Territory of Dakota, and which shall be undetermined there at the time this act shall go into operation, shall be certified by the clerk of the supreme court and transferred to the supreme court created by this act, there to be proceeded with to the final determination in the same manner that they might have been in the supreme court of the Territory of Dakota.

SEC. 23. That there shall be appropriated the sum of $5,000, out of any moneys in the Treasury not already appropriated, to be expended under the direction of the Secretary of the Interior, for the purchase and establishment of a library in the said Territory of Lincoln.

SEC. 24. That immediately upon the taking effect of this act, all of the counties or parts of counties now embraced in the sixth judicial district of the Territory of Dakota, remaining in the Territory of Dakota, are constituted a new judicial district, to be known as the first judicial district of Dakota Territory. The boundaries of the second and fourth judicial districts shall remain and continue the same as established before the passage of this act. The boundaries of the second and fifth judicial districts shall remain and continue the same as established before the passage of this act, with the exception that the western boundaries of said districts shall be the Missouri River until changed or altered by the Legislative Assembly of said Territory of Dakota; and the district courts of the various counties and subdivisions in said districts shall be and remain as is now or may hereafter be provided by law. The district courts for the first, fourth, and fifth judicial districts shall have jurisdiction over United States cases within their respective boundaries, the same as the courts now exercise in the second, third, and sixth judicial districts; and the district courts for said first, second, third, fourth, and fifth judicial districts, exercising the jurisdiction of circuit and district courts of the United States for said districts, shall be held as follows: For the first district, at Jamestown; for the second district, at Mitchell; for the third district, at Fargo; for the fourth district, at Sioux Falls; for the fifth district, at Redfield, at the time fixed by the laws of said Territory of Dakota for the general terms of court in the said counties of Stutsman, Davison, Cass, Minnehaha, and Spink; and all United States suits, actions, proceedings, and indictments now pending or commenced under the jurisdiction of the second and sixth judicial districts, and all Territorial suits, actions, proceedings, and indictments now pending or commenced in the second, third, fourth, fifth, and sixth judicial districts, shall not abate, but shall be heard, tried, and determined in the various judicial courts herein provided for in the same manner as if they had been commenced therein before the changes in the judicial districts as herein specified; and it shall be the duty of the clerks of the courts of the various courts to transcribe and deliver, under the direction of the presiding judge, all records and papers in the pending cases to the proper judicial officers in the judicial districts to which this act assigns them by reason of changing the boundaries of the several judicial districts in said Territory, and not triable in the judicial districts where they were commenced.

SEC. 25. That the governor, chief-justice, and secretary of the Territory of Dakota, or any two of them, are hereby authorized and required to meet at the temporary capital of said Territory of Dakota hereinafter named within sixty days after the taking effect of this act, and to reapportion into twenty-four council and forty-eight representative districts, as equally as may be, according to population as shown by the census of 1885; and the members of the council and house of representatives of the Territory of Dakota shall thereafter be elected from the districts as fixed by said board; and when such reapportionment is completed the said board shall forthwith file their report of the same with the secretary of said Territory; and within ten days thereafter the governor of said Territory shall issue his proclamation for an election of such members of the Legislature so apportioned as aforesaid, specifying in said proclamation the apportionment so made to the different sections, and which election shall be held at the time and place as provided by said board and conducted under existing law, and the returns thereof shall be canvassed as provided by the law of said Territory of Dakota for canvassing votes for Delegate to Congress.

SEC. 26. That the temporary seat of government of said Territory of Dakota

shall be at Aberdeen, in the county of Brown, subject, however, to be changed by the governor and Legislative Assembly as provided by law.

SEC. 27. That the city of Bismarck, in the county of Burleigh, shall be and remain the seat of government for the Territory of Lincoln, and the capital buildings and grounds thereat shall become the property of the Territory of Lincoln, until the governor and Legislative Assembly of said Territory shall change the seat of government, and by law provide for reimbursement of those who contributed to secure the capital at Bismarck, without cost to the Territory of Dakota, under an act passed by the fourteenth Legislative Assembly, approved March 8, 1883.

SEC. 28. That that territory hereby created into the Territory of Lincoln shall be divided into three judicial districts, as follows: All that portion north of the forty-sixth degree of latitude, excepting that part of the Territory south of the Cannon Ball River, between Hettinger County and the Missouri River, comprising the counties of Morton, Hettinger, Stark, Bowman, Villard, Dunn, McKenzie, Williams, Mercer, Wallace, Allred, Buford, Flannery, Montrille, Renville, Winn, Stevens, McLean, and the western portions of Bottineau, McHenry, Sheridan, and Burleigh, and any subdivisions of counties made by the Legislative Assembly of Dakota Territory or by this act shall constitute the second judicial district; that all that portion of the Territory of Lincoln lying west of the Missouri River, comprising the counties of Boreman, Dewey, Schnasse, Wagner, Rinehart, Choteau, Martin, Ewing, Burdick, Harding, Butte, Lawrence, Scobey, Mandan, Delano, Pyatt, and any other subdivisions of counties made by the Legislative Assembly of Dakota Territory or by this act shall constitute the first judicial district; that all that portion of the Territory of Lincoln west of the Missouri River not embraced in the first and second judicial districts shall comprise and constitute the third judicial district. Each of the before-mentioned judicial districts shall have jurisdiction over United States cases within their respective boundaries, the same as the courts now exercise in the first judicial district of Dakota Territory; and the district courts for said districts hereby created, exercising jurisdiction of circuit and district courts for said districts, shall be held as follows: For the first district, at Deadwood; for the second district, at Bismarck; for the third district, at Rapid City; in the first and second judicial districts, at the time fixed by the laws of the Territory of Dakota for the general terms of court in the counties of Lawrence and Burleigh; and in the third judicial district, at such times as the presiding judge may direct, until otherwise provided by the Legislative Assembly. And all United States suits, actions, proceedings, and indictments now pending or commenced under the jurisdiction of the first, second, and sixth judicial districts of the Territory of Dakota, and all Territorial suits, actions, proceedings, and indictments now pending or commenced in the first, second, or sixth judicial districts shall not abate, but shall be heard, tried, and determined in the various judicial district courts herein provided for in the same manner as if they had been commenced therein before the change in the judicial districts as herein specified; and it shall be the duty of the clerk of the courts of the various counties, as fixed before the passage of this act, to transcribe and deliver, under the direction of the presiding judge, all records and papers in the pending cases to the proper judicial officers in the judicial districts to which this act assigns them by reason of changing the boundaries of the several judicial districts in said Territory, and not triable in the judicial districts where they were originally commenced.

SEC. 29. That the counties of Bottineau, McHenry, Sheridan, Burleigh, and any other counties which are divided by the creation of the Territory of Lincoln shall be organized as follows: That portion of each of the counties thus divided which contains the county seat shall be entitled to the name of the county and the county buildings erected thereat; and the balance of the counties thus severed shall be named and reorganized by the governor of the Territory of Dakota and the governor of the Territory of Lincoln, as now provided by the laws of the Territory of Dakota. The governor of the Territory of Lincoln and the governor of the Territory of Dakota, and the judges of the judicial districts in which any county is situated which is divided by this act, are constituted a commission to appraise the county buildings to the portion of the county where they are located, and also to have full power to apportion and fix the amount of outstanding indebtedness which each portion of the county thus severed by this act shall assume and pay; and the said judges shall each have full power to enforce the amount fixed by said commission against the respective portions of the counties thus divided, or which may be assigned to any other counties which are embraced in their respective judicial districts in the Territories of Dakota and Lincoln.

SEC. 30. That all the outstanding bonds issued by the Territory of Dakota, under authority of the Legislative Assembly, for the erection and furnishing of the penitentiary at Bismarck, for the erection and furnishing of the normal school at Spearfish, and for the erection and furnishing of the school of mines at Rapid City, in the Territory of Lincoln hereby created, shall be assumed and paid, principal and interest, according to their tenor, by the Territory of Lincoln, and said buildings shall become the property of said Territory of Lincoln; that all of the bonds of said Territory of Dakota heretofore issued under authority of the Legislative Assembly shall be assumed and paid, principal and interest, according to their tenor, by the Territory of Dakota, and all Territorial buildings situated in the limits of the Territory of Dakota as fixed by this act shall belong to and remain the property of the said Territory of Dakota; and that all records, books, papers, and archives appertaining to the Territory of Dakota shall be transferred, in accordance with this act, to the temporary seat of government at Aberdeen.

SEC. 31. That immediately upon the appointment and qualification of a governor for the Territory of Lincoln, he shall appoint a Territorial treasurer, auditor, superintendent of public instruction, and such other Territorial officers as are provided for by the laws of the Territory of Dakota; and the Territorial treasurer thus appointed shall be entitled to receive from the Territorial treasury of Dakota Territory a proportionate amount of all Territorial funds in the hands of the treasurer of Dakota Territory, or which may come into his hands under any assessment made at the time this act goes into effect, to be computed on the basis of the last assessment made by the Territorial board of equalization; and the treasurer of the Territory of Dakota shall pay over to the treasurer of the Territory of Lincoln the sum found to be due said Territory of Lincoln under said division, taking his receipt therefor.

The PRESIDENT *pro tempore*. The question is on the adoption of the amendment.

The amendment was rejected.

Mr. HARRISON. I move to strike out the words, in the sixth line of the first section, "and State government," and to strike out "are" and insert "is" in the eighth line.

The PRESIDENT *pro tempore*. The amendment will be reported.

Mr. HARRISON. I do this at the suggestion of the Senator from Alabama, and I only stop to mention that at the last session of Congress he made quite a satisfactory argument on the proposition that no State ought to be proclaimed in the Union by proclamation of the President, and yet the amendment of the Senator from South Carolina, upon which we have just voted, contained that provision.

The PRESIDENT *pro tempore*. The amendment will be reported.

The CHIEF CLERK. In section 1, lines 6 and 7, it is proposed to strike out the words "and State government," and in line 8 of the same section to strike out the word "are" and insert "is;" so as to read:

And is hereby admitted into the Union on an equal footing with the original States in all respects whatever; and that the constitution which the people of Dakota have formed for themselves be, and the same is hereby, accepted, ratified, and confirmed, &c.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, and was read the third time.

The PRESIDENT *pro tempore*. Shall this bill pass?

Mr. EDMUNDS called for the yeas and nays, and they were ordered.

The Secretary proceeded to call the roll.

Mr. CHACE (when his name was called). I am paired with the Senator from Arkansas [Mr. JONES]. If he were present, I should vote "yea."

Mr. DOLPH (when his name was called). I am paired with the Senator from Georgia [Mr. BROWN]. If he were here, I should vote "yea" and he would vote "nay."

Mr. BECK (when Mr. HALE'S name was called). On the passage of the bill I desire to announce again my pair with the Senator from Maine [Mr. HALE]. He would vote "yea" and I should vote "nay."

Mr. HARRIS (when his name was called). As I announced a few moments ago, I am paired with the Senator from Massachusetts [Mr. HOAR] on all questions in respect to this measure. If he were present, he would vote "yea" and I should vote "nay."

Mr. BLACKBURN (when Mr. KENNA'S name was called). On the passage of this bill I desire to say, as upon the amendment offered by the Senator from South Carolina, that the Senator from West Virginia [Mr. KENNA] is paired with the Senator from Minnesota [Mr. SABIN]. Were Mr. KENNA present, he would vote "nay."

Mr. PLUMB (when his name was called). I make on this vote the same announcement as before, that I am paired generally with the Senator from Missouri [Mr. VEST], but I have transferred the pair to the Senator from California [Mr. STANFORD], and will vote "yea."

Mr. MCMILLAN (when Mr. SABIN'S name was called). My colleague [Mr. SABIN] is paired with the Senator from West Virginia [Mr. KENNA]. If my colleague were here, he would vote "yea."

The roll-call was concluded.

Mr. CULLOM. The Senator from Rhode Island [Mr. ALDRICH] is paired with the Senator from West Virginia [Mr. CAMDEN]. If the Senator from Rhode Island were here, he would have voted "yea." I suppose the Senator from West Virginia would vote "nay."

The Senator from Colorado [Mr. BOWEN] is paired with the Senator from Florida [Mr. JONES]. If the Senator from Colorado were present, he would vote "yea" and I am not at liberty to state how the other gentleman would vote.

Mr. GRAY. As I stated on a previous vote, I am paired with the Senator from Pennsylvania [Mr. MITCHELL]. If he were present, I should vote "nay."

The result was announced—yeas 32, nays 22; as follows:

YEAS—32.

Allison,	Frye,	Manderson,	Riddleberger,
Blair,	Harrison,	Miller of N. Y.,	Sawyer,
Cameron,	Hawley,	Mitchell of Oreg.,	Sherman,
Conger,	Ingalls,	Morrill,	Spooner,
Cullom,	Jones of Nevada,	Palmer,	Teller,
Dawes,	Logan,	Pike,	Van Wyck,
Edmunds,	McMillan,	Platt,	Voorhees,
Evarts,	Mahone,	Plumb,	Wilson of Iowa.

NAYS—22.

Berry,	Colquitt,	Jackson,	Saulsbury,
Blackburn,	Eustis,	Maxey,	Vance,
Butler,	George,	Morgan,	Walthall,
Call,	Gibson,	Payne,	Wilson of Md.
Cockrell,	Gorman,	Pugh,	
Coke,	Hampton,	Ransom,	

ABSENT—22.

Aldrich,	Dolph,	Jones of Arkansas,	Sabin,
Beck,	Fair,	Jones of Florida,	Sewell,
Bowen,	Gray,	Kenna,	Stanford,
Brown,	Hale,	McPherson,	Vest.
Camden,	Harris,	Miller of Cal.,	
Chace,	Hoar,	Mitchell of Pa.,	

So the bill was passed.

The PRESIDENT *pro tempore*. The question now is on the preamble of the bill.

The preamble was agreed to.

AID TO COMMON SCHOOLS.

Mr. BLAIR. I move that the Senate proceed to the consideration of the bill (S. 194) to aid in the establishment and temporary support of common schools.

Mr. PLUMB. Pending that motion, I move that the Senate adjourn to meet on Monday next.

Mr. EDMUNDS. Oh, no; let him take up his bill.

The PRESIDENT *pro tempore*. The Senator from Kansas moves that the Senate adjourn till Monday next.

Mr. BLAIR. Before the vote is taken I ask unanimous consent to say a word.

The PRESIDENT *pro tempore*. The Senator from New Hampshire asks unanimous consent of the Senate to debate the question on the motion to adjourn.

Mr. PLUMB. I withdraw for that purpose.

Mr. PLATT. If the Senator from New Hampshire is to have unanimous consent, I shall ask unanimous consent to say something when he gets through.

Mr. BLAIR. I do not object to that.

The PRESIDENT *pro tempore*. The Senate will come to order.

Mr. MORGAN. I object.

The PRESIDENT *pro tempore*. The Senator from Alabama objects to consent being given.

Mr. PLUMB. If there is to be any debate on this question I insist on my motion that the Senate adjourn until Monday.

The PRESIDENT *pro tempore*. The Senator from Kansas moves that the Senate do now adjourn to meet on Monday next at 12 o'clock.

Mr. BLAIR. I ask for the yeas and nays.

The PRESIDENT *pro tempore*. The Senator from New Hampshire asks for the yeas and nays on the motion of the Senator from Kansas.

The yeas and nays were ordered.

Mr. BLAIR. Now, before the question is taken, I desire the opportunity of saying a word, because the Senator will see——

Mr. MORGAN. I object.

Mr. BUTLER. Is this a debatable question?

Mr. BLAIR. What I say is this——

The PRESIDENT *pro tempore*. The Senator from Alabama objects to debate, and therefore it is the duty of the Chair——

Mr. BLAIR. Which gentleman from Alabama?

Mr. MORGAN. The senior Senator from Alabama.

Mr. BLAIR. I do not know but that the question was unnecessary.

The PRESIDENT *pro tempore*. The question is on the motion that the Senate do now adjourn until Monday, on which the yeas and nays have been ordered.

The yeas and nays were taken.

Mr. HARRIS (after having voted in the affirmative). Not regarding this in any sense as a party question I voted "yea," but I see there is a good deal of division, and as I do not know how the Senator from Massachusetts [Mr. HOAR] who is absent would vote, I withdraw my vote to be on the safe side.

The result was announced—yeas 30, nays 20; as follows:

YEAS—30.

Beck,	Dolph,	Jones of Nevada,	Saulsbury,
Blackburn,	Eustis,	Mahone,	Teller,
Butler,	George,	Manderson,	Vance,
Call,	Gibson,	Maxey,	Voorhees,
Cameron,	Gorman,	Morgan,	Walthall,
Chace,	Gray,	Morrill,	Wilson of Md.
Coke,	Hampton,	Plumb,	
Cullom,	Hawley,	Pugh,	

NAYS—20.

Berry,	Harrison,	Miller of N. Y.,	Ransom,
Blair,	Ingalls,	Mitchell of Oreg.,	Sawyer,
Conger,	Jackson,	Palmer,	Sherman,
Edmunds,	Logan,	Payne,	Spooner,
Frye,	McMillan,	Platt,	Wilson of Iowa.

ABSENT—26.

Aldrich,	Dawes,	Jones of Florida,	Sabin,
Allison,	Evarts,	Kenna,	Sewell,
Bowen,	Fair,	McPherson,	Stanford,
Brown,	Hale,	Miller of Cal.,	Van Wyck,
Camden,	Harris,	Mitchell of Pa.,	Vest.
Cockrell,	Hoar,	Pike,	
Colquitt,	Jones of Arkansas,	Riddleberger,	

So the motion was agreed to; and (at 5 o'clock and 40 minutes p. m.) the Senate adjourned until Monday next.

HOUSE OF REPRESENTATIVES.

FRIDAY, *February* 5, 1886.

The House met at 12 o'clock m. Prayer by the Chaplain, Rev. W. H. MILBURN, D. D.

The Journal of the proceedings of yesterday was read and approved.

PACIFIC RAILROADS.

The SPEAKER laid before the House the following message from the President of the United States; which was referred to the Committee on Pacific Railroads, and ordered to be printed:

The Speaker of the House of Representatives:

SIR: In response to House resolution of January 27, 1886, "that the Secretary of the Interior be, and is hereby, requested to furnish this House with copies of any and all contracts or leases which are to be found on file in said Department between the Southern Pacific Company and any and every railroad or railroads to which land grants were made, or which received any subsidies from the United States; also a copy of the charter of incorporation of the Southern Pacific Company; also all and every contract or contracts on file between the Pacific Steamship Company and any and every land-grant or subsidized railroad company or companies," I transmit herewith a communication from the Secretary of the Interior, dated the 2d instant, inclosing the copies required.

GROVER CLEVELAND.

EXECUTIVE MANSION, *February* 4, 1886.

SAINT MARY'S FALLS CANAL.

The SPEAKER also laid before the House a letter from the Secretary of War, transmitting a report from the Chief of Engineers, recommending that improvements be made in the lockage of the Saint Mary's Falls Canal; which was referred to the Committee on Rivers and Harbors, and ordered to be printed.

FEES OF JURORS AND WITNESSES.

The SPEAKER also laid before the House a letter from the Attorney-General, asking that an immediate appropriation be made to supply deficiencies in the appropriation for jurors and witnesses for the current fiscal year; which was referred to the Committee on Appropriations, and ordered to be printed.

SOUTH PASS, MISSISSIPPI RIVER.

The SPEAKER also laid before the House a letter from the Secretary of War, transmitting a communication from the Chief of Engineers, and recommending legislation to enforce regulations concerning the passage of vessels through the South Pass, Mississippi River; which was referred to the Committee on Rivers and Harbors, and ordered to be printed.

COMMITTEE VACANCIES FILLED.

The SPEAKER. The Chair desires to fill existing vacancies in the membership of the Select Committee on American Ship-building and Ship-owning Interests by the following appointments:

NATHANIEL J. HAMMOND, of Georgia, to fill the vacancy caused by the death of Hon. JOSEPH RANKIN.

DAVID B. CULBERSON, of Texas, to fill the vacancy caused by the resignation of Hon. ROGER Q. MILLS.

LEAVE OF ABSENCE.

By unanimous consent leave of absence was granted as follows:

To Mr. FLEEGER, for six days, on account of important business.

To Mr. BUNNELL, from Saturday, the 6th instant, until next Thursday, on account of important business.

COMMITTEE HEARINGS DURING SESSIONS OF THE HOUSE.

Mr. REAGAN. Mr. Speaker, I am instructed by the Committee on Commerce to ask permission of the House for that committee to sit during the sessions of the House on to-day, to-morrow, and Monday next.

Mr. HIESTAND. I object.

The SPEAKER. Objection is made.

Mr. REAGAN. If the gentleman from Pennsylvania [Mr. HIESTAND] will permit me to explain I think he will not insist upon his objection. To-day, and to-morrow, and Monday have been set apart by the Committee on Commerce to hear the representatives of railroad companies in relation to several bills pending before the committee; a number of those representatives are now in the city, and if the hearing is limited to the hour before the session of the House begins each day, the committee will be prevented from giving these gentlemen as full a hearing as it desires to give them. The committee wishes to accommodate as many of them as it can, and I trust that the gentleman will not insist on his objection.

Mr. HIESTAND. Mr. Speaker, I have been requested to make the objection. That is all I have to say.

CHANGE OF REFERENCE.

Mr. CAREY. Mr. Speaker, I move that the Committee on Territories be discharged from the further consideration of House bill 5155, and that it be referred to the Committee on Public Lands. It is a bill which proposes to amend the existing land laws. It relates to the sale of lands in certain Territories and States.

The SPEAKER. If there be no objection the Committee on Territories will be discharged from the further consideration of the bill, and it will be referred to the Committee on Public Lands. The gentleman will please send the bill to the desk, so that the Chair can see whether that is the proper reference.

The SPEAKER. The Chair is advised that the bill to which the gentleman from Wyoming [Mr. CAREY] refers is not yet printed. The gentleman had better withdraw his request for the present.

Mr. CAREY. I will do so.

LEAVE OF ABSENCE.

Mr. MORGAN, by unanimous consent, obtained leave of absence for ten days, on account of important business.

ORDER OF BUSINESS.

Mr. BEACH. I demand the regular order.

The SPEAKER. This being Friday, the regular order is the call of committees for reports of bills of a private nature, to be placed on the appropriate Calendars.

JOHN TAYLOR WOOD.

Mr. TUCKER, from the Committee on the Judiciary, reported a bill (H. R. 5198) to remove the disabilities of John Taylor Wood, of Louisiana; which was read a first and second time, referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

SUSANNAH CARMICHAEL.

Mr. MATSON, from the Committee on Invalid Pensions, reported

back favorably the bill (H. R. 3902) for the relief of Susannah Carmichael; which was referred to the Committee of the Whole House on the Private Calendar, and the accompanying report ordered to be printed.

TAYLOR VOSS.

Mr. MATSON, from the Committee on Invalid Pensions, also reported back favorably the bill (H. R. 3903) granting a pension to Taylor Voss; which was referred to the Committee of the Whole House on the Private Calendar, and the accompanying report ordered to be printed.

WILLIAM P. SQUIRES.

Mr. MORRILL, from the Committee on Invalid Pensions, reported back with amendment the bill (H. R. 4581) granting an increase of pension to William P. Squires; which was referred to the Committee of the Whole House on the Private Calendar, and the accompanying report ordered to be printed.

PHILIP WAGNER.

Mr. MORRILL, from the Committee on Invalid Pensions, also reported back favorably the bill (H. R. 3399) to grant a pension to Philip Wagner; which was referred to the Committee of the Whole House on the Private Calendar, and the accompanying report ordered to be printed.

THOMAS G. BARTON.

Mr. MORRILL, from the Committee on Invalid Pensions, also reported, as a substitute for H. R. 776, a bill (H. R. 5199) to increase the pension of Thomas G. Barton; which was read a first and second time, referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

By unanimous consent House bill No. 776 was laid on the table.

SIMMONS W. HARDEN.

Mr. MORRILL, from the Committee on Invalid Pensions, also reported back favorably the bill (H. R. 1406) granting a pension to Simmons W. Harden; which was referred to the Committee of the Whole House on the Private Calendar, and the accompanying report ordered to be printed.

FORDYCE FOSTER.

On motion of Mr. SAWYER, by unanimous consent the Committee on Invalid Pensions was discharged from the further consideration of the bill (H. R. 1559) for the relief of Fordyce Foster; and the same was referred to the Committee on Pensions.

REBECCA ELDRIDGE.

Mr. SWOPE, from the Committee on Invalid Pensions, reported back favorably the bill (H. R. 2145) for the relief of Rebecca Eldridge; which was referred to the Committee of the Whole House on the Private Calendar, and the accompanying report ordered to be printed.

ELLEN M. MITCHELL.

Mr. SWOPE, from the Committee on Invalid Pensions, also reported back adversely the bill (H. R. 2022) to increase the pension of Ellen M. Mitchell; which was laid on the table, and the accompanying report ordered to be printed.

JOSEPHINE DA COSTA THOMAS.

On motion of Mr. SWOPE, by unanimous consent the Committee on Invalid Pensions was discharged from the further consideration of the bill (H. R. 4688) granting a pension to Josephine Da Costa Thomas; and the same was referred to the Committee on Pensions.

DANIEL T. FERGUSON.

Mr. TAULBEE, from the Committee on Invalid Pensions, reported back favorably the bill (H. R. 844) granting a pension to Daniel T. Ferguson; which was referred to the Committee of the Whole House on the Private Calendar, and the accompanying report ordered to be printed.

SARAH J. PRATER.

Mr. TAULBEE, from the Committee on Invalid Pensions, also reported back with amendment the bill (H. R. 3990) to restore to the pension-roll the name of Sarah J. Prater; which was referred to the Committee of the Whole House on the Private Calendar, and the accompanying report ordered to be printed.

CHANGES OF REFERENCE.

On motion of Mr. TAULBEE, by unanimous consent the Committee on Invalid Pensions was discharged from the further consideration of bills of the following titles; and the same were referred to the Committee on Pensions:

A bill (H. R. 880) for the relief of Mrs. Annie B. Lewis; and
A bill (H. R. 820) to pension Mrs. Theodora M. Piatt.

CHANGE OF REFERENCE.

On motion of Mr. PINDAR, by unanimous consent the Committee on Invalid Pensions was discharged from the further consideration of the bill (H. R. 3569) granting a pension to Ellen Bishop; and the same was referred to the Committee on Pensions.

EDWARD FENLEN.

Mr. WARNER, of Missouri, from the Committee on Claims, reported, as a substitute for H. R. 690, a bill (H. R. 5200) for the relief of Edward Fenlen; which was read a first and second time, referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

House bill 690 was laid on the table.

ALEXANDER COOPER, JESSE WILLIAMS, AND OTHERS.

On motion of Mr. SPRINGER, by unanimous consent the Committee on Claims was discharged from the further consideration of the bill (H. R. 4630) for the relief of Alexander Cooper, Jesse Williams, and others; and the same was referred to the Committee on War Claims.

Mr. GEDDES. I am directed by the Committee on War Claims to submit some adverse reports, and perhaps it is proper to say they are based upon claims referred by the Committee on War Claims to the Court of Claims and certified back. They are based on the action and finding of fact by the Court of Claims. Accompanying each report the finding of the Court of Claims, certified——

The SPEAKER. Is there a separate finding in each case?

Mr. GEDDES. Yes; there is a separate finding in each case and a separate report in each case, and they are separately placed there in order that no confusion may arise.

The SPEAKER. Was there not a general letter transmitting these findings to the committee?

Mr. GEDDES. I think not; none was called to my attention. They came to us from time to time separately. I have here also a favorable report from the Committee on War Claims on one of these findings.

The SPEAKER. Through the action of the House have they been sent to the Committee on War Claims?

Mr. GEDDES. No.

The SPEAKER. Then the Chair can not see how the gentleman can report them to the House, as they relate to matters which have not been referred to the Committee on War Claims.

Mr. GEDDES. They were referred to the Committee by the House and by the committee referred to the Court of Claims under the Bowman act of March 3, 1883, and by the provisions of that act they have been certified back to the committee. Being certified back to the Committee on War Claims by the Court of Claims, we are required by the Bowman act, as I take it, to make some report upon them. The law itself provides they shall go upon the Calendar and remain there from Congress to Congress until disposed of.

The SPEAKER. Perhaps the gentleman is correct. The Chair will examine the law.

Mr. GEDDES. I examined it, as I supposed, quite carefully in order to get these matters here. Otherwise they would be buried in the pigeon-holes of the committee. I have here the favorable action of the Court of Claims in one case, and in order that it may be brought before the House for action it is necessary it should be reported back from the Committee on War Claims.

The SPEAKER. The Clerk will read section 7 of the Bowman act, which perhaps covers it.

The Clerk read as follows:

That reports of the Court of Claims under this act if not finally acted on during the session at which they are reported shall be continued from session to session, and from Congress to Congress, until the same shall be finally acted on.

The SPEAKER. That is, the report of the Court of Claims is to be continued, not the original bill which was introduced in the last Congress and referred to the Committee on War Claims. The report of the Court of Claims when it comes back to Congress will be continued from session to session. Does the Chair understand the gentleman to say that the Court of Claims has made no report to Congress, but has sent certain certificates to the Committee on War Claims?

Mr. GEDDES. That is the fact.

Mr. SPRINGER. Mr. Speaker, I think this practice should be settled.

The SPEAKER. The Chair desires to have it settled now.

Mr. SPRINGER. Several cases of that kind came to the Committee on Claims, but I have always observed the parties in interest have introduced new bills and had them referred, and those bills have been accompanied by these reports from the Court of Claims. I think the proper practice would be to introduce new bills.

Mr. GEDDES. And so the Committee on War Claims has acted in the present case. We now report a new bill. We do not report the original bill that was referred to the Committee on War Claims because the papers in the case on which it is based go to the Court of Claims, where they remain. They are not returned to the Committee on War Claims; the only paper returned to that committee from the Court of Claims is the finding of the Court of Claims, upon which we base a bill and report. For that reason these papers are reported back in this form.

The SPEAKER. But the gentleman from Ohio will see that the difficulty presented is this: The act provides that the Court of Claims shall certify the facts in the case "to the committee making the reference or to the House." Now, the Chair thinks that a proper construction of that provision of the statute is that if the Court of Claims finds the facts during the session of Congress at which they were referred to the court, so that the same committee exists which referred them to the court and which has the bill before it, the court would properly report

its findings back to that committee. But such is not the case in this instance. The Forty-eighth Congress, whose committee referred these claims to the court, has expired, and a new Congress has commenced and a new Committee on War Claims has been appointed—a committee which never had the subject before it. The Chair thinks that the report of the Court of Claims under such circumstances should be made to the House and by the House referred to the committee for its action, thereby conferring upon the committee jurisdiction.

Mr. McMILLIN. Mr. Speaker, let me suggest that during the last Congress the Committee on Claims referred a number of claims to the Court of Claims under the provisions of the Bowman act. Some of these were acted upon during that session, and so far as I know the Court of Claims in each instance reported its findings back to the committee.

The SPEAKER. The Chair thinks that was correct.

Mr. McMILLIN. And in the committee we took that as the finding of the court to control the committee so far as we thought proper. But I submit the proper course to be pursued in the present instance is that suggested by the Speaker. Where they are returned by the court to a subsequent Congress the House refers them, with the other papers, to the committee having the matter in charge, and they are not there conclusive on the committee, but are simply argumentative facts found by the court. The committee can give them as much weight in its final disposition of the case as it sees proper to give them.

Mr. GEDDES. But the papers having been referred by the Committee on War Claims——

The SPEAKER. In the last House.

Mr. GEDDES. In the Forty-eighth Congress; the papers are not before the committee, but remain with the court, for the claimants in these cases do not refile the papers in the Forty-ninth Congress. The cases are pending in the Court of Claims.

Mr. McMILLIN. I submit, to the gentleman from Ohio that when the Court of Claims shall have found the facts and reported back to Congress its findings, then it is proper, when the matter has been rereferred to the Committee on War Claims, for that committee to get the original papers on application to the Court of Claims, just as we do in pension cases where the Committee on Pensions desires to examine papers which have been acted upon in the first instance by the Pension Office.

The SPEAKER. Unless the course suggested by the Chair is pursued the gentleman from Ohio will see at once the difficulty that must arise. Claims are referred to the Court of Claims by a committee of a preceding Congress, and that court certifies its findings to a committee of a succeeding Congress. If that committee without any reference of the subject to it by the House can report bills back here, the Journals of the House of this Congress will not show that the committee had any jurisdiction whatever over the subject-matter upon which they make a report.

The Chair thinks the report should be withheld at least for the present. The Court of Claims should certify the findings to the House, and the House will then refer the same to the Committee on War Claims, which will give that committee jurisdiction of the subject.

Mr. ROWELL. I would like to make a suggestion, Mr. Speaker.

The SPEAKER. The Chair will hear the gentleman.

Mr. ROWELL. By a rule of the last House a report was required to be made by these committees of the disposition of these cases where they were referred to the Court of Claims. It seems to me that the Court of Claims in sending these reports back to the committee have construed the Bowman act, and by that construction the court determines itself where these papers ought to go.

The SPEAKER. The act provides:

> When the facts shall have been found the court shall not enter judgment thereon, but shall report the same to the committee, or to the House, by which the case was transmitted for its consideration.

The Chair thinks the meaning of that is, if the court reports to the committee, it must report to the same committee which referred the claim and which has the matter then before it. But if the report does not come from the court until another Congress assembles and a new committee appointed, it must be made to the House, so that the House can refer the matter to the committee and thereby invest it with jurisdiction.

Mr. GEDDES. I will withdraw the report for the present.

COLUMBIA BANK, PENNSYLVANIA.

Mr. GEDDES, from the Committee on War Claims, reported back with an adverse recommendation the bill (H. R. 2140) for the relief of the Columbia Bank, in Pennsylvania.

Mr. HIESTAND. I desire to have that bill placed on the Calendar, and also ask leave to present the views of the minority.

There being no objection, the bill was referred to the Committee of the Whole House on the Private Calendar, and the report, with the views of the minority, ordered to be printed.

JOHN S. KENDRICK.

Mr. RICHARDSON, from the Committee on War Claims, reported back with amendments the bill (H. R. 818) for the relief of John S. Kendrick, executor of Amanda Goggin, deceased; which was referred to the Committee of the Whole House on the Private Calendar, and, with the amendments and accompanying report, ordered to be printed.

FRANCIS W. HALDEMAN.

Mr. LYMAN, from the Committee on War Claims, reported back with amendments the bill (H. R. 658) for the relief of Francis W. Haldeman; which was referred to the Committee of the Whole House on the Private Calendar, and, with the amendments and accompanying report, ordered to be printed.

ERNEST H. WARDWELL.

Mr. LYMAN, from the Committee on War Claims, also reported back with a favorable recommendation the bill (H. R. 1062) for the relief of Ernest H. Wardwell; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

MRS. EUNICE S. NICHOLS.

Mr. LOVERING, from the Committee on Invalid Pensions, reported back with an adverse recommendation the bill (H. R. 207) for the relief of Mrs. Eunice S. Nichols; which was laid on the table, and the accompanying report ordered to be printed.

FRANCIS H. KIRMAYER.

Mr. LOVERING, from the Committee on Invalid Pensions, also reported back with amendments the bill (H. R. 1083) granting a pension to Francis H. Kirmayer; which was referred to the Committee of the Whole House on the Private Calendar, and, with the amendments and accompanying report, ordered to be printed.

MARY B. CARLL.

Mr. LOVERING, from the Committee on Invalid Pensions, also reported back with amendments the bill (H. R. 1106) granting a pension to Mary B. Carll; which was referred to the Committee of the Whole House on the Private Calendar, and, with the amendments and accompanying report, ordered to be printed.

ORDER OF BUSINESS.

The SPEAKER. The call of standing and select committees for reports has now been completed.

COMMITTEE ON COMMERCE.

Mr. HIESTAND. I withdraw my objection to the request of the gentleman from Texas [Mr. REAGAN].

The SPEAKER. The gentleman from Pennsylvania withdraws his objection to the request made by the gentleman from Texas for leave to the Committee on Commerce to sit during the sitting of the House to-day, to-morrow, and Monday. If there be no further objection, leave will be granted.

There was no objection.

PRIVATE CALENDAR.

Mr. SPRINGER. I move that the House resolve itself into Committee of the Whole House for the purpose of considering the Private Calendar.

The motion was agreed to.

The House accordingly resolved itself into Committee of the Whole House, Mr. BLOUNT in the chair.

The CHAIRMAN. The House is in Committee of the Whole for the consideration of bills on the Private Calendar. The Clerk will report the first bill.

FRANCES E. STEWART.

The first business on the Private Calendar was the bill (H. R. 3829) for the relief of Frances E. Stewart, administratrix of Michael S. Stewart, deceased.

The bill was read, as follows:

Be it enacted, &c., That the Secretary of the Treasury be, and is hereby, authorized and directed to pay to Frances E. Stewart, administratrix of Michael S. Stewart, deceased, the sum of $3,160.50, which shall be in full of all balances due the estate of said Michael S. Stewart, deceased, growing out of a contract made on or about the 10th day of December, 1864, between the said Michael S. Stewart and Capt. George B. Hibbard, then assistant quartermaster at Nashville, Tenn., by which the said Michael S. Stewart agreed to cut and deliver 10,000 cords of wood at the Cumberland River for the use of the Army, &c.

The report (by Mr. RICHARDSON) was read, as follows:

The Committee on War Claims, to whom was referred the petition of Frances E. Stewart, administratrix of Michael S. Stewart, deceased, have given careful consideration to the same, and ask to report:

That this claim was presented to the Forty-eighth Congress, and a report was made by the Committee on Claims of the Senate on the 19th of December, 1882. As the examination by your committee has led them substantially to the same results with those arrived at by the Senate committee of the Forty-eighth Congress, they do not think it necessary to recapitulate the facts, but refer to that report, and thereto annex a copy for information.

Your committee report herewith a bill, and recommend its passage.

[Senate Report No. 6, Forty-eighth Congress, first session.]

The Committee on Claims, to which was referred a bill (S. 47) for the relief of Frances E. Stewart, administratrix of Michael S. Stewart, deceased, having examined the same, make the following report:

That the Committee on Claims at the first session of the Forty-fourth Congress made an adverse report upon this bill; that subsequently, additional facts and circumstances having been discovered, the bill was again presented to the Forty-

sixth Congress, and at the third session thereof favorably reported by the Senate Committee on Claims; that at the first session of the Forty-seventh Congress the bill was again presented, and having been carefully examined by the Senate Committee on Claims, the committee made a favorable report upon the same, and adopted as their own the report of the Committee on Claims made at the previous session.

Your committee, having carefully re-examined the case, consider that the facts are substantially embodied in, and the merits of the claim established by, the said report of the Senate Committee on Claims made at the third session of the Forty-sixth Congress, and therefore adopt as their own said report No. 832, which is as follows:

"The facts, as presented by the evidence submitted, are these: On or about the 10th day of December, A. D. 1864, the said Michael S. Stewart entered into a verbal contract, at Nashville, Tenn., with one George B. Hibbard, then captain and assistant quartermaster United States Army, stationed at Nashville, in charge of forage and fuel, by which he agreed to cut and deliver 10,000 cords of wood for the use of the Government of the United States in supplying fuel for the quartermaster's department and troops stationed in and about Nashville. Said wood was delivered by said Stewart on the banks of the Cumberland River within 25 miles of the city of Nashville, and for which he was to receive $6 per cord. No time within which such wood was to be delivered was fixed, except that it was to be delivered, to use the language of the original claimant, 'as rapidly as possible.' That, although said contract was not in writing, a memorandum thereof was made by Captain Hibbard, who subsequently transferred the same to his successor, Capt. W. Mills, Seventy-fourth Ohio Volunteer Infantry, and acting assistant quartermaster. The affidavit of Capt. George B. Hibbard, with whom this contract was made, is filed with the papers, is brief, and in these words:

"'That during the month of December, 1864, I was stationed at Nashville, county and State aforesaid (Davidson County, Tennessee), in charge of forage and fuel; that on or about the 10th day of said month I entered into a verbal contract or agreement with one M. S. Stewart, a loyal citizen of county and State aforesaid, to cut and deliver 10,000 cords of wood for the use of the United States Government, in supplying fuel for the Quartermaster's Department and troops stationed in and about Nashville, Tenn.; that said wood was to be delivered by said M. S. Stewart on the banks of the Cumberland River, within 25 miles of the city of Nashville; that I agreed to allow said Stewart the sum of $6 per cord for said wood; that soon after making said contract or agreement with said Stewart I was relieved of the charge of fuel, and that I transferred a memorandum of said contract to my successor, Capt. W. Mills, Seventy-fourth Ohio Infantry, and acting assistant quartermaster.'

"It further appears, from the affidavit of Capt. W. Mills, who succeeded Hibbard, and who remained in charge of that position until June, 1865, that said Stewart delivered under said contract 2,000 cords of wood, which was received by said Captain Mills for the use of the Government, and for which Stewart received his pay at $5 per cord, the contract price.

"Captain Mills's affidavit is in these words:

"'I, W. Mills, late captain and acting assistant quartermaster, being duly sworn according to law, depose and say that during the latter part of the year 1864 and up to June, 1865, I was stationed at Nashville, Tenn., in charge of fuel, among other duties, and that during that period I received over 2,000 cords of wood of one M. S. Stewart, a loyal citizen of said county (Davidson County, Tennessee) and State aforesaid, in pursuance of a verbal contract made between said M. S. Stewart and Capt. George B. Hibbard, I having succeeded said Captain Hibbard, and been instructed from the chief quartermaster's department to carry out all of Captain Hibbard's contracts. Said wood was delivered on the banks of the Cumberland, within 25 miles of Nashville, and was paid for at the contract price of $5 per cord. On the last of May, 1865, I notified said M. S. Stewart that the Government would require no more wood chopped, and, having been relieved of the fuel department by Maj. A. J. Wills, this deponent knows of no further action in the premises.'

"The foregoing affidavit was made March 28, 1866. Subsequently, on July 10, 1866, Captain Mills made another affidavit, in which he says:

"'M. S. Stewart was a contractor to furnish the Government with wood. It was a difficult matter to supply this post (Nashville) with fuel during the war, and it became necessary to buy in open market, the bonded contractors being prevented by the enemy and high water from supplying the requisite quantity of wood. This Mr. M. S. Stewart, with other parties, had contracted with Capt. George B. Hibbard, assistant quartermaster, to furnish more or less of wood, as the condition of the military situation would permit; but before the said Stewart had delivered any the fuel department had been transferred to me, and Capt. George B. Hibbard gave me, on a written memorandum, the name of M. S. Stewart as one of his contractors; and in pursuance thereof I did buy for the Government wood of the said Stewart. Said memorandum was not preserved.'

"On the 2d of November, 1864, as per alleged copy of certificate filed (this date is evidently a mistake, as the contract was not made until December 10, 1864), Capt. George B. Hibbard issued the following request:

"'ASSISTANT QUARTERMASTER'S OFFICE,
"'FUEL AND FORAGE DEPARTMENT,
"'*Nashville, Tenn., November* 2, 1864.

"'*To whom it may concern:*

"'Mr. M. S. Stewart has contracted to deliver me 10,000 cords of wood on the Cumberland River for the use of the Government. He will need all of his hay and grain to feed his teams used in delivering said wood; therefore I request all persons whomsoever to leave his crops unmolested.

"'GEO. B. HIBBARD,
"'*Captain and Assistant Quartermaster.*'

"The affidavit of Robert McKenzie, an employé of the post quartermaster's department at Nashville, after referring to the delivery of wood by Stewart under his contract, states as follows:

"'That some time near the 23d or 26th day of May, 1865, I was ordered by the said Capt. William Mills, acting assistant quartermaster, to notify the said M. S. Stewart to stop chopping wood upon said contract, and also notified him that the wood then cut would be taken in accordance with said contract. All this was done under the orders and authority of the said Captain Mills, acting assistant quartermaster.'

"In pursuance of this contract it appears that M. S. Stewart purchased all the standing timber on a 160-acre tract of land lying near the Cumberland River, some 18 miles below Nashville, paying therefor $1.50 per cord. He hired woodchoppers and took all necessary steps to carry out his contract, and cut in all 3,203 cords, 2,000 cords of which had been received and paid for by the Government at the contract price, $5 per cord, prior to May 31, 1865, when he (Stewart) was notified by Assistant Quartermaster Mills not to cut any more wood, but that the Government would receive that already cut and not delivered—1,203 cords. Subsequently to this Assistant Quartermaster Mills received and paid for 300 cords, leaving on Stewart's hands 903 cords, which the Government declined to take or pay for.

"The evidence shows clearly that Stewart did have this amount of wood left on his hands, to wit, 903 cords. Sixty cords, however, of this amount were not hauled to the river bank, but remained in the forest where cut, some half a mile distant from the river bank, while 843 cords were hauled to the river bank.

"It is claimed by petitioner that the actual cost of purchasing the timber, and cutting, hauling, cording, &c., this 903 cords was $5 per cord; in all $4,946.70, made up as follows:

Cost of 903 cords standing wood, at $1.50 per cord	$1,354 50
Chopping 903 cords, at $1.75	1,580 25
Hauling 903 cords, at $1.50	1,354 50
Re-cording wood on river bank, at 15 cents per cord	136 45
To services of G. B. Stewart, superintendent, two months, at $150 per month	300 00
Services of F. Kibbler, foreman, at $100 per month	200 00
	4,946 70

"As the evidence shows that 60 cords of this wood were not hauled from the woods to the river bank, the item charged for hauling is $90 too high, and the item for re-cording on the river bank is $9 too high. The account also contains four errors in calculation, the correction of which would further lessen the aggregate amount of expenses to the extent of $22, making the amount actually expended by Mr. Stewart on said 903 cords $4,825.70.

"From the records of the office of the Quartermaster-General it appears that on the 8th of October, 1866, the contractor (M. S. Stewart) presented to that Department his claim for $4,946.70, being, as was alleged, the actual expense incurred by him in purchasing and preparing for delivery 903 cords of wood. After a thorough investigation this claim was disallowed by the Quartermaster-General *in toto*, and on appeal to the Secretary of War that officer, under the opinion of the Judge-Advocate, approved the action of the Quartermaster-General.

"The original petition in regard to this claim was presented to the Senate on January 6, 1874, and on April 12, 1876, the Committee on Claims made an adverse report upon it, which was agreed to by the Senate.

"That petition asked that the Government would pay to petitioner—as the administratrix of the original claimant, which the evidence shows her to be—the full contract price of said wood, making no mention of the fact that the original contractor, by disposing of it to other parties after the Government's refusal to accept it, had protected himself from loss to the extent of $2.50 per cord.

"The petition which we are now considering, after crediting the Government with $2.50 a cord as realized from the sale of said wood after the Government's refusal to accept it (and which rate per cord the proof in the case shows was actually realized for 843 cords of it), asks that the Government will pay to the petitioner, as administratrix aforesaid, the balance of the sum due to the petitioner's intestate according to the terms of the contract, namely, the sum of $3,160.50.

"The committee's adverse report was based mainly upon the legal proposition that under the act of June 2, 1862 (12 Stats. at Large, page 220), the contract for the purchase of the wood was not binding on the United States, because not in writing; although it further declared that the claim did not present such peculiar equities as to entitle it to consideration aside from its strictly legal aspect.

"The act of June 2, 1862 (12 Stats. at Large, page 220), is in these words:

"'SEC. 10. *And be it further enacted*, That all purchases and contracts for supplies or services, in any of the Departments of the Government, except for personal services, when the public exigencies do not require the immediate delivery of the article or articles, or performance of the service, shall be made by advertising a sufficient time previously for proposals respecting the same. When immediate delivery or performance is required by the public exigency, the articles or service required may be procured by open purchase or contract at the places and in the manner in which such articles are usually bought and sold or such services engaged between individuals. No contract or purchase shall hereafter be made, unless the same be authorized by law or be under an appropriation adequate to its fulfillment, except in the War and Navy Departments, for clothing, subsistence, forage, fuel, quarters, or transportation, which, however, shall not exceed the necessities of the current year.'

"In this case it was insisted before the War Department and before the committee, when they formerly considered it, that Captain Hibbard had a right to make a verbal contract or parol agreement, from the fact that the public exigency which creates the exception in the act quoted existed. This, however, was a matter to be determined from all the circumstances surrounding the case, and the War Department and the Senate Committee on Claims in the Forty-fourth Congress decided, upon the facts then brought to their notice, that the public exigency creating the exception in the act quoted did not exist.

"But since then the fact, which was overlooked when this claim was formerly under consideration, has been brought to the attention of this committee, that on December 10, 1864, the very day on or about which, according to all the evidence, the contract upon which this claim is founded was made, General Thomas, commanding the department, issued an order directing the troops to supply themselves with fuel, so far as practicable, from the woods and forests adjacent to their encampments. In the opinion of your committee this order clearly shows that a public exigency then existed, such as under the provisions of the act of June 2, 1862, authorized the commanding officer to order the chief quartermaster to procure supplies in the most expeditious manner without advertising.

"When this case was before Quartermaster-General Meigs he wrote concerning it:

"'I ought to remark that after reading the testimony of Mills, late captain and assistant quartermaster of volunteers at Nashville, I am of the opinion that the state of affairs to which he testifies in the Henderson suit do show an exigency which was sufficient to justify the commanding officer to dispense with written contracts under the law.

* * * * * * *

"'I have the impression that some competent authority (Secretary of War, General Sherman, or General Thomas) did issue an order to the chief quartermaster, General Donaldson, intended to authorize under the law the more rapid method of verbal or open purchases in all cases of necessity.'

"But the order which General Meigs stated his impression had been issued was not then found, and hence the claim was rejected, as the public exigency which would justify a verbal contract did not seem to have existed. Had attention been then called to the existence of that order, the contract between Stewart and George B. Hibbard, captain and assistant quartermaster, would have been recognized as coming fairly within the exception as to written contracts stated in Army Regulations, paragraph 1048, which is the precise language of 22 Statutes at Large, page 220, and is as follows:

"'When immediate delivery or performance is required by the public exigency, the article or service required may be procured by open purchase or contract at the place and in the mode in which such articles are usually bought and sold or such services engaged between individuals.'

"Prior to the presentation of this claim to the Quartermaster-General a claim of one R. J. Henderson, for damages for violation of a verbal contract to deliver wood at the same point and the same time, had been presented and disallowed, upon the ground that the contract was not in writing, as required by the act of June 2, 1862. The War Department and the Committee on Claims of the Senate, in the Forty-fourth Congress, when disallowing the claim of the administratrix of Michael S. Stewart, declare it and the claim of R. J. Henderson to be 'precisely similar,' and correctly so declare.

"Yet the same committee, at a later period of the same session, during which they reported adversely on the claim of Michael S. Stewart's administratrix, be-

ing called upon to pass upon the claim of R. J. Henderson (the order of General Thomas, of December 10, 1864, having been in the mean time brought to their notice), reported favorably upon the petition of R. J. Henderson, recommending an appropriation to pay him the full amount of his claim, and both Houses of Congress passed a bill for his relief, which was approved by the President.

"If the said Michael S. Stewart had made a written contract, there could have been no doubt or question as to the liability of the Government to pay his administratrix the balance she now claims; and even if it be conceded that Assistant Quartermaster Hibbard had not authority to make a verbal contract with Stewart which would be binding upon the Government, it is clear that M. S. Stewart did not know that it was his duty or business to ascertain whether Captain Hibbard was acting in excess of his authority, and that the circumstances of the case were such as to justify him in believing that Captain Hibbard was acting within his authority. Stewart's administratrix would, therefore, upon equitable principles, have a strong claim upon the Government to be reimbursed by the payment of the balance of the contract price for expenses incurred by her intestate on its behalf, unless by some misconduct her right to have her claim equitably considered has been forfeited.

"The Committee on Claims of the Senate in the Forty-fourth Congress were of the opinion that the petitioner was not entitled to have her claim considered upon equitable principles for these reasons, all of which we have carefully re-examined, and find to be unfounded:

"First. Because the affidavit of the contractor, made March 29, 1866, and filed in the Quartermaster-General's Department, in support of his claim, 'leaves the impression that all said wood was remaining on the banks of the Cumberland River at that date.'

"The testimony makes it entirely clear that at the time the affidavit of March 29, 1866, was made, and until the month of September following, all said wood remained undisposed of upon the banks of said river except 60 cords thereof, which were in the woods near by. It seems also clear, from the dates of the numerous affidavits accompanying the petitioner's claim, that the papers in the case were transmitted to Washington, to the contractor's original attorney, on or about July 10, 1866. They were not actually filed in the Quartermaster's Department until early in October of that year, but it seems but fair to attribute the delay to the neglect of the attorney, whose written argument, filed in the Quartermaster-General's Department, on behalf of this claim, shows him to be so careless that he repeatedly misstates the name of his client.

"Second. Because no reference is made in the original petition presented by the contractor's administratrix to the Senate on January 6, 1874, 'to any sale, or attempted sale, or other disposition whatever, by M. S. Stewart, or his administratrix, of any part of the 903 cords of wood.'

"The petitioner explains, under oath, that she knew very little about business, and nothing about the condition of this case, and left the matter of preparing her petition to her attorney, not intending to withhold any fact in connection with the wood or the subsequent disposition of it. This statement is fully borne out by the fact that the petition is signed, not in the petitioner's handwriting, but in that of her attorney, and that it requests that the papers on file in the Quartermaster-General's Office relating to the claim may be examined and considered in its support.

"As the petition thus expressly called attention to the existence and whereabouts of the papers which showed the disposition of the wood, and asked that those papers might be examined and considered by Congress as the evidence upon which the petitioner rested her claim, it is unreasonable to conclude that the petitioner was attempting to conceal from Congress a fact which an examination of those papers could not fail to disclose.

"We prefer rather to adopt the more natural conclusion that the failure of the original petition to mention the fact that the contractor had relieved himself of part of his loss by a sale of the wood was not set out in the petition, because it was unknown to the petitioner, and to her attorney, whose connection with the case only began after the death of the petitioner's husband (the original claimant), and of his attorney, who had presented the case to the Department.

"Third. Because, after the contractor received notice from the acting assistant quartermaster that no more wood would be taken under the contract, he held on to the 903 cords in the hope of obtaining large damages from the Government, when, if he had been so disposed, he could have sold it to wood-dealers at much more than the price at which he had contracted to sell it to the Government.

"There is nothing in the case except the entirely gratuitous suggestion of Acting Assistant Quartermaster Moore, to whom the case was referred by the Quartermaster's Department for investigation, to indicate that the contractor, after the Government's refusal to take it, held on to the wood in the hope of obtaining large damages from the Government. On the contrary, he did not, in his original affidavits setting forth his claim, even ask to be paid the contract price. His claim was that, as a citizen who had at all times displayed unswerving fidelity and loyalty to the Government, and who had risked his stock in carrying out faithfully and energetically his contract with Captain Hibbard and his successors, he should be paid the actual expense incurred by him in cutting said wood and getting it ready for delivery in accordance with his contract, which expense he stated was $4,946.70, which was $471.30 less than the contract price.

"Nor is there anything in the case, except the suggestion of said Acting Quartermaster Moore, to indicate that the contractor could, if he had been so disposed, have sold the wood after the Government's refusal to accept it for much more than, or for as much as, the price at which he had contracted to sell it to the Government. The evidence in the case is that, between the time when the demand for wood for the use of the Army had ceased and the time when the contractor succeeded in disposing of said wood for $2.50 a cord, there was no time when he could have realized a higher sum for it, where it was, upon the bank of the river, than that for which he sold it. Indeed, it is impossible to suppose that a Government contractor could have been so ignorant as not to know that the largest sum he could hope to receive in payment of supplies which the Government had refused to receive was the full contract price; and with this knowledge it is impossible to believe that when the Government, by canceling its contract with him, relieved him from his obligation to discharge his part of it, he would have failed to dispose of the supplies thus thrown upon his hands if the opportunity to do so at more than the contract price had been presented to him.

"We think, therefore, that a more thorough and careful examination of the facts of the case shows that the Senate Committee on Claims in the Forty-fourth Congress was wrong in treating this as a case in which the petitioner, by reason of improper conduct, had forfeited all claim to have the equities of her case considered by Congress.

"Your committee are of the opinion that the agreement between Captain Hibbard and the petitioner's intestate was made at a time when an urgent necessity existed for wood for the use of the Army; and that as the proof sustains the delivery of the wood to the proper military authorities, they are further of the opinion that the Government is in duty baund to pay to the petitioner the difference between the contract price and the sum realised by a resale of the wood.

They accordingly report the accompanying bill, appropriating the sum of $3,160.50, and recommend its passage."

Mr. RICHARDSON. Unless some gentleman of the House desires further information in addition to what has been given by the reading of the report I will move that the bill be laid aside to be reported to the House with a favorable recommendation

Mr. STEELE. I shall object to that. I see that this claim was considered by a committee of the Forty-fourth Congress and they decided against it. Prior to that the Quartermaster-General thoroughly investigated this case, having the means at his disposal to do so, and he decided against it. An appeal was taken to the Secretary of War and he decided that it had no merit.

By the showing of the report, for 10,000 cords of wood this man was allowed $3.50 a cord more than wood could be sold to anybody else. The Government paid $3.50 per cord more than the market price; and now, twenty years after the war, this claimant comes and renews the claim upon the affidavit of a man who says he made a verbal contract, when it is not reasonable to suppose that a contract of such magnitude existed, and if it did the quartermaster's returns ought to show something about this matter. But the Quartermaster's Department says there is nothing on file in the Department to show the claim is just. On the contrary, they say unequivocally there is no merit in the case; and, as I said before, the committee of the Forty-fourth Congress said there was no merit in it. And now we are asked to say the committee of the Forty-fourth Congress was wrong, the Quartermaster-General was wrong, the Secretary of War was wrong, and there is merit in the case.

I have not before me a copy of the report. I sent to the document-room, but was unable to get one. But I can see that enough has been said by the committee of the former Congress, by the Quartermaster-General, and by the Secretary of War to show conclusively there is no merit in the claim; and I hope the committee will not lay the bill aside to be reported with a favorable recommendation.

Mr. SPRINGER. I think this bill ought to have some more consideration than is implied in the motion to lay it aside for a favorable recommendation. If gentlemen will look at the report in this case they will see that according to the records in the office of the Quartermaster-General, it appears that this case was presented to the Quartermaster-General in 1866 for consideration under what is known as the 4th of July act; that the Quartermaster-General took jurisdiction of it under that act and adjudicated it; and that after a thorough investigation the claim was disallowed by the Quartermaster-General *in toto*. Then an appeal was taken to the Judge-Advocate-General, who, after examination of the papers, approved the action of the Quartermaster-General.

In seems that this rejection of the case was upon, first, a technical ground, that there was no written contract; and, secondly, upon the ground that the claim was without merit. So that it did not lose its rightful consideration before the Quartermaster-General upon the mere technicality of the want of a written contract, but that department examined it upon its merits and decided that it had no merit. It was also considered by the Senate committee in the Forty-fourth Congress, and by that committee also was rejected on its merits. I fail to see from this report how the case is placed in a better light by subsequent testimony than that in which it stood upon the testimony before the Quartermaster-General and before the Senate committee in the Forty-fourth Congress. On general principles, it seems that after Congress has provided a tribunal in one of the Departments for hearing, considering, and determining claims against the Government, and after that tribunal has taken cognizance of a case and has heard and determined it upon its merits, that decision ought to be a finality, and the House of Representatives and the Congress of the United States should not constitute themselves a high court of appeal to which cases adjudicated by the Departments and the courts established by the Government should be brought, by special act, for review and overruling of the decisions of those tribunals. For these reasons it seems to me that this case should receive very careful consideration before it should be allowed to pass. I would like to have some friend of the bill give reasons, first, why Congress should take jurisdiction of this case after it has been rejected by the tribunal created for the consideration of such cases; and, secondly, if Congress should take jurisdiction, what newly-discovered evidence has been brought into the record which goes to show that the tribunal below erred and that the party had, in fact, a right to recover. Until these questions are satisfactorily answered I can not give my support to this bill.

Mr. HOUK. Mr. Chairman, I should like to answer the gentleman's question.

Mr. SPRINGER. I shall be very glad to have it answered.

Mr. HOUK. The gentleman inquires why Congress is asked to take jurisdiction of this case after it has been disposed of by the Quartermaster-General? I suppose it is upon the same principle on which Congress takes jurisdiction of the Fitz-John Porter case. [Laughter.]

Mr. SPRINGER. I do not understand that the Quartermaster-General has disposed of the Fitz-John Porter case.

Mr. HOUK. But a military court, a higher tribunal, did dispose of it.

Mr. RICHARDSON. Mr. Chairman, I will detain the committee but a few moments in presenting this case. We have had occasion to examine it very carefully, and the gentleman from Illinois [Mr. SPRINGER] has stated but a portion of the facts. A committee of the Senate at one time did report adversely to this claim. We found also that the Quartermaster-General did, as stated by the gentleman from Illinois [Mr. SPRINGER], reject the claim. But, Mr. Chairman, the main ground alleged for that action is that the contract made with the claimant for the delivery of this wood in 1864 by the assistant quartermaster at Nashville was not in writing, but was merely verbal. The committee which re-

ported adversely to the claim seemed to be under the impression that under the act of June 2, 1862, unless the contract for the delivery of the wood was in writing, the claim could not be allowed. Now I think the better reason is given by the Senate committee afterward when it came to consider the case. The committee of the present House, in reporting this case, has adopted the report of the Senate committee, made by Senator DOLPH, and in that report we find that he copies from the act of 1862 the tenth section, in which it is provided that when supplies of this kind are needed for the Army for immediate delivery, or where the performance of the work is required by a public exigency, then the contract need not be in writing. So the Senate committee found in this case there was no necessity for a contract in writing; that a public exigency did exist at that time, in the winter of 1864, at Nashville, for the immediate delivery of this wood for hospital purposes and the supply of the Army, and that therefore a verbal contract was made with this man to deliver this wood at some point on the bank of the Cumberland River within 25 miles of the city of Nashville. The wood was delivered according to the verbal contract. There is no controversy upon that point. But, the exigency having passed away before it was all delivered, the Government did not see fit to pay according to the terms of the contract for what had been delivered upon the bank of the river.

Mr. STEELE. If the gentleman will permit, I wish to ask him a question. It appears this contractor was paying the exorbitant sum of $1.75 for this wood, according to his own statement. Now, if he had had 100,000 cords of wood cut and lying there on the bank of the river, does the gentleman think that the Government would have been under obligation to take all that wood at $6 a cord when it was worth only $2.50 a cord in the market?

Mr. RICHARDSON. No, sir; but that is not the report of this committee. If there was a public exigency demanding that amount of wood, and the Government made a contract for that amount at that price, I imagine it would be bound to take it.

Mr. STEELE. But the Government did take all the wood which it had need for.

Mr. RICHARDSON. But the Government in this case contracted for 10,000 cords of wood to be delivered immediately, or at an early day, on the bank of the Cumberland River.

Mr. HOUK. Can the gentleman inform us how much was delivered?

Mr. RICHARDSON. Two thousand cords, and that was paid for. Afterward the contractor delivered 843 cords and corded it up according to contract on the bank of the river.

Mr. HOUK. At the place provided in the contract?

Mr. RICHARDSON. Yes, sir. Now we are not asking pay for this claimant at the rate of $6 a cord.

Mr. HOUK. One other question. At what rate does the committee recommend that this man be paid?

Mr. RICHARDSON. We recommend he be paid exactly what it cost him to put the wood there; that is all.

Mr. HOUK. How much?

Mr. RICHARDSON. Thirty-one hundred and sixty dollars. I can not, at this moment, say how much that is per cord.

Mr. HOUK. I do not wish the gentleman to misunderstand me. I want to vote for this bill if it is right; I merely wish to know whether it is right.

Mr. RICHARDSON. And I do not wish the gentleman to vote for it unless he believes it to be right. I would not do so myself. I can not state the exact price per cord that we propose to allow, unless I should sit down and make the calculation; but we propose to pay this man just what it cost him to put that wood at the place where the officers of the United States had agreed to accept it.

Mr. BROWNE, of Indiana. What became of the 800 cords of wood?

Mr. RICHARDSON. I will state that in a moment. When the officers of the United States refused to accept the wood this man went forward and sold it at $2.50 a cord. Now the committee, in finding the amount due, deduct the amount thus received at the lower price and allow only the difference between the price thus realized and the contract price at which the officers of the Government had agced to take the wood.

Mr. BROWNE, of Indiana. Then this allowance relates only to the quantity of wood actually delivered on the banks of the river?

Mr. RICHARDSON. Yes, sir; after crediting him with the amount he received for the wood he sold.

Mr. BROWNE, of Indiana. And there is no sum included for damages by reason of the failure on the part of the Government to take the wood?

Mr. RICHARDSON. No, sir, not at all. We propose to allow just what it is proved he had to pay to have this wood cut, and hauled, and corded on the bank of the river. There is no speculation of any kind in this matter.

Mr. MILLARD. When was this claim heard by the quartermaster—about what time?

Mr. RICHARDSON. About 1869, if I remember correctly.

Mr. MILLARD. Was it heard on its merits?

Mr. RICHARDSON. That does not appear. The report simply shows that he considered the claim and could not allow it under the 4th of July act.

Mr. MILLARD. Was the claimant permitted to be heard by the quartermaster?

Mr. RICHARDSON. There is no evidence of that.

Mr. SPRINGER. The report states:

From the records of the Quartermaster-General it appears that on the 8th of October, 1886, the contractor, M. S. Stewart, presented to the Department his claim for $4,946.70, being, as was alleged, the actual expense incurred in purchasing and preparing for delivery 903 cords of wood.

Mr. MILLARD. Was that prior to the hearing before the Senate committee?

Mr. RICHARDSON. It was heard before the Senate committee afterward.

Mr. MILLARD. And disallowed?

Mr. RICHARDSON. The report of one committee was in favor of disallowing the claim, but at the next session the question was reconsidered and action was taken in favor of allowing the claim. In the last Congress the claim was considered by the House Committee on War Claims and again allowed, and at the same session it was allowed by the Senate committee.

Mr. STEELE. Has the quartermaster's agent ever investigated this claim?

Mr. RICHARDSON. I do not know; I can not answer that question. The proof on file, however, shows conclusively that this was the proper amount.

Mr. STEELE. Of what does the proof on file, showing that this wood was actually delivered, consist?

Mr. RICHARDSON. There has never been any controversy on that point in either committee. Affidavits on file show conclusively that this amount was delivered. The quartermasters themselves—two of them—agree that this wood was delivered under the contract. Their letters or testimony will be found in the report, in which they say that this wood was delivered according to the contract.

Mr. STEELE. Two ex-quartermasters?

Mr. RICHARDSON. Yes, sir.

Mr. WOLFORD. Will the gentleman allow me a question?

Mr. RICHARDSON. Certainly.

Mr. WOLFORD. I want to understand the facts. There was a contract made in this case with the proper authority for the delivery of a certain quantity of wood?

Mr. RICHARDSON. Yes, sir.

Mr. WOLFORD. And upon the faith of that contract it was delivered at the place agreed on?

Mr. RICHARDSON. Yes, sir.

Mr. WOLFORD. And not received?

Mr. RICHARDSON. No, sir. A part of it was received; but the war closed, and the officers of the United States did not receive the balance.

Mr. WOLFORD. And the contractor had to sell the wood afterward for what he could get?

Mr. RICHARDSON. Yes, sir.

Mr. WOLFORD. And the war having closed, he had to sell at a reduced price?

Mr. RICHARDSON. Yes, sir. Now, Mr. Chairman, the proof shows that this man was a loyal citizen of the United States; that he furnished his own teams; that he agreed to deliver this wood to the Army authorities at Nashville when there was a public exigency, when there was a great demand for it; that he complied with this contract. The proof is that the price at which he was to deliver the wood was then reasonable and fair; that this contractor did all he was required to do; and after the close of the war he sold the wood for what he could get for it. The Government is now asked to pay to his estate merely the difference between the contract price and that at which he was obliged to sell the wood.

Mr. STEELE. I do not wish to disturb the gentleman——

Mr. RICHARDSON. It is no disturbance; I am glad to give the gentleman any information I can.

Mr. STEELE. I wish to inquire whether the present Quartermaster-General has been consulted about this account.

Mr. RICHARDSON. I can not answer that question. Now, Mr. Chairman, I yield ten minutes of my time to my colleague from Nashville [Mr. CALDWELL], who is the immediate representative of the parties interested in this case.

Mr. CALDWELL. I will state in the first place, Mr. Chairman, that the gentleman from Indiana [Mr. STEELE] is mistaken in supposing this claim was ever disallowed on its merits. The only reason why it was ever disallowed was on account of the fact there was not a written contract; that the order of General Thomas, showing the existence of a public exigency to justify the verbal agreement under Army Regulations, had not been made to appear. As a matter of course, if there had been a written contract with Stewart for the delivery of this wood, there would have been no controversy if he had performed his part of the contract. But the question arose simply as to whether the quartermaster's memorandum, made at the time, showing stipulations of the amount of wood to be delivered and the terms upon which it was to be delivered, was such an agreement as to bring it within the obligations of a written contract. It was decided that it would put it outside be-

cause of the absence of proof of the order of General Thomas of 10th of December, 1864. Now, according to the evidence, the agreement on which this claim was founded was made under the order of General Thomas, who commanded the department, that the troops should provide themselves with fuel as far as practicable. That order showed there was such a public exigency existing at the time, which, under the act of June, 1862, authorized the commanding officer to procure supplies of fuel in the most expeditious manner, and without advertising. The report says:

In this case it was insisted before the War Department and before the committee, when they formerly considered it, that Captain Hibbard had a right to make a verbal contract or parol agreement, from the fact that the public exigency which creates the exception in the act quoted existed. This, however, was a matter to be determined from all the circumstances surrounding the case, and the War Department and the Senate Committee on Claims in the Forty-fourth Congress decided, upon the facts then brought to their notice, that the public exigency creating the exception in the act quoted did not exist.

But since then the fact, which was overlooked when this claim was formerly under consideration, has been brought to the attention of this committee, that on December 10, 1864, the very day on or about which, according to all the evidence, the contract upon which this claim is founded was made, General Thomas, commanding the department, issued an order directing the troops to supply themselves with fuel, so far as practicable, from the woods and forests adjacent to their encampments. In the opinion of your committee, this order clearly shows that a public exigency then existed, such as under the provisions of the act of June 2, 1862, authorized the commanding officer to order the chief quartermaster to procure supplies in the most expeditious manner without advertising.

When this case was before Quartermaster-General Meigs he wrote concerning it:

"I ought to remark that, after reading the testimony of Mills, late captain and assistant quartermaster of volunteers at Nashville, I am of the opinion that the state of affairs to which he testifies in the Henderson suit do show an exigency which was sufficient to justify the commanding officer to dispense with written contracts under the law.

* * * * * * * *

"I have the impression that some competent authority, Secretary of War, General Sherman, or General Thomas, did issue an order to the chief quartermaster, General Donaldson, intended to authorize under the law the more rapid method of verbal or open purchases in all cases of necessity.'

"But the order which General Meigs stated his impression had been issued was not then found, and hence the claim was rejected, as the public exigency which would justify a verbal contract did not seem to have existed. Had attention been then called to the existence of that order, the contract between Stewart and George B. Hibbard, captain and assistant quartermaster, would have been recognized as coming fairly within the exception as to written contracts stated in Army Regulations, paragraph 1048, which is the precise language of 22 Statutes at Large, page 220, and is as follows:

"'When immediate delivery or performance is required by the public exigency, the article or service required may be procured by open purchase or contract at the place and in the mode in which such articles are usually bought and sold or such services engaged between individuals.'

Now, what does he mean by the Henderson suit?

"Prior to the presentation of this claim to the Quartermaster-General a claim of one R. J. Henderson, for damages for violation of a verbal contract to deliver wood at the same point and at the same time, had been presented and disallowed, upon the ground that the contract was not in writing as required by the act of June 2, 1862. The War Department and the Committee on Claims of the Senate, in the Forty-fourth Congress, when disallowing the claim of the administratrix of Michael S. Stewart, declare it and the claim of R. J. Henderson to be 'precisely similar,' and correctly so declare.

Yet the same committee at a later period of the same session, during which they reported adversely on the claim of Michael S. Stewart's administratrix, being called upon to pass upon the claim of R. J. Henderson (the order of General Thomas, of December 10, 1864, having been in the mean time brought to their notice), reported favorably upon the petition of R. J. Henderson, recommending an appropriation to pay him the full amount of his claim, and both Houses of Congress passed a bill for his relief, which was approved by the President.

Mr. STEELE. The report then was that this Stewart claim was without merit?

Mr. CALDWELL. No; both claims went off on the same proposition. The public exigency was made to appear for the first time under the order of General Thomas of the 10th of December, 1864. The confederate army was in his immediate front. Nashville was then in an actual state of siege. It was made for the first time to appear there really did exist a public exigency which justified a verbal agreement on the part of the Government with this party to furnish these supplies. This claim was disallowed, as Henderson's was in the first instance, solely on the ground of failure to make the public exigency appear. It was made to appear by the production of the order of General Thomas of the 10th of December, 1864, and when produced, and when the public exigency was made to appear, the Quartermaster-General himself said the claim was a just one and should be paid.

Mr. STEELE. Have you any testimony as to the opinion of the present Quartermaster-General?

Mr. CALDWELL. I have none except as appears by the papers on file with the pending report. But I do not know what the opinion of the present Quartermaster-General has to do with this matter.

Mr. STEELE. I should like to know what he says on the subject.

The CHAIRMAN. The gentleman's time has expired.

Mr. RICHARDSON. I now yield for five minutes to the gentleman from Pennsylvania.

Mr. STORM. Mr. Chairman, the inclination of my mind is against all claims of this character, and if it had not been for the fact that I had carefully investigated this particular claim in the last Congress possibly I would now be prejudiced against it. But after full and careful investigation my mind could reach no other conclusion than that reported by the committee of this Congress, to the same conclusion reached by the Senate committee in the Forty-eighth Congress, and to the same conclusion reached by the committee in the Forty-seventh Congress, that this claim was a just one and ought to be allowed.

Now, it is well known that the Quartermaster-General's Department examines all these cases carefully, and that where the letter of the law does not warrant the allowance of a claim the uniform practice has been to reject it. It is true they often accompany their disallowance of a claim by referring the claimant to Congress for relief by legislation.

The rejection of this claim was upon the narrow and technical ground that it was prohibited under the statute which required all contracts for commissary and quartermaster supplies to be in writing. I take it the gentleman from Indiana or the gentleman from Illinois will not say this Government should refuse to pay on the mere technical ground that the contract with the Government was not in writing, when in all other respects it was faithfully fulfilled on the part of the claimant. No gentleman in this House would attempt to place this Government on any such principle as that, if the claim were otherwise honest and equitable.

The fact is, the only adverse report outside of the Quartermaster-General's Department was that of the Senate committee in the Forty-fourth Congress, and that adverse report was based upon two or three circumstances which have since been fully explained and shown to be erroneous. One was, as I recollect, that the claimant when he filed his claim stated or left the impression there were 903 cords of wood on the banks of the river at the time, when in point of fact sixty or more cords had been sold or removed. They discovered on examining all the papers that while they were dated in March, 1866, they had not been actually filed until October, 1866, and in the mean time this wood had been removed. It was alleged therefore the claimant had misstated the facts, and it was held the claim presented was dishonest.

Another objection was, as I remember, that nothing was said of an attempted sale some time in 1864 or 1865. This was explained in this way, that in the mean time this man Stewart had died, and, as I remember, the attorney who prosecuted this claim before the Quartermaster's Department also died, leaving this widow alone, without any counsel, to prepare her case, which was done in ignorance of essential facts which otherwise would have appeared in the statement.

The committee, on that ground, made the adverse report. Subsequent investigation, as I have already said, showed that they were entirely mistaken in this respect, entirely so in one case, and that the other was a mistake of a woman who was deprived of counsel in getting up the claim.

Upon every principle in which I have looked at the case this party is certainly entitled to the amount reported by the committee here, and I do not see how the House can refuse to allow it.

Mr. RICHARDSON. I now yield five minutes to my colleague [Mr. PETTIBONE.]

Mr. PETTIBONE. Mr. Chairman, I believe it is a well-understood principle always that allegiance and protection go together; that this House ought not to undertake, and this Government ought not, to pay to anybody who was then attempting to destroy it for supplies taken for the use of the Government. But I understand it is not controverted here that in this case Mr. Stewart, whose administratrix comes here and asks the payment of this claim, was a loyal man. The chief objection, as I understand it, is that there was no written contract at the time. On this subject Chief Quartermaster Meigs has said:

I ought to remark that after reading the testimony of Mills, late captain and assistant quartermaster at Nashville, I am of the opinion that the state of affairs to which he testified is such as shows an exigency which was sufficient to justify the commanding officer to dispense with a written contract under the law.

Now, what was that exigency? Why, this was done on the 10th day of December, 1864. What was the condition then? The army of General Hood had swept up across the Tennessee River and was thundering at the very gates of Nashville. It was a time when I know, and there are scores of gentlemen on this floor who were down there who will recollect, that the winter was an exceptionally severe one; the weather was extremely inclement, and the ground was one mass of ice. Here was the wood; it had to be immediately delivered, and here was the army in urgent need of it.

Mr. STEELE. Let me ask my friend from Tennessee if it was not warm enough down there part of the time without any wood?

Mr. PETTIBONE. Oh, after the fighting began, my dear fellow, it was warm enough. [Laughter.] It was hot when the armies met. But such cold weather as then prevailed was not theretofore known, as I recollect, and not within the recollection of my comrade and colleague, for many years. Our men were shivering, without even the poor dog-tents of that time to cover us. Under these circumstances the wood was cut, delivered, and in part paid for. It appears that there were 843 cords——

Mr. RICHARDSON. Eight hundred and sixty-three.

Mr. PETTIBONE. Well, that is immaterial; it was something between 800 and 900 cords of wood which had been cut by this contractor, had been brought up and delivered, being piled up on the river bank. Now he had done what he could and had been at great expense in complying with his contract. When the war was over, and it closed shortly thereafter, the wood was on his hands, and he sold it for the best price he could get and then found that he was out of pocket $3,160.50. If

he had never made a contract with the Government he would not have been out of that money. Now, whose loss should it be? Here is a loyal man making a contract with the Government, faithfully, so far as he could, performing his part of the contract; spending money out of his own pocket to perform his contract; when the war was over, happily for us all, the Government did not need it, and his administratrix now seeks to obtain from the Government the difference between what the wood actually cost him and the amount at which he was compelled to sell it The course suggested by the committee it seems to me is wise, that the bill be laid aside, and when we reach it in due time debate it fully, and if the facts are not clear and convincing do not vote a penny of it; but if the facts are as stated here, and they are not disputed, then in honor's name pay every dollar that we find due him.

Mr. RICHARDSON. I now yield five minutes to my colleague on the committee [Mr. GEDDES].

Mr. GEDDES. Mr. Chairman, I feel that I ought to say a word in regard to this claim. We ought to get before our minds a few facts that are undisputed, admitted on all hands, and then meet in a proper spirit disputed questions and settle them accordingly. Here was a loyal citizen, admittedly loyal, who made a contract with the quartermaster for the delivery of a quantity of wood. That the contract was made is an admitted fact; that it was made at a time when the Government needed the wood is conceded; that the exigencies surrounding the parties at the time made it exceedingly important that the wood should be delivered at once and under the most difficult circumstances is not questioned; that the wood was actually delivered in pursuance of this contract, made with the assistant quartermaster of this Government, is also an admitted fact.

After the delivery of this wood, and when the exigency was removed and it was not needed by the Government, then the party is notified that his wood is not wanted. But the expense had been incurred, the labor had been performed, the wood had been cut, had been hauled, and delivered on the banks of the Cumberland River, at the instance and the command and under a verbal contract made by a quartermaster of the Government of the United States.

These are admitted facts. Now, when the Government did not need it, and they felt called upon to so notify the party, he did all that an honorable citizen could be expected to do; he went out into the market and, as every man knows, would seek to resell the wood at the highest price it could be sold for under the change of circumstances; and he did sell it at $2.50 a cord; and now he comes and asks for the difference between the actual cost, the money paid out for this wood and for its actual delivery there on the banks of the river for the Government—the difference between that and the resale. What objection is there to this payment? I can see there are technical legal objections such as the Quartermaster-General would act upon, such as under his oath of office he is required to act upon, and such as he did act upon. But nowhere in this report does he say that he regarded the claim as inequitable; and the facts show that it is an equitable claim, and that is why this party appeals to Congress instead of to the courts or to the Quartermaster's Department. The claim was rejected solely because no law existed authorizing the payment of it by the Quartermaster's Department. But now these being the admitted facts, this claim being of the nature I have stated, I submit that it is equitable and just that the claimant should be compensated for the actual expenditure made twenty years ago without interest and when he has waited all this length of time.

Mr. RICHARDSON. I yield five minutes to the gentleman from Kentucky [Mr. WOLFORD].

Mr. WOLFORD. I, for one, can not conceive how a great government like ours can plead either limitation or the technical consideration that there ought to have been a contract in writing. The only question that presents itself to my mind is a question of fair play and honesty. Did the contractor deliver the wood? The question did the Government need the wood is a secondary consideration. But with General Hood in our front with a great army of our brothers who were determined to fight and always did fight—that is my experience of them—when you came across them, with such a force as that, there was a necessity for the wood.

Nobody I suppose has forgotten, and I certainly did not forget, for I was in the field, that cold winter of 1864. I remember well how extremely cold it was and how we needed wood everywhere.

It is true that General Jones once warmed me up on a cold day when I felt gone for the time being, but as a general rule it was the coldest winter I ever experienced, this one not excepted. The cold was felt sensibly by our soldiers everywhere. That ablest and best of our generals, the immortal Thomas, gave the order for this fuel. A contract was made. I do not care whether it was in writing or not. Surely upon such a ground as that this great Government will not deny to any of its citizens with whom it has made a contract the poor sum of $3,160. Nobody would plead the technicality of the law in such a case as that. An individual who would buy that amount of wood or bacon or flour or anything else and undertake to plead the statute of writing upon it, though he might have a case technically in a court of justice, would be hooted at by every honest man in the world. Righteousness exalteth a nation, and sin is a reproach to any people. We have no right to stand here as the Congress of the United States, the highest political body in the world, with sovereign rights and power—no right to plead what an individual would degrade himself by doing.

This man cut the wood and delivered it. Peace then came. I remember well when that word "peace" passed through the country how the hearts of the soldiers rejoiced, how the hearts of the citizens rejoiced. If the question had been raised at that time, "Shall we stop to consume that wood?" any one who suggested such a thing would have been laughed at. What was this amount of $3,160 in comparison with the blessings of peace? For the sake of peace the country would have let millions upon millions be abandoned if that had been necessary. But our first contracts should be paid when peace was restored for the honor and glory of a united people standing again upon the old foundation of our fathers. We ought to be willing to pay any amount of money that was justly due when peace was restored, and the whole country, reunited and knitted together again, entered once more on a career of prosperity.

[Here the hammer fell.]

Mr. RICHARDSON. I yield two minutes to the gentleman from Tennessee [Mr. HOUK].

Mr. HOUK. I rise simply to state what I believe to be the facts. I understand this claim originated in a contract to deliver so many thousand cords of wood at $6 a cord at a certain point. Two thousand cords were delivered and paid for under the contract; 800 and more, I think 843 cords, were delivered, and the Government failed to receive it. Consequently the contractor had to look out and dispose of his cord-wood thus left on his hands in some other way or lose it altogether. Accordingly he sold it for $2.50 a cord. Now he comes here and does not ask to be paid the full contract price. He might have done so, and I think we would have felt bound to comply with the obligations of the contract if he had asked it; but he simply asks that the Government shall pay him the difference between what he realized and what it cost him to deliver the wood at the place where the Government agreed to receive it; and it does seem to me that the case is too clear for controversy or for prolonged discussion.

While I have the floor, however (and sometimes it is a sort of a luxury to get it), I want to say this, that the treatment by the Government, through Congress, of the people of the border States in regard to what is justly due them is absolutely mean and outrageous. There are thousands of just claims which now probably will never be paid that would have been paid long ago if they had arisen on the other side of the line.

Mr. RICHARDSON. Mr. Chairman, I move that this bill be laid aside to be reported to the House with the recommendation that it do pass.

Mr. HOLMAN. Mr. Chairman, before that motion is acted upon, I wish to call the attention of the gentleman from Ohio, the chairman of the Committee on War Claims [Mr. GEDDES], and also of the gentleman from Illinois [Mr. SPRINGER], who has spoken upon this bill, to the fact that this claim was not presented to the Quartermaster-General's Department under what is known as the 4th of July law. I call attention to that fact for the reason that, up to this time, I am not aware that any bill has been reported to Congress for the payment of a claim which has been adjusted or disallowed under the act of July 4, 1864, and I think it important to preserve the distinction between cases adjudicated under that law and other cases for this reason: The Quartermaster's Department, in dealing with cases under the law of July 4, 1864, acts upon an entirely different rule from that which governs it in dealing with the general current business of the department. By the law of July 4, 1864, the Quartermaster-General was invested with special powers to inquire into the facts at the place where the transaction occurred, and therefore, in adjudicating claims coming before it under that law, the department acts as a judicial tribunal, so to speak, as nearly so as any department of the Army can. In investigating cases coming to it under the 4th of July act, the department seeks to ascertain all the facts both for and against the Government. Under the law such claims go from the Quartermaster to the Third Auditor, and thence to the Second Comptroller for further examination. But this claim came before the Quartermaster in the current business of that department, and went from there to the Secretary of War on appeal, so to speak, and was referred to the Judge-Advocate-General. These facts show that the adjudication of this case was not made under the act of July 4, 1864, but merely as a part of the current administration of the Quartermaster's Office, and necessarily without a thorough investigation of all the facts.

I think, therefore, that a broad distinction should be made between this claim and any claim which has been passed upon by the department under the 4th of July act, and that Congress should apply a very different rule to this or to any case arising in the current administration of the Quartermaster's Department from that which it applies to a case which has received an actual adjudication under the very ample powers which, by the act of July 4, 1864, were conferred upon the Quartermaster-General.

Mr. SPRINGER. Mr. Chairman, I assumed that this case went to the Quartermaster's Department under the 4th of July act, from the fact that that act was passed on July 4, 1864, and this claim was not presented to the Quartermaster's Department until 1866. For that reason I had a right to assume that the claim went there under the law

which was then in existence, and I wish the gentleman would explain, if he can, why it did not go to the department under that law.

Mr. HOLMAN. The reason is this: It appears from the face of this report that the case went to the Secretary of War. Now, under the act of July 4, 1864, a claim can not go to the Secretary of War, because it must go directly from the Quartermaster-General to the Third Auditor. In the next place, under the 4th of July act, the question whether the contract was in writing or not would be unimportant, while here the case is made to turn on the question whether there was a written contract or not. If my friend [Mr. SPRINGER] will turn to the act of July 4, 1864 (which I have before me), he will see that there is necessarily a broad distinction between the adjudication of a claim by the Quartermaster-General under that act and the adjudication of a claim as a part of the current business of the department. The law of July 4, 1864, was intended to meet an entirely different class of cases from those which arise in the current business, and that law became necessary from the fact that a great multitude of peculiar cases did arise outside of the regular routine of the department.

Mr. SPRINGER. Was not this claim cognizable under the act of July 4, 1864, and why should it not be considered under that law which was then in force? Further, it seems that the cause of action here accrued in 1864, yet the claim was not presented until October, 1866. Therefore it was not current business; it did not come under the provisions for the current expenses of the Government during the fiscal year, nor does it appear that there was any appropriation made which would cover a case of this kind. Why, then, was it that, the law of 1864 being in force, this case got into the department under some other law?

Mr. HOLMAN. Mr. Chairman, I do not wish to occupy time in the discussion of this bill, but I will ask to have the second section of the act of July 4, 1864, read. I am sure that my friend [Mr. SPRINGER] will see the distinction between the two classes of cases. Besides, he will remember that it was some time after 1866 before the Quartermaster-General was invested with the very general powers which he now possesses and under which he employs a large number of agents who are commissioned to take testimony. They do investigate the facts both for and against the Government, and it is upon the facts thus obtained that the judgment of the Quartermaster-General in cases of this kind is predicated. On the other hand, in passing upon a claim occurring in the regular course of the operations of the War Department, the Quartermaster-General acts only through the agencies created by the general provisions of law.

Another fact has just been suggested to me which is more important as an answer to the inquiry of my friend from Illinois [Mr. SPRINGER]. That is, that the original act of 1864 did not apply to the State of Tennessee. It applied only to the States which were not in rebellion. Afterward—I can not at this moment say how long afterward—it was extended, as the gentleman will remember, to the State of West Virginia and also to the State of Tennessee.

I wish to have read now the section to which I have referred, so that it may go into this debate, for I am very anxious that the dictinction should be very clearly marked as to the vast number of claims adjudicated by the Quartermaster's Department, which it seems to me ought to stand upon their own footing.

The Clerk read as follows:

SEC. 2. *And be it further enacted*, That all claims of loyal citizens in States not in rebellion for quartermaster's stores actually furnished to the Army of the United States and receipted for by the proper officer receiving the same, or which may have been taken by such officers without giving such receipt, may be submitted to the Quartermaster-General of the United States, accompanied with such proofs as each claimant can present on the facts in his case; and it shall be the duty of the Quartermaster-General to cause such claim to be examined, and if convinced that it is just, and of the loyalty of the claimant, and that the stores have been actually received or taken for the use of and used by said Army, then to report each case to the Third Auditor of the Treasury, with a recommendation for settlement.

Mr. RICHARDSON. I move that this bill be laid aside to be reported to the House with a recommendation that it pass.

The motion was agreed to.

JOSEPH W. PARISH.

The next business on the Private Calendar was the bill (H. R. 3830) for the relief of Joseph W. Parish.

The bill was read, as follows:

Be it enacted, &c., That the Secretary of the Treasury be, and he is hereby, directed to pay to Joseph W. Parish, late of Peoria, Ill., out of any money in the Treasury not otherwise appropriated, the sum of $58,341.85, being the balance of money laid out and expended by him in the purchase of 17,232 tons of ice for the use and at the request of the Government of the United States, which were not afterward called for or taken by the Government, but were wholly lost to said Parish.

Mr. LYMAN. Mr. Chairman, since this bill was reported by the House committee a bill in exactly the same terms has passed the Senate, has been referred to the Committee on War Claims of this House, and has been reported back with a recommendation that it pass. I move, therefore, that Senate bill 241 be substituted for the bill now under consideration, and that it be laid aside to be reported to the House with a recommendation that it pass.

Mr. BROWNE, of Indiana. In order that we may understand the matter in controversy in this case I would like to have the report read.

The CHAIRMAN. It can not be read in the time of the gentleman from Iowa [Mr. LYMAN] without his consent. It may be read in the time of the gentleman from Indiana.

Mr. LYMAN. I have no objection to the reading of the report. But I ask that before the reading the Senate bill be substituted for the House bill. The two bills are exactly alike in their terms.

The CHAIRMAN. The Chair understood the gentleman from Indiana desired to have the report read with the view of determining whether or not he would consent to the request of the gentleman from Iowa that the bill be laid aside to be reported favorably to the House. Does the gentleman from Indiana ask for the reading of the report before that question is put?

Mr. BROWNE, of Indiana. I have no objection to the Senate bill being read.

The CHAIRMAN. The gentleman from Iowa [Mr. LYMAN] requested further that the bill be laid aside to be reported to the House with a favorable recommendation.

The Clerk read the Senate bill, as follows:

A bill (S. 241) for the relief of Joseph W. Parish.

Be it enacted, &c., That the Secretary of the Treasury be, and he is hereby, directed to pay to Joseph W. Parish, late of Peoria, Ill., out of any money in the Treasury not otherwise appropriated, the sum of $58,341.85, being the balance of money laid out and expended by him in the purchase of 17,232 tons of ice for the use and at the request of the Government of the United States, which were not afterward called for or taken by the Government but were wholly lost to said Parish.

The CHAIRMAN. The Chair understands the gentleman from Indiana to ask for the reading of the report.

A portion of the report (by Mr. LYMAN) was read, as follows:

The Committee on War Claims, to whom was referred the petition of Joseph W. Parish, have had the same under consideration, and respectfully submit the following report:

The facts out of which this bill for relief arises will be found stated in House report of the Committee on Claims, No. 1956, second session Forty-seventh Congress, a copy of which is hereto appended.

Your committee adopt the said report as their own, and report herewith a bill appropriating the sum of $58,341.85, with the recommendation that it do pass.

[House Report No. 1956, Forty-seventh Congress, second session.]

The Committee on Claims, to whom was referred the petition and bill (H. R. 2463) for the relief of Joseph W. Parish, have had the same under consideration, and respectfully submit the following report as the result of their deliberations thereon:

The appeal which the claimant makes to Congress for relief is decidedly *sui generis*, and stands alone in the peculiarity of its facts. It had its origin in an ice contract made with the Government in March, 1863, and an alleged failure on the part of the Government to fulfill its stipulations, whereby a great loss was sustained by the claimant. By a special act of Congress this matter of controversy was directed to be settled by suit before the United States Court of Claims. The gist of the controversy consisted in the Government refusing to receive more than 12,768 tons out of the 30,000 tons which had been ordered by the Government and purchased by claimant, leaving 17,232 tons to waste on his hands, for which no requisition was ever made. For this 17,232 tons suit was brought to recover the contract price less the cost of delivery. In support of this action a large amount of testimony was taken, but the issues did not involve the original cost price of the ice; hence the evidence in relation thereto was incidental and more or less vague and uncertain.

On the hearing of the cause, the Court of Claims dismissed the suit on technical grounds, namely, that the assistant surgeon-general, Colonel Wood, at Saint Louis, had not the power or authority to make a requisition for 30,000 tons of ice under the contract. This decision was reversed on an appeal to the Supreme Court of the United States, but in doing so that court changed the claimant's cause of action, and held that he was only entitled to recover back the money he had expended in the purchase of the ice, and the cost of purchasing and taking care of the same accordingly. As the evidence had been taken on another theory of the case, the Supreme Court, in its mandate to the Court of Claims, directed said court to ascertain (we suppose in the usual way, by evidence) the amount laid out in the purchase of the ice, and all the expenses attending the same.

The action of the Court of Claims on this mandate, to the mind of your committee, was somewhat strange and inexplicable. The report of the Surgeon-General, which is made a part of this report, shows that upon application the court declined to allow any additional testimony to be taken, believing, perhaps, that it could not be regularly done under a mandate; it declined, upon request, to find the facts required by the rules, whereby the right of appeal was cut off under the rules. In allowing a mere fractional part of the claim, it declined, or rather omitted, to state any reasons whatever, either in writing or orally, as the grounds of its decision, leaving the parties wholly in the dark as to the data upon which it gave judgment. The effect of all this was to deny to the claimant a day in court, in the true and proper sense of that term, on the question or right of recovery as laid down by the Supreme Court.

In this attitude of affairs it was impossible for your committee to understand how such a state of things could have occurred, and thinking perhaps there might be something yet behind not disclosed, your committee concluded to send all the papers, together with some new testimony taken by the claimant, to the Secretary of War. The Secretary of War very properly referred the request of the committee to find additional facts and amount due to the Surgeon-General's Office, where the contract for the ice originated, for a reply thereto. The Surgeon-General in his report gives a very full and clear history of the whole transaction, judicial and otherwise, and in the light of the same and all the testimony before him, states an account and the amount still due the claimant under the ruling of the Supreme Court. This report is so satisfactory and so incapable of being gainsaid in its facts and details that your committee have concluded to adopt it as a part of their report, and would call special attention to its statements as furnishing perhaps the best light that can be attained on the subject. It is proper to add that the committee referred the findings of the Surgeon-General to the Secretary of the Treasury. This officer does not question the validity of the findings of the Surgeon-General, but requires an act of Congress to adjudicate the account.

Believing that great injustice has been done the claimant in the premises, your committee recommend payment of the amount, $58,341.85, which the Surgeon-

General finds still to be due the claimant, and report herewith a bill for his relief, and recommend its passage.

SURGEON-GENERAL'S OFFICE, *May* 25, 1882.

SIR: I have the honor to return with the following report the papers referred by you on the 20th instant in connection with a claim of Joseph W. Parish, growing out of his contract to furnish ice in 1863.

Soon after the commencement of hostilities in 1861 ice was found to be indispensable in summer in the hospitals and hospital transports of the Army; but no systematic attempt was made to secure a regular supply until the spring of 1863. Three contracts were then made—with A. T. Edgerton, J. H. Tiffany, and Joseph W. Parish & Co. The two former were to supply the Atlantic and Gulf coasts, and the latter the principal points in the Mississippi Valley. The contracts were made in the city of Washington by Henry Johnson, medical storekeeper, under the direction of the then Surgeon-General, William A. Hammond. Mr. Johnson's part was purely ministerial. They were executed at nearly the same time, and were similar in their terms, differing in little else than the names, quantities, and prices.

Owing to the perishable nature of ice and the want of experience in its management, these first contracts were rather crude, if not conflicting, in some of their provisions, and have given occasion to considerable discussion and litigation.

The contract made with William L. Huse and Joseph W. Parish, as J. W. Parish & Co., was dated March 5, 1863.

They engage to "deliver at Memphis, Tenn., Nashville, Tenn., Saint Louis, Mo., and Cairo, Ill., the whole amount of ice required to be consumed at each respective point and vicinity during the remainder of the year 1863. Ice to be in quality A No. 1, and delivered at (2,000) two thousand pounds to the ton."

The stipulated prices were, at Saint Louis $16 per ton, at Cairo and Memphis $20, and at Nashville $25. The usual price paid during the previous summer had been at the rate of $30 per ton at Saint Louis. The contract then proceeds to declare:

"Sixth. All the ice delivered under this contract to be subject to the inspection and approval of the medical officer in charge of the post where it is delivered, and such as does not conform to the specifications set forth in this contract shall be rejected.

"Seventh. That payment shall be made from time to time upon receipted and duplicate accounts, certified to by the medical officer in charge of the post where it is delivered.

* * * * * * *

"Ninth. * * * J. W. Parish & Co. will allow (3) three working days for discharging each cargo; * * * after that demurrage to be allowed * * * as per charter-party or B. of L. of the vessel."

These two last sections evidently contemplate a delivery of the ice by the shipload or boat-load, as was the practice along the seaboard.

William L. Huse, upon learning the terms of the contract, refused to be bound by it, averring that his name had been used without his consent, and the entire interest became vested in J. W. Parish.

Mr. Parish exhibited his contract to Col. R. C. Wood, the assistant surgeon-general at Saint Louis, the chief medical officer in the West, and left a copy with him. Whether his oral representations misled that careful and experienced officer may be doubted, but on the 25th of March Colonel Wood gave him an order in writing, several copies of which occur among these papers, to furnish 5,000 tons each at Saint Louis and Cairo, and 10,000 tons at Memphis and Nashville, respectively; 30,000 in all. He was directed to deliver the ice at Memphis and Nashville without delay. When apprised of this order the Surgeon-General telegraphed to the assistant surgeon-general, March 30:

"Parish & Co. have not contracted for 30,000 tons of ice. Suspend the order you gave him."

On the following day, March 31, the assistant surgeon-general telegraphed to Mr. Parish, supposed to be then at Chicago:

"I am instructed by the Surgeon-General to suspend the order I have given you till further instructions are given from him.

"R. C. WOOD,
"*Assistant Surgeon-General.*"

It is admitted that this action did not cancel the order for 30,000 tons, but left the contractor in uncertainty in reference to it.

It has been denied that Colonel Wood's notice was ever received by Parish, but that point appears to have little or no practical importance. The assistant surgeon-general telegraphs to this office April 2:

"Mr. Parish is here. Will you state what quantities of ice you wish delivered at Saint Louis, Cairo, Memphis, and Nashville? Requisitions are coming in."

The Surgeon-General replied the same day:

"No precise amount can be fixed, as it is not known. Letter written you March 31."

It may, therefore, be safely inferred that Mr. Parish was apprised of the views of the department by about noon of April 2.

Under this suspension or modification of the original order ice was not sent immediately to Memphis and Nashville, and an aggregate of much less than 30,000 tons was delivered and accepted during the year. The bills certified by the medical officers were—

	Tons.
Saint Louis	3,629½
Cairo	1,030½
Memphis	5,990½
Nashville	497
Total	11,137½

It does not appear that any regular system was pursued by making written requisitions upon the contractor for specific quantities to be delivered at times stated. The ice appears for the most part to have been delivered as the contractor could ship it, or to have been regulated by some informal understanding. On one occasion, at least, only a small part of the quantity sent was accepted.

Mr. BROWNE, of Indiana (before the reading of the report was concluded). That report is much more voluminous than I supposed it to be. If the gentleman from Iowa [Mr. LYMAN] will state the facts of the case I shall be content, without asking for the further reading of the report.

Mr. LYMAN. The facts of the case are fully stated in the report, the reading of which is now nearly finished; but I will, in accordance with the gentleman's request, make a statement of the matter.

After the delivery of the 12,768 tons of ice which were received by the Government Mr. Parish proceeded to purchase at Lake Pepin and on the St. Lawrence, as well as at other points, the additional ice necessary to fill the order which had been given by the assistant surgeon-general at Saint Louis. But the order was suspended, as stated in the report; he was never ordered to furnish this ice; the ice which he had procured wasted away and was an entire loss to him. Immediately after it was determined that the ice was not to be received from him by the Government he brought his action in the Court of Claims, claiming payment at the contract price for the balance of the 30,000 tons, being between 17,000 and 18,000 tons. The Court of Claims found against him upon the technical ground that the assistant surgeon-general at Saint Louis had no right to make the order which had been made. He appealed from that judgment to the Supreme Court of the United States, which reversed the judgment of the Court of Claims, holding that the acts of the assistant surgeon-general at Saint Louis were the acts of his chief, the Surgeon-General at Washington city. But the Supreme Court held that Mr. Parish was not entitled to receive the contract price for the ice, but only what it had cost him to procure it, care for it, and hold it in readiness for the Government; and the case was sent back to the Court of Claims, for the purpose, as is supposed, of ascertaining by taking proof the amount of expenses so incurred. The Court of Claims refused to take any further proof upon that subject. A motion was made by ex-Governor Lowe, of Iowa, the counsel for Parish in the Court of Claims, asking that proof be taken upon that point. The court refused to take the proof.

At a subsequent stage in the proceedings the Assistant Attorney-General of the United States, representing the Government in the Court of Claims, also asked that such proof be taken. Again the court refused. Certain proof, however, had crept into the case during its trial, on the theory that Mr. Parish was entitled to the contract price, from which some kind of a calculation was entered into, and the conclusion arrived at that Mr. Parish had shown an expenditure of between $10,000 and $11,000. This proof, I say, was taken during the course of the trial, upon another theory altogether from that embraced in the decision of the Supreme Court. Upon this proof the Court of Claims awarded damages for between $10,000 and $11,000. They made no finding of fact; they laid no basis upon which Mr. Parish could appeal from their decision to the Supreme Court of the United States. He came to Congress. He has been here during several Congresses. Invariably—I believe without exception—the committees of this House and of the Senate have always reported in favor of the allowance of this claim. The committee of the last Congress, or of the Forty-seventh, referred the matter to the Secretary of War, asking that the facts might be reported to the committee or the House. The Secretary of War referred it to the Surgeon-General—Surgeon-General Barnes, I believe—for investigation and report. He made his report, which was embodied in this report of the committee. He found that Mr. Parish, after all deductions, to which I shall refer in a moment, was yet short $58,341.85 of the money he had actually expended in order that he might be prepared to fulfill the contract which he had made with the Government. This takes into account and gives the Government credit for the $10,444.91 which had been realized on the judgment of the Court of Claims, gives the Government credit for $200 raised by the sale of some lumber which had been in the ice-houses, and for $274.35, money arising in the same way, leaving the balance I have mentioned.

Now, Mr. Chairman, those are the facts in the case, and I do not care for the present at least to take any further time in the discussion of the bill. I will reserve the balance of my time until I shall hear what objections, if any, shall be made.

Mr. WARNER, of Ohio. I was about to ask the gentleman to repeat the amount—which I did not hear from the reading of the report—that is, the amount allowed in this bill as the finding upon the evidence presented under the order of the Supreme Court as to the cost.

Mr. LYMAN. It is based upon the result of the investigation of Surgeon-General Barnes under the direction of the Secretary of War, and as approved by the Secretary of War.

Mr. WARNER, of Ohio. But what is the amount?

Mr. LYMAN. Under the rules the Supreme Court laid down as the theory on which the case should be tried.

Mr. WARNER, of Ohio. I do not understand yet whether this sum was found on evidence before this committee, and, if not, before what body, under the ruling laid down by the Supreme Court as to the amount expended under the order for ice which was not taken by the Government.

Mr. LYMAN. It is based on evidence on file in the War Department and evidence taken before the Court of Claims.

Mr. WARNER, of Ohio. But the Court of Claims, I understand, made an award on the evidence on the subject presented to that court.

Mr. LYMAN. Yes; there was some evidence taken on the subject of expenditures in the Court of Claims, but not taken on the theory that Mr. Parish had the right to recover.

Mr. WARNER, of Ohio. What evidence have we it was not taken on that theory? Did the Court of Claims decline to hear evidence of that kind?

Mr. GEDDES. It did. Let me say when the case was returned to the Court of Claims on the mandate of the Supreme Court, on motion of the attorneys on both sides, each applying to take additional testimony on the new issue thus presented by the judgment of the Supreme

Court, it unaccountably does not appear why, but for some reason or other the Court of Claims declined to take any additional testimony, and disposed of the case on the testimony taken before.

Mr. WARNER, of Ohio. How has this additional testimony been taken, let me inquire?

Mr. GEDDES. No additional testimony was taken; but the case was disposed of on that evidence.

Mr. WARNER, of Ohio. Has there been no additional evidence taken at all under the order of the Supreme Court?

Mr. ROWELL. I think I can answer the gentleman. There was on file in the War Department a good deal of evidence as to the cost of ice, through other parties, purchased by the Government at various points where this ice was purchased. That was considered by the Surgeon-General in part.

Mr. WARNER, of Ohio. It would be based, then, not on money expenditures, under the theory of the Supreme Court, but upon what other ice had cost the Government at these other points.

Mr. ROWELL. No, not purchased by contract, but purchased at wholesale by the agents of the Government.

Mr. WARNER, of Ohio. That may be evidence so far, but what I wish to get at is the character of the evidence, and before whom taken, and how furnished, upon which this difference is based.

Mr. GEDDES. Let me state to the gentleman he will find in the report——

Mr. WARNER, of Ohio. Only a part of the report was read.

Mr. GEDDES. The case came before Congress, and it was referred by the committee to the Secretary of War for investigation. Under that order of reference an investigation was had and the testimony taken, which is set forth in the report in all its details, and report made by the Surgeon-General. Now, in that report of the Surgeon-General I find this statement:

> The Supreme Court hold that the claimant is entitled to recover his necessary expenses in procuring and taking care of the ice. The greater part of these, however, are unknown, and can not be taken into account. Document No. 6 is an affidavit of the claimant that the expenses he incurred in taking care of the ice that was lost would "exceed rather than fall short of the sum of $5,000."

That which could not be ascertained was excluded by the Surgeon-General, and only such items as were furnished to the Government were retained in his account.

Mr. WARNER, of Ohio. Then are we to understand that this allowance now reported is made upon evidence which was furnished at or about the time when the loss is alleged to have occurred and not twenty years after? That is the question I would like to have clearly answered. I am very suspicious, Mr. Chairman, about evidence reversing the decisions of a tribunal, which evidence is furnished twenty years after the transaction took place; and that is one of the points I am trying to get at particularly—whether this allowance is made upon evidence furnished at the time or whether it has been furnished recently, and, if so, what the evidence is and how furnished.

Mr. BAYNE. Mr. Chairman, I desire to ask the chairman of the Committee on War Claims——

The CHAIRMAN. The gentleman from Ohio [Mr. WARNER] has the floor.

Mr. WARNER, of Ohio. I will yield to the gentleman from Pennsylvania for a question.

Mr. BAYNE. I desire to ask the chairman of the Committee on War Claims whether there had been a delivery of this ice to the Government.

Mr. GEDDES. No, sir.

Mr. BAYNE. None of it was delivered?

Mr. GEDDES. None of this portion for which the claim is now made.

Mr. BAYNE. But the Government had contracted for the purchase of this ice?

Mr. GEDDES. Yes, sir; and then declined to receive it.

Mr. BAYNE. But there had been no actual delivery?

Mr. GEDDES. No, sir.

Mr. BAYNE. Why?

Mr. BROWNE, of Indiana. I understand that the contractor bought the ice, but it perished and never was delivered to the Government.

Mr. BAYNE. Yet the Government is expected to pay for it?

Mr. BROWNE, of Indiana. On the ground that the Government declined to receive it.

Mr. BAYNE. I do not know whether my friend from Ohio has yielded the floor.

Mr. WARNER, of Ohio. I will yield very cheerfully if my colleague from Ohio will answer the question I have asked or if the gentleman from Pennsylvania can give the information.

Mr. GEDDES. I do not feel at liberty to take the floor from my colleague on the committee [Mr. LYMAN] who has charge of the bill, and I would be glad if the gentleman from Ohio would address his questions to him.

Mr. LYMAN. I will yield the floor to Judge GEDDES.

Mr. WARNER, of Ohio. Let me ask what is the sum allowed by the bill?

Mr. GEDDES. It has been already stated as being $58,341.85.

Mr. WARNER, of Ohio. That, as I understand it, is the sum allowed by this committee to cover the expense and outlay incurred in purchasing and caring for this ice by the party from whom it was contracted for by the Government?

Mr. GEDDES. The actual cost so far as it could be ascertained definitely and clearly.

Mr. WARNER, of Ohio. I am not yet satisfied, Mr. Chairman, as to the character of the evidence upon which this claim is based. I have asked before what tribunal it was presented; who has adjudicated the matter; who has passed upon the evidence. Let us know these facts. Is this report made by the committee now for the first time? Is the evidence on which it is based before the committee in any form, or where does the evidence come from? Is this some old report resurrected and brought in here bodily? I must confess I have a very great suspicion as to these old reports. What I want to get at is simply the facts in the case. And I ask again, has any evidence been presented to the committee showing the amount of money expended by this party under the rule established by the Supreme Court? It seems to me that the rule is a correct one, and if you have the evidence here which is the basis on which this report is founded it would seem that the case has merit, but so far as it has gone it seems to me to be lame right there.

Mr. BAYNE. I want to say a word on this subject, if the gentleman from Ohio has concluded.

Mr. WARNER, of Ohio. Just a word further. If evidence has been submitted to this committee and by the committee examined and digested, and if the committee has come to a conclusion that the evidence sustains this report and this loss that is claimed did actually occur, very well. But where is the evidence, before what tribunal taken, or what tribunal has passed upon it? That is the point on which I would like myself a little further explanation. If the gentleman from Pennsylvania can give it I would be very glad.

Mr. BAYNE. Mr. Chairman, I suppose that this bill is right. I suppose that most any bill that comes from the Committee on War Claims favorably recommended is right, and I am willing to vote for the bill. But while I vote for the bill I want to call attention to the fact of a parallel between this case and a bill which came before the last Congress to which the chairman of the Committee on War Claims was earnestly and zealously opposed. I refer to the claim of Capt. Nicholas J. Bigley, of Pittsburgh. If there be in this bill redeeming features, entitling it to a favorable consideration, there was strong reason for a favorable consideration of the report in the case of the bill presented in Captain Bigley's case. I asked the chairman of the committee a short time ago, who favors this case, whether the ice had been delivered. He replied that it had not been. In the case of Captain Bigley a large quantity of coal was purchased and was to be delivered to the Government at Memphis. That coal was not only taken there and delivered, but the Government took absolute and manual possession of it; and yet in the case now pending the chairman of the Committee on War Claims finds a favorable report and advocates the passage of this bill, although there was no delivery to the Government whatever, while in the case of Captain Bigley he opposed the report, although there was an actual delivery and an actual taking possession of the coal by the Government.

Why is it that the chairman of the Committee on War Claims occupies these adverse attitudes upon cases the principles underlying which seem to be almost identical?

Mr. GEDDES. Will the gentleman permit me to answer him?

Mr. BAYNE. I will. I should be glad to hear the gentleman's explanation.

Mr. GEDDES. Instead of making an argument in advance of a report on a claim that is pending before the War Claims Committee, thus endeavoring—I will not put it in that form—thus taking a course likely to have men prejudge it, would it not be well to apply to that committee for an opportunity to make before it the argument that is being made here, and help us to get through with one case at a time?

Mr. BAYNE. That is a matter of taste. I choose to stand responsible for the proprieties of my course on this occasion in calling the attention of the House to a comparison between these two cases and the attitude of the chairman of the Committee on War Claims with respect to them.

Mr. NEGLEY. Will my colleague [Mr. BAYNE] yield to me for a moment?

Mr. BAYNE. Yes, sir.

Mr. NEGLEY. I desire to address to the chairman of the Committee on War Claims the inquiry, whether it is not a matter of propriety to discuss here and now whether it is to be the policy of that committee to consider the equities of a case as well as the propriety of singling out one of the claims merely and passing upon it? If you are to pay this man for the ice before it is delivered, certainly you should establish the principle of paying for supplies after they have been delivered to the Government.

Mr. GEDDES. I regard the question of the gentleman from Pennsylvania [Mr. NEGLEY] as a very pertinent and proper one; and when any such case arises I shall certainly meet it. But to assume that there is some case back of this unknown to the House and not before us where there has been some delivery and about which there is a controversy—to undertake in that way and on that assumption either to defeat this claim or to carry it through I think is an objectionable mode of proceeding.

Mr. STEELE. Are we to understand that the chairman of the Committee on War Claims has decided against the case of the coal man but in favor of this claim?

Mr. GEDDES. That is a mistaken understanding, unless it is based upon the action of this House and what occurred on this floor in the last Congress. The case referred to was discussed on the floor from time to time and different gentlemen took different views of it; lawyers took different views of it. The matter passed over. That case is now under consideration in the Committee on War Claims, and it does seem to me there will be abundance of time for us to consider its merits when it comes before this House.

Mr. BAYNE. That is a species of special pleading, and the chairman of the Committee on War Claims, if he will permit me to say so, is now occupying the position of a special pleader.

Mr. GEDDES. It is a good thing to be a good special pleader.

Mr. BAYNE. What I say is, it is right we should have general principles upon which to decide these cases, and I think it is fair that the attitude the chairman of the Committee on War Claims took in a case of this kind last Congress should be referred to, if the position he takes now is inconsistent with the position he took then. And I call attention to the fact for the purpose of ascertaining now whether we are going to be governed by principles and a rule which will apply alike to both these cases and to such others as may arise.

I believe this man, when the ice was ordered by that surgeon of the Government, if it were ordered and the Government failed to take it, ought to be paid. But I contend also when the Government ordered this coal to be delivered at Memphis, Tenn., and the man ran the gauntlet of guerrillas and all sorts of attacks along the river and delivered it, fulfilling his contract as well as fulfilling a patriotic duty, he should be paid for that coal, the Government having taken part of the barges across the river and taken possession of the coal. I want to know if that principle is to prevail or whether fish is to be made of one and fowl of another, whether the *locus in quo* is to have anything to do with it or whether the fate of each claim is to depend on its honest merits? I am not opposed to this man being paid for his ice. I will have him paid for his ice so far as my vote goes, but I want all to be treated alike.

Mr. WOLFORD. Will the gentleman allow me to ask him a question?

Mr. BAYNE. Yes, sir.

Mr. WOLFORD. My recollection is—and I had something to do with the case to which the gentleman from Pennsylvania refers—my recollection is, that the delivery was to the confederates in the case he talks about. [Laughter.] I think the gentleman had better clear that up.

Mr. BAYNE. The gentleman is quite wrong in his recollection.

Mr. WOLFORD. I will stake my reputation upon it.

Mr. BAYNE. If the gentleman will give me his attention I will make it very clear to him. It is shown by the evidence that on the side of the river opposite to Memphis, a mile and a half from that city, was a point at which the coal had been delivered many times. It was the custom to deliver it there. It was shown that the coal was taken to that point and safely landed there; that at that time it was impossible to go over to the wharf at Memphis, but that Captain Bigley went over to the city and notified the quartermaster that his coal was there; that the quartermaster sent over a boat from the Memphis side of the river and took three barges of that coal over to Memphis, and then sent a number of marines across the river to watch the coal and protect it from guerrillas, but that after those marines had gone over there and gone into possession of the boats he recalled them, and during the night the guerrillas came and burned the boats and the coal, and he lost everything. If anything is clear, those facts are clear in that case.

Mr. WOLFORD. I wish to ask the gentleman another question. Did this man deliver the coal where they told him to deliver it? Did they not tell him to land it on the other side, a few miles above, and did he not refuse to do that?

Mr. BAYNE. No, sir; nothing of the sort. There is not a tittle of evidence to show it. My friend from Kentucky [Mr. WOLFORD] is drawing on his imagination now.

Mr. WOLFORD. Not a bit of it.

Mr. BAYNE. The gentleman had better read the evidence.

Mr. WOLFORD. I did read it in the last Congress, and if you will get the papers I will show you the facts.

Mr. WARNER, of Ohio. Mr. Chairman, before this bill is laid aside I wish to say a word. I have not been able to discover on what evidence this claim is to be allowed; not on evidence before the Court of Claims, because they awarded another sum; not on any evidence presented to this committee, because, as I understand, they have taken none; but on some evidence presented somewhere there has been a recommendation made to the House to make a certain allowance in this case. Who has seen that evidence? Who has adjudicated the case upon that evidence? That is what I would like to find out. If the adjudication is upon evidence presented before a clerk in some Department, it seems to me that that is not sufficient to satisfy this House as to the merits of this claim. I agree that the theory of the claim is right, that this contractor is entitled at least to the money expended in complying with the conditions of the contract in furnishing the ice. The theory is correct, undoubtedly, and therefore the only question is one of fact and of evidence as to the amount that he ought to receive. Now if the gentleman who has charge of this bill will answer this question I shall be satisfied.

Mr. ROWELL. Mr. Chairman, I think I can explain the case to the gentleman's satisfaction. I examined this claim as a subcommittee in the last Congress and wrote a report in its favor. If the gentleman from Ohio [Mr. WARNER] will read the report of Surgeon-General Barnes he will find the basis upon which this amount was ascertained. A very large amount of testimony was taken in the Court of Claims. That court certified a certain class of facts as found. Included in that certification was the fact that of the 30,000 tons of ice this man had lost some 17,000 tons.

Mr. WARNER, of Ohio. Then that is the report of the Surgeon-General upon evidence examined in his office.

Mr. ROWELL. Upon evidence examined in his office.

Mr. WARNER, of Ohio. Very good. So far we know where we are.

Mr. ROWELL. When the case came back from the Supreme Court that court had laid down the basis upon which a judgment should be entered up, and had decided that, instead of the contract price, this claimant should receive the amount of his losses and expenditures. The Court of Claims had already found, as a matter of fact, that he had lost over 17,000 tons of this ice. Motion was made by the counsel for Mr. Parish to take additional testimony as to cost and expenses. That was refused. He was not permitted to take that testimony; I suppose upon the theory that the mandate compelled them to make up a judgment upon the testimony already in. They declined, however, to make any certificate of how they found, and the facts we do not know, except that we do know they determined to beat the Supreme Court in the case. When this matter was referred to the Surgeon-General he took the whole body of the testimony taken before the Court of Claims. He compared the duplicates presented by the claimant with those presented in the Court of Claims. He then took evidence in the War Department in regard to contemporaneous matters, in regard to the original cost of ice at that time and at these various places—evidence that could have been presented to the Court of Claims as a part of the records of the War Department, for that would have been legitimate, but not evidence taken later. The attempt to take later testimony was in regard to expenditures in and about purchasing and caring for that ice, and the great body of those expenditures was ruled out and was entirely lost to Mr. Parish.

Mr. WARNER, of Ohio. Then, Mr. Chairman, it amounts to this: the report of this committee is based upon evidence taken by the Surgeon-General; and this bill comes in here as the recommendation of that department based upon testimony taken there. That is the case in a nutshell.

Mr. ROWELL. I do not know that there can be any objection to the passage of the bill.

Mr. WARNER, of Ohio. When the evidence comes before us only in this way I must vote against the bill.

The CHAIRMAN. The gentleman from Iowa [Mr. LYMAN] moves that the Senate bill be laid aside to be reported favorably to the House.

The motion was agreed to.

VICTOR BEAUBOUCHER.

The next business on the Private Calendar was the bill (H. R. 1008) for the relief of Victor Beauboucher.

The bill was read, as follows:

Be it enacted, &c., That the Secretary of State is hereby authorized and directed to audit the expenditures of Victor Beauboucher, late consul of the United States at Jerusalem, made in 1866 and 1867, and to determine what allowance, if any, shall be made to him upon principles of justice and equity; and the Secretary of the Treasury is hereby directed to pay to said Victor Beauboucher such sum as may be awarded by the Secretary of State, not to exceed the sum of $4,000.

Mr. PHELPS. Mr. Chairman, the Committee on Foreign Affairs in the last Congress directed by a unanimous vote a favorable report on this bill. The Committee on Foreign Affairs of this House has done the same thing. The measure has been approved and indorsed by the State Department. It involves an amount of money not exceeding $4,000—the sum within those limits to be adjusted by the Secretary of State. The bill proposes to refund to the claimant, who was at the time a consul of the United States in Jerusalem, funds which he advanced for the succor of some American citizens who found themselves at Jaffa without food and without money. He advanced his own money to the amount stated; and in this way the American citizens who constituted what is historically known as the Jaffa colony were kept from starvation and enabled to return to their homes. This is the whole story. It is told with more detail in the report, which is not a long one, and I ask that it may be read. After the reading I shall be glad to give any information which may not have been covered by this statement of mine and which shall not be found within the lines of that report.

The report (by Mr. PHELPS) was read, as follows:

The Committee on Foreign Affairs, to whom was referred the bill (H. R. 1008) for the relief of Victor Beauboucher, beg leave respectfully to report:

Victor Beauboucher was, at the time concerned, the consul of the United States at Jerusalem. He received the appointment from President Lincoln, although

still a French subject, in recognition of gallant services in the Union Army. In that cause he had lost one of his legs.

In the winter of 1866-'67, the colony of misguided Americans who had been led to settle at Jaffa, under the fanatic lead of the Rev. G. J. Adams, were brought to the verge of destitution. They had neither food nor money, nor resources to procure either. Under these circumstances, Beauboucher came to their rescue and made constant trips between Jerusalem and Jaffa, and rendered all the aid he could. He made advances, to relieve their immediate necessities and to aid their escape from Palestine, to the amount of $3,618.80 in gold. He asks the Government to repay this without interest.

His application, indorsed by Secretary Fish, was transmitted to Senator Sumner, then chairman of the Committee on Foreign Relations. A bill, introduced by Mr. Sumner, granting the relief sought, was passed in the Senate. It seems never to have been pushed in the House, Beauboucher's infirmities and health and possible absence preventing him from giving personal supervision to his case.

The same causes, possibly aided by a feeling of discouragement not unnatural to his race or to any one else under the circumstances, seems to account for subsequent delay in its prosecution. The committee find in this delay nothing to invalidate their faith in the justice of Beauboucher's demand, which at the time received the indorsement of the American minister at Constantinople, Mr. E. Joy Morris; Governor Perham, of Maine, and Mr. Israel Washburn, collector of the port of Portland, who seem to have had a personal acquaintance with and regard for the claimant.

The unhappy colonists, to the number of forty or more, mainly Maine folk, declared their appreciation and gratitude for his services in a letter to him, now in the files of the State Department.

And, as before noted, the Department itself recommended some appropriation to reimburse him for his outlays. Under these circumstances the committee have no hesitancy in recommending the passage of the accompanying bill, which leaves the adjustment of the amount, under fair limits, and all other details, to the discretion of the Secretary of State.

Mr. PHELPS. Unless some members of the Committee of the Whole desire further discussion I move that this bill be laid aside to be reported favorably to the House.

There being no objection, it was ordered accordingly.

GEORGE S. HUNT & CO.

The next business on the Private Calendar was the bill (H. R. 1005) for the relief of George S. Hunt & Co.

The bill was read, as follows:

Be it enacted, &c., That the Secretary of the Treasury be directed to pay to Messrs. George S. Hunt & Co., of Portland, Me., the sum of $5,352.59, being amount of excess of duties illegally collected of them on certain cargoes of sugar.

The amendment reported by the Committee on Ways and Means was read, as follows:

Add to the bill the words "during the year 1881."

Mr. REED, of Maine. I call for the reading of the report.

The report (by Mr. REED, of Maine) was read, as follows:

The Committee on Ways and Means, to whom was referred the bill (H. R. 1005) for the relief of George S. Hunt & Co., have had the same under consideration, and respectfully report:

During the year 1881 Messrs. George S. Hunt & Co., of Portland, Me., imported sugars into the United States, and paid thereon the duties exacted under the Treasury regulation requiring the polariscope test. They made protest to the collector in due form of law, and then appealed to the Secretary of the Treasury. This, they were informed by the deputy collector, Lewis B. Smith, an official of many years' standing, was all that was necessary to protect their rights. Some time thereafter the courts decided that the position taken by Messrs. Hunt & Co. in regard to the polariscope test was correct. They thereupon made application for a refund of the amount overpaid in 1881, which was $5,352.59, and were informed that, in addition to the protest and appeal already described, they should have brought suit in the courts.

Upon investigation, it appears that the Department entertained the same view of the law which the deputy collector had stated to Messrs. Hunt & Co., and that directions have been actually issued for refunding in like cases. Upon receipt of such instructions the New York custom-house officials suggested an objection, and the construction of the law was referred to the Attorney-General, who decided that the Secretary of the Treasury had not the power of refunding, unless a suit had been brought. It should be added that every importer who was properly advised, and who brought suit, has been paid by the Treasury Department. Very large sums have been repaid. Under this state of facts the situation seems to be as follows:

Messrs. George S. Hunt & Co. paid the Government $5,352.59 which the Government had no right to exact. They made protest and appeal, and were assured by an officer of the Government that nothing more was needed to preserve their rights. It seems that the Department was of the same opinion.

The sole defense that can be made is purely technical. While the committee do not undertake to proclaim the doctrine that the Government is responsible for the statements of its officers as to questions of law, they do think that in this case the refusal to pay back would be unjust and inequitable, and consequently recommend the passage of the bill with an amendment adding the words "during the year 1881."

Mr. REED, of Maine. This report so fully discloses the facts in this case, that unless some one desires to debate the proposition I will move that the bill be laid aside to be reported favorably to the House.

Mr. BEACH. I do not rise to oppose this bill; I think that it is a very meritorious measure, and that these merchants should have a refund of these excessive duties. But I would like to ask my friend from Maine why the Committee on Ways and Means has not brought into this House a general bill covering all these special cases. I see on the Calendar two cases of a similar nature following this one.

Now, I am opposed to special legislation of this character. If it is right that these merchants of Portland and Boston should have a refund of these duties, why is it not right that other merchants, merchants of New York and Baltimore and New Orleans, who are similarly situated, should have the benefit of like legislation?

Mr. REED, of Maine. I desire to say in reply to the gentleman from New York [Mr. BEACH] that the general question has not been referred to the Committee on Ways and Means by any bill which has been introduced. If there has been such a bill introduced, it has not been brought to the attention of the committee. When the subject is properly presented, I am unable to see how either the committee or the House can refuse their approval of such a measure.

Mr. BEACH. It seems to me, Mr. Chairman, the very fact that three bills of this character were before the Committee on Ways and Means was sufficient notice to the committee that there were doubtless other claims of a similar character, and the committee should have formulated a general bill of which all parties having claims of this nature could have the benefit.

Mr. REED, of Maine. There was not the slightest indication before the committee of any other claims of this character.

Mr. BEACH. Are there not three bills of this character in immediate succession on the Calendar?

Mr. REED, of Maine. There are; and those three have received the approval of the committee as well as of a committee of the previous House. No other bills of this character have been presented; and I do not see how the committee can be said to have had notice of the existence of other bills.

Mr. BEACH. And each of these bills is a special bill?

Mr. REED, of Maine. That is true.

Mr. BEACH. Why not, then, have a general bill, which would take no longer to pass than any one of these particular bills?

Mr. REED, of Maine. Simply because we are to-day face to face not with that question, but the present one.

Mr. BEACH. Then, Mr. Chairman, I wish at the proper time—I presume it is not in order now—to make a motion to recommit this bill——

Mr. REED, of Maine. I hope the gentleman will not make that motion.

Mr. BEACH. With instructions to the committee to formulate a general bill which shall embrace all cases of this description, and thus dispense with the necessity of this special legislation. There is no reason why our Calendar should be crowded with these special bills; there is no reason why the time of Congress should be taken up in their consideration.

Mr. REED, of Maine. These three claims having received the approval of the Committee of Ways and Means, I hope they will receive the approval of the House; and I do not wish to see them sacrificed upon general principles.

Mr. BEACH. My experience teaches me that the best way to procure legislation on any subject is to stop the passage of these special bills. When we reach a point where it is understood that these special bills will not be permitted to go through, then we shall pass general laws covering all these particular cases.

Mr. REED, of Maine. I understand that this bill as presented requires the payment of $5,352.59. If that is the case, the amendment reported by the Committee on Ways and Means is necessary.

Mr. WARNER, of Ohio. When was this money collected?

Mr. REED, of Maine. In 1881; and we propose now to refund the amount without interest. I ask that the bill be laid aside to be reported to the House with a favorable recommendation.

The CHAIRMAN. Does the gentleman from New York submit the motion to recommit?

Mr. SPRINGER. That is not in order until we get into the House. The bill can be laid aside to be reported to the House with the recommendation that it be recommitted.

The CHAIRMAN. The Chair understands the gentleman has no motion pending at this time.

Mr. BEACH. I did not make any motion at this time, but merely gave notice I would submit the motion to recommit when we got into the House.

Mr. SPRINGER. I have not had the opportunity of examining the details of this bill further than from the reading of the report. There are quite a number of cases of this kind, nearly all of which have been referred to the Committee on Claims. Under the new rules this claim should have gone to that committee, but by unanimous consent three cases were referred to the Committee on Ways and Means. Of course, by going to that committee, which has very few private claims before it, this case got before the House much sooner than it could have done if it had been referred to the Committee on Claims, where, as I have said, it properly belongs.

I do not complain of that, because that committee is overburdened and has before it a great many cases of this kind now pending. But, sir, it does seem a little hard that two or three claimants should be favored and get their claims through, while others of equal merit are required to await the slow course of other committees which are burdened under the rules with many cases of the same sort.

Now, Mr. Chairman, I am in favor of the proposition suggested by the gentleman from New York [Mr. BEACH], of allowing these claims to go before some court for disposal or to come in under some general law. Where importers have paid taxes illegally to the Government they ought to have a forum into which they can take their claims and have them adjudicated.

I desire to ask the gentleman from Maine [Mr. REED] whether there was not a forum, or at least some place where these claimants could have properly taken their claims and brought suit?

Mr. REED, of Maine. Not under the state of information they had. If the gentleman has read the report, as I have no doubt he has——

Mr. SPRINGER. I have.

Mr. REED, of Maine. He will see these gentlemen were misled by statements made innocently by an officer of the Government; that these statements were made on a point of law which was so close that the Treasury Department itself, under the control of Mr. Folger, was of the same opinion as the Government officer who gave these gentlemen the advice they had done right, that it was necessary, and that orders were actually issued for payment in such cases; but gentlemen connected with the New York custom-house insisted the other course ought to have been taken, and on reference of the matter to the Attorney-General, the Attorney-General thought differently from Secretary Folger. It was a difference of opinion between two distinguished lawyers.

Mr. BEACH. As to procedure.

Mr. REED, of Maine. Yes, as to procedure. There is no question about amount. There is no question about the sums being due these parties—no question whatever as to the justice of the claim. It is only a point of omission, which omission was made under the suggestion of one of the most accomplished customs officers we have in the United States, a gentleman who has served for a long time with great satisfaction to everybody connected with the business.

Mr. SPRINGER. Will the gentleman explain to the committee what was the difference between requiring the polariscope test and the test which should have been legally applied in measuring the amount of tax to be paid on this sugar?

Mr. REED, of Maine. The difference in this particular instance is precisely the sum named in the bill.

Mr. SPRINGER. That, of course, I understand.

Mr. REED, of Maine. I do not know I catch the purport of the gentleman's question.

Mr. SPRINGER. I wish to know why the Treasury officials should apply a test which was illegal at the time.

Mr. REED, of Maine. Because in the opinion of the then Secretary of the Treasury that was the suitable test to apply; but the courts of law, on the matter being referred to them, took a different view of the law.

Mr. SPRINGER. In what case was that decided?

Mr. REED, of Maine. It was decided in a case I have somewhere among the papers, but it is a case decided in the United States courts and acquiesced in by the Department.

Mr. MORRISON. Under which the Department has paid all the other claims.

Mr. REED, of Maine. Since that time the Department has paid, on claims of this kind where suits had been entered, $1,500,000, or thereabouts, as is certified to me by Mr. Macgregor, chief of the Customs Department.

Mr. SPRINGER. In pursuance of suits?

Mr. REED, of Maine. That is, where suits had been brought, where nothing had been done beyond mere entry.

The only fault I can see these people are chargeable with is they have not been more just to the members of a deserving profession so largely represented upon the floor of this House. [Laughter.]

Mr. SPRINGER. They ought to be fined.

Mr. REED, of Maine. They are fined the entire interest of this case.

Mr. ANDERSON, of Kansas. That shows their good sense.

Mr. REED, of Maine. I am pained to hear my friend from Kansas say so. I expressed the real sentiment of the House a moment ago. [Laughter.]

Mr. BEACH. Mr. Chairman, my friend from Maine has made an impression upon this House by his statement which I believe to be erroneous. He says that this question as to what the importer or merchant should have done at the time of paying this duty was a question of delicate law, about which those who were qualified to express an opinion were in great doubt. Now, the veriest tyro in the profession, by looking at the section of the Revised Statutes referring to this subject, can see what a merchant, about to pay duty upon imported goods believed to be erroneous or excessive, is called upon to do; that is, in the first place, he has to file a notice of protest with the collector; and, in the second place, within thirty days thereafter he has to take an appeal to the Secretary of the Treasury. If the decision of the Secretary of the Treasury is adverse to him, then under the statute he is obliged to bring a suit within ninety days. Now, as I understand the case before the House to-day, these merchants complied with two of the provisions of of the statute, namely, the protest was filed and an appeal was taken to the Secretary of the Treasury; but there was a failure to bring suit or any action in the United States courts for recovery of the alleged excessive duty, and by reason of that failure these parties forfeited under the law all rights to a refund of the duties claimed to be excessive. Is not that a correct statement?

Mr. REED, of Maine. It seems to be.

Mr. BEACH. It seems to me, then, that they were in ignorance of their own rights, and *ignorantia legis non excusat* the gentleman knows very well.

The Government has the money of these merchants; it belongs to them, and ought to be returned; and the point I make is not against the refunding of the money to them, but that we should have a general bill which will take in all these cases, the three now being pressed by the gentleman from Maine and all of those which have been referred to the Committee on Claims, as stated by the gentleman from Illinois, the chairman of that committee.

Mr. REED, of Maine. If there is no further debate, I ask a vote upon the amendment.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Amend by adding to the bill the words "during the year 1881."

The amendment was agreed to.

The bill as amended was laid aside to be reported to the House with the recommendation that it do pass.

PHINNEY & JACKSON.

The next business on the Private Calendar was the bill (H. R. 1006) for the relief of Phinney & Jackson.

The bill is as follows:

Be it enacted, &c., That the Secretary of the Treasury be directed to pay to Messrs. Phinney & Jackson, of Portland, Me., $5,496.18, being excess of duties illegally collected from them on certain cargoes of sugar during 1881.

Mr. REED, of Maine. This is precisely the same case as the last bill, and I desire to propose an amendment, on account of an error in the figures. I find instead of the figures contained in the bill that the amount should be $5,212.02.

Mr. ANDERSON, of Kansas. What are the figures in the bill.

Mr. REED, of Maine. A little more than that sum.

Mr. MORRISON. That is the amount ascertained by the Treasury Department to be correct.

Mr. REED, of Maine. I am informed by the authorities of the Treasury Department that this is the correct amount. There are no facts that are stated in the report which are not corroborated by official certificates.

Mr. WARNER, of Ohio. These figures are certified to as correct?

Mr. REED, of Maine. They are. So far as the Hunt & Co. bill is concerned I have the approval, as to the amount, of the chief of the Customs Division; and as to the next bill, the one in favor of Hall & Co., I have a telegram from the collector of the port of Boston, Mr. Saltonstall, that the amount is correct.

I therefore move to strike out the figures contained in the bill under consideration and insert the sum of $5,212.02.

The amendment was agreed to.

The bill as amended was laid aside to be reported to the House with the recommendation that it do pass.

DUDLEY HALL & CO.

The next business on the Private Calendar was the bill (H. R. 1007) for the relief of Dudley Hall & Co.

The bill is as follows:

Be it enacted, &c., That the Secretary of the Treasury be, and he hereby is, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to Dudley Hall & Co., of Boston, Mass., the sum of $3,426.85, being amount of excess of duties illegally collected of them on certain importations of sugar made in May, 1881, at Boston, on steamer Leo, from Matanzas, Cuba.

Mr. REED, of Maine. That is the third bill of the same character; the same state of facts exists, and the figures are correct. They are certified in the telegram to which I have referred.

Mr. BEACH. And therefore, being correct, it is a very good reason why the general bill should pass.

Mr. BRECKINRIDGE, of Arkansas. There is no doubt of that. We are all in favor of a general bill.

Mr. SPRINGER. Are the facts on which this bill is based the same as in the other bills?

Mr. REED, of Maine. Precisely.

The bill was laid aside to be reported to the House with the recommendation that it do pass.

MERCHANTS' NATIONAL BANK OF LITTLE ROCK.

The next business on the Private Calendar was the bill (S. 382) to authorize the Merchants' National Bank of Little Rock, Arkansas, to change its name to the First National Bank of Little Rock; reported by Mr. WILKINS from the Committee on Banking and Currency.

The bill was read, as follows:

Be it enacted, &c., That the name of the Merchants' National Bank of Little Rock, located at Little Rock, Ark., shall be changed to the First National Bank of Little Rock whenever the board of directors of said bank shall accept the new name by resolutions of the board and cause a copy of such resolutions, duly authenticated, to be filed with the Comptroller of the Currency: *Provided*, That such acceptance be made within six months after the passage of this act.

SEC. 2. That all debts, demands, liabilities, rights, privileges, and powers of the Merchants' National Bank of Little Rock shall devolve upon and inure to the First National Bank of Little Rock whenever such change of name is effected.

Mr. ROGERS. There is an amendment to the bill reported by the committee, in which I move concurrence.

Mr. DINGLEY. This bill, I understand, is on the House Calendar.

Mr. SPRINGER. That is a mistake; it is here on the Private Calendar by order of the House.

Mr. BEACH. I desire to make a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. BEACH. I ask whether the bill the Clerk has in his hands is the bill which has been reported by the Committee on Banking and Currency of this House?

The CHAIRMAN. It is.

Mr. BEACH. The identical bill?

The CHAIRMAN. Yes, sir. The amendment proposed by the committee will be read.

The Clerk read as follows:

In line 6, after the words "directors of said bank," insert as follows:
"Having been previously authorized by a vote of shareholders owning two-thirds of the stock of said bank."

The amendment was agreed to.

Mr. ROGERS. I move that the bill as amended be laid aside to be reported to the House with a favorable recommendation.

Mr. BEACH. The same objections I felt it to be my duty to raise to the bills considered a few moments ago I now raise to this bill. In every Congress we have a large number of these bills introduced, coming from all parts of the country, to change the names and locations of national banks or to increase their capital stock. They are a class of bills with which we should not be bothered here. They can all be covered by a general law; and we can pass a general law in the time that it takes us to pass one of these bills. I introduced a bill for that purpose, which was referred to the Committee on Banking and Currency, and which has been reported back favorably by that committee and is now on the Calendar. I understand it is the intention of the gentleman having it in charge to bring it up probably in the early part of next week. I think this bill should be passed over till that general act is passed. What is asked by this bill may be all right and proper, but I object to it because it is in the nature of special legislation.

Mr. DINGLEY. I will say to the gentleman from New York it is true that a general bill has been reported by the Committee on Banking and Currency. A similar bill was reported in the Forty-eighth Congress but did not become a law. The gentlemen interested in this national bank at Little Rock are desirous its name should be changed immediately in order to carry out some arrangements they wish made. There may be considerable delay in passing the general law; and since this bill has been reported unanimously and is now before the Committee of the Whole with a slight amendment, it seems to me the right course is to immediately concur in the Senate bill and let the gentlemen interested go on with the arrangements they propose to make.

Mr. ROGERS. The gentleman from Maine [Mr. DINGLEY] has stated the case so well that I will not undertake to supplement his statement in any way. I therefore insist on my motion that the bill be laid aside to be reported to the House with a favorable recommendation.

The motion was agreed to.

NATIONAL BANK OF WINONA.

The next business on the Private Calendar was the bill (S. 126) to change the name of the National Bank of Winona; reported by Mr. DINGLEY from the Committee on Banking and Currency.

The bill was read, as follows:

Be it enacted, &c., That the name of The National Bank of Winona, located in the city of Winona and State of Minnesota, be changed to The First National Bank of Winona whenever the board of directors of said bank shall accept the new name by resolution of the board, confirmed by a vote or the written consent of stockholders holding two-thirds of the stock of the bank, and cause a copy of such action, duly authenticated, to be filed with the Comptroller of the Currency: *Provided*, That such acceptance shall be made within six months after the passage of this act, and that all expenses incident to the proposed change, including engraving, shall be borne by said bank.

SEC. 2. That all debts, demands, liabilities, rights, privileges, and powers of The National Bank of Winona shall devolve upon and inure to the said The First National Bank of Winona whenever such change is effected; and that the said The First National Bank of Winona shall continue to be in all respects the identical association it was before the change of name under the provisions of this act; and that nothing in this act contained shall be so construed as in any manner to release The National Bank of Winona from any liability or affect any action or proceeding in law in which said bank may be or become a party interested.

Mr. WHITE, of Minnesota. I move the bill be laid aside to be reported to the House with a favorable recommendation. It is identical with the bill just passed, except that there is no amendment reported to this bill.

Mr. BEACH. I only desire to enter my protest against the bill for the reasons I have already stated, that it is special legislation, and a general bill should be passed to cover all such cases.

Mr. STEELE. I wish to ask the gentleman from New York [Mr. BEACH] why he opposes all these bills? Let him give some reason for doing so.

Mr. BEACH. If the gentleman had listened to the reasons I gave a few moments ago he would not now repeat his question.

Mr. STEELE. But the gentleman was then speaking of a different bill.

Mr. BEACH. The same reasons which impelled me to oppose the one impel me to oppose the other. Here is a simple act of administration which the Comptroller of the Currency can perform as well as the House. We can pass a general law giving the Comptroller of the Currency power to change the name of a bank. Let us pass such general law and get rid of all this special legislation.

Mr. WILKINS. We could pass this bill in the time the gentleman from New York has been occupying.

The bill was laid aside to be reported to the House with a favorable recommendation.

FIRST NATIONAL BANK OF MINNEAPOLIS.

The next business on the Private Calendar was the bill (H. R. 1260) to authorize the increase of the capital stock of the First National Bank of Minneapolis, Minn., not to exceed $2,000,000.

The bill was read, as follows:

Be it enacted, &c., That the First National Bank of Minneapolis, located in the city of Minneapolis, in the State of Minnesota, is hereby authorized to increase its capital stock, in accordance with existing laws, to any sum not exceeding $2,000,000, notwithstanding the limit heretofore fixed in its original articles of association and determined by the Comptroller of the Currency; and the Comptroller of the Currency is hereby authorized to fix the limit of increase of the capital stock of the First National Bank of Minneapolis, Minn., at any sum not exceeding $2,000,000.

The committee recommended the following amendment:

In line 9, after the word "currency," insert the following:

Whenever the board of directors of said bank shall be authorized so to do by vote of shareholders owning two-thirds of the stock of same.

Mr. STEELE. I would like to hear the report read.

The report (by Mr. SNYDER) was read, as follows:

The Committee on Banking and Currency, to whom was referred House bill No. 1260, entitled "A bill to authorize the increase of the capital stock of the First National Bank of Minneapolis, Minn., not to exceed $2,000,000," having had the same under consideration, recommend that said bill do pass, with the following amendment:

After the word "currency," in line 9, insert the following: "Whenever the board of directors of said bank shall be authorized so to do by a vote of shareholders owning two-thirds of the stock of same."

Mr. MILLER. I move the adoption of the amendment.

Mr. ANDERSON, of Kansas. Mr. Chairman, I would like a little information about this bill. I would like to know why these parties can not make the desired increase under the present law without coming here for a special act?

Mr. MILLER. That question was submitted to Attorney-General Brewster two years ago, and he delivered an opinion that after the amount of the capital stock of a national bank had been fixed by the articles of association neither the stockholders, the board of directors, nor the Comptroller of the Currency could increase the capital stock beyond the limit fixed, and that all three together could not do it—that it would require a special act of Congress. Upon that opinion we introduced a bill in the last Congress to give the Comptroller, in connection with the stockholders and the directors of a bank, power to authorize the increase of their capital stock; but that bill did not come up for consideration. We have introduced the same bill again, but I understand there is considerable opposition to it, upon the ground that it confers too much authority upon the Comptroller.

Mr. ANDERSON, of Kansas. What is the present capital stock of this bank?

Mr. MILLER. The present capital stock is $600,000.

Mr. Chairman, I now move that the amendment reported by the committee be concurred in.

Mr. WEAVER, of Iowa. Mr. Chairman, I wish to offer an amendment to this bill, which I send to the desk to be read.

The CHAIRMAN. Does the gentleman from Iowa [Mr. WEAVER] move to amend the amendment?

Mr. WEAVER, of Iowa. No, sir. I wish to amend the original bill.

The CHAIRMAN. That is not in order at this time.

Mr. WEAVER, of Iowa. Very well. I will offer the amendment when it is in order.

The CHAIRMAN. The amendment reported by the committee will be read.

The Clerk read the amendment, as follows:

After the words "Comptroller of the Currency," in line 9, insert the words "whenever the board of directors of said bank shall be authorized so to do by a vote of the shareholders owning two-thirds of the stock of the same.

The amendment was agreed to.

Mr. WEAVER, of Iowa. Now, Mr. Chairman, I offer my amendment to the bill, and ask that it be read.

The amendment was read, as follows:

Add, at the end of line 14, the following:
"And the said bank is hereby authorized to keep its entire reserve in standard silver dollars."

[Laughter.]

Mr. WEAVER, of Iowa. I yield the floor to the gentleman from Michigan [Mr. BURROWS].

Mr. BURROWS. Mr. Chairman, I understand that the gentleman from Iowa [Mr. WEAVER] desires to be heard at length upon the amendment just offered by him, and he yields to me that I may make a motion that the committee now rise. I make that motion.

Several MEMBERS. "Oh, no!"

Mr. SPRINGER. Mr. Chairman, before the question is put upon that motion, I desire to ask the committee to proceed with the consideration of the pending bill, and also the next one on the Calendar.

The CHAIRMAN. The motion of the gentleman from Michigan [Mr. BURROWS] is in order.

Mr. SPRINGER. I object to the gentleman from Iowa [Mr. WEAVER] yielding the floor for that purpose. I insist that he shall proceed now.

Mr. WEAVER, of Iowa. If there is objection to the motion just made by the gentleman from Michigan [Mr. BURROWS] I will proceed now, but I wish the gentleman from Illinois [Mr. SPRINGER] would withdraw his objection.

Mr. BURROWS. If the gentleman from Iowa [Mr. WEAVER] can obtain the floor again, I have no objection to withdrawing my motion to enable the committee to dispose of these two bills, after which I shall renew it.

Several MEMBERS. Withdraw the motion.

Mr. BURROWS. Mr. Chairman, I withdraw my motion for the time being.

Mr. WEAVER, of Iowa. Mr. Chairman, if it is the desire of gentlemen to have other bills considered and passed upon at this time, I will yield for that purpose. I understand that there is only one bill that can be reached to-day, and I will yield to enable the committee to consider that.

Mr. SPRINGER. Now, Mr. Chairman, I move that this bill as amended be laid aside to be reported to the House with a favorable recommendation.

The motion was agreed to.

NATIONAL BANK OF LINCOLN, PA.

The next business upon the Private Calendar was the bill (H. R. 2139) authorizing the National Bank of Lincoln, Pa., to change its location and name.

The bill was read, as follows:

Be it enacted, &c., That the Lincoln National Bank, now located in the village of Lincoln and State of Pennsylvania, is hereby authorized to change its location to the village of Ephratah, in said State. Whenever the stockholders representing two-thirds of the capital of said bank, at a meeting called for that purpose, determine to make such change, the president and cashier shall execute a certificate, under the corporate seal of the bank, specifying such determination, and shall cause the same to be recorded in the office of the Comptroller of the Currency, and thereupon such change of location shall be effected, and the operations of discount and deposit of said bank shall be carried on in the village of Ephratah.

SEC. 2. That nothing in this act contained shall be so construed as in any manner to release the said bank from any liability or effect any action or proceeding in law in which the said bank may be a party or interested; and when such change shall have been determined upon as aforesaid, notice thereof, and of such change, shall be published in two weekly papers in the county of Lancaster and said State not less than four weeks.

SEC. 3. That whenever the location of said bank shall have been changed from the village of Lincoln to the village of Ephratah, in accordance with the first section of this act, its name shall be changed to the Lincoln National Bank of Ephratah, Pa., if the board of directors of said bank, having been previously authorized by vote of shareholders owning two-thirds of the stock of said bank, shall accept the name by resolution of the board, and cause a copy of such resolution, duly authenticated, to be filed with the Comptroller of the Currency.

SEC. 4. That all debts, demands, liabilities, rights, privileges, and powers of the Lincoln National Bank of Lincoln, Pa., shall devolve upon the Lincoln National Bank of Ephratah, Pa., whenever such change of name is effected.

Mr. BRADY. Mr. Chairman, from the report of the committee upon this bill it appears that all the parties in interest have concluded that they do not desire to change either the name or the location of the bank. I therefore move that the bill be laid aside, in order that a motion may be made in the House to lay it upon the table.

Mr. SPRINGER. The proper way to accomplish the gentleman's object would be to move to report the bill to the House with the recommendation that the enacting clause be stricken out.

Mr. BRADY. Then, Mr. Chairman, I move that the bill be reported adversely to the House.

The motion was agreed to.

Mr. STRAIT. Mr. Chairman, I ask unanimous consent to pass to page 8 of the Calendar, and take up House bill No. 1245, which is of a similar nature to the bills just disposed of.

Mr. BEACH. I must object, Mr. Chairman.

Mr. SPRINGER. I move that the committee rise.

The motion was agreed to.

The committee accordingly rose; and the Speaker having resumed the chair, Mr. BLOUNT, from the Committee of the Whole House on the Private Calendar, reported that they had had various bills under consideration, and had instructed him to report them favorably to the House, some with and some without amendments, and also one bill adversely.

The SPEAKER. The House will now proceed to the consideration of the several bills just reported from the Committee of the Whole House on the Private Calendar.

FRANCES E. STEWART.

The first business reported from the Committee of the Whole House on the Private Calendar was the bill (H. R. 3829) for the relief of Frances E. Stewart, administratrix of Michael S. Stewart, deceased.

The SPEAKER. This bill has been reported from the Committee of the Whole House with a recommendation that it pass.

The bill was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

JOSEPH W. PARISH.

The next business reported from the Committee of the Whole House on the Private Calendar was the bill (S. 241) for the relief of Joseph W. Parish.

The SPEAKER. This bill has been reported from the Committee of the Whole House on the Private Calendar with a recommendation that it pass, and that House bill 3830, identical in its terms, be laid on the table.

Mr. HOLMAN. I desire to submit a resolution in regard to this bill which I ask the Clerk to read.

The Clerk read as follows:

Resolved, That the pending bill be recommitted to the Committee on War Claims, with instructions to so amend the bill as to refer the claim therein named to the Court of Claims, with instructions to hear testimony and adjust said claim on the basis of the decision and judgment of the Supreme Court of the United States in the case of Parish *vs.* United States, October term, 1879, and render judgment accordingly; the sum allowed claimant in the former adjudication to be considered.

The SPEAKER. The question is on this motion to recommit the bill to the Committee on War Claims.

The question being taken, there were—ayes 56, noes 75.

Mr. HOLMAN. Mr. Speaker, it has been suggested to me to move simply that the bill be recommitted to the Committee on War Claims; and I am perfectly willing to put the motion in that form, although I think it would be better to accompany it with instructions. I modify my motion so as merely to move that the bill be recommitted.

Mr. TUCKER. As I understood the motion—and that understanding controlled my vote—it was a motion to recommit the bill with a direction to the committee to report a bill providing that this claim be sent to the Court of Claims, with instructions to that court to decide it in a particular way. It seems to me that we can not direct a court as to the decision it shall render.

The SPEAKER. The gentleman from Indiana modifies his motion so as to move simply that the bill be recommited to the Committee on War Claims.

The question being taken, there were—ayes 61, noes 76.

Mr. HOLMAN. No quorum has voted; and I ask the yeas and nays on the question.

The yeas and nays were ordered; there being—ayes 32, noes 83; more than one-fifth voting in the affirmative.

The SPEAKER. Does the gentleman from Indiana intend to include in his motion both the Senate bill and the House bill?

Mr. HOLMAN. Yes, sir.

The question was taken; and there were—yeas 91, nays 128, not voting 104; as follows:

YEAS—91.

Adams, J. J.	Davidson, A. C.	Lehlbach,	Spriggs,
Arnot,	Dunn,	Lowry,	Springer,
Barksdale,	Eden,	Matson,	Stahlnecker,
Beach,	Eldredge,	McCreary,	Stewart, Charles
Belmont,	Ermentrout,	McRae,	St. Martin,
Blount,	Everhart,	Merriman,	Stone, W. J., of Mo.
Boyle,	Findlay,	Miller,	Storm,
Breckinridge, C. R.	Ford,	Mitchell,	Swope,
Breckinridge, WCP	Gibson, Eustace	Morrison,	Taulbee,
Bynum,	Glass,	Neal,	Taylor, J. M.
Caldwell,	Green, W. J.	Neece,	Thomas, O. B.
Campbell, Felix	Hale,	Oates,	Trigg,
Candler,	Hall,	Outhwaite,	Tucker,
Clary,	Halsell,	Pindar,	Turner,
Clements,	Harris,	Randall,	Van Eaton,
Cobb,	Hatch,	Reese,	Ward, J. H.
Cole,	Hemphill,	Robertson,	Warner, A. J.
Comstock,	Holman,	Rogers,	Weaver, J. B.
Cowles,	Johnston, T. D.	Sadler,	Wellborn,
Cox,	Jones, J. H.	Scott,	Wheeler,
Crisp,	Landes,	Seymour,	Wilson,
Croxton,	Lanham,	Shaw,	Winans.
Culberson,	Le Fevre,	Sowden,	

NAYS—128.

Adams, G. E.	Ellsberry,	Laffoon,	Reed, T. B.
Allen, C. H.	Evans,	La Follette,	Reid, J. W.
Anderson, J. A.	Farquhar,	Laird,	Rice,
Atkinson,	Felton,	Little,	Richardson,
Baker,	Fleeger,	Long,	Rockwell,
Barnes,	Fuller,	Louttit,	Rowell,
Bayne,	Gallinger,	Lyman,	Scranton,
Blanchard,	Gay,	Markham,	Sessions,
Brady,	Geddes,	Martin,	Skinner,
Browne, T. M.	Gilfillan,	Maybury,	Spooner,
Brown, C. E.	Grout,	McComas,	Steele,
Brown, W. W.	Guenther,	McKenna,	Stephenson,
Buchanan,	Hayden,	McMillin,	Stewart, J. W.
Buck,	Haynes,	Millard,	Stone, W. J., of Ky.
Burleigh,	Heard,	Moffatt,	Strait,
Burrows,	Henderson, D. B.	Morrill,	Struble,
Butterworth,	Henderson, T. J.	Negley,	Symes,
Campbell, J. M.	Henley,	Nelson,	Taylor, Zach
Campbell, J. E.	Herman,	O'Donnell,	Thompson,
Cannon,	Hiestand,	O'Hara,	Throckmorton,
Carleton,	Hill,	O'Neill, Charles	Tillman,
Conger,	Hires,	O'Neill, J. J.	Wade,
Cooper,	Hitt,	Osborne,	Wadsworth,
Curtin,	Holmes,	Owen,	Warner, William
Cutcheon,	Hopkins,	Payne,	Weber,
Dargan,	Houk,	Peel,	West,
Davidson, R. H. M.	Jackson,	Perkins,	White, A. C.
Dibble,	Johnson, F. A.	Perry,	White, Milo
Dingley,	Johnston, J. T.	Peters,	Whiting,
Dorsey,	Jones, J. T.	Phelps,	Wilkins,
Dougherty,	Ketcham,	Plumb,	Willis,
Dowdney,	Kleiner,	Price,	Wolford.

NOT VOTING—104.

Aiken,	Dawson,	James,	Reagan,
Allen, J. M.	Dockery,	Kelley,	Riggs,
Anderson, C. M.	Dunham,	King,	Romeis,
Ballentine,	Ely,	Lawler,	Ryan,
Barbour,	Fisher,	Libbey,	Sawyer,
Barry,	Foran,	Lindsley,	Sayers,
Bennett,	Forney,	Lore,	Seney,
Bingham,	Frederick,	Lovering,	Singleton,
Bland,	Funston,	Mahoney,	Smalls,
Bliss,	Gibson, C. H.	McAdoo,	Snyder,
Bound,	Glover,	McKinley,	Stone, E. F.
Boutelle,	Goff,	Milliken,	Swinburne,
Bragg,	Green, R. S.	Mills,	Tarsney,
Brumm,	Grosvenor,	Morgan,	Taylor, E. B.
Bunnell,	Hahn,	Morrow,	Taylor, I. H.
Burnes,	Hammond,	Muller,	Thomas, J. R.
Cabell,	Hanback,	Murphy,	Townsend,
Campbell, T. J.	Harmer,	Norwood,	Van Schaick,
Caswell,	Henderson, J. S.	O'Ferrall,	Viele,
Catchings,	Hepburn,	Parker,	Wait,
Collins,	Herbert,	Payson,	Wakefield,
Compton,	Hewitt,	Pettibone,	Ward, T. B.
Crain,	Hiscock,	Pidcock,	Weaver, A. J.
Daniel,	Howard,	Pirce,	Wise,
Davenport,	Hutton,	Pulitzer,	Woodburn,
Davis,	Irion,	Rainey,	Worthington.

So the motion to recommit was rejected.

The following-named members were announced as paired until further notice:

Mr. TIMOTHY J. CAMPBELL with Mr. BUNNELL.

Mr. WISE with Mr. LIBBEY.

Mr. MULLER with Mr. HISCOCK.

Mr. HOWARD with Mr. LINDSLEY.

Mr. TOWNSHEND with Mr. GROSVENOR.

Mr. BARBOUR with Mr. PIERCE.

The following-named members were announced as paired for this day:

Mr. CURTIN with Mr. CAMPBELL, of Pennsylvania.

Mr. FORNEY with Mr. RYAN.

Mr. SNYDER with Mr. HANBACK.

Mr. DOCKERY with Mr. WAIT.

Mr. HAMMOND with Mr. CASWELL.

Mr. GOFF with Mr. BALLENTINE.

Mr. BOUTELLE with Mr. LORE.

Mr. MAHONEY with Mr. HARMER.

Mr. SENEY with Mr. IKE H. TAYLOR.

Mr. HERBERT with Mr. THOMAS, of Illinois.

Mr. CABELL with Mr. BUTTERWORTH.

Mr. WARD, of Indiana, with Mr. DUNHAM.

Mr. AIKEN with Mr. BINGHAM.

Mr. HEWITT with Mr. ELY, until next Tuesday.

The result of the vote was announced as above stated.

The bill was ordered to a third reading; and it was accordingly read the third time.

Mr. LYMAN demanded the previous question on the passage of the bill.

Mr. HOLMAN. Is there a substitution of one bill for another?

The SPEAKER. It was reported to the Chair that the Committee of the Whole House on the Private Calendar had taken up and considered the Senate bill and reported it to the House with the recommendation it do pass, and also that it reported back the House bill with the recommendation that it be laid on the table.

The previous question was ordered; and under the operation thereof the bill was passed.

House bill 3830 was laid on the table.

EVENING SESSION DISPENSED WITH.

Mr. MATSON. Mr. Speaker, I ask that by unanimous consent the standing order of the House for Friday evening sessions be set aside for this evening only. The reason I do this is that while a large number of cases are upon the Calendar, yet the reports have not been circulated among members, and they have not had opportunity to examine them. I have consulted the chairmen of other committees interested in this work, and they all agree the session for this evening should be postponed until members shall have an opportunity to examine the committee reports.

The motion was agreed to.

PENSION APPROPRIATION BILL.

Mr. RANDALLL. In the absence of the gentleman from Illinois [Mr. TOWNSHEND] I report from the Committee on Appropriations bill (H. R. 5201) making appropriations for the payment of invalid and other pensions of the United States for the fiscal year ending June 30, 1887, and for other purposes.

The bill was read a first and second time, referred to the Committee of the Whole House on the state of the Union, and, with the accompanying report, ordered to be printed.

Mr. RANDALL. It is my understanding the gentleman from Illinois will return Tuesday next, at which time the bill will be called up for consideration. It may, however, be necessary to consider it sooner.

Mr. ROGERS. I reserve all points of order.

GEORGE S. HUNT & CO.

The SPEAKER. The bill (H. R. 1005) for the relief of George S. Hunt & Co. has been reported back with an amendment. It will be read.

The Clerk read as follows:

After the word "sugar," in line 7, insert "during the year 1881."

The amendment was agreed to, and as amended the bill was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time.

Mr. BEACH. I move to recommit the bill to the Committee on Ways and Means with instructions to report a general bill covering all claims of a similar character.

Mr. REED, of Maine. I make the point of order such instruction can not be given.

The SPEAKER. The point of order is well taken; a private bill can not be converted into a general bill.

The bill as amended was passed.

BILLS PASSED.

Bills of the following titles were passed without amendment:

A bill (H. R. 1008) for the relief of Victor Beauboucher;

A bill (H. R. 1007) for the relief of Dudley Hall & Co.; and

A bill (S. 126) to change the name of the National Bank of Winona.

Amendments to bills of the following titles were agreed to; and as amended the bills were severally passed:

A bill (H. R. 1006) for the relief of Phinney & Jackson; and

A bill (S. 382) to authorize the Merchants' National Bank of Little Rock, Ark., to change its name to the First National Bank of Little Rock.

The bill (H. R. 1260) to authorize the increase of the capital stock of the First National Bank of Minneapolis, Minn., not to exceed $2,000,000.

The bill (H. R. 3129) authorizing the National Bank of Lincoln, Pa., to change its name and location was, in accordance with the recommendation of the Committee of the Whole House on the Private Calendar, laid on the table.

Mr. SPRINGER moved to reconsider the several votes just taken; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

ADJOURNMENT OVER.

Mr. MORRISON moved that when the House adjourns to-day it adjourn to meet on Monday next.

The motion was agreed to.

FITZ-JOHN PORTER.

Mr. LAIRD. I ask unanimous consent to submit the following resolution for present consideration.

The Clerk read as follows:

Resolved, That Thursday, the 11th day of February, immediately after the morning hour, be set apart for the consideration of the bill (No. 67) for the relief of Fitz-John Porter, and that the consideration of the same be continued Thursday and Saturday, and Monday, Tuesday, and Wednesday, and that the previous question be moved Thursday, the 18th of February, at 3 o'clock p. m., and that a recess be taken on Tuesday, February 16, from 5 o'clock p. m. until 7 o'clock p. m. of that day, and that the evening session be devoted to the consideration of House bill 67.

The SPEAKER. Is there objection?

Mr. HIESTAND. I object.

Mr. HOUK. I hope the objection will be withdrawn, as every member of the committee of both parties has agreed to this motion.

Mr. HIESTAND. I withdraw objection.

There being no further objection, the resolution was adopted.

And then, on motion of Mr. MORRISON (at 4 o'clock and 30 minutes p. m.), the House adjourned until Monday next.

PETITIONS, ETC.

The following petitions and papers were laid on the Clerk's desk, under the rule, and referred as follows:

By Mr. BOUTELLE: Papers in the case of Bertha M. Timony, minor child of Joseph Brocklebank, late Company H, Twentieth Maine Volunteers—to the Committee on Invalid Pensions.

By Mr. BOYLE: Petition of citizens of Pennsylvania, in favor of increasing pensions—to the same committee.

By Mr. BRADY: Petition and papers of William C. Malloy, of Petersburg, Va., in support of his claim of $1,000 for property in Dinwiddie County, Virginia, destroyed by the United States Army during April, 1865, the said Malloy being at the time an unnaturalized citizen of the United States, taking no part whatever against the Government of the United States in the late civil war—to the Committee on War Claims.

Also, petition of Mary Ann Egan, widow of Capt. James Egan, late of the United States Army, with military record of her said husband, showing that he was engaged in fifty-eight battles, letters from Secretary of War Lincoln, Generals McKenzie, Crook, and other United States Army officers, asking for increase of her pension—to the Committee on Pensions.

By Mr. CANDLER: Petition of Hon. W. A. Curtis and other citizens of Georgia, and of John T. Wilson and others, of Georgia, asking for national aid to education—to the Committee on Education.

By Mr. CARLETON: Resolutions of Croswell Assembly, Knights of Labor, for opening up to actual settlers the Cherokee and Oklahoma lands and for the forfeiture of the Atlantic and Pacific Railway land grant—to the Committee on Indian Affairs.

By Mr. CUTCHEON: Memorial of Assembly 3507, Knights of Labor, in favor of organizing a Territorial form of government for the Indian Territory—to the same committee.

By Mr. R. H. M. DAVIDSON: Petition of citizens of La Fayette County, Florida, asking for the passage of the bill known as the Blair bill—to the Committee on Education.

By Mr. DAVIS: Remonstrance of Danforth S. Steele and 95 others, and of T. B. Baker and 61 others, citizens of Harwich, against the appointment of an international fisheries commission—to the Committee on Foreign Affairs.

By Mr. FISHER: Petition of Hon. A. C. Maxwell and 518 others, citizens of the second ward of Bay City, Mich., and of Birdsall & Barker and 180 others, citizens of the seventh ward of Bay City, Mich., asking that United States courts may be established at Bay City, Mich.—to the Committee on the Judiciary.

By Mr. GALLINGER: Petition of Rev. John H. Elliott and 41 other clergymen, members of the Pastors' Alliance of the District of Columbia, praying for the passage of the bill (H. R. 3496) to provide for the study of physiology and hygiene with reference to the effect of intoxicating, narcotic, and poisonous substances upon the life, health, and welfare, by the pupils in the public schools of the Territories and of the District of Columbia, and in the Military and Naval Academies, Indian and colored schools, supported in whole or part from the United States Treasury—to the Committee on Education.

Also, petition of Rev. John H. Elliott and 39 other clergymen, members of the Pastors' Alliance of the District of Columbia, against the provision of Senate bill No. 696, now pending, by which saloon-keepers and other proprietors of bar-rooms will not be required annually to secure the written consent of a majority of the owners of real estate on the side of a square where it is desired to locate a saloon and on the side of the square fronting the same—to the Select Committee on the Alcoholic Liquor Traffic.

By Mr. HEWITT: Petition of Louis Lange, for removal of charge of desertion and honorable discharge—to the Committee on Invalid Pensions.

By Mr. HIESTAND: Petition of 71 citizens of Rothsville, Lancaster County, Pennsylvania, for the passage of the bill recommended by the pension committee of the Grand Army of the Republic—to the same committee.

By Mr. HOPKINS: Petition of W. H. Cook, James Grace, William Seymour, and others, for a law putting oleomargarine and butterine under Internal Revenue Department—to the Committee on Agriculture.

By Mr. JACKSON: Petition of soldiers and citizens of New Castle, Pa., for the passage of the pension law recommended by the Grand Army of the Republic committee—to the Committee on Invalid Pensions.

By Mr. LOWRY: Petition of 132 citizens of Pleasant Lake, Steuben County, and of 181 citizens of Fort Wayne, Ind., to pension prisoners of war who were confined in confederate military prisons during the late war—to the same committee.

By Mr. McKINLEY: Petition of Knights of Labor of Akron, Ohio, praying for the organization of a Territorial form of government over Indian Territory—to the Committee on the Territories.

By Mr. MAYBURY: Papers in the case of William A. Burt, for relief—to the Committee on Claims.

By Mr. RANDALL: Papers in the case of James Kane, for relief—to the Committee on Military Affairs.

Also, papers in the case of the heirs of General Count Casimir Pulaski—to the Committee on Foreign Affairs.

By Mr. REESE: Petition of 81 citizens of Athens, Ga., for national aid to education—to the Committee on Education.

By Mr. ROMEIS: Memorial of the common council of Port Clinton, Ohio, asking for the further improvement of Port Clinton Harbor—to the Committee on Rivers and Harbors.

By Mr. ZACH. TAYLOR: Resolutions of the Merchants' Exchange of Memphis, Tenn., praying that Congress speedily determine what action will be taken on the silver question—to the Committee on Coinage, Weights, and Measures.

Also, three memorials of Claude Wiseman, asking Congress to make some provision for the adjustment of salaries of postmasters—to the Committee on the Post-Office and Post-Roads.

By Mr. VAN EATON: Papers relating to the claim of Thaddeus Boeme, to accompany House bill 4082—to the Committee on Invalid Pensions.

By Mr. VOORHEES: Papers in the case of William Huntington—to the Committee on Claims.

Also, papers relating to the claims of H. R. Crosbie and of E. C. Chirouse—to the same committee.

By Mr. A. J. WARNER: Resolution of William M. Meek and others, a committee of Bellaire, Ohio, favoring the coinage of silver—to the Committee on Coinage, Weights, and Measures.

Also, petition of Enoch Sears and others, citizens and ex-soldiers of Guernsey County, Ohio, in favor of paying soldiers the difference between gold and greenbacks—to the Committee on War Claims.

By Mr. J. B. WEAVER: Petition of B. B. Franklin and 170 others, citizens of Kansas; of William Rowe and about 90 others, citizens of Iowa; of L. W. Cannon and 125 others, citizens of Iowa; and of W. S. Pelham and about 65 others, citizens of Iowa, praying for the organization of Oklahoma Territory—to the Committee on the Territories.

By Mr. WHEELER: Petition of James L. Coleman, administrator, praying that war claim of Daniel Coleman, deceased, and Elizabeth L. Coleman, of Calhoun County, Alabama, be referred to the Court of Claims—to the Committee on War Claims.

By Mr. WORTHINGTON: Petition of citizens of Fulton County, Illinois, for an act to pension soldiers of the Black Hawk war—to the Committee on Pensions.

Also, petition of Joseph F. Wilson, of Peoria, Ill., for indemnity for costs and other expenses in litigating title to certain lands in the State of Indiana, he being the grantee of the patentee thereof—to the Committee on Claims.

The following petitions, praying Congress to place the coinage of silver upon an equality with gold; that there be issued coin certificates of one, two, and five dollars, the same being made a legal tender; that one and two dollar legal-tender notes be issued, and that the public debt be paid as rapidly as possible by applying for this purpose the idle surplus now in the Treasury, were presented and severally referred to the Committee on Coinage, Weights, and Measures:

By Mr. ROWELL: Of J. F. Reynolds and 48 citizens of Decatur, Ill.

By Mr. J. B. WEAVER: Of George Reed and 35 others, citizens of Wyoming; of William Given and 40 others, citizens of Kansas; of L. B. Leighton and 105 others, citizens of Iowa; of B. B. Franklin and others, citizens of Kansas; and of W. L. Riggs and 134 others, citizens of Kansas.

SENATE.

MONDAY, *February* 8, 1886.

Prayer by the Chaplain, Rev. E. D. HUNTLEY, D. D.

The Journal of the proceedings of Friday last was read and approved.

EXECUTIVE COMMUNICATION.

The PRESIDENT *pro tempore* laid before the Senate a communication from the Secretary of the Treasury, transmitting, in response to a resolution of the 19th instant, certain information respecting the purchase of silver bullion, which the Secretary proceeded to read.

Mr. INGALLS. That seems to be rather a long communication and is in response to a resolution that I offered. I suggest that it be printed without reading and referred to the Committee on Finance.

The PRESIDENT *pro tempore*. That order will be made if there be no objection. The communication will be referred, with the accompanying papers, to the Committee on Finance. Does the Senator from Kansas propose that the order to print shall include the accompanying documents?

Mr. INGALLS. I should like to have the accompanying papers and exhibits printed in connection with the letter of the Secretary of the Treasury.

The PRESIDENT *pro tempore*. That order will be made.

The PRESIDENT *pro tempore* laid before the Senate a communication from the Secretary of War, transmitting, in answer to a resolution of January 25, certain information in regard to the disposition of appropriation for a breakwater at Port Orford, Oreg.; which was read.

The PRESIDENT *pro tempore*. This communication will be printed, and the question of printing the accompanying exhibits will be referred to the Committee on Printing if there be no objection.

The PRESIDENT *pro tempore* laid before the Senate a report of the Secretary of the Navy as to the clerks and employés in that Department; which was referred to the Committee on Appropriations.

NATIONAL ACADEMY OF SCIENCES.

The PRESIDENT *pro tempore* laid before the Senate the following communication from O. C. Marsh, president of the National Academy of Sciences; which was read, and, with the accompanying papers, referred to the Committee on Printing:

NATIONAL ACADEMY OF SCIENCES,
Washington, D. C., January 20, 1886.

SIR: In conformity with the requirements of the act of incorporation, approved March 3, 1863, I have the honor to submit herewith a report of the operations of the National Academy of Sciences during the past year.

Very respectfully, your obedient servant,

O. C. MARSH,
President of the National Academy of Sciences.

To the PRESIDENT OF THE SENATE.

PETITIONS AND MEMORIALS.

The PRESIDENT *pro tempore* presented the petition of the board of directors of the Vessel-owners and Captains' Association, praying for the passage of the bill to provide a telegraph line in connection with the Signal Service at Point Jupiter, Florida; which was referred to the Committee on Commerce.

He also presented a petition of citizens of Toledo, Ohio, praying for the adoption of an amendment to the Constitution granting the right of suffrage to women; which was ordered to lie on the table.

He also presented a resolution adopted by the Legislature of Mississippi, in favor of the ship-railway project of Capt. James B. Eads; which was referred to the Committee on Commerce.

He also presented a petition of citizens of Findlay, Ohio, praying the passage of a bill embodying the recommendations of the national pension committee of the Grand Army of the Republic; which was referred to the Committee on Pensions.

Mr. McPHERSON. I present the petition of the descendants of Jacob Vanderslice, a soldier of the Revolutionary war, in the several capacities of sergeant, captain, and quartermaster, praying that there may be a readjustment of the accounts of Jacob Vanderslice and some recognition of his services. I move that the petition be referred to the Committee on Revolutionary Claims.

The motion was agreed to.

Mr. COKE. I present a petition of Local Assembly No. 2182, Knights of Labor, of Austin, Tex., praying for the organization of a Territorial form of government over the Indian Territory and the opening up of all public and unoccupied lands in that Territory immediately to settlement under the homestead land laws, the allotment of lands in severalty to Indians upon their present reservations, and the purchase of the surplus lands of the reservations by the United States, and that the same hereafter be opened to settlement, &c. I move the reference of the petition to the Committee on Indian Affairs.

The motion was agreed to.

Mr. COKE. I also present a similar petition from Local Assembly No. 3995, Knights of Labor, at Ranger, Tex., and I move that it be referred to the Committee on Indian Affairs.

The motion was agreed to.

Mr. LOGAN presented petitions of Knights of Labor of Fidelity, Ill., Alton, Ill., Gillespie, Ill., and Vinal Haven, Me., praying that the Oklahoma lands be opened to settlement and that the Indian Territory be given a Territorial government; which were referred to the Committee on Indian Affairs.

He also presented the petition of W. C. Winans and others, of Louisville, Ill., praying for a readjustment of the salaries of postmasters; which was referred to the Committee on Post-Offices and Post-Roads.

He also presented a petition of citizens of Ridge Farm, Ill., praying that the recommendations of the national committee of the Grand Army of the Republic as to pensions be carried out by Congress; which was referred to the Committee on Pensions.

He also presented a petition of Knights of Labor of Vinal Haven, Me., praying the passage of a bill providing for the adjustment of accounts of laborers, mechanics, and workmen under the eight-hour law; which was referred to the Committee on Education and Labor.

Mr. WILSON, of Iowa. I present a petition of members of the National Greenback party of the State of Iowa, praying for Congressional action relative to lands, transportation, debt, and money on the basis of the suggestions therein set forth. Three copies have been sent to me of the petition, I presume for the purpose of having one referred to the committees having jurisdiction of the several subjects. I therefore ask that reference may be made of one copy to the Select Committee on Interstate Commerce, one to the Committee on Public Lands, and one to the Committee on Finance.

The PRESIDENT *pro tempore*. The references will be made as requested if there be no objection.

Mr. WILSON, of Iowa. I present the petition of G. B. Guthrie and 101 other citizens of Iowa, praying for the passage of an act of absolute forfeiture of the unearned lands within the limits of the grant made to the Sioux City and Saint Paul Railroad Company. Inasmuch as the bill relating to this subject has been reported, I move that the petition lie on the table.

The motion was agreed to.

Mr. WILSON, of Iowa, presented a petition of Local Assembly, Knights of Labor, No. 2244, of Grand Junction, Iowa, praying for legislation providing for a Territorial form of government for the Indian Territory and the opening of all public and unoccupied lands therein to homestead settlement; which was referred to the Committee on Indian Affairs.

Mr. SAWYER presented a petion of the Milwaukee (Wis.) Assembly of the Knights of Labor, No. 3927, praying that the Oklahoma lands in the Indian Territory be opened to settlement; which was referred to the Committee on Indian Affairs.

He also presented the petition of Hattie E. Wood and 5 other ladies of Omro, Wis., in favor of the passage of a sixteenth amendment to the Constitution of the United States prohibiting the disfranchisement of any citizen on the ground of sex; which was referred to the Committee on Woman Suffrage.

Mr. CAMERON presented the petition of Augustus D. Saylor, of Conshohocken, Montgomery County, Pennsylvania, praying to be reimbursed for amount paid as bondsman for Job H. Smith, of Philadelphia; which was referred to the Committee on Claims.

He also presented the petition of George B. Kerfoot and others, of Philadelphia, Pa., praying legislation regulating the time for catching mackerel; which was referred to the Committee on Fisheries.

Mr. SEWELL. I present a petition of several thousand citizens of New Jersey and Pennsylvania, praying legislation for the prevention of menhaden fishing on the Atlantic by the employment of purse-nets within 3 miles of the coast. I move that the petition be referred to the Committee on Fisheries.

The motion was agreed to.

Mr. MILLER, of New York, presented petitions from local assemblies of Knights of Labor of Rochester, Norwich, Utica, and Syracuse, in the State of New York, praying for the passage of an act opening the Oklahoma lands to settlement; which were referred to the Committee on Indian Affairs.

He also presented the petition of Henry Root and 50 other citizens of Washington County, New York, praying for the passage of a bill to increase the pensions of widows from $8 to $12 per month, &c.; which was referred to the Committee on Pensions.

Mr. MAHONE presented a petition of the Norfolk and Portsmouth (Va.) Cotton Exchange, praying that increased appropriations be made for the Signal Service in the cotton States; which was referred to the Committee on Military Affairs.

Mr. HARRISON presented the petition of Joseph I. Irwin and 20 others, of Columbus, Ind., praying that a pension be granted to Jabel Smith, a soldier of the Sixteenth United States Infantry in the war with Mexico; which was referred to the Committee on Pensions.

He also presented a petition of Miami Local Assembly, Knights of Labor, No. 3730, of Indiana, and a petition of Prospect Local Assembly, Knights of Labor, No. 3410, of Indiana, praying for the opening to settlement of unoccupied lands in the Indian Territory; which were referred to the Committee on Indian Affairs.

Mr. INGALLS. I present a concurrent resolution of the Legislature of the State of Kansas, instructing the Senators from that State to procure requisite legislation for granting rights of way to railroads through the Indian Territory. I move that the resolution be referred to the Committee on Indian Affairs.

The motion was agreed to.

Mr. INGALLS. I present a petition numerously signed by residents of the District of Columbia, praying for the early passage of Senate bills 248 and 254 relating to steam railroads in this District. I move that the petition be referred to the Committee on the District of Columbia.

The motion was agreed to.

Mr. PAYNE presented a petition of the Toledo (Ohio) Woman's Suffrage Association and others, praying for the passage of an amendment to the Constitution extending suffrage to women; which was ordered to lie on the table.

Mr. PLUMB presented petitions of local assemblies of Knights of Labor of Constance and Emporia, Kans., praying that the Oklahoma lands in the Indian Territory be opened to settlement, &c.; which were referred to the Committee on Indian Affairs.

Mr. PLUMB presented a concurrent resolution of the Legislature of Kansas; which was read, and referred to the Committee on Public Lands, as follows:

Senate concurrent resolution No. 7.

Whereas the action of Land Commissioner Sparks in indiscriminately and indefinitely suspending the issuance of patents in some of the land districts of the State of Kansas has worked and is working great hardship to a large number of *bona fide* settlers on the public lands within this State, by casting a cloud upon the title of their land, without providing any means for a speedy hearing, and thereby compelling many settlers to abandon their claims for want of funds to make payment for the same and to subsist till they realize from crops; and

Whereas, while we deprecate all attempts to fraudulently obtain title to the public domain and heartily indorse every effort to discover such frauds and punish the offenders, yet we believe the present method of the Land Commissioner neither practicable nor just; Therefore,

Be it resolved by the senate (the house of representatives concurring therein), That we instruct our Senators and request our Representatives in Congress to take such steps in the matter as shall give *bona fide* settlers on public lands speedy relief.

STATE OF KANSAS, *Office of the Secretary of State.*

I, E. B. Allen, secretary of state of the State of Kansas, do hereby certify that the foregoing is a true and correct copy of the original resolution now on file in my office.

In testimony whereof I have hereunto subscribed my name and affixed my official seal this the 3d day of February, A D. 1886, at Topeka, Kans.

[SEAL.] E. B. ALLEN, *Secretary of State.*

Mr. DAWES presented a petition of local assembly Knights of Labor of East Milton, Mass., praying legislation opening to homestead settlement the Oklahoma lands in the Indian Territory; which was referred to the Committee on Indian Affairs.

Mr. COCKRELL. I present four petitions, one from Local Assembly No. 3984, Knights of Labor, at Carthage, Mo.; one from Local Assembly No. 2534, Knights of Labor, at Lamar, Mo., and one from Local Assembly No. 7717, Knights of Labor, at Weaver, Mo., and one from Local Assembly No. 2772, at Kirksville, Mo., praying that the Oklahoma country be opened up to actual settlers. I move that the petitions be referred to the Committee on Indian Affairs.

The motion was agreed to.

Mr. COCKRELL. I present the petition of Mrs. Kate Evans Thatcher, Mrs. Fannie Dungan, and other citizens of the United States, residents of the town of Oregon, in the State of Missouri, earnestly praying for the passage of a joint resolution at this session of Congress, submitting to the several States a proposition to so amend the Constitution as to protect the women of all the States and Territories in the enjoyment of the right of suffrage on equal terms with men. As the joint reso-

lution has already been reported, I move that the petition lie on the table.

The motion was agreed to.

Mr. COCKRELL. On the 14th of December, 1885, I introduced a bill (S. 554) granting a pension to Broadus G. Roberts. I now desire to present additional evidence in the shape of affidavits, which I hope will be received and referred to the Committee on Pensions, to accompany that bill.

The PRESIDENT *pro tempore*. The papers will be received and referred to the Committee on Pensions.

Mr. PALMER. I present petitions for the reorganization of the Indian Territory of local assemblies of the Knights of Labor at Detroit, Grand Rapids, Harrison, Three Rivers, Sparta, Lee's Corners, East Saginaw, and Manistee, Mich. I move that the petitions be referred to the Committee on Indian Affairs.

The motion was agreed to.

Mr. CULLOM presented a petition of citizens of Rockford, Ill., praying for the adoption of a constitutional amendment forbidding disfranchisement on account of sex; which was ordered to lie on the table.

REPORTS OF COMMITTEES.

Mr. PIKE, from the Committee on Claims, to whom was referred the bill (H. R. 989) for the allowance of certain claims reported by the accounting officers of the United States Treasury Department, reported it without amendment, and submitted a report thereon.

Mr. MANDERSON, from the Committee on Military Affairs, to whom was referred the bill (S. 1119) to provide for the appointment of hospital stewards in the United States Army and to fix their pay and allowance, reported it with amendments.

Mr. MORRILL, from the Committee on Public Buildings and Grounds, reported a bill (S. 1404) to authorize the acquisition of certain parcels of real estate embraced in square No. 406 of the city of Washington for the enlargement of the Post-Office Department building and to provide accommodations for the city post-office; which was read twice by its title.

Mr. MORRILL. I move that Order of Business 105, being the bill (S. 1265) to authorize the acquisition of certain parcels of real estate embraced in square No. 406 of the city of Washington for the enlargement of the Post-Office Department building and to provide accommodations for the city post-office, be recommitted to the Committee on Public Buildings and Grounds.

The motion was agreed to.

Mr. TELLER, from the Committee on Public Lands, to whom was referred the bill (S. 770) relating to lands in Colorado lately occupied by the Uncompahgre and White River Ute Indians, reported it without amendment.

Mr. BLAIR, from the Committee on Education and Labor, to whom was referred the bill (S. 797) to provide for the study of physiology and hygiene, and the effect of intoxicating, narcotic, and poisonous substances upon the life, health, and welfare, by the pupils in the public schools of the Territories and of the District of Columbia and in the Military and Naval Academies, reported adversely thereon, and the bill was postponed indefinitely.

He also, from the same committee, submitted a report, accompanied by a bill (S. 1405), to provide for the study of the nature of alcoholic drinks and narcotics and of their effects upon the human system in connection with the several divisions of the subject of physiology and hygiene by the pupils in the public schools of the Territories and of the District of Columbia, and in the Military and Naval Academies, and Indian and colored schools in the Territories of the United States; which was read twice by its title.

Mr. HOAR. I am directed by the Committee on Privileges and Elections, to whom was referred the bill (S. 905) fixing the time for the meeting of Congress, to report an original bill on the subject.

The bill (S. 1406) fixing the time for the meeting of Congress was read the first time by its title.

Mr. ALLISON. Let the bill be read in full.

The bill was read the second time at length, as follows:

Be it enacted, &c., That the meeting of Congress in the year 1887, and in every second year thereafter, shall be on the first Monday in October; and that in the year 1886, and in every second year thereafter, it shall be on the second Monday in November.

The PRESIDENT *pro tempore*. The bill will be placed on the Calendar.

Mr. INGALLS, from the Committee on the Judiciary, to whom was referred the bill (S. 1286) to amend section 604 of the Revised Statutes, and for other purposes, reported it without amendment.

Mr. PLATT, from the Committee on Patents, to whom was referred the bill (S. 500) for the relief of Elon A. Marsh and Minard Lafever, reported it with an amendment, and submitted a report thereon.

He also, from the same committee, to whom was referred the bill (S. 708) for the relief of Stephen N. Smith, reported it without amendment, and submitted a report thereon.

He also, from the same committee, to whom was referred the bill (S. 301) for the relief of William C. Dodge, reported it with amendments, and submitted a report thereon.

Mr. PLUMB. On the 18th of January I reported from the Committee on Public Lands a bill (S. 391) for the relief of A. A. Thomas, which had been considered by that committee and ordered to be amended, but by some mistake I sent to the desk a copy of the bill which did not have on it the statements of the amendments adopted by the committee. I ask unanimous consent to report the bill back with the amendments which the committee propose and have it take the place on the Calendar which the bill would have occupied but for the mistake.

Mr. COCKRELL. Let the other bill be withdrawn.

The PRESIDENT *pro tempore*. The bill now reported with the amendment of the committee will be placed on the Calendar in the place occupied by the bill previously reported.

ANNUAL REPORT OF THE PUBLIC PRINTER.

Mr. MANDERSON, from the Committee on Printing, to whom was referred the annual report of the Public Printer, reported the following resolution; which was considered by unanimous consent, and agreed to:

Ordered, That the annual report of the Public Printer for the fiscal year ending June 30, 1885, lie on the table and be printed.

PUBLIC BUILDING EXPENDITURES.

Mr. MAHONE. In obedience to a resolution of the Senate passed at the last session of Congress I submit a report from the Committee on Public Buildings and Grounds covering a statement of appropriations and expenditures for public buildings from March 4, 1789, to March 4, 1885; and I ask that 100 copies may be printed for the use of the Senate.

Mr. COCKRELL. Some years ago I introduced a resolution calling for that information from the Secretary of the Treasury, and a report was made, but it has never yet been printed. It is a very valuable document, and I object to the Committee on Public Buildings and Grounds having an exclusive right to the use of such a document. We all ought to have it; it ought to be printed as a Senate document, and not simply 100 copies of it for the use of the committee. The rest of us would like to look at it and get the information it contains.

Mr. MAHONE. It is not to be printed for the use of the committee; it is for the use of the Senate.

Mr. COCKRELL. I ask that the usual number of copies be printed, or that it be referred to the Committee on Printing for examination and report, whichever may be appropriate.

Mr. MAHONE. I have no objection to having the usual number printed.

The PRESIDENT *pro tempore*. The Senator from Missouri moves that the usual number of copies be printed instead of 100. If there be no objection the motion will be considered as agreed to, and the order will be made for printing the usual number.

THE LATE ISRAEL KIMBALL, JR.

Mr. JONES, of Nevada. I am directed by the Committee to Audit and Control the Contingent Expenses of the Senate to report back a resolution with a substitute and recommend the passage of the substitute.

The PRESIDENT *pro tempore*. The original resolution will be read.

The Secretary read the following resolution, submitted by Mr. BLAIR on the 18th of January:

Resolved, That the Secretary of the Senate be, and he is hereby, authorized and directed to pay out of the miscellaneous items of the contingent fund of the Senate to Mrs. Lotta Lapham Kimball, widow of Israel Kimball, jr., deceased, late clerk to the Committee on Education and Labor, the sum of $2,190, being an amount equal to one year's salary at the rate per diem allowed by law to the clerk aforesaid, said sum to be considered as including funeral expenses and all other allowances.

The PRESIDENT *pro tempore*. The substitute reported by the committee will be read.

The SECRETARY. The amendment is to strike out all after the word "Resolved" and insert:

That the Secretary of the Senate be, and he is hereby, authorized and directed to pay out of the miscellaneous items of the contingent fund of the Senate to Mrs. Lotta Lapham Kimball, widow of Israel Kimball, jr., deceased, late clerk of the Committee on Education and Labor, the sum of $1,095, being an amount equal to six months' salary at the rate per diem allowed by law to the clerk aforesaid; said sum to be considered as including funeral expenses and all other allowances.

The PRESIDENT *pro tempore*. The question is on agreeing to the amendment.

The amendment was agreed to.

The resolution as amended was agreed to.

LAND GRANT WAGON-ROADS IN OREGON.

Mr. DOLPH. I am directed by the Committee on Public Lands to report back the resolution introduced by myself in regard to land-grant wagon-roads in Oregon with an amendment. I ask for the present consideration of the resolution. I suppose it will lead to no discussion.

The Senate, by unanimous consent, proceeded to consider the resolution, which was reported from the Committee on Public Lands with an amendment, at the end of line 8 to strike out the semicolon, and after the word "all," in the third line from the bottom of the resolu-

tion, to insert the words "official documents and;" so as to make the resolution read:

Resolved, That the Secretary of the Interior be, and is hereby, directed to furnish to the Senate copies of all maps, papers, and documents on file in the Interior Department showing the location of wagon-roads in the State of Oregon under the provisions of grants made to said State to aid in the construction of military wagon-roads, and the time when such locations were made; of all papers and documents filed as evidence of the completion of said roads and compliance with the conditions upon which said grants were made by private corporations to whom said grants were transferred by said State; and a statement of the number of acres of land to which said companies became or would have become entitled to upon compliance with the conditions of such grants, the number of acres within the limits of each of said grants surveyed to this date, the number of acres selected and listed by each of said companies, and the number of acres heretofore patented to each of said companies, together with copies of all official documents and papers showing or tending to show a failure on the part of said State or said private corporations to comply with the conditions upon which such grants were made.

The amendments were agreed to.

The resolution as amended was agreed to.

CONSIDERATION OF EXECUTIVE NOMINATIONS.

Mr. INGALLS. The Committee on Rules, to whom was referred the resolution of the Senator from Connecticut [Mr. PLATT] declaring that executive nominations shall hereafter be considered in open session, have had the same under consideration, and direct me to report it adversely and to recommend that it be indefinitely postponed. I understand that the Senator from Connecticut desires that the matter should go upon the Calendar with the adverse report, and to that I consent.

The PRESIDENT *pro tempore*. The Senator from Kansas, from the Committee on Rules, makes an adverse report on the adoption of a resolution which will be read.

The resolution was read, as follows:

Resolved, That executive nominations shall hereafter be considered in open session, except when otherwise ordered by vote of the Senate.

The PRESIDENT *pro tempore*. The resolution, with the adverse report, will be placed on the Calendar.

Mr. PLATT. I am glad that the committee have consented that the report shall be placed on the Calendar. I shall desire, when it comes up in its order, or perhaps earlier, at the convenience of the Senate, to submit some reasons why I think the resolution should be adopted, notwithstanding the adverse report of the committee.

REPORT ON ORDNANCE AND WAR SHIPS.

Mr. HAWLEY. I am instructed by the Select Committee on Ordnance and War Ships to submit a report, and I present with it an order for printing the usual number and a certain number of additional copies, and ask the reference thereof to the Committee on Printing.

The concurrent resolution was referred to the Committee on Printing, as follows:

Resolved by the Senate (the House of Representatives concurring), That the usual number of the report of the Select Committee on Ordnance and War Ships be printed, and 8,000 additional copies also; 1,000 copies each for the War and Navy Departments, 2,000 copies for the use of the Senate, and 4,000 copies for the use of the House of Representatives.

BUSTS FOR THE SENATE CHAMBER.

Mr. VOORHEES. In response to a resolution offered by the Senator from Kansas [Mr. INGALLS] and adopted by the Senate on the 27th of January, I am instructed by the Committee on the Library to offer the following resolution:

Resolved, That marble busts of those who have been Vice-Presidents of the United States shall be placed in the vacant niches of the Senate Chamber; that the Architect of the Capitol is authorized, subject to the advice and approval of the Senate Committee on the Library, to carry into execution the object of this resolution, and the expenses incurred in doing so shall be paid out of the contingent fund of the Senate.

I ask that the resolution be placed on the Calendar.

The PRESIDENT *pro tempore*. The resolution, with the favorable report of the committee, will be placed on the Calendar.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. CLARK, its Clerk, announced that the House had passed the following bills:

A bill (S. 126) to change the name of the National Bank of Winona; and

A bill (S. 241) for the relief of Joseph W. Parish.

The message also announced that the House had passed the bill (S. 382) to authorize the Merchants' National Bank of Little Rock, Ark., to change its name to the First National Bank of Little Rock, with an amendment in which it requested the concurrence of the Senate.

The message also announced that the House had passed the following bills; in which it requested the concurrence of the Senate:

A bill (H. R. 1005) for the relief of George S. Hunt & Co.;

A bill (H. R. 1006) for the relief of Phinney & Jackson;

A bill (H. R. 1007) for the relief of Dudley Hall & Co.;

A bill (H. R. 1008) for the relief of Victor Beauboucher;

A bill (H. R. 1260) to authorize the increase of the capital stock of the First National Bank of Minneapolis, Minn., not to exceed $2,000,000; and

A bill (H. R. 3829) for the relief of Francis E. Stewart, administrator of Michael S. Stewart, deceased.

BILLS INTRODUCED.

Mr. DOLPH introduced a bill (S. 1407) in relation to Indian depredations; which was read twice by its title.

Mr. DOLPH. At some future time, if it be agreeable to the Senate to hear me, I shall ask to submit some remarks upon the bill. Meanwhile I move that the bill lie upon the table.

The motion was agreed to.

Mr. CAMERON. I introduce a bill which I ask may be read the first time by its title and the second time at length.

The bill (S. 1408) to promote the foreign trade of the United States and encourage the increase of the American merchant marine was read the first time by its title and the second time at length, and referred to the Committee on Commerce, as follows:

A bill to promote the foreign trade of the United States and encourage the increase of the American merchant marine.

Whereas prior to 1855 the traffic between the United States and foreign countries was chiefly carried on by American vessels; and

Whereas since that time the increase in such traffic has been enormous, yet the amount carried by American vessels has actually diminished; and

Whereas this diversion of traffic to foreign vessels is due to a variety of causes which can not be overcome by unaided individual effort; and

Whereas the existence of a large and effective merchant marine, under its own flag and manned by trained seamen, always available for naval operations, is essential to the safety and the highest commercial growth and prosperity of a nation; and

Whereas all the important commercial nations of the world have found it necessary to extend Government aid in some form to develop and protect their ocean carrying trade; and

Whereas the revival of the American ocean carrying trade will open a much-needed field of employment to many, and, by providing cheap and regular transportation to markets not now so reached, will enlarge the demand for the excess products of all American industries: Therefore,

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the provisions of this act shall apply only to vessels having an American register and conforming to the classifications hereinafter given, and which shall be owned and controlled by American citizens or associations thereof, or by corporations formed under United States law or under the laws of any of the States.

SEC. 2. That no vessel shall be entitled to the benefit of this act unless it belongs to one of the following classes, and is or shall, until other regulations are provided by law, be built in conformity with rules equal to the British Lloyds or French Bureau Veritas:

CLASS 1.

SECTION A. Sailing vessels of metal or wood, or partly of both, engaged in freight traffic only, and of not less than 1,000 tons United States gross register measurement.

SEC. B. Vessels of metal or wood, or partly of both, propelled by steam, or some form of power applied through machinery, and engaged in freight traffic only, and of not less than 1,500 tons United States gross register measurement.

CLASS 2.

SECTION A. Vessels of metal or wood, or partly of both, propelled by steam, or some form of power applied through machinery, and engaged in both freight and passenger traffic, having an average sea speed of not less than 10 knots per hour, and of not less than 1,500 tons United States gross register measurement.

SEC. B. Vessels similar to those described in section A of class 2, but having an average sea speed of not less than 14 knots per hour, of not less than 3,000 tons United States gross register measurement, and a first-class cabin capacity for not less than 100 persons.

SEC. C. Vessels similar to those described in section B of class 2, but having an average sea speed of not less than 18 knots per hour, and of not less than 4,000 tons United States gross register measurement, and a first-class cabin capacity for not less than two hundred persons.

SEC. 3. That every such vessel shall be entitled to and shall receive from the Secretary of the Treasury the respective rates of compensation hereinafter described, and shall, as part consideration therefor, carry, without further charge, whatever mail matter shall be delivered to the said vessel, under such regulations as the Postmaster-General shall from time to time prescribe: *Provided, however*, That the said vessel shall only be required to take mail matter received at the ports of the United States from which it clears to the foreign ports at which it expects to call, and which may be received at said foreign ports and carried to the port or ports of its destination. As a further consideration the United States Government shall have the right to purchase or charter any such vessel for a price or sum to be fixed by agreement between the owners and the Secretary of the Department purchasing or chartering said vessel; and in case of disagreement to be fixed by two appraisers, one to be appointed by each of said parties, with power in said appraisers to choose a third in case of disagreement.

SEC. 4. That the rates of compensation shall be paid as follows: For each nautical mile run between a port of the United States and any foreign port, including both the outward and inward passage, the mileage between the ports visited shall be computed by the shortest routes through the water by great circle sailing, and then shall be paid at the end of each such voyage:

Class 1, section A, for each 100 tons United States gross register measurement, 4 cents.

Class 1, section B, for each 100 tons United States gross register measurement, 4 cents.

Class 2, section A, for each 100 tons United States gross register measurement, 4.4 cents.

Class 2, section B, for each 100 tons United States gross register measurement, 4.8 cents.

Class 2, section C, for each 100 tons United States gross register measurement, 5.3 cents.

SEC. 5. That all payments shall be made upon vouchers, with forms of accounts and verifications and under regulations to be prescribed by the Secretary of the Treasury, and for all voyages beginning after January 1, 1887; and whatever moneys may be needed to make such payments are hereby appropriated. No payments for ocean postal services shall be made after January 1, 1887, to any vessel other than those covered by this act, excepting in cases where and only so long as such vessels can not give a service as efficient as that given by other vessels. Tables of great circle distances shall be computed by the Naval Observatory and furnished to the Secretary of the Treasury, who shall publish them and furnish them to the collectors of the various ports of entry of the United States for the use of vessel owners and masters, and they shall be used in computing all dues under this act.

SEC. 6. That after January 1, 1905, the rates of compensation named in the fourth section hereof shall be reduced annually by 10 per centum of said rates, so that by January 1, 1915, such compensation shall entirely cease.

Mr. MAHONE introduced a bill (S. 1409) for the relief of R. P. W.

Morriss; which was read twice by its title, and referred to the Committee on Claims.

He also introduced a bill (S. 1410) for the relief of William Tabb; which was read twice by its title, and referred to the Committee on Claims.

Mr. CALL (by request) introduced a bill (S. 1411) granting to the Hanson and Atlantic Beach Railway Company the right of way through the military reservation at Saint Augustine, State of Florida; which was read twice by its title, and referred to the Committee on Military Affairs.

Mr. PUGH (by request) introduced a bill (S. 1412) to authorize and direct the Secretary of the Treasury to pay the judgments of the Court of Commissioners of Alabama Claims, and for other purposes; which was read twice by its title, and referred to the Committee on the Judiciary.

Mr. PALMER introduced a bill (S. 1413) for the widening of the cut at the Lime Kiln Crossing, Detroit River; which was read twice by its title, and referred to the Committee on Commerce.

Mr. JONES, of Nevada (by request), introduced a bill (S. 1414) relating to the equitable and legal rights of parties in possession of certain lands and improvements thereon in California, and to provide jurisdiction to determine those rights; which was read twice by its title, and referred to the Committee on Claims.

He also (by request) introduced a bill (S. 1415) to promote the reclamation of the desert lands of the United States; which was read twice by its title, and referred to the Committee on Public Lands.

Mr. PLUMB introduced a bill (S. 1416) granting a pension to Elijah Smith; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Pensions.

Mr. HALE introduced a bill (S. 1417) to provide for the deposit of the savings of seamen of the United States Navy; which was read twice by its title, and referred to the Committee on Naval Affairs.

He also introduced a bill (S. 1418) authorizing the Secretary of the Navy to provide libraries for the use of crews of vessels of war; which was read twice by its title, and referred to the Committee on Naval Affairs.

He also introduced a bill (S. 1419) to authorize the granting of an outfit of clothing to enlisted persons of the United States; which was read twice by its title, and referred to the Committee on Naval Affairs.

Mr. WILSON, of Iowa, introduced a bill (S. 1420) granting a pension to William Powell; which was read twice by its title, and referred to the Committee on Pensions.

He also introduced a bill (S. 1421) granting a pension to William H. Weaver; which was read twice by its title, and referred to the Committee on Pensions.

Mr. INGALLS introduced a bill (S. 1422) to amend the law relating to the bonds of executors in the District of Columbia; which was read twice by its title, and referred to the Committee on the District of Columbia.

He also (by request) introduced a bill (S. 1423) to amend the laws granting pensions; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Pensions.

Mr. SEWELL introduced a bill (S. 1424) for relief of graduates of the United States Military Academy; which was read twice by its title, and referred to the Committee on Military Affairs.

Mr. VAN WYCK introduced a bill (S. 1425) for the relief of certain Yankton Indian scouts for services under General Sully against the hostile Sioux Indians in 1864; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Indian Affairs.

Mr. SHERMAN (by request) introduced a bill (S. 1426) for the encouragement of closer commercial relationship and in the interest of and the perpetuation of peace between the United States and the Republics of Mexico and Central and South America and the Empire of Brazil; which was read twice by its title, and referred to the Committee on Foreign Relations.

Mr. COCKRELL introduced a bill (S. 1427) to provide for the erection of a public building in Springfield, Mo.; which was read twice by its title, and referred to the Committee on Public Buildings and Grounds.

Mr. BECK introduced a bill (S. 1428) for the relief of Samuel Ceas, of the District of Columbia; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Claims.

Mr. GORMAN introduced a bill (S. 1429) for the relief of the North German Lloyd Steamship Company; which was read twice by its title, and referred to the Committee on Finance.

PAPERS WITHDRAWN AND REFERRED.

On motion of Mr. MAHONE, it was

Ordered, That the papers on file in the office of the Secretary of the Senate in the case of William Tabb be withdrawn and filed with the Committee on Claims, in connection with the bill for his relief.

On motion of Mr. MITCHELL, of Oregon, it was

Ordered, That the papers in the case of the claim of the heirs of James Sinclair for land and damage done thereto in Washington Territory be taken from the files and referred to the Committee on Claims.

On motion of Mr. COLQUITT, it was

Ordered, That the papers relating to the claim of J. W. Walter be taken from the files and referred to the Committee on Claims.

PURIFICATION OF WATER SUPPLY.

Mr. BUTLER submitted the following resolution; which was considered by unanimous consent, and agreed to:

Resolved, That the Secretary of War be, and he is hereby, requested to ascertain the advisability and practicability of providing the water supply of the capital with filters and other appliances for cleansing and purifying the water, and to report the result of his inquiries, together with plans and estimates of the cost and application of the same.

CAPRON JAPANESE COLLECTION.

Mr. VOORHEES submitted the following resolution; which was considered by unanimous consent, and agreed to:

Resolved, That the Committee on the Library be, and is hereby, instructed to inquire into the propriety and expediency of purchasing for the Government the collection of Japanese specimens, works, and objects of art made by the late General Horace Capron during a long actual residence in Japan, and left by him, in his lifetime, on deposit in the Smithsonian Institution, and that said committee shall report on the subject by bill or otherwise.

Mr. VOORHEES. I ask that a descriptive catalogue of the collection may be referred to the Committee on the Library.

The PRESIDENT *pro tempore*. If there be no objection it will be so referred.

ONE AND TWO DOLLAR NOTES.

Mr. INGALLS. Mr. President, United States notes of a less denomination than $5 have practically disappeared from circulation, to the great inconvenience of all who have small daily transactions or are engaged in retail trade. I ascertained by examination of the statutes on this subject that the denomination of United States notes issued is left entirely to the discretion of the Secretary of the Treasury, with the single limitation that notes of a less denomination than $1 shall not be issued. I understand that these smaller notes have been withdrawn from circulation and practically retired, for the purpose of forcing silver into circulation, and thereby attempting to render it unpopular with the people. I suppose that if all notes under the denomination of $50 were withdrawn, the result would be to force gold into circulation, but no effort of that kind appears to have been made.

My impression is that the people of this country, while they want gold and silver as a basis of circulation, do not desire to carry either in their pockets, and that they desire above all other things, so far as their currency and circulating medium are concerned, the restoration of the smaller United States notes; and inasmuch as they pay all the money that is in the Treasury from their own resources and are the owners of whatever currency there may be in the country, I do not understand why their wish should not be gratified. For the purpose of having an inquiry made upon this subject, I offer the following resolution, that I ask may be adopted:

Resolved, That the Committee on Finance be directed to inquire into the propriety of such an amendment to section 3571 Revised Statutes as may be necessary to require the issue of United States notes of the denomination of one and two dollars.

The resolution was considered by unanimous consent, and agreed to.

AGRICULTURAL PRODUCTS.

Mr. PLUMB. I offer a resolution and ask for its present consideration.

The Chief Clerk read the resolution, as follows:

Whereas, in reply to a resolution passed by the Senate February 29, 1884, inquiring as to the amount of wheat, corn, rye, and cotton produced and consumed in, imported into, and exported from the different countries with which this country holds commercial intercourse, &c., under date of April 21, 1884, the Secretary of State said:

"Whether the present depressed condition of the wheat trade of Europe is occasioned by the several countries drawing upon their reserve stock for local economic reasons or to affect prices or legislation or public opinion, or for some other cause, can not be asserted with certainty, but this important fact remains, that the calculations and estimates herewith submitted prove, as far as statistics can prove under the circumstances, that the stock of wheat on hand in Europe at the close of 1883 did not materially differ from the stock on hand at the close of the previous year; that the wants of Europe are as imperative and as great as they were in 1883, and that the demands upon the United States should naturally be as great, at least, as they were in 1883. How long Europe may or can draw upon her reserve stock or what the exact considerations are which control the several countries in this regard, especially the United Kingdom—which may be said to regulate the wheat markets of the world—time alone can develop.

"The most liberal allowance for the wheat output necessary to the world's consumption shows that the United States should be drawn upon during the present year for 188,000,000 bushels, in round numbers, against 187,000,000 bushels from all other wheat-growing countries. It thus appears that the United States supplies one-half of all the foreign wheat consumed by the several countries, and that, instead of being controlled by, we should be able to control foreign markets."

And whereas said depression still continues: Therefore,

Resolved, That said Secretary be, and he is hereby, requested to report to the Senate, at his earliest convenience, the amount in bushels of said cereals respectively, and in pounds of cotton produced and consumed, imported into, and exported from each of said countries during the years 1884 and 1885, as compared with like amounts during the three years preceding said dates. The surplus amount of said products now on hand in foreign countries to meet usual demands until September 1, 1886; the amount likely to be required by importing countries before said date, with the average acreage of wheat now in the ground in foreign countries for the crop of 1886, each in detail. Also whether later advices confirm the figures and opinions contained in said report, and whether the causes therein referred to, as reprinted in this resolution, or increased production, or diminished consumption of food and clothing by the people, or decrease in population, or lack of money to employ labor and handle property, or, so far as his official information extends, what are the reasons which cause the continued unprecedented depression in prices for said products in this country and throughout the world.

Mr. COCKRELL. Let the resolution be printed and lie over.

The PRESIDENT *pro tempore*. Objection being made to its present consideration, the resolution will be printed and lie over.

BILLS FOR PUBLIC BUILDINGS.

Mr. MAHONE. I desire to give notice at this time that at the conclusion of the morning business to-morrow I shall ask the Senate to consider the public buildings bills that are now on the Calendar.

REPORT OF NATIONAL ACADEMY OF SCIENCES.

Mr. LOGAN. I desire to call up the measure that I mentioned the other evening.

The PRESIDENT *pro tempore*. Concurrent and other resolutions are still in order.

Mr. HAWLEY submitted the following concurrent resolution; which was referred to the Committee on Printing:

Resolved by the Senate (the House of Representatives concurring), That the report of the National Academy of Sciences for 1885, with its appendices, be printed in the usual octavo form, but that the eight accompanying memoirs be printed in quarto form, and that 4,500 additional copies of the report and memoirs be printed; of which 1,000 shall be for the use of the Senate, 2,000 copies for the use of the House of Representatives, and 1,500 copies for the use of the National Academy of Sciences.

REPORT ON ORDNANCE AND WAR SHIPS.

Mr. HAWLEY. I ask a reconsideration of the reference of the resolution for printing the report of the Select Committee on Ordnance and War Ships. I desire to amend the resolution by unanimous consent.

The PRESIDENT *pro tempore*. That motion will be considered as agreed to if there be no objection.

Mr. HAWLEY. I now desire to strike out so much of the resolution as orders the printing of the usual number, that being ordered by the rules anyhow, and to leave that in might delay the work until the House should concur in the passage of the resolution. I move to strike out of it so much as orders the printing of the usual number.

The PRESIDENT *pro tempore*. The amendment of the Senator from Connecticut will be reported.

Mr. HAWLEY. It is simply to strike out the words ordering the printing of the usual number.

The CHIEF CLERK. It is proposed to strike out the words "the usual number of;" so as to make the resolution read:

Resolved by the Senate (the House of Representatives concurring), That 6,000 additional copies of the report of the Select Committee on Ordnance and War Ships be printed; 1,000 copies each for the War and Navy Departments, 2,000 copies for the use of the Senate, and 4,000 copies for the use of the House of Representatives.

The PRESIDENT *pro tempore*. The resolution in this form will be referred to the Committee on Printing.

SILVER DEPOSITS AT SUBTREASURIES.

Mr. EUSTIS. I offer the following resolution and ask for its present consideration:

Resolved, That the Committee on Finance be, and are hereby, instructed to inquire,

First. Whether it has been the custom for the assistant treasurer at New Orleans to receive deposits of standard silver dollars from shippers of said coin and to issue to their correspondents at New Orleans receipts subject to count and to issue silver certificates after the count of said dollars so deposited has been made, and whether said custom, if it has prevailed, has been changed by the instructions of the Treasurer of the United States and the reasons therefor; also whether the said custom is now in force as regards any subtreasury of the United States.

Second. Whether there has been and is now an adequate clerical force at the subtreasury at New Orleans to perform the duties of that office so that holders desiring to deposit standard silver dollars under the authority of law may deposit them and receive therefor certificates without delay, and if such clerical force is insufficient, to report to the Senate what increase of said force should be made to secure a prompt execution of the law.

That said committee are hereby authorized to send for persons and papers.

By unanimous consent the Senate proceeded to the consideration of the resolution.

Mr. EUSTIS. I desire, Mr. President, to state the reasons why I offer the resolution. The cashier of a national bank at New Orleans has written me a letter in which he states that shipments of silver dollars made by banks in the interior to correspondents in New Orleans have been refused on deposit at the subtreasury in New Orleans, and that the refusal of the subtreasury to receive on deposit the silver dollars so shipped had been approved by the Treasurer of the United States. Not desiring to occupy unnecessarily the time of the Senate, I ask that this letter be printed in full as part of my remarks, but I wish to call attention——

The PRESIDENT *pro tempore*. If there be no objection that order will be made.

Mr. EUSTIS. But I wish to call the attention of the Senate to this passage in the letter——

Mr. INGALLS. I should like to hear the letter read at length.

Mr. EUSTIS. I have no objection to its being read. I send it to the desk.

The PRESIDENT *pro tempore*. The letter will be read.

The Chief Clerk read as follows:

NEW ORLEANS, *January* 25.

DEAR SIR: In view of your position on the silver question and the probability that Congress will ratify your opinions by their official action, it seems important that all impediments to the free use of silver and its unrestricted movement should be avoided so far as possible, and every portion of the country be provided with all possible facilities for giving silver circulation a fair test without the creation of prejudices against it from extrinsic causes.

That such a prejudice is growing up against it in this section is due to a cause that is within the easy power of Congress to remove, and I deem it due to your position and your views to state it frankly. As you are doubtless well aware, the States of Louisiana, Texas, Arkansas, and Mississippi draw large quantities of standard dollars from the Treasury during the fall and early winter, in exchange for which the Treasury receives gold or its equivalent later in the season. The silver dollars having performed their part in moving the crops of cotton, rice, and sugar to market, seek to return to the Treasury until further needed in commerce and agriculture.

In lieu of the silver thus returned to the Treasury the holders do not ask back the gold they originally paid for it, but simply silver certificates for the amounts deposited. I am told that it has been the custom at all the subtreasuries to receive from country banks shipments of standard dollars, the certificates for which were delivered to the shipper's correspondent in the subtreasury city. I know this has been the case in New York, and last year in New Orleans also, besides which the banks of this city could deposit their surplus silver and receive certificates in the same manner.

This year, however, the subtreasury at this point declines to receive silver from the country banks, though the latter write me that this facility is still accorded them by other subtreasuries. In this the Treasurer of the United States sustains our assistant treasurer, and I therefore presume he is right as a matter of law. But the subtreasurer virtually refuses to receive it from depositors in this city also; that is to say, he so limits the amount and receives it so seldom that it is practically a refusal. I appreciate the subtreasurer's reason, which is that he has not an adequate clerical force to do the work that would fall upon his office should he receive deposits of these dollars as freely as offered. But this evil can be easily remedied by Congress granting him one or two more employés. This would but slightly increase the expenses of the office, but would be of immense benefit to the people by facilitating the free movement of silver, and when the people find that their surplus silver can be promptly converted into paper representatives of the coin at need they will be more likely to receive the coin freely and cheerfully than they will now that it is liable to become a dead weight of metal upon their hands.

It is becoming common for us to receive letters from country banks urging us to let them ship us standard dollars. To these we returned affirmative answers so long as we had room in our vaults to store it; but finally the point was reached where we could not receive further shipments unless the Treasury would receive more freely from us. The country banks thus clogged become naturally prejudiced against silver, and the longer the blockade continues the more likely they are to be confirmed in this feeling and to disseminate the infection to their customers. I commend this whole matter to you as one in which you are interested, and ask your early consideration.

Very respectfully, yours,

T. R. ROACH, *Cashier*.

Hon. JAMES B. EUSTIS,
United States Senate, Washington.

Mr. EUSTIS. I also ask, Mr. President, that Executive Document No. 58, which contains the answer of the Treasurer to a resolution that I offered calling for the instructions given to the assistant treasurer on the subject, be printed as part of my remarks, so that the statement I made may stand either supported or corrected by the evidence furnished by the Department.

The PRESIDENT *pro tempore*. If there be no objection that order will be made.

Senate Executive Document No. 58, Forty-ninth Congress, first session, is as follows:

Letter from the Secretary of the Treasury, transmitting, in response to Senate resolution of January 29, 1886, papers relating to certain instructions to the assistant treasurer at New Orleans.

February 2, 1886, referred to the Committee on Finance, and ordered to be printed.

TREASURY DEPARTMENT, *February* 2, 1886.

SIR: I have the honor to acknowledge the receipt of Senate resolution dated January 29, 1886, as follows:

"*Resolved*, That the Secretary of the Treasury be, and is hereby, directed to communicate to the Senate whether any instructions have been issued to the assistant treasurer at New Orleans to refuse to receive silver dollars on deposit and issue therefor certificates, or whether he has been instructed to receive only a limited amount of said silver dollars, and if such instructions have been issued, to inform the Senate the reasons upon which they are based,"

and in reply, to inclose herewith copy of report in the matter, dated 1st instant, with its inclosures, containing the information desired, from the Treasurer of the United States, to whom the resolution had been referred.

Respectfully, yours,

DANIEL MANNING, *Secretary*.

The PRESIDENT *pro tempore of the Senate*,
Washington, D. C.

TREASURY OF THE UNITED STATES,
Washington, February 1, 1886.

SIR: In the matter of the resolution of the Senate, dated January 29, 1886, referred by you to this office, calling for information as to instructions issued to the assistant treasurer at New Orleans relating to the exchange of standard silver dollars for silver certificates, I beg to submit herewith copies of the correspondence bearing on this subject, which has passed between this office, the assistant treasurer at New Orleans, and the State National Bank of that city, namely:

Nos. 1 and 3. Letters to assistant treasurer, dated June 1, 1885, and January 7, 1886.

No. 2. Letter from assistant treasurer, dated January 2, 1886.

Nos. 4 and 6. Letters from State National Bank, New Orleans, dated January 2 and January 11, 1886.

Nos. 5 and 7. Letters to State National Bank, New Orleans, dated January 7 and January 14, 1886.

As will appear from this correspondence, no instructions have been given the assistant treasurer which could be construed as interfering with the proper execution of the law requiring the issue of silver certificates to parties depositing standard silver dollars. When it became apparent, from the report of the committee sent last May to count the funds and examine the books of the subtreasury in New Orleans that the force employed, owing to the large increase of duties resulting from numerous deposits of postal funds by postmasters, from receipts of standard silver dollars and mutilated notes for redemption, and from the issue of gold, silver, and legal-tender certificates, was wholly inadequate to cope with the labor imposed upon it, and that measures must be adopted to relieve it, as far as practicable, and to secure strict accountability of officers and employés charged with the handling of moneys, instructions were issued to for-

ward, as rapidly as possible, to this office, without assortment, all legal-tender and national-bank notes, and to accept, for exchange into certificates, no more silver dollars in any one day than could be counted and verified, with this qualification, however, that deposits so refused should be given preference on the following day.

Very respectfully,

C. N. JORDAN,
Treasurer United States.

Hon. DANIEL MANNING,
Secretary of the Treasury.

No. 1.

TREASURY OF THE UNITED STATES, *Washington, June 1, 1885.*

SIR: The report of the committee sent to examine your accounts as assistant treasurer of the United States at New Orleans, La., has been made to the Department, and I regret that they have been compelled to find fault with its management while under your care, though excusing in part its defects, for the following reasons: That the clerical force is small, the cashier in poor health, and the receipts of standard silver dollars and mutilated notes for redemption are often too large to be disposed of on the day of receipt.

These facts should have been communicated to this office, and not have been permitted to exist without some effort on your part to obtain relief.

You would have been justified in declining to accept deposits beyond the capacity of your office to handle, and when the complaints which would have resulted from pursuing this course had been brought to the attention of this office, some other remedy would have been found than imposing burdens upon the clerks in your employment to such an extent that they have not been able to attend to their ordinary duties or keep the cash and other accounts in that order in which every well-regulated office of the Government should be kept, and such as an officer zealous in the discharge of his duties should make it his constant endeavor to secure.

You have been instructed by telegraph to return the mutilated notes now in your charge to this office without assortment, and may hereafter continue this practice until further instructions, taking care to notify the parties from whom you receive such notes that they are taken subject to such count and correction. It would be well to preserve the original straps and envelopes and forward the packages in their condition when received, though you may, if you have the time, count and verify the amount, merely in order to expedite payment for such deposit without assorting the same.

If this method does not afford the desired relief, inform this Department as soon as possible what steps are practicable in this direction. I advise, further, that you accept no deposit of silver dollars beyond your capacity to handle in any one day, and that you give notice to the banks to that effect. Deposits so refused may be given preference on the following day.

I should further recommend that you open accounts on your books to be known as "Redemption of minor coins," "Redemption of fractional silver," "Redemption of mutilated notes and fractional currency," "Exchange of standard silver dollars," and include in your cash each day the amount received.

You will, in addition, carry no vouchers in your cash, and a less amount of it in your cashier's hands. This can be effected by transferring to your storage vault fractional silver and standard silver dollars in amounts, after verification, of any $20,000. The mode of shipment of mutilated money will also tend to lessen this item.

Very respectfully,

C. N. JORDAN,
Treasurer United States.

Hon. P. F. HERWIG,
Assistant Treasurer United States, New Orleans, La.

No. 2.

OFFICE OF ASSISTANT TREASURER UNITED STATES,
New Orleans, La., January 2, 1886.

SIR: Within the past two days I have received from the First National Bank of Memphis, Tenn., the Bank of Commerce, same place, and the Waco State Bank, of Waco, Tex., respectively, letters advising that they had shipped by express to this office silver dollars amounting in the aggregate to $25,000, to be received on account of the State National Bank of this city.

According to my understanding of the duties and functions of this office, I have assumed that, without authorizing instructions from the Department office, it is not a depository or intermediary in the matter of shipments from one bank to another—a transaction which might involve new responsibilities and accounts. I have therefore declined to receive these shipments from the express company and give the required receipt therefor, having previously notified the State Bank of my intended action in the premises. The cashier of the bank insists that their method, as above, is customary and proper; and I beg leave to report the matter for information, and also for instructions, if I have misjudged my duty therein.

The practical result of such a method, outside of the view I have ventured to express about it, would be to encumber this office with a bulk of silver dollars much beyond its capacity, with present force, to count and redeem and handle also (for storage in vaults below or shipment) with ordinary expedition, and prevent us from controlling the redemption deposits of the various banks within the limit of our working capacity, which discretion, I am informed, has been heretofore granted in the time of my predecessor.

Very respectfully,

SAM'L FLOWER,
Assistant Treasurer United States.

Hon. C. N. JORDAN,
Treasurer United States, Washington, D. C.

No. 3.

TREASURY OF THE UNITED STATES, *Washington, January 7, 1886.*

SIR: In reply to yours of the 2d instant, concerning shipments by certain banks of standard silver dollars to your office, for returns (after count) in silver certificates to their New Orleans correspondent, I beg to state that your action declining to receive such shipments is approved. No reason appears why the Treasury should receive deposits other than on account of the Government.

Very respectfully,

J. W. WHELPLEY,
Assistant Treasurer United States.

Hon. SAMUEL FLOWER,
Assistant Treasurer United States, New Orleans, La.

No. 4.

STATE NATIONAL BANK, *New Orleans, January 2, 1886.*

DEAR SIR: Quite a number of our correspondents in Texas, Mississippi, Tennessee, &c., desire to arrange some method by which they may deposit with the subtreasury at New Orleans standard dollars for redemption, the proceeds, in silver certificates, to be paid over to us, after count, for their credit.

This method of redemption has heretofore been customary, and thinking it was a matter of course, several banks during the present week have shipped silver dollars to the treasury for redemption in this manner. But the assistant treasurer has refused to receive it, assigning two grounds, first, that it would make the treasury the intermediary between banks, and second, that he is not prepared to handle promptly the large amount of silver which would probably come in on him for redemption under this method.

To his first reason I confess I do not see much force, for if the country banks have the privilege of depositing silver and taking in lieu silver certificates it seems less trouble for him to issue his receipt for silver, "subject to count," and redeem these receipts from us at his leisure, than to deal directly with the depositing banks. This would enable him to handle the silver conveniently, at a minimum of trouble to his office.

There may be more force in the second objection, namely: The lack of clerks to attend to this class of business; but, if he has the same force that his predecessor had last winter (when the conversion of standard dollars into silver certificates was done quite largely), he should be able to accommodate the public equally as well as was done by Assistant Treasurer Herwig.

I should thank you greatly if you could arrange some plan by which the country banks could be accommodated in this matter, as I fear silver will, if non-convertible, drive both gold and greenbacks from circulation and greatly impair the circulating medium of this section at least.

Very respectfully,

T. R. ROACH, *C.*

Hon. C. N. JORDAN,
Treasurer United States, Washington, D. C.

No. 5.

TREASURY OF THE UNITED STATES, *Washington, January 7, 1886.*

SIR: Referring to yours of the 2d instant in regard to shipments of standard silver dollars from your correspondents to the subtreasury in your city, to be paid for to your bank, after count, I beg to inform you that the action of the assistant treasurer declining to receive such deposits is approved by this office.

Very respectfully,

J. W. WHELPLEY,
Assistant Treasurer United States.

T. R. ROACH,
Cashier State National Bank, New Orleans, La.

No. 6.

STATE NATIONAL BANK, *New Orleans, January 11, 1886.*

DEAR SIR: I am in receipt of your favor of the 7th instant, advising us that you approve the action of Assistant Treasurer Flower in declining to receive deposits of standard dollars from our correspondents, the proceeds to be paid over to us after count.

Permit me to trouble you once more with this request, viz: Are we entitled to deposit, ourselves, standard dollars with the assistant treasurer and, after count, to receive silver certificates therefor?

We are being overflowed with silver dollars, and unless we can exchange them at the Treasury for silver certificates it looks as though silver would soon be our only circulating medium.

Very respectfully,

T. R. ROACH, *C.*

Hon. J. W. WHELPLEY,
Assistant Treasurer United States, Washington.

No. 7.

TREASURY OF THE UNITED STATES, *Washington, January 14, 1886.*

SIR: Referring to your inquiry of the 11th instant, I beg to say that in exchange for standard silver dollars deposited by your bank with the assistant treasurer in your city, silver certificates will be furnished you, after count and certification, by that officer.

Very respectfully,

J. W. WHELPLEY,
Assistant Treasurer United States.

The CASHIER,
State National Bank, New Orleans, La.

Mr. EUSTIS. Inasmuch as the only subtreasury south of Baltimore is located in the city of New Orleans, and it is the subtreasury through which the business coming from the States of Tennessee, Arkansas, Mississippi, Texas, Alabama, and so on is done—I am not able to state how far it transacts business for other Western States—the condition of that office becomes a very serious question, and I must state in all frankness that the revelation which has been disclosed by a private citizen, and not by any official of the Government, as to the condition of that office is perfectly amazing. We have here a grave complaint made by the cashier of a national bank. I do not know whether he be a silver or an anti-silver man. After correspondence with the assistant treasurer at New Orleans and with the Treasurer himself, after repeated and most earnest efforts on his part to have the silver dollars which had been shipped to his bank from Texas and other States deposited in the subtreasury according to law, he tells us in fact and effect that an embargo has been laid against silver dollars as regards the subtreasury of the United States in the city of New Orleans, and that the law in favor of the circulation and transmission and deposit of the silver dollars has been practically suspended, so far as any action on the part of the Government is concerned. What is the consequence? What is the result? Clearly, as the banks and individuals who have these silver dollars have not the means and facilities for controlling their own deposits, as this gentleman expresses it, a strong prejudice in that whole section of the country is being created against the silver dollar.

I have received communications from another cashier of a bank, in which he gives the startling information that country merchants in the interior of those States are to-day refusing to receive silver dollars unless it be at a discount. I believe the Senator from Texas will support me in the statement that he has received similar information from his State as to the result of this blockade of silver at the subtreasury in New Orleans.

Mr. DAWES. I should like to make an inquiry of the Senator with his permission. If he is familiar with the law, I ask whether the law makes it the duty of the subtreasurer to receive funds of private individuals on deposit?

Mr. COKE. If the Senator will allow me, I have a copy of the law in my hand and will read the clause:

Section 3——

Mr. CHACE. I did not hear the inquiry of the Senator from Massachusetts.

Mr. DAWES. I asked the Senator from Louisiana whether the law made it the duty of the subtreasurers to receive on deposit the funds of private individuals.

Mr. EUSTIS. Holders of silver dollars under the law have a right to deposit them.

Mr. COKE. I will read the clause of the law, with the permission of the Senator from Louisiana. It is as follows:

SEC. 3. That any holder of the coin authorized by this act may deposit the same with the Treasurer or any assistant treasurer of the United States, in sums not less than ten dollars, and receive therefor certificates of not less than ten dollars each, corresponding with the denominations of the United States notes. The coin deposited for or representing the certificates shall be retained in the Treasury for the payment of the same on demand. Said certificates shall be receivable for customs, taxes, and all public dues, and, when so received, may be reissued.

That is the third section of the act of 1878.

Mr. CHACE. Does the Senator from Louisiana say that the people of Texas refuse to receive the silver dollars?

Mr. EUSTIS. I said that in consequence of the refusal of the subtreasury to receive these shipments of silver from the banks in the interior, as has been the custom heretofore, there is a prejudice being created against silver in the interior.

Mr. CHACE. I understood the Senator to say that merchants would not receive silver dollars for moneys due them.

Mr. EUSTIS. I stated that I had received information from the cashier of a bank that merchants in the interior refused to receive silver dollars except at a discount.

Mr. CHACE. The Senator means to say they refuse to sell merchandise for silver dollars. Of course they can not refuse to receive them if tendered in settlement of debts.

Mr. EUSTIS. I suppose they fix a price on their merchandise which amounts to charging a discount on the silver. I am not a merchant, but I suppose that is the way it is done.

Mr. COKE. I will ask the Senator from Louisiana if this was not attributed by his informant to this action of the Treasury Department?

Mr. EUSTIS. Mr. President, it is not my purpose or intention to do any injustice to any official of the Government. I am very frank to state that the assistant treasurer at New Orleans places his denial to receive this silver so shipped upon two grounds: first, that the subtreasury should not be made an intermediary between banks; and, second, that he has not clerical force sufficient to handle the amount of silver which might be brought in for deposit.

Mr. MORRILL. Will the Senator permit me ask him whether there has been any diminution of the clerical force of the office since the 4th of March last?

Mr. EUSTIS. I am not aware that there has been.

What I say is that it has been the custom for banks in the interior to ship silver dollars to the subtreasury, the money being received subject to count, and receipts being issued to the correspondents in New Orleans; and that custom has been suddenly changed and abandoned, and this cashier says in this letter that he has information from the banks which made the shipments that that custom still prevails at the subtreasury in New York. Now, inasmuch as that custom has prevailed and it is not violative of law, and inasmuch as the Government of the United States, so far as we know, has never lost a single dollar or incurred any greater responsibility by reason of that custom, and if that custom does prevail at the subtreasury in New York, why has it been changed with reference to the subtreasury in the city of New Orleans?

It was only on the 2d of January, 1886, so far as I know, that any one has ever heard of the assistant treasurer at New Orleans refusing to recognize this mode of doing business, refusing to receive these shipments of silver dollars, as he did on that day a shipment of $25,000 from the Memphis (Tenn.) Bank of Commerce, and the Waco State Bank, of Waco, Tex.; and it is that point to which I wish to direct the attention of the Committee on Finance; for if that statement should be substantiated by the evidence, if it should be proved that that custom had prevailed, if it should be proved that that custom does yet prevail with reference to the subtreasuries in New York and other places, then I say that that official who has approved of the change of that custom in the city of New Orleans exposes himself to very grave suspicions, to say the least, with reference to his hostility and his secret warfare against the silver dollar.

We know that the Treasury of the United States has great power; we know that its officials have great power; we know that in many cases merely by interpretation and construction of the law they can practically repeal or nullify a law of Congress. We know that by evasion and by indirection and by simulation of fulfilling the requirements of the law, even in reference to this financial question, they have the power to impede and obstruct and destroy and defeat the purpose of the law itself. And while I do not intend to make any accusation or charge in advance of the proof, while I am willing to give this official, the Treasurer of the United States, the benefit of the doubt, yet I must say that if the evidence should disclose that he has approved this official act of the assistant treasurer at New Orleans, and has not given such instructions to the assistant treasurers in other cities, then he would expose himself to the just charge and accusation that in those Southern States which have dealings with the subtreasury at New Orleans the only purpose and the only design was to create a prejudice against the silver dollar among the people.

Now, sir, with reference to the clerical force: On the 1st of June, 1885, when Mr. Herwig was assistant treasurer at New Orleans, the Treasurer reprimanded, if I may use the expression, the then assistant treasurer for not informing his Department that he had not an adequate clerical force to discharge the duties of that office. That was the 1st of June, 1885, and yet on the 2d of January, 1886, we still hear that same complaint, that there is not a sufficient clerical force in order to discharge the duties of this office so far as concerns receiving the proposed deposits of silver dollars and issuing mere receipts, subject to count, or silver certificates; and that is one of the reasons given by the assistant treasurer for refusing this very deposit of $25,000 from the State of Tennessee and the State of Texas.

Now I would ask if in June, 1885, the clerical force of that office was not sufficient, and if it be true that on the 2d of January, 1886, and to-day the clerical force is not sufficient, was it not clearly the duty of the Treasurer of the United States to report that important fact to the Secretary of the Treasury, in order that he should call the attention of Congress to the insufficiency and inadequacy of the clerical force at the subtreasury in New Orleans? How can it be explained?

Mr. MCPHERSON. Will the Senator yield to me right here for a question, because I apprehend the Senator's remarks are creating a very unfair impression with respect to the whole matter, not intentionally by any means; I do not mean that. The letter of the assistant treasurer at New Orleans to which he has referred goes on to state a case on page 3, letter No. 2, of Executive Document No. 58, in which a shipment of silver dollars to the amount of $25,000 had been sent from the Waco State Bank of Waco, Tex., to the credit of the State National Bank of the city of New Orleans. Now I wish to know if it is a part of the duty of any of the assistant treasurers of the United States or of the Treasurer of the United States to furnish a place of deposit for funds belonging to State banks or national banks? In this case the money was sent through an express company and a receipt was demanded, requiring of the Government a sufficient clerical force to count the money and receipt to the express company for $25,000 received from the Waco bank to the credit of the State National Bank of New Orleans. It is nowhere claimed or urged in the letter that certificates were not issued. Certificates were not asked for, so far as that letter goes.

Mr. EUSTIS. Why were silver dollars refused to be received that were sent from Memphis?

Mr. MCPHERSON. Mr. Flower either conceals that fact or he has been entirely right in not permitting the subtreasury of the United States to be used as a place of deposit for banks. Perhaps the subtreasury was already overflowing with silver dollars; perhaps he had no place of deposit for them. He says they have not sufficient clerical force; and I do submit to the Senator that the use of the subtreasuries of the United States as places of deposit for funds belonging to national banks, requiring receipts to be given to express companies and to every mode of conveyence by which silver dollars can be conveyed there, is asking the United States Government to go outside of its proper functions.

Mr. EUSTIS. I am not asking the United States Government to do any such thing. I am surprised that the Senator from New Jersey should so misapprehend what I have said and the letter which has been read as to suppose for an instant that either the cashier of this bank or myself claim that any one who has surplus dollars can go and deposit them in the subtreasury of the United States whenever he chooses and get silver certificates.

M. MCPHERSON. Is not that actually the case?

Mr. EUSTIS. This whole letter is with reference to this complication that has arisen. Here is what the gentleman says:

In lieu of the silver thus returned to the Treasury the holders do not ask back the gold they originally paid for it, but simply silver certificates for the amounts deposited. I am told that it has been the custom at all the subtreasuries to receive from country banks shipments of standard dollars, the certificates for which were delivered to the shipper's correspondent in the subtreasury city.

That is with reference to this very matter. The trouble is that the assistant treasurer will not issue the silver certificates to the correspondent in New Orleans of the shipper of the silver.

Mr. MCPHERSON. Is not that in violation of law?

Mr. EUSTIS. I do not see anything in the law which makes such an act a violation of the law. What I do claim is that I am informed that it has been the custom at the subtreasury in New Orleans to have this mode of deposit made, as was offered to be made when it was refused, and I am also informed that it is the custom now of the subtreasury at New York and at other places; and when, in the face of this shipment

and other shipments, this sudden order is issued to these banks and capitalists, and these instructions are given to change that custom, I want to know the reason why. Certainly if it is a custom that has prevailed, and it is a custom that has been acquiesced in by the Treasury Department, by the officials of the Treasury, and by the shippers of silver dollars, and if it is a custom which does not violate the law and which has imposed no additional responsibility and inflicted no possible loss upon the Government of the United States, there must be some reason—and it may be a very secret one; I do not know—but there must be some reason why the custom has been changed by which all these facilities which have been heretofore afforded to the shippers of silver coin are suddenly withdrawn, and the consequence and the result is that these people do not know what to do with their silver dollars, and, as this gentleman says, a strong prejudice is being created against the silver dollars.

Mr. INGALLS. Will the Senator from Louisiana allow me a moment?

Mr. EUSTIS. Certainly.

Mr. INGALLS. I understand that the case is really a great deal stronger than the Senator from Louisiana delineates it under the law. If I understood the Senator from New Jersey correctly, he inquired why it was that the Treasury of the United States should be called upon to act as a depository for the holders of silver coin, either for banks or for corporations or for private holders.

Mr. McPHERSON. I should like to have the Senator from Kansas yield to me a moment to state the question exactly as I presented it.

Mr. INGALLS. Certainly.

Mr. McPHERSON. It was simply this, that the Treasury of the United States should not be expected to be an intermediary, a place of deposit, so to speak, for silver dollars sent by one bank to another, to be held there until such time as the latter bank should choose to call for it, and a receipt given by the Treasury requiring it to be responsible on a count of the money.

Mr. INGALLS. If I can read the English language, and am capable of understanding section 3 of chapter 20 of the laws of the United States, an act that was passed over the veto of the President on the 28th of February, 1878, it is not the concern of the Treasurer of the United States, nor of any assistant treasurer of the United States, to inquire for what purpose or in what capacity the holder of silver dollars in excess of the number of ten takes them for deposit and asks that a silver certificate may be issued thereon. Let me read it:

That any holder of the coin—

No matter in what capacity he may hold it; any holder of the coin, whether he may be a national banker through whom it is passing in transit or anybody else—

any holder of the coin authorized by this act may deposit the same with the treasurer or any assistant treasurer of the United States—

Within which category I understand this officer at New Orleans comes—

in sums not less than $10, and receive therefor certificates of not less than $10 each, corresponding with the denominations of the United States notes.

That is followed by a declaration as to the purpose for which that coin shall be held. And if the statement that is made by the Senator from Louisiana is verified by the facts, then, sir, he does wrong to characterize this as a departure from custom, he does wrong when he says that there has been merely a suspension of the custom that has been hitherto and is still observed at other assistant treasuries; he should say that there has been a positive, deliberate, and willful violation of law.

Mr. McPHERSON. If the Senator from Louisiana will yield to me a moment, I wish to ask the Senator from Kansas a single question before he sits down.

Mr. INGALLS. I have no right to interfere with the Senator from Louisiana. My remarks were merely an interpolation.

Mr. McPHERSON. The criticism which I made upon the statement of the Senator from Lousiana was this, that the case which was answered by Mr. Flower, the assistant treasurer of the United States, was not one of the kind to which the Senator referred, because it does not answer that particular case to which the Senator has referred. He answers the case of a deposit of silver dollars to the credit of a national bank in the city of New Orleans, receipts being demanded for money deposited, but there was no demand as I understand, and none appears in the statement, for certificates, but this money was to be turned over subsequently to the State National Bank of New Orleans, having been sent in by the Waco National Bank.

Now I want to ask the Senator from Louisiana this question: The Waco bank sent in $25,000 to the subtreasury to be received later by the State National Bank of Louisiana; but was there any right whatever on the part of either bank to expect the Government to make a transfer of these silver dollars when no demand was made for certificates?

Mr. EUSTIS. The Senator from New Jersey entirely misconceives the matter as to what these shippers desired or intended to have in return for their silver certificates. He would convey the idea that this was merely an irregular deposit of some silver that somebody had.

Mr. McPHERSON. It was a case of intermediate storage for the accommodation of a bank.

Mr. EUSTIS. The money was shipped directly to the subtreasury, and one of the reasons given by the assistant treasurer for not receiving it was—

The practical result of such a method, outside of the view I have ventured to express about it, would be to encumber this office with a bulk of silver dollars much beyond its capacity, with present force, to count and redeem and handle.

No other objection.

Mr. DAWES. Was this shipment to the subtreasury accompanied with a demand for statute certificates?

Mr. McPHERSON. No.

Mr. EUSTIS. I do not know whether it was or not.

Mr. DAWES. The inquiry which I made was to ascertain what was the duty imposed on the subtreasurer by the law. I understand that where silver is shipped to him he is to give a statute certificate. If the demand upon him in this case was to give such a statute certificate he has violated the law in declining to give it, but if it was to give an ordinary certificate for that money, I doubt whether he was required to do it.

Mr. EUSTIS. The Senator will understand that when 25,000 silver dollars are deposited it takes considerable time to count that amount of money.

Mr. DAWES. But it does not take any time to let the subtreasurer know what it is deposited for.

Mr. EUSTIS. Therefore the assistant treasurer issues a receipt subject to count; that is to say, the deposit is made, the assistant treasurer issues a receipt subject to count, which means that as soon as the dollars are counted and the amount verified then he issues the silver certificates authorized by law.

Mr. DAWES. There is no question if the purpose of deposit was to obtain certificates any intermediate arrangement that would be necessary to ascertain the amount would be carried along with the provisions of law; but if the deposit was of money there to be kept for another bank, it would not come within the law.

Mr. GORMAN. In answer to the Senator from Massachusetts I will say that in the letter of the assistant treasurer dated the 2d of January, 1886, he says:

Within the past two days I have received from the First National Bank of Memphis, Tenn., the Bank of Commerce, same place, and the Waco State Bank, of Waco, Tex., respectively, letters advising that they had shipped by express to this office silver dollars amounting in the aggregate to $25,000, to be received on account of the State National Bank of this city.

He reports to the Treasurer that there was an absence of a demand for certificates, and only a request to hold the silver dollars for the convenience of the bank, which he declined to do.

Mr. DAWES. I should like to hear the Senator from Louisiana upon the provision of the law that required him to do that.

Mr. EUSTIS. I did not commit myself on that question; what I did state was that whether the law required it or not, it had been the custom and was now the custom with reference to the subtreasury at New York, and the purpose of my urging was that if it had been the custom and was now the custom with reference to other subtreasuries, why has the custom been changed with regard to the subtreasury at New Orleans?

Mr. DAWES. So the Senator made a distinction between custom and law, which he found necessary to conform to the facts; and therefore it was a very proper distinction, which the Senator from Kansas overlooked when he charged it to be more than a violation of custom, a violation of law. The Senator from Louisiana did well to adhere to the words "violation of custom" rather than of law.

Mr. EUSTIS. If the Senator desires my opinion on the question, I will give it. I believe it is the universal law that whatever an individual may do by himself he has the right to do by another; and if a bank in the interior ships silver dollars directly to the subtreasury with instructions that that shipment is made to be received on account of the State National Bank of New Orleans, I do not see what possible objection there can be to the receipt, or to silver certificates, being given to the State National Bank of New Orleans instead of to the bank in the interior. It was a mere direction of the depositor. The Government of the United States is perfectly secure the moment these dollars are deposited. There is no question about that. They are the security the Government has, and I can not see what risk the Government incurs when the shipper merely directs that the silver certificate shall be given to his agent or correspondent in New Orleans. It is very clear that that custom has prevailed up to this time. According to the statement of the cashier of this bank he is informed by the banks in the interior that that custom does prevail now at the subtreasury in New York.

ORDER OF BUSINESS.

Mr. BLAIR. I desire, the hour of 2 o'clock having arrived, to make a motion.

The PRESIDING OFFICER (Mr. VOORHEES in the chair). The Chair is advised that under Rule IX the Calendar is now in order, but that by the usage of the Senate and the courtesy due to the Senator

from New Hampshire [Mr. BLAIR] he is entitled to make a motion at this time. The Chair recognizes him for that purpose.

Mr. TELLER. Is that to interfere with the Senator from Louisiana?

The PRESIDING OFFICER. The Chair does not understand that it is the purpose of the Senator from New Hampshire to interrupt this discussion.

Mr. LOGAN. At the time the Senator from Louisiana took the floor I could very easily by objection——

Mr. BLAIR. I suppose I have the floor, unless by unanimous consent——

The PRESIDING OFFICER. The Senator from New Hampshire has the floor for the purpose of making a motion.

Mr. LOGAN. I had the floor and yielded to the Senator from Louisiana. Of course I abandoned the floor then, but I hope the Senator from New Hampshire will not object to my making a motion now.

Mr. BLAIR. No; I only wish it to be understood that at this hour, having the floor to make a motion, I do not yield the floor so that I may not make it.

Mr. LOGAN. I do not ask the Senator to yield the floor. I desire to remind the Senate of a suggestion that I made some three days ago, that I would call up in the morning hour a certain bill in reference to a matter of very great importance to some of the citizens of Chicago. It will take but a few moments. I rose to call up that bill and was recognized by the Chair and yielded for this resolution of the Senator from Louisiana. I supposed it would be through before the hour of 2 arrived, and that then I would have an opportunity of calling up the bill. I now desire to ask, when this is disposed of, that I may be permitted to call up the bill, not to interfere with the Senator from New Hampshire. It will take but a moment to do it, and I desire it, because it is a matter of very great importance and a matter that is being pressed very strongly on me. I shall certainly not interfere with the Senator from New Hampshire.

Mr. BLAIR. My purpose, as I supposed would be understood by the Senate, is to move the consideration of the education bill, so called; and if that motion be adopted I shall have no objection to any arrangement that may seem to be right in the way of the bill being laid aside informally for a very brief period of time in order that the Senator from Illinois may make his motion and have his bill disposed of. I desire to say this, however, that if, as sometimes happens to be the case, an unexpectedly protracted debate should grow out of the consideration of the bill taken up informally, I should reserve the right to object and call for the regular order.

The PRESIDING OFFICER. Does the Senator from New Hampshire ask for the present consideration of the motion?

Mr. BLAIR. I ask that my motion be considered now. The proper hour under the rule to make the motion has come.

The PRESIDING OFFICER. The Senator from New Hampshire moves that the Senate proceed to the consideration of the bill (S. 194) to aid in the establishment and temporary support of common schools.

Mr. HOAR. I ask unanimous consent to give a notice merely. I do not propose to antagonize the Senator from New Hampshire, because I am in favor of his bill, but I give notice that when the bill is disposed of I shall move to proceed to the consideration of the bankruptcy bill.

Mr. PLATT. The Senator from Massachusetts has the advantage of me by rising a little quicker or being recognized a little quicker than myself, as I desired to give notice that I should immediately after the disposition of the bill of the Senator from New Hamsphire move another bill. I wish to say now that on last Friday at the time of adjournment, when the motion was cut off, I sought to antagonize the proposition of the Senator from New Hampshire and thought I should be facilitating the business of the Senate by moving the consideration of the bill for the admission of Washington Territory as a State. I believe now that to take it up at the present time would facilitate the business of the Senate for a day or two. I think we should dispose of it if we were to take it up now, immediately following the Dakota discussion, very much quicker than if we take it up at any other time; and I give notice that when the bill moved by the Senator from New Hampshire is disposed of I shall insist on going forward with that. I think the admission of a State into the Union is of quite as much importance as a bankruptcy bill.

Mr. BLAIR. I ask for action on my motion.

The PRESIDING OFFICER. The question is on the motion of the Senator from New Hampshire to proceed to the consideration of Senate bill 194.

Mr. MAXEY. I desire before that is done to place on record in connection with the resolution offered by the Senator from Louisiana some correspondence.

Mr. TELLER. It seems to me this whole proceeding is a little irregular. I do not understand that one Senator has a right to take another Senator off the floor because the morning hour has expired. No one can call the attention of the Senate to the expiration of the morning hour except the President of the Senate. When the Senator from New Hampshire arose the Senator from Louisiana was on the floor; and I suppose if the irregular proceeding that has taken place had not occurred he would have had the consent of the Senate to finish his remarks. The Senator from New Hampshire could have lost nothing whatever by that.

The PRESIDING OFFICER. The Chair desires to say in justice to itself that the present incumbent was advised by the President of the Senate to pursue the course that the Chair is now pursuing—to recognize the Senator from New Hampshire as a matter of courtesy due to him from having given notice on Friday last, but that it was not expected that he would take the Senator from Louisiana off the floor.

Mr. TELLER. Then, when this matter comes up, I shall ask that the Senator from Louisiana may be allowed to proceed by common consent, with others who may desire to speak on his resolution.

The PRESIDING OFFICER. The Chair desires to say further that, as a matter of right, at 2 o'clock the Senator from Louisiana was not longer entitled to the floor, because the Calendar, under Rule IX, was in order.

Mr. ALLISON. I understood the Senator from New Hampshire that if the bill which he desires to have taken up shall be taken up, he is quite willing to have it laid aside informally for the purpose of allowing the Senator from Illinois to have a bill passed and enabling the Senator from Louisiana to continue his remarks, which I hope will be done.

Mr. BLAIR. I do not think that any one can claim that I am personally guilty of any discourtesy to any Senator on this floor. As I stated in the beginning, this bill being recognized at 2 o'clock, according to the rule, I shall be willing that it be laid aside informally in any way that seems to be equitable in reference to the business of the Senate.

The PRESIDING OFFICER. The question is on the motion of the Senator from New Hampshire.

The motion was agreed to.

Mr. LOGAN. Now, I ask that the bill be laid aside informally, and I will then yield, if no objection is made by Senators, to the Senator from Louisiana to complete his remarks, with the understanding——

Mr. HARRIS. I suggest to the Senator from Illinois that he allow the bill to be reported by title, so that it will be before the Senate.

Mr. LOGAN. Certainly; I thought that had been done.

The PRESIDING OFFICER. The bill will be reported by title.

The CHIEF CLERK. A bill (S. 194) to aid in the establishment and temporary support of common schools.

Mr. LOGAN. Now I ask that that bill be laid aside informally; and I will state that I shall yield for the purpose of the Senator from Louisiana and others getting through with the discussion of his resolution, with the understanding that I shall then call up the bill I have alluded to, which, I will state to the Senate, will not take more than a few minutes to dispose of.

The PRESIDING OFFICER. No objection being made to that, it will be the order of the Senate. The Senator from Louisiana [Mr. EUSTIS] has the floor on his resolution, that being regarded as now before the Senate.

SILVER DEPOSITS IN SUBTREASURIES.

Mr. EUSTIS. I yield to the Senator from Colorado [Mr. TELLER].

Mr. BLAIR. Do I understand that the Senator from Louisiana has closed?

The PRESIDING OFFICER. He has yielded to the Senator from Colorado.

Mr. BLAIR. I do not understand that can be done. It was the distinct statement that at the close of the remarks of the Senator from Louisiana the Senator from Illinois should move his bill if he desired to do so. I do not wish to have the school bill delayed for an interminable discussion of the silver question. I have no objection to a few remarks, ten, fifteen, or twenty minutes, or to an hour's debate of the silver question, if Senators desire to be heard upon it and it can be brought about informally; but to surrender the school bill to a continued discussion of the silver question I do not wish to do.

Mr. LOGAN. Certainly the Senator misunderstands matters. The bill is not surrendered, nor is the time. I only yielded for a few minutes, so that the Senate may be enabled to get through with the discussion of this simple proposition, which will take but a few moments. If it takes long I certainly shall not yield much, but out of courtesy to the Senators engaged in this discussion I thought it was nothing but right that they should finish it. It will take but a few minutes.

Mr. BLAIR. I have no objection to that. It could have been easily accomplished by a suggestion of that kind to myself; but the Senator from Colorado indicated no friendliness to the education bill being taken up at this time, and I do not think it is precisely the thing for him to acquire a right to the floor in the indirect manner in which he has obtained it, and if it be subject to objection, I object.

Mr. TELLER. I insist that I am entitled to the floor. I am entitled to it by the consent of the Senate.

Mr. BLAIR. I insist the Senator shall not interrupt what I am saying. I have no objection to the Senator from Colorado being heard for a brief period of time if he desires it. I do not understand that the Senator from Illinois can give him the floor unless by unanimous consent. If the Senator from Colorado desires to speak I have no objection, but I reserve the right to call for the regular order at any time.

Mr. TELLER. Mr. President——

Mr. HOAR. I should like to inquire what is the purpose of my honorable friend from Colorado?

Mr. TELLER. I intend to submit a few remarks on the resolution of the Senator from Louisiana. I could have got through probably by this time if I had not been interrupted.

Mr. BLAIR. I reserve the right to call for the regular order.

The PRESIDING OFFICER. The Chair is advised that the Senator from Colorado, in the present condition of business, can only proceed by unanimous consent of the Senate.

Mr. HARRIS. I understood—and if I am not right about it I desire to be corrected—that the Senate, by unanimous consent, agreed that the Senator from Louisiana or the Senator from Colorado should proceed with the discussion of the resolution that was under discussion at the hour of 2 o'clock, and also agreed that when that was disposed of the educational bill should be informally laid aside, not displaced, until the bill that was mentioned by the Senator from Illinois should be considered. It does not displace the bill of the Senator from New Hampshire at all to dispose of these two matters by unanimous consent, and that is what I understood the Senate to have given.

The PRESIDING OFFICER. The Senator from Colorado will proceed.

Mr. TELLER. Mr. President, whenever the Senator from New Hampshire calls for the regular order, as he proposes to do, but which I think he will hardly be able to do out of order, it is perfectly proper for me to continue the discussion of this resolution if I see fit to do so. Consequently, practically nothing can be gained by the Senator objecting to my proceeding. He may be sore because I did not vote to make his bill the special order for this morning.

I do not propose to enter into any lengthy and extended discussion of the silver question, but I shall certainly say what I want to say, either upon this resolution or upon some other measures, before I leave the floor. This question is one of quite as much importance to the public as the educational bill and a great deal more so than the bankrupt bill that we have had notice was to be called up. There is not any question that has been presented to the Congress of the United States in the last fifty years of more importance than the question of money to the people of this country. I notice an anxiety on the part of some Senators who do not agree with us to see to it that there shall be but little discussion of it. Are they afraid of daylight upon this question? Are they anxious, especially upon our side of the Senate, that we should come to the rescue of the Department accused, rightfully, too, I say, of a deliberate and willful violation of a statute enacted here by a more than two-thirds vote of both branches of Congress, and which became a law notwithstanding the executive veto?

The honorable Senator from Massachusetts [Mr. DAWES] attempted to catechise the Senator from Louisiana [Mr. EUSTIS] to say that there had been no violation of the law. There are two phases of this case as found by the Executive Document No. 58, coming from the Treasury Department. First, the bank at New Orleans received $25,000 from certain country banks and proposed to act as the agent of those banks. That certainly brings it within the spirit if not within the letter of the law. There is another phase to it. When the Department at Washington had thus declined to issue certificates, this bank, on the 2d day of January, 1886, sent to the Treasury of the United States at Washington the following letter:

STATE NATIONAL BANK, *New Orleans, January* 2, 1886.

DEAR SIR: Quite a number of our correspondents in Texas, Mississippi, Tennessee, &c., desire to arrange some method by which they may deposit with the subtreasury at New Orleans standard dollars for redemption, the proceeds, in silver certificates, to be paid over to us, after count, for their credit.

They became the agents of these banks at Memphis, Tenn., and at Waco, Tex., for the purpose of receiving silver certificates. They were the holders within the law of the silver dollars, and they brought them to the subtreasury and there deposited them, and they said, "We are entitled to receive certificates." Does anybody suppose if they had shipped gold to that subtreasury there would have been any question? Not at all. So the Senator from Kansas [Mr. INGALLS] did not go a step too far when he said that was a distinct violation of the plain provision of the statute. It is so plain, that every man who reads must recognize the fact that it is a willful, deliberate attempt on the part of the Treasurer of the United States to see that the people who brought in silver did not get certificates, if he could avoid it.

It is not the only instance that can be cited since this Secretary of the Treasury and this Treasurer have been dealing with public affairs to show that they do not intend to allow the people to handily and readily exchange their silver dollars for the representative of those dollars provided for in the act of 1878. It is apparent in everything this administration has done—and I do not desire to single out this administration as more particularly hostile to silver than some of the preceding administrations; but I am dealing now with the acts of this Treasurer and this Secretary of the Treasury; and I say everything that has been done by them has been done with an eye single to making it impossible, or difficult at least, for the people holding silver dollars to exchange them for silver certificates, and I will convict the administration of that from their own statements, from their own record.

I may say more than that; I will indorse what was said by the Senator from Louisiana, who said it appeared that they were making silver odious; and that is what the letter read here says seems to be the object, or at least that is the result of the action of the Treasury Department, to make silver objectionable, to make the people decline to take it, and the writer of the letter states that he has information that in some parts of the country the merchants decline to take it. Why? Because it is an eighty-cent dollar? Not at all, but because the Department charged with the administration of the statute of 1878 declines to execute it in spirit or in letter.

Who is the Secretary of the Treasury that he should attempt to depart from the deliberate judgment of the American Congress? Where does he get the training that enables him to say "I possess all the knowledge, all the learning, all the wisdom on the question of finance, and no matter what the legislative department of the Government may say, I know what is for the good of the country?" What has been his training? I understand that there are men on this floor who have given months and years of thought to this subject where he has ever given an hour. His training has not fitted him, and his appointment and confirmation by the Senate did not make him a man wise in financial affairs.

Mr. MAXEY. Will the Senator from Colorado yield to me for a moment?

Mr. TELLER. Certainly.

Mr. MAXEY. I desire to say that when I got up a few moments ago to place on record certain papers which I had in my hand I was under the impression that the Senator from Louisiana had closed his remarks. I now ask, if the Senate will permit me, to place these papers on record, as they have direct connection with the question at issue.

Mr. TELLER. You desire to have them read?

Mr. MAXEY. Yes, sir.

Mr. TELLER. Let them be read.

Mr. MAXEY. I desire also to state that I am personally acquainted with Mr. John Martin, the gentleman who writes the letter, who is the president of the Farmers and Merchants' Bank at the town where I live, and I vouch for him as an honorable gentleman.

The Chief Clerk read as follows:

PARIS, TEX., *January* 13, 1886.

DEAR SIR: Has your Department any regulation by which this bank can exchange, without cost or carriage, gold coin for United States currency, national-bank notes, or silver certificates? We have a considerable accumulation of gold coin, so large in fact that it threatens to be burdensome, especially as we find difficulty in getting it to circulate.

Our customers dislike to take it over the counter, preferring notes, and indicating no preference as between the issues mentioned above. An early reply will greatly oblige.

Yours, very truly,

JNO. MARTIN,
President Farmers and Merchants' Bank.

HON. C. N. JORDAN,
Treasurer United States, Washington, D. C.

OFFICE OF ASSISTANT TREASURER UNITED STATES,
New York, January 19, 1886.

SIR: In reply to your letter of the 13th instant, stating that you desire to exchange gold coin for United States or national-bank notes or silver certificates, if it can be done without expense to your bank, I beg to say that I am unable, under the regulations of the Department, to make such an exchange.

Very respectfully,

C. N. JORDAN,
Treasurer United States.

JOHN MARTIN,
President Farmers and Merchants' Bank, Paris, Tex.

Mr. MAXEY. Before the Senator from Colorado proceeds I desire to state that to my personal knowledge that bank is a *bona fide* institution, doing a respectable business. The correspondence was received by me this morning. The bank is duly organized under the laws of Texas, and is a State bank.

Mr. TELLER. Why can they not issue silver certificates or silver for gold? Simply because the Treasury Department has revoked an order that was in existence for a long time under which $80,000,000 of gold went into the Treasury of the United States. Why they do not do it is another question. That is answered by the simple fact that the Treasury Department has undertaken to make silver odious in this country and compel the people to complain of the burden of carrying the silver dollars in their pockets. Its officials have attempted to frustrate and destroy the very provision of the law that was put in it to make it acceptable to the people, knowing very well, as the legislative body did, that the people in this country desire neither gold nor silver to be carried on their person, but simply the representative of gold and silver, and that alone. The President of the United States in his message uttered a truth that nobody can deny or dispute when he said:

It will not be disputed that any attempt on the part of the Government to cause the circulation of silver dollars worth 80 cents side by side with gold dollars worth 100 cents, even within the limit that legislation does not run counter to the laws of trade, to be successful must be seconded by the confidence of the people that both coins will retain the same purchasing power and be interchangeable at will.

Let me again read the concluding clause:

Must be seconded by the confidence of the people that both coins will retain the same purchasing power and be interchangeable at will.

In other words, the President of the United States enunciates the sim-

ple truth that if the people do not believe the silver dollar will perform the functions of a dollar they do not want it. Does anybody need an argument upon that self-evident proposition? Now, what has been the policy of the Government ever since the issue of the first silver dollar and the first silver certificate under the law of 1878 and what is it to-day? To depreciate and degrade the silver dollar and convince the people all over the United States that the silver dollar, if it to-day performs the functions of a dollar, will not perform those functions much longer, and yet they say it is wondered that the silver dollar does not circulate! They bar the mints to it, shut the Treasury against it, and in every possible way decline to allow gold to be exchanged for silver, and yet say that the silver will not circulate and the people do not want it.

I do not wish to use harsh terms, but it looks to me very much as if there was a determined, preconcerted effort being made to convince the people that he who puts in his pocket five dollars of silver may have next week but four dollars for them, and that, too, coming from the officials of the Government who are degrading the Government coin. Why, Mr. President, there is a law against the debasement of coin, and men have been hung who debased the coin, who put base metal with the good. Why? Because they were cheating the people; and yet the Government here is debasing its own money by its officials who are sworn to enforce the laws. Take the report of the Secretary of the Treasury. I said a word about the Secretary just now. I said that neither his training nor his past life entitled him to assume that he had all the wisdom of the country upon this question of finance; but I know that everywhere through the country among the people they believe, and they naturally believe, that the Government when it has called a man to the head of this Department of their Government, the greatest perhaps of all the Departments, must have called a trained man and a man who has made a life-long study of the questions he has to deal with and administer upon, and the people take the statement of this man as coming with authority, and they think with experience and with wisdom.

Now let us see what the Secretary of the Treasury says. The President says you must have the confidence of the people in silver money or else it can not be made equivalent to gold, or, as the Treasurer says, the equivalency can not be sustained. What does the Secretary say?

> Currency reform is first in the order of importance and of time, and fitly precedes other reforms, even taxation reform, because it will facilitate all other reforms, and because it can not safely be deferred.

Oh, Mr. President, the men who preceded this "Daniel come to judgment," the men who administered this Department in the trying hours of war, when there were great issues to be presented, were all ignoramuses compared to this man who asserts now that the question of finance has reached such a point that it is the all-absorbing question and everything else is dwarfed into insignificance. He ought to be a trained financial thinker to thus declare to the country and to the world. What else does he say?

> The coinage act of 1878 is overloading the mints with unissued, the subtreasuries with returned silver dollars, and will unavoidably convert the funds of the Treasury into those depreciated and depreciating coins.

Do you wonder that the merchants in Texas are getting alarmed at the silver dollar? Do you wonder that the man who works by the day, who is accumulating a little money and may want to lay it up for the time of need, dare not put it in a silver dollar and put it away as he otherwise would, when the Financial Department of the Government is declaring that it is both depreciated and depreciating money? I wonder how the President expected that confidence could be kept in the equivalency of the two dollars when his financial minister is thus discrediting and debasing the coin of the realm.

Then follow other charges against the silver dollar. I said in the outset and I said the other day on this floor that the Department was trying to discredit silver. I say that they have not only tried to discredit it, but they have tried to fill the vaults with it, so that they might go to the people and complain that the Government can not get out this money in the course of trade and commerce. On the 1st day of July, 1885, there had been issued in exchange either for gold or silver dollars $139,000,000 of silver certificates. On the 1st day of November, 1885, there were only $125,000,000 of those silver certificates in existence, of which the Treasury of the United States held $31,000,000 and upward. What had become of the others? They had been canceled and destroyed by the administration; they had been called in, and the Treasury declined to put out any more silver dollars.

We are told very gravely that if this thing continues we shall reach a silver basis. Who has a right to say whether we shall reach a silver basis or not, except the Congress of the United States? These men are to administer the law as it is given to them by Congress, and not as they think it ought to be wisely made. If we reach a silver basis, it is not for them to be concerned about it. It is for Congress to say. It is for them to enforce the law as it is given to them.

We hear now in these days the veriest declamation that the Government of the United States is compelled to coin money, compelled to coin silver dollars. Who compels the Government to coin them? There is a law which says the agents of the Government charged with its financial affairs shall coin, and they gravely assume that the Government is being compelled and coerced. In other words, the Secretary of the Treasury has become the Government of the United States. They tell us that in the face of the fact that last year for a whole year there was only about one-fourth of the entire sum of money paid in for duties paid in silver certificates, and of the silver dollars only one-tenth of 1 per cent. paid in, and that was more than went in of gold. Gold certificates went in to a large extent. Why? Because the people did not want to hold the gold certificates. It is not the circulating medium of the country, and they paid that in and they held the silver certificates; but the Department determined that they should have neither silver nor silver certificates, and so from $139,000,000 in July they reduced the silver certificates to $125,000,000 in October and to $124,000,000 to-day; and yet we are gravely told that this question is of so little importance that it ought not to be discussed in the American Senate—the question, first, whether the men who are intrusted with the financial management of this country shall be amenable to law or whether they shall set at defiance the will of the people as expressed through their representatives, the only way they have of expressing their will and their determination. It is not a question of construction; it is not a question that they have any right to higgle upon; it is their duty to obey the law as read to the Senate by the Senator from Texas [Mr. COKE] a few minutes since. Last year of the customs dues 26 per cent. was paid in silver certificates. Let me turn to the figures; let me read them, so that the facts may go into the RECORD, so that some people who do not have an opportunity of hearing the truth always may hear it through the RECORD.

The following is a summary of the table—

Says the Treasurer in his report.

The following is a summary of the table:

Received in—	Per cent.
Gold coin	1.8
Gold certificates	51.0
Silver coin	0.1
Silver certificates	26.5
United States notes	20.6
Total	100.0

I recollect a few days since the Senator from New Jersey [Mr. MCPHERSON] entertained the Senate upon this question, and predicted that if we did not change our method, if we did not yield to the demand of the banks and the bankers and demonetize silver, or, what is the same thing, repeal the coinage act, we should receive for public dues all silver and no gold; and yet here is the summary for a year showing that there was only 26 per cent. and a fraction of the whole sum paid in for duties that was paid in the despised silver certificate.

It is said there is danger that we shall reach a silver basis, and for that reason the President of the United States declared to us that the Treasury Department was buying every month two million dollars' worth of silver with gold or its equivalent and not with silver certificates or silver; and the reason given by the Department is that if they should pay out silver certificates or silver dollars they would find their way into the Treasury; and so they take $2,000,000 of gold out every month and pay that out rather than pay out the silver certificates, for fear the silver certificate would return. Would they be any worse off if that took place than they are now? They do not pay gold for silver for the reason that they are afraid the silver will return. It is because it is a part and parcel of the conspiracy to degrade and debase silver and make it appear all over the country that the people will not take it as money and that it will not much longer perform the functions of a dollar.

Mr. President, when public officials study public questions I yield always much deference to their opinions; but their opinions are only worthy of consideration when they come here and show, first, that they are intelligent, and, second, that they are honestly intending to carry out the provisions of the law. When it appears, as it does appear by the study of these reports, that the Department means to discredit silver in every possible way and render it impossible for the people to use the representative of the silver dollar, forcing upon them the dollar which they may think is objectionable, then their opinions have little and deserve but little weight at the hands of any man. The amount of silver certificates has decreased month by month since the present administration came into power. It is a part and parcel, I say, of the scheme; so they continue month after month, and then they declare that silver will not circulate and that the people will not take it, when they lock it up in their vaults and decline to let it go out.

The President of the United States went into an extended argument. With all deference to the President of the United States I will say of him, as I said of his financial minister, that his business is to execute the law, to make proper recommendations to Congress, and then he is absolved from further questions of this character. It is neither fitting nor proper that one great department of the Government, wielding the immense power that it does, should be used for the purpose of furthering the views either of the Executive or the Secretary of the Treasury or the Treasurer or any other public officer. I repeat again, the question of what shall be the policy of the United States, for two money metals or one, is a question that the people of the United States have intrusted to their representatives, and not either to the Executive or to subordinate officers; and the people will hold their representatives, and them

only, responsible if they make a mistake, provided the executive department will keep its hands off and confine itself to its legitimate business under the Constitution and under the laws.

Mr. GORMAN. Mr. President, I do not desire to enter into any lengthy discussion of the silver question, but in view of this extraordinary attack upon the Secretary of the Treasury and Treasurer of the United States, it seems to me proper to call attention to the real facts in this case. Denunciation of these two officers would lead the country to believe that they had violated the law. It has been so stated by the Senator from Louisiana, who introduced this resolution, as well as by the Senator from Colorado.

Mr. EUSTIS. Will the Senator permit me to correct the statement? I made no denunciation whatsoever of the Secretary of the Treasury. I challenge the gentleman to point to a single remark which I made in any way in the spirit of criticism of the Secretary of the Treasury. The Treasurer was the only official whose action I criticised.

Mr. GORMAN. I have no desire to attribute to the Senator from Louisiana any statement which he did not make. Possibly he has confined it to the Treasurer of the United States.

Mr. EUSTIS. Quite probably and truly.

Mr. GORMAN. The Senator from Louisiana, then, confines his remarks to the Treasurer of the United States, and yet he knows, and the country knows, that the Treasurer of the United States would not have ventured to take action on an important question like this, being a subordinate officer, without the sanction and by the direction of his superior. The Senator from Colorado comes squarely up to the question, and he denounces the Secretary of the Treasury. If there is anything wrong in this transaction, he is the responsible officer, and the Senator from Colorado was quite right in naming the proper officer of this Government. He denounced him as one who has not been trained in financial matters, one who has not been accustomed to conduct the affairs of this great Department.

Now, sir, look at the facts in this case and judge him by his acts and the circumstances surrounding the case. When this administration came into the possession of the Government in March last they found the subtreasury at New Orleans in the possession of a man for whom you, sir [addressing Mr. TELLER], more than any other on this floor—for you were a member of the administration that appointed him—were responsible for his being in that position. He was a Republican and not in sympathy with this administration; and the present Secretary of the Treasury and the present Treasurer of the United States, who are denounced on this floor by the Senator from Colorado as unworthy of the positions they hold—the officers, on examining the accounts at the subtreasury at New Orleans, ascertained that the office was not conducted properly or efficiently. On their own motion a commission was sent to Louisiana to ascertain what the trouble was at the subtreasury in New Orleans. They found that the cashier was in bad health, that there were not sufficient clerks in that office to receive and handle the moneys that were paid for customs and offered for redemption and exchange. That was the condition of the subtreasury when they looked into it in May last. When that fact was ascertained, the Treasury Department, to relieve the subtreasury at New Orleans, directed them to send all the mutilated notes, all bank notes, in the original packages, here to Washington, so that the force at New Orleans which was provided for by law might handle the gold and the silver that was presented. Notwithstanding that relief, which was the only relief that could be given by the Secretary of the Treasury, still the force was found not sufficient to receive and count all the silver that was tendered to that subtreasury. Silver had so accumulated that it was impossible for the existing force to handle it.

The Senator from Louisiana had previously introduced a resolution into this body to ascertain what the real facts were in this case, and hence it does seem to me that it is extraordinary after the statements which have been furnished by the Treasurer of the United States that the resolution of to-day should be introduced.

The Treasurer of the United States in his communication of February 1, 1886, in answer to the resolution of the Senator, states frankly that he never issued an order to the subtreasurer at New Orleans to decline to receive silver and issue silver certificates therefor, and when the subtreasurer at New Orleans informed him that certain banks in Tennessee and Texas were trying to use that depository as a convenience for transfer between the banks, bringing the silver from various points in the Mississippi Valley to the subtreasury at New Orleans merely to transfer it thence to another bank at New Orleans, that he had not the force to accommodate the banks, and he declined to do it, the Treasurer of the United States said to him, "You are quite right; the subtreasury is not a convenience for national banks, and you will decline to receive any silver that is presented to you except the silver that you can count and issue certificates for on the day it is presented."

Mr. TELLER. Will the Senator tell me whether he has read the letter of January 2, of Mr. T. R. Roach, cashier of the State National Bank, and the reply of the assistant treasurer of the United States, Mr. J. W. Whelpley, on the 7th of January? Does not that correspondence bear out the assertion that it was not for another bank, but for the State National Bank at New Orleans? They proposed there to have this money paid to their credit; they were the agents of the shippers; and to that the Treasurer of the United States replied:

> I beg to inform you that the action of the assistant treasurer, declining to receive such deposits, is approved by this office.

Mr. GORMAN. That statement, precisely as the Senator from Colorado has read it, does not convey the whole facts in this case. The subtreasurer at New Orleans had informed the Treasurer of the United States that this transaction alluded to in that correspondence was a convenience between certain national banks, and if the Senator will look at the letter on the next page he will find that when the president of the bank in New Orleans communicated with the Treasurer here in Washington, the Treasurer, on the 14th day of January, 1886, which was the last communication on this subject, said to him:

> Referring to your inquiry of the 11th instant, I beg to say that in exchange for standard silver dollars deposited by your bank with the assistant treasurer in your city silver certificates will be furnished you, after count and certification by that officer.

This is the last communication on the subject, and it is the only application in this entire correspondence that was made for certificates; but the effort was to use the Government as an intermediary between three or four national banks so that the expressage and all the charges incident to the transfer might be charged to the Government. This seems to be the silver idea run mad.

Mr. President, I am not opposed to silver; but I say to my friend who represents a great silver-producing State that the certain way to destroy that interest is to be constantly attacking gentlemen in high position who desire to be fair not only to the silver but to the gold interest, to be constantly bringing the matter up, trying to force the Government to discriminate in favor of one kind of money. I am not opposed to silver; I believe in silver, and I believe in an honest silver dollar.

Why attack the Treasury officers for doing what you, sir, as a high officer in this Government, sitting around the council board, knowing, as you must have known, the laws of the land, allowed to be done by the party to which you belong? You knew that your party and the party to which I belong in Congress had not furnished sufficient clerical force at New Orleans to handle silver in large quantities. Then why hold the new administration which has just come into power responsible for the deficiency that existed when they assumed control?

The Secretary of the Treasury may not have the knowledge of the Senator from Colorado; for, Mr. President, the Democratic party has been out of power for twenty-four years. We have but few men in that party who have been trained in the Departments of the Government. That is a misfortune to the party, but I have no doubt it is good for the country that once at least in twenty-four years we may have some men brought to these great Departments without training in official position, fresh from the people, earnest in their advocacy of the best interests of the country as they understand them, who will go on, regardless of these attacks coming from both sides of the Chamber, and I am sorry to say the greater number of them coming from the side upon which I stand. Time will show that at least the Secretary of the Treasury is an honest man, who intends to look at the welfare of his country, a gentleman who came here with no desire for place. I think he is the peer of my friend from Colorado or any other gentleman on this floor.

Mr. MORRILL. Will the Senator allow me, not to interfere in this discussion, but to ascertain the drift of this long debate? Under a Republican administration it was generally charged that they were unwilling to put the silver dollar in circulation; now I understand it to be the charge against a Democratic administration that they are not willing to take the silver dollar back again. Is that the drift of the discussion? So far as I understand it appears to be that the Democratic administration are not willing to take the silver dollar back.

Mr. GORMAN. In answer to the Senator from Vermont I will say that the view which he suggests is not confined to either side of the Chamber. It does seem that on this great question the Senator from Vermont himself as well as many of the most eminent Democrats that we have agree, and he will find his party as well as ours on this side of the Chamber very thoroughly divided upon the question. It is not a party question. I am not addressing myself to general party questions, but to the attack, and I think the uncalled-for attack, upon two high officers of this Government who have done nothing except to comply with the law as far as it was in their power to do so.

Why, sir, at New Orleans, for the purpose of facilitating the transaction of business, to enable silver to have a fair field, the present Secretary of the Treasury found that the previous administration had permitted the silver to pile up in the vaults until there was not room to store it, and he sent two war vessels to bring ten or twelve million dollars from that point to Washington, that there might be room for silver coming from Colorado, where the people have no use for the silver dollar. And yet the Secretary is denounced because he has not furnished clerical force enough at New Orleans, not provided for by law, to accommodate the exchanges between national banks!

That is all there is in this case. I have no objection to any resolution of inquiry, nor has the Secretary of the Treasury, but I would not have said a word in regard to the resolution but for that which has fallen

from the lips of my friend from Louisiana and the Senator from Colorado.

Mr. EUSTIS. Mr. President, I do not intend, having assumed the responsibility of introducing this resolution, that the important point involved in it shall be dissipated by any effort at declamation. I desire to inform the Senator from Maryland that I have exercised extreme caution with reference to this matter, but at the same time I have also exercised the faculties of my judgment under a due sense of responsibility in the discharge of my public duty; and when I corrected his misstatement, which was inadvertently made, that I had indulged in any denunciation of the Secretary of the Treasury, it was not because I wished that he should for a moment infer that if, as a United States Senator, after deliberate reflection, I reached the conclusion that the Secretary of the Treasury had justly incurred my criticism, I would for an instant have hesitated to withhold it from any consideration whatsoever. It was only because the Secretary of the Treasury had referred my former resolution to the Treasurer of the United States without making any report upon it coming from him, but simply sending to the Senate in answer to that resolution the report of the Treasurer himself and the correspondence which he (the Treasurer) had had with the assistant treasurer at New Orleans, that I felt it proper, if I had the right to initiate or to provoke any investigation whatsoever, to select that officer to ascertain whether he had conscientiously and honestly discharged his duty. I have myself made no accusation whatsoever; I have simply acted upon a state of facts represented to me by a responsible and by a credible person who has had dealings with the assistant treasurer in the city of New Orleans and has had correspondence with the Treasurer of the United States, and after those dealings and after that correspondence deliberately addressed to me as a United States Senator making the statement that practically (to use his own language) the receipt of silver dollars for which silver certificates were asked to be exchanged was denied.

Mr. President, I do not wish any wrong impression to go out with reference to this shipment of $25,000, to which particularly I addressed my resolution for the purpose of investigation. The Senator from New Jersey and the Senator from Maryland want to create the impression that these banks merely asked as a favor of the subtreasury to receive this deposit as so much surplus silver for which they had no use, and they say they wanted to deposit it in the vaults of the subtreasury. Such is not the fact. I do not wish to attribute any intention or purpose to this representation on the part of any Senator; but inasmuch as my resolution is predicated upon a certain state of facts, I am responsible to see that that state of facts is accurately stated, and I deny that such was the purpose of that shipment; and in order to place this question beyond the possibility of dispute or controversy, I will call the attention of the Senator from Maryland to the reply of the Treasurer of the United States, dated Washington, January 7, 1886, with reference to this identical shipment of silver. He says:

TREASURY OF THE UNITED STATES,
Washington, January 7, 1886.

SIR: In reply to yours of the 2d instant, concerning shipments by certain banks of standard silver dollars to your office, for returns (after count) in silver certificates to their New Orleans correspondent, I beg to state that your action declining to receive such shipments is approved. No reason appears why the Treasury should receive deposits other than on account of the Government.

Very respectfully,

J. W. WHELPLEY,
Assistant Treasurer United States.

HON. SAMUEL FLOWER,
Assistant Treasurer of the United States,
New Orleans, La.

How can any statement be more explicit? There is the statement of the assistant treasurer himself that this deposit was made in order to be returned in silver certificates, and his refusal to receive such proffer was approved by the Treasurer of the United States.

Mr. GORMAN. Now, I ask the Senator from Louisiana to read the letter of the assistant treasurer at New Orleans to which that was a reply, and say to the Senate frankly whether the assistant treasurer at New Orleans did not advise the Department that the transaction was a mere accommodation for the convenience of the banks?

Mr. EUSTIS. That is not the language of the assistant treasurer at New Orleans. He says this was to be received—

On account of the State National Bank of this city.

According to my understanding of the duties and functions of this office, I have assumed that, without authorizing instructions from the Department office, it is not a depository or intermediary in the matter of shipments from one bank to another—a transaction which might involve new responsibilities and accounts.

And in the previous paragraph, speaking of shipments from one bank to another, he says this identical amount was shipped directly to the subtreasury and not through any bank.

Within the past two days I have received from the First National Bank of Memphis, Tenn., the Bank of Commerce, same place, and the Waco State Bank, of Waco, Tex., respectively, letters advising that they had shipped by express to this office—

Not to any other bank—

to this office silver dollars amounting in the aggregate to $25,000, to be received on account of the State National Bank of this city.

To be sent directly to the subtreasury, and the shippers notify the subtreasury to give their receipts or silver certificates to their correspondents or agents in New Orleans.

The Senator from Massachusetts tried to compliment me on the fact that I drew a distinction between what was the law and what was the custom. Let me say that so far as this investigation is concerned that is not a pertinent inquiry for the reason that I will frankly state, and I will always speak frankly with reference to such matters, I do not care whether the officials implicated, if they be implicated, are Democrats or Republicans. What I desire to have discovered is the motive, why this thing was done, not merely whether it is against the law or not.

Now I will ask the Senator from Maryland whether he will vote against a resolution which merely proposes an inquiry into the official conduct of an officer of the Government?

Mr. GORMAN. Does the Senator wish an answer?

Mr. EUSTIS. Certainly.

Mr. GORMAN. I stated distinctly that I would never vote against a resolution of inquiry directed to any officer of the Government; nor would I have said one word upon this resolution were it not for what I considered ill-timed and unpleasant insinuations made about high public officers of the Government whom I consider as pure and honorable men as any Senators on this floor.

Mr. EUSTIS. I will ask the Senator whether he heard the resolution which I offered read?

Mr. GORMAN. I did.

Mr. EUSTIS. The first part of the investigation is simply this, whether the custom mentioned has prevailed at the city of New Orleans, as I have not the slightest doubt that it has, because I am so informed by the letter of the gentleman which I have read, and why that custom has been changed, and if it has been changed whether that custom is still in force at the subtreasury in New York. What possible objection can any Senator have to have that matter inquired into? The next inquiry is whether or not there has been and there is now an adequate clerical force at the subtreasury in New Orleans to discharge the duties of that office? What objection can there be to that inquiry?

Mr. GORMAN. Will the Senator from Louisiana permit me to ask him a question? I take it that in draughting these resolutions he remembered the law. Now, let me say to the Senator that the entire appropriation for the clerical force at the subtreasury office in New Orleans is only $32,000 per annum, and the slightest inquiry on the part of the Senator, either by consulting the laws of Congress or by investigation at the Department, would have convinced him that with the immense amount of silver passing through that office it was physically impossible to conduct this business with the force allowed.

Mr. EUSTIS. Then I ask the Senator from Maryland whether he does not consider that it was the duty of the Treasurer of the United States, knowing such a condition of things to exist, to report to the Secretary of the Treasury, in order that he might apply to Congress to supply a remedy for this great evil and this great wrong? I should like an answer to that question.

But in order to show that I have made no statement whether or not there was sufficient clerical force, because I do not know, I will call the Senator's attention to a statement made in the letter addressed by Mr. T. R. Roach, cashier, to the Treasurer, dated January 2. After speaking of the first reason why the receipt of these silver dollars was refused, he goes on and says:

There may be more force in the second objection, viz, the lack of clerks to attend to this class of business; but if he has the same force that his predecessor had last winter (when the conversion of standard dollars into silver certificates was done quite largely) he should be able to accommodate the public equally as well as was done by Assistant Treasurer Herwig.

This is a letter from a gentleman who has had constant dealings with the subtreasury, not only this year, but he says he had them last year, and he finds that under Mr. Herwig's administration, which administration I wish to be understood that I am not at all defending—far from it—this impediment and obstruction which is now complained of and which now exists did not exist, and Mr. Herwig had sufficient clerical force to meet the demands, however large they were, in order to give silver certificates for silver dollars.

Mr. COKE. Will the Senator allow me to ask if any obstruction has ever been known before?

Mr. EUSTIS. I have never heard of any.

I wish to say, Mr. President, and I say it in all candor, that I know the assistant treasurer at New Orleans very well, and I can testify to his high character. I know him to be a gentleman of intelligence. I do not know whether he is a gold man or a silver man. He may have become afflicted one way or the other in connection with fiscal life, but I do not know how that is. I wish to say, however, that he is a man of very high character; and I have not attempted at all in any way to reflect upon Mr. Flower, the assistant treasurer at this time. Inasmuch as whatever he has done has been approved by his superior officer, whether it is right or wrong, I hope I shall not incur the displeasure or the violent criticism of the Senator from Maryland if I find that that superior officer is the officer responsible, if there be any responsibility attached to such an act.

That is all I have to say.

Mr. SHERMAN. Mr. President, I suppose there can be no objection to the passage of this resolution nor to the inquiry proposed, and therefore I see no occasion for debate about it. It seems to me that it is perfectly clear that the resolution ought to pass.

But I wish to say another thing in connection with it, that the law is mandatory upon an assistant treasurer to receive silver dollars. He has no right to inquire for whose account they are presented, for whose benefit they are handed in. It is his duty without question to receive them, to count them, and to issue silver certificates of proper denominations. That can not take much time. Twenty-five thousand dollars is a large sum, but very easily disposed of. In counting the silver dollars they could be either weighed or counted. It would take a short time to count that sum. Nor would it be a difficult transaction for a United States assistant treasurer to pay over $25,000 in silver certificates in the larger denominations mostly, already prepared; and that is the plain and mandatory provision of the law. Indeed, the principal object of that law was to secure an equivalency and a ready convertibility of silver certificates and silver dollars at all times at the subtreasuries, there being no other public officers who would have money to redeem them or who are charged with the custody of these securities except the Treasurer and the assistant treasurers. They are the only persons who could be armed by the law with this power, and I never knew of any case, so far as my experience went, where, when silver dollars were presented, they were not readily redeemed by silver certificates. That is the way provided by the law, and therefore I do not see myself the difficulty in the way of carrying into execution this law.

If the bank mentioned in the letter read to-day would propose to the assistant treasurer to deposit silver dollars on account, and ask the assistant treasurer to open an account with the bank for silver dollars deposited he would very properly refuse. If that was the transaction, he has no authority by any law to open an account with any individual. All he can do is to pay out silver certificates for silver dollars. But it seems to me in the practical workings of that duty there is no difficulty and that no great clerical force ought to be required for it. One man in the discharge of that duty might probably redeem all that would be presented in any day in the city of New Orleans.

I do not want to criticise public officers, certainly I do not do it because they are Democrats, for I think they ought to be treated fairly and justly and impartially. The only criticism I have made not only of the Secretary of the Treasury but of the Treasurer of the United States is, that they did not continue the practice that had existed ever since 1880, soon after the silver dollar was issued in large quantities and ever since the silver certificates could issue in large sums, to issue the silver certificates for the purchase of gold bullion. That practice was established soon after the passage of the silver-certificate and silver-dollar law, and thus silver certificates were put largely into circulation in exchange for gold bullion. That was an enormous benefit to commercial transactions. At certain seasons of the year great masses of gold coin, gold bullion, and gold coins of foreign countries, which are redeemable at the mints at certain mint prices as they are called, are brought here to buy corn and cotton or rather wheat and cotton. Some of this was deposited in New Orleans, but mainly in New York, scarcely any of it in New Orleans. Experience shows that the Treasury could very easily use silver certificates in the purchase of gold bullion. The power to purchase gold bullion is unlimited. The power to purchase silver bullion is limited to $4,000,000 a month and not less than $2,000,000 a month. Then it must be purchased in open market; but the power to purchase gold bullion at the mint price is unlimited; and I do not see why this administration in the discharge of its duties in the Treasury Department should not use silver certificates in the purchase of gold bullion.

While I had the honor to be Secretary of the Treasury I adopted that expedient and my successor followed it. We purchased a large portion of the gold bullion needed for coinage and for reserves with silver certificates. More than eighty million dollars' worth was purchased in that way. Gold bullion is brought in here in a form in which it can not usually circulate to buy the products required in foreign markets, and it was a great object to commercial men to facilitate the use of that gold, and in order to do it silver certificates were given to them. They could use the silver certificates in payment, and the result was a large mass of silver certificates were paid out for gold bullion, and were again paid out all over the country, and especially in the West and South for cotton and for wheat. That was a convenience for commerce, and plainly a legal proposition, and in that way the gold reserves were fortified and increased from an unexpected source by the use of paper money provided for by law. It seems to me that the criticism which can fairly be made upon the conduct of the present administration is that they discontinued that simple and beneficial operation of finance.

Mr. EUSTIS. When was it discontinued?

Mr. SHERMAN. I do not know the date, but I think some time during the last winter or spring.

Mr. TELLER. I will answer that, if the Senator will allow me. I read from the last report of the Treasurer of the United States:

> The issue of silver certificates by Treasury offices in the South and West, for gold coin deposited with the assistant treasurer at New York, under departmental circular of September 18, 1880, was discontinued in January last. The amount which had been issued in this manner to the date named was $30,720,580.

Mr. COCKRELL. During the preceding administration.

Mr. SHERMAN. It was discontinued probably by Mr. McCulloch.

Mr. TELLER. Probably it was.

Mr. SHERMAN. I should think so from that statement; I thought it was discontinued later. But it makes no difference. It seems to me that was a proper mode of fortifying the gold reserve, and it ought to have been continued; and I trust that the present officers will see, as they were not responsible for its discontinuance, that being the proper way it is the best way in which they can fortify their gold reserve and at the same time use the silver certificates. There is no doubt about the legality of that transaction.

In respect to this deposit in controversy, I can see myself that at certain seasons of the year silver dollars accumulate, especially in the winter. They are largely paid out in the summer and fall, mainly for agricultural labor, and they are usually paid out very fully and freely, especially in the South. Then when the winter comes these silver dollars must be spent for the necessaries of life. In this way they naturally accumulate in banks scattered all over the South and West, and I can see that it would make a drug even of gold coin if gold was paid out in place of silver dollars. It is not a form in which the people care to hoard money, and therefore naturally these silver dollars would accumulate in Texas, in Mississippi, and in all the cotton-growing region, and especially in the Western country, and it has always flowed to the commercial centers in exchange for silver certificates, which can be kept more readily by banks. Banks have not usually the means of hoarding silver dollars. In modern times large safes and large vaults are not kept even by the largest banks, and therefore it is very inconvenient for banks, however large they may be, to hoard even $25,000 in silver, because it takes a great deal of room and is very bulky.

Therefore it was that the law expressly provided that the silver dollars may flow back into the Treasury, where are, or at least are supposed to be, large vaults and safes, where large sums of money can be kept. They would flow there naturally and be received and the silver certificates would issue. The silver certificates would be kept for the purchase probably of wheat and other produce by wholesale, but the labor which produces the wheat and the cotton must be paid for in silver dollars. The result was that the larger transactions of buying by the merchant the crops of the West was done by silver certificates in large denominations, while the work, the labor which yielded the cotton and the wheat, was paid for by silver dollars.

It was manifestly proper, and the Treasury Department ought to open their gates and their doors freely to make this exchange whenever it is demanded by anybody. The banks are mere agents of a great number of people. They usually have but little interest in this silver money; they are simply, like the Treasury itself, agents of commerce. They receive from their customers at New Orleans and at other places these large masses of silver, but they have no means of keeping it. If they were compelled to hoard these silver dollars, as a matter of course it would bring discredit upon silver altogether, because they would be inconvenient to handle, while if received promptly in the Treasury and silver certificates given instead, they can in a single package, in a single division of a safe, put $25,000 of silver certificates without inconvenience. That very fact was provided for by the law. It seems to me it is simple, and in ordinary practice it ought not to create any difficulty.

As to whether there is sufficient force in the subtreasury at New Orleans to count the money I do not know, but it seems to me that is easily provided for. The duties have existed since 1880, because this operation by which large masses of silver dollars have been paid out occurred immediately after the coinage of the silver dollar to my certain knowledge, so that this course of business must have been going on since 1880.

Mr. ALLISON. May I ask the Senator if he knows what is the practice of the subtreasuries with reference to counting the silver? Are not the dollars all counted by weight, as a rule?

Mr. SHERMAN. I do not know, but it is not very difficult to count dollars even by the piece; it is done with great rapidity.

Mr. ALLISON. I am not sure, but I think it is the custom to count by weight on the scale.

Mr. SHERMAN. I think it is the custom to count them by weight, because it is known that a thousand dollars weigh so much, and therefore it is not a difficult transaction.

It seems to me that the cost of a clerk or two ought not to have prevented this duty from going on, because it would be easy for the Secretary of the Treasury to transfer a clerk or two and use the contingent fund for that purpose. I do not think there would be any difficulty in getting clerical force enough in New Orleans to perform this duty, nor do I see any reason why the bank desiring to deposit this silver should demand what is called a credit or wish to deposit it and have it held on call. That is something which as a matter of course the Treasury ought to deny, but the ordinary payment on deposit of silver dollars in the Treasury of the United States in exchange for silver certificates is the right of the individual holder. It is not the right of the Government officers to refuse. It is the right of each individual holder of $10, so that any groceryman might go to the subtreasurer with $10 in silver and he could there deposit it as a matter of right and receive his silver certificate. I can see no reason in any facts stated here why that has not been done. Perhaps there may be, but if the resolution passes and goes to the Committee on Finance, as a matter of course the first thing

my honorable friend from Vermont [Mr. MORRILL] will do will be to call upon the Secretary of the Treasury for an explanation, and he will have, no doubt, an opportunity to make an explanation, and I trust it will be satisfactory.

Mr. MORRILL. Can we call for the reasons?

Mr. SHERMAN. I think that we can call on any Department for the reasons of any official act. The only thing I believe that is denied under the resolution of my friend from Alabama [Mr. PUGH], which I believe is now the orthodox doctrine of the Democratic party, is that we shall not call upon the President for reasons why he removed somebody as an offensive partisan. I think that is about the extent of the claim now. I do not believe that the Senator from Alabama or any Senator denies the right of the Senate as a legislative body to call for the reasons of any act of a Department. I know when that controversy arose in the Hayes administration, President Hayes did exactly what Mr. Cleveland did; he said that as a co-ordinate branch of the Government he was not bound to give his reasons for an official act. I think that is right; but that we have a right to call for information of any kind whatever in any Department of the Government, whether it be by written order or by parol, I do not think there is the slightest doubt. Indeed, but for that we could not legislate; but for that we could not act wisely in executive session.

I do not believe in the doctrine at all. I have just as much right to go to any Department of this Government and ask for any paper there in the possession of that Department that affects either legislative business or any question before us, if I go there armed with the power of the Senate, that the Secretary of the Treasury or the head of any Department of the Government or the President of the United States has. That has always been, from the formation of the Government, the established law. General Washington, in one of the first communications that he made upon this subject, complained of the Senate that they did not call for his reasons for making an appointment. In all my experience I have never known in my life a case where a Department or the President refused to give information contained on the files of any of the Departments upon any act whatever, whether executive or legislative.

Mr. SAULSBURY. If the Senator from Ohio will allow me, General Washington, I believe, did complain that the Senate did not ask his reasons for an appointment he proposed to make. He did not complain that they did not ask his reasons for a removal which he had made. He never made such a complaint as that.

Mr. MILLER, of New York. They did not make removals in those days.

Mr. SHERMAN. That is a modern distinction that I think Senators will find no color for. If they can show where that nice distinction which is contained in the resolution of the Senator from Alabama first appeared, was first invented by mortal man, I should like to know the origin. What distinction is there? I can not see any. Any information that may affect the judgment or the conduct of a Senator, or any question of public duty he is called upon to perform, is information which he is bound to communicate. There ought to be no secrets whatever in this Government of ours, a government of the people. There is no law or provision or rule or regulation which provides for keeping secrets, except only——

Mr. SAULSBURY. If the Senator from Ohio will allow me, the very act of 1869, the modified act for the benefit of General Grant, vested in the President a discretion in reference to the suspension of officers.

Mr. SHERMAN. Yes, sir.

Mr. SAULSBURY. Does the Senator from Ohio insist that we have anything to do with the exercise of the discretion of the President in the suspension or removal of an officer?

Mr. SHERMAN. I say this, that we have no right to say to the President, the head of another department of the Government, "For what reason did you do this thing?" The President has no right to come to us and say, "Why did you pass this law?" He has no right to cross-examine us. The departments are separate and distinct from each other; but all the information contained on the files of any of those Departments is just as much the property of the Senator from Delaware as it is the property of any officer of the Government, and there is no secret of this Government that can be protected from legislative supervision.

Mr. SAULSBURY. I beg leave to differ with the Senator from Ohio to this extent. I believe it is our right, whenever we have a nomination to act upon, to call for any information in reference to the nominee, as to his business or his qualifications. When we go beyond that and inquire with reference to anything in connection with the suspended officer, that is a matter with which we have nothing to do, because under your very law the entire discretion is vested in the President. I should like to ask the Senator as a lawyer whether there is any court in this country that can control the discretion of a trustee, however humble his capacity as trustee may be? Is there any court, from the Supreme Court of the United States down, that can in any way influence or affect the exercise of discretion upon a common trustee or a commissioner or anybody else? Yet you are proceeding upon the assumption that you may control and supervise the discretion which your law of 1869 vested in the President of the United States.

Mr. PUGH. Mr. President——

Mr. SHERMAM. I should like to answer the Senator from Delaware and then I will give way with pleasure to the Senator from Alabama. Has anybody in the Senate Chamber proposed to control the exercise of discretion by the President?

Mr. SAULSBURY. Then why do you want the information?

Mr. SHERMAN. Let me answer now. Is not that an evasion of the whole controversy? We do not claim to exercise any power whatever over the discretion of the President. We admit even that we do not ask for his reasons. But we have the power to control our own discretion, and we have a right to all the information that can be given us from the Executive Departments to enlighten us upon any question, executive or legislative.

I did not want to precipitate this discussion about the questions that have grown up between the President and the Senate, but I should like to know where the Senator from Alabama got in the history of the past, in any precedent of the past, this distinction between executive information and legislative information. There is no such distinction.

Mr. PUGH. Mr. President——

Mr. SHERMAN. Excuse me for a moment. The Senator from Delaware asked me why should we try to control the exercise of the discretion of the President. Nobody proposes to do it. He is as independent as we are, but he must not control our discretion. He must not prevent us from having the same sources of information that he has. The information comes to him first because he performs the first act in an appointment; that is, he makes the nomination. Why did he make that nomination? Was the former incumbent an unfit man, was he a corrupt man, a thief, a defaulter, or the like? Our discretion must be enlightened by the information that he has; and I say therefore that we have the right to call for that information.

At the same time we should be to the President always courteous, and if he should give any reason for withholding a paper because it was marked confidential, I would not object to that at all. If among the papers on the files there are papers never intended for the public and he chooses to withhold them on the ground that they were received by him in confidence, then, as a matter of course, that would probably be the exercise of a discretion which gentlemen in their intercourse with each other would recognize by saying, "That is a matter I do not care to talk about; that came to you in confidence; I can not say anything about it."

That is one thing, but when he says the papers upon which he acts contain charges, made boldly and openly there, which control his conduct in making an appointment, papers on the public files, he has no right to withhold those papers merely because they came to him in regard to an executive matter. He may give them to us. He ought to give them to us, unless they are in the nature of secret confidential communications made to him personally and they are marked secret. Then they ought not to be filed, they ought not to be there to poison the fame of a man in a future time or the fame of his family. If they are not to be seen by us they ought not to be seen or acted on by him. But the better way would be for him to put them in the waste-basket without reading them, as I always do with an anonymous communication that comes to me. Now I will yield to the Senator from Alabama.

Mr. PUGH. The question of the right of the Senate to call on the President for any information in his possession relating to the exercise of his power of removal is wholly irrelevant to the question now before the Senate on the resolution of the Senator from Louisiana, and I object to dragging before the Senate and the country a discussion of the right of the Senate to make such a call upon the President or any member of his Cabinet for information within his own knowledge or contained in any of the papers in his possession relating to the exercise of a power that belongs exclusively to him under the Constitution, and not to the Senate.

The right of the Senate to call upon the President or any member of his Cabinet for information to enable them to prosecute an inquiry or to exercise a power that they do not possess under the Constitution is one thing. The right of the Senate, as part of the law-making power of the country, to ask for information of the President or of any member of his Cabinet is conferred expressly by section 248 of the Revised Statutes. In that section the right is given to either House to call on the Secretary of the Treasury for any documents or public records in his possession relating to matters in his Department of public concern or relating to the discharge of his official duty. That statute draws clearly the distinction upon which I rely in the resolution that I presented to the Senate between a call by the Senate upon the President or any member of his Cabinet for information in the possession of either or public records or public documents in the possession of either. The right of the Senate to make this call for the purpose of informing them, so that they can wisely and properly exercise their legislative powers, is conferred expressly by section 248, and that statute upon its face shows that the power conferred there upon either House was a power to be exercised by either House for the purpose of enabling it to discharge its duties in reference to legislation.

But you can not construe that statute, or any other, or any public law, or the Constitution, so as to confer the right upon the Senate to call for information from the President concerning matters belonging exclusively to him as the chief executive officer of the country. Such a right can not be found in any statute, or in any public law, or the Constitution of the country, and that statute, section 248, clearly shows that

the power conferred there is a power conferred upon either House, and is to be exercised for the purpose I have stated, to enable either House to discharge its duties in the preparation of public laws relating to the duties of any public officer or to legislate to promote the public service of the country.

Mr. SHERMAN. The Senator has only stated——

Mr. PUGH. Allow me to add that the call you make upon the President or the call that you make upon any officer of the Cabinet is for public documents. You do not claim that the Senate can call upon him for any other than public documents or public papers. The character of those documents and records determines the right of the Senate to their possession. The character of those public documents decides whether the Senate has the right to call for them. The use that the Senate intend to make of them determines their right to make the call. Who is to be the judge of the character of those documents, whether they are public or private? Who is to be the judge of whether those documents, or records, or the information in the possession of the President or any member of his Cabinet is such as the Senate has the right to call for? Some one must have the power to determine that question, and there can not be any impropriety in conferring the right upon the President or any member of the Cabinet to determine whether the documents and the records are of the character that gives the Senate the right to make the call for them to use them in the exercise of their legislative power.

Mr. SHERMAN. I think, retaining the floor, I have been certainly very indulgent to my friend from Alabama, whose opinion I always respect, in stating his position, but he has not stated anything but what was contained, probably in a more terse and vigorous way, in the resolution which my friend from Massachusetts has called a speech in the belly of a resolution.

Now, where did he discover this new-fangled idea? Where are the precedents which enabled him to say that the head of a Department can say what papers shall be given to Congress and what shall not? That he may say what are public records and what are private records on the files of the Treasury Department is in the face of the precedents. Where, in the experience of nearly a hundred years of American history, was this doctrine proclaimed before? When was it admitted? Never, until the present administration. The Senator and I were members of the other House many years ago, and he will remember that we then investigated time and time again the administrations of Franklin Pierce and of James Buchanan. We called before us all the pigeon-hole information, secret and public, in regard to those administrations, and it was never denied to us by the two last Democratic Presidents; they never pretended that they could withhold one paper and give another. On the contrary, in obedience to law, the Secretary of the Navy sent to a committee of the House of Representatives a private letter of James Buchanan, which entered into the public records, and was commented upon and used in cross-examination.

Mr. PUGH. Mr. President——

Mr. SHERMAN. Let me have my say, if my friend will allow me. There was no doubt about that. The idea of a distinction between papers public and private in the public records never occurred until during the present administration and to meet an exigency.

The law is plain and mandatory. I happened to hold the office of Secretary of the Treasury for a time, and I was brought before both Houses of Congress; the Senate and the House not only called upon me for papers in a certain controverted case (that I shall not refer to at any length, because it related to executive session), but called on me to come in person and explain reasons and give reasons why and wherefore. I never conceived then that as an executive officer I had a right to put myself back on my dignity and say "I shall not obey." I never dared do such a thing. They said I was bold sometimes, but I was never so bold as that. No; the right of Congress, or either House of Congress, or a committee of Congress, or any member of Congress to examine the public records has always been conceded by the executive branch of the Government.

Mr. PUGH. Will the Senator from Ohio permit me to ask him a question?

Mr. SHERMAN. Excuse me just now.

The PRESIDING OFFICER. The Senator from Ohio declines to yield.

Mr. PUGH. I wish to ask just a single question.

Mr. SHERMAN. Well.

Mr. PUGH. Do you believe the Senate has the right to call on the President to furnish the Senate with facts or information upon which he acted in making removals or suspensions?

Mr. SHERMAN. If that information is on the files of any Departments of the Government it is his duty to furnish it to us.

Mr. PUGH. Again, if the Senator will allow me, have you the right to make this call upon the President for such information to enable the Senate to review his action in making a removal?

Mr. SHERMAN. What right has he to say what purpose we want to use it for? If we have the right to these papers we have the right to use them for all they are worth. Shall the President come here and say, "You may look over these papers for one purpose and not for another?" Are these to be the relations between the law-making and the executive power of the Government? No, sir; there is no such distinction. If the papers are on the public files we have a right to see them. They may be immaterial; they may be useless. I have myself brought down to the Senate Chamber great piles of papers and handed them over to the different committees, and as a member of those committees I have called a hundred times for papers from the public files in the different Departments of the Government, and they were handed over to me and received by me as a public trustee as much bound to take care of them and to treat them fairly as the head of any Department of the Government.

Mr. PUGH. Will the Senator answer me whether he as Senator claims for the Senate a right to review the action of the President in making removals?

Mr. SHERMAN. It is not necessary to go into that, but now I say so without question because that is the law, and I believe the law was constitutional when it was passed.

Now let us go a little further. Take the law here in regard to the Treasury Department, where nearly all these important papers rest. From the very beginning of our Government the law-making power declared that the Secretary of the Treasury shall be responsible to Congress and to Congress alone. Every act of that Department private and public, every paper filed there is under the custody of both Houses of Congress.

Mr. HARRIS. Will the Senator from Ohio permit me—I dislike to interrupt him.

Mr. SHERMAN. I do not like to be interrupted just now.

Mr. HARRIS. He answered the Senator from Alabama that a law which he believes to be constitutional—of course the official-tenure act—requires the Senate to review in respect to removals. As I understand that act, it expressly leaves the matters of suspensions in vacation to the discretion of the President. Does the Senator claim that he has a right to review the ground on which the President has made a suspension in vacation which the law leaves exclusively and wholly to the discretion of the President?

Mr. SHERMAN. No one knows better than the venerable Senator that with these public files it is a question not of what we have a right to review, but what information we have a right to from the Executive Departments. I warrant you that I can show in the history of the Senator from Tennessee that he has been as persistent and as insistent upon the right to examine into those papers as any one else, for he has himself called for it over and over again and it has never been denied. As to what we will do with these papers, whether we will steal them, or burn them, or destroy them, we do not allow the Executive Departments to put any queries to us. We will not put any inquiries to the President of the United States, because the independence of that great office demands that he should not be inquired of for his reason.

Mr. HARRIS rose.

Mr. SHERMAN. I will not yield any further, because I have been drawn into this debate. The position of independence of that great office demands that he should be treated with respect, but every paper upon which he acts on any duty whatever, executive or legislative, is ours as well as his. The papers filed with him to induce the removal of an officer are the very papers that we ought to consider to determine the very question of the appointment. Whether we should use them for one purpose or another is not now the matter in dispute; it may come up at some other more appropriate time; but I say now and repeat, that from the beginning of the Government to this time those public archives have been as open to members of Congress as they have been to any branch of the Government, and the law which is before me, one of the oldest laws upon the statute-book, has been kept there unimpaired and unbroken from the beginning of the Government to this time, by which the head of that great Department may not only be compelled to bring all the papers he has in the Department, whatever they are, private or public, but may be compelled before either House to be examined and re-examined and cross-examined.

Sir, I was examined by the former Senator from Delaware now the Secretary of State when he was chairman of the Committee on Finance. I was examined before that committee day after day, and I never hesitated to answer any question put to me except one, and that was when they asked me what I intended in the future. Then I respectfully declined, because I wished to keep my own secrets in my own way as to what I intended to do in the future, but whatever was done in the past was exposed in the most open manner, and I was cross-examined not only as to what was done, but as to the reasons why it was done, and this was the public record. Not only was that the case there, but in the House of Representatives the same course was admitted. The House was then largely Democratic, and called before their respective committees the executive officers of the Government and examined them day after day. I was examined there in the spring of 1878 at one time for three or four days upon every question great or small connected with the problem of the resumption of specie payments, and I am happy to say that in that case I believe both the committee itself and I by that examination were greatly instructed and greatly benefited, and to the public good, too.

So in executive nominations (I do not intend to go into detail) there was no halting then about executive papers or any nice distinctions as

to the why or wherefore or for what purpose they were to be used. They were not only produced, but in one case, which excited so much dispute in the Hayes administration, I followed them at the invitation of the Democratic committee and went to that committee and told them not only about the papers as to what they contained but the why and the wherefore, how it would affect the public interest to do this and to do that, and answered all their questions fully.

I say to you, gentlemen, as I have said to some of you privately, that I think you are making here a false issue that will return to plague the inventor. I would not recognize that any paper in any Department of this Government is beyond the reach of this body or the other House. The other House has the plain right; they are charged there with the power of impeaching; where motives may be inquired into; where the cause of acts may be inquired into; and connected with this broad jurisdiction, the power to impeach every officer of the Government of the United States, are they not armed with the power of ascertaining the facts? They legislate on every question within the jurisdiction of the United States. Have they not the power to inquire of the Departments of this or that fact, or this or that paper, that may affect their judgment upon the passage of laws? So have we, with broader powers even, because here we have the power to try impeachment; we are judges of the highest court of last resort; we are executive officers also, because we participate to a certain extent with the President in making an appointment. No important appointment can be made in this Government except by and with the advice and consent of the Senate. How is that consent to be obtained? Is it by the suppression of papers? Is it by the denial of information? Is it by narrow, I may say false, pretexts? Is it by overriding the customs of nearly a century of republican life? No; we ought to maintain and uphold to the utmost the power of the Senate to call for any papers or any information, stopping only at the bounds of courtesy which the law of gentlemen imposes upon them not to press an inquiry where it may impair the dignity and honor of another branch of the Government; but short of that, and only short of that, we are entitled to all the information that is contained in those papers.

But, Mr. President, this is far from my intention when I rose. I merely rose to debate the question raised about silver dollars; I have said all I desire to say about this matter; and I again repeat now, I do not wish to do any injustice to the Treasurer of the United States or to the Secretary of the Treasury. I wish them to explain why they did not redeem these silver dollars. I believe that they will give some satisfactory explanation. I have not read the papers, but as to the plain law there can be no doubt, that when any man, be he a negro laborer on a plantation, be he a poor hod-carrier who has his $10 in money and does not like to carry that around with him in that form, or the bank to which the Senator alludes, every one of them has the right to go to any treasury and there deposit his silver dollars and demand for them a more convenient form representing that money.

Mr. PUGH. Will the Senator allow me to ask him if, when he was acting as Secretary of the Treasury, he did not refuse to deliver up papers relating to the removal of Dement from office?

Mr. SHERMAN. No, sir; I do not remember such a name at all.

Mr. PUGH. I am informed that while you were acting as Secretary of the Treasury a call was made upon you for the papers relating to the removal of Dement, and that you refused to deliver them up for the reason that we had no right to make the inquiry.

Mr. SHERMAN. Dumont?

Mr. PUGH. Dement or Dumont.

Mr. SHERMAN. There was an officer at New Orleans by the name of Dumont. That is the nearest approach to the name that I can remember.

Mr. ALLISON. The naval officer.

Mr. SHERMAN. The naval officer at New Orleans. I know of no such case. I am quite sure the Senator will find himself mistaken in the facts. It may be that some outsider may have come there who wanted to see the papers, and I have uniformly declined that; but a member of Congress or a committee of Congress or either House were never denied any papers while I was Secretary of the Treasury.

Mr. MORGAN. Can the Senator from Ohio point out any statute that gives to what he calls an insider a greater right of access to the public documents than an outsider; that gives to him as a Senator a greater right of access to the public documents than any private gentleman in the country of equal respectability?

Mr. SHERMAN. My answer is that as Congress is vested with legislative power, and the Senate is vested with legislative, executive, and judicial power, either has the necessary right inherent to a legislative body to demand and receive all information in any Department of the Government.

Mr. MORGAN. I am asking for a statement of the law. I want to be informed whether the law provides for any such thing.

Mr. SHERMAN. I am requested to ask the Secretary to read the law.

Mr. MORGAN. The Senator does not answer my question, I notice, nor try to do it.

Mr. SHERMAN. I will ask the Secretary to read that section of the Revised Statutes as a conclusion to my remarks.

The Chief Clerk read as follows:

SEC. 248. The Secretary of the Treasury shall, from time to time, digest and prepare plans for the improvement and management of the revenue, and for the support of the public credit; shall superintend the collection of the revenue; shall, from time to time, prescribe the forms of keeping and rendering all public accounts and making returns; shall grant, under the limitations herein established, or to be hereafter provided, all warrants for moneys to be issued from the Treasury in pursuance of appropriations by law; *shall make report, and give information to either branch of the Legislature in person or in writing, as may be required, respecting all matters referred to him by the Senate or House of Representatives, or which shall appertain to his office;* and generally shall perform all such services relative to the finances as he shall be directed to perform.

Mr. LOGAN. I desire now, inasmuch as this debate, I presume, is closed on an outside question that certainly was not before the Senate, to call up Senate bill No. 1394.

The PRESIDING OFFICER. What disposition shall be made of the resolution?

Mr. ALLISON. Let it go over until to-morrow.

Mr. LOGAN. I ask that it may be informally laid aside.

Mr. MORGAN. I object. I am willing to have it laid aside informally, but not to go over on motion.

Mr. LOGAN. I said let it be informally laid aside.

The PRESIDING OFFICER. The resolution goes over.

Mr. BLAIR. I ask the Senator from Illinois to yield to me.

Mr. LOGAN. For what purpose?

Mr. BLAIR. There should be a request that the regular order be laid aside.

The PRESIDING OFFICER. The Chair understood that the Senator from Illinois was to have the floor by virtue of the original understanding.

Mr. LOGAN. Yes, sir; and I ask that Senate bill No. 1394 may be now considered.

Mr. BLAIR. If it is necessary that the proper order be entered, I ask that the educational bill be formally laid before the Senate.

Mr. LOGAN. That was agreed to. I will say to the Senator that it was laid aside informally.

Mr. BLAIR. If the regular order is informally laid aside and it is so recorded, that is sufficient.

Mr. LOGAN. That was the suggestion, and the Chair said it would be done.

The PRESIDING OFFICER. The Chair understood when the arrangement was made at 2 o'clock that the bill of the Senator from Illinois was embraced in the understanding, and it does not interfere with the regular order, which is the bill of the Senator from New Hampshire.

Mr. BLAIR. That is sufficient.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. CLARK, its Clerk, announced that the House had concurred in the resolution of the Senate for the printing of 15,000 additional copies of the report of the Senate Select Committee on Interstate Commerce, with the testimony.

The message also announced that the House had passed a concurrent resolution for the printing of 2,500 extra copies of the annual report of the health officer of the District of Columbia; in which it requested the concurrence of the Senate.

SCHOOL LOT IN CHICAGO.

Mr. LOGAN. I ask that the Senate proceed with the bill I have indicated.

By unanimous consent, the Senate, as in Committee of the Whole, proceeded to consider the bill (S. 1394) to provide for the ascertainment of the market value of certain property in the city of Chicago and to authorize the Secretary of the Treasury to sell and convey said property.

The preamble recites that the Chicago and Great Western Railroad Company, a corporation chartered under the laws of the State of Illinois, is constructing its railroad within the city of Chicago, and possesses, under its charter and under the ordinances of the city, a franchise to construct, maintain, and operate its railroad to Harrison street, for which purpose it has acquired, and is acquiring, by purchase and otherwise, the real estate lying between Taylor street and Harrison street, and west of Fifth avenue; that the United States owns the south half of block 87, in school-section addition to Chicago, which is in the center of the property so acquired and being acquired by the railroad company for terminal facilities, and is vacant, and is indispensable to the company in exercising its franchise and affording to the public the terminal facilities for which company has so purchased the property.

Therefore the bill proposes to direct the Secretary of the Treasury to name, within ten days, a commission, to consist of three persons, officers of the United States, whose duty it shall be to ascertain and report to the Secretary, within twenty days after their appointment, the cash market value of the lot mentioned in the city of Chicago; and the Secretary is empowered to sell and convey the lot to the Chicago and Great Western Railroad Company at such price, not less in any event than the value thereof as appraised and reported by the commission, as he and the railroad company shall agree upon.

Mr. SPOONER. I move to amend the bill in section 3, line 8, by striking out the word "eighth" and inserting "third," so as to correct an error in the date of the act there referred to.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

The PRESIDING OFFICER. The question is on agreeing to the preamble.

The preamble was agreed to.

WIDOW OF SAMUEL V. NOYES.

Mr. FRYE submitted the following resolution; which was referred to the Committee to Audit and Control the Contingent Expenses of the Senate:

Resolved, That the Secretary of the Senate be, and he is hereby, authorized and directed to pay out of the miscellaneous items of the contingent fund of the Senate to the widow of Samuel V. Noyes, deceased, late messenger of the Senate, the sum of $720, being an amount equal to six months' salary as messenger aforesaid; said sum to be considered as including funeral expenses and all other allowances.

AID TO COMMON SCHOOLS.

Mr. INGALLS. I move that the Senate proceed to the consideration of executive business.

Mr. BLAIR. I ask the Senator to withhold that motion until the regular order can be laid before the Senate.

Mr. INGALLS. Yes, that is understood.

The PRESIDING OFFICER. The regular order will be laid before the Senate.

Mr. MORGAN. What has become of the resolution we have just been discussing?

The PRESIDING OFFICER. It went over at the request of Senators.

Mr. MORGAN. It can not go over in that way. I object to such a disposition of it.

The PRESIDING OFFICER. It was not displaced. It went over informally.

Mr. MORGAN. By unanimous consent the Senate proceeded to consider it.

Several Senators addressed the Chair.

The PRESIDING OFFICER. Senators will suspend until the regular order is laid before the Senate.

The CHIEF CLERK. A bill (S. 194) to aid in the establishment and temporary support of common schools.

The PRESIDING OFFICER. The bill is before the Senate as in Committee of the Whole, pending which the Senator from Kansas moves——

Mr. MORGAN. I desire to know whether the order of business we have been considering this morning by unanimous consent of the Senate is to be interrupted and thrown aside upon the motion of one solitary Senator. That is the question I desire the Chair to decide.

Mr. INGALLS. The Chair is not called upon to decide that question. I move that the Senate proceed to the consideration of executive business. That motion is in order at any time, and I ask that the vote of the Senate may now be taken on it. The motion is not debatable.

Mr. MORGAN. I thought the Senator had withdrawn his motion.

The PRESIDING OFFICER. The Chair holds it to be his first duty to put the question on the motion of the Senator from Kansas rather than to reply to the Senator from Alabama, which the Chair would take great pleasure in doing otherwise. The Senator from Kansas moves that the Senate proceed to the consideration of executive business.

Mr. CALL. I appeal to the Senator from Kansas not to press that motion until we can have some understanding in regard to the resolution which has been under consideration.

Mr. INGALLS. We can have that understanding just as well to-morrow as to-night.

Mr. CALL. I hope the Senator from New Hampshire will agree by unanimous consent that the discussion on the resolution shall take place to-morrow and that his bill may be informally laid aside for that purpose.

The PRESIDING OFFICER. The Chair begs to say that the understanding of the Chair is that the position of the resolution is not seriously interfered with and that it can be taken up to-morrow. That is the understanding the Chair has. The question is on the motion of the Senator from Kansas that the Senate proceed to the consideration of executive business.

The motion was agreed to; and the Senate proceeded to the consideration of executive business. After one hour and forty-six minutes spent in executive session the doors were reopened, and (at 5 o'clock and 58 minutes p. m.) the Senate adjourned.

EXECUTIVE NOMINATIONS.

Executive nominations received this 8th day of February, 1886.

PENSION AGENT.

John D. Anderson, at Augusta, Me., vice Selden Connor, term expired.

POSTMASTERS.

Frank M. Jackson, at Los Gatos, Santa Clara County, California, the office having become Presidential.

Silas L. Erwin, at New Milford, Litchfield County, Connecticut, *vice* David A. Baldwin, commission expired.

Stephen Belding, at Washington, Daviess County, Indiana, *vice* Albion Horrall, commission expired.

H. E. Black, at Greensburg, Decatur County, Indiana, *vice* George H. Dunn, commission expired.

Charles O. Thiebaud, at Vevay, Switzerland County, Indiana, *vice* Alfred Shaw, removal for cause proposed.

George W. Andrews, at Murphysborough, Jackson County, Illinois, *vice* James V. Logan, commission expired.

Adolph Engelmann, at Belleville, Saint Clair County, Illinois, *vice* John B. Hay, commission expired.

John B. Reid, at Greenville, Bond County, Illinois, *vice* Lemuel Adams, commission expired.

C. W. Freeman, at Bolivar, Polk County, Missouri, the office having become Presidential.

Peter Primean, at Lake Linden, Houghton County, Michigan, the office having become Presidential.

Lucien B. Bennett, at Worthington, Nobles County, Minnesota, *vice* Rio D. Barber, commission expired.

Samuel M. Johnston, at Anaconda, Deer Lodge County, Territory of Montana, *vice* John Ryan, resigned.

John W. Campbell, at Glen Cove, Queens County, New York, the office having become Presidential.

Samuel E. Lippincott, at Burlington, Burlington County, New Jersey, *vice* Mary J. Martin, resigned.

George C. Bush, at Wellington, Lorain County, Ohio, *vice* John T. Ogden, resigned.

S. S. Crawford, at Hudson, Summit County, Ohio, *vice* Allen Seidel, resigned.

David S. Hime, at Greenville, Darke County, Ohio, *vice* Elizabeth A. Stevenson, resigned.

William G. Vaughn, at New Lisbon, Columbiana County, Ohio, *vice* Thomas H. Daily, deceased.

William W. Rankin, at Lock Haven, Clinton County, Pennsylvania, *vice* Jesse Merrill, commission expired.

Darius Dreher, at Stroudsburg, Monroe County, Pennsylvania, *vice* William D. Walton, commission expired.

John A. McBeth, at Connellsville, Fayette County, Pennsylvania, *vice* Henry Porter, deceased.

F. P. Thompson, at Eureka, Humboldt County, California, *vice* Frederick Axe, commission expired.

George Roe, at Vellejo, Solano County, California, *vice* F. A. Leach, suspended.

Laura H. Webb, at Farmer City, De Witt County, Illinois, *vice* William C. McMurry, commission expired.

Ebenezer Barber, at Marseilles, La Salle County, Illinois, *vice* David H. Slagle, commission expired.

Dan W. Gould, at Moline, Rock Island County, Illinois, *vice* Daniel W. Gould, to correct error in name.

John V. Lovely, at Paris, Bourbon County, Kentucky, *vice* Samuel S. Clay, commission expired.

Austin G. Wheelock, at Barre, Worcester County, Massachusetts, *vice* Humphrey F. Brooks, commission expired.

Samuel H. Spear, at Quincy, Norfolk County, Massachusetts, *vice* John B. Bass, commission expired.

L. O. Ball, at Malden, Middlesex County, Massachusetts, *vice* Charles E. Dennett, commission expired.

Alstead W. Brownell, at Wakefield, Middlesex County, Massachusetts, *vice* John W. Locke, commission expired.

Dennison Howe, at Fairfield, Clay County, Nebraska, the office having become Presidential.

William C. Love, at Greensburg, Westmoreland County, Pennsylvania, *vice* James C. Baldridge, commission expired.

William Heltzel, at Hanover, York County, Pennsylvania, *vice* Mahlon H. Naill, commission expired.

Alexander Ferguson, at Palestine, Anderson County, Texas, *vice* James F. Pells, commission expired.

Thomas P. Naughtin, at Manston, Juneau County, Wisconsin, *vice* Mrs. Mary W. Briggs, commission expired.

George H. Flagg, at Charlestown, Jefferson County, West Virginia, *vice* B. F. Leisering, commission expired.

James L. Arnott, at Thompsonville, Hartford County, Connecticut, *vice* Agnes Stewart, commission expired.

W. B. Burnett, at Athens, Clarke County, Georgia, *vice* Madison Davis, whose commission will expire February 13, 1886.

D. B. Hanan, at New Hampton, Chickasaw County, Iowa, *vice* Charles McCullow, commission expired.

E. P. Jaycox, at Sandwich, De Kalb County, Illinois, *vice* Gilbert H. Robertson, commission expired.

Isaac D. Lear, at Salem, Marion County, Illinois, *vice* Elizabeth A. Schultz, commission expired.

Benjamin Tobias, at Washington, Tazewell County, Illinois, *vice* Charles A. Crane, commission expired.

Willis L. Grimes, at Batavia, Kane County, Illinois, *vice* Willis S. Grimes, to correct error in name.

Alexander A. Davidson, at Seymour, Jackson County, Indiana, *vice* Le Roy M. Maine, commission expired.

George E. Finney, at Columbus, Bartholomew County, Indiana, *vice* George W. Cooper, resigned.

Jerome B. Joslyn, at Cambridge, Washington County, New York, *vice* Mitchell McFarland, commission expired.

John H. Stratton, at Milford, Worcester County, Massachusetts, *vice* Ellen M. Pond, commission expired.

Orrin Wade, at Whitinsville, Worcester County, Massachusetts, *vice* James F. Whiton, commission expired.

Timothy D. Barron, at Saint Clair, Saint Clair County, Michigan, *vice* T. Moore, commission expired.

James Croly, at Cadillac, Wexford County, Michigan, *vice* J. H. Hixon, commission expired.

David B. Dennis, at Coldwater, Branch County, Michigan, *vice* Ed. R. Root, commission expired.

Sylvester J. Heinbach, at Constantine, Saint Joseph County, Michigan, *vice* T. H. Calam, commission expired.

James Winnie, at Grand Ledge, Eaton County, Michigan, *vice* J. S. Holmes, commission expired.

James H. Evans, at Wabasha, Wabasha County, Minnesota, *vice* Henry I. Whitmore, commission expired.

John D. Russell, at Sedalia, Pettis County, Missouri, *vice* Milo Blair, commission expired.

Abram D. Smith, at Newark, Wayne County, New York, *vice* W. Landon Willett, commission expired.

Christopher Whitney, at Franklinville, Cattaraugus County, New York, *vice* John Little, deceased.

John M. Judd, at Emporium, Cameron County, Pennsylvania, *vice* Hollis T. Taggart, commission expired.

W. F. Dyer, at Austin, Lander County, Nevada, *vice* William Gibson, commission expired.

Waters B. Miller, at Cape May, Cape May County, New Jersey, *vice* Joseph E. Hughes, commission expired.

William Perkins, at Winnemucca, Humboldt County, Nevada, *vice* Frank C. Robins, commission expired.

William C. Davis, at Elizabeth City, Pasquotank County, North Carolina, *vice* Charles Guirkin, commission expired.

Robert O. Rote, at Geneva, Ashtabula County, Ohio, *vice* Hiram W. Turner, commission expired.

John J. Zeller, at Ottawa, Putnam County, Ohio, *vice* Thomas D. Campbell, resigned. [This nomination is in lieu of one to correct error in name of Jacob J. Zeller, whose nomination is withdrawn.]

A. K. Linderman, at Troy, Bradford County, Pennsylvania, *vice* Charles F. Sayles, commission expired.

A. W. Williams, at Parkersburg, Wood County, West Virginia, *vice* C. F. Scott, resigned.

Jared C. Gregory, at Madison, Dane County, Wisconsin, *vice* George E. Bryant, commission expired.

James F. Carwile, at Buffalo, Johnson County, Territory of Wyoming, the office having become Presidential.

FOR PROMOTION IN THE ARMY OF THE UNITED STATES.

Second Regiment of Cavalry.

Lieut. Col. Nelson B. Sweitzer, of the Eighth Cavalry, to be colonel, January 9, 1886, *vice* Hatch, retired from active service.

First Lieut. Colon Augur, to be captain, January 9, 1886, *vice* Spaulding, promoted to the Seventh Cavalry.

Second Lieut. Alonzo L. O'Brien, to be first lieutenant, January 9, 1886, *vice* Augur, promoted.

Seventh Regiment of Cavalry.

Capt. Edward J. Spaulding, of the Second Cavalry, to be major, January 9, 1886, *vice* Merrill, promoted to the Eighth Cavalry.

Eighth Regiment of Cavalry.

Maj. Lewis Merrill, of the Seventh Cavalry, to be lieutenant-colonel, January 9, 1886, *vice* Sweitzer, promoted to the Second Cavalry.

Medical Department.

Lieut. Col. Joseph B. Brown, surgeon, to be surgeon with the rank of colonel, January 24, 1886, *vice* Summers, retired from active service.

Maj. Anthony Heger, surgeon, to be surgeon with the rank of lieutenant-colonel, January 24, 1886, *vice* Brown, promoted.

Capt. James P. Kimball, assistant surgeon, to be surgeon with the rank of major, January 24, 1886, *vice* Heger, promoted.

Ninth Regiment of Cavalry.

Second Lieut. John F. McBlain, to be first lieutenant, January 12, 1886, *vice* Budlong, resigned.

Eighth Regiment of Infantry.

Second Lieut. Richard H. Wilson, to be first lieutenant, January 1, 1886, *vice* Summerhayes, appointed regiment adjutant.

FOR APPOINTMENT IN THE ARMY OF THE UNITED STATES.

Medical Department.

William B. Banister, of Alabama, to be assistant surgeon, with the rank of first lieutenant, January 26, 1886, *vice* Kimball, promoted.

WITHDRAWAL.

Nomination withdrawn February 8, 1886.

George W. Bell, to be postmaster at Cardington, Morrow County, Ohio.

CONFIRMATIONS.

Executive nominations confirmed by the Senate February 8, 1886.

TERRITORIAL GOVERNOR.

Edward A. Stevenson, of Boisé City, Idaho, to be governor of the Territory of Idaho.

SECRETARY OF LEGATION.

D. Lynch Pringle, of South Carolina, to be secretary of legation in Central American States and consul-general at Guatemala, *vice* H. Remson Whitehouse, resigned.

INDIAN AGENT.

Robert L. Leatherwood, of Charleston, N. C., to be agent for the Indians of the Eastern Cherokee Indians in North Carolina.

RECEIVER OF PUBLIC MONEYS.

F. M. Ziebach, of Yankton, Dak., to be receiver of public moneys at Yankton, Dak.

REGISTER OF LAND OFFICE.

Mark W. Sheafe, of Elk Point, Dak., who was commissioned during the recess of the Senate, to be register of the land office at Watertown, Dak.

UNITED STATES ATTORNEY.

Hamilton C. Jones, of North Carolina, to be attorney of the United States for the western district of North Carolina.

SURVEYOR OF CUSTOMS.

Joseph S. Gillespie, of Tennessee, to be surveyor of customs for the port of Chattanooga, in the State of Tennessee.

CAPTAIN IN THE MARINE CORPS.

First Lieut. D. Pratt Mannix, to be a captain in the Marine Corps, from the 19th December, 1885, *vice* Corrie, retired.

FIRST LIEUTENANT IN THE MARINE CORPS.

Second Lieut. Howard K. Gilman, to be a first lieutenant in the Marine Corps from the 19th December, 1885, *vice* Mannix, promoted.

POSTMASTERS.

T. W. Long, to be postmaster at Cardington, in the county of Morrow and State of Ohio.

Justinian Mayberry, to be postmaster at Burlingame, in the county of Osage and State of Kansas.

Charles W. Lebow, to be postmaster at Wamego, Pottawatomie County, Kansas.

David A. Stark, to be postmaster at Delaware, in the county of Delaware and State of Ohio.

Gustavus A. Van Horn, to be postmaster at New London, in the county of Huron and State of Ohio.

William Archinal, to be postmaster at Canton, in the county of Starke and State of Ohio.

John H. Hamlin, to be postmaster at Eaton Rapids, in the county of Eaton and State of Michigan.

D. C. Hill, to be postmaster at Painesville, in the county of Lake and State of Ohio.

L. P. Ohliger, to be postmaster at Wooster, in the county of Wayne and State of Ohio.

John W. Morris, to be postmaster at Troy, in the county of Miami and State of Ohio.

James I. Pritchard, to be postmaster at Nelsonville, in the county of Athens and State of Ohio.

John C. Sceva, to be postmaster at Mechanicsburg, in the county of Champaign and State of Ohio.

Charles Rose, to be postmaster at Logan, in the county of Hocking and State of Ohio.

Wilson W. Forney, to be postmaster at Leetonia, in the county of Columbiana and State of Ohio.

Henry Hollberg, to be postmaster at Jackson, in the county of Jackson and State of Ohio.

Joseph S. Laughlin, to be postmaster at Sidney, in the county of Shelby and State of Ohio.

Cornelius S. Barrett, to be postmaster at Charlotte, in the county of Eaton and State of Michigan.

George D. Sanford, to be postmaster at Grand Haven, in the county of Ottawa and State of Michigan.

Isaac M. Kelly, to be postmaster at Ravenna, in the county of Portage and State of Ohio.

R. B. Gordon, jr., to be postmaster at Saint Mary's, in the county of Auglaize and State of Ohio.

Daniel J. Sherman, to be postmaster at Ashtabula, in the county of Ashtabula and State of Ohio.

HOUSE OF REPRESENTATIVES.

MONDAY, *February* 8, 1886.

The House met at 12 o'clock m. Prayer by the Chaplain, Rev. W. H. MILBURN, D. D.

The Journal of Friday's proceedings was read and approved.

CHANGE OF REFERENCE OF A BILL.

The SPEAKER. On Monday last a bill was introduced by the gentleman from New York [Mr. HEWITT], H. R. 5013, relating to contracts of common carriers and to certain obligatory duties and rights in connection with the carriage of property, which was referred to the Committee on the Judiciary. The Chair thinks, on an examination of the bill, that the proper reference would be to the Committee on Commerce, and if there be no objection the Committee on the Judiciary will be discharged from its further consideration and the same will be referred to the Committee on Commerce.

There was no objection, and it was ordered accordingly.

LEAVE OF ABSENCE.

By unanimous consent leave of absence was granted to Mr. BARNES, for ten days, on account of important business.

REPORT OF HEALTH OFFICER, DISTRICT OF COLUMBIA.

Mr. FARQUHAR, from the Committee on Printing, submitted the following report:

The Committee on Printing, to whom was referred House bill 3409, authorizing the printing of 2,500 extra copies of the report of the health officer of the District of Columbia, having duly considered the same, would respectfully report in lieu thereof the following concurrent resolution and recommend its passage. The estimated cost of printing and binding is $1,130.

Resolved by the House of Representatives (the Senate concurring), That the Public Printer be, and he is hereby, authorized to print 2,500 extra copies of the annual report of the health officer of the District of Columbia; 100 for the use of the Senate, 350 for the use of the House of Representatives, and 2,050 for the use of the said health officer of the District of Columbia.

The SPEAKER. This report seems to propose to convert a bill into a concurrent resolution, something that has never been done in the House of Representatives. It has always been held in the House that it was not in order to amend a bill so as to convert it into a joint resolution or concurrent resolution, or to amend a joint resolution so as to make it a bill. The House has on one or two occasions concurred in Senate amendments making such changes. However, if no objection is made on the floor, the Chair will submit the report to the House.

Mr. FARQUHAR. Mr. Speaker, the change was made from the form of a bill to that of a concurrent resolution so as to save it from going on the Calendar, in order that this printing might be done as soon as possible. The matter to which it refers is now in type and simply waiting the action of the House to order the printing.

It was supposed by the committee, at the time of considering this matter, that it was as near a proper form as possible in which to place it; and, as it is a matter that does not involve a great amount of money, to enable the printing to be done at this time we have submitted the report in that form.

The SPEAKER. If there be no objection, by unanimous consent, the amendment proposed by the committee will be agreed to.

There was no objection, and it was so ordered.

The concurrent resolution was adopted.

Mr. FARQUHAR moved to reconsider the vote by which the concurrent resolution was agreed to; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

INTERSTATE COMMERCE.

Mr. FARQUHAR. I am also directed by the Committee on Printing to submit the report which I send to the desk.

The Clerk read as follows:

The Committee on Printing, to whom was referred Senate concurrent resolution providing for the printing of 15,000 additional copies of the report of the Senate Select Committee on Interstate Commerce, together with the testimony taken by said committee, have considered the same, and have instructed me to favorably report the same back to the House and recommend its passage. The estimated cost of printing the additional copies referred to is $14,889.79.

The Senate concurrent resolution is as follows:

Resolved by the Senate (the House of Representatives concurring), That 15,000 additional copies of the report of the Senate Select Committee on Interstate Commerce, together with the testimony, be printed; 5,000 for the use of the Senate and 10,000 for the use of the House of Representatives.

The Senate concurrent resolution was agreed to.

Mr. FARQUHAR moved to reconsider the vote by which the Senate concurrent resolution was agreed to; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

WILSON B. GEORGE.

Mr. LYMAN. Mr. Speaker, on Wednesday last the bill (H. R. 3373) to correct the military record of Wilson B. George was reported back from the Committee on Military Affairs by the gentleman from Maryland, Mr. FINDLAY. I thought it was a favorable report; but on examination yesterday for the first time I learned that it was adversely reported. If in order I would like to have it taken from the table and placed upon the Calendar.

The SPEAKER. The gentleman had the right to have it placed there when reported. If there be no objection it will be now placed upon the Calendar.

There was no objection, and the bill, with the accompanying report, was ordered to be referred to the Committee of the Whole House on the Private Calendar and printed.

LAND GRANTS TO OREGON WAGON-ROADS.

Mr. COBB. Mr. Speaker, I am directed by the Committee on the Public Lands to report back, with amendment, a resolution of inquiry referred to it, and ask immediate consideration of the report.

The Clerk read as follows:

Whereas it appears from the report of the commission appointed by the State of Oregon to investigate the wagon-road of the Willamette Valley and Cascade Mountain Wagon-Road Company, and the Oregon Central Military Wagon-Road Company's road, and The Dalles Military Wagon-Road Company's road, submitted to the Legislature of said State at its recent session:

1. That said Willamette Valley and Cascade Mountain Wagon-Road Company have neither built, graded, bridged, cleared, or constructed any road along the route designated by acts of Congress, nor on any route in accordance with the intent and meaning of said acts of Congress; and

2. That as to the Oregon Central Military Wagon-Road Company said commission finds no road built or repaired along their route, and that the only roads built were constructed by settlers and emigrants, and they are not the roads contemplated by said acts of Congress;

3. That as to The Dalles Military Wagon-Road Company said commission finds no road built by them from Canyon City east, nor repaired any built by settlers; and

Whereas the Legislature of Oregon has, by its senate joint memorial No. 6, memorialized Congress that the grants of land aforesaid, embracing 107,893 acres certified or patented June 30, 1880, to the Willamette Valley and Cascade Mountain Wagon-Road Company, and 361,327 acres certified or patented at said date to the Oregon Central Military Wagon-Road Company, and 126,910.23 acres certified and patented at said date to The Dalles Military Wagon-Road Company, and as to any other lands since certified or patented, be investigated by Congress; and that as to all those not patented or listed they be abolished, vacated, and annulled; and that as to those which have been patented Congress authorize suits to be instituted in the courts of the United States to vacate said grants and annul said lists and patents so issued, except where any of said lands have been acquired in good faith by innocent purchasers; and

Whereas by a previous resolution introduced in this Congress there is an omission of one of the aforesaid grants or roads, and a like omission in the certified joint memorial aforesaid from the Oregon Legislature which, in comparison with dates of grants therein recited, is an evident clerical error; and

Whereas this is submitted as a substitute for said former resolution: Therefore, *Resolved*, That the Secretary of the Interior be, and he is hereby, requested to inform this House, if not incompatible with the public interest, how much of the grants of lands aforesaid have been patented to each of said companies, assignees of the State of Oregon, and how much to each remains unpatented of the respective grants; and whether the Department of the Interior has entered into any investigation as to the compliance of said assignees with the conditions of the respective acts of Congress; and what action, if any, has been adopted as to suspension of any further patents.

The Committee on the Public Lands, to which was referred the resolution making inquiry in regard to grants of public lands to certain wagon-road companies, have had the same under consideration, and have directed me to report the same back to the House with the following amendment. Add to the resolution this clause:

"Also to inform the House what evidence the Department has as to the construction of said roads, and also what evidence the Department had as to the construction upon which any patents may have issued by virtue of such grants."

And when said amendment is adopted your committee recommend the passage of said resolution.

The amendment was agreed to.

The resolution as amended was agreed to.

Mr. COBB moved to reconsider the vote by which the resolution was adopted; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

ORDER OF BUSINESS.

The SPEAKER. This being Monday, the Chair will proceed to call the States and Territories for the introduction and reference of bills and resolutions. Under this call resolutions and memorials from State and Territorial Legislatures are in order and resolutions of inquiry addressed to the heads of Departments.

MOBILE AND GIRARD RAILROAD LAND GRANTS.

Mr. OATES introduced a bill (H. R. 5202) to forfeit certain lands granted to the Mobile and Girard Railroad Company, to confirm titles to purchasers, and to absolve said company from its obligations as a land-grant railroad; which was read a first and second time, referred to the Committee on the Public Lands, and ordered to be printed.

ADAM HARDIN.

Mr. OATES also introduced a bill (H. R. 5203) for the relief of Adam Hardin; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

HEIRS OF JOHN ERWIN.

Mr. DAVIDSON, of Alabama, introduced a bill (H. R. 5204) for the relief of the heirs of John Erwin, deceased; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

PUBLIC BUILDING AT HUNTSVILLE, ALA.

Mr. WHEELER introduced a bill (H. R. 5205) for the erection of a public building at Huntsville, Ala.; which was read a first and second

time, referred to the Committee on Public Buildings and Grounds, and ordered to be printed.

PATENT LAWS.

Mr. DUNN introduced a bill (H. R. 5206) to amend section 4884 of the Revised Statutes of the United States so as to prevent monopolies under the operation of the patent laws of the United States; which was read a first and second time, referred to the Committee on Patents, and ordered to be printed.

REGISTER OF FOREIGN-BUILT SHIPS.

Mr. DUNN also introduced a bill (H. R. 5207) to amend section 4132 of the Revised Statutes of the United States so as to authorize the purchase of foreign-built ships by citizens of the United States and to permit the same to be registered as vessels of the United States; which was read a first and second time, referred to the Select Committee on Ship-building and Ship-owning Interests, and ordered to be printed.

MESSAGE FROM THE PRESIDENT.

A message, in writing, from the President of the United States was communicated to the House by Mr. PRUDEN, one of his secretaries.

DESERT LANDS.

Mr. HENLEY introduced a bill (H. R. 5208) to promote the reclamation of desert lands; which was read a first and second time, referred to the Committee on the Public Lands, and ordered to be printed.

INDIAN DEPREDATIONS.

Mr. HENLEY also introduced a bill (H. R. 5209) in relation to Indian depredations; which was read a first and second time, referred to the Committee on Indian Affairs, and ordered to be printed.

PRE-EMPTION AND TIMBER-CULTURE LAWS.

Mr. HENLEY also introduced a bill (H. R. 5210) to repeal all laws providing for the pre-emption of the public lands, the laws allowing entries for timber-culture, and for other purposes; which was read a first and second time, referred to the Committee on the Public Lands, and ordered to be printed.

PENSIONS.

Mr. LOUTTIT introduced a bill (H. R. 5211) to extend the benefits of the act approved March 3, 1879, and the act of March 3, 1885, to certain pensioners whose disabilities are caused by amputation and increasing the rate therefor, and for other purposes; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

REFUND OF INCOME TAXES.

Mr. LOUTTIT also introduced a bill (H. R. 5212) providing for the refunding of certain income taxes illegally collected; which was read a first and second time, referred to the Committee on Ways and Means, and ordered to be printed.

MAURICE G. GRIFFITH.

Mr. LOUTTIT also introduced a bill (H. R. 5213) for the relief of Maurice G. Griffith; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

INDIAN LANDS IN COLORADO.

Mr. SYMES introduced a bill (H. R. 5214) to enable the State of Colorado to take lands in lieu of the sixteenth and thirty-sixth sections within Indian reservations; which was read a first and second time, referred to the Committee on the Public Lands, and ordered to be printed.

ORDNANCE STORES, COLORADO.

Mr. SYMES also introduced a bill (H. R. 5215) to relieve the State of Colorado from charges on account of ordnance stores furnished to the State and Territory; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

ASSISTANT CIVIL-SERVICE EXAMINER.

Mr. MITCHELL introduced a bill (H. R. 5216) to provide an assistant civil-service examiner; which was read a first and second time, referred to the Select Committee on Reform in the Civil Service, and ordered to be printed.

AUSTIN L. FRINK.

Mr. SEYMOUR introduced a bill (H. R. 5217) granting a pension to Austin L. Frink; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

GRADUATES OF MILITARY ACADEMY.

Mr. WAIT introduced a bill (H. R. 5218) for the relief of graduates of the West Point Military Academy; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

JOHN F. SLATER.

Mr. WAIT also introduced a joint resolution (H. Res. 115) providing for the execution of the joint resolution of February 5, 1883, voting thanks and a medal to John F. Slater; which was read a first and second time, referred to the Committee on the Library, and ordered to be printed.

STEAMSHIP OZAMA.

Mr. LORE introduced a bill (H. R. 5219) to provide for an American register for the steamship Ozama, of New York city; which was read a first and second time, referred to the Select Committee on American Ship-building and Ship-owning Interests, and ordered to be printed.

INSPECTORS OF HULLS AND BOILERS.

Mr. DAVIDSON, of Florida, introduced a bill (H. R. 5220) amending section 4414 Revised Statutes fixing the compensation of inspectors of hulls and boilers in the several districts of the United States; which was read a first and second time, referred to the Committee on Commerce, and ordered to be printed.

CIRCUIT AND DISTRICT COURTS, FLORIDA.

Mr. DAVIDSON, of Florida, also introduced a bill (H. R. 5221) to change the time of holding United States circuit and district courts in the southern district of the State of Florida; which was read a first and second time, referred to the Committee on the Judiciary, and ordered to be printed.

CYPRIAN T. JENKINS.

Mr. DAVIDSON, of Florida, also introduced a bill (H. R. 5222) for the relief of Cyprian T. Jenkins; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

PIROMIS H. BELL.

Mr. HAMMOND introduced a bill (H. R. 5223) for the relief of Piromis H. Bell, administrator of the estate of Marcus A. Bell, deceased, and others; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

ISAAC D. LA ROCHE.

Mr. NORWOOD introduced a bill (H. R. 5224) for the relief of Isaac D. La Roche; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

WILLIAM HONE.

Mr. NORWOOD also introduced a bill (H. R. 5225) for the relief of William Hone; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

LEVY E. BYCK.

Mr. NORWOOD also introduced a bill (H. R. 5226) for the relief of Levy E. Byck; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

FRANCES D. SCARLETT.

Mr. NORWOOD also introduced a bill (H. R. 5227) for the relief of Frances D. Scarlett; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

WILLIAM G. NORWOOD.

Mr. NORWOOD also introduced a bill (H. R. 5228) for the relief of William G. Norwood; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

JOHN SCHLEY.

Mr. NORWOOD also introduced a bill (H. R. 5229) for the relief of John Schley; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

EDWARD MORAN.

Mr. NORWOOD also introduced a bill (H. R. 5230) for the relief of Edward Moran; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

GAZAWAY B. LAMAR.

Mr. NORWOOD also introduced a bill (H. R. 5231) for the relief of the legal representatives of Gazaway B. Lamar, deceased; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

ILLEGALLY EXACTED DUTIES IN SOUTHERN DISTRICT OF NEW YORK.

Mr. MORRISON offered the following resolution of inquiry; which was referred to the Committee on Ways and Means:

Resolved, That the Secretary of the Treasury be requested to inform this House what sum of money appears to be claimed in the suits begun against collectors of customs for duties, illegally exacted on imported merchandise that are now pending in the southern district of New York, together with the total number of those suits, and, so far as practicable, a classification thereof according to the issues of law or fact involved in each; also, that he be requested to inform this House what judicial arrangements have been or can now be made for the prompt trial of such suits as arose in said southern district of New York under tariff laws prior to that of 1883, and for a proper disposition, at the same time, of those suits that have arisen under the last-named law; and also that he inform this House what additional legislation, if any, is in his opinion needed to enable the Treasury Department to properly defend these suits and to finally and promptly ascertain the obligation of the Government therein, and to transmit any and all official correspondence on the subject which is in his possession and is pertinent to this inquiry.

MARY HAWKE.

Mr. MATSON introduced a bill (H. R. 5232) for the relief of Mary Hawke; which was read a first and second time referred to the Committee on Invalid Pensions, and ordered to be printed.

DANIEL M'CLURE.

Mr. MATSON also introduced a bill (H. R. 5233) for the relief of Col. Daniel McClure, assistant paymaster-general United States Army;

which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

JESSE H. GAINES.

Mr. FORD introduced a bill (H. R. 5234) granting a pension to Jesse H. Gaines, late first lieutenant Second Regiment Michigan Volunteers; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

SCHOOL BOARD, DISTRICT OF COLUMBIA.

Mr. FORD (by request) also introduced a bill (H. R. 5235) to create a school board for the District of Columbia and to prescribe its powers and duties; which was read a first and second time, referred to the Committee on the District of Columbia, and ordered to be printed.

ISAAC R. KEMP.

Mr. BYNUM introduced a bill (H. R. 5236) to remove the charge of desertion against Isaac R. Kemp; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

SARAH H. WIGGINS.

Mr. BYNUM also introduced a bill (H. R. 5237) for the relief of Mrs. Sarah H. Wiggins; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

C. H. WARRENS.

Mr. STEELE (by request) introduced a bill (H. R. 5238) for the relief of C. H. Warrens, a captain in the Fourteenth Regiment United States Infantry; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

SALE OF UNDRAWN POULTRY IN DISTRICT OF COLUMBIA.

Mr. KLEINER (by request) introduced a bill (H. R. 5239) to prevent the sale of undrawn poultry in the District of Columbia; which was read a first and second time, referred to the Committee on the District of Columbia, and ordered to be printed.

WILLIE S. HOWARD.

Mr. HOLMAN offered the following resolution; which was referred to the Committee on Accounts:

Resolved, That the Doorkeeper of the House be, and is hereby, authorized and directed to employ Willie S. Howard as a page in the subcommittee-room of the Committee on Appropriations during the residue of the present session; the said Willie S. Howard to be paid out of the contingent fund of the House the same compensation as now received by pages of the House.

TABITHA COLEMAN.

Mr. COBB introduced a bill (H. R. 5240) granting a pension to Tabitha Coleman; which was read a first and second time, referred to the Committee on Pensions, and ordered to be printed

JOHN C. GRIM.

Mr. BROWNE, of Indiana, introduced a bill (H. R. 5241) granting a pension to John C. Grim; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

THOMAS S. COGLEY.

Mr. BROWNE, of Indiana, also introduced a bill (H. R. 5242) granting an increase of pension to Thomas S. Cogley, late a first lieutenant of Company F, Seventh Indiana Cavalry; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

DAVID GENTRY.

Mr. BROWNE, of Indiana, also introduced a bill (H. R. 5243) granting a pension to David Gentry; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

JAMES H. BOWLES.

Mr. BROWNE, of Indiana, also introduced a bill (H. R. 5244) granting a pension to James H. Bowles; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

WILLIAM E. FLEMING.

Mr. MURPHY introduced a bill (H. R. 5245) for the relief of William E. Fleming; which was read a first and second time, referred to the Committee on Indian Affairs, and ordered to be printed.

PUBLIC BUILDINGS.

Mr. HENDERSON, of Iowa, submitted a resolution; which was read, as follows, and referred to the Committee on Public Buildings and Grounds:

Resolved, That the Secretary of the Treasury be requested to submit to this House his views as to limits of cost now fixed by law of the public buildings now in course of construction or authorized to be constructed, and to state whether in his judgment the limits now fixed are in each case such as will enable the Department to erect suitable buildings, of fire-proof construction, each giving sufficient space for the accommodation of the several offices to be located therein, and if, in his judgment, in any cases the said limits of cost are too low, to state what in his opinion such limits should be.

SAMUEL HISELER.

Mr. STRUBLE introduced a bill (H. R. 5246) granting a pension to Samuel Hiseler; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

DONATION OF CONDEMNED CANNON, ETC.

Mr. FREDERICK introduced a bill (H. R. 5247) authorizing the donation of condemned cannon and cannon-balls and carriages for cannon to S. S. Dillman Post, No. 343, Grand Army of the Republic, of Toledo, Iowa, for monumental purposes; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

MRS. BELLE GRIFFITH.

Mr. FREDERICK also introduced a bill (H. R. 5248) granting a pension to Mrs. Belle Griffith; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

LEONARD KING.

Mr. HALL (by request) introduced a bill (H. R. 5249) for the relief of Leonard King; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

PENSIONS.

Mr. CONGER introduced a bill (H. R. 5250) granting pensions to soldiers and sailors in the Army and Navy of the United States of the war of the rebellion, 1861 to 1865, and to their widows and orphans, and for other purposes; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

PUBLIC BUILDING, DES MOINES, IOWA.

Mr. CONGER also introduced a bill (H. R. 5251) making an appropriation for repairs and enlargement of the post-office and court-house at Des Moines, Iowa, and fixing a limit therefor; which was read a first and second time, referred to the Committee on Public Buildings and Grounds, and ordered to be printed.

JOHN W. THORNTON.

Mr. FUNSTON introduced a bill (H. R. 5252) granting a pension to John W. Thornton; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

RIGHT OF WAY THROUGH INDIAN TERRITORY.

Mr. FUNSTON also presented a resolution of the Legislature of the State of Kansas, in favor of legislation granting to such railroads as may desire it the right of way through the Indian Territory; which was read, and referred to the Committee on Indian Affairs.

MRS. ELIZABETH STEWART.

Mr. MORRILL introduced a bill (H. R. 5253) granting a pension to Mrs. Elizabeth Stewart; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

GEORGE W. SMITH.

Mr. MORRILL also introduced a bill (H. R. 5254) to increase the pension of George W. Smith; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

G. B. KIRK.

Mr. RYAN introduced a bill (H. R. 5255) to authorize the Secretary of the Interior to pay to G. B. Kirk the arrears of pension allowed his father, Alexander Kirk, in his lifetime; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

JAMES D. NEWCOMB.

Mr. RYAN also introduced a bill (H. R. 5256) to grant a pension to James D. Newcomb, late of Company D, Tenth Regiment Kansas Volunteers; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

HEIRS OF BLACK BEAVER.

Mr. PERKINS (by request) introduced a bill (H. R. 5257) for the relief of the heirs of Black Beaver; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

JAMES W. DOTSON.

Mr. PERKINS also introduced a bill (H. R. 5258) for the relief of James W. Dotson; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

WILLIAM E. HARDY.

Mr. PERKINS also introduced a bill (H. R. 5259) granting a pension to William E. Hardy; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

H. P. WELLS.

Mr. ANDERSON, of Kansas, introduced a bill (H. R. 5260) for the relief of H. P. Wells; which was read a first and second time, referred to the Committee on Indian Affairs, and ordered to be printed.

MILITARY POST, FORT RILEY, KANS.

Mr. ANDERSON, of Kansas, also presented a concurrent resolution of the Legislature of Kansas, recommending an enlargement of the military post at Fort Riley; which was referred to the Committee on Military Affairs, and ordered to be printed.

SENATE MEXICAN PENSION BILL.

Mr. ANDERSON, of Kansas, also presented a concurrent resolution of the Legislature of Kansas, urging the passage of Senate Mexican pension bill; which was referred to the Committee on Pensions, and ordered to be printed.

BONA FIDE SETTLERS ON PUBLIC LANDS.

Mr. ANDERSON, of Kansas, also presented a concurrent resolution of the Legislature of Kansas, favoring speedy relief to *bona fide* settlers on public lands; which was referred to the Committee on the Public Lands, and ordered to be printed.

RAILROADS IN INDIAN TERRITORY.

Mr. ANDERSON, of Kansas, also presented a concurrent resolution of the Legislature of Kansas, in favor of giving right of way to railroads through the Indian Territory; which was referred to the Committee on Indian Affairs, and ordered to be printed.

ISAAC FOSSETT.

Mr. PETERS introduced a bill (H. R. 5261) granting a pension to Isaac Fossett; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

SUSPENSION OF PATENTS FOR LANDS.

Mr. PETERS also presented a concurrent resolution of the Legislature of the State of Kansas, disapproving of the indiscriminate suspension of the issuing of patents for certain lands in the State; which was read a first and second time, referred to the Committee on the Public Lands, and ordered to be printed.

MRS. FRANCES MARSHALL.

Mr. BRECKINRIDGE, of Kentucky, introduced a bill (H. R. 5262) for the relief of Mrs. Frances Marshall; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

EQUESTRIAN PORTRAIT OF GENERAL SCOTT.

Mr. BRECKINRIDGE, of Kentucky, also introduced a bill (H. R. 5263) to purchase the equestrian portrait of General Scott; which was read a first and second time, referred to the Committee on the Library, and ordered to be printed.

WILLIAM PARE.

Mr. HALSELL introduced a bill (H. R. 5264) for the benefit of William Pare, of Simpson County, Kentucky; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

G. W. AND THOMAS HAY.

Mr. HALSELL also introduced a bill (H. R. 5265) for the benefit of G. W. Hay and Thomas Hay, administrators of the estate of John Hay, deceased; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

JOHN W. NEWMAN.

Mr. HALSELL also introduced a bill (H. R. 5266) granting a pension to John W. Newman; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

G. W. HAY.

Mr. HALSELL also introduced a bill (H. R. 5267) for the benefit of G. W. Hay, of Simpson County, Kentucky; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

JAMES F. GATT.

Mr. HALSELL also introduced a bill (H. R. 5268) granting a pension to James F. Gatt, dependent father of John W. Gatt, late of Company G, Eleventh Regiment of Kentucky Volunteers; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

B. S. BEVIER.

Mr. HALSELL (by request) also introduced a bill (H. R. 5269) for the benefit of B. S. Bevier; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

INSOLVENT COMMERCIAL DEBTORS.

Mr. WILLIS introduced a bill (H. R. 5270) to regulate preferences and exemptions as to insolvent commercial debtors; which was read a first and second time, referred to the Committee on the Judiciary, and ordered to be printed.

O. S. PARKER.

Mr. LAFFOON introduced a bill (H. R. 5271) for the relief of O. S. Parker; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

DR. GEORGE W. NOEL.

Mr. LAFFOON also introduced a bill (H. R. 5272) for the relief of Dr. George W. Noel; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

M. D. DAVIS.

Mr. LAFFOON also introduced a bill (H. R. 5273) for the relief of M. D. Davis; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

W. J. DAVIS.

Mr. LAFFOON also introduced a bill (H. R. 5274) for the relief of W. J. Davis; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

GEORGE W. SMITH.

Mr. LAFFOON also introduced a bill (H. R. 5275) for the relief of George W. Smith; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

CHRISTOPHER H. MATHEWSON.

Mr. LAFFOON also introduced a bill (H. R. 5276) granting a pension to Christopher H. Mathewson; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

MONEYS SEIZED BY UNITED STATES FORCES IN LOUISIANA.

Mr. BLANCHARD submitted the following resolution of inquiry; which was read, and referred to the Committee on War Claims:

Resolved, That the Secretary of the Treasury be, and is hereby, requested, if not incompatible with the public interests, to furnish to this House a statement of all moneys or funds seized and collected by Generals B. F. Butler and N. P. Banks, or on their order, while in command of the Department of the Gulf during the late civil war, and particularly of all amounts seized or collected under General Banks's order No. 202, by officers or authorities of the United States in New Orleans during the period from May 1, 1862, to May 1, 1865, together with the disposition of the said moneys and funds so seized and appropriated by the United States.

PROPOSED NEW COMMITTEE CLERK.

Mr. KING submitted the following resolution; which was read, and referred to the Committee on Accounts:

Resolved, That the Committee on the Levees and Improvements of the Mississippi River be allowed a clerk, and that he be paid the usual compensation for his service.

ZEBA S. AYER.

Mr. DINGLEY introduced a bill (H. R. 5277) granting a pension to Zeba S. Ayer; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

NATHANIEL G. FROST.

Mr. DINGLEY also introduced a bill (H. R. 5278) to increase the pension of Nathaniel G. Frost; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

LIGHT-HOUSE, FRENCHMAN'S BAY, MAINE.

Mr. MILLIKEN introduced a bill (H. R. 5279) making an appropriation to establish a light-house on Crabtree's Ledge, in Frenchman's Bay, Maine; which was read a first and second time, referred to the Committee on Commerce, and ordered to be printed.

ARREARS OF PENSION, REVOLUTIONARY WAR.

Mr. REED, of Maine (by request), introduced a bill (H. R. 5280) to pay the surviving children of Revolutionary soldiers the arrears of pension between 1818 and 1832; which was read a first and second time, referred to the Committee on Pensions, and ordered to be printed.

PUBLIC ACCOUNTS AND CLAIMS.

Mr. REED, of Maine, also introduced a bill (H. R. 5281) relating to public accounts and claims; which was read a first and second time, referred to the Committee on the Judiciary, and ordered to be printed.

MRS. MARY R. ARCHER.

Mr. FINDLAY introduced a bill (H. R. 5282) granting arrears of pension to Mrs. Mary R. Archer; which was read a first and second time, referred to the Committee on Pensions, and ordered to be printed.

LARKIN G. MEAD.

Mr. LONG introduced a bill (H. R. 5283) granting a pension to Larkin G. Mead; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

RINALDO R. SOMES.

Mr. LOVERING introduced a bill (H. R. 5284) granting a pension to Rinaldo R. Somes; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

GEORGE SEELEY.

Mr. LOVERING also introduced a bill (H. R. 5285) granting a pension to George Seeley; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

CARRIAGE OF PASSENGERS BY SEA.

Mr. DAVIS introduced a bill (H. R. 5286) supplementary to an act entitled "An act to regulate the carriage of passengers by sea;" which was read a first and second time, referred to the Committee on Commerce, and ordered to be printed.

POSTMASTERS' CLAIMS FOR LOSSES.

Mr. STONE, of Massachusetts, introduced a bill (H. R. 5287) to amend the act of the 17th of March, 1882, relating to the claims of

postmasters for losses; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

LEONARD L. POTTER.

Mr. ALLEN, of Massachusetts, introduced a bill (H. R. 5288) for the relief of Leonard L. Potter; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

MARTIN H. M'CHESNEY.

Mr. MAYBURY introduced a bill (H. R. 5289) affirming the action of the President of the United States in annulling and revoking the order dismissing Martin H. McChesney from service in the armies of the United States and honorably discharging said Martin H. McChesney from said service; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

CAROLINE M. MONTGOMERY.

Mr. MAYBURY also introduced a bill (H. R. 5290) for the relief of Caroline M. Montgomery; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

CHARLES MEYERS.

Mr. MAYBURY also introduced a bill (H. R. 5291) to increase the pension of Charles Meyers, of Detroit, Mich.; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

DISTRIBUTION OF CONGRESSIONAL RECORD.

Mr. CUTCHEON introduced a bill (H. R. 5292) to provide for the distribution of the CONGRESSIONAL RECORD to district assemblies of Knights of Labor in the United States; which was read a first and second time, referred to the Joint Committee on Printing, and ordered to be printed.

TRANSPORTATION OF LIVE STOCK.

Mr. TARSNEY introduced a bill (H. R. 5293) to regulate the transportation of live stock; which was read a first and second time, referred to the Committee on Commerce, and ordered to be printed.

ZEPHANIAH T. GRAHAM.

Mr. TARSNEY also introduced a bill (H. R. 5294) granting a pension to Zephaniah T. Graham; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

DORA H. WELCH.

Mr. TARSNEY also introduced a bill (H. R. 5295) granting a pension to Dora H. Welch; which was read a first and second time; referred to the Committee on Invalid Pensions, and ordered to be printed.

WILLIAM A. OSBORNE.

Mr. TARSNEY also introduced a bill (H. R. 5296) granting a pension to William A. Osborne; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

JOHN B. FISH.

Mr. TARSNEY also introduced a bill (H. R. 5297) granting a pension to John B. Fish; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

LAURA J. PHELPS.

Mr. TARSNEY also introduced a bill (H. R. 5298) granting a pension to Laura J. Phelps; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

JAMES B. LANCASTER.

Mr. MOFFATT introduced a bill (H. R. 5299) granting a pension to James B. Lancaster; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

I. C. HEATH.

Mr. BURROWS introduced a bill (H. R. 5300) for the relief of I. C. Heath; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

E. B. CANTLEBERRY.

Mr. ELDREDGE introduced a bill (H. R. 5301) granting a pension to E. B. Cantleberry; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

PURCHASERS OF PUBLIC LANDS.

Mr. STRAIT introduced a bill (H. R. 5302) for the relief of innocent purchasers of public lands; which was read a first and second time, referred to the Committee on the Public Lands, and ordered to be printed.

LICENSED SIOUX INDIAN TRADERS.

Mr. STRAIT also introduced a bill (H. R. 5303) to authorize the Secretary of the Interior to pay to licensed Sioux Indian traders interest on claims which have been ascertained and paid by him under the act of March 3, 1885; which was read a first and second time, referred to the Committee on Indian Affairs, and ordered to be printed.

POKAGON BAND OF POTTAWATOMIES.

Mr. STRAIT introduced a bill (H. R. 5304) to enable the Secretary of the Interior to make final settlement with the Pokagon band of Pottawatomie Indians residing in Michigan and Indiana under treaties existing with them; which was read a first and second time, referred to the Committee on Indian Affairs, and ordered to be printed.

BENJAMIN F. OLIN.

Mr. NELSON introduced a bill (H. R. 5305) granting a pension to Benjamin F. Olin; which was read a first and second time, referred to the Committee on Pensions, and ordered to be printed.

ROXANA V. ROWLEY & SON.

Mr. WHITE, of Minnesota, introduced a bill (H. R. 5306) granting a pension to Roxana V. Rowley & Son; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

LIEUT. JOSEPH PROST.

Mr. SINGLETON introduced a bill (H. R. 5307) granting a pension to Lieut. Joseph Prost; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

EADS'S SHIP-CANAL.

Mr. SINGLETON also presented concurrent resolutions of the State of Mississippi, recommending Government aid to Eads's ship-canal; which was referrred to the Committee on Commerce.

SAMUEL COLLINS.

Mr. SINGLETON also introduced a bill (H. R. 5308) for the relief of Samuel Collins; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

CHARLES T. HYDE.

Mr. BARRY also introduced a bill (H. R. 5309) for the relief of Charles T. Hyde for compensation for quartermaster supplies taken from him by the military forces of the United States during the late civil war; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

MECHANICS AND LABORERS' WAGES.

Mr. O'NEILL, of Missouri, introduced a bill (H. R. 5310) to protect mechanics and laborers in their wages; which was read a first and second time, referred to the Committee on Labor, and ordered to be printed.

COMMISSION ON PROGRESS OF THE COLORED PEOPLE.

Mr. O'NEILL, of Missouri, also introduced a bill (H. R. 5311) creating a commission, whose duty it shall be to inquire into and report upon the material, industrial, and intellectual progress made by the colored people of this country since 1865, and making appropriations for the same; which was read a first and second time, referred to the Committee on Education, and ordered to be printed.

HUGH O'NEILL.

Mr. O'NEILL, of Missouri, also introduced a bill (H. R. 5312) granting arrears of pension to Hugh O'Neill; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

CALVIN GUNN.

Mr. O'NEILL, of Missouri, also introduced a bill (H. R. 5313) for the relief of Calvin Gunn; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

JURISDICTION OF COURT OF CLAIMS.

Mr. WARNER, of Missouri, introduced a bill (H. R. 5314) conferring jurisdiction upon the Court of Claims to investigate private and domestic claims and demands, other than war claims, against the United States; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

DURANT H. L. BELL.

Mr. WARNER, of Missouri, also introduced a bill (H. R. 5315) for the relief of Durant H. L. Bell; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

JAMES R. DUNCON.

Mr. WARNER, of Missouri (by request), also introduced a bill (H. R. 5316) for the relief of James R. Duncon; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

SIMON SCHABLE.

Mr. WARNER, of Missouri (by request), also introduced a bill (H. R. 5317) for the relief of Simon Schable; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

JOHN STURGES.

Mr. STONE, of Missouri, introduced a bill (H. R. 5318) for the relief of John Sturges; which was read a first and second time, referred to the Committee on Pensions, and ordered to be printed.

ADJUSTMENT OF CLAIMS OF POSTMASTERS.

Mr. STONE, of Missouri, also introduced a bill (H. R. 5319) to amend an act entitled "An act authoring the Postmaster-General to adjust certain claims of postmasters for loss by burglary, fire, or other unavoidable

casualty;" which was read a first and second time, referred to the Committee on the Post-Office and Post-Roads, and ordered to be printed.

COINAGE OF SILVER DOLLARS.

Mr. BLAND introduced a concurrent resolution for an increased coinage of standard silver dollars, and for other purposes; which was referred to the Committee on Coinage, Weights, and Measures.

ROBERT EWICK.

Mr. HUTTON introduced a bill (H. R. 5320) granting a pension to Robert Ewick; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

INSANE OFFICERS, UNITED STATES ARMY AND NAVY.

Mr. HUTTON also introduced a bill (H. R. 5321) to regulate the pay of insane officers of the Army and Navy; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

JAMES RAINEY.

Mr. HUTTON also introduced a bill (H. R. 5322) granting a pension to James Rainey; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

GEORGE W. FLINT.

Mr. DOCKERY introduced a bill (H. R. 5323) granting a pension to George W. Flint; which was read a first and second time, referred to the Committee an Invalid Pensions, and ordered to be printed.

JOHN H. HUNTER.

Mr. WEAVER, of Nebraska, introduced a bill (H. R. 5324) granting a pension to John H. Hunter; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

JOHN WATSON.

Mr. WEAVER, of Nebraska, also introduced a bill (H. R. 5325) granting a pension to John Watson; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

E. B. DAWSON.

Mr. PHELPS introduced a bill (H. R. 5326) for the relief of E. B. Dawson; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

JOHN A. VANDERHOFF.

Mr. LEHLBACH introduced a bill (H. R. 5327) granting a pension to John A. Vanderhoff; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

NOAH HOFFMAN.

Mr. PIDCOCK introduced a bill (H. R. 5328) granting a pension to Noah Hoffman; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

WILLIAM ANTES.

Mr. PIDCOCK also introduced a bill (H. R. 5329) granting a pension to William Antes; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

ALAMANZER DE CAMP.

Mr. PIDCOCK also introduced a bill (H. R. 5330) granting a pension to Alamanzer De Camp; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

EMMA M. SHINER.

Mr. PIDCOCK also introduced a bill (H. R. 5331) granting a pension to Emma M. Shiner; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

ELIZABETH CROWLEY.

Mr. PIDCOCK also introduced a bill (H. R. 5332) granting a pension to Elizabeth Crowley; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

EDWARD L. HILL.

Mr. PIDCOCK also introduced a bill (H. R. 5333) granting a pension to Edward L. Hill; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

HENRY ANNIN.

Mr. PIDCOCK also introduced a bill (H. R. 5334) granting a pension to Henry Annin; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

PHILIP DEVEMER.

Mr. PIDCOCK also introduced a bill (H. R. 5335) granting a pension to Philip Devemer; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

BENJAMIN S. WOLVERTON.

Mr. PIDCOCK also introduced a bill (H. R. 5336) granting a pension to Benjamin S. Wolverton; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

JOHN SPRUCE.

Mr. PIDCOCK also introduced a bill (H. R. 5337) granting a pension to John Spruce; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

ANDREW J. DALRYMPLE.

Mr. PIDCOCK also introduced a bill (H. R. 5338) granting a pension to Andrew J. Dalrymple; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

OFFICERS OF THE REVENUE-MARINE SERVICE.

Mr. GREEN, of New Jersey (by request), introduced a bill (H. R. 5339) relating to the officers of the Revenue-Marine Service; which was read a first and second time, referred to the Committee on Commerce, and ordered to be printed.

FEES OF UNITED STATES LEGATIONS, ETC.

Mr. BELMONT introduced a bill (H. R. 5340) to amend section 1750 of the Revised Statutes and to regulate the use of official seals and the collection of fees in the legations and consulates of the United States; which was read a first and second time, referred to the Committee on Foreign Affairs, and ordered to be printed.

ESTATE OF F. Z. TUCKER.

Mr. JAMES introduced a bill (H. R. 5341) for the relief of the estate of F. Z. Tucker; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

WILLIAM WILSON.

Mr. JAMES also introduced a bill (H. R. 5342) to reimburse William Wilson, gunner, United States Navy, for effects lost by him while attempting to save Government property from destruction by fire; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

ADULTERATIONS OF DAIRY PRODUCTS.

Mr. BEACH presented a concurrent resolution of the Legislature of the State of New York, relating to dangerous adulterations and counterfeiting of dairy products; which was referred to the Committee on Agriculture.

Mr. BEACH. As this resolution relates to a very important subject and is brief, I ask unanimous consent that it may be published in the RECORD.

The SPEAKER *pro tempore* (Mr. WELLBORN). The Chair can not ask unanimous consent for that purpose during this call.

——— SMITH.

Mr. BEACH also introduced a bill (H. R. 5343) for the relief of —— Smith; which was read a first and second time, referred to the Committee on Pensions, and ordered to be printed.

HALLAM ELDRIDGE AND MARY ANN MONTGOMERY.

Mr. MILLARD introduced a bill (H. R. 5344) for the relief of Hallam Eldridge and the estate of Mary Ann Montgomery, deceased; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

MARY J. GILBERT.

Mr. MILLARD also introduced a bill (H. R. 5345) for the relief of Mary J. Gilbert, sister of De Witt Gilbert, late of Company G, Eighty-ninth New York Volunteers; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

MAX BEEBER.

Mr. DOWDNEY (by request) introduced a bill (H. R. 5346) for the relief of Max Beeber; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

GERSON FREIDENHEIT.

Mr. DOWDNEY (by request) also introduced a bill (H. R. 5347) for the relief of Gerson Freidenheit; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

INSPECTORS OF HULLS AND BOILERS.

Mr. PAYNE introduced a bill (H. R. 5348) amending section 4414 of the Revised Statutes of the United States fixing the compensation of inspectors of hulls and boilers in the several districts of the United States; which was read a first and second time, referred to the Committee on Commerce, and ordered to be printed.

ISAAC GRASKOFF.

Mr. PAYNE also introduced a bill (H. R. 5349) granting an increase of pension to Isaac Graskoff, late of Company E, One hundred and eleventh New York Volunteers; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

TAX ON REAL ESTATE AGENTS.

Mr. JOHNSON, of New York, introduced a bill (H. R. 5350) to repeal parts of an act relating to tax on the business of real estate agents in the District of Columbia, approved June 20, 1872; which was read a

first and second time, referred to the Committee on the District of Columbia, and ordered to be printed.

MRS. CLARISSA TAFT.

Mr. BURLEIGH introduced a bill (H. R. 5351) granting a pension to Mrs. Clarissa Taft; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

INSPECTORS OF HULLS AND BOILERS.

Mr. SWINBURNE introduced a bill (H. R. 5352) amending section 4414 of the Revised Statutes fixing the compensation of inspectors of hulls and boilers in the several districts of the United States; which was read a first and second time, referred to the Committee on Commerce, and ordered to be printed.

DANIEL LEARY.

Mr. SWINBURNE (by request) also introduced a bill (H. R. 5353) for the relief of Daniel Leary for the use, occupation, and destruction of property by the military authorities in the year 1863; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

PETER K. DEDERICK.

Mr. WEST introduced a bill (H. R. 5354) for the relief of Peter K. Dederick; which was read a first and second time, referred to the Committee on Patents, and ordered to be printed.

CHARLES W. LAMBERT.

Mr. WEST also introduced a bill (H. R. 5355) to amend the military record of Charles W. Lambert; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

NATIONAL LIGHT AND FUEL COMPANY.

Mr. FELIX CAMPBELL introduced a bill (H. R. 5356) to incorporate the National Light and Fuel Company; which was read a first and second time, referred to the Committee on the District of Columbia, and ordered to be printed.

EDWIN A. MERRITT.

Mr. BLISS (by Mr. FELIX CAMPBELL) introduced a bill (H. R. 5357) to provide for the adjustment of certain accounts of Edwin A. Merritt, late consul-general at London, for storage and care of the archives at that consulate-general; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

JEREMIAH PHELAN.

Mr. FELIX CAMPBELL also introduced a bill (H. R. 5358) to place Jeremiah Phelan, late hospital steward, United States Army, on the retired-list; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

H. J. SIMONSON AND OTHERS.

Mr. FELIX CAMPBELL (by request) also introduced a bill (H. R. 5359) for the relief of H. J. Simonson and others; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

CHARLES MILLS.

Mr. FELIX CAMPBELL (by request) also introduced a bill (H. R. 5360) for the payment of additional bounty to Charles Mills; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

A. G. P. BROWN.

Mr. FELIX CAMPBELL (by request) also introduced a bill (H. R. 5361) increasing the pension of Allen G. P. Brown; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

ST. JAMES PARISH, WILMINGTON, N. C.

Mr. BENNETT introduced a bill (H. R. 5362) for the benefit of the wardens and vestry of St. James Parish, at Wilmington, N. C.; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

R. A. HOLDERLY AND J. W. GUERRANT.

Mr. REID, of North Carolina, introduced a bill (H. R. 5363) for the relief of R. A. Holderly and J. W. Guerrant; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

ILLICIT DISTILLERIES.

Mr. REID, of North Carolina, also introduced a bill (H. R. 5364) to abolish the statute allowing seizing officers to destroy forfeited stills and distilling apparatus, and requiring said officers to remove the forfeited property to a safe storage, to be sold without being first cut up or mutilated; which was read a first and second time, referred to the Committee on Ways and Means, and ordered to be printed.

WILLIAM BRADFIELD.

Mr. REID, of North Carolina, also introduced a bill (H. R. 5365) to pay William Bradfield for carrying the mails; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

HENRY N. WOLF.

Mr. REID, of North Carolina, also introduced a bill (H. R. 5366) for the relief of Henry N. Wolf; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

WILLIAM ROMMEL.

Mr. REID, of North Carolina, also introduced a bill (H. R. 5367) granting a pension to William Rommel; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

PUBLIC PRINTING.

Mr. REID, of North Carolina, also submitted the following resolution; which was referred to the Committee on Printing:

Resolved by the House of Representatives of the United States of America in Congress assembled, That the Committee on Printing be instructed to ascertain the amount and character of the printing done by the authority of Congress, and whether the same can be reduced without detriment to the public service, and report by bill or otherwise as soon as practicable.

CORRECTION OF ARMY RECORDS.

Mr. HENDERSON, of North Carolina, introduced a bill (H. R. 5368) to correct the Army records of certain officers; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

UNIFORM SYSTEM OF BANKRUPTCY.

Mr. SENEY introduced a bill (H. R. 5369) to establish a uniform system of bankruptcy; which was read a first and second time, referred to the Committee on the Judiciary, and ordered to be printed.

ELIZABETH INGERSON.

Mr. SENEY also introduced a bill (H. R. 5370) granting a pension to Elizabeth Ingerson; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

CHARLES N. DOOLITTLE.

Mr. SENEY also introduced a bill (H. R. 5371) granting a pension to Charles N. Doolittle; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

RICHARD H. POWELL.

Mr. SENEY also introduced a bill (H. R. 5372) granting a pension to Richard H. Powell; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

BAKER SAINE.

Mr. SENEY also introduced a bill (H. R. 5373) granting a pension to Baker Saine; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

JESSE THOMAS.

Mr. COOPER introduced a bill (H. R. 5374) for the relief of Jesse Thomas, late private Company F, Two hundred and sixth Regiment Pennsylvania Volunteer Infantry; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

AMMON M'LAUGHLIN.

Mr. THOMPSON (by request) introduced a bill (H. R. 5375) for the relief of Ammon McLaughlin for property taken by General Banks; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

EDWIN E. SAUNDERS.

Mr. THOMPSON (by request) also introduced a bill (H. R. 5376) for the relief of Edwin E. Saunders, deceased, for property taken by United States forces during the war of the rebellion; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

JOHN M. HARTMAN.

Mr. OUTHWAITE introduced a bill (H. R. 5377) for the relief of John M. Hartman from the charge of desertion; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

SILAS C. PARKER.

Mr. GEDDES introduced a bill (H. R. 5378) granting a pension to Silas C. Parker; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

JOSEPH S. C. ROWLAND.

Mr. GEDDES also introduced a bill (H. R. 5379) granting an increase of pension to Joseph S. C. Rowland; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

VENA MEIER.

Mr. GEDDES also introduced a bill (H. R. 5380) granting a pension to Vena Meier; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

JEREMIAH DARLING.

Mr. BUTTERWORTH introduced a bill (H. R. 5381) for the relief of Jeremiah Darling, of Cincinnati, Ohio; which was read a first and

second time, referred to the Committee on Claims, and ordered to be printed.

ELIZABETH WALTZ.

Mr. BUTTERWORTH also introduced a bill (H. R. 5382) granting a pension to Elizabeth Waltz, widow of Louis Waltz, late of Company E, Ninety-second Ohio Volunteer Infantry; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

MARY STOLL.

Mr. BUTTERWORTH also introduced a bill (H. R. 5383) granting a pension to Mary Stoll, widow of Jacob Stoll, late of Company C, One hundred and eighth Ohio Volunteer Infantry; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

POSTAGE ON FOURTH-CLASS MATTER.

Mr. BUTTERWORTH (by request) also introduced a bill (H. R. 5384) to regulate the rate of postage on fourth-class matter; which was read a first and second time, referred to the Committee on the Post-Office and Post-Roads, and ordered to be printed.

RACHEL A. DAVIS.

Mr. WARNER, of Ohio, introduced a bill (H. R. 5385) granting a pension to Rachel A. Davis; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

WILLIAM DOUGHERTY.

Mr. WARNER, of Ohio, also introduced a bill (H. R. 5386) granting a pension to William Dougherty; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

CONTRACTION OF THE CURRENCY.

Mr. WARNER, of Ohio, also introduced a bill (H. R. 5387) to prevent the contraction of the currency; which was read a first and second time, referred to the Committee on Banking and Currency, and ordered to be printed.

J. SCHRIBER & CO.

Mr. FORAN introduced a bill (H. R. 5388) for the relief of J. Schriber & Co. for internal-revenue stamps lost on tobacco burned in their factory; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

ANN KINNEY.

Mr. FORAN also introduced a bill (H. R. 5389) granting a pension to Ann Kinney; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

HOMESTEAD LAW.

Mr. FORAN also introduced a bill (H. R. 5390) supplemental to an act entitled "An act to secure homesteads to actual settlers on the public domain," approved May 20, 1862; which was read a first and second time, referred to the Committee on the Public Lands, and ordered to be printed.

ISAAC H. LYNN.

Mr. ANDERSON, of Ohio, introduced a bill (H. R. 5391) granting a pension to Isaac H. Lynn; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

HARRISON GRIFFS.

Mr. ANDERSON, of Ohio, also introduced a bill (H. R. 5392) granting a pension to Harrison Griffs; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

CONDEMNED CANNON.

Mr. ANDERSON, of Ohio, also introduced a bill (H. R. 5393) to authorize the Secretary of War to transfer two condemned cannon to Jobes Post, at Greenville, Ohio, for monumental purposes; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

SALLY ANN BRADLEY.

Mr. ELLSBERRY introduced a bill (H. R. 5394) granting a pension to Sally Ann Bradley; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

JAMES SHAY.

Mr. HILL introduced a bill (H. R. 5395) granting a pension to James Shay, of Henry County, Ohio; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

JAMES TURNER.

Mr. HILL also introduced a bill (H. R. 5396) granting a pension to James Turner, of Defiance County, Ohio; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

CORNELIUS C. BUCKLES.

Mr. LITTLE introduced a bill (H. R. 5397) granting a pension to Cornelius C. Buckles; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

MARGARET CASHIN.

Mr. LITTLE also introduced a bill (H. R. 5398) granting a pension to Margaret Cashin; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

ELECTION OF PRESIDENT AND VICE-PRESIDENT.

Mr. LITTLE also introduced a joint resolution (H. Res. 116) proposing an amendment to the Constitution of the United States relative to the election of President and Vice-President; which was read a first and second time, referred to the Committee on the Judiciary, and ordered to be printed.

OREGON AND WASHINGTON INDIAN WAR CLAIMS.

Mr. HERMAN introduced a bill (H. R. 5399) for payment of balance unpaid on Oregon and Washington Territory Indian war claims for suppression of Indian hostilities in 1855 and 1856, as found due by a commission appointed by the Secretary of War, consisting of General Rufus Ingalls, Capt. A. J. Smith and Hon. L. F. Grover, pursuant to an act of Congress, and disallowed by the Third Auditor of the Treasury, as per his report of February 7, 1860; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

GEORGE T. NEWMAN.

Mr. EVANS introduced a bill (H. R. 5400) for the relief of George T. Newman; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

NATIONAL HOME FOR VOLUNTEERS.

Mr. NEGLEY (by Mr. WHITE, of Pennsylvania) introduced a bill (H. R. 5401) making appropriations for additional barracks at the southern, northwestern, and western branches of the National Home for Disabled Volunteer Soldiers; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

EZRA NEFF.

Mr. WHITE, of Pennsylvania, introduced a bill (H. R. 5402) for the relief of Ezra Neff; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

WILLIAM A. M'NUTT.

Mr. WHITE, of Pennsylvania, also introduced a bill (H. R. 5403) granting a pension to William A. McNutt, late of the One hundred and first Regiment Pennsylvania Volunteers; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

DAVID KRITZER.

Mr. WHITE, of Pennsylvania, also introduced a bill (H. R. 5404) to remove the charge of desertion from the military record of David Kritzer, Company B, Forty-sixth Regiment Pennsylvania Volunteers; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

Mr. WHITE, of Pennsylvania, also introduced a bill (H. R. 5405) granting a pension to David Kritzer, late of Company A, Eighth Regiment Pennsylvania Reserves; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

P. E. RAIGER.

Mr. ERMENTROUT introduced a bill (H. R. 5406) granting a pension to P. E. Raiger; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

JOHN LYON.

Mr. ERMENTROUT also introduced a bill (H. R. 5407) to relieve John Lyon from the charge of desertion; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

JOSIAH FOCHT.

Mr. ERMENTROUT also introduced a bill (H. R. 5408) granting a pension to Josiah Focht; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

CHRISTOPHER RIFFLE.

Mr. BOYLE introduced a bill (H. R. 5409) granting a pension to Christopher Riffle; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

GEORGE W. WYNING.

Mr. BOYLE also introduced a bill (H. R. 5410) granting a pension to George W. Wyning; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

JOHN BUTLER.

Mr. BOYLE also introduced a bill (H. R. 5411) granting a pension to John Butler; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

JAMES NABORS.

Mr. BOYLE also introduced a bill (H. R. 5412) granting a pension to James Nabors; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

GEORGE W. SHORES.

Mr. BOYLE also introduced a bill (H. R. 5413) granting a pension to George W. Shores; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

MARIA CUNNINGHAM.

Mr. BOYLE also introduced a bill (H. R. 5414) granting a pension to Maria Cunningham; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

MATILDA PIERCE.

Mr. BOYLE also introduced a bill (H. R. 5415) granting a pension to Matilda Pierce; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

REBECCA E. SIMPSON.

Mr. BOYLE also introduced a bill (H. R. 5416) granting a pension to Rebecca E. Simpson; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

CLEMENT H. COLE.

Mr. BROWN, of Pennsylvania, introduced a bill (H. R. 5417) for the removal of the charge of desertion from the record of Clement H. Cole; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

FRANK M. ALLISON.

Mr. BROWN, of Pennsylvania, also introduced a bill (H. R. 5418) for the removal of the charge of desertion from the records of Frank M. Allison; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

BENJAMIN F. TAYLOR.

Mr. BROWN, of Pennsylvania, also introduced a bill (H. R. 5419) for the relief of Benjamin F. Taylor; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

MAJOR WILLIAM KENDALL.

Mr. BROWN, of Pennsylvania, also introduced a bill (H. R. 5420) for the relief of the legal representatives of Major William Kendall; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

COINAGE OF SILVER DOLLARS.

Mr. BROWN, of Pennsylvania, also introduced a bill (H. R. 5421) relating to the coinage of silver dollars and the issuing of silver certificates thereon and upon silver bullion, and providing for the depositing of the same as security for the circulating notes of national banks; which was read a first and second time, referred to the Committee on Coinage, Weights, and Measures, and ordered to be printed.

ANN J. WILLIAMS.

Mr. SCRANTON (by request) introduced a bill (H. R. 5422) granting arrears of pension to Ann J. Williams; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

DANIEL J. BENNER.

Mr. SWOPE introduced a bill (H. R. 5423) for the relief of Daniel J. Benner; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

OLIVER M. BLAIR.

Mr. SWOPE also introduced a bill (H. R. 5424) for the relief of Oliver M. Blair, administrator of Thomas P. Blair, deceased; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

CHARLES ZEIGLER.

Mr. SWOPE also introduced a bill (H. R. 5425) for the relief of Charles Zeigler; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

PETER STALLSMITH.

Mr. SWOPE also introduced a bill (H. R. 5426) for the relief of Peter Stallsmith; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

JOHN A. REA.

Mr. SWOPE also introduced a bill (H. R. 5427) for the relief of John A. Rea; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

GEORGE H. MELOY.

Mr. SWOPE also introduced a bill (H. R. 5428) for the relief of George H. Meloy; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

R. W. ROSS.

Mr. SWOPE also introduced a bill (H. R. 5429) for the relief of R. W. Ross; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

ALBERT D. STOUFFER.

Mr. SWOPE also introduced a bill (H. R. 5430) to relieve Albert D. Stouffer from the charge of desertion; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

JAMES MITCHELL.

Mr. SWOPE also introduced a bill (H. R. 5431) granting an increase of pension to James Mitchell; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

OLIVER FREET.

Mr. SWOPE also introduced a bill (H. R. 5432) for the relief of Oliver Freet; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

VALENTINE HERTZ.

Mr. SWOPE also introduced a bill (H. R. 5433) for the relief of Valentine Hertz; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

AMOS C. WERTZ.

Mr. SWOPE also introduced a bill (H. R. 5434) granting a pension to Amos C. Wertz; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

DAVID L. M'DERMOTT.

Mr. SWOPE also introduced a bill (H. R. 5435) granting a pension to David L. McDermott; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

MARGARET KLINEDINST.

Mr. SWOPE also introduced a bill (H. R. 5436) granting a pension to Margaret Klinedinst; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

LOUIS CHRONISTER.

Mr. SWOPE also introduced a bill (H. R. 5437) granting a pension to Louis Chronister; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

ELIAS SHEADS.

Mr. SWOPE also introduced a bill (H. R. 5438) for the relief of Elias Sheads; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

WILLIAM R. THOMPSON.

Mr. SWOPE also introduced a bill (H. R. 5439) for the relief of William R. Thompson; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

BENJAMIN F. GREEN.

Mr. CAMPBELL, of Pennsylvania, introduced a bill (H. R. 5440) granting a pension to Benjamin F. Green; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

ESTATE OF A. L. BURWELL, DECEASED.

Mr. HIESTAND introduced a bill (H. R. 5441) for the relief of the estate of A. L. Burwell, deceased; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

ELIZABETH DAVIS.

Mr. CURTIN introduced a bill (H. R. 5442) granting a pension to Elizabeth Davis; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

MRS. CHARLOTTE SMITH.

Mr. CURTIN also introduced a bill (H. R. 5443) for the relief of Mrs. Charlotte Smith; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

COMMERCE WITH MEXICO, CENTRAL AMERICA, ETC.

Mr. CURTIN also introduced a bill (H. R. 5444) for the encouragement of closer commercial relationship and in the interests of and the perpetuation of peace between the United States and the Republics of Mexico and Central and South America and the Empire of Brazil; which was read a first and second time, referred to the Committee on Foreign Affairs, and ordered to be printed.

JOSEPH SHARP.

Mr. EVERHART introduced a bill (H. R. 5445) granting an honorable discharge to Joseph Sharp; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

HENRY WEINERT.

Mr. EVERHART also introduced a bill (H. R. 5446) granting an increase of pension to Henry Weinert; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

JOHN SHEATS.

Mr. ATKINSON introduced a bill (H. R. 5447) for the relief of John

Sheats; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

HENRY RUBY.

Mr. ATKINSON also introduced a bill (H. R. 5448) for the relief of Henry Ruby; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

EMMA V. HEINE.

Mr. ATKINSON also introduced a bill (H. R. 5449) granting a pension to Emma V. Heine, widow of Isaac Heine, late of Company I, Fifty-third Pennsylvania Volunteers; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

ELIZABETH C. WILSON.

Mr. ATKINSON also introduced a bill (H. R. 5450) granting a pension to Elizabeth C. Wilson; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

FREDERICK WARDECKER.

Mr. ATKINSON also introduced a bill (H. R. 5451) granting a pension to Frederick Wardecker; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

GEORGE L. S. BAKER.

Mr. ATKINSON also introduced a bill (H. R. 5452) granting a pension to George L. S. Baker; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

CLAIM OF MARKS & M'ADAMS.

Mr. BAYNE introduced a bill (H. R. 5453) referring to the Court of Claims the claim of Marks & McAdams; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

JAMES KANE.

Mr. RANDALL introduced a bill (H. R. 5454) for the relief of James Kane; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

TELEGRAPH LINE, SOUTH CAROLINA.

Mr. SMALLS introduced a bill (H. R. 5455) for the construction of a telegraph line from Georgetown, S. C., to South Island and Waverly Mills, S. C., and for the display of storm and weather signals at those points; which was read a first and second time, referred to the Committee on Commerce, and ordered to be printed.

JESSE HUMPHREYS.

Mr. PETTIBONE introduced a bill (H. R. 5456) for the relief of Jesse Humphreys; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

BRUCE F. YEAGER.

Mr. PETTIBONE also introduced a bill (H. R. 5457) granting a pension to Bruce F. Yeager; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

ISAAC RAINS.

Mr. PETTIBONE also introduced a bill (H. R. 5458) for the relief of Isaac Rains; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

JOHN R. HUGHES.

Mr. PETTIBONE also introduced a bill (H. R. 5459) for the relief of John R. Hughes; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

JOHN B. WALKER.

Mr. PETTIBONE also introduced a bill (H. R. 5460) granting a pension to John B. Walker; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

ALEXANDER HICKS.

Mr. PETTIBONE also introduced a bill (H. R. 5461) for the relief of Alexander Hicks; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

W. W. BOVELL.

Mr. PETTIBONE also introduced a bill (H. R. 5462) for the relief of W. W. Bovell; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

J. F. M. LEWIS.

Mr. PETTIBONE also introduced a bill (H. R. 5463) restoring J. F. M. Lewis to the pension-roll; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

LEMUEL C. WRIGHT.

Mr. McMILLIN introduced a bill (H. R. 5464) for the relief of Lemuel C. Wright; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

ROBERT HOLLAN.

Mr. McMILLIN also introduced a bill (H. R. 5465) granting a pension to Robert Hollan; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

SURPLUS IN TREASURY.

Mr. McMILLIN also introduced a bill (H. R. 5466) to provide for the payment of the surplus in the Treasury upon the bonded debt and stop interest; which was read a first and second time, referred to the Committee on Ways and Means, and ordered to be printed.

JOHN T. GATES.

Mr. NEAL introduced a bill (H. R. 5467) for the relief of John T. Gates; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

IRWIN M'ADAMS.

Mr. JOHN M. TAYLOR introduced a bill (H. R. 5468) for the relief of Irwin McAdams, of Henderson County, Tennessee; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

BRIDGE ACROSS RED RIVER, TEXAS.

Mr. THROCKMORTON introduced a bill (H. R. 5469) granting to the Gainesville and Chickasaw Bridge Company the right to construct and maintain a bridge over Red River at or near Brown's Ferry, in Cooke County, Texas; which was read a first and second time, referred to the Committee on Commerce, and ordered to be printed.

ESTATES OF ELY MOORE AND JOHN W. WHITFIELD AND OTHERS.

Mr. MILLER introduced a bill (H. R. 5470) for the relief of the estates of Ely Moore and John W. Whitfield and others; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

JOHN B. HAYS.

Mr. STEWART, of Vermont, introduced a bill (H. R. 5471) granting a pension to John B. Hays; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

HENRY BROOKS.

Mr. STEWART, of Vermont, also introduced a bill (H. R. 5472) to increase the pension of Henry Brooks; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

JOHN S. BRAXTON.

Mr. TRIGG introduced a bill (H. R. 5473) for the relief of John S. Braxton; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

MARY ANN EGAN.

Mr. BRADY introduced a bill (H. R. 5474) granting a pension to Mary Ann Egan; which was read a first and second time, referred to the Committee on Pensions, and ordered to be printed.

SELECTION OF NAVAL CADETS.

Mr. WISE introduced a bill (H. R. 5475) to provide for the selection of cadets for the naval service and their technical education; which was read a first and second time, referred to the Committee on Naval Affairs, and ordered to be printed.

JANE MILLIGAN.

Mr. WISE (by request) also introduced a bill (H. R. 5476) for the relief of Jane Milligan, of Portsmouth, Va.; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

JOHN W. MEARS.

Mr. CROXTON introduced a bill (H. R. 5477) to restore John W. Mears a fine improperly imposed upon him; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

R. S. HIPKINS.

Mr. CROXTON (by request) also introduced a bill (H. R. 5478) for the relief of R. S. Hipkins; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

DESTRUCTION OF ESSEX COUNTY JAIL, VIRGINIA.

Mr. CROXTON also introduced a bill (H. R. 5479) to reimburse the county of Essex, in the State of Virginia, for the loss of its jail, destroyed while occupied by United States troops in 1865; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

JOHN W. COONTS.

Mr. WILSON introduced a bill (H. R. 5480) for the relief of the minor heirs of John W. Coonts; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

LEWIS W. WASHINGTON, DECEASED.

Mr. WILSON also introduced a bill (H. R. 5481) for the relief of the legal representatives of Lewis W. Washington, deceased; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

RECOINAGE OF SUBSIDIARY SILVER.

Mr. WILSON also introduced a bill (H. R. 5482) to require the recoinage of the subsidiary silver coins of the United States into like coins of proportional weight to the standard silver dollar; which was read a first and second time, referred to the Committee on Coinage, Weights, and Measures, and ordered to be printed.

WILLIAM F. WILSON.

Mr. WILSON also introduced a bill (H. R. 5483) referring the claim of William F. Wilson to the Court of Claims; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

URIAS BUSKIRK.

Mr. SNYDER introduced a bill (H. R. 5484) to pay to Urias Buskirk the amount found due to him by the Court of Claims; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

PAY OF HOUSE EMPLOYÉS.

Mr. GIBSON, of West Virginia, introduced a bill (H. R. 5485) to equalize the pay of employés of the House of Representatives.

Mr. GIBSON, of West Virginia. I move the reference of this bill to the Committee on Accounts.

The motion was agreed to.

The bill was accordingly read a first and second time, referred to the Committee on Accounts, and ordered to be printed.

ROBERT SUTOR.

Mr. GOFF introduced a bill (H. R. 5486) granting a pension to Robert Sutor; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

AARON HAYWARD.

Mr. GOFF also introduced a bill (H. R. 5487) granting a pension to Aaron Hayward, late a sergeant in Company E, One hundred and forty-seventh New York Volunteers; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

ASA MONEYPENNY.

Mr. GOFF also introduced a bill (H. R. 5488) granting a pension to Asa Moneypenny; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

WILLIAM DILLON.

Mr. GOFF also introduced a bill (H. R. 5489) for the relief of William Dillon; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

NICHOLAS C. ROHRBAUGH.

Mr. GOFF also introduced a bill (H. R. 5490) granting a pension to Nicholas C. Rohrbaugh; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

REMOVAL OF CHARGES OF DESERTION.

Mr. GOFF also introduced a bill (H. R. 5491) to relieve certain soldiers from the charge of desertion; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

CLERICAL FORCE OF HOUSE OF REPRESENTATIVES.

Mr. GUENTHER submitted the following resolution; which was read, and referred to the Select Committee on Reform in the Civil Service:

Resolved, That the Select Committee on Reform in the Civil Service be instructed to examine into the present organization of the offices of the Clerk, Sergeant-at-Arms, Doorkeeper, and Postmaster of the House of Representatives as to the efficiency of the persons employed therein, and to report what duties are now required to be performed under the direction of each of these officers, and whether any changes should be made in the distribution of the work or in the organization of the force employed; and also to report as to the expediency of making the tenure of office of persons employed under the officers of the House depend solely upon efficiency and good behavior; such report to be made by bill or otherwise.

ELIZA NEWMAN.

Mr. STEPHENSON introduced a bill (H. R. 5492) granting a pension to Eliza Newman; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

THOMAS GLEASON.

Mr. STEPHENSON also introduced a bill (H. R. 5493) granting a naval pension to Thomas Gleason; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

HIRAM R. SMITH.

Mr. VAN SCHAICK introduced a bill (H. R. 5494) granting a pension to Hiram R. Smith; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

THOMAS B. HOLT.

Mr. PRICE introduced a bill (H. R. 5495) granting a pension to Thomas B. Holt; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

COURTS IN ARIZONA.

Mr. BEAN introduced a bill (H. R. 5496) to increase the jurisdiction of probate courts in Arizona and to repeal all acts of the Territorial Assembly creating county courts in said Territory; which was read a first and second time, referred to the Committee on Territories, and ordered to be printed.

INDIAN DEPREDATIONS IN ARIZONA AND NEW MEXICO.

Mr. BEAN also introduced a bill (5497) providing a commission for the adjustment and liquidation of claims arising from Indian depredations in Arizona and New Mexico since the acquisition of said Territories by the United States; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

CHILDREN OF GENERAL M'CALL.

Mr. BEAN also introduced a bill (H. R. 5498) granting a pension to Joseph H. McCall and Georgia E. McCall, orphan children of Brig. Gen. W. H. H. McCall; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

JOHN DOBBS.

Mr. BEAN also introduced a bill (H. R. 5499) granting a pension to John Dobbs; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

COMPENSATION OF UNITED STATES MARSHALS, ETC.

Mr. GIFFORD introduced a bill (H. R. 5500) fixing the compensation of United States marshals, deputies, and for other purposes; which was read a first and second time, referred to the Committee on Expenditures in the Department of Justice, and ordered to be printed.

MIGUEL SALAZAR.

Mr. JOSEPH introduced a bill (H. R. 5501) for the relief of Miguel Salazar; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

CARPENTERS IN THE NAVY.

Mr. VOORHEES introduced a bill (H. R. 5502) to fix the status of carpenters in the United States Navy; which was read a first and second time, referred to the Committee on Naval Affairs, and ordered to be printed.

C. H. HALE.

Mr. VOORHEES also introduced a bill (H. R. 5503) for the relief of C. H. Hale; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

MILITARY ROAD IN WASHINGTON TERRITORY.

Mr. VOORHEES presented a memorial of the Legislative Assembly of Washington Territory, praying for an appropriation for the building of a military road from New Dungeness to Neah Bay; which was referred to the Committee on Military Affairs.

NORTHERN PACIFIC RAILROAD LAND GRANTS.

Mr. VOORHEES also presented a memorial of the Legislative Assembly of Washington Territory, praying for the restoration to the public domain of all lands now withheld by the Northern Pacific Railroad Company between Walla Walla, Wash., and Portland, Oreg.; which was referred to the Committee on the Public Lands.

UNIVERSITY LANDS IN TERRITORIES.

Mr. CAREY introduced a bill (H. R. 5504) to amend an act entitled "An act to grant lands to Dakota, Montana, Arizona, Idaho, and Wyoming for university purposes;" which was read a first and second time, referred to the Committee on the Public Lands, and ordered to be printed.

SUBPŒNA TO CLERK OF THE HOUSE.

The SPEAKER. The Clerk of the House has been served with a *subpœna duces tecum* from the supreme court of the District of Columbia, requiring him to produce before an officer of that court to-day a certain engrossed bill which is now in the hands of the Public Printer. The Chair will lay the subpœna before the House for such order as it may choose to make, as the Chair is of the opinion that the Clerk cannot comply with this subpœna without the order of the House.

The Clerk read as follows:

Supreme court of the District of Columbia, the 6th day of February, 1886.

George E. Lemon, plaintiff, *vs.* N. W. Fitzgerald and others, defendants, No. 9141, docket 24.

The President of the United States to John B. Clarke, jr.:

You are hereby commanded to appear as witness for the defendant before Albert Harper, 480½ Louisania avenue, at office of H. O. Claughton, esq., on the 8th day of February, 1886, at 2 o'clock p. m., and bring with you the bound volume containing the enrolled bills reported from the Appropriations Committee in regard to pensions made for the fiscal year ending June 30, 1885, which is now in the possession of the Government Printer.

Witness:

D. K. CARTTER, *Chief Justice, &c.*
R. J. MEIGS, *Clerk, &c.*,
By R. J. MEIGS, JR., *Assistant Clerk, &c.*

Mr. MORRISON. Mr. Speaker, I move that the matter be referred to the Committee on the Judiciary.

The SPEAKER. Does the gentleman move that it be referred to the Committee on the Judiciary with leave to report at any time?

Mr. MORRISON. Yes.

The SPEAKER. The Chair thinks that would be proper under the circumstances.

Mr. SPRINGER. The Clerk may be charged with contempt of court if he fails to respond to-day.

The motion of Mr. MORRISON to refer the matter to the Committee on the Judiciary, with leave to report at any time, was agreed to.

ORDER OF BUSINESS.

The SPEAKER. If there be no objection, the Chair will now recognize for the introduction of bills and resolutions gentlemen who were not in their seats during the regular call of States and Territories.

There was no objection.

PUBLIC BUILDING, CHICAGO, ILL.

Mr. LAWLER introduced a bill (H. R. 5505) to provide for the erection of a public building on the Bridewell lot at Chicago, Ill.; which was read a first and second time, referred to the Committee on Public Buildings and Grounds, and ordered to be printed.

EMILY LOUISA SPICER.

Mr. COLLINS introduced a bill (H. R. 5506) granting a pension to Emily Louisa Spicer; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

ELIZABETH CLUNE.

Mr. COLLINS also introduced a bill (H. R. 5507) granting a pension to Elizabeth Clune; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

HOUSE OF GOOD SHEPHERD, DISTRICT OF COLUMBIA.

Mr. COMPTON introduced a bill (H. R. 5508) providing for the maintenance of certain females in the House of the Good Shepherd; which was read a first and second time, referred to the Committee on the District of Columbia, and ordered to be printed.

ST. PATRICK'S CHURCH, WASHINGTON, D. C.

Mr. COMPTON also introduced a bill (H. R. 5509) for the relief of St. Patrick's church, in the city of Washington, D. C.; which was read a first and second time, referred to the Committee on the District of Columbia, and ordered to be printed.

Mr. COMPTON also presented a memorial of the congregation of St. Patrick's church, of Washington, praying to be relieved of the payment of certain interest, penalties, and costs charged against their property; which was referred to the Committee on the District of Columbia.

MRS. LOU GOBRIGHT M'FALLS.

Mr. COMPTON also introduced a bill (H. R. 5510) granting an increase of pension to Mrs. Lou Gobright McFalls; which was read a first and second time, referred to the Committee on Pensions, and ordered to be printed.

MRS. N. H. LAMDIN.

Mr. COLE introduced a bill (H. R. 5511) granting a pension to Mrs. N. H. Lamdin, widow of Nicholas H. Lamdin, passed assistant engineer United States Navy; which was read a first and second time, referred to the Committee on Pensions, and ordered to be printed.

LEGAL REPRESENTATIVES OF A. J. TYNES.

Mr. CALDWELL introduced a bill (H. R. 5512) for the relief of the legal representatives of A. J. Tynes, deceased; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

SECTION 4691 REVISED STATUTES.

Mr. LOWRY introduced a bill (H. R. 5513) to amend section 4691 of the Revised Statutes of the United States; which was read a first and second time, referred to the Committee on Expenditures in the Treasury Department, and ordered to be printed.

J. B. TAYLOR.

Mr. LOWRY also introduced a bill (H. R. 5514) granting a pension to J. B. Taylor; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

SAMUEL B. FAILER.

Mr. LOWRY also introduced a bill (H. R. 5515) granting a pension to Samuel B. Failer; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

LEGAL REPRESENTATIVES OF SOLOMON COHEN.

Mr. NORWOOD introduced a bill (H. R. 5516) for the relief of the legal representatives of Solomon Cohen, of Savannah, Ga.; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

M. R. WARE.

Mr. PEEL introduced a bill (H. R. 5517) for the relief of M. R. Ware for property taken and appropriated by the Army of the United States in the late war; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

RECOINAGE OF SILVER DOLLARS.

Mr. GALLINGER presented a resolution in relation to coinage of silver dollars; which was referred to the Committee on Coinage, Weights, and Measures.

ADMISSION OF DAKOTA.

Mr. SPRINGER introduced a bill (H. R. 5518) to enable the people of Dakota east of the Missouri River to form a constitution and State government, and to be admitted into the Union on an equal footing with the original States; which was read a first and second time, referred to the Committee on the Territories, and ordered to be printed.

FREDERICK KLOR.

Mr. SPRINGER also introduced a bill (H. R. 5519) for the relief of Frederick Klor; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

PRIVATE LEGISLATION.

Mr. SPRINGER also introduced a joint resolution (H. Res. 117) proposing an amendment to the Constitution to prohibit in certain cases the passage of private or special laws; which was read a first and second time, referred to the Committee on the Judiciary, and ordered to be printed.

Mr. SPRINGER also introduced the following resolution; which was referred to the Committee on Accounts:

Resolved, That the Clerk of the House be, and is hereby, authorized and required to pay, out of the contingent fund of the House, Winship B. Pettie, for thirty-two days' service as assistant clerk of the Committee on Claims, at the same compensation as is allowed to session clerks.

ROBERT A. STUART.

Mr. OWEN introduced a bill (H. R. 5520) granting a pension to Robert A. Stuart; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

JACOB M. BARRON.

Mr. OWEN also introduced a bill (H. R. 5521) granting a pension to Jacob M. Barron; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

MARTHA CLAY.

Mr. OWEN also introduced a bill (H. R. 5522) granting a pension to Martha Clay; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

JAMES ALBRIGHT.

Mr. OWEN also introduced a bill (H. R. 5523) to restore the name of James Albright to the pension-roll of the United States; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

MARIA D. TUCKER.

Mr. OWEN also introduced a bill (H. R. 5524) granting a pension to Maria D. Tucker; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

ROBERT E. STEPHENS.

Mr. JOHNSTON, of Indiana, introduced a bill (H. R. 5525) granting increase of pension to Robert E. Stephens; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

JAMES K. KENNEDY.

Mr. JOHNSTON, of Indiana, also introduced a bill (H. R. 5526) for the relief of James K. Kennedy, Company K, Eighty-fifth Regiment Indiana Volunteers; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

EMELINE CRAWFORD.

Mr. DORSEY introduced a bill (H. R. 5527) granting a pension to Emeline Crawford, widow of Daniel S. Crawford, late private Company A, Forty-seventh Pennsylvania Infantry; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

MARY A. LEWIS.

Mr. ROWELL (by request) introduced a bill (H. R. 5528) for the relief of Mary A. Lewis, widow of Joseph N. Lewis; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

JOHN H. DUNAGAN.

Mr. LINDSLEY introduced a bill (H. R. 5529) granting a pension to John H. Dunagan; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

FRANZ AND CHARLES HUNING AND OTHERS.

Mr. SESSIONS introduced a bill (H. R. 5530) for the relief of Franz and Charles Huning and others for property taken by Indians; which was read a first and second time, referred to the Committee on Indian Affairs, and ordered to be printed.

GEORGE A. LAMB.

Mr. SESSIONS also introduced a bill (H. R. 5531) to place the name of George A. Lamb on the muster-out roll of the Army; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

NATIONAL CEMETERY NEAR MEMPHIS, TENN.

Mr. WHEELER introduced a bill (H. R. 5532) for the construction of a macadamized road from the city of Memphis, in the State of Tennessee, to the national cemetery near said city; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

JOHN KNOCHELMANN.

Mr. McCREARY (by request) introduced a bill (H. R. 5533) to authorize the Secretary of War to remove the charge of desertion from John Knochelmann, late private Company K, Fifty-fourth Ohio Infantry; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

MARIA L. HAMMER.

Mr. FREDERICK introduced a bill (H. R. 5534) granting an increase of pension to Maria L. Hammer for services rendered as volunteer hospital nurse during the late war of the rebellion; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

W. L. PARVIN AND HENRY A. GREENE.

Mr. SPOONER introduced a bill (H. R. 5535) for the relief of Washington L. Parvin and Henry A. Greene; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

FERDINAND HERCHER.

Mr. HOWARD introduced a bill (H. R. 5536) for the relief of Ferdinand Hercher; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

SARAH P. M'KEAN.

Mr. FREDERICK introduced a bill (H. R. 5537) granting an increase of pension to Mrs. Sarah P. McKean, of Marion, Linn County, Iowa; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

BILL WITHDRAWN.

Mr. GIBSON, of West Virginia. Mr. Speaker, I ask, by unanimous consent, for leave to withdraw from the files of the Committee on Invalid Pensions and from the files of the House the bill (H. R. 4324) granting a pension to William H. Cyrus. It is a bill which was introduced by me through mistake on the 18th of January last.

The SPEAKER. The Chair hears no objection, and the bill is withdrawn from the files of the House.

ORDER OF BUSINESS.

The SPEAKER. This completes the call of States and Territories, and the Chair will, under the rules, now call the committees for reports.

ASSISTANT CLERK TO THE COMMITTEE ON CLAIMS.

Mr. EVANS. I rise for the purpose of submitting a privileged report from the Committee on Accounts.

The Clerk read as follows:

The Committee on Accounts, to which was referred the resolution of Mr. NEAL, January 26, as follows:

"*Resolved*, That the Committee on Claims be authorized during this session only, until further order of the House, to employ an assistant clerk, to be paid out of the contingent fund of the House at the same rate of compensation now paid to session committee clerks respectively,"

have considered the same, and respectfully submit the following report:

The committee finds that the Committee on Claims has a wholly inadequate force to perform its work. There have been referred to the committee thus far over eleven hundred bills and four hundred petitions, as against five hundred and eleven up to the corresponding period of the last session. This committee, with the Committee on Invalid Pensions and War Claims, has now under consideration over four thousand bills of the six thousand bills introduced to date in the House. The Committee on War Claims has an assistant clerk and the Committee on Invalid Pensions has two assistant clerks. The change in the rules this session has greatly increased the labors of the Committee on Claims—in fact, nearly doubled the work. It is the opinion of this committee that a corresponding increase in the clerical force of the said committee should be allowed.

Your committee, therefore, recommend the passage of the accompanying resolution, with this amendment:

Strike out the words "at the same rate of compensation now paid to session clerks respectively," and insert in their place the words "at the rate of $6 per day," the resolution then to read:

"*Resolved*, That the Committee on Claims be authorized during this session only, until further order of the House, to employ an assistant clerk, to be paid out of the contingent fund of the House at the rate of $6 per day."

The amendment was adopted, and the resolution as amended was agreed to.

Mr. EVANS moved to reconsider the vote by which the resolution was adopted; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

CLERK TO ALCOHOLIC LIQUOR TRAFFIC COMMITTEE.

Mr. SPOONER. I am directed by the Committee on Accounts to submit the following privileged report:

The Clerk read as follows:

That the Committee on Accounts, to whom was referred the resolution of Mr. CAMPBELL, of Ohio, providing for a clerk for the Select Committee on the Alcoholic Liquor Traffic, respectfully report:

That they have considered the same, and recommend the passage of the following substitute:

"*Resolved*, That the Select Committee on the Alcoholic Liquor Traffic be authorized and empowered to employ a clerk during the sessions of the Forty-ninth Congress, to be paid at the rate of $6 per day, out of the contingent fund of the House."

Mr. SPOONER. I will yield for five minutes to the gentleman from Illinois [Mr. ADAMS].

Mr. ADAMS, of Illinois. Mr. Speaker, I have the privilege of speaking in the time of the gentleman from Rhode Island, although I am not without qualification in favor of the adoption of this resolution. I may be permitted to say that the Committee on Accounts had a similar resolution, giving a clerk to still another committee, and that the resolution will be reported with a similar recommendation.

Now, sir, I do not desire to urge the House very strongly one way or the other on a question of this kind; but I do desire to urge the House to take a logical and consistent position with reference to this question. This House has seen fit to decide there should be certain committees, and therefore has established the presumption that each committee has a certain amount of clerical work to do. The House has also decided that in case of certain of the committees they shall be grouped; and, therefore, the presumption is that in the opinion of the House the clerical work of those two committees can be performed by one clerk. Now, I am aware that such an arrangement is an awkward one, because by custom at least the chairman of the second committee has come to suppose that the clerk is primarily the clerk of the first committee, and, therefore, he finds it rather hard to call upon him for assistance. Therefore, if this arrangement is to continue, it should be decided on what days one committee should have the services of the clerk and on what days the other committee should have it.

But what I am chiefly interested in is that this House should not adopt this resolution from a temporary spasm of generosity, because I am afraid that might be followed by a temporary spasm of economy, in which the real interests of this House would suffer. I want to say, and I can say it without violation of any committee propriety, that, in my judgment, there are certain parts of the service of the House which require additional employés. I know that in the document-room, for instance, the work can not be done without additional employés; and, therefore, I trust the House will have no objection to giving some additional assistance in that quarter.

A MEMBER. What department did you refer to?

Mr. ADAMS, of Illinois. I was referring to the document-room. Other gentlemen may have noticed other occasions where they have found that the service of the House is inadequate. But all I want to say now, Mr. Speaker, is, that if this House proposes that every committee it chooses to create shall have a clerk, all right; but I do not want this resolution to pass and then hereafter members will repent of it as something approaching to extravagance, and, therefore, try to make the balance good by extra economy, which may happen in just the place where the convenience of members of the House is most concerned in having an adequate increase in the present service of the House.

Mr. SPOONER. I now yield five minutes to the gentleman from Missouri [Mr. DOCKERY].

Mr. DOCKERY. Mr. Speaker, it is perhaps an ungracious thing to oppose the report of this committee, giving the Committee on the Alcoholic Liquor Traffic a clerk. Like my colleague on the committee from Illinois [Mr. ADAMS] I am indisposed to urge the House very strongly either way; but believing as I do that there is no present necessity for the services of a clerk to this committee, and knowing if a clerk is allowed that there are three or four other committees equally as much entitled to a clerkship, I shall be compelled to oppose the report of the Committee on Accounts in this respect.

Now, in the Forty-eighth Congress the House, in the legislative, executive, and judicial appropriation bill, provided for fifteen annual clerkships and thirty-one special clerks, besides three assistant clerks for the Committees on Appropriations and Ways and Means. In addition to this, they provided seven session clerks by special resolutions, amounting in all to a clerical force for the Forty-eighth Congress of fifty-six.

In the Forty-ninth Congress, the present session, we have fifteen annual clerks, three assistant clerks for the Committees on Appropriations and Ways and Means, and thirty-one session clerks. We have up to this date allowed to the Committee on the Post-Office and Post-Roads a clerk, to the Committee on Expenditures in the Department of Justice a clerk, and to the Committee on Claims an assistant clerk, making in all fifty-two clerks provided for at present, four less than appeared on the roll of the last House.

But gentlemen in voting on this proposition must remember that the House in the revision of the rules has abolished three committees which existed in the last Congress, namely, the Committee on Public Health, the Committee on the Payment of Pensions, Bounty, and Back Pay, and the Committee on the Tenth Census, to which three clerks, I believe, were assigned.

Mr. BEACH. No, the gentleman is mistaken; the Committee on the Public Health never had a clerk.

Mr. DOCKERY. That is true; that committee had not a clerk, but the other two committees had. The gentleman from New York is correct.

But while there seems to be an apparent reduction of the clerical force of the House over what existed in the last Congress, it is in part caused by the dropping of two of the committees of the last House which had clerks.

Now, Mr. Speaker, coming directly to the question at issue, so that the House may know whether or not this committee is entitled to a clerk, I have requested the Clerk to prepare an exhibit showing the number of reports on resolutions and bills reported to the House from that committee in the last Congress. That result I shall now lay before you. The Committee on Manufactures, that is now grouped with the Committee on Alcoholic Liquor Traffic, reported to the last Congress just two bills, while the Committee on Alcoholic Liquor Traffic reported four, making in all six reports from these two committees. This committee, as I have said, is grouped with the Committee on Manufactures, and the work is assigned to one clerk for both of these committees. They reported only six bills in the last House, and we have no reason to suppose that that number will be increased during this Congress.

In conclusion I want to say that if we have the courage of our convictions and assign these clerks for the individual use of members, then we ought to pass a resolution giving every member of the House a clerk; and if these clerks are assigned to committees that have no great or pressing duties to perform and the chairman by reason of the fact is largely the beneficiary, then I must protest against this action until the House by resolution provides each member with a clerk.

Mr. SPOONER. Will the gentleman from Missouri be kind enough to inform us as to the number of clerks in the last Congress and the number in this? I did not understand exactly his statement.

Mr. DOCKERY. I said that the total clerical force in the Forty-eighth Congress amounted to fifty-six, while the force at the present time, including the assistant clerk which has just been allowed to the Committee on Claims, amounts to fifty-two, and that the House in this session has abolished three of the committees which existed in the last Congress.

Mr. SPOONER. I now yield five minutes to the gentleman from Illinois [Mr. CANNON].

Mr. CANNON. Mr. Speaker, I desire to see every committee of the House that needs the exclusive services of a clerk supplied with it. If one clerk, however, can perform the duties for two committees or three committees, then, so far as the committee is concerned, that is enough. Now, I suspect, I think I may go further and say that I practically know from the duties that many of these committees have performed in former Congresses, that one clerk is sufficient for two or more. The practice, however, has grown up to give some gentleman who happens to be chairman of one of these committees a clerk, really, so far as the roll is concerned, a clerk for the committee, but in fact a private clerk for the chairman.

I think this is a pretty expensive way to provide the favored few with clerical assistance, while the not favored few have to pay for their clerical assistance; and I think it is high time this House should understand the fact and the country should understand the fact that the favored few have their clerical assistance paid for, and paid for pretty expensively, while the many do not have it. I undertake to say that the clerks of each of these committees receive sufficient pay in one Congress to provide at least one clerk for three members.

As gentlemen know, every Senator has his clerk at the public expense, and you and I vote year by year the money to pay them. Now, one of two things is wrong. Each Senator should not have a clerk at the public expense or each member should have such a clerk. We have just as much work to do as the Senators have, and I think, in fact, many of us have more work than they have to do. If there be odium in giving a member of Congress a clerk we incur that odium when we make the appropriation to pay clerks for the Senators and have not the courage to demand the same privilege for ourselves. For my part I shall vote from this on against the giving a clerk to each one of the smaller committees, hoping that practice will be cut up by the roots and that either the Senators will be deprived of their clerks or that we shall have the courage to demand for ourselves what we concede to Senators.

I shall vote against the resolution from the Committee on Accounts.

Mr. SPOONER. I yield five minutes to the gentleman from Ohio [Mr. CAMPBELL].

Mr. CAMPBELL, of Ohio. In offering this resolution to provide the committee of which I have the honor to be chairman with a clerk, I did it for two reasons. In the first place, it is beneath the dignity of this House to make and constitute a committee and refuse it the ordinary means of transacting business. It is too small a matter for the representatives of fifty millions of people to descend to. I place it first upon the ground of principle, that there either ought not to be a committee or the committee ought to have a clerk; and I will say here very freely that if the committee is abolished I will make no objection whatever; but if it is allowed to stand, I insist upon its being treated with the dignity that is worthy of this House.

In the second place, that committee needs a clerk—I say it upon full consideration—more than one-third of the committees now constituted by this House. Take, for instance, the question of a commission to investigate the alcoholic liquor traffic. There is at the other end of the Capitol, about to be passed, the Blair bill upon that subject, which will come to this committee. We have various propositions in the shape of bills referred to that committee on the same subject. We are deluged with letters from the whole country, from temperance men of the standing of Neal Dow and that class of men, who want to be heard before us. We were visited no later than this morning by a representative of the brewers of this country, who want to be heard by this committee. We have to sit more hours investigating that subject than the number of hours that some other committees will sit during the whole session.

Mr. DOCKERY. I wish to ask the gentleman from Ohio whether the House has not provided stenographers for the work to which he refers.

Mr. CAMPBELL, of Ohio. Not that I know of.

Mr. DOCKERY. The House has provided two stenographers for the work of committees.

Mr. CAMPBELL, of Ohio. Those stenographers can not sit there to do the work of the committee, although they may be called upon to reduce to writing the evidence and arguments. In the Forty-eighth Congress fifty-six bills and resolutions were referred to that committee and they had a great deal of business in attending to matters growing out of the bills referred to them.

I know also that the clerk of the Committee on Manufactures, who is attending in the best manner he can to the business of this committee, is required to be present at his committee on the same day that ours meets. We are occupying a secondary position in reference to that committee.

Now I insist, Mr. Speaker, that this is unjust discrimination. There are only four committees in this House that are not supplied with clerks, and it looks like a travesty on the word "reform," that the House should commence reforming in the work of committees by cutting off clerks from four committees. If, as the gentleman from Illinois said, one clerk can do the work of two, or three, or four committees, very well; the proper thing is to consolidate the committees, and let one committee do the work of two, or three, or four. To that I make no objection, but I insist this committee shall not be discriminated against. And I will say to the gentlemen on this side of the House that it is charged that there is an attempt to give this committee as little machinery as possible, for fear that it will take some action in the interest of the temperance element of the country. I see no necessity for lying under that imputation, which certainly ought not to be true.

Mr. GIBSON, of West Virginia. Mr. Speaker, I do not think the House ought to look at this report of the Committee on Accounts with any regard to what other committees have heretofore been assigned clerks. The question is simply whether this particular committee should be properly equipped for the work that it is required to perform. I undertake to say that there is no committee of this House to whose action more people look with interest than this Committee on the Alcoholic Liquor Traffic. If there is any one question that is arousing all the religious, all the moral, all the patriotic interests of the country, it is the question: By what moral influence, by what moral suasion, can we best promote temperance in this country? There are those who differ as to the best means of attaining this end and as to what kind of legislation will best promote the cause; but I have yet to see the man who is a good citizen and who is opposed to legislating upon this great question in the manner which will best advance the interests of temperance. If this committee has done nothing in the past, it should do something now. It should at least give to the country such statistics and such facts as will enable the people occupying both sides of this great question to judge what is best for them to do. For one, while I have never indorsed the prohibition doctrine, I have never seen the day, and I hope I never will see the day, when I will refuse by any act of mine to promote temperance and good government among the people of this country.

Mr. SPOONER. Mr. Speaker, as the action of the House upon the resolution now pending may serve to guide the committee in the consideration of other questions of this character, it seemed desirable that the expression of opinion should be freely permitted, as it has been in the brief remarks made here upon both sides of this question. Although I am of the minority of the Committee on Accounts, as far as party politics is concerned, I have been directed by the majority to make this report. This is a matter which I think that committee or a majority of the committee understand runs to the question of providing for the proper performance of the business of the House. The majority of the committee, I believe, think that where a committee has been provided for under the rules of the House and where that committee has business to transact, it is quite proper that it should be furnished with a clerk to assist in the transaction of its business. Repeated complaints have come to the attention of the Committee on Accounts about the inability of several of these committees to procure the assistance of the clerks who have been in part assigned to them. In the Forty-fifth Congress we had, counting clerks and assistants, eighteen annual clerks and thirty-one session clerks, both classes of whom were provided for in the general appropriation bill. There were also by special resolution seven other clerks provided for during the session. During the present session we have up to the present time, including the clerk provided for by the resolution which passed the House this morning, fifty-two clerks, four less in number than were employed in the last Congress.

I certainly have no disposition to urge upon the House the incurring of any unreasonable or extravagant expense. I am quite in accord with such line of practical economy as can be carried out for regulating all

these matters of expenditure; but I do believe in dealing with these matters in a practical, common-sense way, and it is because I believe that, as a practical matter and in the interest perhaps of true economy, clerks should be provided for these committees, in order that the public business intrusted to them may be properly attended to—it is for that reason, sir, that I am in favor of the passage of this resolution, or rather of the substitute reported from the committee.

Mr. DOCKERY. Will the gentleman from Rhode Island [Mr. SPOONER] permit me to ask him a question?

Mr. SPOONER. Certainly.

Mr. DOCKERY. I wish to ask the gentleman whether it is not true that the four committees which are now without clerks are all seeking to be provided with them, and that the cost will aggregate about $5,000.

Mr. SPOONER. There are only four committees of the House which are not provided with clerks. If the resolution now under consideration is adopted, there will be only three not provided for. If the resolution which I have in my hand, and which also I am instructed to report favorably, is adopted, there will be but two committees left without clerks. I do not see any reason for making a distinction between this committee, nor, indeed, between any of the committees which have no clerks and quite a number of those which at present have clerks. I therefore move the adoption of the amendment.

The SPEAKER. The question is on agreeing to the amendment reported by the Committee on Accounts, which will be read.

The amendment was read, as follows:

Resolved, That the Select Committee on the Alcoholic Liquor Traffic be authorized and empowered to employ a clerk during the session of the Forty-ninth Congress, to be paid at the rate of $6 a day out of the contingent fund of the House.

The House divided; and there were—ayes 92, noes 31.

So the amendment was agreed to.

The resolution as amended was then agreed to.

Mr. SPOONER moved to reconsider the vote by which the resolution was agreed to; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

CLERK TO COMMITTEE ON VENTILATION AND ACOUSTICS.

Mr. SPOONER. I present another privileged report from the Committee on Accounts.

The Clerk read as follows:

The Committee on Accounts, to which was referred the accompanying resolution of Mr. GREEN, of North Carolina, has considered the same, and herewith reports favorably thereon, recommending that the blank therein be filled by inserting the word "six" between the words "paid" and "dollars," and by adding at the end of the resolution the words "of the House," and that as so amended the resolution be adopted.

The resolution as proposed to be amended was read, as follows:

Resolved, That the Committee on Ventilation and Acoustics be authorized and empowered to employ a clerk, to be paid $6 a day during the session of the Forty-ninth Congress, the same to be paid out of the contingent fund of the House.

Mr. SPOONER. I yield five minutes to the gentleman from North Carolina [Mr. GREEN], the chairman of the committee to which this resolution relates.

Mr. GREEN, of North Carolina. Mr. Speaker, if the necessity for a committee clerk is to be determined by the amount of work which the committee has done heretofore, I contend that few committees of this House are more entitled to a clerk than the committee over which I have the honor to preside. During the Forty-eighth Congress we were in session regularly on committee days almost without intermission throughout the two sessions. More than that, we held many night meetings, extending from 8 o'clock frequently until 12 or 1 o'clock. We had before us experts and scientists from all parts of the country. I am sure that the amount of work which was done by our committee eminently entitled us to a clerk. After all our deliberations and although a report was prepared formulated by the committee, yet, owing to some cause which I am unable to state, that report was never brought before the House; consequently the committee will at this Congress have to go over much of the work which was done in the last; and I contend that the same necessity which existed in the Forty-eighth Congress for a clerk for this committee continues in the Forty-ninth Congress.

Again, Mr. Speaker, if the proposition submitted by the gentleman from New York [Mr. SWINBURNE] to give this committee charge of the ventilation of all the public buildings in the city of Washington should become a law, as it is likely to do, our labors will be immensely increased; and in that case I am sure no committee of this House will have greater need for a clerk than the Committee on Ventilation and Acoustics.

I am sure every gentleman on this floor will agree with me that there are few subjects which concern this House more than the subject of ventilation. It will be conceded that there are very few halls on this continent which are worse ventilated than this Hall in which we daily sit. Some change with a view to improvement in this respect must be made. The necessity for it is recognized on all hands. Therefore I think the House should be liberal and give us the facilities we require in order to enable us to arrive at a rational conclusion.

Mr. SPOONER. Mr. Speaker, I believe that what has been said concerning the resolution last adopted by the House applies with equal force to the resolution now under consideration. It therefore seems to me unnecessary to have any further discussion, and unless some gentleman particularly desires to debate the matter I will ask for the question on agreeing to the amendments and then on the adoption of the resolution.

The question being taken on the amendments proposed by the committee, there were—ayes 56, noes 20.

Mr. STORM. I make the point that no quorum has voted.

The SPEAKER, under the rule, ordered tellers, and appointed Mr. SPOONER and Mr. STORM.

The House again divided; and the tellers reported—ayes 99, noes 24.

Mr. STORM. I withdraw the demand for a further count, and shall raise the point on the adoption of the resolution.

No further count being demanded, the amendments reported by the committee were agreed to.

The question being taken on adopting the resolution as amended, there were—ayes 79, noes 19.

Mr. STORM. I raise the point that no quorum has voted.

The Speaker, under the rule, ordered tellers, and appointed Mr. SPOONER and Mr. STORM.

The House again divided; and the tellers reported—ayes 115, noes 28.

Mr. STORM. I withdraw the demand for a further count.

No further count being demanded, the resolution was adopted.

Mr. SPOONER moved to reconsider the vote by which the resolution was adopted; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

ORDER OF BUSINESS.

The SPEAKER. The Chair will proceed to call the committees for reports to be referred to the appropriate calendars.

Mr. MORRISON. I move to dispense with this call of the committees for reports.

The SPEAKER. That will require a two-thirds vote.

The question being taken,

The SPEAKER said: In the opinion of the Chair, two-thirds have not voted in the affirmative.

Mr. MORRISON. I call for a division.

The question being again taken, there were—ayes 53.

Mr. MORRISON. I do not ask for a further count.

So the motion of Mr. MORRISON was not agreed to; and the Speaker proceeded to call the standing and select committees for reports to be placed upon the appropriate Calendars.

IMPORTATION OF MACKEREL.

Mr. BRECKINRIDGE, of Arkansas, from the Committee on Ways and Means, reported a bill (H. R. 5538) relating to the importing and landing of mackerel [caught during the spawning season; which was read a first and second time, referred to the House Calendar, and, with the accompanying report, ordered to be printed.

JUDICIAL DISTRICTS IN ILLINOIS.

Mr. EDEN, from the Committee on the Judiciary, reported back favorably the bill (H. R. 367) to amend section 536 of the Revised Statutes of the United States relating to the division of the State of Illinois into judicial districts and to provide for holding terms of court of the northern district at the city of Peoria; which was referred to the House Calendar, and, with the accompanying report, ordered to be printed.

NATIONAL CEMETERY, CHALMETTE, LOUISIANA.

Mr. HOUK (by Mr. ZACH. TAYLOR) reported back favorably from the Committee on Military Affairs the bill (H. R. 3440) making an appropriation to construct a macadamized road from the United States barracks in Saint Bernard Parish, Louisiana, to the national cemetery at Chalmette, in said parish; which was referred to the Committee of the Whole House on the state of the Union, and the accompanying report ordered to be printed.

JESSE B. SCUDDER.

Mr. NEECE (by Mr. PINDAR) reported back with amendment from the Committee on Invalid Pensions the bill (H. R. 421) granting a pension to Jesse B. Scudder; which was referred to the Committee of the Whole House on the Private Calendar, and the accompanying report ordered to be printed.

NATHAN HILDEBRANT.

Mr. PIDCOCK, from the Committee on Invalid Pensions, reported back favorably the bill (H. R. 4586) for the relief of Nathan Hildebrant; which was referred to the Committee of the Whole House on the Private Calendar, and the accompanying report ordered to be printed.

MARCUS A. HAMILTON.

Mr. PIDCOCK, from the Committee on Invalid Pensions, also reported back favorably the bill (H. R. 1508) for the relief of Marcus A. Hamilton; which was referred to the Committee of the Whole House on the Private Calendar, and the accompanying report ordered to be printed.

FANNY COLLINS.

Mr. PIDCOCK, from the Committee on Invalid Pensions, also reported back favorably the bill (H. R. 3516) granting a pension to Fanny Collins; which was referred to the Committee of the Whole House on the Private Calendar, and the accompanying report ordered to be printed.

SAMUEL C. PECK, JR.

Mr. PIDCOCK, from the Committee on Invalid Pensions, also reported back favorably the bill (H. R. 4131) for the relief of Samuel C. Peck, jr.; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

AURELIA F. ROBBINS.

Mr. HAYNES, from the Committee on Invalid Pensions, reported back with amendments the bill (H. R. 1024) granting a pension to Aurelia F. Robbins; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

ADVERSE REPORTS.

Mr. HAYNES, from the Committee on Invalid Pensions, also reported back adversely bills of the following titles; which were severally laid on the table, and the accompanying reports ordered to be printed:

A bill (H. R. 3116) granting a pension to Lucinda Gould;

A bill (H. R. 3543) granting a pension to Mary A. Moulton;

A bill (H. R. 4391) granting a pension to Evalina Howland;

A bill (H. R. 4392) to restore the name of Richard Dodge to the pension-roll;

A bill (H. R. 4394) to restore the name of Adeline Marston to the pension roll;

A bill (H. R. 4398) rerating the pension of Mrs. Ellen M. Chandler, widow of Capt. R. B. Chandler, of Company E, First Regiment Vermont Cavalry; and

A bill (H. R. 4521) granting a pension to Sarah A. Glidden.

CHANGE OF REFERENCE.

On motion of Mr. LANDES, the Committee on Pensions was discharged from the further consideration of the bill (H. R. 2259) for the relief of Mary Magraw; and the same was referred to the Committee on Invalid Pensions.

On motion of Mr. WINANS, the Committee on Invalid Pensions was discharged from the further consideration of the bill (H. R. 1201) for the relief of Mary Howard Farquhar; and the same was referred to the Committee on Pensions.

On motion of Mr. KLEINER, the Committee on Pensions was discharged from the further consideration of the bill (H. R. 2023) for the relief of Edward G. Pendleton; and the same was referred to the Committee on Invalid Pensions.

AMANDA RODGERS.

Mr. WHITE, of Pennsylvania, from the Committee on Pensions, reported back with amendments the bill (H. R. 4224) for the relief of Amanda Rodgers; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

NATHANIEL H. BLAKELY.

Mr. WHITE, of Pennsylvania, from the Committee on Pensions, also reported back favorably the bill (H. R. 1345) granting a pension to Nathaniel H. Blakely; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

MRS. HETTY MARTIN.

Mr. REID, of North Carolina, from the Committee on War Claims, reported, as a substitute for H. R. 1709, a bill (H. R. 5539) for the relief of James G. Martin; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

WILLIAM K. HAMMOND.

Mr. JOHNSTON, of Indiana, from the Committee on War Claims, reported back with amendments the bill (H. R. 1740) for the relief of William K. Hammond; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

ENOLS LOYD.

Mr. JOHNSTON, of Indiana, from the Committee on War Claims, also reported back favorably the bill (H. R. 3318) for the relief of Enols Loyd; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

CLERKS TO MEMBERS.

Mr. DOCKERY, from the Committee on Accounts, reported back adversely resolution for the appointment of a clerk for each member of the House of Representatives at a stated salary, and for abolishing all mileage fees authorized by existing laws to be paid to Senators and Members.

The SPEAKER *pro tempore* (Mr. SPRINGER in the chair). The resolution will be laid upon the table, and the accompanying report ordered to be printed.

Mr. ADAMS, of Illinois. Can it go on the Calendar if any one makes the request?

The SPEAKER *pro tempore*. It can.

Mr. ADAMS, of Illinois. Gentlemen around me have expressed the desire to have a vote on such a resolution, and I therefore ask it be placed upon the Calendar.

The SPEAKER *pro tempore*. The resolution will go upon the Calendar, and the accompanying report will be ordered to be printed.

LETTER-CARRIERS.

Mr. O'NEILL, of Missouri, from the Committee on Labor, reported back the resolution offered by Mr. MCADOO January 26, 1886, with the following substitute therefor:

Resolved, That the Postmaster-General be, and is hereby, directed to report to this House whether there is any regulation of the Post-Office Department prescribing the number of hours per day which the letter-carriers are required to work, and whether the eight-hour law is being enforced in the Department in respect to said letter-carriers.

The amendment was agreed to, and as amended the resolution was adopted.

ORDER OF BUSINESS.

The SPEAKER *pro tempore*. If there be no objection the gentleman from Virginia and one or two other gentlemen who desire to submit reports from committees will be permitted now to make them for reference.

There was no objection.

DAVID C. PAULLUS.

Mr. BRADY, from the Committee on Pensions, reported back with favorable recommendation the bill (H. R. 19) for the relief of David C. Paullus; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

MILTON R. MUZZY.

Mr. BRADY, from the Committee on Pensions, also reported back with favorable recommendation the bill (H. R. 2549) granting a pension to Milton R. Muzzy; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

ELIZABETH STOCKSDALE.

Mr. BRADY, from the Committee on Pensions, also reported back with favorable recommendation the bill (H. R. 4022) granting a pension to Elizabeth Stocksdale; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

EIGHT-HOUR LAW.

Mr. CRAIN, from the Committee on Labor, reported, as a substitute for House bills 305 and 4015, constituting eight hours a day's work for all laborers, workmen, and mechanics employed by or on behalf of the Government of the United States, a bill (H. R. 5540) to amend section 3738 of the Revised Statutes relating to the eight-hour law; which was read a first and second time, referred to the House Calendar, and, with the accompanying report, ordered to be printed.

House bills 305 and 4015 were ordered to be laid on the table.

EMPLOYMENT OF CONVICT LABOR, ETC.

Mr. TARSNEY, from the Committee on Labor, reported, as a substitute for House bills 366, 609, 1004, 2454, 2519, 4017, and House joint resolution 103, prohibiting the employment of convict labor, &c., a bill (H. R. 5541) to prevent the employment of convict labor and alien labor upon public buildings and other public works, and convict labor in the preparation or manufacture of materials for public buildings or other public works, and to regulate the manner of letting contracts therefor; which was read a first and second time, referred to the House Calendar, and, with the accompanying report, ordered to be printed.

House bills 366, 609, 1004, 2454, 2519, 4017, and House joint resolution 103 were ordered to be laid on the table.

PRINTING OF PRESIDENT'S MESSAGE.

Mr. BARKSDALE. I am directed by the Committee on Printing to submit the report which I send to the desk.

The Clerk read as follows:

"*Resolved by the House of Representatives (the Senate concurring)*, That there be printed and bound 25,000 extra copies of the President's last annual message and accompanying documents for the use of the House."

The Committee on Printing, to whom was referred the resolution of the House providing for printing 25,000 extra copies of the President's last annual message with the amendments of the Senate thereto, having had the same under consideration, recommend concurrence in the amendments and the passage of the resolution as so amended so as to read as follows:

"*Resolved by the House of Representatives (the Senate concurring)*, That there be printed 25,000 extra copies of the President's last annual message for the use of the House."

The Senate amendments were concurred in.

The resolution as amended was adopted.

Mr. BARKSDALE moved to reconsider the vote by which the resolu-

tion was adopted; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

PRINTING FOR COMMITTEE ON RIVERS AND HARBORS.

Mr. BARKSDALE. I am also instructed by the Committee on Printing to submit the report which I send to the desk.

The Clerk read as follows:

The Committee on Printing, to whom was referred the following resolution—"*Resolved*, That the Committee on Rivers and Harbors be authorized to have printed all documents or other papers, for the use of said committee during this Congress, that they may deem necessary in connection with the discharge of their duties"—have considered the same, and instruct me to report the same back to the House with the following amendment: "*Provided*, That the printing of such documents or other papers shall not exceed $500 in any one instance," and to recommend the passage of the resolution as so amended.

The amendment was agreed to.

The resolution as amended was adopted.

Mr. BARKSDALE moved to reconsider the vote by which the resolution was adopted; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. McCOOK, its Secretary, informed the House that the Senate had passed a resolution for printing the annual volumes of the astronomical and meteorological observations of the Naval Observatory for 1883, 1884, and 1885; in which the concurrence of the House was requested.

The message further announced that the Senate had passed bills of the following titles; in which the concurrence of the House was requested:

A bill (S. 222) to amend section 1661 of the Revised Statutes, making an annual appropriation to provide arms and equipments for the militia; and

A bill (S. 967) to provide for the admission of the Territory of Dakota into the Union and for the organization of the Territory of Lincoln.

ORDER OF BUSINESS.

Mr. MORRISON. I move that the House now resolve itself into Committee of the Whole House on the state of the Union to consider revenue bills.

The motion was agreed to.

The House accordingly resolved itself into Committee of the Whole on the state of the Union, Mr. HAMMOND in the chair.

TAXATION OF FRACTIONAL PARTS OF GALLON OF DISTILLED SPIRITS.

The CHAIRMAN. The House is now in Committee of the Whole on the state of the Union for the further consideration of revenue bills. The Clerk will report the unfinished business pending before the committee.

The Clerk read as follows:

A bill (H. R. 4833) relating to the taxation of fractional parts of a gallon of distilled spirits.

The CHAIRMAN. The gentleman from Ohio [Mr. BUTTERWORTH] has thirty minutes of his time remaining.

Mr. BUTTERWORTH. Mr. Chairman, I desire to reserve my time. The House has gone into committee, as I understand it, for the purpose of permitting my friend from Iowa [Mr. WEAVER] to submit some remarks on the silver bill. [Laughter.]

The CHAIRMAN. The time of the gentleman will be reserved.

Mr. WEAVER, of Iowa. I offer the amendment which I send to the desk.

The Clerk read as follows:

Amend by adding the following:

"And all taxes imposed by this act shall be paid in standard silver coin."

Mr. WEAVER. Mr. Chairman, the silver question, properly speaking, has been ably discussed in both wings of the Capitol during the present session of Congress. I wish to address myself to a somewhat different line of argument from that which has been pursued by other gentlemen who have spoken upon the subject. Before proceeding, however, I must congratulate the people and this House upon the auspicious fact that we have at last reached the time when all are eager to hear. Many have longed to see this day, but have died without the sight.

Mr. Chairman, the thing which most astonishes me in the history of our political evolution is the fact, that as a rule, neither the people nor their lawmakers have ever comprehended the vast importance of an adequate, safe, and permanent financial policy.

The relation of money to the every-day life of the people, the effect of an increase or decrease in its volume, the necessity of lodging the power to control the volume of money within reliable hands, these are all questions which seem to be but feebly understood by the great body of the American people.

If I were asked to name the present great duty of this Congress I should answer without hesitation, it is to establish once for all an adequate, permanent financial system that shall serve as a basis for economic prosperity as long as our flag shall float; a system under which there shall be no privileged classes, and under which the rights of the humble laborer and the capitalist shall be alike secure. It will not be pretended that we even approximate to this condition at present. As an original proposition it would seem easy enough to establish such a system, and it would be an easy matter now, were it not for the vested wrongs with which we have to deal.

There are two ever-present disturbing forces connected with our monetary system—the public debt and the national banks. They are the evil outgrowths of the civil war, and the nation will ever be in peril until they are swept out of existence. The hostility of the national banks to silver coinage is only one phase of a conspiracy which had its origin in the early stages of the civil war, and which has never yet been overthrown. The rebellion was overthrown, but this conspiracy never has been; and it will require all the power of the country, now happily reunited, to uproot it. It has grown with our growth and strengthened with our strength until to-day it defies the law and the power of the Government. I propose to trace some of the features of this conspiracy and of the reaction in public sentiment which is now in progress.

It will be remembered that when the legal-tender act first passed the House it provided for a full legal-tender paper currency. The exceptions which now appear in the law and upon the back of our Treasury notes were inserted in the Senate. This was for the benefit of those who were speculating in two things—gold and blood. When the bill came back to the House with these unpatriotic amendments, which constituted the ultimatum of the gold gamblers and bullion brokers, there was no alternative. The terms had to be accepted or the nation must perish. They were not accepted, however, without a protest. I now wish the Clerk to read the remarks of Thaddeus Stevens, Congressional Globe, part 1, 1861 and 1862, page 900.

I approach the subject with more depression of spirits than I ever approached any question. * * * I have a melancholy foreboding that we are about to consummate a cunningly devised scheme which will carry great injury and great loss to all classes of people throughout the Union, except one. No act of legislation of this Government was ever hailed with so much delight throughout the whole length and breath of this Union, by every class of people without exception, as the bill we passed and sent to the Senate. Congratulations from all classes, merchants, traders, manufacturers, mechanics, and laborers, poured in upon us from all quarters. * * * It is true there was a doleful sound came up from the caverns of bullion brokers and from the saloons of the associated banks. Their cashiers and agents were soon on the ground, and persuaded the Senate, with but little deliberation, to mangle and destroy what it cost the House months to digest, consider, and pass. They fell upon the bill in hot haste and so disfigured and deformed it that its very father would not know it. Instead of being a beneficial and invigorating measure it is now positively mischievous. It now creates money and by its very terms declares it a depreciated currency. It makes two classes of money. One for banks and brokers, and another for the people. It discriminates between the different classes of creditors, allowing the rich capitalist to demand gold and compelling the ordinary lender of money on individual security to receive notes which the Government had purposely discredited.—*Congressional Globe*, part 1, 1861-'62, page 900.

My amendment is to exempt from the operations of the legal-tender clause the officers and soldiers of the Army and Navy and those who supply them with provisions, and thus to put them upon the same footing with the Government creditors who hold their bonds. I hope they may not be thought less meritorious than the money-changers. I trust it will be adopted as an amendment to the Senate amendment, so that if this pernicious system is to be adopted, if the beauty of the original bill is to be entirely impaired, those who are fighting our battles and the widows and children of those who are lying in their graves in every part of the country, killed in defense of the Government, may be placed upon no worse footing than those who held the bonds of the Government and the coin of the country.—*Ibid.*

It is believed by psychological writers that there are great-souled men, defenders of the human race, who when great injuries are about to be inflicted upon mankind feel for the time being all the agony and all the sorrow that is to come upon the world through the impending wrong. Thaddeus Stevens seems to have tasted the wormwood and the gall for the whole country on this occasion.

But the crime was committed, notwithstanding these burning words of Mr. Stevens, and a market was created by law for the pittance of gold then in the country, and which was exclusively in private hands. Importers must now have it to pay customs duties, and the holders of public securities must have their interest in gold, and so the gold gambler had everything his own way.

The unpatriotic manner in which they used the advantage which the law gave them is graphically set forth in the report of Hon. William Pitt Fesenden, Secretary of the Treasury, December 6, 1864, pages 22 and 23:

The experience of the few past months can not have failed to convince the most careless observer that, whatever may be the effect of a redundant circulation upon the price of coin, other causes have exercised a greater and more deleterious influence. In the course of a few days the price of this article rose from about $1.50 to $2.85 in paper for $1 in specie, and subsequently fell, in as short a period, to $1.87, and then again rose as rapidly to $2.50; and all without any assignable cause, traceable to an increase or decrease in the circulation of paper money, or an expansion or contraction of credit, or other similar influence on the market, tending to occasion a fluctuation so violent. It is quite apparent that the solution of the problem may be found in the unpatriotic and criminal efforts of speculators, and probably of secret enemies, to raise the price of coin, regardless of the injury inflicted upon the country, or desiring to inflict it. All such attempts should be indignantly frowned upon by a patriotic community, and the efforts of all good citizens invoked to counteract such nefarious schemes. A law providing for the exemplary punishment of combinations for such a purpose might tend to vindicate, if it could not fully protect, the public rights in this regard, and should be, so far as possible, rigidly enforced.

Oh for such a rebuke from the head of the Treasury to-day! It would sound like another edict from Nehemiah against the usurers and de-

spoilers of Israel. It would resurrect the hope of the country and cause it to spring into newness of life. And as the rebuke would die away across the continent, how sweeter than the notes of the Dorian flute would it strike the listening ear of suffering labor in every hamlet of the land.

By manipulating things in the manner described here by Mr. Fessenden, the parties to such transactions were of course enabled to reap vast fortunes out of the misfortunes of the Republic.

But to give these cormorants full sway, and to guard them against surprises from every quarter, four other things had to be accomplished in addition to the exceptions which they had placed upon the greenbacks.

First. The Government, although engaged in a war for its life, must by law place a limit upon its right to issue its own non-interest-bearing legal-tender notes.

Second. It must permit Treasury notes, depreciated in the manner so forcibly described by Mr. Stevens, to be exchanged at their face value for untaxable bonds bearing coin interest.

Third. A law must be passed authorizing the interest on bonds and other securities to be paid quarterly, and another to authorize the Secretary to anticipate the payment of interest without rebate.

Fourth. The holders of these bonds obtained in the manner just described, must be allowed to bank upon them and to draw back from the Treasury 90 per cent. of the amount of currency they had paid for them. These things were, all and singular, accomplished by acts of Congress prior to July 1, 1864. Their grip upon the country was now complete. Now, note the result. The price of greenbacks as compared with gold during the calendar year of 1864—the year these enactments were completed—was but 49.2 cents on the dollar, and the second half of that calendar year only 42.8.

I am now at the period when the political prophecy of Thomas H. Benton was to be fulfilled. That distinguished and patriotic Senator said, in a conversation with Silas Wright shortly after President Jackson vetoed the bill to recharter the United States Bank:

> Jackson has not slain the bank. The bank is a wounded tigress. She has fled to the jungles. By and by she will spring again upon the country, bringing her whelps with her!

What a vigorous prophecy and how literally has it been fulfilled! Sir, the extraordinary powers conferred by law upon the banking corporations of to-day read like the harsh terms imposed by some merciless conqueror upon a fallen people, and such they really are.

For the purpose of fixing beyond cavil the evil results which followed the advent of the national banks into our financial policy, I wish the Clerk to read the following extract from the report of Hon. William Pitt Fessenden, Secretary of the Treasury, same date as above, page 19:

> It is observable that, notwithstanding the apparently large circulation of paper money issued under the authority of the various acts of Congress before enumerated, its scarcity in the market has occasioned no slight embarrassment in the negotiation of loans. This can be accounted for only upon the supposition that large amounts are carefully held by the people, thereby exhibiting their confidence in its character and value, and that the impetus given to trade of every description by the large and increasing wants of Government requires a largely increased amount of the circulating medium. A rise of prices tends, proportionately, in the same direction.

There does not seem to have been any of the features of a forced loan connected with the money then in circulation, as will be readily seen. It will be observed that at the time of the advent of the banks, when the people were doing business upon Government currency exclusively—adequate in amount—the country was prosperous, notwithstanding the enormous strain of the war, and the money was all out in circulation, where it always will be when financial affairs are in a healthy condition.

Let me pause here to state a universal rule governing the movement of currency under normal conditions. When money is plentiful prices rule high; the money then leaves the centers, seeks investment, and finds a lodgment with the great body of the people.

When from any cause the circulating medium becomes scarce, prices fall, and the little money that is left returns to the centers and becomes gorged there. When money becomes redundant at the money centers you may know the extremities are suffering, and you may at the same time understand unerringly the cause of it. Secretary Fessenden found this rule in full operation at the close of the year 1864, for he says, notwithstanding the enormous issues which had taken place, the money was nevertheless all out in the hands of a confiding people, and the Government could scarcely get hold of it even by the most tempting offers.

Mr. Chairman, considering Secretary Fessenden in the light of his wise and humane policy, he has never had a successor. Following him came McCulloch, the friend of the banks, of contraction, of bonds, and of a perpetual debt; and with him came a whole brood of evils, which were turned loose upon, and have ever since afflicted, the country. For the purpose of fixing the responsibility of our present disordered and murderous policy, I read from Secretary McCulloch's first annual report, December 4, 1865, one year after Mr. Fessenden's report, which I have just quoted:

> "The people are now comparatively free from debt. * * * The expansion has now reached [of money] such a point as to be absolutely oppressive to a large portion of the people, while at the same time it is diminishing labor and is becoming subversive of good morals. * * * The remedy, and the only remedy within the control of Congress, is, in the opinion of the Secretary, to be found in the reduction of the currency."

What a picture! People out of debt and absolutely burdened with money! Able to live without work, their morals in danger, and McCulloch invoking the power of Congress to relieve the people of their money, to set them to work, and thus preserve the morals of the country! Congress responded to this pathetic appeal with alacrity, and from that day to this the people have never been burdened with money, nor have they lacked the sanctifying influence of debt, hard work, and scanty living. Ah, Mr. Speaker, the people were indeed out of debt at that time, and money was plentiful. Having paid their own debts, they were ready to move upon the public debt and pay that also. This was the real apprehension that filled the mind of Mr. McCulloch; and the present hostility to silver had its origin with the same men and springs from the same class of motives.

But I wish to direct the attention of the House to the most notable peculiarity in the condition of the country at the time Mr. McCulloch took control of the Treasury Department. There was not only a vast paper circulation out in the hands of the people, but it was then almost exclusively in use among twenty-five millions of people then living in the North. That section of the country was out of debt. The South had just laid down her arms and had returned with her population of ten or twelve millions, who, speaking approximately, were without a dollar. Their country was dismantled and torn by the ravages of war, and the freedmen, four millions in number, had been transformed into wage-workers and must be paid like other people.

I assert here and maintain that if the volume of currency had remained as it was at the close of the war, instead of there having been a redundancy, there would not have been enough to have answered the demands of the whole country reunited. But notwithstanding the enormous addition that was made to our money-using population by the return of the South, Mr. McCulloch entered actively upon the destruction of our currency and its conversion into bonds. Was there ever such a crime committed in the history of the world—ever a more diabolical attempt to compel a people already groaning under burdens too great to be borne, to make bricks without straw? But these conspirators were actuated by a relentless spirit, and they moved right ahead regardless of consequences. The main purposes had in view were the following: to place the public debt beyond the possibility of payment, to increase its amount, and to secure for all time the right and power to control the volume of money.

Next came the credit-strengthening act of 1869, in which the Government pledged itself to pay the public debt in coin or its equivalent. This legislation, it will be observed, followed upon the heels of the contraction policy inaugurated by McCulloch, and it in fact increased the value of Government bonds fully $600,000,000. The following year the funding measure of 1870 was passed, whereby the currency bonds were all funded into coin bonds. To show the malignant and deliberate design of this act, I wish the clerk to read the following, which is taken from the report of Hon. John Sherman, chairman of the Senate Finance Committee in 1867:

> It has been proposed that Congress, by joint resolution, declare that the 5-20 bonds are redeemable only in gold. This, instead of settling the question, will only create division in parties, and the resolution when passed will be subject to agitation and repeal. This consideration induces your committee, without deciding the question, to propose the substitution of new bonds, clear and explicit in their terms, for the old bonds, as they become redeemable.

You will here notice that the design to openly head off the people, and to preclude subsequent Congresses from paying the debt in the currency of the contract was openly declared as far back as 1867, nineteen years ago. The purpose of this war on silver is to prevent the people from paying the debt in the coin of the contract. It is a shot from the same battery, and from the same captain of the battery, as I shall show. They come on by reliefs, however.

Three years later, 1873—the year the great panic began—silver was demonetized by stealth, and the gold dollar was declared to be the unit of value. This left the bonds payable in gold coin only. Following this—the panic still raging with greatest fury—Congress passed the act of June 20, 1874, the fourth section of which gave the banks the power to retire their circulating notes in whole or in part, and pointed out the method by which it could be done. This was to enable the banks to set their houses in order, and to prepare them for what was to follow the next year, so that they might stand from under, while everybody else was to be caught in the dead-fall. The next year, 1875, the act for the so-called resumption of specie payments was passed, which, with silver demonetized, meant gold payments exclusively.

Does anybody now believe there was an honest purpose to pay our obligations in gold? Every intelligent man knows, and every sincere man will admit, that the purpose was to place the larger share of this debt clear beyond the reach of payment. Pay the debt in gold? Why from July 1, 1867, to September 30, 1876, the Treasury sold upon the market in Europe and America $522,000,000 of gold, after having met all its current coin obligations. This record is furnished by the then Secretary of the Treasury himself. This was not done to meet current obligations. The resumption act was approved January 14, 1875, and yet the record shows that the Treasury sold $40,000,000 of gold upon

the market after the passage of the resumption act, and then they turned around and issued and sold bonds to buy it back again.

This gold accumulated as high as $77,000,000 in one year and $76,000,000 in another during the period between 1867 and 1876. Why was it not used to bring the greenbacks to par under their boasted theory of paying all obligations in gold coin? Plainly, it was not so used for the reason that these manipulators wished the greenback to remain a degraded currency, to be retired from circulation as soon as possible by converting it into bonds. They preferred to have the Government buy its own depreciated paper at a discount and then reissue it again to the people at par until such time as they could get rid of it entirely. Truly, these were eminent guardians of the public faith and credit.

But this same resumption act also provided for the destruction of our greenback currency. It was to be redeemed in gold coin, and the coin was to be obtained by a new issue of interest-bearing long-time bonds, thus destroying our non-interest-bearing currency by converting it into interest-bearing debt. Following these two enactments the banks and the Treasury sprang into the arena like gladiators, and vied with each other in the destruction of our money, until our heroic people everywhere cried out in very agony. Is not every count in this indictment, in this long list of outrages true? Is there a member here who can deny a single one of them? There has been one constant accretion of power in behalf of these corporations and the moneyed classes from the breaking out of the civil war down to the present day.

Why, sir, each act which I have named was a separate, cruel, cold-blooded victory for avarice. They all united to fill our youthful country on the one hand with wrecked fortunes, suicides, helpless poverty, and broken hearts, and on the other with exceptional individual fortunes, some of them so monstrous in magnitude as to be quite beyond the grasp of the human intellect. Take one instance from among many. Mr. Vanderbilt at his death, which occurred a few weeks ago, left an estate valued at $220,000,000. It is hard to comprehend such a vast fortune as this. It can be better understood by comparison than in any other way. There are two Egyptian mummies down here at the National Museum—venerable-looking old fellows. They were probably laboring men in their day. They are estimated to be three thousand years old each. Now, if they had worked hard, pooled their earnings, lived to the present day, and laid up over and above their expenses $1 each for every day, in these three thousand years their joint accumulations would only amount to two millions one hundred and ninety thousand dollars.

If one of these prehistoric gentlemen, about whom our scientific men know little or nothing, had been born exempt from mortality 600,000 years B. V. (Before Vanderbilt), and had made an average saving of $1 per day during all of that period, Mr. Vanderbilt the day before his death could have bought him out and then had $1,000,000 left to invest in the Nickel-Plate Railway. These figures will not lie, and you can make the calculation for yourselves.

Mr. Vanderbilt's executor, if it were in accordance with the terms of the will, could give two hundred men employment at $1 per day each—Sundays and all—for three thousand years, and then have one million left. Estimating the total wealth of this country at $66,000,000,000, you can only give six thousand six hundred persons $10,000,000 each if you divide the whole country equally between them. If you were to divide the estimated wealth of this nation ($66,000,000,000) equally between three hundred men—twenty-five less than belong in this House, giving each an amount equal to Vanderbilt's wealth—there would not be a farthing left for the rest of mankind! Fortunes like this, sir, are the legitimate outgrowth of this conspiracy and of the pernicious system of monopolies which it has fastened upon us. It is not necessary for me to describe here the wonderful growth of monopolies during this period of national-bank rule, nor need I stop to show that they now rule with an iron rod all the leading branches of business within the Republic. Every man who has given the matter even a glancing look knows these things to be true. I must now pass on to

THE REACTION.

The history of this struggle between the people and the confederated monopolies, like every other similar struggle through which we have been called to pass, proves that the confidence reposed in the people by the framers of our Government was not misplaced. The reaction against the monstrous and tyrannical acts which I have enumerated first began among the people themselves. The waves first arose, so to speak, on this vast ocean of human sufferers, and God is still lashing it into fury for the purpose of purifying the waters. The year 1876 witnessed the organization of a small body of earnest and patriotic men under the leadership of the venerable Peter Cooper.

Without attempting to follow the progress of that political reformation, or to trace its salutary influence within other political organizations, it is sufficient to state that the Forty-fifth Congress called a halt, about-faced, and entered upon the difficult task of arresting and undoing this baleful tendency in our civilization. The Bland act was first blood for the people. I shall not stop to show that which is well understood by the whole country, namely, that this class legislation, in addition to its other criminal features, had gone so far as to wrest from the people the control of all the great instruments of commerce, nor shall I stop here to animadvert upon that other correlative but sad truth, that, although this reaction began ten years ago, the people have not as yet regained full control over a single one of these agencies so indispensable to their welfare.

The first act, as I have stated, was that of February 28, 1878, known as the Bland act, to reopen the mints to the coinage of standard silver dollars. This was followed by the act of May 30, 1878, to stop further destruction of the greenbacks. This in turn was followed by the passage of what are known as the Stanley Matthews resolutions in the second session of the Forty-fifth Congress. These resolutions, following the spirit of the Bland act, declared it to be the right of the Government to pay all Government obligations in standard silver dollars. I wish now to call attention to the similarity in the fate of the Bland bill with that of the legal-tender act sixteen years before. When this beneficent measure passed the House it provided for unrestricted coinage on private account. But here again the hand of Esau was held out to deceive a blind and suffering people, and the Bland bill was accordingly so amended—in the Senate, mark you—as to practically restrict the coinage to two millions per month, and then only on Government account. This was not open and frank legislation. It was disingenuous and done for the purpose of committing both the coinage of silver and its disbursement to unfriendly hands. From that day to this the Treasury Department has been under the control of those who brought about the demonetization of silver and those who are opposed to its circulation, instead of under the control of those who sought to secure its restoration. The conduct of the Treasury officials since silver was restored is well understood, and amounts to a complete defiance of the law and of the will of the people. You can make nothing less out of it. To prove this let facts be submitted to a candid world.

The Clerk will please read a quotation from a letter written by Hon. John Sherman, Secretary of the Treasury, addressed to the Honest Money League, January 30, 1879. I find it quoted on page 1201, volume 37 of the RECORD, first session Forty-sixth Congress:

> I have a clear conviction that the forced payment of the silver dollar to public creditors would tend to depreciate it and cause it at once to be sold in the market at less than par. * * * While it is the duty of the Government to coin different kinds of money, a public policy dictates it should be within the power of the citizen at his option to demand either form of lawful money.

This letter was written January 30, 1879, and during the very session of the Forty-fifth Congress that passed the Stanley Matthews resolutions that declared it to be the right of the Government to pay all of its obligations in silver coin.

This is the bold manner in which this law has been violated. It is the duty of the Government to coin money, he says, but it is the right of the creditor to set the law at defiance by refusing to take it! This places the holder of Government securities above the law, above Congress, and gives him an absolute veto over the statute. Now, sir, it is the plain duty of every officer of this Government, from the highest to the lowest, to yield cheerful and complete obedience to the law. But I submit that it is a fact, known to everybody, that the Treasury officials under every Administration since the passage of the acts to stop the destruction of the greenback and to coin silver dollars, have been hostile to both these forms of currency, and they have been actively averse to the enforcement of these laws in good faith. In this obtrusive hostility these officials have been supported by the whole power of the confederated national banks and other capitalists at home and abroad.

This is nullification in its worst form. It seems to have been deemed sufficient that they should know that the corporations and brokers were dissatisfied with the law, and accordingly their wishes have been respected as more imperative than the plain letter of the statute. Every administration since the passage of these laws, either from the throne or from the cabinet, have made war—sometimes open, sometimes covert—upon these useful, non-burdensome, and needful forms of currency. Notwithstanding this hostility, however, the tide has been constantly rising. It pervades the country; it has reached this city; it has swept up Capitol Hill and is now in upon the floor both of the Senate and the House of the Forty-ninth Congress. It is rising rapidly, and if this body does not wish to be submerged it must step upon higher ground than has heretofore been occupied.

I have already alluded to the act of May 30, 1878. The effect of this act was to repeal the most obnoxious feature of the so-called resumption act, and to stop the redemption, properly speaking, of the greenback currency. Since the passage of that act greenbacks have not been redeemable, in the proper sense of that term, but have been merely convertible into coin. That is to say, the Government is authorized and required now simply to swap dollars with the holders of greenbacks, and the greenback takes the place of the coin in the Treasury as current funds, and the law requires it to be again paid out and kept in circulation. This was the second victory for the people in this protracted struggle. By it the greenback has been incorporated permanently into our financial system, and I predict that no power on earth will ever be able to eliminate it. The Supreme Court has finally come to the relief of the people, and by their decision the constitutional status of this currency is forever fixed.

Mr. Speaker, the year 1884 brought about a great change. To use a homely illustration, in November of that year the people took hold of Uncle Sam's wagon, lifted it out of its old ruts and out of the mire, unhitched the old team, hooked on a fresh one, and changed drivers. Now

why not move out upon the high lands? Why return to the miserable old ruts from which, with great difficulty, we have been extricated?

Mr. Speaker, gentlemen of the Forty-ninth Congress, we might just as well face the music first as last. There are four things relating to finance which this Congress must enact in order to relieve the deplorable condition of trade, labor, and commerce, or be prepared to take the consequences in the elections which are to ensue this year.

First. Congress must provide for the unrestricted coinage of American silver into standard silver dollars on private account.

Second. A law must be passed to issue Treasury notes to take the place of bank notes as fast as they are retired. The banks are now retiring their circulation, as is well known, with great rapidity. This vacuum must be filled or business, now sorely languishing, will absolutely perish.

Jackson never said a better thing—and his life was full of good things—than when he said "the banks can not be relied upon to keep the currency uniform in amount."

They are allowed to take out currency upon the plea that they are to furnish the people with a needful circulating medium. They are allowed to retire it for motives of private gain. The people are not present when the directors meet, nor do these boards inquire how their action will affect the public weal. They are public corporations until they procure their franchises, and private corporations ever afterward. This is monstrous.

Third. The larger portion of the surplus now in the Treasury must be paid out in liquidation of interest-bearing public debt now subject to call.

Fourth. We must forbid by law any further discriminations against our silver coin.

Now, I ask if these propositions are not reasonable? They are not fraught with inflation of paper currency, the thing that frightens so many people. The only increase will be an increase of specie if these laws are enacted, and I guess it will be agreed that this will hurt nobody. I predict that a refusal to discharge these plain duties will meet with condign and wrathful retribution from the country. We have had at least eight years of panic and severe business depression within the past thirteen years. The panic that began in 1873 continued until 1879. Then came a temporary revival. The present depression began more than two years ago—yes, three years.

The wealth producers of this land are suffering and sweating drops of blood from every pore. Do not tempt them too far. They contemplate no wrong, but they are organized, they occupy every eminence, and are signaling to each other from every hill-top. They mean something. I beg you take warning in time. They mean to have relief. They have in no way contributed to this condition of things; on the contrary, they are the unoffending victims of the dreadful policy I have been exposing in these remarks.

So far as the conflict is concerned between the powers that be and the people, there is one way out that is strictly honorable for everybody, high and low, no matter what their views may be. Simply enforce this Bland act. It was passed in 1878, in spite of the opposition of the Treasury Department, and over the veto of the Executive. That battle has been fought, and the victory was with the people. Now let everybody stand uncovered before the majesty of the law, and let its mandates be strictly carried out.

The present policy, both as to our metallic and our paper currency, is crushing the very life out of everybody and trampling their energies in the dust. If you were to speak of this country under the similitude of a person, it would be a proper comparison to say that our feet have been cramped and bound like the feet of a Chinese woman while the body has grown to proportions too great to be borne. It is said the Chinese lady of high caste is greatly averse to a robust body because such bodies are out of proportion to their artificially deformed feet. So, now, we also begin to hear the cry, we have too many people, too much competition in labor; the body-politic is getting too large; shut our doors; put out our beacon lights; let this country no longer be an asylum for the oppressed of all nations; say to England that when we accused George III of forbidding the naturalization of foreigners and of obstructing their migration hither we were mistaken and his policy was the correct one. Say to Bartholdi, We do not want your statue of Liberty erected on our shores, facing toward the Old World and holding aloft her torch as a lamp unto the feet and a light unto the pathway of those who are groping their way hither through the darkness. A curse upon such cruel, unnecessary, and un-American theories.

Ah, Mr. Speaker, a theory that declares money redundant when millions of pockets are penniless; that declares a country overpopulated, when hundreds of millions of acres of tillable land have never felt the touch of the plow-share; a theory that accuses labor of the sin of overproduction when millions of laboring people are destitute of every comfort of life, is so monstrous that I do not know how to adequately characterize it. If all the vigor of all the tongues of the earth were concentrated into one single sentence, it would not then be sufficient to properly blast and wither and condemn such a monstrous theory. The nearest I can come to it is to use the old expression, where the vigor of the Greek and the Syriac are said to combine—let it be *anathema maranatha!*

Sir, instead of closing our doors on the downtrodden of the world, and turning them back into darkness, I would say to the land speculator, to the usurer, to the monopolist, to the untaxed bondholder, to the stock-gamblers, and to the speculators in money, who now have the power conferred upon them by law to make money artificially scarce: to the cattle syndicates in our Western Territories, I would say to all these and to kindred classes, you must cease forever your criminal methods in this Republic. Following the example of the Nazarine, I would cast out the devils and cast them into the sea. Then, when you get rid of these criminal classes, you will find more room for poor people here. There can be no such thing as an overpopulation of *bona fide* citizens in this country, if you will only give them the safeguard of a humane, economic system.

God has created two hands for every mouth, and two hands, if they are not manacled, can easily feed one mouth and have plenty left for a rainy day. But you can not stop the growth of our population any more than you can stop the flight of time. Within twenty years or less we shall have one hundred millions of people in this country! They are almost here. If I had the power of the old prophet of Israel I would pray God that he might open the eyes of these His servants that they might see that the air is full of chariots and of horsemen. If we will but listen we shall hear the quiet yet majestic march of forty millions of additional human beings who are rushing in upon us like an army to stay forever. What preparation are we making for their reception? In the name of God, what order of statesmanship have we fallen upon? Why, even the lower animals make preparation for the coming of their young, but we stand here with the absolute certainty of this increase staring us in the face, yet we are as dumb as beetles and make no kind of preparation for the stupendous event.

There is not a moment to lose. With all proper humility I wish to address myself to the committees of this House. I wish to say to the Public Lands Committee that I admire the prompt manner in which you are discharging your duties. Guard every acre of the public domain as you would the apple of your eye. Forfeit every land grant where the equities are not clearly with the grantee. To the Committee on Territories I would say, organize our unoccupied territory and let the homeless families of this country have where to lay their heads. Place the remnant of the Indian tribes upon a reasonable area and open the remainder to civilized men, to law, to the church, and to the schoolhouse, instead of to the cattle syndicates and corporations, either foreign or domestic. To the Committee on Banking and Currency I would say bind up this artery that has been severed by the national banks and through which the life of the nation is rapidly ebbing away; stop the bleeding and let the patient recover ere the heart grows still. Let the Committee on Coinage, Weights, and Measures coin up the silver that comes from our mines. God has opened the vault!

The great time-lock which He set in eternity when He was laying the masonry of the mountains has reached the figure upon the dial and the bolt is thrown back. Why be afraid to give the people their own? To the Ways and Means Committee I would utter an earnest and hopeful appeal that a reasonable portion of the enormous surplus now in the Treasury shall be paid out upon the public debt, and that it be thus put in circulation to revive our depressed industries. To the Committee on Commerce I would say, as you love justice and fair dealing give to the people fair rates of transportation, and fair facilities for getting their surplus to market. I submit that these appeals are both reasonable and right.

Why is it that the committees of this House have been powerless so long, and that the House itself has been powerless to discharge its solemn duties? I will tell you why. Every branch of the Government has been for twenty years completely within the grasp of monopoly. Nor have we yet emerged from their dominion, although the people call us to duty by appeals loud, long, and pitiful. When the people ask for an adequate system of finance commensurate with the wonderful energies of the nation, the banking corporations forbid it. When they ask for a postal telegraph, another powerful corporation forbids that. When they ask that the cost of transportation may be cheapened, another hydra-headed being, more terrible than the apocalyptic beast, rises up out of the land instead of out of the sea. When the people want cheap fuel and light, a confederation of monopolists show their teeth. When they ask that their burdens of taxation may be lightened by transferring a portion to the wealthy classes through a graduated income tax, why then those who have been shirking their share of the public burdens rise up and declare with one voice that such taxes are odious. When the whole country cries out for silver, up jumps a triple power, composed of the national banks, gold speculators, and holders of Government bonds, backed by all the aristocracies of Europe, and they cry out with united voice, "Oh, the silver dollar is a dishonest dollar, it is only worth eighty cents!"

Mr. Speaker, there never has been found upon the face of the earth a class of men for whom silver was not good enough except the bondholding and fixed-income classes. Why, Abraham paid tithes to Melchisedek, and Jesus of Nazareth paid his taxes in this very kind of money, but it is not good enough for these modern gentlemen who live upon the taxes wrung from the oppressed people. Such men are not in sympathy with the spirit of our age, nor do they understand the unalterable purpose and courage of the people. The reaction that began in 1876 is now under full sweep and headway. The path of duty stretches

out before the Democratic party. It is plain, clear, and unobstructed. Move forward! Be loyal to duty, and if the great State of New York can not stand it, can not keep up with the procession, we will give you Iowa, Illinois, Michigan, and other States in the Northwest.

There is a tide in the affairs of men,
Which, taken at the flood, leads on to fortune;
Omitted, all the voyage of their life
Is bound in shallows, and in miseries.
On such a full sea are we now afloat;
And we must take the current when it serves,
Or lose our ventures.

Mr. FINDLAY obtained the floor.

Mr. CRISP. I move that the committee rise.

The motion was agreed to.

The committee accordingly rose; and the Speaker having resumed the Chair, Mr. HAMMOND reported that the Committee of the Whole House on the state of the Union, having had under consideration the bill (H. R. 4833) relating to the taxation of fractional parts of a gallon of distilled spirits, had come to no resolution thereon.

Mr. MORRISON. I move that the House do now adjourn.

LEAVE OF ABSENCE.

Pending the motion to adjourn leave of absence was granted as follows:

To Mr. HITT, for one week, on account of important business.

To Mr. DUNN, indefinitely, on account of sickness.

To Mr. HOUK, for to-day and to-morrow, on account of important business.

To Mr. OSBORNE, for five days, to attend to important private business.

WITHDRAWAL OF PAPERS.

On motion of Mr. ROGERS, by unanimous consent leave was given to withdraw from the files of the House papers in the case of Mary D. Hook without leaving copies on file.

WAR TAX OF 1861.

Mr. LITTLE. I desire to offer an amendment at the proper time to House bill No. 3. I should like to have it printed in the RECORD for the information of the House.

There was no objection.

The proposed amendment is as follows:

Add to section 1 the following:

"*Provided*, That the Secretary of the Treasury is hereby authorized and directed to enter a credit as of money advanced to the United States for account to any State or Territory or the District of Columbia for any sum or sums received therefrom, or from lands or land-owners thereof, on any account whatsoever, under said act of August 5, 1861, or any act amendatory thereof, and to pay to the same any balance found due on account, after entering such credit, out of the money in the Treasury not otherwise appropriated; one-half of such balance to be paid within one year, and the other half within two years, after the passage of this act: *Provided*, The President may defer either or both such payments for a definite period, and continue so to do if, and as long as, in his judgment, the public interests so require, not, however, beyond five years, and the payment first referred to in this section shall be made at the time of paying the first installment of said balance as aforesaid. The provisions of said act of August 5, and any act amendatory thereof, in so far as they relate to the levy, apportionment, and collection of said war tax, are hereby repealed, and all liabilities and obligations to the United States created thereby or assumed on account thereof are hereby remitted and canceled."

The motion to adjourn was agreed to; and accordingly (at 5 o'clock and 12 minutes p. m.) the House adjourned.

PETITIONS, ETC.

The following petitions and papers were laid on the Clerk's desk, under the rule, and referred as follows:

By Mr. C. M. ANDERSON (by request): Petition for an act to authorize non-commissioned officers and privates who have served thirty years to be placed on the retired-list—to the Committee on Military Affairs.

By Mr. BALLENTINE: Petition of Martha A. Oakes and of William M. Rose, asking reference of their claims to the Court of Claims—to the Committee on War Claims.

By Mr. BARKSDALE: Petition of the register and receiver of the public land office and of the State officers, Jackson, Miss., for the erection of an addition to the new United States building in that city—to the Committee on Public Buildings and Grounds.

By Mr. BENNETT: Petition of Calvin J. Cowles and George B. Hanna, for arrears of pay as officers of the United States assay office, Charlotte, N. C.—to the Committee on Claims.

By Mr. BOUTELLE: Paper in the case of Bertha M. Timony, minor child of Joseph Brocklebank, late Company H, Twentieth Maine Volunteers—to the Committee on Invalid Pensions.

By Mr. BOYLE: Petition and affidavit of Samuel Potter, late postmaster at Falls City, Pa., for passage of act for payment of his salary—to the Committee on the Post-Office and Post-Roads.

By Mr. BRECKINRIDGE, of Kentucky: Papers to be filed with bill for the relief of Mrs. Frances Marshall—to the Committee on War Claims.

By Mr. BURLEIGH: Joint resolution of New York State Legislature, in regard to building a gun-foundry at Watervliet arsenal, West Troy, N. Y.—to the Committee on Military Affairs.

By Mr. BURNES: Memorial of Mrs. Anne K. Irvine, John W. Stokes, D. P. Debys, and others, citizens of Holt County, Missouri, in support of female suffrage—to the Committee on the Judiciary.

By Mr. BYNUM: Petition of Bishop Knickerbocker and others, of Indianapolis, Ind., for reduction of postage on religious monthlies—to the Committee on the Post-Office and Post-Roads.

By Mr. J. M. CAMPBELL: Papers relating to the claim of A. M. Shoenfelt—to the Committee on Claims.

By Mr. CONGER: Petition of citizens of Adair County, Iowa, for amendment to pension laws, &c.—to the Committee on Invalid Pensions.

By Mr. CURTIN: Petition of Augustus D. Saylor, for relief—to the Committee on Claims.

By Mr. CUTCHEON: Petition of Richard Palmer, Oshkosh, Wis., in favor of repeal of the limitation-of-arrears act—to the Committee on Invalid Pensions.

Also, papers in the case of William B. Rowe, H. R. 1168—to the Committee on War Claims.

Also, petition of Knights of Labor of Local Assembly 2363, of Ludington, Mich., in favor of the restoration of wages in the Government Printing Office—to the Committee on Labor.

Also, petition of the Knights of Labor, local assembly of Ludington and of local assembly of Manistee, Mich., in favor of Territorial government for Indian Territory—to the Committee on Indian Affairs.

By Mr. DINGLEY: Memorial of the New York committee for the prevention of State regulation of vice, officially signed, asking for legislation for the better legal protection of young girls in the District of Columbia and other localities under the jurisdiction of Congress—to the Committee on the Judiciary.

By Mr. ERMENTROUT: Petition of Dr. S. B. Heckman and Isaac R. Fisher, for a pension to P. E. Raiger—to the Committee on Invalid Pensions.

Also, petition of P. E. Raiger, for a pension—to the same committee.

Also, petition of A. D. Saylor, of Conshohocken, Pa., for relief as surety of Robert H. Smith, refiner of crude petroleum, for internal-revenue tax on burned petroleum—to the Committee on Claims.

By Mr. FREDERICK: Memorial of members of the National Greenback party of Iowa, for relief—to the Committee on Coinage, Weights, and Measures.

By Mr. FISHER: Petition of A. L. Young & Bro., of Salt River, Mich., asking for the establishment of United States courts at Bay City, Mich.—to the Committee on the Judiciary.

Also, petition of James Davidson and 25 others, manufacturers, asking that an appropriation be made for the west channel of Saginaw River, Michigan—to the Committee on Rivers and Harbors.

Also, petition of John Wagley and 105 others, citizens of Cross Village, Mich., asking for a resurvey of Sturgeon Bay, with view of making it a harbor of refuge—to the same committee.

Also, petition of H. O. Rose and 98 others, citizens of Emmet County, Michigan, asking the passage of bill as recommended by national pension committee of the Grand Army of the Republic—to the Committee on Invalid Pensions.

By Mr. FUNSTON: Petition of Mary Ann Perkins, widow of Amos Perkins, late first assistant engineer Mississippi squadron, to be placed on the pension-roll—to the same committee.

Also, petition of citizens of Lawrence, Kans., for the passage of the Oklahoma bill—to the Committee on the Territories.

By Mr. GEDDES: Petition of Verena Meier, for a pension—to the Committee on Invalid Pensions.

By Mr. GIFFORD: Petition for a law to prohibit the taking of fish from Big Stone Lake by other method than by hook and line—to the Committee on Agriculture.

Also, joint resolution and memorial for an appropriation to improve the navigation of the James River—to the Committee on Rivers and Harbors.

By Mr. GOFF: Petition of N. C. Rohrbough and others, with accompanying papers, relative to legislation in favor of said Rohrbough under the pension laws—to the Committee on Invalid Pensions.

Also, petition and papers of D. M. Miller, for a pension—to the same committee.

By Mr. HAMMOND: Petition of L. S. Roan and others, for appropriation in favor of education in the States—to the Committee on Education.

By Mr. HARRIS: Petition of citizens of Georgia, asking aid for common schools—to the same committee.

By Mr. HAYDEN: Petition of D. D. Kelly and others, of Boston, for a reciprocity treaty with the Dominion of Canada—to the Committee on Foreign Affairs.

By Mr. D. B. HENDERSON: Letter, with papers, from Dr. John E. Brady, of Dubuque, Iowa, urging three-battalion organization for the United States Army—to the Committee on Military Affairs.

Also, papers from R. M. Marion, of Manchester, Iowa, urging an amendment to section 4700 Revised Statutes—to the Committee on Invalid Pensions.

By Mr. HERMAN: Petition of W. F. Jewett and 45 others, citizens of Oregon, for the improvement of Umpqua River, in Oregon—to the Committee on Rivers and Harbors.

Also, petition of S. D. Northcutt, of Oregon, relating to H. R. 3615—to the Committee on Claims.

Also, memorial of the Indian war veterans of the North Pacific coast,

asking for appropriation of $3,296,658, balance due on claims for suppression of Indian hostilities in Oregon and Washington Territories, as found due by General Ingalls, Capt. A. J. Smith, and Hon. L. F. Grover, appointed by Secretary of War, and the said balance being disallowed by the Third Auditor of the Treasury Department on the Eastern instead of the Western scale of prices for services rendered, supplies furnished, and use of horses in the service—to the same committee.

Also, sundry petitions from citizens of different counties in Oregon, asking for appropriations to continue the construction of the jetty at the entrance of Yaquina Bay—to the Committee on Rivers and Harbors.

By Mr. HIESTAND: Memorial of John S. Burwell, administrator of Burwell estate, for a refund of internal tax wrongfully paid on tobacco—to the Committee on Ways and Means.

By Mr. J. T. JOHNSTON: Petition of M. C. Rankin, J. F. Murphy, C. A. Power, G. W. Miller, and 7,255 others, soldiers and citizens of Indiana, asking for the passage of H. R. 3320, pensioning all Union soldiers, &c.—to the Committee on Invalid Pensions.

Also, petition of Dudley Rogers and 78 others, soldiers and citizens of Clark County; of John Salyards and 78 others, soldiers and citizens of Vermillion County; of Capt. W. H. Mohan and others, soldiers and citizens of Gibson County; of J. W. Chizem and 52 others, soldiers of Fountain County; and of Frederick Cain and 94 others, soldiers and citizens of Warren County, Indiana, asking for the passage of H. R. 3320, pensioning all Union soldiers, &c.—to the same committee.

By Mr. JOSEPH: Petition of Hugo Wedeles, for payment of his claim according to approval and recommendation of Commissioner of Indian Affairs and finding of the Court of Claims—to the Committee on Claims.

Also, papers relating to the claim of H. H. Riddew, for Indian depredations—to the Committee on Indian Affairs.

By Mr. KLEINER: Memorial of ex-soldiers of Spencer County, Indiana, praying for a pension to the ex-soldiers of the late war—to the Committee on Invalid Pensions.

Also, papers to accompany bill for the relief of Charles Spencer—to the Committee on War Claims.

By Mr. LAFFOON: Petition of the mayor of Owensborough, Ky., and many citizens, for the establishment of a United States Government building at Owensborough, Ky.—to the Committee on Public Buildings and Grounds.

By Mr. LAWLER: Petition of James F. Gyles, for extension of his patent—to the Committee on Patents.

By Mr. LINDSLEY: Petition of John H. Dunagan, of New York, for a pension—to the Committee on Invalid Pensions.

Also, papers in the case of Romantus Lake—to the Committee on Military Affairs.

By Mr. LYMAN: Resolutions of Workingmen's Progressive Association, of Council Bluffs, Iowa, with regard to Oklahoma and Cherokee Strip lands—to the Committee on the Territories.

By Mr. NORWOOD: Petition of Charles H. Olmstead & Co. and others, for the suspension of silver coinage—to the Committee on Coinage, Weights, and Measures.

By Mr. MARKHAM: Petition of Board of Trade of Los Angeles, Cal., for appropriation for a United States district court at Los Angeles—to the Committee on the Judiciary.

Also, petition of Board of Trade of Los Angeles, Cal., for an appropriation for a public building at Los Angeles—to the Committee on Public Buildings and Grounds.

Also, petition from Board of Trade of Los Angeles, Cal., for an appropriation for Wilmington Harbor—to the Committee on Rivers and Harbors.

By Mr. MARTIN: Papers relating to the claim of Henry Louis Loeb—to the Committee on War Claims.

By Mr. MATSON: Memorial of Col. Daniel McClure, assistant paymaster-general United States Army—to the Committee on Military Affairs.

Also, petition of Julius Parcus, for arrears of pension alleged to be due him—to the Committee on Invalid Pensions.

By Mr. MERRIMAN: Petition of Thomas W. Robertson and 572 others, employés of the customs-house service of New York city, praying for an appropriation to reimburse them for 10 per cent. retained salary for the period of ten months from December, 1875, to October, 1876—to the Committee on Claims.

By Mr. MILLIKEN: Petition of Arthur Sewell and others and of Otis Ingraham and others, for the establishment of a light-house on Crabtree's Ledge, Maine—to the Committee on Commerce.

By Mr. MORRILL: Papers relating to the claim of W. S. Thatcher—to the Committee on War Claims.

By Mr. NEAL: Paper relating to the claim of S. H. Fox, to accompany House bill 5115—to the same committee.

Also, papers relating to the petition of John Price, for restoration to the pension rolls, to accompany H. R. 2349—to the Committee on Pensions.

By Mr. NELSON: Petition for pension for Benjamin F. Olin, for services in Mexican war—to the same committee.

By Mr. J. J. O'NEILL: Petition for the relief of Calvin Gunn, of Saint Louis, Mo.—to the Committee on Claims.

Also, petition of Saint Louis Trades and Labor Assembly, requesting the President to issue a proclamation enforcing the eight-hour law—to the Committee on Labor.

By Mr. OWEN: Petition of James Breen and others, and of Elisha Johnson and others, of Indiana, for pensioning all Union soldiers, &c.—to the Committee on Invalid Pensions.

By Mr. PAYNE: Petition of E. T. Prium and others, asking the passage of a general act for the increase of pensions—to the same committee.

By Mr. PETERS: Concurrent resolution of the Legislature of Kansas, favoring granting the right of way through Indian Territory to railroads—to the Committee on Indian Affairs.

Also, petition of comrades, favoring granting a pension to Isaac Fossett, private First Minnesota Cavalry—to the Committee on Invalid Pensions.

By Mr. PETTIBONE: Petition and proof of John B. Walker, of Greene County, Tennessee, to sustain bill for his relief—to the same committee.

By Mr. PLUMB: Memorial of William F. Parker and 203 others, citizens of Streator, Ill., on equal and just taxation for all—to the Committee on Ways and Means.

By Mr. RANDALL: Petition to protect mackerel during the spawning season—to the Committee on Commerce.

By Mr. RANNEY: Petition of George Paul, for a pension—to the Committee on Invalid Pensions.

By Mr. REAGAN: Petition of John Henry Brown, mayor of Dallas, Tex., and the councilmen of that city, petitioning Congress to provide for securing deep water at Galveston, Tex.—to the Committee on Rivers and Harbors.

By Mr. ROMEIS: Petition of E. A. Higgins and 46 others, of Lucas County, Ohio, asking Congress to mark the battlefields in the Maumee Valley in the wars of 1784 and 1812—to the Committee on the Library.

By Mr. SENEY: Memorial of Merchants and Manufacturers' Association of Cincinnati, against the Lowell bankrupt bill—to the Committee on the Judiciary.

By Mr. SNYDER: Petition of William L. Morris, administrator of Robert W. Renick; of William L. Brown, administrator of William R. McConihay; of Isaiah Curry; of Amos K. Wiseman; of C. Marrs, executor of William Rigg; of John G. Cox, administrator; and of Samuel Tuckwiler, of West Virginia, praying that their war claims be referred to the Court of Claims—to the Committee on War Claims.

By Mr. SPRINGER: Memorial of Capt. Thomas A. Peters, Grand Army of the Republic, and others, citizens and ex-soldiers of Cass County, Illinois, praying the passage of laws increasing pensions to Union soldiers, as set forth by the representatives of the Grand Army of the Republic—to the Committee on Invalid Pensions.

By Mr. STEELE: Petition of J. B. Thompson and 100 other soldiers, asking pension legislation—to the same committee.

By Mr. STEPHENSON: Petition of Emily R. Roberts, for a pension—to the same committee.

Also, petition of Thomas Gleason, for a pension—to the same committee.

Also, resolutions of the Wisconsin Teachers' Association, praying for national aid to education—to the Committee on Education.

By Mr. J. W. STEWART: Paper relating to the claim of Henry Brooks—to the Committee on Invalid Pensions.

By Mr. W. J. STONE, of Missouri: Petition of Lamar Assembly, Knights of Labor, Lamar, Mo.; of Nevada Local Assembly, Knights of Labor, of Nevada, Mo.; and of Rich Hill Local Assembly, Knights of Labor, of Rich Hill, Mo., for the organization of Oklahoma Territory, &c.—to the Committee on the Territories.

Also, petition for an act to amend an act entitled "An act authorizing the Postmaster-General to adjust certain claims of postmasters for loss by burglars, fire, or other unavoidable casualty"—to the Committee on the Post-Office and Post-Roads.

Also, petition and resolution of Windsor Assembly, Knights of Labor, Windsor, Mo., against suspension of the coinage of silver—to the Committee on Coinage, Weights, and Measures.

By Mr. J. M. TAYLOR: Petitions of Jane M. Williams, of William Witherspoon, of William H. Brown, and of Mrs. Mahala Rone, asking compensation for property taken and used by the United States Army during the late war—to the Committee on War Claims.

By Mr. ZACH. TAYLOR: Petition of J. S. Robertson, of Whiteville, Tenn., in regard to the failure of the Post-Office Department to adjust salaries of postmasters under act of March 3, 1883—to the Committee on the Post-Office and Post-Roads.

By Mr. J. R. THOMAS: Petition for an increase of pension to Mrs. Helen De Russey, widow of General De Russey, late of the United States Army—to the Committee on Invalid Pensions.

By Mr. TRIGG: Petition of Robert R. Dorr, asking the reference of his claim to the Court of Claims—to the Committee on War Claims.

By Mr. WAIT: Petition of P. P. Wilson, late postmaster at Putnam, Conn., for relief and payment of amount due him by terms of act of March 3, 1883—to the Committee on the Post-Office and Post-Roads.

By Mr. WAKEFIELD: Petition of 250 citizens of Le Sueur, Minn., praying for the passage of a bill embodying the views of the pension committee of the Grand Army of the Republic—to the Committee on Invalid Pensions.

By Mr. A. J. WARNER: Petition of Rachel A. Davis, for a pension—to the same committee.

By Mr. MILO WHITE: Petition of citizens of Wabasha County, Minnesota, favoring the enactment of the recommendations of the national pension committee of the Grand Army of the Republic—to the same committee.

Also, papers relating to the case of James N. Hair, for a pension—to the same committee.

Also, papers relating to the case of R. Rowly, for a pension—to the same committee.

Also, resolutions of Saint Paul Chamber of Commerce, against change of fifth steamboat district—to the Committee on the Judiciary.

By Mr. WILSON: Petition of William C. Ramey, of B. F. Harrison, administrator; of John W. Ott, of Samuel Hammer & Bro., of David A. Wagely, of John D. Conard, of Alexander Stalwaher, of Jacob Crouch, of Jonathan Crouch, of Henry Ronemans, of William L. Ward, of Abram Crouch, and of Jane A. Cunningham, asking that their several claims be referred to the Court of Claims—to the Committee on War Claims.

Also, papers relating to the claim of the heirs of William Lucas—to the same committee.

The following petitions, praying Congress to place the coinage of silver upon an equality with gold; that there be issued coin certificates of one, two, and five dollars, the same being made a legal tender; that one and two dollar legal-tender notes be issued, and that the public debt be paid as rapidly as possible by applying for this purpose the idle surplus now in the Treasury, were presented and severally referred to the Committee on Coinage, Weights, and Measures:

By Mr. J. A. ANDERSON: Of 405 citizens of Marshall County, Kansas, and of 101 citizens of Clifton, Kans.; also, of 60 citizens of Kansas.

By Mr. BURNES: Of Charles M. Jackson, W. H. Blake, and 197 others, citizens of Saint Joseph, Mo.

By Mr. BYNUM: Of James C. Hart and others, citizens of Shelby County, Indiana.

By Mr. DORSEY; Of S. G. Peabody and others, of Nebraska.

By Mr. J. T. JOHNSTON: Of Samuel B. Henzer and others, citizens of Montgomery County, Indiana.

By Mr. KELLEY: Of citizens of Buffalo, N. Y.

By Mr. LANHAM: Of citizens of Erath County, Texas.

By Mr. PETERS: Of R. B. Fry and 37 others, citizens of Spearville; and of Tobias McGill and 60 others, citizens of Dundee, Kans.

By Mr. W. J. STONE, of Missouri: Of J. D. Hughes and 79 others, citizens of Saint Clair County; and of J. W. McEwen and 84 others, citizens of Barton County, Missouri.

By Mr. WORTHINGTON: Of D. B. Thorp and 50 others, citizens of Peoria County, Illinois.

SENATE.

TUESDAY, *February* 9, 1886.

Prayer by the Chaplain, Rev. E. D. HUNTLEY, D. D.

The Journal of yesterday's proceedings was read and approved.

PUBLIC LAND SURVEYS IN NEBRASKA.

The PRESIDENT *pro tempore* laid before the Senate the following message from the President of the United States; which was read, and, with the accompanying papers, referred to the Committee on Public Lands, and ordered to be printed:

To the President of the Senate pro tempore:

SIR: In response to Senate resolution of January 7, 1886, "That the Secretary of the Interior be, and hereby is, directed to communicate to the Senate whether any surveys of the public lands have been made within the last two years in the State of Nebraska; whether there are any unsurveyed public lands within the said State; also what recommendations have been made within the last three years by the surveyors-general of said district as to the discontinuance of said office, and whether it is advisable that the office of surveyor-general of said district should cease and be discontinued under the provisions of section 2218 of the Revised Statutes of the United States," I transmit herewith a communication from the Secretary of the Interior, dated the 3d instant, inclosing the information desired.

GROVER CLEVELAND.

EXECUTIVE MANSION, *February* 8, 1886.

AGENT OF WINNEBAGO INDIANS.

The PRESIDENT *pro tempore* laid before the Senate the following message from the President of the United States; which was read:

To the Senate and House of Representatives:

I transmit herewith a letter from the Secretary of the Interior, dated 5th instant, inclosing the recommendation of the Commissioner of Indian Affairs for the insertion in the act making appropriations for the current and contingent expenses of the Indian Department for the year ending June 30, 1887, of an item providing for an agent for the Winnebago Indians in Wisconsin, at a salary of $1,500 per annum.

The matter is respectfully submitted for the consideration and action of Congress.

GROVER CLEVELAND.

EXECUTIVE MANSION, *February* 8, 1886.

(Three inclosures.)

The PRESIDENT *pro tempore*. The communication, with the accompanying documents, will be referred to the Committee on Appropriations, and printed, if there be no objection.

Mr. DAWES. I think the communication should go to the Committee on Indian Affairs.

Mr. ALLISON. In the first instance.

Mr. DAWES. In the first instance I think it should go to the Committee on Indian Affairs.

The PRESIDENT *pro tempore*. That reference will be made if there be no objection.

ALFRED B. MEACHAM.

The PRESIDENT *pro tempore* laid before the Senate a communication from the Secretary of the Treasury, transmitting, in response to a resolution of the 1st instant, certain information relative to the accounts of Alfred B. Meacham, late superintendent of Indian affairs, Oregon; which, with the accompanying papers, was, on motion of Mr. MITCHELL, of Oregon, referred to the Committee on Claims, and ordered to be printed.

EXCHANGE OF DOCUMENTS WITH SPANISH SENATE.

The PRESIDENT *pro tempore*. The Chair lays before the Senate a communication from the president of the senate of Spain, relative to the exchange of documents between the Senate of the United States and the senate of Spain. The Chair is advised that similar communications have heretofore been referred to the Committee on the Library. This communication will be so referred if there be no objection.

REPORT OF DISTRICT HEALTH OFFICER.

The PRESIDENT *pro tempore* laid before the Senate the following concurrent resolution received yesterday from the House of Representatives; which was read, and referred to the Committee on Printing:

Resolved by the House of Representatives (the Senate concurring), That the Public Printer be, and he is hereby, authorized to print 2,500 extra copies of the annual report of the health officer of the District of Columbia; 100 for the use of the Senate, 350 for the use of the House of Representatives, and 2,050 for the use of the health officer of the District of Columbia.

LITTLE ROCK NATIONAL BANK.

The PRESIDENT *pro tempore* laid before the Senate the amendment of the House of Representatives to the bill (S. 382) to authorize the Merchants' National Bank of Little Rock, Ark., to change its name to the First National Bank of Little Rock, which was, in line 4, after the word "bank," to insert "having been previously authorized by a vote of shareholders owning two-thirds of the stock of said bank."

Mr. JONES, of Arkansas. I move that the Senate concur in the amendment of the House of Representatives.

The amendment was concurred in.

HOUSE BILLS REFERRED.

The following bills received yesterday from the House of Representatives were severally read twice by their titles, and referred to the Committee on Finance:

A bill (H. R. 1005) for the relief of George S. Hunt & Co.;

A bill (H. R. 1260) to authorize the increase of the capital stock of the First National Bank of Minneapolis, Minn., not to exceed $2,000,000.;

A bill (H. R. 1006) for the relief of Phinney & Jackson; and

A bill (H. R. 1007) for the relief of Dudley Hall & Co.

The bill (H. R. 1008) for the relief of Victor Beauboucher was read twice by its title, and referred to the Committee on Foreign Relations.

The bill (H. R. 3829) for the relief of Frances E. Stewart, administratrix of Michael S. Stewart, deceased, was read twice by its title, and referred to the Committee on Claims.

PETITIONS AND MEMORIALS.

The PRESIDENT *pro tempore* presented a petition of citizens of New York, Chicago, Sandusky, and other cities, praying for such legislation as will enable the manufacturers of macaroni, vermicelli, and other products to compete with foreign importations; which was referred to the Committee on Finance.

He also presented a petition of merchants of Columbia, Pa., praying for the redemption of the trade-dollar; which was referred to the Committee on Finance.

He also presented the petition of John M. Weaver and Catharine Weaver, praying to be allowed a pension on account of services rendered by their son, who was a soldier in the United States Army during the late war; which was referred to the Committee on Pensions.

He also presented a petition of citizens of Indiana, praying for the passage of a pension bill embodying the recommendations of the national pension committee of the Grand Army of the Republic; which was referred to the Committee on Pensions.

Mr. MILLER, of New York, presented the petition of Edward P. Doherty, late first lieutenant Fifth Cavalry, United States Army, praying to be appointed to the position he would have occupied had he been continuously in the service from 1870, alleging that he was unjustly accused and mustered out of the service in that year; which was referred to the Committee on Military Affairs.

Mr. MCPHERSON. I present four petitions of vessel-owners navigating the waters of Staten Island Sound (Arthur Kill), New York Harbor, and vicinity, who respectfully represent that the channel in question is one of the greatest thoroughfares in the United States, and forms a part of the great inland route connecting the different States; that a bridge across Staten Island Sound, constructed as proposed by the bills now pending in Congress, would nearly, if not quite, destroy the navigation of that channel, and they earnestly petition that "if your honorable body authorize the erection of a bridge across said channel it will be such a bridge as will have no pier, pile, abutment, or any ob-

struction in the navigable waters of Staten Island Sound, and will be of sufficient height for all vessels to pass under." One of the petitions is signed by 50 vessel-owners, another by 20, another by 25, and another by 40, all of a like character. I move that they be referred to the Committee on Commerce.

The motion was agreed to.

Mr. MAXEY presented petitions of the local assemblies of Knights of Labor at Ranger, Austin, and Marshall, Tex., praying that the Oklahoma lands in the Indian Territory be opened to settlement; which were referred to the Committee on Indian Affairs.

He also presented resolutions adopted by the city council of Houston, Tex. and the city council of Dallas, Tex. favoring an appropriation to secure deep water at Galveston, Tex.; which were referred to the Committee on Commerce.

He also presented a petition of citizens of Jefferson County, Texas, praying that an appropriation be made for deepening Sabine Pass; which was referred to the Committee on Commerce.

Mr. SPOONER presented the petition of J. W. Gale and others, of Sauk County, Wisconsin, praying for a suspension of the compulsory coinage of the silver dollar; which was referred to the Committee on Finance.

Mr. CAMERON presented the petition of Jane Carr, widow of Colwell Carr, late a private in Company F, Thirtieth Regiment Pennsylvania Volunteers, praying to be allowed a pension; which was referred to the Committee on Pensions.

He also presented the petition of Bryson & Son, of Philadelphia, Pa., praying for the passage of a bill to reimburse them for stationery supplies furnished the United States Treasury Department; which was referred to the Committee on Claims.

Mr. PLATT. I present the petition of the Hartford Carpet Company, of Hartford Conn., and numerous other manufacturers, merchants, and dealers in different parts of the United States, praying for the passage of Senate bill 1034, introduced by myself, which relates to the recovery of damages in case of the violation and infringement of patents for designs. I move that the petition be referred to the Committee on Patents.

The motion was agreed to.

Mr. COKE presented a petition of Knights of Labor of Marshall, Tex., praying for the opening of the Indian Territory and Indian reservations to homestead settlement; which was referred to the Committee on Indian Affairs.

Mr. WILSON, of Iowa, presented the petition of William Marshall and 58 other citizens of Iowa, and the petition of J. A. Hysham and 53 other citizens of Iowa, praying for the passage of an act of absolute forfeiture of the unearned lands within the limits of the grant made to the Sioux City and Saint Paul Railroad Company; which were ordered to lie on the table.

He also presented a petition of the Lehigh Local Assembly No. 1613 of the Knights of Labor of Iowa, praying for the organization of a Territorial government for the Indian Territory and for opening all of the public lands therein to homestead settlement; which was referred to the Committee on Indian Affairs.

He also presented the petition of L. W. Huston, of Keokuk, Iowa, praying for the passage of a law granting him compensation for extra services as a railway postal clerk; which was referred to the Committee on Post-Offices and Post-Roads.

Mr. PLUMB. I present a petition of a large number of ex-Union soldiers who reside in the State of Kansas, praying that the Senate may pass a bill embodying the recommendations of the national pension committee of the Grand Army of the Republic in relation to pensions, and in support of a communication sent by that committee to this body. I move that the petition be referred to the Committee on Pensions.

The motion was agreed to.

Mr. CONGER presented a petition of Knights of Labor Local Assembly 3060, of Michigan, and a petition of Knights of Labor Local Assembly of Manistee, Mich., praying for a Territorial form of government in the Indian Territory and the opening of the Oklahoma lands to settlement; which were referred to the Committee on Indian Affairs.

Mr. HARRISON. I present the petition of Right Rev. D. B. Knickerbocker, bishop of Indiana, and others, praying Congress to grant relief from the excessive postage now required to be paid on monthly religious publications, &c. I move that the petition be referred to the Committee on Post-Offices and Post-Roads.

The motion was agreed to.

Mr. EVARTS. I present a petition adopted at the annual meeting of the American Institute of New York in behalf of Joseph Francis's life-boats for the saving of life. This petition comes from a very distinguished body and earnestly presents to the attention of the Senate the propriety of some legislation on that subject. I move that the petition be referred to the Committee on Commerce.

The motion was agreed to.

Mr. EVARTS presented petitions of local assemblies of Knights of Labor of Norwich and other places in New York, praying for the opening to homestead settlement of the Oklahoma lands in the Indian Territory; which were referred to the Committee on Indian Affairs.

He also presented a memorial of Edward F. Browning, of New York city, remonstrating against any further legislation in regard to the Venezuelan awards; which was referred to the Committee on Foreign Relations.

He also presented a petition of 60 citizens of New York and Brooklyn, praying for the immediate passage of a bill in regard to pensions as recommended by the pension committee of the Grand Army of the Republic; which was referred to the Committee on Pensions.

Mr. BECK presented the petition of Aley Dunaway, widow of Moses Dunaway, late a private in Company D, Eighth Kentucky Volunteers, praying for an increase of pension; which was referred to the Committee on Pensions.

He also presented a petition of Archibald B. McGuire, of Kentucky, executor of the estate of Hiram McGuire, deceased, praying compensation for supplies taken for the use of the United States Army during the late war; which was referred to the Committee on Claims.

REPORTS OF COMMITTEES.

Mr. MAHONE, from the Committee on Public Buildings and Grounds, to whom were referred the following bills, reported them severally with an amendment:

A bill (S. 1163) for a public building at Lancaster, Pa.;

A bill (S. 954) for the erection of a public building in the city of Pawtucket, R. I.; and

A bill (S. 93) authorizing the construction of a public building for a post-office in the city of Houston, Tex.

Mr. MAHONE, from the Committee on Public Buildings and Grounds, to whom was referred the bill (S. 637) for the erection of a public building at Hudson, N. Y., reported it with amendments.

He also, from the same committee, to whom were referred the following bills, reported them severally without amendment:

A bill (S. 1386) for the completion of a public building at Fort Scott, Kans.;

A bill (S. 1387) for the completion of a public building at Wichita, Kans.;

A bill (S. 538) to provide for the erection of a public building in the city of Newport, Ky.; and

A bill (S. 324) for the erection of a public building at Opelousas, La.

Mr. HARRIS, from the Committee on Finance, to whom was referred the bill (S. 13) for the relief of William J. Smith, late collector of customs for the port of Memphis, State of Tennessee, reported it with amendments, and submitted a report thereon.

Mr. CAMERON, from the Committee on Military Affairs, to whom was referred the petition of Daniel F. Hammell, late first sergeant of Company E, One hundred and twenty-second Regiment New York Volunteers, praying to be placed on the muster-rolls of that regiment as a second-lieutenant, asked to be discharged from its further consideration; which was agreed to.

He also, from the same committee, to whom was referred the bill (S. 259) for the relief of the Seventh Regiment New York Cavalry Volunteers, submitted an adverse report thereon, which was agreed to; and the bill was postponed indefinitely.

Mr. LOGAN, from the Committee on Military Affairs, to whom was referred the bill (S. 845) for the relief of telegraph operators during the war, reported it with an amendment.

Mr. LOGAN. I am instructed by the Committee on Military Affairs, to whom was referred the bill (S. 777) to increase the efficiency of the Army of the United States, to report it with sundry amendments. I ask that a table I now present, which should go in connection with the bill in order to explain it, may be printed with the bill.

The PRESIDENT *pro tempore*. The order to print the papers will be made if there be no objection.

Mr. COCKRELL, from the Committee on Military Affairs, to whom was referred the bill (S. 78) to extend the time for filing certain claims for compensation for horses and other property lost in the military service of the United States, reported adversely thereon; and the bill was postponed indefinitely.

Mr. DOLPH. The bill just reported adversely and indefinitely postponed was introduced by me. I ask that the vote by which it was indefinitely postponed may be reconsidered, and that the bill be placed on the Calendar.

The PRESIDENT *pro tempore*. If there be no objection the vote by which the bill was indefinitely postponed will be reconsidered, and the bill will be placed on the Calendar with the adverse report of the committee.

Mr. ALDRICH. I am directed by the Committee on Finance, to whom was referred the bill (S. 599) to refund excessive duties caused by extraordinary overvaluation of the Austrian florin in the year 1878, to report it adversely. As this is not a unanimous report of the committee, perhaps the bill had better, for the purpose of saving the rights of all parties, be placed upon the Calendar.

The PRESIDENT *pro tempore*. The bill will be placed on the Calendar with the adverse report of the committee.

Mr. SEWELL, from the Committee on Military Affairs, to whom was referred the bill (S. 224) for the relief of Charles F. Bowers, reported it without amendment, and submitted a report thereon.

Mr. WALTHALL, from the Committee on Military Affairs, to whom was referred the bill (S. 1062) for the relief of Robert D. Gardner, reported adversely thereon; and the bill was postponed indefinitely.

He also, from the same committee, to whom was referred the bill (S. 504) for the relief of Eugene Wells, reported adversely thereon.

Mr. COCKRELL. Let that bill be placed on the Calendar.

The PRESIDENT *pro tempore*. The bill will be placed on the Calendar with the adverse report of the committee.

Mr. WALTHALL, from the Committee on Military Affairs, to whom was referred the petition of Wilhelm Tegethoff, a skilled workman employed in the national armory at Springfield, Mass., praying compensation for inventions used by the Government, reported adversely thereon; and the committee was discharged from the further consideration of the petition.

Mr. WALTHALL. I am directed by the Committee on Public Lands, to whom was referred the bill (S. 557) to grant for the use of the public a street across the United States grounds in the city of Chattanooga, in the State of Tennessee, to ask that that committee be discharged from its further consideration and that the bill be referred to the Committee on Military Affairs. From an examination it appears that the military reservation referred to in the bill is not one of the abandoned reservations and has not been turned over to the Department of the Interior for disposal, and therefore is no part of the public lands proper.

The report was agreed to.

Mr. MANDERSON. I am directed by the Committee on Military Affairs to report back the bill (S. 728) authorizing the removal of the statue of Maj. Gen. John A. Rawlins from its present location to a site to be selected by the Secretary of War. The committee are disposed to favor the passage of the bill, but think it is a proper bill to go to the Committee on Public Buildings and Grounds, and I therefore suggest such a reference.

The PRESIDENT *pro tempore*. If there be no objection that change of reference will be made.

Mr. MANDERSON, from the Committee on Military Affairs, to whom was referred the bill (S. 137) to increase the efficiency of the infantry branch of the Army, reported it with an amendment.

Mr. VAN WYCK, from the Committee on Public Lands, submitted a report to accompany the bill (S. 333) for the relief of settlers and purchasers of lands on the public domain in the States of Nebraska and Kansas, heretofore reported by him.

OMAHA NATIONAL BANK.

Mr. MORRILL. I am directed by the Committee on Finance, to whom was referred the bill (S. 1120) to authorize the Omaha National Bank of Omaha, Nebr., to increase its capital stock, to report it with an amendment in the nature of a substitute.

Mr. MANDERSON. I ask unanimous consent that the bill be now considered. I believe that is the usual course with bills simply authorizing an increase of the capital stock of national banks.

By unanimous consent, the Senate, as in Committee of the Whole, proceeded to consider the bill.

The amendment reported by the Committee on Finance was to strike out all after the enacting clause and to insert:

That the Omaha National Bank, located at Omaha, in the State of Nebraska, is hereby authorized to increase its capital stock, in accordance with existing laws, to any sum not exceeding $2,000,000, notwithstanding the limit heretofore fixed in its original articles of association and determined by the Comptroller of the Currency; and the Comptroller of the Currency is hereby authorized to fix the limit of the increase of the capital stock of the Omaha National Bank of Omaha, Nebr., at the amount of $2,000,000.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

The title was amended so as to read: "A bill to authorize the increase of the capital stock of the Omaha National Bank of Omaha, Nebr."

PROPOSED DAILY RECESS.

Mr. FRYE. The Committee on Rules instruct me to report back the following resolution, submitted by the Senator from Alabama [Mr. MORGAN] on the 3d instant, adversely and to move that it be indefinitely postponed:

Ordered, That the Senate will take a recess on each day at 2 o'clock and be in session again at 2.30 p. m. This order may be suspended by a vote of a quorum required in case of adjournment, to be had without debate.

The PRESIDENT *pro tempore*. Does the Senator desire to have the resolution placed on the Calendar?

Mr. FRYE. I move its indefinite postponement.

The PRESIDENT *pro tempore*. It will be indefinitely postponed if there be no objection.

Mr. MORGAN. I ask that it go on the Calendar. I do not think we have got quite up to a full understanding of it.

Mr. FRYE. I have no objection to the course suggested.

The PRESIDENT *pro tempore*. The resolution will be placed on the Calendar with the adverse report of the committee.

BILLS INTRODUCED.

Mr. CONGER introduced a bill (S. 1430) granting arrears of pension to James Gain; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Pensions.

Mr. CAMERON introduced a bill (S. 1431) granting a pension to Jane Carr; which was read twice by its title, and referred to the Committee on Pensions.

He also introduced a bill (S. 1432) for the relief of Alfred Hedberg; which was read twice by its title, and referred to the Committee on Military Affairs.

Mr. DAWES introduced a bill (S. 1433) for the relief of the Western Miami Indians of Kansas; which was read twice by its title, and referred to the Committee on Indian Affairs.

Mr. ALLISON introduced a bill (S. 1434) to make full legal-tender money interchangeable at the Treasury or at the subtreasury in the city of New York, and for other purposes; which was read the first time by its title.

Mr. INGALLS. I should like to hear the bill read at length.

The PRESIDENT *pro tempore*. The Secretary will read the bill at length.

The bill was read the second time at length, and referred to the Committee on Finance, as follows:

Be it enacted, &c., That hereafter any holder of silver coins of full legal-tender value may, at his option, present them in sums of $50, or any multiple thereof, at the Treasury, or at the subtreasury in the city of New York, and receive therefor in exchange a like amount of gold coin or United States notes; and any holder of gold coin may in like manner present the same at the Treasury, or at the subtreasury in the city of New York, and receive therefor silver coins of full legal-tender value or United States notes: *Provided*, That nothing herein shall be construed to authorize the increase of the aggregate issue of United States notes now authorized by law, nor to restrict or limit the issue of gold or silver certificates as now provided by law.

SEC. 2. That section 5193 and 5194 of the Revised Statutes are hereby repealed, and the words "lawful money," wherever used in the statutes of the United States, shall be construed to include United States notes, gold, and silver of full legal tender.

SEC. 3. That all laws and parts of laws requiring the lawful money deposited with the Treasurer of the United States, as provided by section 5222 of the Revised Statutes, to be held as a special fund for the redemption of notes of national banking associations, are hereby repealed, and all the money now deposited or which may be hereafter deposited under said section shall be covered into the Treasury; and all sums now deposited or which may hereafter be deposited with the Treasurer of the United States, as authorized by section 4 of an act entitled, "An act fixing the amount of United States notes, providing for a redistribution of the national-bank currency, and for other purposes," approved June 20, 1874, shall be covered into the Treasury.

SEC. 4. That section 3 of the last-named act is hereby amended so as to authorize the redemption of national-bank notes in gold or silver, and to authorize the deposit of gold or silver in lieu of United States notes required to be deposited by said section.

Mr. BERRY introduced a bill (S. 1435) to provide for the control of the reservation of public lands and the distribution of hot water at Hot Springs, Ark.; which was read twice by its title, and referred to the Committee on Public Lands.

Mr. PUGH introduced a bill (S. 1436) for the relief of H. M. Jones; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Claims.

Mr. HARRISON introduced a bill (S. 1437) granting a pension to Frederick Louster; which was read twice by its title, and referred to the Committee on Pensions.

He also introduced a bill (S. 1438) granting a pension to Isom Wilkerson; which was read twice by its title, and referred to the Committee on Pensions.

He also introduced a bill (S. 1439) granting a pension to Thomas Simpson; which was read twice by its title, and referred to the Committee on Pensions.

He also introduced a bill (S. 1440) for the relief of Milton Randall; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Military Affairs.

Mr. WILSON, of Iowa, introduced a bill (S. 1441) granting a pension to M. Romahr; which was read twice by its title, and referred to the Committee on Pensions.

Mr. SHERMAN introduced a bill (S. 1442) providing for the erection of a public building at Portsmouth, Ohio; which was read twice by its title, and referred to the Committee on Public Buildings and Grounds.

Mr. BECK introduced a bill (S. 1443) to provide for the issue of coin certificates, and for other purposes; which was read the first time by its title.

Mr. TELLER. Let the bill be read at length.

The PRESIDENT *pro tempore*. The bill will be read at length.

The bill was read the second time at length, and referred to the Committee on Finance, as follows:

Be it enacted, &c., That hereafter coin certificates shall be issued of any denomination for which legal-tender notes of the United States may now be issued, and when received at the Treasury reissued as provided for in section 2 of this act, and all gold and silver certificates now outstanding shall be retired when they are received at the Treasury of the United States.

SEC. 2. That it shall be the duty of the Treasurer of the United States, upon the receipt of an original certificate of deposit issued by the United States assistant treasurer of any United States subtreasury, stating that there has been deposited therein gold coin or standard silver dollars of the United States in the sum of $10 or any multiple thereof, payment of a like amount in coin certificates at the counter of any United States assistant treasurer designated by the depositor shall be ordered in such denominations as he may request in writing, which shall be redeemable in gold or silver coin at the option of the United States.

SEC. 3. That no coin certificates shall be issued of a denomination greater than $500, and at least two-thirds of such certificates outstanding at any time shall be of denominations not exceeding $50.

Mr. MAXEY introduced a bill (S. 1444) for the relief of William

Schuchardt, United States commercial agent at Piedras Negras, Mexico; which was read twice by its title, and referred to the Committee on Foreign Relations.

PAPERS WITHDRAWN AND REFERRED.

On motion of Mr. CAMERON, it was

Ordered, That the papers in the case of William Ward be withdrawn from the files, and referred to the Committee on the Judiciary of the House of Representatives.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. CLARK, its Clerk, announced that the House had concurred in the amendments of the Senate to the concurrent resolution of the House of Representatives authorizing the printing of 25,000 extra copies of the President's last annual message for the use of the House.

SITE OF FORT BRADY.

Mr. CONGER. I call up the motion which I entered to reconsider the vote by which the Senate passed the bill (S. 753) to provide for the sale of the old site of Fort Brady, Michigan, and for a new site and the construction of suitable buildings thereon.

The motion to reconsider was agreed to.

Mr. CONGER. I now move to reconsider the vote by which the bill was ordered to a third reading.

The motion to reconsider was agreed to.

Mr. CONGER. I call the attention of the Senator from Kansas [Mr. INGALLS] to the amendment which he offered to the bill when it was under consideration.

Mr. INGALLS. After an examination of the map, which was not accessible when the bill was before the Senate, I am convinced that my amendment was improvidently agreed to, and I therefore suggest that upon the question being put the amendment be rejected.

Mr. CONGER. I move to reconsider the vote by which the amendment was agreed to.

The motion to reconsider was agreed to.

The PRESIDENT *pro tempore*. The amendment will be read.

The CHIEF CLERK. In section 1, line 6, after the word "extended," insert the words "and west of Church street extended."

The PRESIDENT *pro tempore*. The question is on agreeing to the amendment.

The amendment was rejected.

Mr. CONGER. Now I ask that the bill may proceed to its passage.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

PORTS OF KEY WEST AND TAMPA.

Mr. ALLISON. On Friday of last week I moved to reconsider the vote by which the Senate passed the joint resolution (S. R. 10) to amend the statute in relation to the immediate transportation of dutiable goods, and for other purposes, approved June 10, 1880, so that the provisions of the same shall be extended to the port of Key West Fla.; and the provisions of the seventh section of the statute be extended to the port of Tampa, Fla. The bill, as reported from the Committee on Commerce, authorized the first and seventh sections of the original transportation act to be applied to the port of Key West, and the seventh section to be applied to the port of Tampa. The Senator from Vermont [Mr. EDMUNDS] offered an amendment applying all the other sections of the act to both ports, which was agreed to. I moved to reconsider the vote by which the bill was passed, because I believed under his amendment the result would be that Tampa, Fla., would be included within the first section of the act as well as the seventh section; but on a further examination of the amendment of the Senator from Vermont, comparing notes with him, we both came to the conclusion that as the bill now stands the provisions of the seventh section only would apply to Tampa, Fla.; and with that understanding as to the proper construction of the bill I withdraw the motion to reconsider.

The PRESIDENT *pro tempore*. If there be no objection leave will be granted to withdraw the motion to reconsider, and the bill stands passed.

AGRICULTURAL PRODUCTS.

The PRESIDENT *pro tempore*. The Chair lays before the Senate the resolution submitted yesterday by the Senator from Kansas [Mr. PLUMB], which comes over under the rule. The resolution will be read.

The Chief Clerk read the resolution, as follows:

Whereas, in reply to a resolution passed by the Senate February 29, 1884, inquiring as to the amount of wheat, corn, rye, and cotton produced and consumed in, imported into, and exported from the different countries with which this country holds commercial intercourse, &c., under date of April 21, 1884, the Secretary of State said:

"Whether the present depressed condition of the wheat trade of Europe is occasioned by the several countries drawing upon their reserve stock for local economic reasons or to affect prices or legislation or public opinion or for some other cause, can not be asserted with certainty, but this important fact remains, that the calculations and estimates herewith submitted prove, as far as statistics can prove under the circumstances, that the stock of wheat on hand in Europe at the close of 1883 did not materially differ from the stock on hand at the close of the previous year; that the wants of Europe are as imperative and as great as they were in 1883, and that the demands upon the United States should naturally be as great, at least, as they were in 1883. How long Europe may or can draw upon her reserve stock or what the exact considerations are which control the several countries in this regard, especially the United Kingdom—which may be said to regulate the wheat markets of the world—time alone can develop.

"The most liberal allowance for the wheat output necessary to the world's consumption shows that the United States should be drawn upon during the present year for 188,000,000 bushels, in round numbers, against 187,000,000 bushels from all other wheat-growing countries. It thus appears that the United States supplies one-half of all the foreign wheat consumed by the several countries, and that instead of being controlled by we should be able to control foreign markets."

And whereas said depression still continues: Therefore,

Resolved, That said Secretary be, and he is hereby, requested to report to the Senate, at his earliest convenience, the amount in bushels of said cereals respectively, and in pounds of cotton produced and consumed, imported into, and exported from each of said countries during the years 1884 and 1885, as compared with like amounts during the three years preceding said dates.

The surplus amount of said products now on hand in foreign countries to meet usual demands until September 1, 1886, the amount likely to be required by importing countries before said date, with the average acreage of wheat now in the ground in foreign countries for the crop of 1886, each in detail.

Also whether later advices confirm the figures and opinions contained in said report, and whether the causes therein referred to, as reprinted in this resolution, or increased production, or diminished consumption of food and clothing by the people, or decrease in population, or lack of money to employ labor and handle property, or, so far as his official information extends, what are the reasons which cause the continued, unprecedented depression in prices for said products in this country and throughout the world.

The PRESIDENT *pro tempore*. The question is on agreeing to the resolution.

Mr. HOAR. Ought it not to read "directed" instead of "requested," under the custom of the Senate?

The PRESIDENT *pro tempore*. The word "requested" is used in the resolution and not "directed."

Mr. PLUMB. It properly should read "directed."

The PRESIDENT *pro tempore*. The word "directed" will be substituted for "requested."

Mr. MORRILL. Does the resolution apply to the Secretary of State or to the Secretary of the Treasury?

Mr. PLUMB. To the Secretary of State.

Mr. MORRILL. It should be directed to the Secretary of the Treasury.

Mr. PLUMB. Why may not the Secretary of State gather this information through the ordinary channels which are provided by law for that purpose? The Secretary of the Treasury does not gather such information, I think.

Mr. MORRILL. My impression is that the Statistical Bureau of the Treasury has all this information and that the Secretary of State has it not.

Mr. SAULSBURY. I concur with the Senator from Vermont that it ought to go to the Secretary of the Treasury, if it goes anywhere. That Department has all the information. The Secretary of State gathers his information, as I understand, from the reports of consuls and others.

Mr. PLUMB. Yes, sir.

Mr. SAULSBURY. It necessarily must be accompanied with a great deal of labor to that Department to give the information required by the resolution, whereas if it is to go to the Treasury Department, with the statistics there the information may be given without half the trouble it would require on the part of the Secretary of State. I hope, therefore, the suggestion of the Senator from Vermont will meet the approval of the Senator from Kansas. The information is all he wants, and it matters not from what quarter it comes.

Mr. PLUMB. No; the suggestion does not meet with my approval at all. The former resolution was addressed to the Secretary of State. This takes up the inquiry where the former inquiry left off, and has direct relation to it. The former Secretary of State did not make any point about the resolution not having properly come to him, nor did he think he did not have the information at first hand. He has it, or, at all events, if he has it not there, it is through some defect of administration, for the law confers ample power upon him to get it.

Mr. MORGAN. I concur with the Senator from Kansas that this information might be valuable to Congress. At the same time I think we shall be a long time getting it. As suggested by the Senator from Delaware, the Secretary of State has no means of getting information of this kind except through the consular service, and he would have to frame inquiries and send them out to the consuls abroad for the purpose of getting a great part, if not all of it. I believe, however, that there are statistics gathered, I do not know precisely how, in the Treasury Department which probably would answer the whole of the inquiry. That is my impression.

Mr. INGALLS. In what Department is what is commonly called the Bureau of Statistics?

Mr. MORGAN. That is in the Treasury Department.

Mr. INGALLS. There is much, I suppose, in that bureau.

Mr. MORGAN. That is what I suppose. I suppose these inquiries could probably be nearly answered in full in that bureau.

Mr. PLUMB. The Secretary of the Treasury has not an agent anywhere off United States soil for the purpose of collecting information of this kind, while the Secretary of State has many hundreds of them, whose duty it is, under the law and under his instructions, to gather just such information. Whatever the Secretary of the Treasury has he has undoubtedly at second hand. He may get it by the reading of periodicals published abroad, by the reports of boards of trade, &c.; but the Secretary of State has under his control agents in every country

in the world, whose duty it is to gather from primary sources of information just exactly what we want and what is now, I have no doubt, on deposit in the office of the Secretary of State.

It will be observed by reading this resolution that the resolution to which it refers was introduced by me on the 29th day of February, 1884, and was responded to on the 21st day of April of that same year, not indicating that there was any great necessity on the part of the Secretary of State in the acquisition of this information making any inquiry which was not already answered by the files of his Department.

The PRESIDENT *pro tempore*. The question is on the adoption of the resolution.

The resolution was agreed to.

CLAIMS UNDER FRENCH AND SPANISH TREATIES.

Mr. HOAR submitted the following resolution; which was considered by unanimous consent, and agreed to:

Resolved, That the Secretary of State be directed to furnish the Senate with a statement showing the character and amount of each of the claims paid under the treaties with France of April 30, 1803, and of July 4, 1831, and under the treaty with Spain of February 22, 1819, together with the names of the claimants, which statement has lately been furnished by the Treasury Department to the Secretary of State.

Mr. HOAR. A resolution like that was addressed by the Senate some weeks ago to the Secretary of the Treasury. He replied to the resolution in a communication, addressed to you as President of the Senate, that he had prepared that information at great labor and expense, and had sent it to the Department of State, where it was now to be found, and that it would require him to repeat the labor and expense to prepare it again in the Treasury Department, and suggesting that our application should be made to the Secretary of State, which is done by this resolution. I move to rescind the resolution, passed some weeks ago, directing the Secretary of the Treasury to furnish that information.

The PRESIDENT *pro tempore*. The Senator from Massachusetts moves to rescind the resolution previously adopted calling for the same information from the Secretary of the Treasury. The question is on that motion.

The motion was agreed to.

GEORGE W. GETTY.

The PRESIDENT *pro tempore*. The first case on the Calendar will now be stated.

The bill (S. 225) to authorize Col. George W. Getty, United States Army, retired, to be placed upon the retired-list of the Army with the rank and pay of a brigadier-general, was announced as first in order.

Mr. SEWELL. The Senator from Illinois [Mr. LOGAN], who is not now in his seat, wishes to make remarks on that bill, and I ask that it go over.

The PRESIDENT *pro tempore*. The bill will be passed over.

PUBLIC BUILDING BILLS.

Mr. MAHONE. I ask unanimous consent now that we may take up the bills from the Committee on Public Buildings and Grounds, which are on the Calendar.

The PRESIDENT *pro tempore*. The Senator from Virginia asks unanimous consent that the Senate proceed to the consideration of the bills in regard to public buildings, reported from the Committee on Public Buildings and Grounds. Is there objection? The Chair hears none. The first case of that kind on the Calendar will be stated.

Mr. MAHONE. The first is Order of Business 86, Senate bill 228.

PUBLIC BUILDING AT CAMDEN, N. J.

The bill (S. 228) for the erection of a public building at Camden, N. J., was considered in Committee of the Whole.

The bill was reported to the Senate, ordered to be engrossed for a third reading, read the third time, and passed.

PUBLIC BUILDING AT ANNAPOLIS, MD.

The bill (S. 201) to provide for the erection of a public building in the city of Annapolis, Md., was considered as in Committee of the Whole.

The bill was reported to the Senate, ordered to be engrossed for a third reading, read the third time, and passed.

PARTITION OF LANDS IN LOUISVILLE, KY.

The bill (S. 481) authorizing the partition of certain land in Louisville, Ky., belonging jointly to John Echols and the Government of the United States, was considered as in Committee of the Whole.

Mr. RIDDLEBERGER. Do I understand the name to be John Echols?

Mr. MAHONE. Yes, sir; John Echols.

Mr. RIDDLEBERGER. Of Staunton?

Mr. MAHONE. Not now of Staunton, but formerly of Staunton.

Mr. RIDDLEBERGER. That strikes me more like a deed to property than a bill. I do not think the Senate should pass that as an act of the Congress of the United States. It reads much more like a clerk's office paper, emanating from a county court-house. I just want to call attention to it and not to oppose it. I simply make that observation.

Mr. MAHONE. The Senate at the last session passed this identical bill. The recitation is that to which the attention of the Senator from Virginia has been directed and not to the bill itself.

The bill was reported to the Senate, ordered to be engrossed for a third reading, read the third time, and passed.

The PRESIDENT *pro tempore*. The question is on agreeing to the preamble.

The preamble was agreed to.

PUBLIC BUILDING AT NORFOLK, VA.

The bill (S. 482) to provide for the erection of a public building in the city of Norfolk, in the State of Virginia, was considered as in Committee of the Whole.

The bill was reported from the Committee on Public Lands with an amendment, to add to section 2 the following proviso:

Provided, That the site on which the said building shall be erected shall be so selected as to leave an open space around the same of not less than 40 feet in width, including streets and alleys.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

PUBLIC BUILDING AT HUNTSVILLE, ALA.

The bill (S. 305) for the erection of a public building at Huntsville, Ala., was considered as in Committee of the Whole.

The bill was reported from the Committee on Public Buildings and Grounds with an amendment, to add the following proviso:

Provided, That the site shall leave the building unexposed to danger from fire in adjacent buildings by an open space of not less than 40 feet, including streets and alleys around the same.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

PUBLIC BUILDING AT WORCESTER, MASS.

The bill (S. 230) for the erection of public buildings at Worcester, Mass., was considered as in Committee of the Whole.

The bill was reported from the Committee on Public Buildings and Grounds with an amendment, in line 10, after the words "sum of," to strike out "four hundred thousand" and insert "two hundred and fifty;" so as to read:

The plans, specifications, and full estimates of said building shall be previously made and approved according to law, and shall not exceed for the site and building complete the sum of $250,000.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

PUBLIC BUILDING AT FORT SMITH, ARK.

The bill (S. 610) to provide for a building for the use of the Federal courts, post-office, and internal revenue and other civil offices, and a United States jail, in the city of Fort Smith, Ark., was considered as in Committee of the Whole.

The bill was reported from the Committee on Public Buildings and Grounds with amendments.

The first amendment was, in section 1, line 16, to strike out "fifty" and insert "twenty-five;" so as to read:

And for this purpose there is hereby appropriated, out of any money in the Treasury not otherwise appropriated, the sum of $125,000, to be expended under the direction of the Secretary of the Treasury.

The amendment was agreed to.

The next amendment was, at the end of section 1, to insert the following proviso:

Provided, That the building shall be so situated as to leave an open space around the same of not less than 40 feet in width.

The amendment was agreed to.

Mr. DAWES. I should like to inquire of the Senator from Virginia if he proposes to build a proper jail down there for $25,000.

Mr. MAHONE. What was the statement?

Mr. DAWES. I understood the amendment to be to strike out $50,000 and insert $25,000.

Mr. BERRY. One hundred and twenty-five thousand dollars for the court-house and post-office. The second section appropriates $50,000 for converting the existing building to the purposes of a jail.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

PUBLIC BUILDING AT MONROE, LA.

The bill (S. 175) for a public building at Monroe, La., was considered as in Committee of the Whole.

Mr. RIDDLEBERGER. I have no amendment to offer to the bill, but I think at some time any Senator on the floor who is opposed to this omnibus legislation should express his opposition and place himself upon record, and let the responsibility of a river and harbor bill fall where it

should, and so of the bills brought here from the Committee on Public Buildings and Grounds.

I find to-day on the Calendar twenty-nine bills reported from that committee for public buildings, and in addition to these twenty-nine are those reported this morning. So there are enough of bills in which Senators are interested for their particular States to induce every Senator possibly from the standpoint of a constituent interest to vote for them. I am opposed to them unless they shall come in their regular order, and each one be considered upon its merits.

I leave the question there. That puts me where I want to be. The Senate can pass these bills involving millions of dollars of appropriation of public money, but not by my vote.

The bill was reported to the Senate, ordered to be engrossed for a third reading, read the third time, and passed.

PUBLIC BUILDING AT SIOUX CITY, IOWA.

The bill (S. 763) for the erection of a public building at Sioux City, Iowa, was considered as in Committee of the Whole.

The bill was reported to the Senate, ordered to be engrossed for a third reading, read the third time, and passed.

PUBLIC BUILDING AT GREENVILLE, S. C.

The bill (S. 549) for a public building at Greenville, S. C., was considered as in Committee of the Whole.

The bill was reported to the Senate, ordered to be engrossed for a third reading, read the third time, and passed.

PUBLIC BUILDING AT OSHKOSH, WIS.

The bill (S. 57) for the erection of a public building at Oshkosh, Wis., was considered as in Committee of the Whole.

Mr. SAWYER. I move to amend in line 4 of section 1, after the word "purchase," by inserting "by private sale or condemnation;" so as to read:

That the Secretary of the Treasury be, and he is hereby, authorized and directed to purchase, by private sale or condemnation, a site for, and cause to be erected thereon, a suitable building, with fire-proof vaults therein, for the accommodation of the United States district and circuit courts, internal-revenue office, post-office, and other Government offices, at the city of Oshkosh, Wis.

Mr. ALLISON. If the land is to be condemned, under what law is it to be done? Have we a general law authorizing the condemnation of property for public buildings, or is it to be under the statutes of the State of Wisconsin?

Mr. SAWYER. I was told at the Treasury Department yesterday that they would have trouble without this clause being put in the bill. They said they could condemn the land under the general law if the words "by private sale or condemnation" were inserted, or they could do it under the State law.

Mr. HOAR. Do I understand my honorable friend to say that where we provide for a public building there is any general law authorizing the condemnation of land without a special authority in the particular case?

Mr. ALLISON. I do not understand that there is; but the Senator from Wisconsin says the Treasury Department informs him that there is such a law. The Judiciary Committee ought to know.

Mr. SAWYER. They can do it through the United States courts under the general law.

Mr. HOAR. I should like to be referred to that law.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

PUBLIC BUILDING AT VICKSBURG, MISS.

The bill (S. 179) to provide a building for the use of the United States courts, post-office, custom-office, and internal-revenue office at Vicksburg, Miss., was considered as in Committee of the Whole.

The bill was reported to the Senate, ordered to be engrossed for a third reading, read the third time, and passed.

PUBLIC BUILDING AT PORTLAND, OREG.

The bill (S. 86) to provide for the construction of a public building at Portland, Oreg., was considered as in Committee of the Whole.

The bill was reported from the Committee on Public Buildings and Grounds with an amendment, in line 10, before the word "hundred," to strike out "five" and insert "three," and after the word "hundred" to insert "and fifty;" so as to read:

And plans, specifications, and full estimates for said building shall be previously made and approved according to law, and shall not exceed, for the site and building complete, the sum of $350,000.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

PUBLIC BUILDING AT FORTRESS MONROE, VA.

The bill (S. 479) to provide for the erection of a post-office building at Fortress Monroe, Va., was considered as in Committee of the Whole.

The bill was reported from the Committee on Public Buildings and Grounds with amendments, in line 3, before the word "thousand," to strike out "ten" and insert "fifteen," and at the end of the bill to add "and office accommodations for customs officer and United States commissioner;" so as to make the bill read:

Be it enacted, &c., That the sum of $15,000 be, and the same is hereby, appropriated, out of any moneys in the Treasury not otherwise appropriated, for the erection of a post-office building at Fortress Monroe, Va., upon the Government reservation. The said building shall be erected upon plans, specifications, and contracts to be approved, in the manner provided by law, by the Secretary of War, and to cover quarters for the postmaster and office accommodations for customs officer and United States commissioner.

The amendments were agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

PUBLIC BUILDING AT JACKSONVILLE, FLA.

Mr. MAHONE. I now ask to take up Order of Business 92, being Senate bill 453, which we skipped in its regular order.

The bill (S. 453) for the erection of a public building at Jacksonville, Fla., was considered as in Committee of the Whole.

The bill was reported from the Committee on Public Buildings and Grounds with an amendment, in line 11, before the word "hundred," to strike out "two" and insert "one," and in line 12, before the word "thousand," to strike out "seventy-five" and insert "twenty-five;" so as to read:

The plans, specifications, and full estimates for said building shall be previously made and approved according to law, and shall not exceed for the site and building complete the sum of $125,000.

The amendment was agreed to.

Mr. CALL. I move, in line 12, to strike out "twenty-five" and insert "fifty;" so as to make the amount $150,000.

The PRESIDENT *pro tempore*. That amendment is not now in order. It will be in order at a later stage. The Senate having inserted "one hundred and twenty-five thousand," it is not now in order to change that amount.

Mr. MAHONE. When will that amendment be in order?

The PRESIDENT *pro tempore*. At a later stage, when the question comes up in the Senate on concurring in the amendment made as in Committee of the Whole.

The bill was reported to the Senate as amended.

The PRESIDENT *pro tempore*. The amendment of the Senator from Florida is now in order to the amendment.

Mr. CALL. I move to amend the amendment made as in Committee of the Whole by changing the amount to $150,000.

Mr. MAHONE. There is no objection to that amendment.

The amendment to the amendment was agreed to.

The amendment as amended was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

PUBLIC BUILDING AT PUEBLO, COLO.

Mr. MAHONE. Now let us take up Order of Business 109, Senate bill 1116, which was passed over in its regular order.

The bill (S. 1116) for the erection of a public building at Pueblo, Colo., was considered as in Committee of the Whole.

The bill was reported from the Committee on Public Lands with an amendment, in line 8, after the word "exceeding," to strike out "two" and insert "one;" so as to read:

That the Secretary of the Treasury be, and he is hereby, authorized and directed to procure a proper site and cause to be erected thereon a suitable building, with fire-proof vaults, in the city of Pueblo, Colo., for the accommodation of the United States district court, post-office, land office, and other Government offices in said city, at a cost not exceeding $100,000, including cost of site.

The amendment was agreed to.

The bill was reported to the Senate as amended.

Mr. TELLER. I move, in line 9, to insert after the word "hundred" the words "and fifty;" so as to make it—

Not exceeding one hundred and fifty thousand dollars.

The PRESIDENT *pro tempore*. The question is on the amendment of the Senator from Colorado to the amendment made as in Committee of the Whole.

Mr. MAHONE. In view of the subsequent information that was brought to the attention of the committee we make no objection to that amendment.

The amendment to the amendment was agreed to.

Mr. ALLISON. I should like to have some explanation of that increase.

Mr. TELLER. I will simply say that Pueblo is the second city in size in Colorado; it is the place where the United States court is held for an extensive territory, a good deal larger than the State of Ohio. It has a land office, post-office, and a collector's office, of course.

Mr. ALLISON. What is the population?

Mr. TELLER. In Pueblo they probably say 20,000, but it is anywhere from fifteen to twenty thousand people. It is a growing town, and will soon be a very large place. One hundred and fifty thousand dollars is a small sum of money for a public building in that country.

The amendment as amended was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

PUBLIC BUILDING AT MONTPELIER, VT.

Mr. MAHONE. Now we come to Order of Business No. 138, Senate bill 1366.

The bill (S. 1366) to change the limit of appropriation for the public building at Montpelier, Vt., was considered as in Committee of the Whole.

The bill was reported to the Senate, ordered to be engrossed for a third reading, read the third time, and passed.

PUBLIC BUILDING AT SAN FRANCISCO.

The bill (S. 1255) to authorize the purchase of a site for a building for a post office, court-house, and other offices in San Francisco, Cal., was considered as in Committee of the Whole.

Mr. RIDDLEBERGER. May I ask the committee whether there is a United States court-house now in San Francisco? We get no information here about these matters. We are simply passing bills, appropriating money, $350,000 at a time, just as this bill provides. Now, is there a United States court-house in San Francisco or is there not? It is certainly proper that we should know the facts before we vote for bills of this sort. Is there no member of the committee who can answer the question? Certainly San Francisco is a small town on the Pacific coast somewhere. It has been there some time. I think it due to the Senate that some member of the committee that reports these bills should tell us why we sit here and vote to appropriate $350,000 to build a court-house if there should happen to be a court-house already in San Francisco that belongs to the United States Government.

I ask now whether there is a United States court-house there? and, if so, then we can inquire further whether that can not be remodeled or improved or whether something else can not be done than the simple appropriation of $350,000 to erect a new building.

Mr. STANFORD. Mr. President, San Francisco is a city now of nearly 300,000 people. It has the promise of being a very large city. The present post-office building is a very insecure, tumble-down affair. The net revenues derived to the Government from that office in San Francisco is somewhere between $400,000 and $500,000 a year. A new building is needed; a new building must be erected for the post-office, for the reason that the present one will probably not stand a great while. Perhaps the first earthquake there will throw it down. In connection with that post-office there ought to be rooms for the courts of the United States. An appropriation of $350,000 is not more than is needed to purchase a suitable location for the post-office and such other public buildings as the Government may require. If there is any city in the United States that needs an appropriation of that amount it is San Francisco. I doubt whether suitable ground can be had for less.

Mr. RIDDLEBERGER. I should like the Senator to understand that I am not opposing the bill; I am just utilizing the proposition to ask a question.

When we come to think about it, we have taken up this morning how many bills, every one of them involving an appropriation of money. Whose money? Not San Francisco's, not Portsmouth's money, not Boston's, but the money that the people of the United States pay into the public Treasury. We are simply asked to vote blindly for its appropriation to the building of houses called court-houses or something else without any reason given by anybody why we should build such houses. If one of these bills had come in here and had stood upon its own merits involving an appropriation of any amount of money, Senators on this floor, without my intending to impeach them at all, would have inquired into it. If I had introduced a bill here this morning for a public building in any town or city in the State of Virginia involving an appropriation of $100,000 Senators would have inquired into it before they would have voted for it. Yes, sir; if one hundred committees had reported in favor of it they would have inquired into it. Now I find coming in here this morning not one bill but twenty-nine, with an addendum that I presume is to come to-morrow or the next day of half as many more for constructing public buildings in two-thirds of the States of the Union; and that is the only reason that appears on the surface for voting for such propositions or quietly acquiescing in their passage.

I appeal to Senators themselves whether that is not the fact as it appears here this morning. Tell me, if you can, how much money is being appropriated by these bills this morning, and give me one single reason except that the committee has reported in favor of them. I do protest against it; I protest against it as a means of passing bills here to put up public buildings in States without reason assigned for them, and to take the public money and distribute it without regard to where it comes from or the hardship that sometimes it engenders to collect it.

Sir, if you were to take this whole batch of bills and make up the aggregate you have millions of dollars appropriated already, and it is to go on in this silent, acquiescent way. It may suit each and every one who happens to live in a State where a building is to be put up, but it will not suit the people who have to pay for that building and who have no reason assigned for its construction.

If there be a court-house in San Francisco now, why should we not know it before we pay out here one-third or a little more than one-third of a million dollars and throw it in there for the construction of another? If there be a court-house at Portsmouth, or if there be a court-house at any other town or city that we are appropriating for to-day, why should we not know it? But we sit here and pass another river and harbor bill called "public buildings and grounds." I protest against it, and I do ask for some other reason except the fact that a committee has considered twenty-nine bills and brought them in here and reported them in one day and then ask us to vote for them. I know it is said that the money does not go out unless the Appropriations Committee have something to do with the matter; I know it is said that this money does not go out unless the House of Representatives passes these bills. I know that is so, but it is entirely proper for me to enter my protest here, because I belong neither to the House of Representatives nor to the Committee on Appropriations. I ask again of the Committee on Public Buildings deferentially, if they can come down from the high plane of a committee to the ordinary position of United States Senators, to tell us whether there is a court-house in San Francisco, and, if so, what is the necessity of appropriating $350,000 for another.

Mr. MORRILL. Mr. President, it happens that I have been in San Francisco and have seen the public building there. I know it is cracked from top to bottom. It is an inferior building, put up many years ago, before the city had reached its present magnitude. There is no doubt in my judgment as to the propriety of putting up a proper building in San Francisco for Government uses.

I wish to say to the Senator from Virginia that we have pretty carefully considered these measures which have been brought before the Committee on Public Buildings and Grounds. There is hardly one of them that has not been a subject of long discussion by Senators here representing the different localities; and so far as the State of Virginia is concerned, I think the Senator himself will concede that we have done justice to the State of Virginia, and, having done justice by that State, there are various other States which in comparison ought to receive the attention of the Committee on Public Buildings and Grounds.

It has not been the purpose of the committee, so far as I know, to be extravagant. It has in most instances reduced the appropriations that have been asked for; yet it has been considered just and proper in large and prosperous cities of thirty, forty, or fifty thousand people to permit the erection of a post-office building. I think the public judgment of the country will agree that we have not erred. For instance, take such a place as Dayton, Ohio, or Petersburg, Va., or Harrisonburg, Va., or Worcester, Mass. These larger cities, I think, ought to have the attention of the committee, and they have received it, and I think justly.

The PRESIDENT *pro tempore*. The hour of 2 o'clock having arrived, it is the duty of the Chair to lay before the Senate the unfinished business.

Mr. RIDDLEBERGER. I wish to ask unanimous consent to have just one minute to reply to the Senator from Vermont.

The PRESIDENT *pro tempore*. The Senator from Virginia will pause until the unfinished business is announced.

The CHIEF CLERK. A bill (S. 194) to aid in the establishment and temporary support of common schools.

The PRESIDENT *pro tempore*. The Senator from New Hampshire [Mr. BLAIR] is entitled to the floor on this bill.

Mr. RIDDLEBERGER. Just one moment.

The PRESIDENT *pro tempore*. Does the Senator from New Hampshire yield?

Mr. BLAIR. For a moment.

Mr. RIDDLEBERGER. I will not indulge in further debate or provoke it. I wish to say to the Senator from Vermont that I am not complaining of any injustice done to the State of Virginia in these appropriations. I am simply dissenting from this method of making appropriations.

My esteemed friend will recollect that while we have a court-house at Harrisonburg it had to stand on its own merits, and even on the single objection of the Senator from Iowa, who is the chairman of the Committee on Appropriations, it had to go over for one year. It was discussed as a single proposition upon its own merits. I am not prepared now to say that I would not vote for every one of these appropriations; but I do not like to vote for them in this omnibus way. That is my objection. I should like each one to stand on its merits, just as all appropriations as a rule do.

Mr. MAHONE. Mr. President——

The PRESIDENT *pro tempore*. The bill (S. 194) to aid in the establishment and temporary support of common schools is now before the Senate.

Mr. BLAIR. The Senator from Virginia is addressing the Chair.

Mr. MAHONE. I ask the Senator from New Hampshire if he will not allow the subject before the Senate to be informally passed by and let us proceed with the consideration of the public building bills.

The PRESIDING OFFICER (Mr. FRYE in the chair). The Senator from Virginia [Mr. MAHONE] requests that unanimous consent be given for proceeding with the consideration of the bills reported by the Committee on Public Buildings and Grounds. Is there objection?

Mr. BLAIR. The education bill now in order will, so far as I am concerned, occupy but very little of the time of the Senate. What I especially wish to accomplish to-day is to have the bill read and to speak probably ten minutes, or at the uttermost not over fifteen minutes, mainly in the way of explanation and the introduction of documentary matter which I deem it important that the Senate should have and which it

will take considerable time to print, so that this matter should go to the Public Printer early in the afternoon. I should then myself have no objection, if it is the desire of the Senate on account of these pending measures or any others, that the bill be informally laid aside for, perhaps, the whole afternoon and come up again in the morning with this documentary matter printed and in due form before the Senate. I think perhaps progress will be made on the education bill if a course of that kind is pursued and if I occupy ten minutes in facilitating that course. I should not like to enter into any implied arrangement which would displace the education bill so that it can not be proceeded with at 2 o'clock to-morrow. Perhaps it will suit the Senator just as well to make his motion to lay aside this bill informally ten minutes later and allow me to do what I have indicated now. I shall then make no objection to the Senator's suggestion.

Mr. MAHONE. It will not take us more than ten minutes to finish these bills, but if the Senator prefers to go on, be it so.

The PRESIDING OFFICER. Is there objection to the request of the Senator from Virginia?

Mr. BLAIR. I think I had better proceed for ten minutes and then I shall make no objection to the Senator's request.

The PRESIDING OFFICER. The Senator from New Hampshire objects.

AID TO COMMON SCHOOLS.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (S. 194) to aid in the establishment and temporary support of common schools.

Mr. BLAIR. I should like either to have the bill read or the consent of the Senate given to its being printed in the RECORD in full.

Several SENATORS. Let it be read.

Mr. BLAIR. Very well; let it be read.

The Chief Clerk read the bill.

The bill was reported from the Committee on Education and Labor with an amendment, to strike out section 13, in the following words:

SEC. 13. That there shall be appropriated and set apart the sum of $2,000,000, which shall be allotted to the several States and Territories on the same basis as the moneys appropriated in the first section, which shall be known as the school-house fund, and which shall be paid out annually to each State and Territory, at the end of the year, until said sum of $2,000,000 shall be exhausted, and no longer, to be expended for the erection and construction of school-houses for the use of pupils attending the common schools in sparsely populated districts where the local communities shall be comparatively unable to bear the burdens of taxation. Such school-houses shall be built in accordance with modern plans, which plans shall be furnished free on application to the Bureau of Education in Washington: *Provided, however*, That not more than $100 shall be paid from said fund toward the cost of any single school-house, nor more than one-half the cost thereof in any case; and the States and Territories shall annually make full report of all expenditures from the school-house fund to the Secretary of the Interior as in case of other moneys received under the provisions of this act.

Mr. BLAIR. Mr. President, this bill as originally introduced at this session and referred to the Committee on Education and Labor was the same in form as the bill passed by the Senate in the Forty-eighth Congress with the exception of the thirteenth section proposed to be stricken out by the amendment of the committee. It is a section providing a school-house fund of $2,000,000. That section was moved during the discussion in the last Congress in the form of an amendment to the bill by the Senator from Illinois [Mr. LOGAN], but by a close vote it was lost in the Senate. As the bill was introduced at this session that amendment was incorporated as the thirteenth section; but in the consultations of the committee it was deemed better to report back the bill as it had received the sanction of the Senate by a three-fourths vote in the last Congress without alteration, and therefore the committee report it back recommending that the thirteenth section be stricken out, and submit it in that form to the judgment of the Senate.

In this immediate connection I wish to introduce a table which has been prepared showing the population of the whole country, of each State and Territory, except the District of Columbia, and how the whole amount proposed to be appropriated by this bill, $77,000,000, during the next eight years is to be distributed during that period. This table shows the whole amount distributed in that time to each State and Territory that receives anything under the provisions of the bill, and the amount received by the whole country in each State and Territory during each year of the entire period covered by the bill: $7,000,000 to the whole country the first year, $10,000,000 in the second year, $15,000,000 in the third year, $13,000,000, in the fourth year, $11,000,000 in the fifth year, $9,000,000 in the sixth year, $7,000,000 in the seventh year, and $5,000,000 in the eighth, and the amount proposed to be distributed to each State and Territory during each of these years successively under the provisions of the bill. I wish the table to appear as a part of my remarks.

Preliminary computation of amounts to be received by the States and Territories, excluding the District of Columbia, of $77,000,000 *distributed on the basis of the number of persons who could not write in* 1880, *as per Senate bill* 194.

[Prepared by the Bureau of Education, January, 1886, at the request of Hon. H. W. BLAIR.]

States and Territories.	Total population, census of 1880.	Persons who could not write in 1880.	Quota of each State and Territory for the—								
			Whole time.	First year.	Second year.	Third year.	Fourth year.	Fifth year.	Sixth year.	Seventh year.	Eighth year.
United States	50,155,783	6,214,180	*Dollars.* 77,000,000 00	*Dollars.* 7,000,000 00	*Dollars.* 10,000,000 00	*Dollars.* 15,000,000 00	*Dollars.* 13,000,000 00	*Dollars.* 11,000,000 00	*Dollars.* 9,000,000 00	*Dollars.* 7,000,000 00	*Dollars.* 5,000,000 00
Alabama	1,262,505	433,447	5,376,848 45	488,258 95	697,512 78	1,046,269 14	906,765 59	767,264 07	627,761 49	488,258 95	348,756 39
Arizona Territory	40,440	5,842	72,388 30	6,580 75	9,401 08	14,101 61	12,221 40	10,341 19	8,460 96	6,580 75	4,700 54
Arkansas	802,525	202,015	2,503,170 97	227,561 00	325,087 14	487,630 72	422,613 29	357,595 86	292,578 43	227,561 00	162,543 57
California	864,694	53,430	662,051 95	60,186 54	85,980 77	128,971 25	111,775 00	94,578 85	77,382 69	60,186 54	42,990 39
Colorado	194,327	10,474	129,783 50	11,798 50	16,855 00	25,282 48	21,911 45	18,540 50	15,169 49	11,798 50	8,427 50
Connecticut	622,700	28,424	352,202 22	32,018 38	45,740 55	68,610 83	59,462 72	50,314 61	41,166 49	32,018 38	22,870 28
Dakota Territory	135,177	4,821	59,737 09	5,430 64	7,758 06	11,637 09	10,085 48	8,533 87	6,982 25	5,430 64	3,879 03
Delaware	146,608	19,414	240,559 17	21,869 02	31,241 45	46,862 08	40,613 89	34,365 60	28,117 31	21,869 02	15,620 73
Florida	269,493	80,183	993,548 79	90,322 62	129,032 31	193,548 46	167,742 00	141,935 54	116,139 08	90,322 62	64,516 16
Georgia	1,542,180	520,416	6,448,482 66	586,225 70	837,465 28	1,256,197 92	1,088,704 87	921,211 81	753,718 75	586,225 70	418,732 64
Idaho Territory	32,610	1,778	22,031 23	2,002 84	2,861 20	4,292 24	3,719 64	3,147 32	2,575 44	2,002 84	1,430 60
Illinois	3,077,871	145,397	1,801,616 46	163,783 31	233,976 16	350,964 24	304,169 01	257,373 78	210,578 54	163,783 31	116,988 08
Indiana	1,978,301	110,761	1,372,441 26	124,767 39	178,239 12	267,358 68	231,710 86	196,063 04	160,415 21	124,767 39	89,119 56
Iowa	1,624,615	46,609	577,532 84	52,502 99	75,004 27	112,506 39	97,505 54	82,504 69	67,503 84	52,502 99	37,502 14
Kansas	996,096	39,476	489,147 72	44,467 97	63,525 68	95,288 51	82,583 38	69,878 25	57,173 10	44,467 97	31,762 84
Kentucky	1,648,690	348,392	4,316,930 63	392,448 24	560,640 34	840,960 42	728,832 36	616,704 38	504,576 30	392,448 24	280,320 16
Louisiana	939,946	318,390	3,945,051 48	358,641 04	512,344 35	768,516 52	666,047 66	563,578 79	461,109 91	358,641 04	256,172 17
Maine	648,936	22,170	274,708 81	24,973 53	35,676 47	53,514 79	46,379 41	39,244 12	32,108 82	24,973 53	17,838 24
Maryland	934,943	134,488	1,666,442 88	151,494 81	216,421 15	324,641 73	281,357 50	238,063 27	194,779 04	151,494 81	108,210 58
Massachusetts	1,783,085	92,980	1,152,116 61	104,737 87	149,625 54	214,438 31	184,513 20	164,588 09	134,662 98	104,737 87	74,812 77
Michigan	1,636,937	63,723	789,592 67	71,781 15	102,544 50	153,816 76	133,307 86	112,798 96	92,290 05	71,781 15	51,272 25
Minnesota	780,783	34,546	428,060 02	38,914 55	55,592 21	83,388 31	72,269 87	61,151 43	50,032 99	38,914 55	27,796 10
Mississippi	1,131,597	373,201	4,624,339 33	420,394 48	600,563 55	900,845 43	780,732 72	660,619 91	540,507 19	420,394 48	300,281 78
Missouri	2,168,380	208,754	2,586,674 03	235,152 18	335,931 65	503,897 50	436,711 19	369,524 86	302,338 51	235,152 18	167,965 85
Montana Territory	39,159	1,707	21,151 46	1,922 86	2,746 95	4,120 40	3,571 02	3,021 64	2,472 23	1,922 86	1,373 47
Nebraska	452,401	11,528	142,843 63	13,985 78	18,551 12	27,826 66	24,116 46	20,406 24	16,696 00	12,985 78	9,275 56
Nevada	62,266	4,069	50,419 04	4,583 55	6,547 93	9,821 88	8,512 30	7,202 72	5,893 13	4,583 55	3,273 96
New Hampshire	346,991	14,302	177,216 30	16,110 57	23,015 11	34,522 76	29,919 74	25,316 62	20,730 59	16,110 57	11,507 55
New Jersey	1,131,116	53,249	659,309 18	59,982 65	85,689 50	128,534 26	111,396 36	94,258 46	77,120 55	59,982 65	42,844 75
New Mexico	119,565	57,156	708,220 88	64,383 72	91,976 78	137,965 09	119,589 75	101,174 41	82,779 06	64,383 72	45,988 37
New York	5,082,871	219,600	2,721,066 98	247,369 73	353,385 32	530,077 98	459,400 92	388,723 86	318,046 79	247,369 73	176,692 66
North Carolina	1,399,750	463,975	5,749,121 97	522,647 41	746,639 14	1,119,958 70	970,630 88	821,303 06	671,975 23	522,647 41	373,319 57
Ohio	3,198,062	131,847	1,633,718 21	148,519 84	212,171 20	318,256 78	275,822 55	233,388 32	190,954 07	148,519 84	106,085 60
Oregon	174,768	7,423	91,978 52	8,361 68	11,945 26	17,917 88	15,528 84	13,139 79	10,750 73	8,361 68	5,972 63
Pennsylvania	4,282,891	228,014	2,825,324 98	256,847 72	366,925 32	550,387 98	477,002 92	403,617 86	330,232 78	256,847 72	183,462 66
Rhode Island	276,531	24,793	307,210 44	27,928 22	39,897 46	59,845 19	51,866 70	43,887 21	35,907 71	27,928 22	19,948 73
South Carolina	995,577	369,848	4,582,792 26	416,617 48	595,167 82	892,751 83	773,718 27	654,684 61	535,651 04	416,617 48	297,583 91
Tennessee	1,542,359	410,722	5,089,262 62	462,660 24	660,943 20	991,414 78	859,226 15	727,037 52	594,848 87	462,660 24	330,471 60
Texas	1,591,749	316,432	3,920,913 78	356,446 71	509,209 58	763,814 36	661,972 45	560,130 54	458,288 62	356,446 71	254,604 79
Utah Territory	143,963	8,826	109,363 10	9,942 10	14,203 00	21,304 50	18,463 90	15,623 30	12,782 70	9,942 10	7,101 50
Vermont	332,286	15,837	196,236 51	17,839 68	25,485 26	38,227 89	33,130 84	28,033 79	22,936 73	17,839 68	12,742 63
Virginia	1,512,565	430,352	5,332,498 25	484,772 57	692,532 24	1,038,798 35	900,291 91	761,785 47	623,279 01	484,772 57	346,266 12
Washington Territory	75,116	3,889	48,188 66	4,380 79	6,258 27	9,387 40	8,135 75	6,884 10	4,332 44	4,380 79	3,129 13
West Virginia	618,457	85,376	1,057,895 33	96,172 30	137,389 00	206,083 51	178,605 71	151,127 91	123,650 10	96,172 30	68,694 50
Wisconsin	1,315,497	55,558	688,420 03	62,583 64	89,405 20	134,107 64	116,226 61	98,345 58	80,464 67	62,583 64	44,702 60
Wyoming	20,789	556	6,889 40	626 31	894 73	1,132 08	1,143 14	994 20	805 25	626 31	447 36

During the decade from 1870 to 1880 the population of the entire country increased about 31 per cent.—from 38,000,000 in round numbers to 50,000,000 and over. Assuming that the population in this country has continued to increase in the same ratio, and that it will continue so to increase until the next census is taken in 1890, the population of the country would then be 65,704,050. Assuming, too, that from 1880 until the present time the same ratio of increase has prevailed, the population on the 1st of next July would be over 59,000,000 and nearly 60,000,000 of souls. In round numbers, 60,000,000 may be stated as the present population of the United States.

The amount of money raised and expended for purposes of education in the country has, during the last six years, somewhat increased; but from the best statistical information that can be obtained, through the reports of superintendents of education and in other ways, the expenditures for common-school education in the country have not increased in any larger proportion than has the population of the country. If the southern portion of the country were selected as an illustration of this proposition, it would be found that the expenditure, which in 1880 was $12,475,044, had increased in 1882 to $14,325,288, an increase during those two years of $1,850,244. The total expenditure in the year 1884 was $16,655,755, and the increase from 1882 to 1884 was $2,330,467. The total expenditure throughout the United States has increased in just about the same proportion according to the best information that I am able to obtain. I think that the actual expenditure throughout the country for common schools the last year was just about $85,000,000. Of course the great mass of this expenditure is in the Northern States, as in fact the capacity to demand taxation for that purpose is mainly in the North. It is not the fact that the taxation of the latter section of the country is any larger than, and in many localities is not as large for school purposes as, in the Southern States to which allusion was first made; and in this connection I will ask to have inserted as part of my remarks a table showing expenditures each year from 1880 to 1884, inclusive, for the public schools of the Southern States, together with the addenda or memoranda at the bottom of the table:

Expenditure each year from 1880 to 1884, inclusive, for the public schools of the Southern States.

States.	1880.	1881.	1882.	1883.	1884.	Total.
Alabama	$375,463	$410,690	$403,602	$448,498	$522,727	$2,160,982
Arkansas	238,066	388,412	503,857	479,471	561,743	2,171,541
Delaware	207,281	a207,281	179,668	a179,668	215,161	989,059
Florida	114,895	b80,502	133,200	a133,200	172,178	637,125
Georgia	471,029	498,353	584,174	613,647	653,868	2,821,251
Kentucky	903,490	1,248,534	c735,076	c700,790	ac700,790	4,188,670
Louisiana	430,320	441,484	a441,484	385,438	466,930	2,215,656
Maryland	1,544,367	1,604,560	1,651,908	1,603,211	1,686,640	8,090,706
Mississippi	630,704	707,758	680,640	803,876	a803,876	3,876,854
Missouri	3,152,178	3,408,739	3,733,224	3,767,049	4,288,135	18,429,325
North Carolina	352,882	409,659	509,736	623,441	535,205	2,430,923
South Carolina	324,629	345,634	389,834	423,473	428,419	1,911,989
Tennessee	724,862	638,009	827,154	918,863	955,470	4,064,358
Texas	763,340	a733,340	803,850	1,150,332	1,661,476	5,122,350
Virginia	946,109	1,100,239	1,157,142	1,297,630	1,321,597	5,822,647
West Virginia	716,864	781,250	879,820	947,371	997,431	4,302,736
District of Columbia	338,967	527,312	579,312	609,691	599,097	2,774,579
Total	12,475,044	13,644,982	14,213,741	15,145,699	16,531,286	72,010,751

a For the previous year, no report for this year having been received.
b Thirteen counties not reporting.
c For white schools only; estimating the expenditure for colored schools on the basis of the same per capita expenditure for white and colored children of legal school age, the total expenditure for the year 1882 is $846,623, and for 1883 $825,200.

INCREASE.

If the above total expenditure for 1882 be augmented by the estimated expenditure for colored schools in Kentucky, as explained above, the increase of expenditure for all the public schools in the States named for the year 1882 over that of 1880 is	$1,850,244
If the expenditure for 1884 be augmented in like manner the increase of expenditure for the public schools in the States named above for the year 1884 over that for 1882 is	2,330,467
Total expenditure for 1882	*14,325,288
Total expenditure for 1880	12,475,044
Increase	1,850,244
Total expenditure for 1884	*16,655,755
Total expenditure for 1882	*14,325,288
Increase	2,330,467

*Includes an estimate for the colored schools of Kentucky not included in totals of table.

I will also introduce now a table showing the amount of money which was paid out to or deposited with the several States, known as the surplus fund, under the act of 1836, which table shows the entire amount to have been $28,104,464.91 deposited with the States of the Union as the Union was then constituted:

Money distributed among the States under the act of June 23, 1836.

Maine	$955,838 25	Vermont	$869,086 79
New Hampshire	669,086 79	Connecticut	764,670 60
Massachusetts	1,338,173 58	Rhode Island	382,335 30
New York	4,014,520 71	Mississippi	382,335 30
New Jersey	764,670 60	Tennessee	1,433,757 39
Pennsylvania	2,867,514 78	Kentucky	1,433,757 39
Delaware	286,751 49	Ohio	2,007,260 34
Maryland	955,838 25	Missouri	382,335 30
Virginia	2,198,427 99	Indiana	860,254 44
North Carolina	1,433,757 39	Illinois	477,919 14
South Carolina	1,051,422 09	Michigan	286,751 49
Georgia	1,051,422 09	Arkansas	286,751 49
Alabama	669,086 79		
Louisiana	477,919 14		28,101,644 91

This table is pertinent to this discussion because the amounts of money given to several of the States were appropriated to the common schools and became the basis of common-school funds, notably in the State of New York; and in others, I understand, it was expended in the course of time for the benefit of schools.

I desire also in this connection as a part of my remarks to introduce the report of the committee which is very largely matter of statistical calculation, which will be, I think, of great service in the investigation of the subject, and I will also make a part of my remarks on this occasion what I said to the Senate in opening the debate on this bill in the last Congress, which is an aggregation of a large mass of matter gathered from the census, tabulated matter collected from all parts of the country through the Bureau of Education, and many tables prepared by myself or the preparation of which was dictated and directed by myself, and tables prepared by other gentlemen of the Senate and House which illustrate the subject and which when printed will put the Senate in possession of a great mass of statistical knowledge bearing on this subject so far as it is to be found in the archives of the Government or as the result of the researches of individuals.

I desire also in this connection to have the bill printed as it passed the Senate in 1884; and also the bill as introduced in the Forty-seventh Congress. I do this in order that the Senate may have possession of all the information that I seek to present on this subject when it proceeds to a more minute consideration of the bill.

I may in this connection say that the bill as passed by the Senate during the last Congress was the result of a great deal of deliberation and a great deal of concession to conflicting views of Senators from all portions of the country and representing the two great parties of the country. It was the result of three weeks of earnest debate and as it finally passed it commanded the approval of three-fourths of the Senators voting, while of those who were absent a large portion were also in favor of the bill. It is not precisely such a bill as I would myself prefer in all particulars; very likely it is not precisely the bill that any individual in the Senate would prefer should become the law if a law is to be enacted on this subject; but I believe that it would be hardly possible that another month of deliberation would result in the enactment of a bill which on the whole would be more useful to the country or more generally satisfactory to those whose deliberations must be concentrated upon it than the bill as it then passed and as it is now reported to the Senate. Personally I should be very glad indeed to see the amendment which the committee reports rejected and the thirteenth section become a part of the law if the bill is to become a law.

I think it is exceedingly important when school-houses are to be erected in the sparsely settled districts of our country where it is very largely the truth that there is no school-house, that there is no model of a school-house whatever, that under the provisions of that section there should be erected a school-house which should have all the proportions and all the qualities that appertain to a school-house constructed according to the latest scientific, sanitary, and other improvements so that it become a model in accordance with which erection should afterward be made all over that district, finally perhaps all over this country, and thus we should come in the end, and that very soon, to have the whole country supplied with school-houses which should be models of their kind. But, as I said before, the committee thought on the whole it would be better to report to the Senate the bill as it passed, after so long a discussion, after so mature a deliberation by so large a majority during the Forty-eighth Congress.

The report of the Committee on Education and Labor is as follows:

Report to accompany bill S. 194.

The Committee on Education and Labor, to whom was referred Senate bill 194, entitled "A bill to aid in the establishment and temporary support of common schools," have considered the same, and report the same favorably to the Senate, and recommend its passage with the following amendment:

"Strike out the thirteenth section of the bill."

The bill as thus amended is the same as that passed by the Senate during the Forty-eighth Congress, on the 7th day of April, 1884, on a vote of 33 yeas to 11 nays, but which failed to be considered in the House of Representatives.

Since that time the measure has been generally and thoroughly discussed throughout the whole country, and probably public sentiment is more largely in favor of this bill than was ever known to be the case with any other of like importance in the history of American legislation.

The committee believe that under these circumstances it would be useless to consume the time of the Senate with any elaboration of the law and facts involved, and adopt the report of the Committee on Education and Labor of the Forty-eighth Congress, which, although made in support of the bill before it was modified by the slight reduction of the amount of money appropriated by shortening the period of appropriation from ten to eight years, and in some other minor particulars, before its passage, was substantially the same as the bill finally passed by the Senate, and which is herewith reported favorably by your committee with the earnest recommendation that it do pass. It should be observed that early action by the Senate is important, that the measure, if adopted, may be submitted to the House of Representatives seasonably, in order that there may be opportunity for the children of the country to reap the benefits of this

proposed legislation during the ensuing year. It is difficult to realize the wrong inflicted by withholding from a child the opportunity for common-school education during a single one of the few years in which he must make his scanty preparation for the battle of life.

The report referred to, and hereby adopted by your committee, is as follows:

[Senate Report 101, part 2, Forty-eighth Congress, first session.]

Mr. BLAIR, from the Committee on Education and Labor, submitted the following supplemental report, to accompany bill S. 398:

The Committee on Education and Labor, to whom was referred Senate bill 398, entitled "A bill to aid in the establishment and temporary support of common schools," having reported back the same with amendments, recommending its passage, without discussion of the subject, in view of its great importance and the difficulty of collecting statistics and data for the consideration of the Senate, ask leave to make the following supplementary report:

The committee unanimously approve the amount proposed to be appropriated in the bill and its distribution on the basis of illiteracy, and a majority recommend its passage in its present form.

The matter following is largely from a presentation of the subject made by the chairman of the committee on a former occasion, for which, as matter of argument, the committee as a whole is not responsible, but the statistical tables and calculations having been prepared with considerable labor and care, and being substantially unchanged by later information, the same are incorporated with this supplementary report.

We propose to inquire into the nature and extent of the powers and obligations of the National Government to assist in the education of the people when necessary, for its and their own preservation; to develop and illustrate the actual condition of popular education in this country as revealed by the census of 1880, and from other reliable sources, and thereby to demonstrate the necessity of national aid to common schools at the present time; to explain the several measures pending in Congress having that end in view, and to briefly give reasons for supporting Senate bill No. 398, as in our belief best calculated to secure the object desired by the advocates of all.

The United States are conceded by all to be a unit and a sovereignty within the scope of the powers expressly granted or necessarily implied in the written Constitution. The only real question between those who have held to the national idea on the one hand and that of State sovereignty on the other has been as to which had the right to decide upon their relative jurisdictions and to establish their political boundaries when in dispute. Upon this question we do not now propose to enter, because it is not essential to the maintenance of the argument on this occasion. Our leading proposition is that the General Government possesses the power and has imposed upon itself the duty of educating the people of the United States whenever for any cause those people are deficient in that degree of education which is essential to the discharge of their duties as citizens either of the United States or of the several States wherein they chance to reside.

This does not imply that a like power and even more imperative duty do not require the people of every State to educate its own citizens. It is a power not hostile but friendly to the States. Nor is it a power to be exercised unnecessarily. It should be exercised only in extremity, and when manifestly essential to the local, and therefore ultimately to the general, welfare. As the State may not engage in war unless "actually invaded, or in such imminent danger as will not admit of delay," so the United States should not enter upon the duty of qualifying the citizen to bear his responsibilities to the nation and to the State until the local power is shown to be inadequate or negligent and the necessity is apparent and imperative. But the power is there.

There is no truth better established or more generally admitted than that the republican form of government can not exist unless the people are competent to govern themselves. The contrary doctrine would be an absurdity, a contradiction of terms. What is the republican form of government but government of the people by the people? But how can the people govern, how exercise sovereignty, except they have the knowledge requisite to that end? Sovereignty requires as much intelligence when exercised by the people as a whole as when exercised by a single individual; it requires more. The monarch governs according to his will, not necessarily with that broad intelligence demanded by the public good. Government for the people by the people implies that degree of popular intelligence which will enable the masses of men to comprehend the principles and to direct the administration of government in such way as to promote the general welfare. Republican government, therefore, requires a higher degree of intelligence on the part of the sovereign than any other form. That sovereign is the whole body of the people. How, then, can the republican form of government exist and continue to exist unless from generation to generation, in perpetual succession, the citizen sovereigns are educated?

But the question is deeper still. How can civilization exist without education? What is civilization but the result of education—of the development and training of the powers of the individual? All human progress and happiness are, in the higher and broader sense, but education, which confers the capacity both to do and to enjoy. If, then, to educate is to civilize, the great duty which society owes to the individual is to educate him, and the benefit thus conferred he is bound to return.

This primary duty of society to its individual membership is by the law of nature imposed, in the first instance, upon the parent. But the parent can not fully discharge it. What then? Society, through the established forms of government, interferes and performs what the parent fails to perform. Is this any violation of the right of the parent? No one pretends it. It is merely the doing of that which, for the good of the child, the parent, and the whole social fabric, must be done. The right of the mass, that is, of the state, is paramount even to that of the individual, inasmuch as the general welfare—the safety of the people—is the supreme law. No parent has the right to say that his child shall remain ignorant. He has no right to breed firebrands and death to the society of which he is a part and to which he owes everything himself. Here is the foundation of the right of compulsory education on the part of the state.

If the parent fully exercised his right to properly educate his child there would be no occasion for the interference of the state; but he fails to do it. Benevolent voluntary effort comes to his aid. This also fails. What then? The law of self-preservation at once asserts itself in behalf of the state as well as of the individual, and for the welfare of both it must put forth its power. These principles are fundamental, and are so plain that their assertion may seem superfluous. But we now come to an important question in the argument.

What in our complex system of government constitutes the "state," the organization in which reside the right and duty to educate the individual when the parent and voluntary agencies fail? The term "state" has various significations, but as used in this connection it is thus defined by Mr. Webster and by the writers upon law: "A political body or body-politic; the body of people united under one government, whatever may be the form of the government."

Mr. Bouvier says:

"In its most enlarged sense it signifies a self-sufficient body of persons united together in one community for the defense of their rights and to do right and justice to foreigners. In this sense the state means the whole people united into one body-politic, and the state and the people of the state are equivalent expressions."

There can be no doubt that under our system the word "State" includes the combined powers of both the United States and of the several States of whose union the former is composed. The territory which constitutes the one includes the many. The citizens of the many are individually and identically the citizens of the nation at large. Every citizen of the United States who resides in a State is a citizen thereof. "All persons born or naturalized in the United States and subject to the jurisdiction thereof are citizens of the United States and of the State wherein they reside." The rights and powers of the great community of fifty millions of people who constitute the citizens of the United States and of the several States are vested in the Government of the United States, in the governments of the several States, or in the people themselves. Although these three depositories of rights and powers are "distinct like the billows," yet they are "one like the sea." Distinct in their several jurisdictions, yet they constitute one great whole, and act together harmoniously for the individual and common good, each independent of the other in its sphere, like the independent yet concurring powers of nature in the realms of physical life, where—

> All are but parts of one stupendous whole,
> Whose body nature is, and God the soul.

It is only as we use the word "state" in this complete sense that the people of the United States, who are also the people of the several States and of the Territories, constitute "a body of persons united together in one community for the defense of their rights, and to do right and justice to foreigners."

Now, the right of self-defense, which is the right of self-preservation, is the right to live and to be. The right of the people to be at all implies and includes the right to constitute and maintain the state—that is to say, government—and to prescribe its form, for human existence is impossible without government. The governing power must know how to govern or it can not govern. Can a man do that which he knows not how to do? The people have distributed the functions of government between the national and the sectional or the State authorities, and have retained in themselves the initial exercise of all power through the ballot. The ballot is the republican form of government both in the nation and in the State.

Intelligence is necessary in the individual, who is the sovereign in the one as well as the other. The right and duty of the national portion of the Government to preserve itself, and of the individual to preserve it and to exert his sovereignty through its forms perpetually, are absolute. It is the right and duty of the whole to preserve the whole, and the right and duty of the whole to preserve the whole implies the preservation of all the parts by that whole, to the existence of which all the parts are necessary. It is not necessary that a man should have written permission to live. He needs no license stamped or sealed to give him the right to breathe.

His creation implied all that. Just so the people, when they created governments both of State and nation, republican in form, and bade them multiply their blessings and replenish the earth with their civilizing and ennobling activities, necessarily gave them the breath of life and the inherent power to preserve that life. To have written into the constitutions of the States or of the National Government the right of self-preservation would have been as superfluous as to have required a written order for the sun to shine, for water to run down hill, or for any created thing to obey the law of its being. But the right to educate the child throughout the nation is the right to preserve the Government and the nation. That right can not be curtailed. It is geographically coextensive with the jurisdiction of the Government itself, and self-preservation compels its exercise by the National Government whenever there is failure for any reason on the part of the parent and the State.

OBLIGATION TO GUARANTEE GOVERNMENTS REPUBLICAN IN FORM.

Still again. The whole people of the United States, that is to say, the nation, by the primary act of the masses and by the act of their State governments, have commanded in the written terms of the constitutional law of the land that "the United States shall guarantee to every State in this Union a republican form of government." How is that obligation to be fulfilled? Must its performance await revolution, and must destruction precede preservation? Is it a guarantee of possession to stand by while war and tempest obliterate, and then endeavor to restore? Is reconstruction the only or is it the better way in which the obligation to guarantee a government republican in form to the States of this Union can be discharged? Is not the ounce of prevention still worth the pound of cure? Does not the duty to guarantee imply the right to prevent and to preserve even more strongly than to restore? Prevention might be possible when restoration would prove to be impossible.

It is a conceded proposition that where a duty is imposed all the power necessary to its performance is conferred, and the choice of means, so far as there is no prohibition, goes with the power.

If all this be so, what doubt can there be, not only of the power but also of the absolute duty of the National Government, to perform its obligation of guarantee in the only effective way in which it is possible? When does the obligation to guarantee attach? Did it not commence with the adoption of the Constitution, and is it not continuous in its operation? Does it not attach as a right in the Territories, which are inchoate States? Does it not follow every movement of the concurrent life of the nation and of the States, and enter into all their constitutional and inseparable relations?

Not to educate is to destroy. It follows inevitably that not to educate is to break the guarantee of republican government to the States. If the parent and the State fail to educate the citizen, does not this clause of the Constitution compel the nation to educate its child?

THE GENERAL WELFARE.

But Congress has express power "to provide for the general welfare of the United States," and to exert its utmost power of taxation to promote that which was one of the six greatest ends enumerated in the preamble, and to secure which the Constitution itself was ordained and established by the whole people of the United States of America. That people well understood that without intelligence it would be impossible "to preserve the blessings of liberty to themselves and their posterity." It goes without argument to say that in no way can the general welfare be so promoted as by the general diffusion of knowledge and the discipline of the mental powers of the masses of the people, which can only be accomplished by common schools maintained by governmental power.

Governments are but agencies established by society to secure the happiness of its individual members. Whenever they cease to promote the end for which they were created they should be destroyed, and whenever and so far as they fail they should modify or reverse their action.

If in the past the National Government has not borne its due proportion of the burdens of the education of the people, or if new conditions have arisen which require of it a degree of co-operation with the several States not hitherto necessary in securing to all citizens of the Republic that degree of intelligence which is indispensable to the safety of society and to the happiness of the individual, who is at once the subject and the sovereign in both local and national administration, then the time has come for a new departure, and the withes of straw must yield to the expanding limbs of the giant who is arousing himself for the labors of the time which has already come.

But it must not be forgotten that the fathers and mothers of this Republic never conceived of the possibility of its existence except as its foundations should be laid upon knowledge and virtue, and that the promotion of sound learning was deemed to be the fundamental duty of the national power. The time would fail to speak of the founders of the colonies, and of the constant efforts which they put forth from New Hampshire to Georgia to establish schools and colleges for the education of those who were to enjoy the rights of citizenship within their respective borders. The Revolution was the outgrowth of the school, the college, and of the free worship of God. The constitution of every State as well as

the Declaration of Independence and the whole theory of the national polity depend upon the possession of knowledge and virtue by the people at large.

Hence Washington never ceased by word and deed to enforce this great truth upon his countrymen. Adams and Franklin and Jefferson and Madison and Hamilton and Clinton and Rush, and the whole galaxy of the immortals who cradled the nation, dwelt continually and emphatically upon the primary necessity of the universal intelligence of the masses to the perpetuation of their freedom and happiness. Nor did they confine their efforts to precept alone. The Congress of the Confederation, as well as the General Government under which we now live, at an early day proclaimed their duty and exercised their power to apply the property of the nation to promote this great interest of all. One-sixteenth part of the public lands was devoted to the education of the children of the coming States from the foundation of the Government; three-score years afterward the amount was doubled, and from time to time during the century nearly which has elapsed since the ordinances of 1785 and 1787 the nation has contributed of its resources to the establishment and maintenance of the public schools.

The messages of Washington and other early Presidents, who, with their associates, created and defined the national powers, and the responses of both branches of Congress, are full of the recognition of the obligation of the General Government to encourage and foster universal education, and as he passed from the scene of official life the Father of his Country solemnly adjured the American people "to promote as an object of primary importance institutions for the general diffusion of knowledge."

The promotion of learning and science, and the appropriation of the public money for that purpose, has always been recognized as within the scope of national power. Measures for the establishment of a national university have been supported by our leading statesmen, and appropriations of public money and other property have been from time to time made to establish or assist institutions like the agricultural colleges, observatories, the Smithsonian Institute, and exploring expeditions by land or sea, all which implies the possession of the undoubted power as well as the disposition to apply the resources of the National Government to these high purposes whenever in its judgment the general welfare will be conserved thereby. But even if all this were untrue, the case would remain the same.

Laws are silent in war. They were silent in the conflict through which we have just passed. But what is meant by this? Not that all laws are silent; but that minor regulations which appertain to more quiet times are suspended in the overmastering presence of the great first law of self-preservation.

In this sense, which is the true sense, laws may become silent in peace as well as in war. We are now in peace, but if there be laws which forbid the education of the illiterate millions of the American people by the outstretched arm and bursting Treasury and innumerable intellectual and moral agencies of the nation at large, then those laws should, and in presence of the uprising sentiment of the people I may say they shall, be silent in this land until by the diffusion of knowledge, and of the power which knowledge gives to every child within our borders, peace may be made perpetual. Universal intelligence never makes war. Only ignorance is convertible into brute force. Ignorance is slavery. But for ignorance there would have been no slave. But for ignorance among the nominally free there would have been no rebellion. The contest we now wage is with that still unconquered ignorance of both white man and black man in all parts of the country which hurried us by remorseless fate to fields of death four long years. Besides this, we confront the demands of hordes incoming from beyond both great oceans, and of the advancing generations of men.

Whenever the State or the local community is able to sufficiently instruct its youth it should do so, and the national aid should be invoked only when made necessary by local neglect or inability. But this burden is primarily one of taxation. Civilization must be paid for. Education is the insurance upon civilization. It must be kept up everywhere, for the risk is everywhere. To leave the child of the pauper uneducated is to incur as great risk of destruction by the fires or floods of ignorance and crime as if he were the scion of wealth and place. So, too, in the nicely balanced forces and relations of localities, the neglect of a county or a township may in some vital emergency destroy the institutions of the whole country by remote or even by immediate results. Hence there must be no admission of the doctrine that the general power can yield the right to educate when necessary to the general good. This power is indispensable to preserve the parts as well as the whole.

If these principles are true, we are next brought logically to the consideration of the actual condition of the United States and the Territories thereof in respect to the education of the people. This must be done that we may determine intelligently the question whether the nation should appropriate and, either directly or through State agencies, apply the public money for that use.

A GLANCE AT OUR RELATIONS TO OTHER NATIONS AS BEARING UPON EDUCATION.

In determining our duty in reference to the promotion of the general welfare by the appropriation of the public money to the education of youth, it may be well for us to consider not merely our internal relations, but also our position among the nations and our responsibilities to mankind at large. We will do this before proceeding to minute internal inquiries. It is no less than high crime for us to ignore the fact that we are but the trustees of our institutions and political principles for the human race. We can not innocently forget that there are fifteen hundred millions of our fellow-men living upon the planet to-day, of whom not more than one-sixth part are even nominally civilized, and not more than one human being in ten is free, or leads a life which to a citizen of our own favored country seems to be worth living at all. Yet the prospects of the world as a whole were never so hopeful as now.

What imagination can realize the horrors of history, and who can believe that the balance of human experience during the transition from the savage state to the blessings of civilization and of liberty is on the side of happiness? Until the development of our own institutions, it can not be said that the masses of men who made up the population of any nation since the dawn of time were free. Liberty has either been wholly unknown, or she has been current only in aristocracies, which, while maintaining something like toleration and equality among themselves, have been more despotic in their rule of the masses below them than any king or czar. But our nation, and ours alone, has been advanced to the condition of a sovereignty universally diffused, to that of kingship popularized. This alone is freedom.

We have gained all that we possess by reason of the education of the individual, and we hold it upon the same tenure. What we hold for ourselves we hold for mankind, and we hold it for both upon the same condition by which it was gained, and that is the continued and universal education and development of the people. As the leader of the nations it is indispensable to the discharge of our high trust that we incessantly perfect and carefully preserve ourselves. This work can not be delegated; this responsibility can not be surrendered nor evaded. Our relations and our influence with mankind at large are sustained and felt in our national, and not in our State or individual, capacity. Our position as a nation can only be maintained by a culture and development of the citizens of the Republic which shall be stimulated by the national idea, controlled by it, if need be, and, at all hazards, by it guaranteed and made sure.

The responsibilities which rest upon us, placed as we are in the forefront of the struggle of the ages, with the bannered hopes of the race in one hand and the sword of liberty, by whose sharp edge alone they can be realized, in the other, are not to be sneered at; as they were unsought, so are they not to be evaded, and as God liveth they shall be discharged. The common schools of this country are the recruiting ground and the disciplinary camp of the great armies of civilization and freedom and progress, whose victories have been and shall continue to be still more renowned than those of war.

Lycurgus resolved all legislation into the proper education of youth. To so shape the laws and institutions of a country as to perfect the citizen is to make the restraint of statutes unnecessary. Teach the individual man the full extent and just limitation of his own rights, imbue him with a desire to perform his duties to others and to the state, cultivate within his breast the love of country and intelligent recognition of the Deity who creates, controls, and blesses all, and society would go alone. This should be the great end of the law-giver. Educate the rising generation mentally, morally, physically, just as it should be done, and this nation and this world would reach the millennium within one hundred years. But such education is now impossible.

Who is to instruct? The teachers are but as children yet, and although the fields are white unto the harvest the laborers are few. Nothing is so important as the education of the youth, but one dollar is expended for that use where ten are imperatively required; and it is still a debated question whether the nation shall be taxed to save its own child, when in no other way can itself be saved. It doth not yet appear what we shall be; but no pause can be permitted in effort without deterioration, and the increasing millions constantly cry more, more, give, give, and the cry must be heeded, or even the low standard of to-day will sink to a still lower and more dangerous level.

But as we look abroad we behold the human race astir. We are no longer the exclusive custodians of the elements of progress; we are even now in sharp competition with European nations for rank as an intelligent people.

The emigration which comes over the Atlantic is not the same grade of human beings who came one-fourth of a century ago. Ireland is being educated; so is the whole population of the British Isles, and, save Russia and Turkey, this is true of the Continent.

We are not much longer to compete industrially with the sodden brain and clumsy finger of an unlettered peasantry; but with two hundred millions of producers, whose quickened powers of mind and body, combined with lower wages, will compel our relative advancement in order to maintain our superiority, or drive us to the increase of our already onerous tariffs in order to maintain our own industries and give employment and bread to our own people.

When we look abroad to the harvests of the commercial world we find ourselves already, save in the realm of sentiment, of no more consequence than any fourth-rate grower. While Asia, Africa, and the islands of the sea are stretching out their hands for civilized interchange, and are developing markets which within fifty years will double the consumption of all articles which the skill of advanced civilization pours into the lap of barbarism and of increasing culture *en route* to the enlightened state, we have small part in the matter now, and prospectively none at all, unless we arouse ourselves to the absolute necessity of the culture of our present and fast-increasing population throughout our continental domain. We have no ships, and our flag is a tradition on the sea; it is as rare in the marts of mankind as the pelican of the wilderness in Broadway, New York.

Great Britain learned the secret of power from the defeat which gave us independence one century ago. Since then she has not lost a province; she has annexed the world. How? Instructed in policy by our success she has established her colonies on every vacant lot of the globe; she has tied her cables to the commerce of every clime, and her strong fleets of peaceful convoyed by her warlike marine are steaming for the coffers of London with the wealth of all nations, and especially of those among whom are to be found the profitable markets of future times.

Wherever among these upheaving populations she sends her ships she carries her institutions and her laws. Her colonies remain, and she has learned so to foster and govern that now they never rebel, but develop into powerful allies, and her morning drum-beat, "which encircles the globe," stirs the tides of patriotic devotion in the heart of every listener; and so it is that she can now precipitate millions of armed men upon any hostile power, whether she calls them from the dusky but valiant millions of Hindostan, from the hardy recruits who face us all along our northern line, or from Australia and the islands of the sea. Great Britain is located everywhere. She has learned that if she cultivates the individual citizen and rules in harmony with the impulses of the human soul empire will be without end—except in the end of the world.

Hence, her statesmen, after forty years of study, enacted the laws of 1870, which mark as absolute and a far more important landmark in the policy of that power as the free-trade policy of 1848. Great Britain is aiming to compel the education of every child covered by the jurisdiction of her flag at home or abroad, and to provide, or lead her colonies to provide, the means to fully carry out that policy. Within twenty-five years, unless we advance, we shall be far behind the English-speaking race in any other part of the earth.

What does this mean for us? Not merely humiliation and half-masting of our banners. That we have already learned how to do and to rest quietly under it. But it will hurt our pockets. It will make us relatively poor. Wherever there is more intelligence there will be greater skill, and we shall become another Brazil to preserve the balance of stupidity on the western hemisphere. What is true of the new policy of Great Britain and of its consequences to us is also true of most other European nations. We would emphasize this aspect of the subject of education. Its importance to us can not be overestimated. To mankind at large it means the millennium.

Let us examine the data of European progress, that we may see if these things are so, for those who compare themselves among themselves are not wise.

In this examination it is pertinent to observe, not so much the actual condition of the people of other countries, as to note whether they are losing or accelerating their pace. Five years will educate a generation substantially, and it will not be long ere the Latin and the Saxon of Europe will reach and pass his kindred on this side the Atlantic if a relative improvement shall not be here maintained.

The data submitted below has been prepared at our request by the Commissioner of Education, whose invaluable labors have contributed so much to the elucidation of the great subject committed to his care.

"NATIONAL AID TO EDUCATION.

"1. FRANCE.

"The population of France is 36,905,788. The liberality of the Government of the French Republic in providing for the education of the masses is without precedent in its history. At the close of the Franco-Prussian war, in 1871, popular education was in a backward state. According to the census of 1872 the total population was 36,102,921. Of this number 13,324,801, or 36.9 per cent. (including 3,540,101 children under six years of age), were unable to read or write; 3,772,603, or 10.5 per cent., could read only; and 19,005,517, or 52.6 per cent., could read and write.

"This lamentable condition of affairs was due to optional attendance at school, and to the neglect on the part of the government to provide ample accommodation for a school population of nearly 6,000,000.

Many communes were too poor and some were unwilling to establish new schools or enlarge the existing ones. After some delay a law was passed March 28, 1882, making education obligatory for all children between the ages of six and thirteen; and authorizing poor communes to apply for government aid whenever their means are not sufficient to establish and maintain public schools. The government, however, does not always wait for departments or communes to apply for aid; it invites them to apply, and assures them of hearty co-operation. Letters were sent on the 3d of April, 1882, by the minister of public in-

struction to the prefects of the departments of Morbihan and Vendée (on the western coast of France), on the condition of education in these two very backward districts.

"In Morbihan 60 per cent. of the conscripts for the army, and the same proportion of persons who present themselves at the mairies (city halls) for marriages, can not read or write. A number of communes have already voted sums amounting to 500,000 francs for the purpose of increasing the number of schools, and the minister of public instruction now offers them a further subsidy of 1,000,000 francs for the same purpose.

"In Vendée, owing to similar causes, there also prevails a lamentable state of ignorance. Here 40 per cent. of the conscripts can not read or write. In order to attend school hundreds of children would have to walk daily from 8 to 10 miles. The minister offers the department a subsidy of 600,000 francs for the purpose of increasing the number of schools.

"*Government aid to primary education.*—In 1860 the government aid to primary education amounted to 5,424,036 francs; in 1870 (under the empire), 9,817,513 francs; in 1877 (under the republic), 22,035,760 francs. In 1882 the government aid will be about 50,000,000 francs, in order to enable all the communes to enforce the obligatory school law. In addition to the above amount the departments spend this year 25,000,000 francs and the communes 60,000,000 francs for primary education. During the two weeks from April 15 to April 30, 1882, the Guvernment has spent 1,244,835 francs for new school-houses. The total amount spent by the government alone in 1881-'82 for all phases of instruction amounts to 114,353,941 francs, or $22,717,880.

"2. BELGIUM.

"The following table shows the government grants to education from 1831 to 1882:

	Francs.
1831	217,000
1843	466,000
1845	711,000
1852	1,230,000
1857	1,689,000
1864	3,707,000
1870	6,425,000
1878	11,500,000
1882	20,400,000

"The population of Belgium is 5,403,006.

"In 1830, when Belgium separated from Holland, there were only 1,146 public primary schools. In 1875 there were 4,152 public primary schools and 2,615 adult schools. In 1847, 41.06 per cent. of the conscripts were illiterate; in 1850, 35.35 per cent., and in 1878 only 19.59 per cent.

"3. ITALY.

"Italy has a population of 28,209,620, and a school population (6-12) of 4,527,582. Of this number 2,057,977 attend school, against 1,604,978 in 1870. The number of public elementary schools has risen from 32,782 in 1870 to 41,108 in 1879. The annual grant to these schools in 1882 is 31,000,000 lire ($6,200,000). The 7,422 private elementary schools receive no state aid. In 1873 the government grant was 15,000,000 lire ($3,000,000); in 1876, 20,000,000 lire ($4,000,000), and in 1878, 24,000,000 lire ($4,800,000). This shows an increase of 16,000,000 lire, or $3,200,000, since 1873.

"The above grants are made in addition to large buildings and gardens given for educational purposes in nearly every city and town of the kingdom.

"According to the census of 1861, out of a population of 21,777,334, there were 16,999,701 who could neither read nor write—7,889,238 males and 9,110,463 females.

"In 1871 out of a population of 26,801,154, there were 19,533,792 who could neither read nor write.

"The present minister of public instruction has taken energetic steps to provide accommodations for all the children of school age, and to enforce the law which makes attendance at school obligatory for all children between the ages of six and twelve.

"4. ENGLAND.

"The annual parliamentary grants to elementary schools in England and Wales was: In 1840, £30,000; in 1850, £180,110; in 1858, £668,873; in 1862, £774,743; in 1863, £721,386; in 1866, £649,006; in 1867, £682,201; in 1868, £680,429; in 1869, £840,711; in 1870, £914,721; in 1873, £1,313,078; in 1875, £1,566,271; in 1877, £2,127,739; in 1879, £2,733,464; in 1882, £2,749,863.

"The number of schools has risen from 10,751 in 1872 to 17,614 in 1880; the number of seats from 2,397,745 in 1872 to 4,240,758 in 1880; and the average number of children in attendance from 1,445,326 in 1872 to 2,750,916 in 1880.

"The population of England and Wales is 25,968,286.

"5. SCOTLAND.

"Population, 3,734,370. The parliamentary grant to elementary schools amounts to £468,512 for 1882-'83. The number of elementary schools has increased from 1,962 in 1872 to 3,056 in 1880, the number of seats from 267,412 in 1872 to 602,054 in 1880, and the number of children in average attendance from 206,000 in 1872 to 404,618 in 1880.

"6. IRELAND.

"Population, 5,159,839. Number of elementary schools, 7,522. Number of pupils, 1,031,995. The parliamentary grants for popular education in Ireland amounted to a total of $2,948,669 in the ten years, 1860-'69; in 1868 it was £360,195; in 1872, £430,390; and in 1882-'83 it amounts to £729,868.

"7. PRUSSIA.

"Population, 27,251,067. The government expenditure for education amounts to $11,458,856 in 1882 against $10,000,000 in 1881. As nearly all the Prussian schools derive income from endowments, the government grants are chiefly devoted to the establishment of new schools and the improvement of old ones.

"8. RUSSIA.

"Russia, with a population of 78,500,000 and a school population of 15,000,000, has only 28,357 elementary schools and 1,213,325 pupils. The annual government grant to all grades of schools amounts to $9,000,000. Of this amount only $475,000 is devoted to elementary education. The finances of Russia exhibit large annual deficits, caused partly by an enormous expenditure for war, and partly by the construction of railways. According to official returns, the total war outlay incurred by Russia during the four years 1876-'79 amounted to $728,984,635.

"The mass of the population of Russia is as yet without education. In 1860 only two out of every hundred recruits levied for the army were able to read and write, but the proportion had largely increased in 1870, when eleven out of every one hundred were found to be possessed of these elements of knowledge.

"10. AUSTRIA.

"Education until recently was in a backward state in Austria, the bulk of the agricultural population, constituting two-thirds of the empire, being almost entirely illiterate. During the last twelve years, however, the government has made vigorous efforts to bring about an improvement by founding new schools at the expense of the state wherever the conveniences were too poor. A law was passed in 1868 making education obligatory for all children between the ages of six and fourteen.

The government expenditure for public education has increased from $2,300,000 in 1870 to $6,500,000 in 1881."

In this connection, as illustrating the educational impulse moving the whole British Empire, we annex the following data of schools in the Province of Ontario:

"The population of Ontario is 1,913,460 and the school population 489,924. In 1844 there were in the province 2,505 schools, with 96,756 pupils; in 1875, 5,056 schools, with 494,065 pupils; and in 1880, 5,245 schools, with 496,855 pupils. The total expenses for education were $275,000 in 1844, $2,297,694 in 1881, $3,258,125 in 1873, $3,433,210 in 1878, and $3,414,267 in 1880."

It will be observed that in every instance cited the nation assumes the duty and exercises the power not only of assisting but of controlling the subdivisions which make up the whole and provides for compulsory attendance of the child. The principle is fully recognized that when the general welfare demands, individuals and subdivisions must submit, if necessary for any cause, to receive compulsory blessings, coupled with which is the duty which implies the right of the whole to provide for the protection and safety of all the parts by the utmost exercise of its powers. True, their governments are not so complex as ours, but the principle is still the same. Self-preservation dictates this policy everywhere.

It is impossible to dwell upon this branch of the subject or to spread before the Senate the evidence, coming from almost every Christian and from some pagan people, like the Japanese, for instance, that the human race is arousing itself to the realization of its innate possibilities. The most astounding and humiliating fact of which we have knowledge, bearing upon the relative educational status of our own compared with the people of Europe, is this, that to-day only 14 per cent. of the immigration which comes from that continent to our shores is illiterate, being substantially of the same grade of intelligence as our general population. In other words, immigration no longer adds essentially to American illiteracy. It is probable that within a few years teachers from abroad will compete with our own for the higher wages paid to instructors in our common schools.

ACTUAL STATE OF EDUCATION IN THIS COUNTRY.

We now call attention to the actual condition of the American people as revealed by the most authentic evidence. Fortunately the returns of the census of 1880 are so fully compiled that through the labors of the Bureau of Census and of the Commissioner of Education the most important data has been tabulated, and we are enabled to give the country the cold steel of reliable statistics. These are more eloquent than any other possible statement, and demand the profoundest study of every citizen of the land.

But this should be remembered: It by no means follows that the person who can read and write is therefore qualified to discharge his duty as a sovereign. The line of lowest qualification has been fixed as by common consent in the preparation of official data at that level, but the suffrage itself is universal to males in nearly every State.

We recognize the right to govern himself as a part of the inalienable heritage of every man regardless of literary attainments. But the capacity to read and to write is so obviously necessary to the proper exercise of this inherent right that, as a rule, we instinctively demand of every citizen that he shall possess himself of this power and we demand of society that the opportunity to do so shall be provided at the public charge. True, that the history of the human race has been largely wrought by unlettered men, and there be many educated fools, while many a philosopher and natural leader can not read.

But we would remind those who judge hopefully of our condition because a majority of our people can read and write, that of those who have the power a large proportion possess it very imperfectly, and almost never exercise it. Of those who can write, multitudes do not place a sentence on paper twice in a lifetime. Thousands never get an idea from the printed page. The qualification is but nominal, and suffices merely to accomplish the ordinary business of life under the careful supervision of others, and is not really the source of knowledge and means of interchange of thought. So that the figures of every census are far more favorable than the facts as to the real mental condition of the people. This consideration should never be lost sight of in the study of the problem before us, which is, How shall we qualify every citizen to best perform his part? How shall the whole people be lifted to the high level where subjects are unknown, and where equality and sovereignty are convertible terms?

The population of the United States in 1860 was thirty-one and one-half millions. In 1870, thirty-eight and one-half millions; in 1880, 50,000,000. In 1890 it will be at least 70,000,000. It is to-day nearly 52,000,000. So it must be remembered all the while that even the tremendous numbers and alarming conditions revealed in the following returns are constantly expanding in their gigantic proportions and overwhelming gravity.

CONDITION OF THE SUFFRAGE.

Table No. 1 we take from the speech of Senator BUTLER, lately delivered in this Chamber during the Forty-seventh Congress. It is from the last census returns. It is the rule to estimate one voter for every five persons in the community, which makes the voting population of the country 10,000,000 in 1880. The total number over twenty-one years of age who can not write is 4,204,363, of whom 2,056,463 are whites and 2,147,900 are colored, including about 300,000 Indians and 100,000 Asiatics. Assuming one-half of these to be females, and therefore to have no souls, and not only to be without but to be unfit to exercise the suffrage, and making allowance for the unnaturalized citizens, there will remain 2,000,000 of illiterate voters, about equally divided between the white and colored races. One voter in five can not write his name. He casts a ballot whose contents are to him unknown except from hearsay. He can not tell the Constitution of his country from the code of Draco. He is the prey of the demagogue or the victim of prejudice, but he holds the balance of power in almost every State and in the nation at large.

Follow down these columns so pregnant with the demonstration of danger and dishonor to the Republic.

The illiterate voters of Maine, New Hampshire, Massachusetts, and Connecticut, of New York, New Jersey, Pennsylvania, Ohio, in short of every Middle, Southern, and most of the Western States, have power, if combined, to decide any political issue that is now, or for years is likely to be, pending between political parties. They represent ten of our fifty millions of people.

TABLE No. 1.

States and Territories.	White.	Colored.*	Total.
The United States	2,056,463	2,147,900	4,204,363
Alabama	60,174	206,878	267,052
Arizona	3,550	633	4,183
Arkansas	50,235	68,444	118,679
California	22,625	22,100	44,725
Colorado	7,055	465	7,490
Connecticut	23,339	1,497	24,836
Dakota	3,206	458	3,664
Delaware	6,462	7,935	14,397
District of Columbia	3,569	19,447	23,016
Florida	19,895	39,753	59,648
Georgia	71,693	247,318	319,011

TABLE No. 1—Continued.

States and Territories.	White.	Colored.*	Total.
Idaho	510	943	1,453
Illinois	99,356	10,397	109,753
Indiana	77,076	8,806	85,882
Iowa	35,815	1,958	37,773
Kansas	17,095	11,498	28,593
Kentucky	124,723	90,738	215,461
Louisiana	34,813	178,789	213,602
Maine	16,234	335	16,569
Maryland	34,155	66,357	100,512
Massachusetts	81,671	2,221	83,892
Michigan	48,291	3,758	52,049
Minnesota	27,645	769	28,414
Mississippi	27,789	208,122	235,911
Missouri	89,924	40,357	130,281
Montana	525	777	1,302
Nebraska	7,821	496	8,317
Nevada	1,807	1,638	3,445
New Hampshire	10,694	81	10,775
New Jersey	37,348	7,844	45,192
New Mexico	33,623	5,209	38,832
New York	182,050	10,134	192,184
North Carolina	116,437	174,152	290,589
Ohio	92,616	14,152	106,768
Oregon	2,904	2,387	5,291
Pennsylvania	174,286	15,554	189,887
Rhode Island	18,611	1,139	19,750
South Carolina	34,335	200,063	234,398
Tennessee	118,734	126,939	245,673
Texas	65,117	121,827	186,944
Utah	5,385	518	5,903
Vermont	12,872	129	13,201
Virginia	71,004	214,340	285,344
Washington	1,011	1,884	2,895
West Virginia	45,340	7,539	52,879
Wisconsin	45,798	981	46,779
Wyoming	285	144	429

*Including Indians and Asiatics.

Table No. 2 presents a statistical view, prepared in 1882, of the condition of popular education in each State and Territory:

TABLE No. 2.—*Public school statistics of the United States in 1880, with number of teachers and pupils in private schools, prepared by Commissioner of Education.*

States and Territories.	School age.	School population.	Enrolled in public schools.	Average daily attendance.	Average duration of school in days.	Expenditure in the year—per capita of pupils enrolled in public schools.	Number of public schools.	Teachers in public schools.	Teachers in private schools.*	Pupils in private schools.*	Available school funds (permanent).	Permanent school fund, including portions not now available.	Interest on permanent fund, including rents of school lands.
Alabama	7-21	388,003	179,490	117,978	80.0	$2 08	4,594	4,615	.....	.....	$2,528,950	.....	$138,013
Arkansas	6-21	247,547	70,972	.....	.....	.....	3,100	1,827	.....	.....	*b*144,873	*b*$190,186	*b*14,269
California	5-17	215,978	158,765	100,966	146.6	*b*17 17	2,803	3,595	.....	14,953	2,006,800	2,104,465	180,909
Colorado	6-21	35,566	22,119	12,618	*b*89.0	17 80	.....	678	.....	.....	36,000	.....	*cc*7,041
Connecticut	4-16	140,235	119,694	*k*78,421	179.2	11 01	1,630	*p*3,100	512	13,900	2,021,346	2,021,346	112,188
Delaware	6-21	35,459	27,823	.....	*l*158.0	8 12	561	594	.....	.....	448,999	.....	26,607
Florida	4-21	88,677	39,315	27,046	.....	.....	1,131	1,095	.....	.....	246,900	.....	*dd*17,962
Georgia	6-18	*b*433,444	236,533	145,190	.....	1 99	*b*5,916	6,000	1,680	48,452	.....	.....	.....
Illinois	6-21	1,010,831	704,041	431,638	150.0	9 61	11,964	22,255	1,497	60,440	9,049,302	9,049,302	593,119
Indiana	6-21	703,558	511,283	321,659	136.0	7 96	9,383	13,578	*b*592	*l*12,112	.....	9,065,255	*b*631,914
Iowa	5-21	586,556	426,057	259,836	148.0	11 25	11,084	21,598	474	12,724	3,484,411	.....	282,902
Kansas	5-21	340,647	231,434	137,867	107.0	7 85	5,233	7,780	979	*b*6,205	2,297,590	11,815,519	454,608
Kentucky	*a*6-20	545,161	265,581	*f*193,874	102.0	3 85	.....	6,764	.....	.....	.....	1,755,682	114,172
Louisiana	6-18	273,845	68,440	45,626	118.0	*b*6 74	1,494	2,025	*u*247	*u*4,404	.....	1,130,867	30,320
Maine	4-21	214,656	149,827	103,113	120.0	6 53	.....	6,934	.....	.....	438,287	.....	27,995
Maryland	5-20	*d*276,120	162,431	85,778	*m*210.0	8 64	2,300	3,125	.....	.....	906,229	.....	52,116
Massachusetts	5-15	307,321	306,777	233,127	177.0	*f*14 93	5,570	8,595	.....	26,289	2,086,886	.....	136,016
Michigan	5-20	506,231	362,556	*f*213,898	141.0	*b*8 11	6,695	13,949	703	18,854	2,880,942	3,340,949	226,955
Minnesota	5-21	*e*271,428	180,248	*f*117,161	94.0	*b*8 42	*p*4,064	5,215	.....	.....	4,449,728	15,000,000	250,485
Mississippi	5-21	426,669	238,704	156,761	77.5	2 70	*b*5,367	5,560	.....	.....	*b*815,229	.....	126,233
Missouri	6-20	723,484	476,376	*f*219,132	*b*100.0	.....	8,641	10,447	.....	.....	8,950,806	.....	*ee*396,245
Nebraska	5-21	142,348	92,549	*f*60,156	109.0	12 29	2,922	4,100	.....	.....	3,323,217	*f*20,754,810	134,025
Nevada	*b*6-18	*b*10,295	*b*7,590	*b*5,108	.....	.....	.....	*b*184	.....	.....	*b*380,000	.....	.....
New Hampshire	*b*5-21	*b*72,102	*b*65,048	*b*48,910	*b*101.5	.....	2,528	*b*3,582	*b*3,066	.....	.....	.....	*b*24,909
New Jersey	5-18	330,686	204,961	115,194	192.0	9 48	.....	3,477	572	43,530	1,454,007	2,315,785	100,000
New York	5-21	1,641,173	1,031,593	573,089	179.0	10 09	*p*20,500	30,730	.....	*w*139,476	*y*7,265,897	.....	*ff* 170,000
North Carolina	6-21	439,324	225,606	147,802	54.0	1 12	5,503	4,130	.....	.....	*z*200,000	*aa*531,555	8,000
Ohio	6-21	*b*1,043,320	747,138	476,279	150.0	8 59	12,043	23,684	292	28,650	.....	.....	240,745
Oregon	4-20	59,615	37,533	27,435	89.6	8 37	*b*865	1,314	212	3,744	*b*562,830	.....	36,910
Pennsylvania	6-21	*g*1,200,000	937,310	601,627	147.0	.....	*b*18,386	21,375	*v*947	*v*24,066	.....	.....	*gg*1,000,000
Rhode Island	5-15	52,273	44,780	29,065	*a*184.0	11 63	924	1,295	208	6,676	240,376	266,950	12,448
South Carolina	6-16	*h*228,128	134,072	.....	77.0	.....	2,973	3,171	.....	.....	.....	.....	.....
Tennessee	6-21	544,862	290,141	191,461	68.0	.....	5,522	5,954	1,665	41,068	*h*2,512,500	*h*2,512,500	.....
Texas	8-14	230,527	186,786	.....	*o*73.0	.....	6,127	4,361	.....	.....	.....	*e3*,385,571	44,623
Vermont	5-20	*e*92,831	75,238	48,606	125.0	.....	2,616	4,326	.....	.....	*b*669,087	.....	*b*53,699
Virginia	5-21	555,807	220,736	128,404	113.0	3 82	4,854	4,873	1,609	25,692	.....	1,468,765	.....
West Virginia	6-21	210,113	142,850	91,704	99.0	4 43	*b*3,725	4,134	.....	.....	423,989	423,989	15,320
Wisconsin	4-20	483,229	299,258	197,510	162.5	7 51	5,984	10,115	804	25,938	2,747,844	2,995,112	184,409
Total	.....	15,128,078	9,679,655	1,743,839	.....	.....	187,005	280,143	12,993	560,239	.....	.....	6,392,048
Arizona	6-21	7,148	4,212	2,847	109.0	.....	.....	101	.....	.....	.....	.....	.....
Dakota	5-21	12,030	8,042	3,170	88.0	.....	.....	286	.....	.....	.....	.....	.....
District of Columbia	6-17	43,558	26,439	20,637	193.0	14 87	*p*325	433	.....	.....	60,385	60,385	2,225
Idaho	5-21	.....	6,758	.....	.....	.....	155	*r*160	.....	*r*5,000	.....	.....	.....
Indian	.....	*i*11,444	*jj*6,098	*jj*3,944	.....	.....	212	*h*196	.....	.....	*bb*3,634,425	.....	186,359
Montana	4-21	7,070	3,970	2,506	96.0	.....	153	161	.....	.....	.....	.....	.....
New Mexico	*c*7-18	*d*29,312	*e*8,151	.....	*e*321.0	.....	*e*138	*e*147	*e*81	*e*1,259	.....	.....	.....
Utah	6-18	40,672	24,326	17,178	128.0	.....	*b*373	517	.....	.....	.....	.....	.....
Washington	*b*5-21	*b*24,223	*b*14,032	*b*9,585	*b*87.5	*b*8 15	340	*b*560	*b*31	*b*451	.....	.....	.....
Wyoming	*b*7-21	.....	*b*2,090	*b*1,287	.....	.....	.....	*b*49	.....	.....	.....	.....	.....
Total	.....	175,457	101,118	61,154	.....	.....	1,696	2,610	112	6,921	.....	.....	188,584
Grand total	.....	15,803,535	9,780,773	5,804,993	.....	.....	188,701	282,753	13,105	567,160	.....	.....	6,580,628

a For whites; for colored 6-16. *b* In 1879. *c* In 1875. *d* Census of 1879. *e* In 1878. *f* Estimated. *g* In 1873. *h* In 1877. *i* In the Cherokee, Choctaw, and Creek Nations. *j* In the five civilized tribes. *k* For the winter. *l* In white schools only. *m* In cities; 176 in counties. *n* In evening schools 61. *o* In the counties; 158 in cities and towns. *p* Approximately. *r* Number necessary to supply the schools. *t* Private schools in public buildings, *u* In 1879; exclusive of New Orleans private schools. *v* In 1879; exclusive of Philadelphia. *w* In academies and private schools. *x* Estimated average number of pupils. *y* Includes the United States deposit fund as reported in 1878, amounting to $4,014,521. *z* In State and United States 4 percents, ordered to be sold by the last Legislature. *aa* Exclusive of 1,000,000 acres of swamp-land made subject to entry sale by last Legislature. *bb* Funds in the five civilized tribes, whole or part interest of which is used for school purposes. *cc* From rents in 1879. *dd* State apportionment. *ee* Includes revenue from other funds. *ff* Apparently does not include interest on the United States deposit funds. *gg* State appropriation in lieu of interest on permanent fund. *As far as reported by State superintendents; accompanying is a more specific report on this point, which approximately exhibits (if we exclude the preparatory work done by private normal schools) the number of private institutions, with teachers and pupils in them, giving secondary or superior instruction in each State and Territory.

The concentration of wealth, population, and power in cities makes the condition of education therein an element of great importance in forming a correct opinion upon the whole subject, and should be considered by itself. We therefore furnish the needed data in the following table:

TABLE No. 3.—*Table prepared at the request of Hon. H. W. Blair, by the Bureau of Education, showing the total population, school population, enrollment, average attendance, total number of teachers, length of school year in days, number of pupils or children of school age not attending school, per cent. of school population enrolled in schools, per cent. of school population not enrolled in school, in eighty-eight cities (census of 1880).*

Cities.	Population.	School population.	Enrollment.	Average attendance.	Total number of teachers.	Length of school year in days.	Pupils not attending.	Per cent. of school population—	
								Enrolled.	Not enrolled.
Mobile, Ala	29,132	.....	4,659	4,014	125	172	.....	.....	.....
Selma, Ala	7,529	1,757	882	717	14	.....	875	50	50
Little Rock, Ark	13,138	6,169	2,503	1,655	33	180	3,666	41	59
Oakland, Cal	34,555	8,108	5,996	5,067	129	206	2,112	74	26
Sacramento, Cal	21,420	4,943	3,895	.....	75	200	1,048	79	21
San Francisco, Cal	233,959	53,892	38,320	28,150	686	211	15,572	71	29
Denver, Colo	35,629	5,700	3,210	1,953	65	190	2,490	56	44
Bridgeport, Conn	29,148	6,641	5,229	3,529	91	210	1,412	79	21
Hartford, Conn	42,015	9,652	7,612	4,886	140	201	2,040	79	21
New Haven, Conn	62,882	13,897	11,897	7,931	230	200	2,000	86	14
Wilmington, Del	42,478	.....	7,043	4,472	114	207	.....	.....	.....
Georgetown and Washington, D. C	159,871	27,142	15,728	12,508	259	203	11,414	58	42
Jacksonville, Fla	7,650	1,611	804	.....	17	176	207	79	21
Key West, Fla	9,890	3,415	1,168	828	17	240	2,247	34	66
Atlanta, Ga	37,409	10,500	4,100	2,609	68	200	6,400	39	61
Augusta, Ga	21,891	9,366	4,027	.....	32	183	5,339	43	57
Chicago, Ill	502,185	137,035	59,562	42,375	896	200	77,473	43	57
Peoria, Ill	20,259	9,670	4,761	3,386	76	200	4,409	49	51
Indianapolis, Ind	75,056	26,879	13,936	8,925	219	200	11,853	52	48
Terre Haute, Ind	26,042	8,096	4,138	2,975	78	200	3,958	57	43
Des Moines, Iowa	22,408	3,576	2,322	1,562	41	190	1,254	65	35
Dubuque, Iowa	22,254	9,476	3,686	2,555	71	200	5,790	39	61
Leavenworth, Kans	16,546	6,257	3,060	2,154	34	180	3,197	49	51
Topeka, Kans	15,452	2,816	1,935	1,607	30	180	881	68	32
Covington, Ky	29,720	10,004	3,286	2,485	60	198	6,809	32	68
Louisville, Ky	123,758	46,587	19,990	13,498	325	215	26,597	43	57
New Orleans, La	216,090	56,947	17,886	15,190	407	208	39,061	31	69
Bangor, Me	16,856	5,479	3,120	2,458	71	204	2,359	55	45
Lewiston, Me	19,083	5,974	3,358	2,061	76	187½	2,416	60	40
Portland, Me	33,810	10,660	6,797	4,347	128	200	3,863	64	36
Baltimore, Md	332,313	86,961	48,066	29,961	822	186	38,895	55	45
Boston, Mass	362,839	57,703	50,768	46,130	1,201	205	2,065	*103	.....
Lawrence, Mass	39,151	6,865	4,800	4,232	118	200	2,065	70	30
Lowell, Mass	59,475	9,121	12,211	6,045	160	.....	3,090	*134	.....
Worcester, Mass	58,291	10,988	11,452	7,913	218	200	464	*104	.....
Detroit, Mich	116,340	39,467	15,719	10,818	250	200	23,748	40	60
Grand Rapids, Mich	32,016	9,784	5,727	3,590	106	200	4,057	58	42
Minneapolis, Minn	46,887	12,806	6,142	4,248	120	200	6,664	48	52
Saint Paul, Minn	41,473	.....	4,338	3,030	96	200	.....	.....	.....
Vicksburg, Miss	11,814	3,000	1,196	.....	21	.....	1,804	39	61
Kansas City, Mo	55,785	11,325	5,259	3,140	62	200	6,066	46	54
Saint Joseph, Mo	32,431	8,908	3,820	2,579	58	200	5,088	43	57
Saint Louis, Mo	350,518	106,372	55,780	36,449	1,044	200	50,592	52	48
Omaha, Nebr	30,518	7,381	3,716	.....	57	200	3,665	50	50
Dover, N. H	11,687	2,350	1,880	1,436	46	180	470	80	20
Manchester, N. H	32,630	4,774	4,350	2,818	86	190	424	91	9
Nashua, N. H	13,397	2,072	2,526	1,630	52	180	454	*121	.....
Portsmouth, N. H	9,690	2,251	1,891	.....	35	200	360	62	38
Jersey City, N. J	120,722	41,226	22,776	12,905	328	204	18,450	55	45
Newark, N. J	136,508	41,935	19,778	11,100	270	210	22,457	43	54
Paterson, N. J	51,031	13,672	7,901	4,750	142	200	5,571	58	42
Albany, N. Y	90,758	35,411	14,049	9,175	229	210	21,362	40	60
Brooklyn, N. Y	566,663	181,083	96,663	52,677	1,315	205	84,720	53	47
Buffalo, N. Y	155,134	56,000	18,606	14,555	439	201	37,394	33	67
New York, N. Y	1,206,209	385,000	270,176	132,720	3,357	204	114,824	70	30
Rochester, N. Y	89,366	37,000	13,869	8,250	230	200	23,131	37	63
Wilmington, N. C	17,350	4,521	866	.....	.....	.....	4,055	18	82
Cincinnati, Ohio	255,139	87,618	36,121	27,279	671	225	51,497	41	59
Cleveland, Ohio	160,146	49,256	24,262	16,807	596	196	24,994	49	51
Columbus, Ohio	51,647	14,662	7,902	5,953	149	200	6,760	54	46
Dayton, Ohio	38,678	11,660	6,114	4,527	12	.....	5,546	52	48
Toledo, Ohio	50,137	14,898	7,615	4,739	125	200	7,283	51	49
Portland, Oreg	17,577	4,669	2,650	1,956	46	200	2,019	57	43
Allegheny, Pa	78,682	.....	11,610	8,287	202	193	.....	.....	.....
Philadelphia, Pa	877,170	.....	105,541	94,145	2,295	207	.....	.....	.....
Pittsburgh, Pa	156,389	.....	26,937	17,387	526	.....	.....	.....	.....
Scranton, Pa	45,850	19,860	10,174	6,861	169	220	9,626	51	49
Newport, R. I	15,693	3,419	2,580	1,806	53	198	839	75	25
Providence, R. I	104,857	19,108	13,993	9,630	289	.....	5,115	73	27
Charleston, S. C	40,984	12,727	7,284	.....	91	197	5,443	57	43
Columbia, S. C	10,036	.....	.....	.....	.....	.....	.....	.....	.....
Chattanooga, Tenn	12,892	3,061	2,185	1,382	30	180	876	71	29
Knoxville, Tenn	9,693	2,100	1,509	930	26	200	591	72	28
Memphis, Tenn	33,592	9,011	4,105	2,389	63	151	4,906	45	55
Nashville, Tenn	43,350	12,460	6,098	4,299	96	190	6,362	49	51
Houston, Tex	16,513	2,746	1,756	1,172	23	160	990	64	36
San Antonio, Tex	20,550	3,022	1,584	934	22	205	1,438	52	48
Burlington, Vt	11,365	.....	1,566	.....	32	.....	.....	.....	.....
Rutland, Vt	12,149	.....	2,395	.....	64	.....	.....	.....	.....
Norfolk, Va	21,966	6,695	1,613	1,117	26	210	5,082	24	76
Petersburg, Va	21,656	7,417	1,985	1,494	28	174	5,432	27	73
Richmond, Va	63,800	21,536	5,821	4,778	129	198	15,715	27	73
Madison, Wis	15,324	3,517	1,939	1,745	34	185	1,578	55	45
Milwaukee, Wis	115,587	37,742	17,985	11,149	239	.....	20,657	45	55
Oshkosh, Wis	15,748	5,874	2,217	2,017	53	.....	3,657	38	62
	8,300,081	2,052,923	1,302,776	858,533	21,672	.....	750,147	.....	.....

*More than the school population. This is due to the fact that they are allowed to attend school after the school age established by law.

Average attendance about two-thirds of enrollment or one-third of population of school age. Thirty-four cities 50 per cent. and upward not enrolled at all.

As Tables Nos. 2 and 3 contain an affirmative statement of the agencies at work in the production of intelligence among the people, and to a certain extent of their results, I have endeavored in Table No. 4 to exhibit in one view the combined mass of ignorance mathematically stated, upon which no impression has been made; a mass of illiteracy dense and thus far impenetrable to the first ray of morning.

TABLE No. 4.—*Illiteracy in the United States (census of 1880).*

States and Territories.	Total population.	Total population who can not read, ten years of age and over.	Percentage of total population who can not read.	Total population who can not write, ten years of age and over.	Percentage of total population who can not write.	Total white population.	Total white population who can not write, ten years of age and over.	Percentage of total white population who can not write.	Total colored population.	Total colored population who can not write, ten years of age and over.	Percentage of total colored population who can not write.
Alabama	1,262,505	370,279	29.33	433,447	34.33	662,185	111,767	16.88	600,320	321,680	53.58
Arizona	40,440	5,496	13.59	5,842	14.45	35,160	4,824	13.72	5,280	1,018	10.28
Arkansas	802,525	153,229	19.09	202,015	25.17	591,531	98,542	16.66	210,994	103,473	49.04
California	864,694	48,583	5.62	53,430	6.18	767,181	26,090	3.40	97,513	27,340	28.04
Colorado	194,327	9,321	4.80	10,474	5.39	191,126	9,906	5.18	3,201	568	17.74
Connecticut	622,700	20,986	3.37	28,424	4.56	610,769	26,763	4.38	11,931	1,661	13.92
Dakota	135,177	3,094	2.29	4,821	3.57	133,147	4,157	3.13	2,030	664	32.71
Delaware	146,608	16,912	11.54	19,414	13.24	120,160	8,346	6.95	26,448	11,068	41.85
District of Columbia	177,624	21,541	12.13	25,778	14.51	118,006	3,988	3.38	59,618	21,790	36.55
Florida	269,493	70,219	26.06	80,183	29.75	142,605	19,763	13.86	126,888	60,420	47.62
Georgia	1,542,180	446,683	28.96	520,416	33.75	816,906	128,934	15.78	725,274	391,482	53.98
Idaho	32,610	1,384	4.24	1,778	5.45	29,013	784	2.70	3,597	994	27.63
Illinois	3,077,871	96,809	3.15	145,397	4.72	3,031,151	133,426	4.37	46,720	12,971	27.76
Indiana	1,978,301	70,008	3.54	110,761	5.60	1,938,798	100,398	5.18	39,503	10,363	26.23
Iowa	1,624,615	28,117	1.73	46,609	2.87	1,614,600	44,337	2.75	10,015	2,272	22.69
Kansas	996,096	25,503	2.56	39,476	3.96	952,155	24,888	2.61	43,941	14,588	33.20
Kentucky	1,648,690	258,186	15.66	348,392	21.13	1,377,179	214,497	15.58	271,511	133,895	49.31
Louisiana	939,946	297,312	31.63	318,380	33.87	454,954	58,951	12.96	484,992	259,429	53.49
Maine	648,936	18,181	2.80	22,170	3.42	646,852	21,758	3.36	2,084	412	19.77
Maryland	934,943	111,387	11.91	134,488	14.28	724,693	44,316	6.12	210,250	90,172	42.89
Massachusetts	1,783,085	75,635	4.24	92,980	5.21	1,763,782	90,658	5.14	19,303	2,322	12.03
Michigan	1,636,937	47,112	2.88	63,723	3.89	1,614,560	58,932	3.65	22,377	4,791	21.41
Minnesota	780,773	20,551	2.63	34,546	4.42	776,884	33,506	4.31	3,889	1,040	26.74
Mississippi	1,131,597	315,612	27.89	373,201	32.98	479,398	53,448	11.15	652,199	319,753	49.03
Missouri	2,168,380	138,818	6.40	208,754	9.63	2,022,826	152,510	7.54	145,554	56,244	38.64
Montana	39,159	1,530	3.91	1,707	4.36	35,385	631	1.78	3,774	1,076	28.51
Nebraska	452,402	7,830	1.73	11,528	2.55	449,764	10,926	2.43	2,638	602	22.82
Nevada	62,266	3,703	5.95	4,069	6.53	53,556	1,915	3.58	8,710	2,154	24.73
New Hampshire	346,991	11,982	3.45	14,302	4.12	316,229	14,208	4.10	762	94	12.34
New Jersey	1,131,116	39,136	3.46	53,249	4.71	1,092,017	44,049	4.03	39,099	9,200	23.53
New Mexico	119,565	52,994	44.32	57,156	47.80	108,721	49,597	45.62	10,844	7,559	69.71
New York	5,082,871	166,623	3.28	219,600	4.32	5,016,022	208,175	4.15	66,849	11,425	17.09
North Carolina	1,399,750	367,800	26.28	463,975	33.15	867,242	192,032	22.14	522,508	271,943	51.07
Ohio	3,198,062	86,754	2.71	131,847	4.12	3,117,920	115,491	3.70	80,142	16,356	20.41
Oregon	174,768	5,376	3.08	7,423	4.25	163,075	4,343	2.66	11,693	3,080	26.34
Pennsylvania	4,282,891	146,138	3.41	228,014	5.32	4,197,016	209,981	5.00	85,875	18,083	21.00
Rhode Island	276,531	17,456	6.31	24,793	8.97	269,939	23,544	8.72	6,952	1,249	18.95
South Carolina	995,577	321,780	32.32	369,848	37.15	391,105	59,777	15.28	604,472	310,071	51.30
Tennessee	1,542,359	394,385	19.09	410,722	26.63	1,138,831	216,227	18.99	403,528	194,495	48.20
Texas	1,591,749	256,223	16.10	316,432	19.88	1,197,237	123,912	10.35	394,512	192,520	48.80
Utah	143,963	4,851	3.37	8,826	6.13	142,423	8,137	5.71	1,540	689	44.74
Vermont	332,286	12,993	3.91	15,837	4.77	331,218	15,681	4.73	1,068	156	14.61
Virginia	1,512,565	350,495	23.83	430,352	28.45	880,858	114,692	13.02	631,707	315,660	49.97
Washington	75,116	3,191	4.25	3,889	5.18	67,199	1,429	2.13	7,917	2,460	31.07
West Virginia	618,457	52,041	8.41	85,376	13.80	592,537	75,237	12.70	25,920	10,139	39.12
Wisconsin	1,315,497	38,693	2.94	55,558	4.22	1,309,618	54,233	4.14	5,879	1,325	22.54
Wyoming	20,789	427	2.05	566	2.67	19,437	374	1.92	1,352	182	13.46
Total	50,155,783	4,923,451	9.82	6,239,958	12.44	43,402,970	3,019,080	6.96	*6,752,813	3,220,878	47.70

*Including Indians, Chinese, Japanese, &c.

The above table, prepared at the request of Hon. H. W. Blair, chairman of the Senate Committee on Education, is respectfully submitted to the Superintendent of the Census, with the statement that while its figures are believed to be in most instances correct, they are entirely preliminary, and therefore subject to such changes as may result from the final revision.

HENRY RANDALL WAITE,
Special Agent Statistics of Education, Illiteracy, Libraries, Museums, and Religious Organizations.

The preceding table was prepared in the month of June, 1882. We use it now because of its greater convenience for comparison in some respects than the later tables in the Compendium of the Census.

Table No. 5, with some repetition of matter in previous tables, contains other data which are important and convenient for reference.

TABLE No. 5.—*Showing the total population, the school population, enrollment, average attendance, total number of teachers, average pay of teachers, and length of school year in days in the several States and Territories as reported for the year 1880; prepared by the Commissioner of Education.*

States and Territories.	Total population.	School population.	Enrollment.	Average attendance.	Total number of teachers.	Average pay of teachers.		Length of school year (in days).
						Male.	Female	
Alabama	1,262,505	388,003	179,490	117,978	4,615	a($20 96)		80
Arkansas	802,525	247,547	70,972	.....	1,827	b$50 50	b$40 00	.....
California	864,694	215,978	158,765	100,966	3,595	80 26	64 73	146.6
Colorado	194,327	35,566	22,119	12,618	678	c42 84	c40 87	d89
Connecticut	622,700	140,235	119,694	c78,421	f3,100	56 43	35 45	179.02
Delaware	146,608	35,459	27,823	.....	g594	a30 83	a24 79	h158
Florida	269,493	88,677	39,315	27,046	1,065	(b40 00)		.....
Georgia	1,542,180	d433,444	235,533	145,190	6,000	50 00	30 00	.....
Illinois	3,077,871	1,010,851	704,041	431,638	22,255	41 92	31 80	150
Indiana	1,978,301	703,558	511,283	321,659	13,578	37 20	35 20	136
Iowa	1,624,615	586,556	426,057	258,836	21,598	31 16	26 28	148
Kansas	996,096	340,647	231,434	137,667	7,780	32 47	25 98	107
Kentucky	1,648,690	545,161	265,581	f193,874	6,764	k(21 75)		102
Louisiana	939,946	273,845	68,440	45,626	2,025	(27 50)		118
Maine	648,936	214,656	149,827	103,113	6,934	32 97	21 68	120
Maryland	934,943	i330,590	162,431	85,778	3,125	(41 06)		m176
Massachusetts	1,783,085	307,321	306,777	233,127	8,595	67 54	30 59	177
Michigan	1,636,937	506,221	362,556	f213,898	13,949	37 28	25 73	141

TABLE No. 5.—*Showing the total population, the school population, enrollment, average attendance, &c.*—Continued.

States and Territories.	Total population.	School population.	Enrollment.	Average attendance.	Total number of teachers.	Average pay of teachers. Male.	Average pay of teachers. Female	Length of school year (in days).
Minnesota	780,773	b271,428	180,248	f117,161	5,215	35 29	27 52	94
Mississippi	1,131,597	426,689	236,704	156,761	5,569	(30 05)		77.5
Missouri	2,168,389	723,484	476,376	f219,132	10,447	d35 00	d30 00	d100
Nebraska	452,402	142,348	92,549	f60,156	4,100	36 12	31 92	109
Nevada	62,266	10,592	9,045	5,401	197	101 47	77 00	142.8
New Hampshire	346,991	f71,132	64,341	48,966	3,460	34 12	22 23	196.3
New Jersey	1,131,116	330,685	204,951	115,194	3,477	55 82	32 90	192
New York	5,082,871	1,641,173	1,031,593	573,089	30,730	(41 40)		179
North Carolina	1,399,750	459,324	225,606	147,802	4,130	(21 75)		54
Ohio	3,198,062	d1,043,320	747,138	476,279	23,684	56 00	39 00	150
Oregon	274,768	59,615	37,533	27,235	1,314	44 19	33 38	89.6
Pennsylvania	4,282,891	o1,370,000	937,310	601,627	21,375	32 36	28 42	147
Rhode Island	276,531	52,273	44,780	29,065	p1,295	70 24	42 99	184
South Carolina	995,577	b228,128	134,072		3,171	25 24	23 89	77
Tennessee	1,542,359	544,862	200,141	191,461	5,954	(26 66)		68
Texas	1,591,749	230,527	186,786		4,361			9673
Vermont	332,286	o92,831	75,238	48,006	4,326	27 84	17 44	125
Virginia	1,512,565	555,807	220,736	128,404	4,873	29 20	24 65	113
West Virginia	618,457	210,113	142,850	91,704	4,134	(28 19)		99
Wisconsin	1,315,497	485,229	209,258	197,510	10,115	q37 14	q24 91	162.5
Totals	49,371,340	15,351,875	9,680,403	5,744,188				
Arizona	40,449	7,148	4,212	2,847	191	83 00	70 00	109
Dakota	135,177	12,030	8,042	3,170	286	26 70	21 90	88
District of Columbia	177,624	43,558	26,439	20,637	433	90 16	62 24	193
Idaho	32,610		6,758		r160	85 00		
Montana	39,159	7,070	3,970	2,506	161	71 64	56 41	96
New Mexico	119,565	o29,312	t5,151		147			s132
Utah	143,963	40,672	24,326	17,178	517	b35 00	b22 00	128
Washington	75,116	d24,223	d14,032	d9,585	560	d41 14	d33 34	d87.5
Wyoming	20,789		d2,090	d1,287	49	(d55 94)		
INDIAN.								
Cherokees		5,413	3,048	1,845				
Chickasaws			d650	f426				
Choctaws		2,600	d1,400	fd921	f196	d50 00	d50 00	
Creeks		3,431	d800	fd582				
Seminoles			d200	d170				
Totals	784,443	175,457	101,118	61,154				
Grand total	50,155,783	15,527,332	9,781,521	5,805,342				

a For white teachers. *b* In 1878. *c* In ungraded schools; in graded schools the average salary of men is $101.75; of women, $64.39. *d* In 1879. *e* For the winter. *f* Estimated. *g* Includes 58 colored teachers. *h* For white schools only. *k* In cities and towns organized as one district the average salary of men is $98; of women, $43. *l* Estimated by the bureau. *m* In the counties. *n* In graded schools the average salary of men was $87; of women, $40, in 1879. *o* Census of 1870. *p* Includes evening school reports. *q* In the counties; in the independent cities the average salary of males is $65.74; of females, $35.06. *r* Number necessary to supply the schools; actual number of schools, 155. *s* In 1875. *t* In 1877.

We draw a few deductions from these tables, but can not analyze them fully. They challenge profound and prolonged examination.

The total population of the country by the census of 1880 is 50,155,783. Table No. 2 shows a school population of 15,303,535, of whom 9,780,773 are enrolled in the public schools, 567,160 in private schools, with an average attendance in the public schools of 5,804,993. The average attendance in private schools is not known.

The column giving the different school ages in different States and Territories upon which the return of school population is based indicates that the whole number of the children who are of suitable age to receive instruction is much more than 15,303,535. In Texas, for instance, the school period is from eight to fourteen years, and her total is only 230,527, while her population is 1,591,749. In Tennessee, where the school period is from six to twenty-one, a much preferable rule, and the whole population is 1,542,359, the school population 545,862, or two and one-third times that of Texas, although there can be no doubt that families are quite as large in the latter as in the former State. Besides this, and taking into account the increase since the census from natural causes and from immigration, we believe it to be a low estimate which places the whole school population of the country at 18,000,000.

While we know of no reason to believe that the number of pupils who actually receive instruction has been essentially increased, expenditure certainly has not been increased to any great extent, while in some States since 1870 it has fallen off. We are, then, now charged with the education of eighteen millions children and youth who in less than ten years will be the nation. Of these ten and one-half millions are enrolled in public and private schools, and six millions is the average attendance, while seven and one-half millions, or five-twelfths of the whole are growing up in absolute ignorance of the English alphabet. This seems incredible, but these are the figures. They ought not to lie, for we have paid for accuracy and completeness. At this rate before another census we shall have passed the line, and there will be more children in this country at any given time within the school ages out of the schools than in them, and before half a century ignorance and its consequences will be likely to have overthrown the Republic. We have reached the crisis of our fate. The education of the people is the most important issue before the country, and it must remain so for years to come.

Table No. 3 depicts and demonstrates a special source of danger of controlling importance.

These eighty-six cities contain 8,300,081 inhabitants, or nearly one-sixth of the total population of the country. As a rule the school facilities are better in cities than in rural portions of the country, and these great centers of influence are supposed to more immediately influence the course of affairs. And as we are constantly pointing pathetically at the unfortunate South, so we of the all-wise, all-perfect, all-conquering North may well study the condition of our cities, which are as great a source of danger as the ignorant rural population of the South.

These cities contain an aggregate school population of 2,052,923, of whom 1,302,776, or three-fifths, are enrolled; that is, are more or less instructed during the school year, while only 858,532, or two-fifths, fully avail themselves of the advantages provided, and more than one-third never enter the school-room at all. Some of these may attend private schools, but not a large proportion, for the whole number of pupils in private schools of the 15,303,535 in the country is only 567,160.

The average attendance is about two-thirds of the enrollment, or one-third of the whole number who should attend.

In thirty-four of these cities from 50 to 82 per cent. of the children are not enrolled at all; that is, they will never know how to read or write.

New York has a school population of 385,000, of whom 270,000 are enrolled, 114,000 are not enrolled at all, and the average attendance is but 132,000.

The average attendance in Cincinnati is 27,000, less than one-third the whole number, while 51,000 are not enrolled at all. It does not relieve this dark picture to say that these must be in private schools, for out of the school population of the entire State, numbering 1,043,320, only 28,650 are in private schools. Of these, probably not more than 10,000 can be found in Cincinnati. Yet Cincinnati is one of the best of our great cities, and Ohio is a model State.

Chicago enrolls less than half—43 per cent.—of her children in the public schools; less than one-third are habitually in school.

Saint Louis has a school population of 106,000; 55,000 are enrolled; 36,000 is the average attendance.

Milwaukee has 38,000 children of school age; the average attendance is 11,000; 20,000, or 55 per cent., are not even enrolled.

Wilmington, N. C., has an enrollment of 866, or 18 per cent., while 82 per cent. of the children of that city would appear to be habitually absent from school.

New Orleans has a school population of 57,000. The average attendance is 15,000, while 39,000 is the average absence. The whole State of Louisiana has but 4,404 pupils in private schools.

But it is useless to specify these deadly instances. The cities of our country have been our pride. Behold the record. The revelations of the census ought to overwhelm us with shame and stimulate every power of the national intellect and command every dollar in the Treasury or within reach of the taxing power to provide a remedy equal to the terrible disease.

Table No. 4 exhibits in one mass the illiteracy of the United States. Five millions of our people over ten years of age can not read; six and one-fourth millions can not write. In eighteen States, including two territories, more than 13 per cent., and in eleven more than 25 per cent. can not write. In fifteen States and Territories more than 11 per cent. of the white population over ten years of age can not write, varying in these from 11 to 45 per cent. Illiteracy among the colored population varies from 13 to 70 per cent. The percentages of illiteracy among the whites vary in different subdivisions from less than 2 per cent. in Wyoming, where it is the least, to over 45 per cent. in New Mexico, where it is largest. An inspection of this table not only demonstrates the great necessity everywhere, but that necessity is most pressing where its ability to meet its requirements is least, making assistance from a central power indispensable.

The nation is a whole. As such it must act; as such it is to be saved or lost. In this battle for its life the whole line must be maintained and advanced. Reenforcements must be sent to the weakest parts. Because they are the weakest is the reason that help is wanted. If they were strong, no re-enforcements would be needed. Nor does it change the duty and necessity even if there be forces unless they fight. They must still be aroused to duty, for the work must be done. The evil is the same whether the battle be lost for one cause or for another. But in this struggle we believe there is as great danger to the future of the country from the Northern cities as from the Southern States.

In both help is imperatively needed, and it must be given where it is most needed and that immediately. The only reasonable test is, for the present at

least, that of illiteracy and not of population. As a permanent rule, after conditions are once equalized, the latter will be the more just. But once thoroughly educated it is to be hoped that the several States will take care of themselves. To deny them aid in the present emergency is as though a general should march his reserves to the support of his unassailed positions, leaving his already broken lines to take care of themselves. Such a commander would find it difficult to excuse himself by saying that the articles of war required every soldier to do his duty or every division and corps to defeat the enemy. It is as a whole that battles are lost or won and that nations are lost or saved.

It may be conceded that every State and Territory should educate its children so far as it has the power, but when that fails, upon the same principle that individual citizens pay taxes for the common good according to their ability to pay, and not their personal needs for protection, or the number of their children or dependents, must the whole people see to the provision of whatever funds are required for general education where otherwise taxation to any locality would become unduly oppressive.

ABILITY OF THE SEVERAL STATES TO BEAR TAXATION.

Table No. 6 exhibits the population and valuation of the States and Territories, with their totals in 1860, 1870, and 1880, also the per cent. of increase or decrease of valuation as between 1860 and 1880. The preparation of this table was for the purpose of comparing the capacity of different portions of the country to bear the burdens of taxation immediately before the war and at the present time.

TABLE No. 6.—*The population and the assessed valuation of personal property and real estate in the States and Territories in the United States, from census reports for* 1860, 1870, *and* 1880.

States and Territories.	1860.		1870.		1880.		*Increase per cent., 1860 to 1880	
	Population.	Assessed valuation.	Population.	Assessed valuation.	Population.	Assessed valuation.	Population	Assessed valuation.
Alabama	964,201	$432,198,762	996,922	$155,582,595	1,262,505	$122,867,228	31	—72
Arizona			9,658	1,410,295	40,440	9,270,214		
Arkansas	435,450	180,211,330	484,471	94,528,843	802,525	86,409,364	84	—52
California	379,994	139,654,667	560,247	269,644,068	864,694	584,578,036	128	319
Colorado	34,277		39,864	17,338,101	194,327	74,471,693	467	
Connecticut	460,147	341,256,976	537,454	425,433,237	622,700	327,177,385	35	—4
Dakota	4,837		14,181	2,924,489	135,177	20,321,530	2,695	
Delaware	112,216	39,767,233	125,015	64,787,223	146,608	59,951,613	31	51
District of Columbia	75,080	41,084,645	131,700	74,271,693	177,624	99,401,787	137	142
Florida	140,424	68,929,685	187,748	32,480,843	269,493	30,938,308	92	—55
Georgia	1,057,286	618,232,387	1,184,109	227,219,519	1,542,180	239,472,599	46	—61
Idaho			14,999	5,292,205	32,610	6,440,876		
Illinois	1,711,951	389,207,372	2,539,891	482,869,575	3,077,871	786,616,394	80	102
Indiana	1,350,428	411,042,424	1,680,637	663,455,044	1,978,301	727,815,131	46	77
Iowa	674,913	205,166,983	1,794,020	302,515,418	1,624,615	398,671,251	141	94
Kansas	107,206	22,518,332	364,399	92,125,861	996,066	160,891,689	829	615
Kentucky	1,155,684	528,212,693	1,321,011	409,544,294	1,648,690	350,563,971	43	—34
Louisiana	708,002	435,787,265	726,915	253,371,890	939,946	160,162,439	33	—63
Maine	628,279	154,380,388	626,915	204,253,780	648,936	235,978,716	3	53
Maryland	687,049	297,135,238	780,894	423,854,918	934,943	497,307,675	36	67
Massachusetts	1,231,066	777,157,816	1,457,351	1,591,983,112	1,783,085	1,584,756,802	45	104
Michigan	749,113	163,533,005	1,184,059	272,242,917	1,636,937	517,884,359	119	217
Minnesota	172,023	32,018,773	439,706	84,135,332	780,773	258,028,587	354	706
Mississippi	791,305	509,472,912	827,922	177,278,890	1,131,597	110,528,129	43	—78
Missouri	1,182,012	266,935,851	1,721,295	556,199,969	2,168,380	532,795,801	83	100
Montana			20,595	9,943,411	39,159	18,609,802		
Nebraska	28,841	7,426,949	122,993	54,584,616	452,402	90,585,782	1,469	1,120
Nevada	6,857		42,491	25,740,973	62,266	29,291,459	808	
New Hampshire	326,073	123,810,089	318,300	149,065,290	346,991	164,299,531	6	33
New Jersey	672,035	296,682,492	906,096	624,868,971	1,131,116	572,518,361	68	93
New Mexico	93,516	20,838,780	91,874	17,784,014	119,565	11,363,406	28	—45
New York	3,880,735	1,390,464,638	4,382,759	1,967,001,185	5,082,871	2,651,940,006	31	91
North Carolina	992,662	292,297,602	1,071,361	130,378,622	1,399,750	156,100,202	41	—47
Ohio	2,339,511	959,867,101	2,665,260	1,167,731,697	3,198,062	1,534,360,508	37	60
Oregon	52,465	19,024,915	90,923	31,798,510	174,768	52,522,084	233	176
Pennsylvania†	2,906,215	719,253,335	3,521,951	1,313,236,042	4,282,891	‡1,683,459,016	47	134
Rhode Island	174,620	125,104,305	217,353	244,278,854	276,531	252,536,673	58	102
South Carolina	703,708	489,319,128	705,606	183,913,337	995,577	133,560,135	41	—73
Tennessee	1,109,801	382,495,200	1,258,520	253,782,161	1,542,359	211,778,538	39	—45
Texas	604,215	267,792,335	818,579	149,732,929	1,591,749	320,364,515	163	20
Utah	40,273	4,158,020	86,786	12,565,842	143,963	24,775,279	257	496
Vermont	315,098	84,758,619	330,551	102,548,528	332,286	86,806,775	5	2
Virginia	1,596,318	657,021,336	1,225,163	365,439,917	1,512,565	308,455,135	‡34	132
Washington	11,594	4,394,735	23,955	10,642,863	75,116	23,810,693	548	442
West Virginia			442,014	140,538,273	618,457	139,622,765		
Wisconsin	775,881	185,945,489	1,054,670	333,209,838	1,315,497	438,971,751	70	136
Wyoming			9,118	5,516,748	20,789	13,621,829		
Total	31,443,321	12,084,560,005	38,558,371	14,178,986,732	50,155,783	16,902,755,893	§60	§40

* Per cents preceded by the minus sign indicate a decrease. † In Pennsylvania occupations are also valued for assessment. This valuation for 1880 was §6,659,580. ‡ Virginia and West Virginia are taken together, as West Virginia belonged to Virginia in 1860. § Average for the United States.

In this connection it is proper to observe that in the rebel States, where slavery existed in 1860, the valuation then aggregated $2,289,029,642, of which $842,927,400 was in slaves, and proper allowance must be made for this fact in estimating present power to bear taxation. The negroes were then taxed; they were productive as property. Now they require to be educated; then education would have destroyed them as property. They are now doing little more as a totality than to support themselves. Their taxable property is thus far very slight. It has been stated as a matter of pride on this floor that in Georgia colored people are taxed for $6,000,000 of property. The assessed valuation of Georgia is by the last census $239,472,559. What, then, must be the general poverty of the colored people of Georgia, even when of her total population, which is 1,542,180, 725,274 have accumulated $6,000,000, or $8 each, of taxable property. And if these things be so in Georgia, what must be the destitution of the colored race elsewhere throughout the South, and how idle to talk of their educating themselves.

During these twenty years population has increased in every State and Territory. With the exception of New Hampshire, where the increase is 6, and Vermont, where it is 5, and in Maine, where the increase is 3 per cent., nowhere has it been less than 31 per cent., and as a rule it has been enormous. The South has more than held her own with the older States, and the negro, despite everything, has raised his numbers to almost 7,000,000. They are a permanent factor in the destiny of America. They are here to stay.

While the population of the whole country has increased 60 per cent. the valuation has risen but 40 per cent. In Alabama the valuation is 72 per cent. less than in 1860, while the population is 31 per cent. greater. In Arkansas population nearly doubled, while sources of taxation have fallen off more than one-half. The same is true of Florida. In Mississippi population has increased nearly one-half and wealth has decreased more than three-fourths, and generally throughout the South the same tendency is apparent.

As explained above, the negro is not now a tax-paying element to the extent he was before the war. He lived there and was a source of profit to his master. Now he lives and multiplies, but both he and his master seem to be growing thus far poor together.

We speak now of the general fact, and believe that this state of things is but temporary. It will, however, become permanent unless the proper remedy of increased intelligence and well-directed industry is applied. And to this end the means must come largely from without, for they do not exist within these States. In Kentucky and Delaware the negro child is educated only from the taxation of his own race. As a rule he can have no school at all unless from charity. Table No. 6 indicates that on the whole national resources of taxation are not keeping pace in development with our population, and demonstrates the absolute helplessness of many States alone to deal with their illiteracy.

TABLE No. 7.—*Amount raised by taxation for support of public schools in each State and Territory during the year* 1880.

[Prepared by Bureau of Education, at request of H. W. Blair.]

States and Territories.	From State tax.	From local tax.	Total.
Alabama	$130,000	*a*$120,000	$250,000
Arkansas	*b*111,605	77,475	189,080
California	1,318,209	1,393,572	2,711,781
Colorado		*c*336,333	*c*336,333
Connecticut	210,353	1,066,314	1,276,667
Delaware		*d*151,045	*d*151,045
Florida	(101,533)		104,530
Georgia	*e*345,790	125,239	471,029
Illinois	1,000,000	5,735,478	6,735,478
Indiana	*f*1,456,834	*f*2,168,302	*f*3,625,136
Iowa		4,227,300	4,227,300
Kansas		1,276,786	1,276,786
Kentucky	535,354	*g*382,038	917,392

TABLE No. 7.—*Amount raised by taxation for support, &c.*—Continued.

States and Territories.	From State tax.	From local tax.	Total.
Louisiana	$350,000	*h*$94,000	*h*$450,000
Maine	224,565	596,295	820,860
Maryland	491,406	721,751	1,212,977
Massachusetts	.....	4,372,286	4,372,286
Michigan	*a* 379,758	2,074,073	2,453,831
Minnesota	257,689	1,073,837	1,331,526
Mississippi	.....	334,769	334,769
Missouri	.....	2,163,330	2,163,330
Nebraska	73,808	713,155	786,963
Nevada	.....	.....	.....
New Hampshire	.....	.....	*f*544,716
New Jersey	1,017,785	724,413	1,742,198
New York	2,750,000	6,925,992	9,675,992
North Carolina	(314,719)		314,719
Ohio	1,558,207	5,155,879	6,714,086
Oregon	133,477	79,562	213,039
Pennsylvania	.....	7,046,116	7,046,116
Rhode Island	80,800	414,852	495,652
South Carolina	.....	.....	440,110
Tennessee	.....	.....	*g*698,776
Texas	*h*678,603	.....	*h*678,603
Vermont	113,173	304,318	417,491
Virginia	596,516	665,459	1,261,975
West Virginia	212,753	490,432	703,185
Wisconsin	*a*25,000	2,196,581	2,223,581
Arizona	.....	.....	*i*67,028
Dakota	.....	123,643	123,643
District of Columbia	.....	474,556	474,556

TABLE No. 7.—*Amount raised by taxation for support, &c.*—Continued.

States and Territories.	From State tax.	From local tax.	Total.
Idaho	.....	$48,017	$48,017
Indian Territory	.....	.....	.....
Montana	*m*$64,643	*j* 5,256	69,899
New Mexico	.....	.....	.....
Utah	63,041	43,337	106,378
Washington	*f*102,201	*f*3,319	*f*105,520
Wyoming	.....	*f*7,056	*f*7,056
Total	(419,249) 14,287,570	53,913,986	*n*70,731,435

a From poll tax. *b* State apportionment, which here probably includes the income of the State school fund for 1880, the State tax, and so much of the ordinary State revenue as may be set apart for the purpose by the Legislature. *c* From county and district tax, fines, &c. *d* This amount raised for white schools. *e* This includes the rental of State railroad ($150,000). *f* In 1879. *g* Includes tax on billiards and dogs. *h* Estimated. *i* From township tax. *j* Includes income from permanent fund. *k* State appropriation. *l* Total income as reported for 1880, the greater part of which comes from Territorial, county, and district taxes. *m* From county tax. *n* Includes $1,750,630 reported as derived from taxation and given in the column of totals, but not appearing in the first two columns. *o* Special for building purposes.

THE SOUTH.

The Southern States, seventeen in number, including the District of Columbia, are usually classed together as a section of the country requiring special help. Of all but Maryland, Missouri, and the District of Columbia this is true. The following table exhibits their condition:

Comparative statistics of education at the South.

States.	White.			Colored.			Total expenditure for both races. *a*
	School population.	Enrollment.	Percentage of school population enrolled.	School population.	Enrollment.	Percentage of school population enrolled.	
Alabama	217,590	107,483	49	170,413	72,007	42	$375,465
Arkansas	*b*181,799	*c*53,229	29	*b*[illegible],332	*c*17,743	33	238,056
Delaware	31,505	25,053	80	5,954	2,270	70	207,281
Florida	*b*46,410	*c*18,871	41	*b*42,[illegible]99	*c*20,444	49	114,955
Georgia	*d*236,319	150,134	64	*d*197,125	86,3[illegible]9	45	471,029
Kentucky	*e*487,597	*e*241,679	50	*e*6[illegible],564	*e*23,902	36	803,490
Louisiana	*e*139,661	*d*44,055	32	*e*134,184	*d*34,476	26	480,320
Maryland	*f*213,669	134,210	63	*f*63,591	28,221	44	1,544,367
Mississippi	175,251	112,994	64	251,438	123,710	49	800,704
Missouri	681,995	454,218	67	41,489	22,158	53	3,152,178
North Carolina	291,770	136,481	47	167,554	89,125	53	352,882
South Carolina	*g*83,813	61,219	73	*g*144,315	72,853	50	324,629
Tennessee	403,353	229,290	57	141,509	60,851	43	734,962
Texas	*h*171,426	138,912	81	*h*62,015	47,874	77	753,346
Virginia	314,827	152,136	48	240,980	68,600	28	946,109
West Virginia	202,364	138,779	68	7,749	4,071	53	716,864
District of Columbia	29,612	16,934	57	13,946	9,505	68	438,567
Total	3,889,961	2,215,674	.....	1,803,257	784,709	.....	12,475,044

a In Delaware the colored public schools have been supported by the school-tax collected from colored citizens only; recently, however, they have received an appropriation of $2,400 from the State; in Kentucky the school-tax collected from colored citizens is the only State appropriation for the support of colored schools; in Maryland there is a biennial appropriation by the Legislature; in the District of Columbia one-third of the school money is set apart for the colored public schools, and in the other States mentioned above the school moneys are divided in proportion to the school population without regard to race. *b* Several counties failed to make race distinctions. *c* Estimated. *d* In 1879. *e* For whites the school age is six to twenty, for colored six to sixteen. *f* Census of 1870. *g* In 1877. *h* These numbers include some duplicates; the actual population is 230,527.

Excluding the States of Maryland and Missouri and the District of Columbia, and the total yearly expenditure for both races is only $7,339,932, while in the whole country the annual expenditure is, from taxation, $70,341,435, and from school funds $6,580,632, or a total of $76,922,067 (see Tables 2 and 7), or one-tenth of the whole, while they contain one-fifth of the school population. The causes which have produced this state of things in the Southern States are far less important than the facts themselves as they now exist. To find a remedy and to apply it is the only duty which devolves upon us. Without universal education, not only will the late war prove to be a failure, but the abolition of slavery be proved to be a tremendous disaster, if not a crime.

The country was held together by the strong and bloody embrace of war, but that which the nation might and did do to retain the integrity of its territory and of its laws by the expenditure of brute force will all be lost if for the subjection of seven millions of men by the statutes of the States is to be substituted the thralldom of ignorance and the tyranny of an irresponsible suffrage. Secession and a confederacy founded upon slavery as its chief corner-stone would be better than the future of the Southern States—better for both races, too—if the nation is to permit one-third, and that the fairest portion, of its domain to become the spawning ground of ignorance, vice, anarchy, and of every crime. The nation, as such, abolished slavery as a legal institution; but ignorance is slavery, and no matter what is written in your constitutions and your laws slavery will continue until intelligence, hand-maid of liberty, shall have illuminated the whole land with the light of her smile.

Before the war the Southern States were aristocracies, highly educated, and disciplined in the science of politics. Hence, they preserved order and flourished at home, while they imposed their will upon the nation at large. Now all is changed. The suffrage is universal, and that means universal ruin unless the capacity to use it intelligently is created by universal education. Until the republican constitutions, framed in accordance with the Congressional reconstruction which supplanted the governments initiated by President Johnson, common school systems, like universal suffrage, were unknown. Hence, in a special manner, the nation is responsible for the existence and support of those systems as well as for the order of things which made them necessary. That remarkable progress has been made under their influence is true, and that the common school is fast becoming as dear to the masses of the people at the South as elsewhere is also evident.

The nation, through the Freedmen's Bureau, and perhaps to a limited extent in other ways, has expended $5,000,000 for the education of negroes and refugees in the earlier days of reconstruction, while religious charities have founded many special schools which have thus far cost some ten millions more. The Peabody fund has distilled the dews of heaven all over the South; but heavy rains are needed; without them every green thing must wither away.

This work belongs to the nation. It is a part of the war. We have the Southern people as patriotic allies now. We are one; so shall we be forever. But both North and South have a fiercer and more doubtful fight with the forces of ignorance than they waged with each other during the bloody years which chastened the opening life of this generation.

MEASURES PROPOSED.

We think it is clear that the nation has the power, which implies the duty of its exercise when necessary, to educate the children who are to become its citizens; and that the urgent demand for its aid at the present time has been demonstrated. We desire to offer a few suggestions in regard to the methods which are, in our judgment, proper to be pursued by the General Government in the present emergency.

Your Committee upon Education and Labor has reported this bill making provision for temporary aid to the common schools of the country, and this we consider more immediately important.

There is another measure which has been pending for several years, proposing the creation of a perpetual fund, to be composed of the accretions to the Treasury from annual sales of public lands, railroad revenues, and other sources, the interest of which shall be distributed to the States, at first upon the basis of illiteracy, afterward according to population; one-third to be appropriated to the support of the agricultural colleges, and the remainder of such interest to

the common schools. This sum would be small at first, but would rapidly increase, and such a fund would in time become a mighty agency for good, a perpetual fountain of blessing, and a bond of union so long as the country shall endure. The conception is sublime, and every effort should be made to secure the enactment of this measure into law during the present session; certainly during this Congress.

It is proposed to surrender the management of the income from this fund to the States, subject to forfeiture of subsequent installments in case of abuse or maladministration. The provisions of this bill have been the subject of much careful study by wise men for many years, and it is not probable that any substantial improvement can be suggested to this bill providing a perpetual fund; certainly not until the light of experience shall have been turned upon its practical operation, when further legislation can be had if necessary. We believe it to be wise to pass the bill as it is, and at once. Favorable action will soon be taken on this bill by your committee.

TEMPORARY AID.

But for immediate use more money must be provided. Temporarily, many millions from the national Treasury are imperatively demanded by every consideration of the national honor and of the public welfare. A generation is educated in the common schools (if at all) every five years. If the next two generations of children could be educated properly, the country would then be in the hands of intelligence instead of ignorance, and no community once enlightened will ever permit itself afterward to retrograde. Intelligent self-interest will support the schools in self-defense, and, once elevated to the proper standard, every locality will maintain itself without much, if any, extraneous aid being required. Besides, if we could bridge the chasm of the next ten years, the proposed fund to be accumulated from the public lands and other sources would have become important, and would furnish all the assistance which might thereafter be demanded in addition to local taxation.

Whatever is done by the nation now should be directed where it will do the most good. Illiteracy is the disease, and the remedy must be given accordingly. Until the standard of knowledge is brought up to a reasonable level every where, implying capacity to discharge the duties of sovereignty and citizenship, the nation must, or at least should, in common prudence, distribute its money upon the basis of comparative ignorance.

The safety of each State, however intelligent, is as much endangered by the ignorance of any other as is the illiterate State herself. Such is the complication and interdependence of our political and even of our industrial affairs that all great national issues and questions of policy are really decided by the small majorities which are liable to be found in any State. The interests of Massachusetts, so far as they are affected by national relations, are as likely to be decided by the vote of South Carolina or California as by her own. She has no interest, then, save that the money taken from the Treasury in support of education should go where there is the greatest need of schools. Thus the reason for distribution according to either wealth or population fails.

As to the amount which is necessary, great diversity of opinion prevails among those who desire the extension of aid by the Government. The bill introduced by the honorable Senator from Illinois [Mr. LOGAN] proposes to set apart of the tax upon intoxicating liquors about fifty millions of dollars yearly. He proposes to distribute to the States according to population. The House committee has reported a bill appropriating ten millions, diminishing one million yearly for ten years next ensuing, to be distributed to the States according to illiteracy.

The bill or report appropriates fifteen millions of dollars the first year, fourteen millions the second year, and afterward a sum diminishing one million yearly, until there shall have been ten annual distributions, the last of which would be six millions—it being thought probable that State systems could by that time maintain themselves, or that from the perpetual-fund bill, should that fortunately become a law, all the aid necessary could thereafter be derived. We believe that to give a larger sum would induce the people of the States where most of it would be expended to depend too largely upon the national Treasury for the support of their schools, and the result would be waste and inefficiency.

The community must pay to the extent of its ability, or it will lose interest in its schools, and its children will not be properly educated, no matter how much money may be received, the burden of raising which the people do not feel. Besides, it will be difficult for those portions of the country which are comparatively unused to the practical administration of school systems at once economically and profitably to absorb the full amount which is really needed, and which will be required as greater accommodations, competent teachers in sufficient numbers, and larger attendance of pupils are secured. The proportion of $15,000,000 which this bill would give to the Southern States would prolong their existing schools for at least three months with present accommodations and teachers, and in addition would secure the extension of the school system to such districts and children as are now absolutely without the pale of any educational privileges whatever. We believe no less sum can possibly do this.

The following table exhibits the distribution of $15,000,000 as proposed in this measure:

States and Territories.	Illiterates in each State.	Proportion of $15,000,000 to each State.
Alabama	370,279	$1,127,869 83
Arizona	5,496	16,740 82
Arkansas	153,229	466,735 53
California	48,583	147,983 82
Colorado	9,321	28,373 77
Connecticut	20,986	63,933 36
Dakota	3,094	9,424 32
Delaware	16,912	51,514 96
District of Columbia	21,541	65,613 89
Florida	70,219	213,887 07
Georgia	466,683	1,360,596 42
Idaho	1,384	4,215 66
Illinois	96,809	294,880 21
Indiana	70,008	213,244 37
Iowa	28,117	85,644 38
Kansas	25,503	77,682 14
Kentucky	258,186	786,434 56
Louisiana	297,312	905,612 35
Maine	18,181	55,379 33
Maryland	111,387	339,284 80
Massachusetts	75,635	230,384 21
Michigan	47,112	143,503 15
Minnesota	20,551	62,598 35
Mississippi	315,612	961,354 15
Missouri	138,818	422,839 63
Montana	1,530	$4,660 38
Nebraska	7,830	23,850 18
Nevada	3,703	11,279 34
New Hampshire	11,962	36,497 17
New Jersey	39,136	$119,208 26
New Mexico	52,994	161,419 72
New York	166,605	507,539 75
North Carolina	367,890	1,120,692 94
Ohio	86,754	264,252 68
Oregon	5,376	16,375 30
Pennsylvania	146,138	445,136 35
Rhode Island	17,456	53,170 98
South Carolina	321,780	980,141 88
Tennessee	394,385	1,201,296 71
Texas	256,223	780,455 26
Utah	4,851	14,776 15
Vermont	12,993	39,576 68
Virginia	360,495	1,098,067 77
Washington	3,191	9,719 79
West Virginia	52,041	158,516 89
Wisconsin	38,693	117,858 88
Wyoming	427	1,300 64
Total	4,923,451	15,000,000 00

The bill contemplates the gradual increase of ability and disposition to support their own schools, as the natural consequence of greater intelligence in all cases, so that the appropriation and its necessity will pass away together.

In the bill reported by your committee provision is made for the disposition of the share of those States which may not desire its general distribution, when, by reason of the efficiency of their schools, national aid is not required; for the establishment of schools where none now exist, until every child in the country has his fair chance in the race of life, so far as a common-school education can give it; for the more efficient training of youth in the Territories, in some of which the condition is most deplorable, involving direct and most serious responsibility of the National Government, which is bound to properly care for these future States, comprising one-third of our entire domain.

These features will require more minute examination in future discussions.

Whatever form of administration of the funds it shall be deemed wisest to adopt, the appropriation should be immediately made. If it passes this session we shall have lost a year. To have lost a day was deemed a calamity by one of the noblest of men. Who can measure the wrong of one lost year, of one full year of further delay, to grapple with the wide-wasting and increasing evils of ignorance among our whole people? It would be better to appropriate injudiciously rather than not at all.

The vast sums expended for 300,000 Indians, for rivers and harbors, for improvement of the banks of the Mississippi River, for an Army which ignorance chiefly makes necessary, for a Navy which is safe only in the docks, the millions paid for pensions annually, paid because there was a lack of common schools in our country such as this bill seeks to build up, and the general profuseness of expenditure which applies to the management of our affairs, are a sufficient exposure of the hollow pretense that we can not spare a few millions yearly to rescue our institutions from the imminent peril which threatens them.

Taxation rests almost wholly upon our luxuries and our vices. Yet it is proposed to give them still further license by reducing taxes while we are ruined for the want of schools. We consume every year seven hundred millions of alcoholic beverages. The interest on the money paid in one year for alcohol and tobacco by the American people, if judiciously invested, would relieve them from all taxation for the support of common schools hereafter at present rate of expenditure. We are liberal in self-indulgence. We are economical in self-denial, even for our good. But parsimony to the schools is death to the Republic.

We may postpone the remedy, but the evil will increase. The issue can not be evaded. Common-school education must become universal or the form of our Government must be changed. We believe that the next few years will decide the question.

National aid to schools is indispensable to the national existence; national aid to common schools should be given liberally, given now, and applied where most needed.

This done, the Republic will be perpetual.

SPEECH OF HON. HENRY W. BLAIR,

Tuesday, March 18, 1884,

On the bill (S. 398) to aid in the establishment and temporary support of common schools.

Mr. BLAIR. Mr. President, this is, in my judgment, among the most important public measures which have been considered by the Senate since the close of the war. It is, in fact, the logical consequence and true conclusion of the war. Had common schools been universal throughout the country there would have been no civil war; for intelligence among the masses of the people would have abolished the causes which led to it, and the chains of the bondsmen would have dissolved like the mists of the morning in its warmth and light, instead of awaiting to be broken by the terrible hammer of Thor. Knowledge and virtue are the indispensable conditions of free government, and virtue without intelligence is of no avail, for while virtue is the natural if not universal fruit of knowledge, yet good intentions without knowledge are by a profound philosophy pronounced to be the very pavement of hell. So the restoration of the Union and the reconstruction of States with governments republican in form will be found to be but a bitter delusion unless the people throughout the whole country shall be made and kept sufficiently intelligent to know and to maintain their rights generation after generation.

As the National Government is republican in form, so its own existence depends upon the same conditions as the existence of the States; consequently in self-defense and in self-perpetuation it must secure directly by its own act or indirectly through other agencies the intelligence of its citizens, who are themselves the Government.

Beyond this, one of the most important constitutional functions of the General Government is its obligation to guarantee a republican form to the States.

If the General Government commits suicide by neglecting the education of the people, how can it fulfill its constitutional guarantee? And how can that guarantee of government republican in form be made and kept good to the people of a State who are too ignorant to be capable of self-government.

Self-existence and the discharge of its constitutional obligations compel the National Government to educate the people, who are the common citizens of both the nation and the State, whenever the local community fails to discharge this primary duty of a free people.

Mindful of the time of the Senate, and having in the last Congress discussed this subject at some length, and having embodied somewhat of that discussion in the report of the committee on this bill, I shall confine myself on this occasion, unless the course of the debate shall hereafter render it necessary to do otherwise, to a statement of the facts in the existing situation of the country, which, in my opinion, require the appropriation of large sums of money by the nation to the temporary aid of common schools throughout the country, and to the explanation of the provisions of this bill, which undertakes to provide a suitable remedy for the alarming and increasing ignorance existing among the people at the present time.

First, then, of the evil.

The bill proposes to give temporary aid to common schools in all the States and Territories.

Common schools are the means everywhere adopted to educate the masses of the people, and the instruction and discipline obtained in them constitute all the preparatory school training which twenty-four twenty-fifths of the American people receive for the practical duties of public and private life. I say public life with no reference to the incumbency of political office. By the public life of an American citizen I refer to his life as a sovereign; to his constant participation in the active government of his country; to the continual study and decision of political issues which devolve upon him whatever may be his occupation; and to his responsibility for the conduct of national and State affairs as the primary law-making, law-construing, and law-executing power, no matter whether or not he is personally engaged in the public service as policeman or President, as any State official whatever, member of Congress, Chief-Justice of the United States, or a humble justice of the peace. In republics official stations are servitudes. The citizen is king.

But, since knowledge is power, it is obvious that the degree of education which the citizen must acquire is commensurate with the character and dignity of the station which he occupies by the theory of the government of which he is a part. By so much and so far as he is deficient he will fail, and either become a nonentity or a source of danger and misrule. The indispensable standard of education for the people of a republic, then, is far above the mere capacity to read and to write the language in common use in a limited or perfunctory way. The education obtained in the common school and imparted, if necessary, with compulsion by the State should be such as to enable the citizen sovereign to obtain and interchange ideas and knowledge of affairs as well as to transact intelligently and safely all matters of business in the avocations of life. Measured by this not too exacting standard, the degree of disqualification for the duties and opportunities of citizenship actually existing is far greater than is indicated by the common standard, which is considered to be the nominal capacity to read and write. This test is the one resorted to in taking the census as a test to measure the inteligence of the people; and its use for this purpose by the Government and its adoption as the condition of the exercise of the suffrage by some States have served to fix in the public mind a very low standard of education compared with that which should be set up in the common school. I am heartily in favor of universal suffrage, for a partially ignorant people, with a free ballot actually secured to them, will govern themselves better than they will be governed by kings and aristocracies.

But I desire to remind the American people that the more they know the greater will be their personal power and the better they will govern themselves.

If the American people suffer from innumerable and bitter ills which they can never remove until they know how it may be done, their first great step is so far to educate themselves as to obtain the knowledge from which will result the power to remove the evils of their civil, social, and industrial condition. It is therefore at once apparent that tabulated statements, such as we obtain from the census and like statistical processes fall far short of completeness as indications of the actual educational condition of the people. It is certain that the school facilities which have hitherto existed have been wofully insufficient, since more than one-ninth of the adult citizens of the country are unable even to read and write. What unknown margin of ignorance lies above this indication and yet below the true standard of competency and educational qualification for the duties of citizenship we are left without definite means of judging, but we know that it is very great. This dark belt of indefinite width which, like an unsurveyed desert, lies beyond the well-defined boundaries of ignorance and incompetency should be constantly borne in mind as we proceed with the consideration of the subject.

During the decade from 1870 to 1880 the population of the United States increased from thirty-eight to fifty millions. A like percentage of increase since 1880, a period of four years, would give a present population of about 56,000,000 of people.

By the census of 1880 there were in the United States 36,761,607 persons 10 years of age and upward.

In round numbers now there are 41,000,000. In 1880 there were, over 10 years of age, who could not read, 4,923,451 persons, or 13.4 persons in a hundred, and now there are 5,500,000. In 1880 there were 6,239,958 persons over 10 years of age who could not write, or 17 persons in a hundred. Now there are 7,000,000 who can not write.

In 1880 there were 32,160,400 white persons in the United States, of whom 3,019,080, or 9.4 per cent., could not write. Now there are 3,500,000 white persons in this country who can not write.

In 1880 there were, of colored persons in the United States, 4,601,207 10 years old and upward, of whom 3,220,878, or 70 persons of every hundred, could not write. Now there are 3,600,000 colored persons in the United States over 10 years of age who can not write.

In 1880 there were white persons, over 21 years of age, 21,984,202; persons of whom 2,056,463, or 9.4 of every hundred, could not write. Now there are 2,313,521 white persons in the United States who can not write.

In 1880 there were 11,343,005 white males over 21, of whom 886,659, or 7.8 per cent., could not write. Now there are 1,000,000 white adults who can not write.

In 1880 there were 2,937,235 colored persons in the United States over 21 years of age, of whom 2,147,900 could not write, or 73.1 per cent. of every one hundred. There are now probably, 3,500,000, as the colored population increases by births 7 per cent. faster than does the white from births and immigration.

In 1880 there were colored males over 20 years of age, 1,487,344, of whom 1,022,151 could not write, or 68.7 per cent. Now there are 1,150,000 or more, all voters.

In 1880 there were white and colored male persons over 21 years of age, 12,830,349; of whom could not write 1,908,810. Now there are males over 21, 14,500,000, of whom 2,150,000 can not write. These include the voting population. Unnaturalized persons over 21 should be deducted. The average of immigration is now, however, as intelligent as our own population. That is a thought not familiar to our national contemplation. One voter in seven can not write. The percentage of illiteracy is something less among males than among the other sex, or there would be one voter in five unable to write. Of those who can write a large number can only, with great painstaking, contrive even to write their names. It is greatly to be doubted whether more than three-fourths of the voting population is capable of reading or writing with such facility as to make those arts a source of intelligent suffrage.

Nearly three-fourths of the illiterate voters of the country are in the sixteen Southern States. The same States contain about one-third the entire population. Iowa has 18,886 voters who can not write in a population of of 1,624,615. Georgia has 169,505 voters who can not write, and a total population of 1,542,180—nearly ninefold illiterate suffrage in about the same population. In proportion to population, notwithstanding the great cities within her borders, New York has only one voter who can not write to five in South Carolina.

I take the following from the very able report made in the last Congress by the House Committee on Education and Labor:

The last census shows that there are 6,239,958 people of this country above the age of 10 years who can not write—12.44 per cent., or about one-eighth of our entire population. The census further shows that 4,715,395, or 75.56 per cent. of them, are in the recent slave States, which contain but 36.8 per cent. of the population of the country. In six of those States one-third or more of the population above the age of 10 years are illiterate, while in the Territory of New Mexico nearly one-half can not write. Of the white population of the country only 6.96 per cent. can not write, while 47.7 per cent. of the colored population are in that condition. More than one-fourth of the entire population of those States is illiterate.*

The committee call attention to the illiteracy of the voters in the late slaveholding States. The following table has been furnished the committee by the Superintendent of the Census. It shows the total number of persons of 21 years of age and upward, and also the number of that age and upward who are illiterate. [Table, see next page.]

The following statement, showing the ratio of illiterate males of 21 years of age and upward to the whole number of males of the same ages in the States named, is derived by the committee from the preceding table. There being but few foreigners in those States, nearly all of those persons are citizens of the United States and voters:

Ratio of illiterate males 21 years of age and upward.

Alabama	46.7
Arkansas	30.4
Delaware	17.6
Florida	38.6
Georgia	45.1
Kentucky	26.0
Louisiana	47.4
Maryland	19.4
Mississippi	46.7
North Carolina	42.3
South Carolina	51.9
Tennessee	31.9
Virginia	33.3
West Virginia	16.4
Missouri	11.0
Texas	24.3

The average ratio of illiterate males of the ages named in the above States is 32.3.

*The ability to *write* is considered by statisticians the true test of illiteracy, as many persons through shame will not admit they cannot read, but are not so likely to claim that they can write. Besides, a person who can read and not write is essentially an illiterate.

Number of illiterates.

States.	Total number of males of 21 years of age and upward.	Number of males of 21 years of age and upward who can not write.		
		White.	Colored.	Total.
Alabama	259,884	24,450	96,408	120,858
Arkansas	182,977	21,349	34,300	55,649
Delaware	38,298	2,955	3,787	6,742
Florida	61,099	4,706	19,110	23,816
Georgia	321,498	28,571	116,516	145,087
Kentucky	376,287	54,956	43,177	98,133
Louisiana	216,787	16,377	86,555	102,932
Maryland	232,106	15,153	30,873	46,025
Mississippi	238,532	12,473	99,068	111,541
Missouri	541,207	40,655	19 028	59,683
North Carolina	294,740	44,420	80,282	124,702
South Carolina	205,789	13,924	93,010	106,934
Tennessee	330,305	46,948	58,601	105,549
Texas	380,476	33,085	59,669	92,754
Virginia	334,505	31,474	100,210	131,684
West Virginia	139,161	19,055	3,830	22,885
Total	4,154,125	410,550	944,424	1,354,974

Of the above illiterates 69.7 per cent. are colored, and 30.3 per cent. are whites.

In ten of the above-named States more than 30 per cent. of the voters are illiterate.

In six of them the illiterates are about 50 per cent.

In South Carolina 52 per cent. are illiterate.

The State of Alabama has 120,858 illiterate voters. Its popular vote in 1880 was 151,507.

The State of Georgia has 145,087 illiterate voters. Its popular vote in 1880 was 155,651.

The State of Mississippi has 111,541 illiterate voters. Its popular vote in 1880 was 117,078.

The State of Louisiana has 102,932 illiterate voters. Its popular vote in 1880 was 97,201.

While it is true that in many of the States not one-half of those entitled to vote actually did so, yet the wonderful nearness of the number of illiterates to the number of those who exercised the right of suffrage is startling.

The truism that no government which rests upon universal suffrage can long continue unless the suffragists are intelligent, in the light of the above facts presses itself upon our attention with renewed force. The words of James Madison, uttered in 1825, are a present warning: "A popular government without popular information or the means of acquiring it is but a prologue to a farce or tragedy, or both." Nearly half a million of the white and almost a million of the colored voters in the South can not read the ballots which they cast. But thirteen years have elapsed since the latter class was given the ballot. At that time all of them were grossly ignorant not only of letters, but also absolutely devoid of all knowledge of the rights and obligations of citizenship. During the last ten years the number of illiterates in the country has increased about 400,000, though the percentage of illiteracy to the whole population has decreased nearly 2 per cent. It would, however, take forty years to dispel this illiteracy at this rate of diminution.

There are 145,000 illiterate voters in North Carolina, and 117,000 in South Carolina. I clip the following from the National Republican of last winter:

The percentage of illiteracy to the voting population of the Garfield States in 1880 was less than 6; in the Hancock States it was 29.

About five times greater.

It is true that about 69 per cent. of the illiterate voters in the old slave States are Republicans, and it is also true that nearly that per centum of the illiterate vote was suppressed.

Suppressed, it is true; but it could not have been if intelligent.

Alabama has 120,858 illiterate voters; the popular vote of that State in 1880 was 151,507. Georgia has 145,087 illiterate voters; the popular vote there that year was 155,651. Mississippi has 111,541 illiterate voters; her popular vote in 1880 was 117,078. Louisiana has 102,938 illiterate voters, and cast 97,201 votes.

Mr. MORGAN. I suppose the Senator from New Hampshire knows that the great body of the illiterate men in Alabama voted for Garfield, and not for Hancock.

Mr. BLAIR. I stated that. The Senator will find as I go on that my remarks are not prepared with any idea or feeling of self-glorification for the section of country that I belong to. I have endeavored to simply state the facts.

By the Census (table 40) Compendium, page 560, it appears that the total number of white males over 21 years of age in the country in 1880 was 11,343,005; native-born, 8,270,518; foreign-born, 3,072,487; colored, including Japanese, Chinese, and Indians, 1,487,344; making a total of 12,830,349.

The question of the suppression of the Republican vote in the South is one that I did not propose to introduce into the debate, and it is one on which there is something perhaps to be said on both sides, if it were before us.

In 1880 there were 105,465 Chinese, 148 Japanese, and 66,407 civilized Indians. I am aware of no means by which the actual number of voters in the United States can be ascertained, but if we add to the total of male population over 21 years of age one-eighth of the total of 1880 we have 1,603,793, and in all at this time 14,434,142. Assuming one-half the foreign-born males of voting age to be naturalized, we have a voting element as follows, making allowance for increase of one-eighth in each element since the census was taken: Native-born white voters, 9,303,332; foreign-born white voters, 1,728,274; colored (excluding Chinese, Japanese, and Indians), 1,479,739; total voting population of the United States in 1884, 12,411,345; or in round numbers there will be 12,500,000 men whose ballots will or may decide the next Presidential election.

The percentage of illiterate white males over 21 years of age by the census of 1880 is 7.8, and of colored the rate is 68.7. There is no perceptible change in this percentage for the better, judging from the fact that the illiterate population increased, according to a statement of the Commissioner of Education, between the years 1870 and 1880, 581,814 persons. There is some confusion in the data, but I think there was an increase during that period substantially as estimated by the Commissioner. We have then at the present time an illiterate white voting population of 852,665; illiterate colored voters, 1,016,580; total illiterate voters, 1,869,245.

Generally the number is placed at more than 2,000,000. Such estimates can never be more than approximately correct, but they are in my belief practically greatly understated, because the technical qualification of being able to write one's name, however crudely, is very slight evidence of capacity to comprehend political issues or to discrimate intelligently between candidates for public positions.

This observation derives special significance when it is still further considered that the enumeration must of necessity rely generally as to the possession of even this qualification upon the verbal statement of the party concerned, who is not likely to make an unpleasant admission of incapacity against himself.

I do not believe that more than two-thirds, or at the most three-fourths, of the voting population of this country is to-day in possession of a degree of proficiency in the arts of reading and writing that qualifies them, through the use of those arts, to exercise the right of suffrage more intelligently than do total illiterates. The school education of great multitudes is nominal, not real.

I purposely omit other data as to the distribution of the illiterate vote. If it were uniformly dispersed it would be less dangerous. But concentrated as it is in masses at points along the line, while intelligence can never be too strong anywhere, and considering that a majority of one in Florida or in Oregon may decide the most important of national elections and determine the future history of the whole country, I for one find it impossible to sleep in peace over this volcano.

As will be seen by reference to tables in the report of the committee and to the census the school age varies greatly in different States. In some it is from 5 to 15, in others from 4 to 21, and with great diversity between those extremes. In a speech in support of a measure substantially the same as this, made in the Senate June 15, 1882, after careful consideration, I stated the number of our population who should be in schools as, in my opinion, 18,000,000. I believe it to be now 20,000,000. By the census of 1880 the number within the school ages was 15,303,535. Of this number were then enrolled, that is, their names were on some list of pupils, 9,780,773, leaving 5,522,762 not attending school anywhere. But there were 567,160 enrolled in private schools, making a total of 10,347,933 enrolled in all schools of the country, both public and private, and leaving 4,955,602, or nearly one-third, of the legal school population not attending either public or private places of instruction.

If, now, the total enrolled in public and private schools be increased one-eighth, as in previous calculations, we have a present school population in process of mental training of 11,641,424. If I am substantially correct in assuming a present population of 20,000,000 who should be either in public or private schools, from our total of at least 56,000,000 now living in this country, there will remain 8,358,576 who do not attend schools of any kind whatever, unless it may be of liberal or professional training. Making all allowances which can be reasonably claimed, there must be 8,000,000 of less than 21 years of age who are not enjoying school privileges of any description whatever. But look still further, in order that we may judge of the efficiency of our system in dealing with those actually enrolled. By the census, out of the 9,780,773 on the public school registers, there was an average daily attendance of 5,804,993; so that the real fact is that the net educational result is the same as though the latter number had attended the whole school period yearly, which is perhaps five months of the twelve in the whole country, and 9,499,542 had not received a single hour of school instruction for the year.

If the present average daily attendance in public and private schools be ascertained by adding one-eighth to the aggregate of 1880, to wit, 5,804,993, plus two-thirds the enrollment in private schools (which we may fairly assume to be the average daily attendance, or, to be liberal, 400,000 pupils), we have 6,204,993 increased by 775,623, or a total of 6,980,616, or say 7,000,000 in round numbers. Deducting this number from 20,000,000, and we have the same general result upon the educational status of our school population as though 13,000,000 of the 20,000,000 did not attend school at all.

Of course this calculation is of little value save as it affords a means of comparing our real condition with what it would be if the whole school population should attend constantly five months yearly between the ages of 4 and 21 years. Making every possible allowance for professional and other forms of special training, I do not believe that there is an average daily attendance of 10,000,000, or one-half our population,

between the above-named ages twenty weeks of the year. I do not think there are sittings or accommodations of any kind, no matter how primitive and inexpensive, for one-half our school population. We have now less than 300,000 teachers and an average of more than 66 pupils for each. We require at least 200,000 more, and both the professional standard and the pecuniary compensation of the body as a whole should be very much raised.

In table 136, page 1640, part 2 of Compendium, the whole number of teachers employed at the time is set down at 236,019; the total number who attended school during the year 1880 at 9,946,160, and the average daily attendance 6,276,398. The whole number of public schools, elementary and high, is placed at 225,880; the number of school buildings 164,832, and the whole number of sittings provided 8,968,731. The data I have relied upon in making these calculations have been derived in part from the census and in part from the returns of the Bureau of Education, which are collected with great care.

I propose now to state a few well-authenticated facts in regard to the actual condition of common-school education in different portions of the country.

The Louisiana Educational Society has just memorialized Congress upon the subject of national aid to common schools, praying for an appropriation. Their petition, presented by Senator GIBSON, is printed at length in the RECORD of March 11, 1884. It is such an admirable though distressing statement of the situation that I will ask the Secretary to read it to the Senate.

The Secretary read as follows:

OFFICE OF THE LOUISIANA EDUCATIONAL SOCIETY,
New Orleans, March 4, 1884.

To the honorable the Senate
and House of Representatives in Congress assembled:

We beg leave to lay before you, on behalf of the State of Louisiana, the following statement of facts, and to submit this memorial:

The report of the superintendent of public education of the city of New Orleans for 1881 showed a total school population (6 to 18 years of age) of 61,456; a total enrollment in the public schools of the city of 24,401; and an average daily attendance in December and January (which were the months of largest attendance) of 17,135.

Although the number of educable children has largely increased since then, the superintendent reports for January, 1884, the enrollment to be only 14,482, with an average attendance of 11,070.

With an allowance of 10,000 in private and parochial schools (which is a large estimate), we still have 36,974 children in New Orleans receiving no educational instruction whatever.

The census of 1880 shows an average attendance of 15,190 (which included the months of most meager and the largest attendance). Thus you will see at a glance the large decrease in the number being educated, although the population is steadily increasing.

A corresponding retrogression exists throughout the State, and it may be safely affirmed that of the 273,845 school population of Louisiana (census of 1880) not more than 30 per cent. of them attend either public, private, or parochial schools.

In the fifteen Southern States, including the District of Columbia, the census of 1880 shows that there are 2,702,835 (white and black) of the 5,703,216 school population not enrolled in schools, and notwithstanding the efforts made by the people of these States and the generous contributions from private sources in the North for educational purposes the number of children unenrolled in the schools and the illiterates continue to increase.

The State and city have done much toward public education, but the illiterates are such a large proportion of the population, and poverty is so widespread, that the taxable property can not bear such a burden as must necessarily be imposed to provide for and sustain public schools.

We are aware that, in so far as ignorance is the source of pauperism, crime, and a want of thrift, the State is chiefly interested and the Federal Government indirectly only, but there is a common ground on which Federal and State interests meet and blend. Good government is necessary for both, and it is equally the duty of both to see that the citizen is made capable of performing the duties of citizenship intelligently, fearlessly, honestly. Said one: "Honest enough, brave enough, and keen enough to resist corruption, defy violence, and defeat fraud."

Both are alike interrested in making the masses of the people sufficiently intelligent to understand what constitutes the greatest good for the greatest number; and to comprehend also the converse of the proposition, that the good of the greatest number is the highest and best interest of the individual citizen.

We believe that the very life of the Republic and the preservation of the liberty it vouchsafes depend upon the intelligence of its people, the universal education of its citizens; that as their illiteracy increases so do the dangers to our country multiply.

In the words of Senator BLAIR: "Education, physical, intellectual, and moral, is the primal necessity." The fathers and founders of our Government so considered it. They thought that a republic could stand only on the intelligence and virtue of its citizens.

Our danger is imminent and increasing. France in 1870 realized that it was not the needle-gun but educated Germany which so quickly brought her to defeat and submission. She was taught a bitter lesson, by which she is now profiting. Since then she has largely increased her taxation for public schools, made elementary schooling free and attendance compulsory. Let her history teach us to educate our children, be they white or black.

But this can only be done with the liberal aid of the National Government, and unless it comes to our assistance the condition of our educational work must grow steadily worse.

We believe that a very large sum is necessary to meet the great need of the country. A bill before Congress proposes to give $15,000,000 for the first year and to decrease the appropriation $1,000,000 each year during a period of ten years, dividing it according to the number of illiterates in each State.

We trust that some such measures may meet your approval. Some such measures are necessary to stay and roll back the tide of illiteracy in this and other States of the South, which now finds no barriers strong enough to resist it. We believe it to be the duty of Congress to make some such appropriation, and on behalf of our State we ask it to do so.

Washington, Adams, Jefferson, Madison, Monroe, declared the necessity for and the importance of public education. Said the latter in his inaugural address of 1817: "Let us by all wise and constitutional measures promote intelligence among the people, as the best means of preserving liberties."

Presidents Grant, Hayes, Garfield, and Arthur have severally recommended it, and President Garfield said: "All the constitutional power of the nation and of the States should be summoned to meet the danger by the saving influence of universal education."

With our poverty upon us and dangers before us we appeal to Congress to do all that can constitutionally be done to aid in the education of youth, so that we may reap the fruits of industry, integrity, and intelligence.

LOUIS BUSH, *President*
E. T. MERRICK, *Vice-President*,
I. L. LEUCHT, *Secretary*,
CARTWRIGHT EUSTIS, *Treasurer*,
R. H. BROWNE,
J. C. MORRIS,
JAMES McCONNELL,
R. M. WALMSLEY,
STANFORD E. CHAILE,
R. H. BROWNE, *Chairman*,
JAMES McCONNELL,
S. S. CARLISLE,
SYLVANUS LANDRUM,
R. T. WALSHE,
WARREN EASTON,
J. W. NICHOLSON,
Committee on Memorials.

Executive Committee Educational Society of Louisiana.

Mr. BLAIR. On Friday, March 24, 1882, a committee of the National Educational Association appeared before the Committee on Education and Labor of the Senate and House of Representatives, to urge national aid to public-school education. The association comprises the superintendents of public instruction of the States and Territories and a large number of the principal educators of the country.

The committee of the association consisted of Hon. G. J. Orr, of Georgia; Hon. M. A. Newell, of Maryland; Hon. J. H. Smart, of Indiana; Hon. Hugh Thompson, of South Carolina; Dr. J. W. Dickinson, and Hon. B. G. Northrop, of Connecticut.

This committee presented at the hearing another memorial already prepared by representatives of the great religious denominations of the land, of the trustees of the Peabody fund, and of missionary and educational institutions, which memorial they indorsed and urged upon the consideration of Congress and the country.

I ask the Secretary to read the memorial.

The Secretary read as follows:

A MEMORIAL TO CONGRESS.

The undersigned earnestly call the attention of Senators and Representatives to the following facts and suggestions with reference to governmental aid to common schools on the basis of illiteracy.

The following table is based upon the estimates of the Bureau of Education. In the sums raised by the States interest on the invested funds is not included, except in a few States. The table is not exhaustive, but only illustrative. [See next page.]

We respectfully suggest:

1. The help should be so given that it will stimulate rather than supersede the necessity of State effort.

2. It should be help for the common schools; temporary aid in the training of teachers perhaps, but chiefly in giving them opportunity to teach. "The safety of the Republic is the supreme law of the land." This is the maxim which not only justifies but demands action on the part of the General Government, and it should also suggest the limitations under which the action should be taken.

3. The help should be immediate and not remote. The fortunes of war and the necessities of legislative action have made citizens of a large mass of ignorant men, whose votes are to shape, for weal or woe, the character of our laws. Education alone can convert this mass of ignorance and element of danger into one of enlightened strength and safety.

Largely more than one-half of a fund for the education of the illiterate would go to the South for negro illiteracy; less than one-fourth because of white illiteracy. If Congress should create a fund which would give $3 per annum per capita for the education of this class alone, it will require an aggregate annual sum of $18,719,958. Of this, Mississippi, *e. g.*, would receive $1,119,603; but of this $959,529 would be for colored illiterates and $160,344 for white illiterates.

Representing an educational work in the South chiefly for the negro race, in which have been expended about $10,000,000, and speaking with a wide knowledge of facts, we emphatically assert the impossibility of accomplishing this great work unless the General Government shall come to the assistance of those States in which this illiteracy is chiefly found.

Every dollar we have expended expresses the conscientious and earnest desire of the donor that this work shall be done, and is an emphatic vote for the action for which we ask.

In the name of the millions of Christian citizens whom we represent we earnestly urge Congress to help qualify the ignorant voters who are intrusted largely by Congressional action with the ballot for the duties with which they are charged, believing the power to do this is co-ordinate with the power that enfranchised them.

REV. M. E. STRIEBY, D. D.,
American Missionary Association; Congregational.
REV. J. C. HARTZEL, D. D.,
Secretary Freedmen's Aid Society; Methodist.
REV. H. L. MOREHOUSE, D. D.,
Home Missionary Society; Baptist.
REV. SHELDON JACKSON, D. D.,
Home Missionary Society; Presbyterian.
REV. J. L. M. CURRY, D. D.,
Agent of the Peabody Fund.
PROFESSOR C. C. PAINTER,
Fisk University, Nashville, Tenn.
S. C. ARMSTRONG,
Hampton Institute, Virginia.

WASHINGTON, D. C., *March*, 1882.

Mr. BLAIR. I call attention to these signatures, not only on account of the great personal worth of the men themselves, of the superior position which they occupy as individuals in the country, but on account of the representative capacity in which they have signed the memorial. These denominations are also organized into a national educational assembly, which has had two annual meetings, of which Bishop Simpson is the president. It is proper that I should observe here that there is a substantial combination of all the great religious bodies of the country, at least in the Northern States, who have one specific purpose, and that is to urge upon Congress the appropriation of national money in the direction of general education.

The hearing which followed is to be found reported in full in Miscellaneous Document 55 of this session, to which I refer the Senate, but from which I wish now to quote a few of the more important state-

Estimates by the Bureau of Education with reference to governmental aid to common schools on the basis of illiteracy.

States.	Total population, 1880.	Total illiterates 10 years and over who can not write, 1879.	Colored illiterates 10 years and over who can not write, 1879.	Total of State and local taxes for common schools, 1879.	What this gives for an average school of 30 pupils per annum.	Total sum that a fund of $3 per capita for illiterates would give the State.	How much of this because of colored illiteracy.	How much of it to white illiteracy.
Alabama	1,262,505	433,447	321,680	$250,000	$17 00	$1,300,341	$965,040	$335,301
Iowa	1,621,615	46,609	.....	4,227,300	.....	139,827	.....	139,827
North Carolina	1,399,750	463,975	271,943	314,719	20 00	1,391,975	815,829	576,096
Wisconsin	1,315,097	55,558	.....	2,223,581	.....	166,674	.....	166,674
Kentucky	1,648,090	348,392	133,895	947,392	76 00	1,045,176	401,685	643,491
Michigan	1,636,937	63,723	.....	2,453,831	.....	191,169	.....	191,169
Arkansas	802,525	202,015	103,473	189,080	28 00	606,045	310,419	295,626
Connecticut	622,700	28,424	.....	1,276,667	.....	85,272	.....	85,272
Louisiana	919,946	318,380	259,429	450,000	42 00	955,140	778,287	176,853
Kansas	966,096	89,476	.....	1,276,786	.....	118,428	.....	148,428
Georgia	1,542,180	520,416	391,482	471,089	27 00	1,561,248	1,174,446	381,862
Massachusetts	1,788,085	92,980	.....	4,372,286	.....	278,940	.....	278,940
South Carolina	995,577	369,848	300,071	440,110	36 00	1,109,544	930,213	179,331
Minnesota	780,773	34,546	.....	1,361,526	.....	103,638	.....	103,638
Maryland	934,943	134,488	90,172	1,210,977	275 00	403,464	270,519	132,948
Maine	648,906	22,170	.....	820,860	.....	66,510	.....	66,510
West Virginia	618,457	85,373	10,139	703,185	247 00	256,128	30,417	225,711
Nebraska	452,402	11,528	.....	786,963	.....	34,584	.....	34,584
Tennessee	1,742,359	410,722	194,495	698,776	51 00	1,032,166	583,435	648,781
New York	5,082,871	219,600	.....	9,675,992	.....	658,800	.....	658,800
Virginia	1,512,565	430,452	314,660	1,261,975	87 00	1,291,056	941,780	344,076
Ohio	3,198,062	131,847	.....	6,714,086	.....	395,541	.....	395,541
Mississippi	1,131,597	373,201	319,573	334,769	26 00	1,119,603	959,529	160,344
New Jersey	1,131,116	53,249	.....	1,742,198	.....	159,747	.....	159,747
Florida	269,493	80,183	60,420	104,530	39 00	240,549	181,260	59,289
New Hampshire	346,991	14,302	.....	544,716	.....	42,906	.....	42,906
Missouri	2,168,380	208,754	56,244	2,163,330	310 00	626,262	168,732	457,530
Illinois	3,077,871	145,397	.....	6,735,478	.....	436,191	.....	436,191

ments made on that occasion. Superintendent Orr, of Georgia, addressed the committees as follows:

Mr. Chairman and gentlemen of the committee, the duty assigned me on this occasion is a very simple one. I have been laboring in this work in my State for the last ten years.

I desire to say that Superintendent Orr can speak with larger and more reliable authority probably from the standpoint of an educated, energetic, and patriotic Southern man upon this subject than any other man whatever in the whole country. I consider his statements as of very special significance, and entitled not alone to the attention of the Senate but of the entire country; in fact, all that I shall read, much to the weariness, I trust not to the disgust, of any members of the Senate, will be from representative men, who are much better authority on this subject than anything I might state. Mr. Orr said:

I have been the representative of the Department of Education since 1872. I do not propose to detain the committee by any lengthened remarks. I propose to give you, gentlemen, some plain facts showing our condition, showing our necessities, showing the temper and spirit of our people, and I feel that when I do this, when I put before you the condition of the State of Georgia, I shall have given you a type of what prevails throughout the entire South.

In the year 1860, when one of the honored Senators from my State, now present, was our chief executive, the tax returns, according to the documents in the office of the comptroller-general, summed up $672,000,000. After I entered the office which I now have the honor of filling I went to the files of that office for the purpose of trying to ascertain the aggregate value of property at the first return made after the war. I found it to be $170,000,000. The property of the State was thus reduced $500,000,000 in value. This made a great change in the condition of the State, as you may well know; but this does not represent fully the change. It lacks a good deal of it.

I will put before you, gentlemen, a few other considerations which will show more fully the great change which was wrought. Everything that we had accumulated during the four years of the unhappy struggle in which we engaged was invested in confederate securities, and was held in the shape either of bonds or of confederate currency. Thus what remained of the labor of four years, after the devastation of your army and the support rendered ours, was blotted out in one hour. Hundreds, thousands, and tens of thousands of the best men in the State of Georgia were thus left in a condition in which, under the old postal laws of the United States, when postage was paid at the place of delivery, they could not have taken a letter from the post-office. You will very readily understand, then, how we were situated as to our capacity to commence life again.

Not only this, but the whole labor system of the country was thrown into disorganization. The agriculturists had no means of going to work again, and we are an agricultural people, as you well know. They had no capital to begin with. They had to borrow. They had to give a lien upon the products of the soil in order to enable them to pay the debts, and those who held the capital exacted exorbitant interest. Our farmers and agriculturists have been paying from 50 to 100 per cent. for advances. Having their noses thus put to the grindstone, they have been kept there up to the present time, for every intelligent man knows very well that farming can not be conducted successfully when the capital used in it costs such a percentage. The lack of resources and the utterly disordered condition of the labor of the country put us in a very helpless condition.

Let me glance for a few moments at certain other facts. We had in the State of Georgia two kinds of citizens—those who had always been citizens, and a number of persons, very nearly equal, who had been made citizens as a result of the war. The last school enumeration, which was taken four years ago, showed that we had 198,000 colored school children in the State. The entire school population is 433,444. The difference will show you how many are colored; nearly half, you will see.

Let me say a few words about the colored people. They were made free without resources. They had no capital; they had no habits that would lead men when thrown upon their own resources to accumulate capital. They have been gathering capital gradually, until I am very glad to report that the last return of the property of the State showed that there were in the hands of the colored people of that State some $6,000,000 worth of property. I think the colored people of my State have done nobly; I say it here to their credit. But the point I am now making is the immense burden which was put upon us. I do not give you an idea of that burden by telling you the number of persons who were suddenly made free without resources. That does not give you an idea at all.

There is no means of getting at the number exactly, but I think at least one-half of the white population was in the same condition, utterly wrecked, ruined financially by the results of the unfortunate struggle in which we had engaged. For one, I want to see the last remains of that struggle forever buried so deep that the hand of resurrection will never bring them up again. I think it becomes us of this generation to begin to think about living for the future, to forget the past. We have a great country, and here we must dwell; our people want to dwell with you in unity and harmony. I know what I say; I have visited in the course of the administration of my office almost every county in the State of Georgia. I have made two hundred addresses to the people. I have stated to you the difficulties now. I know the condition; I know the spirit of the people, their present sentiment. I know it from mingling with them in their cottages and in their cabins, for I have visited the colored man as well as the white man. I have mingled with all; I know their feelings.

I want to say to you, gentlemen, that in the State of Georgia, under my administration of ten years, the entire loss of school fund will not foot up more than about $6,000. In an administration covering ten years there has not been a single dollar misapplied with that exception that I know of. We try to make it do the greatest possible amount of good. We try to manage it with the greatest economy. We admit to our schools all who want to enter them. We commenced in 1871 with a school attendance of 48,000. We have gone gradually upward. My brethren here will excuse me for using the same illustration which I did before the association when in session. One of the fathers, a man contributed to us by New England, one of our most honored men in the early history of that State—I allude to Abraham Baldwin—in speaking once of central power, illustrated it by that wonderful power known as the screw. He stated that at every revolution it gained a little and it held all it gained. I quote his illustration, not making the same application of it; I make a very different one.

We have gained at every revolution a little in Georgia, and we retain all that we gain. We are moving steadily forward. We commenced with an attendance of 48,000 the first year. The second year we had 83,000, the next year 136,000, the next 156,000. I shall not follow the statistics along. Year before last (my year's work has not been footed up, as the returns are not all in) we went up to a school attendance of 236,000. We have never failed to gain as much as 9,000 in any year. We have gone over that in attendance every year, and the colored people have proceeded *pari passu* with the whites in their attendance. They commenced with 6,000 and went up, according to the last return, to 86,000 colored children in our schools. There is no discrimination made; no man can afford to do it in an office in my State. So strong is the school sentiment in favor of the administration of exact and equal justice that no man can afford to do it. We are struggling to do the very best we can with our limited means.

I have read a good deal on the subject of the school history of this country and of the different States. In addition to that, I have been giving my attention to this great subject of the education of the races for eleven or twelve years. I have been reading whatever fell into my hands, and you will excuse me when I say that considering the circumstances in which we were placed, the great disadvantages under which we labored, the immense difficulties which we had to contend with—considering all these things and considering the work achieved, I do not believe the equal of it has been done in any State of this Union in any time during the past. If it has, it is not within my knowledge. We have wrought a marvelous work, but we are unable to do what ought to be done. We come to you and ask the interposition of the strong arm of the Government, the Government of your fathers and of our fathers, for we are one of the old thirteen. We stood shoulder to shoulder with you in that contest, and I want to say here to-day that if another contest shall arise our people will stand by the people of New England and the people of the Middle States in supporting the power and the authority of the Government of the United States.

Gentlemen, I do not know that I could state anything further that would be of service to you. I wish to add that I was greatly gratified when my brethren here from New England, and from the great Northwest, and from the Middle States, and from the Southern States, met in council, and when we sat down as brethren, and when we agreed almost unanimously upon every point to be submitted to this committee for consideration. We are practically a unit, and on all of these recommendations the men from all portions of the country agree.

Now, gentlemen, begging pardon for taking up so much of your valuable

time, and thinking that it is proper for me to yield to others who may have something to say on this occasion, I shall conclude by asking, as I know I shall have, the candid consideration of this great question of the education of the masses, greater than questions of commerce, than questions of currency, than questions of tariff, than questions of constitutional law—greater than any questions that statesmanship will have to contend with and settle, because we make the people, and without the people we can have nothing else. We make the men and women of the country. I shall say nothing further.

Representative Updegraff, now dead, asked this question, to which Mr. Orr responded:

I would like to ask the honorable gentleman whether the average time of continuance at school has increased?

Mr. ORR. Our last Legislature succeeded in adding about $100,000 to the fund. We shall have this year very nearly $600,000 to operate with. We shall be able to run our schools in many of our counties absolutely free for four months of the present year—that is my estimate—and in all of them paying the entire expense for three months. We are adding just as rapidly as we can.

The PRESIDING OFFICER (Mr. HARRIS in the chair). The hour of 2 o'clock having arrived the Chair will lay before the Senate the unfinished business, which the Chair believes is the bill to which, by the unanimous consent of the Senate, the Senator from New Hampshire is now addressing himself. It is now before the Senate in its own right for consideration. The Senator from New Hampshire is entitled to the floor.

Mr. BLAIR. Hon. Hugh Thompson, of South Carolina, was before the committee and made the following statement from his standpoint as a prominent citizen of that State, and as superintendent of public instruction, I think, at that time:

Mr. Chairman and gentlemen of the committee, in presenting the view of South Carolina I shall ask to call the attention of the committee to three points:

First. That the State of South Carolina is now doing all in her power for public education.

Secondly. That it is impossible in her impoverished condition for her to furnish the means of education to the masses of the children; and

Thirdly. That the aid we ask for, if granted at all, should be granted immediately.

I have brought here some figures from the school returns of South Carolina which I wish to read, and as I have no set speech to make to the committee, I shall be glad to answer any question that any member of the committee may wish to ask. An interruption will not interfere at all with the line that I shall take.

I call the attention of the committee, first to the fact that in 1877, when I took charge of the department of education in South Carolina, the first thing I did was to call for a statement from the different counties of the amount of past indebtedness, known as the school indebtedness. I was aware that it was large, but I was surprised to find when the returns came in that we had upon us a debt of $210,000 due against the school fund. This debt at that time of $210,000 was supposed to be the full limit, but upon subsequent investigation it turned out to be much larger. During the period from 1877 until the present time we have been attempting to pay off this debt. In some of the counties the debt has been entirely liquidated, and there are not more than one or two counties now remaining in which there is any considerable debt to be paid. But that debt has hampered us in every move we have made to strengthen and develop our public-school system. In addition to that we have a debt of $191,800, known as agricultural land scrip. There was not one cent of that money to be found in the treasury; the last dollar of it had been misappropriated. That fund, too, has been restored.

The committee will observe, therefore, that we have paid a debt of over $400,000, money that ought to have been used for elementary and higher education, and that we have thus been hampered in our attempts to make the school system as strong as it might otherwise have been.

The assessed value of the property of South Carolina to-day is nearly $138,000,000. We have three sources of revenue from which our school-tax is derived. First, it comes from a constitutional tax of 2 mills on the dollar upon all the taxable property of the State. The amendment to the constitution making this a part of the organic law of the State was adopted in January, 1877. Observe, gentlemen, that this is part of the organic law; it is not subject to changes by different Legislatures. We are glad to state that each year the income from this source grows larger and larger as the assessed value of property is raised.

The second source from which we derive an income is from the poll-tax. There are in the State of South Carolina, on the books, 140,000 polls, and the poll-tax there is $1 a head. We have never succeeded in collecting more than $114,000 from this source, owing to the fact that a large number of the voters of the State are entirely without property, and we can not enforce the collection of even the $1 per head.

The third source from which we derive our revenue is local taxation. This mode of raising taxes is becoming more and more in vogue each year. At each session of the Legislature we find different towns coming forward and asking permission to levy additional taxation.

The misuse of the public money during the first years of the school system, from 1868 to 1877, and especially the abuse of power under the local-tax laws, is one of the great obstacles that the school men of South Carolina have had to contend with, because we are constantly met with the charge that the thousands of dollars that were wrung from the people within the period named were misapplied, were stolen and misappropriated, and that this public-school system is only an engine of taxation, the money for which will not be carried into the channels for which it was intended. I believe, though, that this spirit is rapidly passing away. As I said the other night before the association of superintendents, I am convinced that if to-day the question of maintaining the public-school system of South Carolina were submitted to a vote of white citizens alone, by a very large majority they would be in favor of maintaining it and strengthening it and of developing it so far as may be in their power.

I should like to call the attention of the committee, in order to show what the State is doing in this respect, to a brief comparison of the taxes collected for the different purposes in South Carolina. The whole of the State tax, in round numbers, is $639,000. The proceeds of the county taxes are about $900,000, making a total of nearly $1,500,000. The proceeds of the school and poll taxes, according to the last returns of the comptroller-general, were $465,000. In other words, the school tax of South Carolina is about one-third of all the other taxes that are collected in the State. The assessed school tax was $465,000. Of course the actual amount collected was a little less than that, being about $425,000, because there were a good many delinquent taxes.

In addition to this the State now makes an appropriation of $24,000 for the University of South Carolina. That university has two branches, the old South Carolina College at Columbia, for the whites, and the Claflin College at Orangeburg, for the colored. The Claflin College is partly supported from benefactions by benevolent persons at the North; but these two institutions for the higher education of white and colored are maintained by the State at an annual cost of about $24,000. In both these institutions instruction is free; no charge whatever is made for tuition. In the Claflin school at Orangeburg we have a normal department for teachers, which is each year turning out successive bodies of skilled and trained teachers, who are doing estimable work for the colored. In addition to this the State has recently made provision for the re-establishment of its military academy, appropriating $15,000 this year for that purpose. In this military academy there will be supported now, as before the war, two cadets from each county, who pay nothing whatever. They are supported in full by the State, and they are required to teach two years in the public schools of the State after their graduation. There will be another class of young men in the institution known as pay cadets, who will pay moderate tuition for themselves, and will not be required to render any service. They will pay their way through the institution. Besides that we have the normal institute, supported by the State, this year an appropriation of $1,500 having been made for that purpose.

You will observe, therefore, gentlemen, that we are appropriating now about $465,000 for elementary education in South Carolina and a little over $40,000 for higher education, making a total of more than half a million dollars which South Carolina is devoting to this purpose, with an assessed valuation of property of but $138,000,000.

I should like to call the attention of the committee to another comparison. The whole expense of the State government of South Carolina for the last year, inclusive of interest on the public debt, was $238,575. The expenses for the maintenance of the charitable institutions, there being but two, an asylum for the insane, and one for the deaf and dumb, were $116,164. Therefore the expense of public schools and of charitable institutions was $581,164. For these purposes South Carolina appropriates two and a half times as much as she does for the whole expenses of her State government. For public schools alone she appropriates twice as much as she does for all the expenses of the State government. I mention these facts in support of the position which I take that the State is doing all she can for the maintenance of her public schools.

I now desire to call the attention of the committee to the second point I make, which is that the State of South Carolina is unable because of her impoverished condition to give proper instruction to all classes of her people. The scholastic population of the State—children between 10 and 16 years of age—as made by the returns of the county school commissioners in 1875 (I have been unable to get the returns of the census, which are more accurate, and I doubt not will show even larger figures than these) was, whites 85,678, colored 152,293, making a total of 237,971 children. The school attendance in South Carolina for the year 1880-'81 was, whites 61,339, colored 12,119, making a total of 73,458 at the public schools. The expenditure per capita of school population is $1.95, the expenditure per capita of school attendance $8.50. I call the attention of the committee to the fact that while these schools are free and open to all, and no distinction is made on account of race or color, according to these returns (which are inaccurate, because I believe they are below the truth), we have 100,000 children in the State of South Carolina whom we are unable to educate for the want of larger means. The number of public schools in the State last year was 3,057; the number of white teachers 2,026, the number of colored teachers 1,223, making the total number of teachers 3,249.

Taking the illiteracy of South Carolina shown by the return of the last census, which I had an opportunity of observing last night, the ratio of white illiterates to the whole population is 7.77 per cent.; the ratio of colored illiteracy to the whole population is 33.09. I maintain that as far as controlling the white illiteracy in the State is concerned, South Carolina is able, ready, and willing to control it; and that she is equally ready and willing to control the colored illiteracy, but that it is beyond her power to do so. It is from this class of our citizens, a class to whom I claim that the State government of South Carolina in all its departments has done full and ample justice, that the trouble comes. I believe I speak the sentiment of the majority of the people of the State when I say that we in South Carolina feel that the safety and prosperity of the State depend upon the education of that class of our citizens. I need not speak to you, gentlemen of the committee, of the limited opportunities that the colored people have had heretofore for education, but you know that the absolute need for it now is such that if the United States Government does not hold out a helping hand to us at this time we shall continue to send forth each year illiterate voters by thousands.

Bear in mind, gentlemen, that one generation of these people has grown up without the opportunities of education. This generation has got now the fathers and mothers of another generation coming along. It is a well-established fact, a principle recognized by all, that to appreciate education is a consequence of education itself. It is necessary, therefore, for the State and for the General Government to come to the front at this time, and to make South Carolina and other Southern States what I believe the people of those States desire that they shall be, thoroughly educated.

I will call the attention of the committee to the fact that there are now in the Southern States about 5,000,000 children ready and needing the opportunities or education. The expenditures of the Southern States under this head are about $7,000,000; but little more than a dollar a head. It would take at the lowest calculation $30,000,000 to furnish the opportunities of education to our children in the South. Gentlemen, I say, as one knowing the spirit of the people and knowing their limited resources, that we have not the means to furnish this education.

I do not propose to detain the committee with any argument as to the right of the General Government to furnish the means for which we ask. I desire to say for my State, and I am sure that I speak the sentiment of other States, that we do not come here as mendicants in this matter. We do not come here asking for charity. We have put our own shoulders to the wheel; we are using all the efforts in our power, and we simply ask of this great Government that it will come to our aid now in the time of our great necessity, because if this aid is withheld now, if it is not granted now, as I have shown, there are thousands of children whom we are unable to educate, and who need this assistance at this very moment, who will not be educated.

I was told this morning, since I entered this room, by a gentleman to whom I was introduced, that South Carolina always liked to be in the front. As of old, South Carolina wants to be in the front in the matter of public education. It is for that reason we have come here, because we have not the means, as I have stated, to furnish this education ourselves. I believe it is but a few moments ago when some gentlemen from this side were called before a committee of the House of Representatives of Congress with regard to the deepening of the harbor at Charleston and the improvement of that harbor. That great work is now going on under the charge of a distinguished engineer, a distinguished soldier, whose duty it was during the war to leave more imperishable marks upon the city of Charleston. He is there now in the quiet pursuits of peace, deepening that harbor, and giving to South Carolina an outlet for her trade and her commerce which she has so long needed; but, gentlemen, there is a need that South Carolina has not second even to the deepening of the harbor of her great metropolis. Great as are her resources, wonderful as her power is when fully developed, the true source of her strength and of her power is in the brains of her people. It is for that purpose we are here to ask the Government to give her the means of developing the brains of her people, and we do ask that we may have an opportunity of coming to the front and staying there, as one of the States of the Union, contributing our share to the civilization and the progress of this great country, and making South Carolina as one of the States of the Union, contribute her quota to make the people of this whole country once more free, prosperous, happy, and united.

I call the attention of the Senate to these particulars because they demonstrate that on the part of the State of South Carolina there is really

being a very earnest and energetic effort made to educate the children of the State so far as can be done with the available revenues. I call special attention to the following statement made by Hon. J. H. Smart, then and for many years superintendent of public instruction of the State of Indiana, as that of one of the most distinguished educators of the country, and a Northern man whose associations have been such as to make him a conservative and reliable observer. I am proud to claim him as a son of New Hampshire.

ADDRESS OF J. H. SMART.

Mr. DICKINSON. I now present a gentleman eminent as an educator, a friend of education, who is here to represent the North. I refer to Hon. J. H. Smart, of Indiana, and I will say before he commences that Mr. Smart presided two years ago at the meeting of the National Teachers' Association which met at Atlanta, and he knows well the spirit of the people of that country.

Mr. SMART. Mr. Chairman and gentlemen of the committee, I shall detain you just long enough to state a fact and to express an opinion, a fact in reference to the need of the South, and an opinion in reference to their willingness to do what they can.

It has been my fortune to be able to make several visits to a number of the Southern States, and on one of these, taken last summer, I was driven from one of the popular summer resorts in the State of Georgia to the railway station, a distance of about 18 miles—a road frequently traveled, because this summer resort was largely visited by Southern people—by a negro who owned his own team, letting it to the hotel proprietors and his own services during the summer months. He informed me that he owned a little house and a small amount of land; that he rented fifty acres, and I found that he knew a good deal about the condition of things in his locality. I have talked with several hundred negroes in the South as occasion offered, and I want to tell you some of the answers this driver gave to some of my questions on this ride.

This man was thirty-two years of age, and he told me that he had tried to learn; that there was a school within a reasonable distance, and that he had attended that school; but he confessed that he had not been able to learn very much. He was a man of more than ordinary intelligence for one in his condition. I asked him if he knew the name of the President of the United States, and he said that he did not. I asked him if he knew the name of the governor of his State; he said that he did not. I asked him if he had voted for the President of the United States at the recent election; he said that he did vote. "Can you tell me for whom you voted?" "No, sir; I can not; I don't recollect." "Do you know anything about England?" "Yes, sir; I have heard something about England." "Is it in the United States?" "I do not know." "Is France in the United States?" "I can't tell you; I think it is." "Did you ever hear of Governor Colquitt?" "Oh, yes; I think I voted for him. Is he the man you spoke of a moment ago?" "No, he is not the President of the United States." "Did you ever hear of Garfield?" "Oh, yes; he was hurt, wasn't he; he was shot, wasn't he?" "Is not that the man you voted for?" "Yes," he thought it was.

Now, this man, unable to read his ballot, is not a subject whose duty it is to obey, the sum of whose political duties is found in the word obedience, but he is a sovereign, and the ballot is put into his hands. It has been put there by the national Congress. That man makes the law that governs me. Forty per cent., as I am informed by Dr. Orr, of the voting population of this State are illiterates, there being 80,000 of them.

I related this incident to a number of Southern superintendents a while ago, and I was told that it was a typical case, much to my astonishment, and that what I found here with this negro was to be found in thousands of cases in the other States. I believe that the State of Georgia is in danger, and not only the State of Georgia, but the State of Indiana, from this state of affairs—in more danger than if one hundred thousand men were to land on the coast of Georgia to-day fully armed and equipped for war, and that the State of Indiana will suffer from this condition of affairs.

Now, I want to express the opinion that the Southern people are willing to do all they can to cure this great evil and remove this great wrong, and, so far as I have observed, the work that has been done, under existing circumstances, has been a marvelous work. The Southern people have made a heroic effort, certainly in three or four States that I have visited, to do the best that could be done for these colored people. I want to say that throughout the length and breadth of the Southern States, without one exception, the colored people are given the same advantages that the white people are given. No distinction whatever is made; and, so far as I was able to find out, there is an almost unanimous, certainly an overwhelming, sentiment in favor of educating the colored children equally with the white children. And I believe, from what I saw, that we are able to trust the existing State organizations represented by these gentlemen; we are able to trust them with whatever means we can appropriate, and I speak after some investigation and after deliberation.

There is a pressing need, and these gentlemen have told you about it; there is no necessity for me to talk about it, but I want to express the feeling that I think exists in my own section of the country; that this appropriation ought to be made—not only for the protection of the people of the South, but for the protection of the people of the North; that while we do not need it for our own illiterates, for we ought to be able to take care of them ourselves, we need it because we suffer from an ignorant ballot, and we see danger in it, so that we join our brethren from the South in asking Congress to make an adequate and speedy appropriation in order that this great evil may be rooted out.

Mr. M. A. Newell, then superintendent of public instruction for the State of Maryland, a very able gentleman, spoke as follows:

Mr. Chairman and gentlemen, I am not here to-day to make any special plea in behalf of Maryland. We think that in a small way and in the course of time we shall be able to take care of our own people in the way of education. I am here to show that, so far as Maryland is concerned, we are in absolute accord with the gentlemen who have already addressed you. We look upon ignorance not as a local but as a national question, and we consider it as much or nearly as much of an evil to have ignorance in Florida or Georgia as it would be to have it in Maryland or Pennsylvania. Yet I think, Mr. Chairman, though you and the gentlemen of the committee have studied this question long and deeply, you are hardly aware even now of the immense mass of ignorance that is pressing upon us not only in the South but in the Middle States and in the North. I can hardly bring this more pointedly to your notice than by stating a few simple facts with regard to my own State.

I have been at the head of the educational department of Maryland for fourteen years successively, and therefore I know all that I am going to say of my personal knowledge. We spend every year a million and a half dollars for common school education. We keep our schools open in most of our counties ten months in the year, in none of them less than seven months and a half, and an average of nine months of every year. Our teachers are reasonably well paid; they are properly selected, and are doing their work as well as could be expected under the circumstances. All our surroundings are in favor of education. The people believe in it for themselves, and they believe in it for their neighbors. And yet, Mr. Chairman, after sixteen years of a uniform State system, well supported, tolerably well endowed, the last census reports 134,000 illiterates in the little State of Maryland.

Now, sir, the argument is, *a fortiori*, if, after sixteen years of hard and honest work, we have not been able to wash out this black stain of ignorance, what chance have our friends in South Carolina and in Georgia and in Florida to deal with theirs?

Mr. Chairman, I am old-fashioned enough to think still that the State ought to do nothing that the private individual can do as well, and I am willing to carry it further, and to say that the National Government should do nothing that the State Government can do as well; but all history and all experience prove to us that the individual is not able to educate his children; he has never done it in the history of the world; the State must come in and aid him in the work; and I think we have proved abundantly that in our Southern States, at all events, the State is not able to do the work of education. Therefore, I say it is the duty and the privilege of the National Government to come in and help the States to do that which they are willing but are not able to do.

The above statement from the efficient superintendent of Maryland demonstrates not only the necessities of his own and other States, but the further fact that even with the prolonged school year an immense outlay is required to increase the accommodations that the surplus school population now not reached at all may be brought in.

Hon. D. F. De Wolf, superintendent for Ohio, spoke thus for Ohio and the central Western States:

Mr. DE WOLF. Gentlemen, there is one point that I should like to speak of for the State of Ohio, and I think for the central and Western States. I have mingled with these people for forty years; was with them during the great struggle that resulted in the reconstruction, so called, of the Southern States. Those States were a party to the doctrines that were embodied in that reconstruction when they united in imposing on the Southern States a large body of voters. They took the responsibility of imposing upon that section of the country and upon the United States a large body of voters. I do not know but that they did wisely, and I do not know but that they think they did wisely, but they think they assumed very great responsibilities, and I think they are ready now to consider those responsibilities, and to take what action may be necessary to meet those responsibilities.

Rev. Dr. A. D. Mayo, of Massachusetts, who is as well informed upon this subject as any man living, next addressed the committee. Dr. Mayo is well known throughout the country. His views have been expressed on many occasions, and they are those probably of the largest and perhaps the most accurate observer in the Northern States upon this matter of the school condition of the people of the South.

Rev. Dr. MAYO. Gentlemen of the committee: I suppose my brethren have asked me to say a word to you because for the last two years I have spent my whole time during the school year in visiting the schools of twelve of the Southern States, from Virginia to Texas, inclusive. During this time I have had the most ample opportunities afforded me by the State authorities, by teachers, by citizens, by pupils, by people of every class to ascertain the condition of educational affairs in that portion of the country, and I feel that I am in a condition to form intelligent opinions in regard to the several matters that will come before you in this consultation. Of course time will not permit me to give the data or the reasons for conclusions which I may express to you, but ever since I began this work—and I would say that previous to that I had no personal knowledge of affairs in the South, and never went through the South until two years ago—several conclusions have forced themselves constantly upon my attention.

In the first place, I am fully prepared to indorse that emphatic declaration of Dr. Curry, who perhaps better than any Southern man understands the educational condition of the South, when he says that the illiteracy of the Southern States is absolutely appalling. By this I do not wish to say that the leading classes of the Southern States are an ignorant people. I find them there a very cultivated people; I find a people equal to any people in the world; I find as a class the white people of the South are fully up to the people of any State in the Union in natural capacity and force; but the condition of illiteracy which exists seems to me absolutely appalling. And one little point I wish to call your attention to here: Not only is this illiteracy confined to the colored people and the poor white people, but there is great danger, unless something can be done soon, that great numbers of the children of the better classes of white people in the South will be plunged into illiteracy.

No class in the South suffered so much from the effects of the war as the respectable leading class of white people in the South, and to-day there are hundreds of thousands of boys and girls growing up through all the Southern States, the sons and daughters of the leading people of those States, who, unless something can be done very soon, will be doomed to grow up in ignorance. Perhaps the most pitiful thing that can happen to any State is that it should lose what it has gained. While the blacks and the poorer whites are really better off in educational affairs than ever before, the children of the better classes of people are absolutely worse off than they ever were before.

Now, to meet this condition of illiteracy it seems to me utterly idle to speak of anything but a system of thorough elementary education afforded by the State. No church system of schools, no private system of schools can meet the exigency. There must be a system of elementary education, which includes the training of teachers, proper school-houses, and everything of this kind, in order to meet this great want.

Another matter has forced itself very constantly on my attention, which has been alluded to before, which is this: I am pretty well acquainted with the condition of education in our country and in other countries, and I have no hesitation in announcing to you, gentlemen, my conviction that never within ten years in the history of the world has an effort so great, so persistent, and so absolutely heroic been made by any people for the education of the children as by the leading class of the people in our Southern States.

Practically, within ten years every one of these Southern States has put on its statute-book a system of public schools; practically, within this time every district of country in the South has received something that can be called a school. This school public, as we may call it, consisting of State officials, of school officers, of superior teachers, of thoughtful people all over the South, is to my mind the most forcible, the most persistent, the most devoted school public now in any part of the world. There is no body of superior teachers doing so much work for so little pay and under such great disadvantages as in the South to-day. There is no minority of people working so hard to overcome this terrible calamity of illiteracy anywhere in the world to-day as in the South. I give this as the deliberate result of two years of observation in twelve States.

Once more, gentlemen, it seems to me that in building up this system of elementary education our Southern people have come almost to a halt. For the last ten years the school public has been working in every conceivable way to bring the attention of the people to this matter, and I believe to-day that the practicable limit of taxation is about reached. We may say ideally and abstractly that the Southern people can give more than they do for education; but practically, looking at them as we look at every people in the world, I believe that the limit is reached. And what is the condition in which we find things there to-day? Perhaps $10,000,000 is expended through these States of the South for elementary education, and there seems to be just about money enough to put on the ground a system of schools which, while it is an improvement to the negro and to the poor

white man, is profoundly unsatisfactory and insufficient for the leading class of the white population of the South; in other words the introduction of the public-school system has broken down the old-fashioned system of education by which the white people obtained their help, and has introduced an inefficient system, so that a multitude of these people really have no good place to educate their children.

Let me illustrate the state of things: Here is a town or a district that has a thousand dollars, all told, for school purposes; with that thousand dollars that district can establish an insufficient school for three or four months in the year, with an inexperienced teacher, in an insufficient school-house; a school which is not satisfactory to the best people, which can not do the work that should be done. That is the course of things all over the Southern States, in cities, in country, towns, and in the country districts, and the crying want through all that country is that what these people now have shall be supplemented by enough to put a good school system at once on the ground.

We must remember, gentlemen, that nine men out of ten in the South never saw what we call a good public elementary school. The thing that is necessary is to put for one year, for two years, for three years, in every district through that country a school that will be a fair representative of a public school, that the people can see it; and once having seen it and enjoyed its benefits they never will give it up again. Now, it is utterly impossible for the average school authority to get the money to put such a school on the ground. Give to that man another $500, another $1,000, and at once, without wearing himself out with importunity, he can put on the ground the school that the people need; a school that, instead of being a school that satisfied nobody, is a school that satisfies everybody; and once having seen that school for one year, for two years, for five years, for ten years, that people will be stimulated to great exertions and will never give it up.

Let me illustrate this by one spectacle which I saw which will put you in full possession of this point. The little city of Goldsborough, N. C., has about four thousand people. Up to a year ago that city had no school in it which was satisfactory to any portion of the white inhabitants of the city; it had a poor public colored school under the county authorities.

Six months ago a few of the enterprising citizens of that city were able to put into operation a thorough white graded school. By the aid of the Peabody fund they were able to secure an expert for a teacher, so that school took all the children in the town. Four hundred children were put into a good school-house, graded and organized; over them was put an expert teacher, and at once it was shown to everybody in that town what could be done with a good graded school. I visited that town one day, and it was like going to a town that was under the effect of a religious revival; everybody was in a state of delightful excitement; everybody was asking me to see the school; people were coming from all parts of the country to see it, and just because the agent of the Peabody fund could come in with his thousand dollars and give to that school the expert which made it what it was. The battle was won, the thing was done, everybody was satisfied, and the whole region around about was being instructed and brought up to that work.

Such schools in county towns mean good schools in the country districts. What we ask of you, gentlemen, is to give to these school authorities everywhere through the South money enough to supplement what they are now doing; so instead of an insufficient school, as they have now, they can put on the ground at once a good school, which will satisfy the people, which will confirm them in their desire to sustain education, and which will give them a fair understanding of the benefits of the institution.

Now, gentlemen, just one word more and I am done. I fully concur from my observation in all that has been said on several points. First, the South needs this money at once. It is an urgent case. Are you aware, gentlemen, that the average school life, reckoned by months, of the average boy east of the Alleghanies is four years; the average school life of the Western boy, reckoned by months, is three years; the average school life of the white and colored school boy in the South is less than two years; the average school life of the average Southern boy is not one year?

This is the turnpike gate through which these children are streaming, and while you are debating and consulting on the feasibility of different methods, generation after generation, you may say, are streaming through.

What is to be done should be done at once to meet the great demand of the present.

In the next place, money enough ought to be given to do the work at once. If the roof of your house is on fire and you are obliged to put it out by carrying water in buckets it does no sort of good to have a ladder that reaches to the second-story window. You are just as badly off as if you had no ladder. What you want is a ladder that reaches to the roof, that will take you up where the danger is. The school system of the South to-day does not reach the full magnitude of the difficulty. Give enough at once to enable the school authorities to put a good school on the ground everywhere, and the difficulty is met.

One thing more, gentlemen. I am acquainted with the State superintendent of instruction, I believe, in every Southern State. I am acquainted with the State school board, I think, of every Southern State but two or three. I have studied with great care in the records of all those offices their methods of distribution of money. I believe there is no set of men in this country who are handling a moderate amount of money with greater economy, with greater fidelity than these gentlemen. It seems to me it would be a great mistake in distributing such funds as you give to put into each of these States a dual administration. If that should be done, I believe that at once $100,000 or $200,000 of money would be thrown away, virtually, for supervision. I believe if there is any set of men in this country that can be trusted to administer a fund of $10,000,000 or $15,000,000 in thirteen or fourteen States with fidelity it is the school authorities of those States, and therefore it seems to me that this money should go directly to the children through the accustomed channels, of course being guarded by all proper safeguards in the central power.

Among the cities of the South, no city has done so much as the city of Charleston. I know all those cities. No city has done so much with so little help as the city of Charleston. We have to-day two representative men with us. We have the mayor of Charleston, who represents what has been done in that city. We have, in another citizen of Charleston, a young gentleman who is a fine representative of the kind of young school men that we must rely on to do this work through the country. If your time and patience will permit, it will give me great pleasure to introduce to you the mayor of Charleston, Mr. William A. Courtenay.

Mayor Courtenay spoke as follows:

Mr. COURTENAY. Mr. Chairman and gentlemen, having in view the great pressure upon your time, I can best show my appreciation of the honor you have done my city by limiting what I have to say to a very brief statement of facts.

I will say that about twenty-five years ago we commenced in Charleston the system of public schools which was then being spread over the country. There were in 1860, four large, substantial brick school buildings of modern construction, calculated to seat comfortably eight hundred pupils each, which in the then condition of our affairs was ample for the children that were then being educated. One of these buildings was destroyed by the fire of 1861, so that when we resumed our school work in 1865 or 1866 we had three school buildings with an average capacity of eight hundred seats, and we took the Shaw Memorial School into our public-school system, which had been erected in 1865, making the same number of school-houses and about the same number of comfortable sittings. We have made an equal division of those school-houses—two are for white children and two are for colored children—and there in the Morris street school (which is the largest colored school we have) eighteen hundred children packed into accommodations intended for eight hundred.

That is our school situation to-day. We have been for five years levying a small tax, and a new school building will be completed this year which will somewhat relieve the pressure, but we need really two or three more commodious buildings for school purposes, which we shall build in time when we can raise the money.

Now, gentlemen, in addition to the tax which is common all over the State of South Carolina, a constitutional tax of two mills, Charleston has paid during these last fifteen years an additional tax of from one to one and a half mills for the purpose of giving accommodations such as we have to give in these very crowded school-houses to a portion of the children of the city. I need not tell you that what was intended to accommodate 3,000 children will not accommodate 6,000, and that although there are over 4,000 children crowded into the schools, there are children who can not get a place inside the school-house to stand or sit, and are, therefore, not being educated. We have a very large city debt, and we have a large amount of charities to distribute every year, orphan houses and hospitals; the expenses of the city government are very nearly as much as those of the State; we have reached the limit of taxation; and we look naturally to the United States Government to come to the assistance of the city, the State, the South, and the country generally in illiteracy, and make some provision by which this great trouble can be cured.

I made a rough calculation hastily this morning without the data to make it accurate; but I assert here that the city of Charleston has paid for education over and above the State taxation since the close of the war somewhere between four and five hundred thousand dollars, and we will continue to do the best we can under any circumstances. But in view of the great burdens which are pressing upon us in many ways, because of the want of improvements in our city, and our great charities, which take from fifty to seventy thousand dollars a year—nearly 10 per cent. of the whole income—we feel that we can with some confidence come here and express our opinion in common with all other sections of the country for material and important aid.

If the gentlemen of the committee will be kind enough, I should like my friend Mr. Bryan to occupy the remainder of my time.

Mr. Bryan is a young, cultivated, and highly intellectual man, and seemed to be the embodiment of the better time which is to be. His remarks profoundly impressed the committee. He was an eloquent, vigorous young man, I suppose a truly representative man of the rising life of the Southern portion of our country. No man ever made a stronger, more vigorous, and more pathetic appeal for aid or for assistance of any description than did this young gentleman of great ability from Charleston, S. C. Any Senator who will read that and vote against this bill is less of a Senator than I think.

Mr. ORR. Mr. J. P. Kennedy Bryan is a young gentleman who has been referred to, the son of the United States district judge for South Carolina.

The CHAIRMAN. We shall be happy to hear Mr. Bryan.

Mr. BRYAN. Mr. Chairman, I would hardly deem it in this presence, with so much gathered wisdom and experience, proper for me to be heard here, were it not that the subject-matter which the committee is now considering is one that appeals and has appealed to me for years, young as I am, and one that is, I think, the first in the mind and the heart of the youth of the South. The burden of this question, the shoulders upon whom it is to fall, are those of the youth of that Southern country, who now wish to control its destinies and who now, for weal or for woe, await the decision here at this Capitol.

After what has been said by my friend Dr. Mayo, after what has been said by gentlemen from Massachusetts and from Indiana, after what has been said with regard to the State at large by my firend Colonel Thompson, I need hardly speak; and I would not speak but that I think by giving you a pictorial image of the city of Charleston in facts and figures, that concrete thing, I can show you that even municipal aid added to State aid, with all the agencies of private education, in an old community and aid coming from the city that doubles the State aid, still we stand appalled before a tide that we can not meet nor control. It is only because the city of Charleston is a representative community of the South and expresses the conditions of all those States, and in a more favorable way than the country districts, that I will give you the facts and the figures relating to that community, because those facts and figures will bring home the question in its reality and show really what is our necessity and our danger.

That city is more favored because it has in it the seeds of a cultured society; it has in it men of mighty powers from the past, and those men are there, and they think, and they feel, and they see what is upon us. It has in it not only that, but men who have a sense of duty and men who have conscientiously risen to all the burdens of this occasion.

Why, gentlemen, in 1860 the city of Charleston had an educational plan greater than any Southern city. It had a system of public schools in which there were four thousand white children, besides large private schools, which fully met all the demands of that city. To-day it has that same educational plan, and in those schools are four thousand children, two thousand white and two thousand colored. There is an equal division of the school facilities. To do that, the city of Charleston has to add to what the State revenue is for schools just as much again. It pays this year $72,000 in a city of 50,000, in which there are 23,000 whites and 27,000 colored, the colored paying 3 per cent. of the tax. After we have raised the local tax, double what the State gives, we find that we only have four thousand children in the schools; that is, we only have in schools what we had in 1860 of whites. More can not enter the schools; they are packed.

Gentlemen, the tax of a citizen of the city of Charleston to-day is 3.5 per cent. on every dollar of real and personal property. The city debt of the city of Charleston requires the levy of ten mills. Repudiation we can not go to. There is 1 per cent. levied in that city for the debt of the municipality. Then there is the State debt. With these heavy burdens, by the census and by the report of the superintendent of schools of the city of Boston, we pay on a ratio one-third more than the city of Boston pays for its whole system of education, primary and classical. We pay to-day one-third more than the city of Boston does in the face of a debt of five millions upon the city of Charleston.

Gentlemen, when his honor the mayor came to the control of that city in the same spirit of zeal and in the same interest that he overlooked all the departments, we got at the facts and the figures, and he said it is the duty of the city, simply as a representative city of the South, and on behalf of all, to reveal to the country this terrible and appalling condition to say to them, here is a national calamity; it is common in its origin to the people of this country; it is equally common in its evils and in its effects. We thought, and the city of Charleston and all the men there think to-day, that the National Government alone can help us—not to do for us, but simply help us in that which we can not do. If the tax goes above 3.5 per cent. it is a dismemberment of society. We simply ask you to hold up our hands; we simply ask you to roll back that tide. Where it will sweep we know not, and I, in all deference, do not think that all the wisdom here can tell us where it will sweep. We ask you, do not let it overwhelm us and you. We thought and were led to believe that that Government which, under the power of the Constitution, has the right to provide for the public de-

fense referring to the time of war (for surely that was in the mind of the framers of the instrument) would come to our assistance in this time of calamity.

We were led to believe that that Government which, when the crisis came from the Mississippi Valley under the most awful deluge of the last five decades, sent immediately and within a day aid to those people asking for bread. We were led to believe that that same Government, acting on the same principle, would send to a more hungry people, who, if unfed, the worse will be the disaster, that bread of national life which they ask. We were led to believe that that Government which, when pestilence struck this country, in one day raised the means and sent broadcast over the land succor where small-pox or yellow fever struck, would send some relief to a more awful pestilence that is working in the body-politic. We were led to believe that that Government which, in its beneficence, looking to the general welfare of the agricultural interests of this land, sends from this national center good seeds in order that the labor of the husbandman may prosper and that he may gather fruit and an abundant harvest—that that same Government, on that same principle of general welfare, would give us not only good seed but some good seed to plant in this waste.

Gentlemen, it is only because the city of Charleston furnishes you such an example, it is only because I think we feel it as an old community, and we know what this thing means and what is threatened all the time; it is only because it is a representative city in that regard of all our Southern communities that I have spoken.

I think, I feel, in fact I know, that it is in the mind and the heart of the assembled representatives here from this land to help. I am sure we have not come and told our simple story in vain. We look for aid, and we expect it, and we trust that from that seed of national aid shall come great and abundant harvests that will overflow here in good government, in peace and prosperity years and years to come.

Hon. B. G. Northrop, secretary of the board of education for Connecticut, so well known for his life-long and very important services in the cause of education, in placing certain valuable statements before the committee urged an immediate appropriation. I read his remarks because he is a New England man, and a representative man, as truly a representative of the opinions and feelings of educators in that portion of the country as any man can be.

Dr. DICKINSON. Mr. Chairman, I now present Hon. B. G. Northrop, secretary of the board of education of the State of Connecticut.

Mr. NORTHROP. I desire to lay on your table, Mr. Chairman and gentlemen of the committee, a paper containing extracts from the speech made at Atlanta by ex-Governor Brown on the eve of his election to the Senate, an extract from the speech of Robert C. Winthrop at the Yorktown celebration, and in full a speech of Rev. Dr. Curry, bearing all entirely on this subject. And while I am up may I say that this is not a new measure, but when friends of the measure have pressed it before members of Congress in former years the objection has been "You can not force schools on any community; schools must answer to local public sentiment, and that public sentiment does not exist." That was the former argument. Now I say in addition to the proofs presented by gentlemen from the South as to the interest, you have in that paper, I think, a most remarkable demonstration of the interest taken, by the fact that ex-Governor Brown should make such a speech on the eve of his election, and it is a more remarkable fact that on the basis of that speech advocating this measure, advocating free public schools for all classes, he should be elected to the Senate of the United States by so large a majority. It demonstrates the new era in the South. I think that if the plan of giving $15,000,000 for this object is carried out now it will be worth more than $20,000,000 will be twenty years hence. The case is urgent; the need is immediate.

* * * * * * *

I must say that this measure, I am confident, will suit the North as well as the South. I have in this paper I have handed you printed the sentiment expressed by the Connecticut State board of education most heartily, and also other expressions of Northern sentiment; and may I mention in the briefest form one other fact showing the great change that has occurred within the past year? This subject was advocated ably before our association at its meeting in New York, one year ago, by ex-Senator Patterson, now the superintendent of education in New Hampshire. He advocated then that the money should be distributed by a large number of Federal officers in all the States. That met but one dissent at that meeting a year ago; that is to say, a majority of this association seemed to favor his plan, but one objecting. At this meeting every member of the association has expressed his views in favor of the plan of distributing the money through existing local officers. We are a unit on that point.

The resolution of the Connecticut State board of education referred to is as follows:

Resolved, That in view of the necessity of education to the perpetuity of free institutions, and of the great and disproportionate burden which adequate provision for universal education would impose on some of the Southern States, this association expresses its conviction that it is the imperative duty of the National Government to extend to those States in which the burden and the danger of illiteracy are greatest such pecuniary aid as shall enable them to provide that all the children and youth within their borders shall receive at least an elementary education.

The State board of education has formally expressed "its hearty approval of the sentiments of the above resolution, and its earnest hope that the influence of Connecticut in the National Congress and elsewhere may be exerted in favor of the adoption of some equitable and efficient means for the accomplishment of the end proposed."

The following letter is in reply to one addressed to Colonel Rogers, superintendent of public schools of New Orleans, by myself, in which, mentioning the fact that Dr. Bicknell, one of the most able, active, and earnest advocates of national aid to public schools, had understood him to say that he should not know what to do with a large sum if he had it, and that it might be lost or stolen, I requested him to present his views in full for publication. I ask the Secretary to read his answer. He has given his life to this work in Louisiana.

The Secretary read as follows:

NEW ORLEANS, *March* 6, 1884.

DEAR SIR: Your favor of the 3d instant is just to hand, and I hasten to reply. My friend Colonel Bicknell has evidently mistaken my views in regard to national aid for education. Our conversation upon the subject was fragmentary and of a personal character. So far as I can recall the words used by me they had no reference to the main issue, but were incidental to a feature of the subject, designed to show the necessity for a cautious, well-regulated, systematic expenditure of a large sum of money in a large city where school attendance was voluntary, and where the object was to bring in the large class of children who are now beyond school influences. I certainly never intended to intimate, directly or indirectly, that if any part of this national aid was to be expended in Louisiana by our State and city authorities it would, by reason of such form of disbursement or indeed for any cause, "be wasted or stolen."

Officially I can only speak for New Orleans. In twenty-five years past connected with educational work in this city I can not be entirely ignorant of the condition of affairs in other parts of the State.

For several years I have had a growing conviction that if we are to give public education to all classes of our educable population we must have outside aid from some source. I believe that this is the opinion of the great majority of persons who are familiar with the situation. With those who are engaged in educational work I know of no difference of conclusion as to the necessity of aid. You are furnished with the statistics of illiteracy. It is not necessary to repeat them here. They are not mythical. Those who are engaged in the work of education know that illiteracy is a present factor, and that statistics simply reveal how much is done or not done, and how insufficient are the means at our command.

Our school population in New Orleans between 6 and 18 years of age was 61,456 by census of 1880. For the year closing December 31, 1881, the whole number of pupils enrolled in our public schools was 24,401; average daily attendance, 14,566; average roll, 17,027. Our school population has increased, while school attendance has diminished. For the current year our total enrollment will not exceed 17,000, and our average attendance will fall short of 13,000 pupils. Estimating the number of children in private and parochial schools in this city at 10,000, and the number over 12 years of age who are engaged in some industrial pursuit at 10,000—a large estimate—and there are about 36,000 children and young persons of educable years who are not in any school, of whom about 26,000 can not be accounted for as either attending school or industriously employed. We are confronted with the fact that instead of overtaking ignorance, as it exists among the young persons in our midst, we are losing ground, and that to an alarming extent, since not only do we not keep pace with the increase in our population, but our school attendance has steadily declined.

The chief cause of this decreased attendance arises from the insufficiency of our school revenue. For the proper care and instruction of an average roll of 17,000 children, including cost of supervision, instruction, buildings, supplies, &c., we need an annual expenditure of $270,000. This implies a session of nine or ten months, necessary in a city system, yearly salaries of employés, &c. Our entire revenue, from all sources, falls short of $220,000. A constant pressure of financial restriction and curtailment naturally tends to contract the usefulness of the schools. Last year, 1883, our session was reduced from ten to seven months, all teachers having been discharged from service and the schools closed during three important school months. For several years past, the teachers have not been paid for two or three months of the year, and have held our school system together by their unrequited labors during that period.

Mr. BLAIR. Mr. President, I challenge the history of the world to produce a fact more honorable to humanity than the noble self-devotion of this body of instructors of youth, or more disgraceful to a great people than the neglect of both State and nation which rendered their self-sacrifice necessary.

The Secretary read as follows:

Notwithstanding the fact that the city of New Orleans has entered upon a prosperous era, those who control its finances maintain that they are giving as much to education as can be spared from the general revenues. I do not propose to question the correctness of their statement or the wisdom of their policy. I only know that we do not get enough, and that those who make the appropriations say they can not give us more. I know also that it follows from this want of money that our schools are not doing all the work which they might otherwise do, and that more and more children are growing up in ignorance and idleness, with stronger inducements to immorality and vice.

We have between three thousand and four thousand colored children in our public schools. They share equally with the white children in the privileges of education. They are instructed by competent teachers, have good buildings, and their condition is as favorable to their progress as any other class of pupils. The city government has not been able, since the war, to increase the amount appropriated in former years to one race only, and as the colored people pay but a small part of the cost of education, it follows that the colored pupils in the schools are mainly instructed at the expense of the whites, and that the children of the whites have been put on short allowance to make provision for the other class.

I know of no feeling antagonistic to the education of the negro. On the contrary, there is a growing opinion, so far as I can judge, in favor of extending to that class of our people the fullest and fairest opportunities. The kindly spirit which characterizes the relation of the two races in this city and State extends to their respective schools. There are no contentions or animosities. Teachers of equal grade are sent sometimes to the schools for colored pupils, or, again, to the whites, and I know of no hardship to which the colored pupils are exposed, by means of insufficient funds, in which the whites do not equally share.

We certainly do need aid for public education in the city of New Orleans, and if we had the money we could make good use of it. I believe if its distribution was intrusted to our State and city authorities it would be wisely expended for the equal benefit of all classes and conditions of our school population.

The present system could be strengthened and enlarged. Additional schools could be opened in portions of the city where they are much needed. The city school board has had before it for some time past applications from remote sections of the city asking for school privileges where none exist for either white or black children. Nothing but the want of funds has prevented the board from complying with the requests. Even under our purely voluntary school attendance, I believe that several thousand pupils could be at once, within three months, added to our school attendance if means could be provided for their efficient support, and I think it would follow therefrom that the usefulness and influence of the schools would steadily increase, so that we would be able to reduce the bulk of illiteracy by permanent progress in the intelligence and virtue of all classes of society.

So far as the condition of public education in Louisiana, outside of New Orleans, is concerned, it seems to me of even greater importance that we should have outside assistance if we propose to make any advance in overtaking illiteracy. The total school population of the State is 273,845. From the last published report of State Superintendent E. H. Fay, the attendance in all the public schools of the State, including the parish and city of Orleans, in 1880, was: Whites, 31,642; colored, 22,670; total, 54,312, or less than 20 per cent. of the school population. Outside of New Orleans, in 57 parishes, there were 819 schools with 16,326 white children and 17,075 colored children. The average salary of teachers was $25.62 per month. Six parishes reported, "No schools for want of funds." Nineteen parish boards report a session of 3 months or less. The aggregate of all months reported from all the parishes was 144.

For 1881 there was an increase in the whites and a decrease in the number of colored pupils. The last Legislature, 1882 (we have biennial sessions), appropriated one mill on the dollar for public education. Upon an assessed valuation of the property of the State of $200,000,000, this would give, if all collected, $200,000. Under the State constitution and legislative enactments this school fund is charged with certain specific appropriations aggregating about $90,000, all of which must be paid before any sum can be given to free public schools. After these deductions and allowing for the non-collection of taxes, we estimate the amount allowed for free public education at about 31 cents per

capita on school population. The amount is too small, and we are looking to the next session of the Legislature, May next, for a more liberal policy.

Nevertheless, we are not confident of any very great increase in our school appropriations. A constitutional amendment, to be voted by the people, may be necessary before there can be an efficient school system for the State. The power to impose a local tax for education must be conferred upon parish authorities. At best the relief must be partial. The relations of the capital and population of the two races are such that a system of public instruction which is intended to meet the wants of the entire educable population, and which shall be sustained by a revenue derived from the property of the State, is beyond all present possibilities. Such a tax could never be imposed with the consent of the people. It could not be collected, if authorized, without breaking down every industry, and virtually confiscating the property of every planter and merchant in the State. To give six months' instruction to 200,000 young persons in the primary branches of a common-school education would require 5,000 teachers and an expenditure of a million dollars.

The friends of education do not contemplate a scheme so impracticable. We know that time and patient effort are needed to build up any great enterprise. We think that it is possible to strengthen and enlarge our present system of public instruction, so that it may be put in the way of ultimately accomplishing the great objects which it contemplates.

What would national aid do for Louisiana?

It would enable parish school boards to open schools where there are none now for want of funds. It would prolong the session of schools which are now kept open for one, two, or three months only. It would draw large numbers of children from idleness and ignorance to the school buildings, and it would enable school boards and other authorities to employ trained, competent teachers, who should be paid reasonable salaries with a regularity and promptness which secures cheerful and skillful service.

In rural parishes the services of young persons over 12 years of age are useful to the planter during several months of the year. From four to six months may be devoted to systematic school work, and if this should be continued only four or five years the seeds of a better life would be planted, and important results would follow to the individual, to society, and to the country. In a well-conducted school there may be acquired, by the average child, white or colored, during the period named, ability to read and write; to understand and perform the ordinary examples of arithmetic as needed in common business transactions; to know something of the geography and history of the country; to acquire habits of order and industry; to distinguish between right and wrong in the duties of life, with such moral lessons as grow out of every well-regulated schoolroom.

When opportunities for securing these results are within the reach of all classes—the poorest and lowest, as well as of the children of the more favored classes—we may reasonably expect a useful, honorable, and an intelligent citizenship.

Without education, we have unskilled labor, a discontented class of society, thriftless, heedless, with brutal passions and degrading vices, ready, when roused by fanaticism or demagogism, to hurl against the peace of society or the best institutions of the country a compact and powerful voting minority which already holds the balance of power between the two great political parties of the country.

At no period in the history of Louisiana has there been manifested a greater interest in the subject of education than at the present time. This, I believe, is generally conceded by the legal public men of the State. The subject enters largely into the present political canvass. An educational society has been formed in New Orleans, which already has a large membership of leading merchants and representatives of all trades and professions. Branch organizations have been established throughout the State. The fundamental principle of the society is free public education to all classes of children without distinction of race. We hope, by means of aroused public sentiment, to secure for public schools their full share of the resources of the State, but I imagine that the most sanguine friend of public education can not hope to materially change the figures of illiteracy, now resting upon the good name and well-being of the State, without the use of more abundant means than can be now drawn from the government or the people of Louisiana in the present condition of public and private affairs.

Asking to be excused for the length of this communication, I remain, dear sir,

Yours, respectfully,

WILLIAM O. ROGERS,
Superintendent Public Schools New Orleans.

Hon. H. W. BLAIR,
United States Senate.

Mr. BLAIR. On Saturday, February 16, 1884, a joint session of the Senate and House committees having in charge the subject of national aid to schools was held in the room of the Senate Committee on Education and Labor.

Dr. Orr and a committee of the superintendents of public instruction of the States, Dr. Thomas W. Bicknell, president of the National Educational Association; Professor Painter, and others, composing a committee of the department of superintendence of the National Educational Association, were present, and addressed the committee for four hours.

The proceedings are published in Senate Miscellaneous Document No. 55, Forty-eighth Congress.

I respectfully refer the Senate to these addresses voicing the universal sentiment of all parts of the country, and coming from some of our ablest, best-informed, unselfish, and patriotic men, whose express business it is to know whereof they speak, deploring this all-pervading national evil of popular ignorance, demonstrating the necessity of national aid, and beseeching, not to say demanding, as our first-duty, its bestowal as the only adequate source of relief. It is impossible to attempt even a synopsis here of what they said.

Permit me here to add the memorial of the American Social Science Association, than which the opinion of no body of men whatever is more entitled to respect by the American Congress or the American people.

AMERICAN SOCIAL SCIENCE ASSOCIATION,
Boston, December 28, 1883.

To the Senate and House of Representatives in Congress assembled:

The American Social Science Association, impressed with the danger involved in the existence of a large number of illiterate voters in the population of this country, as revealed in the last census, for the proper enlightenment of which class of voters many of the States are unable to make adequate provision, and believing that a Government resting on the suffrage of the majority of the people can not preserve itself from corrupt influence nor secure a high decree of civil freedom unless education is generally diffused among all classes of voters; and further believing it to be within the constitutional power of Congress to provide in this manner for the safety of the Republic, and that the enfranchisement of the freedmen imposes an especial obligation upon the Government to qualify them for a safe discharge of the new duties devolved upon them, would earnestly pray that your honorable body will take prompt and efficient measures to avert these dangers; that money raised from such sources as your honorable body may in its wisdom deem best shall be distributed, for a limited period, to the common schools of the States and Territories, on the basis of illiteracy, and in such manner as shall not supersede nor interfere with local efforts, but rather stimulate the same and render them more efficient; said moneys to be distributed under such guarantees as shall secure their application to the object herein named, with equal justice to all classes of citizens.

Prepared by order of the American Social Science Association by the council of the Association.

FRANCIS WAYLAND, *President.*

Attest:

F. B. SANBORN, *Secretary.*

These petitions are not gotten up in the way that petitions are gotten up for a new highway. They are signed by men whose signatures are meant to indicate responsibility.

Rev. Dr. Curry, the general agent of the trustees of the Peabody fund, whose services to the country in the discharge of a great trust have already fixed his rank high among its benefactors, has addressed a memorial to the Congress, which I take this means of placing more conspicuously before the Senate and the public. I am at a loss to comprehend the motives which can refuse the necessary assistance to educate the classes for whom Dr. Curry, in his representative and personal capacity, makes this argument and appeal. I ask the Secretary to read it.

The Secretary read as follows:

To the honorable the Senate and House of Representatives of the United States in Congress assembled:

Your petitioner, the general agent of the Peabody education fund, would respectfully represent:

That in March, 1880, the trustees of the Peabody education fund submitted a memorial to Congress on "the vital necessity of national aid for the education of the colored population of the Southern States, and especially of the great masses of colored children, who are growing up to be voters under the Constitution of the United States." They accompanied their memorial by a report which had been prepared by a committee of their body, consisting of Hon. Alexander H. H. Stuart, of Virginia, Chief-Justice Morrison R. Waite, of Ohio, and Hon. William M. Evarts, of New York. The attention of Congress is invited anew to that very able and conclusive paper. Since the presentation of that memorial the subject of national aid has assumed larger proportions in the public mind and in the public conscience.

The census of 1880 exposes a fearful amount of illiteracy in the United States. As might have been expected, for an obvious reason, that illiteracy exists largely, disproportionately, in the lately slaveholding States. In *ante bellum* days the negroes were not educated. Since the abolition of slavery—a fact which no sane man would undo—the South, although making patriotic and self-sacrificing efforts in that direction, has failed, as all familiar with her pecuniary condition could have foreseen, to provide universal education for her people. The history of our country, prolific in instances of exalted patriotism and ready adaptation to local and national exigencies, furnishes no exhibition of these virtues superior to the attempt of the Southern States to meet the unfamiliar and difficult, but cheerfully assumed, obligation of giving rudimentary instruction to all classes, irrespective "of race, color, or previous condition of servitude." The history of public schools in those States is a chapter of peculiar interest in the general history of our institutions and civilization. The credit due to an impoverished people, bravely struggling to do their part in the new and strange environments, is shared by religious bodies and individual citizens of the North, who, comprehending the needs of the young, have generously and munificently contributed money to supply them with the means of education. Hard experience has demonstrated the inability of the Southern States, unaided, to sustain the heavy burden of universal education. If illiteracy is to be removed, or prevented in the future, the States must receive liberal and prompt aid from the General Government.

This aid should be rendered in co-operation with the school systems of the States. Those systems, varying in details, but generally copied from the systems which exist in the Northern States, are the outgrowth of the convictions of the people. Year by year they are being adapted to the wants and peculiarities of communities and States. Constitutions command free schools; statutes establish and provide for them; State and local officers administer; State revenues are increasingly supplemented by local taxation. No organized opposition to public schools can be found; political parties are zealous to declare their purpose to sustain and perfect; press associations approve and newspapers give their valuable support; Legislatures invite educators and advocates of free schools to address them; the people are willing and eager to be informed and to adopt improved methods of instruction and school management. With probably the most extensive acquaintance with school officers in the South possessed by any man in the Union, acquired by personal intercourse with them, I make bold to affirm that no departments of government have better qualified, more patriotic, more trustworthy, more enlightened administrators. What is needed for success in making education universal is not severe Federal supervision, subordination of State schools to central authority, but a well-guarded and adequate appropriation of public money.

Of the extent of the illiteracy your honorable bodies, having ready access to the latest census returns and to careful compilations of school statistics, need not to be informed. On the dangers of this illiteracy it would be superfluous to enlarge. The basis of our free governments is intelligence and integrity. Free government presupposes intelligent self-government. The mere possession of power by the people is no assurance or guarantee of good government. Civil government can dispense with arbitrary restraints and with physical power; can allow the possession and enjoyment of personal liberty just in so far as the citizens impose, voluntarily and intelligently, restraints upon themselves. Free governments, governments of the people and by the people, allowing and securing the largest measure of individual freedom, are compatible only with popular education. It is idle to hope for free government or republican institutions apart from free schools.

From the act of the Continental Congress on the 20th of May, 1785, for the disposition of the lands ceded by Virginia and the other States, to the present time the United States is committed to the principle that "popular education is the only safe and stable basis for popular liberty" and to the policy of using Government property in aid of public schools. What was a privilege and duty in the past has now become an imperative obligation. The general argument for Congressional intervention to remove or prevent illiteracy becomes stronger when applied to the negroes. As is stated in the report to which attention has been called, the production of the pen of an honored and venerable statesman of Vir-

ginia, they are an "exceptional class of our population," and as such have peculiar claims on the justice and bounty of the Federal Government.

Their ancestors did not come voluntarily to this country seeking to better their condition, as come the immigrants who by thousands are now flocking to our shores. They were brought forcibly as slaves and were held as such prior to the Revolution by the connivance and direct action of the mother country and under the authority of the laws of all the States. When the war for Independence closed slavery existed in all the Colonies. The Federal Constitution sanctioned the institution. In the exercise of its discretion the Federal Government emancipated the slaves, elevated them to the dignity of American citizens, and invested them with the right of suffrage. "Slavery is but half abolished, emancipation is but half completed, while millions of freemen with votes in their hands are left without education." The new citizens need to be made to comprehend the duties of citizenship, to be taught the nature and benefits of the political rights they enjoy. From manumission and enfranchisement there is on the part of the Government a resulting obligation to secure to those suddenly exalted to citizenship and suffrage that amount of education which is necessary to enable them to discharge intelligently the new duties devolved.

Inter arma leges silent is recognized in times of extreme peril as a legal maxim. When the national life is endangered the Constitution yields to a liberal interpretation. The latitude is not because of war, but because of the crisis which war sometimes creates. If the necessity be as great, the peril as imminent in time of peace as in time of war, then with equal reason may be invoked the principle, *salus reipublicæ est suprema lex*. That masses of ignornnt voters constitute a national peril, justifying a resort to the "extreme medicine of the Constitution," it would be an insult to your honorable bodies to argue.

The evils of ignorant voting can not be exaggerated. Four Presidents in succession, with increasing emphasis, have invited the attention of Congress to legislation on the subject. State Legislatures, educational conventions, religious assemblages, public press, and private citizens swell the demand for immediate and effective measures of relief.

It seems that each generation must pass through its own trials, as each person must be disciplined for his own improvement and growth. We reap the fruits of the sacrifices and achievements of our ancestors, but for ourselves we must endure trials and meet responsibilities. Our Republic is a holy trust. Much as our fathers did, none the less are we required to do. Free institutions are still an experiment. They are on trial before the world. No peril is greater, more insidious, more pervasive, arouses more the apprehension of the patriot, than the illiteracy of citizens. Fortunately the evil is remediable, and the remedy is in your hands.

Your petitioner earnestly invokes your intelligent and continuous attention to the dangers which come from so much illiteracy, and trusts that action, prompt and adequate to meet the emergency, will be had before your adjournment.

J. L. M. CURRY.

RICHMOND, VA., *May* 17, 1882.

Mr. BLAIR. I may add as a recent expression from Dr. Curry, the agent of the Peabody fund, what he says in a letter:

A letter before me from one of the best scholars and most active school men in the South says: "The argument is unanswerable. Here we stand face to face with the necessity. All over this State the taxes of the white people can not be made to suffice for the education of both white and colored; with the utmost good-will, the resources are deficient. Nothing but national aid can solve the problem, and without it there is great danger that the effort may be abandoned in despair."

That last sentence is unspeakably important. If this Congress adjourns without the aid, I shall almost surrender hope in reference to the future of our country. May God save our land.

The Union League Club of New York city comprises over sixteen hundred of the leading citizens of the United States, residing in all parts of the country. Probably no body of men, unless it were the several loyal sovereign States, did so much as the Union League Club of New York to preserve the Union in time of war, or since the war has done so much to make it worth again preserving by their wise and patriotic endeavors to reconstruct the Government upon principles which are indispensable to its prosperity. I therefore introduce the following from their memorial to Congress, presented to us by Senator MILLER:

THE UNION LEAGUE CLUB, NEW YORK, *February* 10, 1882.

DEAR SIR: The following report was accepted and the appended resolution unanimously adopted at a regular meeting of the Union League Club, held on the 9th of February, 1882.

We request you to present them to Congress, as being the respectful petition of this club.

Very few subjects equal in importance that of elevating the illiterate voters in the United States to the condition required for the proper enjoyment and protection of universal suffrage.

It appears from the census of 1880 that of the total colored population over 47 per cent. are unable to write. Of the total white population nearly 7 per cent. are unable to write. These percentages are much higher in the South. Those unable to write in Alabama are, whites, nearly 17 per cent.; colored, over 53. In Georgia, whites, nearly 16 per cent.; colored, over 54. In North Carolina, whites, over 22 per cent.; colored, over 51. In New Mexico, whites, 49.5 per cent.; colored, 90.5. In many of the States the means for instruction are confessedly insufficient to cope with this great evil.

The want of education and of consequent ability to use the suffrage so as to protect the voter from fraud, violence, and misdirection, and our free institutions from peril, have caused the introduction into the Senate of the United States of a bill entitled "A bill to aid in the establishment and temporary support of common schools."

The Secretary of the Interior, through the Bureau of Education, is charged with the administration of the act, aided by a commissioner in each State, to be appointed by the President by and with the advice and consent of the Senate. The commissioner thus appointed is to act in co-operation with the State authorities in which he is located. In Territories this commissioner is charged with the general supervision and control of public education.

All payments under the act are to be made by Treasury warrants directly to the person in each State or Territory who renders service, on vouchers to be approved by the local authorities, the commissioner, and the Secretary of the Interior.

It will be seen, therefore, that the amount payable in any State or Territory can neither be diverted nor squandered, but that careful provision is made for the application of it directly to the purposes of education. The bill is comprehensive as well as guarded, and is to continue only for the length of time supposed to be required for stimulating the most sluggish of the States into the requisite activity.

The condition of the Treasury, with a large annual surplus, tempting to useless schemes of extravagance, would seem to be a favorable time for the adoption of a measure to secure the enlightenment of the uneducated and the safety of our republican form of government.

The Constitution, in express terms, provides, section 4, article 4, that "The United States shall guarantee to each State in this Union a republican form of government." The powers necessary to carry out this guarantee are implied and are therefore complete. By the act of the National Government a large body of illiterate men have been suddenly raised from the condition of chattels into that of freemen and voters, without any preparation for the high duty which admission to the suffrage involves. The extraordinary measures resorted to in States where the danger from this source is most conspicuous, often leading to bloodshed and anarchy, would seem to impose on the General Government the immediate duty of seeing that the republican form thus threatened by the two evils of illiteracy and violence *shall be preserved*. The necessary and proper means for this consists in such a wide diffusion of the benefits and blessings of education as will secure the requisite intelligence and patriotism.

The committee of political reform recommend the adoption of the following resolution.

GEO. B. BUTLER, *Chairman*.
S. M. BLATCHFORD, *Secretary*.

Resolved, That the Union League Club heartily approves of the scope and object of the bill introduced into the Senate of the United States by the Hon. HENRY W. BLAIR, of the State of New Hampshire, entitled "A bill to aid in the establishment and temporary support of common schools," and that the president and secretary of the club be directed to affix their names to this report and resolution as being the respectful petition of the club to the Congress of the United States in favor of the passage of the bill.

We have the honor to be, very respectfully,

WM. M. EVARTS, *President*.
DAVID MILLIKEN, JR., *Secretary*.

To the Hon. WARNER MILLER.

I wish to say, as bearing upon the expression of popular feeling and opinion on this subject, that I have here a large number of data of memorials which themselves are so large that, if all printed, I suppose the world would not contain the books they would make, as was said on another occasion. It seems almost trifling with the time of the Senate to accumulate this mass of evidence of popular feeling to be inserted in the RECORD. It is here, and it is ready to be produced if anybody should ever conceive the thought that there is no expression of the general popular, and that the best popular, sentiment on this subject.

The following is an imperfect list of the petitions and memorials praying for aid for the common schools on the basis of illiteracy:

Citizens of Romney, W. Va.
One hundred citizens of Circleville, W. Va.
Citizens of Jackson County, West Virginia.
Citizens of Nicholas County, West Virginia.
Citizens of Webster County, West Virginia.
Resolutions of the Legislature of Rhode Island.
Citizens of Ottawa, Kans.
Citizens of Spring Hill, Kans.
Citizens of Mound Valley, Kans.
Citizens of Jefferson County, West Virginia.
Citizens of Lewis County, West Virginia.
Citizens of Wayne County, West Virginia.
Citizens of Monongalia County, West Virginia.
Citizens of Jackson County, West Virginia.
Citizens of Upshur County, West Virginia.
Citizens of Mason County, West Virginia.
Citizens of Morgan County, West Virginia.
Telegram from the Saratoga educational convention.
Citizens of Blount County, Alabama.
Citizens of Tuscaloosa County, Alabama.
Citizens of Baldwin County, Alabama.
Citizens of Colbert County, Alabama.
Citizens of Fayette County, Alabama.
Citizens of Fayette County, Alabama.
Citizens of Fayette County, Alabama.
Citizens of Fayette County, Alabama.
Citizens of Fayette County, Alabama.
President of the board of education and many prominent citizens of Nashua, N. H.
Memorial of the National Educational Association.
Memorial of the State officers and nearly every prominent citizen in the State of South Carolina.
Petitions of citizens of Louisiana.
Petition of citizens of Wilkinson County, Mississippi.
State board of visitors of the State Agricultural College, New Jersey.
State board of visitors of Rutgers College, New Jersey.
Citizens of Edgecombe County, North Carolina.
Citizens of Drew County, Arkansas.
Citizens of Wythe County, Virginia.
Citizens of Gilmer County, Georgia.
Citizens of Franklin County, Ohio.
Citizens of Keyser, W. Va.
Faculty of Hiram College, Ohio.
Citizens of Medina County, Ohio.
Governor and all the State officials of Ohio.
Mayor and city officials of Portsmouth, N. H.
Citizens of Grafton County, New Hampshire.
Citizens of New London, N. H.
Prominent citizens of Rockingham County, New Hampshire, three petitions.
Petition of President of Johns Hopkins University *et al.*
Memorial of the American Social Science Association.
Citizens of Merrimack County, New Hampshire.
Petition of the faculty of Straight University, of Louisiana.
Petition of the citizens of Iowa.
Resolutions of the Louisiana Legislature.
Memorial of the Union League Club, New York.
Petition of citizens of Susquehanna County, Pennsylvania.
Petition of citizens of Saint Louis, Mo.
Petition of citizens of Monroe City, Ill.
Resolutions of Teachers' Institute of South Carolina.

I have collected citations from high authorities, and historical illustrations, bearing upon the necessity of education, especially in a republic. They are from authors of other nations as well as our own. Many of them are of high literary merit. They are good reading. I will read a few of them. Before proceeding to do so, I wish to make one statement as bearing on the interests of education in our Southern States by reason of the liberation of the colored people. The historical example nearest our shores, that of the liberation of the blacks in

the British West India colonies, might well be adduced, and should be instructive to us. There the British Government, more considerate, perhaps, than our own, gave pecuniary compensation to the extent of about $100,000,000, if I remember correctly, to the owners of the emancipated slaves. No provision, however, was made for the education and the elevation of the colored people. They have had freedom so far as it could exist under the British constitution, and they have had degeneracy and demoralization accompanying it. Without wasting time to depict the causes of the social condition and industrial condition of those people, I will state one fact which is significant of almost everything else that could be said, that such is the social degradation of that people that most social ties are disregarded, poverty is universal, and over 60 per cent. of the annual increase of the population is illegitimate. Let me quote from the American Cyclopædia, volume 15, page 17:

The government measure was brought forward April 23, 1833. It proposed an apprenticeship of twelve years for the slaves, and to pay out of their earnings to the masters the sum of £15,000,000. The friends of emancipation remonstrated against these features of the plan, and it was finally modified by a reduction of the term of apprenticeship to six years, and a provision to pay the masters £20,000,000 out of the national treasury. The bill passed the house of commons August 7, the house of lords August 20, and received the royal assent August 28, 1833. The day fixed for emancipation was August 1, 1834, and it was left optional with the local legislatures respectively to adopt or reject the system of apprenticeship. Antigua and Bermuda rejected, while the other islands adopted, the system. The apprenticeship system did not work well.

It ought to be known and is known that like causes produce like effects. It is well known to those who have taken pains to be informed by evidence coming to them, though they may never have been in the Southern States themselves, and I have some personal observation that has instructed me, so that I am convinced of the fact, that the general condition of the colored population in very much the larger geographic proportion of the South is growing worse rather than better. The colored population when disciplined by their former legal status were much more industriously inclined than the youthful colored population that is now growing up. The colored youths now are not so quiet and good-natured and easily managed and tractable a race of men as the Northern people are inclined to think. I believe that they are rapidly becoming demoralized, an idle, thriftless population, with a tendency to violence, and likely to become a source of as much danger to the United States as a population like this described in Jamaica can be. They increase much more rapidly from natural causes than does the white population.

By the last census it is shown that they increase 7 per cent. more rapidly than does the white population of the whole country from immigration and births combined. While increasing in numbers, in my belief they are not improving in condition. In twenty-five years from now this Southern colored population, unless something is done to restrain, improve, and elevate them, are quite likely to be a source of violence and of turmoil in this country. Those who think otherwise, I imagine, will find themselves profoundly mistaken, and it is well enough to be instructed by historical examples when they exist.

I can not take the time of the Senate a great length in reading the citations from eminent men which I have made; but I will read a few in regard to national education. Macaulay in his speech on education uses this language:

NATIONAL EDUCATION.

This, then, is my argument. It is the duty of government to protect our persons and property from danger. The gross ignorance of the common people is a principal cause of danger to our persons and property. Therefore it is the duty of the government to take care that the common people shall not be grossly ignorant.—*Macaulay's Speech on Education.*

The education of the people is not only a means, but the best means, of obtaining that which all allow to be a chief end of government.—*Ibid.*

Another great authority says:

When we see government measures, which are excellent in themselves, fall from the opposition of an ignorant people, we at first feel irritated against the senseless multitude; but when we come to reflect, when we observe that this opposition might have been easily foreseen, and that the government, in proud exercise of authority, has taken no steps to prepare the minds of the people, to dissipate their prejudices, to conciliate their confidence—our indignation is transferred from the ignorant and deceived people to its disdainful leaders.—*Jeremy Bentham's Works*, volume 1, page 568.

Let me give further citations:

Ignorance causes poverty.

By diminishing productive capacity, and therefore wealth.

Intelligence is a most powerful factor in industrial efficiency. The intelligent is more useful than the unintelligent laborer: (*a*) Because he requires a far shorter apprenticeship * * *. (*b*) Because he can do his work with little or no superintendence * * *. (*c*) Because he is less wasteful of materials * * *. (*d*) Because he readily learns to use machinery, however delicate or intricate.—*Walker's Political Economy*, pages 52, 53.

By hindering improvement.

In some parts of the country the ignorance of the people of almost everything beyond their huts and potatoes and pigs, their entire lack of practial sense and judgment, and of that energetic and progressive spirit which advancement in education is apt to bring, has hitherto been one of the greatest hindrances to the progress of the country. With this ignorance there has often been coupled superstition, and a tendency to indolence, increasing poverty, distress, and discontent.—*The Irish Question, by King*, pages 283, 284.

II. Ignorance causes poverty.

Illustration from Scotland and Ireland in 1800–'10:

I am persuaded that the extreme profligacy, improvidence, and misery which are so prevalent among the laboring classes in many countries are chiefly to be ascribed to the want of education. In proof of this we need only cast our eyes on the condition of the Irish, compared with that of the peasantry in Scotland. Among the former you behold nothing but beggary, wretchedness, and sloth; in Scotland, on the contrary, under the disadvantages of a worse climate and more unproductive soil, a degree of decency and comfort, the fruit of sobriety and industry, are conspicuous among the lower classes. And to what is this disparity in their situation to be ascribed, except to the influence of education? In Ireland the education of the poor is miserably neglected; very few of them can read, and they grow up in a total ignorance of what it most befits a rational creature to understand; while in Scotland the establishment of free schools in every parish, an essential branch of the ecclesiastical constitution of the country, brings the means of instruction within the reach of the poorest, who are there inured to decency, industry, and order.—*Robert Hall's Works*, I, 201, 202. (1810.)

II. Ignorance causes demoralization,

Illustration from Rome:

But we must look beyond the political institutions of Rome, and seek in her social condition the primary causes of the fall of the republic. * * * There was no union of the different classes of society in common interests and sympathies, nor any adequate gradation of classes to balance their relative forces. Without a middle class, industrious, orderly, progressive, and contented, society was broadly into the rich and the poor. And in the later days of the republic both were corrupted. The rich became more covetous and grasping. * * *

The poorer classes were no less demoralized as citizens and depositaries of political power. Pauperized by bounties of grain; corrupted by bribery; debased by barbarous and brutal entertainments; tainted with the vices of slavery; without regulated industry; disunited by the confusion of many nationalities; and unsettled by incessant wars and revolutions, they were wanting in all the elements of a sound democracy.—*May's Democracy in Europe*, I, pages 225, 226, 227.

Illustration from France:

The peasants, suffering from want and resenting the oppression of the feudal lords, rose in great numbers in different parts of France (in 1353); they burned many castles, murdered the owners, and committed the most frightful outrages upon women and children, * * * and in later times the like passions were to be revealed in excess no less monstrous and unnatural.—*May's Democracy in Europe*, II, pages 91, 92. See also, *Taine's Ancient Régime*, pages 374–380.

II. 4. Poverty causes demoralization.

Illustration from Rome.

The mind itself can scarcely comprehend the wide range of the mischief—how constant poverty and insult long endured, as the natural portion of a degraded caste, bear with them to the sufferers something yet worse than pain, whether of the body or the feelings; how they dull the understanding and poison the morals; how ignorance and ill-treatment combined are the parents of universal suspicion; how from oppression is produced habitual cowardice, breaking out when occasion offers into merciless cruelty; how slaves become naturally liars; how they, whose condition denies them all noble enjoyments, and to whom looking forward is only despair, plunge themselves, with a brute's recklessness, into the lowest sensual pleasures; how the domestic circle itself, the last sanctuary of human virtue, becomes at length corrupted, and in the place of natural affection and parental care, there is to be seen only selfishness and unkindness, and no other anxiety on the part of parents for their children than that they may, by fraud or by violence, prey in their turn upon that society which they have found their bitterest enemy. Evils like these long working in the heart of a nation render their own cure impossible; a revolution may execute judgment on one generation, and that perhaps the very one which was beginning to see and to repent of its inherited sins; but it can not restore life to the morally dead; and its ill success, as if in this line of evils no curse should be wanting, is pleaded by other oppressors as a defense of their own iniquity and a reason for perpetuating it forever.—*Arnold's Rome*, volume II, page 19.

Illustration from the No-Popery Riots of 1780:

I do not know that I could find in all history a stronger proof [than the No-Popery Riots of 1780] of the proposition that the ignorance of the common people makes the property, the limbs, the lives of all classes insecure. Without the shadow of a grievance, at the summons of a madman, a hundred thousand people rise in insurrection. During a whole week there is anarchy in the greatest and wealthiest of European cities, &c.

The cause was the ignorance of a population which had been suffered, in the neighborhood of palaces, theatres, temples, to grow up as rude and stupid as any tribe of tattooed cannibals in New Zealand—I might say as any drove of beasts in Smithfield market.—*Macaulay's Speech on Education.*

II c. A discouraged person is useless and may become desperate.

His industrial power is small.

A fifth reason for the higher efficiency of the laborers of one class or nation than of another is found in greater cheerfulness and hopefulness, growing out of higher self-respect and social ambition and a more direct and certain interest in the product of industry.—*Walker's Political Economy*, page 54.

Fear is far less potent than hope in evoking the energies of mind or body, while efforts made under the influence of the former passion are far more exhausting than those made under the influence of the latter.—*Ibid.*

Discouragement may result in desperation [French revolution].

The feeling of hatred [in the French peasant at the time of the revolution, 1791] was become too strong to be appeased, because here too it was mixed with intense suspicion, the result inevitably of suffering and ignorance, and nothing but the overthrow of those against whom it was directed could have satisfied it.—*Arnold's Lectures on Modern History*, page 390.

III. Ignorance causes immorality.

Because its opposite, knowledge, elevates.

But to return to the moral good which results from the acquisition of knowledge; it is chiefly this, that by multiplying the mental resources it has a tendency to exalt the character, and in some measure to correct and subdue the taste for gross sensuality.—*Hall's Works*, I, 200.

Results of ignorance.

Where education has been entirely neglected, or improperly managed, we see the worst passions ruling with uncontrolled and incessant sway. Good sense degenerates into craft, and anger rankles into malignity. Restraint, which is thought most salutary, comes too late, and the most judicious admonitions are urged in vain.—*Dr. S. Parr.*

III. Ignorance causes immorality.

Ignorance vs. Education in Switzerland.

Neither in Switzerland nor in other countries do we find ignorance and poverty united with high moral qualities. In some of the cantons, however, where education is diffused, and industry and commerce have become sources of wealth, the people are contented and happy.—*Dean's History of Civilization*, VI, 108, 109.

Injuries from ignorance.

The laboring class, for instance, will have no mobility [if uneducated], will be in the power of the employer, will have no hope of bettering its condition of life by change of place, will be given to low pleasures. Crime and ignorance go together, and the prospect for the children of such a class is dark indeed. For the industry, morals, loyalty, and quiet of this class, for the safety of all classes some kind of education is necessary.—*Woolsey's Political Science*, I, page 227.

III. 2. Immorality causes degeneration. National degeneration comes from loss of character.

But this political ruin [of the Roman Empire] was an effect of a moral ruin, not a first cause; and a nation that has lost its character must decay politically until some new condition of the world quickens it again into life.—*Woolsey's Political Science*, II, page 601.

Fruits of long-continued moral advance.

There are certain moral fruits so conspicuous in the history of civilization that no pessimist can dispute them. That the long, slow movements in society which have been tending with steady purpose and sure result to establish order and the reign of equal laws; to extinguish slavery; to break oppression of every form; to mitigate the barbarities of war, and to put restraints upon it; to diminish human suffering; to help the unfortunate, and to lift the debased; to cultivate the cosmopolitan sentiment and the spirit of co-operation among men—that the movements which bear this ripening fruitage are moral movements, it is impossible to deny.—*J. N. Larned in Popular Science Monthly*, XI, 549.

IV. Ignorance causes error in judgment and conduct.

By opening the people to evil influences.

Nothing in reality renders legitimate governments so insecure as extreme ignorance in the people. It is this which yields them an easy prey to seduction, makes them the victims of prejudices and false alarms, and so ferocious withal that their interference in a time of public commotion is more to be dreaded than the eruption of a volcano.—*Robert Hall's Works*, volume I, page 203.

By deceiving him as to his interest in his neighbor.

The less instructed a man is the more he is led to separate his interests from those of his fellows. The more enlightened he is the more distinctly will he perceive the union of his personal with the general interest.—*Jeremy Bentham's Works of*, volume I, page 537.

ILLUSTRATIONS OF BENEFITS FROM EDUCATION.

Athenian intelligence.

Mitford was right enough when he assumed that an English county meeting reached the very height of political ignorance, only he should not have thence leaped to a similar conclusion as to the assembled people of Athens. * * * We suspect that the average Athenian citizen was, in political intelligence, above the average English member of Parliament. It was this concentration of all power in an aggregate of which every citizen formed a port which is the distinguishing characteristic of true Greek democracy.—*Freeman's Athenian Democracy*, pages 146, 147.

The education of a lower class in Turkey.

In the vigorous age of the Ottoman Government the Turks were themselves excluded from all civil and military honors, and a servile class, an artificial people, was raised by the discipline of education to obey, to conquer, and to command—*Gibbon's Rome*, chapter LXV.

Scotland *vs.* Ireland.

We have two nations closely connected, inhabiting the same island, sprung from the same blood, speaking the same language, governed by the same sovereign and the same legislature, holding essentially the same religious faith, having the same allies and the same enemies. Of these two nations one was, a hundred and fifty years ago, as respects opulence and civilization, in the highest rank among European communities; the other in the lowest rank. The opulent and highly civilized nation leaves the education of the people to free competition. In the poor and half barbarous nation the education of the people is undertaken by the State. The result is that the first are last and the last first. The common people of Scotland—it is in vain to disguise the truth—have passed the common people of England. Free competition, tried with every advantage, has produced effects of which, as the Congregational Union tells us, we ought to be ashamed, and which must lower us in the opinion of every intelligent foreigner. State education, tried under every disadvantage, has produced an improvement to which it would be difficult to find a parallel in any age or country.—*Macaulay's Speech on Education.*

WASHINGTON'S VIEWS.

Some views of education entertained by Washington are indicated by provisions inserted in his last will; *e. g.*, he provided that the slaves who had not attained their majority at the time when they were to receive their freedom in accordance with his direction should be taught to read and write and be brought up to some useful occupation. He bequeathed $4,000 for the education of orphans and the children of the poor in the academy at Alexandria. He gave property for the endowment of a university which should draw to it the youth of all sections, thus preventing their being sent abroad to their injury, and reconciling local prejudices and antagonisms through friendly associations.

What I have read from Robert Hall was written at the beginning of the present century in reference to a status then existing in Ireland; but it is proper to say that of late years the educational privileges of Ireland have been very greatly improved, as in fact they have been in every European country, until to-day the truth is that many of them are passing our own country in the vigilance and intensity of the effort which they are making to educate their own people. Indeed, there is great danger that they will pass us, and pass us before a great while, in the matter of industrial skill, because of the greater attention they are giving to the matter, perhaps growing out of the fact that they have recently discovered the great need of the education which they want, and are making correspondingly vigorous efforts to overcome the prevailing ignorance. They also find that American production paying higher wages is nevertheless competing with them in their own markets, and likely to do so more extensively hereafter in all the markets of the world, and unless their people become educated they will soon be without employment or that form of employment giving productions for exportation to the other and increasing markets of the world. In other words, the skilled labor of Europe, based upon general education, is coming more and more in competition with the skilled labor of America, and our superior intelligence will not much longer tell to our advantage in this direction.

I close my citations from the writings of eminent men and illustrations drawn from the history of the race by quotations from two remarkable addresses delivered before the National Education Assembly, held at Ocean Grove last August, from the 9th to the 12th, four days, inclusive.

Over sixty addresses were delivered on that occasion by American educators and some others interested in the subject. Thousands of people were in attendance, and all religious denominations nearly were represented.

Rev. J. C. Hartzell, D. D., who was the active organizer of the great work, has published the proceedings in a volume, which I hesitate not to say is of greater practical value than any other work upon the subject of education, and its cognate problems as they exist and require to be dealt with to-day than any, and I had almost said all, other sources of information accessible of which I have knowledge. The book is an encyclopedia in one volume, carefully indexed, and treats exhaustively of the following topics: Education and man's improvement; Illiteracy in the United States; National aid to common schools; The negro in America; Illiteracy, wealth, pauperism, and crimes; the American Indian problem; the American Mormon problem; Education in the South since the war; Christ in American education; Tables: Illiterate and educational status United States, 1880.

On that occasion, among the sixty, Hon. John Eaton, Commissioner of Education, delivered an address, which was full of meat, and of good meat, too. I wish to read a little from it, not his comments and philosophy, but statements of fact. I read from page 49:

But we must not pause here; we must look at the reverse side. New England to-day has but 1 college student, male and female, to every 167 families; whereas at the end of the first twenty-three years of New England history, or when there were 20,000 souls in the settlements, there was 1 university graduate to every 40 families. May we not say that hence came such wisdom in laying the foundation of those States? When will the educated classes anywhere attain the same relation to the whole body of the people?

But against this attendance upon the public schools there is the non-attendance of 5,754,759. Allowing that these odd hundred thousand are in private schools that are not reported, there remain 5,000,000 of children of school age untaught. To furnish these sittings in buildings, at the usual average of $20 per sitting, would cost a hundred millions in money; to furnish them teachers would require an increase of 30,000 to the teaching corps, and a single year's preparation of these teachers at the average rate in New York would cost $10,000,000.

The pay of these 30,000 additional teachers for one year of ten months, at the rate of $32 a month, which is about the average throughout the country, would amount to $9,600,000. Add to this the items for preparation and school-house sittings necessary for these non-attending school children, and you have the grand total required for the first year of $12,000,000.

There has been an attempt to raise a laugh at the proposition of the honorable Senator LOGAN to appropriate $60,000,000 in aid of education, but I give you here figures which can not be invalidated, showing that his proposition falls $60,000,000 short of the sum which would be required to furnish for a single year all our school children now without school sittings and teachers.

Referring to myself he says:

Mr. Senator BLAIR, in his examination of this point in his recent speech, considering that Texas has a school period of only six years, states that if the school life were properly lengthened in that and other States the number reported without school accommodations and without teachers would be increased by three millions.

In our cities we are accustomed to expect the best teachers, best school-houses, best methods, and best supervision; but laws making attendance obligatory are wanting in more than half of the States, and, on an average, two-fifths of the children are not enrolled in the schools. Here are forced upon us the terrible problems encountered in older civilizations and more dense populations.

* * * * * * * *

The fifteen States and the District of Columbia, where slavery prevailed, having a legal white school population of 3,899,961, had 2,215,674 enrolled in schools, and with a colored school population of 1,803,357 had 784,709 enrolled, and expended $12,475,044. This money, it should be remembered, is divided pro rata, without distinction of color, in all States excepting Kentucky and Delaware. In the former State the colored people have had for educational purposes the benefit only of the income of the tax upon their own property and polls and specified fines and forfeitures. By an act of the last Legislature, however, provision was made for submitting to the people the question of adding a two-mills tax upon property for educational purposes, uniting this and the amount from the previous provisions for education, and distributing the whole pro rata per capita. In Delaware, $2,500 are now appropriated for the colored schools. What has thus been accomplished in these States for education may be taken as a pledge of what they will do.

* * * * * * * *

To which great agency can you assign the additional burden of educating these illiterates? To the family? How many families of the most cultured and best conditioned are unable to educate their children as in former times or as they desire; and among those colored people the least supplied with schools, how widely is the family a minus quantity as a factor in promoting the improvement of the young? Shall we then look to the church for the light to overcome this darkness? How inadequate are the resources of the church in the South to supply sittings and preachers for the special function of declaring the gospel? How generally are they in debt? What appeals are they compelled to make to their friends in other quarters? Shall we turn, then, thirdly, to the States, already impoverished and loaded with taxes and embarrassed by questions of repudiation? In reply, let me invite attention to the fact that the taxable real and personal property reported for assessment in those States is given in round numbers as $3,379,000,000, while the real and personal property in New York and New Jersey alone is worth nearly an equal amount, or $3,292,000,000.

What would the people of these two States say to an additional assessment on their property sufficient to erect all the additional school-houses and supply all the teachers for the instruction of the millions of illiterates in the South? All are familiar with the sensitiveness in the several Northern States to the assessment of any additional tax for education or any other purpose, and there the total

wealth as assessed is reported as $13,095,000,000, or nearly ten billions more than in the South.

It should be remembered, in addition to the short period in which schools are already taught in the South, that there are 2,702,835 children of age not enrolled for instruction. Take another comparison: Charleston, S. C., now levies a tax of three mills on a dollar; but to furnish the children of that State a fair approach to the instruction given those in Massachusetts would require a tax on the property of the State of nearly three cents on the dollar. This the friends of education in Massachusetts or any other State would hesitate to propose in their own case.

* * * * * * *

I must not pause to elaborate these points, but supposing (1) that the labor of an illiterate is increased in value 25 per cent. by teaching him to read and write, 50 per cent. by fairly educating him, and 75 per cent. by giving him a thorough training; and (2) that the average value of the labor of illiterates is the same as the average wages paid employés in manufactories, then the following computations give sound conclusions.

By the census of 1880, the number of persons of twenty-one years and upward in the Southern States who were unable to write was 2,984,387. If 75 per cent. of them should be taught to read and write, it would increase the value of the labor of 2,238,290 persons 25 per cent. The present value of their labor is, approximately, $248 a year each. The increase of value would be $62 a year per capita, a total of $138,773,980. If 15 per cent. of the illiterates should be fairly educated, it would increase the value of the labor of 447,658 persons 50 per cent., or from $248 to $372 a year each. The total of this annual increase would be $55,509,592. If the remaining 10 per cent. of illiterates should have the value of their labor increased 75 per cent. by being thoroughly trained, the industrial value of 298,439 persons would be raised from $248 to $434 a year each, a total of $55,509,654. By adding the three totals just given, it is seen that the increase which would come to the industrial value of illiterates in the Southern States would be, were they educated as indicated, $241,727,220 a year.

A regular computation may be made for the entire country. The average annual wages paid by manufacturers is $345. The number of persons 21 and over unable to write is 4,204,262. By teaching 75 per cent. of these to read and write, the labor of 3,153,272 individuals is increased in value from $345 to $431 a year, a total gain of $271,181,592 each year. The gain which would come from educating 15 per cent. (630,654) of the illiterates so that their labor would be increased 50 per cent. in value would be $108,787,815. The same amount would be gained by so training the remaining 10 per cent. of illiterates that their labor would be of 75 per cent. more value; and the total annual profit to the country by the conversion of illiterate into educated labor would be, according to the premises assumed as a basis of computation, $488,757,022 a year.

Need I go further to indicate that education is a most profitable investment for both labor and capital? * * *

Omitting any reference to the influence of illiteracy during minority, or any bearing of the illiteracy of the female adults, the late census shows us that there is a great army of 1,870,216 adult males or voters who can not write, an army nearly double that ever in the field during the late deplorable civil war. You will certainly excuse me from any delineation of the horrors of the devastation that might follow their united and concentrated efforts against the peace and order of society. * *

I simply call your attention to what may be the injurious effect of their silent action at the polls. The members of our respective political parties believe in the rightness of their principles and seek to make their appeal to the reason and consciences of the people; but the figures disclose the alarming fact that in eleven States these illiterate voters outnumbered the votes cast in the last Presidential election by either of the political parties. Thus, should they unite under any strong, impassioned, successful leader, they would have absolute control of legislation and offices in those States, and of the election of twenty-two members of the United States Senate.

I turn now to the address of Col. Dexter A. Hawkins, of New York city, who is a prominent lawyer and publicist, as undoubtedly members of the Senate are aware. His address was upon the relations of education to wealth and morality, pauperism and crime. I read only the most pertinent extracts, and would refer any one interested to the entire address.

In 1870 the Commissioner of Education at Washington sent out a series of carefully drawn, comprehensive, and searching questions to the great centers of labor in all parts of the United States. These centers were so selected as to represent every kind of labor, from the rudest and simplest up to the most skilled. The object of the questions was to determine the relative productiveness of literate and illiterate labor. I have tabulated, reduced, and generalized the answers so as to get at what seems to me to be the average result over the whole country. This investigation—one of the most interesting ever made—brought clearly to light the following facts:

1. That an average free common-school education, such as is provided in all the States where the free common school has become a permanent institution, adds 50 per cent. to the productive power of the laborer considered as a mere productive machine.

2. That the average academical education adds 100 per cent.

3. That the average collegiate or university education adds from 200 to 300 per cent. to his average annual productive capacity, to say nothing of the vast increase to his manliness—to his godlikeness.

By the census of 1880 we had in the United States 4,204,362 illiterate adults—white and colored.

I read his computation in order to show that independent and most intelligent observers and thinkers arrive at substantially the same conclusion:

Now, putting their labor at the minimum annual value of $100 each (which is far below the average even for farm labor, while the wages of manufacturing operatives, including 15 per cent. of women and children, as shown by the census of 1880, average in the whole country $345 each per year), and the annual loss to these persons from the lack of at least a common-school education would be $50 each. This, for the whole number of 4,240,362, is $210,000,000 per year—a sum twice as large as the entire annual expenditure for public education in the whole country. This sum—$210,000,000—is a clear annual loss, not only to these illiterates, but to the community, by reason of their illiteracy.

* * * * * * *

The late slave States complain of their inability to pay the expenses of free common schools, and they raised for public education in 1880 only $10,883,104. The amount of the annual loss in these same States, from their labor being illiterate, is at least $150,000,000. The extra productiveness of their laborers over what it is now would—had they been educated, as in Maine and New Hampshire—establish and support free common schools nine months in the year for every child of the school age within their borders, and leave a surplus sufficient to support a free academy in every county and a free college in every State.

A supposition of that kind is very well, but it must be remembered that an existing state of things, where it is the status of human beings, can not be changed but by long and expensive processes, and that to change the actual condition in these Southern States to the degree of literacy which exists in the ones referred to must necessarily be the work of ten or fifteen or twenty years.

A careful examination of the census of England, Scotland, Ireland, and of the several countries on the continent of Europe indicates that, other things being equal, pauperism is in the inverse ratio of the education of the mass of the people; that is, as education increases pauperism decreases, and as education decreases pauperism increases.

In the Grand Duchy of Baden they put into operation in 1854 a rigorous system of universal compulsory education in the elementary branches. The effect in seven years upon pauperism was to reduce it 25 per cent. It has been calculated by statisticians and students of social science that 96 per cent. of pauperism could be exterminated by universal compulsory education in the elementary branches of knowledge and industry.

* * * * * * *

In Pennsylvania, Ohio, and Illinois, three great central States, where self-support is not difficult, one in ten of the illiterates is a pauper, while of the rest of the population only one in three hundred is a pauper. In other words, in those three great central States a given number of children suffered to grow up in ignorance produce thirty times as many paupers as when given an average common-school education.

In 1870 a special investigation was made, in fifteen States, of the inmates, to the number of 7,396, of almshouses and infirmaries. Of these, 4,327, or nearly 59 per cent., could not read and write; while in those fifteen States the average percentage of illiterates was only 6 per cent of the whole population. From this 6 per cent. came that 59 per cent. of the paupers; or, to express it in another form, a given number of children in those fifteen States, suffered to grow up in ignorance, produced twenty-two times as many paupers as the same number of children would if given a fair common-school education.

Similar results may be obtained from the census of almost every country in Europe or America.

We may safely say, then, that it is a general law of modern civilization that an illiterate person is from twenty to thirty times as liable to become a pauper and a charge upon the public as is one with an average common-school education; and that the annual loss to the community, in the United States, in the productive power of the illiterates, and in the support of paupers made such by illiteracy, is nearly, if not quite, equal to the amount that would be required to establish and maintain a free common school the year round in every State in the Union, amply sufficient for the whole fifteen millions of the children of the school age in the United States.

The annual expense of maintaining paupers—96 per cent. of whom have become such through lack of proper training while young—is at least ten times as great as would have been the expense to the public of securing an education while young to each of these paupers sufficient to have enabled 96 per cent. of them to support themselves instead of being a charge upon the public.

Education leads naturally to industry, sobriety, and economy; hence it makes one conscious of the benefits resulting from these habits.

Statistics proclaim in no uncertain voice that *education is the surest preventive of pauperism;* and that the expense of providing and applying in season this perventive would not be one-tenth that now brought upon society by pauperism.

The first incentive to action is self-support—gaining a livelihood. This is the very basis of personal independence of individual character, respectability, and influence. The key to self-support is education. Money and labor, invested in education, are capital invested in such a manner that the principal is absolutely safe, and the income large, sure, and promptly paid. The States should see to it that a reasonable investment of this kind is made in and for every child as it grows up.

* * * * * * *

In France, in 1868, one-half of the inhabitants could not read nor write. From this half came 95 per cent. of the persons arrested for crime. From the other, the educated half, came only 5 per cent. In other words, a given number of children, suffered to grow up illiterate, produced nineteen times as many persons arrested for crime as the same number would if educated, at least to the extent of the elementary branches.

In the Grand Duchy of Baden, from 1854 to 1861—seven years—the government, by a rigorous system of universal compulsory elementary education, reduced the number of prisoners actually arrested 51 per cent., and the number of crimes committed 54 per cent.

In the six New England States, in 1870, 7 per cent. only of the inhabitants above ten years of age were unable to read and write; and yet this 7 per cent. produced 80 per cent of the criminals. Or, in other words, a given number of children in New England at that time suffered to grow up illiterate produced fifty-three times as many criminals as the same number would if educated to the extent of the curriculum of the public schools. This fact is a complete vindication of the moral effect of the New England system of public education, Cardinal Antonelli to the contrary notwithstanding.

In the State of New York, in 1880, the illiterates produced eight times their pro rata proportion of the criminals in that State; that is, a given number of children brought up illiterate on the average produced eight times as many criminals as the same children would have produced if educated to the extent of the curriculum of the public schools.

In the city of New York, in 1870, among the illiterates, one crime was committed for every 3 persons; while among the literates there was only one crime to every 27 persons. Or, in other words, the ignorant class in that city furnishes nine times the criminals they would if educated in the public schools.

In the Commonwealth of Pennsylvania, in 1870, the illiterates, according to their numbers, committed seven times as many crimes as the literate class.

In Pennsylvania, Ohio, and Illinois, taken together, the illiterates committed ten times as many crimes, according to their numbers, as the literate class.

Take the whole of the United States together, according to the census of 1870, the illiterates committed ten times their pro rata proportion of crimes.

In Pennsylvania, in the years 1879 and 1880, one-thirtieth of the population above ten years of age could neither read nor write, and this one-thirtieth committed one-sixth part of the crimes, or nearly six times its proper proportion. But if we class with the illiterates the criminals who could barely read and write, but who had no education beyond bare reading and writing, it will then appear that the one-thirtieth of the population of Pennsylvania that is illiterate commits one-third of the crime, or more than fourteen times its legitimate proportion.

A careful examination of the statistics of twenty States shows the following average results:

First. That one-sixth of all the crime in the country is committed by persons wholly illiterate.

Second. That one-third of the crime in the country is committed by persons wholly or substantially illiterate.

Third. That the proportion of criminals among the illiterate class is, on the average, ten times as great as it is among those who have been instructed in the elements of a common-school education or beyond.

Fourth. That the expense imposed upon society to protect itself against a few thousand criminals, most of whom were made such through the neglect of society to take care of their education when young, is one of the heaviest of the

public burdens. In the city of New York it is 50 per cent. more than the whole cost of the public schools.

In that city the annual appropriation for police, criminal courts, reformatories, jails, and penitentiaries is over five millions of dollars; while that for the training of the 365,000 school children in the city is only $3,500,000.

The average attendance at the schools in 1880 was 138,329. The "compulsory school age"—that is, the age within which all children are required by law in the State of New York to attend school—is eight to fourteen years. The number of children of this age in the city of New York in June, 1880, was 144,474; while the average attendance on the public schools of children of all ages from five to twenty-one in that year in the city was only 133,096. As a logical consequence of this neglect of education the city jails and almshouses are crammed and taxes are high.

The city, in its meager provision for education, and its enormous taxation for criminals (to use an old but expressive adage) "saves at the spigot but loses at the bung."

What is true of the metropolis of the country is equally true of every city, town, village, and neighborhood.

These facts could be multiplied almost without limit.

The examination of the statistics of criminality and illiteracy in the census of any civilized state or country will give results substantially in harmony with the above.

Carlyle says that—

"If the devil were passing through my country, and he applied to me for instruction on any truth or fact of this universe, I should wish to give it to him. He is less a devil knowing that three and three are six than if he didn't know it; a light spark, though of the faintest, is in this fact; if he knew facts enough, continuous light would dawn on him; he would (to his amazement) understand what this universe is, on what principles it conducts itself, and would cease to be a devil."

I desire here to introduce a series of tables compiled from various sources, but chiefly from the census of 1880 and from returns gathered by the Bureau of Education. There are sometimes slight variations in the results obtained by different agencies, but their general accord is an indication of their reliability.

Several of the most important are taken from the report of the committee of the House of Representatives on the bill for aid of the Government for educational purposes. I refer to Mr. Willis's report, very lately published; a report without which no examination of the subject will have been exhaustive, and with which no one can consider his sources of information incomplete.

These tables contain the substance of all the statistical matter in possession of the Government necessary for the study of the subject. Upon several of them I have expended considerable labor personally, but to the wise, philosophical, and indefatigable efforts of the Bureaus of Education and of the Census the credit of this mathematical and statistical grouping chiefly belongs.

There is necessarily some repetition of matter in showing different combinations of elements as they relate to different topics and propositions, but it is believed that there are important features peculiar to each table, and that the present and future will find this statistical statement one of convenient reference and perhaps of profound study.

These tables are twenty-four in number, and in order to facilitate reference to them I give a résumé of the contents of each.

Table 1. Historical and statistical data of the United States.

Table 2. Showing the area of the several States and Territories containing public lands, and the quantity devoted for educational purposes up to June 30, 1867.

Table 3. Public-school statistics of the United States in 1880, with number of teachers and pupils in private schools, prepared by Commissioner of Education. Items too numerous to mention.

Table 4. Showing the total population, school population, enrollment, average attendance, total number of teachers, length of school year in days, number of pupils or children not attending school, per cent. of school population enrolled in schools, per cent. of school population not enrolled in school in eighty-six cities, census of 1880.

Table 5. Illiteracy in the United States.

Table 6. Illiterate population ten years of age and over.

Table 7. White and colored adult males and adult male illiterates of the two races.

Table 8. Colored schools and enrollment in Southern States five years from 1877 to 1881.

Table 9. Giving the popular majorities received at the last three Presidential elections, and the number of illiterate voters as shown by census of 1880.

Table 10. Comparative statistics of education at the South.

Table 11. The population and assessed valuation of personal property and real estate in States and Territories, from census reports of 1860, 1870, and 1880.

Table 12. Amount raised by taxation for support of public schools in each State and Territory during the year 1880.

Table 13. Rate of taxation for school purposes in various cities.

Table 14. Showing the population, total assessed valuation of property, total taxation, per capita of valuation, per capita of taxation, rate of taxation, total indebtedness, per capita of indebtedness, by States and Territories.

Table 15. Assessed valuation of real and personal property, total population by States, &c., and property per capita, the States and Territories arranged in groups.

Table 16. Increase and decrease in assessed valuation in the several Southern States, as shown by comparison of census of 1870 and 1880.

Table 17. School district indebtedness in the United States.

Table 18. Valuation and taxation.

Table 19. Selected cities, valuation and taxation.

Table 20. Drawn from the returns of school statistics for the year 1881 to the Bureau of Education, showing the number of youth not enrolled in school, and the expense of supplying them with the necessary school-houses, teachers, and text-books, including wages of teachers, for a school three months the first year.

Table 21. Drawn from the returns of school statistics from the Southern States and District of Columbia for the year 1881, showing the number of youth not enrolled in school, and the expense of supplying them with the necessary school-houses and teachers, and the books and wages of teachers for a school of three months' length for the first year.

Table 22. Based on returns to the Bureau of Education for 1881, showing legal school population, total school expenditure, per capita of school expenditure, proportion of $15,000,000 to each State based on number of persons by census of 1880 ten years old and upward who can not read, proportion of $15,000,000 to per capita of school population of 1881, total of school expenditure including $15,000,000, and total per capita expenditure including $15,000,000.

Table 23. Showing the sum of money which each State and Territory would receive in the division of $15,000,000 among them all in proportion to their relative population ten years of age and upward who can not write (census of 1880, 6,239,958).

Table 24. Showing the sum of money which each State and Territory would receive in the division of $15,000,000 among them all in proportion to their relative population ten years of age and upward who can not read. (Census 1880.)

TABLE 1.—*Historical and statistical data of the United States.*

[Compiled from Report of the Commissioner of the Land Office for 1867.]

States and Territories.	Act organizing Territory.			Act admitting State.			Area in square miles.	Population in 1880. a
	U.S.Statutes.	Vol.	Page.	U.S.Statutes.	Vol.	Page.		
ORIGINAL STATES.								
New Hampshire							9,280	326,073
Massachusetts							7,800	1,231,066
Rhode Island							1,306	174,620
Connecticut							4,750	460,147
New York							47,000	3,880,735
New Jersey							8,320	672,035
Pennsylvania							46,000	2,906,115
Delaware							2,120	112,216
Maryland							11,124	687,049
Virginia, East and West							61,352	1,596,318
North Carolina							50,704	992,622
South Carolina							34,000	703,708
Georgia							58,000	1,057,286
STATES ADMITTED.								
Kentucky				Feb. 4,1791	1	189	37,680	1,155,684
Vermont				Feb. 18,1791	1	191	b10,212	315,098
Tennessee				June 1,1796	1	491	45,600	1,109,801
Ohio	Ord. of 1787			Apr. 30,1802	2	173	39,964	2,339,502
Louisiana	Mar. 3,1805	2	331	Apr. 8,1812	2	701	b41,346	708,002
Indiana	May 7,1800	2	58	Dec. 11,1814	3	399	33,809	1,350,428
Mississippi	Apr. 7,1798	1	549	Dec. 10,1817	3	472	47,156	791,305
Illinois	Feb. 3,1809	2	514	Dec. 3,1818	3	536	b55,410	1,711,951
Alabama	Mar. 3,1817	3	371	Dec. 14,1819	3	608	50,722	964,201
Maine				Mar. 3,1820	3	544	b35,000	628,279

TABLE 1.—*Historical and statistical data of the United States*—Continued.

[Compiled from Report of the Commissioner of the Land Office for 1867.]

States and Territories.	Act organizing Territory.			Act admitting State.			Area in square miles.	Population in 1860. a
	U.S. Statutes.	Vol.	Page.	U.S. Statutes.	Vol.	Page.		
Missouri	June 4, 1812	2	743	Mar. 2, 1821	3	645	b65,350	1,182,012
Arkansas	Mar. 2, 1819	3	493	June 15, 1836	5	50	52,198	435,450
Michigan	Jan. 11, 1805	2	309	Jan. 26, 1837	5	144	b50,451	749,113
Florida	Mar. 30, 1822	3	654	Mar. 3, 1845	5	742	59,268	140,425
Iowa	June 12, 1838	5	235	Mar. 3, 1845	5	742	50,045	674,948
Texas	.....	.....	.....	Dec. 29, 1845	9	108	b274,356	604,215
Wisconsin	Apr. 20, 1836	5	10	Mar. 3, 1847	9	178	53,924	775,881
California	.....	.....	.....	Sept. 9, 1850	9	452	b188,981	305,439
Minnesota	Mar. 3, 1849	9	403	Feb. 26, 1857	11	166	83,531	173,855
Oregon	Aug. 14, 1848	9	323	Feb. 14, 1859	11	383	95,274	52,465
Kansas	May 30, 1854	10	277	Jan. 29, 1861	12	126	81,818	107,206
West Virginia	.....	.....	.....	Dec. 31, 1862	12	633	23,000	.....
Nevada	Mar. 2, 1861	12	209	Mar. 21, 1864	13	30	112,090	c6,857
Colorado	Feb. 28, 1861	12	172	.....	13	32	b104,500	c34,277
Nebraska	May 30, 1854	10	277	Mar. 1, 1867	13	47	75,995	28,841
TERRITORIES.								
New Mexico	Sept. 9, 1850	9	446	.....	.....	.....	121,201	
Utah	Sept. 9, 1850	9	453	.....	.....	.....	88,056	
Washington	Mar. 2, 1853	10	172	.....	.....	.....	69,994	
Dakota	Mar. 2, 1861	12	239	.....	.....	.....	240,597	
Arizona	Feb. 24, 1863	12	664	.....	.....	.....	113,916	c360,000
Idaho	Mar. 3, 1863	12	808	.....	.....	.....	90,932	
Montana	May 26, 1864	13	85	.....	.....	.....	143,776	
Indian Territory	.....	.....	.....	.....	.....	.....	68,981	
District of Columbia	July 16, 1790 / Mar. 3, 1791	1 / 1	130 / 214	.....	.....	.....	d 10 m. sq.	f126,990
Russian purchase	.....	.....	.....	.....	.....	.....	557,390	70,000

a Total population in 1860 was 31,500,000; estimated in 1867 to be 38,500,000. b Area taken from geographical authorities and not from public surveys. c To the white population in Nevada should be added 10,507 Indians; and in Colorado, 2,261 Indians. d As estimated January 1, 1865. e That portion of District of Columbia south of the Potomac River was retroceded to Virginia July 9, 1846 (Statutes, volume 6, page 35). f By census of 1867.

TABLE 3.—*Public school statistics of the United States in* 1880, *with number of teachers and pupils in private schools, prepared by Commissioner of Education.*

States.	School age.	School population.	Enrolled in public schools.	Average daily attendance.	Average duration of school in days.	Expenditures in the year—per capita of pupils enrolled in public schools.	Number of public schools.	Teachers in public schools.	Teachers in private schools. e	Pupils in private schools. e	Available school funds (permanent).	Permanent school fund, including portions not now available.	Interest on permanent fund, including rents of school lands.
Alabama	7–21	388,008	179,490	117,978	80.0	$2 08	4,504	4,615	.....	.....	$2,528,950	.....	$138,013
Arkansas	6–21	247,547	70,972	.....	.....	.....	3,100	1,827	.....	.....	b144,875	d$190,186	514,289
California	5–17	215,978	158,765	100,906	146.6	b17 17	2,803	3,595	.....	14,953	2,006,800	2,104,465	180,998
Colorado	6–21	35,506	22,119	12,618	149.0	17 80	.....	678	.....	.....	36,000	.....	cc7,061
Connecticut	4–16	140,235	119,694	b78,421	179.2	11 01	1,630	p3,100	512	13,900	2,021,346	2,021,346	112,186
Delaware	6–21	35,459	27,823	.....	b158.0	8 12	561	594	.....	.....	448,999	.....	26,607
Florida	4–21	88,677	39,315	27,046	.....	.....	1,131	1,095	.....	.....	246,900	.....	dd17,982
Georgia	6–18	b433,444	236,533	145,190	.....	1 99	b5,916	6,000	1,680	48,452	.....	.....	.....
Illinois	6–21	1,010,851	704,041	431,638	150.0	9 61	11,964	22,255	1,497	60,440	9,049,302	9,049,302	565,119
Indiana	6–21	703,558	511,283	321,659	136.0	7 96	9,383	13,578	f502	f12,112	.....	9,065,253	b631,914
Iowa	5–21	586,556	426,057	259,836	148.0	11 25	11,084	21,596	474	12,724	3,484,411	.....	282,902
Kansas	5–21	340,647	231,434	137,667	107.0	7 85	5,233	7,780	979	b6,205	2,297,590	11,815,519	454,998
Kentucky	a6–20	545,161	265,581	f193,874	102.0	3 85	.....	6,764	.....	.....	.....	1,755,682	114,172
Louisiana	6–18	273,845	68,440	45,626	118.0	b6 74	1,494	2,025	a247	a4,404	.....	1,130,867	30,320
Maine	4–21	214,656	149,827	103,113	120.0	6 53	.....	6,934	.....	.....	438,287	.....	27,995
Maryland	5–20	d276,120	162,431	85,778	a210.0	8 64	2,300	3,125	.....	.....	906,229	.....	52,116
Massachusetts	5–15	307,321	306,777	233,127	177.0	f14 93	5,570	8,595	.....	26,289	2,086,886	.....	138,016
Michigan	5–20	506,221	362,556	f213,898	141.0	b8 11	6,695	13,949	703	18,854	2,880,942	3,340,949	226,955
Minnesota	5–21	c271,428	180,248	f117,161	94.0	b8 42	p4,064	5,215	.....	.....	4,449,728	15,000,000	250,485
Mississippi	5–21	426,689	236,704	156,761	77.5	2 70	b5,367	5,560	.....	.....	b815,229	.....	126,233
Missouri	6–20	723,484	476,376	f219,132	b100.0	.....	8,641	10,447	.....	.....	8,950,806	.....	c6936,245
Nebraska	5–21	142,348	92,549	f60,156	109.0	12 29	2,922	4,100	.....	.....	3,323,217	f20,754,810	184,625
Nevada	b6–18	b10,295	b7,390	b5,108	.....	.....	.....	b184	.....	.....	b380,000	.....	.....
New Hampshire	b5–21	b772,102	b65,048	b48,910	b101.5	.....	2,528	b3,582	.....	b2,066	.....	.....	b34,468
New Jersey	5–18	330,685	204,961	115,194	192.0	9 48	.....	3,447	572	43,530	1,454,007	2,515,785	100,600
New York	5–21	1,641,173	1,031,508	573,089	179.0	10 09	p20,500	30,730	.....	w139,476	y7,265,807	.....	ff170,000
North Carolina	6–21	459,324	235,606	147,802	54.0	1 12	5,503	4,120	.....	s200,000	aa531,535	.....	8,000
Ohio	6–21	b1,043,320	747,138	476,279	150.0	8 59	12,042	23,684	222	28,650	.....	.....	249,745
Oregon	4–20	59,615	37,533	27,435	89.6	8 37	b865	1,314	212	3,744	b562,830	.....	38,510
Pennsylvania	6–21	g1,200,000	997,319	601,627	147.0	.....	b18,386	21,375	w947	v24,066	.....	.....	gg1,080,000
Rhode Island	5–15	92,273	44,780	29,065	n184.0	11 63	924	1,295	208	6,678	240,376	266,930	12,465
South Carolina	.....	b328,138	134,072	.....	77.0	2 42	2,973	3,171	.....	.....	.....	.....	.....
Tennessee	6–21	544,862	290,141	191,461	68.0	.....	5,522	5,945	1,005	41,068	b2,512,500	b2,512,500	.....
Texas	8–14	230,527	186,786	.....	c73.0	.....	6,127	4,361	.....	.....	.....	c3,385,571	44,625
Vermont	5–20	c92,831	75,238	48,606	125.0	.....	2,616	4,326	.....	b669,087	.....	.....	b53,600
Virginia	5–21	555,807	220,736	128,404	113.0	3 82	4,854	4,873	1,009	25,692	.....	1,468,765	.....
West Virginia	6–21	210,113	142,850	91,704	99.0	4 43	b3,725	4,134	.....	.....	423,989	423,989	15,330
Wisconsin	4–20	483,229	299,258	197,510	162.5	7 51	5,984	10,115	804	25,938	2,747,844	2,995,112	184,498
Total for States	.....	15,128,078	9,679,675	5,743,839	.....	.....	187,005	280,143	12,903	560,239	.....	.....	6,392,046

TABLE 3.—*Public school statistics of the United States in* 1880, *with number of teachers and pupils in private schools, &c.*—Continued.

Territories.	School age.	School population.	Enrolled in public schools.	Average daily attendance.	Average duration of school in days.	Expenditure in the year—per capita of pupils enrolled in public schools.	Number of public schools.	Teachers in public schools.	Teachers in private schools.a	Pupils in private schools.	Available school funds (permanent).	Permanent school fund, including portions not now available.	Interest on permanent fund, including rents of school lands.
Arizona	6-21	7,148	4,212	2,847	100.0			101					
Dakota	5-21	12,030	8,042	3,170	88.0			286					
District of Columbia	6-17	43,558	26,439	20,637	193.0	$14 87	*p*325	433			$60,385	$90,385	$2,225
Idaho	5-21		6,758				155	*r*160		75,000			
Indian		411,444	*f*6,098	*f*3,944			212	*h*196			*bb*3,634,425		186,359
Montana	4-21	7,070	3,970	2,506	96.0		153	161					
New Mexico	*c*7-18	*d*29,312	*c*5,151		*c*132.0		*c*138	*c*147	*c*81	*c*1,259			
Utah	6-18	40,672	24,326	17,178	128.0		*h*373	517					
Washington	*b*5-21	*b*24,223	*b*14,032	*b*9,585	*b*87.5	*b*8 15	340	*b*360	631	*b*451			
Wyoming	*b*7-21		*b*2,090	*b*1,287				*b*49					
Total for Territories		175,457	101,118	61,154			1,696	2,610	112	6,921			188,584
Grand total		15,803,535	9,780,773	5,801,993			188,701	282,753	13,105	567,160			6,580,632

a For whites; for colored 6-16.
b In 1879.
c In 1875.
d Census of 1870.
e In 1878.
f Estimated.
g In 1873.
h In 1877.
i In the Cherokee, Choctaw, and Creek Nations.
j In the five civilized tribes.
k For the winter.
l In white schools only.
m In cities; 176 in counties.
n In evening schools, 61.
o In the counties; 153 in cities and towns.
p Approximately.
r Number necessary to supply the schools.
t Private schools in public buildings.
u In 1879; exclusive of New Orleans private schools.
v In 1879; exclusive of Philadelphia.
w In academies and private schools.
x Estimated average number of pupils.
y Includes the United States deposit fund, as reported in 1878, amounting to $4,014,521.
z In State and United States 4 percents, ordered to be sold by the last Legislature.
aa Exclusive of 1,000,000 acres of swamp land made subject to entry sale by last Legislature.
bb Funds in the five civilized tribes, whole or part interest of which is used for school purposes.
cc From rents in 1879.
dd State apportionment.
ee Includes revenue from other funds.
ff Apparently does not include interest on the United States deposit funds.
gg State appropriation in lieu of interest on permanent fund.
* As far as reported by State superintendents; accompanying is a more specific report on this point, which approximately exhibits (if we exclude the preparatory work done by private normal schools) the number of private institutions, with teachers and pupils in them, giving secondary or superior instruction in each State and Territory.

TABLE 2.—*Showing the area of the several States and Territories containing public lands, and the quantity devoted for educational purposes by Congress up to June* 30, 1867.

[Compiled from Report of the Commissioner of the Land Office for 1867.]

States and Territories containing public lands.	Area of States and Territories containing public lands.		Donations and grants for schools and universities.		Granted for agricultural colleges July 2, 1862.a		Granted for deaf and dumb asylums.	Remaining unsold and unappropriated June 30, 1867.
			Schools.	Universities.	Selected in place.	Located with scrip.		
	Square miles.	*Acres.*	*Acres.*	*Acres.*	*Acres.*	*Acres.*	*Acres.*	*Acres.*
Ohio	39,964	25,576,960	704,488	69,120				500.00
Indiana	33,809	21,637,760	650,317	46,080				2,000.00
Illinois	55,410	35,462,400	985,066	46,080				2,000.00
Missouri	65,350	41,824,000	1,199,039	46,080	244,384.51	147,797.25		1,835,892.71
Alabama	50,722	32,462,080	902,774	46,080			21,949.46	6,915,081.32
Mississippi	47,156	30,179,840	837,584	46,080				4,990,893.56
Louisiana	41,346	26,461,440	786,044	46,080				6,582,841.54
Michigan	56,451	36,128,640	1,067,397	46,080	225,253.89	990,807.59		5,180,640.63
Arkansas	52,198	33,406,720	886,460	46,080			2,997.43	11,757,662.54
Florida	59,268	37,931,520	908,503	92,160			20,924.22	17,540,374.00
Iowa	55,045	35,228,800	905,144	46,080	240,000.96	1,760.00		3,113,464.18
Wisconsin	53,924	34,511,360	958,649	92,160	240,007.73	702,425.07		10,016,700.87
California	188,981	120,947,840	6,719,324	46,080				106,062,392.13
Minnesota	83,531	53,459,840	2,969,990	46,080	119,852.17	498,803.03		36,776,170.89
Oregon	95,274	60,975,360	3,329,706	46,080		1,920.00		52,742,078.96
Kansas	81,318	52,043,520	2,891,306	46,080	90,000.40	411,959.70		43,148,876.44
Nevada	112,090	71,737,741	3,985,430	46,080				67,090,382.62
Nebraska	75,995	48,636,800	2,702,044	46,080		475,989.58		42,523,927.38
Washington Territory	69,994	44,796,160	2,488,675	46,080		1,120.00		41,627,464.39
New Mexico	121,201	77,568,640	4,309,368	46,080				73,005,192.00
Utah	88,056	56,355,635	3,130,869	46,080				51,139,646.00
Dakota	240,597	153,982,080	8,554,560					145,295,284.97
Colorado	104,500	66,880,000	3,715,555					62,870,665.83
Montana	143,776	92,016,640	5,112,035					86,904,605.00
Arizona	113,916	72,906,304	4,050,350					68,855,954.00
Idaho	90,932	58,196,480	3,233,137					54,463,343.00
Indian	68,991	44,154,240						44,154,240.00
American purchase from Russia	577,390	369,529,600						369,529,600.00
Total	2,867,185	1,834,998,400	67,983,914	1,082,880	1,159,499.65	3,192,582.22	44,971.11	1,414,567,574.99

a The whole quantity liable to be issued under the act of July 2, 1862, is 9,600,000 acres.

TABLE 4.—*Table prepared at the request of Hon. H. W. Blair, by the Bureau of Education, showing the total population, school population, enrollment, average attendance, total number of teachers, length of school year in days, number of pupils or children of school age not attending school, per cent. of school population enrolled in schools, per cent. of school population not enrolled in school in eighty-six cities (census of 1880).*

Cities.	Population.	School population.	Enrollment.	Average attendance.	Total number of teachers.	Length of school year in days.	Number of pupils not attending.	Per cent. of school population enrolled in school.	Per cent. of school population not enrolled in school.
Mobile, Ala	29,132	.....	4,659	4,014	125	172	.....	.....	.....
Selma, Ala	7,529	1,757	882	717	14	.....	875	50	50
Little Rock, Ark	13,138	6,169	2,503	1,655	33	180	3,666	41	59
Oakland, Cal	34,555	8,108	5,996	5,067	129	206	2,112	74	26
Sacramento, Cal	21,420	4,943	3,895	.....	75	200	1,048	79	21
San Francisco, Cal	233,959	53,892	38,320	28,150	686	211	15,572	71	29
Denver, Colo	35,629	5,700	3,210	1,953	65	190	2,490	56	44
Bridgeport, Conn	29,148	6,641	5,229	3,529	91	210	1,412	79	21
Hartford, Conn	42,015	9,652	7,612	4,886	140	201	2,040	79	21
New Haven, Conn	62,882	13,897	11,897	7,931	230	200	2,000	86	14
Wilmington, Del	42,478	.....	7,043	4,472	115	207	.....	.....	.....
Georgetown and Washington, D. C	159,871	27,142	15,728	12,508	259	203	11,414	58	42
Jacksonville, Fla	7,650	1,011	804	.....	17	176	207	79	21
Key West, Fla	9,890	3,415	1,168	828	17	240	2,247	34	66
Atlanta, Ga	37,409	10,500	4,100	2,609	68	200	6,400	39	61
Augusta, Ga	21,891	9,366	4,127	.....	32	183	5,339	43	57
Chicago, Ill	502,185	137,035	59,562	42,375	896	200	77,473	43	57
Peoria, Ill	29,259	9,670	4,761	3,386	76	200	4,409	49	51
Indianapolis, Ind	75,056	26,789	13,936	8,925	219	200	11,853	52	48
Terre Haute, Ind	26,042	8,096	4,138	2,975	78	200	3,958	57	43
Des Moines, Iowa	22,408	3,576	2,322	1,562	41	190	1,254	65	35
Dubuque, Iowa	22,254	9,476	3,686	2,555	71	200	5,790	39	61
Leavenworth, Kans	16,546	6,257	3,060	2,154	34	180	3,197	49	51
Topeka, Kans	15,452	2,816	1,935	1,607	30	180	881	68	32
Covington, Ky	29,720	10,094	3,286	2,485	60	198	6,809	32	68
Louisville, Ky	123,758	46,587	19,990	13,498	325	215	26,597	43	57
New Orleans, La	216,090	56,947	17,886	15,190	407	208	39,061	31	69
Bangor, Me	16,856	5,479	3,120	2,458	71	204	2,359	55	45
Lewiston, Me	19,083	5,974	3,558	2,061	76	187½	2,416	60	40
Portland, Me	33,810	10,660	6,797	4,347	128	200	3,863	64	36
Baltimore, Md	332,313	86,961	48,066	29,961	822	186	38,895	55	45
Boston, Mass	362,839	57,703	59,768	46,130	1,201	206	2,065	a103	.....
Lawrence, Mass	39,151	6,865	4,800	4,232	118	200	2,065	70	30
Lowell, Mass	59,475	9,121	12,211	6,045	160	.....	3,030	a134	.....
Worcester, Mass	58,291	10,988	11,452	7,913	218	200	464	a104	.....
Detroit, Mich	116,340	39,467	15,719	10,818	250	200	23,748	40	60
Grand Rapids, Mich	32,016	9,784	5,727	3,590	106	200	4,057	58	42
Minneapolis, Minn	46,887	12,806	6,142	4,248	120	200	6,664	48	52
Saint Paul, Minn	41,473	.....	4,338	3,030	96	200	.....	.....	.....
Vicksburg, Miss	11,814	3,000	1,196	.....	21	.....	1,804	39	61
Kansas City, Mo	55,785	11,325	5,259	3,146	62	200	6,066	46	54
Saint Joseph, Mo	32,431	8,908	3,820	2,579	58	200	5,088	43	57
Saint Louis, Mo	350,518	106,372	55,780	36,449	1,044	200	50,592	52	48
Omaha, Nebr	30,518	7,381	3,716	.....	57	200	3,665	50	50
Dover, N. H	11,687	2,350	1,880	1,436	46	180	470	80	20
Manchester, N. H	32,630	4,774	4,350	2,818	86	190	424	91	9
Nashua, N. H	13,397	2,072	2,526	1,630	52	180	454	a121	.....
Portsmouth, N. H	9,690	2,251	1,891	.....	35	200	300	62	38
Jersey City, N. J	120,722	41,226	22,776	12,905	328	204	18,450	55	45
Newark, N. J	136,508	41,935	19,778	11,100	270	210	22,457	46	54
Paterson, N. J	51,031	13,672	7,901	4,750	142	200	5,571	58	42
Albany, N. Y	90,758	35,411	14,049	9,175	229	210	21,362	40	60
Brooklyn, N. Y	566,663	181,083	96,663	52,677	1,315	205	84,720	53	47
Buffalo, N. Y	155,134	56,000	18,606	14,555	439	201	37,394	33	67
New York, N. Y	1,206,299	385,000	270,176	132,720	3,357	204	114,824	70	30
Rochester, N. Y	89,366	37,000	13,869	8,250	230	200	23,131	37	63
Wilmington, N. C	17,350	4,921	866	.....	.....	.....	4,055	18	82
Cincinnati, Ohio	255,139	87,618	36,121	27,279	671	225	51,497	41	59
Cleveland, Ohio	160,146	49,256	24,262	16,807	596	196	24,994	49	51
Columbus, Ohio	51,647	14,662	7,902	5,953	149	200	6,760	54	46
Dayton, Ohio	38,678	11,660	6,114	4,527	125	.....	5,546	52	48
Toledo, Ohio	50,137	14,898	7,615	4,739	125	200	7,283	51	49
Portland, Oreg	17,577	4,669	2,650	1,956	46	200	2,019	57	43
Allegheny, Pa	78,682	.....	11,610	8,287	202	193	.....	.....	.....
Philadelphia, Pa	877,170	.....	105,541	94,145	2,295	207	.....	.....	.....
Pittsburgh, Pa	156,389	.....	26,937	17,387	526	.....	.....	.....	.....
Scranton, Pa	45,850	19,800	10,174	6,861	169	220	9,626	51	49
Newport, R. I	15,693	3,419	2,580	1,808	53	198	839	75	25
Providence, R. I	104,857	19,108	13,993	9,630	299	.....	5,115	73	27
Charleston, S. C	49,984	12,727	7,284	.....	91	197	5,433	57	43
Columbia, S. C	10,036	.....	.....	.....	.....	.....	.....	.....	.....
Chattanooga, Tenn	12,892	3,061	2,185	1,382	30	180	876	71	29
Knoxville, Tenn	9,693	2,100	1,509	980	26	200	591	72	28
Memphis, Tenn	33,592	9,011	4,105	2,380	63	151	4,906	45	55
Nashville, Tenn	43,350	12,460	6,098	4,290	96	190	6,362	49	51
Houston, Tex	16,513	2,746	1,756	1,172	23	160	900	64	36
San Antonio, Tex	20,550	3,022	1,584	994	22	205	1,438	52	48
Burlington, Vt	11,365	.....	1,566	.....	32	.....	.....	.....	.....
Rutland, Vt	12,149	.....	2,395	.....	64	.....	.....	.....	.....
Norfolk, Va	21,966	6,695	1,613	1,117	26	210	5,082	24	76
Petersburg, Va	21,656	7,417	1,985	1,494	28	174	5,434	27	73
Richmond, Va	63,600	21,536	5,821	4,778	129	198	15,715	27	73
Madison, Wis	10,324	3,517	1,939	1,745	34	185	1,578	55	45
Milwaukee, Wis	115,587	37,742	17,085	11,149	239	.....	20,657	45	55
Oshkosh, Wis	11,748	5,574	2,217	2,017	53	.....	3,657	38	62
	8,300,081	2,052,223	1,302,776	858,533	21,672	.....	750,147	.....	.....

a More than the school population. This is due to the fact that they are allowed to attend school after the school age established by law.
Average attendance about two-thirds of enrollment or one-third of population of school age.
Thirty-four cities 50 per cent. and upward not enrolled at all.

TABLE 5.—*Illiteracy in the United States, census of* 1880.

States and Territories.	Total population.	Total population who can not read, ten years of age and over.	Per cent. of total population who can not read.	Total population who can not write, ten years of age and over.	Per cent. of total population who can not write.	Total white population.	Total white population who can not write, ten years of age and over.	Per cent. of total white population who can not write.	Total colored population.	Total colored population who can not write, ten years of age and over.	Per cent. of total colored population who can not write.
Alabama	1,262,505	370,279	29.33	433,447	34.33	662,185	111,767	16.88	600,320	321,680	53.58
Arizona	40,440	5,496	13.59	5,842	14.45	35,160	4,824	13.72	5,280	1,018	19.28
Arkansas	802,525	153,229	19.09	202,015	25.17	591,531	98,542	16.66	210,994	103,473	49.04
California	864,694	48,583	5.62	53,430	6.18	767,181	26,090	3.40	97,513	27,340	28.04
Colorado	194,327	9,321	4.80	10,474	5.39	191,126	9,906	5.18	3,201	568	17.74
Connecticut	622,700	20,986	3.37	28,424	4.56	610,769	26,763	4.38	11,931	1,661	13.92
Dakota	135,177	3,094	2.29	4,821	3.57	133,147	4,157	3.13	2,030	664	32.71
Delaware	146,608	16,912	11.54	19,414	13.24	120,160	8,346	6.95	26,448	11,068	41.85
District of Columbia	177,624	21,541	12.13	25,778	14.51	118,006	3,988	3.38	59,618	21,790	36.55
Florida	269,493	70,219	26.06	80,183	29.75	142,605	19,763	13.86	126,888	60,420	47.62
Georgia	1,542,180	446,683	28.96	520,416	33.75	816,906	128,934	15.78	725,274	391,482	53.98
Idaho	32,610	1,384	4.24	1,778	5.45	29,013	784	2.70	3,597	994	27.63
Illinois	3,077,871	96,809	3.15	145,397	4.72	3,031,151	132,426	4.37	46,720	12,971	27.76
Indiana	1,978,301	70,008	3.54	110,761	5.60	1,938,798	100,398	5.18	39,503	10,363	26.23
Iowa	1,624,615	28,117	1.73	46,609	2.87	1,614,600	44,337	2.75	10,015	2,272	22.69
Kansas	996,096	25,503	2.56	39,476	3.96	952,155	24,888	2.61	43,941	14,588	33.20
Kentucky	1,648,690	258,186	15.66	348,392	21.13	1,377,179	214,497	15.58	271,511	133,895	49.31
Louisiana	939,946	297,312	31.63	318,380	33.87	454,954	58,951	12.96	484,992	259,429	53.49
Maine	648,936	18,181	2.80	22,170	3.42	646,852	21,758	3.36	2,084	412	19.99
Maryland	934,943	111,387	11.91	134,488	14.38	724,693	44,316	6.12	210,250	90,172	42.89
Massachusetts	1,783,085	75,635	4.24	92,980	5.21	1,763,782	90,658	5.14	19,303	2,322	12.03
Michigan	1,636,937	47,112	2.88	63,723	3.89	1,614,560	58,932	3.65	22,377	4,791	21.41
Minnesota	780,773	20,551	2.63	34,546	4.42	776,884	33,506	4.31	3,889	1,040	26.74
Mississippi	1,131,597	315,612	27.89	373,201	32.98	479,398	53,448	11.15	652,199	319,753	49.03
Missouri	2,168,380	138,818	6.40	208,754	9.63	2,022,826	132,510	7.54	145,554	56,244	38.64
Montana	39,159	1,530	3.91	1,707	4.36	35,385	631	1.78	3,774	1,076	28.51
Nebraska	452,402	7,830	1.73	11,528	2.55	449,764	10,926	2.43	2,638	602	22.82
Nevada	62,266	3,703	5.95	4,069	6.53	53,556	1,915	3.58	8,710	2,154	24.73
New Hampshire	346,991	11,982	3.45	14,302	4.12	346,229	14,208	4.10	762	94	12.34
New Jersey	1,131,116	39,136	3.46	53,249	4.71	1,092,017	44,049	4.03	39,099	9,200	23.53
New Mexico	119,565	52,994	44.32	57,156	47.80	108,721	49,597	45.62	10,844	7,559	69.71
New York	5,082,871	166,625	3.28	219,600	4.32	5,016,022	208,175	4.15	66,849	11,425	17.09
North Carolina	1,399,750	367,890	26.28	463,975	33.15	867,242	192,032	22.14	532,508	271,943	51.07
Ohio	3,198,062	86,754	2.71	131,847	4.12	3,117,920	115,491	3.70	80,142	16,356	20.41
Oregon	174,768	5,376	3.08	7,423	4.25	163,075	4,343	2.66	11,693	3,080	26.34
Pennsylvania	4,282,891	146,138	3.41	228,014	5.32	4,197,016	209,981	5.00	85,875	18,033	21.00
Rhode Island	276,531	17,450	6.31	24,793	8.97	269,939	23,544	8.72	6,592	1,249	18.95
South Carolina	995,577	321,780	32.32	369,848	37.15	391,105	59,777	15.28	604,472	310,071	51.30
Tennessee	1,542,359	294,385	19.09	410,722	26.63	1,138,831	216,227	18.99	403,528	194,495	48.20
Texas	1,591,749	256,223	16.10	316,432	19.88	1,197,237	123,912	10.35	394,512	192,520	48.80
Utah	143,963	4,851	3.37	8,826	6.13	142,423	8,137	5.71	1,540	689	44.74
Vermont	332,286	12,993	3.91	15,837	4.77	331,218	15,681	4.73	1,068	155	14.61
Virginia	1,512,565	360,495	23.83	430,352	28.45	880,858	114,692	13.02	631,707	315,660	49.97
Washington	75,116	3,191	4.25	3,889	5.18	67,199	1,429	2.13	7,917	2,460	31.07
West Virginia	618,457	52,041	8.41	85,376	13.80	592,537	75,237	12.70	25,920	10,139	39.12
Wisconsin	1,315,497	38,693	2.94	55,558	4.22	1,309,618	54,233	4.14	5,879	1,325	22.54
Wyoming	20,789	427	2.05	556	2.67	19,437	374	1.92	1,352	182	13.46
Total	50,155,783	4,923,451	9.82	6,239,958	12.44	43,402,970	3,019,080	6.96	6,752,813	3,220,878	47.70

DEPARTMENT OF THE INTERIOR, CENSUS OFFICE,
Washington, D. C., February 26, 1884.

SIR: In response to your communication of this day, inclosing certain printed tables relating to the public schools and to the illiteracy of the United States by States, I beg to return the same, with such changes in the figures as are necessitated by the records of this office.

The columns of the table of illiteracy reading "Total colored population" should be altered to read "inclusive of Chinese, Japanese, and civilized Indians."

Very respectfully,

GEO. W. RICHARDS, *Acting Superintendent.*

Hon. ALBERT S. WILLIS, M. C., *House of Representatives.*

TABLE 6.—*The total and illiterate population* 10 *years old or over, the white and illiterate white population of the same age, the colored and illiterate colored population of the same age, and the percentage of illiterates to population in each case and for each State and Territory.*

[From the census of 1880.]

States and Territories.	Population, 10 years old and over.	Illiterates, 10 years old and over.	Per cent.	Number of whites, 10 years old and over.	White illiterates, 10 years old and over.	Per cent.	Number of colored people, 10 years old and over.	Colored illiterates, 10 years old and over.	Per cent.
Alabama	851,780	433,447	50.9	452,722	111,767	24.7	399,058	321,680	80.6
Arkansas	531,876	202,015	38.0	393,905	98,542	25.0	137,971	103,473	75.0
California	681,062	53,430	7.8	580,235	26,090	4.4	91,827	27,340	29.8
Colorado	158,220	10,474	6.6	155,456	9,906	6.4	2,764	568	20.5
Connecticut	497,303	28,424	5.7	487,780	26,763	5.5	9,523	1,661	17.4
Delaware	110,856	19,414	17.5	91,611	8,346	9.1	19,245	11,068	57.5
Florida	184,650	80,183	43.4	99,137	19,763	19.9	85,513	60,420	70.7
Georgia	1,043,840	520,416	49.9	563,977	128,934	22.9	479,863	391,482	81.6
Illinois	2,269,315	145,397	6.4	2,234,478	132,426	5.9	34,837	12,971	37.2
Indiana	1,468,995	110,761	7.5	1,438,955	100,398	7.0	29,140	10,363	35.6
Iowa	1,181,641	46,609	3.9	1,174,063	44,337	3.8	7,578	2,272	30.0
Kansas	704,297	39,476	5.6	673,121	24,888	3.7	31,176	14,588	46.8
Kentucky	1,163,498	348,392	29.9	973,275	214,497	22.0	190,223	133,895	70.4
Louisiana	649,070	318,380	49.1	320,917	58,951	18.4	328,153	259,429	79.1
Maine	519,669	22,170	4.3	518,011	21,758	4.2	1,658	412	24.8
Maryland	605,364	134,488	19.3	544,086	44,316	8.1	151,278	90,172	59.6
Massachusetts	1,432,183	92,980	6.5	1,416,767	90,658	6.4	15,416	2,322	15.1

TABLE 6.—*The total and illiterate population 10 years old or over, the white and illiterate white population of the same age, &c.*—Continued.

States and Territories.	Population, 10 years old and over.	Illiterates, 10 years old and over.	Per cent.	Number of whites, 10 years old and over.	White illiterates, 10 years old and over.	Per cent.	Number of colored people, 10 years old and over.	Colored illiterates, 10 years old and over.	Per cent.
Michigan	1,236,686	63,723	5.2	1,219,906	58,932	4.8	16,780	4,791	28.5
Minnesota	559,977	34,546	6.2	557,183	33,506	6.0	2,794	1,040	37.2
Mississippi	753,693	373,201	49.5	328,296	53,448	16.3	425,397	319,753	75.2
Missouri	1,557,631	208,754	13.4	1,453,238	152,510	10.5	104,393	56,244	53.9
Nebraska	318,271	11,528	3.6	316,312	10,926	3.5	1,959	602	30.7
Nevada	50,666	4,069	8.0	42,595	1,915	4.5	8,071	2,154	26.7
New Hampshire	286,188	14,302	5.0	285,594	14,208	5.0	594	94	15.8
New Jersey	865,591	53,249	6.2	835,385	44,049	5.3	30,200	9,200	30.5
New York	3,981,428	219,600	5.5	3,927,603	208,175	5.3	53,825	11,425	21.2
North Carolina	959,951	463,975	48.3	608,806	192,032	31.5	351,145	271,943	77.4
Ohio	2,399,367	131,847	5.5	2,339,528	115,491	4.9	59,839	16,356	27.3
Oregon	130,565	7,423	5.7	119,482	4,343	3.6	11,083	3,080	27.8
Pennsylvania	3,203,215	228,014	7.1	3,136,561	209,981	6.7	66,654	18,033	27.1
Rhode Island	220,461	24,793	11.2	215,158	23,544	10.9	5,306	1,249	23.6
South Carolina	667,456	366,848	55.4	272,706	59,777	21.9	394,750	310,071	78.5
Tennessee	1,062,130	410,722	38.7	790,744	216,227	27.3	271,386	194,495	71.7
Texas	1,064,196	316,432	29.7	808,931	123,912	15.3	255,265	192,520	75.4
Vermont	264,052	15,837	6.0	263,245	15,681	6.0	807	156	19.3
Virginia	1,059,034	430,352	40.6	630,584	114,692	18.2	428,450	315,660	73.7
West Virginia	428,587	85,376	19.9	410,141	75,237	18.3	18,446	10,139	55.0
Wisconsin	965,712	55,558	5.8	961,433	54,233	5.6	4,279	1,325	31.0
Arizona	32,922	5,842	17.7	28,634	4,824	16.8	4,288	1,018	23.7
Dakota	99,849	4,821	4.8	98,348	4,157	4.2	1,501	664	44.2
District of Columbia	136,907	25,778	18.8	91,872	3,988	4.3	45,035	21,790	48.4
Idaho	25,005	1,778	7.1	21,481	784	3.6	3,524	994	28.2
Montana	31,989	1,707	5.3	28,986	631	2.2	3,003	1,076	35.8
New Mexico	87,966	57,156	65.0	79,767	49,597	62.2	8,199	7,559	92.2
Utah	97,194	8,825	9.1	95,876	8,137	8.5	1,318	689	52.3
Washington	55,720	3,889	7.0	49,269	1,429	2.9	6,451	2,460	38.1
Wyoming	16,479	556	3.4	15,240	374	2.5	1,239	182	14.7
Total	35,761,607	6,239,958	17.0	32,160,400	3,019,080	9.4	4,601,207	3,220,878	70.1

TABLE 7.—*The white and colored adult males and the adult male illiterates of the two races, with percentages, for each State and Territory.*

[From the census of 1880.]

States and Territories.	Total white male adults.	Illiterate white male adults.	Per cent.	Total colored male adults.	Illiterate colored male adults.	Per cent.
Alabama	141,461	24,450	17.3	118,423	96,408	81.4
Arkansas	136,150	21,349	15.7	46,827	34,300	73.2
California	262,583	12,615	4.8	66,809	16,857	25.2
Colorado	92,088	3,627	3.9	1,520	289	19.0
Connecticut	173,759	9,501	5.5	3,532	696	19.7
Delaware	31,902	2,953	9.3	6,396	3,787	59.2
Florida	34,210	4,706	13.8	27,489	19,110	69.5
Georgia	177,967	28,571	16.1	143,471	116,516	81.2
Illinois	783,161	44,536	5.7	13,688	5,271	38.5
Indiana	487,698	33,757	6.9	10,739	4,345	40.5
Iowa	413,633	16,202	3.9	3,025	1,001	33.4
Kansas	254,949	7,998	3.1	10,765	5,623	52.2
Kentucky	317,579	54,956	17.3	58,642	43,177	73.6
Louisiana	108,810	16,377	15.1	107,977	86,555	80.2
Maine	186,659	8,420	4.5	664	144	21.7
Maryland	183,522	15,152	8.3	48,584	30,873	63.5
Massachusetts	496,692	30,951	6.2	5,956	941	15.8
Michigan	461,557	26,330	5.7	6,130	1,852	30.2
Minnesota	212,399	12,372	5.8	1,852	364	33.5
Mississippi	108,254	12,473	11.5	130,278	99,068	76.0
Missouri	508,165	40,665	8.0	33,042	19,028	57.6
Nebraska	128,198	3,836	3.0	844	256	30.3
Nevada	25,633	1,173	4.6	5,622	1,194	21.2
New Hampshire	104,901	5,264	5.0	237	42	17.7
New Jersey	289,965	15,902	5.5	10,670	3,560	33.4
New York	1,388,692	76,743	5.5	20,059	4,521	22.5
North Carolina	189,732	44,420	23.4	105,018	80,282	76.4
Ohio	804,871	40,373	5.0	21,700	7,041	32.4
Oregon	51,638	1,669	3.2	7,993	2,065	25.1
Pennsylvania	1,070,392	65,985	6.2	23,892	6,845	28.6
Rhode Island	75,012	7,157	9.5	1,886	467	24.8
South Carolina	86,900	13,924	16.0	118,889	93,010	78.2
Tennessee	250,055	46,948	18.8	80,250	58,601	73.0
Texas	301,737	33,085	11.0	78,639	59,669	75.9
Vermont	95,307	6,731	7.1	314	82	26.1
Virginia	206,248	31,474	15.3	128,257	100,210	78.1
West Virginia	132,777	19,055	14.4	6,384	3,830	60.0
Wisconsin	398,932	21,221	6.3	1,550	474	30.6
Arizona	18,046	2,150	11.9	2,352	422	17.9
Dakota	50,962	1,678	3.3	641	210	32.8
District of Columbia	31,955	1,350	4.2	13,918	7,520	54.0
Idaho	11,669	319	2.7	3,126	869	27.8
Montana	19,636	410	2.1	1,908	483	25.3
New Mexico	30,981	14,898	48.1	3,095	2,779	89.8
Utah	32,078	2,137	6.7	695	356	51.2
Washington	24,251	642	2.6	3,419	1,126	32.9
Wyoming	9,241	160	1.7	939	84	8.9
Total	11,343,005	886,659	7.8	1,487,344	1,022,151	68.7

TABLE 8.—*Colored schools and colored-school enrollment in the Southern States for five years, from* 1877 *to* 1881, *both dates inclusive.*

[Prepared by the United States Bureau of Education.]

	1877.		1878.		1879.		1880.		1881.	
	Schools.	Enrollment.	Schools.	Enrollment.	Schools.	Enrollment.	Schools.	Enrollment.	Schools.	Enrollment.
Public schools	10,792	571,506	14,247	685,150	14,341	685,942	16,669	784,709	17,248	802,372
Normal schools	27	3,785	34	5,236	42	6,171	44	7,408	47	7,621
Schools for secondary instruction	23	2,807	28	5,290	42	5,297	36	5,237	34	5,284
Universities and colleges	13	1,270	15	1,620	16	1,933	15	1,717	17	2,203
Schools of theology	17	462	19	626	22	762	22	800	22	604
Schools of law	2	14	3	44	3	42	3	33	3	45
Schools of medicine	2	74	4	94	4	99	2	87	2	116
Schools for the blind and deaf-mutes	2	99	2	121	2	120	2	122	2	120
Total	10,879	580,017	14,472	668,181	14,472	700,366	16,793	800,113	17,375	818,365

TABLE 9.—*Giving the popular majorities received at the last three Presidential elections, and the number of illiterate voters as shown by the census of* 1880.

States and Territories.	Electoral vote, 1880.	Popular majority, 1872.	Popular majority, 1876.	Popular majority, 1880.	Illiterate voters, 1880.
Alabama	10	10,828	33,772	34,509	120,859
Arkansas	6	3,446	19,113	18,828	55,648
Delaware	3	422	2,629	1,033	6,742
Florida	4	2,336	a926	4,310	23,816
Georgia	11	9,806	79,642	49,874	145,087
Kentucky	12	8,855	59,772	43,000	98,133
Louisiana	8	14,634	b4,627	27,316	102,932
Maryland	8	908	19,756	15,191	46,025
Mississippi	8	34,887	59,568	40,896	111,541
Missouri	15	29,809	54,389	55,042	59,683
North Carolina	10	24,675	17,010	8,326	124,702
South Carolina	7	49,400	964	54,241	106,934
Tennessee	12	8,736	43,600	20,514	105,549
Texas	8	16,595	49,955	98,383	92,754
Virginia	11	1,772	44,112	43,956	131,684
West Virginia	5	2,264	12,384	11,148	22,885
	138				
California	6	12,234	2,738	78	29,472
Colorado	3	.....	.....	2,800	3,916
Connecticut	6	4,348	1,712	2,658	10,197
Illinois	21	53,948	19,630	40,716	49,807
Indiana	15	21,098	5,515	6,636	38,102
Iowa	11	58,149	50,191	78,000	17,211
Kansas	5	33,482	32,511	61,000	13,621
Maine	7	32,335	15,814	8,868	8,564
Massachusetts	13	74,212	40,423	53,245	31,892
Michigan	11	55,968	15,542	53,890	28,182
Minnesota	5	20,694	21,780	40,588	12,736
Nebraska	3	10,517	10,326	26,456	4,092
Nevada	3	2,177	1,075	879	2,367
New Hampshire	5	5,444	2,954	4,058	5,306
New Jersey	9	14,570	11,690	2,010	19,462
New York	35	51,800	26,568	21,033	81,266
Ohio	22	34,268	7,500	34,227	47,414
Oregon	3	3,517	547	671	3,674
Pennsylvania	29	135,918	9,375	37,276	72,830
Rhode Island	4	8,336	4,947	7,416	7,624
Vermont	5	29,961	33,838	27,000	6,813
Wisconsin	10	17,696	5,205	29,763	21,695
	231				

a Or 94.

b Or 5,303.

The Southern States, seventeen in number, including the District of Columbia, are usually classed together as a section of the country requiring special help. Of all but Maryland, Missouri, and the District of Columbia this is true. The following table exhibits their condition:

TABLE 10.—*Comparative statistics of education at the South.*

States.	White.			Colored.			Total expenditure for both races. a.
	School population.	Enrollment.	Per cent. of school population enrolled.	School population.	Enrollment.	Per cent. of school population enrolled.	
Alabama	217,560	107,483	49	170,413	72,007	42	$375,465
Arkansas	b181,799	c53,229	29	b54,332	c17,743	33	238,056
Delaware	31,505	25,053	80	3,954	2,270	70	207,281
Florida	b46,410	c18,871	41	b42,099	c20,444	49	114,895
Georgia	d236,319	150,134	64	d197,125	86,399	45	471,029
Kentucky	e478,597	c241,679	50	e66,564	c23,902	36	803,490
Louisiana	c139,661	d44,052	32	c134,184	d34,476	26	480,320

TABLE 10.—*Comparative statistics of education at the South*—Continued.

States.	White.			Colored.			Total expenditure for both races, a.
	School population.	Enrollment.	Per cent. of school population enrolled.	School population.	Enrollment.	Per cent. of school population enrolled.	
Maryland	f213,609	134,210	63	f63,501	28,221	44	$1,544,367
Mississippi	175,251	112,994	64	251,438	123,710	49	800,704
Missouri	681,995	454,218	67	41,489	22,158	53	3,152,178
North Carolina	291,770	136,481	47	167,554	89,125	53	392,882
South Carolina	g83,813	61,219	73	g144,315	72,853	50	524,629
Tennessee	403,353	229,290	57	141,509	60,851	43	724,862
Texas	h171,426	138,912	81	h62,015	47,874	77	753,346
Virginia	314,827	152,136	48	240,980	68,600	28	946,109
West Virginia	202,364	138,779	68	7,749	4,071	53	716,804
District of Columbia	29,612	16,934	57	13,946	9,505	68	438,567
Total	3,800,961	2,215,674	.....	1,800,257	784,709	.....	12,473,044

a In Delaware the colored public schools have been supported by the school tax collected from colored citizens only; recently, however, they have received an appropriation of $2,400 from the State; in Kentucky the school tax collected from colored citizens is the only State appropriation for the support of colored schools; in Maryland there is a biennial appropriation by the Legislature; in the District of Columbia one third of the school money is set apart for colored public schools, and in the other States mentioned above the school moneys are divided in proportion to the school population, without regard to race. b Several counties failed to make race distinctions. c Estimated. d In 1870. e For whites the school age is 6 to 20; for colored 6 to 16. f Census of 1870. g In 1877. h These numbers include some duplicates; the actual school population is 230,527.

Excluding the States of Maryland and Missouri and the District of Columbia, and the total yearly expenditure for both races is only $7,339,932, while in the whole country the annual expenditure is, from taxation $70,341,435, and from school funds $6,580,632, or a total of $76,922,067 (see tables 2 and 7), or one-tenth of the whole, while they contain one-fifth of the school population. The causes which have produced this state of things in the Southern States are far less important than the facts themselves as they now exist. To find a remedy and to apply it is the only duty which devolves upon us. Without universal education not only will the late war prove to be a failure, but the abolition of slavery be proved to be a tremendous disaster, if not a crime.

TABLE 11.—*Population and assessed valuation of personal property and real estate in the United States, from census reports for* 1860, 1870, *and* 1880.

States and Territories.	1860.		1870.		1880.		a Increase, per cent., 1860 to 1880.	
	Population.	Assessed valuation.	Population.	Assessed valuation.	Population.	Assessed valuation.	Population.	Assessed valuation.
Alabama	964,201	422,198,782	996,992	155,582,505	1,262,505	122,867,238	31	−72
Arizona	.....	.....	9,658	1,410,295	40,440	9,270,214	.....	.....
Arkansas	435,450	180,211,390	484,471	94,538,843	802,525	86,409,364	84	−52
California	379,994	139,654,667	560,247	269,644,068	864,694	584,578,036	128	319
Colorado	34,277	.....	39,864	17,338,101	194,327	74,471,693	467	.....
Connecticut	460,147	341,256,976	537,454	425,433,237	622,700	327,177,335	35	−4
Dakota	4,837	.....	14,181	2,934,489	135,177	20,321,530	2,695	.....
Delaware	112,216	39,767,323	125,015	64,787,222	146,608	59,951,643	31	51
District of Columbia	75,080	41,684,645	131,700	74,271,692	177,624	99,401,787	137	142
Florida	140,424	68,929,685	181,748	32,480,842	269,493	30,928,309	92	−55
Georgia	1,057,286	618,232,387	1,184,109	227,219,519	1,542,180	239,472,599	46	−61
Idaho	.....	.....	14,999	5,294,205	32,610	6,440,876	.....	.....
Illinois	1,711,951	389,207,572	2,539,891	482,899,575	3,077,871	786,616,394	80	102
Indiana	1,350,428	411,042,424	1,680,637	663,455,044	1,978,301	727,815,131	46	77
Iowa	674,913	205,166,983	1,194,020	302,515,418	1,624,615	308,671,251	141	94
Kansas	107,206	22,518,332	364,399	92,125,861	996,096	160,861,689	829	613
Kentucky	1,155,684	528,212,693	1,321,011	409,544,294	1,648,690	350,563,971	43	−34
Louisiana	708,002	435,787,265	726,915	253,371,890	939,946	160,162,439	33	−63
Maine	628,279	154,380,388	626,915	204,253,780	648,036	235,978,716	3	53
Maryland	687,049	297,135,238	780,894	423,834,918	934,943	497,307,675	36	67
Massachusetts	1,231,066	777,157,816	1,457,351	1,591,983,112	1,783,085	1,584,756,802	45	104
Michigan	749,113	163,539,005	1,184,059	272,242,917	1,636,937	517,884,359	119	217
Minnesota	172,023	32,018,773	439,706	84,185,332	780,773	258,028,687	354	706
Mississippi	791,305	509,472,912	827,922	177,278,890	1,131,597	110,628,129	43	−78
Missouri	1,182,012	296,995,951	1,721,295	566,199,960	2,168,380	532,795,801	83	100
Montana	.....	.....	20,595	9,943,411	39,159	18,609,802	.....	.....
Nebraska	28,841	7,426,949	122,993	54,584,616	452,402	90,585,782	1,469	1,120
Nevada	6,857	.....	42,491	25,740,973	62,266	29,291,459	808	.....
New Hampshire	326,073	123,310,098	318,300	149,065,290	346,991	164,299,531	6	33
New Jersey	672,035	296,682,402	906,096	624,868,971	1,131,116	572,518,361	68	93
New Mexico	93,516	20,538,780	91,874	17,784,014	119,565	11,363,406	28	−45
New York	3,880,735	1,390,464,638	4,382,759	1,907,001,185	5,082,871	2,651,940,006	31	91
North Carolina	992,622	292,297,002	1,071,361	130,378,622	1,399,750	156,100,202	41	−47
Ohio	2,339,511	959,867,101	2,665,260	1,167,731,697	3,198,062	1,534,360,508	37	60
Oregon	52,465	19,024,915	90,923	31,798,510	174,768	52,522,064	233	176
Pennsylvania b	2,906,215	719,253,335	3,521,951	1,313,236,042	4,282,891	†1,683,459,016	47	134
Rhode Island	174,620	125,104,305	217,353	244,278,854	276,531	252,536,673	58	102
South Carolina	703,708	489,319,123	705,606	183,913,337	995,577	133,560,135	41	−73
Tennessee	1,109,801	382,496,200	1,258,520	253,782,161	1,542,359	211,778,538	39	−45
Texas	604,215	207,792,335	818,579	149,732,929	1,591,749	320,364,515	163	20
Utah	40,273	4,158,020	86,786	12,565,842	143,963	24,775,279	257	496
Vermont	315,098	84,758,619	330,551	102,548,528	332,286	86,806,775	5	2
Virginia	1,596,318	657,021,336	1,225,163	365,439,917	1,512,565	308,455,135	c34	c32
Washington	11,594	4,394,735	23,955	10,642,863	75,116	23,810,693	548	442
West Virginia	.....	.....	442,014	140,538,273	618,457	139,622,705	.....	.....
Wisconsin	775,881	185,945,439	1,054,670	333,209,838	1,315,497	438,971,751	70	136
Wyoming	.....	.....	9,118	5,516,748	20,789	13,621,829	.....	.....
Total	31,443,321	12,084,580,605	38,558,371	14,178,986,732	50,155,783	16,902,755,893	d60	d40

a Per cent. preceded by the minus sign indicates a decrease. b In Pennsylvania occupations are also valued for assessment. This valuation for 1880 was $68,659,580. c Virginia and West Virginia are taken together, as West Virginia belonged to Virginia in 1860. d Average for the United States.

In this connection it is proper to observe that in the States where slavery existed in 1860 the valuation then aggregated $2,289,029,642, of which $842,927,400 was in slaves, and proper allowance must be made for this fact in estimating present power to bear taxation. The negroes were then taxed; they were productive as property. Now they require to be educated; then education would have destroyed them as property. They are now doing little more as a totality than to support themselves. Their taxable property is thus far very slight.

The following table gives the actual taxation for the support of schools in the year 1880:

TABLE 12.—*Amount raised by taxation for support of public schools in each State and Territory during the year* 1880.

[Prepared by Bureau of Education, at request of H. W. BLAIR.]

States and Territories.	Amount received from taxation.		
	From State tax.	From local tax.	Total.
Alabama	$130,000	*a*$120,000	$250,000
Arkansas	*b*111,605	77,475	189,080
California	1,318,209	1,393,572	2,711,781
Colorado		*c*336,333	*c*336,333
Connecticut	210,353	1,066,314	1,276,667
Delaware		*d*151,045	*d*151,045
Florida	(140,530)		104,530
Georgia	*e*345,790	125,239	471,029
Illinois	1,000,000	5,735,478	6,735,478
Indiana	*f*1,456,834	*f*2,108,302	*f*3,625,136
Iowa		4,227,300	4,227,300
Kansas		1,276,786	1,276,786
Kentucky	535,354	*g*382,038	917,392
Louisiana	356,000	*h*94,000	*h*450,000
Maine	224,565	596,295	830,860
Maryland	491,406	721,571	1,212,977
Massachusetts		4,372,286	4,372,286
Michigan	*i*379,758	2,074,073	2,453,831
Minnesota	257,689	1,073,837	1,331,526
Mississippi		334,769	334,769
Missouri		2,163,330	2,163,330
Nebraska	73,808	713,155	786,963
Nevada			
New Hampshire			*f*344,716
New Jersey	1,017,785	724,413	1,742,198
New York	2,750,000	6,925,992	9,675,992
North Carolina	(314,719)		314,719
Ohio	1,558,207	5,155,879	6,714,086
Oregon	138,477	79,562	218,039
Pennsylvania		7,064,116	7,046,116
Rhode Island	80,800	414,852	495,652
South Carolina			440,110
Tennessee			*f*698,776
Texas	*h*678,603		*h*678,603
Vermont	113,173	304,318	417,491
Virginia	596,516	665,459	1,261,975
West Virginia	212,753	490,432	702,185
Wisconsin	*l*25,000	2,198,581	2,223,581
Arizona			*m*67,028
Dakota		123,643	123,643
District of Columbia		474,556	474,556
Idaho		48,017	48,017
Indian Territory			
Montana	*n*64,643	5,256	69,899
New Mexico			
Utah	63,041	43,337	106,378
Washington	*f*102,201	*f*3,319	*f*105,520
Wyoming		*f*7,056	*f*7,056
Total	(419,249) 14,287,570	53,913,986	*o*70,371,435

a From poll-tax. *b* State apportionment, which here probably includes the income of the State school fund for 1880, the State tax, and so much of the ordinary State revenues as may be set apart for the purpose by the Legislature. *c* From county and district tax, fines, &c. *d* This amount raised for white schools. *e* This includes rental of State railroad ($150,000). *f* In 1879. *g* Includes tax on billiards and dogs. *h* Estimated. *i* From township tax. *j* Includes income from perminent fund. *k* State appropriation. *l* Special for building purposes. *m* Total income as reported for 1880, the greater part of which comes from Territorial, county, and district taxes. *n* From county tax. *o* Includes $1,750,630 reported as derived from taxation and given in the column of totals but not appearing in the first two columns.

Table No. 12 gives the amount received in each State from interest on funds and rent of lands. The total from taxation is $70,371,435 from funds and rents, $6,580,632; total, $76,952,067.

TABLE 13.—*Rate of tax for school purposes in various cities.*

[Mills per dollar of assessed valuation.]

	Mills.		*Mills.*
Little Rock, Ark	5	Manchester, N. H	2.7
New Haven, Conn	3	New Brunswick, N. J	2.54
Columbus, Ga	2.97	Brooklyn, N. Y	3.12
Macon, Ga	2	New York, N. Y	2.84
Chicago, Ill	9.5	Poughkeepsie, N. Y	2.2
Quincy, Ill	6.4	Rochester, N. Y	3.58
Rock Island, Ill	10	Syracuse, N. Y	3
Fort Wayne, Ind	2.6	Erie, Pa	8
Indianapolis, Ind	2	Harrisburg, Pa	13
Louisville, Ky	3	Pottsville, Pa	8
Newport, Ky	3	Newport, R. I	1.3
New Orleans, La	1.9	Charleston, S. C	3
Bangor, Me	2.45	Knoxville, Tenn	2.25
Lewiston, Me	1.93	Memphis, Tenn	2
Baltimore, Md	1.52	Nashville, Tenn	4.5
Boston, Mass	2.54	Galveston, Tex	2
Lowell, Mass	2.9	Alexandria, Va	2.8
Springfield, Mass	2.9	Norfolk, Va	1
Vicksburg, Miss	4	Richmond, Va	1.37
Kansas City, Mo	4	Wheeling, W. Va	7
Saint Louis, Mo	5		

TABLE 14.—*Showing the population, total assessed valuation of property, total taxation, per capita of valuation, per capita of taxation, rate of taxation, total indebtedness, per capita of indebtedness, by States and Territories, drawn from the census of* 1880.

States and Territories.	Population.	Total assessed valuation of property.	Total taxation.	Per capita of valuation.	Per capita of taxation.	Rate of taxation.	Total indebtedness.	Per capita of indebtedness.
Alabama	1,262,505	$122,867,228	$2,061,978	$97 32	$1 63	.016	$14,728,545	$11 66
Arkansas	802,525	86,409,364	1,839,090	107 67	2 29	.021	7,938,784	9 89
California	864,694	584,578,036	12,628,005	676 05	14 72	.021	16,755,688	19 37
Colorado	194,327	74,471,693	2,052,008	383 22	11 07	.028	3,594,296	18 49
Connecticut	622,700	327,177,385	5,365,739	525 41	8 61	.016	22,001,661	35 33
Delaware	146,608	59,951,643	604,257	408 92	4 12	.01	2,346,585	16 05
Florida	269,493	30,938,309	605,180	114 80	2 25	.019	2,626,509	9 74
Georgia	1,542,180	239,472,599	2,207,008	155 28	2 07	.013	19,681,903	12 76
Illinois	3,077,871	786,616,394	19,283,413	255 57	6 26	.024	44,942,422	14 27
Indiana	1,978,301	727,815,131	10,843,630	367 90	5 48	.014	18,354,737	9 27
Iowa	1,624,615	398,671,251	10,261,605	245 39	6 31	.025	7,962,767	4 90
Kansas	996,096	160,891,689	4,414,821	161 52	4 43	.027	16,005,853	16 06
Kentucky	1,648,690	350,563,971	5,204,017	212 63	3 15	.014	14,977,881	9 08
Louisiana	939,946	160,162,439	4,395,876	170 30	4 67	.027	42,865,952	45 60
Maine	648,936	235,978,716	5,182,135	363 64	7 98	.021	22,406,850	34 52
Maryland	934,943	497,307,675	5,437,462	531 91	5 81	.01	10,896,006	11 65
Massachusetts	1,783,085	1,584,756,802	24,326,877	888 77	13 64	.015	91,283,913	51 19
Michigan	1,636,937	517,666,359	8,627,949	316 24	5 27	.016	8,803,144	5 37
Minnesota	780,773	258,028,687	3,713,707	330 47	4 75	.015	8,476,064	10 85
Mississippi	1,131,597	110,628,129	2,384,475	97 75	2 10	.021	2,013,190	1 77
Missouri	2,168,380	532,795,801	10,269,736	245 71	4 73	.019	57,487,384	26 51
Nebraska	452,402	90,585,782	2,792,480	200 23	6 17	.03	7,425,757	16 41
Nevada	62,266	29,291,459	671,673	470 42	13 99	.029	1,024,523	16 45
New Hampshire	346,991	164,755,181	2,697,640	443 11	7 77	.016	10,724,170	30 90
New Jersey	2,131,116	672,518,361	8,958,055	505 26	7 91	.015	49,547,102	43 80
New York	5,082,871	2,651,940,006	56,392,975	521 54	11 09	.021	218,723,314	43 03
North Carolina	1,399,750	156,100,202	1,916,132	111 52	1 36	.012	8,194,606	5 85
Ohio	3,198,062	1,534,360,508	25,756,658	479 77	8 05	.016	48,756,454	15 24
Oregon	174,768	52,522,084	1,113,942	300 52	6 37	.021	848,502	4 85
Pennsylvania	4,282,891	1,683,459,016	28,604,334	393 06	6 67	.016	114,034,759	26 62
Rhode Island	276,531	252,536,673	2,692,715	913 22	9 73	.01	13,102,790	47 38
South Carolina	995,577	133,560,135	1,839,983	134 15	1 84	.013	13,345,938	13 40
Tennessee	1,542,359	211,778,538	2,788,781	137 37	1 80	.013	37,387,900	24 24
Texas	1,591,749	320,364,515	4,568,716	201 26	2 87	.014	11,604,913	7 20
Vermont	332,286	86,806,775	1,745,111	261 24	5 22	.02	4,352,168	34 92
Virginia	1,512,565	308,455,135	4,642,202	203 92	3 07	.015	42,099,802	27 83
West Virginia	618,457	139,622,705	2,056,979	225 76	3 32	.014	1,513,424	2 44
Wisconsin	1,315,497	438,971,751	5,838,325	333 69	4 43	.013	11,876,992	9 02
Alaska								
Arizona	40,440	9,270,214	293,036	229 23	7 25	.031	377,501	9 33
Dakota	135,177	20,321,530	478,066	150 33	3 53	.023	998,860	7 38
District of Columbia	177,624	99,401,787	1,469,254	803 32	8 27	.014	22,675,459	127 66
Idaho	32,610	6,440,876	195,887	197 51	6 00	.03	235,319	7 21
Indian Territory: Cherokees								
Indian Territory: Chickasaws								
Indian Territory: Choctaws								
Indian Territory: Creeks								
Indian Territory: Seminoles								
Montana	39,159	18,609,802	383,947	475 23	9 80	.02	759,925	19 40
New Mexico	119,565	11,363,406	126,942	160 39	1 06	.011	84,872	70
Utah	143,963	24,775,279	435,238	172 09	3 02	.017	116,251	80
Washington	75,116	23,810,693	505,417	316 98	6 72	.021	239,311	3 18
Wyoming	20,789	13,621,829	230,228	655 24	11 07	.016	205,462	9 88

TABLE 15.—*Showing assessed valuation of real and personal property; total population by States, groups, and grand total; also average valuation per capita for the several States and groups.*

States.	Total assessed valuation.	Total population.	Valuation per capita.
NEW ENGLAND STATES.			
Maine	$235,978,716	648,936	$363
New Hampshire	164,755,181	346,991	474
Vermont	86,806,775	332,286	261
Massachusetts	1,584,756,802	1,783,085	888
Rhode Island	252,536,673	276,531	912
Connecticut	327,177,385	622,700	525
Totals for the group	2,652,011,532	4,010,529	661
SOUTHERN STATES.			
Virginia	308,455,135	1,512,565	203
West Virginia	139,622,705	618,457	225
North Carolina	156,100,202	1,399,750	111
South Carolina	133,560,135	995,577	134
Georgia	239,472,599	1,542,180	155
Florida	30,938,309	269,493	114
Alabama	122,867,228	1,262,505	97
Mississippi	110,628,129	1,131,597	97
Louisiana	161,162,439	939,946	170
Texas	320,364,515	1,591,749	201
Arkansas	86,409,364	802,525	107
Kentucky	350,563,971	1,648,690	218
Tennessee	211,778,538	1,542,359	137
Totals for the group	2,370,923,266	15,257,393	155
WESTERN STATES.			
Ohio	1,534,360,508	3,198,062	479
Indiana	727,815,131	1,978,301	367
Illinois	786,616,394	3,077,871	255
Michigan	517,666,359	1,636,937	316

TABLE 15.—*Showing assessed valuation of real and personal property, totals, &c.*—Continued.

States.	Total assessed valuation.	Total population.	Valuation per capita.
Wisconsin	$438,971,751	1,315,497	$333
Iowa	398,671,251	1,624,615	245
Minnesota	258,028,687	780,773	330
Missouri	532,795,801	2,168,380	245
Kansas	160,891,689	996,096	161
Nebraska	90,585,782	452,402	200
Colorado	74,471,693	194,327	372
Nevada	29,291,459	62,266	469
Oregon	52,522,084	174,768	300
California	584,578,036	864,694	676
Totals for the group	6,187,266,625	18,524,989	334
MIDDLE STATES.			
New York	2,651,940,006	5,082,871	521
New Jersey	572,518,361	1,131,116	506
Pennsylvania	1,683,459,016	4,282,891	393
Delaware	59,951,643	146,608	409
Maryland	497,307,675	934,943	531
District of Columbia	99,401,787	177,624	559
Totals for the group	5,564,578,488	11,756,053	473
TERRITORIES.			
Arizona	9,270,214	40,440	226
Dakota	20,321,530	135,177	150
Idaho	6,444,876	32,610	197
Montana	18,609,802	39,159	475
New Mexico	11,363,406	119,565	95
Utah	24,775,279	143,963	172
Washington	23,810,693	75,116	316
Wyoming	13,621,829	20,789	655
Totals for the group	128,213,629	606,819	211
Grand totals	16,902,993,543	50,155,783	337

TABLE 16.—*Changes in assessed valuation of property in Southern States, 1870–'80.*

States.	Assessed valuation in 1870.	Assessed valuation in 1880.	Increase.	Decrease.	Increase in population.		
					White.	Colored.	Total. a
Virginia	$365,439,917	$308,455,135	.....	$56,984,782	168,769	118,775	287,402
West Virginia	140,538,273	139,622,705	.....	915,568	168,504	7,906	176,443
North Carolina	130,378,622	156,100,202	$25,721,580	.....	188,772	139,627	328,389
South Carolina	183,913,337	133,560,135	.....	50,353,202	104,438	188,518	289,971
Georgia	227,219,519	239,472,599	12,253,080	.....	177,980	179,991	358,071
Florida	32,480,843	30,938,309	.....	1,542,534	46,458	35,001	81,745
Alabama	155,582,595	122,867,228	.....	32,715,367	140,801	124,593	265,513
Mississippi	177,278,890	110,628,129	.....	66,650,761	96,502	206,090	303,675
Louisiana	253,371,890	160,162,439	.....	93,209,451	92,889	119,445	213,031
Texas	149,732,929	320,364,515	170,631,586	.....	632,537	139,909	773,170
Arkansas	94,528,843	86,409,364	.....	8,119,479	229,416	88,497	318,054
Kentucky	409,544,294	350,563,971	.....	58,980,323	278,487	49,241	327,679
Tennessee	253,782,161	211,778,538	.....	42,003,623	202,712	80,820	283,839
				b 202,868,844			
	2,573,792,113	2,370,923,260	208,606,246	411,475,090	2,525,355	1,478,413	4,006,982

a This total includes the white, colored, 686 Chinese, 1 Japanese, and 2,527 civilized Indians. b Net decrease.

TABLE 17.—*School-district indebtedness.*

NOTE.—The officials in some States and Territories, in reporting school-district indebtedness, made no division into bonded debt and floating debt. In such cases the whole amount is entered as floating debt. In the States and Territories having no indebtedness the school-district system does not exist, or exists only for administrative purposes.

States.	Bonded debt.	Floating debt.	Total.
NEW ENGLAND STATES.			
Maine	.....	$80,034	$80,034
New Hampshire	.....	65,607	65,607
Vermont	.....	157,278	157,278
Massachusetts	.....	.....	.....
Rhode Island	.....	181,466	181,466
Connecticut	.....	683,910	683,910
Total	.....	1,168,295	1,168,295
MIDDLE STATES.			
New York	$417,904	162,529	580,433
New Jersey	697,627	280	697,907
Pennsylvania	2,451,548	4,414	2,455,962
Delaware	.....	4,222	4,222
Maryland	.....	.....	.....
District of Columbia	.....	.....	.....
Total	3,567,079	171,445	3,738,524

TABLE 17.—*School-district indebtedness*—Continued.

States.	Bonded debt.	Floating debt.	Total.
SOUTHERN STATES.			
Virginia		$90,388	$90,388
West Virginia	$28,132	15,426	43,558
North Carolina			
South Carolina			
Georgia			
Florida			
Alabama			
Mississippi			
Louisiana			
Texas			
Arkansas			
Kentucky		16,388	16,388
Tennessee			
Total	28,132	122,402	150,534
WESTERN STATES.			
Ohio	1,452,199		1,452,199
Indiana			
Illinois		3,406,306	3,406,306
Michigan	1,293,592	96,081	1,389,673
Wisconsin		276,567	276,567
Iowa	1,125,138		1,125,138
Minnesota	640,745	50,727	691,472
Missouri		746,784	746,784
Kansas	1,749,357	29,151	1,778,508
Nebraska		827,641	827,641
Colorado		328,468	328,468
Nevada		1,506	1,506
Oregon		26,585	26,585
California		377,963	377,963
Total	6,261,031	6,167,779	12,428,810
THE TERRITORIES.			
Arizona	13,000		13,000
Dakota			
Idaho		696	696
Montana		35,552	35,552
New Mexico			
Utah			
Washington			
Wyoming			
Total	13,000	36,248	49,248
The United States	9,869,242	7,666,169	17,535,411

TABLE 18.—*Valuation and taxation.*

States.	Assessed valuation.			Taxation.				
	Real estate.	Personal property.	Total.	School.	Other purposes.	Total.	Per cent. of school of total.	Rate of taxation on $100.
NEW ENGLAND STATES.								
Maine	$173,856,242	$62,122,474	$235,978,716	$937,525	$4,244,610	$5,182,135	18.0	$2 19
New Hampshire	122,733,124	42,022,057	164,755,181	516,449	2,181,191	2,697,640	19.1	1 63
Vermont	71,436,623	15,370,152	86,806,775	429,706	1,315,405	1,745,111	24.6	2 01
Massachusetts	1,111,160,072	473,596,730	1,584,756,802	4,955,428	19,371,449	24,326,877	20.3	1 53
Rhode Island	188,224,459	64,312,214	252,536,673	411,993	2,280,722	2,692,715	15.3	1 06
Connecticut	228,791,367	98,386,118	327,177,385	1,276,111	4,089,628	5,365,739	23.7	1 46
Total	1,896,201,787	735,809,745	2,652,011,532	8,527,212	33,483,005	42,010,217	20.2	1 58
MIDDLE STATES.								
New York	2,329,282,359	322,657,647	2,651,940,006	10,466,552	45,926,423	56,392,975	18.5	2 12
New Jersey	442,632,638	129,885,723	572,518,361	1,742,201	7,215,864	8,958,065	19.4	1 56
Pennsylvania	1,540,007,957	143,451,059	1,683,459,016	6,298,408	22,306,926	28,604,334	22.0	1 69
Delaware	50,302,739	9,648,904	59,951,643	132,408	471,849	604,257	21.9	1 00
Maryland	308,442,913	128,864,762	437,307,675	1,218,443	4,219,019	5,437,462	22.4	1 09
District of Columbia	87,980,356	11,421,431	99,401,787	(a)	1,469,254	1,469,254	(a)	1 47
Total	4,818,648,962	745,929,526	5,564,578,488	19,858,012	81,608,335	101,466,347	19.5	1 82
SOUTHERN STATES.								
Virginia	233,601,599	74,853,536	308,455,135	1,125,028	3,517,174	4,642,202	24.2	1 50
West Virginia	105,000,306	34,622,309	139,622,705	752,763	1,304,216	2,056,979	36.5	1 47
North Carolina	101,709,326	54,390,876	156,100,202	345,720	1,570,412	1,916,132	18.0	1 22
South Carolina	77,461,670	56,098,465	133,560,135	423,623	1,416,360	1,839,983	23.0	1 37
Georgia	139,983,941	99,488,658	239,472,599	387,818	2,819,190	3,207,008	12.0	1 33
Florida	18,885,151	12,053,158	30,938,309	109,146	496,034	605,180	18.0	1 67
Alabama	77,374,008	45,493,220	122,867,228	260,147	1,801,831	2,061,978	12.6	1 67
Mississippi	79,469,530	31,158,599	110,628,129	474,905	1,909,570	2,384,475	19.8	2 15

TABLE 18.—*Valuation and taxation*—Continued.

States.	Assessed valuation.			Taxation.				
	Real estate.	Personal property.	Total.	School.	Other purposes.	Total.	Per cent. of school of total.	Rate of taxation on $100.
SOUTHERN STATES—continued.								
Louisiana	$122,362,297	$37,800,142	$160,162,439	$545,654	$3,850,222	$4,395,876	12.4	$2 74
Texas	205,508,924	114,855,591	320,364,515	549,827	4,018,889	4,568,716	12.0	1 42
Arkansas	55,760,388	30,648,976	86,409,364	558,700	1,280,390	1,839,090	30.3	2 12
Kentucky	265,085,908	85,478,063	350,563,971	1,109,623	4,091,394	5,201,017	21.3	1 48
Tennessee	195,644,200	16,134,338	211,778,538	928,609	1,860,172	2,788,781	33.2	1 31
Total	1,677,847,248	693,076,021	2,370,923,269	7,571,563	29,935,854	37,507,417	20.1	1 58
WESTERN STATES.								
Ohio	1,093,677,705	440,682,803	1,534,360,508	6,954,053	18,802,605	25,756,658	26.9	1 67
Indiana	538,683,239	189,131,892	727,815,131	3,394,442	8,949,188	12,343,630	27.4	1 69
Illinois	575,441,053	211,175,341	786,616,394	6,329,680	18,256,338	24,586,018	25.7	3 12
Michigan	432,961,884	84,804,475	517,666,359	2,524,164	6,103,785	8,627,949	29.2	1 66
Wisconsin	344,788,721	94,183,030	438,971,751	1,906,489	5,681,836	7,588,325	25.1	1 72
Iowa	297,254,342	101,416,909	398,671,251	4,113,576	6,948,029	11,061,605	37.1	2 77
Minnesota	203,446,781	54,581,906	258,028,687	1,331,526	3,014,774	4,346,300	30.6	1 68
Missouri	381,985,112	150,810,689	532,795,801	2,496,197	7,773,539	10,269,736	24.3	1 92
Kansas	108,432,049	52,459,640	160,891,689	1,118,859	3,860,791	4,979,650	22.4	3 09
Nebraska	55,073,375	35,512,407	90,585,782	769,800	2,022,680	2,792,480	27.5	3 08
Colorado	35,604,197	38,867,496	74,471,693	424,628	1,727,380	2,152,008	19.7	2 88
Nevada	17,941,030	11,350,429	29,291,459	122,048	749,625	871,673	14.0	2 97
Oregon	32,584,966	19,937,118	52,522,084	224,932	889,010	1,113,942	20.1	2 12
California	406,273,585	118,304,451	584,578,036	2,709,787	9,918,218	12,628,005	21.4	2 16
Total	4,584,048,039	1,603,218,586	6,187,266,625	34,420,181	94,697,798	129,117,979	26.6	2 08
THE TERRITORIES.								
Arizona	3,922,961	5,347,253	9,270,214	49,667	243,369	293,036	16.9	3 16
Dakota	13,333,918	6,987,612	20,321,530	102,714	375,352	478,066	21.4	2 25
Idaho	2,297,536	4,143,356	6,440,876	36,380	159,507	195,887	18.5	3 04
Montana	5,077,162	13,532,640	18,609,802	83,998	299,949	383,947	21.8	2 06
New Mexico	4,788,764	6,574,642	11,363,406	34,748	92,194	126,942	27.3	1 11
Utah	14,779,344	9,995,935	24,775,279	141,651	293,587	435,238	32.5	1 75
Washington	11,335,923	12,474,770	23,810,693	111,091	394,326	505,417	21.9	2 12
Wyoming	4,485,291	9,136,628	13,621,829	34,294	195,934	230,228	14.8	1 69
Total	60,020,889	68,192,740	128,213,629	594,543	2,054,218	2,648,761	22.4	2 06
The United States	13,036,766,925	3,866,226,618	16,902,993,543	70,971,511	241,779,210	312,750,721	22.6	1 85

a No tax for the support of schools separate from other taxes is levied, but the expenses of the schools, amounting to $438,567, are paid out of the district revenue.

TABLE 19.—*Selected cities, valuation and taxation.*

Cities.	Assessed valuation.			Taxation.						
	Real estate.	Personal property.	Total.	Rate of levy on $100.				Amount of levy.			
				State.	County.	City.	Total.	State.	County.	City.	Total.
New York, N. Y.	$918,134,380	$175,934,955	$1,094,069,335	$0 34	(a)	$2 24	$2 58	$3,751,062	(a)	$24,475,927	$28,226,989
Auburn, N. Y.	7,216,899	1,587,550	8,804,449	24	$0 14	2 30	2 68	20,852	$11,997	202,449	235,298
Philadelphia, Pa	529,169,382	52,560,377	581,729,759	03	(a)	2 02	2 05	200,812	(a)	11,775,720	11,976,532
Harrisburg, Pa	5,271,698	112,931	5,384,629	01	89	2 72	3 62	565	52,156	159,621	212,342
Manchester, N. H	13,126,737	3,495,242	16,621,979	24	24	1 11	1 59	39,724	39,366	184,460	263,550
Chicago, Ill	91,152,229	26,817,806	117,970,035	27	87	3 20	4 33	313,979	1,021,945	3,776,451	5,112,375
Boston, Mass	428,777,000	184,545,691	613,322,691	02	04	1 18	1 24	122,665	282,128	7,261,741	7,666,534
Saint Louis, Mo	136,071,670	29,216,730	165,288,400	40	(a)	1 83	2 22	655,256	(a)	3,017,427	3,672,683
Kansas City, Mo	7,750,840	2,826,420	10,577,260	40	75	3 40	4 55	42,309	79,329	359,627	481,265
Baltimore, Md	185,580,023	60,463,158	244,042,181	19	(a)	1 03	1 22	457,581	(a)	2,520,000	2,977,581
Cincinnati, Ohio	131,272,619	38,033,016	169,305,635	29	22	2 40	2 91	490,986	365,700	4,070,225	4,926,911
San Francisco, Cal	190,280,810	54,196,550	244,477,360	55	(a)	1 69	2 24	1,344,625	(a)	4,131,667	5,476,292
New Orleans, La	71,424,382	20,369,968	91,794,350	60	(a)	2 04	2 64	546,708	(a)	1,859,257	2,405,965
Newark, N. J	65,733,315	17,631,095	83,364,410	25	41	1 42	2 08	209,612	345 176	1,182,325	1,737,113
Louisville, Ky	49,795,000	16,014,000	65,809,000	46	(a)	1 82	2 28	299,431	(a)	1,200,056	1,499,487
Detroit, Mich	63,981,315	19,216,725	83,198,040	27	20	99	1 46	227,817	165,644	824,230	1,217,691
Providence, R. I	86,816,100	28,765,600	115,581,700	17	(a)	1 23	1 40	202,257	(a)	1,415,887	1,618,144
Richmond, Va	28,783,389	10,738,967	39,522,356	46	(a)	1 40	1 86	181,538	(a)	549,904	731,442
Petersburg, Va	5,921,845	3,210,485	9,132,330	45	(a)	1 50	1 95	41,183	(a)	137,040	178,224
New Haven, Conn	34,866,224	12,102,163	46,968,387	15	(a)	1 25	1 40	70,453	(a)	587,104	657,557
Charleston, S. C	14,585,818	7,957,605	22,543,423	48	63	2 00	3 10	107,081	140,896	450,868	698,845
Minneapolis, Minn	16,809,149	6,606,584	23,415,733	15	20	1 11	1 46	35,124	46,831	259,064	341,019
Nashville, Tenn	10,763,560	2,573,200	13,336,760	20	80	2 00	3 00	26,674	106,694	266,735	400,103
Memphis, Tenn	15,784,314	1,000,000	16,784,314	20	54	1 05	1 79	33,032	90,835	176,236	300,103
Atlanta, Ga	12,900,000	5,100,000	18,000,000	35	35	1 50	2 20	63,000	63,000	270,000	396,000
Savannah, Ga	9,070,001	5,990,444	15,060,445	45	35	2 13	2 93	67,772	52,713	321,058	441,543
Portland, Me	19,825,800	10,359,128	30,184,928	39	07	2 04	2 50	117,835	19,886	616,902	754,623
Wheeling, W. Va	10,095,011	4,078,589	14,173,600	36	54	78	1 68	51,000	76,500	110,554	238,054
Mobile, Ala	8,509,981	4,481,814	12,991,795	65	50	1 45	2 60	84,447	64,959	188,281	337,787
Galveston, Tex	11,389,302	3,515,464	14,904,856	50	70	1 50	2 70	75,000	105,000	223,573	403,573
Raleigh, N. C	2,430,225	427,244	2,857,469	22	34	1 45	2 12	9,239	9,801	41,512	60,552
Little Rock, Ark	3,254,411	1,210,794	4,465,205	65	1 50	1 70	3 85	29,024	66,978	75,908	171,910
Worcester, Mass	30,708,100	8,877,671	39,585,771	03	11	1 40	1 56	14,255	46,497	557,193	617,945
Lynn, Mass	17,316,609	5,171,225	22,487,864	03	10	1 47	1 61	7,460	24,362	332,481	364,303

a No tax levied.

TABLE 20.—*Drawn from returns of school statistics from the several States and Territories for the year* 1881, *showing number of youth not enrolled in school, and expense of supplying them with necessary school-houses and teachers and text-books for school of three-months' length for first year.*

States and Territories.	Number of school age not enrolled in school.	Number of school-houses and teachers required for them.	Cost of school-houses required.	Cost of qualifying teachers.	Cost of a three-months' school-teacher's wages.	Cost of text-books.	Total cost of school-houses, expenses of preparation of teachers, the pay of teachers, and of school books.
Alabama	246,450	b4,929	c$1,478,700	d$1,232,250	e$443,610	f$7,395	$3,161,953
Arkansas	177,097	3,482	1,044,600	870,500	313,380	5,223	2,233,703
California	47,382	945	283,500	236,250	85,050	1,417	606,217
Colorado	14,804	296	88,800	74,000	26,640	444	189,884
Connecticut	24,364	487	146,100	121,750	43,830	730	312,410
Delaware	8,163	163	48,900	40,750	15,570	244	105,464
Florida	49,362	987	296,100	246,750	88,830	1,485	633,165
Georgia	216,819	4,336	1,300,800	1,084,000	390,240	6,504	2,781,544
Illinois	300,595	6,012	1,803,600	1,503,000	541,080	9,018	3,856,698
Indiana	210,488	4,209	1,262,700	1,052,250	378,810	6,313	2,700,073
Iowa	163,217	3,224	967,200	800,000	293,160	4,836	2,071,196
Kansas	99,145	1,983	594,900	495,750	178,470	2,974	1,272,094
Kentucky	315,198	6,304	1,891,200	1,576,000	567,360	9,456	4,044,016
Louisiana	209,044	4,181	1,254,300	1,045,250	376,290	6,271	2,682,111
Maine	63,860	1,277	383,100	319,250	114,930	1,915	819,195
Maryland	160,292	3,206	961,800	801,500	288,540	4,809	2,056,649
Massachusetts							
Michigan	146,551	2,931	879,300	732,750	263,790	4,386	1,880,226
Minnesota	123,645	2,473	741,900	618,250	222,570	3,709	1,586,429
Mississippi	182,675	3,653	1,095,900	913,250	328,770	5,479	2,343,399
Missouri	247,108	4,942	1,482,600	1,235,500	444,780	7,413	3,170,293
Nebraska	52,048	1,041	312,300	260,250	93,690	1,561	667,801
Nevada	2,204	44	13,200	11,000	3,960	66	28,226
New Hampshire							
New Jersey	132,089	2,641	792,300	660,250	237,690	3,961	1,694,201
New York	640,840	12,817	3,845,100	3,204,250	1,153,530	19,225	8,222,105
North Carolina	227,356	4,547	1,364,100	1,136,750	409,230	6,820	2,916,900
Ohio	318,579	6,371	1,911,300	1,592,750	573,390	9,556	4,086,996
Oregon	27,143	543	162,900	135,750	48,870	814	348,334
Pennsylvania	490,628	9,812	2,943,600	2,453,000	883,080	14,718	6,294,398
Rhode Island	8,157	163	48,900	40,750	14,670	244	104,564
South Carolina	128,821	2,576	772,800	644,000	231,840	3,864	1,652,504
Tennessee	262,407	5,248	1,574,400	1,312,000	472,320	7,822	3,366,542
Texas	43,741	875	262,500	218,750	78,750	1,312	561,312
Vermont	24,817	496	148,800	124,000	44,640	744	318,184
Virginia	317,619	6,352	1,905,600	1,588,000	571,680	9,258	4,074,808
West Virginia	67,988	1,359	407,700	339,750	122,310	2,038	871,798
Wisconsin	191,236	3,824	1,147,200	956,000	344,160	5,736	2,453,096
Alaska							
Arizona	5,727	114	34,200	28,500	10,260	171	73,131
Dakota	13,364	267	80,100	66,750	24,030	400	171,280
District of Columbia	16,259	325	97,500	81,250	29,250	487	208,487
Idaho	1,440	29	8,700	7,250	2,610	43	18,603
Indian Territory (Cherokees, Chickasaws, Choctaws, Creeks, Seminoles)							
Montana	4,783	95	28,500	23,750	8,550	142	60,942
New Mexico	24,500	490	147,000	122,500	44,100	735	314,335
Utah	15,581	311	93,300	77,750	27,990	466	199,506
Washington	9,145	183	54,900	45,750	16,470	274	117,394
Wyoming	1,205	24	7,200	6,100	2,160	36	15,496
Total	6,030,936	120,567	36,170,100	30,141,850	10,854,930	180,782	77,347,662

a A large number attend school beyond the school age, which carries the enrollment above the total school population, so that the absence of those of school age does not appear. b Allowing one teacher to each fifty pupils. c Allowing one school-house of a cost of $300 to fifty pupils. d Allowing one year at a normal school at a cost of $250. e This is the additional cost of a school of three months for the non-attending persons of school age according to the returns for 1881; other returns can be made for 1882. f This is an expense incurred by each parent, and, though not a public tax, is a part of the additional expense to be incurred by the communities.

TABLE 21.—*Table drawn from the returns of school statistics from the Southern States and District of Columbia for the year* 1881, *showing the number of youth not enrolled in school and the expense of supplying them with the necessary school-houses and teachers and the books for a school of three-months' length for the first year.*

Southern States and District of Columbia.	Number of school age not enrolled in school.	Number of school-houses and teachers required for them.	Cost of building school-houses required	Cost of qualifying teachers.	Cost of a three months' school-teacher's wages.	Cost of books for pupils.	Total cost of school-houses, expense of preparation of teachers, pay of teachers, and school-books.
Alabama	246,450	a4,929	b$1,478,700	c$1,232,250	d$443,610	e$7,393	$3,161,953
Arkansas	174,097	3,482	1,044,600	870,500	313,380	5,223	2,233,703
California							
Colorado							
Connecticut							
Delaware	8,163	163	48,900	40,750	15,570	244	105,464
Florida	49,362	987	296,100	246,750	88,830	1,485	633,165
Georgia	216,819	4,336	1,300,800	1,084,000	390,240	6,504	2,781,544
Illinois							
Indiana							
Iowa							
Kansas							
Kentucky	315,198	6,304	1,891,200	1,576,000	567,360	9,456	4,044,016
Louisiana	209,044	4,181	1,254,300	1,045,250	376,290	6,271	2,682,111

TABLE 21.—*Table drawn from the returns of school statistics for the Southern States and District of Columbia for the year* 1881, *&c.*—Continued.

Southern States and District of Columbia.	Number of school age not enrolled in school.	Number of school-houses and teachers required for them.	Cost of building school-houses required.	Cost of qualifying teachers.	Cost of a three months' school-teacher's wages.	Cost of books for pupils.	Total cost of school-houses, expense of preparation of teachers, pay of teachers, and school-books.
Maine							
Maryland	$160,292	$3,206	$961,800	$801,500	$288,540	$4,809	$2,056,649
Massachusetts							
Michigan							
Minnesota							
Mississippi	182,675	3,653	1,095,900	913,250	328,770	5,479	2,343,399
Missouri	247,108	4,942	1,482,600	1,235,500	444,780	7,413	3,170,293
Nebraska							
Nevada							
New Hampshire							
New Jersey							
New York							
North Carolina	227,356	4,547	1,364,100	1,136,750	409,230	6,820	2,916,900
Ohio							
Oregon							
Pennsylvania							
Rhode Island							
South Carolina	128,821	2,576	772,800	644,000	231,840	3,864	1,652,504
Tennessee	262,407	5,248	1,574,400	1,312,000	472,320	7,822	3,366,542
Texas	43,741	875	262,500	218,750	78,750	1,312	561,312
Vermont							
Virginia	317,619	6,352	1,905,600	1,588,000	571,680	9,528	4,074,808
West Virginia	67,988	1,359	407,700	339,750	122,310	2,038	871,798
Wisconsin							
Alaska							
Arizona							
Dakota							
District of Columbia	16,259	325	97,500	81,250	29,250	487	208,487
Total	2,873,399	57,465	17,239,500	14,366,250	5,172,750	86,148	36,864,648

a Allowing one teacher to each fifty pupils. b Allowing one school house at a cost of $300 to fifty pupils. c Allowing one year at normal school cost of $250. d This is the additional cost of a school of three months for the non-attending persons of school age, according to the returns of 1881; other returns can be made for 1882. e This is an expense incurred by each parent, and, though not a public tax, is a part of the additional expense to be incurred by the community.

TABLE 22.—*Table based on returns to the Bureau of Education for* 1881, *showing legal school population; total school expenditure; per capita of school expenditure; proportion of* $15,000,000 *based on number of persons by census of* 1880 *ten years old and upward who can not read; proportion of* $15,000,000 *to per capita of school population of* 1881; *total of school expenditure including* $15,000,000; *and total per capita expenditure including* $15,000,000.

States and Territories.	School population, 1881.	Total school expenditure, 1881.	Per capita of school expenditure, 1881.	Proportion of $15,000,000, national aid, based on illiteracy of 1880.	Per capita of $15,000,000, to school population, 1881.	Total of school expenditure, 1881, increased by proportion of $15,000,000 based on illiteracy of 1880.	Per capita of school expenditure, 1881, increased by proportion of $15,000,000.
Alabama	$422,739	$410,690	$0 97	$1,127,869 83	$2 66	$1,538,559 83	$3 64
Arkansas	272,841	388,412	1 42	466,735 53	1 71	855,147 53	3 13
California	211,237	3,047,605	14 42	147,983 82	70	3,195,588 82	15 12
Colorado	40,804	557,151	13 65	28,373 77	69	585,524 77	14 34
Connecticut	143,745	1,476,691	10 27	63,933 36	44	1,540,624 36	10 71
Delaware	37,285	207,281	5 56	51,514 96	1 38	258,796 96	6 94
Florida	88,677	114,895	1 29	213,887 07	2 46	328,782 07	3 75
Georgia	461,016	498,533	1 08	1,360,596 42	2 95	1,859,129 42	4 03
Illinois	1,002,222	7,858,414	7 84	294,880 21	29	8,153,294 21	8 13
Indiana	714,343	4,528,754	6 34	213,244 37	29	4,741,998 37	6 63
Iowa	594,730	5,129,819	8 62	85,644 38	14	5,215,463 38	8 76
Kansas	348,179	1,976,397	5 67	77,682 14	22	2,054,079 14	5 90
Kentucky	553,638	1,248,524	2 25	786,434 56	1 42	2,034,958 56	3 67
Louisiana	271,414	441,484	1 62	905,612 35	3 33	1,347,096 35	4 96
Maine	213,927	1,089,414	5 09	55,379 33	25	1,144,793 33	5 35
Maryland	319,201	1,604,580	5 02	339,284 80	1 06	1,943,864 80	6 08
Massachusetts	312,680	5,776,542	18 47	230,384 21	73	6,006,926 21	19 21
Michigan	518,294	3,418,233	6 59	143,503 15	27	3,561,736 15	6 87
Minnesota	300,923	1,466,492	4 87	62,598 35	20	1,529,090 35	5 08
Mississippi	419,963	757,758	1 80	961,354 15	2 28	1,719,112 15	4 09
Missouri	723,484	3,152,178	4 35	422,839 63	58	3,575,017 63	4 94
Nebraska	152,824	1,165,103	7 62	23,850 18	15	1,188,953 18	7 78
Nevada	10,533	140,419	13 33	11,279 34	1 07	151,698 34	14 40
New Hampshire	60,899	577,022	9 47	36,497 17	59	613,519 17	10 07
New Jersey	205,631	1,914,447	5 70	119,208 26	35	2,033,655 26	6 05
New York	1,662,122	10,923,402	6 57	507,539 75	30	11,430,941 75	6 87
North Carolina	468,072	409,659	87	1,120,692 94	2 39	1,530,351 94	3 26
Ohio	1,063,337	8,133,622	7 65	264,252 68	24	8,397,874 68	7 89
Oregon	61,641	318,331	5 16	16,375 30	26	334,706 30	5 43
Pennsylvania	1,422,377	7,994,705	5 62	445,136 35	31	8,439,841 35	5 93
Rhode Island	53,077	549,937	10 36	53,170 98	1 00	603,107 98	11 36
South Carolina	262,279	345,634	1 31	980,141 88	3 73	1,325,775 88	5 05
Tennessee	545,875	638,009	1 16	1,201,296 71	2 20	1,839,305 71	3 36

TABLE 22.—*Table based on returns to the Bureau of Education for* 1881, *&c.*—Continued.

States and Territories.	School population, 1881.	Total school expenditure, 1881.	Per capita of school expenditure, 1881.	Proportion of $15,000,000 national aid, based on illiteracy of 1880.	Per capita of $15,000,000 to school population, 1881.	Total of school expenditure, 1881, increased by proportion of $15,000,000 based on illiteracy of 1880.	Per capita of school expenditure, 1881, increased by proportion of $15,000,000.
Texas	230,527	$753,346	$3 26	$780,455 26	$3 37	$1,533,801 26	$6 65
Vermont	99,463	447,252	4 99	39,576 68	39	486,828 68	4 89
Virginia	556,665	1,100,239	1 97	1,098,067 77	1 95	2,198,306 77	3 94
West Virginia	213,191	761,250	3 57	158,516 89	74	919,766 89	4 31
Wisconsin	491,358	2,279,103	4 65	117,858 88	23	2,396,961 88	4 87
Alaska							
Arizona	9,571	44,628	4 66	16,740 82	1 74	61,368 82	6 41
Dakota	38,815	314,484	8 10	9,424 32	24	324,908 32	8 37
District of Columbia	43,588	527,312	12 10	65,613 89	1 50	592,925 89	13 61
Idaho	7,520	44,840	5 96	4,215 66	56	49,055 66	6 52
Indian Territory: Cherokees							
Indian Territory: Chickasaws							
Indian Territory: Choctaws							
Indian Territory: Creeks							
Indian Territory: Seminoles							
Montana	9,895	55,781	5 63	4,660 38	47	60,441 38	6 10
New Mexico	29,255	28,973	99	161,419 72	5 51	190,392 72	6 50
Utah	42,353	199,264	4 70	14,776 15	34	214,040 15	5 05
Washington	23,899	114,379	4 78	9,719 79	40	124,098 79	5 19
Wyoming	4,112	28,504	6 94	1,300 64	31	29,804 64	7 24

TABLE 23.—*Showing the sum of money which each State and Territory would receive in the division of* $15,000,000 *among them all in proportion to their relative population ten years of age and upward who can not write (census of* 1880, 6,239,958).

Relative amounts used by each State.	States.	Number who can not write.	Amount.
	NEW ENGLAND STATES.		
33	Maine	22,170	$53,429 70
36	New Hampshire	14,392	34,467 82
35	Vermont	15,857	38,167 17
19	Massachusetts	92,980	224,081 80
32	Rhode Island	24,793	59,751 13
30	Connecticut	28,424	68,501 84
	Total	198,506	478,399 46
	MIDDLE STATES.		
12	New York	219,600	529,226 00
26	New Jersey	53,249	128,320 09
11	Pennsylvania	228,014	549,513 74
34	Delaware	19,414	46,787 74
	Total	520,277	1,253,857 57
	SOUTHERN STATES.		
3	Alabama	433,447	1,044,607 27
14	Arkansas	202,015	486,856 15
21	Florida	80,183	193,241 03
1	Georgia	520,416	1,254,202 56
8	Kentucky	348,392	839,624 72
9	Louisiana	318,380	767,295 80
16	Maryland	134,488	324,116 08
6	Mississippi	373,201	899,414 41
13	Missouri	208,754	503,097 14
2	North Carolina	463,975	1,118,179 75
7	South Carolina	369,848	892,333 68
5	Tennessee	410,722	989,840 02
10	Texas	316,432	762,601 12
4	Virginia	430,352	1,037,148 32
20	West Virginia	85,376	205,756 16
	Total	4,695,981	11,318,394 21
	WESTERN STATES.		
15	Illinois	145,397	350,406 77
18	Indiana	110,761	266,934 01
27	Iowa	46,609	112,327 69
28	Kansas	39,476	95,137 16
23	Michigan	63,723	153,572 43
29	Minnesota	34,546	83,255 86
17	Ohio	131,841	317,736 81
24	Wisconsin	55,558	133,894 78
	Total	627,911	1,513,265 51
	PACIFIC STATES.		
25	California	53,436	128,766 30
38	Colorado	10,474	25,242 34
37	Nebraska	11,528	27,782 06

TABLE 23.—*Showing the sum of money which each State and Territory would receive, &c.*—Continued.

Relative amounts used by each State.	States.	Number who can not write.	Amount.
43	Nevada	4,069	$9,806 29
40	Oregon	7,423	17,889 43
	Total	86,924	209,486 44
	TERRITORIES AND DISTRICT OF COLUMBIA.		
41	Arizona	5,842	14,079 22
42	Dakota	4,821	11,618 61
45	Idaho	1,778	4,284 98
46	Montana	1,707	4,113 87
23	New Mexico	57,156	137,745 96
39	Utah	8,826	20,970 86
44	Washington	3,889	9,372 49
47	Wyoming	556	1,339 96
31	District of Columbia	25,778	62,114 98
	Total	110,353	265,640 93

The amount to each illiterate who can not write is $2.41; to each who cannot read it is about $3.00.

TABLE 24.—*Table showing the sum of money which each State and Territory would receive in the division of* $15,000,000 *among them all in proportion to their relative population ten years of age and upward who can not read (census,* 1880).

States and Territories.	No. of such illiterates in each State.	Proportion of $15,000,000 to each State.
Alabama	370,279	$1,127,869 83
Arizona	5,496	16,740 82
Arkansas	153,229	466,735 53
California	48,583	147,983 92
Colorado	9,321	28,373 77
Connecticut	20,986	63,933 26
Dakota	3,094	9,424 32
Delaware	16,912	51,514 96
District of Columbia	21,541	65,613 89
Florida	70,219	213,887 07
Georgia	466,683	1,360,506 42
Idaho	1,384	4,215 66
Illinois	96,809	294,880 21
Indiana	70,008	213,244 37
Iowa	28,117	85,644 38
Kansas	25,503	77,682 14
Kentucky	258,186	786,434 56
Louisiana	297,312	905,612 25
Maine	18,181	55,379 33

TABLE 24.—*Table showing sum of money, &c.*—Continued.

States and Territories.	No. of such illiterates in each State.	Proportion of $15,000,000 to each State.
Maryland	111,387	$339,284 80
Massachusetts	75,635	230,384 21
Michigan	47,112	143,503 15
Minnesota	20,551	62,598 35
Mississippi	315,612	961,354 15
Missouri	138,818	422,830 63
Montana	1,530	4,660 38
Nebraska	7,830	23,850 18
Nevada	3,703	11,279 34
New Hampshire	11,982	36,497 17
New Jersey	39,136	119,208 26
New Mexico	52,994	161,419 72
New York	166,605	507,539 75
North Carolina	367,890	1,120,692 94
Ohio	86,754	264,252 68
Oregon	5,376	16,375 30
Pennsylvania	146,138	445,136 35
Rhode Island	17,456	53,170 98
South Carolina	321,780	980,141 88
Tennessee	394,385	1,201,296 71
Texas	256,223	780 455 26
Utah	4,851	14,776 15
Vermont	12,993	39,576 68
Virginia	360,495	1,098,067 77
Washington	3,191	9,719 79
West Virginia	52,041	158,516 89
Wisconsin	38,693	117,858 88
Wyoming	427	1,300 64
Total	4,923,451	15,000,000 00

Mr. President, the Committee on Education and Labor has also reported another bill, the purpose of which is to provide a perpetual fund for distribution among the States and Territories for the support of common schools. For the first ten years it is proposed that that distribution be made on the basis of illiteracy, and ever afterward on that of actual population. The proposition is to found a fund, and to increase that fund by placing to its account every year the proceeds of the sales of public lands and one-half the income from the land grant railroads of the country, so called, and to distribute not the money itself thus received, but the interest thereof.

Of course at the beginning the amount for distribution would be very trifling, as the interest upon the three, four, or five million, whatever the amount might be, which would be passed to the credit of this fund as the accumulation from the two sources mentioned for the first year would be very little indeed, but gradually it would increase, and in the course of ten years the amount of interest that would be likely to accrue for distribution would become of essential consequence. It might reach in ten years the amount of three or four million dollars, and ever afterward it would continue to increase.

That bill has in substance been before the country for ten or twelve years. The honorable Senator from Massachusetts [Mr. HOAR] whom I do not now see in his seat was one of the earliest and strongest advocates of that measure, and the honorable Senator from Vermont [Mr. MORRILL] has identified his name with it as he has with so many other of the great measures of legislation which have been enacted during the last twenty years in this country. That measure has received the sanction of the Senate upon, I think, more than one occasion. It has failed to pass the House of Representatives heretofore. At some time that bill will come up for consideration by the Senate.

The Committee on Education and Labor looked upon these two bills as entirely harmonious in their relation with each other, the one now being discussed relating only to a temporary exigency, proposing to distribute a larger amount of money immediately to reach an existing difficulty, in order to equalize the educational condition of the country as a whole, and the other bill would naturally supplement it, and about the time the fund from the temporary-aid bill shall disappear something substantial will be coming from this.

I make these remarks at this time in order that I may introduce, as bearing upon the general subject of national aid to education and as contributing something to the symmetry of the discussion, which must include that bill earlier or later, certain documentary matter. I present table No. 25, showing the aggregate amount received from the disposal of public lands in the past twenty years, and one-half the yearly amount received from the railroads, and the yearly income to be derived upon an average yearly amount at 4 per cent. for each of the next ten years for school purposes; a like table, No. 26, giving the income from railroads from three and a half years; and table No. 27 showing the disposals of the public lands and the amount received therefrom in each fiscal year from July 1, 1862, to June 30, 1882, inclusive. I think these tables, in connection with the others which I have already introduced, will furnish to the Senate and to everybody practically all the statistical information that exists in this country in the possession of the Government, from its archives, as bearing on the subject-matter of education.

TABLE 25.—*Showing aggregate amount received from the disposal of public lands in the past twenty years, $49,874,303.38; average amount per year, $2,443,715.17; one-half the yearly amount received from railroads, $223,689.92.*

Years.	Fund.	Income for distribution.	To schools.	To agricultural colleges.
First year	$2,667,405 09	$106,606 20	$71,130 80	$35,565 40
Second year	5,334,810 18	213,392 40	142,261 60	71,130 80
Third year	8,902,215 27	320,088 60	213,392 40	106,696 20
Fourth year	10,669,620 36	426,784 80	284,523 20	142,261 60
Fifth year	13,337,025 45	533,481 00	355,654 00	177,827 00
Sixth year	16,004,430 54	640,177 20	426,784 80	213,392 40
Seventh year	18,671,835 63	746,873 40	497,915 60	248,957 80
Eighth year	21,339,240 72	853,569 60	569,045 40	284,523 20
Ninth year	24,006,645 81	930,265 80	640,177 20	320,088 60
Tenth year	26,674,050 90	1,066,962 00	711,308 00	355,654 00

TABLE 26.—*List of cash payments into the Treasury of the United States made by the Central Pacific Railroad Company on account of "25 per cent. of net earnings," under the act of May 7, 1878, from July 1, 1878, to December 31, 1881:*

Six months ending December 31, 1878 (report for 1879, page 38)	$181,329 51
Twelve months ending December 31, 1879 (report for 1880, page 37)	229,076 32
Twelve months ending December 31, 1880 (report for 1881, page 20)	144,436 74
Twelve months ending December 31, 1882 (report for 1882, page 27)	79,149 91
Total for three and a half years	663,992 48

Amounts found to be due in cash from the Union Pacific Railway Company on account of "25 per cent. of net earnings," under the act of May 7, 1878, for the period from July 1, 1878, to December 31, 1881; but owing to questions in dispute payments have not yet been made by the company (see report for 1882, pages 14 and 33):

Six months ending December 31, 1878 (report for 1881, page 14)		$422,779 31
Twelve months ending December 31, 1879 (report for 1881, page 14)		524,038 38
Twelve months ending December 31, 1880 (report for 1881, page 16)		721,993 08
Twelve months ending December 31, 1881 (report for 1882, page 34)		590,191 31
Total for three and a half years		2,259,002 08
Less amounts due the company for services rendered prior to the act, which had been withheld by the Treasury Department, namely:		
Union Pacific (report for 1881, page 18)	$491,244 34	
Kansas Pacific (report for 1881, page 18)	865,920 71	
		1,357,165 05
Due United States in cash		901,837 03
January 6, 1883.—Payments made during the last three and a half years by the Central Pacific, average yearly		189,712 13
Claimed by Government to be due, but nothing paid by Union Pacific, yearly average		257,667 72
Total per year		447,379 85
One-half of same		223,689 92

GENERAL LAND OFFICE, *January 8, 1883.*

TABLE 27.—*Statement showing the disposition of the public lands and the amount received therefrom in each fiscal year from July 1, 1862, to June 30, 1882, inclusive.*

Year.	Acres.	Amount.
1863	2,966,698.43	$232,239 68
1864	3,281,865.52	797,817 92
1865	4,513,738.46	900,131 16
1866	4,629,312.87	824,645 08
1867	7,041,114.50	1,347,862 52
1868	6,655,742.50	1,632,745 90
1869	7,666,151.97	4,472,886 28
1870	8,096,413.00	3,663,513 90
1871	10,765,705.39	2,929,284 70
1872	11,864,975.64	3,218,100 00
1873	13,030,606.87	3,408,515 50
1874	9,530,872.93	2,469,988 50
1875	7,070,271.29	1,784,001 27
1876	6,524,326.36	1,747,215 85
1877	4,849,767.70	1,452,969 23
1878	8,686,178.88	2,022,532 16
1879	9,333,383.29	1,883,113 56
1880	14,792,371.65	2,290,161 60
1881	10,128,175.25	4,402,112 53
1882	13,998,780.27	7,759,898 82

In addition to the area and amount given for 1882 there were disposed of Indian lands 310,386.13 acres for $634,617.22, which, added to the total for 1882, make a grand total for 1882 of 14,309,166.40 acres and $8,394,516.04.

Mr. President, I now come to certain propositions which I think are fairly deducible from the premises already laid down. These propositions are, I think, true:

First. That intelligence and virtue generally diffused among the masses of the people are necessary conditions to the existence of republican governments in the nation and in the States.

Second. That in so far as ignorance and vice exist republican governments fail, and that although the forms of freedom may continue, yet the substance will be eaten out and ultimately the fabric itself will fall.

Third. That there is now in all parts of the country a dangerous degree of ignorance among the people, and that those invested with the sovereignty, which is the suffrage, are by reason of ignorance to a dangerous degree unfitted to exercise the functions of government.

Fourth. That this mass of ignorance is increasing and not diminishing, although there has been a slightly greater increase of population than of illiteracy relatively during the decade from 1870 to 1880 in the country as a whole.

Fifth. That in many parts of the country conditions are growing rapidly worse rather than better, and that the evil is of that peculiar nature that the local power and disposition to apply the remedy grows less as the necessity for it increases.

Sixth. That the danger to the country is everywhere, although the disease may be largely local; that ignorance anywhere circulates everywhere and poisons the political and social life of each State and of the whole people.

Seventh. That the remedy must be applied by those who perceive the danger; that if there is anywhere indifference to the remedy it proves that there is the more occasion for its use, and that the insensibility of the patient requires at once such measures on the part of those still in relatively sound health as will prevent the spreading of the plague; and that the cry of physicians and nurses for help should control our action rather than the convulsions or the stolidity of the patients.

Eighth. But in this case there is neither indifference nor stolidity; there is simply an inability to combat the plague unaided and a cry of distress. Ignorance is worse in a republic than the pestilence.

Ninth. That the exceptional degree of illiteracy prevailing in some parts of the country as it constitutes a common danger, so it is the result historically of causes for which the whole country is responsible, and that those portions of the land which have been free from the immediate presence of the institution to which we trace the evil are not without participation in the guilt as well as the lucre which appertained to it.

That everywhere the pharisee business is played out and the prayer of the publican is in order.

Tenth. Those parts of the country where there is least illiteracy have as a rule received already very largely pecuniary assistance from sources which originated in fortunate location and the wise providence of those who lived before them, and that there is justice in the request for help made by those whose ancestors acquired and defended the soil whereon these happy millions and glorious institutions now repose in prosperity and strength.

Eleventh. That there is no State or Territory in the Union where the facilities for common-school education should not be greatly increased, and none where twice the amount of expenditure and effort now going on might not profitably be made.

Twelfth. That local taxation is very heavy, falling chiefly upon homesteads and visible personal property and the estates of those least able to bear taxation, which should come from the surplus of society and not from its primary means of existence, while the national income is derived mainly from things either better not consumed at all, and therefore the more heavily taxed the better still, because there will be the less of that harm which comes from consumption, or from articles paid for by those who have the surplus earnings and accumulated wealth of society.

Thirteenth. That since, at the present time, the national taxation is far less burdensome to the masses of the people, upon whom falls much more heavily the weight of the support of State and local institutions, and also since the existence of the nation is as much imperiled by ignorance as the perpetuity of the States, therefore the common good requires the appropriation of national aid to the support and maintenance of common schools.

Fourteenth. That this aid should be distributed in such way and should so long continue as is necessary, in order to equalize the facilities for common-school education, and to once elevate the status of the masses of the community to a high standard of intelligence, at which point and after which the community would, in self-defense and from the instinct which inclines men to keep a good when they possess it, be sure to educate itself sufficiently without national help. This is proved: that systems of education are best supported and most firmly fixed in the most intelligent States. Those States would as soon surrender their liberties as their schools. They are synonymous.

I now pass to consider the ability of the different sections to bear taxation. The ability of communities to bear taxation is not in proportion to their relative total wealth or property. But there must first be deducted as properly exempt from any imposition so much property and producing power as is necessary to subsistence, and taxation can not be sustained except upon the surplus remaining, if any. The valuation per capita of the New England States is $661; of the Middle States, $473; of the Western States, $334; of the Territories, $211; of the Southern States, $155; of the colored population, not over $5; average of whole country, $337.

But the ability to bear taxation depends upon producing power at the time the levy is made as much as upon accumulated property, for property will not sell and consequently can not pay unless producing forces are active.

The census shows that from 1870 to 1880 in the States of Virginia, West Virginia, North Carolina, South Carolina, Georgia, Florida, Alabama, Mississippi, Louisiana, Texas, Arkansas, Kentucky, and Tennessee, thirteen States, there was a net loss in valuation of $202,868,844. In Texas there was a gain of $170,631,586; in Georgia, $12,253,080; North Carolina, $25,721,580; total, $208,606,246. Consequently the total loss of valuation in the other ten States enumerated was the enormous sum of $411,475,090 in ten years.

Bear in mind these are not the ten years during which the slaves were liberated. These were the ten years between 1870 and 1880.

Mr. MILLER, of New York. If it will not interrupt the Senator, I should like to ask him if it is not possible that that difference or shrinkage of value in some of the Southern States is accounted for by the difference in the value of money in the census reports, being currency in 1870 and gold in 1880?

Mr. BLAIR. I can not say in regard to that. That is an open question upon which everybody can draw his own inference. But during the same time in the country at large, as the Senator knows, the aggregate valuation, which undoubtedly was made upon the same substantial basis in all parts of the country, very nearly doubled. It went from sixteen billion to thirty billion dollars or more, if I recollect aright. I will not vouch for figures, but I think it was from sixteen to thirty billion dollars, the actual values. The Senator will observe, too, that in three of the States enumerated there was an actual increase: in North Carolina of $25,000,000, in Texas of $170,000,000, and in Georgia of $12,000,000. I apprehend that the valuation is substantially on the same basis.

Mr. EDMUNDS. How do you account for it?

Mr. BLAIR. I account for it in the actual diminution in the cash value of the property in those States, if the figures are worth anything.

Mr. EDMUNDS. But how do you account for it?

Mr. BLAIR. From the general influences that operated in that section of the country. I think the data before the country very plainly show in most of these same States a quickening and revival in the business tendencies and in the business activity of the people and a general inclination to the investment of capital from abroad. The people are turning their attention to industrial questions, and very rapidly. The face of the South is being transformed, and the old poetic quotation will come in one of these days; the South will really bud and blossom as the rose, and that before a great while. But between the years 1870 and 1880 we all know the condition of the Southern country, and I do not think I could elucidate the subject in such a way that it would be better understood than the honorable Senator from Vermont and others already understand it.

The lack of education among the masses of the people is undoubtedly one more reason why property depreciated; perhaps the greatest reason was the absence of schools, and that was one cause why Northern immigration failed to find its home in the South rather than in the West. If there is anything that a Northern man or a Northern family wants, it is a chance to educate the children; it will not go where there are no schools. It is only primarily by the establishment of schools that that portion of the country can avail itself of the natural tendencies to immigration in that direction, either of individuals or of capital largely.

The decrease in the losing States varied from 45 to 78 per cent. I call attention to the thread of what I was saying, showing a decrease in the valuation in ten of those States of $411,000,000. During the same ten years the increase of population was 4,006,982, which is I suppose at least 30 per cent. of the population of the same thirteen States in 1870.

Ignorance and poverty procreate faster than intelligence and wealth.

Again, ability to bear taxation for a certain purpose will depend upon the other existing demands for the application of revenue. In a great section of our country the fixed capital, the houses, structures of all kinds for residence and business of every description, highways, and other means of transportation, &c., were lately destroyed by fire and sword, and when for that reason they have to be replaced or must be produced as a primary condition to existence and advancement for any reason, the taxation, such as poor and struggling communities can bear, must be greatly absorbed in these uses. A community has certain primary physical necessities like an individual, and as he must eat before he learns to read, so the community must provide for some things even before it provides completely for the intellectual culture of its children; hence it would be expected for all these causes that the people in the Southern States would be able to pay far less for the support of common schools than other portions of the American people. Yet, as a fact, they pay in proportion to their valuation as much and in proportion to their capacity to be taxed a great deal more for the education of their children. It is not a question of effort, but of strength.

The rate per cent. of school to total taxation is, in New England, 20.2 per cent.; Middle States, 19.5 per cent.; Western States, 26.6 per cent.; Territories, 22.4 per cent.; Southern States, 20.1 per cent.; average, whole country, 22.6 per cent.

Mr. EDMUNDS. Do you mean on the total valuation?

Mr. BLAIR. No; the percentage of school taxation to the entire amount of taxation.

Mr. EDMUNDS. To a fixed ratio.

Mr. BLAIR. Taking the entire taxation of the country and dividing that taxation into groups, the New England States, the Middle States,

the Western States, the Territories, and the Southern States. In New England 20.2 per cent. of all taxation is given to education, to schools.

Mr. EDMUNDS. That percentage of the total for all purposes?

Mr. BLAIR. Of the amount of all taxes raised and collected. For instance, where there is $100,000 raised in any given community in New England, $20,200 of that $100,000 is applied to schools; in the Middle States, $19,500 of the $100,000 is applied to schools; in the Western States, $26,600 is applied to schools; in the Territories, $22,400 is applied to schools; in the Southern States, $20,100 is applied to schools; and the average for the whole country of every $100,000 of taxation is $22,600. It has a very important bearing on the merits of the proposition that this table be understood.

I now proceed to consider the increase of educational expenditures required. I have not dared to make these calculations up to what I think they really should be; they are the minimum. The education of children is a business just as much as the running of a government, or a line of transportation, or the raising of crops. A plant is first required. The child, ignorant of his letters, is the raw material; and in theory at least, the young man or woman instructed in the rudiments of knowledge and skilled in the primary arts for its acquisition is the manufactured article.

Falling back upon the returns of the Bureau of Education of 1881, the latest and most reliable we have, and bearing in mind all that I have said in the early part of my remarks of the increase since that time and the enlarged proportions of the problem we are dealing with, I ask attention to the following facts:

In 1881 there were children of the school ages in the United States not enrolled, that is, not attending at all anywhere in public or private schools, 6,030,936.

I will here state that educators complain everywhere that they lack accommodations for those who are actually enrolled. There are no school-houses for their accommodation. In fact there are not sittings for more than are enrolled anywhere. A school-house for fifty pupils can not cost less than $300. We have, then, a necessity for increase of school-houses 120,567, and of teachers at least the same number. The houses would cost $36,170,100; if you fit the teachers with one year of instruction, at $250, $30,141,850; teachers' wages for three-months' school, at $30, boarding themselves, about 50 cents per day—one-third pay of diggers of ditches and short drains—$10,854,930; cost of books, which must be paid for by some one, $180,782; total, $77,347,662, to provide the plant and run it three months for the instruction of the children not now attending school at all in this country.

Take now the seventeen Southern States, including the District of Columbia. There were not-enrolled children of school ages returned to the bureau in the year 1881, 2,873,399; school-houses and teachers required, 57,465; cost of houses at $300 each, $17,239,500; cost of fitting teachers, at $250 one year, $14,366,250; pay for three months, wages at $30 per month, teacher paying board, $5,172,750; school-books, $86,148—a total cost to provide for and instruct for three months the children not now enrolled in public or private schools $36,864,648, of which $31,692,898 is necessary before the schools could begin.

Now, all this done, in addition to what already exists north and south, the country would be only tolerably supplied with a school plant, the repair and reproduction of which, with constant increase of investment to perform properly the increasing educational work, must be provided for.

But it should be borne in mind that a school of three months leaves nine months in the year in which to forget what has been learned in the three. Many schools are far less in duration, and consist of but a single term during the year, some not more than three or four weeks, in fact. These averages are pernicious, inasmuch as it is like an effort to divide the crime or misery of the country according to population, and say that each person suffers 25 per cent. from cancer, or is three-fourths a lunatic, or 50 per cent. a murderer. But it is the best we can do, and in no event are we likely fully to grasp the tremendous significance of the solid facts. The schools in my opinion should be six months yearly, and be divided in two terms. That is enough; and the rest of the time of youth should be given to industrial improvement and recreation.

The actual yearly expenditures of all moneys for public schools in the whole country is at this time just about $80,000,000. I believe that to be a liberal estimate. Of this, in the sixteen Southern States, with the District of Columbia, there may be $14,000,000. In the year 1881 it was $13,359,784, as returned to the Commissioner of Education. The schools average about three months yearly.

If we deduct the $14,000,000 from $80,000,000 we have remaining as the expenditure in the rest of the country $66,000,000. As these Southern States have one-third the total population, in order to place that section upon an equality of privilege with the rest there should be, instead of $14,000,000, a yearly expenditure of $33,000,000 for her enrolled children, and none of these calculations make any provision for children not enrolled at all.

It is too low an estimate to say that in the North there should be an expenditure of $100,000,000 at once to increase school facilities, provide and qualify teachers for their work, and at least as much more in the South, or in the whole country, $200,000,000. Upon the present basis of expenditure in the North there would be $100,000,000 annually paid for the support of public schools in the whole country. If one-third the children are now unenrolled and unprovided for, there should be an increase in yearly expenditure of $50,000,000 on their account. This would make the annual cost of our public schools only $150,000,000, and would give to all the children of the whole country but six months' training each year, and to teachers only the pay of common laborers or less.

The proposition of the Senator from Illinois [Mr. LOGAN]—setting aside the source of supply from which he proposed to get the money which would have a tendency to identify the support of the public schools with the prosperity of a business which I hope will yet disappear from the earth, which proposition was to appropriate about $80,000,000 yearly to schools—is really moderate when the necessities of the problem are fairly stated, and I take this occasion to say that the proposition of the Senator from Illinois, divested of the objectionable feature referred to, is worthy of a great statesman and far-seeing patriot. There is nothing the matter but our own failure to fully appreciate the stern requirements of the situation.

If fifty, eighty, or one hundred millions could be substituted for the fifteen millions proposed in this bill, and the whole distributed upon the basis of population, or of illiteracy, temporarily, it would be far better. But I have no hope of the adoption of such a measure, and the committee felt under the necessity of confining the amount to the comparative pittance of fifteen millions, which must necessarily, if not very largely increased, be confined to the dense clouds of ignorance where explosions are threatened; that is to say, it must be applied locally to the evil itself. In States which receive but little, comparatively little is wanted.

Even after $15,000,000 are divided upon the basis of illiteracy, the individual child will receive for his education in California, $15.12; in Colorado, $14.34; in Connecticut, $10.71; in Nevada, $14.40; in New Hampshire, $10.07; in Rhode Island, $11.36; in District of Columbia, $13.61, and in Massachusetts, $19.21.

While in Alabama he will receive $3.64; in Arkansas, $3.13; in Florida, $3.75; in Georgia, $4.03; in Kentucky. $3.67; in Louisiana, $4.96; in Mississippi, $4.09; in Virginia, $3.94; in West Virginia, $4.31; in North Carolina, $3.26; in South Carolina, $5.05.

While the immediate need in these last States is at least for double the education called for in the first group.

This bill appropriates $15,000,000 the first year, and will give to every State and Territory $3 for each person over ten years of age who can not read, and $2.41 for each person who can not write, lessening in amount, that is according to the basis of distribution, $1,000,000 yearly for ten years, when all payments are to cease.

The State will apply the funds and render a yearly account of the manner in which the work is done. The Executive, if dissatisfied, can withhold further expenditures, subject to the action of Congress.

Each State and Territory must expend for school purposes at least one-third the amount received during the first five years and an equal amount the second five years of the operation of the bill if it should become a law.

States receiving small amounts can expend the same for normal instruction, teachers' institutes, or otherwise, as they prefer. The amount that New Hampshire receives, for instance, would increase her normal school facilities more than threefold beyond the present expenditure of the State, or give 59 cents yearly to persons of school age.

The funds must be applied to schools and not to structures, not exceeding one-tenth to the qualification of teachers, which is the first necessity. The States are required to so use the fund as to bring about an actual equalization of school advantages to all children alike. Industrial education is provided for when practicable, which will be but seldom, although something may be done in suitable localities and in the way of beginning.

We are a great way deeper in the mire than we realize when we talk of doing much in the way of teaching trades and occupations before our children can half of them find a chance to learn to read. But it will come in time, and a beginning can now be made in the way of setting out a few young trees.

The Territories are of the utmost importance, and the bill undertakes to provide for them indispensable legislation, both in appropriations and administration.

The method of expenditure in the States is the same substantially which has already been adopted by the Senate in the passage of the bill establishing a national school fund from the proceeds of the sale of public lands, &c. As both parties have already indorsed that method of expenditure on more than one occasion, the committee, or at least a majority of its members, have thought best to avoid all chance for controversy on that subject by adopting that which, having been repeatedly sanctioned, can now be repudiated with consistency.

I also embrace this fitting opportunity to say that I fully believe that the States will everywhere disburse the moneys received under this bill, if it becomes a law, in good faith and with as sacred regard to the demands of prudence and honor in one section of the country as in the other. For a year or two there may be some possible confusion

in setting up and testing machinery, but in the existing condition of the public mind the better way is to give outright to the States and hold them, as they desire to be held, to an undivided responsibility, to be redeemed upon their honor. We shall not trust to that honor in vain.

Mr. President, the absolute necessities of this nation of these States, of their darkened present and of the portentous future, demand the appropriation of public money from a full Treasury to aid in the establishment and support of common schools throughout the country.

Sir, I appeal to the facts, and entreat the Senate to pass this bill.

[Text of the bill (S. 398) as it passed the Senate April 7, 1884, by a vote of yeas 33, nays 11.

An act to aid in the establishment and temporary support of common schools.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That for eight years next after the passage of this act there shall be annually appropriated from the money in the Treasury the following sums, to wit: The first year the sum of $7,000,000, the second year the sum of $10,000,000, the third year the sum of $15,000,000, the fourth year the sum of $13,000,000, the fifth year the sum of $11,000,000, the sixth year the sum of $9,000,000, the seventh year the sum of $7,000,000, the eighth year the sum of $5,000,000; which several sums shall be expended to secure the benefits of common-school education to all the children of the school age mentioned hereafter living in the United States.

SEC. 2. That such money shall annually be divided among and paid out in the several States and Territories in that proportion which the whole number of persons in each who, being of the age of 10 years and over, can not write, bears to the whole number of such persons in the United States; such computation shall be made according to the census of 1880.

SEC. 3. That no State or Territory shall receive any of the benefits of this act until the governor thereof shall file with the Secretary of the Interior a statement, certified by him, showing the character of the common-school system in force in such State or Territory; the amount of money expended therein during the last preceding school year in the support of common schools, not including expenditures for the rent, repair, or erection of school-houses; whether any discrimination is made in the raising or distributing of the common-school revenues or in the common-school facilities afforded between the white and colored children therein, and, so far as is practicable, the sources from which such revenues were derived; the manner in which the same were apportioned to the use of the common schools; the number of white and the number of colored common schools; the average attendance in each class and the length of the school term. No money shall be paid out under this act to any State or Territory that shall not have provided by law a system of free common schools for all of its children of school age, without distinction of race or color, either in the raising or distributing of school revenues or in the school facilities afforded: *Provided*, That separate schools for white and colored children shall not be considered a violation of this condition. The Secretary of the Interior shall thereupon certify to the Secretary of the Treasury the names of the States and Territories which he finds to be entitled to share in the benefits of this act, and also the amount due to each.

SEC. 4. That the amount so apportioned to each State and Territory shall be drawn from the Treasury by warrant of the Secretary of the Treasury, upon the monthly estimates and requisitions of the Secretary of the Interior, as the same may be needed, and shall be paid over to such officers as shall be authorized by the laws of the respective States and Territories to receive the same.

SEC. 5. That the instruction in the common schools wherein these moneys shall be expended shall include the art of reading, writing, and speaking the English language, arithmetic, geography, history of the United States, and such other branches of useful knowledge as may be taught under local laws.

SEC. 6. The money appropriated and apportioned under the provisions of this act to the use of any Territory shall be applied to the use of common and industrial schools therein by the Secretary of the Interior.

SEC. 7. That the design of this act not being to establish an independent system of schools, but rather to aid for the time being in the development and maintenance of the school system established by local government, and which must eventually be wholly maintained by the States and Territories wherein they exist, it is hereby provided that no greater part of the money appropriated under this act shall be paid out to any State or Territory in any one year than the sum expended out of its own revenues or out of moneys raised under its authority in the preceding year for the maintenance of common schools, not including the sums expended in the erection of school buildings.

SEC. 8. That a part of the money apportioned to each State or Territory, not exceeding one-tenth thereof, may yearly be applied to the education of teachers for the common schools therein, which sum may be expended in maintaining institutes or temporary training schools or in extending opportunities for normal or other instruction to competent and suitable persons, of any color, who are without necessary means to qualify themselves for teaching, and who shall agree in writing to devote themselves exclusively, for at least one year after leaving such training-schools, to teach in the common schools for such compensation as may be paid other teachers therein.

SEC. 9. That no part of the educational fund allotted to any State or Territory shall be used for the erection of school-houses or school buildings of any description, nor for rent of the same.

SEC. 10. That the moneys distributed under the provisions of this act shall be used only for common schools, not sectarian in character, in the school districts of the several States and Territories, in such way as to provide, as near as may be, for the equalization of school privileges to all the children of the school age prescribed by the law of the State or Territory wherein the expenditure shall be made, thereby giving to each child, without distinction of race or color, an equal opportunity for education. The term "school district" shall include all cities, towns, parishes, and other territorial subdivisions for school purposes, and all corporations clothed by law with the power of maintaining common schools.

SEC. 11. That no second or subsequent allotment shall be made under this act to any State or Territory unless the governor of such State or Territory shall first file with the Secretary of the Interior a statement, certified by him, giving a detailed account of the payments or disbursements made of the school fund apportioned to his State or Territory and received by the State or Territorial treasurer or officer under this act, and of the balance in the hands of such treasurer or officer withheld, unclaimed, or for any cause unpaid or unexpended, and also the amount expended in such State or Territory as required by section 3 of this act, and also of the number of public, common, and industrial schools, the number of teachers employed, the total number of children taught during the year, and in what branches instructed, the average daily attendance, and the relative number of white and colored children, and the number of months in each year schools have been maintained in each school district. And if any State or Territory shall misapply or allow to be misapplied, or in any manner appropriated or used other than for the purposes herein required, the funds, or any part thereof, received under the provisions of this act, or shall fail to comply with the conditions herein prescribed, or to report as herein provided, through its proper officers, the disposition thereof, and the other matters herein prescribed to be so reported, such State or Territory shall forfeit its right to any subsequent apportionment by virtue hereof until the full amount so misapplied, lost, or misappropriated shall have been replaced by such State or Territory and applied as herein required, and until such report shall have been made: *Provided*, That if the public schools in any State admit pupils not within the ages herein specified, it shall not be deemed a failure to comply with the conditions herein. If it shall appear to the Secretary of the Interior that the funds received under this act for the preceding year by the State or Territory have been faithfully applied to the purposes contemplated by this act, and that the conditions thereof have been observed, then the Secretary of the Interior shall distribute the next year's appropriation as is hereinbefore provided. The Secretary of the Interior shall have power to hear and examine any complaints of misappropriation or unjust discrimination in the use of the funds herein provided, and shall report to Congress the results thereof.

SEC. 12. That on or before the 1st day of September of each year the Secretary of the Interior shall report to the President of the United States whether any State or Territory has forfeited its right to receive its apportionment under this act, and how forfeited, and whether he has withheld such allotment on account of such forfeiture; and each State and Territory from which such apportionment shall be withheld shall have the right to appeal from such decision of the Secretary of the Interior to Congress.

SEC. 13. That the Secretary of the Interior shall be charged with the practical administration of this act in the Territories through the Commissioner of Education, who shall report annually to Congress its practical operation, and briefly the condition of common and industrial education as affected thereby throughout the country, which report shall be transmitted to Congress by the Secretary of the Interior, accompanying the report of his Department. And the power to alter, amend, or repeal this act is hereby reserved.

SEC. 14. That no State or Territory that does not distribute the moneys raised for common school purposes equally for the education of all the children, without distinction of race or color, shall be entitled to any of the benefits of this act.

Passed the Senate April 7, 1884.
Attest:

ANSON G. MCCOOK, *Secretary.*

[Text of the bill (S. 398) as reported to the Forty-eighth Congress.]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That for ten years after the passage of this act there shall be annually appropriated from the money in the Treasury the following sums, to wit: The first year the sum of $15,000,000, the second year the sum of $14,000,000, the third year the sum of $13,000,000, and thereafter a sum diminished $1,000,000 yearly from the sum last appropriated until ten annual appropriations shall have been made, when all appropriations under this act shall cease; which several sums shall be expended to secure the benefits of common-school education to all the children of the school age mentioned hereafter living in the United States.

SEC. 2. That such money shall annually be divided among and paid out in the several States and Territories in that proportion which the whole number of persons in each who, being of the age of ten years and over, can not read and write bears to the whole number of such persons in the United States; and until otherwise provided such computation shall be made according to the official returns of the census of 1880.

SEC. 3. That the Secretary of the Interior, at the close of each fiscal year, shall ascertain the total amount of the school fund to which the States and Territories and the District of Columbia are entitled under the provisions of this act, and shall certify the same to the Secretary of the Treasury. That upon the receipt of such certificate the Secretary of the Treasury shall, on or before the 31st day of July of each year, apportion the said total sum so certified among the several States and Territories and the District of Columbia upon the basis of population and illiteracy specified in the second section of this act.

SEC. 4. That the amount so apportioned to each State and Territory and to the District of Columbia shall be paid, upon the warrant of the Commissioner of Education, countersigned by the Secretary of the Interior, out of the Treasury of the United States, to the treasurer of the State, Territory, or District, or to such officer as shall be designated by the laws of such State, Territory, or District to receive, account for, and pay over the same to the several school districts entitled thereto under said apportionment. The term "school district" as used in this section shall include cities, towns, parishes, or such other corporations as by law are clothed with the power of maintaining common schools: *Provided*, That such distribution or payment, after the receipt of said fund by the State, Territory, or District, may be made to any officer designated by the laws of the State, Territory, or District, for the disbursement of the school funds to the teachers employed in such schools.

SEC. 5. That the instruction in the common schools wherein these moneys shall be expended shall include the art of reading, writing, and speaking the English language, arithmetic, geography, history of the United States, and such other branches of useful knowledge as may be taugh tunder local laws, and shall include, whenever practicable, instruction in the arts of industry, and the instruction of females in such branches of technical or industrial education as are suited to their sex, which instruction shall be free to all, without distinction of race, color, nativity, or condition in life: *Provided*, That nothing herein shall deprive children of different races, living in the same community but attending separate schools, from receiving the benefits of this act the same as though the attendance therein were without distinction of race.

SEC. 6. The money appropriated and apportioned under the provisions of this act to the use of any Territory shall be applied to the use of common and industrial schools therein by the Secretary of the Interior.

SEC. 7. That the District of Columbia shall be entitled to the privileges of a Territory under the provisions of this act, but its existing laws and school authorities shall not be affected by the operation of this act. The Commissioner of Education shall be charged with the duty of superintending the distribution of its allotment, and shall make full report of his doings to the Secretary of the Interior.

SEC. 8. That the design of this act not being to establish an independent system of schools, but rather to aid for the time being in the development and maintenance of the school system established by local government, and which must eventually be wholly maintained by the States and Territories wherein they exist, it is hereby provided that no part of the money appropriated under this act shall be paid out in any State or Territory which shall not, during the first five years of the operation of this act, annually expend for the maintenance of common schools at least one-third of the sum which shall be allotted to it under the provisions hereof, and during the second five years of its operation a sum at least equal to the whole amount it shall be entitled to receive under this act.

SEC. 9. That a part of the money apportioned to each State or Territory, not exceeding one-tenth thereof, may yearly be applied to the education of teachers for the common schools therein, which sum may be expended in maintaining institutes or temporary training schools, or in extending opportunities for normal or other instruction to competent and suitable persons, of any color, who are without necessary means to qualify themselves for teaching, and who shall agree in writing to devote themselves exclusively, for at least one year after leaving such training schools, to teach in the common schools, for such compensation as may be paid other teachers therein.

SEC. 10. That no part of the educational fund allotted to any State or Territory

or the District of Columbia shall be used for the erection of school-houses or school buildings of any description, nor for rent of the same.

SEC. 11. That the moneys distributed under the provisions of this act shall be used in the school districts of the several States and Territories in such way as to provide, as near as may be, for the equalization of school privileges to all the children of the school age prescribed by the law of the State or Territory wherein the expenditure shall be made, thereby giving to each child an opportunity for common-school and, so far as may be, of industrial education; and to this end existing public schools, not sectarian in character, may be aided, and new ones may be established, as may be deemed best, in the several localities.

SEC. 12. That any State in which the number of persons 10 years of age and upward who can not read and write is not over 5 per cent. of the whole population thereof shall have the right to receive its allotment and to apply the same for the promotion of common-school and industrial education, or the education of teachers therein, in such a way as the Legislature of such State shall provide.

SEC. 13. That the Secretary of the Interior shall receive from the governor of each State and Territory a report, to be made by or through such governor on or before the 30th day of June of each year, giving a detailed account of the payments or disbursements made of the school fund apportioned to his State or Territory and received by the State or Territorial treasurer or officer under section 4 of this act, and of the balance in the hands of such treasurer or officer withheld, unclaimed, or for any cause unpaid or unexpended, and also the amount expended in such State or Territory as required by section 8 of this act, and also of the number of public, common, and industrial schools, the number of teachers employed, the total number of children taught during the year and in what branches instructed, the average daily attendance, and the relative number of white and colored children, and the number of months in each year schools have been maintained in each school district, and such other information in relation to the use of the school fund and the condition of common-school education as the Secretary of the Interior may require. And if any State or Territory shall misapply or allow to be misapplied, or in any manner appropriated or used other than for the purposes herein required, the funds, or any part thereof, received under the provisions of this act, or shall fail to comply with the conditions herein prescribed, or to report as herein provided, through its proper officers, the disposition thereof, such State or Territory shall forfeit its right to any subsequent apportionment by virtue hereof until the full amount so misapplied, lost, or misappropriated shall have been replaced by such State or Territory and applied as herein required, and until such report shall have been made: *Provided*, That if the public schools in any State admit pupils not within the ages herein specified it shall not be deemed a failure to comply with the conditions herein.

SEC. 14. That on or before the 1st day of September of each year the Secretary of the Interior shall report to the President of the United States whether any State or Territory or the District of Columbia has forfeited its right to receive its apportionment under this act, and how forfeited, and whether he has withheld such allotment on account of such forfeiture; and each State and Territory and the District of Columbia from which such apportionment shall be withheld shall have the right to appeal from such decision of the Secretary of the Interior to Congress; and if the next Congress shall not direct such share to be paid, it shall be added to the general educational fund for distribution among the other States and the Territories and District of Columbia which shall be entitled to the benefit of the provisions of this act.

SEC. 15. That the Secretary of the Interior shall be charged with the practical administration of this act in the Territories and the District of Columbia, through the Commissioner of Education, who shall report annually to Congress its practical operation, and briefly the condition of common and industrial education as affected thereby throughout the country, which report shall be transmitted to Congress by the Secretary of the Interior, accompanying the report of his Department.

[Text of bill (S. 151) introduced in the Forty-seventh Congress.]

IN THE SENATE OF THE UNITED STATES,
December 6, 1881.

Mr. BLAIR asked and, by unanimous consent, obtained leave to bring in the following bill; which was read twice, and referred to the Committee on Education and Labor.

December 20, 1881, ordered to be printed.

A bill to aid in the establishment and temporary support of common schools.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That for ten years next after the passage of this act there shall be annually appropriated from the money in the Treasury the following sums, to wit: The first year the sum of $15,000,000, the second year the sum of $14,000,000, the third year the sum of $13,000,000, and thereafter a sum diminished $1,000,000 yearly from the sum last appropriated until ten annual appropriations shall have been made, when all appropriations under this act shall cease; which several sums shall be expended to secure the benefits of common-school education to all the children living in the United States.

SEC. 2. That the instruction in the common schools wherein these moneys shall be expended shall include the art of reading, writing, and speaking the English language, arithmetic, geography, history of the United States, and such other branches of useful knowledge as may be taught under local laws, and may include, whenever practicable, instruction in the arts of industry; which instruction shall be free to all, without distinction of race, nativity, or condition in life: *Provided*, That nothing herein shall deprive children of different races, living in the same community but attending separate schools, from receiving the benefits of this act the same as though the attendance therein were without distinction of race.

SEC. 3. That such money shall annually be divided among and paid out in the several States and Territories in that proportion which the whole number of persons in each who, being of the age of ten years and over, can not read and write bears to the whole number of such persons in the United States; and until otherwise provided such computation shall be made according to the official returns of the census of 1880.

SEC. 4. That such moneys shall be expended in each State by the concurrent action, each having a negative upon the other, of the Secretary of the Interior, on the part of the United States, and of the superintendent of public schools, board of education, or other body in which the administration of the public-school laws shall be vested, on the part of the several States wherein the expenditures are respectively to be made; and whenever the authorities of the United States and of the State fail to agree as to the distribution, use, and application of the money hereby provided for, or any part thereof, payment thereof, or such part thereof, shall be suspended, and if such disagreement continue throughout the fiscal year for which the same was appropriated, it shall be covered into the Treasury and shall be added to the general appropriation for the next year, provided for in the first section of this act.

All sums of money appropriated under the provisions of this act to the use of any Territory shall be applied to the use of schools therein by the Secretary of the Interior, through the commissioner of common schools, whose appointment is hereinafter provided for.

SEC. 5. That the moneys distributed under the provisions of this act shall be used in the school districts of the several States and Territories in such way as to provide for the equalization of school privileges to all the children throughout the State or Territory wherein the expenditure shall be made, thereby giving to each child an opportunity for common-school education; and to this end existing public schools not sectarian in character may be aided, and new ones may be established, as may be deemed best in the several localities.

SEC. 6. That a part of the money apportioned to each State or Territory, not exceeding one-tenth thereof, may yearly be applied to the education of teachers for the common schools therein, which sum may be expended in maintaining institutes or temporary training schools or in extending opportunities for normal or other instruction to intelligent and suitable persons, of any color, who are without necessary means, and who shall agree, in writing, to qualify themselves and teach in the common schools of such State or Territory at least one year.

SEC. 7. That the design of this act not being to establish an independent system of schools, but rather to aid for the time being in the development and maintenance of the school systems established by local power, and which must eventually be wholly maintained by the States and Territories wherein they exist, it is hereby provided that no part of the money appropriated under this act shall be paid out in any State or Territory which shall not during the first five years of the operation of this act annually expend for the maintenance of common schools, free to all, at least one-third of the sum which shall be allotted to it under the provisions hereof, and during the second five years of its operation a sum at least equal to the whole it shall be entitled to receive under this act; and if such expenditure shall not be shown to the Secretary of the Interior at the end of each fiscal year by each State or Territory, respectively, or by such other evidence as shall be satisfactory to him, then the allotment under this act for each subsequent year so long as there shall be a deficiency of such expenditure by the State or Territory from the proceeds of local funds, whether derived from taxation or otherwise, shall be expended for the support of common schools therein wholly in the discretion of the Secretary, who shall apply the same to the support of existing or to the establishment of new schools in such way as he shall deem best.

SEC. 8. That no part of the money herein provided for shall be used for the erection of school-houses or school-buildings of any description, nor for rent of the same: *Provided, however*, That whenever it shall appear to the Secretary that otherwise any given locality will remain wholly without reasonable common-school advantages, he may, in his discretion, from the general fund allotted to the State or Territory, provide schools and for their temporary accommodations, by rent or otherwise, in the most economical manner possible: *And provided further*, That in no case shall more than 5 per cent. of such allotment be set apart for or be expended under the provisions of this section.

SEC. 9. That there shall be appointed by the President, by and with the advice and consent of the Senate, a commissioner of common schools in each State and Territory, who shall be a citizen thereof and shall reside therein, and shall perform all such duties as may be assigned to him by the Secretary of the Interior, and who shall be specially charged with all the details of the execution of this act within his jurisdiction, and in co-operation with the State authorities. In the Territories he shall also be charged with the general supervision and control of public education, and shall possess all the powers now vested in Territorial superintendents and boards of education, or by whatever Territorial officers the same may have been hitherto exercised. He shall be paid a salary of not less than three nor more than five thousand dollars, in the discretion of the Secretary of the Interior. He shall annually make full reports of all matters connected with schools in his jurisdiction to the Secretary of the Interior, and particular reports when called upon by the Secretary, and especially of all details in the administration of this act. In addition to his other duties he shall devote himself to the promotion of the general interests of public education in the State or Territory for which he is appointed.

SEC. 10. That any State, in which the number of persons ten years of age and upward who can not read is not over 5 per cent. of the whole population, signifying its desire that the amount allotted to it under the provisions of this act shall be appropriated in any other way for the promotion of common-school education, in its own borders or elsewhere, its allotment shall be paid to such State to be thus appropriated: *Provided*, That its Legislature shall have first considered the question of its appropriation to the general fund for use under the provisions of this act in States and Territories where the proportion of illiterate persons is more than 5 per cent. of the whole population.

SEC. 11. That any State whose illiterate is greater than 5 per cent. of its whole population failing to accept the provisions of this act and to comply with its provisions, so as to be entitled to its allotment from year to year, the sum allotted to such State, subject to the discretionary action of the Secretary of the Interior under the sixth and seventh sections of this act, shall become a part of the fund to be distributed among the States which shall be entitled to their respective allotments, and to the Territories. And any State not accepting the provisions of this act, nor acquiring the right to dispose of its allotment as provided in the preceding section, the same shall become a part of the general fund for like distribution.

SEC. 12. That the District of Columbia shall be entitled to the privileges of a Territory under the provisions of this act, but there shall be no commissioner of common schools appointed for said District, nor shall its existing laws and school authorities be interfered with. The Commissioner of Education shall be charged with the duty of superintending the distribution of its allotment, and shall make full report of his doings to the Secretary of the Interior.

SEC. 13. That the Secretary of the Interior shall be charged with the practical administration of this law through the Bureau of Education, and all moneys paid under its provisions shall be made by Treasury warrant to the individual performing the service to whom indebtedness shall be due, and who shall be personally entitled to receive the money, or to his agent, duly authorized by him, upon vouchers approved by the State authorities, when under the provisions of this act their approval is necessary, and by the commissioner of common schools for the State or Territory wherein the expenditure shall be made, and by the Secretary of the Interior.

I do not care further to trespass upon the time of the Senate now; and if the Senator from Virginia desires to ask that the bill be laid informally aside for the purpose of proceeding with the matters in his charge I shall not personally object; but, as I stated, I do not wish that this bill should lose its right of way.

Mr. MAHONE. I ask that this bill be laid aside informally and that we proceed with the public building bills.

The PRESIDING OFFICER (Mr. FRYE). The Senator from Virginia asks that the bill now under consideration be laid aside informally. Is there objection? The Chair hears none, and the bill is laid aside. The Senator from Virginia asks unanimous consent to proceed with the consideration of Senate bill No. 1255. Is there objection? The Chair hears none.

PUBLIC BUILDING AT SAN FRANCISCO.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (S. 1255) to authorize the purchase of a site for a building for a post-office, court-house, and other offices in San Francisco, Cal.

The bill was reported from the Committee on Public Buildings and

Grounds with amendments. The first amendment was in section 2, after the word "chosen," in line 24, to insert:

Provided, That the site so selected shall be of such dimensions as to leave an open space of not less than 40 feet in width, including streets and alleys, around the building to be constructed thereon.

The amendment was agreed to.

The next amendment was, at the end of section 3, to insert the following proviso:

Provided, That no part of said sum shall be expended until a valid title to said site shall be vested in the United States, and the State of California shall cede to the United States exclusive jurisdiction over the same, during the time the United States shall be or remain the owner thereof, for all purposes except the administration of the criminal laws of said State and the service of any civil process therein.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was reported to the Senate, ordered to be engrossed for a third reading, read the third time, and passed.

PUBLIC BUILDING AT WILMINGTON, N. C.

The bill (S. 229) to provide for the erection of a public building at Wilmington, N. C., was considered as in Committee of the Whole.

The bill was reported from the Committee on Public Buildings and Grounds with an amendment, to add the following proviso:

Provided, That the site on which the said building shall be erected shall be so selected as to leave an open space around the same of not less than 40 feet in width, including streets and alleys.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

PUBLIC BUILDING AT DAYTON, OHIO.

The bill (S. 856) to provide for the erection of a public building in the city of Dayton, Ohio, was considered as in Committee of the Whole.

The bill was reported to the Senate, ordered to a third reading, read the third time, and passed.

PUBLIC BUILDING AT ZANESVILLE, OHIO.

The bill (S. 206) to provide for the erection of a public building in the city of Zanesville, Ohio, was considered as in Committee of the Whole.

The bill was reported to the Senate, ordered to be engrossed for a third reading, read the third time, and passed.

PUBLIC BUILDING AT SAN ANTONIO, TEX.

The bill (S. 44) providing for the erection of a public building at San Antonio, Tex., was considered as in Committee of the Whole.

The bill was reported to the Senate, ordered to be engrossed for a third reading, read the third time, and passed.

PUBLIC BUILDING AT DOVER, N. H.

The bill (S. 771) to provide for the erection of a public building in the city of Dover, in the State of New Hampshire, was considered as in Committee of the Whole.

The bill was reported to the Senate, ordered to be engrossed for a third reading, read the third time, and passed.

PUBLIC BUILDING AT AUGUSTA, GA.

The bill (S. 712) for the erection of a public building at Augusta, Ga., was considered as in Committee of the Whole.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

PUBLIC BUILDING AT PETERSBURG, VA.

The bill (S. 480) for the improvement and enlargement of the public building at Petersburg, Va., was considered as in Committee of the Whole.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

PUBLIC BUILDING AT HOULTON, ME.

The bill (S. 185) to provide for the erection of a public building at the town of Houlton, Me., was considered as in Committee of the Whole.

The bill was reported to the Senate, ordered to be engrossed for a third reading, read the third time, and passed.

PUBLIC BUILDING AT STILLWATER, MINN.

The bill (S. 577) for the erection of a public building at Stillwater, Minn., was considered as in Committee of the Whole.

The bill was reported from the Committee on Public Buildings and Grounds with an amendment, in line 10, before the word "thousand," to strike out "one hundred" and insert "seventy-five;" so as to read:

The plans, specifications, and full estimates for said building shall be previously made and approved according to law, and shall not exceed for the site and building complete the sum of $75,000.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

PUBLIC BUILDING AT SPRINGFIELD, MASS.

The bill (S. 263) providing for the erection of a public building at Springfield, Mass., was considered as in Committee of the Whole.

The bill was reported to the Senate without amendment.

The PRESIDING OFFICER. There is a typographical error which ought to be corrected. The word "unexpose," in line 13, should be "unexposed." Without objection the correction will be made by the Secretary.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

PUBLIC BUILDING AT ATCHISON, KANS.

The bill (S. 1350) to provide for the erection of a public building for the use of the post-office and Government offices at the city of Atchison, Kans., was considered as in Committee of the Whole.

The bill was reported to the Senate, ordered to be engrossed for a third reading, read the third time, and passed.

PUBLIC BUILDING AT HOUSTON, TEX.

The bill (S. 93) authorizing the construction of a public building for a post-office in the city of Houston, Tex., was announced.

Mr. RIDDLEBERGER. When was that bill reported?

The PRESIDING OFFICER. The Chair is informed that it was reported this morning.

Mr. RIDDLEBERGER. Then, sir, it is not in order, and I object.

The PRESIDING OFFICER. The Senator from Virginia objects to the consideration of this bill.

Mr. MAHONE. Why is it not in order, Mr. President? It has gone to the Calendar.

The PRESIDENT *pro tempore*. The whole proceeding is by unanimous consent.

MONEY FOR PUBLIC BUILDINGS.

Mr. RIDDLEBERGER. I object. Now, sir, I ask unanimous consent to offer a resolution, which I suppose will be objected to:

Resolved, That the Committee on Public Buildings and Grounds be requested to report to the Senate the aggregate amount of money proposed to be appropriated by the bills reported from that committee up to and including this day; also the number of buildings and the cost of each, and the States in which they are to be located; also the population of the cities or towns in which such buildings are to be erected, and the purpose for which each building is to be used.

The PRESIDING OFFICER. The Senator from Virginia [Mr. RIDDLEBERGER] asks unanimous consent to present a resolution at this time. Is there objection? The Chair hears none, and the resolution will be read.

The Chief Clerk read the resolution.

The PRESIDING OFFICER. Does the Senator desire its present consideration?

Mr. RIDDLEBERGER. Yes, sir, if there be no objection.

The PRESIDING OFFICER. The Senator from Virginia asks for the present consideration of the resolution. Is there objection?

Mr. BLAIR. I do not wish the regular order to be displaced. It may be informally laid aside.

The PRESIDING OFFICER. The Senator from New Hampshire objects.

Mr. BLAIR. What is the motion?

Mr. RIDDLEBERGER. This is a resolution inquiring only as to the amount of money that is covered by these bills presented here to-day, in what States the proposed buildings are located, what the cost of each building is to be, and for what purpose each building is to be used. That is the only purpose of the resolution. The Senator from New Hampshire will let me say that if I am interfering in any way with his educational bill I am entirely willing to let this go over, for I feel a much more representative interest in the educational bill than I do in these public building bills.

The PRESIDING OFFICER. This proceeding is out of order. Is there any objection to the present consideration of the resolution?

Mr. BLAIR. I object, for the purpose of saying——

The PRESIDING OFFICER. The Senator from New Hampshire objects, and the resolution will go over under the rule.

ORDER OF BUSINESS.

Mr. BLAIR. I understand that the Senator from Virginia [Mr. MAHONE] is proceeding with the public building bills.

Mr. CAMERON. The further consideration of those bills was objected to.

The PRESIDING OFFICER. The presiding officer understands that that order is completed so far as it can be done under the objection made. The Chair will state that in the case of a bill reported to-day, if a single objection is made the bill must go over until to-morrow.

Mr. RIDDLEBERGER. If the Senator from New Hampshire will allow me, I will say once more, that having ascertained what the sense of the Senate is, that it is to pass all these bills for the appropriation of public money for public buildings, I shall withdraw my objection, but only with the understanding that I still protest against it. After they are disposed of I shall ask for the passage of my resolution, but I will even let the resolution lie upon the table, if necessary, in order to pass the educational bill in charge of the Senator from New Hampshire.

Mr. TELLER rose.

Mr. BLAIR. Do I understand that the Senator from Colorado wishes to make a motion?

Mr. TELLER. No; I do not desire to interfere if the present order can be continued. I do not want to interfere until that is through.

Mr. BLAIR. I understand that the educational bill is still further laid aside informally to allow the Senator from Virginia [Mr. MAHONE] to proceed with the public building bills.

The PRESIDING OFFICER. There is nothing now pending before the Senate.

Mr. RIDDLEBERGER. I withdraw my objection to the further consideration of the bill for a public building at Houston.

The PRESIDING OFFICER. The Senator from Virginia [Mr. MAHONE] asks unanimous consent that the Senate proceed to the consideration of the bill (S. 93) authorizing the construction of a public building for a post-office in the city of Houston, Tex. Is there objection?

Mr. BLAIR. It being the understanding that the educational bill is informally laid aside for the consideration of these bills, I do not object.

The PRESIDING OFFICER. That is the position. The educational bill is informally laid aside. There being no objection, the bill named will be proceeded with.

PUBLIC BUILDING AT HOUSTON, TEX.

By unanimous consent, the Senate, as in Committee of the Whole, proceeded to consider the bill (S. 93) authorizing the construction of a public building for a post-office in the city of Houston, Texas.

The bill was reported from the Committee on Public Buildings and Grounds with an amendment, in line 4, to strike out the word "purchase" and insert "acquire by purchase or condemnation;" so as to read:

That the Secretary of the Treasury be, and he is hereby, authorized and directed to acquire by purchase or condemnation a site for, and cause to be erected thereon, a suitable building, with fire-proof vaults therein, for the accommodation of the post-office and other Government offices, &c.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

PUBLIC BUILDING AT LANCASTER, PA.

The Senate, as in Committee of the Whole, proceeded to consider the bill (S. 1163) for a public building at Lancaster, Pa.

The bill was reported from the Committee on Public Buildings and Grounds with an amendment, in line 16, after the words "one hundred," to strike out the words "and seventy-five;" so as to read:

The plans and estimates for said building having first been prepared, examined, and approved, as required in section 3731 of the Revised Statutes of the United States, and based upon calculations and specifications that will insure the completion of the building and the purchase of the ground at a cost not to exceed the sum of $100,000.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

PUBLIC BUILDING AT PAWTUCKET, R. I.

The bill (S. 954) for the erection of a public building in the city of Pawtucket, R. I., was considered as in Committee of the Whole.

The bill was reported from the Committee on Public Buildings and Grounds with an amendment, in line 16, to fill the blank before "thousand" by inserting the word "seventy-five;" so as to read:

And for the purposes herein mentioned the sum of $75,000 is hereby appropriated.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

PUBLIC BUILDING AT FORT SCOTT, KANS.

The bill (S. 1386) for the completion of a public building at Fort Scott, Kans., was considered as in Committee of the Whole.

The bill was reported to the Senate, ordered to be engrossed for a third reading, read the third time, and passed.

PUBLIC BUILDING AT WICHITA, KANS.

The bill (S. 1387) for the completion of a public building at Wichita, Kans., was considered as in Committee of the Whole.

The bill was reported to the Senate, ordered to be engrossed for a third reading, read the third time, and passed.

PUBLIC BUILDING AT NEWPORT, KY.

The bill (S. 538) to provide for the erection of a public building in the city of Newport, Ky., was considered as in Committee of the Whole.

The bill was reported to the Senate, ordered to be engrossed for a third reading, read the third time, and passed.

DEATH OF GENERAL WINFIELD S. HANCOCK.

The PRESIDING OFFICER. The Chair will take the liberty of communicating this telegram to the Senate:

NEW YORK, *February* 9.

General Hancock has just died.

PUBLIC BUILDING AT OPELOUSAS, LA.

The bill (S. 324) for the erection of a public building at Opelousas, La., was considered as in Committee of the Whole.

The bill was reported to the Senate, ordered to be engrossed for a third reading, read the third time, and passed.

PUBLIC BUILDING AT HUDSON, N. Y.

The bill (S. 637) for the erection of a building at Hudson, N. Y., was considered as in Committee of the Whole.

The bill was reported from the Committee on Public Buildings and Grounds with amendments.

The first amendment was, in line 4, to strike out the word "purchase" and insert the words "acquire by purchase or condemnation;" so as to read:

That the Secretary of the Treasury be, and he is hereby, authorized and directed to acquire by purchase or condemnation a suitable site for, and cause to be erected thereon a substantial and commodious public building, with fire-proof vaults therein, for the use and accommodation of the post-office and internal-revenue offices, and for other Government uses, at the city of Hudson, in the State of New York.

The amendment was agreed to.

The next amendment was, in line 12, before the word "thousand," to strike out "one hundred" and insert "fifty;" so as to read:

The site, and the building thereon, when completed according to plans and specifications to be previously made and approved by the Secretary of the Treasury, shall not exceed the cost of $50,000.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

COLORADO SCHOOL LANDS.

Mr. TELLER. I ask to call up Senate bill 884.

The PRESIDING OFFICER. The Senator from Colorado asks unanimous consent to take up for present consideration the bill (S. 884) to enable the State of Colorado to take lands in lieu of the sixteenth and thirty-sixth sections within Indian reservations. Is there objection?

Mr. BLAIR. That is to be considered with the same understanding that has prevailed in regard to the public building bills?

Mr. LOGAN and others. Oh, yes.

By unanimous consent, the Senate, as in Committee of the Whole, proceeded to consider the bill. It proposes to construe an act entitled "An act to enable the people of Colorado to form a constitution and State government, and for the admission of the said State into the Union on an equal footing with the original States," approved March 3, 1875, as giving to the State of Colorado the right to select for school purposes other lands in lieu of such sixteenth and thirty-sixth sections found to be within any Indian reservation in the State of Colorado.

The bill was reported from the Committee on Public Lands with an amendment, in line 11, after the word "lands," to insert "in the State of Colorado;" so as to make the proviso read:

Provided, That such selections shall be made from lands in the State of Colorado returned as agricultural, and upon which, at the date of selection, no settlement has been made, and to which rights under the settlement laws shall not have attached; such selection to be made as near as may be as selections are made under the acts of July 2, 1864, and July 23, 1866, for the selection of agricultural college lands.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

Mr. CALL. I should be glad to have the Senator from Colorado state just what the bill is.

Mr. TELLER. It is to enable Colorado to take for school purposes land in lieu of land that was lost by the fact that it was set apart for Indian reservations. It is in accordance with the practice of Congress in regard to other States. The bill has once passed the Senate substantially as now framed.

Mr. CALL. All right.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

ASSISTANT SECRETARY OF THE NAVY.

Mr. CAMERON. I ask unanimous consent to take up Senate bill No. 1302.

The PRESIDING OFFICER. The Senator from Pennsylvania asks unanimous consent to take up for present consideration the bill (S. 1302) authorizing the appointment of an assistant Secretary of the Navy and fixing the salary of the same, and for other purposes. Is there objection?

Mr. BLAIR. With the same understanding with reference to the regular order?

Mr. CAMERON. Certainly.

Mr. BLAIR. It is understood that it does not displace the educational bill?

The PRESIDING OFFICER. The Chair understands that to have been laid aside informally in each case.

Mr. BLAIR. But I understand that consent strictly extends only to the order of business which displaces it informally, and when a new order of business is called to the attention of the Senate, unless the request is made in proper form, I conceive that the understanding is that the regular order is displaced. If Senators would make their requests in proper form I should not be obliged to get on my feet each time.

The PRESIDING OFFICER. The present occupant of the Chair will hold that the first consent to lay the educational bill aside informally attaches to each of the bills operating under that consent.

Mr. HARRIS. Was it not the announcement of the Chair that by unanimous consent the educational bill was laid aside informally until to-morrow?

The PRESIDING OFFICER. No, sir.

Mr. HARRIS. I thought that had been the announcement.

The PRESIDING OFFICER. It was not.

Mr. BLAIR. Then I shall understand, and act on the understanding, that the presiding officer holds that the educational bill is laid aside informally for the consideration of each of these measures as moved, and it is no longer necessary for me to trouble the Senate.

The PRESIDING OFFICER. The Chair asks, is there objection to the present consideration of the bill indicated by the Senator from Pennsylvania?

Mr. HARRIS. Let the bill be read for information.

The PRESIDING OFFICER. It is the measure known as the bill providing for an assistant Secretary of the Navy.

Mr. INGALLS. If that bill is to be taken up for purposes of discussion merely, I have no objection; but it is of sufficient importance I think to have its own place, and I should be unwilling to have it taken up by unanimous consent with the understanding that it is now to be pressed to a vote.

Mr. CAMERON. I thought the bill had been pretty thoroughly discussed two or three days ago.

Mr. INGALLS. Oh, no; the vestibule has not been entered.

Mr. CAMERON. Then we might as well begin now and enter the vestibule.

Mr. INGALLS. That depends on the Senator from New Hampshire. If he is willing to have debate proceed on this bill, I have no objection.

Mr. BLAIR. I do not desire to press the educational bill until to-morrow, but at the same time I would do so rather than that it should be displaced as the regular order. I consent to nothing but to its being laid aside informally.

The PRESIDING OFFICER. Is there objection to the present consideration of the bill indicated by the Senator from Pennsylvania?

Mr. INGALLS. I object.

The PRESIDING OFFICER. Objection is made.

Mr. LOGAN rose.

Mr. CALL. I was going to ask unanimous consent that the resolution introduced by the Senator from Louisiana [Mr. EUSTIS] yesterday might be taken up for consideration now, but I do not desire to interfere with the Senator from Illinois [Mr. LOGAN].

Mr. LOGAN. What I intended was to give notice that I should offer an amendment to the bill in charge of the Senator from Pennsylvania.

The PRESIDING OFFICER. Does the Senator from Florida yield to the Senator from Illinois?

Mr. CALL. Certainly.

Mr. LOGAN. I desire to present the amendment now, with a letter of the Secretary of War, so that if the bill goes over it may be printed.

The PRESIDING OFFICER. The Senator from Illinois asks unanimous consent to offer an amendment to the bill (S. 1302) authorizing the appointment of an assistant Secretary of the Navy and fixing the salary of the same, and for other purposes, and asks that the amendment be printed. Is there objection? The Chair hears none, and it is so ordered.

AID TO COMMON SCHOOLS.

Mr. PLUMB. Does it require unanimous consent to have the bill in the charge of the Senator from New Hampshire [Mr. BLAIR] laid aside informally?

The PRESIDING OFFICER. It does.

Mr. PLUMB. Will not the Senator from New Hampshire, rather than obstruct legislation, move that his bill be postponed until to-morrow and be the special order at 2 o'clock?

Mr. BLAIR. I do not wish to make any disposition of the educational bill except that which is so easily made, that it be laid aside informally for each one of these measures, and which, if Senators saw fit to put the request in that form, would avoid all possibility of difficulty, asking that the regular order be laid aside informally in order to take up a certain bill.

Mr. HARRIS. I apprehend if the Senator from New Hampshire would ask the unanimous consent of the Senate to informally lay aside his bill until 2 o'clock to-morrow that that consent could be obtained, and then a majority of the Senate could decide on what it would consider this evening. But unless he takes such course nothing can be considered this evening except by unanimous consent.

Mr. HOAR. I should like to state for the information of the Senate that the bill (H. R. 989) for the allowance of certain claims reported by the accounting officers of the United States Treasury Department, which is always passed by the Senate as a matter of course, being the bill for the Southern claims, but is a long bill and will take a good while to read it, is ready for passage on the Calendar, and, if it is convenient to the Senate, that might perhaps be done at this time.

The PRESIDING OFFICER. The Chair is informed that that bill has not yet been returned from the Printer.

Mr. HOAR. Very well; then it is not ready to be proceeded with.

Mr. PLUMB. I move that the bill the Senator from New Hampshire has charge of be informally laid aside.

Mr. HARRIS. That motion is not in order.

Mr. BLAIR. In order not to obstruct legislative business any further this afternoon, I will ask unanimous consent that the school bill now informally laid aside be the unfinished business at 2 o'clock to-morrow afternoon.

The PRESIDING OFFICER. The Senator from New Hampshire asks unanimous consent that the bill known as the educational bill shall be the unfinished business at 2 o'clock to-morrow. Is there objection? The Chair hears none, and the bill will be entered as the unfinished business for 2 o'clock to-morrow.

FORFEITURE OF IOWA LAND GRANT.

Mr. PLUMB. Now I move that the Senate proceed to the consideration of the bill (S. 149) forfeiting a part of certain lands granted to the State of Iowa to aid in construction of railroads in that State, and for other purposes.

Mr. HOAR. I desire to appeal to my honorable friend from Kansas not to call up that bill. The Senator from Minnesota [Mr. MCMILLAN] is absent.

Mr. PLUMB. If it should come up and the Senator from Minnesota should be absent I shall have no objection to stating what I have to say about it and then have it laid aside before action. It is not necessary that the Senator from Minnesota should be present when I make my remarks.

Mr. HOAR. I shall not interpose in regard to that. Some constituents of mine have a deep interest in the bill, and I do not desire to have it taken up out of order, but if the Senator desires to address the Senate upon it——

Mr. PLUMB. No, sir; I do not. As far as this question of order is concerned, permit me to say that this bill was reached on the call of the Calendar under what is known as the Anthony rule, and was objected to and went over. It is very convenient for the Senator from Massachusetts to say, "We do not want it called up out of its order," because if we keep adding to the Calender from day to day that bill gets further out of the line every day, and consequently will never be reached during this session of the Senate or the next one or at any other session in its order. It will have to be taken up in this way.

The Senator from Massachusetts has a certain view about this matter which is opposed to the one which I have, but I take it he will admit that it is a matter of public interest and that it is one of those questions which have got to be subjected to some debate, and that neither his friends nor the settlers whom I represent here, because I happen to have reported the bill, are to be advantaged by delay. It is one of those bills which ought in the very nature of things to come up at an early day, and he can not expect to gain any advantage, unless he intends to wear the life out of somebody—I know he does not—by putting the bill over from time to time.

I think there ought to be some concession to a bill of this importance, that it shall come up. It is the habit of the Senate to take up those bills which are of a private character, which are not of a general public character, to the exclusion of bills of this kind, which are of a public character, and which concern, as this bill does, a very large number of people in a very important way.

I am not tenacious about the bill coming up at this moment; but as I see that it is getting further and further away from the time that it can be considered in its order, if it is ever to be considered at all in that way, I feel bound to press it for consideration. The Senator from Massachusetts is just as capable of arguing the question, I have no doubt, now as ever, and he must admit with me, as I said before, that it is one of those questions which must be argued, a question which must be decided some time by the legislative branch of the Government in order that any benefit may result to the people whom he represents or to the settlers. Therefore, if it is not to be heard now, I will yield to any reasonable suggestion as to the time when it shall be heard.

Mr. HOAR. In using the phrase that this bill ought not to come up out of its order, I did not mean to be understood that it ought not to be taken up on a special motion as a bill in its place on the Calendar it would have to be. The last thing I had in mind was to suggest anything affecting the bill by any delay; but it is a bill which the Senator from Minnesota knows all about; at any rate he has thoroughly investigated it and he has a very earnest belief that it would be unjust to persons, that it would deprive persons of substantial rights. I am not

myself so familiar with the bill as he is, but I was spoken to about it last year by a constituent of mine who was vouched for as a gentleman of high character and standing, and on his statement it certainly was an invasion of right.

Now, the Senator from Minnesota is absent from his seat, and I suppose he is probably unwell, for he was exceedingly hoarse yesterday and could hardly speak with comfort to himself or to anybody else, and he is the person who would bear the brunt of the debate. I should very likely not have occasion to say anything; that is, my remarks would be very brief; and it is not now the time which the Senate usually devotes to such things. Here is a bill on the Calendar, a long bill, which will take two or three days, which for some reason that I do not understand has been passed by for the moment. It seems to me that it would be very unusual, that it would be unjust to any single Senator, to take this time for bringing up that measure. I do not think any Senator, I do not think my friend from Kansas himself on reflection, would think that it is just or proper to ask that the bill should be taken up at this extraordinary time.

The PRESIDING OFFICER. This debate is proceeding out of order entirely.

Mr. PLUMB. I made a motion which I think is debatable.

The PRESIDING OFFICER. No, sir.

Mr. PLUMB. A motion to take up a bill?

The PRESIDING OFFICER. It is not debatable.

Mr. HOAR. I suppose the debate is in order if we by unanimous consent have it and nobody objects.

Mr. SPOONER. If I may be permitted, I should be glad to say a word on this subject.

The PRESIDING OFFICER. The Chair hears no objection.

Mr. SPOONER. I am not opposed to the bill in its main features, but I happen to know that gentlemen who deem themselves vitally interested in it and who consider their interests attacked by the bill are constituents of the Senator from Minnesota [Mr. McMILLAN]. He feels a great interest in the bill, and desires not only to offer some amendments to it, but to be heard generally upon its merits. He sent word to me this morning that he is ill; that he is unable to leave his room. I think he would not like to have the main argument in support of the bill submitted by the Senator from Kansas without his presence. I think he would desire to hear the entire debate, and I submit it is only fair deference to a Senator situated as he is, interested in the measure and unable to be here, that the Senator from Kansas should forbear to press it at this time.

Mr. PLUMB. That is the first statement which has been made that even contained a suggestion that the Senator from Minnesota was not in the Capitol.

Mr. SPOONER. He is ill and not able to be here.

Mr. PLUMB. I had not heard that at all. I had just sent for him to his committee-room, where I supposed he was.

Mr. HOAR. I stated that he was hoarse and unable to speak, except with great difficulty, yesterday.

Mr. PLUMB. I did not hear the Senator make that statement.

Mr. HOAR. I will state to my friend from Kansas that yesterday at the meeting of the Judiciary Committee the Senator from Minnesota was acting chairman, the Senator from Vermont [Mr. EDMUNDS] being absent, and he was unable even to sit at the head of the table and put questions to the committee.

Mr. PLUMB. I supposed the Senator from Minnesota was in the Capitol. I had not observed his absence, and do not desire to press the measure under the circumstances.

Mr. SPOONER. He requested that a pair should be obtained for him, as he was unable to leave his room and could not speak above a whisper.

The PRESIDING OFFICER. Does the Senator from Kansas withdraw his motion?

Mr. PLUMB. The Senator from Iowa [Mr. WILSON] desires to submit a remark or two on the question.

Mr. RIDDLEBERGER. Will the Senator from Iowa allow me to make a suggestion?

The PRESIDING OFFICER. Does the Senator from Iowa yield to the Senator from Virginia?

Mr. WILSON, of Iowa. I will hear what the Senator from Virginia has to say.

Mr. RIDDLEBERGER. I offered a resolution, which is at the desk, without objection. It is simply a resolution calling for information. There was no objection made to it, and therefore it was proper to have it immediately considered. It directs the Committee on Public Buildings and Grounds to report the aggregate amount of money involved in the public building bills which have been reported here. The Senator from New Hampshire said that he wanted to have the educational bill presented to-day, and I would not interpose any obstacle in the way of that bill; but I think it is now proper that the Senate shall conclude whether it will adopt that resolution of mine, as there was no objection at the time it was offered. It is simply a resolution calling for information from the committee, and I take it for granted that there will be no objection to the passage of it, as there was none to its consideration at the time it was offered. I ask the Senator from Iowa to just allow that resolution to be propounded again. It is in order, sir.

Mr. WILSON, of Iowa. I did not expect under the circumstances that the Senate would proceed to the consideration of the bill involved in the motion made by the Senator from Kansas, but I should like to have some understanding with reference to the consideration of that bill. In view of the statement made relative to the physical condition of the Senator from Minnesota, of course I would not ask the Senate to proceed now to consider it, and even if unanimous consent had been given and the bill were pending before the Senate, under that statement I should consent to its going over until he could be present.

But the bill is one of very great importance to a large number of people in the State of Iowa. It involves not merely a private question, but one of very great public significance. I, therefore, would desire to have a time fixed for the consideration of that bill. If by consent the bill could be taken up for consideration, say at 2 o'clock on Thursday, I should be quite content with that arrangement; but it is important, both with reference to the personal rights involved and the public questions complicated in the case that there should be an early hearing, in order that the action of the Senate, if it should be favorable, may be communicated to the other House in time for its action upon the bill during the present session. I suggest, therefore, that by unanimous consent the bill may be set for hearing at 2 o'clock on Thursday. If at that time, I may state, the Senator from Minnesota should still be absent on account of sickness, understanding the interest he feels in the measure, I should not urge its consideration then.

Mr. BLAIR. I must object to any arrangement that might interfere with the educational bill, which very likely will not be disposed of by Thursday.

Mr. WILSON, of Iowa. Then, if objection is made to that, I give notice that a motion will be made at the first convenient opportunity to proceed with the consideration of that bill.

Mr. TELLER rose.

The PRESIDING OFFICER. What does the Senator from Kansas desire touching the matter?

Mr. PLUMB. I withdraw the motion.

The PRESIDING OFFICER. The Senator from Kansas withdraws the motion to proceed to the consideration of the bill indicated by him at this time.

ORDER OF BUSINESS.

Mr. TELLER. I ask leave to take up Senate bill No. 1092. It is a bill——

Mr. RIDDLEBERGER. Pending that motion I am obliged to insist that the resolution which was sent to the desk by me, and which was received without objection, shall be voted upon. It is a resolution calling for information from the Committee on Public Buildings and Grounds. It went to the desk without opposition, and I yielded——

Mr. HARRIS. Will the Senator from Virginia allow me to suggest to him that under the rules all resolutions lie over one day unless considered by unanimous consent?

Mr. RIDDLEBERGER. It was brought before the Senate by unanimous consent. That is exactly what was done.

Mr. HARRIS. If I understand the Senator's statement, it is that his resolution was sent to the desk without objection. Then, if he asked unanimous consent for its consideration and that consent was given, I can not imagine any reason why it was not considered at that time.

Mr. RIDDLEBERGER. It was not considered for only the one reason, that the Senator from New Hampshire asked that he might make a motion or a suggestion regarding his educational bill, and I said I would not allow the resolution to be an obstacle, but that as soon as the suggestion or motion was disposed of I should call it up again. The resolution is now before the Senate by unanimous consent. It is a simple resolution asking for information, and it does seem to me that I should be entitled to that consideration here in view of the fact that I offered a resolution a few days ago, accepted notice of the disposition to be made of it, and subsequently it was disposed of in some other way, and yesterday the same resolution was discussed on a proposition of the Senator from Louisiana [Mr. EUSTIS], when the whole resolution that I had offered was ruled out of order by the presiding officer, who himself discussed it yesterday when it was not relevant, and when the subject was not appropriately before the Senate. I do think that I have a right to ask that this be done.

The PRESIDING OFFICER. The presiding officer is obliged to inform the Senator from Virginia that objection was made to the consideration of the resolution submitted by him, and that it has gone over under the rules, and is not before the Senate for consideration.

Mr. RIDDLEBERGER. Then I am very much surprised, for at the very time that it was offered no audible objection was made, and I myself rose and deferred to the Senator from New Hampshire. Where did the audible objection come from, and who is the Senator who made the objection? No, sir, let it go.

Mr. TELLER. I ask leave to take up for consideration Senate bill 1092. It is a bill for the purpose simply of carrying out a provision of the Revised Statutes, which will be found in section 2339, providing

the right of way for ditches and canals over the public lands. In that act there was no provision made for the filing of maps, and this is for making provision for the filing of maps. I ask that the bill may be taken up.

The PRESIDING OFFICER. The Senator from Colorado asks unanimous consent that the bill (S. 1092) to grant the right of way through the public lands for irrigation purposes may be taken up for present consideration.

Mr. HOAR. Let the bill be read in full for information.

The PRESIDING OFFICER. The bill will be read for information.

The Chief Clerk read the bill.

The PRESIDING OFFICER. Is there objection to the present consideration of the bill?

Mr. RIDDLEBERGER. I object.

The PRESIDING OFFICER. Objection is made.

DISTRIBUTION OF PUBLIC DOCUMENTS.

Mr. HOAR. I move to proceed to the consideration of the bill (S. 1176) to provide for the distribution of public documents among the depositaries of public documents. I wish to say, if I may have unanimous consent, before the motion is put——

Mr. RIDDLEBERGER. I object, Mr. President.

Mr. HOAR. Do you object to what I say?

Mr. RIDDLEBERGER. No, sir; not to what you say, but I object to taking up the bill.

Mr. HOAR. I did not ask your consent to take up the bill. I ask consent to make the explanation that there are very few public documents which do not now go to the general depositaries of public documents. The bill simply provides for adding those few to those that go.

The PRESIDING OFFICER. The Senator from Massachusetts moves to take up the bill (S. 1176) to provide for the distribution of public documents among the depositaries of public documents.

The motion was agreed to; and the Senate, as in Committee of the Whole, proceeded to consider the bill. It provides that the Public Printer shall deliver to the Interior Department a sufficient number of copies of every Government publication printed at the Government Printing Office (including the publications of all bureaus and offices of the Government) to enable the Department to supply a copy to every depositary of public documents designated according to law.

Mr. HAWLEY. I should be glad to have the Senator explain whether that is to add to the number of volumes that are to be printed. Where is the supply to come from? I should like to have the bill under the consideration of the Committee on Printing for consultation with the Public Printer.

Mr. HOAR. The bill was reported to the Committee on the Library as a substitute for another bill sent there much more extensive in its scope. This bill only provides that the distribution shall be made to one depositary of public documents, as I understand, named by each member of the House of Representatives and each Senator; that is, the number of such depositaries existing in the country is the number of Senators and Representatives added together, and they are each authorized to designate a public library where public documents shall be sent. Nearly all the documents go there now, except the CONGRESSIONAL RECORD and one or two others; and this proposes to add to the number copies of the CONGRESSIONAL RECORD and also the documents published by the authority of the several Departments, which will make of course the necessity for printing an additional number, but it will be a very small cost, because it is only the press-work and the paper that it costs, and these depositaries of public documents are rendered almost absolutely worthless unless they are complete. If a person wishes to study a public question, the editor of a paper, a person who is informing himself on such matters, or a person who is debating them before the people, if there are half a dozen out of the public documents not found there his study is incomplete. It is very important that this information should be accessible in some few places in every State in the Union. The more remote from the center the more important the depositary is.

Mr. PLUMB. This bill certainly should not pass as it is now, because at least one public document is in process of distribution, and the effect of this proposed act would be to break the set of that document. I refer to the Official Records of the War of the Rebellion.

Mr. HOAR. No, it does not break the set at all.

Mr. PLUMB. A certain number of copies are now provided for and being printed by law, and if some of those copies are to be taken for the purpose of complying with this measure, if it shall become a law, then somebody has got to be diminished of the number of copies they are getting, and consequently the number of sets now being distributed of that work must be broken up.

Mr. HOAR. The Printer will——

Mr. PLUMB. Not at all.

The PRESIDING OFFICER. Does the Senator from Kansas yield?

Mr. PLUMB. I object to doing a thing in that kind of a way. It would certainly be a blind statute to say the best, and I think it ought to go to the Committee on Printing. I have no doubt there are a great many other public documents which would be affected in the same manner, and if it is designed to increase the number only of the new volumes, then it would be an absolute waste of public money, because more than fifteen volumes of that work have already been printed, and all the succeeding volumes so distributed would be absolutely worthless without the first volumes.

Mr. HOAR. Will my friend from Kansas allow me——

Mr. PLUMB. No, sir.

Mr. HOAR. To answer that——

The PRESIDING OFFICER. Does the Senator from Kansas yield?

Mr. PLUMB. I do not.

Mr. HOAR. I never refused to yield to a Senator in my life.

Mr. PLUMB. I say that to carry out this proposed law literally would render valueless the documents which it would provide for printing if the construction is put upon it which the Senator from Massachusetts says it will bear; that is to say, that the Public Printer shall print an additional number of the sixty-five and odd volumes of the official history of the rebellion that are yet to be issued. If he merely prints enough copies of those volumes to comply with this measure, then those volumes would be absolutely valueless by reason of the fact that the fifteen or twenty preceding volumes could not be distributed in the same way, because there are none to be distributed. I think the proper thing to do with this bill would be to commit it to the Committee on Printing, so that when it comes before the Senate again we may be fully advised as to its effect and so that it may be guarded upon all disputed points.

Mr. HOAR. The trouble with the argument of the most amiable and delightful Senator from Kansas is that the document to which he refers goes to these depositaries now and is not in the least affected by the bill. The only document left out at present that I know of of any importance is the CONGRESSIONAL RECORD. That, under the construction given by the Public Printer, is not included as a document printed according to law now. That is the only important document that this bill requires to have an additional number of copies made of. Then in addition to that are the documents printed by the Departments for their own use.

Mr. LOGAN. I desire to make a suggestion in reference to these war records, merely to inquire whether this bill will conflict with the law already existing. I think now about seventeen volumes have been completed and the total will be about eighty volumes, I am told, when completed. The law authorizing the printing of those War Records requires each Senator and Representative in Congress to give the names of the different institutions and individuals to whom they are to be sent, and they are sent from the War Department by the Secretary of War to such persons and institutions. Will the Senator from Massachusetts tell me whether this conflicts with that?

Mr. HOAR. It does not affect that in the least. Under the existing law, let me repeat, these depositaries of public documents are already supplied with nearly all the public documents printed by authority of Congress, and a copy for each depositary is sent of the Rebellion Record, as it is called. They have now these copies of the Rebellion Record sent to these places. Then, in addition to that, Senators and Representatives furnish their lists of so many persons or libraries to whom they wish them sent. That is not affected. The only effect of this bill is, as I said, to cover the case of the CONGRESSIONAL RECORD and the documents printed by the Departments for their own use.

Mr. WILSON, of Iowa. Mr. President, during the Forty-eighth Congress I introduced a bill upon this subject which was referred to the Committee on the Library and reported favorably by that committee and it passed the Senate and went to the House, but was not acted on by that body. That bill provided for the distribution to designated depositaries of two Government publications, the CONGRESSIONAL RECORD and the Laws of Congress, two of the most important of the documents published by the Government for the general use and information of the people. I again introduced that bill during the present session, and it was referred to the Committee on the Library, and this bill is the result. Now I understand the Senator from Massachusetts to say that the only publication which this provides for that is not provided for by the law as it now exists except the Department publications is the CONGRESSIONAL RECORD.

Mr. HOAR. I should have added the Laws of the United States.

Mr. WILSON, of Iowa. Very well, then, if that is included this bill would cover——

Mr. HOAR. This bill is intended to cover in a different form of expression just what the Senate passed on the motion of my honorable friend from Iowa last winter, except that it adds, as I stated, the Department publications.

Mr. ALLISON. I should like to ask the Senator from Massachusetts how the Public Printer can deliver these documents unless he has authority to print them. A certain number of copies are printed annually, and in each authority to print is a method of distribution provided. It seems to me that if this bill shall pass there must also be an appropriation to direct the Public Printer to print these copies.

Mr. HOAR. You will have to provide for additional copies of the CONGRESSIONAL RECORD and of the Laws of the United States when you come to make the appropriations for printing. There will be 400 copies more of them printed by the Government Printer and delivered; but the Department publications, of course, do not require any further provision for.

Mr. ALLISON. This is the place, it seems to me, to provide for the

printing of these documents. The Public Printer's appropriation is limited; and it seems to me that if an additional number of copies of any particular document is to be printed there should be a provision of law authorizing it. The Departments order a certain amount of public printing that they are authorized to have done, but they are not authorized to print extra copies of Department documents.

Mr. HOAR. There is to be no printing in which the additional expense of any public document would be more than a few cents or a few dollars. Take the Laws of the United States and the RECORD. Of course the extra copies of these would cost something. When the Committee on Appropriations makes its appropriations to the Government Printer for printing the RECORD, it will undoubtedly take cognizance of the fact that a law has passed, if it does pass at this session, which will require the Government Printer to print 400, or whatever the number is, additional copies of the RECORD and of the Public Laws. It seemed to us that is the place, and not this, for the appropriation.

Mr. ALLISON. I think there will be a difficulty that will arise in regard to the printing unless some further provision is made here.

Mr. HAWLEY. Mr. President——

Mr. RIDDLEBERGER. I rise to call for the regular order.

Mr. HAWLEY. This is the regular order.

Mr. RIDDLEBERGER. That is the difference between us. I ask for the regular order.

Mr. HARRIS. This bill was taken up by a vote of the Senate, I believe, Mr. President.

The PRESIDENT *pro tempore*. The Senator from Connecticut has the floor on the bill now pending.

Mr. HAWLEY. Whether this bill be referred to the Committee on Printing or not, of which committee I have the honor to be a member, I should like it better if it could lie over until there may be some investigation. We are without information on the subject. For example, I can not myself now from memory—I have heard these things in the Committee on Printing, but I can not from remembrance say what publications will go to these depositaries.

Mr. HOAR. All publications authorized by authority of Congress. I have no objection to the suggestion of my friend. His committee has reported this bill once.

Mr. MANDERSON. I do not think in this form.

Mr. HOAR. At the last session.

Mr. HAWLEY. I do not know precisely what classes of publications go to these depositaries. If there is one depositary in each Congressional district, there are three hundred and twenty-five.

Mr. FRYE. And two for Senators.

Mr. HAWLEY. Making, say, four hundred and seventy-five depositaries.

Mr. HOAR. One for each Senator.

Mr. HAWLEY. Four hundred and one depositaries, then. Now, the Senator from Massachusetts says that every publication goes there already. I beg his pardon. "Publication" is a very general term. The letter of this bill requires the sending there of a copy of every single bill that is printed by Congress, for that is a publication and a little volume of itself. I take my pencil, and my impression is that it will take 50,000 octavo volumes bound, and probably 75,000 octavo volumes, to supply that alone. It supplies every little publication that is auxiliary and subsidiary to the work of the two Houses of Congress, every executive document, every report of a committee, and, more than that, every single publication of the different bureaus and offices of the Government, not alone the Patent Office Gazette, but every pamphlet of instruction, perhaps, to every postmaster and register of land office, and so on. All these publications under the letter of this bill must be gathered up and sent to these depositaries, and these things do not come to the Senate, a great majority of them; they are of no mortal use to us except to a committee specially charged with investigating some special topic.

The bill is too indefinite. I would not pretend to say what expenditure is involved in it; I think it must be enormous. Gentlemen do not stop to think what these things amount to. Four hundred and one copies of all publications is an enormous quantity. We are spending over $3,000,000 a year in the Printing Office now; it is the largest printing office in the world, and this is the most extravagant Government by all odds that ever was heard of. There is nothing like it in the matter of printing. We print, I will not say how many miles of Agricultural Reports, loaded on the shelves, but miles upon miles of them; and here is a bill in support of which nobody has a statement of what has already been done nor an estimate of what the measure will cost.

Mr. WILSON, of Iowa. Mr. President, the distribution of documents to libraries——

Mr. RIDDLEBERGER. I rise to a point of order, sir.

The PRESIDENT *pro tempore*. The Senator from Virginia rises to a point of order. He will state the point of order.

Mr. RIDDLEBERGER. I find, sir, under Rule VII, clause 2—

Until the morning business shall have been concluded, and so announced from the chair, or until the hour of 1 o'clock has arrived, no motion to proceed to the consideration of any bill, resolution, report of a committee, or other subject upon the Calendar shall be entertained by the presiding officer, unless by unanimous consent; and if such consent be given the motion shall not be subject to amendment, and shall be decided without debate upon the merits of the subject proposed to be taken up.

That is, up to 1 o'clock. Now if there is any rule changing that after any other hour I fail to find it in this publication of our rules. My object is to proceed to the regular order of business, and I can not ascertain where there is any rule changing this one even after 1 o'clock, unless it shall be by a two-thirds vote. No rule of the Senate can be changed except by a two-thirds vote; and to take up any bill out of its order is changing a rule. I therefore again call for the regular order.

The PRESIDENT *pro tempore*. The Senate is proceeding under Rule IX in regular order, and this bill has been taken up on motion by a majority of the Senate and is pending.

Mr. RIDDLEBERGER. The Senate is proceeding under Rule IX of this pamphlet?

The PRESIDENT *pro tempore*. Rule IX of the rules and the second paragraph of that rule?

Mr. RIDDLEBERGER. Yes, sir.

Immediately after the consideration of cases not objected to upon the Calendar—

I objected—

is completed, and not later than 2 o'clock, if there be no special order for that time—

And there is none—

the Calendar of General Orders shall be taken up and proceeded with in its order—

We all know what a calendar means and what "Calendar of General Orders" is—

beginning with the first subject on the Calendar next after the last subject disposed of in proceeding with the Calendar; and in such case the following motions shall be in order at any time as privileged motions, save as against a motion to adjourn, or to proceed to the consideration of the executive business, or questions of privilege, to wit:

First. A motion to proceed to the consideration of an appropriation or revenue bill.

Second. A motion to proceed to the consideration of any other bill on the Calendar, which shall not be open to amendment.

The PRESIDENT *pro tempore*. It is upon that clause——

Mr. RIDDLEBERGER. Hear the words:

which shall not be open to amendment—

Is not this bill open to amendment?

The PRESIDENT *pro tempore*. The motion to proceed to its consideration is not open to amendment.

Mr. RIDDLEBERGER. Yes, sir; but it is not debatable until that is passed upon.

Third. A motion to pass over the pending subject, which, if carried, shall have the effect to leave such subject without prejudice in its place on the Calendar.

Fourth. A motion to place such subject at the foot of the Calendar.

Now, sir, this is either debatable or it is not. I claim that if you can take up this subject at all, you must take it up by a two-thirds vote and without debate. I understand this bill to be on the Calendar. Am I misinformed about that?

The PRESIDENT *pro tempore*. It is on the Calendar.

Mr. RIDDLEBERGER. Then a two-thirds vote only can take it up, and it must be taken up first without debate, and it must not be open to amendment, otherwise a single objection carries it over under the very rule that the presiding officer now refers me to. It must not be open to amendment, and I do, therefore, interpose my objection, and I do it for the reason that the Senate of the United States ought to have one code of rules governing every man in it. I have found here one practice, as it is called in the West, governing one class of Senators, and another code of rules governing another. I make my point of order now, that this book alone is the code by which the Senate is to be governed. I care not for the gavel, unless the gavel raps for the rules. I care not for any man's age in the Senate, or the State from which any man comes. I care not whether you introduce bills here to construct public buildings and take $5,000,000 out of the public Treasury in a day and rule me out of order, forsooth, because I mean only to protest against it; but I do assert my rights under that only which can and shall control me in this body, and that is the rules of the Senate. I have not appealed, but I have risen to this point of order. I do not want one rule for one man and another rule for another. I want the rules to be enforced and the gavel to announce every time when a motion is out of order. I have only asked that.

I have been told here within the last five days that I was out of order in asking the Senate to consider a resolution and speak to it which was subsequently referred to a committee and buried there, and yet which yesterday was discussed without limit or relevancy. I have been told to-day that the resolution that I offered and which I understood to be before the Senate by unanimous consent and which I deferred only to the Senator from New Hampshire that he might not have his educational bill obstructed by it was objected to; and yet there was no audible objection. I am now told that there is another subject before the Senate. I should like to know how it got here, under what rule it is being considered, and under what rule the President of the Senate can hear the debate on it.

Sir, I mean to maintain only the rights that I have under the rules of

the Senate, and I do mean to hold that every Senator on this floor shall be governed as rigidly as I have been by the rules twice within a week. These rules shall obtain as long as I have a voice to utter what is in the rules with my experience of the last week.

I now call for the regular order, and I say that this motion being here before the Senate under this rule, which says it shall not be open to amendment or if open to amendment it can not come up except by unanimous consent, it is improperly here, and it ought to go by and the regular order ought to be considered.

If I am too pronounced in this matter I know it will be understood that I have had some little provocation for it. I renew my claim and I call the attention of the Chair to it. I know that the President of the Senate is fair and honest in his rulings on these matters; but he may, like myself and like a great many other people in the world, not know everything, and can sometimes be informed by having the attention called to some matter.

This rule provides that this proposition could have been taken up or any other similarly situated proposition or bill on the Calendar by the vote of the Senate, but it is only when the bill is not subject to amendment. I submit now that this bill is not properly before the Senate; it is in violation of the rules to consider it; and I again, in conclusion of what I have to say in raising my point of order, ask for the regular order.

The PRESIDENT *pro tempore*. The Chair overrules the point of order made by the Senator from Virginia. This bill was regularly taken up under the ninth rule, there being no unfinished business and no special order and the Calendar being in order.

Mr. RIDDLEBERGER. May I ask the Chair if the bill is open to amendment?

The PRESIDENT *pro tempore*. In a moment, after the Chair has announced his decision.

Mr. RIDDLEBERGER. May I ask the Chair if the bill is open to amendment?

The PRESIDENT *pro tempore*. It is not in order to interrupt the Chair while announcing his opinion.

Mr. RIDDLEBERGER. I thought the Chair was through. I beg pardon.

The PRESIDENT *pro tempore*. In the absence of the present occupant of the Chair this bill was taken up in regular order on motion from the Calendar under the second clause of the ninth rule, and is now in order. On that question the Senator from Iowa [Mr. WILSON] has the floor. The Chair will further state in making the announcement that a point of order can only be taken and made; how far Senators may debate the point of order until the decision of the Chair is had is a question of doubt, but usually the point of order is made and debated only on appeal.

Mr. RIDDLEBERGER. The Chair will excuse me. I do not think the President apprehended what I said, that the bill must be taken up just as it was, and so taken up it was not open to amendment; that any bill which is subject to amendment can not be taken up in the manner that this bill was; that is, under Rule IX. That was the proposition I submitted.

The PRESIDENT *pro tempore*. The Chair will overrule that point of order on the ground that the motion itself to take up is not open to amendment, but when the motion has been adopted and the bill is before the Senate the bill is like any other bill or proposition open to amendment, debate, or discussion. The Senator from Iowa has the floor.

Mr. WILSON, of Iowa. Mr. President——

Mr. FRYE. The Senator from Iowa will pardon me just one moment.

Mr. WILSON, of Iowa. Certainly.

Mr. FRYE. I was presiding when the Senator from Virginia charges that he had cause of complaint touching the resolution which he offered. I simply desire to say that the presiding officer heard very distinctly a Senator in his seat object to the present consideration of the resolution, and as presiding officer I announced that the resolution went over under the rules.

Mr. RIDDLEBERGER. Now, Mr. President, was it not my full privilege to have known that an objection was made and from what source it proceeded or from what Senator? It certainly was not considered at the time by any Senator on the floor and it is not known now.

The PRESIDENT *pro tempore*. The Senator from Iowa.

Mr. WILSON, of Iowa. Mr. President, when interrupted I was about remarking that the distribution of documents to libraries and designated depositaries is provided for in sections 500, 501, and 502 of the Revised Statutes, but the provisions there do not include the CONGRESSIONAL RECORD and the statutes passed by Congress. In order to cure that defect I introduced the bill to which I have heretofore referred, and which provided:

> That the Secretary of the Interior is required to furnish to incorporated bodies, institutions, and associations to be designated to him by Senators of the several States respectively, and by the Representatives in Congress, and by the Delegate from each Territory, one bound copy of the Statutes of the United States enacted by the Forty-eighth Congress and each succeeding Congress, and of the CONGRESSIONAL RECORD for said Congress and each future Congress, in the manner provided in sections 501 and 502 of the Revised Statutes of the United States for the distribution of other books and public documents therein mentioned.

I suppose that provision would have to be made under that bill if it should have become a law by appropriating money the same as is appropriated for the distribution of the other books included in the sections of the Revised Statutes; and so, if this bill should be passed, similar provision would have to be made.

The bill now pending provides:

> That the Public Printer shall deliver to the Interior Department a sufficient number of copies of every Government publication printed at the Government Printing Office (including the publications of all bureaus and offices of the Government) to enable said Department to supply a copy to every depositary of public documents designated according to law.

I suppose that might be held to impose the duty also of making appropriations to meet that additional distribution of documents here provided for. Now, while I should have been quite content with the passage of the bill introduced by myself, which provided simply for the two additional publications, yet I would prefer the bill in the form reported by the committee, inasmuch as many of the publications or documents not now included in the list for distribution are exceedingly valuable to libraries and other designated institutions. I therefore hope that this bill may pass in the form reported from the committee or in some such other form as will at least secure the two publications I provided for in my bill, while, as I have already remarked, I would much prefer to extend the number as provided for in the bill now under consideration.

Mr. MANDERSON. Mr. President, I am in full accord with the object that is sought to be attained by the Senator from Iowa by his bill of the last session and with the statement made by the Senator from Massachusetts as to his desire. As I understand it, it is that to these designated depositaries there shall be distributed volumes of the CONGRESSIONAL RECORD, properly bound, and volumes of the laws of the United States. As I say, I am in full accord with that proposition; but this bill is certainly too sweeping in its terms, and proposes to do that which I do not believe the Senator from Massachusetts would favor doing. Now let us look for a moment at the existing statute. I read from the Revised Statutes, section 497:

> SEC. 497. The Secretary of the Interior is charged with receiving, arranging, and safe-keeping for distribution, and of distributing to the persons entitled by law to receive the same—

Of course that would include these designated depositaries—

> all printed journals of the two Houses of Congress, and all other books and documents of every nature whatever, already or hereafter directed by law to be printed or purchased for the use of the Government, except such as are directed to be printed or purchased for the particular use of Congress or of either House thereof, or for the particular use of the Executive or of any of the Departments, and any person whose duty it shall be by law to deliver any of the same shall deliver them at the rooms assigned by the Secretary of the Interior therefor.

This then, I take it, excludes from the distribution to these designated depositaries the reports that we order printed here every day and that are ordered every day in the House of Representatives, but they become by virtue of a law that I will refer to in a moment public documents, whether printed by the order of the two Houses or by the order or the rules of either House. I presume it is not proposed that this vast mass of reports which we print here daily and which are printed in another body sitting in this Capitol shall be distributed to these designated depositaries.

Mr. WILSON, of Iowa. Will the Senator yield to me? Does he refer to the reports of committees of the respective Houses?

Mr. MANDERSON. Yes, sir; I refer to reports of committees.

Mr. WILSON, of Iowa. They are included and distributed under existing law.

Mr. INGALLS. How about the bills put upon our tables every morning?

Mr. MANDERSON. I think they come by the law under the designation of "public documents."

Mr. INGALLS. Will the Senator from Iowa state that bills laid on our tables every morning in sheets are printed for and distributed to all these depositaries?

Mr. WILSON, of Iowa. Not at all. The reports of committees accompanying bills and resolutions go, but the bills do not go.

Mr. MANDERSON. If we pass this bill they will all probably go.

Mr. WILSON, of Iowa. I will say, in response to the Senator from Nebraska, that while I should prefer to extend somewhat the list provided for in my bill, I am quite content to agree to amend the pending bill by substituting mine, and thereby securing to the libraries and designated depositaries the RECORDS and the Statutes.

Mr. MANDERSON. I think the bill proposed at the last session of Congress by the Senator from Iowa is infinitely preferable to this. Now I will read as to what the term "public documents" means under the law. A statute passed June 23, 1874, provides:

> The term "public document" is hereby defined to be all publications printed by order of Congress or either House thereof.

If this bill shall pass in its present form, then everything that either House shall order printed, whatever may be its character, is to be sent to the Interior Department and distributed under the designated depositary act.

I submit that there is considerable force in the suggestion of the Senator from Iowa on my left [Mr. ALLISON]. If we order only the usual number printed or if we order beyond the usual number and specify

what number shall be distributed by either House of Congress, where will the documents be found that are to be sent by the Public Printer to the superintendent of documents in the Interior Department? It seems to me that decidedly the best thing to do with this bill would be to refer it to the Committee on Printing, that they may consider it in connection with other bills of like import that are before them.

Mr. HOAR. Mr. President, I should like to have the attention of the Senate one moment while I state the history of this matter.

At present every document published by order of either of the two Houses is sent by the Secretary of the Interior to the designated depositaries of public documents, one representing each Senator and one each Representative, making four hundred and one in all, and that includes these important documents that Senators have alluded to, the Rebellion Records and so on. The Senator from Iowa [Mr. WILSON] at the last session introduced and the Senate passed a bill——

Mr. MANDERSON. May I ask a question for the purpose of correcting a statement the Senator has made? I think he is under a misapprehension. I do not think the Rebellion Records go to the Interior Department at all.

Mr. HOAR. Not under the law for distributing the numbers given to Senators and Representatives, but under the general law which was read by the Senator from Iowa distributing all Government publications.

Mr. MANDERSON. I understand they are distributed from the War Department to designated depositaries as well as special depositaries.

Mr. HOAR. They go to the depositaries under that law. The Interior Department found that that law, which meant to include every important publication of the Government, every publication made by order of Congress, did not include, for some reason which it is not necessary now to go into, the CONGRESSIONAL RECORD and the laws, and the Senator from Iowa introduced and the Senate passed a bill to cure that. That did not go through the House of Representatives, and that bill was introduced at this session. In the mean time the association of American Librarians, a very important and learned body, had a convention, and referred to a committee this question of the distribution of public documents, and that committee took the bill of the Senator from Iowa and extended it as it is extended by this amendment. That was introduced here and sent to the Committee on the Library. The Joint Committee on the Library had the librarian of the Interior Department before them and made a careful and thorough investigation. The joint committee of both Houses unanimously agreed as to this provision.

Now, as I understand, it does have the effect suggested by the Senator from Kansas nearest to me [Mr. INGALLS], that it sends to the designated depositaries of public documents every bill which is laid on our tables. The reports which are laid on our tables went before under the other law and have always gone to those places, and the addition to the present distribution will be first the RECORD, second the laws of the United States, third the bills which are laid before Congress, and fourth every document printed at the Government Printer's by any Department of the Government for its use; and of all these things 401 additional copies are to be printed and circulated. Of course the additional expense is the cost of the paper and press-work, nothing else, and now the question is whether that ought to be done in accordance with the request of this convention of American Librarians. They say that they have very constant application for these things.

The theory of this bill is that this is a Government of this Republic by the people thereof, and that the people thereof are entitled to have and it is wise that they should be entitled to have and should have access to everything which is important that shapes the legislation of this country. It is important that every newspaper editor who discusses a Congressional bill or a Congressional measure or the act of a Department should not have to draw on his inner consciousness for the fact, but should have the fact accessible in his State. It is important that every young man who wishes to go on the stump should have the information which enables him to make an intelligent discussion of public affairs, and it is important that there should be one place in every Congressional district and one or two general places in every State, and the farther from the center the more important, where the public who wish to study thoroughly to the bottom what is done in Congress can have access to everything as a matter of course.

Now you leave out a few documents; for instance, you leave out the text of the bills which have been proposed, the bills on silver, the bills on education, the dozen bills that come in as to any particular scheme. A bill is the scheme or theory or purpose of the Senator or member of Congress who introduces it. He is an important public man, a leader of public opinion, a statesman; and it seems to me that a measure which he is willing to reduce to the form of a bill and introduce here is a thing of a good deal of public interest and weight. It is quite as important to fill the shelves of our libraries with such things as with dime novels, although we do it at a rate cheaper than the dime novel.

The value of these depositaries of public documents is in their thoroughness. You get an encyclopedia or work of one hundred volumes and lose one and you have taken 75 per cent. from the value of the rest. It seems to me, therefore, that the little sixpenny additional expense which will be occasioned to the Government by granting the request of these librarians to have these depositaries and collections thorough and absolutely complete is of the slightest importance in the world compared with the having the thing done. As I said, this has been a matter of very great and thorough public consideration. It is the form in which the committee of the Association of American Librarians, to whom the matter was committed, proposed it. It was referred to the Committee on the Library last year, and it has had the careful examination and sanction of the librarians.

Mr. MANDERSON. I should like to ask the Senator from Massachusetts whether he is under the impression that the reports ordered to be printed by the two Houses or by either House of Congress pass to these depositaries?

Mr. HOAR. I am.

Mr. MANDERSON. At once, as they come before this body?

Mr. HOAR. They pass at the end of the session under the present law.

Mr. MANDERSON. In bound volumes. That is correct. But I call the Senator's attention to this matter: Under the law as it now exists the disposition, so far as the Department of the Interior is concerned, as to the usual number of the reports and other public documents, is as follows: The Department of the Interior receives for distribution none of the unbound copies of either documents or journals, but at the end of the session, when one-half of the 1,900 copies are bound, there are then sent to the Department of the Interior of documents 421 copies, of the Journals, 1,970 of the Senate Journal and 2,020 of the House Journal, for distribution to these depositaries and to other places required by the law.

But I think the Senator is mistaken as to his statement in reference to the Record of the Rebellion, and if this bill should become a law as it now reads there would be a duplication in the War Department and the Interior Department as to that work.

The law providing for the distribution of the Record of the Rebellion, passed in 1882, provides—

> The volumes of the Official Records of the War of the Rebellion shall be distributed as follows: One thousand copies to the Executive Departments, as now provided by law—

That is, for their use, and not for distribution—

> one thousand copies for distribution by the Secretary of War among officers of the Army and contributors to the work. Eight thousand three hundred copies shall be sent by the Secretary of War to such libraries, organizations, and individuals as may be designated by the Senators, Representatives, and Delegates of the Forty-seventh Congress.

Then it provides that each shall designate twenty-six in number. But none of these volumes, as I understand, are sent to the Department of the Interior for distribution to these libraries from that source, but they receive their supply from the War Department.

Mr. HOAR. In that respect it would be very easy to say "but no publications shall be sent under this law to libraries or depositaries already receiving them."

Mr. MANDERSON. It may be that the bill can be amended to cover that point.

Mr. HOAR. I supposed that the Rebellion Record went in addition to the others that were distributed on the order of Senators and Representatives, and one copy was to be sent to each Government depositary from the Interior Department; but the bills and resolutions I hold on to. I understand that the reports go now.

Mr. MANDERSON. I submit that there is no provision for the binding of bills as there is for reports and resolutions of Congress.

Mr. HOAR. It is not necessary that they should be bound.

Mr. MANDERSON. The question is how they shall be distributed, whether they shall proceed as each bill is printed and laid on the desks of Senators, or whether at the end of the session they shall be collected together.

Mr. HOAR. That will be regulated by the convenience of the Public Printer and the Department.

Mr. PLUMB. It seems to me that owing to the phraseology of this bill, if it shall become a law, we shall be doubling the copies now required by law to be distributed. The phraseolgy is entirely different from that of the existing statute. This is a direction to the Public Printer which is not contained in the existing law at all, and I should think it would be very likely that under this the Interior Department would distribute one copy in addition to those now provided by law to be distributed to each of these public depositaries. I therefore think if it is to be considered now without a reference to the Committee on Printing it should be amended at the conclusion by a proviso something after this form, which I will submit:

> *Provided*, That the distribution herein provided for shall be inclusive of that under existing law.

Mr. HOAR. I have no objection to providing that no documents shall be distributed by this proposed law whose distribution is already provided for by law. I have no objection to that.

Mr. ALLISON. I do not know that I shall object to the passage of this bill, but I think it should go to the Committee on Printing.

Mr. HOAR. I have no objection to its going to the Committee on Printing.

Mr. ALLISON. Then I make that motion.

The PRESIDENT *pro tempore*. The Senator from Nebraska has al-

ready made the motion to refer the bill to the Committee on Printing. That is the pending question before the Senate.

Mr. ALLISON. That being so, I have no further statement to make.

The PRESIDENT *pro tempore*. The question is on the motion to refer the bill to the Committee on Printing.

The motion was agreed to.

IRRIGATION OF PUBLIC LANDS.

Mr. TELLER. I now move to take up Calendar No. 66, Senate bill 1092, for consideration.

The motion was agreed to; and the bill (S. 1092) to grant the right of way through the public lands for irrigation purposes was considered as in Committee of the Whole. It proposes to grant the right of way through the public lands of the United States to any canal or ditch company formed for the purpose of irrigation, and duly organized under the laws of any State or Territory, which shall have filed with the Secretary of the Interior a copy of its articles of incorporation, and due proofs of its organization under the same, to the extent of the ground occupied by the water of the canal and its laterals, and fifty feet on each side of the center thereof; also the right to take from the public lands adjacent to the line of the canal or ditch material, earth, stone, and timber necessary for the construction of such canal or ditch.

Mr. TELLER. The bill is simply, as I said before, for the purpose of making definite a certain provision of the Revised Statutes which will be found in section 2339. I will read what the statutes say on this subject:

> And the right of way for the construction of ditches and canals for the purposes herein specified—

That is for irrigation—

> is acknowledged and confirmed; but whenever any person, in the construction of any ditch or canal, injures or damages the possession of any settler on the public domain, the party committing such injury or damage shall be liable to the party injured for such injury or damage.
>
> SEC. 2340. All patents granted, or pre-emption or homesteads allowed, shall be subject to any vested and accrued water-rights, or rights to ditches and reservoirs used in connection with such water-rights, as may have been acquired under or recognized by the preceding section.

This is not to enlarge the right to the ditch companies in any manner, but to provide simply that the ditch companies shall file with the local land office and with the Secretary of the Interior the defined line of their ditch, for the protection of the people who shall subsequently take the public lands. That is all that need be said. It gives them no rights they do not have, but it imposes a duty upon them which was not imposed by the original law.

The bill was reported to the Senate, ordered to be engrossed for a third reading, read the third time, and passed.

THE PUBLIC-LAND STRIP.

Mr. PLUMB. I move that the Senate proceed now to the consideration of Order of Business 63, being Senate bill 624. It is a bill which passed the Senate at the last session and a similar bill passed the House also.

The motion was agreed to; and the bill (S. 624) to extend the laws of the United States over certain unorganized territory south of the State of Kansas, and for other purposes, was considered as in Committee of the Whole.

The bill was reported from the Committee on Public Lands with amendments, which were, in line 3, after the words "United States," to insert "except those providing for pre-emption, timber-culture, and desert-land entries of the public lands," and in line 14, after the word "the," to strike out "United States surveyor-general for Colorado" and insert "Secretary of the Interior;" so that bill as amended will read:

> That the laws of the United States, except those providing for pre-emption, timber-culture, and desert-land entries of the public lands, are hereby extended over the unorganized Territory south of the States of Kansas and Colorado and between the Indian Territory and the Territory of New Mexico, known as the public-land strip; and that for the purpose of the execution of said laws said public-land strip is hereby created a land district and is annexed to the judicial district of Kansas; and the subdivisional lines of townships in said public-land strip may be surveyed under current appropriations for the surveying service, the work to be done under the direction and supervision of the Secretary of the Interior.

The amendments were agreed to.

Mr. COKE. I offer the following amendment, to come in as a proviso at the end of the bill:

> *Provided*, That the President is authorized to reserve a strip through said unorganized territory, not to exceed 5 miles in width, for use as a trail for the passage of cattle from the State of Texas.

The PRESIDENT *pro tempore*. The question is on the adoption of the amendment proposed by the Senator from Texas [Mr. COKE].

The amendment was agreed to.

Mr. HARRISON. I did not notice the reading of the bill. I ask the Senator from Kansas whether he has in it a sufficient description of the tract of country to which the bill applies.

Mr. PLUMB. I do not think there can be any mistake about it. It is described as "the unorganized territory south of the States of Kansas and Colorado and between the Indian Territory and the Territory of New Mexico, known as the public-land strip." It is designated on the map of the United States, published by the authority of the Interior Department, as "public lands;" that is to say, these words are printed across the face of the tract of land, as shown on the map. It is the only tract of public land which lies south of the States of Kansas and Colorado and between the Indian Territory and New Mexico.

Mr. HARRISON. There is one further question, Mr. President. I recollect having considered to some extent this proposition at the last Congress. We have a strip of country here now over which we extend the land laws of the United States, and therefore invite settlement; but it is not attached to any State; no State laws can be enforced there; and we have this anomalous condition of affairs, that we have citizens living upon this land who are not citizens of any organized Territory of the United States nor of any State of the United States.

It seemed to me that this legislation ought to dispose of that strip. I recollect the idea in my mind was that the line between Colorado and Kansas should be extended south, and that the portion of this strip lying south of the State of Kansas should be attached to that State and that the portion lying south of the State of Colorado to that State, and I think now some such provision ought to accompany this bill; for while we attach it to a United States judicial district, yet we do not give the people any government at all. They have no laws except such general laws of the United States as might be applicable; none of the laws applicable to any of the Territories cover them, and there is no State or Territorial Legislature that has any power to make any laws for them. I do not see how they can organize or have any sheriff to enforce the laws, or any clerk, or recorder, or other officer.

It seems to me the provisions of the bill do not go far enough. I do not believe in extending the land laws of the United States over a strip of territory that is not within the bounds of some organized State or Territory, yet that is the anomalous condition in which we propose to put the people whom we invite into this land strip.

Mr. PLUMB. That is all exactly as the Senator from Indiana has stated it, but he will remember that we can not add this territory to any State without the consent of that State. That would necessarily take a great deal of time and might result also in no consent being given.

The land is now open to settlement and it is already settled upon. There are people already upon it. The laws have recognized for a great many years the right of settlers to go on the unsurveyed public domain. The difference between these people and the people living on other portions of the public domain is only that these people are not within the limits of any territory. The Committee on Public Lands did not care to get into the very extensive and interesting field of inquiry as to what should become of these people politically, whether the civil jurisdiction of the State of Kansas, of the Territory of New Mexico, or of the State of Texas, or of some other adjacent organization should be extended over them, or whether they should be left to be incorporated in time into the Indian Territory. Something is to be said in favor of all these propositions, and, of course, equally something against them.

But the one thing which is the foundation of order is title to the land on which men live. The one thing which more than anything else is the occasion of disorder is the lack of title. I have seen in the State of Colorado ten thousand people living on a tract of land less than a mile square, without any municipal organization, and there was no place under the shining sun in which life or property was any more secure than it was in that particular place. But there was title and ample opportunity to acquire it. The people who go upon this public-land strip as well as the people who are there now, if we were to give them title, for all the purposes to be subserved during the brief time we shall leave them in that condition, will take care of themselves and of their property interests in such a way that no violence will be done either to person or property within the limits of that Territory. Therefore the Public Lands Committee felt perfectly warranted in reporting this measure to the Senate, fulfilling the full measure of the jurisdiction of that committee as it does, and meeting the most obvious phase of the circumstances in which these people are now situated, leaving to the Congress of the United States such further legislation, either with the consent of some adjoining State that may be willing to take on this territory, or by the extension of the political jurisdiction of some Territory of the United States, as, for instance, New Mexico or the Indian Territory, over them.

But it certainly is not a valid objection to this bill that it does not go far enough if, avoiding the intricate and interesting questions to which the Senator from Indiana referred, we do that which is obviously proper and necessary, and which is in accordance practically with the promise we have made to all those who go on the unsurveyed public lands, by giving them that measure of protection which results from land titles, because as we have authorized citizens of the United States to go upon the unsurveyed public lands and have pledged them that we will give them title, along with that goes the proposition to survey the land in such a way that they may know the metes and bounds of their respective possessions, and then we must either establish a land office for their special benefit or attach them to an existing one, in order that they may file their respective claims and in due time by the settlement and payment of money, either or both, acquire title to the land on which they have settled under and in accordance with the provisions of law.

I should have been very glad, if the committee had had time and juris-

diction, to have entered upon these other questions; but in the mean time here are many thousands of people on this land already, and while we were waiting for the consent of some State to take them or debating whether we should add them to some Territory there is all the difficulty existing there which grows out of uncertain titles everywhere and which we can relieve by passing a measure of this kind.

Mr. HARRISON. Mr. President, this bill provides that the public-land strip is created a land district and is annexed to the judicial district of Kansas. I suppose that means, of course, the United States judicial district of Kansas; and yet I do not know how anybody living on that tract of land could get into that United States court except possibly as a defendant in some criminal action. I do not know how any of them could bring any suit there. They are not citizens of any State; so that neither in any litigation between themselves nor in any litigation with anybody else could they, as it seems to me, have any access to the courts of Kansas for any purpose at all to try their titles or to settle them. While I agree that it is proper that the people who are there should be put in a way to get their titles, and that any unoccupied lands there should be open to homesteaders, it seems to me that this legislation ought all to proceed together, and that we ought not to invite people to go in there to settle, we have never in the history of this Government invited them to go into unorganized territory where no laws were in force whatever and take up public lands.

It seems to me that the Senator from Kansas, if this measure were referred to his committee, when he reported it, as settling the question of the use of the lands, might send it to the Committee on Territories or some other appropriate committee, so that the bill might be amended so as to incorporate such provisions as would establish some sort of civil government over these people. I think that ought to go along with the extension of the land laws; I think they always have gone together; and I do not think it would seriously delay the matter if the Senator would take some such course with the bill.

Mr. PLUMB. I think the course now suggested would make serious delay. There is no reason in the world why the Committee on Territories can not take up separately, as it does all questions of the organization of Territories, apart from any disposition of the public lands, or their condition, and consider the question of a political organization for this community. But there is every reason why there should not be delay in the passage of this bill, which, as I said before, passed the Senate at the last session. A similar measure passed the last House, but the two measures crossed each other, as is frequently the case, and neither of them became a law. There is urgent necessity now for the passage of this bill because of the great number of people and the number constantly being increased by new persons going in. As I said, the only prime question with all those people, the first one they are interested in, is the question of title.

Now, the attention of the Committee on Territories having been called to this matter, they can take the question up. They may attach the strip to New Mexico; they may attach it to Kansas for temporary purposes, or to the Indian Territory; I do not care where; I have no choice about it. But about all that class of questions there will be some debate, and that debate would impede, if it did not finally prevent, the passage of the bill, to which there can certainly be no objection, and that is to enable these people to get the title which we promised them when we invited them to go on the public domain.

Mr. INGALLS. Mr. President, there is one embarrassment to me in the consideration of this bill, and I ask my colleague to think of it. What authority has Congress, in any way whatever, to interfere, either by addition or subtraction, by implication or by direct action, with the territorial area and limits of the State of Kansas, without the consent of that State first obtained? I think there should be something done with this unorganized region known as "No man's land." There are about 3,500 square miles, I believe, that are practically populated to-day——

Mr. PLUMB. About 6,000.

Mr. INGALLS. About 6,000 square miles that are practically inhabited by a settled population, not nomadic but settled, permanent, with cattle ranches, farms along the borders of the streams, living there absolutely without any jurisdiction of law over them, and living, as I am advised, practically in peace and tranquillity. I have heard the number variously estimated. I should not dare to mention it, but there must be several thousand people, and a very great deal of personal property and betterments that would be entitled under other circumstances to the protection of law. There, of course, is no possibility of acquiring title to land, because it has not been surveyed, and there are no land offices where the intention of persons to buy can be received or where their boundaries can be ascertained. They have no means of appealing to any court for the enforcement of their rights or the redress of their wrongs.

It is an anomalous, unprecedented, extraordinary condition of affairs, that ought to be remedied. It is clearly within the province of Congress to create that tract into a land district, and by that means to enable people to acquire title to their property. But how the limits of the State of Kansas can be practically enlarged and expanded so as to take in this territory without the consent of that State first affirmatively obtained I do not understand, for the Constitution provides that "no new State shall be formed or erected within the jurisdiction of any other State, nor any State be formed by the junction of two or more States or parts of States without the consent of the Legislatures of the States concerned as well as of the Congress."

Mr. COKE. Does this bill propose to annex this territory to Kansas?

Mr. INGALLS. To the extent of attaching it to the judicial district of Kansas for judicial purposes.

Mr. PLUMB. In other words, we simply extend the jurisdiction of the United States judge there over this territory.

Mr. INGALLS. And the limitations of that district are the limitations that are recognized as those of the boundaries of the State of Kansas.

Mr. PLUMB. By the Federal law.

Mr. INGALLS. Yes, by the Federal law and by the State law. While I would favor any arrangement which might give these people settled and permanent institutions, I think the bill goes too far, and that it would be well to declare that the laws of the United States are extended over them and create a land district, but when we go into the subject of legislating as to the enforcement of their rights and the redress of wrongs to which they may be subjected, it seems to me to be a great deal more in accordance with the present system to attach them to a Territory than to a State.

Mr. PLUMB. That phraseology happens to be the Senator's own. He introduced the bill last year and I quoted that idea from him.

Mr. INGALLS. That does not make it any better.

Mr. PLUMB. I thought it did. I will accept, however, any modification.

Mr. INGALLS. The bill was undoubtedly prepared and handed to me, and I introduced it by request, I presume, as I do a great many bills without particular examination; and it would be very inequitable to hold a man responsible for the verbal construction of a bill introduced under those circumstances. But still, even if that were true, my observations to-day would simply show that I had steadily gone on improving in my intellectual condition since that time, and was not stationary or reactionary.

Mr. PLUMB. I am probably about a year behind my colleague anyway, and so if he is strenuous on that point——

Mr. INGALLS. No, I am not. I only made a suggestion.

Mr. PLUMB. If he thinks a district which we create by Federal law, with a district judge whose appointment we provide for and whose salary we pay and whose movements and jurisdiction we wholly control, can not be extended so as to embrace within that jurisdiction a little additional piece of territory, I have no objection to striking it out.

Mr. HARRISON. But the Senator does not mean to say that this bill would give access in any civil proceeding of any kind to any citizen of this territory to the United States circuit or district court of Kansas, does he?

Mr. PLUMB. I think it would, undoubtedly in criminal causes.

Mr. HARRISON. Certainly not. The general law of citizenship would apply; and he does not give a man living there any citizenship. If you made him a citizen of Kansas, he could not go into that court.

Mr. PLUMB. I have no objection to striking out this provision. No doubt, as my colleague says, he introduced the bill mentioned at the request of some one; and of course, also, he may very properly have changed his mind. It is of no consequence in any event. What I want is the proper thing now, and I am entirely willing that that part be stricken out.

Mr. HOAR. I should like to make one observation before it is stricken out, if I may be permitted. The Constitution of the United States provides for admiralty jurisdiction to be vested by Congress where it chooses, and it vests the jurisdiction over offenses committed on the high seas and over some other things on the high seas in the district courts, providing that the district court shall have jurisdiction in particular cases. It also gives us jurisdiction over the Territories, the power of absolute legislation; and I do not see why it is not exactly the same thing to provide that a particular district court shall have jurisdiction over a Territory that it is to provide that a particular district court shall have jurisdiction over the high seas. Does it not stand on the same principle and equally within the authority of Congress?

Mr. PLUMB. Now the purpose which I had in view, which is one that is perfectly obvious and which there can be no possible question about here, is to extend the public land laws to that district in order that those people who are now there at the invitation of the Government may get title. I have no objection, if there is any question about the meaning of this clause, to strike it out.

Mr. HARRISON. I would not move to strike it out. I was only calling attention to the inadequacy of the provision; but perhaps it would confer jurisdiction upon the United States district court in Kansas to proceed for violations of the criminal laws of the United States.

Mr. PLUMB. I have no doubt it would.

Mr. HARRISON. If it would, so far so good.

Mr. PLUMB. This is not the only anomalous condition of things with which we are confronted. We have a great many people, a number of thousands of white people, citizens of the United States, in the

Indian Territory who are in just the same anomalous condition and a worse one, because they can not get title to land down there at all. We are going along with this matter perhaps a little leisurely, but still we shall reach it in due time and provide for it; but that would be no reason why we should withhold from the people on this strip of public land a perfectly obvious right, and one we have promised them.

Mr. MORRILL. Will the Senator from Kansas yield to a motion to adjourn? There is hardly a quorum present and it is now past 5 o'clock.

The PRESIDENT *pro tempore*. Will the Senator from Kansas yield the floor?

Mr. MORRILL. I ask the Senator from Kansas if he will be willing to yield for a motion to adjourn?

Mr. PLUMB. I think we have got about through with the bill. I should like to have the consideration of it continued for a moment or two, at all events.

Mr. CALL. Mr. President, I think the Senator from Indiana is clearly right. If this court were established, there is no mode by which the citizens of that Territory can have access to it in the ordinary difficulties that occur. The action of Congress, as I understand it, in organizing a Territory is to create a Territorial court and by special law provide for the trial of causes and the jurisdiction of that court.

If it were true that the laws of the United States provided for every case which may occur, then the provision of the bill extending the jurisdiction of the district court to Kansas would have some effect, but why extend the land laws over this organized Territory when if there is any controversy between two citizens in that Territory there is no means provided for the jurisdiction of the court to take effect upon them. You must have some special legislation, because the jurisdiction of the courts of the United States and the laws of the United States are not adapted to the great majority of cases that will arise between citizen and citizen. If one citizen objects to the right of possession of another under the land laws of the United States extended over them, the bill affords no relief to that case, and it is highly questionable whether without an act of Congress the question of title even could be tried in the district court of Kansas arising under the land laws of the United States.

Mr. PLUMB. I do not myself anticipate that anything will be practical except the extension of the criminal laws of the United States over this tract of land.

Mr. CALL. The criminal laws of the United States provide for a very small portion of the difficulties between man and man. There are questions of admiralty and questions of piracy which are not adapted to the ordinary cases which arise between man and man.

Obviously it occurs to me that if you wish to provide for the extension of the land laws over this unorganized district you must provide for some mode of trial of the rights that may arise under them; and if you wish to extend the criminal laws of the United States you must extend the range of the criminal laws so as to meet the cases that will arise in this population.

Therefore it seems to me that the suggestion of the Senator from Indiana is very pertinent, that this would be very imperfect and unwise legislation without annexing it to some Territory.

Mr. PLUMB. All the questions that relate to the disposition of the public land and the acquisition of title thereunder are practically settled by the action of the local land office and the General Land Office on review, so that the jurisdiction of the court down there would not be material at all to the question of acquisition of title. I have not the slightest objection, as I said, to striking out that clause, as it will come up very properly in connection with some extension of jurisdiction over that section of country. As I presume the Committee on Territories will take that up presently, I think I shall move to strike out the words, "and is annexed to the judicial district of Kansas."

The PRESIDENT *pro tempore*. The Senator from Kansas moves, in line 10, after the word "land district," to strike out the words "and is annexed to the judicial district of Kansas." If there be no objection that amendment will be considered as agreed to.

Mr. PLUMB. Following the suggestion of the Senator from New York, I move, after the word "over," in line 5, to insert the word "all;" so as to read, "are hereby extended over all the unorganized territory." Although I do not think it necessary, as the suggestion has been made and it does not hurt the bill I propose the insertion of the word "all."

The PRESIDENT *pro tempore*. That amendment will be made if there be no objection.

Mr. PLUMB. I now move, in line 7, after the words "New Mexico," to insert "and north of Texas." Those are merely descriptive words, but further identify the boundaries of the land.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

Mr. MORRILL. I move that the Senate adjourn.

The motion was agreed to; and (at 5 o'clock and 10 minutes p. m.) the Senate adjourned.

HOUSE OF REPRESENTATIVES.

TUESDAY, *February* 9, 1886.

The House met at 12 o'clock m. Prayer by the Chaplain, Rev. W. H. MILBURN, D. D.

The Clerk proceeded to read the Journal of yesterday's proceedings.

On motion of Mr. BEACH, by unanimous consent the reading of so much of the Journal as related to the introduction and reference of bills and joint resolutions was dispensed with.

The Journal as read was approved.

AGENT FOR WINNEBAGO INDIANS.

The SPEAKER, under the rule, laid before the House the following message from the President of the United States; which was read, referred to the Committee on Indian Affairs, and ordered to be printed:

To the Senate and House of Representatives:

I transmit herewith a letter from the Secretary of the Interior, dated the 8th instant, inclosing a recommendation of the Commissioner of Indian Affairs for the insertion in the act making appropriations for the current and contingent expenses of the Indian Department for the year ending June 30, 1887, of an item providing for an agent for the Winnebago Indians in Wisconsin, at a salary of $1,500 per annum.

The matter is respectfully submitted for the consideration and action of Congress.

GROVER CLEVELAND.

EXECUTIVE MANSION, *February* 8, 1886.

LAWS GOVERNING STEAM-VESSELS.

The SPEAKER also laid before the House a letter from the Secretary of the Treasury, transmitting a communication from the Board of Supervising Inspectors of Steam-Vessels, looking to a new regulation of the laws governing steam-vessels; which was referred to the Committee on Commerce, and ordered to be printed.

JOHN F. CADWALLADER.

The SPEAKER also laid before the House a letter from the Secretary of the Treasury, transmitting a letter from the Attorney-General, with an inclosure, relative to the account of John F. Cadwallader for writing back records of United States district courts for the southern district of Illinois; which was referred to the Committee on Claims.

SINKING FUND.

The SPEAKER also laid before the House a letter from the Secretary of the Treasury, inclosing a statement of the total amount applied to the sinking fund between June 30, 1884, and July 1, 1885, in conformity with a resolution of Congress; which was referred to the Committee on Ways and Means, and ordered to be printed.

SILVER BALANCES.

The SPEAKER also laid before the House a letter from the Secretary of the Treasury, in relation to the resolutions of the House respecting silver balances and circulation; which was referred to the Committee on Coinage, Weights, and Measures.

Mr. SPRINGER. Has the Chair directed that communication to be printed?

The SPEAKER. It is not a response to the resolutions of the House, but simply a letter stating they would be responded to at as early a day as possible.

DEFICIENCY ESTIMATES.

The SPEAKER also laid before the House a letter from the Secretary of the Treasury, transmitting deficiency estimates for the fiscal year ending June 30, 1886; which was referred to the Committee on Appropriations, and ordered to be printed.

CLERKS, ETC., IN NAVY DEPARTMENT.

The SPEAKER also laid before the House a letter from the Secretary of the Navy, transmitting a list of clerks and other persons employed in the Navy Department, the time each has been employed, and the sums paid to each for the year 1885, and stating that they are fully employed, and that their services are necessary for the dispatch of the public business; which was referred to the Committee on Expenditures in the Navy Department, and ordered to be printed.

CHARLES E. CREECY VS. UNITED STATES.

The SPEAKER also laid before the House a letter from the assistant clerk of the Court of Claims, transmitting a report of the case of Charles E. Creecy, administrator of L. R. Byrne, deceased, *vs.* United States; which was referred to the Committee on Patents.

The SPEAKER. The Chair, with the consent of the House, refers this communication to the Committee on Patents, because the original papers were sent to the Court of Claims with the consent of that committee. It is really a claim, however.

SENATE BILLS.

The SPEAKER also laid before the House Senate bills of the following titles; which were severally read twice, referred as indicated, and ordered to be printed:

A bill (S. 222) to amend section 1661 of the Revised Statutes, making an annual appropriation to provide arms and equipments for the militia—to the Committee on the Militia.

A bill (S. 967) to provide for the admission of the State of Dakota into the Union and for the organization of the Territory of Lincoln—to the Committee on the Territories.

ASTRONOMICAL OBSERVATIONS.

The SPEAKER also, in accordance with the statute, laid before the House the following concurrent resolution; which was referred to the Joint Committee on Printing:

IN THE SENATE OF THE UNITED STATES, *February* 5, 1886.

Resolved by the Senate of the United States (the House of Representatives concurring), That the annual volume of the astronomical and meteorological observations of the Naval Observatory for 1883, 1884, and 1885 be printed, and that 1,800 additional copies of each report be printed; of which 300 copies shall be for the use of the Senate, 700 copies for the use of the House of Representatives, and 800 copies for the use of the Navy Department.

COMMITTEE SITTING DURING SESSIONS OF THE HOUSE.

Mr. HERBERT. Mr. Speaker, I ask unanimous consent for the passage of the resolution which I send to the Clerk's desk.

The resolution was read, as follows:

Resolved, That the Committee on Naval Affairs have leave, until further order, to sit during the sessions of the House.

The SPEAKER. If there is no objection leave will be granted.

Mr. MORRISON. I object.

ORDER OF BUSINESS.

The SPEAKER. The Chair will now call the committees of the House for reports.

SUBPŒNA FOR CLERK OF THE HOUSE.

Mr. HAMMOND (when the Committee on the Judiciary was called). Mr. Speaker, I desire to submit a privileged report, which I send to the Clerk's desk. This report from the Judiciary Committee was prepared by the chairman of the committee, Mr. TUCKER, but he is unavoidably absent this morning on account of the death of the wife of one of his colleagues, and the committee think it important that the report be submitted to the House without delay.

The SPEAKER. It is a privileged report under the order of the House already made. The Clerk will read the report.

The report (by Mr. TUCKER) was read, as follows:

The Committee on the Judiciary, to which was referred the *subpœna duces tecum* from the supreme court of the District of Columbia directed to Hon. John B. Clark, jr., Clerk of the House of Representatives, commanding him to appear as a witness in the case of Lemon *vs.* Fitzgerald *et al.*, before Albert Harper, 480½ Louisiana avenue, at office of H. O. Claughton, esq., on the 6th day of February, 1886, at 2 o'clock p. m., "and bring with you the bound volume containing the enrolled bills reported from the Appropriations Committee in regard to pensions made for the fiscal year ending June 30, 1885, which is now in the possession of the Government Printer—witness, D. K. Cartter, chief-justice, &c.; R. J. Meigs, clerk, &c.; by R. J. Meigs, jr., clerk, &c. [seal supreme court District of Columbia]"—beg leave to report:

The committee deem it important to protect with strict care the privileges of the House in respect of its officers and its records and papers upon file in its various offices and under charge and in custody of its officers—subject, however, to this supreme duty: The committee think that all proper access to these records and papers should be allowed in furtherance of the ends of justice in civil and criminal proceedings in the ordinary courts of justice, but so as not to endanger the safety nor surrender the custody of such records and papers.

The committee, in regard to the present matter, think that justice will be done, consistently with the privileges of the House, by permitting the court, in such manner as shall be accordant with its rules, to examine, by witness or otherwise, the records and papers in the possession of the House or its officers, and take evidence in respect thereto and to take copies thereof, so that neither records nor papers shall be removed from their proper place of deposit in the Capitol or from the safe-keeping and custody of the officers of the House.

This course is not only dictated by sound reason and public policy, but sustained by recent precedents.

In the Forty-sixth Congress an elaborate report was made by the Judiciary Committee with the recommendation of the following resolutions, which passed the House after debate, in which the principles of the resolutions were not seriously questioned. (Congressional Record, first session Forty-sixth Congress, 60.)

Resolved, 1. That no officer or employé of the House of Representatives has the right, either voluntarily or in obedience to a *subpœna duces tecum*, to produce any document, paper, or book belonging to the files of the House before any court or officer, nor to permit any copy of any testimony given or paper filed in any investigation before the House, or any of its committees, or of any other paper belonging to the files of the House, except such as may be authorized by statute to be copied, and such as the House itself may have made public, to be taken without the consent of the House first obtained.

2. That the consent of the House is hereby given in the case of the United States against Col. D. S. Stanley, now pending before the general court-martial sitting in the city of New York, to have made and properly proven such copies of the papers mentioned in the *subpœna duces tecum* issued by the judge-advocate of said court and directed to Ferris Finch, esq., file clerk of the House of Representatives, on the 16th instant, as may be desired; but the originals thereof shall not be removed from the files of the House.

In the Forty-fourth Congress this House by resolution authorized three of its members to answer a summons to testify before a grand jury of the District of Columbia. (Congressional Record, first session Forty-fourth Congress, 1847.)

Your committee call attention to the fact that it does not appear that the production of this book is necessary to learn the truth as to any issue pending.

Your committee therefore report the following resolutions with a recommendation that they do pass:

1. *Resolved*, That by the privilege of this House no evidence of a documentary character under the control and in possession of the House of Representatives can by the mandate or process of the ordinary courts of justice be taken from such control or possession but by its permission.

2. That when it appears by the order of a court or of the judge thereof, or of any legal officer charged with the administration of the orders of such court or judge, that documentary evidence in the possession and under the control of the House is needful for use in any court of justice or before any judge or such legal officer for the promotion of justice, this House will take such orders thereon as will promote the ends of justice consistently with the privileges and rights of this House.

3. That Hon. John B. Clark, Clerk of the House, be authorized to appear at the place and before the officer named in the *subpœna duces tecum* before mentioned, but shall not take with him the book named therein, nor any document or paper on file in his office or under his control or in his possession as Clerk of the House.

4. That the said court, through any of its officers or agents, have full permission to attend with all witnesses and proper parties to the proceeding, and then always at any place under the orders and control of this House, and take copies of any documents or papers in possession or control of said Clerk, and any evidence of witnesses in respect thereto which the court or other proper officer thereof shall desire, so as, however, the possession of said documents and papers by the said Clerk shall not be disturbed, or the same shall not be removed from their place of file or custody under said Clerk.

5. That a copy of this report and these resolutions be transmitted to the said court as a respectful answer to the subpœna aforementioned.

Mr. HAMMOND. Mr. Speaker, this matter has been argued and decided by the House before, and the Committee on the Judiciary, deeming further consumption of time unnecessary, requested me to demand the previous question on the adoption of the resolutions.

The previous question was ordered, and the resolutions were then agreed to.

Mr. HAMMOND moved to reconsider the vote by which the resolutions were agreed to; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

UNITED STATES JUDICIAL DISTRICTS IN MISSOURI.

Mr. HEPBURN, from the Committee on the Judiciary, reported back with a favorable recommendation a bill (H. R. 2929) to amend the act dividing the State of Missouri into two judicial districts, and to divide the eastern and western districts thereof into divisions, establish district and circuit courts of the United States therein, and provide for the times and places for holding such courts, and for other other purposes; which was referred to the House Calendar, and ordered to be printed.

WILLIAM WARD.

On motion of Mr. HAMMOND, by unanimous consent the Committee on the Judiciary was discharged from the further consideration of the bill (H. R. 4242) to provide for the adjustment of matters connected with certain judicial proceedings in Pennsylvania in which the United States was a party; and the same was referred to the Committee on Claims.

NATIONAL CURRENCY.

Mr. MILLER, from the Committee on Banking and Currency, reported back favorably the bill (S. 1136) additional to an act entitled "An act to provide a national currency secured by a pledge of United States bonds, and to provide for the circulation and redemption thereof," passed June 3, 1864; which was referred to the House Calendar, and the accompanying report ordered to be printed.

EAST AND WEST RAILROAD COMPANY OF ALABAMA.

Mr. CRISP, from the Committee on Commerce, reported back with amendment the bill (H. R. 34) to authorize the East and West Railroad Company of Alabama to maintain a bridge across the Coosa River; which was referred to the House Calendar, and the accompanying report ordered to be printed.

THOMAS SAMPSON.

Mr. IRION, from the Committee on Commerce, reported back favorably the bill (H. R. 4139) for the relief of Thomas Sampson; which was referred to the Committee of the Whole House on the Private Calendar, and the accompanying report ordered to be printed.

EXPOSITION AT NEW ORLEANS.

Mr. IRION, from the Committee on Commerce, also reported back with amendment joint resolution (H. Res. 108) authorizing the several Executive Departments of the Government to loan the North, Central, and South American Exposition at New Orleans certain articles for exhibit; which was referred to the House Calendar, and the accompanying report ordered to be printed.

PREVENTION OF YELLOW FEVER.

Mr. DAVIS, from the Committee on Commerce, reported, as a substitute for House joint resolution 28, a bill (H. R. 5542) providing for the appointment of a commission to investigate the truth of alleged discoveries of the specific cause of yellow fever and of a method of preventing that disease by inoculation and to obtain all information possible as to the cause and prevention of that disease; which was read a first and second time, referred to the Committee of the Whole House on the state of the Union, and, with the accompanying report, ordered to be printed; and, by unanimous consent, H. Res. 28 was laid on the table.

FEES ON INVOICES.

Mr. BELMONT, from the Committee on Foreign Affairs, reported back favorably the bill (H. R. 4138) to limit the exaction of fees or the levy of taxes for the consular verification and authentication of invoices; which was referred to the House Calendar, and the accompanying report ordered to be printed.

AMERICAN EXHIBITION AT LONDON, MAY, 1886.

Mr. BELMONT, from the Committee on Foreign Affairs, also reported back adversely the joint resolution (H. Res. 15) concerning an

American exhibition to be held in London in May, 1886; which was laid on the table, and the accompanying report ordered to be printed.

FEE ON DOMESTIC MONEY-ORDERS.

Mr. WARNER, of Ohio, from the Committee on the Post-Office and Post-Roads, reported back favorably the bill (H. R. 4177) to reduce the fee on domestic money-orders for sums not exceeding $5; which was referred to the House Calendar, and the accompanying report ordered to be printed.

POSTAL LAWS AND REGULATIONS.

On motion of Mr. BARRY, by unanimous consent the Committee on the Post-Office and Post-Roads was discharged from the further consideration of the bill (H. R. 4420) to authorize the publication of a new edition of the Postal Laws and Regulations; and the same was referred to the Joint Committee on Printing.

CLERK-HIRE TO POSTMASTERS.

Mr. PETERS, from the Committee on the Post-Office and Post-Roads, reported back with amendment the bill (H. R. 4415) to make the allowances for clerk-hire to postmasters of the first and second class post-offices cover the cost of clerical labor in the money-order business, and for other purposes; which was referred to the House Calendar, and the accompanying report ordered to be printed.

MONEY-ORDER SYSTEM.

Mr. PETERS, from the Committee on the Post-Office and Post-Roads, also reported back adversely the bill (H. R. 80) to provide for the deposit in the Treasury of the receipts of the money-order system and to pay for its expenses out of appropriations; which was laid on the table, and the accompanying report ordered to be printed.

CHANGES OF REFERENCE.

On motion of Mr. MORRILL, by unanimous consent the Committee on Invalid Pensions was discharged from the further consideration of bills of the following titles; and the same were referred to the Committee on Pensions:

A bill (H. R. 1455) granting a pension to Mrs. Mary McIntosh; and
A bill (H. R. 4106) granting a pension to Stephen M. McAlister.

CHRISTINE BERGNER.

On motion of Mr. THOMPSON, by unanimous consent the Committee on Pensions was discharged from the further consideration of the bill (H. R. 4524) granting a pension to Christine Bergner; and the same was referred to the Committee on Invalid Pensions.

JOHN P. T. DAVIS.

Mr. GEDDES, from the Committee on War Claims, reported back favorably the bill (H. R. 449) for the relief of John P. T. Davis; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

ADVERSE REPORT.

Mr. GEDDES, from the Committee on War Claims, also reported back adversely the bill (H. R. 3443) to enable the Secretary of War to pay Rane C. Hutchison for services rendered and expenses incurred in the military service of the United States; which was laid on the table, and, with the accompanying report, ordered to be printed.

SIDNEY R. SMITH.

Mr. KLEINER, from the Committee on War Claims, reported back favorably the bill (H. R. 1511) for the relief of Sidney R. Smith; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

REMOVAL OF MATERIAL FROM GOVERNMENT PRINTING OFFICE.

Mr. BARKSDALE, from the Committee on Printing, reported back with amendments the bill (H. R. 4982) to enable the Public Printer to continue in effect the provisions of the joint resolution entitled "Joint resolution authorizing the Public Printer to remove certain material from the Government Printing Office," approved February 6, 1883; which was referred to the House Calendar, and, with the accompanying report, ordered to be printed.

WAR TAXES OF 1861.

The SPEAKER. The call of committees for reference of reports having been gone through with, the Chair will now, under the rule, call committees for the consideration of bills for one hour. The hour begins at eighteen minutes before 1 o'clock. The call rests with the Committee on the Judiciary. The gentlemen from Wisconsin [Mr. PRICE] is entitled to the floor for twelve minutes on the bill (H. R. 3) to prevent the claim of the war taxes under the act of August 5, 1861, and acts amendatory thereof, by the United States as set-off against States having claims against the General Government.

Mr. PRICE. Mr. Speaker, by an act of Congress approved August 5, 1861, a tax was levied on "the United States," which was apportioned among the several States and Territories and the District of Columbia as follows:

Alabama	$329,313 33
Arkansas	261,586 00
California	254,533 67
Colorado	22,905 33
Connecticut	308,214 00
Dakota	3,241 33
Delaware	74,683 33
District of Columbia	49,437 33
Florida	77,522 67
Georgia	584,367 33
Illinois	1,146,551 33
Indiana	904,875 33
Iowa	432,088 00
Kansas	71,743 33
Kentucky	713,666 33
Louisiana	385,886 67
Maine	420,826 00
Maryland	436,823 33
Massachusetts	824,581 33
Michigan	501,763 33
Minnesota	108,424 00
Mississippi	413,084 67
Missouri	761,127 33
Nebraska	19,312 00
Nevada	4,592 67
New Hampshire	218,406 67
New Jersey	450,134 00
New Mexico	62,648 00
New York	2,603,918 67
North Carolina	576,194 67
Ohio	1,567,089 33
Oregon	35,140 67
Pennsylvania	1,946,719 33
Rhode Island	116,963 67
Tennessee	669,458 67
Texas	355,106 00
Utah	26,982 00
Vermont	211,068 00
Virginia	729,071 02
West Virginia	208,479 65
Washington	7,755 33
Wisconsin	599,688 67
South Carolina	363,570 67

And that act further provided that the President should divide the States and Territories into convenient collection districts and appoint assessors and collectors in each district so formed. Oaths were to be taken and bonds filed by such officers, and they were empowered and required to collect the same, and when necessary to seize and sell property of individuals in either of said districts to an amount equal to the whole tax so levied, and all the necessary machinery created for getting the tax or property to an amount equal thereto.

Section 53 of said act provided that any State or Territory might assume, collect, and pay into the Treasury of the United States the tax thus imposed, and in all cases where the tax should be thus collected without cost to the General Government a credit or allowance of 15 per cent. should be allowed to apply as part of said sum up to a certain date and 10 per cent. up to a certain other time. That law stands to-day on the statute-books of the nation unrepealed and only partially executed. Some of the States have paid the full amount of their quota, some only a part, and some none at all. There remains yet due and unpaid the sum of $2,624,509.59.

No disposition is manifested by those in arrears to pay it, and no effort is being made to collect it, except by the process of offsetting any sum or sums that from time to time may become due from the general Government to such delinquent States. We were officially informed in 1884, by the then Secretary of the United States Treasury, that the rule up to that time had been invariable, as applied to all the States in arrears, to apply all such sums as from time to time might become due to the States from the United States toward the liquidation of such balances, and we all know that such is still the rule.

The last official statement of the United States Treasurer shows that the State of Georgia owes the United States $512,959.58.

In 1883, by an act of Congress the sum of $35,555.42 was appropriated to that State in full of a claim which, while it may have been just, was very, very old. The accounting officer of the Treasury, acting in harmony with a rule which was not only just, but was the same that had been, was then, and still is applied to each and every other State, refused to pay over the money to the State of Georgia, but proposed to enter it as a credit in partial liquidation of her long-standing indebtedness to the General Government. This last financial transaction has probably led to the introduction of the bill under consideration—a bill to prevent the claim of the war taxes under the act of August 5, 1861, and acts amendatory thereof, by the United States, as set-off against States having claims against the General Government.

This is an impartial statement of the case presented to the House for our consideration and approval or disapproval.

If this bill should pass it takes from the Government its last and only practical or available means of ever collecting a dollar of the $2,624,509.54 which is due to it.

That the assessment or apportionment of the said tax was fair and equitable is not doubted. That it was necessary no one will deny. That it created a debt against each of the States is not disputed. That it was cheerfully paid by some of the States, and forcibly collected from others in part or in whole, is just as certain.

Then can we be asked with reason or propriety to say, by the passage of this bill, that the American Congress will punish the States or the people who responded to the call of the country in its hour of peril and dire necessity by discriminating against them? that the American Congress is willing to change a rule which has been inflexibly enforced

against them to favor a State or a people who were at least dilatory in meeting their just proportion of this measure for the common good? Are we willing to say, by the passage of this bill, that Georgia, which has paid only $71,407.75, and owes yet $512,959.58; that Mississippi, that has paid only $74,742.57, and owes $338,342.10; that Alabama, which has paid only $8,491.40, and owes $520,821.87, shall be released from their liability, when Louisiana has paid in money $268,515.12, when North Carolina has paid in money $386,194.45, when by the sale of lands there has been forcibly collected from Arkansas $184,082.18, from South Carolina $377,961.30, from Virginia $515,569.72, from Florida $43,529.80?

By what process of reasoning can an honest man conclude that there is an element of justice in such a course? And yet a vote for this bill would be to indorse this glaring wrong.

I have thus far only adverted to the wrong which would be done to certain of the Southern States by passing this bill, but its injustice becomes still more apparent when it is considered that of this same tax for the common good of all the States—

California has paid	$247,941 13
Connecticut	308,214 00
Delaware	74,683 33
District of Columbia	49,437 33
Illinois	1,146,551 33
Indiana	904,875 33
Iowa	452,088 00
Kansas	71,743 33
Kentucky	713,695 33
Maine	420,826 00
Maryland	436,823 33
Massachusetts	824,581 33
Michigan	501,763 33
Minnesota	108,424 00
Missouri	761,127 33
New Hampshire	218,406 67
New Jersey	450,134 00
New York	2,603,918 67
Ohio	1,567,089 33
Oregon	35,140 67
Pennsylvania	1,946,719 33
Rhode Island	116,963 67
Vermont	211,068 00
West Virginia	208,479 65
Wisconsin	468,543 11

In the Forty-eighth Congress I had the honor to introduce a bill which received a favorable recommendation from the Committee on Claims, to which it was referred, the purpose of which was to do just what is contemplated by the bill under consideration, to wit: relieve all of the States and Territories from all balances against them growing out of said tax of 1861 and acts amendatory thereof; but another provision, coupled with the foregoing, was one that provided that all sums which had been paid by any of the States and Territories should be credited to them severally on the books of the United States Treasury, and any balance found due after such credit had been entered should be paid to them respectively.

This bill was never reached and considered by the House, but the Committee on Claims having the same in charge submitted a favorable report, a copy of which I herewith submit and make a part of my argument:

Mr. PRICE, from the Committee on Claims, submitted the following report, to accompany bill H. R. 6047.

The Committee on Claims, to which was referred the bill (H. R. 6047) to adjust certain accounts between the United States and the several States and Territories and the District of Columbia, has had the same under consideration, and reports:

Under the act of August 5, 1861 (12 Stat. at L., 292), a direct tax of $20,000,000 was laid upon the United States, and was apportioned among the different States and Territories and the District of Columbia, based on population.

By section 53 it was provided that each State might assume the payment of its quota thereof, and if it did so on or before the second Tuesday in February next, after the passage of the act, it should have a deduction of 15 per cent. on so much of the quota of direct tax apportioned to such State in lieu of the compensation of officers for collecting the tax as was actually paid into the Treasury on or before the last day of June, and a deduction of 10 per cent. upon so much as should be paid into the Treasury thereafter and before the last day of September of that year.

Some of the loyal States assumed their quotas, while others did not do so. Of those which assumed the payment some paid prior to the last day of June, others prior to the last day of September, while some of them have only paid in part, and still owe balances.

Of the loyal States which did not assume their quotas, the amount thereof has been collected from some in full by the First Comptroller stopping in the Treasury sums going to them on account of 5 percents from sales of public lands and other allowed claims in their favor against the United States.

An act for the collection of direct taxes in insurrectionary districts within the United States was passed June 7, 1862 (12 Stat. at L., 422). This contained no provision for the assumption of its quota by the insurrectionary States. Under this act a portion of the quota of some of the States was collected directly from the owners of real estate, and other portions were collected by sales of real estate, while from others nothing whatever was collected.

Since the war, as in the case of loyal States, the First Comptroller has withheld and applied to the quotas of these States such sums as they were entitled to receive on account of 5 percents from the sales of public lands or upon other allowed claims in favor of these States respectively against the United States.

The quota of each State is not a liability upon the State as such, but upon the real estate of the people of the State, and was by the law made a lien upon each piece thereof in the proportion of its value to the aggregate value of the real estate in that State.

The quota of each State and Territory has been charged to it upon the books of the Treasury, and such sums as have been paid or collected, whether directly or by sale of property, has been credited against this quota, as has also all such sums as were going to said State on account of 5 percents from sales of public lands and other allowed accounts. This system of withholding sums due to States and crediting them on account of this tax due by its citizens (or by only a portion of its citizens where some have paid) is a source of constant dissatisfaction and friction, and at the last session of Congress a bill was passed providing that a claim should be paid directly to a State in money for the purpose of avoiding its being thus credited, and a bill is now pending in the House to pay in money to a State an amount which has been credited in the Treasury upon its quota of this direct tax. The extreme undesirability of these issues over accounts between the States and the General Government can not be overstated, and is so apparent as not to require to be more than mentioned. The injustice, too, of the utter inequality of the payments is so apparent as to require no argument as to the importance of adopting some mode of adjusting and equalizing them, and if this can not be done absolutely, then at least as far as is practicable and possible.

To do this is the purpose of the bill under consideration. It provides that the account of each State and Territory be credited with a sum equal to all collections made from each State and Territory, or any citizen thereof, under the act of Congress approved August 5, 1861, and acts amendatory thereto, with an additional sum of 15 per cent. on such payments made without cost to the United States, and also to relinquish all claim for all sums remaining unpaid on said direct tax. This will give to those States which assumed and paid their quotas the benefit of the deductions to which they thus entitled themselves. In those cases in which the tax has been collected from individuals, either in money directly or by sale of land, it provides, by an amendment herewith submitted, that the amount thus paid back shall be made to the State in trust for those of her citizens who have paid the same.

The bill was fully and carefully considered by the late Secretary of the Treasury, Hon. Charles J. Folger. On June 14 ultimo he wrote a letter, in which he uses the following language:

"The purpose of the bill is to relieve and discharge from further liability for that tax those States and Territories which have not paid the portion thereof apportioned to them respectively; and to repay, out of any money in the Treasury not otherwise appropriated, to those States and Territories which have paid any portion, the sums by them respectively paid. Though by the act above cited this tax was made an annual one, an attempt to collect it for more than one year has never been made. By that attempt there were collected about $15,000,000, principally from the States which did not seek to go out of the Union; and there were left uncollected about $5,000,000, principally in the States which did seek to go out of the Union. The sum uncollected remains a charge against these States, and, for the purposes of this letter, it may be assumed that it is a valid and enforceable charge. It is plain, however, that no legislator at this day would propose to raise revenue by a tax of that kind. There is no need of resorting to such methods. The revenue of the Government from sources not so extraordinary, and collectible by means and appliances not so objectionable as those involved therein, are ample for its purposes. They are, indeed, superabundant, and the concern of statesmen is rather how they may be reduced than how they may be increased. The Government then needs not the money to be got by enforcing this tax.

"At the same time, it is plain that to enforce it would put a grievous burden upon the people of the States which are in default in payment. It needs no array of facts to show this. Congress in one if not in both branches has this session considered the proposition of large pecuniary aid to these people to help them place and keep up common schools, and the Senate has passed a bill therefor.

"If there be need for that succor, there would be harm in enforcing this charge. It is to be considered, too, that while taxes are seldom looked upon with favor, this would be specially objectionable. The purpose for which it was laid can but be remembered with distaste. It can scarcely be expected that there would be cheerful aid from the State authorities in the enforcement of it. It may be doubted whether there would be any. Indeed it would, without further legislation, have to be enforced by the machinery provided by the act under which it was laid. This would call for the appointment of numerous Federal officials, who would go among the people as obnoxious exactors. I think it must be conceded that there is, and ever will be, great reluctance to ever setting about the collection of this tax. That it never had great favor is shown by that it was never put in force but one year. In practical effect, then, the law for it is obsolete. Why, then, should there remain this unenforced liability, a menace to the people, the enforcement of which is called for by no public need nor by any public opinion?

"In my judgment, the people and the property of the States in default should be relieved and discharged from it.

"But to give such relief and discharge would be to put an inequality of burden upon the States which paid, unless they in turn were in some way relieved. This the bill proposes to do by repaying to them the sums received from them. Assuming that the tax was lawful, and the collection, as far as made, was warranted, this, apart from the circumstances, would be a proposition to donate to the States surplus moneys of the United States—a proposition which I should not favor. But, as connected with the proposition to discharge from onerous and needless liability one portion of the people, it takes on a different character; it is presented as an adjustment between different bodies of the people, and is worthy of acceptation. Indeed, it would be unjust to the people of the loyal States to release the people of the once insurrectionary States from their liability without refunding to the former the sums paid by them, and there are analogies in the legislation of Congress. Acts have been passed refunding to States moneys raised by them for the raising, arming, and equipping of troops for the Army of the United States in the civil war and for making other refunds of like character. The purpose of laying this direct tax was to aid in the ultimate payment of the extraordinary expenses of the Government caused by the civil war. The raising, arming, and equipping of troops by the States served to keep down those expenses for the time. It was a voluntary act upon the part of the States. There is no violation of principle or fundamental law in repaying to the States from the funds of the United States the cost thereof. The purpose and effect of this bill is not so unlike in nature to that as not also to be freed from the objections to a bald distribution among the States of what are called the surplus revenues of the United States.

"Under the peculiar facts of the case, and as it is not likely to become a precedent for other disposals of Federal moneys, my judgment is, that the proposed measure is a good one. It is true that exactly equal justice can not be done in carrying out the proposition of the bill. Thus, in some of the Southern States the tax was to some extent enforced. Tax-sales were made of pieces of real estate in instances for less than the value of them. Only the surplus of purchase-money over the tax and charges has been available to the owners, and they have lost the difference between that and the total of the purchase-money, and between the purchase-money and the real value.

"On the other hand, in most, if not all, of the Northern States, the payment to the United States of the tax was assumed by the State government, which collected the amount of its own people in its own tax-levy. Of course, in the changes of citizenship and ownership of taxable property, while a repayment into the State treasury will tend to reduce the amount of State tax, it will not inure to the benefit of some of those who in 1861 were tax-payers. But these failures of full and general compensation in dealing with transactions so long past must ensue, and are not to be potentially urged against proposed measures, which in the main do work equal benefit."

The Comptroller of the Treasury, Hon. William Lawrence, also recommends the passage of this bill in the following terms:

"The object of these bills is to remit, so far as not collected or paid, the direct taxes laid upon and apportioned to the States, Territories, and District of Columbia under the direct tax act of August 5, 1861, and to refund to such States, Territories, and District respectively the amount of such taxes so far as paid in any mode whatever.

"I have considered the subject with care, and now have the honor to state that, in my judgment, it is alike just, judicious, and practicable to remit all such taxes not yet collected, to refund the amounts paid in any form by any State or Territory, and to refund to private persons or their legal representatives all amounts of such tax by them paid or collected by sale of real estate or otherwise."

In view of the status of this tax as exhibited by these facts, your committee fully concur in the recommendations herein set out. In those cases in which the money, wherewith any State stands credited, was collected from its citizens the amount to be returned to said State under this bill should be for the use and benefit of those citizens from whom it was collected, or their legal representatives, and your committee recommends that the bill be amended by adding the following at the end thereof: "*Provided*, That where the sums, or any part thereof, credited to any State or Territory has been collected from the citizens thereof, either directly or by sale of property, such amount shall be regarded as received by said States in trust for the benefit of those of its citizens from whom it was collected, or their legal representatives."

Your committee recommends that the bill thus amended do pass.

At the commencement of the present session I again introduced the same bill as amended by the Committee on Claims, which is now pending and before the Committee on the Judiciary, and I submit that this bill ought not to pass, but that the one referred to, under the provisions of which the States in default should be released and the States which have paid should be reimbursed, should pass.

But it is argued that this bill H. R. No. 3 should pass because the law under which the tax was levied was unconstitutional. For the purpose of the argument let us admit that it was unconstitutional, and it would follow that no further collections should be made under or by virtue of it and bill H. R. No. 3 should become a law, but only side by side with another provision of law under which all sums heretofore collected under that unconstitutional law should be refunded to those from whom it was collected. Pass this bill to relieve the defaulting States on the ground of an unconstitutional levy, and then we would be told just as gravely that it would be unconstitutional to refund the amounts paid.

I wish the time might come in my day when the Constitution would not be invoked to justify a wrong or whenever men desired to avoid doing right. It has been warped and twisted and misconstrued and misinterpreted in support of every job and scheme and unworthy purpose, when the purpose of its framers was to secure equal and exact justice to every citizen and every section of the Republic.

But, unfortunately for those who invoke its aid in this case to avoid the payment of a just obligation, the Supreme Court of the United States (volume 98, pages 527 and 528) have declared that the laws under which the levy was made was constitutional, in the following language:

One other assignment only remains: It is that the acts of Congress were unconstitutional, because the amount of the direct taxes apportioned to the State of South Carolina was increased by the addition thereto of a penalty of 50 per cent., and, therefore, was not in proportion to the census or enumeration directed to be taken by the second section of the first article of the Constitution.

The assignment rests upon a mistaken construction of the acts of Congress.

It is true that direct taxes must be apportioned among the several States according to the population.

The acts of August 5, 1861, June 7, 1862, and February 6, 1863, did so apportion the tax.

The 50 per cent. penalty was no part of it.

The act of Congress of 1861, which levied the tax, provided for no penalty, except for failure to pay it when it was due; and the penalty charged by the act of 1862 and 1863 was also for default of voluntary payment in due time.

A careful reading of the acts make this very plain.

Throughout a distinction is made between the tax and the added penalty.

It is recognized in the first section of the act of 1862, in the second and in the third, as well as elsewhere.

By the third section the owner of lots or parcels of land was allowed to pay the tax charged thereon (not the tax and penalty) and take a certificate of payment, by virtue whereof the lands would be discharged. It can not, therefore, be maintained that the tax was in conflict with the Constitution.

So far as this bill is concerned it should be defeated by a vote so clear and emphatic as to discourage future attempts to secure legislation so repugnant to justice and fair dealing.

If the Supreme Court are correct in their interpretation, then the tax was legal and therefore the States in default are legally indebted, and this bill releases them, practically, from that indebtedness.

If the assessment was illegal, it was at least necessary for the good of all the States, and was cheerfully paid by some of the parties in interest; from others collections were enforced, and all had the benefits and no part of the Union was more directly or materially benefited than these States now in arrears.

The whole tax should be treated as a loan, and as it was paid, so far as paid at all, by the people, and added that amount to their taxes, it should, now that the conflict is past and the white dove of peace is hovering over a reunited, happy, and prosperous country, be restored to the treasuries of the several States that contributed it, to lessen the amount of taxes in the future.

The State of Ohio on January 14, 1885, memorialized this Congress to pass a bill to remit the balance due from States in arrears and to reimburse the States for amounts paid by them.

Mr. CULBERSON. I will yield to the gentleman from Ohio [Mr. TAYLOR] as much of my time as he wishes to occupy.

Mr. EZRA B. TAYLOR. Mr. Speaker, in the time allotted to me in this discussion I can do no more than state the position I occupy upon the bill before the House.

By enactment of Congress approved in March, I believe, 1883, the Secretary of the Treasury of the United States was authorized to pay to the State of Georgia $35,500. When the State of Georgia applied for that money the United States Treasury officials refused to pay it, but proposed to apply it to a claim said to be due from the State of Georgia to the Government of the United States. This bill is one intended to prevent that adjustment, and any other like it, if any other exists.

There may be two questions in this case, one of law and the other of policy. I desire first to state the question of law involved. It is a cold, clear question of law. There is no place for any political or other antagonism or sympathy.

The Government of the United States owes Georgia $35,500. It is claimed that Georgia owes the Government of the United States a greater sum. Is this a fact? If it is not a fact, then, no one can deny, this measure ought to pass so far as Georgia is concerned. I say unhesitatingly—I say from examination, I say from what I believe to be my knowledge of the law as connected with this case—that Georgia owes the Government of the United States nothing by virtue of the legislation referred to as the legislation of 1861. Nor do other States, as States, that come within the category of this bill. If there is no debt then from Georgia due by it to the United States, there should be no set-off. I purpose only to state that proposition.

Now, there is nothing claimed of such State but that which arises under the law of 1861, by which it was attempted to raise an annual direct tax of $20,000,000 per year. That law provided not for assessments for one year, but it was a continuous law, providing a direct tax of $20,000,000, apportioned among the States in proportion to population, without limit as to time. But this part of the law was repealed at a subsequent session of Congress. I will not inquire whether Congress, under the Constitution, had power to make a State its debtor; I will only answer Congress did not attempt to make a State its debtor in this act of 1861. It was a law providing for a direct tax among the States. It is a very long law, comprising more than sixty sections. As was said by the gentleman from Iowa [Mr. HEPBURN] the other day, the law provided the whole machinery for the collection of that money and did not provide State machinery. It provided United States machinery. It was solely a law to be operated by agents of the United States. It was a direct tax upon the people of the United States apportioned among the States according to the ratio of population. The assessor, the collector, the provision of liens, the sale of real estate and personal property, all were to be done through the agency of the United States and not through the agency of any State.

It was not called a debt of the State, it did not progress as though it was a debt of the State, but simply this power of direct taxation was applied in this way or sought to be applied.

Now, it may be—I have heard it argued here—that the course which Congress took was outside of its power under the Constitution. Admitting that, if you please, the admission amounts to this only, that then there is no indebtedness of any kind even from the people of Georgia. One other fact, Mr. Speaker. A provision was included in this law by which an inducement was held out to the different States to make it a State debt or State obligation, and not an individual burden. It was provided in this law itself that such States as would assume the amount of the indebtedness and make it a State obligation within a limited time should have a credit of 15 per cent. upon the whole amount of the tax assessed against the State. It was also provided that those States who would assume it as the debt of the State within a certain other limited time should receive a credit of 10 per cent. on the total amount. Neither the States nor the Congress understood it then to be a State indebtedness. But, says the gentleman from Iowa, tell me under what authority of the Constitution could this be assumed if it was not a debt? Perhaps none. But it still goes to this point, that the Congress did not understand it to be a State debt, did not regard it as an obligation of the State, nor was it so understood by the States themselves.

Now, Mr. Speaker, I have stated simply this plain legal proposition, and have stated the facts in regard to that enactment. It did not seek, it did not intend, nor did it impose a State obligation; and while it has been suggested that it is difficult to see the difference between the obligation of the people of the State and the obligation of the State itself, there is no such difficulty in my mind any more than there is a difference between a corporation and the stockholders of that corporation. The interests of these parties are not identical—the interests of the individual and of the State—unless it should be that the precise manner of taxation, the precise thing taxed, should be in the same ratio, on the same basis, under this law of 1861 and under the State law, which was not true. So I say that as a matter of law there can not be and never ought to have been in any case any legal offset; and I say that believing I speak the exact truth in regard to what the law is.

I do not deny that the imposition of the tax was legal under the decision of the Supreme Court or without it under the authority of the Constitution.

Now a second proposition, and that is, that this tax ought not, in my judgment, to be collected in this way anyhow. It can not be collected in this way if this legal proposition be correct. An attempt to collect it

might succeed in confiscating the debt we owe to the State of Georgia; but it never would be in the mind of a lawyer a collection of a debt, but the confiscation of credits, and that is all there is of it. There has never been anything else in it so far as it has been enforced heretofore, and it makes no difference what political feeling might induce me to do. I am not so made that, standing here as a legislator, I can trample by my vote under foot the law and the Constitution of my country.

But this law was found in less than a year to have been a mistake. Many of the States, for the purpose of getting the advantage of the inducement held out to them of a deduction as provided in the law, assumed the indebtedness as a State obligation, and paid the tax with those deductions. The law was repealed so far as subsequent action was concerned; and no administration up to this day has attempted to collect any of these debts since. Nay, more, sir, the machinery provided by that law for its enforcement was never appointed. No one existing in this House or in this country expects to collect the balance of the millions that are now due under that enactment. There should be no trap set by which, when States become creditors of the General Government, that credit may be wiped out by springing the trap set by it, while at the same time there is no intention to enforce the law honestly and squarely by the collection of this debt. It may, sir, be collected to-day. Every dollar the State of Georgia owes may be collected. Our President may appoint his assessors and collectors and he may force by distress and by sale of real estate in Georgia the collection of the amount of this tax. Does anybody ask it? Have the Republican administrations gone forward in that direction? I say no. The fact is that as we do not intend to collect it nobody desires the collection. What then? There is but one way in justice out of this matter. Not one dollar of it should be collected forcibly from the State of Georgia, from Ohio, or Colorado, or any other State. But I do claim, sir, that this tax should be wholly repaid or wholly collected; and as it can not and will not be collected, I am intending, if possible, to say to-day that the tax already paid by the States shall be repaid to them, as it honestly should be.

Mr. CANNON. Will the gentleman allow me to interrupt him right there?

Mr. EZRA B. TAYLOR. Yes, sir.

Mr. CANNON. If that be the gentleman's position, why not vote for the amendment of the gentleman from Iowa [Mr. HEPBURN], which does exactly that thing?

Mr. EZRA B. TAYLOR. I have not said whether I will vote for that amendment. I do not know what it is. But I say, behind that, what is sufficient for me to control my vote in this case, there is no place for offset; there is no offset to have this applied to. There is no legal obligation on the part of Georgia to pay the Government of the United States one single dollar growing out of the legislation of 1861. Any man that will go into that Library and take up the Statutes at Large of 1861, I do not care whether he is a lawyer or not, I will venture my reputation as a man on the assertion that he will say when he is through that there never was an intention of making that a debt against the State of Georgia, nor was there ever such an effect worked out by that statute. And so, standing right there, I am fully able to say I will support this bill; and when another comes for that other purpose, just and fair and honest as it is, then I will give it my most enthusiastic support.

Mr. CUTCHEON. Will the gentleman permit me to ask him a question?

Mr. EZRA B. TAYLOR. Yes, sir.

Mr. CUTCHEON. When that direct tax of 1861 was laid upon the States——

Mr. EZRA B. TAYLOR. It never was.

Mr. CUTCHEON. Well, it was apportioned to the States, was it not?

Mr. EZRA B. TAYLOR. It was apportioned among the people of the States.

Mr. CUTCHEON. Was the entire tax apportioned against the States which were then in their normal relations to the Federal Government?

Mr. EZRA B. TAYLOR. It was apportioned among the people of the States and Territories regardless of any internal commotion.

Mr. CUTCHEON. And then the proper proportion of it was made an obligation against the State or people of Georgia?

Mr. EZRA B. TAYLOR. Against the people of Georgia in their individual capacity; a provision was made for liens on their lands, not liens on the property of Georgia.

Mr. CUTCHEON. In other words, was it not a tax on the people of Georgia as much as on the people of Ohio?

Mr. EZRA B. TAYLOR. Yes. But what does all this mean? What is behind it?

Mr. CUTCHEON. Have not those States which were in normal relations to the Federal Government paid their proportions?

Mr. EZRA B. TAYLOR. That is not true as to all of them. Colorado has not paid. But, if so, it simply comes to the other point, that you ought to pay it back, as you do not collect the balance. But it does not go to this point, that you shall make a legal obligation where you know one never existed, because it may be your people at home are making a clamor about it.

Mr. PRICE. Will the gentleman permit me to make an inquiry?

Mr. EZRA B. TAYLOR. I am occupying another gentleman's time.

Mr. PRICE. I desire to say——

Mr. EZRA B. TAYLOR. I decline to yield. A "desire to say" is different from a "desire to ask."

Mr. CULBERSON. How much time have I remaining?

The SPEAKER *pro tempore* (Mr. MILLS). The gentleman from Texas has forty minutes of his time remaining.

Mr. CULBERSON addressed the House. [See Appendix.]

Mr. WARNER, of Ohio. Mr. Speaker, this issue hinges upon one single question, and that is, whether the tax levied under the act of 1861 was chargeable to the State or not. If that tax, as levied under the act of 1861, was chargeable to a State, then of course any debt owed by the United States to a State might be set off against the charge under that law against a State. But if it were not chargeable against a State, then of course it can not be set off.

Was it chargeable against a State? That question has been so well stated and argued by my colleague [Mr. TAYLOR] this morning that it is not necessary for me to go over the ground again.

That the direct tax of 1861 levied under the apportionment clause of the Constitution was a tax levied upon real estate, upon lands and buildings, is perfectly clear from the act itself and from the discussions which took place in reference to it in both Houses on the passage of the act. It was said at the time by Mr. Stevens and by Mr. Bingham and others that it was a tax on land, and that a direct tax could only be levied upon land.

In the very nature of things it could not be levied upon the State itself, for the State has little or no property upon which to levy a tax. It is true you might levy it upon the State-house and other State property; but what would it amount to? In fact the law of 1861, as did all other laws imposing direct taxes, provided that all State property should be exempt from taxation.

The Government provided the machinery to collect the tax directly from the individual, and I maintain if the United States Government were now to proceed to collect that tax it would proceed to collect it from the owners of the land, those who held the land, which was a subject of taxation when the tax was levied. The whole question, I say again, hinges on that one fact, whether it was a charge or could be a charge against the State under the Constitution or against the individual.

I do not care, Mr. Speaker, to argue the question further, as it would be only traveling over the same ground which has been so thoroughly gone over by other gentlemen who have preceded me in this discussion

Mr. RANNEY addressed the House. [See Appendix.]

Mr. HAMMOND. Mr. Speaker, the time when, according to an understanding with the gentleman from Illinois [Mr. MORRISON], the consideration of this subject was to be suspended for to-day has now arrived. But if the gentleman from Massachusetts [Mr. RANNEY] wants only a few minutes to conclude, perhaps an agreement may be made with the gentleman from Illinois to that effect.

The SPEAKER. The time assigned for the consideration of this subject to-day by order of the House has now expired.

Mr. RANNEY. How much of my time remains?

The SPEAKER. One half-hour. The gentleman will be entitled to occupy the floor for that time when the subject is resumed.

Mr. RANNEY. It is not very material to me whether I go on now or at another time, although I would prefer to finish to-day.

Mr. HAMMOND. The gentleman from Illinois consents that if the gentleman from Massachusetts wants only a few minutes more, he may go on and finish now.

Mr. RANNEY. I do not wish to give up any part of my time; but I may finish in half the time I am entitled to.

The SPEAKER. The gentleman will be entitled to the floor when the subject is resumed.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. MCCOOK, its Secretary, announced the agreement to the amendment of the House to the bill (S. 382) to authorize the Merchants' National Bank of Little Rock, Ark., to change its name to the First National Bank of Little Rock.

It further announced the passage of the following bills and joint resolution; in which concurrence was requested:

A bill (S. 753) to provide for the sale of the old site of Fort Brady, Michigan, and for a new site and the construction of suitable buildings thereon;

A bill (S. 1120) to authorize the increase of the capital stock of the Omaha National Bank of Omaha, Nebr.;

A bill (S. 1394) to provide for the ascertainment of the market value of certain property in the city of Chicago, and to authorize the Secretary of the Treasury to sell and convey said property; and

Joint resolution (S. R. 10) to amend the statute in relation to the immediate transportation of dutiable goods, and for other purposes, approved June 10, 1880, so that the provisions of the same shall be extended to the port of Key West, Fla., and the provisions of the statute be extended to the port of Tampa, Fla.

TAXATION FRACTIONAL PARTS OF A GALLON OF DISTILLED SPIRITS.

Mr. MORRISON. I move that the House resolve itself into the

Committee of the Whole House on the state of the Union for the purpose of resuming the consideration of the bill relating to the taxation of fractional parts of a gallon of distilled spirits.

The motion was agreed to; and the House accordingly resolved itself into Committee of the Whole on the state of the Union, Mr. HAMMOND, of Georgia, in the chair.

The CHAIRMAN. The House is now in Committee of the Whole, and resumes the consideration of the bill (H. R. 4833) relating to the taxation of fractional parts of a gallon of distilled spirits, on which the gentleman from Maryland [Mr. FINDLAY] is entitled to the floor.

Mr. BUTTERWORTH. I do not wish to lose my right, but am willing to yield until gentlemen so desiring it shall present the silver lining to this fog. [Laughter.]

Mr. WARNER, of Ohio. Gold lining.

The CHAIRMAN. The gentleman from Ohio [Mr. BUTTERWORTH] reserved his remaining time?

Mr. BUTTERWORTH. Yes.

The CHAIRMAN. The gentleman from Maryland [Mr. FINDLAY] had the floor and yielded to a motion that the committee rise on yesterday, and is therefore entitled to the floor this morning.

Mr. FINDLAY. Mr. Chairman, it may be a humiliating confession, and one perhaps dangerous to make, yet I am constrained to the belief that there are at least two subjects which the average Congressman is not unduly qualified to handle: one of them is the tariff, and the other is the silver question. At first blush it would seem that there was nothing inflammatory in the associations and suggestions of topics so frigid as these, but the discussions in this body have clearly shown that both the tariff and the silver question have been idealized by their respective champions, who rush to the defense of high or low duties, of white or yellow metal, with all the chivalrous ardor of Don Quixote himself. As if the inherent difficulties of the subject were not sufficient, the most discursive flights are taken into neighboring fields, and the whole economy of the universe beaten up and explored in search of a simple truth that lies at our own doors and has never left home.

The particular subject before us just now is the continued coinage of the standard silver dollar under the authority of the Bland act, and in order to understand the question it is necessary that we should be informed as to the origin, scope, and purposes of this measure. The question is not whether universal monometallism is better than universal bimetallism, nor whether a local double standard can be maintained in the face of a prevailing single standard among the great commercial countries of the world, nor, as I apprehend it, whether bondholders shall be paid in one currency or another; still less whether there is not some inherent divinity about silver which should hedge it in against the progressive encroachments of the rival metal. The question simply is, shall the Bland act be repealed and the President's wise recommendation adopted?

It is well known that prior to 1873 silver, however limited in amount and restricted in practice to subsidiary uses, was one of the recognized monetary standards of value—not merely the handmaid of gold, but its wedded partner, and at times, measured by bullion value, its better half. At this period silver dropped out of the coinage, some say by a trick, or, as my distinguished friend from Iowa phrases it, by stealth, others by accident; and this banishment continued until the 28th day of February, 1878, nearly eight years ago, when with great éclat the dollar of the fathers was recalled from exile and restored to his ancient possessions. The restoration, however, was not unconditional, but, on the contrary, was clogged with restrictions, which give color at least to the suspicion that the original sentence of banishment was not without reason and necessity. As the law stood prior to 1873 the owner of silver bullion could take it to the mints of the United States and there have it coined into current money of the country upon precisely the same terms on which gold bullion was received.

By the act of 1878 he can do no such thing. He can not carry a pound of it and receive coin in return. The mints are absolutely closed to him, but are as wide open to the coinage of gold bullion as ever. I pause here to ask the question, why this difference? Why is it that the coinage of gold is free and the coinage of silver not free? The Bland act—the very act upon which all this discussion turns—must answer the question. By the terms of that act, as is well known, the United States is required to purchase for coinage not less than two millions of silver bullion nor more than four per month. Consider for a moment the significance of this strange and, as far as I am advised, exceptional, and indeed I may say phenomenal, provision.

It in the first place establishes an inequality between the two precious metals by permitting one to be freely coined at the option of the owner, with no limitation as to quantity except that which nature herself determines, and excludes the other except so far as a partial market is created for it by the terms of the act. In the second place it leaves a tremendous margin for the operation of a discretionary power in the Secretary of the Treasury, who is required to make the purchase, and which power is already claimed to have been abused, and which is certainly liable to still more dangerous abuse in view of not improbable contingencies. The power to coin at discretion twenty-eight or fifty-six millions of dollars per annum, worth in actual value 20 cents less than in legal-tender function, must, I think, on all sides be conceded a dangerous one; but such was the state of opinion when this act was passed between the extreme silver propagandists and their more moderate brethren, modified by the cooler judgment of men who accepted the whole scheme as a dangerous experiment with the circulating medium, that it is probable the purchasing provision was adopted as a compromise.

At the same time it is obvious that this power in friendly hands could be exercised so as to absorb the whole domestic yield of silver bullion which for the year 1885 has been estimated at, say, $46,000,000. So that the result would be about the same as if the coinage of silver was made free.

Assuming that this yield of silver is to continue at the same rate, there is nothing between the country and the equivalent of free silver coinage except the discretion of an official and the uncertainties of a Presidential election. Perhaps this will account for the tenacity with which the silver men, as they are called, hold on to an act which upon its face is an impeachment of the wisdom of free coinage, and a legislative assertion, by implication at least, that there was and is strong ground for making a distinction between gold and silver.

No man can say how this discretion as to the amount of silver bullion to be purchased will be exercised by the future Secretaries of the Treasury; but however it may be used, within the monthly prescribed limits, it is very certain that the advocates of silver gave up their whole case when they consented to accept, in lieu of the natural law of supply, a purely conventional limitation the value of which was made still further dependent upon the exercise of a very liberal discretion. I can understand and appreciate the consistency of a man like my honorable friend General WARNER, of Ohio, who holds that by some happy accident, or by some preordained arrangement of Providence, the precious metals, as gold and silver have been called in all tongues and in all ages of the world's history, naturally take their place in the current transactions of men as the two instruments better adapted than any others as a measure of value and as the means of exchange, and that any attempt, therefore, to tamper with this principle of natural selection or Providential decree by the substitution of a limited purchase of one or the other of the metals for the purpose of coinage is a revolution that digs at the very foundation of things, and sooner or later will cover us with disgrace and disaster.

I can understand and appreciate the force of reasoning which carries a thinker like Cernuschi or Chapman to the conclusion that the bimetallic standard based upon the free coinage of both metals is a necessary condition to restored commercial prosperity now languishing the world over. But hump-backed monometallism, as the great Frenchman himself has not inaptly termed it, or the limping standard, with no sense of security upon either leg, is an anomaly which has neither logic nor symmetry to sustain it. I say, then, to the advocates of silver, follow your leaders and boldly repudiate the false position in which you have been placed by the Bland act for the last eight years; trample under foot the delusion that one of the great money metals of the world, coequal in use, dignity, and power with its helpmeet, can be degraded into servitude, or sent, like Hagar, into the wilderness; take the stand which logic, experience, and all the associations which spring out of a venerable antiquity reaching back to the cradle of the race require, and demand for silver its instant, full, and complete rehabilitation.

Does any son of Demetrius pause at this suggestion and grow "sicklied o'er with the pale cast of thought?" Are the enemies of the gold bugs, the sharks, and the pirates afraid to take the position where reason, principle, and precedent alike place them? Here upon this advanced line, if they had had the courage of their convictions, they would have taken their stand in 1878. Has there been nothing since in the malign operation of an act contradictory alike of history and sound monetary economy which has taught them that the next best thing to a tenacious adherence to principle in the first instance is an immediate return to it with the renewed and indignant devotion of a true friend who in a weak moment has been surprised into unintentional betrayal. Think of it, gentlemen, only two hundred and twenty millions coined in the last eight years, when, if you had been true to yourselves, you ought to have had at least five hundred or perhaps one thousand millions. All of this vast sum might have been snugly stored in the Government vaults, kegs piled upon kegs, such a sight as Ali Baba and his forty thieves or Clive and Pizarro never beheld, and all waiting to crush the bloated bondholder, like the Roman maiden who fell a victim to the weight of her own ornaments.

But, sir, free coinage was not established in 1878, nor does any one with serious hopes of passing it expect that such a measure will find acceptance in 1886. On the contrary, limited coinage was the order of the day then, and limited coinage is the order of the day now, so that the recommendation of the President is not for the suspension of coinage, but for the suspension of the partial, limited, and limping coinage authorized by the Bland act. If free coinage had been resumed in 1878, and the recommendation was to suspend it, then the advocates of bimetallism, and their opponents, would have had a square issue upon which to arrange their order of battle; but in its present state, I contend, the real question in this case is whether we shall get

rid of a measure which is neither fish nor flesh, neither sea nor good dry land. The question, as I look at it, is not whether we shall demonetize silver, but whether we shall repeal a mischievous act, which in principle is itself a demonetization of silver, by a strong irrecognition of its right to free and unlimited coinage.

The debate in either House has proceeded upon this theory of the state of the question. No one has defended the Bland act, except so far as to urge that a repeal of it without anything being substituted in its stead might have a tendency to further depreciate the white metal, and all seem to have agreed that the real question in its last analysis is whether the resumption of the free coinage of silver by the United States would be good for the country or not.

If the Bland act as enforced by the present and past administrations has any friends they have not shown their hands; and I suppose that all true friends of silver, especially those who have espoused the cause from sentimental grounds, and love the dollar because its antetype once jingled in the pockets of their daddies, hold to the true orthodox faith that gold and silver as the parents of the coin of the Constitution ought to be admitted into the mints without restriction and upon equal terms. Treating the question then as a proposition not to suspend the operation of a limited measure affecting the coinage, which apparently has the approval of neither friend nor foe, but as a move in the direction of a full restoration of silver to the privilege of the mint, or an absolute refusal of it, I have very decided convictions.

Before proceeding to state what those convictions are, I desire to call attention to another curious anomaly which this question presents. Most of the righteous gentlemen here who are unwilling to let slip the opportunity of paying debts in a depreciated coin, and who naturally denounce the lenders of money as an inferior and degraded class, not worthy of comparison with the great race of men, as Lamb describes the borrowers, in the person of Ralph Bigod, are to a great extent believers in the practical application of the doctrine of free trade. They believe in the practical realization, at this day and time, and in this country, of that expansive and cosmopolitan principle which recognizes the commercial brotherhood of the race and the freest interchange of commodities.

They say a man is outside of the Christian pale who can not or does not take this comprehensive view of humanity. They are opposed, therefore, to the intervention by Government for the protection of our industries, believing that what can not stand the shock of competition in the world's markets had better go down. But what is this Government purchase of silver every month but the worst and extremest form of protection that was ever devised. It is conceded on all hands that if the Government was not a constrained purchaser in the market the price of silver bullion, now falling, would still further decline. It is contended that silver is one of our great products, although it has been shown that the amount annually taken out of the earth does not equal the value annually taken out of the hens' nests in the country. Why not let it stand alone, and let the silver producers get for their product in the world's market what they can? The fact is the Bland act creates a market for at least twenty-four millions' worth of bullion every year, upon which the producer can rely with absolute certainty; and if there is any other product in this country which receives the same kind of protection, I have not been informed of its existence.

Consider for a moment what it costs the tax-payer to maintain the coinage of these silver tokens? The interest on the public debt amounts annually in round numbers to $50,000,000, and the civil expenses of the Government to about $24,000,000. The coinage tax, then, is equal to one-half of the public charge for interest, and is a million dollars more than the cost of maintaining the civil machinery of this vast Government. Not only is this so, but as I look at it there is a clear loss on the coinage by the difference in real value between the money given in payment for the silver bullion and the coined product of the purchase. I know that there are some philosophers who contend that the Government is a gainer and not a loser by the operation.

But let us see. The silver bullion out of which were coined in December last $215,000,000 cost the Government $188,000,000, paid in the equivalent of gold. Measured by this standard, this nominal stamped sum of $215,000,000 is reduced one-fifth; that is to say, by $43,000,000, leaving as the result of the outlay of $188,000,000 only $172,000,000; or, in other words, showing a clear loss of $16,000,000. Now, in the language of one of our free-trade brothers, whose soul delights in contemplating the untold millions which could be saved the innocent tax-payer if the protectionist robbers would only commute their bounties for a fixed sum, I ask the question, would it not be far better to buy outright the silver producer's plant and make him whole for all his outlay, with a considerable percentage added for profit, than to take his bullion and coin it at this terrible loss to the country?

But, passing from this, why is it that the free coinage of legal-tender silver is inadmissible in this country in the present state of the monetary question? Simply because we should be issuing a dollar made of a metal discredited and discarded elsewhere for monetary purposes, the only ability of which to circulate here is acquired from its legal-tender function. It is said in answer to this, that this is a new and a big country, and that it matters but little whether we are in a state of helpless dislocation or harmonious union with other countries, that we will take care of domestic exchanges in our own coin, and settle foreign balances with securities or products or in some other way that will not require the use of the money metals.

This is a beautiful theory, and in the features which contemplate a self-sustaining, complacent isolation, protected by an insurmountable Chinese wall, ought to be positively enchanting to the free-trader. I do not deny that it is possible. Austria has tried it and found that it could be done. But her silver florin worth 50 cents has gradually depreciated to about 37, and her gold pieces have migrated elsewhere. But paper is plenty and dirty. There is no reason in the nature of things why this country, under the benign influence of monetary protection jealously enforced by the apostles of free trade, should not get along upon a silver basis, but the practical question which a wise and patriotic legislator asks is not upon how little a nation may subsist but how much power and dignity he may command for its support.

The Southern confederacy got along on shinplasters when a man took his basket to market to carry his money and his pocketbook to bring back his provisions. The United States did still better with the battle-born and blood-stained greenback, and old Frederick the Great got along on nothing during the seven years' war but gunpowder, but in neither case has it been recorded that there was an even healthful development of the body-politic. It is said that the maintenance of a metallic currency, the stamped pieces of which differ as to actual and nominal value, can be continued at the pleasure of the Government by the simple device known as legal tender, and that this vicious and depreciated money will not drive out of circulation coin intrinsically more valuable. Voluminous tabular statements are exhibited showing that gold so far from leaving the country has been pouring in in a Pactolian stream ever since 1878.

That may be true, but will the experience of any man confirm the statement that gold circulates from hand to hand, and pocket to pocket, with half the freedom it was wont to pass just after the period of resumption? Gold will go out of the country as rapidly as it came in, on the ebb tide of a failing exchange, but the question I ask is, and on the concession too that the tables are correct, where is the gold, why has it disappeared entirely from the tills of merchants and the pockets of the people? Why is it that a gold piece is as rare now as it ever was at high-water mark in the greenback deluge? Unquestionably it seems to me because the simple instinct of selfishness, sometimes called Gresham's law, which teaches a man to hold on to that which is more and to part with that which is less valuable, provided he can accomplish the same object, is already beginning to work. Gold is not yet at a premium, but you may depend upon it there are hundreds and thousands of men who are hoarding it up against the day when it will command a premium.

I hold in my hand the last estimate made by the Director of the Mint of the coin circulation of the United States, an estimate which is brought down to January 1, 1886.

Estimate of coin circulation of United States, January 1, 1886.

United States coin.	Gold.	Silver.	Total.
Circulation July 1, 1885	$542,174,636	$278,824,201	$820,998,837
Coinage for six months ended December 31, 1885	15,532,511	14,492,769	30,025,280
Net imports of United States coin (other than trade-dollars)		213,848	213,848
Total	557,707,147	293,530,818	851,237,965
Less deposits of United States coin for recoinage	195,301	136,946	332,247
Estimated United States coin used in the arts	2,500,000	100,000	2,600,000
Net exports of United States coin	1,201,698		1,201,698
Total loss	3,896,999	236,946	4,133,945
Circulation January 1, 1886	553,810,148	293,293,872	847,104,020
Bullion in mints and assay offices, December 31, 1885, available for coinage	72,923,721	4,611,078	77,534,799
Total metallic stock January 1, 1886	626,733,869	297,904,950	924,638,819

Stock and ownership of gold and silver coin, and of bullion available for coinage, January 1, 1886.

Ownership.	Gold.			Silver.			
	Bullion.	Coin.	Total.	Bullion.	Standard dollars.	Subsidiary.	Total.
Treasury	$72,923,721	*$75,434,379	$148,358,100	$4,611,078	*$72,598,725	$27,736,430	$104,946,233
National banks		†156,353,592	156,353,592		‡6,940,628	2,060,177	9,000,805
State banks, trust companies, and savings-banks		31,255,789	31,255,789				
Other banks and private hands		290,766,388	290,766,388		136,780,408	45,177,504	183,957,912
Total	72,923,721	553,810,148	626,733,869	4,611,078	218,259,761	75,034,111	297,904,950

Stock and ownership of gold and silver coin, and of bullion available for coinage, &c.—Continued.

RECAPITULATION.

Ownership.	Bullion.			Coin.			Bullion and coin.		
	Gold.	Silver.	Total.	Gold.	Silver.	Total.	Gold.	Silver.	Total.
Treasury	$72,923,721	$4,611,078	$77,534,799	$75,434,379	$100,335,155	$175,769,534	$148,358,100	$104,946,233	$253,304,333
National banks				156,353,592	9,000,805	165,354,397	156,353,592	9,000,805	165,354,397
State banks, trust companies, and savings-banks				31,255,789		31,255,789	31,255,789		31,255,789
Other banks and private hands				290,766,388	183,957,912	474,724,300	290,766,388	183,957,912	474,724,300
Total	72,923,721	4,611,078	77,534,799	553,810,148	293,293,872	847,104,020	626,733,869	297,904,950	924,638,819

*Less outstanding gold certificates. †Includes Treasury and clearing-house certificates. ‡Includes silver certificates. §Reported to Comptroller of the Currency by 1,015 banks, November 1, 1885; includes some silver.

JAMES P. KIMBALL,
Director of the Mint.

TREASURY DEPARTMENT, BUREAU OF THE MINT, *January 30, 1886.*

By this estimate it appears that there are gold coins in the United States worth $553,810,148. But where are they? The national banks have $156,353,592. In other banks and private hands there are $290,766,388. But most significant and striking of all is the estimate which credits State banks, trust companies, and savings-banks with $31,255,789. Now, examine the other side of the column. The national banks have only $6,940,628 standard silver dollars inclusive of silver certificates. State banks, trust companies, and savings-banks have not a single dollar. I will insert this table as a part of my remarks for the purpose of showing that not only the national banks but those depositories of money where the enormous responsibility of the trust induces the most cautious vigilance in the preservation of the fund, have already begun to hoard gold against the evil day which they at least, whatever may be the buncombe opinion of this body, believe to be inevitable. No banks, no holder of money who receives a gold dollar will pay it out again if he can possibly avoid it, and the tendency of all the discussions that take place here is not to relax but strengthen the grip on gold.

Silver or its paper representative still passes in the daily exchanges as the equivalent of gold, but how long can this parity be maintained in the face of a widening gap as to bullion value upon the strength merely of the Government fiat? It floats to-day, sustained by favorable conditions of credit, but is there no point in the scale of depreciation to which it must eventually sink and be taken at its real and not nominal value? I put this question: Given a piece of metallic money—silver, if you please—which has depreciated 20 per cent. in bullion as compared with stamped value, with the prospect of further depreciation by an impetus in a sort of geometrical ratio of increase, *vires acquirit eundo*, how long can the fiat of the Government sustain such a doubtful character; or, rather, how long will honest folk associate in such doubtful company?

So far the association has been maintained, but is it reasonable or prudent to infer that this companionship will continue indefinitely? I think not. The history of legal tender is involved in great obscurity, and one of the most industrious economists in this country, Mr. Edward Atkinson, has stated that he could get no reliable account of its origin after a very diligent search himself and inquiring of lawyers who might be supposed to have more or less familiarity with the subject. I have made myself some investigation with a view to exploring the sources of this mysterious faculty which by some trick or magic converts fiction into fact, but have met with the same failure as Mr. Atkinson.

It is a point of no moment except as a matter of scientific curiosity, as the Supreme Court of the United States has laid down the doctrine in very broad terms that it was within the constitutional competence of Congress to impart this faculty to any substance upon which it chose to impress the stamp of sovereignty. This decision determined that the promise of the United States printed on paper could be made a legal tender, and for a while, if I remember, the promissory notes of the Government floated at par or nearly so in the second year of the war; but they were soon at a discount, and gold ceased to circulate as money and was sold at a heavy premium as merchandise.

It is claimed by the advocates of silver that the standard dollar will not meet with the same fate, because it is made of a substance the monetary use of which is based on intrinsic value, represented in part by its scarcity, in part by the cost of production, and in part by its universal acceptance, until within late years, as one of the standard money metals of the world. This is true to a certain extent, but does any one doubt that there must come a time in the depreciation of this coin when the legal-tender faculty will be no more able to lift it up to a par with a metal intrinsically more valuable, and at the same time maintaining its commercial integrity, than it had power to sustain the waning credit of the greenbacks engaged in the same unequal contest?

Past contracts of course will be satisfied in this coin at its face and not its intrinsic value, but as to all future contracts the creditor will be careful to protect himself against such a contingency. But what shall be said of the daily exchanges between man and man? Is there any magic in legal tender to make a man sell his goods at a price fixed by the buyer? Is there anything in this faculty which can prevent the butcher or the baker from saying to his customer, I want so much for this in gold or its equivalent, and so much more if you pay me in silver? Can the lender be restrained from saying to his borrower, you can have my money at so much per cent. interest if paid in gold, and so much greater rate if paid in silver, and you can not get it at all unless you agree to return the principal in gold?

But a boisterous claim, smacking at times of the demagogue, is made, that the natural expulsion of silver as a money metal in this country, by the force of edicts in other countries, over which we have no control, is the deliberate result of a wicked conspiracy of the creditor class to plunder their debtors, and that in this conspiracy the individual and corporate holders of Government bonds maintain an easy lead. It is nothing to the purpose that this Government made two ineffectual attempts, by commissioners appointed for the purpose, to persuade Germany that she had done a very unhandsome thing by silver, to convince England that she had grown rich on the wrong monetary basis, and to induce the members of the Latin Union to open their mints to the discarded metal. Commercial Europe in the main, with the exception of Italy, Austria-Hungary, and Russia, where the financial dominates the monetary question, has shut the door fast in the face of silver, and surely justification enough could be found for a similar policy on the part of the United States, and especially so by the representatives of the dominant party without subjecting the President to the very serious charge of conspiring with the moneyed classes of the country against the innocent and helpless debtor.

But it is said that the demonetization of silver abroad was accomplished by despotic power in the interest of the same designing, greedy class. This is about as logical and true as most of the statements of this kind, and suggests the question at once why should republican France and imperial Germany alike discredit silver and autocratic Russia hold on to it?

But let me remind gentlemen whose zeal possibly outruns their discretion, that the bondholder will be the very last to be affected by the unlimited coinage of silver. There is pending a proposition now which requires the Secretary to redeem called bonds in silver dollars. I do not suppose that means an actual delivery to each bondholder of the veritable dollars themselves, but that they shall be paid in representative money of which silver is the basis. Well, suppose that should be done, who would be hurt by it? Not the individual holder of the bond, for silver being still the equal of gold he would convert the money into other property and be as well off as before. Would it hurt

the national banks, against which all the heathen seem to rage and the people imagine a vain thing?

I can not see how they would be injured, at least enough to afford any real pleasure to a stalwart enemy of the bondocracy, and I am entirely at a loss to know who would be benefited even if the injury was wrought to his heart's content. Nothing seems to excite the ire of these gentlemen so much as the fact that Government 4 percents, not redeemable until 1907, are at the enormous premium of 24 per cent. They seem to think that the bondholder gets that in some mysterious way, or, at all events, that is the idea to which they attempt to give circulation among the people. Is it necessary to say that this is a premium which the bondholder who now becomes a purchaser pays? If he holds on to his bond until maturity he will have lost the interest on the premium, and then, if the bond is paid, will lose the premium too.

An original holder will get back what he put in the investment, and it is only original holders or intermediate purchasers who have sold and taken advantage of the advanced rate in the premium who will reap the benefit of it. But the bondholder as an investor, the individual, or corporation, who is usually characterized as bloated, the fixed and not merely sporadic and occasional incubus upon society, he will take nothing by the premium, but in many cases will be a loser. But however that may be, bloated as he is, you must let him enjoy his inflation until 1907—twenty-one years before you can prick him with your silver bodkin.

It is possible that siver will have so far depreciated by that time that this unreasoning hostility may feed fat its revenge in paying the bondholder, be he rich or poor, man or woman, soldier or widow, or whether it be a national or a savings bank, in metallic tokens miscalled money, of little or no value. Gentlemen who are preaching this crusade against bondholders, as if they were a fixed, unvarying class, and all of them wealthy, should remember that the obligations of the Government are continually changing hands, that the savings of the poor are invested in them as well as the accumulations of the rich, and that the Almighty himself seems to have interposed a barrier against this attempt to array class against class by a nice blending of interests which can not be separated without mutual injuries.

But there is another class of bondholders: that class which holds the world in bonds, without whom the world's machinery would hang listless upon its axles, and yet who seem to be *in vinculis* themselves; the bondman instead of the bondholder, the uneasy captive in a world of which he is the conqueror. What will you do with this creditor class? Tread softly here, you honest advocates of an honest dollar worth 79 cents, for the ground all about you is treacherous and slippery. I repeat the question, in what sort of a currency do you propose to pay that class of creditors, more numerous and more important than all the bondholders in the two hemispheres, for the labor and sweat which in some employment or other they are daily selling from sun to sun? Labor comes before capital. Capital must ever be debtor to labor. In what medium of exchange does capital propose to discharge that debt?

The remuneration of labor is poor enough now, heaven knows. You say that it is inequitable to change the value of the currency between the date of the contract and its performance. I ask you how you propose to discharge the contracts between labor and capital during the long intervals that prices are adjusting themselves to the new condition created by a false money? No class in society has the same interest in a stable medium of exchange as the men who toil with their hands. The wage-earner sells for cash, and, as experience has proven, is the very last person to get the benefit of an advance in price, which always follows as the inevitable consequence of a depreciated currency. He is not only compelled to sell for cash, but he finds himself in a market where the sellers outnumber the buyers, and is mostly compelled to part with his product under conditions that closely resemble a forced sale.

To pay him, therefore, at rates established before the depreciation began in a medium the purchasing power of which has been reduced by a rise in prices all along the scale of subsistence, is to inflict a great wrong upon the innocent and helpless for which even revenge upon the wicked bondholder will not atone. Not to go back over ground already traversed, permit me to put forward a suggestion at this point which has already been made with more or less force. The advocates of silver have made it plain in all their speeches that the oppressive plundering, I had almost said thieving creditor class, constituted the objective point of the silver craze, and that bimetallism or unimetallism was a secondary consideration. As far as the public debt is concerned, I suppose the whole of it now redeemable, or shortly maturing, could be paid in silver without damage to the creditor except the inconvenience perhaps of handling the money upon the supposition that he would be paid in dollars instead of their representative paper equivalents.

The vast bulk of this debt is not redeemable, as I have shown, until 1907, and the high premium upon this class of Government bonds, varying within the smallest fractional limits from day to day, conclusively shows that these bloated holders are not very much concerned about the action of this body. I do not believe that the owners of either class of bonds will be injured to the extent of a farthing, but I do believe that the laboring classes of this country will receive a serious injury whenever the time comes when gold, like a reluctant lover who has already said many farewells, comes in truth and reality to wave his parting and final adieu to silver. That time has not come yet; it may be postponed far beyond the period fixed for it by reasonable apprehension; it may possibly be put off until our Government vaults are overrun with dollars as the Bishop of Hatto's castle on the Rhine swarmed with rats; but surely all experience will be at fault if the attempt to float a circulation by Government fiat at a par, out of harmony with the currencies of the world, and in flat contradiction of its own actual value as distinguished from its stamped pretension, does not sooner or later produce that derangement between values and exchanges the disastrous effect of which, by the force of a law that Almighty wisdom can alone penetrate, is thrust upon the laboring man first.

I have said elsewhere, and I repeat it here, that never by vote or voice of mine will I willingly hurt a hair on the head of labor, and although I regard that man as a demagogue who attempts to array one class of citizens against another, and none the less a demagogue because this array happens to dress upon sectional lines, yet still I avow myself here, as far as my humble insight goes, the friend of the bondmen and the bondwomen, ay, and the bondchildren, that anomalous class who are both creditor and debtor, creditor for wages and debtor, God help us, for the privilege of work, potentially the most independent and practically the most dependent class in society.

Gold can take care of itself. Congress, indignant at the discount with which the greenback was received, attempted to levy a thunderbolt at the head of gold during the war. But what was the consequence? The discredit of the paper, confounded with an undue appreciation of the metal, took another fall, like Lucifer. The law was repealed almost in the moment of its enactment. The money-owners have cities of refuge in all the capitals of Europe, in which they find ready access by the purchase of foreign exchange. Capital has a thousand ways of protecting itself, but labor has only one, and that is in a medium of exchange which will always be a fair equivalent for what has been given for it, and the purchasing power of which is permanently based upon fact and not upon fiction.

I commend to the consideration of the goldphobists that there are other classes to be thought of in this country than the bondholder and the creditor. A favorite argument with the silver protectionist is that free coinage is necessary to sustain the volume of the currency at a point where it will satisfy the normal demands of the people. A great deal is said about the circulation per capita in France and other countries, and the record is loaded with very interesting and doubtless instructive tables upon this subject. Demand is made that the 72,000,000 of silver dollars not in circulation and not represented by certificates shall be permitted to overflow the Government dam and enrich and fertilize the arid and waste places in the United States.

One gentleman of overwrought imagination in a moment of high poetical frenzy revels in the vision of a cyclone, penetrating to the vaults and sucking up into its bosom the sunless treasure, and thence scattering it, in a fertilizing shower, broadcast over the country. It would be better thus, he says, than to lie stagnant where it is, "in cold obstruction and rot." Well suppose the $72,000,000 were distributed by cyclone, and not with the blind rage which usually distinguishes these atmospheric disturbances, setting violently in one direction or the other, but suppose it regulated by an equitable and discriminating justice, so as to shower its bounty upon all sections of the country alike, what would be the final consequence of such a continental windfall? Every dollar of it, by a law as inexorable as the law of gravitation, or as that which directs the course of the trade-winds, would come back into the tax offices and custom-houses and thence pass into the Treasury. There is no need for additional circulation, and particularly of that sort which experience has shown will not circulate.

At times during the past year there has been a surplus of $64,000,000 over legal reserve in the national banks in New York alone, and frequently call-loans were made as low as 2½ per cent. Money can be had on good collateral from 1 to 3 per cent. interest. The amount of bonds surrendered within a very few days amounted to more than $2,000,000 in a single week, showing that circulation to the amount of $1,800,000 had been retired as against about $336,000 that had been issued. Money can be had on good security anywhere and everywhere, and if it commands a higher rate of interest in some sections of the country than in others it is owing not to any fancied scarcity but to conditions which affect credit and confidence and have nothing to do with the quantity or the volume of the currency. All of these arguments were made and exploded in the solid days of greenbacks. But instead of the blizzard distribution of the buzzard dollar [laughter and applause] suppose you undertake the more usual and less violent and perhaps more regular mode of getting the silver into circulation by calling in and paying Government threes in silver, would you be any better off? This silver would fly to the custom-house as naturally as iron filings to a magnet; and, to change the figure, all your dollars which you had gotten out of confinement with so much trouble to yourself and inconvenience to the holder would find themselves, like the discharged bummers from our city jails, snugly back again in their old quarters after a disagreeable outing for a few days.

I have said little or nothing on the abstract question as to whether bimetallism, as it is called, would afford a more covenient and reliable medium of exchange than unimetallism. I have purposely laid this

question aside, just as I would the question whether free trade in the abstract would not be more conducive to the country's progress than protection, for the reason that both of them are abstract questions and foreign to the practical consideration of the matter in hand.

If the relative value of silver and gold could be permanently fixed by international agreement, which would also embrace the full remonetization of silver, I have no doubt that such an arrangement would not be prejudicial to the interests of this country; but to attempt it is like grabbing at the moon. It was attempted in 1878, and afterward in 1881, and is still, I believe, the subject of diplomatic negotiation, but all efforts so far to bring it about have proved complete failures. The great apostle of bimetallism himself has said that the suspension of the coinage of silver by the United States would be much more likely to lead to such an agreement than its continued coinage under the provisions of the Bland act. If silver was discredited in the United States, as well as elsewhere, then, if there is anything in the argument that the present world-wide depression is due in part at least to the attack upon silver, this renewed assault from an unexpected quarter would be more likely to bring Europe to its senses than the doubtful position now occupied by this country.

The Bland act, as I understand it, left the hands of its distinguished author as a simple measure for the restoration of silver coinage, and in this form was passed by the House of Representatives. But the Senate added not only the purchasing provision to which allusion has already been made, but all the clauses providing for the establishment of a fixed ratio between gold and silver and the remonetization of silver by means of an international conference. The Bland act, in its naked simplicity, I may say, childlike and bland, could not pass, and these important restrictions were imposed by a cautious and conservative hand, with a view to changing the absolute principle asserted in the bill into a piece of purely tentative and experimental legislation. In other words, construed in the light of the debate at the time of its passage, this is the true meaning of the bill.

The commercial world has demonetized silver—it is for the interest of the United States that it should be remonetized. Still it would be dangerous, in view of its suspension elsewhere, to restore silver to full communion here. We will, therefore, grant it a partial restoration, but will take steps at the same time to win back Europe to the double standard by such persuasion as we can bring to bear and by such apprehension as this limited experiment of ours may create.

The attempt, as every one knows, has failed; and now what would seem to be the dictate of common sense—continue the experiment or stop? Does any gentleman think that if eight years have not brought repentance to Europe then possibly sixteen will? The argument seems to rest upon the rather unstable footing that the continued coinage of a depreciated currency will in some way appreciate the metal out of which the currency is coined; and as the effect of coining 250,000,000, say, in eight years has been to keep silver at a discount of 20 cents on the dollar, the coinage of 500,000,000, or twice that amount, will have the opposite effect of making the dollar worth 100 cents; in other words, the more of a debased currency you put in circulation the more valuable it becomes.

This was not the argument of the Bland act, at least with its Senatorial grafts; but, on the contrary, the contention was that the value of silver depended largely upon its use; that that use in turn could only be established by the consensus of nations, and until a satisfactory international agreement could be had covering the whole subject it would be folly in the United States to enter upon an unlimited coinage. It was not the opinion of the author of the restraining qualifying amendments of that act that the quantity of the dollars could in any way atone for the quality of the material out of which they were made, but he would seem to have been very clearly of the opinion that the fewer we had of them the better it would be for the country.

It was not the opinion then that unlimited coinage here would result in a similar condition across the water, but on the contrary the limited, partial, and unsatisfactory purchasing provision was resorted to for the express purpose of escaping the consequences of unlimited coinage. Now I ask what has happened since to change the opinion then entertained? Is there anything in the present condition of Europe which justifies the belief that in the near or remote future silver will be rehabilitated? Does any one think that free coinage could accomplish here as in Europe what partial coinage has failed to effect?

I hope right here that gentlemen will not forget that the foreign market south and southwest of us is somewhat chimerical. I hope that our free-trade friends at least, who are trying to break down the barriers between us and England, will remember that Great Britain takes about 60 per cent. of our manufactured and agricultural products, and more than the West Indies, Central America, and South America combined, and that to be at war with her in our monetary relations just when the freest commercial intercourse is blossoming white with peace would be a melancholy and inconsequential result.

The proposition is to swap, to exchange product for product, to barter with the first commercial countries of the world and with those where our trade is heaviest, for the purpose of redressing balances in silver with weaker nations with whom our trade is lightest. I must be pardoned for not recognizing the beneficence of such a proposition, although among its incidental blessings should follow the complete destruction of the national banks and their pestilent allies, the bloated bondholders.

In this connection I desire to submit some figures taken from the annual report of the Bureau of Statistics for the year ending June 30, 1885:

	Values.	Per cent. of total.
Exports of domestic merchandise to Europe	$500,768,751	81.30
British North American provinces	34,112,254	4.69
Asia and Oceanica	33,957,625	4.68
South America	26,967,181	3.71
West Indies	24,024,135	3.31
Mexico, Central America, and British Honduras	10,398,272	.43

In other words, nearly 85 per cent. of our exports of domestic merchandise, for which we are now seeking an outlet, go to Europe and the country north and west of us, and to all other countries in the world 15 per cent.

But this is not the whole of the story. The argument is that we ought to build up our trade with the silver nations lying south and west of us. As the silver combination embraces the West and the South, its trading affinity naturally tends to contiguous regions, leaving the North and the East to maintain its fellowship with the countries designated by the same points of the compass. Well, we have had a commission exploring the hidden treasure of this Southern commerce, and the business mind of the country has been on the alert to seize the slightest opportunity for trade in that direction; and what has been the consequence? The following table, exhibiting the comparative values of exports for the years 1884 and 1885, will show with what countries our trade has increased and with what it has fallen off.

Table showing increase.

Order.	Countries to which exported.	Values of exports during the year ending June 30—		Increase.
		1885.	1884.	
1	Great Britain and Ireland	$394,925,925	$382,717,159	$12,208,766
2	Italy	11,690,142	7,563,403	4,126,739
3	Belgium	25,373,736	21,897,019	3,476,717
4	China	6,396,178	4,626,480	1,769,698
5	Germany	60,819,091	59,251,307	1,567,784
6	British Possessions in Australia	10,534,138	9,225,459	1,308,679
7	Hong-Kong	4,134,592	3,078,542	1,056,050
8	Denmark	4,527,723	3,804,909	722,834
9	Sweden and Norway	3,115,774	2,440,112	675,662
10	Venezuela	2,992,968	2,388,945	604,023
11	Japan	3,065,990	2,517,963	538,027
12	Hayti	3,227,059	2,735,150	491,909
13	British East Indies	4,103,075	3,711,259	391,816
14	Uruguay	1,601,759	1,239,923	361,836
15	Netherlands	16,634,137	16,322,960	311,177
16	Gibraltar	1,251,784	1,104,141	147,643
17	Austria	2,609,216	2,483,025	126,191
18	Spain	11,967,165	11,890,023	77,142

Table showing decrease.

Order.	Countries to which exported.	Value of exports during the year ending June 30—		Decrease.
		1885.	1884.	
1	Dominion of Canada	$34,112,254	$40,423,820	$6,311,566
2	France	44,562,334	49,290,650	4,728,316
3	Mexico	7,370,599	11,089,603	3,719,004
4	Russia on the Baltic and White Seas	5,447,981	8,314,080	2,866,099
5	Cuba	8,719,105	10,562,880	1,843,685
6	British West Indies	6,963,219	8,553,244	1,590,025
7	Brazil	7,259,035	8,645,261	1,386,226
8	United States of Colombia	5,397,412	6,174,574	777,162
9	Hawaiian Islands	2,709,573	3,446,024	736,451
10	Porto Rico	1,533,177	2,188,609	655,432
11	Russia on the Black Sea	2,197,357	2,842,835	645,478
12	Argentine Republic	4,327,026	4,825,813	498,787
13	Central American States	2,667,943	3,064,798	396,855
14	French West Indies	1,394,401	1,790,584	396,183
15	Peru	735,979	1,043,902	307,923
16	San Domingo	962,428	1,257,969	295,541
17	Newfoundland and Labrador	1,864,561	2,087,112	222,551
18	British Guiana	1,631,608	1,833,148	201,540
19	Portugal	4,553,445	4,607,321	53,876
20	Dutch East Indies	2,103,066	2,110,323	7,257

From this it will be seen that while our trade with Great Britain and Ireland and with Europe generally has increased, it has fallen off with every state south of us except Uruguay, and that the deficit with Mexico is the greatest of all. It is this comparison which forces the intelligent and sagacious head of the bureau to suggest whether the cultivation of trade with wealthy and powerful nations in whose markets we have already acquired a substantial foothold would not be quite as much to our advantage as new ventures in weaker and untried quarters

of the world, a suggestion in which I am sure sensible men will concur, even in the face of reciprocity treaties which generously propose to take everything and give the United States little or nothing in return—a sort of reciprocity which does not reciprocate.

Certain I am that the men who propose to foster closer commercial relations with Great Britain by amendments of our tariff, with a view to an increased export of our manufactured product, which already amounts to 43 per cent. with that empire as against 33 per cent. with the Spanish countries south of us, must see the danger of a permanent dislocation between the currency of commerce and the currency of the Supreme Court. I say this with a reckless indifference not in the least abated by the thought that were Thaddeus Stevens living he would feel a new pang, as the vicarious sufferer, for all the wrongs inflicted by gold upon this poverty-stricken and unhappy country. The gentleman from Iowa has quoted from the prophets; let me attempt to draw inspiration from the same source.

Daniel was once called upon to tell a great king the nature of a forgotten dream and then to interpret its meaning. The prophet declared that the vision which the king had seen in the night, and which he vainly attempted to recall, bodied forth a colossal figure, the head of which was gold, the arms and waist of silver, the rest of the body of brass, the legs of iron, and the feet of iron and clay. A stone cut out of the side of the mountain dashed against this figure and ground it into pieces, and the wind blew it away and it was seen no more.

This tremendous figure does not inaptly represent the progressive growth of monetary evolution, which, from the rudimentary forms of barter, exchange, the mere clay at its feet, has gradually developed along the scale of inferior metals, through iron, copper, and silver, until it has reached its culmination and crown in gold. In this evolution there has been not merely a change of physical form, by which one metal has superseded another, but a differentiation of function, also, by which the primitive faculty of metallic money as exchange has gradually given way to its higher and superior virtue as an instrument for storing value, in the course of which the world's commerce has come to be carried on in great part by a secondary or representative currency.

It may be that there is yet to be a stone cut out of the mountain side by which this old money image will be shattered into pieces and ground into powder, and gold, as the last and perfected stage in the progress of its development, disappear with the baser elements that compose the structure; but until that day comes no forced inversion of parts, no violent subordination of function, can change the eternal law by which the head fitly crowns and dominates the body. Gold, in my opinion, in spite of all your laws, by virtue of a law of its own, will still be king. [Prolonged applause.]

Mr. WARNER, of Ohio. Mr. Chairman, I agree with my friend from Maryland [Mr. FINDLAY] who has just taken his seat that there can be no permanent settlement of the money question until gold and silver which have held the place of money metals through all ages are restored to that position again. But while my friend would abandon silver in order that gold may be enthroned as the sole money metal and standard of value, I propose to hold on to what we now have until we can take a step toward the final settlement of this controversy by the restoration of the two metals, with the right to everybody to have either of them converted into money without limit—in other words, restore natural regulation; and I shall favor any measure that leads to this end.

The distinguished economist, M. de Laveleye, began his address on bimetallism before the French Institute in Paris in 1881 with these words:

> "If I venture to speak of money before this assembly, it is to obey the wish of my distinguished and regretted master, Wolowski, who in his last illness wrote me, in a hand already enfeebled: 'My strength is forsaking me; but do you continue to defend our cause, which is the true one.'"

I speak for silver, because I believe it is the side of truth and justice, and that the welfare of the country and the world is inseparably bound up in it.

To secure stability in money has been declared to be the chief end of political economy. To preserve the greatest possible stability in metallic money is the object, and the only legitimate object, of perpetuating the use of both gold and silver as money. They who advocate the demonetization of silver and the establishment of the single gold standard start out on the assumption, as my friend from Maryland [Mr. FINDLAY] has, that gold by itself constitutes a fixed standard, at least that its value in no wise depends on the concurrent use of silver as money, and that whatever be done with silver it will not affect the value of gold. They must of necessity, start with this assumption or their arguments would break down at the outset. If they admitted that to demonetize silver would alter the value of gold, would make the gold standard a different standard, the monstrous injustice of such an act would become so apparent that no one would enlist in its defense.

But right here lies the root of the evil of monometallism. The fact, the incontrovertible fact, is, that the demonetization of silver, by lessening the quantity of money in the world and increasing the demand for gold, does change the value of gold itself, and thus makes the gold standard a different standard from what it was or would be with silver continued as money concurrently with gold.

If the world's money be taken as $4,000,000,000 of gold, $3,500,000,000 of silver, and $4,500,000,000 of paper, it is plain enough that, if the silver and the paper were destroyed, gold, having three times the work to do, would be enormously increased in value. It is quite apparent, too, that if the silver part were taken away or reduced to a mere subsidiary money, the paper, in order to be kept at a parity with gold, must be greatly reduced in volume.

But for our present argument take only gold and silver. Suppose, instead of being coined separately, these metals had been melted together and coined, as were the electrum coins of ancient Lydia, making $7,500,000,000 of gold-silver coins for the world, would anybody hold that half of such a volume of money might be destroyed or demonetized without appreciating the value of the part remaining? or who would advocate such a step? And yet it can not make the least difference in the world whether the two metals are coined separately or melted together and coined as a compound metal. The mass is the same in either case, and it is the mass of the whole, and not the way it is coined, that determines the value of the whole and of each piece. You can not, therefore, overthrow silver without altering the value of every ounce of gold in the world and of every gold coin.

M. Premiez, in the monetary conference of 1878, said: "Destroy all the silver, and the gold which will remain will be worth as much as the two metals together were before." There is no escaping this conclusion. Then how can it be justified? I hold the gold advocates to this issue, and I hold my friend from Maryland who has just spoken to it. It is for them to answer. They may say it is not proposed to demonetize outright all the silver coins now in existence. I reply that to reduce them to mere subsidiary money, which is proposed, or in any way to abridge the use or shut off the supply of silver for money, increases proportionately the use of gold, and thereby increases its value.

Already an immense change has taken place in the value of gold from this cause. I propose briefly to trace the effect of this change and the further change that is sure to follow every step in the transition from bimetallism to a single gold standard, first on the debts of the world and the cost of governments, and then on production, industries, and labor.

I will take only the debts of countries heretofore bimetallic, or that would be immediately affected by a change to a single gold standard.

THE NATIONAL DEBTS OF EUROPE

alone, according to the Reform Almanac for 1886, amount now to $22,795,000,000. This is the largest aggregate I have seen authoritatively stated. Add to this the national debts of the United States, Canada, and other bimetallic countries, and we get the stupendous aggregate of about $26,000,000,000 as the burden of national debts that weighs down modern nations.

The increase in national debts since 1848 has averaged $500,000,000 a year. Next come

THE STATE AND MUNICIPAL DEBTS,

which for the United States are given as $1,117,000,000 in 1880, or over $20 per capita. Local public debts of England and Canada, $1,735,000,000. The municipal debts of some large cities are indeed frightful. That of Paris is $420,000,000, New York $150,000,000. Twelve principal cities of Europe show an average of $30 per capita. The debts of some cities in the United States run up to over $100 per capita, and a few to over $200. The total of local debts in the countries whose national debts are given swells the aggregate public indebtedness of these countries to $38,000,000,000, which nearly equals the entire wealth of the United States, and is greater than the value of all the lands of the United States and England together.

No less startling is the mortgage indebtedness of modern countries:

For the United Kingdom it is given at	$8,000,000,000
For Germany	8,500,000,000
For France	3,850,000,000
For Russia	3,250,000,000
For Austria	1,500,000,000
For Italy	2,675,000,000
For other European countries	3,050,000,000
Total	30,825,000,000

The mortgages in the United Kingdom amount to 41 per cent. of the value of all the landed property in the kingdom. Lord Reay puts it at 58 per cent. Samuel Smith places the mortgages of all England at $2,000,000,000, which is nearly 60 per cent. of the value of all the landed property.

Mortgages in Germany amount to 49 per cent. of the value of all the real estate.

We have no statistics in the United States by which to compute the total mortgage indebtedness. In 1880 the Census showed 4,686,187 tenant farmers, and a writer in the January North American says "it is a very rare thing in the newer States to come across a farmer who has not a mortgage, or bill of some kind, coming due on his land." But if the mortgage indebtedness reaches no more per capita here than in England it would amount to $8,200,000,000, which would be 41 per cent. of the true estimated value of all the real estate in 1880. This is about the same as the per capita of the mortgage indebtedness of Europe, and is doubtless a low estimate for this country.

The railway mortgages in the United States in 1885 amounted to $3,750,000,000.

Putting these several forms of indebtedness together—national, State, municipal, and mortgage, not including railroads, and taking no account of private indebtedness other than mortgages—and they aggregate not less than $75,000,000,000, or nearly twice the value of the whole United States, and more than the value of all the lands of Europe and the United States together! Feudalism never approached such dimensions nor attained a tithe of such power. The interest on this vast accumulation of debts at 4 per cent. amounts to $3,000,000,000 per annum, to pay which would require the constant earnings of full one-half of the entire laboring population of the United States. It is pertinent to inquire here who are the

HOLDERS OF THESE NATIONAL DEBTS.

In England 300 persons own $150,000,000 of the national debt; 2,000 persons own $570,000,000, 40,000 persons own $2,000,000,000, and 237,000 out of a population of 36,000,000 own the entire debt.

In the United States, banks, trust, and insurance companies hold $550,000,000 of the national debt; 10,000 persons hold $500,000,000 more, and less than 100,000 out of a population of 57,000,000 own the entire debt. How municipal and mortgage debts are held statistics do not show.

England, it is true, since 1816 has had a gold standard. But her relation to the Continent has been such that she has been practically as much under a bimetallic valuation as France or any other continental nation. So that every dollar of this staggering weight of debt has been created by a scale of valuation made of the two metals combined, and not of one alone. It was created on the basis of both metals as money, and with the right to expect that both would remain money metals, available always for the discharge of debts. And does not simple justice require that debts should be paid by the same scale by which they were created? States have created or authorized these debts and have provided machinery for enforcing payment. To alter the standard of payment after the creation of obligations can no more be justified than to alter the pound weight or the bushel measure; and an alteration outright would never be tolerated. It must be done in some indirect and obscure manner, as by altering the value of money.

On this point, J. R. McCullough says:

> Directly to alter the terms of contracts between individuals would be too bare-faced and tyrannical an interference with the rights of property to be tolerated. Those, therefore, who endeavor to enrich one part of society at the expense of another find it necessary to act with caution and reserve. Instead of changing the stipulation in contracts, they have resorted to the ingenious device of changing the standard by which these stipulations are adjusted. They have not said in so many words that 10 or 20 per cent. should be added to or deducted from the debts and obligations of society, but they have, nevertheless, effected this by making a proportional change in the value of money.

Let it be understood that this Government has never issued a bond or created a debt of any kind specifically payable in gold. The act of March 18, 1869, "to strengthen the public credit;" the refunding act of July 14, 1870; the coinage act of February 28, 1878; the Matthews Senate resolution; the terms of the bonds themselves, plainly printed on their face, all unmistakably declare the debt payable in coin. On what principle of ethics, then, does the bondholder ask to have silver demonetized, gold made dearer, and then that his debt shall be paid in the dearer metal? It can not be forgotten that this debt was created in the first instance in greenbacks; that it was afterward changed to a coin debt, doubling it in the hands of the holder. Now to ask that the standard of payment shall be changed to gold, and the value of the gold increased by demonetizing silver, is an insult to the moral sense of all honest people.

The bondholder is equitably and legally entitled to the thing he bargained for, to be paid at the time agreed upon, and no more. Whether silver has fallen or gold risen does not enter into the question here. The honest dollar is the dollar of the contract.

It is always the right of the debtor to elect which kind of money he will pay in. Without this right legal tender would be of no use.

Let us next consider the change in the value of gold as evidenced by a

FALL OF PRICES.

The London Economist admits a fall in prices in the last ten years of 33⅓ per cent. Mr. Giffen, Mr. Goschen, Mr. Grenfell, and others say from 30 to 35 per cent. to 1883. Mulhall, coming down to 1885, makes the price-level in the United States 46 per cent. lower than in 1872. While in Great Britain it is 43 per cent. lower, in France it is 34 per cent. and in Italy 37 per cent. lower. And all authorities agree that prices generally are now lower than before the gold discoveries in 1849.

A fall of 33⅓ per cent. in commodities is the same thing as a rise of 50 per cent. in the value of money. Hence the rise in the value of gold has already added at least 50 per cent. to the debt and tax burden which dead generations have imposed upon the world. Locke says:

> Money, while the same quantity of it is passing up and down the kingdom in trade, is really a standing measure of the falling and rising value of other things in reference to one another, and the alteration of price is truly in them only. But if you increase or lessen the quantity of money current in traffic in any place, then the alteration of value is in the money.

Exactly the case under consideration. The alteration is in the measure, and not in the goods.

I do not claim that the lower level of prices of all commodities is due exclusively to a change in the scale of valuation. Improved methods of production, lessening the cost of production and increasing the quantity of products, affect price-levels; but taking labor-energy as the test, and changes in price-levels from these causes in ten years are inconsiderable as compared to changes in price-levels due solely to a change in the measure, which amounts to at least 50 per cent. Fifty per cent. of $75,000,000,000 of debt is $37,500,000,000. Four per cent. interest on this gives $1,500,000,000 a year.

In thirty years the interest alone on the addition to the world's debt made by the alteration in the money scale which has already taken place, if allowed to stand, will amount to as much as eight generations of the English-speaking race have accumulated on this continent! In the same way the eight and a half billions of taxes levied annually by these countries for interest charges and maintaining governments became over twelve billions by altering the scale from gold and silver to gold alone. For no matter how much money may be increased in value, the same number of dollars are required for debt and taxes.

Cyrus, in his conquest of Asia, by despoiling the inhabitants of their wealth, took back to Persia, it is said, $10,000,000 in gold and $200,000,000 in silver. Alexander plundered cities and temples and obtained as the spoils of his conquests $225,000,000. Paulus Æmilius in turn plundered Macedonia and carried to Rome as public plunder $75,000,000 in gold and silver. Pompey gathered from the East $90,000,000 more. These conquests have stood as marvels of public robberies. But by the alteration that has been effected in the measure of value and the means of paying the world's vast debts the debt-holding classes are enabled through legislation to wrest from the laboring masses of mankind more millions in a single year than the plunder of all the great conquests of the world have ever amounted to.

Governments are thus made the instruments of spoliation, fraud, and iniquity.

One must be deprived of all power of moral perception, it seems to me, to justify such acts.

But take the United States alone. Population, 58,000,000; wealth, forty-five billions; revenues—State and national together—six hundred and ninety-five millions. What must be the necessary consequences of changing the scale from two metals to one? Instead of forty-five thousand millions of wealth by the bimetallic scale, it would stand at about twenty-five thousand millions measured by the gold standard alone. Taxes, State and national, and interest on public debts, now amount to 1½ per cent. of the total wealth and 8 per cent. of the gross products of all the people, taken at ten thousand millions. A change in the scale from gold and silver to gold alone would bring taxes relatively up to 2½ per cent. of the total wealth and 12 per cent. of the gross products, or from $695,000,000 to $1,050,000,000.

Revenues and taxes have increased in almost as great a ratio as debts, and must necessarily increase with increasing indebtedness. Statistics show that the cost of government in the United States has increased four times as fast as population.

But the end is not yet. With no gold production for money, and silver demonetization to go on, a further decline in prices, including all landed properties, must certainly follow. Yes, before the transition from bimetallism to gold monometallism is completed and the mass of debt-paying money is reduced from both metals and paper based on both to gold alone and paper based on gold only, a fall of 50 per cent. from the average prices that prevailed from 1850 to 1875 must be expected. A fall of 50 per cent. in prices means an increase of 100 per cent. in the value of money.

What railroad corporation or manufacturing establishment can endure such a scaling down of its property and earnings while its fixed charges remain the same? What proportion of debtors would have anything left?

It does not take a prophet to see, as John Bright sees, that European countries are fast drifting into catastrophies—catastrophies that the United States may not altogether escape either, if this policy be pursued to its final conclusion. And yet in all this the President seems to see but a purpose on the part of the debtor class to pay in a depreciated metal! In his message he says:

> The so-called debtor class * * * are not dishonest because they are in debt, and they should not be suspected of a desire to jeopardize the financial safety of the country in order that they may cancel their present debts by paying the same in the depreciated dollars.

This apology for the debtor class might be called for if that class were seeking to add to gold and silver another metal, in order that the whole mass might be diluted and the volume of money thereby increased, making money more plenty, so that the prices of labor and commodities would be made higher and debts thereby more easily discharged. But what shall be said of the creditor class, conspiring as it has throughout the civilized world to change the money standard by taking out of the money volume one of the metals that has been recognized from the earliest dawn of civilization as a money metal? Ah! it is the creditor, and not the debtor, that is asking to have the standard changed, the scale altered; it is the creditor that is asking for the dearer and larger measure, not the debtor for a smaller or cheaper.

The Secretary of the Treasury in his late report says: "Changing the

measure changes nothing except the ownership of the property of the losing ones." I can but look upon this expression as an unfortunate one and regret that it was admitted into an official report. When one man robs another, possession, but not ownership, is changed. It requires the legalization of robbery to change ownership; but in ethics robbery is robbery, and lending the sanction of governments to it does not justify it. Indeed the perfection of the art of robbery by wholesale is to create vast debts by one scale and require payment by another. The ancient modes of conquest and plunder by tyrants, sea-kings, and pirates sink into insignificance when compared to this modern way of sequestrating to the few the wealth produced by the many.

The act demonetizing silver in this country in 1873 was a satanic device to work out this very end, and it is no wonder that no one has had the courage to come forward and claim its authorship. More injustice, fraud, and iniquity have grown out of this act than out of any act of confiscation or spoliation ever inflicted upon mankind.

But silver has fallen, it is claimed. Fallen as compared with gold for reasons I have given. Yes; but as compared with commodities, no. As compared with labor, no. An ounce of silver will buy more labor now than ten years or five years ago. It will take more labor, or more of the produce of labor, to discharge a mortgage now in silver bullion than to have discharged it in gold ten years ago. It will take more labor-energy to pay the remaining national debt in silver now than it would to have paid it all in gold fifteen years ago.

THE EFFECT ON INDUSTRIES.

But the effect of reducing the world's money to one metal is not only to increase debts; it at the same time breaks down industries and stops the accumulation of wealth. While the transition is going on prices necessarily fall to lower and lower levels. Production can not go on prosperously with falling prices. It is at this point that labor and the future welfare of the great mass of the people enter into the problem. "Not gold but industry causeth a country to flourish," says Bishop Berkeley. Whatever destroys the industries of a country checks the production of wealth and strikes at the very life of the people.

As industries are organized in modern civilization, labor and capital are so related that they must thrive together or not at all. Laborers can earn bread only when industries are in motion. Industries will continue active only so long as profits can be made. But with prices constantly going down profit on industrial capital is impossible. If what is produced one month is worth less the next, profits will disappear. I need not follow the various steps that must be passed through, the struggles, the strikes, and the lockouts that always attend manufacturing on falling markets. It is a road that necessarily leads to bankruptcy if followed long enough.

Contraction of a currency operates first on credit and by undermining and breaking down credit acts with compound force on production. A difference of a thousand millions' worth in the gross products in a country like ours may be easily made by a disturbance in the relations of money and credit to production. I believe it could be shown that the contraction in the money volume then taking place had the effect to reduce the gross products of this country by more than two thousand millions it 1877. How much the productions of the country have been lessened by the shrinkage of the money volume during the last three years can not be determined; but one thing is certain, and that is that a shrinking volume of money, crippled industries, idle labor, hard times, and general distress, inevitably go together.

These conditions stand related as cause and effect. There never has been a period of great distress growing out of diminished production and bad trade, that was not preceded by a contraction of money, nor a period of prosperity that was not supported by a sufficiency of money.

Alexander Baring, in his evidence before the parliamentary committee of 1819, said: "The consequences of a contraction or expansion of the amount of money in a country seem more felt during the progress of such contraction and expansion than from any positive amount of money at any one given period." In short, money is to capital employed in industries what industrial capital is to labor. It is the motive power behind both. Withdraw it, and capital is forced to suspend, machinery stops, and the hands of labor are tied. Then comes the struggle for life. Strikes, disorders, and social troubles follow.

It is—

Says M. De Laveleye, before quoted—

in the shadow of a shrinking volume of money that disorders, social and political, gender and foster, that communism organizes, that riots threaten and destroy, that labor starves, that capitalists conspire and workmen combine, and that the revenues of government are dissipated in the employment of laborers or in the maintenance of increased standing armies to overawe them.

Is not this what the cable announces as taking place in the heart of populous London to-day? The shrinkage in the world's money is the primary cause of trade depression everywhere, and of the want which finds expression in these uprisings of the suffering people.

Is it not true, then, that the future welfare of the country and the world is profoundly involved in this great issue? The injustice may not be so manifest and glaring as in the case of debtors, but I believe the effect of making gold the only money will be to reduce in a generation more people to a condition no better than slavery than ever there were of black slaves in this country, or than ever there were slaves of any color anywhere at any one period of the world's history.

I have shown how capital stands related to labor. Limit the money volume to gold; make it so small that banks can control it, and power over all is concentrated in their hands. What must follow may be seen from an extract from a London bank circular put out as far back as 1862. I do not vouch for the authorship, but it is a scrap I have saved. Somebody wrote it, and it shows that somebody saw a long way into the future. What has not already been realized will be accomplished by the complete demonetization of silver. The circular contains the following:

Slavery is likely to be abolished by the war and be destroyed. This I and my European friends are in favor of, for slavery is but the owning of labor, and carries with it the care of the laborer, while the European plan led by England is capital controlling labor by controlling wages. This can be done by controlling the money. The great debt that capitalists will see to is made out of this war must be used as a measure to control the volume of money. To accomplish this they (the bonds) must be used as a banking basis. We are now waiting to get the Secretary of the Treasury to make this recommendation to Congress. It will not do to allow the greenback, as it is called, to circulate as money any length of time, for we can not control them. But we can control the bonds, and through them the bank issues.

No doubt that changing our standard to gold alone would bring us onto the European plan of finances.

But before this can be accomplished in this country the power of the people must be utterly destroyed. Republics can not stand on such a foundation, nor can thrones or empires very long, in these days.

I have stated some of the consequences which in the nature of things must follow the abandonment of silver. These conclusions, it is believed, are in accordance with monetary principles founded upon experience. Economic science, like every other science, rests upon certain general conceptions arrived at by the method of inductive logic applied, since the days of Bacon, to all scientific inquiry.

Conclusions to stand must conform to these general principles. The chief value of what is known as the historic method in political economy is to test the soundness of *a priori* conclusions. Let us apply this test to the conclusions I have drawn.

Take the monetary situation as it stood thirteen years ago. Until the change then inaugurated everybody had the right to have gold or silver converted into money without limit. For indefinite ages these metals had both been separated from everything else and set apart by the common consent of mankind and the decrees of nations as money metals. Their value depended upon the quantity in use on the one hand, including the annual yield of the mines and the demand for them for all uses on the other. Governments declared the ratio at which they should be coined and there left them. The production, trade, and commerce of the world were based upon and had become adjusted to the mass of the two metals.

The annual production of the mines answered the increasing needs of commerce, especially since the discovery of the American continent. This condition, I say, continued until thirteen years ago, when a disastrous monetary revolution was inaugurated. I can not go into the details of this movement here. I have time to deal only with consequences. What have the consequences been? Has the world gained by the change? Has any country gained by it? Has trade been more prosperous? Has wealth accumulated faster? Has the condition of the laboring classes been improved? On the contrary, has it not been a period marked by falling prices, impeded industries, growing distress among laboring classes in all countries, increased bankruptcies, and the reduction of vast numbers of people from small capitalists and independent property-holders to mere wage earners?

At the very beginning of this movement against silver, in 1873, a great statesman, Disraeli, with wonderful foresight predicted as necessary consequences the very things the world has since experienced. He said, "We must expect great disturbance in monetary affairs, decline in prices, falling off in trade, the ruin of manufactures, and distress among laboring classes."

Wolowski, Seyd, and a few other economists foresaw what must follow the war on silver, and results have shown with what marvelous precision they calculated the force of the revolution then just begun. But in order to bring out more clearly and to exhibit historically the effect of the partial transition from bimetallism to gold monometallism let us compare two periods that come within the observation of most of us.

Take the quarter of a century from 1850 to 1875, after the discovery of the gold fields of California and Australia. Leave out the effect of the temporary issue and withdrawal of paper money, which must be considered as a force acting as a disturbance to more permanent forces. During this period there was added to the world's supply of the precious metals about $3,500,000,000 of gold and $1,700,000,000 of silver, and of this sum of over $5,000,000,000, $3,000,000,000 went to swell the money volume. In 1852 the production of gold ran up to $180,000,000. The mints of Europe during this period coined annually an average of about $125,000,000.

The average annual production of gold alone, it will be seen, during the twenty-five years under consideration, was about $140,000,000, and silver about half as much, or about $210,000,000 of both, with the right, as I have said, to have it all converted into money at most of the great mints of the world. I have not time here to enter into details of the growth of production, trade, and commerce during this period. Suffice

it to say that no other such period is to be found in the history of civilization. Now mark the change, beginning with 1875. Gold production has fallen off nearly one-half and silver coinage has been stopped, except the coinage of twenty-five millions worth of bullion a year in the United States. We have coined gold, but it has been largely gold from stocks from other countries.

Perhaps a clearer view of this monetary revolution can be had if we put the decade from 1863 to 1873 and that from 1873 to 1883 side by side. During the first decade there was added to the stock of metallic money in Europe, by the coinage of new metal from the mines, over $1,250,000,000, France alone coining $60,000,000 a year. That was a decade of great prosperity, as all will admit. In 1873 the monetary revolution—the movement to demonetize silver—began to take effect. See what has followed. Instead of a coinage of $125,000,000 of new money a year almost none has been coined, and the great mints of England, France, and Belgium are now practically idle.

On the other hand, Germany began to melt down silver coins and buy gold. The United States soon after began to accumulate gold for resumption; then Italy; so that of the stock of gold before existing in Europe, Germany took about $400,000,000, the United States $400,000,000, and Italy $200,000,000. These facts placed side by side show that in the one decade $1,250,000,000 was added to the European stocks of money; in the other little or none was added, but $400,000,000 was drawn to the United States and $600,000,000 spread out over countries theretofore using paper or silver. This was the "scramble for gold" we have heard about. It was the "too small blanket" Bismarck said the world was contending for, and yet they tell us that gold has not changed in value, but that silver has fallen, and that the remedy for the hard times is now to lay aside silver!

Comparing the business prosperity of these two decades, we find just the results that were predicted, just the condition of things that always has and always will attend on a shrinking volume of money. History, therefore, but confirms what monetary science teaches.

Turning to the future, what is before us?

First, this startling fact presents itself. The production of gold has fallen off, while consumption in the arts and dentistry has increased until the whole annual production of $93,000,000 is consumed for other purposes than money. More than this. Geologists agree that the future supply of gold is destined to diminish. All the great accessions of gold have come from placer mines, not from veins. Few countries remain which have not been well enough explored to render it certain that no more great placer mines will be found.

With no new gold for money and silver ruled out, where is our future money supply to come from? This is the question I address to the advocates of gold and to those who say stop the coinage of silver. The gold mines yield us now no money. Every ounce they yield is absorbed in the arts, for ornaments or use in dentistry. A little calculation shows that the annual production of gold is but about 7 cents for each of the world's population, or $2.25 to each inhabitant during the average lifetime of a generation. Nor is there any hope of improvement in the situation as to gold. Now shut off silver, and whence, I repeat, is the supply of metallic money to come? How is the stock in hand to be kept good even?

This is a question we must meet. I would like to have the gentleman from Maryland [Mr. FINDLAY], who has just spoken so eloquently for gold, meet it. It can not fail to impress profoundly every reflecting mind. It is the question above all others for the statesmen of this day. It affects not one country merely, but all countries; not one class merely, but all classes and all populations; not this generation alone, but future generations as well.

It would not be so serious a question if population was at a stand. But population in this country is increasing at the rate of 3½ per cent. per annum. In a period but little longer than has elapsed since the close of the late war the population of the United States will have reached a hundred millions. Is there to be no more money for a hundred millions of people than for fifty-eight? If so, I ask again, what is it to be and whence is it to come? It must not be forgotten that the same amount of paper can not be kept at par with gold as with gold and silver together.

It may be answered that it is only proposed to stop coinage temporarily; that there is no intention of abandoning silver. This is nonsense. Stop the coinage of silver without providing for its use as money in some other way, and it is the last of bimetallism not only for this country but for the world. What tremendous consequences then hang on this issue! Once the "superior" metal is enthroned as the sole standard and it will never give place again to silver. The plea that by stopping coinage here other countries will be forced to agree with us on a common ratio is a delusion. Stop coinage now without some substitute and it is stopped forever. No, Mr. Chairman, the issue between bimetallism and gold monometallism is distinctly raised by the advocates of gold, and it must be fought out on that line here and now. A step backward is a surrender. Let that be understood.

I propose next to consider

THE OBJECTIONS TO SILVER.

It is claimed, first of all, that unless the coinage of silver is at once stopped gold will go to a premium and go out of circulation, and that the rest of the currency will thereupon fall to the level of the bullion value of silver. However impossible such a concurrence of events may be, no doubt such apprehensions are seriously entertained. I recall to your mind, Mr. Chairman, the fact that two years ago delegations representing boards of trade from different parts of the country came to Washington predicting the immediate expulsion of gold from the country, and endeavored to arouse Congress to a sense of the "great danger" that threatened us, and urged that safety lay only in the immediate suspension of silver coinage. These predictions have been repeated over and over again from that time to this. Are these fears and these predictions of disasters to come well founded? If so, good reasons ought to be given for them. On the other hand, if they are groundless, that ought to be shown. Let us, if possible, go to the bottom of this matter and see on what foundation these predictions rest.

1. Something more than one-third of our total money volume is gold. The last mint report gives the relative proportions of the currency in round numbers as $625,000,000 of gold, $300,000,000 of silver (including subsidiary coins), and $650,000,000 of paper. To what extent gold or other parts of the money volume are in actual circulation I will not stop to consider here.

2. It will be admitted that if gold goes to a premium it will go out of circulation. The result would be, of course, a sudden contraction of the total volume by more than one-third.

3. At the same time this contraction takes place it is claimed by those who make these predictions, the remaining currency—less than two-thirds of the whole—will immediately fall to the level of silver bullion, or 20 per cent. below the level of gold. That is, simultaneously with a contraction of the money volume by one-third there will be a depreciation of the remaining two-thirds by 20 per cent.!

When this proposition is clearly stated, I think it is fully enough argued. It is impossible that a dollar in a volume of money, after one-third of the whole has been taken away, population and wealth remaining the same, should have less value than a dollar of the whole volume. In other words, contraction and depreciation can not take place at the same time. These are conditions that can no more exist together than the bushel measure can be made larger and at the same time hold less. But inconsistent as is this proposition, it is nevertheless the one on which hang all predictions that gold will go to a premium and other money at the same time fall to the bullion value of silver.

Pressed to the wall on this theory, they tack about and say, "No, prices will not rise; they will fall, and silver and paper will appreciate, not depreciate." Putting these conditions together in logical order they would stand as follows:

1. Gold will go to a premium, resulting in a sharp contraction.

2. Prices will then fall; or, which is the same thing, money will rise—that is, will buy more.

So far cause and effect stand in logical relations. But if silver and paper, because of a contraction of volume, appreciate, how are they at the same time to fall 20 per cent. below gold? Like the first proposition, it is only necessary to state it clearly to refute it.

But let us go a step further. Our trade balances show conclusively that prices in this country are not now above the gold or international level of prices. If they fall, then they must go below the gold level; that is, silver and paper will rise above the gold level of values. Gold could not possibly stand at a premium under such conditions, nor does gold ever leave a country where prices are below the gold level. Gold goes to, not from, such countries.

I do not say there might not be a panic or a sudden scare that would cause gold to hide for a brief time, or that bankers might not combine to put gold temporarily to a premium; but I do say that the equilibrium would soon restore itself. To prevent this the world's money must be locked up and the world's commerce be stopped. No, gentlemen; better reasons must be given for these Cassandra prophecies, or they will not be believed. Some way must be found to get gold out of the country without involving violent contraction, a fall of prices, and the depreciation of the money left all at the same time.

HOW GOLD MAY BE EXPELLED.

Gold passes from country to country on the tide of high prices and in no other way.

When a currency other than gold becomes so redundant in any country as to carry prices above the international level adverse trade balances will follow, and gold or some equivalent must pass in settlement. Until securities came into use in settlement of such balances the precious metals only, and chiefly gold, were used. Undoubtedly if our volume of money should be so augmented as to fill the channels of trade to the overflow level independently of gold, gradually, as prices rose, gold would go out of the country. But if the outflow produced contraction, that itself would check the upward movement of prices, and this in turn would check the outflow of gold.

The rise and fall of prices, like a pendulum, controls the movement of gold. Nor can gold be kept at any considerable premium until it has been well-neigh all expelled from the country in the manner I have indicated. The question how large a currency would be required to expel

all our gold, or how large an accession to our present currency would be necessary to start a movement in gold, may be answered in general terms as follows: Any country which sustains a volume of money other than gold equal to its distributive share of the world's money, or, which is the same thing, sufficient to maintain prices at the international or gold level of prices, will lose its gold, if it has any.

But if it has a less volume of other money than its distributive share of the world's money supply, as determined by international prices, then gold in sufficient amount to keep up the equilibrium will flow to, or stay in, such a country. That gold remains here is proof that our silver and paper do not alone constitute our share of the money of the world. How much must be added to make up our share independently of gold can not be forecalculated. The laws of trade, abundance here and scarcity abroad, are incalculable factors in determining beforehand the flow of gold. When, and under what conditions, then, will coined

GOLD AND SILVER PART COMPANY?

Gold and silver coins are of equal value now. The value of one thing is another for which it will exchange. Silver coins will exchange for as much of anything as gold coins. This is the crucial test of value, and there is no other. A silver dollar will buy as much of anything and everything as a gold dollar will. It will even buy of the miner the gold that will make a gold dollar; and having the same value everywhere in this country, it has the same value in every other country, less, possibly, the cost of sending it back here. All talk, therefore, of 80-cent dollars is sheer nonsense. These coins will "part company" only when silver, with the paper in use with it, has become so redundant as to fill the channels of trade to the overflow level, and on the tide of high prices send the gold, or the most of it, out of the country.

There must first be, I repeat, silver and paper enough to raise and sustain prices above the gold or international price-level before gold in any considerable amount will leave the country and before there can be a premium or more than a normal premium on gold. Gold can not now go to a premium and go out of circulation without producing violent contraction, which is equivalent to saying it can not go to a premium at all under existing circumstances, and nobody proposes such an inflation as will separate the coin of the two metals. But does not cheap money, my distinguished friend from Maryland asks, drive out dear money? Yes. But a dollar of cheap money can not expel a million dollars of dear money, nor one million a hundred millions, nor a hundred millions five hundred millions. Gresham's law is seldom correctly stated. Cheaper money will drive out dearer money, but only to the extent of its own volume. To drive out six hundred millions of gold, therefore, there must be six hundred millions of other money put in its place. One hundred millions can not, will not expel six hundred millions.

But, again, even if all our gold should be expelled, it does not follow that our money would then fall to the present level of silver bullion, or 20 per cent. below gold. It would only fall to that level when prices—not necessarily all prices, but prices of commodities that enter into international trade—had risen 25 per cent. above the gold level. For a fall of 20 per cent. in prices is equal to a rise of 25 per cent. in money. To sustain prices at such a level would require, as I have shown, a largely redundant currency. Meantime, while this was taking place, the gold would go to other countries, swelling the money volume and raising prices there. Just where gold premiums and price-levels would stand in such changes no one can tell. The elements in such a problem are too complicated and difficult to admit of definite calculation.

But let us take the exact problem that now presents itself in this country. The President in his message says:

> There is certainly not enough silver now in circulation to cause uneasiness; and the whole amount coined and now on hand might, after a time, be absorbed by the people without apprehension; but it is a ceaseless stream that threatens to overflow the land which causes fear and uncertainty.

It is admitted here that there is no danger from the silver coined up to this time. Very well. Our population has probably reached 58,000,000. Our money amounts to about $25 per capita. To maintain this proportion of money to population and wealth about $50,000,000 of additional money a year is required, and this increment should increase with the increment of increase in population.

But we are coining but about $28,000,000 of silver. There is then, at the end of each year, a deficiency rather than a redundancy. To bring this relation more clearly to view, suppose we go on coining $28,000,000 a year for ten years. We will then have added $280,000,000 to our money volume. But meantime population will have increased by at least 20,000,000, and wealth, in all probability, in a greater ratio. To maintain the same ratio to this new population of 20,000,000 that now exists without "causing uneasiness" at least $500,000,000 of additional money will be required.

If the present volume need cause no uneasiness, why then need the larger volume, with a larger population to use it, cause uneasiness? The truth is, if no more than $28,000,000 a year of silver is coined there will be an increasing scarcity and not a redundancy of money, which will be felt in falling prices, unless this condition is relieved by accessions of gold or other money. Because the coinage of silver since 1878 has not kept pace with needs for money gold has increased during this period by more than $400,000,000. In fact, during the past year we have gained $18,000,000 of gold by imports and as much, more the product of our own mines. So that we are now in fact farther from a separation of the two metals as money than when the act of 1878 was passed, or any time since.

But suppose the coinage of silver should be stopped. What then will be the situation ten or twenty years hence? Is there to be no more money for a hundred millions of people than for fifty-eight millions? It is plain that to shut off money supply from an increasing population is in effect the same as to contract the money volume with a stationary population. Think of contracting the money volume 3 per cent., or $45,000,000 a year, for ten years! What would be the condition of the country at the end of that time? But it would be no worse than to stop money supply with population increasing at the rate of 3 per cent. a year.

I think it is made clear enough, without pursuing this reasoning further, not only that the stream of increasing population will absorb, and more than absorb, the "ceaseless stream" of $28,000,000 of silver coins a year, but that to dry up this stream without providing some other supply would be a veritable cause of "uneasiness," and would be ruinous in its consequences.

It has been suggested that the volume of our circulating medium may be largely increased through instrumentality of national banks. For one I prefer the silver or silver citificates. But surely if silver will "drive out gold," national-bank notes will have the same effect. Indeed, if there were any real danger of driving out gold now, why would it not be better to contract bank notes than to stop silver? The withdrawal of $50,000,000 of bank notes would have the same effect as the melting down of $50,000,000 of silver coins. But I am not suggesting that there is any such necessity upon us. I think on the contrary that some provision is needed for supplying the place of bank notes as they are retired.

But suppose some gold should leave us. It is said that the gold is now largely hoarded. It would go then from the hoards and not from circulation. Fifty millions of gold transferred to the other side would swell the volume of money there and help the market for our cotton, meat, and breadstuffs. I do not hesitate therefore to say that it would be better to let some of our gold go where it will help markets for our products than to keep it locked up here; better active there than in hoards here. Our coins will not part company and stay parted if fifty or even a hundred millions of gold drawn from hoards should go abroad.

The objection that gold is paid out for silver for coining I confess I cannot understand. There is certainly no law requiring it, and no reason that I can understand exists why payments have been or should be made in that way. Silver dollars will buy just as much silver metal as gold dollars will.

Mr. BLAND. Does not Mr. Coe give the reason when he says it was to avoid the necessity of paying out silver certificates?

Mr. WARNER. That may be a reason, but it is not a good reason.

But the shallowest plea of all is that the laborer will suffer by being paid in depreciated dollars. The distinguished gentleman from Maryland who has preceded me has laid great stress on this plea.

In the first place silver dollars are not depreciated. They are equal in value, as I have shown, to gold, and we are trying to prevent the further appreciation of the gold dollar. The fact, however, is that the whole theory on which this plea is made is fallacious. Who is simple enough to suppose that a laborer can get for his labor the same number of dollars after they have been doubled in value as before? Can you increase wages by simply increasing the value of money? If that could be done, all that would be necessary to secure high wages would be to increase the weight of coins, or in any other way make money dearer. Again, a dollar becoming dearer means that more commodities or more of the products of labor, must be given for it. Commodities in the last analysis are but labor crystallized; hence, when more commodities must be given for a dollar more labor must be given. How can you have a dollar that will at the same time command less labor and more of the products of labor? No, gentlemen, when dollars become dearer and commodities cheaper, labor gets cheaper too. There is no escaping that, and the absurdity of the claim that dollars can be made dearer and labor still get as many of them is exposed when the case is fairly presented.

But the mischief to the laborer, of making money dearer, is that he gets nothing to do, and consequently gets no dollars at all. I have already shown that falling prices—which is only the opposite side of the balance to rising money—undermines all industries and leaves labor without employment; for when the manufacturer gets no profits, capital no interest, the laborer gets no wages. The essential thing for the laborer is employment, it is work whereby he can earn bread, and it matters little to him whether he gets his pay in half dollars or full dollars, if he only gets enough of them. The laborer understands all this, and can not be deceived by the sort of sophistry the gold advocates resort to. Indeed, the attempt to make believe that a gold standard is in the interest of the "poor laborer" is little short of ridiculous. It is but the devil masquerading in the guise of a saint.

But we are told that

SILVER WILL NOT CIRCULATE.

On the 31st day of December, 1885, there was in the Treasury altogether $507,661,446; 72,335,765 of this were in silver dollars, unrepresented by outstanding certificates. The excess of money in the Treasury over

and above all demand liabilities of every kind, except greenbacks for redemption, was at the same time over $200,000,000. At the same time, too, there were $194,000,000 of interest-bearing debt subject to call. Every dollar of this two hundred millions, except the profits on the coinage of silver and income from the public lands, had been collected into the Treasury by taxes levied upon the people. There is no way in the world to get this money out but to pay it out in the expenses of the Government or on the public debt. There is no way by which the people can call this money out. It can not be got with corn nor cotton nor anything else, at any price.

And yet we are told that the silver will not leave the Treasury! Pay this surplus out on our overdue debt, and it will not come back to the Treasury except as it is taxed back. Whether the people desire to have the coin itself, or prefer certificates representing it, dollar for dollar, is of no consequence whatever. The one thing of importance is the maintenance of a stable money volume. Everything is embraced in this. If, therefore, the people prefer paper representatives, let them have it; if they prefer coin that "jingles," let them have that. In either case the money supply is kept up just the same, and that is all there is in this question.

Another objection to silver, ever ready to be offered, is, that this is the age of

CHECKS AND CLEARING-HOUSES,

and that real money is not needed as heretofore. But I deny that bank-checks are money, or that they are an addition to the money volume, or that they take the place of money. They undoubtedly facilitate the use of money and permit its accumulation in banks, where it becomes the basis of vast credit operations.

A hundred years ago merchants kept their money in their own tills, paying it out and taking it in over their counters, and the money then in trade was all actual money; and by money I mean that which has general acceptance in all payments; but now if ten merchants are doing business with a cash capital, say, of $10,000 each, the first thing they do is to deposit the cash in a bank. The bank thereby gets $100,000 cash deposits. The merchants, instead of paying money over their counters as formerly, give checks on the bank, which is simply an order to transfer cash from one to another; but the checks add nothing to the $100,000 deposited.

The addition to money or inflation is not in the checks. It is in the bank credits which arise out of this deposit. The bank finds that it can safely loan 60 per cent. of the $100,000 and still have enough left to answer all demands for currency. Accordingly it loans to others to trade on $60,000 of its $100,000 deposits, which in turn is in large part "deposited" in the same bank. Then the bank has $160,000 of deposits; $100,000 being money and $60,000 nothing but credit. Usually they proceed to loan 60 per cent of the $160,000, and thus credit is piled on credit for trading purposes. Here is where nearly all the inflation of modern times comes in, and this is what Mill characterized as robbery. Which is better, to extend this credit system or rely more on real money? Which is better, the system of France, where more money and less credit is used, or our system of more credit and less money?

Statistics are given to show what a small per cent. of payments in stock exchange and clearing-house operations is made in money; as if we had reached a period when money was no longer needed. If two men should wager a billion of dollars, first one losing and then the other the same amount, they might offset their claims and square accounts without the use of money. This would be a tremendous transaction without any money at all. But what effect would it have on the real operations of trade? Nine-tenths of the operations on the stock exchange of New York have not a whit more to do with the vast operations of producing and exchanging the ten thousand millions' worth of the products of the country—some of it many times over. It is the multitudinous transactions in the vast daily trade of the country, and the hundred millions earned weekly as wages that require money and can not be safely carried on with credit bubbles.

The mythical notion, therefore, that somehow, in some indefinable way, prices are determined not by money but by book entries, mere balancing of accounts, or one sort of sign or another, is moonshine and will not bear analytical examination. Money may be modified or diluted, so to speak, by credit; but after all credit, prices, and everything else rest on the money volume, and any alteration in that, other things remaining the same, not only affects credit itself, which, when it gives away, acts with compound force to bring down prices.

I know it is denied by the advocates of a gold standard that there is any such relation between money volume and prices as is here claimed. But if there be no such relation, why object to increasing the volume of money? If contraction will not lower prices, surely expansion will not raise them! But this class of economists is never slow to see that an increase of money will raise prices, but they would like to have us believe that contraction has no effect the other way.

Again, it is claimed that there is now more money in the country than will circulate—the banks have more than they can lend or know what to do with. My friend from Maryland did not fail to remind us of this.

But does not all the wealth of the country—railways, lands, houses, commodities, labor—stand always as offered against money? Why is not money offered more freely for property? Plainly because it is safer and more profitable at such times to hold money, which is appreciating, than other property, which is depreciating. Nobody wants to borrow money to invest on falling markets. There may be those who would borrow to pay debts, but banks do not seek this class of borrowers. In short, to invest money when prices are falling is to lose it; to keep it is to gain the increase it undergoes.

Suppose two men had $100,000 each three years ago and that one of them invested his in lands, houses, or in some industrial undertaking, while the other buried his in the earth; which would be the better off now? Doubtless the one who buried his money could buy the other out and have a large margin, above interest, left. As a matter of fact, for the last three years no one could afford to borrow money to invest and agree to pay back even the principal, saying nothing of interest. It is a law of money that with a contracting volume and falling prices it accumulates in hoards and lies idle. As in times of panic it is wise temporarily to expand the currency, so in time of great stagnation it may be wise also to provide some measure of expansion.

I agree that the

PRESENT CONDITION OF SILVER

can not be accepted as permanent. I admit that the present situation is not satisfactory, is not logical or consistent with sound monetary principles. Nothing but the restoration of silver to its ancient place as a money metal equally with gold can permanently stand. Natural regulation by the mines on the one hand and by trade on the other must be restored. There is no advantage in metallic money over paper if it is to be regulated in the same way. Silver coins upheld by legislative limitations on quantity are but greenbacks made of white metal instead of paper. The greater value of the metal as a commodity in the one case does not change the principle.

Bimetallism is the unlimited use of the two metals as money.

The right must be restored for everybody to have the two metals converted into money without limit or hinderance. Nothing short of this is bimetallism. Nothing short of this will satisfy the demands of equity. Nothing short of this will afford money supply adequate to the endless demands of the gigantic operations of modern commerce. Nothing short of this will sustain the vast industrial operations of the modern world, in which labor has such a tremendous stake. I, therefore, put unlimited monetization and natural regulation before everything else. How shall this be accomplished? We have tried international conventions. The President advises us that there is no hope, at least for the present, of an agreement on a common ratio between the two metals.

Meantime evidence of a profound movement among the agricultural classes of Germany in favor of silver, "with or without England," comes to us. They see the mistake they made in 1871. England on the other hand adheres to her policy of gold monometallism, inaugurated by Lord Liverpool in 1816 when gold was the cheaper metal. England is a creditor nation, and the power that controls the government is the money power. Indian exchanges may be an inconvenience in government transactions with India, but on the other hand every fall in silver operates as a bounty on the wheat and cotton of India.

A thousand pounds sterling will exchange for not quite five thousand silver dollars in the United States; but with free coinage of silver in India it will now command silver that will make 13,050 rupees, which are equal to $6,329. Rupees have fallen very little in India relatively to commodities. They will buy as much wheat and cotton now as when silver stood at the ratio of 15½ to 1 in Europe; consequently the buyer of wheat or cotton in Liverpool finds that by converting his thousand pounds sterling first into silver bullion and then into rupees at Calcutta he gains $1,300, or 26 per cent. over exchanging it for silver coins in the United States, or which is the same thing to him, into American exchange. Every fall in silver, therefore, operates to lower the price of American wheat and cotton at Liverpool and correspondingly at New York and Chicago.

This explodes the notion that we should stop coinage here in order to compel England to unite with other countries on a common ratio. The proposition also that we must close our mints and await the action of other countries as the best way to establish bimetallism must go hereafter as a mere pretense of those who want no silver. We can not rest our money system on what foreign countries may do. We must act for ourselves. I do not propose to discuss here any particular plan for ourselves. I may do that another time, if there should be occasion for it. I shall favor any action that looks to the complete rehabilitation of silver. I am prepared to take a half-step if it be in this direction, but no step in the direction of gold monometallism.

I believe in the safety of well-settled principles in the science of money as in all other sciences; and such principles there are—principles which have stood the test of time; principles which have had the sanction of thinkers and writers in all ages, from Aristotle to Paulus, and which, surviving the night of the Middle Ages, reappear with Locke, Condillac, Ricardo, and Mill. By these principles I propose to stand.

> Tell me, therefore, for law sincere,
> If these meto-wands are even and sure,
> Fit for the rich and fit for the poor,
> Both to measure land and condition;
> Tell me as you would eschew perdition.

[Prolonged applause.]

Mr. MORRISON moved that the committee rise.

The motion was agreed to.

The committee accordingly rose; and the Speaker having resumed the chair, Mr. HAMMOND reported that the Committee of the Whole House on the state of the Union had, according to order, had under consideration the bill (H. R. 4833) relating to the taxation of fractional parts of a gallon of distilled spirits, and had come to no conclusion thereon.

Mr. BRADY, by unanimous consent, was granted leave to print in the RECORD the following amendment, which he gave notice he would propose at the proper time to the bill (H. R. 4833) relating to the taxation of fractional parts of a gallon of distilled spirits:

Add to section 1 the following proviso:

"*Provided*, That the provisions of this act shall not apply to brandy and wine manufactured from fruit, nor shall any such tax upon the fractional part of a gallon be assessed against any distiller engaged in the manufacture of brandy and wine from fruit."

DUTIES ILLEGALLY EXACTED.

Mr. MORRISON, from the Committee on Ways and Means, reported back the following resolution, with the recommendation that it do pass:

Resolved, That the Secretary of the Treasury be requested to inform this House what sum of money appears to be claimed in the suits begun against collectors of customs for duties illegally exacted on imported merchandise that are now pending in the southern district of New York, together with the total number of those suits, and, so far as practicable, a classification thereof according to the issues of law or fact involved in each; also, that he be requested to inform this House what judicial arrangements have been or can now be made for the prompt trial of such suits as arose in said southern district of New York under tariff laws prior to that of 1883, and for a proper disposition, at the same time, of those suits that have arisen under the last-named law; and also that he inform this House what additional legislation, if any, is in his opinion needed to enable the Treasury Department to properly defend these suits, and to finally and promptly ascertain the obligation of the Government therein, and to transmit any and all official correspondence on the subject which is in his possession and is pertinent to this inquiry.

The resolution was adopted.

Mr. MORRISON moved to reconsider the vote by which the resolution was adopted; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

And then, on motion of Mr. MORRISON (at 4 o'clock and 45 minutes p. m.), the House adjourned.

PETITIONS, ETC.

The following petitions and papers were laid on the Clerk's desk, under the rule, and referred as follows:

By Mr. BRAGG: Petition of Stephen Pine, Beaver Dam, Wis., asking relief for destruction of property, &c., during the late war—to the Committee on War Claims.

By Mr. BURNES: Memorial of Hon. H. M. Garlicks, Dr. Joseph Malin, and others, for the protection and preservation of the fish in Big Stone and Traverse Lakes, in the State of Minnesota and Territory of Dakota—to the Committee on Agriculture.

By Mr. COMPTON: Petition of James Crutchett, for payment of property taken by the Government, from military necessity, and promised to be paid for—to the Committee on War Claims.

By Mr. ERMENTROUT: Memorial of the State Viticultural Association of California—to the Committee on Ways and Means.

By Mr. FORNEY: Petition of James M. Smith, of Cherokee County; of Hugh W. Carden, heir of C. C. Carden; of Mary Smith, heir of Milly Wells, deceased; of Stephen Hurley, jr., son of Stephen Hurley, deceased; of A. H. Starling; of Ebenezer Cunningham; of Nancy Starling; of John H. Vandiver, administrator of John D. Vandiver, deceased; and of Samuel Starling, one of the heirs of William Starling, deceased, of Cherokee County; of Sallie M. Elliott, daughter and heir of John R. Whitlock, deceased, of Calhoun County, Alabama; and of R. T. Coles, administrator, praying for reference of their claims to the Court of Claims—to the Committee on War Claims.

By Mr. GOFF: Petition of Harriet Murphy, for dependent mother's pension—to the Committee on Invalid Pensions.

By Mr. HEWITT: Resolutions of the Maritime Exchange, in favor of an appropriation for removing shoal in Buttermilk Channel, harbor of New York—to the Committee on Rivers and Harbors.

Also, resolutions of the American Institute of New York, in favor of a bill for the relief of Joseph Francis, inventor of the life-saving apparatus—to the Committee on Commerce.

By Mr. HAYDEN: Petition of F. W. Nickerson & Co. and other merchants of Boston; and of Daniel W. Job and others, of Boston, in favor of a general reciprocity treaty with the Dominion of Canada—to the Committee on Foreign Affairs.

By Mr. HEPBURN: Petition of Martha J. A. Rumbaugh, for relief—to the Committee on Military Affairs.

By Mr. HERMAN: Petition of citizens of Oregon, for a constitutional amendment for election of United States Senators by direct vote of the people—to the Committee on the Judiciary.

By Mr. HITT: Petition of Margaret T. Skiff and 31 others, citizens of Rockford, for the passage of Senator Blair's resolution for a sixteenth amendment forbidding disfranchisement on account of sex—to the same committee.

By Mr. F. A. JOHNSON: Papers relating to the claim of John A. Trook, administrator of the estate of William Hughes—to the Committee on War Claims.

By Mr. KING: Papers relating to the claim of Dr. Robert Carter—to the same committee.

By Mr. LINDSLEY: Petition of Henry B. Seely, to be restored to his former rank in the Navy—to the Committee on Naval Affairs.

By Mr. LOVERING: Petition of P. J. Lawlor, for reimbursement for lost check issued by Treasury Department—to the Committee on Claims.

By Mr. McCOMAS: Petition asking the prohibition of the liquor traffic in the District of Columbia—to the Committee on the District of Columbia.

Also, petition for national inquiry into the alcoholic liquor traffic by the Baltimore Yearly Meeting of Friends—to the Select Committee on the Alcoholic Liquor Traffic.

Also, petition of the Yearly Meeting of Friends for a constitutional amendment that will prohibit the manufacturing, importation, and sale of all alcoholic beverages throughout the United States—to the Committee on the Judiciary.

By Mr. MAYBURY: Petition of William G. Brownlee and others, citizens of Michigan, for the importation of food-fishes free of duty—to the Committee on Ways and Means.

Also, petition of the Detroit Board of Trade and of Archer Manufacturing Company and others, for the improvement of the River Rouge—to the Committee on Rivers and Harbors.

By Mr. MILLARD: Petition of Hallam Eldredge, representative of the estate of Mary Ann Montgomery, for relief—to the Committee on War Claims.

By Mr. NELSON: Petition of Fannie E. Smith and others, of Brainerd, Minn., asking for a constitutional amendment giving women the right of suffrage—to the Committee on the Judiciary.

By Mr. CHARLES O'NEILL: Memorial of Mrs. Blanch Wendell Woodward, widow of Joseph J. Woodward, late surgeon United States Army, asking for an appropriation for the services of her late husband while in attendance upon the late President Garfield—to the Committee on Appropriations.

Also, petition signed by aged and disabled seamen and maimed beneficiaries of the United States naval asylum at Philadelphia, the oldest of whom is ninety-two years of age, praying for a law in reference to receiving such pensions as applies to soldiers who are beneficiaries of the soldiers' national homes, so that their pensions may be no longer forfeited when they enter a naval asylum—to the Committee on Pensions.

By Mr. OUTHWAITE: Petition and papers for the removal of the charges of desertion against John M. Hartman—to the Committee on Military Affairs.

By Mr. PERKINS: Petition of Charles R. McClung, of Cowley County, Kansas, praying that his war claim be referred to the Court of Claims—to the Committee on War Claims.

By Mr. T. B. REED: Petition of William B. Lowery and others, longshoremen of Portland, Me., in aid of the bill to relieve the cooperage trade—to the Committee on Ways and Means.

By Mr. RIGGS: Papers relating to House bill 4877, for relief of Edward Leahy—to the Committee on Invalid Pensions.

By Mr. SAWYER: Petition asking that the manufacturers alone be liable for infringement of patents—to the Committee on Patents.

By Mr. SCRANTON: Petition of Protective Local Assembly No. 222, Knights of Labor, praying for the organization of a Territorial form of government in Indian Territory, &c.—to the Committee on the Territories.

By Mr. SENEY: Memorial of Print-cutters' Union of United States, for an increase of the tariff on wall-paper—to the Committee on Ways and Means.

By Mr. SINGLETON: Papers relating to the claim of Penelope Augborn—to the Committee on War Claims.

By Mr. SPOONER: Petition of Abbie L. Whipple, of Ashton, R. I., that act of Congress approved March 3, 1883, concerning salaries of postmasters, may be enforced—to the Committee on the Post-Office and Post-Roads.

By Mr. STRUBLE: Petition of John Dougherty and 81 others, citizens of Iowa, praying for the forfeiture of the unearned lands granted to the State of Iowa to aid in building the Sioux City and Saint Paul Railroad—to the Committee on the Public Lands.

By Mr. O. B. THOMAS: Petition of the members of the Wisconsin Short-horn Breeders' Association and of Alex. Arnold and 60 others, prominent men of the State of Wisconsin, praying for legislation to control and suppress contagious diseases among domestic animals—to the Committee on Agriculture.

By Mr. WADE: Petition of Henry Lahmar and others, asking for a bill embodying the recommendations of the national pension committee of the Grand Army of the Republic—to the Committee on Invalid Pensions.

By Mr. J. B. WEAVER: Petition of S. W. McClain and 85 others, and of W. J. Stewart and about 45 others, of Iowa, praying for the organization of Oklahoma Territory—to the Committee on the Territories.

By Mr. WELLBORN: Resolutions of the city council of the city of Dallas, Tex., subscribed by the mayor and other members, asking Con-

gress to provide for securing deep water at Galveston—to the Committee on Rivers and Harbors.

By Mr. WHEELER: Petition of Miller Ishell, of Jackson County, Alabama, asking that his claim be referred to the Court of Claims—to the Committee on War Claims.

By Mr. WILSON: Petition of the heirs of David Colman, deceased, late of Jefferson County, West Virginia, asking reference of his claim to the Court of Claims—to the same committee.

The following petitions, praying Congress to place the coinage of silver upon an equality with gold; that there be issued coin certificates of one, two, and five dollars, the same being made a legal tender; that one and two dollar legal-tender notes be issued, and that the public debt be paid as rapidly as possible by applying for this purpose the idle surplus now in the Treasury, were presented and severally referred to the Committee on Coinage, Weights, and Measures:

By Mr. FUNSTON: Of citizens, of Redfield, Kans.; and of J. A. Towle and 180 others, of Franklin County, Kansas.

By Mr. THROCKMORTON: Of G. S. Matthews and others, citizens of Collin County, Texas.

By Mr. WADE: Of William Hynes and others, of Verona, Mo.

By Mr. J. B. WEAVER: Of M. L. Butler and 110 others, of James M. Miller and 195 others, of Kansas; of W. T. Daniel and 95 others, of Texas; of W. J. Hughes and 115 others, of Ohio, and of S. F. Beck and about 190 others.

SENATE.

WEDNESDAY, *February* 10, 1886.

Prayer by the Chaplain, Rev. E. D. HUNTLEY, D. D.

The Journal of yesterday's proceedings was read and approved.

EXECUTIVE COMMUNICATIONS.

The PRESIDENT *pro tempore* laid before the Senate a communication from the Secretary of War, transmitting correspondence as to the necessity of the appropriation asked for the construction of quarters for hospital stewards; which was read.

The PRESIDENT *pro tempore*. This communication, together with the accompanying documents, will be referred to the Committee on Appropriations and ordered to be printed if there be no objection.

Mr. LOGAN. I do not see the chairman of the Committee on Appropriations here now, but my recollection is that in the law regulating the Army, in reference to providing quarters, a hospital steward is not considered to be an officer of the Army, and therefore does not come under the regulations providing quarters for officers. Their quarters are usually with the hospitals, as their duties are there. So I think the communication ought to go to the Committee on Military Affairs to see whether a law of that kind should be passed. It is too much the case that all provisions for the Army in the last few years have been made on appropriation acts without due consideration, and unless there is something in the law passed at the last Congress on that subject, and I do not remember it, I suggest that the communication should be referred to the Committee on Military Affairs for its examination and recommendation in reference to the matter.

The PRESIDENT *pro tempore*. If there be no objection the reference will be made to the Committee on Military Affairs.

The PRESIDENT *pro tempore* laid before the Senate a communication from the Secretary of the Navy, transmitting a report of the National Academy of Sciences upon the advisability of building a new naval observatory and other subjects; which was read.

Mr. DAWES. I move that the communication and accompanying papers be printed and referred to the Committee on Naval Affairs, which has the matter of building a new naval observatory before it.

The motion was agreed to.

PETITIONS AND MEMORIALS.

The PRESIDENT *pro tempore* presented a petition of Gem City Assembly No. 2287, Knights of Labor, of Dayton, Ohio, in relation to the hours of labor; which was referred to the Committee on Education and Labor.

Mr. WILSON, of Iowa, presented a resolution of the Legislature of Iowa; which was referred to the Committee on Finance, and ordered to be printed in the RECORD, as follows:

Memorial and concurrent resolution in relation to internal-revenue tax on all and any substance in semblance of butter and cheese not made exclusively from milk or cream.

Whereas the dairy interests of this State and the United States having become a potent factor in the commercial prosperity of the people; and

Whereas certain parties are engaged in the manufacture of a semblance of butter and cheese, the ingredients of which are fat and other substances not obtained from milk or cream, and the same is being sold in all the principal cities of the United States to the detriment of the dairy interests of this and all the States comprising the United States: Therefore,

Be it resolved by the house of representatives (the senate concurring), That our Senators and Representatives in Congress are requested to present and advocate the passage of a law providing that all such manufactured articles not made from pan milk or cream shall pay an internal-revenue tax of such amount per pound as shall protect the dairy interests of the different States, and all packages containing such manufactured articles shall be stamped as provided by the internal-revenue laws of the United States.

Resolved, That a copy of these resolutions, duly signed and attested, be forwarded to each of our Senators and Representatives in Congress by the secretary of state for their information.

I, Frank D. Jackson, secretary of state of the State of Iowa, hereby certify the above to be a true copy of the original resolution as passed by the house and concurred in by the senate of the Twenty-First General Assembly of Iowa as the same appears on file in my office.

In testimony whereof I set my hand and cause to be affixed the great seal of the State.

Done at the capitol at Des Moines this 5th day of February, A. D. 1886, of the Independence of the United States the one hundred and tenth and of the State of Iowa the fortieth.

[SEAL.] FRANK D. JACKSON,
Secretary of State.

Mr. CULLOM presented a petition of Monmouth Assembly No. 2691, Knights of Labor of Illinois, praying for the passage of a law opening the Indian Territory to settlement; which was referred to the Committee on Indian Affairs.

Mr. PLATT. I present a petition signed by Mrs. Emily P. Collins, Frances Ellen Burr, and Mary Hall, officers of the Hartford (Conn.) Equal Rights Club, and other citizens of Hartford, Conn., praying for the adoption of an amendment to the Constitution providing for woman suffrage. I move that the petition lie on the table, the proper committee having reported on the subject.

The motion was agreed to.

Mr. CAMERON presented a petition of the Knights of Labor Local Assembly No. 2437, of Highland, Pa., praying for the organization of a Territorial government for the Indian Territory and for opening all of the public lands therein to homestead settlement; which was referred to the Committee on Indian Affairs.

He also presented the petition of Augustus D. Taylor, of Conshohocken, Montgomery County, Pennsylvania, praying reimbursement of money paid by him as one of the sureties on the bond given by Job H. Smith, of Philadelphia, to the Government for the payment of internal-revenue tax which might be due on crude petroleum oil refined by him in said city; which was referred to the Committee on Finance.

Mr. DAWES. I present a petition of Knights of Labor at Coldbrook, Mass.; also of Knights of Labor of West Newbury, Mass., and of Knights of Labor of Mystic, Mass., all praying for the organization of a Territorial government in the Indian Territory, the immediate settlement of the public lands therein under the homestead law, and the opening of the Indian reservations for that purpose. I move that the petitions be referred to the Committee on Indian Affairs.

The motion was agreed to.

Mr. DAWES. I present a petition from the Knights of Labor in Westfield, Mass., in the same form with these, addressed to a Senator personally, but of a different character. Their attention has been called to the great wrong which exists in present legislation in the reduction of the wages of the printers in the Printing Bureau here in Washington, and in the name of the laboring men and women of Westfield, Mass., they implore the support of their Senators and Representatives of a bill, which is copied in the petition, for the purpose of restoring the wages of the printers in the Printing Bureau to what they were previous to the present enactment. I do not know exactly to what committee the petition ought to be referred, but it is of much importance.

Mr. MANDERSON. I ask the Senator from Massachusetts whether the petition refers to the pay of printers in the Public Printing Office or in the Bureau of Engraving and Printing.

Mr. DAWES. It is set forth here to be in the Printing Office.

Mr. MANDERSON. I think it should be referred to the Committee on Printing.

Mr. DAWES. It should go, I suppose, to the Committee on Printing. If that meets the view of the chairman of that committee I ask that it be so referred, and I invoke the attention of the committee to the early consideration of the subject.

The PRESIDENT *pro tempore*. The petition will be referred to the Committee on Printing.

Mr. SEWELL presented resolutions adopted at a meeting of grocers and importers of New Jersey and Pennsylvania, and doing business in Philadelphia, favoring an increase of the appropriation for the Signal Service; which was referred to the Committee on Appropriations.

He also presented resolutions adopted by a convention of colored citizens held in the city of Washington, favoring a grant of public land for educational purposes; which were referred to the Committee on Public Lands.

He also presented a memorial of vessel-owners, captains, pilots, and shippers engaged in navigating what is known as Staten Island Sound, remonstrating against the construction of a bridge of such character as will interfere with the navigation of that water; which was referred to the Committee on Commerce.

Mr. COKE presented a petition of the Local Assembly of Knights of Labor No. 2393, of Texas, praying for the organization of a Territorial government in the Indian Territory; which was referred to the Committee on Indian Affairs.

He also presented a petition of citizens of Beaumont, Jefferson County, Texas, praying that an appropriation be made for the continuance of the

work upon the jetties at Sabine Pass; which was referred to the Committee on Commerce.

Mr. COKE. I present a memorial of the Cotton Exchange of Houston, Tex., on the subject of interstate bills of lading, declaring that an act of Congress defining the rights of the railroad and other corporations, or persons engaged as common carriers, and of holders of bills of lading in good faith, is necessary for the protection of merchants and bankers, and in fact of all who are interested in maintaining the reliability and vast usefulness of these instruments of commerce, and praying for such legislation. I move that the petition be referred to the Committee on Commerce.

The motion was agreed to.

Mr. COKE presented a petition of the National Cotton Exchange, praying that liberal appropriations be made for the Signal Service; which was referred to the Committee on Military Affairs.

Mr. HARRISON presented the petition of the Clay City Local Assembly No. 1634, Knights of Labor, of Indiana, praying the organization of a Territorial form of government over the Indian Territory and the opening of the unoccupied land therein to settlement; which was referred to the Committee on Indian Affairs.

Mr. WILSON, of Maryland, presented a petition of citizens of Wicomico County, Maryland, praying for the repeal of the compulsory silver coinage law; which was referred to the Committee on Finance.

Mr. MITCHELL, of Oregon, presented the petition of the Ocean Canning Company and other canners and exporters of Astoria, Oreg., praying the return in full of duties paid on imported material when manufactured and exported; which was referred to the Committee on Finance.

Mr. HOAR presented the petition of James Hynes, late a private in Company I, Third Regiment New Hampshire Volunteers, praying for the removal of the charge of desertion from his military record; which was referred to the Committee on Military Affairs.

REPORTS OF COMMITTEES.

Mr. PIKE, from the Committee on Claims, to whom was referred the bill (S. 165) for the relief of William H. Gray, of Kentucky, reported it without amendment, and submitted a report thereon.

Mr. HALE, from the Committee on Naval Affairs, to whom was referred the bill (S. 1298) to authorize the Secretary of the Navy to fit out an expedition to observe the total eclipse of the sun which occurs on the 29th of August, 1886, reported it without amendment.

Mr. FRYE, from the Committee on Foreign Relations, to whom was referred the bill (S. 1219) for the relief of the heirs of Martin Kenofsky, reported it with an amendment, and submitted a report thereon.

Mr. SEWELL, from the Committee on Military Affairs, to whom was referred the bill (S. 1149) allowing discharged officers of the Army one year's pay and allowances, submitted an adverse report thereon, which was agreed to; and the bill was postponed indefinitely.

Mr. DOLPH. By direction of the Committee on Claims, I report favorably the bill (H. R. 3829) for the relief of Frances E. Stewart, administratrix of Michael S. Stewart, deceased. A few days since I reported from the same committee a Senate bill precisely similar, and when that is reached on the Calendar I shall ask to substitute the House bill for it.

The PRESIDENT *pro tempore*. The bill will be placed on the Calendar.

Mr. DOLPH, from the Committee on Claims, to whom was referred the petition of John S. E. J. Crawford, praying to have his claim referred to the Court of Claims under the Bowman act, submitted an adverse report thereon, which was agreed to; and the committee were discharged from the further consideration of the petition.

He also, from the same committee, to whom was referred the bill (S. 41) for the relief of James S. Clark & Co. reported it without amendment, and submitted a report thereon.

Mr. MITCHELL, of Oregon, from the Committee on Claims, to whom was referred the bill (S. 249) for the payment of Sewell Coulson and Porter, Harrison & Fishback for legal services, reported it without amendment, and submitted a report thereon.

Mr. HAMPTON, from the Committee on Military Affairs, to whom was referred the bill (S. 794) for the relief of A. H. Von Luettwitz, reported it without amendment, and submitted a report thereon.

REPORT OF DISTRICT HEALTH OFFICER.

Mr. GORMAN, from the Committee on Printing, to whom was referred the following concurrent resolution of the House of Representatives, reported it without amendment, and it was considered by unanimous consent, and agreed to:

Resolved by the House of Representatives (the Senate concurring), That the Public Printer be, and he is hereby, authorized to print 2,500 extra copies of the annual report of the health officer of the District of Columbia; 100 for the use of the Senate, 350 for the use of the House of Representatives, and 2,050 for the use of the health officer of the District of Columbia.

SMITHSONIAN AND NATIONAL MUSEUM REPORTS.

Mr. HAWLEY. From the Committee on Printing I report the joint resolution (S. R. 33) to provide for printing the annual reports of the Smithsonian Institution and of the National Museum with a substitute in the form of a concurrent resolution, and upon that being read I shall move the indefinite postponement of the original joint resolution.

The PRESIDENT *pro tempore*. The Committee on Printing reports a concurrent resolution in the nature of a substitute for the joint resolution. The concurrent resolution will be read.

The Chief Clerk read as follows:

Concurrent resolution to provide for printing the last annual reports of the Smithsonian Institution and of the National Museum.

Resolved by the Senate of the United States (the House of Representatives concurring), That there be printed of the last annual reports of the Smithsonian Institution and of the National Museum, in two octavo volumes, 16,000 extra copies of each; of which 3,000 copies shall be for the use of the Senate, 6,000 copies for the use of the House of Representatives, and 7,000 copies for the use of the Smithsonian Institution.

The PRESIDENT *pro tempore*. The question is on agreeing to the concurrent resolution.

Mr. HAWLEY. I should like to put on record a very brief statement. We changed the resolution in another respect. It was a joint resolution and we made it a concurrent resolution, but the original resolution provided that there shall hereafter be printed these reports annually. The committee thinks it better to adhere to the old usage and bring all these matters under an annual revision, and we changed it so as to provide for printing only the reports now presented.

The resolution was agreed to.

The PRESIDENT *pro tempore*. Senate joint resolution No. 33 will be indefinitely postponed if there be no objection.

REPORTS ON ALASKA.

Mr. HAWLEY. I am also instructed by the Committee on Printing to report the following concurrent resolution:

Resolved by the Senate of the United States (the House of Representatives concurring), That the report on Alaska, by L. M. Turner, be printed with the necessary illustrations, and that 4,000 additional copies be printed; of which 1,000 copies shall be for the use of the Senate, 2,000 copies for the use of the House of Representatives, and 1,000 copies for distribution under the direction of the Chief Signal Officer of the United States Army.

The PRESIDENT *pro tempore*. Is there objection to the present consideration of the resolution?

Mr. PLUMB. I object.

The PRESIDENT *pro tempore*. The Senator from Kansas objects to the present consideration of the resolution, and it goes over under the rules.

Mr. HAWLEY. Will the Senator let me state the reasons that led the committee to make a favorable report and then interpose his objection?

Mr. PLUMB. Certainly.

Mr. HAWLEY. The reports which the committee has recommended to be printed were made by two officers of the Signal Bureau who were sent to Alaska upon that service but for certain scientific purposes were placed under the orders and instructions of Professor Baird. The first prejudice of the committee was against printing such things, for it has happened before that when gentlemen, perhaps well qualified, were stationed in similar places they busied themselves at odd hours with scientific studies and made reports which they considered very valuable and interesting, as perhaps they were, and then were very ambitious to have the Government print them. We were inclined at first to put these reports into that general class; but I send to the desk to have read a letter of Professor Baird concerning them.

The PRESIDENT *pro tempore*. The letter will be read if there be no objection.

The Chief Clerk read as follows:

SMITHSONIAN INSTITUTION,
Washington, D. C., January 16, 1886.

SIR: I have the honor to acknowledge the receipt of your letter of January 15, in reference to the reports upon the natural history and ethnology of Northwestern Alaska, made by Messrs. E. W. Nelson and L. M. Turner, meteorological observers in that country of the Signal Service. By the courtesy of the Signal Office the natural history labors of these gentlemen were prosecuted under the direction of the Smithsonian Institution, which furnished instructions and the necessary material for the same, while the reports of these gentlemen were prepared at the Smithsonian Institution with the assistance of the collaborators of the National Museum.

I am, therefore, quite ready to say that the results obtained are of exceptional interest and value, as furnishing the only accurate and reliable information at our command upon the vegetable, animal, and mineral resources of the region, the productiveness and character of the soil, and other points of great practical interest in connection with the future of that country. Detailed notes of observations of their habits and life characteristics were secured by these gentlemen, with collections of specimens in such great magnitude and variety as to have made the National Museum pre-eminent by their possession.

The publication of these reports is therefore extremely desirable, as representing the only detailed and extended information at our command of a large region belonging to the United States.

Very respectfully,

SPENCER F. BAIRD.

General W. B. HAZEN,
Chief Signal Officer.

The PRESIDENT *pro tempore*. Is there objection to the present consideration of the resolution?

Mr. PLUMB. I object, Mr. President.

The PRESIDENT *pro tempore*. Objection being made, the report goes over, and the resolution will be placed on the Calendar.

BILLS INTRODUCED.

Mr. SHERMAN introduced a bill (S. 1445) for the relief of William T. Crump; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Pensions.

He also introduced a bill (S. 1446) granting a pension to Anna Nation; which was read twice by its title, and referred to the Committee on Pensions.

Mr. ALLISON (by request) introduced a bill (S. 1447) to refund certain fees improperly paid into the Treasury; which was read twice by its title, and referred to the Committee on Claims.

He also (by request) introduced a bill (S. 1448) to empower the district and circuit courts of the eastern district of Pennsylvania to hear and determine the claims of William Brindle; which was read twice by its title, and referred to the Committee on Claims.

Mr. COCKRELL introduced a bill (S. 1449) for the relief of John W. Johnston; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Military Affairs.

Mr. PLUMB introduced a bill (S. 1450) to grant the right of way through the Indian Territory to the Winfield and Fort Smith Railway Company, and for other purposes; which was read twice by its title, and referred to the Committee on Indian Affairs.

Mr. MANDERSON introduced a bill (S. 1451) to provide for holding terms of United States district and circuit courts in the district of Nebraska; which was read twice by its title, and referred to the Committee on the Judiciary.

Mr. VAN WYCK introduced a bill (S. 1452) to fix the number of hours to constitute a legal day's work for the employés of street car and other corporations organized by Congress in the District of Columbia; which was read twice by its title, and referred to the Committee on Education and Labor.

Mr. CULLOM introduced a bill (S. 1453) for the relief of Benjamin F. Fox; which was read twice by its title, and referred to the Committee on Claims.

Mr. TELLER introduced a bill (S. 1454) to provide for the enforcement of public and private justice and for the relief of Congress and the Departments from the adjudication of disputed claims; which was read twice by its title, and referred to the Committee on Claims.

Mr. GORMAN introduced a bill (S. 1455) for the relief of Ernest H. Wardwell; which was read twice by its title, and referred to the Committee on Military Affairs.

Mr. DOLPH introduced a bill (S. 1456) for the relief of William Gallick; which was read twice by its title, and referred to the Committee on Claims.

Mr. CONGER introduced a bill (S. 1457) to increase the appropriation for the erection of the public building at Marquette, Mich.; which was read twice by its title, and referred to the Committee on Public Buildings and Grounds.

He also (by request) introduced a bill (S. 1458) to provide for holding terms of the circuit and district courts of the United States for the eastern district of Michigan at Bay City, in said district; which was read twice by its title, and referred to the Committee on the Judiciary.

SILVER COINAGE.

Mr. DOLPH submitted an amendment intended to be proposed by him to the bill (S. 1276) to amend an act entitled "An act to authorize the coinage of the standard silver dollar and to restore its legal-tender quality," passed February 28, 1878; which was referred to the Committee on Finance, and ordered to be printed.

PAPERS WITHDRAWN AND REFERRED.

On motion of Mr. CULLOM, it was

Ordered, That the papers in the claim of Benjamin F. Fox, now on the files of the Senate, be referred to the Committee on Claims.

MONEY FOR PUBLIC BUILDINGS.

The PRESIDENT *pro tempore*. If there be no "concurrent or other resolutions" the Chair lays before the Senate a resolution submitted yesterday by the Senator from Virginia [Mr. RIDDLEBERGER] which was laid over under the rules. It will be read.

The Chief Clerk read the resolution submitted yesterday by Mr. RIDDLEBERGER, as follows:

Resolved, That the Committee on Public Buildings and Grounds be requested to report to the Senate the aggregate amount of money proposed to be appropriated by the bills reported from that committee up to and including this day; also the number of buildings and the cost of each, and the State in which they are to be located; also the population of the cities or towns in which such buildings are to be erected, and the purpose for which each building is to used.

Mr. RIDDLEBERGER. I proposed this morning to move myself to lay the resolution on the table, if we had before us any statement in the RECORD or otherwise of the appropriations proposed for this purpose and the other information required by the resolution; but upon examination of the RECORD I find that I can not get it there, and I see no document before us containing any of this information. I must insist, therefore, that the resolution, calling simply as it does for information, shall be passed by the Senate.

I should like to be further understood as not antagonizing any single proposition in these bills, any single appropriation in any of them, but as antagonizing the method adopted here yesterday of passing an omnibus bill to construct public buildings in a majority of the States of the Union. That is the reason of my inquiry. I think that if we are asked to make appropriations in the way in which we endeavored to make them yesterday it ought to be known in some condensed form in the RECORD what amount is to be expended, and the report of the Committee on Public Buildings and Grounds responsive to this resolution will exactly accomplish that purpose. That is the object of my resolution and the sole object of it. I offer it not because I am opposed to the building of a courthouse at any place where there ought to be one; but for the committee to come in here with twenty-nine appropriation bills and ask unanimous consent to take them all up, and then that nine additional bills which were only reported in the morning and put upon the Calendar in the morning be also taken up, making thirty-eight, and each one passed through here. I think it is due to those of us who do not believe in that method of spending money to have a concentrated report from the committee placed upon the record showing where the money goes and whether there is any necessity for it. In regard to other matters, we know that as a rule a report from a committee involving an appropriation is expected to be made in writing. In these cases not only is there no statement in writing, but no report is made at all. I undertake to say that it is unprecedented for the Senate of the United States to take up nine appropriation bills and pass them here by unanimous consent on the same day that they are reported and put upon the Calendar.

That is why I ask for the passage of the resolution, and I see no reason why the resolution should not pass so that the information called for may come to us.

Mr. MORRILL. There is not the slightest objection to the passage of the resolution, and the information I dare say will be promptly communicated by the chairman of the Committee on Public Buildings and Grounds. I hope the resolution will pass.

The PRESIDENT *pro tempore*. The question is on the adoption of the resolution.

The resolution was agreed to.

FOURTH OF JULY CLAIMS.

The PRESIDENT *pro tempore*. The Calendar is now in order under the eighth rule.

Mr. PIKE. I move that House bill 989, Order of Business No. 156 on the Calendar, be taken up.

The PRESIDENT *pro tempore*. The Senator from New Hampshire moves to proceed to the consideration of House bill 989.

The motion was agreed to; and the Senate, as in Committee of the Whole, proceeded to consider the bill (H. R. 989) for the allowance of certain claims reported by the accounting officers of the United States Treasury Department.

MEMORIAL TO GENERAL HANCOCK.

Mr. HOAR. I ask unanimous consent that the pending bill be laid aside informally that I may introduce a resolution for present consideration.

The PRESIDENT *pro tempore*. The Senator from Massachusetts asks unanimous consent of the Senate to lay aside informally the present bill with a view to allowing him to submit a resolution. Is there objection? The Chair hears none.

Mr. HOAR. I move the present adoption of the resolution which I send to the Secretary's desk.

The PRESIDENT *pro tempore*. The resolution will be read.

The Secretary read as follows:

Resolved, That the Committee on the Library consider and report at an early day the expediency of erecting at the seat of Government a statue or monument to the memory of the late illustrious soldier General Winfield Scott Hancock.

Mr. HOAR. Mr. President, when the news was announced to the Senate yesterday of the great public calamity, the decease of this illustrious citizen, the Senate very properly followed all the precedents in like cases, and what I am sure would have been in accordance with the desire of that distinguished and faithful citizen of the United States, and proceeded with the public business. But I think it is proper that proceedings should be initiated at once for paying the tribute to the memory of this distinguished citizen contemplated in the resolution. I ask the immediate adoption of the resolution.

The PRESIDENT *pro tempore*. The question is on the adoption of this resolution.

The resolution was agreed to.

FOURTH OF JULY CLAIMS.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 989) for the allowance of certain claims reported by the accounting officers of the United States Treasury Department.

The PRESIDENT *pro tempore*. The reading of the pending bill will be resumed.

The Secretary resumed and concluded the reading of the bill.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

SILVER DEPOSITS AT SUBTREASURIES.

Mr. CALL. I ask unanimous consent to call up the resolution submitted by the Senator from Louisiana [Mr. EUSTIS] and partially discussed a few days since.

The PRESIDENT *pro tempore*. The Senator from Florida moves that the Senate now proceed to the consideration of the resolution submitted by the Senator from Louisiana [Mr. EUSTIS], instructing the Committee on Finance to inquire into certain transactions of the assistant treasurer at New Orleans relating to the deposit of standard dollars, &c.

The motion was agreed to; and the Senate resumed the consideration of the following resolution, submitted by Mr. EUSTIS on the 8th instant:

Resolved, That the Committee on Finance be, and are hereby, instructed to inquire: First. Whether it has been the custom for the assistant treasurer at New Orleans to receive deposits of standard silver dollars from shippers of said coin and to issue to their correspondents at New Orleans receipts subject to count, and to issue silver certificates after the count of said dollars so deposited has been made; and whether said custom, if it has prevailed, has been changed by the instructions of the Treasurer of the United States and the reasons therefor; also, whether the said custom is now in force as regards any subtreasury of the United States. Second. Whether there has been, and is now, an adequate clerical force at the subtreasury at New Orleans to perform the duties of that office, so that holders desiring to deposit standard silver dollars, under the authority of law, may deposit them and receive therefor certificates without delay, and if such clerical force is insufficient, to report to the Senate what increase of said force should be made to secure a prompt execution of the law. That said committee are hereby authorized to send for persons and papers.

Mr. CALL. Mr. President, I thought it was not proper that this resolution should pass silently from the consideration of the Senate after it had been partially discussed and had been made the foundation of some animadversions upon the Secretary of the Treasury and the Treasurer of the United States. I do not like to sit in my seat as one member of the Senate and silently submit to what I conceive to be an injustice toward any official or any member of any public body connected with the Government.

The resolution introduced by the Senator from Louisiana is entirely respectful in its terms and asks for nothing more than an inquiry, but it is founded upon a correspondence already had with the Department, which contains letters that have been made the foundation of charges against these officers. In my judgment the correspondence of the Treasurer of the United States submitted by the Secretary, and the letters contained therein, are a complete and thorough vindication of that officer against any possible imputation that can arise from the facts. Although I can not object to the passage of the resolution, I wish to be understood as declaring that there is nothing in this correspondence which imputes the slightest blame or is in any manner properly a subject of inquiry by this body, because an inquiry implies more or less doubt.

Now, what is there in this correspondence? It is charged that the Treasurer of the United States has been unfriendly to the execution of the law for the exchange of silver certificates for silver dollars; and the fact upon which that allegation is founded, which has been made the occasion of a serious assault both upon the Secretary and upon the Treasurer, is a fact that there were two deliveries of silver tendered to the subtreasury in New Orleans which were not received because, as the Treasurer says, they were delivered without any demand for certificates, but for deposit in the subtreasury as an intermediary.

It would seem as if there was a very small difference between the delivery of a package of silver dollars by an express company to be accounted for in silver certificates afterward to some other person, and the delivery with a demand simultaneously for the certificates to be given in exchange for the deposit; but it will be seen by this correspondence that there is a difference, and a practical difference, and a difference which may lead, as it has, as I am informed, led to a serious loss in that very Department of the Government in the subtreasury at New Orleans between the receipt for the money not counted and the delivery of the certificates for the money deposited.

The Treasurer of the United States states in this correspondence that no instructions have been given the assistant treasurer which could be construed as interfering with the proper execution of the law requiring the issue of silver certificates to parties depositing silver dollars. That is either true or it is not true. The Treasurer proceeds to prove that, and it is unquestionably proved by this correspondence. He goes on to say:

When it became apparent, from the report of the committee sent last May to count the funds and examine the books of the subtreasury in New Orleans—

It appears, then, that there has been a committeee of investigation of the office of the asssistant treasurer and a report of a committee which has been the foundation of the action taken by the Treasurer. What has been the report of that committee? The report of that committee was that when they examined the books of the subtreasury in New Orleans the assistant treasurer was directed by the Treasurer—

to secure strict accountability of officers and employés charged with the handling of moneys, instructions were issued to forward, as rapidly as possible, to this office, without assortment, all legal-tender and national-bank notes, and to accept for exchange into certificates no more silver dollars in any one day than could be counted and verified on the same day.

The Treasurer then had the report of a committee as the foundation for an order directing the subtreasurer at New Orleans to receive on any day no more silver money than could be counted and certified in one day. Is there any objection to that? Is not that a matter of sound business regulation and sound discretion on the part of the Treasurer? Is it so unreasonable that he should be arraigned and censured for it? What could they do with money which could not be counted and certified in the same day? Will any one reasonably contend that it should be deposited subject to count, with the possibility, as has occurred, as I am informed, that between the count and the deposit there might be a loss by robbery or fraud? There was a wrongful conversion by which $15,000 of the public money was lost. I am so informed by the Treasurer himself. But suppose it had not been so; is not the Treasurer to be allowed a sound discretion in saying, "I will not allow more money to be deposited in a single day than can be examined, counted, and the certificates issued for it," that it is to be made the subject of inquiry and a grave cause of imputation that this officer is interfering to obstruct the conversion of silver coin into silver certificates?

Mr. President, there is no foundation in this allegation for a charge of this kind. It is manifestly within the sound discretion of the Treasurer to issue such directions as in his judgment and as in fact may be reasonably adapted to securing a proper and strict accountability of the officers with whom this money shall be deposited. There is therefore nothing in this allegation, and the direction which was given was neither more nor less than that they should receive no more silver money than they could count and issue certificates for in any one day, with the qualification that these deposits so refused should be given the preference on the following day. It seems that under this state of things there were forwarded by express from the interior of the country packages of silver in two instances to be deposited and receipted for without being counted, subject to be accounted for to some bank in the city of New Orleans. The difference in this case was simply this, that under this instruction of the Treasurer no more money should be received in a single day than could be counted and the certificates issued for; and the practice of delivering by express without constituting the express agent the authority to receive the certificates, without reference to the capacity to count and certify in a day, might have involved the subtreasurer in a violation of the order which he had received, which, as we have seen, was manifestly a proper one.

The question then presented and the only one is, whether there is any obligation or duty under the law to receive all deliveries by express and receipt for them subject to the count to be afterward made and to account for them in silver certificates to a correspondent or agent? There is no such obligation or duty imposed by the law, as its language plainly indicates. Again, the law is to have a reasonable construction; it does not require the officers to receive at any one time more money than they can count, certify, and safely store. Reasonable time for the performance of the duty imposed is intended in every law. The law requires "neither vain nor impossible things." If it shall be contended that the public convenience and the interests of commerce require that proper facilities should be furnished at New Orleans to receive all money offered for exchange in silver certificates, that will not be denied; but that is not the ground of the censure that has been cast on these officers. And if it had been it may be replied that time and opportunity must be allowed them to supply the necessary facilities.

Now, I appreciate the difficulty which Senators, who have brought forward and advocated this resolution, find in this case, that there is a large accumulation of silver coin in the interior of the country and that the availability of that coin depends upon its ready convertibility into silver certificates; but that can not be done without adequate arrangements at the office at which this money is to be deposited, and there is no obstruction to that in an order that only so much as can be accounted for and certified in a day shall be received in one day. The proper course of these Senators, instead of reflecting upon the Secretary and the Treasurer for performing their duty with the means allowed to them, is to introduce a resolution providing for such additional force and such additional accommodations at that point as may be necessary to accomplish the purpose, so that the money may be received, deposited, and converted into certificates upon the same day in whatever quantities it may be offered.

Then the whole of this alleged charge upon the Treasurer and this censure which has been passed upon him by some members of the Senate is in the simple difference between depositing this money and giving a receipt for it subject to count and its being deposited, counted, and certified in the same day or simultaneously. I scarcely think it is a proposition which can be sustained that the Senate of the United States shall decide that the officer of the Government charged with this responsibility shall be required to receive indefinite and unascertained amounts of coin without its being counted and without its being certified, and subject either the Government or the officer so receiving it to the responsibility of a suit or a dispute or a controversy as to what was the amount of the deposit and to its safekeeping until a certificate had been issued. It is a very small foundation for so grave an accusation.

We find furthermore, sir, in this correspondence that immediately the assistant treasurer at New Orleans communicated by his letter of the 2d January, 1886, to the Treasurer of the United States this fact and asked instructions in regard to it. This instruction in the letter of January 7 was in these words:

TREASURY OF THE UNITED STATES, *Washington, January 7, 1886.*

SIR: Referring to yours of the 2d instant in regard to shipments of standard silver dollars from your correspondents to the subtreasury in your city, to be paid for to your bank, after count, I beg to inform you that the action of the assistant treasurer declining to receive such deposits is approved by this office.

Very respectfully,

J. W. WHELPLEY,
Assistant Treasurer United States.

T. R. ROACH,
Cashier State National Bank, New Orleans, La.

It seems then that, whether well or ill taken, the point raised in this correspondence, and now insisted on in the Senate, was whether the assistant treasurer at New Orleans should receive these deposits without reference to their being converted into silver certificates without a demand that they should be, and received subject to count to be accounted for afterward, as might be directed. The argument made with much earnestness and some acrimony is, that to refuse to receive and receipt for money subject to count, however much it may be beyond the facilities for storage and safe-keeping and counting and certifying is a conclusive proof of a purpose on the part of the Secretary and the Treasurer to violate the law for the purpose of discrediting silver coin.

There is no statute of the United States which requires that this money shall be received subject to count, allowed to remain there a longer or a shorter time, any longer time than is necessary to perform the act of counting and delivering the certificate. The Senator from Ohio [Mr. SHERMAN] showed in his remarks the other day that it is a very short period of time that is required for it to be counted and certified and certificates delivered to the person authorized to receive them, but the time must of course depend on the amount. But in this case there was no transaction of this kind demanded. A deposit and receipt were asked for. For the general convenience of business it might perhaps very well have been so. It had become the custom to deliver to the express companies by the banks in the interior packages of silver to be shipped to New Orleans and converted into certificates; but manifestly it was the duty of the person so forwarding this money to have constituted the express company his agent and to have demanded that this money should be immediately counted and converted into certificates, and if the convenience of the Government and the reasonable convenience of the officers there and the facilities afforded to them were not sufficient to do it in one day, with whom should the responsibility of the custody of this money rest except with the parties who owned it until the facilities afforded would enable that duty to be discharged?

I am informed and I desire to state in vindication of the Treasurer of the United States that this very money thus deposited and thus accepted and receipted for subject to count by his predecessor caused a loss to the Government in the accounting that was subsequently had of $15,000. Between the time of the deposit and the time of the issue of silver certificates there was found to be a deficiency, and hence the Treasurer of the United States, in his communication referred to here, of the 1st of June, 1885, used this language. This letter is addressed to P. F. Herwig, assistant treasurer:

TREASURY OF THE UNITED STATES, *Washington, June* 1, 1885.

SIR: The report of the committee sent to examine your accounts as assistant treasurer of the United States at New Orleans, La., has been made to the Department, and I regret that they have been compelled to find fault with its management while under your care, though excusing in part its defects, for the following reasons: that the clerical force is small, the cashier in poor health, and the receipts of standard silver dollars and mutilated notes for redemption are often too large to be disposed of on the day of receipt.

These facts should have been communicated to this office, and not have been permitted to exist without some effort on your part to obtain relief.

You would have been justified in declining to accept deposits beyond the capacity of your office to handle, and when the complaints which would have resulted from pursuing this course had been brought to the attention of this office some other remedy would have been found than imposing burdens upon the clerks in your employment to such an extent that they have not been able to attend to their ordinary duties or keep the cash and other accounts in that order in which every well-regulated office of the Government should be kept, and such as an officer zealous in the discharge of his duties should make it his constant endeavor to secure.

You have been instructed by telegraph to return the mutilated notes now in your charge to this office without assortment, and may hereafter continue this practice until further instructions, taking care to notify the parties from whom you receive such notes that they are taken subject to such count and correction. It would be well to preserve the original straps and envelopes and forward the packages in their condition when received, though you may, if you have the time, count and verify the amount, merely, in order to expedite payment for such deposit without assorting the same.

If this method does not afford the desired relief, inform this Department as soon as possible what steps are practicable in this direction. I advise, further, that you accept no deposit of silver dollars beyond your capacity to handle in any one day, and that you give notice to the banks to that effect. Deposits so refused may be given preference on the following day.

Here is a prudent business regulation to require strict accountability in the deposits received. They are therefore required, as there had been a loss, that when a deposit is received the transaction shall be completed and that no longer than one day shall intervene between the deposit, the count, and the certification. I can not conceive that this is a subject of suspicion or inquiry. I can not conceive that properly it can be made a ground of censure, either implied or direct, on the part of this officer, or that it may be made the foundation of a grave accusation that here is an attempt to obstruct the execution of a law which requires that silver dollars in amounts not less than $10 may be at any time and shall be at any time exchanged for a silver certificate issued by the Government. It is simply a business regulation requiring prompt responsibility and very prompt means of ascertaining within a proper period of time what amount of money has been deposited.

We find, however, that at the conclusion of this whole correspondence which has been talked of here for the greater part of a day, in answer to the letter of Mr. Roach of the 11th of January, 1886, the Treasurer of the United States replied on the 14th day of January as follows:

TREASURY OF THE UNITED STATES, *Washington, January* 14, 1886.

SIR: Referring to your inquiry of the 11th instant, I beg to say that in exchange for standard silver dollars deposited by your bank with the assistant treasurer in your city silver certificates will be furnished you, after count and certification by that officer.

Very respectfully,

J. W. WHELPLEY,
Assistant Treasurer United States.

The CASHIER,
State National Bank, New Orleans, La.

Mr. President, I only desired to say this much, for I thought it ought to be said by some person who is a friend of justice and desires to see that a public officer of the United States who discharges his duty conscientiously should not be censured improperly, that these facts are indisputable. They appear in this correspondence, and they furnish no ground of censure, no possible ground of suspicion. They vindicate this officer as a careful business man performing the duties intrusted to him with fidelity and in such a manner as to save the country and the people from a responsibility which may be avoided by good and safe business methods.

But it has been said in the course of this discussion that the Secretary of the Treasury and even the President of the United States were subject to suspicion, and that they, the Secretary particularly, had not given to this subject the same investigation and thought that other persons had. It was an assumption that unless a man had served in Congress he was not supposed to be familiar with the great financial questions of the day. I think the Secretary of the Treasury is a representative of that large class of people many of whom are fully equal to any member of Congress in either House, many of whom are men of the highest order of practical ability, who are profoundly versed not only in the theories but in the facts and truths relating to business, to currency, and to finance. And whatever may be our opinions—and I do not know that I should agree, probably I should disagree very widely with some of the opinions of this high and capable officer of the Government—it is unfair to assume that those who entertain the opinions that he has expressed are not men of ability and profound thought and practical knowledge.

It is not wise for us to assume that the wisdom of this country is confined to the Senate and to the House of Representatives. The opinions of the Secretary as to the currency, as to the proper methods of establishing a sound financial condition, and the opinions of the President have the support of many of the ablest men throughout the world; and however we may differ with them, it is not the part of wisdom or of reason to condemn them because they entertain opinions which may differ from others upon a question which involves the most profound thought and the greatest practical wisdom, and upon which the world has not yet attained a common platform of solution or ground of agreement.

The President and the Secretary and the Treasurer are all men of ability, thoughtful and conscientious, and desire to serve the country and promote the general welfare of the people. Their reports to Congress clearly evidence this, and the people of the country, in my opinion, have this confidence in them. They have a right to their own judgment and opinions on this and on all other subjects and it is their duty to lay them before Congress. It is not the part of reason and sound argument to be intolerant of others and to censure them because they do not agree with one's opinions.

It may be, sir, that some of us may be wrong; but at all events, in confining himself to his constitutional duty of submitting his opinions and recommendations to Congress, there is no reason for the censures cast on the President and Secretary, and it can not be denied that their opinions have been and are entertained by many of the ablest men throughout the world, and that it is believed by a great body of intelligent opinion that they have the sanction of experience, in part at least, to sustain them. I am not disposed to agree to and accept all their conclusions, but I am disposed to vindicate those who in the search for truth shall arrive at different conclusions from myself or from others from animadversion upon either their learning, their honest purpose, their patriotism, or their practical knowledge and wisdom. There is nothing in this correspondence to justify the adverse criticisms that have been cast upon the Secretary of the Treasury or upon the Treasurer. There is nothing in it that any intelligent or practical business man ought not to have done and would not have done under the circumstances. If Senators want greater facilities for the storage of silver and its exchange for silver certificates let them ask for them, and not to attack the President and Secretary for performing their plain duty.

Mr. PLUMB. The debate on this resolution has taken a pretty wide scope. I had no expectation of saying anything about it; but when the Senator from Louisiana who introduced the resolution said that he had done so for the purpose of ascertaining the object and motive of the Treasury Department in its action at the subtreasury at New Orleans, I was reminded of a conversation which I had with a former member of this body about a month since, who said to me that he had, in a conversation with the Treasurer of the United States, Mr. Jordan, complained to Mr. Jordan that the Treasury did not pay for silver bullion with silver dollars. He said Mr. Jordan replied to that that the reason he did not do that was because the persons who received the silver dollars would bring them back as soon as they got them and demand silver

certificates for them, and he did not wish to encourage a practice of that kind.

I made that statement to a member of this body this morning, and he stated to me that Mr. Jordan had made the same statement to him, that he did not pay out silver dollars in quantities and in places where they would have any opportunity of being brought back to the Treasury and deposited under the law authorizing the persons depositing them to receive silver certificates, because he did not mean that the silver certificates should get out, for certain reasons which he went on to name.

I think this demonstrates that for some reason, which I must suppose, of course, to be a good one in the view of the Treasury Department, a settled purpose exists to prevent the issue of silver certificates in exchange for silver dollars. That is the more significant to my mind because it has been accompanied by what is an apparent determination to issue the silver dollars themselves. There has been a great show of issuing the silver dollars with a view, as has been said with a good deal of emphasis, of seeing whether the people wanted them, how many they could absorb, &c., while at the same time the representative of the silver dollar, the silver certificate, which is a convenience in business, which is never refused anywhere except at the clearing-house in New York, is not to be issued at all.

The Senator from Virginia [Mr. RIDDLEBERGER] asks me who Mr. Jordan is. He was by the grace of the President of the United States a few days ago, and I think still is, the Treasurer of the United States.

As I said, I think this throws a good deal of light upon the performances of the last summer, in which, while apparently consumed with a laudable desire to put out the silver dollar, there has been at the same time an intrigue going on with certain New York bankers, whereby the whole policy of the law with reference to silver was to be defeated and the object of the law was to be brought into contempt. We are not to have Congressional law, but Treasury law, or rather the laws which Congress has made are to be violated and trampled under foot because a subordinate in the Executive Department, a creature of law, is not suited with the statutes.

Mr. COKE. Mr. President, I will read the third section of the act of 1878, "to authorize the coinage of the standard silver dollar, and to restore its legal-tender character." It is as follows:

SEC. 3. That any holder of the coin authorized by this act may deposit the same with the Treasurer or any assistant treasurer of the United States, in sums not less than $10, and receive therefor certificates of not less than $10 each, corresponding with the denominations of the United States notes. The coin deposited for or representing the certificates shall be retained in the Treasury for the payment of the same on demand. Said certificates shall be receivable for customs, taxes, and all public dues, and, when so received, may be reissued.

That is a part of an act which was returned by the President of the United States with his veto, and was passed by the two Houses of Congress by more than two-thirds majority, and is now a law on the statute-book.

That is the law. Any citizen of the United States, any man in this country who has as many as ten of the standard silver dollars of the United States is entitled to go to the Treasury and demand in exchange therefor a silver certificate for that amount, and silver certificates for any amount of standard silver dollars that he may have. That is an absolute right guaranteed by the law to every citizen of the United States.

There is a question here as to the conduct of the subtreasurer at New Orleans, as to whether he has denied this right to citizens of the United States; as to whether he has complied with this law or has violated it; as to whether his compliance with this law has been a technical compliance but a real violation of it. As throwing some light upon this subject, by which the line of conduct of the Treasurer may be read and understood, I read from his latest report, on page 24. He says:

The further issue of silver certificates should be discontinued, as being both expensive and useless. Issued to aid in the circulation of the standard silver dollar, these certificates have actually proved to be a hinderance to the carrying out of this purpose, and the circulation of this coin can not be increased to any greater extent than at present without the suppression of the issue of the certificates.

That is the opinion of the Treasurer as expressed in his report. Now read the correspondence furnished us in the report of the Secretary of the Treasury with the light thrown upon it by this report, and I submit to any Senator in this Chamber if it does not show that this officer has been guilty of a clear violation of the third section of the act of 1878, remonetizing silver, which I have just read. I have no taffy, Mr. President, for the man who violates the law, I care not whether he be Republican or Democrat. I have no excuse, no justification, no apology, no palliation for any man who defies the clearly expressed will of the people of this country as it stands upon the statute-book on this or any other question, and for one I propose, so far as my efforts can do it, to arraign the officer who is guilty of such violation before the bar of public justice and public opinion.

I am in receipt of letters from Texas which tell me that certain banks in that State are seeking to establish a discount upon silver because they can not get silver certificates from the subtreasury at New Orleans in exchange for silver dollars. I have that information from half a dozen sources in Texas. They can not get the certificates and they are actually seeking to establish a discount upon silver for that reason. Correspondence received by my colleague, and read here day before yesterday, shows that a bank at Paris, Tex., applied to the Treasury officers at New York to know if they would issue silver certificates or give bank notes for gold coin. This banker was willing to exchange gold coin for silver certificates redeemable in silver dollars, and could not get the exchange made.

Mr. SAULSBURY. Will the Senator allow me to ask whether there was any order of the President or the Department which authorized the subtreasurer at New Orleans to make such an exchange?

Mr. COKE. This was an application to the New York subtreasury.

Mr. SAULSBURY. I want to know if there was any such authority in the assistant treasurer at New York.

Mr. COKE. There was not.

Mr. SAULSBURY. Then could he make law?

Mr. COKE. No. There was no authority, because the authority had been previously withdrawn, not by the present Secretary of the Treasury but by his predecessor; yet it could have been restored by the present Secretary of the Treasury if he had desired to do so. So there was no law for this exchange, because the Secretary of the Treasury would not permit it to be done.

Mr. GEORGE. Will the Senator from Texas allow me to ask him a question?

Mr. COKE. Certainly.

Mr. GEORGE. Is there any statute of the United States which authorizes the paying out of silver certificates for gold? I ask for information.

Mr. COKE. I speak of the orders of the Department of the Treasury. There have been departmental orders authorizing that exchange and I presume they are in accordance with law. There has been as much as $80,000,000 in gold received for silver certificates, the exchange being made at the Treasury.

Mr. GEORGE. The Senator is not prepared to say, though, whether there is any such statute?

Mr. COKE. I presume these public officers acted in accordance with law in making the exchange.

Mr. GEORGE. I ask for information.

Mr. TELLER. I wish to call the attention of the Senator from Mississippi simply to the fact that a few months ago the Department found the authority to exchange subsidiary silver coin for gold with a great flourish of trumpets as to the absolute necessity of doing so to save the Government from bankruptcy.

Mr. GEORGE. That does not answer my question. Is there any statute of the United States which authorizes the issuance of silver certificates for gold? That is the question I propounded.

Mr. COKE. I presume that there is a law for it, because the Secretaries of the Treasury have been doing it, and have actually received $80,000,000 of gold in exchange for silver certificates, as shown by official reports.

Mr. MAXEY. My colleague will permit me at this point to say that that order existed, as was stated, I believe, by yourself, Mr. President, until Mr. Folger, who was the last Secretary of the Treasury that I know of, who revoked the order which authorized the exchange of silver certificates for gold coin.

Mr. COKE. It was done by one of the predecessors of the present Secretary of the Treasury, but it is an order which the present Secretary can reinstate at any moment he chooses to do so, and exchange gold for silver certificates; but the subtreasurers are not permitted to do it. The banker at Paris, Tex., to whom I have referred, well known to my colleague, who has written to New York to make this exchange, has been answered that the exchange will not be made.

Now, these are the silver certificates for which the people are anxious to exchange gold, redeemable as they are in silver dollars, which certificates the Treasurer of the United States in a dogmatic way in his report says are mischievous and ought to be suppressed.

Indeed is it not known to everybody in this country that since 1878, when the silver coinage law was passed, every President, every Secretary of the Treasury, every Treasurer of the United States, while ostentatiously trying to make it appear that they were enforcing the law, have been really and in truth attempting and compassing its defeat and nullification! The conduct of the assistant treasurer of the United States at New Orleans in this case is of a piece with that of all of his predecessors from 1878 down to this time with reference to silver coin and silver certificates.

I must give the predecessor of the present subtreasurer at New Orleans the credit of having administered the office more satisfactorily to the people than his successor has done. We have not been informed that the clerical force in the subtreasury at New Orleans was greater under the former than the present incumbent; yet I have never heard of any bank or any individual complaining that they did not receive silver certificates promptly upon the presentation of the silver dollars until this complaint is made against the present subtreasurer in New Orleans.

Why is this? I have looked over the report of the Treasurer, but find nowhere that he asks for more clerical force. Let some one show where this gentleman asks Congress for a larger clerical force. The clerical force in the office when he went there was sufficient to accommodate the public with all the silver certificates that were sought to be obtained for silver dollars. Why is it not so now; and if he has not a sufficient

clerical force, as he alleges, why has he not asked for a greater force?

But it is said that the two banks upon whose statement this complaint is made against the Treasurer sought to make the assistant treasurer at New Orleans an intermediary in making shipments to a New Orleans bank. There is no truth in that. Here is the letter of the assistant treasurer at New Orleans to the Treasurer of the United States, dated at New Orleans, January 2, 1886, in which instructions are asked from the Treasurer as to whether he shall receive the money shipped to him by these banks.

Turn over now to the next page, bearing in mind that this was written on the 2d of January, and we find the letter of Mr. T. R. Roach, cashier of the bank in New Orleans to which these silver dollars were shipped, bearing date also January 2, showing that he was on the ground there as the agent of these banks in the city of New Orleans to receive the certificates for this money; and yet the subtreasurer there says that he is sought to be made the intermediary between two banks. The agent of the New Orleans bank was on the ground when the silver dollars arrived, demanding the certificates, and was entitled to receive them just as if he had carried the silver to the subtreasury himself.

The third section of the act of 1878 says: "Any holder of the coin authorized by this act" is entitled to demand the certificates. Here stood Mr. Roach, agent of the bank for whose benefit the shipment was made, demanding the certificates for the money right on the ground at the time the money was received there.

Mr. CALL. It does not say so.

Mr. COKE. It does say so. Take Mr. Roach's letter published in the RECORD of yesterday, read by the Senator from Louisiana, and see whether that does not state that he was there. I will ask the Secretary to read the letter in full.

The Secretary read as follows:

NEW ORLEANS, *January* 25.

DEAR SIR: In view of your position on the silver question and the probability that Congress will ratify your opinions by their official action, it seems important that all impediments to the free use of silver and its unrestricted movement should be avoided so far as possible, and every portion of the country be provided with all possible facilities for giving silver circulation a fair test without the creation of prejudices against it from extrinsic causes.

That such a prejudice is growing up against it in this section is due to a cause that is within the easy power of Congress to remove, and I deem it due to your position and your views to state it frankly. As you are doubtless well aware, the States of Louisiana, Texas, Arkansas, and Mississippi draw large quantities of standard dollars from the Treasury during the fall and early winter, in exchange for which the Treasury receives gold or its equivalent later in the season. The silver dollars having performed their part in moving the crops of cotton, rice, and sugar to market, seek to return to the Treasury until further needed in commerce and agriculture.

In lieu of the silver thus returned to the Treasury the holders do not ask back the gold they originally paid for it, but simply silver certificates for the amounts deposited. I am told that it has been the custom at all the subtreasuries to receive from country banks shipments of standard dollars, the certificates for which were delivered to the shipper's correspondent in the subtreasury city. I know this has been the case in New York, and last year in New Orleans also; besides which the banks of this city could deposit their surplus silver and receive certificates in the same manner.

This year, however, the subtreasury at this point declines to receive silver from the country banks, though the latter write me that this facility is still accorded them by other subtreasuries. In this the Treasurer of the United States sustains our assistant treasurer, and I therefore presume he is right as a matter of law. But the subtreasurer virtually refuses to receive it from depositors in this city also; that is to say, he so limits the amount and receives it so seldom that it is practically a refusal. I appreciate the subtreasurer's reason, which is that he has not an adequate clerical force to do the work that would fall upon his office should he receive deposits of these dollars as freely as offered. But this evil can be easily remedied by Congress granting him one or two more employés. This would but slightly increase the expenses of the office, but would be of immense benefit to the people by facilitating the free movement of silver, and when the people find that their surplus silver can be promptly converted into paper representatives of the coin at need they will be more likely to receive the coin freely and cheerfully than they will now that it is liable to become a dead weight of metal upon their hands.

It is becoming common for us to receive letters from country banks urging us to let them ship us standard dollars. To these we returned affirmative answers so long as we had room in our vaults to store it; but finally the point was reached where we could not receive further shipments unless the Treasury would receive more freely from us. The country banks thus clogged become naturally prejudiced against silver, and the longer the blockade continues the more likely they are to be confirmed in this feeling and to disseminate the infection to their customers. I commend this whole matter to you as one in which you are interested, and ask your early consideration.

Very respectfully, yours,

T. R. ROACH, *Cashier.*

Hon. JAMES B. EUSTIS,
United States Senate, Washington.

AID TO COMMON SCHOOLS.

The PRESIDENT *pro tempore.* The hour of 2 o'clock having arrived, it is the duty of the Chair to lay before the Senate the unfinished business.

The SECRETARY. A bill (S. 194) to aid in the establishment and temporary support of common schools.

The PRESIDENT *pro tempore.* The Senator from New Hampshire [Mr. BLAIR] is entitled to the floor.

Mr. CALL. I hope the Senator from New Hampshire will allow, by unanimous consent, his bill to be informally laid aside until we conclude this discussion.

Mr. BLAIR. For how long a time?

Mr. CALL. It will not take a great while, I suppose.

Mr. BLAIR. I have learned from experience thus far on the school bill at this session to know that it is worth while to be definite, to have some understanding as to time.

Mr. CALL. I think it is due to the officers of the Government whose conduct has been questioned here that there should be allowed an immediate expression of opinion on the subject, and it will not seriously interfere with the Senator's bill.

Mr. COKE. I will say to the Senator from New Hampshire that I have very little more to say, and shall soon be through.

Mr. BLAIR. I have no objection to the educational bill being laid aside informally for fifteen minutes or half an hour to accommodate the Senator from Texas, but I do not feel that it ought to be laid aside informally for a longer time.

Mr. TELLER. A Senator who is not now on the floor desires to address the Senate on the educational bill, and as the Senator in charge of the bill I do not think would care about pressing it to-day, I move that it be made the special order for to-morrow at 2 o'clock.

Mr. BLAIR. I can not consent to such a motion as that; a special order is so easily displaced, and there is no occasion for delay. If the Senator from Texas desires to speak longer, the Senator who desires to speak against the school bill knew very well that I wished to proceed with it at 2 o'clock, and he only wished to understand what the course of action would be. I am not aware that either the friends or opponents of the bill care for further delay.

Mr. CALL. I want to make an appeal to the Senator from New Hampshire. There are a number of the friends of his bill on this side who desire to be heard on the resolution of the Senator from Louisiana, and it will not seriously interfere with the progress of his bill to allow it to be informally laid aside.

Mr. BLAIR. It does seem to interfere. I gave notice that the bill would be pressed early in the session. It was about the fourth on the Calendar. It was displaced by the Dakota bill, which I suppose has no more chance of becoming a law at this session than there is probability of our re-enacting the laws of the Medes and Persians. This bill is of all the bills pending in this Congress at the present time the one that should be early acted upon, if at all, because it should reach the other House so that that body may either adopt or reject it, and if they do adopt it, and it should become a law by the signature of the President, that its provisions may be available for the benefit of the children of the country this year. It is quite a serious thing to a boy who gets only four or five months' schooling at the most in a year, and perhaps only three, that for one year the benefits of the bill should be taken away from him. Therefore I feel that I am excusable if I push this bill with something of the pertinacity that other Senators exhibit in the management of measures with which they are intrusted.

As to the discussion of the silver question which is going on, nobody will ever know or find out from that whether the Secretary of the Treasury is to be blamed or not to be blamed. That question will be decided according as people think upon the silver question at large, and it can wait. The resolution is brought in here as a side show, and is absorbing the time of the Senate without ever having passed through any of those preliminary stages to which other business is obliged to submit. I hope that those who are interested in the further discussion of the resolution will be satisfied if I should simply assent that the Senator from Texas may complete his remarks, which I suppose from what he says will not take much longer time.

Mr. COKE. I desire to occupy the floor for only a few minutes longer.

Mr. SAULSBURY. The Senator from New Hampshire must see that that course would be very unfair to the officers of the Government who are criticised to some extent by the Senator from Texas. If there is any Senator who wishes in defense of the officers of the Government who are thus criticised to reply to the Senator from Texas it is eminently proper that they should have the opportunity to do so.

Mr. BLAIR. The Secretary of the Treasury has been assailed and defended, defended and assailed, and the process may go on interminably. I can hardly be appealed to, I think, with any great warmth or eagerness to do more than I have stated. I am willing that the Senator from Texas shall proceed to the completion of his remarks.

Mr. MORGAN. I do not expect to participate at all in the discussion of the resolution that is under consideration, but I think there is a reason why the Senator from New Hampshire ought to consent to have his bill made the special order for to-morrow at 2 o'clock. The Senator yesterday spoke, I think, about fifteen minutes, and this morning we find spread upon the RECORD a speech of forty-six pages, closely printed, with a large amount of statistics in it. For one, I have not had any opportunity—not a copy of the RECORD having reached my house this morning until after breakfast—to examine into those great statistical masses of information, which are very necessary to a proper understanding of the bill. They are the support and foundation of the bill, as I understand it, and one can scarcely be expected to answer the bill intelligently, or any of its features, at least its main features, unless he is enabled to familiarize himself with this great body of statistics.

It is very true that some of these figures were in the RECORD before. The Senator from New Hampshire made a very elaborate report, with tabulated statements, when a similar bill was before the Senate two years ago, and we had the opportunity of getting all the information which those tables furnished us and which his speech furnished us. That is now reproduced entire in the RECORD, but there is added to that quite an array of statistical information which I suppose brings the case down to date. Really, I must say to the Senator, I am de-

sirous to make my own position understood to my constituents, which I could do if I had an opportunity of looking into this matter as I should like.

Mr. BLAIR. I was not aware that any Senator cared for the delay of the school bill for the purpose of examining the subject with reference to its discussion. If there is a general feeling like that which the Senator from Alabama has expressed here I shall ask unanimous consent that the school bill be the unfinished business for to-morrow afternoon at 2 o'clock; that the bill shall stand to-morrow precisely as it stands to-day, with the understanding that I shall feel obliged to press the consideration of the bill at that time.

The PRESIDING OFFICER (Mr. CULLOM in the chair). The Senator from New Hampshire asks unanimous consent that the school bill be laid aside informally and be considered the special order for to-morrow at 2 o'clock.

Mr. BLAIR. No, the unfinished business.

The PRESIDING OFFICER. The Senator from New Hampshire asks that the bill be the unfinished business to-morrow at 2 o'clock. If there be no objection it will be so ordered. The Chair hears none.

SILVER DEPOSITS AT SUBTREASURIES.

The Senate resumed the consideration of the resolution submitted by Mr. EUSTIS February 8.

The PRESIDING OFFICER. The Senator from Texas [Mr. COKE] is entitled to the floor.

Mr. COKE. Mr. President, the letter I had read from Mr. Roach, the cashier of the national bank at New Orleans, taken in connection with his letters in the correspondence furnished us by the Secretary of the Treasury, shows that he was on the ground ready to receive silver certificates, which ought to have been issued for the silver dollars sent to him by the banks at Waco, Tex., and Memphis, Tenn. He was there. His letter furnished us in this correspondence is dated the 2d of January, while the letter of the assistant treasurer to the Treasurer of the United States asking for instructions on the subject bears exactly the same date. There is no question of the subtreasury becoming an intermediary at all. The silver was shipped by the Tennessee and Texas banks to the subtreasury with directions to issue the certificates and hand them over to the New Orleans bank, and there was Mr. Roach, the cashier of the bank, ready to receive them. This correspondence shows that; and the letter just read shows that the Treasurer absolutely refused to issue silver certificates to New Orleans people who carried the money to the subtreasury for the purpose of making the exchange. He says that the conduct of the assistant treasurer there—and that he is a business man in good standing in the city of New Orleans has been vouched for by the Senator from Louisiana—is a practical refusal to execute the law of 1878 in this regard.

That is the proposition that I set out to establish. Here is this New Orleans banker, who states facts to show a practical refusal by the subtreasurer at New Orleans to execute the law of 1878, and the Treasurer here at Washington, in the letter he has furnished us, has approved the conduct of the subtreasurer. That is all there is about it.

Now, the resolution of the Senator from Louisiana proposes to inquire into this matter, to find out how it is and why it is that this law is being nullified, as this information to him says it is and as information to myself from citizens of Texas says is being done. It is a matter that ought to be inquired into. The people have expressed themselves in every form in which their wishes can be voiced in favor of silver coinage. They have shown a fixedness of purpose in holding on to silver coinage that has not been shown with reference to any other great measure in this country for many years. Yet we find the executive officers of the Government making a systematic war upon this coinage in contempt of the popular will and in contempt of an express law upon the statute-book. It ought to be inquired into, and the inquiry ought to result in something else than mere inquiry if the facts as they seem to be now show a violation of this law.

Mr. President, there was something said here yesterday about an attack on the administration. I helped to put this administration in power in a humble way. I represent, in connection with my colleague, two million and a half of people, who gave 134,000 popular majority for the Democratic ticket, the largest Democratic majority in any State in the Union. There are two hundred and forty-odd newspapers published in that State, and I know of but four that sustain the action of the executive department of the Government in its war upon silver. I stand here as a representative of a solid sentiment in a great Democratic State in behalf of the continued coinage of silver and its fair treatment as money. I make no war on the administration; but I believe that public office is a public trust, and I execute the trust confided to me by the people of Texas in maintaining their wishes upon the floor of the Senate, let who may be opposed to them. Making war on the administration when the people of three or four States in the South are complaining that the money of the country, the only money that circulates among them, is being discounted because of the violation of the plain provisions of a positive law by one of the officers of the Government put there to enforce it! Is that war upon the administration? I would be unworthy of my seat here if I failed to say what I have said, if I failed to do what I have done. As long as I am here, I care not who it is or what administration it is that thwarts the will of the people as expressed upon the statute-books of the country, I shall in my humble way call them to account for it before the country.

Here are silver certificates sought for by the people, asked for, gold coin tendered for them, and here is a subordinate executive officer declaring to Congress that they are mischievous and useless and ought to be suppressed, and he is using his power as Treasurer of the United States in a disingenuous and indirect way to accomplish that purpose.

Mr. BECK. The Senator from Texas, I think, is making one mistake, if he will allow me to interrupt him. The Secretary of the Treasury is the superior officer of the Treasurer, and November 1, 1881, he prohibited the further issue of silver certificates for gold coin.

Mr. COKE. I understand that. I am not alluding to that fact.

Mr. BECK. The communication being addressed to the Treasurer, the Treasurer properly declined, because until his superior officer gives him the authority he can not do it; and therefore his answer was proper.

Mr. COKE. I was not alluding to the issuance of silver certificates. I merely stated the fact that here were silver certificates sought for and gold coin tendered for them, and here was an officer of the Government at New Orleans obstructing the issuance of certificates to the injury of the circulating medium of the country and in defiance of the law which he has been sworn to execute.

Mr. BECK. I wish to say one other word, if the Senator from Texas will allow me.

The PRESIDING OFFICER. Does the Senator from Texas yield?

Mr. COKE. Yes, sir.

Mr. BECK. It is narrowed down to this in regard to the resolution: If silver coin was tendered and silver certificates demanded, then under the third section of the act of 1878 I think the officials were in default in not issuing them; but if it was to be a deposit and a receipt to be given for it, and not certificates to be used as money, then I think they were not in default.

Mr. COKE. I understand that; I have already answered that.

Mr. BECK. One moment longer and I will make it plain so that the Senator will get my idea. If the certificate required to be given was one which if lost or destroyed or burned up made the silver deposited the property of the United States, then they had no right to refuse them. If, however, the certificate was required which although lost or destroyed enabled the men who deposited the silver to demand the silver, then the officers had no right to give it. It all depends on that.

Mr. COKE. The Senator from Kentucky is conjuring up excuses for this treasurer that are not valid or substantial, because the silver dollars were transmitted by express by the Texas and Tennessee banks to New Orleans to the subtreasury with directions to issue the silver certificates and hand them over to the New Orleans bank, and the agent of the New Orleans bank, as is shown by the correspondence here, was on the ground ready to receive them. He was there ready to receive them, and the letter of Mr. Roach goes beyond that. He says there has been a practical refusal to deliver silver certificates in exchange for silver dollars to the people and to the banks of the city of New Orleans outside of the transaction about which we have been talking, of the Tennessee and Texas banks.

Mr. SAULSBURY. Does Mr. Roach give any instance of that? Is not that an inference from the fact that the exchange was not made for the Memphis and Waco banks?

Mr. COKE. Here is the statement:

> The subtreasury at this point declines to receive silver from the country banks, though the latter write me that this facility is still accorded them by other subtreasuries. In this the Treasurer of the United States sustains our assistant treasurer, and I therefore presume he is right as a matter of law. But the subtreasurer virtually refuses to receive it from depositors in this city also—that is to say, he so limits the amount and receives it so seldom that it is practically a refusal. I appreciate the subtreasurer's reason, which is that he has not an adequate clerical force to do the work that would fall upon his office should he receive deposits of these dollars as freely as offered.

Has he ever asked for additional assistance? Nobody has ever heard of it if he has.

> But this evil can be easily remedied by Congress granting him one or two more employés.
>
> * * * * * * *
>
> The country banks, thus clogged, become naturally prejudiced against silver, and the longer the blockade continues the more likely they are to be confirmed in this feeling and to disseminate the infection to their customers. I commend the whole matter to you as one in which you are interested, and ask your early consideration.

Mr. President, no Senator can look at this correspondence, can look at this report, can review the reports of the executive department of the Government on this question, can look back and see the reports of all the Secretaries of the Treasury and Treasurers since 1878, without coming to the conclusion that this trouble at New Orleans now is simply a part and parcel and piece of a general war that has been carried on against silver coinage since silver was remonetized in 1878. No other conclusion can be arrived at. Why was it, as I asked a while ago, that this difficulty never occurred before? Is there not the same number of clerks there now that were there before Mr. Jordan came into office?

Mr. GEORGE. There is an important point on that subject stated by the Senator from Florida [Mr. CALL] that $25,000 had been lost to the Government. He made that statement here.

Mr. COKE. That is not in this correspondence.

Mr. GEORGE. The fact was stated by the Senator from Florida [Mr. CALL] in his speech that $25,000 had been lost to the Government between the time of this illegal deposit and the counting and certification. That was the reason, I should think, for the charge of an illegal policy.

Mr. EUSTIS. Does the Senator say that twenty-five thousand silver dollars were lost?

Mr. GEORGE. The Senator from Florida made the statement.

Mr. COKE. In what report is that found?

Mr. CALL. The Treasurer stated to me this morning that $25,000 had been lost.

Mr. EUSTIS. I asked if they were silver dollars.

Mr. CALL. His statement to me was that twenty-five thousand silver dollars, not counted, but to be afterwards counted and certified, had been lost in consequence of that practice at New Orleans.

Mr. COKE. Has he ever made any public report on the fact?

Mr. CALL. I do not know. He stated it to me this morning.

Mr. COKE. That is the first I have ever heard of it. I have read the reports, and have seen nothing of any such loss reported.

Mr. PLATT. I wish, with the consent of the Senator from Texas, that the Senator from Florida would explain what he means by "lost." Does he mean that there has been a defalcation, or, in what sense has there been a loss?

Mr. CALL. Yes, I think it was a defalcation. I think it was by virtue of want of strict accountability, as the Treasurer expressed it, in which that amount was claimed, and appeared from the evidence, I suppose, to have been really deposited. I think perhaps it was subsequently ascertained that it had been appropriated by an officer in charge of it. That is what I understand from the statement to me.

Mr. COKE. A loss occurring in that way presents no argument against the system. They ought to have honest men in the offices. Thieves and rogues will steal money under the best system in the world.

Now, sir, I have very little more to say. The Senator from Louisiana has introduced a resolution asking an inquiry into this subject. The subject-matter of that resolution affects my State as well as his. I have clear, decided convictions upon the subject, and I have given expression to them, and that is that the executive department of our Government since 1878 have in every possible and conceivable way dishonored and degraded silver, that they have refused to pay it out to the public creditors, and that they availed themselves of technicalities and pretexts anywhere and everywhere on all occasions to injure this currency and reduce it in value and prevent its circulation while professing to sustain it. I think it is a subject that ought to be inquired into with a view to further proceedings, if the facts justify them.

Mr. TELLER. Mr. President, the Senator from Mississippi [Mr. GEORGE] put a question to the Senator from Texas [Mr. COKE] which I ventured in part to answer, and now I desire to answer it fully. He inquired whether there was any authority under the law to exchange gold for silver certificates. I called his attention to the fact that early last summer there was a great commotion made in financial circles with reference to the lack of gold in the Treasury, and that the Department had felt it incumbent on them to buy (for that is all it could be, and it could be defended upon no other system than that it was buying) a quantity of gold, which they paid for in subsidiary silver as less desirable currency to hold than any other class of money they had. I understand the system of issuing silver certificates for gold coin, adopted early in 1880, was upon the theory that the Government had the right to pay out the silver certificates that had come in and thus buy gold, or exchange one kind of money for another. If the transaction to which I have referred of last summer can be defended at all, it is either upon the theory that the Government had the right to take the money in the Treasury and buy gold, or that it had the right to exchange one kind of money for another. Upon either it might probably be defensible, at least so far as to justify the officer, if there was a necessity for receiving more gold than the Government had on hand.

At the time this bank proposed to exchange its gold for silver certificates or for national notes, either or both, the Government of the United States had almost $34,000,000 of silver certificates that might have been exchanged properly under the law for gold, that might have been paid out for any purpose that the Government saw fit to pay them, because the act of 1878 providing for the coinage declared also that the silver certificates might be reissued when they came into the Treasury.

In addition to that, they had at or about that time, as I find by the statement sent out from the Treasury Department dated the 30th day of January, 1886, $47,893,388 of national notes in the Treasury that might also have been exchanged for gold if it was so very desirable to receive gold. The fact was, if gold came into the Treasury in any great quantities the great argument, the great bugbear that has been held up before the people that we were to reach a silver basis, would be gone. It has been the stock in trade, as I once before said, of all those who were attacking the coinage of the silver dollar, that we can not be bimetallists, that we have got to have either a single standard of gold or a single standard of silver. I said the other day that every declaration which had come from the financial department of the Government since the act was passed had been to that effect. It has been intensified within the last nine or ten months; I might say that within the last year it has been intensified.

We can not have forgotten that just before the inauguration of the present Executive a tremendous effort was made to convince the House of Representatives that there was a great financial crisis approaching and that unless the House and the Senate consented to strike down the coinage of the silver dollar we should be upon a silver basis, and would be bankrupt as a nation and disgraced in our credit. A new administration was coming in. The people who had elected it had been out of power for twenty-four years. It is not saying anything to their discredit when it is said that they had high expectations of the benefits and advantages they were to receive by the incoming of this administration. They had a majority in the House of Representatives representing the popular will. The President-elect appealed by letter to the members of Congress representing the same political faith as his own for legislation which he said in substance if accomplished would not only greatly benefit the country, but would benefit the political party of which he was the incoming President. How did the House of Representatives respond to that appeal? I will not say now whether it was a proper and worthy appeal. Admit that it was a proper appeal, as the President believed it to be, how did the House of Representatives respond to that appeal? The great mass of the men who had put their shoulders to the wheel and elected him President responded not only in an official way, but by letter, that their constituents believed that the coinage of the silver dollar was essential to public prosperity, and that they indorsed the sentiments of their constituents; and they declined.

I have heard in these later days people talk about the degeneracy of public morals and the subserviency of public servants to patronage and to executive influence. There never has been since civilized countries were governed by republican institutions or by institutions where the people expressed their will so exalted an example of the independence of the people as was exhibited by the Democratic members of the House of Representatives in the spring of 1885. They scorned to be in accord with the Executive. They said, "We will deprive ourselves of that which every politician knows is so advantageous and so dear to be in harmony with the administration, because, in our judgment, the public weal demands that we should do otherwise."

It did seem to me that the incoming administration, out of respect and regard for that great high moral position taken by their own party, ought to have said, "We will at least treat the subject with candor and with fairness, and will not attempt to use the great power that you put in our hands to strike down what you say is a great interest and necessary for the public weal and public welfare." The House of Representatives rose to the occasion; the administration fell very far below.

I took occasion day before yesterday to speak of the lack of experience of the present financial minister of this administration. I supposed that the members of this body and the members of the other were a co-ordinate branch of the Government, with a right to criticise the administration whenever in their judgment it should be departing from the true line of financial or any other policy. I find myself taken to task by a Senator on this floor, who says that I made an unfair attack. What did I say? I simply said that the man who now holds the position of financial minister of the Government never had such training in financial affairs as justified him to speak *ex cathedra*, to speak with the air of a king or an emperor and say "thus it must be done." I said that there were men on this floor who had given weeks and months of thought to this subject where he could not have given one. I did not say it was necessary that he should have been a member of Congress. I have no doubt that there are members of the other House and members of the Senate who have failed to give much attention to this question or have failed to grasp it if they did give it such attention.

I make no attack upon the administration not justified by their own record and by their declarations put out in an official way. I have said nothing of private interviews or personal correspondence with members of the administration, which I might, if I chose, criticise, as has been done on this floor. I was content to take them on their record that they had sent here for our consideration.

The Senator who appears as the champion of the administration declares that he is for silver. If he is for silver, I suppose it is because he believes that that is the interest of the people. I suppose if he is in favor of the coinage of silver it is because he believes that that will insure prosperity to the people of the United States. I suppose he is for silver from conviction. A moment later he said: "I wish to say to the Senator representing the State that produces the most silver that the way to strike down and destroy that interest is to attack men in high places." Has it come to this, that the effort which has been made all over the country to destroy this interest and to strike down not simply the silver interest in the country, but to strike down one of the money metals of the world, is to be transferred to this floor in the shape of a threat? What is to be done? If my position is logical that the interests of the country require the coinage of two kinds of money—and the Senator admitted that himself—because I may speak unkindly, harshly, or even improperly of a public officer, is that public officer here by his champion to say that this great interest is to be stricken down in vengeance to punish me for what he considers is a dereliction of duty on my part?

Mr. President, threats of this kind are unworthy of this Chamber,

and they come without any harm, so far at least as I am concerned. I shall at all times do with this administration what I have been ready to do with any administration, whether it was in sympathy with my political views or against them. I shall criticise it whenever in my judgment it is deserving of criticism, and I shall commend it whenever in my judgment it is worthy of commendation. The people of the silver regions are not here demanding that the silver interests of the West shall be promoted to the exclusion of any other interest. They are not here to compel the purchase of silver so that silver miners may receive 5, 10, or 20 cents more an ounce for their bullion. They look beyond that interest. I think I may speak for every man representing a silver-producing constituency on this floor when I say that if we did not believe that the great interests of the country and the world were involved in this question we should not be dinning again and again into the ears of perhaps a reluctant and unwilling Senate, part of the time at least, our views upon this subject; but they realize that it is more than a question whether the miners of Colorado shall receive $1.25 an ounce for their silver or whether they shall receive a dollar. It is more than that. They realize besides that the entire power of fifty million people has been for the last ten years steadily and sternly arrayed against the proposition to do the business of this country with the two metals. They knew in 1878 that they had to encounter a hostile administration in the execution of this law, a law put upon our statute-books after a more thorough examination, consideration, discussion, and debate than any other statute, I think, of a financial character that ever went into the books. When it passed this body and the other House it went to the Executive, and it there met with an executive veto. It was not a political question then and it is not now. It came back to this body and to the other, and in each branch of Congress it received the approval of more than two-thirds and it became a law. I say they knew then that they had to encounter in the execution of the law the administration then in existence backed by the whole financial power of the Government, and that they were wielding the influence given them by fifty million people to thwart and subvert and destroy the will of the people as legally expressed.

Mr. GEORGE. I desire to ask the Senator a question.

Mr. TELLER. Certainly; I yield.

Mr. GEORGE. Is not that same remark applicable to the last administration?

Mr. TELLER. I was applying the remark to the last administration. I apply it to every administration that has existed since the passage of that law. Unless we may except a few months in the spring of 1881, there has been no time at the head of the financial department of the Government men who were anxious to execute the law in the spirit and in the letter of it. We did not expect that they would execute it in the spirit, but we had a right to demand that they should execute it in the letter; and that has not been done, in my judgment. I do not arraign this administration any more than I have arraigned preceding administrations, except that I do think perhaps in the later days, discouraged a little by the persistency perhaps of the silver people, there has been a little more anxiety and activity in the last year to strike down silver than ever before; and it has not been confined to the executive department; it has been in the financial circles just as well, and the executive department has caught its inspiration, if I may so speak, from the financial circle, where they have been as determined that the silver dollar should be destroyed as they ever were and a good deal more than ever before.

It is said that there has been no violation of the law at New Orleans. I was about to say the flimsy excuse, but it might be considered disrespectful to the gentleman who used it, and I say simply the excuse is made here for the failure to do what would have been done at all times if there had been a friendly administration and what was done when there was not a friendly administration—it is said the excuse for it is that there is not a sufficient clerical force. The honorable Senator from Maryland [Mr. GORMAN] said that I was responsible for the appointment of the predecessor of the present officer at New Orleans; that I was a part and parcel of the administration that appointed him. I do not understand that I was especially responsible for the appointment. I do not think I was consulted in regard to it, and if I had been consulted I do not understand that any blame of this character has been attached to the late officer at New Orleans. It is against the present officer and him alone, as I understand, that this charge is alleged. Against that officer no complaint had been alleged. Nobody complained that he did not succeed in doing exactly what we now complain is not being done. So the charge that I was responsible for him is not a very weighty charge, because there is no complaint as to his conduct. It was stated a few moments ago that there was a defalcation at the subtreasury at New Orleans. I do not know whether that defalcation was under the old or under the new officer.

Mr. EUSTIS. It was under the old officer.

Mr. TELLER. But whether there has been a defalcation or whether there has not, that has nothing in the world to do with this question of receiving silver dollars and paying out silver certificates. If it was under the old officer, it could not have arisen from this method of doing business any more than it could under the new one. If there was a defalcation, it occurred because the officer was not honest; and I trust that the friends of the gold dollar and the monometallists on this floor, the enemies of the silver dollar, do not propose to charge up to our side all the defalcations which have occurred or which may hereafter occur in connection with the handling of the silver dollar. We have been able to stand a good deal from the other side and we have stood it pretty patiently, but we shall certainly enter a protest when the silver dollar is to be charged with all the defalcations in the past and with all that are to occur in the future.

I wish to recur for a moment to the criticism which I made upon the Secretary of the Treasury. I hold that there should be at least courteous treatment of the executive officers of the Government by the members of this body. I hold, on the other hand, that the executive officers of the Government are bound by the same law with reference to the legislative department that the members of the legislative department are bound with reference to the members of the executive department. A bitter attack, it is said, has been made upon the Secretary of the Treasury. What has been said? Simply that he had failed to execute the law. That is the sum and substance of it, put it as you will. I did say something to the effect that the Treasury Department are depreciating the money of the realm. I did say that it had been supposed to be an offense against law and good morals to degrade the money of the country. Why? Because by such degradation you take out of the people a portion at least of what they had a right to expect when they took the money.

There are one hundred and forty million silver dollars in circulation, or thereabouts; and if the Treasury Department depreciate them 20 per cent. because they destroy the confidence of the people, they have taken a large amount of money out of the people who are the legitimate holders of the money. It may be distinguished in law, and undoubtedly is, from the debasement of coin with alloy, but in morals I deny that there is a particle of difference; and I deny that the people who take the dollar and who lose it are any worse off than when the Government shall put four or five grains (or whatever may be necessary to bring it down) of alloy and compel them to take it, when the Government itself thus depreciates and destroys the commercial value of its money. If that is an improper criticism of the Treasury Department I shall stand convicted. I shall deal with the Treasury Department as I think it ought to be dealt with, giving to it, as I said before, praise where it is due and condemning it wherever it deserves condemnation.

I alluded day before yesterday to the report of the Secretary of the Treasury. I said something which I need not repeat now to the effect that he is not charged with any policy of this character—that this body and the other are charged with that. How courteous he is when he addresses Congress upon the question of their legislation. Let me read. The Secretary of the Treasury says in his report:

1. The act of February 28, 1878, which has been construed as a permanent appropriation for perpetual Treasury purchases of at least $24,000,000 worth of silver per annum, although from causes mostly foreign that metal is now of mutable and falling value—

Mostly foreign, foreign to the metal, but not foreign to the administration of public affairs in this country—

which must be manufactured into coins of unlimited legal tender and issued to the people of the United States as equivalents of our monetary unit.

The act of May 31, 1878—

Which I suppose all Senators on this floor will recognize as the act which provided that no more legal tenders should be canceled and retired; that is the act of which he speaks, and he says:

The act of May 31, 1878, which indefinitely postponed fulfillment of the solemn pledge (March 18, 1869) not only of "redemption" but also of "payment" of all the obligations of the United States not bearing interest, legalized as $346,000,000 paper money of unlimited legal tender, and required the post-redemption issue and reissue of these promises to pay dollars, as equivalents of our monetary unit.

Now, I call the attention of the Senate further to the concluding remarks upon this question. Here are two statutes passed by Congress, laws upon the statute-book, which this Secretary of the Treasury swore he would execute. He says:

But these two evils, which are each a separate menace to the public tranquillity and injurious to the public morals and the public faith.

It is a declaration on his part that the legislative department of the country legislated against public tranquillity and against public morals and to the destruction of the public faith or public credit. I think a Secretary of the Treasury who sends out such a document need not be oversensitive, nor need his friends rush to his defense unnecessarily and hastily with cheap and bald excuses for what I think is a plain violation of law. You can hardly expect that any man will execute a law that he believes to be contrary to good morals and injurious to the public honor and the public credit, and I think his friends would do better upon this floor and elsewhere if they would admit that he does not attempt to execute the law except in the very compulsory provisions thereof; and I am told from good authority that he has not even done that, irrespective of the question now presented for consideration. I am told that the records will show that there have not been coined every month two million silver dollars. I am told that the aggregate coined will not quite foot up to $24,000,000 per annum. It is true it is not very much less; I am told only two or three hundred thousand dollars; but that is a mandatory law; it is what the President in his message calls a compulsory coinage of silver.

It is offensive, it may be, to use the word "compulsory." It usually

is. I spoke of that the other day. I do not desire to continue on that line at any great length, except to say again that I do not understand that it is the proper term when we enact a law for an officer to say it is a compulsory statute. All statutes are compulsory; they require obedience, and they require it of the man who carries brick from the ground to the building in his hod with no more exactness and with no more vigor than they require it of the man who resides in the Executive Mansion or who presides over the Financial Department of the Government. "Compulsory laws! All laws are compulsory; and when we said by our legislative enactments that silver should be coined in this country under certain restrictions there was an obligation on every department of the Government to execute that law in accordance both with the letter and the spirit of the act.

Mr. HOAR. I wish to ask the Senator if he understands that the President used that phrase in any other sense than to distinguish the coinage of the $2,000,000 a month, which is absolutely required, from the discretion given to the officers of the Government of coining a larger sum than $24,000,000 a year at their election? I presume the Senator has been more a student of this matter than I have, but I suppose the President used that phrase not with a view of imputing any tyranny or improper exercise of arbitrary power to the law-making authority, but only to distinguish what is an absolute requirement from a discretion.

Mr. TELLER. I can not say exactly how the President of the United States uses the term. I believe he does not allow that he is amenable to us for his reasons. I simply take what he says. I find that not only the President but other officers of the Government speak of this as a compulsory provision. Exactly what they mean I do not undertake to say, except that in every case where it is spoken of it is by way of complaint. It is not an adjective put on the law to make it acceptable; it is not a praiseworthy adjective; it is a condemnatory one. I do not desire to confine my remarks especially to this act, but I say the execution of this law has been treated all the way through as a thing that ought not to have been done, a harsh measure upon the executive department of the Government, contrary to its will, by the legislative department.

There are some other questions I should like to present, but it seems to me that upon the pending resolution it is not worth while. I suppose nobody will be found on this floor to vote against the resolution. I do not suppose when it comes from the committee that we shall have any facts that we have not now got. I think perhaps if the committee would go into an examination for the purpose of determining the animus of this denial they might find in very many cases convincing proof to honest minds that not only the Treasurer but the Secretary of the Treasury and every subordinate branch of that great Department that has touched this question has touched it in such a way as to make if possible the people disgusted with the execution of the law.

I have had occasion to speak on this floor once before of the statement which goes out that only $50,000,000 of this silver is in actual circulation. The President of the United States gave it out in that way; the Secretary of the Treasury gives it out in that way; the Comptroller of the Currency gives it out in that way. I said the other day that they always follow with an explanation that there were some certificates out, but the explanation rarely reaches the people. The declaration that $50,000,000 only are in circulation is the one that strikes the public eye, and many and many a man who has read the President's message has overlooked the subsequent statement that some silver certificates had been issued. What difference does it make whether the silver dollar circulates in that way or whether it circulates by the silver certificate? The other day the Senator from Vermont inquired if the complaint against the late administration had not been that they would not circulate the silver dollar, and whether the complaint now is not that the present administration insists upon circulating the silver dollar. There is as much circulation of the silver dollar when the silver certificate goes into public use as there is of the silver dollar, and if there has been a change in the policy of the Government with reference to that, it has been because they believe that the issuing of the dollar, cumbersome and burdensome as it is, would render it objectionable to the people, and would further their ends toward discontinuing its coinage.

Mr. GEORGE. Mr. President, I suppose it is well known to the Senators here who have taken the trouble to ascertain what my opinions are on the subject of silver, that I do not agree with the financial policy of the administration upon that particular subject. Very nearly two years ago, in the first session of the Forty-eighth Congress, I had occasion to express my views upon the silver coinage of the country, and also to express some views in relation to the action of the executive department of the Government in relation to silver, and I may say here that if a proposition which I made then had received the sanction of Congress we would have been relieved to a very considerable extent of the trouble about which we are discussing now.

The Senator from Ohio [Mr. SHERMAN] in his remarks the other day showed the necessity for some new legislation on the subject of silver certificates. He showed that at certain seasons of the year there was a great demand in the South and in the West for silver dollars; not for silver dollars *per se*, but for small currency, one and two dollar bills, or a coinage of $1. He also showed that after the crops had been gathered and the laborers had been paid and had spent their money those silver dollars came back to the great commercial centers of the country and became in the banks a burden, and therefore they desired to exchange them for silver certificates. In the early part of the season silver certificates would be presented for redemption, so that silver dollars might be had in order to go into the country, there being no silver certificate of a less denomination than $10. After the crops had been gathered and the money had flowed back to the commercial centers, then that operation was reversed. In the first place, silver certificates were presented to the Treasury to get silver dollars to go into the country.

In the next place, silver dollars were presented for silver certificates on account of the bulk of silver and the difficulty of storing it; so that this see-saw operation was going on at different periods of the year. At one season the small change needed for the purpose of paying laborers in the country was demanded for shipment into the country; at another season the silver dollars flowed back into the commercial centers, and then for convenience came the demand for the certificates. So, if there had been an authorization by Congress that silver certificates in one and two dollars and five-dollar bills should be issued by the Treasury, the silver would never have been disturbed from its lodging place in the vaults of the Treasury of the United States, because these small silver certificates would have gone to the country and performed all the offices which the silver dollars would have performed, and when they would return to the great commercial centers there would be no occasion on account of their bulk and their weight to deposit them in the United States Treasury. So it seems that if there has been trouble about this thing, if the people of this country have not had their wishes carried out with reference to silver certificates it is in a large degree owing to the fault of Congress in not passing the necessary legislation. This I say by way of premise to the few remarks I intend to submit.

I shall not go into the wide field into which I have been invited by this debate to inquire what has been the general policy of the administration in reference to silver. I take it I shall perform my duty when I shall have discussed the real question presented by the resolution of the Senator from Louisiana [Mr. EUSTIS] and by the report which has been made by the Secretary of the Treasury in answer to that resolution.

The Senator from Texas who sits before me [Mr. COKE] has stated the issue upon his side in about this way: That there has been on the part of the Treasury of the United States an open and flagrant violation of the law of the land. I propose to address some remarks to the Senate upon that issue. So far as I am able to ascertain—and I think I have been able to ascertain very clearly what is the action of the Treasury Department upon the subject—that action has been in strict subordination to law. It may not have been what gentlemen may have desired it to be, but it was at least such action as was authorized by law, and the action which the assistant treasurer at New Orleans was asked to take, and which he is now denounced for not taking, would have been in violation of law. So I assert, in opposition to the position assumed by the Senator from Texas, that the action of the Treasury has not only not been in violation of law, but if the non-action complained of had really taken place it would have been in violation of law.

Whatever may be the private or official views of the Secretary of the Treasury in reference to silver—and, so far as I understand them, they differ from mine—he is entitled at the hands of the Senate, he is entitled before the country and from those who differ from him in reference to those opinions, to be tried at least by the law of the land. What that law is I read from the RECORD as it was put there by my friend who sits before me:

> Any holder of the coin authorized by this act—
>
> That is, the silver dollar—
>
> may deposit the same with the Treasurer or any assistant treasurer of the United States in sums not less than $10, and receive therefor—

What? At New Orleans the complaint and the demand were that the holder making the deposit should receive a receipt from the treasurer for so many dollars estimated, but "subject to count." That was the operation attempted to be performed at New Orleans as disclosed by this record. A bank in the country ships $25,000 directly to the assistant treasurer at New Orleans on account of a bank at New Orleans. The money is presented to the assistant treasurer by the agent of the express company. He has no authority to receive silver certificates for it; he does not demand silver certificates for it. He asks for a receipt for so many dollars "subject to count."

Mr. COKE. Will the Senator allow me to ask him a question?

Mr. GEORGE. Yes, sir. If I am wrong about the fact I desire to be corrected, but I am certainly not wrong about the law.

Mr. COKE. The Senator is entirely wrong about the facts. Does not the correspondence show that it had been the custom uniformly to send silver dollars to the subtreasury in that way and exchange them for silver certificates?

Mr. GEORGE. Yes, sir; but——

Mr. COKE. I ask the Senator further if there can be any conceivable reason for sending silver dollars to the subtreasury at New Orleans for any other purpose in God's world than to be exchanged for silver certificates?

Mr. GEORGE. Are you through with your question?

Mr. COKE. I ask you that.

Mr. GEORGE. Whenever you get through with your questions I will answer.

Mr. COKE. I ask that question. Do you know any other reason for which silver dollars are sent to a subtreasury by a bank except for exchange for silver certificates, unless it be in payment of a debt?

Mr. GEORGE. Are you through with your questions?

Mr. COKE. Yes, sir.

Mr. GEORGE. Now, I will answer. The first question which the Senator from Texas propounded to me is, Does not this correspondence show that the custom under former administrations had been to receive silver from the express companies and give receipts therefor "subject to count," and afterward issue silver certificates? I say it does; but we are not trying the Secretary of the Treasury by an illegal and unauthorized custom which grew up under a former administration; we are trying him by the law of the land, and that is what the Senator in his speech said he had violated and not a custom. I say that custom was illegal, because it was not authorized by law and it was in violation of law.

Mr. COKE. Has the Senator the law?

Mr. GEORGE. Yes, sir, I have the law before me, and I will read it. Let us see what the law says. The Senator says that this custom which had grown up under a former administration was in accordance with law and not in violation of it, and upon that I take issue, and I will see who is right by the statute.

Mr. COKE. There is no law of Congress which forbids it.

Mr. GEORGE. The Senator now says there is no law which forbids it. For a States-rights Democrat and a strict constructionist like my friend from Texas is to assume that the Treasurer of the United States may do what he pleases with the money of the United States unless there is a positive statute prohibiting it is a little singular. I thought when the law was laid down plainly in affirmative terms, prescribing the duty of an officer in reference to the currency of the country, and especially with reference to the treasure of the country, that law furnished the rule for the officer's action, and when he did not act in accordance with that law he acted in violation of it without any express prohibition contained in the statute. I will read again:

That any holder—

Yes, "any holder." An expressman may do it. I do not say the owner of the coin must put it there, but he must be a lawful holder. I do not say it requires the man who owns the money to put it there, but he must have, of course, lawful authority to put it there. He may be an agent, and if he has lawful authority as an agent, and therefore is a lawful holder of the coin, he may deposit it. What is he to receive for it when he does deposit it? The Senator from Texas and the other Senators who have criticised the action of the Treasurer upon this subject say that he ought to give, not that which it is specified in the statute he shall give, but give something else, and that it is the burden of Mr. Roach's complaint that he ought to give a receipt, "subject to count." Let us see what the statute says he shall give:

SEC. 3. That any holder of the coin authorized by this act may deposit the same with the Treasurer or any assistant treasurer of the United States in sums not less than $10, and receive therefor certificates of not less than $10 each.

Certificates of not less than $10 each—

corresponding with the denominations of the United States notes.

He can not issue any sort of a certificate; he is obliged to issue certificates of the denominations of not less than $10 and of the denominations of the United States notes. It must be a $10 certificate, or a $20 certificate, or a $50 certificate, or a $100 certificate, or a $500 certificate, or a $1,000 certificate, and if there be, as I understand there are, notes even higher than that, he may give certificates of such higher denominations, but he can not issue a certificate for $75 for $1,100 or for any other sum except a sum of the denomination of the United States notes.

What did this man do when he presented this money to the assistant treasurer at New Orleans? He did not demand a certificate of that sort, and if the assistant treasurer had given a certificate for any other sum than the sum mentioned in the statute he would have acted in violation of law. Let us see what else:

Corresponding with the denominations of the United States notes. The coin deposited for or representing the certificates shall be retained in the Treasury for the payment of the same on demand.

For the payment of the certificates then and there issued. The Senator from Colorado would say that this would be a technical compliance with the law, an adherence to the letter of the law but a violation of its spirit. In the first place, in answer to that argument, I have to say that when the letter of the law is plain, when the meaning of a statute is clear, you have no right to speculate about what its spirit is. Of all the dangerous heresies that have ever afflicted mankind in judicial and governmental affairs there is none more so than that a public official shall undertake to say that "while the plain letter of the law prescribes my duty thus and so, I will dive down a little deeper than that; I will disregard the plain language of the statute, and I will divine for myself what the spirit of it is, and I will go by that."

Now, sir, that is the essence of tyranny and the essence of anarchy. We have a plain rule upon that subject which is recognized by all lawyers and by all courts, that where the language of the statute is plain and unambiguous, as it is here, you must stick to the letter, because the letter is the law, and you can not speculate as to what the legislature may have intended to say when they did not say it. The duty is to ascertain what the legislature said, and not the motive and spirit which the legislator had in his bosom which he did not disclose but which some man thinks exists and constitutes the spirit of the statute. The spirit of the statute is nothing more nor less than what he who undertakes to state what it is wishes that the legislature had said and which the legislature wished not to say.

There is a great deal more in this refusal of the assistant treasurer at New Orleans to receive this money upon this illegal receipt than has been suggested. Let us see what was the object of Congress in passing the law. What did it prescribe? You, the holder, carry your money to the assistant treasurer, count it, get your silver certificates, exchange the two, and when that operation is performed what is the legal result? It is this: the silver belongs to the Government and the certificate belongs to the depositor. There is an exchange. If, the moment after that transaction has been completed, the Government is robbed of the silver it is the Government's loss. If the holder of the silver certificates is robbed it is his loss. That is the scheme and that is the transaction which the statute authorizes to be consummated between the holder of the certificate and the Treasurer of the United States.

But what was the transaction which the express company, the banks in Mississippi and Texas, and Mr. Roach, the cashier of the bank in New Orleans, desired the assistant treasurer to make? Let us see what would be the legal result of that transaction if it had been consummated. Here comes the agent of the express company. He says, "I have got here in these boxes $25,000 in silver. I want your receipt for it, 'subject to count,' on account of the National Bank," or some other bank of New Orleans. Suppose the assistant treasurer had done what he asked him to do and what he is denounced here for not doing, let us see what sort of a transaction that would have been in law.

In the first place, who would have owned the money after it was deposited and before it was counted? Would it have belonged to the depositor or to the bank or to the treasurer? It is very clear that it would not have belonged to the treasurer, because it was an inchoate transaction, not completed till the final count. That is undoubted law. There was something else to be done to pass the title to it; it was to be counted.

Here the United States Treasurer becomes by an illegal act the depositary of private funds. Where is the law for that? Where is the statute which authorizes the Treasurer of the United States to become the bailee of money belonging to private individuals? There is none.

I will go on a little further and look at this transaction in its other legal aspects. The treasurer gives a receipt and the receipt is handed to the bank. What control has the treasurer over that receipt? Suppose he counts the money the next day and finds it is all there just as he receipted for it, who does the money belong to then? It is still the money of the depositor, because he has got nothing for it except the private, the illegal, and unauthorized receipt given by the assistant treasurer. He has got that receipt and nothing more. Suppose the depositing bank does not return it. Suppose the bank says, "We have got our money now in the subtreasury of the United States at New Orleans; there is plenty of room there for it, and it is safe there; and as Mr. Roach says in the letters here somewhere, "our vaults are overflowing with silver dollars and we have got no room for it, and we have succeeded in getting this $25,000 of silver money into the vaults of the United States Treasury and have got their receipt for it, and we do not want the certificates," and so we will not return the receipt nor demand the certificates of silver.

Mr. BECK. I will state what would be a test, if the Senator will allow me.

The PRESIDING OFFICER. Does the Senator from Mississippi yield to the Senator from Kentucky?

Mr. GEORGE. Yes, sir.

Mr. BECK. As was suggested before, this would be a test. If the receipt given to him for that money would not have been received the next day at the custom-house in payment for dutiable goods, then it is not the receipt the law contemplated.

Mr. GEORGE. I was just going to show what this receipt was and how different it was from the things which the law authorizes to be put out. By the kindness of the Senator from Florida [Mr. CALL] (because I rarely have anything of that sort) I have managed to get a ten-dollar silver certificate. I find, in the first place, that it is a promise on the part of the United States to pay $10 to bearer. It is not a receipt. It is an obligation of the United States to pay to bearer $10; and whoever gets that, whether by theft or fraud, by well-known rules of commercial law if he presents it to the Treasurer of the United States he may get the money upon it and the Government is acquitted. It is money, or rather it is currency. It circulates as currency.

I wish to call the attention of the Senate to another fact in relation to this matter.

The object of the law of 1878 was to increase the currency of the

country, to make silver dollars currency, to put them in circulation among the people; and the object of the third section of the law now under consideration was, whenever you took the silver dollars out of the currency and put them in the Treasury you must put an equivalent amount of silver certificates into the currency so there would be no diminution of the currency of the country—none of this contraction of which my friend from Texas as well as myself have such a great horror.

Now, we will test this arrangement which they tried to make with the Treasurer of the United States at New Orleans by these rules and see how it squares with the statute. Recollect that the plain provision of the statute is that whenever so many silver dollars are taken out of circulation and put into the vaults of the United States Treasury the same amount exactly of silver certificates shall be put into circulation, so that there would be neither increase nor diminution of the circulation by the transaction.

Let us see how that would stand with reference to the receipt which Senators are denouncing the Secretary of the Treasury for not giving. He gives a certificate or receipt which reads in about this way: "Received of the Southern Express Company a package said to contain $25,000, subject to count." You put that into the hands of the depositor, and what is that? It is simply nothing.

Mr. SHERMAN. Mr. President——

The PRESIDING OFFICER. Does the Senator from Mississippi yield to the Senator from Ohio?

Mr. GEORGE. Of course.

Mr. SHERMAN. The Senator is in error in supposing that any certificate is issued from the Treasury or from a subtreasury upon the receipt of silver coin except the silver certificate. The ordinary course the Senator will see. If a man should deposit in the subtreasury $25,000 of silver coin a certificate might be issued by the receiving teller, which would be signed by the assistant treasurer, in the nature of a direction to the paying teller to pay out $25,000 of silver certificates; but there is no certificate given to the depositor which can circulate as money.

Mr. GEORGE. Suppose that is subject to count, how could he give his order to the other person to pay $25,000 until he counted it?

Mr. SHERMAN. The subtreasurer simply certifies that A. B. has deposited in the Treasury $25,000.

Mr. GEORGE. Subject to count. That is the way it is here.

Mr. SHERMAN. That certificate is not given to the depositor at all; it is given to the paying teller as his authority to pay out $25,000 of silver certificates.

Mr. GEORGE. That is where the transaction is legitimate, as I insist it ought to be. It is only an order given by one man who receives the money to another man who pays the money.

Mr. SHERMAN. That is all there is of it.

Mr. GEORGE. That is all right in a regular and legal transaction. It is nothing but a check from one officer on another, which settles the transaction. One man counts in the silver dollars and another man pays out the silver certificates; there are two men doing it; but when we consider them as officials of the United States, when we consider it as the act of the Government, it is but the single act of the treasurer. It is true two men do it, but it is the single act of the treasury, and therefore you may consider it a simultaneous action. But that is not the thing which Mr. Roach wanted done. Let us see what his complaint is on that subject. In his letter of January 2 he says:

STATE NATIONAL BANK, *New Orleans, January* 2, 1886.

DEAR SIR: Quite a number of our correspondents in Texas, Mississippi, Tennessee, &c., desire to arrange some method by which they may deposit with the subtreasury at New Orleans standard dollars for redemption, the proceeds, in silver certificates, to be paid over to us, after count, for their credit.

That was the arrangement he desired to make. Then he proceeds:

This method of redemption has heretofore been customary, and thinking it was a matter of course, several banks during the present week have shipped silver dollars to the treasury for redemption in this manner. But the assistant treasurer has refused to receive it, assigning two grounds, first that it would make the treasury the intermediary between banks, and second that he is not prepared to handle promptly the large amount of silver which would probably come in on him for redemption under this method.

Now I want to call the attention of the Senate especially to his further remark. He says:

To his first reason—

That is about making the subtreasury an intermediary—

To his first reason I confess I do not see much force, for if the country banks have the privilege of depositing silver and taking in lieu silver certificates it seems less trouble for him to issue his receipt—

Not silver certificates—but his receipt—

for silver "subject to count."

Now I say that is a transaction which the law does not authorize. It not only does not authorize it, but it is in express violation of what the law requires to be done. The law says that when the holder shall bring the silver dollars to the treasury the treasurer shall give not his receipt, "subject to count," but give silver certificates of certain denominations. That is the legal and proper way to make this transaction.

This is not what Mr. Roach and the banks wanted done. They demanded that something else should be done—that the subtreasurer should give his receipt for $25,000, "subject to count." The money, the dollars, whether twenty-five thousand or more or less, are demanded to be placed in the subtreasury of the United States, though they do not belong to the United States. They belong to the holder.

Now, what is the legal effect of this receipt that is to go out? As suggested by my learned friend from Kentucky, it can not be received in dues to the Government; it can not pay duties. Let us see, now, how a man would undertake to pay duties with this receipt, even if the officer receiving duties was willing to violate the law to receive it. Suppose he owed the Government $25,000 for duties. The holder brings his receipt and offers it. It is not the $25,000 due, nor the representative of it; it is not even *prima facie* evidence that $25,000 has been deposited. The $25,000 mentioned in such a receipt means nothing, because it is "subject to count." It would have the same legal force and value precisely if it had said: "Received from the express company a package said to contain silver, which, when we count, we will account for." It is not even presumptive evidence that $25,000 has been deposited. I submit to my friend from Texas this case: Suppose a transaction between two private parties and one had given his receipt for $25,000 "subject to count," and he did not pay it, and the holder of the receipt was to bring his action at law to recover on that receipt, could he read that receipt to the jury and to the court and ask for a judgment for $25,000? Most certainly he could not, because there is no assertion in it that $25,000 has been received; it is only a statement that there may be $25,000 if it turns out so on the count. So when such a receipt by the assistant treasurer gets out it is nothing. The certificates authorized by law to be issued are currency; this illegal receipt is nothing; it is not negotiable; it can not be legally passed from one to another; if the receipt was stolen from the depositing bank the day it was received the bank would lose nothing; it would still have the same claim for the $25,000 or whatever the sum might be found to be by the count that he had before the receipt was stolen. It is not a negotiable paper at all, and for that very reason it would be to the interest of the bank having a paper of that sort with the silver dollars in the United States Treasury not to present it until it needed the dollars, there being absolute security for the dollars while in the United States Treasury. The bank has made the United States Treasurer the guarantor of its $25,000 against fire and against thieves. I say that is a transaction which the statute of the United States does not authorize, and I say in addition to that that if a custom grew up by which such a dealing could be had it was a custom which it was the duty of a Democratic administration as soon as it got into power to break down, a custom "more honored in the breach than in the observance," because it was a custom not authorized by law but in violation of law.

Now with this explanation of the transaction it is plain that there is no occasion for all this denouncing of the Secretary of the Treasury. I am not going to advocate the peculiar views the Secretary of the Treasury has upon silver, because I do not agree with him. I believe that silver is a proper constitutional coin; I believe that silver certificates for one, two, five, and ten dollars, and whatever other denomination we may adopt, is the very best method by which silver can circulate among the people with the most practical convenience to them, and I am ready here, as I was two years ago, to vote for a proposition by which they shall have these silver certificates in these small sums, so that silver through these representatives may circulate freely wherever they are wanted.

As to the other charges which have been made against the Secretary of the Treasury I will say but little. I believe there was some charge that he would not exchange silver certificates for gold. I am not going into that now to any great extent, because that is not involved in this issue. If a Senator complains that the Secretary of the Treasury has violated any duty imposed upon him by refusing to exchange silver certificates for gold coin it is but right that he should have the same privilege in reference to that complaint that he has had in reference to the complaints in the resolutions of the Senator from Louisiana, let him have an opportunity to give his reasons. But, Mr. President, it was a little singular that the refusal of the Secretary to give silver certificates for gold should be made the subject of denunciation here when upon my inquiry if there was any law authorizing or requiring the Secretary of the Treasury to issue certificates for silver on the deposit of gold it is found there is no such law.

Let us examine into the matter of giving silver certificates for gold a little further. Suppose my friend from Texas should go with a hundred dollars in gold to the Treasury of the United States and that he should tender it, saying, "I want to deposit this gold and I want a silver certificate." The gold is placed in the Treasury and the silver certificate is issued. I say that is a transaction which the face of the paper does not represent. In other words, I say that it is a transaction in violation of the only writing that has occurred between the parties.

My friend from Texas tenders his hundred dollars or his $10 to the Treasurer and gets a silver certificate, and what does the silver certificate say? It contains an assertion on the part of the Government of some fact. Does this certificate say that $10 in gold has been deposited with the Treasurer, and that the Treasurer will redeem it by paying $10 in silver? No, sir.

Mr. COKE. I will say to the Senator that in the latest report the Secretary of the Treasury says there were $38,000,000 of silver certificates in the Treasury.

Mr. GEORGE. I was going on to say that the thing that would be done would be in violation of the only written record made of it. That record is contained in the silver certificate, and certifies that ten silver dollars have been deposited. But no silver was deposited.

But all this complaint is a little strange any way. I hear the Senator from Colorado, who is the great *par excellence* friend of silver, every time he speaks commending the silver dollar as equal in all respects to gold. I hear my friend from Texas doing the same thing. Under the law of the United States they say that a silver dollar of 412½ grains is equal to a gold dollar; that they are interchangeable, each being the exact equal of the other. If that is so, what blame can be attached to the Treasurer of the United States for not swapping a silver certificate for a gold dollar, when he makes nothing for the Government by the transaction? Who has a right to complain of his refusal? If the Treasurer does something he is not required by law to do there ought to be some benefit accruing to the Government of the United States from the transaction. According to my friend from Texas and my friend from Colorado the gold dollar is worth neither more nor less than the silver dollar, neither more nor less than the silver certificate; and yet the Treasurer is denounced for not doing the foolish and at the same time unauthorized thing of swapping a thing for another, both being exactly equal—one black-eyed pea for another, both being exactly alike and of exactly the same value.

My friend from Texas is a Democratic Senator, and denounces the Secretary of the Treasury. I am not criticising his course, because I have no doubt he is inspired with the loftiest motives of patriotism and of duty to his people in the course he pursues. I have known him long enough to be willing to state that about all his actions here; but I also have a right to speak as a Democratic Senator, representing in part not so great a State, it is true, as my friend does, not so great in population, not so great in resources, but as true and as devoted to the Constitution and to the interests of this country as Texas. The people of Mississippi are as good, and as patriotic, and as Democratic as the people of Texas. And so representing them, when I differ as I do from the administration on its silver policy (and I shall take occasion before this Congress adjourns to develop my views on silver more fully), I feel it to be my duty as well as my pleasure when I see the administration or any of its members wrongfully charged with violation of law to make that defense for them which the law of the land gives them. In this instance there has been no violation of law, but a strict observance of it.

Mr. EUSTIS. Mr. President, I had no idea that the resolution which I offered would have led to such an extended debate. The resolution sought to accomplish two objects. The first was that the Senate should inquire whether the same facilities were afforded by the subtreasury at New Orleans as were afforded by other subtreasuries; and the second was whether there was an adequate clerical force to discharge the duties of that office. I sent a dispatch this morning to Mr. Roach, the cashier of the bank at New Orleans, to inform me whether the banks of Texas and Tennessee had shipped that silver to the subtreasury for the purpose of obtaining therefor silver certificates, and also to explain the method of transacting that business with reference to shipments of coin to the subtreasury at New Orleans and the bank agency at New Orleans. I merely rise now for the purpose of reading his answer. It confirms the view that I expressed day before yesterday that these banks were not intending, as the subtreasurer believed or represented, to use the subtreasury as an intermediary between banks, and the whole transaction was simply this: that the shipper from the interior shipped silver dollars directly to the subtreasury with instructions that the subtreasury should deliver to the correspondent in New Orleans the silver certificates; and that was all. Therefore I ask leave to read the answer to my dispatch.

NEW ORLEANS, LA., *February* 10, 1886.

Hon. J. B. EUSTIS, *United States Senate:*

Shippers sought to get rid of excessive silver by shipping to subtreasurer, asking that silver certificates therefor be turned over to their New Orleans correspondents.

That was the whole of it. It was a mere case of agency. That seems to have been a practice, whether in violation of law or not I do not know; but I understand that it had been the custom, and that there is no responsibility in such a transaction; that the principal in the interior ships silver dollars directly to the subtreasury at New Orleans, and directs that instead of the silver certificates being sent to him in the interior they be delivered to his correspondent in New Orleans; and if the shipper chooses to take that risk and do that mode of business, he has a right to do it. He adds:

Subtreasurer declined to receive from express because, firstly, he doubted propriety of Treasury becoming intermediate between country and city banks; secondly, for lack of clerical force. I feel assured provision of sufficient clerks would remedy everything.

T. R. ROACH, *Cashier.*

Mr. COKE. Mr. President, when I was addressing the Senate a while ago——

Mr. EDMUNDS. Would the Senator from Texas yield to a motion for an executive session?

Mr. COKE. If the Senator will allow me just two or three minutes; I am not going to occupy the floor long. When I was addressing the Senate a while ago I referred to the letter of Mr. Roach, and now desire to call attention to it again, for the purpose of showing that people who reside in New Orleans experience the same treatment complained of by the Texas and Tennessee banks. He says this:

This year, however, the subtreasury at this point declines to receive silver from the country banks, though the latter write me that this facility is still accorded them by other subtreasuries. In this the Treasurer of the United States sustains our assistant treasurer; and I, therefore, presume he is right as a matter of law. But the subtreasurer virtually refuses to receive it from depositors in this city also; that is to say, he so limits the amount and receives it so seldom that it is practically a refusal.

That is the proposition I set out to establish and which I think is clearly established by this correspondence. The Senator from Mississippi has made an exceedingly able and ingenious speech here in defense of this officer. He may technically be right, but that the spirit and essence and substance of the law of 1878 for the issuance of silver certificates has been defeated and nullified in the city of New Orleans there is no sort of question if we can believe the testimony of this gentleman, a prominent business man in New Orleans, who is indorsed by the Senator from Louisiana as a good and thoroughly reliable business man.

Mr. EDMUNDS. I wish to ask my friend from Texas, with his permission, why this administration does not turn this Republican rascal out and put in a Democrat who understands his duties under the law? [Laughter.]

Mr. COKE. Is he a Republican?

Mr. EDMUNDS. I do not know. I assume if he is so bad as that, he must be.

Mr. COKE. It makes no difference with me whether he is a Republican or a Democrat.

Mr. EDMUNDS. May I ask who this officer is and how long he has been in office?

Mr. COKE. I do not know anything about the politics of the officer. I know that this law is being violated if the testimony of Mr. Roach is to be believed; I know that the people of my State are suffering from it; I know that the silver currency is sought to be discounted on account of it, and I believe it to be a crime against the country and its prosperity and its people for any officer to depreciate its currency by a refusal to carry out a law which he has been sworn to execute and has been placed in office to execute.

Mr. EDMUNDS. Will the Senator from Texas tell me if he knows who this officer is and how long he has been in office?

Mr. COKE. I simply know the name of the officer from the correspondence before the Senate. I do not know how long he has been in office.

Mr. EDMUNDS. May I ask my friend from Louisiana or both my friends whom I see on my left whether this is one of the old officers or some new man who is inexperienced in affairs or what he is?

Mr. GIBSON. He is a gentleman appointed by this administration.

Mr. EDMUNDS. It is a very bad state of things. [Laughter.]

The PRESIDING OFFICER. The Senator from Texas has the floor.

Mr. GEORGE. Allow me——

The PRESIDING OFFICER. Does the Senator from Texas yield to the Senator from Mississippi?

Mr. COKE. Certainly.

Mr. GEORGE. The letter which has just been read was not among those which are included in the official report.

Mr. COKE. It is a letter that the Senator from Louisiana sent to the Clerk's desk two days ago from Mr. Roach.

Mr. GEORGE. Directed by Mr. Roach to the Senator from Louisiana?

Mr. COKE. Yes, sir.

Mr. GEORGE. It has never been before the Secretary of the Treasury?

Mr. COKE. Not that I know of.

Mr. GEORGE. I desire to say in justice to that officer that an *ex parte* statement of that sort ought not to be considered as against the Secretary of the Treasury. He ought to have the privilege of saying what his side is.

Mr. COKE. He will have that privilege when the committee investigate this subject. I believe this man Roach. I think he has told the truth.

Now, Mr. President, the Senator from Mississippi says there has been no violation of law. I produce the testimony of a reputable gentleman from New Orleans that there has been, and I state further that under former administrations of the subtreasury at New Orleans the people throughout the South received silver certificates whenever they presented their silver dollars. I am not informed that there are fewer clerks now there than there were then. I presume there is the same number of clerks there now that there was then. If the Treasurer of the United States or the subtreasurer have ever asked in any report made to Congress for an increase of their clerical force, their reports fail to show it so far as I have been able to examine. To say that he has not sufficient clerical force when his predecessors did have it seems to me to leave this gentleman in the attitude of having been deficient in some vital respects in the administration of his office, for there is no

question about the fact that the people have failed to get an execution of the law of 1878, and are suffering a depreciation of their principal currency from that fact not only in Texas and in other States adjacent to New Orleans, but, as this gentleman says, in the city of New Orleans. I will read again what he says:

But the subtreasurer virtually refuses to receive it—

Silver—

from depositors in this city also; that is to say, he so limits the amount and receives it so seldom that it is practically a refusal.

Here is a refusal by the officer to obey the law to the detriment and injury of the people. That is the proposition. All these fine-spun arguments of the Senator from Mississippi, in which he may be technically correct, avail nothing when met by this fact, and I hope the committee will take charge of this resolution and give it a thorough investigation. The idea that for the want of one or two clerks the whole monetary system of the country is to be thrown into confusion and half of its money depreciated is too poor and flimsy a pretext to be set up here in defense of the conduct of the subtreasurer at New Orleans. Nobody can be deceived by it. It is a pretext and nothing else. It is in line with all the other conduct of the Treasurer in respect to silver. His explanation is a lame and impotent one, and it ought to be inquired into.

Mr. EDMUNDS. I move that the Senate proceed to the consideration of executive business.

Mr. CALL. I ask the Senator to withdraw the motion for a moment.

Mr. EDMUNDS. Certainly.

Mr. CALL. I stated to-day that I had been informed by the Treasurer of the United States that $25,000 had been lost at New Orleans in consequence of the former practice of receiving money not counted and giving a receipt subject to count. I have just received this telegram from the Treasurer, which I desire to read:

TREASURY DEPARTMENT, *February* 10, 1886.

Hon. W. CALL, *Senate:*

The receipts amounting to $15,000 were held in the cash-drawer as money, the teller representing that the banks had been paid, which was not the case.

C. N. JORDAN.

By virtue of that practice $15,000 was found to be deficient.

BILL RECOMMITTED.

On motion of Mr. DOLPH, it was

Ordered, That the bill (S. 41) for the relief of James S. Clark & Co. be recommitted to the Committee on Claims.

EXECUTIVE SESSION.

Mr. EDMUNDS. I renew my motion.

The motion was agreed to; and the Senate proceeded to the consideration of executive business. After one hour and ten minutes spent in executive session the doors were reopened, and (at 5 o'clock and 25 minutes p. m.) the Senate adjourned.

EXECUTIVE NOMINATIONS.

Received the 10th day of February, 1886.

CONSUL-GENERAL.

John D. Kennedy, of South Carolina, to be consul-general at Shanghai, to fill a vacancy.

SECRETARIES OF LEGATION.

Henry White, of Maryland, to be secretary of the legation at London, *vice* William J. Hoppin, resigned.

Charles P. Phelps, of Vermont, to be second secretary of the legation at London, *vice* Henry White, promoted.

UNITED STATES ATTORNEYS.

George M. Stearns, of Massachusetts, to be attorney of the United States for the district of Massachusetts, *vice* George P. Sanger, term expired.

Allen R. Bushnell, of Wisconsin, to be attorney of the United States for the western district of Wisconsin, *vice* H. M. Lewis, term expired.

Lewis L. McArthur, of Oregon, to be attorney of the United States for the district of Oregon, *vice* J. F. Watson, term expired.

Stephen A. Walker, of New York, to be attorney of the United States for the southern district of New York, *vice* Elihu Root, resigned.

UNITED STATES MARSHALS.

Galusha Pennell, of Michigan, to be marshal of the United States for the eastern district of Michigan, *vice* Salmon S. Matthews, whose term expires February 17, 1886.

Christopher Franks, of California, to be marshal of the United States for the district of California, *vice* Moses M. Drow, whose term expires February 20, 1886.

CONSUL.

Berthold Greenebaum, of San Francisco, Cal., to be consul of the United States at Apia, *vice* Theodore Canisius, suspended.

POSTMASTERS.

Charles C. Commerford, at Waterbury, New Haven County, Connecticut, *vice* John W. Hill, term expired.

H. Hungerford Drake, at West Winsted, Litchfield County, Connecticut, *vice* Benjamin F. Marsh, term expired.

Frank H. Smith, at Sycamore, DeKalb County, Illinois, *vice* Charles F. Martin, term expired.

John S. Rogers, at Beloit, Mitchell County, Kansas, *vice* William H. Mitchell, resigned.

John H. Koop, at Brainerd, Crow Wing County, Minnesota, *vice* Wilder W. Hartley, resigned.

Joseph B. Boyle, at Westminster, Carroll County, Maryland, *vice* Abraham H. Huber, term expired.

William L. Force, at Plainfield, Marion County, New Jersey, *vice* Elias R. Pope, term expired.

Orange Pomeroy, at Chardon, Geauga County, Ohio, *vice* Wilder C. Parsons, term expired.

Alva R. Beckwith, at Jefferson, Ashtabula County, Ohio, *vice* Joseph A. Howells, term expired.

Walter S. Braden, at New Brighton, Beaver County, Pennsylvania, *vice* Elizabeth B. Cuthbertson, term expired.

WITHDRAWAL.

Nomination withdrawn February 10, 1886.

William Dorsheimer, to be United States attorney for the southern district of New York, he having resigned the office.

HOUSE OF REPRESENTATIVES.

WEDNESDAY, *February* 10, 1886.

The House met at 12 o'clock m. Prayer by the Chaplain, Rev. W. H. MILBURN, as follows:

Almighty God, the nation to-day stands as mourner beside the bier of an excellent upright citizen, a great captain, a man of stainless name and record. We humbly beseech Thee to uphold and console the bereaved wife in her unspeakable affliction; to care for and befriend the orphaned grandchildren, and fulfill Thine ancient word, to be the husband of the widow and the father of the fatherless.

Impress upon us all the solemn lesson of these sudden departures; and may our hearts be set to obey Thy commandments, and pass our time in rest and quietness, with the assurance that they who live a life of duty, fearing God and loving the neighbor, shall have an immortality of peace and blessedness at Thy right hand. Through Jesus Christ our Lord. Amen.

The Journal of yesterday's proceeding was read and approved.

TARIFF ACT OF 1883.

The SPEAKER laid before the House a letter from the Secretary of the Treasury, in response to a resolution of the House calling for information upon questions arising under the tariff act of 1883; which was referred to the Committee on Ways and Means, and ordered to be printed.

HOSPITAL STEWARDS, DEPARTMENT OF THE EAST.

The SPEAKER also laid before the House a letter from the Secretary of the Treasury, transmitting correspondence in regard to quartering hospital stewards in the Department of the East, and asking an appropriation of $58,765 for construction of quarters; which was referred to the Committee on Military Affairs.

ESTIMATES, BUREAU OF LABOR.

The SPEAKER also laid before the House a letter from the Secretary of the Treasury, transmitting an estimate from the Secretary of the Interior for salaries and expenses in the Bureau of Labor for the fiscal year ending June 30, 1887; which was referred to the Committee on Appropriations.

REFERENCE OF SENATE BILLS.

The SPEAKER, in accordance with the rule, laid before the House Senate bills and a joint resolution; which were read a first and second time, and severally referred as follows:

A bill (S. 753) to provide for the sale of the old site of Fort Brady, Michigan, and for a new site and the construction of suitable buildings thereon—to the Committee on Military Affairs;

A bill (S. 1120) to authorize the increase of the capital stock of the Omaha National Bank of Omaha, Nebr.—to the Committee on Banking and Currency;

A bill (S. 1394) to provide for the ascertainment of the market value of certain property in the city of Chicago and to authorize the Secretary of the Treasury to sell and convey said property—to the Committee on Public Buildings and Grounds; and

Joint resolution (S. R. 10) to amend the statute in relation to the immediate transportation of dutiable goods, and for other purposes, approved June 10, 1880, so that the provisions of the same shall be extended to the port of Key West, Fla., and the provisions of the seventh

section of the statute be extended to the port of Tampa, Fla.—to the Committee on Ways and Means.

LEAVE OF ABSENCE.

By unanimous consent, leave of absence was granted as follows:

To Mr. PETTIBONE, for ten days, on account of sickness in his family; and to Mr. WHITE, of Pennsylvania, until the 20th instant; to Mr. BURLEIGH, for one week; to Mr. CAMPBELL, for three days, and to Mr. FORAN, for four days, all on account of important business.

DEATH OF GENERAL HANCOCK.

Mr. BLANCHARD. Mr. Speaker, I offer the resolution which I send to the desk, and ask that it be read and presently considered.

The SPEAKER. The resolution will be read, after which the Chair will ask for objection to its present consideration.

The Clerk read as follows:

Resolved, That this House has learned with profound sorrow of the great and irreparable loss which the country has sustained in the death of that great and good man Maj. Gen. Winfield S. Hancock.

Resolved, That this House, in common with all his countrymen, mourn the death of him who was the stainless soldier for the Union in war, and the undaunted defender of the Constitution and of civil liberty in peace, and at all times the stainless man and the incorruptible patriot.

Resolved, That as a mark of respect and affection for the exalted virtues of this hero and patriot this House do now adjourn.

Resolved, That the Speaker of the House be directed to transmit to the widow of the honored dead a copy of these resolutions and the assurance of the heartfelt sympathy of the House in the sorrowful bereavement which is alike hers and the nation's.

The SPEAKER. Is there objection to the present consideration of the resolutions?

There was no objection.

The resolutions were agreed to; and in accordance therewith (at 12 o'clock and 17 minutes p. m.) the House adjourned.

SENATE.

THURSDAY, *February* 11, 1886.

Prayer by the Chaplain, Rev. E. D. HUNTLEY, D. D.

The Journal of yesterday's proceedings was read and approved.

PETITIONS AND MEMORIALS.

The PRESIDENT *pro tempore*. The Chair presents a memorial of Local Assembly No. 3529, Knights of Labor, of Philadelphia, Pa., remonstrating against the passage of certain bills as to pilots and pilotage. The memorial will be referred to the Committee on Commerce.

Mr. FRYE. Does the memorial indicate which pilotage bill it opposes?

The PRESIDENT *pro tempore*. It indicates "the bill introduced by Senator FRYE."

Mr. FRYE. I introduced three. I wish such memorialists would inform me which one they oppose.

The PRESIDENT *pro tempore*. The number of the bill is not given in the memorial.

Mr. WILSON, of Iowa, presented a petition of Excelsior Local Assembly No. 2219, Knights of Labor, of Des Moines, Iowa, praying for the organization of a Territorial form of government over the Indian Territory and for the opening of all public and unoccupied lands in that Territory to settlement under the homestead laws; which was referred to the Committee on Indian Affairs.

Mr. INGALLS. I present a petition numerously signed by members of E. D. Baker Post, No. 40, Department of Kansas, Grand Army of the Republic, of Baldwin City, Kans., praying such legislation as will embody the recommendations of the national pension committee of the Grand Army of the Republic. I move that the petition be referred to the Committee on Pensions.

The motion was agreed to.

Mr. INGALLS. I also present a paper headed "Oklahoma petition," addressed to me as an individual member of the Senate, signed by the officers of Local Assembly No. 1800, Knights of Labor, at Topeka, Kans., praying for legislation concerning the Indian Territory and Indian reservations. I observe that many of these papers have been treated as petitions and referred to the appropriate committee. They seem to be forms of a printed petition, which has been sent out, I assume, from some central organization, and are forwarded here in response to that suggestion. How far they may represent the views of the organizations by whom they are signed I have no means of knowing. I have sent many of these directly to the Committee on Indian Affairs, not knowing that they could be treated as petitions; but inasmuch as other Senators have presented them to the Senate, I ask that this petition may be received and referred to the Committee on Indian Affairs.

The PRESIDENT *pro tempore*. The petition will be received and so referred.

Mr. LOGAN presented the petition of F. A. Noeller, late a private in Company K, One hundredth Regiment New York Volunteers, praying to have the charge of desertion removed from his military record; which was referred to the Committee on Military Affairs.

He also presented a petition of ladies of Rockford, Ill., praying the adoption of a sixteenth amendment to the Constitution forbidding disfranchisement of women on account of sex; which was ordered to lie on the table.

He also presented a petition of Knights of Labor of Monmouth, Ill., and a petition of Knights of Labor of Galesburg, Ill., praying that all public and unoccupied lands in the Indian Territory be opened to homestead settlement, and that a Territorial government be established therein; which were referred to the Committee on Indian Affairs.

Mr. BLACKBURN presented the petition of McKnight & Richardson, who were engaged in business in El Paso, Tex., in 1861, praying to be remunerated for certain losses incurred by them in connection with furnishing supplies to the United States Army; which was referred to the Committee on the Judiciary.

Mr. SAWYER presented the petition of Mr. Beach and other officers of the Woman's Christian Temperance Union, of Madison, Wis., praying for the adoption of a sixteenth amendment to the Constitution of the United States conferring the elective franchise on all citizens without regard to sex; which was ordered to lie on the table.

Mr. CULLOM presented a petition of the Galesburg Local Assembly of the Knight of Labor, of Illinois, praying for the opening to settlement of all public and unoccupied lands in the Indian Territory; which was referred to the Committee on Indian Affairs.

He also presented a memorial of the Chicago Typographical Union, remonstrating against the passage of the international copyright bill; which was referred to the Committee on Patents.

Mr. EVARTS presented a petition adopted by the New York quarterly meeting of the Society of Friends, held in New York city on the 27th of January, 1886, praying for the passage of the scientific temperance instruction bill for all schools under control of the Federal Government, to wit, in the District of Columbia, Territories, Military and Naval Academies, Indian and colored schools; which was ordered to lie on the table.

Mr. INGALLS presented a memorial of citizens of Washington, D. C., remonstrating against the passage of the bill (S. 485) to amend the charter of the Capitol, North O Street and South Washington Railway Company, of Washington, D. C.; which was referred to the Committee on the District of Columbia.

REPORTS OF COMMITTEES.

Mr. FRYE, from the Committee on Commerce, to whom were referred the following bills, reported them severally without amendment:

A bill (S. 1013) providing for the establishment of a port of entry at Mount Desert Ferry, in the town of Hancock, in the State of Maine; and

A bill (S. 1397) to establish a port of delivery at Springfield, in the State of Massachusetts.

Mr. SAULSBURY, from the Committee on Foreign Relations, to whom was referred the bill (S. 147) to reimburse George S. Fisher for losses sustained by fire in Japan, November 26, 1866, submitted an adverse report thereon.

Mr. VAN WYCK. I ask that the bill be placed upon the Calendar.

The PRESIDENT *pro tempore*. The bill will be placed on the Calendar with the adverse report of the committee.

Mr. DAWES, from the Committee on Indian Affairs, to whom were referred the following bills, reported them severally without amendment:

A bill (S. 715) to provide for the sale of a part of the reservation, situate in the State of Nebraska, of the Winnebago tribe of Indians, and for other purposes; and

A bill (S. 1433) for the relief of the Miami Indians of Kansas.

Mr. MAXEY, from the Committee on Indian Affairs, to whom was referred the bill (S. 220) to authorize the Secretary of the Interior to settle the claims of S. W. Marston, late United States Indian agent at Union agency, Indian Territory, for services and expenses, reported it without amendment, and submitted a report thereon.

CONVICT LABOR AT PEORIA.

Mr. MANDERSON. I am instructed by the Committee on Printing to report back the letter of the Secretary of the Treasury, transmitting, in response to a Senate resolution, papers relating to the employment of convict labor on a public building in Peoria, Ill. The letter was referred with a desire on the part of a standing committee of the Senate to have it printed. The cost of printing the usual number will be $44. The committee instruct me to report in favor of printing the usual number.

The report was agreed to.

UNION PACIFIC RAILROAD COMPANY.

Mr. MANDERSON. There was referred to the Committee on Printing a message from the President of the United States, transmitting, in response to a Senate resolution, a letter of the Secretary of the Interior and copies of the reports of the Government directors of the Union Pacific Railroad Company. Two resolutions were referred to the committee—one to print the usual number of the reports and the other to print, in addition to the usual number, 3,000 copies for the use of Congress, for distribution by the two Houses. The committee report that the cost of printing the usual number of these reports will be $702.25,

and that 3,000 additional copies will cost $826. The committee, deeming it a matter of very great importance that the reports should be placed before Congress in a convenient form in view of matters pertaining to the road which are likely to come before Congress at this session, report in favor of printing the usual number and 3,000 additional copies. I ask for the immediate consideration of the concurrent resolution.

The concurrent resolution was considered by unanimous consent, and agreed to, as follows:

Resolved by the Senate (the House of Representatives concurring), That in addition to the usual number there be printed of the letter of the President of the 4th instant, communicating to the Senate copies of the reports of the Government directors of the Union Pacific Railroad Company, together with said reports, 3,000 copies, 1,000 for the use of the Senate and 2,000 for the use of the House of Representatives.

BILLS INTRODUCED.

Mr. HAWLEY introduced a bill (S. 1459) granting an increase of pension to Walter A. Donaldson; which was read twice by its title, and, with the accompanying paper, referred to the Committee on Pensions.

Mr. SHERMAN introduced a bill (S. 1460) for the erection of a public building at Akron, Ohio; which was read twice by its title, and referred to the Committee on Public Buildings and Grounds.

He also introduced a bill (S. 1461) granting a pension to John W. Reynolds; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Pensions.

Mr. MANDERSON introduced a bill (S. 1462) for the relief of the widow of the late Lieut. Col. Joseph A. Haskin, United States Army; which was read twice by its title, and referred to the Committee on Pensions.

Mr. SEWELL introduced a bill (S. 1463) granting arrears of pension to Mary Helena Mahan; which was read twice by its title, and referred to the Committee on Pensions.

Mr. INGALLS introduced a bill (S. 1464) for the relief of Michael Carter, jr.; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Military Affairs.

Mr. VAN WYCK introduced a bill (S. 1465) to provide for the erection of a public building in the city of Grand Island, in the State of Nebraska; which was read twice by its title, and referred to the Committee on Public Buildings and Grounds.

Mr. PLUMB introduced a bill (S. 1466) granting an increase of pension to Stephen R. Smith; which was read twice by its title, and referred to the Committee on Pensions.

He also introduced a bill (S. 1467) granting a pension to Mrs. Margaret Smith; which was read twice by its title, and referred to the Committee on Pensions.

He also introduced a bill (S. 1468) for the relief of David Morrow; which was read twice by its title, and referred to the Committee on Claims.

He also introduced a bill (S. 1469) for the relief of Mrs. S. B. Duvall, widow of the late Rev. W. P. Duvall, deceased; which was read twice by its title, and referred to the Committee on Indian Affairs.

Mr. LOGAN introduced a bill (S. 1470) to remove the charge of desertion from the record of Richard T. Greene; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Military Affairs.

Mr. COCKRELL introduced a bill (S. 1471) to remove the charge of desertion from the rolls and records in the office of the Adjutant-General of the Army against certain soldiers; which was read twice by its title, and referred to the Committee on Military Affairs.

Mr. CHACE introduced a bill (S. 1472) for the relief of Peter K. Dederick; which was read twice by its title, and referred to the Committee on Patents.

Mr. HOAR introduced a bill (S. 1473) for the relief of Susan E. Alger; which was read twice by its title, and referred to the Committee on Pensions.

Mr. FRYE introduced a bill (S. 1474) for the extension and repair of the public building at Belfast, Me.; which was read twice by its title, and referred to the Committee on Public Buildings and Grounds.

Mr. BLAIR introduced a bill (S. 1475) granting a pension to Isabel George; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Pensions.

Mr. SPOONER introduced a bill (S. 1476) to amend the act of Congress approved June 12, 1884, entitled "An act to authorize the construction of bridges across the Wisconsin, Chippewa, and Saint Croix Rivers, in the State of Wisconsin;" which was read twice by its title, and referred to the Committee on Commerce.

Mr. DAWES introduced a bill (S. 1477) for the relief of Nathaniel McKay and the executors of Donald McKay; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Claims.

Mr. GORMAN introduced a bill (S. 1478) to authorize the printing of the eulogies delivered in Congress upon the late Thomas A. Hendricks; which was read twice by its title, and referred to the Committee on Printing.

Mr. DAWES (by request) introduced a bill (S. 1479) for the relief of the Atlantic Works; which was read twice by its title, and referred to the Committee on Claims.

He also introduced a bill (S. 1480) for the relief of John J. Curtis and the executors of Edward S. Tilden; which was read twice by its title, and referred to the Committee on Claims.

Mr. BOWEN introduced a bill (S. 1481) granting an increase of pension to Col. Charles E. Copehart; which was read twice by its title, and referred to the Committee on Pensions.

Mr. JACKSON introduced a bill (S. 1482) for the relief of James A. Galbraith; which was read twice by its title, and referred to the Committee on Claims.

Mr. MITCHELL, of Oregon, introduced a bill (S. 1483) abrogating all treaties heretofore made and now operative between the United States Government and the Chinese Empire, in so far as they, or any of them, provide for, recognize, or permit the coming of Chinese to the United States; and in so far as they, or any of them, inhibit the United States from absolutely prohibiting the coming of Chinese to the United States, and repealing all acts of Congress in so far as they, or any of them, recognize or permit the coming of Chinese to the United States, and absolutely prohibiting the coming of Chinese to the United States, excepting only diplomatic, consular, and other officers, and prohibiting the landing of any Chinese therein, excepting only such diplomatic and other officers; which was read twice by its title.

Mr. MITCHELL, of Oregon. I move that the bill lie on the table to be called up hereafter.

The motion was agreed to.

Mr. SHERMAN introduced a joint resolution (S. R. 39) to authorize the printing of the proceedings in Congress in accepting the statue of the late James A. Garfield, President of the United States; which was read twice by its title, and referred to the Committee on Printing.

ADJOURNMENT TO MONDAY.

Mr. EDMUNDS. A special and important committee of the Senate, I understand, is obliged to go this afternoon to New York to make some investigations there and other committees of the Senate are very much occupied with important measures. In view of that fact, though I should be very glad for one to get on with the public business that is on the Calendar, I think we shall do more good to the country by working in committee to-morrow than in the Senate. Accordingly, I move that when the Senate adjourn to-day it be to meet on Monday next.

Mr. VAN WYCK. It is impossible to hear a word that the Senator says.

Mr. EDMUNDS. I was stating that in view of the fact that an important committee of the Senate has to go to New York this afternoon to make investigations there under an order of the Senate and other committees have important business that ought to be sooner or later before us, I thought that the public service, notwithstanding we ought to get on with the Calendar, would be better promoted by adjourning over from to-day rather than from to-morrow, and accordingly I moved than when the Senate adjourn to-day it be to meet on Monday next.

The PRESIDENT *pro tempore*. The question is on agreeing to the motion of the Senator from Vermont.

The motion was agreed to.

SILVER DEPOSITS AT SUBTREASURIES.

Mr. TELLER submitted an amendment intended to be proposed by him to the resolution submitted by Mr. EUSTIS on the 6th instant, which was to add to the resolution:

The committee also inquire of and concerning the alleged defalcation in the subtreasury at New Orleans mentioned in the telegram from C. N. Jordan, Treasurer, addressed to Senator CALL, and presented by him to the Senate on the 9th instant, and whether such defalcation was in any wise connected with the exchange of silver dollars for silver certificates.

The amendment was ordered to lie on the table and be printed.

ENROLLED BILLS SIGNED.

A message from the House of Representatives, by Mr. CLARK, its Clerk, announced that the Speaker of the House had signed the following enrolled bills; and they were thereupon signed by the President *pro tempore:*

A bill (S. 126) to change the name of the National Bank of Winona;

A bill (S. 241) for the relief of Joseph W. Parish; and

A bill (S. 382) to authorize the Merchants' National Bank of Little Rock, Ark., to change its name to the First National Bank of Little Rock.

PAPERS WITHDRAWN.

On motion of Mr. DAWES, it was

Ordered, That the papers on file in the case of the bill for the relief of Francis H. Plummer may be withdrawn from the files for use before the Committee on War Claims of the House, there having been no adverse report.

COL. GEORGE W. GETTY.

The PRESIDENT *pro tempore*. If there are no "concurrent or other resolutions" the Calendar is now in order under Rule VIII, and the first bill on the Calendar will be announced.

The CHIEF CLERK. A bill (S. 225) to authorize Col. George W. Getty, United States Army, retired, to be placed upon the retired-list of the Army with the rank and pay of a brigadier-general.

Mr. LOGAN. I object to that bill; and if it is to be considered now I desire to discuss it.

The PRESIDENT *pro tempore*. Objection being made, the bill goes over under the rule.

Mr. SEWELL. I did not understand the remark of the Senator from Illinois.

Mr. LOGAN. I will state what I meant by my objection. There was an agreement made a few days ago in regard to the bill. At that time I did not have the papers present which I have now, and it was understood that the bill should not lose its place on the Calendar. I am perfectly willing that it shall retain its place on the Calendar, and I am ready to discuss it this morning.

Mr. FRYE. Under the five-minute rule?

Mr. LOGAN. I should rather not proceed under the five-minute rule.

The PRESIDENT *pro tempore*. The bill comes up under the eighth rule, which limits the debate to five minutes. When a Senator objects the bill goes over for general debate, to be called up at some other time.

Mr. LOGAN. Very well. I desire to discuss it. I can not do so in five minutes, however.

PEARSON C. MONTGOMERY.

The PRESIDENT *pro tempore*. The next case on the Calendar will be reported.

The CHIEF CLERK. A bill (S. 18) for the relief of Pearson C. Montgomery, of Memphis, Tenn.

Mr. INGALLS. That bill was reported by the Senator from New Hampshire [Mr. PIKE] from the Committee on Claims. He is not present this morning, and he asked me that it might be postponed when it was next reached until he came in, as it would be the subject of some debate. I ask that the bill be passed over without losing its place on the Calendar.

The PRESIDENT *pro tempore*. If there be no objection the bill will be passed over without losing its place on the Calendar.

WILLIAM H. CROOK.

The bill (S. 100) for the relief of William H. Crook was announced as next in order on the Calendar.

Mr. ALLISON and Mr. PLUMB. I object to that.

The PRESIDENT *pro tempore*. Objection being made, the bill goes over under the rule.

W. H. POWELL.

The bill (S. 269) for the relief of W. H. Powell was considered as in Committee of the Whole.

The bill was reported from the Committee on Claims with amendments, in line 4, after the name "W. H. Powell," to insert "surviving partner of the firm of W. H. Powell & Co.," and in line 13, after the word "Ohio," to insert "and in full satisfaction of all claims of the said W. H. Powell & Co., and of said W. H. Powell against the Government of the United States, in any manner arising out of the said assessment and the seizure and sale or loss of said property;" so as to make the bill read:

Be it enacted, &c., That the Secretary of the Treasury be, and is hereby, directed to pay to W. H. Powell, surviving partner of the firm of W. H. Powell & Co., out of any money in the Treasury not otherwise appropriated, the sum of $498.54, which shall be in full compensation for damage sustained by reason of an erroneous assessment, and seizure therefor, on or about the 1st day of March, 1871, of a certain distillery bonded warehouse numbered 16, with cattle-pens, machinery, and fixtures, then owned by the firm of W. H. Powell & Co., of the third collection district of Ohio, and in full satisfaction of all claims of the said W. H. Powell & Co., and of said W. H. Powell, against the Government of the United States, in any manner arising out of the said assessment, and the seizure and sale or loss of said property; and to release the judgment now standing against said W. H. Powell & Co., and John Mills and others, of Dayton, Ohio, as their sureties.

The amendments were agreed to.

Mr. COCKRELL. Let the report be read.

The PRESIDENT *pro tempore*. The report will be read.

The Chief Clerk read the following report, submitted by Mr. SPOONER January 14, 1886:

The Committee on Claims, to whom was referred bill S. 269, submit the following report:

The claimant is the surviving partner of the firm of W. H. Powell & Co., which was engaged in business as distillers at Chambersburg, in the third collection district of Ohio, from some time in November, 1868, to the 26th day of January, 1869. During this period the monthly assessments upon their business were regularly made by one O. C. Maxwell, the United States assessor for that district, and the same were promptly paid by the firm, the amount paid by them aggregating $934.23, which were receipted for in full by D. W. Schaeffer, United States collector for that district.

Subsequent examinations, by the proper officers of the Internal Revenue Department, developed the fact that the sum of $834.33, so paid by said firm during the period mentioned, was $65.76 in excess of the amount justly assessable upon their property.

The business of the firm was discontinued on the 26th day of January, 1869, because of scarcity of water, and the inferior quality of grain then obtainable. The water supply was variable, being inadequate for the regular operation of the distillery, even at its minimum producing capacity, and necessitating reductions and increase from time to time in their capacity, and even temporary suspensions of the business.

Due notice was given by the firm of the commencement of business, and the reduction and increase of capacity from time to time, and of the suspensions and final discontinuance of business, and upon due applications to the proper revenue officers the permits required by law in the premises were obtained by the firm. The assistant assessor, however, in making returns to his superior officer of the temporary suspensions, omitted to state, in some of his certificates, what the papers showed to have been in fact true, that there were at those times no mash, wort, or beer in the distillery, or on the premises.

Upon each notice of suspension or resumption of business, the proper locks, seals, and fastenings were placed upon and removed from the doors, tubs, &c., by the proper officers.

After the discontinuance of the business Mr. Maxwell retired from the office of United States assessor, and was succeeded by George G. Johnson, who, because of technical defects and omissions in the certificates of the assistant assessor before mentioned, made a reassessment on form 89 for the month of January, 1869, upon the maximum capacity of the distillery.

Mr. Maxwell, who was assessor during the entire period in which Powell & Co. were in business, says in an affidavit on file in the Department:

"It was my duty to make the assessment, and it was made with full knowledge of the facts. It was reported to and confirmed by the Commissioner of Internal Revenue, and the parties on my recommendation settled the same in full and quit the business of distilling. I am of the opinion, and then was, that they were assessed the full amount authorized by law, and believe that any reassessment, such as is made in form 89, is erroneous, and consequently illegal."

The reassessment thus wrongfully made amounted to $1,491.87, which Powell & Co. declined to pay, and the property was seized by the Government and sold for $226.50, which was the sum required to cover the expenses of seizure and sale. The Government bid it in and subsequently sold it for the same amount.

Suit was also brought on the distiller's bond, and judgment obtained after the death of McDowell, the junior partner of Powell & Co., for $1,586.56, which covered the reassessment, penalty, and interest. Powell, the surviving partner, paid $206.28 on the judgment in 1874, and the Commissioner of Internal Revenue ordered that it be no further enforced.

The United States district attorney, Mr. Bateman, who had charge of the suit upon the bond, states in a letter before the committee that the defendants offered to show the facts as to the erroneous reassessment, but the court ruled out the evidence, holding under the law the reassessment to be conclusive in the suit upon the bond. The district attorney declares it to be his opinion that the reassessment was in fact illegal; and that if the parties had paid it they would have been entitled to recover back the money.

The seizure and the first and subsequent sale of the property by the Government were made while the claimant was absent from the State of Ohio, were without his knowledge, and he had therefore no opportunity to bid in the property or procure it to be done, or to appeal for relief to the proper officer of the Treasury Department.

The committee are of the opinion that the claimant is entitled to receive from the Government the sum of $498.54, the amount named in the bill, made up of the following items: For original overpayment, $65.76; the amount paid by Powell, as surviving partner, on the judgment rendered upon the bond, $206.28; and that the judgment in the action in the bond should be satisfied, and Powell & Co., and W. H. Powell, as survivor, and their and each of their sureties, relieved from further liability and obligation, of every kind, in the premises.

It is proper to mention the fact that the claim embracing the items last above mentioned was reported favorably by the Committee on Ways and Means of the House of Representatives in the Forty-fourth, Forty-fifth, and Forty-sixth Congresses. It was also reported favorably by the Senate Committee on Claims in the Forty-seventh and Forty-eighth Congresses, and the bill passed the Senate on the 2d day of June, 1884.

The committee recommend that the bill be amended by inserting after the word "Powell," in the fourth line, the words "surviving partner of the firm of W. H. Powell & Co.;" also, by inserting after the word "Ohio," where the same occurs in the twelfth line thereof, the words "and in full satisfaction of all claims of the said W. H. Powell & Co. against the Government of the United States, in any manner arising out of the said assessment, and the seizure and sale or loss of said property," and that as so amended the same do pass.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

ROBERT STRACHAN.

The bill (S. 574) for the relief of Robert Strachan was considered as in the Committee of the Whole.

The bill was reported from the Committee on the District of Columbia with amendments.

The first amendment was, in section 1, line 12, after the word "having," to insert "been erected and," and in line 13, after the word "continued," to strike out the words "the same;" so as to make the section read:

That jurisdiction be, and the same is hereby, conferred upon the United States Court of Claims to hear, try, and determine, according to the rules and practice now in force in said court, any claim for damage which Robert Strachan may have against the District of Columbia by reason of the said District of Columbia, or its agents, servants, or employés, having changed the grade of New Hampshire avenue between Sixteenth and Seventeenth streets, and having turned the water upon the premises of the said Strachan and into his dwelling-house, and by means of an embankment having been erected and continued thereon for a long time, in said District of Columbia.

The amendment was agreed to.

The next amendment was, in section 2, line 2, after the word "rendered," to insert the words "for the claimant;" and at the end of the section to add, "and one-half of the amount of said judgment shall be charged against the revenues of the District of Columbia;" so as to make the section read:

That the judgment rendered in said action, if any shall be rendered for the claimant, shall be paid in the same manner as judgments are paid in said court as now provided by law; and one-half of the amount of said judgment shall be charged against the revenues of the District of Columbia.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

GEORGE K. OTIS.

The bill (S. 699) to authorize the Secretary of the Interior to issue to George K. Otis duplicates of certain land-warrants lost while in possession of officers of the Government was considered as in Committee of the Whole. It provides for the issue to George K. Otis of duplicates of three Porterfield land-warrants, issued in pursuance of the act of Congress approved April 11, 1860, numbered 16, 17, and 120, respect-

ively, upon satisfactory proof of ownership and loss of the same, and the execution of a bond, with good and sufficient sureties, in double the market value of the warrants so to be issued, to be approved by the Secretary of the Interior, conditioned to indemnify the United States against the presentation by an innocent holder of the alleged lost warrants.

The bill was reported to the Senate, ordered to be engrossed for a third reading, read the third time, and passed.

A. A. THOMAS.

The bill (S. 391) for the relief of A. A. Thomas was considered as in Committee of the Whole.

The bill was reported by the Committee on Public Lands with an amendment, in line 5, after the words "sum of," to insert:

Five hundred and forty dollars, as a reimbursement for money paid by A. A. Thomas for the use of the United States while register of the United States land office at Cawker City, Kans., and the further sum of;

So as to make the bill read:

Be it enacted, &c., That the Secretary of the Treasury be, and is hereby, directed to pay to A. A. Thomas, or his assigns, out of any funds in the Treasury not otherwise appropriated, the sum of $540, as a reimbursement for money paid by A. A. Thomas for the use of the United States while register of the United States land office at Cawker City, Kans., and the further sum of $67.14, balance due said Thomas as compensation as such register for the quarters ending September 30, 1872, and March 31, 1875, respectively.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

DES MOINES RIVER LANDS.

The bill (S. 150) to quiet title of settlers on the Des Moines River lands, in the State of Iowa, was considered as in Committee of the Whole.

The bill was reported to the Senate, ordered to be engrossed for a third reading, read the third time, and passed.

AMERICAN REGISTER FOR STEAMSHIP CAROLINE MILLER.

The bill (S. 491) to provide for an American register for the steamship Caroline Miller, of Baltimore, Md., was considered as in Committee of the Whole. It is a direction to the Commissioner of Navigation to cause the foreign-built steamship Caroline Miller, owned at the port of Baltimore, Md., by F. C. Miller, an American citizen, and rebuilt by him at Baltimore, to be registered as a vessel of the United States.

The bill was reported from the Committee on Commerce with an amendment, to add as a new section:

SEC. 2. That the Secretary of the Treasury be, and hereby is, authorized and directed to authorize and direct the inspection of said steam-vessel, steam-boiler, steam-pipes, and the appurtenances of said boiler, and cause to be granted the proper and usual certificate issued to steam-vessels of the merchant marine, without reference to the fact that said steam-boiler, steam-pipes, and appurtenances were not constructed pursuant to the laws of the United States, and were not constructed of iron stamped pursuant to said laws; and the tests to be applied on the inspection of said boiler, steam-pipes, and appurtenances will be the same, in all respects as to strength and safety, as are required in the inspection of boilers constructed in the United States for marine purposes, save that the fact that said boiler, steam-pipes, and appurtenances not being constructed pursuant to the requirements of the laws of the United States, and are of unstamped iron, shall not be an obstacle to the granting of the usual certificate if said boiler, steam-pipes, and appurtenances are found to be of sufficient strength and safety.

Mr. INGALLS. This appears to involve the consideration of an important principle. The contention has long been that ships built abroad were entitled to registry here; and if a registry is to be issued to this foreign-built ship, why not to all? I hope we shall have some explanation from the committee, as no report has been made in writing that will indicate why this differs in principle from the general contention that foreign-built ships should be entitled to registry in our country.

Mr. FRYE. This bill is in charge of the Senator from Maryland [Mr. GORMAN]. I think it is important that just a word should be said in relation to it.

Under the general law, section 4136 of the Revised Statutes, it is provided:

The Secretary of the Treasury may issue a register or enrollment for any vessel built in a foreign country, whenever such vessel shall be wrecked in the United States, and shall be purchased and repaired by a citizen of the United States, if it shall be proved to the satisfaction of the Secretary that the repairs put upon such vessel are equal to three-fourths of the cost of the vessel when so repaired.

In other words, Congress has given the Secretary of the Treasury the right to issue a register to a wrecked vessel, although a foreign vessel, provided it was wrecked within the shore-line, and provided the repairs made on that vessel in this country were equal to three-fourths of its value. The facts in the case now before the Senate are that it was wrecked just outside the shore-line—my recollection is, not half a mile outside the shore-line—and for that reason, when application was made to the Secretary of the Treasury, he held that under that section he had no jurisdiction. The additional fact is, that while about, I think, $200 was paid for the wreck, there was an expenditure made in the United States of several thousand dollars to put it into condition as a vessel. So, as to the three-fourths of the cost, it came within the section beyond any question. I am not able to state certainly, but I should say that, while $200 was paid for the wreck, $10,000 were expended on it in the United States after it was purchased.

The PRESIDENT *pro tempore*. The question is on the amendment reported by the Committee on Commerce.

Mr. PLUMB. I object to the consideration of the bill.

The PRESIDENT *pro tempore*. The Senator from Kansas objects to the further consideration of the bill under the eighth rule.

Mr. FRYE. Suppose the Senator from Kansas lets it stand until the Senator from Maryland comes in.

Mr. PLUMB. Very well.

The PRESIDENT *pro tempore*. If there be no objection, the bill will be passed over without prejudice.

Mr. FRYE. Without losing its place on the Calendar.

H. A. MYERS.

The bill (S. 390) for the relief of H. A. Myers was considered as in Committee of the Whole.

The bill was reported from the Committee on Military Affairs with an amendment, in line 10, after the word "to," to insert "July 7, 1864;" so as to make the bill read:

Be it enacted, &c., That the Paymaster-General of the United States Army be, and he is hereby, required to cause to be paid, out of any money appropriated, or which may hereafter be appropriated, for the payment of the Army of the United States, to H. A. Myers, late a private in the Eleventh Kansas Volunteers, a sum that shall be equal to the pay of a private soldier from the 17th day of September, 1862, to July 7, 1864, the date of his discharge from the service of the United States, deducting therefrom any amount that may have been paid to him as such private soldier and any amount that may be due from him to the Government.

The amendment was agreed to.

Mr. PLATT. I should like to hear the report read.

The Secretary read the following report, submitted by Mr. HAWLEY January 19, 1886:

The Committee on Military Affairs, to whom was referred the bill (S. 390) for the relief of H. A. Myers, having had the same under consideration, adopt the report of the Committee on Military Affairs of the Senate of the Forty-sixth Congress, which is as follows:

Hiram A. Myers was enrolled and mustered in September 17, 1862, as private in Company D, Eleventh Kansas Cavalry, and served honorably to July 7, 1864. The muster-out roll of his company, dated September 13, 1865, says:

"This man enlisted in good faith, and served faithfully as a soldier from enlistment to July 7, 1864. His old enlistment papers were lost, new ones were made out, and upon examination he was rejected by T. Sinks, surgeon board of examiners of District N, Kansas, July 7, 1864, when he was dropped from the company rolls. There is due him for use and risk of horse and equipments from date of last payment to June 30, 1864, and he is indebted to the United States for horse equipments $31. He was last paid by Major Bowen to February 29, 1864."

The Adjutant-General says:

"There would appear to be no objection to this bill becoming a law."

The Secretary of War, in his letter to the committee touching this case, says:

"The legislation proposed by Senate bill 160 is approved by this Department."

Your committee, therefore, upon examining all the facts in the case, recommend the passage of this bill.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

PROMOTION OF GRADUATES OF MILITARY ACADEMY.

The bill (S. 223) to regulate the promotion of graduates of the United States Military Academy was considered as in Committee of the Whole. It provides that when any cadet of the United States Military Academy has gone through all its classes and received a regular diploma from the academic staff he shall be considered a candidate for a commission in the Army, in any arm or corps the duties of which he may have been judged competent to perform; and in case there shall not at the time be a vacancy in such arm or corps, he may be attached to it, at the discretion of the President, as an additional second lieutenant, with the usual pay and allowances of a second lieutenant, until a vacancy shall happen.

The bill was reported from the Committee on Military Affairs with amendments.

The first amendment was, in line 5, after the word "staff," to strike out "he shall be considered a candidate for a commission in the Army" and insert "he may be promoted and commissioned as a second lieutenant."

Mr. PLUMB. I should like to ask the Senator from New Jersey a question. I understand that of the double purpose of this bill the main point is to be found in the last five lines; that is, to provide for an occurrence which is likely to take place in the shape of an excess of graduates at West Point beyond the number of vacancies existing in second lieutenancies in the Army at that time. The next graduating class, I understand, is to be unusually large, and it will furnish twenty-five cadets more than there are vacancies in the service.

I do not know that I have objection to that part of it, but I would ask the Senator from New Jersey what is the necessity of the part of the bill now under consideration. Why should we put in the provision that—

he may be promoted and commissioned as a second lieutenant in any arm or corps of the Army in which there may be a vacancy and the duties of which he may have been judged competent to perform?

I understand that to be the law now.

Mr. SEWELL. A decision of the Second Comptroller practically

legislates out of the service the cadet unless he receives an appointment and promotion. This is to provide for that. I read from the report of the Secretary of War:

A recent decision of the Second Comptroller of the Treasury sets aside a long usage as to the payment of graduates of the Military Academy who may be appointed to commissions in the Army. Heretofore the graduate received pay as a second lieutenant from the date of his graduation, but by the decision referred to he becomes entitled to pay only from the day on which he accepts his appointment and subscribes the oath of office.

Then it goes on to account for the time between graduation and joining his regiment. The practical result of the decision is that unless the cadet is appointed by the President to a lieutenantcy he is no more in the service.

Mr. PLUMB. Would he not always be appointed as a matter of course, except in the case provided for in the last part of this section; that is, where there are no vacancies? If that is so, I simply inquire what is the necessity for that part of the bill?

Mr. SEWELL. Under the act of 1882, a clause in an appropriation bill, the graduates in excess of vacancies existing in the Army were required to be discharged from the service. That excess has not occurred since then, and had not occurred previous to then for a number of years. The number of vacancies averaged about sixty-nine and a fraction a year, and the Government graduated from the academy about forty-nine and a fraction on the average. This is the first year in the history of the academy for several years where the graduating class will be more than the vacancies in the Army. There were reserved for the class on the 1st of January thirty-five vacancies; and in the ordinary course the vacancies will probably amount to fifty when the class graduates in June. The class is expected to graduate about seventy-eight, so that now for the first time in a series of years there will be twenty-eight more graduates than there are places in the Army for them. This bill is to provide that they shall be kept on the roll practically as second lieutenants until places are found for them to be assigned to.

Mr. PLUMB. The fact that there is only a very small number of officers of the Army now in proportion to the number of privates—which I presume is a good thing, of course—would seem to offer an opportunity to increase the number of officers. While I speak of that in deference to the popular notion about the Army, I rather think myself that the provision of the appropriation bill a number of years ago ought to be carried out now; that is to say, some of these young men should go back into civil life from the academy. I do not think we have too many of them; in fact I think it would be better for the military establishment that sometimes does our fighting, as the regular Army does not, that we should have dispersed throughout the country a large number of educated military men from whom we might draw in case of necessity and who on the occasion arising would by reason of that education come to the front readily at a call to arms and be qualified to take places of responsibility in the organization and management and direction of the volunteer forces of the country.

I think that in place of carrying along a lot of supernumerary officers, however meritorious they may be as persons, it would be better to let them go back into civil life and give them the seven or eight hundred or a thousand dollars, or whatever it is, that the bill of 1879 provided for.

Mr. SEWELL. If the Senator will allow me to interrupt him, I wish simply to say in this connection that there are practically no supernumerary officers in the Army. I have before me a list of officers serving by order of Congress in different positions and taken away from their regular commands, very much indeed to the damage of their commands: as military instructors at colleges, 39; at the Military Academy, 35; at the artillery school, Fort Monroe, 25; at the infantry school, Fort Leavenworth, 65; at the torpedo school, 3; in the Signal Service, 45; permanently incapacitated and awaiting retirement, 30; making about 240 officers withdrawn from their commands by order of Congress, except in the case of those incapacitated, over the number on the retired-list. This takes practically one officer from each company, leaving a captain and one lieutenant to a company, which I submit is certainly a minimum allowance.

The provisions of this bill provide for these graduates for only a very short period of time, because the casualties of the service will provide vacancies for these twenty-eight surplus officers within three or four months. It simply carries them on the roll for three or four months rather than lose the services of members of a class which is looked upon as one of the most distinguished that has ever been graduated at West Point.

Mr. PLUMB. There are, I think, about 2,500 officers in the Army now; rather more, I think, than 1 to 10 private soldiers. Speaking from an examination that I made some time ago I should say it was about 1 to 8. There are 10 per cent., according to the statement of the Senator from New Jersey, of the officers who are now detailed by act of Congress for certain other duties not in connection with their commands. We all know how details of Army officers are sought for. I presume no legislation has produced such harrowing feelings and such general distress of mind as that which authorizes Army officers to be detailed. The detail of these officers from serving with their companies on the frontiers among the Indians is really one of the most creditable things I know of; and I hope that in view of what the Senator from New Jersey has said Congress will make haste to restore these young men to the companies from which they are taken by law and which they undoubtedly would go back to with very great haste if they got the opportunity!

Mr. LOGAN. There is one point in this bill that, although suggested by the Senator from New Jersey, is not as well understood as it might be.

What is the object of the provision of the bill which the Senator from Kansas has called attention to? For about eighty years the auditing officers of the Treasury Department have construed the law so that at the graduation of cadets they have been paid the allowance of a second lieutenant up to and including the time when they should be nominated for the office by the President. So they were borne on the roll, so far as receiving pay was concerned, from their graduation up to the time of their appointment as second lieutenants. A short time ago the Second Comptroller of the Treasury decided that these young men were not entitled to pay as second lieutenants, that they were merely candidates for the office and could not receive pay, entirely changing the construction of the Government, as I say, for eighty years, leaving these young men who are graduates without pay; in other words, out in the cold, if I may use that expression. This bill is intended to put it in the law that they shall be on the rolls as second lieutenants, and receive pay up to the time that there is a vacancy; and, in order that there shall be no misconstruction of the law, it is provided in this bill that they shall be promoted to the position of second lieutenant, and in that way they become a part of the Army, although not on duty as a part of the Army having an assigned place, but as a part of the Army that they may receive their pay. That is the object of this bill, and I think a very proper one.

So far as the effect of having an excess is concerned, I do not care to go into that discussion. This is providing for the Army and the cadets as they stand to-day or will at their graduation. So far as any injustice may have been done or may now be done to others, I do not care to say anything at this time, because it does not come up in connection with this bill. It is a mere question as to whether this construction of the accounting officer of the Treasury Department may be changed, so that these young men shall get their pay and be on the roll from their graduation up to the time they enter the service under a regular appointment. That is all there is of it except the promotion feature.

Mr. INGALLS. When they are appointed after graduation to fill these vacancies, do they require confirmation by the Senate?

Mr. LOGAN. Certainly.

Mr. INGALLS. Then it appears to me, if the object of the committee was to provide that those for whom no vacancies exist should continue to be eligible and under pay, it is very doubtful whether this last clause would accomplish that result:

And in case there shall not at the time be a vacancy in such arm or corps, he may—

That is, the superfluous graduate may—

at the discretion of the President, be promoted and commissioned in it as an additional second lieutenant, with the usual pay and allowances of a second lieutenant, until a vacancy shall happen.

Of course we can not in any way impair or impugn the prerogative of the President as the appointing power; and if it were sure that he would regard this discretion lodged in him as imposing any obligation on him to designate these superfluous graduates as additional second lieutenants the evil would be corrected; but otherwise it will not be. There is nothing in the language that renders it incumbent on the President to appoint these, even if we could by language do that. But it appears to me that we might certainly do something more than that, provide that these superfluous graduates shall remain in the line of promotion and be under pay. We ought not to leave that to the discretion of the President.

Mr. SEWELL. Where language of this kind has been used in laws, I do not know any case where the President has failed to carry it out in connection with the military arm of the service.

Mr. LOGAN. I will say in the hearing of the Senator from Kansas that that language was used intentionally by the committee for the reason that we understand the President need not nominate any of these graduates unless he desires to do so, no matter what the law may be. The power rests in him to send the nomination to the Senate. I do not know of any power that can force him to do it.

Mr. INGALLS. But we could change the law so as to lodge this designation elsewhere, if we pleased.

Mr. LOGAN. I think not so far as the Army is concerned; but that makes no difference now. It is the language that is commonly used, "in the discretion of the President." For instance, if we suggest in the law to-day that a certain person shall be put on the retired-list, we say it may be done in the discretion of the President. The President has always taken it as a suggestion from the Congress of the United States that that is desired, and therefore he has always carried it out. I have never known an instance in which it has not been done. That is the usual language, and it is used for that reason, because in respect to this question discretion is lodged by the Constitution in the President, and therefore we do not say to him that he must or shall do a certain thing which we have no right to direct; but I have no doubt that any President heretofore or in the future will always carry out a suggestion of

that kind in a law that is made for that purpose, knowing at the time that these persons are the only ones who are mentioned by the law, the only ones intended to be embraced in the law, and he certainly would carry out the suggestion made to him by Congress. That was discussed by the committee at the time the bill was under consideration.

Mr. HALE. May I ask the Senator a question?

Mr. LOGAN. Certainly.

Mr. HALE. What was the view of the committee upon this particular point of the discretion allowed in this bill to the President? Suppose the President should deem it advisable not to appoint any of these superfluous graduates, he believing, as a matter of policy, that the Army did not need them, and so he should take no course whatever; is it the view of the committee that the language used here, "at the discretion of the President," authorizes him to take that negative course; or is that language limited and intended by the committee to be limited to the exercise of the discretion on the part of the President as to where he shall send these young men? Which way does the committee leave that?

Mr. LOGAN. The committee leaves it in this way: It is not suggesting to the President that he exercise the discretion; but it is only recognizing that discretion which rests in him now as President.

Mr. HALE. Not to make any appointment, if he so chooses?

Mr. LOGAN. He is not required to make any nomination now unless he chooses to do so. Therefore we merely make it as a suggestion to him that these persons are entitled to this provided he wishes to make the appointments.

Mr. HALE. But if the President should conclude that the Army does not need these gentlemen and makes no appointments, then under this bill they go into civil life.

Mr. LOGAN. No, sir, not at all.

Mr. HALE. Where do they go?

Mr. LOGAN. They go on the roll. Under the false construction, as I deem it, of the Second Comptroller, they are not entitled to pay; but this bill puts them on the roll to receive pay, and they will receive it, having the assimilated ranks of second lieutenants until they shall be appointed. If the President shall not appoint any one, the Army may go without appointments until the President sends the nominations here. This does not change the law at all in that respect.

Mr. HALE. I was seeking information as to whether this clause, "at the discretion of the President," would in any way give him the power to contravene the evident purpose of the bill to keep these young men in the service.

Mr. LOGAN. I think not. It leaves the law as it is now, in his discretion.

Mr. HALE. Now one other question. General Drum in his communication, which forms part of these papers, says:

> The assignments of additional lieutenants should, however, be limited so as not to exceed three to the Engineer Corps and one to each regiment.

I do not discover in the bill any limitation whatever. Is there anything in it that the chairman or the Senator in charge of the bill believes prevents these assignments being made in one branch of the Army?

Mr. SEWELL. They are to be assigned in accordance with the manner in which they graduate, not more than three or four to the Engineer Corps, and the rest to the ordnance, cavalry, artillery, and infantry.

Mr. HALE. Why does the Senator say they will be so assigned when there is nothing in the bill that relates to assignment?

Mr. SEWELL. The existing law provides for it, as well as the custom.

Mr. HALE. General Drum, an old Army officer, very vigilant and thoroughly well-informed, says that the bill should be limited, so that but three can be assigned to the Engineer Corps and one to each regiment.

Mr. LOGAN. What do you refer to?

Mr. HALE. I find it in the correspondence.

Mr. SEWELL. The surplus number would not be more than the limit mentioned by General Drum, and we did not consider there was any necessity for putting in the limit.

Mr. HALE. That was the reason it is not in the bill then?

Mr. SEWELL. Yes, sir.

Mr. LOGAN. The rule now in graduations at West Point is that those who graduate the highest in numbers are assigned to the Engineer Corps, and the others to the cavalry, artillery, and infantry, according to the classification made by the board of examination. They classify the graduates in that way, and they are assigned by the President according to the classification given. General Drum is Adjutant-General. No law requires the President to appoint these men; but the same rule governs their assignment that has existed heretofore, and this bill does not change it in the slightest.

Mr. HALE. Does the Senator believe that the rule invariably observed in these appointments will cover the point raised by General Drum?

Mr. LOGAN. I do.

Mr. PLUMB. It does not seem to me that that necessarily follows. For instance here is a class of seventy-eight graduates who are eligible to appointment as second lieutenants in the Army, and from those who graduate first in their class will be chosen the number necessary to go into the Engineer Corps to fill existing vacancies, as I understand. What will remain after the vacancies are all filled in the different corps of the Army, the engineers, artillery, infantry, and so on? Those left will be those at the foot of the class, I should think. How then is this rule to be applied to the twenty-eight beyond the vacancies?

Mr. HALE. The proportion will be the same.

Mr. PLUMB. I do not think that is proper, and I am going to move an amendment that there shall be no appointment at all from the surplus to the Engineer Corps. In the first place if the present rule is right this will violate it, because out of the fifty persons who shall be appointed to fill vacancies ten, say, will go into the Engineer Corps who graduate with the first ten numbers in the class. There will be forty below that who under the proper application of the rule would be better entitled by reason of qualifications than the twenty-eight who are left at the foot of the list. But the Engineer Corps of the Army is overburdened already; that is to say, there are more officers in it than there ought to be, and it is especially a favorite branch of the Army, because no officer serves in that corps below the rank of captain over fourteen years without promotion, a provision very generous to that branch of the service, saying nothing now about its impropriety. It is in very sharp contrast with what prevails in all the other corps of the Army. I do not believe in adding any more to that branch of the service than those who come to it in the ordinary way necessary to fill vacancies. So I would make an exception in line 8 and say:

> Except in that of the Engineer.

So that there shall be no appointment from these surplus cadets to the Corps of Engineers at all.

Mr. SEWELL. I would oppose such an amendment.

Mr. HALE. I hope that the amendment the Senator from Kansas proposes will be carried. I agree with him fully that the Engineer Corps, which takes from the top of each graduating list the brightest and best spirits of this young service, ought not to be burdened or increased by men who are at the lower end of the class. The Engineer Corps is the select corps in its privileges and service—the crack corps of the Army. It is a prize toward which every cadet is reaching out and striving to attain, and so keep his rank in the graduating class that he may be assigned to that corps; and it is supposed and believed that the brightest spirits in the service are put into that corps. I do not mean that they are always so; I do not mean that the record of the great wars of the past has shown that the Engineer Corps furnishes the greatest commanders, but all the same it is a fact that the cadets are striving to get into that corps. It is the prize of high rank in the graduating class, and here is an exception when we put in this number of graduates at the lower end of the class. I believe and agree with the Senator from Kansas that there ought to be none of them put into the Engineer Corps. Let them be assigned to the other corps in the Army, and let not that distinction, whether it is right or wrong, be broken that has always been maintained in assigning cadets to the Engineer Corps.

Mr. LOGAN. I presume I do not understand this bill. I thought I did.

Mr. HALE. The Senator understands it a great deal better than I do. I am seeking information more than giving it.

Mr. LOGAN. If I understand anything about the Army—I do not claim to understand very much—I know that when these twenty-eight come to be assigned the Engineer Corps will be full. The first on the list will have been assigned to it before these men are designated as persons who have to stay out in the cold until they can be assigned. So this does not affect it in the slightest.

Mr. HALE. It does not interfere, of course, with the assignment to the Engineer Corps from this graduating class, but out of the lower end of the class it does take three and pass them to the Engineer Corps.

Mr. LOGAN. I beg your pardon; it does no such thing. It assigns them where they are competent to perform the duty, and if they have not graduated as engineers they are assigned as cavalry or infantry or whatever they are best qualified for.

Mr. HALE. I would not have them put into the Engineer Corps at all; I would not have them sent there. I would make an exception of it.

Mr. SEWELL. There are, say, three or four vacancies in the Engineer Corps; they are filled from the head of the class. The cadets all have their standing as they graduate. They are second lieutenants awaiting appointment to the Army. General Drum suggests that three be assigned to the Engineer Corps rather than go into the infantry or cavalry. So the committee is trying to protect the young gentlemen who graduate highest, while the Senator from Maine is trying to put them down.

Mr. HALE. I do not see it. Where will this surplus list of graduates come from if it does not come from the lower end?

Mr. SEWELL. They go to the infantry. The first three or four in the class go into the Engineer Corps, and then more, to the extent of three, say, will be assigned as brevet second lieutenants to the Engineer Corps.

Mr. HALE. Before the rest are distributed?

Mr. SEWELL. Before the rest are distributed, if they prefer it.

Mr. HALE. I do not know, of course, how this designation will be made; but I suppose that the rule would be that all the vacancies that

the Army has that will absorb this large class will be filled. Suppose there are fifty. I should think the needs of the Army would be supplied from the upper fifty in the class, so as to fill vacancies existing in every arm of the military service. The fifty will be distributed among the different corps. I suppose you will not be confronted with the question of where you will designate the surplus until you have put the fifty into the service that are needed in the service. When that is done it is found there are twenty-eight superfluous men who must necessarily be at the bottom of the class, because the fifty will be taken from the head of the class.

Mr. SEWELL. Allow me to interrupt the Senator. There is a certain standing in the class which must be obtained before a graduate can get into the Engineer Corps.

Mr. HALE. That we all understand; that is the very thing the Senator from Kansas and I are seeking, that these men of lower grade in graduation, of less competency as shown by their numbers, shall not be put in the Engineer Corps.

Mr. SEWELL. The amendment of the Senator from Kansas would exclude them altogether. There will be a number of cadets graduated this year, more than the vacancies in the Engineer Corps, and at least three of them ought to be assigned as acting officers in that corps. This bill the committee think will attain that object.

The PRESIDENT *pro tempore*. The Chair wishes to call the attention of the Senate to the fact that he has not enforced the rule, because the debate has been conversational, but he will feel bound to enforce it hereafter.

Mr. PLUMB. I move to amend the amendment of the committee, in line 8, after the word "Army," by inserting the words "except in that of the Engineer Corps."

The PRESIDENT *pro tempore*. The amendment to the amendment will be reported.

The CHIEF CLERK. It is proposed to amend, in line 8, after the word "Army," by inserting "except in that of the Engineer Corps;" so as to read:

He may be promoted and commissioned as a second lieutenant in any arm or corps of the Army, except in that of the Engineer Corps, in which there may be a vacancy.

Mr. PLUMB. There is probably some misunderstanding in this matter. If I do know anything about the military service it is not that men graduate at the Military Academy as engineers, but that those who graduate the highest have the choice of that place to the extent of the vacancies existing in it. As they have the choice, they undoubtedly choose this aristocratic, or this exclusive, or this favorite branch of the service, whichever you may call it. The course of study which they go through is not different from that which is prosecuted by and observed by all the other members of the class; but it happens that every member of the class has a rank separate for himself, and that he is graded according to that rank by a number—No. 1, No. 2, and so on down. If there are three or four vacancies in the Engineer Corps, practically by the operation of a rule which has perhaps come to have quite the force of law, the three highest or four highest go into the Engineer Corps as of course. Next to that comes the Ordnance Corps, next the cavalry; and, last of all, the infantry, the most useful arm of the service, catches those who graduate the lowest.

When we come to the graduating class of next June we shall have, say, fifty vacancies—that is the estimate of the Senator from New Jersey—and twenty-eight superfluous cadets. If there are three vacancies in the Engineer Corps, the three highest will go there. Similarly, the next highest will fill the vacancies in the Ordnance Corps, and the next highest in the cavalry, and so on, until there will be twenty-eight superfluous young men at the foot of the list who are to go into the Army as additional second lieutenants under this bill. It is provided here that these men shall go into such corps as they may be judged competent to perform the duties of. Judged by whom? Is the President to carry on a special examination for the purpose of determining where they shall go? Not at all. The Senator from New Jersey says the academic board is to determine, but the academic board has already fixed their relative status by numbering them at the foot of the list.

There is nothing here to prevent the President from saying, "I think, on the whole, that John Jones, who is No. 51, or Stephen Smith, who is No. 78, taking into consideration the fact that our great soldiers have generally come from the men who graduated pretty low down in the list, is just as competent to be an engineer as anybody, and I will designate him for that corps;" and he puts him on the waiting-list for a vacancy to occur in the Engineer Corps of the Army. That is exactly what will happen. You can tell in the Engineer Corps more nearly what vacancies are going to happen than in any other corps of the Army, because, as I have said before, no man is permitted to serve there, in a rank below that of captain, fourteen years until he is promoted, of course. So, by running over the list you can tell what vacancies will occur by promotion and will be able to anticipate them. So the President will be able to say next June there will be three, four, five, or six vacancies in the Engineer Corps besides those which will be the result of ordinary casualty. Therefore he can set aside out of the twenty-eight surplus men a number to fill those vacancies, and he can assign the rest of the class indiscriminately around among the other corps of the Army.

The Senator from New Jersey says he does not want that, as I understand him. If he does not want it, then the words I have proposed to insert will accomplish exactly the purpose he has in view. If he does want it, I say it is not fair, because we violate the rule under which these young gentlemen have got in the academy by giving to No. 51 and from that on down to No. 78 privileges which they are not as well entitled to as the men who occupy positions above No. 51 and who are apportioned out among the vacancies that have already occurred in the corps of ordnance, cavalry, artillery, infantry, and so on. I want these young men to have that same position in the Army that they are entitled to by reason of the position in which they graduate. Besides that I do not want the Engineer Corps further increased.

Mr. HALE. Does the Senator from Kansas want his amendment in line 8, which applies simply to the regular graduates when there is a vacancy, or would it be better to have it in line 12?

And in case there shall not, at the time, be a vacancy in such arm or corps, he may, at the discretion of the President, be promoted and commissioned in any such corps, excepting the Engineer Corps.

Would not that be better?

Mr. PLUMB. The Senator from Maine is correct. My amendment should come in in line 12.

Mr. LOGAN. I hope it will not come in any line, either the eighth or the twelfth. I do not wish to enter into a discussion here as to the Engineer Corps, or what they have done, or what they may do in the future. Both Senators who desire to amend this bill I believe have insisted that the Engineer Corps was the favorite corps in the Army. That may be; and the very course pursued by the two Senators here this morning is what has made it the favorite corps of the Army. Nothing can be done in Congress about the Army without some exception being made for the Engineer Corps. They live closer to Washington than the rest of the Army. If I should be called upon to ask, why is it that this corps is the excepted corps always, I could not tell except that they have more friends in Congress than any other corps of the Army.

I am not going to say whether or not it is an aristocratic corps, as the Senator from Kansas said it was; but it seems that certain Senators and Representatives in Congress have an idea that if a man or a boy shall graduate from school at the head of his class, that proves that he is the ablest man in that class. It does not prove any such thing, so far as West Point is concerned. The man who gets the most spots on his pants during his term of service there is the man who generally graduates the lowest in his class. It is not the gentleman who is the most intellectual that graduates the highest always, but the man who has the fewest marks against him in the examination of graduates; and the marks against him on account of conduct are considered by the committee in his graduation. It is not always the case that the man with the greatest ability graduates at the head of the class. Not only that, but there is no army to be found anywhere where the great leaders of the army are in the engineer corps. You always go to the infantry, the cavalry, or the artillery to find the great leaders of your armies, and not to the engineer corps.

Why should they be made an exception? Here is the Congress of the United States petting a corps, making an exception in favor of this one corps always. Show me a great work in this country to-day, like the opening of the mouth of the Mississippi River, or building your great bridges, that has not been done by civil engineers rather than by the Engineer Corps of the Army. So it will not do to claim that they are, *par excellence*, the corps that must always be provided for, and everybody else, like the infantry, do the hard service of the Army. I have no complaint to make against this corps. They are honorable gentlemen; they do their duty; but because a man belongs to the Engineer Corps it is not complete evidence in favor of his being the best qualified man of his class for that particular corps.

When three are selected for it, the next three, for instance, in the graduating class might prefer to be assigned as additional second lieutenants in the corps, that they may step in when vacancies occur in the corps. Certainly the fact that a man is only No. 6 in a large class like this does not prove that he is not a man capable of making a good engineer. Grant graduated near the foot of his class. He was a fair soldier. Sheridan, who I believe is a fair soldier, had to be suspended on account of failing in the examination, and had to be put over for a year before he could graduate at all. He made a fair soldier, it seems to me. So you may go through our armies and you do not find the gentlemen who stood No. 1 in the classes to be the men who led our armies in the great war through which we have recently passed, nor in any other war. They are the students, I admit, and generally the best students, but they are not always the best soldiers by a great deal.

I desire that this bill shall pass as reported from the committee by the Senator from New Jersey, or else, if these gentlemen desire that these graduates shall stay out in the cold and have no footing and be out of the Army, vote the bill down. I hope it will not be amended.

Mr. HALE. The Senator from Illinois has only said at length and in much more eloquent fashion than I did what I had already propounded with reference to these different grades and ranks in the Army. I did not in any way claim that the real merit and skill and greatness of the Army of the United States is found or has been found lodged in the Engineer Corps. On the other hand, I stated distinctly that all military service and the exploits of the United States Army had brought

out the fact that the great commanders came from other corps. I agree with the Senator fully with regard to that, and I am making no fight here as a champion of the Engineer Corps. I care nothing whatever about it; but all the same it is considered in the Army as the desirable place for a cadet to be put into when he graduates at West Point, and every cadet is striving in one way or another to seek the head of his class so as to be put in that corps. And it is not a matter of favoritism because the Engineer Corps lies nearer to the doors of Senators and Members of Congress that it has this favorite position in the Army. It is from the beginning. The graduates of the Academy who graduate for merit are put into this corps. I do not fancy that if Congress should beseech the board to assign these officers any other assignment would be made; but they are put into this corps, and it is understood that the heads of the list, if there are four vacancies, Nos. 1, 2, 3, and 4, will be put into the Engineer Corps, Nos. 5, 6, 7, 8, and 9 will be put into the Ordnance Corps.

Mr. SEWELL. Will the Senator allow me? Suppose Nos. 5, 6, and 7 be practically of the same class as Nos. 1, 2, 3, and 4.

Mr. HALE. They are all of the same class.

Mr. SEWELL. All the same grade in the class. Suppose Nos. 5, 6, and 7 wish to enter the Engineer Corps, under this bill they will be considered part of the service on a waiting commission.

Mr. HALE. That discloses what has not been disclosed before.

Mr. SEWELL. That is what this bill is intended for.

Mr. HALE. That has not been stated before. Then it is the design of this bill that the four vacancies, we will say, which exist in the corps shall be filled by Nos. 1, 2, 3, and 4. Then without waiting to fill the other corps of the Army, three men shall be set aside—5, 6, and 7 in number—and are to wait to be put into the Engineer Corps. Is that the plan?

Mr. SEWELL. Yes.

Mr. HALE. Then as to the subsequent ones, how is it? You then go on and put five into the Ordnance Corps. Suppose three or four men want to be put into the Ordnance Corps, are the next succeeding numbers to be set aside and wait until there is a vacancy in the Ordnance Corps and then be put in? And then you go to the artillery and fill them, appointing six or eight, and then are you to set three or four more men aside to wait for artillery vacancies? Let me ask the Senator from New Jersey if that is the correct purpose of the bill?

Mr. SEWELL. I have stated the purpose.

Mr. HALE. I have no objection to the bill; I do not want these young men thrown out; but why does not the Senator state clearly what his purpose is, so that it may be seen? It is one thing if a large number are to be put into the Engineer Corps. It is another thing to go down and take No. 5 out after 2, 3, and 4, as the Senator from Kansas said, and put them into the Engineer Corps, because that would give them an advantage over the other boys who are higher up on the list. I should be very glad to know definitely just what the bill does mean.

Mr. SEWELL. I can not explain it any further than I have. I have repeatedly said that it was the intention of the committee to class the graduates who go into the Engineer Corps, who are expected to be more than the vacancies occurring at this time or will occur by the 1st of July, say to the extent of three; and the committee desire that the provisions of the bill shall be such that those three young men shall go into the service and be assigned to the Engineer Corps.

Mr. DAWES. May I inquire if the Senator means by that men who would otherwise under existing law go to other corps shall be reserved for the Engineer Corps?

Mr. SEWELL. Yes. There will be more graduates of that class this year than usual.

Mr. DAWES. Of those entitled to enter the Engineer Corps?

Mr. SEWELL. More entitled to go into the Engineer Corps.

Mr. DAWES. How many are there?

Mr. SEWELL. We can not now tell.

Mr. DAWES. There are none entitled by law, as I understand, to go into the Engineer Corps who do not graduate within a certain number of the head of the class, and five of those are entitled to go into the Engineer Corps if there are so many vacancies. Now, I understand from the remarks of the Senator that there are not five vacancies, so that the five who would otherwise go into that corps would find a place elsewhere. So those who do not have the opportunity of being appointed are to be on waiting orders?

Mr. SEWELL. Instead of going into the other corps.

Mr. DAWES. So it does not disarrange the existing law, but only provides for those who would otherwise go in but fail to go in for the want of vacancies?

Mr. EDMUNDS. I merely wish to make a single remark. I wish to know if I am not right in supposing that the assignment of cadets who graduate to the various arms of the service is now in the discretion of the President, the Commander-in-Chief, and that there is no statute which says that the highest five, in the way they number up their order of excellence, shall go into the Engineer Corps. I do not understand that there is any such statute. It is a mere regulation of the service. That being so, then it is clear to my mind that this bill only operates to extend the act of 1878, which threw any surplus for which there were not vacancies into private life, and to extend the effect of the military laws to those under the same regulations that exist as to all the others.

Mr. LOGAN. Exactly.

Mr. EDMUNDS. So that the whole effect of this bill simply is to put all the graduates on the same footing as they would be but for the act of 1878, which said that the surplus for whom there were no vacancies, after they had been educated by the Government in the military life and had taken it up, should be retired to private life. That is all there is to it and all there is of the bill, so that if the existing law is right as to those who may fill any kind of a vacancy, then this measure is right, which merely extends the number of people who are to be attached to the service, according to the discretion of the President that he now has as to all the others, to one arm or to the other. That seems to me to be right.

Mr. HAWLEY. The Senator from Vermont has said better than I could have done it just precisely what was in my mind when I rose at the time that he got the floor. If there be any criticism upon the present organization of the Army it can find its vent in some other bill. The committee simply attempted to do what it considered to be a matter of justice in this one single point.

There is an exceptionally good class at West Point. They have run the gauntlet of all the severe examinations and all the various tests much better than any class that has been there in many years. To the surprise of the professors, there are to be graduated next June seventy-six, or seventy-eight in all, well-qualified young men. This is so unusual and unexpected that, if the law as at present be literally enforced, some of those young men will be thrown directly out, after we have educated them, and when they have answered the purpose of our education unexpectedly well.

If by saving up some of the vacancies that are occurring now through ordinary casualties and otherwise there shall be found to be quite a large number of vacancies waiting for them next June, then if we hold them a little the other vacancies coming shortly after June will supply places for the rest of them. I have no business to speak of the executive department, but I can utter my suspicion that the President is doing what I think he ought to do, that is to say, he is not filling up the vacancies now occurring by appointing from civil life, but is keeping them open, as I think, for this unexpectedly large class. If he is doing so, and I have a suspicion of it, this measure may find a co-operation in advance on the part of the War Department and the President which will save these young men, who especially deserve to be saved.

The PRESIDENT *pro tempore*. The question is on agreeing to the amendment of the Senator from Kansas [Mr. PLUMB] to the amendment reported from the Committee on Military Affairs.

The amendment to the amendment was rejected.

The PRESIDENT *pro tempore*. The question recurs on the amendment of the committee. It will be read.

The CHIEF CLERK. In line 7, after the word "corps," insert the words "of the Army in which there may be a vacancy and;" so as to read:

He may be appointed and commissioned as a second lieutenant in any arm or corps of the Army in which there may be a vacancy, and the duties of which he may have been judged competent to perform.

The amendment was agreed to.

The PRESIDENT *pro tempore*. The next amendment of the committee will be stated.

The CHIEF CLERK. In line 11, after the word "may," strike out the words "attached to it;" so as to read:

And in case there shall not, at the time, be a vacancy in such arm or corps, he may, at the discretion of the President, &c.

The amendment was agreed to.

The next amendment was, in line 12, after the word "President," to insert "be promoted and commissioned in it;" so as to read:

At the discretion of the President, be promoted and commissioned in it as an additional second lieutenant, with the usual pay and allowances of a second lieutenant, until a vacancy shall happen.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

AMERICAN REGISTER FOR STEAMSHIP CAROLINE MILLER.

Mr. FRYE. I wish to call attention to the bill (S. 491) to provide for an American register for the steamship Caroline Miller, of Baltimore, Md. The Senator from Maryland [Mr. GORMAN] is now in. I am unalterably opposed to admitting foreign-built ships to American registry. This is clearly an exceptional case, but I am satisfied that there should be a written report to accompany the bill clearly indicating why it is an exceptional case. I therefore ask unanimous consent that the Senator from Maryland may file a written report in this case.

Mr. GORMAN. I have no objection to that.

The PRESIDENT *pro tempore*. If there be no objection the Senator from Maryland will have authority to file a written report at this session.

MARY B. HOLMES.

The PRESIDENT *pro tempore*. The next bill on the Calendar will be announced.

The bill (S. 806) granting a pension to Mary B. Holmes was considered as in Committee of the Whole.

The preamble recites that a bill (S. 2607) was passed by both Houses of the Forty-eighth Congress, second session, and approved by the President on the 3d of March, 1885, granting a pension to Mary B. Holmes, the widow of John W. Holmes; and that by an error in the name of John W. Holmes (who was in that act styled "Henry" W. Holmes) Mary B. Holmes was precluded from obtaining such pension as was granted in the act.

The bill proposes to direct the Secretary of the Interior to place on the pension-roll the name of Mary B. Holmes, widow of John W. Holmes, late a lieutenant of Company F, Seventy-second Regiment New York Volunteers, and allow her the same pension drawn by her husband during his life, to take effect from the date of the approval of the former act by the President, on the 3d of March, 1885.

Mr. PLATT. What was the amount drawn by her husband during his life?

Mr. COCKRELL. Let the report be read.

The PRESIDENT *pro tempore*. The report will be read.

The Secretary read the following report, submitted by Mr. SEWELL January 18, 1886:

The Committee on Pensions, to whom was referred the bill (S. 806) granting a pension to Mary B. Holmes, having examined the same, report as follows:

The committee find upon examination of this case that a bill (S. 2607) granting a pension to the said Mary B. Holmes, widow of John W. Holmes, was passed at the last session of the Forty-eighth Congress and approved by the President on the 3d day of March, 1885.

That owing to an error in the name of the said John W. Holmes (who was in said act styled "Henry" W. Holmes) the said Mary B. Holmes was precluded from obtaining such pension as was granted by said act.

The committee, therefore, in manifest justice to Mrs. Holmes, desire to, and herewith do, present as their report that made by the Committee on Pensions last year, and with the same favorable recommendation for its re-enactment, as follows:

Petitioner is the widow of John W. Holmes, late lieutenant Company F, Seventy-second Regiment New York Volunteers, who was pensioned at the rate of $15 per month on account of disability incurred in the service and resulting from disease of the eyes and chronic diarrhea. Her husband was killed by a freight train in New York city in 1881, and his widow is now destitute. She asks a pension on the ground that the accident which caused his death was the result of his defective vision and not of his own carelessness or neglect. The soldier's death, under these circumstances, did not, of course, result directly from his military service, but does seem to have been due to the disability incurred in the service, and to that extent was a result thereof.

Taking this view of the case, your committee are disposed to regard the claim as a meritorious one, and therefore recommend the passage of the bill.

Mr. SEWELL. This re-enacts an act passed last year, and corrects a mistake which was made in a letter of the name of the husband of Mrs. Holmes. The bill pays the sum allowed the husband, whatever that was.

Mr. PLATT. That may discriminate.

Mr. SEWELL. It was a pension allowed by law.

Mr. PLATT. We do not know whether it was the pension allowed by law. The husband may have been allowed $100 a month, or $72 a month, or $50 a month, and in that case his widow would get a great deal more than other widows.

Mr. SEWELL. I will state for the information of the Senator that the pension of a lieutenant is $20 a month.

Mr. PLATT. What was his rank?

Mr. SEWELL. First lieutenant.

Mr. EDMUNDS. Lieutenant in Company F, Seventy-second New York, according to the act passed before. Let the bill be read again.

Mr. PLATT. It does not describe him as a lieutenant.

Mr. EDMUNDS. Let the bill be read.

The PRESIDENT *pro tempore*. The bill will be again read.

The Chief Clerk read the bill.

Mr. HOAR. I think it would be well for greater security to insert a provision in the bill repealing the former act.

Mr. EDMUNDS. That ought to be done.

The PRESIDENT *pro tempore*. The hour of 2 o'clock having arrived——

Mr. HOAR. Let this matter be disposed of. I move that the bill be amended by adding as an additional section that the act referred to, giving the date, is hereby repealed.

Mr. EDMUNDS. That the act of March 3, 1885, granting her a pension, be repealed.

The PRESIDENT *pro tempore*. The Secretary will report the amendment offered by the Senator from Massachusetts.

The CHIEF CLERK. It is proposed to add as an additional section:

SEC. —. That an act granting a pension to Mary B. Holmes, widow of John B. Holmes, approved March 3, 1885, is hereby repealed.

The amendment was agreed to.

Mr. PLATT. I wish this bill might lie over. I presume it is all right, but——

The PRESIDENT *pro tempore*. It is the duty of the Chair to announce that, the hour of 2 o'clock having arrived, the bill goes over, and the unfinished business will be proceeded with.

AID TO COMMON SCHOOLS.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (S. 194) to aid in the establishment and temporary support of common schools.

The PRESIDENT *pro tempore*. The Chair understands that the Senator from Alabama [Mr. MORGAN] has the floor upon the bill.

Mr. MORGAN. I had not taken the floor formally, but if the Senator from New Hampshire [Mr. BLAIR] has not anything to say now, I can go on.

Mr. BLAIR. The Senator may proceed now.

Mr. MORGAN. Before proceeding to discuss the bill it is necessary, so far as my understanding of it is concerned, that there should be a little more definite statement in the bill upon one subject. Many of the most important provisions of the bill are made to depend upon the question of time, when the year begins at which the appropriation shall take effect, whether at the beginning of a fiscal year or at the beginning of a calendar year. For instance, the governors of the different States and Territories are to make certain reports for the preceding year on the condition of the schools and the school fund, the manner of managing the schools, &c. There is no time fixed in the bill either at which the payments are to commence under it, whether at the beginning of a fiscal year or at the end of a fiscal year, or at the beginning or end of a calendar year. For the purpose of getting that subject a little more definitely understood, I move to amend the bill in section 1, line 3, by inserting after the word "eight" the word "fiscal," so that the text will read:

That for eight fiscal years next after the passage of this act there shall be annually appropriated, &c.

Inasmuch as the bill is entirely silent as to the time when the appropriation shall take effect and as to the time when the reports are to be made, I suggest to the Senator from New Hampshire that perhaps it is an oversight, and we had better have that subject arranged as we go along.

The PRESIDING OFFICER (Mr. HARRIS in the chair). Does the Senator from Alabama desire to have the amendment acted upon at this time?

Mr. MORGAN. I do.

The PRESIDING OFFICER. The Secretary will read the amendment.

The SECRETARY. In section 1, line 3, after the word "eight," it is proposed to insert "fiscal;" so as to read:

That for eight fiscal years next after the passage of this act there shall be annually appropriated from the money in the Treasury," &c.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

Mr. BLAIR. When the bill was under consideration by the Senate in the last Congress, and before it was passed, the matter to which the Senator from Alabama alludes was discussed. It was well understood and must be apparent to any one that the bill is inoperative until there has been an appropriation. I do not think the amendment suggested would be of the slightest consequence in the way of facilitating the purposes of the bill. It might result in postponing its operation for a year when otherwise it might be made efficient. I think the amendment would do no good, and might do harm. At all events, I do not see any object in the Senator pressing it at this moment.

Mr. MORGAN. I am very glad to hear the Senator say that the bill will be entirely inoperative unless it is sustained by an annual appropriation.

Mr. BLAIR. That is very well understood. It was discussed, and the Senator will find that it was thoroughly discussed in the debates as reported in the last Congress.

Mr. MORGAN. Before we get through with the bill I shall try to put some language into it which will express that idea a little more distinctly than it is in the bill, so that there shall not be an appropriation now for ten years to come, but it shall be an appropriation to be made by Congress annually.

Mr. BLAIR. The Senator will have no difficulty in putting language in which will mean just what the bill does now, if he thinks it is necessary, and if the Senate should also think that anything more is necessary to make the terms of the bill explicit. An annual appropriation of the amount specified in the bill will be required of course every year, and if in any one year it was found that there were abuses in its administration, either in all the States or in any one State or Territory, the appropriation so far as that State or Territory, or all the States, as the case might be, would be of course withheld. Congress retains under the terms of the bill full discretionary power over the appropriation of public money to guard against all abuses, as well by investigation as by withholding the appropriations themselves.

Mr. MORGAN. I understand the Senator to say that Congress retains all discretionary power over the management of this fund.

Mr. BLAIR. I certainly understand it so. It is of course the scheme of the bill to commence and to continue in a way to give assistance to the schools. It would be but an injury to schools to appropriate only for a single year, unless abuses should arise which should change the general policy to be pursued with reference to this matter. To give schools one year $5,000,000 or $10,000,000 and leave them without anything whatever the year following of course would result in the practical loss of all that already had been expended, because the matter of education is not to be completed in a single year. But in order

that there be no waste, in order that there be no abuse, the legislative power by the terms of this proposed act retains the right of review and alteration of the law. In fact there is a section near the close of the bill, which was moved in the last Congress by the Senator from Vermont [Mr. MORRILL] and was incorporated in the bill itself near the close of the discussion, providing that the act may be altered, amended, or repealed. That was the substance of it.

If, however, the expenditures made from year to year shall operate beneficially, in order that the most good may result from what is appropriated, it would be necessary that the proper amount of appropriations should be continued until a real impression had been created upon the illiteracy of the country. It is entitled a bill for temporary aid. It has no purpose—so far as I know there is no purpose on the part of any one interested in the enactment of the bill into a law that the aid shall be permanent. It is only for a temporary purpose, to advance those portions of the country which are below the proper standard of education where illiteracy prevails to such an extent as to be dangerous to the public welfare. In those communities, and in all communities throughout the entire land, the design and object is to give aid only until this excess or superabundance of illiteracy shall have been removed and something like a fair average of intelligence shall be found to prevail throughout the country at large. That is the only object of the bill.

I myself am one of those who would be very reluctant indeed to see the school system for the States become permanently dependent upon aid from the General Government. This measure is for an exceptional condition of things, for an emergency in public affairs, and nothing more. As the Senator must see, a bill which is operative only for eight years, which gives assistance only for that period of time, does not contemplate anything like permanency of the system. It has been, I believe, adjudged by educators, as they call themselves, in this country that the average period of common-school education is not more than four or five years. The original bill as reported by the committee in the Forty-eighth Congress contemplated appropriations for ten years, which would cover the average of two generations of common-school life. The Senate thought fit to reduce it by amendment to eight years, and that at the utmost would not be more than two generations of common-school education.

If the children of the States having had these opportunities for eight years should not then be sufficiently enamored with the benefits of education to maintain their school system—meanwhile having accumulated additional wealth, and being better able to maintain such a system if they considered it beneficial—if, I say, at the end of that period they should fail to do so, I for one should be in favor of their settling the question for themselves, and if they should not see fit to maintain their common schools let them suffer from the ills of ignorance.

Mr. MORGAN. The reason why I think some period ought to be prescribed in the statute when the appropriation should take effect is found on reading the third section, and, in fact, in several other sections in the bill. The third section provides—

> That no State or Territory shall receive any of the benefits of this act until the governor thereof shall file with the Secretary of the Interior a statement, certified by him, showing the character of the common-school system in force in such State or Territory; the amount of money expended therein during the last preceding school year in the support of common schools, not including expenditures for the rent, repair, or erection of school-houses, &c.
>
> The Secretary of the Interior shall thereupon—
>
> After examining into the reports made by the governors—
>
> certify to the Secretary of the Treasury the names of the States and Territories which he finds to be entitled to share in the benefits of this act, and also the amount due to each.

There ought to be some period within which a State is required to make the report, and some period within which the Secretary of the Interior is required to make the examination of the reports and to make his certificate to the Secretary of the Treasury upon which the money can be drawn.

The school years, as I understand it, vary very much in the different States. In some of the Southern States the school year does not include a portion of the hottest season of the year; it includes more of the winter season. In other States the school year includes more of the summer season. I believe that is a pretty general fact in the administration of the school system in the different States.

The object, I suppose, is to get a report from the State governments of the most recent condition of the population there as to illiteracy, and also as to the question whether the State has complied with all the requisites of this act. In order to do that, the bill is entirely defective, I think, unless some period for making the reports is fixed. It is a matter of indifference to me whether it is the beginning of the fiscal year or the end of the fiscal year, or whether it is the beginning of the calendar year or the end of the calendar year, or any other period, say the first day of some month in the year; but there should be a period by which time the reports should come in, and a period after that within which the Secretary of the Interior should be required to make the examination and to certify as to the right of a State to receive the subvention which is provided for in this proposed act.

I merely wanted to have an understanding about this of some kind, so that I could intelligently argue the bill upon its merits, not with a view of trying to put some feature into it which would destroy its efficiency, but which would really improve its efficiency if the bill should become a law. The Senator from New Hampshire can state whether he prefers some other period or not, but as I have moved I shall insist upon my amendment to insert the word "fiscal;" so as to read:

> That for eight fiscal years next after the passage of this act there shall be annually appropriated, &c.

It seems to me that is the most fitting manner of arranging it, because the Senator himself says that unless Congress makes provision by appropriation for each fiscal year the law ceases to be operative, it has no further effect. He would not say, of course, nor would I say, that such a failure would operate to repeal the law, but it would take out of it all the substance, because there would be nothing provided upon which to carry the law into execution. I think it was an oversight on the part of the committee in not having provided some definite period of time at which the very important investigations and reports are to be made.

The PRESIDING OFFICER. The question is on agreeing to the amendment proposed by the Senator from Alabama.

Mr. BLAIR. I can see no advantage resulting from that amendment, and as I said before, it might operate to prevent the appropriation of the amount specified in the first section in such a way that the country generally might not receive the benefit of the measure on account of the failure of some particular governor or some defect in the way of compliance with the provisions of the bill in a particular locality. There can be nothing more definite that may not be attended with danger. With the terms of the bill as they are now no abuse can arise. The other sections of the bill are clear and definite, and the whole act will have to be construed together. There is no occasion for the amendment, so far as I can see, and I hope it will not be adopted.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from Alabama. [Putting the question.] The ayes have it.

Mr. BLAIR. I ask for a division.

On a division the ayes were 8.

Mr. MORGAN. I call for the yeas and nays.

Mr. ALLISON. Unless the Senator from New Hampshire can give me some reason why these accounts should not be kept by fiscal years, I feel inclined to vote for the amendment. In all the appropriations and in the management of this fund, unless there is some reason that I do not think of now, it seems to me the matter should be by the fiscal year and not by the calendar year.

Mr. BLAIR. Can the Senator give any reason why the bill will be any better with the interpolation of that word? I suppose the Senator was not present during the discussion which has just taken place. The bill provides that there shall annually be appropriated a certain amount. That will have to be done, of course, when there is a session of Congress going on and appropriation committees to act, where the power of appropriation exists. We can not tell exactly when the appropriation may be made. Even the first amount specified in the bill can not be expended until there has been an annual appropriation. The money will be appropriated, I suppose, in the same way that other appropriations are made, but I do not see any advantage in putting in the word "fiscal." After the bill stood the gauntlet of the examination of the honorable Senator from Iowa, who is the chairman of the Committee on Appropriations and has been for so many years (for during the last Congress he was consulted in regard to this very section, as I remember, and as he will remember was the case), I can see no reason why we should now, at the very outset of this discussion, find ourselves under the necessity of interpolating the word "fiscal" at the suggestion of an opponent to the bill. When I can see no good resulting from it I do not like to have it done; that is all. If the chairman of the Committee on Appropriations says he thinks that it ought to be so amended, I will withdraw all opposition to the introduction of the word "fiscal."

Mr. ALLISON. I was otherwise engaged when this debate began, but I understood the Senator from Alabama to state that these reports were to be made for fiscal years or for calendar years.

Mr. MORGAN. For one or the other year.

Mr. ALLISON. For one or the other.

Mr. BLAIR. The word "fiscal" is not in the bill, so far as I know.

Mr. MORGAN. Neither is the word "calendar."

Mr. ALLISON. I am perfectly clear that the appropriation should be made for fiscal years, and that any reports made respecting the expenditure of the appropriation should also be by fiscal years. If there is anything in the bill conflicting with that idea I do not care to vote for the Senator's amendment, but if there is not it seems to me that it ought to be made clear in the bill.

Mr. BLAIR. I prefer that the Senator should submit his amendment in writing.

Mr. MORGAN. It consists of only one word.

Mr. GEORGE. I desire to call the attention of the Senator from Iowa to one point. I understood the Senator from Iowa to say that the reports should also be made for the fiscal year as well as the appropriation. I suppose he means by the appropriation for the fiscal year the fiscal year of Congress.

Mr. ALLISON. I do.

Mr. GEORGE. Does the Senator mean that the reports should be

made for the same period? The fiscal year of the States may be very different from the fiscal year of Congress.

Mr. ALLISON. I will state that if we appropriate money for this purpose for any one fiscal year, under whatever authority it is expended, it should be reported to the United States for that particular fiscal year. If that is not done there will be great confusion in the expenditures. That is all I mean to say.

Mr. BLAIR. If the chairman of the Committee on Appropriations has that view of it, there is not the slightest objection to the amendment.

The PRESIDING OFFICER. Does the Senator from Alabama withdraw his demand for the yeas and nays?

Mr. MORGAN. Yes, sir.

The PRESIDING OFFICER. The question is, Will the Senate agree to the amendment?

The amendment was agreed to.

Mr. MORGAN. I do not suppose the friends of this measure are in such great alarm about it, with a majority as they say they had of three-fourths when the question was before the Senate in the last Congress, as that they will shudder at and run away from any proposition whatever to improve it; but yet it seems as if that was the case. It seems as if gentlemen had made up their minds that this bill has got to go through the Senate with every comma in it just as it is and with every phrase in it just as it is, without debate and without discussion almost, and that a Senator who undertakes to improve the bill is to be charged on the floor with getting up in enmity to it, and that his purpose is merely to injure the country by injuring the bill.

If this bad measure should pass, as I conceive it to be a bad measure, I want to take as many of the stings out of it as I know how, and I shall labor honestly and industriously to do it; so that if Congress exercises this arbitrary and unconstitutional power of taxation provided in the bill against the people of the United States, the people shall suffer from it just as little as possible. In voting against and in opposing the measure which is presented here I am not the champion of those who would abridge the powers of Congress; indeed I am no champion of anybody, but I am a humble and a faithful defender of all the rights and liberties of the great body of the people of the United States as they are written in the book. Only that consideration could possibly induce me to stand here to-day against a strong and powerful current of opinion from my own part of the country as expressed by Senators on this floor to try to vindicate that Constitution against an outrageous assault, against a violation at the hands of men who have always professed to be its dearest and truest lovers.

The Senator from New Hampshire, who I believe divides the paternity of this bill with my colleague, for they both claim the paternity of it, informs us in the opening of his remarks that a very vast majority of the people of the United States, and particularly of the South, are ready to catch at this glittering prize. A person would think from his description of us that we are willing to bite at a naked hook if it has got a glittering bauble hanging to it, without any bait on it whatever.

Senators are counting more upon the support of the people of this country in this effort to tax them unjustly than they will be able to realize when within a very few brief years, if this law should go into effect and its administration should ever be begun, the evils which it sows like dragon's teeth throughout every community in the United States will come up as a harvest which they will be compelled to reap in sorrow and to garner with regret.

This is a bill to tax the people of the United States at large $77,000,000 within eight years for the purpose of raising a fund to meet a special emergency of illiteracy, as is alleged, among the people of this country. It is an emergency fund, and the legislation is said to be emergency legislation. The framers of this measure are so much afraid of its consequences and they are so unhappy in their efforts to defend the principles upon which it rests that in advance of all action taken by the Senate upon this question they make the announcement that it is an emergency, and that this provision is an emergency fund. The Senator from New Hampshire says that he would not be in favor of the measure if he believed that it was going to be one of the permanent establishments of this country; that he would not be willing for Congress to undertake the education of the people of the different States as a regular matter of business, as one of its especial duties, and to draw upon its taxing powers to supply the funds and upon the Treasury to pay them. He would be unwilling to incorporate within the Government this new feature of the education of the people at large by means of contributions to be gathered through the taxes that Congress imposes upon the people at large.

If any Senator upon this side of the Chamber or the other should deign to express his views in support of the bill in this debate—for I think none of them are prepared to do so—I shall expect them to follow the line of debate marked out in advance by their distinguished chief from New Hampshire, and to claim, as he claims, that this legislation can only be justified as emergency legislation and to meet a particular condition of unfortunate illiteracy which exists in the United States at this moment of time, and that after they have tried it for eight years, it makes no difference how rich the blessings may be that flow from it or how ruinous the disadvantages may be that come from it, they will be prepared to dismiss this subject from the attention of Congress and fall back into the old rut of legislating for the people in accordance with the powers conferred upon them by the Constitution.

Since I have been here a great deal of emergency legislation has occurred, and I am not prepared now to state that any part of it has really produced solid and substantial advantage to the country. We have had the emergency of tornadoes sweeping across the country, and bills have been introduced to repair the damages inflicted upon forests, upon homes, and upon farms by the winds from heaven. We have had emergencies which in my State required the appropriation of money to buy bacon to feed the population. Large sums were spent in that alleged emergency of starvation for bacon to be used in what were called the overflowed districts along the Warrior and the Tombigbee Rivers. The emergency passed, and with it the bacon; but the emergency passed smoothly into politics, and the bacon, instead of being expended in the swamps of the 'Bigbee and the Warrior, which had been overflowed, was taken up on the heights of Sand Mountain and distributed for the purpose of buying the votes of some of the people.

Many other emergencies to which I could refer have occurred in the history of legislation here, and Congress has never failed to provide for them whenever it could do so and reconcile its action to that class of people who have to work day in and day out to make the money, a dollar at a time, which we spend here $77,000,000 in a single bill. It would take more than a day's work priced at $1.25 for every human being, man, woman, and child, in the United States to meet this emergency—$77,000,000 and 60,000,000 people—and when you take out of the 60,000,000 people the dead-heads and the dead-beats and the non-producers and come to fasten this tax down upon the labor of the men who toil in the fields, in the smitheries, in the mines, in the factories, and in the fisheries to raise the money that is in the Treasury at the farther end of the Avenue, you will not have more than 20,000,000 contributors. Then you have a tax of more than $3 per capita upon them, and by the time you supply all the officials necessary to carry out this grand scheme of benevolence, by the time you have paid all the clerks that will be necessary to investigate these accounts in thirty-eight States and ten Territories, by the time you have oiled the machinery sufficiently to make it run with the money from the people's Treasury, these laboring men who produce all the money that goes into the Treasury, every dollar of it, will have a tax saddled upon them of not less than $10 per capita for this emergency.

If the Senators around me were men who plowed the fields and worked in smitheries and paid the taxes out of the sweat of their brows, I could have more admiration for them while they were voting their own money to educate the children of others; but we know perfectly well that after we leave the fields of agriculture, after we leave the mines and the factories of every description, the fisheries, the grazing plains, and the fruit orchards of this country, we have left all that is productive, all that creates taxes, we have left behind us everything that can place a dollar into the Treasury of the United States.

Let not Senators deceive themselves by thinking that the people of the United States are ignorant. They may not know much of letters, they may not be greatly educated in statesmanship, but they know where the grip of the tax-collector binds, and they inquire diligently and studiously into his power and the rights of those who gave him power over their property. That is the class I represent here to-day. Though they may think I am an enemy and not a friend, they will find me standing by them with sleepless vigilance and I trust with honorable fortitude.

This bill assails that class. It assails them not merely with a taxing power, but it takes from their own pockets their own gold as a bribe, and holds it before their eyes and asks them to submit to taxation in order that they may receive the sham reward. That is done too often in this country. It is done in many systems of laws against which I always object, for I do not see why it is that we should take money out of one pocket of a laboring man and transfer it to the other diminished by the amount that shall stick to the hands of the middle-man as it goes through, and flatter him that we are promoting his welfare.

This is a bill to create offices. It is a bill to elaborate the machinery of government. It is a bill to take away from the people of this country the right to make their voluntary contributions for the education of their own children and to put that sacred duty into the hands of Congress. You take money away from them, pass it through the hands of the new officials, and hand the pittance that is left back to the child of some man who perhaps is more able to educate that child than the man who has had to pay the tax.

Here is a man with a large family, consisting of a wife and ten children, well-to-do and prosperous upon his own labor, who rises with the early dawn and ceases not his labors until far in the night. He and his frugal wife and children live sparingly upon the labor of their own hands. From year to year and from month to month they lay up their little savings and accumulate a little property. Their necessities increase, so that they are compelled to buy articles that are taxed heavily under the tariff and some which are taxed heavily under the internal-revenue laws. This man, toiling along to educate his ten children, which he has done, as a man ought to do, who has gotten them past the school age, if you please, in his old age is to be taxed almost to pen-

ury for the purpose of educating the child of some drunken vagabond loafer who never would work for his family and who has left an inheritance of evil and ignorance upon the world.

I am not much in favor of laws that work such results as that. I would rather stand here deserted by every Democrat in the Senate than lend my hand to the persecution of the people, for I believe it is the duty of a Democrat to see that the people are taken care of in all their rights and all their liberties. Equal justice to all men and exclusive privileges to none. That is my creed stated in a very few words.

The Senator from New Hampshire says that his purpose in this measure is to promote the general welfare; that is, that an honest, hard-working man, who is trying to raise or has raised a decent family and who has got something to tax because he has worked, shall be taxed to the extent of the power of the law to supply money to educate the children of the drunken loafer and beat I have been talking about; and Senators call that promoting the general welfare. That is to say, you lift up the bottom man and his progeny by pulling down the man who has honestly worked to get on top. That is the "general welfare."

Society can take care of that sort of general welfare a great deal better than we can. There is not a father of a family in the United States who can not provide for the education of his own children in a way better suited to his condition of life, to the habits and thoughts and duties and destiny of his children, than any member of Congress in the Senate; and there is not an honest father of a family in the United States who does work for his own living who would be willing to give up the education of his children into the hands of any Senator who is here. To take my children and supply the money to educate them to suit yourself is something that neither father nor mother would ever consent to. It violates an instinct of humanity; it violates parental affection; it divorces the children from father and mother both as to influence, as to control, and as to sympathy.

The best families of this continent to-day are those who, in the backwoods of the land, in the fear of God and in respect for the morals and good order of society, have raised around their own hearth-stones honest, sincere, diligent, and faithful sons and daughters. When your great centers of wealth and political power and influence get so corrupt that we wonder the fires of Sodom have not been visited upon them, the country would lose all hope for the future were it not for this fountain of honesty to draw from, which nestles like a benefaction among the woods and the hills and along the streams of this great country. True social power, the honest power, the power of justice, the power of the love of country and the love of God, all that goes to make a people great and strong, is supplied year after year from these humble and unknown sources, where purity and virtue are exalted, and where vice does not dare to intrude with its hideous hoof.

That is the condition of the common people of this country. These are the people to whom I address myself. They understand me and I understand them, and I shall be here, as long as my State gives me the privilege of representing her on this floor, to protect and defend the constitutional rights and liberties of those people, and especially against the tyranny of any usurped power of Congressional taxation.

For the purpose of getting this matter before the Senate in due and proper form, and to understand not merely from my interpretation of the bill, but from the interpretation of it which has been expressed by the committee on two occasions—once two years ago and again the other day—I shall read from the report of the committee, to which there was no dissent, the doctrines which lie at the foundation of this bill; for I want to argue this case not upon any suppositions of my own, not upon any construction that I am capable of putting upon the bill, but upon that interpretation of it which has passed the committee twice, consisting at different times of different membership, and which the honorable Senator from New Hampshire the other day was so in love with that he got up and introduced the entire report and his entire speech of some thirty pages, made before in the Senate, to sustain and illustrate that report. From that report I take the construction upon which I propose to discuss this bill as well as from the text of the bill itself. Now I read from the report:

> But Congress has express power "to provide for the general welfare of the United States," and to exert its utmost power of taxation to promote that which was one of the six greatest ends enumerated in the preamble, and to secure which the Constitution itself was ordained and established by the whole people of the United States of America. That people well understood that without intelligence it would be impossible "to preserve the blessings of liberty to themselves and their posterity." It goes without argument to say that in no way can the general welfare be so promoted as by the general diffusion of knowledge and the discipline of the mental powers of the masses of the people, which can only be accomplished by common schools maintained by governmental power.
>
> Governments are but agencies established by society to secure the happiness of its individual members. Whenever they cease to promote the end for which they were created they should be destroyed, and whenever and so far as they fail they should modify or reverse their action.
>
> If in the past the National Government has not borne its due proportion of the burdens of the education of the people, or if new conditions have arisen which require of it a degree of co-operation with the several States not hitherto necessary in securing to all citizens of the Republic that degree of intelligence which is indispensable to the safety of society and to the happiness of the individual, who is at once the subject and the sovereign in both local and national administration, then the time has come for a new departure, and the withes of straw must yield to the expanding limbs of the giant who is arousing himself for the labors of the time which has already come.

Mr. BLAIR. Will the Senator state where he is reading from?

Mr. MORGAN. I am reading from page 1240 of the RECORD.

Mr. BLAIR. From what part of the page?

Mr. MORGAN. From the right-hand column, at the bottom.

Mr. BLAIR. If the Senator will listen to me for a moment, as he seems to be misled from the failure to read the beginning of the report from which he is quoting, I will state that he is holding the entire committee responsible for matter of argument for which no one but myself is responsible. He will observe at the commencement of the report, which he will find on the top of page 1240 of the first column, what I read now:

> The committee unanimously approve the amount proposed to be appropriated in the bill and its distribution on the basis of illiteracy, and a majority recommend its passage in its present form.
>
> The matter following is largely from a presentation of the subject made by the chairman of the committee on a former occasion, for which, as matter of argument, the committee as a whole is not responsible, but the statistical tables and calculations having been prepared with considerable labor and care and being substantially unchanged by later information, the same are incorporated with this supplementary report.

I am responsible for this matter of argument which the Senator is quoting. The other members of the committee are no further held than they choose to announce themselves that they are held.

Mr. MORGAN. The Senator from New Hampshire must have understood his own offspring. He is the father of this bill and he understood his child.

Mr. CALL. Will the Senator from Alabama allow me to interrupt him?

Mr. MORGAN. Certainly.

Mr. CALL. I do not wish to criticise anything in the report, which I have no doubt is a very able report. It was made, however, by the Senator from New Hampshire, and as a member of the committee I have no knowledge of what is contained in the report. We approved the reporting of the bill, but as for the argument which is contained in the report that is the work of the Senator from New Hampshire. I do not know what is contained in it, and therefore I am not bound by what is in it.

Mr. MORGAN. Now I shall expect the honorable Senator from Florida, when I have gotten through and he has a fair opportunity, to get up and state wherein he objects to this doctrine promulgated by the Senator from New Hampshire. I wish to know whether the committee are agreed upon the principle on which the Treasury is to be deprived of $77,000,000, or whether they merely concur in the fact that the money is to be taken out of the Treasury, one for one reason and another for another.

Mr. CALL. I wish to say only that as a member of the committee I have never seen the report. The committee agreed that the bill should be reported favorably, but the report containing the arguments and reasons in support of it has never been submitted to me, and, as the Senator from New Hampshire says, is his work. I do not know what is in the report.

Mr. MORGAN. Well, Mr. President, there is nothing in the report that is not in the bill, except, perhaps, a little fulmination of rhetoric now and then, and there is nothing in the bill that you could not put into the report, only you would have to enlarge the report a little to accommodate it in all of its results, and in all the evil consequences that may possibly result, and probably will result from its passage.

Here is a committee that bring in a report, or authorize it to be brought in. They send it out to the world; it stays upon the records of the Senate for two years; it is brought in again by the chairman of that same committee and interjected into a speech, and printed in the RECORD, and sent to the world again with no dissenting voice; and now for the first time, when I read the true analysis of this bill from its own author, Senators are found springing up suddenly in every direction to disclaim, "Why, I do not think that about it;" "I do not hold to that doctrine;" "I am not quite content with that form of expression;" "I think I could put it a little better; if I had the sugar-coating of the pill I would have coated it with a different sort of sugar; if I had the explanation of the hideous outrage upon the Constitution that is concealed in the bill I would have covered it up in such a way as that, perhaps, no man's genius would have been able to open the door and let in the light upon it." Here is a committee with a bill of this kind voting $77,000,000, and there is not a member of the committee but one who will rise on the floor of the Senate and say that he ever read the report. Their anxiety to unlock the door of the Treasury and get at $77,000,000 was much greater than their anxiety to understand the reasons upon which the bill is founded.

Mr. CALL. The Senator from Alabama will allow me.

Mr. MORGAN. I yield.

Mr. CALL. I should like to ask the honorable gentleman from Alabama if he did not vote for a bill to appropriate millions of dollars for the commerce of the country which added so much to taxation?

Mr. MORGAN. No; the Senator can not quite draw me off from the point in hand by that suggestion. That is not my programme of debate, and I have an amendment which I intend to offer, and which I will send to the desk now and have read, for the purpose of showing the Senator where I stand on the difference between dealing with a trust fund and the effect of this bill.

The PRESIDING OFFICER. The proposed amendment will be read.

The CHIEF CLERK. In section 1, line 4, after the word "Treasury," it is proposed to insert:

Not otherwise appropriated, and derived from all other sources, except from loans or from the customs-revenue service, or from the internal-revenue service, or from the postal service, or the consular service, or from the Patent Office.

It is further proposed to amend by inserting, at the end of section 1, the following:

And if Congress shall fail to make such appropriation for either of the fiscal years mentioned in this section before such fiscal year begins, said act shall be thereby annulled.

Mr. MORGAN. Now the honorable Senator from Florida will discover, I hope, that in the argument which I propose to make on this bill I intend to be entirely frank and go through any question that is presented in connection with it as well as I can, and that I bring forward and state distinctly the proposition that there is as much difference between applying the property of the United States acquired in the public lands, or acquired otherwise than by taxation, and the taxing of the people directly for money as there is between the Senator from Florida and the Senator from Alabama. They are utterly distinct; and I have offered that amendment for the purpose of getting a vote of the Senate upon it. I have offered it with a view of asking these gentlemen when they come to debate this question, if they care to debate it, and I believe they do, that they shall meet the question flat and square as to the power of Congress to tax the people, and the power of Congress to execute a trust which has been charged into its hands by the votes of the very States themselves.

But I proceed with this interesting document, this report, of which everybody is so ignorant who is on the committee and with which the world is expected to be entirely familiar, this groundwork and basis of this bill. I wish to get more of it before the Senate in order that we can better understand the bill through its author and true interpreter, the Senator from New Hampshire. On page 1248 of the RECORD, containing the Senator's speech, and in that same report which has been twice sent in here from that committee, it is said:

We think it is clear that the nation has the power, which implies the duty of its exercise when necessary, to educate the children who are to become its citizens; and that the urgent demand for its aid at the present time has been demonstrated. We desire to offer a few suggestions in regard to the methods which are, in our judgment, proper to be pursued by the General Government in the present emergency.

The assertion of the committee on that subject appears to be that Congress has the power in order to provide for the emergency to make this appropriation, and the committee think, I suppose, that they can step on that line without committing themselves to the proposition that Congress has the power when no emergency like this exists; in other words, that it is the duty of Congress, as asserted here in the paragraph I have just read, to maintain and support public education; that that is a governmental duty resting upon the Government of the United States and to be exercised through power of laws to be enacted by Congress; that it is a duty which the Government of the United States can only exercise within a State—how? In virtue of the consent of the State? Will Senators say that? Or in virtue of the supremacy accorded to the laws of Congress by the very terms of the Constitution? Will they say that?

I wish to call the attention of the Senate to this proposition, which has been too often asserted in the courts and elsewhere to be denied, that Congress can get no power or jurisdiction from the consent of a State. The States have now no power to yield their jurisdiction up to Congress, and Congress can not enhance, enlarge, strengthen, or improve its jurisdiction by concessions made by the States. If Congress never gets any additions to its powers except such as it may borrow from the States, whether for emergency or for perpetual use, the powers of Congress will always remain just what they are, for every State in this Union may, if it pleases, vote through its Legislature to concede to Congress the right to legislate within its borders upon a subject that Congress is prohibited from legislating upon by the Constitution of the United States, and yet Congress would not gain from that consent one particle of power. When you go into a State with a law of Congress you go in virtue of the supremacy of the Government of the United States, and not because you are invited or tolerated or not expelled by the action of the State.

Congress can go nowhere with its laws unless they are supreme. In the Territories, in the States, in the District of Columbia, wherever Congress has the right to enact and enforce a law, that law is supreme; and Senators who feel that they have been educated for a lifetime in the tenets of the Democratic party and in the principles of its great exponents are here to-day imagining that in case of an emergency Congress may borrow power to enter a State and control affairs there from the legislative authority of the State, or else they come to the doctrine announced in this report, that Congress has the right to enforce this bill within the States even if they object. If Congress has the right to enter the States with its power to educate the children there, when it goes there with its laws it goes as a supreme ruler, for its power is not abashed in the presence of the power of any State government when it is exercised in pursuance of and in conformity with the Constitution of the United States. If, therefore, Congress can enter the State at all to fix upon one of its officers any rule of law to which he is bound to respond or to impose on him any duty which he must perform, Congress does not go to beg its way through that State by concessions from State authority. It goes in the majesty and in the supremacy of the laws of the United States, and nobody can expel it and nobody can control it. How, then, do you enter these States? By invitation, by consent, by acquiescence on the part of these sovereign powers, or do you enter by force of the power of Congress, granted and guaranteed to it in the Constitution of the United States over all subjects confided to its jurisdiction? Which horn of this dilemma do you take? The honorable Senator from New Hampshire takes this: that Congress has the right to educate the people in the States without their consent.

Mr. BLAIR rose.

The PRESIDING OFFICER. Does the Senator from Alabama yield to the Senator from New Hampshire?

Mr. MORGAN. Yes.

Mr. BLAIR. As the Senator is devoting some attention to constitutional views on this matter, I should like him to represent them, as I have no doubt he desires to do, as nearly as they are stated. Other parts of the report from which he has read elaborate the idea a little more. I would like to observe, if he will not object to the interruption, that the general proposition which I have tried to illustrate or elucidate was to this effect, that education in a free government is absolutely indispensable to its existence; that the National Government is one republican in form, to the existence of which intelligence is as indispensable as it is to the State governments, which are also republican in form and based upon intelligence. I have said that the primary duty of education devolves upon the parent if he is able to give it. The parent failing, either from inability or from lack of desire to educate his child, the duty must devolve upon the State. If the state proper fails as well as the parent to educate the child, which is to become a citizen not alone of the State but of the United States, it then becomes the right of the General Government, in self-defense, to educate that child; but, as I have said in the report, it is a power that never should be exercised except in the last resort.

Whenever the State or the local community is able to sufficiently instruct its youth it should do so, and the national aid should be invoked only when made necessary by local neglect or inability. But this burden is primarily one of taxation. Civilization must be paid for. Education is the insurance upon civilization. It must be kept up everywhere, for the risk is everywhere. To leave the child of the pauper uneducated is to incur as great risk of destruction by the fires or floods of ignorance and crime as if he were the scion of wealth and place.

Mr. MORGAN. Is the Senator reading from his report or his speech?

Mr. BLAIR. I am reading from the report.

Mr. MORGAN. That has been before the Senate three times now. I am getting tired of it; I know what is in it, if the Senator will excuse me——

Mr. BLAIR. Very well. The Senator has been stating what is in it, and I wish he would state it wholly and not partially.

Mr. MORGAN. Now the Senator changes his ground just a little. Congress has power to educate the children in the States provided the States are not able to do it and provided that the parents are not able to do it. He puts the power of Congress to depend on two conditions—one affecting the child and the other the State. A great constitutional power is to be exercised by this Government to depend upon the number of people in a State who are not able to educate their children—the poverty of their parents, the poverty or indifference of the State to educate them, and the ability of the Government of the United States to do it; and he says it is a power that ought not to be exercised except in the last resort. I hope this is the last resort; it is the first one, and I hope it is the last. We have gone on for one hundred years now practically under this perpetual Constitution, and it looks to me as if we had builded very rapidly and very powerfully, and we have had a vast amount of ignorance among us all this time. The Republic seems to be about as sound and as strong as if every man in it had been able to read and write.

But the Senator from New Hampshire does avow the power. In his report he says that it comes from the preamble of the Constitution. He shifts his ground a little now and takes it out of the preamble of the Constitution and puts it, first, upon the condition of poverty of the child's parent; second, the poverty or indifference of the State; third, that thereupon there results a power in Congress to educate him because he must be educated; otherwise the Republic dies. Perhaps that argument would have been a little more emphatic if the Senator had not forgotten in his reading a moment ago to inform the Senate again of the last sentences in this report. He says:

We may postpone the remedy, but the evil will increase. The issue can not be evaded. Common-school education must become universal or the form of our Government must be changed. We believe that the next few years will decide the question.

National aid to schools is indispensable to the national existence; national aid to common schools should be given liberally, given now, and applied where most needed.

This done, the Republic will be perpetual.

It has lived one hundred years without this aid; it has passed through its infancy and its early youth into a pretty broad and strong manhood and got along without national aid to common schools, and I doubt if there is a government in the world that stands fairer or stronger than

the Government of the United States. The common schools have contributed much to the prosperity of this country no doubt, but it is a contribution that came up from the people and from the States, from the fathers of families and from neighborhoods, and we have grown into a great and powerful and enlightened people without ever before having had to call upon Congress to aid the common schools.

Mr. CALL. Will the Senator from Alabama yield to me?

Mr. MORGAN. Certainly.

Mr. CALL. I ask him if he denies or admits that Congress has power to make a donation to a State for any purpose whatever?

Mr. MORGAN. I do for some purposes.

Mr. CALL. Do you admit it for any purpose?

Mr. MORGAN. I do not say for any purpose. I might imagine a purpose for which Congress might make a donation to a State.

Mr. CALL. Do you imagine any purpose for which Congress could make a donation to a State without the consent of the State to accept it?

Mr. MORGAN. It would not be much of a donation unless the donee accepted it. It might be called an inchoate gift, subject to be accepted. I recollect a case of that kind when we distributed the proceeds of the surplus revenue in the Treasury. Alabama refused for many years to receive or have anything to do with it. Afterward she took it and put it in her common-school fund.

Mr. CALL. That is precisely the case of this bill.

Mr. MORGAN. The Congress of the United States had no right to give away that money. It had not been collected from the people of the United States for the purpose of being given to the States. I have no right to tax the people of Florida to sustain public institutions in Alabama. If there is a surplus revenue, as there was in 1836, in the Treasury of the United States, no debt to pay, no public works projected, no demand for it of any kind, that does not prove the power of Congress to give that money to the States or to distribute it among them. If you are going to give back that money to anybody, give it to the men who paid it into the Treasury and not to somebody else. I believe that that was a thoroughly unconstitutional law, a law one of the fruits of which is this bill that is before the Senate to-day. You plant an evil weed in the policy of the Government of the United States and let it bear the fruit of a little money and you will be centuries in getting rid of it. This very bill to-day is justified upon that act of 1836, and never was the power of Congress more thoroughly abused than it was in the passage of that act.

Mr. GEORGE. Mr. Calhoun voted for that bill.

Mr. MORGAN. Ah! I do not know, and I do not, with the greatest possible reverence for Mr. Calhoun, care. Mr. Calhoun has neither got my conscience nor my obligations to comply with now. Mr. Calhoun voted on both sides of many great questions—the national bank, the tariff, internal improvements, various important constitutional questions, and voted his honest opinions every time. If you take one side of these questions you can see him very comfortably as your high authority, and I can take the other side and see him just as comfortably as my high authority, because he voted both ways. It is a delightful thing to have a sort of political ancestor to whose memory every man can refer all his sins and all his transgressions and to quote scriptures, which say the sins of the fathers shall be visited on the children to the eighth, ninth, or tenth generation—whatever generation it is.

Mr. BUTLER. Third and fourth.

Mr. MORGAN. Third and fourth, as my more learned friend says. The sins of the fathers shall be visited on the children to the third and fourth generation, and when you get one of the boys in a tight place on one side of a question he can say, "My father did it," and when you get the other son, who quarrels with him on the other side of the question, in a close place, he can say, "Our father did it." Now, Mr. President, I should hope the honorable Senator from Mississippi could have something better to say in behalf of this bill than to quote Mr. Calhoun on the act of 1836. Why did he not vote that money to common schools?

I have now got, I think, before the Senate the two attitudes of the committee and the honorable chairman. I find them dissevered, unhappy, and disclaiming; I have not been able yet to find out who is the leading counsel in this case, whether it is the chairman of the committee who did the writing and has done most of the speaking for it and has claimed all the honor and glory of passing the bill by giving from the Northern States an immense largess and a most worthy contribution of benevolence to the Southern States, or whether it is the gentlemen from the South who want to receive the money. I do not know who is the leading counsel.

They characterize the bill as a gift to the States. The honorable Senator from New Hampshire characterizes it as a gift to the children. Which is it? There is all the difference. You give it to the State; the State takes it like it did this fund from the surplus revenue distributed in 1836. The State takes it and uses it in building a railroad. The Government can not object. Or it takes it and gives it to the public schools. The Government, the donor, can not object. Or it may do as my State did, put it in a banking system and lose it all, and then create a debt on the people in order to pay interest on the lost fund to the common schools of Alabama. The Government of the United States can not object. That is because the gift is to the State. There is no gift to the State in this bill. There is not even a loan to the State, and the State has nothing to do with this money at all except to provide certain machinery which is subject to revision by Congress and by the Secretary of the Interior for the manner of disbursing it. The gift is to the children in the State, and it is a much more legitimate proposition so far as the power of Congress is concerned, as I take it, than it is to give it to the States. The States stand related to this great Government in a very delicate way, and they by a combination could destroy it or revoke its trusts, but a child could not, or a number of children scattered through the States could not. When you come to dealing with States in regard to the exercise of their sovereign power, you have much more powerful, dangerous antagonists to deal with than you have with any number of school children or their parents. The want of constitutional authority on the part of Congress, however, is equal in either case.

It was not the purpose of the men who ratified the Constitution—the people of the States—to promote the general welfare in any and every way that the imagination or fancy of an optimist or Utopian dreamer might suggest, but by establishing and ordaining a fixed plan, called the Constitution of the United States, to prescribe whatever rights pertained to this Government. All the powers which Congress might exercise were to be according to the plan, and were to be found enumerated in the Constitution, and not to meet a result to be called "the general welfare," not enumerated as a grant of power in the Constitution, or not necessary as a governmental agency in executing the powers expressly conferred.

Congress can only touch the people by laws, and it can only enact laws that relate to some power conferred by the Constitution upon the Government of the United States or some department or officer of the Government, or some power of Congress enumerated in the Constitution.

The committee's report and also this bill reverses the whole theory of the Constitution and the language also, and converts the purposes to be attained in ordaining it into the grant of any power Congress may find it convenient to employ to secure the "general welfare." To illustrate, let us suppose the majority in each House should vote and the President should concur in promoting the "general welfare" by one of the following measures:

To abolish the manufacture and sale of intoxicating liquors in the United States.

That would promote the general welfare of "we the people of the United States" beyond question. If Congress may do anything to promote the general welfare because it has power in the preamble of the Constitution, or in its body, to promote the general welfare, as they say, not as I admit, then why can not Congress pass a universal law to prohibit the manufacture and sale of intoxicating liquors, and why does the Senator from New Hampshire come here with bill after bill to amend the Constitution so as to empower Congress to do that, when Congress, in doing it, would do no more than to promote the general welfare, according to his view of it?

Suppose Congress should undertake to establish by law a uniform rule of divorce in all the States. That would "promote the general welfare." Nobody can deny that it would have been a beneficial provision to have put into the original Constitution, along with the power to enact uniform laws of bankruptcy, that the laws of divorce throughout the United States should also be uniform. Such a law would "promote the general welfare" undeniably; and has Congress the power to enact it? I do not believe there is a lawyer on this floor who would say so.

Suppose that Congress in sympathy with the Knights of Labor, or any other great and powerful organization of laboring men, should undertake to pass a law to abolish the penitentiaries in the States where condemned criminals are taught the mechanic arts and are taught to compete with decent men with decent families, would not that "promote the general welfare," or at least the welfare of an immense class of people? And yet does any Senator here believe that Congress has power to abolish the penitentiaries in the States because criminals are taken into them and educated in the arts so as to become competitors with honest men?

Suppose Congress should enact a law to compel artisans to work for lower wages than they get in order that the factories shall not be stopped from running for "the general welfare." Here is an immense aggregation of capital represented on this floor and in the other House, and the capitalists come to Congress and say, "Unless you enact a law to require of mechanics that they shall accept lower wages than they are demanding, at our option, they will compel the closing of the factories of the country and that will disarrange and destroy the general welfare." Could you pass a law of that kind, let me ask? If you can pass this school bill, you can do it.

Or suppose that your law was to compel the owners of factories to pay higher prices so that the operatives and their families shall not starve, would it not be for the general welfare in this country that operatives and their families should not starve and that the iron heel of monopoly should not crush the life out of a laboring man who has nothing else to subsist upon, and would not a law of that kind "promote the general welfare," at least among all that class of people? Unquestionably; yet there is a law to "promote the general welfare" that you would not dare to vote for.

Suppose the law was to provide medicines and surgeons at the com-

mon expense to heal the diseases of all the people. If you can take a man's child and educate him and inform his mind; if you find he has a crooked limb or a diseased liver or a head a little out of balance, or is subject to chills, or is liable to fever, can you not call in a doctor at the public expense and put him where he will be treated, furnish him medicines and doctors' fees so as to build up his body, so that there may be a sound mind in a sound body? If you find a mind that is so beset with disease that you can not educate it, the first thing you ought to do is to call in the doctor at the public expense and have him treated so that his body will become sound; then educate his mind; then teach him how to vote, which way to vote, and you have got an American citizen who is prepared to govern and defend the country. Would that not be for the general welfare?

Would it not be a good thing in every community in the United States to establish moral reformatories? The Sisters of Mercy do much to reform people and at large expenses, and it must be for the general welfare that we should establish moral reformatories in the States; yet where is the power to do it? What has Congress to do with establishing a moral reformatory in Alabama any more than it has with an insane asylum, or a deaf and dumb institution, or to work the roads, or to build bridges, or to build jails for us, or market places, or courthouses for the use of the courts of the State?

Suppose you undertake, as a great measure of moral and of physical reform in the country, by act of Congress to punish men who adulterate food and medicines in the States, would not that "promote the general welfare?" In every State of this Union there are men who wickedly and in a criminal way, for profit and gain, adulterate the very food the people eat and adulterate the medicines that they take when languishing upon beds of sickness; yet no man has dared to come into Congress and claim the powers of this body for the purpose of punishing adulterations of food and medicines in the States. It is admitted to be beyond the power of the General Government. What becomes of your "general welfare" doctrine in these cases? You have not got power to keep poisoned food and poisoned medicines out of the mouth of a child; and yet you have power to take him and put him under a schoolmaster and educate him up to the single rule of three in arithmetic. Let us be honest with ourselves. Let us deal candidly with this subject.

Mr. BLAIR rose.

The PRESIDING OFFICER. Does the Senator from Alabama yield to the Senator from New Hampshire?

Mr. MORGAN. Yes.

Mr. BLAIR. I should like to ask the Senator what his view is of appropriations for the yellow fever which have been made on several occasions, the yellow fever constituting, I should say, an emergency perhaps no more dangerous than the illiteracy of the country.

Mr. MORGAN. I never believed they were constitutional, if you force me to say it. The fever is past now; the emergency is past. I will say that as to that, and as to tornadoes, and as to inoculation for the small-pox, and for taking cattle that were diseased and shooting them down and paying for them, I have always, if I voted at all, voted against such measures. I did not vote for them. I let them pass. In the name of God and mercy, I blinded my eyes while the Angel of Mercy passed over. You do not find me committed to things of that sort.

Mr. BLAIR. I did not know what the Senator's position might be. Of course he has a right to state it.

Mr. MORGAN. Sometimes for very modest reasons, sometimes because I am a Southern man and therefore a Nazarene in the estimation of some, sometimes because I feel that I should give offense to a sentiment which is merciful and good and just and kind in this body I have not raised my voice to obstruct or to criticise the passage of the measures that I should never have originated and never would have recommended from a committee. Last year I believe it was the honorable Senator from North Carolina [Mr. RANSOM], his heart stirred to its very depths by the fact that a large community there had been rendered absolutely destitute and people destroyed with their houses and farms by a cyclone that passed through, reported a bill from a committee of which he was a member granting relief to those people. My heart almost bled within me when I rose on this floor and objected to it on the ground that we had not the constitutional right to pass it. I do not set myself up in opposition to these bills as they come one by one to relieve against calamitous visitations, because I do not feel called upon every time that I have an opportunity to criticise some measure; but when you come with $77,000,000 taxed out of the people and to be taxed out of them, I feel that it is my duty to express my honest conviction against the constitutional power of Congress to do it.

Suppose your bill should be to vote money to build church edifices, because any decent religion promotes the general welfare, and upon that basis you vote money to build churches in the States. Therefore you would "promote the general welfare" by voting money. Have you got the power? Not to establish religion, not to control it, not to direct it, but merely to give a subvention to it, to these communities who wish to worship God in a decent way and have not the money to build churches. Many such are there, and every Senator here knows it. Particularly does he know how he is appealed to continually by pious men and ladies throughout the whole country to make contributions to the building of churches out of his own private funds.

Mr. CALL. The Senator from Alabama will allow me to ask him a question?

Mr. MORGAN. Yes.

Mr. CALL. I ask the Senator if he has not introduced a bill here and voted for it donating a considerable sum of money to a college or university in Alabama for replacing the buildings which were destroyed during the war?

Mr. MORGAN. The Senator has got a great many vain imaginations about me, Mr. President. No, I did not. I introduced a bill, voted for it, and carried it too, to apply the public lands, a trust fund in our hands, for that purpose; and I promise the Senator, if he will do me the honor to listen to me when I come to that branch of the subject, to convince him I think that we have power to do that, and in doing it we do not transgress any feature of the Constitution. I remark to him again that the two powers are as different as his individuality is from my bodily existence.

Mr. CALL. I have heard the Senator say so. I want him to prove it.

Mr. MORGAN. The Senator would like to hear me talk about many things besides those I am just now saying, but I want to keep him and all the rest to the point in hand, for I am not in a debating society now, but I am in the Senate of the United States, and I am stating reasons why I can not vote for this bill. Let us see if Senators can answer them.

Suppose your bill should be to seize the property of the Standard Oil Company because its alleged monopolistic powers and combinations prevent the people from having cheap oil, which promotes the general welfare. Here is a bill "to promote the general welfare" by seizing the property of a great monopoly which makes the room dark where the little boy you are trying to educate can not read his book because his father is not able to pay for the light at the high price the Standard Oil Company demands. That would "promote the general welfare," but what would become of the Standard Oil Company?

Suppose your proposition was to seize all the railroad and telegraph and telephone lines and operate them by the Government because they combine to raise the prices of transportation and so interfere with the general welfare. Have you got the power? Now step forward and assert it. Then you will find antagonists worthy of your steel, then you will find men prepared to test with you in the courts as to whether or not under the clause for promoting the general welfare or conferring, as you say, power to promote the general welfare, you can take the telegraph and telephone and railroad companies and fix rates and freights and take the ownership of them, if you please, out of their hands, so as to "promote the general welfare."

Suppose this Congress should pass a bill to seize the hog crop, or the grain crop, or the cotton, rice, or sugar crop, so as to prevent the gamblers in the exchanges from destroying "the general welfare" by raising the prices of the necessaries of life upon the people of the country, or to buy any of these crops and hold them until we should starve foreign nations into promoting "the general welfare" of our people by paying higher prices for them. If the promotion of the general welfare is included in the powers of Congress, why do you suffer your men to lose so much money upon grain crops shipped abroad, hog crops, beef crops, and all of that, when by interposing the power of this Government with its $300,000,000 of income a year you could buy the crop and hold it in your ownership until you starved foreign people into buying it at our prices?

Or—I am almost afraid to allude to the subject—to promote the general welfare by taxing one class heavily to enrich another more abundantly, thereby giving the taxed millions the benefit of a home market where they can sell without the benefit of foreign competition, or buy without paying the shamefully low prices of foreign markets for goods which they must have, and all for the general welfare. There are some Senators on this floor perhaps who understand the administration of the power of the general welfare in that connection. When they next rise to debate it will they in all honesty and sincerity ask themselves the question whether after all they are faithful apostles of the doctrine that the powers of Congress are to be found in the preamble of the Constitution, and among the enumerations of these powers is the power to "promote the general welfare?"

The "general welfare" is a broad field of power to be covered by a Constitution that was intended "to secure the blessings of liberty to ourselves and our posterity."

Were the blessings of liberty ever secured by giving to a monarch, or to a congress, or a chamber of deputies the power first to determine what shall be considered "the general welfare," and to promote it by such laws as they choose to enact?

It was this doctrine that caused the chamber of deputies to record the fierce decrees of Robespierre, Danton, and Marat on the fair bosom of France in the blood of the innocent men, women, and children of France during the great civil revolution.

Great Britain has been promoting "the general welfare" under the alleged powers of Parliament, "to secure the blessings of liberty" to Englishmen and their posterity, by devastating with confiscations the fairest land in the world, and by starving and degrading the diminishing few who could not escape to a land where liberty is made secure against the powers of the lawmakers by a Constitution that restrains the hand of usurpation by fixed written guarantees.

I could point you to a nearer and to me a dearer land, where the

assertion of this power "to promote the general welfare" by securing "the blessings of liberty" to men in violation of its guarantees and express limitations caused the noblest race of men that ever lived to grow anxious, then angry, and then to dispute, and then to divide, man from man, section from section, church from church, State from State, until they stood in armed array, millions opposed to millions, and then to fight until the rich tide of fraternal blood that soaked the earth seemed to intoxicate the continent and made it drunk with the wild frenzy of war.

These brethren of this noble race, whose power in war is made thrice illustrious by their reunited powers in council, are here to-day to discuss and reason and act for the general welfare, and are debating in harmonious council whether they will recognize that there are limits and boundaries in their powers as lawmakers, or whether they will again declare their unrestricted right to decree what will promote the general welfare and to enforce that decree by the enactment of a law.

For my part I feel grateful that I have the opportunity to declare boldly and firmly for the faith handed down from the fathers. Other and far abler men than I am, in the times of trouble through which God has delivered us and our country, men hailing from the South, who are honored in every heart-beat and remembered in every prayer that rises to Heaven, thought themselves fortunate when they had the opportunity to cast away high positions, wealth, and comfort, and to face death in vindication of the doctrine that the liberty guaranteed to American citizens is in fact secured by the limitations of the Constitution upon the powers of Congress.

They sought to defend the rights of their States and people by resisting laws that were enacted outside the Constitution, as they believed and as I believe, and their resistance culminated in armed defiance of usurped power, in death to many, in untold distress to suffering millions, and in subjugation to all.

I am here to refuse by my vote a well-meant benevolence intended to heal some of the wounds that resulted from that great struggle. It is a glittering prize of more than $5,000,000 offered to Alabama for a purpose that will, if accomplished, let in a light brighter than the burnished gold that is offered us upon the darkened mind of many a poor child.

I could not stultify myself by failing to perceive the value of the gift for by underrating the benevolence of many who would tender it to us. I have also the satisfaction of believing that its dispensation at the hands of the Democratic President and Secretary of the Interior would be kindly, faithful, honest, and generous.

If I find myself compelled to vote "no" to this great offer, made under circumstances so auspicious, I will not have the support of great communities to applaud me for defending their rights, as my colleague had when he withdrew from the other House in 1861 to emphasize his love of country and his loyalty to the Constitution. On the contrary, many will reproach me as a pharisee, and many will deeply censure me for practicing a pretentious self-denial at their expense, yet I pray God that I may not falter in my obedience to the Constitution and my interpretation of the oath I have taken to support it. As I understand these, the gift to Alabama and all the other States and Territories that you tender us is not yours to make, nor can it be rightfully ours to enjoy.

What money there is now in the Treasury, being the property of the United States, you may divert or apply to any purpose not forbidden by the Constitution. If the purpose to which you apply it is unwise or unauthorized, still you have the power to so apply it in the exercise of a political power which no judge can call in question. It is needless to argue that in such a case "might does not make right," but it is even more useless to deny that you can melt all the coin in the Treasury into bars and give all the money there in back-pay, increases of salary, and perquisites to yourselves or your friends, and that no judge could restrain you. The very power the legislative department has to violate the law without direct responsibility to the other departments is the one fact above all others that decides me never to exercise a power for which I can find no warrant in the Constitution. As no power can correct our errors, we should be very careful not to commit any.

I regret that I must decide against the apparent interests of Alabama in the vote I shall cast against this bill, but my answer to that enlightened and magnanimous people will be, that I prefer "the spirit of truth, which dieth not, to the body of error, though it were crowned with jewels for its bridal with death."

Five million of dollars is no equivalent for the adoption into our creed of a false principle, which in the end will commit us irrevocably to the will of Congress in the management of our local domestic affairs.

If Congress can create a school in Alabama, and can prescribe the course of study, and define the location of the school-house, and direct how its money shall be expended and accounted for, some for common-school purposes and some for normal and industrial or technical purposes, and can prescribe the contract that a pupil in the normal school shall make to teach a year in the common schools, who can deny its right to build and furnish the school-house, or to employ the teacher, or to require that certain books of history shall be taught, or certain English reading shall not be taught?

Once the power of Congress enters a State, whether by force or by toleration or invitation, as the rightful arbiter of any matter where the law controls the subject, it will never withdraw. The laws of Congress being supreme over the laws of the State, wherever they take any field of legislative jurisdiction under their care, the power of the State, though once sovereign, will dwindle and vanish into thin air. But this measure goes much further. It expressly subordinates the governor and all the State agents engaged in its administration to the requirements of a law of Congress and to direct accountability to Congress through the Secretary of the Interior, and the State itself is to be brought into judgment, and its rights are to be litigated on complaints made to the Secretary of the Interior, and it is to be adjudged delinquent and its rights are to be forfeited by his decree until it has gone off like a reprimanded slave to do its work according to orders.

Now, sir, this bill does all that I have said. It does more. The money is appropriated; it is applied or intended to be applied for the benefit of children of the school age in the respective States; but the State, before it can receive the money, must comply with certain conditions, and so the State, after it has received the money and has expended it, must comply with certain other conditions; and I wish to call the attention of the Senate to these conditions, to see whether, after all, it is Congress that is supreme in the passage of this bill or whether it is the State.

Mr. GEORGE. The Senator will allow me a word?

Mr. MORGAN. Yes, sir.

Mr. GEORGE. The Senator said the State must comply. Does he mean by that that there is any power reserved by the bill in Congress to enforce compliance on the part of the State? It is simply this, that if the State does not comply it can not have the benefit of the gift.

Mr. MORGAN. That is to say, if the State does not pass an act to receive the gift and does not also pass a law to make its school fund equal to the gift, and if the State does not furnish equal facilities for the education of the children without reference to color in all the schools of the country, or if the State undertakes to do any other thing in opposition to the principle and requirements of this act, the State loses its money.

Mr. GEORGE. And that is all.

Mr. MORGAN. That is enough.

Mr. GEORGE. Congress does not undertake to provide any Federal machinery by which the conditions of the grant shall be enforced as against the State. It only withdraws the gift in case the State will not appropriate the money according to the terms of the gift.

Mr. MORGAN. But the reason Congress does not undertake to provide any Federal machinery for compelling the State to do something under this law is that Congress has no right or power to provide such machinery in any case; none whatever. That is upon the ground that the State is a sovereign, and that it is not subject to Congressional compulsion or coercion.

Mr. GEORGE. I thought the Senator from Alabama undertook to argue upon the idea that this bill destroyed the sovereignty of the State and transferred this whole matter to Congress.

Mr. MORGAN. No; my idea is that this bill does not destroy the State sovereignty; it does not interfere with the State sovereignty; it merely goes into the State with a superior law——

Mr. GEORGE. With the consent of the State.

Mr. MORGAN. Is the consent necessary?

Mr. GEORGE. Certainly it is.

Mr. MORGAN. Then the Senator from Mississippi, a great constitutional lawyer, has found out at last that the consent of a State is necessary to confer this power on Congress.

Mr. GEORGE. Allow me to reply to that.

Mr. MORGAN. I will, certainly.

Mr. GEORGE. Mr. President, I do not take any position of that sort. I admit that the powers of Congress are to be found in the Federal Constitution, that no consent of a State, except in cases provided in the Constitution—and there is one of that sort and only one—will give Congress any power of jurisdiction in a State. But this bill, as the Senator from Alabama admits, is a pure gift by Congress to the several States.

Mr. MORGAN. No; I do not admit that.

Mr. GEORGE. I understood the Senator to call it a magnificent gift.

Mr. MORGAN. I said that was the hypothesis on this side of the Chamber, not on that.

Mr. GEORGE. Let me explain my position. I say it is a gift, an offer made to the States.

Mr. MORGAN. The Senator from New Hampshire does not insist on that. He says it is a gift to the children.

Mr. GEORGE. The Senator from New Hampshire is perfectly able to manage his side of the question. I want to manage mine. My position is this——

Mr. MORGAN. The Senator will allow me a moment. I have no objection to your managing your side of this case. At the same time you rose to answer a question and to answer a proposition that I had stated. I have given you permission freely and very cordially to do it. But the Senator said that I had admitted that this was a gift to the State. I did not do it. I argued that that is one hypothesis. The other hypothesis was that it was a gift to the child.

Mr. GEORGE. Let me state my position on that subject and that

of those gentlemen on this side of the Chamber who advocate the bill.

Mr. MORGAN. I have no objection.

Mr. GEORGE. It is a pure gift to the State upon conditions subsequent. I will not argue now the right of the State to receive or the right of Congress to make a gift to the States, because that has been settled by precedent from the very beginning of the Government down to the present time, as I showed two years ago when I argued the question. A gift, as was intimated in the question propounded by the Senator from Florida to the Senator from Alabama, can only be made effectual by the consent of the donee, and that is all the force and effect that I attribute to the consent of the State in this matter. Congress can not force a gift upon a State any more than the Senator from Alabama or any other man can force a gift upon another. It takes two to make a gift, one to grant and the other to accept; and that is all the force and effect that I claim or any of us here give to the position that the State must consent, like any other donee must consent, to receive the benefaction.

Mr. MORGAN. Now, Mr. President, I am discussing with a lawyer——

Mr. BLAIR rose.

The PRESIDING OFFICER. Does the Senator from Alabama yield?

Mr. MORGAN. Not at present. I am discussing now with a lawyer who has ability, who has learning, who has a discriminating mind, and that honorable Senator says that it requires two to make a gift, the donor and the consenting donee.

Mr. GEORGE. That is true.

Mr. MORGAN. And that being true, there is no power in the Constitution of the United States for the United States Government to send a gift to a State, for there is no power in the Constitution which hints at the idea that Congress may do something with the consent of the State which it can not do without it.

Mr. GEORGE. Can we make a gift to a foreign state?

Mr. MORGAN. I am speaking about the relations between our States and our Government.

Mr. GEORGE. I want to know if Congress can make a gift to a foreign state, as was done during the administration of General Washington?

Mr. MORGAN. With due respect to the honorable Senator that is a begging of the question and a refuge besides.

Mr. GEORGE. If you can make a gift to a foreign state, can you not to your own?

Mr. MORGAN. No, sir. If the Senator has not learned enough of horn-book constitutional law to understand the difference between the relations of the Federal Government to a foreign state and of the Federal Government to the States of the Federal Union, I shall have to take back what I said a while ago about his being a profound constitutional lawyer. [Laughter.] No, sir; the Senator saw that he was in a hole, and he could not get out of it without taking refuge in a foreign state.

I repeat the proposition, it does require a donor and a consenting donee to perfect a gift; and inasmuch as there is no hint of power in the Constitution by which an act of Congress is to become complete by the consent of a State, your case is gone.

Mr. GEORGE. Is there any hint in the Constitution that any act of Congress shall become complete with the consent of a foreign state or a private individual?

Mr. MORGAN. I have too much respect for the gentleman who taught me the elementary principles of law to answer that question. I really have. I had to go out of my way to answer it a moment ago, but I can not satisfy the Senator. Any little place that he can get into seems to furnish him so much comfort, that after I have driven him out of that position he runs right back into it again. No, sir; there is the whole case given away by the Senator from Mississippi, and every lawyer in this body knows it, I think.

Point to me a place in the Constitution of the United States where it is necessary to get the consent of a State by its Legislature before Congress can act within the State. You can go there and take the census; you can go there and execute the bankrupt law; you can go there and open a court of admiralty; you can go there and establish the original doctrines and powers and principles of equity practiced in the English courts in a State, control its people thereby through the judiciary; you can go there with your Army and without the consent of the State, although they go armed with munitions and ready for war, if you please. All the highways of the State of Alabama are open to the Army of the United States, and General Sheridan can march the Army through there without getting consent of the State, though it may have every appearance of hostility. There is not one instance in the Constitution connected with the exercise of power by Congress where the exercise of that power is made dependent upon the consent of the State; and yet we can not make a gift unless the State consents! The Senator from New Hampshire thinks he can give the money to the children. Probably he can. He can not give it to the State, because the State can not consent to accept it, so as to confer on Congress a power it does not possess to make the gift.

It was very wise that the Congress of the United States was cut off by the Constitution from any such power as that. I will suppose that a very sharply contested Presidential election is going on and that three votes are all that are wanted to carry it, and the Congress of the United States being Democratic goes to a pocket-borough State like some I could name and says to them, "Here, accept from us out of the Treasury of the United States $50,000,000, to be expended by you in the promotion of the general welfare of your people," and they calmly and quietly accept and vote the Democratic ticket. The Government is not only disgraced and scandalized by such a gift, but the Constitution is disrupted, and there is not a fragment of its original integrity left; it is crushed by a gift that Congress makes to a State. No; for God's sake let us never establish the doctrine here that Congress can make a gift out of the Treasury to a State. If you can give for one public purpose you can give for another, and you can compel your Secretary of the Treasury to pay the money out, though that purpose might be as corrupt and as foul as any that ever could have entered into or originated in human mind.

Let us not forget, sir, that our powers are conferred on us by this Constitution to be exercised for the general welfare of the people of this country, and not for the general welfare of the States, considered as States, or of Congress, or of political parties. There are some trusts which have been handed to us in trust by the States themselves, in which the States, as in the case of the public lands, have reserved the beneficial use by the express terms of deeds and charters and compacts. When these come in view we execute the trust and assist the State to do it, or we relinquish our right nominally until the State can go on and execute the trust disembarrassed of our claims.

When you leave that area and come to the proposition of taxing the people at large in the United States to raise $77,000,000 to give in unequal sums to some of the States, can you not by an act of Congress give the whole amount of money to one State as well as to thirty-eight States and ten Territories? What do you base the gift upon? What is your excuse for the gift? The condition of the people? They are poor; they are impoverished by war; they are filled through the act of Congress with a large voting population, a large community who were recently slaves; and you say that in commiseration of their condition you will make them a gift of a much larger proportion of $77,000,000 than is to be received by the States of the North.

You come with alms and beg the State to take it, or else, as the honorable Senator from Kansas, I believe it was, suggested to me once, you come with a bribe and ask us to take it. You either come in the name of sweet charity or you come in the name of Pluto, one of the two. As an Alabamian I most respectfully bow my dissent to the overture. Come as it may, I can not take it. If I was in the Legislature of Alabama I would vote to refuse to receive it, lest thereby I might establish a precedent which some other power might employ in some way for the ruin and destruction of the whole country.

What is your governor doing here before the Secretary of the Interior? I see, as I read this bill, the gallant and honorable gentleman who represents my State in that office with so much distinction coming under the twelfth section and he says: "Mr. Secretary of the Interior, I have the honor to say to you that under the twelfth section of an act of Congress, passed on such a day, I am here for the purpose of reporting the condition of my State, its legislation and its school fund, and of trying to convince you that a certain sum of money, amounting to $400,000, which was drawn out of the Treasury of the United States under this act of Congress, has been faithfully applied to the purposes contemplated by the act, and that the conditions thereof have been observed, and I do this in order that I may get for Alabama, during the next year, the benefit of this act of Congress."

The 1,250,000 people in Alabama who are taxed along with the rest of the people of the United States, and who in the last four years, without the assistance of a school bill, have raised their wealth $28,000,000, as shown by their assessments and their tax-books, are a tax-paying people. They consume a great deal that is imported into this country under the customs laws; they use quite an amount of whisky under the revenue laws. They use a good deal of tobacco, which is also taxed under the revenue laws. They are large contributors to the Treasury of the United States out of tariff taxation, and they are growing at the rate of $7,000,000 a year in the taxable values of their property, for in four years they have increased twenty-eight millions. They have paid money into the Treasury of the United States along with the rest of the people of the United States, and I am here for the purpose of convincing you that we have complied with all the requirements and provisions of this act of Congress.

Here is the governor before the Secretary of the Interior. He might as well be on his knees so far as the humiliation of his position is concerned. Here comes some person under the eleventh section of the act and says: "Mr. Secretary, I am a school-master down there in Alabama. I am a very good one. I have a good education, good moral character, but the people in the neighborhood where I was did not like me; I had some curious notions about religion. The school is non-sectarian; I am an agnostic. But I was a better teacher than the man they employed and would have done more good to the children, but they would not employ me; they discriminated against me on account of my religious belief, or because I did not have any." The Secretary turns to this act and he sees this:

> The Secretary of the Interior shall have power to hear and examine any complaints of misappropriation or unjust discrimination in the use of the funds herein provided, and shall report to Congress the results thereof.

He is hearing what he has jurisdiction to hear. He is about to decide in favor of or against the State in regard to the next year's appropriation under this act, upon complaint made to him as to whether the whole law through the entire State has been faithfully complied with without discrimination, and that there has been no misappropriation of funds by anybody. What is your State doing? Where is the authority of that State when her governor is here explaining to the Secretary of the Interior about the management of domestic affairs within his own territory? Where is the power of that beautiful column that sustains with a strength, which I trust may be everlasting, the great dome of this beautiful temple of liberty while the governor, who represents the strength and majesty of the State, is here answering to some schoolmaster—he may be a black one or he may be a white one—as to whether he was excluded on account of color from becoming a teacher in a public school in the State of Alabama? That is the grand controversy which this bill authorizes any school-teacher or any pupil in any school to come to Washington and prefer against the State. Is this all a trap, whose power is not to be controlled even by the judiciary, to decide against the State? The State may according to his decision stay out in the cold twelve months and the people may keep on paying taxes.

Mr. GEORGE. I think there is a provision in the bill that allows separate schools to be kept up for the colored race.

Mr. MORGAN. I am not debating the question about whether the children are to be kept apart, the blacks and whites. This bill does provide for that, but I am debating the question of your not having the right to discriminate on account of color in regard to the teacher.

I will put the case in this way in order that the Senator from Mississippi can understand it very clearly. Here comes a colored teacher who has been educated at Howard University. He is an accomplished man; of good morals. He has gone through a very select course, an eclectic course in that university, and is entirely competent to teach a common school. He goes to Alabama on the mountain-top; I will say he goes to the county of Walker or the county of Jefferson, where there is not one colored man or woman to every 6,000 population in some places, and he says to the superintendent: "Sir, I am a candidate here to be appointed as school-master. This law brings the money, one-half of it, from Congress. I have been a ward of the United States, and I do not know but that I am one yet, holding that delicate relation to the people of the United States and the Congress. I am an accomplished man; here is my diploma. I am a Christian man; here is my certificate of church membership. I am a total abstinence man; I am a public morality man in every way; and I am here well calculated to promote the general welfare, and I propose now to teach your children."

Here comes a young man just educated out of a country school without any knowledge of teaching at all, a man of good standing but an ignoramus so far as teaching school is concerned. He says, "I can read, write, and cipher, know a good deal about the history of the United States, a good deal about geography; and that is all that is required to teach any one of these schools. I propose now that you shall elect me instead of this colored man." They elect the white man. The colored man comes back to the Secretary of the Interior and makes that sort of a case. Would it not be too obvious for discussion that under the very provisions of this bill that man had been excluded in violation of it because of his color or race?

Mr. BLAIR. I am not quite sure that I understand the Senator.

Mr. MORGAN. I was not talking about the Senator from New Hampshire. I was talking about the colored race.

Mr. BLAIR. I understand that the Senator claims that this bill establishes some discrimination on the ground of color or prohibits any discrimination on account of color in the employment of teachers.

Mr. MORGAN. I should say it prohibits it.

Mr. BLAIR. Does he say that it has any provision whatever bearing on color in connection with the teachers of schools?

Mr. MORGAN. I so understand it.

Mr. BLAIR. I should like the Senator to point out what he has reference to.

Mr. MORGAN. I so understand it.

Mr. BLAIR. I do not understand that there are any provisions against discrimination on account of color except such as apply to the children, those who are to be educated. There is a provision that a certain part of the money may be applied for the education of teachers without reference to color to affect the qualifications of teachers who may be without the means of qualifying themselves, whether white or colored teachers.

Mr. MORGAN. I will read the fifteenth section:

SEC. 15. That no State or Territory that does not distribute the moneys raised for common-school purposes equally for the education of all the children, without distinction of race or color, shall be entitled to any of the benefits of this act.

There is a prohibition expressed.

Mr. BLAIR. That applies to the education of children.

Mr. MORGAN. That is not permissive legislation; it is prohibitory.

Mr. BLAIR. The Senator was enlarging in regard to teachers. That applies to children.

Mr. MORGAN. "That a part of the money apportioned to each State"——

Mr. BLAIR. What section is the Senator reading?

Mr. MORGAN. Section 8.

That a part of the money apportioned to each State or Territory, not exceeding one-tenth thereof, may yearly be applied to the education of teachers for the common schools therein, which sum may be expended in maintaining institutes or temporary training schools, or in extending opportunities for normal or other instruction to competent and suitable persons, of any color, who are without necessary means to qualify themselves for teaching, and who shall agree in writing to devote themselves exclusively, for at least one year after leaving such training schools, to teach in the common schools, for such compensation as may be paid other teachers therein.

I will strengthen my case a little by adding to the supposition I have just made the fact that the person who applies, a colored man who applies to teach in one of these schools, has given his contract to the State, made his bond agreeing that he will teach for a year. That is a mutual obligation. The State has got a place for him and he is a fit man, he has the right to suppose and believe. He says, "I have the right to teach;" but if they should say, "My dear sir, that is all very well, but we have nothing but a white school to put you over; there is no vacancy anywhere else, and we can not give it to you because of your color; you have got the contract; you have complied with it; you have the education; you are here applying for the berth of teacher, and this statute in this very part of it says that there shall be no discrimination on account of color, yet when you come to comply with your contract we quietly say to you you are a negro, and we can not employ you to teach in a white school."

Mr. BLAIR. Does the Senator claim that the bill provides that there shall be no discrimination on the ground of color so far as teachers are concerned?

Mr. MORGAN. I have just read it.

Mr. BLAIR. The Senator did not read anything that had the effect he gives to it.

Mr. MORGAN. I do not expect to convince the honorable Senator from New Hampshire or the honorable Senator from Mississippi of anything.

Mr. BLAIR. You can do it very easily if you are stating the truth.

Mr. MORGAN. I am not speaking really to this audience. I am speaking to the people at home.

Mr. GEORGE rose.

The PRESIDENT *pro tempore*. Does the Senator from Alabama yield to the Senator from Mississippi?

Mr. MORGAN. Yes, sir.

Mr. GEORGE. If a colored school equally valuable as to salary was assigned to this gentleman, would the contract on the part of the State be fully complied with?

Mr. MORGAN. But suppose you had no colored school and there was no vacancy?

Mr. GEORGE. There are plenty of them in the Southern States.

Mr. MORGAN. That does not answer the question of law. I am discussing the question of law in this case upon a supposed state of facts which are consistent with the bill. Now the honorable Senator meets that by saying that there are a great many more colored schools in Mississippi than white, or as many, and therefore the negro would have a better chance.

Mr. GEORGE. As good a one.

Mr. MORGAN. Yes, as good a one. I am trying to find out how far you are controlling the powers of the States in all this matter. I would very much rather vote for the bill if it had said that there should be only white teachers for whites and blacks both. That would suit me better. I have no squeamishness about that. I believe a white man or a white woman is much more competent to teach a white or a colored child than any negro, as a rule. That does not alter the principle of law in this bill, and I am trying to find out what is in it.

Now, I will suppose that a man in the condition I have just mentioned comes before the Secretary of the Interior and complains of the governor of Alabama. He hauls him up for trial and says, "Here is a case of discrimination; here is a case of discrimination against the law you yourselves have enacted." I want to know what you are going to do about it. This bill provides that if there is any discrimination, any whatever, the people of the State of Alabama for that act shall lose all the moneys coming to them the next year, but they shall keep on paying the taxes. There is the condition we are in.

I want to read a decision from the Supreme Court of the United States upon this question, a brief extract from an utterance of Chief-Justice Marshall in the great case of McCulloch *vs.* Maryland, which I think puts this question upon very clear ground.

On this ground—

Says the Judge—

the counsel for the bank place its claim to be exempted from the power of a State to tax its operations. There is no express provision for the case; but the claim has been sustained on a principle which so entirely pervades the Constitution, is so intermixed with the materials which compose it, so interwoven with its web, so blended with its texture, as to be incapable of being separated from it without rending it into shreds.

This great principle is, that the Constitution and the laws made in pursuance thereof are supreme; that they control the constitution and laws of the respective States, and can not be controlled by them. From this, which may be almost termed an axiom, other propositions are deduced as corollaries, on the truth or error of which, and on their application to this case, the cause has been supposed to depend. These are: 1. That a power to create implies a power to preserve. 2. That a power to destroy, if wielded by a different hand, is hostile to,

and incompatible with, these powers to create and to preserve. 3. That where this repugnancy exists, that authority which is supreme must control, not yield, to that over which it is supreme.

These propositions, as abstract truths, would perhaps never be controverted. (McCulloch *vs.* State of Maryland, 4 Wheaton, 316.)

Here comes the governor of Alabama, and here comes the informant, and they both go before the Secretary of the Interior. He hears the case, and he decides that the laws of the United States, being supreme, must prevail in the administration of this fund. He agrees with Chief-Justice Marshal in that great and beautiful utterance which I have just had the honor of reading to the Senate, and what is the result? The Secretary says, "You have violated the supreme law; your State has violated the supreme law; the officers of your State have violated the supreme law in discriminating against this man on account of color, or in misapplying the fund, or in misdistributing the fund. Under the circumstances the State officers, the State law must go down, the people must continue to pay taxes to the Government of the United States." While all other States are drawing their percentage of distribution the State of Alabama must stand out in the cold, and all that is the result of the assumption of a power on the part of the Congress of the United States which is wholly unconstitutional.

Mr. HARRIS. Would it be agreeable to the Senator from Alabama to yield to a motion to proceed to the consideration of executive business at this point in his address?

Mr. MORGAN. If the Senator will allow me to state one more proposition and place it briefly upon record I will yield.

Sir, I have not yet touched the most important difficulty I find in giving my support to this measure. I refer to the great and startling abuse of the taxing power in this bill. Before I speak upon this point more fully I will read from a decision of the Supreme Court, the Loan Association *vs.* Topeka, the opinion of Mr. Justice Miller:

> The theory of our governments, State and national, is opposed to the deposit of unlimited power anywhere. The executive, the legislative, and the judicial branches of these governments are all of limited and defined powers.
>
> There are limitations on such power which grow out of the essential nature of all free governments—implied reservations of individual rights, without which the social compact could not exist, and which are respected by all governments entitled to the name. No court, for instance, would hesitate to declare void a statute which enacted that A and B, who were husband and wife to each other, should be so no longer, but that A should thereafter be the husband of C and B the wife of D, or which should enact that the homestead now owned by A should no longer be his, but should henceforth be the property of B.
>
> Of all the powers conferred upon government that of taxation is most liable to abuse. Given a purpose or object for which taxation may be lawfully used, and the extent of its exercise is in its very nature unlimited. It is true that express limitation on the amount of tax to be levied or the things to be taxed may be imposed by constitution or statute, but in most instances for which taxes are levied, as the support of government, the prosecution of war, the national defense, any limitation is unsafe. The entire resources of the people should, in some instances, be at the disposal of the government.
>
> The power to tax is, therefore, the strongest, the most pervading of all the powers of government, reaching directly or indirectly to all classes of the people. It was said by Chief-Justice Marshall, in the case of McCulloch *vs.* The State of Maryland, that the power to tax is the power to destroy. A striking instance of the truth of the proposition is seen in the fact that the existing tax of 10 per cent. imposed by the United States on the circulation of all other banks than the national banks drove out of existence every State bank of circulation within a year or two after its passage. This power can as readily be employed against one class of individuals and in favor of another so as to ruin the one class and give unlimited wealth and prosperity to the other, if there is no implied limitation of the uses for which the power may be exercised.
>
> To lay with one hand the power of the Government on the property of the citizen, and with the other to bestow it upon favored individuals to aid private enterprises and build up private fortunes, is none the less a robbery because it is done under the forms of law and is called taxation. This is not legislation. It is a decree under legislative forms. (20 Wallace's Supreme Court Reports, 662, 664.)

That ought to be enough in the way of a declaration as to the danger of this power which I think this bill so grossly abuses. My great and leading objection to it is that this bill rests entirely upon the taxing power of the Government to be exercised in the future. It does not take a sum of money that is in the Treasury of the United States now and appropriate it. We have got surplus money enough in the Treasury just about to pay this bill. Why not set it aside then as it is, there lay our hands upon it, instead of letting that be passed out into public expenditures and then resorting to the taxing power to raise money out of the people to be hereafter expended for public schools?

If you would put in this bill that this money is to be raised out of the taxation of the people for the express purpose of maintaining common schools in the States, or, if you please, to add to it, by the consent of the States, you would have a bill which on its face would be so unconstitutional that I doubt if any court in the country could be found to aid in its execution, even though the tax-payers consented. Now, Mr. President, I will yield.

Mr. BLAIR. Mr. President——

Mr. MORGAN. I do not mean to yield the floor, but I was asked to give way for an executive session.

Mr. HARRIS. I understood the Senator from Alabama to yield to a motion that the Senate proceed to the consideration of executive business.

The PRESIDENT *pro tempore*. Does the Senator yield to the motion?

Mr. MORGAN. I yield to that motion.

Mr. HOAR. I inquire of the Senator from Alabama if he would not be willing to give way to a motion to rescind the vote for an adjournment to Monday, so that we can have his argument connected to-morrow?

Mr. MORGAN. I am much obliged to the Senator from Massachusetts; but my engagements in committees to-morrow are quite as important as those of any other Senator.

Mr. HARRIS. I move that the Senate proceed——

Mr. BLAIR. I ask the Senator to yield to me a moment.

Mr. HARRIS. I withdraw the motion for a moment.

Mr. BLAIR. Of course if it is desirable to have an executive session it is too late for me to ask the Senate to give further attention to this bill to-night; but I wish to give notice that next Monday, immediately after the conclusion of the morning business proper, at that point when the consideration of the Calendar shall be in order, I shall ask the Senate to take up this bill and proceed with it until 2 o'clock, when, as the unfinished business, it will have the right of way under the rules.

Mr. HARRIS. I move that the Senate proceed to the consideration of executive business.

Mr. HAWLEY. I wish the Senator to allow me to offer an order——

Mr. HARRIS. I yield for an order.

REPORT ON ORDNANCE AND WAR SHIPS.

Mr. HAWLEY. In behalf of the Committee on Printing I report a concurrent resolution with an amendment in the form of a substitute. There are three or four small changes made, and it is better to have a substitute than bother with the small details of amendments.

The Secretary read the following resolution, submitted by Mr. HAWLEY on the 8th instant:

> *Resolved by the Senate (the House of Representatives concurring)*, That 8,000 additional copies of the report of the Select Committee on Ordnance and War Ships be printed; 1,000 copies each for the War and Navy Departments, 2,000 copies for the use of the Senate, and 4,000 copies for the use of the House of Representatives.

The amendment of the Joint Committee on Printing was to strike out all after the enacting clause and insert:

> That 11,100 additional copies of the report of the Select Committee on Ordnance and War Ships be printed; 100 copies for the use of the committee to be distributed to those who contributed to the appendix of said report, 1,000 copies each for the War and Navy Departments, 3,000 copies for the use of the Senate, and 6,000 copies for the use of the House of Representatives.

The amendment was agreed to.

The resolution as amended was agreed to.

EXECUTIVE SESSION.

Mr. HARRIS. I move that the Senate proceed to the consideration of executive business.

Mr. HOAR. On that motion I call for the yeas and nays.

The yeas and nays were ordered; and being taken, resulted—yeas 28, nays 12; as follows:

YEAS—28.

Berry,	Gorman,	Manderson,	Sawyer,
Blackburn,	Hampton,	Maxey,	Sherman,
Call,	Harris,	Morgan,	Spooner,
Cockrell,	Hawley,	Morrill,	Vance,
Colquitt,	Ingalls,	Payne,	Walthall,
George,	Jackson,	Plumb,	Wilson of Iowa,
Gibson,	Jones of Arkansas,	Ransom,	Wilson of Md.

NAYS—12.

Blair,	Edmunds,	Hoar,	Platt,
Conger,	Frye,	Mitchell of Oreg.,	Stanford,
Cullom,	Hale,	Palmer,	Teller.

ABSENT—36.

Aldrich,	Coke,	Jones of Nevada,	Pike,
Allison,	Dawes,	Kenna,	Pugh,
Beck,	Dolph,	Logan,	Riddleberger,
Bowen,	Eustis,	McMillan,	Sabin,
Brown,	Evarts,	McPherson,	Saulsbury,
Butler,	Fair,	Mahone,	Sewell,
Camden,	Gray,	Miller of Cal.,	Van Wyck,
Cameron,	Harrison,	Miller of N. Y.,	Vest,
Chace,	Jones of Florida,	Mitchell of Pa.,	Voorhees.

So the motion was agreed to.

Mr. TELLER. I move that the Senate now adjourn.

The PRESIDENT *pro tempore*. That motion is not in order until the order is executed for closing the doors.

Mr. TELLER. Then I will wait.

The Senate proceeded to the consideration of executive business. After four minutes spent in executive session the doors were reopened, and (at 4 o'clock and 44 minutes p. m.) the Senate adjourned.

EXECUTIVE NOMINATIONS.

Received the 11th day of February, 1886.

UNITED STATES ASSISTANT TREASURER.

Wayland W. Sutton, of Ohio, to be assistant treasurer of the United States at Cincinnati, Ohio, *vice* Leopold Markbrier, commission expired.

POSTMASTERS.

Joseph S. McCartney, to be postmaster at Garnett, Anderson County, Kansas, *vice* Solomon Kauffman, resigned.

Franklin A. Thompson, to be postmaster at McCook, Red Cloud

County, Nebraska, *vice* Alonzo P. Sharp, whose removal for cause is hereby proposed.

CONFIRMATION.

Executive nomination confirmed by the Senate February 11, 1886.

INDIAN AGENT.

Peter Gallagher, of Wytheville, Va., to be agent for the Indians of Fort Hall agency, in Idaho.

HOUSE OF REPRESENTATIVES.

THURSDAY, *February* 11, 1886.

The House met at 12 o'clock m. Prayer by the Chaplain, Rev. W. H. MILBURN, D. D.

The Journal of yesterday's proceedings was read and approved.

FEDERATION OF TRADES, ETC.

Mr. REAGAN. I ask unanimous consent to present at this time for reference, with the request that it be printed in the RECORD, the memorial of W. H. Parsons, on behalf of the Federation of Trades and Knights of Labor, Baltimore, Md., and member of the national committee for Maryland, on behalf of the National Bimetallic Association of the United States.

The SPEAKER. The gentleman from Texas asks unanimous consent to present a memorial and that it be printed in the RECORD.

Mr. BEACH. I object.

DEBATE ON FITZ-JOHN PORTER BILL.

Mr. REED, of Maine. I offer for present consideration the resolution which I send to the desk.

The Clerk read as follows:

Resolved, That the special order of the House of Friday, February 5, be modified so as to read as follows:

Resolved, That Thursday, the 11th day of February, immediately after the second call of committees under clause 5, Rule XXIV, be set apart for the consideration of House bill No. 67 for the relief of Fitz-John Porter, and that the consideration of the same be resumed at the same time thereafter on Saturday, and Monday, Tuesday, and Wednesday, and that the previous question be moved Thursday, 18th February, at 3 o'clock p. m., and that a recess be taken Tuesday, February 16, from 5 o'clock p. m. until 7 p. m. on that day, and that the evening session be devoted to the consideration of said House bill No. 67.

Mr. REED, of Maine. I desire to say I think that was the intention of the House in adopting the original resolution. It makes the morning hour what we all understood it to be when that resolution was adopted; that is, the second hour. It makes this debate come in after the second hour, the morning hour for the consideration of bills. But under our rules the technical morning hour is the first one; and it is to clear up that difficulty that I offer this resolution, which I hope will be adopted.

Mr. BRAGG. Without referring to the construction that may be put upon our new rules, there is a matter to which I would desire to call the attention of the gentleman from Maine, whether, after the previous question is ordered, the person selected to close the debate shall have his hour, or whether the order fixing 3 o'clock on Thursday for the close of the debate will deprive the person closing the debate of the right to the floor for an hour after the previous question is ordered.

Mr. REED, of Maine. I suppose—I of course can not give an authoritative interpretation of the rules—but I suppose, under our rules, the member selected to close the debate would have his hour after the previous question was ordered.

Mr. BRAGG. All I desire is that the effect of the resolution shall be so considered by the House.

The SPEAKER. It may be so understood if there is no objection.

Mr. MORRISON. I think we can have no understanding as to that. The rules must stand as they are.

Mr. REED, of Maine. I think there should be no objection to this modification of the resolution.

The SPEAKER. The question is on agreeing to the resolution.

Mr. HOLMAN. I hope the resolution will be reported again.

The SPEAKER. The Chair will say to the gentleman from Indiana that the resolution simply so modifies the original resolution as to provide that the consideration of the bill for the relief of Fitz-John Porter shall begin after the hour for consideration of bills and not before it. It makes no other change.

Mr. RANDALL. Will the gentleman from Maine consent to make the further modification that the vote shall be taken on Tuesday instead of Thursday next?

Mr. REED, of Maine. I hope the gentleman from Pennsylvania will not ask me to do that. I think we can all agree to this modification as it stands in the resolution, and that it goes as far as is possible in the gentleman's direction.

Mr. RANDALL. I think that four days for the consideration of this bill is a pretty long time.

Mr. REED, of Maine. I will say to the gentleman from Pennsylvania that the resolution as it stands will leave only a fair period for the consideration of the bill.

Mr. RANDALL. Is the resolution open to amendment?

Mr. REED, of Maine. I ask for the previous question.

Mr. RANDALL. If it be open to amendment I will move to strike out Thursday and insert Tuesday.

The SPEAKER. The gentleman from Maine has asked the previous question.

Mr. RANDALL. I wish the sense of the House tested upon that proposition, and I shall ask the test on the vote ordering the previous question, with the notice that if the previous question is not ordered then I shall move to amend the resolution so as to make the debate close on Tuesday instead of Thursday, and shall ask for the previous question immediately thereafter.

Mr. BLOUNT. I would like to know if the resolution before the House has the approval of the gentleman from Wisconsin [Mr. BRAGG].

Mr. REED, of Maine. I consulted that gentleman before I presented the proposition.

Mr. WARNER, of Ohio. I desire to ask a parliamentary question.

The SPEAKER. The gentleman will state it.

Mr. WARNER, of Ohio. If this resolution is to be adopted, is it understood, or is it contained in the resolution itself, that while this debate is in progress there will be no other business done in the House?

The SPEAKER. The resolution sets apart the days named, and on those days after the second call of committees no other business can be transacted except by consent of the House.

The question being taken on ordering the previous question, there were—ayes 68, noes 49.

Mr. RANDALL. I call for tellers. A quorum has not voted.

The SPEAKER. A quorum not having voted, the Chair will order tellers.

Mr. REED, of Maine. This resolution should not be taken advantage of to reduce the time for debate. This is the right thing.

Mr. RANDALL. I withdraw the call for tellers. I do this at the request of the gentleman from Wisconsin [Mr. BRAGG].

So (further count not being called for) the previous question was ordered; and under the operation thereof, the resolution was adopted.

Mr. REED, of Maine. I move to reconsider the vote by which the resolution was adopted; and also move that the motion to reconsider be laid upon the table.

The latter motion was agreed to.

ORDER OF BUSINESS.

Mr. BINGHAM. Mr. Speaker, I ask unanimous consent to have referred to the Committee on Invalid Pensions a bill granting a pension to the widow of Major-General Hancock.

The SPEAKER. The title will be read, after which the Chair will ask for objections.

Mr. BEACH. Before the title is read, Mr. Speaker, I shall object.

The SPEAKER. The gentleman from New York [Mr. BEACH] objects.

INDIAN APPROPRIATION BILL.

Mr. WELLBORN, from the Committee on Indian Affairs, reported a bill (H. R. 5543) making appropriations for the current and contingent expenses of the Indian Department, for fulfilling treaty stipulations with various Indian tribes for the year ending June 30, 1887, and for other purposes; which was read a first and second time, referred to the Committee of the Whole House on the state of the Union, and ordered to be printed.

PRINTING FOR COMMITTEE ON MILITARY AFFAIRS.

Mr. BRAGG. Mr. Speaker, I ask permission to have printed for the use of the Committee on Military Affairs the appropriation bills for the support of the Army and of the Military Academy, and also certain memorials pending before that committee.

The SPEAKER. The Chair is under the impression that a resolution has been already passed by the House authorizing the committee having jurisdiction over appropriation bills to have those bills printed.

Mr. BRAGG. Very well.

SECTION 304 REVISED STATUTES.

Mr. TUCKER, from the Committee on the Judiciary, reported, as a substitute for H. R. 4875, a bill (H. R. 5544) to amend section 304 of the Revised Statutes of the United States; which was read a first and second time, referred to the House Calendar, and, with the accompanying report, ordered to be printed.

UNITED STATES COURTS, INDIAN TERRITORY.

House bill No. 4875 was, by unanimous consent, laid on the table.

Mr. ROGERS, from the Committee on the Judiciary, reported, as a substitute for H. R. 3211 and 5123, a bill (H. R. 5545) conferring civil jurisdiction in certain cases arising in the Indian Territory on the United States courts which now or may hereafter exercise criminal jurisdiction over said Territory; which was read a first and second time, referred to the House Calendar, and, with the accompanying report, ordered to be printed.

By unanimous consent, House bills Nos. 3211 and 5123 were laid on the table.

EXTENSION OF UNITED STATES LAWS.

Mr. EZRA B. TAYLOR, from the Committee on the Judiciary, reported back with an amendment the bill (H. R. 679) to extend the laws of the United States over certain unorganized Territories south of the State of Kansas; which was referred to the House Calendar, and, with the accompanying report, ordered to be printed.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. McCOOK, its Secretary, announced that the Senate had passed bills and a resolution of the following titles; in which the concurrence of the House was requested:

A bill (S. 481) authorizing the partition of certain lands in Louisville, Ky., belonging jointly to John Echols and the Government of the United States;

A bill (S. 624) to extend the laws of the United States over certain unorganized territory south of the State of Kansas, and for other purposes;

A bill (S. 884) to enable the State of Colorado to take lands in lieu of the sixteenth and thirty-sixth sections within Indian reservations;

A bill (S. 1092) to grant the right of way through public lands for irrigation purposes;

A bill (S. 44) providing for the erection of a public building at San Antonio, Tex.;

A bill (S. 57) for the erection of a public building at Oshkosh, Wis.;

A bill (S. 86) to provide for the construction of a public building at Portland, Oreg.;

A bill (S. 93) authorizing the construction of a public building for a post-office in the city of Houston, Tex.;

A bill (S. 175) for a public building at Monroe, La.;

A bill (S. 179) to provide a building for the use of the United States courts, post-office, customs office, and internal-revenue office at Vicksburg, Miss.;

A bill (S. 185) to provide for the erection of a public building at the town of Houlton, Me.;

A bill (S. 201) to provide for the erection of a public building in the city of Annapolis, Md.;

A bill (S. 206) to provide for the erection of a public building in the city of Zanesville, Ohio;

A bill (S. 228) for the erection of a public building at Camden, N. J.;

A bill (S. 229) to provide for the erection of a public building at Wilmington, N. C.;

A bill (S. 230) for the erection of a public building at Worcester, Mass.

A bill (S. 263) providing for the erection of a public building at Springfield, Mass.;

A bill (S. 305) for the erection of a public building at Huntsville, Ala.;

A bill (S. 324) for the erection of a public building at Opelousas, La.;

A bill (S. 453) for the erection of a public building at Jacksonville, Fla.;

A bill (S. 479) to provide for the erection of a post-office building at Fortress Monroe, Va.;

A bill (S. 480) for the improvement or enlargement of the public building at Petersburg, Va.;

A bill (S. 482) to provide for the erection of a public building in the city of Norfolk, in the State of Virginia;

A bill (S. 538) to provide for the erection of a public building in the city of Newport, Ky.;

A bill (S. 549) for a public building at Greenville, S. C.;

A bill (S. 577) for the erection of a public building at Stillwater, Minn.;

A bill (S. 610) to provide for a building for the use of the Federal courts, post-office, internal-revenue and other civil offices, and a United States jail in the city of Fort Smith, Ark.;

A bill (S. 712) for the erection of a public building at Augusta, Ga.;

A bill (S. 763) for the erection of a public building at Sioux City, Iowa;

A bill (S. 771) to provide for the erection of a public building in the city of Dover, in the State of New Hampshire;

A bill (S. 856) to provide for the erection of a public building in the city of Dayton, Ohio;

A bill (S. 954) for the erection of a public building in the city of Pawtucket, R. I.;

A bill (S. 1116) for the erection of a public building at Pueblo, Colo.;

A bill (S. 1163) for a public building at Lancaster, Pa.;

A bill (S. 1255) to authorize the purchase of a site for a building for a post-office, court-house, and other offices at San Francisco, Cal.;

A bill (S. 1350) to provide for the erection of a public building for the use of the post-office and Government offices at the city of Atchison, Kans.;

A bill (S. 1366) to change the limit of appropriation for the public building at Montpelier, Vt.;

A bill (S. 1386) for the completion of a public building at Fort Scott, Kans.;

A bill (S. 1387) for the completion of a public building at Wichita, Kans.;

A bill (S. 637) to provide for the construction of a public building at Hudson, N. Y.; and

A concurrent resolution providing for printing 16,000 extra copies of the last annual reports of the Smithsonian Institution and the National Museum.

The message also announced that the Senate had passed without amendment a bill and a resolution of the following titles:

A bill (H. R. 989) for the allowance of certain claims reported by the accounting officers of the United States Treasury Department; and

House concurrent resolution providing for printing 2,500 extra copies of the annual report of the health officer of the District of Columbia.

BOARD OF COMMISSIONERS FOR NEW YORK HARBOR.

On motion of Mr. JOHNSON, of New York, by unanimous consent, the Committee on Commerce was discharged from the further consideration of the bill (H. R. 2927) providing for the appointment of a board of commissioners for New York Harbor; and the same was referred to the Committee on Rivers and Harbors.

SHIP-CANAL FROM DELAWARE RIVER TO ATLANTIC OCEAN.

Mr. ATKINSON, from the Committee on Railways and Canals, reported back with amendment the bill (H. R. 2049) to authorize a survey for a ship-canal to connect the Delaware River with the Atlantic Ocean; which was referred to the Committee of the Whole House on the state of the Union, and the accompanying report ordered to be printed.

PUBLIC BUILDING AT ASHEVILLE, N. C.

Mr. JOHNSTON, of North Carolina, from the Committee on Public Buildings and Grounds, reported, as a substitute for H. R. 1697, a bill (H. R. 5546) for the erection of a public building at Asheville, N. C.; which was read a first and second time, referred to the Committee of the Whole House on the state of the Union, and, with the accompanying report, ordered to be printed.

House bill No. 1697 was, by unanimous consent, laid on the table.

PUBLIC BUILDING AT BELFAST, ME.

Mr. MILLIKEN, from the Committee on Public Buildings and Grounds, reported back favorably the bill (H. R. 1027) for the extension and repair of the public building at Belfast, Me.; which was referred to the Committee of the Whole House on the state of the Union, and the accompanying report ordered to be printed.

PUBLIC BUILDING AT SAVANNAH, GA.

Mr. REESE, from the Committee on Public Buildings and Grounds, reported, as a substitute for H. R. 3880, a bill (H. R. 5547) providing for the erection of a public building at Savannah, Ga.; which was read a first and second time, referred to the Committee of the Whole House on the state of the Union, and, with the accompanying report, ordered to be printed.

House bill No. 3880 was, by unanimous consent, laid on the table.

PUBLIC BUILDING AT SAN ANTONIO, TEX.

Mr. REESE, from the Committee on Public Buildings and Grounds, also reported, as a substitute for H. R. 2393, a bill (H. R. 5548) providing for the erection of a public building at San Antonio, Tex.; which was read a first and second time, referred to the Committee of the Whole House on the state of the Union, and, with the accompanying report, ordered to be printed.

House bill No. 2393 was, by unanimous consent, laid on the table.

PUBLIC BUILDING AT KEOKUK, IOWA.

Mr. WORTHINGTON, from the Committee on Public Buildings and Grounds, reported back favorably the bill (H. R. 4498) authorizing an additional appropriation of $15,000 for the court-house at Keokuk, Iowa, to make the same fire-proof; which was referred to the Committee of the Whole House on the state of the Union, and the accompanying report ordered to be printed.

PUBLIC BUILDING AT PEORIA, ILL.

Mr. WORTHINGTON, from the Committee on Public Buildings and Grounds, also reported back with amendment the bill (H. R. 368) to amend an act entitled "An act to provide for the erection of a public building in the city of Peoria, in the State of Illinois," approved May 9, 1882; which was referred to the Committee of the Whole House on the state of the Union, and the accompanying report ordered to be printed.

PUBLIC BUILDING AT WILLIAMSPORT, PA.

Mr. BROWN, of Pennsylvania, from the Committee on Public Buildings and Grounds, reported back with amendments the bill (H. R. 2148) to amend an act entitled "An act to provide a building for the use of the circuit and district courts of the United States, the post-office, and other Government offices at Williamsport, Pa.," and making an additional appropriation therefor; which was referred to the Committee of the

Whole House on the state of the Union, and the accompanying report ordered to be printed.

PUBLIC BUILDING AT ROCHESTER, N. Y.

Mr. WILKINS, from the Committee on Public Buildings and Grounds, reported, as a substitute for H. R. 1570, a bill (H. R. 5549) limiting the cost of erection of a public building at Rochester, N. Y.; which was read a first and second time, referred to the Committee of the Whole House on the state of the Union, and, with the accompanying report, ordered to be printed.

House bill No. 1570 was, by unanimous consent, laid on the table.

PUBLIC BUILDING AT DULUTH, MINN.

Mr. HENLEY, from the Committee on Public Buildings and Grounds, reported, as a substitute for H. R. 1268, a bill (H. R. 5550) to provide for the erection of a public building at Duluth, Minn.; which was read a first and second time, referred to the Committee of the Whole House on the state of the Union, and, with the accompanying report, ordered to be printed.

House bill No. 1268 was, by unanimous consent, laid on the table.

ENROLLED BILLS SIGNED.

Mr. PERKINS, from the Committee on Enrolled Bills, reported that the committee had examined and found truly enrolled bills of the following titles; when the Speaker signed the same:

A bill (S. 382) to authorize the Merchants' National Bank of Little Rock, Ark., to change its name to the First National Bank of Little Rock;

A bill (S. 126) to change the name of the National Bank of Winona; and

A bill (S. 241) for the relief of Joseph W. Parish.

SAMUEL M. GAINES.

Mr. MARTIN, from the Committee on Patents, reported back with amendment the bill (H. R. 821) for the relief of Samuel M. Gaines; which was referred to the Committee of the Whole House on the Private Calendar, and the accompanying report ordered to be printed.

KATE AMANN.

Mr. MATSON, from the Committee on Invalid Pensions, reported back favorably the bill (H. R. 441) granting a pension to Kate Amann; which was referred to the Committee of the Whole House on the Private Calendar, and the accompanying report ordered to be printed.

SAMUEL HANSON.

Mr. MORRILL, from the Committee on Invalid Pensions, reported back favorably the bill (H. R. 3100) granting a pension to Samuel Hanson; which was referred to the Committee of the Whole House on the Private Calendar, and the accompanying report ordered to be printed.

DANIEL B. RANDALL.

Mr. MORRILL, from the Committee on Invalid Pensions, also reported back favorably the bill (H. R. 4501) granting a pension to Daniel B. Randall; which was referred to the Committee of the Whole House on the Private Calendar, and the accompanying report ordered to be printed.

WILLIS W. FINK.

Mr. MORRILL, from the Committee on Invalid Pensions, also reported back favorably the bill (H. R. 4572) granting a pension to Willis W. Fink; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

ROBERT MORAN.

Mr. MORRILL, from the Committee on Invalid Pensions, also reported, as a substitute for H. R. 4120, a bill (H. R. 5551) for the relief of Robert Moran; which was read a first and second time, referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

House bill 4120 was laid upon the table.

LIZZIE KENAMORE.

Mr. MORRILL, from the Committee on Invalid Pensions, also reported back favorably the bill (H. R. 4112) granting a pension to Lizzie Kenamore; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

MARY M. GALLEYAN.

Mr. MORRILL, from the Committee on Invalid Pensions, also reported back favorably the bill (H. R. 3941) granting a pension to Mary M. Galleyan; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

WILLIAM G. SCHOONOZER.

Mr. MORRILL, from the Committee on Invalid Pensions, also reported back favorably the bill (H. R. 3390) to place the name of William G. Schoonozer on the pension-roll; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

N. M. MILLER.

Mr. MORRILL, from the Committee on Invalid Pensions, also reported back favorably the bill (H. R. 737) granting a pension to N. M. Miller; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

MARTIN KIRK.

Mr. MORRILL, from the Committee on Invalid Pensions, also reported back favorably the bill (H. R. 1396) to pension Martin Kirk; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

WILLIAM TAYLOR.

Mr. MORRILL, from the Committee on Invalid Pensions, also reported back favorably the bill (H. R. 4580) to grant a pension to William Taylor; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

J. W. BENNETT.

Mr. MORRILL, from the Committee on Invalid Pensions, also reported back favorably the bill (H. R. 746) granting a pension to J. W. Bennett; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

THOMAS S. OWENS.

Mr. MORRILL, from the Committee on Invalid Pensions, also reported back favorably the bill (H. R. 4579) granting an increase of pension to Thomas S. Owens; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

M. S. TOWNE.

Mr. MORRILL, from the Committee on Invalid Pensions, also reported back favorably the bill (H. R. 4370) granting a pension to M. S. Towne; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

MRS. B. ALFERS.

Mr. MORRILL, from the Committee on Invalid Pensions, also reported back favorably the bill (H. R. 3945) for the relief of Mrs. B. Alfers; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

ALBERT L. ALLEN.

Mr. MORRILL, from the Committee on Invalid Pensions, also reported back favorably the bill (H. R. 3530) granting a pension to Albert L. Allen; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

MARTHA A. SILKEY.

Mr. MORRILL, from the Committee on Invalid Pensions, also reported back favorably the bill (H. R. 4101) granting a pension to Martha A. Silkey; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

CHANGE OF REFERENCE.

On motion of Mr. MORRILL, the Committee on Invalid Pensions was discharged from the further consideration of the bill (H. R. 4575) for the relief of L. Mason; and the same was referred to the Committee on Military Affairs.

ADVERSE REPORTS.

Mr. MORRILL, from the Committee on Invalid Pensions, also reported adversely on bills of the following titles; which were severally laid upon the table, and, with the accompanying reports, ordered to be printed:

A bill (H. R. 3942) granting a pension to Adam Zarn;
A bill (H. R. 1430) for the relief of David Stonecypher;
A bill (H. R. 1421) to rerate the pension of Stephen C. Monroe;
A bill (H. R. 4117) granting a pension to Lewis W. Ayers;
A bill (H. R. 4113) granting a pension to Anderson Collett;
A bill (H. R. 4102) to rerate the pension of Louis Loe;
A bill (H. R. 3781) granting a pension to Ambrose Burtz;
A bill (H. R. 3099) granting a pension to Henry C. Williams;
A bill (H. R. 800) granting a pension to Joseph A. Porter;
A bill (H. R. 1395) to pension V. L. Wiggins; and
A bill (H. R. 4568) granting a pension to Magdalena Kruse.

MARGARET CALLANAN.

Mr. PIDCOCK, from the Committee on Invalid Pensions, reported back favorably the bill (H. R. 4134) for the relief of Margaret Callanan; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

JOHN D. JAMES.

Mr. PIDCOCK, from the Committee on Invalid Pensions, also re-

ported back favorably the bill (H. R. 3753) granting a pension to John D. James; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

WILLIAM DERMODY.

Mr. PIDCOCK, from the Committee on Invalid Pensions, also reported back favorably the bill (H. R. 1505) granting a pension to William Dermody; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

AMANDA HOUSELL.

Mr. PIDCOCK, from the Committee on Invalid Pensions, also reported back favorably the bill (H. R. 3546) granting a pension to Amanda Housell; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

JOHN W. ROSE.

Mr. PIDCOCK, from the Committee on Invalid Pensions, also reported back adversely the bill (H. R. 1504) granting a pension to John W. Rose; which, on motion of Mr. BUCHANAN, was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

ADVERSE REPORT.

Mr. PIDCOCK, from the Committee on Invalid Pensions, also reported back adversely the bill (H. R. 2836) granting a pension to Joseph B. Walters; which was laid on the table, and the accompanying report ordered to be printed.

RICHARD GEAR.

Mr. CONGER, from the Committee on Invalid Pensions, reported back favorably the bill (H. R. 3921) granting an increase of pension to Richard Gear; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

AARON C. JOHNSON.

Mr. CONGER, from the Committee on Invalid Pensions, also reported back favorably the bill (H. R. 4905) granting a pension to Aaron C. Johnson; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

CHRISTIAN SENARZO.

Mr. CONGER, from the Committee on Invalid Pensions, also reported back with favorable recommendation the bill (H. R. 4903) granting a pension to Christian Senarzo; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

H. W. M'DOWELL.

Mr. CONGER, from the Committee on Invalid Pensions, also reported back with favorable recommendation the bill (H. R. 4490) granting a pension to H. W. McDowell; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

PERRY JOHNSON.

Mr. CONGER, from the Committee on Invalid Pensions, also reported back with a favorable recommendation the bill (H. R. 4813) granting a pension to Perry Johnson; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

CHANGE OF REFERENCE.

On motion of Mr. CONGER, by unanimous consent the Committee on Invalid Pensions was discharged from the further consideration of the bill (H. R. 4852) granting a pension to William Hutchinson; and the same was referred to the Committee on Pensions.

ADVERSE REPORTS.

Mr. CONGER, from the Committee on Invalid Pensions, also reported back with adverse recommendations bills of the following titles; which were severally ordered to be laid on the table and the accompanying reports printed, namely:

A bill (H. R. 4492) for the relief of Catharine L. Benton; and
A bill (H. R. 4810) for the relief of Mary C. Pennell.

MARY E. SNOW.

Mr. HAYNES, from the Committee on Invalid Pensions, reported back with a favorable recommendation the bill (H. R. 4122) granting a pension to Mary E. Snow; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

MARY B. SMITH.

Mr. O'HARA, from the Committee on Invalid Pensions, reported back with amendments the bill (H. R. 3505) for the relief of Mary B. Smith; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

GEORGE W. GUYSE.

Mr. O'HARA, from the Committee on Invalid Pensions, also reported back with amendment the bill (H. R. 3205) granting a pension to George W. Guyse; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

ADVERSE REPORTS.

Mr. O'HARA, from the Committee on Invalid Pensions, also reported back with adverse recommendation the bill (H. R. 3506) for the relief of Joseph W. Burch, and the bill (H. R. 1282) granting a pension to William L. Sloan; which were severally ordered to be laid on the table, and the accompanying reports printed.

MARGARET A. BLAKE.

Mr. SWOPE, from the Committee on Invalid Pensions, reported back with a favorable recommendation the bill (H. R. 2021) granting a pension to Margaret A. Blake; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

WILLIAM PAUGH.

Mr. SWOPE, from the Committee on Invalid Pensions, also reported back with a favorable recommendation the bill (H. R. 2070) granting a pension to William Paugh; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

E. B. SWEENY.

Mr. SWOPE, from the Committee on Invalid Pensions, also reported back with a favorable recommendation the bill (H. R. 3633) granting a pension to E. B. Sweeny; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

CHANGE OF REFERENCE.

On motion of Mr. SPRINGER, by unanimous consent the Committee on Claims was discharged from the further consideration of the bill (H. R. 1034) for the relief of Bangs, Brownell & Co.; and the same was referred to the Committee on War Claims.

HENRY MARTIN.

Mr. DORSEY, from the Committee on Private Land Claims, reported back with a favorable recommendation the bill (H. R. 1418) for the relief of Henry Martin; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

ADVERSE REPORT.

Mr. THOMAS, of Wisconsin, from the Committee on Private Land Claims, reported back with an adverse recommendation the bill (H. R. 1208) to confirm a certain private land claim in the Territory of New Mexico; which was ordered to be laid on the table, and the accompanying report printed.

ORDER OF BUSINESS.

The SPEAKER. The call of committees is now concluded; and if there be no objection the Chair will receive reports from gentlemen not in their seats when their committees were called.

There was no objection.

POLLY HALL.

Mr. WINANS, from the Committee on Invalid Pensions, reported back with amendment the bill (H. R. 3141) granting a pension to Polly Hall; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

ORDER OF BUSINESS.

The SPEAKER. The Chair will now, under the rule, call the committees for the consideration of bills for one hour, which begins at ten minutes to 1 o'clock.

NATIONAL-BANK ASSOCIATIONS.

The Committee on Banking and Currency was called.

Mr. ADAMS, of Illinois. I am instructed by the Committee on Banking and Currency to call up from the House Calendar for consideration the bill (H. R. 327) to enable national banking associations to increase their capital stock and to change their names or locations.

The bill was read, as follows:

Be it enacted, &c., That any national banking association may, with the approval of the Comptroller of the Currency, by the vote of shareholders owning two-thirds of the stock of such association, increase its capital stock, in accordance with existing laws, to any sum approved by the said Comptroller, notwithstanding the limit fixed in its original articles of association and determined by said Comptroller; and no increase of the capital stock of any national banking association either within or beyond the limit fixed in its original articles of association shall be made except in the manner herein provided.

SEC. 2. That any national banking association may change its name or the place where its operations of discount and deposit are to be carried on, with the approval of the Comptroller of the Currency, by the vote of shareholders owning two-thirds of the stock of such association. A duly authenticated notice of the vote and of the new name or location selected shall be sent to the office of the Comptroller of the Currency; but no change of name or location shall be

valid until the Comptroller shall have issued his certificate of approval of the same.

SEC. 3. That all debts, liabilities, rights, provisions, and powers of the association under its old name shall devolve upon and inure to the association under its new name.

SEC. 4. That nothing in this act contained shall be so construed as in any manner to release any national banking association under its old name or at its old location from any liability, or affect any action or proceeding in law in which said association may be or become a party or interested.

Mr. ADAMS, of Illinois. I desire to inquire of the Chair if I have the right to call for the reading of the report of the committee.

The SPEAKER. The report can be read as part of the gentleman's remarks. The time occupied in reading it will be considered as a part of the hour.

Mr. ADAMS, of Illinois. I ask that the report be read as a part of my remarks.

The report (by Mr. ADAMS, of Illinois) was read, as follows:

The Committee on Banking and Currency, to whom was referred the bill (H. R. 327) to enable national banking associations to increase their capital stock and to change their names or locations, having had the same under consideration, report as follows:

Numerous private bills have been introduced into the last and into the present Congress to change the names or locations of individual banks, or to increase their capital stock beyond the limits originally fixed in their articles of association. Each of these private bills occupies the time and burdens the calendars of committees and of the House. There is no reason why applications for such changes by individual banks should not be disposed of by the Comptroller of the Currency under conditions established by law. The committee believe that the only conditions that need be established are—

First. That the owners of two-thirds of the stock shall consent to the proposed change of name, location, or amount of capital stock.

Second. That due notice of the change shall be given to the public.

These conditions are established by the bill under consideration.

The bill makes one further change in existing law. Within the limits fixed in the articles of association the capital stock of a bank can now be increased without the assent of the stockholders. This bill provides that such a change should also be subjected to the condition that the owners of two-thirds of the stock shall assent thereto.

The committee report the bill with the recommendation that it do pass.

Mr. ADAMS, of Illinois. I have here a list, which I think is not complete, of private bills introduced into this House at this session for this special purpose. One comes from Indiana, two from Minnesota, one from Wisconsin, one from Pennsylvania, one from Ohio, and one from Arkansas. It will occur to the House that applications of this kind must naturally come from those parts of the country where population is rapidly changing or business is rapidly developing. The committee believe that under conditions established by law these changes should be made by the Comptroller of the Currency without burdening the Calendars of the House. On the first part of the bill I shall say no more than that until I hear some objection.

In regard to the provision in the last part of the bill, I will say that under existing law a bank may have articles of association fixing its capital stock at, say, $200,000, and yet may provide by a resolution which perhaps few subscribers to the stock are aware of that the capital may be increased to a million of dollars; and when the articles of association contain such a provision the directors, without consulting the shareholders at all, can go to the Comptroller of the Currency and secure an increase of the capital stock. The committee believe that that is too large a power to be vested in the directors, and therefore they require that any such application shall also have the assent of the owners of two-thirds of the stock.

I do not care, Mr. Speaker, to argue the question further until I hear some objection. I am ready to answer any questions, and I am ready to yield to any gentleman a limited portion of time to discuss the provisions of the bill.

Mr. SPRINGER. Will the gentleman from Illinois allow me a word?

Mr. ADAMS, of Illinois. For how long?

Mr. SPRINGER. Only two or three minutes.

Mr. ADAMS, of Illinois. Certainly.

Mr. SPRINGER. I do not see any necessity for discussing this bill at all. It is simply a general law authorizing, with the approval of the Comptroller of the Currency, any national bank to change its name or location or to increase its capital stock, with the consent of the owners of two-thirds of the stock. This bill seems so eminently fair and just that I can not conceive of any opposition to it, and I do not see any necessity for discussing it further. I hope it will pass without unnecessary delay. It is in the right direction. It is providing a general law for doing what Congress has always done when the parties interested have come and asked a special law for that purpose. And I hope we will begin right here this work of establishing general laws which will remove all special legislation from Congress. This bill being in the right direction, I hope it will pass.

Mr. BEACH. I ask the gentleman from Illinois to yield to me for a few minutes.

Mr. ADAMS, of Illinois. I yield to the gentleman from New York five minutes.

Mr. BEACH. I do not rise to oppose the bill. On the contrary, I am heartily in favor of the object it seeks to accomplish. This is a general bill giving the Comptroller of the Currency power to do a few administrative acts which heretofore have devolved on Congress. It is intended to stop the presentation of a large number of private bills which heretofore have found their way to our Calendars, and which, when reached, are passed as a matter of course.

I look upon this therefore as a step in the right direction. The sooner we pass more general laws like this the sooner we will rid ourselves of all this special legislation and leave time for the consideration of more weighty and important matters. But, Mr. Speaker, while I do not oppose the object of this bill, I desire to criticise, and very briefly, its verbal construction; and what I may say upon this point is equally pertinent to a large number of bills passed by this House.

The sole object of this bill is to give the Comptroller of the Currency power to change the names or locations of national banks or to increase their capital stock. Why not say so, then, in so many words? Why all this senseless verbiage spread over twenty-seven lines when four lines would answer every purpose. Why, sir, this bill as reported by the Committee on Banking and Currency reminds me of an old time indictment with all its iteration and reiteration, its repetition and multiplicity of words. Let us look at the bill for a moment. Let me read the first section:

That any national banking association may, with the approval of the Comptroller of the Currency, by the vote of shareholders owning two-thirds of the stock of such association, increase its capital stock in accordance with existing laws—

"In accordance with existing laws"—it certainly could not do it in violation of existing laws, nor could it do it in accordance with nonexisting laws—"to any sum approved by the said Comptroller, notwithstanding the limit fixed in its original articles of association and determined by said Comptroller"—if it increased its capital stock it would most assuredly do it, "notwithstanding the limits fixed in its articles of association."

Having thus provided for the manner in which the increase shall be made, the section proceeds:

And no increase of the capital stock of any national banking association, either within or beyond the limit fixed in its original articles of association, shall be made except in the manner herein provided.

Of course not. How could it be made in any other manner? The first five lines of the section say how the increase shall be made and the last five lines say that it shall not be made in any other manner. What is the use of these last five lines? Why may they not be stricken out?

Section 2 of the bill provides:

That any national banking association may change its name or the place where its operations of discount and deposit are to be carried on.

What is the need of all these words? Why not simply say "location," so that it will read "any national banking association may change its name or location?" The section proceeds:

With the approval of the Comptroller of the Currency, by the vote of shareholders owning two-thirds of the stock of such association, a duly authenticated notice of the vote and of the new name, &c.

Why does not the bill proceed to prescribe that this notice shall be on white note paper, so many pounds to the ream, with a certain margin, and duly certified by a notary public and authenticated by the county clerk. It then goes on to provide:

But no change of name or location shall be valid until the Comptroller shall have issued his certificate of approval of the same.

How could it be valid under the preceding provisions of the bill until it had received the approval of the Comptroller? The previous words of the section require that his approval shall be obtained, yet the latter part of the section goes on to provide that no change shall be valid until his approval is obtained!

Look at section 3. It provides—

That all debts, liabilities, rights, provisions, and powers of the association under its old name shall devolve upon and inure to the association under its new name.

Now, Mr. Speaker, I would like to ask the gentleman from Illinois in charge of this bill [Mr. ADAMS] what earthly use there is in that provision. Every lawyer on this floor knows that the mere act of changing the location or name of a bank or increasing its capital stock does not impair the existing rights of creditors or deprive the bank of any of its powers. Therefore what is the use of this provision?

Section 4 provides that—

Nothing in this act contained shall be so construed as in any manner to release any national banking association under its old name or at its old location from any liability, or affect any action or proceeding in law in which said association may be or become a party interested.

That is simply a repetition of the third section, which, as I have already shown, is entirely unnecessary. Mr. Speaker, I am opposed to lumbering up the statute-books with such a mass of verbiage as we find in this bill and in many other bills presented here.

Mr. CUTCHEON. I would ask the gentleman from New York [Mr. BEACH] whether he thinks those provisions actually do any harm.

Mr. BEACH. *Cui bono?* What good do they do? They simply lumber up the statute-books. There is no use in them, and for that reason I am opposed to them. Mr. Speaker, let us drop all this "to the contrary notwithstanding" business, and enact a plain, simple law which the people can understand, and over which lawyers can not wrangle. Such a bill I introduced in the last Congress, and here I may say it was the pioneer bill on this subject, and I have renewed it in this,

and I now send it to the Clerk's desk and ask that it be read as part of my remarks:

The Clerk read as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Comptroller of the Currency is hereby authorized to change the name or location of any national bank, or to increase the capital stock thereof, upon such terms and conditions as he may prescribe for the protection of the public interests, provided that no such change or increase shall be made without the consent of two-thirds of the shareholders of such bank.

Mr. BEACH. Now, Mr. Speaker, the bill just read is plain Anglo-Saxon and says just what it means.

Mr. MILLER. I rise to a point of order, that the bill just read is not in order as an amendment, as it is a bill pending before the House.

Mr. BEACH. I have not offered it as an amendment.

Mr. BUCHANAN. The gentleman offers it as a sample of Jeffersonian simplicity.

Mr. BEACH. It says just exactly what it means. There is no ambiguity about it, no repetition or multiplicity of words. It accomplishes in five lines what the bill now before the House undertakes to accomplish in twenty-seven. It goes straight to the business in hand. Now, Mr. Speaker, I will offer this as a substitute for the word-ridden bill presented by the gentleman from Illinois.

The SPEAKER. The gentleman can not do that in the time of the gentleman from Illinois without his consent.

Mr. ADAMS, of Illinois. Mr. Speaker——

Mr. ANDERSON, of Kansas. Will the gentleman yield to me for a few moments?

Mr. ADAMS, of Illinois. I wish to state a few facts myself, and then I will determine about yielding my time.

Mr. ANDERSON, of Kansas. Mr. Speaker, I rise to a parliamentary inquiry, whether the gentleman from Illinois having charge of this bill has control of all the time, so that those opposed to the bill can not be recognized except in his time.

The SPEAKER. Under the rule of the House the gentleman is entitled to the floor for one hour.

Mr. ANDERSON, of Kansas. And after that——

The SPEAKER. After that any gentleman who obtains the floor will have a right to speak.

Mr. ADAMS, of Illinois. Mr. Speaker, the principal provisions of the bill, the language of which has been criticised by the gentleman from New York [Mr. BEACH], came from an ex-Comptroller of the Currency of the United States. Sections 3 and 4, which the gentleman has criticised as useless, were added out of abundant caution. I myself agree that the identity of a corporation would be established by the law without these precise statements on the statute-book, but I have often advised a client when making up a land title that his purpose should be not merely to get a title which would stand criticism in court, but a title so clear that no captious lawyer could ever imagine the possibility of taking it into court at all. Therefore I think that provisions like these, although they may be offensive to the strict taste of the gentleman from New York, do not "lumber up the statute-book" sufficiently to render it expedient to strike them out.

Mr. ANDERSON, of Kansas. Will the gentleman allow me a question?

Mr. ADAMS, of Illinois. Certainly.

Mr. ANDERSON, of Kansas. Am I correct in understanding the present law to provide that a national bank can only issue circulation to a given proportion of its capital stock?

Mr. ADAMS, of Illinois. That I understand to be the fact; but I can not state the proportion without referring to the book.

Mr. ANDERSON, of Kansas. That is immaterial at present. This bill, then, by a general provision places it in the power of the national banks to increase their capital stock as they see fit, or does it make the $5,000,000 limitation?

Mr. ADAMS, of Illinois. No, sir.

Mr. ANDERSON, of Kansas. Then this bill, if it should become a law, would give to the national banks the power to increase their capital stock to the extent of $5,000,000. Of course that would carry with it the power to increase the issuance of national-bank notes, would it not?

Mr. ADAMS, of Illinois. Undoubtedly.

Mr. ANDERSON, of Kansas. So that it would carry with it the power to inflate the currency up to the limit of the $5,000,000 that might be reached by each one of the national banks?

Mr. ADAMS, of Illinois. Yes; if any bank found it profitable to do so. But it is a fact that some of our large banks do not issue circulation, because they do not find it profitable.

Mr. ANDERSON, of Kansas. Now, will the gentleman yield to me for five minutes?

Mr. REAGAN. I would like to occupy some little time, with the consent of the gentleman from Illinois.

Mr. ADAMS, of Illinois. I will first yield to the gentleman from Kansas for five minutes.

Mr. ANDERSON, of Kansas. In so far as this bill proposes by general enactment to take from the House the burden of passing special acts, it strikes me as being good. Yet, so far as the banks are concerned, should this bill become a law, they would be freed from the supervision which is now maintained over them to the extent that they can not increase their capital stock without a special act. This would be the first great gain to the banks by the passage of this bill. It is true it would benefit us in the transaction of business; and that consideration has been strongly presented to us. But it is also true that each one of the many hundreds—I do not know how many—of national banks in the country will, by the passage of this act, obtain an advantage which they do not now have. In other words, they can instantly at their own pleasure increase their capital stock four, six, eight, ten, or fifteen times what it now is.

Mr. WEAVER, of Iowa. And hence their currency, too.

Mr. ANDERSON, of Kansas. Now, that brings us to another point. If they can obtain this advantage in being freed from the supervision of Congress, in being freed from the necessity of obtaining special authority for the increase of their capital stock, they can *en masse* increase their issue of national-bank notes. In this view, it seems to me this bill carries with it a power which should for a moment at least challenge the attention of this House. We have the silver question under discussion; we have the movement of the "gold-bugs," persistent and perpetual, to depreciate silver. Now you come with this bill giving to the national banks the power to increase their circulation, no man can tell how much, and it is all done under the guise of taking from the House the burden of considering local bills.

It seems to me that it is at least worth while for gentlemen who are interested in the financial question—for gentlemen who see the effect of an abundance or scarcity of money upon the prosperity of the country—for gentlemen who see the amount of power that is to-day consolidated in the national banks—it is at least worth while for those gentlemen to determine whether on a very brief discussion they are ready to pass a bill which will give to the national banks the power to still further inflate and control the currency. If there be not enough currency to-day, the question may be asked whether the proper remedy is not to increase silver coin instead of national-bank notes. That query I answer affirmatively. There arises also the question whether Congress in the proper exercise of its power over the currency should go to the extent of giving to the national banks unlimited control over that factor which you call the elasticity of the currency.

Now, for my part, I favor the national banking system, and have always done so; but it seems to me the time has come when the banks shall be deprived of the power of issue; that the time has come when there will be gold and silver enough in coin and gold and silver enough in bullion, with power in the United States to issue its certificates of deposit and to maintain and issue its "greenbacks"—I say the time has come, in my judgment, when this combination and ability will afford all the elasticity our currency can need, and for that reason, Mr. Speaker, I am opposed to this bill, and thank the gentleman from Illinois [Mr. ADAMS] for the opportunity of so stating.

Mr. ADAMS, of Illinois. Mr. Speaker, before I yield to the gentleman from Texas, I desire to know how much time of the hour is left?

The SPEAKER. Thirty-one minutes of the hour remain.

Mr. REAGAN. I only want two or three minutes.

Mr. ADAMS, of Illinois. I will yield for five minutes to the gentleman from Texas.

Mr. REAGAN. Mr. Speaker, I shall not occupy all of the time granted to me by the courtesy of the gentleman from Illinois. Now the banks have the power to extend their capital to an unlimited extent by the reorganization of their associations, and we would not, by refusing to pass this bill, prevent them from increasing their capital stock if they desire to do so, because it will be within their power to increase it If extensions of privilege are to be made by special bills, it seems to me it would be better in a general bill to make such general provision.

But I wish to say that while I may not oppose the passage of the bill, nevertheless I wish to enter my protest that it must not be construed to sanction the present policy of authorizing national banks to issue currency.

Mr. ADAMS, of Illinois. I have promised one minute to the gentleman from Iowa.

Mr. WEAVER, of Iowa. Mr. Speaker, I wish to reiterate what has been said by the gentleman from Texas, and also the gentleman from Kansas [Mr. ANDERSON]. I consider that unless a protest be made at this time this bill might be considered by the country as a declaration on the part of the House that further issue of bank notes would not be disturbed.

Now, with the distinct understanding that this is not to be taken as a declaration on the part of the House to that extent, or even looking in that direction, I suppose a vote might be taken. I shall, however, for the reason I have stated, vote against it. I do protest against this House making a declaration which shall seem to the country to be in favor of the further continuance of the national banking system.

Mr. RANDALL. Will the gentleman allow me to ask him a question?

Mr. WEAVER, of Iowa. Certainly.

Mr. RANDALL. Who is the gentleman making this understanding with, that the passage of this bill is to be taken to mean so and so?

Mr. WEAVER, of Iowa. The author of the bill says he intends nothing of the kind; that is all.

Mr. RANDALL. Do you think that will amount to much after the bill is passed and becomes law?

Mr. WEAVER, of Iowa. I do not. I shall vote against the bill.

Mr. ADAMS, of Illinois. I think I comply with the manifest desire of the House to call the previous question.

The previous question was ordered; and under the operation thereof the bill was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time.

Mr. ADAMS, of Illinois, demanded the previous question on the passage of the bill.

The previous question was ordered.

Mr. ANDERSON, of Kansas, demanded a division on the passage of the bill.

The House divided; and there were—ayes 77, noes 54.

Mr. RANDALL, Mr. TILLMAN, and Mr. WEAVER, of Iowa, demanded the yeas and nays.

The yeas and nays were ordered.

Mr. RANDALL. Let the bill be again reported, as it is a very important one.

The bill was again read.

The question was taken; and there were—yeas 130, nays 120, not voting 75, as follows:

YEAS—130.

Adams, G. E.	Dargan,	Hopkins,	Ranney,
Allen, C. H.	Davenport,	Houk,	Reed, T. B.
Arnot,	Davidson, A. C.	James,	Rice,
Atkinson,	Davis,	Johnson, F. A.	Rowell,
Baker,	Dibble,	Kelley,	Sawyer,
Ballentine,	Dorsey,	Ketcham,	Scott,
Bayne,	Dowdney,	King,	Scranton,
Beach,	Dunham,	Laird,	Seymour,
Belmont,	Ely,	Libbey,	Shaw,
Bliss,	Evans,	Lindsley,	Smalls,
Bound,	Everhart,	Little,	Spooner,
Boutelle,	Farquhar,	Long,	Springer,
Brady,	Felton,	Lore,	Stewart, J. W.
Breckinridge, WCP	Findlay,	Louttit,	Stone, E. F.
Browne, T. M.	Fleeger,	Lyman,	Strait,
Brown, C. E.	Gallinger,	Mahoney,	Swinburne,
Brown, W. W.	Gibson, C. H.	Millard,	Taylor, E. B.
Buck,	Gilfillan,	Miller,	Taylor, Zach
Bunnell,	Goff,	Milliken,	Thomas, J. R.
Burrows,	Grout,	Mitchell,	Thomas, O. B.
Campbell, Felix	Hahn,	Moffatt,	Thompson,
Campbell, J. M.	Hale,	Morrill,	Van Eaton,
Campbell, T. J.	Hanback,	Negley,	Viele,
Candler,	Harmer,	Nelson,	Wadsworth,
Cannon,	Hayden,	Oates,	Wait,
Caswell,	Haynes,	O'Neill, Charles	Wakefield,
Catchings,	Hemphill,	Parker,	Weaver, A. J.
Collins,	Henderson, D. B.	Payne,	Weber,
Comstock,	Henderson, T. J.	Payson,	West,
Conger,	Hepburn,	Perkins,	Wilkins,
Crain,	Herbert,	Peters,	Wolford,
Crisp,	Hiestand,	Phelps,	
Cutcheon,	Hires,	Price,	

NAYS—120.

Allen, J. M.	Frederick,	Lanham,	Sayers,
Anderson, C. M.	Fuller,	Lawler,	Seney,
Anderson, J. A.	Funston,	Le Fevre,	Sessions,
Barksdale,	Gay,	Lovering,	Skinner,
Barry,	Geddes,	Lowry,	Sowden,
Bennett,	Gibson, Eustace	Martin,	Stewart, Charles
Blanchard,	Glass,	Matson,	St. Martin,
Boyle,	Glover,	Maybury,	Stone, W. J., of Ky.
Bragg,	Green, R. S.	McAdoo,	Struble,
Bynum,	Green, W. J.	McMillin,	Swope,
Cabell,	Hall,	McRae,	Tarsney,
Carleton,	Halsell,	Morrison,	Taulbee,
Clardy,	Hammond,	Murphy,	Taylor, J. M.
Clements,	Harris,	Neal,	Throckmorton,
Cobb,	Hatch,	O'Donnell,	Tillman,
Cole,	Heard,	O'Ferrall,	Trigg,
Compton,	Henderson, J. S.	O'Hara,	Tucker,
Cowles,	Herman,	O'Neill, J. J.	Turner,
Cox,	Hewitt,	Outhwaite,	Wade,
Croxton,	Holman,	Peel,	Ward, T. B.
Culberson,	Howard,	Perry,	Warner, A. J.
Daniel,	Hutton,	Pidcock,	Warner, William
Dockery,	Irion,	Plumb,	Weaver, J. B.
Dougherty,	Johnston, J. T.	Randall,	Wellborn,
Eden,	Johnston, T. D.	Reagan,	Wheeler,
Eldredge,	Jones, J. H.	Richardson,	White, A. C.
Ellsberry,	Kleiner,	Riggs,	Willis,
Fisher,	Laffoon,	Robertson,	Winans,
Ford,	La Follette,	Rogers,	Wise,
Forney,	Landes,	Sadler,	Worthington,

NOT VOTING—73.

Adams, J. J.	Campbell, J. E.	Hitt,	Muller,
Aiken,	Cooper,	Holmes,	Neece,
Barbour,	Curtin,	Jackson,	Norwood,
Barnes,	Davidson, R. H. M.	Jones, J. T.	Osborne,
Bingham,	Dawson,	Lehlbach,	Owen,
Bland,	Dingley,	Markham,	Pettibone,
Blount,	Dunn,	McComas,	Pindar,
Breckinridge, C. R.	Ermentrout,	McCreary,	Pirce,
Brumm,	Foran,	McKenna,	Pulitzer,
Buchanan,	Grosvenor,	McKinley,	Reid, J. W.
Burleigh,	Guenther,	Merriman,	Reese,
Burnes,	Henley,	Mills,	Rockwell,
Butterworth,	Hill,	Morgan,	Romeis,
Caldwell,	Hiscock,	Morrow,	Ryan,
Singleton,	Stephenson,	Townshend,	Wilson,
Snyder,	Stone, W. J., of Mo.	Van Shaick,	Woodburn.
Spriggs,	Storm,	Ward, J. H.	
Stahlnecker,	Symes,	White, M.	
Steele,	Taylor, I. H.	Whiting,	

So the bill was passed.

Mr. BROWNE, of Indiana. I ask unanimous consent to dispense with the reading of the names.

Mr. WEAVER, of Iowa. I object.

The Clerk then recapitulated the names of those voting.

The following pairs were announced:

Mr. BARBOUR with Mr. PIRCE, until further notice.

Mr. TOWNSHEND with Mr. GROSVENOR, until further notice.

Mr. BARNES with Mr. DAVENPORT, until further notice.

Mr. JONES, of Alabama, with Mr. BURLEIGH, until February 17.

Mr. PINDAR with Mr. HITT.

Mr. HALL with Mr. COOPER, until February 15.

Mr. MILLS with Mr. GUENTHER, for to-day.

Mr. DAVIDSON, of Florida, with Mr. VAN SCHAICK.

Mr. BURNES with Mr. DINGLEY.

Mr. BLOUNT with Mr. BINGHAM.

Mr. SNYDER with Mr. HOLMES.

Mr. STORM with Mr. WHITE, of Pennsylvania.

Mr. MERRIMAN with Mr. PETTIBONE.

Mr. CALDWELL with Mr. MARKHAM.

Mr. CAMPBELL, of Ohio, with Mr. HISCOCK.

Mr. MCCREARY with Mr. MCCOMAS.

Mr. STAHLNECKER with Mr. WHITING, for this day.

Mr. BLAND with Mr. WOODBURN, on this vote.

The result of the vote was then announced as above recorded.

ORDER OF BUSINESS.

The SPEAKER. The hour devoted to the consideration of this business under the rule has expired.

Mr. ADAMS, of Illinois. Am I in order, Mr. Speaker, in moving to reconsider and lay on the table the vote by which the bill was passed?

The SPEAKER. The gentleman may enter the motion to reconsider, but the Chair can not entertain it now.

Mr. WEAVER, of Iowa. On that motion I demand the yeas and nays.

Mr. MCMILLIN. On the motion to lay on the table I demand the yeas and nays.

The SPEAKER. It can not be disposed of now, being business which belongs to the hour which has expired.

Mr. RICHARDSON. I desire to state that my colleague, Mr. CALDWELL, is detained at home by sickness, which prevented his being present and voting on this bill.

FITZ-JOHN PORTER.

Mr. BRAGG. Mr. Speaker, I move that the House now resolve itself into Committee of the Whole for the consideration of the bill (H. R. 67) for the relief of Fitz-John Porter, under the special order of the House.

The motion was agreed to.

The House accordingly resolved itself into Committee of the Whole, Mr. SPRINGER in the chair.

The CHAIRMAN. The House is now in Committee of the Whole for the consideration, under the special order of the House, of the bill which will be reported by the Clerk.

The Clerk read as follows:

Whereas the board of Army officers convened by the President of the United States, by special orders, numbered 78, headquarters of the Army, April 12, 1878, to examine into and report upon the case of Fitz-John Porter, late a major-general of the United States volunteers and a brevet brigadier-general and colonel of the Army, having by their report of March 19, 1879, stated that, in their opinion "justice rquired at his (the President's) hands such action as may be necessary to annul and set aside the findings and sentence of the court-martial in the case Maj. Gen. Fitz-John Porter, and to restore him to the positions of which the sentence deprived him, such restoration to take effect from the date of dismissal from the service;" and

Whereas the President, on the 4th day of May, 1882, remitted so much of the sentence of said court-martial remaining unexecuted as "forever disqualified the said Fitz-John Porter from holding any office of trust or profit under the Government of the United States:" Therefore, that justice may be done the said Fitz-John Porter, and to carry into effect the recommendation of said board,

Be it enacted, &c., That the President be, and he is hereby, authorized to nominate and, by and with the advice and consent of the Senate, to appoint Fitz-John Porter, late a major-general of the United States volunteers and a brevet brigadier-general and colonel of the Army, to the position of colonel in the Army of the United States, of the same grade and rank held by him at the time of his dismissal from the Army by sentence of court-martial promulgated January 27, 1863, and, in his discretion, to place him on the retired-list of the Army as of that grade, the retired-list being hereby increased in number to that extent; and all laws and parts of laws in conflict herewith are suspended for this purpose only: *Provided*, That said Fitz-John Porter shall receive no pay, compensation, or allowance whatsoever prior to his appointment under this act.

Mr. EVERHART. Mr. Chairman, I rise to make a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. EVERHART. Would it be in order at this time to give notice of an amendment to strike out, in the last line, the words "prior to his appointment?"

The CHAIRMAN. The gentleman may give notice of his intention of offering the amendment, but the bill is not now subject to amendment, being open for general discussion under the order of the House.

Mr. EVERHART. I give notice of my intention to offer at the proper time the amendment I have suggested.

Mr. HAYNES. Mr. Chairman, when the question of General Porter's restoration was before the Forty-eighth Congress I contented myself with simply voting my convictions. Those convictions were in a measure the result of personal observations and personal recollections, and I discuss the question partly from the standpoint of a participant in the second Bull Run campaign.

We have no reason to believe that the present discussion will develop any new facts or give us much new light. The same old evidence, so often sifted, weighed, arranged and rearranged, is all we have in the case now. No witnesses can be summoned here who will not be recognized as old acquaintances. They have been grouped over and over again, and their testimony analyzed and dissected with critical minuteness; and in opening this debate I shall occupy but little time in repeating what has already been so fully rehearsed. I have a few general propositions, a few applications of evidence in bulk rather than in detail; and as corroborative of other testimony in the case I bring to bear a recollection in which I have a reasonable degree of confidence—my own.

I believe it is good military law—it is good military common sense, anyway—that an officer at a distance from his superior must have some discretion in the execution of orders from that superior. Under the commander's immediate eye his directions are not to be deviated from, for he is cognizant of all surroundings and all circumstances and alone responsible for errors of judgment. But at a distance there are a thousand contingencies and circumstances unknown and unforeseen at headquarters that may interpose in the execution of a movement and render a departure from the strict letter of the order imperative.

The commander of an isolated corps who would involve his command in disaster which might be averted by literally obeying the letter of his instructions against obstacles of which the commanding general was ignorant would be properly branded as an incompetent and unworthy of command. Under such circumstances the spirit of the order is to be considered by the subordinate. If its literal execution will clearly defeat the result aimed at, he is a poor corps commander who would not mold his actions to the circumstances.

I apply this principle particularly to Pope's order of August 27, the failure to comply with which in the letter constitutes the first in the series of offenses with which Porter was charged and upon which he was convicted.

Nightfall of that day found Jackson at Manassas Junction, where he had been engaged in destroying such of Pope's captured stores as he had no immediate use for; Hooker, marching from Warrenton Junction directly upon Manassas, had fought Ewell at Kettle Run, and was in bivouac upon Jackson's front near Bristoe Station, and Porter had just arrived at Warrenton. Late in the evening Porter received the order from Pope, whose headquarters were at Bristoe, to march at 1 o'clock, so as to be at Bristoe by daylight. Pope contemplated an early morning attack upon Jackson at Manassas; but Jackson was not there to be attacked according to programme, and it happened that Porter's delay, whether constituting the grievous offense his enemies claim or not, is chargeable with no evil consequences to the campaign. Had a fight occurred according to Pope's anticipations, and had Porter put his corps upon the road at 1 o'clock, as directed, I believe, for reasons which I shall fully state, he would to-day be branded with the odium of incompetency in not observing the proper precautions for preserving the efficiency of his command.

The evacuation of Warrenton at a given hour was not the essence of Pope's order, but the appearance of the Fifth Corps at the other end of the route at as early an hour as possible. And if it be shown that Porter started as early as the conditions would permit, whether it were 1 or 3 o'clock, and that he pushed forward with all possible dispatch, he did all that could have been expected of him and only added one to thousands of precedents ever since war began where subordinate commanders have failed to move precisely as directed as to time, direction, or order, and that without incurring the charge of treachery and the penalty of insubordination.

I believe he fulfilled the military requirements of the situation. His troops, I doubt not, could have made a rapid march of 9 miles under favorable conditions for marching. But I know that, whatever the condition of the troops may have been—whether fresh or exhausted—the conditions of the road and of the night combined were such that no experienced soldier at 1 o'clock would have placed upon that road a corps of nine thousand men with the expectation of holding them together for a forced march of 9 miles. And if odium is to attach to this delay it must be shared by his division generals, who, after a proper examination of the road and the weather, advised it. That the road was crowded with trains at that time there is abundant evidence. As to its general character I am satisfied to be guided by my own recollections, which may be the weakest of evidence to every other member of this House but is the most convincing to myself.

It was my fortune to be a member in good standing of the first Union regiment that passed over the road that day—the Second New Hampshire Regiment, of Grover's brigade, which furnished the skirmishers and led the advance of Hooker's division from Catlett's Station to Kettle Run.

I remember it as a very ordinary country road, in very bad condition and repair. No man can tell me it was a broad, spacious turnpike, where troops could march in unbroken files, for I know to the contrary. I remember its ruts and sloughs and obstructions; that for long distances the wayside trees and bushes grew almost to the very edge of the wheel tracks; that at one point, perhaps a mile from where the enemy was met at Kettle Run, there was considerable difficulty, even in broad daylight, in passing the column over a stream where the bridge had been destroyed. And it was over such a road as this, packed with wagon trains, that Porter was expected to march the Fifth Corps, of nine thousand men, in hours of almost Egyptian darkness.

I know there is evidence of starlight at some time from some witnesses, and that troops marched upon other roads. But there certainly was not a very brilliant illumination when General Patrick's orderlies and staff officers dismounted to feel their way along the road. Colonel Brinton was not favorably impressed with the street-lighting arrangements when he went bumping along the road—running into first a tree and then a wagon, and so dark that he was unable to distinguish either until upon it. How the Fifth Corps would have gone galloping down that road at the rate of 3 miles an hour in order to be at Bristoe by daylight!

But, Mr. Chairman, I have excellent reasons for remembering the condition of the night at one end of Porter's route at least.

I was on the picket line that night, and Yankee pickets upon Stonewall Jackson's front on the night of an engagement generally had a pretty keen eye for their surroundings. I remember that Hooker's division was hardly in bivouac before a heavy mist settled down like a pall and held until dispelled by the morning sun. And I re-enforce my own recollections as to the darkness of the night by that of other members of my regiment. General Gilman Marston, at that time in command of the regiment (a former member of this House, and well known to some of you, an honored Republican leader in my State), attempted to visit the picket line that night, but lost his way on account of the darkness and gave up the attempt. And I take the liberty to say that he with other officers and men of the regiment—Republicans—stand with me in pleading justice for General Porter. With such recollections I can arrive at but one conclusion, that Porter acted with sound military judgment in delaying his march until the conditions were such that he could hold his troops together and deliver them a compact, effective force to his commander.

In military as in other affairs theory is one thing and practice is another. You can not predicate the march of ten thousand men upon the distance one man can cover. Those of us who have marched in the dusty column need not to be told how a body of troops disintegrates, scatters, and loses its cohesion under such circumstances as I have cited. The best corps, unable to preserve its military compactness, degenerates into a sort of go-as-you-please walking match scattered along the line of march, and a great many please to go very slow—to take very long rests and very frequent ones. There are many instances to illustrate this. In the summer of 1863 the division of the Third Army Corps, with which I was connected, was started for a night march from Gum Springs to Monocacy, following from Edwards Ferry the tow-path of the canal. We had a better road than that from Warrenton to Bristoe; but when the general went into camp that night he had only a few hundred men with him. The bulk of his command were bivouacked in little squads for miles along the river bank, and it took a good part of the next day to bring the division together again. These men were not tenderfoots nor green troops. They were the veterans of the "white diamond," and only a few days later fought at Gettysburg with a stubborn valor and a discipline never excelled. The division general was an officer of marked ability. But in this instance he erred in practical judgment, with the result that for many hours his command was virtually obliterated as an effective force.

It is a dangerous error to commit—in my mind an inexcusable one—where everything may depend upon keeping troops well in hand and in compact organization. And the fact that Porter avoided such a blunder—the judicious exercise of a discretion for which he should have been thanked and applauded—was made one of the counts upon which he was tried, convicted, cashiered, and disgraced. I refuse to sign the verdict.

I have no personal prejudices for or against to bias my judgment in this matter. The strongest prejudices I have ever entertained were against Porter, but they disappeared when I proceeded to examine the case.

I do not accept the estimate of Pope which is entertained by many of Porter's friends. It was his misfortune to be transferred from a command where he had won honorable distinction. It was against his own wishes and judgment, as he sets forth in a recent magazine article. I will not assert that he did not do as well as any other would have done under the manifold difficulties which he found ready-made in his new command. He was called to face difficulties and untangle a desperate condition of affairs, in the making of which he had no hand and no responsibility. That he failed should not be quoted to his discredit more than the failure of many another under less trying conditions. He was precipitated into a campaign, bewildering in the rapidity and complication of its movements, against the best military leaders and the best troops of the confederacy, upon a field with which he was but imperfectly acquainted and without opportunity to establish with

his own troops those relations of mutual confidence and understanding that are so important between commander and men.

There was more than one disappointment in the execution of his plans. Porter was not the only officer upon whom he throws the burden of disappointing him at a critical moment. That Reynolds and Sigel did not re-enforce King on the afternoon of the 28th he says "seems unaccountable." The reason given—that McDowell was absent from the corps, having lost his way—he says "is not satisfactory." To his "great disappointment and surprise" (I quote his own language) he learned the next morning that King had fallen back toward Manassas Junction, and that neither Sigel nor Reynolds had been engaged. Others than Porter failed to meet his expectations, and at critical moments, too. In the mild way I have quoted he makes them to a certain extent scape-goats for the failure of his campaign, but they continued to be honored and trusted, as they deserved to be. It is rarely that all the details of such a campaign as this move according to preconceived order and plan.

All of these officers who, as he says, failed him at times subsequently did desperate fighting in the execution of his orders, and none better than Porter. And the selection of Porter from them all to be branded as a traitor, and made responsible for the failure of the campaign, I look upon as largely in the spirit of a return of compliments. If we could read the minds of men, if we could view the hidden springs which influence their actions, even when they are unaware, we should find that it was Porter's disrespectful and inexcusable allusions to Pope, cropping out at times, which pointed him as an object of suspicion and a mark for revenge. McDowell or Sigel or Heintzelman never would have been tried for the failures of movement upon which Porter was tried. I believe if either of these officers had been in Porter's place and he in theirs, and they had conducted their movements precisely as he did his, we should never have had the court-martial which was subsequently convened, and no Union general of that campaign would have suffered for more than twenty years a stigma worse than death. There was no breach of military discipline so common as this, and if the results of campaigns had been influenced by the expressed opinions of subordinates concerning superiors, many a battle that was won by the courage and devotion of the growlers would have been lost; and if those so offending had been made the subjects of military discipline the Army would speedily have been resolved into one great general court-martial. Fitz-John Porter was one of the growlers, but his punishment has been out of all proportion to his offense. The elimination of a few unfortunate words of his from this case would have weakened it in an astonishing degree. But for the antagonisms they naturally aroused Gaines's Mill, Savage Station, White Oak Swamp, and Malvern Hill—a military record without a blemish—would have counted as something against his failure to execute orders, impossible to execute, at Warrenton and Groveton.

I have dwelt upon the order of the 27th somewhat in the character of a witness, stating the reasons which led to my absolute conviction of Porter's innocence. In my judgment there is not a pin there upon which to hang a suspicion of insubordination in motive or in act. The disproving of bad intentions and bad conduct here not only removes a specific charge from the case against Porter, but measurably weakens the presumption of treacherous disobedience on the 29th. It is not my purpose to beat the old straw so often beaten, or to recapitulate in detail the evidence so often repeated here. It should be by this time as familiar as household words. Upon it Grant, and Schofield, and Terry, and Getty grounded their belief in Porter's innocence.

My general conclusions in regard to the 29th I summarize very briefly. There can be no question, I think, that Pope's first order to march upon Centreville was complied with. The disobedience did not commence there. There can be no question that the joint order directing the movement toward Gainesville was complied with, and he was executing the order of General Pope, in letter and in spirit, when at Dawkin's Branch he was confronted by conditions of which Pope was absolutely ignorant. In his joint order he had informed Porter that—

> The indications are that the whole force of the enemy is moving in this direction at a pace that will bring them here by to-morrow night or the next day.

But Porter found that it was not "to-morrow night or the next day" that he might look for the arrival of Longstreet, for Longstreet had already arrived, and was at that moment confronting him. A mounted man direct from Gainesville met them with the startling news that he had seen the enemy's skirmishers there with their main body close behind. A little farther on Porter's skirmishers encountered those of the enemy, and he posted his batteries and placed his troops in position. Prisoners were taken—Longstreet's men—and information was received from Buford that as early as 8.45 that morning seventeen regiments, with battery and cavalry, had passed through Gainesville.

It is very easy to say that Porter should have attacked. In the orders to this time received there were no directions to attack. As soon as communications were established with the forces upon the right he was directed to halt. It is unquestionable that when Pope issued the joint order he was under the impression and belief that there was a free road to Gainesville and beyond. It rests upon his own testimony before the court-martial that when he issued the 4.30 order to Porter it was for an attack upon Jackson's right. Porter's fault, in the judgment of those who condemned him, was not that he did not attack Longstreet, but that he neglected to give the finishing blow to Jackson before Longstreet arrived. With the actual situation upon Porter's front, as he knew it then and as we know it now, with no specific orders to attack until the 4.30 order came, the whole question of disobedience is brought to that one point.

If the evidence of half a dozen officers at Porter's headquarters is to be given any weight, that order did not reach Porter until after sundown. If Porter's division generals are truthful men, he went to the front, had troops deployed, and advanced but did not attack, deterred by the protests of his officers, when the strength of the enemy and of his position was developed in the increasing gloom of night. This was not the spirit of an insubordinate officer. General Porter knew that Pope absolutely misapprehended the situation, but for all that he started to carry out the order; and it was for us the one fortunate feature of that campaign of disaster that it was received too late to be put into execution.

Since the court-martial we have had opened up sources of information not then available. If there is one man above all others who should be presumed to know the actual situation on Porter's front, who should be able to clear up the disputed point as to the position of Longstreet's corps, whose judgment we would accept as to the probable results of movements in that portion of the field, that man is General Longstreet himself. He gave his testimony before the Schofield board, and we can not ignore his statements.

As a concise summary, I call attention to an extract from his article entitled "Our March against Pope," in the February number of The Century Magazine. It not only shows how completely General Pope misunderstood the actual situation, but, making all due allowance which prejudice can possibly suggest, it points with the finger of a military expert the disastrous results which might have come to the Union arms had Porter precipitated himself, not upon Jackson's right but upon Longstreet's veterans, outnumbering him two or three to one. General Longstreet says:

> General Pope, sanguine by nature, was not careful enough to keep himself informed about the movements of his enemy. At half past 4 on the afternoon of the 29th he issued an order for Porter to attack Jackson's right, supposing I was at Thoroughfare Gap, when in fact I had been in position since noon, and was anxiously awaiting attack. It has been said that General Stuart, by raising a dust in front of Porter, so impressed him that he did not offer battle. I know nothing of the truth of the story, and never heard of it till after the war. If from any such cause Porter was prevented from attacking me it was to our disadvantage, and delayed our victory twenty-four hours. Porter knew I was in his front. He had captured one or two of my men, which gave him information of my position before he actually saw me. If Porter had not appeared when he did I would have attacked by our right early in the afternoon. In that event Porter would have had a fine opportunity to take me on the wing and strike a fearful blow. As it was, he was a check upon my move against Pope's main position. If I had advanced upon Pope I would have been under an enfilade fire from Porter's batteries, and if I had advanced upon Porter I would have been under a fire from the batteries on Pope's front as severe as the raking fire from my batteries the next day, when Pope was massed against Jackson. Had Porter attacked me between noon and night on the 29th I should have received his nine thousand with about double that number. I would have held my line to receive the attack, and as soon as his line developed its strength I would have thrown three brigades forward beyond his extreme left. When my line of battle had broken up the attack, as it certainly would have done, these three brigades would have been thrown forward at the flank, and at the same time my main line would have pushed on in the pursuit. The result would have been Porter's retreat in confusion, and I might possibly have reached Pope's left and rear in time to cut him off. When his army was well concentrated on the 30th he was badly cut up and defeated. It does not seem unreasonable to conclude that attack on the 29th in his disjointed condition would have been attended with more disastrous results to him. If I had been attacked under the 4.30 order the result might have been less damaging, as Porter would have had the night to cover his retreat, and the Federal Army could have availed itself of the darkness to screen its move back across Bull Run. But Porter's attack at night, if not followed by the retreat of the army, would have drawn me around the Federal left, and put me in a position for striking the next day.
>
> Colonel Marshal, of General Lee's staff, in his evidence before the Fitz-John Porter board, puts my forces on the 29th at thirty thousand. It is difficult to see how Porter with nine thousand men was to march over thirty thousand of the best soldiers the world ever knew. Any move that would have precipitated battle would have been to our advantage, as we were ready at all points and waiting for an opportunity to fight. The situation will be better understood when we reflect that the armies were too evenly balanced to admit mistakes on either side. I was waiting for an opportunity to get into the Federal lines close upon the heels of their own troops. The opportunity came on the 30th, but the Federal Army was then concentrated; had it come on the 29th I would have been greatly pleased.

One point in the report of the Schofield board should be especially impressed upon this House—that section wherein they prick the bubble so often blown in debate—the big guns bellowing, "This way, Fitz-John Porter!" It will bear repeating:

> The judgment of the court-martial upon General Porter's conduct was evidently based upon greatly erroneous impressions, not only respecting what that conduct really was and the orders under which he was acting, but also respecting all the circumstances under which he acted. Especially was this true in respect to the character of the battle of the 29th of August. That battle consisted of a number of sharp and gallant combats between small portions of the opposing forces. Those combats were of short duration and were separated by long intervals of simple skirmishing and artillery duels. Until after 6 o'clock only a small part of the troops on either side were engaged at any time during the afternoon. Then, about sunset, one additional division on each side was engaged near Groveton. The musketry of that last contest and the yells of the confederate troops about dark were distinctly heard by the officers of Porter's corps; but at no other time during all that afternoon was the volume of musketry such that it could be heard at the position of Porter's troops. No sound but that of artillery was heard by them during all those hours when Porter was understood by the court-martial to have been listening to the sounds of a furious

battle raging immediately to his right. And those sounds of artillery were by no means such as to indicate a general battle.

The reports of the 29th and those of the 30th of August have somehow been strangely confounded with each other. Even the confederate reports have, since the termination of the war, been similarly misconstrued. Those of the 30th have been misquoted as referring to the 29th, thus to prove that a furious battle was going on while Porter was comparatively inactive on the 29th. The fierce and gallant struggle of his own troops on the 30th has thus been used to sustain the original error under which he was condemned. General Porter was, in effect, condemned for not having taken any part in his own battle.

There are, perhaps, others than myself upon this floor who can bear testimony to the correctness of these findings. The manner in which my own brigade was put in was a sample of this day's work. "Where are my supports?" inquired Grover of the aide when his line was formed in the edge of the woods. "Oh, they are coming!" was the response; "your orders are to advance at once and carry the railroad embankment with the bayonet!" It was all over inside of ten minutes. Five hundred men of Grover's skeleton brigade lay dead or wounded, and what there was left came back to reform and to hunt for those "supports." They came up after a time, went in as we had gone in and came out as we came out. And so it went on through the entire day of the 29th—sharp dashes, quickly over, with long intervals of time between. There was no time when the artillery firing was general, continuous, or heavy. And the plan of the day, if plan there was, seems to have been to put in one brigade at a time—and veteran brigades were small in the army—one brigade at a time, to be slaughtered, overwhelmed, and repulsed, no matter how desperate the assault nor how well sustained; and I assert that, even to those in the immediate vicinity of the fighting, those to the north of the Centreville pike, there was nothing in the volume or character of the firing to indicate a general engagement. It was on the following day, when the lines were blazing from the Henry Hill to Groveton, that the fight took the character of a general engagement, with a continuous roar of both musketry and artillery that made itself heard even in Washington. It was then that the big guns were bellowing, "This way, Fitz-John Porter!" and that they did not call in vain is attested by the official reports and by the death-roll of the Fifth Corps then recorded.

All sorts of sympathies and prejudices have been appealed to against Porter. He has been compared to Benedict Arnold. One, with unimpaired skill and valor, led his command in one of its hardest fights and was trusted with important commands for months after every item of his alleged treason had been committed. The other fled in haste to the enemy, took arms in their service, and cast his fortunes with them forevermore. And I have been greatly impressed within a few days by the statement made to me by a distinguished member of this House—one who will not vote as I shall vote upon this bill—that he was in position to daily observe Fitz-John Porter in the early days of his retirement and disgrace, and was struck by the eagerness with which he scanned the papers for war news, his unconcealed disgust over Union reverses, and his exultation over the triumphs of our arms.

The political prejudices of the war times are appealed to. No man possesses them in a greater degree than myself, but they are not to lead me into an indorsement of what I consider a wrong to a patriotic Union soldier.

How often have we been appealed to by the memory of those who fell at Groveton, a worse than useless sacrifice, and all ascribed to Porter's treachery! But with all due modesty I shall insist that none can have a better right to speak for the patriotic dead of that great field than the members of Grover's brigade.

We are appealed to for a vindication of the memory and judgment of Abraham Lincoln. The man will never live who has a greater reverence for that name and memory than I have. There are two names that will pass down in history linked together as the saviours of the Union. The hand of the great civil leader fell from the helm just as the ship of state he had guided so skillfully came sailing into port. The captain who led our armies left us only the other day. Both at one time equally believed in the justice of Porter's sentence. But he to whom the opportunity was given for a calm, dispassionate review of the case proclaimed the injustice of the verdict, and became the earnest champion of Porter's cause. And he is a bold man who to-day dares impugn the military judgment and honesty of purpose of Ulysses S. Grant. We know Lincoln's great sense of justice and humanity. We know that in the darkest days of the war he could plead with malice toward none, with charity for all. Could he speak to-day he would ask no man to stifle an honest conviction nor to halt in what he might consider the path of justice simply as an indorsement of his signature upon a court-martial verdict. And had it been permitted to him to live as Grant lived, I believe they would have stood together in their demand for justice to Fitz-John Porter.

The political prejudices of the present day should not be a factor in this discussion. The statement in the minority report now before us that the Republican members of the Forty-eighth Congress, "holding in reverence the memories of the great war Secretary who convened the court, the illustrious men who constituted it, and the lamented President who approved its findings, voted with approximte unanimity against reopening the case," is just a grain misleading. The Republican minority who then voted for Porter was not only respectable in point of numbers, but the character of their Republicanism is such that I do not feel out of place in their company.

And speaking for the constituency I represent—for the district in which, at Portsmouth by the sea, Fitz-John Porter first saw the light of day—I know that I am backed in my position and my vote by thousands of my own political faith, soldiers as well as civilians. I am not inappreciative nor unmindful of the moral influence of such a support, but if I stood solitary and alone among all the Republicans of this country in supporting this bill, I should vote as I have voted once and as I shall vote again. To do otherwise would be to outrage my own convictions and belittle my own judgment. I have no personal acquaintance with Fitz-John Porter. I never met him and should not know him were I to meet him to-day. There are no personal friendships, no social or political influences to direct my judgment in his favor. I act simply upon my convictions of right and justice and the equities of his case.

The CHAIRMAN. The gentleman from New Hampshire has seven minutes of his time remaining.

Mr. HAYNES. I reserve that time.

Mr. STEELE. Mr. Chairman, "What in the thunder are we here for?" [Laughter.] "Why are we discussing Fitz-John Porter?" has been heard coming from the members of this House quite frequently of late, and at least one Democrat added to his remark: "You know the Democrats are all going to vote for him anyhow." I believe, sir, that this is true. I believe they are going to vote for him anyhow; but I shall not be deterred from giving the reasons why I think they shoud not vote for him.

The judge-advocate of the military commission, Major Gardner, United States Army, in speaking of this case, well said of the character of this court:

Nine general officers sat in the trial of the petitioner, not as we are sitting, under the ordinary obligation or oath which we took on accepting our commissions, but under the additional obligation of a special oath, prescribed by statute, to, among other things, "well and truly try and determine, according to evidence, and to duly administer justice."

There had not been a court in the American Army of officers of such high rank since General Washington appointed the tribunal (September 29, 1780) which tried Maj. John André, adjutant-general of the British Army.

Most of the members were old friends and acquaintances of the accused, and his relations with the president of that court were of so intimate a character that the latter was reluctant to sit, and only did so, I have been credibly informed, because the former wished it.

These nine general officers were—

1. Maj. Gen. David Hunter, United States Volunteers, of the District of Columbia. Graduated at United States Military Academy 1822; colonel and brevet major-general, United States Army [recently deceased.]

2. Maj. Gen. Ethan Allen Hitchcock, of Vermont. Graduated at United States Military Academy 1817; now deceased.

3. Brig. Gen. Rufus King, United States Volunteers, of New York. Graduated at United States Military Academy 1833; subsequently resident minister to Rome; now deceased.

4. Brig. Gen. Benjamin Mayberry Prentiss, United States Volunteers, of Virginia; subsequently appointed major-general of volunteers, to date November 29, 1862. [Eulogized by Hon. Reverdy Jonnson in 1863 (printed pamphlet, page 11) for "skillful defense of Helena, Ark."]

5. Brig. Gen. James Brewerton Ricketts, United States Volunteers, of New York. Graduated at United States Military Academy 1839; brevet major-general, United States Army; now major-general, United States Army; on retired-list.

6. Brig. Gen. Silas Casey, United States Volunteers, of Rhode Island. Graduated at United States Military Academy 1826; subsequently appointed major-general of United States Volunteers, to date May 31, 1862, in acknowledgment of service in battle of "Fair Oaks;" brevet major-general, United States Army [deceased.]

7. Brig. Gen. James Abram Garfield, United States Volunteers, of Ohio, formerly chief of staff to Major-General Rosecrans; afterward major-general United States Volunteers for gallant and meritorious services in the battle of Chickamauga. Representative in Congress from Ohio since 1862 [Senator and President; deceased.]

8. Brig. Gen. Napoleon B. Buford, United States Volunteers, of Kentucky. Graduated at United States Military Academy 1827; brevet major-general United States Volunteers; subsequently special United States commissioner for Indian affairs.

9. Brig. Gen. John P. Slough, United States Volunteers; afterward chief-justice Territory of New Mexico; now deceased.

The judge-advocate was Hon. Joseph Holt, Judge-Advocate-General, who had been Secretary of War under President Buchanan, and is now a brigadier-general on the retired-list of the Army.

To his carefully prepared written defense on the merits the judge-advocate of the court made no reply whatever; but, in alluding to the length of the investigation, said (page 727, G. C. M. Rec.):

"I will simply remark that this case has been thoroughly and most patiently investigated. A continuous session of some forty-five days sufficiently attests this. Indeed, the greater part of the evidence touching the more important and the more severely contested points has, by re-examination and cross-examination, been again and again impressed upon your minds, so that I now feel entirely satisfied that it is completely comprehended and appreciated by you in all its bearings.

"Whatever, therefore, of inaccuracies of interpretation of testimony, and whatever of illogical deduction from it may have found a place in the very elaborate defense of the accused, which has been read, may be safely left for their correction to the recollection and the judgment of the court."

The accused in his defense, on his trial, said, in addressing that court (page 256, G. C. M. Rec.):

"Yourselves, most if not all of you, have known me well. Your eminent official law adviser (meaning Judge-Advocate-General Holt), who has conducted this prosecution calmly and fairly so far as on him depended, but with the vigilance and energy which his duty demanded, himself, in the recent past, when numerous events hinged on the great sway which in his high post he bore, has trusted me, and has felt that his trust was in no wise betrayed."

This was the character of the court. Hon. Reverdy Johnson and Charles Evans represented the accused before that court; both able men. He had the advantage of as able counsel as this country could afford. And yet, after long and patiently trying the case, the court decided against him. President Lincoln, who had the case in his hands

at least two days—and it is attested he carefully reviewed it—approved the sentence. President Arthur has put his seal of office against him on constitutional grounds, at least, and, I think, wisely did so; but I shall leave the discussion of the constitutional question to gentlemen who will follow me.

I predicate my judgment in this matter upon the evidence taken at the time and upon the official reports made at the time, so far as they were made; and I am led to say "so far as they were made" because some of Porter's friends who had commands during the engagements of the 29th and 30th of August, 1862, did not make as full reports as they ought to have made and as they might have made had he not, in my opinion, interfered with them.

To start now on the merits. We find Porter landing at Acquia Creek on the 21st of August. He debarked his troops, and on the 22d marched to Deep Creek. There is where I find his troops on the 22d day of August. He remained at Falmouth with General Burnside, while his army was up at Deep Creek and Kelly's Ford from the 22d to the 25th or 26th. I mention this to controvert the statement or the idea that you have had conveyed to you that his troops were sorely tired, footsore, and weary when they arrived at Warrenton Junction on the 27th with Sykes's division.

On the 26th he marched to within 5 miles of Bealeton, a distance of 8 miles. Morell had marched on the 23d to Kelly's Ford, which is 8 miles from Bealeton; on the 27th Sykes's division marched to Bealeton, 5 miles, and to Warrenton Junction, 7 miles, making a distance of 12 miles for that day and 8 the day before; and no march at all for the three days previous.

Morell marched from Kelly's Ford 8 miles to Bealeton and 7 miles to Warrenton Junction on the 27th. He had not marched over 8 miles during the three previous days. We find that Sykes arrived at Warrenton Junction at as early as 10 o'clock with the head of his column, and that Morell arrived there at as early as 2 o'clock with the head of his column. They might have arrived earlier, either column, if they had so desired. This places them in camp there, not footsore, weary, and shoeless, but fresh to go on to do battle if called upon. And I wish here to say, if the soldiers of that command had been called upon to march or do battle I believe every single man of them would have gladly responded.

At 9.30 that evening General Porter received, by the hands of Captain De Kay, a United States officer (Porter was a United States officer), from General Pope the following order:

HEADQUARTERS, ARMY OF VIRGINIA.

GENERAL: The major-general commanding directs that you start at 1 o'clock—

Not at half past 1 or any other hour except 1—

to-night, and come forward with your whole corps, or such part of it as is with you, so as to be here by daylight—

Not at 10 o'clock the next day, but—

by daylight to-morrow morning. Hooker has had a very severe action with the enemy, with a loss of about three hundred killed and wounded. The enemy has been driven back, but is retiring along the railroad. We must drive him from Manassas and clear the country between that place and Gainesville, where McDowell is.

I will insert it in full:

HEADQUARTERS ARMY OF VIRGINIA,
Bristoe Station, August 27, 1862—6.30 p. m.

Maj. Gen. FITZ-JOHN PORTER,
Warrenton Junction:

GENERAL: The major-general commanding directs that you start at 1 o'clock to-night and come forward with your whole corps, or such part of it as is with you, so as to be here at daylight to-morrow morning. Hooker has had a very severe action with the enemy, with a loss of about 300 killed and wounded. The enemy has been driven back, but is retiring along the railroad. We must drive him from Manassas, and clear the country between that place and Gainesville, where McDowell is. If Morell has not joined you, send word to him to push forward immediately. Also send word to Banks to hurry forward with all speed to take your place at Warrenton Junction. It is necessary, on all accounts, that you should be here by daylight.

I send an officer with this dispatch, who will conduct you to this place. Be sure to send word to Banks, who is on the road from Fayetteville, probably in the direction of Bealeton. Say to Banks also that he had best run back the railroad trains to this side of Cedar Run. If he is not with you, write him to that effect.

By command of Major-General Pope.

GEO. D. RUGGLES,
Colonel and Chief of Staff.

P. S.—If Banks is not at Warrenton Junction, leave a regiment of infantry and two pieces of artillery as a guard till he comes up, with instructions to follow you immediately upon his doing so. If Banks is not at the Junction, instruct Colonel Clary to run the trains back to this side of Cedar Run, and post a regiment and section of artillery with it.

By command of Major-General Pope.

GEO. D. RUGGLES
Colonel and Chief of Staff.

The order indicates trouble ahead, and this is the important portion of the order:

It is necessary on all accounts that you should be here by daylight.

Now, to show the spirit with which Porter had arrived at this point, I want to read you something of what he said:

I send you the last order from General Pope—

This is General Porter telegraphing to General Burnside—

which indicates the future as well as the present. Wagons are rolling along rapidly to the rear, as if a mighty power was propelling them. I see no cause for alarm, though I think this order may cause it. McDowell moves to Gainesville, where Sigel now is. The latter got to Buckland Bridge in time to put out the fire and kick the enemy, who is pursuing his route unmolested to the Shenandoah or Loudoun County. The forces are Longstreet's, A. P. Hill's, Jackson's, Whiting's, Ewell's, and Anderson's (late Huger's) divisions.

Longstreet is said by a deserter to be very strong. They have much artillery and long wagon trains. The raid on the railroad was near Cedar Creek, and made by a regiment of infantry, two squadrons of cavalry, and a section of artillery. The place was guarded by nearly three regiments of infantry and some cavalry. They routed the guard, captured the train and many men, destroyed the bridge, and retired leisurely down the road toward Manassas. It can easily be repaired. No troops are coming up, except new troops, that I can hear of. Sturgis is here with two regiments. Four were cut off by the raid. The position of the troops is given in the order. No enemy in our original front. A letter of General Lee, seized when Stuart's assistant adjutant-general was taken, directs Stuart to leave a squadron only to watch in front of Hanover Junction, &c. Everything has moved up north. I find a vast difference between these troops and ours, but I suppose they were new, as to-day they burnt their clothes, &c., when there was not the least cause. I hear that they are much demoralized, and needed some good troops to give them heart, and I think head. We are working now to get behind Bull Run, and, I presume, will be there in a few days, if strategy don't use us up. The strategy is magnificent, and tactics in the inverse proportion. I would like some of my ambulances. I would like also to be ordered to return to Fredericksburg to push toward Hanover, or with a larger force to push toward Orange Court-House. I wish Sumner was at Washington, and up near the Monocacy, with good batteries. I do not doubt the enemy have large amounts of supplies provided for them, and I believe they have a contempt for this Army of Virginia. I wish myself away from it, with all our old Army of the Potomac, and so do our companions. I was informed to-day, by the best authority, that, in opposition to General Pope's views, this army was pushed out to save the Army of the Potomac—an army that could take care of itself. Pope says he long since wanted to go behind the Occoquan.

I am in great need of ambulances, and the officers need medicines, which, for want of transportation, were left behind. I hear many of the sick of my corps are in houses on the road very sick. I think there is no fear of an enemy crossing the Rappahannock. The cavalry are all in the advance of the rebel army. At Kelly's and Barnett's Fords much property was left, in consequence of the wagons going down for grain, &c. If you can push up the grain to-night please do so direct to this place. There is no grain here or anywhere, and this army is wretchedly supplied in that line. Pope says he never could get enough.

Most of this is private, but if you can get me away please do so. Make what use of this you choose, so it does good.

Don't let the alarm here disturb you. If you had a good force you could go to Richmond. A force should at once be pushed on to Manassas to open the road.

Our provisions are very short.

F. J. PORTER.

Here is another:

I hope Mac's at work, and we will soon be ordered out of this. It would seem, from proper statements of the enemy, that he was wandering around loose; but I expect they know what they are doing, which is more than any one here or anywhere knows.

I read these, Mr. Chairman, to show the feeling that Porter had for Pope, to show that he had no loyalty in his heart for his commanding general. When he received that order from the hands of De Kay at 9.30, instructing him that it was of the utmost importance for him to be at Bristoe Station at daylight, instead of at once saying to the generals in his tent "We must march at 1 o'clock; it is all-important that we do so"—instead of that, he says, "There is an order to move at 1 o'clock." He did not inform Morell, Sykes, or Butterfield, the officers who were in his tent, of the importance of the order (and they all swear that they did not know); he "simply mentioned the order," knowing that those officers, ignorant of its importance, would say, "Why start at 1?" If he had ordered them to march at 1 o'clock they would have done so. Sykes says that if he had received such an order from Pope, or from Porter, he would have moved, but not understanding he said, "Oh, don't move at 1; wait till daylight." So said Morell and Butterfield, for the same reasons.

Porter, on his own account, knowing of the order, its importance, ought to have decided to comply promptly, but fearing, probably, that he might be in time to help Pope, and it being inconvenient, he directed the movement to commence at 3 o'clock, which meant 4. He agreed the night was dark, and the troops were tired. They had marched 12 miles, one division of them, and the other 15 miles, that day. He says the wagons encumbered the road. How did he get information about these wagons? From Drake De Kay. Porter had not been on the road himself; none of his officers had been on the road; but Drake De Kay, when he brought the order, said to Porter:

I have been some time in getting here, because of the wagons encumbering the road part of the way; but I passed the last of them at Catlett's Station.

That station is three miles and a half from Warrenton. De Kay reported that he had passed the last of the wagons there, and he said, "If we march rapidly, we shall probably overtake the wagons by daylight." But Porter chose to put another construction on it, and to say that the wagons encumbered the road, and that that was one of the reasons why he could not march. Why, Mr. Chairman, if he had desired to march he would have said to Sykes: "Send out a company, or a regiment, or a brigade if necessary, and clear the road of wagons; it is of the utmost importance that we move at 1 o'clock and be at Bristoe Station at daylight." But instead of doing so, he went off quietly to his tent, and slept, not even sending word to Pope that he would not move for two or three hours after he was ordered. Could he have moved? The night was dark, I admit; but was the road encumbered with wagons? Myers says that he parked the general train at Catlett's. The wagons beyond, or ahead of him, belonged to the troops ahead.

Mr. BRAGG. That was only one line.

Mr. STEELE. He parked the supply train. Heintzelman's troops, with wagons following them, pulled on and went into camp, arriving

there the next morning early. Porter moved at daylight, and when he arrived where this train of Myers's camped they had pulled out on the road again and he had great difficulty in getting them out of his way. But he would not have encountered them if he had moved when he was ordered, and when he ought to have moved. Mr. Chairman, if Porter had had a desire to serve Pope, his commanding officer, as he should have done—if McClellan had given the order—Porter would have got through that night. He was hoping at the time he received the order to be either ordered back to Falmouth or on to Washington. He wanted Pope defeated. He could not have known but that it was all-important that he should be at Bristoe Station next morning at daylight, and he did not know but that the enemy lay between him and the national capital. He did not know but that Longstreet had re-enforced them and that they would be able to whip Pope and then McDowell in detail.

Could Porter have marched that night in obedience to that order? Why, my confederate friends—ex-confederate friends now, I am glad to say—did you not march, those of you who were with Jackson, did you not march that night? Did not Jackson's troops march that day from Salem, fight the battle at Bristoe Station, and that night march to Manassas, one of your divisions on to Centreville and another on to the Warrenton road north of Groveton? Did you not march that day and night 36 miles? If Jackson could march, why could not Porter march? Jackson took his train with him; he made that march with footsore troops; he whipped a portion of our Army and fought another portion. His troops were hungry when they made the march, lived on green corn, but they found supplies at Manassas and took away everything they could.

Mr. OATES. Jackson did not take any wagon-trains with him. They came afterward.

Mr. STEELE. Where was his train?

Mr. OATES. At the rear.

Mr. STEELE. At what point?

Mr. OATES. He left them on the left side of the Rappahannock.

Mr. STEELE. What train was it that was marching over on the Sudley road that Jeb. Stuart, on the morning of the 29th, sent out troops to protect?

Mr. OATES. Those were Jackson's trains that were coming up, but he had marched over that road a good while before.

Mr. STEELE. Jackson came through Thoroughfare Gap and down to Catlett's and went up to Bristoe and fought there and captured some of our troops before Hooker arrived; he then marched part of his troops to Manassas.

Mr. OATES. Trimble went on that night to Manassas Junction.

Mr. BRAGG. They did not go to Catlett's.

Mr. STEELE. At any rate they marched that night, and Jackson's troops were illy shod and many of them barefooted and had not been any too well fed.

Mr. OATES. That is true. They were living on green corn and apples.

Mr. STEELE. The evidence is abundant that troops could have marched on that occasion; there is not a single soldier here who does not know that it was Porter's duty to obey the order he received, and there is not a soldier here but has marched on darker nights than that. If my gallant friend from Wisconsin [Mr. BRAGG] had received such an order he would have marched, or if he did not it would have been because he failed after trying. He knows it was Porter's duty to have obeyed that order, as he would have done and as every good soldier would have done. I do not think that Porter was disloyal to McClellan. I do not think that he cared to see his country divided, but I do know that he was not loyal to Pope, his commanding officer.

Mr. BRAGG. Will the gentleman allow me a word in reply to what he has just said?

Mr. STEELE. Certainly.

Mr. BRAGG. Mr. Chairman, in reply to the gentleman from Indiana [Mr. STEELE], who has alluded to me personally, I can state to this committee that I did march that night on a clean, open, broad turnpike, and the night became so dark that I was compelled to bivouac by the roadside, and could not form a line of tents.

Mr. STEELE. I remember that the gentleman had a great deal of unpleasantness the next evening. He found it very uncomfortable for his health and the health of his command, for Jackson struck his division over about Groveton.

Mr. BRAGG. Yes, sir. On the night of the 28th I participated in the battle, when I was attempting to obey General Pope's order informing me that Jackson was in Centreville with sixteen thousand men, and that by moving down the Warrenton pike quickly we could "bag him." After that order was read to the command General McDowell left it and the command took the road to Centreville, and in less than twenty minutes, with four regiments alone, supported afterward by two, we struck Jackson, and the whole Army of Virginia heard the firing and let us fight that battle against the corps that was said to be 16 miles away.

Mr. STEELE. Well, Mr. Chairman, that in a manner lets me out [laughter], for I was going to tell about that myself. Certainly if ever there was gallant fighting it was done that evening, and the gentleman from Wisconsin [Mr. BRAGG] participated in it. And I remember his command was south of Gainesville on the night of the 27th, and that on the 28th he started for Manassas, where General Pope had ordered all of his forces, expecting to find Jackson there, but learning late in the day he had moved north turned his forces for Centreville, and you had just returned to the Warrenton pike; but the darkness of the night before when the gentleman could not see to put his tents in line did not deter Jackson; and it did not deter troops thousands of times after that from marching.

Porter arrived at Bristoe Station at the head of his column at 10 o'clock on the 28th, instead of at daylight as he was ordered. As soon as he arrived there he commenced saying to Pope, "I can not go any farther; my men are exhausted; I must remain where I am." Pope, knowing the influence that was surrounding him, instead of putting Porter under arrest as he should have done consented to his remaining there all that day of the 28th. [SEE MAP.]

On the morning of the 29th, Morell says, between daylight and sunrise, Porter received the following order:

HEADQUARTERS ARMY OF VIRGINIA,
Near Bull Run, August 29, 1862—3 a. m.

GENERAL: McDowell has intercepted the retreat of Jackson. Sigel is immediately on the right of McDowell. Kearny and Hooker march to attack the enemy's rear at early dawn.

Major-General Pope directs you to move upon Centreville at the first dawn of day with your whole command, leaving your trains to follow. It is very important that you should be here at a very early hour in the morning. A severe engagement is likely to take place, and your presence is necessary.

I am, general, very respectfully, your obedient servant,

GEORGE D. RUGGLES,
Colonel and Chief of Staff.

Major-General PORTER.

Porter was not impressed with the importance of the order, because it came from Pope; so that instead of pressing forward, "because it was of the utmost importance," he remained at Bristoe until 7 o'clock, and arrived at Manassas Junction, three miles and a half from there, at 9 o'clock. Sykes's division had just passed Manassas Junction; Morell's division had just arrived there, when Porter received the following order:

HEADQUARTERS ARMY OF VIRGINIA,
Centreville, Va., August 29, 1862.

Maj. Gen. FITZ-JOHN PORTER:

Push forward with your corps and King's division, which you will take with you, upon Gainesville. I am following the enemy down the Warrenton turnpike. *Be expeditious or we will lose much.*

JOHN POPE,
Major-General, Commanding.

When Porter received this order to push on to Gainesville Pope staid near the crossing of Bull Run on the night of the 28th, where he wrote the first order, but had in the mean time got to Centreville and found Jackson gone. Instead of being there Jackson had moved most of his force, via the Warrenton and Centreville pike, west to stone house, thence north to a convenient point for it to be placed behind the old railroad embankment, as you may see it on the map to which I invite your attention. A portion of the force from Centreville doubtless marched northwest from there and crossed Bull Run, but Pope thought he was moving in retreat for Thoroughfare Gap.

Mr. BRAGG. There never was but one division of Jackson's at Centreville.

Mr. STEELE. One division was there, and one division had gone up the Manassas and Sudley road, not going to Centreville at all, but all were in position or near the best kind of a line of works on the eve of the 28th, the right resting northwest of Groveton at "A," and the left at near Sudley Ford, on Bull Run.

Porter was ordered then to push forward to Gainesville. "Be expeditious," Pope said to him, "or we shall lose much."

McDowell, the evening before, was in company with my friend from Wisconsin [Mr. BRAGG], of King's division, when the fight began at "B," west of Groveton; he staid just about five minutes. He said to King, "It is not going to amount to much; I will go to Manassas and see Pope." He left them there and came to Manassas; and not finding Pope there, he went back on the Manassas and Sudley road to near the Henry house, and (instead of going to King where his troops were in battle) he goes up where he finds Sigel about 9 o'clock. He stays with Sigel that night. In the morning he finds that Sigel has orders to march in the direction of the enemy toward this old railroad where Jackson had taken position. Sigel's line then was about as follows, his right at "C," near Robinson's, his left a little north Chinn house at "D." He found Reynolds here on the left of Sigel. Some skirmishing had commenced; there were some cannon shots; and he said to Reynolds, "You operate with Sigel, and I will go back and get King and Ricketts." He arrived back at Manassas Junction at about the same time Porter arrived with his command. He found that Porter had orders to take one of his divisions (King's) with him on to Gainesville.

Mr. BRAGG. Will the gentleman allow me a question?

Mr. STEELE. Certainly.

Mr. BRAGG. Was it not largely upon the testimony of that officer, to cover his own conduct upon that day, that Fitz-John Porter was convicted?

Mr. STEELE. He was convicted fourteen times over without McDowell. McDowell had a court of inquiry and was acquitted, but the

court did not explain to me why he left King at a critical moment on the evening of the 28th; it did not explain to me why when he knew there was an engagement coming on, and he had authority to command Sigel and Reynolds, that instead of taking command of them and fighting, he went back after King instead of sending a staff officer for him.

Mr. BRAGG. Does not the acquittal of McDowell, who was so manifestly guilty, by a military court, and his honorable discharge, show what public sentiment in Washington would do to control courts for favorites and to render judgments against those who were not in favor?

Mr. STEELE. "Control the courts for favorites!" If Porter had friends in the Army they were on that court. He was a protégé of Hitchcock's; and whenever he came to Washington he would always call upon General Hunter, recently deceased, and when Hunter would go to New York he would always call upon Porter. They were intimate associates. Seven of the members of the court were graduates of West Point—fellow-students or fellow-classmates of Porter's. I want to say here, before I forget it, that if a man ever had a fair show before a court Porter had it.

Much has been said about the Secretary of War expediting the proceedings of the court. The Secretary of War only made the usual order. These officers were needed; and the Secretary of War only made the order that is always made when courts are allowed to sit without regard to hours. And at the close of the proceedings of that court the judge-advocate submitted the case without argument, while Reverdy Johnson and Mr. Ewing, able lawyers, used forty pages of the three hundred which were in the case in his defense.

Mr. BRAGG. Will the gentleman let me ask him a question?

Mr. STEELE. Yes, sir.

Mr. BRAGG. Let me ask the gentleman from Indiana whether, under military law, after the judge-advocate had submitted the case without argument, he was not permitted to be present with the court during their deliberations; and whether he did not make his argument on paper, giving his views to the President without the counsel for the defendant having been heard?

Mr. STEELE. I need not tell the gentleman from Wisconsin that the judge-advocate is not only counsel for the prosecution, but counsel also for the defense in military courts. It is his duty, and he is sworn to do his duty fairly, and he did not submit his views but a brief of the case to the President, and by the President's direction, after the case had been submitted to him by General Halleck.

Mr. BRAGG. Yes; but let me ask the gentleman, do you think a lawyer after a heated contest of twenty days or more with some of the ablest legal minds in the United States, if he be permitted, as he is as judge-advocate, to write a review of the case, would fail to write it to correspond with the argument he made, so as to make him successful in that contest?

Mr. STEELE. I assert that if the judge-advocate had the feeling of the gentleman from Wisconsin he probably would.

Mr. BRAGG. Yes, sir, undoubtedly; or any other lawyer.

Mr. STEELE. But Mr. Holt did not. If he had the feeling of the gentleman from Wisconsin he would not have submitted the case to the court without argument as he did.

Mr. BRAGG. No, sir.

Mr. STEELE. But Mr. Holt did do it.

Mr. BRAGG. Yes, Mr. Holt did do it. I will tell you why.

Mr. STEELE. He said to the court, "You gentlemen are able; you have heard all the evidence, and you are competent to decide for yourselves."

Mr. BRAGG. Permit me to state where the difference was. Would not the gentleman infer that the judge-advocate by remaining with the court would be able to control the sentiment and the opinions of nine or ten of its members?

Mr. STEELE. No; you give him credit in this for more than you give him on any other account.

Mr. BRAGG. The promotions which followed showed the incentive for doing it.

A MEMBER. Who was promoted?

Mr. BRAGG. Several.

Mr. STEELE. Name one.

Mr. BRAGG. I have not the court or the record before me.

Mr. STEELE. I have the court and the record and there is not a scintilla of evidence to justify the gentleman's assertion. Some of the officers were subsequently promoted, but for well-merited service on the field.

Mr. BRAGG. I will show it to you by and by.

Mr. STEELE. You do President Lincoln injustice. Porter, in obedience to the order he received, took his corps and King and marched toward Gainesville in "pursuit of the enemy." Porter thought "If the enemy has got away from Pope it is a good time for me to go in; I have my own corps, and I have King's division, and I will join in the pursuit."

But the order I have read came to him verbally through General Gibbon, than whom there was no better soldier during the war or one more intelligent or truthful; but Porter felt so bitter toward Pope he wanted to quibble and he sent Dr. Abbot to Pope, saying, "I want you to give me written orders." McDowell, when he found King was going away, wrote to Pope, "How is it you take King away from me?" Now, those two communications reached Pope about the same time. One wanted a written order, and the other wanted an order so he might get King back. Then Pope wrote this order:

HEADQUARTERS ARMY OF VIRGINIA,
Centreville, August 30, 1862.

Generals MCDOWELL and PORTER:

You will please move forward with your joint commands toward Gainesville. I sent General Porter written orders to that effect an hour and a half ago. Heintzelman, Sigel, and Reno are moving on the Warrenton turnpike, and must now be not far from Gainesville. I desire that as soon as communication is established between this force and your own the whole command shall halt. It may be necessary to fall back behind Bull Run, at Centreville, to-night. I presume it will be so on account of our supplies. I have sent no orders of any description to Ricketts, and none to interfere in any way with the movements of McDowell's troops, except what I sent by his aid-de-camp last night, which were to hold his position on the Warrenton pike until the troops from here should fall upon the enemy's flank and rear. I do not even know Ricketts's position, as I have not been able to find out where General McDowell was until a late hour this morning. General McDowell will take immediate steps to communicate with General Ricketts, and instruct him to rejoin the other divisions of his corps as soon as practicable. If any considerable advantages are to be gained by departing from this order, it will not be strictly carried out. One thing must be had in view, that the troops must occupy a position from which they can reach Bull Run to-night or by morning. The indications are that the whole force of the enemy is moving in this direction at a pace that will bring them here by to-morrow night or next day. My own headquarters will be for the present time with Heintzelman's corps, or at this place.

JOHN POPE,
Major-General Commanding.

Now, that joint order only carried out the general idea that he had given to Porter to move on to Gainesville, but if any considerable advantage could be derived by changing this plan, they were at liberty to make such a change in their own discretion.

Mr. OATES. What date does the gentleman now refer to?

Mr. STEELE. I refer now to the morning of the 29th. All three of these orders were dated on that day.

Porter arrived at Dawkin's Branch at "E," where he received this latter order. It had been sent an hour before, but reached him at that point. McDowell's copy of the joint order reached him at this point—the head of King's division at Manassas Junction or Bethlehem church. Porter's column had crossed Dawkin's Branch and gone about half a mile on the other side when the advance met a man on horseback. Morell says he asked him where he had come from. He said he had come from Gainesville and that the skirmishers of the enemy had arrived there and his column was not far on the other side. Now, this was about half past 10 o'clock in the morning, perhaps 11; and yet during that time this column of Porter's had only marched from Bristoe to Manassas Junction, 3½ or 4 miles at farthest, and to point "F," 8 miles at most.

Morell's skirmishers met the skirmishers of the enemy. About this time Porter rode forward to the head of the column, and there found Morell, Griffin, and Butterfield. They had a talk, got off their horses, and held a council of war, I suppose. Porter, when he found that the enemy was there, and it was most probable that there was a mistake about Pope following an enemy, but, on the contrary, that he was facing one, made up his mind that if he helped Pope at all it would be because he could not help himself. So he got off his horse and commented on this joint order. He did not like the idea of being with McDowell; and instead of re-enforcing his skirmishers, if necessary, and going on and complying with the orders which he had received to take King and march with him to the point indicated, or endeavoring in any manner to comply with it or the joint order to move with his force on to Gainesville, he faced about and moved back across the branch and placed a battery facing a little north of west at "F," and one on the left of the road at "G" facing the same way, and waited for what I do not know. Shortly afterward a shot was fired from about the location of the Carrico house by Stuart, who with his cavalry had in the morning moved his command from near Sudley Ford at or about half past 10 o'clock (and just as he was starting ordered one of his officers, who was killed in the engagement, Colonel Patrick, to drive the enemy away from the trains not far from there), and went with his command past Gainesville and met Longstreet about Haymarket, about one and a half miles northwest of Gainesville. Longstreet testifies that at the time of this meeting he stopped his command for an hour, before reaching Gainesville, to let Stuart's command pass to his right.

After passing to his right, Stuart came down along the dotted line which runs by the side of the railroad, as you may see by map, from Gainesville and arrived at Hampton Cole's, and his cavalry doubtless met Porter's skirmishers near Dawkin's Branch, between whom there was an exchange of shots. Rosser had a few dragoons there before Stuart arrived, but Longstreet was several miles back of Stuart. Porter, instead of trying to continue his march or to ascertain in any way whether any considerable number of troops were in his front, waited for a few moments and took the position on the east side of the branch as before indicated, and was there when McDowell arrived. It is claimed that McDowell said, "Porter, this is no place in which to fight a battle; you are too far out," or something of that kind. McDowell on the contrary says he made no such remark. I do not care whether he did or not.

It is not disputed that they consulted and that they rode off to the right and crossed the railroad and halted—I think at "H." The joint order was discussed, and Porter has said that he suggested that McDowell had a right to command him under the sixty-second article of war.

McDowell finally told Porter that he would go to the rear and take King and Ricketts and come in on his (Porter's) right and Reynolds's left. Now, it was about this time that Stuart had arrived at Hampton Cole's, and his skirmishers had advanced, struck those of Porter, and had discovered Porter's artillery in position (three pieces); and he had placed a battery in position not far from the Carrico house on Porter's right front, but Porter's soon put it out of commission. Stuart sent for longer range pieces and for re-enforcements and instructed his men to raise a dust to create an impression that there was a large force with him, and which he truly said in his official report "had the desired effect." McDowell heard the shots and saw the dust, and Porter did also, and the consultation was suddenly closed by McDowell saying to Porter what I have indicated about his going to the right, and also said to Porter, "Put your troops in here," indicating the direction toward where the skirmish firing had been heard and where the dust was being raised. Porter said in reply, "I can't put my men in there without getting into a fight;" and McDowell replied that is what we are here for, and also swears that he left him with the distinct understanding that Porter would obey his order.

Mr. CUTCHEON. That was Rosser's cavalry that was raising the dust.

Mr. STEELE. Yes; of Stuart's corps. Porter returned to his troops and ordered a movement to the right, and Griffin, with the leading brigade of Morell's division, had marched across the railroad a short distance beyond "H" to the north, when he came up to some pine brush, thick pine brush, and Griffin says some one hallooed out, "You can not get through there." He halted his command and was ordered back.

In the testimony with reference to this case he was asked the question: "Did you make any effort to get through? Was any reconnaissance made?" He says no; none was made; none whatever; he turned back; in other words, because some one said you can not get through this little thicket of pine brush! One artilleryman swears that when this order was given by Porter to move to the right he took his battery to the right, on the road you see indicated on the map, running north and south, near Dawkin's Branch, and continued to go until ordered back. Porter might have gone on this road. The skirmishers (of the Sixty-second Pennsylvania) were called in when the order to move to the right had been given and the enemy did not follow them up, which shows to me there was not an aggressive enemy between Porter and Gainesville, at least not in his immediate front at this point as shown by the map, and the enemy's batteries fired a shot or two from there, about the position of the Carrico house, and probably a battery from about Britt's house.

Mr. CUTCHEON. Two pieces.

Mr. STEELE. Two pieces. Now Stuart swears he fired a shot or two at this enemy marching here [pointing to the map].

Mr. BRAGG. Let me correct the gentleman. Stuart was killed before the war closed. He did not testify.

Mr. STEELE. His information is reliable. We find it over his official signature made when the events were fresh.

Mr. OATES. His official report you mean. He was killed in May, 1864.

Mr. STEELE. Certainly; and this was in 1862.

Mr. GIBSON, of West Virginia. General Stuart gave no testimony.

Mr. STEELE. I hope the gentleman will inform himself on the subject. I was speaking of the official report.

Mr. GIBSON, of West Virginia. But you talked about his testimony.

Mr. STEELE. I was calling his testimony his official report over his official signature. And in that report he testified that he fired at the troops coming from the direction of Bristoe (there could be no other column coming from direction of Bristoe, and Porter was marching from that direction while going north), and after firing a shot or two they retired in the direction of Manassas. The evidence is convincing that they all retired in that direction and they marched to the rear. That is the evidence on our side, and is what Stuart says in his report about our leaving a battery or two to guard the retreat. Our people did not call it a retreat, but they did march as indicated.

Now this was as late as 2 o'clock, I think; and I also think that if Porter had continued his march at 11 a. m. when he was going as ordered in the direction of Gainesville, and as he ought to have done and, had he tried, could have done, he would, by going out to the Warrenton and Gainesville pike via Meadowville lane, have been able to arrive there an hour before Longstreet did, and he would thus have carried out his order by connecting with Reynolds, whose line of battle was along the Warrenton and Gainesville pike, his right connecting with Schenck not far west of Groveton, and his left at "J," only a little east of the road on which Porter might have come. As I have before stated, Reynolds was facing north and his left lapped Jackson's right. Had Porter come in as indicated and fronted to the west and made disposition to resist an attack I have no doubt that he would have been able to keep Longstreet from flanking Reynolds. Even if he had not arrived in time to break Jackson's right, he would have made it possible for Reynolds to do so. Reynolds was in the position indicated, with his flank toward Gainesville, until 1 o'clock, when Longstreet came up and forced him to refuse his left, and later to rest his right nearer Groveton, his left out on Lewis's lane, and of course to face west instead of north.

Mr. GIBSON, of West Virginia. Will the gentleman allow me to ask him a question? Did not General Grant in his review of this question differ with you on the subject? Did he not say that General Porter acted right?

Mr. STEELE. I have had great men and small men differ with me. I was going on to say——

Mr. GIBSON, of West Virginia. You have not answered my question as to whether General Grant differed with you as to military tactics.

Mr. STEELE. General Grant disagreed with me as to the innocence of Porter late in his life.

Mr. GIBSON, of West Virginia. Still I ask the gentleman to answer my question.

Mr. STEELE. We have not differed because the question has not been up. Porter would have had King's and Ricketts's divisions and Piatt's brigade to support him had he continued his march, and would not have made it necessary for McDowell to go to the right, and with such a force Longstreet would have had all he could attend to, and have been prevented from interfering with the crushing of Jackson. From the time Longstreet arrived, Reynolds had no chance at Jackson. I know gentlemen think that nothing could happen to Jackson, and it seemed to be so; if there was a fortunate man in the world, it was Jackson until he died. He had the audacity of all the commanders of either army——

Mr. GIBSON, of West Virginia. The courage, not the audacity.

Mr. STEELE. A man must have courage if he has audacity. Porter, as I said, was disgusted, and instead of making this movement as he ought to have done, went back to Bethlehem church, 2 miles to the rear, and I suppose went into that old forsaken church, and in all probability fell down in its sacred precincts and prayed, and the chief object of his supplication was to be either taken "out of that," or to have "Mack come," and so far as we know he staid in church till late in the afternoon or evening, and when he came out he lay down and took a rest under a tree, probably tired by his supplications. While here, getting his ear down close to the ground, he was able to hear the guns of our people over at or near Groveton (and there had been firing all day). He did not hear much firing, and there was not much firing that day according to Porter. But when he got his ear down he heard something, and sent a message to McDowell and King. It was to this effect: "It seems that Sigel is retreating. Our firing seems to be receding and that of the enemy advancing. I have found it impossible to communicate by crossing the roads to Groveton."

He found it impossible. Griffin had run into the little pine bushes. Griffin did not go on the road near the branch, as he might have done, because Marshall had his skirmishers beyond there all day and night after they marched back from the pine bushes.

There was no trouble for him to have marched over in that direction if he had tried to do so. He says he failed; he does not say he tried to do it, but simply that he failed to do it. He says:

> The enemy are in strong force on this road, and as it appears have driven our forces back. The fire of the enemy has advanced and ours retired. I have determined to withdraw to Manassas. I expected to communicate with McDowell and Sigel, but my messengers have run into the enemy. They have gathered artillery and infantry, and advancing masses of dust show the enemy coming in force.

The moment he thought our firing was receding he was ready to join the command on the retreat—not because he was afraid, but because he was willing to see Pope defeated. No firing there! I have here volume 12, part 2, of the Official Reports of the War of the Rebellion—reports made at the time, from which I propose to read. I must necessarily confine myself to extracts, and of course I need not say to the committee that I read those portions that go to show there was a battle on that day.

The CHAIRMAN (Mr. SPRINGER). The time of the gentleman from Indiana [Mr. STEELE] has expired.

Mr. BRAGG. I move that the gentleman's time be extended.

Mr. CUTCHEON. I think he has still five minutes, Mr. Chairman.

The CHAIRMAN. The gentleman from Indiana [Mr. STEELE] began at fifty minutes past 2 o'clock.

Mr. STEELE. I think my time is about up.

Mr. BRAGG. Mr. Chairman, I make the motion that the gentleman's time be extended.

The CHAIRMAN. That can be done only by unanimous consent. If there be no objection the time of the gentleman will be extended.

There was no objection, and it was so ordered.

Mr. STEELE. I read now from General Sigel's report. He says:

> In this order our whole line advanced from point to point, taking advantage of the ground before us, while our whole line was involved in a most vehement artillery and infantry contest.

This was on the morning of the 29th, covering about four hours, from 6.30 to 10.30; and Porter was along on that road from 9 to 10.30.

In the morning our whole infantry force and nearly all our batteries were engaged with the enemy. Generals Milroy and Schurz advanced 1 mile, and General Schenck 2 miles from their original positions.

And yet my friend who preceded me talks about the roaring of the cannon being heard only on the 30th.

Mr. OATES. What are you reading from?

Mr. STEELE. General Sigel's report.

Mr. OATES. Is he speaking of the time between 6 o'clock and 10 o'clock on the forenoon of the 29th?

Mr. STEELE. Yes. He says, "At this time, 10.30, the enemy threw forward a large mass of infantry." That was undoubtedly when Jackson's men advanced, and I think that in the morning there was heavy skirmishing up to 10.30.

Mr. OATES. There was only skirmishing and artillery firing.

Mr. STEELE. General Sigel says:

At this time, 10.30, the enemy threw forward large masses of infantry against our line, but was resisted firmly and driven back three times by the troops of Milroy and Schurz.

Again:

At this critical moment, when the enemy had almost outflanked us on both wings and was preparing for a new attack on our center, Major-General Kearny arrived.

Scarcely were those troops in position when the contest began with renewed vigor and vehemence, the enemy attacking furiously along our whole line from the extreme right to the extreme left.

During two hours from 4 to 6 p. m.—

Understand I am not attempting to read all that is said about the different engagements through the day—

Heintzelman and Reynolds had both arrived and were engaged in the battle.

During two hours, from 4 to 6 p. m., strong cannonading and musketry continued on our center and right, where General Kearny made a successful effort against the extreme left of the enemy's lines.

At 6.15 o'clock Brigadier-General King's division of Major-General McDowell's corps arrived behind our front and advanced on the Gainesville turnpike. I do not know the real result of this movement, but from the weakness of the enemy's cannonade and the gradually decreasing musketry in the direction of General Kearny's attack I received the impression that the enemy's resistance was broken and that victory was on our side; and so it was. We had won the field of battle, and our army rested near the dead and wounded who had so gloriously defended the good cause of this country.

Schurz, Schenck, and Milroy speak of desperate fighting there, along the railroad cut. Here is where the heaviest fighting occurred on the 29th.

Mr. OATES. Let me ask the gentleman a question. Does Sigel's report state that Jackson's forces were attacking them or that they were attacking Jackson's?

Mr. STEELE. Our forces were advancing, striking your skirmishers first and your main line about 10 a. m.

Here is what Schurz, Schenck, and Milroy say.

General C. Schurz, page 299:

However, we succeeded in holding the position of the railroad embankment along my whole front against the repeated attacks of the enemy until about 2 o'clock p. m., when my troops, who had started at 5 o'clock in the morning, mostly without breakfast, had been under fire for eight hours, had been decimated by enormous losses, and had exhausted nearly all their ammunition, were relieved by a number of regiments kindly sent by General Hooker for that purpose.

Brig. Gen. Robert C. Schenck, page 279:

On Friday morning early the engagement was commenced by General Milroy on our right, in which we soon after took part, and a rapid artillery fire ensued from both sides. Colonel McLean advanced around the left of the hill under cover of the woods, pressing gradually forward until he struck the turnpike at a white house about one-half mile in advance of the stone house. General Milroy's brigade arrived about the same time.

We here halted and sent back for General Stahel, who took the pike and soon joined us. We then formed our line of battle in the woods to the left of the pike, our right resting on the road, and then pushed on slowly. Milroy in the mean while had deployed to the right of the road, and soon became engaged with the enemy.

It was about this time (1 or 2 o'clock) that a line of skirmishers were observed approaching us from the rear. They proved to be of General Reynolds's division.* We communicated with General Reynolds at once, who took his position on our left, and at General Schenck's suggestion he sent a battery to our right in the woods for the purpose of flanking the enemy's. They secured a position, and were engaged with him about an hour, but with what result we were not informed. General Reynolds now sent us word that he had discovered the enemy bearing down upon his left in heavy columns, and that he intended to fall back to the first woods behind the cleared space, and had already put his troops in motion. We therefore accommodated ourselves to his movement.

It was about this time that your order came to press toward the right. We returned answer that the enemy were in force in front of us, and that we could not do so without leaving the left much exposed.

Milroy says:

On the following morning (the 29th) at daylight I was ordered to proceed in search of the rebels, and had not proceeded more than 500 yards when we were greeted by a few straggling shots from the woods in front. After passing a piece of woods I turned to the right, where the rebels had a battery that gave us a great deal of trouble. I brought forward one of my batteries to reply to it, and soon after heard a tremendous fire of small-arms, and knew that General Schurz was hotly engaged to my right in an extensive forest. The two regiments sent to Schurz were soon hotly engaged, the enemy being behind a railroad embankment, which afforded them an excellent breastwork.

The railroad had to be approached from the cleared ground on our side through a strip of thick timber from 100 to 500 yards in width. I had intended, with the two regiments held in reserve (the Second and Third Virginia Regiments), to charge the rebel battery, which was but a short distance from us over the top of a hill to our left, but while making my arrangements to do this I observed that my two regiments engaged were being driven back out of the woods by the terrible fire of the rebels.

I then saw the brave Colonels Cantwell and Zeigler struggling to rally their broken regiments on the rear of the forest out of which they had been driven, and sent two of my aides to assist them and assure them of immediate support. They soon rallied their men and charged again and again up to the railroad, but were driven back each time with great loss. I then sent the Second Virginia to their support, directing it to approach the railroad at the point on the left of my other regiments, where the woods ended, but they were met by such a destructive fire from a large rebel force that they were soon thrown into confusion and fell back in disorder. The enemy now came on in overwhelming numbers.

I will not read McDowell's report, but no man believes that he was not a truthful, honest man. Some may doubt whether he had the greatest courage of any man in the world, but I left him ordering Porter into the fight, to advance, and starting for King and Ricketts to take them to the right and to the field. He found King's division at Bethlehem church and Ricketts's where the Manassas and Sudley road leaves the road on which Porter was supposed to be marching to Gainesville, and at once marched them on the Manassas and Sudley road north, making a long halt at New Market or a little north of there, but finally reached the vicinity of the Henry house, and started to take King over to Reynolds's support at Lewis's lane, when he received an order to come back to the Sudley road and march to the stone house on the pike, which he did. Ricketts, reaching the Henry house and having marched from Thoroughfare Gap via Gainesville, Bristoe, and Manassas Junction, is allowed to remain there; but Hatch, with King's division, excepting Gibbon, is ordered to pursue the enemy, it having been reported to Pope that he was fleeing. You will see from the official reports, or extracts of them that I will read, that he had not gone. Hatch marched west to Groveton on the pike, where he encountered Longstreet, prepared to advance instead of retreat, and a furious battle took place, as reports will show, and that there was a great deal of fighting on that day:

No. 28.

Report of Brig. Gen. John P. Hatch, U. S. Army, commanding First Division, of the battles of Groveton and Bull Run.

CAMP NEAR FREDERICK, MD., *September* 13, 1862.

CAPTAIN: I have the honor to submit the following report of the movements of the First Division, Third Corps, temporarily under my command during parts of the 29th and 30th days of August:

Late on the afternoon of the 29th ultimo I was ordered by General McDowell in person (who was at the time stationed near the stone house, on the turnpike from Gainesville to Centreville) to move the division on the Gainesville road in pursuit of the enemy, who, he informed me, were retreating. Gibbon's brigade had been detached to support some batteries. With the three other brigades of the division and Gerrish's battery of howitzers I proceeded with all the speed possible, hoping by harassing the enemy's rear to turn their retreat into a rout.

After marching about three-quarters of a mile the Second Regiment of United States Sharpshooters was deployed to the front as skirmishers, the column continuing up the road in support. The advance almost immediately became warmly engaged on the left of the road. Two howitzers were then placed in position, one on each side of the road, and Doubleday's brigade was deployed to the front, on the left of the road, and moved up to the support of the skirmishers. We were met by a force consisting of three brigades of infantry, one of which was posted in the woods on the left, parallel to and about an eighth of a mile from the road. The two other brigades were drawn up in line of battle, one on each side of the road. These were in turn supported by a large portion of the rebel forces, estimated by a prisoner, who was taken to their rear, at about 30,000 men, drawn up in successive lines, extending 1½ miles to the rear. Doubleday's brigade moved to the front under a very heavy fire, which they gallantly sustained; but the firing continuing very heavy, Hatch's brigade, commanded by Colonel Sullivan, was also deployed, and moved to the support of General Doubleday. Patrick's brigade, which had been held in reserve, took up a position on the opposite side of the road, completely commanding it. The struggle, lasting some three-quarters of an hour, was a desperate one, being in many instances a hand-to-hand conflict.

Night had now come on, our loss had been severe, and the enemy occupying a position in the woods on our left which gave them a flank fire upon us, I was forced to give the order for a retreat. The retreat was executed in good order, the attempt of the enemy to follow being defeated by a few well-directed volleys from Patrick's brigade.

General Reynolds, page 393:

The morning of the 29th closed up with General Sigel's command on the battlefield of Bull Run. General Sigel reported the enemy in his immediate front, and requested my co-operation with him in an attack upon his position. I accordingly formed my division on the left of General Sigel's corps, next to the division of General Schenck. General McDowell joined the command at daylight, and directed my co-operation with General Sigel.

The right of the enemy's position could be discerned upon the heights above Groveton, on the right of the pike. The division advanced over the ground to the heights above Groveton, crossed the pike, and Cooper's battery came gallantly into action on the same ridge on which the enemy's right was, supported by Meade's brigade. While pressing forward our extreme left across the pike reenforcements were sent for by General Sigel for the right of his line, under General Milroy, now hardly pressed by the enemy, and a brigade was taken from Schenck's command on my right. The whole fire of the enemy was now concentrated on the extreme right of my division, and, unsupported there, the battery was obliged to retire, with considerable loss in both men and horses, and the division fell back to connect with Schenck.

Later in the day General Pope, arriving on the right from Centreville, renewed the attack on the enemy and drove him some distance. My division was directed to threaten the enemy's right and rear, which it proceeded to do under a heavy fire of artillery from the ridge to the left of the pike. Generals Seymour and Jackson led their brigades in advance, but notwithstanding all the steadiness and courage shown by the men they were compelled to fall back before the heavy fire of artillery and musketry which met them both on the front and left flank, and the division resumed its original position. King's division engaged the enemy along the pike on our right, and the action was continued with it until dark by Meade's brigade.

General Meade, page 397:

On the 29th the brigade was formed in line of battle on the left of Sigel's corps and directed to move on Gainesville. Sigel, having found the enemy on his front on the other side of the Warrenton pike, engaged them along his whole

*See Reynolds to McDowell, October 9, and Chesebrough to McDowell, October 20, in Appendix C to McDowell's report.

line, and the brigade moved up on his left until it crossed the Warrenton pike within a half mile of Groveton, at which point Cooper's battery was established on the ridge, with the Fourth, Seventh, and Eighth regiments to support him, the third being posted along the Pike and the Rifles sent up the pike as skirmishers. The enemy, perceiving this disposition, brought several batteries to bear on Cooper's, who, being short of ammunition, was withdrawn, and Ransom's was about being substituted, when it was ascertained that Schenck's division, of Sigel's corps, which had been on our right, was withdrawn, and at the same time the enemy's infantry were deploying in our front in such force as required the withdrawal of the brigade to the other side of the Warrenton pike, where a position was taken on the plateau near what is known as the Lewis house, which overlooks Groveton and the pike leading to it.

General Heintzelman, page 42:

At 10 a. m. I reached the field of battle, a mile from stone bridge, on the Warrenton turnpike. General Kearny's division had proceeded to the right and front. I learned that General Sigel was in command of the troops then engaged and called on him.

At 11 a. m. the head of Hooker's division arrived; General Reno an hour later. At the request of General Sigel I ordered General Hooker to place one of his brigades at General Sigel's disposal to reinforce a portion of his line then hard pressed. General Grover reported, and before long became engaged, and was afterward supported by the whole division. General Pope arrived between 1 and 2 p. m. The enemy were driven back a short distance toward Sudley church, where they made another stand, and again pressed a portion of our line back. All this time General Kearny's division held its position on our extreme right. Several orders were sent him to advance, but he did not move until after the troops on his left had been forced back, which was near 6 p. m. He now advanced and reported that he was driving the enemy. This was not, however, until after the renewed heavy musketry fire on our center had driven General Hooker's troops and those he was sent to support back. They were greatly outnumbered, and had behaved with exceeding gallantry.

It was on this occasion that General Grover's brigade made the most gallant and determined bayonet charge of the war. He broke two of the enemy's lines, but was finally repulsed by the overwhelming numbers in the rebel third line. It was a hand-to-hand conflict, using the bayonet and the butt of the musket. In this fierce encounter, of not over twenty minutes' duration, the Second New Hampshire, Colonel Marston, suffered the most. The First, Eleventh, and Sixteenth Massachusetts and Twenty-sixth Pennsylvania were engaged. The loss of this brigade, numbering less than two thousand present, was a total of four hundred and eighty-four, nearly all killed and wounded. I refer you to General Grover's accompanying report.

General Grover, page 438:

On the following day we recontinued our march for the plains of Manassas by the way of Centreville, and arrived upon the battlefield about 9 a. m. The battle had already commenced, and as my column moved to the front the shells fell with remarkable precision along the line of the road, but fortunately did no damage. My brigade was temporarily placed under the orders of Major-General Sigel, whose troops were then engaging the enemy in the center. Under instructions received from him I threw forward the First Massachusetts Volunteers to support his line, while my remaining four regiments were drawn up in two lines, sheltered from the enemy's fire by a roll of the field in front. This position was occupied until about 2.30 p. m.

In the mean time I rode over the field in front as far as the position of the enemy would admit. After rising the hill under which my command lay an open field was entered, and from one edge of it gradually fell off in a slope to a valley, through which ran a railroad embankment. Beyond this embankment the forest continued, and the corresponding heights beyond were held by the enemy in force, supported by artillery.

At 3 p. m. I received an order to advance in line of battle over this ground, pass the embankment, enter the edge of the woods beyond, and hold it. Dispositions for carrying out such orders were immediately made. Pieces were loaded, bayonets fixed, and instructions given for the line to move slowly upon the enemy until it felt his fire, then close upon him rapidly, fire one well-directed volley, and rely upon the bayonet to secure the position on the other side.

We rapidly and firmly pressed upon the embankment, and here occurred a short, sharp, and obstinate hand-to-hand conflict with bayonets and clubbed muskets. Many of the enemy were bayoneted in their tracks, others struck down with the butts of pieces, and onward pressed our line. In a few yards more it met a terrible fire from a second line, which in its turn broke. The enemy's third line now bore down upon our thinned ranks in close order, and swept back the right center and a portion of our left. With the gallant Sixteenth Massachusetts on our left I tried to turn his flank, but the breaking of our right and center and the weight of the enemy's lines caused the necessity of falling back, first to the embankment and then to our first position, behind which we rallied to our colors.

In this fierce encounter of not more than twenty minutes' duration our loss was as follows:

Command.	Killed.	Wounded.	Missing.	Total.
First Massachusetts Volunteers	5	66	7	78
Second New Hampshire Volunteers	16	87	30	133
Eleventh Massachusetts Volunteers	10	77	25	112
Sixteenth Massachusetts Volunteers	4	64	42	110
Twenty-sixth Pennsylvania Volunteers	6	33	14	53
	41	327	118	486

Though forced to retire from the field by the immensely superior numbers of the enemy, supported by artillery and by the natural strength of his position, men never fought more gallantly or efficiently.

General Nelson Taylor, page 445:

Having everything in readiness, I gave the order to advance. The line had advanced but a few steps when the left was struck with such violence by a regiment (which continued the line to the left) which had broken that the Second Excelsior Regiment, which was on the left of the brigade line, was almost carried away with it. Seeing the confusion, I rode hastily to this part of the line, accompanied by my two aids, Lieutenants Tremain and Dwight, and endeavored to stay this disgraceful retreat, but it was in vain; the tide could not be stemmed. On they rushed over and through my line perfectly panic-stricken, breaking and carrying away with them the left of my line. The enemy, seeing this, charged after them. I then endeavored to throw back my line to give the enemy a flank fire. This I found on trial impracticable, the wood being too dense to execute the movement. By this time the enemy had availed themselves of a large interval opened on my left and poured through in large numbers, and had got fifty or sixty paces in my rear, giving the line an enfilading and reverse fire. They, however, soon ceased firing, as they were so mixed up as to endanger their own men; they then commenced taking prisoners. Finding my line completely flanked and turned, and in danger of being entirely cut off, I give the order to fall back, which was done in as good order as could be, situated as we were.

Mr. WHEELER. Let me ask you one question. You are now undertaking to demonstrate that there was fighting going on between the troops under Pope and those under Jackson?

Mr. STEELE. I am demonstrating that fighting was going on between the troops of Pope and Jackson and Longstreet, if you would have it so. I am going to show before I get through that there was a battle on the 29th.

Mr. WHEELER. You admit that Porter was three miles from Jackson's right? All the evidence states that.

Mr. STEELE. Well, his troops were close to three miles from Jackson's right, and he was farther away, but his head of column was not that far from Longstreet's right.

Mr. WHEELER. Then you contend that Porter, with nine thousand men, should have attacked Longstreet with twenty-five thousand, while General Pope, with sixty thousand, was attacking about half the number?

Mr. STEELE. The evidence is very conclusive that Porter, so far from knowing anything about Longstreet, had lain in the shade here by the church all day without attempting to find any force of the enemy, if Longstreet or any other force was where he could attack him.

Mr. WHEELER. You do not answer my question.

Mr. STEELE. I have answered it.

Mr. WHEELER. No.

Mr. STEELE. I do not care how you put that matter. I do contend that Porter ought to have made an attack some place; but whether that be so or not, when he heard this cannonading, this firing going on, and knew that his comrades were pressed, if he had had the first instinct of a soldier or had not hated Pope so much he would have made an endeavor to get over there and find out what was going on. He did not know that Longstreet was here to his right front. The first move made by Longstreet to get into position was to march down on his left of the Warrenton pike, and Laws says that his left connected with Jackson's right. Reynolds, who was in line of battle from near Groveton to "J," facing Jackson's exposed right flank, said there were no confederate troops across the pike until after 1 o'clock. Porter should have been there before that hour. Jeb Stuart, arriving at the Carrico house, asked for some troops and batteries, and Longstreet sent Kemper, Wilcox, and Jones. Jones's brigade was across Manassas and Gainesville Railroad, and the right of Jones was not as far to the right as Porter was; that is, Porter's left extended farther south. Jones was across the railroad, to the right and front of the Carrico house, facing east.

Mr. WHEELER. You stated early in your speech that McDowell and Porter met a courier coming from Gainesville——

Mr. STEELE. No; Morell met the courier.

Mr. WHEELER. Morell met a courier coming from Gainesville with a dispatch from Buford saying seventeen regiments had passed there.

Mr. STEELE. No, sir; I did not speak of any dispatch from Buford, and he did not come from Gainesville on the road on which Porter was halting, but on one you will see on the map leading southeast via Bristoe and Manassas Junction, where he reported to McDowell about D. R. Jones having arrived at Gainesville. Jones waited at Gainesville or near there until Longstreet came up, and was not sent to near the Carrico house or put into position until after Laws had been placed in position connecting with Jackson's left.

There was not more than one brigade across the railroad to the right. If Porter had desired to do, by throwing his left forward he could have marched up in the direction of and struck Longstreet's right at any time that day—after Longstreet got in position, of course.

But I contend he should have been in position on Meadowville lane, and he would have been there if he had marched with some alacrity before Longstreet's column could have arrived. He had only marched from Bristoe, a little over 8 miles, and had arrived at half past 10 or 11 o'clock at Dawkin's Branch. He had received an order between daylight and sunrise, Morell says.

Mr. OATES. Does the gentleman contend that any of Longstreet's troops, except two brigades, were engaged that day?

Mr. STEELE. I think that only two of Hood's brigades were furiously engaged. There had been more or less firing between his troops and those of Reynolds after his arrival that afternoon and in the evening when Hood charged on both sides of the Warrenton pike, with three brigades; Hunton, of Kemper's command, advanced on his right and came in contact with Reynolds, but did not go far enough to strike his main line, and Longstreet's artillery engaged ours for several hours that afternoon. But I must continue. Had Porter, instead of halting at this hour, continued his march he would have had at least two hours in which to have marched 2 miles and taken position, and, I think, one he could have held long enough to have given us a victory.

He had four hours, from 9 o'clock, when he received the order, to 1 o'clock, to move about 5½ miles—not to exceed 6. He had four hours in which to move before the enemy was seen by Reynolds, and before Reynolds's line fell back on its right.

Mr. Chairman, I am going to give a little testimony which is perhaps more satisfactory to some of my friends on the other side.

GENERAL LEE'S REPORT.

Generals Jones and Wilcox bivouacked that night east of the mountains, and on the morning of the 29th the whole command resumed the march, the sound of cannon at Manassas announcing that Jackson was already engaged. Longstreet entered the turnpike near Gainesville, and moving down toward Groveton, the head of his column came upon the field in rear of the enemy's left, which had already opened with artillery upon Jackson's right, as previously described. He immediately placed some of his batteries in position, but before he could complete his disposition to attack the enemy withdrew, not, however, without loss from our artillery. Longstreet took position on the right of Jackson, Hood's two brigades, supported by Evans, being deployed across the turnpike and at right angles to it. These troops were supported on the left by three brigades under General Wilcox and by a like force on the right under General Kemper. D. R. Jones's division formed the extreme right of the line, resting on the Manassas Gap Railroad. The cavalry guarded our right and left flanks, that on the right being under General Stuart in person.

After the arrival of Longstreet the enemy changed his position and began to concentrate opposite Jackson's left, opening a brisk artillery fire, which was responded to with effect by some of General A. P. Hill's batteries. Colonel Walton placed a part of his artillery upon a commanding position between the lines of Generals Jackson and Longstreet by order of the latter, and engaged the enemy vigorously for several hours. Soon afterward General Stuart reported the approach of a large force from the direction of Bristoe Station, threatening Longstreet's right. The brigades under General Wilcox were sent to re-enforce General Jones, but no serious attack was made, and, after firing a few shots, the enemy withdrew. While this demonstration was being made on our right a large force advanced to assail the left of Jackson's position, occupied by the division of General A. P. Hill. The attack was received by his troops with their accustomed steadiness, and the battle raged with great fury. The enemy was repeatedly repulsed, but again pressed on to the attack with fresh troops. Once he succeeded in penetrating an interval between General Gregg's brigade, on the extreme left, and that of General Thomas, but was quickly driven back with great slaughter by the Fourteenth South Carolina Regiment, then in reserve, and the Forty-ninth Georgia, of Thomas's brigade. The contest was close and obstinate, the combatants sometimes delivering their fire at ten paces.

General Gregg, who was most exposed, was re-enforced by Hays's brigade, under Colonel Forno, and successfully and gallantly resisted the attacks of the enemy until, the ammunition of his brigade being exhausted and all his field officers but two killed or wounded, it was relieved, after several hours of severe fighting, by Early's brigade and the Eighth Louisiana Regiment. General Early drove the enemy back with heavy loss and pursued about 200 yards beyond the line of battle, when he was recalled to the position on the railroad where Thomas, Pender, and Archer had firmly held their ground against every attack. While the battle was raging on Jackson's left General Longstreet ordered Hood and Evans to advance, but before the order could be obeyed Hood was himself attacked, and his command at once became warmly engaged. General Wilcox was recalled from the right and ordered to advance on Hood's left, and one of Kemper's brigades, under Colonel Hunton, moved forward on his right. The enemy was repulsed by Hood after a severe contest and fell back, closely followed by our troops.

The battle continued until 9 p. m., the enemy retreating until he reached a strong position, which he held with a large force. The darkness of the night put a stop to the engagement, and our troops remained in their advanced position until early next morning, when they were withdrawn to their first line. One piece of artillery, several stands of colors, and a number of prisoners were captured.

Our loss was severe in this engagement. Brigadier-Generals Field and Tremble, and Colonel Forno, commanding Hays's brigade, were severely wounded, and several other valuable officers killed or disabled, whose names are mentioned in the accompanying reports.

On the morning of the 30th the enemy again advanced and skirmishing began along the line.

Mr. OATES. That is the battle of the 28th?

Mr. STEELE. No; the 29th. That was the evening of the 29th. Longstreet confirms this.

Mr. BRAGG. Will the gentleman permit me to interrupt him for a moment? The reports from which the gentleman reads purport to cover the operations of several days, and are not confined to any one day.

Mr. STEELE. All of this has reference to the battle of the 29th of August; the dates show it. I am aware that the whole report covers the operations of other days; but I only read as to the 29th, and all I read may be found in volume 12, part 2, War of the Rebellion, which is made up, as you are aware, from official records.

Mr. BRAGG. Yes; but the gentleman will find that the report, as made, covers the operations of several days.

Mr. STEELE. Oh, yes; some of the reports from day to day; but I only read what refers to the battle of the 29th of August.

Mr. BRAGG. For instance, the death of General Trimble, to which reference is made in that report, took place on the 28th in our front.

Mr. OATES. I was in his brigade, and know that to be so.

Mr. STEELE. I think you are right, and that General Trimble was killed on the evening of the 28th, quite after dark, and General Lee probably had not heard when he was killed, and at some time, remembering his death when making up his report, made mention of it; but there is nothing else in his report as to this day that leads one to think he did not know what he was talking about.

Mr. OATES. What the gentleman has been reading is a consolidation of all the reports covering the operations during the whole of that period.

Mr. CUTCHEON. But it covers the operations of each day separately.

Mr. STEELE. And the report tells especially of the operations of the 29th, because a battle, and a hard one, was fought.

The gentleman on the other side will not deny this testimony that the soldiers were bayoneted in their tracks. I wish my friend from Alabama to bear me out as to the terrible fight on the railroad, where Grover went in.

Mr. BRAGG. Whose report is that the gentleman reads from?

Mr. STEELE. Lee's. I will read further what he says.

Mr. OATES. If the gentleman will allow me I will tell him what I saw, as I happened to be on that line that evening.

Mr. STEELE. Let me tell the gentleman before he tells me that he will admit it would be impossible for him to find where he was immediately after the battle, except the railroad embankment marked his position. The gentleman from Ohio [Mr. THOMPSON], whom I do not see in his seat, was with me on the battle-ground the other day, and he tried hard to find the position he occupied during the fight. He was shot down and staid there a long time, but he was utterly unable to find his position. I wish only to say that it is not uncommon for soldiers to go back to the battlefield and be mistaken about the ideas they had of their locality.

Mr. OATES. I will only state what I know.

Mr. STEELE. Certainly.

Mr. OATES. As to the fighting on the evening of Friday, 29th of August, I will say my regiment was the right of the second brigade. Stark's Louisiana brigade was the right of our line, behind this railroad embankment.

Mr. STEELE. Where was that?

Mr. OATES. That was our right.

Mr. STEELE. Jackson's right?

Mr. OATES. Stark's Louisiana brigade was the right. Then there was a gap. There was no embankment thrown up perhaps for 100 or 150 yards. We had no line along that gap. I was in Trimble's brigade. My regiment was the right one, and we lay along there. There were some troops stationed back here in the woods. Two assaults were made along this line, and one brigade got right up to this embankment and clambered up upon the side of it. There was a large number of white stones there, which were used as weapons by both sides, and the fighting was very severe. I saw right on the top of this embankment the colors of both sides waving together. It was a hand-to-hand fight, and a very desperate one.

Mr. STEELE. I hope the gentlemen will listen; they will see that there was a battle.

Mr. OATES. One officer commanding at this point led his command right up, making a charge to the very top of this embankment, and he and his horse were both killed there. After that attack was repulsed, these troops were replaced by others, and many other attacks were made by about a brigade front passing through a gap between the left of our line and Ewell's division, attacking a portion of A. P. Hill's command, which had formed behind the crest of a hill in line of brigade front. He would advance a brigade forward, meet the attacking force, and these assaults were accompanied by a great deal of noise, musketry, and confusion, and quite a large number of men were killed and wounded, very large in proportion to the numbers actually engaged. I, myself, went over the ground afterward, and was surprised at the number killed.

That fight was in the evening. It was not a battle all along the line, but about a brigade front, or, perhaps, the front of two brigades at a time, and was very destructive for the numbers engaged.

Mr. STEELE. But there was fighting all along the line.

Mr. OATES. There were several assaults on our right as far as Ewell's division extended. How much further the assaults extended I do not know, not having been able to see beyond our own line at this point. I could not, therefore, state from personal knowledge what took place beyond our own front.

Mr. STEELE. Now, if fifteen or sixteen other gentlemen from his side of the House would come forward and confirm the statement of the gentleman from Alabama that there was in fact a battle on the 29th, the argument might cease at this point.

Gentlemen know very well the difficulty that a soldier would have in picking out the position that he occupied unless there was some marked characteristic in the ground to show him his place. As my friend the gentleman from Ohio [Mr. THOMPSON], whom I now see, has said, he could not find his position, for the gentleman had no line to mark it as the gentleman from Alabama has in the present instance.

And I want my friend and colleague on the committee, General WHEELER, to hear what Longstreet says:

Early on the 29th the columns were united and the advance to join General Jackson was resumed. The noise of battle was heard before we reached Gainesville. The march was quickened to the extent of our capacity. The excitement of battle seemed to give new life and strength to our jaded men, and the head of my column soon reached a position in rear of the enemy's left flank and within easy cannon-shot. On approaching the field some of Brigadier-General Hood's batteries were ordered into position, and his division was deployed on the right and left of the turnpike at right angles with it, and supported by Brigadier-General Evans's brigade. Before these batteries could open the enemy discovered our movements and withdrew his left. Another battery (Captain Stribling's) was placed upon a commanding position to my right, which played upon the rear of the enemy's left and drove him entirely from that part of the field. He changed his front rapidly, so as to meet the advance of Hood and Evans. Three brigades, under General Wilcox, were thrown forward to the support of the left, and three others, under General Kemper, to the support of the right of these commands.

General D. R. Jones's division was placed upon the Manassas Gap Railroad to the right and *en échelon* with regard to the three last brigades. Colonel Walton placed his batteries in a commanding position between my line and that of General Jackson, and engaged the enemy for several hours in a severe and successful artillery duel. At a late hour in the day Major-General Stuart reported the approach of the enemy in heavy columns against my extreme right. I withdrew General Wilcox, with his three brigades, from the left and placed his command in position to support Jones in case of an attack against my right. After some few shots the enemy withdrew his forces, moving them around toward his front, and about 4 o'clock in the afternoon began to press forward against General Jackson's position. Wilcox's brigades were moved back to their former position, and Hood's two brigades, supported by Evans, were quickly pressed forward to the attack. At the same time Wilcox's three brigades made a like advance, as also Hunton's brigade, of Kemper's command. These movements were executed with commendable zeal and ability. Hood, supported by Evans, made a gallant attack, driving the enemy back until 9 o'clock at night. One piece of artillery, several regimental standards, and a number of prisoners were taken. The enemy's entire force was found to be massed directly in my front, and in so strong a position that it was not deemed advisable to move on against his immediate front; so the troops were quietly withdrawn at 1 o'clock the following morning. The wheels of the captured piece were cut down and it was left on the ground.

General Jackson, 645:

The next morning (29th) I found that he had abandoned the ground occupied as the battlefield the evening before and had moved farther to the east and to my left, placing himself between my command and the Federal capital. My troops on this day were distributed along and in the vicinity of the cut of an unfinished railroad (intended as a part of the track to connect the Manassas road directly with Alexandria), stretching from the Warrenton turnpike in the direction of Sudley's mill. It was mainly along the excavation of this unfinished road that my line of battle was formed on the 29th—Jackson's division under Brigadier-General Starke, on the right, Ewell's division, under Brigadier-General Lawton, in the center, and Hill's division on the left.

In the morning, about 10 o'clock, the Federal artillery opened with spirit and animation upon our right, which was soon replied to by the batteries of Poague, Carpenter, Dement, Brockenbrough, and Latimer, under Major [L. M.] Shumaker. This lasted for some time, when the enemy moved around more to our left to another point of attack. His next effort was directed against our left. This was vigorously repulsed by the batteries of Braxton, Crenshaw, and Pegram.

About 2 p. m. the Federal infantry in large force advanced to the attack of our left occupied by the division of General Hill. It pressed forward in defiance of our fatal and destructive fire with great determination, a portion of it crossing a deep cut in the railroad track and penetrating in heavy force an interval of nearly 175 yards which separated the right of Gregg's from the left of Thomas's brigade. For a short time Gregg's brigade, on the extreme left, was isolated from the main body of the command; but the Fourteenth South Carolina Regiment, then in reserve, with the Forty-ninth Georgia, left of Colonel Thomas, attacked the exultant enemy with vigor and drove them back across the railroad track with great slaughter. General McGowen reports that the opposing forces at one time delivered their volleys into each other at the distance of 10 paces. Assault after assault was made on the left, exhibiting on the part of the enemy great pertinacity and determination, but every advance was most successfully and gallantly driven back.

General Hill reports that six separate and distinct assaults were thus met and repulsed by his division, assisted by Hays's brigade, Colonel Forno commanding. By this time the brigade of General Gregg, which from its position on the extreme left was most exposed to the enemy's attack, had nearly expended its ammunition. It had suffered severely in its men, and all its field officers except two were killed or wounded. About 4 o'clock it had been assisted by Hays's brigade (Colonel Forno). It was now retired to the rear to take some repose after seven hours of severe service, and General Early's brigade of Ewell's division, with the Eighth Louisiana Regiment, took its place. On reaching his position General Early found that the enemy had obtained possession of the railroad and a piece of wood in front, there being at this point a deep cut, which furnished a strong defense. Moving through a field he advanced upon the enemy, drove them from the wood and railroad cut with great slaughter, and followed in pursuit some 200 yards; the Thirteenth Georgia at the same time advanced to the railroad and crossed with Early's brigade. As it was not desirable to bring on a general engagement that evening General Early was recalled to the railroad, where Thomas, Pender, and Archer had firmly maintained their positions during the day. Early kept his position there until the following morning.

Brigadier-General Field and Colonel Forno (commanding Hays's brigade) were severely wounded. Brigadier-General Trimble was also seriously wounded.

Mr. BROWN, of Pennsylvania. You have been reading from Longstreet's report?

Mr. STEELE. Yes, sir; and all these reports show the distinct engagements, and that there was a battle on the 29th. I desire to call your attention now, and I should like every man who intends to vote on this case to give attention to what I say.

Mr. WHEELER. Let me understand the gentleman. The object of all this argument——

Mr. STEELE. Is to show there was a battle on the 29th.

Mr. WHEELER. And that Porter should have attacked Longstreet under the joint order?

Mr. CUTCHEON. With or without the order.

Mr. STEELE. As I said a while ago, if McClellan had been fighting here Porter would have got to him even through that little thick pine brush. But he did not attempt to obey the order, and there is no evidence of a single reconnoissance being made by him on that day; and there is evidence he had three distinct orders that ought to have impelled him to go forward and attack the enemy. First, there was the order to take King and march to Gainesville. Second, there was the joint order which only confirmed the first one. Third, there was the order where McDowell told him to put his men in there. Every single one of those orders, aside from his sense of justice and duty as a soldier, ought to have impelled him to attack the enemy.

Mr. WHEELER. Then you insist General McDowell ordered him as he left the field to attack Longstreet?

Mr. STEELE. Yes, sir.

Mr. WHEELER. You put, then, on McDowell the responsibility of ordering Porter with nine thousand men to attack twenty-five thousand.

Mr. STEELE. Neither McDowell nor any one else on that side knew that Longstreet had twenty-five thousand men. There is no evidence to show a reconnoissance was made, and there is no evidence that so far as Porter's command was concerned they knew of more than a few skirmishers, whom they could see occasionally through the brush. If they had gone on and found Longstreet in such force Porter could at least have created a diversion with his nine thousand men if nothing more. But whether McDowell did this or not is not a matter of any moment.

In the evening Porter received this order while lying under a shade tree—this 4.30 order. He was lying on his elbow, and did not get up when he read it:

AUGUST 29—4.30 p. m.

MAJOR-GENERAL PORTER: Your line of march brings you on the enemy's right flank. I desire you to push forward into action at once on the enemy's flank, and, if possible, on his rear, keeping your right in communication with General Reynolds. The enemy is massed in the woods in front of us, but can be shelled out as soon as you engage their flank. Keep heavy reserves and use your batteries, keeping well closed to your right all the time. In case you are obliged to fall back, do so to your right and rear, so as to keep you in close communication with the right wing.

JOHN POPE,
Major-General Commanding.

Sykes was sitting there by him, and Sykes says, "I did not know the contents of the order." If he had had the success of his commander at heart, he would have said, "Sykes, here is an important order; get your men ready. Your men are strung along the road from Bethlehem church to Dawkin's Branch, and are not in line of battle as they ought to be; Sykes get your men ready, prepare for an attack And you, Monteith, go up and tell Morrell to get his troops ready." But he said to Monteith, "Go and tell Morell to advance two regiments and attack the enemy in his front, supported by two other regiments." That is the kind of order he gave for an attack. Monteith went and told Morell to do that. Morell asked, "What do you think of it, Marshall?" Marshall said it was dangerous; "The enemy have been moving down in this direction to our right front all day; there are a great many men there, and we had better not attack."

About that time Griffin came up and asked Morell what he was going to do about it. Griffin and Warren were marching in retreat from Dawkin's Branch, after sending word to King, when they met Montieth carrying the order to Morell to attack. Then Griffin faced about and marched and Warren followed, so as to support the movement he supposed was to be made. In reply to Griffin, Morell said it was too late. Griffin and Warren were marching to the rear, no doubt in accordance with Porter's intention, indicated in the following note, to withdraw to Manassas:

Generals McDOWELL and KING:

I found it impossible to communicate by crossing the roads to Groveton. The enemy are in strong force on this road, and as they appear to have driven our forces back, the firing of the enemy having advanced and ours retired, I have determined to withdraw to Manassas. I have attempted to communicate with McDowell and Sigel, but my messengers have run into the enemy. They have gathered artillery and cavalry and infantry, and the advancing masses of dust show the enemy coming in force. I am now going to the head of the column to see what is passing and how affairs are going. Had you not better send your train back?

F. J. PORTER, *Major-General.*

I will communicate with you.

Morell decided that he would not attack with two regiments, and sent Monteith back to say so, and soon afterward received word, "Morell, put your men in camp, prepared to remain till to-morrow;" and skirmishers were put out so that they might not be surprised, and they lay there until the morning of the 30th. In the morning early Porter received an order, while still at Bethlehem church, from Pope:

HEADQUARTERS ARMY OF VIRGINIA, IN THE FIELD,
Near Bull Run, Va., August 29, 1862—8.50 p. m.

GENERAL: Immediately upon receipt of this order, the precise hour of receiving which you will acknowledge, you will march your command to the field of battle of to-day and report to me in person for orders. You are to understand that you are expected to comply strictly with this order, and to be present on the field within three hours after its reception or after daybreak to-morrow morning.

JNO. POPE,
Major-General, Commanding.

Maj. Gen. FITZ-JOHN PORTER.

He received that order in the morning at 3 o'clock, and as it was an order which could not be misinterpreted decided to move and report to Pope, which he did about 9 o'clock. He made 4 miles in six hours with a part of his command, after he received the order. Morell, with Griffin's brigade, instead of turning north on the Manassas and Sudley road and following Sykes's division and his other brigade, marched via Manassas Station to Centreville, and Piatt followed them to Centreville; but hearing the sound of battle about 4 or 5 miles off, at about Henry House, Groveton, and Sudley Ford, marched in that direction. Griffin, late in the evening, moved out to the stone bridge, and Morell a little earlier to join his other brigade on the battlefield. I am speaking of the 30th, and to show that with the peremptory order in hand he did not obey it with spirit or he would have said to Piatt, "Follow with your troops my corps when we have cleared the road," and he would have left a staff officer at the Sudley road to show Griffin the route he had taken, with orders to follow him.

Porter came up and put his troops in front of Sigel, facing the old railroad embankment, but did not advance to attack or fire a gun un-

til 3½ o'clock, and then he had not been in half as long as Schurz or Kearny or Hooker until he was forced back. Yet this fight, with about seven thousand men, is called a battle—I suppose because Porter was there. Sigel, who fought on that day, was with him; Reynolds fought with him that day; King fought with him that day; Ricketts fought with him that day. He marched one brigade to the front and supported it by Sykes with the regulars. Sigel had lost a thousand men the day before right where Porter went in and was driven back.

In the mean time Longstreet, who had had his right resting at the right, and front of Carrico house, and his left on Jackson's right, made a left wheel and had moved over the identical ground that laid between Porter and Reynolds (and which Porter found it impossible to get through or over on account of the little pine brushes on the 29th), so that his new line bending back in center was away around close to the Henry house, and had driven Reynolds's and Sigel's left before him. Our troops were still in front of the railroad cut and Warren had a brigade here of two regiments near Groveton, and the artillery of Jackson and Longstreet mowed down nearly half his men. Porter was forced back and Sykes moved back to about the Henry house, and moved to position after position, and, finally, late in the evening they moved back and left the field, and his were not the rear troops.

I want to call attention to another point which I think is very important. We measure battles by the number of killed and wounded. The compiler of this war history says that the loss of Sigel was imperfectly ascertained, and believed to be greater than reported—he does not know it exactly, but it was reported at over two thousand; and that his loss was principally on the first day can not be controverted. His reports show it. Heintzelman was engaged on the 29th and he lost over nineteen hundred men. Reno was engaged on the 29th and he lost over fifteen hundred men on that day. Porter was engaged on the 30th and he lost twenty-one hundred men. Heintzelman, who lost nineteen hundred men, and Reno, who lost over fifteen hundred men, were not engaged the next day. Their losses together were over fourteen hundred men more than Porter's loss. Therefore I say if we measure battles by the number of killed, it appears, so far as these two corps are concerned, saying nothing about Sigel, King, or Reynolds, that their losses on the 29th were much greater than Porter's on the 30th. Therefore I take it that gentlemen who think there was no battle on the 29th are laboring under a mistake, and that General Grant—peace to his ashes and all honor to him—was led to make a mistake in thinking there was no battle that day. "Well, but," you say, "Terry and Schofield and Getty acquitted Porter." So they did, but how?

In the first place, Porter had three as eminent lawyers as there are in this country to take charge of his case. Then they had the selection of the jury, of the court, which meant Schofield, for he was the whole court. All honor to General Terry. He is a brave, conscientious, able, and learned man. I have not a word to say against him or General Getty. But you can see by examining the testimony that Schofield took charge. Another thing: the Government made no provision whatever for getting witnesses. It did not pay a witness a dollar, and it was represented by only one newly-appointed judge-advocate, who had charge of the Government side of the case, but he ably did his duty. Evidence, cost what it might, and whatever might be its character, Porter's side were bound to have if they could get it, and they got it and used it. The Government's side had no opportunity to bring witnesses. They had no authority, as they say themselves, to administer oaths, but they did so, because Schofield said he thought there would be a little more solemnity about it if they administered an oath to the witnesses, and those who did not know enough to know to the contrary may have thought such an oath was binding.

Mr. WHEELER. Was not Pope a good witness for his side of the question?

Mr. STEELE. Have I said anything about Pope being a witness?

Mr. WHEELER. Was not Pope summoned by Porter?

Mr. STEELE. He was not. On Porter's side they wanted him there very much, but they wanted the Government to summon him. He was not there.

Now, to my friends on the other side I would say, there should be no politics in this matter. If we shall have war hereafter it will be in a common cause; and we shall march with you shoulder to shoulder. It is the good of our common cause that we are looking for. Ten days after you laid down your arms in 1865, if an invitation had been given to you and to the soldiers of our side to march upon foreign territory we would have marched shoulder to shoulder. We should do it if war should come again. Let us not say by our action in disapproving the sentence of Porter that we want any man of his kind to command when our country's safety is in danger. Let us by our votes say to our sons and to our sons' sons, "When you receive an order as a military officer, obey it, though it cost you your life." Let us say to our sons' sons, "Without an order, if you hear the sound of battle, move on to the succor of your countrymen; move on to the succor of your companions in arms, whether directed to do so by your commanding officer or not." [Applause.]

Mr. STEELE here yielded the floor.

Mr. BRAGG. Will the gentleman permit me to ask him a question?

Mr. STEELE. Yes, sir.

Mr. BRAGG. Is it not as grave a blunder on the part of a subordinate commander to precipitate an action before the lines are formed and preparation made for battle as it is not to engage in battle at the proper time?

Mr. STEELE. Ah! my friend, we had a line of battle, and the numbers that were left on the field attested that it was a great line of battle [applause]; and the gentleman for whom you speak did not even make a reconnaissance so that he might inform himself as to whether his comrades were being pressed or not, or whether he could help them. He formed no line of battle, as my friend from Colorado [Mr. SYMES] suggests.

Mr. BRAGG. Allow me to suggest in reply to what has been said, that those who were not there know very much more about it than those who were.

Mr. STEELE. In reply to that, I would remind the gentleman that I have read the reports of officers on each side who were there—of as distinguished soldiers as ever did battle for any cause.

Mr. PETERS. And those on this side of the House who were there corroborate Mr. STEELE.

Mr. BRAGG. I move that the committee rise.

The motion was agreed to.

The committee accordingly rose; and Mr. EDEN having taken the chair as Speaker *pro tempore*, Mr. SPRINGER reported that the Committee of the Whole House on the state of the Union, having had under consideration, by special order, the bill (H. R. 67) for the relief of Fitz-John Porter, had come to no resolution thereon.

MESSENGER FOR COMMITTEE ON PUBLIC BUILDINGS AND GROUNDS.

Mr. DIBBLE, by unanimous consent, submitted the following resolution; which was referred to the Committee on Accounts:

Resolved, That the Doorkeeper of the House be, and he is hereby, authorized and directed to employ a messenger for the Committee on Public Buildings and Grounds until the end of the present fiscal year, with compensation at the rate of $1,000 per annum, to be paid out of the contingent fund of the House.

LEAVE OF ABSENCE.

By unanimous consent, leave of absence was granted as follows:

To Mr. PINDAR, for six days, on account of important business; and

To Mr. MILLS, until further notice, on account of illness.

And then, on motion of Mr. SPRIGGS (at 4 o'clock and 50 minutes p. m.), the House adjourned.

PETITIONS, ETC.

The following petitions and papers were laid on the Clerk's desk, under the rule, and referred as follows:

By Mr. G. E. ADAMS: Papers relating to the claim of Arno Voss—to the Committee on War Claims.

By Mr. J. J. ADAMS: Papers relating to the claim of George W. Soulé—to the Committee on Claims.

By Mr. BAKER: Petition for the passage of the temperance education bill from Rev. J. Copeland, I. J. Hill, M. D., and 296 others, representative citizens of Monroe County, New York, including 25 clergymen, 12 physicians, 4 lawyers, 41 teachers, 140 leading business men, and 26 officers of temperance and other societies; from the Presbyterian church and society at Webster, and the union meeting in the Baptist church at Parma, N. Y.—to the Committee on Education.

By Mr. BARKSDALE: Papers relating to the claims of Caroline C. Hedges, of Hinds County, and of James Pugh, of Warren County, Mississippi—to the Committee on War Claims.

By Mr. BELMONT: Two lots of petitions numerously signed by artists, teachers of art, and art societies and institutions, asking for the admission of works of art, &c., free of duty—to the Committee on Ways and Means.

By Mr. BLANCHARD: Papers relating to the claim of Adelia E. Carson, of Rapides Parish, Louisiana—to the Committee on War Claims.

By Mr. BURROWS: Petition of citizens of Michigan, asking for amendment to the pension laws—to the Committee on Invalid Pensions.

By Mr. CANDLER: Petition of John Webb, W. S. Grogan, and others, citizens of Milton County; and of T. J. Carr, Hon. George E. Deadwiler, and others, citizens of Georgia, asking national aid to education—to the Committee on Education.

By Mr. CARLETON: Petition of citizens of Jefferson County, Texas, for the improvement of the Sabine Pass bar, at Sabine Pass, Tex.—to the Committee on Rivers and Harbors.

By Mr. COLE: Memorial on the question of the pay of retired United States Navy—to the Committee on Naval Affairs.

By Mr. COMSTOCK: Petition of John Kramer and others, of Michigan, asking the passage of a bill embodying the recommendations of the national pension committee of the Grand Army of the Republic—to the Committee on Invalid Pensions.

By Mr. ELDREDGE: Petition of the Grand Army Republic, Saline, Mich., for passage of the bill as recommended by the pension committee of the Grand Army of the Republic—to the same committee.

By Mr. FINDLAY: Twenty-three memorials of the shipping, timber, and cooperage interests of the United States, praying for relief—to the Committee on Ways and Means.

By Mr. FISHER: Petition of William McEwan and 200 others, citi-

zens of first ward of Bay City; of the mayor, aldermen, and 22 others, citizens of Saint Ignace; and of P. J. Parlthorp and 107 others, citizens of Petoskey, Emmet County, Michigan, asking that a United States court may be established at Bay City, Mich.—to the Committee on the Judiciary.

By Mr. FORD: Memorial of certain citizens of the United States, asking Congress to incorporate an institution for the higher education of the blind—to the Committee on the District of Columbia.

By Mr. FORNEY: Papers relating to the claims of Ebenezer Cunningham, of James M. Smith, of Abram H. Starling, of Nancy Starling, of Milly Wells's estate, of John D. Vandiver, of William Stallings, and of Stephen Hurley, of Cherokee County, Alabama; and of John G. Winston, executor of Christopher C. Cardon, of De Kalb County, Alabama—to the Committee on War Claims.

By Mr. FUNSTON: Petition of Vicksburg Post, Grand Army of the Republic, Humboldt, Kans., for the passage of bill recommended by the national pension committee of the Grand Army of the Republic—to the Committee on Invalid Pensions.

Also, petition of citizens of Baldwin City, Kans., asking for the enactment of certain pension laws—to the same committee.

By Mr. GLASS: Petition of sundry citizens of Milan, Tenn., asking that the pay of third and fourth class postmasters be increased, &c.—to the Committee on the Post-Office and Post-Roads.

By Mr. HALSELL: Petition of Benjamin Carpenter and William Orr, executors of Samuel E. Carpenter, deceased—to the Committee on War Claims.

By Mr. HARMER: Petition of Augustus D. Saylor, of Pennsylvania, asking a refund of taxes erroneously paid—to the Committee on Claims.

By Mr. HERMAN: Petition of 1,000 citizens of Central Oregon, for continued improvement and appropriation for the Yaquina Bay, in Oregon—to the Committee on Rivers and Harbors.

Also, memorial concerning the abolition of the Presidency—to the Committee on the Judiciary.

Also, petition of 50 citizens of Southern Oregon, for improvement of Yaquina Bay and jetty construction in the State of Oregon—to the Committee on Rivers and Harbors.

Also, petition of W. F. Sanbert, of Oregon, for survey of Siuslaw River, and reciting dangers to shipping and wrecks and injury to Siuslaw Valley, in Oregon, for want of survey of channel—to the same committee.

Also, petition for relief of Robert Travila, to accompany H. R. 3618—to the Committee on Claims.

By Mr. HEWITT: Petition of James H. Butler, late captain Company F, Thirty-second New York Volunteers, for an invalid pension—to the Committee on Invalid Pensions.

By Mr. HIRES: Petition of Charles K. Landis and others, for the improvement of the thoroughfare between Townsend's and Corson's Inleta, Cape May County, N. J.—to the Committee on Rivers and Harbors.

By Mr. HOLMAN: Petition of citizens of Madison, Ind., for the erection of a building for the post-office and other Federal offices in that city—to the Committee on Public Buildings and Grounds.

Also, petition of Dalton Hinchman, with accompanying papers, praying for relief in the readjustment of his pension—to the Committee on Invalid Pensions.

By Mr. HOUK: Papers in the case of James M. McKarney, of Tennessee—to the Committee on Military Affairs.

By Mr. HOPKINS: Petition of Henry Seip and 100 others; of J. C. Bosworth, L. Adler, R. W. Joslyn, and others; and of Frederick Weis, Albert Bronson, R. E. Gould, and others, for a law putting butterine, oleomargarine, &c., and all imitations of butter under control of Internal Revenue Department—to the Committee on the Judiciary.

By Mr. IRION: Papers relating to the claims of Francis Bouligny, of Point Coupée Parish; of William Wallace Watson, of Tensas Parish; and of Sarah A. Wallace, of Richland Parish, Louisiana—to the Committee on War Claims.

By Mr. JACKSON: Petition of soldiers and citizens of Beaver County, Pennsylvania, in favor of additional pensions to soldiers of the civil war—to the Committee on Invalid Pensions.

Also, papers in the case of George H. Rider, for a pension—to the same committee.

By Mr. KING: Petition for a public building at Monroe, La.—to the Committee on Public Buildings and Grounds.

By Mr. LANDES: Petition of Col. J. J. Rider, E. S. Earle, and 80 others, citizens of Jasper County, Illinois, praying for the passage of pension bill embracing the suggestions of the Grand Army of the Republic—to the Committee on Invalid Pensions.

By Mr. LIBBEY: Petition of Abram Alman, for compensation for damages in 1863—to the Committee on War Claims.

Also, petition of Henry Neal, for difference in pay of a laborer and that of a messenger—to the Committee on Claims.

By Mr. LINDSLEY: Petition for the relief of Patrick S. Doig—to the Committee on Military Affairs.

By Mr. LOVERING: Petition of Knights of Labor of Winchester, Mass., asking for the opening of all public unoccupied lands in the Indian Territory to settlement under the homestead laws, and for other purposes—to the Committee on the Territories.

By Mr. LYMAN: Petition of 86 members of Shields Post, No. 83, Grand Army of the Republic, Dunlap, Iowa, in reference to limitation of arrears of pensions—to the Committee on Invalid Pensions.

By Mr. MARKHAM: Petition for a breakwater at San Luis Obispo, Cal.—to the Committee on Rivers and Harbors.

By Mr. MILLARD: Resolution of the Legislature of New York for the passage of a law giving a moderate pension to all Union soldiers and sailors of the late war—to the Committee on Invalid Pensions.

By Mr. MILLER: Petition of K. M. Jones, of Lee County, Texas, asking reference of his war claim to the Court of Claims—to the Committee on War Claims.

By Mr. MITCHELL: Petition of carpet, wall-paper, and type manufacturers, to amend the law relating to patents, trade-marks, and copyright—to the Committee on Patents.

By Mr. MORRILL: Petition of J. W. Fauble and 110 others, asking for the passage of pension laws recommended by the Grand Army of the Republic—to the Committee on Invalid Pensions.

By Mr. MORROW: Petitions of citizens of the Pacific coast, against any change in the present tariff on lumber—to the Committee on Ways and Means.

By Mr. O'DONNELL: Petition from 1,257 citizens of the District of Columbia, praying for the passage of the bill requiring the study of the nature of alcoholic drinks and other narcotics and their effects upon the human system, in connection with physiology and hygiene, in the public schools of the District—to the Committee on Education.

By Mr. OWEN: Petition of H. Baylor, late postmaster at Bourbon, Ind., asking for the passage of a joint resolution requiring the Postmaster-General to obey the act of March 3, 1883—to the Committee on the Post-Office and Post-Roads.

By Mr. RANDALL: Memorial of Thomas U. Walter, praying compensation for sundry claims as architect—to the Committee on Claims.

By Mr. REAGAN: Memorial of W. H. Parsons, on behalf of the Federation of Trades and the Knights of Labor, Baltimore, Md., and members of the national committee for and on behalf of the National Bimetallic Association of the United States—to the Committee on Coinage, Weights, and Measures.

By Mr. T. B. REED: Petition of packers of canned goods in Portland, Me., for a law allowing full rebate on imported materials—to the Committee on Ways and Means.

By Mr. RICHARDSON: Petition of George N. Tillman and others, citizens of Tennessee, asking relief for A. A. Strong—to the Committee on War Claims.

By Mr. ROCKWELL: Petition of H. M. Castle and others, citizens of Springfield, Mass., in favor of establishing a port of delivery at that city—to the Committee on Commerce.

By Mr. ROMEIS: Petition of the Woman's Suffrage Association of Toledo, Ohio, and 15 citizens of Toledo, asking a constitutional amendment in behalf of woman suffrage—to the Committee on the Judiciary.

By Mr. SCRANTON: Petition of citizens of Silkworth, Luzerne County, Pennsylvania, for the passage of a bill embodying the recommendations of the national pension committee of the Grand Army of the Republic—to the Committee on Invalid Pensions.

By Mr. SENEY: Memorial of Louisiana Educational Society, for Government aid to common schools—to the Committee on Education.

Also, petition of Kansas City Clearing House Association, for legislation respecting the Indian Territory—to the Committee on the Judiciary.

By Mr. SESSIONS: Petition from B. F. Congdon and O. A. Tompkins, M. D., and 255 others, representative citizens of Cattaraugus County, New York, including 19 clergymen, 18 physicians, 15 lawyers, 26 teachers, 158 business men, and 23 officers of temperance and other societies, for the passage of the scientific temperance instruction bill for all schools under the control of the Federal Government, namely, in the District of Columbia, Territories, Military and Naval Academies, Indian and colored schools—to the Committee on Education.

By Mr. SMALLS: Petition of citizens of Berkeley County, South Carolina, requesting the passage of the educational bill—to the same committee.

Also, petition of the African Methodist Episcopal Church, South, requesting passage of the educational bill—to the same committee.

By Mr. E. B. TAYLOR: Petition of A. Case and 20 others, citizens of Mantua, Ohio, for additional pension laws—to the Committee on Invalid Pensions.

By Mr. J. R. THOMAS: Petition of 165 citizens of Johnson County, Illinois, praying for the passage of a bill embodying the recommendations of the national committee of the Grand Army of the Republic—to the same committee.

By Mr. O. B. THOMAS: Three memorials of citizens of Wisconsin concerning the abolition of the Presidency—to the Committee on the Judiciary.

By Mr. THROCKMORTON: Memorial of the Clearing House Association of Kansas City, asking that the United States courts be invested with civil jurisdiction in the Indian Territory—to the Committee on the Judiciary.

Also, memorial of the merchants of Gainesville, Tex., asking that a new judicial district, embracing certain counties in Texas and the Indian Territory, be created; and asking that United States courts be

invested with civil jurisdiction in the Indian Territory—to the same committee.

By Mr. VAN EATON: Papers relating to the claim of Charlotte S. Brandon, of Adams County, Mississippi—to the Committee on War Claims.

By Mr. WILLIAM WARNER: Petition of J. C. Row, J. R. Powell, and 29 others, of Post No. 249 Grand Army of the Republic, indorsing the recommendations of the national pension committee of the Grand Army of the Republic of the United States—to the Committee on Invalid Pensions.

By Mr. A. J. WEAVER: Petition of John Watson, for invalid pensions—to the same committee.

By Mr. WHEELER: Papers relating to the claims of James P. Sterly; of Thomas J. Hargins; of Benjamin Snodgrass, by David K. Cotswell, administrator; of Sarah Wood; of Elisha Stogsdill; of William L. Shelton; of John W. Wright; of William C. Thomas, and of Miller Irbell, of Jackson County, Alabama—to the Committee on War Claims.

Also, petition of M. L. Rudder, for the heirs at law of Eliza J. Rudder, Jackson County, Alabama, asking reference of her war claims to the Court of Claims—to the same committee.

Also, petition of Robert E. Tweedy, of Lawrence County, Alabama, praying that his war claim be referred to the Court of Claims—to the same committee.

Also, petition of John W. Wright, of Jackson, Alabama, asking reference of his war claim to the Court of Claims—to the same committee.

By Mr. WILLIS: Petition of citizens of Fulton County, Kentucky, for passage of the Blair bill or some similar bill—to the Committee on Education.

By Mr. WILSON: Papers relating to the war claim of David Thompson, of Barbour County, West Virginia—to the Committee on War Claims.

By Mr. WORTHINGTON: Petition of Galesburg Local Assembly No. 3371, Knights of Labor, for the organization of Oklahoma Territory—to the Committee on the Territories.

The following petitions, praying Congress to place the coinage of silver upon an equality with gold; that there be issued coin certificates of one, two, and five dollars, the same being made legal tender; that one and two dollar legal-tender notes be issued, and that the public debt be paid as rapidly as possible by applying for this purpose the idle surplus now in the Treasury, were presented and severally referred to the Committee on Coinage, Weights, and Measures:

By Mr. CONGER: Of 69 citizens of Grimes, Iowa.

By Mr. HATCH: Of J. K. Wright and others, of Shelby County, Missouri.

By Mr. HOPKINS: Of A. Thompson and 151 others, of Nunda, Ill.

By Mr. PAYSON: Of S. T. Syphers and many citizens of Livingston County, Illinois.

HOUSE OF REPRESENTATIVES.

FRIDAY, *February* 12, 1886.

The House met at 12 o'clock m. Prayer by the Chaplain, Rev. W. H. MILBURN, D. D.

The Journal of yesterday's proceedings was read and approved.

CLAIMS.

The SPEAKER laid before the House a letter from the Secretary of the Treasury, transmitting schedules of claims allowed by the accounting officers, appropriations for which have been exhausted or carried to the surplus fund; which was referred to the Committee on Appropriations, and ordered to be printed.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. SYMPSON, one of its clerks, announced that the Senate had adopted the following resolution; in which the concurrence of the House was requested:

Resolved by the Senate (the House of Representatives concurring), That 11,100 additional copies of the report of the Select Committee on Ordnance and War Ships be printed; 100 copies for the use of the committee, to be distributed to those who contributed to the appendix to said report; 1,000 copies each for the War and Navy Departments; 3,000 copies for the use of the Senate, and 6,000 copies for the use of the House of Representatives.

The message also announced that the Senate had adopted the following resolution; in which the concurrence of the House was requested:

Resolved by the Senate (the House of Representatives concurring), That in addition to the usual number there be printed of the letter of the President of the 4th instant, communicating to the Senate copies of the reports of the Government directors of the Union Pacific Railway Company, together with said reports, 3,000 copies; 1,000 for the use of the Senate and 2,000 for the use of the House of Representatives.

The message also announced that the Senate had passed bills of the following titles; in which the concurrence of the House was requested:

A bill (S. 150) to quiet title of settlers on the Des Moines River lands, in the State of Iowa, and for other purposes;

A bill (S. 223) to regulate the promotion of graduates of the United States Military Academy;

A bill (S. 269) for the relief of W. H. Powell;

A bill (S. 390) for the relief of H. A. Myers;

A bill (S. 391) for the relief of A. A. Thomas;

A bill (S. 574) for the relief of Robert Strachan; and

A bill (S. 699) to authorize the Secretary of the Interior to issue to George K. Otis duplicates of certain land-warrants lost while in the possession of the officers of the Government.

SENATE BILLS REFERRED.

The SPEAKER laid before the House, in accordance with the rule, Senate bills of the following titles; which were severally referred to the Committee on the Public Lands:

A bill (S. 624) to extend the laws of the United States over certain unorganized territory south of the State of Kansas, and for other purposes;

A bill (S. 1092) to grant the right of way through public lands for irrigation purposes; and

A bill (S. 884) to enable the State of Colorado to take lands in lieu of the sixteenth and thirty-sixth sections within Indian reservations.

The SPEAKER also laid before the House, in accordance with the rule, Senate bills of the following titles; which were severally referred to the Committee on Public Buildings and Grounds:

A bill (S. 481) authorizing the partition of certain lands in Louisville, Ky., belonging jointly to John Echols and the Government of the United States;

A bill (S. 44) providing for the erection of a public building at San Antonio, Tex.;

A bill (S. 57) for the erection of a public building at Oshkosh, Wis.;

A bill (S. 86) to provide for the construction of a public building at Portland, Oreg.;

A bill (S. 93) authorizing the construction of a public building for a post-office in the city of Houston, Tex.;

A bill (S. 175) for a public building at Monroe, La.;

A bill (S. 179) to provide a building for the use of the United States courts, post-office, customs office, and internal-revenue office at Vicksburg, Miss.;

A bill (S. 185) to provide for the erection of a public building at the town of Houlton, Me.;

A bill (S. 201) to provide for the erection of a public building in the city of Annapolis, Md.;

A bill (S. 206) to provide for the erection of a public building in the city of Zanesville, Ohio;

A bill (S. 228) for the erection of a public building at Camden, N. J.;

A bill (S. 229) to provide for the erection of a public building at Wilmington, N. C.;

A bill (S. 230) for the erection of a public building at Worcester, Mass.;

A bill (S. 263) providing for the erection of a public building at Springfield, Mass.;

A bill (S. 305) for the erection of a public building at Huntsville, Ala.;

A bill (S. 324) for the erection of a public building at Opelousas, La.;

A bill (S. 453) for the erection of a public building at Jacksonville, Fla.;

A bill (S. 479) to provide for the erection of a post-office building at Fortress Monroe, Va.;

A bill (S. 480) for the improvement or enlargement of the public building at Petersburg, Va.;

A bill (S. 482) to provide for the erection of a public building in the city of Norfolk, in the State of Virginia;

A bill S. 538) to provide for the erection of a public building in the city of Newport, Ky.;

A bill (S. 549) for a public building at Greenville, S. C.;

A bill (S. 577) for the erection of a public building at Stillwater, Minn.;

A bill (S. 610) to provide for a building for the use of the Federal courts, post-office, internal-revenue and other civil offices, and a United States jail in the city of Fort Smith, Ark.;

A bill (S. 712) for the erection of a public building at Augusta Ga.;

A bill (S. 763) for the erection of a public building at Sioux City, Iowa;

A bill (S. 771) to provide for the erection of a public building in the city of Dover, in the State of New Hampshire;

A bill (S. 856) to provide for the erection of a public building in the city of Dayton, Ohio;

A bill (S. 954) for the erection of a public building in the city of Pawtucket, R. I.;

A bill (S. 1116) for the erection of a public building at Pueblo, Colo.;

A bill (S. 1163) for a public building at Lancaster, Pa.;

A bill (S. 1255) to authorize the purchase of a site for a building for a post-office, court-house, and other offices at San Francisco, Cal.;

A bill (S. 1350) to provide for the erection of a public building for the use of the post-office and Government offices at the city of Atchison, Kans.;

A bill (S. 1366) to change the limit of appropriation for the public building at Montpelier, Vt.;

A bill (S. 1386) for the completion of a public building at Fort Scott, Kans.;

A bill (S. 1587) for the completion of a public building at Wichita, Kans.; and

A bill (S. 637) to provide for the construction of a public building at Hudson, N. Y.

SMITHSONIAN REPORTS.

The SPEAKER also laid before the House, in accordance with the rule, the following concurrent resolution; which was referred to the Committee on Printing:

IN THE SENATE OF THE UNITED STATES, *February* 10, 1886.

Resolved by the Senate of the United States (the House of Representatives concurring), That there be printed of the last annual reports of the Smithsonian Institution and of the National Museum, in two octavo volumes, 16,000 extra copies of each; of which 3,000 copies shall be for the use of the Senate, 6,000 copies for the use of the House of Representatives, and 7,000 copies for the use of the Smithsonian Institution.

Attest: ANSON G. McCOOK, *Secretary*.

ORDER OF BUSINESS.

The SPEAKER. This being Friday, the Chair will proceed with the call of standing and select committees for reports of bills of a private nature.

ADVERSE REPORT.

Mr. BRAGG, from the Committee on Military Affairs, reported back adversely the bill (H. R. 1009) for the relief of John A. Darling; which was laid upon the table, and the accompanying report ordered to be printed.

JAMES CAIN.

Mr. VIELE, from the Committee on Military Affairs, reported, as a substitute for H. R. 1629, a bill (H. R. 5552) for the relief of James Cain; which was read a first and second time, referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

ADVERSE REPORT.

Mr. ANDERSON, of Ohio, from the Committee on Military Affairs, reported back adversely the bill (H. R. 2354) to place the name of Robert P. Crowder on the muster-roll as assistant surgeon of the Third Tennessee Mounted Infantry; which was laid on the table, and the accompanying report ordered to be printed.

ADVERSE REPORT.

Mr. BRAGG (for Mr. FINDLAY), from the Committee on Military Affairs, reported back with adverse recommendation the bill (H. R. 2212) for the relief of the board of field officers of the Fourth Brigade of South Carolina Volunteer State Troops; which was ordered to be laid on the table, and the accompanying report printed.

STEPHEN GARDINER.

Mr. WINANS, from the Committee on Invalid Pensions, reported back with favorable recommendation the bill (H. R. 1184) granting a pension to Stephen Gardiner; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

MRS. ANN J. CONWELL.

Mr. LOVERING, from the Committee on Invalid Pensions, reported back with favorable recommendation the bill (H. R. 3177) placing the name of Mrs. Ann J. Conwell on the pension-roll; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

ALONZO MAYNARD.

Mr. LOVERING, from the Committee on Invalid Pensions, also reported back with amendments the bill (H. R. 3478) granting an increase of pension to Alonzo Maynard; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

AUGUSTA M. RICHARDS.

Mr. LOVERING, from the Committee on Invalid Pensions, also reported back with favorable recommendation the bill (H. R. 1107) granting a pension to Augusta M. Richards; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

ADVERSE REPORT.

Mr. LOVERING, from the Committee on Invalid Pensions, also reported back with adverse recommendation the bill (H. R. 1089) granting a pension to Abbie L. Burbank; which was ordered to be laid on the table, and the accompanying report printed.

THOMAS G. NEWMAN.

Mr. MORRILL, from the Committee on Invalid Pensions, reported back with amendment the bill (H. R. 1367) to place the name of Thomas G. Newman on the pension-roll; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

MARGARET A. CASWELL.

Mr. SAWYER, from the Committee on Invalid Pensions, reported back with favorable recommendation the bill (H. R. 1634) for the relief of Margaret A. Caswell; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

SARAH B. JACKSON.

Mr. SAWYER, from the Committee on Invalid Pensions, also reported back with a favorable recommendation the bill (H. R. 1635) for the relief of Sarah B. Jackson; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

SAMUEL F. GARRETT.

Mr. ELLSBERRY, from the Committee on Invalid Pensions, reported back with amendments the bill (H. R. 1840) granting a pension to Samuel F. Garrett; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

JAMES L. M'CLARREN.

Mr. ELLSBERRY, from the Committee on Invalid Pensions, also reported back with a favorable recommendation the bill (H. R. 1943) granting a pension to James L. McClarren; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

D. P. SIMMONS.

Mr. SWOPE, from the Committee on Invalid Pensions, reported back with a favorable recommendation the bill (H. R. 2159) for the relief of D. P. Simmons; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

ADVERSE REPORT.

Mr. HAYNES, from the Committee on Invalid Pensions, reported back with an adverse recommendation the bill (H. R. 4399) granting a pension to Capt. H. C. Nichols; which was ordered to be laid on the table, and the accompanying report printed.

SUSAN WOOLLEY.

Mr. MATSON, from the Committee on Invalid Pensions, reported back with a favorable recommendation the bill (H. R. 443) granting a pension to Susan Woolley; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

J. M. ENGLISH.

Mr. TRIGG, from the Committee on Claims, reported back with a favorable recommendation the bill (H. R. 2244) for the relief of J. M. English, administrator of the estate of Richard Fitzpatrick, deceased; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

EMPLOYÉS TWELFTH LIGHT-HOUSE DISTRICT.

Mr. McKENNA, from the Committee on Claims, reported back with a favorable recommendation the bill (H. R. 190) for the relief of certain employés and others of the twelfth light-house district; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

JAMES CLIFFORD.

Mr. McKENNA, from the Committee on Claims, also reported back with a favorable recommendation the bill (H. R. 75) for the relief of James Clifford; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

BENTON & SAGE.

Mr. BUCHANAN, from the Committee on Claims, reported back with a favorable recommendation the bill (H. R. 3039) to refund to Benton & Sage, of Chicago, Ill., the sum of $1,549.67, duties paid on 60 hogsheads of sugar; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

PATTISON & CALDWELL.

Mr. BROWN, of Ohio, from the Committee on Claims, reported back with a favorable recommendation the bill (H. R. 1814) for the relief of Pattison & Caldwell; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

E. J. PHILLIPS.

Mr. BROWN, of Ohio, from the Committee on Claims, also reported, as a substitute for H. R. 1933, a bill (H. R. 5553) for the relief of E. J. Phillips, postmaster at Oberlin, Ohio; which was read a first and second time, referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

House bill 1933 was laid on the table.

RELIEF OF INSURANCE COMPANIES.

Mr. WARNER, of Missouri, from the Committee on Claims, reported back with a favorable recommendation the bill (H. R. 1628) for the relief of the Continental Fire Insurance Company, the Eagle Fire Insurance Company, the City Fire Insurance Company, the Commercial Mutual Insurance Company, all of New York city; the Western National Bank, the Merchants' Bank, and the Maryland Fire Insurance Company, of Baltimore, Md.; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

REPRESENTATIVES OF G. ALEXANDER RAMSAY.

Mr. WARNER, of Missouri, from the Committee on Claims, also reported, as a substitute for H. R. 951, a bill (H. R. 5554) for the relief of the legal representatives of G. Alexander Ramsay; which was read a first and second time, referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

House bill 951 was laid on the table.

REPRESENTATIVES OF JOHN M. ROBESON.

Mr. WARNER, of Missouri, from the Committee on Claims, also reported back the bill (H. R. 1363) for the relief of the legal representatives of John M. Robeson, deceased; and moved that the committee be discharged from the further consideration of the same, and that it be referred to the Committee on War Claims.

The motion was agreed to.

Mr. WARNER, of Missouri, from the Committee on Claims, also reported back the bill (S. 209) for the relief of the legal representatives of John M. Robeson, deceased; and moved that the committee be discharged from the further consideration of the same, and that it be referred to the Committee on War Claims.

The motion was agreed to.

LYSANDER H. CARROLL.

Mr. GALLINGER, from the Committee on Claims, reported back with a favorable recommendation the bill (H. R. 1455) for the relief of Lysander H. Carroll; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

JOHN LEATHERS.

Mr. NEAL, from the Committee on Claims, reported back with a favorable recommendation the bill (S. 767) for the relief of John Leathers; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

T. H. TRIPLETT.

Mr. NEAL, from the Committee on Claims, also reported back with a favorable recommendation the bill (H. R. 279) for the relief of T. H. Triplett; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

JAMES M. LOWRY.

Mr. NEAL, from the Committee on Claims, also reported back with a favorable recommendation the bill (H. R. 277) for the relief of James M. Lowry; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

JAMES TRABUE AND OTHERS.

Mr. SPRINGER, from the Committee on Claims, reported back the bill (S. 311) for the relief of James Trabue, Thornton Thatcher, Michael Callaghan, and the widow of John Waters; and moved that the committee be discharged from further consideration of the same, and that it be referred to the Committee on War Claims.

The motion was agreed to.

HARRY FISK.

Mr. SPRINGER, from the Committee on Claims, also reported back with amendments the bill (H. R. 3909) for the relief of Harry Fisk; which was referred to the Committee of the Whole House on the Private Calendar, and, with the amendments and accompanying report, ordered to be printed.

ELIZABETH BATES.

Mr. JOHNSTON, of Indiana, from the Committee on War Claims, reported back with an adverse recommendation the bill (H. R. 1956) for the relief of Elizabeth Bates; which was laid on the table, and, with the accompanying report, ordered to be printed.

WILLIAM B. ISAACS & CO.

Mr. REID, of North Carolina, from the Committee on War Claims, reported back with amendments the joint resolution (H. Res. 67) for the relief of William B. Isaacs & Co.; which was referred to the Committee of the Whole House on the Private Calendar, and, with the amendments and accompanying report, ordered to be printed.

JOSIAH SHINKLE.

Mr. RICHARDSON, from the Committee on War Claims, reported back with an adverse recommendation the bill (H. R. 3975) for the relief of Josiah Shinkle; which was laid on the table, and, with the accompanying report, ordered to be printed.

WELLS C. M'COOL.

Mr. KLEINER, from the Committee on War Claims, reported back with a favorable recommendation the bill (H. R. 3930) for the relief of Wells C. McCool; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

CHANGE OF REFERENCE.

On motion of Mr. GEDDES, the Committee on War Claims was discharged from the further consideration of the bill (H. R. 879) for the relief of William H. Gray; and it was referred to the Committee on Claims.

ADVERSE REPORTS.

Mr. GEDDES, from the Committee on War Claims, reported back adversely the bill (H. R. 4891) for the relief of William J. Alexander; which was laid upon the table, and the accompanying report ordered to be printed.

Mr. DOCKERY, from the Committee on Accounts, reported back adversely the resolution of the House instructing the Clerk of the House to pay Winship Petty for thirty-two days' service as assistant clerk of the Committee on Claims; which was laid upon the table, and the accompanying report ordered to be printed.

LUTHER F. WARDER.

Mr. ADAMS, of Illinois, from the Committee on Accounts, reported back favorably the joint resolution (H. Res. 82) for the relief of Luther F. Warder; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

The SPEAKER. This completes the call of the standing and select committees. If there be no objection the Chair will now recognize gentlemen who were not in their seats when their committees were called.

There was no objection.

J. G. C. LEE.

Mr. ERMENTROUT, from the Committee on Military Affairs, reported back with a favorable recommendation the bill (H. R. 2395) to authorize J. G. C. Lee, a major and quartermaster in the United States Army, to issue a duplicate check, and the assistant treasurer of the United States at New York to pay the same; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

CHANGE OF REFERENCE.

On motion of Mr. HOWARD, the Committee on Claims was discharged from the further consideration of the bill (H. R. 1074) for the relief of the Merchants and Miners' Transportation Company of Baltimore, Md.; and the same was referred to the Committee on War Claims.

ORDER OF BUSINESS.

Mr. HOLMAN. Mr. Speaker, I move that the House resolve itself into Committee of the Whole for the consideration of bills on the Private Calendar.

The motion was agreed to.

The House accordingly resolved itself into Committee of the Whole House for the consideration of bills on the Private Calendar, Mr. HAMMOND in the chair.

The CHAIRMAN (Mr. HAMMOND). The House is now in Committee of the Whole for the purpose of considering bills upon the Private Calendar.

The first business on the Private Calendar was the bill (S. 193) for the relief of John Hollins McBlair.

The bill was read, as follows:

Whereas John Hollins McBlair, late a first lieutenant in the Fifteenth United States Infantry, was, by order of the President dated October 6, 1863, wholly retired from the service, and was afterward, on April 8, 1864, ordered by the President to be retired for disability incident to the service and to be placed upon the retired-list, and has ever since been borne upon such retired-list up to November 12, 1884, and has been regularly paid as such retired officer up to April 30, 1884, and the Court of Claims has recently decided that the order of the President of April 8, 1864, attempting to revoke the order of October 6, 1863, wholly retiring him, and to restore him to the retired-list, was not operative: Therefore,

Be it enacted, &c., That the provisions of law regulating appointments in the Army by promotion in the line are hereby suspended for the purposes of this act only, and only so far as they affect John Hollins McBlair; and the President can, if he so desire, in the exercise of his own discretion and judgment, nominate and, by and with the advice and consent of the Senate, appoint said John Hollins McBlair, late a first lieutenant in the Fifteenth United States Infantry Regiment, to the same grade and rank of first lieutenant in the Army of the United States in the infantry service, and to place him upon the retired-list of the Army as of the date of April 8, 1864, with the pay of his grade and rank from April 30, 1884, and with a full discharge from all liability for any sums paid to or received by him previously to said date.

Mr. SPRINGER. Mr. Chairman, I ask for the reading of the report in that case.

Mr. CUTCHEON. Mr. Chairman, the report is quite long, and I think that perhaps a simple statement will put the House in possession

of all the material facts and save considerable time. The report is several pages long.

Mr. SPRINGER. I should like to hear the report, Mr. Chairman.

The CHAIRMAN. The Chair will state that if the report is read it will be counted as in the time of the gentleman from Michigan [Mr. CUTCHEON].

Mr. SPRINGER. I prefer that the report be read.

The CHAIRMAN. While the gentleman from Illinois [Mr. SPRINGER] has the floor he can have the report read as part of his remarks.

Mr. SPRINGER. Then I take the floor now.

The CHAIRMAN. The gentleman from Michigan in charge of the bill [Mr. CUTCHEON] has the floor.

Mr. CUTCHEON. If the gentleman from Illinois [Mr. SPRINGER] insists upon having the report read, I will yield to him for that purpose. I do not desire to have the reading come out of my time.

The CHAIRMAN. Does the gentleman from Illinois [Mr. SPRINGER] still desire to have the report read?

Mr. SPRINGER. Yes, sir.

The report (by Mr. CUTCHEON) was read, as follows:

In the Forty-eighth Congress a bill for the relief of said McBlair was referred to the Senate Military Committee, and by that committee referred to the Secretary of War, and the following letter, with a statement of the services of Lieutenant McBlair and a report of the Adjutant-General in regard to his case, received:

WAR DEPARTMENT, *Washington City, June 12, 1884.*

SIR: The Department duly received your letter of the 27th ultimo, inclosing a copy of S. 2233, "A bill for the relief of Lieut. John Hollins McBlair," and requesting to be furnished with a record of his services in the Army, and of his discharge or dismissal therefrom, giving all the proceedings and any subsequent application for reappointment or restoration made by him, &c.

In reply, I have the honor to invite attention to the inclosed report of the Adjutant-General, dated the 7th instant, and its accompanying papers, which it is believed afford the desired information in the case.

Very respectfully, your obedient servant,

S. V. BENÉT,
Brigadier-General, Chief of Ordnance, and Acting Secretary of War.

Hon. F. M. COCKRELL,
Of the Committee on Military Affairs, United States Senate.

HEADQUARTERS OF THE ARMY, ADJUTANT-GENERAL'S OFFICE,
Washington, June 7, 1884.

SIR: I have the honor to return herewith the letter of May 27, 1884, from Hon. F. M. COCKRELL, of the Senate Committee on Military Affairs, who incloses Senate bill 2233, authorizing the President to "appoint John Hollins McBlair a first lieutenant in the Army, and to restore him to the retired-list as of the date he has heretofore borne on said list," with request for information of record in the case, and a statement of the reasons, if any exist, why the bill should become a law.

First Lieut. John H. McBlair, Fifteenth United States Infantry, was, upon the finding and recommendation of a retiring board, wholly retired from the service, by direction of the President, October 6, 1863, for incapacity reported by the board to be not incident to the service, under the provision of section 17, act of August 3, 1861, and the vacancy thus created was filled. Subsequently the President, upon a review of the case, directed that the order wholly retiring Lieutenant McBlair be revoked, and that his name be placed on the retired-list, to date October 6, 1863. This was done by an order of April 9, 1864, six months after being wholly retired, since which date the name of Lieutenant McBlair has been, and is still, borne upon the Army records and register as a first lieutenant, retired.

It appears that this officer recently presented a claim for arrears of longevity pay; that in the consideration of this claim by the accounting officers of the Treasury the question as to whether or not he was legally restored to the Army by the President's order of revocation of April 9, 1864, was referred by the Treasury Department to the Court of Claims, and that the court has decided, in effect, that Lieutenant McBlair was not legally restored. I inclose herewith a statement of Lieutenant McBlair's military service; a printed copy of the decision of the Court of Claims, above referred to, in which will be found the finding of the retiring board, the orders of retirement and revocation, the indorsement of President Lincoln upon which the order of revocation was based, &c.

It is proper to add that this office has not received orders to drop Lieutenant McBlair from the register.

Very respectfully, your obedient servant,

R. C. DRUM, *Adjutant-General.*

The Hon. SECRETARY OF WAR.

ADJUTANT-GENERAL'S OFFICE, *June 7, 1884.*

Statement of the military service of John H. McBlair, jr., of the United States Army, compiled from the records of this office.

He was appointed first lieutenant Fifteenth United States Infantry May 14, 1861.

He served with his regiment at Newport Barracks, Ky., from July, 1861, to September, 1861; was *en route* to and in the field in the Department of the Ohio to October, 1861, and sick with regiment to November 18, 1861; on sick-leave and surgeon's certificate of disability to June 13, 1862; on duty in the office of the Commissary-General of Subsistence to some time in August, 1863, when ordered before retiring board in New York city.

He was wholly retired on account of incapacity for active service in the field, said incapacity not resulting from any incident of service, by paragraph 12, Special Orders No. 447, War Department, Adjutant-General's Office, October 6, 1863. This order was revoked, and he was retired for disability resulting from long and faithful service, or some injury incident thereto, to date October 6, 1863, by paragraph 34, Special Orders No. 143, War Department, Adjutant-General's Office, April 9, 1864.

He was on duty in the office of the Commissary-General of Subsistence from May 20, 1864, to April 1, 1866; unemployed to May 4, 1866; on duty as acting aide-de-camp on the staff of General Howard, Commissioner of the Bureau of Refugees, Freedmen, and Abandoned Lands, from May 5, 1866, to December 31, 1868, and on duty at the headquarters of that bureau to February 21, 1870; since the latter date he has not been employed on any military duty.

R. C. DRUM, *Adjutant-General.*

The opinion of the Court of Claims referred to in the report of the Adjutant-General is as follows:

OPINION.

Weldon, J., delivered the opinion of the court:

The claimant was appointed first lieutenant in the Army on the 14th day of May, 1861, and in September, 1863, was examined by a retiring board organized under the provisions of the act of August 3, 1861. Said board made the following report as the result of its examination:

"After mature deliberation and careful consideration of his case, the board find that First Lieut. J. H. McBlair, jr., Fifteenth United States Infantry, is incapacitated for active service, and that his incapacity does not result from any incident of the service, and the board recommend that he be wholly retired from the service with one year's pay and allowance."

And thereupon the President, on the 6th of October, A. D. 1863, directed—

"That he be wholly retired from the service with one year's pay and allowance, and that his name be henceforth omitted from the Army Register."

November 28, 1863, the President during the recess of the Senate promoted William H. Heilman first lieutenant, to take effect from the 3d day of October, *vice* McBlair retired. December 31, 1863, the President nominated said Heilman to be first lieutenant from October 3, 1863, *vice* McBlair retired.

April 8, 1864, the President revoked the order made on the 6th of October, 1863, and directed that the claimant be placed on the "retired-list as of the date at which he was dropped." On the 9th of April the name of the claimant was placed on the retired-list of that class in which the disability results from long and faithful service, or some injury incident thereto, to date October 6, 1863.

On the 1st of July, 1864, the President issued to Heilman a commission as first lieutenant to rank from the 1st day of October, 1863, he having been confirmed by the Senate on the 18th of April, 1864. Since April 8, 1864, the claimant has been borne on the retired-list of the Army as first lieutenant. From May 1, 1864, to 1870 he was detailed to perform active duty in the Commissary and Freedman's Bureau.

The above statement of facts presents the substance of the claim as made by the findings of the court; and although cases almost identical have been decided at the present term, it may not be unprofitable to present further considerations in support of the conclusions of law reached in this and former adjudications. We are called upon in this claim to determine the power of the President over the record of a case in which he has approved the finding of a retiring board by wholly retiring the officer from the Army and the nomination and appointment of his successor.

We may approach the decision of the question presented by this record without the apprehension that there is danger of an invasion of the constitutional prerogative of the President to command the Army, and without the fear that the effect of any decision we may render can in any just sense interfere with the efficiency of the Executive in the administration of his office in the regulation of the Army of the United States.

The right of the President to command armies and direct the minutest movement of the soldier is very different from the exercise of the power of appointment of a person, by which the higher function of war is performed, through the instrumentality of officers of the Army. The power of appointment in the military service is not incident to the President as an exclusive power of his office, but is subject to the advice and consent of the Senate, so that in its exercise there is called into requisition other volition than the mere will of the President.

Section 2, article 2, of the Constitution provides:

"The President shall, with the advice and consent of the Senate, appoint the officers designated by the Constitution, and all other officers whose appointments are not herein provided for, but Congress may vest in the President alone the appointment of such inferior officers as they think proper."

Congress have not by law vested in the President the appointment of such officers as the claimant, so that it is reserved to the Senate and the President, by the failure of Congress to provide by law an exclusive power in the Executive.

The source of power is not the President alone, but the President and the Senate acting in concert of purpose.

Having determined that the power of appointment in the Army is not incident to the President, except in the discharge of a quasi-civil function, we next inquire what is the source of his jurisdiction over the relations of an officer to the Army and his right to determine the question as to whether an officer is to be kept in the Army, placed on the retired-list, or wholly retired from the service. The last two conditions or relations are the subject of statutory law, they are created by express enactment, are not incident to the officer as a mere soldier, and the President in dealing with such relations is, in the adjustment of rights, wholly dependent upon the letter of positive enactment.

The retiring board upon whose report the President acted is provided for in chapter 2 of The Army, entitled "Retirement," Revised Statutes, 218. Section 1252 of that act provides:

"When the board finds that an officer is incapacitated for active service, and that his incapacity is not the result of an incident of the service, and its decision is approved by the President, the officer shall be retired from active service, or wholly retired from the service, as the President may determine.

"The name of the officer wholly retired from the service shall be omitted from the Army Register."

It will be seen by reference to section 1250 of the foregoing statute that the report of the board is to be laid before the President "for his approval and orders in the case."

Finding 4 clearly indicates that the report of the board was placed before the President for his personal inspection and adjudication. He says, on "review" of the case, the President not being satisfied. The phraseology of the order shows that the President had simply changed his mind upon the sufficiency of the evidence to establish the fact that the disease was not incident to the service.

The order of the 8th of April, 1864, revoking the order of the 6th of October, 1863, retiring claimant from the Army was not to correct a mistake of fact, but to correct an error of judgment the President might have made in approving the recommendation of a board against the weight of evidence.

By finding 2, the board "after mature deliberation and consideration" found the claimant "incapacitated for active service," and recommended that "he be wholly retired from the service, with one year's pay and allowance."

Upon the report of the board the President had the right to adopt one of three courses with the claimant: he could disapprove the finding and thereby retain the claimant in the active service, retire him from active service, or wholly retire him from the Army, as he might determine. He had a power to exercise in the disposition of the report, and his action thereon, made in law, the complete exercise of the full measure of authority provided by the statute. It is not a continuing power, but is performed to the extent of its existence by the one act of the President.

"As a general rule where the law confers a power, and the person on whom it is conferred acts under it, the power is exhausted, unless the same authority authorizes its subsequent exercise." (The People *vs.* Town of Waynesville, 88 Ill., 470.)

"Whenever a naked power is given to a public officer to do a single particular act in a single defined case, it may be laid down as an axiomatic rule that when the act is once done the power is exhausted." (Runkle's Case, 19 C. Cls. R.).

As was said by the court in *Ex parte* Randolph (2 Brokenbrough, 473, 474):

"I take it to be a sound principle, that when a special tribunal is created, with limited power and a particular jurisdiction, that whenever the power is once executed the jurisdiction is exhausted and at an end—that the person thus invested with power is, in the language of the law, *functus officio*.

* * * * * * *

"Examples might be indefinitely multiplied. These are sufficient to illustrate that whenever a special jurisdiction has once executed the power with which it was invested, their power is at an end as to the subject in relation to which it has been executed."

The President having exercised the power given to him by section 1250 of the statute by "wholly retiring" the claimant from the service, his condition, from the legal effect of that act, became that of a private citizen—he was then as though he had never been connected with the Army.

"Officers of the kind are nominated by the President and confirmed by the Senate; and if the petitioner ceased to be such an officer when notified that his resignation had been accepted, it requires no argument to show that nothing could reinstate him in the office short of a new nomination and confirmation. Prior to the act of the 13th of July, 1866, the President could dismiss an officer in the military or naval service without the concurrence of the Senate, but he never could nominate and appoint one without the advice and consent of the Senate, as required by the Constitution." (Duharry's Case, 4 Op. Atty.Gen., 603; 14 Stat., 92; Mimmack vs. United States, U.S., 437.)

But it is insisted that the President must of necessity have control of the record, in order to correct mistakes which he might have made in acting without being sufficiently advised, and thereby insure to parties affected a guarantee that injustice will not be done by hasty and inconsiderate action.

Courts or officers, whether acting judicially or in a mere ministerial capacity, so long as they retain jurisdiction of a subject-matter, have complete control, within the purview of their power, to deal with it as their discretion or duty may dictate; but when it passes beyond the line of official authority, either by the duty intrusted having been performed, or by the limitation of time, then the power ceases, and the mode of the execution becomes fixed and irrevocable in law.

It is a principle familiar to all that a court once adjourned ceases to have control of the substance of its decrees and judgments; and while matters of form may be corrected, matters of substance become crystallized into the force of judicial verity.

The finding of the board was placed before the President according to the requirements of the statute; the President approved it by wholly retiring the claimant from the service; not only that, but months afterward he promoted William H. Heilman in place of claimant "retired;" and not only these acts, but on the 31st of December, 1863, he nominated Heilman first lieutenant in place of claimant "retired." These acts following each other are no doubtful confirmation of the recommendation of the board, which in this case went further than the law required in the suggestion that the claimant be "wholly retired."

The retired-list of the Army is regulated by positive law, being that form of just compensation adopted by the policy of the Government toward those whose vigorous life is spent in the service of their country. Its regulation is necessarily very unlike the active branch of the service—one is power, the other is benefaction and gratitude. A code of written law may control one, but not the other.

If the President has the right to change his approval into disapproval, when does the right cease? If it is incident to him because of his high office, and because of the very delicate and important functions inherent in him as the head of the Army, those conditions continuing as they must indefinitely, his right is measured only by the life of the officer.

If the President has the right to revoke an order wholly retiring an officer at any time and under all circumstances, then he must have the correlative right to change an order putting a person on the retired-list to that of "wholly retired."

The right to review his own action, if it exists, must be subject to reasonable limitations.

It can not be the exercise of a power dependent alone on the will of the President. If it does exist and is governed by reasonable rules of limitation, we think to permit a change of the order after approval and two distinct recognitions of such approval would be an unreasonable exercise of the right of review.

As to the power of the President in a case like the one at bar, we cite the following: Mimmack's Case (10 C. Cls. R., 584; 97 U. S., 437); McErath (12 C. Cls. R., 201, affirmed 102 U. S., 426); Blake's Case (14 C. Cls. R., 462, affirmed 103 U. S., 227; 17 C. Cls. R., 344); Miller Case (19 C. Cls. R.); Montgomery Case (19 C. Cls. R.); Bennett Case (19 C. Cls. R.); Palen's Case (19 C. Cls. R.); Runkle Case (19 C. Cls. R.).

The retired-list is of comparatively recent origin, and for years the Army endured through peace and survived in war, efficient in the hands of the President for the maintenance of the national honor and the due enforcement of the law, without the existence of the retired-list, so the regulation of that department of the service can in no wise interfere with the constitutional right and power of the President as Commander-in-Chief of the military forces of the United States.

While the President is made Commander-in-Chief by the Constitution, Congress has the right to legislate for the Army, not impairing his efficiency as such Commander-in-Chief, and when a law is passed for the regulation of the Army having that constitutional qualification, he becomes as to that law an executive officer, and is limited in the discharge of his duty by the statute.

The department of the service called "retirement" is the creation of the statute, and he who claims right in it must depend for the measure of his claim on the terms of the law and such reasonable construction as may be justified by the intent and purpose of the Legislature.

If injustice has been done the petititioner, he must seek that forum which is controlled alone by the Constitution. Courts must apply law as they find it.

As to the counterclaim of the defendants, we have said, in the case of Miller, 19th C. Cls.:

"We therefore hold, for the purposes of this case, that he who, through the official act of the President of the United States, occupies an office under the Government, is subjected to all the disqualifications of such office, performs all its duties, and is paid the emoluments thereof, can not be required to return those emoluments to the Government though the President's act may have been in reality unlawful and void and may afterward be so adjudged by a court having jurisdiction of the question."

In accordance with what we believe the law to be, as announced by the Supreme Court in similar cases, and following the precedent of cases decided at the present term, it is the judgment of the court that the claim and counterclaim be dismissed.

From the foregoing it is very clear that by the order of the President of October 6, 1863, wholly retiring McBlair from the service, he became a civilian, and could only again become an officer in the Army by appointment by the President and confirmation by the Senate; and that the order of the President of April 8, 1864, was not an appointment in the Army, and was not made with the advice and consent of the Senate.

Had the President on that day nominated Lieutenant McBlair with the view of retirement, and had sent the nomination to the Senate, the Senate would doubtless have confirmed such nomination, and Lieutenant McBlair would have been placed upon the retired-list with rank and pay from that date, and this is all that in justice or right he is entitled to.

Your committee therefore report this bill back to the Senate and recommend its passage with the amendments therein indicated, made to correspond with the statements of General Drum in the following note:

WAR DEPARTMENT, *January* 11, 1886.

HON. F. M. COCKRELL, *Senate:*

Lieut. John Hollins McBlair was last paid to include April 20, 1864, and the order of the Secretary of War to drop his name from the Army retired-list and register is dated November 12, 1884.

R. C. DRUM.

Mr. SPRINGER. Mr. Chairman, I have no acquaintance with the claimant in this case——

Mr. CUTCHEON. Will the gentleman permit me to say that I only desired to be understood as yielding to him at the present time for the purpose of having the report read? I would like to make my statement before the gentleman from Illinois addresses the committee.

Mr. SPRINGER. It is immaterial to me whether I go on now or after the gentleman from Michigan [Mr. CUTCHEON] has spoken.

The CHAIRMAN. It is well that the gentlemen should not misunderstand the posture of the question. The Chair stated that the report could not be read except in the time of some gentleman demanding it. The gentleman from Michigan yielded the floor to the gentleman from Illinois because the latter desired to demand the reading. The report has been read in the time of the gentleman from Illinois, and he now has the floor.

Mr. SPRINGER. I will reserve the remainder of my time, and let the gentleman from Michigan now take the floor in his own right.

Mr. CUTCHEON. Mr. Chairman, if gentlemen of the committee will give me their attention for a few moments I will try to abbreviate what has been stated in the report and to give some additional facts. This is a bill for the restoration of Lieut. John Hollins McBlair to the retired-list of the Army. Lieutenant McBlair enlisted in the regular Army of the United States just one month after the firing upon Fort Sumter. He served with his command in different departments, but chiefly in the West, until the autumn of 1863. In September of that year he was ordered before a retiring board created by the act of August 3, 1861, whose duty it was to examine and recommend for retirement officers who had become incapacitated for active service in the field. This retiring board, after an examination, recommended that Lieutenant McBlair be retired from the service absolutely and entirely with one year's pay. Under the statute this retiring board could make one of the three recommendations: First, that the officer be not retired at all; second, that he be placed upon the retired-list with retired pay; and third, that he be retired absolutely, which gave him the privilege of retiring with one year's pay and allowance. In this case the board made the latter recommendation; and the name of Lieutenant McBlair was dropped for the time being from the Army roll.

In the following spring, the spring of 1864, the attention of General Daniel E. Sickles, a friend of Lieutenant McBlair, was called to the circumstances, and believing that a great wrong had been done to Lieutenant McBlair in thus retiring him absolutely from the service, General Sickles went to President Lincoln and called his personal attention to the case. General Sickles, in an affidavit, which was made a part of the report of the Military Committee in the last Congress, states that he went to the Secretary of War, Mr. Stanton, who said that his attention had never been called to the case, although it had passed through his hands as a matter of routine; that he then went to President Lincoln, who also stated that although it had passed through his hands in the course of routine business of the War Department he knew nothing of the case. Upon the statements made and upon the affidavit presented by General Sickles Mr. Lincoln took his pen and indorsed across the original order of retirement an order revoking the order of retirement and directing that Lieutenant McBlair should be restored to the Army roll to date from the day on which his name had been dropped.

Lieutenant McBlair was then restored to the Army; he was placed upon duty—at first I believe in connection with the Quartermaster-General's Department, afterward at the headquarters of General O. O. Howard as a member of his staff; and he continued in active service until 1870, when he went regularly upon the retired-list and was relieved from further duty. He continued upon the retired-list in this way until 1884. In the spring of that year he made application to the Treasury Department for longevity pay. The Treasury Department referred the claim for longevity pay to the Court of Claims. The court in taking up this claim and examining the case discovered that Lieutenant McBlair had been restored to the Army-roll by an executive order purporting to revoke the order by which originally he had been absolutely retired; and the court, as gentlemen have observed if they have listened to the reading of the report, arrived at the conclusion that when President Lincoln approved of the order of the retiring board retiring Lieutenant McBlair he thereby exhausted his executive power in the premises; and that the only means of revoking that action and restoring Lieutenant McBlair to the Army was by a renomination by the President and confirmation by the Senate. The court therefore, although the question was not before them, decided, or assumed to decide, not only that Lieutenant McBlair was not entitled to longevity pay, but also that he was not entitled to be upon the Army roll at all.

In the report which has been read from the Adjutant-General of the Army, General Drum, it appears that in the spring of 1884 the name of Lieutenant McBlair had not yet been dropped from the Army roll. In 1884, during the last Congress, immediately upon the discovery of this irregularity, this inadvertence as I may say on the part of President Lincoln, this bill was introduced in the Senate. It was reported favorably in that body and passed. It was also considered by the Committee on Military Affairs of this House in the Forty-eighth Congress and favor-

ably—I believe unanimously—reported; but it failed to be reached upon the Calendar of the House, and therefore failed to become a law.

At the beginning of this Congress the bill was again introduced in the Senate and in the House. It has been favorably reported in the Senate and passed by that body, and it is the Senate bill which is now before us. It comes here with the favorable recommendation of the Committee on Military Affairs of the House. This is a simple and brief statement of the facts of the case.

Lieutenant McBlair, as I have said, enlisted in the regular Army within one month from the beginning of the late war. He served regularly with his command until the fall of 1863, when, on account of disability incurred in the service and in the line of his duty, he was retired. There can be no doubt that if President Lincoln had apprehended his want of power to revoke the executive order by which this officer was retired, and had nominated him to the Senate, the nomination would have been immediately confirmed.

But through an oversight this was not done. General Sickles, in his affidavit (which accompanied the report of the Committee on Military Affairs in the last Congress, but which is not made a part of the report in this Congress), states he had known Lieutenant McBlair for many years. He then says that we (speaking of himself and Senator Ten Eyck, of New Jersey)—"We knew the lieutenant's health was perfectly good until he entered the Army, and we knew when he came back from Kentucky he was broken down. We recommended the circumstances to the President as matters within our knowledge, but what weight he gave to that or what weight he gave to the testimony before the board I do not know."

Mr. Chairman, this is a brief statement of the facts in this case. This man has been on the Army list justly, except for a few months in 1863, from 1864 until April, 1884.

Mr. OATES. Will the gentleman from Michigan permit me to ask him a question?

Mr. CUTCHEON. Certainly.

Mr. OATES. Will the gentleman answer why Lieutenant McBlair has not made this application before this late day?

Mr. CUTCHEON. He made it immediately after being dropped. He was on the Army roll until April, 1884.

Mr. OATES. Has he ever applied to Congress before for this relief?

Mr. CUTCHEON. Yes; immediately—as soon as the matter was brought to his attention. He was only dropped a year ago, and he applied to Congress, then in session. The Senate passed his bill immediately and it came over to the House, where it was favorably reported by the Committee on Military Affairs, but failed to be reached on the Calendar. It is here again in the House and has been favorably reported from the Committee on Military Affairs. So there have been no *laches* on his part—no neglect.

I reserve the remainder of my time if there should be further use for it.

The CHAIRMAN. The gentleman has fifty-one minutes of his time remaining.

Mr. SPRINGER. Mr. Chairman, I fail to see in the report or the statement on the floor any reason why this claimant should be put on the retired-list of the Army. And I desire to call the attention of the committee to his military record. It is found in the report in this case in the letter sent from the Adjutant-General of the Army:

He was appointed first lieutenant Fifteenth United States Infantry May 14, 1861.

He served with his regiment at Newport Barracks, Ky., from July, 1861, to September, 1861.

Now, if the honorable Speaker were in the chair he could testify to the House that Newport, Ky., was not a dangerous place for a military officer to be stationed during this year—a city just opposite to the city of Cincinnati, which was never in possession of the enemy and never even menaced by them.

So much, then, for his record up to September, 1861. After that he—

Was *en route* to and in the field in the Department of the Ohio to October, 1861.

Then begins his service up to June, 1862, and it is stated as follows:

On sick-leave and surgeon's certificate of disability to June 13, 1862.

That was from October, 1861, to June 13, 1862, he was on the surgeon's certificate on sick-leave, and not presumed to have been in service. After June, 1862, his record is as follows:

On duty in the office of the Commissary-General of Subsistence to some time in August, 1863, when ordered before retiring board in New York City.

This, Mr. Chairman, is the brilliant military record of this gentleman, principally on sick-leave, and the service actually performed was in the Commissary-General's Department—what the boys called in the Army the "canned-fruit department."

Then after this service on surgeon's certificate and after being in the Commissary-General's Department he was ordered before the retiring board in New York City.

He was wholly retired on account of incapacity for active service in the field, said incapacity not resulting from any incident of service, by paragraph 12, Special Orders No. 447, War Department, Adjutant-General's Office, October 6, 1863.

It is said this order was revoked. It was not revoked in the sense of setting it aside, because it was not justly found; but when it was presented to President Lincoln he did not agree in the finding. The finding of the court was in the following words:

After mature deliberation and careful consideration of his case, the board find that First Lieut. J. H. McBlair, jr., Fifteenth United States Infantry, is incapacitated for active service, and that his incapacity does not result from any incident of the service, and the board recommend that he be wholly retired from the service with one year's pay and allowance.

This was a board of his comrades summoned at the time and carefully considering his case.

What did President Lincoln say? He did not say he could agree with the finding of the court as to the fact, but simply wrote on the paper that he be wholly retired from the service with one year's pay and allowance, and that his name he henceforth omitted from the Army Register.

This is all the report furnishes. He was thus placed upon the retired-list and drew his pay from 1863 down to April, 1884—twenty-one years. For twenty-one years he has been on the retired-list receiving pay as lieutenant.

He thought he was entitled to some longevity and took the case to the Court of Claims, but the Court of Claims decided the order of the President placing him on the retired-list was without warrant of law. He could approve or disapprove of the sentence, but could not nominate him as an officer and place him on the retired-list.

Therefore he had been, according to the decision of the Court of Claims, illegally drawing pay for twenty-one years on the retired-list; and now the object of this bill is to validate the payments made to him during all these years and authorize the President to place him on the retired-list in the regular way and at the same rank.

These, Mr. Chairman, seem to be the facts as obtained from the official records and as are embodied in this report which is presented to us from the Committee on Military Affairs. In addition I have received a letter from a physician of this city, which any member can examine if he feels sufficient interest in the case to look at it, stating that this officer never performed any military duty in the field whatever, and it seems from the report accompanying the case that this is true. The letter goes on to say further that he is now a practicing physician in this city and able to earn his own living. I state again, Mr. Chairman, therefore, that I fail to see anything, either in the papers presented in this case or in the statement made by the honorable gentleman from Michigan [Mr. CUTCHEON], to show that the military record of this gentleman entitles him, in the first place, to be put upon the Army Register as a retired officer, by which means he has drawn twenty-one years of pay as of that rank; and, further, I fail to see any reason why he should now be put upon that list on account of his military services. If this gentleman can be put upon the retired-list I know of no officer who ought not—if now disabled in any way, or who has any claim to recognition in the late war—who ought not and should not also be placed upon that list and with equal propriety. If this gentleman had performed some distinguished military service; if he had endured some great hardship, or if it appeared from the record that he had incurred his disability in the service of his country, I should not object. He would, in that event, have been entitled to receive a pension from the Government, and his name would have been on the pension-roll.

But it does not appear that he ever applied for a pension, or that he ever went to the office to test the question as to whether the disability under which he claims to suffer was incurred in the service or not. Having failed to go to the Pension Office to apply for a pension we may reasonably assume that he himself recognizes the fact that his disability was not incurred in the service, and hence was not of such a character as to entitle him to a pension.

That is all I desire to say at present in reference to this case.

Mr. CUTCHEON. Mr. Chairman, the gentleman from Illinois would lead us to infer that there was some question here at issue in regard to the matter of back pay which had been drawn by this officer during the twenty years he was on the retired-list. If the gentleman from Illinois had listened carefully to the report—and I know that he did listen to a part of it, but was absent from his seat when this particular portion was read—he would have discovered that this question has already been passed upon by the Court of Claims. He will find it quoted in the report, a little below the middle of the fifth page, in the following words:

As to the counterclaim of the defendants, we have said, in case of Miller, 19 C. Cls. R.:

"We therefore hold, for the purposes of this case, that he who, through the official act of the President of the United States, occupies an office under the Government, is subjected to all the disqualifications of such office, performs all its duties, and is paid the emoluments thereof, can not be required to return those emoluments to the Government, though the President's act may have been in reality unlawful and void and may afterward be so adjudged by a court having jurisdiction of the question."

Mr. SPRINGER. Will the gentleman allow me a moment? I have no objection to grant a full release and receipt for all the moneys heretofore received up to this time. I only object to future payments on this account.

Mr. CUTCHEON. A court of competent jurisdiction has already decided that part of the question and it is not now before us.

Now, this claim for restoration rests upon a few simple facts. First, that this young man when he entered the service, robust in health,

"sound," as General Sickles says, gave himself to the service of his country at a time when he was abundantly able to take care of himself. General Sickles says further that he knows when he returned from Kentucky he was broken down; and President Lincoln found that to be true, and placed him upon the retired-list, because he had lost his health and his means of self-support while in the service of the Government.

This bill, Mr. Chairman, comes before us not as if it was here for the first time, but it is here merely, in fact, to correct an error or an oversight. The gentleman from Illinois seems to convey the idea that unless an officer has been on the front line of battle, unless he has been out upon the skirmish line somewhere where the bullets were flying and gunpowder could be smelt, he had rendered little or no service to the country. I need not here in this presence tell the gentleman that officers are just as necessary in posts like that of Newport (Ky.) Barracks as upon the battle line; and perhaps Kentucky, in these years 1861 and 1862, was not altogether such a salubrious climate as the gentleman from Illinois would have us to infer, and upon that subject I desire to yield ten minutes of my time to the gentleman from Kentucky, General WOLFORD, who is familiar with the facts of the case.

Mr. WOLFORD. Mr. Chairman, this bill comes from the Committee on Military Affairs after a very careful and thorough investigation by that committee; and I have no doubt if gentlemen would take pains to understand it that even the gentleman from Illinois himself would approve of it cheerfully. But the gentleman from Illinois falls into a very great mistake. He says that this officer was stationed at Newport Barracks, in Kentucky, and therefore in no great danger. Why, sir, the gentleman is entirely ignorant of the history of Kentucky at that period.

In 1861, when troops were called for to defend the Union and the flag of the nation, the governor of Kentucky issued a proclamation that no troops be raised in Kentucky, and to back the governor of Kentucky, a very strong and powerful and wealthy party presented themselves to prevent Union troops from being raised. I remember, sir, very well when I became a soldier in the Union Army that we could not be mustered in by State authority, but had to ask the President of the United States to send a mustering officer and muster us in. I remember, too, when the soil of Kentucky was so dangerous to Union men at the time this officer was sent to Newport Barracks that it was thought necessary to provide every defense that could be had. If ever there were troops needed in this world they were needed in Kentucky at that time to form a power around which men could rally for the Union. If ever there was a time when troops were needed it was after the governor of Kentucky issued that proclamation. The governor, Beriah Magoffin, a very clever man, came to me and said I had better go home. I said he had better resign, that that was the best thing he could do for his country at that time. He did not resign and I did not go home. There was war in Kentucky from the very day we entered the camp at Camp Dick Robinson. There was war in Kentucky from the very day that this officer went to Newport Barracks until he went away; and not only that, but invading armies came through Kentucky, and Kentucky's own sons, gallant men and true—I see some of them here now and they can bear witness to what I say—unfurled the flag of the confederacy and fought us at our doors. There was no place in Kentucky that could not be called a battle-ground.

The gentleman from Illinois [Mr. SPRINGER], who is not conversant with the history of Kentucky, can not tell my confederate friends from Kentucky that there was no war then in that State. These gentlemen representing Kentucky proudly and nobly on this floor know there was a mighty and powerful effort to carry Kentucky out of the Union, and that effort well-nigh succeeded. We had a terrible time to prevent its success. And now is the gentleman from Illinois to read the history of Kentucky again and tell us there was no danger? My friend from Kentucky yonder would not believe it. My friend from Kentucky sitting over there would not believe it. No man that was in the Union Army or in the confederate army will believe the gentleman from Illinois when he says there was no danger in Kentucky in 1861 and 1862. Sir, Kentucky was a battlefield. Almost every mile of ground in Kentucky was drenched in blood by one side or the other. Those on the other side believed they were right and we believed we were right; and while they were firing the Southern heart to energy we were firing the Union heart to energy and to bring the war to a close.

I tell the gentleman from Illinois he is mistaken when he thinks there was no use for troops in Kentucky. We had use for them everywhere in Kentucky. It was a disputed territory everywhere, and we needed them there, if anywhere in this Union.

But the gentleman from Illinois says this officer has got his pay until last year, and he does not object to that. The gentleman can not help himself there. The court has decided it belongs to him. By a mistake he was mustered out of the service; and let me state for the benefit of the gentleman from Illinois [Mr. SPRINGER], who is as much mistaken about this whole case as he is about the situation of affairs in Kentucky in 1861 and 1862, that this man was a soldier in the regular Army, not a volunteer. He relies for his pension, as all regular officers and soldiers do, by being upon the retired-list; that is the way he gets it, and it is to put him right before the country, to put him back to that office which he was denied by a retiring board, that this bill is reported.

I do not say that that board did not do their duty, but the President thought they were mistaken. President Lincoln thought so, and issued his order, and believed he had a right to do it. The country submitted to it, and everybody believed it was right until this officer put in his claim for more pay under the law. I believe soldiers as well as everybody else are inclined to get all the law will allow them; and that is all you can charge them with. He wanted to get all the law allowed. He appealed to the court with that object in view, and then it was discovered that the power by which he held his office was doubtful because the President had not nominated him to the Senate. Now he wants an enabling act to place him back where he was, supposing President Lincoln had done right and that his friends who recommended him had done right. He wants, just like every other honest man who has any pride of character—and no one will say that a soldier has no pride of character—he wants to be reinstated where he was. Who can object to that?

I have nothing more to say about this case. I only rose for the purpose of dispelling that idea which my friend from Illinois had about the peaceful times in Kentucky in 1861 and 1862.

Mr. BRAGG. I hope, sir, the committee will favorably consider and pass this bill. I am not here to go into the details of this officer's service. I know that he entered the service a young, healthy man. I know that he came out of the service broken down physically and has continued so from thence till now. I know that the retiring board directed that he be retired wholly from the service upon the theory that the cause of his retirement existed prior to his enlistment.. And I know that the action of that board was approved, nominally by the President but really by the assistant Secretary of War, Colonel Hardee, without the President's examination or knowledge of the case. I know that there was presented to Mr. Lincoln evidence showing the health of the young man at the time he entered the service, showing the error in the order, and I know that Mr. Lincoln directed that order to be revoked, and such is the finding of the Court of Claims. Under that revocation he directed this man to be placed upon the retired-list, and he entered upon that list and there remained until about 1884, when this question was raised as to the authority of Mr. Lincoln. The only question presented by this bill is whether an officer whose health was broken down in the service of the United States, who has been on the retired-list, and who was placed on that list by the President of the United States, shall now, after this length of time, under a technicality, have a coroner's inquest held upon him, and, after he has passed middle life, be turned out in a dependent condition by reason of incapacity that resulted from his efforts to serve his country in the great struggle for the life of the Government.

Mr. SPRINGER. Will the gentleman allow me to ask him a question?

Mr. BRAGG. Yes, sir; I will permit you to cross-examine me as much as you choose; but I will say first, before we commence the cross-examination, that when you speak of this gentleman being examined by a board of his "comrades" you little know what a retiring board of the Army is.

Mr. SPRINGER. I did not mean that they were soldiers who had served in the field with him, but they were certainly persons not prejudiced against him, and that is what I meant by the remark.

Mr. BRAGG. Very likely they were not prejudiced against him, but, as the evidence shows, they were misinformed as to the manner in which his incapacity arose.

Mr. SPRINGER. Mr. Chairman, I will ask the gentleman from Wisconsin [Mr. BRAGG] this question: If this officer was retired by reason of wounds or disease contracted in the service, was he not entitled to a pension, and could he not have got a pension if he had applied for it in the regular way?

Mr. BRAGG. Every officer of the Army of the United States is entitled to a pension for wounds received or disease contracted in the military service of the United States, but the retired-list of the Army is a list or roll of honor—so it was intended to be—upon which shall be placed the names of officers who have become disabled in the service and who had abandoned the pursuits of civil life to become professional soldiers, upon the theory that one who has done that and endeavored to fit himself to be a professional soldier has failed to learn those habits of business, those keen, sharp, shrewd tricks which are necessary for success as the world goes now. For that reason this list was provided for such officers in lieu of pensions.

Mr. SPRINGER. Will the gentleman please state whether or not, if this bill should pass, it would establish a precedent by which every officer of the Army who has contracted disease in the service would be entitled to be placed upon the retired-list as of the rank held by him in the Army?

Mr. BRAGG. No, sir.

Mr. SPRINGER. Why not?

Mr. BRAGG. No more so than those who are now on the retired-list furnish such a precedent. Every man who is on the roll by reason of disease contracted in the service is entitled to be there. This man was entitled to be there. Mr. Lincoln so determined and so ordered upon a review of the evidence, and he was the court of last resort. The question now made is upon a technicality; the court holding under strict legal construction that, although the Secretary of War approved the

finding of the board in the name of the President, it became *functus officio*, and a subsequent act of the President himself was null and void, although it was recognized and ratified by the Government year after year until this officer had passed away beyond middle age.

Mr. SPRINGER. One word more, Mr. Chairman. If this officer desires to be recognized like other officers of the Union Army as having been disabled by disease contracted in the service the law has provided a pension for such cases, and I will vote to put him on the pension-roll with a pension according to the rank to which he belonged. That will be placing him upon an equality with other officers of the late war.

Mr. BRAGG. There is where you are mistaken again.

Mr. SPRINGER. Why so?

Mr. BRAGG. Because officers of the regular Army who are incapacitated by disease do not draw pensions or go upon the retired-list. This man was an officer of the regular Army, and his pension-roll is the retired-list.

Mr. SPRINGER. How many years does an officer have to serve, and what must be his age, before he can be placed upon that honorable roll?

Mr. BRAGG. If a man goes into the service to-day and becomes disabled to-morrow he is as much entitled to go upon the retired-list of the Army as if he had served twenty years before becoming disabled; because the disability determines the question of retirement. No; I am stating that too broadly. There are certain classes of cases where officers have a right to be retired upon their own application after so many years of faithful service—forty years for one class and thirty for the other; but as to those who are retired for disability no particular length of service is required. All that is required is the contraction of the disability in the service.

Mr. SPRINGER. You are speaking of the regular Army now?

Mr. BRAGG. Yes; and this was a regular Army officer, not a volunteer.

Mr. SPRINGER. I desire that the Committee of the Whole should understand the basis upon which this claim is made. It appears in the official report of the Department that the service of this officer was as follows:

He served with his regiment at Newport Barracks, Ky., from July, 1861, to September, 1861; was *en route* to and in the field in the Department of the Ohio to October, 1861, and sick with regiment to November 18, 1861; on sick-leave and surgeon's certificate of disability to June 13, 1862; on duty in the office of the Commissary-General of Subsistence to some time in August, 1863, when ordered before retiring board in New York city.

That is the whole record of this officer's service. Now, the retiring board, having examined his case, made the following finding:

After mature deliberation and careful consideration of this case the court find that First Lieut. J. H. McBlair, jr., Fifteenth United States Infantry, is incapacitated for active service, and that his incapacity does not result from any incident of the service; and the board recommend that he be wholly retired from the service with one year's pay and allowance.

That is all there is official in this case. The rest was extra-official and outside of regular Army regulations, as the Court of Claims held.

A MEMBER. Was the officer ever at the front?

Mr. SPRINGER. Never nearer than Newport, Ky., just across the river from the city of Cincinnati. The Court of Claims held that this appointment on the retired-list was illegal. Therefore he has been on the retired-list for twenty-one years by reason of an illegal appointment; and this bill seeks to legalize that appointment. He went to the Court of Claims on another question—the question of longevity pay.

Mr. BRAGG. And the decision of the Court of Claims is mere *obiter dictum;* it related to a question not before the court.

Mr. SPRINGER. But the Court of Claims so held. The ruling may have been *obiter dictum;* but nobody will say that it is not the truth; nobody will say that the court did not state the law correctly.

Mr. BRAGG. I do not think they did.

Mr. SPRINGER. Then the gentleman from Wisconsin [Mr. BRAGG] differs from the Court of Claims. I want that noted in the RECORD; and I rather think that on ordinary occasions I would take the opinion of the gentleman from Wisconsin in preference to the finding of that distinguished judicial tribunal.

Now upon this record I think this man is not entitled to be placed on the retired-list for the rest of his life. But if his friends think he incurred his disability in the service, I am willing to vote him by special act a pension as of his rank—not that he be placed on the retired-list with that honorable body of officers who have, as we presume and as I believe, won their distinction by some meritorious service in the field.

Mr. CUTCHEON. Mr. Chairman, the gentleman from Illinois [Mr. SPRINGER] seems to have an idea that a soldier in the service selects his post of duty. It seems to be the burden of his complaint in this case that this lieutenant was serving at Newport, Ky., instead of at some place at the front. Now, my experience as a soldier, and I think the experience of every gentleman who served in the Army, is that a soldier goes ordinarily where he is ordered to go, and he stays where he is ordered to stay. I do not know that it is anything to the discredit of Lieutenant McBlair that he was ordered to Newport, Ky., instead of some other point, or that he remained there in obedience to his orders. Nor have I ever yet learned that it is the fault of a soldier or an officer that he was sick in the service or was absent upon a surgeon's certificate of disability. It is his misfortune, but it is never his fault, so far as my experience goes. So all this talk about this officer not having had severe duty, about his not having been at "the front," goes absolutely for naught. The officer goes where his commanding officer directs him to go.

That Lieutenant McBlair was disabled there is no question; for this retiring board ordered that he be retired absolutely from the service because he was disabled. The only question is whether that disability arose after he entered the service or not.

Now, General Daniel E. Sickles, in an affidavit which was made a part of the report in the Forty-eighth Congress, states that he knew Lieutenant McBlair prior to his enlistment and knew him to be a sound young man.

Mr. Chairman, I do not desire to occupy further time of the committee by dwelling upon the facts in this case. This measure has been twice reported favorably by the Military Committee of the House, twice reported favorably by the Military Committee of the Senate, and twice passed by that body. I now move that the bill be laid aside to be reported favorably to the House.

The question being taken, there were—yeas 72, nays 27; no quorum voting.

The CHAIRMAN, under the rule, ordered tellers, and appointed Mr. CUTCHEON and Mr. SPRINGER.

The committee again divided; and the tellers reported—ayes 127, noes 41.

So the bill was laid aside to be reported to the House with a recommendation that it pass.

WILLIAM P. CHAMBLISS.

The next business on the Private Calendar was the bill (H. R. 68) for the relief of William P. Chambliss.

The bill was read, as follows:

Be it enacted, &c., That the President be, and he is hereby, authorized to reinstate William B. Chambliss, late a major of the Fourth Regiment United States Cavalry, and place his name on the list of retired officers of the United States Army with the rank of major: *Provided, however*, That he shall receive no pay, compensation, or allowance of any kind under the provisions of this act for the time intervening between the 1st day of November, 1867, the date of his resignation, and the date of the approval of this act: *Provided further*, That the retirement herein provided for shall be in addition to the number now authorized by law.

Mr. WOLFORD. Mr. Chairman, as I suppose nobody will oppose this just and righteous bill for the relief of one of the most gallant soldiers that ever was in our Army——

Mr. McMILLIN. Let us have the report read.

The CHAIRMAN. The Chair will state that no gentleman has a right to have the report read except when he is on the floor. The gentleman from Kentucky has the floor to advocate the passage of the bill.

Mr. WARNER, of Ohio. Does the Chair rule that the report can not be read except in the time of some one taking the floor?

The CHAIRMAN. That is the rule, as the Chair understands it. The Clerk will read from page 433 of the Digest.

The Clerk read as follows:

It has been held, and that ruling on appeal sustained, that the reading of the report accompanying the pending proposition can not be demanded as a matter of right except in the time of the member making such demand. It has been repeatedly held that the reading of a report is in the nature of debate, and of course such report must be governed by the rules regulating debate.

The CHAIRMAN. The gentleman from Kentucky [Mr. WOLFORD] will proceed.

Mr. WOLFORD. Mr. Chairman, I supposed that most of the members here had read this report, and that where the justice and righteousness of the case are so apparent to every man who will read the report, there would be no objection to the passage of the bill. The question is simply as to the reinstatement upon the retired-list of one of the most gallant soldiers who was ever in the Union Army. Entering the military service of the United States when but a boy, he distinguished himself in the war with Mexico. After that, as his convictions led him, he became an officer in the regular Army. Believing the cause of the Union was the right one, he went with his regiment to the front. I will not undertake to enumerate the number of battles he was in and in which he distinguished himself. Suffice it to say, at Gaines's Mill, close to the Chickahominy, he was shot almost to pieces and rendered a cripple for the balance of his life.

When the battle was over he was taken prisoner, for they got the better of us at that place, as will be remembered by those present conversant with the history of the civil war. While incarcerated in prison he suffered very severely from his wounds. The gallant men who fought on both sides who were there and saw him while a prisoner believed it was a miracle he ever recovered.

After the war was over, being wholly disabled, and judging it to be the best for his country, he left the Army. Just after his resignation the law was passed for a retired-list. He comes back here now, not asking for pay for the time he has been out of the Army, but simply to be reinstated in the rank he then held and placed upon the retired-list. This is all there is of the case.

No human being can find fault with his character, morally or intellectually, and no human being can find fault with his conduct as a sol-

dier. Wherever danger was he went cheerfully, and he was always found in the thickest of the fight. At the terrible battle of Gaines's Mill he was so badly wounded as to be crippled and disabled forever.

I care not what prejudice any one may have on the facts which have been here presented. I believe it is only simple justice to grant this man what he asks. He is a man against whom slander has never uttered a word. He has a character for honor and gallantry above reproach; pure, noble, patriotic, and brave, with every characteristic to commend him to the highest consideration of Congress and the country. He asks simply that he shall be restored to his rank and placed upon the retired-list. Let us give him that recognition. You have recognized men for their gallantry and for the wounds they received in battle. Why, then, shall this man, with his splendid record, be refused that position on the retired-list to which, under the precedents which have been established, he is clearly entitled?

But, Mr. Chairman, I am not as cognizant with all the facts in the case as my distinguished friend from Indiana [Mr. STEELE], and I will yield to him whatever of my time he wants.

Mr. STEELE. I will reserve my time to see if there is any necessity of speaking further in favor of the bill.

Mr. McMILLIN. Mr. Chairman, I will take the floor, not for the purpose of making any remarks on this bill, but to have the report of the committee read in my time, under the ruling of the Chair. I see no reason, from the remarks made, why a man who leaves the Army for nineteen years, by resignation, and deprives the country of the flower of his life, shall be permitted to come back in his old age and be restored again to the Army and placed upon the retired-list. I am informed this man is now drawing a pension.

Mr. SPRINGER. Let me make a statement before the report is read in the gentleman's time?

Mr. McMILLIN. With pleasure.

Mr. SPRINGER. I have read the report in this case, and contrasted it with the action of the House in the other case, and it seems to me like a waste of time to have any papers read on the subject. If the gentleman whom we have just placed upon the retired-list is entitled to be placed there as a lieutenant, then this man should be placed on the retired-list as a major-general. [Laughter.] This man has a record; this man went into the war and was severely wounded. As General McClellan states, his body was literally riddled with bullets. He served his country faithfully and to the extent of his ability. He fought when a boy in the Mexican war and for three years in the late war. He was left on the field of battle for dead. He has not been on the retired-list since his resignation, drawing pay, as was the case with the other officers. He only received the pension he was entitled to for his wounds and disability under the law. Therefore I say now, to keep this man off the retired-list after placing the other man upon it would be to be guilty of palpable injustice. I hope, therefore, this man will be allowed, in recognition of his distinguished services and of the severe wounds he received in battle, to be placed on the retired-list, as we have already set the example by putting upon the retired-list a man who was not only never wounded, but never served in the field. After placing such a man on the retired-list, who never did anything for his country, we surely can not refuse to put on the retired-list a man whose body was riddled with bullets and who was left on the field of battle for dead.

Mr. McMILLIN. In answer to what the gentleman from Illinois has said, I will simply state that my object is not to legislate by comparison or to put this man on because another was put on, but to have the report read in order to see whether there are intrinsic grounds why he should go on the retired-list. I have no objection, if he was disabled in the line of duty, to give him that pension others in a similar situation have been granted and to which he is entitled under the law. If there be peculiar circumstances entitling him to more, then I will be willing to give him whatever further amount he deserves. But, sir, I know no reason why we should encourage resignations from the Army after a man has staid out of the service for twenty years to allow him to return and be restored to the rank and pay he formerly held, and especially where the man has been drawing the full pension allowed by the law for the disability which he has suffered.

Mr. STEELE. Let me call the gentleman's attention to one fact. This officer, as the record discloses, was physically unable to perform active duty. He was ordered to Texas, and in consequence of not being able to go there, notwithstanding the fact that he was eligible to retirement, he says: "I have plenty to live on, and can get along without asking the Government in her distress to put me on the retired-list; so I will resign."

Now he finds after all these years—his family growing up around him—that he does not have enough of the world's goods for their support. He is very poor, and, having been shot to pieces, finds that the scanty pay he gets is not sufficient to maintain him and his family, and he is not able in consequence of his wounds to support himself. He therefore asks to be placed where he was eligible to be placed on the day of his resignation.

Mr. COX. What is his age?

Mr. STEELE. He is about sixty years old. He was a very gallant man; performed distinguished service, and, as I say, only asks to be placed where he was eligible to be placed the day he resigned. He does not ask a single cent for the intermediate time.

Mr. McMILLIN. Let me ask the gentleman from Indiana if this case is not something like that of Fitz-John Porter?

Mr. STEELE. This case has a great deal of merit, while the other has none. That is the difference.

Mr. McMILLIN. I mean as to placing him upon the retired-list.

Mr. STEELE. Yes, sir.

Mr. McMILLIN. Because I noticed that the gentleman was making some very vigorous remarks yesterday on that case, but he happened to be on the other side.

Mr. WOLFORD. Well, he was wrong then, but he is right now.

Mr. McMILLIN. It is better to be right once than never. I do not think that this marked and much to be regretted tendency to increase the retired-list ought to be indulged in. There is a constantly growing disposition, a sort of retiring itch, that takes possession of men with reference to such questions, until we can hardly claim that this is not a country of laborers on the one hand to pay bounties to men upon the other hand who do not labor or perform any service. This bill will entitle its beneficiary not only to the retired-pay of a major, the rank fixed in the bill, but he will also be receiving a pension. He gets the pension he is entitled to under the law, and will get in addition to that his retired-pay of major in the Army, the rank fixed in the bill.

Mr. BRAGG. The gentleman is mistaken about that.

Mr. McMILLIN. If I am mistaken will the gentleman point out the provision in the law which will prevent it?

Mr. BRAGG. It does not need any provision in the law to prevent it.

Mr. McMILLIN. But I understood the gentleman to say that I was mistaken.

Mr. BRAGG. Yes, sir, I said you were mistaken with reference to drawing pension while on the retired-list.

Mr. McMILLIN. Why?

Mr. BRAGG. Because when he goes on the retired-list the pension ceases.

Mr. McMILLIN. Very well; if that is the law, so far so good. I think there ought not to be any doubt of it.

Mr. BRAGG. If there is any question insert an amendment to the bill providing that this shall be in lieu of all pay and allowances.

Mr. McMILLIN. It is not necessary to do so if the gentleman's position is correct.

Mr. BRAGG. I do not think it is necessary.

Mr. McMILLIN. Let us have the report read.

The report (by Mr. WOLFORD) was read, as follows:

The Committee on Military Affairs, to whom was referred the bill (H. R. 68) for the relief of William P. Chambliss, late major in the Fourth United States Cavalry, brevet lieutenant-colonel, United States Army, have duly considered the same, and recommend its passage. They find that the bill has previously been before Congress, and has never been unfavorably acted on by any committee of either House. They also find that a similar bill was reported favorably by the Military Committee of the Forty-seventh Congress, and that the bill passed the House.

The facts upon which this recommendation is based are so fully set forth in the accompanying papers that your committee ask to make them a part of their report.

Military history of William P. Chambliss, late of the United States Army, as shown by the files of this office.

ADJUTANT-GENERAL'S OFFICE, *Washington, D. C., May 13, 1880.*

Enrolled as second lieutenant Company E, First Tennessee Mounted Volunteers, May 23, 1846, and served with regiment in Texas and in the war with Mexico until the muster-out of regiment in June, 1847. Re-entered service as captain Company C, Third Tennessee Volunteers, October 7, 1847, and served in the war with Mexico until mustered out with company July 24, 1848. Appointed first lieutenant Second United States Cavalry March 3, 1855; promoted captain April 6, 1861 (Fifth Cavalry, August 3, 1861), and major Fourth Cavalry March 30, 1864. On regimental recruiting service in Tennessee from May 8 to September 14, 1855; with regiment at Jefferson Barracks, Mo., to October 27, 1855; *en route* to aid in Texas to May 18, 1858; on recruiting service to April 19, 1859; on leave of absence (not sick leave) to September 22, 1859; on duty at Carlisle Barracks, Pa., to March 8, 1860; on recruiting service to July, 1860; on delay to October 17, 1860; on duty at Carlisle Barracks, Pa., to November, 1860; conducting recruits to and with regiment in Texas to April, 1861; at Washington, D. C., to March 10, 1862, and in the field, Army of the Potomac, to June 27, 1862, when wounded and taken prisoner at the battle of Gaines's Mill, Virginia; prisoner of war to July, 1862; absent on account of wounds and on parole to October 23, 1862; assistant instructor of tactics and commanding cavalry detachment at the Military Academy, West Point, N. Y., to August 23, 1864; special inspector of cavalry, Military Division of the Mississippi, from September, 1864, to December 23, 1865; joined and in command of regiment at San Antonio, Tex., from February 20 to May 9, 1866, and on duty with regiment at same place to October 19, 1866, and on leave of absence (not sick leave) to date of resignation, November 1, 1867.

His resignation was tendered on account of the condition of his wife's health.

Copy of surgeon's certificate given by Surgeon J. F. Hammond, United States Army, dated August 20, 1862, describing nature of wounds received June 27, 1862, by Captain Chambliss herewith.

SAMUEL BRECK,
Assistant Adjutant-General.

Capt. W. P. Chambliss, of the Fifth Regiment of United States Cavalry, having applied for a certificate on which to ground an application for leave of absence, I do hereby certify that I have carefully examined this officer, and find that he is suffering from gunshot wounds and from dislocation of right shoulder. The latter is reduced. One wound is from a musket-ball in the left shoulder; one from buckshot in upper part of right side of chest in front; one from a rifle-ball through the abdomen and one through the left thigh. The wounds of the shoulder and abdomen are still open and discharging. They confine him to bed. They were all received in battle at Gaines's Mill, near the Chickahominy, Virginia, the 27th June, 1862, and that in consequence thereof he is, in my opinion, unfit for duty. I further declare my belief that he will not be able to resume his duties in a less period than sixty days.

J. F. HAMMOND,
Surgeon, United States Army.

Dated at New York city this 20th day of August, 1862.

STATE OF NEW JERSEY, EXECUTIVE DEPARTMENT,
Trenton, March 22, 1880.

Independently of his services, when a mere boy, in the Mexican war, the admirable, gallant, and soldierly manner in which Col. William P. Chambliss performed his duty during the recent war merits high appreciation and reward.

Literally riddled with balls, he was left for days on the field of battle at Gaines's Mill, only to be taken thence to the Libby prison.

Escaping death as by a miracle, he has for several years past been in wretched health—the consequence of his many wounds, of exposure on the field of battle, and of a still unextracted ball.

If under any circumstances an officer who has voluntarily resigned his commission can be placed on the retired-list, I think that Colonel Chambliss, by his services and sufferings, eminently deserves to be of the number.

GEO. B. McCLELLAN.

I certify the foregoing is a correct copy of the original, which is now before me.

ROGER JONES,
Lieut. Col., Asst. Insp. Gen'l U. S. A.

WASHINGTON, D. C., *April* 20, 1880.

STATE OF NEW JERSEY,
Mercer County, ss:

On the 21st day of April, before me, a notary public in and for said State, personally appeared George B. McClellan, who, being by me duly sworn, declares and says that he is personally acquainted with William P. Chambliss, late captain Fifth United States Cavalry, and that the said Capt. William P. Chambliss was present with his company and regiment at the battle of Gaines's Mill, Virginia, on the 27th day of June, 1862, the army then being under my command, and that he was left on the field suffering from a wound from a musket-ball in the left shoulder, and from a buckshot wound in the upper part of the chest, and from a rifle-ball through the abdomen and another through the left thigh.

He had also received other injuries, among them the dislocation of the right shoulder.

He remained some days on the field of battle, and was finally taken into Richmond as a prisoner, but was exchanged a few weeks afterward. His condition when exchanged was such that his recovery seemed impossible, and I think that very few survived such wounds and exposure as fell to the lot of Captain Chambliss.

He further declares that he has no interest directly or indirectly in this matter.

GEO. B. McCLELLAN.

Sworn and subscribed before me this 21st day of April, 1880; and I certify that I have no interest, either directly or indirectly, in this matter.

[SEAL.] JAMES S. KIGER, *Notary Public.*

(Certificate of official character on file.)

FORT WAYNE, MICH., *July* 19, 1880.

SIR: At the battle of Gaines's Mill, Virginia, June 27, 1862, I was twice wounded, made prisoner, and carried into Richmond and placed in the sick ward of the Libby prison. Four days afterward Capt. William P. Chambliss, Fourth Cavalry, was brought into the same ward and laid alongside me for nearly three weeks. He was wounded with one bullet and six buckshot, and had lain out on the battlefield four days and four nights. He was placed on a cot, on which had died the day before a Union officer sick with erysipelas, and Captain Chambliss was soon attacked with the same disease in all of his wounds.

I saw his wounds dressed and his body painted with iodine almost every day. The bullet wound was in the belly, ranging from left to right. He must have had his left side toward the enemy when shot; for the buckshot entered his left shoulder, his left breast, neck, and one of them, if my memory serves me rightly, entered beneath the left shoulder-blade and just above the region of the kidneys and about three or four inches from the spinal column, and lodged, where I do not know.

I knew Captain Chambliss well. I had seen him with his regiment in the Army of the Potomac but a short time before the battle of Gaines's Mill. He was laid on a cot alongside of me, and I heard from his own lips a description of the charge in which his horse was shot, and he was wounded as narrated above at the same time.

Very respectfully, your obedient servant,

H. B. CLITZ,
Colonel Tenth Infantry.

To the honorable COMMISSIONER OF PENSIONS,
Washington, D. C.

CINCINNATI, *June* 25, 1880.

SIR: I have the honor to state that I was wounded at the battle of Gaines's Mill on June 27, 1862, and taken to Libby prison as prisoner of war. In this prison, and lying next to and very near to me was William P. Chambliss, then a captain of the Fifth United States Cavalry. He was very dangerously wounded, and for several weeks it was thought impossible that he could live. Being so near to him I became perfectly familiar with his condition; daily saw his wounds dressed, and perfectly well knew the nature and extent of them, and expected that each day would see his suffering relieved by death. He was wounded in the abdomen by a gunshot, and in the left thigh gunshot, charge of buckshot, and right shoulder dislocated from fall from his horse; also a gunshot wound in the back close to one of his kidneys, the ball remaining in his body; it could not be extracted, and no doubt entirely disables him. Captain Chambliss, Major Citz, Twelfth United States Infantry, and myself were paroled and taken to Westover Landing the same day, and came to New York in the hospital ship towed by the Vanderbilt. Captain Chambliss was even then so critical in condition that he had to at once enter hospital in New York city.

From my personal knowledge of his condition resulting from wounds received in battle, I do not consider him capable to perform any duty of a character requiring a reasonable amount of physical exertion; and that he is still alive is a remarkable case and exceptional in every way.

I certify the above to be a true statement of the facts in this case so far as my recollection serves me at this time.

P. W. STANHOPE,
Major, U. S. A.

To the honorable COMMISSIONER OF PENSIONS,
Washington, D. C.

COBURG, CANADA, *March* 15, 1880.

Colonel Chambliss has been attended by me professionally for seven years. I first attended him for a severe attack of pain, which resembled nephritic colic. It was, as I supposed, caused by an unextracted musket or rifle ball lying in the vicinity of the left kidney. Since then his health has been tolerable for some days and other days miserable. I consider his present state of health arises from the severe wound he received in battle, from exposure on the field for ten days afterward, and also from subsequent confinement in Libby Prison.

GEORGE WATERS, *M. D.*

I certify that the foregoing papers are true copies of the originals on file in claim for pension certificate No. 172002 of William P. Chambliss, late captain Company D, Fifth United States Cavalry.

O. P. G. CLARKE,
Acting Commissioner of Pensions.

JANUARY 18, 1882.

Examining surgeon's certificate in the case of an original applicant.

[No. of application, 347140.]

WASHINGTON, D. C., *April* 22, 1880.

We hereby certify that we have carefully examined William P. Chambliss, late a captain Company D, Fifth Regiment United States Cavalry, in the service of the United States, who is an applicant for an invalid pension by reason of alleged disability resulting from gunshot wounds of abdomen and back and injury of right shoulder.

In our opinion the said Chambliss is totally incapacitated for obtaining his subsistence from manual labor from the cause above stated.

Judging from his present condition, and from the evidence before —, it is — belief that the said disability did —— originate in the service aforesaid in the line of duty.

The disability is ———.

A more particular description of the applicant's condition is subjoined:

Height, 5 feet 11 inches; weight, 142 pounds; complexion, light; age, fifty-three years; pulse 84°; respiration, 18°. Gunshot wound, ball entered just in front of anterior inferior spinous process of left ilium, and passing to the right came out at a corresponding point on right side; cicatrices large and adherent, with loss of substance (one-half). Gunshot wound, ball entered an inch to the left of spinal process of ninth dorsal vertebra, and, he says, lodged and still remains; cicatrix depressed and adherent; loss of substance; tenderness on pressure in region of left kidney; complains of much pain in that region with dysuria most of the time, movements of the body painful, and particularly stooping (one-half); some thickening of tissues about the right shoulder joint and its motion impaired; atrophy (slight) of muscles of right arm, one-fourth of an inch less than the other; loss of power in arm and hand (one-fourth).

ROBERT REYBURN, M. D.,
President Board of Examining Surgeons.
J. O. STANTON, M. D.

To the honorable the Senate and House of Representatives of the United States of America in Congress assembled:

Your petitioner, William P. Chambliss, a citizen of Tennessee, late a major in the Fourth United States Cavalry, and brevet lieutenant-colonel, United States Army, respectfully asks Congress to pass an act authorizing the President of the United States to reinstate and place his name upon the retired-list of the Army, with the rank of major, to date from the passage of the act.

In support of this petition he has the honor to submit the following statement of facts:

He first entered the service of his country, when a mere youth, as an officer in the Tennessee volunteers, and served throughout the war with Mexico. He re-entered the Army as a lieutenant of cavalry in 1855, and served continuously until he resigned in 1867, sharing the dangers of the Peninsular campaign, during which, at the battle of Gaines's Mill, he was dangerously wounded, literally riddled with balls, and left on the field of battle for ten days; whence he was removed to Richmond and confined in the Libby Prison until paroled, and subsequently underwent treatment for several months at Saint Luke's Hospital, New York; in the language of General McClellan, "escaping death as if by a miracle."

At the time of his resignation of his commission as an officer of the Army, his services, wounds, and sufferings gave him, under the law, the right to be placed upon the retired-list with the rank he then held. By his voluntary resignation he waived this right, not then supposing his constitution was so undermined by the effect of his wounds, sufferings, and exposure as to eventually destroy his health; and he now prays the passage of an act removing the disability to his retirement caused by his resignation, with no compensation for the time he was out of the service.

In support of the foregoing prayer attention is respectfully invited to the following papers, which are made a part of this petition.

In conclusion he submits, with confidence in the wisdom and justice of Congress, the question of his reinstatement and retirement, satisfied if its judgment should be adverse, profoundly grateful if favorable.

WILLIAM P. CHAMBLISS,
Late Major Fourth U. S. Cavalry, and Brevet Lieutenant-Colonel, U. S. Army.

WASHINGTON, D. C., *April* 21, 1880.

Mr. McMILLIN. I wish to add an amendment to the bill, providing that this shall be in lieu of all pension, so that there will be no doubt upon the question.

The CHAIRMAN. Does the gentleman from Tennessee propose an amendment now?

Mr. McMILLIN. I will submit the amendment and have it pending until other gentlemen who desire may be heard upon the bill.

Mr. WARNER, of Ohio. Mr. Chairman, so far as I am concerned there is but one question in my mind. There seems to be no question whatever as to the merits of the case; but I wish to inquire of the gentleman in charge of the bill whether this officer had the right under the law as it existed at the time of his resignation to go on the retired-list.

Mr. STEELE. He had the right. He was eligible for retirement at that time.

Mr. WARNER, of Ohio. If he had the right, then I will vote to restore it to him now.

Mr. STEELE. He was in the regular Army and was disabled, as the report shows, and was then eligible for retirement.

Mr. WARNER, of Ohio. The whole question seems to turn on that point, as to the right or policy governing future cases of this character.

The CHAIRMAN. The Clerk will read the amendment proposed by the gentleman from Tennessee.

The Clerk read as follows:

Add to the end of the bill the words "and in lieu of all pensions."

Mr. McMILLIN. I submit that, in order that he may not draw both the pay of a major on the retired-list and the pension at the same time.

Mr. BRADY. He could not do that anyhow.

Mr. STEELE. He would be prohibited from that under the law anyway.

Mr. McMILLIN. But there seems to be some doubt upon that point.

Mr. HOUK. Is not that the law already?

Mr. McMILLIN. It is claimed by some it is and by some it is not. I am not familiar with the law myself, but I offer this amendment to make assurance double sure.

Mr. HOUK. Have we got to enact amendments to cover all the law my colleague does not know?

Mr. McMILLIN. If we pass statutes to cover all the gentleman from Tennessee does not know the statute-books would be four times as large as they are now.

Mr. HOUK. It will not do my colleague any good to borrow my thunder.

Mr. McMILLIN. The gentleman's thunder is not worth fulminating or borrowing.

Mr. HOUK. I think the gentleman by using my thunder shows himself very destitute of arrows in his quiver.

The amendment was adopted.

The CHAIRMAN. The question is, Shall the bill as amended be laid aside to be reported favorably to the House?

Mr. BRADY. I wish to ask the gentleman who has charge of the bill a question. Does Mr. Chambliss, for whose relief this bill is reported, draw a pension at the present time, and how much?

Mr. STEELE. We have no information that he draws a pension.

Mr. McMILLIN. It was stated during the debate that he was drawing a pension.

Mr. STEELE. I desire to correct my statement of a moment ago. The report shows that he has a pension.

Mr. BRADY. How much does he draw.

Mr. McMILLIN. I am not informed what his pension is.

Mr. BRADY. I think that is an important question, which should be answered before we vote on the bill.

Mr. McMILLIN. I think the pensioning method is the proper one; but if the bill is to pass, my desire was that this applicant should not draw retired pay and pension both.

Mr. BRADY. I wish to ask further are there any precedents for the passage of a bill of this kind?

Mr. STEELE. There are a great many of them.

Mr. McMILLIN. I think the gentleman from Indiana [Mr. STEELE] is in error in giving it to be understood that there are a vast number of precedents for this. Some bills of this kind have been passed and some have been defeated in past Congresses. There have been very few in the last seven years. This is a case where an officer voluntarily retires from the service and then comes and asks to be placed on the retired-list. Of such cases there have been very few before Congress. In some instances there have been attempts to put such persons on the retired-list but they have been defeated.

Mr. BRADY. This seems to be a very meritorious case; but I understand that under the rulings of the Pension Department the pension granted in this case would be ample and would almost reach the amount Mr. Chambliss would receive by being placed on the retired-list.

The bill as amended was laid aside to be reported to the House with a favorable recommendation.

V. F. GORRISSEN.

The next business on the Private Calendar was the bill (H. R. 2428) for the relief of V. F. Gorrissen, reported by Mr. LANHAM from the Committee on Claims.

The bill was read, as follows:

Be it enacted, &c., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay to V. F. Gorrissen, of Young County, Texas, out of any money in the Treasury not otherwise appropriated, the sum of $245.33, the same being the amount of money collected from him by the Post-Office Department for and on account of postal funds stolen from the mails after having been registered and mailed by him as postmaster at Graham, Tex., 1882.

Mr. LANHAM. I ask for the reading of the report. It is brief, and I think the reading of it will obviate the necessity of my making any explanation.

The report (by Mr. LANHAM) was read, as follows:

The Committee on Claims, having had under consideration the bill (H. R. 2428) for the relief of V. F. Gorrissen, respectfully report in favor of its passage.

The facts of the case are stated in the following report of the late Hon. Reuben Ellwood, who was a member of the Committee on Claims during the Forty-Eighth Congress, and which is hereby adopted:

"The Committee on Claims, to whom was referred the bill (H. R. 5843) for the relief of V. F. Gorrissen, having had the same under consideration, report as follows:

"This claim is for the payment of $245.33 to V. F. Gorrissen, postmaster at Graham, Tex. It appears that in July, 1882, Mr. Gorrissen forwarded a registered package containing the above amount to the postmaster at Austin, Tex., being the amount due the United States by him, as per his account current for the quarter ending June 30, 1882, and the same was stolen while in transit. The rules of the Post-Office Department require all postmasters to make their deposits in the legal currency of the United States, 'notes or coin;' bank-checks must not be used. It appears from the evidence that Mr. Gorrissen complied in every way with the regulations of the Post-Office Department. The Postmaster-General states that if it be the policy of Congress to pay such claims he thinks that the case of Mr. Gorrissen is a deserving one. Mr. Thomas, the post-office inspector who made a thorough investigation of the case, states that it seems to him but just that Mr. Gorrissen should have the relief claimed.

"Your committee, after a careful consideration of this claim, report the same back to the House with the recommendation that the same do pass."

Mr. LANHAM. I move that the bill be laid aside to be reported to the House with the recommendation that it do pass.

The motion was agreed to.

L. S. ENSEL.

The next business on the Private Calendar was the bill (H. R. 290) for the relief of L. S. Ensel, reported by Mr. SPRINGER from the Committee on Claims.

The bill was read, as follows:

Be it enacted, &c., That the Secretary of the Treasury is hereby authorized to pay L. S. Ensel, of Springfield, Ill., the sum of $1,054.22, out of any money in the Treasury not otherwise appropriated; the same being the amount paid by the said Ensel and covered into the Treasury of the United States as security on the recognizance of Michael Heilbron and Bernard Weil, who were indicted and tried in the United States district court for the northern district of Illinois, under clause 9 of section 5132 of the Revised Statutes of the United States.

Mr. SPRINGER. I move that the bill be laid aside to be reported to the House with a favorable recommendation.

Mr. BURROWS. I should like to hear the report read.

Mr. SPRINGER. Let the report be read in my time.

The report (by Mr. SPRINGER) was read, as follows:

The Committee on Claims, to whom was referred the bill (H. R. 290) for the relief of L. S. Ensel, submit the following report:

This bill was reported favorably by the Committee on the Judiciary, and was passed by the House of Representatives of the Forty-seventh and Forty-eighth Congresses. The facts were found and reported in the reports heretofore adopted, and are as follows, and made a part of this report, namely:

"It appears from the evidence that on the 1st day of November, 1876, Michael Heilbron and Bernard Weil were indicted by the United States grand jury in the northern district of Illinois, under the ninth clause or subdivision of section 5132 of chapter 8 of Revised Statutes, which is as follows, to wit:

"'SEC. 5132. Every person respecting whom proceedings in bankruptcy are commenced, either upon his own petition or upon that of a creditor— * * * Ninth. Who, within three months before the commencement of proceedings in bankruptcy, under the false color, pretense of carrying on business, and dealing in the ordinary course of trade, obtains on credit from any person any goods and chattels with intent to defraud, * * * shall be punishable by imprisonment, with or without hard labor, for not more than three years.'

"On the 13th of December following the defendants entered into recognizance in the sum of $1,000, with said L. S. Ensel as their surety. A trial was had upon the indictment in the district court of said district, by jury, commencing on the 7th of February, 1877, and resulted in a verdict of guilty on the 10th of the same month. Pending the deliberation of the jury the defendants fled and their recognizance was forfeited. Suit was thereafter brought in said court against said Ensel on the forfeited bail bond, and judgment rendered against him thereon, on the 19th day of May, 1877, for $1,000 and costs.

"On this judgment said Ensel paid from time to time to the United States district attorney at Chicago various sums, beginning June 27, 1877, and ending November 1, 1877, the whole amounting to $930, and subsequently, June 12, 1878, to the United States marshal, the balance claimed, to wit, $121.67, and the whole sum so paid was on the 28th of June, 1878, covered into the United States Treasury.

"Meantime, and at the October term, 1877, the Supreme Court of the United States decided that the ninth clause or subdivision of section 5132 is unconstitutional. (United States *vs.* FOX, 5 Otto.) In conformity with the principles established by that case the court in which said indictment was pending did, April 15, 1879, on motion in arrest of judgment, quash the indictment, on which no final judgment had been entered, on account of the absence of defendants, as above stated. Mr. Ensel, as soon as he learned the state of the case, applied to have the money refunded, but was told it was already covered into the Treasury and his only relief was from Congress.

"Your committee, therefore, are of the opinion that said Ensel should have refunded to him, out of the Treasury of the United States, $1,054.22, and recommend the passage of the bill as amended, to wit, in place of $1,075 insert $1,054.22.

"The following letter relating to the subject of this report is made a part thereof:

"UNITED STATES ATTORNEY'S OFFICE,
"*Chicago, January 16, 1878.*

"SIR: Respecting the subject of a letter received from Hon. WILLIAM M. SPRINGER (which letter is inclosed herewith), I beg to report as follows:

"On the 1st day of November, 1876, Michael Heilbron and Bernard Weil were indicted by the United States grand jury for this district. The indictment contained eight counts, under the ninth clause of section 5132, Revised Statutes. On the 13th day of the following December they entered into a recognizance in $1,000, with one L. S. Ensel, of Springfield, Ill., as their surety. Their trial in the district court here by a jury commenced on the 7th of February, 1877, and resulted in a verdict of guilty on the second, fifth, and eighth counts on the 10th of the same month. Pending the deliberations of the jury, and before the verdict, the defendants fled and their recognizance was forfeited.

"On the 19th of March, 1877, the judgment against the surety (Ensel) for $1,000 and costs was made final. On this judgment Ensel has paid $1,054.22, and the same has been duly covered into the Treasury of the United States.

"The Supreme Court of the United States, at the October term, 1877, in the case of the United States *vs.* FOX, held (as reported in 5 Otto) substantially that the language of the ninth clause did not create a criminal offense. Since that decision the courts here have, in their rulings upon similar cases, conformed to the principles established by that case.

"MARK BANGS, *United States Attorney.*

"Hon. CHARLES DEVENS,
"*Attorney-General, Washington, D. C.*"

Your committee respectfully recommend the passage of the bill.

Mr. BROWNE, of Indiana. It seems this claim is for the return of money that was paid on a forfeited recognizance in the United States court. Subsequently to the declaration of forfeiture the Supreme Court held that the statute upon which the indictment was founded was unconstitutional. The money having been paid before this was ascertained judicially, the surety upon the recognizance claims it should be paid back.

It strikes me there is a very important element in this case that has not been ascertained by the committee at all. I have no doubt that the money which the surety paid, which has gone into the United States Treasury, was furnished by the defendants themselves.

Mr. SPRINGER. I can assure the gentleman it was not.

Mr. BROWNE, of Indiana. I wanted that question to be settled by the ascertainment of the committee. I know how these things are done. These gentlemen defrauded their creditors in the first place, cheated them, and disappear when they are indicted; a friend comes up and becomes their surety, and when the bonds are forfeited the money is paid by the surety. He is generally paid by the defendants themselves, who have simply diappeared temporarily from the community till the storm blows over. I shall not vote for this measure until the committee has inquired into this phase of the case. I do not want these scoundrels simply to have their money returned from the Treasury of the United States, if they paid it.

Mr. SPRINGER. I desire to disabuse the mind of my distinguished friend from Indiana on that point. It appears from the facts reported by the district attorney at Chicago, Mr. Bangs, that the defendants were put on trial, that the trial lasted two or three days, and that the jury brought in a verdict of guilty against the defendants; and while the case was in court, and while the parties were before the jury, when the verdict was rendered and this surety was not present and had no knowledge of these proceedings before the judgment of the court was pronounced, it was discovered the defendants were not in the room; that they had left after the verdict of guilty was announced by the jury.

The security, who lived in Springfield, not in Chicago, was informed of the forfeited recognizance, and judgment was entered against him, and he had to pay the amount. The parties afterward came back into court, entered their appearance, and moved to quash the indictment on the ground of a decision of the Supreme Court of the United States on an indictment founded upon the same section of the statute. In that case the Supreme Court held that the clause in the statute on which the indictment was found did not set forth an indictable offense, and dismissed the proceeding as void from the beginning.

Mr. BROWNE, of Indiana. I understand that perfectly well; but when, subsequently, an order to quash the indictments was made, were the defendants present?

Mr. SPRINGER. They came in and entered their appearance.

Mr. BROWNE, of Indiana. I supposed so. Now let me ask the gentleman whether these defendants are not legally liable to the security for the money he paid on their account?

Mr. SPRINGER. I do not see that they are.

Mr. BROWNE, of Indiana. Is there not a subsisting legal right on the part of the security to recover against them the amount he paid for them?

Mr. SPRINGER. The fact is that this gentleman, the security, had no interest in the suit or proceeding at all; he was not even suspected of being a party to it. He lived in Springfield; these were parties with whom he had been friendly, who were engaged in business and were indicted under the bankrupt law for some irregularity.

Mr. BROWNE, of Indiana. I hope the gentleman sees my point. In the first place I want it known to the committee that these parties have not reimbursed the security—the claimant here. Secondly, I want to know whether there is not to-day, on the part of these principals, a legal liability to the surety who paid this money at their instance and request? May not that money be recovered from them? Now I do not apprehend that the committee is overwhelmed with anxiety to return this money to these men who were put on trial and subsequently ran away to avoid the consequences of the verdict of the jury, and staid away until they found that the Supreme Court had taken the teeth out of the indictment.

Mr. SPRINGER. Mr. Chairman, I want to say to the gentleman from Indiana [Mr. BROWNE] that this bill has twice passed the House of Representatives by a unanimous vote. It was reported by the Committee on the Judiciary in the Forty-seventh Congress (the report having been prepared by Mr. Willits, of Michigan), and it was passed unanimously by the Judiciary Committee of that House and by the House itself.

It was also introduced in the last Congress and referred to the Judiciary Committee—that committee having had cognizance of such cases before the change of the rules—and it was favorably reported to the House by the gentleman from Illinois [Mr. Moulton], placed upon the Calendar, and unanimously passed by the last House. So the gentleman will see that this bill has now been twice passed by the Judiciary Committee of the House of Representatives, and twice by the House, without a single objection. It seems to me, Mr. Chairman, that this claimant has been seeking the only remedy that was held out to him, and has been seeking it long enough to be entitled to relief, this being the third time that he has come before Congress and asked the passage of this bill.

Mr. PETERS. Will the gentleman from Illinois [Mr. SPRINGER] permit me to ask him a question?

Mr. SPRINGER. Certainly.

Mr. PETERS. After the forfeiture of this recognizance, if an alias warrant had been issued for these defendants and they had been brought in and had been tried and found not guilty because of the unconstitutionality of the law, would that have released the security?

Mr. SPRINGER. Cooley, in his Constitutional Limitations, has stated (if the gentleman desires I will send for the book and cite the exact language) that where an indictment is founded upon an unconstitutional provision of a statute all the proceedings from the beginning are void, and that not even the officer who made the arrest can be protected, from the fact that there was no law upon which the man could be indicted or arrested. In this case there was no valid proceeding from the beginning—nothing upon which these defendants could properly be held to answer. This indictment, then, having been founded upon a provision of law which did not constitute an indictable offense, the officers were trespassers, the court had no right to hold the defendants, and all the proceedings bringing them into court were void. It was held in the State of Illinois by the supreme court in a case where an officer was killed in attempting to execute the law, that the person killing him acted in self-defense, because it turned out that the warrant under which the officer was proceeding was void.

Mr. PETERS. The principle there is entirely different.

Mr. SPRINGER. It is the same principle announced twice heretofore by the Committee on the Judiciary and now by the Committee on Claims which has reported this bill; and the gentleman from Kansas will certainly recognize the correctness of that principle, because he has been a judge upon the bench himself.

Mr. PETERS. I recognize the correctness of that principle, Mr. Chairman, but I do not recognize the correctness of this application of it.

Mr. SPRINGER. The gentleman knows that if a grand jury in his court should indict a man for an alleged offense, which turned out to be no offense at all under the law, he would discharge the recognizance; he would not undertake to collect the money, and if he did collect he would be gathering where he had not sown, he would be mulcting a citizen on a liability that had no legal existence.

Mr. OATES. If all the proceedings were void by reason of the unconstitutionality of the law, was there any legal method by which the surety could be compelled to pay this money, or was not the payment voluntary?

Mr. SPRINGER. This man paid the money because he was a good citizen, and thought he was liable to pay it.

Mr. BUCHANAN. He paid it before the decision of the court.

Mr. SPRINGER. He paid it before the decision was rendered; and the district attorney said to him that he regretted very much he could not return the money, but that it had been covered into the Treasury of the United States; and he recommended that this claimant make application for a refund from the Treasury.

I believe my distinguished friend from Indiana [Mr. BROWNE] was a member of the Judiciary Committee of the last Congress, which reported this bill favorably; and I trust he will not now go back on the honorable record he made at that time.

Mr. BROWNE, of Indiana. I am not responsible for what the Judiciary Committee did.

Mr. SPRINGER. But having been a member of the committee, the gentleman acquiesced in this report—allowed the committee to report the bill unanimously and the House to pass it.

Mr. BROWNE, of Indiana. I will not say that is not true; but I have not the slightest recollection of the matter.

Mr. PETERS. You were young then.

Mr. BROWNE, of Indiana. Young and inexperienced.

Mr. SPRINGER. "An honest confession is good for the soul."

Mr. GOFF. The fact that the Supreme Court decided the act on which the indictment was based to be unconstitutional disposes, as I understand, of the point raised by the gentleman from Indiana that there is an existing liability by which the surety may recover from the principal.

Mr. SPRINGER. That is my understanding.

The question being taken on laying the bill aside to be reported favorably to the House, there were—ayes 46, noes 10.

Mr. BROWNE, of Indiana. I rise to a parliamentary inquiry. In a House of three hundred and twenty-five members are 46 votes enough to take a thousand dollars out of the Treasury of the United States?

The CHAIRMAN. The Chair thinks so when no point is made. The ayes have it; and the bill is laid aside to be reported favorably to the House.

WILLIAM H. WHEELER.

The next business on the Private Calendar was the bill (H. R. 822) for the relief of William H. Wheeler.

Mr. GEDDES. The gentleman from New York [Mr. TIMOTHY J. CAMPBELL], my colleague on the committee, who reported this bill and has charge of it, is now absent. I ask, therefore, that the bill be laid aside informally, not to lose its place on the Calendar.

The CHAIRMAN. The gentleman from Ohio asks unanimous consent that this bill be laid aside informally because of the absence of the gentleman having charge of it. Is there objection? The Chair hears none.

LEGAL REPRESENTATIVE OF JOHN HATFIELD.

The next business on the Private Calendar was the bill (H. R. 212) for the relief of Albert G. Hatfield.

The bill was read, as follows:

Be it enacted, &c., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay to Alfred G. Hatfield, the legal representative of John Hatfield, deceased, late veterinary surgeon of the Thirteenth Pennsylvania

Cavalry, the sum of $675, in full for services as veterinary surgeon for said regiment for nine months, at $75 per month.

Mr. GEDDES. I desire that this bill be laid aside informally, and that Senate bill No. 296, identical in its provisions with this bill, be taken up and recommended to the House for passage.

The CHAIRMAN. The Chair suggests that the gentleman move that this bill be reported to the House with a request that it lie on the table, and that the Senate bill be reported with a recommendation that it pass.

Mr. EDEN. Let the report be read.

The report (by Mr. GEDDES) was read, as follows:

The Committee on War Claims, to whom was referred the bill (H. R. 212) for the relief of John Hatfield, having considered the same and accompanying papers, submit the following report:

It appears from the papers in this case that on or about the 1st day of June, 1862, John Hatfield was employed by James A. Gallagher, then colonel commanding the Thirteenth Pennsylvania Cavalry Volunteers, in the military service of the Government of the United States, to act as veterinary surgeon for said regiment. At the date of the employment of John Hatfield by Colonel Gallagher veterinary surgeons were not allowed by law; but from affidavits of officers of the regiment and others it appears that the necessity existed for the employment of one. There were at that time eight or nine hundred horses in the regiment, and many of them were affected with distemper and other diseases, and required the care and attention of a skillful and competent veterinary surgeon. John Hatfield is shown to have been qualified, and as such had charge of all the horses of said regiment, under instructions from and the authority of Colonel Gallagher, from the date of his employment as aforesaid until the 3d day of March, 1863, a period of nine months, and he was paid nothing for his services rendered during that time, although the promise of payment was often repeated by Colonel Gallagher.

From papers on file in the War Department it appeared that John Hatfield, in December, 1863, presented his claim for payment as veterinary surgeon for nine months, being the time he had acted as such under the authority of Colonel Gallagher. There was no law authorizing the employment of veterinary surgeons during said nine months, and on that ground his claim to that extent was rejected.

Veterinary surgeons were authorized by law from March 3, 1863, and a warrant was issued in his favor January 2, 1864, to date from March 3, 1863.

From the 3d of March, 1863, until he quit the service he received $75 per month, that being the compensation for veterinary surgeons provided by the act of Congress approved on the said 3d day of March, 1863.

It being clearly proved that Hatfield rendered valuable and efficient services during the nine months he acted without technical authority of law, but under the authority of an officer of the Government, thereby saving the Government from great loss, and as the necessity actually existed for his employment, your committee are of the opinion that a reasonable compensation should be paid therefor, and we find $75 per month just and reasonable.

Your committee therefore report accompanying bill (H. R. 212) with amendments, and recommend that it do pass.

The Senate bill was as follows:

A bill (S. 296) for the relief of the legal representative of John Hatfield, deceased.

Be it enacted, &c., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay to the legal representative of John Hatfield, deceased, late veterinary surgeon of the Thirteenth Pennsylvania Cavalry, the sum of $675, in full, for services as veterinary surgeon for said regiment for nine months, at $75 per month.

Mr. GEDDES. The report just read presents the case of this claimant very fully and fairly, and unless there be some objection, I move that the Senate bill be laid aside to be reported favorably to the House, and that the House bill be reported with a recommendation that it lie on the table.

The motion was agreed to.

A. S. BLOOM.

The next business on the Private Calendar was the bill (H. R. 899) for the relief of A. S. Bloom.

The bill was read, as follows:

Be it enacted, &c., That the Secretary of the Treasury be, and is hereby, authorized and directed to pay to A. S. Bloom, late a major of the Seventh Kentucky Volunteer Cavalry, out of any moneys in the Treasury not otherwise appropriated, the pay and allowances of a major of cavalry from January 20, 1864, until November 1, 1864, deducting therefrom any moneys paid him for any other position held during that period.

The amendment reported by the committee was read, as follows:

In line 7 strike out "January 20" and insert "September 2."

Mr. STONE, of Kentucky. Unless there be objection I move that this bill be laid aside to be reported to the House with the recommendation that it pass.

Mr. HOLMAN. I wish to inquire of the gentleman from Kentucky why this claim could not be adjusted under the general law passed a year or two ago authorizing the Secretary of War to amend the military record of a soldier so as to allow him compensation for the period he actually served without being mustered into the service.

Mr. STONE, of Kentucky. If the report in this case had been read, it would have shown why this claim can not be adjusted under the law of June 3, 1884. The claim has been presented to the War Department under that act and decided adversely, because—

During the period claimed the Seventh Regiment Kentucky Cavalry Volunteers was reduced beyond the minimum strength allowed by law, and consequently not entitled to a third major.

It is clearly shown by the proof in this case that Major Bloom did service under the orders of General Rousseau from September 2 until November 1, 1864, at which time his pay began regularly. This bill simply proposes that he be allowed two months' pay for service which he actually rendered in a part of the country where, we have been told to-day, there was no danger, but where, as I happen to know from my experience as an eye-witness, there was danger to soldiers on both sides.

The CHAIRMAN. The question is on agreeing to the amendment.

The amendment was adopted.

There being no objection, the bill as amended was laid aside to be reported to the House with a recommendation that it pass.

A. GATES LEE.

The next business on the Private Calendar was the bill (H. R. 4411) for the relief of A. Gates Lee.

The bill was read, as follows:

Be it enacted, &c., That the Secretary of War be, and he is hereby, authorized and directed to cause to be investigated by the Quartermaster's Department of the United States Army the alleged use, occupation, and damage by the United States authorities, for the use of the United States troops, during the late war, of a certain mill property, situated in McCracken County, in the State of Kentucky, alleged to have been the property of A. Gates Lee; such investigation to extend to the title of the property, the status of the owner, whether loyal or not, the value of the property destroyed, the actual rental value of the property for the time it was occupied by United States troops, the amount of damage arising from the appropriation of material to the use of the Army; and when such investigation shall be completed the Secretary of War shall report the result thereof, with his recommendation thereon, to Congress, for action in the premises.

Mr. HOLMAN. I hope the report in this case will be read.

Mr. STONE, of Kentucky. The claimant in this case was one of two brothers, whose mill, at Paducah, Ky., was taken and used by the Federal Army during the late war. The proof in the case shows that they were both loyal. All that the bill asks is, not pay for the mill, but, as the case is one of peculiar hardship, that it be investigated by the Adjutant-General and the facts reported to Congress by the War Department.

Mr. HOLMAN. It seems to me this claim ought to go to the Court of Claims, which has the means of taking proof in such cases. There is no propriety in sending it to the Adjutant-General, who has no facilities for investigating such matters. He is not authorized to send for persons and papers or to send an agent to take testimony at the place where the parties may reside.

We have provided in this class of cases that the Court of Claims shall inquire into the facts. And my friend will see it is far better this case should go to the Court of Claims rather than be the subject of investigation by an officer having no facilities to make such investigation.

Mr. STONE, of Kentucky. It seems to me from my examination of this case that the War Department is as proper a place as can be found to report to Congress upon the facts. All the bill provides is that the War Department shall report for the action of Congress how long this property was occupied by the Government, and what the rental of the property was worth during the time of such occupancy. These are all the facts necessary to be ascertained for the action of Congress, for there is no question as to the man's loyalty or that the property was used.

I move the bill be reported to the House for passage without amendment.

Mr. BUCHANAN. How long was this property occupied, and to what extent was it destroyed?

Mr. STONE, of Kentucky. It was flour-mill property, and was occupied from the time the troops went to Paducah, late in 1861, up to some time in 1863. The property for mill purposes was almost entirely destroyed. There were two brothers of the name of Lee who owned the property. One is now dead. The other, A. Gates Lee, is the surviving brother.

Mr. BUCHANAN. This may be a very meritorious claim, but the report discloses but few facts.

Mr. STONE, of Kentucky. Those are the facts of the case.

Mr. ROWELL. Mr. Chairman, I investigated this claim. This mill was occupied by Federal troops from the fall of 1861, about the time that Paducah was held. At the close of its occupancy a commission was appointed to investigate the damage to this mill, which resulted in a report of eleven thousand and odd dollars as the amount of damage done to the mill. The Quartermaster-General held properly that the Government could not pay for property destroyed by the soldiers. The mill was completely gutted—all its machinery taken out; it was destroyed for use for milling purposes. The Quartermaster-General offered $25 per month rent, which Mr. Lee declined to receive.

Now, the Court of Claims can not investigate this case under the Bowman act, because it is expressly precluded from considering such questions.

Mr. BUCHANAN. The statute of limitations would.

Mr. ROWELL. This claim has been in the War Department. Proper parties at Paducah investigated it. They reported these damages.

But, sir, this bill does not propose to pay for any damages or for any depredations, but authorizes the War Department, which has its quartermasters and its agents with full power to investigate all the facts—to investigate the rental value and the value of any kind of property taken and used by the Army, and report them back to Congress. It does not appropriate any money, but simply asks Congress as an act of justice to the Lees to investigate the case and report the facts to Congress.

Mr. BUCHANAN. That is all right.

Mr. HOLMAN. Mr. Chairman, there does not seem to be any dispute about the facts. I presume neither the gentleman from Kentucky [Mr. STONE] nor the gentleman from Illinois [Mr. ROWELL] will pretend there is any dispute about the facts; that the property was occupied by the Government, that it was occupied at the seat of war, and that it was damaged while occupied by the Government. The House considered very carefully and so did the Senate the principles of the Bowman law, and declared that court could not take jurisdiction of any

claim where it appeared it was either for occupation of property or for spoliation done at the seat of war. The only question is whether it is now deemed advisable to go behind the principle decided upon and open up this class of claims to adjustment. That is the only question before the House. If it is designed to reverse the action of Congress, then very well and good; let us know it.

I wish to ask the gentleman from Illinois whether there is anything in this claim which in his judgment calls upon Congress to depart from the general proposition which has governed Congress up to this hour—that the Government could not pay for property destroyed by the Army or Navy at the seat of war, or for property occupied by the Army or Navy at the seat of war. Does he think it is proper to go back of that policy which has governed us up to this time, and propose to pay that class of claims?

Mr. ROWELL. I will answer the gentleman's question. Paducah, situated on the south side of the Ohio River, was taken possession of early in the war, not because there were enemies there, but because it might become necessary for the defense of the nation.

It was not in the position of property taken possession of farther South by the Army, property in the enemy's country, and was taken possession of because of the exigency arising at the time when Colonel Smith and Colonel Wallace went in the fall of 1861 and took possession of Paducah. Not being supplied with tents, they took possession of this mill for quarters. It should have been paid for at the time, but was not, and afterward a provision was inserted in the law preventing the adjudication of such claims. It is not a claim of the same character as that to which the gentleman from Indiana [Mr. HOLMAN] has referred. I would be as much opposed as the gentleman from Indiana himself to the adjudication of the claim if it had been for the occupancy of a building down in the enemy's country. But Paducah was really no more in the enemy's country during that period than was the district the gentleman himself represents here, and consequently the case stands on a very different footing from property which was taken possession of down in the enemy's country.

Mr. HOLMAN. The gentleman, if I understand the position he takes, bases his argument upon the ground that the case is not reached by the Bowman act, because, in fact, the occupation of this property, and the damage done to it, was not done at the seat of war. Now, let me call the gentleman's attention to a case with which he is no doubt familiar. The gentleman remembers the famous Dr. Best case, which occupied so much time in Congress, and which presented such an interesting question.

Mr. ROWELL. Yes, very well; and I am in favor of paying it.

Mr. WARNER, of Missouri. And the Wallace case, at Lexington, Mo., is a similar one, and ought to be paid.

Mr. HOLMAN. That was for the destruction of property by the Federal forces, in the face of military operations, right at Paducah. It was before Congress from time to time, and was a most interesting case, because it was sought to establish one of two doctrines, either that in cases of that character the Government should pay the value of the property on account of the spoliation and occupation of the property, or that it should not. It is a case that presents the whole question. And there is another famous case in Missouri. It was determined that the Government could not enter upon the payment for the occupation of property under these circumstances or for damages done to it. That was the Paducah case, and yet my friend says that it was not at all affected by the Bowman law not being at the seat of war.

Mr. ROWELL. Is it not true that the Best house was destroyed because it was in the line of fire of a fort with the immediate prospect of a battle in front at one time when the enemy got there?

Mr. HOLMAN. Certainly.

Mr. ROWELL. Then it presents a very different case from that which is presented here.

Mr. HOLMAN. But my friend from Illinois, as I understood him, spoke of that as not being the seat of war.

Mr. ROWELL. Not at the time that this property was in the possession of the Government. Up in Ohio and Indiana it might be said the seat of war existed when Morgan made his raid.

Mr. WADSWORTH. The gentleman had some war in his own State, I believe, at one time.

Mr. HOLMAN. If the case is not affected by the Bowman act the gentleman can see that it is a proper question for adjudication by the Court of Claims. If it is affected by the Bowman law, you are calling for facts which when obtained, according to the decision of the Court of Claims uniformly made, can not be used as a basis on which to predicate legislation.

Mr. BUCHANAN. Mr. Chairman, upon an examination of this bill I find that it is not of the purport I thought it to be at the time of making my first inquiry. I find it is simply to provide for an investigation by the Quartermaster-General's Department of the United States Army. The Secretary of War is to cause to be investigated by the Quartermaster-General's Department the questions arising from the alleged use, occupation, or damage by the United States of this property. And then what follows? Not that the accounts shall be adjusted and paid—that bridge we have not yet reached—but simply that "when such investigation shall be completed the Secretary of War shall report the result thereof, with his recommendations thereon, to Congress for its action in the premises." That is all there is of the bill, and if any of us here should be fortunate enough to be in the House when that report comes back, we can then debate the question as to whether the claim shall be paid or not.

Mr. WARNER, of Missouri. Mr. Chairman, I am not here specially to oppose this bill, but I represent a district from Missouri in which there are numberless claims, such as are embodied in this bill, fully as meritorious, that have been pending before the Departments of this Government, which have been brought before this Congress, and no relief has ever been granted. I feel, sir, that it is high time for us to call a halt upon this system of piecemeal legislation, making fish of one and fowl of another. Let the Committee on War Claims bring in a bill authorizing the proper authorities to investigate the facts in all of these cases where relief is asked, that we may have them all before us and act upon them intelligently.

In the case of Lexington, where Wallace's house was destroyed, the troops there occupied the Female Baptist College for two years. The trustees of that college have been knocking at the doors of Congress. They have been before the Quartermaster's Department and before the Secretary of War, and the invariable answer is, wait till some general law is passed by which relief can be granted to you. Therefore I think it is high time the committee having these matters in charge should perfect some legislation by which we can treat all alike, instead of passing bills to allow the claims of the favored few.

Mr. STONE, of Kentucky. There is no member on this floor who would vote more heartily than myself for any bill that could be formulated here that would take all these claims out of the Committee on War Claims and provide a tribunal by which they could be adjudicated without coming to Congress. But these claims come to us by the hundred from every section of the country, and we are expected to discharge our duty as regards the various bills referred to us. We have no election. We can not sit still and allow these claims to wait till we have a general law prepared and passed.

As to this particular claim, whether it shall go to the War Department or the Court of Claims is a question for the House to determine. The claim has been investigated by the War Department and a large sum of money has been found to be due; but the Department feel they have no authority to pay the amount due, and offer these claimants so much per month while the buildings were occupied. The claimants decided not to take this because they believe it is not enough, and they come for relief to the Congress of the United States, and ask you simply to allow the War Department to investigate the case again and determine what is due them and report to Congress, which can then pass a bill making an appropriation.

The whole question seems to hinge on the idea as to where the claim shall go to be investigated. It has been before the War Department. All that is asked is that it shall be allowed to go back there without this additional machinery being added on to the case.

I am one of the class of men who believe as to these claims, if they are honest, you should pay them honestly and not talk about the danger of opening this or the other class of claims. If the Government owes these loyal citizens I do not think Congress should refuse to pay them or refuse to allow the claims to be heard before a tribunal to decide what is due them.

So far as I am individually concerned, I am not a particular stickler or advocate for a general payment of claims. But I do believe, sir, that this Government owes it to the people who were loyal in the border States that just claims should be paid. For I tell you a man who was loyal in the Southern States or the border States during the war deserves more credit than a man who was loyal in Massachusetts. I believe the good faith of the Government demands that it shall righteously adjudge the claims of loyal people in the border States. I believe so long as the Government stands back and refuses to adjust these loyal claims you are not binding the hearts of the people in loyalty to the Government.

Mr. WARNER, of Missouri. Will the gentleman allow me to say that in the remarks I made I was making a plea for the loyal citizens in the border States, more particularly the loyal citizens in the State of Missouri.

Mr. STONE, of Kentucky. So I understood the gentleman. This claimant was a loyal man. I hope the amendment of the gentleman from Indiana [Mr. HOLMAN] sending this claim to the Court of Claims will not be agreed to.

Mr. HOLMAN. I have not sent up any amendment. I must object, however, I say to my friend from Kentucky, to this mode of legislation. If these claims are to be paid, I hope Congress will say so in direct terms, and not by indirection.

The bill was laid aside to be reported to the House with the recommendation that it do pass.

HEIRS OF ANDREW F. M'MILLIN.

The next business on the Private Calendar was the bill (H. R. 897) for the relief of the heirs at law of Andrew F. McMillin, deceased, reported with an amendment.

The bill was read, as follows:

Be it enacted, &c., That the Secretary of the Treasury be, and he is hereby, au-

thorized and directed to pay to the heirs at law of Andrew F. McMillin, deceased, of Fayette County, Kentucky, out of any money in the Treasury not otherwise appropriated, the sum of $1,050, for fuel taken and used by the Army of the United States during the late war.

The amendment reported by the committee was read, as follows:

In line 7, strike out "$1,050" and insert "$204."

Mr. EDEN. I should like to hear the report read.

The report (by Mr. COMSTOCK) was read, as follows:

Andrew F. McMillin, of Fayette County, Kentucky, on the 29th day of November, 1865, filed in the office of the Quartermaster-General, United States Army, a claim for quartermaster stores supplied to the Army in 1863. He claimed the price and value of 350 cords of wood, at $3 per cord, amounting to $1,050.

It appears from the evidence in the case that since the filing of this claim claimant has died intestate, leaving heirs at law, who inherited his rights, and who continue to urge payment of the claim.

The evidence discloses that the Quartermaster-General investigated the claim through an agent, who found in favor of the claimant—

First. That he was loyal.

Second. That a detachment of the Army in 1863 encamped on claimant's land and consumed fuel, consisting of planks, posts, and rails; that at the time referred to the claimant resided on a tract of land adjacent to the city limits of Lexington, in said State.

After a careful investigation of the case the agent of the Department was unable to find the quantity of stores furnished to the Army as stated by claimant, but from the evidence before him reported in favor of claimant 34 cords of wood at $6 per cord, amounting to $204, and in submitting said report, at the conclusion of the same, said agent uses the following language:

"Under all the circumstances I am satisfied compensation should be made, and therefore respectfully recommend the payment of the amount as found."

This case illustrates the serious difficulty after such a lapse of time to ascertain with absolute certainty amounts and value of property alleged to have been taken and used by the Army. The claimant by his own affidavit and several other affidavits corroborating him insists that he furnished 350 cords of wood at the time mentioned; other testimony and circumstances tend to show the quantity largely overestimated by the claimant.

In view of this conflict in the evidence and the extreme difficulty at this late day of rebutting such claim, your committee find it more satisfactory to adopt the report of the agent of the Quartermaster's Department as to quantity and value, and therefore report the accompanying bill (H. R. 897) with the following amendment: Strike out "one thousand and fifty" and insert "two hundred and four;" and recommend its passage.

Mr. BUCHANAN. It strikes me this is a bill to which the House should give some attention. There is a claim for 350 cords of wood at $3 a cord—a claim put in under affidavit. The committee find there were 34 cords at $6 a cord; an agent of the Quartermaster's Department found the same thing. It may be some compensation should be voted to the claimant in this case. But I think where claimants come in and defraud the Government in this way they should be turned away from these halls without being allowed a cent.

Mr. PETERS. Mr. Chairman, if I read the report aright, the committee find that this party is entitled to be paid for 34 cords of wood at $6 a cord, and that he put in a claim for 350 cords of wood at $3 a cord, never asking for pay at $6 a cord, but only at the rate of $3. In addition to that he claims for "wood," which must be taken to mean cord-wood, while the committee allow him for posts and fence-rails. I think there are very suspicious circumstances connected with this claim and I shall vote against it.

Mr. WOLFORD. Mr. Chairman, I apprehend the gentlemen are mistaken when they say that this claim is an attempt to defraud the Government. I think they do not understand the circumstances of the case. The fact is, the soldiers of the Union Army just went into the forests there (and they have very beautiful forests about Lexington) and cut down whatever they pleased, and when this gentleman charged $3 a cord it was doubtless for wood that the soldiers cut. It appears, however, that the Government officers would not allow him anything for wood that the soldiers had cut. Now, it is all very well for gentlemen to say that this is a false claim, to guess that it is a false claim, without any ground to guess on. It is proved that the Army did get 34 cords of this gentleman's wood, and of course the proof as to how much they got determines the amount he should be paid for. But, Mr. Chairman, this may, nevertheless, be a perfectly just claim, and I know just exactly how the whole thing could happen. The soldiers went in there and cut down his wood in the forest, and then they took his fence-rails and burned them up—for who does not know how proverbial the soldiers were for burning fences on a cold night? [Laughter.] They took his wood and they took his fences and they took everything they wanted, but of course he could not prove that the Government got anything.

Mr. BUCHANAN. Will the gentleman explain why the committee have doubled the price of this wood?

Mr. WOLFORD. Because the soldiers took the man's rails and fence-posts instead of wood in the forest. Anybody can understand that. [Laughter.]

Mr. BRECKINRIDGE, of Kentucky. Mr. Chairman, I think the gentleman from New Jersey [Mr. BUCHANAN] is not justified in assuming that this claim is an attempt to defraud the Government. I know nothing of the facts of the case myself, but I knew very well the old gentleman whose representatives are the beneficiaries of this claim, as did my colleague on the other side from the Maysville district. Mr. McMillin in his old age removed from the county of Harrison to the county of Fayette, and lived near the city of Lexington, and this claim arose during the occupancy of his own and adjoining places by the Federal troops. It is probably not improper for me to say that during that time I was not practicing law in Lexington and had no opportunity of knowing the facts of this case myself, nor have I examined the papers, but, as I have said, I knew Mr. McMillin exceedingly well, and I know that he was a man utterly incapable of any fraud whatever. That I can say of my personal knowledge of the old gentleman, who has now gone I hope to a better land. He was a man utterly incapable of committing a fraud of any kind, and not only that, but there was no inducement for him to do such a thing, because he was a man of very considerable wealth at that time. I think if the gentleman from New Jersey [Mr. BUCHANAN] will examine the report further he will find this state of facts:

The testimony of Mr. McMillin and others put the loss at about a thousand and some odd dollars. Afterward, when the war was over and the witnesses were out of the way and when estimates could not be accurately made, from the testimony that was then taken the quartermaster came to two conclusions. The first was that compensation should be made, for he says, "Under all the circumstances, I am satisfied compensation should be made, and therefore respectfully recommend," &c. The other was that the amount claimed was greater than the proof showed to be proper, and therefore the quartermaster recommended the allowance of a very much smaller sum. The committee make a very wise and sensible suggestion when they say that this case illustrates, in this view, the extreme difficulty at this late day of rebutting a claim of this kind.

But the same difficulty that exists of rebutting exists also, on the other hand, of perpetuating or obtaining testimony to establish such a claim. So that this is one of those cases growing out of the war where persons on the ground, making their estimates at the time and from personal knowledge, came to one conclusion, while subsequently officers investigating the cases upon other testimony, given by persons not personally cognizant of all the facts, reach other conclusions. Saying this much, I think it proper to say further, that the conclusion of the gentleman from New Jersey [Mr. BUCHANAN] that this claim is a fraud is a mistake. It is simply one of those cases of conflict of testimony which are quite common, and which naturally grow out of the state of things existing in war. May I be permitted to add—for I know something of the condition of things there, although I was not at Lexington except at irregular and infrequent intervals, when I, with certain gentlemen with whom I was connected, came up from where we were spending our time in the Southern country and revisited our homes, but did not stay long [laughter]—may I be permitted to add that in the then existing condition of things there were circumstances in all cases of this kind which rendered it exceedingly difficult to get at the facts. The Federal troops used Lexington as headquarters for a very large military department. It was the entrepôt for their provisions and their army stores; it was the resting-place of the regiments that had been in campaigns, and it was the place of preparation for the regiments that were getting ready to go into campaigns; it was the point at which preparations were made for raids like that of General Burbridge and General Stoneman; it was a place where thousands of men were coming and going continually, so that the same camp would not be long occupied by the same regiment, brigade, or division, seldom longer than a few weeks. Now, the use of materials of all kinds during that time was by these various commands, extending over a period of months. The encampment at the south side near the old fair grounds (which were entirely destroyed by that encampment) continued for probably a couple of years, and was occupied by thirty, forty, perhaps one hundred, possibly two hundred, different military organizations from various States.

Now, the claimant obtained his testimony from persons in the immediate neighborhood who were acquainted with the facts, while as a rule the quartermaster obtained his not from that source, but by getting the names of persons in the various regiments and applying to them for information. In that way it sometimes happened that the colonel of a regiment would give the quartermaster information as to what supplies had been taken during his occupancy of the camp, extending, perhaps, only over two or three weeks, while the claimant was seeking compensation for supplies furnished or damages sustained during a period of several months, covering the occupancy of the encampment by various other regiments.

So there would be an apparent discrepancy, which would be accounted for by the fact that the testimony in one case covered a period very much longer than that covered by the testimony in the other. I take it for granted this is a case of that kind; that at this point near Mr. MCMILLIN'S, where there was a permanent encampment, these things were used; and I judge they were not only cord-wood but fences; for from some little knowledge on this subject I presume that when the soldiers, whether they wore the blue or the gray, wanted fuel on a cold night, or the quartermaster wanted it for them, those who took the wood were not very particular as to the measurement of the quantity they took or as to the precise form in which they found the wood. I presume, therefore, in this case wood was taken in various ways.

The only question, then, is whether this loyal man should receive pay for these things taken and used by the Federal soldiery at that time. And I may be permitted to add a single thought to what my colleague and friend and old comrade from Kentucky has said. The Union men of Kentucky—and I may speak of them with some little knowledge,

because I lived under the roof-tree of one who was probably the most ultra and (saying it with a memory that is pathetic as to him) one of the most useful—the Union men of Kentucky during that unhappy period were subject to things from which probably, in view of the necessities of the war, they could not be free, but which were sometimes very galling. Their supplies were taken, their provender was taken. A wagon would drive up to their corn-cribs or their hay-stacks and their corn or hay would be loaded upon the wagon; and in the same way wheat would be taken from garners. The parties taking these things sometimes left a voucher, and sometimes they did not. And when a voucher was left it was not always a correct voucher. During those years of the war this was the experience of numbers of people in the portion of the country where I lived; and I can afford to bear this testimony because I did not agree with the persons to whom it occurred; I did not share their opinions. I was doing all I could to make them live under a government that was not taking their corn and their hay under those circumstances.

After the war the persons from whom these things had been taken knew how much had been taken. These vouchers—probably sometimes honestly meant to be correct and sometimes not meant to be correct—were brought up to show what had apparently been taken; and there was a discrepancy. Anybody who has taken the trouble to examine knows it frequently happened that the evidence on one side showed a certain amount taken and on the other side a certain other amount. But on deeper examination it would probably be ascertained that the evidence showing the smaller amount was only those vouchers, while the record of the amount received and turned in would come very near to what the claimants themselves proved.

I make this statement simply that the House may understand the general nature of these claims. I know nothing about this particular case except what is in the papers. The old man died many years ago; his son lives in my town; I know him very well; I presume he knows nothing whatever about these facts, for judging from his age he must have been a small boy at the time of these occurrences. The testimony as to the amount is that of persons most of whom, I presume, are dead; and the question now is simply whether that which was taken by the Government shall not be paid for in any amount because the testimony taken by the quartermaster indicates that the claimants ask for too much—in other words, whether the Government shall seize and use the property of loyal men in time of war, and because the party from whom the property was taken claims more than the Government witnesses say he was entitled to he shall not be paid a cent for what was taken. That is the proposition.

Mr. BURROWS. May I ask why this claim was not settled by the Quartermaster's Department?

Mr. BRECKINRIDGE, of Kentucky. I can not answer that question; I did not look into the papers, but judge from the report the reason was that the claim may have been filed so late as possibly to have been barred by the statute of limitations.

Mr. BURROWS. Perhaps some gentleman here can state why the claim was not paid.

Mr. BRECKINRIDGE, of Kentucky. I am not aware why it was not paid.

Mr. SPRINGER. It is stated in the report, as the gentleman will see, that the Quartermaster's Department did investigate this claim, and recommended that the amount be reduced from $1,050 to $204.

Mr. BRECKINRIDGE, of Kentucky. And recommended the payment of that amount?

Mr. SPRINGER. And recommended the payment of that amount, which is the amount recommended by the bill as amended. The claimant desired to be paid $1,050.

Mr. BURROWS. If the agent who investigated the matter recommended that the amount be paid why did not the Quartermaster's Department pay it?

Mr. SPRINGER. I do not know.

Mr. BRECKINRIDGE, of Kentucky. Without knowing anything of this particular case, I judge it was not paid for want of an appropriation. In a great many cases examined by the Quartermaster's Department payment was recommended, but there was no appropriation and the parties were obliged to look to Congress to make an appropriation.

Mr. BRAGG. That explanation could not possibly apply in this case. In all those cases where the Quartermaster-General or his agents investigate a claim and the claim is reported upon favorably it goes to the Auditor and Comptroller, and then comes here reported as allowed by them, and such claims constitute the items of our "4th of July bills," such as that passed here the other day.

Mr. BRECKINRIDGE, of Kentucky. The gentleman from Michigan [Mr. COMSTOCK] who examined the papers can probably explain that matter.

Mr. BRAGG. If the Quartermaster-General recommended the payment of this claim it has either been rejected by the Auditor or Comptroller, or else it belongs on the bill to which I referred.

Mr. SPRINGER. Perhaps I can explain the matter. The party here claimed $1,050, and the Quartermaster-General recommended the payment of only $204.

Mr. BRAGG. But that occurs in ninety-nine cases out of a hundred that come from the Quartermaster's Department and after examination by the Auditor and Comptroller are reported to Congress for allowance.

Mr. SPRINGER. But the party, it seems, has declined to take the $204.

Mr. BRAGG. But the gentleman is entirely mistaken in supposing that would make any difference. The papers, in cases where an allowance is made by the Quartermaster's Department and is approved by the Auditor and Comptroller, come to this House and an appropriation is made.

Mr. HOLMAN. Is not the gentleman from Wisconsin mistaken in supposing that a claim growing out of a contract would go into the bill to which he has referred?

Mr. BRAGG. If the claim arises under a contract, that is "a horse of another color" entirely.

Mr. SPRINGER. This claimant is insisting that the Government owes him $1,050, but the committee has reported in favor of allowing him only $204.

The amendment was adopted, and the bill as amended was laid aside to be reported to the House with the recommendation that it do pass.

Mr. CUTCHEON moved the committee rise.

The motion was agreed to; and the Speaker having resumed the chair, Mr. HAMMOND reported that the Committee of the Whole House had, according to order, had under consideration the Private Calendar and had directed him to report back sundry bills with various recommendations.

JOHN HOLLINS M'BLAIR.

The SPEAKER. The question first recurs on bill (S. 193) for the relief of John Hollins McBlair, reported back with the recommendation that it do pass.

Mr. BRAGG. I demand the previous question on the third reading of the bill.

Mr. SPRINGER. I wish to state that if the House will now adjourn or take a recess, so the pension business may be attended to this evening, business I think will be facilitated. I shall ask the House for a yea-and-nay vote on this McBlair bill, and that will carry it beyond the hour at which the recess should be taken.

Mr. BRAGG. Let the previous question be ordered.

Mr. SPRINGER. On the passage of the bill?

Mr. BRAGG. On the third reading and passage of the bill.

Mr. SPRINGER. I have no objection to that if it is agreed that we will then take a recess until half past 7 o'clock.

Mr. BRAGG. I insist upon the previous question.

Mr. SPRINGER. I move to recommit the bill with instructions.

The SPEAKER. That is not in order pending the demand for the previous question on the third reading of the bill.

Mr. SPRINGER. I understood the previous question was demanded on the passage of the bill.

The SPEAKER. It has not been read a third time yet.

The previous question was ordered; and under the operation thereof the bill was ordered to a third reading, and it was accordingly read the third time.

Mr. BRAGG. I demand the previous question on the passage of the bill.

Mr. SPRINGER. I move to recommit the bill to the Committee on Military Affairs with instructions to report to the House the cause of the disability of the claimant.

The SPEAKER. Perhaps the gentleman had better reduce it to writing.

Mr. SPRINGER. I move the House take a recess until half past 7 o'clock this evening.

ENROLLED BILLS.

Mr. PERKINS, from the Committee on Enrolled Bills, reported that they had examined and found truly enrolled a bill of the following title; when the Speaker signed the same.

A bill (H. R. 989) for the allowance of certain claims reported by the accounting officers of the United States Treasury Department.

Mr. SPRINGER's motion was agreed to; and accordingly (at 4 o'clock and 40 minutes p. m.) the House took a recess until half past 7 o'clock this evening.

EVENING SESSION.

The recess having expired, the House (at 7 o'clock and 30 minutes p. m.) was called to order by Mr. RICHARDSON, who directed the reading of the following communication:

SPEAKER'S ROOM, HOUSE OF REPRESENTATIVES,
Washington, D. C., February 12, 1886.

SIR: I hereby designate Hon. JAMES D. RICHARDSON Speaker *pro tempore*, to preside at the session of the House this evening.

J. G. CARLISLE, *Speaker.*

Hon. JOHN B. CLARK,
Clerk of the House of Representatives.

The SPEAKER *pro tempore*. The Clerk wil read the order under which the House assembles to-night.

The Clerk read as follows:

Resolved, That on each Friday the House shall take a recess from 5 o'clock p. m. until 7.30 p. m., at which evening sessions private bills reported from the Committee on Invalid Pensions and the Committee on Pensions, and bills reported from the Judiciary Committee to remove political disabilities only, be considered.

Mr. WINANS. Mr. Speaker, I move that the House resolve itself into Committee of the Whole House on the state of the Union for the consideration of bills under the special order just read.

The motion was agreed to.

The House accordingly resolved itself into Committee of the Whole House on the state of the Union, Mr. HATCH, of Missouri, in the chair.

The CHAIRMAN. The House is now in Committee of the Whole for the consideraton of the Private Calendar under the special order just read. The Clerk will report the first bill.

FRANCES M'NEIL POTTER.

The first business on the Private Calendar was the bill (H. R. 1625) for the relief of Frances McNeil Potter.

The bill is as follows:

Be it enacted, &c., That the Secretary of the Interior be, and he is hereby, authorized and directed, subject to the provisions and limitations of the pension laws, to increase the pension of Frances McNeil Potter, daughter of the late General John McNeil, United States Army, from twenty to forty dollars per month, said increase to take effect from and after the passage of this act.

The committee recommended the adoption of the following amendment:

Strike out, in the seventh line, the word "forty" and insert the word "thirty."

Mr. JONES, of Alabama. Mr. Chairman, as the committee will perceive the bill reported by the committee in this case is for the increase of the pension of Mrs. Frances McNeil Potter from $20 to $30 a month. The facts upon which the committee recommend the increase are disclosed in the report, which was read at the last Friday evening session of the House for the consideration of these bills. I know of no other facts than those disclosed in that report.

These facts, Mr. Chairman, are historical, and show that Mrs. Potter is the daughter of General John McNeil, of New Hampshire. General McNeil devoted the most of his life to the service of his country. He was engaged in a number of wars in defense of his country and participated in a number of battles. He was a conspicuous figure at the battle of Chippewa, where his conduct in making a flank movement was decisive of the fortunes of that battle. General Scott spoke of him in the highest terms on that occasion, and it was his opinion, as well as the opinion of General Jesup, that his conduct in making that flank movement secured victory to the American arms. He was afterward engaged in the battle of Lundy's Lane, another historical battle, and was there severely wounded and made a cripple for life. He was brevetted from the rank of captain to that of brigadier-general, and was brevetted twice in the space of twenty days for conspicuous gallantry on the field of battle. These are the facts connected with his history. He is the father of the lady recommended for this increase of pension.

Now, as to the policy of Congress in a matter of this kind in granting such pensions, it is sufficiently established in the action of Congress itself in this very case.

This is not an application for a pension in the first instance. A previous Congress has extended the benefit of the pension law to this lady; and this bill asks only the small pittance of $10 per month addition to the pension already granted. She is now a widow and is much older than when the pension was granted; is more destitute and dependent than when the United States Congress first conferred this pension upon her, and she is more in need of it. It can not be said that this establishes a precedent. The precedent is already established; but whenever similar cases arise it will be a good precedent. Whenever another John McNeil leaves a daughter in similar circumstances this would be and ought to be a precedent.

Mr. HAYNES. Mr. Chairman, it occurs to me that much more may be said in behalf of the lady who is the applicant in this case than has been said by the gentleman from Alabama who has just taken his seat or than appears in the report of the committee. I find there is an impression upon the minds of some of the members that this is my bill. It is not, but I take a special interest in it. This old lady is a constituent of mine in a certain sense. In the days of her married life she was a resident in the city of Manchester, where I also reside, and I was acquainted with her family. But beyond all personal considerations that might influence me I feel, as a New Hampshire man, as a New Hampshire Representative, that when the daughter of old John McNeil—John McNeil of Chippewa and of Lundy's Lane—comes before this Congress with a little claim she has a right to a favorable word from her Representative.

As has been said by the gentleman from Alabama, he was one of the heroic figures of the war of 1812. It was a war in which we needed heroic figures upon land; for, notwithstanding the fact that our sailors on the ocean and the lakes won victories which reflected the highest credit on the American name and on our arms, still the course of our armies—the campaigns upon the land—was altogether different. It was a period in the war when Hull had surrendered; when American troops misbehaved themselves; when the capital city of the United States became the prey of the enemy, and when this very building in which we are now assembled was left by them a mass of blackened ruins. In all the history of that war there were but few bright points that we can pick out as Americans, and John McNeil's heroism was one of them. Two of the brightest and most illustrious exhibitions of American valor were his gallantry in the battle of Chippewa, and more particularly at the battle of Lundy's Lane—which is only incidentally alluded to in this report—Lundy's Lane, where almost every commissioned officer of his regiment was killed or wounded, and when he, with his thigh crushed by a grape-shot, was made a cripple for life.

But, sir, there are other facts than those alluded to in this report or by the gentleman from Alabama to which I wish to call attention. This lady who is the applicant here has other claims upon the Government. She comes of a race of heroes in every root and branch of the family tree.

She is a grandniece of old Benjamin Pierce, who served for seven years in the Continental Army and who closed up his military career by letting daylight through a British officer in New York who dared to make fun in his presence of the "blasted Yankees." She is a niece of Franklin Pierce, once President of the United States, and however much some of us here may disagree with Franklin Pierce on matters dead and gone, I, as a New Hampshire man, stand ready to defend his military fame and integrity. I stand here ready to bear testimony to his gallantry when he led Scott's Reserves from the coast to Pueblo, and to defend the bravery he exhibited in every battle in Mexico, culminating in the storming of Chapultepec, when he was requested to dismount because riding he was a target for the enemy, and he made this reply, "The more bullets there are for me the less there are for the men."

The brother of this same lady, it occurs to me, John McNeil, jr., bearing his father's name, was in his country's service, and died in his country's service many years ago, and is buried in the Congressional Cemetery. Her son or possibly stepson, for I am not sure whether or not she was the second wife of her husband, Judge Potter, and her only male support, was Drown Potter, whom I knew at Manchester. He was killed early in the war.

These are some of the additional claims that occur to me beyond what appear in the report of the committee. These are matters known to me as a New Hampshire man, and I give them to the House in order that there may be no more quibbling about voting this additional $10. We can each of us vote this $10 and go home without fear of bankrupting the Treasury.

Mr. GALLINGER. I desire to add but a word or two to what my colleague has said in support of this bill. By examining this report it will be discovered that when General John McNeil died in 1850—and he died in this city—his death was fittingly taken notice of by both Houses of Congress, and eulogies were pronounced in both Houses of Congress concerning the gallantry and heroism of this brave man. I desire to say further that Mrs. Potter is now a widow, in destitute circumstances. She is a woman quite advanced in years, and a woman whose sole support is the pension she derives from the country her heroic father so ably defended.

I was surprised in reading the RECORD of last Saturday to find that objections were made on this floor to pensioning the daughter of a soldier. As the chairman of the Committee on Military Affairs has properly said, the precedent was established when this woman and other daughters of soldiers were pensioned long years ago. We have in my own State a good many instances of daughters of soldiers who to-day are drawing pensions from the Government, and properly so, as I believe. In my own State there is a case where two daughters of a soldier have been drawing pensions for ten years, the daughters of General Miller, who, like General McNeil, distinguished himself in the war of 1812, and did much to save the country from the overthrow which threatened it in that war. I think the principle has been established that this Government can properly pension daughters as well as widows of soldiers. When this lady was pensioned that precedent was established, as far as she is concerned; and she simply comes here and asks this additional pittance from this great and generous Government of ours, that she may keep herself from destitution and want in her old age. And I feel sure the generous Representatives here of a generous Government will not refuse for a moment to bestow this pittance on the deserving daughter of a noble and heroic father.

Mr. DOCKERY. I would suggest that if the friends of this bill will permit us to vote I think we will pass it without objection.

The amendment was adopted.

The bill as amended was laid aside to be reported to the House with a favorable recommendation.

NANCY J. FREELS.

The next business on the Private Calendar was the bill (H. R. 4287) to grant a pension to Nancy J. Freels, widow of Pleasant M. Freels, Company E, Third Tennessee Infantry Volunteers.

The bill was read, as follows:

Be it enacted, &c., That the Secretary of the Interior be, and he is hereby, directed to place the name of Nancy J. Freels, widow of Pleasant M. Freels, late of the above-named regiment, on the pension-rolls, and issue to her a certificate of pension, subject to the limitations and provisions of the pension laws.

The report (by Mr. TAULBEE) is as follows:

The Committee on Invalid Pensions, to whom was referred the bill (H. R.

4287) to grant a pension to Nancy J. Freels, widow of Pleasant M. Freels, late of Company E, Third Tennessee Infantry Volunteers, having carefully considered the same, submit the following report:

Pleasant M. Freels enlisted as private in Company E, Third Regiment Tennessee Volunteers, February 12, 1862, and was discharged from said service December 26, 1862, and died August 3, 1877, and left surviving him, as his widow, Nancy J. Freels, who filed claim for pension March 31, 1880, and her claim was rejected June 18, 1884, without the reason therefor being given.

The soldier was discharged on a certificate of disability from surgeon of his regiment, showing him to be "permanently incapable of performing duties of a soldier because of carditis, resulting from chronic rheumatism."

The evidence shows that the soldier was healthy and free from disease when he enlisted, and that he became disabled and broken down in health from exposure and hardships while in the service and in the line of duty, and while a prisoner of war, from which he never recovered.

He is shown by the official records to have suffered and received medical treatment, while a soldier, for heart disease, the result of rheumatism contracted while a prisoner of war, and the evidence shows that he died of typhoid fever, which was the result of his generally broken down and bad condition of health, and that he had been in very bad health from the date of discharge until the day of his death, receiving almost constant medical treatment.

Your committee agree in recommending the passage of the bill.

The bill was laid aside to be reported to the House with a favorable recommendation.

Mr. PETERS. I ask that the reports accompanying these bills be printed in the RECORD where they are not read as well as where they are read.

Mr. DOCKERY. I think that is a good suggestion.

The CHAIRMAN. If there be no objection the reports, although the reading may not be called for, will be printed in the RECORD.

There was no objection.

EDGAR PAYNE.

The next business on the Private Calendar was the bill (H. R. 837) granting a pension to Edgar Payne.

The bill was read, as follows:

Be it enacted, &c., That the Secretary of the Interior be, and is hereby, authorized and directed to place the name of Edgar Payne, late of Company B, One hundred and ninth Regiment United States Colored Volunteers, on the pension-roll, subject to the provisions and limitations of the pension laws.

The report (by Mr. TAULBEE) is as follows:

The Committee on Invalid Pensions, to whom was referred the bill (H. R. 837) granting a pension to Edgar Payne, having considered the same, submit the following report:

Edgar Payne enlisted as a sergeant in Company B, One hundred and ninth United States Colored Troops, June 12, 1864, and was discharged from the service February 6, 1866, and filed claim for pension June 6, 1882, basing his claim on disease of lungs, rheumatism, and chronic diarrhea, contracted in the service and in the line of duty. His claim was rejected February 15, 1884, on the ground of no record and the claimant's declared inability to furnish the testimony of an officer or medical evidence showing the existence of the alleged disease of lungs, chronic diarrhea, and rheumatism in the service or at discharge. Certificate of Adjutant-General on file in the case shows that his regimental hospital records are not on file in his office, hence claimant's inability to furnish the record evidence required.

Claimant shows by his own and the affidavit of Dr. S. K. Vanmeter, who was his family physician before enlistment and who is highly credible, that the said claimant was sound and healthy and free from lung disease or rheumatism at and prior to enlistment.

He shows by the testimony of Richard Buckner and Riley Raybold, comrades, that he was sound and healthy, free from diarrhea, rheumatism, and disease of lungs at and prior to enlistment, and that while in the service and in the line of duty he had divers severe attacks of diarrhea, and that he had also an attack of some kind of fever which resulted in a cough, diarrhea, and rheumatism in his back and limbs, from which he has never recovered, and which has disabled him for manual labor at least one-half.

Dr. Vanmeter also testified that soon after claimant's said discharge he examined him, and found him suffering from chronic diarrhea and a cough, and that he was at that time complaining of rheumatism, from which claimant suffered as long as he treated him, which was for two or three years after his discharge, and from which diseases claimant was incapable of earning a support by manual labor.

Dr. H. P. Cartwright testifies to the existence of the diseases from and after 1881.

Your committee believe that the facts are all well established by reliable evidence; that claimant was healthy and free from disease at the time of enlistment, and that from exposure and hardships while in the service and in the line of duty he contracted the disabilities complained of, from which he has never recovered.

Your committee accordingly recommend the passage of the bill.

The bill was laid aside to be reported to the House with a favorable recommendation.

CALVIN MEANS.

The next business on the Private Calendar was a bill (H. R. 851) for the relief of Calvin Means.

The bill was read, as follows:

Be it enacted, &c., That the Secretary of the Interior be, and he is hereby, authorized and directed to restore to the pension-roll, subject to the provisions and limitations of the pension laws, the name of Calvin Means, formerly a member of Company B, Fifteenth Regiment West Virginia Volunteers.

The report (by Mr. TAULBEE) was read, as follows:

Calvin Means enlisted as a private in Company B, Fifteenth West Virginia Volunteers, on August 13, 1862, and was discharged on June 14, 1865. Filed claim for pension on May 8, 1878, based on chronic diarrhea contracted while in the service and line of duty, on which the Commissioner of Pensions rendered the following decision: "Approved for chronic diarrhea one-fourth to October 10, 1879, and then cease, as disability having ceased."

There can be no doubt about the fact that said soldier contracted chronic diarrhea while in the service and line of duty, and the only question that your committee find in the case detrimental to claim for pension is as to whether or no the said disability has ceased or now exists in a pensionable degree. On this point the proof is full and clear.

It appears from the depositions of divers credible witnesses filed in the case during the year 1883, and from quite an extensive "confidential" correspondence carried on between the department and a number of gentlemen whom the Commissioner of Pensions addressed by letter touching the matter after the rejection of the claim, that claimant was then suffering from said disease to a considerable extent, and there is not the slightest doubt to be cast on this conclusion from the voluminous proof and letters in the case, save a statement of one Mr. Jos. J. Johnson, of East Liverpool, Ohio, who, in a letter of date August 15, 1883, says the disease, in his opinion, was temporary and caused by "gluttony." While he does not by any statement show himself in possession of any means of knowledge as to claimant's condition, your committee are not disposed to give any weight to his mere statement of opinion when not on oath as against such overwhelming proof to the contrary.

Claimant's family physician, who stands indorsed in the record as "credible," testifies on August 3, 1883, that he had known and treated the claimant for ten years, to wit, from 1873 to 1883, and that the claimant has during that time suffered continuously from said disease.

Examining Surgeons M. S. Holt, on the 10th day of October, 1879, and L. R. Charton, on July 15, 1880, certify that they can not from examination find any evidences of said disease; and subsequently, on the 5th day of September, 1883, a full board of examining surgeons certify to the existence of symptoms of disease, and fix the rating at one-eighth total disability.

Your committee is strongly of opinion that said soldier is entitled to a pension. They recommend the passage of the bill.

There being no objection, the bill was laid aside to be reported to the House with the recommendation that it do pass.

C. W. I. PUGH.

The next business on the Private Calender was a bill (H. R. 3419) granting a pension to C. W. I. Pugh.

The bill was read, as follows:

Be it enacted, &c., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of C. W. I. Pugh, late a private in Company G, Forty-fifth Kentucky Volunteers.

The report (by Mr. TAULBEE) was read, as follows:

C. W. I. Pugh enlisted as a private in Company G, Twenty-fourth Kentucky Volunteers, on the 5th November, 1861, and, without procuring a discharge from said service, re-enlisted in Company G, Forty-fifth Regiment Kentucky Volunteers, and continued in said service until he was discharged therefrom on the 14th February, 1865.

While in the service and in line of duty, in an engagement in battle with the enemy near Lexington, Ky., in June, 1864, he was thrown from his horse, and received a rupture in right groin, resulting in hernia, which has permanently disabled him.

He filed claim for pension February 15, 1881, and after having four special examinations his claim was rejected on the ground that he had no right to enlist in Forty-fifth Regiment Kentucky Volunteers without first procuring a discharge from first service.

It is abundantly shown that he was a good, brave, and faithful soldier, always ready for duty, and that he acted in perfect good faith when he enlisted in the said Forty-fifth Regiment Kentucky Volunteers, and that he did not know his last enlistment was a violation of the rules and regulations of the Department of War.

In view of the faithful service of the soldier during his first service and the perfect good faith with which he enlisted in the last regiment, and the long and faithful service during his last service, and the fact that the proof in the case shows beyond doubt that he was sound and free from any hernia or other disability when he enlisted, and that he was, while in line of duty and in battle with the enemy, permanently disabled, and the further fact that after an exhaustive examination of his case by a special examiner of the Pension Office the facts in the case appear so overwhelmingly meritorious that the special examiner recommends the granting of a pension, notwithstanding the decision of the Adjutant-General touching the soldier's right to enlist in his last service, your committee recommend the passage of the bill.

There being no objection, the bill was laid aside to be reported to the House with the recommendation that it do pass.

SAMUEL V. BALLAND.

The next business on the Private Calendar was the bill (H. R. 846) granting a pension to Samuel V. Balland.

The bill was read, as follows:

Be it enacted, &c., That the Secretary of the Interior be authorized and directed to place the name of Samuel V. Balland, late of Company C, Fifty-second Kentucky Regiment of Mounted Infantry, on the pension-roll, subject to the provisions and limitations of the pension laws.

The report (by Mr. TAULBEE) was read, as follows:

Samuel V. Holland enlisted as a private in Company C, Fifty-second Regiment Kentucky Volunteers, August 23, 1863, and was discharged therefrom January 17, 1865. He applied for pension January 5, 1880, based on disease of lungs resulting from cold contracted while in said service, and in the line of duty, and while he was a prisoner of war.

His claim was rejected on February 8, 1884, on the ground of no record and the claimant's declared inability to furnish medical testimony showing treatment during service or prior to 1867.

Claimant testifies that he was sound and able-bodied and free from disease when he enlisted, and that while he was in the service and in the line of duty at Franklin, Ky., and while he was a prisoner of war near Mount Sterling, Ky., he was subjected to great exposure and hardships, was forced by General John H. Morgan's command to travel a great distance on foot on "double-quick" time, and forced to wade streams of water, from which he contracted severe cold, which resulted in a severe cough and disease of the lungs, from which he has never recovered, and which has disabled him from earning a support by manual labor. He further testifies that Dr. Hawthorne, the only surgeon who treated him in the service, is dead, and that Dr. Farmville, the only physician who treated him from discharge to 1867, is also dead.

Fifteen witnesses testify in the case, nearly all of whom are certified in the "brief" to be of good character and credibility.

Your committee are of opinion that these witnesses, many of whom were his intimate acquaintances before the war, and seven of whom were his comrades in the service, and three of whom were taken prisoners with claimant, clearly and beyond the shadow of a reasonable doubt establish each and every material fact to which claimant testifies.

Your committee are of opinion that claimant is entitled to a pension. They therefore recommend the passage of the bill, with the orthography of the soldier's name as printed in the bill corrected so as to be spelled "Samuel V. Holland."

The committee reported an amendment, as follows:

Strike out "Balland," in the fourth line, and insert in lieu thereof the word

"Holland;" also amend the title so as to read: "A bill granting a pension to Samuel V. Holland."

The amendment was agreed to.

There being no objection, the bill was laid aside to be reported to the House with the recommendation that it do pass.

LUCY J. MITCHELL.

The next business on the Private Calendar was the bill (H. R. 858) granting a pension to Lucy J. Mitchell.

The bill was read, as follows:

Be it enacted, &c., That the Secretary of the Interior be, and is hereby, authorized and directed to place on the pension-roll, subject to the provisions and limitations of the pension laws governing pensions to widows of captains, the name of Lucy J. Mitchell, widow of Joseph Mitchell, deceased, late captain of Company I, Forty-eighth Regiment Kentucky Mounted Infantry Volunteers.

The report (by Mr. TAULBEE) was read, as follows:

Joseph Mitchell, the husband of Lucy J. Mitchell, enlisted in Company I, Forty-eighth Regiment of Kentucky Volunteers, and was duly commissioned as captain of said company on the 5th day of October, 1863, and served as captain of said company until November 12, 1863, when he died from brain fever and inflammation of brain, which he contracted while in said service and in the line of duty.

Lucy J. Mitchell, his widow, applied for pension on the 29th day of July, 1867, which was rejected on the 13th day of September, 1875, on the ground that soldier was not in the service of the United States at the time he contracted the disease from which he died, as shown by the Adjutant-General.

The report of the Adjutant-General shows the facts, as set out in the second paragraph of this report, to exist so far as relates to enlistment, commission, service, and death of the soldier, but decides that the soldier was not mustered, from the fact that, under General Order No. 61, of 1861, from the War Department, "no person could be mustered into service as captain prior to the completion of company by its being mustered into the service, and the records show that said company was not mustered into the service until after the death of the captain, as aforesaid."

The fact is well established, however, that said captain was actually and in good faith in the service of the United States, and on actual and *bona fide* duty as captain, from the date of his said commission until the date of his death, and that his death was incident to and caused by his said service.

Your committee recommend the passage of the bill with the following amendments, to wit: Insert after the word "late" and before the word "of," in the seventh line, the word "captain"; also, add after the word "laws" and before the word "the," in the fifth line, the words "governing pensions to widows of captains."

The amendments reported by the committee were agreed to.

There being no objection, the bill was laid aside to be reported to the House with the recommendation that it do pass.

MRS. LIZZIE E. COONEY.

The next business on the Private Calendar was the bill (H. R. 3402) granting a pension to Mrs. Lizzie E. Cooney.

The bill was read, as follows:

Be it enacted, &c., That the Secretary of the Interior is hereby authorized and directed to place on the pension-roll, subject to the restrictions and limitations of the pension laws, the name of Lizzie E. Cooney, widow of George W. Cooney, late of Company C, Twenty-second Regiment Iowa Volunteers.

The report (by Mr. MORRILL) was read, as follows:

We find that Lizzie E. Cooney is the widow of George W. Cooney, who enlisted August 2, 1862, in the Twenty-second Regiment of Iowa Volunteers, and was discharged July 25, 1865. January 2, 1878, he fell dead while walking in the street.

The widow made application for pension April 29, 1880, which the Pension Department declines to allow because there is no record evidence of injuries or of medical treatment in service or since, and the widow declares her inability to furnish it, and in her affidavit says that he persistently refused to employ a physician, giving as a reason that he had no faith in them and no money to pay them for their services.

The lay evidence seems strong and conclusive. Persons who knew him before he enlisted state that he was a strong, hearty man, who never employed a physician.

J. R. Rodgers testifies:

"That while in service and the line of duty claimant contracted sciatic rheumatism by exposure incident to the service, also hemorrhage of the lungs and affection of the heart, which was contracted during the siege of Vicksburg, in May or June, 1863, and in the battle of Winchester, in Virginia, in September, 1864; that he knows the foregoing facts from personal knowledge, having been in the same regiment with claimant. After the close of the war he came to my house and made it his home for two or three months. He was then suffering from rheumatism and camp diarrhea. I know by being associated with him every day, he not being able to do anything, and was confined to his bed part of the time."

Dr. Henry E. Hunter testifies:

"I knew George W. Cooney in his lifetime, and was well acquainted with him at the time he entered the military service of the United States, and I was acquainted with him at the time of his discharge from said service, at least after his arrival home; that at the time he entered the service he was, as I believe, a sound and healthy man. After his arrival home, after his discharge, I knew him to be suffering from a chronic form of rheumatism, at times muscular, at other times taking the form of rheumatoid arthritis, so much so as to incapacitate him from performing manual labor at all. He also suffered from a chronic diarrhea every once in a while during the time above mentioned and until he left this county for Kansas."

Joseph and Emma Rodgers testify to an intimate acquaintance before and after the service; that when he enlisted he was an apparently well, robust man, and when he returned from the Army he was suffering from rheumatism and was emaciated.

Cora A Graves testifies—

"That she lived near him and boarded in the same family with said George W. Cooney six months, from August, 1867, to latter part of January, 1868, and boarded in the family of George W. Cooney at various times and for different lengths of time up to within two years of his death; that ever since about August, 1867, this affiant had known deceased as a neighbor, and when not boarding in the family had resided in the same city with him, and about half a mile distant from him; saw him at least once per week during the whole time. He took dinner with me on Sunday about two weeks prior to his death. Ever since affiant first knew said Cooney he was almost a constant sufferer from rheumatism and heart disease; was disabled from manual labor more than half the time. He was never able to do a day's work of hard labor. At times he suffered very intense pain. On Thanksgiving Day before his death he was compelled to leave the table, being taken with severe pain in the chest, which seemed to go to his heart. These attacks became more frequent and severe until within three days of his death, when he became pale. During these attacks he had difficulty in breathing, and he required rubbing to bring him to. Since I first knew him he has complained of pain in his left lung and heart."

It seems conclusively proven that he served nearly three years in some of the most severe and trying campaigns of the war; that he had rheumatism and heart disease in the Army at the time of discharge, and that it continued until his death, which, it seems reasonable to suppose, could have been from no other cause than heart disease. Owing to his peculiar notions, no physician was employed after discharge, and no medical evidence can be furnished.

Your committee recommend the passage of the bill.

There being no objection, the bill was laid aside to be reported to the House with the recommendation that it do pass.

MRS. HANNAH M. CHAPMAN.

The next business on the Private Calendar was the bill (H. R. 3539) granting a pension to Mrs. Hannah M. Chapman.

The bill was read, as follows:

Be it enacted, &c., That the Secretary of the Interior is hereby authorized and directed to place on the pension-roll, subject to the restrictions and limitations of the pension laws, the name of Mrs. Hannah M. Chapman, widow of Charles Chapman, late a private in Company K, Sixth Minnesota Volunteers.

The report (by Mr. MORRILL) was read, as follows:

We find that claimant is the widow of Charles Chapman, who enlisted in Company K, Sixth Minnesota Volunteers, August 14, 1862, and was discharged August 19, 1865. He died February 22, 1881.

The widow's application for pension was rejected on the ground that "the lung disease and diarrhea in service not established." She is unable to show any hospital record, because, as the Surgeon-General certifies, "No hospital records of the Sixth Minnesota Volunteers were ever on file in this office." But she does prove by his officers and comrades that the disease was contracted in the service; that he was treated in the hospital; that it continued until his death and was the cause of it. Henry S. Barrett, first lieutenant of Company K, Sixth Minnesota Volunteers, whose reputation is vouched for as the very best, testifies—

That he remembers well that during soldier's term of service he became lame and injured in the shoulder, so that he could not carry his knapsack at times, and it was transported in the company wagon; that he was so injured he could not get his arm in his coat-sleeve, and it had to be cut open; that soldier was also sick and afflicted with rheumatism at Helena, Ark., in the summer of 1864. During the latter part of June and most of July and 1st of August, 1865, the weather was very hot; that the company was at Montgomery, Ala.; that several negroes were to be hanged, and soldier was one of a guard at the hanging. The day was very hot, and when the guard returned affiant was informed that soldier had been sun-struck; that he was sick and feeble for some time after his return to camp."

Capt. W. W. Braden, of Company K, whose standing is also high, says, in addition to what Lieutenant Barrett testifies to:

"That in the autumn of 1864, at Helena, Ark., soldier was very sick with pneumonia or some lung trouble, brought on by a severe cold, caused by exposure camping on the ground, which was cold and damp from frequent rains, and from the fact that the regiment was stationed on the Mississippi River bottoms; that during all the summer of 1864 soldier complained of the heat of the sun; that shortly after being taken sick at Helena, Ark., soldier was sent to a hospital at Helena and put under medical treatment; that he has seen soldier at frequent intervals since, and to all appearances he has not been well since, and was partially incapacitated for manual labor till his death in February, 1881."

Charles E. Masey, a comrade, corroborates the above, and says that soldier was in hospital at Helena, under care of Surgeon McMasters, and that he has had a bad cough ever since his discharge until his death.

Job Brown says he knew this soldier intimately from 1852 until his death; that when he enlisted he was a strong, hearty man, and that after his discharge he was never a well man, but was almost constantly troubled with coughing and frequently complained of trouble with his chest and lungs. Celia Breese corroborates the above.

Dr. J. B. Fairbanks testifies that he treated this soldier in January and February, 1881, for inflammation of the lungs, and from his appearance judged it had been of long standing; that he did not see him for ten days before he died, as he lived fifteen miles away, but he is of the opinion that the chief cause of his death was lung trouble. A large number of reputable witnesses corroborate the above.

Had the surgeons of the regiment kept and filed with the Surgeon-General a record of the cases treated this case would doubtless have been allowed. Their failure to do their duty has so far deprived this poor widow of her pension. Ought the Government to take advantage of the neglect of its own agents to perform their duty?

Your committee recommend the passage of the bill.

There being no objection, the bill was laid aside to be reported to the House with the recommendation that it do pass.

PATSEY JACKSON.

The next business on the Private Calendar was a bill (H. R. 5191) to increase the pension of Patsey Jackson.

The bill was read, as follows:

Be it enacted, &c., That the Secretary of the Interior be, and is hereby, authorized and directed to increase the pension of Patsey Jackson, widow of James S. Jackson, late a brigadier-general in the volunteer forces of the United States, to $50 per month.

Mr. JOHNSTON, of Indiana. Mr. Chairman, I would like to hear the report in that case read.

The report by (Mr. MORRILL) was read, as follows:

We find that Patsey Jackson is the widow of the late Brig. Gen. James S. Jackson, of the United States volunteer forces; that he was killed at the battle of Perryville, Ky., October 8, 1862; that she has received a pension at the rate of $30 per month since the date of his death. This bill asks that she be paid a pension of $50 per month.

As Congress has repeatedly increased the pensions of widows of general officers to this amount, your committee recommend the passage of the accompanying substitute for bill 1426.

There being no objection, the bill was laid aside to be reported to the House with the recommendation that it do pass.

MARIA MIBORD.

The next business on the Private Calendar was a bill (H. R. 3524) granting a pension to Mara Mibord.

The bill was read, as follows:

Be it enacted, &c., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of Maria Mibord, widow of Isadore Mibord, deceased, late a private in Company H, Tenth Regiment Missouri Volunteers.

The report (by Mr. MORRILL) was read, as follows:

We find that Maria Mibord is the widow of Isadore Mibord, late of Company H, Tenth Missouri Cavalry. This soldier received a terrible wound at an engagement with the enemy near Monticello, Ala., March 31, 1865. The ball entered the right side of the head just behind the ear and passed through his right eye, destroying the sight of the eye and the hearing of the ear. For this he was allowed $4 per month. He died November 29, 1878, and his widow made an application for a pension, alleging the gunshot wound as the cause of his death. The application was rejected on the ground that his death was caused by pneumonia and had no connection with the gunshot wound. A large amount of evidence was taken by a special examiner, which shows that the man was in a frightful condition.

James Sack testifies that it was easy for any one who was acquainted with him to tell the cause of his death; was with him when he died, and dressed him after death. During his last illness he complained of misery in his head. All the time after his discharge he was badly affected in his head—would have spells, that he would fall down and become senseless, and corrupt matter was running from his eye and nose about all the time. There was no doctor present the night he died. Some other neighbors who were present in his last sickness testify to substantially the same facts. Dr. Thomas J. Mahon testifies "that claimant often came to him to buy drugs; that he was not able to employ a physician; that it is his opinion that he died from the effect of the gunshot wound; that he told him a short time before that he had not long to live. His eye was mattering and running, and was a frightful thing to look at; gradually grew weaker year by year and month by month.

Dr. D. A. Waters was called once to see him two days before he died, and decided that he was suffering from pneumonia; never saw him before or after. His death may have been hastened by pneumonia, but it seems from the evidence that it must have followed in a few weeks from the wound in the absence of other causes.

Your committee recommend the passage of the bill.

There being no objection, the bill was laid aside to be reported to the House with the recommendation that it do pass.

HENRY H. GREEN.

The next business on the Private Calendar was a bill (H. R. 2939) granting a pension to Henry H. Green.

The bill was read, as follows:

Be it enacted, &c., That the Secretary of the Interior be, and he is hereby, directed to place on the pension-roll, subject to the rules and regulations of the Pension Office, the name of Henry H. Green, late a private in Company E, Forty-fifth Regiment Enrolled Missouri Militia.

The report (by Mr. MORRILL) was read, as follows:

We find that Henry H. Green was a member of Company E, Forty-fifth Regiment Missouri Enrolled Militia; that said regiment was called into the service of the United States under General Order No. 19, of General Schofield. August 23, 1871, he made application for a pension, alleging disability from injury to hips; that while on a forced march from Macon City to Glasgow, Mo., about October 28, 1864, his horse stumbled and fell on him, seriously wounding and injuring both hips.

Capt. G. W. R. Ledford, who commanded the company, testifies, June 1, 1872:

"That Henry H. Green was a private in said company; that while in the line of his duty when said company was in actual service of the United States, on forced march from Macon City, Mo., to Glasgow, Mo., during the 'Price raid' in Missouri, when a few miles of Roanoke, Mo., and on or about the 1st day of November, 1864, the said company being mounted on horses and under fast speed, being a fast trot or gallop, the horse upon which said Green was mounted blundered and stumbled and fell, turning or falling over his head and on his back and falling upon said Green, severely crushing and bruising him, so that he was for several days entirely helpless, and he was conveyed in a wagon to Roanoke, where he was left in charge of a citizen physician, whose name I do not know. I know these facts from being at the time present with and in command of said company, and seeing said Green immediately after he fell, and directed how he should be conveyed; and although I did not see the horse fall, being a short distance away, yet from what I saw, and what was said at the time, and all the circumstances, I am satisfied his injury occurred as I have stated.

"I was well acquainted with said Green at the time and some time before his enlistment, say about three or four years, and up to the time of his said injury he was a stout, healthy man. I have known him ever since his injury, and know that he has been unable to perform ordinary manual labor; his injury seems to be in his hips. That no certificates of discharge were issued to members of said Enrolled Missouri Militia Service; they were enrolled and organized under the orders of the governor of Missouri and the commander of the Department of the Missouri, and when their services were required they were placed in actual service by orders from the district or department commanders of the United States forces, and when their services were not longer needed they were relieved from actual service by the same authority. The said company and regiment were relieved from duty by General Fisk in about fourteen days after said Green was injured."

Dr. W. Williams testifies, in 1877:

"I am a citizen of Putnam County, Missouri; I am thirty-seven years of age; I am a regular practicing physician, and have been engaged in the practice of medicine for the last fifteen years; I am personally and well acquainted with Henry H. Green, the claimant, and have been so acquainted with him for the last fifteen years, and have been his family physician during the period of ten years. I know of my personal knowledge that he was a man of good, sound, physical health, free from all injuries of the hips and loins, prior to the time he enlisted in the Enrolled Missouri Militia in the year 1862, and that he is now badly injured in the hips and loins, caused by a mash, and has been so injured to my personal knowledge ever since he was discharged from said service in December, 1864."

Dr. W. C. Harvey, of Roanoke, Mo., testifies:

"I am personally acquainted with Henry H. Green, late a private in Company E, Forty-fifth Regiment Enrolled Missouri Militia, war of 1861-'65. On or about October 23, 1864, while said regiment was marching from Macon City, Mo., to Glasgow, Howard County, Missouri, to meet the confederate forces then invading the State, the said Henry H. Green, near the said town of Roanoke, was thrown from his horse and had his hips and loins mashed severely. He was left by said regiment at the residence of Robert Cornelius, now deceased, at the said town of Roanoke, under my treatment. I rendered him medical treatment for said injury for about ten days, when he was removed to Macon City, Macon County, Missouri."

This case was rejected by the Department on the ground that the regiment to which he belonged was a State organization. As the disability seems clearly proven, and Congress has invariably allowed cases of a similar character, your committee recommend the passage of the bill.

There being no objection, the bill was laid aside to be reported to the House with the recommendation that it do pass.

ELMIRA M. DORMAN.

The next business on the Private Calendar was the bill (H. R. 5192) granting a pension to Elmira M. Dorman.

The bill was read, as follows:

Be it enacted, &c., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-roll the name of Elmira M. Dorman, minor child of James Dorman, late of Company A, First Regiment Kansas Volunteers, and to pay to her legally constituted guardian, for the sole use and benefit of said minor, the sum of $10 per month until she arrives at the age of sixteen years, said pension to be paid to her legally constituted guardian for her sole use and benefit.

The report (by Mr. MORRILL) was read, as follows:

We find that James Dorman, the former husband of claimant, enlisted in Company A, First Kansas Volunteers, in May, 1861, and was discharged in June, 1864. At the battle of Wilson Creek, Missouri, August 10, 1861, he received a severe rupture, which entirely disabled him for active service, and during the remainder of his term of service he was employed as an ambulance driver. For this disability he received the usual pension for like disability until the time of his death, in Washington, D. C., in 1879. The widow applied for a pension, which was rejected on the ground that the immediate cause of his death was not due to the disability received in the Army. The health officer of the District gave a certificate of death from heart disease. He says in a subsequent affidavit that he had treated him during the year prior to his death for heart disease, and that "it was, in his judgment, induced by indigestion and constipation in consequence of inguinal hernia."

It appears from the evidence that the family was very poor, and that no physician was in attendance at the time of his death. Persons who were present testify that, and those who were with him for several hours previous say he complained of no pain except the hernia, from which he suffered intensely, and that the only relief he could get was by sitting in a bent position with his left limb pressed hard against the swollen part.

Dr. D. W. Bliss certifies:

"I fully examined into the character of disability, and, as far as possible, the cause of death of James Dorman, late of Company A, First Kansas Volunteers, and am of the opinion that the immediate cause of his death was strangulated hernia, which was not recognized by he physician in attendance."

Dr. J. E. Dexter says:

"I have spent much time in trying to ascertain, if possible, the real cause of the death of James Dorman, late of Company A, First Kansas Volunteers, and from information secured from those present at his death, and who attended him during his sickness, I am fully satisfied he died from strangulated hernia. His employment at the time of his death, and for some time previous, that of a street-car driver, had a direct tendency to aggravate the disease from which he was suffering, and for which he received a pension. The real history of his sickness gives not the least indication that he had ever previously or was at the time suffering from heart disease. Beyond a reasonable doubt his hernia was the cause of his death."

There being no objection, the bill was laid aside to be reported to the House with the recommendation that it do pass.

LEVI KOONTZ.

The next business on the Private Calendar was the bill (H. R. 5193) granting a pension to Levi Koontz.

The bill was read, as follows:

Be it enacted, &c., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-roll, subject to the restrictions and limitations of the pension laws, the name of Levi Koontz, dependent father of Alfred Koontz, deceased, formerly of Company D, Thirty-ninth Regiment of Iowa Volunteers.

The report (by Mr. MORRILL) was read, as follows:

We find that Levi Koontz is the father of Alfred Koontz, deceased, formerly of Company D, Thirty-ninth Iowa Volunteers; that the soldier in 1877 made application for a pension for hernia, which was allowed in 1878, the record evidence proving that he incurred the disability in the service. January 5, 1879, the soldier died. In 1883 his mother made application for a pension, but died before making the necessary proof. In 1884 claimant applied for a pension as dependent father. The physician who attended the soldier in his last sickness died before the mother made her application, and his evidence as to cause of death could not be obtained. His neighbors testify that the hernia was the cause of his death, and one of them, in his affidavit, says the physician told him (the affiant) that the soldier's death was caused by the hernia. During the war and up to his death he had contributed freely to the support of his mother and father. The father is now old and poor and unable to earn a living.

The bill asks that the arrears of pension which would have been paid the son had he lived be now paid to the father. This would be establishing a precedent entirely unwarranted by any existing law, or by any sound principle of equity. The son died before the arrears-of-pension act passed, and consequently could have acquired no rights under it. The evidence of the soldier's devotion to his parents and his willingness to contribute to their support is so strong that your committee feel that the father should be placed on the pension-roll as a dependent parent.

They therefore recommend the passage of the accompanying substitute for bill H. R. 1393.

There being no objection, the bill was laid aside to be reported to the House with the recommendation that it do pass.

ANDREW J. FULLER.

The next business on the Private Calendar was the bill (H. R. 1351) to restore to the pension-roll the name of Andrew J. Fuller.

The bill was read, as follows:

Be it enacted, &c., That the Secretary of the Interior be, and he is hereby, authorized and directed to restore to the pension-roll, subject to the provisions and limitations of the pension laws, the name of Andrew J. Fuller, late a member of Company I, First Missouri State Militia.

The report (by Mr. MORRILL) was read, as follows:

We find that the soldier enlisted February 26, 1862, and was discharged November 17, 1864; that he made application for pension September 6, 1869, for gunshot wound of left leg, which was allowed July 23, 1870; that his name was

subsequently stricken from the roll on the ground that his wound was not received in the line of duty.

The evidence in the case shows, as appears from the affidavit of Capt. Milton Burris, captain of Company I, First Missouri State Militia Cavalry—

"That said Andrew J. Fuller was accidentally wounded through the ankle and foot about the 8th day of November, 1863; that his wound was received in about the following manner: That said Fuller stated that he had gone out to Blackwater, a creek some two or three miles from camp, to water his horse, and that while riding his horse his gun was accidentally discharged by striking against his saddle, and he was wounded; that it was a custom of the men to go out to said Blackwater Creek to water their horses; that said Fuller was brought into the hospital after receiving his wound before affiant saw him."

Affiant further states that as said Fuller was not strictly "in the line of duty" at the time, he had some hesitancy in so stating, but under the act of Congress construing the term "in the line of his duty," that he was not absent without leave nor engaged in any unlawful pursuit.

Affiant further states that said Fuller was an excellent soldier and obedient to orders, and was always ready for duty and performed any duty required of him however hazardous, and was noted throughout the regiment for his bravery in scouts and in encounters with bushwhackers. On one occasion said Fuller alone whipped three bushwhackers, killing one, wounding another, and running the other off. The bushwhackers were well armed and in a house at the commencement of the fight. On another occasion said Fuller, while hunting for bushwhackers, came across a bushwhacker in a fence-corner and Fuller took a hand-to-hand fight with him, and both fired some five or six times, when they clinched and Fuller killed the bushwhacker with the breech of his pistol. Affiant witnessed the last encounter. For his bravery and for his severe wound affiant states that he believes said Fuller should receive a pension.

A special examiner reports that Fuller told him that on the morning he was shot he had a swelling under his arm and reported it to the surgeon, who said he would report him "sick in quarters." That Fuller then took his rifle and went off horseback for a ride. That after riding some time he shot a squirrel, and shortly after this his gun went off and he was shot. Didn't know what made it. He at once reported to the hospital. That he had set some traps for catching mink and was on the way to see them, but did not reach them because of the accident. Subsequently Fuller states that he was at the house sick when the special examiner called, and that he did not read the statement that was written out for him to sign, and that it contains statements that are not true and that were never made by him.

On application for restoration to the roll the soldier filed the affidavit of his colonel, James McFerran, bearing date of October 24, 1880, in which Colonel McFerran says:

"The company and regiment were engaged in guerrilla warfare on the Missouri and Kansas border during the most of the three years they were in the service—no quarters given or asked in such warfare. The guerrillas traversed the country in small squads, concentrating when a point could be found weak enough to attack successfully. The war was emphatically one of surprises and alarms, and reliable information was at all times invaluable. Fuller was among soldiers the bravest of the brave, loyal, intelligent, active, and at all times ready and reliable for any service, no difference how arduous or hazardous, and was therefore invaluable as a scout. His company officials gave him special privileges, and allowed him to control his own actions, knowing he was always subserving the best interests of his country by obtaining and reporting information obtained through great effort and peril mainly on his own hook.

"Seventeen years have passed since then, but I still remember the daring exploits and valuable services of the young soldier. My best impression is that he could not be properly charged at any time with being without the line of his duty. Captain Burris, who supported his application, was a brave and honorable officer, and among the best guerrilla fighters in the regiment. He is dead—his battles are over. Fuller, a cripple, after the most faithful and efficient service, is a mendicant, unable to earn his daily bread. He seems to have no friends left but his faithful lieutenant. I make this statement as a tribute to his merits, and hope the department may see its way clear to restore this soldier to his pension. A more deserving soldier I have never seen and it is but just for the Government, always considerate of the soldier, to let him have the pension granted on the testimony of those who knew the value of his services."

The report of the special examiner, before referred to, states that Fuller is a reliable and truthful man, as shown by the depositions of R. E. Durham, deputy postmaster, W. H. Hillman, and D. T. Johnson, druggists, all of Bethany, Harrison County, Missouri, who testify that they have been intimately acquainted with him for years.

The committee therefore recommend the passage of the bill.

There being no objection, the bill was laid aside to be reported to the House with the recommendation that it do pass.

FRANK LIGHTNER.

The next business on the Private Calendar was the bill (H. R. 4118) granting a pension to Frank Lightner.

The bill was read, as follows:

Be it enacted, &c., That the Secretary of the Interior is hereby authorized and directed to place on the pension-roll, subject to the restrictions and limitations of the pension laws, the name of Frank Lightner, late of Company C, Sixty-fifth Regiment United States Colored Troops.

The report (by Mr. MORRILL) was read, as follows:

We find that claimant enlisted December 13, 1863, in Company C, Sixty-fifth Regiment United States Colored Troops, and was discharged January 8, 1867. In September, 1863, he filed an application for a pension, alleging wound in the head and scald on left arm about May, 1866, by the explosion of the boiler on the steamer City of Memphis. The application was rejected on the ground that he was on a furlough at the time of the accident, and therefore not in line of duty.

The evidence in the case shows that claimant, with sixteen other United States soldiers, was on the City of Memphis when the explosion took place; that ten of the number were killed, and claimant badly wounded, his skull being fractured and his arms badly scalded.

Claimant states that he was granted a furlough upon condition that he would re-enlist in the Ninth United States Cavalry; that after the accident he was on the sick-list for nine months, and upon his return to his regiment he was rejected for re-enlistment on account of the disability incurred by the accident.

The examining surgeon at Denver reports, December 19, 1883: "Wound transversely across posterior end of suture, about 3 inches long and an inch wide. I should think that both tables had been removed." Rated one-fourth.

Your committee recommend the passage of the bill.

There being no objection, the bill was laid aside to be reported to the House with the recommendation that it do pass.

JAMES A. UNDERWOOD.

The next business on the Private Calendar was the bill (H. R. 805) to increase the pension of James A. Underwood.

The bill was read, as follows:

Be it enacted, &c., That the Secretary of the Interior be, and he is hereby, authorized to increase the pension of James A. Underwood, late of Company B, Eighth Indiana Volunteer Infantry, to $30 per month.

Mr. DOCKERY. Mr. Chairman, I would like to hear the report in that case read.

The report (by Mr. MORRILL) was read, as follows:

We find that claimant enlisted August 20, 1861, in Company B, Eighth Indiana Volunteers, and was discharged September 14, 1863.

February, 1864, he applied for a pension for loss of left arm at battle of Vicksburg, which was granted, and for which he is now receiving a pension of $24 per month.

May 22, 1885, he applied for an increase on account of chronic diarrhea and erysipelas, which was rejected on the ground that the combined disabilities were not equal to total inability to perform manual labor. Two of his neighbors swear that he is unable to perform any manual labor whatever. December 4, 1876, Dr. W. W. Spiers, United States medical examiner, says:

"I find that left forearm has been amputated at upper third, considerable sloughing has occurred from gangrene, leaving a stump with very tender cicatrix. Claimant states that two years ago an eruption broke out on his left arm and spread all over his body; continued nine weeks; was confined to his bed four weeks; muscles of leg were contracted; went on crutches for a while. Last August eruption came out on biceps muscles of left arm, lasted two weeks; comes out in warm weather. I find no eruption now. I think it is not erysipelas, but a vesicular eruption resulting from chronic diarrhea. His gums are badly eaten by scurvy. There is not much emaciation, but his weight is some less than it ought to be. Rated total third grade for loss of arm and $4 for diarrhea."

June 24, 1885, the examining board at Ellsworth, Kans., report him suffering with chronic diarrhea, and recommended $4 per month in addition to his pension for loss of arm. The evidence shows that he is at times confined to his bed for weeks with chronic diarrhea and the resulting eruptions, which he calls erysipelas. The man is a complete wreck, and it would seem that the evidence would entitle him to the full rating given to those totally disabled for the performance of manual labor. The examining boards recommend $38 per month. There is no such rating provided by law. Your committee recommend the passage of the bill.

There being no objection, the bill was laid aside to be reported to the House with the recommendation that it do pass.

GEORGE H. PERKINS.

The next business on the Private Calendar was a bill (H. R. 1369) granting a pension to George H. Perkins.

The bill was read, as follows:

Be it enacted, &c., That the Secretary of the Interior be, and is hereby, directed to place on the pension-roll the name of George H. Perkins, late a private in Company I, Third Regiment Massachusetts Heavy Artillery Volunteers, subject to the provisions and limitations of the pension laws.

The report (by Mr. MORRILL) was read, as follows:

The record in this case shows that Perkins enlisted as a private in Company I, Third Massachusetts Heavy Artillery, on December 26, 1863, and was discharged on September 26, 1865; that he filed his application for a pension on January 19, 1880, alleging that at Broadway Landing, on the Appomattox River, about 3 miles above City Point, Va., about January 10, 1865, he, with his company, was attending to the ponton bridge across the river at that place, where he was taken sick with chills and fever and chronic diarrhea, and was treated by some surgeon belonging to a regiment near, but principally by Lieutenant Chamberlain, of his regiment; that as soon as well enough he got a furlough to go home; he returned to his company in March, 1865, and in August, 1865, was taken worse with the chills and diarrhea; and when the regiment arrived at Galloup's Island, Boston Harbor, he took a severe cold, which settled on his lungs about September 22, 1865.

His application was rejected July 18, 1882, "upon the ground of there being no record of alleged diseases, and claimant's inability to furnish the testimony of the surgeon or assistant surgeon of his regiment showing treatment in the service, or medical evidence showing treatment at discharge or for some time thereafter, and then the medical testimony not satisfactory."

It is in evidence, as shown by the testimony of Perkins, that he resided in Springfield, Mass., prior to enlisment, and from discharge to November, 1866; from then to April, 1877, at Jefferson City, Mo., and since then at Kansas City, Mo.

Oliver Allen testifies that he knew Perkins for thirty years before his enlistment, also during the term of his service, having been a member of same company, and since discharge; that at the time of Perkins's enlistment Perkins was employed in the United States armory at Springfield, Mass.; he was then a sound, healthy, able-bodied man, especially free from chills and fever; that during his term of service Perkins contracted chills and fever in consequence of exposure, and was several times under care of surgeons. Having no surgeons of this organization, he was treated by those of other organizations, whose names witness does not recall. Witness was with him when discharged, and he was suffering intensely with chills and fever; was weak, emaciated, and completely broken down. Saw him frequently until November, 1866, when Perkins went West, and up to that time he had only been able to work one week at light joiner-work. Witness saw him next in November, 1876, in Springfield; he was then very feeble and suffering from a severe attack of said disease; saw him from time to time until following April, and during all that time he was taking medicine and was totally unable to perform any manual labor.

This witness is corroborated, except as to incurrence of disability in the service, by Asa M. Piper. Christopher Briggs, of Springfield, who had charge of the pattern department of the armory when claimant was employed there, says that Perkins was a sound, healthy, able-bodied man, and free from disease of any sort up to the time of his enlistment.

Lieutenant Chamberlain testifies that Perkins was taken sick with diarrhea in October, 1864, and continued so for several weeks, unfit for duty, and again in January, 1865, he was taken sick with chills and fever and chronic diarrhea and confined to his quarters. Witness visited him daily and took a surgeon of a regiment lying near the battery to see him. About the latter part of July Perkins had another attack of diarrhea, and about August 15, 1865, was taken down with chills and fever and was very sick. Witness gave him medicine, as they had no surgeon, and had to depend upon surgeons of some regiment that happened to be near.

Capt. John Pickering, captain of claimant's company, testifies "that the said George H. Perkins, while in the line of his duty at or near Richmond, in the State of Virginia, did, on or about the 6th day of September, 1865, become disabled in the following manner, viz: Was taken with diarrhea and continued sick until the 16th instant, inclusive;" that he makes the statement from a record in his possession kept daily by his company clerk. This statement shows his condition within ten days of his discharge.

This testimony of Lieutenant Chamberlain and Comrade Allen, that this lat-

tery was compelled to rely for surgical aid upon any surgeon who happened to be in their vicinity, seems to explain the "want of record of alleged diseases, and claimant's inability to furnish the testimony of the surgeon or assistant surgeon of his regiment," which is assigned as one of the reasons for rejecting the case.

Upon the point raised by the Pension Office, that there is no "medical evidence showing treatment at discharge, or for some time thereafter," claimant, in an affidavit filed June 2, 1884, says:

"This evidence I can not obtain, because the surgeons who doctored me during the first fourteen or fifteen months after being mustered out are both dead. Therefore I make the following statement under oath:

"On arriving home at Springfield, Mass., after being mustered out of the service September 26, 1865, I was first doctored by my family physician, H. G. Stickney, M. D., and by him until June 29, 1866, at which date I consulted with Dr. David P. Smith, of Springfield, Mass., who doctored me up to December, 1866, when, by his advice, and that of Dr. Peabody, of Jefferson City, Mo., I came to Missouri. Dr. Smith told me I would have to seek a warmer climate or I would not live.

"On August 7, 1866, I made application for a pension through Capt. L. A. Tiff, pension agent, of Springfield, Mass., and on August 8 following I obtained the affidavit of Dr. Stickney of my condition and treatment by him, paying $1 for the affidavit, as shown by my diary kept at that time. I suppose it was forwarded to the Pension Department at Washington. Captain Tiff died soon after my application was made, but I have had his papers carefully examined by those having charge of them, and the affidavit can not be found if not on file at Washington. * * *

"In 1880 I wrote to Dr. Smith for an affidavit, and he replied that he would be glad to give one, but being examining surgeon for the United States at Springfield, Mass., he did not feel like making one until called on by the Government, when he would be glad to give it. This was before the department called on me to produce his affidavit. * * * From this it will be seen that it is impossible for me to produce any other medical evidence of treatment for the fourteen or fifteen months just following my discharge from the service at the close of the war."

This period, however, is well covered by other testimony, and from December 1, 1866, to April 9, 1882, the date of his last examination by the board of pension surgeons, at Leavenworth, Kans., his condition is well established by the testimony of physicians and neighbors, and may be stated in the language of Dr. George T. Hayden, who treated him in Kansas City, Mo., from 1872 to 1881:

"During the greater portions of the above-mentioned years he has been unable to perform manual labor. His disease appears to assume at times a tendency to consumption of the bowels. Having inherited a good constitution, and being a strictly moral and temperate man, he has been able during portions of that time to perform light labor, but is obliged to work for less wages; that at no time is he able to do a man's work, and my opinion is that his disease is liable at any time to terminate in consumption of the bowels, as at times he has had a severe cough, spitting of blood, and considerable lung trouble, while at all times the bowel trouble predominates."

Your committee, believing that claimant has clearly proven that his disability originated in the service and has continued ever since, recommend the passage of the bill.

There being no objection, the bill was laid aside to be reported to the House with the recommendation that it do pass.

WILLIAM B. JACOBS.

The next business on the Private Calendar was the bill (H. R. 4199) granting a pension to William B. Jacobs.

The bill was read, as follows:

Be it enacted, &c., That the Secretary of the Interior be, and is hereby, authorized and directed to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of William B. Jacobs, late a member of the Fifty-ninth Regiment Ohio Volunteers.

The report (by Mr. ELLSBERRY) was read, as follows:

William B. Jacobs enlisted as a private on the 26th day of October, A. D. 1862, as a recruit for the Fifty-ninth Regiment of Ohio Volunteer Infantry, commanded by Col. James P. Fyffe, in the service of the United States in the war of the rebellion. That he was recruited by Lieut. George P. Tyler, at Russellville, Ohio, by whom he was duly sworn into the service of the United States as a private soldier. He was taken with the company of which he was a member to Camp Dennison, in Hamilton County, Ohio, where he continued in the service of the United States as a private soldier until about the 25th day of December, A. D. 1862, but was never regularly mustered into the service; during the time he was so in the service, and in the line of his duty as such soldier, the evidence abundantly shows he contracted a severe cold by reason of exposure which he could not avoid, and which resulted in an inflammation of his right eye, which became so aggravated as to cause his other eye by sympathy to become inflamed and weak to such an extent that it became necessary to have the ball of his right eye removed, to which operation he submitted under the advice of eminent physicians.

Dr. J. N. Salisbury, a reputable physician, and of good standing in his profession, states that he was the family physician of the said William B. Jacobs, and on the examination of his books he finds no treatment for the eye of the said William B. Jacobs prior to his enlistment, but later, some time before 1864, he did prescribe for his eye, a year or two before he went blind. He says the eye was entirely gone in 1864 or 1865.

S. M. Mellheny swears that he knew William B. Jacobs for many years before he went into the service, and two years before he enlisted he lived within one-fourth of a mile of the said Jacobs, and during that time he never knew of his having anything the matter with his eyes, nor of any other bodily infirmity.

Lieut. George P. Tyler, in his affidavit, states that on the 26th day of October, A. D. 1862, he enlisted and swore into the service of the United States William B. Jacobs, and at the time he enlisted he believed him to be a sound man, he having known him for years previous to that time, and never knew of his being sick or complaining of any ailment. He further states that he took the recruits for the Fifty-ninth Regiment Ohio Volunteer Infantry to camp, and embarked at Ripley, Ohio, on a steamboat for Cincinnati, Ohio, and the steamer was so crowded with troops that his recruits (among whom was the said William B. Jacobs) were put on the hurricane deck and remained there during the entire trip to Cincinnati. It rained on them the whole night. They had no blankets, and before morning the rain turned to sleet. Arriving at Camp Dennison they had no wood to build fires, and had to repair their quarters before they could occupy them, and from this exposure Lieut. George P. Tyler says that William B. Jacobs took cold, and it settled in his right eye, causing inflammation of the same, and it grew worse, so that when he had the recruits examined by United States surgeon at Camp Dennison to be mustered into the United States service William B. Jacobs was rejected on account of the inflammation of his right eye, since which time the said William B. Jacobs has had his right eye removed from its socket.

Claimant says post surgeon gave him a certificate of disability and he returned home, which certificate of disability was delivered by claimant to his attorney for the purpose of procuring his pay from the State of Ohio while he was in the service of the United States, and is now lost, as he is informed by his said attorney. Claimant further says that up to the time of his enlistment his eyes were in a sound and healthy condition, and ever since he contracted the cold and disability aforesaid he has suffered greatly in consequence of the diseased condition of his eye, and he has become greatly enfeebled and disabled in bodily health to such an extent that he has not been able to perform manual labor or to pursue his occupation as a farmer. He is now in his forty-fourth year, he has never received any compensation for his services from any source whatever, and he is advised that he is not entitled to any relief under existing laws relating to pensions.

The evidence clearly establishes the fact that he was a healthy man when he was enlisted and sworn into the United service, and that he is now disabled, and his disability was incurred while in the service of his country, and has continued down to the present time, disabling him from the performance of manual labor.

Your committee recommend that the bill do pass.

There being no objection, the bill was laid aside to be reported to the House with the recommendation that it do pass.

JAMES M'MULLIN.

The next business on the Private Calendar was the bill (H. R. 1858) granting an increase of pension to James McMullin.

The bill was read, as follows:

Be it enacted, &c., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of James McMullin, late of Company I, One hundred and eighteenth Regiment New York Volunteer Infantry, and the Sixth Regiment United States Cavalry, at the rate of $30 per month, in lieu of the pension he is now receiving.

The report (by Mr. ELLSBERRY) was read, as follows:

In the matter of House bill No. 1858, of James McMullen, we find he enlisted in 1862 in Company I, One hundred and eighteenth New York Infantry, and was honorably discharged therefrom June 30, 1865; re-enlisted April, 1866, in Sixth United States Cavalry; honorably discharged April 2, 1869; re-enlisted April 5, 1869, in same company and regiment, and honorably discharged May 2, 1872, for total disability; that while a member of the One hundred and eighteenth New York he took part in ten general engagements, and while in line of duty at Fort Harrison, Va., September 29, 1864, was wounded in left arm by gunshot (ball never removed); that while in the Sixth United States Cavalry, and in line of duty, in an engagement with the Indians near Fort Richardson, Tex., March 7, 1868, he was wounded in right side, ball passing out near spinal column.

That while in same company and regiment, at Pilot Grove, Tex., February 22, 1869, he was thrown from a wagon and had his leg broken and ankle dislocated while he was acting in line of duty; that while in same company and regiment, on December 26, 1871, he had his feet and hands frozen, necessitating amputation of all his fingers and toes. He obtained at this time and occasion permission of the ranking sergeant of the company to go to Junction City, Kans., and on his return, within time of leave, was overtaken by a severe snow-storm, and the severity of the storm and injuries so by him received, as above set out, impeded his progress in traveling, and he became so sore from wounded leg and ankle and wounded side that he became exhausted, lost his course in the storm, and had his feet and hands frozen before reaching his company; that he had no witness to prove these facts, and the records of the company never showed his leave of absence, and he filed application for pension May 1, 1879, and the same was rejected August 11, 1880, for loss of feet and hands, because injury to feet and hands was not received in line of duty; that he is receiving a pension of $2 per month on pension certificate No. 225933 for gunshot wound of right side, as above set out; that he is receiving a pension of $3 per month for injuries and gunshot wound of arm; also $2 for broken leg and dislocated ankle. His record in War Department is good and clear of any stain.

Believing that claimant is entitled to relief on account of frozen fingers and toes, we recommend the passage of accompanying bill, amended, however, by striking out the word "thirty," in line 8, and insert therein instead the word "twenty."

The amendment reported by the committee was agreed to.

There being no objection, the bill was laid aside to be reported to the House with the recommendation that it do pass.

MARY HOFF.

The next business on the Private Calendar was the bill (H. R. 1254) granting a pension to Mary Hoff.

The bill was read, as follows:

Be it enacted, &c., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of Mary Hoff, the widow of Squire H. Hoff, late a private in Company F, Second Regiment of Minnesota Infantry Volunteers.

The report (by Mr. O'HARA) was as follows:

The Committee on Invalid Pensions, to whom was referred the bill (H. R. 1254) granting a pension to Mary Hoff, submit the following report:

There is no conflict in the evidence as to the disability of claimant's husband, who was a private in Company F, Second Minnesota Volunteers, and wounded at Kenesaw Mountain, June 16, 1864; and at the time of his death was receiving a pension of $18 per month. Claimant's application rejected on the ground that the cause of the soldier's death was not due to his military service, but the result of an injury received subsequent to his discharge from the Army.

C. H. Robbins, M. D., testifies that he attended soldier twelve years previous to his last illness, May 30, 1879, when he died. Soldier was a pensioner for gunshot wound in hip, in the immediate region of the sciatic nerve; extracted ball from hip about nine years ago. The wound was always painful; caused great nervous irritability before and after removal of ball. Several times before last sickness had strong symptoms of tetanus, the legitimate result of said wound. Any unusual excitement produced such symptoms. Before his last sickness he had a slight wound in his foot by a nail, which, with the predisposing cause of his wound, resulted in lockjaw, of which he died. Do not believe that the wound in the foot without the predisposing cause of gunshot wound would or could produce lockjaw.

Lafayette Redmon, M. D., testifies that he examined the soldier's wound one or more times while acting as examining surgeon; that the wound of hip was severe and extensive, implicating the great sciatic nerve and other important tissues; it rendered him peculiarly liable to be attacked with lockjaw.

Dr. R. W. Twitchell testifies to precisely the same state of facts.

Dr. C. H. Robbins swears that he unwittingly signed a former affidavit, which was prepared by another, contrary to what affiant had told him, and which he did not read at the time of signing, and caused great injustice to claimant; that soldier died by reason of gunshot wound of the right hip; that soldier carried

an ounce minie-ball immediately over the sciatic nerve about eight or nine years; was then extracted, in 1871. After its removal he suffered almost continued pain and much nervous prostration and irritability of nervous system, and became considerably emaciated; that several times before his death he had strong symptoms of tetanus; the nervous irritability and prostration increased after each attack of sickness; the muscles of hip and thigh had grown fast to the bone in the immediate region of the sciatic nerve, aggravating the symptom; has no hesitancy whatever in stating that his death was the result of gunshot wound for which he was pensioned, said wound finally producing a final attack of tetanus.

P. H. Mosher and John D. Dain testify to the same facts. The claimant was married to the deceased some two years before his enlistment, and is the mother of two girls by said marriage, one of whom is under sixteen years of age.

This case presents a very strong claim upon the Government for a widow's pension, and while the wound in the foot from a nail might have hastened in some slight degree the predisposition to tetanus, so frequently threatened by the gunshot wound, the committee is of the opinion that the evidence of three medical experts is so strong as to exclude even the shadow of a doubt that soldier's death was the result of the wound received in battle while defending the cause of his country, and even were there any doubt in the case the benefit of said doubt in such a case as this should be given to the wi low.

The committee therefore unanimously recommend the passage of the bill.

There being no objection, the bill was laid aside to be reported to the House with the recommendation that it do pass.

THOMAS ASKEW.

The next business on the Private Calendar was the bill (H. R. 1742) for the relief of Thomaas Askew.

The bill was read, as follows:

Be it enacted, &c., That the Secretary of the Interior be, and is hereby, authorized and directed to place on the pension-roll the name of Thomas Askew (colored), of Tyrrell County, North Carolina, who was wounded at Plymouth, N. C., in the year 1864, subject to the provisions and limitations of the pension laws.

Mr. DOCKERY. I call for the reading of the report.

The report (by Mr. O'HARA) was read, as follows:

The Committee on Invalid Pensions, to whom was referred the bill (H. R. 1742) for the relief of Thomas Askew, have had the same under consideration, and submit the following report:

The evidence in this case shows that applicant, Thomas Askew, was in the employ of the officers of the Government at Plymouth, N. C., as a laborer some time after its capture by the Federal forces; that in the spring of 1864, when the confederate army attacked Plymouth, N. C., he was, by order of General Wesly (or Wessels or Vesels), put in the ranks with arms and ordered in the fight, which order he obeyed, and while in the engagement he was wounded in the right arm, from the effect of which his arm was amputated one week thereafter; that he was there taken and held by the confederates as a prisoner for about six months; that in consequence of the loss of his right arm he is wholly disabled from earning a support by manual labor; that he has never received anything in the way of compensation or pension in consequence of his disability thus incurred.

This being a case in which the Pension Office has no authority to act, applicant can only receive relief from an act of Congress. Although claimant was not enlisted in the military or naval service of the Government, yet, being ordered by the general commanding at the time of an actual engagement to assist in repelling the enemy, he acted promptly and heroically, in consequence of which he was disabled and is to-day unable to earn a livelihood by manual labor.

Your committee is of the opinion that this is a meritorious claim, and recommend the passage of the bill.

There being no objection, the bill was laid aside to be reported to the House with the recommendation that it do pass.

ANGELINE BROMAGHIN.

The next business on the Private Calendar was the bill (H. R. 1286) granting a pension to Angeline Bromaghin, of Janesville, Minn.

The bill was read, as follows:

Be it enacted, &c., That the Secretary of the Interior be, and he is hereby, directed to place on the pension-roll, subject to the regulations and the restrictions of the pension laws, the name of Angeline Bromaghin, widow of Harvey H. Edwards, late a private in Company C, Seventh Regiment Wisconsin Volunteers.

The amendments reported by the committee were read, as follows:

Strike out in lines 5 and 6 the words "Angeline Bromaghin, widow," and insert "Agnes M. Edwards, infant daughter."

Add to the bill the words "and pay her a pension of $10 per month."

Amend the title so as to read: "A bill granting a pension to Agnes M. Edwards, infant daughter of Harvey H. Edwards."

The report (by Mr. O'HARA) was read, as follows:

The Committee on Invalid Pensions, to whom was referred the bill (H. R. 1286) granting a pension to Angeline Bromaghin, of Janesville, Minn., submit the following report:

Harvey H. Edwards, late husband of applicant, Angeline Bromaghin, enlisted as a private in Company C, Seventh Regiment Wisconsin Volunteers, on the 12th day of August, 1861, and was discharged January 16, 1863, on account of disabilities caused by a gunshot wound in his abdomen, received in battle at South Mountain, Maryland, September, 1862, causing tenderness of left groin and severe pain in the left crural vein, with partial paralysis of the limb. The ball could not be extracted; the prospect of recovery remote and uncertain. The foregoing is a part of the record in the case, as certified to by W. O. Riddenbold, commanding post.

The soldier died, after long and severe suffering, on April 9, 1873. His widow's claim for pension was rejected on the ground that the evidence did not satisfy the Pension Office that his death was caused by the result of the wound received in battle at South Mountain, Maryland.

The evidence of reputable and disinterested witnesses is abundant that prior to enlistment said Harvey H. Edwards was a healthy and robust, rugged man; that after his discharge he was in feeble health, and suffered severely from heart and lung trouble.

William A. Fields testifies that said Harvey H. Edwards was to all appearances sound and healthy at the date of his enlistment, and that after his discharge from the Army he complained of heart and lung trouble, and that he continued to suffer and complain until he died. In this he is corroborated by William Lamot and others.

Dr. E. L. Brownwell testifies that he examined the said Edwards some time after his discharge from the Army, and came to the conclusion that the condition of his heart and lungs was the result of the gunshot wound.

Edward T. Wade testifies that he first became acquainted with Harvey H. Edwards on the 11th of May, 1871; that at that time Edwards was able to walk but little; that he was troubled with palpitation of the heart, and the arteries of his neck would throb very violently at times. I have often seen him when in his shirt sleeves when I could see the action of his heart plainly through his shirt; his ears would assume a purplish cast. I knew that he suffered more than he would tell. He was a brave, proud-spirited fellow, and would not complain, but always said he wanted to paddle his own canoe. The physicians that treated said Edwards in hospital and immediately after his discharge are both dead.

Claimant was married to said Harvey H. Edwards on the 26th day of January, 1872. She has one child, an issue of said marriage. Claimant has cared for this child, Agnes M. Edwards, unaided, the father dying when she was yet an infant. The widow subsequently married one Bromaghin. In view of all the circumstances of the case, your committee is of the opinion that the said soldier died from the effects of wound received in the line of duty, leaving an infant daughter, poor and dependent.

We therefore recommend that the name of "Angeline Bromaghin," in lines 5 and 6 of the bill, be stricken out and insert "Agnes M. Edwards, infant daughter of said Harvey H. Edwards, and pay her a pension of $10 per month," and as so amended that the bill be passed, and that the title of the bill be changed so as to read, "Granting a pension to Agnes M. Edwards, infant daughter of Harvey H. Edwards."

The amendments reported by the committee were adopted.

Mr. JOHNSTON, of Indiana. Before this bill is laid aside I would like some member of the Committee on Invalid Pensions to explain why by these special bills a larger amount of pension is given to the infant children of deceased soldiers than is allowed under like circumstances by the general pension laws. If there be some special reason in these cases it is all right, but otherwise it seems to me wrong to select a few to receive these special allowances.

Mr. MORRILL. The idea of the committee is that where there is a minor child, and its mother, the widow of the soldier, is not drawing a pension, the minor child is entitled to $2 and the mother $8, making $10, which is just what the law would give if the pensions were allowed by the Pension Department. This is the rule which is invariably followed by the committee.

Mr. JOHNSTON, of Indiana. Is the mother still living?

Mr. MORRILL. I do not know as to this particular case.

Mr. WAKEFIELD. I know something about this case. I am acquainted with the applicant. Her husband, who was named Edwards, enlisted in 1861, in a Wisconsin regiment. He was wounded about eleven months afterward at the battle of South Mountain. In January, 1863, he was discharged on account of his wounds. He was shot in the abdomen, which produced partial paralysis of the leg; and he suffered a great deal in his side and lungs. I knew this gentleman about three years before his death. I used to see him almost daily; and I know that he suffered a great deal during all that time, and was scarcely able to do any kind of work. He had intervals of comparative freedom from pain. In one of these intervals, he (as I thought very unwisely) took to himself a wife. I suppose that——

She loved him for the dangers he had passed,
And he loved her that she did pity him.

So they were married. The issue of the marriage was one daughter. He survived the birth of that child but a very short time—perhaps a month. He left his wife and child in extreme poverty. They were entirely dependent upon friends who were themselves unable to contribute much to their support. His widow, as many a woman has done before, married again in hopes of securing a more comfortable provision for herself. But in this marriage she was unfortunate, as her husband has been sick most of the time since their marriage. She has supported and provided for this daughter since the death of the husband in such way as she could.

I introduced a bill to give her a pension, and I could see no reason why she should not have a pension. But the committee, adopting I believe the theory that where the widow of a soldier has married again she should not be pensioned, decided to award a pension to the daughter, who is now probably twelve years old. I hope there will be no objection to the passage of the bill.

There being no objection, the bill was laid aside to be reported favorably to the House.

GEORGE A. ROBERTS.

The next business on the Private Calendar was the bill (H. R. 4076) for the relief of George A. Roberts.

The bill was read, as follows:

Be it enacted, &c., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of George A. Roberts, of Mankato, Minn., for disabilities incurred, as a member of Capt. William Bierbauer's company of Mankato State militia, in repelling an attack of hostile Sioux Indians upon the village of New Ulm, in Minnesota, during the outbreak of said Indians in August, 1862.

Mr. WAKEFIELD. Perhaps it would be well for the enlightenment of the Committee of the Whole that the report in this case should be read.

The report (by Mr. O'HARA) was read, as follows:

The Committee on Invalid Pensions, to whom was referred the bill H. R. 4076, have had the same under consideration, and submit the following report:

There is no dispute as to the condition of the applicant's disability from varicose veins being contracted while in the line of duty as a member of Capt. William Bierbauer's company of Mankato State militia in repelling an attack of hostile Sioux Indians upon the village of New Ulm, in the State of Minnesota, during the outbreak of said Indians, in August, 1862.

His claim was rejected on account of disability not being received in the service of the United States, but while in the service of the State of Minnesota, and further, because the claim was not prosecuted to a successful issue prior to the 4th day of July, 1874, as per section 4693 Revised Statutes. It is evident that had

the applicant prosecuted his claim prior to the 4th day of July, 1874, he would have been entitled to and received a pension, but having failed so to do until the 17th day of June, 1881, he is barred by the statute. If the disability was slight, or the claimant shown to be in easy pecuniary circumstances, we would not advise any action on his claim, but from the evidence of Dr. W. R. McMahan, who swears that he has been "acquainted with claimant since 1862; was called to see him soon after his return from battle of New Ulm with the Sioux Indians; he was then suffering with varicose veins. I have treated him more or less ever since, but it continued to increase slowly to present time. It commenced as high up as the middle of the thigh and ran down to the feet. On the inside of the left leg near the ankle the vein is about 3½ inches wide and 10 inches long, elevating the integument about 1 inch. The right is bad enough, but this is worse. I have consulted with other surgeons in the case. The conclusion was that an operation would be hazardous and a cure not probable."

Dr. William Frisbee swears he first saw claimant in the year 1866 or 1867; was then suffering from varicose veins. "I applied silk stockings to said leg, and this last summer or spring applied rubber bandage to said limb. Leg is in bad condition."

Joshua Hodgson swears that claimant has been afflicted with varicose veins from hard marching in repelling an attack of hostile Sioux Indians upon the village of New Ulm, in Minnesota, during the outbreak of said Indians in August, 1862, to the present time. Claimant has not been at any time since 1862 able to work more than one-third of the time.

In view of the claimant's condition your committee recommend the passage of the bill.

There being no objection, the bill was laid aside to be reported to the House with the recommendation that it do pass.

MRS. EDNA ROBERTS.

The next business on the Private Calendar was the bill (H. R. 3193) granting a pension to Mrs. Edna Roberts.

The bill was read, as follows:

Be it enacted, &c., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-roll, subject to the limitations and provisions of the pension laws, the name of Mrs. Edna Roberts, widow of Wright Roberts, late a private in Company F, Third Ohio Cavalry, who was killed during the war of 1861 to 1865.

The amendment reported by the committee was read, as follows:

Strike out at the end of the bill these words: "And that the said Edna Roberts be paid a pension of $8 per month."

The report (by Mr. O'HARA) was as follows:

The Committee on Invalid Pensions, to whom was referred the bill (H. R. 3193) granting a pension to Mrs. Edna Roberts, submit the following report:

Wright Roberts, husband of the applicant, Edna Roberts, enlised as a private in Company F, Third Regiment Ohio Cavalry, on the 26th day of August, 1862, and is reported on the muster-rolls to October 31, 1863, January, February, 1864. Name not borne on subsequent roll.

Absent, captured at Woodville, Ala., November, 1863. Name not borne on subsequent rolls of company. Prisoner of war records furnish no information. He was killed by guerrillas on or about December 19, 1863, in Jackson County, Alabama, while returning to his regiment from a temporary leave of absence to visit his family. The above is a copy of the record on file in the Pension Office. Widow's claim for pension was rejected on the ground that the soldier was not in the line of duty when killed.

The affidavit of his sons, John N. and James I. Roberts, who served in the same regiment with Wright Roberts, their father, states he was killed on or about December 19, 1863, in Jackson County, Alabama, while returning to his regiment from a temporary leave of absence to visit his family, who resided in said county and State; that his remains were found a few miles from his home, showing every evidence that he had been murdered by guerrillas, and that members of guerrilla bands have since acknowledged to them that their father was killed by them; and that at the time he was killed, if he had any written leave of absence it was on his person and destroyed by his murderers, but they know the fact that he had authority from his commanding officer to visit his family, and that he left his home for the purpose of returning to his regiment, and while so returning was killed as aforesaid.

The widow at this date is quite aged and poor. While there may be some doubt as to the propriety of the Pension Office acting favorably on the applicant's claim for a pension as the widow of deceased soldier, your committee is of the opinion that the case is a meritorious one, and therefore recommend the passage of the bill, after striking out all after the word "five," in line 9.

The amendment reported by the committee was agreed to.

There being no objection, the bill as amended was laid aside to be reported to the House with the recommendation that it do pass.

LOUIS ABEAR.

The next business on the Private Calendar was the bill (H. R. 1198) granting a pension to Louis Abear.

The bill was read, as follows:

Be it enacted, &c., That the Secretary of the Interior be, and he is hereby, directed to place on the pension-roll of the Army the name of Louis Abear, late a private in Company H, Fifth Michigan Volunteer Cavalry, subject to the rules and regulations of the Department.

The amendment reported by the committtee was read, as follows:

At the end of the bill strike out these words, "and that the rate of pension to be allowed said Louis Abear be $12 per month."

The report (by Mr. WINANS) is as follows:

The Committee on Invalid Pensions, to whom was referred the bill (H. R. 1198) granting a pension to Louis Abear, have had the same under consideration, and report:

That said Louis Abear enlisted in the Fifth Michigan Cavalry, Company H, at Detroit, September 5, 1862, and served to the close of the war, and was honorably discharged at Camp Chase, April 28, 1865.

It appears that he was a brave and faithful soldier, and served continuously with his regiment and company till June 9, 1864, when he was captured in a fight at Trevilian Station, Virginia, and was held a prisoner in Andersonville and other Southern prisons till the close of the war, when he was sent North and discharged by general order, with no apparent disability, for which reason, and the further one that he is entirely illiterate, he has made no application heretofore for a pension. He is now, at the age of fifty-one years, suffering from chronic catarrh and rheumatism, as appears by the affidavit of George R. Richards, M. D., surgeon Seventh Michigan Cavalry, in the same brigade (Custer's) with the Fifth, to the extent of disabling him from labor very much of the time. Said surgeon says that when he knew him in the Army he was a man of large size, of immense strength and endurance. That in his opinion his present condition is owing to his long imprisonment and sufferings consequent thereon. That said soldier is now but a wreck of his former self.

Henry Starkey testifies that he is now secretary of the Detroit board of water commissioners; that he was lieutenant in Company H, Fifth Michigan Cavalry; that he knew Louis Abear, a private in said company, and has known him since his return from the Army. He testifies as to his present disability and emaciated condition from chronic disease; also to his extraordinary strength and powers of endurance as a soldier, and his uniform good conduct and bravery while with the company, and his honesty and good reputation as a citizen, and also his entire lack of education.

Another affidavit in the case (that of Samuel T. Hendricks, of Wyandotte, Mich.) is confirmatory of the kind heart, nay, chivalry, of this strong, though rough and unlettered soldier. This affidavit says that his brother, Henry C. Hendricks, now dead, together with Louis Abear, was prisoner of war in Millen, Ga.; that his brother was sick, and by reason of scurvy and disease a mere skeleton and likely to die; that in drawing for exchange Abear was selected, but being a friend, he relinquished to his brother his chance of exchange, and allowed him to come home to his family; that he frequently before and on his death-bed heard him say that but for Abear he would never have lived to see home, and expressed a desire to in some way see him rewarded.

It would seem to your committee that the only reason this soldier is not now on the pension-roll is because of his neglect to make application therefor. The testimony of the surgeon leaves no doubt as to his present debilitated condition, nor as to his robust health and strength while in the service; neither do we think there is much room for doubt that prison life and fare for ten months, such as was given to privates at Andersonville and other Southern prisons, was the foundation of his present disability. We therefore recommend the passage of the bill with an amendment—strike out all after "Department," in the seventh line.

The amendment reported by the committee was adopted.

There being no objection, the bill as amended was laid aside to be reported to the House with the recommendation that it do pass.

HARRY B. HARRINGTON AND GRACE A. HARRINGTON.

The next business on the Private Calendar was the bill (H. R. 1228) granting a pension to Harry B. Harrington and Grace A. Harrington.

The bill was read, as follows:

Be it enacted, &c., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-roll, subject to the provisions and limitations of the pension laws, the names of Harry B. Harrington and Grace A. Harrington, children of Henry M. Harrington, late second lieutenant of Company C, Seventh Regiment United States Cavalry, at the rate of $15 per month each.

SEC. 2. That the Secretary of the Interior be, and is hereby, authorized and directed to pay to the guardian of said Harry B. Harrington and Grace A. Harrington the sum now due on the pension allowed to Grace Harrington, mother of said minors, who has disappeared, and whose whereabouts, if living, are now unknown: *Provided*, That if said Grace Harrington shall hereafter appear and be in a sane condition, competent to care for her children, this pension to said minors shall cease. During the allowance of the pension hereby authorized the pension heretofore granted to Grace Harrington, widow of said Lieutenant Harrington, shall not be paid.

The report (by Mr. WINANS) was read, as follows:

The Committee on Invalid Pensions, to whom was referred the bill (H. R. 1228) granting a pension to Harry B. and Grace A. Harrington, have had the same under consideration, and report:

That Harry B. and Grace A. Harrington are the orphan children of Lieutenant Harrington, who was with General Custer in the memorable battle on the Big Horn, June 25, 1876; that they are of the age of 11 and 12 years respectively; that Grace Harrington, widow of Lieutenant Harrington, and mother of said children, is supposed to be dead, as her whereabouts are unknown, and diligent search and inquiry have been made to find her by her relations without success. Said children are without any means of support, and are now living with their grandparents. The mother at the time of her disappearance, February 9, 1885, was in receipt of a pension of $17 per month as lieutenant's widow, which, under the circumstances, can not be paid.

This bill proposes to pension said children at the rate of $15 each per month, and also to pay to them, or their guardian, the arrears of the mother's pension. From the latter proposition your committee dissent. But in consideration of the great probability of the mother's death—and it is only the want of proof of that fact that prevents granting these children a pension in a legal way, and the further fact your committee are in favor of a general increase of pensions of widows and dependent parents—we recommend that the bill be amended by adding to section 1, "to be paid to their legal guardian for their use and benefit until they are sixteen years of age," and to strike out all of section 2, and that the bill so amended do pass.

The amendments reported by the committee were agreed to; and the bill as amended was laid aside to be reported to the House with the recommendation that it do pass.

LENFORD ROSE.

The next business on the Private Calendar was the bill (H. R. 2976) granting a pension to Lenford Rose.

The bill was read, as follows:

Be it enacted, &c., That the Secretary of the Interior be, and he is hereby, instructed to place on the pension-roll, subject to the limitations and provisions of the pension laws, the name of Lenford Rose, son of George W. Rose, late a lieutenant of Company I, Fifth Michigan Infantry, and pay him a pension of $15 a month.

The report (by Mr. WINANS) was read, as follows:

The Committee on Invalid Pensions, to whom was referred the bill (H. R. 2976) granting a pension to Lenford Rose, report as follows:

That Lenford Rose is the son of George W. Rose, who enlisted as a private in Company I, Fifth Regiment Michigan Infantry, August 27, 1861; was promoted to second lieutenant May 28, 1862, and to first lieutenant July 22, 1862, and captain June 23, 1863; died May 24, 1864, of wounds received in action at the battle of the Wilderness, Virginia, May 5, 1864. He left two children, Lenford and Benjamin F. Rose. Benjamin F. is poor, not worth a dollar; supports himself and family by day labor. Lenford is now thirty-one years of age; is deaf and dumb, and was so from birth. He has no use of his left arm and hand, it being withered and drawn out of shape by contraction of the muscles. George W. Rose left no property whatever at the time of his death, and the pension given the children till they were sixteen was used up in their support. Lenford Rose, on account of his infirmity, is entirely unable to earn his support, and is living on the charity of friends and neighbors, having no relatives able to give him a home.

No soldier has a better military history than George W. Rose. Had he lived

his unfortunate son would not now be a homeless waif. He gave his life to his country, and this unfortunate orphan should be that country's ward.

We think this a legitimate case for Congressional relief, and recommend the passage of the bill with an amendment. In seventh line strike out the word "him" and insert "to his legally constituted guardian for his benefit."

The amendment reported by the committee was agreed to; and the bill as amended was laid aside to be reported to the House with the recommendation that it do pass.

NORMAN S. BULL.

The next business on the Private Calendar was the bill (H. R. 2740) for the relief of Norman S. Bull.

The bill was read, as follows:

Be it enacted, &c., That the Secretary of the Interior be, and he is hereby, authorized and directed to place the name of Norman S. Bull, late a sergeant of Company C, Sixth Regiment Wisconsin Volunteers, upon the list of pensioners, at the rate of $72 per month, in lieu of the $31.25 per month heretofore allowed him, to commence on the passage of this act and to continue during his natural life.

The report (by Mr. WINANS) was read, as follows:

The Committee on Invalid Pensions, to whom was referred the bill (H. R. 2740) for the relief of Norman S. Bull, have considered the same, and beg leave to report:

Said Norman S. Bull enlisted and was mustered into the service of the United States July 16, 1861, in the Sixth Regiment of Wisconsin Volunteers, and was sergeant of company C of said regiment. He was wounded in the head or face by a gunshot wound at the battle of the Wilderness, on May 6, 1864, while in the line of duty. The ball entered the left side of his face, passing out upon the other side. The teeth, palate, and nearly or quite all the bones of his jaw were carried away. By reason of this wound he is wholly unable to masticate food; his food has all to be prepared especially for him in a fluid or liquid condition, or he can not swallow the same. When he went into the Army, and up to the time of receiving this wound, he was a healthy, strong man. The continuous suffering from this wound, and the necessity for taking liquid food only, without mastication, has made him very feeble, and, in fact, for many years little better than a skeleton. The fact that he can not eat or use food as ordinarily prepared, and the necessity of having a special kind of food, and having it prepared for him in a special manner, entails upon him a great deal of extra expense, amounting nearly, if not quite, to the expense of the regular aid and attendance of another person, which expense he is unable properly to meet, being a poor man and in a very feeble condition of health. He is now receiving a pension of $31.25 per month, but the pension law does not appear to fully cover a case like this; so his application for an increase has been denied.

There are but two cases in existence like this of loss of jaw, palate, &c., and in some of these cases, by special act, Congress has granted the same pension as is granted by the general law to persons totally disabled and requiring the regular aid and attendance of another person, which is $50 per month.

The facts in this case being fully substantiated by the papers in the case on file in the Pension Office, and by the proofs accompanying this report, your committee deem it a case in which relief should be granted, and we therefore recommend the passage of the bill with an amendment: Strike out "seventy-two" and insert "fifty," so it shall read:

"At the rate of $50 per month, from and after the passage of this act, to be in lieu of the pension now paid him."

The amendment reported by the committee was agreed to; and the bill as amended was reported to the House with the recommendation that it do pass.

ASAHEL MIDDLETON.

The next business on the Private Calendar was the bill (H. R. 3364) granting a pension to Asahel Middleton.

The bill was read, as follows:

Be it enacted &c., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of Asahel Middleton, late a private in Company F, Sixty-fifth Regiment of Indiana Volunteer Infantry.

The report (by Mr. CONGER) was read, as follows:

The Committee on Invalid Pensions, to whom was referred the bill (H. R. 3364) granting a pension to Asahel Middleton, having given the same careful consideration, report:

That Asahel Middleton was drafted into the service September 26, 1864, and discharged therefrom April 6, 1865. On the 22d day of April, 1880, he filed his application for pension, alleging that from sleeping on cold nights in windy barracks at Indianapolis, Ind., with insufficient covering, he contracted a severe cold, which settled on his lungs, also affecting his liver and kidneys; that he continually grew worse, and that by February 1, 1865, his right lung was closed and right half of chest badly swollen from center of breast around to back, in which condition he remained until April, 1865, when an abscess in right lung broke, discharging large quantities of pus; that he is unable to learn the whereabouts of his commissioned officers, and therefore presents testimony of comrades.

This application was rejected by the Pension Department February 27, 1883, on the ground that disability existed prior to entering the service.

This decision appears to have been based solely upon the statement made by the acting assistant surgeon who signed his certificate of disability for discharge, that he had "organic disease of kidneys, with emaciation; said disqualification existed at the time of muster-in."

This testimony is rebutted by the affidavits of four neighbors—two of them physicians—who all testify from personal knowledge derived from intimate acquaintance that said soldier was sound and in good health at the time he was drafted.

Two comrades, William Huggard and George D. Perkins, testify that "while in camp, under command of officers thereof, he contracted a severe cold from exposure, which settled on his lungs, and from which lung trouble he has never recovered."

Dr. Ulris Briggs testifies that in February, 1865, he began treating claimant, then on furlough. He says:

"He had an abcess formed on liver, and another on right lung; the lung became ulcerated and broke, large quantities of pus or matter being thrown off through bronchial tubes; that ever since discharge until to-day I have known him. The right side of breast is shrunken, and the shoulder is nearly two inches lower than the other. Very little, if any, air passes into the right lung. That his present condition is the direct result of the disease for which he treated him in 1865."

Doctors Burr, Howland, Hoblett, Porter, and Eberle testify to treatment at various times, covering the entire period from discharge to 1883, and all agree as to diagnosis of case.

Two official examinations disclose the same state of facts; and the last, by a full board, says:

"On careful examination of liver, with claimant in a recumbent position, by percussion and palpation, we find only a considerable degree of atrophy of that organ. Disability, one-eighth. On auscultation and percussion we find an almost entire consolidation of right lung, with extreme flatness over that side of the chest. Respiration is confined almost wholly to left lung. We believe the disease of left lung was due to an abscess, but whether originally of the liver or lung we are unable to say. Chemical examination of urine shows no abnormal element."

It seems to be very clearly proven that claimant entered the service a sound and healthy man; that the disability for which he claims pension, namely, disease of lungs, was incurred in the service, and has been continuous since. That the "disease of kidneys," which assistant surgeon certifies in his discharge existed prior to muster, and upon which statement claim was rejected by the Pension Office, had in fact no existence before soldier entered service nor since.

In view of these facts and the further one that this man was drafted, examined, and not only permitted but compelled to enter the service, your committee believe the claimant is entitled to the relief asked for, and therefore recommend that the bill do pass.

There being no objection, the bill was laid aside to be reported to the House with the recommendation that it do pass.

MINTON PRALL.

The next business on the Private Calendar was the bill (H. R. 626) granting a pension to Minton Prall.

The bill was read, as follows:

Be it enacted, &c., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of Minton Prall, late a private in Company C, Thirty-third Regiment Indiana Volunteers.

The report (by Mr. CONGER) was read, as follows:

The Committee on Invalid Pensions, to whom was referred the bill (H. R. 626) granting a pension to Minton Prall, having considered the same, report:

That Minton Prall, late a private in Company C, Thirty-third Regiment Indiana Volunteers, enlisted September 3, 1861, and was discharged July 26, 1865; that while returning from a furlough, and while on his way to his regiment, he was induced by Capt. J. M. Terry, in charge of the Government bakery at Jeffersonville, Ind., to go to work in said bakery, and that on the second night, while so employed, his hand was accidentally caught in the iron rollers and his left arm injured to such an extent as to require amputation about half way to the elbow.

October 12, 1874, he filed his application for pension for said disability. It was rejected June 8, 1885, upon the ground "that claimant was not in line of duty when he lost his arm."

Claimant swears that Captain Terry compelled him to go to work in the bakery by threats of arrest; Captain Terry says he requested him to go to work because he needed more help. However, it is clearly proven that the soldier did go to work in the bakery, and that he lost his arm while so at work. Had the soldier, under like circumstances, fell in with a line of soldiers, fought, and been wounded in battle, we think the question as to line of duty would not have been raised. He was in line of duty while returning from his furlough; his furlough had not yet expired; the service he engaged in was legitimate and necessary; he lost his arm thereby.

The technicality which precludes relief at the hands of the Pension Bureau should not prevent Congress from doing justice.

Your committee therefore recommend that the bill do pass.

There being no objection, the bill was laid aside to be reported to the House with the recommendation that it do pass.

JOHN D. CLARK.

The next business on the Private Calendar was the bill (H. R. 3375) granting a pension to John D. Clark.

The bill was read, as follows:

Be it enacted, &c., That the Secretary of the Interior be, and he hereby is, authorized and directed to place on the pension-roll of the United States the name of John D. Clark, late a private in Company D, Twenty-eighth Regiment New York Volunteer Infantry, subject to the limitations and provisions of the pension laws.

The report (by Mr. CONGER) was read, as follows:

The Committee on Invalid Pensions, to whom was referred the bill (H. R. 3375) for the relief of John D. Clark, having had the same under consideration, beg leave to report:

That the papers in this case, procured from the Pension Office, disclose the fact that John D. Clark was a private in Company D, Twenty-eighth Regiment New York Volunteers; that he was attacked with inflammation of the eyes about January, 1862, treated by Dr. Paine, assistant surgeon of the regiment, and by him afterward sent to Winchester hospital; taken prisoner in said hospital and discharged at Washington, D. C., June 13, 1862, "by reason of his being a paroled prisoner." Above testimony all furnished by official records.

Said John D. Clark filed application for pension July 19, 1862, and again July 31, 1872, alleging that he was taken with sore eyes at Camp Muddy Branch, Maryland, about December 15, 1861; lost the sight of right eye about July 1, 1862, the left eye being blurred and very weak.

E. A. Brown, captain of Company D, Twenty-eighth Regiment New York Volunteers, testifies:

"Said John D. Clark was a sound man when he entered the service, and that he contracted sore eyes about December, 1861, at Camp Muddy Branch, Maryland."

Charles W. Eckerson, of Creston, Iowa, testifies:

"In 1861, and for several years prior, was resident in Shelby, N. Y., and was well acquainted with John D. Clark for five years prior to his enlistment. He was an able-bodied man, and had never been troubled with sore eyes during my acquaintance with him. When he was discharged in 1862 he came to my father's house; his eyes were very sore—could not bear light—and he was unable to perform any labor; his disability continued until affiant removed from New York, in 1864."

Like testimony is abundant as to prior soundness, and both medical and lay testimony is ample to prove conclusively the continuance of disability since, he having been at different times examined and treated by Doctors Paine, Crosswait, Denice, and Examining Surgeon George M. Coit, all of whom have affidavits filed in the case establishing the fact of disease and disability.

The latest evidence on file is a certificate of twenty-five of the leading business men of his town, certifying to an acquaintance of from twelve to twenty years, testifying to his excellent character and reputation, and that during this period he has been continuously afflicted with disease of eyes.

This claim seems to have been rejected upon the report of a special examiner sent to Shelby, N. Y., who procured affidavits from several parties to the effect

that said Clark had sore eyes prior to his enlistment; but after critically examining all the evidence taken by this special examiner, it is, in the opinion of your committee, by no means sufficient to rebut or break down the abundant evidence already filed as to prior soundness. Therefore, in view of all the testimony, and the further fact that medical examinations preceding muster were quite rigid at that early stage of the war, namely, 1861, and the very strong probability that soldiers would have been rejected had there been any disease of the eyes, your committee are of the opinion that his disability was contracted in the service, and he should be pensioned. The passage of the bill is recommended.

There being no objection, the bill was laid aside to be reported to the House with the recommendation that it do pass.

HENRY S. MORGAN.

The next business on the Private Calendar was the bill (H. R. 3359) granting a pension to Henry S. Morgan.

The bill was read, as follows:

Be it enacted, &c., That the Secretary of the Interior be, and is hereby, authorized and directed to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of Henry S. Morgan, late of Company D, First Regiment United States Infantry.

The report (by Mr. CONGER) was read, as follows:

The Committee on Invalid Pensions, to whom was referred the bill (H. R. 3359) for the relief of Henry S. Morgan, having duly considered the same, report:

This case was before the Committee on Invalid Pensions during the Forty-sixth Congress, and the accompanying report made thereon, which your committee believe is a fair statement of the facts, and therefore adopt it as their report, and recommend that the bill do pass.

"It appears from the evidence in the case on file in the Pension Office that the petitioner was a private in Company D, First Regiment United States Infantry, enlisted June 16, 1860, and discharged on surgeon's certificate of disability April 1, 1874. His declaration for pension was filed June 1, 1874, alleging—

"'That at Fort Snelling, Minn., by an accident, his left hand was crushed by a car-wheel, causing amputation about four inches above the hand; that when injured he was acting under orders of the sergeant of Company C, on detached duty, between Saint Paul and Fort Snelling, and was traveling alone on his return from Saint Paul to Fort Snelling to join his command.'"

"The Pension Office rejected the claim June 24, 1875, on the ground, 'Not in the line of duty at time of receiving the injury; was absent on a pass.'

"The board of appeals, Interior Department, confirmed the rejection November 23, 1875.

"The Adjutant-General's report for January and February, 1874, states claimant 'present at Fort Snelling sick; nature of sickness not stated. Discharged April 1, 1874, at Fort Snelling, Minn., on surgeon's certificate of disability.'

"The certificate of disability gives as cause of discharge 'loss of left hand, the result of an accident on the railroad when returning from being absent on pass to his post. This occurred 12th December, 1873. Disability total.'

'Capt. H. G. Thomas, of claimant's company, certifies that—

"'December 12, 1873, claimant, returning from Saint Paul to Fort Snelling, fell under the railroad cars in such a way that one or more wheels passed over his left hand, entirely disabling it and rendering amputation necessary. Saw claimant immediately after the accident and he was perfectly sober.'

"William Damphier, first sergeant Company D, in his affidavit, states:

"'Was present with the company at the time of claimant's accident; that a few days previous to the accident affiant had ordered claimant to dispose of his citizen's clothes, and that it was while returning from Saint Paul, Minn., where claimant says he disposed of his clothes, that he had his hand run over by the cars.'

"The examining surgeon of the Pension Office, A. Heger, M. D., December 12, 1873, found him disabled, as alleged, and the disability total.

"There is a conflict of evidence in the case, but the preponderance of the testimony, besides the moral aspect of the case, is in favor of the claimant. He had served nearly eight years in the Army, which of itself is a very good certificate in his favor. The first sergeant of his company testifies favorably in his behalf; and Captain Thomas, who saw him immediately after the accident, says he was perfectly sober.

"Your committee are in favor of giving this soldier a pension on the record, although the evidence submitted to the Pension Office may not have been sufficiently strong to authorize granting a pension there; and your committee report favorably upon the prayer of the petitioner, and recommend the passage of the bill."

There being no objection, the bill was laid aside to be reported to the House with the recommendation that it do pass.

BRIDGET O'BRIEN.

The next business on the Private Calendar was the bill (H. R. 3919) granting a pension to Bridget O'Brien.

The bill was read, as follows:

Be it enacted, &c., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of Bridget O'Brien, widow of James O'Brien, late a member of Company I, Fourteenth Regiment of Illinois Cavalry.

The report (by Mr. CONGER) was read, as follows:

The Committee on Invalid Pensions, to whom was referred the bill (H. R. 3919) granting a pension to Bridget O'Brien, having given the same due consideration, beg leave to report:

That from a careful review of the voluminous testimony in this case on file in the Pension Office, your committee find that Bridget O'Brien is the widow of James O'Brien, late a member of Company I, Fourteenth Illinois Cavalry, who enlisted October 17, 1862, and was discharged July 31, 1865. He died October 26, 1876, of disease of bladder and kidneys. His widow filed her application for pension October 19, 1882, which was rejected April 17, 1885, "because of no medical record in service, nor for several years after discharge."

The following facts are very clearly proven by abundant and competent testimony: That claimant was sound, healthy, and strong prior to and during the first year of his service; that his service was constant and severe; that he was captured on the Stoneman raid in the rear of Atlanta in the summer of 1864, taken to the Andersonville prison-pen, and confined there for several months. On his return he was in feeble health, and so remained until his muster-out, frequently unable to perform duty, but not sent to hospital; hence, "no medical record in service." This is proven by affidavits of lieutenants and commander.

Continuance of disability and gradually failing health after discharge is fully proven by lay testimony up to 1870, and by medical testimony from that time to date of his death; and it is further proven that one Dr. Charlton, who is now dead, treated him from date of discharge until 1870.

From all the circumstances in this case, soldier's prior soundness, his arduous service, his sufferings in prison, his return therefrom enfeebled and broken in health, his continued disability and final death, your committee believe that Congress should grant the relief, which the strict letter of the law would not permit the Pension department to give. They therefore recommend the passage of the bill.

There being no objection, the bill was laid aside to be reported to the House with the recommendation that it do pass.

HIRAM L. WAIT.

The next business on the Private Calendar was the bill (H. R. 3358) granting a pension to Hiram L. Wait.

The bill was read, as follows:

Be it enacted, &c., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of Hiram L. Wait, late a private in Company C, Third Regiment of Iowa Infantry.

The report (by Mr. CONGER) was read, as follows:

The Committee on Invalid Pensions, to whom was referred the bill (H. R. 3358) granting a pension to Hiram L. Wait, having given the same very careful consideration, report:

That Hiram L. Wait, late private in Company C, Third Regiment Iowa Volunteers, enlisted June 5, 1861, discharged August 26, 1865, having been previously transferred to Company 169, Second Battalion Veteran Reserve Corps. On September 25, 1866, he filed his application for pension, alleging the loss of his right arm by accident while on fatigue duty at Cairo, Ill., May 10, 1864, which claim was rejected December 4, 1883, on the ground that the injury was not received in line of duty.

The evidence on file with this case in the Pension Office discloses the following state of facts:

The regiment to which Hiram L. Wait belonged had re-enlisted, and returning from veteran furlough, arrived at Cairo, Ill., about the 8th day of May, 1864; that on the 10th the regiment was ordered to board transports for an expedition up the Tennessee River, and that after the regiment had packed their knapsacks, and were ready to proceed to the transports, the claimant was instructed by the lieutenant commanding his company to take the letters of the command to the post-office, about one mile distant, and to make all haste, in order to be in time to embark on the boats. The soldier, in order to expedite his trip, attempted to board a passing train of cars, and in so doing fell, was thrown under the cars, and his arm so badly crushed that it required immediate amputation. The rejection of this claim by the Pension Office seemed to be based entirely upon the theory that soldier was not in line of duty, because there appears to have been no special and formal order of company or regimental commander detailing the soldier to perform the duty of carrying the mail.

To those who know anything of the hurry and confusion of breaking camp, the anxiety to send a last word to loved ones just before starting on distant and perilous expeditions, it will be a very reasonable supposition that a verbal order should have been given for this soldier to do just what he did do.

The lieutenant commanding company is dead, and so it is impossible to procure his testimony, but the facts are sworn to by claimant and by one comrade, both of whom, it is proven, are men of high character and strict integrity.

The morning report of the company says: "Lost his arm in line of duty." His discharge, written across its face, says: "This soldier lost his right arm by accident, while on fatigue duty at Cairo, Ill., on the 10th day of May, 1864, while in the line of his duty," and it is certified as a true copy of a certificate by the soldier's former company commander, sent to him as a part of his military history when transferred to Veteran Reserve Corps. Discharge signed "S. Cleminshaw, second lieutenant, Veteran Reserve Corps, commanding 169 Company, Second Battalion Veteran Reserve Corps."

From all the evidence in this case your committee are of the opinion that the soldier was acting under orders from his superior officers; that the disability was incurred in line of duty, and that he is clearly entitled to a pension. Wherefore we recommend the passage of the bill.

There being no objection, the bill as amended was reported to the House with the recommendation that it do pass.

ROBERT F. H. GOODE.

The next business on the Private Calendar was the bill (H. R. 619) granting a pension to Robert F. H. Goode.

The bill was read, as follows:

Be it enacted, &c., That the Secretary of the Interior be, and he is hereby, directed to place the name of Robert F. H. Goode, late second lieutenant of Company F, Fifty-first Regiment Enrolled Missouri Militia, now residing in Centerville, Iowa, on the pension-roll, subject to the provisions and limitations of the pension laws.

The report (by Mr. CONGER) was read, as follows:

The Committee on Invalid Pensions, to whom was referred the bill H. R. 619, having given the same due consideration, report:

That Robert F. H. Goode was a sergeant in Company F, Fifty-first Missouri Enrolled Militia Cavalry; that he was wounded in both arms and right hip, his horse being killed under him at the time, on July 8, 1864, in a battle with bushwhackers at Hardin, Ray County, Missouri. He filed his application for pension on account of disability by said wounds August 1, 1884. It was rejected February 17, 1885, on the ground that "the organization to which the claimant belonged was not in the service of the United States. He therefore has no title to pension under existing laws."

Had this application been filed prior to the 4th day of July, 1874, the claimant would clearly have been entitled to a pension under the provisions of clause 3, section 4693, Revised Statutes, providing for pensions to State militia.

The Government has lost nothing by the delay, but has saved the amount of pension that this soldier would have drawn for over eleven years.

Your committee believe the limitation of this statute should be raised in this case, and therefore recommend that the bill do pass.

There being no objection, the bill was laid aside to be reported to the House with the recommendation that it do pass.

MRS. H. B. REHKOPF.

The next business on the Private Calendar was the bill (H. R. 3351) granting a pension to Mrs. H. B. Rehkopf.

The bill was read, as follows:

Be it enacted, &c., That the Secretary of the Interior be, and is hereby, authorized and directed to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of Mrs. H. B. Rehkopf, mother of Augustus Rehkopf, deceased, late a private in Company I, Nineteenth Iowa Volunteers.

The report (by Mr. CONGER) was read, as follows:

The Committee on Invalid Pensions, to whom was referred the bill (H. R. 3351) granting a pension to Mrs. H. B. Rehkopf, have duly considered the same, and beg leave to report:

That Augustus B. Rehkopf enlisted August 6, 1862, as corporal in Company I,

Nineteenth Regiment Iowa Volunteers, and was killed in battle December 7, 1862, at Prairie Grove, Ark. His mother, Mrs. Magdalena Rebkopf, filed her application for pension as dependent mother May 3, 1882, which was rejected June 16, 1885, on the ground of non-dependence at the time of soldier's death.

The testimony in the case established the following facts: That the father of soldier was a saddler and harness-maker at Bentonsport, a small village in Van Buren County, Iowa. The son at the date of his enlistment, and for two or three years previous, had worked at some trade in the shop with his father; that all of his earnings went into the common fund, and that the two together were able to, and did, afford a comfortable living for the family; that father was in poor health, and depended very largely on the son to do the work in the shop; that son's enlistment and death took away one-half of the income from shop; that son's pay in Army was sent home and went to the support of the family, there being at that date five minor children; soldier was a minor at death, and was never married.

The father's health continued to decline, and he died of consumption in 1863. Very thorough examinations by special examiners develop the fact that at time of soldier's death his father was possessed of a house and lot and harness-shop, all worth about $2,000, and a stock of tools and material valued at $1,000; and that the family did live without the son; and it appears that it was upon knowledge of this fact that the claim for pension was rejected.

But it is also in evidence that the business and the income therefrom materially diminished after the son's enlistment, and the mother was compelled to take boarders to help support the family. Since the father's death the mother has supported herself by keeping boarders, and with the help of such contributions as she received from her other children as they grew older.

But she is now old, and in need. She gave her first-born to help save the life of the Republic. He was in great measure her support then, and she had a right to expect that he would furnish her such substantial and material aid as would be necessary for a comfortable support in her old age. Your committee think she is entitled to a pension, and therefore recommend the passage of the bill, with the following amendment: From the name in the title of the bill strike out the initial letters "H. B." and insert the name "Magdalena."

The amendment reported by the committee was agreed to; and the bill as amended was laid aside to be reported to the House with the recommendation that it do pass.

MARY A. FOSTER.

The next business on the Private Calendar was the bill (H. R. 3367) granting a pension to Mary A. Foster.

The bill was read, as follows:

Be it enacted, &c., That the Secretary of the Interior be, and is hereby, directed to place the name of Mary A. Foster, widow of Grigsby Foster, on the pension-roll, subject to the conditions and limitations of the pension laws.

The report (by Mr. CONGER) was read, as follows:

The Committee on Invalid Pensions, to whom was referred the bill H. R. 3367, having given the same due consideration, beg leave to report:

That by special act of Congress approved March 3, 1885, the Secretary of the Interior was instructed to place the name of Grigsby Foster, late a private in Company E, Seventh Regiment West Virginia Volunteer Cavalry, on the pension-roll, subject to the requirements and limitations of the pension laws; but Grigsby Foster died previous to the final passage of this act, namely, on February 18, 1884, by reason of disability contracted in the service.

Your committee have very carefully examined the original evidence on file in the Pension Office, and upon which the special act was passed. The case was a very meritorious one. The disability for which he was pensioned originated in the service, and was so serious as to compel him to live in suffering and poverty continuously thereafter. His widow nursed him faithfully and shared with him the poverty consequent upon the disability incurred in the defense of his country, and should succeed to his pension.

We therefore recommend the passage of the bill with an amendment to the title, so that it will read: "Mary A. Foster," instead of "Mary Foster."

The amendment reported by the committee was agreed to; and the bill as amended was laid aside to be reported to the House with the recommendation that it do pass.

MRS. KATE MILLER.

The next business on the Private Calendar was the bill (H. R. 1292) granting a pension to Mrs. Kate Miller.

The bill was read, as follows:

Be it enacted, &c., That the Secretary of the Interior be, and is hereby, authorized and directed to place on the pension-roll the name of Mrs. Kate Miller, widow of Joseph H. Miller, late a private in Company D, Second United States Cavalry.

The report (by Mr. PIDCOCK) was read, as follows:

The Committee on Invalid Pensions, to whom was referred the bill (H. R. 1292) granting a pension to Mrs. Kate Miller, beg leave to report as follows:

That Joseph H. Miller, the husband of claimant, was a soldier, who was first enrolled August 24, 1861, as a member of Company I, Fifth Regiment New Jersey Infantry, and discharged per General Order 154, War Department; enlisting October 28, 1862, in Company D, Second United States Cavalry. He was discharged February 28, 1864, but re-enlisted on the same date and in the same company, serving until February 28, 1867, when he was discharged by reason of expiration of term of service.

That he filed an application for a pension June 15, 1880, alleging disability from a gunshot wound of left shoulder, received September 19, 1864, in the line of his duty at Winchester, Va., while a member of the last-stated company; that before any disposition was made of the claim, on December 6, 1880, he died, leaving his widow, Mrs. Kate Miller, who has since continued the prosecution of the claim.

That the records of the Adjutant-General's office show his services as before stated; the time and place said gunshot was received; and that "roll, September and October, 1864, reports him absent, wounded, since September 19, 1864, when company was engaged at Winchester, Va., on that date." "Roll, December 31, 1864, absent, sick at McClellan hospital, Philadelphia (wounded)." "Since October 7, 1864, to February 28, 1865, on detached service at Dismounted Camp; April 30, 1865, absent, sick in hospital at Frederick City, Md., since April 7, 1865." "Rolls, October 31 and December 31, 1865, report him absent, sick in hospital at Baltimore, Md., since October 11, 1865."

That the medical testimony in the case shows him to have had, some time after his service aforesaid, severe pains in the left wrist, resulting from the gunshot wound of left shoulder, which gradually extended up the left arm to the left breast, down the side to the small of the back; that these pains became very acute and severe, extending even to the lumbar regions.

That the other testimony presented shows that this disability grew on him from year to year to such an extent that he was disabled fully and over one-half of his time, and at the time of his death, December 6, 1880, totally unfit to perform any manual labor.

That from a close perusal of the medical testimony presented it is shown that the health of Joseph H. Miller declined gradually from frequent attacks of supposed rheumatism or neuralgia, laying him up for weeks at a time; that the disability affected his spine, and that these attacks became more frequent each year until 1878, when he was totally disabled for two years, and then sought medical treatment from physicians other than his family physician, Dr. P. T. Lockwood; but, declining rapidly, died December 6, 1880.

Dr. P. T. Lockwood, of Crystal Springs, Miss., the attending physician, testifies, among other things, that the ball which inflicted this wound was never extracted; that he was satisfied at time of death, and still is of the opinion, that the nervous symptoms were from the effects of the old wounds, the ball in tracks or lodgment, as the case may be, producing lesions that gave rise to constant irritability of the nerve center, under excitement of the circulating system, engorgement, and obstruction of the heart's action, and consequent disease of the large arteries.

Dr. P. T. Lockwood's testimony is very complete, he having had the soldier under his treatment from the fall of 1869 until the date of his death.

This committee, considering the testimony presented them, and the character as a soldier and citizen of said Joseph H. Miller, as abundantly testified to, the length of time of his service, and that the testimony shows from the date of his receiving said gunshot wound up to and until the time of his death he was a constant sufferer from said wound, recommend that the bill do pass.

There being no objection, the bill was laid aside to be reported to the House with the recommendation that it do pass.

JAMES M'ANNY.

The next business on the Private Calendar was the bill (H. R. 1506) granting a pension to James McAnny.

The bill was read, as follows:

Be it enacted, &c., That the Secretary of the Interior be, and is hereby, authorized and directed to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of James McAnny, late quartermaster-sergeant of Company C, First Regiment New Jersey Cavalry.

The report (by Mr. PIDCOCK) was read, as follows:

The Committee on Invalid Pensions, to whom was referred the bill (H. R. 1506) granting a pension to James McAnny, submit the following report:

Your committee find that a similar bill was introduced into the Forty-eighth Congress, referred to the Committee on Invalid Pensions, and reported favorably by that committee. The bill passed the House, but was not reached in the Senate. Your committee adopt the report made by Mr. Bagley in the Forty-eighth Congress, as follows:

"In the petitioner's declaration for a pension he states that he entered the service of the United States on the 27th day of July, 1861, in Company C of the First Regiment New York Cavalry, and was honorably discharged at Camp Bayard, Virginia, on the 12th day of January, 1863. This statement is confirmed by the certificate of discharge.

"The claimant alleges that while on a scouting expedition near Culpeper Court House, in the State of Virginia, he was injured by his horse being shot and falling on him, which broke several of his ribs and hurt his lungs, and that at the same time and place he received a gunshot wound in left leg, and that he was treated in hospital at Washington, and also at Chester Hospital, in the town of Chester, Pa.

"The records in the Adjutant-General's Office show that he was with his company in July and August, 1862; sick and absent September and October, 1862; present for duty November and December, 1862; present, sick, January, 1863, and discharged January 12, 1863, on account of disability. Regular return, July, 1862, reports him among "absent enlisted men;" cause not stated. No evidence of wounds on company roll. From the 28th of July to the 8th of August the company (with the regiment) was in the advance of Pope's Army of Virginia, performing scout and picket duty between Culpeper Court-House and the Rapidan.

"The certificate of discharge, signed by F. V. Dayton, assistant surgeon, says that, having examined James McAnny, finds him incapable of performing the duties of a soldier because of tuberculosis, with great disability, rendering him entirely unfit for duty.

"D. B. Ingersoll, examining surgeon, under date of December 23, 1878, says, that the soldier is totally disabled, and that, judging from the evidence, it is his belief that the disability did originate in the service, and that he finds that the seventh and eighth ribs on left side have been broken, and they now press upon the lung and prevent its expansion.

"As to the applicant's condition prior and subsequent to enlistment, John Moore swears, under date of June 12, 1878:

"'That he has been well and intimately acquainted with the claimant for thirty years; associated with him frequently before and since the war, and knows of his own personal knowledge that he was a stout, healthy man before he enlisted, and free from any disease of lung or injury to leg. Had he not been so, affiant would certainly have known it. Claimant came home from the Army sick with lung disease, which has affected him ever since. Understood he was injured by his horse while in the Army.'

"Peter J. Woolston makes statement under oath substantially as above.

"John E. Cary, M. D., testifies that he has treated McAnny more or less since 1871 for consumption of left lung, which appears more affected than the right lung. 'He has been unable to work at times since I first examined him. He is a temperate man in regard to all things, so far as I know.'

"The claim was deemed inadmissible by the Pension Office because the claimant could not produce the evidence of officers or comrades or of treatment in the service.

"Judging by the claimant's own statement under oath, he did receive the injuries from which he is now suffering in the service and the line of duty, and as he has proven by credible witnesses that he was sound and healthy when he entered the service, and seriously disabled when he left, your committee conclude that he is deserving of a pension, and recommend the passage of the bill."

There being no objection, the bill was laid aside to be reported to the House with the recommendation that it do pass.

PHILIP JACOBS.

The next business on the Private Calendar was the bill (H. R. 1567) granting a pension to Philip Jacobs.

The bill was read, as follows:

Be it enacted, &c., That the Secretary of the Interior be, and is hereby, authorized and directed to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of Philip Jacobs, late of Company F, Fifty-first Regiment Pennsylvania Volunteers.

The report (by Mr. PINDAR) was read, as follows:

The Committee on Invalid Pensions, to whom was referred the bill (H R. 1567) granting a pension to Philip Jacobs, submit the following report:

Philip Jacobs enlisted in Company F, Fifty-first Pennsylvania Volunteers—service, a musician—September 1, 1861; was discharged August 10, 1862.

The applicant claims pension on account of disability from hemorrhoids alleged to have been contracted in the military service in January, 1862, and was rejected by the Department for the reason that the alleged disability is the result of a broken-down constitution, which existed at the date of enlistment. In the notice of rejection is a statement as follows:

"While the evidence will not justify a positive statement that the disability originated from the condition of the soldier's constitution at the time of enlistment, the record evidence is decidedly adverse to the claim for pension, and in view of that record it appears to the Department more probable that the disability originated from the condition stated than from causes connected with the applicant's military service."

The record evidence filed shows the following facts: That claimant was enrolled the 16th day of September, 1861, at Norristown, in Company F, Fifty-first Regiment of Pennsylvania Volunteers, to serve three years, or during the war, and was mustered in the service a private the 16th day of October, 1861, in said regiment. On the muster-rolls of Company F of that regiment for the months of November and December, 1861, he was reported transferred to regimental band, November 16, 1861. Muster-rolls of fields and staff and bands for November and December, 1861, to June 30, 1862, report him musician, present. Discharged the service at Fredericksburg, Va., August 10, 1862, by reason of disability, and no record of origin of piles is alleged.

Examining Surgeon John Schimmet states, December 9, 1878, that he had carefully examined claimant, and that claimant is incapacitated for obtaining his subsistence by manual labor from the cause stated; that the said disability did originate in the service in the line of duty, and is probably permanent; that hemorrhoids were, externally, small, of little account, but claimant complains of frequent and exhaustive hemorrhage from internal hemorrhoids.

William J. Bolton, late colonel said regiment, swears that claimant was a private in Company F; was mustered out with band in August, 1862, and that he contracted piles at Hatteras Inlet, North Carolina, the latter part of January, 1862.

William Darmon, M. D., of Philadelphia, Pa., testifies he has known claimant a great many years, before and since he was in the service; that previous to his enlistment he was a hale and hearty man; that on his return from the service he was so emaciated and debilitated he called on him professionally; that upon examination he found claimant suffering from hemorrhage of the bowels or piles internal, with great irritant inflammation and protruding of the parts, even up to that time causing him many times to keep his room and confined to the house, unable to use any amount of exertion for walking; that since his return from the Army he has not been able to do manual labor, or many times to attend to his business as a musician; also suffering from other chronic affections, rheumatism, ague, and diarrhea, the piles being the most prominent, brought on, as he believes, by exposure and overexertion, caused by long marches, wet, army life and exposure while in the United States service; that said claimant was under his treatment for these diseases at the time of making the affidavit, and in the end would cause his death.

Henry Inderleid, John Rogler, John N. Rogler, Jacob Rogler, certified to be reputable men and entitled to credit, each swear that they were well acquainted with Philip Jacobs previous to his enlistment; that he was a sound, healthy, industrious, able-bodied man, and free from piles.

From the foregoing facts the committee are justified in the conclusion that previous to and at the time of claimant's enlistment he was a sound and healthy man; that he contracted the disease complained of while in the service of his country in the line of duty, which has continued, rendering him unable to perform manual labor by which to obtain a subsistence and which will ultimately result in his death.

Your committee therefore recommend that the bill do pass.

There being no objection, the bill was laid aside to be reported to the House with the recommendation that it do pass.

PETER TOWER.

The next business on the Private Calendar was the bill (H. R. 3562) for the relief of Peter Tower.

The bill was read, as follows:

Be it enacted, &c., That the Secretary of the Interior be, and he hereby is, authorized and directed to place on the pension-roll the name of Peter Tower, late a member of the Eighth New York Heavy Artillery, subject to the provisions and limitations of the pension laws.

The report (by Mr. PINDAR) was read, as follows:

The Committee on Invalid Pensions, to whom was referred the bill (H. R. 3562) granting a pension to Peter Towers, submit the following report:

Peter Towers, the claimant, enlisted September 8, 1864, in Company L, Eighth New York Heavy Artillery, and was discharged June 28, 1865. His application for pension was filed June 26, 1880, claiming a pension for disability incurred in the service as a soldier in the late war. His claim was rejected by the Department on the ground that there was no record of medical treatment in the service or at the time of his discharge, and claimant's inability to furnish the necessary proof to establish the origin of kidney disease in the service.

Examining Surgeon Lemuel Cross states that he (the claimant) claimed to have pain over the lumbar region at times which hurts him to get in and out of a chair; that it is this lumbago which acts on the vaiometer that leads him to believe that his kidneys are at fault, which is corroborated by Examining Surgeon Bendall.

The claimant testifies that prior to his enlistment he resided at Esperance and Richmondville, N. Y.; occupation was farming and driving team; he enlisted in the Twenty-third Battery, New York, September 8, 1864; about January 1, 1865, was transferred to Company L, Eighth New York Heavy Artillery; while in the line of duty he contracted kidney disease; was sent to City Point Hospital; about March 20, 1865, was transferred to Stanton Hospital, Washington, D. C., where he remained under treatment until June 22, 1865, when he was discharged, and returned home; that he is unable to work at any heavy work; that he is unable to furnish medical proof of treatment for said disease immediately after his return from the service, for the reason that Dr. Cornell, who treated him for said disease, is now dead; that he does not know the whereabouts of any of his officers, and can not find them; that he can not furnish testimony of his captain (Robertson), as he (Robertson) was a prisoner at the time he (claimant) joined the regiment; that he can not furnish the testimony of Assistant Surgeon Casey, for the reason that he does not know that he was ever treated by said Casey.

The record testimony shows that claimant was on the roll of the Twenty-third Independent Battery, New York Light Artillery, for September and October, 1864, present; name not borne on roll of battery for November and December, 1864. Muster-roll of Company L, Eighth Regiment Heavy Artillery, reports him present January and February, 1865, with the remarks, "Sick in Second Division hospital;" joined January 16, 1865, and was present March and April, 1865, with the remarks, "Sick in hospital at City Point, Va." Mustered out June 22, 1865, at Washington, D. C.

The records furnish no evidence when taken sick, nor the nature of the sickness; regimental hospital record not on file. Also the claimant, Peter Towers, private Company L, Eighth New York Heavy Artillery, was admitted to Stanton general hospital, Washington, D. C., April 8, 1865, and discharged from service June 22, 1865; also that he entered Second Division (Second Army Corps) hospital, Patrick's Station, Va.; date not stated; was transferred February 16, 1865; entered depot field hospital (Second Army Corps), City Point, Va., February 13, 1865, with sprained ankle, and was transferred April 7, 1865; entered hospital steamer Connecticut; no diagnosis stated.

John Boothwick, Dr. E. Willard Boies, and Peter Hagadorn testify that they knew claimant before and at the time of his enlistment; that he was a sound, healthy, able-bodied man.

Walter Dingman swears that he well knew claimant, and that while in the line of duty, at or near Petersburg, Va., about February 15, 1865, he came to City Point hospital, disabled with kidney disease; that the facts are personally known to affiant by reason of claimant's statement. At the time he came to hospital affiant was a member of Company E, Eighth New York Heavy Artillery, and has no interest in said claim; that claimant looked bad and at the time walked with a cane.

Peter Hagadorn, private of Company E, Eighth New York Heavy Artillery, also testifies that claimant came to City Point hospital with kidney disease.

Dr. E. Willard Boies testifies, in an affidavit filed February 19, 1884, that he has seen claimant two or three times each week for years past; that claimant is only able to do very light labor, and does not believe he can do one-half the labor of an ordinary man.

Dr. John Swinburne, of Albany, N. Y., testifies that he has known claimant for about nine years, and has treated him for kidney disease; did not know him prior to enlistment; treated him first for his left hand, injured between railroad cars, and for kidney disease about May 10 and 18, June 3, 7, 12, 16, 19, and 25, 1873, and July 6, 1873; that he is unable to perform his labors as a healthful man, only about one-half.

Dr. Henry S. Gale swears that he treated him about June, 1872, for nephritic colic and chronic nephrites, and lately for vesical catarrh of bladder, treatment continuing to November 1, 1882; that he is unable to do over one-half the labor of an ordinary man; that the above disabilities still remain to the extent above stated. Affidavit filed February 19, 1884.

Lawrence King testifies that he has long known claimant, and that immediately upon his return from the Army he complained of kidney disease, contracted in the Army, and that he has complained of said disease ever since, and is unable to do ordinary labor.

John J. Dickinson also testifies that claimant was well known to him previous to June, 1865, and ever since his discharge from service he has been complaining of kidney disease, and is unable to do more than one-half day's labor.

Daniel Cady also testifies that he has been well acquainted with claimant ever since his return from the Army, and that claimant was severely afflicted with disease of the kidneys; that prior to his enlistment he knew him to be well and rugged; that he advised claimant to take medicine (niter), which he did, and that it helped him some for a time; that said disease returned, and claimant has been complaining ever since, and not been able to do a day's work that was much labor; that he, affiant, is afflicted with the same disease.

From all the evidence there seems to be no reasonable doubt that the said claimant contracted the disease for which he claims a pension while in actual service during the late war in the line of duty; that he has ever since continued to suffer therefrom, rendering him unable to perform full labor.

Your committee therefore recommend that the bill do pass.

There being no objection, the bill was laid aside to be reported to the House with the recommendation that it do pass.

THOMAS WARD.

The next business on the Private Calendar was the bill (H. R. 3309) to increase the pension of Thomas Ward.

The bill was read, as follows:

Be it enacted, &c., That the Secretary of the Interior be, and is hereby, authorized and directed to increase the pension of Thomas Ward, late of Company B, Eighty-ninth Regiment of Illinois Infantry Volunteers, to $40 per month, from and after the passage of this act (certificate No. 8583).

The report (by Mr. MATSON) was read, as follows:

The Committee on Invalid Pensions, to whom was referred House bill No. 3309, have had the same under consideration, and beg leave to report as follows:

This bill was favorably reported to the House in the Forty-eighth Congress and passed the House, and the report made in that Congress is adopted by this committee, and is as follows:

"This pensioner was wounded in front of Atlanta, Ga., and the left arm was amputated in consequence thereof. On this account he is now receiving a pension of $24 per month. He has proven that at the time he was discharged from the service, and ever since, he has suffered with chronic diarrhea, and that as a result of that disease he has suffered with enlargement of the liver, and paralysis of both legs has resulted, and he can move about now at all times with difficulty, and sometimes not at all.

"He is now allowed at the Pension Office all that can be given him unless he shows such a condition of total helplessness as to require the constant aid and attendance of another person. His condition is not such all the time, but the greater portion of the time it is."

In view of the foregoing facts, well established by the evidence of physicians who are attending him, as well as by other reputable testimony, this committee recommend the passage of said bill, with the following amendment: Add to the bill "in lieu of the pension now received by him."

The amendment reported by the committee was agreed to; and the bill as amended was laid aside to be reported to the House with the recommendation that it do pass.

WILLIAM CONDON.

The next business on the Private Calendar was the bill (H. R. 415) granting a pension to William Condon.

The bill was read, as follows:

Be it enacted, &c., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-roll the name of William Condon, late a member of Company F, Ninth Regiment Iowa Cavalry, now residing in the county of Schuyler and State of Illinois, holder of pension claim numbered 213210, and pay him a pension of —— dollars per month.

The report (by Mr. NEECE) is as follows:

William Condon enlisted at McGregor, Iowa, in August, 1863, and was honorably discharged at Prairie du Chien, Wis., July 4, 1865. His application for a pension is based on the ground that he was thrown from a mule and ruptured in the rectum and testicles, which resulted in blindness. His claim was rejected by the Commissioner of Pensions on the ground that there was no record of disease for which pension is claimed.

It appears from the evidence that the claimant had no family physician before he enlisted, and that he was a sound and healthy man. The Surgeon-General's report in his case shows, "claimant, October, 1864, in the hospital, Little Rock, Ark., sick with injuries of back from fall from a horse." His military record shows claimant in the hospital almost all the time until he was discharged, marked on the records sick. On the 6th of May, 1865, he was transferred from the hospital at Devall's Bluff, Ark., to Prairie du Chien, Wis., and was honorably discharged July 4, 1865.

The claimant testifies that while in the line of his duty, being detailed as a teamster, in 1864, he was hauling water for his company and was riding a mule, when the animal became frightened and threw him to the ground with such force that he became senseless, causing rupture of the rectum and injury to his private parts, from the effects of which he has never recovered; that the inflammation from his injuries received in fall from the mule passed to his eyes and has caused his total blindness, one of his eyeballs having burst.

James Valentine, of Company D of the same regiment, testifies that in the fall of 1864, at or near Devall's Bluff, Ark., the said Condon was thrown from a mule, he being a teamster at the time, and was very badly hurt, so much so that he was sent to the hospital, and that he did not see him again in the service; that prior to that Condon was a sound, healthy man, and was always ready for duty when called upon.

Levi J. Ross, a private in Company D of the same regiment, testifies to the same facts as James Valentine, being present at the time Condon was thrown from the mule. The military record of Ross and Valentine show that they were at the place stated at the time. James Valentine, on being examined by the Pension Department, states that Condon was injured in his head and was senseless after fall up to time he was taken to the hospital.

Dr. Ruple, who is certified to as being a reputable witness, testifies that he has been the family physician of said Condon since 1865; that he came home with an injury to his penis, apparently a bruise, and inflammation of his bladder and kidneys, which resulted in diabetes; that he treated him also in 1865 for weakness of his eyes; that Condon was also treated for prolapsus ani, and at times Condon complained of his head hurting him. That the inflammation seemed to pass to his head, and has caused total blindness, one eye having bursted. That he caused Professor Hughes, of the medical college at Keokuk, to examine said Condon, and that after a careful examination he reported that Condon's loss of sight was the slow but steady work of malarial attacks contracted in the Army in Arkansas.

Said Ruple also testifies that Condon is now very poor, and he and his wife and child are inmates of the Henderson County almshouse. When the weather is warm Condon tries to earn a few pennies by wandering about feeling his way with a stick, peddling pencils, shoe-strings, and other simple notions. And he has always in that county been regarded as strictly honest and temperate in his habits.

Dr. M. Park testifies that he has examined said Condon; he found him suffering from prolapsus ani he claiming that these afflictions came on by being thrown from a mule while in the Army; that from his acquaintance with said Condon for the last ten or twelve years, he has no doubt of the truth of his statements.

A large number of Condon's neighbors who knew him both before and since the war certify that Condon's claim for a pension is meritorious, and they earnestly ask that he be granted a pension.

The board of medical examiners at Burlington, Iowa, May 1, 1878, examined said Condon, directed by the Commissioner of Pensions to examine him carefully for traces of former syphilis. They report after a careful examination that he had none.

The Grand Army Republic Post, No. 172, of which said Condon is a member, speak of his case as follows:

"Hon. W. W. DUDLEY,
"*Commissioner of Pensions, Washington, D. C.:*

"SIR: By the unanimous request of Ellsworth Post No. 172, Grand Army of the Republic, we do hereby submit to your consideration a statement of the case of William Condon, late a private of Company F, Ninth Iowa Cavalry, whose application for pension is numbered 319956, and whose case has been bungled up by his attorneys. The said Condon enlisted in August, 1863, at McGregor, Iowa, and was discharged at Prairie du Chien, Wis., July 4, 1865. While in the line of duty at or near Brownsville, Ark., about the month of July or August, 1864 (having been detailed as a teamster), on returning with four mules he had taken to water, the mule upon which he was riding became fractious and threw him violently on the pommel of his saddle, the pommel between his testicles and rectum. He fainted from pain, falling off the mule, and remained unconscious for a long time, when he returned to consciousness.

"Levy Ross, James Valentine, and two or three others whom he does not remember, came to where he lay and conveyed him to the corral, where he lay for a few days, when he was taken to his regiment at Brownsville, Ark. Remaining there two days, he was sent to Devall's Bluff hospital, Arkansas, where the surgeon told him he could not do anything for him. Continued to remain at said hospital until April 25, 1865, when he was ordered, with seven others, whose names he does not remember, to Prairie du Chien hospital, Wisconsin, being there employed as night-watch until discharged. The said Condon having become blind since his discharge makes it essentially one of our duties, believing his to be a meritorious case, to extend to him all the aid in our power."

After considering all the evidence, your committee is of the opinion that Condon entered the service a sound and healthy man, and was discharged a physical wreck, completely broken down in health from injuries received while in the line of his duty as a soldier. He has become blind and otherwise disabled. His case is one that appeals strongly for sympathy.

Your committee recommend that said bill do pass, with the following amendment: Strike out all after the word "company" in fifth line of the printed bill and insert the words "F, Ninth Regiment of Iowa Cavalry, and pay him a pension according to the provisions and limitations of the pension laws."

The amendment was agreed to.

The bill as amended was laid aside to be reported to the House with the recommendation that it do pass.

GILES C. HAWLEY.

The next business on the Private Calendar was the bill (H. R. 424) to amend the record of Giles C. Hawley, and to place his name on the pension-roll.

The CHAIRMAN. The Chair will state to gentlemen representing the Committee on Invalid Pensions that in this case, although the bill is upon the Calendar, the report has not been received from the Public Printer.

Mr. WINANS. I ask unanimous consent that this bill be passed over informally, retaining its place on the Calendar.

There was no objection, and it was ordered accordingly.

THOMAS T. SMITHERS.

The next business on the Private Calendar was the bill (H. R. 427) for the relief of Thomas T. Smithers.

The bill was read, as follows:

Be it enacted, &c., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-roll the name of Thomas T. Smithers, late a private in Company D, Twenty-eighth Regiment Illinois Volunteers, and to pay him a pension at the rate of ——dollars per month from the —— day of ——, 188-.

The report (by Mr. NEECE) is as follows:

Thomas T. Smithers enlisted August 10, 1861, in Company D, Twenty-eighth Illinois Volunteers, and was discharged March 25, 1862, for disabilities. He applied for a pension July 14, 1879. The case was rejected March 10, 1883, on the ground that the military record of said Smithers shows that the disease—fistula in ano and piles—for which said Smithers claims a pension existed prior to enlistment. The certificate of disability from which said record was made was dated February 25, 1862, at Fort Herman, Kentucky, by G. F. Farwell, captain, and in command of the company. Said certificate states that—

"The said soldier has been unfit for duty forty days. The disease, though unknown to me, seems to have existed prior to enlistment."

It appears from the evidence that the said Smithers has been suffering from the said disease ever since his discharge, and that he has been disabled all of that time from the effect of the same fully one-half, and at many times he is a great sufferer from the effect of the same.

Hugh Ervin, the quartermaster of said regiment, testifies as follows: That said Thomas T. Smithers was frequently detailed to assist him in the duties pertaining to his office, and he particularly remembers his being detailed to assist building the barracks at Fort Holt, Kentucky, which required good, able-bodied men to perform the work, and never heard said Smithers complain of not being able to perform any task imposed on him, but, on the contrary, he was always ready and willing to cheerfully perform any such duty, and was considered a stout and able-bodied man, and that he was acquainted with the said Smithers for several years prior to his enlistment in the service, and he was always considered a stout, able-bodied man, capable to perform any kind of manual labor.

All the evidence agrees that he was a good, faithful, and industrious soldier up to the time of his sickness at Fort Holt, and that he had performed his duty well. Some half a dozen or more of his comrades testify to the hard marching said Smithers did in going from Fort Holt to Camp Crittenden, and that in said march said Smithers was taken sick and never recovered while he remained with the regiment, and that he was discharged on account of said sickness.

Isaac C. Hillyer, a comrade who enlisted in the said regiment with the said Smithers, testifies that said Smithers and himself were examined in a nude condition by the medical examiner at Camp Butler at the time of enlistment, and that said Smithers was very carefully and minutely examined by the surgeon, and was pronounced sound and able-bodied. A large number of Smithers's neighbors and acquaintances, who knew him intimately, some of whom knew him from a small boy, testify that he was an able-bodied man up to the time of enlistment, and free from fistula in ano or piles.

Isaac Turris testifies that said Smithers and himself followed well-digging just prior to said Smithers's enlistment, and that it would have been impossible for said Smithers to have had fistula in ano or piles without his knowing, and that he was a sound man, free from said disease.

William M. Sipe testifies that he knew said Smithers for about ten years prior to his enlistment; that for three years next prior to his enlistment he was with him almost daily, being employed with him at the depot of the Chicago, Burlington and Quincy Railroad, and engaged with him in shoveling grain, pushing cars, and all other kinds of hard manual labor arising from such a position, and knew of his own knowledge that he (Smithers) was not at that time afflicted with fistula in ano. On the contrary, he was one of the most rugged and able-bodied men in the community.

William Hammer and M. A. Jones make similar statements.

Your committee are clearly of the opinion that that part of said military record, that said Smithers's disability existed prior to enlistment, was an error, made probably for the sole purpose of getting said Smithers dismissed from the service.

Your committee, therefore, recommend that the bill be amended as follows: Strike out all after the words "pay him a pension," and insert the words "subject to the provisions and limitations of the pension laws," and that the bill do pass.

The amendment was agreed to.

The bill as amended was laid aside to be reported to the House with the recommendation that it do pass.

JOHN C. FREES.

The next business on the Private Calendar was the bill (H. R. 1989) granting a pension to John C. Frees.

The bill was read, as follows:

Be it enacted, &c., That the Secretary of the Interior be, and he is hereby, authorized to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of John C. Frees, late of Company I, One hundred and twenty-eighth Regiment Pennsylvania Volunteers.

The report (by Mr. SWOPE) is as follows:

The claimant was enrolled August 4, 1862, at Reading, Pa., in Company I, One hundred and twenty-eighth Regiment Pennsylvania Volunteers, and was discharged March 19, 1863, for disability.

Claimant alleges that about September 5, 1862, he came under the treatment of T. A. Helwig, assistant surgeon, One hundred and twenty-eighth Pennsylvania Volunteers, for ulcerated varicose veins of left leg, and the next day was sent to the division hospital at Alexandria, Va., where he remained until October 31, 1862, when he rejoined his company at Maryland Heights, Va. December 2, 1862, was sent to Chestnut Hill hospital, Philadelphia, where he remained until discharged. The varicose veins kept growing worse until November 27, 1875, when the leg was amputated above the knee. This claim was rejected upon alleged evidence showing that varicose veins existed prior to enlistment, and were not due to claimant's military service.

Your committee have carefully examined the evidence of various persons who knew him prior to his enlistment, and they all testify that he seemed to be a hearty, active man, who was constantly on his feet, moving about in the pursuit of his vocation, which was that of a peddler, and that they never heard him complain of his legs. That varicose veins existed in this soldier's leg is entirely a matter of inference from their rapid development after he was exposed to the fatigue and hardships of a soldier's life. But your committee are of the opinion that any such inference is not justified by any evidence, and that it would in this instance work a great hardship on claimant, who is very poor, a cripple, and left by the death of all his relatives entirely alone, and to a considerable extent helpless. He earns a precarious subsistence by keeping an open-air fruit stand.

The point in this case which most forcibly impresses your committee is the

fact that not only is an inference prejudicial to the claimant drawn from the rapid progress of the disease and the absence of any direct proof as to the soundness of the leg prior to enlistment, but that this inference is drawn in spite of the fact that the claimant passed a physical examination by regularly appointed examining surgeons.

Your committee therefore report favorably, and recommend that the bill do pass, with the following amendment: On line 4, after the words "pension-roll," strike out the words "subject to the provisions and limitations of the pension laws," and add, after the word "volunteers," on line 7, the following words: "and that he receive —— dollars per month from the date of the passage of this bill."

The amendment was agreed to.

The bill as amended was laid aside to be reported to the House with the recommendation that it do pass.

ANDREW J. PUTNAM.

The next business on the Private Calendar was the bill (H. R. 2161) granting a pension to Andrew J. Putnam.

The bill was read, as follows:

Be it enacted, &c., That the Secretary of the Interior be, and is hereby, authorized and directed to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of Andrew J. Putnam, late of Company A, One hundred and eighty-seventh Regiment Pennsylvania Volunteers.

The report (by Mr. SWOPE) is as follows:

Claimant was enrolled March 1, 1864, as a member of Company A, One hundred and eighty-seventh Regiment Pennsylvania Volunteers, and honorably discharged on the 3d of August, 1865.

Enos W. Barnes, special examiner, reports as follows:

"Claimant says he received an injury in service and line of duty on or about August 20, 1864, from which he has since been disabled. A 'remark' opposite his name on the case-book of G. H. at York, Pa., in the spring of 1864, shows him to have been admitted there for 'chronic nephritis,' having sustained an injury to his back by a log rolling upon or against him about one year previous to his enlistment. The claim had been rejected upon the strength of this 'record,' but was subsequently reopened. The chief object of the special examination was to ascertain the facts as to claimant's physical condition at and immediately prior to his enlistment. To this end I pushed an earnest and careful inquiry. The absence of the medical evidence as to his condition at return from the service is to be regretted, and prevents a 'thorough' rating of the investigation; still I think a careful analysis of the testimony herewith submitted will satisfy the board of review and the honorable Commissioner that the claim is a meritorious one.

"The claimant denies in straightforward terms the correctness of the adverse hospital record at York, Pa. No evidence could be found by me to shake the force of claimant's denial. He claims to have been, with others, detained there unreasonably and without just cause, and they even formed plans for 'escape,' so as to get to the front for active duty. Arriving at 'the front,' claimant entered heartily into heavy work, and continued it until August 20 or 21, when he alleges incurrence of injury for which he claims pension. Claimant's denial of ever having received an injury to back from a log prior to enlistment is firmly supported by the sworn statement of his wife, who is an intelligent, conscientious, Christian woman, and gave her testimony without knowing what 'the trouble' was or what hindered her husband's claim for pension. Her evidence is interesting, and is believed by the special examiner to be both competent and trustworthy.

"The testimony of every witness examined agrees that claimant was rugged at and prior to enlistment, and that they never knew or heard of his having been hurt by a log, or otherwise injured 'about a year,' or at any other time, previous to enlistment. Upon this point I pushed inquiry faithfully, and far beyond anything shown in the evidence, but could get no adverse hint or light. Had the York hospital record been true, I feel certain it could have been verified, at least in part. Martin N. Davis, a neighbor, worked in that same sawmill up to within eight months of claimant's enlistment. He 'dreaded' claimant as a rival sawyer on account of his energy and activity at that heavy work. If Martin Davis is right, and he takes his dates from entries in his account-books of that ante-bellum period, the adverse hospital record is in error so far as it relates to claimant. Mr. Davis is an intelligent and worthy citizen, and his testimony was given guardedly; it is worthy of careful consideration. I am persuaded that the adverse hospital record at York, Pa., is unjust as to claimant. There is much evidence to support my theory, and none to the contrary. Being so persuaded, I recommend that the claim be admitted."

James C. Criner 'worked hard with claimant before the war," and he was then considered as 'rugged a man" as possible. Claimant tried to work in sawmill after the war but was unable to do so; also "not able to perform manual labor since."

James Campbell, neighbor, says:

"He has known claimant since a boy; he worked for deponent on farm in 1863, and many times previously. He was then a stout, healthy man; did not ask for a better workman."

Lieutenant Culver, of Company A, One hundred and eighty-seventh Regiment Pennsylvania Volunteers, says:

"He knew claimant prior to enlistment a few years; when he left he was in good health and strength. He was marked as a model, willing, and earnest worker."

The evidence as to "rugged health" of claimant is as strong as it could possibly be, and is given by his neighbors and companions, who all knew him well and worked in his company. They testify uniformly as to his being a "rugged and healthy man." It is also testified that as a worker he was notorious in his company, so that his captain on one occasion endeavored to moderate his zeal, and said to him, "You do the work of two men." This state of "rugged health" and hard work on part of claimant continued until the 19th or 20th August, 1864, when, while under arms near Petersburg, Va., and in night-time, he was knocked down suddenly, as is supposed, from the effects of a bursting shell. He was stunned and unable to get up without help; his captain assisted him to his feet; his gun-stock was shattered to pieces. He was not able to go on with his regiment next day on account of injury to back and severe pain caused thereby. Your committee will continue the statement of this gallant soldier in his own words:

"Captain Hart thought I would have to go to the hospital at once, but I begged not to go, thinking I would get better. I did get some better after a few days and tried to do duty, but I found I could not stand it, and after a couple of weeks or so I gave up and went to hospital. Before I went, and after I was hurt by shell, I was taken with piles and have never been free from them since. I have had continuous trouble from my back ever since."

The committee does not think it necessary to enlarge upon the testimony as to the character and services of this hard-working and plucky soldier, and it seems to them hard that a mere hospital "note" attached to his name in the records at York, Pa., where he had gone to be treated for diarrhea, and where he was detained longer than he thought necessary and against his protestations, should be instrumental in keeping claimant for so long a time from the reception of his well-merited pension. As regards the amount of disability the evidence is equally strong and to the point. After his discharge he learned the trade of harness-making, in the expectation that he would be able to pursue it and earn his living; but he found that he was mistaken, his injury even preventing his laboring at that. His wife testifies that she herself does all the hard work of the farm, with occasional hired help, and that her husband is frequently unable to do even the chores. Frequently, also, he is confined to his bed for weeks at a time.

In view of this statement of well-established facts, your committee unanimously and earnestly recommend the passage of the bill.

The bill was laid aside to be reported to the House with the recommendation that it do pass.

MRS. ADA O. KREPPS.

The next business on the Private Calendar was the bill (H. R. 3632) granting a pension to Mrs. Ada O. Krepps.

The bill was read, as follows:

Be it enacted, &c., That the Secretary of the Interior be, and he hereby is, authorized and directed to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of Mrs. Ada O. Krepps, widow of Lieut. John B. Krepps, deceased, late of Company K, Second Regiment Pennsylvania Heavy Artillery.

The report (by Mr. SWOPE) is as follows:

John B. Krepps, the husband of the claimant, was first lieutenant Company K, Second Pennsylvania Heavy Artillery, and received two wounds in battle—one a gunshot wound of left wrist, and the other a gunshot wound of left hip—for which he was in receipt of a pension at the time of his death, which occurred January 9, 1881. The within claim for pension was rejected on the grounds that her husband's death from inanition was not shown to be the result of the wounds which he had received.

The testimony of Dr. Duncan, who for many years was this soldier's medical attendant, and whose standing is reported good, is to the effect that the soldier often complained to him of unnatural feeling and pain in his lower extremities, and that he was frequently obliged to get up and walk about during the night to relieve this. This feeling of numbness continued to increase until he eventually became paralyzed in the lower half of his body, dying of inanition. He states that the progress of the disease and the course it took showed plainly "progressive degeneration of some kind" in the spinal cord, which terminated fatally. He futher states that the ball entered the left hip, was taken out on left side close to spinal column, as shown by the cicatrix, and that, in his opinion, the shock or concussion sustained by the spinal cord at time of being wounded was sufficient to interfere with the nutrition of the cord in after years so as to cause the fatal degenerative disease which caused his death.

Your committee are also of the opinion that the cause of this soldier's death was as is stated by Dr. Duncan—that it was the result of injuries received while in the line of duty—and they therefore recommend that his widow be placed on the pension-roll and that the bill do pass.

The bill was laid aside to be reported to the House with the recommendation that it do pass.

JOSIAH B. SNELL.

The next business on the Private Calendar was the bill (H. R. 1032) granting a pension to Josiah B. Snell.

The bill was read, as follows:

Be it enacted, &c., That the Secretary of the Interior be, and hereby is, authorized and directed to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of Josiah B. Snell, father of Alonzo W. Snell, late a private in Company G, Thirtieth Regiment of Maine Volunteers.

The report (by Mr. HAYNES) is as follows:

Josiah B. Snell filed a claim for pension as dependent father of Alonzo W. Snell, late a private in Company G, Thirtieth Regiment Maine Volunteers, who died at New Orleans, La., of chronic diarrhea, April 13, 1864. Claim was rejected upon ground that claimant was able to support himself at the time of soldier's death; was but forty-seven years old in 1864, and found to be only one-fourth disabled in 1881.

The petition of claimant to Congress sets forth at considerable length—

"That he was dependent upon said son for support, and that his labor up to the time of his enlistment went wholly for the support of himself and family; and that when he enlisted he paid over to him, the said Josiah B. Snell, the amount received as bounty, which he used for the benefit of himself and family. * * * That at the time of the enlistment of said Alonzo W. he was in possession of a small piece of land situated in Mercer, * * * but he never had a deed of the land for the reason that he never paid for the same. The amount agreed to be paid for said land was $225."

Claimant further sets forth, in substance, that he was exempted from taxation by the town on account of his poverty several years, about the time of his son's enlistment, and that he is at present badly crippled by rheumatism and by bone sores in his arm and leg, from which large pieces of bone have from time to time come. The following points are fully established by the evidence on file in the Pension Office:

By C. H. Allen and C. N. Wood, assessors of Mercer, that the amount of real estate taxed against Josiah B. Snell from 1861 to 1865, inclusive, was $120 each year.

By W. M. Higgins and Anthony Brackett, assessors, 1881, that on account of said Snell's infirmity and poverty the taxes assessed against him in 1874 were abated by vote of the town, and also in subsequent years.

By five different affiants, neighbors, that at time of son's enlistment in 1864 claimant was a poor man; wife sick with consumption; needed all the help his son could give him; said son was faithful to his parents; father received pay for son's labor in provisions for use of the family; son worked for them on their farms, and they paid the father for such service.

By Charles H. Allen, selectman, that claimant, as shown by town records, received $273, State aid, in 1864 and 1865.

By several witnesses, showing soldier's contributions to the support of his parents.

Claimant's crippled physical condition is also fully established. Dr. Hiram R. Corson, of New Sharon, Me., states that he was called to see Josiah B. Snell April 21, 1884, and found him totally disabled.

"His disability was caused by disease of bone of right arm, causing severe swelling and inflammation of the entire arm and hand. Have examined him since above date, and find varicose veins of both legs, the abdomen, and left groin, some of the veins being very large. His right shoulder is deformed, apparently the result of an injury. I believe said Snell is now able to perform about one-third or one-fourth of a man's work."

The report of G. A. Wilbur, examining physician, made October 20, 1881, shows substantially the same physical disability.

The committee recommend the passage of the bill.

The bill was laid aside to be reported to the House with the recommendation that it do pass.

ANDREW J. HILL.

The next business on the Private Calendar was the bill (H. R. 1471) increasing the pension of Andrew J. Hill.

The bill was read, as follows:

Be it enacted, &c., That the Secretary of the Interior be, and hereby is, authorized and directed to place on the pension-roll the name of Andrew J. Hill, late adjutant of the Third New Hampshire Regiment, at the rate of $25 per month, in lieu of the sum now paid him.

The report (by Mr. HAYNES) is as follows:

Andrew J. Hill is now over eighty years of age, and has served his country in two wars. For disabilities incurred in the war with Mexico (diarrhea and liver complaint) he was pensioned at the rate of $4 per month, which continued until the outbreak of the civil war, when he surrendered it and again entered the military service as adjutant of the Third New Hampshire Regiment.

He resigned his commission April 8, 1862, on account of disabilities incurred under circumstances stated as follows by his colonel, John H. Jackson:

"While present with his regiment at Edisto Island, on or about April 4, 1862, in the line of his duty, engaged in bringing an order to affiant from one of the outposts, his horse shied while passing through a gateway, causing claimant to be thrown heavily to the ground, and severely injuring his left hip, knee and ankle, disabling him to a considerable extent, so that he was incapacitated from performing but very little military duty until his resignation was accepted."

He was pensioned for said disability at the rate of $8.50 per month, and his claim for increase is rejected "on the ground that the claimant is now receiving pension commensurate with the degree of disability found to exist by reason of injury to left leg."

This decision is antagonistic to the conditional recommendation of the Portsmouth examining board, contained in their report of his final medical examination, under date August 26, 1885, as follows:

"Upon examining the applicant we find the following objective conditions, which, in our judgment, do entitle him to an increased rating: Injury to left leg; measurement makes the left leg an inch larger than the right; no especially tender points; increase in size extends from thigh to ankle. * * * He locates his sciatic pain along the course of the internal saphenous vein, which is marked with varicosities from thigh to ankle, and to which we attribute the increase in size of leg. We should rate him something for the varicosities if there was evidence that they were contracted in the service, say three-eighths, conditionally."

Also, as indicating the claimant's physical condition, we have the joint affidavit of William H. Sise and W. S. Walker, two highly respectable citizens of Portsmouth, that on account of his lameness he is almost totally incapacitated from following his occupation as house-joiner, and the statement of S. C. Whittier, M. D., late surgeon Twenty-third Regiment Massachusetts Volunteers, under date February 9, 1883, as follows:

"I hereby certify on honor that I am the family physician of Alfred J. Hill, of this city, who has been under my care, professionally, for the past five years most of the time. Mr. Hill has been an invalid for most part of the time, and a part of it he has been mentally as well as physically in a very precarious way. At the present time his health is much better than for a long time previous. He has not been fit or able to do manual labor for the past two or three years, nor is he now able to do any work, either mental or physical, and will never, in my opinion, be in condition to do any kind of labor. I consider him a broken-down man, and, as he claims, I think the service rendered by him during the late war had much to do with his present debilitated condition. I am free to say that I think he should have a full pension, and hope that this statement may be instrumental in producing that result."

In consideration of his patriotic services in two wars, of his advanced years, and of his established disability beyond that for which he is pensioned and very likely attributable to the same injury, we recommend that he be given the full disability pension of his rank and report the bill favorably with the following amendment, viz: In line 6, strike out the words "twenty-five" and insert the word "seventeen."

The amendment was agreed to.

The bill as amended was laid aside to be reported to the House with the recommendation that it do pass.

MARY G. COLBY.

The next business on the Private Calendar was the bill (H. R. 1474) granting a pension to Mary G. Colby.

The bill is as follows:

Be it enacted, &c., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-roll, at the rate of $8 per month, the name of Mary G. Colby, widow of Amos C. Colby, late a private in Company I, Third Regiment New Hampshire Volunteers, said pension to commence from and after the passage of this act.

The report (by Mr. HAYNES) is as follows:

Mary G. Colby is the widow of Amos C. Colby, formerly a private in Company I, Third New Hampshire Volunteers. She is sixty-eight years of age, and claims a pension by reason of her husband's death (December 30, 1882), resulting, as she contends, from disability contracted during his army service, from August 11, 1862, to May 7, 1863, when he was discharged. Said Colby, on his application and accompanying proofs, was allowed a pension for sciatica or chronic rheumatism, of $6 per month from the time of his discharge to September 24, 1881, and thereafter $8 per month until he died.

The widow's claim was rejected at the Pension Office, September 23, 1885, on the ground that the cause of her husband's death, viz, pneumonia, "was not due to or connected with his military service."

The evidence filed in the Pension Office shows clearly that the deceased was a sound and healthy man when he enlisted, and that his discharge was ordered solely on account of his permanent disability from rheumatism. From the time of the soldier's return home from the Army, on crutches, to his decease, in 1882, the history of the case is one of increasing debility and gradual decline.

Dr. W. B. Moody, a reputable examining surgeon, certifies that he frequently treated him from discharge until death; that Colby had a mild attack of pneumonia a few days before his decease, which was confined to the right lung, and would not have proved fatal if nothing else had ailed him; that the soldier had long been and was incurably diseased from rheumatism, sciatica, heart trouble, and diarrhea, caused by his army service; and in Dr. Moody's opinion Colby could have survived but a short time even if the pneumonia had not intervened. The truth really is that the soldier's strength and vitality had become so much reduced by the long-continued and increasing severity of his disability contracted in the Army—and for which his pension was granted—that he was unable to withstand a very slight attack of pneumonia, and therefore died.

This is the opinion concurred in by two good physicians who had known the deceased ever after his discharge, and who attended him during his last illness.

Mrs. Colby is an old lady, and needs the pension for her support.

Your committee therefore recommend the passage of the bill.

The bill was laid aside to be reported to the House with the recommendation that it do pass.

ADDIE L. MACOMBER.

The next business on the Private Calendar was the bill (H. R. 1462) granting a pension to Addie L. Macomber.

The bill is as follows:

Be it enacted, &c., That the Secretary of the Interior be, and is hereby, authorized and directed to place on the pension-roll the name of Mrs. Addie L. Macomber, a volunteer nurse in the late war, giving her the sum of $25 a month from and after the passage of this act.

The report (by Mr. HAYNES) is as follows:

Addie L. Macomber was one of the noble women who performed so important a service in ministering to the sick and wounded during the war for the Union. The papers filed with the committee show long and almost continuous service, a faithful performance of duty which endeared her to those under her charge, and present physical infirmities and weaknesses of a serious character attributed to her labors in the hospitals.

In her own statement she says:

"I entered Camden Street United States General Hospital, Baltimore, in the spring of 1862; remained there continuously till 1865, with the exception of three months' leave of absence for the benefit of my health. In lifting my sickest patients to administer food and medicine I injured myself severely, and the effect of that injury will follow me through life. I became a widow in 1861, and I have no property, real, personal, or mixed. I am unfitted to do heavy manual labor, and am unable to obtain a position in the Departments on account of the civil-service law; am entirely dependent upon my own exertions for support."

The Surgeon-General, United States Army, certifies the period of Mrs. Macomber's service as from July 9, 1862, to April 14, 1864, and from August 28, 1864, to May 23, 1865, and there are several testimonials as to the character and efficiency of her services.

From John Neff, M. D., of Baltimore, Md., formerly assistant surgeon, United States Army:

"This certifies that Mrs. Addie Macomber was a nurse in the wards of which I had charge in Camden Street United States Army General Hospital, Baltimore, during the years 1862-'63-'64, and that she was faithful and efficient in the discharge of the arduous duties of her position, doing much to alleviate the sufferings of our sick and wounded soldiers."

Thomas G. Haviland, of Georgetown, D. C., says:

"This will certify that during the war of the rebellion (1861 to 1865) I was on duty in the Camden Street General Hospital, Baltimore, Md., as a hospital steward, United States Army, and am cognizant of the fact that Mrs. A. L. Macomber rendered faithful and efficient service therein as a nurse for more than two and one-half years."

P. H. Wheeler, of Washington, D. C., formerly of Company A, Sixteenth Massachusetts Volunteers:

"During our late war, in the summer of 1862, I was a patient in the soldiers' hospital, Baltimore, Md. Mrs. Addie L. Macomber was in charge, as nurse, of our ward in said hospital, and I am pleased to certify that she was faithful, attentive, and always willing and ready to render assistance with that patience and kindness which endeared her to us all."

And most significant of the affectionate regard in which she was held for her good works by our sick and wounded soldiers, was the following memorial, addressed to her and bearing the signatures of twenty-eight soldiers, representing thirteen States:

"We, your patients in the Camden Hospital, take occasion, on the eve of your departure from among us, to express our regret in sustaining the loss of one whom we have learned to love as a friend and esteem as a faithful nurse—one who understands and is competent to provide for the wants of men in our situation. If in after years trouble shall gather around thy pathway and the course in life seems dark and cheerless, turn to this page of love's labor and here find the encouragement we desire to extend you; and whether you shall again come among us to make cheerful the sick couch or to bind the fractured limb, or shall choose to pass the remainder of your days amid the quiet of your native State and among the cherished friends of earlier times, carry with you the assurance that our kindest wishes go with you, and that you will retain a warm place among those of our remembered friends."

Caroline B. Winslow, M. D., of Washington, D. C., certifies:

"I have known and treated Mrs. Addie L. Macomber for prolapsus recti and uteri, which she informed me, sixteen years ago, when first my patient, she contracted by lifting patients and overwork while acting as nurse in military hospital during the civil war."

The committee think Mrs. Macomber's services fully entitle her to the recognition which has been accorded to others of her class, and recommend the passage of the bill, with the following amendment, namely: In line 6 strike out the words "twenty-five" and insert the word "twelve."

The amendment was agreed to.

The bill as amended was laid aside to be reported to the House, with the recommendation that it do pass.

LYDIA A. NELSON.

The next business on the Private Calendar was the bill (H. R. 1456) granting a pension to Lydia A. Nelson.

The bill is as follows:

Be it enacted, &c., That the Secretary of the Interior be, and he hereby is, authorized and directed to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of Lydia A. Nelson, widow of the late John W. Nelson, of Company K, Fourteenth Regiment of New Hampshire Volunteers.

The report (by Mr. HAYNES) is as follows:

Lydia A. Nelson is the widow of John W. Nelson, formerly of Company K, Fourteenth Regiment New Hampshire Volunteers, who was pensioned for gunshot wound in right foot. He died July 22, 1879, of peritonitis, as established by a post-mortem examination. The widow's claim was rejected upon the ground that the soldier's death resulted from disease originating after his discharge. There is not a line of direct evidence on file indicating that his fatal disease was contracted subsequent to his discharge. On the contrary, every inference to be drawn from the evidence connects it with his military service, and the only defect is that it is not medically established.

We append to this report the evidence as briefed by the Pension Office, and recommend the passage of the bill.

BRIEF OF EVIDENCE FROM PENSION OFFICE RECORDS.

"Benjamin P. Hagget, late of Company K, Fourteenth New Hampshire Volun-

teers (service and presence verified by Adjutant-General): 'That in July, 1863, while the regiment was encamped at Gales's woods, near Washington, D. C., he first heard soldier complain of a "trouble in his stomach," and afterward heard him complain frequently of the same trouble in his stomach, and was often obliged to be excused from duty. He was sound and robust before enlistment. Frequently saw him after discharge, and he said always that he was still troubled with the trouble in his stomach.'

"Benjamin Baker, comrade and tent-mate (service and presence verified by Adjutant-General): 'About July, 1863, he began to complain of pain in the stomach. Have known him to be excused from duty on account of said pain. Have known him to get medicine from the surgeon for it. Saw him almost every day after his discharge until he left Pembroke, in 1879, and during all of this time heard him frequently complain of pain in his stomach.'

"Frank P. Robinson, comrade (service verified by Adjutant-General): 'While in service heard soldier complain of trouble in his stomach, and was frequently excused from duty. I saw him occasionally from discharge until his death, and whenever I asked him after his health he would speak of still being troubled with the stomach difficulty. He was in good health at enlistment, and always attributed his troubles to exposure and lying on damp and cold ground, and to eating salt food.'

"Butler H. Phillips, M. D., testifies 'that his books show that he treated him in 1865, but does not remember the disease, but thinks, from his prescriptions, it was stomach troubles.'

"Moses W. Russell, M. D., testifies: 'Was called to treat him first in 1873. He had a severe attack of peritonitis. He represented to me at the time that he had been subject to such attacks at regular intervals for several years. Have given him medicine several times, but was not his regular M. D. Was present at *post mortem* July 22, 1879. There was abundant evidence of peritonitis of long standing. It involved the peritoneal covering of the intestines and omentum. His death was undoubtedly caused by a recent attack of same disease, system being greatly weakened by the previous and repeated attacks.'"

The bill was laid aside to be reported to the House with the recommendation that it do pass.

MRS. MARY E. SAWYER.

The next business on the Private Calendar was the bill (H. R. 3452) granting a pension to Mrs. Mary E. Sawyer.

The bill is as follows:

Be it enacted, &c., That the Secretary of the Interior be, and hereby is, authorized and directed to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of Mary E. Sawyer, widow of the late Samuel Sawyer, late of Company K, Twenty-third Massachusetts Volunteers.

The report (by Mr. HAYNES) is as follows:

Samuel Sawyer was a pensioner at the rate of $4 per month by reason of disease of lungs contracted while in the military service as a private in Company K, Twenty-third Regiment Massachusetts Volunteers. He died May 24, 1885, and widow's claim was rejected from evidence showing relation between cause of death and cause for which pension was claimed being insufficient under the rules of the Pension Office.

George E. Allen, M. D., of Auburn, N. H., makes affidavit as follows:

"I am a physician, and attended Samuel Sawyer, a pensioner, in his last illness, and the said Sawyer died in said Auburn on the 24th day of May, 1885, by reason of paralysis from tubercular meningitis, which, in my opinion, was induced by disease incurred in the service of the United States, and for which he was in receipt of a pension."

In response to a subsequent inquiry from the Pension Office, he says:

"My diagnosis was not in any way verified by an autopsy. In my opinion, some of the tuberculosis material was carried to the meninges of the brain, which caused the paralysis."

Dr. Allen's veracity and good reputation are vouched for by the postmaster at Auburn. While the evidence is not conclusive under the rules governing the Pension Office, it seems to be all that the circumstances of the soldier's death renders possible to procure. It is direct and explicit, and in equity should not be ignored to the widow's distress and disadvantage from a lack of cumulative evidence.

We recommend the passage of the bill.

The bill was laid aside to be reported to the House with the recommendation that it do pass.

GEORGE H. CAMPBELL.

The next business on the Private Calendar was the bill (H. R. 291) granting a pension to George H. Campbell.

The bill is as follows:

Be it enacted, &c., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-roll, subject to the conditions and limitations of the pension laws, the name of George H. Campbell, late lieutenant-colonel of the One hundred and sixth Illinois Infantry Volunteers of the late war, and to pay him a pension as provided in such laws.

The report (by Mr. NEECE) is as follows:

The claimant, George H. Campbell, entered the service August 17, 1862, as lieutenant-colonel, and was discharged in April, 1863, on account of disability for service. At the time of his discharge he was lieutenant-colonel of the One hundred and sixth Illinois Regiment. He filed his application for a pension October 9, 1882, for a rupture of the left side, caused while in the line of his duty near Jackson, Tenn., in January, 1863, and contracted by hard riding on his horse and jumping across a ravine. The military record of the claimant furnishes, however, no record of said disability. The evidence shows that the claimant was sick and unfit for duty after December, 1862, and that on account of being sick he tendered his resignation, the surgeon of the regiment recommending that said resignation be accepted. On the ground that there is no record evidence that hernia existed in the service, his pension claim was rejected. A. H. Lanphier, who was surgeon of the regiment, certified April 10, 1863, that said claimant was suffering from pulmonary tubercular disease.

The evidence of Dr. L. L. Leeds, who was claimant's family physician before he entered the service, and a large number of reputable witnesses, who were well acquainted with said Campbell, testify that said claimant was a sound and healthy man before entering the service; and it is very clearly established that when he returned from the Army in April, 1863, he was sick, and has remained in bad health ever since. The evidence establishes the fact that claimant, while in command of his regiment, in November, 1862, forced his horse to jump a ravine, and that the claimant was thrown on the horse's neck; that he seemed at the time to be badly hurt; that immediately after the claimant became sick, and for a while spat bloodfreely; that claimant continued to fail in health up to the time he resigned, in April, 1863.

These facts are testified to by Col. Robert B. Latham, who was colonel of the regiment; that immediately upon claimant returning home sick he called on Dr. Leeds, who treated him, and that he got no better; that he called upon Dr. Leeds again, and the latter, learning of the strain resulting from the riding and jumping above alluded to, caused the claimant to strip, and, for the first time, learned that he was ruptured in the left groin, from which rupture he is still suffering. This examination was made within ten days after the claimant returned home from the Army. The claimant swears that he did not know that he was ruptured until informed of the fact by Dr. Leeds; that he was treated for the same ailment while in the service, but that neither he nor the doctor knew that he was ruptured; and he further swears that he was not ruptured before entering the service of the United States.

It appears conclusively, from the evidence, that said rupture has been growing worse ever since, until the claimant is totally disabled; that he is a very poor man and in needy circumstances.

Your committee is of the opinion that the said Campbell received his rupture while in the military service of the United States and in the line of duty, in November, 1862, near Jackson, Tenn. Therefore, they recommend that said bill do pass.

The bill was laid aside to be reported to the House with the recommendation that it do pass.

ABIGAIL SMITH.

The next business on the Private Calendar was the bill (H. R. 3019) to increase the pension of Abigail Smith.

The bill is as follows:

Be it enacted, &c., That the Secretary of the Interior be, and he is hereby, authorized to increase the pension now allowed by law to Abigail Smith, widow of the late John E. Smith, deceased, formerly a private in Company G, One hundred and sixtieth Regiment New York Volunteers, from eight to twenty dollars per month.

The report (by Mr. SAWYER) is as follows:

That said Abigail Smith is now on the pension-rolls and receiving a pension at the rate of $8 per month, as the widow of John E. Smith, late a private in Company G, One hundred and sixtieth Regiment New York Volunteers.

That it appears by the affidavit of George B. Smith and the written statement of Hon. R. S. Stevens, a member of the last Congress, that they are acquainted with Mrs. Smith; that since she was placed on the pension-rolls she has become entirely blind, beyond any possibility of cure; that she is a woman of excellent character, and except from her pension she is dependent upon the charities of others.

The committee are satisfied that this is a meritorious case for an increase of pension, and therefore report that, in their opinion, the said bill should pass, after being amended by striking out the word "twenty" in the last line and inserting the word "twelve" in place thereof.

The amendment was agreed to.

The bill as amended was laid aside to be reported to the House with the recommendation that it do pass.

MRS. ELLEN S. TOLMAN.

The next business on the Private Calendar was the bill (H. R. 1152) for the relief Mrs. Ellen S. Tolman.

The bill is as follows:

Be it enacted, &c., That the Secretary of the Interior be, and hereby is, authorized and directed to place on the pension-roll the name of Mrs. Ellen S. Tolman, late an army nurse, at the rate of $25 per month.

The report (by Mr. LOVERING) is as follows:

Ellen S. Tolman is one of the corps of noble women who in the early days of the war became interested in the great and holy work of ministering to the sick and wounded of the Union armies. This she did freely, giving of her time as a volunteer nurse, spending her means without thought then of reimbursement by the General Government, nor has she ever asked it, though, beside the time which she gave, she spent several thousands of dollars in prosecuting the work, which she continued from the first Bull Run fight, in 1861, down to February 15, 1863, when she was prostrated by a malarial typhus fever, from the effects of which she never recovered, and which compelled her finally to abandon the work she had so successfully prosecuted. She was a woman of slight build, and in her zeal and enthusiasm worked far beyond her strength, keeping upon her feet until she completely collapsed and broke down. The attack of fever was preceded by convulsions, and for twelve days thereafter all was a blank to her.

Dr. Stanly, of Winthrop, Me., who attended her, then said if she lived until her fever ran its course it would result in consumption or malarial abscesses. The sequel shows that the result was abscesses, from which she has suffered most intensely, having had them on the arm so severe as at one time to suggest amputation as the only means of saving her. Afterward, upon the back, knee, ankle most painful abscesses appeared, which were opened with the knife while she was under the influence of ether. About the 10th of June, 1863, she was able to be removed to her home in Maine, and on August 10, the same year, she was enabled to move painfully around by the use of crutches, and only the last of September was she able to discard them. With returning strength she felt it her duty to again resume her work. She came to Washington, but an attempt to take up the work resulted in complete failure, and she was compelled to again submit to treatment by Dr. Andrews, then at the King street hospital in Alexandria, for a new abscess which formed upon her knee, which finally compelled her to abandon further attempt to aid in the good work so much appreciated by those who had the misfortune to need such ministrations.

In prosecuting this work she had a pass, signed by President Lincoln, authorizing her to enter all hospitals within the Union lines, day or night, and furnishing her with conveyance and escort if necessary.

The evidence submitted is most complete as to the untiring zeal and unflagging spirit with which she labored until, overcome by disease contracted in the work, she was obliged to relinquish further efforts in behalf of our sick and wounded.

Brig. Gen. George L. Beal says, under date of November 14, 1885:

"While I was colonel of the Tenth Maine Regiment I know from personal experience that she gave her entire time in looking after the wants of and seeing that every care and attention was given to those in the hospitals. She became almost indispensable to the officers of my regiment in looking after their men; and any information as to their whereabouts or condition could always be obtained by sending to her. I take great pleasure in recommending her to the kind consideration of our Government, believing its bounties can not be more worthily bestowed than in granting her a pension."

Col. J. W. Hathaway, State agent for Maine, says:

"During my term of office, which ended in the spring of 1863, she continued a devoted and capable assistant in relieving the suffering of our sick and wounded men, until prostrated by serious illness, the result of her charitable work. To the best of my knowledge and belief her labor and sufferings were unremunerated, and I think she is entitled to compensation from the Government."

Hon. Sidney Perham, ex-governor of Maine, says:

"I was in Washington much of the time during the war, and had occasion to

know that she spent her time in the interest of the soldier, and that she rendered most efficient service until she was prostrated by a severe fit of sickness attributed to this work. She has been in feeble health ever since. I earnestly hope some provision may be made for her to receive a pension."

Ex-Vice-President Hannibal Hamlin, under date of August 8, 1885, says:

"It was my pleasure to know and to be well acquainted with Mrs. E. B. Tolman. She did a most patriotic and Christian service in the hospitals in and around Washington during the late war. She was a long time in the hospitals; from my recollection more than two years. Her services were well discharged, and, I have understood, all voluntary."

Affidavits are also presented from C. C. Hayes, late "State agent in the field" for Maine, from William K. Neal, of Portland, Me., late paymaster's clerk from 1862 to 1865, as to the great value of her unpaid services; also from soldiers who were nursed by her, one of whom, George F. True, of Auburn, Me., says:

"At the time I was sick in the hospital, from my personal knowledge, I am of opinion that several soldiers' lives were saved by her ministrations, and I know I was greatly indebted to her for my recovery."

She also presents evidence of residents of South Paris, Me., who have known her from childhood, and who testify to her enjoying the best of health previous to her service in Washington in 1861. Also from acquaintances in Lawrence, Mass., where she now resides, showing that since service she has had several attacks of sickness when her life was endangered, and that her health will not allow her to attend to her household duties.

Dr. G. Howard, her family physician, certifies—

"That she suffers from valvular disease of the heart, undoubtedly dependent upon or caused by stenosis of the pulmonary veins. There is also enlargement of liver and spleen, caused undoubtedly by malarial influences contracted while in service in the various hospitals in and about Washington during the late war. She has been a great sufferer for many years from the above causes, and there is no probability that she will ever be any better. The condition of heart is such that exertion of almost any kind causes her much distress and suffering."

Her husband, Eleza B. Tolman, was a private in Company D, Second Maine Volunteers; enlisted April 29, 1861, and was discharged August 8, 1862, for disability contracted in the service resulting in attacks of pleurisy, and any exposure or exertion caused these pains, which centered around the heart, rendering him unfit for any ordinary labor. He never received bounty or applied for pension. They have three children, none of whom are self-supporting. To keep themselves along and fight the wolf they have been forced to sell their farm, and for the past few years have only succeeded in paying expenses by the kindness and liberality of friends.

Your committee are of opinion, where the Government has had the almost (in those days) invaluable services freely and without price, and at the expense of years of physical suffering, as the evidence in this case discloses, of such a noble and devoted woman, there can be no question as to its duty in the premises.

They therefore recommend the passage of the accompanying bill.

The bill was laid aside to be reported to the House with the recommendation that it do pass.

PHILOMENA E. NOLAN.

The next business on the Private Calendar was the bill (H. R. 3481) granting a pension to Philomena E. Nolan.

The bill is as follows:

Be it enacted, &c., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-roll the name of Philomena E. Nolan, of Stoneham, Mass., a disabled daughter of John Nolan, late a private in Company D, Thirty-third Massachusetts Volunteers, and to pay her a pension of $18 a month.

Mr. PRICE. Mr. Chairman, I would like to inquire why it is that $18 is fixed as the pension in this case when the usual rule is $12. There may be some reason that I do not know, but I can not see it.

The CHAIRMAN. Does the gentleman desire to have the report read?

Mr. JOHNSTON, of Indiana. I wish to have the report read.

The report (by Mr. LOVERING) was read, as follows:

Philomena E. Nolan is the daughter of John Nolan, late a private in Company D, Thirty-third Massachusetts Volunteers, who enlisted July 14, 1862, and was killed in battle at Dallas, Ga., May 25, 1864. This girl, at the tender age of sixteen, met with a most terrible accident, which, besides rendering her a helpless invalid for life, also disfigured her in such a shocking manner that even to-day it would make a strong man shudder to gaze upon her deformity. Through the poverty of the family she was forced to become an operative at the age of fourteen years in order to aid in her support. The records of the Massachusetts general hospital, where she was taken for treatment, give the story of the accident and her disfiguration therefrom so fully that the committee quote from it, as follows:

J. K. Phillips, M. D., house officer, under date of December 13, 1885, furnishes the copy of Surgical Records, vols. 154–157:

"Minnie Nolan, æt. 16; occupation, operative; single; duration, five hours; birthplace, Stoneham; residence, Stoneham, Mass. On the 6th of September, 1872, was caught by the hair in machinery and the whole scalp torn off completely from an inch below the occipital protuberance to the bridge of the nose, the ears on both sides escaping, while both upper eyelids were torn off. The scalp was completely detached from the head. When first seen at the hospital the hair had been cut and the scalp reapplied and held in place by sutures. For several days she suffered much pain, requiring repeated opiates.

"September 11, on account of the extensive injury to the part, a sloughing process began on the right side of scalp. Two days later the front portion of the scalp became dead, and the gangrenous parts, from the corners over temporal regions, were removed. Later, lower portions of scalp about neck died, leaving a raw surface extending from ear to ear behind. This sloughing process continued in spite of every precaution, so that on the 26th of September the whole scalp, save a piece the size of a half dollar, had come off the head. Granulations slowly encroached upon the surface of the bone, and repeated attempts at skin-grafting were made, but the condition of the granulations were such as not to permit of successful grafting. The girl's mother became desirous of taking her home, and, inasmuch as it was thought that the country air might improve her general health, she was advised to take her home, with the expectation that if her head improved she should return to try skin-grafting; consequently on September 30 she was discharged, not relieved.

"March 20, 1873, she returned to the hospital in much the same condition as when discharged. After five days, with very slight improvement, she again returned to her home.

"September 23, 1877, the patient returned to hospital. Since her previous entry there had been two thousand five hundred grafts put on her head.

"There was a thin skin over the whole head, which occasionally broke down and ulcerated. In the process of cicatrization both eyelids became turned inside out; that of the left eye more than the right.

"September 25 Dr. J. Collins Warren operated, the patient being etherized. The extreme ectropion of the left eye was relieved. Endeavor was made to transplant a piece of skin from the thigh to the denuded skull. This graft remained in place several days, but sloughed off eventually."

Dr. J. Collins Warren, visiting surgeon Massachusetts general hospital, says of this case, under date of December 16, 1885, quoting from records:

"The accident which happened to this girl is probably one of the most terrible that could occur to a human being, for not only has it entailed upon her incalculable suffering, but has permanently disfigured and disabled her. The condition of the scar is such that the wound is never fully healed, and is liable at any moment to open extensively. She is therefore in a constant state of invalidism, more or less aggravated, which is beyond the resources of our art to relieve.

"An examination made by me December 11, 1885, only confirms these views. After the death of her father the mother remarried, the second husband dying in 1876. The mother, with the aid of friends, has struggled on through these years, until, at the present time, old and poor, she is unable longer to bear these burdens. She must become a charge on charitable institutions or obtain the relief which Congress can grant and on which she feels her child has an equitable claim, by reason of the loss upon the field of battle of him who otherwise might to-day afford that measure of relief so much needed in this season of their great trial and need."

For obvious reasons your committee also take this view of the case, and recommend the passage of the accompanying bill.

The bill was laid aside to be reported to the House with the recommendation that it do pass.

ELIZABETH SULLIVAN.

The next business on the Private Calendar was the bill (H. R. 1104) granting a pension to Elizabeth Sullivan.

The bill was read, as follows:

Be it enacted, &c., That the Secretary of the Interior be, and he is hereby, authorized and instructed to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of Elizabeth Sullivan, widow of John Sullivan, late a private in Company H, Third Massachusetts Cavalry.

The report (by Mr. LOVERING) is as follows:

The Committee on Invalid Pensions, to whom was referred House bill 1104, submit the following report:

Elizabeth Sullivan is the widow of John Sullivan, late private in Company H, Third Massachusetts Cavalry. The husband of claimant was pensioned for disease of eyes, and at the time of his death, September 20, 1873, was receiving pension at the rate of $24 per month. The widow filed a claim for a pension June 14, 1882, which was rejected June 2, 1884, on the ground that soldier's fatal disease, "erysipelas," did not originate in the service.

The evidence in the case shows that the soldier contracted disease of eyes at Port Hudson, La., in 1863, beginning by being what the soldiers used to call "moon-blind;" that is, in lying with the moon shining in the face while sleeping, the effect was to produce partial or total blindness after dark. The evidence clearly establishes the sequence upon which soldier's pension was based, and was such as to result in total disability, rendering him incapable for any manual labor.

The evidence in support of the widow's claim shows that he suffered from fever and ague as well as disease of eyes, for which pensioned, which finally affected his brain and head, a tumor appearing upon the back of his head, erysipelas ensued, and the soldier died.

Dr. James A. McDonald, of Boston, Mass., testifies "he had known soldier for sixteen years; that he attended him professionally during his last sickness. He was not in full possession of his mental faculties since he left the Army, which he said was caused by moon-stroke, and which prevented him from doing any work since his discharge. Attended him for a tumor on the back of his head, which developed into erysipelas, causing death; that he believed his disability caused the tumor which developed finally into erysipelas, causing death."

W. T. Lemon and James S. Palmer testify:

"Soldier came home nearly blind, gradually grew worse, and that a number of years previous to his death he became a helpless invalid, becoming so bad in his eyes and head that it affected his brain, requiring constant watching and attendance."

Alice Lemon, Elizabeth Palmer, and D. R. Hanmell testify that—

"When the solder came home he was not able to do any work—that he was moon-blind, and out of his head at times."

In this case the presumption is strong that the soldier's death was attributable to the service. He entered the service well and strong, with no disease about him; he came home and was pensioned for disabilities which had weakened his brain and undermined his constitution, which would seem in effect to make him more susceptible to the erysipelas which finally intervened and carried him off.

The widow is seventy-four years old, poor, and unable to care for herself.

Your committee think that in her few remaining days she should have the assistance of the Government, and therefore recommend the passage of the accompanying bill.

The bill was laid aside to be reported to the House with the recommendation that it do pass.

JOHN H. BARRY.

The next business on the Private Calendar was the bill (H. R. 1109) granting a pension to John H. Barry.

The bill was read, as follows:

Be it enacted, &c., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of John H. Barry, late a private in the Thirteenth Massachusetts Battery.

The report (by Mr. LOVERING) is as follows:

The Committee on Invalid Pensions, to whom was referred House bill 1109, submit the following report:

John H. Barry enlisted as a private in the Fourth Massachusetts Independent Battery, October 7, 1864, and was afterward transferred to the Thirteenth Massachusetts Light Battery; discharged July 28, 1865. His application for pension was filed April 2, 1879, alleging "disability from rheumatism which became chronic from exposure and hardship." His claim was rejected January 13, 1880, on the ground that there was no record of "alleged rheumatism, and claimant's inability to furnish testimony of surgeon or assistant surgeon showing treatment in service, or medical evidence showing treatment at discharge."

The evidence in the case is as follows:

Lieut. George N. Jenkens, Fourth Massachusetts Battery, certifies claimant joined Fourth Battery at Memphis, Tenn., some time in December, 1864, and that at that time, and while in said battery, he was to all appearance a sound and healthy man, free from all bodily ailments, and remained so until he was transferred, some time in the winter of 1865, to the Thirteenth Massachusetts Battery.

Garrett Lemmons and John W. Hart, of Salem, Mass., certify to knowing claimant from boyhood, and know that at time of enlistment he was a sound, able-bodied man, and apparently free from all disease.

Comrades William A. Silver and John H. Marshall certify that—

"While in service at Greenville, La., in winter of 1864-'65, to our personal

knowledge claimant contracted disease of rheumatism, and was incapacitated from duty thereby on several occasions; was sent to brigade hospital, and was confined there because of said disease; that the cause of the disease was the swampy condition of the place where we did duty and the frequent heavy rains at that time; that we have been intimate with claimant since discharge, and have known that he has suffered since then and is at the present time suffering from said disease."

The record of the Fourth Battery is not filed in the office of Surgeon-General.

Surgeon W. W. Hipolite says, in reply to an office letter of November 3, 1882:

"Have no record or recollection of having treated claimant; was in charge of reserve artillery, including Fourth Massachusetts Battery, in January and February, 1865; may or may not have treated him during said time."

David Choat, M. D., Salem, testifies:

"In September, 1866, attended claimant through an acute illness of some two weeks' duration, the nature of which was rheumatism. It is my present impression that I then expressed an opinion that the sickness from which he was then suffering was connected more or less directly with his exposure to malarious influences while in service."

Henry J. Gaffney, M. D., Salem, testifies as follows:

"Attended claimant during months of September, October, December, 1872, and in May, June, September, October, and November, 1873; he was suffering from chronic rheumatism."

The papers in this case show that claimant has almost constantly suffered with the disability for which he claims pension. Since his discharge he has sought relief in change of climate, &c., having visited California; had visited the Grand Banks on a fishing vessel; had been to the hot springs in Gilroy, Colo.; had also on account of his disease been compelled to enter the Soldiers' Home at Milwaukee and while there was compelled for about six months to use crutches; that through his long and permanent sickness he has been at last compelled to enter the National Home at Togus, Me., where he now is for the sake of the advantages it gives for subsistence and treatment.

Drs. Pierson, of Salem, and Drew, of Woburn, Mass., who treated him immediately upon his return from the Army, being dead, he cannot furnish their evidence.

The report of the medical examining board of Boston, Mass., June 25, 1882, is herewith appended:

"General appearance healthy, but all motions in walking are stiff and awkward, as from impairment of motion of hips; no enlargement from joints to be detected, but he complains of much pain in hips, buttocks, and in region of heart; heart's action normal, though its sounds are not very clear. He states he has been kept from work three-fourths of the time the past year on account of rheumatism. If of Army origin and from our examination we should rate 'total,' but collateral testimony may warrant higher rating."

In view of all the facts in this case your committee are of opinion that this claimant has a strong claim upon the Government for relief, and they do therefore recommend the passage of the accompanying bill.

The bill was laid aside to be reported to the House with the recommendation that it do pass.

JOHN TAYLOR WOOD.

The next business on the Private Calendar was the bill (H. R. 5198) to remove the disabilities of John Taylor Wood, of Louisiana.

The bill was read, as follows:

Be it enacted, &c., That all disabilities imposed upon and incurred by John Taylor Wood, of Louisiana, under and by virtue of the fourteenth amendment of the Constitution of the United States, be, and are hereby, removed.

The report (by Mr. TUCKER) is as follows:

The Committee on the Judiciary, to which has been referred the petition of John Taylor Wood, respectfully report a bill for the removal of his disabilities under the provisions of the fourteenth amendment of the Constitution, and recommend its passage.

The petition is herewith returned.

All of which is respectfully submitted.

The bill was laid aside to be reported to the House with the recommendation that it do pass.

SUSANNAH CARMICHAEL.

The next business on the Private Calendar was the bill (H. R. 3902) for the relief of Susannah Carmichael.

The bill was read, as follows:

Be it enacted, &c., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of Susannah Carmichael, widow of John W. Carmichael, deceased, late captain of Company C, Ninety-seventh Regiment of Indiana Volunteers.

The report (by Mr. MATSON) is as follows:

The Committee on Invalid Pensions, to whom was referred the bill (H. R. 3902) for the relief of Susannah Carmichael, having considered the same, report as follows:

Claimant's husband, Capt. John W. Carmichael, enlisted as captain of Company C, Ninety-seventh Indiana Volunteers, August 16, 1862; was discharged from service May 1, 1863; applied for and was granted a pension for chronic diarrhea contracted at Holly Springs, Miss., while in line of duty; subsequently granted arrears for same disability.

The soldier died in 1877, the widow's claim for pension being rejected by the Pension Office upon the evidence by Drs. McDowell and Woodward to a special examiner, these physicians stating that soldier did not die of chronic diarrhea, as sworn to by them in former affidavits, but of malarial poisoning contracted while in the Army.

However, these physicians subsequently changed the statements in their second affidavits, making the statements contained in their first affidavits that Captain Carmichael died of chronic diarrhea, having incurred said disability while in line of duty.

The Pension Department, however, holding it could not be granted by the subsequent statements by Drs. McDowell and Woodward, rejected the claim.

A careful examination of the voluminous evidence clearly establishes the following facts: Fifteen of his comrades, members of his company, and former neighbors, testified that the soldier was sound and free from disease upon entering the service, and that he contracted chronic diarrhea while in line of duty at Holly Springs, Miss.

Drs. Grary, Woodward, McDowell, Meredith, Norval, and Minick state in their affidavits that Captain Carmichael died from chronic diarrhea contracted in the Army.

Surgeon Murphy certifies:

"I carefully examined Captain Carmichael and find him unable for military duty by reason of chronic diarrhea and disease of left knee, and I recommend his discharge from service to save his life." (Report from Adjutant-General's Office, January 23, 1863.)

Your committee, holding the evidence in claimant's favor conclusive, report the bill favorably, with the recommendation that it do pass.

The bill was laid aside to be reported to the House with the recommendation that it do pass.

TAYLOR VOSS.

The next business on the Private Calendar was the bill (H. R. 3903) granting a pension to Taylor Voss.

The bill was read, as follows:

Be it enacted &c., That the Secretary of the Interior be, and is hereby, authorized and directed to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of Taylor Voss, late a private in Companies I and G, Eleventh Regiment Kentucky Cavalry, said pension to commence from and after the passage of this act.

The report (by Mr. MATSON) is as follows:

The Committee on Invalid Pensions, to whom was referred House bill 3903, having considered the same, report as follows:

This soldier enlisted in Company I, Eleventh Kentucky Cavalry, September 12, 1862, was captured on a raid from Carthage to Gallatin, Tenn., December, 1862, and taken to Liberty; thence to McMinnville; thence to Tullahoma, Tenn.; was paroled March 19, 1863; joined his regiment at Camp Nelson, Ky., August, 1863. He was again taken prisoner by General Wheeler at Philadelphia, Tenn., October 20, 1863; was taken to Athens, Tenn.; then to Dalton, Ga.; thence to Belle Isle, near Richmond, Va., remaining there until March, 1864; transferred thence to Andersonville, his condition then being one of extreme suffering, and almost starvation, until September, 1864; then removed to Charleston, S. C., and placed in a parole hospital, remaining there six weeks. He was then sent to Florence, S. C., where he was exchanged and sent to a hospital at Camp Chase, Ohio, where he remained until April, 1865.

The claimant contracted rheumatism in prison at Belle Isle from exposure to cold and dampness, which was grievously aggravated from exposure to cold rains at Andersonville, from which he has constantly suffered ever since. Claimant was treated by Dr. Longwell at Camp Chase, Ohio, said physician dying soon afterward. The claimant was also treated for rheumatism from 1866 to 1868 by Dr. Matthew Pyle, of Louisville, Ky., who died in 1870.

This claim was rejected at the Pension Office in April, 1885, on account of the inability of the claimant to prove by the records of the War Department incurrence of disability while a prisoner of war.

In view of claimant's long imprisonment and extreme sufferings and the inability to furnish evidence called for by the Department caused by the death of the physician who treated him, and the death of comrades who were fellow-sufferers in prison, the evidence clearly showing him to be a sufferer from rheumatism continually since his discharge, and the medical board at Mitchell, Ind., having examined him in January, 1885, and given him a total rating for disability, caused by rheumatism, as they believed, to have been incurred while a prisoner of war, your committee, being entirely convinced that this claim is just, report the bill favorably, with the recommendation that it do pass.

The bill was laid aside to be reported to the House with the recommendation that it do pass.

WILLIAM P. SQUIRES.

The next business on the Private Calendar was the bill (H. R. 4581) granting an increase of pension to William P. Squires.

The bill was read, as follows:

Be it enacted, &c., That William P. Squires, late of Company C, Seventy-fifth Illinois Volunteer Infantry, now receiving a pension of $30 per month for loss of leg, and who, on account of gunshot wound in right hand received in the service of the United States, in said Seventy-fifth Illinois Volunteer Infantry, is rendered practically helpless so far as his being able to earn a livelihood, shall receive in lieu thereof, and there shall be paid to him in the same manner as he is now paid the sum of $30 per month, the sum of $50 per month, the increase herein provided for to take effect from the passage of this act.

SEC. 2. That the said William P. Squires shall be paid the difference between $50 per month and that already received by him from the 1st day of July, 1880, to the time of the taking effect of this act.

The Committee on Invalid Pensions reported the following amendments:

In line 11, strike out "$50" and insert "$36."

Strike out section 2 of the bill.

The amendments were agreed to.

The report (by Mr. MORRILL) is as follows:

The Committee on Invalid Pensions, to whom was referred the bill (H. R. 4581) granting an increase of pension to William P. Squires, submit the following report:

We find that claimant enlisted August 9, 1862, and was discharged March 6, 1865; that he received a gunshot wound in his hand at the battle of Stone River, and afterward at Lovejoy Station he was wounded in the left leg, making necessary an amputation of that limb. Gangrene set in, rendering it necessary to perform three subsequent amputations. He is now receiving the pension allowed for the loss of that limb. The man refused to receive the discharge offered him after his first wound, and bravely continued in the service.

Your committee recommend the passage of the bill, with an amendment striking out the word "fifty" in the twelfth line and inserting the words "thirty-six," and striking out the second section of the bill.

The bill as amended was laid aside to be reported to the House with the recommendation that it do pass.

PHILIP WAGNER.

The next business on the Private Calendar was the bill (H. R. 3399) to grant a pension to Philip Wagner.

The bill was read, as follows:

Be it enacted, &c., That the Secretary of the Interior is hereby authorized and directed to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of Philip Wagner, late of the Second Ohio Heavy Artillery.

The report (by Mr. MORRILL) is as follows:

The Committee on Invalid Pensions, to whom was referred the bill (H. R. 3399) to grant a pension to Philip Wagner, submit the following report:

We find that claimant enlisted November 13, 1861, and was discharged December 8, 1862; that he afterward enlisted June 5, 1863, and served until August 23,

1865. His first service being in Eighth Independent Ohio Battery, and his subsequent service in Second Ohio Heavy Artillery. November, 1863, he applied for a pension, alleging chronic diarrhea, resulting in piles and kidney disease, contracted at Pittsburg Landing, May, 1862. This was rejected on the ground that he could not prove existence of disability at discharge, or for several years thereafter.

Claimant says:

"I was a green German when I enlisted; had been only three days in America. My knowledge of the English language was so limited I could not make my wants and wishes known."

The hospital records show that he was sick July and August, 1862—disability not stated—and that he was in hospital at Memphis, sick, November and December, 1862. His first discharge from service was in consequence of "repeated attacks of hemoptysis, which will lead to pulmonary consumption." The hospital record also shows that he had typhoid fever during June, 1862.

Capt. J. F. Putnam, of the Eighth Independent Ohio Battery, testifies that—

"He thinks claimant sound at enlistment, as evidenced from his performance of duty in the battery until about the 1st of May, 1862, when he was attacked with diarrhea, complicated with piles and kidney trouble; was sent to field hospital; rejoined the regiment in the summer, but remained but a short time, his disease unfitting him for duty, and he was again sent to hospital. I was acting as orderly sergeant and made out his papers."

Charles H. Schmidt says he knew claimant at enlistment; that he was to all appearances stout and healthy, and that he was taken sick just after the battle of Pittsburgh Landing. Adolph Schmidt testifies to the same state of facts, and adds he was the "picture of health when he enlisted." H. P. Lotee testifies that his condition since 1871 has been one of sickness from chronic diarrhea, kidney troubles, and piles. Robert F. Adams testifies to the same.

Drs. J. Morgan and J. L. Jones treated him from 1877 until 1884 for the same diseases; that he gradually grew worse, and had to give up work entirely.

The examining board at Independence, Kans., January 30, 1884, report:

"That he is disabled from manual labor; heart's action weak, rapid, and irritable; his disability is equal to a loss of a hand or foot. Entitled to a total third grade."

The evidence of the continuance of the disability from 1865 to 1870 is lacking. Claimant testifies that during all of that time he was traveling around and working as a journeyman tailor; that he employed no physician, but bought medicines; that he was never free from the disease, though he was better after his discharge than when he left the service. He also says that in 1867 he employed a man in Indiana to get him a pension; that he paid the man $75 upon his statement that he would have to go to Washington to look after it for him, and he supposed, until informed to the contrary, that he had an application for a pension on file. The evidence in the case seems to establish the origin of the diseases in the service, and the evidence of continuance since 1871 is clearly shown, as is also the fact that he is entirely disabled now.

Your committee recommend the passage of the bill.

The bill was laid aside to be reported to the House with the recommendation that it do pass.

THOMAS G. BARTON.

The next business on the Private Calendar was the bill (H. R. 5199) to increase the pension of Thomas G. Barton.

The bill was read, as follows:

Be it enacted, &c., That the Secretary of the Interior be, and he is hereby, authorized and directed to increase the pension of Thomas G. Barton, and pay him at the rate of $30 per month.

The report (by Mr. MORRILL) is as follows:

The Committee on Invalid Pensions, to whom was referred the bill (H. R. 776) to increase the pension of Thomas G. Barton, submit the following report:

We find that claimant was a private in Company C, Thirty-sixth Regiment Illinois Volunteers, and that in 1871 he applied for a pension on account of epilepsy. The evidence in the case was very strong, and pension was granted in 1872, and he was allowed $4 per month, which was afterward increased to $8, the sum he is now receiving.

In April, 1870, while living near Williamsburg, in Franklin County, Kansas, a prairie fire broke out, threatening the destruction of his home. In trying to put it out he fell in a fit, and before he could be rescued he was so badly burned that it became necessary to amputate his left arm and a part of his right hand. The family are poor, and to add to his misfortunes his wife has entirely lost the sight of one eye and partially that of the other, rendering her unable to assist in the support of the family.

Rev. W. W. Curtis says of the claimant: "He is a moral, temperate, Christian gentleman and a deserving citizen."

The connection between his present disability and that for which he is pensioned is very close, but not being a necessary result the Department can not grant the relief they otherwise would. That his terrible misfortune is the result of the disability contracted in the service is beyond doubt; nor could he be charged with negligence in exposing himself to the fire, knowing his condition, when it is taken into consideration that he was striving to save his little home from destruction.

Your committee recommend the passage of the accompanying substitute for the bill.

The bill was laid aside to be reported to the House with the recommendation that it do pass.

SIMMONS W. HARDEN.

The next business on the Private Calendar was the bill (H. R. 1406) granting a pension to Simmons W. Harden.

The bill was read, as follows:

Be it enacted, &c., That the Secretary of the Interior be, and he is hereby, authorized to place on the pension-roll the name of Simmons W. Harden, late a private in Company L, First Regiment of Iowa Cavalry Volunteers, subject to the conditions and limitations of the pension laws.

The report (by Mr. MORRILL) is as follows:

The Committee on Invalid Pensions, to whom was referred the bill (H. R. 1406) granting a pension to Simmons W. Harden, submit the following report:

We find that claimant enlisted in Company L, First Iowa Cavalry, December 20, 1863, and was discharged May 17, 1865. His application for pension was filed July, 1866, and a subsequent declaration was filed June 18, 1880. His claim was rejected on the ground that disease of the heart existed before enlistment.

Dr. D. C. Hastings testifies that he was his family physician from 1855 to 1863, and that he was sound at the time of enlistment. Four other parties claiming to know him intimately swear that he was an able-bodied, sound man at enlistment.

Lieutenant Simeral, first lieutenant of the company, says that at Little Rock, Ark., his company was ordered for a general review, dismounted, and had to march two miles on double quick. The heat of the day being great, claimant was overcome with heat, injuring him so he was unfit for duty thereafter. William T. Wallace testifies to the same state of facts, and that he was sent to hospital. D. S. Levastrel says that he positively knows that claimant, after the two miles run, fell in a fit; that he and another comrade caught him as he was falling; that he was taken to the hospital, and was thereafter unfit for any duty.

Drs. D. C. Hastings and E. M. Wilson testify that they have known claimant ever since discharge, and that he was suffering with heart disease in 1865, immediately after discharge, the latter testifying that he treated him for eight years. Seven other witnesses, reported reputable, testify to his condition since. There appears to be no question as to his disability from time of discharge until the present time. Two special examiners investigated the case, one recommending that the case be rejected and the other declaring that it was meritorious. Several witnesses testify that they thought he had heart disease before enlistment; others that he had no heart disease at time of discharge. The evidence also shows that at Davenport, Iowa, March, 1864, while standing on the hub of a wagon drawing water for the company, he fell, injuring his right side seriously, caused by ice forming on the wheel.

The medical examination shows:

"This claimant's heart beats at times very violently, and after a time it sinks to a feeble pulsation. At the time the excited action declines the claimant has vertigo, and feels prostrate for an hour or more."

Claimant is now seventy years of age, and dependent on his labor for support.

Hon. A. J. WEAVER, a member of this House, testifies to the high character of claimant.

The only question in the case is as to his condition at time of his enlistment, and the evidence is so flatly contradictory on that point that it is impossible to decide that question. One witness testifies that he enlisted at the same time; that both were stripped, carefully examined, and accepted. He served eighteen months, and until he received his injury there is no record or evidence that he was in any way disabled.

The case is a strong one, with the exception of the doubt as to his soundness at time of enlistment. Your committee, believing that the old soldier should have the benefit of the doubt, recommend the passage of the bill.

The bill was laid aside to be reported to the House with the recommendation that it do pass.

REBECCA ELDRIDGE.

The next business on the Private Calendar was the bill (H. R. 2145) for the relief of Rebecca Eldridge.

The bill was read, as follows:

Be it enacted, &c., That the Secretary of the Interior be, and is hereby, directed to have the name of Rebecca Eldridge, as widow of Wilber H. Eldridge, late of Company G, First Maine Heavy Artillery, placed on the pension-roll at the rate $8 per month, subject to the limitations and provisions of the pension laws, to take effect from and after the passage of this act.

The report (by Mr. SWOPE) is as follows:

The Committee on Invalid Pensions, to whom was referred the bill (H. R. 2145) for the relief of Rebecca Eldridge, have had the same under consideration, and beg leave to make the following report:

Wilbur H. Eldridge was enrolled July 24, 1862, in Company G, Eighteenth Regiment Maine Infantry Volunteers. On the muster-rolls of that regiment, from its organization, he is reported "present for duty" until month to date, June 21, 1865, at Whitehall General Hospital, Philadelphia. Company and regimental records on file indicate that he "was wounded in action at Hatcher's Run, Virginia, March 25, 1865, slight in leg."

Dr. Frederick R. Swazey, examining surgeon, under date of March 19, 1865, testifies that he examined this soldier, who was an applicant for a pension, and that in his opinion he was one-half incapacitated from obtaining his living by manual labor by reason of a gunshot wound in left leg; and also stated, as the result of that examination, that the disability was "probably not permanent." Applicant was wounded five inches below the knee, from which wound he is slightly lame and suffers considerable pain.

Dr. T. Cooley, examining surgeon, who again, April 21, 1880, examined this claimant, stated that in his opinion he was not incapacitated from obtaining his subsistence by manual labor. "A careful examination disclosed a wound of calf of left leg at about or a little below its middle, the ball passing rather superficially through the muscles; could see both the entrance and exit of the ball, but no adherent integuments. The leg is of the same size of the right: no lameness, he says, unless after long standing or walking a good deal. His health looks pretty fair."

Charles H. Lester, M. D., testifies that he attended Wilbur H. Eldridge January 27 or 28, 1881. Found him with fracture at base of skull caused by falling backwards from a ladder while working on a building in Kansas City, Mo., and that he died from that injury at 12 p. m. the same night.

His widow's claim for a pension was rejected on the ground that her husband's death was "not the result of his Army service, but came from a fall since leaving the service."

The question for your committee to decide is whether the wound received by claimant's husband in the calf of his leg in March, 1865, was the cause of his losing his life by falling from a ladder on which he was working January 27, 1881. A careful examination of the evidence on file in the Pension Department has revealed no other history of this case during the intervening period. It leaves him with a superficial gunshot wound through the muscles of the leg, a little below the middle, with nothing to indicate it but the cicatrices at the entrance and exit of the ball—no swelling of the leg nor any lameness, unless after long standing; and takes him up again, after an interval of sixteen years, at work from a ladder on a building, from which he falls backwards, fracturing his skull.

It is impossible to properly estimate the influence which the slightest circumstances may have in bringing about a fall from a precarious position such as this man occupied at the time of his fall. It may, however, be possible that it came from a sudden giving way of the wounded leg which precipitated him from the ladder and caused his death. He had for years been an applicant for a pension, and thus indicated the nature of the disability from which he alleged he was a sufferer; but, yielding to the necessity for procuring a living for his wife and family, he engaged in labor for which he was disqualified by the consequences of his wound and lost his life indirectly through the effort.

Considering that this soldier's record was a good one, showing three years of continuous service; that he received a wound in battle, and considering the other circumstances of this case, together with the distressed and impoverished condition of his widow, your committee recommend that the relief asked for be granted, and that the bill do pass.

The bill was laid aside to be reported to the House with the recommendation that it do pass.

DANIEL T. FERGUSON.

The next business on the Private Calendar was the bill (H. R. 844) granting a pension to Daniel T. Ferguson.

The bill was read, as follows:

Be it enacted, &c., That the Secretary of the Interior be, and he is hereby, authorized and directed to place the name of Daniel T. Ferguson, late of Company K, Fifth Regiment of Kentucky Cavalry, on the pension-roll, subject to the provisions and limitations of the pension laws.

The report (by Mr. TAULBEE) is as follows:

The Committee on Invalid Pensions, to whom was referred the bill (H. R. 844) granting a pension to Daniel T. Ferguson, having carefully considered the same, submit the following report:

Daniel T. Ferguson enlisted as private in Company K, Fifth Kentucky Cavalry, on January 1, 1862, and honorably discharged May 3, 1865; filed application for pension on March 10, 1873, which was rejected September 1, 1884, on the ground that there is no record of alleged dropsy and disease of lungs, and claimant's declared inability to furnish evidence of an officer as to origin or regimental surgeon as to treatment in the service or medical testimony six months subsequent to discharge. He bases his claim on dropsy and lung disease resulting from measles contracted and hardship and exposure suffered while in service and in line of duty on and about March, 1864.

Regimental hospital records are not on file in War Department. Records of General Hospital No. 1 at Nashville, Tenn., show him in same at time stated suffering with measles. He proves by a number of reputable comrades that he contracted measles while in service and line of duty at time stated, and that said disease resulted in disease of lungs, from which he has never recovered. He also proves by his family physician that he was sound and free from disease when he entered said service, and that he has suffered from dropsy ever since 1865 as a result of his service.

Your committee are of opinion that said soldier contracted dropsy and disease of lungs while in the service of the United States and in the line of duty, from which he has never recovered. They therefore recommend the passage of the bill.

The bill was laid aside to be reported to the House with the recommendation that it do pass.

SARAH J. PRATER.

The next business on the Private Calendar was the bill (H. R. 3990) to restore to the pension-roll the name of Sarah J. Prater.

The bill was read, as follows:

Be it enacted, &c., That the Secretary of the Interior be, and is hereby, authorized and directed to restore to the pension-roll, subject to the provisions and limitations of the pension laws, the name of Sarah J. Prater, widow of William Prater, deceased, late of Company I, Fourteenth Regiment Kentucky Volunteers.

The Committee on Invalid Pensions reported the bill with the following amendment:

At the end of the bill add the following:

"The pension to date from the 9th day of September, 1878."

The report (by Mr. TAULBEE) is as follows:

The Committee on Invalid Pensions, to whom was referred a bill (H. R. 3990) to restore to the pension-roll the name of Sarah Jane Prater, widow of W. W. Prater, late a sergeant of Company I, Fourteenth Kentucky Volunteers, having carefully considered the same, submit the following report:

William W. Prater enlisted as sergeant in Company I, Fourteenth Kentucky Volunteers, November 10, 1861, and was discharged for disability April 18, 1863, and died shortly afterward.

Sarah Jane Prater, his surviving widow, was granted a pension on 20th day of May, 1868, which was discontinued on the 9th day of September, 1878, on the report of a special examiner of the Pension Office, showing that the soldier was afflicted with rheumatism before he entered the service, and on the presumption that the soldier's death was not attributable to his service in the Army.

The proof by affidavits of his family physicians shows that the soldier was afflicted with rheumatism and had an attack of remittent fever "several years before his enlistment," but that he had entirely recovered therefrom before his enlistment, and that he was in very bad health when he returned from the Army with rheumatism, and continued to grow worse until he died. His long and faithful service in the Army and his stout and robust condition at enlistment and his severe affliction when he returned from the service strongly corroborate the otherwise abundant proof that said soldier contracted the disease from which he died while in the service and in the line of duty.

The certificate of the examining regimental surgeon on which his discharge was granted shows that his said disease was contracted after his enlistment, and had only existed for about twelve months prior to discharge.

The special examiners on whose report the name of the widow was stricken from pension-roll declined to examine the captain of said soldier's company, although visiting the neighborhood in which he resided, saying that he was not reliable, when, in fact, he stands highly indorsed in the record for truth and veracity, and is highly indorsed by many prominent men in his neighborhood, and no reflection is cast on his character anywhere in the record, save by the special examiner. He also declined to examine or interview claimant, although visiting the neighborhood of her residence.

The examination was private and *ex parte*.

The report on which the special examination was based was made by one McDowell, who in his letter of information makes a request for employment and authority to examine the case, evidently hoping to make himself some money at the expense of a meritorious widow, and for the further purpose of appearing loyal to the interests of the Department, when he was at the time engaged in defrauding both the United States Treasury and claimants, as the records of the Pension Office show.

From all the facts in the record, your committee is of opinion that the special examiner went into the investigation with the full intention to bring about the discontinuance of the pension, and fell into the hands of the enemies of the pensioner, who succeeded in aiding him in the accomplishment of that object.

Your committee strongly recommend the passage of the bill, with the following amendment: Add the words, "pension to date from the 9th day of September, 1878."

The CHAIRMAN. The question is on the amendment submitted by the committee.

Mr. FUNSTON. Mr. Chairman, I am in favor of the passing of this bill, and I beg the indulgence of the House for a few moments only to reply to the remarks made on last pension night by the honorable gentleman from Georgia [Mr. CRISP].

I know how precious the moments are to those of us who are desirous of passing the bills which have been assigned to this special night, and I shall make my remarks so brief that no one can accuse me of consuming much time.

We can not afford to pass by the gentleman's remarks in silence. We would be unjust to ourselves were we not to admit that they were ably and, I may say, skillfully made; and, in my opinion, they demand a reply, else our silence may be taken as an acknowledgment that his positions and conclusions are right, and that we are guilty of the greatest wrong to the people in our efforts to be liberal in our treatment of the nation's defenders.

The gentleman views the whole question from a very narrow standpoint. He lays down as political axioms what are only assertions. He draws conclusions which are directly contrary to existing facts. His narrow standpoint consists in his failure to realize the late rebellion was anything more than a war between the States; that expression of itself conveying the idea of a general and indiscriminate family fight among the States, in which it was hard to tell which was wrong and which was right. He fails also to realize that our nation's defenders made anything more than the ordinary sacrifice which is common to the life of all soldiers, and that they endured hardships and dangers so long with no other incentive than a patriotic determination to save the life of the nation, and that that great army which has long ago melted away into civil life was drawn, not from professional soldiers inured to camp and change of climate, but from men in every vocation—the very change from which into the life and vocation of the soldier means death and disease to a large extent.

The gentleman must get up higher and hunt a broader plane from which to view the facts before he can be able to place a limit to our debt, not only of gratitude but of substantial aid, to the men who so unselfishly strove through long years of hardships and dangers that the gentleman from Georgia and others from the rebellious States might sit in the councils of the nation as they do to-day and enjoy the proud satisfaction of realizing that they are the representatives of the freest, the happiest, and the most powerful people on the face of the earth.

Could he get up to that broader plane he would behold a young Republic, carrying in her hands the destinies of the great principles laid down by the father of his party, making her first struggle for the preservation of her life. He would behold her thousands of homes stripped of their sons and fathers, who were turned into the field against an enemy armed and equipped with the very guns and accouterments which were intended for her own defense; against an enemy but little less than they in numerical strength, who were posted amid high mountains and deep rivers and dense forests. He would see them hurled against fortifications and rifle-pits, or camped amid the deadly miasma of the cypress swamps.

He would see them at the end of four years return to their homes, give up their arms, and seek their various vocations, many whose health was broken disdaining a pension as in the light of charity, but who in after years found themselves in their unequal struggle for the things of this world forced to enter the shadows of old age in poverty; and then for the first time it was forced on their conviction that they would have to ask the great nation which had in those trying days leaned so confidently on their strong arms now that reciprocation which the highest impulses of our nature declare to be due the unfortunate benefactor in all parts of the world and in all ages.

The gentleman from Georgia seems not to differ in his opinions with many of us on this floor as to the debt of gratitude which we owe the soldiers, but he has an aversion to paying debts of gratitude in dollars and cents. That seems to be the sticking point with him. I presume he would not object to us taking off our hats and bowing low to those broken-down veterans or to our inflicting upon them long speeches on every possible occasion, but he is not willing to go down into the nation's great wealth to place them on a footing with what they would have been had they not sacrificed their health and their best days in the defense of the Government.

He would pay them, I presume, in expressions of gratitude unalloyed with the filthy lucre for which other men struggle so hard. That is a high-toned way of doing business, but it is chill comfort for the old soldier whose health and youth are gone and want stares him in the face. As an excuse for the proffered payment in cheap expressions of gratitude, he says, "The country should not be bankrupted to pay the soldiers pensions," and then proceeds to show the amount of money which would have to come out of the pockets of the people, and declares that for every dollar that goes into the Treasury a like dollar comes out of their pockets.

I admit, Mr. Chairman, the latter part of this statement to be true only so far as relates to the money raised by the system of internal revenue which is mainly on whisky and tobacco, but affecting those only who manufacture, handle, or use them.

It is too late in the age, Mr. Chairman, to arouse any great degree of sympathy with them. We may pity the man who has doomed himself to be the slave of a filthy and useless weed, but we can not regard his complaints as a cry coming up from the great body of the tax-ridden people of whom the gentleman speaks in such touching terms.

And as for the tax on whisky, I have no hesitancy in saying, give us a little more of that kind of tax. I say tax the man who makes it, tax the man who sells it, tax the man who drinks it; tax and keep taxing whisky, the man, and all, if necessary for the suppression of this great curse. And I am led to believe, from recent developments

that the people of Georgia would be the first to respond "amen;" at least there would be no cry of tax-ridden distress come up from that direction.

The only other great source from which the revenues of the country are raised, and which I infer he calls a tax on the people, are the duties levied on foreign imports, and which he admitted to be no tax when he declared "that there has perhaps been no time in the history of the country when $8 would buy more of the necessaries of life than it would buy to-day." If that is what he calls a tax, I say give us a little more of that kind of tax, until the poor man who spends his hard-earned wages for the necessaries of life may be able to clothe himself and family as comfortably as the richest in the land.

The facts are, Mr. Chairman, that we stand in fortunate business relations to the balance of the world, deriving an annual income of about $200,000,000 from customs, which are but little, if any, tax to the American people when considered in connection with the benefits to all classes arising from the system of protection. And I dare say that not one man in Georgia, rich or poor, at the end of the year when his balances are made as between his sales and purchases, has paid a nickel into the fund that pays the soldiers' pensions, unless he uses tobacco, whisky, or runs a national bank.

I say the gentleman needs to get up higher and to take a broader view of the surroundings, and he will behold that what he and others upon this floor have chosen to call taxes on the people are in many cases no more of a tax on them than are the profits of their respective business pursuits a tax on their families. One of the great questions for us to solve is how best to apply the proceeds of the management of the National Government. Shall it be solely in paying members of Congress, Government officers, and the national debt, or shall we take in also the nation's defenders, who were paid in a half-worthless currency and are shut out from arrears of pensions because they did not apply before a certain date? Justice, Mr. Chairman, demands that we should do the latter.

A proper regard for our own safety in the future demands that we in the days of peace and prosperity should stand by the helpless men who stood so firmly by the Government in her hour of peril. Do so, Mr. Chairman, and we will need no standing army. Let it be known that the Republic guarantees to each of her citizens who bears arms in her defense a competency in case he becomes disabled from any cause whatever, and the millions of dollars which we may some day be compelled to spend for the support of a standing army can be applied to building up the arts of peace.

The amendment reported by the committee was agreed to; and the bill as amended was laid aside to be reported to the House with a favorable recommendation.

ORDER OF BUSINESS.

Mr. WINANS. I move that the committee rise.

The motion was agreed to.

The committee accordingly rose; and Mr. RICHARDSON having taken the chair as Speaker *pro tempore*, Mr. HATCH reported that the Committee of the Whole House, having had under consideration the Private Calendar, had instructed him to report sundry bills with various recommendations.

BILLS PASSED.

Bills of the following titles were severally ordered to be engrossed and read a third time; and being engrossed, they were accordingly read the third time, and passed:

A bill (H. R. 4287) to grant a pension to Nancy J. Freels, widow of Pleasant M. Freels, late of Company E, Third Tennessee Infantry Volunteers;

A bill (H. R. 837) granting a pension to Edgar Payne;

A bill (H. R. 851) for the relief of Calvin Means;

A bill (H. R. 3419) granting a pension to C. W. I. Pugh;

A bill (H. R. 3402) granting a pension to Mrs. Lizzie E. Cooney;

A bill (H.R. 3539) granting a pension to Mrs. Hannah M. Chapman;

A bill (H. R. 5191) to increase the pension of Patsey Jackson;

A bill (H. R. 3524) granting a pension to Maria Mibord;

A bill (H. R. 2939) granting a pension to Henry H. Green;

A bill (H. R. 5192) granting a pension to Elmira M. Dorman;

A bill (H. R. 5193) granting a pension to Levi Koontz;

A bill (H. R. 1351) to restore to the pension-roll the name of Andrew J. Fuller;

A bill (H. R. 4118) granting a pension to Frank Lightner;

A bill (H. R. 805) to increase the pension of James A. Underwood;

A bill (H. R. 1369) granting a pension to George H. Perkins;

A bill (H. R. 4199) granting a pension to William B. Jacobs;

A bill (H. R. 1252) granting a pension to Mary Hoff;

A bill (H. R. 1742) for the relief of Thomas Askew;

A bill (H. R. 4076) for the relief of George A. Roberts;

A bill (H. R. 3364) granting a pension to Asahel Middleton;

A bill (H. R. 626) granting a pension to Minton Prall;

A bill (H. R. 3375) granting a pension to John D. Clark;

A bill (H. R. 3359) granting a pension to Henry S. Morgan;

A bill (H. R. 3919) granting a pension to Bridget O'Brien;

A bill (H. R. 3358) granting a pension to Hiram L. Wait;

A bill (H. R. 619) granting a pension to Robert F. H. Goode;

A bill (H. R. 1292) granting a pension to Mrs. Kate Miller;

A bill (H. R. 1506) granting a pension to James McAnny;

A bill (H. R. 1567) granting a pension to Philip Jacobs;

A bill (H. R. 3562) for the relief of Peter Tower;

A bill (H. R. 2161) granting a pension to Andrew J. Putnam;

A bill (H. R. 3633) granting a pension to Mrs. Ada O. Krepps;

A bill (H. R. 1032) granting a pension to Josiah B. Snell;

A bill (H. R. 1474) granting a pension to Mary G. Colby;

A bill (H. R. 1456) granting a pension to Lydia A. Nelson;

A bill (H. R. 3452) granting a pension to Mrs. Mary E. Sawyer;

A bill (H. R. 291) granting a pension to George H. Campbell;

A bill (H. R. 1152) for the relief of Mrs. Ellen S. Tolman;

A bill (H. R. 3481) granting a pension to Philomena E. Nolan;

A bill (H. R. 1104) granting a pension to Elizabeth Sullivan;

A bill (H. R. 1109) granting a pension to John H. Barry;

A bill (H. R. 3902) for the relief of Susannah Carmichael;

A bill (H. R. 3903) granting a pension to Taylor Voss;

A bill (H. R. 3399) to grant a pension to Philip Wagner;

A bill (H. R. 5199) to increase the pension of Thomas G. Barton;

A bill (H. R. 1406) granting a pension to Simmons W. Harden;

A bill (H. R. 2145) for the relief of Rebecca Eldridge; and

A bill (H. R. 844) granting a pension to Daniel T. Ferguson;

JOHN TAYLOR WOOD.

A bill (H. R. 5198), reported from the Committee of the Whole House on the Private Calendar, to remove the disabilities of John Taylor Wood, of Louisiana, was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed; two-thirds voting in favor thereof.

Amendments to bills of the following titles were severally agreed to, and the bills as amended were ordered to be engrossed and read a third time; and being engrossed, they were accordingly read the third time, and passed:

A bill (H. R. 1625)for the relief of Frances McNeil Potter;

A bill (H. R. 858) granting a pension to Lucy J. Mitchell;

A bill (H. R. 1858) granting an increase of pension to James McMullin;

A bill (H. R. 3193) granting a pension to Mrs. Edna Roberts;

A bill (H. R. 1198) granting a pension to Louis Abear;

A bill (H. R. 1228) granting a pension to Harry B. Harrington and Grace A. Harrington;

A bill (H. R. 2976) granting a pension to Lenford Rose;

A bill (H. R. 2740) for the relief of Norman S. Bull;

A bill (H. R. 3309) to increase the pension of Thomas Ward;

A bill (H. R. 415) granting a pension to William Condon;

A bill (H. R. 427) for the relief of Thomas T. Smithers;

A bill (H. R. 1989) granting a pension to John C. Frees;

A bill (H. R. 1671) increasing the pension of Andrew J. Hill;

A bill (H. R. 3019) to increase the pension of Abigail Smith;

A bill (H. R. 4581) granting an increase of pension to William P. Squires;

A bill (H. R. 3990) to restore to the pension-roll the name of Sarah J. Prater;

A bill (H. R. 846) granting a pension to Samuel V. Balland [title amended so as to read, "A bill granting a pension to Samuel V. Holland"];

A bill (H. R. 1286) granting a pension to Angeline Bromaghin, of Janesville, Minn. [title amended so as to read, "A bill granting a pension to Agnes M. Edwards, infant daughter of Harvey H. Edwards"];

A bill (H. R. 3351) granting a pension to Mrs. H. B. Rehkopf [title amended so as to read, "A bill granting a pension to Mrs. Magdalena Rehkopf"]; and

A bill (H. R. 3367) granting a pension to Mary Foster [title amended so as to read, "A bill granting a pension to Mary A. Foster"].

ADDIE L. MACOMBER.

A bill (H. R. 1462) granting a pension to Addie L. Macomber was reported from the Committee of the Whole House on the Private Calendar with an amendment, reducing the proposed pension from $25 per month to $12 per month.

Mr. BUCHANAN. Mr. Speaker, I think that if the report in this case had been heard the Committee of the Whole would not have agreed to the amendment. This is a bill to pension a nurse for services rendered in caring for the wounded soldiers of the Union Army during the war. I read a few lines from the report. The committee say:

> The papers filed with the committee show long and almost continuous service and faithful performance of duty which endeared her to those under her charge, and present physical infirmities and weakness of a serious character, attributed to her labors in the hospitals.

The bill as presented would give this woman $25 per month. The amendment proposes to strike out $25 and insert $12. We have passed to-night, in Committee of the Whole, a bill granting a pension for similar services at the rate of $25 per month. I see no reason for making any difference between the two cases. A few evenings since, I believe,

we passed a bill granting a pension to a nurse at the rate of $50 per month.

Mr. PETERS. Thirty dollars.

Mr. MORRILL. Twenty-five dollars.

Mr. BUCHANAN. The pension in that case was granted for arduous and faithful service of this character. Now, why should not the bill pass in its original form? I am unused to the ways of legislation, and I do not know exactly what motion to make; but I earnestly think that if the House has the power now to disagree to the amendment adopted in the Committee of the Whole it ought to do so.

Mr. WINANS. I think there is an important difference between this case and the one to which the gentleman from New Jersey [Mr. BUCHANAN] has referred. If my recollection serves me aright, this is the case of a nurse who performed duty in a city and who received pay for her services. The other was the case of a volunteer nurse, who, without compensation for her services, went into the field to care for the sick and wounded soldiers in the various hospitals. The lady whom this bill proposes to pension was employed as a nurse in the city of Baltimore or Philadelphia—never left the city hospital—and was paid for her services. There is quite a distinction between the case of a volunteer nurse who attends sick and wounded soldiers in the field and a nurse regularly employed and paid, who renders duty in a city hospital.

Mr. MORRILL. In addition to what has just been said by my friend from Michigan [Mr. WINANS], I wish to state that these two cases were very carefully examined by the committee. The evidence in the present case showed, as my friend from Michigan has said, that the lady was paid for her services. In the other case the evidence showed that the lady abandoned a lucrative business—a school which was paying her $100 a month; that she was attacked by small-pox while nursing soldiers in the hospital, and suffered terribly from the disease; that after her recovery she returned to her duties at the hospital, and for these services she never received anything.

Mr. PETERS. How much did the bill reported by the committee give her?

Mr. MORRILL. Twenty-five dollars a month.

The question being taken on agreeing to the amendment reported from the Committee of the Whole House, it was agreed to; there being—ayes 15, noes 5.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

Mr. WINANS moved to reconsider the several votes by which the bills reported from the Committee of the Whole House on the Private Calendar were passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

And then, on motion of Mr. WINANS (at 9 o'clock and 25 minutes p. m.), the House adjourned.

PETITIONS, ETC.

The following petitions and papers were laid on the Clerk's desk, under the rule, and referred as follows:

By Mr. BINGHAM: Resolutions of the Philadelphia County Medical Society, recommending the re-establishment and restoration of the National Board of Health in accordance with the provisions of the bill introduced by Hon. I. G. HARRIS, Senator from Tennessee—to the Committee on Commerce.

Also, resolutions of the select and common council of the city of Philadelphia, relative to the removal of the walls inclosing the grounds of Bridesburg and the Schuylkill arsenal and the naval asylum at Philadelphia, Pa.—to the Committee on Naval Affairs.

By Mr. BOYLE: Resolutions adopted by the Steamboat Officers' Protective Association of Pittsburgh, Pa., relating to the free navigation of the Monongahela River—to the Committee on Rivers and Harbors.

By Mr. W. W. BROWN: Petition praying for the repeal of internal tax on tobacco—to the Committee on Ways and Means.

By Mr. BUCK: Petition of Mrs. Emily P. Collins, Francis Ellen Burr, Mary Hall, officers of the Hartford (Conn.) Equal Rights Club, and 76 others, praying that a resolution be passed providing for an amendment to the Constitution to protect women in the right of suffrage—to the Committee on the Judiciary.

By Mr. J. M. CAMPBELL: Petition of members of James D. Noble Post, No. 451, Grand Army of the Republic, of Pennsylvania, asking favorable action on recommendations of the national pension committee of the Grand Army of the Republic; also to simplify the proceedings of proof in pension cases—to the Committee on Invalid Pensions.

By Mr. CARLETON: Petition of citizens of Huron County, Michigan, for the improvement of Pinnenog River, running into Saginaw Bay, Michigan—to the Committee on Rivers and Harbors.

By Mr. COLE: Memorial from Frank B. Mayer and others, citizens of Annapolis, Md., asking for the passage of a bill to provide a public building in that city—to the Committee on Public Buildings and Grounds.

By Mr. COLLINS: Petition of Michael D. Casey, for a pension—to the Committee on Invalid Pensions.

Also, memorial of Mary A. Murphy, for a pension—to the same committee.

Also, petition of widow of Commodore Spicer, with war record of Commodore Spicer, to accompany bill introduced by Mr. COLLINS—to the Committee on Invalid Pensions.

Also, papers relating to the claim of Daniel J. Byrnes—to the same committee.

Also, petitions of Elizabeth Clune and of Ann Little, for a pension—to the same committee.

By Mr. R. H. M. DAVIDSON: Petition of 194 citizens living on the proposed line of the Florida Railway and Navigation Company's southern extension, praying that the company be allowed one year to complete said road to Plant City, Fla.—to the Committee on the Public Lands.

By Mr. DAWSON: Petition of Jefferson Dunklin, of New Madrid, Mo., for relief—to the Committee on War Claims.

By Mr. FELTON: Two petitions from citizens of Mountain View, Cal., in favor of the abrogation of the Burlingame treaty—to the Committee on Ways and Means.

Also, petition from the Board of Trade of San Francisco, in favor of the passage of H. R. 4853, relating to drawback duty on tin—to the same committee.

Also, memorial of the citizens' harbor committee, for the improvement of Wilmington Harbor, California—to the Committee on Rivers and Harbors.

By Mr. FISHER: Petition of Hons. S. T. Holmes, William Westover, C. V. Tyler, J. W. McMath, C. E. Jennison, and 894 others, citizens of Bay City, Mich., asking that a United States court may be established at Bay City, Mich.—to the Committee on the Judiciary.

By Mr. GOFF: Petition of J. W. McIntire and 14 others, praying the passage of an act granting a pension to Nicholas Cross—to the Committee on Invalid Pensions.

Also, petition of Francis M. Work and 105 others, citizens of West Virginia, praying the passage of certain pension legislation—to the same committee.

By Mr. R. S. GREEN: Memorial for the improvement of Shoal Harbor, New Jersey—to the Committee on Rivers and Harbors.

By Mr. GUENTHER: Petition of citizens of Berlin, Wis., praying for the passage of a bill for the equalization of bounties and the repeal of the limitation-arrearage act—to the Committee on Invalid Pensions.

By Mr. HARRIS: Petition of citizens of Marion County, Georgia, asking aid to common schools—to the Committee on Education.

By Mr. HEPBURN: Petition of Thomas H. Davis and 30 others, citizens of Zero, Iowa, who served in the late war, asking for legislation embodying the views of the committee of the Grand Army of the Republic as the same were presented to the Forty-ninth Congress—to the Committee on Invalid Pensions.

By Mr. HERMAN: Petition of 510 citizens of Southern Oregon, for the continued improvement of the jetty and its extension at mouth of Coos Bay, together with memorials of mass-meetings of citizens of Coos Bay, Oregon, asking further aid—to the Committee on Rivers and Harbors.

By Mr. HIRES: Petition of citizens of Vineland, N. J., praying for protection on pearl buttons—to the Committee on Ways and Means.

Also, petition of citizens of Cape May, N. J., asking for the improvement of the thoroughfare between Townsend's and Carson's Inlets—to the Committee on Rivers and Harbors.

By Mr. IRION: Papers relating to the claims of Narcissa P. Williams, of Hattie E. Winn, of Simeon Wolkowski, and of Julius Witkowski, of Carroll Parish, Louisiana—to the Committee on War Claims.

By Mr. JACKSON: Evidence in the claim of the mother of Thomas Dimand, Company C, Sixty-third Pennsylvania, for restoration to pension-roll—to the Committee on Invalid Pensions.

By Mr. J. T. JOHNSTON: Petition of 908 soldiers and citizens of Indiana, asking for the passage of H. R. 3320, pensioning Union soldiers—to the same committee.

Also, petition of John A. Rudolph, R. B. Sears, and 60 others, soldiers and citizens of Vermillion County, Indiana, asking for the passage of bill pensioning all Union soldiers—to the same committee.

By Mr. MARKHAM: Petition from San Diego, Cal., to have the provision in the act of February 28, 1885, forfeiting the Texas and Pacific land grant fixing the price of land at $2.50 per acre repealed and $1.25 per acre inserted instead, &c.—to the Committee on the Public Lands.

By Mr. MORROW: Resolutions concerning the post-office building at San Francisco by the Board of Trade—to the Committee on Public Buildings and Grounds.

Also, resolutions of the San Francisco Board of Trade, relating to the California and Oregon land grant—to the Committee on the Public Lands.

Also, resolutions concerning the defense of the port of San Francisco by the Board of Trade—to the Committee on Appropriations.

Also, resolutions of the Board of Supervisors of San Francisco, recommending a pension to Col. Jonathan D. Stevenson for important and valuable public services—to the Committee on Pensions.

By Mr. NEAL: Memorial of the Board of Trade of the city of Chattanooga, Tenn., asking that $250,000 be appropriated for the purposes

of a public building at Chattanooga—to the Committee on Public Buildings and Grounds.

By Mr. O'HARA: A bill making an appropriation for the improvement of Cashie River and thoroughfare in North Carolina—to the Committee on Rivers and Harbors.

By Mr. CHARLES O'NEILL: Resolution of the Philadelphia County Medical Society, urging the passage of the bill now before the United States Senate proposing the restoration of the National Board of Health and an appropriation for the same—to the Committee on Appropriations.

By Mr. T. B. REED: Papers relating to the case of the Grand Trunk Railroad of Canada—to the Committee on Claims.

By Mr. RIGGS: Petition for the relief of W. S. Henry, of Versailles, Ill.—to the Committee on War Claims.

By Mr. ROMEIS: Three memorials of citizens of Sandusky, Ohio, concerning the abolition of the Presidency—to the Committee on the Judiciary.

Also, petition of South Toledo Labor Association—to the Committee on Labor.

By Mr. SENEY: Petition of David Mains and 35 others, citizens of Wood County, Ohio, for the relief of third and fourth-class postmasters—to the Committee on the Post-Office and Post-Roads.

By Mr. STAHLNECKER: Resolutions of the New York Legislature, for the building of a gun-foundry at Watervleit arsenal, West Troy, N. Y.—to the Committee on Military Affairs.

Also, joint resolution of the New York Legislature, asking the Representatives and Senators in Congress to support bill to prevent counterfeiting of dairy products—to the Committee on Agriculture.

By Mr. W. J. STONE, of Kentucky: Petition of citizens of Caldwell County, Kentucky, for the passage of the Blair educational bill—to the Committee on Education.

By Mr. SYMES: Petition of John M. Wallace, for relief—to the Committee on War Claims.

By Mr. VAN EATON: Papers relating to the claim of Azarell McKinzey, of Marion County, Mississippi—to the same committee.

By Mr. VOORHEES: Petition of 29 citizens, of 50 citizens, of 97 citizens, and of 44 citizens of Washington Territory, praying for the establishment of customs facilities at Semiahmoo or Blaine, in said Territory—to the Committee on Commerce.

Also, memorial of 20 citizens of Washington Territory, praying for the establishment of certain beacons and signals on Puget Sound—to the same committee.

Also, petition of 32 citizens of Washington Territory, praying for an additional appropriation of $50,000 for the erection of a light-house at the entrance of Gray's Harbor, in said Territory—to the same committee.

By Mr. WAKEFIELD: Petition of 222 citizens, of Winnebago City, Minn., praying for certain amendments to the pension law—to the Committee on Invalid Pensions.

By Mr. A. J. WARNER: Petition of N. V. McKim and 49 others, of J. A. Bostwick and 44 others, and of William McFarland and 63 others, citizens of Cambridge, Ohio, asking for passage of law to pay soldiers the difference between gold and greenbacks—to the Committee on Pensions.

By Mr. WEBER: Petition of Elizabeth Leffman, for relief—to the same committee.

By Mr. WHEELER: Petition of Callie E. Payne, Martha Burdett, Mary Morue, heirs of Benjamin Snodgrass, deceased, of Jackson County, Alabama, asking reference of his claim to the Court of Claims—to the Committee on War Claims.

By Mr. WILSON: Petition of William F. Wilson, of Berkeley County, West Virginia, for relief—to the Committee on Claims.

The following petitions, praying Congress to place the coinage of silver upon an equality with gold; that there be issued coin certificates of one, two, and five dollars, the same being made a legal tender; that one and two dollar legal-tender notes be issued, and that the public debt be paid as rapidly as possible by applying for this purpose the idle surplus now in the Treasury, were presented and severally referred to the Committee on Coinage, Weights, and Measures:

By Mr. CASWELL: Of citizens of Concord, Wis.

HOUSE OF REPRESENTATIVES.

SATURDAY, *February* 13, 1886.

The House met at 12 o'clock m.

The Chaplain, Rev. W. H. MILBURN, D. D., offered the following prayer:

Almighty God, death has added another name to the catalogue of our eminent historic dead, and a man of patriotic devotion, who has served the State and honored every station to which he has been called, has passed, in the fullness of years, to the great majority.

Grant, we beseech Thee, Almighty God, that the solemn lessons of the shortness and uncertainty of our life may inspire us to emulate the example of the noble dead that have gone before us, that every man shall serve his country and his God in reverence and fidelity, and so at last bring us all to the general assembly and church of the first-born, whose names are written in heaven, we humbly pray, through Jesus Christ our Lord. Amen.

The Journal of yesterday's proceedings was read and approved.

LIGHT-HOUSE, GRAY'S HARBOR, WASHINGTON TERRITORY.

The SPEAKER laid before the House a letter from the Secretary of the Treasury, transmitting letters from the Light-House Board, asking an additional appropriation for a light-house at the entrance of Gray's Harbor, Washington Territory; which was referred to the Committee on Appropriations.

SALARIES, REGISTER'S OFFICE.

The SPEAKER also laid before the House a letter from the Secretary of the Treasury, referring to estimates of appropriations "for salaries in the office of the Register," and submitting additional estimates of appropriations for the office; which was referred to the Committee on Appropriations.

CARRIAGE OF PASSENGERS BY SEA.

The SPEAKER also laid before the House a letter from the Secretary of the Treasury, recommending an amendment to House bill 5286, a bill supplementary to an act entitled "An act to regulate the carriage of passengers by sea;" which was referred to the Committee on Commerce.

EIGHT-HOUR LAW.

The SPEAKER also laid before the House a letter from the Postmaster-General, in response to a resolution of the House calling for information as to whether the eight-hour law is being enforced by the Post-Office Department in respect to letter-carriers; which was referred to the Committee on Labor and ordered to be printed.

POULSON & EGER.

The SPEAKER also laid before the House a letter from the Secretary of the Treasury, inclosing a report from William J. Fryar upon the claim of Poulson & Eger, of New York, and recommending an appropriation of $827.18 for the payment thereof; which was referred to the Committee on Claims.

REPORT OF COMMISSIONER OF PATENTS.

The SPEAKER also laid before the House the annual report of the Commissioner of Patents for the calendar year ending December 31, 1885; which was referred to the Committee on Appropriations, and ordered to be printed.

CATHERINE C. B. MORRILL.

The SPEAKER also laid before the House a letter from the Secretary of War, transmitting a report from the Quartermaster-General of the Army upon the claim of Catherine C. B. Morrill, executrix of P. Morrill, deceased; which was referred to the Committee on Claims.

SENATE BILLS REFERRED.

The SPEAKER, in accordance with the rule, laid before the House Senate bills of the following titles; which were read a first and second time, and severally referred, as follows:

A bill (S. 150) to quiet title of settlers on the Des Moines River lands in the State of Iowa, and for other purposes—to the Committee on the Public Lands.

A bill (S. 223) to regulate the promotion of graduates of the United States Military Academy—to the Committee on Military Affairs.

A bill (S. 269) for the relief of W. H. Powell—to the Committee on Claims.

A bill (S. 390) for the relief of H. A. Myers—to the Committee on War Claims.

A bill (S. 391) for the relief of A. A. Thomas—to the Committee on Claims.

A bill (S. 574) for the relief of Robert Strachan—to the Committee on Claims.

A bill (S. 699) to authorize the Secretary of the Interior to issue to George K. Otis duplicates of certain land-warrants lost while in the possession of the officers of the Government—to the Committee on Claims.

REPORT OF SENATE SELECT COMMITTEE ON ORDNANCE.

The SPEAKER also laid before the House a concurrent resolution of the Senate of the 11th instant, providing for the printing of 11,100 additional copies of the report of the Senate Select Committee on Ordnance and War Ships; which was referred to the Committee on Printing.

UNION PACIFIC RAILROAD.

The SPEAKER also laid before the House a Senate concurrent resolution of the 11th instant, providing for the printing of 3,000 copies of the report of the Government directors of the Union Pacific Railroad Company; which was referred to the Committee on Printing.

ELLEN M. MITCHELL.

Mr. DORSEY. Mr. Speaker, I ask unanimous consent to take from the table the bill (H. R. 2022) to increase the pension of Ellen M. Mitchell, reported from the Committee on Invalid Pensions with adverse recommendation, and have the same placed upon the Private Calendar.

The SPEAKER. Without objection the request of the gentleman will be granted.

There was no objection, and the bill was taken from the table, referred to the Committee of the Whole House on the Private Calendar, and, with the adverse report, ordered to be printed.

FUNDS SEIZED BY UNITED STATES OFFICERS, LOUISIANA.

Mr. GEDDES. Mr. Speaker, I am directed by the Committee on War Claims to report back a resolution which was referred to that committee and recommend its adoption.

The SPEAKER. The resolution will be read.

The Clerk read as follows:

IN THE HOUSE OF REPRESENTATIVES, *February* 8, 1886.

Resolved, That the Secretary of the Treasury be, and is hereby, requested, if not incompatible with the public interests, to furnish to this House a statement of all moneys or funds seized and collected by Generals B. F. Butler and N. P. Banks, or on their order, while in command of the Department of the Gulf during the late civil war, and particularly of all amounts seized or collected under General Banks's order No. 202, by officers or authorities of the United States in New Orleans during the period from May 1, 1862, to May 1, 1865, together with the disposition of the said moneys and funds so seized and appropriated by the United States.

The Committee on War Claims have considered the said resolution, and recommend the passage of the same.

Mr. BURROWS. I desire to inquire if that resolution was introduced in the House and referred to the committee.

Mr. GEDDES. If the gentleman addresses his question to me, I am not able to hear his inquiry.

Mr. BURROWS. I inquired if this matter had been introduced in the House and referred to the committee.

Mr. GEDDES. It was, and was acted upon in the committee, which recommend the passage of the resolution.

The resolution was adopted.

Mr. GEDDES moved to reconsider the vote by which the resolution was adopted; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

DES MOINES RIVER LANDS.

Mr. PAYSON, from the Committee on the Public Lands, reported back favorably the bill (H. R. 640) to quiet title of settlers on the Des Moines River lands in the State of Iowa, and for other purposes; which was referred to the House Calendar, and, with the accompanying report, ordered to be printed.

SENATE ELECTION CASES.

Mr. BARKSDALE, from the Committee on Printing, submitted the following privileged report.

The Clerk read as follows:

"*Resolved by the Senate (the House of Representatives concurring)*, That there be printed and bound 3,050 additional copies of the Compilation of Senate Election Cases, 1789-1885; of which 1,000 copies shall be for the use of the Senate, 2,000 copies for the use of the House of Representatives, and 50 copies for the compiler of the work."

The estimated cost of the additional copies as above is $1,341.27.

The committee report it back to the House and recommend its passage.

The resolution was concurred in.

Mr. BARKSDALE moved to reconsider the vote by which the resolution was concurred in; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

MEDICAL AND SURGICAL HISTORY OF THE REBELLION.

Mr. BARKSDALE, from the Committee on Printing, also submitted the following report:

The Committee on Printing, to which was referred the following House resolution of January 6, 1886, have had the same under consideration, and instruct me to report it back and recommend its passage:

"Resolved, That the Public Printer be, and is hereby, directed to inform the House,

"First. What, if any, progress has been made toward printing a new edition or new editions of the Medical and Surgical History of the Rebellion under existing legislation in that behalf, and when, if ever, in his opinion, such edition or editions thereunder may be reasonably expected.

"Second. What would be the probable cost to the Government of issuing a revised edition, not materially more expensive than the original one, of 5,000 of said work; what of 10,000?

"Third. Whether the plates used in printing said work are preserved and in condition for further use."

Mr. ADAMS, of Illinois. I wish to ask the gentleman in charge of this resolution under what provision of law a new edition of that work is to be issued? I understand the resolution refers to a revision now in progress.

Mr. BARKSDALE. Yes, sir.

Mr. ADAMS, of Illinois. What revision?

Mr. BARKSDALE. I will send to the Clerk's desk a letter from the Public Printer, addressed to the chairman of the Committee on Printing, which perhaps contains the information the gentleman desires.

The Clerk read as follows:

OFFICE OF PUBLIC PRINTER,
Washington, D. C., January 23, 1886.

SIR: I have the honor to acknowledge the receipt of your letter of the 21st instant regarding the resolution introduced by Hon. JOHN LITTLE.

In answer thereto I beg to say that nothing has been done as to printing a new edition of the Medical and Surgical History of the War of the Rebellion under existing legislation. The act referred to does not meet the case, as the illustrations for a small edition are so expensive that it brings the price up to a figure regarded by the public as out of all reason.

The best way, in the judgment of the Public Printer, on account of the many lithographs, is to make a specific order for not less than 5,000 copies, to be sold at cost.

The estimated cost of 5,000 copies each of the five volumes is $45,590. Ten thousand copies would cost double that sum. This estimate does not include the lithographing.

It is thought that the cost of lithographing will be about as follows:

On an edition of 500, $10 per volume.
On an edition of 1,000, $6 per volume.
On an edition of 5,000, $1.50 per volume.
On an edition of 10,000, $1 per volume.

The cost of printing and binding, about $1.85 per volume, which would make the total cost per volume about as follows:

On an edition of 500, $11.85 per volume.
On an edition of 1,000, $7.85 per volume.
On an edition of 5,000, $3.35 per volume.
On an edition of 10,000, $2.85 per volume.

The stereotype plates for the work are in the possession of this office. Should there be a reprint there will be no expense for composition.

Very respectfully,
In the absence of the Public Printer,
CADET TAYLOR, *Chief Clerk.*

Hon. ETHELBERT BARKSDALE,
Chairman Committee on Printing.

Mr. ADAMS, of Illinois. I desire to know whether this contemplates a revision of that work. I had the idea the work was exceedingly valuable when published, and would be exceedingly valuable now, provided it was revised. I am advised by the surgeons of my district that there are some parts of that work which were extremely valuable in its time, which have now become antiquated. If this provides for a revision I am heartily for it, because I consider it the most valuable work published in a generation, if it could be revised, but my impression was it was merely a reprint. I understand it is a revision of that work, and the edition amounts to—how many? Five thousand?

Mr. BARKSDALE. This resolution does not authorize any, but it is simply a resolution of inquiry.

The resolution was adopted.

Mr. BARKSDALE moved to reconsider the vote by which the resolution was adopted; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

ADDITIONAL FORCE DOCUMENT-ROOM.

Mr. SPOONER, from the Committee on Accounts, submitted the following privileged report.

The Clerk read as follows:

IN THE HOUSE OF REPRESENTATIVES, *January* 15, 1886.

Resolved, That the Doorkeeper of the House of Representatives be authorized to employ three additional assistants in the House document-room, at a salary of $800 each per year, during the remainder of this Congress; and three additional laborers, at $60 each per month, during the remainder of this Congress, all of whom shall be paid out of the contingent fund of the House.

The Committee on Accounts, to which this resolution was referred, have given the matter careful consideration, and from information obtained from employés now in the document-room conclude an increase in the force is necessary, although not to the extent indicated in the resolution. The committee therefore report the following substitute, and recommend its adoption:

"*Resolved*, That the Doorkeeper of the House of Representatives be authorized to employ two additional assistant file clerks in the House document-room, at a salary of $800 each per year during the remainder of this Congress, and one additional laborer, at $60 per month, during the remainder of this Congress, all of whom shall be paid out of the contingent fund of the House."

Mr. SPOONER. Mr. Speaker, the permanent force in the document-room is the same as it has been for a long period of time, including a number of past Congresses. There are five in number, including an assistant doorkeeper, Colonel Bacon, who was appointed by special resolution of the House, and has continued ever since. It has been found, however, during the past Congress, that after careful inquiry this force has been insufficient for the transaction of the business of that document-room.

Consequently there has been in each Congress a detail made of special employés, taken sometimes from other rolls and sometimes provided expressly for this employment, for assistance in carrying on the work that is required in that room. Of course, with the increase of number in the membership of this House and the large increase in the number of bills and documents which go to the document-room, the laborers in the document-room have constantly been increased during past Congresses, and their number is larger, as your committee believes, in this Congress than it has been before.

The gentleman from Texas [Mr. REAGAN], upon a resolution that was introduced in the House and recommended by the Committee on Accounts recently for the employment of an additional assistant in the seal-room of the House, objected strongly to the naming of the person to be employed, although your committee thought at that time it was desirable to name the party who was to be employed, because that party was one who was familiar with the duties to be performed, and had given good service in the position theretofore. I refer to this simply for the purpose of saying that perhaps the Committee on Accounts might have taken the liberty to have named in this resolution the additional employés who are to be employed if the objection had not been

taken in the other case and the resolution changed in that respect by the vote of the House.

The situation now in the document-room is that, besides the five regular employés who are on the permanent roll, there are three employés who are on other rolls, and also three employés who are working there without pay; one of them as a laborer without pay, I should say, from the Government; one of them being a laborer who is paid by the employés there themselves for assistance out of their own salaries, and two who are not on any roll at all, but are serving as volunteers. Of those who are thus employed, making in the aggregate six over the permanent force on the roll in the document-room, one named Whitely is on the Doorkeeper's roll and is detailed in the document-room. He is a skilled employé, who is familiar with the duties required of him in the document-room. The two volunteers who are now laboring there are also skilled in the same employment. They are named Isham and Mallory.

Your committee in reporting the substitute resolution believe they provide for a reasonably sufficient force for the transaction of the work in the document-room by the employment of two additional assistant clerks on the permanent roll and one laborer, believing that the Doorkeeper, whom, of course, the committee can not control, will retain Whitely, a skilled assistant in that room, and will add, the committee hope, for the interest of the business of that room and for the benefit of the members of the House, the two other skilled assistants, who are now there as volunteers and who can be appointed under the substitute resolution recommended by the committee, so that the laborers may be provided at the expense of the Government rather than at the expense of the employés of the document-room.

It has come to the attention of your committee that for the performance of the duties required in the document-room skilled labor is absolutely necessary, and that unless such is employed it will be impossible to transact, with any degree of propriety, the business of the document-room, even with the increase of force which is given by the substitute resolution.

This briefly explains the views of the committee concerning this matter. They have tried to limit the additional force to be employed to the number which they consider to be properly necessary. They believe if this addition is made to the permanent roll of the document-room; if skilled assistants are put into those places provided by this resolution, if it be adopted; and if they and other skilled and permanent employés be retained in service there, that the business pertaining to that room will be properly dispatched and cared for, and that the members of the House will obtain the advantage and benefit of the addition which your committee recommend.

I yield five minutes to the gentleman from Illinois [Mr. CANNON].

Mr. CANNON. I will be glad to have the attention of the gentleman from Indiana [Mr. HOLMAN] and the gentleman from Pennsylvania [Mr. RANDALL] while I make a remark about this resolution. Of course it is important that the House should have enough employés properly qualified to perform this work about the document-room, and in the folding-room, and in the Clerk's office, but I very much doubt whether this increase ought to be granted; in fact, I think it is quite clear that it ought not to be granted.

There are two document-rooms belonging to the House. One is under the Doorkeeper, with the following salaries: One superintendent, $2,000; one assistant superintendent, $2,000; one assistant doorkeeper detailed by action of the House to the document room, $2,000; one file clerk, $1,400; one assistant file clerk, $1,314; making $8,714. Then in the Clerk's document-room, a different organization, but attached to the House, there is: One superintendent with a salary of $2,000; one clerk, $1,400; two laborers, $900 each, or $1,800; making $5,200; in all, $13,914.

The gentleman from Rhode Island tells us that in addition to these employés there are six other employés—six in the House document-room, I understood him to say. Three are on the rolls, detailed by the Doorkeeper, one skilled man paid by the employés already in the document-room and paid out of their own salaries, and two volunteers, skilled men, the gentleman says, who no doubt will ask to be paid hereafter.

Mr. SPOONER. That is not quite correct; there are three detailed from other rolls; there are also two volunteers serving with no pay.

Mr. CANNON. That makes five.

Mr. SPOONER. That makes five. Then there is a colored laborer who is paid by the employés here for doing actual laborer's work.

Mr. CANNON. That makes six, outside of the roll, for the document-room under the Doorkeeper and the Clerk's document-room, which are run at an annual cost of $13,914, and include nine employés. There are three other employés detailed from other rolls, one paid by these employés and two volunteers, skilled men, the gentleman says.

We have been in the habit of saying, so far as we can, under the rules of this House, that on the Senate side there is an expensive organization. Let us see, then, what they have there in the way of a document-room force. They have one superintendent at $2,000; two assistant superintendents at $1,440 each; one clerk at $1,440, and one page at $720; making an aggregate of $6,040 per annum. Gentlemen will bear in mind that the Senate force does all that is done on the House side by the forces in the document-room and the Clerk's document-room combined, and I must say, as most gentlemen here know, that the document-room on the Senate side is in "apple-pie order." If you go or send for a document there, you are sure to get a prompt answer and to get the exact document that you send for with certainty and readiness. A gentleman near me says that some of us often go there. Yes, that is the case with me. I do frequently go or send there for documents, but the gentleman knows what his own experience has been. Now, I suggest and believe that instead of giving this increase of force the Committee on Accounts might, perhaps, better give its attention to the reorganization of the whole force in the House document-room. Certainly I think it might well give its attention to the consolidation of the Clerk's document-room and the document-room under the Doorkeeper.

Mr. ADAMS, of Illinois. Will my colleague state whether that subject is within the jurisdiction of the committee?

Mr. CANNON. If referred to it by the House it occurs to me that it would be.

Mr. ADAMS, of Illinois. Mr. Speaker, I suggest that the gentleman offer a resolution to that effect.

Mr. CANNON. I am talking now; but perhaps my friend [Mr. ADAMS] will introduce a resolution to recommit this proposition to the committee with instructions while I finish my few remarks here. [Laughter.]

Now, Mr. Speaker, I do not want to assume the burden of this matter. I am in the minority. I do not want to be captious; I do not want to assume the burden of organizing or running the force of this House, because I have no power to do it and this side of the House has no power to do it; but I know that my friend from Indiana [Mr. HOLMAN] and the gentleman from Pennsylvania the chairman of the Committee on Appropriations [Mr. RANDALL] stand out like beacons in a storm upon all matters relating to economy, and I have no doubt that any suggestion they may make will be accepted by the majority of the House. I speak in all good faith, because those gentlemen are prominent advocates of economy in all matters, and they, with myself and others, have to report the bills making provision for carrying this force after the House determines what it shall be, and now is the time to determine what it shall be. In all seriousness, I submit to gentlemen on the other side whether it has not almost become an open secret that persons are placed upon the House rolls—I will not say by wholesale, but at least largely by retail—who draw the pay and, to say the least of it, perhaps do not work more than the legal eight hours a day in the service of the House. Having said this much, having called attention to the number of employés doing this kind of work on the House side, and shown that it is double as great as the force on the Senate side, and having suggested the desirability of consolidating these two document forces on the House side, I now call attention to the fact that the number of employés on our rolls has been considerably increased from time to time by the action of the House, and largely, or at least to some extent, on the recommendations of the Committee on Accounts—recommendations very frequently reported by minority members of that committee. Of course I do not desire to criticise the action of the committee. Of course there is nothing improper about it.

Mr. SPOONER. I will say to my friend from Illinois [Mr. CANNON], if he will permit me, that they are always the reports of the majority of the committee.

Mr. CANNON. Certainly; reports of the majority, but presented here by members of the minority. That is all proper enough; I have no right to find fault with it; but I remember that formerly, when the conditions were different in this House, when there was a Republican administration, such things did not often happen as the presentation of reports by members on the other side of the House in favor of increasing the force on the House rolls. On the contrary, such propositions were very generally opposed by gentlemen on that side, and when I recall the eloquent appeals of the gentleman from Indiana [Mr. HOLMAN] and the gentleman from Pennsylvania [Mr. RANDALL], appeals which almost brought tears to my eyes, about the waste of the public money, I am surprised that the majority of the Committee on Accounts and the majority of this House will sit by and allow the force on our rolls to be increased in this way day after day. The statement of the gentleman from Rhode Island [Mr. SPOONER] was significant when he said that we needed skilled men in the document-room. He says there is one man there who is being paid by the employés, and two others, volunteers, not employed under any law, who are skilled men. That is his remark, not mine.

Mr. SPOONER. Not the one paid by the employés. He is simply a laborer.

Mr. REAGAN. I wish to ask whether the gentleman from Rhode Island proposes to cut off discussion or to let this side of the House have an opportunity to debate the question.

Mr. SPOONER. Certainly.

Mr. CANNON. I have no doubt the gentleman will do so; but for the time being I have the floor, and I have it because I happened to sit by my friend from Rhode Island, and I rose in a very leisurely manner, not thinking I was trenching upon anybody, and asked him to yield to me. I did not hear an uproarious demand from the other side for time. I looked, and looked in vain, for somebody to ask him to yield.

I only call attention to these matters by way of admonition. I fear, gentlemen, unless you come to the rescue upon this and other matters, somebody of the sixty million people throughout the length and breadth of the country may intimate that the Democratic side of the House are no longer beacon-lights of economy in the storm of extravagance that is sweeping over the country. [Laughter.] That is all I want to say.

Mr. SPOONER. I will now yield five minutes to the gentleman from Texas [Mr. REAGAN].

Mr. REAGAN. I would like to have a little longer time.

Mr. SPOONER. Well, I yield ten minutes to the gentleman.

Mr. REAGAN. I do not expect to occupy the entire ten minutes; but I would like to ask the gentleman from Rhode Island in the first place whether the Committee on Accounts have ascertained the number of employés under the Doorkeeper and the whole number of employés connected with the business of this House?

Mr. SPOONER. Does the gentleman mean the entire force under the Doorkeeper?

Mr. REAGAN. Yes, sir.

Mr. SPOONER. One hundred and fifty-four.

Mr. REAGAN. Is that the entire force of the Doorkeeper?

Mr. SPOONER. That is the entire force.

Mr. REAGAN. Can the gentleman tell us how many employés there are in the Clerk's office?

Mr. SPOONER. I have not the record of that matter here.

Mr. REAGAN. Or in the office of the Sergeant-at-Arms?

Mr. SPOONER. I have not the record here.

Mr. REAGAN. Mr. Speaker, we have two good captains' companies in the employ of the Doorkeeper of this House, and occasionally we want to put some special man in by a resolution of the House appointing him—probably one of the lowest class of employés.

I think that what the gentleman from Illinois [Mr. CANNON] has suggested was well deserved on this side of the House. We have promised the people who have chosen a majority of Democrats in this House and who have elected a Democratic President that we would endeavor to reform the practices of the Government, to retrench its expenditures, and to relieve the people so far as possible from the burdens of taxation, yet it never seems to occur to members on this floor to invoke this principle of retrenchment when a question arises here which would enable them practically to carry out, if they would, this doctrine. Are we going to forget that our claim to the support of the American people rests upon the idea that we will give them honest government and cheap government? In the face of this expectation are we going to multiply employés of this House and employés of the Government everywhere? I undertake to say that the number of employés in this House at this time ought to be greatly reduced instead of increased.

Two captains' companies in the Doorkeeper's department of this House! Not expecting to participate in this discussion I have not had the opportunity to ascertain the expense of the administration of the Doorkeeper's department. The gentleman from Rhode Island has stated, as I understand, that there are one hundred and fifty employés in that office. Sir, the time is within my memory when one-fourth of that number were not in the employment of this House. We go on from year to year increasing the number of employés—sometimes because there seems to be some special emergency, but oftener, I suppose, because members of the House desire to have their friends appointed to office. I know that the Doorkeeper and the Clerk and the Sergeant-at-Arms are importuned to make appointments continually. Their only relief, if they would satisfy those who seek the appointment, is to get authority to make additional appointments. This tends to accommodate the men who want employment, the men who want to draw money from the Treasury, but these people are accommodated at the expense of the tax-payers of this country.

Now, I understand that we have upon the Doorkeeper's roll two more employés than we had in the last Congress, yet we had then exactly the same number of members that we have now. And this is the early part of the session, when there is nothing like the amount of labor to be performed that there will be at a later period. Almost always we are called upon toward the close of a session to authorize additional assistance in the folding-room and the Clerk's office. But here we are at the beginning of a session proposing to put additional persons upon the roll!

I trust, Mr. Speaker, that gentlemen on this side of the House will remember what they have pledged themselves to the people of this country to do. I trust that they will authorize no more expenditures until it shall be shown to be necessary to make them. I think the suggestion made by the gentleman from Illinois is eminently proper—that the Committee on Accounts be instructed to secure a reorganization of the force in the offices of the Doorkeeper, the Clerk, and the Sergeant-at-Arms, and reduce the number of employés to what are practically required. If we do this, we shall render a service for which the country will thank us—a service in the right direction.

Mr. BRECKINRIDGE, of Arkansas. I desire, Mr. Speaker, to put a question to the gentleman from Rhode Island [Mr. SPOONER]. As I understand, it has been stated that six men have been detailed from other service in the House to serve in the document-room.

Mr. SPOONER. There have been three detailed.

Mr. BRECKINRIDGE, of Arkansas. The gentleman does not state whether those three could be spared from the departments in which they were regularly employed.

Mr. SPOONER. We are informed from the Doorkeeper's office that the detail made in the document-room from other rolls has improperly weakened the force where these employés properly belong.

Mr. BRECKINRIDGE, of Arkansas. If the gentleman will allow me just one moment——

Mr. SPOONER. Certainly.

Mr. BRECKINRIDGE, of Arkansas. I am very much disposed to give credit and effect to reports of committees charged with examination into these details about the business of the House. But I am free to confess that I am not a little impressed with the statements which have been made about the apparent scarcity of skilled labor in these departments where many persons are employed and where special skill is required. I am very much impressed with the statements as to the enormous increase in the number of those who served the House in subordinate capacities; and it is not shown that there has been any commensurate increase of public business. I believe, sir, that there is a far greater question involved than the mere expenditures in the service of the House, as noted by the gentleman from Texas [Mr. REAGAN].

The House of Representatives, the particular representatives of the people, if they are profligate in authorizing expenditures in their own service, taint economy at its very fountain-head. And I have grave doubts, therefore, as to whether or not the clerical force of the House should not be materially reduced. And I wish the Democratic part of that committee could give us some expressions and statistics that would allay the fears and anxieties of unnecessary expenditures here at the very supervising point of the Government. And until that is done, Mr. Speaker, I shall not vote for any further increase in the clerical force of the House.

Mr. ADAMS, of Illinois. I ask the gentleman from Rhode Island to yield to me for five minutes.

Mr. SPOONER. I will yield to the gentleman for that time.

Mr. ADAMS, of Illinois. Mr. Speaker, I do believe some increase in that particular department is necessary. Now, when the Committee on Accounts is instructed to inquire into that particular subject, how can it say a deficiency in the service of that particular department might be supplied by detail from other departments of the Government until the subject of the entire clerical force of this House has been submitted to that committee?

And in answer to what I consider a rather discourteous reflection on that committee from my distinguished colleague, I will remind him in the House that no proposition for such a reorganization could come from that committee unless the House chose to refer that subject to it, because that committee has only jurisdiction of questions touching the expenditure of the contingent fund of the House, auditing and settling all accounts which may be charged thereon by order of the House.

And it strikes me as coming from a rather peculiar source when my distinguished colleague, himself so long an ornament of the Committee on Appropriations, should refer to the subject which has been within the control of that distinguished committee time out of mind. And I think it will be found by reference to every appropriation bill which has passed this House that any want of congruity in the service of this House springs from incongruous provisions in the annual appropriation bills.

Mr. CANNON. It is true that I have had the honor for some Congresses past to be a member of the Committee on Appropriations, and that we have reported bills making appropriations for this service, as well as for other branches of the Government, which have been discussed in the Committee of the Whole. Now I will say to my colleague that I am of the opinion that if this service, by some committee having the power, were thoroughly gone over, there might be considerable reduction. And, sir, my remarks were in the light of that fact and of the further fact that the already liberal amounts reported by the Committee on Appropriations and passed by the House and Senate are to be increased by the Committee on Accounts and paid from the contingent fund of the House.

Mr. ADAMS, of Illinois. What I desire to call the attention of at least this side of the House to is this: My friend seemed to consider the minority of the Committee on Accounts responsible for any lack of congruity in the disposition of the public money out of the contingent fund, while he himself in this Congress and in the last represented the minority of the Committee on Appropriations.

Mr. CANNON. I am sure my colleague does not wish to misunderstand me. My point was this: that so far as I have spoken of the minority of the Committee on Accounts it has been that in the main this increase of the House force, while agreed to by the Committee on Accounts, a majority of which is on the other side, yet when they come to be reported here, whether by accident or otherwise—I presume by accident—are reported by members of the minority of the committee. I merely called attention to that fact.

Mr. HEPBURN. The minority members pulled the chestnuts out of the fire. [Laughter.]

Mr. CANNON. Yes, as my friend from Iowa states, the minority in the House pulled the chestnuts out of the fire for them.

Mr. ROGERS. Let me ask the gentleman a question.

The SPEAKER. The five minutes yielded to the gentleman have expired.

Mr. ADAMS, of Illinois. I ask the gentleman from Rhode Island to yield to me further.

Mr. SPOONER. I will yield to the gentleman from Illinois for three minutes.

Mr. ADAMS, of Illinois. I desire to call the attention of the House to what I consider the root of the whole evil. It is a false economy by which certain departments of the House are given a regular force insufficient to perform the service of that particular department, so that a particular department has to depend on details from other departments. On a superficial view that is economy, because when this day or this week a particular department has not enough to do, it may be considered economy to supply the deficiency from other departments by detail; but in my judgment it is not economy, it is extravagance, because this custom of detailing persons from one part of the service leads to confusion in the service of the House as a whole. Therefore I agree that the true and permanent remedy is to reorganize the service of the House. But the Committee on Accounts had only referred to it this particular department in which it recognizes a deficiency. Therefore it was proper to consider that, and they were not bound to go over the whole service of the House to say whether that deficiency might not be made good by superfluity elsewhere. I consider it is the duty of any member of that committee to report what the majority might request him to report, whether he belongs to the minority or majority side of the House.

I thank the gentleman from Rhode Island for yielding to me.

Mr. SPOONER. Mr. Speaker, how much time have I remaining?

The SPEAKER. The gentleman has twenty-eight minutes of his time remaining.

Mr. SPOONER. I will yield five minutes to the gentleman from Arkansas [Mr. ROGERS].

Mr. ROGERS. Mr. Speaker, I have listened with a great deal of interest, as I always do, to the remarks of my friend from Illinois [Mr. CANNON] on the other side of the House; and I would like to ask him now, in connection with his remarks, whether or not the committee of which he was a member in the last Congress—the committee having charge of the legislative, executive, and judicial appropriation bill—did not in that bill increase both the salaries and the number of these officers of the House?

Mr. CANNON. I will take pleasure in answering the gentleman as far as I can from recollection. My recollection is that in some cases that committee made provision for such increase, but I am not sure whether they reported the increase or not. Some increases were made in the law; but I will remind my friend——

Mr. HOLMAN. But by the action of the Senate, not of the House.

Mr. CANNON. My friend from Indiana says by the action of the Senate, but not of the House. But I will remind my friend from Arkansas, and the gentleman from Indiana also, that no bill can pass into an act without the concurrence of the House as well as the Senate; and, if I recollect correctly, the House in the last Congress had between seventy and eighty Democratic majority.

Mr. ROGERS. I will now take the floor in my own right, as I want a portion of my time myself.

Mr. CANNON. I was only answering the question of the gentleman.

Mr. ROGERS. My information is, Mr. Speaker, that that Committee on Appropriations in the last Congress increased both the number and the salaries of these officers, not through the instrumentality of the Senate, but directly through the instrumentality of the Committee on Appropriations of the House.

Now, sir, there are one or two observations which I desire to make in connection with this subject. My friend from Illinois not only takes occasion to criticise this side of the House for measures of this sort, but he seeks in the same connection to criticise the competency of the force of the House in this regard. There are two considerations that ought not to be overlooked in this connection in comparing the force of the two Houses; one is that the Senate is a conservative body, their officers being in position through many years and become necessarily better skilled and more thoroughly familiar with the business than those who are subjected, as is the case with the House employés, to frequent changes, just as the distinguished gentleman from Illinois [Mr. CANNON] has become stronger by his long service in the House than he was when he first became a member of this body. There is another matter which is important to be considered. The Senate document-room is very small compared with that of the House of Representatives. The membership of that body is much smaller, and, in addition, their documents are not near so numerous; so, as a matter of fact, it is well known that we can get documents or reports from that end of the Capitol even sooner than we can get them from the House document-room for reasons growing out of the considerations which I have suggested.

In this connection permit me, sir, to make another observation. Twice within my recollection during the present session of Congress I have voted against increasing the present force of the House on reports of committees, because I believe the Committee on Accounts had made recommendations not warranted by the facts; and believing that the House should not undertake to furnish clerks for committees which in my judgment had no practical need for them I voted against them. And here let me say that it seems to me we are now right at a point, with reference to the House force, where we may begin to practice economy. Heretofore, if it is a committee that wants a clerk, friends appeal to us upon the score of friendship to stand by them and give them a clerk. If the demand is from some other quarter, there is always some similar appeal which is made to us; and so it goes on, whatever avenue or line of approach there is, always some plea to increase the expenses and enlarge the force of the House.

Mr. Speaker, I repeat my opinion is that we have reached a point when we can apply the rule of economy to the organization of the House, and the first and best step in that direction is to begin in the House right here and now. The people of this country will have no confidence or respect for us or our professions of economy so long as we progress in this broad avenue of increasing the force of the House of Representatives, unless such increase can be based upon some better ground than has been submitted up to this time in this argument. And so from this point on, let it come from what committee it may or what end of the Capitol, unless better grounds can be furnished than those set forth here I intend to cast my vote uniformly against increasing the patronage of the House.

[Here the hammer fell.]

Mr. SPOONER. I yield five minutes to the gentleman from Iowa, Mr. HEPBURN.

Mr. HEPBURN. Mr. Speaker, there can be no doubt in the mind of any gentleman that economy is a most desirable thing. We have had lessons of economy preached to us from the other side of the House for a good many years. There has been no campaign within the last four or five years but what the virtues, or this virtue of economy has been always and on all occasions sounded in that connection. We have been told in every part of the country, on every stump, in all the Democratic newspapers, that the Republican party was most wastefully extravagant. We have been told that there were multitudinous armies of unnecessary office-holders, who were eating up the substance of the people. How familiar is this cry to every gentleman. I can see a response in every face, for every one recognizes that sound wherever they have heard a Democratic speech or read a Democratic newspaper during the last five years.

And yet, Mr. Speaker, there is scarcely a bureau officer or a Department officer in office to-day that has made his annual report who has not clamored for an increase of clerical force. All over these Departments and throughout these bureaus we find that there is a necessity for additional force, giving the lie direct to this charge of wanton extravagance on the part of the party that has just gone out of power.

Look at the increases with reference to this House that are being made. I confess that I am in favor of the adoption of this resolution. I believe that these particular officers are necessary to the prompt dispatch of the business of that department. There perhaps may be entirely too many employés connected with that particular branch of the service; but, sir, it is the ornamental part that is entirely too numerous. I have been told that there is a large number of officers connected with our Navy Department that are entirely useless because their rank is so great that there is no place for them to serve. That is the difficulty with this particular department. We have got three superintendents and nobody to superintend.

If you go into that department you will find there is a need for the skilled laborers, for those who actually manipulate the documents and furnish them to you. There is a need for those. The difficulty is there is too much rank there; there are too many gentlemen sitting around that are entirely ornamental. That there ought to be something done with that department there is no doubt. The valuable documents that come there go to the more zealous members of the House; the gentlemen that are there earliest get them and get them all, to the exclusion of those who may not know to the very day when the documents are received. There is no record kept at all, as I am informed, and no charges are made against any member as to the documents that he may receive. That part of the business is entirely dispensed with, useful as it might seem to be.

So, Mr. Speaker, I am in favor of the employment of these clerks. I believe they are necessary to the proper dispatch of business. I think, however, in the interest of economy we might dispense with some of those we already have there.

[Here the hammer fell.]

Mr. SPOONER. I simply desire to say a few words in closing this debate.

The SPEAKER. The gentleman has thirteen minutes of his time remaining.

Mr. SPOONER. The gentleman who last occupied the floor has criticised the administration of the business in the document-room. That, of course, is something the Committee on Accounts in considering this resolution had nothing to do with.

The Committee on Accounts has been criticised because it has recommended clerks for certain committees here; and yet the gentleman from Arkansas [Mr. ROGERS] must recollect, or, if not, he will ascertain by reference to the record, that when the Committee on Accounts

reported to the House that certain committees should not in their opinion have clerks, the House quite promptly corrected that decision of the committee by voting down that recommendation and giving clerks to certain committees.

Mr. ROGERS. Will the gentleman permit me to interrupt him?

Mr. SPOONER. Yes, sir.

Mr. ROGERS. The House may have done so, but they did not get my vote.

Mr. SPOONER. Perhaps not, and I think not mine, because I believe I acted in concert with the opinion and judgment of the committee at that time, as I am doing now. But that was the fact, nevertheless, that the House did vote down that recommendation of the committee; and so instructed, the committee could see no reason why two or three other committees, then unfurnished with clerks, were not quite as much entitled to them as the committee against which they had reported at the time to which I refer. Consequently they made favorable reports for these other committees, acting, as they believed, in consonance with the instructions they had received by the vote of the House.

The Republican minority of the committee has been criticised by my friend on the left [Mr. CANNON]. I will simply say as to that I am not knowingly partisan in my action upon this committee. I have Republican convictions perhaps quite as strong as those of the gentleman from Illinois, but I do not consider that in my action upon this committee I am required to act otherwise than I consider for the best interest of the House, and for providing in as far as my action can for the proper discharge of its business. In that light I have acted in this committee; in that light I have voted in this committee; in that light I have, under instructions of this committee, submitted this report to the House, advocating it because it seems to me on my judgment irrespective of any partisan consideration a proper resolution to be adopted.

The service of the Senate document-room has been referred to; they have good service in the Senate document-room, principally because it is a permanent service, exactly what I am urging and what the committee has urged in the report should be adopted in this House, by giving a permanent service to this document-room instead of a service taken from other rolls, from time to time, of men who are unfamiliar with the duties to be required of them there. The skilled service in the document-room consists largely in the knowledge of where things are, where certain documents are placed, how they should be placed, and in what order, and where they can be found to be delivered when called for; matters which are only learned by actual experience in discharging the duties of that office.

It is in the line of advancing these interests that this resolution is recommended. Your committee is not pretending to say that this is going to accomplish everything. It will accomplish nothing, in my judgment, unless the suggestions which have been made here concerning an expert service and securing attention to the duties of the office are carried out practically and effectually. If that is not done, I do not think we shall have any better service with this increased force than we have now or than we have had in the past. Gentlemen have referred here to a reorganization of the force of the House. However proper that might be, it is not, as has been suggested here, within the scope of the present duties of the Committee on Accounts. It certainly is not within the scope of the duties of the committee in connection with this resolution, although it is a matter that perhaps might well be gone into and from which good results might be obtained. But let me repeat—for I understand from the questions put to me by two or three different gentlemen that there is some misunderstanding as to the scope of this substitute resolution—let me repeat, in conclusion, that the resolution which the committee recommend calls for an increase of the permanent force of the House document-room to the extent of two additional file clerks and one laborer. That is all.

Mr. ROGERS. Will the gentleman permit a question in this connection?

Mr. SPOONER. Certainly.

Mr. ROGERS. If it is a proper question, I wish to ask the gentleman whether there are not at least twenty applications now pending before the Committee on Accounts for additions to the force of the House?

Mr. SPOONER. Mr. Speaker, there have been several resolutions introduced and referred to our committee calling for an increase of the force in various directions. I can not now undertake to state the exact number, but the files of the House will of course show.

Mr. ROGERS. If the gentleman will permit a word further, I put that question because my information is that there are now pending before the Committee on Accounts resolutions calling for twenty-two additions to the present force of the House.

Mr. SPOONER. Very likely.

Mr. ROGERS. May I ask the gentleman one other question? Is this report of your committee a unanimous report?

Mr. SPOONER. Mr. Speaker, my recollection (if I am entitled to express it) is that this report is unanimous. There certainly has been no minority report of which I have any knowledge; and, so far as I do know anything about it, this is the unanimous report of the committee. But at all events this matter must rest upon its own foundation, and in determining this question it is immaterial, I take it, how many other applications for increase may be pending. The Committee on Accounts now recommend only this increase which I have stated—two file clerks and one laborer.

Mr. OATES. Will the gentleman from Rhode Island [Mr. SPOONER] permit me to ask him a question?

Mr. SPOONER. Certainly.

Mr. OATES. How does this report of your committee, which provides for an increase of force in the document-room to the extent of only three additional men, at a very moderate rate of pay, compare in point of economy with the action of the House this morning in voting forty or fifty thousand dollars for the reprinting of a book merely to ornament the libraries of a few doctors?

Mr. SPOONER. I can not answer that question. Now, Mr. Speaker, I call for the vote.

The SPEAKER. The question is on the adoption of the report.

Mr. COX. Mr. Speaker, I desire to offer a resolution which I send to the desk.

Mr. BRECKINRIDGE, of Arkansas. Mr. Speaker, I rise to a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. BRECKINRIDGE, of Arkansas. At what stage is a motion to recommit in order?

The SPEAKER. It is in order now. The Chair has recognized the gentleman from North Carolina [Mr. COX], who offers a resolution, which will be read.

The resolution was read, as follows:

Resolved, That this resolution be recommitted to the Committee on Accounts, with instructions to ascertain the number and compensation of the officers and employés of the House, including committee clerks and messengers, and to report what reduction in number and compensation may be made without diminishing the efficiency of the force, and what increase, if any, is necessary in any branch thereof. Said committee shall have the right to report at any time, by bill or otherwise, fixing the number and compensation and prescribing the duties of all such officers and employés.

Mr. WARNER, of Ohio. That is right.

The SPEAKER. The question is on agreeing to the motion to recommit, with instructions, the pending resolution reported from the Committee on Accounts.

The House divided; and there were—ayes 104, noes 27.

So the motion to recommit with instructions was agreed to.

Mr. COX moved to reconsider the vote by which the motion to recommit with instructions was agreed to; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

ORDER OF BUSINESS.

The SPEAKER. The Chair will now proceed to call the standing and select committees for reports.

OMAHA NATIONAL BANK.

Mr. MILLER, from the Committee on Banking and Currency, reported back with amendment the bill (S. 1120) to authorize the increase of the capital stock of the Omaha National Bank, of Omaha, Nebr.; which was referred to the House Calendar, and the accompanying report ordered to be printed.

DONATION OF CONDEMNED GUN-CARRIAGES.

Mr. ANDERSON, of Ohio (by Mr. BRAGG), from the Committee on Military Affairs, reported back with amendment the bill (H. R. 1143) authorizing the Secretary of War to deliver to the Somerville Grand Army of the Republic, of Somerville, Mass., four condemned gun-carriages, to be used for monumental purposes; which was referred to the Committee of the Whole House on the state of the Union, and the accompanying report ordered to be printed.

BARRACKS AT SOLDIERS' HOMES.

Mr. ANDERSON, of Ohio (by Mr. BRAGG), from the Committee on Military Affairs, also reported back with amendment the bill (H. R. 5401) making appropriations for additional barracks at the southern, northwestern, and western branches of the National Home for Disabled Volunteer Soldiers; which was referred to the Committee of the Whole House on the state of the Union, and the accompanying report ordered to be printed.

SOLDIERS' HOMES WEST OF ROCKY MOUNTAINS.

Mr. ANDERSON, of Ohio (by Mr. BRAGG), from the Committee on Military Affairs, also reported back favorably the bill (H. R. 2075) to provide for the location and erection of a branch home for disabled volunteer soldiers west of the Rocky Mountains; which was referred to the Committee of the Whole House on the state of the Union, and the accompanying report ordered to be printed.

ADVERSE REPORTS.

Mr. ANDERSON, of Ohio (by Mr. BRAGG), also reported back adversely, from the Committee on Military Affairs, bills of the following

titles; which were laid on the table, and the accompanying reports ordered to be printed:

A bill (H. R. 1437) to authorize the location of a branch home for volunteer disabled soldiers in either of the States of Iowa, Minnesota, Nebraska, or Colorado, or Dakota Territory, and for other purposes; and

A bill (H. R. 167) to provide for the establishment of a branch soldiers' home in the State of California.

FORT BRADY, MICH.

Mr. CUTCHEON, from the Committee on Military Affairs, reported back favorably the bill (S. 753) to provide for the sale of the old site of Fort Brady, Michigan, and for a new site and the construction of suitable buildings thereon; which was referred to the Committee of the Whole House on the State of the Union, and the accompanying report ordered to be printed.

Mr. CUTCHEON, from the Committee on Military Affairs, also reported back adversely the bill (H. R. 3490) to provide for the sale of the old site of Fort Brady, Michigan, and for a new site and the construction of suitable buildings thereon; which was laid on the table.

MISSOURI HOME GUARDS.

Mr. DARGAN, from the Committee on Military Affairs, reported back favorably the bill (S. 216) to authorize the Secretary of War to furnish certificates of discharge to certain members of the Missouri Home Guards; which was referred to the House Calendar, and the accompanying report ordered to be printed.

SECTION 4787 REVISED STATUTES.

Mr. FINDLAY, from the Committee on Military Affairs, reported back adversely the bill (H. R. 1834) to amend section 4787 of the Revised Statutes; which was laid on the table, and the accompanying report ordered to be printed.

REIMBURSEMENT OF NATIONAL SOLDIERS' HOME.

Mr. NEGLEY, from the Committee on Military Affairs, reported back favorably the bill (H. R. 4232) to reimburse the National Home for Disabled Volunteer Soldiers for losses incurred through the failure of the Exchange National Bank of Norfolk, Va., and for other purposes; which was referred to the Committee of the Whole House on the state of the Union, and the accompanying report ordered to be printed.

FORT SELDEN MILITARY RESERVATION.

Mr. ERMENTROUT, from the Committee on Military Affairs, reported back favorably the bill (H. R. 661) granting the right of way through the Fort Selden military reservation, in New Mexico, to the Rio Grande, Mexico and Pacific Railroad Company; which was referred to the Committee of the Whole House on the state of the Union, and the accompanying report ordered to be printed.

ADVERSE REPORTS.

Mr. WARD, of Indiana, from the Committee on the Post-Office and Post-Roads, reported back adversely bills of the following titles; which were severally laid on the table, and the accompanying reports ordered to be printed:

A bill (H. R. 4359) to regulate the establishing of post-offices and mail service in the States and Territories of the United States;

A bill (H. R. 3052) relating to the delivery of mail matter at post-offices;

A bill (H. R. 3719) to enable the people to name their postmasters;

A bill (H. R. 2453) regulating the naming of post-offices in cities, towns, and villages of the United States; and

A bill (H. R. 3051) to facilitate the delivery of mail matter.

ADVERSE REPORT.

Mr. BARRY, from the Committee on the Post-Office and Post-Roads, reported back adversely the bill (H. R. 4860) to regulate the subletting of contracts for carrying the United States mails; which was laid on the table, and the accompanying report ordered to be printed.

TESTS OF STRUCTURAL MATERIALS.

Mr. CAMPBELL, of Pennsylvania, from the Committee on Manufactures, reported, as a substitute for H. R. 2085, a bill (H. R. 5555) authorizing the President to appoint a commission of experts, skilled in the investigation, production, and use of metallic substances, and other structural materials, to execute tests and experiments on iron, steel, and other materials used in the construction of bridges, buildings, and mechanical structures, and deduce useful rules therefrom; which was read a first and second time, referred to the Committee of the Whole House on the state of the Union, and, with the accompanying report, ordered to be printed.

PUBLIC BUILDING, GREENVILLE, S. C.

Mr. DIBBLE, from the Committee on Public Buildings and Grounds, reported back with an amendment the bill (S. 549) for a public building at Greenville, S. C.; which was referred to the Committee of the Whole House on the state of the Union, and, with the accompanying report, ordered to be printed.

PUBLIC BUILDING, FORT SMITH, ARK.

Mr. DIBBLE, from the Committee on Public Buildings and Grounds, also reported back with an amendment the bill (S. 610) to provide for a building for the use of the Federal courts, post-office, and internal-revenue and other civil offices, and a United States jail, in the city of Fort Smith, Ark.; which was referred to the Committee of the Whole House on the state of the Union, and, with the accompanying report, ordered to be printed.

PUBLIC BUILDING, DALLAS, TEX.

Mr. DIBBLE, from the Committee on Public Buildings and Grounds, also reported back with an amendment the bill (H. R. 2410) for the addition of a third story to the public building in Dallas, Tex.; which was referred to the Committee of the Whole House on the state of the Union, and, with the accompanying report, ordered to be printed.

PUBLIC BUILDING, SPRINGFIELD, MASS.

Mr. ROCKWELL, from the Committee on Public Buildings and Grounds, reported back with an amendment the bill (S. 263) providing for the erection of a public building at Springfield, Mass.; which was referred to the Committee of the Whole House on the state of the Union, and, with the accompanying report, ordered to be printed.

PUBLIC BUILDING, ANNAPOLIS, MD.

Mr. COLE, from the Committee on Public Buildings and Grounds, reported back favorably the bill (S. 201) to provide for the erection of a public building in the city of Annapolis, Md.; which was referred to the Committee of the Whole House on the state of the Union, and, with the accompanying report, ordered to be printed.

LABORERS' WAGES.

Mr. O'NEILL, of Missouri, from the Committee on Labor, reported back favorably the bill (H. R. 5310) to protect mechanics, laborers, and servants in their wages; which was referred to the House Calendar, and, with the accompanying report, ordered to be printed.

EMPLOYÉS OF BUREAU OF ENGRAVING AND PRINTING.

Mr. O'NEILL, of Missouri, from the Committee on Labor, also reported back favorably the bill (H. R. 4857) granting relief to the employés in the Bureau of Engraving and Printing, United States Treasury; which was referred to the House Calendar, and, with the accompanying report, ordered to be printed.

JAMES J. JOHNSTON.

Mr. MARTIN, from the Committee on Patents, reported back with an amendment the bill (H. R. 1773) for the relief of James J. Johnston; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

HENRIETTA H. COLE.

Mr. FISHER, from the Committee on Patents, reported back favorably the bill (H. R. 200) for the relief of Henrietta H. Cole; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

WAR CLAIM.

Mr. SHAW, from the Committee on Claims, reported back favorably the bill (H. R. 1065) to provide for paying certain advances made to the United States by the States of Maryland and Virginia; which was referred to the Committee of the Whole House on the state of the Union, and, with the accompanying report, ordered to be printed.

Mr. BUCHANAN, by unanimous consent, was granted leave to present the views of the minority; which were ordered to be printed with the majority report.

WAR CLAIM OF 1812.

Mr. TRIGG, from the Committee on Claims, reported back with an amendment the bill (H. R. 2498) directing the Secretary of the Treasury to examine and settle the accounts of certain States and of the city of Baltimore, growing out of moneys expended by said States and the city of Baltimore for military purposes during the war of 1812; which was referred to the Committee of the Whole House on the state of the Union, and, with the accompanying report, ordered to be printed.

SETTLERS ON PUBLIC DOMAIN, NEBRASKA AND KANSAS.

Mr. BUCHANAN, from the Committee on Claims, reported back favorably the bill (H. R. 1413) for the relief of settlers and purchasers of lands on the public domain in the States of Nebraska and Kansas; which was referred to the Committee of the Whole House on the state of the Union, and, with the accompanying report, ordered to be printed.

CHANGE OF REFERENCE.

On motion of Mr. LYMAN, the Committee on War Claims was discharged from the further consideration of the bill (H. R. 3372) for the relief of Jacob Bogert; and the same was referred to the Committee on Claims.

PAN-ELECTRIC TELEPHONE.

Mr. GIBSON, of West Virginia, from the Committee on Expenditures in the Department of Justice, submitted the following privileged report.

The SPEAKER. Does the gentleman wish the report read?

Mr. GIBSON. Yes; I ask for the reading of the report.

The Clerk read as follows:

FEBRUARY 12, 1886.

The Committee on Expenditures in the Department of Justice, to whom was referred the resolution of the House authorizing an inquiry into expenditures in the matter of the Bell and Pan-Electric Telephone Companies, a copy of which is embraced in exhibit hereto attached and marked A, have duly considered the same, and submit the following report:

The resolution directed and empowered the committee to make full inquiry into any expenditure on the part of the Government relative to the rights of the Bell and Pan-Electric Telephone Companies. The committee having said resolution under consideration, at its meeting held on February 4, adopted the preamble and resolutions attached hereto, marked A, and a copy thereof was transmitted to each head of the Treasury and Interior Departments and the Department of Justice. Answers have been received from each of the said Departments, the originals of which are attached to this report and marked respectively Exhibits B, C, and D. From them it appears that the sum of $35.80 has been spent for printing the opinions in the Department of the Interior, and the Solicitor-General has contracted for fees to be paid by the United States to the amount of $8,000, and for other fees not fixed at the date of the answer from the Department of Justice. These and no other expenses appear to have been incurred. The author of the resolution, Mr. HANBACK, was called upon to suggest any further evidence, but had none to offer on the specific question put by the resolution referred to this committee by the House.

Your committee did not feel authorized to go beyond the question thus submitted.

Your committee has for these reasons sent for no persons and has incurred no expense.

EUSTACE GIBSON, *Chairman.*

EXHIBIT A.

Whereas the House of Representatives has passed a resolution, introduced by Hon. LEWIS HANBACK, member of Congress from the State of Kansas, in the following words:

"*Resolved*, That the Committee on Expenditures in the Department of Justice be empowered to make full inquiry into any expenditure upon the part of the Government relative to the rights of the Bell and Pan-Electric Telephone Companies; and for the purpose of this investigation, and to the end that the people may be fully advised, the committee is granted the right to send for persons and papers, all expenses to be audited and accounted for upon approved vouchers, and when so approved to be paid out of any moneys in the Treasury not otherwise appropriated:" Therefore,

Resolved, first, That the chairman of this committee notify Mr. HANBACK in writing, that at its meeting on the 13th day of February, 1886, this committee will begin to "inquire into any expenditure on the part of the Government relative to the rights of the Bell and Pan-Electric Telephone Companies," and will hear any evidence he may submit or suggest pertinent to such inquiry.

Resolved, second, That a copy of said resolution of the House be furnished to the Secretary of the Treasury, the Secretary of the Interior, and the Attorney-General of the United States, with a request that each of them furnish this committee as soon as practicable with copies of any papers or documents in their possession, custody, or control, showing anything with regard to "any expenditure on the part of the Government relative to the rights of the Bell and Pan-Electric Telephone Companies," whether said expenditures have been paid or obligations therefor incurred.

Resolved, third, That the form of notice to Hon. LEWIS HANBACK and of requests to said officers above mentioned shall be a copy of these three resolutions.

EXHIBIT B.

TREASURY DEPARTMENT, *February* 12, 1886.

SIR: I have the honor to acknowledge the receipt of a transcript of the proceedings of the Committee on Expenditures in the Department of Justice at its meeting held on the 4th instant, relating to a resolution directing the committee to "inquire into any expenditure on the part of the Government relative to the rights of the Bell and Pan-Electric Telephone Companies," and calling upon this Department to furnish the committee, as soon as practicable, with copies of any papers or documents in its possession, custody, or control showing, with regard to any expenditure on the part of the Government relative to the rights of the Bell and Pan-Electric Telephone Companies, whether said expenditures have been paid or obligations therefor incurred.

In reply thereto I have to state that the records of this Department do not show that any expenditures have been incurred by the Government relative to the rights of the Bell and Pan-Electric Telephone Companies, nor are there any papers or documents in its possession, custody, or control relative to the rights of said companies.

Respectfully, yours,

D. MANNING, *Secretary.*

Hon. EUSTACE GIBSON,
Chairman Committee on Expenditures in Department of Justice,
House of Representatives.

EXHIBIT C.

DEPARTMENT OF THE INTERIOR, *Washington, February* 10, 1886.

SIR: In response to resolution of the Committee on Expenditures in the Department of Justice that said committee inquire into any expenditure on the part of the Government relative to the rights of the Bell and Pan-Electric Telephone Companies, I have the honor to state that the only expenditure incurred by this Department, so far, has been for the printing of 500 copies each of the opinions of the Secretary of the Interior, the First Assistant Secretary, and the Assistant Secretary, at a total cost of $35.80.

Very respectfully,

L. Q. C. LAMAR, *Secretary.*

Hon. EUSTACE GIBSON,
Chairman Committee on Expenditures in Department of Justice,
House of Representatives.

EXHIBIT D.

DEPARTMENT OF JUSTICE, *Washington, February* 8, 1886.

SIR: Your communication of the 6th instant, transmitting a transcript of the proceedings of your committee relating to the resolution directing the committee "to inquire into any expenditure on the part of the Government relative to the rights of the Bell and Pan-Electric Telephone Companies," has been referred to me by the Attorney-General. In reply I have the honor to inform you that no expenditure whatever has yet been made on the part of the Government in the matter referred to. The suit instituted in the circuit court of the United States for the western district of Tennessee, upon the application of the National Improved Telephone Company, has been discontinued. No money was expended in that suit on the part of the Government and no obligation to spend any was incurred.

In accordance with the recommendation of the Interior Department, it has been determined to institute a suit in the name of the United States to test the validity of the patent issued to Alexander Graham Bell on the 7th of March, 1876. Recognizing the great importance to the Government and people of the proposed suit (with the conduct and management of which I am charged under section 347 of the Revised Statutes), I have deemed it necessary and proper to employ and retain assistant attorneys and counsel. Accordingly, Hon. A. G. Thurman, of Ohio; Grosvenor B. Lowrey, esq., of New York; Messrs. Hunton & Chandler and C. S. Whitman, esq., of this city, have been retained. No arrangement has yet been concluded with Messrs. Thurman and Lowrey as to the fee to be paid to them, but the amount of their fee will be fixed as soon as they arrive in this city. The services of Messrs. Hunton & Chandler have been engaged for $5,000, and the services of Mr. Whitman for $3,000. It may be proper to add that the conduct of the suit referred to has been devolved upon myself by the Attorney-General because he felt himself to be under disability in this instance.

Very respectfully,

JOHN GOODE, *Solicitor-General.*

Hon. EUSTACE GIBSON,
Chairman of Committee on Expenditures in Department of Justice,
House of Representatives, Washington, D. C.

ORDER OF BUSINESS.

The SPEAKER. The call of committees is now concluded. The hour for the consideration of bills under the rule begins at 2 o'clock.

NATIONAL BANKING ASSOCIATIONS.

Mr. ADAMS, of Illinois. Mr. Speaker, when this bill was under consideration before the hour expired immediately after the call of the roll upon the passage of the bill. I intended to submit the motion to reconsider and lay on the table the vote by which the bill was passed. I perceive from the RECORD that the first motion appears only to have been entered. If in order, I now move to lay on the table the motion to reconsider.

The SPEAKER. The Chair held that notwithstanding the expiration of the hour for the consideration of bills, the motion to reconsider might be made and entered by the gentleman from Illinois, because it was a privileged motion under the rules, but that no other motion could be made in regard to the bill at that time. The motion to reconsider is now pending. What motion does the gentleman from Illinois desire now to submit?

Mr. ADAMS, of Illinois. I move to lay on the table the motion to reconsider.

Mr. ANDERSON of Kansas, Mr. WEAVER of Iowa, and Mr. McMILLIN demanded the yeas and nays on the motion.

The SPEAKER. The Clerk will first report the title of the bill.

The Clerk read as follows:

A bill (H. R. 327) to enable national banking associations to increase their capital stock and to change their names and location.

The SPEAKER. The motion is to reconsider the vote by which this bill was passed and the gentleman from Illinois [Mr. ADAMS] moves to lay that on the table, upon which motion the yeas and nays are demanded.

The yeas and nays were ordered, 29 members voting in favor thereof and 68 in opposition.

The question was taken; and there were—yeas 115, nays 94, not voting 114; as follows:

YEAS—115.

Adams, G. E.	Davis,	Lindsley,	Ryan,
Allen, C. H.	Dingley,	Little,	Sawyer,
Arnot,	Dorsey,	Long,	Seymour,
Baker,	Dougherty,	Lyman,	Shaw,
Ballentine,	Dowdney,	Mahoney,	Smalls,
Bayne,	Dunham,	McComas,	Spooner,
Beach,	Ely,	McKenna,	Springer,
Bliss,	Ermentrout,	McKinley,	Stahlnecker,
Bound,	Everhart,	Merriman,	Stephenson,
Boutelle,	Farquhar,	Millard,	Stone, E. F.
Brady,	Findlay,	Miller,	Strait,
Breckinridge, WCP.	Gallinger,	Mitchell,	Swinburne,
Browne, T. M.	Gibson, C. H.	Moffatt,	Taylor, E. B.
Brown, C. E.	Goff,	Morrill,	Taylor, I. H.
Brown, W. W.	Grout,	Morrow,	Taylor, Zach.
Buck,	Guenther,	Negley,	Thomas, J. R.
Bunnell,	Hahn,	Norwood,	Thomas, O. B.
Burrows,	Henderson, D. B.	Oates,	Thompson,
Campbell, Felix	Henderson, T. J.	Owen,	Van Eaton,
Campbell, J. M.	Hepburn,	Parker,	Viele,
Candler,	Herbert,	Payne,	Wadsworth,
Cannon,	Hewitt,	Payson,	Wakefield,
Conger,	Hopkins,	Perkins,	Weaver, A. J.
Crain,	Houk,	Peters,	Weber,
Crisp,	James,	Price,	West,
Dargan,	Johnson, F. A.	Rainey,	White, Milo
Davenport,	Kelley,	Reed, T. B.	Wolford,
Davidson, A. C.	King,	Rice,	Woodburn.
Davidson, R. H. M.	Lehlbach,	Rowell,	

NAYS—94.

Anderson, J. A.	Gay,	Lowry,	St. Martin,
Bennett,	Geddes,	Markham,	Stone, W. J., of Ky.
Blanchard,	Glass,	Martin,	Stone, W. J., of Mo.
Bland,	Hall,	Matson,	Struble,
Bragg,	Halsell,	McMillin,	Swope,
Breckinridge, C. R.	Hammond,	McRae,	Taulbee,
Buchanan,	Harris,	Morrison,	Taylor, J. M.
Bynum,	Hatch,	Murphy,	Throckmorton,
Cabell,	Heard,	Neal,	Trigg,
Clardy,	Henderson, J. S.	O'Donnell,	Tucker,
Clements,	Henley,	O'Neill, J. J.	Turner,
Cobb,	Herman,	Outhwaite,	Wade,
Cole,	Holman,	Peel,	Ward, T. B.
Cowles,	Holmes,	Perry,	Warner, A. J.
Cox,	Howard,	Reagan,	Warner, William
Culberson,	Irion,	Reid, J. W.	Weaver, J. B.
Dockery,	Johnston, J. T.	Richardson,	Wellborn,
Eden,	Johnston, T. D.	Robertson,	Wheeler,
Eldredge,	Jones, J. H.	Rogers,	Willis,
Elsberry,	Kleiner,	Sadler,	Wilson,
Ford,	Laffoon,	Sayers,	Wise,
Forney,	Lanham,	Seney,	Worthington.
Frederick,	Le Fever,	Skinner,	
Fuller,	Lovering,	Stewart, Charles	

NOT VOTING—114.

Adams, J. J.	Cutcheon,	Jackson,	Pulitzer,
Aiken,	Daniel,	Jones, J. T.	Randall,
Allen, J. M.	Dawson,	Ketcham,	Reese,
Anderson, C. M.	Dibble,	La Follette,	Riggs,
Atkinson,	Dunn,	Laird,	Rockwell,
Barbour,	Evans,	Landes,	Romeis,
Barksdale,	Felton,	Lawler,	Scott,
Barnes,	Fisher,	Libbey,	Scranton,
Barry,	Fleeger,	Lore,	Sessions,
Belmont,	Foran,	Louttit,	Singleton,
Bingham,	Funston,	Maybury,	Snyder,
Blount,	Gibson, Eustace	McAdoo,	Sowden,
Boyle,	Gilfillan,	McCreary,	Spriggs,
Brumm,	Glover,	Milliken,	Steele,
Burleigh,	Green, R. S.	Mills,	Stewart, J. W.
Burnes,	Green, W. J.	Morgan,	Storm,
Butterworth,	Grosvenor,	Muller,	Symes,
Caldwell,	Hale,	Neece,	Tarsney,
Campbell, J. E.	Hanback,	Nelson,	Tillman,
Campbell, T. J.	Harmer,	O'Ferrall,	Townshend,
Carleton,	Hayden,	O'Hara,	Van Schaick,
Caswell,	Haynes,	O'Neill, Charles	Wait,
Catchings,	Hemphill,	Osborne,	Ward, J. H.
Collins,	Hiestand,	Pettibone,	White, A. C.
Compton,	Hill,	Phelps,	Whiting,
Comstock,	Hires,	Pidcock,	Wilkins,
Cooper,	Hiscock,	Pindar,	Winans.
Croxton,	Hitt,	Pierce,	
Curtin,	Hutton,	Plumb,	

So the motion to reconsider was laid on the table.

Mr. HALE. Mr. Speaker, I desire to record my vote upon this motion.

The SPEAKER. Was the gentleman in his seat when his name was called?

Mr. HALE. I was in committee at the time the roll was called, and desire to vote "ay" upon this proposition.

The SPEAKER. The rule prohibits the Speaker from entertaining a request for unanimous consent under such circumstances.

Mr. WEAVER, of Iowa. I object.

The SPEAKER. The gentleman can accomplish his purpose by stating how he would have voted.

Mr. HALE. If present, I should have voted "ay."

On motion of Mr. BAYNE, by unanimous consent the reading of the names was dispensed with.

The following pairs were announced:

Mr. BARBOUR with Mr. PRICE, until further notice.

Mr. TOWNSHEND with Mr. GROSVENOR, until further notice.

Mr. BARNES with Mr. HISCOCK, until further notice.

Mr. PINDAR with Mr. HITT, until further notice.

Mr. CROXTON with Mr. BRADY, until further notice,

Mr. JONES, of Alabama, with Mr. BURLEIGH, until February 17.

Mr. HILL with Mr. COOPER, until February 15.

Mr. SOWDEN with Mr. HIESTAND, until February 18.

Mr. WILKINS with Mr. SYMES, for this day.

Mr. MILLS with Mr. VAN SCHAICK, for to-day.

Mr. O'FERRALL with Mr. LIBBEY, for this day.

Mr. DUNN with Mr. NELSON, for this day.

Mr. RIGGS with Mr. ROCKWELL, for to-day.

Mr. ADAMS, of New York, with Mr. WHITING, for this day.

Mr. BINGHAM with Mr. BLOUNT, until further notice.

Mr. SCOTT with Mr. MAYBURY, until further notice.

Mr. MULLER with Mr. PETTIBONE, for this day.

Mr. DAWSON with Mr. HAYDEN, for to-day. Mr. DAWSON would vote "no."

Mr. WARD, of Illinois, with Mr. HANBACK, for this day.

Mr. CALDWELL with Mr. O'NEILL, of Pennsylvania, for this day.

Mr. RANDALL with Mr. HARMER, for this day.

Mr. GREEN, of North Carolina, with Mr. BRUMM, for this day.

Mr. MCCREARY with Mr. LOUTTIT.

Mr. LANDES with Mr. WAIT.

Mr. BRADY. Mr. Speaker, I notice that I am announced as being paired with my colleague, Mr. CROXTON. That pair relates to political questions only. Not regarding this as a political question, I desire that my vote shall stand.

The SPEAKER. The gentleman has the right of course to exercise his own judgment.

Mr. WAIT. Mr. Speaker, I am announced as being paired with the gentleman from Illinois [Mr. LANDES]. If he were present, I should vote "ay" on this motion.

The result of the vote was then announced as above recorded.

ORDER OF BUSINESS.

The Committee on Coinage, Weights, and Measures was called.

Mr. ADAMS, of Illinois. The Committee on Banking and Currency, I believe, desire to call up another bill.

The SPEAKER. A committee can not call up another bill on the second day. It can only complete the consideration of a measure called up on the first day.

There was no bill called up by the Committee on Coinage, Weights, and Measures.

The Committee on Commerce was called.

BRIDGE ACROSS THE COOSA RIVER.

Mr. CRISP. I am instructed by the Committee on Commerce to call up from the House Calendar the bill (H. R. 34) to authorize the East and West Railroad Company of Alabama to maintain a bridge across the Coosa River, with an amendment.

The bill was read, as follows:

Be it enacted, &c., That the East and West Railrond Company of Alabama, a corporation created and existing under and by virtue of the laws of the State of Alabama, be, and is hereby, authorized to maintain a bridge across the Coosa River, in township 14, range 6 east, in the Coosa land district, or at such point near said township as has been selected by said railroad company for crossing said river with their railroad line, the said bridge to be of such height as not to interfere with the navigation of said river.

That any bridge constructed under this act and according to its limitations shall be a lawful structure, and shall be known and recognized as a post-route, and the same is hereby declared to be a post-route, upon which also no higher charge shall be made for the transmission over the same of the mails, the troops, and the munitions of war of the United States, or for through passengers or freight passing over said bridge, than the rate per mile paid for their transportation over the railroads leading to the said bridge; and the United States shall have the right of way for a postal telegraph across said bridge: *And provided further*, That before this act shall take effect said company shall submit to the Secretary of War the plans of said bridge, showing the existing structure and any additions or changes that may be contemplated; and that it shall be decided by the said Secretary that the bridge does not and will not obstruct, impair, or injuriously modify the navigation of the Coosa River, due regard being had to the character of the proposed navigation of said stream.

SEC. 2. That Congress preserves the right to alter, amend, or repeal this act at any time; and that if at any time navigation of the said river shall in any manner be obstructed or impaired by the said bridge, the Secretary of War shall have authority, and it shall be his duty, to require the said railroad company to alter and change the said bridge, at its own expense, in such manner as may be proper to secure free and complete navigation without impediment; and if upon reasonable notice to said railroad company to make such change or improvements the said company fails to do so, the Secretary of War shall have authority to make the same at the expense of said company, and all the rights conferred by this act shall be forfeited; and Congress shall have power to do any and all things necessary to secure the free navigation of the river.

The amendment reported by the committee was read, as follows:

Strike out at the beginning of the bill the following:

"That the East and West Railroad Company of Alabama, a corporation created and existing under and by virtue of the laws of the State of Alabama, be, and is hereby, authorized to maintain a bridge across the Coosa River, in township 14, range 6 east, in the Coosa land district, or at such point near said township as has been selected by said railroad company for crossing said river with their railroad line, the said bridge to be of such height as not to interfere with the navigation of said river."

And insert in lieu thereof the following:

"That the East and West Railroad Company of Alabama, a corporation created and existing under and by virtue of the laws of the State of Alabama, be, and is hereby, authorized to maintain a bridge across the Coosa River, in the Coosa land district, at the point in or near township 14, range 6 east, which has been selected by the said railroad company for crossing said river with their railroad line, and where a bridge is now constructed, the said bridge to be of such height as not to interfere with the navigation of said river, and to be provided with a suitable draw."

Mr. CRISP. This bill has been submitted to the Secretary of War; it meets the approval of the Engineer Department, and is unanimously reported by the Committee on Commerce. Unless some gentleman desires to ask a question about it I call for a vote first on the proposed amendment.

The amendment was agreed to.

Mr. CRISP. I notice in the reading of the bill in the first line of section 2 that the word "preserves" is inserted when it ought to be "reserves."

The SPEAKER. That clerical change will be made if there be no objection.

There was no objection.

The bill as amended was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

Mr. CRISP moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

DAM ACROSS MISSISSIPPI RIVER.

Mr. DUNHAM. I am instructed by the Committee on Commerce to call up from the House Calendar the bill (H. R. 1270) to authorize the Mississippi Water-power and Boom Company, of Brainerd, Minn., to construct a dam across the Mississippi River, with an amendment.

The bill was read, as follows:

Be it enacted, &c., That the Mississippi Water-power and Boom Company, of Brainerd, Minn., is hereby authorized and empowered to construct across the Mississippi River, at some point not more than 2 miles from the limits of the said city of Brainerd, a dam, canal, and the appurtenances thereof, for water-power and other purposes, and in connection therewith a wagon and foot bridge for public travel: *Provided*, That the Government of the United States may at any time construct in connection therewith a suitable lock for navigation purposes: *Provided also*, That the Government of the United States may at any time take possession of said dam and control the same for purposes of navigation, by paying said company the actual cost of the same, but shall not do so to the detriment of the water-power created by said dam: *Provided further*, That the Secretary of War may at any time require and enforce, at the expense of the owners, such modification and changes in the construction of said dam as he may deem advisable in the interests of navigation; and that said dam shall, if necessary, be so built that boats and rafts may pass through the same: *And provided further*, That all suits relative to any obstruction of navigation arising from said dam may be tried in the United States circuit and district courts for Minnesota.

The amendment reported by the committee was read, as follows:

Strike out at the commencement of the bill the words "That the Mississippi Water-power and Boom Company, of Brainerd, Minn., is hereby authorized and

empowered," and insert in lieu thereof as follows: "That the consent of the Government is hereby given to the Mississippi Water-power and Boom Company, of Brainerd, Minn."

Mr. DUNHAM. I will state that this bill is unanimously reported from the Committee on Commerce, and the same bill was reported from the Committee on Commerce unanimously in the Forty-eighth Congress. The proposition is to give consent of the Government that the dam may be built at Brainerd, Minn., some two hundred miles above the point of navigation. The Committee on Commerce can see no objection to what is asked, and is unanimous in recommending the passage of the bill.

Mr. WARNER, of Ohio. I desire to ask the gentleman whether this will involve the Government in any damage or liability of any kind?

Mr. DUNHAM. Not at all. It simply gives the consent of the Government that the dam may be built.

Mr. HOLMAN. How far is it from Saint Paul?

Mr. DUNHAM. It is 200 miles above Saint Paul.

Mr. BLANCHARD. I rose to ask the same question as has just been asked by the gentleman from Indiana [Mr. HOLMAN]. I wish to ask further, does not this proposed dam interfere in any way with navigation?

Mr. DUNHAM. No, sir; it interferes with no navigation.

Mr. BROWNE, of Indiana. Has not Congress been appropriating money to improve the river above that point?

Mr. DUNHAM. I think not.

Mr. BROWNE, of Indiana. I am glad to find there is one place on the Mississippi River where Congress has not appropriated money for improvements.

Mr. PAYSON. I wish to ask the gentleman from Illinois a question. Has the committee considered this point, that when this dam shall be built the company may impose a toll on all rafts or boats that pass through it?

Mr. DUNHAM. No such question came up before the committee.

Mr. PAYSON. By the provisions of this bill I think such tolls might be imposed, and it seems to me a dangerous thing to allow that. The language of the bill is:

> That the Secretary of War may at any time require and enforce at the expense of the owners such modification and changes in the construction of said dam as he may deem advisable in the interests of navigation, and that said dam shall, if necessary, be so built that boats and rafts may pass through the same.

But nothing appears there which prevents a toll from being imposed by the company owning the dam if such boats and rafts shall pass through. It appears to me some provision should be inserted prohibiting anything of the kind.

Mr. DUNHAM. I have no objection to that.

Mr. PAYSON. Then I offer an amendment.

The SPEAKER. The first question is on the amendment of the committee.

Mr. DUNHAM. There is nothing in the bill which would authorize the charging of any tolls.

Mr. HATCH. Is there any report accompanying the bill?

The SPEAKER. There is.

Mr. HATCH. I ask to have it read.

The SPEAKER. It can be read in the time of the gentleman. The reading of the report is debate.

Mr. DUNHAM. How much time remains?

The SPEAKER. Twenty minutes of the hour.

Mr. DUNHAM. Let the report be read. It is short.

The report (by Mr. DUNHAM) was read, as follows:

> The Committee on Commerce, to whom was referred the bill (H. R. 1270) to authorize the Mississippi Water-power and Boom Company of Brainerd, Minn., to construct a dam across the Mississippi River, beg leave to report:
>
> The location of the proposed dam is at the city of Brainerd, on the Upper Mississippi River, over 200 miles by the course of the river above the Falls of Saint Anthony, at Minneapolis, the real head of navigation on the river. On this reach of the river between Minneapolis and Brainerd are now the following obstructions: First, a dam at Saint Cloud, about 100 miles above Minneapolis, constructed by authority of Congress; second, a dam at Sauk Rapids, 3 miles above Saint Cloud, together with the rapids themselves; and, third, the falls and rapids at Little Falls, about 50 miles above Saint Cloud. At Brainerd, the site of the proposed dam, are several rapids, three within 9 miles, all of which would be greatly improved and covered with slack water by the proposed dam. About 200 miles, by the course of the river, above Brainerd, are the so-called "reservoirs," a system of dams at the outlet of certain lakes, penning up and retaining the surplus spring water for use during the summer droughts.
>
> The proposed dam would be no obstruction to navigation, for there is none to obstruct except logs, for which ample provision is made, and would be but an additional reservoir constructed and maintained, not, as the other reservoirs, at public expense, but at the expense of the party proposing to construct the dam.
>
> A bill similar to the one under consideration was reported by the Committee on Commerce of the Forty-eighth Congress, the report on which is hereto appended and made a part hereof.
>
> The bill is framed conformably to the views of the Government engineer, so as to amply protect the interests of the Government.
>
> Your committee can see no objection to the construction and maintenance of the proposed dam, and therefore recommend that the bill be amended as follows: Strike out, beginning with the words "That the Mississippi," in line 3, and ending with the words "and empowered," in line 4, inclusive, and insert in the stead thereof the following: "That the consent of the Government is hereby given to the Mississippi Water-power and Boom Company, of Brainerd, Minn.;" and when so amended we recommend the passage of the bill.

The amendment reported by the committee was agreed to.

Mr. PAYSON. I move to amend by adding after the word "same," in line 24, these words, "without the imposition of any toll or charge."

Mr. DUNHAM. I have no objection to that.

The amendment was agreed to.

The bill as amended was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

Mr. DUNHAM moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

NORTH, CENTRAL, AND SOUTH AMERICAN EXPOSITION.

Mr. IRION. Mr. Speaker, I desire to call up the joint resolution (H. Res. 108) authorizing the several Executive Departments of the Government to loan to the North, Central, and South American Exposition at New Orleans certain articles for exhibit.

The SPEAKER. The joint resolution will be read.

The Clerk read as follows:

> *Resolved, &c.*, That it is desirable, in any way consistent with existing laws, and without risk to Government property or expense to the national Treasury, to encourage the effort being made for the development of industry and commercial relations by the North, Central, and South American Exposition at New Orleans, and it be, and is hereby, approved that the heads of the several Executive Departments shall, in whatever respect they may in their judgment see convenient and proper, loan any articles or material suitable to such purpose: *Provided*, That such loan be made entirely at the expense and on the responsibility of said American exposition, and shall not be of material needed for use in either Department, and shall not in any way interrupt the daily routine of duty or order in any branch of the Government, and shall be returned to the Department, in good order, within one month after the close of the exposition.

Mr. IRION. Mr. Speaker, this joint resolution was referred to the Committee on Commerce, and that committee made a unanimous report in its favor. I move that it be now put upon its passage.

Mr. CANNON. Mr. Speaker, I hope the gentleman will allow that matter to go over until the next morning hour. I will be very glad to have an opportunity to examine it a little and submit a few remarks.

Mr. BLANCHARD. What is the objection of the gentleman from Illinois [Mr. CANNON] to this resolution?

Mr. CANNON. If the gentleman will yield to me a moment I will state why I would be glad to have this measure postponed until the next morning hour. My experience in connection with this exposition at New Orleans has not been of a kind to prepossess me in favor of any resolution that looks toward any action of the Government, negative or otherwise, in connection with it. I recollect very well that when this matter was first before the Appropriations Committee in the last Congress, in pursuance, as we thought, of an act passed by a prior Congress, for such appropriation and other favorable action as might enable these exhibits to be used, and the name of the Government to be lent, so to speak, to this exposition, I happened to be a member of the subcommittee that made the recommendation to the full committee that certain appropriations should be made for the benefit of this exposition. I recollect that at that time we tried to limit, and supposed we had limited, the amount that the Government should contribute to the exposition. The name of the Government having been loaned subsequently there came a demand, which Congress felt almost coerced to comply with, for the appropriation of some three or four hundred thousand dollars for the payment of expenses there. And still later there came a call for a very large appropriation to enable the different Departments of the Government to furnish exhibits; and so, step by step, up to that time there had been, according to my present recollection, nothing but expense, disaster, and disappointment to the people and the public Treasury.

Mr. BLANCHARD. Will the gentleman allow me to interrupt him for a moment?

Mr. CANNON. I will as soon as I complete my statement. This, as I understand it, is a proposition, guarded, I grant you, to make a further loan of the Government exhibits. Whether those exhibits are now in New Orleans, or whether a portion of them are here, I am not informed; but I think a portion of them, if not all, have been returned.

Now, if those exhibits, valuable as they are, should again go to that exposition, I know not whether the Government may not be called upon, in simple self protection, to appropriate a large amount of money to secure their preservation or their return. I certainly have no desire to do any injustice to this enterprise or to make any factious opposition to it, but, remembering so well what has been the experience of Congress in connection with it in the past, I, for one, should be very glad indeed if this matter could go over until the next morning hour, so that it might be looked into more carefully, or else that it should be explained and discussed within this morning hour, so that I, as a member of the House, could vote understandingly upon it.

Mr. BLANCHARD. Mr. Speaker, the gentleman from Illinois [Mr. CANNON] has been speaking of one exposition and this resolution relates to an entirely different exposition. The gentleman from Illinois has been speaking of the World's Industrial Exposition which was held in New Orleans last year. This resolution relates to the North, Central, and South American Exposition, an entirely different institution, which is being held in New Orleans this year.

Mr. CANNON. Will the gentleman yield for a question?

Mr. BLANCHARD. Certainly.

Mr. CANNON. I desire to ask the gentleman from Louisiana [Mr. BLANCHARD] whether the exposition to which this resolution relates

is not a child, legitimate or illegitimate, of the exposition that was held there last year?

Mr. BLANCHARD. It is no child of the one that was held last year. It is the outgrowth of that one, but is an entirely different enterprise. This is called the North, Central, and South American Exposition. Now, Mr. Speaker, this joint resolution appears before Congress at the request of thirty-one of the State commissioners to this exposition, appointed by the governors of the States respectively, and was introduced in pursuance of a resolution adopted by the State commissioners, which I send to the Clerk's desk to be read.

The Clerk read as follows:

Whereas the time has arrived when we as State and Territorial commissioners, in charge at the North, Central, and South American Exposition, can with pride and confidence recommend to the world the wonderful display now in place for inspection, contrast, and study, as well worthy a visit by the people of this and other nations; and,

Second. That we learn that the Government exhibit and a part called the "Greely exhibit," that were in this building during the late "World's Exposition," remain unpacked in Washington, and a resolution of Congress is all that is wanting to get them to this exposition, and believing that a resolution of such character as would permit all unpacked articles to be sent to this exposition to be placed where they can be seen would meet the cordial indorsement of the constituents of every Congressman: Therefore,

Be it resolved by the commissioners of the several States and Territories now present at the North, Central, and South American Exposition, That we unanimously request the Congress of the United States to pass such a resolution as will to that body seem meet and proper to the attainment of the end prayed for.

Mr. BLANCHARD. Mr. Speaker, the purpose of this resolution is merely to give to the heads of the Executive Departments of the Government authority, in their discretion, to allow certain articles under the control of their Departments to be carried to New Orleans, without any expense whatever to the Government of the United States, and there placed on exhibition in the North, Central, and South American Exposition. I have been told by that official of the exposition who is here and has been looking after this matter that he has conferred with the heads of the different Departments of the Government and that they have all approved of the proposition. Some of them have stated that they thought they had not in themselves the authority to do this thing, and suggested that Congress pass a resolution giving them authority in their discretion to do it.

Now in pursuance of that suggestion this resolution was introduced and has received the favorable consideration of the Committee on Commerce. It involves not a single dollar of expense to the Government of the United States. The articles which are desired to be placed on exhibition in New Orleans are already packed. Some of them which were in the exposition of last year have been returned to this city and are now in the respective Departments unpacked. The heads of these Departments are willing that certain of these articles be carried back to New Orleans, provided Congress shall give authority to that end.

Mr. CANNON. Will the gentleman allow me a question at this point?

Mr. BLANCHARD. Certainly.

Mr. CANNON. What knowledge has the Committee on Commerce, or what knowledge has the House, that in the event these valuable exhibits are carried to New Orleans Congress will not be called upon to appropriate money for their return? In other words, what assurance has the House that the new company will not, like the old, prove entirely insolvent, and that the exhibit of the Government, both as to its preservation and return, will depend upon appropriations to be made by Congress.

Mr. BLANCHARD. I will answer the gentleman.

Mr. CANNON. And further——

Mr. BLANCHARD. I do not yield any further now, if the gentleman will pardon me. The resolution, I repeat, merely gives to the heads of the different Departments the authority to do this thing. At the same time it admonishes those officers that this is to be done in such a way that the interests of the Government will be cared for, and that the Government will be put to no expense either in sending these exhibits to New Orleans, or maintaining them there, or having them returned here.

Mr. STRUBLE. Will the gentleman allow me a question?

Mr. BLANCHARD. I will.

Mr. STRUBLE. Has the gentleman any information with regard to the probable cost of transporting these exhibits back in case the Government should finally find it necessary to incur that expense?

Mr. BLANCHARD. Personally I have no information on that point. This is a matter, however, relative to which we can trust the heads of the different Departments to protect the Government. This resolution proposing merely to grant permission to the heads of the Departments to make this loan within their discretion, and it being provided that this is to be done without expense to the Government, the commissioners of the exposition will have to satisfy these heads of the Departments that the exposition has the ability to carry these exhibits there, maintain them there, and return them here without expense to the Government.

Mr. HEPBURN. May I ask the gentleman a question?

Mr. BLANCHARD. Certainly.

Mr. HEPBURN. Suppose, for instance, the Secretary of the Interior should require bonds from the officials of the exposition conditioned for the return of the articles; would that bond be of any value? Could it be enforced?

Mr. BLANCHARD. Well, Mr. Speaker, that question hardly enters into this case. The exhibits which it is desired to carry from this city to New Orleans are but few in number; and the gentlemen conducting this exposition and the association under whose auspices the exposition is being conducted can satisfy the heads of the Departments here of the entire ability of that institution to do what is proposed to be done—to pay all the expense of taking the exhibits to New Orleans and returning them here.

[Here the hammer fell.]

FITZ-JOHN PORTER.

The SPEAKER. The hour for the consideration of reports of committees has expired. By order of the House the remainder of this day's session is set apart for the consideration of the bill for the relief of Fitz-John Porter.

Mr. BRAGG. I move that the House resolve itself into Committee of the Whole for the consideration of that bill.

The motion was agreed to.

The House accordingly resolved itself into Committee of the Whole (Mr. SPRINGER in the chair) and resumed the consideration of the bill (H. R. 67) for the relief of Fitz-John Porter.

The CHAIRMAN. The Chair desires to state that the gentleman from New York [Mr. SWINBURNE], who is now entitled to address the committee, is in ill-health, and desires that the Clerk shall read his remarks.

The Clerk was proceeding to read, when——

Mr. DUNHAM said: Mr. Chairman, I desire to put a question for information. May I be allowed to inquire what this document is that the Clerk proposes to read?

The CHAIRMAN. The Chair has already announced, and will announce again, that the gentleman from New York [Mr. SWINBURNE], who is now entitled to address the committee, is in ill-health and desires the Clerk to read his remarks. He is entitled to have them read.

Mr. DUNHAM. Another question for information. If any member of the House desires to ask any question during the reading of this speech, can he ask the gentleman from New York or must he ask the Clerk? [Laughter.]

The CHAIRMAN. The Chair will decide all points of order as they arise.

The Clerk read the remarks of Mr. SWINBURNE, as follows:

Mr. SWINBURNE. Mr. Speaker, I regret to observe in all the discussions which have taken place in the Senate and House with reference to restoring General Fitz-John Porter to his former standing in the military service too often an inclination to consider the matter from other than grounds of pure justice. Having had some experience at the front during the exciting and trying times of 1862, and knowing full well what the sentiments and feelings of the people of the North were at that time, I can appreciate very easily how such a sentence as that pronounced against General Fitz-John Porter was brought about, and I am fully satisfied that had that court-martial been convened in 1872 instead of 1862 the verdict would have been far different, and the record of a soldier who had been trusted by his commander on previous occasions and always proved able, true, and loyal would have been saved from the disgrace which has been thrown around this man, blighting his whole life and hanging as a heavy burden night and day.

I have had some experience with the Army of the Peninsula, and remembering the jealousies that existed and the embarrassments surrounding every position of responsibility, I feel free to say that it is but justice to this brave soldier that at this time, when we hear so much of conciliation, it is the duty of the Government to restore him to his full position and honors. It will be but a poor plea for justice if the Government awaits, as it has done in other cases, until the man who served the nation in its struggle has passed beyond the courts of men to have eulogies pronounced to his memory. I do not believe it would be a wise precedent to establish that soldiers might with impunity violate the orders of their superiors even in times of peace, much less in the face of an enemy; but in this case I have failed to discover anything in its entire history to satisfy me that he had deliberately violated any order, and after watching the investigation and reading closely what gentlemen have had to say in both branches of the Government when the bills to restore have been under consideration, the worst phase I could place on it was, at most, a tardiness to execute an order, and of even this much I am in serious doubt. Gentlemen who were in active military service and saw their comrades fall around them are pardonable for any hasty judgments then formed; but circumstances are altogether different now, and having become civil leaders, exercising large legislative functions, they should dispassionately weigh in the light of reason the events of the past.

There is not a member of this House, I believe, who would vote more readily to disfranchise and hold forever in disgrace any officer of the Union Army who proved traitor to his country while in service during the rebellion than I. But this charge is not made officially against this officer and never was, and I will hardly lend my vote or voice to con-

firm the charges made by newspapers as to the loyalty of any officer, notwithstanding my high appreciation of journalists as a class, composed as it is of gentlemen who as a rule love justice, but whose prejudices were, during the rebellion, even greater than those of any other class.

I am free to confess that I believe the findings of the court-martial which condemned this officer were very largely the result of jealousy—a spirit that to me was painfully manifest during my connection with the Army, and which, I think, had a disastrous effect on more than one occasion; and if I am allowed to base my opinion on the published reports of the trial, it seems evident to me that there existed a great deal of this feeling between General Pope and General Porter. General Porter charges that General Pope said—

He had had cause to complain of me prior to my joining, inasmuch as in a letter which had fallen into the President's hands I had commented upon his military conduct and ability, had predicted disasters, and had unjustly criticised as his the plan of the campaign just closed.

This letter was, General Porter says, a private one, written in July, and before he had any idea of joining Pope's command. There is to me even stronger proof of this jealous spirit in the language of the judge-advocate, who said:

As the animus of the accused toward his commanding general in pursuing the line of conduct alleged against him must largely affect the question of his criminality, and may furnish a safe and valuable light for your guidance in determining points otherwise left doubtful by the evidence, it is proper that it should be ascertained before entering at large upon the review of the case which you have instructed me to make.

If this statement be founded on facts, as far as the animus of General Porter is concerned, it is but natural to suppose that a similar feeling was entertained by General Pope, otherwise he would not have allowed one of his aids to declare in his presence—

So certain am I that Fitz-John Porter is a traitor that I would shoot him to-night, so far as any crime before God is concerned, if the law would allow me to do it.

I do not stop to inquire how, under the circumstances, I am to accept this matter; whether it is policy to even insinuate that such a thing as military jealousy existed, or whether the popular opinion is that it did. Suffice it for me to be satisfied that it did exist in every branch of the service, and that its existence did result disastrously to our arms on several occasions, prolonged the war, and brought hardship and death to thousands of brave men. I do not know that the record of Bull's Run could have been changed had the spirit of patriotism and harmony been above all other considerations; but I do not hold Fitz-John Porter responsible for what did occur. It would be impossible for me to entertain any other feelings in the matter than I now entertain without some different developments.

In June, 1862, for the second time, I was commissioned by Governor Morgan as medical superintendent of New York State wounded troops, and on the 20th of that month, by order of General McClellan, placed in charge of all the wounded on the Peninsula, with headquarters at Savage Station. Going to the front of my own volition, without cost to the Government or the State, neither asking nor receiving compensation, rank, or honor other than to help my country and its brave defenders, there were none for me to be jealous of and no motives to prompt such a feeling. I was able to look on with an impartial eye and hear with an unprejudiced ear, and now, after two decades, I declare that in my intercourse with the soldiers of Porter's command I heard nothing but commendation, and with those of his troops who were wounded at Malvern Hill and who came under my care there seemed to be almost as great a love as they bore for their beloved McClellan.

My life-training has been to look for causes, and in my personal observations of the men of Porter's Fifth Corps, as well as those of Heintzelman, Sumner, and others with whom I came in contact at Gaines's Mill, Malvern Hill, and Savage Station I learned many things that I would had been otherwise, but nothing that I considered so detrimental to the service and injurious to the men as jealousy, and was almost forced to believe it was one of the fine arts taught at West Point and essential to a good officer in the regular Army. This jealousy I found was contagious, affecting the volunteers to no small extent, and was possessed in a large degree by societies who claimed to be working for the sick and wounded on the high humanitarian principle. So great was this feeling, that it was with difficulty a volunteer surgeon could get the simplest necessaries because of the jealousy of the regular Army surgeons, and I make bold to assert that this jealousy among the surgeons caused the death of the brave Colonel Newman in Willard's Hotel in this city, whose life I am confident I could have saved when invited to attend him by Senator Wilkinson.

It is far from my desire to appear egotistical or to speak disparagingly of others, but simply refer to this as an instance of what jealousy did accomplish, and may be pardoned in going still further and saying that, commissioned, as I was, by the great State of New York to look after her wounded, I was prevented from doing the work for which I was sent, by order of the War Department, because some regular Army surgeon would rather a brave man should lose his life than have it saved by a volunteer surgeon. Am I saying too much of this jealous spirit or magnifying its importance? If so, it is said because I believe it was the origin of this continued cloud of disgrace which hangs over General Porter, and deprived the brave General McClellan, during his life, of a just recognition that will yet wreath a grander laurel around his memory and place him in history alongside the other departed great military chieftain, General Grant.

There are many things that it would be well could they be forgotten in the events of war, and among them one I might cite as occurring in my own particular branch of the service, where, because of jealousy, a so-called sanitary commission attempted to influence the Legislature of New York from appropriating $200,000 to assist in making its sick and wounded more comfortable simply because of jealousy. In this they failed; but were more successful with the head of the surgical department of the Army in securing his influence to prevent volunteer surgeons going to the front.

I can not believe General Porter deserving this severe sentence. It may be military, but I do not believe it just. I never did know much of military law, and hence came very near being court-martialed myself, or at least I was threatened with being cashiered. When the shot and shell were falling fast and thick among the wounded in the tents we used as hospital at Savage Station, and their limbs were being torn from their bodies, I went out with a flag of truce. One of the corps commanders told me I had violated military law and he would have me cashiered; but as the position was in the hands of the rebels in a few moments, and I, remaining a volunteer prisoner, with the sick and wounded, never was court-martialed. But it would have been an awful thing to have a surgeon, receiving no pay, cashiered, and prevented from ever holding such a rank again for such an offense; and yet it would have been no greater act of injustice than has been visited upon General Porter.

Our forces met with a terrible defeat on that August day at Bull Run, and some person was to be blamed. The excitement of the people and the honor of the commander demanded this much, and had the censure not fallen on General Porter the disaster would have been charged to some other brave man. The American nation does not desire in this day to rob its soldiers of their honor, and it is to be hoped that this Congress and the powers that can restore General Porter to his position will not allow higher principles of right and justice to be dwarfed by any political considerations or prejudices. I was asked by a fellow-member if I would dare to support this bill and face my constituency. My reply is most decidedly "yes." I believe Porter unjustly punished, and even if he were guilty, the punishment has been vastly greater than the offenses charged called for, and it would not be my desire to represent a constituency dead to a sense of justice and they do not want me to.

The nation, or at least that portion which defended the flag, applauds every act of magnanimity of the Government to the conquered, and, while holding treason as odious, has welcomed back every man who was in the rebellion and restored them as rapidly as they have applied. Will the representatives of this people refuse to continue this magnanimity? I believe not, but will go further, and accord justice to every man injured in reputation or in person during those exciting and eventful times. In building up the united nation on a basis more solid than ever before it behooves us to build up a grander sentiment among men, and by according justice in this instance prove to the world that we may sometimes be slow but always honorable.

A brave man with a brave record is pleading before the world and this Congress. Entering the service in early life, eighteen years of his young manhood were spent under his flag, and with drawn sword he followed it through the Mexican war, where he was the only officer in his company left to see it planted in the City of Mexico. Fighting through the early part of the rebellion up to a few days before this unfortunate occurrence, and for his bravery commended by his commander, twice brevetted by the President to be major-general of the volunteers and brevet brigadier-general of the regular Army, the country owes him gratitude, not punishment. For twenty-two years his bravery has been clouded and his life blighted, and now justice appeals for his vindication.

Between General Pope and General Porter there is a decidedly strong question of veracity; but one fact is patent, that it was more than two months after the alleged disobedience of orders that General Porter was relieved from his command and a court-martial convened. In the interim General Porter was in active service in the field and around Washington, and took a prominent part with his corps in the battle of Antietam. To me it does not seem necessary to go again over the scenes of those trying days and thus arouse memories which can not possibly have any other effect than to embitter the feelings of all who were active participants or strong sympathizers. It would require but a few moments for the general in command to have made his charges at the time the crimes alleged were said to have taken place and had General Porter removed from his command.

Whatever military blunders may have occurred are best known to those in command, but it is well known to the whole nation that no charge was then made against General Porter, who was allowed for two months and over to occupy a position of trust and responsibility such as no man not to be relied on should occupy in the face of the enemy. In engagements subsequent to the time when it was charged he committed the offenses for which he was tried and sentenced it is not denied that he maintained his reputation for loyalty and proved himself worthy of the name he had won as an energetic, trusty, brave, and capable officer,

and rendered as effective and prompt assistance to General Pope as he had to any other superior officer under whom he served.

Were he guilty and known to have contributed to the defeat of our arms, it was the duty of General Pope to have immediately acted and suspended him, instead of further intrusting him until the mortification of the people became so strong and their denunciation so loud as to require some desperate effort to ward off the storm of indignation which threatened to overwhelm the commanding general. If the charges afterward made against General Porter were true, it appears to me that General Pope was himself criminally culpable in placing the lives of thousands of brave men and the safety of the nation in the hands of a man liable to betray both, or incapable from lack of knowledge or honesty to preserve them. But I do not believe General Pope entertained such feelings, but rather the reverse. Hence my vote shall be cast to restore to his rank one whom I believe to have been misjudged and unfairly treated.

Mr. BRAGG. How much of the time of the gentleman from New York remains?

The CHAIRMAN. The gentleman has thirty-five minutes remaining.

Mr. BRAGG. I reserve that time in behalf of the affirmative of the proposition.

Mr. HOUK. Mr. Chairman, when this bill was considered by the Committee on Military Affairs, I as a member of that committee was unavoidably absent, and consequently did not have an opportunity to join in either the minority or the majority report. But I now propose to define my position in regard to this measure, which I regard of very great importance; and I approach its discussion perfectly understanding that to attempt to make a speech in regard to this matter now, after all that has been said on the subject, is to travel over a well-beaten road; that in view of the able past discussions which have been had at either end of the Capitol and in the columns of the public press of the country; to attempt to make a speech now would be to restate facts often told and to reproduce arguments already worn and weakened by continued repetition. Therefore, while I shall not attempt to follow in the path of those who have gone into details on this subject, especially in regard to battle scenes of that memorable occasion, yet I feel constrained in the discharge of my duty as a representative upon this floor to say a few things in regard to the real issues involved and the merits presented by this bill for the relief of Fitz-John Porter.

If this were a measure praying for pardon, asking for amnesty, demanding that something should be done to promote that conciliation of which we have heard so much—if it were a bill for the purpose of removing some disqualification imposed for political considerations—it would receive my most cordial, cheerful, and earnest support.

But, owing to the course of the discussion of this measure during the past few years, and the tinge given to it incidentally by the Republicans who have thus far participated in favor of this bill, I ask for a few moments to make some allusion to my own political course in regard to the questions which have grown out of the rebellion. I ask to do this that neither my position nor my motives may be misunderstood or misconstrued when I cast my vote against the passage of this bill, which I believe if passed will be absolutely destructive of the very fabric of government itself.

And, Mr. Chairman, as I have been a rather unobtrusive member on this floor for more than seven years, I beg leave to remark that when the war began I was a Union man, and I have no apology to offer for that. When the war ended I found myself a Republican. Such was the logical result of my convictions, and I have no apology to offer for that. After the war ended I was sometimes called a radical, and I confess I am of a somewhat ardent temperament, and I can not help that. But, sir, I am not now and never have been one of those who hated others because they did not see and believe as I did, and I never could understand the working of those little, contracted minds which entertained malice toward somebody else because of difference of political opinions; and having fully recognized all my life that there was a good deal of human nature in all mankind—always having recognized that each individual should be an intellectual sovereign and entitled to think for himself—I am now and always have been and hope to be liberally and kindly and generously disposed toward everybody who took part in the rebellion, on the wrong as well as on the right side. Knowing as I did and do the circumstances under which the secession craze was precipitated upon the people of the South, there is no people toward whom I have invariably shown a more kindly and generous disposition than toward those who struggled in arms against the integrity of the Union and the nation. And when my State—I will pass from this thought in a moment—when my State was reconstructed at the close of the war by its own citizens, by the voluntary action of its own people, I was opposed to all measures and methods of disfranchisement and disqualification which affected the masses because of participation in the rebellion.

I believed then, Mr. Chairman, and I believe now, that it not only was a mistake but was a piece of cruelty and absolute injustice when my State exerted its power to place upon all alike a badge of dishonor, not to say more, for participation in the rebellion. I always believed that it was wrong to place disqualification and disfranchisement upon those who had made common cause in what they were led to believe on that subject was right.

I believed, Mr. Chairman, when reconstruction took place, the great mass of the people who had attempted to take themselves out of the body-politic should be received back with open arms and welcome hands and generous hearts, and with all the emblems of full American citizenship. When the policy of fixing a badge of infamy on these people by disfranchisement and disqualification was consummated by the controlling authority in my State, under the leadership of that distinguished Democrat, Andrew Johnson, afterward a Democratic President of the United States, it was done against my will, and contrary to my judgment, and over my protest.

When this policy was consummated under the leadership of that distinguished Democrat, then military governor of Tennessee, I condemned it, and sought to point out some of the evils which soon afterward followed. And subsequent events, which so rapidly followed, proved that Mr. Johnson was wrong, and he afterward candidly admitted his error.

Now, Mr. Chairman, I stand to-day where I stood then on this question of political disabilities, and insist that politics, nor any questions growing out of the war, should have nothing whatever to do with forming any man's opinion or influencing his vote upon this bill for the relief of Fitz-John Porter. Fitz-John Porter was not charged with, tried for, nor convicted on the right or wrong of the rebellion. No, sir; his offense was not political—it was military. He was charged with, tried for, and convicted of a military offense—for the violation of orders and failure to discharge the duty of a soldier, and for the betrayal of his superior commander on one of the battlefields of the country. My whole nature, Mr. Chairman, revolts at, and I detest in my very soul, the idea of political disqualification, and I hope I will be pardoned for saying that if anything on earth could have made me a Democrat this policy of general disfranchisement and disqualification placed upon the people and other similar errors in the process of reconstruction would have driven me, as it did thousands and tens of thousands of others in the South, into that political party.

But, Mr. Chairman, I know you will excuse me for saying that I could not be a Democrat. I had studied the history, the traditions, and the tendencies of that party, and, in my deliberate opinion, they lead to evil and that continually, and therefore as a consequence, notwithstanding I differed with many of the leaders of my own party, differed with the distinguished gentleman who led this policy in Tennessee and forced it on the people, and afterward, as I have said, a Democratic President of the United States, I resolved to bear the ills by which I was surrounded in the Republican party rather than fly to those evils which I thought I saw hidden behind the banner of so-called conservatism—conservatism, I believe that is what you called it then—but which as I thought I saw, and as subsequent events have fully shown, was simply a banner behind which to hide the dangerous heresies of the old State rights' Democracy, from whence came all our national troubles and which led to evil and all our woes.

Mr. Chairman, for these reasons, I repeat, I determined to remain inside of and fight under my own party flag for the development of a true republican policy which would result ultimately in correcting these evils by breaking down, wiping out, and destroying all these badges of political disqualification and disfranchisement. And when the time came to destroy this odious policy in my State, when an opportunity was presented, when it was practicable to break it down I was among the first to do all and whatever I could, as some of my colleagues over there know, to break down, wipe out, and destroy the last vestige of this abnormal and inconsistent policy and restore the people to full American citizenship with all their rights, immunities, and privileges. Therefore, laying aside all diffidence, I have made these remarks that I was a somewhat conspicuous figure in re-enfranchising the rebels of my own State, and I will add that I have seen no substantial reason to regret my action in this direction. And since I have had the honor to occupy a seat in this House I have voted for every measure of amnesty, conciliation, and restoration of rights which has come before this body in behalf of those who were engaged in rebellion against the national authority.

Nor, Mr. Chairman, have I ever known or sought to know any party or the membership of any party when I came to cast my vote or to otherwise act in my representative capacity, except when voting or acting on some measure involving strictly political issues. Nor shall I inquire when I come to vote on this question as to the party to which Fitz-John Porter belongs, or make inquiry as to the membership of parties. There are few men living, Mr. Chairman, for whom I would not willingly vote a complete amnesty for all political offenses of whatever character they might be; and if this bill for the relief of Fitz-John Porter were for this purpose, if it were intended to wipe out some badge of disqualification imposed for some political offense, it would have my earnest and hearty support. But I do not understand that such is the character of this measure. There is nothing in this bill, nor do its author or friends claim that it is, to affect any political question directly or indirectly in any way whatever.

I do not understand that Fitz-John Porter, or his friends for him, ask relief from any incumbrance or any badge of disqualification imposed for political considerations or any other; for whatever disqualifications were imposed by the court which tried and found him guilty have been expunged and wiped out by executive action and pardon. And while this bill is intended for his special and peculiar benefit, I

do not understand that even his closest friends insist that he labors under any disability except that he is out of office. No, sir; so far as these disabilities could be reached by executive action they are gone, dissipated, expunged. But there is one remaining badge of disability, the disability of being out of office, and that is all—out of office, where most of us will soon be, I have no doubt, and some before we are ready, certainly before we are willing, to retire! Why, then, comes in this bill, thrust upon us when all his disabilities have been removed except that he is not given an office?

Mr. Chairman, I have been led to indulge in this line of thought, and to submit these reflections in reference to these political questions, because we see it printed in the newspapers and hear it whispered around the corridors of the Capitol and hotel lobbies that the rebels have been amnestied, and therefore this bill ought to pass for the benefit of Fitz-John Porter. But I think there is a difference between an open enemy and a secret, sullen foe. The one may be admired, while the other is despised, detested. The rebels were bold in an open and a bad cause, while Fitz-John Porter was the secret, sullen, inside foe to those who were engaged in a rightful cause.

Mr. Chairman, Fitz-John Porter was charged with and convicted of the highest offense known to military law; and now we have bills special, and bills general, all for the benefit of Fitz-John Porter. His friends, after struggling for more than twenty years to accomplish his glorification, through executive action and special legislation, have spread their legislative sails and enlarged the borders of their drag-net by forcing on our consideration a bill of a general and sweeping character, as well as this special bill, both now on the Calendar, and either of which, as I believe, if passed will open the way for the demoralization and the destruction of all discipline in the United States Army, as well as to violate the fundamental principles of our Government.

And the passage of this measure, Mr. Chairman, is demanded on the single issue of moral justice and legal right. Its passage is demanded on the moral justice involved in the principles of right and wrong. That is the ground on which its passage is urged.

Fitz-John Porter's guilt is vehemently denied and his innocence is as persistently asserted. Thus the issue has been made up ever since the fatal day on which he was charged and afterward found guilty of betraying his superior commander in a death struggle on one of the battlefields of the nation.

No, Mr. Chairman, there is no question here of pardon, of mercy, of amnesty; but it is a square issue fairly and clearly made up of treachery of the boldest and blackest and most infamous character on the one hand, and that of simple and plain devotion to duty and of obedience to orders on the other. Twist it as you may, turn it as you can, this is the square issue on which we have to vote. And, as I have already said—I will repeat it again—that he was charged with and convicted of the highest offense known to the law of nations; that he was charged with the crime of refusing to march to the aid of his superior officer, who at that hour was engaged in a death struggle for victory with a superior force of the enemy. I want to call the attention of the House and the country to the important results that depended upon that struggle; to the fact that in that struggle on that day was involved, if not the life of the Republic itself, at least a prolongation of the war to an indefinite period, and the lives of thousands of brave and true men.

Oh, but there is controversy as to the time at which he received orders to move his command. What right had he to wait for orders when he saw the necessity for his help? What right had he as a soldier to stand there posing upon the red-tape process of orders? Let us suppose, Mr. Chairman, if it be possible, that there had been no Fitz-John Porter that day, and that the gallant Phil Sheridan had been in command of that corps, would "Little Phil" have waited for orders before he rushed into the thickest of the fight to turn the tide of battle and have victory perched on his banner and put your rebel brigades to flight? No, sir; but the testimony in this case does show—and I am only going to deal with the testimony incidentally—that Porter did have orders to move on that day, but, as I believe, from reading the record and studying the history of that transaction, he deliberately chose to disobey those orders and refused to move his command; not as a traitor in the sense of a disunionist—not that he desired to see the Southern confederacy succeed. I do not believe he desired to see the stars and bars floating over an independent government on this portion of the American continent. I do not believe he was a rebel in the sense of a disunionist; but from this testimony I do believe he was a traitor to and for the purpose of betraying, disgracing, and humiliating his superior commander, Maj. Gen. John Pope, whom he hated. He was so loyal to Little Mac, and disloyal to Pope, that he permitted it to sway his action at the peril of his country.

I say, Mr. Chairman, and I wish I could utter it with a voice that could be heard from one end of this country to the other, if Fitz-John Porter was guilty, as I believe he was, he ought—and I say it with the utmost deliberation—he ought to have received a much severer punishment than that which was inflicted upon him. If guilty, Fitz-John Porter ought to have been shot. If innocent, there would have been neither a demand nor any necessity for any court-martial. If guilty, he ought to have been shot; and if he had been some humble private soldier under precisely the same circumstances, surrounded as he was, excepting his rank and social influences, he would have been shot. If innocent, he ought to have been acquitted—he would have been acquitted—but if guilty, as a court-martial found that he was, this bill ought not to pass even though Congress had full power and control over the subject.

Mr. Chairman, this is rather a long exordium and laying down of premises, but I now propose to group together as briefly as possible the reasons why I shall vote against this bill when put on its passage. And, first of all, we are now asked to take a new departure in the science of government, and turn Congress into an appellate tribunal to review and set aside what I believe under our system of government was a carefully considered and deliberately pronounced judicial decision. This I do not believe Congress has the right or the power to do. I do not believe Congress has such power under the Constitution; and if it has, it will be a dangerous exercise of power to pass this bill by which in the course of time all such cases would be transferred from the forum of courts-martial with their judicial poise to the political arena of Congress, thus making the decisions of every military court in the process of time dependent upon the varying fortunes and changing scenes of political parties.

I know it has been said that this is a reflection upon all the honest members of Congress. I disclaim the purpose or intention to make any such reflection. But I appeal to every intelligent man if we have not seen almost every question that comes into these halls take political direction and receive a political turn and become subject to political influence? I will not stop to intimate that this has any politics about it. Of course not. Fitz-John Porter is not a political issue. Oh, no! Not at all!

Mr. MILLIKEN. Will the gentleman permit me to ask him a question.

Mr. HOUK. Yes, sir, if it does not come out of my time.

Mr. MILLIKEN. Did not one of the most distinguished generals in the Army state in the last Congress, when he was pleading for Fitz-John Porter, that Congress was unable to try this case, that it did not understand it, and had not the power to understand it?

Mr. HOUK. I expect if he was a good lawyer and a good general he did so state, because I am satisfied there is no such power in Congress; and, as I think I can show, it is impossible to now understand the case as well as it was understood by those dealing with it at the time; but I am coming to that more fully directly.

Courts-martial, Mr. Chairman, as I conceive—and I call the attention of every lawyer in the House to what I am about to say—courts-martial, as I conceive, are founded and grounded in the very genius of our Government and all that is essential to its integrity, and in case of rebellion and war even more so than the civil courts, by whose conservatism, learning, and wise adjudications liberty is preserved to and for the people.

And as to the character, jurisdiction, and powers of courts-martial, the Constitution of the United States and the decisions of the Supreme Court place those tribunals, military courts, as a distinct and specific arm of the Government, fixed and immovable in their sphere, and with whose jurisdiction and findings no other branch of the Government has any right, power, or authority to interfere except by the exercise of that co-ordinate authority which is conferred by the provisions of the Constitution for this purpose on the Executive alone.

By the fifth article of amendment to the Constitution of the United States it is declared that—

> No person shall be held to answer for a capital or otherwise infamous crime unless on a presentment or indictment of a grand jury, except—

Mark the language.

> except in cases arising in the land or naval forces.

And says Mr. Benet, a high authority on this question:

> The Constitution, therefore, while expressly empowering Congress to make rules for the government of the land and naval forces, expressly excepts the trial of cases arising in the land or naval service from the ordinary provisions of law.

Did not Fitz-John Porter's case arise in the land service? Is it not one of the cases which the Constitution itself expressly excepts and transfers from the civil courts, and gives jurisdiction over to courts-martial? What are the ordinary provisions of law, and what does the Constitution mean by expressly excepting cases arising in the land and naval forces from those provisions of law? There was and there could be but one purpose contemplated by the framers of this constitutional provision, this inhibition and exception bearing directly upon the jurisdiction of courts-martial, and that purpose was and is to give to those courts absolute and exclusive jurisdiction to try and determine, pronounce judgment of acquittal or of guilt, and affix punishment in such cases, and to make the action of a court-martial, when concluded and executed according to the law governing such proceedings, final and beyond the reach or interference or review of any other tribunal or branch of the Government except the executive, as prescribed by the Constitution and the laws. And accordingly, says the same high authority already quoted—oh, ye constitutional sticklers, listen to what this high authority says—"No doubt" [there is not even a single doubting

Thomas!]—"no doubt is intimated in any of the books of our law as to the competency and completeness of the jurisdiction of courts-martial in the cases and under the conditions provided by the Articles of War."

Fitz-John Porter was tried by and convicted in strict accordance with the laws of Congress and the Articles of War made in pursuance of laws enacted under this provision of the Constitution, and the findings and judgment of the tribunal that tried and convicted him are conclusive against all other departments of the Government, except in so far as the Executive may have interfered by the exercise of his clemency, or may hereafter interpose his Executive power—this deduction by this high authority is unanswerable. It is too clear—too logical! Absolutely conclusive of this case! There is no answer to it.

Courts, Mr. Chairman, whether civil or military, are the guide-boards to human liberty. All that we have and all that we are depend upon loyalty to their decrees when pronounced according to law. Life, liberty, property, the pursuit of happiness, all depend in large and peculiar measure on the reverence and respect paid to the decrees of the courts of the country. And that people are governed the wisest and the best where the largest degree of respect and reverence and veneration is given to the decrees of the judiciary when pronounced according to law. And, Mr. Chairman, according to the view which I take of this question, if it is competent for Congress to overthrow, either directly or indirectly, by one means or another, the findings and judgment of a court-martial, it is equally competent for Congress in its legislative capacity, in the exercise of the same authority, to step in and take jurisdiction and overthrow and annul and destroy the effect of the judgment of any other judicial tribunal, either civil or military.

This conclusion, Mr. Chairman, seems to me to be supported by both logic and sound law, and such a principle once established would be absolutely destructive of the very fabric of government itself. And does not the question come up and meet us right here, does it not stare us squarely in the face—the question whether the United States is a government of co-ordinate departments, legislative, executive, and judicial, constituting a unity in trinity, each department independent in its own sphere; or whether it is a government in which the supreme power is vested in the Congress, or a government in which the supreme power is vested in the legislative department, subject only to the approval of the Executive? To establish and recognize such a principle in government would be to blot out the courts of the country, destroy their power, and erect here in the national capital a legislative despotism subject only to the Executive.

May it not be inquired, Mr. Chairman, and will not the people inquire, whether or not it is possible in this Government of co-ordinate departments, with checks and balances intended to give equilibrium to the whole, that, after one recognized and constitutional branch of the judiciary has pronounced judgment, under the law, in a case involving facts ascertained in accordance with the rules of law, Congress has the power and can reach out and take further jurisdiction of the same subject-matter between the same parties and thus act upon and readjudicate and reverse judgment and dispose again of the very same question? That strikes at the very foundation of the whole superstructure of our national authority, and I insist that the idea of such a power existing in Congress is supremely absurd and makes what should be a consistent and harmonious whole a jumble of confusion, uncertainty, and disorder.

Let me recall attention to the structure of our Government. Of the three co-ordinate departments the judicial is put last in the order of their creation by the Constitution, thus clearly signifying that those two are to rest on this one, which is designed to interpret the law and enforce its mandates in obedience to those acts which have been approved by the Executive after originating with the legislative under its constitutional authority, as the first of the three co-ordinate departments. In other words, the intendment of the Constitution was and is that these co-ordinate departments shall harmonize in the government of the country and that neither shall invade or trench upon the jurisdiction of the other.

The Constitution authorizes, and our laws provide for, courts-martial, as I have already shown, as clearly and definitely as they do for civil courts, and if Congress can reach out, take hold of, and readjudicate every question which may be disposed of by a court-martial it may do the same with the judgments and decrees of every civil court in the land, including the decisions of the Supreme Court of the United States.

The Constitution granted the power; Congress exercised it by the enactment of laws establishing courts-martial. The Executive approved those laws enacted under the authority of the Constitution, and thereby there was set in motion the machinery of the Government by which to adjudicate all military disputes and to punish military offenses. Our Supreme Court has decided time and again that when all the powers of the Government have been exercised there is no way to recall the decision and act upon the question again.

Mr. LONG. Does the gentleman understand that to authorize the President to appoint Fitz-John Porter to this place is to set aside the finding of that court?

Mr. HOUK. Yes, sir, to that extent. It will be remembered that the only part of the decree now remaining in force is that which dropped Fitz-John Porter from office, and he has never got back. Now, this bill proposes to overturn that decision so far as to put Fitz-John Porter in again. That is all there is of it; and to that extent it is a direct, unequivocal invasion of the judicial rights of courts-martial. [Applause.] It is possible that if there was an existing vacancy in the Army the President might further exercise his executive power and legally appoint Fitz-John Porter to it. But for Congress to pass a law providing for his restoration with the rank and pay he had when dismissed will be a direct reversal of the findings and sentence of the court-martial and an invasion of the rights of a co-ordinate department of the Government. As I conceive, there is one difference, and but one, between the judgment and decree of a civil court and that of a court-martial. That difference is not in the binding effect to be given to the decision of the one or the other; the only difference is as to the time, the manner, and the process of execution of the decision and the different machinery that enforces it.

But civil courts—and this is a portion of my answer to the gentleman—civil courts are to maintain order throughout the whole body politic, to preserve the well being of the social and civil affairs of all the people for all time; while courts-martial are for the discipline and enforcement of military orders and the exaction of obedience on the part of those who have adopted the profession of arms and to whom the whole people are to look (as they looked to Fitz-John Porter on that fatal day) for protection in times of commotion and public danger. The functions and purposes of civil courts are for the redress of wrongs and the administration of justice as applicable to one phase of human affairs in civil society and universal citizenship. The functions and purposes of courts-martial are to enforce and apply the same principles to a wholly different condition of affairs and to exact duty and obedience on the part of the soldier toward the sovereign whom he serves, and whom Fitz-John Porter ought to have obeyed. Both these classes of courts are supreme in their sphere, and subject only to the constitutional exercise of the respective powers lodged in the co-ordinate branches of the Government.

But in this case Congress is asked to "swing around the circle" by going back and undoing that which, as I have shown, has had the sanction of itself and the other two co-ordidate departments of the Government. Congress is now asked to annul and set aside a judicial decision pronounced under and founded upon laws of its own making, thus claiming the right—and I invite gentlemen to observe how dangerous a principle this is to interweave into the fabric of the nation—thus claiming the right to keep alive every issue of both law and fact which may arise at any time between the Government and the individual. It is a kind of governmental "perpetual motion."

The law of Congress and the organization of these military courts provide their mode of procedure, and subject their findings to the approval of the Executive; as I insist, both as President of the United States in his civil capacity and as the Commander-in-Chief of the armies of the nation. The approval of the President, as it seems to me, must necessarily partake both of the nature of a civil and a military act; and when the findings and judgment of a military court are thus approved it is a completely executed authority. The power has gone; the jurisdiction is lost; the adjudication becomes fixed and final, and the matter involved is beyond the control of Congress or any other tribunal, except the review and action by the Executive under the same constitutional authority that gave the other two branches of the Government their power over the subject but which have thus been exhausted.

The genius of our Government and the spirit of the people are such that the military is held in subjection to the civil authority, even in the exercise of official acts by the President, who is Commander-in-Chief of the Army by reason of being the chief civil officer of the United States; and his approval of the finding and sentence of a court-martial is in the double capacity of both civil and military chief; and after that there is no power in the law or under the Constitution to reach out and take jurisdiction of the same subject-matter again.

[Here the hammer fell.]

Mr. CAREY. If I can be recognized at this time I will yield fifteen minutes of my hour to the gentleman from Tennessee [Mr. HOUK]—

Mr. HOUK. Oh, give me a little more than that.

Mr. CAREY. And I will reserve the residue of my time.

Mr. BRAGG. There is no objection to giving the gentleman from Tennessee all the time he desires; but it must come out of the time allowed under the order of the House to the opponents of this bill.

The CHAIRMAN. The gentleman from Wyoming Territory [Mr. CAREY] is recognized as entitled to the floor, and yields fifteen minutes to the gentleman from Tennessee.

Mr. CAREY. And I reserve the remainder of my time.

Mr. HOUK. Mr. Chairman, this provision of the Constitution requiring the approval of the Executive, both in his capacity as civil magistrate and as Commander-in-Chief, is one of the wisest and most wholesome provisions of that instrument. But in the case of Fitz-John Porter, which this and other measures are intended to affect, the military court was not only legally organized, but it consisted of a membership distinguished for ability, learning, and integrity of character. Mr. Chairman, it would be difficult indeed, if not almost impossible, to organize a court more competent to administer justice tempered with mercy than the court which tried and convicted Fitz-John Porter. General Garfield, one of its members, as we all know, was noted for his kindly and

generous disposition, amounting to a beneficence of soul which led him to err, if at all, always on the side of mercy. He was a double-breasted, noble-souled, big-hearted character, with a penetrating and analytical mind, never imposed on in the interest of wrong and oppression, as the friends of Fitz-John Porter now insist. Almost—perhaps quite as much might be said of all the other members of the court who brought in the verdict against Fitz-John Porter as guilty of the high crime and misdemeanor with which he was charged.

But suppose it were true, that a mistake was made, is it not, under our Constitution and laws, one of those incidents in the affairs of mankind, under the imperfections of the human race, which necessarily inhere to all human governments, and for which there is no remedy?

There are cases, Mr. Chairman, which pass beyond the jurisdiction of governmental remedy, and enter the domain of impossibilities.

While I do not believe it to be true, yet the fact may be conceded, for the sake of argument, that injustice was done in the trial of the case. But I can see no remedy here, for the reason that all the force and power of the Government have been exercised and exhausted, and there is now no means whereby the case can be turned about and begun over again at the other end, or whereby any new trial can take place.

If injustice were done in this case, in my judgment there is no power to legislate for the correction of the evil, because all men must admit the impolicy, not to say the impossibility, of keeping the powers of the Government constantly in motion, moving in a circle, acting and reacting, trying and retrying the same question between the same parties continually.

Let me ask what will be the effect of giving legislative recognition to the principle of the Schofield board? If one Executive can appoint a commission, and clothe it with power to reverse the decision and finding of a court-martial, can not another Executive, holding a different view, appoint another commission to review and place the verdict of the court-martial *in statu quo*, to restore it, and so keep every case of a like character going up and down, according to the changing opinion of the man who happens to be President of the United States at the time?

Thus it is clear to my mind, Mr. Chairman, that the only basis for consistent action in such a case and in order to secure a stable government is to treat the decision of a military court, after approval by the President, just as the decisions of civil courts are treated, by recognizing their binding force in all cases of final adjudication and approval by the President. And to pass any bill, whether special or general, for the purpose of granting the proposed relief in the case of Fitz-John Porter is to do violence to fundamental rules of government and set at defiance stern and necessary principles of law, the absolute and imperative observance of which is essential to the very existence of government itself. I therefore insist that to overthrow these fundamental rules and lay violent hands on these essential principles would be the very essence of rebellion, as flagrant in character, as injurious in effect, though wanting in animus, as that with which Fitz-John Porter is charged in the disobedience of orders and the violation of the duty of a soldier by the betrayal of his superior officer.

But passing from this particular view of the case, as founded on the nature and legal character of a military court, let us examine this case in another aspect and apply another question of law to the proceedings and findings of the court-martial to see whether there is any reason why we shall undo that which was done by that court-martial. It is a recognized principle of law in all the courts of the country, practiced every day, a principle amounting to the force of positive enactment, if you please, that the court which tries a case, seeing the parties, observing the witnesses, looking the accused and accuser in the face, taking cognizance of the actions and demeanor of all interested and concerned, is better prepared to judge of the force of facts and weight of evidence, and better able to decide as to the guilt or innocence of one charged with crime than those who did not have like means of judging. Then when we add to the advantages of the court in this case another great fact, intimately associated with the verdict and judgment in the case of Fitz-John Porter, the fact that Mr. Lincoln, as President, examined and approved the finding of the court, there is absolutely no ground for supposing any injustice was done. And I say we should be very careful while exculpating the living not to inculpate the dead—that we should be careful while restoring Fitz-John Porter to the Army not to condemn Mr. Lincoln, who approved the sentence, and Mr. Garfield and the other members of the court which found him guilty. I for one would not do so even though I believed Congress had full power over the subject, unless there was the most complete, conclusive, and absolute certainty of the fact, borne out by the most unquestionable evidence.

To restore Fitz-John Porter to the Army is to condemn Mr. Lincoln and all those who declared his guilt and sanctioned his punishment, and while physical numbers may pass this bill here, of one thing I feel assured, and that is that the great majority of the American people who rejoiced at the downfall of the rebellion will never believe otherwise than that he was guilty as charged before and found by the court-martial.

Where is the man who can believe that Mr. Lincoln, whose nobleness of character and kindness of heart will live forever, would have sanctioned such a great and monstrous wrong as the advocates of this bill proclaim was laid upon Fitz-John Porter by the court which tried him and in the approval of the sentence of that court by the President, Mr. Lincoln?

I repeat, Mr. Chairman, who believes Mr. Lincoln to have been capable of sanctioning and sanctifying such a grievous wrong by his approval of that sentence? Such a thing lies very near the border-line of the impossibilities, and I do not believe Mr. Lincoln perpetrated that wrong. He was a good man; careful and faithful in the discharge of every duty which devolved upon him. He was a great man—one of the greatest, as I believe, in the entire history of the human race. He was the one man—the one man whose genius and goodness blended and stood forth in brightness and glory far above all his fellows, whose wisdom shed its light far above all those who had preceded or have since followed him in the administration of the Government and in the dispensation of mercy to his kind.

Mr. Lincoln was more than a genius. He was, as I believe, an instrument in the hands and peculiarly a child of Providence with a great mission to perform. I do not say, Mr. Chairman, that Mr. Lincoln never made a mistake. I do not say that he was incapable of committing an error. He may at some time, somewhere, and some way have perpetrated a blunder. But I do say that he possessed a great mind, a marvelously keen perception, an accurate, an almost perfect judgment; a good heart, big with benevolence; that he was supremely just in all his ways, and that he was wholly incapable of erring intentionally.

Indeed, so far as I know, or have ever heard, if he erred at all it was on the side of mercy; and when I associate the names of the distinguished gentlemen composing the court-martial that tried and convicted Fitz-John Porter, and see the more distinguished name of Lincoln, who approved the findings and sentence of that court, I can not, I do not believe that a mistake was made. I do not believe, Mr. Chairman, that these men misunderstood the facts with which they dealt.

I do not believe they misapplied the law or the testimony, or in any wise misjudged the case when they pronounced Fitz-John Porter guilty of the great crime with which he was charged. But now, after the lapse of more than twenty years—yea, when almost a quarter of a century has passed away, when Lincoln and Garfield and all those who found him guilty and approved his sentence at the time are dead and gone from human eyes, I for one, Mr. Chairman—for one before I vote to restore Fitz-John Porter to the Army, and wipe out that verdict and thereby transfer the brand and badge of disgrace imposed by that court from the guilty to the innocent, there must be absolutely convincing proof of the right to ask it and the power of Congress to grant it.

The CHAIRMAN. The time allowed the gentleman from Tennessee has expired.

Mr. WOLFORD. Mr. Chairman——

Mr. HOUK. Mr. Chairman, I would like a very few minutes longer.

The CHAIRMAN. The time allowed to the gentleman from Tennessee has expired.

Mr. HOUK. Mr. Chairman, I have been here for seven years and I have troubled the House scarcely as much as seven hours in speech-making in all of that time. I can finish what I have to say in ten or fifteen minutes.

Mr. LONG. Mr. Chairman, I hope unanimous consent will be given, if no one is ready to speak upon the other side, to allow the gentleman from Tennessee to go on and finish his remarks.

The CHAIRMAN. The Chair is informed that the gentleman from Kentucky [Mr. WOLFORD] is ready to proceed this evening.

Mr. WOLFORD. I am ready to go on.

Mr. HOUK. I hope the gentleman from Kentucky will consent that I may proceed now.

Mr. WOLFORD. I have no objection, but it must not be taken out of my time.

Mr. HOUK. Not by any means out of the gentleman's time, but by consent of the committee.

The CHAIRMAN. The Chair has no power in reference to the matter.

Mr. HOUK. I ask unanimous consent to be allowed to go on for fifteen minutes.

Mr. BRAGG. I must object to that.

The CHAIRMAN. The gentleman from Wyoming was recognized and yielded fifteen minutes of his time to the gentleman from Tennessee. That time has expired.

Mr. REED, of Maine. But the gentleman asks unanimous consent to be allowed to proceed.

Mr. BRAGG. I object.

Mr. REED, of Maine. But the Chair might submit the question at least to the committee.

The CHAIRMAN. The Chair will do so.

Mr. HOUK. Before that is done let me say again, Mr. Chairman, that I have been here for seven years and have scarcely yet occupied as much as seven hours of the time of the House on the floor.

The CHAIRMAN. The gentleman from Maine asks unanimous consent that the gentleman from Tennessee be permitted to continue his remarks for a few minutes longer.

Mr. BRAGG. I object.

Mr. CANNON. Mr. Chairman, I do hope that this courtesy, so frequently accorded to gentlemen upon the other side, will be granted to the gentleman from Tennessee, when everybody knows that there will be no debate after his speech is concluded this evening. It occurs to me that it would be a gracious courtesy to permit him to proceed for ten or fifteen minutes.

Mr. BRAGG. We have already extended the time of one gentleman for one hour without taking it out of the time allowed for debate on that side. Now, if there is any more time to be extended it must come out of the time allowed for debate on that side.

Mr. HOUK. I ask the gentleman from Wisconsin what harm will it do to permit me to go on for a few minutes when we are about to adjourn anyway?

Mr. BRAGG. The gentleman from Wyoming [Mr. CAREY] has three-quarters of an hour left.

Mr. CAREY. But I have given it away.

Mr. BRAGG. Then let the gentlemen you have given it to give up some of their time.

Mr. CANNON. Is the gentleman from Wisconsin afraid of this discussion?

Mr. BRAGG. I am not afraid of the discussion, but I am reminded of the old couplet of what the devil would be when he was sick; how sweet you are now and how different it is when we want an extension of time.

Mr. CANNON. The gentleman's remark is not borne out by the facts.

Mr. CAREY. I yield ten minutes to the gentleman from Tennessee [Mr. HOUK].

Mr. HOUK. I was trying to say, when the hammer fell, in view of the circumstances of the trial and the character of the men who found him guilty and approved the sentence, even though I believed Congress possessed the power over this subject, to be induced to vote for this bill I would require to have the most convincing proof to show where the wrong lay and that all these men were in the wrong. But I feel, from an examination of the record and the proof in this case, that no such evidence has been presented, no such new and reliable testimony has been adduced with all the expedients of admiring friends, with high social surroundings and energetic and persistent agitation of more than twenty years trying to find something to overturn this court-martial and its decisions. All this attempt has utterly failed.

And I want to ask, gentlemen, is there a lawyer here that does not know how recollection fades, how memory becomes obscured by time, and how facts and details are wiped out and lost as testimony by time and age and circumstances surrounding parties who depose? And I want to ask every lawyer—the lawyers on the other side of this case—if it is not a fact, recognized so far that even the newspapers of the country are constantly criticising the fact, that the mere continuance of a criminal case is considered more than half the battle even though the offense charged be murder? Why is this true? It is simply because of the very fact that I have suggested, that facts and details going to make up evidence are better understood and the truth more certainly ascertained while the occurrences of which the parties testify are fresh in the memories of the witness deposing to the transactions.

I insist, Mr. Chairman, that it is an utter impossibility to arrive at as reliable a conclusion as to this or any other like case now after almost a quarter of a century has elapsed as that which was reached immediately after the incidents transpired on which this proceeding was based. I lay it down as one of the self-evident truths of intellectual philosophy that it is absolutely impossible that any human testimony can be as reliable after the lapse of twenty years as it was immediately after the transactions took place of which the witness testified. Every tyro in the practice of the law and experience of the courts knows this to be true. There is no exception to the rule. It is founded in the nature and constitution of the human intellect. It applies to all alike though it may not be equal in degree; to the strong as well as the weak, the great as well as the small, the rich as well as the poor; it applies to every class of the human family that as time grows memory fades. Therefore even if I believed Congress had the full and plenary power in this matter I would vote against this bill, and thereby sustain Lincoln and Garfield and those who rendered judgment of guilty against Fitz-John Porter, when the facts were fresh in the minds of the witnesses, the court, and those who then dealt with the case.

But it is said, and I suppose it will be repeated continually, that other competent judges have reconsidered and reversed their views touching the findings of this court-martial and as to Fitz-John Porter's guilt. We are constantly cited to the Schofield board to offset the verdict of Garfield and Lincoln and those who found him guilty and approved the sentence. While I will not attempt to discuss the action of that board, while I will not stop to compare the men and motives of the Schofield board with the court-martial which tried and convicted Fitz-John Porter, I will venture to make one remark. I am reminded of a striking epigram by a brilliant Tennesseean, Emerson Etheridge. He had been tried about the close of the war for some supposed seditious conduct. In speaking of it Etheridge said the court-martial was first organized to convict, and then ordered to try. The same remark would probably apply, if reversed, to the Schofield board. It seems to have been first organized to acquit, and then ordered to try.

But while I will not discuss the facts of this case—I have purposely abstained from going into the testimony except incidentally—yet right here I want to make one remark on a statement by this Schofield board which I think is a clear giving away of themselves. They based their action in finding Fitz-John Porter not guilty on the assumed fact that there was no battle near Groveton on the 29th, and yet in their own report, like boys giving themselves away, they state that officers of both armies, both Union and rebel, did report and did believe there was a battle fought there on that day. Think of it. They acquitted Fitz-John Porter because there was no battle, and then they turn about and in the same document say all the Union and rebel officers report there was a battle. And still this Schofield board, in order to acquit this officer, denies that a battle was fought on the 29th, when official reports, and statements, and records of generals on both sides show the Union Army lost more men in the battle of the 29th than the United States lost in the war with Mexico, by which was acquired enough territory to make an empire and add twelve or fifteen States to the Union. The records show more men were lost on the 29th than on the 30th, and yet this board, by some new process of reasoning, came to the conclusion there was no battle fought on that day. And this was all for the benefit of Fitz-John Porter.

But we are told that others have changed their minds as to Fitz-John Porter's guilt, and I readily admit that a very few have changed their position on this question. One whom I loved while living, and whose memory I revere now that he is dead, did certainly change his mind in reference to the truth of this matter.

But let us look for a moment and examine the circumstances under which these utterances of a change of mind thus have been made, and ascertain if possible how far they should influence us in reaching a just and logical conclusion in the premises.

Let us come up with all our devotion not only to heroes but to principles and right, and see how far General Grant's change of opinion should reach out and justify us in changing our conclusions. The truth is, I have heard General Grant quoted so much recently in certain ways and by certain parties and for certain purposes that I am constantly reminded of the devil quoting Scripture to sustain his cause. [Laughter.] But what if General Grant did change his opinion? Let us philosophize for a moment. Did you ever know a good man who did not, in his declining years, undergo a change of mind and take on a mental habit of disbelieving everything bad of anybody whomsoever? As age moves upon us nature softens us all, until all good men seek to excuse if not to acquit the most guilty. And especially is this true as age and irresponsibility remove a man out of the channels of active life, where the stern demands of justice require action, and assert their prerogatives. Change of position and responsibility has much to do with men's actions, and especially their utterances. As a man reaches the stage of life where age comes upon him, he naturally is unwilling to believe anything bad of anybody. But what are the facts of history in this case?

The CHAIRMAN. The time of the gentleman from Tennessee [Mr. HOUK] has expired.

Mr. PETERS. I have an hour in opposition to the bill, and, if it is in order, I will yield out of that hour whatever time the gentleman from Tennessee desires.

The CHAIRMAN. The gentleman from Kansas [Mr. PETERS] can not be recognized now for that purpose; but if what he proposes can be done by unanimous consent the Chair sees no objection.

Mr. CUTCHEON. Mr. Chairman, the time fixed by the special order of the House for closing this debate is 3 o'clock p. m. on Thursday next. The utmost time allowed for debate upon both sides, under the order, is fifteen hours, and every minute that is yielded further beyond the regular time of members will be simply putting members of the committee in a corner.

Mr. HOUK. Well, Mr. Chairman, what do I understand? That I am cut off?

The CHAIRMAN. The gentleman from Tennessee [Mr. HOUK] was speaking in the time of the gentleman from Wyoming [Mr. CAREY]. The Chair can not control that time.

Mr. HOUK (to Mr. CAREY). Give me three minutes more.

Mr. NEGLEY. Mr. Chairman, I will yield three minutes of my time to the gentleman from Tennessee.

Mr. HOUK. I thank the gentleman. I must hurry on. What do the facts of history show in regard to General Grant's connection with this case of Fitz-John Porter? He had it on his mind; he had full knowledge of it; he acted upon it when he was General of the Army, and when he was responsible for its discipline; he had full knowledge of it at the time when one stroke of his pen would have accomplished wonders; he acted on it as President of the United States; he acted on it when he had the responsibility for the discipline of the Army and the welfare of the whole people of this grand country which he had saved resting upon him; and yet for seventeen long years in his official capacity he proclaimed the guilt of Fitz-John Porter.

I know that General Grant did very much to build up the sentiment behind this bill, which is now about to force it through Congress, thus making a martyr and a hero, in so far as such a thing is possible, out of a man who, if he had belonged to the rebel army and betrayed it, or if he had been a private soldier in the ranks of the army that he was con-

victed of betraying, or if he had been some common person void of high social surroundings and influences, would have been shot. If he had been a private soldier he would have been shot and long since forgotten. In one respect at least he would have been like Moses of old: No man here or elsewhere would have ever known where he was buried. But he was not a private soldier; he was not shot, and Congress is now in the act of crowning him with honors.

Mr. Chairman, I suppose that my three minutes have about expired. Why, sir, there is a field here that I could occupy for a week, showing that this man ought to be shot instead of being promoted. But I leave it. I want to say, however, in conclusion, that for the past seven years, ever since I first entered this Hall and took my seat down there by the side of Garfield when he was engaged in the preparation of a speech on this subject, I have been studying this record, and, while I do not base my vote on the facts but on the constitutional and legal grounds I have stated, yet I do believe that the facts in this case show that Fitz-John Porter was guilty. Not that he wanted to betray the Union as a government, but he wanted the rebellion put down according to the Democratic idea, so that when reconstruction took place the Democratic party could have the credit of reconstructing the Union and could continue in power, as they had been during three-quarters of the existence of the Government. Moved by this impulse and by hatred and treachery and disloyalty to his chief commander, Maj. Gen. John Pope, he willfully and deliberately, as I believe the proofs show, violated his orders, disobeyed them, refused to march, and permitted trouble and disaster to befall our arms on that day with the view and for the purpose of a rebel victory, which would force reconstruction on the Democratic plan of giving the South all they demanded. [Applause on the Republican side.]

Mr. WOLFORD. If the distinguished gentleman from Tennessee [Mr. HOUK] who has just closed his able and powerful argument is right in his views of the Constitution, then, sir, we are in a bad condition. The gentleman claims—and I want the attention of my Republican friends to this—the gentleman claims that if Fitz-John Porter had been innocent, as innocent as an angel in heaven, but had been convicted by a court-martial, and the finding of that tribunal had been signed by the President of the United States, no power on earth could save him! Do you believe it, sir? Is there a lawyer in this House who believes it? Do you tell me that this glorious Government of ours which protects every right, which goes down to the lowest condition of humanity and mounts to the highest, and protects every man and every individual—do you tell me that its power is thus easily exhausted? The President can pardon only to a certain extent. Congress has no power, you say. Then where is the power? There is no court of appeals to which you can go for relief from the decision of a court-martial. Thus you have the position—I hope the gentleman from Tennessee [Mr. HOUK] will pardon me when I say you have the absurd position taken that in such a case as I have stated there is no remedy. Innocence must suffer, must be blasted, and the world must see that all the boasted liberty and all the boasted grandeur and all the boasted power of this American Republic is a sham.

A monarch could save an innocent man under such circumstances; the "Autocrat of all the Russias" could save him; there is no despotism on earth that could not save an innocent man in such a case, except the free and powerful Government of the United States! Do you believe it? Will my friend from Tennessee, when he gets over the excitement into which he has wrought himself for the purpose of this argument—will he, as a lawyer, contend that that is a fair and clear conclusion from the Constitution of the United States? Then it ought to be amended. If that is the effect of our boasted Constitution, to what sort of a predicament are we reduced? Will you ever boast again that you have the freest and best Government upon earth? Any man who indorses such a doctrine as that stultifies the founders of the Constitution, and sinks our Government beneath the level of all the governments of the earth. If that be a correct view of our Government, then instead of its being the grandest, the most glorious, the most humane, the most merciful government that ever was devised by the wisdom of man, you declare it insignificant and puny—a government under which error and despotism and crime prevail over innocence and liberty and truth; and there is no remedy!

I propose to-night to lay merely the foundation of an argument on this question; and I hope I may get the attention of those gentlemen who are influenced by prejudice on this subject; for nothing but prejudice against Fitz-John Porter could have caused this otherwise clear-minded man to have made such an argument as we have just heard.

In the first place, I must remark that the gentleman is mistaken in his proposition that a court-martial is a part of the intelligent judiciary of the country. I was once a constitutional lawyer—and I hope I have not forgotten all my knowledge in that capacity—yet, as I listened to the argument of the gentleman from Tennessee, I began to doubt whether all that I have been taught as to the principles of our Constitution was not rank error. I said to myself, "Great God! must all the principles of the law which I have been taught go for nothing under the strong demonstration of the gentleman from Tennessee?"

Now, I want to call attention to a fundamental mistake which the gentleman makes at the outstart. There are, he says—and in this he is undoubtedly correct—three departments of the Government—the legislative, executive, and judicial. Now, does the gentleman dare to say, in the face of the Constitution, that a court-martial is a part of the judiciary? Any man who will read the Constitution of the United States must see where the judicial power of this Government resides. That power is vested in the Supreme Court and such other civil courts as Congress may from time to time establish.

Some of the propositions embraced in the gentleman's arguments I might admit, for he has so interwoven false propositions and true ones that I doubt whether he could get his own bearings unless he had a compass. [Laughter.]

Now I wish to refer to some of the powers of Congress; and I may dwell further on this question when I take the floor again. The Constitution provides—bear in mind these are powers of the legislative department—that Congress shall "raise and support armies;" shall "provide and maintain a navy;" shall "make rules for the government and regulation of the land and naval forces." Now, do you tell me that when Congress is thus vested with power to make rules for the government and regulation of the land and naval forces, this same Congress has no power to change or modify those rules and regulations? According to the argument of my distinguished friend from Tennessee we are in the position of the ancient heathen: we can make an idol, and then we must fall down and worship it. After you have organized a court-martial, you can never change it; you can never modify it; you can never control it; your power ceases; it is your god, and you must worship it! Now, do you believe that? Gentlemen who intend to vote against the restoration of Fitz-John Porter, let me ask you, for the sake of your own intelligence, not to stultify yourselves by placing your votes on such a ground as that.

Congress having the power under the Constitution to make rules and regulations for the government of the land and naval forces, it is under that power Congress has established the Rules and Articles of War—the military code under which the Army acts. If it were a civil court that had condemned a man, do you tell me there would be no power to save him? Why, I know that you are all ashamed to be placed by your orator in such a position as that.

I do not propose to go further in this constitutional argument just now. I will only remark that the whole argument against Fitz-John Porter has changed since the last Congress. My distinguished friend from Indiana (Mr. STEELE) has taken the ground that Porter was not a traitor to his country. I thank him for that. He takes the ground that Porter did desire his country to conquer, did desire its armies to be victorious. My friend from Tennessee, following in the same argument, holds that Porter was not a traitor to his country, but a traitor to — what? A traitor to Pope! Great God! do we live in a land of law, in a land of light, in a Christian country, where learned and distinguished men will say that treason to a man is a crime to be punished? Were we the subjects of a king, a ruler sanctified by the maxim that "the king can do no wrong," the remark might have some application. But in this free country there can be no treason to a man. The whole idea is wrong, and goes upon a wrong principle.

I do not propose to go this evening at length in arguing that proposition. I hold gentlemen to the ground they have taken.

"But," said the distinguished gentlemen from Tennessee [Mr. HOUK], "we know that he desired the triumph of our armies." But, oh, what a bloody traitor he was! Oh, how he made our armies suffer! Now, I propose before I am through with this investigation, if you will only hear me and give me your attention, to demonstrate there was not a human life lost——

Mr. BRAGG. Will the gentleman yield to me to move that the committee rise?

Mr. WOLFORD. I will with pleasure, on the condition that I shall retain the floor and resume my remarks when this subject is up again for discussion.

Mr. BRAGG. Certainly.

The motion was agreed to; and Mr. EDEN having taken the chair as Speaker *pro tempore*, Mr. SPRINGER reported that the Committee of the Whole House on the state of the Union had, according to order, had under consideration the special order, a bill (H. R. 67) for the relief of Fitz-John Porter, and had come to no resolution thereon.

TREASURER OF THE UNITED STATES.

Mr. TUCKER. I am directed by the Committee on the Judiciary to move by unanimous consent to take from the House Calendar the bill (H. R. 5544) to amend section 304 of the Revised Statutes of the United States for the purpose of putting it on its passage this evening. It is necessary to do so for the purpose of giving to the Treasurer of the United States the power, in the event of the absence or illness of either the assistant treasurer or himself, the Treasurer, with the consent of the Secretary of the Treasury, to appoint from among the clerks in the Treasury any one of said clerks to be acting assistant treasurer during such absence or illness.

Mr. BURROWS. Is this a unanimous report from the Committee on the Judiciary?

Mr. TUCKER. Yes.

Mr. SPRINGER. Does it involve any additional expenditure?

Mr. TUCKER. It does not.

The SPEAKER *pro tempore* (Mr. EDEN in the chair). Is there objection to the request of the gentleman from Virginia on the part of the Committee on the Judiciary that the bill (H. R. 5544) to amend section 304 of the Revised Statutes of the United States be taken from the House Calendar and put on its passage at this time?

There was no objection.

The bill was read, as follows:

Be it enacted, &c., That section 304 of the Revised Statutes of the United States be, and the same is hereby, amended so as to read as follows:

"SEC. 304. The Treasurer may, in his discretion, with the consent of the Secretary of the Treasury, authorize the assistant treasurer to act in the place and discharge any or all the duties of the Treasurer of the United States; and in the event of the absence or illness of either the assistant treasurer or himself, the Treasurer, with the consent of the Secretary of the Treasury, may appoint from among the clerks in the Treasury any one of said clerks to be acting assistant treasurer during such absence or illness: *Provided, however*, That the official bond given by the principal of the office shall be held to cover and apply to the acts of the person appointed to act in his place in such cases. Such acting officer shall, moreover, for the time being, be subject to all the liabilities and penalties prescribed by law for the official misconduct in like cases of the assistant treasurer, respectively, for whom he acts."

The bill was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

Mr. TUCKER moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

LEAVE OF ABSENCE.

By unanimous consent, leave of absence was granted in the following cases:

To Mr. SPRIGGS, for five days, to attend the funeral of Hon. Horatio Seymour

To Mr. ANDERSON, of Ohio, for ten days, to attend to important legal business.

To Mr. LANDES, indefinitely, on account of sickness in his family.

To Mr. ERMENTROUT, until Wednesday next, on account of important business.

And then, on motion of Mr. BRAGG (at 5 o'clock and 21 minutes p. m.) the House adjourned.

PETITIONS, ETC.

The following petitions and papers were laid on the Clerk's desk, under the rule, and referred as follows:

By Mr. BAYNE: Memorial from McKeesport and from Pittsburgh, Pa., concerning the abolition of the Presidency—to the Committee on the Judiciary.

Also, resolutions of the Steamboat Officers' Protective Association of Pittsburgh, Pa., requesting such legislation as will place the Monongahela slack-water improvement in charge of the United States Government and secure free navigation of the great water ways, &c.—to the Committee on Rivers and Harbors.

By Mr. BURNES: Memorial of Mrs. Elizabeth A. Edwards and numerous other ladies of Maryville, Mo., in behalf of an amendment to the Constitution conferring upon women the right to vote—to the Committee on the Judiciary.

By Mr. CATCHINGS: Papers relating to the claim of William Hawes Harris, of Carroll Parish, Louisiana—to the Committee on War Claims.

By Mr. DORSEY: Petition of J. E. West and others, asking an appropriation for a bridge over Niobrara River, Nebraska—to the Committee on the Post-Office and Post-Roads.

By Mr. ELY: Petition of Joseph Moore, praying for the passage of a joint resolution requiring the Postmaster-General to obey the act of March 3, 1883—to the same committee.

By Mr. FISHER: Petition of Hon. Charles Bemy and 45 others, of Vanderbilt, Otsego County; of Thomas Carlyle and 50 others, of Sterling, Arenac County, and of Hons. W. T. Mitchell, Henry Howard, E. S. Stevenson, William M. Clive, William Hartsuff, and 45 others, principal citizens of Port Huron, Mich., asking that a United States court be established at Bay City, Bay County, Michigan—to the Committee on the Judiciary.

By Mr. HALL: Petition of E. F. Douglas and 103 others, of Iowa, for the opening to settlement of Oklahoma—to the Committee on the Territories.

By Mr. HALSELL: Papers in the claim of Mrs. Mary F. Grider, of Bowling Green, Ky.—to the Committee on War Claims.

By Mr. HARRIS: Petition of citizens of Georgia, asking aid to common schools—to the Committee on Education.

By Mr. HEPBURN: Petition of G. W. Carnes and others, citizens of Mount Ayr, Iowa, asking for legislation relating to pensions—to the Committee on Invalid Pensions.

By Mr. HIRES: Petitions signed by many citizens of Cape May County, New Jersey, praying for the improvement of the thoroughfare between Townsend's and Corson's Inlets, Cape May County, New Jersey—to the Committee on Rivers and Harbors.

By Mr. HOWARD: Petition of soldiers of Washington County, Indiana, asking for the passage of a bill granting pensions to all soldiers of the late war—to the Committee on Invalid Pensions.

By Mr. IRION: Papers relating to the claim of R. W. and Jane B. Sneed, of Pointe Coupée Parish, Louisiana—to the Committee on War Claims.

Also, petition of Jane Sneed, of Pointe Coupée Parish, Louisiana, asking reference of her war claim to the Court of Claims—to the same committee.

By Mr. JACKSON: Petition asking for a law requiring instruction in the nature and effects of alcoholic drinks and narcotics upon the human system in such schools as are under the control of the Federal Government, signed by Rev. William A. Edie, Samuel Agnew, esq., and 247 other representative citizens, including 25 clergymen, 13 physicians, 16 lawyers, 41 teachers, 137 leading business men, and 17 officers of temperance and other societies, of Beaver County, Pennsylvania—to the Committee on Education.

By Mr. F. A. JOHNSON: Papers relating to the claim of J. W. Bailey and others—to the Committee on War Claims.

By Mr. GAY: Petition from Jefferson County, Texas, for improvement of Sabine Pass bar—to the Committee on Rivers and Harbors.

Also, papers relating to the claim of Nolen S. Williams, dative executor of Alfred A. Williams, of Orleans Parish, Louisiana—to the Committee on War Claims.

By Mr. LEHLBACH: Resolutions adopted by the Newark Board of Trade, praying that the present bankrupt bill now before Congress may not become a law—to the Committee on the Judiciary.

By Mr. McMILLIN: Papers relating to the claim of Jane M. Goodall, of Smith County, Tennessee—to the Committee on War Claims.

By Mr. McCOMAS: Petition of Samuel S. Gloyd, of Montgomery County; of Mary A. Gloyd and of Jacob Downin, of Washington County, Maryland, asking reference of their claims to the Court of Claims—to the same committee.

Also, petition of Jacob H. Grave, accompanying House bill for payment of claim for quartermaster stores furnished United States Army—to the same committee.

By Mr. MURPHY: Resolutions of the Knights of Labor, of Muscatine, Iowa, against the Dingley pilotage bill—to the Committee on Labor.

Also, memorial of Springdale quarterly meeting of Friends, Iowa, favoring a bill to promote peace by international arbitration—to the Committee on the Judiciary.

By Mr. PERRY: Petition of the grand jury of the United States district court for the western district of South Carolina, for a better and more commodious court-house—to the Committee on Public Buildings and Grounds.

By Mr. PRICE: Protest of Typographical Union of Milwaukee against the passage of Senate bill No. 191—to the Committee on Patents.

Also, protest of the Federation of Labor Unions against changing the mechanics' lien law in the District of Columbia—to the Committee on the District of Columbia.

Also, memorial of the Woman's Christian Union of Wisconsin, in favor of woman suffrage—to the Committee on the Judiciary.

By Mr. REAGAN: Petition of 104 citizens of Anderson County, Texas, praying for deep water at more than one place in Texas—to the Committee on Rivers and Harbors.

By Mr. REESE: Petition of 40 citizens of Huron Point, Ga., asking educational aid—to the Committee on Education.

By Mr. RIGGS: Petition of Piper Post, No. 451, Grand Army of the Republic, of Pearl Depot, Pike County, Illinois, relative to pension legislation—to the Committee on Invalid Pensions.

By Mr. SADLER: A bill making an appropriation to continue work on the Columbia River—to the Committee on Rivers and Harbors.

Also, a bill making an appropriation for the improvement of the Coosa River, Alabama—to the same committee.

By Mr. SESSIONS: Petition from citizens of Jamestown, N. Y., asking the establishment of a department of labor—to the Committee on Labor.

By Mr. E. B. TAYLOR: Petition of 203 citizens of the nineteenth Congressional district of Ohio, praying for further pension laws—to the Committee on Invalid Pensions.

Also, petition of M. A. Leonard, praying for an appropriation for the payment of arrearages due postmasters—to the Committee on the Post-Office and Post-Roads.

By Mr. ZACH. TAYLOR: Petition of Moses Brooks; of Mary O. Williams, widow of Robert Williams, deceased; of heirs of James Stewart and James W. and Sallie W. Knott, of Shelby County; of A. V. Warr, executor of James Warr, deceased; of J. T. Towles, administrator of John N. Towles, and of heirs of William Tucker, of Fayette County; of J. A. Thomas, administrator of Mary Emerson; of J. A. Thomas, administrator of Samuel Thomas; of Jesse M. Shivers, administrator of James Shivers, and of J. A. Thomas, of Hardeman County, and of J. W. and C. F. Strong, administrators of John Strong, deceased, of Tipton County, Tennessee, asking reference of their several claims to the Court of Claims—to the Committee on War Claims.

By Mr. J. B. WEAVER: Petition of A. J. Patrick and about 50

others; of John Jordan and 222 others, of Iowa; of Knights of Labor of Des Moines, and J. L. Kennedy, of Kansas, praying for the organization of the Oklahoma Territory—to the Committee on the Territories.

By Mr. WILSON: Petition of James V. Moore; of S. A. Bates, administrator, of Jefferson County; of Henry Zepp, of George P. Walters, of Berkeley County, and of Arnold Bonnifield, of Tucker County, West Virginia, asking reference of their several claims to the Court of Claims—to the Committee on War Claims.

Also, petition of Samuel Miller and others, and of J. Frank Hume and others, citizens of the District of Columbia, asking aid for the Washington Hospital for Foundlings—to the Committee on Appropriations.

The following petitions, praying Congress to place the coinage of silver upon an equality with gold; that there be issued coin certificates of one, two, and five dollars, the same being made legal tender; that one and two dollar legal-tender notes be issued, and that the public debt be paid as rapidly as possible by applying for this purpose the idle surplus now in the Treasury, were presented and severally referred to the Committee on Coinage, Weights, and Measures:

By Mr. LANHAM: Of W. W. Jackson and 186 others, citizens of Texas.

By Mr. PETERS: Of R. B. Walker and 40 others, citizens of Sun City, Kans.

By Mr. J. B. WEAVER: Of John Gowey and about 30 others, and of B. Hewing and about 40 others, of Iowa.

SENATE.

MONDAY, *February* 15, 1886.

Prayer by the Chaplain, Rev. E. D. HUNTLEY, D. D.

The Journal of the proceedings of Thursday last was read and approved.

INDIAN INSPECTOR HENRY WARD.

The PRESIDENT *pro tempore* laid before the Senate a communication from the Secretary of the Interior; which was read, as follows:

DEPARTMENT OF THE INTERIOR, *Washington, February* 13, 1886.

SIR: I have the honor to acknowledge the receipt of Senate resolution of the 5th instant in words as follows:

"*Resolved*, That the Secretary of the Interior be directed to communicate to the Senate copies of all papers which have been filed in the Interior Department, and of all papers which have been presented to any officer of that Department, touching the official and personal conduct of Henry Ward, Indian inspector, during his continuance in said office."

I transmit all the official papers on file in the Department which I understand to be embraced by the resolution.

The official reports made to this Department by Henry Ward as United States Indian inspector are voluminous, and as the clerical force of this Department is limited and otherwise fully employed, I have deemed it best to transmit the original reports. As they are frequently consulted in the transaction of the business of the Department, I have the honor to request that they be returned to its files as soon as they are no longer required by the Senate.

I am directed by the President to say that if the object of the resolution is to inquire into the reasons for the suspension of Mr. Ward, these papers are not to be considered as constituting all the evidence submitted to him in relation thereto.

I am also directed by the President to say that he does not consider it consistent with the public interests to transmit copies of unofficial papers from private citizens held in my custody for him which relate exclusively to the suspension of incumbents.

I have the honor to be, very respectfully,

L. Q. C. LAMAR, *Secretary.*

The PRESIDENT *pro tempore of the Senate.*

The PRESIDENT *pro tempore.* This communication is accompanied by a large body of papers, which are on file in the office of the Secretary of the Senate. The communication, together with the papers, will be referred to the Committee on Printing.

SESSION LAWS OF DAKOTA.

The PRESIDENT *pro tempore* laid before the Senate a communication from the secretary of Dakota, transmitting, in compliance with law, a copy of the session laws of the last Territorial Legislature; which was referred to the Committee on Territories.

REPORT OF COMMISSIONER OF PATENTS.

The PRESIDENT *pro tempore* laid before the Senate the annual report of the Commissioner of Patents to Congress for the calendar year ending December 31, 1885; which was ordered to lie on the table and be printed.

PETITIONS AND MEMORIALS.

The PRESIDENT *pro tempore* presented a petition of the citizens' harbor committee of Los Angeles, Cal., praying for the improvement of Wilmington Harbor, in that State; which was referred to the Committee on Commerce.

Mr. ALLISON. I present a memorial and concurrent resolution of the General Assembly of the State of Iowa, respecting the manufacture of imitations of butter and cheese. The memorialists ask that an internal-revenue tax be placed upon these imitations. I suppose such a measure must necessarily originate in the House of Representatives, but I ask that the memorial may be read and referred to the Committee on Finance.

The Chief Clerk read the memorial, as follows:

Memorial and concurrent resolution in relation to internal-revenue tax on all and any substance in semblance of butter and cheese not made exclusively from milk or cream.

Whereas the dairy interests of this State and the United States having become a potent factor in the commercial prosperity of the people; and

Whereas certain parties are engaged in the manufacture of a semblance of butter and cheese, the ingredients of which are fat and other substances not obtained from milk or cream, and the same is being sold in all the principal cities of the United States to the detriment of the dairy interests of this and all the States comprising the United States: Therefore,

Be it resolved by the house of representatives (the senate concurring), That our Senators and Representatives in Congress are requested to present and advocate the passage of a law providing that all such manufactured articles not made from pure milk or cream shall pay an internal-revenue tax of such amount per pound as shall protect the dairy interests of the different States, and all packages containing such manufactured articles shall be stamped as provided by the internal-revenue laws of the United States.

Resolved, That a copy of these resolutions, duly signed and attested, be forwarded to each of our Senators and Representatives in Congress by the secretary of state for their information.

I, Frank D. Jackson, secretary of state of the State of Iowa, hereby certify the above to be a true copy of the original resolution as passed by the house and concurred in by the senate of the Twenty-first General Assembly of Iowa, as the same appears on file in my office.

In testimony whereof I set my hand and cause to be affixed the great seal of the State. Done at the capital at Des Moines, this 5th day of February, A. D. 1886, of the Independence of the United States the one hundred and tenth and of the State of Iowa the fortieth.

[SEAL.] FRANK D. JACKSON,
Secretary of State.

The PRESIDENT *pro tempore.* If there be no objection, the memorial will be referred to the Committee on Finance.

Mr. MILLER, of New York. I suggest, as that matter is already before the Committee on Agriculture and Forestry, that the memorial be referred there. The fact that it asks for an internal-revenue tax, which bill, of course, can not be brought forward by this body, should not necessarily send it to the Finance Committee. The whole subject is before the Committee on Agriculture and Forestry by several petitions and in other ways.

Mr. ALLISON. I do not object to the memorial going to the Committee on Agriculture and Forestry for the time being. I only call the attention of the chairman of that committee to the fact that it is a very important subject and should receive attention.

The PRESIDENT *pro tempore.* The memorial will be referred to the Committee on Agriculture and Forestry.

Mr. LOGAN presented a petition of citizens of Braidwood, Ill., praying for the opening of the Oklahoma lands to settlement; which was referred to the Committee on Indian Affairs.

He also presented a petition of ex-Union soldiers of Wapeton, Dak., and the petition of Post No. 94, Grand Army of the Republic, of Henry, Ill., praying for the passage of a bill embodying the recommendations of the national pension committee of the Grand Army of the Republic; which were referred to the Committee on Pensions.

He also presented the petition of Caroline F. Ferguson, praying for an increase of pension; which was referred to the Committee on Pensions.

He also presented resolutions adopted by the Federation of Labor Unions of Washington, D. C.; resolutions adopted by the brick manufacturers of the District of Columbia, and resolutions of the Plasterers' Association of the District of Columbia, protesting against any change in the lien laws of the District of Columbia; which were referred to the Committee on the District of Columbia.

He also presented a memorial of Typographical Union No. 124, Bloomington, Ill., remonstrating against the passage of Senate bill 191, relating to copyrights; which was referred to the Committee on Patents.

He also presented the petition of George H. Boyd, late second lieutenant Eleventh Ohio Cavalry, praying to have certain disabilities removed from his military record; which was referred to the Committee on Military Affairs.

He also presented the petition of George C. Gordon, an inmate of the National Soldiers' Home at Milwaukee, Wis., praying to be allowed a pension; which was referred to the Committee on Pensions.

He also presented a petition of ladies and men of Galva, Ill., praying that Congress will adopt a resolution submitting to the several State Legislatures a sixteenth amendment to the Constitution giving the right of suffrage to women; which was ordered to lie on the table.

Mr. MANDERSON presented the petition of Rev. W. M. Taylor and other citizens of Nebraska, residing at Stockville, in that State, praying for a constitutional amendment permitting suffrage to women; which was ordered to lie on the table.

He also presented a petition of citizens of Stanton, Nebr., praying for pension legislation as recommended by the Grand Army of the Republic national pension committee; which was referred to the Committee on Pensions.

Mr. MAXEY. I present a resolution adopted by the Board of Trade of Corsicana, Tex., favoring the improvement of Sabine Pass, and also calling the attention of Congress to the importance of the improvement of the harbor at Galveston, Tex. I move that the resolution be referred to the Committee on Commerce.

The motion was agreed to.

Mr. MAXEY presented the petition of Local Assembly No. 4008, Knights of Labor, of Fort Worth, Tex., praying for the opening of the

Oklahoma lands to settlement; which was referred to the Committee on Indian Affairs.

Mr. BLAIR. I present a petition of citizens of the District of Columbia, praying for scientific temperance instruction in the public schools, which is addressed to Congress and is in these words:

Believing that such instruction is essential to the welfare of the individual and the well-being of the public, we, the undersigned, citizens of the District of Columbia, respectfully petition your honorable bodies to enact a law requiring in all schools in this District instruction in physiology and hygiene, which shall give special prominence to the nature of alcoholic drinks, narcotics, and poisons, and of their effects upon the human system.

The petition is signed by 1,163 citizens of the District, who give their names, their original signatures, and their places of residence. It is a very large, influential, and representative petition. I ask that the petition lie on the table, the bill in question having been already reported favorably.

The PRESIDENT *pro tempore*. The petition will be laid on the table.

Mr. SAWYER presented a petition of Mrs. Lettie Allen and 18 other ladies of Berlin, Wis., and a petition of Mrs. B. Birmingham and 19 other ladies of Abrams, Oconto County, Wisconsin, praying for a sixteenth amendment to the constitution prohibiting the disfranchisement of any citizen on account of sex; which were ordered to lie on the table.

Mr. CULLOM presented a petition of citizens of Galva, Ill., praying for the submission to the several State Legislatures of a constitutional amendment extending the right of suffrage to women; which was ordered to lie on the table.

He also presented a memorial of the Bloomington Typographical Union, No. 124, of Bloomington, Ill., remonstrating against the passage of Senate bill No. 191, in relation to an international copyright, and recommending the passage of the Chace bill; which was referred to the Committee on Patents.

Mr. MILLER, of New York, presented a petition of Local Assembly No. 3351, Knights of Labor, Oxford, N. Y., praying that the Oklahoma lands be opened to settlement; which was referred to the Committee on Indian Affairs.

He also presented a memorial of the Central Labor Union of Buffalo, N. Y., and a memorial of shoemakers of New York, remonstrating against any change of the pilot laws; which were referred to the Committee on Commerce.

He also presented a memorial of Veteran Assembly of Knights of Labor, No. 1833, of Utica, N. Y., remonstrating against the passage of House bill No. 999, known as the Dingley pilot bill, and against Senate bills Nos. 265 and 1003, known as the Frye pilot bills; which was referred to the Committee on Commerce.

Mr. INGALLS. I present a memorial numerously signed by citizens of Washington, D. C., protesting against the abolition of the school board and asking the passage of Senate bill No. 1238. This memorial is accompanied by three exhibits, marked respectively A, B, and C, and as they contain matter of importance affecting legislation pending before the Committee on the District of Columbia, I move that the memorial and the accompanying exhibits be printed and referred to the Committee on the District of Columbia.

The motion was agreed to.

Mr. INGALLS. I present a concurrent resolution of the Legislature of the State of Kansas, in favor of the enactment of a law granting the the right of way through the Indian Territory to the Kansas and Arkansas Valley Railroad. As the committee have acted upon that subject, I ask that the resolution be printed in the RECORD and lie upon the table.

The resolution was ordered to lie on the table and to be printed in the RECORD, as follows:

Whereas it is reported that there is a bill pending in Congress to grant a right of way through the Indian Territory to the Kansas and Arkansas Valley Railway: Therefore,

Be it resolved by the house of representatives (the senate concurring therein), That our Representatives in Congress are hereby requested, and our Senators instructed, to use their best efforts to secure the passage of said bill in Congress.

STATE OF KANSAS, *Office of Secretary of State.*

I, E. B. Allen, secretary of state of the State of Kansas, do hereby certify that the foregoing is a true and correct copy of the original resolution now on file in my office.

In testimony whereof I have hereunto subscribed my name and affixed my official seal this the — day of February, A. D. 1886, at Topeka Kans.

[SEAL.] E. B. ALLEN, *Secretary of State.*

Mr. INGALLS presented a petition of Burnside Post, No. 28, Grand Army of the Republic, of Topeka, Kans., praying for an increase of pension to ex-Union soldiers who have suffered certain disabilities; which was referred to the Committee on Pensions.

He also presented a resolution of Knights of Labor Local Assembly No. 4089, of Burlingame, Kans., remonstrating against the passage by Congress of the bill known as the Frye pilot bill; which was referred to the Committee on Commerce.

Mr. DOLPH presented a petition of Philip Ritz, of Washington Territory, praying for an appropriation for the purpose of sinking an artesian well in Eastern Washington Territory; which was referred to the Committee on Public Lands.

Mr. WILSON, of Iowa. I present the petition of H. B. Wood and 57 other leading and influential citizens of the town of Spencer, Iowa, praying for the passage of a joint resolution submitting to the States a proposition to so amend the Constitution of the United States as to protect women in the enjoyment of the right of suffrage on equal terms with men. I move that the petition lie on the table, inasmuch as the measure has been reported on.

The motion was agreed to.

Mr. WILSON, of Iowa, presented a petition of the members of the Springdale (Iowa) quarterly meeting of Friends, praying for the passage of Senate bill No. 355, to promote peace among nations and for the establishment of a tribunal of international arbitration; which was referred to the Committee on Foreign Relations.

He also presented the petition of B. F. Coon and 23 other citizens of Iowa, praying for the passage of an act of absolute forfeiture of the unearned lands within the grant to the Sioux City and Saint Paul Railroad Company; which was ordered to lie on the table.

He also presented a memorial of Local Assembly, No. 4556, Knights of Labor, of Des Moines, Iowa, remonstrating against the passage of Senate bill No. 1003, known as the Frye pilot bill, and in favor of the prohibition of Chinese immigration; which was referred to the Committee on Commerce.

Mr. COCKRELL. I present six petitions, numerously signed by licensed pilots and engineers of steam-vessels of the United States, praying for certain legislation in regard to a refund of license tax. I move that the petitions be referred to the Committee on Commerce, to accompany a bill now pending before that committee.

The motion was agreed to.

Mr. COCKRELL presented a petition of local assemblies, Knights of Labor, of Mooreville and Trenton, Mo., and a petition of Local Assembly, No. 3726, Knights of Labor, of Missouri, praying for the organization of a Terrritorial form of government over the Indian Territory; which were referred to the Committee on Indian Affairs.

Mr. HAWLEY. I present a communication from the Springfield Farmers' Club of Connecticut, which is addressed to me individually, but is in the nature of a memorial, remonstrating against an increase in the rates of postage on fourth-class mail matter. I move that the memorial be referred to the Committee on Post-Offices and Post-Roads.

The motion was agreed to.

Mr. SABIN presented a petition of the Chamber of Commerce of the city of Saint Paul, Minn., praying that an appropriation be made for the improvement of the Missouri River; which was referred to the Committee on Commerce.

Mr. PLUMB presented a petition of Local Assembly, No. 1800, Knights of Labor, of Topeka, Kans., praying for the organization of a Territorial form of government for the Indian Territory; which was referred to the Committee on Indian Affairs.

Mr. PLUMB. I present petitions, numerously signed by citizens of South Haven, Wichita, and vicinity, and of Lecompton and vicinity, praying that the vacant lands of the Indian Territory may be opened to public settlement under a bill introduced by Hon. J. B. WEAVER in the House of Representatives. I move that the petitions be referred to the Committee on Public Lands.

The motion was agreed to.

Mr. PLUMB. I present also a concurrent resolution of the Legislature of Kansas, asking for the survey and sale of the military reservation in Ford County, Kansas, known as the Fort Dodge military reservation.

I wish to say, in connection with the resolution, which I ask may be printed in the RECORD, that on the 5th day of July, 1884, Congress passed a law authorizing the Secretary of War to turn over to the Interior Department all useless military reservations; that in accordance with that law the Fort Dodge military reservation has been turned over to the Interior Department for sale; and that by an appropriation made on the 3d day of March last money was provided for a survey of that in common with other reservations. So that whatever fault there is about the retention of this reservation in the hands of the Interior Department is that of the administration and not of Congress.

The resolution was ordered to lie on the table and to be printed in the RECORD, as follows:

House concurrent resolution, asking our delegation in Congress to secure the survey and sale of the military reservation in Ford County, known as Fort Dodge.

Be it resolved by the house of representatives of the State of Kansas (the senate concurring therein), That our delegation in Congress be, and they are hereby, respectfully requested to secure at as early a day as possible the survey and sale as public lands of the military reservation in Ford County, Kansas, known as Fort Dodge.

Resolved further, That the secretary of state forward a copy of this resolution to each of our members in Congress and a copy to the President of the United States Senate and Speaker of the House of Representatives at Washington.

STATE OF KANSAS, *Office of the Secretary of State.*

I, E. B. Allen, secretary of state of the State of Kansas, do hereby certify that the foregoing is a true and correct copy of the original resolution now on file in my office.

In testimony whereof I have hereunto subscribed my name and affixed my official seal this 3d day of February, A. D. 1886, at Topeka, Kans.

[SEAL.] E. B. ALLEN, *Secretary of State.*

Mr. GEORGE presented a resolution of Sanctuary Lee Assembly, No. 3875, Knights of Labor, of McComb City, Miss., in favor of the passage

of an act prohibiting any further immigration of Chinese to the shores of the United States; which was referred to the Committee on Foreign Relations.

Mr. VOORHEES presented a petition of citizens of Jennings County, Indiana, praying for the passage of a bill granting pensions for service in the Army and Navy of the United States during the war of the rebellion; which was referred to the Committee on Pensions.

He also presented a petition of Fair Play Assembly, No. 3812, Knights of Labor, of Goshen, Ind., praying for the passage of a bill prohibiting further Chinese immigration; which was referred to the Committee on Foreign Relations.

He also presented a petition of citizens of Cambridge, Guernsey County, Ohio, praying Congress to pass a law to pay the soldiers of the late war the difference between gold and greenbacks at the time of their payment in 1864; which was referred to the Committee on Military Affairs.

He also presented the petition of Mrs. C. F. Jones, of Willmathsville, Adair County, Missouri, praying that she be granted a pension; which was referred to the Committee on Pensions.

He also presented the petition of Mrs. Mary E. Fillebrown, widow of the late Commodore Fillebrown, United States Navy, praying to be allowed an increase of pension; which was referred to the Committee on Pensions.

He also presented the petition of Louis Melcher, of Porter County, Indiana, late a private in Company A, Second Regiment Michigan Infantry Volunteers, praying to be allowed a pension; which was referred to the Committee on Pensions.

He also presented a petition of R. P. Crawford and other citizens of Indiana, praying that the coinage of silver be placed upon an equality with that of gold; which was referred to the Committee on Finance.

He also presented a petition of C. Fairbank and other citizens of Terre Haute, Ind., praying for the repeal or suspension of the Bland silver law; which was referred to the Committee on Finance.

He also presented the petition of V. J. Day and other citizens of Indiana, praying that the coinage of silver be placed on an equality with that of gold; which was referred to the Committee on Finance.

He also presented a petition of citizens of Franklin, Ind., praying for the protection of women in the enjoyment of the right of suffrage; which was ordered to lie on the table.

He also presented a petition of the national pension committee of the Grand Army of the Republic and ex-Union soldiers of Indiana, praying for an increase of pension to soldiers suffering from certain disabilities; which was referred to the Committee on Pensions.

He also presented a petition of Knights of Labor of Indiana, praying for the organization of a Territorial form of government over the Indian Territory; which was referred to the Committee on Indian Affairs.

He also presented a petition of ex-Union soldiers, citizens of Indiana, praying for the passage of a bill providing for the equalization of bounties; which was referred to the Committee on Military Affairs.

He also presented a petition of ex-Union soldiers, praying the passage of a bill providing an equalization of bounties; which was referred to to the Committee on Military Affairs.

He also presented a petition of ex-Union soldiers, praying that ex-soldiers of the Mexican war be granted pensions; which was referred to the Committee on Pensions.

Mr. GEORGE. I present a petition of certain citizens of Mississippi, praying for the improvement of Cassity Bayou; and I ask that the clerks make a copy of it, so that it may be presented in the other House.

The PRESIDENT *pro tempore*. No order is necessary; that will be done on application. The petition will be referred to the Committee on Commerce.

Mr. PLUMB. I present a memorial of members of the National Greenback party of the State of Iowa, which I ask may be read.

The Chief Clerk read as follows:

Memorial to Congress by members of the National Greenback party of the State of Iowa, assembled in conference at the city of Des Moines on January 22, 1886, and sent to members of Congress from that State and others by their instructions.

To save the Republic, to deliver our industries from the grip of death, to do justice to suffering and pauperized classes, we ask:

LAND.

That the representatives of the people shall adopt the beneficent theory that the earth is the natural heritage of the people, and that every American citizen is entitled to so much thereof as may be needed to comfortably preserve his life and the lives of his family.

If a corporation may condemn and take occupied lands and houses for the gain of stockholders, certainly the sovereign state may condemn and take unoccupied lands to preserve the lives of citizens.

We demand that Congress protect the people from land monopolists wherever its authority extends, be they railroad companies, Indians, or private speculators, by taking for the state under equitable laws lands held from settlement in large bodies and opening them to homesteaders.

TRANSPORTATION AND DEBT.

We ask Congress to stop squandering taxes in dredging mud creeks and constructing canals which belong to a former stage-coach civilization, and are as little adapted to the necessities of present business as a last year's almanac, but we insist that our money shall be used to pay the war debt, build national double-track steel railroads, and erect a postal-telegraph system.

MONEY.

The people of the United States are burdened with mortgages and debts of various kinds estimated at $20,000,000,000. These debts draw twice to three times greater interest than labor can yield. As an inevitable consequence, farms, homes, and other properties are gradually passing into the possession of a rich class of money-lenders. The United States Government for many years has profitably loaned its credit money to bankers at 1 per cent., and the various States have profitably loaned school and other funds to individuals. Other governments, too, have often furnished popular loans with great profit to the state as well as to the borrower. England has recently authorized the largest state loans ever offered private individuals in the history of the world, to enable poor farmers to purchase their homes. We ask the Congress of the United States to come to the relief of our usury-taxed people by amending the national-bank act, extending Government loans to all such applicants as can furnish approved security to three times the amount desired, and that the volume of greenback or legal-tender paper money be regulated by the demand for these loans.

We believe under the above systems no panics, no forced sales, no poverty-stricken or millionaire class could exist, and that labor would receive its just reward. We, therefore, urge our representatives to cease quarreling over the yellow and white metals, the money of savages, and address themselves to these measures of relief and justice.

Mr. PLUMB. I wish to say simply, without expressing any opinion as to the main portions of the petition, that I think that part of it which commends to Congress the propriety of spending the money that it is now spending upon minor creeks, and even the major ones, for the construction of railways, which would have a perceptible effect upon the prices paid for transportation, is entirely worthy of consideration.

The PRESIDENT *pro tempore*. The memorial will be referred to the Committee on Finance.

Mr. CONGER presented a petition of numerous citizens of the town of Delaware and vicinity, in the State of Michigan, praying for the erection of a harbor at Forestville, on Lake Huron, Michigan; which was referred to the Committee on Commerce.

He also presented the petition of Mary A. Plant and other citizens of Port Huron, Mich., praying for legislation in the interest of suffrage for women; which was ordered to lie on the table.

He also presented a petition of Local Assembly, Knights of Labor, No. 3396, of Cheboygan, Mich., praying for the organization of a Territorial form of government for the Indian Territory, the opening up of all public and unoccupied lands in that Territory to homestead settlement, and the allotment of lands to the Indians in severalty; which was referred to the Committee on Indian Affairs.

Mr. BOWEN presented a petition of citizens of Montrose, Colo., praying for the passage of a bill embodying the recommendations of the national committee of the Grand Army of the Republic; which was referred to the Committee on Pensions.

REPORTS OF COMMITTEES.

Mr. DAWES, from the Committee on Indian Affairs, to whom was referred the bill (S. 90) to grant to the Kansas and Arkansas Valley Railway the right of way through the Indian Territory, and for other purposes, submitted a report, accompanied by a bill (S. 1484) to authorize the Kansas and Arkansas Valley Railway to construct and operate a railway through the Indian Territory, and for other purposes; which was read twice by its title.

The PRESIDENT *pro tempore*. Does the committee report adversely on Senate bill 90?

Mr. DAWES. The committee do not report upon the original bill; they report a new bill.

The PRESIDENT *pro tempore*. That still remains in committee.

Mr. DAWES, from the Committee on Indian Affairs, to whom was referred the bill (S. 804) to grant to the Kansas City, Fort Scott and Gulf Railroad Company a right of way through the Indian Territory, and for other purposes, reported a bill (S. 1485) to authorize the Kansas City, Fort Scott and Gulf Railroad Company to construct and operate a railway through the Indian Territory, and for other purposes; which was read twice by its title.

He also, from the same committee, to whom was referred the bill (S. 1305) to grant to the Denison and Washita Valley Railway Company a right of way through the Indian Territory, and for other purposes, reported a bill (S. 1486) to authorize the Denison and Washita Railway Company to construct and operate a railway through the Indian Territory, and for other purposes; which was read twice by its title.

Mr. JACKSON, from the Committee on the Judiciary, to whom was referred the bill (S. 12) to authorize the juries of the United States circuit and district courts to be used interchangeably and to provide for drawing talesmen, reported it with amendments.

Mr. BLAIR, from the Committee on Public Lands, to whom was referred the bill (S. 990) to enable the State of California to take lands in lieu of the sixteenth and thirty-sixth sections, found to be mineral lands, reported it with an amendment.

Mr. DOLPH, from the Committee on Public Lands, to whom was referred the bill (S. 994) granting to the State of California 5 per cent. of the net proceeds of the sales of lands in said State, reported it with amendments.

Mr. PLUMB. I am instructed by the Committee on Public Lands, to whom was referred the bill (S. 188) to prevent the acquisition of real property by aliens, and for other purposes, to report it with a recommendation that it pass as proposed to be amended. I shall ask consent at some future time to submit a written report to accompany the bill.

Mr. BUTLER. I am instructed by the Committee on Naval Affairs to report back adversely, with an amendment, the bill (S. 371) limiting a portion of an act entitled "An act making appropriations for the naval service for the fiscal year ending June 30, 1883, and for other purposes." It is proper I should state that my friend the honorable Senator from Maine [Mr. HALE] has a written report representing one-half of the committee. I have submitted with the bill an amendment accompanied by a written report representing the other half of the committee. I ask that the bill be placed on the Calendar.

The PRESIDENT *pro tempore*. The bill will be placed on the Calendar.

Mr. BUTLER. I beg to state that the honorable Senator from Maine [Mr. HALE], who I see is not in his seat, has a report on the same subject, representing the other half of the committee. It is rather an anomalous condition of things.

Mr. HALE subsequently said: I wish to know what the record is with reference to a report made by the Senator from South Carolina [Mr. BUTLER] this morning on the bill (S. 371) limiting a portion of an act entitled "An act making appropriations for the naval service for the fiscal year ending June 30, 1883, and for other purposes." I was not present at the time.

The PRESIDENT *pro tempore*. An adverse report was made, and it was stated that the Senator from Maine would submit a report from an equal number of the committee to accompany the bill.

Mr. HALE. I present the adverse report.

The PRESIDENT *pro tempore*. The Senator from South Carolina was understood by the Chair and by the officers at the desk as reporting that bill adversely, but with an amendment.

Mr. HALE. That is correct; and I now submit a report sustaining the adverse report. The Senator from South Carolina presents another report from the other half of the committee, but I wish to present a report sustaining the adverse report with accompanying papers, and ask that it be printed.

The PRESIDENT *pro tempore*. It will be received, and printed with the other report.

Mr. BUTLER. That was the statement I made at the time, that the report which I presented represented the views of one-half the committee, and the report the Senator from Maine would make would represent the other half. I reported the bill adversely, and asked that it be placed on the Calendar.

Mr. HALE. That is correct, of course.

Mr. BUTLER. That is the situation.

Mr. HALE. The Senator has done it just right, as he always does. I only wish that this report shall go in as sustaining the adverse report.

The PRESIDENT *pro tempore*. The reports will be printed together.

Mr. HAWLEY, from the Committee on Military Affairs, to whom was referred the bill (S. 1154) to authorize the city of Newport, R. I., to use the site of Fort Greene as a public park, reported it without amendment, and submitted a report thereon.

Mr. VAN WYCK, from the Committee on Public Lands, to whom was referred the bill (S. 394) to establish an additional land office in the State of Nebraska and the bill (S. 716) to establish an additional land office in the State of Nebraska, asked to be discharged from their further consideration; which was agreed to.

He also, from the same committee, reported a bill (S. 1487) to establish two additional land districts in the State of Nebraska; which was read twice by its title.

FRANKING PRIVILEGE TO MRS. GRANT.

Mr. CONGER. I am instructed by the Committee on Post-Offices and Post-Roads, to whom was referred the bill (S. 579) granting a franking privilege to Julia D. Grant, to report it favorably, without amendment. I ask for its immediate consideration.

By unanimous consent, the Senate, as in Committee of the Whole, proceeded to consider the bill. It provides that all mail-matter carried by post to Julia D. Grant, widow of the late Ulysses S. Grant, or sent by her under her written autograph signature, shall be conveyed free of postage during her natural life.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. CLARK, its Clerk, announced that the House had passed the following bills; in which it requested the concurrence of the Senate:

A bill (H. R. 5198) to remove the disabilities of John Taylor Wood, of Louisiana;

A bill (H. R. 327) to enable national banking associations to increase their capital stock and to change their names or locations;

A bill (H. R. 34) to authorize the East and West Railroad Company of Alabama to maintain a bridge across the Coosa River;

A bill (H. R. 1270) to authorize the Mississippi Water-power and Boom Company, of Brainerd, Minn., to construct a dam across the Mississippi River; and

A bill (H. R. 5544) to amend section 304 of the Revised Statutes of the United States.

The message also announced that the House had concurred in the resolution of the Senate for the printing and binding of 3,050 additional copies of the Compilation of Senate Election Cases, 1789–1885.

PENSION BILLS.

The message further announced that the House had passed the following bills; in which it requested the concurrence of the Senate:

A bill (H. R. 291) granting a pension to George H. Campbell;
A bill (H. R. 415) granting a pension to William Condon;
A bill (H. R. 427) for the relief of Thomas T. Smithers;
A bill (H. R. 619) granting a pension to Robert F. H. Goode;
A bill (H. R. 626) granting a pension to Minton Prall;
A bill (H. R. 805) to increase the pension of James A. Underwood;
A bill (H. R. 837) granting a pension to Edgar Payne;
A bill (H. R. 844) granting a pension to Daniel T. Ferguson;
A bill (H. R. 846) granting a pension to Samuel V. Holland;
A bill (H. R. 851) for the relief of Calvin Means;
A bill (H. R. 858) granting a pension to Lucy J. Mitchell;
A bill (H. R. 1032) granting a pension to Josiah B. Snell;
A bill (H. R. 1104) granting a pension to Elizabeth Sullivan;
A bill (H. R. 1109) granting a pension to John H. Barry;
A bill (H. R. 1152) for the relief of Mrs. Ellen S. Tolman;
A bill (H. R. 1198) granting a pension to Louis Abear;
A bill (H. R. 1228) granting a pension to Harry B. Harrington and Grace A. Harrington;
A bill (H. R. 1254) granting a pension to Mary Hoff;
A bill (H. R. 1286) granting a pension to Agnes M. Edwards, infant daughter of Harvey H. Edwards;
A bill (H. R. 1292) granting a pension to Mrs. Kate Miller;
A bill (H. R. 1351) to restore to the pension-roll the name of Andrew J. Fuller;
A bill (H. R. 1369) granting a pension to George H. Perkins;
A bill (H. R. 1406) granting a pension to Simmons W. Harden;
A bill (H. R. 1456) granting a pension to Lydia A. Nelson;
A bill (H. R. 1462) granting a pension to Addie L. Macomber;
A bill (H. R. 1474) granting a pension to Mary G. Colby;
A bill (H. R. 1506) granting a pension to James McAnny;
A bill (H. R. 1567) granting a pension to Philip Jacobs;
A bill (H. R. 1625) for the relief of Frances McNeal Potter;
A bill (H. R. 1471) increasing the pension of Andrew J. Hill;
A bill (H. R. 1742) for the relief of Thomas Askew;
A bill (H. R. 1858) granting an increase of pension to James McMullin;
A bill (H. R. 1989) granting a pension to John C. Frees;
A bill (H. R. 2145) for the relief of Rebecca Eldridge;
A bill (H. R. 2161) granting a pension to Andrew J. Putnam;
A bill (H. R. 2740) for the relief of Norman S. Bull;
A bill (H. R. 2939) granting a pension to Henry H. Green;
A bill (H. R. 2976) granting a pension to Lenford Rose;
A bill (H. R. 3019) to increase the pension of Abigail Smith;
A bill (H. R. 3193) granting a pension to Mrs. Edna Roberts;
A bill (H. R. 3309) to increase the pension of Thomas Ward;
A bill (H. R. 3351) granting a pension to Mrs. Magdalena Rehkopf;
A bill (H. R. 3358) granting a pension to Hiram L. Wait;
A bill (H. R. 3359) granting a pension to Henry S. Morgan;
A bill (H. R. 3364) granting a pension to Asahel Middleton;
A bill (H. R. 3367) granting a pension to Mary A. Foster;
A bill (H. R. 3375) granting a pension to John D. Clark;
A bill (H. R. 3399) to grant a pension to Philip Wagner;
A bill (H. R. 3402) granting a pension to Mrs. Lizzie E. Cooney;
A bill (H. R. 3419) granting a pension to C. W. I. Pugh;
A bill (H. R. 3452) granting a pension to Mrs. Mary E. Sawyer;
A bill (H. R. 3481) granting a pension to Philomena E. Nolan;
A bill (H. R. 3524) granting a pension to Maria Mibord;
A bill (H. R. 3539) granting a pension to Mrs. Hannah M. Chapman;
A bill (H. R. 3562) for the relief of Peter Tower;
A bill (H. R. 3632) granting a pension to Mrs. Ada O. Krepps;
A bill (H. R. 3902) for the relief of Susannah Carmichael;
A bill (H. R. 3903) granting a pension to Taylor Voss;
A bill (H. R. 3919) granting a pension to Bridget O'Brien;
A bill (H. R. 3990) to restore to the pension-roll the name of Sarah J. Prater;
A bill (H. R. 4076) for the relief of George A. Roberts;
A bill (H. R. 4118) granting a pension to Frank Lightner;
A bill (H. R. 4199) granting a pension to William B. Jacobs;
A bill (H. R. 4287) to grant a pension to Nancy J. Freels, widow of Pleasant M. Freels, late of Company E, Third Tennessee Infantry Volunteers;
A bill (H. R. 4581) granting an increase of pension to William P. Squires;
A bill (H. R. 5191) to increase the pension of Patsey Jackson;
A bill (H. R. 5192) granting a pension to Elmira M. Dorman;
A bill (H. R. 5193) granting a pension to Levi Koontz; and
A bill (H. R. 5199) to increase the pension of Thomas G. Barton.

[The above sixty-nine pension bills from the House of Representatives were severally read twice by their titles, and referred to the Committee on Pensions.]

BILLS INTRODUCED.

Mr. PAYNE introduced a bill (S. 1488) for the relief of Ammon McLaughlin; which was read twice by its title, and referred to the Committee on Claims.

He also introduced a bill (S. 1489) for the relief of Theodore J. Gillett; which was read twice by its title, and referred to the Committee on Claims.

Mr. MAXEY introduced a bill (S. 1490) to amend article 103 of the Rules and Articles of War; which was read twice by its title, and referred to the Committee on Military Affairs.

Mr. SABIN introduced a bill (S. 1491) to authorize the construction of a pile and ponton railway and wagon bridge across the Mississippi River from the city of Red Wing, State of Minnesota, to the opposite shore of said river, in the State of Wisconsin; which was read twice by its title, and referred to the Committee on Commerce.

Mr. BLAIR introduced a bill (S. 1492) for the relief of Ellen Sadler, widow of John Sadler; which was read twice by its title, and referred to the Committee on Pensions.

He also introduced a bill (S. 1493) for the relief of Col. Jesse H. Strickland; which was read twice by its title, and referred to the Committee on Pensions.

He also introduced a bill (S. 1494) granting a pension to Stephen D. Smith; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Pensions.

He also introduced a bill (S. 1495) to limit ownership of lands now belonging to the public domain; which was read twice by its title, and referred to the Committee on Public Lands.

Mr. MITCHELL, of Oregon, introduced a bill (S. 1496) making an appropriation for the establishment of a life-saving station and providing for a life-saving crew at Fort Stevens, at the entrance to the Columbia River, in the State of Oregon; which was read twice by its title, and referred to the Committee on Commerce.

Mr. GEORGE (by request) introduced a bill (S. 1497) to regulate the wages of the employés in the Government Printing Office; which was read twice by its title, and referred to the Committee on Education and Labor.

Mr. VOORHEES introduced a bill (S. 1498) granting a pension to John G. Burrill; which was read twice by its title, and referred to the Committee on Pensions.

Mr. JONES, of Arkansas (by request), introduced a bill (S. 1499) for the relief of Isaac H. Marks and Samuel Stone; which was read twice by its title, and referred to the Committee on Claims.

He also (by request) introduced a bill (S. 1500) for the relief of E. G. Corder, sr.; which was read twice by its title, and referred to the Committee on Claims.

He also (by request) introduced a bill (S. 1501) for the relief of Gibson Morrison; which was read twice by its title, and referred to the Committee on Pensions.

Mr. KENNA (by request) introduced a bill (S. 1502) for the relief of Andrew J. Spradling; which was read twice by its title, and referred to the Committee on Pensions.

Mr. GRAY introduced a bill (S. 1503) for the relief of the estate of Rev. Ignatius T. Cooper, deceased; which was read twice by its title, and referred to the Committee on Claims.

Mr. VAN WYCK introduced a bill (S. 1504) to amend the first section of an act entitled "An act making appropriations for the current and contingent expenses of the Indian Department, and for fulfilling treaty stipulations with various Indian tribes for the year ending June 30, 1883, and for other purposes," approved March 1, 1883; which was read twice by its title, and referred to the Committee on Indian Affairs.

Mr. RIDDLEBERGER introduced a bill (S. 1505) to amend and extend the provisions of a certain act of Congress, approved 20th June, 1878, making appropriations for sundry civil expenses of the Government, and to provide for the payment of workmen under the late board of public works in the District of Columbia; which was read twice by its title, and referred to the Committee on the District of Columbia.

Mr. DAWES. I have received from the judge of the district court at Fort Smith, Ark., a bill conferring jurisdiction on the United States courts over the Indian country in certain criminal cases. It is a bill that has been prepared by him with great care. I do not know the merits of the bill. I introduce it at his request, and ask that it be referred to the Committee on the Judiciary.

The bill (S. 1506) conferring jurisdiction on the United States courts over the Indian country in certain criminal cases was read twice by its title, and referred to the Committee on the Judiciary.

Mr. PLUMB (by request) introduced a bill (S. 1507) to reclaim to the United States certain lands improperly and illegally listed to the State of Michigan for the Portage Lake and Lake Superior Ship Canal Company; which was read twice by its title, and referred to the Committee on Public Lands.

He also introduced a bill (S. 1508) granting a pension to James A. Boyden; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Pensions.

He also introduced a bill (S. 1509) granting a pension to William H. Moore; which was read twice by its title, and referred to the Committee on Pensions.

Mr. GIBSON introduced a bill (S. 1510) for the relief of the heirs of Henry A. Shadel; which was read twice by its title, and referred to the Committee on Claims.

Mr. GEORGE introduced a bill (S. 1511) to protect innocent purchasers of patented articles, and for other purposes; which was read the first time by its title.

Mr. GEORGE. The bill is short, but on a very important subject, and I desire to have it read at length.

The bill was read the second time at length, as follows:

Be it enacted, &c., That it shall be a valid defense to any action for an infringement of any patent, or any suit or proceeding to enjoin any person from the use of a patented article, that the defendant therein, or his assignor, purchased the patented article for use or consumption, and not for sale or exchange, in good faith and in the usual course of trade, without notice that the same was covered by a patent, or without notice that the seller had no right to sell such article; and in all such cases notice received after such purchase shall not have the effect to impair in any way the right of such purchaser as absolute owner.

SEC. 2. That all patents for any discovery or invention hereafter granted by the United States shall be subject to purchase by Congress for the use of the people of the United States at such reasonable valuation and on such terms and in such mode as may be provided for by law, and all such patents shall be considered and treated in law as issued subject to that condition.

The PRESIDENT *pro tempore*. The bill will be referred to the Committee on Patents.

Mr. GEORGE. I do not desire to have it referred. I want to have it lie on the table, so that I may call it up and submit some remarks upon it.

Mr. HOAR. What is the title of the bill?

The CHIEF CLERK. A bill to protect innocent purchasers of patented articles, and for other purposes.

Mr. HOAR. It should read: "A bill to overthrow the patent laws."

The PRESIDENT *pro tempore*. The bill will lie on the table.

Mr. GEORGE introduced a bill (S. 1512) for the relief of Audley C. Britton; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Claims.

Mr. TELLER introduced a bill (S. 1513) for the relief of George T. Newman; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Indian Affairs.

Mr. LOGAN (by request) introduced a bill (S. 1514) to correct the record of Assistant Surgeon Azpell; which was read twice by its title.

Mr. LOGAN. I do not agree to the proposition suggested in the bill. I move its reference to the Committee on Military Affairs.

The motion was agreed to.

Mr. LOGAN introduced a bill (S. 1515) to authorize the President of the United States to send delegates to an international American congress for the arbitration of all national differences; which was read twice by its title, and referred to the Committee on Foreign Relations.

Mr. McMILLAN introduced a bill (S. 1516) to authorize the construction of a pile and ponton railway and wagon bridge across the Mississippi River from the city of Winona, State of Minnesota, to the opposite shore of said river, in the State of Wisconsin; which was read twice by its title, and referred to the Committee on Commerce.

Mr. MORGAN introduced a bill (S. 1517) for the relief of Elizabeth E. Sinclair; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Claims.

Mr. INGALLS introduced a bill (S. 1519) to continue the streets and avenues of the city of Washington in conformity with the present existing plans of the city in and upon all subdivisions of land hereafter made in the District of Columbia without the limits of the cities of Washington and Georgetown; which was read twice by its title, and referred to the Committee on the District of Columbia.

Mr. BOWEN introduced a bill (S. 1520) granting a pension to Henry Domeger; which was read twice by its title, and referred to the Committee on Pensions.

He also introduced a bill (S. 1521) granting an increase of pension to Joseph S. C. Rowland; which was read twice by its title, and referred to the Committee on Pensions.

He also introduced a bill (S. 1522) for the relief of James B. McCubbin; which was read twice by its title, and referred to the Committee on Claims.

He also introduced a bill (S. 1523) for the relief of Michael Mayers; which was read twice by its title, and referred to the Committee on Claims.

He also introduced a bill (S. 1524) to readjudicate the pension claim of Francis A. Liebschuts; which was read twice by its title, and referred to the Committee on Pensions.

Mr. HALE (by request) introduced a bill (S. 1525) to require the testing of chains and anchors, and for the better securing of life and property on shipboard; which was read twice by its title, and referred to the Committee on Naval Affairs.

He also (by request) introduced a bill (S. 1526) amending sections 4756 and 4757 of the Revised Statutes, relating to pensions to certain disabled persons who have served in the Navy or Marine Corps; which was read twice by its title, and referred to the Committee on Pensions.

He also (by request) introduced a bill (S. 1527) to provide a temporary home for certain persons discharged from the United States Navy; which was read twice by its title, and referred to the Committee on Naval Affairs.

He also (by request) introduced a bill (S. 1528) amending section 2166 of the Revised Statutes relative to aliens honorably discharged from the military service; which was read twice by its title, and referred to the Committee on Military Affairs.

Mr. LOGAN introduced a bill (S. 1529) for the relief of Holman Anderson; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Military Affairs.

Mr. PAYNE introduced a bill (S. 1530) for the erection of a public building at Steubenville, Ohio; which was read twice by its title, and referred to the Committee on Public Buildings and Grounds.

Mr. LOGAN (by request) introduced a bill (S. 1531) to increase the pension of William Winans; which was read twice by its title, and referred to the Committee on Pensions.

Mr. BLAIR introduced a joint resolution (S. R. 40) providing for the payment of per diem laborers in Government employ on the 30th of May of each year as on other days; which was read twice by its title, and referred to the Committee on Education and Labor.

Mr. TELLER introduced a joint resolution (S. R. 41) providing for the printing of ethnological reports on the North American Indians; which was read twice by its title, and referred to the Committee on Printing.

He also introduced a joint resolution (S. R. 42) providing for the distribution of reports of United States Geological Survey; which was read twice by its title, and referred to the Joint Committee on Printing.

TAXATION OF RAILROAD GRANT LANDS.

Mr. HAWLEY. I introduce a bill, and beg leave to make a few remarks very briefly concerning the purpose of the measure.

The bill (S. 1518) relating to the taxation of railroad grant lands and for other purposes, was read twice by its title.

Mr. HAWLEY. I should like to occupy the time of the Senate for two or three minutes in stating the grievance at which this bill aims—a very sore grievance and one that demands a speedy remedy.

An exceedingly large quantity of land, perhaps 50,000 square miles, was granted to the Northern Pacific Railroad. An amendatory act provided that before patents should issue for the land to that company it should pay all fees relating to or due for selection and survey. Those fees amount to perhaps 3 cents an acre. Now, the road has paid all its fees upon only about 80,000 acres of this enormous grant, but, if I am not misinformed, it has not taken out patents even for those. It has proceeded, nevertheless, to give warranty deeds for many millions upon millions of acres to the settlers along the line. At the same time it has ingeniously proceeded, properly enough, to locate the villages and cities along the line upon its own selected sections. These lands that they conveyed by warranty deed have been settled, in many cases improved, and in many cases there are thriving villages upon them.

It turns out now by a decision of the Supreme Court rendered at the October term, delivered some time in December, that none of those millions of acres of land are taxable. I think the reasons given by the Supreme Court are irrefutable. The power that orders lands sold for taxes is supposed to be sovereign and a sale for taxes should convey a perfect title. But to do so in these is to destroy the lien held by the sovereign power that granted these lands, but has not been paid its fees and has not issued patents for them.

In short, the Supreme Court shows clearly that these lands are nontaxable. This then is the condition: Those who have paid voluntarily their taxes can not recover them; those who have paid them under protest and those whose lands have been taken from them by tax sales have a remedy against the municipality or the Territory and can recover those taxes. They are but a minority, however, of the people. They consist to some extent of foreign holders, who purchased in large quantities, and who, it is alleged and believed in the Territory of Dakota, had a suggestion from the company in advance that those lands would not be taxable. However that may be, the minority of people entered their protest and can recover, while the majority are apparently without a remedy.

Now the counties find themselves, some of them, in this condition: They are liable to large claims for taxes that have been paid, but about nine-tenths of their tax-list has been destroyed by the decision; they are almost in a bankrupt condition.

I speak of this matter, an Eastern man, because Eastern men, neighbors and friends of mine have settled there, suffer under this treatment, and come to their friends in the East for aid, having no voting representatives of their own. They have exhausted conversation with the president of that railroad company and with the Commissioner of the General Land Office. One declines to act for one reason, another for another. Between them both the railroad neglects to pay the small sum of 3 cents an acre on this land which it has warranted, the citizens have been unlawfully taxed but can not reclaim the money, and the counties and municipalities find themselves liable to heavy reclamations, and see their list of taxable improved property largely reduced.

This subject is already before the Committee on Public Lands. I commend it to them as presenting a case for immediate action and for a severe and instant remedy. The Supreme Court says truly that it can do nothing but declare the law, but that the remedy is with Congress, and it intimates the nature of that remedy.

The bill is drawn by intelligent lawyers of the Territory of Dakota. It attempts to validate the collection of the taxes referred to. The power to do that, equitable as the act might be, I neither affirm nor deny, but some at least of the provisions of the bill are certainly both practicable and equitable. Justice to the future settler is certainly within the reach of Congress.

The PRESIDENT *pro tempore*. The bill will be referred to the Committee on Public Lands.

Mr. VAN WYCK. One word, if the Senator from Connecticut will consent.

Mr. HAWLEY. Certainly.

Mr. VAN WYCK. I wish to supplement the remarks which have been made by the Senator from Connecticut by saying that in fact only one-half of the enormity and outrage to which he refers has been stated by him in the remarks which he has made.

Mr. HAWLEY. I suppose so.

Mr. VAN WYCK. It is so with all the railroads in the West claiming the benefit of that which was supposed to be a hardship upon the railroad companies, imposed by their own shrewdness, a clause that they should be required, as the Senator states, to pay 2 or 3 cents per acre, the cost of surveying; and after that those companies have sought exemption from taxation for these many years, and not only that, but have really made that the cause of increasing their own revenues, because not yet having taken patents, exercising rights of absolute ownership, when they make a sale of this land to the citizen that is one of the inducements for a larger price that these very railroad companies obtain from him on the condition that they will not apply for or receive a patent for a certain number of years, which will exempt the land from taxation in their hands. Therefore, a double wrong is perpetrated, first to exempt themselves from taxation and then to extort a larger price for their land by reason of this favorable condition which they can give to it.

This very same railroad, as other railroads in the West to which the Senator refers, because they had included a section that the right of way should not be taxed, escaped taxation for all their depots, for all their improvements, their round-houses, and all their property, and they bid defiance in the 1,500 miles through which they pass to all the Territories through which they go, and do not pay a dollar of taxation.

I thank the Senator from Connecticut for having introduced the bill at this time. The Committee on Public Lands have been giving considerable time during this session to mature a bill which shall reach all the railroads to which donations of land have been given, and they hope to make a favorable report upon a kindred bill at the next session of the committee.

Mr. TELLER. One would suppose from the statement of the case, as this matter is discussed, that this was a new question. It has been before Congress now for several years, certainly for four years as reported from the Department of the Interior with a recommendation that some legislation should be had upon the subject. It is beyond the power of the executive department of the Government. There is nothing that the Secretary of the Interior or the Commissioner of the General Land Office can do with reference to this matter. All the evils complained of exist and have existed for years, and Secretary after Secretary has reported to this body the evils, the full evils, and requested legislation to enable the Department to protect the settler who goes into the new country and does not buy of the railroad company, but takes Government land, who pays taxes while his neighbor buying from the railroad company pays no taxes at all. If there is any fault anywhere, it lies with the legislative department of the Government.

Mr. MANDERSON. I should like to ask the Senator from Colorado, who I know has very great familiarity with this subject-matter, whether this is not the prime difficulty: As I understand the decision of the Supreme Court, the lands are not taxable because the railroad corporations have not paid the small pittance required per acre as the cost of the survey of the lands; therefore it follows that the Government has a certain interest in the land, and consequently it is not taxable for State, Territorial, and municipal purposes. Now, if there should be a change in the law, repealing the provisions that required the railroad companies to pay this paltry sum for the survey of the land, would not these lands then be taxable as a matter of course; and is not that the character of legislation which is required of Congress?

Mr. TELLER. On the 2d of July, 1864, an act of Congress was passed, which is to be found in 13 Statutes at Large, page 365, the twenty-first section of which is as follows:

> *And be it further enacted*, That before any land granted by this act shall be conveyed to any company or party entitled thereto under this act, there shall first be paid into the Treasury of the United States the cost of surveying, selecting, and conveying the same by the said company or party in interest as the titles shall be required by said company, which amount shall, without any further appropriation, stand to the credit of the proper account, to be used by the Commissioner of the General Land Office, for the prosecution of the survey of the public lands along the line of said roads, and so from year to year, until the whole shall be completed, as provided under the provisions of this act.

This was inserted in the amendatory act concerning the Pacific railroads in 1864, and was for the purpose, or supposed to be, I presume, by the legislative department, of compelling the company to bear the burdens of the surveys. In some instances the companies have paid for

their surveys, but in very few cases have they paid. In the last report which I had the honor of submitting I presented a full and detailed statement of the amount that was still due and ought to be paid. In the three reports that I submitted to Congress I presented this question every time, as my predecessors had been doing from three to five years, as I recollect.

The decision now spoken of was delivered recently, but the original decision was delivered by the Supreme Court five or six years ago. Some of the Senators may be more familiar with the date and can say. The subject has been here again and again. Of course, if this provision of the law was repealed it would be very much better than to allow the railroad companies to continue to hold these lands free from taxation; but perhaps there is another remedy. As was suggested by the Senator from Nebraska [Mr. VAN WYCK], a bill before the Committee on Public Lands is now receiving the attention of that committee, and I have no doubt it will be reported.

Mr. HOAR. How rapidly can the companies do what they are bound to do on their part?

Mr. TELLER. Most of these surveys are already made. There are millions of acres that these companies are having the benefit of that have been surveyed for years. I know in some sections the land has been surveyed ten years, and much of it is occupied by the people. The men occupying the railroad lands pay no tax upon their lands, while the man on the adjoining section pays tax on his lands. It is a crying evil in the Western country, and it can not be said by the legislative department that they have not had full knowledge of the evil, and that a remedy has not been proposed by the executive department.

Mr. PLUMB. I am very much pleased to see the interest taken in this subject, which I have labored in for many years. On two separate occasions the Senate has passed a bill reported by me from the Committee on Public Lands to do exactly what the Senator from Colorado has so eloquently and graphically said ought to be done, to wit, tax the land of the Pacific railroad companies and all their branches, but for some reason or other it did not succeed in getting through the other House of Congress.

The decision which the Senator from Connecticut spoke of in regard to the Northern Pacific lands has been recently announced; but until that time, as far as I am aware, no suspicion arose that those lands were not subject to taxation.

The general question, as has been said by the Senator from Nebraska, is under consideration by the Committee on Public Lands now; and reenforced as this subject seems to be now by a large number of Senators who are awake to the robbery that has been going on for a number of years, I hope a proper measure will pass Congress when it comes before it, and will not have to go begging for supporters as heretofore.

Mr. DOLPH. In addition to what has been said, I think that perhaps a word of explanation with regard to the decision which has been made by the Supreme Court upon the subject of the taxation of railroad lands would not be inappropriate.

The decision made several years ago by the Supreme Court, and which has been referred to by the Senator from Colorado, was a decision made in relation to the lands which were granted to the Union and Central Pacific Railroad Companies. The proviso, as I recollect now, in regard to the payment by those companies of the cost of survey was included in the original act of incorporation; and therefore there was no question made as to the liability of the companies to pay the cost of survey. It was held by the Supreme Court that until the cost of survey was paid the Government of the United States had such an interest in the lands that they could not be taxed and sold for taxation by the States or Territories. But in the case of the Northern Pacific Railroad Company, although the act was passed, I think, on the same day as the act making the grant which was under consideration by the Supreme Court some years ago, the granting act did not contain this provision, and the clause requiring the payment of the cost of survey was contained in a subsequent act amending the original charter of the company. It was contended by the company that it was unconstitutional; that it changed the terms of the original grant; that it interfered with the vested rights of the company; but as I understand it the company did acquiesce and pay under protest various sums claimed by the Interior Department. It is only recently that the Supreme Court has decided that the amendatory act was constitutional. It had been previously decided by a court in Dakota Territory, and I think probably in one of the States, perhaps Minnesota, that the amendatory act requiring payment of the cost of survey was unconstitutional and void, but the Supreme Court has held that Congress had power to make that provision. That decision has only been made within a few weeks past.

I only rose to make this statement in regard to the adjudications which have been made, and to give the reason why the last decision of the Supreme Court was upon a different point than had been decided by the court several years ago.

Mr. VAN WYCK. The statement made by the Senator from Colorado is correct; the fault in this matter does lie with Congress. Their attention has been called to the subject year after year by reports from the Department over which he presided and by his predecessors before him, and it has been substantially called to the attention of Congress by the decisions of the Supreme Court of the United States; and my colleague on the committee, the Senator from Kansas [Mr. PLUMB], has stated that in the Forty-seventh and Forty-eighth Congresses he, as well as myself, introduced bills for the purpose of correcting this very matter. In the Forty-eighth Congress it was referred to the Judiciary Committee. The bill came out of that committee not entirely as was desired, but possibly it was hoped it would be amended in the Senate. We succeeded in having that bill placed upon the Special Calendar, and there it remained on the Special Calendar and was the next bill to be reached at the adjournment of the Forty-eighth Congress.

That is the history of the matter as far as Congress is concerned, and I rejoice that the Senator from Connecticut has called the attention of the Senate to the matter, and that we have had this discussion upon it, because it will facilitate the disposition of the question.

These railroad companies first came and asked Congress to put this little condition within the granting bills, knowing the effect that it would have to protect their lands from taxation; and then, to embarrass matters still more, these very railroad companies came into court and asked to have it declared unconstitutional. That is certainly strange.

My colleague from Nebraska suggests that we should repeal the clause imposing this two or three cents an acre, the cost of survey, upon these companies. They have enjoyed the benefit of that for ten years and more, and Congress can require the payment of that cost, and can also require them to pay the taxes annually. I suggest that it will not be necessary now to relieve them from even the payment of that small sum. The Supreme Court certainly decided at one term that these companies had sufficient title in the lands to execute a mortgage on them. If they had title sufficient to mortgage, and there was a default in the payment, then the mortgagee could sell the lands and deprive the Government of its inchoate right to the lands. The very same court in the next few years, with the same members, decided that these railroads have not title sufficient to be taxed, because if the lands could be taxed they could be sold for non-payment of taxes and thereby deprive the Government of its two or three cents upon the acre, the cost of survey, while it had held that their title was sufficiently good to mortgage, and if that mortgage was foreclosed the Government would be equally deprived of its inchoate right to this property.

That is the attitude of this question. Nothing more need be said. It has been correctly stated, and I congratulate the Northwest, the country through which these railroads run, which have been exempt from taxation for their immense domain, that attention has thus early been called to it. It bespeaks when the matter shall be presented from the Committee on Public Lands an active as well as a successful consideration and disposition of it.

The PRESIDENT *pro tempore*. The bill will be referred to the Committee on Public Lands.

AMENDMENTS TO A BILL.

Mr. VAN WYCK submitted an amendment intended to be proposed by him to the bill (H. R. 545) to increase the pensions of widows and dependent relatives of deceased soldiers and sailors; which was referred to the Committee on Pensions, and ordered to be printed.

Mr. GEORGE. I offer an amendment to be proposed to the bill (H. R. 545) to increase the pensions of widows and dependent relatives of deceased soldiers and sailors. The amendment I propose is to increase the pensions of minor children. I move that the amendment be referred to the Committee on Pensions.

The motion was agreed to.

PAPERS WITHDRAWN AND REFERRED.

On motion of Mr. HARRIS, it was

Ordered, That John W. Cheek have leave to withdraw his petition and papers in respect to his claim from the files, no adverse report having been made therein.

On motion of Mr. MAXEY, it was

Ordered, That the papers in the case of William Schuchardt be withdrawn from the files and referred to the Committee on Foreign Relations.

On motion of Mr. PLUMB, it was

Ordered, That the papers in the case of Gideon Walker be withdrawn from the files for the purpose of reference to the Committee on War Claims of the House of Representatives.

Ordered, That the petition and accompanying papers relating to the case of Mrs. Margaret Smith be withdrawn from the files and referred to the Committee on Pensions.

Ordered, That the papers in the case of John R. Harrington be withdrawn from the files for the purpose of their being referred to the Committee on Patents of the House of Representatives.

On motion of Mr. GIBSON, it was

Ordered, That the papers in the case of Joseph R. Shannon be taken from the files and referred to the Committee on Claims.

On motion of Mr. MILLER, of New York, it was

Ordered, That the memorial of the legal representatives of Joseph Torrey, the memorial of the legal representatives of William Johonnot, and the memorial of the legal representatives of Thomas Blackwell, together with the documents from the Treasury with them respectively connected, be taken from the files and referred to the Committee on Revolutionary Claims.

COPIES OF REVISED STATUTES.

Mr. CULLOM submitted the following resolution; which was considered by unanimous consent, and agreed to:

Resolved, That the Secretary of State be, and he is hereby, authorized and directed to furnish the Library of the Senate with 40 copies of the Revised Statutes of the United States.

PUBLIC BUILDING AT HUDSON, N. Y.

Mr. MILLER, of New York. An error was made in a bill which passed the Senate last week, being the bill (S. 637) for the erection of a public building at Hudson, N. Y. I desire to move that the House of Representatives be requested to return the bill to the Senate for reconsideration.

The PRESIDENT *pro tempore*. That order will be made if there be no objection.

Mr. MILLER, of New York. I enter at the same time a motion to reconsider the vote by which the Senate passed the bill.

The PRESIDENT *pro tempore*. The motion to reconsider will be entered.

EDUCATION IN ALASKA.

Mr. BLAIR submitted the following resolution; which was considered by unanimous consent, and agreed to:

Resolved, That the Secretary of the Interior be directed to furnish to the Senate the report of Sheldon Jackson on education in Alaska.

SPECIAL LAND AGENTS.

Mr. PLUMB. I submit the following resolution, and ask for its present consideration:

Resolved, That the Secretary of the Interior be directed to inform the Senate as to the names and number of special agents employed by his Department for the purpose of the detection of frauds in the entries of public lands; length of time employed, respectively; compensation and expenses paid to each; the number of cases sent to said special agents for investigation and report; the number of cases reported upon by each of said agents; and during what period of time; the number of cases of entries of public lands which have been suspended and which under the rules of the Department will require to be specially investigated before being finally decided.

Mr. COCKRELL. Is that reported from a committee?

The PRESIDENT *pro tempore*. It is submitted by the Senator from Kansas.

Mr. COCKRELL. I suggest an amendment in regard to the number——

The PRESIDENT *pro tempore*. Does the Senator object to the present consideration of the resolution?

Mr. COCKRELL. Not if the amendment is agreed to. The amendment is "also the number found in the employment of the Department at the time he took charge of it."

Mr. PLUMB. I have no objection to that; but what I am desirous of ascertaining is how long it will take with the present machinery of the Department to get rid of all the cases which are now under investigation, in order that we may know something of what to expect in regard to the disposition of public land entries during the next fiscal year

Mr. COCKRELL. Would it not be better, then, to go back and see how long these men have been in the service investigating these matters?

Mr. PLUMB. If you refer to those now in his employ, if you want to know how long they have been there, I have no objection.

Mr. COCKRELL. And how long the same number of persons have been employed.

Mr. PLUMB. I have no objection to that. The resolution is not for the purpose of imputing to any one in the Department a neglect of duty, but for the purpose of showing the relation of this special service to the work it has to do.

Mr. COCKRELL. Then we ought to know how long an equal number of persons or any number have been engaged in this kind of work. I understand the object of the Senator. He is perfectly right in it. We ought to know when this thing is going to be wound up. I understand a certain number have been employed. I have examined the register of the Interior Department in 1884 and the register issued a few days ago, and they correspond, my recollection is, almost exactly as to the number. I have not gone back to trace up how long there has been that number employed in this special service. I found that there were three special inspectors of surveyors-general and district land offices; twenty-six or twenty-seven inspectors of timber depredations, and then thirty-six or thirty-seven of another class.

The PRESIDENT *pro tempore*. Is there objection to the present consideration of the resolution?

Mr. COCKRELL. I have no objection, but I should like to get at the whole subject, to know how long we are to keep up this branch of the service; and I suggest that the resolution require a report of the length of time this force or anything equal to it has been in the employment of the Government.

Mr. PLUMB. I think in order to enable the Senator to prepare his amendment the resolution had better be printed and go over. We shall then be able to make it correspond with his idea.

Mr. COCKRELL. All right.

The PRESIDENT *pro tempore*. That order will be made.

PROHIBITION OF CHINESE IMMIGRATION.

Mr. MITCHELL, of Oregon. On Thursday last I introduced Senate bill 1483, which, at my request, was laid on the table. One object of the bill is to abrogate all treaty provisions existing between the United States and the Chinese Government in so far as they permit the coming of Chinese to the United States and in so far as they inhibit the Congress of the United States from absolutely prohibiting the coming of Chinese to the United States. I shall on Tuesday of next week, the 23d instant, request the Senate to proceed to the consideration of that bill solely for the purpose of enabling me to submit some remarks in support of the bill, at which time I shall endeavor to show to the satisfaction of all that it is not only within the power of the Congress of the United States to abrogate a treaty, but that that doctrine has been recognized by every department of the Government for nearly ninety years past, commencing with an act of Congress passed over eighty-seven years ago abrogating our treaty with France.

I shall further attempt to show at that time that it has become a duty of the United States Government to get rid of what is commonly known as the Burlingame treaty and all other treaties existing between the United States Government and the Government of China which in any manner permit the coming of Chinese to the United States, and if it can not be done by negotiations between the two governments—and it has not been done—that it now becomes a bounden duty, the provisions of these several treaties having become pernicious to the peace and tranquillity and general welfare of this country, to abrogate them by act of Congress.

HOUSE BILLS REFERRED.

The following bills from the House of Representatives were severally read twice by their titles, and referred to the Committee on Commerce:

A bill (H. R. 34) to authorize the East and West Railroad Company of Alabama to maintain a bridge across the Coosa River; and

A bill (H. R. 1270) to authorize the Mississippi Water-power and Boom Company, of Brainerd, Minn., to construct a dam across the Mississippi River.

The bill (H. R. 327) to enable national banking associations to increase their capital stock and to change their names or locations was read twice by its title, and referred to the Committee on Finance.

The bill (H. R. 5198) to remove the disabilities of John Taylor Wood, of Louisiana, was read twice by its title, and referred to the Committee on the Judiciary.

The bill (H. R. 5544) to amend section 304 of the Revised Statutes of the United States was read twice by its title.

The PRESIDENT *pro tempore*. The bill will be referred to the Committee on Finance if there be no objection.

Mr. BECK. I beg pardon. I ask unanimous consent of the Senate to have that bill acted upon now.

The PRESIDENT *pro tempore*. The Senator from Kentucky asks unanimous consent of the Senate to put upon its passage a House bill without reference.

Several SENATORS. What is it?

Mr. BECK. I will state what it is.

Mr. MORRILL. Let the bill be read.

Mr. BLAIR. I desire to object to the consideration of the bill to interfere with unfinished business—no further.

The PRESIDENT *pro tempore*. The bill will be read. It is subject to objection.

The Chief Clerk read the bill (H. R. 5544) to amend section 304 of the Revised Statutes of the United States.

Mr. HOAR. Has that been to any committee of the Senate?

The PRESIDENT *pro tempore*. It has not been.

Mr. BECK. I only desire to say one word. If there is a single objection I have not a word to say.

The PRESIDENT *pro tempore*. The Senator from Kentucky asks leave to be heard. No objection being made, he will proceed.

Mr. BECK. The bill came from the House and is an exact copy of section 3613 of the Revised Statutes, which gives to any assistant treasurer or designated depositary the right to make the appointment precisely as this gives the right to the Treasurer. The Treasurer now has no such power by section 304 except to authorize the assistant treasurer to act. The assistant treasurer to-day is sick, and the Treasurer himself, I am advised this morning, is hardly able to be at his office. The only provision of this bill is that he shall have the same power given to him when he himself is unable to be in his office that section 3613 gives to all the designated depositaries and assistant treasurers. That is all there is in the bill, and I thought perhaps there would be no objection to its immediate consideration and passage.

Mr. ALLISON. I think this bill had better lie over.

Mr. BECK. Then let it go to the Committee on Finance.

Mr. ALLISON. There will be no harm in letting it go over one day, because to-morrow the Finance Committee meet. If it should turn out that it is a matter of pressing importance it can be reported at once. It is a very bad precedent, as the Senator knows, to pass bills without examination.

Mr. BECK. I know it is.

Mr. HOAR. I should like to point out that this bill does not disclose by its title what it means. It is merely a bill to amend a certain section of the Revised Statutes. A bill with such a title passes without any knowledge by the public of what is going on. No bill ever ought to pass without having the title distinctly disclose its object.

The PRESIDENT *pro tempore*. The bill will be referred to the Committee on Finance.

UNION PACIFIC RAILROAD.

The PRESIDENT *pro tempore* laid before the Senate the following message from the President of the United States:

To the Senate and House of Representatives:

I transmit herewith for the consideration of Congress a communication, under date of the 9th instant, from the Secretary of the Interior, and the accompanying last annual report of the Government directors of the Union Pacific Railway Company.

GROVER CLEVELAND.

EXECUTIVE MANSION, *February* 15, 1886.

Mr. MANDERSON. I understand that is the report of the Government directors of the Union Pacific Railroad for the last year.

The PRESIDENT *pro tempore*. Yes, sir.

Mr. MANDERSON. I suggest that that report should be printed in connection with the other reports of the Union Pacific Railroad Directors ordered by the Senate a few days ago to be printed. If the Chair will allow it to lie on the table until the Senator from Iowa [Mr. WILSON] can examine it, I shall call his attention to it.

The PRESIDENT *pro tempore*. If there be no objection the message will lie on the table for the present.

SAC AND FOX AND IOWA RESERVATION.

The PRESIDENT *pro tempore* laid before the Senate the following message from the President of the United States; which was read and referred to the Committee on Indian Affairs, and ordered to be printed.

To the Senate and House of Representatives:

I transmit herewith a communication of the 12th instant from the Secretary of the Interior, submitting, with accompanying papers, the draught of a bill prepared by the Commissioner of Indian Affairs to amend the third section of the act of March 3, 1885, "to provide for the sale of the Sac and Fox and Iowa Indian reservation in the States of Nebraska and Kansas, and for other purposes."

The matter is presented for the consideration and action of Congress.

GROVER CLEVELAND.

EXECUTIVE MANSION, *February* 15, 1886.

JUDICIAL BUSINESS IN VIRGINIA.

Mr. MAHONE. I offer the following resolution and ask its immediate consideration:

Resolved, That the Attorney-General of the United States be, and he hereby is, directed to inform the Senate of the number of cases in which the United States were a party or interested pending in the circuit and district courts of the eastern district of Virginia at the terms of such courts held in the year 1884, and also in the year 1885, and that he also inform the Senate whether any, and if so what, assistant district attorneys have been appointed for that district during those years or since, and at what rate of compensation; and that he transmit to the Senate copies of all documents and papers in the possession of the Department of Justice relating to any such appointment.

Mr. COCKRELL. Let that lie over and be printed. We can look at it to-morrow.

The PRESIDENT *pro tempore*. Being objected to, the resolution will lie over and be printed.

LAND-GRANT RAILROADS IN NEBRASKA.

Mr. MANDERSON submitted the following resolution; which was considered by unanimous consent, and agreed to:

Resolved, That the Secretary of the Interior be directed to inform the Senate the number of acres of public land granted in the State of Nebraska to the land-grant railroads within that State, the number of acres upon which cost of survey has been paid, and the amount paid in Nebraska, and also the number of acres in the remainder of said grant, the probable cost of such survey, and the number of acres patented in said State by each of said railroads.

REPRINTING OF A REPORT.

Mr. DOLPH. On the 1st of February I reported from the Committee on Public Lands Senate bill 1296, with a written report, No. 69. I am informed that the report has been exhausted, that there is but a single copy left. It is in considerable demand by Senators, many correspondents making inquiries in regard to what is proposed. I move that the report be reprinted for the use of the Senate.

The PRESIDENT *pro tempore*. The Senator from Oregon moves to reprint for the use of the Senate Report No. 69, on the bill (S. 1296) to repeal all laws providing for the pre-emption of the public lands, the laws allowing entries for timber-culture, and for other purposes. Is there objection? The Chair hears none, and the order to reprint is made.

PRESIDENTIAL APPROVALS.

A message from the President of the United States, by Mr. O. L. PRUDEN, one of his secretaries, announced that he had this day approved the following acts:

An act (S. 377) granting a pension to Matthias Leckner;

An act (S. 126) to change the name of the National Bank of Winona; and

An act (S. 382) to authorize the Merchants' National Bank, of Little Rock, Ark., to change its name to the First National Bank of Little Rock.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives by Mr. CLARK, its Clerk, announced that the House had passed a joint resolution (H. Res. 105) to print 12,500 copies of the eulogies on Reuben Ellwood, late a Representative in Congress; in which it requested the concurrence of the Senate.

ENROLLED BILL SIGNED.

The message also announced that the Speaker of the House had signed the enrolled bill (H. R. 989) for the allowance of certain claims reported by the accounting officers of the United States Treasury Department; and it was thereupon signed by the President *pro tempore*.

MISSION INDIANS OF CALIFORNIA.

The PRESIDENT *pro tempore*. The morning business is now closed.

Mr. DAWES. I have received this morning a letter from the Secretary of the Interior stating the great necessity of immediate action upon a bill on the Calendar. I hope the Senator from New Hampshire will allow it to be brought up and considered. If it causes debate I shall not press it this morning.

Mr. BLAIR. I have no objection to its being considered up to 2 o'clock.

Mr. DAWES. I ask that the letter be read as a justification for asking for the consideration of the bill. The order of business is 104, Senate bill 53.

The PRESIDENT *pro tempore*. The letter will be read.

The Chief Clerk read as follows:

DEPARTMENT OF THE INTERIOR, *Washington, February* 13, 1886.

SIR: This Department has just received reliable information regarding the condition of the Mission Indians of California, with special reference to their land matters. Among other things it is reported that white men are making every effort to wrest all the agricultural lands from them; are constructing irrigating ditches which will deprive them of water, and that the Indians are greatly discouraged because of the disputes over and the uncertainty of their title to the lands which they occupy.

On December 21, 1885, the President laid before Congress detailed information as to the condition of these Indians, with a draught of a bill for their relief. (See Senate Executive Document No. 15, Forty-ninth Congress, first session.)

The bill (S. 53), I learn, has already been reported upon by your committee, and is now pending before the Senate for action.

It is very important and necessary that something should speedily be done to relieve these Indians from the embarrassments and hinderances which now surround them, and as the plan considered best and most feasible to accomplish this has been suggested in the bill presented as above stated, the Department would be greatly relieved if it could receive early consideration and action by Congress, in order that the work necessary to be done may be entered upon at the earliest practicable date.

Very respectfully,

L. Q. C. LAMAR, *Secretary*.

The CHAIRMAN *Committee on Indian Affairs*,
United States Senate.

Mr. DAWES. I will say that this same bill or substantially this bill passed the Senate at its last session. I hope the Senator from New Hampshire will allow it to be brought up.

The PRESIDENT *pro tempore*. The Senator from Massachusetts moves to proceed to the consideration of Senate bill No. 53.

Mr. BLAIR. I suppose that will not interfere with the unfinished business.

The PRESIDENT *pro tempore*. The hour of 2 o'clock has not yet arrived. The question is on the motion to take up the bill.

The motion was agreed to; and the bill (S. 53) for the relief of the Mission Indians in the State of California was considered as in Committee of the Whole.

The Chief Clerk proceeded to read the bill, but before concluding was interrupted by,

The PRESIDENT *pro tempore*. The hour of 2 o'clock having arrived, it is the duty of the Chair to lay before the Senate the unfinished business, which is the bill (S. 194) to aid in the establishment and temporary support of common schools.

Mr. BLAIR. On that bill the Senator from Alabama [Mr. MORGAN] has the floor.

Mr. DAWES. The Senator from Alabama has kindly consented that it may be informally laid aside.

The PRESIDENT *pro tempore*. The Senator from Massachusetts asks that the unfinished business be informally laid aside without being displaced, with a view to continue the consideration of the bill pending at the expiration of the morning hour.

Mr. BLAIR. I shall have the right to object if it leads to debate, but the Senator from Massachusetts thinks there will be no debate, so I shall not interpose an objection now.

The PRESIDENT *pro tempore*. The bill (S. 53) for the relief of the Mission Indians in the State of California continues before the Senate as in Committee of the Whole.

The reading of the bill was resumed and concluded.

The bill was reported from the Committee on Indian Affairs with amendments.

The first amendment was, in line 4 of section 1, after the word "appoint," to strike out "two" and insert "three;" so as to make the section read:

That immediately after the passage of this act the Secretary of the Interior shall appoint three disinterested persons as commissioners to arrange a just and satisfactory settlement of the Mission Indians residing in the State of California upon reservations which shall be secured to them as hereinafter provided.

The amendment was agreed to.

The next amendment was, in section 4, line 5, after the word "family," to insert "not more than 640 acres nor less than;" after the word "acres," in line 7, to strike out "of which 10 acres shall be arable land" and insert "at the discretion of said Secretary, of which such

proportion, not exceeding 10 acres, as he shall deem for the best interest of the allottee, shall be arable land;" in line 11, after the word "age," to insert "not less than;" and in the same line, after the word "acres," to insert "apportioned in like manner;" so as to make the section read:

SEC. 4. That whenever any of the Indians residing upon any reservation patented under the provisions of this act shall desire allotments of land in severalty, the Secretary of the Interior may cause allotments to be made to such Indians in quantity as follows: To each of a family, not more than 640 nor less than 160 acres, at the discretion of said Secretary, of which such proportion, not exceeding 10 acres, as he shall deem for the best interest of the allottee, shall be arable land; to each single person over twenty-one years of age, not less than 80 acres, apportioned in like manner.

The amendment was agreed to.

The next amendment was, at the end of section 6, to add: "Or to bring any suit, in the name of the United States, in the circuit court of the United States for California that may be found necessary to the full protection of the legal or equitable rights of any Indian or tribe of Indians in any of such lands;" so as to make the section read:

SEC. 6. That in cases where the lands occupied by any band or village of Indians are wholly or in part within the limits of any confirmed private grant or grants, it shall be the duty of the Attorney-General of the United States, upon request of the Secretary of the Interior, through special counsel or otherwise, to defend such Indians in the rights secured to them in the original grants from the Mexican Government and in an act for the government and protection of Indians passed by the Legislature of the State of California April 22, 1850, or to bring any suit, in the name of the United States, in the circuit court of the United States for California, that may be found necessary to the full protection of the legal or equitable rights of any Indian or tribe of Indians in any of such lands.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

AID TO COMMON SCHOOLS.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (S. 194) to aid in the establishment and temporary support of common schools.

Mr. MORGAN. Mr. President, in opening my remarks this morning on the subject of this bill to promote the general welfare by educating the illiterates in the States, I wish to read an extract from the speech delivered by Mr. Bayard in the Senate when this bill was under consideration before, and I do it more for the purpose of endeavoring to impress upon the Senate the great importance of this measure than of presenting the views of that eminent gentleman before the Senate; for if I were to do that, in justice to him I should have read at the desk the entire argument, which is certainly a very able one:

I say, Mr. President, that the concession of this power to Congress must end in the withering of the States and in the destruction of their necessary reserved powers. The power of taxation is the most far-reaching and comprehensive power confided to government, which can be exercised in such way and under such conditions and to such extent as Congress shall see fit in its discretion. From the necessities of the subject it rests solely and is restrained only by the discretion of the department to which it is delegated. The measure of the tax burden Congress alone can control; the subjects of the burden are restricted by the Constitution expressly as in the case of export duties and impliedly as to the instrumentalities of the States, but if it be conceded that the power to lay taxes can include subjects not within the jurisdiction of Congress but expressly and admittedly and necessarily under State control, then I say you have embarked upon a principle never before heard of or claimed, and which is dangerous in the extreme. I know this bill will be held as a precedent, in my judgment a most dangerous one, which will go far to destroy all demarkation between the powers and the duties of the General Government and the powers and duties of the State governments. This to me is alarming, and because I can not pass it by in silence I have said thus much

Perhaps the Senate will not be offended, after having listened to that declaration of Mr. Bayard, at my being compelled to go further in this discussion than I went on last Thursday, when my remarks were not completed. I regret it, because the Senate is not disposed to listen even to so grave a question as this. I see that the minds of most Senators are absolutely made up on the subject, and that what I shall say will not have the slightest impression in changing their views of this very grave and serious question. But still the people exist, and the people are thoughtful, and we have been taught through many years of long and trying experience to understand that after all the true wisdom of legislation and government in this country rests in "the sober second thought" of the people. I appeal to them that they will hear and consider the arguments which are being submitted upon this bill, and after having heard and considered them they will take such measures as they think best adapted for the preservation of their own liberties.

Having promised the Senator from Florida [Mr. CALL] that I would endeavor to point out the distinction between the execution of the trust under which Congress holds the public lands for the benefit of the States and the power of Congress to create new trusts on behalf of the States or the people and to tax the country to raise money at its discretion, I must keep my promise.

The original thirteen States owned all the lands within their present borders, and six of them, namely, Georgia, South Carolina, North Carolina, Virginia, New York, Connecticut, and Massachusetts, owned large areas of land lying between the Spanish possessions on the south, the Canadian line on the north, and the Mississippi River on the west. The seven States that had no such territorial appanages made great complaint of the overbalancing power that would result to the other six States from this excess of outlying domain. So serious was the trouble, that Maryland refused, for two years, to unite with the Confederacy, and did not come in until an understanding was reached that these "waste and unappropriated lands," as they were styled, should be ceded to the United States for the common benefit of all the States.

I am stating this history briefly and succinctly to avoid wearying the Senate with a recital of facts familiar to all. New York made the first cession of lands, on March 1, 1781, "to and for the only use and benefit of such of the States as are or shall become parties to the Articles of Confederation." This deed was not to the Government of the United States, but it was "to the States." On the 4th of March, 1774, Thomas Jefferson, Samuel Hardy, Arthur Lee, and James Monroe, on behalf of the State of Virginia, made a deed of cession of all the vast domain in the northwest "unto the United States, in Congress assembled, for the benefit of the said States, Virginia included." Why to the Congress assembled? Because Congress was the real trustee, not the Government of the United States.

Mr. GEORGE. May I ask a question as to boundaries? No lands were granted west of the Mississippi, I think.

Mr. MORGAN. None at all. They came in under the Louisiana purchase. Virginia reserved out of the grant large areas of land in Ohio, Kentucky, and Indiana, for the benefit of her soldiers and other donees; on the 19th April, 1785, Massachusetts ceded her lands lying west of Pennsylvania "to the United States of America, for their benefit, Massachusetts inclusive."

On the 13th December, 1786, Connecticut ceded her lands west of Pennsylvania, except a tract called "The Western Reserve," "to the United States of America, in Congress assembled, for the common use and benefit of said States, Connecticut inclusive." This cession is still more specific in the description of Congress as the trustee for the benefit of the States, Connecticut included. Connecticut, on the 20th May, 1800, ceded the political jurisdiction over the "Western Reserve," now in Ohio, "to the United States," but reserved to the State and those claiming from or under it the title "to the soil of said tract of land." I will read the language of that reservation:

Whereas the Congress of the United States, at their session begun and holden in the city of Philadelphia, on the first Monday of December, in the year 1799, made and passed an act in the words following, to wit—

Here follows the act of Congress of the 28th of April, 1800—

therefore, in consideration of the terms and in compliance with the provisions and conditions of the said act,

Be it enacted by the governor and council and house of representatives in General Court assembled, That the State of Connecticut doth hereby renounce forever, for the use and benefit of the United States, and of the several individual States, who may be therein concerned respectively, and of all those deriving claims or titles from them, or any of them, all territorial and jurisdictional claims whatever, under any grant, charter or charters whatever, to the soil and jurisdiction of any and all lands whatever lying westward, northwestward, and southwestward, of those counties in the State of Connecticut, which are bounded westwardly by the eastern line of the State of New York, as ascertained by agreement between Connecticut and New York, in the year 1733; excepting only from this renunciation, the claim of the said State of Connecticut, and of those claiming from or under the said State of Connecticut, to the soil of said tract of land, in said act of Congress described under the name of the Western Reserve of Connecticut.

Connecticut afterward sold this land, and the "fire lands," amounting to 4,300,000 acres, and founded her school system on this as a permanent fund.

On the 9th of August, 1787, South Carolina ceded her wild lands "to the United States of America, for their benefit, South Carolina inclusive," the words "their benefit" clearly meaning the separate States. A portion of this cession stretches across North Alabama.

On the 25th of February, 1790, North Carolina, after making certain reservations, ceded her western possessions, now the State of Tennessee, and then having large white settlements, "unto the United States of America for the benefit of said States, North Carolina inclusive," "said States" meaning each and all the States. In the deed was this condition among others:

Thirdly. That all the lands intended to be ceded by virtue of this act to the United States of America, and not appropriated as before mentioned, shall be considered as a common fund, for the use and benefit of the United States of America, North Carolina inclusive, according to their respective and usual proportion in the general charge and expenditure, and shall be faithfully disposed of for that purpose, and for no other use or purpose whatever.

On the 24th of April, 1802, Georgia ceded the land included in Mississippi and Alabama, for a cash payment out of the proceeds of the sales of the lands of $1,250,000, to the United States upon certain conditions, of which the second are as follows:

Secondly. That all persons who, on the 27th day of October, 1795, were actual settlers within the territory thus ceded, shall be confirmed in all grants legally and fully executed prior to that day by the former British government of West Florida, or by the government of Spain, and in the claims which may be derived from any actual survey or settlement made under the act of the State of Georgia, entitled "An act for laying out a district of land situate on the river Mississippi, and within the bounds of this State, into a county, to be called 'Bourbon,'" passed the 7th day of February, 1785.

Thirdly. That all the lands ceded by this agreement to the United States shall, after satisfying the above-mentioned payment of $1,250,000 to the State of Georgia, and the grants recognized by the preceding conditions, be considered as a common fund for the use and benefit of the United States, Georgia included, and shall be faithfully disposed of for that purpose, and for no other use or purpose whatever.

There is certainly enough in each of these cessions to show that the

original States, having outlying lands, gave up a beneficial interest in them to the States that had no such lands. They declared the beneficial interest to be reserved in themselves, and they all placed the United States in the attitude of their trustee, and as trustee of the new States to be formed from the ceded territory, to hold the proceeds in trust for all the States then existing or afterward to be formed as a common fund.

As each new State has come in the United States has treated each as a sovereign, whose recognition as such conveyed the necessary recognition of its dominion over the lands within its borders. In the case of Texas this right of dominion was recognized as being absolute to all her lands, and she ceded the right of navigation of her waters to the United States.

Alabama was, in like manner, recognized as a sovereign, and while her dominion over the land in her borders was not rightfully absolute (Georgia having sold that territory for a price), the right of Alabama as a sovereign over the land within her borders was recognized as being so far supreme that she ceded the navigation of her waters to the United States, agreed not to tax the lands of the United States for five years after they had gone into private ownership, reserved to herself all salt springs and every sixteenth section for school purposes, besides lands to build her State-house and to endow her university. These were reservations by Alabama, and not gifts of the United States.

Alabama ceded her waste lands, just as Virginia did, to the United States. Without any express reservation, she retained the ownership of the beds of her navigable waters and still holds them, and this because she, as a sovereign, must own all the lands in her borders that she has not expressly ceded.

This law was all settled in Pollard's Lessees *vs.* Hagan, in 3 Howard's Reports, from which opinion I will read a few extracts. I wish it were permissible for me to read the entire opinion. The question arose in this case as to whether the State was the owner of the borders of the Alabama River between high and low water mark, the river having receded according to some natural events from its former borders, leaving quite a margin there, which the people of Mobile utilized by building on it piers and wharves, and that brought up the question. Say the Supreme Court, Mr. Justice McKinley delivering the opinion:

Although this is the first time we have been called upon to draw the line that separates the sovereignty and jurisdiction of the Government of the Union and the State governments over the subject in controversy, many of the principles which enter into and form the elements of the question have been settled by previous well-considered decisions of this court, to which we shall have occasion to refer in the course of this investigation.

The counsel for the plaintiffs insisted, in argument, that the United States derived title to that part of Alabama in which the land in controversy lies—

Near Mobile—

from the King of Spain; and that they succeeded to all his rights, powers, and jurisdiction over the territory ceded, and therefore hold the land and soil, under navigable waters, according to the laws and usages of Spain; and by those laws and usages the rights of a subject to land derived from the crown could not extend beyond high-water mark, nor navigable waters, without an express grant; and that all alluvion belonged to the crown, and might be granted by this king, together with all land between high water and the channel of such navigable waters; and by the compact between the United States and Alabama, on her admission into the Union, it was agreed that the people of Alabama forever disclaimed all right or title to the waste or unappropriated lands lying within the State, and that the same should remain at the sole disposal of the United States; and that all the navigable waters within the State should forever remain public highways, and free to the citizens of that State and the United States, without any tax, duty, or impost, or toll therefor imposed by that State. That by these articles of the compact the land under the navigable waters and the public domain above high water were alike reserved to the United States, and alike subject to be sold by them; and to give any other construction to these compacts would be to yield up to Alabama and the other new States all the public lands within their limits.

It must be admitted by every lawyer that that was a very strong case, stronger than I think can be cited in the history of any other State in the American Union. The Supreme Court say, commenting upon that argument:

We think a proper examination of this subject will show that the United States never held any municipal sovereignty, jurisdiction, or right of soil in and to the territory of which Alabama or any of the new States were formed, except for temporary purposes, and to execute the trusts created by the acts of the Virginia and Georgia Legislatures, and the deeds of cession executed by them to the United States, and the trusts created by the treaty with the French Republic of the 30th of April, 1803, ceding Louisiana.

That covers the whole field.

All that part of Alabama which lies between the thirty-first and thirty-fifth degrees of north latitude was ceded by the State of Georgia to the United States by deed bearing date the 24th day of April, 1802, which is substantially in all its principles and stipulations like the deed of cession executed by Virginia to the United States on the 1st day of March, 1784, by which she ceded to the United States the territory northwest of the river Ohio.

The court go on then to give the stipulations of the deeds, which I will pass over, and I omit also any attempt to read the argument of the court, coming down to the following statement:

The compact made between the United States and the State of Georgia was sanctioned by the Constitution of the United States, by the third section of the fourth article of which it is declared that "new States may be admitted by the Congress into this Union; but no new State shall be formed or erected within the jurisdiction of any other State, nor any State be formed by the junction of two or more States or parts of States, without the consent of the Legislature of the States concerned, as well as of Congress."

When Alabama was admitted into the Union, on an equal footing with the original States, she succeeded to all the rights of sovereignty, jurisdiction, and eminent domain which Georgia possessed at the date of the cession, except so far as this right was diminished by the public lands remaining in the possession and under the control of the United States, for the temporary purposes provided for in the deed of cession and the legislative acts connected with it. Nothing remained to the United States, according to the terms of the agreement, but the public lands. And if an express stipulation had been inserted in the agreement, granting the municipal right of sovereignty and eminent domain to the United States, such stipulation would have been void and inoperative, because the United States have no constitutional capacity to exercise municipal jurisdiction, sovereignty, or eminent domain, within the limits of a State or elsewhere, except in the cases in which it is expressly granted.

It might be well for some Senators who are in the habit of setting aside the opinions of all the enlightened men of the country to consider whether or not they can answer at least this statement by the Supreme Court in respect of the power of Congress to exercise a municipal jurisdiction within a State. I take it, sir, the conducting of a school or the providing for the maintenance of a school is very clearly an act of municipal power.

Mr. GEORGE. Have not donations of lands been made by Congress to maintain colleges?

Mr. MORGAN. A donation out of a fund that belongs to the States, certainly; and if Congress consents that a State shall resume its original right, that would scarcely be a donation. I continue the reading of the decision of the Supreme Court:

We will now inquire into the nature and extent of the right of the United States to these lands—

The lands conveyed by these deeds of cession, by the treaty for the purchase of the French territory, and the Spanish treaty under which we acquired Florida—

We will now inquire into the nature and extent of the right of the United States to these lands, and whether that right can in any manner affect or control the decision of the case before us. This right originated in voluntary surrenders, made by several of the old States, of their waste and unappropriated lands to the United States, under a resolution of the old Congress of the 6th of September, 1780, recommending such surrender and cession to aid in paying the public debt incurred by the war of the Revolution. The object of all the parties to these contracts of cession was to convert the land into money for the payment of the debt, and to erect new States over the territory thus ceded; and as soon as these purposes could be accomplished, the power of the United States over these lands, as property, was to cease.

Whenever the United States shall have fully executed these trusts the municipal sovereignty of the new States will be complete throughout their respective borders, and they and the original States will be upon an equal footing in all respects whatever. We, therefore, think the United States hold the public lands within the new States by force of the deeds of cession, and the statutes connected with them, and not by any municipal sovereignty which it may be supposed they possess, or have reserved by compact with the new States, for that particular purpose. The provision of the Constitution above referred to shows that no such power can be exercised by the United States within a State. Such a power is not only repugnant to the Constitution, but it is inconsistent with the spirit and intention of the deeds of cession.

I read now the conclusion of this opinion:

Alabama is therefore entitled to the sovereignty and jurisdiction over all the territory within her limits, subject to the common law, to the same extent that Georgia possessed it before she ceded it to the United States. To maintain any other doctrine is to deny that Alabama has been admitted into the Union on an equal footing with the original States, the Constitution, laws, and compact to the contrary notwithstanding.

* * * * * * * *

By the preceding course of reasoning we have arrived at these general conclusions: First. The shores of navigable waters, and the soils under them, were not granted by the Constitution to the United States, but were reserved to the States, respectively; secondly, the new States have the same right, sovereignty, and jurisdiction over this subject as the original States; thirdly, the right of the United States to the public lands, and the power of Congress to make all needful rules and regulations for the sale and disposition thereof, conferred no power to grant to the plaintiffs the land in controversy in this case. The judgment of the supreme court of the State of Alabama is, therefore, affirmed.

The United States can not even buy a lot of land in Alabama of one of her citizens on which to build a fort without the consent of the Legislature of that State, so strong and exclusive is the sovereignty of Alabama over the territory within her political jurisdiction. And the same is true of every new State that has come into the Union.

They are all equal to the original States in every right.

What then has become of these seven great trust estates ceded to the United States by the States I have named for the benefit of each and all?

Much of it has been donated to the people by the votes of the representatives of the people, and much to works of internal improvement in like manner. Much to schools and universities; much to the States, and much has been sold to the people, and the money has gone into the common Treasury.

In this way all the States have got the benefit of the fund according to the original contracts with the States. Even in the Louisiana purchase and in the treaties with Mexico and Spain the interests of prospective States have been provided for in a like manner.

This ownership of the soil is property of the United States which the Constitution expressly empowers Congress to dispose of. It is property to which there is annexed a use, by contract, which Congress should respect far more than it has done. That use could not be better executed than to apply the lands or their proceeds to the education of the people, nor can better agents be found than the States, to all of whom, as States, the beneficial interest in the lands is expressly reserved—reserved not to the people of the different States, but reserved to the States.

The beneficial use of these lands is not reserved to the people as such,

but to the States. Now, can the Senator from Florida show me in the Constitution any such a grant of the taxing power to Congress to raise money for the benefit of the States as I have shown the Senate the grant that does exist under these deeds of cession from the States to the United States of all the public lands in trust for the benefit of the States?

The proposition is too plain for denial or debate, that when we pass the title of land to any private holder we do it as the trustee of the States under a power conferred by the States, and we are compelled to apply that money, if we honorably comply with our obligation, to the uses declared in the deeds of cession. But I will not undertake to amplify a decision which is so entirely plain as that in Pollard's Lessees vs. Hagan. If I was trying this case before a justice of the peace I should think I had established enough to show the distinction between the execution of a trust confided in Congress by a deed of cession made by a State and the power of Congress to tax that people for some other purpose.

I have shown that the whole power of Congress over the public lands ceded by the original States was derived from actual cessions made in trust for the States of the Union; that the power of Congress over these lands came from the States by express grant upon defined conditions. Can he show any grant of similar power to Congress to tax the people at large to raise subsidies for the States?

Before proceeding further in this debate I must most respectfully protest against the assumption of the Committee on Education and Labor that Alabama is a land of darkness, a lazaretto of ignorance, which this committee describes it to be. If we are to be masqueraded here in the garb of a mendicant people, so as to excite the pity of Congress to give us liberal alms—which more resembles the backshish given to an Arab donkey-driver than that healing and comforting benefaction of sweet charity, which the right hand gives without the knowledge of the left hand—let us at least have credit, in our misery, for good intentions and honest efforts to relieve ourselves from this humiliating condition.

The committee say that in 1880, six years ago, the census tables show that we had in Alabama 433,447 people who could not write and were over ten years old. I do not believe this statement. Let us make a few comparisons. In 1860 the census returns credited Alabama with 38,000 people "who can not read and write," and of these 455 were free colored people. That census, in this matter, only related to free people. Massachusetts had in 1860 46,921 illiterates; in 1870 she had 74,935; in 1880 she rose to 92,980. New York in 1860 had 121,878 illiterates; in 1870 she had 163,501, and in 1880 she rose to the dizzy height of 219,600. I do not believe these figures either, but as the bill is based on the census of 1880 I must argue it on that basis. Of the people whom we attempted to educate in Alabama up to 1860 only 38,000 were illiterate. In 1870, after five years of war, and five more of robbery, which was worse than war, during which the school revenues were despoiled almost to annihilation, we come out with 31,001 white female and 17,429 white males over twenty-one who were unable to read and write and 43,629 over ten and under twenty-one. Total of white illiterates, 92,059. The illiteracy of the negroes was then greatly underestimated at 257,712. That census was a mere travesty on the true statistical history of the country.

The census of 1880 is a mere estimate or approximation to the truth. It estimates an illiteracy of 38.1 per cent. of the white race over ten years of age in Alabama. There is not a member in either House of this Congress that does not know that this is a false estimate. In 1880 we had a white population of 662,185 of a total population of 1,262,505; of this number 421,328 were between five and seventeen years old. Our school ages are between seven and twenty-one years, and it is on this basis, and not on the basis of the census of 1880, that we must make our estimate of the illiteracy which we intend to try to cure by law. Now, to say that 38 per cent. even of these persons of school age can not write is certainly a rash statement, whether it is applied to blacks or whites.

The number of persons of school age in Alabama by the latest school census, taken in 1885, was 420,413. Of this number 143,037 white children and 90,872 colored were enrolled as pupils in the public schools. In all 233,909, an increase over the preceding year of 18,331. Our system of education is free, but not compulsory. We paid last year 3,565 teachers of white schools, an increase of 107 teachers, and 1827 teachers of colored schools, an increase of 103. The total school fund for the year 1885 was $511,540.05. This does not include $16,500 for the education of the deaf, dumb, and blind, nor $24,000 paid to the University of Alabama, nor $20,280 to the Agriculture and Mechanical College, in all $60,500, which are included as a part of the expenses of the State government. Nor does it include the sum of more than $50,000 of additions to the educational fund and paid in salaries to the State superintendent and his clerks.

The cost of education is over $600,000 per annum to the people of Alabama, and this is a tax of more than 50 cents per capita upon every human being in the State. A small matter to us, but it is, with the poll-tax, $6 a year to a man with a wife and eight children who may prefer a private or neighborhood school. If this bill proposed to reduce this burden it would at least be humane; but it proposes only to give another sum equal to this, taken from the people by Federal taxation, for eight years, which means forever, so as either to double the number of teachers or to double the amounts of their salaries.

It seems to me that 5,392 teachers of the public schools—1 teacher to 43 pupils—is not a scant allowance.

The people of Alabama and the entire South have always educated their children chiefly in private schools and neighborhood schools. Their expenditures in that way must be twice or three times as great as the sums raised by taxation for public schools. They will be a long time in giving up this favorite plan. They have excellent reasons for this preference which I do not feel called upon to discuss at this time. Christian people always have a care as to how their children are taught and as to who teaches them. For the ordinary expenses of our State government we paid last year $485,126, which does not include $333,723 paid as interest on the public debt.

When we are paying more to schools than we pay to the current ordinary expenses of the State government we are scarcely to be rated among the derelict States that the Senator from New Hampshire berates for their crimes or else commiserates for their poverty. When we are increasing our wealth at the rate of $7,000,000 a year, he need not fear that we will falter in the duty we are so successfully performing of reducing the number of illiterates among our children.

This bill confines its benefits to persons of the school age. It does not propose to educate the ignorant mass of voters over twenty-one who now fill up the ballot-boxes with votes that express nothing but their ignorance and a blind and slavish obedience to the will of their educated leaders and bosses. Being a measure to reform the people so that ignorance shall no longer rule in this great complex system of dual governments, it omits to teach the voter to read and write, and attempts to save the country by teaching his children to read and write. That seems to be a good remedy, but it fails to reach the seat of the disease. Alabama would rather take her chances to relieve the afflicted who are suffering an epidemic of ignorance by the good old remedy of common sense and good nursing than to risk the new doctor among her people with this new patent medicine.

The doctor says he will not come unless he is invited, but that he has the right to come without being called in. I am afraid that if he comes he will never go away. He will set the State up on crutches for eight years, and at the end of that time either the United States or the people of Alabama will have to supply the school system with a new set of props. Its powerful limbs will have shrunk from disuse, and it will falter in a path in which it now marches like a conquering army. The school system, forced into unnatural growth by the stimulus which raises its revenues from $500,000 to a million in a single day, will be the master of the State, and with its organized and organizing power will decree that the State in every policy shall obey its behests. When at the end of eight years the United States withdraw their support, the taxes of the people for the public schools will have to be doubled, or else the schools will go down.

But, it is exclaimed, your people will make money even at that rate of taxation in the increase of the knowledge of reading, writing, and arithmetic. Our State does not want to make the people rich by taxing them. We tried that fifty years ago in our State-bank exploit, and wound up with a debt of $15,000,000, on part of which we are still paying the interest.

We prefer to get rich by having an economical government and allowing our people to enjoy all they can of what they work for and in the way they think best.

The argument as to the policy of this bill is not all on one side.

I read now from the Nation, a weekly paper of high order, established more than twenty years ago in New York.

The article from which I read is headed "Connecticut's warning against the Federal education scheme."

All the pleas for Federal aid proceed upon the assumption that such aid will be a good thing for the South. It is this assumption which we combat. We maintain that the worst thing which could befall the cause of education in the South would be a series of liberal appropriations from the national Treasury for a series of years. We mean, of course, the worst thing in the long run, for no judgment upon such a matter is of any value which is not based upon a long look ahead. We are ready to admit that more Southern voters might be able to read ten years hence if $100,000,000 should be appropriated by Congress for use chiefly in Southern schools than if the States were left to their own resources; but we insist that this temporary gain in intelligence would be purchased at the cost of a permanent loss in character vastly more important—the loss of self-reliance and self-respect.

One fact counts for more than a volume of theorizing, and it is, therefore, most fortunate that the demoralizing influence of outside school funds can be conclusively demonstrated from the experience of one of the oldest States in the Union. When Connecticut sold her Western Reserve lands the proceeds were devoted to a school fund, in the expectation that this assistance would serve materially to elevate the standard of public education. The fund proved very productive, the income during the early part of this century varying from $70,000 to $100,000 a year, which was a large sum of money for a small State in those days, when the cost of maintaining schools was so much less than now. Before they had this outside income the people of Connecticut supported their schools entirely by taxation, just as the people of the South are doing now. What was the effect of receiving this assistance? The answer shall be furnished by Mr. C. D. Hine, secretary of the State board of education, a recognized authority in the matters of which he speaks:

"The school fund derived from the sale of Western lands yielded an income last year of $120,855, which amounts to 80 cents for each person of the school age. The average expense of educating each of these persons throughout the State is $10.31, so that the fund now furnishes about 8 per cent. of the total cost. In those towns and cities where the people insist upon good schools no reliance is placed upon these permanent funds. Indeed, the history of our State shows

conclusively that at the time when the fund was most productive, yielding $1.40 or $1.50 for each person of the school age, and when towns depended upon it, as they generally did, for the support of their schools, the schools themselves were poor and short. In fact, this was the darkest period of our educational experience. A very striking deterioration took place as soon as the fund became productive and the income began to be distributed. Before that period schools had been maintained at least six months, and at most nearly the whole year, according to the size of the district. After, and not long after, this new source of income was opened, the usual length of schools was reduced to only three months, or just the time that this fund would maintain the schools. The sums which came as gratuities relieved the people of responsibility and deadened their interest, until the schools were continued only so long as the charity lasted. Happily the danger from this direction is past and can not return. The fund has probably reached its greatest productiveness, and the per capita will constantly decrease. The public schools must draw their sustenance from the people who are directly or indirectly benefited by them."

The Blair bill simply proposes to do for the whole South what the Western Reserve fund did for Connecticut. Human nature is much the same everywhere, and if one were to try differentiating it, he certainly would not find the Southern character less likely to be demoralized by subsidies than the Northern. The men who had this fund set apart for the benefit of Connecticut's schools undoubtedly thought that they were doing the State a great service; but it has proved a curse, and the people are now congratulated that "the danger from this direction is past," because the growth of population has forced them to tax themselves in order to educate their children. The Christian Union and the people who share its opinion that Federal appropriations for Southern education would be simply "the payment of a debt due by justice," are honest in their desire to benefit the South; but if they could accomplish their design they would have proved its worst enemies.

The truth is that the South can educate herself, and is already beginning to do so. It will be a hard job, but her people, black and white, will be more manly, more self-reliant, more intelligent, in the long run, if they are left to work out their own salvation. The most hopeful sign for the South's future is that clear-headed Southern men are protesting against the efforts of well-meaning but short-sighted Northerners to give the South school money out of the Federal Treasury, which these Southern men see that she ought to raise and can raise herself.

Mr. President, that is "the sober second thought" of Connecticut, and that article is based upon the experience of more than one hundred years. Connecticut having sold her Western Reserve in Ohio for money which she made the basis of her school system, relieving her people from all taxation and from all necessity of using energetic means to organize a good and sound school system, she finds herself at last really damaged by this great endowment, and she is appealing to her own people to go to work and strengthen their own sinews, so as to master the difficulties of life as they arise and to let the Southern people alone and let them do the same thing. I wish that that writer had known in respect to my State that she is gathering wealth upon a value of assessment (which we all know is very much lower than the actual value of property) at the rate of $7,000,000 a year. Then he would have understood that there was a strong, courageous, powerful, and dutiful people that are engaged there in a work to which they are thoroughly committed and with which they are much in love, so much indeed that they spend more money every year for schools than they do for the current expenses of the State government. That is progress enough for me. I confess, sir, that I am not in favor of going too fast with anything. I would rather go a little slow and keep inside of the line of the Constitution.

I would also read an article from the Morning Star, a paper published in North Carolina—very able—if I had the attention of the Senate, though I run some risk in it, because that editor is rash enough to call this bill the "paternal pedagogue" bill, and I think he has a remarkably good name for it.

When the Senate adjourned on Thursday I had commenced to discuss the proposition that this bill, if enacted into a law, will be a great and dangerous abuse of the taxing power confided to Congress by the Constitution. I had read from decisions of the Supreme Court of the United States, of which there are many, that declare that this is the most dangerous power that Congress can exert—the power to destroy, even when unlimited or unrestrained, and that the framers of the Constitution must have intended to place checks and restraints upon this power which would at least preserve the people from destruction.

It is utterly absurd and inconceivable that men who had fought at Concord and Bunker Hill before a Congress existed because the Parliament of Great Britain had asserted the right to tax them, and had organized a rebellion and defended their new government until it struggled to its feet as a free, sovereign, and independent power, fighting and suffering as few people have ever done—that they should, after all that, deliberately place in their organic law a grant of power to Congress or to any body of men to tax them "to the utmost" for any purpose that Congress might in its discretion hold to be necessary or proper "to promote the general welfare."

No written constitution in any State of this Union or of any free country in the world has ever contained such a grant of power to any legislative tribunal. The most despotic autocrat that rules in any civilized country would feel that his scepter was a mockery when compared with a grant of power like that which is claimed for Congress.

Here are Republicans and Democrats claiming this absolutism in Congress as a doctrine bequeathed to us from fathers who had suffered for many decades and had fought for six years to restrain the power of taxation within bounds that would not be fatal to liberty.

I will read again to the Senate the statement of that bold and dangerous heresy as it is written in the report of the Committee on Education and Labor and as it is crystallized in this bill.

In the last report made to the Senate, the one which we are now discussing, accompanying this bill, the committee say:

The report referred to—

Made by the same committee at the former session—

The report referred to, and hereby adopted by your committee, is as follows.

Now I read extracts—

Our leading proposition is that the General Government possesses the power and has imposed upon itself the duty of educating the people of the United States whenever for any cause those people are deficient in that degree of education which is essential to the discharge of their duties as citizens either of the United States or of the several States wherein they chance to reside.

Again:

Now, the right of self-defense, which is the right of self-preservation, is the right to live and to be. The right of the people to be at all implies and includes the right to constitute and maintain the state—that is to say, government—and to prescribe its form, for human existence is impossible without government. The governing power must know how to govern or it can not govern. Can a man do that which he knows not how to do? The people have distributed the functions of government between the national and sectional or the State authorities, and have retained in themselves the initial exercise of all power through the ballot. The ballot is the republican form of government both in the nation and in the State.

I read again:

But Congress has express power "to provide for the general welfare of the United States," and to exert its utmost power of taxation to promote that which was one of the six greatest ends enumerated in the preamble, and to secure which the Constitution itself was ordained and established by the whole people of the United States of America. That people well understood that without intelligence it would be impossible "to preserve the blessings of liberty to themselves and their posterity." It goes without argument to say that in no way can the general welfare be so promoted as by the general diffusion of knowledge and the discipline of the mental powers of the masses of the people, which can be accomplished by common schools maintained by governmental power.

I read again:

Only ignorance is convertible into brute force. Ignorance is slavery. But for ignorance there would have been no slave. But for ignorance among the nominally free there would have been no rebellion. The contest we now wage is with that still unconquered ignorance of both white man and black man in all parts of the country which hurried us by remorseless fate to fields of death four long years. Besides this, we confront the demands of hordes incoming from beyond both great oceans, and of the advancing generations of men.

I do wonder if any man who was ever in the confederate congress or in the confederate army or in any way identified with that period of trial and strife among the people of the South read that report and permitted it to go upon this record to disgrace the country.

But for ignorance among the nominally free there would have been no rebellion.

Was it the ignorance of New England that brought slaves into this country and sent them all over this land? No, sir; it was the wealth and the power, it was the luminous intelligence of those people that caused them to go abroad, capture slaves in Africa, bring them here, and sell them to the people of the South.

Mr. GEORGE. Will the Senator from Alabama allow me?

Mr. MORGAN. I am reading, but I will hear of course.

Mr. GEORGE. Does not the Senator know that no member of the committee is responsible for the argument of the report but the chairman?

Mr. MORGAN. The Senator will allow me to say that I did not wish to get up a controversy in the committee; but I read in this last report:

The report referred to, and hereby adopted by your committee, is as follows.

Mr. GEORGE. I want to read an extract from that report:

The committee unanimously approve the amount proposed to be appropriated in the bill and its distribution on the basis of illiteracy, and a majority recommend its passage in its present form.

The matter following is largely from a presentation of the subject made by the chairman of the committee on a former occasion, for which, as matter of argument, the committee as a whole is not responsible, but the statistical tables and calculations having been prepared with considerable labor and care, and being substantially unchanged by later information, the same is incorporated with this supplementary report.

I merely desire to call the attention of the Senate and the country to the fact that the chairman in presenting this report distinctly stated that the committee was not responsible for the argument which he made in it.

Mr. MORGAN. Mr. President, this bill passed before without any such statement as that. This report has been two years before the people of the United States without any disclaimer from any member of that committee.

Mr. BLAIR. The Senator will permit me to say that the disclaimer is in the original report.

Mr. MORGAN. I speak of the report without any disclaimer of the argument. I think if I had been on the committee that reported a bill which contained this language about the people of my country I should have found it out:

The contest we now wage is with that still unconquered ignorance of both white man and black man in all parts of the country which hurried us by remorseless fate to fields of death four long years.

I have often heard it said that the people in the South were a hoodwinked and blinded set of slaves who were led into secession and into battle by their leaders; but, sir, I deny that. The people of the South

forced their leaders into the struggle, and many a poor cowardly heart then beating in the bosom of a so-called leader would have shrunk back, but that he knew he did not dare to do so in the presence of an enlightened and splendid people. That is the truth of history.

Here goes this bill and this argument uncontradicted, and I am even reproached for trying to defend the people whom I have the honor in part to represent here against this attack upon their honor and intelligence. I am expected to look at the sunlight of this blazing seventy-seven millions of burnished gold and become blind to all else in the world, like a child looking at the sun for a moment and afterward is unable to see the countenance of his mother who stands by his side.

Some of the members of the committee say they never read that report, others say that they do not state this doctrine it that way; but in their speeches and in this bill those of the committee who have spoken all agree that this measure rests solely on the ground that it is intended and calculated "to promote the general welfare," and that the Constitution expressly confers upon Congress the power to promote the general welfare by the utmost exercise of the taxing power. They are all agreed on that point; nobody dissents from that proposition. I have stated it correctly and fairly. The chairman of the committee, as I understand his position, is not agreed with the Senator from Mississippi, who says this bill makes "a pure gift to the State upon condition subsequent."

The view of the Senator from New Hampshire is that it is an appropriation for a governmental purpose of the United States, in which the State is made a trustee, with liberty to accept or decline the trust. But if the trust is accepted, it must be executed in the manner and for the special uses declared in the act. The State becomes, in his view, the agent of the United States to apply and expend the appropriation, with no discretion as to the persons, within the school age, who are to have the benefits of the money appropriated, with no discretion as to the equality of all as to the privileges and school facilities to be enjoyed by each, with no power to pass a law which would change or contravene this act of Congress.

It is the United States that educates the child in pursuance of a right which the Senator on last Thursday, with much thoughtful deliberation, thus defined:

> If the State proper fails, as well as the parent, to educate the child which is to become a citizen, not alone of the State, but of the United States, it then becomes the right of the General Government, in self-defense, to educate that child.

That condition of self-defense which justifies this emergent legislation is now upon us, according to the agreement of all the advocates of this bill. That is to say, there are ignorant masses of children in the whole country, in all the States. Their parents have failed to educate them, and the States to which they belong have failed to educate them, and thereupon the United States, in order to defend the Government against an ignorance that the Senator from New Hampshire said was not less dangerous to the country than the yellow fever, has the right to educate them.

The right of self-defense is the doctrine of this bill, according to that Senator. It is a war doctrine, "*Salus reipublicæ est suprema lex*"—the safety of the republic is the supreme law. The Senator feels that the Government is assailed by the spirit of the powers of darkness, and it is time to stand on the defensive. This invading eclipse of the mental powers of some of the people of some of the States will destroy the Republic, as the Senator thinks, unless its baleful shadow is turned to light. Who is to blame for it? First, the parents of these miserable children; second, the States, that have turned their backs upon the poor sufferers and have wickedly neglected the first duties of humanity.

New York, that great Empire State, that has given us a President, and for twenty-five years has always managed to furnish us with a candidate, and will give us another, even from this floor, if the fates are propitious and if no mistakes are made—New York with an annual revenue in 1880 of $14,040,921 from the State and counties and $42,352,053 from the cities and towns, in all $56,392,975, on an estimated value of $2,651,940,000 of property, has 219,600 of these poor ignorant wretches who can not write. Is this a pitiable misfortune, that a State so rich should be so derelict, or is it a crime? I fear it must be considered a crime. I fear the Senator from New Hampshire so regards it.

New York, that derives wealth from every source; that levies tribute on all the people; that absorbs alike the substance of the fertile lands of the valley of the Mississippi and of the arid deserts of Arizona; that, like a Florida orange tree, sucks the rich sweet juices from the sands, and, with sweeter adulation, wins fruit with golden glories from the sun—New York, it seems, is to get $2,721,066.98 for its failure to disperse this army of 219,600 of unlettered vandals, who threaten the very existence of the Government, according to the Senator from New Hampshire.

You reward New York for her dereliction, while you soothe Alabama for the sufferings you suppose that she endures because of her virtuous poverty.

I have silently wondered whether the Senators from New York and our New York President could find it in their hearts to take this great sum for that great State in payment for this great evil for which New York is responsible, and which threatens so seriously this great Government.

This is surely a wonderful bill, which with the same good motive and in the same section dispenses millions to Alabama to alleviate her misfortunes and millions to New York to reward her crimes.

A partial apology for New York and a fitting preamble to this bill might be found in Pope's couplet:

> God sends not ill, if rightly understood;
> All partial ill is universal good.

New York, that is to get under this bill $2,721,066.98, and Pennsylvania, that is to get $2,825,324.98, because they have neglected the calls of humanity to that degree that they have together 457,614 people who can not write, are to be rewarded, I suppose, for having furnished this "dreadful example" which enables this committee "to point a moral," and so convert this partial evil into universal good.

Mr. President, our ship of state is wearing toward a dangerous lee-shore when we begin to vote gifts and subsidies to States that have been dissevered or made bankrupt or impoverished during our civil war.

Virginia has but little more than half her territory left, and is liable for a debt of more than $30,000,000, contracted before the war. Shall we make a gift to Virginia of enough money to meet half her debt or all of it?

Other Southern States are not paying the interest on all the bonds they have issued, and the people of the United States are interested in the question whether all or any of the States shall pay their obligations. Shall we assume them?

We can not coerce these States by acts of Congress to pay these debts. Must they go unpaid, and leave the people to suffer in the face of that benevolent provision that Congress may provide for the general welfare?

It is a favorite theory of some Senators from the North that the people of the seceding States were forced by their State governments and by conscriptions enacted by the confederate congress to make war on the United States. Indeed, that theory is boldly asserted in this report, that the people suffered because the States were wickedly derelict; that poverty, wretchedness, disease, wounds, and mutilations have caused many of them to die, leaving children in beggary and others to linger in the throes of a miserable existence. Indeed, "the quality of mercy," which is said to abound in this measure, seems to derive much of its good from the thought of educating the children of the poor maimed confederate soldiers.

It is not for me to extend the argument beyond this field to that of pensioning the confederate soldiers, for I do not believe in creating claims upon the Government out of our sympathies and our feelings of benevolence where the Government is under no express obligation to pay them.

If I believed in that manner of creating obligations by act of Congress that never before had any existence, and are not supported by any service rendered the Government, I could not restrain my desire, from any motives of policy, to take care of my honored comrades in the confederate army. I would instantly fly to their relief. But I must say to them and to you that Congress has no power to create such an obligation on the Government of the United States either to support them or to educate their children in the States, and therefore I must decline to do either. It is a hard declaration for me to make, but I have sworn to support the Constitution, and I intend to do it if I know how.

But I will dwell no longer on this attempt to do two wrongs in order to secure one right—a wrong to Alabama to tax her people to pay the people of New York and Pennsylvania for the delinquency of their own rich States in failing to educate their children, and a wrong to the people of New York and Pennsylvania in taxing them to raise a gift for the people of Alabama to relieve them from an ignorance that they are supposed to be too poor to dispel.

The first of these wrongs the Senator from New Hampshire insists shall be requited by an appropriation for the benefit of the people who have been wronged by the States of New York and Pennsylvania; while the Senator from Mississippi insists that the money is a pure gift to the delinquent State upon a condition subsequent.

The Senator from New Hampshire has shaped his bill and his report so as to meet his own view. The Senator from Mississippi takes the opposite view of the bill, and claims that it makes a gift to the States—a perfect gift *in præsenti* of all the money that the State may ever get hold of under this bill; a gift that vests in the donor whenever it is accepted, but may be forfeited by failure to comply with a condition subsequent. If the State having the money in hand should, by law or by the fault of her officers, divert it to other purposes or violate the precatory trust found in this act, there would be no remedy found in the United States laws to recover back a dollar of it or to punish any State officer for the abuse of his trust. In such a case the United States could only pocket the loss and the affront with the best grace possible and shut its Treasury vaults against any other demand of the defaulting State, at least until all the wrong done was righted and all the contempt of the State toward the United States was expurgated.

That is a fair statement of and deduction from the position of the Senator from Mississippi.

But the Senator from New Hampshire holds always to the true theory of his bill. He tolerates the theory of a gift to the State, on condi-

tion subsequent, to satisfy the Senators from the South, leading Democrats who follow Mr. Calhoun, as they say, and hug the theory of the sovereignty of the States as being the safest, because it is equal to any duty of preventing the United States from controlling this money after the States have actually received it. The sudden and hopeful reunion of the two classes of Senators on a given result makes them too proud and happy to consent that any question shall now divide them that can possibly be postponed.

But the Senator from New Hampshire looks well to the rear, and keeps his bridges in good order and under guard.

He puts into the bill this clause at the end of the closing section:

And the power to alter, amend, or repeal this act is hereby reserved.

Was not this the law, without the necessity of re-enacting it? It was and is the law, on the theory of this bill that is supported by the Senator from New Hampshire. He insists that Congress is the power that is educating the children, as it has the right to do this in self-defense against ignorance, and that the laws of the United States, including all the provisions of this act, follow the money into the States, and control it there, in accordance with this act, until it reaches the objects of the grant, the children, and accomplishes the purpose of the grant in their education.

But according to the theory of the Senator of Mississippi, which I have several times stated in his own language, that "it is a pure gift to the State, on condition subsequent," this clause, that reserves the power to alter, amend, or repeal this act, annexes as another condition to the gift the power of Congress to revoke it. It is not a vested gift, if Congress chooses to revoke it, and Congress may annex other conditions to the gift if it chooses. The power to modify this act so as to control the gift, or to revoke it, is an express power reserved to Congress in this bill to continue its control over the gift after it has been paid over to the State and after the State officers have begun to execute the trust. Congress reserves in this clause of the act all the power it now possesses over the entire subject, and the States can not disregard the will of Congress and escape its power of compelling obedience to its will in every matter connected with the entire subject.

Congress can repeal or amend any section of this bill, even those that define the objects and the fundamental nature of the gift, under this express reservation of power, and ask the State no question as to its will as to any supposed vested rights of the State, or its opinion or sentiment as to any asserted obligation of honor or duty resting on Congress in respect of this alleged gift.

Mr. MAXEY. I ask the Senator at that point to allow me to make a suggestion. If the position be true that this bill is a gift *in præsenti* to the States subject to the control of the States, how can gentlemen so holding answer the position taken by the chairman of the committee when the bill was up before, that if Congress has the power to make the appropriation Congress has the power to direct its application? Has that been answered?

Mr. MORGAN. Never.

Mr. MAXEY. It can not be.

Mr. MORGAN. It can not be. The honorable Senator from Texas and myself have spent the better part of our lives in our efforts to try to protect and defend what we believe to be the constitutional rights of the great body of the people, and since the struggle ended, where we were compelled to witness the slaughter of brother by brother, we passed through what was called the period of reconstruction, the terrors of which, the evils of which, the disasters of which were far greater than any struggles in battle that the soldiers of either army endured; and if this bill passes we shall be called upon while we yet remain in the Senate under our present commissions to discuss before this body many of the very questions of the most exciting character that we have ever had to encounter, and we shall see the people of the South and the people of the North again aroused to the utmost frenzy of excitement by the questions this bill will bring back to Congress. Never, sir, was there a more disastrous invasion of the public peace than is contained in this bill.

If Congress should hereafter choose to repeal the clauses in the bill as to non-sectarian schools, or as to discriminations on account of color, I can easily see that questions of the most exciting character would at once arise between the States and the United States.

The danger that such questions might be stirred up in some of the States just preceding a Presidential election, which would result in a demand for the repeal of either of these features of this bill, and the dangerous character of such a debate in Congress on a bill to repeal these parts of this act, is too obvious to be overlooked.

I will not now dwell upon this matter further than to say that in South Carolina and Mississippi, where it is alleged that the negro race have a majority, we can not avoid a struggle of the negro race for a repeal by Congress of the many clauses in this bill that empower the States to exclude their children from the schools where the children of white people are being taught. I could suggest very many questions that are dangerous in their nature which lie so near the surface of this sea of trouble that the most ignorant negro can and will fish them up and drag them into Congress.

They can demand repeal, alteration, and amendment under this clause, and they will do it, and Congress will be compelled to listen to their demand. We expressly reserve this right to them and their representatives in this clause. This clause is a real Pandora's box, and once it is opened it will reinstate what was once aptly called "an organized hell" in the Southern States and in Congress. The power of man, the virtue of man can not prevent it. These gentlemen, for a few glittering dollars out of the Treasury of the United States given in charity to the South, are throwing open that door and inviting our people to pass again beneath the rod of affliction.

Mr. GEORGE. Will the Senator allow me to ask a question?

Mr. MORGAN. Yes, sir.

Mr. GEORGE. Certainly I believe in the clause that reserves the power to Congress. It need not be characterized by harsh language. I understood the Senator from Alabama to say but a few moments ago that that was a power which would have existed without any express reservation.

Mr. MORGAN. On the theory of the bill of the Senator from New Hampshire.

Mr. GEORGE. In that I agree. It is pure surplusage in the bill. Congress has the right to amend, to alter, to repeal any bill that it may pass that does not amount in itself to a contract; and as to that I doubt.

Mr. MORGAN. As to that I doubt whether the Senator——

Mr. BLAIR rose.

Mr. MORGAN. I have to deal with one of these Senators at a time. The Senator from New Hampshire will excuse me.

Mr. BLAIR. I should like to say a word.

Mr. MORGAN. They are so opposite in their views and yet they are so concurrent in the result that I am compelled to deal with them separately.

Mr. BLAIR. I do not care to express any views now.

Mr. MORGAN. I will not yield at this moment.

Mr. BLAIR. Does the Senator decline to listen to a statement of facts?

Mr. MORGAN. At this moment. I will yield the floor in a few minutes.

Mr. BLAIR. I did not know it would be disagreeable to the Senator to listen to a fact at this time.

Mr. MORGAN. I do not like when the Senator from Mississippi has put a question to me to have the Senator from New Hampshire interfere to prevent my answering it. Upon the theory of this bill claimed by the Senator from New Hampshire it was not necessary to put this feature in the bill. Why? Because he claims that it is an appropriation made by the power of Congress and kept under the power of Congress, and the right of Congress to follow an appropriation made by such power and kept under such control no lawyer can deny. But the theory of the Senator from Mississippi that it is a pure gift to the State on condition subsequent makes it necessary, in order to control the management of that gift after it is entered upon by the donee, that there should be an express reservation of the power to control it in the event that the donor desires to control it. When a right vests under an act of Congress, if I understand anything about the law, Congress afterward has no power to change it or take it away.

The Senator from Mississippi claims a vested right to the money when it goes into the hands of the State. He provides no remedy in this bill by which the State shall be accountable *in præsenti* for the manner of its management. No court can control the State; but this reservation of power to alter, amend, or repeal will enable Congress to do it. The gift carries with it all the rights of a vested title after it has vested. But for this provision nobody could question whether the State had dealt rightfully or wrongfully with it until you came to the next payment, and then the condition subsequent would operate, not to divest the former gift, but to prevent its continuance during the next seven years.

Mr. GEORGE. Does the Senator from Alabama mean to be understood that under the bill as it now stands after an annual appropriation has been actually received by a State under the terms of the bill Congress may then interpose and make a change with reference to the disposition of that money already received?

Mr. MORGAN. If you put in this expression, "power to alter, amend, and repeal," certainly. Who can deny it? That is what it is put there for; and if the honorable Senator from Mississippi has never found that in the bill he had better go and study it, for it is a dangerous subject.

Mr. GEORGE. I have not been able to find anything in the bill that is not in it, as the Senator from Alabama has.

Mr. MORGAN. I am looking after things in this bill. That is my business. I have found this clause, and I want to know what is the use of it. What purpose does it subserve? If the Senator from New Hampshire is right that this is an appropriation continuing under the power of Congress, then of course Congress ought to have the right and has the right under the law to alter, amend, or repeal. But if it is a vested gift, if you want to reserve the right to control the management of that gift after it has vested, you must put this power into the bill, and that you have done. There is not a lawyer in the South who does not understand that, nor in the North either.

Mr. RIDDLEBERGER. Will the Senator allow me to ask him a question? I can not hear all he says.

Mr. MORGAN. I am very sorry. I am speaking at the top of my bent.

Mr. RIDDLEBERGER. I want to ask the Senator whether the power to enact a law does not always imply the power to amend, alter, or repeal it; and whether we could remove that difficulty unless we were to make it a part of the Constitution? I understand that we are just enacting a law here that Congress can alter, amend, or repeal.

Mr. MORGAN. I adopted the rather unusual course for me, in this debate, of writing the argumentative part of my speech, in order that I might not be led off into a harangue about questions that are entirely inapplicable and inappropriate. I therefore beg the Senators to allow me to proceed.

If the negro race has a real enemy in the United States he should be here to vote for this bill. This clause is a necessary part of any law of Congress that does not confer a vested right on somebody—an irrevocable right—and needs not to be expressed in such an act. In all executory enactments which do not affect some vested right the power to alter, amend, and repeal the law can not even be waived by Congress. This last clause in the act only expresses a right that Congress possesses and can not waive if it has the power to enact this law. But, being expressed in the act, it fixes the character and definition of this alleged "pure gift to the States on condition subsequent," and shows that it is not a vested right in the States; no, not for one instant of time, and most certainly not for eight consecutive years to come.

This is all executory or prospective legislation, to begin an experiment of a new and alarming character—an innovation involving a principle once discussed and rejected when the men who framed the Constitution were in Congress. The Senator from New Hampshire has in this debate announced most deliberately that appropriations must be made from year to year to keep this scheme alive, and the bill contains many grounds of forfeiture of the right of a State to participate in its benefits in whole or in part, and requires the State whose right has been suspended to appeal to Congress, and not to the courts, for relief against his decision.

When the Secretary of the Interior under this bill decides against the right of a State to receive a second and third installment of this money, the State has no power under the bill to appeal to the courts and ask for a writ of mandamus to compel him to pay the money, although he has made a false judgment; but the bill requires that the State shall come to Congress. Why so? Expressly in order to keep the key in the hand of Congress, that Congress after the gift has vested may alter its purpose and alter the conditions upon which it was taken.

Mr. GEORGE. Will the Senator allow me a word, if it does not interrupt him?

Mr. MORGAN. It does interrupt me.

Mr. GEORGE. Go on.

Mr. MORGAN. The Senator from New Hampshire is right in holding that this is an executory and repealable law, and the Senator from Mississippi is wrong in saying that this law is "a pure gift to the States on condition subsequent," which means a right vested under the law, and not revocable except in pursuance of the condition expressed in the act.

Is this a gift to the States? Can Congress make a gift of money from the Treasury to the States? We all agree that a gift requires the act of a competent donor in giving and the act of a competent donee in receiving. Without the concurrence of both parties the gift can not be made.

Can Congress treat with a State as to the exercise within the State of any power of government extending over the entire State which otherwise it would not possess? The answer is obviously that it can not so treat with a State, for if it could Congress might engage with a State to abandon every function of government and relapse into the condition of a province of the United States, and this point was decided in Pollard's Lessees *vs.* Hagan, from which I have read.

It is well that we should settle now, and, if possible, forever, as a matter of policy if not of law, that Congress has no right to make a gift from the Treasury to a State.

If one "pure gift" may be so made any impure gift may also be made, and the statement of this proposition conveys its full meaning and with it the conception of its direful results to any mind that comprehends it. It needs neither argument nor illustration to describe its fearful dangers. Congress must get the consent of the States to make gifts to them, which implies, of necessity, that the gift is not made in virtue of any right or power of government residing in Congress; but when you go on in your bill and require the State to account to Congress directly, and when in the last clause you put it in the power of Congress to alter, amend, or repeal the gift, thereby changing the condition subsequent, and invidiously I fear so put that power in the hands of Congress, you put the State where Congress can put its hand of power upon its throat.

Having shown, as I think, that the Senator from New Hampshire has given the true interpretation to this measure, and has made in the report of the committee the full statement and exposition of the alleged power of Congress on which this measure must rest if it has any support in the Constitution, I will return to the discussion of the question whether this bill has the support of the Constitution. I will read again from the same text—the report—

> But Congress has express power "to provide for the general welfare of the United States," and to exert its utmost power of taxation to promote that which was one of the six greatest ends enumerated in the preamble, and to secure which the Constitution itself was ordained and established by the whole people of the United States of America.

Here are "the six greatest ends enumerated in the preamble of the Constitution," as stated in the report of the committee, namely: First, "to form a more perfect Union;" second, "to establish justice;" third, to "insure domestic tranquillity;" fourth, to "provide for the common defense;" fifth, "to promote the general welfare;" sixth, "to secure the blessings of liberty to ourselves and our posterity." Are these the true definitions and boundaries of the scope of the taxing power within which Congress "has express power to provide for the general welfare of the United States" (not the people) "and to exert its utmost power of taxation," as is alleged in this report?

This statement, upon which the whole theory of this bill rests and upon which the committee have twice deliberately placed it, reverses the Constitution in its theory, transposes its arrangement, by making the preamble to the Constitution the enacting clause of all its ordinances, and by converting all its limitations and restraints upon the powers of Congress as to taxation into mere recitals of methods by which its powers were to be exerted. The committee then crowns its assault on the Constitution by giving to Congress "the utmost power of taxation" that may, in its discretion, be needful to accomplish either of these "six greatest ends" recited in the preamble. If one of these ends can thus be accomplished in this way all of them can.

Not even the abolitionists, kindled with a zeal for human liberty that would brook no opposition, claimed the right to secure "the blessings of liberty" to our slaves, or to enforce the doctrine of the Declaration of Independence that "all men are created equal," or would resort to the preamble of the Constitution in order to find there the power of Congress to abolish slavery, and thus to give liberty to millions and to promote the general welfare of all the people of the United States.

They felt that this power was not in the preamble to the Constitution, nor in the body of it. They denounced the Constitution as a covenant with death and a league with hell, and they resorted to a "higher law" as the means and justification of their end.

Let us not in our efforts at benevolence, in order to restore the wounds of a great civil war, assume a power that the wildest and most determined zealots for human liberty refused to recognize or to touch.

In considering this new and fatal assault on the liberties of the people, this crusade for education, waged against the fetters which the people have placed on the hands of Congress to restrain taxation, the results are so obviously absurd that I will be pardoned for pointing out a few of them.

The first of the "six greatest ends" which the committee have discovered among the powers expressly conferred on Congress in the preamble to the Constitution, is "to form a more perfect union," an event that was consummated when nine of the thirteen States had ratified the Constitution.

Can Congress exert its "utmost power of taxation" in continuing to make the union more perfect than the Constitution made it?

Can Congress expel a refractory State from the Union or one that will not levy taxes to support its Government, in order to make the Union more perfect?

The second of "the six greatest ends" is to establish justice. Can Congress levy taxes to create a court superior to the Supreme Court to do justice in a matter where it feels that this supreme tribunal has done some injustice to somebody, and thereby "establish justice?"

If the President unjustly removes a man from office can Congress reinstate him or tax the people to raise money to continue his salary, and thereby establish justice?

Can Congress insure domestic tranquillity by voting taxes to raise money to banish States from the Union or people from the country?

Can we banish the Mormons to Mexico to "insure the domestic tranquillity" of Utah and station the Army or the militia or the police forces or the *posse comitatus* along the frontier to keep them out? Can we tax the people for this one of "the six great ends" of this all-comprehending, all-powerful preamble?

It is in this preamble that the committee find a warrant for every excess, every usurpation, every tyranny that the legislative power may, in its discretion, choose to practice against the liberties of a free people.

Another of the six great ends is to secure "the blessings of liberty to ourselves and our posterity." This is the greatest of the six ends, and should be assisted by the utmost power of taxation that Congress possesses. But no power of taxation should be employed to destroy these blessings, or to pollute their fountain, or to destroy their citadel established in the Constitution.

What is our liberty? An untutored Indian, fresh from the plains, on a first visit to New York, saw the seething multitudes that throng Broadway, where the richest goods are hauled in open vans, where women and children are guarded over the street crossings by watchful policemen, and where every human right is respected and none are overlooked or violated. He was a child of liberty, in its most unfettered meaning, and he loved the thought that his wild liberty was a boon for which his life was always ready to be offered up. But, gazing on that multitude, all free, and yet all under the restraints of law, he discovered

the truth and grandeur of the blessings of liberty secured by law, and, turning to his companion, he exclaimed, "Law is liberty!"

If this committee have forgotten this, let them go to Standing Bear, a Ponca Indian, and learn of him the true lesson of liberty. Let them not trifle with "the blessings of liberty" by claiming for Congress the right to make new definitions of what they shall be, so as to claim new powers in the name of liberty.

Next to the shelter the Constitution gives to our lives, the most important protection we have against the power of Congress is the limitation on their powers to tax the people.

This bill in its principles, in its framework, and by the report of the committee, now twice thrust upon the attention of Congress and the people, claims the "utmost power of Congress" first to decide that any of "the six greatest ends" of the preamble of the Constitution "require to be promoted;" second, that the means of promoting the same are such as Congress in its discretion may provide; and, third, that the people must foot the bill which Congress decrees shall be taxed out of them to accomplish these ends.

This means only that the power of Congress to tax the people is unlimited when the taxes are required to promote the ends that Congress believes are found in the preamble to the Constitution, and that the enumerated and restricted powers granted to Congress in the body of the Constitution are only so many prefaces to indicate the great purposes of government, to provide for which unlimited powers are expressly conferred in the preamble to the Constitution.

I do not ask if this is what the committee means. It is avowed in elaborate statement and argument in their report and it is the very foundation of the bill. I only remark that this view of the Constitution takes away all shelter from our liberties as they are written in the Constitution. No restraint or guarantee is left to protect the people against the taxing power of Congress. This fatal attack on liberty is justified in the name of liberty, and the people of the South are to be induced to submit to the invasion of their real liberties by glittering offers of advantage over other sections more heavily taxed and less amply endowed with this largess drawn from the Treasury of the country.

In support of the point that this law is an unconstitutional abuse of the taxing power I will read an extract from a lecture delivered by Mr. George Ticknor Curtis, in February of this year, to the law school of Georgetown University:

We hear much nowadays about the so-called "general-welfare clause" of the Constitution. The Constitution uses the words general welfare in just two places, and no more. In the preamble the promotion of the general welfare is one of the objects enumerated, along with five others, for which the people of the United States ordain and establish the Constitution. The wildest and most latitudinarian constructionist would hardly venture to tell an audience of intelligent law students that the preamble of the Constitution contains any grant of power. It simply asserts the grand objects which the people aimed to secure by the Constitution, but as to the means by which they do secure these desirable objects we must look into the body of the Constitution and among its enumerated powers.

Looking into the body of the instrument we come upon the first clause of the eighth section of Article I of the Constitution, which contains the grant of the taxing power. Here the words general welfare are used again; and, strange to say, there are persons who suppose that this clause contains a grant of authority to tax in order to promote the personal welfare of every man, woman, and child in the United States! I shall merely counsel you to analyze the clause and see how strange this notion is. The clause grants to the Congress a power to tax the people for three special purposes: First, to pay the debts of the United States; second, to provide for the common defense of the United States; third, to provide for the general welfare of the United States.

In every one of these special purposes for which the taxing power is to be exercised "the United States" means the political corporation known as the United States, and not the individual inhabitants of the country. The debts that are to be paid are the debts of the Government; the common defense that is to be provided for is the defense of the Government in all those matters in which it has duties of defense to discharge for the whole country; the general welfare that is to be provided for is the well-being of the Government in all those matters of which it has special cognizance and in respect to which its efficiency concerns the whole Union. In the very next clause, which contains the grant of power to borrow money on the credit of the United States, the "United States" is used in the same sense, meaning the Government known as the United States. It is on the credit of the Government, not on the credit of individuals or of States, that Congress is authorized to borrow money.

Now look at the stupendous communism that is wrapped up in the taxing power, on the supposition that it includes a power to tax for the promotion of the welfare of individuals. There is no limit to the taxing power, excepting that duties, imposts, and excises must be uniform throughout the United States. All the property in the country may be taxed without limit for the legitimate objects of taxation. If one of those legitimate objects is the welfare of individuals, or masses, or classes, or of the whole people, the two Houses of Congress and any President acting together can divide up all the property in the country upon the plea that a general division will promote the general welfare. By this process this Government could devour itself, and there would be nothing left for it to subsist upon.

That was a dispassionate lecture by a great lawyer from the North before a body of law students in which he was expounding to them as a lawyer and friend the elementary principles of the Constitution. I hail that man as the friend and defender of his country. He was not arguing upon a bill that contained $77,000,000, but he was trying to plant in the minds of those young men the essential foundations of the great structure of the temple of liberty which they themselves in all their lives were to try to uphold and beautify.

I will leave to the friends of this bill the impossible task of answering that argument, but must express my profound respect for the great Northern jurist who delivered it. I will now read to the Senate, as I did two years ago, the opinion of Mr. Madison on this question. When I am supported by such authority and by arguments that breathe the very spirit of the Constitution, I am content to give my vote against this measure, it matters not how great is my desire to bestow every cordial that can heal a wound or relieve a distress of the people I love.

The Chief Clerk read as follows:

Mr. MADISON. It is supposed by some gentlemen that Congress have authority not only to grant bounties in the sense here used, merely as a commutation for drawback, but even to grant them under a power by virtue of which they may do anything which they may think conducive to the general welfare. This, sir, in my mind raises the important and fundamental question whether the general terms which have been cited are to be considered as a sort of caption or general description of the specified powers, and as having no further meaning and giving no further powers than what are found in that specification, or as an abstract and indefinite delegation of power extending to all cases whatever, to all such at least as will admit the application of money, which is giving as much latitude as any government could well desire.

I, sir, have always conceived—I believed those who proposed the Constitution conceived—it is still more fully known and more material to observe that those who ratified the Constitution conceived that this is not an indefinite government, deriving its powers from the general terms prefixed to the specified powers, but a limited government, tied down to the specified powers, which explain and define the general terms.

It is to be recollected that the terms "common defense and general welfare" as here used are not novel terms first introduced into this Constitution. They are terms familiar in their construction and well known to the people of America. They are repeatedly found in the old Articles of Confederation, where, although they are susceptible of as great a latitude as can be given them by the context here, it was never supposed or pretended that they conveyed any such powers as is now assigned to them. On the contrary, it was always considered clear and certain that the old Congress was limited to the enumerated powers, and that the enumeration limited and explained the general terms. I ask the gentlemen themselves whether it was ever supposed or suspected that the old Congress could give away the money of the States in bounties to encourage agriculture, or for any other purpose they pleased. If such a power had been possessed by any body, it would have been much less impotent, or have borne a very different character from that universally ascribed to it.

The novel idea now annexed to those terms and never before entertained by the friends or enemies of the Government will have a further consequence, which can not have been taken into the view of the gentleman. Their construction would not only give Congress the complete legislative power I have stated; it would do more, it would supersede all the restrictions understood at present to lie in their power with respect to a judiciary. It would put it in the power of Congress to establish courts throughout the United States, with cognizance of suits between citizen and citizen, and in all cases whatsoever.

This, sir, seems to be demonstrable; for if the clause in question really authorized Congress to do whatever they think fit, provided it be for the general welfare, of which they are to be judge, and money can be applied to it, Congress must have power to create and support a judiciary establishment with a jurisdiction extending to all cases, favorable in their opinion to the general welfare, in the same manner as they have power to pass laws and apply money providing in any other way for the general welfare. I shall be reminded, perhaps, that according to the terms of the Constitution the judicial power is to extend to certain cases only, not to all cases. But this circumstance can have no effect in the argument, it being presupposed by the gentlemen that the specification of certain objects does not limit the import of the general terms. Taking these terms as an abstract and indefinite grant of power, they comprise all the objects of legislative regulations, as well such as fall under the judiciary article in the Constitution as those falling immediately under the legislative article, and if the partial enumeration of objects in the legislative article does not, as these gentlemen contend, limit the general power, neither will it be limited by the partial enumeration of objects in the judiciary article.

There are consequences, sir, still more extensive, which, as they follow clearly from the doctrine combated, must either be admitted, or the doctrine must be given up. If Congress can employ money indefinitely to the general welfare, and are the sole and supreme judges of the general welfare, they may take the care of religion into their own hands; they may appoint teachers in every State, county, and parish, and pay them out of their public Treasury; they may take into their own hands the education of children, establishing in like manner schools throughout the Union; they may assume the provision for the poor; they may undertake the regulation of all roads other than post-roads; in short, everything, from the highest object of State legislation down to the most minute object of police, would be thrown under the power of Congress; for every object I have mentioned would admit of the application of money, and might be called, if Congress pleased, provisions for the general welfare.

The language held in various discussions of this House is a proof that the doctrine in question was never entertained by this body. Arguments wherever the subject would permit have constantly been drawn from the peculiar nature of this Government, as limited to certain enumerated powers, instead of extending, like other governments, to all cases not particularly excepted. In a very late instance—I mean the debate on the representation bill—it must be remembered that an argument much used, particularly by gentlemen from Massachusetts, against the ratio of 1 for 30,000, was that this Government was unlike the State governments, which had an indefinite variety of objects within their power; that it had a small number of objects only to attend to, and, therefore, that a smaller number of Representatives would be sufficient to administer it.

Arguments have been advanced to show that because, in the regulation of trade, indirect and eventual encouragement is given to manufacturers, therefore Congress have power to give money in direct bounties, or to grant it in any other way that would answer the same purpose. But surely, sir, there is a great and obvious difference, which it can not be necessary to enlarge upon. A duty laid on imported implements of husbandry would, in its operation, be an indirect tax on exported produce; but will any one say that by virtue of a mere power to lay duties on imports Congress might go directly to the produce or implements of agriculture or to the articles exported? It is true, duties on exports are expressly prohibited; but if there were no article forbidding them, a power directly to tax exports could never be deduced from a power to tax imports, although such a power might indirectly and incidentally affect exports.

In short, sir, without going further into the subject, which I should not have here touched at all but for the reasons already mentioned, I venture to declare it as my opinion that were the power of Congress to be established in the latitude contended for it would subvert the very foundations and transmute the very nature of the limited government established by the people of America; and what inferences might be drawn or what consequences ensue from such a step it is incumbent on us all to consider.

Mr. MORGAN. Mr. President, I shall not be guilty of the vain effort of undertaking to add any light to this subject which has not been thrown upon it by that great luminary Mr. Madison, whose sun rose in the morning of our constitutional existence. That was on a debate in Congress upon a bill to subsidize or to give bounties to the cod-fisheries on the Northern coast.

I should be very glad, if I felt at liberty, to follow the example of the Senator from New Hampshire and put into my speech another able argument of the Senator from Texas [Mr. COKE], delivered two years ago in this body. That speech and these arguments that I have read here to-day from Mr. Bayard, Mr. Curtis, and from Mr. Madison stand like a wall of adamant across the path of this bill, and I admonish Senators that they can not justify themselves in getting this $77,000,000 out of the Treasury of the United States unless they can dig their way through that wall. With this remark I close my connection with this debate. I will say, however, that I intend to modify and offer to-morrow, if the bill comes up, the amendment which I have indicated heretofore.

Mr. JACKSON. Mr. President——

Mr. DAWES. It is so late this afternoon that I hardly think the Senator from Tennessee would like to go on; and I will move that the Senate proceed to the consideration of executive business, if that is agreeable to the Senator.

Mr. JACKSON. I yield for that purpose.

The PRESIDENT *pro tempore*. The question is on the motion of the Senator from Massachusetts that the Senate proceed to the consideration of executive business.

The motion was agreed to; and the Senate proceeded to the consideration of executive business. After twelve minutes spent in executive session the doors were reopened, and (at 4 o'clock and 21 minutes p. m.) the Senate adjourned.

EXECUTIVE NOMINATIONS.

Received the 15th day of February, 1886.

NAVAL LIEUTENANT.

Lieut. Clinton H. Lyeth, minor grade, to be a lieutenant in the Navy from the 1st January, 1886, *vice* Remey, who disappeared and is supposed to be dead.

ATTORNEY OF THE UNITED STATES.

Livingston W. Bethel, of Florida, to be attorney of the United States for the southern district of Florida, *vice* G. B. Patterson, whose term expires February 17, 1886.

NOMINATIONS WITHDRAWN.

The names of the following officers, nominated February 8, 1886, for promotion in the Army of the United States, have been withdrawn:

Lieut. Col. Nelson B. Sweitzer, Eighth Cavalry, to be colonel Second Cavalry, January 9, 1886, *vice* Hatch, retired from active service.

Maj. Lewis Merrill, Seventh Cavalry, to be lieutenant-colonel Eighth Cavalry, January 9, 1886, *vice* Sweitzer, promoted.

Capt. Edward J. Spaulding, Second Cavalry, to be major Seventh Cavalry, January 9, 1886, *vice* Merrill, promoted.

First Lieut. Colon Augur, Second Cavalry, to be captain, January 9, 1886, *vice* Spaulding, promoted.

Second Lieut. Alonzo L. O'Brien, Second Cavalry, to be first lieutenant, January 9, 1886, *vice* Augur, promoted.

CONFIRMATIONS.

Executive nominations confirmed by the Senate February 10, 1886.

CONSUL OF THE UNITED STATES.

Daniel W. Herring, of Purdy, Tenn., to be consul of the United States at Tegucigalpa.

SURVEYOR OF CUSTOMS.

Richard Sinnott, of Louisiana, appointed under a temporary commission during the recess of the Senate, to be surveyor of customs for the port of New Orleans, in the State of Louisiana.

REGISTER OF LAND OFFICE.

Samuel C. Williams, of Querida, Colo., who was commissioned during the recess of the Senate, to be register of the land office at Del Norte, Colo.

APPRAISER OF MERCHANDISE.

Robert A. Thompson, of California, to be appraiser of merchandise in the district of San Francisco, in the State of California.

TERRITORIAL SECRETARY.

James A. Bayard, of Fort Pendleton, Md., to be secretary of Arizona.

INDIAN AGENT.

S. S. Patterson, of Newton, Iowa, to be agent for the Indians of the Navajo Agency in New Mexico.

NAVAL OFFICER OF CUSTOMS.

Stuart Taylor, of California, to be naval officer of customs in the district of San Francisco, in the State of California.

ATTORNEYS OF THE UNITED STATES.

Montfort S. Jones, of Louisiana, to be attorney of the United States for the western district of Louisiana.

Anthony C. Campbell, of Wyoming, to be attorney of the United States for the Territory of Wyoming.

SURGEON IN THE ARMY.

Capt. John H. Bartholf, assistant surgeon, to be surgeon with the rank of major, January 4, 1886, *vice* Goddard.

FOURTH REGIMENT OF ARTILLERY.

Second Lieut. John R. Totten, to be first lieutenant, January 2, 1886, *vice* Jones, deceased.

SEVENTEENTH REGIMENT OF INFANTRY.

Second Lieut. Robert W. Dowdy, to be first lieutenant, December 12, 1885, *vice* Chance, deceased.

MARSHALS OF THE UNITED STATES.

Albert C. Gibson, of Louisiana, to be marshal of the United States for the western district of Louisiana.

Walter H. Bunn, of New York, to be marshal of the United States for the northern district of New York.

William C. Bird, of Florida, to be marshal of the United States for the northern district of Florida.

Joseph J. Ivins, of Tennessee, to be marshal of the United States for the eastern district of Tennessee.

Francis H. West, of Wisconsin, to be marshal of the United States for the eastern district of Wisconsin.

Columbus Sehon, of West Virginia, to be marshal of the United States for the district of West Virginia.

POSTMASTERS.

James Haines, to be postmaster at Pekin, in the county of Tazewell and State of Illinois.

A. C. Hutchinson, to be postmaster at Burlington, in the county of Des Moines and State of Iowa.

J. J. Hartenbower, to be postmaster at Sheldon, in the county of O'Brien and State of Iowa.

Theodore W. Ivory, to be postmaster at Glenwood, in the county of Mills and State of Iowa.

James V. Ward, to be postmaster at Cherokee, in the county of Cherokee and State of Iowa.

George S. Witters, to be postmaster at Ida Grove, in the county of Ida and State of Iowa.

T. O. Carlisle, to be postmaster at Missouri Valley, Harrison County, Iowa.

Martin L. Harlow, to be postmaster at South Abington, Plymouth County, Massachusetts.

Samson Levy, to be postmaster at Newburyport, Essex County, Massachusetts.

George C. Lincoln, to be postmaster at North Brookfield, Worcester County, Massachusetts.

Reuben K. Sawyer, to be postmaster at Wellesley, Norfolk County, Massachusetts.

John B. Turner, to be postmaster at Newtonville, Middlesex County, Massachusetts.

Paron C. Young, to be postmaster at Provincetown, Barnstable County, Massachusetts.

Noah Wadsworth, to be postmaster at Northborough, Worcester County, Massachusetts.

Charles C. Cressy, to be postmaster at Gloucester, in the county of Essex and State of Massachusetts.

Simeon A. Jacobs, to be postmaster at Chicopee, in the county of Hampden and State of Massachusetts.

Albert A. Haggett, to be postmaster at Lowell, in the county of Middlesex and State of Massachusetts.

Adrian Foote, to be postmaster at Ashland, in the county of Middlesex and State of Massachusetts.

William S. Hager, to be postmaster at Richmond, in the county of Sagadahoc and State of Maine.

George F. Herman, to be postmaster at Bethlehem, in the county of Northampton and State of Pennsylvania.

J. E. Eichholtz, to be postmaster at Sunbury, in the county of Northumberland and State of Pennsylvania.

J. H. Fulmer, to be postmaster at Muncy, in the county of Lycoming and State of Pennsylvania.

John McWilliams, to be postmaster at Coatesville, in the county of Chester and State of Pennsylvania.

Alexander Wentz, to be postmaster at Mechanicsburg, in the county of Cumberland and State of Pennsylvania.

Robert S. Wagner, to be postmaster at Bangor, in the county of Northampton and State of Pennsylvania.

Joseph P. Taylor, to be postmaster at Du Bois, in the county of Clearfield and State of Pennsylvania.

William Strohmeier, to be postmaster at Ashland, in the county of Schuylkill and State of Pennsylvania.

Jacob B. Shale, to be postmaster at McKeesport, in the county of Allegheny and State of Pennsylvania.

William C. Schultze, to be postmaster at Reynoldsville, in the county of Jefferson and State of Pennsylvania.

J. F. Rayen, to be postmaster at Sandy Lake, in the county of Mercer and State of Pennsylvania.

Frank H. Piatt, to be postmaster at Tunkhannock, in the county of Wyoming and State of Pennsylvania.

Augustus Owen, to be postmaster at Canton, in the county of Bradford and State of Pennsylvania.

John B. Lombard, to be postmaster at South Framingham, in the county of Middlesex and State of Massachusetts.

Edward McDonald, to be postmaster at Lenox, in the county of Berkshire and State of Massachusetts.

William L. Williams, to be postmaster at Melrose, in the county of Middlesex and State of Massachusetts.

Henry C. Stark, to be postmaster at Hyde Park, in the county of Norfolk and State of Massachusetts.

William P. Hurley, to be postmaster at Rockland, in the county of Knox and State of Maine.

Lemuel B. Fowler, to be postmaster at Augusta, in the county of Kennebec and State of Maine.

Thomas A. Carr, to be postmaster at Thomaston, in the county of Knox and State of Maine.

William F. Logan, to be postmaster at Williamsport, Lycoming County, Pennsylvania.

Homer C. Bair, to be postmaster at Punxsutawney, Jefferson County, Pennsylvania.

Isaac Collins, to be postmaster at Adams, in the county of Berkshire and State of Massachusetts.

A. J. Rowe, to be postmaster at Norway, in the county of Oxford and State of Maine.

Reuben Noble, to be postmaster at Westfield, in the county of Hampden and State of Massachusetts.

Isaac Horton, to be postmaster at Northeast, in the county of Erie and State of Pennsylvania.

James B. Hutchison, to be postmaster at Hazleton, in the county of Luzerne and State of Pennsylvania.

Samuel P. Kindt, to be postmaster at Shenandoah, in the county of Schuylkill and State of Pennsylvania.

Maurice Litsch, to be postmaster at Mahanoy City, in the county of Schuylkill and State of Pennsylvania.

William McFarlan, to be postmaster at Downingtown, in the county of Chester and State of Pennsylvania.

James McKinney, to be postmaster at Susquehanna, in the county of Susquehanna and State of Pennsylvania.

James H. Moore, to be postmaster at Monongahela City, in the county of Washington and State of Pennsylvania.

Henry S. Benner, to be postmaster at Gettysburgh, in the county of Adams and State of Pennsylvania.

S. B. Bennett, to be postmaster at Pittston, in the county of Luzerne and State of Pennsylvania.

Michael D. Baker, to be postmaster at Uniontown, in the county of Fayette and State of Pennsylvania.

David R. Boyer, to be postmaster at Tamaqua, in the county of Schuylkill and State of Pennsylvania.

Thomas Chalfant, to be postmaster at Danville, in the county of Montour and State of Pennsylvania.

Frank P. Crotzer, to be postmaster at Nanticoke, in the county of Luzerne and State of Pennsylvania.

Alexander M. Dick, to be postmaster at West Newton, in the county of Westmoreland and State of Pennsylvania.

James H. Dobbins, to be postmaster at Bellefonte, in the county of Centre and State of Pennsylvania.

James Drury, to be postmaster at Bristol, in the county of Bucks and State of Pennsylvania.

Timothy Leary, to be postmaster at Waltham, in the county of Middlesex and State of Massachusetts.

Samuel Henderson, to be postmaster at Mount Ayr, in the county of Ringgold and State of Massachusetts.

William G. Goldsmith, to be postmaster at Andover, in the county of Essex and State of Massachusetts.

E. R. De Bray, to be postmaster at Clyde, in the county of Cloud and State of Kansas.

Frederick G. Wilse, to be postmaster at Bordentown, Burlington County, New Jersey.

Wade H. Gibbes, to be postmaster at Columbia, in the county of Richland and State of South Carolina.

James E. Crossland, to be postmaster at Aiken, in the county of Aiken and State of South Carolina.

Stephen S. Crittenden, to be postmaster at Greenville Court House, in the county of Greenville and State of South Carolina.

Charles W. Webb, to be postmaster at Anderson Court House, in the county of Anderson and State of South Carolina.

Addison S. Clark, to be postmaster at Westfield, Union County, New Jersey.

John Westermeier, to be postmaster at Carlinville, in the county of Macoupin and State of Illinois.

Thomas Hennebry, to be postmaster at Braidwood, in the county of Will and State of Illinois.

John C. George, to be postmaster at Dwight, in the county of Livingston and State of Illinois.

Charles B. Draper, to be postmaster at Oconomowoc, in the county of Waukesha and State of Wisconsin.

Benjamin F. Louthain, to be postmaster at Logansport, in the county of Cass and State of Indiana.

Othniel Beeson, to be postmaster at Caldwell, in the county of Sumner and State of Kansas.

James P. Alcorn, to be postmaster at Kingsley, in the county of Edwards and State of Kansas.

John R. Brunt, to be postmaster at Osage Mission, in the county of Neosho and State of Kansas.

Gottlieb Christ, to be postmaster at Sabetha, in the county of Nemaha and State of Kansas.

Charles Hardcastle, to be postmaster at Marion, in the county of Marion and State of Kansas.

Robert W. Hill, to be postmaster at Jewell, in the county of Jewell and State of Kansas.

J. G. Johnson, to be postmaster at Peabody, in the county of Marion and State of Kansas.

Thomas R. Love, to be postmaster at Wellington, in the county of Sumner and State of Kansas.

Walter W. McGrew, to be postmaster at Eureka, in the county of Greenwood and State of Kansas.

Clement Philbrick, to be postmaster at Halstead, in the county of Harvey and State of Kansas.

George W. Sain, to be postmaster at Nickerson, in the county of Reno and State of Kansas.

Martin N. Sinnott, to be postmaster at Arkansas City, in the county of Cowley and State of Kansas.

George M. Ufford, to be postmaster at Wa Keeney, in the county of Trego and State of Kansas.

John T. Regan, to be postmaster at Terre Haute, in the county of Vigo and State of Indiana.

Clarence Snyder, to be postmaster at Racine, in the county of Racine and State of Wisconsin.

Ambrose M. Miller, to be postmaster at Lincoln, in the county of Logan and State of Illinois.

Frank Shutt, to be postmaster at Litchfield, in the county of Montgomery and State of Illinois.

HOUSE OF REPRESENTATIVES.

MONDAY, *February* 15, 1886.

The House met at 12 o'clock m. Prayer by the Chaplain, Rev. W. H. MILBURN, D. D.

The Journal of Saturday's proceedings was read and approved.

ANNUAL REPORT OF COMMISSIONER OF PATENTS.

The SPEAKER. The Chair desires to make a correction in the reference of the annual report of the Commissioner of Patents, which was referred to the Committee on Appropriations. Upon examination of the report and accompanying documents the Chair thinks it should go to the Committee on Patents; and the change of reference will accordingly be made.

REPORT OF SENATE SELECT COMMITTEE ON ORDNANCE, ETC.

Mr. BARKSDALE. Mr. Speaker, I desire to submit a privileged report from the Committee on Printing.

The SPEAKER. The report will be read.

The Clerk read as follows:

"IN THE SENATE OF THE UNITED STATES, *February* 11, 1886.

"*Resolved by the Senate (the House of Representatives concurring)*, That 11,100 additional copies of the report of the Select Committee on Ordnance and War Ships be printed; 100 copies for the use of the committee, to be distributed to those who contributed to the appendix to said reports, 1,000 each to the War and Navy Departments, 3,000 for the use of the Senate, and 6,000 for the use of the House of Representatives."

The Committee on Printing, to whom was referred the foregoing Senate concurrent resolution, have had the same under consideration, and have instructed me to make a favorable report thereon and recommend its passage. The estimated cost for 11,100 copies is $4,449.93.

The SPEAKER. The Chair will state to the gentleman that this is not a privileged report.

Mr. BARKSDALE. The bill provides for printing for both Houses, which I understand brings it under the rule.

The SPEAKER. But it includes more; it provides for printing to be done for the War and Navy Departments, as well as for persons who contributed to the appendix to the work.

Mr. BARKSDALE. Inasmuch as it has been read, I ask unanimous consent for its present consideration.

Mr. MORRISON. We had better take up the regular order.

The SPEAKER. Objection is made.

GREEN AND BARREN RIVERS, KENTUCKY.

Mr. WILLIS. Mr. Speaker, I am instructed by the Committee on Rivers and Harbors to submit the report which I send to the desk.

The Clerk read as follows:

Resolved, That the Secretary of War be, and he is hereby, directed to ascertain and report at the earliest practicable period upon what terms the franchises and property of the Green and Barren River Navigation Company in Kentucky can be obtained and conveyed to the United States, so that the said streams may be opened with their large commerce free to the people of the United States.

The Committee on Rivers and Harbors have had the same under consideration, and beg leave to recommend that the same shall pass.

The resolution was adopted.

Mr. WILLIS moved to reconsider the vote by which the resolution was adopted; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

ORDER OF BUSINESS.

Mr. FARQUHAR. Mr. Speaker, I desire to submit a report from the Committee on Printing on House resolution 58, which I am instructed to report back with amendments.

The SPEAKER. The Chair thinks that this resolution is of the same character as that presented by the gentleman from Mississippi a moment ago and held by the Chair not to be privileged.

The Chair has always held that in order to make a matter privileged, under the rules, the whole subject to which the resolution or bill relates must be privileged; otherwise non-privileged matters could be connected with subjects which are privileged under the rule, thereby securing an advantage over other business of the House.

Mr. FARQUHAR. I will withdraw the report.

REDUCTION AND CONTINGENT EXEMPTIONS OF TONNAGE DUES.

Mr. PHELPS. Mr. Speaker, I am directed by the Committee on Foreign Affairs to submit a privileged report.

The SPEAKER. The report will be read.

The Clerk read as follows:

The Committee on Foreign Affairs, to whom was referred the following resolution, report that they have given consideration to the same, and recommend its adoption:

Resolved, That the Secretary of State be, and is hereby, requested, if not incompatible with the public interest, to transmit to the House of Representatives copies of all correspondence between his office and the representatives of the Governments of Belgium, Denmark, Germany, Portugal, Sweden, and Norway relating to the claims of said governments to be accorded the reductions and contingent exemptions of tonnage dues accorded to vessels entering ports of the United States from certain ports named in section 14 of the shipping act, approved June 26, 1884, together with copies of any correspondence with the Attorney-General of the United States and with the Secretary of the Treasury relating thereto.

The resolution was adopted.

Mr. PHELPS moved to reconsider the vote by which the resolution was adopted; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

LIMIT OF COST OF PUBLIC BUILDINGS.

Mr. WORTHINGTON. Mr. Speaker, I am directed by the Committee on Public Buildings and Grounds to report back a resolution of inquiry referred to that committee, and recommend the adoption of a substitute.

The Clerk read as follows:

IN THE HOUSE OF REPRESENTATIVES, *February 8, 1886.*

Resolved, That the Secretary of the Treasury be requested to submit to this House his views as to limits of cost now fixed by law of the public buildings now in course of construction or authorized to be constructed, and to state whether in his judgment the limits now fixed are in each case such as will enable the Department to erect suitable buildings, of fire-proof construction, each giving sufficient space for the accommodation of the several offices to be located therein, and if, in his judgment, in any cases the said limits of cost are too low, to state what in his opinion such limits should be.

The Committee on Public Buildings and Grounds, to whom was referred the accompanying resolution of inquiry concerning the limit of cost of public buildings, beg leave to respectfully report—

That said resolution has been duly considered, and that, in the opinion of the committee, the end aimed at will be better attained by procuring for the information of the House detailed particulars in such cases as are likely to be submitted for the consideration of the House, and therefore recommend the adoption of the following substitute:

"*Resolved*, That in each case where an extension of the original limit of cost of a public building as proposed by a bill pending, that upon the application of the Committee on Public Buildings and Grounds the Secretary of the Treasury be requested to furnish to the House in writing a detailed statement of the requirements of the Government in the city where said public building is located, the amount of space required by the respective offices to be provided for, the amount of space that can be furnished under the original limit, and the increase, if any, that is needed to supply the accommodations required, and such other information as may, in his judgment, tend to inform the committee and the House of the propriety of the extension of the limit proposed; also to state what amount, according to the plans of the architect, is to be applied to the external ornamentation of the building, and the amount of ornamentation proposed."

Mr. HOLMAN. As I understand the reading of this resolution it is not a call for information, but confers power on the Committee on Public Buildings and Grounds. Still, I am not inclined to object to it if the resolution was so framed as to call for information generally from the Secretary of the Treasury; not simply with a view to an increase of the amount, but also with a view to a reduction of the amount appropriated or proposed to be appropriated. There were a number of bills passed last session for which no appropriation was made, and it may be very desirable to inquire whether or not the amount indicated in the law is not in excess of the amount actually required by the wants of the public service. I think the resolution should be much broader, so that the committee may obtain full information from the Secretary of the Treasury both for and against the measures proposed. It seems to me this does not call for information, but simply increases the power of the committee.

The SPEAKER. It calls for information.

Mr. HOLMAN. I understood the resolution simply to authorize the Committee on Public Buildings and Grounds to call for information. I do not object if the measure is made broader.

The SPEAKER. The Clerk will report the substitute again.

The substitute was again read.

Mr. HOLMAN. I see the resolution requires the Secretary of the Treasury to furnish information in all cases. I understood it to be merely an increase of the power of the committee to call for information.

The SPEAKER. The question is on agreeing to the substitute.

Mr. HOLMAN. And yet the committee ought to have more information than is provided under this resolution. There are certain cases where the amount indicated as the limit is larger than the public service requires, and it appears to me in those cases the committee would be glad to have the necessary information.

Mr. WORTHINGTON. The Committee on Public Buildings and Grounds would be glad to receive all the information it can. But the committee felt the greater necessity for information was in those cases where bills were introduced proposing to increase limits originally made; and for that reason they have proposed to shape the substitute in such a way as to call for particular details from the Secretary or the Supervising Architect.

As to those cases where an original bill is proposed, those are matters that come before Congress, and gentlemen are supposed to be informed as to the necessities for public buildings in each case. And those measures are open to amendments if gentlemen think the amount excessive. But in cases where an extension of the limit is asked, that is practically saying the judgment of the House in fixing the original limit was incorrect; and in those cases the committee thought it was desirable to have as full information as possible as to why the limit was asked to be increased.

Mr. HEWITT. I shall be glad if the gentleman who has reported this resolution will inform the House whether the Secretary of the Treasury has at any time declined on the application of the committee to furnish information of this sort.

Mr. WORTHINGTON. I am not informed that he has declined to do so. At the same time there is certainly no impropriety, it seems to me, in passing a resolution that would ask him to furnish this information. I might go further and state that I think it is desirable on the part of the Secretary of the Treasury that some resolution of this kind should pass; for then it becomes an executive duty to furnish the information.

Mr. HEWITT. In my experience it never has happened that any Secretary of the Treasury, or any other executive officer, has declined to answer inquiries for information as to matters of public concern; and at the same time, while not desiring to antagonize this resolution, but, on the contrary, proposing to vote for it, I think it is absolutely unnecessary to take up the time of the House with a resolution of that sort.

The SPEAKER. The question is on agreeing to the substitute.

The substitute was agreed to.

The resolution as amended was adopted.

Mr. WORTHINGTON moved to reconsider the vote by which the resolution was adopted; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

EULOGIES ON REUBEN ELLWOOD.

Mr. REID, of North Carolina. I desire to make a privileged report from the Committee on Printing. I am instructed to report back with a favorable recommendation and to ask for the immediate consideration of the joint resolution (H. Res. 105) to print 12,500 copies of the eulogies on Reuben Ellwood, late a Representative in Congress.

The joint resolution was read, as follows:

Resolved, &c., That there be printed of the eulogies delivered in Congress upon the late Reuben Ellwood, a Representative-elect in the Forty-ninth Congress from the State of Illinois, 12,500 copies; of which 3,000 copies shall be for the use of the Senate and 9,500 for the use of the House of Representatives; and the Secretary of the Treasury be, and he is hereby, directed to have printed a portrait of the said Reuben Ellwood, to accompany said eulogies; and for the purpose of engraving and printing said portrait the sum of $500, or so much thereof as may be necessary, is hereby appropriated out of any money in the Treasury not otherwise appropriated.

The joint resolution was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

Mr. REID, of North Carolina, moved to reconsider the vote by which the joint resolution was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

LEAVE OF ABSENCE.

By unanimous consent leave of absence was granted as follows:
To Mr. WAIT, for six days, on account of important business.
To Mr. GLASS, for three days, to attend to important business.
To Mr. GOFF, for five days from to-day.

ORDER OF BUSINESS.

The SPEAKER. This being Monday, the Chair will proceed to call the States and Territories for the introduction and reference of bills and resolutions. Under this call resolutions and memorials from State and Territorial Legislatures are in order and resolutions of inquiry addressed to the heads of Departments.

FOREST FIRES.

Mr. OATES introduced a bill (H. R. 5556) to define and punish the offense of setting fire to and burning woods, grass, or forests on lands belonging to the United States; which was read a first and second time, referred to the Committee on the Judiciary, and ordered to be printed.

CLAIMS AGAINST THE UNITED STATES.

Mr. HERBERT introduced a bill (H. R. 5557) for the judicial ascertainment of claims against the United States; which was read a first and second time, referred to the Committee on the Judiciary, and ordered to be printed.

GULF AND CHICAGO AIR-LINE RAILROAD.

Mr. MARTIN introduced a bill (H. R. 5558) granting the right of way over the public lands in Alabama to the Gulf and Chicago Air-Line Railway Company, and for other purposes; which was read a first and second time, referred to the Committee on the Public Lands, and ordered to be printed.

J. C. AND R. L. YUILLE.

Mr JONES, of Alabama, introduced a bill (H. R. 5559) for the relief of J. C. and R. L. Yuille; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

LOSSES AT TRINITY SHOAL.

Mr. JONES, of Alabama, also introduced a bill (H. R. 5560) to appropriate $2,000 to reimburse certain employés who lost their property by the destruction of the station at Trinity Shoal, Gulf of Mexico, off the coast of Louisiana; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

JURISDICTION OF UNITED STATES COURTS OVER INDIAN COUNTRY.

Mr. ROGERS introduced a bill (H. R. 5561) conferring jurisdiction on the United States courts over the Indian country in certain criminal cases; which was read a first and second time, referred to the Committee on the Judiciary, and ordered to be printed.

SIMON T. IRVIN.

Mr. ROGERS also introduced a bill (H. R. 5562) for the relief of Simon T. Irvin; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

BENJAMIN F. RICHARDSON.

Mr. BRECKINRIDGE, of Arkansas, introduced a bill (H. R. 5563) for the relief of the estate of Benjamin F. Richardson; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

WILLIAM APPERLY.

Mr. BRECKINRIDGE, of Arkansas, also introduced a bill (H. R. 5564) granting a pension to William Apperly; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

ABROGATION OF TREATIES WITH CHINA.

Mr. HENLEY introduced a bill (H. R. 5565) abrogating all treaties heretofore made and now operative between the United States Government and the Chinese Empire in so far as they or any of them provide for, recognize, or permit the coming of Chinese to the United States, and in so far as they or any of them inhibit the United States from absolutely prohibiting the coming of Chinese to the United States; and repealing all acts of Congress in so far as they or any of them recognize or permit the coming of Chinese to the United States; and absolutely prohibiting the coming of Chinese to the United States, excepting only diplomatic, consular, and other officers, and prohibiting the landing of any Chinese therein, excepting only such diplomatic and other officers; which was read a first and second time, referred to the Committee on Foreign Affairs, and ordered to be printed.

RELIEF OF THE STATE OF CALIFORNIA.

Mr. HENLEY also introduced a bill (H. R. 5566) for the relief of the State of California; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

TERMINATION OF TREATIES WITH CHINA.

Mr. FELTON introduced a bill (H. R. 5567) providing for the termination of certain treaty stipulations between the Government of the United States and the Empire of China, and to prohibit Chinese immigration into the United States; which was read a first and second time, referred to the Committee on Foreign Affairs, and ordered to be printed.

YOSEMITE VALLEY AND MARIPOSA BIG TREE GROVE GRANTS.

Mr. LOUTTIT introduced a bill (H. R. 5568) to provide for the enlargement of the Yosemite Valley and Mariposa Big Tree Grove grants; which was read a first and second time, referred to the Committee on the Public Lands, and ordered to be printed.

PROTECTION OF SEAMEN.

Mr. MORROW introduced a bill (H. R. 5569) for the protection of seamen; which was read a first and second time, referred to the Committee on American Ship-building and Ship-owning Interests, and ordered to be printed.

PATENT LAWS.

Mr. MITCHELL introduced a bill (H. R. 5570) to amend the law relating to patents, trade-marks, and copyrights; which was read a first and second time, referred to the Committee on Patents, and ordered to be printed.

JOHN ROGERS.

Mr. SEYMOUR introduced a bill (H. R. 5571) granting a pension to John Rogers; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

RAILROAD TO KEY WEST.

Mr. DOUGHERTY introduced a bill (H. R. 5572) for a survey and estimate for a railroad from the mainland to Key West, Fla., and for a canal connecting the same with the Saint John's River for military and naval purposes; which was read a first and second time, referred to the Committee on Railroads and Canals, and ordered to be printed.

SANFORD AND POINT JUPITER RAILROAD, FLORIDA.

Mr. DOUGHERTY also introduced a bill (H. R. 5573) for the construction of a military telegraph line from Sanford, Fla., to Point Jupiter Florida, and the establishment of a signal station; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

ISA C. REMSHART, EXECUTRIX.

Mr. NORWOOD introduced a bill (H. R. 5574) for the relief of Isa C. Remshart, executrix; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

HEIRS OF JOSEPH V. CONNERAT.

Mr. NORWOOD also introduced a bill (H. R. 5575) for the relief of the heirs of Joseph V. Connerat, of Savannah, Ga.; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

REDUCTION OF TARIFF TAXES.

Mr. MORRISON introduced a bill (H. R. 5576) to reduce tariff taxes; which was read a first and second time, referred to the Committee on Ways and Means, and ordered to be printed.

JUDGMENTS AGAINST MUNICIPAL CORPORATIONS.

Mr. HITT introduced a bill (H. R. 5577) to provide that a judgment in the circuit court of the United States upon an interest coupon of a bond by a municipal corporation shall not be conclusive in a question on the bond when the amount gives jurisdiction to the Supreme Court on appeal; which was read a first and second time, referred to the Committee on the Judiciary, and ordered to be printed.

PAPERS IN STATE DEPARTMENT.

Mr. HITT also introduced a joint resolution (H. Res. 118) relative to certain papers in the State Department by error; which was read a first and second time, referred to the Committee on Foreign Affairs, and ordered to be printed.

ALICE E. CULVER.

Mr. PAYSON introduced a bill (H. R. 5578) for the relief of Alice E. Culver, administratix of the estate of F. B. Culver, deceased; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

PENSIONERS IN FOREIGN COUNTRIES.

Mr. MATSON introduced a bill (H. R. 5579) for the relief of pensioners residing in foreign countries, and for other purposes; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

CHARLES H. L. POOCK.

Mr. WARD, of Indiana, introduced a bill (H. R. 5580) to remove the charge of desertion against Charles H. L. Poock; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

WILLIAM E. FISHER.

Mr. WARD, of Indiana, also introduced a bill (H. R. 5581) granting a pension to William E. Fisher; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

ANDREW J. TOOD.

Mr. COBB introduced a bill (H. R. 5582) for the relief of Andrew J.

Tood; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

JOHN G. BURRILL.

Mr. COBB also introduced a bill (H. R. 5583) granting a pension to John G. Burrill; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

MRS. MARGARET GRAHAM.

Mr. COBB also introduced a bill (H. R. 5584) granting a pension to Mrs. Margaret Graham; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

WILEY E. CARMAN.

Mr. JOHNSTON, of Indiana, introduced a bill (H. R. 5585) granting a pension to Wiley E. Carman, private Company A, Sixty-second Regiment Illinois Volunteer Infantry; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

COLUMBIA SPALDING.

Mr. JOHNSTON, of Indiana, also introduced a bill (H. R. 5586) to correct the military record of Columbia Spalding, Company D, Fortieth Regiment New York Volunteer Infantry; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

FREDERICK HUTTON.

Mr. JOHNSTON, of Indiana, also introduced a bill (H. R. 5587) granting an increase of pension to Frederick Hutton, Company K, Thirteenth Regiment Indiana Volunteer Infantry; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

HAMILTON ELLIOTT.

Mr. JOHNSTON, of Indiana, also introduced a bill (H. R. 5588) granting a pension to Hamilton Elliott, Company C, Seventy-ninth Regiment Illinois Volunteers; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

SAMUEL VAN VALKENBURG.

Mr. JOHNSTON, of Indiana, also introduced a bill (H. R. 5589) granting a pension to Samuel Van Valkenburg, late of the United States Navy; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

WILLIAM S. POLK.

Mr. BROWNE, of Indiana, introduced a bill (H. R. 5590) for the relief of William S. Polk; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

JOHN ANTRIM.

Mr. BROWNE, of Indiana, also introduced a bill (H. R. 5591) for the relief of John Antrim; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

JOHN G. MURRAY.

Mr. HOLMAN introduced a bill (H. R. 5592) granting a pension to John G. Murray; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

JOHN L. ELLIOTT.

Mr. HOLMAN also introduced a bill (H. R. 5593) restoring the name of John L. Elliott to the pension-roll; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

HANNAH RIGOR.

Mr. HOLMAN also introduced a bill (H. R. 5594) granting a pension to Hannah Rigor; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

HARRIET M'LEASTER.

Mr. HOLMAN also introduced a bill (H. R. 5595) granting a pension to Harriet McLeaster; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

ARDENIA DILLON.

Mr. HOLMAN also introduced a bill (H. R. 5596) granting a pension to Ardenia Dillon; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

TAX ON SUBSTITUTES FOR BUTTER AND CHEESE.

Mr. FREDERICK introduced a bill (H. R. 5597) providing for a revenue tax on all manufactured substitutes for butter and cheese, and imitations of the same manufactured out of other ingredients than that of pure milk and cream; which was read a first and second time, referred to the Committee on Ways and Means, and ordered to be printed.

CONDEMNED ORDNANCE FOR MONUMENTAL PURPOSES.

Mr. CONGER introduced a bill (H. R. 5598) donating condemned ordnance for monumental purposes to Grand Army of the Republic posts of Dallas County, Iowa; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

OLEOMARGARINE.

Mr. CONGER also presented a memorial and concurrent resolution of the General Assembly of the State of Iowa, for the protection of butter and cheese against the competition of substances in semblance or imitation thereof; which were referred to the Committee on Ways and Means, and ordered to be printed.

Mr. FULLER presented a memorial and concurrent resolution of the General Assembly of the State of Iowa, in relation to tax on substances resembling butter and cheese; which were referred to the Committee on Ways and Means, and ordered to be printed.

JOSHUA L. MORRIS.

Mr. STRUBLE introduced a bill (H. R. 5599) granting a pension to Joshua L. Morris, late of Company H, Third Missouri State Militia Cavalry; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

MRS. A. J. POPE.

Mr. WEAVER, of Iowa, introduced a bill (H. R. 5600) granting a pension to Mrs. A. J. Pope, widow of Maj. Alonzo J. Pope, late major Thirteenth Iowa Infantry Volunteers; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

WHIPPLE HANDY.

Mr. WEAVER, of Iowa, also introduced a bill (H. R. 5601) granting a pension to Whipple Handy, late private Eighty-third Indiana Volunteers; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

REBECCA E. BUSHEY.

Mr. WEAVER, of Iowa, also introduced a bill (H. R. 5602) granting a pension to Rebecca E. Bushey, widow of Michael Bushey, late sergeant Company D, Seventh Pennsylvania Volunteer Cavalry; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

MRS. CATHERINE M'CARTY.

Mr. WEAVER, of Iowa, also introduced a bill (H. R. 5603) granting a pension to Mrs. Catherine McCarty, widow of John McCarty, late private Company B, First Regiment Missouri State Militia Volunteers; which was read a first and second time, referred to the Committee on on Invalid Pensions, and ordered to be printed.

NATHANIEL BRARY.

Mr. WEAVER, of Iowa, also introduced a bill (H. R. 5604) granting a pension to Nathaniel Brary, late private Company G, One hundred and ninety-first Ohio Volunteer Infantry; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

CLAIBORN CALLISON.

Mr. WEAVER, of Iowa, also introduced a bill (H. R. 5605) granting a pension to Claiborn Callison, late private Company K, Twenty-eighth Iowa Infantry Volunteers; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

HENRY BARTON.

Mr. WEAVER of Iowa, (by request), also introduced a bill (H. R. 5606) for the relief of Henry Barton; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

AMY L. DE WITT.

Mr. HENDERSON, of Iowa, introduced a bill (H. R. 5607) granting a pension to Amy L. De Witt; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

TAX ON IMITATIONS OF BUTTER AND CHEESE.

Mr. HENDERSON, of Iowa, also presented a memorial and concurrent resolution of the Twenty-first General Assembly of Iowa, declaring in favor of an internal-revenue tax upon certain imitations of butter and cheese, said imitations not being made from milk and cream; which were referred to the Committee on Ways and Means, and ordered to be printed.

U. S. GRANT POST, AVOCA, IOWA.

Mr. LYMAN introduced a bill (H. R. 5608) granting condemned cannon to U. S. Grant Post, No. 123, Grand Army of the Republic, at Avoca, Iowa, for monumental purposes; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

DAVID H. THOMPSON.

Mr. LYMAN also introduced a bill (H. R. 5609) for the relief of David H. Thompson, First Michigan Cavalry Volunteers; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

TAX ON SUBSTANCES RESEMBLING BUTTER AND CHEESE.

Mr. LYMAN also presented a memorial and concurrent resolution of the General Assembly of the State of Iowa [illegible] tax on

substances resembling butter and cheese; which were referred to the Committee on Ways and Means, and ordered to be printed.

M. V. B. HOLMES.

Mr. PETERS introduced a bill (H. R. 5610) for the relief of M. V. B. Holmes; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

W. J. WOOD.

Mr. PETERS also introduced a bill (H. R. 5611) granting a pension to W. J. Wood; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

ALLIANCE CEMETERY, BARTON COUNTY, KANSAS.

Mr. PETERS also introduced a bill (H. R. 5612) granting to the Alliance Cemetery Association of Barton County, Kansas, certain lands; which was read a first and second time, referred to the Committee on the Public Lands, and ordered to be printed.

FORT DODGE MILITARY RESERVATION.

Mr. PETERS also submitted a concurrent resolution of the Legislature of the State of Kansas, favoring a survey and sale of the Fort Dodge military reservation; which was referred to the Committee on Military Affairs.

KANSAS AND ATCHISON VALLEY RAILWAY.

Mr. PETERS also submitted a concurrent resolution of the Legislature of the State of Kansas, favoring a grant of the right of way through the Indian Territory to the Kansas and Arkansas Railroad Company; which was referred to the Committee on Indian Affairs.

RIGHT OF WAY THROUGH THE INDIAN TERRITORY.

Mr. ANDERSON, of Kansas, submitted a concurrent resolution of the Legislature of the State of Kansas, in reference to the right of way through the Indian Territory; which was referred to the Committee on Indian Affairs.

FORT DODGE MILITARY RESERVATION.

Mr. ANDERSON, of Kansas, also submitted a concurrent resolution of the Legislature of the State of Kansas, relative to the Fort Dodge military reservation; which was referred to the Committee on the Public Lands.

LEAVENWORTH, NORTHERN AND SOUTHERN RAILWAY COMPANY.

Mr. MORRILL introduced a bill (H. R. 5613) granting the right of way to the Leavenworth, Northern and Southern Railway Company through the military reservation of Fort Leavenworth; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

JOHN D. JONES.

Mr. PERKINS introduced a bill (H. R. 5614) for the relief of John D. Jones; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

CHARLES P. DEAN.

Mr. PERKINS also introduced a bill (H. R. 5615) granting a pension to Charles P. Dean; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

ROBERT LISLE.

Mr. PERKINS also introduced a bill (H. R. 5616) granting a pension to Robert Lisle; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

TELEPHONE COMPANIES.

Mr. HANBACK submitted the following resolution:

Whereas grave charges have been made and are constantly being made by the leading press of the country reflecting upon the integrity and official action of certain officers of the Government of the United States: Therefore,

Be it resolved, That a special committee, consisting of eleven members of this House, be appointed, and when so appointed said committee is hereby directed, at as early a day as possible, to make inquiry into any expenditures upon the part of the Government incurred relative to the rights of the Bell and Pan-Electric Telephone Companies to priority of patents; said inquiry to include all organizations and companies which have sprung from the Pan-Electric Telephone Company, or for any other purpose; and also to make full inquiry into the issuance of the stock known as the "Pan-Electric Telephone stock," or any stock of any company, or companies, or organizations springing out of the Pan-Electric Telephone Company, to any person or persons connected at the time of such issuance with either the legislative, judicial, or executive departments of the Government of the United States; to whom, when, where, or in what amounts, and for what consideration in money, service, or influence, said stock, if any, was delivered; also as to what opinions, decisions, and orders relating to said stock have been made by any officers connected with the Government and by whom, and all the circumstances connected therewith and arising therefrom; and also as to what suit or suits, if any, have been brought in the name of the United States to test the validity of patents issued, or any other right in controversy between the Bell and the Pan-Electric Telephone Companies; what contracts have been made, what moneys paid or to be paid to any person or persons as assistant counsel to the Attorney-General or Solicitor-General of the United States; the reason and authority for constituting the United States as a party to said suit or suits, and all matters connected therewith; and to the end that the people of the United States may be fully advised, the committee is granted the right to send for persons and papers, to sit in session during the sessions of the House, to employ a stenographer, and to incur any and all reasonable and necessary expenditures as may be deemed requisite for the purposes of such investigation, such expenditures to be paid out of the contingent fund of the House.

The SPEAKER. The Chair thinks that under the practice of the House resolutions proposing the formation of a select committee will go in the first instance to the Committee on Rules, unless a motion is made to send the resolution to some other committee, so that the Committee on Rules may consider and report back its conclusion as to whether the select committee shall be formed or not.

The resolution was referred to the Committee on Rules.

HENRY DOMEYER.

Mr. HANBACK also introduced a bill (H. R. 5617) granting a pension to Henry Domeyer; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

PAYMENTS TO DELAWARE INDIANS.

Mr. RYAN (by request) introduced a bill (H. R. 5618) to pay to the Delaware Indians the amount ascertained to be due them for the value of their lands taken for the right of way over their allotted lands by the Leavenworth, Pawnee and Western Railroad Company or their successors in the State of Kansas under the provisions of the treaty of May 30, 1860; which was read a first and second time, referred to the Committee on Indian Affairs, and ordered to be printed.

Mr. RYAN (by request) also introduced a bill (H. R. 5619) to pay the Delaware Indians the amount ascertained to be due them for stock under the provisions of the fourteenth article of the treaty of July 4, 1866; which was read a first and second time, referred to the Committee on Indian Affairs, and ordered to be printed.

Mr. RYAN (by request) also introduced a bill (H. R. 5620) to pay the Delaware Indians the value of certain lands in Kansas in compliance with treaty stipulations; which was read a first and second time, referred to the Committee on Indian Affairs, and ordered to be printed.

JOHN TIBBETTS.

Mr. FUNSTON introduced a bill (H. R. 5621) to pension John Tibbetts; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

MILITARY RESERVATION, FORD COUNTY, KANSAS.

Mr. FUNSTON also presented a concurrent resolution of the Legislature of the State of Kansas, for survey and sale of lands of military reservation, Ford County, Kansas; which was referred to the Committee on Military Affairs.

KANSAS AND ARKANSAS VALLEY RAILROAD.

Mr. FUNSTON also presented a concurrent resolution of the Legislature of the State of Kansas, for the passage of a bill granting right of way to the Kansas and Arkansas Valley Railway; which was referred to the Committee on Indian Affairs.

ALLEN P. JACOBS.

Mr. BRECKINRIDGE, of Kentucky, introduced a bill (H. R. 5622) to grant a pension to Allen P. Jacobs; which was read a first and second time, referred to the Committee on Pensions, and ordered to be printed.

COIN CERTIFICATES.

Mr. BRECKINRIDGE, of Kentucky, also introduced a bill (H. R. 5623) to authorize the issue of coin certificates and for other purposes; which was read a first and second time, referred to the Committee on Coinage, Weights, and Measures, and ordered to be printed.

SILVER COINAGE, ETC.

Mr. McCREARY introduced a joint resolution (H. Res. 119) relating to silver coinage and the payment of the public debt; which was read a first and second time, referred to the Committee on Coinage, Weights, and Measures, and ordered to be printed.

WILLIAM J. HOUSE.

Mr. TAULBEE introduced a bill (H. R. 5624) for the relief of William J. House; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

SARAH HALL.

Mr. TAULBEE also introduced a bill (H. R. 5625) granting a pension to Sarah Hall, widow of James Hall; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

CRESSY ROBERTS.

Mr. TAULBEE also introduced a bill (H. R 5626) granting a pension to Cressy Roberts; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

LETITIA J. GARRARD.

Mr. TAULBEE also introduced a bill (H. R. 5627) granting a pension to Letitia J. Garrard; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

MARY ANN BRYSON.

Mr. FINDLAY (by Mr. TAULBEE) introduced a bill (H. R. 5628) granting a pension to Mary Ann Bryson; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

THOMAS G. POLLEY.

Mr. LAFFOON introduced a bill (H. R. 5629) granting a pension to

Thomas G. Polley; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

PUBLIC BUILDING AT HENDERSON, KY.

Mr. LAFFOON also introduced a bill (H. R. 5630) for the purchase of suitable grounds in the city of Henderson, in the State of Kentucky, and the erection thereon of a public building for the post-office, United States commissioner's office, and for the use of other United States offices in said city, and appropriating money for said purposes; which was read a first and second time, referred to the Committee on Public Buildings and Grounds, and ordered to be printed.

PUBLIC BUILDING AT HOPKINSVILLE, KY.

Mr. LAFFOON also introduced a bill (H. R. 5631) for the purchase of suitable grounds in the city of Hopkinsville, in the State of Kentucky, and erection thereon of a public building for the post-office, United States commissioner's office, and for the use of other offices in said city, and appropriating money for said purposes; which was read a first and second time, referred to the Committee on Public Buildings and Grounds, and ordered to be printed.

FRANK L. HALL.

Mr. LAFFOON also introduced a bill (H. R. 5632) for the relief of Frank L. Hall; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

SOUTHERN EXPOSITION, AT LOUISVILLE, KY.

Mr. WILLIS introduced a bill (H. R. 5633) relative to the Southern Exposition to be held in the city of Louisville, in the State of Kentucky, in the year 1886; which was read a first and second time, referred to the Committee on Commerce, and ordered to be printed.

C. C. COLMESNIL.

Mr. WILLIS also introduced a bill (H. R. 5634) for the relief of C. C. Colmesnil, of Louisville, Ky.; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

WILLIAM J. HEADY.

Mr. WILLIS introduced a bill (H. R. 5635) granting a pension to William J. Heady; which was read a first and second time, referred to the Committee on Pensions, and ordered to be printed.

ROBERT LASHLEY.

Mr. HALSELL introduced a bill (H. R. 5636) for the relief of Robert Lashley, of Kentucky; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

GEORGE H. GALLOWAY, ADMINISTRATOR.

Mr. HALSELL also introduced a bill (H. R. 5637) for the relief of George H. Galloway, administrator of the estate of Logan M. Dishman, deceased; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

REFUND OF MONEYS COLLECTED BY UNITED STATES.

Mr. BLANCHARD introduced a bill (H. R. 5638) authorizing the Secretary of the Treasury to refund certain moneys collected by the United States; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

THOMPSON J. BIRD AND OTHERS.

Mr. IRION introduced a bill (H. R. 5639) for the relief of Thompson J. Bird and other persons therein named; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

JOHN H. WILBERDING.

Mr. IRION also introduced a bill (H. R. 5640) for the relief of John H. Wilberding and other persons therein named; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

JOSEPH M. CARRIERE AND OTHERS.

Mr. IRION also introduced a bill (H. R. 5641) for the relief of Joseph M. Carriere and other persons therein named; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

EMPLOYÉS OF UNITED STATES MINT, NEW ORLEANS.

Mr. HAHN introduced a bill (H. R. 5642) for the relief of certain employés of the United States mint at New Orleans, La.; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

PROPERTY TAKEN BY FEDERAL ARMIES.

Mr. KING presented a resolution asking the Secretary of the Treasury to furnish information in relation to property and rents taken by the Federal authorities in Louisiana during the late war between the States; which was referred to the Committee on War Claims.

CHARLES F. WARD.

Mr. REED, of Maine (by Mr. DINGLEY), introduced a bill (H. R. 5643) granting an increase of pension to Charles F. Ward; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

LIGHT-HOUSE, TANGIER ISLAND.

Mr. GIBSON, of Maryland, introduced a bill (H. R. 5644) making an appropriation for the erection of a light-house on the southern end of Tangier Island, in the Chesapeake Bay, in the State of Maryland; which was read a first and second time, referred to the Committee on Commerce, and ordered to be printed.

REBECCA ALLEN.

Mr. SHAW introduced a bill (H. R. 5645) granting a pension to Rebecca Allen; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

JOAB BROWN.

Mr. SHAW also introduced a bill (H. R. 5646) for the relief of Joab Brown, of Carroll County, Maryland; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

AMANDA J. KERBY.

Mr. SHAW also introduced a bill (H. R. 5647) for the relief of Amanda J. Kerby, formerly Amanda J. Miller; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

ATLANTIC WORKS.

Mr. LONG introduced a bill (H. R. 5648) for the relief of the Atlantic Works; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

JOHN J. CURTIS AND OTHERS.

Mr. LONG also introduced a bill (H. R. 5649) for the relief of John J. Curtis and the executors of Edward S. Tilden; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

FRENCH SPOLIATION CLAIMS.

Mr. STONE, of Massachusetts, introduced a bill (H. R. 5650) to provide for the examination of the French spoliation claims; which was read a first and second time, referred to the Committee on Appropriations, and ordered to be printed.

DAVID W. LOW.

Mr. STONE, of Massachusetts, also introduced a bill (H. R. 5651) for the relief of David W. Low; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

JAMES W. GOODRICH.

Mr. STONE, of Massachusetts, also introduced a bill (H. R. 5652) for the relief of James W. Goodrich; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

EDWARD GORMLEY.

Mr. ELY introduced a bill (H. R. 5653) granting a pension to Edward Gormley; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

PROCEEDS OF ABANDONED PROPERTY, ETC.

Mr. MAYBURY (by request) introduced a bill (H. R. 5654) to authorize suits in the Court of Claims for the proceeds of abandoned and captured property; which was read a first and second time, referred to the Committee on the Judiciary, and ordered to be printed.

ELIZABETH B. BELL.

Mr. MAYBURY also introduced a bill (H. R. 5655) granting a pension to Elizabeth B. Bell; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

MRS. J. E. DAVIS.

Mr. CARLETON introduced a bill (H. R. 5656) granting a pension to Mrs. J. E. Davis, widow of Dr. J. E. Davis; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

ELWIN A. SCUTT.

Mr. CARLETON also introduced a bill (H. R. 5657) granting a pension to Elwin a Scutt; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

BENJAMIN F. LAUZON.

Mr. CARLETON also introduced a bill (H. R. 5658) granting a pension to Benjamin F. Lauzon; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

PETER FRENCH.

Mr. CARLETON also introduced a bill (H. R. 5659) to reimburse Peter French for depredations committed by Bannock and Pi-Ute Indians; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

LIGHT-HOUSE, HERSON'S ISLAND, MICHIGAN.

Mr. CARLETON also introduced a bill (H. R. 5660) for the construction of a lake-coast light-house on Herson's Island, at the mouth of the Saint Clair River, Michigan; which was read a first and second time, referred to the Committee on Commerce, and ordered to be printed.

ANNIE POTTINGER.

Mr. CARLETON also introduced a bill (H. R. 5661) granting a pension to Annie Pottinger; which was read a first and second time, referred to the Committee on Pensions, and ordered to be printed.

ELIZABETH DEEGAN.

Mr. CARLETON also introduced a bill (H. R. 5662) granting a pension to Elizabeth Deegan; which was read a first and second time, referred to the Committee on Pensions, and ordered to be printed.

NATIONAL-BANK CURRENCY.

Mr. COMSTOCK introduced a bill (H. R. 5663) to prevent speculation, expansion, and contraction of national-bank currency; which was read a first and second time, referred to the Committee on Banking and Currency, and ordered to be printed.

HENRY ROETHER.

Mr. O'DONNELL introduced a bill (H. R. 5664) to increase the pension of Henry Roether; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

PRISCILLA MAGLAUGHLIN.

Mr. O'DONNELL also introduced a bill (H. R. 5665) granting a pension to Priscilla Maglaughlin; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

ARNOLD COREY.

Mr. O'DONNELL also introduced a bill (H. R. 5666) granting a pension to Arnold Corey; which was read a first and second time, referred to the Committee on Pensions, and ordered to be printed.

PHILLIP CULVER.

Mr. BURROWS introduced a bill (H. R. 5667) for the relief of Phillip Culver; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

SALLY ANN VAN KIRK.

Mr. BURROWS also introduced a bill (H. R. 5668) for the relief of Sally Ann Van Kirk; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

LOTT S. BAYLESS.

Mr. BURROWS also introduced a bill (H. R. 5669) for the relief of Lott S. Bayless; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

SAMUEL MOTTER.

Mr. BURROWS also introduced a bill (H. R. 5670) for the relief of Samuel Motter; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

PAY OF POSTAL CLERKS.

Mr. BURROWS submitted the following resolution; which was read, and referred to the Committee on the Post-Office and Post-Roads:

Whereas the act of March 3, 1885, appropriated the sum of $4,682,300 for the payment of railway postal clerks for the fiscal year ending June 30, 1886; and Whereas $81,300 of such appropriation was made for the purpose of enabling the Postmaster-General to pay the postal clerks of class 4 and 5 the sum and salary of $1,200 and $1,400 respectively for the year ending June 30, 1886: Therefore,

Be it resolved, That the Postmaster-General be, and he hereby is, directed to inform this House what portion of the said sum of $81,300 has been used for the purpose aforesaid; and if no portion of said sum has been so applied, why the same has been withheld, and whether any portion of said sum has been used for other purposes.

EBENEZER SPRAGUE.

Mr. CUTCHEON (by request) introduced a bill (H. R. 5671) for the relief of Ebenezer Sprague; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

GRADUATION OF NAVAL CADETS.

Mr. WAKEFIELD introduced a bill (H. R. 5672) to amend section 1599 of the Revised Statutes as amended by the act approved August 5, 1882, relating to the graduation of naval cadets; which was read a first and second time, referred to the Committee on Naval Affairs, and ordered to be printed.

RAILROAD AND WAGON BRIDGE AT WINONA.

Mr. WHITE, of Minnesota, introduced a bill (H. R. 5673) to authorize the construction of a railroad and wagon bridge across the Mississippi River from Winona, Minn., to the opposite shore, in Wisconsin; which was read a first and second time, referred to the Committee on Commerce, and ordered to be printed.

ABBOTT B. J. BENT.

Mr. WHITE, of Minnesota, also introduced a bill (H. R. 5674) granting a pension to Abbott B. J. Bent; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

MARY MONTI.

Mr. GILFILLAN introduced a bill (H. R. 5675) granting a pension to Mary Monti; which was read a first and second time, referred to the Committee on Pensions, and ordered to be printed.

PUBLIC BUILDING, MINNEAPOLIS, MINN.

Mr. GILFILLAN also introduced a bill (H. R. 5676) to increase the appropriation for the erection of the public building at Minneapolis, Minn.; which was read a first and second time, referred to the Committee on Public Buildings and Grounds, and ordered to be printed.

PILE AND PONTON RAILWAY, ETC., RED WING, MINN.

Mr. STRAIT introduced a bill (H. R. 5677) to authorize the construction of a pile and ponton railway and wagon bridge across the Mississippi River from the city of Red Wing, Minn., to the opposite shore, in the State of Wisconsin; which was read a first and second time, referred to the Committee on Commerce, and ordered to be printed.

MRS. MARTHA A. MARBLE.

Mr. STRAIT also introduced a bill (H. R. 5678) for the relief of Mrs. Martha A. Marble, mother of George F. Marble, Company C, First Minnesota Volunteers; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

JAMES W. SCHAUMBURG.

Mr. STRAIT (by request) also introduced a bill (H. R. 5679) for the relief of James W. Schaumburg; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

DRAWS IN RAILWAY BRIDGES, BIG BLACK RIVER, MISSISSIPPI.

Mr. CATCHINGS introduced a bill (H. R. 5680) to require the Vicksburg and Meridian Railway Company, and the Louisville, New Orleans and Texas Railway Company to construct and maintain suitable draws in their bridges over the Big Black River, in Mississippi; which was read a first and second time, referred to the Committee on Commerce, and ordered to be printed.

F. M. FITZHUGH.

Mr. CATCHINGS also introduced a bill (H. R. 5681) for the relief of F. M. Fitzhugh, of Warren County, Mississippi; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

JAMES H. WYATT.

Mr. HALE introduced a bill (H. R. 5682) for the relief of James H. Wyatt, of Linn County, Missouri; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

NATIONAL BANKS.

Mr. HUTTON introduced a bill (H. R. 5683) to provide for the security of deposits in national banks; which was read a first and second time, referred to the Committee on Banking and Currency, and ordered to be printed.

BRIDGE OVER THE MISSOURI RIVER NEAR SAINT CHARLES, MO.

Mr. HEARD introduced a bill (H. R. 5684) to authorize the construction of a bridge over the Missouri River at the most accessible point between the mouth of the Femme Osage Creek and a point two miles above the city of Saint Charles, in the State of Missouri; which was read a first and second time, referred to the Committee on Commerce, and ordered to be printed.

BRIDGE OVER THE MISSOURI RIVER IN OR NEAR SALINE CITY, MO.

Mr. HEARD also introduced a bill (H. R. 5685) to authorize the construction of a bridge over the Missouri River at the most accessible point in Saline City, or within five miles above or five miles below the same, in the county of Saline, in the State of Missouri; which was read a first and second time, referred to the Committee on Commerce, and ordered to be printed.

HARRY S. KELLOGG.

Mr. HEARD also introduced a bill (H. R. 5686) for the relief of Harry S. Kellogg, administrator of the estate of Lyman M. Kellogg; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

MALINDA VEST.

Mr. HEARD also introduced a bill (H. R. 5687) granting a pension to Malinda Vest; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

PRINTING FOR USE OF THE COMMITTEE ON DISTRICT OF COLUMBIA.

Mr. HEARD also submitted the following resolution; which was referred to the Committee on Printing:

Resolved, That the Committee on the District of Columbia be, and are hereby, authorized to have printed for the use of the committee the memorial and accompanying papers on the subject of the abolition of the school board of the District, at a cost not to exceed $50.

RICHARD W. M'MULLEN.

Mr. CLARDY introduced a bill (H. R. 5688) for the relief of Richard W. McMullen; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

BUREAU OF MINES AND MINING.

Mr. CLARDY also introduced a bill (H. R. 5689) to establish a bureau of mines and mining; which was read a first and second time, referred to the Committee on Mines and Mining, and ordered to be printed.

SILVER COINAGE.

Mr. BLAND introduced a bill (H. R. 5690) for the free coinage of silver, and other purposes; which was read a first and second time, referred to the Committee on Ways and Means, and ordered to be printed.

E. R. SHIPLEY.

Mr. WADE introduced a bill (H. R. 5691) for the relief of E. R. Shipley; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

JAMES B. RUSSELL.

Mr. WADE also introduced a bill (H. R. 5692) for the relief of James B. Russell, first lieutenant Company H, Second East Tennessee Cavalry; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

MARIA K. RITTER.

Mr. STONE, of Missouri, introduced a bill (H. R. 5693) for the relief of Maria K. Ritter, of Cass County, Missouri; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

JENNIE HUGGINS.

Mr. STONE, of Missouri, also introduced a bill (H. R. 5694) for the relief of Jennie Huggins, of Henry County, Missouri; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

THOMAS M. PARKISON.

Mr. STONE, of Missouri, also introduced a bill (H. R. 5695) for the relief of Thomas M. Parkison, of Cedar County, Missouri; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

EMPLOYÉS CIVIL DEPARTMENTS OF THE GOVERNMENT.

Mr. STONE, of Missouri, also submitted the following resolution of inquiry; which was read, and referred to the Select Committee on Reform in the Civil Service:

Resolved, That the Secretary of State, the Secretary of the Treasury, the Secretary of the Interior, the Secretary of War, the Secretary of the Navy, the Postmaster-General, and the Attorney-General be, and they are hereby, each requested to transmit to the House, at the earliest practicable period, statements showing—

First. The total number of persons within the classified civil service employed in their respective Departments in the city of Washington.

Second. The total number of such persons in their respective Departments employed elsewhere, and therein showing the total number employed at each and every place.

Third. The total number of such persons in each class from each State and Territory, including the District of Columbia, employed in their respective Departments in Washington.

Fourth. The total number of persons in each class from each State and Territory, including the District of Columbia, employed at each place elsewhere than in Washington.

Fifth. The total number that have been appointed to each class from each State and Territory, including the District of Columbia, in their respective Departments in Washington since the adoption of the civil-service act, approved January 16, 1883, and under the provisions of said act and the rules adopted by the Civil Service Commission.

Sixth. The number that have been appointed to each class from each State and Territory, including the District of Columbia, elsewhere than in Washington, since the adoption and under the provisions of said act and the rules of the commission, and the number employed at each place.

Seventh. The number of persons within the classified service now employed in their respective Departments in Washington who have not been examined and appointed under the provisions of said act and the rules adopted by the commission, showing the number in each class from each State and Territory, including the District of Columbia.

Eighth. The number of persons within the classified service now employed in their respective Departments at each place other than in Washington who have not been examined and appointed under the provisions of said act and the rules adopted by the commission, showing the number at each place in each class in each State and Territory, including the District of Columbia.

PUBLIC BUILDING, POPLAR BLUFF, MO.

Mr. DAWSON introduced a bill (H. R. 5696) to provide for the erection of a public building at Poplar Bluff, Mo.; which was read a first and second time, referred to the Committee on Public Buildings and Grounds, and ordered to be printed.

PUBLIC BUILDING, CAPE GIRARDEAU, MO.

Mr. DAWSON also introduced a bill (H. R. 5697) to provide for the erection of a public building in Cape Girardeau, Mo.; which was read a first and second time, referred to the Committee on Public Buildings and Grounds, and ordered to be printed.

JOHN PALMER.

Mr. WEAVER, of Nebraska, introduced a bill (H. R. 5698) for the relief of John Palmer; which was read a first and second time, referred to the Committee on Indian Affairs, and ordered to be printed.

HENRY GREBE.

Mr. WEAVER, of Nebraska, also introduced a bill (H. R. 5699) for the relief of Henry Grebe; which was read a first and second time.

The SPEAKER *pro tempore* (Mr. SPRINGER). This bill, under the rule, goes to the Committee on Claims.

Mr. WEAVER, of Nebraska. I ask unanimous consent that it be referred to the Committee on the Judiciary.

There being no objection, the bill was referred to the Committee on the Judiciary, and ordered to be printed.

H. S. JENKINS.

Mr. WEAVER, of Nebraska, also introduced a bill (H. R. 5700) for the relief of H. S. Jenkins; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

DR. O. S. BELDEN.

Mr. GREEN, of New Jersey, introduced a bill (H. R. 5701) for the relief of Dr. O. S. Belden, late first assistant surgeon Fifth Regiment New Jersey Volunteers; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

PRINTING OF TARIFF BILL.

Mr. BUCHANAN submitted the following resolution; which was read, and referred to the Committee on Printing:

Resolved, That there be printed for the use of the House 30,000 extra copies of House bill No. 5576, entitled "A bill to reduce tariff taxes," introduced into the House February 15, 1886, by Hon. WILLIAM R. MORRISON, and that said copies shall be distributed pro rata among the Members and Delegates by the superintendent of the House document-room, who shall keep a strict account thereof.

JENET L. JOHNSON.

Mr. PIDCOCK introduced a bill (H. R. 5702) granting a pension to Jenet L. Johnson; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

MRS. ALMIRA RUSSELL HANCOCK.

Mr. PULITZER introduced a bill (H. R. 5703) granting a pension to Mrs. Almira Russell Hancock, widow of Maj. Gen. Winfield S. Hancock; which was read a first and second time, referred to the Committee on Pensions, and ordered to be printed.

TELEPHONE SUITS.

Mr. PULITZER also submitted the following resolution; which was read, and referred to the Committee on Rules:

Resolved, That the resolution creating a select committee, proposed by Mr. HANBACK, of Kansas, be so amended as to authorize said committee to inquire whether any of the telephone companies have in any way influenced, or attempted to influence, officials or official action through newspapers acting from interested and improper motives. And also whether any corporations or their managers or representatives contributed large sums of money for political campaign purposes upon the agreement that a certain person acceptable to them should be appointed a judge of one of the courts of the United States which may have to decide litigation concerning telephone suits.

NEW YORK HARBOR.

Mr. PULITZER. I desire also to present a memorial, numerously signed by prominent members of commercial bodies in New York, for the preservation of the harbor of New York, which is in very bad condition.

The SPEAKER *pro tempore* (Mr. SPRINGER). The memorial may, under the rule, be placed for reference in the petition-box.

ELIZABETH COLES.

Mr. STAHLNECKER introduced a bill (H. R. 5704) granting a pension to Elizabeth Coles; which was read a first and second time, referred to the Committee on Pensions, and ordered to be printed.

CHARLES WYANT.

Mr. KETCHAM introduced a bill (H. R. 5705) granting a pension to Charles Wyant; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

ELIZABETH LEFFMAN.

Mr. WEBER introduced a bill (H. R. 5706) for the relief of Elizabeth Leffman; which was read a first and second time, referred to the Committee on Pensions, and ordered to be printed.

LIGHT-STATION AT WILSON, N. Y.

Mr. WEBER also introduced a bill (H. R. 5707) for the erection of a light-station at Wilson, on Lake Ontario, New York; which was read a first and second time, referred to the Committee on Commerce, and ordered to be printed.

SCHUYLER I. MOORE.

Mr. HEWITT introduced a bill (H. R. 5708) for the removal of the charge of desertion against the record of Schuyler I. Moore; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

R. P. SUNNARD.

Mr. SWINBURNE introduced a bill (H. R. 5709) for the removal of the charge of desertion from the military record of R. P. Sunnard; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

BENJAMIN J. HEVENOR.

Mr. SWINBURNE also introduced a bill (H. R. 5710) for the relief of Benjamin J. Hevenor; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

ELLIE M'ROBERTS.

Mr. SWINBURNE also introduced a bill (H. R. 5711) for the relief of Ellie McRoberts; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

PATENTS FOR PLANTS, FRUITS, AND FLOWERS.

Mr. BEACH introduced a bill (H. R. 5712) to amend section 4886 of the Revised Statutes so as to extend the benefits of the patent laws to

discoverers of new varieties of plants, fruits, and flowers; which was read a first and second time, referred to the Committee on Patents, and ordered to be printed.

MARY F. WRIGHT.

Mr. BEACH also introduced a bill (H. R. 5713) granting a pension to Mary F. Wright; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

PUBLIC BUILDINGS.

Mr. BEACH also offered the following resolution; which was referred to the Committee on Expenditures on Public Buildings:

Resolved, That the Secretary of the Treasury be requested to furnish to this House information as follows: First, as to the method heretofore pursued in the purchase of sites for the erection of public buildings, and the manner in which such buildings have been constructed, and the sums expended thereon, and how expended; second, as to the custody, repair, and preservation of the public buildings already erected; third, as to the number of private buildings leased by the Government, their location, and the rents paid therefor.

SARAH E. E. PERINE.

Mr. ADAMS, of New York (by Mr. JAMES), introduced a bill (H. R. 5714) for the relief of Sarah E. E. Perine, widow and administratrix of the estate of William Perine, deceased; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

MARY SPRAGUE.

Mr. JAMES introduced a bill (H. R. 5715) granting a pension to Mary Sprague; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

GARY DONALDSON.

Mr. WEST introduced a bill (H. R. 5716) granting a pension to Gary Donaldson; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

SIXTEENTH STREET, WASHINGTON, D. C.

Mr. JOHNSON, of New York, introduced a bill (H. R. 5717) changing the name of Sixteenth street, in Washington, D. C., to "Executive avenue;" which was read a first and second time, referred to the Committee on the District of Columbia, and ordered to be printed.

NORMAN S. KENYON.

Mr. DOWDNEY (by Mr. BLISS) introduced a bill (H. R. 5718) to increase the pension of Norman S. Kenyon; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

WILLIAM S. RISLEY.

Mr. PARKER introduced a bill (H. R. 5719) for the relief of William S. Risley; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

DAIRY PRODUCTS.

Mr. PARKER also introduced a bill (H. R. 5720) to protect the producers and consumers of dairy products, and for other purposes; which was read a first and second time, referred to the Committee on Agriculture, and ordered to be printed.

COIN NOTES, COINAGE, ETC.

Mr. MERRIMAN introduced a bill (H. R. 5721) to authorize the issue of United States coin notes, provide for their redemption, regulate coinage, carry on public improvements, give employment to labor, and for other purposes; which was read a first and second time, referred to the Committee on Banking and Currency, and ordered to be printed.

CONSULAR SERVICE.

Mr. BELMONT introduced a bill (H. R. 5722) to reform the organization and increase the efficiency of the consular service; which was read a first and second time, and, by unanimous consent, was referred to the Committee on Foreign Affairs, and ordered to be printed.

CIVIL-SERVICE EXAMINATIONS FOR CONSULAR OFFICERS.

Mr. BELMONT also introduced the following resolution; which, by unanimous consent, was referred to the Committee on Foreign Affairs:

Resolved, That the Civil Service Commissioners be, and they are hereby, requested to report to this House whether or not a civil-service examination, either a pass examination or a competitive examination, is in their opinion feasible for candidates for consular offices or for promotion in the consular service; regard being had to the possible residence of an applicant either in this country or abroad, and to the service of consular officers in foreign countries, and to the law requiring consuls to be nominated by the President, by and with the consent of the Senate; and, if a civil-service examination is feasible in the opinion of the commissioners, that they be also requested to formulate an act therefor, including the place or places where examination shall be held, the persons by whom to be conducted, and the probable annual cost thereof.

NATHANIEL M'KAY AND OTHERS.

Mr. TIMOTHY J. CAMPBELL (by Mr. BELMONT) introduced a bill (H. R. 5723) for the relief of Nathaniel McKay and the executors of Donald McKay; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

PUBLIC BUILDING AT FAYETTEVILLE, N. C.

Mr. GREEN, of North Carolina, introduced a bill (H. R. 5724) to provide for the erection of a building for the accommodation of the post-office and other Government offices in the city of Fayetteville, in the State of North Carolina; which was read a first and second time, referred to the Committee on Public Buildings and Grounds, and ordered to be be printed.

ANNUAL REPORT BUREAU OF ETHNOLOGY.

Mr. REID, of North Carolina, introduced a joint resolution (H. Res. 120) to print the annual bulletin of the Bureau of Ethnology; which was read a first and second time, referred to the Committee on Printing, and ordered to be printed.

SOPHIA B. MOORE.

Mr. COX introduced a bill (H. R. 5725) for the relief of Sophia B. Moore; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

HENRY COOK.

Mr. HILL introduced a bill (H. R. 5726) granting a pension to Henry Cook; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

WILLIAM A. SEARL.

Mr. EZRA B. TAYLOR introduced a bill (H. R. 5727) granting a pension to William A. Searl; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

PHEBE M. RYDER.

Mr. EZRA B. TAYLOR also introduced a bill (H. R. 5728) for the relief of Phebe M. Ryder; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

ELIZABETH WARNER.

Mr. ELLSBERRY introduced a bill (H. R. 5729) granting a pension to Elizabeth Warner; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

AMOS E. DUNCAN.

Mr. LITTLE introduced a bill (H. R. 5730) to advance the grade of Amos E. Duncan on the pension-roll to that of a surgeon; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

SUSAN WOOLLEY.

Mr. LITTLE also introduced a bill (H. R. 5731) granting a pension to Susan Woolley; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

MEDICAL AND SURGICAL HISTORY OF REBELLION.

Mr. LITTLE submitted a resolution directing the Committee on Printing to inquire as to the advisability of the Government publishing a revised edition of the Medical and Surgical History of the Rebellion for distribution under direction of Congress; which was referred to the Committee on Printing.

FLAGS FOR ARMY REUNIONS.

Mr. OUTHWAITE submitted a joint resolution (H. Res. 121) authorizing the loan of the flags of certain regiments to reunions of the Association of Survivors of the Regular Brigade Fourteenth Corps, Army of the Cumberland; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

DR. A. R. LORD.

Mr. ROMEIS introduced a bill (H. R. 5732) granting an increase of pension to Dr. A. R. Lord, of Clyde, Ohio; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

W. C. HUTCHESON.

Mr. McKINLEY introduced a bill (H. R. 5733) for the relief of W. C. Hutcheson; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

PUBLIC BUILDING AT AKRON, OHIO.

Mr. McKINLEY also introduced a bill (H. R. 5734) for the erection of a public building at Akron, Ohio; which was read a first and second time, referred to the Committee on Public Buildings and Grounds, and ordered to be printed.

WILLIAM T. CRUMP.

Mr. McKINLEY also introduced a bill (H. R. 5735) for the relief of William T. Crump; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

EXTENSION OF STREETS AND AVENUES, DISTRICT OF COLUMBIA.

Mr. BUTTERWORTH (by request) introduced a bill (H. R. 5736) to provide for the extension of the streets and avenues of the cities of Washington and Georgetown, in the District of Columbia; which was read a first and second time, referred to the Committee on the District of Columbia, and ordered to be printed.

POSTAL SHEET ENVELOPES.

Mr. BUTTERWORTH (by request) also introduced a bill (H. R. 5737)

to provide for postal sheet envelopes, and for other purposes; which was read a first and second time, referred to the Committee on the Post-Office and Post-Roads, and ordered to be printed.

LOUISE S. MAURICE.

Mr. BUTTERWORTH also introduced a bill (H. R. 5738) granting an increase of pension to Louise S. Maurice, widow of Thomas D. Maurice, late captain of artillery in the regular Army and major of volunteers; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

JOSEPH H. MOORE.

Mr. IKE H. TAYLOR introduced a bill (H. R. 5739) to remove the charge of desertion against Joseph H. Moore; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

MARY A. FISHER.

Mr. IKE H. TAYLOR (by request) also introduced a bill (H. R. 5740) granting a pension to Mary A. Fisher; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

JAMES B. BAZELL.

Mr. THOMPSON (by request) introduced a bill (H. R. 5741) for the relief of James B. Bazell; which was read a first and second time, referred to the Committee an Invalid Pensions, and ordered to be printed.

JAMES A. HALEY.

Mr. THOMPSON (by request) also introduced a bill (H. R. 5742) granting a pension to James A. Haley, Captain Caldwell's company West Virginia Scouts, war of the rebellion; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

THEODORE J. GILLETT.

Mr. THOMPSON (by request) also introduced a bill (H. R. 5743) for the relief of Theodore J. Gillett; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

HENRY A. SHADEL, DECEASED.

Mr. THOMPSON (by request) also introduced a bill (H. R. 5744) for the relief of the heirs of Henry A. Shadel, deceased; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

CAROLINE GORBY.

Mr. THOMPSON (by request) also introduced a bill (H. R. 5745) granting a pension to Caroline Gorby, widow of Benjamin F. Gorby, late Company I, Fifty-third Ohio Volunteers, war of 1861; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

WILLIAM R. ROGERS.

Mr. THOMPSON (by request) also introduced a bill (H. R. 5746) granting a pension to William R. Rogers, Company F, Twenty-seventh Regiment Ohio Volunteers, war of 1861; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

CHARLES F. ALLGONER.

Mr. COOPER introduced a bill (H. R. 5747) for the relief of Charles F. Allgoner; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

GRADE OF GENERAL, UNITED STATES ARMY.

Mr. KELLEY introduced a bill (H. R. 5748) to revive the grade of General in the Army of the United States; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

RECORD OF ELISHA A. HANCOCK.

Mr. OSBORNE introduced a bill (H. R. 5749) to amend the record of Elisha A. Hancock, late major Ninth Regiment Pennsylvania Cavalry; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

CHARLES DOLTON.

Mr. EVANS introduced a bill (H. R. 5750) for the relief of Charles Dolton; which was read a first and second time, referred to the Committee on Pensions, and ordered to be printed.

JACOB HOLDER.

Mr. JACKSON introduced a bill (H. R. 5751) granting a pension to Jacob Holder; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

JOSEPH VAN HOLT.

Mr. HARMER introduced a bill (H. R. 5752) granting a pension to Joseph Van Holt; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

ELIZA E. BERRY.

Mr. BUNNELL introduced a bill (H. R. 5753) granting a pension to Eliza E. Berry; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

RUSSELL S. THURSTON.

Mr. BUNNELL also introduced a bill (H. R. 5754) to remove the charge of desertion from the record of Russell S. Thurston, Company B, Fifty-second Regiment, Pennsylvania Volunteers; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

ANDREW J. LEWIS.

Mr. BUNNELL also introduced a bill (H. R. 5755) granting a pension to Andrew J. Lewis, late of Company H, One hundred and Ninety-eighth Regiment Pennsylvania Volunteers; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

ANSON G. CARPENTER.

Mr. BUNNELL also introduced a bill (H. R. 5756) granting a pension to Anson G. Carpenter, lieutenant Company B, One hundred and thirty-second Pennsylvania Volunteers; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

MIRON FELLOWS.

Mr. BUNNELL also introduced a bill (H. R. 5757) granting a pension to Miron Fellows; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

LORENZO LAKE.

Mr. BUNNELL also introduced a bill (H. R. 5758) to remove the charge of desertion from the record of Lorenzo Lake, who formerly belonged to Company G, One hundred and forty-ninth Regiment Pennsylvania Volunteers; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

SNOWDEN & MASON.

Mr. BAYNE introduced a bill (H. R. 5759) for the relief of Snowden & Mason; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

NANCY G. MILLER.

Mr. BAYNE also introduced a bill (H. R. 5760) for the relief of Nancy G. Miller; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

MARGARET J. REIGHTER.

Mr. SWOPE introduced a bill (H. R. 5761) granting a pension to Margaret J. Reighter; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

WILLIAM BAIR.

Mr. SWOPE also introduced a bill (H. R. 5762) granting a pension to William Bair; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

CHRISTIAN WEBER.

Mr. SWOPE also introduced a bill (H. R. 5763) for the relief of Christian Weber; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

JOHN STOLL.

Mr. SWOPE also introduced a bill (H. R. 5764) for the relief of John Stoll; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

WILLIAM H. HOUSER.

Mr. BOUND introduced a bill (H. R. 5765) for the relief of William H. Houser, Company G, Seventh Regiment Pennsylvania Cavalry; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

JACOB BROWNAWELL.

Mr. BOUND also introduced a bill (H. R. 5766) for the relief of Jacob Brownawell, late of Company F, Fourth Pennsylvania Cavalry; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

HENRY A. KISSINGER.

Mr. BOUND also introduced a bill (H. R. 5767) for the relief of Henry A. Kissinger, Company E, Seventy-fourth Regiment Pennsylvania Volunteers; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

COMMUNICATION WITH SIGNAL STATION, BLOCK ISLAND.

Mr. SPOONER introduced a bill (H. R. 5768) to provide a new submarine cable and establish telegraphic communication between the signal station at Block Island, Rhode Island, and the mainland; which was read a first and second time, referred to the Committee on Commerce, and ordered to be printed.

SARAH L. HARVEY.

Mr. NEAL introduced a bill (H. R. 5769) granting a pension to Sarah L. Harvey, of James County, Tennessee; which was read a first and

second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

WALLACE N. AND ELLEN J. HOGE.

Mr. NEAL also introduced a bill (H. R. 5770) for the relief of Wallace N. and Ellen J. Hoge, of McMinn County, Tennessee; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

J. L. CAIN AND OTHERS.

Mr. NEAL also introduced a bill (H. R. 5771) for the relief of J. L. Cain, A. A. Kyle, A. Kennedy, and G. M. Hazen; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

WILLIAM T. GREEN.

Mr. NEAL also introduced a bill (H. R. 5772) granting a pension to William T. Green; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

G. M. LITTLE.

Mr. JOHN M. TAYLOR (by Mr. NEAL) introduced a bill (H. R. 5773) granting a pension to G. M. Little, of Carroll County, Tennessee; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

FIRST METHODIST CHURCH, JACKSON, TENN.

Mr. JOHN M. TAYLOR (by Mr. NEAL) also introduced a bill (H. R. 5774) for the relief of the First Methodist church of the city of Jackson, Tenn.; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

JAMES M. M'KAMEY.

Mr. HOUK introduced a bill (H. R. 5775) for the relief of James M. McKamey; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

CHARLES ANDERSON, DECEASED.

Mr. RICHARDSON introduced a bill (H. R. 5776) for the relief of the legal representatives of Charles Anderson, deceased; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

WILLIAM R. MUSE.

Mr. RICHARDSON also introduced a bill (H. R. 5777) for the relief of William R. Muse; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

RETIRED OFFICERS UNITED STATES ARMY.

Mr. RICHARDSON (by request) also introduced a bill (H. R. 5778) to fix the rank and authorize the assignment to certain duties of retired officers of the United States Army; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

PETER FALKNER.

Mr. ANDERSON, of Ohio (by Mr. RICHARDSON), introduced a bill (H. R. 5779) granting a pension to Peter Falkner; which was read a first and second time, referred to the Committee on Pensions, and ordered to be printed.

ANDREW I. DUNCAN.

Mr. CALDWELL introduced a bill (H. R. 5780) for the relief of the estate of Andrew I. Duncan, deceased; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

R. B. OWEN.

Mr. ZACH. TAYLOR introduced a bill (H. R. 5781) for the relief of R. B. Owen; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

E. J. TUCKER.

Mr. ZACH. TAYLOR also introduced a bill (H. R. 5782) for the relief of E. J. Tucker; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

NATIONAL CEMETERY, MEMPHIS.

Mr. ZACH. TAYLOR also introduced a joint resolution (H. Res. 122) to authorize the erection of a rostrum in the national cemetery near Memphis, Tenn.; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

GEORGE B. STIMPSON.

Mr. SYMES (by Mr. ZACH. TAYLOR) introduced a bill (H. R. 5783) for the relief of George B. Stimpson, late postmaster at Pueblo, Colo.; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

HOSPITAL AT PONCHA SPRINGS.

Mr. SYMES (by Mr. ZACH. TAYLOR) introduced a bill (H. R. 5784) for the establishment of an Army and Navy hospital at Poncha Springs, Nevada; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

MARIA L. CARAHER.

Mr. SYMES (by Mr. ZACH TAYLOR) also introduced a bill (H. R. 5785) granting an increase of pension to Maria L. Caraher; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

BRIDGE OVER RED RIVER, TEXAS.

Mr. THROCKMORTON introduced a bill (H. R. 5786) granting to the Gainesville and Chickasaw Bridge Company the consent of the United States to construct and maintain a bridge over Red River at or near Brown's Ferry, in Cooke County, Texas; which was read a first and second time, referred to the Committee on Commerce, and ordered to be printed.

ASSISTANT INDIAN COMMISSIONER.

Mr. LANHAM (by request) introduced a bill (H. R. 5787) to create the office of assistant commissioner of Indian affairs; which was read a first and second time, referred to the Committee on Indian Affairs, and ordered to be printed.

SMALL BILLS FOR CIRCULATION.

Mr. MILLER introduced a bill (H. R. 5788) to provide for the issue of small bills for circulation, and for other purposes; which was read a first and second time, referred to the Committee on Banking and Currency, and ordered to be printed.

SECTION 2552 REVISED STATUTES.

Mr. LIBBEY introduced a bill (H. R. 5789) to amend section 2552 of the Revised Statutes; which was read a first and second time, referred to the Committee on Ways and Means, and ordered to be printed.

J. B. M'CUBBIN.

Mr. LIBBEY (by request) also introduced a bill (H. R. 5790) for the relief of J. B. McCubbin; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

MICHAEL MAYER.

Mr. LIBBEY (by request) also introduced a bill (H. R. 5791) for the relief of Michael Mayer; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

B. D. M. JONES.

Mr. BRADY (by request) introduced a bill (H. R. 5792) for the relief of B. D. M. Jones, of Virginia; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

CAPT. WILSON MILLER.

Mr. WISE (by request) introduced a bill (H. R. 5793) granting an increase of pension to Capt. Wilson Miller; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

R. D. EVANS AND R. M. GREED.

Mr. WISE (by request) also introduced a bill (H. R. 5794) for the relief of Robley D. Evans and Richard M. Greed; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

PRINTING FOR JUDICIARY COMMITTEE.

Mr. TUCKER submitted the following resolution; which was read, and referred to the Committee on Printing:

Resolved, That the Committee on the Judiciary be authorized to have printed and bound such papers and documents as it may deem necessary in connection with propositions pending before said committee.

HEIRS OF WILLIAM M'SHERRY.

Mr. WILSON introduced a bill (H. R. 5795) for the relief of the heirs of William McSherry; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

ST. JOHN'S CHURCH, HARPER'S FERRY.

Mr. WILSON also introduced a bill (H. R. 5796) for the relief of Saint John's Episcopal Church at Harper's Ferry, W. Va.; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

HARPER'S FERRY ARMORY.

Mr. WILSON also introduced a bill (H. R. 5797) to provide for the payment of the employés of, and the contractor who furnished castings to, the United States armory at Harper's Ferry, Va., prior to April 18, 1861; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

JAMES M'GRAW.

Mr. WILSON also introduced a bill (H. R. 5798) for the relief of James McGraw; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

RAILWAY MAIL SERVICE.

Mr. WARD, of Indiana (by Mr. WILSON), introduced a bill (H. R. 5799) to designate, classify, and fix the salaries of persons in the railway mail service; which was read a first and second time, referred to the Committee on the Post-Office and Post-Roads, and ordered to be printed.

MARINE HOSPITAL AT POINT PLEASANT.

Mr. GIBSON, of West Virginia, introduced a bill (H. R. 5800) for the erection of a marine hospital at Point Pleasant, State of West Virginia; which was read a first and second time, referred to the Committee on Commerce, and ordered to be printed.

J. W. KENNEDY.

Mr. GOFF introduced a bill (H. R. 5801) for the relief of J. W. Kennedy; which was read a first and second time, referred to the Committee on Commerce, and ordered to be printed.

CHARLES BLANCHETT.

Mr. GUENTHER introduced a bill (H. R. 5802) granting a pension to Charles Blanchett; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

BRIDGES ACROSS WISCONSIN, CHIPPEWA, AND SAINT CROIX RIVERS.

Mr. PRICE introduced a bill (H. R. 5803) to amend an act, approved June 12, 1884, entitled "An act to authorize the construction of bridges across the Wisconsin, Chippewa, and Saint Croix Rivers, in the State of Wisconsin;" which was read a first and second time, referred to the Committee on Commerce, and ordered to be printed.

JAMES DELANE.

Mr. PRICE also introduced a bill (H. R. 5804) granting an increase of pension to James Delane; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

JAMES DOWNS.

Mr. PRICE (by request) also introduced a bill (H. R. 5805) for the relief of James Downs; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

GEORGE B. CARTER.

Mr. LA FOLLETTE introduced a bill (H. R. 5806) granting a pension to George B. Carter; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

PUBLIC BUILDING AT PRESCOTT, ARIZ.

Mr. BEAN introduced a bill (H. R. 5807) for the construction of a public building at Prescott, Ariz.; which was read a first and second time, referred to the Committee on Public Buildings and Grounds, and ordered to be printed.

TAXATION OF RAILROAD GRANT LANDS.

Mr. GIFFORD (by request) introduced a bill (H. R. 5808) relating to the taxation of railroad grant lands, and for other purposes; which was read a first and second time, referred to the Committee on the Public Lands, and ordered to be printed.

DAVID PEED.

Mr. GIFFORD introduced a bill (H. R. 5809) granting a pension to David Peed; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

SCHOOL FACILITIES FOR THE SIOUX INDIANS.

Mr. GIFFORD also introduced the following resolution; which was referred to the Committee on Indian Affairs:

Resolved, That the Secretary of the Interior be, and he is hereby, requested to furnish this House the following information, if not incompatible with the public interests, namely:

1. What school facilities have been furnished to the Sioux Nation of Indians of Dakota in accordance with the provisions of the treaty made with said Indians under date of April 29, 1868.

2. What recommendations as to the proper policy to be pursued to carry out that clause of the treaty aforesaid providing for educational facilities among said tribe of Indians will, in the opinion of the Department, best conduce to their civilization.

FELIX GARCIA.

Mr. JOSEPH introduced a bill (H. R. 5810) for the relief of Felix Garcia; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

FRANCISCO T. C. DE BACA.

Mr. JOSEPH also introduced a bill (H. R. 5811) for the relief of Francisco T. C. de Baca; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

ESTEVAN ARAGON.

Mr. JOSEPH also introduced a bill (H. R. 5812) for the relief of Estevan Aragon; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

JOSÉ MARIA CHAVEZ.

Mr. JOSEPH also introduced a bill (H. R. 5813) for the relief of José Maria Chavez; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

FRANCISCO GONZALES.

Mr. JOSEPH also introduced a bill (H. R. 5814) for the relief of Francisco Gonzales; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

HEIRS OF ANTONIO S. LUCERO.

Mr. JOSEPH also introduced a bill (H. R. 5815) for the relief of the heirs of Antonio S. Lucero; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

HEIRS OF ESTANISLAO MONTOYA.

Mr. JOSEPH also introduced a bill (H. R. 5816) for the relief of the heirs of Estanislao Montoya; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

PEREA & CO.

Mr. JOSEPH also introduced a bill (H. R. 5817) for the relief of Perea & Co.; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

PABLO TRUJILLO.

Mr. JOSEPH also introduced a bill (H. R. 5818) for the relief of Pablo Trujillo; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

HEIRS OF JOSEPH PLEY.

Mr. JOSEPH also introduced a bill (H. R. 5819) for the relief of the heirs of Joseph Pley; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

MANUEL TRUJILLO.

Mr. JOSEPH also introduced a bill (H. R. 5820) for the relief of Manuel Trujillo; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

HEIRS OF RAMON VIGIL.

Mr. JOSEPH also introduced a bill (H. R. 5821) for the relief of the heirs of Ramon Vigil; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

JOSÉ ANASTASIO TRUJILLO.

Mr. JOSEPH also introduced a bill (H. R. 5822) for the relief of José Anastasio Trujillo; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

A. E. EALY.

Mr. JOSEPH also introduced a bill (H. R. 5823) for the relief A. E. Ealy; which was read a first and second time, referred to the Committee on Indian Affairs, and ordered to be printed.

CHINESE IMMIGRATION.

Mr. VOORHEES introduced a bill (H. R. 5824) prohibiting the immigration of Chinese into the United States; which was read a first and second time, referred to the Committee on Foreign Affairs, and ordered to be printed.

NATURALIZATION IN TERRITORIAL COURTS.

Mr. VOORHEES also introduced a bill (H. R. 5825) amending section 1874 of the Revised Statutes and confirming the orders and proceedings of certain Territorial courts in certain cases arising under the naturalization laws of the United States; which was read a first and second time, referred to the Committee on the Judiciary, and ordered to be printed.

HOMESTEAD RIGHTS.

Mr. VOORHEES also introduced a bill (H. R. 5826) permitting all persons who have lost their homestead rights to make new entries; which was read a first and second time, referred to the Committee on the Public Lands, and ordered to be printed.

J. W. SNYDER.

Mr. CAREY introduced a bill (H. R. 5827) for the relief of J. W. Snyder; which was read a first and second time, referred to the Committee on Indian Affairs, and ordered to be printed.

ORDER OF BUSINESS.

The SPEAKER. If there be no objection, the Chair will now recognize for the introduction of bills and resolutions gentlemen who were not in their seats when their States were called.

There was no objection.

MENA HOLMES.

Mr. HENDERSON, of Iowa, introduced a bill (H. R. 5828) granting a pension to Mena Holmes; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

HENRY C. WILEY.

Mr. EDEN introduced a bill (H. R. 5829) for the relief of Henry C. Wiley; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

HENRY C. BOYD.

Mr. McRAE (by request) introduced a bill (H. R. 5830) for the relief of the estate of Henry C. Boyd, deceased; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

PAY OF RETIRED NAVAL OFFICERS.

Mr. COLE introduced a joint resolution (H. Res. 123) in regard to the pay of retired officers of the Navy; which was read a first and sec-

ond time, referred to the Committee on Naval Affairs, and ordered to be printed.

MRS. LUCY B. LEGRAND.

Mr. O'FERRALL introduced a bill (H. R. 5831) for the relief of Mrs. Lucy B. Legrand; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

SAMUEL H. SONNER.

Mr. O'FERRALL (by request) also introduced a bill (H. R. 5832) for the relief of Samuel H. Sonner, of Shenandoah County, Virginia; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

RICHARD W. MEADE.

Mr. CURTIN introduced a bill (H. R. 5833) for the relief of the heirs of Richard W. Meade, deceased; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

NATIONAL CEMETERY NEAR PENSACOLA, FLA.

Mr. DAVIDSON, of Florida, introduced a bill (H. R. 5834) making an appropriation for the construction of a macadamized road to the national cemetery near Pensacola, Fla.; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

BOUNTY LAND.

Mr. DAVIDSON, of Florida, also introduced a bill (H. R. 5835) granting bounty land to all persons who rendered military service in the suppression of Indian hostilities in the State of Florida between the year 1855 and the year 1860; which was read a first and second time, referred to the Committee on the Public Lands, and ordered to be printed.

ASSISTANT SECRETARY OF WAR.

Mr. STEELE introduced a bill (H. R. 5836) providing for an assistant Secretary of War; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

JEFFERSON DUNN.

Mr. ROWELL introduced a bill (H. R. 5837) for the relief of Jefferson Dunn, late second lieutenant and captain in Company D, Thirty-second Regiment Illinois Infantry Volunteers; which was read a first and second time, referred to the Committee War Claims, and ordered to be printed.

DR. THOMAS F. MITCHELL.

Mr. ROWELL also introduced a bill (H. R. 5838) for the relief of Dr. Thomas F. Mitchell; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

MAHALA JOHNSON.

Mr. WADE introduced a bill (H. R. 5839) granting a pension to Mahala Johnson; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

ELECTRIC COMMUNICATION.

Mr. BINGHAM (by request) introduced a bill (H. R. 5840) to amend title 65 of the Revised Statutes and to increase the facilities and secure competition and lower rates for communications by electric wires; which was read a first and second time, referred to the Committee on the Post-Office and Post Roads, and ordered to be printed.

ALMIRA RUSSELL HANCOCK.

Mr. BINGHAM introduced a bill (H. R. 5841) granting a pension to Almira Russell Hancock, widow of Winfield Scott Hancock, late a major-general in the United States Army; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

LETITIA CARR.

Mr. BINGHAM also introduced a bill (H. R. 5842) granting arrears of pension to Letitia Carr; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

EDITH M. RODGERS.

Mr. BINGHAM also introduced a bill (H. R. 5843) granting a pension to Edith M. Rodgers; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

ISABELLA HAYS.

Mr. BINGHAM also introduced a bill (H. R. 5844) granting a pension to Isabella Hays; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

ISAAC H. MARKS AND SAMUEL STONE.

Mr. BINGHAM also introduced a bill (H. R. 5845) for the relief of Isaac H. Marks and Samuel Stone; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

JOHN G. SCHULER.

Mr. ADAMS, of Illinois, introduced a bill (H. R. 5846) for the relief of John G. Schuler; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

GOTTFRIED SCHWARTZ.

Mr. ADAMS, of Illinois, also introduced a bill (H. R. 5847) for the relief of Gottfried Schwartz; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

ELLEN M. SPRAGUE.

Mr. DAVIS introduced a bill (H. R. 5848) granting a pension to Ellen M. Sprague; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

HENRY H. EPPING AND ALEXANDER M. BRANNAN.

Mr. HARRIS introduced a bill (H. R. 5849) for the relief of Henry H. Epping and Alexander M. Brannan, administrators of S. H. Hill, Muscogee County, Georgia; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

JACOB WINNER.

Mr. HITT introduced a bill (H. R. 5850) for the relief of Jacob Winner, late of Company D, Forty-Sixth Illinois Volunteers; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

AMENDMENT OF REVISED STATUTES.

Mr. VIELE introduced a bill (H. R. 5851) to amend section 4400 of the Revised Statutes of the United States; which was read a first and second time, referred to the Committee on Commerce, and ordered to be printed.

NORMAN KAUFMAN.

Mr. FINDLAY introduced a bill (H. R. 5852) granting an increase of pension to Norman Kaufman; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

ALBERT LEWIS.

Mr. BUTTERWORTH introduced a bill (H. R. 5853) for the relief of Albert Lewis, of Cincinnati, Ohio; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

JOHN WYBRANT.

Mr. BUTTERWORTH also introduced a bill (H. R. 5854) for the relief of John Wybrant, of Cincinnati, Ohio; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

MATTHEW E. JACKSON.

Mr. HOLMAN introduced a bill (H. R. 5855) for the relief of Matthew E. Jackson, of Decatur County, Indiana; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

GABRIEL COX.

Mr. THOMAS, of Illinois, introduced a bill (H. R. 5856) for the relief of Gabriel Cox; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

CAPT. JOHN P. REESE.

Mr. THOMAS, of Illinois, also introduced a bill (H. R. 5857) for the relief of Capt. John P. Reese; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

JOHN HEBERER.

Mr. THOMAS, of Illinois, also introduced a bill (H. R. 5858) for the relief of John Heberer; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

HOLMAN ANDERSON.

Mr. THOMAS, of Illinois, also introduced a bill (H. R. 5859) for the relief of Holman Anderson, late of Fifteenth Illinois Cavalry Volunteers; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

MESSAGE FROM THE PRESIDENT.

A message, in writing, was received from the President, by Mr. PRUDEN, one of his secretaries, announcing that he had, on February 9, 1886, approved and signed an act (H. R. 5186) authorizing the Secretary of the Interior to use certain unexpended balances for the relief of the Northern Cheyennes in Montana.

RETIRED-LIST, NAVY.

Mr. THOMAS, of Illinois, also submitted the following resolution; which was read, and referred to the Committee on Naval Affairs:

Whereas the annual appropriation for the payment of the retired-list of the United States Navy for the fiscal year 1885, amounted to the sum of $797,880, and for the fiscal year 1886 amounted to $797,880; and

Whereas it is alleged that quite a number of the officers now on the retired-list of the Navy were placed there on account of their own immoral conduct and vicious habits, and for reasons other than having arrived at the age of sixty-two years, or on account of wounds, injuries, or disabilities received or incurred in the line of their legitimate official duties: Therefore,

Be it resolved by the House of Representatives, That the Secretary of the Navy be requested, and is hereby directed, to transmit to the House of Representatives a full and complete list of officers now on the retired-list of the Navy, with their respective rank or relative rank, annual pay and allowances, and the specific reasons or grounds upon which they were placed upon the retired-list.

ELIZABETH SPOHN.

Mr. O'NEILL, of Missouri, introduced a bill (H. R. 5860) granting a pension to Elizabeth Spohn; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

ORDER OF BUSINESS.

The SPEAKER. By order of the House the remainder of this day is set apart for the consideration of the bill for the relief of Fitz-John Porter.

Mr. BRAGG. I move that the House now resolve itself into Committee of the Whole for the further consideration of that bill.

Mr. HOLMAN. I trust the gentleman from Wisconsin will permit the gentleman from North Carolina to submit a resolution before that motion is made.

Mr. BRAGG. I will yield for that purpose.

EULOGIES ON THE LATE VICE-PRESIDENT HENDRICKS.

Mr. REID, of North Carolina, introduced a joint resolution (H. Res. 124) to print 31,000 copies of the eulogies on Thomas A. Hendricks, late Vice-President of the United States; which was read a first and second time, referred to the Joint Committee on Printing, and ordered to be printed.

FITZ-JOHN PORTER.

The motion of Mr. BRAGG was then agreed to.

The House accordingly resolved itself into Committee of the Whole, Mr. SPRINGER in the chair.

The CHAIRMAN. The Clerk will report the title of the bill now pending.

The Clerk read as follows:

A bill (H. R. 67) for the relief of Fitz-John Porter.

The CHAIRMAN. The gentleman from Kentucky [Mr. WOLFORD] is entitled to the floor for forty-eight minutes, having occupied twelve minutes of his time on Saturday.

Mr. WOLFORD. Mr. Chairman, on Saturday evening, when it was suggested to me to yield the floor to allow the committee to rise, I gave way and ended my speech right in the middle of a sentence. I yielded the floor immediately because I was fatigued, and now desire to complete that sentence. I had started to say in reply to the distinguished gentleman from Tennessee [Mr. HOUK] that there was not a single life lost—and right there I gave way to the motion that the committee rise. I want to add—by any disobedience of orders on the part of Fitz-John Porter. I propose, as I said before, to demonstrate that fact before I am done. But I want to reply for a minute before I commence that demonstration to the constitutional arguments submitted by my friend from Tennessee [Mr. HOUK].

I introduced on Saturday evening the Constitution, showing that the rules and regulations of the Army, the Articles of War, were passed in obedience to the Constitution, and I cited the authority. That provision of the Constitution says, in substance, that Congress shall have power to make all rules and regulations for the Army and Navy. My friend from Tennessee, though a learned judge, says that the fifth article of the amendments to the Constitution changes that law. Now, the only thing—and I hold the Constitution in my hand—the only thing the fifth amendment to the Constitution says in that respect is that indictments must be made in all cases of criminal prosecution, except in the Army and Navy. The only provision, then, in that article of the amendments to the Constitution is with reference to indictments which are not required to be made in the Army and Navy; that is, that you shall go on and try an offender under the military law, as you have always done, without indictment before a court-martial, and that is all there is in it and all it says; consequently it leaves the whole question of trials by court-martial right where the Constitution originally left it; that is to say, completely within the control of the Congress. That being true, Mr. Chairman, we have the right to change that provision of law.

I do not wish to take up more time than is necessary upon that proposition, but I desire to call the attention of the gentleman from Tennessee to what I conceive to be his very erroneous construction of the Constitution. He states the proposition very correctly, but says that the only thing now before Congress is: "Will you restore Fitz-John Porter and give him an office?" He says that can not be done because the Constitution prohibits it. I ask him how does the Constitution prohibit it? Does it prevent the restoration of Fitz-John Porter, when, as I think can be demonstrated from the Constitution itself, we have control absolutely over the whole matter? But he says you can not do it because a court-martial has found him guilty, and, therefore, you can not restore him. Again he says, going further than ever I heard in my life, that he can not hold any civil or military office because the court-martial has found him guilty and so pronounced. But, Mr. Chairman, the President pardoned him, and that pardon restored his full right to hold any office in the nation without the enactment of Congress. And another question to which I desire to call the attention of the gentleman from Tennessee is, Can a pardoned man hold office, a man restored to all his rights from the effect of such a sentence by the pardon of the President of the United States, and the President had the right; is he not entitled to be placed in any office you please? Will the gentleman put himself upon the record in such an attitude as that? Does he expect anybody to follow him in such an erroneous view as that?

But I want to go a little further. The gentleman from Tennessee spends about an hour telling us that he went home from the Army powerfully embittered against the rebels, as he called them. He told us that he then thought they all ought to be shot, but that ten years of cooling time brought him to the conclusion he was willing to forgive them. I think the gentleman from Tennessee ought to have cooled a long time before that. But if after ten years of cooling time he could forgive the men whom he expected never to forgive, men who tried to destroy the best government in the world, I ask him can he not forgive a gallant Union soldier that fought under our flag? Can not the lapse of twenty years and more soften his heart so that he will forgive a gallant Union soldier?

The gentleman's argument goes upon the idea that you are not to consider anything but what was before the court-martial; that all light is to be shut out; that you have no right to go beyond what was before the court-martial. Now, I hold the Congress of the United States has the right to take light, let it come from where it may, and investigate everything anew in that light. You say you have no right to accept any new light that has come upon the subject since the court-martial convened and found Fitz-John Porter guilty. This is a very peculiar view of the gentleman from Tennessee, and I am astonished to find it shared by any number of intelligent men.

A lofty castle is built in the State of Tennessee and is so constructed that all light is excluded from it. Unless when they may see fit to open the windows from the turret to the foundation-stone of that castle there is nothing but darkness in it. The sun has arisen in heaven over the earth, and all the earth is enjoying its light; but in that castle all is darkness; you can not see a thing there. Close by that in the woods is a cabin with cracks badly stopped. When heaven's sun rises upon the earth the inhabitant of that cabin rejoices in the light that comes through the cracks, and everywhere from the rafters to the sill of that cabin there is light, and the man rejoices in the light.

I contend you have the right to take the light of heaven when it comes to you and thank God for it, let it come from where it will. But you say, and I am astonished any legal gentleman would maintain such a proposition, that light can not come to you unless it was first given to the court-martial; that if the verdict of the court-martial was a mistake it is a mistake that rules forever. I desire to remind the gentleman from Tennessee [Mr. HOUK] of the predicament he is in. He has so construed the Constitution of the United States and has so argued his law as if the soldier was not entitled to the same protection as the ordinary citizen. I hope he will keep that out of his printed speech so that the soldiers may not see it.

The gentleman's argument amounts to this, that while every American citizen is protected wherever he may be, while a Martin Koszta was under the flag of the United States even in a foreign nation, while our Government can protect everybody else, it can not protect a soldier. When a citizen, I care not how humble he may be, has been condemned by any court, if it is afterward found out that he is innocent, there is no time when his case can not be reached by a civil court. But here, says the distinguished lawyer from Tennessee—and I hope no man in this House will follow him in that view—here are soldiers and officers whose cases, if they have been unjustly condemned, can never again be reached. I ask the gentleman from Tennessee not to let the soldiers see that. If they do they will believe the Government is partial. If they have not the same rights as citizens the Government is not doing its duty.

Will you tell me the man who is fighting your battles, is risking his life every day, risking his honor and manhood and everything about him, is not entitled to as much protection from the Government as the citizen in civil life? Yet that is the position assumed by the gentleman from Tennessee.

I contend we have a right to all the light that is given to us; that we have the right to examine this case further than the court-martial did. I hold that we, an intelligent Congress of the United States, have the right to gather all the light that comes from every source. And I undertake to say that the trial of Fitz-John Porter by the court-martial was not a fair trial; that it did not do justice to the accused.

I want to contrast for a moment the treatment in another respect which a citizen gets before a court very different from what this soldier got. When this man who had fought for his country was before the court-martial did they give him the benefit of his good character as a man on trial in a civil court would have the benefit of his good character to rebut the presumption of guilt or any slight proof of guilt. Now, it appears from the facts of the case as they occurred before the court-martial that the fact of Fitz-John Porter being a man of honor and distinction and high and marked ability, his very services to his country and his high character were not allowed to weigh in his favor, but pointed him out as a man that ought to be cashiered! That was the view of the court-martial that tried him. It had been determined beforehand, and it is not worth while to disguise that fact, that at Washington it had been determined that General McClellan should be removed, and in order to accomplish that, as they could not charge him

with a violation of any order, it was necessary to take a man that loved McClellan, a man that McClellan had confidence in, and cashier him.

Then, again, I want to call the attention of the committee to the marked difference between the manner of a trial of an accused citizen by a civil tribunal and the trial of Fitz-John Porter. On the trial of a citizen in some of the States the law used to be that an interested witness would not be permitted to testify at all. That old law has been modified of late, and now the general rule is that an interested witness may testify, but the fact of his interest is taken into consideration, and the judge instructs the jury that they are to consider that in making up their verdict. Was there a disinterested witness in the Porter case? I put it to the members of this committee, can you point me to the name of a single witness that was brought before the court-martial that tried Fitz-John Porter who was not interested in his conviction? Was General Pope interested? General Pope was hunting around for a man to put the blame on. He thought there was blame to be cast on the Union forces for being whipped on that occasion.

Now, let me say right here that I think so, too. I think there was blame to be put somewhere every time the Union forces were whipped. I blame General Lee for it; I blame Longstreet; I blame Stonewall Jackson; I blame you all that were down there fighting and whipping us. [Laughter.] That is the whole case. And now why do we want to turn round and blame a Union general that did his whole duty and did it nobly? There is no doubt that we were whipped, but why? Was it because you gentlemen on the other side had better or braver men than we had? No. Was it because you had better generals to command your corps and your brigades than we had? No. Our soldiers were as good as yours, and yours were as good as ours. Our division commanders were as good as yours. But let me say—and I say it with all due deference to the admirers of General Pope—he was not the equal of General Lee, and that is the reason we were whipped there.

General Lee had a comprehensive mind, a great mind for strategy, a mind that could in a moment seize the situation and marshal his troops to meet it. I do General Pope honor; I say that he was a gallant officer; but when you compare him to such a man as Lee, does anybody believe he can stand the comparison? Is there a man who ever read the history of the late war who believes that General Pope was the equal of General Lee? Lee was a better commanding general than Pope, and that is the reason that our forces were whipped. And I want to say this right here in reference to General Lee: I thank God his cause died; I thank God that the government for which he fought is no more; but while I do that, I undertake to say that when the people of America reach the zenith of their glory they will remember Bob Lee as a great man, a man of great power of thought and power of command, and his memory will become a part of the pride and glory of America. Yes, sir; although defeated in his cause, although the government for which he fought is dead and gone, he will be remembered as one of America's great generals. General Pope will not. Other men on our side attained much higher eminence than he did. Let me just call attention to the contrast between the conduct of General Pope and the conduct of General Lee on that occasion. Lee knew where his command was and he knew where to put it. Did Pope know as much about his own command? Why, in the very last order that he gave to McDowell and Porter he acknowledged that he did not know where his command was.

Mr. HOUK. Will the gentleman permit me to ask him a question?

Mr. WOLFORD. Certainly.

Mr. HOUK. Did General Pope know where Fitz-John Porter was?

Mr. WOLFORD. No, sir. He did not know where his own command was. He didn't know where his command was, and he said to Porter—and my friend from Tennessee [Mr. HOUK] ought to read it and so ought my distinguished friend from Indiana [Mr. STEELE]—he said:

> I don't know where Ricketts is. I don't know where my command is.

Did he know where the enemy was? I put it to the candor of every man on this committee, did General Pope know where the enemy was? He ordered his officers to go and attack Jackson's right and get into his rear, but there stood old Longstreet in the way. I know how it was when Longstreet stood between a man and victory. I was in an army that encountered that obstacle. Well, there stood old Longstreet, with at least two soldiers to Porter's one, and how could Porter strike Jackson's rear? Why, in the last order General Pope gave he showed that he knew nothing about where the enemy was. He said, "They will be here the day after to-morrow night;" and at that very time there they were, standing within two miles of Porter, facing him, ready for a fight. Longstreet says now:

> If Porter had attacked us we would have demolished him; we had the power to demolish him, and we would have done it.

Sir, you can not read the orders that the distinguished gentleman from Indiana [Mr. STEELE] cited here—I hope he will put them in his speech—you can not read those orders without seeing that Pope was ignorant of where the forces of the enemy were. Every order that he gives bears upon its face evidence of his ignorance of the positions both of his enemies and of his friends, his own troops.

Do you apologize for General Pope upon the ground that Lee was a better general, or from the fact that Pope's command was new and the ground was new so that he did not know the true state of affairs? But before he gave a positive order to attack he ought to have known whom he was attacking and where he was attacking.

There is another consideration. Gentlemen speak of obeying orders. I am for obeying orders—not blindly, but I am for that sensible obedience to orders which will produce the best results for the country. There is a higher consideration than blindly to obey orders. Says the military commission that investigated this case, "If Fitz-John Porter had made the attack it would have brought ruin to our army, and Washington city would have fallen into the hands of the enemy." Says General Longstreet, "If Porter had attacked me, I would have demolished him and his army and would have taken Washington city."

Now, what right has any gentleman to say that Fitz-John Porter "murdered" a great many men, for that was about the language of the distinguished gentleman from Tennessee. Why, sir, he saved the army by what he did. I want to ask my distinguished friend from Tennessee whether he thinks there is no higher duty than obeying an order, though the man who gave it knew nothing about the true state of the case? I hold there is a higher duty than that. Every military officer who is fit to be such ought to be a father to the men in his command. Their honor, their happiness, their lives, are in his hands. Shall he blindly and foolishly subject those men to defeat and death when it is to do no good?

If you tell me that the sacrifice of part of any army is sometimes a *dernier ressort*—that there are cases in which a part of the army must be sacrificed for the good of the whole—I may admit it. I may admit that sometimes a military man with those under him must "lead a forlorn hope," knowing that he is to be sacrificed for the good of the army and the good of the country. I admit it; and in such a case the man dies a martyr for his country. But I deny that any commander ought to sacrifice his men when it is to accomplish no good, but simply to defeat and ruin the cause in which he is engaged.

I wish now to refer to some positions taken by my distinguished friend from Indiana [Mr. STEELE]. I will not go before that map of which he made such constant use. There are better and more enlightened maps, published from actual survey since the war. I do not care a fig for the gentleman's map; it has nothing to do with the discussion of this case. I was amused to observe how coolly and deliberately my friend from Indiana stood before that map and pointed out errors which are now known to the world. I could not help thinking "if that map were a battery, he would not be so cool and deliberate in pointing out errors." [Laughter.]

Do you say that Fitz-John Porter ought to have attacked, that he had an order to attack Longstreet? His order was to attack the rear and flank of Jackson. General Pope labored under the delusion all the time that there was nobody there but Jackson, and that Jackson was running all the time trying to get out of his way, when, in point of fact, Jackson never thought of such a thing. Jackson managed to get the better of all the forces Pope sent against him; he was not running. General Pope in his orders and in his report did injustice to every Union general in his command, and he placed the confederates where they were not in point of fact.

My friend from Indiana says that Fitz-John Porter ought to have gone right along—ought to have precipitated an attack—ought to have obeyed the letter of Pope's order. The letter of Pope's order was to fall upon the right, and if possible get to the rear, of Jackson. But to get there he would have had to go through Longstreet's whole army. That is a fact now known to everybody. That is what Longstreet now publishes to the world. My friend from Pennsylvania [Mr. BROWN] who shakes his head has not read Longstreet's late letter.

Mr. BROWN, of Pennsylvania. I have.

Mr. WOLFORD. It is now clear to the world that in order to get where Pope's order told him to get Fitz-John Porter would have had to go through Longstreet's army. But the order that was sent at thirty minutes after 4 o'clock never reached him until dark. He could not make the attack. He had been told, "The army is short of provisions, and you must fall back to Manassas." That was the last information he had.

But, says my distinguished friend from Indiana—and when he cools off he will find himself in regard to these facts in the same position as my distinguished friend from Tennessee is in regard to the law—when he cools off he will find that he is entirely mistaken. My friend from Indiana says that Fitz-John Porter ought to have gone right in there and whipped the enemy. He could not whip them. They had superior force. "But," you say, "Porter ought to have known where the enemy was." He did know. He had sent out reconnoitering parties and had knowledge upon which to act. Why did not my friend from Indiana read the whole of the record on this point? If he will put it in his speech and let it go to the country I shall be satisfied; for it will answer the positions he has taken. Fitz-John Porter knew where the enemy was and Pope did not know. Porter sent out a reconnoitering party who captured and brought in a number of Longstreet's men, and in this way he obtained information.

While that mock trial was going on—for, mark you, I claim it was nothing but mockery—all the time that mock trial was going on, here were

Pope and a host of other men marshaled for the purpose of giving testimony against Fitz-John Porter and dishonoring him. They were saying, "Oh, if he had obeyed orders we would have demolished Jackson." Fitz-John Porter said, "I could not demolish Jackson, for Longstreet with his army was between Jackson and me, and I knew it." When Longstreet was there, ready for the conflict, Pope was saying, "Demolish Jackson before Longstreet comes up." Longstreet was there then. Pope admits that Porter knew he was there. McDowell knew he was there.

Although the distinguished gentleman from Indiana and the distinguished gentleman from Tennessee are to-day admitting here for the first time it has ever been admitted in this discussion that Fitz-John Porter was not a traitor to his country, it was proclaimed at the time of his trial that he was a traitor and ought to be shot. This was the atmosphere around him at that time. Every gentleman who has practiced law knows how it is when mistaken views come from high quarters and a great prejudice is arrayed against a man. The air was full of denunction of Fitz-John Porter; it was proclaimed he was a traitor and ought to be shot. One officer declared, and a distinguished gentleman has said in this discussion he heard him say in his presence, that Porter ought to be shot, and that if he had the execution of the law he would shoot him.

That was the way they talked about him during the trial, and these are the circumstances under which he was tried.

I have said that every witness was interested; and so he was. Was not McDowell interested? Surely no one here will say he was not. Will the gentleman from Indiana [Mr. STEELE] or will the gentleman from Tennessee [Mr. HOUK] tell me that a single man was not interested who was a witness against Fitz-John Porter? It was because they were not willing to put the blame where it ought to be put—upon the confederates—and therefore they wished to find some one in our ranks upon whom the blame should be put, and then when it was done they wished him never to be forgiven. But I have said all I want to say on that proposition—whether he disobeyed any order on the 29th of August or not.

But, Mr. Chairman, suppose he did. Now would any gentleman here say that Fitz-John Porter ought to have sacrificed all his men? Will any one say that he ought to have destroyed our army, as the facts disclose he would have done if he had carried out the order which was issued to him? What was the issue? Fitz-John Porter could not have obeyed that order even if he had received it; but he said he did not receive it because Longstreet was there with two men to his one. Pope said that he was not there. That was the testimony before the court-martial. Who is right? As we now know, Fitz-John Porter undoubtedly was. Yet, sir, upon that false issue Fitz-John Porter was condemned. They believed Pope, and not Fitz-John Porter. Now everybody knows who wants to know it that from the first Fitz-John Porter was right, and things were precisely as he said they were.

My distinguished friend from Indiana [Mr. STEELE] said "that Fitz-John Porter ought to have sacrificed his army under such circumstances—that he ought to have obeyed his orders whatever the consequence might have been." I do not recognize that any commander has the right unnecessarily to lead to slaughter the men under his command—men who have looked up to him as their leader, their guide, and their friend, and especially when it could do no good to the country. If no good is to result, then the slaughtering of an army is the greatest possible wickedness on the part of a commander. Such is the doctrine of war. When no good is to come, when the officer who exercises the command is there and aware of all the facts, when he is perfectly informed of the danger of making the movement of his army, then he ought to be cashiered if he attempts to do that which besides destroying his army must necessarily lead to the surrender of the national capital. If Fitz-John Porter under the circumstances, understanding all the difficulties by which he was surrounded, knowing Longstreet was in his front with two men to his one—if he had gone into that fight and been shamefully whipped, which is what would have happened to him, then, I say, he ought to have been cashiered. Certainly he ought not to have been punished for having faithfully done his duty and saved the army and saved the capital.

But, sir, I wish to go further. I have been told in this debate that everything else can be reversed save the judgment of a court-martial. Now we all know, able and enlightened judges, when facts were placed before them to show error had been committed—the highest and ablest judges of England and America—have grandly said, rising up to the occasion, "We were wrong, and as far as possible we will reverse the decision we have made, correct the error, and right the wrong." The gentleman from Tennessee [Mr. HOUK] said that however much injustice and error might have been done by the Fitz-John Porter court-martial, at this late day that injury done him could not be righted. I was sorry to hear any such statement, and I hope we shall hear no more of it.

Oh, it is said, if you provide now that Fitz-John Porter shall be restored to the Army, it will disgrace the court-martial. We are told that Lincoln will be disgraced because he approved its findings. Is the reputation of Lincoln so precarious that it would be destroyed by the correction of an error which it is now admitted was committed during his administration? Do not say that any more. Do not let the people hear it, for they believed that Lincoln was a great man; they believed in his justice, and they knew he would not do wrong. They believed if the facts we now have before us had come to his knowledge he would have had the error corrected at once.

But it is said that Fitz-John Porter did not fight on the 29th. I think I have satisfied everybody that he ought not to have fought at that time. He disobeyed no order on the night of the 27th, and General Grant, after examining the facts, said it would have been physically impossible for him to have moved. The testimony of all the witnesses is to the effect that he could not have moved. General BRAGG said, in the presence of this committee, that he was ordered to move, and that he could not move although the wagons did not block him as they did Fitz-John Porter.

I want now to come to the 30th. You first charged him with violating the orders of the 30th. You said he was too long getting there. Now Fitz-John Porter moved with alacrity as soon as he got the order. The enemy was massing his forces. Fitz-John Porter knew they were being massed. He knew it all the time, and just so soon as he found that our army was massed he moved right along into the fight. Who can say he did not do his full duty? The gallant men who fought that day in the Union army and in the confederate army all agree he did his duty bravely and well. He led his men right into the fight. He encouraged them in the front of the enemy. He and they stood there as long as any one could stand. His men were covered with wounds and blood; they did all men could do. Every confederate who was there will say they did their duty, and did it nobly. Fitz-John Porter's corps made a grand stand, and by that stand helped to save Washington city from falling into the hands of the enemy.

Yet, sir, when the confederates who sought to capture Washington city are brought back and forgiven for the past; when they are restored, and it is considered all right and proper; while all this is done, we are told that Fitz-John Porter, a gallant and brave officer, who faithfully did his duty, to whom a grievous injustice has been done, shall not now, when it has been discovered, be restored to his rights.

He did his whole duty, and that is unquestioned and unchallenged by any one, before that memorable battle, and that fact may be brought up as evidence of his bravery and gallantry. Why, sir, it was never doubted. It could not be doubted; and yet you tell me, after the lapse of twenty-odd years, that that unjust sentence is still to be permitted to stand against him, and that, too, in the face of testimony which destroys the last vestige of ground for a charge against him.

But I wanted to call the attention of the committee, and particularly my friends from Indiana and Tennessee, to a few facts that exist. There is, Mr. Chairman, a kind of evidence that is considered most powerful and conclusive. I say that the kind of evidence that convicted Fitz-John Porter would not be conclusive in any civil court, and that no man could be convicted upon the testimony of interested witnesses telling contrary stories while trying to shield themselves. But there is a kind of testimony that I want gentlemen to stop and look at. It is the testimony that is called in the courts the testimony of experts; the testimony of men who understand thoroughly the subjects upon which they are called to testify, and who are capable of forming conclusions upon it. I want now to examine the testimony of a few experts and their construction of certain facts in order to show that Fitz-John Porter was not mistaken about the position of the enemy at any time during the battle or at any time while his command was in front of or near the enemy on that memorable occasion. I refer to the testimony of experts in military matters. The first witness I will call, and I suppose none of those distinguished gentlemen on my right here will say that General Grant was not an expert in military affairs—the first witness is General Grant himself.

Mr. Chairman, he carefully examined all of the testimony, both of Union and confederates, all of the testimony that was given before the court-martial, and weighed it all carefully, coolly, and deliberately, and went before the country after that examination in two letters, in which he says that the conviction of Fitz-John Porter was a shame, and that he proposed to stand by him while he lived; and, Mr. Chairman, he did stand by him while he lived.

There is the testimony of a man who knew as much about military affairs as any man and I say it without any fear of contradiction, for I think, like Lee, he was superior to Pope as a military man, greatly superior in military power and knowledge; and he says that Fitz-John Porter was right and that his treatment was unjust. I ask if it would not take a great deal of testimony in a civil court to overcome the testimony of an expert like General Grant on such a question?

And, sir, we have not only his testimony, but we have the testimony of all the board of officers who tried him. They got the light that comes from heaven, the light that has come everywhere, and the country is enlightened, history is changed, and opinions are modified in relation to this matter by the light which has been let in upon it. That military board with all the light before it said he did his duty; that his conduct was most wise, most sagacious, most true to his country, and most subordinate; that he was a gallant fighter, and they say he was condemned for fighting his own fight.

But, says the gentleman from Indiana [Mr. STEELE] and the gentle-

man from Tennessee [Mr. HOUK]: "Oh, very well, we know all that; but we can not give full credit to General Grant." Why will you not give him full credit? Do you deny that he is the greatest military officer of his age? Will anybody deny that? If you do, then of course you can not give him credit. But you say when he got old his heart was softened and that his brain was softened. Do you believe it?

Mr. HOUK. Does the gentleman desire an answer?

Mr. WOLFORD. Yes, sir. The gentleman is in a bad way because of his argument, and I want to give him an opportunity to set himself right.

Mr. HOUK. My argument stands before the House and the country; but, in the language of the gentleman himself, when age advances the heart melts and overflows. General Grant's kindness of heart prompted his great mind.

Mr. WOLFORD. The gentleman said that as age crept on him his brain softened——

Mr. HOUK. No, sir; nothing of the kind.

Mr. WOLFORD. That his heart became tender, and that he took a different view of the case than he would have taken some years back. I ask, do you believe it? Is there a man on this floor who believes that General Grant changed his view on any other ground than because he had examined more carefully, more thoroughly the testimony in the case? And yet gentlemen want to tell us now that his brain softened, that his judgment gave way, and that his feelings got the better of his judgment. I do not believe it.

But, sir, General Grant says Porter did his duty and his whole duty; and he said it deliberately. The military commission, which was composed of able, competent men—men who thought him guilty, men of capacity and character, like Schofield, Terry, Getty—say, when they had given an examination, a full examination, of all the testimony, that he had been dealt with unjustly. I do not know why the gentleman from Indiana and the gentleman from Tennessee take the positions they do under these circumstances. History says they were all great and good men; and yet upon an examination—and I bring them up as experts, as men who understand exactly what the thing is—these men testify as experts that injustice was done to Porter. I could go on and mention name after name of great and gallant men whose minds were cleared of prejudice against Porter by examining that testimony. You need not tell me that Mr. Lincoln's memory is assailed.

I do not believe, Mr. Chairman, if the same facts had been presented to Mr. Lincoln that he would have acted in a different manner than General Grant did. I believe he would have expressed the same opinion and taken the same ground. But he never examined the testimony taken by the court, but General Grant did. Fitz-John Porter importuned General Grant to examine it, and when he examined it it was a source of regret to General Grant that he had not examined it sooner, so that justice might have been done, while he had the power as President of the United States, to Fitz-John Porter.

But again, the President of the United States, Mr. Hayes, examined the case, and when he saw the evidence produced before the examining board and the court-martial, when he had before him every word of it, when he saw all that, he pardons Fitz-John Porter, goes as far as he can go, and says it is right he should be relieved of his disabilities.

Why should my Republican friends be so easily scared about the memory of Lincoln and the memory of Garfield? They say the court-martial was composed of good and true men. I am not here to say a word against that proposition. The men composing it, so far as I know, were good and brave men. And if Garfield was here would not his heart soften after this lapse of time? And if Lincoln were here would not his heart soften when he saw the injustice that had been done to a great and true and good and gallant man who had carried the flag of his country over many a battlefield? Every man's heart ought to soften in looking at this case and all ought to be willing to do this man justice.

I say to gentlemen on the other side you can not dodge this matter; you can not dodge the force of testimony; you can not dodge the power of truth. You want to tell me that we are hemmed in by the verdict of the court-martial; that we can not admit new light; that we must remain in the dark; that we can not go beyond the verdict of the court-martial; that no power on earth can redeem a poor soul to which a court-martial has done injustice, but that it must ever remain to be treated with contempt.

I admire the military record of Fitz-John Porter, and hold it up before the country as one which, up to Bull Run, was admitted even by his enemies to be spotless, and that he was brave and good and true and skillful. But I admire more than that in him; for he is a model hero. When he had been condemned unjustly he said, "You have condemned me contrary to the truth of the case; the facts are as I have stated them to you;" and from that day to this he has never ceased to claim vindication, while the withering blasts have been upon him; while the disgrace of being cashiered has hung about him like death; while he feels it, as every sensitive soldier must feel it, for there is nothing a true soldier feels more keenly than the fact that a good name is better than great riches—that his honor is better than his life. I have never seen Fitz-John Porter, but I have read his history, and I say there is no soldier that ever could have fought as Fitz-John Porter fought and not rather have died than have had that unjust verdict found against him. He comes and asks to have it reversed. He asks Lincoln, he asks Grant, he asks Hayes, he asks everybody to give him a chance to vindicate his character. And I ask you to consider what his character was. You have a low estimate of the character of an officer if you do not feel that he would prefer anything on earth to disgrace and dishonor and scorn.

I do not appeal to your sympathies, lest it should be said of you, as of General Grant, that he was a little tender-hearted; lest it should be said of you that it indicated a softening of your brains, as the gentleman said about General Grant. But if you pass this bill you do a noble thing, which vindicates your manhood and the feelings of your own great hearts.

It has been said upon the other side, "Oh, the Democrats are united about this." Great God! how could the Democrats be anything but united on such a proposition? When such a just cause as this comes before the Democrats, and they see all the light, if any of them denied justice I would be for turning such a man out of the Democratic church. That is the reason they are united; it is the justice of this case which unites them. And can you gentlemen of the Republican party be lashed and whipped into being united on the other side because the Democrats are united in the cause of justice? This can not be done; there are too many gallant men in your party who are determined to do right and to vindicate Fitz-John Porter, even if it be late, and give him what he desires.

What are you asked to do? You are simply asked to restore him to his rank. We have more expert testimony. We have the President of the United States, we have not only the finding of the examining board, but we have the view of General Grant, and we have the action of President Hayes, and we have pretty nearly all the journals of the United States willing to vindicate Fitz-John Porter because of the light that has flashed all over the country. The truth of Heaven about this case is now known to every man who wants to investigate it. The facts are now known to all the people, high and low, and three-fourths in their hearts vindicate Fitz-John Porter.

But I want to go a little further. A bill similar to this was pending before this House and the Senate in the last Congress and gentlemen made angry speeches. Some of the distinguished gentlemen here even undertook to take the ground that they were not opposed to Union men voting upon it, but they said that a man who had been in the confederate army ought not to vote. I had to answer a gentleman from Michigan—not my distinguished friend now before me [Mr. CUTCHEON]—on that proposition in the last Congress. I remind you that the Congress of the United States with all the light before them, not, however, as much light then as there is now, for there have been recent publications that group the facts and bring them in a strong light—the Congress of the United States, upon a fair and deliberate vote, passed that bill, one-third of the Republican party against the party lash coming up and voting for it, as did pretty nearly all the Democrats. Do you say this is no vindication?

And when the President of the United States, Mr. Arthur, upon a quibble which no man——

The CHAIRMAN. The time of the gentleman from Kentucky [Mr. WOLFORD] has expired.

Mr. HOUK. Mr. Chairman, I wish to say a word before the gentleman from Kentucky takes his seat.

Mr. BRAGG. Mr. Chairman, I ask that the time of the gentleman from Kentucky [Mr. WOLFORD] be extended ten minutes.

The CHAIRMAN. The gentleman from Wisconsin [Mr. BRAGG] asks unanimous consent that the time of the gentleman from Kentucky [Mr. WOLFORD] be extended for ten minutes. If there is no objection it will be so ordered.

There was no objection.

Mr. HOUK. Mr. Chairman, I am wholly indifferent so far as regards those who heard what I said here the other day——

Mr. WOLFORD (interposing). The soldiers of this country will never be indifferent to your remarks, sir, which would place them in a worse position than citizens.

Mr. HOUK. One moment. I am perfectly willing that the soldiers shall know everything that I have said, but I am unwilling that the gentleman from Kentucky [Mr. WOLFORD] shall stand up here and say five or six or seven times that I have made any allusion to General Grant, either directly or indirectly, that can be tortured, twisted, or construed into an intimation that he had softening of the brain or into any other unkind remark about him.

Mr. WOLFORD. Oh, everybody knows what you said. I advised you to keep it out of your printed speech, and, for your honor, I now advise you to strike it out of your speech. [Laughter.] Everybody knows what you said, and I do not intend to yield the floor for you to get up now and make another speech. You spoke here the whole day and you said just what we on our side wanted you to say, for nobody could hear your speech and not believe that Fitz-John Porter ought to be vindicated.

Mr. HOUK. There is no doubt that he needs vindication, but he will never get it in the hearts of the people.

Mr. WOLFORD. The hearts of the people are away in advance of you, sir, as they were when you were considering whether you would forgive the rebels or not. The hearts of the people are ten years in advance of you, and they have decided that Fitz-John Porter ought to be relieved. Oh, sir, it will be like the voice of salvation to the people when they hear that that long injustice has been righted by this great Congress of the United States.

Now, Mr. Chairman, I wish to say a word about some other things. There is one argument that I want to pay some attention to. It was hinted at by my friend from Indiana [Mr. STEELE], and I give that gentleman credit for making a manly speech, especially that part of it in which he said that Fitz-John Porter was not a traitor; and I give my friend from Tennessee [Mr. HOUK] credit for saying the same thing. But, sir, if Porter had obeyed the order that General Pope gave him, the blood of his men would have been upon his head. Do you say he ought to have obeyed that order without regard to the lives of his men? Do you tell me that an officer should kill his men just for fun; that Porter should have done it because a general who did not know where his own command was or where the enemy was commanded him to kill them?

Sir, with Lee and Longstreet and Jackson there, with their forces massed and ours scattered, there never was a time in that battle when our soldiers could have whipped. They did their best. They did it nobly and grandly, and they should be honored for it, and Fitz-John Porter ought to be honored for the noble part he took in that fight.

But I want to say a word about an argument that is secretly handed around among our friends who want to find an excuse for voting against Porter—and certainly no man will vote against him unless he can find an excuse. The case is too straight for that. I am not going to say anything more about the position of the armies in that engagement. I wish I had a day to go into the whole matter; but I am to be followed by abler men than I am, men that were there, on both sides, and who will tell this House all about it. I want to call attention now to this argument about the necessity of strict discipline.

Sir, the rules and regulations of the Army were framed for the discipline of the Army, but they were never intended to reach the high and lofty dignity of a court of enlightened jurisprudence. When Fitz-John Porter was condemned, it was done in the interest of "discipline." It was thought that if somebody in the Union Army was not condemned by court-martial the rebels would carry everything, and so Fitz-John Porter was made the victim. Gentlemen, I would not give a fig for the discipline that rests upon fear. Any man in the Union Army or in the confederate army, or in any other army, that was held to his duty only by fear was no benefit to that army and the army would have been better by getting rid of him as quickly as possible. I would not undertake to control a soldier by fear. I would appeal to his love of country. I would appeal to his just pride. I would appeal to his love of fame. I would invite our soldiers and our officers to aim at a higher standard than any which is influenced by fear. I would say to them, "Your country demands it; the good of mankind demands it." That is the ground upon which I would appeal to them.

When he was fighting that gallant fight do you tell me he was not Pope's friend, though he loved his country? You can not deny that he loved his country with his whole soul. You can not deny that he loved McClellan. Well, I loved McClellan too. I love him yet, although he is dead. And, in my opinion, it was only to keep him from being President that he was removed. Yes, Porter loved McClellan, and he loved his country; but it is said he did not love Pope. The gentleman from Indiana said that Porter "wished he were well out" of the affair. Well, I ask any gentleman—I ask the distinguished gentleman from Pennsylvania [Mr. CURTIN], now before me—whether he would not wish himself "well out" when he had not confidence in his commander, a commander who, as it was afterward shown, was not competent? Would you not wish you and your men were "well out of it?" Such a wish would only show a man to be a true soldier; that he loved his men. But, it is said, he not only "wished himself out of it," but wished "Little Mac." was there to operate with him. If such had been the case, it would have been known where the enemy was and how he was to be met.

On this question of discipline it has been said that the utility of that court-martial was to scare somebody; to make somebody feel that he must certainly be cashiered if he did not whip the rebels the next time he met them. Why, sir, you can not say that any of our distinguished officers were scared by such a thing. I admit that there are sometimes men whom nothing but the lash will scare, who are callous to every consideration of honor and manhood. But if there were such a man in the Army, do you suppose you could by scaring him lift him up to the point of being any good to the service?

As to the power of Congress, I say we have the power to relieve Fitz-John Porter and put him back where he stood. Both Houses at the ast session said he ought to be relieved; and when the President vetoed that bill, over two-thirds of this House came up and again said he ought to be relieved. And three-fourths of all the intelligent citizens of America say to-day he ought to be relieved. You may now vote to keep that withering blight upon him until he dies—vote that his children are forever to be disgraced; but if you do that, then in the sight of Heaven, in the sight of all good and true men, in the sight of all true military men, in the sight of all philanthropists, in the sight of the wise and great and good of all times, you will have cast a vote that they will repudiate.

[Here the hammer fell.]

Mr. NEGLEY. Mr. Chairman, I have a profound respect for the opinion of the honorable gentleman from Kentucky, and as well a high admiration for his patriotism. To the gallant services of himself and other Union men in Kentucky is due the fact that the eastern portion of that State was not severed from the Union and turned over to the confederacy in the early part of the war; but I differ widely from the gentleman in his interpretation of the facts, also his conclusions.

Any one who will calmly, in a cool hour of reflection, study the evidence and consider the enviable reputation of the officers who composed the jury that tried Fitz-John Porter will agree with me that if ever an officer was guilty of insubordination, cruel and vicious insubordination, it was Fitz-John Porter. But I did not rise to traverse the road which has been so well beaten in argument by others who have made the facts in this case a painstaking study. I desire, however, to open another page in the personal history of General Porter in an equally critical period in the early days of the rebellion, when he exhibited his private jealousies and professional pedantry to the injury of our cause almost as conspicuously as he did under General Pope.

When the command of General Patterson was stationed at Martinsburg, on the south side of the Potomac, and every general officer or commander of a brigade was impatient to advance upon the enemy at Winchester or to flank that position and cut the communications between Beauregard and Johnston, Fitz-John Porter privately advised Patterson against it; and when the notable council of war was held on the morning of the 9th of July at Martinsburg, where the policy of a forward movement and the direction it should take was discussed in all its bearings, and it was advised by each of the commanding officers present but one that the position we held was a weak and untenable one and would be void of advantageous results if we remained, also that it was vitally important that we should change and shorten the line leading to our base of supplies, thereby turning Johnston's position at Winchester and threatening his railway communications, thus compelling him to either give battle outside of his intrenchments or retreat on Manassas, allowing Patterson's column to co-operate with McDowell or relieve his reserves without fear of exposing his lines of communication. In fact General Patterson occupied the pivotal position between the contending armies.

In case Johnston had determined to hold Winchester, as we knew he was desirous of doing, he would not care to weaken his force to an extent sufficient to materially aid Beauregard. But what was the sequence? It was determined at this meeting of officers to occupy Charlestown at once, and operate in the direction of Berryville. Orders were issued to me to move with my command as soon as my transportation and supplies could be supplied. At this point occurs my knowledge of Fitz-John Porter's timidity and opposition. A general officer, who shall be nameless, because his lips are silent in death, said to me, "You need not be in a hurry to move your command, for Major Porter is opposed to it, and will advise Patterson against it." And so it happened that after I had my whole command and transportation in line ready to march orders came from "headquarters" directing that I should return to camp, and thereby losing the only opportunity afforded General Patterson to accomplish a strategic movement.

On the 16th of July, five days later, General Patterson's entire command marched over the very route condemned at the council of war on the 9th, and encamped for the night at Bunker's Hill. No demonstration in force against the enemy was attempted, and really no effort was made to feel his position. I rode myself, attended by an orderly, nearly a mile in front of our lines. We then, without seeming purpose, turned our backs on the enemy and marched to Charleston, where, according to the confederate reports, "Patterson had moved 20 miles away, and was powerless to inflict any injury upon Johnston," leaving him to withdraw his forces at pleasure. I was told at the time and believe that Porter inspired this fatal blunder.

General Patterson was a gallant and efficient officer, and I willingly pay tribute to his honor, to his courage, and to his distinguished services in Mexico. I witnessed instances of his valor and skillful generalship near Cerro Gordo and other fields in Mexico, and I know that he was patriotic, honorable, and trustworthy; but he was embarrased and confused by conflicting orders and the persistent and timid advice of his chief of staff. He took the blame upon himself and sheltered the culpable.

While it is true that the term of service of the men was drawing to a close, they were eager to meet the enemy, but were disheartened by tardy movements and fruitless endeavors. Even after Patterson's army had reached Charlestown he might have struck the enemy a decisive blow, or compelled Johnston to delay sending re-enforcements to Beauregard, or captured the six thousand men he left in Winchester. When Beauregard, at a critical moment during the engagement at Bull Run, prayed for a few more fresh regiments, Colonel Smith, with his battalion, might have said, "Here I am, General Beauregard, by the grace of Fitz-John Porter;" and you all know that this timely arrival of Smith's com-

mand at 3 p. m., after a journey of two days from Winchester, overwhelmed the already weakened forces of McDowell and turned the tide of battle in favor of the confederates.

Far be it from me to tarnish the fair fame of any soldier, much less to deny justice to an officer who seeks his own vindication, but we are all aware that the vanity, professional pride, and envious purposes of subordinate commanders not only turned many a victory into defeat, but wantonly sacrified the lives of thousands. The flippant vanity and tardy movement of a subordinate officer in General Rosecrans's command plucked the laurels of fame from "Old Rosy's" brow and inflicted disaster upon his army. There are many other well-known instances, but I need not recall them to emphasize my argument; but if Congress deems it to be its duty, after these years of patient suffering, to remove this stigma of disgrace from deserving officers, then commence with far more meritorious cases than that of Porter.

Take the hero of Iuka, the invincible commander of the Union force at the battle of Stone River, the masterly strategist of the campaign of Tullahoma, where, but for the bravery and splendid skill of a confederate officer, now a member upon this floor, Bragg's army would have been cut in two and destroyed in detail. For twenty-odd years the iron has been left to burn in the soul of "Old Rosy."

Gentlemen, let us be candid and honest with ourselves. If you will quiet the rage of party in this Chamber and deal with the facts as they appear of record, I do not believe 50 votes would be given in favor of the restoration of Fitz-John Porter. In want of a more forcible argument, reference has been repeatedly made to the favorable opinion expressed by General Grant. I bow in reverence to the wisdom and to the immaculate honesty of the great hero of the American war, but we know his goodness of heart, and that his sympathy for a comrade was as tender as a woman's. It was this humane and considerate desire of his nature that caused his fame to fill the entire horizon of the world's admiration for him both as a man and as a soldier. That his opinion was based upon an error as to all the facts is evidenced by his qualification in regard to the supposed battle on the 29th. I view his opinion as the outcome of his generosity rather than a correct summing up of the historical records bearing on this engagement.

Mr. Chairman, I have already spoken longer than I had intended. It was my purpose to simply state the reasons why I shall vote against the pending bill, and leave the constitutional questions, with the résumé of the trial, to the able gentlemen who will speak on this occasion.

I yield twelve minutes to the gentleman from Iowa [Mr. FULLER], and reserve the remainder of my time.

Mr. FULLER. Mr. Speaker, in the few moments allotted me I can only briefly touch upon the questions involved in this measure. I have examined quite carefully the facts in this case, and the more I have investigated the more I am convinced that from the time General Fitz-John Porter, on the 23d of August, 1862, was ordered to report to General Pope for duty, by direction of General Halleck, he was not in harmony with his commanding general; that he was guilty of conduct unbecoming an officer; that he was not a true soldier; that during the operations at Manassas he repeatedly refused and neglected to obey his commander-in-chief, and that to his course can be traced the direful results to the Union arms on that bloody field.

It is a grave experiment to open up and review the action of a court made twenty-three years ago, who acted upon the case when the facts and circumstances were fresh in the minds of witnesses. A court composed of such men as Major-Generals Hunter and Hitchcock, Brigadier-Generals King, Prentiss, Ricketts, Casey, Garfield, Buford, Slough, and Judge-Advocate-General Holt; a court made up in the main of old and experienced officers of the regular Army, who had the confidence of their brother comrades in arms and the people of the country! [Applause.]

In brief, what are the charges? First: General Pope ordered General Porter to march from Warrenton at one o'clock on the night of the 27th of August, 1862, so as to be at Bristoe Station by daylight on the morning of the 28th, to assist General Hooker against Jackson. General Porter, instead of reaching Bristoe at daylight, arrived there at 10.30 in the morning, six hours after daylight.

General Porter files a special plea. He admits that he did not obey the order, but puts in a plea of confession and avoidance. He says "that his men were tired, the night was too dark to march, and that there was a wagon-train on the road toward Bristoe." Such excuses would never have made Ethan Allen the hero of Ticonderoga or have caused Stony Point to be stormed by General Wayne. The testimony shows that General Porter's command had only marched a few miles that day, no more than was needed for good health. It may have been too dark for General Porter to advance forward and assist General Hooker in an important movement, but it was not too dark for Generals Longstreet, Stuart, Hill, Ewell, and Jackson to move their commands that night as directed in order to be in a favorable position at early dawn. This plea will never receive the indorsement of an unprejudiced jury.

The second order which General Porter disobeyed is the one known as the joint order of the 29th of August to McDowell and Porter. General Jackson had come to a stand at Groveton. Our forces opposed to him had been severely dealt with and were calling for re-enforcements. General Pope had replied that McDowell and Porter were *en route* from Manassas. On the morning of the 29th of August General Pope had sent the following order:

HEADQUARTERS ARMY OF VIRGINIA,
Centreville, Va., August 29, 1862.

Push forward with your corps and King's division, which you will take with you, upon Gainesville. I will follow the enemy down the Warrenton pike. Be expeditious or we shall lose much.

JOHN POPE,
Major-General, Commanding.

To Maj. Gen. FITZ-JOHN PORTER.

The Porter column had halted near Dawkin's branch, between 4 and 5 miles from Manassas, in direction of Gainesville. The testimony shows that this was between 10 and 11 o'clock a. m. The joint order to McDowell and Porter had been received before this. Porter had some ten thousand fresh troops in plain sight of a battle as early as 10 o'clock in the morning, and there he stopped, notwithstanding he was marching in pursuance of an order that said "push forward with your corps." He was in hearing of the battle, and yet he remains there until 6.30 in the evening. I am afraid that General Porter's hatred of General Pope was greater than his love of country. The next order disobeyed was the one known as the 4.30 order. General Porter should have been in the battle by noon, but he failed to put in an appearance. A peremptory order was sent to him at 4.30 p. m. "to push forward into action" at once on the "enemy's flank, and if possible on his rear." Did Porter do it? There is some conflict in testimony as to the time this order was received. It certainly was before 6 o'clock p. m. on a bright afternoon in August. He says first it was too late in the day to obey the order, but he negatives that by again saying that Longstreet was on his front and that he could not obey.

These two excuses do not go together. Porter did order General Morell to attack, and then before Morell could arrange his forces he countermands it. There must have been two hours of daylight after receiving that order. But General Porter says the enemy was in front of him. Is that an excuse? Did he try to find out as a fact whether or not the enemy was in front of him? Was it not better for General Porter and his command to be sacrificed than an utter rout result?

Theirs not to reason why,
Theirs but to do and die.

Was this the spirit that animated Wallace, Prentiss, Hulbert, and their troops on that bloody field of Shiloh, at the "Hornets' Nest," that resisted the terrific attacks of the flower of the confederate forces for six long hours and saved General Grant's army from defeat?

Was this the spirit that animated General Longstreet on the third day at Gettysburg, when ordered by General Lee, against his remonstrance, to attack the Federal position at Cemetery Hill? No, General Longstreet faithful to the cause he had sworn to uphold, obedient to his commander's orders, prepared his troops for the attack, and at the time stated those nine brigades responded to the signal. The deeds of heroism performed on each side of the contest on that field redound to the glory of American courage and have received the plaudits of the world.

There is no evidence that there was a large force of the enemy in front of General Porter. It is true that Rosser's troops had kicked up some dust as the galloped up and down the road with brush tied to their horses. From the evidence we must come to the conclusion that neither Porter nor his generals knew what was in front of them, nor do we find that they made any attempt to ascertain. He failed to obey the orders of his superior officer. That order should have been obeyed even if he had to advance his columns into the midst of the enemy. Yes, attack the enemy even if he knew that Lee, Longstreet, and the entire Southern army were to oppose him.

There is no excuse for General Porter that might be urged in behalf of a volunteer officer. He was a trained soldier, educated for the profession, and had seen much service. He knew that the life of a soldier was one of duty; that he must be obedient, and always ready; that when "called out by the trumpet, he must come;" that "when ordered to go forth in some perilous enterprise, he must go." There is no arguing; "he must obey orders even though it be to march into the cannon's mouth." "Obedience, submission, discipline, courage, these are the characteristics which make a soldier." General Porter, instead of wishing to be back with McClellan, instead of looking upon General Pope with distrust and hatred, should have adopted the motto of Lord Lawrence, "Be ready;" or the great Wellington's saying in Portugal,

I came here to perform my duty, and I neither do nor can enjoy satisfaction in anything excepting the performance of my duty to my own country.

If General Porter had possessed some of the elements of a Napoleon and had hurled his ten thousand fresh troops upon the enemy that evening, or, like Washington at Monmouth, rode at the head of his columns and charged upon the enemy, a Federal victory in all probability would have been the result.

General Porter for the disobedience of these orders was tried by a court-martial a few months after those occurrences. He was cashiered by approval of the general-in-chief, Secretary of War, and Abraham Lincoln, President of the United States.

Mr. Speaker, as one of the Representatives on this floor from the State

of Iowa I desire to enter my protest against the restoration of this man. Iowa sent forth at the call of the country eighty-three thousand of her young and best blood, who were ever found where duty called. No Iowa soldier was ever known to falter in the face of the enemy or refuse to obey an order, and I would be recreant in my duty to those brave men if I failed to, in their name, condemn this action which I fear is about to be taken by this House.

Permit me to say, sir, that I believe it is an insult to every soldier who periled his life to preserve this Republic and to those who followed so bravely, obediently, although unwisely, the stars and bars, for this House to now place upon an equality with them one who failed in the face of the enemy to obey the orders of his commander. It is an insult to the court, made up of competent and true soldiers of the Army, who gave this case a careful hearing for three months and decided that he was guilty of the charges preferred against him; an insult to the President of the United States who affirmed the verdict. In short, an insult to duty, obedience, to all that makes the true man and patriot.

Let no idle sentiment prevail in this House. We are, as it were, sitting as a court to review the action of a tribunal legally constituted twenty-three years ago. It is no time for political or personal differences. Let justice be the end in view. Let us in our deliberations remember the Goddess of Justice, Asteria, who with bandaged eyes presides over judicial proceedings with scales equally balanced. Let us decide this case so that our conscience will approve and our decision be approved by the world.

Mr. BRAGG. Mr. Chairman, I move that the committee do now rise.

The motion was agreed to.

The committee accordingly rose; and the Speaker having resumed the chair, Mr. SPRINGER reported that the Committee of the Whole House on the Private Calendar, having had under consideration the bill for the relief of Fitz-John Porter, had come to no conclusion thereon.

LEAVE OF ABSENCE.

By unanimous consent, leave of absence was granted to Mr. BOYLE for three days, on account of important business.

And then, on motion of Mr. BRAGG (at 4 o'clock and 14 minutes p. m.), the House adjourned.

PETITIONS, ETC.

The following petitions and papers were laid on the Clerk's desk, under the rule, and referred as follows:

By Mr. J. A. ANDERSON: Petition of 98 citizens of Burlington, Kans., for the equalization of bounties—to the Committee on War Claims.

By Mr. BLANCHARD: Papers relating to the claim of J. R. Shannon, for relief—to the same committee.

By Mr. BOUTELLE: Memorial in behalf of a discriminating duty in favor of American manufactured box-shooks—to the Committee on Ways and Means.

By Mr. W. C. P. BRECKINRIDGE: Petition of William H. Gray, for payment for services and expenditures in the internal-revenue service in Kentucky, as recommended by the reports of the Committee on Claims of the House and Senate—to the Committee on Claims.

By Mr. W. W. BROWN: Papers relating to the claim of William Kendall—to the same committee.

By Mr. BUNNELL: Petition of Eliza E. Berry, widow of Samuel G. Berry, to accompany bill for her relief—to the Committee on Invalid Pensions.

By Mr. BURROWS: Petition of N. V. Lovell and others, and of R. Durkee and others, of the fourth Congressional district of Michigan, protesting against the demonetization of silver—to the Committee on Coinage, Weights, and Measures.

By Mr. BUTTERWORTH: Petition of 200 ex-soldiers and sailors of the Union Army residing in Cincinnati, Ohio, praying for pensions to all soldiers and sailors of the late war—to the Committee on Invalid Pensions.

By Mr. CLEMENTS: Petition of Elizabeth Thomas, for reference of war claim to the Court of Claims—to the Committee on War Claims.

Also, memorial of C. H. Humphreys and others, of Georgia, for the passage of the Blair educational bill—to the Committee on Education.

By Mr. COBB: Petition of citizens and soldiers, asking for a law pensioning all soldiers and sailors of the late war—to the Committee on Invalid Pensions.

By Mr. COLE: Memorial of the mayor and city council of Baltimore, in reference to the depression now existing in the cooperage business in the United States—to the Committee on Ways and Means.

By Mr. CONGER: Petition of citizens of Dallas County, Iowa, asking for condemned cannon to plant around soldiers' monument being erected by the Grand Army of the Republic posts of Dallas County, Iowa—to the Committee on Military Affairs.

By Mr. CRAIN: Resolutions subscribed to by more than 500 citizens of Galveston, Tex., asking that an appropriation be made to accomplish speedily the improvement of the entrance to Galveston Harbor, so as to admit of the ingress and egress of the largest class of sea-going vessels, and that the plan for such improvement be disconnected from, and not made dependent upon, the uncertainty of successive annual appropriations, which may or may not be made in the general river and harbor bills, but based on an appropriation at once made of such sum as will give assurance of the continuous prosecution of the work to its ultimate and successful completion—to the Committee on Rivers and Harbors.

Also, petition of Edward Bird, of Tooele City, Utah, late mate in the United States Navy, asking for three months' extra pay allowed to volunteers who served to the end of the war—to the Committee on War Claims.

By Mr. CRISP: Petition of the Altamaha convention, asking appropriations for the improvement of the Altamaha, Oconee, and Ocmulgee Rivers, in the State of Georgia—to the Committee on Rivers and Harbors.

By Mr. R. H. M. DAVIDSON: Petition of 267 citizens of Lakeland, Fla., and vicinity, praying for the forfeiture at least of the unearned lands claimed by the Florida Railway and Navigation Company—to the Committee on the Public Lands.

By Mr. DAVIS: Petition of Ellen M. Sprague, asking that a pension be granted her—to the Committee on Invalid Pensions.

Also, remonstrance of Dean S. Linnell and 83 others, citizens of Luna and Orleans, against the appointment of an international fisheries commission—to the Committee on Foreign Affairs.

By Mr. DINGLEY: Petitions of Atwood & Rich and 73 others, ship owners and masters, of Boston, Mass.; of K. C. Rankin and 361 others, of Rockland, Me.; of R. F. Crie and 63 others, of Gloucester, Mass.; of S. W. Fifield and 64 others, of Deer Isle; of David Howe and 67 others, of Lincolnville; of Eben W. Crie and 33 others, of Matinicus Isle; of Edwin Andersen and 18 others, of Camden; and of E. B. Neally and 23 others, of Bangor, Me., for the construction of a breakwater at Matinicus Isle, Me., to provide a harbor of refuge—to the Committee on Rivers and Harbors.

By Mr. DUNHAM: Petition of J. D. McNabe & Co. and 53 others, citizens of Chicago, favoring a general reciprocity treaty with the Dominion of Canada—to the Committee on Foreign Affairs.

By Mr. DUNN: Petition of G. B. Walker, administrator estate of Louisa Chism—to the Committee on War Claims.

By Mr. ELDRIDGE: Petition of 36 members of Post 45, Grand Army of the Republic, of Michigan, praying for the passage of the measure recommended by the committee of the Grand Army of the Republic—to the Committee on Invalid Pensions.

By Mr. EVERHART: Petition of citizens of Chester City, Pa., praying for an appropriation to repair the piers of that city in the Delaware River or cede them to said city—to the Committee on Rivers and Harbors.

By Mr. FREDERICK: Memorial and concurrent resolution by General Assembly of Iowa, relative to internal-revenue tax on all and any substance in the semblance of butter and cheese not made exclusively from milk and cream—to the Committee on Ways and Means.

Also, petition of the Fifty-fifth Illinois Regiment of Infantry, in behalf of Francis H. Shaw—to the Committee on Military Affairs.

By Mr. FUNSTON: Petition of citizens of Douglas County, Kansas, asking for the passage of a bill recommended by the pension committee of the Grand Army of the Republic—to the Committee on Invalid Pensions.

Also, petition of citizens of Spring Hill, Kans., for the passage of the Oklahoma bill—to the Committee on the Territories.

By Mr. EUSTACE GIBSON: Petition for marine hospital at Point Pleasant, West Va.—to the Committee on Naval Affairs.

By Mr. C. H. GIBSON: A bill for an appropriation of $5,000 for making survey and cost of improvement of Fairlee Creek, Maryland—to the Committee on Rivers and Harbors.

Also, a bill for the improvement of Dividing River, Maryland—to the same committee.

Also, a bill for an appropriation of $20,000 to complete improvement of Corsica Creek, Queen Ann County, Maryland—to the same committee.

Also, petition from Massey & Gray and others, of Greensborough, Md., for an appropriation of $10,000 for completion of work of improving Choptank River between Denton and Greensborough—to the same committee.

Also, petition of James Alfred Pearce, William S. Walker, Richard Hynson, and others, Kent County, Maryland, for an appropriation of $5,000 for cost of survey and improvement of Fairlee Creek, Maryland—to the same committee.

Also, petition from citizens of Worcester County, Maryland, for an appropriation sufficient to complete iron pier in Delaware Bay at or near Lewes, Sussex County, Delaware—to the same committee.

Also, petition from E. E. Jackson, president Salisbury National Bank, and other citizens of Wicomico County, for repeal of silver-coinage law—to the Committee on Coinage, Weights, and Measures.

By Mr. GILFILLAN: Petition of citizens of Minnesota, for additional pension legislation—to the Committee on Invalid Pensions.

By Mr. GLOVER: Petition of John Schenck, for correction of military record—to committee on Military Affairs.

Also, petition and papers of John M. Brown, of George Schenck, of William Ecks, and of Peter Kumpff, severally, for an invalid pension—to the same committee.

Also, petition of 100 merchants of Saint Louis, for immediate action on the silver question—to the Committee on Coinage, Weights, and Measures.

By Mr. GOFF: Petition of John W. Kennedy, for compensation for services as assistant counsel in the case of Jacob B. Brown *vs.* Daniel J. Young in the circuit court of the United States at Parkersburg, W. Va.—to the Committee on Claims.

By Mr. R. S. GREEN: Petition of Dr. O. S. Belden, for relief—to the Committee on Military Affairs.

Also, memorial for an appropriation of $5,000 to finish improvement of South River, New Jersey—to the Committee on Rivers and Harbors.

By Mr. HALSELL: Papers to accompany bill for the relief of Robert Lashley, of Edmonson County, Kentucky—to the Committee on War Claims.

Also, petition of B. F. Hardin and others, of Monroe County, Kentucky, for the benefit of the soldiers of the late war— to the Committee on Invalid Pensions.

Also, papers relating to the claim of Hon. John Burname, of Bowling Green, Ky.—to the Committee on War Claims.

By Mr. HAMMOND: Petition of Judge Richard H. Clarke and other officers and citizens of Fulton County, Georgia, in favor of aid for educational purposes—to the Committee on Education.

By Mr. HAYNES: Memorial of citizens of Dover, N. H., in reference to a public building in that city—to the Committee on Public Buildings and Grounds.

Also, petition of George N. Crockett and others, of Hancock, N. H., asking pension legislation in accord with the recommendations of the pension committee of the Grand Army of the Republic—to the Committee on Invalid Pensions.

By Mr. D. B. HENDERSON: Paper from Joseph B. Sellers, of Putnamville, Ind., relating to pension for amputation—to the same committee.

Also, petition of Mrs. E. E. Fitch, president of the Woman Suffrage Association, Clara C. Butes, secretary, and 23 others, prominent citizens of Galva, Ill., in favor of woman suffrage—to the Committee on the Judiciary.

By Mr. HITT: Petition of A. J. Swezey and 240 others, citizens of Winnebago County, Illinois, for a constitutional amendment providing for the election of United States Senators by direct vote of all legal voters—to the same committee.

By Mr. HOLMAN: Petition of Mrs. Ardenia Dillon, widow of Capt. William P. Dillon, late captain Company D, Sixth Indiana, and Company C, One hundred and forty-sixth Indiana Regiment—to the Committee on Invalid Pensions.

Also, petition and papers of many citizens of Union County, Indiana, praying that a pension be granted to Hannah Rigor, of that county, mother of David Rigor, late private Company A, Sixteenth Indiana Volunteers—to the same committee.

Also, petition and papers of Harriet McLarten, praying for a pension—to the same committee.

Also, petition of Matthew E. Jackson, of Decatur County, Indiana, for an honorable discharge from military service of the United States, and affidavits in support thereof—to the Committee on Military Affairs.

By Mr. HOUK: Petition of John M. Allen, of Knox County, Tennessee, praying reference of his war claim to the Court of Claims—to the Committee on War Claims.

Also, petition of William J. Plank, late quartermaster-sergeant of Company A, Eighth Tennessee Regiment Volunteers, for compensation for services as such officer from January 1, 1864, to June 30, 1865—to the same committee.

By Mr. JAMES: Petition of Mary Sprague, asking for pension for services as nurse in the late civil war—to the Committee on Invalid Pensions.

By Mr. J. T. JOHNSTON: Petition of L. R. Whipple and 106 soldiers and citizens, and of M. C. Beth and 86 soldiers and citizens of Vermillion County; of Newton Swaim and 72 soldiers and citizens, and of W. T. McCampbell and 105 soldiers and citizens of Parke County; of D. C. Benjamin and 230 soldiers and citizens of Decatur and Shelby Counties; of Jos. Webber and 67 soldiers and citizens of Marshall County; of John H. Reppetoe and 60 soldiers and citizens of Vigo County; of Charles A. Clarke and 76 soldiers and citizens of Montgomery County; of William Allen and 32 soldiers and citizens of Shelby County; and of Michael Hermann and 68 other soldiers and citizens of Franklin County, asking for the passage of House bill 3320, pensioning all Union soldiers, &c.—to the same committee.

By Mr. LAFFOON: Petition asking for the erection of a public building at Hopkinsville, Ky., and for a public building at Owensborough, Ky.—to the Committee on Public Buildings and Grounds.

By Mr. LYMAN: Papers relating to House bill for the relief of David H. Thompson, late Company D, First Michigan Cavalry—to the Committee on Military Affairs.

Also, petition of A. Noveclius, postmaster at Kiron, Iowa, for a law enabling fourth-class post-offices to issue money-orders and postal notes—to the Committee on the Post-Office and Post-Roads.

By Mr. McKINLEY: Petition of Knights of Labor of Ohio, praying for the organization of a Territorial form of government over Indian Territory—to the Committee on the Territories.

By Mr. McRAE: Petition of James A. Skillern, of Arkansas—to the Committee on War Claims.

By Mr. MILLIKEN: Papers in the claims of Ansel Potter and of Herman K. Choate—to the Committee on Invalid Pensions.

Also, papers in the case of John F. Chase, for increase of pension—to the same committee.

Also, papers in the case of Heron F. Wardwell—to the Committee on Military Affairs.

Also, papers in the claim of James Murray—to the same committee.

Also, papers in the claim of William Collins—to the Committee on Claims.

By Mr. MURPHY: Memorial of members of Muscatine County bar, to increase salaries of United States district judges—to the Committee on the Judiciary.

By Mr. NEGLEY: Petition of Hencher Ferdinand, late hospital steward United States Army, for reappointment as steward on the retired-list at three-fourths pay allowed non-commissioned officers and privates, and that same be granted him from the date of discharge, and that all moneys paid him as pension be deducted, and that act increasing his pension be repealed—to the Committee on Military Affairs.

By Mr. O'FERRALL: Petition of John M. Stewart, administrator of estate of Richard Parsons, deceased—to the Committee on War Claims.

By Mr. O'DONNELL: Petition from the citizens of District of Columbia, for the passage of a law requiring instruction in the public schools of the District on the nature of alcoholic drinks and other narcotics upon the human system, signed by H. S. Hutton and 770 others—to the Committee on Education.

Also, petition of Henry Roether, for increase of pension—to the Committee on Invalid Pensions.

By Mr. J. J. O'NEILL: Petition asking that a pension be granted to Elizabeth Spohn—to the same committee.

By Mr. OSBORNE: Petition of Elisha A. Hancock, to accompany bill for relief—to the Committee on Military Affairs.

By Mr. OUTHWAITE: Petition from Association of Survivors of the Regular Brigade Fourteenth Corps, Army of the Cumberland—to the same committee.

By Mr. PERRY: Petition of citizens of South Carolina, relative to an appropriation for the development of Congaree River—to the Committee on Rivers and Harbors.

By Mr. PERKINS: Resolutions of the Clearing-House Association and business men of Kansas City, Mo., asking for the enactment of such legislation as will extend the jurisdiction of the civil courts over the Indian Territory—to the Committee on the Judiciary.

Also, house concurrent resolution No. 20 of the Kansas Legislature, asking for legislation looking to the sale of the Fort Dodge military reservation in Kansas—to the Committee on Military Affairs.

Also, house concurrent resolution No. 15 of the Kansas Legislature, asking for legislation granting right of way through the Indian Territory to the Kansas and Arkansas Valley Railroad—to the Committee on Indian Affairs.

By Mr. PULITZER: Petitions and memorials of citizens, merchants, ship-owners, marine insurance, transportation companies, and others, asking the passage of a bill for the deepening and widening of a channel of the outer Bay of New York to afford a depth of 30 feet at mean low tide, in the most practicable channel, and an appropriation therefor, with accompanying map—to the Committee on Rivers and Harbors.

By Mr. RICHARDSON: Petition of R. W. Pillow, of Cornersville, Tenn., for readjustment and payment of salary as postmaster—to the Committee on the Post-Office and Post-Roads.

Also, petition of M. S. Fugitt, administrator of Benjamin Fugitt, deceased, of Cannon County, Tennessee, asking reference of claim to Court of Claims—to the Committee on War Claims.

By Mr. ROGERS: Proof in the matter of the claim of Simon T. Irvin—to the same committee.

By Mr. ST. MARTIN: Petition of citizens of Louisiana, praying for the passage of a bill refunding rents collected by the United States—to the same committee.

By Mr. SENEY: Petition of Board of Trade of Cleveland, Ohio, for improvement of Saint Mary's River and channel—to the Committee on Rivers and Harbors.

By Mr. SHAW: Petition of Charlotte A. Drain, praying that war claim of John Lambden, deceased, late of Baltimore, Md., be referred to the Court of Claims—to the Committee on War Claims.

Also, resolutions of the mayor and city council of Baltimore, Md., in reference to the depression now existing in the cooperage business in the United States—to the Committee on Commerce.

By Mr. E. F. STONE: Petition of Gloucester fishermen, against the law limiting mackerel fishing—to the same committee.

By Mr. W. J. STONE, of Missouri: Petition of Maria K. Ritter, for relief, to accompany bill this day introduced—to the Committee on Invalid Pensions.

By Mr. STRUBLE: Memorial and concurrent resolutions of the Iowa Legislature, requesting the Senators and Representatives from that State

to present and advocate the passage of a law laying an internal-revenue tax upon all manufactured articles of the semblance of butter and cheese not made from milk or cream, and requiring all packages containing such articles to be properly stamped, as provided by the internal-revenue laws of the United States—to the Committee on Ways and Means.

Also, petition of H. B. Wood and 43 others, citizens of Iowa, asking for a constitutional amendment giving women the right of suffrage—to the Committee on the Judiciary.

By Mr. TAULBEE: Paper relating to the claim of Letitia J. Garrard—to the Committee on Invalid Pensions.

By Mr. TURNER: Petition of Col. T. W. Fleming, county school commissioner, and 99 others, citizens of Baker County, Georgia, asking an appropriation in aid of common schools in the United States to be apportioned on the basis of illiteracy—to the Committee on Education.

By Mr. VAN SCHAICK: Remonstrance of H. Redeburg & Co., of Milwaukee, against bills to repeal the law of March 1, 1879, exempting vinegar manufacturers from payment of revenue tax upon a weak spirit used in manufacturing vinegar—to the Committee on Ways and Means.

By Mr. WADE: Petition of R. L. Smith and others, of Owensville, Mo., for additional pension legislation—to the Committee on Invalid Pensions.

By Mr. J. B. WEAVER: Petition of Knights of Labor of Jamestown, N. Y., praying for the passage of the bill to establish a department of labor—to the Committee on Labor.

Also, memorial of the National Greenback Labor Party of Iowa, praying for laws for the relief of the people upon the subjects of land, labor, money, and transportation—to the Committee on the Public Lands.

By Mr. WEBER: Petition of D. H. Crosby, late postmaster at Wilson, N. Y., for payment of balance due him as such postmaster—to the Committee on the Post-Office and Post-Roads.

By Mr. WILLIS: Papers relating to the claim of C. C. Colmesnil—to the Committee on Claims.

Also, protest of the Louisville Board of Trade, against the enactment of another bankrupt law—to the Committee on the Judiciary.

Also, a memorial concerning the Presidency—to the same committee.

By Mr. WISE: Resolution of Knights of Labor, relating to House bill 1914 and in favor of the enforcement of the laws making eight hours a day's labor—to the Committee on Labor.

By Mr. WILSON: Petition of managers of the House of Mercy, asking $10,000 to aid in purchase of property—to the Committee on Appropriations.

Also, petition and papers of St. Rose Industrial School, asking aid from Congress—to the same committee.

Also, petition of officers and members of the fire department of the District of Columbia, for increase of pay—to the same committee.

Also, petition of Joseph H. Anderson, of Jefferson County, West Virginia, asking reference of claim to the Court of Claims—to the Committee on War Claims.

By Mr. WOODBURN: Joint memorial and resolution of the State Senate of Nevada, requesting the reduction of the limits of the Pyramid Lake reservation, in that State—to the Committee on Indian Affairs.

The following petitions, praying Congress to place the coinage of silver upon an equality with gold; that there be issued coin certificates of one, two, and five dollars, the same being made legal tender; that one and two dollar legal-tender notes be issued, and that the public debt be paid as rapidly as possible by applying for this purpose the idle surplus now in the Treasury, were presented and severally referred to the Committee on Coinage, Weights, and Measures:

By Mr. J. A. ANDERSON: Of 105 citizens of Dickinson County, Kansas.

By Mr. FUNSTON: Of citizens of Quin County, Kansas.

By Mr. T. J. HENDERSON: Of Hon. J. H. Moore and 89 others, citizens of Bureau County, Illinois.

By Mr. J. B. WEAVER: Of L. Emery and 210 others; of W. Wade and 25 others; of John S. Furguson and 135 others; of Justice Durke and 155 others; of C. Lewis and about 20 others; of J. M. Pratt and 31 others; of C. Lewis and 57 others; of J. J. Barkhurst and 107 others, of Iowa; of D. L. Bailey and 44 others, of Colorado; of John Rankin and 101 others, of Indiana; of D. Stillwell and 104 others, of Michigan; and of Ed. Blair and 55 others, of Kansas.

SENATE.

TUESDAY, *February* 16, 1886.

Prayer by Rev. SAMUEL H. GIESY, D. D., of the city of Washington.

The Journal of yesterday's proceedings was read and approved.

CREDENTIALS.

Mr. WILSON, of Maryland, presented the credentials of ARTHUR P. GORMAN, chosen by the Legislature of Maryland a Senator from that State for the term beginning March 4, 1887; which were read, and ordered to be filed.

HOUSE BILLS REFERRED.

The joint resolution (H. Res. 105) to print 12,500 copies of the eulogies on Reuben Ellwood, late a Representative in Congress, was read twice by its title, and referred to the Committee on Printing.

PETITIONS AND MEMORIALS.

The PRESIDENT *pro tempore*. The Chair presents resolutions, in the nature of a memorial, of Local Assembly No. 3993, Knights of Labor, of Washington, D. C., who desire to enter their protest against the passage of certain laws relating to pilots and pilotage, and which contain propositions for a change in the present system of pilotage. The memorial will be referred to the Committee on Commerce.

Mr. SAWYER. I present the memorial of Shoemakers' Assembly Lodge No. 3567, Milwaukee, Wis., in favor of the passage of the bill (H. R. 1914) relating to the wages of printers in the Government Printing Office.

The PRESIDENT *pro tempore*. The petition will be referred to the Committee on Education and Labor.

Mr. ALLISON. I think the memorial should be referred to the Committee on Printing.

The PRESIDENT *pro tempore*. The Chair is informed that one petition on this subject went to the Committee on Printing and one to the Committee on Education and Labor. Does the Senator from Iowa move that the memorial be referred to the Committee on Printing?

Mr. ALLISON. I do.

Mr. SAWYER. That was the committee I had intended to designate, but I was not particular about the reference.

The PRESIDENT *pro tempore*. The memorial will be referred to the Committee on Printing if there be no objection.

Mr. SAWYER presented a memorial of H. Rideburg & Co., of Milwaukee, Wis., remonstrating against the repeal of the law of March 1, 1879, relating to the manufacture of vinegar; which was referred to the Committee on Finance.

He also presented a petition of H. S. Hutton and 789 other citizens of the District of Columbia, praying for the passage of a law for instruction in the public schools of the District of Columbia on the nature of alcoholic drinks and narcotics and their effects upon the human system; which was ordered to lie on the table.

Mr. COLQUITT presented the petition of the Society of Friends which meets annually in Lombard street, Baltimore, Md., composed of representatives from Maryland, Virginia, and Pennsylvania, praying that provision be made for the appointment by the President of the United States of a national committee of inquiry concerning the alcoholic liquor traffic; which was ordered to lie on the table.

He also presented the petition of the Society of Friends which meets annually in Lombard street, Baltimore, Md., composed of representatives from Maryland, Virginia, and Pennsylvania, praying Congress to adopt and propose an amendment to the Constitution which, when ratified by the States, will henceforth prohibit the manufacture, importation, and sale of all alcoholic beverages throughout the national domain; which was ordered to lie on the table.

He also presented the petition of the Society of Friends, which meets annually in Lombard street, Baltimore, Md., composed of representatives from Maryland, Virginia, and Pennsylvania, praying Congress to prohibit the manufacture, importation, and sale of all alcoholic beverages in the District of Columbia; which was ordered to lie on the table.

Mr. HOAR. I present sundry petitions of local assemblies of Knights of Labor in various cities and town of Massachusetts, praying for the organization of a Territorial form of government over the Indian Territory, &c. I move that the petitions be referred to the Committee on Indian Affairs.

The motion was agreed to.

Mr. HALE. I present a petition of Knights of Labor of Brunswick, Me., of the same kind as that just presented by the Senator from Massachusetts, which I move be referred to the Committee on Indian Affairs.

The motion was agreed to.

Mr. BECK presented the petition of Turney C. Goodram, of Moscow, Ky., late a private in Company B, Sixth Regiment Tennessee Cavalry, praying to be granted additional bounty; which was referred to the Committee on Military Affairs.

He also presented two petitions of James J. Metcalfe, of Newport, Ky., administrator of the estates of James Metcalfe, deceased, and William Metcalfe, deceased, praying to be compensated for certain property furnished the United States Army; which were referred to the Committee on Claims.

Mr. ALLISON. I present a petition of the Local Assembly of the Knights of Labor of Stuart, Iowa, praying for the passage of a law restoring the wages of employés of the Government Printing Office to the prices paid them prior to March 4, 1877. I noticed a moment ago that a similar petition was presented. I ask that it be referred to the Committee on Printing.

The compensation paid prior to the 4th of March, 1877, was 60 cents per thousand ems, or $4 per day. The price paid since that time is 50 cents per thousand ems, or 40 cents per hour, the employés of the Public Printing Office being now paid by the hour. I call the attention of

the Committee on Printing to this fact in case any change in the law is to be made. I move that the petition be referred to the Committee on Printing. The motion was agreed to.

Mr. ALLISON presented a petition of H. B. Wood and a large number of citizens of Spencer, Iowa; a petition of J. B. Young and a large number of citizens of Marion, Iowa, and a petition of Mrs. H. M. Engle and a large number of ladies of Marion, Iowa, praying for the passage of a resolution submitting to the several State Legislatures an amendment to the Constitution to protect women in the enjoyment of the right of suffrage on equal terms with men; which were ordered to lie on the table.

He also presented a petition of Knights of Labor of Des Moines, Iowa; a petition of Knights of Labor of Albia, Iowa; a petition of Knights of Labor of Lehigh, Iowa; a petition of Knights of Labor of Atlantic, Iowa; a petition of Knights of Labor of Grinnell, Iowa, and a petition of Knights of Labor of Clinton, Iowa, praying for the opening of Oklahoma, in the Indian Territory, to settlement under the homestead laws; which were referred to the Committee on Indian Affairs.

Mr. PLUMB presented a concurrent resolution of the Legislature of the State of Kansas, favoring the granting of the privilege of building certain railroad lines through the Indian Territory; which was referred to the Committee on Indian Affairs, and ordered to be printed in the RECORD, as follows:

Senate concurrent resolution No. 20.

Whereas a corporation duly organized and existing under the laws of the State of Kansas for the construction of a railway from a connection of the Wichita and Southwestern Railroad at the city of Winfield, Cowley County, Kansas, in a southeasterly direction to a point at or near where the Camp River crosses the south line of Chautauqua County, in the State of Kansas, into the Indian Territory, and thence by the most practicable route to the city of Fort Smith, Ark.; and

Whereas said Indian Territory presents a Chinese wall, so to speak, as a barrier to the commerce of Kansas and the due development of the adjacent States and territory, and said corporation can not build through said Territory without the consent of Congress: Therefore,

Be it resolved by the senate of Kansas (the house of representatives concurring therein):

SECTION 1. That the Congress of the United States be, and are hereby, requested to pass an act granting the right of way through said Territory to the Winfield and Fort Smith Railway Company, by the most practicable route, from a point at or near where the Camp River crosses the south line of the State of Kansas, in Chautauqua County, into the Indian Territory to a point at or near the city of Fort Smith, in the county of Sebastian, and State of Arkansas.

SEC. 2. The secretary of state is hereby ordered to forthwith mail to each of our Senators and Representatives in Congress certified copies of this resolution.

STATE OF KANSAS, *Office of Secretary of State.*

I, E. B. Allen, secretary of state of the State of Kansas, do hereby certify that the foregoing is a true and correct copy of the original resolution now on file in my office.

In testimony whereof I have hereunto subscribed my name and affixed my official seal this the — day of February, A. D. 1886, at Topeka, Kans.

[SEAL.] E. B. ALLEN, *Secretary of State.*

Mr. PLUMB. I present a petition of a large number of ex-Union soldiers, setting forth that the national creditors have been and are being paid 100 cents on the dollar on the obligations due them, while the soldiers of the Union were paid in greenbacks that were worth less than 50 cents on the dollar in specie, and praying that this injurious distinction be removed by proper legislation. I move that the petition be referred to the Committee on Military Affairs.

The motion was agreed to.

Mr. WILSON, of Iowa, presented a petition of Local Assembly No. 3023 of the Knights of Labor, of Stuart, Iowa, praying for the passage of an act which shall secure to the employés in the Government Printing Office the rate of wages paid to them prior to March 4, 1877; which was referred to the Committee on Printing.

He also presented a memorial of the local assembly of Knights of Labor of Des Moines, Iowa, remonstrating against the passage of the so-called Dingley bill, relating to pilotage, and favoring the passage of the bill providing for the restoration of wages in the Government Printing Office to the compensation formerly paid; which was referred to the Committee on Commerce.

He also presented a petition of Local Assembly No. 3902 of the Knights of Labor, of Clinton, Iowa, praying for the organization of a Territorial government over the Indian Territory and for the immediate opening of the public lands therein to homestead settlement; which was referred to the Committee on Indian Affairs.

Mr. HAWLEY presented a petition of the Second Congregational church of Fair Haven, Conn., praying Congress to place the Territorial government of Utah in the hands of a commission to be appointed by the President; which was referred to the Committee on the Judiciary.

Mr. PAYNE presented resolutions of the Board of Trade of Cleveland, Ohio, earnestly indorsing an appeal of the Lake Superior States for an appropriation to complete the improvement of the Saint Mary's River and the canal in accordance with the plans and recommendations of Lieutenant Poe, of the United States Engineers; which were referred to the Committee on Commerce.

Mr. COKE presented a petition of the local assembly Knights of Labor of Gordon, Tex., praying that the Indian Territory be opened to settlement; which was referred to the Committee on Indian Affairs.

He also presented a petition of citizens of Corsicana, Tex., praying that an additional appropriation be made to secure deep water at Sabine Pass; which was referred to the Committee on Commerce.

Mr. COKE. I present a petition of 193 citizens of Eastland and Brown Counties, Texas, praying for the free coinage of silver, for the continuance and modification of the coin-certificate system so as to authorize the issue of such certificates in denominations of one, two and five dollars, and upward, and for other legislation in regard to the same subject. I move that the petition be referred to the Committee on Finance.

The motion was agreed to.

Mr. PALMER presented a petition of William Kness and other citizens of Detroit, Mich., and a petition of Herman Marx and other citizens of Detroit, Mich., praying for the abolition of the Presidency; which were referred to the Committee on Privileges and Elections.

Mr. INGALLS. I present a petition, numerously signed by citizens resident in the northeast part of this city, praying for the passage of Senate bill 248, to define the routes of steam-railroads entering the city of Washington and District of Columbia, and for other purposes. I move that the petition be referred to the Committee on the District of Columbia.

The motion was agreed to.

Mr. VOORHEES presented a petition of Christiana Tichener, widow of Robert W. Tichener, late a private in Company E, Forty-ninth Regiment Indiana Volunteers, praying to be allowed a pension from the time of her late husband's discharge, on April 26, 1862, to the time of his death, on May 31, 1867; which was referred to the Committee on Pensions.

THE SILVER COINAGE.

Mr. BROWN. Mr. President, I beg leave to present a petition from Savannah, Ga., signed by a comparatively large number of my most intelligent, worthy, and respected fellow-citizens of that locality. The petition is printed, and is I think in the same language of the printed head of many other petitions of like character, which doubtless have a common origin, and it is in the following language:

To the honorable Senate and House of Representatives of the Forty-ninth Congress at Washington now assembled:

Your petitioners respectfully represent that it is their conviction that the law requiring the Secretary of the Treasury to coin not less than $2,000,000 per month of standard silver dollars should be immediately repealed. The law has now been in operation for over seven years, and experience has shown that not only has it failed in every promise prophesied by its projectors, but it has proven to be of great inconvenience to the people; detrimental to mercantile, manufacturing, and legitimate banking interests; dangerous to the credit and welfare of the Government, and at this time is retarding the increase of prosperity and menacing the finances of the country.

We are therefore impelled to recommend the repeal of said law; and as in duty bound will ever pray.

The petition is signed, as already stated, by a large number of very intelligent and highly respected gentlemen, including bankers, merchants, lawyers, &c. As they have done me the honor to send me the petition with the request that I lay it before the Senate, I comply with their request with pleasure. They have a perfect right as an intelligent portion of the American people to be heard by petition before this body, and I respectfully commend my worthy constituents who have signed the petition personally to your favorable consideration.

As I have already expressed at some length my views on the silver question, it may not be inappropriate for me to state in this connection that I differ *in toto* with the petitioners. They are right in the statement that the present law has been in operation over seven years, but they are wrong, in my judgment, in every other statement they make in reference to it.

Experience has not shown that the law has failed in every promise prophesied by its projectors. On the contrary, the prophecies of its projectors have been fulfilled almost to the very letter.

The law has not proven an inconvenience to the people, but it has been a great convenience, as it has added to the material prosperity of the country by keeping in circulation and in the Treasury a large amount of coin that would not otherwise have been in circulation at a time when the volume of currency was already too small.

The law has not proved detrimental to the mercantile, manufacturing, and legitimate banking interests of the country. On the other hand, it has greatly promoted the mercantile and manufacturing interests of the country, and it has in no way retarded the banking interests. They may sometimes have been put to a little inconvenience in handling silver money on account of its bulk, but they have in no other way sustained any material losses on account of the law, while most of them have thrown all their weight against its success and done all in their power to discredit silver. The law is not dangerous to the credit and welfare of the Government. On the other hand, without its passage the Government could not have resumed specie payments in 1869, and continued it up to the present, and the law is not at this time retarding the increase of prosperity. On the other hand, it is greatly promoting the prosperity of the country. When the crash of 1873 came upon the country we did not have the large amount of gold and silver coin to fall back upon which we had at the time of the crash of 1884, and it took about six years to recover from the shock of 1873 to the mercantile, manufacturing, and other important interests of the country. When

the crash of 1884 came on we had nearly two hundred millions of silver dollars in the Treasury and in circulation, adding that much to the volume of currency and aiding to maintain a specie standard. The result has been that in about two instead of about six years the country is fast recovering from the crash, and prosperity is already on the increase. In a word, we are recovering from a financial crash much more rapidly than we did from the one of 1873, when silver was demonetized.

Finally, the law is not menacing the business of the country. On the other hand, it is increasing our prosperity, multiplying our business, and resulting in great good to the whole community. So far from the prophecies made by the advocates of the law having proved untrue, the very reverse is correct; while the prophecies made by the opponents of the law and the advocates of its repeal have from first to last proved untrue and their predictions have been utter failures. They predicted immediately after the passage of the bill that if it was continued in operation, even for a short time, it would drive the gold out of the country and reduce us to a silver standard. That has been reiterated by every Secretary of the Treasury from 1868 (the passage of the act) to the present time. Has the prophecy proved true? On the contrary, we have received in settlement of balances with European nations, in gold, an average of about $100,000,000 a year, which has gone into circulation, and our stock of gold in the country, as shown by the report of the Secretary of the Treasury, is almost double that of our stock of silver dollars. The gold has greatly increased in the quantity in circulation and in the Treasury, and is constantly increasing, instead of being diminished.

I feel justified in submitting this criticism upon the petition on account of its being a printed form, originating, no doubt, at some great money center, and sent around to be used in various places by persons who can be influenced by such inspiration. If the form had not been in the shape it is, and the statements had not contained so many errors, I certainly should not have made any remarks other than the usual remarks made by a Senator on presenting the petition of his constituents.

Mr. President, this petition is signed by two or three hundred respected gentlemen. If it were deemed necessary by the advocates of the present law, who desire to continue the coinage of silver at its present standard, and a little activity were shown, petitions could easily be sent here from the State of Georgia, signed by fifty or one hundred thousand people, or more, asking that the coinage of silver be continued.

I have returned within the last day or two from a visit to my home in Georgia, where I had an opportunity of conferring freely with a great many of our most intelligent men, and I have no hesitation in saying that an overwhelming majority of the people of Georgia are opposed to the position taken by the petitioners; indeed, I do not know that I should exaggerate if I were to say that nine out of every ten of the citizens of Georgia oppose the repeal of the law authorizing the coinage of standard silver dollars.

Again vouching for the good character and high respectability of the petitioners, I move that the petition be received and be referred to the Committee on Finance.

The motion was agreed to.

REPORTS OF COMMITTEES.

Mr. BLACKBURN, from the Committee on Railroads, to whom was referred the bill (S. 91) to amend an act entitled "An act to grant a right of way for a railroad and telegraph line through the lands of the Choctaw and Chickasaw Nations of Indians to the Saint Louis and San Francisco Railway Company, and for other purposes," reported it without amendment, and submitted a report thereon.

Mr. CULLOM, from the Select Committee on Interstate Commerce, to whom was recommitted the bill (S. 1093) to regulate commerce, reported a bill (S. 1532) to regulate commerce; which was read twice by its title.

Mr. CULLOM. I desire to give notice that on some day next week, about ten days from to-day, I shall ask the Senate to take up the bill just reported for consideration.

Mr. SEWELL, from the Committee on Pensions, to whom were referred the following bills, reported them severally without amendment, and submitted reports thereon:

A bill (S. 359) granting a pension to Margaret A. Blake;

A bill (S. 276) granting a pension to Philip C. Enders; and

A bill (S. 364) granting a pension to Nancy Battorff.

Mr. SAWYER, from the Committee on Railroads, to whom was referred the joint resolution (S. R. 18) for the relief of the Kansas City, Fort Scott and Gulf Railroad Company, reported it without amendment, and submitted a report thereon.

Mr. BLAIR. By direction of the Committee on Pensions I report sundry bills without amendment for the chairman [Mr. MITCHELL, of Pennsylvania]. These are all cases examined by him.

The following bills were placed on the Calendar with the accompanying reports:

A bill (S. 475) granting a pension to Mrs. Bridget Rush;

A bill (S. 362) granting a pension to James H. King; and

A bill (S. 1127) to amend and correct the act approved March 3, 1865, granting a pension to Sarah Hague.

Mr. JACKSON, from the Committee on Pensions, to whom was referred the bill (S. 329) to increase the pension of Michael J. Hewston, submitted an adverse report thereon; which was agreed to, and the bill was postponed indefinitely.

Mr. COCKRELL, from the Committee on Military Affairs, to whom was referred the bill (S. 611) for the relief of William C. Spencer, submitted an adverse report thereon; which was agreed to, and the bill was postponed indefinitely.

Mr. WALTHALL, from the Committee on Military Affairs, to whom was referred the petition of Theodore J. Eckerson, major United States Army, retired, praying an amendment to the law in reference to grades in the military service, asked to be discharged from its further consideration; which was agreed to.

Mr. DOLPH. The Senator from Mississippi just now reported from the Committee on Military Affairs the petition of Theodore J. Eckerson adversely, and the committee was discharged. I ask to have the vote reconsidered and the petition placed on the Calendar.

The PRESIDENT *pro tempore*. The Senator from Oregon probably is not aware that petitions reported adversely or favorably are not necessarily entered on the Calendar. The motion to reconsider will be considered as pending, and the Senator can call it up at any time.

Mr. DOLPH. That will do.

Mr. WALTHALL, from the Committee on Military Affairs, to whom was referred the bill (S. 425) giving a military record to James King, submitted an adverse report thereon; which was agreed to, and the bill was postponed indefinitely.

He also, from the same committee, to whom was referred the bill (S. 189) granting the right of way through the Fort Selden military reservation, New Mexico, to the Rio Grande, Mexico and Pacific Railroad Company, reported it without amendment, and submitted a report thereon.

He also, from the same committee, to whom was referred the bill (S. 560) for the relief of Hetty Martin, widow of Capt. James G. Martin, deceased, moved its indefinite postponement; which was agreed to, and he submitted a report thereon, accompanied by a bill (S. 1533) for the relief of James G. Martin, late captain and assistant quartermaster and assistant commissary of subsistence, United States Army, and his heirs and legal representatives; which was read twice by its title.

Mr. GORMAN. I am instructed by the Committee on Commerce to submit a report on the bill (S. 491) to provide for an American register for the steamship Caroline Miller, of Baltimore, Md. The bill was reported from the Committee on Commerce without a written report accompanying it. When the bill came up for consideration some days ago a written report was directed to be prepared. I now submit that report and ask that it be printed.

The PRESIDENT *pro tempore*. The report will be received and printed.

DUTIES OF TREASURER OF THE UNITED STATES.

Mr. MORRILL. I am directed by the Committee on Finance to report favorably without amendment the bill (H. R. 5544) to amend section 304 of the Revised Statutes of the United States. I ask that the bill be read at length.

The PRESIDENT *pro tempore*. The Senator from Vermont asks to have the bill read at length with the view to its immediate consideration. It will be read for information.

The Chief Clerk read the bill, as follows:

Be it enacted, &c., That section 304 of the Revised Statutes of the United States be, and the same is hereby, amended so as to read as follows:

"SEC. 304. The Treasurer may, in his discretion, with the consent of the Secretary of the Treasury, authorize the assistant treasurer to act in the place and discharge any or all the duties of the Treasurer of the United States; and in the event of the absence or illness of either the assistant treasurer or himself the Treasurer, with the consent of the Secretary of the Treasury, may appoint from among the clerks in the Treasury any one of said clerks to be acting assistant treasurer during such absence or illness: *Provided, however*, That the official bond given by the principal of the office shall be held to cover and apply to the acts of the person appointed to act in his place in such cases. Such acting officer shall, moreover, for the time being, be subject to all the liabilities and penalties prescribed by law for the official misconduct in like cases of the assistant treasurer, respectively, for whom he acts."

Mr. MORRILL. There seems to be an immediate emergency for the passage of this bill. It was passed by the other House a few days since. I am informed that the assistant treasurer is so ill as not to be present in his office, and that the Treasurer has been so overworked in signing papers that his hand is swollen so badly that he is unable to sign the proper papers that are presented to him daily. Under these circumstances the Committee on Finance have directed me to ask for the present consideration of the bill.

By unanimous consent, the Senate, as in Committee of the Whole, proceeded to consider the bill.

Mr. WILSON, of Iowa. I should like to ask the Senator from Vermont whether the committee considered the question with reference to the liability that the act proposes to cast on the sureties on the existing bond of the Treasurer. It does seem to me that we can not by an act of Congress impose an additional liability on the sureties now on the bond of the Treasurer and hold them responsible therefor, but that it would require the execution of a new bond after the passage of this act.

Mr. MORRILL. I agree entirely with the Senator from Iowa on that

point, but the emergency appeared to the committee so great that it was thought best at least to run the risk of it at the present time; and the Secretary of the Treasury can demand a new bond of the Treasurer, so as to comply with the proposed law, at any moment.

Mr. INGALLS. I should like to ask the Senator from Vermont if the assistant treasurer of the United States is an officer appointed by the President and confirmed by the Senate?

Mr. MORRILL. He is.

Mr. INGALLS. The bill proposes to permit the assistant treasurer of the United States, with the concurrence of the Treasurer and the Secretary of the Treasury, to designate a clerk to fill that place indefinitely. It appears to me that if there is a radical defect in the service of that Department, by which there is not enough force to carry on its operations, it would be a great deal better to provide by law for some increase in the method provided by the Constitution, and not to introduce the practice here of saying that an officer, who is appointed by the President and confirmed by the Senate under the Constitution, shall have the right indefinitely, without any limitation whatever in point of time, to select any clerk that he may see fit to pick out among the force in that office, without consultation with the President and without reference to the Senate, to discharge duties of the magnitude of those that are prescribed to be discharged by this officer.

Of course I know nothing about the condition of the tendons and ligaments of the right hand of the assistant treasurer. It may be that they have been, as the Senator says, so swollen by signing warrants that he is unable to continue in the discharge of his office; but if that is the case there ought to be some person selected, by the nomination of the President, with the consent of the Senate, to discharge the duties devolving upon that officer.

I have no desire to interfere with the passage of this bill—I suppose it would be impossible for me to do so if I had—but I feel it to be my duty to point out what I conceive to be a radical defect in this species of legislation.

Mr. MORRILL. Only on account of the present emergency were the Committee on Finance willing to report the bill. They would have made an amendment to it and provided that the holding of this temporary appointment should not be beyond ten days, but to make an amendment would send the bill back to the House, and under the circumstances it was thought better that we should consider the bill and have it passed.

Mr. INGALLS. The statement of the Senator from Vermont convinces me still more that this is legislation that ought not to be had. He states that the committee, were it not for the fact of the present emergency, would hesitate to recommend the adoption of a bill involving such serious considerations; that the committee believe that in an emergency of this kind there ought to be a limitation of time, and that the assistant treasurer should not be permitted to select a clerk, himself being nominated by the President and confirmed by the Senate, to discharge the duties, it may be for the entire remainder of his term, for there is absolutely no limitation in the bill. If it receives the signature of the President any clerk may be selected from the force in that office and discharge the duties of that position for the entire remainder of the term.

I do not think that is wise, or just, or appropriate legislation; and if the Senator from Vermont really believes that this is emergency legislation that in itself would be improper and unwise, I do not think he should be deterred by the fact that it would require an hour or two hours to get the concurrence of the other House to an amendment that he ought to offer.

I submit to him, therefore, that if this emergency does arise the House of Representatives is controlled by the friends of the administration, and if the object is to bridge over an emergency, then let us put in the proper amendment that the committee say ought to be there, and limit the exercise of this power to such period as may be appropriate, and then let the House of Representatives concur in the amendment.

Mr. ALLISON. If the Senator from Vermont will allow me, I suggest that we limit this proposed act to a period of ninety days.

Mr. MORRILL. Ten days.

Mr. ALLISON. No; I mean to limit the whole act for a period not exceeding ninety days from the passage of the act, to be inserted at the proper place in the bill. I want the act to expire by limitation at the end of ninety days.

The PRESIDENT *pro tempore*. The amendment will be reduced to writing and reported.

Mr. WILSON, of Iowa. I desire to ask my colleague whether he proposes an amendment which will effect security to the Government during the ninety days; because of course, the duty being discharged by a clerk designated who is not under bond, the principal would not be liable for anything that might transpire to the hurt of the public service in that time unless a new bond be given covering the conditions of this act.

Mr. ALLISON. I think, if my colleague will allow me, that that is not clear. A similar law is now upon the statute-book with reference to assistant treasurers outside of the city of Washington. I take it that the bond of the assistant treasurer covers such changes in the law as may be made from time to time respecting his duty. But surely the President of the United States or the Secretary of the Treasury would not authorize this appointment without providing sufficient security for its enforcement.

Mr. WILSON, of Iowa. I suggest to my colleague that that is simply an answer based upon a presumption as to what the President may do. Suppose he should not do so, then we shall have imposed by the terms of the act an obligation and risk upon the sureties on the bond that we can not enforce against them by any action should hurt come to the Government by the act of the person designated to discharge the duty.

Mr. ALLISON. My colleague is a much better lawyer than I am, but there is a provision of this kind now on the statute-book with reference to all assistant treasurers outside of the city of Washington. I do not understand that it is held by the courts or by any authority that an assistant treasurer is relieved from his bond by the mere fact that for a short space of time he designates the chief clerk or some other clerk in his office to perform the duties.

Mr. WILSON, of Iowa. That is done under existing law, and doubtless the bond that has been given under that law would be held good for that condition, but this new law would impose a new condition.

Mr. ALLISON. Suppose we should to-day impose new duties upon the Treasurer of the United States, different from those under existing law, does my colleague hold that that would vitiate the bond of the Treasurer?

Mr. WILSON, of Iowa. I hold to the proposition presented by the bill, and that is that all the duties of the office may be discharged by a clerk designated of any grade or class, and that is the imposition of an obligation upon the bondsmen which it seems to me can not be covered by existing law, and ought to be provided for by an amendment in the bill.

The PRESIDENT *pro tempore*. The amendment of the Senator from Iowa [Mr. ALLISON] will be reported.

Mr. MORRILL. Allow me to have the report of the Committee on the Judiciary of the other House read, which will show the existing state of facts.

The PRESIDENT *pro tempore*. The first matter in order will be to report the amendment as it stands. The attention of the Senator from Iowa [Mr. ALLISON] is called to the amendment proposed by him to see whether the clerks have it right.

The CHIEF CLERK. Add to the bill the following proviso:

Provided, That this act shall be in force for the period of ninety days after its passage, and no longer.

Mr. ALLISON. That covers it.

Mr. MORRILL. It would be better to say "sixty days."

Mr. ALLISON. Very well; I will say sixty days, as suggested by the Senator from Vermont.

The PRESIDENT *pro tempore*. The amendment will be so modified.

Mr. BECK. Is a vote now to be taken on the amendment?

The PRESIDENT *pro tempore*. The amendment has been offered, and the question is on its adoption.

Mr. BECK. I think if we are going to amend the bill at all it will destroy the effect which was intended. The bill is an exact copy of section 3613 of the Revised Statutes, as gentlemen will see by reading it, extending the authority there given to the Treasurer in the class of cases specified. That section is in these words:

In case of the sickness or unavoidable absence of any assistant treasurer or depositary from his office he may, with the approval of the Secretary of the Treasury, authorize the chief clerk, or some other clerk employed therein, to act in his place, and to discharge all the duties required by law of such assistant treasurer or depositary.

The language which follows is copied from this section into the bill:

The official bond given by the principal of the office shall be held to cover and apply to the acts of the person appointed to act in his place in such cases. Such acting officer shall, moreover, for the time being, be subject to all the liabilities and penalties prescribed by law for the official misconduct in like cases of the assistant treasurer or depositary, respectively, for whom he acts.

I have no doubt when that act was passed it applied to all these bonded officers, and the bonds were then given and are now given so as to make the bond good whenever that is done, and it was framed so as to cover that class of cases. We did not have the bonds before us, but we took the precaution, it might as well be said, to send the bill to the Attorney-General this morning to have the bonds examined carefully and to see whether any new legislation was needed or whether the bonds did cover this condition of things, for fear that there might be something in the suggestion made by the Senator from Iowa, and those papers are now in the hands of the Attorney-General undergoing his scrutiny.

Most of us believe that the bonds as now given will cover the cases where this necessity arises, and the necessity is now upon us. I have a letter before me now from the Treasurer saying that the assistant treasurer is sick in bed, and he himself ought to be there in his present condition, and the business of the Department can not be carried on or a single check be signed. The bill simply gives him the authority, because section 304 does not give it. That is an old law, passed long before the other was passed, limiting the authority in the Treasury Department proper. This is the language—it is very short:

SEC. 304. The Treasurer may, in his discretion, with the consent of the Secretary of the Treasury, authorize the assistant treasurer to act in the place and discharge any or all the duties of the Treasurer of the United States.

That is all there is of it; but when they came to provide for assistant treasurers and depositaries, then the exception was made that I have read in section 3613, of which the pending bill is a copy, applied to the Treasurer. It seems to me that there can be no serious danger when those precautions have all been had.

Mr. WILSON, of Iowa. It does seem to me that nothing can be clearer than that section 3613 of the Revised Statutes will not cover the risk involved in the present bill. That section provides:

In case of the sickness or unavoidable absence of any assistant treasurer or depositary from his office, he may, with the approval of the Secretary of the Treasury, authorize the chief clerk, or some other clerk employed therein, to act in his place, and to discharge all the duties required by law of such assistant treasurer or depositary.

But the bill provides that the Treasurer may do this thing, which is a very different proposition from that embraced in and covered by this section of the Revised Statutes. Then the section proceeds:

The official bond given by the principal of the office—

That is, the assistant treasurer—

shall be held to cover and apply to the acts of the person appointed to act in his place—

That is, in the assistant treasurer's place—

in such cases. Such acting officer shall moreover, for the time being, be subject to all the liabilities and penalties prescribed by law for the official misconduct, in like cases, of the assistant treasurer or depositary, respectively, for whom he acts.

But there is no such provision with regard to the Treasurer. Therefore, this section does not provide for the difficulty that I have suggested at all, and it does seem to me that due caution in the enactment of legislation of this character would cause the Senate to hesitate until the bill can be properly amended to meet the suggestion that I have made.

Mr. HOAR. I should like to be informed by the Senator from Vermont [Mr. MORRILL] or the Senator from Iowa [Mr. ALLISON] as to the necessity of this proposed law. The statute provides, section 301, that—

There shall be in the Department of the Treasury a Treasurer of the United States, who shall be appointed, &c.

Section 303 provides that—

There shall be in the Department of the Treasury an assistant treasurer of the United States.

Section 304 provides that—

The Treasurer may, in his discretion, with the consent of the Secretary of the Treasury, authorize the assistant treasurer to act in the place and discharge any or all the duties of the Treasurer of the United States.

Therefore you have got an explicit provision of law, making it one of the duties of an assistant treasurer in all cases, when he is required by the Treasurer, to perform his duties.

Mr. MORRILL. But they are both disabled at the present time.

Mr. HOAR. Suppose they are disabled, the Treasurer is not disabled from authorizing the assistant——

Mr. MORRILL. But, if the Senator will permit me——

Mr. HOAR. The Senator has only heard half of the proposition. The assistant treasurer of the United States then, by the existing law, is bound, when required, to perform all the duties of the Treasurer. That is the first step; that is one of his duties; he is required to act as Treasurer when the Treasurer is disabled. Now, section 3613 provides that—

In case of the sickness or unavoidable absence of any assistant treasurer or depositary from his office—

Including all the assistant treasurers of the United States, not merely outside of Washington but this one as well—

he may, with the approval of the Secretary of the Treasury, authorize the chief clerk, or some other clerk employed therein, to act in his place, and to discharge all the duties required by law of such assistant treasurer or depositary.

So I submit to the committee whether the provision of law is not absolute and complete to-day, to wit: One of the duties of the assistant treasurer being to act as Treasurer when the Treasurer is disabled and he is so required, and one of his powers being to have his assistant or any other clerk in his office discharge his duties when he is disabled, why do you need anything more than the order of these two officers?

Mr. ALLISON. There is much in the suggestion made by the Senator from Massachusetts, but it seems to me that there is or may be a case where the law does not supply the remedy, and that is this case. The assistant treasurer in Washington has been sick for some two weeks and the Treasurer has been performing the duties. Now, is it not manifest that the Treasurer can not call upon the assistant treasurer to perform these duties? Why? Because he is sick; he can not be at the office; he can not be even there to designate a clerk. So the object of this bill is to provide that the Treasurer himself in the case I have supposed, and in the case that actually exists now by the absence or sickness of the assistant treasurer, may do just what the assistant treasurer could do if he was in the office.

Mr. HOAR. The Senator from Iowa does not quite apprehend the point or I do not apprehend him. The fact that the assistant is disabled to write does not prevent the Treasurer from calling upon him to perform the duties, one of which is to designate somebody in his own place to do it when he can not and when he is required. He says, "being required and it now becoming my duty, and I being disabled, I call on this man in my place."

Mr. ALLISON. Now, suppose the assistant treasurer was sick in Boston, and the Treasurer himself here discharging the duties of the office, and the Treasurer suddenly becomes disabled, does the Senator from Massachusetts think that there is a law which would authorize the Treasurer to write to Boston to the sick-bed of the assistant treasurer asking him to come and discharge these duties, and that the assistant treasurer then and there could designate a clerk in the office, with the approval of the Secretary, to do it?

Mr. HOAR. Very clearly.

Mr. ALLISON. Now we have the opinion of the Senator from Massachusetts, a member of the Judiciary Committee, that that can be done, but the Treasurer does not think that can be done, and hence asks for the passage of this law. That is the only excuse for the passage of this act; and if the Senator from Massachusetts is right in his conclusion, of course this act is not needed. The Treasurer believes that in the absence of the assistant treasurer, and during his sickness, it is not possible for him to call on the assistant treasurer to perform this duty.

Mr. HOAR. If the Senate should agree with me, as the Senator from Iowa, I think, does, as to the legal proposition——

Mr. ALLISON. At this moment I do not say so.

Mr. HOAR. But if the Senate shall be of that opinion, what is the difficulty? It is possible that the Treasurer of the United States has not considered these two distinct and separate sections of the statutes together; but bringing them together certainly removes very much the reason for the Senate's passing in haste, without waiting an hour for the proper amendment, a bill conceded by the committee who have reported it to be an act of extremely crude and imperfect legislation.

Mr. MORRILL. I ask that the report of the Judiciary Committee of the House be now read.

The PRESIDENT *pro tempore*. It will be read.

The Chief Clerk read the report submitted by Mr. TUCKER, from the Committee on the Judiciary of the House of Representatives, on the 11th instant, as follows:

The Committee on the Judiciary, to whom was referred House bill 4875, respectfully report back the same with an amendment in the nature of a substitute, with a recommendation that it do pass.

By section 304 of the Revised Statutes it is enacted as follows: "The Treasurer may, in his discretion, with the consent of the Secretary of the Treasury, authorize the assistant treasurer to act in the place and discharge any or all of the duties of the Treasurer of the United States."

By section 302 the Treasurer is required to give bond for the faithful discharge of his duties in a penalty of $150,000.

By section 3600 the assistant treasurer is required to give bond for the faithful discharge of his duties in a penalty to be fixed by the Secretary of the Treasury.

By section 3613 it is provided as follows: "In case of the sickness or unavoidable absence of any assistant treasurer or depositary from his office, he may, with the approval of the Secretary of the Treasury, authorize the chief clerk, or some other clerk employed therein, to act in his place, and to discharge all the duties required by law of such assistant treasurer or depositary."

The official bond given by the principal of the office shall be held to cover, and apply to the acts of, the person appointed to act in his place in such cases. Such acting officer shall, moreover, for the time being, be subject to all the liabilities and penalties prescribed by law for the official misconduct in like cases of the assistant treasurer or depositary, respectively, for whom he acts.

The bill reported gives to the Treasurer the power to select some clerk, whom he shall, with the consent of the Secretary of the Treasury, appoint to act as assistant treasurer during the absence or illness of either the Treasurer or assistant treasurer.

This contingency has arisen of late, and the bill proposed remedies it by supplying the place with a clerk to be selected as above stated, and the bill proposes to subject their action to the conservative provisions of section 3600, by re-enacting the latter clause thereof in terms, and without referring merely to the act itself.

The PRESIDENT *pro tempore*. The question is on the adoption of the amendment proposed by the Senator from Iowa [Mr. ALLISON].

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

Mr. WILSON, of Iowa. I suggest to the Senate that the report of the Committee on the Judiciary of the House which has been read at the desk does not meet the difficulty at all. This bill proposes to confer a new power and impose a new duty upon the Treasurer of the United States subsequent to the execution of his official bond; and I submit to the Senate that the section of the Revised Statutes which has been referred to does not make provision for such a change in the law and imposition of a duty; and unless this exigency is so great that we can afford the hazard of establishing so mischievous a precedent as this, it would be better to recommit this bill to the committee, in order that they may provide by proper amendment, after due consideration, for the difficulty suggested. If it be in order I will make that motion.

The PRESIDENT *pro tempore*. The motion is in order.

Mr. WILSON, of Iowa. I do not desire without some effort to be responsible in any part for the establishment of a precedent which I think would be so mischievous. I move, therefore, that the bill be recommitted to the Committee on Finance.

The PRESIDENT *pro tempore*. The question is on the motion of the Senator from Iowa.

The motion was agreed to.

BILLS INTRODUCED.

Mr. BLACKBURN introduced a bill (S. 1534) for the relief of John

P. Bush and James Grigsby; which war read twice by its title, and referred to the Committee on Claims.

Mr. VOORHEES introduced a bill (S. 1535) for the purchase of a site and the erection of a public building thereon in the city of La Fayette, Ind.; which was read twice by its title, and referred to the Committee on Public Buildings and Grounds.

Mr. BECK introduced a bill (S. 1536) for the purchase of suitable grounds in the city of Owensborough, in the State of Kentucky, and the erection thereon of a public building for the post-office, United States collector's office, United States commissioner's office, and for the use of other United States offices in said city, and appropriating money for said purposes; which was read twice by its title, and referred to the Committee on Public Buildings and Grounds.

He also introduced a bill (S. 1537) for the relief of B. B. Connor, of Louisville, Ky.; which was read twice by its title, and referred to the Committee on Claims.

Mr. FRYE. I present a bill to consolidate the departments of the Army of the United States, and for other purposes. I ask that it be twice read, and referred to the Committee on Military Affairs.

I do not mean to commit myself to the provisions of this bill by this request. The Secretary of the Navy has recommended the consolidation of the departments of the Navy. The proper committee has it now under consideration. If that committee should report favorably and the Senate should act also with favor on that bill, then I see no reason whatever why the same should not apply to the Army and why there should not be a like consolidation of its departments. This bill provides for a similar consolidation.

The bill (S. 1538) to consolidate the departments of the Army of the United States, and for other purposes, was read twice by its title, and referred to the Committee on Military Affairs.

Mr. COCKRELL introduced a bill (S. 1539) granting a pension to Evaline Hunt, widow, and minor children of Lewis Hunt, deceased; which was read twice by its title and referred to the Committee on Pensions.

Mr. MAHONE introduced a bill (S. 1540) for the relief of Isaac Davenport and others, citizens of Virginia; which was read twice by its title, and referred to the Committee on Claims.

Mr. VAN WYCK introduced a bill (S. 1541) to amend an act passed July 5, 1884, "to provide for the disposal of abandoned and useless military reservations" so that the same shall be held for homestead entries only; which was read twice by its title, and referred to the Committee on Public Lands.

Mr. INGALLS introduced a bill (S. 1542) granting a pension to James McLaughlin; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Pensions.

Mr. WILSON, of Iowa (by request), introduced a bill (S. 1443) fixing the rate of interest upon arrearages of taxes due July 1, 1884, and on all special improvements due the District of Columbia which may be paid within a specified time; which was read twice by its title, and referred to the Committee on the District of Columbia.

Mr. PALMER (by request) introduced a bill (S. 1544) for the relief of John H. Russell; which was read twice by its title, and referred to the Committee on Claims.

Mr. TELLER (by request) introduced a bill (S. 1545) for classification of clerks in first-class post-offices and for fixing the salaries of the same; which was read twice by its title, and referred to the Committee on Post-Offices and Post-Roads.

Mr. MILLER, of New York (by request), introduced a bill (S. 1546) for the relief of Sarah E. E. Perine, widow and administratrix of the estate of William Perine, deceased; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Claims.

Mr. GRAY introduced a bill (S. 1547) to establish a court of appeals, to provide additional circuit judges, and to make certain changes in the jurisdiction of the Supreme Court of the United States; which was read twice by its title, and referred to the Committee on the Judiciary.

He also introduced a bill (S. 1548) to amend the act of Congress of March 3, 1875, entitled "An act to determine the jurisdiction of circuit courts of the United States, and to regulate the removal of causes from State courts, and for other purposes," and to repeal sections 639 and 640 of the Revised Statutes of the United States; which was read twice by its title, and referred to the Committee on the Judiciary.

Mr. PLUMB introduced a bill (S. 1549) to forfeit certain lands heretofore granted for the purpose of aiding in the construction of railroads, and for other purposes; which was read the first time by its title and the second time at length, and referred to the Committee on Public Lands, as follows:

Be it enacted, &c., That there is hereby forfeited to the United States, and the United States hereby resumes the title thereto, all lands heretofore granted to any State or to any corporation to aid in the construction of a railroad opposite to and conterminous with the uncompleted portion of any railroad for the construction or benefit of which lands have heretofore been granted; and all such lands are declared to be a part of the public lands and opened to settlement under the public land laws, except such as provide for pre-emption entries: *Provided*, That this act shall not be construed as forfeiting the right of way or depot grounds of any railroad company heretofore granted.

Mr. GIBSON introduced a joint resolution (S. R. 43) authorizing the Secretary of the Treasury to appoint expert accountants and experts in counting coin in the subtreasuries; which was read twice by its title, and referred to the Committee on Finance.

PAPERS WITHDRAWN AND REFERRED.

On motion of Mr. GORMAN, it was

Ordered, That the papers in the case of Orville Horwitz be taken from the files and referred to the Committee on Claims of the House of Representatives.

On motion of Mr. MAHONE, it was

Ordered, That the papers on file in the Secretary's office of the Senate pertaining to the claim of Isaac Davenport and other citizens of Virginia be withdrawn and referred to the Committee on Claims, in connection with Senate bill for the relief of the parties named.

On motion of Mr. BECK, it was

Ordered, That the papers in the case of B. B. Connor be withdrawn from the files of the Senate and referred to the proper committee, subject to the rule.

UNION PACIFIC RAILROAD.

Mr. WILSON, of Iowa. I rise to offer a resolution relative to the message of the President communicated to the Senate yesterday conveying the report of the Government directors of the Union Pacific Railroad for the year 1885. I offer the following resolution and ask for its present consideration:

Resolved, That the report of the directors of the Union Pacific Railway Company for the year 1885, now upon the table of the Senate, be ordered printed, and that in addition thereto the Public Printer be directed to add said report in the document containing all prior reports of said directors heretofore ordered printed.

I desire to say that that subject has been considered informally by the Committee on Printing and that the resolution is the result of their consideration. I ask for its adoption.

The resolution was considered by unanimous consent, and agreed to.

PROPERTY REMOVED TO INDIAN TERRITORY.

Mr. MAXEY. I offer the following resolution:

Resolved, That the Committee on the Judiciary be, and is hereby, instructed to inquire into what legislation may be necessary in order to subject property removed from any State or Territory into the Indian Territory, that is to say, into the country occupied by the five civilized tribes, to forced sale, levy, and execution, upon a writ of execution or other proper writ issued upon a judgment or decree rendered by a court of competent jurisdiction to hear and determine between the parties to the suit.

2. What legislation may be necessary to subject property removed as aforesaid into the Indian Territory aforesaid to writ of attachment or other auxiliary writ duly issued by such court as aforesaid at the commencement of suit or pending the litigation.

And said committee is directed to report by bill or otherwise.

By unanimous consent the Senate proceeded to consider the resolution.

Mr. MAXEY. Mr. President, I wish to say before I ask for the reference of the resolution that at this time no civil process whatever runs in the Indian Territory. The States of Texas, Kansas, and Arkansas, and especially the border counties, are afflicted by debtors running over into that Territory, which is entirely beyond the reach of law. The object of this resolution is to call the attention of the Judiciary Committee to the subject, to the end that that committee may report some remedial measure which will relieve that country of this great evil that it now labors under. In one single county in my State about $600,000 worth of property was run away with to the Indian Territory, where it is beyond the reach of law. That is the only country I know of within the jurisdiction of the United States where property can not be subjected to forced sale, levy, and execution upon judgment duly rendered. I think some provision should be made by law to meet cases of that kind.

Mr. ALLISON. I ask the Senator from Texas if it would not be more appropriate to have this examination made by the Committee on Indian Affairs?

Mr. MAXEY. I had thought of it and I am a member of that committee, but there are some complicated questions of law involved, and I will state one of them. In many instances in relation to this property the creditor and debtor are both citizens of the same State. That raises the question as to how to meet a case of that kind. I can well apprehend, as the Senator from Iowa can, that where the parties live in different States the matter might easily be reached in the Federal courts; but that is a question which to my mind is difficult of solution, and I thought it best to have the Judiciary Committee look into that question. I think so yet.

Mr. DAWES. The Committee on the Judiciary have under consideration the question of establishing a court in the Indian Territory, and also bills authorizing the collection of debts which are contracted in the States by persons who take up their residence in the Territory, and it seems to me highly proper that they should consider in that connection the proposition of the Senator from Texas.

Mr. MAXEY. I think so. I am a member of the Committee on Indian Affairs, and I want to say that this does not at all interfere with the Indians in any way whatever. It refers to a citizen of the United States who gets possession of the property of another citizen of the United States and throws it beyond the reach of civil process. That ought to be provided against in some way, and I hope the Committee on the Judiciary will look carefully into it and see what can be done.

Mr. ALLISON. I withdraw my suggestion.

The resolution was agreed to.

TARIFF REVISION.

The PRESIDENT *pro tempore*. The Chair lays before the Senate a

communication from the Secretary of the Treasury of date February 15, 1886, in regard to the revision of the tariff. As it is a very lengthy communication, and already in print, the Chair will submit to the Senate the question as to what disposition shall be made of it.

Mr. INGALLS. Is it a response to a resolution?

The PRESIDENT *pro tempore*. It is not in response to a resolution of the Senate.

Mr. INGALLS. How does it come here?

The PRESIDENT *pro tempore*. Under the general provisions of law, which authorizes the Secretary of the Treasury to communicate to Congress.

Mr. ALLISON. It ought to be printed and referred to the Committee on Finance.

The PRESIDENT *pro tempore*. That order will be made if there be no objection.

SPECIAL LAND AGENTS.

Mr. BLAIR. If there is no objection I move that the Senate now proceed to the consideration of the educational bill.

Several SENATORS. Calendar! Calendar!

The PRESIDENT *pro tempore*. The Chair lays before the Senate the resolution submitted yesterday by the Senator from Kansas [Mr. PLUMB], which came over under objection. It will be read.

The Chief Clerk read as follows:

Resolved, That the Secretary of the Interior be directed to inform the Senate as to the names and number of special agents employed by his Department for the purpose of the detection of frauds in the entries of public lands; length of time employed, respectively; compensation and expenses paid to each; the number of cases sent to said special agents for investigation and report; the number of cases reported upon by each of said agents; and during what period of time; the number of cases of entries of public lands which have been suspended, and which under the rules of the Department will require to be specially investigated before being finally decided.

Mr. COCKRELL. I have just sent for the Senator from Kansas who introduced the resolution. I have some amendments I have shown to him and to which I am sure he will make no objection. I move in the second line to strike out the words "names and;" in the fourth line, after the word "respectively," to insert "and their places of duty;" in the seventh line, after the words "and during what period of time," to insert "for each of the fiscal years 1883, 1884, 1885, and 1886 up to this date and;" then in the next line, immediately after the words "public lands," strike out have been" and insert "are now;" so as to read "the number of cases of entries of public lands which are now suspended;" and at the end of the resolution to add "and the length of time it will require to made such investigations with the present force."

Mr. DAWES. Will the Senator have the resolution read as amended?

Mr. COCKRELL. I can read it as it will read if amended.

Mr. ALLISON. The Senator from Missouri seems to suggest a good many very important amendments, and I think as the Senator from Kansas is not in, his amendments had better be printed and the resolution go over until to-morrow. I suggest that to him.

Mr. COCKRELL. All right; I have no objection to that.

Mr. ALLISON. It is very evident that the Senator from Missouri is asking for a large amount of information running back several years. I think it a very pertinent inquiry to ascertain how many clerks will be required to procure the information. The resolution had better go over until to-morrow.

Mr. COCKRELL. Shall I read the resolution just as it will be if amended?

The PRESIDENT *pro tempore*. If the Senator will send it to the desk——

Mr. COCKRELL. Let the Secretary follow it as I read, so that there shall be no mistake——

Mr. ALLISON. Let it be printed.

Mr. COCKRELL. Let it be printed in that way.

The PRESIDENT *pro tempore*. The Senator can read it.

Mr. COCKRELL. As proposed to be amended the resolution would read:

Resolved, That the Secretary of the Interior be directed to inform the Senate as to the number of special agents employed by his Department for the detection of fraud, and their places of duty, in the entries of public lands; length of time employed consecutively; compensation and expenses paid to each; the number of cases sent to said special agents for investigation and report; the number of cases reported upon by each of said agents, and during what period of time, for each of the fiscal years 1883, 1884, 1885, and 1886 up to the present time; and the number of cases of entries of public lands which are now suspended and which under the rules of the Department will require to be specially investigated before being finally decided, and the length of time it will require to make such investigations with the present force.

That is the way the resolution reads when amended as I propose to amend it.

Mr. TELLER. I would suggest to the Senator from Missouri that he will find in the published reports the names of all the special agents and the amounts paid to them previous to 1885; but I am not certain whether the document for last year is out yet. That information is published every year. By going to the register of the Interior Department you will find the names of all the parties employed and the salaries they get.

Mr. COCKRELL. I know it is published every two years. We have a register of it, but we want this in a separate form, so that the information will be available for the Committee on Appropriations.

The PRESIDENT *pro tempore*. The question is on the amendments of the Senator from Missouri.

The amendments were agreed to.

The PRESIDENT *pro tempore*. The question is on the adoption of the resolution as amended.

The resolution as amended was agreed to.

JUDICIAL BUSINESS IN VIRGINIA.

The PRESIDENT *pro tempore*. The Chair lays before the Senate the resolution submitted yesterday by the Senator from Virginia [Mr. MAHONE], which comes over under objection.

The resolution was considered, and agreed to, as follows:

Resolved, That the Attorney-General of the United States be, and he hereby is, directed to inform the Senate of the number of cases in which the United States were a party or interested pending in the circuit and district courts of the eastern district of Virginia at the terms of such courts held in the year 1884, and also in the year 1885, and that he also inform the Senate whether any, and if so what, assistant district attorneys have been appointed for that district during those years or since, and at what rate of compensation; and that he transmit to the Senate copies of all documents and papers in the possession of the Department of Justice relating to any such appointment.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. CLARK, its Clerk, returned to the Senate, in obedience to its request, the bill (S. 637) for the erection of a public building at Hudson, N. Y.

MARY B. HOLMES.

The PRESIDENT *pro tempore*. The Calendar is now in order under Rule VIII.

Mr. BLAIR. It is so near 2 o'clock that I ask the Senate to proceed to the consideration of the education bill. I make that motion.

The PRESIDENT *pro tempore*. The Senator from New Hampshire moves that the Senate proceed to the consideration of the unfinished business of yesterday.

Mr. SEWELL. I hope the Senator will allow the first case on the Calendar to be considered. It was practically finished the other day, and was laid over only to obtain some information.

Mr. BLAIR. I do not wish to press the bill until 2 o'clock, if any Senator is very desirous to occupy the remaining time.

Mr. SEWELL. I think we might go on with the Calendar until 2 o'clock.

Mr. BLAIR. I withdraw the motion.

The PRESIDENT *pro tempore*. The Senator from New Jersey moves that the Senate proceed to the consideration of the bill (S. 806) granting a pension to Mary B. Holmes.

The motion was agreed to; and the Senate, as in Committee of the Whole, resumed the consideration of the bill.

Mr. SEWELL. The Senator from Connecticut [Mr. PLATT] desired to know what was the rate of pension in this case. There is a short report in the case, from which it will be seen that the pension is $15 a month; so that there can be no further objection to the bill.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

The PRESIDENT *pro tempore*. The question now is on agreeing to the preamble.

The preamble was agreed to.

AID TO COMMON SCHOOLS.

Mr. BLAIR. I now renew my motion.

The PRESIDING OFFICER (Mr. MANDERSON in the chair). The Senator from New Hampshire moves that the Senate now proceed to the consideration of the unfinished business of yesterday, being Senate bill 194.

The motion was agreed to; and the Senate, as in Committee of the Whole, resumed the consideration of the bill (S. 194) to aid in the establishment and temporary support of common schools.

Mr. JACKSON. Mr. President, regarding the pending measure as vitally important to a large section of the country and highly beneficial to the entire Union, I ask the indulgence of the Senate in submitting my views, on its constitutionality, which has been called in question, and in presenting a few of the many considerations which lead me to give it my hearty support.

The bill provides, as now amended, that for eight fiscal years next after its passage there shall be annually appropriated from the money in the Treasury the following sums, namely: The first year the sum of $7,000,000; the second year, $10,000,000; the third year, $15,000,000; the fourth year, $13,000,000; the fifth year, $11,000,000; the sixth year, $9,000,000; the seventh year, $7,000,000, and the eighth year $5,000,000, to secure the benefits of common-school education to all the children of the school age living in the United States; and that these funds are to be distributed among the several States and Territories on the basis of illiteracy. As the design of the measure is not to establish an independent or national system of schools, but rather to aid,

for the time being, in the development and maintenance of the schools established by local government, and which must eventually be wholly maintained by the States and Territories wherein they exist, it is further provided that no greater part of the money appropriated shall be paid out to any State in any one year than the sum expended out of its own resources or out of moneys raised under its authority in the preceding year for the maintenance of common schools. So that, while the apportionment of the money appropriated is to be made among the States on the basis of illiteracy, the actual yearly distribution to each, after the first year, is not to exceed the amount each State shall annually expend out of its own resources, or out of moneys raised under its authority for the support and maintenance of its common schools, exclusive of the sum expended in the erection of school buildings.

The design and effect of the measure is, therefore, simply this, that for the purpose of aiding the several States in the support and establishment of more enlarged and efficient public schools required by our present and prospective educational wants and necessities, to the end that knowledge may be more widely diffused among the people, especially the youth of the country, the General Government proposes for the limited period of eight years, and on the basis of illiteracy, to supplement to the extent indicated the respective annual expenditures by the States for the encouragement and development of their common schools. It is a proposition to aid the States through their local agencies in counteracting the conditions of illiteracy now prevailing in their midst; conditions which in many, especially in the ex-slave States of the Union, have reached alarming proportions and are beyond their ability to remedy.

The only conditions attached to the appropriation are that the funds received shall be solely applied by the States to the support of their common schools, and for the education of the scholastic population, without distinction of race or color (separate schools for white and colored children being no violation of this condition); and that, to secure a second or subsequent installment or allotment under the provisions of the act, the governor of the State shall first file with the Secretary of the Interior a certified statement, giving an account of the payments or disbursements made of the school fund appropriated to his State, and also the amount expended for the preceding year out of its own resources, together with the general condition of the common-school system of the State. While this requirement of a report from the State authorities is made a ground of objection to the bill, it should be remembered that provisions similar to this have in several instances been required in granting Federal aid to school purposes in the States and were never before considered a serious objection to such aid. I call attention to two of these cases.

By acts approved December 12, 1820, and May 3, 1822, 3 per cent. of the net proceeds arising from the sales of public lands within the States of Illinois, Missouri, Mississippi, and Alabama were directed to be paid over to those States for school purposes; and each of said acts contained the following provision: "An annual account of the application of the same [the funds so donated] shall be transmitted to the Secretary of the Treasury by such officer of the State as the Legislature thereof shall direct; and in default of such return being made, the Secretary of the Treasury is hereby required to withhold the payment of any sums that may then be due, or which may thereafter become due, until a return shall be made as herein required." It was never suggested that this requirement humiliated these States. They accepted the gift with the condition.

But the present munificent appropriation for the accomplishment of an object so wise, so beneficial, and so essential to the well-being of both governments, State and Federal, is opposed, first and chiefly, on the ground of its unconstitutionality. This objection, if it can be sustained, will and should defeat the bill, and all discussion of the general considerations bearing upon this important subject, touching the policy, the expediency, or the necessity of the aid proposed would be an unprofitable and useless consumption of the time of the Senate. For if there is either no constitutional authority in Congress to apply public funds to the objects and for the purposes proposed by the bill, or if the application involves any encroachment upon the reserved rights and powers of the States, the scheme must be abandoned, and the States must be left to contend alone with the problem of illiteracy, now confronting many of them, and meet as best they may the evils, the perils, and the dangers which it may entail upon them and the country at large. This constitutional question, therefore, naturally demands, at the very outset, our attention and presents itself in two points of view. The *First*, bearing upon the sovereignty of the States, is whether the proposed aid either asserts or involves any assumption of Federal jurisdiction over the school systems of the States; The *Second*, relating to the General Government, is whether Congress has the right to appropriate money from the national Treasury in aid of these State institutions, waiving or disavowing any and all claim of jurisdiction over the same.

The public schools, to whose support and encouragement the funds appropriated are to be applied, are unquestionably local or domestic institutions, over which the Federal Government possesses no jurisdiction and can assert no rightful authority; and if the present bill either assumed or necessarily involved any right of control on the part of the General Government over these State schools it should not receive my support. But no such assumption is made or can fairly be implied from the provisions of the bill. On the contrary, there is a clear disclaimer of any intention to assert Federal jurisdiction or control over the school systems to be aided. No interference with the State's exclusive management and control of its public schools is claimed or asserted by the bill. Nothing but assistance is tendered, leaving it entirely optional with each and every State to accept or reject the benefits of the act or the help it proffers. It does not admit of debate that the States, especially those now struggling with the great evil of a widespread illiteracy, beyond their ability to remedy, and seriously affecting their social, industrial, and political interests, may accept and use Federal aid under such circumstances and upon such terms without the compromise of their dignity, the impairment of their sovereignty, or the surrender of any reserved right or power. No ingenuity of the human intellect can point out how any State function, power, or right is or can be usurped by Congress in simply tendering aid to the States for the accomplishment of a great work of vital importance to both governments, State and Federal, when such aid may be received or rejected at the pleasure of the State; or how by adopting this measure any reserved right or power is or could be surrendered by the States.

VOLUNTARY ACCEPTANCE OF ASSISTANCE SO TENDERED.

The measure neither asserts jurisdiction over any State function nor infringes upon any State prerogative. Instead of encroaching on their sovereignty, it provides the States with the means of rendering that sovereignty more secure by strengthening the underlying foundation on which their integrity and prosperity must ever rest—the intelligence of their people. Instead of weakening their powers, it supplies the States with needed resources for preserving and perpetuating their rights against Federal usurpation. Instead of promoting centralization on the part of the General Government, which can only take place by the assertion and exercise of powers reserved to the States, the real tendency of the measure is to strengthen, to build up, and to make the States what our system of Government intended them to be, and what they should ever remain, the great massive pillars on which the Federal fabric was founded and upon which it must continue to rest for its proper support; for when those supporting columns are subverted or undermined, whether by the prevalence of illiteracy or by other causes, this magnificent superstructure of our fathers will fall and crumble into ruins.

It is hardly necessary to consume further time on this branch of the subject, for it must be clear to every candid mind that no constitutional objections can be successfully urged against the present bill from the standpoint of the States.

How stands the question as it relates to the General Government? Has Congress, under the Constitution, the right to appropriate money in aid of the common schools of the country, disavowing any claim of jurisdiction? In other words, can the General Government, by the application of public funds, assist and encourage these domestic institutions as the agencies and instrumentalities to effect the removal of the evils arising from illiteracy and to secure the benefits resulting from the general diffusion of knowledge—the evils to be removed and the benefits to be secured affecting to a large extent, if not in equal proportions, both governments, State and Federal? The opponents of the bill dispute this proposition and insist, as I understand their position, that Congress has no authority to appropriate the national funds except in the execution of the powers delegated to the General Government; that the right of appropriation is limited and restricted to the objects and purposes embraced in the enumerated authorities vested in Congress; that Congress can lawfully grant or expend the money of the Government only for purposes or upon objects over which the United States have jurisdiction under the Constitution; that the application of its funds to any measure involves the assertion of sovereignty over that measure, and consequently that Federal authority to aid State schools necessarily includes Federal authority over those schools.

This position is not new. It is simply the revival of a construction which at an early period of the Government found expression in the following proposition: "That whenever money has been raised by the general authority and is to be applied to a particular measure, a question arises whether that particular measure is within the enumerated authorities vested in Congress. If it be, the money requisite for it may be applied to it; if not, no such application could be made." But this attempted, or rather suggested, restriction upon the right of appropriation was not sanctioned or adopted, and could not be maintained without greatly diminishing, if not destroying, the Government's ability to accomplish the great objects and purposes for which it was ordained and established. The distinguished statesman who first advanced it practically abandoned it at a later period, as will hereafter be shown. It can not be successfully revived and sustained at this day. It is not only not warranted by any proper interpretation of the Constitution, but is opposed by the overwhelming weight of authority and contradicted by the contemporaneous exposition of the Constitution, practiced and acquiesced in since the commencement of the Government. I submit, therefore, with confidence that instead of the application of public funds being confined or limited to the objects included in the enumerated powers, and instead of Federal jurisdiction being a

necessary accompaniment of such applications, the construction is now firmly settled that the right of appropriation is more extensive than the objects over which Congress may exercise powers or assert jurisdiction; that it extends to cases and purposes beyond them, and embraces such objects of a general character as affect the welfare of the Union or in which the States may have a common concern or mutual interest. Under this construction of its authority Congress may make the appropriation contemplated by the bill if the advantages of education or the evils of illiteracy can be fairly considered as matters of general concern or objects in which the General Government and the States have a common interest. That these subjects have been treated in the past as objects of national concern, so far as regards the application of public funds or property, will not admit of serious question.

The policy of aiding education and promoting the diffusion of knowledge among the people is contemporaneous with the existence of the General Government. It was incorporated into our system as one of the permanent objects of national concern under the Confederation, and has since received the same uniform recognition and support at the hands of the Federal Government.

The cessions of the separate States of their claims to the public domain were made upon the basis that the lands were to be "disposed of for the common benefit of the United States." How has this condition been executed? By the ordinance of May 20, 1785, for ascertaining the mode of disposing of this territory, lot No. 16 of every township was reserved for the maintenance of public schools within said township. The ordinances of 1787 gave this reservation in perpetuity for the purpose of public education, and contained the following provision:

ART. 3. Religion, morality, and knowledge being necessary to good government and the happiness of mankind, schools and the means of education *shall forever be encouraged.*

Whether the public schools thus endowed and to be "forever encouraged" by the United States were to be established under national or State control remained an open question, and the lands were held in *reservation merely* until the State of Ohio was admitted into the Union, when it was settled that they should be organized, managed, and controlled by the State.

In the act authorizing the formation of the State of Ohio it was provided that the reserved section 16 in every township should be granted to the inhabitants of such township for the use of schools, and by the act of Congress of March 3, 1803, that certain other lands in said State, "together with all the tracts of land previously appropriated for school purposes, should be vested in the Legislature of Ohio, in *trust*, for the use aforesaid and for no other use, intent, or purpose whatever." From the lands so donated by the United States Ohio has secured a permanent endowment in trust for public schools amounting to $4,289,718.52. Congress thus appropriated to the purpose of popular education in a particular State public property which the Government by the very terms of its acquisition was to dispose of "for the common benefit of the United States." That application of common property for the establishment of schools in a single State has never been questioned as a proper exercise of the Government's authority to dispose of the same "for the common benefit" of the country. It inaugurated an enlightened and comprehensive policy, which has since been wisely and steadily pursued by the General Government, of aiding the States in the matter of education without assuming or attempting any control over their schools. Each new State upon its admission into the Union has been the recipient from the General Government of such aid bestowed for the advancement of the general welfare of the whole. Up to June 30, 1880, Congress had donated to the States 67,893,919 acres of the public domain for public or common schools; for seminaries or universities 1,165,520 acres, and for agricultural and mechanical colleges in each State 9,600,000 acres in land and land scrip, while in addition to these land grants millions of the proceeds arising from the sales of the public lands have from time to time been appropriated by Congress for State educational purposes both by general and special acts too numerous to be here cited in detail.

The authority of the General Government thus to apply this public property or its proceeds, which it held as the trustee for the common benefit of all the people of the United States, is generally referred to and rested upon that provision of the Constitution which empowers Congress "to dispose of and make all needful rules and regulations respecting the territory or other property belonging to the United States." The same power of disposition here given over its territory is by the express terms of the grant conferred as to other property of the Government. Now what do these words "other property" include? If they are to have any meaning whatever, they clearly embrace everything that may be the subject of ownership by the Government. They include personalty of every character and description, including money in the Government vaults, however raised or acquired, whether by taxation or otherwise. The attempt to draw a distinction between the public lands or their proceeds and other property (embracing moneys on hand) of the United States, so far as the disposing authority of Congress is concerned, rests upon no solid principle and is supported by no argument or sound reasons yet brought to my attention.

Mr. MORGAN. May I interrupt the Senator?

Mr. JACKSON. Yes, sir.

Mr. MORGAN. Is this bill to appropriate moneys now on hand or moneys to be derived from taxation?

Mr. JACKSON. I shall come to that in a few moments.

The public lands and their proceeds are as much the property of the Government as its money in the Treasury. The acquisition of these lands, whether by cession or purchase, was as much for the benefit of all as money arising from any legitimate source. In his veto of the indigent insane land bill, in 1854, President Pierce declared his inability to see any distinction between the appropriation of land and money. "The public domain," he said, "is the common property of the Union just as much as the surplus proceeds of that and of duties on imports remaining unexpended in the Treasury. I have been unable to discern any distinction on constitutional grounds or grounds of expediency between an appropriation of $10,000,000 directly from the money in the Treasury for the object contemplated and the appropriation of lands presented for my sanction. I respectfully submit that in a constitutional point of view it is wholly immaterial whether the appropriation be in money or in land."

It is not now an open question that Congress possesses, under the clause in question, over the public domain the combined authority of the General and a State government, and may appropriate the same, or its proceeds, to the establishment and encouragement of State schools; and by the very terms of the grant conferring this authority we may legally appropriate money in the Treasury to any object or for any purpose to which we may legally appropriate land or the proceeds arising from the sales thereof. There is no escape from this conclusion on the question of Congressional authority, and if an object or purpose (like the diffusion of knowledge) is of sufficient importance, either to the State or country at large, to be worthy of aid and encouragement from the General Government in the shape of public lands or their proceeds, it is difficult to understand why it is not equally deserving of such assistance in the shape of money in the Treasury.

The opponents of the measure under consideration not only attempt to draw this unwarranted distinction between the authority of Congress over the public lands and money, in respect to the right of appropriation by Congress, but passing beyond that, they assert that while the application of lands or the funds arising from their sales to State school purposes involves no assumption of authority or jurisdiction by the General Government over the domestic institutions aided or over the subject of education in the States, the appropriation of money to the same objects would be attended with that result. This is mere assertion, as strange as it is untenable. It rests upon no authority and is supported by no reason. Federal jurisdiction and control no more follow the bestowal of money to a given object or purpose than results from the application of land to the same object. It was never imagined or suggested by the most extreme advocate of State rights or of strict construction of the Constitution that the grants of lands for educational purposes in the States included the right to control the local school system so aided, and no such consequence can possibly result from the application of public funds to the same objects when no such claim is asserted in the bill making the appropriation. It would be a waste of time to dwell longer on this fancied difficulty.

But it is said that if the comprehensive sovereign power of disposition over Government lands or other property extends to money, Congress may, by the exercise of its taxing power, keep its vaults filled with money to be applied at its discretion. That the taxing power could be improperly exercised so as to enlarge or increase surplus revenues in the Treasury is merely to suggest that the taxing power may be abused. Like all powers conferred upon Congress it is subject to abuse, and for such abuse the representatives are responsible to the people. There is nothing, therefore, in this suggestion. The clause under consideration is an independent power, having no relation to the taxing power. It deals only with what the Government owns and possesses in the shape of property, without reference to the mode of its acquisition; and the appropriation of its funds as contemplated by the present bill can not be regarded as a revenue measure, which must originate in the House; nor does it necessarily involve any increase of taxation.

The application of the proceeds arising from sales of the public lands to school purposes in the States, to the extent that the available funds of the Government are thereby diminished, has precisely the same relation to, and indirect or incidental effect upon taxation as the proposed appropriation of money generally. Our annual surplus revenues since 1866, under past and present revenue systems, have largely exceeded the yearly appropriation to be made under the pending measure. We have had a continued surplus larger than the yearly appropriation to be made under this bill. Suppose such surpluses should continue, as they are likely to do, and in the future, as the annual appropriations under this bill have to be made, there are sufficient unappropriated funds in the Treasury to meet the requirements of the measure, can they not be so applied as the property of the Government, over which Congress has full disposing authority? If I understand the Senator from Alabama [Mr. MORGAN] correctly, he concedes this when he says that "what money there is now in the Treasury, being the property of the United States, you may divert or apply to any purpose not forbidden by the Constitution." So that according to this concession, if there should be money on hand, as the future yearly appropriations are to be made, it may be applied as provided by the bill. Why, then, should constitutional objections be now interposed in anticipation of a deficiency,

such as would involve the necessity of raising additional revenue by the exercise of the taxing power, which may never occur?

But, Mr. President, the advocates of this measure are not restricted or confined to the clause of the Constitution conferring upon Congress the power to dispose of the territory or "other property" of the United States for the authority to make the appropriation now proposed. We may concede that it presents the question directly whether Congress has the authority to so appropriate this money, treating it as raised or to be raised by taxation; and we insist that ample warrant for its authority so to do is found in section 8, Article I, of the Constitution, empowering Congress "to lay and collect taxes, duties, imposts, and excises, to pay the debts and provide for the common defense and general welfare of the United States." The proper construction to be given the words "to provide for the common defense and general welfare" has been the great debatable ground of the Constitution. Three different constructions were at times placed upon these terms; one, that they constituted a distinct, substantive, and independent power. This interpretation would have made ours a government of unlimited powers and Congress omnipotent, notwithstanding the succeeding enumeration of specific grants. It could not be maintained, and is now universally discarded.

The Senator from Alabama [Mr. MORGAN] has vigorously, and I may say successfully, attacked this exploded construction and the wide field of power, but in doing so he has failed to meet the real question presented by the pending bill, which neither involves nor rests upon this abandoned interpretation of the clause.

A second construction insisted on was that the clause was a mere prelude or index to the succeeding enumerated powers; that the words were without meaning, mere "harmless terms" or a general phrase, which pointed to the subsequently specified powers. This construction practically struck the clause from the Constitution, and left the taxing power either wholly unlimited or restricted to the mere payment of the debts. It was neither sustained by argument nor followed in practice.

The third construction treated the clause neither as an independent power nor as meaningless, but as a limitation upon or qualification of the taxing power, and a designation of the purposes for which money might be raised in the exercise of that power. It is now generally, if not universally, conceded that this is the proper interpretation to be placed on the clause. So that the real meaning of this section as sanctioned by all commentators on the Constitution and all the great names of highest authority, including Mr. Jefferson, is this: That Congress has the power to lay and collect taxes, duties, &c., *in order* "to pay the debts and provide for the common defense and general welfare of the United States;" that the payment of the debts and the providing for the common defense and general welfare are the *purposes* for which taxes may be levied and collected. Raising the money involves the exercise of the power which is granted in comprehensive though not unlimited terms, while the expenditure of the money so raised involves the exercise of Congressional discretion in discharging the duty of applying it to purposes of common defense and general welfare. That Congress has the right to apply the money to the purposes for which it is raised is necessarily included in this acknowledged construction of the clause. Who is to determine what defense is common or what welfare is general or what expenditures shall be made in providing for the same? If Congress is not invested with this authority, who is? It manifestly rests with Congress. But the position has been taken and will be again assumed that while these designated objects constitute the *purposes* for which money may be raised by the exercise of the taxing power, still Congress can not so apply the money unless that common defense and general welfare can be reached through the subsequently specified power. This is only a new form of stating the second construction of this clause, already referred to and never sanctioned. No such restriction upon the application of public funds is warranted by the language of the Constitution and it is opposed by the undoubted weight of authority.

I shall stand by the faith of the fathers on this question, as the Senator from Alabama suggested. Let us see now what the faith of the fathers is on this subject.

After placing upon this general-welfare clause the general construction given above Chancellor Kent says:

> That Congress possess the power to appropriate money raised by taxation or otherwise for other purposes, in their discretion, than those pointed out in the enumerated powers, is a question that has given rise to very able and acute discussions, and the affirmative side of the question has been sustained and successfully vindicated by the practice of the Government and the weighty authority, among others, of Mr. Hamilton and Mr. Monroe in celebrated documents under their official sanction.

I ask attention to these and other authorities on the question. Mr. Hamilton, in his celebrated report as Secretary of the Treasury, in 1791, on manufactures, first asserted the right of Congress to appropriate public funds to other objects than those embraced in the enumerated powers, and maintained the proposition from the words and intent of the Constitution with a power of argument never surpassed and never answered. I ask the indulgence of the Senate in giving a single extract from his argument.

He says:

> The National Legislature has express authority to lay and collect taxes, duties, imposts, and excises, to pay the debts and provide for the common defense and general welfare, with no other qualifications than that all duties, imposts, and excises shall be uniform throughout the United States; that no capitation or other direct tax shall be laid unless in proportion to numbers; and that no tax or duty shall be laid on articles exported from any State. These three qualifications excepted, the power to raise money is plenary and indefinite, and the objects to which it may be appropriated are no less comprehensive than the payment of the public debts and the provkling for the common defense and the general welfare. The terms "general welfare" were doubtless intended to signify more than was expressed or imported in those which preceded; otherwise numerous exigencies incident to the affairs of the nation would have been left without provision. The phrase is as comprehensive as any that could have been used, because it was not fit that the constitutional authority of the Union to appropriate its resources should have been restricted within narrower limits than the general welfare, and because this necessarily embraces a vast variety of particulars which are susceptible neither of specification nor of definition.
>
> It is therefore of necessity left to the discretion of the National Legislature to pronounce upon the objects which concern the general welfare and for which, under that description, an appropriation of money is requisite and proper, and there seems no room for a doubt that whatever concerns the general interests, of learning, of agriculture, of manufactures, and of commerce, are within the sphere of the national councils, so far as regards the application of money. The only qualification of the generality of the phrase in question which seems to be admissible is this: That the object to which an appropriation of money is to be made must be general not local; its operation extending in fact, or by possibility, throughout the Union, and not confined to a particular spot. No objection ought to arise to this construction from a supposition that it would imply a power to do whatever else should appear to Congress conducive to the general welfare. A power to appropriate money with this latitude, which is granted in express terms, would not carry a power to do any other thing not authorized in the Constitution either expressly or by fair implication.

In another and later great state paper Hamilton again reasserted this proposition, as follows:

> It is true that Congress can not, without breach of trust, lay taxes for any other purpose than the general welfare, but so neither can any other government. The welfare of the community is the only legitimate end for which money can be raised on the community. Congress can be considered as only under one restriction which does not apply to other governments. They can not apply the money they raise to any purpose merely or purely local. But with this exception they have as large a discretion in relation to the application of money as any legislature whatever. The constitutional test of a right application must always be whether it be for a purpose of general or local nature. If the former there can be no want of constitutional power. The quality of the object, as how far it will really promote or not the welfare of the Union, must be a matter of conscientious discretion, and the arguments for or against a measure in this light must be arguments concerning expediency or inexpediency, not constitutional right.

But Hamilton was not alone in the construction which asserted that objects of general concern, or which may be conducive to the benefit of the whole, may be aided by the application of money, although such objects do not fall within any powers specially conferred upon Congress. President Washington fully concurred in this construction, as his repeated recommendations to Congress of objects of this sort, especially of the encouragement of learning, of manufactures, of agriculture, and of a great civil university, will abundantly prove. He urged that institutions for the promotion of agriculture and of education, especially in the science of government, should be supported by the public purse. What specific powers of the General Government covered or embraced such objects as institutions for the promotion of agriculture and civil instruction?

John Adams also sanctioned the construction which Hamilton had advocated; and among the objects which he declared should receive the earnest attention and patronage of his administration he enumerated "every rational effort to encourage schools, colleges, universities, academies, and every institution for propagating knowledge and virtue among all classes of people, not only for their benign influence on the happiness of life in all its stages and of society in all its forms, but as the only means of preserving our Constitution from its natural enemies, the spirit of sophistry, the spirit of party, and the spirit of intrigue and corruption."

But opponents of the present measure, while admitting that Mr. Jefferson placed upon the general-welfare clause the construction I have stated, which logically leads to the right of Congress to apply money as now claimed, yet cite extracts from his private correspondence, published since his death, to show that he denied the right of appropriation asserted by Hamilton, and favored a strict construction of the clause in question by limiting its operation to the execution of the subsequently enumerated or specific grants of power. This may have been Mr. Jefferson's *private theory;* but his *practice*, as illustrated by his official acts, sanctioned "the principle in its most imposing aspects."

In theory he denied the constitutional authority for the purchase of Louisiana and the right of Congress to appropriate the money to pay for it; but in practice he resolved his doubts in favor of the "national good," gave his official approval to all the measures for the completion of that purchase, and thus concurred in the exercise of the power of taxation upon the people to the extent of $11,250,000 to provide for the common defense and general welfare of the Union, actively supported by his great Secretary of State, Mr. Madison. Mr. Rodney, of Delaware, a distinguished lawyer and statesman, an ardent friend and supporter of Mr. Jefferson's administration, and afterward Attorney-General under Mr. Madison, was the leading advocate in the House of Representatives for the appropriation to complete that purchase, and he expressly cited this common-defense and general-welfare clause as conferring upon Congress the authority to appropriate the money needed therefor, Mr. Jefferson then saying that in this construction of his friend's he would acquiesce "with satisfaction." The right of appropriation thus asserted to provide for the common defense and promote the general wel-

fare was not only approved by Mr. Jefferson, but was acquiesced in by the country, and furnished the precedent for the subsequent purchase of Florida from Spain and other territorial purchases since made.

On this Louisiana purchase and on Mr. Jefferson's approval of the act appropriating public funds for the construction of the Cumberland road in 1806, General Jackson, in his Maysville veto message, thus comments:

In the administration of Mr. Jefferson we have two examples of the exercise of the right of appropriation which, in the considerations that led to their adoption and in their effects upon the public mind, have had a greater agency in marking the character of the power than any subsequent events. I allude to the payment of $15,000,000 for the purchase of Louisiana and to the original appropriation for the construction of the Cumberland road; the latter act deriving much weight from the acquiescence and approbation of three of the most powerful of the original members of the confederacy, expressed through their respective Legislatures. Although the circumstances of the latter case may be such as to deprive so much of it as relates to the actual construction of the road of the force of an obligatory exposition of the Constitution, it must nevertheless be admitted that so far as the mere appropriation of money is concerned they present the principle in its most imposing aspect. No less than twenty-three different laws have been passed through all the forms of the Constitution, appropriating upward of $2,500,000 out of the national Treasury in support of that improvement with the approbation of every President of the United States, including my predecessor, since its commencement.

These official acts justify the statement made by Mr. Jefferson's accomplished biographer, Professor Tucker (page 466, volume 2), that "Mr. Jefferson's construction of the (Federal) Constitution was strict or liberal, according as he conceived the national good would be best promoted by it." The construction he would have favored on the important subject of aid to popular education may be inferred from his message of November 8, 1808, in which, after referring to the probable accumulation of surpluses of revenue beyond what could be applied to the payment of the public debt, he said:

Shall it lie unproductive in the public vaults? Shall the revenue be reduced, or shall it not rather be appropriated to the improvements of roads, canals, rivers, *education*, and other great foundations of prosperity and union, under the power which Congress may already possess, or such amendment of the Constitution as may be approved by the States?

Regarding education as among the great foundations of prosperity and union, and in view of his liberal construction in favor of what he conceived would best promote the national good, it may well be doubted whether he would have disapproved of the measure under consideration.

But the great name of Mr. Madison is appealed to with confidence as an authority against the right of appropriation claimed by the advocates of this bill, and an extract from his speech, made in February, 1792, on the cod-fishery bounty bill, is cited as the wall of adamant that stands across the passage of this bill. He spoke as follows:

There are consequences, sir, still more extensive, which, as they follow clearly from the doctrine combated, must either be admitted or the doctrine must be given up. If Congress can employ money indefinitely to the general welfare and are the sole judges of the general welfare, they may take the care of religion into their own hands; they may appoint teachers in every State, county, and parish, and pay them out of the public Treasury; they may take into their own hands the education of children, establishing in like manner schools throughout the Union; they may assume the provision for the poor; they may undertake the regulation of all roads other than post-roads; in short, everything from the highest object of State legislation down to the most minute object of police would be thrown under the power of Congress.

These were the consequences which Mr. Madison insisted would follow from the doctrine he was combating. What was "the doctrine combated," and which led to such results? It was, as will clearly appear from an examination of his speech, the construction then asserted, but since abandoned and by no one now insisted on, that this common-defense and general-welfare clause constituted an abstract, independent, and indefinite grant of power—power in the sense of conferring legislative regulation and control over all objects deemed promotive of the general welfare. In supporting the present bill I have disavowed and do again distinctly disclaim any such construction as Mr. Madison was combating. My position is that the terms "to pay the debts and provide for the common defense and general welfare," following the taxing power, are a limitation or qualification of that power, that they define the purposes for which it may be exercised, and that in the application of the money so raised to the great purposes designated Congress is not restricted to the subsequently enumerated powers, but has the right to appropriate the public funds in the interest of the common defense and general welfare to other objects over which it may not have jurisdiction.

While the above extract from Mr. Madison's speech does not touch these propositions, it is true that he subsequently, in 1800, expressed the opinion that the right of appropriation under the general-welfare clause was limited to the execution of the other specifically enumerated powers. His position, as set forth in his celebrated report on the Virginia resolutions of 1798, was that—

Whenever money has been raised by the general authority and is to be applied to a particular measure, a question arises whether the particular measure be within the enumerated authorities vested in Congress. If it be, the money requisite for it may be applied to it. If it be not, no such application can be made.

This construction practically struck from the Constitution the clause "to provide for the common defense and general welfare," by treating it as without meaning, a mere prelude or index to the subsequent enumerated powers, or as merely general terms, explained and limited by the specifications in the succeeding grants of power. It was never sanctioned or acquiesced in as the correct exposition of the Constitution.

General Jackson, in his Maysville road veto message, says of this position of Mr. Madison:

The symmetry and purity of the Government would doubtless have been better preserved if this restriction of the power of appropriation could have been maintained without weakening its ability to fulfill the great objects of its institution, an effect so likely to attend its admission, notwithstanding its apparent fitness, that every subsequent administration of the Government, embracing a period of thirty out of the forty-two years of its existence, has adopted a more enlarged construction of the power.

Did Mr. Madison himself adhere to this restriction on the right of appropriation asserted by him, or did his opinion on this subject, under the practice of the Government, undergo any change? Let us see.

In 1792 he opposed the cod-fishery bounty bill, on the grounds on which it was placed, as unconstitutional. On the 30th of May, 1813, as President of the United States, he approved the bill providing a bounty on all exported pickled fish of the United States fisheries—a measure identical in principle with the cod-fishery bounty. In 1794, as a member of the House, Mr. Madison opposed the measure for the relief of the San Domingo refugees, saying "that the Government of the United States is a definite Government, confined to specified objects; that charity is no part of the legislative duty of the Government; that it would puzzle any gentleman to lay his finger on any part of the Constitution which would authorize the Government to interfere in the relief of the San Domingo sufferers; that it involved the constitutional question whether the money of our constituents can be appropriated to any other than the specified powers." The act passed over his objection and received the sanction of President Washington. On the 8th of May, 1812, Mr. Madison's constitutional difficulties had disappeared, and as President he approved a similar bill appropriating $50,000 for the relief of the citizens of Venezuela.

Again, in vetoing the bill setting apart the bonus to be paid by the national bank and the United States share of its dividends for the construction of certain improvements in the States, which Mr. Madison objected to on the ground that it asserted a power in the Federal Government to *construct* roads and canals within the limits of a State, he, however, conceded the right of Congress to appropriate money in aid of objects beyond its jurisdiction, for after stating his objections to the bill then before him he said:

A restriction of the power "to provide for the common defense and general welfare" to cases which are to be provided for by the expenditure of money would still leave within the legislative power of Congress all the great and most important measures of Government, money being the ordinary and necessary means of carrying them into execution.

Of this statement General Jackson, in his Maysville veto, says:

I have not been able to consider these declarations [of Mr. Madison] in any other point of view than as a concession that the right of appropriation is not limited by the power of Congress to carry into effect the measure for which the money is asked, as was formerly contended.

Mr. Madison was still living and a close observer of public events when General Jackson officially placed this construction on his official language, and never, so far as I have noticed, dissented from its correctness.

But to show Mr. Madison's position still more clearly, I call the attention of gentlemen who rely upon his early opinions to another fact. In 1791 he denied the constitutionality of the Bank of the United States. In 1817, as President of the United States, he approved the bill rechartering that bank. I do not refer to this for the purpose of showing the inconsistency between his legislative opinions and his official acts as President. He has vindicated himself against any such charge, and on grounds which fully sustain the supporters of the present bill. In writing to Mr. Ingersoll, on the 25th of June, 1831, he says:

The charge of inconsistency between my objections to the constitutionality of such a bank in 1791 and my assent in 1817 turns on the question how far legislative precedents expounding the Constitution ought to guide succeeding Legislatures and to override individual opinions. * * * The case in question has its true analogy in the obligation arising from judicial expositions of the law on succeeding judges—the Constitution being a law to the legislator, as the law is a rule of decision to the judge.

After referring to the authoritative force and effect of precedents in judicial decisions and the grounds on which the principle rests, he proceeds:

Can it be of less consequence that the meaning of a constitution should be fixed and known than that the meaning of a law should be so? Can, indeed, a law be fixed in its meaning and operation unless the Constitution be so? On the contrary, if a particular Legislature, differing in the construction of the Constitution, from a series of preceding constructions, proceed to act on that difference, they not only introduce uncertainty and instability in the Constitution, but in the laws themselves; inasmuch as all laws preceding the new construction and inconsistent with it are not only annulled for the future but virtually pronounced nullities from the beginning. * * * Has the wisest and most conscientious judge ever scrupled to acquiesce in decisions in which he has been overruled by the matured opinions of the majority of his colleagues and subsequently to conform himself thereto, as to authoritative expositions of the law? And is it not reasonable that the same view of the official oath should be taken by a legislator acting under the Constitution, which is his guide, as is taken by a judge acting under the law, which is his.

There is in fact and in common understanding a necessity of regarding a course of practice as above characterized in the light of a legal rule of interpreting a law; and there is a like necessity of considering it a constitutional rule of interpreting a constitution. * * * Let it then be left to the decision of every intelligent and candid judge, which, on the whole, is most to be relied on for the true and safe construction of the Constitution, that which has the uniform sanction of successive legislative bodies through a period of years and under the varied ascendency of parties; or that which depends upon the opinions of

every new Legislature, heated as it may be by the spirit of party, eager in the pursuit of some favorite object, or led away by the eloquence and address of popular statesmen, themselves perhaps under the influence of the same misleading causes. It was in conformity with the view here taken of the respect due to deliberate and reiterated precedent that the Bank of the United States, though on the original question held to be unconstitutional, received the executive signature in the year 1817.

The sound and conservative principle here announced no doubt led Mr. Madison as President to approve the $50,000 appropriation in 1812 for the relief of the citizens of Venezuela and the fishery bounty bill of 1813, measures which in 1792 and 1794 he regarded as unconstitutional, and also led him to make the concession in 1817, as stated by General Jackson—

That the right of appropriation is not limited by the power to carry into effect the measure for which the money is asked, as was formerly contended.

In view of the continued exercise of this right and of the principle so clearly and forcibly stated by him, I submit that the deservedly high authority of Mr. Madison can not be fairly arrayed against the right of appropriation presented by the bill under consideration, when, too, it is remembered that he favored and recommended to Congress the establishment of a great seminary of learning by the National Legislature as the means of enlightening the opinions, expanding the patriotism, and assimilating the principles, the sentiments, and the manners of the youth of the country, it being universally admitted, as he says, "that a well-instructed people alone can be permanently a free people."

Mr. Monroe next had occasion to consider officially this direct question, which was presented in this shape: In 1822 Congress passed a bill making an appropriation for continuing the Cumberland road, which contained provisions for Federal supervision and control. The original appropriation for this road, commenced under Mr. Jefferson's administration and continued under Mr. Madison's, contained no assertion of Federal jurisdiction over the same. Mr. Monroe considered the provision of this act assuming such jurisdiction by the Government as unconstitutional. He asserted that no right of jurisdiction or sovereignty resulted from the appropriation made for the road with the assent of the States through which it was constructed; that while the States might assent to the appropriation of money by the General Government within their limits for such purposes, they could not, even by express consent, confer or grant any power of Federal jurisdiction over the improvement or subject to which the money was applied. He accordingly vetoed the bill, and accompanying his veto message he transmitted to Congress a separate document of marked ability, regarded by many competent judges as the ablest state paper that ever issued from the executive department, giving his views and exposition of the Constitution in respect to the authority of Congress to appropriate money to other objects or for other purposes than those embraced in the specifically enumerated powers.

In that great state document he clearly demonstrated that the clause "to provide for the common defense and general welfare" was neither a distinct and original power nor mere general terms qualified and controlled by the after-enumerated powers; that their true import and meaning was a limitation upon the taxing power, intended to designate the purposes to which money raised by taxation should be applied; that they conferred upon Congress the right to appropriate the public money and nothing more; that the right of appropriation was distinct from the right of jurisdiction and sovereignty, and that in such application Congress was not confined to the objects embraced in the enumerated powers. One or two quotations from his argument are appropriate to this discussion and deserving of special notice. He says:

The powers specifically granted to Congress are what are called the enumerated powers, and are numbered in the order in which they stand; among which that contained in the first clause holds the first place in point of importance. If the power created by the latter part of the clause is considered an original grant independent and unconnected with the first, as in that case it must be, then the first part is entirely done away, as are all the other grants in the Constitution, being completely absorbed in the transcendent power granted in the latter part. But if the clause be construed in the sense contended for, then every part has an important meaning and effect; not a line or a word in it is superfluous. A power to lay and collect taxes, duties, imposts, and excises subjects to the call of Congress every branch of the public revenue, internal and external; and the addition to pay the debts and provide for the common defense and general welfare gives the right of appropriating the money raised, that is, of appropriating it to the purposes specified, according to a proper construction of the terms. Hence it follows that it is the first part of the clause only which gives a power, which affects in any manner the power remaining to the States; as the power to raise money from the people, whether it be by taxes, duties, imposts or excises, though concurrent in the States as to taxes and excises, must necessarily do. But the use or application of the money after it is raised is a power altogether of a different character. It imposes no burden on the people, nor can it act on them in a sense to take power from the States, or in any sense in which power can be controverted or become a question between the two governments. The application of money raised under a lawful power is a right or grant which may be abused. It may be applied partially among the States or to improper purposes in our foreign and domestic concerns; but still it is a power not felt in the sense of other powers, since the only complaint which any State can make of such partiality or abuse is that some other State or States have obtained greater benefit than by a just rule of apportionment they were entitled to. The right of appropriation is, therefore, from its nature secondary and incidental to the right of raising money; and it was proper to place it in the same grant and same clause with that right.

* * * * * * *

I have dwelt thus long on this part of the subject from an earnest desire to fix in a clear and satisfactory manner the import of the second part of this grant, well knowing from the generality of the terms used their tendency to lead into error. I indulge a strong hope that the view herein presented will not be without effect, but will tend to satisfy the unprejudiced and impartial that nothing more was granted by that part than a power to appropriate the public money raised by the other part.

Then, referring to the extent this right may be carried, he says:

It is contended on the one side that, as the National Government is a government of limited powers, it has no right to expend money except in the performance of acts authorized by other specific grants according to a strict construction of their powers; that this grant in neither of its branches gives to Congress a discretionary power of any kind, but is a mere instrument in its hands to carry into effect the powers contained in the other grants. To this construction I was inclined in the more early stage of our Government, but on further reflection and observation my mind has undergone a change.

The reasons for this change of opinion he then proceeds to unfold so clearly and so forcibly as to place the matter beyond all question. Among these reasons he states the following:

Many considerations of great weight operate in favor of this construction, while I do not perceive any serious objection to it. If it be established, it follows that the words "to provide for the common defense and general welfare" have a definite, safe, and useful meaning. The idea of their forming an original grant with unlimited power superseding every other grant is abandoned. They will be considered simply as conveying a right of appropriation, a right indispensable to that of raising a revenue, and necessary to expenditures under every grant. By it, as already observed, no new power will be taken from the States, the money to be appropriated being raised under a power already granted to Congress. By it, too, the motive for giving a forced or strained construction to any of the other specific grants will in most instances be diminished and in many utterly destroyed. The importance of this consideration can not be too highly estimated, since, in addition to the examples already given, it ought particularly to be recollected that to whatever extent any specific power may be carried the right of jurisdiction goes with it, pursuing it through all its incidents.

* * * * * * *

If, then, the right to raise and appropriate the public money is not restricted to the expenditures under the other specific grants, according to a strict construction of their powers respectively, is there no limit to it? Have Congress a right to raise and appropriate the public money to any and to every purpose, according to their will and pleasure? They certainly have not. The Government of the United States is a limited government, instituted for great national purposes, and for those only. Other interests are committed to the States, whose duty it is to provide for them. Each government should look to the great and essential purposes for which it was instituted, and confine itself to those purposes. A State government will rarely, if ever, apply money to national purposes without making it a charge to the nation. The people of the State would not permit it. Nor will Congress be apt to apply money in aid of the State administrations for purposes strictly local, in which the nation at large has no interest, although the State should desire it. The people of the other States would condemn it. They would declare that Congress had no right to tax them for such a purpose, and dismiss at the next election such of their representatives as had voted for the measure, especially if it should be severely felt. I do not think that in offices of this kind there is much danger of the two governments mistaking their interests or their duties.

The limitation here suggested is not one as to power, but relates to the proper exercise of Congressional discretion in making appropriations, which should be applied to objects of national or general concern rather than to purely local or State purposes.

Mr. Calhoun, in discussing this question in 1817, said:

It is mainly urged that the Congress can only apply the public money in execution of the enumerated powers. I am no advocate for refined arguments in the Constitution. The instrument was not intended as a thesis for the logician to exercise his ingenuity on. It ought to be construed with plain, good sense; and what can be more express than the Constitution on this point? The first power delegated to Congress is comprised in these words: "To lay and collect taxes, duties, imposts, and excises, to pay the debts and provide for the common defense and general welfare of the United States;" "but all duties, imposts, and excises shall be uniform throughout the United States." First, the power is given to lay taxes; next the objects are enumerated to which the money accruing from the exercise of this power may be applied, namely, to pay the debts, provide for the defense, and promote the general welfare; and last, the rule for laying the taxes is prescribed, to wit, that all duties, imposts, and excises shall be uniform.

If the framers had intended to limit the use of money to the powers afterward enumerated and defined nothing could have been more easy than to have expressed it plainly. I know that it is the opinion of some that the words "to pay the debts and provide for the common defense and general welfare," which I have just cited, were not intended to be referred to the power of laying taxes contained in the first part of the section, but that they are to be understood as distinct and independent powers granted in general terms and are qualified by a more detailed enumeration of powers in the subsequent part of the Constitution. If such were in fact the meaning intended surely nothing can be conceived more bungling and awkward than the manner in which the framers have communicated their intention. If it were their intention to make a summary of the powers of Congress in general terms which were afterward to be particularly defined and enumerated they should have told us so plainly and distinctly, and if the words "to pay the debts and provide for the common defense and general welfare" were intended for this summary they should have headed the list of our powers, and it should have been stated that to effect these general objects the following specific powers were granted.

* * * * * * *

But suppose the Constitution to be silent, why should we be confined in the application of money to the enumerated powers? There is nothing in the reason of the thing that I can perceive why it should be so restricted, and the habitual and uniform practice of the Government coincides with my opinion. Our laws are full of instances of money appropriated without any reference to the enumerated powers. We granted by a unanimous vote, or nearly so, $50,000 to the distressed inhabitants of Caracas, and a very large sum at two different times to the St. Domingo refugees. If we are restricted in the use of our money to the enumerated powers, on what principle can the purchase of Louisiana be justified? To pass over many instances, the identical power which is now the subject of discussion has in several instances been exercised. To look no further back, at the last session a considerable sum was granted to complete the Cumberland road. In reply to this uniform course of legislation I expect it will be said that our Constitution is founded on positive and written principles and not on precedents. I do not deny the position, but I have introduced these instances to prove the uniform sense of Congress and the country, for they have not been objected to as to our powers, and surely they furnish better evidence of the true interpretation of the Constitution than the most refined and subtle arguments.

Let it not be argued that the construction for which I contend gives a dangerous extent to the powers of Congress. In this point of view I conceive it more

safe than the opposite. By giving a reasonable extent to the money power it exempts us from the necessity of giving a strained and forced construction to the enumerated powers. For instance, if the public money could be applied to the purchase of Louisiana, as I contend it may be, then there was no constitutional difficulty in that purchase; but if it could not, then we are compelled either to deny that we had the power to purchase, or to strain some of the enumerated powers to prove our right.

John Quincy Adams sanctioned this view of the question, and approved of the appropriating authority of Congress to the full extent claimed for it by Hamilton, Monroe, and Calhoun.

General Jackson next had occasion to examine the question in his Maysville veto message, and reached the conclusion that it was settled and concluded by the weight of authority and the uniform practice of the Government, and he declared—

That the public good and the nature of our political institutions require that individual differences should yield to well settled acquiescence of the people and confederated authorities in particular constructions of the Constitution on doubtful points. Not to concede this much to the spirit of our institutions would impair their stability and defeat the objects of the Constitution itself.

This construction, as to the right of appropriation beyond the enumerated powers, asserted by Hamilton, sustained by Monroe, Calhoun, Webster, Clay, and other distinguished statesmen of the past, officially sanctioned by Jefferson and Madison and approved by all the great constitutional writers of the country, has been practically applied by every Congress since the commencement of the Government under the Constitution, and has been acquiesced in by the States for nearly a century.

Mr. President, if any question can be regarded as settled this should be. The right of appropriation to the extent claimed is warranted by the express language of the Constitution, is in harmony with the great purposes for which the Government was ordained and established and which its powers and authority were designed to accomplish, is approved by the unquestioned weight of high authority, and is sanctioned by the contemporaneous and continued practice of the Government, beginning with the relief of San Domingo sufferers in 1794 and extending to the $1,000,000 donated at the close of the last administration to the exposition in the city of New Orleans. Nothing short of an express constitutional prohibition could overcome the conclusive force of these combined considerations.

The nature of the objects which Congress may properly aid in the exercise of this right of appropriation and which may be regarded as the only limitation upon its authority is clearly defined by Hamilton, Monroe, and General Jackson, who agree in saying that the object or purpose aided should not be merely or purely local, but national or general in its character, having some direct relation to the welfare of the nation or to the common interests of the States. What is general or local, national or State, may not always be easily determined. The question regards the quality of the object or character of the work rather than the agencies or instrumentalities by which it is to be accomplished. This was distinctly asserted by General Jackson, who declared that the only inquiry proper to be made is whether the object or purpose to which the money is to be appropriated or applied "is national and conducive to the benefit of the whole, or local and operating only to the advantage of a portion of the Union."

The only limitation upon the authority of Congress to appropriate public funds, says Story, "are those prescribed by the terms of the Constitution, that the objects shall be for the common defense or the general welfare of the Union." The true test is whether the object be of a local character and local use, or whether it be of general benefit to the States. If it be purely local, Congress can not rightfully appropriate money for the object. But if the benefit be general, it matters not whether, in point of locality, it be in one State or several; whether it be of large or of small extent, its nature and character determine the right, and Congress may appropriate money in aid of it, for it is then in a just sense for the general welfare.

It is not pretended that any particular expenditure should be spread over the whole country in order to make it national or to bring it within the meaning of a defense which shall be common or a welfare that shall be general. Congress expends money in the erection of a fort at the entrance of New York Harbor. The improvement and the expenditure are both local, but the purpose is a defense that is common. So with works of internal improvement; the expenditure may be local, while the benefits are general or conducive to the welfare of the whole. If appropriations which directly and immediately assist a part do really and substantially aid the whole, the authority for making them clearly exists. The question, therefore, whether the application of public funds to a given object will or will not promote the general welfare or be conducive to the benefit of the whole is one of policy or political economy rather than of power, which Congress must determine in the exercise of its sound discretion, as the necessities and exigencies of the country may require.

Let us now apply this principle and this test to the subject of national aid to education. Are the benefits to be derived from the general diffusion of knowledge in this country matters of mere local concern? Are the social, political, and industrial evils arising from widespread illiteracy purely local in their character, or do they affect the general welfare of the country and concern the common interests of the States? There can be but one answer to these questions. In respect to what subject or object have the General Government and the States of the Union an interest more common or relations more mutual and intimate than in their common citizenship, on the character and quality of which rest not only the general welfare, but the perpetuity of both governments, State and Federal?

With a citizenship common to both State and National Governments, and freely interchangeable between the States, when the conditions of illiteracy reach such proportions in any considerable number of the States as to be beyond their ability to remedy, the evils and dangers thence arising can not properly be considered as mere local affairs, but become matters of common concern, affecting the general welfare, and render Federal aid for their correction not only wise in policy, but a high obligation, if not an imperative duty. That the Southern States of the Union are to-day in this situation, unable to correct the conditions of illiteracy now prevailing in their midst, under the operation of causes not necessary to discuss, can not be seriously questioned. I shall not go extensively into statistics in showing this, but will content myself with calling the attention of the Senate to a few prominent facts which fairly illustrate the correctness of the statement.

We now expend in Tennessee annually for public-school purposes about $1,000,000. Our scholastic population is over 600,000, with an average daily attendance of about one-third, say 210,000, for a school term of seventy-eight days during the year, while the average compensation of the teachers employed is less than $30 per month. To extend the term of instruction and make provision in school buildings and properly prepared teachers, with adequate compensation, for our unenrolled scholastic population is beyond the present ability of the State. Between 1860 and 1880 our population increased 39 per cent., while the assessed valuation of our property decreased 45 per cent. From 1870 to 1880 our population increased 283,836, while the assessed valuation of our taxable property diminished $42,003,623.

The other Southern States occupy substantially the same position. They have an unenrolled scholastic population numbering over three millions for whom they have not and can not make adequate school provision. Between 1870 and 1880 the aggregate decrease in the assessed value of property in thirteen of those States reached the enormous sum of $411,475,090. In 1884 the white school population of the Southern States was 4,187,384 and the colored school population 2,012,981. Not one-half of the latter were even enrolled, while the actual attendance of both classes did not reach one-third, and for a term of instruction not exceeding three months and in many cases less than that. For the year 1884 these States expended over $16,000,000 for public school purposes.

Mr. BLAIR. Children not enrolled are children who do not attend school at all, for every child who goes to school is enrolled.

Mr. JACKSON. If they had an opportunity and the school was within reach they would attend unquestionably.

But with all our efforts the number of illiterates is on the increase throughout that large section of the country, while the percentage of illiteracy is but slightly reduced. Under this condition of affairs it is trifling with a great question and a great danger to ask or expect an impoverished people to provide the means required to meet existing emergencies which reach and affect the whole country. I need not in this presence pause to contrast our condition educationally with that of the Eastern, Middle, and many of the Western States, or dwell upon the comparative disadvantages which result from unequal school facilities. They are manifest to any thoughful observer; for the fact can not be ignored that education is the underlying agency of all progress, that it carries with it the knowledge that confers power, and that the more widely it is diffused in any State or community the more rapidly will that State or community advance, not only in material prosperity, but in the power and influence which form and mold the public opinion that directs and controls both social and legislative movements. The greatest strength and highest glory of the General Government is to be most certainly reached in the mutual prosperity and equal advancement of the separate States of which it is composed, and the more nearly they can be harmoniously developed, educationally and otherwise, the greater will be the certainty with which they can be brought into active co-operation with each other and with the Federal head.

But passing from these general considerations I invite a brief reference to the three last amendments to the Constitution, which in securing certain results determined by the late civil war have effected important changes in the right of the States over the subject of suffrage, in connection with which illiteracy presents the most serious evils and dangers to both State and National Governments. These amendments abolish slavery and involuntary servitude, and make every man born in the United States and subject to their jurisdiction a citizen both of the United States and of the State in which he resides, and declare that the United States and the States shall not deny the right of suffrage to such citizen on account of race, color, or previous condition of servitude. They further provide that if these male citizens, twenty-one years of age and upward, are denied the right to vote for any reason except for crime or participation in rebellion, the State so denying the right shall have its representation in Congress reduced in the proportion which those excluded shall bear to the whole number of voters.

By the census of 1880, in the thirteen distinctively Southern States

over one-third of the adult male population thus invested with and protected in the exercise of suffrage, the highest and most responsible prerogative of citizens, were illiterates. They hold the balance of power in every Southern State. Individually their means and resources may be scanty, but by union and concentration they might become ample for the accomplishment of results the most disastrous. When we compare the power they might constitutionally wield and would wield if a political convulsion should at any time disjoin them from the salutary influence of the more enlightened elements of society, the question of their improvement or of changing this condition of affairs for the future at once assumes a magnitude difficult to overestimate. For such a crisis, however remote it may appear, it is the dictate of prudent foresight and political wisdom to prepare. The existence of an illiterate voting population is a constant temptation to political corruption. In the efforts that will be made to secure this illiterate vote for party success and party supremacy party politics will inevitably degenerate to its level, party methods will become more corrupt, and party policies more and more communistic and agrarian in their tendency, while private rights and public obligations will be less and less respected and protected. With an illiterate voting population holding the balance of power we will step by step, and as certainly as day follows night or night the day, reach a corrupted suffrage, the "very angel of destruction to elective governments."

As this illiterate citizenship is thus protected by the Constitution in the right of suffrage, which can not be disregarded by the States except upon the condition of thereby reducing their representation in Congress, which reduction in the Southern States would amount to at least one-third of their present representation if these illiterate voters were denied the right of suffrage, why should not the General Government, if it has, as we insist, the authority so to do, aid in preparing them for its wise and intelligent exercise and for the high duties devolving on them in connection with both governments, State and Federal? The evils and dangers of an illiterate citizenship invested with suffrage reach beyond the locality in which that suffrage may be exercised. Their effects are coextensive with both governments whose policies may be thereby affected or controlled.

Under our dual systems of government, with a distinctly dual citizenship, owing allegiance and obedience to both governments in the order of their sovereignty and the supremacy of their laws, why should the burden rest alone upon the States of qualifying this common citizenship for its responsible functions common to each? Corresponding with the duties which this common citizenship owes to each government, there is the obligation of each to protect it and promote its welfare; and the considerations which make it a wise policy for the States to provide educational facilities for those unable to supply them for themselves extend equally to the General Government, and impose upon it the obligation to aid in the work when exigencies arise which render its assistance necessary.

Under such circumstances I regard it an enlightened policy, which should commend itself to every thoughtful mind, that a common government, with common funds, should aid the States in the education and elevation of their common citizens, on whose intelligence and virtue so largely depends the welfare, if not the existence, of both governments. Mr. President, in referring to the thirteenth, fourteenth, and fifteenth amendments I do not wish to be understood as claiming that the authority of Congress to make the proposed appropriation is to be, or can be, derived from these amendments. Such is not my opinion. I have referred to them simply to show the relations of the General Government to one branch of this many-sided subject and its obligation, as distinct from legislative power, to make an appropriation authorized and warranted by and under other provisions of the Constitution. The prevailing, and, if the present measure of relief should fail the prospective, conditions of illiteracy have important social and industrial bearings and relations which concern the general welfare, and which might well claim the attention and justify the General Government's assistance and co-operation with the States in the effort to improve; but I can not now enter upon these aspects of the subject, having already occupied so much of the time of the Senate.

Mr. President, I rest my support of this bill on these propositions: That the General Government, under the Constitution, has the right to appropriate money for objects and purposes affecting or promoting the general welfare beyond the specifically enumerated powers; in other words, that there is a right of appropriation as distinct from the right of jurisdiction and sovereignty. That while the States individually can not by consent or agreement enlarge the powers or extend the jurisdiction and sovereignty of the National Government, they may, however, assent to the appropriation of money within their limits for purposes and objects which do not come within Federal jurisdiction or control. That the present bill involves only their assent to a mere appropriation of money within their limits for the purpose of aiding them in counteracting conditions of illiteracy now prevailing in many of the States to such an extent as to be beyond their ability to remedy. That the evils and dangers—social, industrial, and political—arising from this widespread illiteracy so affect State and national welfare as to warrant and justify national assistance for their correction.

Sir, the associating principle of our Government is protection to all from those evils which are too strong for individual and State exertion. In the application of this principle we are quick to invoke and eager to accept Federal assistance when pestilence or cattle-plague or suffering from flood or famine is abroad in the land. Then, fear for personal safety, apprehensions of property losses, and a public charity that "is gentle and easy to be entreated" call into prompt exercise this great principle of protection from the ills, the evils, and the dangers which individual and State exertion can not readily and successfully encounter or control. But when individual and State efforts and resources throughout a large section of the country have proved incompetent or unequal to the task, and Federal assistance is needed and proposed for the removal of widespread illiteracy—an evil ruinous, mentally and morally, to the individual, hurtful and burdensome to society, productive of disorder, a hinderance to progress and material prosperity, and dangerous to free institutions—the principle is to be discarded and the relief to be withheld on narrow, technical, and long-abandoned constructions of a constitution of government invested with power and authority which were intended to be and which, rightly interpreted, are fully adequate to the accomplishment of all the grand and noble objects for which that government was ordained and established.

Beginning at the second session of the Fifteenth Congress, during the administration of Mr. Monroe, with an appropriation of $10,000 for the instruction of frontier Indian children in reading, writing, and arithmetic, we have proceeded to establish schools for their education, for which regular annual appropriations are now made without question or debate. But when aid for the education of the illiterate citizen youth of the land is proposed, both the authority and policy of extending to them the opportunities and advantages accorded to the Indian is denied.

Regularly, and without question, appropriations are made for the purchase and free distribution of seeds and for the propagation and distribution of food-fishes throughout the country; but when an appropriation is needed to secure the free distribution and the general diffusion of intelligence every imaginable objection, constitutional and otherwise, is interposed to defeat the measure.

For one I shall make no such discrimination against education in the application of national funds.

Believing, as I do, that the education of the children of the country, especially of the manual labor and poorer classes, ought to be free—free as the air they breathe, without money and without price—and that this can not be supplied by the local governments in a large portion of the country, I shall invoke no strict or strained construction of the Constitution to defeat this measure, which aims to accomplish that noble object, so essential to both State and national well-being. Instead of seeking for such objections I shall, on the question of mere aid as now presented, lay down all vague constitutional doubts at the feet of popular education.

Mr. President, this measure may fail, but I esteem it a great personal privilege, as well as a high and patriotic duty, to give it my humble but cordial support; for I am impressed with the conviction that if we would provide against the dangers which no free government has yet survived, if we would make certain the ultimate success of our great political experiment, against which the experience of all history stands arrayed, we must take wiser precautions than any have ever yet taken, by diffusing far and wide among our people that intelligence which will alone constitute the safeguard and protection of our political institutions.

Mr. MAXEY obtained the floor.

The PRESIDING OFFICER. The Senator from Texas will allow the Chair to lay before the Senate a message from the President of the United States.

Mr. MAXEY. Certainly.

CLAIMS UNDER FRENCH AND SPANISH TREATIES.

The PRESIDING OFFICER laid before the Senate the following message from the President of the United States:

To the Senate of the United States:

I transmit herewith, in response to a resolution of the Senate of the 9th instant, a statement showing the payments of awards of the commissioners appointed under the conventions between the United States and France, concluded April 30, 1803, and July 4, 1831, and between the United States and Spain, concluded February 22, 1819, prepared from the books in the Department of the Treasury, under the direction of the Secretary of the Treasury, at the request of the Secretary of State.

Also, for the further information of the Senate, a report prepared by direction of the Secretary of State from the original records in his custody of the awards made by the said commissioners in claims allowed by them.

GROVER CLEVELAND.

EXECUTIVE MANSION, *Washington, February* 16, 1886.

The PRESIDING OFFICER. The message, with the letter from the Secretary of State, will be printed, and the accompanying letter, which seems to be quite voluminous, will be referred to the Committee on Printing.

FISHING RIGHTS OF THE UNITED STATES.

Mr. FRYE. Will the Senator from Texas yield to me for one moment?

Mr. MAXEY. Yes, sir.

Mr. FRYE. The fishing ventures commence early in March. The

passage of the resolution reported by the Committee on Foreign Relations will encourage them very greatly and increase their numbers; and as it will not take much time, not more than two hours I should say, I ask unanimous consent that the resolution reported by the Committee on Foreign Relations, No. 130 in the Order of Business, may be assigned as a special order for Monday next at 2 o'clock in the afternoon.

The PRESIDING OFFICER. The Senator from Maine asks unanimous consent that the order of business indicated, which will be reported by the Secretary, be made the special order for Monday next at 2 o'clock.

Mr. CULLOM. I do not see the Senator from Connecticut [Mr. PLATT] in his seat. He has been waiting for the disposition of the educational bill, expecting to call up the bill for the admission of the Territory of Washington as a State, and I think he has given notice that as soon as the school bill shall be disposed of he will ask the Senate to consider that bill.

Mr. FRYE. The Senator from Connecticut, I am satisfied, would not interfere in this matter. It is a matter in which he is largely interested himself, and it will not occupy more than two hours.

Mr. CULLOM. I only wish to make the statement that I desired this morning to ask for a special order myself, and he protested so strongly that I yielded on the question; but having made this suggestion, I have nothing further to offer.

The PRESIDING OFFICER. The Secretary will report the order of business.

The SECRETARY. A resolution reported by Mr. FRYE from the Committee on Foreign Relations, relative to the appointment of a commission charged with the consideration and settlement of the fishing rights of the United States and Great Britain.

The PRESIDING OFFICER. Is there objection to an order that the resolution be made the special order of business for Monday next at 2 o'clock?

Mr. BLAIR. I do not wish to give consent to any matter that can interfere with the regular progress of the bill now under consideration. Of course I apprehend that we shall dispose of the bill certainly this week—I hope to-night. If the friends of the measure will stand by it I should be glad to push it to a conclusion this very night. I certainly shall insist upon asking the Senate to dispose of the measure to-morrow, and I shall ask that it be disposed of to-night, unless there shall be developed such a disposition to discuss it as to make that impossible. I should like to go on at least two or three hours with it to-night and conclude it if possible, but not knowing what contingencies may occur, I do not wish now to give my assent to the proposition of the Senator from Maine.

Mr. FRYE. I hope the Senator from New Hampshire will not object.

Mr. INGALLS. The Senator from New Hampshire need not withhold his assent, because the unfinished business takes precedence of a special order. If his bill should not be completed at that time it would have priority over the special order.

Mr. BLAIR. The request of the Senator from Maine is for unanimous consent that the unfinished business may be superseded at a certain hour next Monday.

Mr. INGALLS. I do not so understand it.

The PRESIDING OFFICER. The Chair does not so understand the request of the Senator from Maine.

Mr. FRYE. No; it is subject to all rules touching special orders.

Mr. BLAIR. I have no objection then, unless the Senate should not have disposed of the educational bill in the mean time.

Mr. FRYE. I thought I would put it beyond any chance of interfering with the educational bill.

Mr. BLAIR. If it is distinctly understood that the unfinished business will have precedence of the special order I give my consent.

The PRESIDING OFFICER. That is the rule of the Senate, the Chair understands. Is there objection to the request of the Senator from Maine? The Chair hears no objection to the request.

Mr. HOAR. It would be well to put it in by unanimous consent.

The PRESIDING OFFICER. By unanimous consent the request is granted.

Mr. HOAR. I suggest to have the unanimous consent include the express affirmation that it is subject to the unfinished business.

Mr. FRYE. I understand that to be the rule.

Mr. HOAR. So do I.

Mr. HARRIS. The unanimous consent only makes it a special order, as I understand, and it is simply entitled to such rights as a special order is entitled to.

The PRESIDING OFFICER. The Chair hears no objection, and the request is granted.

SOPHIA B. MOORE.

Mr. VANCE. I ask unanimous consent to have a bill restored to the Calendar.

The PRESIDING OFFICER. Does the Senator from Texas [Mr. MAXEY] yield to the Senator from North Carolina?

Mr. MAXEY. Yes, sir.

Mr. VANCE. A few days ago, when I was not in my seat, the Committee on Claims reported adversely the bill (S. 510) for the relief of Sophia B. Moore, and it was indefinitely postponed. I ask unanimous consent that the bill be placed on the Calendar.

The PRESIDING OFFICER. There being no objection, the vote by which the bill was indefinitely postponed will be reconsidered and the bill placed on the Calendar with the adverse report of the committee.

PUBLIC BUILDING AT HUDSON, N. Y.

Mr. MILLER, of New York. Will the Senator from Texas yield to me?

Mr. MAXEY. I yield to anybody.

Mr. MILLER, of New York. If the Senator is about to begin a speech, as I understand he is, I desire to have a message from the other House laid before the Senate for the correction of a bill which has been recalled. It will take a single moment, as it is to correct an error in the bill.

The PRESIDING OFFICER. Will the Senator from Texas yield for that purpose?

Mr. MAXEY. I yield.

The PRESIDING OFFICER. The Chair lays before the Senate the bill (S. 637) for the erection of a public building at Hudson, N. Y., returned from the House of Representatives at the request of the Senate.

Mr. MILLER, of New York. At the same time that I moved the request I entered a motion to reconsider the vote on the passage of the bill in order to correct some errors in it, and I now desire action upon the bill for that purpose.

The PRESIDING OFFICER. The question is, Shall the vote by which the bill was passed be reconsidered?

The motion to reconsider was agreed to.

The PRESIDING OFFICER. Shall the vote by which the bill was ordered to a third reading be reconsidered? If there be no objection, the vote is reconsidered and the bill is before the Senate

Mr. MILLER, of New York. I desire now to have the corrections made. It will take but a moment. The chairman of the Committee on Public Buildings and Grounds will present the amendments.

Mr. MAHONE. In line 12, after the words "cost of," I move to strike out the word "fifty" and insert "seventy-five;" so as to read:

Shall not exceed the cost of $75,000.

The amendment was agreed to.

Mr. MAHONE. In line 16, after the word "of," I move to strike out the words "one hundred" and insert "seventy-five;" so as to read:

And for the purposes herein mentioned the sum of $75,000 is hereby appropriated out of any moneys in the Treasury not otherwise appropriated.

The amendment was agreed to.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

AID TO COMMON SCHOOLS.

The Senate, as in the Committee of the Whole, resumed the consideration of the bill (S. 194) to aid in the establishment and temporary support of common schools.

Mr. MAXEY. Mr. President, I have on several occasions favored the application of the proceeds of the sales of public lands to educational purposes. All such bills left the disposition of such proceeds exclusively in the States. I do not doubt the power of Congress to devote so much of the public domain or its proceeds as in its wisdom and discretion may seem right for educational purposes, and I think such disposition, within reasonable limits, eminently proper.

The policy was adopted when the grant of the Northwest Territory was made to the United States by Virginia. The title under the ordinance of 1787 passed from Virginia to the United States, and the property became subject to the disposition provided for in clause 2, section 3, Article IV of the Constitution, namely, "the Congress shall have power to dispose of and make all needful rules and regulations respecting the territory or other property belonging to the United States."

Two grants are embraced in this cause: First, to dispose of territory or other property belonging to the United States; second, to make all needful rules and regulations respecting such territory or other property.

The power to dispose of territory or other property belonging to the United States being in Congress without qualification, that power may be exercised according to what Congress may deem sound discretion.

This view has always been taken of the question by Congress. It was applied when the great Louisiana territory was acquired, and the vacant public domain became the property of the United States, to be disposed of like any other property belonging to the Government. The same doctrine has been applied to the Florida public domain and to that acquired from Mexico. It has the sanction of Mr. Jefferson and nearly if not quite all the great statesmen of this country.

The right to apply the public domain to school purposes exists because the property belonging to the United States is under the control of Congress, and by express grant in the Constitution is subject to its disposition. The advocates of the pending bill argue that if Congress can thus apply the public domain or its proceeds it can tax the people to raise a fund for like application. This, to my mind, is a *non sequitur*. The money in the possession of the people does not belong to the United States. It can not be taken from them except to carry out some power granted to Congress and enumerated on the face of the instrument,

and, the purpose of this appropriation not being in furtherance of an enumerated power or necessary and proper for carrying into execution any granted power, such power does not exist.

This argument is attempted to be met by the argument that Congress has the power "to lay and collect taxes, &c., to pay the debts and provide for the common defense and general welfare of the United States;" and that, this appropriation being for the "general welfare," therefore the power exists.

A more dangerous doctrine—one more subversive of the foundation principles of the Constitution—was never avowed here or elsewhere; and it is to this point that I arose to address the Senate.

I wish first to direct the attention of the Senate to

THE CONSTITUTIONAL HISTORY OF THE TAX CLAUSE.

Shortly after the convention assembled various draughts of a constitution were presented for its consideration. These and all resolutions relating to the proposed constitution were submitted to a committee consisting of eleven members, one from each of the States represented. Of this committee Mr. John Rutledge, of South Carolina, was chairman.

On Monday, August 6, 1787, Mr. Rutledge submitted a report in the nature of a draught of a constitution, and which in fact was the basis of the Constitution adopted.

The first clause of section 1, Article VII, of that report reads:

The legislature of the United States shall have the power to lay and collect taxes, duties, imposts, and excises.

Here the power was given to Congress "to lay and collect taxes, duties, imposts, and excises" without qualification, limitation, or restriction. Undoubtedly the committee thought that as the powers of Congress were specifically enumerated in the same report, the tax power would necessarily be exerted in the execution of the enumerated powers; but the convention was not satisfied, and this matter was again referred to the committee. On Wednesday, August 22, 1787, the committee, through Mr. Rutledge, again reported, as follows: At the end of the first clause, first section, Article VII (the one I have just quoted), add: "for payment of the debts and necessary expenses of the United States; provided that no law for raising any branch of revenue, except what may be specially appropriated for the payment of interest on debts or loans, shall continue in force for more than —— years." This again was not satisfactory, and the clause went back to the committee. Finally, on the 4th of September, 1787, Mr. Brearly, on behalf of the committee, reported the following as the form for clause 1, section 1, Article VII, to wit:

The legislature shall have power to lay and collect taxes, duties, imposts, and excises, to pay the debts and provide for the common defense and general welfare of the United States.

This is the exact wording of the clause as it went into the Constitution and as it stands to-day, with the change of the word "legislature" for "Congress," in order to prevent confusion, the word "legislature" being more generally understood to apply to State Legislatures; and the clause as reported was adopted by the convention *nem. con.* and without debate.

Why was this form preferred to the others presented? Why were the words "general welfare," as finally agreed on, preferred to the expression "for payment of the debts and necessary expenses of the United States," as found in the amendment reported August 22? Let

THE FAMOUS STATESMEN OF THE EARLY DAYS OF THE REPUBLIC

answer this question. Mr. Madison, justly styled the Father of the Constitution, who as a member of the convention took a leading part in framing it, and afterward, by his articles in the Federalist, was so efficient in securing its adoption by the States, in his letter to Governor Pendleton in 1792, discussing this very expression "general welfare" and the reasons why it was preferred to any other form, says:

It was taken from the Articles of Confederation, where it was always understood as nothing more than a general caption to the specified powers, and it is a fact that it was preferred in the new instrument [the Constitution] for that very reason, as less liable than any other to misconstruction.

How greatly mistaken Mr. Madison was, and how much startled would he have been if he had been in the Senate to-day! I emphasize some of the words in this passage, in order to direct attention to the unmistakable character and force of the evidence.

In the same letter Mr. Madison says:

If Congress can do whatever in their discretion can be done by money, and will promote the *general welfare, the Government is no longer a limited one, possessing enumerated powers*, but an indefinite one, subject to particular exceptions.

No language can make this point clearer, and no authority can be higher than that of Mr. Madison, for he spoke from personal knowledge, having been an active and able member of the convention which framed the Constitution.

We are clearly told that the expression was adopted because the same expression was in the Articles of Confederation, and had been definitely and uniformly construed as a caption or general heading for the enumerated powers. To the same effect is his unanswerable argument on the same words "general welfare" in No. XLI of the Federalist.

Mr. Monroe, in his eighth annual message, says:

Resting on the people, as our governments do—State and national—with well-defined powers, it is of the highest importance that they severally keep within the limits prescribed to them.

In his special message to Congress, May 4, 1822, Mr. Monroe discusses the tax clause and the true meaning of the expression "general welfare" with consummate and unanswerable power, and he proves that the latter part of the tax clause, to wit, "to pay the debts and provide for the common defense and general welfare of the United States," was intended to enumerate the purposes to which the money thus raised might be appropriated. And he says:

Such a construction as made the second part of the clause an original grant, embracing the same object with the first, but with much greater power than it, would be in the highest degree absurd. * * * It would in effect break down all the barriers between the States and General Government, AND CONSOLIDATE THE WHOLE IN THE LATTER.

There is the teaching of a man whose Democracy no one can question. It is not the teaching of Alexander Hamilton; it is not the teaching of John Adams. Mr. President, for the first time in my life have I to-day heard Alexander Hamilton and John Adams arrayed as supporting columns to a so-called Democratic measure and to the advocacy of that measure by a Democrat! Shades of Jefferson, deliver me from quoting Mr. Hamilton and Mr. Adams in support of a measure claimed to be Democratic! If gentlemen who used that argument had gone behind what was read from Mr. Hamilton in his report as Secretary of the Treasury back into the convention which framed the Constitution, and had looked at the form of constitution which he read in that body in June, 1787, and avowed himself in favor of, they would have seen that he was in favor of a Congress with absolute power, save and except the mere police regulations, which he was willing to leave to the States, and even then he claimed that Congress should have a revisory power over the action of the State governments, and was in favor of a Senate for life and of a President during good behavior.

I say here and now that it makes no difference what latitudinarian construction you may bring up, you can find authority from Alexander Hamilton in support of it; and when you bring to me as authority on a great measure upon which I am to act the words of John Adams, who thought he found in the Constitution enough to support the alien and sedition laws, I do not accept such authority. I prefer the teachings of such men as Thomas Jefferson, James Madison, James Monroe, Andrew Jackson, and the other great lights recognized by all Democrats as leaders of that party.

But I quote farther. Judge Story, Federalist as he was, was unwilling to go to the extent that gentlemen on the floor do here to-day. Judge Story, in his Commentaries on the Constitution, treats the latter part of the tax clause as words of limitation and not as a grant of power. His whole chapter on this clause is worthy of the most careful examination. After giving all the arguments pro and con, he gives his own conclusions in section 919, and especially in sections 923 and 926. They are as follows:

SEC. 919. Stripped of the ingenious texture by which this argument is disguised, it is neither more nor less than an attempt to obliterate from the Constitution the whole clause "to pay the debts and provide for the common defense and general welfare of the United States" as entirely senseless or inexpressive of any intention whatsoever. Strike them out, and the Constitution is exactly what the argument contends for. It is, therefore, an argument that the words ought not to be in the Constitution; because if they are, and have any meaning, they enlarge it beyond the scope of certain other enumerated powers, and this is both mischievous and dangerous. Being in the Constitution, they are to be deemed *vox et preterea nihil*, an empty sound and vain phraseology, a fingerboard pointing to other powers, but having no use whatsoever, since these powers are sufficiently apparent without. Now, it is not too much to say that in a constitution of government framed and adopted by the people it is a most unjustifiable latitude of interpretation to deny effect to any clause, if it is sensible in the language in which it is expressed and in the place in which it stands. If words are inserted, we are bound to presume that they have some definite object and intent, and to reason them out of the Constitution upon arguments *ab inconvenienti*—

And that is the whole strength of what is called an argument here—(which to one mind may appear wholly unfounded and to another wholly satisfactory)—is to make a new constitution, not to construe the old one. It is to do the very thing which is so often complained of, to make a new constitution to suit our own notions and wishes, and not to administer or construe that which the people have given to the country.

SEC. 923. The whole of the elaborate reasoning upon the propriety of granting the power of taxation, pressed with so much ability and earnestness both in and out of the convention as vital to the operations of the National Government, would have been useless and almost absurd if the power was included in the subsequently enumerated powers. If the power of taxing was to be granted, why should it not be qualified according to the intention of the framers of the Constitution? But then it is said, if Congress may lay taxes for the common defense and general welfare, the money may be appropriated for those purposes, although not within the scope of the other enumerated powers. Certainly it may be so appropriated; for if Congress is authorized to lay taxes for such purposes, it would be strange if, when raised, the money could not be applied to them. That would be to give a power for a certain end and then deny the end intended by the power.

SEC. 926. The argument in favor of the construction which treats the clause as a qualification of the power to lay taxes has, perhaps, never been presented in a more concise or forcible shape than in an official opinion deliberately given by one of our most distinguished statesmen [Mr. Jefferson]: "To lay taxes to provide for the general welfare of the United States is," says he, "to lay taxes for the purpose of providing for the general welfare; for the laying taxes is the power and the general welfare the purpose for which the power is to be exercised. Congress are not to lay taxes *ad libitum* for any purpose they please, but only to pay the debts or provide for the welfare of the Union. In like manner they are not to do anything they please to provide for the general welfare, but only to lay taxes for that purpose. To consider the latter phrase not as describing the purpose of the first, but as giving a distinct and independent power to do any act they please which might be for the good of the Union, would render all the preceding and subsequent enumerations of power completely useless. It would reduce the whole instrument to a single phrase, that of instituting a Con-

gress with power to do whatever would be for the good of the United States; and as they would be the sole judges of the good or evil, it would also be a power to do whatever evil they pleased."

That is the exact character of a Congress that Alexander Hamilton claimed and was in favor of in the convention which framed the Constitution, and I am not surprised that in his report as Secretary of the Treasury he used arguments which would reach out toward and centralize in the Federal Government the very power that he himself wanted to be in the Congress of the United States; yet we have Democrats who quote Alexander Hamilton as authority to maintain a position which they say is Democratic!

It is an established rule of construction, where a phrase will bear either of two meanings, to give that which will allow some meaning to the other parts of the instrument, and not that which will render all the others useless. Certainly no such universal power was meant to be given them. It was intended to lace them up strictly within the enumerated powers and those without which, as means, those powers could not be carried into effect.

So said Mr. Jefferson. Mr. Jefferson, in his opinion on the national bank, February 15, 1791 (4 Jefferson's Correspondence, 524, 525), after showing that the words "to pay the debts, provide for the common defense and general welfare of the United States," were designed as a limitation on the tax power in the first or granting part of the clause, says:

It was intended to lace them up strictly within the enumerated powers and those without which, as means, those powers could not be carried into effect.

Here is the whole case in a nutshell.

The Supreme Court of the United States, from its organization all the way down to this time, has asserted in every form of language the doctrine that the Government of the United States is a government of delegated and defined powers. A recent case, in strict line with former decisions, plainly states the relations of the Federal and State governments. In United States *vs.* Cruikshank *et al.*, 92 United States Reports, Chief-Justice Waite, speaking of the powers of the General Government, says:

Within the scope of its powers as enumerated and defined it is supreme and above the States, but beyond, it has no existence.

Again, in the same case:

The Government of the United States is one of delegated powers alone. All powers not granted to it by that instrument are reserved to the States or the people.

What conceivable object would there have been in "enumerating" and "defining" the powers of the General Government if the words "general welfare" were to supersede or absorb the enumerated and defined powers? The construction is utterly absurd, and outside of these words "general welfare" the pending bill has not even a plausible foothold in the Constitution.

In short, it is conclusive that the power is "to lay and collect taxes, duties, imposts, and excises." There and there alone is the tax power. The purposes or objects of appropriation of the money thus raised are "to pay the debts and provide for the common defense and general welfare of the United States," or, as Mr. Justice Story aptly puts it, to lay and collect taxes, &c., in order to pay the debts, &c.; and the objects of appropriation, so far as the "general-welfare" clause is concerned, are to execute the enumerated powers in the Constitution. "To pay the debts" is not in any sense a power, but a purpose or object. To provide "for the common defense" is not a power, but a purpose, and to provide for the "general welfare" is not a power but a purpose or object of appropriation, to wit, to excute the enumerated powers; and the whole clause, read in the light of the best authorities, may be written: The Congress shall have power to lay and collect taxes, duties, imposts, and excises, in order to pay the debts and provide for the common defense and for the execution of the enumerated powers of the Government of the United States.

Now, in all legislation the first question that must be answered affirmatively is, is the proposed legislation constitutional? And if that can be shown affirmatively, the next question is, is it expedient? I deny the constitutional power to enact the pending bill, and if my reasoning is accurate and authorities reliable, I have established the proposition.

The object of the grant of the tax power, as I have shown historically, was to furnish to the Government the means of support, and it had no other object. Therefore it follows that Congress has no power to lay and collect taxes for any purpose save for the support of the Government in the exercise of its constitutional powers, economically administered.

I shall now read what Mr. Jefferson, in his annual message of December 2, 1806, said. A part of what I am going to quote has already been quoted, but I think it is due to the Senate to quote the whole of it. It is in the sixth annual message, December 2, 1806. Mr. Jefferson said:

Shall we suppress the impost and give that advantage to foreign over domestic manufactures? On a few articles of more general and necessary use the suppression in due season will doubtless be right, but the great mass of the articles on which impost is paid are foreign luxuries, purchased by those only who are rich enough to afford themselves the use of them. Their patriotism would certainly prefer its continuance and application to the great purposes of the public education, roads, rivers, canals, and such other objects of public improvement as it may be thought proper to add to the constitutional enumeration of Federal powers—

Mark you—

as it may be thought proper to add to the constitutional enumeration of Federal powers. By these operations new channels of communication will be opened between the States; the lines of separation will disappear; their interests will be identified, and their union cemented by new and indissoluble ties. Education is here placed among the articles of public care, not that it would be proposed to take its ordinary branches out of the hands of private enterprise, which manages so much better all the concerns to which it is equal; but a public institution can alone supply those sciences which, though rarely called for, are yet necessary to complete the circle, all the parts of which contribute to the improvement of the country and some of them to its preservation. The subject is now proposed for the consideration of Congress, because, if approved, by the time the State Legislatures shall have deliberated on this extension of the Federal trusts, and the laws shall be passed and other arrangements made for their execution, the necessary funds will be on hand and without employment. I suppose an amendment to the Constitution, by consent of the States, necessary, because the objects now recommended are not among those enumerated in the Constitution and to which it permits the public moneys to be applied.

That is a part of the same message of Mr. Jefferson from which the first part has been read, and in that he distinctly avows the proposition that the power does not exist under the Constitution as it reads, but measures of that kind, he says, must await an amendment of the Constitution before they can be accomplished. The Constitution has never been amended in this regard, and therefore the power no more exists to-day than it did when Mr. Jefferson wrote that message in 1806. I prefer the teachings of Mr. Jefferson very much to those of Mr. Hamilton or Mr. Adams. Says Mr. Jefferson:

The present consideration of a national establishment for education particularly is rendered proper by this circumstance also, that if Congress, approving the proposition, shall yet think it more eligible to found it on a donation of lands, they have it now in their power to endow it with those which will be among the earliest to produce the necessary income.

So I have said and so I have voted and so I say to-day, that so far as lands are concerned you have control over them. Why? Because the Constitution itself says that "Congress shall have power to dispose of and make all needful rules and regulations respecting the territory or other property belonging to the United States." It is a distinct clause, wholly independent of the tax clause, and not in any wise connected with it.

From this it will be seen conclusively that this greatest of all American statesmen—an open, avowed, and steadfast friend of education—denied the power of Congress to support schools by Federal taxation.

Let me in all modesty warn gentlemen of the same political faith with myself to look well to the consequences of the course they propose.

It is claimed that the South was impoverished by the war, that some four million people theretofore held in bondage had been freed and admitted to citizenship without preparation, and emerging from bondage without property, the entire burden of the education of the colored children fell upon the white people of that part of the Union, who were themselves in straitened circumstances, and that in equity the United States, having freed these people, ought to aid in the education of the colored children.

I admit the force of this argument, and to the extent of the constitutional power of Congress would act upon it, and have acted upon it in bills for appropriating the proceeds of the sale of public lands to this purpose. For that there is clear constitutional warrant. For taxing the people, as this bill contemplates, I am unable to find that warrant, without which I would support no bill, however pressing I might conceive the necessity. Let us never forget the teaching of Mr. Jefferson as to the relations of the State and Federal Governments, as found in his inaugural address, March 4, 1801:

The support of the State governments in all their rights, as the most competent administrations of our domestic concerns and the surest bulwark against anti-republican tendencies.

The preservation of the General Government in its whole constitutional vigor as the sheet-anchor of our peace at home and safety abroad.

I beg to call your attention in this connection to the relations of the Federal and State governments to each other.

The States existed as independent sovereignties before the Constitution was ordained and established. They were loosely bound together into a league or compact by the Articles of Confederation. Experience has proven that these were inefficient, and that the perpetuity of the Union demanded the delegation of certain powers to the common government necessary to the good and safety of all.

A convention of the States was called and met in May, 1787, and continued their sessions until September following, when the present Constitution, having been framed by the convention, was submitted to conventions of the States. The Constitution declares that the ratification of the conventions of nine States shall be sufficient for the establishment of this Constitution "between the States so ratifying the same." It was in fact ratified by all the States. What better evidence do you want that the efficient power of the Constitution springs from the States?

Not only was the Constitution submitted to conventions of the States, but the convention which framed it voted by States. The little State of Delaware had as potent a vote in that convention as any of the great States of Virginia, Pennsylvania, or Massachusetts, because, in the language of the Constitution, it was to be the Constitution "between the States so ratifying the same."

The Government of Union ordained and established by the Constitution is a government of delegated or granted powers.

In the very first section of the first article it is declared that—

All legislative powers herein granted shall be vested in a Congress of the United States, which shall consist of a Senate and House of Representatives.

We must therefore look to the Constitution, and not elsewhere, for the powers of Congress; for it is by the powers "herein granted"—that is, in the Constitution—that Congress must be governed. Those words "herein granted" are words of limitation, limiting the powers of Congress to them, extending them to no others; and the eighth section of the same article defines specifically the powers of Congress, and the eighteenth and last clause of that section, so far from sustaining a latitudinarian construction, is itself a limitation on the power of Congress. By that clause Congress possesses the power "to make all laws which shall be necessary and proper for carrying into execution the foregoing powers, and all other powers vested by this Constitution in the Government of the United States, or in any department or officer thereof."

So that it will be seen that there is no implied power in Congress save what may be necessary and proper to carry into execution the express powers vested in Congress and such express powers as may be by the Constitution vested in the Government or in any department or officer of the Government. There is no implied power dissociated from an express power. You must first find the express power, and then whatever may be necessary and proper to carry it into execution is implied.

It has been aptly styled a government of enumerated powers by Mr. Madison, Mr. Jefferson, Mr. Monroe, and a host of other illustrious statesmen, and by the Supreme Court of the United States. So jealous were the States of their rights, that the first ten amendments were promptly ratified, and have always been held, as they were intended to be, conditions precedent to the ratification of the Constitution itself. The tenth amendment reads:

The powers not delegated to the United States by the Constitution, nor prohibited by it to the States, are reserved to the States respectively or to the people.

So that it is perfectly clear—

First, that the powers properly exercisable by the Government of the United States are those "delegated to the United States by the Constitution."

Second. Such powers as are prohibited by the Constitution to the States can not be exercised by them, nor, indeed, can they be by the United States, unless, at the same time that they are prohibited to the States, they are delegated to the United States.

Third. All other powers are reserved to the States respectively or to the people.

The Constitution further declares that—

This Constitution, and the laws of the United States which shall be made in pursuance thereof, and all treaties made, or which shall be made, under the authority of the United States, shall be the supreme law of the land.

Here we are taught exactly what is the supreme law—the Constitution itself, laws in pursuance of the Constitution, and treaties under the authority of the United States. Here, as everywhere, the Constitution is guarded. It does not read "laws passed by Congress," but "the laws of the United States which shall be made in pursuance of the Constitution;" and indeed the Supreme Court has well decided that acts passed in violation of the Constitution are not law.

It is not therefore difficult to reach the just relations between the States and the General Government.

To the extent of the Constitution itself, laws in pursuance of the Constitution, and treaties lawfully made the Government of the United States is supreme. The Constitution is the foundation and limitation of power of the General Government, which constitutionally exercises granted powers only, and save and except these and the prohibited powers, all of which are plainly set ont on the face of the Constitution, all other powers are reserved to the States respectively, or to the people.

I have thus dwelt on the points I have endeavored to establish: First, because I am fully impressed with the admonition of Mr. Jefferson, that a frequent recurrence to fundamental principles is essential to the perpetuity of free government, and it is necessary to warn the people against the dangers of centralization; second, because a departure from those principles has been the fruitful source of usurped and dangerous legislation. While it is never pleasant to disagree with any gentleman with whom I usually act, and with some of them I now differ, yet I can not yield my conscientious convictions; and while I yield to no man in my devotion to the cause of education, and have proven it by a life-long support of State measures having that end in view, I will never consent to the transfer of this State duty to the General Government, and especilly, as in my view, there is no warrant in the Constitution for this new departure in governmental policy. It has been insisted, that the bill leaves the control of education in the States. Mr. President, it is well to know what we are doing. In the Forty-eighth Congress, when this bill was under consideration, the Senator from Ohio [Mr. SHERMAN], supporting the bill, declared that if Congress had the power to make the appropriation, Congress had the power to follow that appropriation and direct the application. It is because this is true that I warn my brethren that they are favoring a measure which centralizes vast and far-reaching power in the hands of the General Government to the detriment of the States and the people.

Mr. PUGH. Mr. President——

Mr. PLUMB. Is the Senator from Alabama going to speak on this question?

The PRESIDING OFFICER. Does the Senator from Alabama yield to the Senator from Kansas?

Mr. PUGH. I have no speech to make on this bill. I simply desired to make a statement, and as my colleague [Mr. MORGAN] is not in his seat, and as I wish him to hear the statement that I make, I shall defer it until to-morrow.

The PRESIDENT *pro tempore*. What is the pleasure of the Senate?

Mr. EDMUNDS. Let us take a vote on the bill, Mr. President.

Mr. INGALLS. What is the pending question?

The PRESIDENT *pro tempore*. The question is on the amendment to strike out section 13 of the bill.

Mr. EDMUNDS. Let us vote.

The PRESIDENT *pro tempore*. The amendment will be reported.

The CHIEF CLERK. It is proposed to strike out section 13 of the bill, in the following words:

SEC. 13. That there shall be appropriated and set apart the sum of $2,000,000, which shall be allotted to the several States and Territories on the same basis as the moneys appropriated in the first section, which shall be known as the school-house fund, and which shall be paid out annually to each State and Territory at the end of the year until said sum of $2,000,000 shall be exhausted, and no longer, to be expended for the erection and construction of school-houses for the use of pupils attending the common schools in sparsely populated districts where the local communities shall be comparatively unable to bear the burdens of taxation. Such school-houses shall be built in accordance with modern plans, which plans shall be furnished free on application to the Bureau of Education, in Washington: *Provided, however*, That not more than $100 shall be paid from said fund toward the cost of any single school-house, nor more than one-half the cost thereof in any case; and the States and Territories shall annually make full report of all expenditures from the school-house fund to the Secretary of the Interior as in case of other moneys received under the provisions of this act.

Mr. PLUMB. Is the bill now under consideration with a view of passing it?

Mr. EDMUNDS. Certainly.

Mr. PLUMB. I understood the Senator from Alabama [Mr. PUGH] to say that he desired to speak to-morrow, and it seems to me the whole subject had better be reserved. I wish to say something about the matter myself, and unless the Senator from New Hampshire is in great haste I think probably we had better wait until to-morrow.

Mr. BLAIR. I am not in very great haste myself personally, but we are all aware that public business is very pressing and that we are not making very much progress with this bill or any other measure, and that the session is making more progress than we are. I do not feel justified in assenting to any postponement of the bill or any adjournment at this time. It is only 4 o'clock, and we ought to work two hours longer. We might complete the bill to-night and, as I stated a little while since, if it is possible I should like to do so, but at all events I think we can complete the whole matter to-morrow.

Mr. PLUMB. The solicitude of the Senator for the public business is very commendable, and I therefore suggest that he let the bill be laid aside until the ordinary public business may go forward.

Mr. BLAIR. This is ordinary public business.

Mr. PLUMB. Extraordinary.

Mr. BLAIR. The bill has the right of way; it has been discussed not very laboriously by members of the Senate; it has been before us for some time, and there are other measures that demand attention, so that I feel bound to insist upon a further discussion of the bill now or a vote.

Mr. PLUMB. I move that the Senate adjourn.

The PRESIDENT *pro tempore*. The Senator from Kansas moves that the Senate adjourn.

Mr. PUGH. I desire to make a correction.

Mr. PLUMB. I withdraw the motion for the purpose of hearing the Senator from Alabama.

Mr. PUGH. I desire to correct the statement of the Senator from Kansas that it was my purpose to take the floor to make a speech. I stated distinctly that I had no speech to make, but I felt it my duty as a member of the committee to make a statement to the Senate of the connection I have with this bill. I voted for it on its passage by the Senate in the Forty-seventh Congress in obedience to the instruction of my Legislature, and I desire to state my connection with the preparation of the bill as a member of the Committee on Education and Labor. My colleague [Mr. MORGAN] alluded to the fact that I claimed a part of the paternity of the bill with the chairman of the committee, and I want to make an explanation of what connection I had with the preparation of it. That is the sum and substance of the statement I wish to make.

I want to say to the Senate that the bill now before it, in its machinery, conforms in substance and in principle with the Morrill bill, and that the part I took in the preparation of the bill now before the Senate was to make the machinery of it conform to the Morrill bill, which had undergone thorough examination and discussion in the Senate, and had passed the Senate by a vote of 41 to 6. Among the supporters of that bill were my colleague and the Senator from Texas [Mr. MAXEY] who has just concluded his speech. I wish to call attention to two sections in the Morrill bill, which will show that in its machinery it conforms

strictly to the machinery of the bill now before the Senate as reported by the Committee on Education and Labor.

Section 6 of the Morrill bill reads:

On or before the 1st day of September in each year the Commissioner of Education, under the direction of the Secretary of the Interior, shall certify to the Secretary of the Treasury as to each State, Territory, and district, whether it is entitled to receive its share of the apportionment under this act and the amount of such share, which shall thereupon be entitled to receive the same. If the Commissioner shall withhold a certificate from either, its share of such apportionment shall be kept separate in the Treasury until the close of the next session of Congress in order that it may, if it see fit, appeal to Congress from the determination of the Commissioner. If Congress shall not at its next session direct such share to be paid, it shall be added to the general educational fund.

The next section reads:

That to entitle any State, Territory, or the District of Columbia to the benefits of this act, it shall maintain for at least three months in each year until January 1, 1885, and thereafter four months in each year, a system of free public schools for all the children within its limits between the ages of six and sixteen, and shall, through the proper officer thereof, for the year ending the 30th day of June last preceding such apportionment, make full report to the Commissioner of Education of the number of public free schools, the number of teachers employed, the number of school-houses owned and the number of school-houses hired, the total number of children taught during the year, the actual daily attendance, and the actual number of months of the year schools have been maintained in each of the several school districts or divisions of said State, Territory, or District, and the amounts appropriated by the Legislature, or otherwise received for the purpose of maintaining a system of free public schools.

The difference between the Morrill bill and the bill now before the Senate, known as the Blair bill, is that in the Blair bill the report is made by the governor of the State directly to the Secretary of the Interior, while the Morrill bill required the subordinate officer, the school officer having charge of the school fund, to make the report to the Commissioner of Education, a subordinate officer in the Interior Department, the head of the Bureau of Education. The change in the Blair bill is that the governor makes the report instead of his subordinate, and he makes it to the Secretary of the Interior instead of to the Commissioner of Education, the chief of the Bureau of Education.

Mr. MORRILL. I ask the Senator if he will allow me to say a word at this point?

Mr. PUGH. Certainly.

Mr. MORRILL. The great difference between the two bills is that the bill to which the Senator has referred as my bill only appropriated the proceeds of the sales of the public lands and the surplus moneys arising from the patent fund.

I think that I have some right to complain of the committee. The bill to which the Senator refers as my bill had already received a large sanction of the Senate and was reported favorably by the Committee on Education and Labor, and yet members of that committee notified me that I could not present it and have action upon it here until after this bill had had consideration, and even after this bill had received consideration I was notified that I could not have their support in getting any action of the Senate until this bill had received action in the House of Representatives. Therefore I think I have some right to complain of the treatment of my bill by the committee.

Mr. PUGH. I intended to notice the difference in the funds appropriated by the Morrill bill and the Blair bill. In reference to the statement of the Senator as to the action of the Committee on Education and Labor upon his bill, I desire to say that at the time his bill was reported by me to the Senate, it was the distinct understanding that it should not be considered before the Senate took action upon the Blair bill, for the reason that by running the two together it might interfere with the success of the Blair bill; that the enemies of the bill might undertake to encumber its passage or embarrass it in some way by having those two bills running together in the Senate; and for that reason the Committee on Education and Labor instructed me to withhold that bill and not to press action upon it until after the final disposition of the Blair bill. That was in the last Congress.

It is true that the Morrill bill appropriated the proceeds of the sales of the public lands, and that is made the ground of a difference as to the power of Congress to make the appropriation. So far as I am concerned I do not enter into a discussion of that question. I never could see, as a question of power, what right Congress had to dispose of money in the Treasury arising from the sales of public lands different from its power to dispose of money in the Treasury collected there from taxation. It is a subtlety that my mind can not comprehend; it is a difference that my mind is too dull to take in and see any substance in. President Pierce was unable to see it. He said there was no difference in substance between the power of Congress to appropriate money in the Treasury arising from taxation and to appropriate money in the Treasury arising from the sales of the public lands. Senator Clay, of Alabama, while he was in the Senate, made one of the ablest speeches I ever read upon that subject, in which he demonstrated to my mind that there was and could be no difference in the power of Congress to appropriate the proceeds of the public lands to educational purposes and the power of Congress to appropriate money arising from taxation.

But, Mr. President, the Morrill bill did not stop at an appropriation of the proceeds of the public lands. It appropriated the net proceeds arising from patents, which, according to my recollection, amount to some two millions a year.

Mr. COCKRELL. They never amounted to anything until the last few years, when they have gone to a quarter of a million.

Mr. PUGH. I do not remember what the amount is, but the principle for which I contend is the same on one hundred dollars or one hundred million dollars. The money arising from patents is not a trust fund like the public land fund upon which some of the opponents of this bill undertake to explain the difference between the bill known as the Morrill bill and the one now before the Senate. The Morrill bill appropriated whatever money there might be arising from patents to educational uses, and it is immaterial to the question of power whether the sum of money arising from patents is one amount or another.

Now, Mr. President, I desire to show the vote upon the passage of the Morrill bill appropriating the proceeds of the public lands and the proceeds from patents, with the same machinery in substance to regulate the application and control of the money appropriated as is contained in the bill before the Senate. The yeas were 41, being Messrs. Allison, Anthony, Bailey, Baldwin, Beck, Blaine, Blair, Brown, Bruce, Burnside, Call, Cameron of Pennsylvania, Cameron of Wisconsin, Coke, Davis of Illinois, Davis of West Virginia, Dawes, Edmunds, Ferry, Garland, Hereford, Hill of Colorado, Hill of Georgia, Hoar, Johnston, Jones of Florida, Kellogg, Logan, McMillan, McPherson, Maxey, Morgan, Morrill, Platt, Pugh, Ransom, Rollins, Teller, Vance, Walker, and Windom.

The nays were 6, namely: Messrs. Jonas, McDonald, Saulsbury, Vest, Voorhees, and Williams.

That is the vote that the Morrill bill received on its passage, and as my colleague alluded to the fact that I had been charged with some of the paternity of the Blair bill—and I do not know where he got that information—I wished to explain that when the Senator from New Hampshire introduced his bill in the Senate it was referred to the Committee on Education and Labor, and that committee referred the bill to the chairman and myself as a subcommittee. The Senator from New Hampshire handed the bill to me, and I made changes in it to make it conform to the machinery for the application and control of the fund appropriated to the machinery of the Morrill bill, that had undergone thorough examination and discussion in the Senate and met with the approval of forty-one Senators. That is all I desired to state.

It is not my purpose to go into the use that has been made of the power of Congress to make appropriations for different subjects, the only source of power being the same as is exercised in the passage of this bill. My colleague a short time ago offered an amendment to an appropriation bill by which he proposed to have money appropriated to arrest the ravages of the caterpillar. Five thousand dollars was appropriated, and the use that was made of it was to investigate the devastations of the cotton-worm. I can not see that Congress can have the power to arrest the ravages of caterpillars in localities in certain States and not have the power to arrest the ravages of ignorance. One is a local evil; the other is a national peril.

Mr. BLAIR. Mr. President, I wish to say in this connection with regard to the origin and previous history of the Morrill bill and the bill now under discussion, that both bills were introduced in the Forty-seventh Congress; both bills were acted upon favorably by the committee and reported to the Senate, and neither of them received action in the Senate or the other branch during that Congress. The Morrill bill was not reported, and so far as I know was not introduced into the Forty-eighth Congress and had no action from the committee. The Morrill bill was one which proposed to appropriate, not the proceeds of the public lands, not the proceeds of the lands together with any part of the fund derived from patents, but it proposed from these sources to make a fund the interest of which was to be annually appropriated, which, of course, for a few years would be of trifling importance; but its friends, of whom I was one, contemplated that it would gradually increase; that from this source and other sources, if there should be contributions from individuals or from public appropriations, there might come to be a large permanent fund, the income of which would be paid over to the various States to be applied in their discretion to the cause of common-school education, and also agricultural education as I recollect.

That was the theory and design of the bill, a bill which for one I should be very glad to see enacted and put into the shape of a law. It was not, however, acted upon in the last Congress, as it was generally I think thought by the friends of such assistance as the National Government might give to the cause of common-school education that one bill at a time was enough. I am not aware that the Senator from Vermont pressed his bill, and I was not aware till just now that he had any feeling that in its management and disposition he had any cause to complain of the committee. Certainly I am a friend to the measure, and would be glad to see it become a law and would be very glad to support it. With a view to the promotion of the purpose that the bill was designed to accomplish, at some future time I shall be glad to support his bill.

Perhaps I may as well at this time—unless some other Senator desires to speak further rather than have the time wasted—say a few words of a general character upon the pending measure. I have come to conceive of it simply as a question of fact to be decided upon the evi-

dence existing in this country as to the necessity of national temporary assistance to the common schools of the States.

So far as the question of the constitutionality of the bill is concerned, I think it has been settled by such an overwhelming weight of authority and such an overwhelming expression of the opinions of the Senate that a man simply idles away his time, unless it is to preserve his own consistency upon the record, in discussing the constitutionality of the measure.

But upon the other question, whether there is any actual necessity for legislation of this character, from the evidence bearing on the subject, I think much may even yet be said. Notwithstanding the force of evidence which is contained in the tabulated matter which is before the Senate; notwithstanding the force that is certainly to be found in the statements of the superintendents of public instruction of every Southern State which are before the Senate, there is continually coming to me in correspondence and through the press, and I doubt not by way of correspondence and other reliable information coming to all the Senators, overwhelming additional evidence of the great necessity of assistance in the education of the children of the country.

If the amount proposed to be appropriated by this bill should be all appropriated and should be distributed, the effect of it would not be to greatly enlarge the school facilities beyond those that actually exist. Every dollar that we propose to give, twice every dollar that we propose to give the first year, which is but $7,000,000, would be necessary in order to give to all portions of our country six months' schooling out of the year for the children. The average period of schooling throughout the Southern States and in some sections of the Northern States, the poorer sections, where schools are shortest, is only about three months; and every man must know that the remaining nine months of the year furnish a sufficient period of time wherein the child may forget nearly all that he has learned. A frequent and prolonged course of study is necessary in order to create an impression on the young mind so that the knowledge received shall become permanently fixed, and thus the schooling that is given become of any real or of any great advantage.

Mr. President, look at the Southern States, to whom the benefits of the bill are to go largely—though I think some portions of the Northern States might well turn attention to themselves; there is not enough of an examination of the condition of the masses at home—but in the Southern States they are now raising about $16,000,000 a year for the support of their schools, and with that $16,000,000 they have an average length of school of not over three months in the year. If we give them in addition to what they now spend $7,000,000, which is the amount the bill really proposes to appropriate, it will not prolong those schools for more than four or, or at the uttermost, five months in the year. It is true that $7,000,000 added to the existing schools will increase them out of proportion as compared with the amount actually expended, because from the $16,000,000 thus raised and appropriated is to be deducted the amount paid for the construction of additional school-houses, for the repair of old ones, and for some other items of expenditure. So the $7,000,000 appropriated, as the terms of this bill require to be appropriated, would be added—all but about 10 per cent. (which would go to the wages of teachers and to educate the teachers)—to the existing funds, so that we should come to have by the addition of this $7,000,000 a prolongation of the school period to perhaps four or four and a half months in the year, which is not so long a period as is needed for the education of the rising population of the country. Six months is the shortest period which should be given to that purpose. Now, suppose that we have $7,000,000 appropriated in this way, we are thus making no provision whatever for the extension of the school system to those districts outside and which now have no schools whatever.

It has been stated in the speech of the Senator from Tennessee [Mr. JACKSON] this afternoon that there are about four million children in the Southern States who are not enrolled at all, who are not attending school at all, and we by this bill make no provision for this vast uncultivated class who are outside the present operations of the common-school system, so that the appropriation is a trivial appropriation in comparison with the actual necessity of the country, and yet it is talked of as a mammoth appropriation, as a great bribe to those who may receive benefit from it. But when we come to consider the necessity which exists and the fact that the division of the $77,000,000 is spread over a period of eight years, we find that after all it is not an excessive provision; on the contrary, it is a very parsimonious provision for the actual necessity that exists.

We might make the expenditures of our Government enormous by arrogating all we expect to spend during the next ten years, or even during a single administration. Suppose we pay $300,000,000 a year to carry on the Government; in ten years we have to pay out $3,000,000,000 to manage this Government. Think of it! What an expensive institution it is! And yet, when we come to consider that we pay out less than three hundred million dollars annually and examine the items of appropriation, we find that we are getting on as economically on the whole as we can, and that a great many important public interests suffer for want of proper appropriations.

In this direction there is a vast mass of additional evidence which the Senate might well examine. I do not feel like taking up a great deal of time on the subject, because I have, in the effort to save time, had printed very much of this evidence and very much of the argument that I think proper in maintaining the provisions of the bill. To be sure, it may be that I should have done better if I had consumed the time of the Senate two or three days in laying it before the Senate. I thought I was saving time; and if any one doubts that when the Senate at the last Congress enacted this measure by a three-fourths vote it was justified, he will find the doubt resolved by examining the matter which I placed before the Senate at the opening of the discussion.

I was saying, Mr. President, that there was coming continually additional evidence showing the present great need of the enactment of this bill into law. I will read one letter which comes to me from the board of school directors of a town in Louisiana:

OFFICE OF SECRETARY AND SUPERINTENDENT
BOARD OF PUBLIC SCHOOL DIRECTORS, PARISH OF TERRE BONNE.
Houma, La., February 8, 1886.

DEAR SIR: I take the liberty to write to you on the subject of the educational bill now pending before Congress, known as the "Blair bill." We people down in this little spot of the American Union would hail the passage of your educational bill with joy and gratitude. Among all classes, conditions, and colors of our people—in my parish I speak at least, and I suppose it is so elsewhere—your name and efforts are favorably spoken of.

And he goes on with some comments in regard to the general expression of the people in favor of the pending bill, and then he says further:

It is the interest of the politicians and demagogues to keep the masses in illiteracy so that they may the better play and work upon their ignorance and prejudices, and I am happy to say that in my section a rapid change for the best is taking place among all colors of our people. They are appealing almost on their knees for schools. In my parish there are over five thousand children, white and colored—

I ask the special attention of the Senate to this fact—

over five thousand children, white and colored, of school age. Last year our school board established twenty-six schools—one teacher to each school—throughout the parish, of which fifteen were for white children and eleven were for colored children; the schools were kept open five months. This year we hope to be able to open at least thirty free schools—seventeen white schools and thirteen colored schools—and keep them open at least six months. Even with that number of schools—

And to this point I wish to call the special attention of the Senate as bearing on that great region outside of any school privileges whatever:

Even with that number of schools there is not enough for half of the children. We have no school-houses. We have a good corps of teachers, white and colored. Our revenue is from the State and parish only. I hope and trust that your bill will pass. Senator R. L. GIBSON is from my parish and can and will bear out my assertions on the school question. I would like very much to read the debates and see the votes on the final passage of the bill.

With sentiments of high respect, I am, sir, your obedient servant,
H. C. SIDNEY.

Senator BLAIR, *Washington, D. C.*

I have here also letters from the State of South Carolina. Here is a letter from a lady whom I do not know; she is very likely known to the Senators from that State, Mrs. Mary A. Evans. She has written me three letters on the subject, and she authorizes the use of the matter in debate if I think it of importance. She makes a statement in regard to the universal desire among the masses of the people, white as well as colored, for the passage of this bill. She has herself circulated petitions addressed to the Legislature of her State; and where it was supposed by some that there was no general feeling or desire for the enactment of this measure she found the business men, the educated people of all classes anxious indeed for the passage of this bill and ready to sign a petition which she circulated addressed to the Legislature of the State, and as I understand—the Senators will correct me if I am wrong—that Legislature almost unanimously memorialized Congress in favor of the enactment of this bill into a law.

Mr. HAMPTON. I will say to the Senator, if he will allow me to interrupt him, as I do not intend to take any part in this debate, that I think the Legislature of South Carolina unanimously requested that the bill should be passed.

Mr. BLAIR. That was my impression. There is no doubt that all through the South and generally throughout the Northern States the people want this bill to pass; and it is idle for any man to stand up in the Senate or any where else and tell me that the people behind him do not want this bill enacted into a law.

I have here the resolutions of the Teachers' Association of the State of Texas, representing the whole State, unanimously passing the very strongest resolutions in favor of the enactment of this bill into a law, and in their resolutions they set forth in the most forcible language that is conceivable the necessity they are laboring under for this appropriation even in the State of Texas.

Mr. COKE. Will the Senator allow me to interrupt him?

Mr. BLAIR. Certainly.

Mr. COKE. I will state for the information of the Senator that the teachers of the State of Texas do not represent the people of Texas. The State of Texas is almost solidly Democratic, and the last Democratic convention held in the State denounced this bill and applauded the action of the Senators and Representatives who opposed it.

Mr. BLAIR. I do not know what may have been done in Demo-

cratic conventions; I would rather take the action of the teachers of the State of Texas as indicative of the desire of the people on the question of instruction in common schools. I am not accustomed to draw my ideas as to the wishes of the people always from the action of Democratic conventions, and I feel very sure that the interruption of the Senator has had no tendency to disprove the assertion which I made that the people of Texas desire the advantages of common-school education. I have before me some matter bearing on this very question that I will take this opportunity to read from a Texas paper:

The following resolutions and remarks were offered at the convention of educators Wednesday by Professor Hogg, of this city:

"THE STATE UNIVERSITY.

"*Resolved*, 1. That the school system suited to Texas should embrace all arms of the educational service—primary, liberal, technical, and professional—recognizing the labors of the private as well as State institutions.

"*Resolved*, 2. That, appreciating the desire on the part of the regents and faculty of the State University, the head of our public-school system, to become more closely allied to our lower schools, we commend it to the consideration of our teachers, and to pupils seeking liberal and higher instruction, to prepare themselves to enter the several schools of the same.

"FEDERAL AID.

"Whereas the perpetuity of a government of the people, for the people, and by the people presupposes as an essential condition the education of the whole people; and

"Whereas such education requires an outlay of large sums of money; and

"Whereas since the war our voting population has been largely increased by the addition of six millions of enfranchised citizens; and

"Whereas this has been done at the close of a most disastrous civil war, impoverishing wholly one section of our country: Therefore,

"*Be it resolved*, 1. That the Texas association of city superintendents assembled in convention do indorse the bill before Congress known as the Blair bill, or some other just and wise measure extending to the whole country Federal aid in behalf of the education of all the children of the respective school ages upon the basis of the illiteracy of the people.

"*Resolved*, 2. That we request our Senators and Representatives in Congress to vote for such a bill.

"*Resolved*, 3. That our secretary be instructed to send each member of the Texas delegation a certified copy of these resolutions.

"ALEX. HOGG, *Chairman*.
"W. A. BANKS.
"D. F. HUGHES."

The resolutions in regard to this matter were sent to me by Professor Hogg.

The resolution in regard to the State University was adopted with but little discussion.

Superintendent Hogg asked and was granted permission, since he had given up his place upon the regular programme upon the subject, "The proper organization of our school system," to explain his position in regard to Federal aid.

Said he: "The great Montecuculi has said, 'If you are preparing for war and expect to become victors, you must have three necessary things: First, money; secondly, more money; thirdly, much more money.' We need," continued Professor Hogg, "in this war that we are waging against illiteracy, 'money, more money, much more money.' Give the sinews of war, and the generals, majors, and brigadiers will be found; that 'the organization of schools'—that competent superintendents would be found by hundreds and teachers by thousands; that there were before him men and women too who only needed position to show their ability to organize.

"That he knew he was espousing a cause unpopular in political circles, but he proposed to show the need of this aid, the justness of it, and the constitutionality of it." He quoted and said, "You can find what I say in a speech made upon the rostrum of his *alma mater*, the University of Virginia, last July, by Hon. Charles E. Stuart, of Alexandria, Va., an eminent man, where the constitutionality was derived, and he said, 'The father of the Virginia University is also the father of this Republic. The university has been a success. Let us make the Republica success.' He regretted that even Dr. Dabney knew so little about Mr. Jefferson as not to know his connection with the Episcopal Church, that he continued to harp on the hackneyed, threadbare legend, his infidelity—his opposition to the Christian religion.

"But," said he, "that is a dead issue, doctor. Where did the State get the authority to give the sixteen sections to popular education; from where did the constitutional authority come to give $100,000,000 to the agricultural colleges.

"It was a remarkable fact that Senator COKE was the governor receiving this aid for Texas; that he organized the college and put it into actual operation. These institutions are for the select few—still, when the millions of ignorant children beg for bread they are given a stone. The constitutionality of the bill!" Said he, "The opposers of this bill tell you it tends to centralization; it breaks down the authority of the States. It proposes to create in Washington a bureau of control, to send down into our midst their own teachers." Said he, "I ask the association to read the clauses of the bill: 'Section 5. That, to entitle them to receive aid under the terms of this act'—

Referring to the agricultural college act—

'the several States and Territories shall comply with the following provisions: (1) They shall designate the officers to whom shall be paid, and by whom will be disbursed, the sums annually apportioned under this act.'

Said he: "Why do gentlemen try to deceive the public? For my part, I intend to see the children of Texas, of the South, of the whole country, have their proper birthright—an opportunity to be educated. Texas can not do it, and she is the most favored of the Southern States. But last year it was heralded all over the State that the per capita apportionment to the children was an increase of 20 cents—4 per cent. increase on the funds. Nothing was said about an increase in the scholastic population enrolled, to this, of 25 per cent.—an increase of over sixfold."

He goes on with other matter of the same kind and makes a strong demonstration of his views and opinions on the subject. The result of it all was the unanimous adoption of the resolutions. That was a convention of the superintendents of schools. Here he sends to me resolutions of a large convention of the teachers of the State of Texas, which are as follows:

Resolved, That we, Texas teachers and superintendents, thankful that we have the opportunity of studying the relations of education in the different States of the country, at home and abroad, and of meeting and conferring with the representatives of education, rejoice in the aid thereby to be received by ourselves in the introduction of improved methods of administration and instruction.

Resolved, That with hearts full of gratitude for the prospective great fund to be realized in behalf of education in our State, and happy that the present incomes for education are so large, yet we must confess the inadequacy of present means for the immediate necessity for providing new school-houses and paying well-qualified teachers to instruct the children now really in school.

Resolved, That in view of these facts, and in the presence of the illustration of the progress of education in the more favored States, and sensible anew of the embarrassments to education in those States suffering from the largest illiteracy and possessed of the least per capita school fund for immediate use, we Texas teachers embrace this opportunity to offer our profound conviction of the necessity and wisdom of providing immediate national aid for education.

Any one listening to this debate having any knowledge of the condition of this country knows that the opposition at the South to this measure does not come from the masses of the people there; it does not come from the American people as they reside in that section. There are two elements. There are men on this floor who represent the *ante bellum* condition of things, who are representatives as much to-day as they were before the war of the slave-holding element and of the landed aristocracy of that section of the country; and they know that if this money gets among the common people down there and makes the common-school system efficient there will be an end of that narrow constituency upon which their own little power is planted. It is because their sentiments are anti-republican; it is because the Senator from Alabama who taunted me and spoke of the disgraceful report which I had placed before the Senate is a relic of the ante-war period; it is because he is not republican in sentiment; it is because he does not represent the existing order of things, does not represent the American people or republicanism in its true and large and real sense, that he is here protesting against the constitutionality of this bill and objecting to its passage. He represents a state of things that is passing away. He represents ideas that received their death-blow with the final battle of the war. That is the difficulty with the men who stand up here and contest the constitutionality of this bill and pretend that the people whom they represent are not in favor of its enactment.

Why, Mr. President, the Legislature of Louisiana, a Legislature which represents something that has occurred in modern times, which represents issues that are living to-day, a Legislature which has its eye upon the future rather than upon the past—that Legislature has more than once pronounced unanimously, I think, in favor of the constitutionality and the desirability of the enactment of this bill into law. The Legislature of Mississippi has done the same thing. The Legislature of Alabama, the Senator's own Legislature, has done it unanimously. So I might go on. Other Legislatures have so pronounced, representing the people. The Legislature of South Carolina, as has just been said by one of her Senators on this floor, has done so unanimously. And the people behind these Legislatures demand popular education.

Sir, there is as strong a feeling among the masses of the white people to-day in favor of common-school education as there ever was among the colored population. We all remember the condition of things at the close of the war. We know how the colored population had an idea that education was their real liberty, their real enfranchisement, their real political salvation; and they poured into the schools, established in whatever way they might be; they sought the opportunity to be educated, to learn to read and to write. They were not blessed by the people of the North with proper pecuniary assistance, though they received a great deal of it, it is true; the fact is to-day that that old feeling among the colored people has to some extent passed away with the rising colored population, and in the place of that has come what did not exist at the close of the war, an almost universal enthusiasm among the white population, to whom the common-school system was a stranger before the war, to receive the benefits of that institution.

So it is to-day that both white and colored people, the masses of the people in the South, are desirous not alone of the system, but that it shall receive sufficient of vitalizing force to make it an efficient agency in the regeneration of their condition. It is on account of the existence of facts of this kind that I am particularly anxious that the desire of those people shall be gratified. I am more anxious for the enactment of this bill into a law because it will reach the common people of the Southern country, a thing which is indispensable to be done if we are ever to become a homogeneous and united people, and permanently one nation.

I believe in the constitutionality of this bill. The Senator from Alabama indulged himself in a vast amount of sophistry in regard to the report, in regard to the position of those who favor this bill, and in regard to the construction of the clause of the Constitution relative to the promotion of the general welfare; but the only position which I have ever taken as to the constitutionality of this bill is just this: Unless we have intelligence among the masses of the people it is impossible to establish and preserve a republican form of government. The National Government is one republican in form, and the fathers in establishing the Constitution established of necessity a government, and whether they said anything of education in the Constitution or not, if they established a constitution and a form of government absolutely dependent for existence upon the intelligence of the people, by so doing, by creating a creature republican in form, they made the strongest possi-

ble provision that if necessary that government should have the power to educate the citizenship which would constitute the government itself; for the citizens are the government; they are the sovereigns. I have never yet heard a man undertake to reply to that position.

The Senator from Alabama made no such effort, nor has any man in this debate from the beginning to the end ever undertaken to say that education was not the primary and fundamental truth upon which our institutions, national and State, were based; that there can be any government republican in form unless there be intelligence among the masses of the people or among those who constitute the sovereignty, that is, the individual voters. If that is so, when we establish a national government republican in form we assert the power of educating our children who are to become the sovereigns and are that government; and when we undertake by that national government to guarantee governments republican in form to the States, we undertake a national guarantee of education to the citizens of the States who are also citizens of the national government, provided they do not acquire the necessary education and intelligence from any other source.

Mr. President, as I said, nobody has ever undertaken to deny that position. It is no answer to it to suppose that there are various things which might be for the general welfare which we can not constitutionally do, and to point out this, that, and the other foolish thing, that we can not do, that we can not accomplish, and still be within the limits of the Constitution, although it might be best for the general welfare. Granting, in other words, that there are things which might be for the general welfare, which we can not constitutionally do, it is absurd to reason to the other position, that we can not do that which is indispensable to the national existence, and that that thing may not be done under the clause in the Constitution allowing us to provide for the general welfare. If we can not provide for our own existence, of course there is nothing we can do for the general welfare. The first indispensable thing, in order to have any general welfare at all, is the general existence; and it is upon that ground that I place my view of the constitutionality of this bill. Other Senators differ with me, and they have explained their views on this floor. This bill does not necessarily stand upon such ground as that. This bill only undertakes to say that from the funds of the Government may be appropriated, to be used in the States, or by the people of the States, within the States, subject to the conditions that are stated in the bill itself, a certain amount of the public money, to be applied to the general welfare in the education of the children who live in the States. That is the extent to which the bill goes.

I assert that beyond and behind it is the right of the National Government to educate every child that lives within the national jurisdiction if for any reason it becomes an absolute necessity for the Government so to do. It is the last thing I should like to see the Government obliged to do; and yet in self-defense it must have the right so to do. I believe, and there is every reason to believe, that the people of the States will perform this great duty even better than though it were undertaken by the National Government. It is the right to live, the right to be prosperous, the right to be happy, the right to have a future, and the American people are sufficiently intelligent to understand that; and the only reason why to-day the people of the South, as a whole, are not as intelligent as the people of the North, is simply because they have not had the means (although they have subjected themselves to very heavy taxation for the purpose) to educate their children.

We ought to remember how the war left them. We have not known anything of the real ravages of the war at the North. We have there accumulated property of half a dozen generations. They had at the South; but the war came, their labor system was entirely broken up, and in addition enormous masses of property were destroyed, property such as is indispensable to the existence of a civilized community, and they were obliged to replace that property from taxation before they had money left over to educate their children as they ought to be educated.

We helped to create that devastation. We destroyed slavery in the joint effort wherein the resistance of the Southerner was just as necessary as the aggression of the Northerner. In no other way could that institution have been destroyed at all; and it was destroyed for the general good, for the national good; as we all know, it was an institution for which the nation as a nation, the whole people, North as well as South, were responsible. Having accomplished a common good, and the people in that portion of the country which was the particular scene of its devastations being left without property, having to reconstruct society, to reconstruct their institutions and establish a new system of labor among them and make the masses of laborers intelligent, white as well as black—under these circumstances, it being the demonstration of the census and in fact commonly known to all men that they have gone to the very extent of their capacity to bear the burdens of taxation, and yet have not reached the point of the education of their children as a whole, I think there is a moral obligation, I think there is a legal and a constitutional obligation, a national obligation on the part of the whole people to assist our friends at the South temporarily until they are fairly on their feet and can enter on the great race of life with a fair opportunity and a fair chance with their brothers in other and more highly favored portions of the country.

I will take the liberty, since it has come to my possession to-day, to read a little extract from the Daily New Orleans Picayune, a Southern paper, in which the writer treats of the subject to which I am alluding. It is in regard to the speech of the Senator from Alabama in opposition to the bill. The date of the paper is February 13. I suppose everybody knows that the New Orleans Picayune is a paper of some importance, of some note; it has lived for some time, and represents probably something of popular sentiment behind it. The article to which I refer is as follows:

General MORGAN, of Alabama, should have lived in New England two hundred years ago. He is nothing if not puritanic. Four years ago there was an immense flood which swept away the prosperity of the Lower Mississippi Valley before men had fairly realized what was upon them. General MORGAN said in the Senate that if every friend he had in the South lived on these shores he would not vote for the bill—it was for the improvement of the navigation of the Mississippi and Missouri Rivers—unless it contained a proviso that the money should not be used for the purpose of leveeing to protect private property. "We have no right to do it under the laws of the United States or the Constitution. Sir, when I find that barrier standing in front of me I stop; I do not go hunting about with microscopic eye to see if I can not find some word or phrase or some hidden meaning in some sentence of the Constitution to justify me in doing that which I very much desire to do." That did not fool anybody. If Senator MORGAN had even a little desire to do what the Constitution would clearly justify, to help the valley, he would have found no obstacle to the doing. The Senate was full of practical legislators with a generation of experience who knew that Constitution in every line and in every word. They had no difficulty. But his real desire was to pose as a constitutional lawyer.

The Senate is now listening to MORGAN again on the same old line. He will, perhaps, again say "it is my duty as an American Senator to stop when I find the barrier of the Constitution in my front, and I do stop." It is BLAIR'S education bill which is under consideration; there are four million youths of school age in the South without school facilities, and the whole country is beginning to wake up to the imperative duty of doing something to correct that great evil. The North is full of voices asking why such a bad state of affairs is not terminated by national aid, and the Alabama Senator warns them off, holds up before their astonished eyes "the barrier of the Constitution," and probably before he takes his seat will have declared that if every friend he has in the South is in peril for want of their aid he will reject it.

While this man is on his feet antagonizing a measure designed in the most honorable spirit for the great need of the South, the Northern papers are coming to our office freighted with the friendliest and most sympathetic urgency of advocacy. The Boston Herald of Tuesday, for instance, says: "If, as a matter of fact, the Southern States are unable to give instruction to their children and youth, and will not be able to do so for ten or twenty years to come, and are willing to receive and properly apply national aid, without relaxing any effort of their own, we think the nation is in duty bound to assist them, and should do so in self-defense against the menace of an ignorant suffrage."

This is the warm spirit of appreciation of our needs which is permeating the whole North. The proposed appropriation, which, if it is enacted, will give Louisiana about $4,000,000 for her ignorant children, would go through Congress like a grateful benefaction, amid the applause of all good men, were it not for the headstrong and obstinate opposition of General MORGAN and other strict constructionists. He should remember that he is to render an account to his people of his action in the Senate, and they will not omit from that account the beating back of the donation which is offered by the North, triumphant in the war and flourishing in the fields of the post-bellum peace, to the South, devastated in the war and made almost a desert by the subsequent peace. For this national aid practically bears that aspect; it comes from a Treasury which is filled with the prosperity of the North, a Treasury which would be bare indeed if it were dependent on the poverty of the South. It does not become a Southern man under such circumstances to erect constitutional barriers to keep back the rescuing hand of national beneficence. General MORGAN must not be eaten up with the notion that his reputation for statesmanship is indestructible; if he does not come down off his constitutional hobby it will certainly perish under his pressing spurs.

There is a just debt due the Southern States, and an amendment to this bill will remove all objections. The illegal taxes imposed upon cotton at the close of the war should be returned to the South. The Government had no right to levy any such tax, and the Supreme Court has so declared. As the money can not be returned to the individuals who paid it, let it be returned to the cotton-growing States for educational purposes.

Mr. MORGAN. I will ask the Senator from New Hampshire if that is the paper in New Orleans that advocates female suffrage?

Mr. BLAIR. I presume so. I should think it would be likely to do that; it reads like a very excellent paper. It is the Daily Picayune of New Orleans, Saturday, February 13.

I have here a long letter from the office of the board of education in Wilmington, N. C. It is signed by Charles Miers. It is a very strong appeal for this national aid. The writer labors under the impression that the whole provision is to give aid for teachers, and says it ought to be made for the people at large. I have here a letter from Spartanburg, S. C. It is from William S. Morrison, superintendent of the city schools at that place. I think at Spartanburg is located one of the universities of the South. Speaking of this measure, he says:

I beg you to use every effort in your power to get the bill through this session. I believe its passage would prove beneficial to every section of our country. I know the aid it proposes to give would prove a godsend to the South.

I desire to read a strong, forcible article from the Boston Herald upon this same subject. It was alluded to in the article which I just read from the New Orleans Picayune, and I will read an extract from it as showing its opinion. Somebody in Connecticut has advanced the unaccountable doctrine that assistance to common schools is somehow prejudicial, forgetful of the fact that there is hardly a State that has not a common-school fund larger than the whole amount of this appropriation and the expenditure there is given to the States—forgetful of the fact that our common schools generally depend upon educational funds

combined with taxation. He says that the common schools of Connecticut came very near being ruined half a century ago by something like 50 cents or a dollar to each scholar, while the amount expended per capita for the children of Connecticut is, I think, some ten or twelve dollars. At all events in Massachusetts it was between $19 and $20, and the entire amount derived in the way of per capita contribution of the children of Connecticut at that time to the fund—it was a great many years ago—could not have been more than 75 cents or a dollar.

Mr. HAWLEY. Will the Senator allow me to make a suggestion?

Mr. BLAIR. Certainly.

Mr. HAWLEY. The Senator says that somebody in Connecticut expresses the view. I wish he would allow me to say that it is the opinion of the State board of education there that this bill is unwise.

Mr. BLAIR. I do not know in regard to that. I would study it pretty closely before I relied very much on its opinion on such a question as this.

This is an article from the Boston Herald, which I suppose is as good Democratic authority as there is in New England. The New York Evening Post, it seems, has quoted the Connecticut superintendent. By the way, I take occasion to say that so far as I know every, or nearly every, superintendent of public instruction in the United States, and the educators of the United States, all the great conventions, all the methods for the expression of sentiment upon this subject through all the various avenues have disagreed with the board of education or the superintendent of the State of Connecticut upon the advisability of making this appropriation. The Boston Herald discusses the matter in this way:

We do not think the experience of other States which received Federal aid was similar to that of Connecticut. Some of the Western States made excellent use of their land grants, and the income of the United States deposit fund in New York, which is distributed among the schools of the State, has never proved so great a detriment to the cause of education that the people proposed to give it up. The Southern case is not a parallel one, however this may be. In the first place, there never was a time when any of the Northern States was not fully equal to the task of supplying common-school accommodations and instruction to all the children, without outside assistance. The property and the school-houses and teachers increased in regular ratio to the increase of population. Our contemporary will concede that this has not been the case at the South. Emancipation, the act of the nation, added one-third or more to the school population of the former slave States, and that after two-thirds of the property of that region, reckoning the slaves as part of it, had been destroyed by war.

The freedmen and their children had been kept in compulsory ignorance under the authority of the national Constitution, which recognized and protected slavery. It was, therefore, physically impossible for the people of the Southern States to assume the task of educating this mass of ignorance. Rev. Mr. Mayo, an excellent authority on this question, says that "there are now in sixteen Southern States, 4,000,000 white and 2,000,000 colored children and youth of school age of whom not one-third can be said to be in any effective school." Seventy per cent. of the negroes over ten years of age are illiterate, and the ratio of illiteracy for blacks and whites alike is increasing. And this in spite of the fact, to which Mr. Mayo bears testimony, that "no people in human history has made an effort so remarkable, all circumstances considered, as the people of the South have done during the past fifteen years, in what they have already done for the schooling of their children." Last year the Southern States raised no less than $17,000,000 for school purposes, of which nearly one-third was for the education of their former slaves. In many of the States the school tax is higher in proportion to the property than in Northern States that maintain a splendid school system. And yet more than one-half the children of school age are growing up illiterate, or without primary instruction that is worthy of the name.

If the Senate will bear with me I will in this connection introduce a short address by Mr. Mayo upon this precise question as part of my remarks, in order that Senators may see it in the RECORD. Mr. Mayo, as all know, has spent quite a number of years—some five or six at least—in traveling through the South, especially devoting his attention to the interests of the common schools. There is no State through which he has not traveled extensively, spending nearly all his time—so far as I know, all his time—in the effort to become thoroughly, radically, if you please, acquainted with the wants of the Southern people with reference to the education of their children.

Mr. HAWLEY. May I ask, before consent is given for printing that document, how long it is?

Mr. BLAIR. This document is in coarse print, just three columns long.

Mr. HAWLEY. I think there should be some understanding about the extent to which this privilege to print is to be accorded in the Senate.

Mr. BLAIR. I can read it.

Mr. HAWLEY. The rule of the Senate is not that of the other House by any means. We have not been in the habit of giving leave to print long speeches without having heard them. The Senator the other day put into the RECORD, under this privilege, very easily granted, forty-four pages of solid matter, costly composition, some of it tables, which had all appeared in the RECORD within two years, if I recollect. I do think that was a stretch of the privilege, and I ask merely in this case so that we may not be subject to the same result.

Mr. BLAIR. There is a good deal to be said on both sides of that question.

Mr. HAWLEY. I think not.

Mr. BLAIR. I think there is, and if it were pertinent to the passage of the bill I should try to say something on my side of it, too; but the Senator seems inclined to object to the printing of this matter, and, therefore I will read such extracts as I deem more important.

Mr. ALLISON. Would it suit the Senator to go on in the morning? It is time to adjourn now, and if it would be a relief to the Senator from New Hampshire I will move an adjournment.

Mr. BLAIR. I have only a little more to say, and I would prefer to end what little I wish to say to-day, so that some other Senator can take the floor in the morning. I shall not trouble the Senate more than five, or at the outside ten, minutes longer at this time. Dr. Mayo says in the course of his address:

In every form in which the principle of national aid to education can be presented, under the limitations of the original policy, the whole people, through the General Government, have constantly aided education in the States. The Northwestern and Pacific States owe their present splendid school systems largely to the people's bounty, to say nothing of munificent private gifts from the East. And every State has established industrial education by the nation's aid. To question or turn aside this great central fact in national policy seems to us the cavilling of the advocate rather than the wisdom of the statesman.

If it be asserted that the proposition for national aid to education is novel, we reply, the policy is as old as the nation. If unconstitutional, it has never been questioned in the national courts, and the Chief-Justice of the Supreme Court, in a report in the Peabody school fund, has declared the question *res adjudicata*. If dangerous to State rights, the Government has never attempted this encroachment. Even in war time the Government grants for the freedmen were generally administered by private agencies and State authorities. The last thing this nation will attempt will be to turn schoolmaster. If we are told that such aid demoralizes, we reply that the thirteen Northern States that have received the largest aid have done the most for themselves, and to-day can show the most splendid success in popular education that has been wrought in any age or land. Indeed, the phenomenon of the representative in Congress of any of these States opposing national aid is one of the unsolved conundrums of our strange American politics.

In reference to the condition of the South he says:

For myself, I have been among these people of the South, and know what they are doing. In every Southern State I find opposition, indifference, obstruction of universal education. But in every State the opposition is a decreasing minority, while the school public becomes more intelligent, resolute, experienced, and effective every year. Every Southern State does better, some of the States much better, every year. There has been as much dishonest waste and mismanagement of school funds in several large cities of the Northern States as in the whole South since 1865. The Southern people to-day stand guard over the children's money as no other public money is watched in the country. With proper safeguards I see no peril of serious misuse of national aid.

Bearing upon this point I wish to put into the RECORD a table showing the appropriation by the several States of the amount which they received under the distribution of $28,000,000 of national money in 1836. It shows that nearly every State put that money thus coming from the national Treasury and coming in the form of taxation into their schools, some of them inadvertently, some of them unwisely, in many cases it was lost; but even where it was lost in latter years there has been legislation which restored that fund to the common schools, so that the income from it in nearly every State is at the present time felt in the increasing efficiency of the common schools.

Mr. HAWLEY. Does the Senator refer to the distribution of the surplus fund in 1836?

Mr. BLAIR. I do.

Mr. HAWLEY. I think he has published all these tables within a week in the RECORD.

Mr. BLAIR. The Senator is quite mistaken. It will not be any use to try to keep the substance of this case out of the CONGRESSIONAL RECORD unless it is done by violation of the rules of the Senate.

Mr. HAWLEY. If the gentleman is going to be petulant about it I will object to every extension of privilege of every description to him.

Mr. BLAIR. Very well.

Mr. HAWLEY. I am sure I have seen that in his 44 pages which he printed in the RECORD the other day.

Mr. BLAIR. The Senator is wrong about that. There is a table published showing the amount that went to each State. The table which I now propose to put in the RECORD, and which I shall read every figure and word if that be necessary to get it there, is a table prepared at my own solicitation, and which no mortal man has ever seen except those engaged in preparing it. It has been nowhere except in my hand since its preparation unless the computers preserved a copy of it. It is a table of items respecting the surplus-revenue deposit of 1837 and the educational use made by each State receiving a part thereof. Then the table shows:

Names of States receiving parts of the deposits.	Amount received.	Remarks as to the educational disposition of the moneys received.

I will read the details as to one State in order that the Senate may see what it is. It contains the enumeration of the States that received the money. I read Alabama as illustrative of what the whole table is: Alabama received $669,088.95, 8 per cent. interest, and since 1877, 4 per cent. annually for public schools; and so I might go through with the whole. If the Senator objects, or if I can not have it printed as part of my remarks I will read it, but, of course, I prefer not to trouble the Senate.

Mr. HAWLEY. I have made no objection.

Mr. BLAIR. Then with the consent of the Senator—I thought he would not object when he knew what it was—I shall have this table inserted in the RECORD.

*Items respecting the surplus revenue deposit of 1837 and the educational use made by each State receiving a part thereof.**

Names of States receiving parts of the deposit.	Amount received.	Remarks as to the educational disposition of the moneys received.
Alabama	$669,088 95	Eight per cent. interest, and since 1877 4 per cent. interest annually for public schools.
Arkansas	286,751 49	Wasted.
Connecticut	764,670 60	Principal deposited with the "towns;" till 1835 about $33,000 interest was yearly expended for schools; since then whole income so spent.
	286,751 49	Annual interest divided equally between the three "counties," about $5,000 for each.
Delaware	1,051,422 09	One-third of income set aside for common schools; principal finally lost.
Georgia	477,919 14	Six per cent. annual interest on $335,592.32 allotted to public schools.
Illinois	860,254 44	Half the amount now forms part of the public school fund of the State.
Indiana	1,433,754 39	$550,000 set apart for the support of public schools.
Kentucky	447,919 14	$95,197.75 paid to three colleges and one female seminary; rest paid bank debts, &c.
Louisiana	955,838 25	Distributed per capita to the population, except $6,000. (Bourne, p. 73.)
Maine	955,838 25	$681,387.25 reserved for school fund, at 5 per cent. interest; principal exhausted 1841.
Maryland	1,338,173 58	All but $2,500 distributed to the towns as "funds," the interest usable as thought best.
Massachusetts	286,751 49	Wasted.
Michigan	382,335 30	Wasted.
Mississippi	382,335 30	Principal + $117,664.70 accumulated interest form a half-million of the school fund.
Missouri	669,086 79	Mostly distributed per capita; about $1,800 annually distributed for schools.
New Hampshire	764,679 60	Lent to counties; since 1866, about $30,500 to $33,000 yearly interest spent for schools.
New Jersey	4,014,520 71	Apportioned to counties; interest, after restoring losses of principal, spent for education.
New York	1,433,757 39	All but $100,000 invested as common-school fund; lost since 1861.
North Carolina	2,077,200 34	Apportioned to counties, whose loans therefrom, at 5 per cent. interest, were to make income for the common schools.
Ohio	2,867,514 78	About $800,000 invested for public schools.
Pennsylvania	382,335 30	$166,733.07 treated, since 1859, as the permanent school fund.
Rhode Island	1,051,422 09	Invested chiefly in railroads.
South Carolina	1,433,757 39	Annual interest, $118,000, appropriated at first for schools and academies; principal lost.
Tennessee	669,086 79	Deposited with the "towns;" income generally used for common schools.
Vermont	2,198,427 94	Wasted; as bank capital, &c.
Virginia		
Twenty-six States	28,181,644 91	

*See, in addition, Bourne's "History of the Surplus Revenue of 1837," pages 122, 123. The book appeared in New York; Putnams; 1885.

I beg the pardon of the Senator from Connecticut and that of the Senate if I exhibit any warmth in this matter. It has been on my mind a great while. I have endured some taunts and personal abuse in regard to it, which were undeserved, but which I have borne for the sake of the cause. I am willing to bear even more if I can thereby subserve the advancement of this great cause, of the ultimate triumph of which I feel sure.

I will not trouble the Senate longer to-night.

Mr. ALLISON. Now, Mr. President, I move that the Senate adjourn.

The motion was agreed to; and (at 5 o'clock and 30 minutes p. m.) the Senate adjourned.

HOUSE OF REPRESENTATIVES.

TUESDAY, *February* 16, 1886.

The House met at 12 o'clock m. Prayer by the Chaplain, Rev. W. H. MILBURN, D. D.

The Clerk proceeded to read the Journal of the proceedings of yesterday.

Mr. DOCKERY. Mr. Speaker, I ask unanimous consent that the reading of so much of the Journal as relates to the introduction and reference of bills and joint resolutions be omitted.

There was no objection, and it was so ordered.

The remainder of the Journal was read and approved.

SAC AND FOX AND IOWA INDIAN RESERVATIONS.

The SPEAKER laid before the House the following message from the President of the United States; which was read, referred to the Committee on Indian Affairs, and ordered to be printed:

To the Senate and House of Representatives:

I transmit herewith a communication of the 12th instant from the Secretary of the Interior, submitting, with accompanying papers, a draught of a bill, prepared by the Commissioner of Indian Affairs, to amend the third section of the act of March 3, 1885, to provide for the sale of the Sac and Fox and Iowa Indian reservations in the States of Nebraska and Kansas, and for other purposes. The matter is presented for the consideration and action of Congress.

GROVER CLEVELAND.

EXECUTIVE MANSION, *February* 15, 1886.

REPORT OF GOVERNMENT DIRECTORS OF PACIFIC RAILWAY.

The SPEAKER also laid before the House the following message from the President of the United States; which was read, referred to the Committee on the Pacific Railroads, and ordered to be printed:

To the Senate and House of Representatives:

I transmit herewith for the consideration of Congress a communication, under date of the 9th instant, from the Secretary of the Interior, and the accompanying last annual report of the Government directors of the Union Pacific Railway Company.

GROVER CLEVELAND.

EXECUTIVE MANSION, *February* 15, 1886.

TESTING-MACHINE AT WATERTOWN ARSENAL.

The SPEAKER also laid before the House a letter from the Secretary of the Treasury, transmitting an estimate of an appropriation for testing-machine, Watertown arsenal, for the fiscal year ending June 30, 1887, submitted by the Secretary of War in lieu of former estimates; which was referred to the Committee on Appropriations, and ordered to be printed.

CÆSAR GONDALFO.

The SPEAKER also laid before the House a letter from the Secretary of the Treasury, transmitting a letter from the Commissioner of Customs recommending an appropriation to pay judgment recovered by Cæsar Gondalfo for refund of proceeds of customs forfeiture; which was referred to the Committee on Appropriations.

LEAVE OF ABSENCE.

By unanimous consent, leave of absence was granted to Mr. RHESE indefinitely, on account of the sickness of his father.

SUITS BY UNITED STATES TO CANCEL PATENTS.

Mr. HAMMOND. Mr. Speaker, I am directed by the Committee on the Judiciary to report back the following resolution with a resolution thereon; and considering the importance of the matter, and in order that the Committee on the Judiciary may consider the business promptly, if the House thinks proper to pass the resolution, I ask on behalf of the committee unanimous consent for its present consideration.

The SPEAKER. The resolution will be read, after which the Chair will ask for objections.

The Clerk read as follows:

Resolved, That the Committee on the Judiciary be directed to inquire and report to the House, accompanying the report by a bill if deemed best—

First. Whether under existing law, and if so under what law, the Attorney-General has authority at the instance and in the interest of private corporations or of individuals, in the name and at the expense of the United States, to institute and carry on or defend against suits to cancel or annul letters patent issued to citizens of the United States under the laws thereof on acconnt of inventions or discoveries, said United States having no pecuniary or other interest therein; and

Second. Whether, if said authority exist and its continuance be deemed wise in the judgment of the committee, the law conferring the same should not be made so specific as that parties in interest would be apprised with certainty in what cases and under what conditions they might look to the Government of the United States to undertake the burden of their litigations in that behalf.

The SPEAKER. Is there objection to the present consideration of the resolution?

Mr. HAMMOND. Allow the resolution which the committee report to be read also before the request for unanimous consent is submitted.

The SPEAKER. The report will be read.

The Clerk read as follows:

The Committee on the Judiciary, to whom was referred House resolution No. 100, propounding certain questions as to judicial proceedings to vacate letters patent for inventions and discoveries, with a view to know whether the law in that regard needs amendment, and if so, what amendment, have had the same under consideration, and because of the importance of the subject suggest the adoption of the following resolution:

Resolved, That the Committee on the Judiciary be required to answer the questions by said resolution No. 100 propounded, and advise the House as to the present state of the law on said subject, and report any amendment deemed needful, if they find that the law in that regard needs amendment, and that the committee may report at any time.

The SPEAKER. Is there objection to the present consideration of the resolution?

The Chair understands that this second resolution, reported by the committee, refers to the resolution referred originally to the committee, and is not a substitute for it, but seems to be an addition to it.

Mr. HAMMOND. That is the intention of the committee.

The SPEAKER. Then it will be necessary to pass both resolutions.

Mr. HAMMOND. That is the motion. Our resolution covers the other, that is, it requires us to answer it; and the resolution recommended by the committee is designed to authorize the Committee on the Judiciary to report upon the present state of the law and what amendments are necessary or needed, so that it covers the other resolution by reference.

The SPEAKER. If there be no objection, the question will be on the adoption of the resolution reported by the committee.

Mr. BURROWS. I suppose this is virtually a motion to recommit with instructions the resolution referred to the committee proposing to instruct the Committee on the Judiciary to make inquiry and report.

The SPEAKER. The committee report back that resolution accompanied by another, which seems to instruct the committee to make the investigation proposed in the original resolution and report to the House such amendments to the law as may be deemed necessary.

Mr. HAMMOND. We have no authority to make the investigation without that authority.

The resolution was agreed to.

Mr. HAMMOND moved to reconsider the vote by which the resolution was agreed to; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

WITHDRAWAL OF BILL.

Mr. LITTLE. Yesterday I introduced a bill (H. R. 5731) granting a pension to Susan Woolley. I have since learned that the gentleman from Indiana [Mr. HOLMAN] earlier in the session introduced the same bill. I desire now to withdraw the bill which I introduced yesterday.

There being no objection, the bill indicated was withdrawn.

ORDER OF BUSINESS.

The SPEAKER. The Chair will now proceed to call the committees for reports.

BRIDGE OVER MISSISSIPPI RIVER AT ALTON.

Mr. CRISP, from the Committee on Commerce, reported, as a substitute for H. R. 2928, a bill (H. R. 5861) authorizing the construction of a bridge over the Mississippi River at or near Alton, Ill., and for other purposes; which was read a first and second time, and, with the accompanying report, referred to the House Calendar, and ordered to be printed.

House bill No. 2928 was laid on the table.

BRIDGE ACROSS WEST CHANNEL OF DETROIT RIVER.

Mr. CRISP, from the Committee on Commerce, also reported back with an amendment the bill (H. R. 1205) to provide for the construction of a bridge across the west channel of Detroit River to connect Belle Isle Park with the mainland; which was referred to the House Calendar, and, with the amendment and accompanying report, ordered to be printed.

FREE COINAGE OF SILVER.

Mr. JAMES. I am instructed by the Committee on Coinage, Weights, and Measures to report back with an adverse recommendation the bill (H. R. 5690) for the free coinage of silver, and for other purposes, and to ask that the bill be placed upon the Calendar.

The bill was referred to the House Calendar, and, with the accompanying report, ordered to be printed.

Mr. BLAND. I ask leave to file the views of the minority upon this bill.

There being no objection, leave was given to file the views of the minority, and that they be printed with the report.

Mr. BLAND. I beg to give notice that the question will be called up at the earliest possible moment by the Committee on Coinage, Weights, and Measures for the consideration of the House.

LIGHT-HOUSE AT SAN LUIS OBISPO.

Mr. MORROW, from the Committee on Commerce, reported, as a substitute for H. R. 3228, a bill (H. R. 5862) making an appropriation for establishing a light-house and fog-signal at San Luis Obispo, Cal.; which was read a first and second time, referred to the House Calendar, and, with the accompanying report, ordered to be printed.

House bill No. 3228 was laid on the table.

LIGHT-HOUSE AND FOG-SIGNAL AT POINT SUR.

Mr. MORROW, from the Committee on Commerce, also reported, as a substitute for H. R. 3229, a bill (H. R. 5863) making an appropriation for the commencement of a light-house and fog-signal at Point Sur, California; which was read a first and second time, referred to the House Calendar, and, with the accompanying report, ordered to be printed.

House bill No. 3229 was laid on the table.

BRIDGE ACROSS STATEN ISLAND SOUND.

Mr. CLARDY, from the Committee on Commerce, reported, as a substitute for H. R. 1601, a bill (H. R. 5864) for the construction of a bridge across Staten Island Sound; which was read a first and second time, referred to the House Calendar, and, with the accompanying report, ordered to be printed.

House bill No. 1601 was laid on the table.

LIGHT-HOUSE AT CASTLE HILL, RHODE ISLAND.

Mr. DAVIS, from the Committee on Commerce, reported, as a substitute for H. R. 1134, a bill (H. R. 5865) for the establishment of a light-house on Castle Hill, entrance to Newport Harbor, Rhode Island; which was read a first and second time, referred to the House Calender, and, with the accompanying report, ordered to be printed.

The bill H. R. 1134 was laid on the table.

JOSEPH FRANCIS.

Mr. IRION, from the Committee on Commerce, reported a joint resolution (H. Res. 125) in recognition of the services of Joseph Francis; which was read a first and second time, referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. SYMPSON, one of its clerks, informed the House that the Senate requested the House of Representatives to return to the Senate the bill (S. 637) for the erection of a public building at Hudson, N. Y.

The message further announced that the Senate had passed bills of the following titles; in which the concurrence of the House was requested:

A bill (S. 53) for the relief of the Mission Indians in the State of California; and

A bill (S. 579) granting the franking privilege to Julia D. Grant.

NATIONAL CEMETERY AT KNOXVILLE, TENN.

Mr. HOUK, from the Committee on Military Affairs, reported, as a substitute for H. R. 5098, a bill (H. R. 5866) to construct a road to the national cemetery at Knoxville, Tenn.; which was read a first and second time, referred to the House Calender, and, with the accompanying report, ordered to be printed.

The bill H. R. 5098 was laid on the table.

VOLUNTEERS IN NEW MEXICO AND ARIZONA.

Mr. LAIRD. I am directed by the Committee on Military Affairs to report, as a substitute for House joint resolution 41 and the bill H. R. 2848, a bill (H. R 5867) authorizing the President of the United States to raise two regiments of volunteer cavalry in the Territories of New Mexico and Arizona to suppress Indian hostilities therein.

The SPEAKER. The gentleman can not properly report a substitute for two bills.

Mr. LAIRD. I report this in lieu of the joint resolution and bill.

The SPEAKER. If there be no objection the original measures will be laid on the table and the bill reported by the committee will be read twice and referred.

There being no objection, House joint resolution 41 and the bill H. R. 2848 were laid on the table, and the bill (H. R. 5867) was read twice, referred to the Committee of the Whole House on the state of the Union, and ordered to be printed.

Mr. STEELE. I desire to file a minority report on that bill, to be printed with the report of the majority.

There was no objection, and leave was granted.

O. EASTMOND AND J. W. ATTWILL.

Mr. STEELE, from the Committee on Military Affairs, reported back with a favorable recommendation the bill (S. 214) for the relief of Oscar Eastmond and James W. Attwill; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

Mr. STEELE, from the Committee on Military Affairs, also reported back the bill (H. R. 40) for the relief of Oscar Eastmond and James W. Attwill; and the same was laid on the table.

ADVERSE REPORTS.

Mr. NEGLEY, from the Committee on Military Affairs, reported back with an adverse recommendation the joint resolution (H. Res. 60) granting a medal to Lieut. Louis F. Ellis for heroic conduct in joining the "forlorn-hope storming party" at Port Hudson, June 15, 1863; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

Mr. NEGLEY, from the Committee on Military Affairs, also reported back with an adverse recommendation the bill (H. R. 4235) directing the Secretary of the Treasury to prepare medals of honor to be bestowed upon certain Pennsylvania volunteer soldiers of the late war; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

CARRIAGE OF UNITED STATES MAILS.

Mr. RIGGS, from the Committee on the Post-Office and Post-Roads, reported back with an amendment the bill (H. R. 4864) to enforce the obligation to carry the mails of the United States; which was referred to the House Calendar, and, with the accompanying report, ordered to be printed.

Mr. BURROWS. Mr. Speaker, I ask leave to present the views of the minority upon the bill just reported by the gentleman from Illinois [Mr. RIGGS] and to have them printed with the report of the majority.

There was no objection, and it was so ordered.

ADVERSE REPORTS.

Mr. JOHN M. TAYLOR, from the Committee on the Post-Office and Post-Roads, reported back adversely the bill (H. R. 4489) for the relief of aged, disabled, deceased, and worn-out postal clerks who have devoted the best years of their lives to the transit mail service, and who have been or may hereafter be in the employ of the Post-Office Department in the arduous and hazardous service therein mentioned for a period of not less than twenty years; which was laid on the table, and the accompanying report ordered to be printed.

Mr. JOHN M. TAYLOR, from the Committee on the Post-Office and Post-Roads, also reported back adversely the bill (H. R. 2113) granting a gratuity to persons having served faithfully twenty-five continuous years in the postal service of the United States, or who, after ten years of faithful service, shall have become mentally or physically disabled; which was laid on the table, and the accompanying report ordered to be printed.

ESTABLISHING A MAIL-ROUTE.

Mr. WARD, from the Committee on the Post-Office and Post-Roads, reported back adversely a joint memorial and resolution of the Legislature of Nevada, in relation to establishing a mail-route from the town of Austin, in Lander County, to the town of Bernice, in Churchill County, Nevada; which was laid on the table, and the accompanying report ordered to be printed.

LAND GRANT TO DUBUQUE, IOWA.

Mr. VAN EATON, from the Committee on the Public Lands, reported back with a favorable recommendation the bill (H. R. 4993) to amend the act of June 15, 1884, and for other purposes; which was referred to the Committee of the Whole House on the state of the Union, and, with the accompanying report, ordered to be printed.

LAND DISTRICT IN WYOMING.

Mr. LAFFOON, from the Committee on the Public Lands, reported back with an amendment the bill (H. R. 2924) to establish a new land district in the Territory of Wyoming; which was referred to the Committee of the Whole House on the state of the Union, and, with the accompanying report, ordered to be printed.

CHEROKEE INDIAN CLAIMS.

Mr. PERKINS, from the Committee on Indian Affairs, reported back with amendments the bill (H. R. 755) to refer the claims of the Eastern and Western Bands of Cherokee Indians to the Court of Claims; which was referred to the Committee of the Whole House on the state of the Union, and, with the accompanying report, ordered to be printed.

PUBLIC BUILDING AT ZANESVILLE, OHIO.

Mr. WILKINS, from the Committee on Public Buildings and Grounds, reported back with a favorable recommendation the bill (S. 206) to provide for the erection of a public building in the city of Zanesville, Ohio; which was referred to the Committee of the Whole House on the state of the Union, and, with the accompanying report, ordered to be printed.

PUBLIC BUILDING AT SPRINGFIELD, MO.

Mr. WADE, from the Committee on Public Buildings and Grounds, reported back with an amendment the bill (H. R. 1391) to provide for the erection of a public building in Springfield, Mo.; which was referred to the Committee of the Whole House on the state of the Union, and, with the accompanying report, ordered to be printed.

PUBLIC BUILDING AT SAN FRANCISCO, CAL.

Mr. HENLEY, from the Committee on Public Buildings and Grounds, reported back favorably the bill (S. 1255) to authorize the purchase of a site for a building for a post-office, court-house, and other offices in San Francisco, Cal.; which was referred to the Committee of the Whole House on the state of the Union, and the accompanying report ordered to be printed.

BRIDGET SHERLOCK.

Mr. MATSON, from the Committee on Invalid Pensions, reported back favorably the bill (H. R. 556) granting a pension to Bridget Sherlock; which was referred to the Committee of the Whole House on the Private Calendar, and the accompanying report ordered to be printed.

ROBERT M'ALEXANDER.

Mr. MATSON, from the Committee on Invalid Pensions, also reported back with amendment the bill (H. R. 464) granting a pension to Robert McAlexander; which was referred to the Committee of the Whole House on the Private Calendar, and the accompanying report ordered to be printed.

THOMAS FERGUSON.

Mr. MATSON, from the Committee on Invalid Pensions, also reported back favorably the bill (H. R. 533) granting a pension to Thomas Ferguson; which was referred to the Committee of the Whole House on the Private Calendar, and the accompanying report ordered to be printed.

THOMAS SIMPSON.

Mr. MATSON, from the Committee on Invalid Pensions, also reported back favorably the bill (H. R. 3326) granting a pension to Thomas Simpson; which was referred to the Committee of the Whole House on the Private Calendar, and the accompanying report ordered to be printed.

DELILAH KNILL.

Mr. WINANS, from the Committee on Invalid Pensions, reported back with amendment the bill (H. R. 2689) granting a pension to Delilah Knill; which was referred to the Committee of the Whole House on the Private Calendar, and the accompanying report ordered to be printed.

THOMAS M. COON.

Mr. WINANS, from the Committee on Invalid Pensions, also reported back favorably the bill (H. R. 4976) for the relief of Thomas M. Coon; which was referred to the Committee of the Whole House on the Private Calendar, and the accompanying report ordered to be printed.

JOHN W. ROBSON.

Mr. WINANS, from the Committee on Invalid Pensions, also reported back favorably the bill (H. R. 2753) for the relief of John W. Robson; which was referred to the Committee of the Whole House on the Private Calendar, and the accompanying report ordered to be printed.

PENSIONS.

Mr. MORRILL, from the Committee on Invalid Pensions, reported back favorably the bill (H. R. 4915) to amend paragraph 3 of section 4693 of the Revised Statutes, and for other purposes; which was referred to the Committee of the Whole House on the Private Calendar, and the accompanying report ordered to be printed.

FIDELIA A. CHENEY.

Mr. SWOPE, from the Committee on Invalid Pensions, reported back favorably the bill (H. R. 2197) granting a pension to Fidelia A. Cheney; which was referred to the Committee of the Whole House on the Private Calendar, and the accompanying report ordered to be printed.

SARAH A. GETTIS.

Mr. SWOPE, from the Committee on Invalid Pensions, also reported back favorably the bill (H. R. 2196) granting a pension to Sarah A. Gettis; which was referred to the Committee of the Whole House on the Private Calendar, and the accompanying report ordered to be printed.

PETER F. SAEMAN.

Mr. SWOPE, from the Committee on Invalid Pensions, also reported back favorably the bill (H. R. 1988) granting a pension to Peter F. Saeman; which was referred to the Committee of the Whole House on the Private Calendar, and the accompanying report ordered to be printed.

ADVERSE REPORTS.

Mr. SWOPE, from the Committee on Invalid Pensions, also reported back adversely bills of the following titles; which was severally laid on the table, and the accompanying reports ordered to be printed:

A bill (H. R. 4227) for the relief of Mrs. Anna Houghtelin;

A bill (H. R. 2152) granting a pension to Daniel S. Graves; and

A bill (H. R. 1986) granting a pension to John F. Donabower.

CHANGES OF REFERENCE.

On motion of Mr. SWOPE, by unanimous consent the Committee on Invalid Pensions was discharged from the further consideration of bills of the following titles; which were referred to the Committee on Pensions:

A bill (H. R. 2055) granting a pension to Theodore Artz; and

A bill (H. R. 4689) for the relief of the children of the late Surgeon Albert M. Owen, and to increase their pensions.

On motion of Mr. ELLSBERRY, by unanimous consent the Committee on Invalid Pensions was discharged from the further consideration of the bill (H. R. 1900) for the relief of John S. Chisum; and the same was referred to the Committee on Claims.

M. S. CLAY.

Mr. TAULBEE, from the Committee on Invalid Pensions, reported back favorably the bill (H. R. 4103) granting a pension to M. S. Clay; which was referred to the Committee of the Whole House on the Private Calendar, and the accompanying report ordered to be printed.

CUDBERTH STONE.

Mr. TAULBEE, from the Committee on Invalid Pensions, also reported back with amendment the bill (H. R. 927) granting a pension to Cudberth Stone; which was referred to the Committee of the Whole House on the Private Calendar, and the accompanying report ordered to be printed.

JANE DEVEREUX.

Mr. LOVERING, from the Committee on Invalid Pensions, reported back with amendment the bill (H. R. 1100) granting a pension to Jane Devereux; which was referred to the Committee of the Whole House on the Private Calendar, and the accompanying report ordered to be printed.

MARY ANN MURPHY.

Mr. LOVERING, from the Committee on Invalid Pensions, also reported back with amendment the bill (H. R. 4538) granting a pension

to Mary Ann Murphy; which was referred to the Committee of the Whole House on the Private Calendar, and the accompanying report ordered to be printed.

WALTER S. HAYNES.

Mr. LOVERING, from the Committee on Invalid Pensions, also reported back with amendments the bill (H. R. 1113) granting a pension to Walter S. Haynes; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

CHANGE OF REFERENCE.

On motion of Mr. O'HARA, the Committee on Invalid Pensions was discharged from the further consideration of the bill (H. R. 4730) for the relief of Mary Murphy; and the same was referred to the Committee on Pensions.

JURISDICTION OF COURT OF CLAIMS.

Mr. WARNER, of Missouri, from the Committee on Claims, reported back favorably the bill (H. R. 5314) conferring jurisdiction upon the Court of Claims to investigate private and domestic claims and demands other than war claims against the United States; which was referred to the House Calendar, and, with the accompanying report, ordered to be printed.

CHANGE OF REFERENCE.

On motion of Mr. RICHARDSON, the Committee on War Claims was discharged from the further consideration of the bill (H. R. 2790) for the relief of Anna W. Osborne, and the same was referred to the Committee on Claims.

SILAS QUACKENBUSH.

Mr. KLEINER, from the Committee on War Claims, reported back favorably the bill (H. R. 528) for the relief of Silas Quackenbush; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

WILLIAM PIKE.

Mr. KLEINER, from the Committee on War Claims, also reported back favorably the bill (H. R. 527) for the relief of William Pike; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

GEORGE W. BALDWIN AND OTHERS.

Mr. KLEINER, from the Committee on War Claims, also reported back favorably the bill (H. R. 529) for the relief of George W. Baldwin, Charles L. Baldwin, and Dora Thompson; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

ADVERSE REPORT.

Mr. KLEINER, from the Committee on War Claims, also reported back adversely the bill (H. R. 4497) for the relief of Richard Middleton; which was laid on the table, and the accompanying report ordered to be printed.

PRINTING OF REPORT ON ORDNANCE.

Mr. BARKSDALE, from the Committee on Printing, reported back favorably the following concurrent resolution of the Senate; which was referred to the Committee of the Whole House on the state of the Union, and, with the accompanying report, ordered to be printed:

Resolved by the Senate (the House of Representatives concurring), That 11,100 additional copies of the report of the Select Committee on Ordnance and War Ships be printed; 100 copies for the use of the committee to be distributed to those which contributed to the appendix to said report, 1,000 each to the War and Navy Departments, 3,000 for the use of the Senate, and 6,000 for the use of the House of Representatives.

POSTAL LAWS AND REGULATIONS.

Mr. BARKSDALE, from the Committee on Printing, also reported back with amendments the bill (H. R. 4420) to authorize the publication of a new edition of the Postal Laws and Regulations; which was referred to the Committee of the Whole House on the state of the Union, and, with the accompanying report, ordered to be printed.

DISTRIBUTION OF OFFICIAL REGISTER.

Mr. REID, of North Carolina, from the Committee on Printing, reported back favorably joint resolution (H. Res. 89) providing for the distribution of the Official Register of the United States; which was referred to the Committee of the Whole House on the state of the Union, and, with the accompanying report, ordered to be printed.

NAVAL REPORT.

Mr. FARQUHAR, from the Committee on Printing, reported back with amendments joint resolution (H. Res. 58) authorizing the printing of naval report; which was referred to the Committee of the Whole House on the state of the Union, and, with the accompanying report, ordered to be printed.

GREELY EXHIBIT.

The SPEAKER. The call of committees for reports has been completed, and under the rules the hour for the consideration of bills begins at nine minutes before 1 o'clock p. m. The pending question is the consideration of joint resolution (H. Res. 108) authorizing the several Executive Departments of the Government to loan to the North, Central, and South American Exposition at New Orleans certain articles for exhibit, reported from the Committee on Commerce by the gentleman from Louisiana [Mr. IRION]. The gentleman yielded to his colleague (Mr. BLANCHARD) for fifteen minutes and he has forty-five minutes remaining.

The joint resolution was read, as follows:

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That it is desirable, in any way consistent with existing laws, and without risk to Government property or expense to the National Treasury, to encourage the effort being made for the development of industry and commercial relations by the North, Central, and South American Exposition at New Orleans, and it be, and is hereby, approved that the heads of the several Executive Departments shall, in whatever respect they may in their judgment see convenient and proper, loan any articles or material suitable to such purpose: *Provided*, That such loan be made entirely at the expense and on the responsibility of said American Exposition, and shall not be of material needed for use in either Department and shall not in any way interrupt the daily routine of duty or order in any branch of the Government, and shall be returned to the Department, in good order, within one month after the close of the exposition.

Mr. HATCH, of Missouri. I have an amendment which I wish to propose at the proper time to the pending joint resolution.

Mr. CANNON. Let me ask the Chair whether this bill may consume another hour in its consideration?

The SPEAKER. It may.

Mr. CANNON. Then I should like to ask the gentleman to yield to me a portion of the time in opposition to the bill. I should be glad to have ten minutes.

Mr. IRION. I will yield to the gentleman.

This joint resolution was introduced at the request of the commissioners of thirty-one States and Territories. I ask to have read their letter addressed to Captain Buck, director-general.

The Clerk read as follows:

NORTH, CENTRAL, AND SOUTH AMERICAN EXPOSITION,
New Orleans, December 19, 1885.

DEAR SIR: Herewith please find resolutions signed relative to Mr. Hill's mission.

Very respectfully,

CHAS. B. TURRILL, *Secretary.*

Capt. SAMUEL H. BUCK,
Director-General.

NEW ORLEANS, LA., *December 19, 1885.*

Whereas the time has arrived when we, as State and Territorial commissioners, in charge at the North, Central, and South American Exposition, can with pride and confidence recommend to the world the wonderful display now in place for inspection, contrast, and study as well worthy a visit by the people of this and other nations; and,

Second, That we learn that the Government exhibit and a part called the "Greely exhibit," that were in this building during the late "World's Exposition," remain unpacked in Washington, and a resolution of Congress is all that is wanting to get them to this exposition, and believing that a resolution of such character as would permit all unpacked articles to be sent to this exposition to be placed where they can be seen would meet the cordial indorsement of the constituents of every Congressman: Therefore,

Be it resolved by the commissioners of the several States and Territories now present at the North, Central, and South American Exposition, That we unanimously request the Congress of the United States to pass such a resolution as will to that body seem meet and proper to the attainment of the end prayed for.

Resolved, That having unbounded confidence in Col. Charles S. Hill, commissioner consular exhibits, Washington city, that this action of our board be sent to him and he be asked to present the same to Congress in order that speedy action may be had in the premises.

Resolved, That the secretary prepare an official copy of the above preamble and resolutions, and that when so prepared the same shall be signed by each commissioner and referred to the director-general for such further action as the board of management may deem best, and then forwarded to Washington, D. C.

Wm. B. Sloan, Commissioner for New Mexico; F. M. Murphy, Commissioner for Arizona; L. Metesser, Commissioner for Indiana; William Bullitt, assistant Commissioner for Louisiana; S. J. T. Johnson, Commissioner for Texas; D. McRae, Commissioner for Arkansas; Wm. J. Demarest, Assistant Commissioner for New Jersey; J. B. Mead, Commissioner for Vermont; J. A. Nichols, Assistant Commissioner for Massachusetts; Olive Wright, Commissioner for Colorado; W. M. Havenor, Commissioner for Nevada; Charles W. Squires, Commissioner for Missouri; Chas. B. Turrill, Commissioner for California; E. W. Allen, Commissioner for Oregon; J. Soulé Smith, Commissioner for Kentucky; Albert Strassburger, Commissioner for Alabama; T. H. Glenn, Commissioner for Illinois; H. S. Fairall, Commissioner for Iowa; Geo. W. Ashby, Acting Commissioner for Kansas; J. B. Ham, Commissioner for Maine; Ramsey Whorton, Commissioner for Mississippi; E. F. Gage, Commissioner for New Hampshire; W. C. Bates, Commissioner for Rhode Island; A. L. Redden, Commissioner for South Carolina; L. B. McWhirter, Acting Commissioner for Tennessee; C. M. Pendleton, Commissioner for West Virginia; A. J. Macnab, Commissioner for Idaho; J. B. Read, Commissioner for Montana; P. E. Connor, Commissioner for Utah; Ezra Meeker, Commissioner for Washington; Homer Merrill, Commissioner for Wyoming.

NEW ORLEANS, *December 7, 1885.*

DEAR SIR: Learning through Director-General S. H. Buck that official business had called you to Washington, and that while there you would lend your aid toward securing the return here of certain exhibits of the Government which were interesting and instructive features of the World's Industrial and Cotton Centennial Exposition, the board of State and Territorial commissioners at the North, Central, and South American Exposition desires to express its appreciation of so laudable an effort, and to co-operate as far as in its power to do in accomplishing the desired result. To that end the undersigned were appointed to give expression to the sentiments of the board in that behalf.

It is proper to recall the fact that the North, Central, and South American Exposition is the outgrowth very largely of a feeling shared by every one who saw the World's Exposition at its best estate that the useful objects and purposes of that grand aggregation of the world's products had not been fully accomplished. The plant, one of the finest ever seen, the magnificent exhibits from every part of the earth, and especially from the States and Territories of this Union, presented a spectacle than which none more grand and useful was ever seen. But nearly one-half of the time specified by the act of Congress creating it covering its duration had passed before its perfect state was reached, and the benefits derived from it, though great, were far short of the measure of usefulness it might

have achieved had it been completed earlier. This idea was general among the members of the board of the United States commissioners, as was shown by the nearly unanimous vote of that body in favor of holding a similar exposition in 1885-'86.

The North, Central, and South American Exposition, now in progress, comprises in the Government and States building exhibits from thirty-seven States and Territories, and while a few States are absent that were represented last year, others that were absent then are represented now, and most of the exhibits are finer and more instructive than they were a year ago.

The very large space occupied by the Government exhibits last year is nearly covered. A few vacant places only remain, and the return of the exhibits contemplated will fill all the space available. The good accomplished by the exposition of 1884-'85 is visible on every hand. The impetus given to the development of the latent wealth in many directions, and especially of the South, is a constant theme of comment on the part of the press and people, as you are well aware. The main building has rapidly filled since the opening day of the present exposition with commercial exhibits from all parts of this country and from abroad; the exhibits from South and Central America here or on the way will be larger and finer than they were last year, and there can be no doubt that one of the prime objects of this exposition, to wit, extending the commerce of this country with those nations, will be greatly subserved. In order that the results of this exposition may be as useful, interesting, and far-reaching as possible, it is the desire of the board of State and Territorial commissioners to cordially cooperate in all measures which are calculated to secure that object and to second the efforts made to insure the return of the Government exhibits referred to. This board is heartily in accord with you, sir, in your efforts in this behalf, and appreciating the interest you have evinced from the first in this great enterprise, it bids you God speed in your endeavors to promote its success.

Yours, very truly,

T. H. GLENN, Illinois,
JOHN B. MEAD, Vermont,
WM. B. SLOAN, New Mexico,
Committee of United States State Commissioners.

Col. CHARLES S. HILL,
Commissioner Consular Exhibits
North, Central, and South American Exposition at New Orleans, La.

Mr. IRION. It will be seen that these resolutions are offered at the request of the commissioners representing thirty-one States and Territories of the United States, and the only objection made to the passage of the joint resolution making this loan the other day was that the Government of the United States might have to pay the freight on these exhibits back to Washington city.

It seems to me, sir, that that is a very small objection to a request coming from such a large and respectable body as this. But in order to meet that objection, and to show that it should have no weight in the consideration of the resolution, I have since been informed that a contract has already been made with the railroads showing that only one freight shall be paid; that is to say, the freight shall be paid one way before the exhibits leave Washington, and the railroads are then under contract to return them free of charge. So it will be seen that there can be no reasonable apprehension on the part of the United States that there will be any outlay or expenditure of any kind in restoring the exhibits to this city. Besides that, sir, this resolution authorizes and directs the heads of Departments to see that all proper guarantees are taken for the safe return of the exhibits, for their care while in the custody of the association, and that the Government shall be involved in no expense in connection therewith. I do not desire to enter upon a lengthy discussion of the subject, and will therefore yield five minutes to the gentleman from Illinois [Mr. CANNON].

Mr. CANNON. I will ask the gentleman from Louisiana, in view of the fact that I can not even briefly state the facts in five minutes, whether he will not consent to yield a longer time to this side?

Mr. IRION. If the time accorded to the gentleman is not sufficient we will willingly extend it.

Mr. CANNON. There are a number of my colleagues who would like to have a little time, and I will ask the gentleman if he can not yield to this side, say, twenty minutes?

Mr. IRION. I will yield fifteen minutes to the gentleman. We have but forty-five minutes of the time remaining altogether.

Mr. CANNON. Still I would suggest to the gentleman that it would seem that the time should be divided evenly; and if it meets his view, I would be very glad if he would so indicate.

Mr. IRION. I am unable, in view of the time promised to other gentlemen, to yield more than fifteen minutes.

Mr. CANNON. Mr. Speaker, I would be very glad to have the Chair call my attention to the fact when I have exhausted seven minutes of the time.

I have had some experience touching appropriations which were made for the Centennial Exposition at New Orleans. I recollect very well that in February, 1883, an act was passed to loan the name of the United States to the World's Cotton Centennial Exposition. That proposition was discussed at length in this House, and gentlemen who were in favor of it were profuse in their statements that in no event would the United States be liable or have one cent to pay on that account, and that they only wanted the name of the Government to give dignity and respectability to the enterprise. That act, Mr. Speaker, was passed, and with a clause in it providing that the President of the United States should issue invitations on behalf of the United States, and that the United States should not be responsible for any expenditure whatever. Sections 7, 8, and 9 of that act were as follows:

SEC. 7. That no compensation for services shall be paid to the commissioners or other officers provided by this act from the Treasury of the United States; and the United States shall not be liable for any of the expenses attending such exhibition or by reason of the same.

SEC. 8. That whenever the President shall be informed by the said board of management that provision has been made for suitable buildings, or the erection of the same, for the purposes of said exposition, the President shall, through the Department of State, make proclamation of the same, setting forth the time at which the exhibition will open, and the place at which it will be held, and such board of management shall communicate to the diplomatic representatives of all nations copies of the same and a copy of this act, together with such regulations as may be adopted by said board of management, for publication in their respective countries.

SEC. 9. That the President be requested to send, in the name of the United States, invitations to the governments of other nations to be represented and take part in said World's Industrial and Cotton Centennial Exposition, to be held in some city of the United States, to be hereafter selected as aforesaid.

The invitations were accordingly issued. Afterward, when the buildings were in part completed and the peoples of different nations were already arriving with their exhibits in pursuance of the invitation, the alternative was presented to Congress of allowing the exposition to fail or to loan to the exposition $1,000,000, which it was represented would be repaid. So, rather than to have the Government disgraced, the act of May 21, 1884, was passed providing for said loan and that the proceeds of the exposition after the payment of current expenses of administration should be applied to the repayment of the loan. We supposed that would be the end of it. But not so. On July 7, 1884, another act was passed providing that the Government should furnish an exhibit at its own expense both as to preparation, transportation, and care for this exhibit, and we appropriated for that purpose the sum of $300,000. We supposed that would surely be the end; but again not so. On March 3, 1885, this exposition again came and said that many contracts had been made, the construction of the buildings had gone on, that they had debts for that construction after the consumption of the million of dollars which had been granted by the Government due in nearly all the States; that a large part of the world was at the exposition; that this country was largely represented, nearly all the States were present, and the alternative was presented to make a further appropriation of $335,000 or see a failure. Mechanics' liens were to be enforced; there were the foreign exhibitors; there were debts due for material which had been furnished and for which no payments had been made; and again we were confronted with disgrace to the General Government, having loaned its name to the exposition, or vote an appropriation of $335,000 to pay these debts. We voted that appropriation, but tried to guard against further loss. What was it? That the debts outside of the State of Louisiana should be first paid out of the $335,000. What was the result? The $335,000 was exhausted and 90 per cent. of the debts for construction and expenditures paid outside of the State of Louisiana, but the debts inside of the State not paid and 10 per cent. of those outside of the State unpaid.

What is the further result? All the premiums that were to be paid by this exposition are unpaid.

The Secretary of the Treasury writes the following letter as to the expenditure of this appropriation:

TREASURY DEPARTMENT, *February* 15, 1886.

SIR: In compliance with the request of the clerk of the Committee on Appropriations, I have the honor to inform you that the appropriation made at the last session of Congress for final aid to the World's Industrial and Cotton Centennial Exposition at New Orleans having proved insufficient for the payment of claims of persons living and doing business outside of the State of Louisiana, which are preferred by the terms of the act of appropriation, the claims for premiums awarded by the exposition have not been considered by the Department. An installment of 74.7 per cent. has been paid by the Department, amounting to $365,642.55, and a second payment of 15 per cent. is now being made, which, with about $15,000 reserved to meet disputed claims, will practically exhaust the appropriation.

Respectfully, yours,

W. E. SMITH, *Assistant Secretary.*

Hon. J. G. CANNON,
House of Representatives.

Failure again, after the Government has expended $1,650,000 to that exposition. And now the Committee on Commerce comes and reports a bill. What for? That the Government shall loan its exhibits to an exposition at New Orleans, to be held in the same building, under a different name it is true, but nevertheless an exposition at the same place and by the successors of the Cotton Exposition.

Now I am not going to vote for that loan, because I believe it has been demonstrated the Government can not touch an exposition at this point without failure. Ah, but the gentlemen say that these exhibits are to be transported without expense and to be returned without expense, and all that kind of thing. If the exhibits get down there, how do we know they will be returned without expense?

Mr. BLANCHARD. Will the gentleman allow me to answer him?

Mr. CANNON. I will, if the gentleman will yield me as much time as he occupies in his answer.

Mr. BLANCHARD. I have no time to yield.

Mr. CANNON. Then I can not yield. How do we know these exhibits will be returned without appropriations being made to pay for them?

[Here the hammer fell.]

Mr. CANNON. I shall occupy two more minutes.

If I understand correctly this is a sort of international exposition down there. The people of the South and Central American republics and possibly of Mexico are to be present and the people of the United States are to be present at this exposition. And I say that you may write it

into this act in the strongest possible manner that in no event shall the United States be responsible directly or indirectly whatever happens, yet when our exhibit goes there, the exhibit of the United States, to the common mind it will be an indorsement by the Government, and I very much fear in the future as in the past they will come and say, "You permitted your exhibits to go there, and the honor of the nation requires that a further appropriation should be made from the Treasury."

This kind of thing was commenced in 1876, the centennial year, when we loaned a million, I believe, or a million and a half. That was paid back in full. In light of subsequent events, notwithstanding it was paid back in full and that a magnificent exposition was held there, I doubt whether that loan was wise, because it appears to have opened the door for a great many other propositions; and they are coming still trooping after. It occurs to me it is time Congress should decline to make further loans or further appropriations.

I yield to the gentleman from Illinois [Mr. ROWELL] two minutes.

Mr. ROWELL. It seems to me that Congress can not in any way have anything to do with this exposition without disgracing itself. I remember the statements made on the floor of this House which induced the loan of a million dollars to the exposition at New Orleans. In regard to the amount of money subscribed, I remember a confession in the next session that the statement was incorrect. I remember further that a part of that subscription in New Orleans was so made as to get it all back for the city and more. I remember again a detailed statement of all indebtedness and the amount of premiums presented at that second session, and that we made an appropriation upon that detailed statement and the assurance of the authorities of that exposition that it covered every dollar of the indebtedness due. And yet when we made appropriations covering the indebtedness it only paid 90 per cent., and every dollar of the premiums intended to be provided for is yet unpaid. My own district has some $15,000 awarded and designed to be covered by that appropriation under the statement of its authorities, and not a dollar of the amount has been paid.

[Here the hammer fell.]

Mr. CANNON. How much time have I?

The SPEAKER *pro tempore* (Mr. DUNN). Five minutes.

Mr. CANNON. I yield five minutes to the gentleman from Iowa [Mr. HEPBURN].

Mr. HEPBURN. There ought to be, it seems to me, some valid reason given for the passage of this joint resolution. These articles that are to be sent away from the capital belong to the public; they have been procured at the expense of the Treasury; we have here proper places where they should be kept, where it is known to the public that they are to be kept, where many visitors coming to this city desire to see them.

Now, what is the reason for changing their location? Here is an association of men in the city of New Orleans that are engaged in an enterprise to make money for themselves. This is purely a private enterprise for the purpose of pecuniary profit. The profit is to their stockholders who have fallen heirs, through some kind of legerdemain, some kind of chicane, to the appropriations that have heretofore been made. They own the product of these appropriations. Now they want to utilize them, and they want that not only the Government should go to the expense of preparing this exposition but that they should furnish all that makes it attractive or desirable. It seems to me that these gentlemen, who are all proponents of this scheme, would not favor the proviso which I have drawn and which I shall propose to add to this bill, as follows:

Provided, That the articles so sent to New Orleans shall be returned in season for the annual agricultural fairs of the country: *And provided further*, That any State agricultural fair association desiring the use of said articles for exhibition shall be entitled on request to have such use.

These agricultural fairs are public institutions. They are not organized for private pecuniary benefit. They are not close corporations. They are institutions in which the people of the country generally are interested. In some localities the annual horse-trot does not now draw as it did formerly. [Laughter.] And it would be desirable to have something additional in the way of attractions, and why not let the Government send these exhibits to these different agricultural associations? Why not keep them passing around? Why should New Orleans have all the benefits that flow from the exceedingly liberal expenditures that have been made from the Treasury? I think, Mr. Chairman, that this bill ought not to pass. There is no guarantee provided for the safe return of these exhibits; and, in view of the very many incorrect statements that have been made, or at least the disappointments that the people have suffered in connection with the exposition at New Orleans, gentlemen ought not to feel aggrieved if we do not receive with the utmost credulity all the statements that may be made here with regard to it. Undoubtedly the friends of this bill are prepared to believe, and do believe, that these valuable articles will be returned without cost to the Government; but what guarantee is there? We were told three years ago that if we would vote for a proposition to loan a million dollars to the New Orleans exposition the money would be returned. We were told that if we would give another appropriation of $335,000 it would make the institution a success. Did that make it a success? Did not that exposition become bankrupt? Was it not sold out, and are not the promoters of this new exposition——

The CHAIRMAN. The time of the gentleman has expired. The gentleman from Louisiana [Mr. IRION] is entitled to the floor.

Mr. IRION. I yield five minutes of my time to the gentleman from Louisiana [Mr. HAHN].

Mr. HAHN. The gentleman who has just taken his seat [Mr. HEPBURN] asks for a valid reason why this resolution should pass. I will endeavor in the very few moments allowed me to give the House a good and sufficient reason for passing it. The attack that has been made to-day upon the Centennial Cotton Exposition at New Orleans, while just in many particulars, does not in any manner apply to the institution named in this resolution. The Centennial Cotton Exposition, which was in operation in New Orleans a year ago, was an exposition suggested and organized by the cotton-planters of the South. They got up an immense corporation and procured aid not only from the National Government, but also from the State government of Louisiana and the municipal government of the city of New Orleans. There were men and editors in that city of intelligence and public spirit who predicted at the very beginning that the enterprise would be a failure because there were too many leading politicians and State officials connected with it; and it did turn out a financial failure, though in all other respects it was a splendid success. The buildings erected by the management of that exposition were probably the most extensive of any exposition buildings ever erected up to that time in any part of the world. The exhibits which came there from all parts of the United States and foreign nations were unsurpassed and unrivaled by those of any former exposition; and let me say to the House that the people of New Orleans did not make the profit out of that enterprise which the gentleman who last spoke seems to suppose. Every manufacturer in the United States, every exhibitor whose manufactures were on exhibition there and were deserving, got his share of the profits. The trade that was opened up between the Southern country and these Northern manufacturers has continued from that time to this; and there is not a State in the broad Union that has not profited by that enterprise.

When that exposition closed some of the public-spirited people of New Orleans thought it a great pity to have those magnificent buildings torn down and destroyed and sold for old lumber and old iron. Consequently a number of them, without any aid from any government or any political corporation, national, State, or municipal, put their hands in their own pockets and bought those buildings from the former management and paid cash for them. Those gentlemen are now "running" this new institution. They, in common with all the good people in the Mississippi Valley, thought that it was about time to endeavor to open a trade with the Central and South American nations, and they therefore got up this exposition of the three Americas—North, Central, and South America. They have devoted not only their money but their time and their efforts to this enterprise day and night; they have shown commendable energy and vigor, and they do not now ask one cent of aid from this Government. This new exposition is not managed as the former one was, nor by the same men.

The CHAIRMAN. The time of the gentleman has expired.

Mr. HAHN (to Mr. IRION). Please allow me two minutes more.

Mr. IRION. I yield my colleague two minutes more of my time.

Mr. HAHN. I was saying, sir, that this institution was not managed as the former exposition was. This exposition may be well described, in the language of the greatest and best man this country ever produced, as an institution "of the people, for the people, and by the people." Now, what are these exhibits that are asked for? They are not in use or wanted at the present time in this city. They consist in part of large charts and maps showing the grandeur and vastness and beauty of this country; some of the articles are souvenirs of the Greely expedition, calculated to arouse a spirit of enterprise, daring, and patriotism in the people, especially the young, who see them. As I have said, they are not in use. They are boxed up in this city. They have been but recently returned from the Louisville or other expositions. They are a superfluity in the Departments. There is scarcely room for them here. They are not even unpacked, and all these gentlemen at New Orleans ask is permission to take these exhibits to New Orleans at their own cost and exhibit them there for one or two months. Some doubts have been expressed by my friend from Illinois [Mr. CANNON] as to whether the exhibits, if loaned, will ever be returned. Why, sir, it is well known that the New Orleans Exposition pays its freight upon articles sent to it before they are shipped to it and before receiving them, or rather when they are shipped; and that freight covers both the going and the coming. Furthermore, the head and front of this institution, its president, is himself a prominent railroad man as well as high-toned citizen, and he will see to it and will pledge his honor that the exhibits are safely returned. Now, sir, suppose the exhibits were there at the end of the exposition, and the United States Government should unfortunately be compelled to bring them back here, the amount will be a mere bagatelle, unworthy the attention of a House like this, which frequently votes $25,000, $50,000, or $100,000 with less debate than this trifling and insignificant measure has called forth.

Mr. IRION. I yield three minutes to the gentleman from Pennsylvania [Mr. O'NEILL].

Mr. O'NEILL, of Pennsylvania. Mr. Speaker, I merely wish to say a few words in reply to my distinguished friend from Illinois [Mr. CANNON], who has intimated that the loaning of these articles to this exposition would be somewhat of an indorsement of the enterprise by Congress, and that those concerned in it might come hereafter with a claim for money. Did I understand the gentleman aright?

Mr. CANNON. I said that former legislation had provided against any responsibility on the part of the Government, yet that the Government had been committed.

Mr. O'NEILL, of Pennsylvania. I merely wish to state this, which may as well go on record, that at the Centennial Exposition at Philadelphia, to which the Government sent exhibits, there was a Government building; and one of the most attractive parts of that exposition was the Government exhibits. Now, the gentleman knows that did not make Congress responsible for one dollar that the Centennial Exposition may have expended. My friend from Kansas has said, "You have the Centennial Exposition here asking back the million and a half of dollars which was refunded." Those people have been here, as they had a right to be, in a dignified way.

Mr. RYAN. I wish to say to my friend that the parties who paid that money in Philadelphia have been here repeatedly knocking at the doors of Congress to be reimbursed.

Mr. O'NEILL, of Pennsylvania. Not "knocking" much "to be reimbursed." They have been here by memorial and have been heard occasionally by a committee of this House—by the Committee on Appropriations; and they may be here again. If they should come, they have a right to come here. And I give notice now to the House that whenever the persons interested in the New Orleans exposition come here to be reimbursed or to have a dollar of money paid them for any deficiency you will find those interested in the Centennial Exposition asking to be paid back the million and a half dollars which I think was wrongfully taken away from them.

But I rose simply to state that there was no responsibility incurred by the loan to the Centennial Exposition of the articles exhibited by the United States. It did not make the Government responsible in any way; and the proof of this is found in the very fact that that exposition had to pay the million and a half dollars which had been loaned in good faith and which was paid back in good faith. Yet I will not deny the fact that there has been and is a hope that this amount will be reimbursed, as it rightfully should be.

Mr. IRION. I yield three minutes to my friend from Illinois [Mr. DUNHAM].

Mr. DUNHAM. Mr. Speaker, my colleague [Mr. CANNON] would have the House understand that this is practically a loan to this exposition either in the shape of money or something that is equal to money. I wish to say for the benefit of the House, and especially of gentlemen who were not here in the Forty-eighth Congress, that when we appropriated $1,000,000 for the benefit of the New Orleans exposition we knew just as well as we knew the sun was shining that we would never get one cent of it back. We appropriated that money with our eyes wide open and understood perfectly well what we were doing. The claim was made that though the Government might never get any of the money back it was a good thing for the benefit of the country to have the exposition in New Orleans.

Mr. Speaker, the present proposition is simply to loan these Government exhibits, many of which are now here in the Departments returned from the former exhibition, having never been unpacked and being all ready to go again. If necessary, as the gentleman from Iowa [Mr. HEPBURN] says, they can go also to other institutions. There is no harm in the United States Government assisting the different States of this country. We need not be afraid of doing something for the benefit of some particular State or section of this common country. I can see no objection to a proposition of this kind, as it involves no expense to the Government. It can not result in any loss to the Government, and does not require the appropriation of a single cent.

I propose, Mr. Speaker, at the proper time to offer an amendment providing with absolute certainty that there shall be no expense to the Government in the transportation of these articles to and from New Orleans, and that a bond be given to the satisfaction of the several Departments that no damage shall accrue to any article loaned, and that the Government shall be guaranteed against any expense whatever.

Mr. IRION. I yield three minutes to the gentleman from Pennsylvania, Mr. NEGLEY.

Mr. NEGLEY. Mr. Speaker, I regret to see that the pending proposition has been made the occasion of unkind criticism of the citizens of New Orleans, and at the same time the advocacy of a system of economy questionable in its application. Taking it for granted that the managers of the exposition at New Orleans had undertaken the accomplishment of a public enterprise beyond their financial ability and disappointing in its pecuniary results, it is unwise to charge them with bad faith. Expositions on as large and liberal a scale as those referred to not only educate our own people in the field of ingenuity, usefulness, and competition, but they advertise our goods to other countries. They perform the service of commercial organizations not only for the interchange of the products of different climes, but they largely assist in developing new markets.

I am told that over twenty nationalities had exhibits in the exposition at New Orleans, and that our manufactures attracted much attention and found many new customers because of their superior finish, greater durability, and cheapness. The necessity for new markets is becoming of greater importance daily, and unless the Government puts forth its whole strength to the accomplishment of this purpose our increasing surplus of both agricultural and mechanical products will become a burden. The entire Northwest, as well as the South, is deeply interested in securing a large share of the commerce of the South and Central American States. France, England, and Germany controlled over two billion dollars in value of the commerce of our near neighbors during the past ten years, while the exports and imports of the United States during the same period did not exceed one-fourth of that amount. Direct water navigation makes New Orleans the center of an enormous traffic with the West Indies and the republics of South and Central America.

Their principal ports lie within a radius of a thousand miles, and there is no good reason why we should not supply their markets with every article they require and foster friendly and reciprocal interchange of commodities. To do this, however, our Government must imitate the liberal, aggressive, and enterprising policy of our competitors.

In conclusion, I hope that the resolution before the House will receive its sanction, especially as the articles are now in packing-boxes, and the Government will be at no expense in having them transported to New Orleans and return.

Mr. IRION. I yield two minutes to the gentleman from Ohio [Mr. BUTTERWORTH].

Mr. BUTTERWORTH. Mr. Chairman, that time is a little too long to say nothing and a little too short to say something. [Laughter.] The gentleman from Louisiana [Mr. HAHN] has very correctly stated that there is a large number of articles that might properly be loaned to this exposition. I represented the Interior Department as commissioner in preparing the exhibit for the Centennial Exhibition; and a large part of the exhibit from that and the other Departments consisted of certain pictures and other things illustrating the industrial growth of this country and its resources. Such things are full of interest, are instructive, and are not useful here except to look at.

I am satisfied that the resolution is carefully guarded, so that the Secretary of the Interior, the Secretary of the Treasury, and the heads of the other Departments would be charged with the duty of seeing that no articles which would incur risk of injury or loss in transportation or use at New Orleans should be loaned to this exposition. This exhibition and the other are as separate and distinct as two things possibly can be. Yes, not tarred by the same stick. We all know the first exhibit was a failure financially. Otherwise, as the gentleman very properly says, it was an immense success. The exhibition itself was unhappily located at that corner of the universe with an immense swamp on one side and a lake on the other. It was not accessible. Yet as an instructor to-day this country has realized from that exhibition 100 per cent. more than it invested. The present exhibition is an international affair, and this resolution in no sense commits the Government to the payment of a farthing under any circumstances. If we were situated as we were before, and liable to have upon ourselves the obligation of the former law imposed on us in reference to the other exhibition, I should vote against it.

Mr. IRION. In order to bring this matter to a conclusion within the time allotted I now demand the previous question.

Mr. HATCH. I hope the gentleman will withdraw his demand for the previous question.

The SPEAKER *pro tempore* (Mr. DUNN in the chair). The gentleman from Louisiana has demanded the previous question.

Mr. HATCH. When this matter was first called up this morning I addressed the Chair understanding that I was to have the opportunity to offer an amendment.

Mr. IRION. I will withdraw the demand for the previous question and yield to the gentleman from Illinois [Mr. DUNHAM] to offer his amendment.

Mr. DUNHAM. I submit the following amendment, and I ask that it be read at the Clerk's desk.

Mr. HISCOCK. I desire to ask a single question. I notice in the last line the words "and shall be returned to the Department, in good order, within one month after the close of the exhibition." Now, when is it to be closed?

Mr. DUNHAM. If the gentleman will wait until my amendment is read he will find his question will be answered.

The SPEAKER *pro tempore*. The amendment of the gentleman from Illinois [Mr. DUNHAM] will be read.

The Clerk read as follows:

Amend the amendment of the committee by striking out the following words: "Within one month after the close of the exhibition" and insert "on or before July 1, 1886, and to secure the Government against loss or damage to any article loaned, and cover the expense of transportation to and from New Orleans, the Departments shall require a good and sufficient bond."

Mr. IRION. I am willing to accept that amendment.

The SPEAKER *pro tempore*. It can not be accepted, but must be submitted to a vote of the House.

Mr. IRION. I now demand the previous question on the resolution and amendments thereto.

Mr. HATCH. I gave notice as soon as this matter was brought up that I had an amendment to submit and it was then understood that I should have the opportunity to bring it before the House. I demand recognition in accordance with that understanding.

The SPEAKER *pro tempore*. That is not a question of order, but a question of fact, in reference to which the present incumbent of the chair knows nothing. The gentleman from Louisiana has charge of the bill and his demand for the previous question must be recognized.

Mr. HATCH. The gentleman from Louisiana will find he will get along better with his joint resolution by allowing the amendment to come in of which I have given notice in order that a vote may be taken upon it.

Mr. CANNON. I rise to a parliamentary inquiry.

The SPEAKER *pro tempore*. The gentleman will state it.

Mr. CANNON. Would it not be in order for the gentleman from Missouri to offer his amendment and for other gentlemen to offer amendments for the purpose of preventing expense to the Government if the demand for the previous question shall be voted down?

The SPEAKER *pro tempore*. Certainly, and that is the only way to reach the object gentlemen have in view.

Mr. HATCH. Then I hope the previous question will be voted down.

The House divided; and there were—ayes 34, noes 86.

So the previous question was not ordered.

The SPEAKER *pro tempore*. The Chair now recognizes the gentleman from Missouri [Mr. HATCH] for the purpose of offering his amendment.

Mr. HATCH. I submit the following amendment.

The Clerk read as follows:

Provided further, That before either of the heads of the Executive Departments loan to said American exhibition any article or material embraced in this resolution the said American exhibition or some one as principal for it shall execute and deliver to the head of such Executive Department a good and sufficient bond, with approved security, in such sum as the head of such Executive Department may approve, conditioned for the proper care, safety, and prompt return of such articles and materials at a time to be specified in the bond.

The SPEAKER. An amendment is proposed by the committee, and to that an amendment has been submitted by the gentleman from Illinois.

Mr. HATCH. I offer mine as a substitute for that amendment to the amendment.

Mr. IRION. I accept the amendment.

The SPEAKER. The gentleman can offer a substitute for that part of the bill which it is proposed to amend.

Mr. DUNHAM. I rise to a parliamentary inquiry.

The SPEAKER. Under the rules of the House an amendment to an amendment may be pending and a substitute for the original text may be pending at the same time.

Mr. HATCH. I offer it as a substitute for the original text of the bill.

Mr. IRION. I now demand the previous question.

The SPEAKER. The Chair will entertain the motion in a moment. The gentleman from Missouri proposes to strike out, as the Chair understands, all after the work "expense," in line 12, and insert what he has sent to the desk.

Mr. HATCH. That is the motion—all after the word "expense."

The SPEAKER. The question is on ordering the previous question. The Chair thinks it is now in order to demand the previous question, as an amendment has been offered, and a different question is now pending from that which was before the House when the previous question was demanded a moment ago.

Mr. HATCH. But, Mr. Speaker, I have not yielded the floor for the gentleman to make that motion.

The SPEAKER. The Chair supposed the gentleman had yielded.

Mr. IRION. I have not yielded the floor at all to the gentleman from Missouri.

The SPEAKER. The Chair will state to the gentleman from Louisiana that the gentleman from Missouri was standing in his place from the time the amendment offered by him was read, and the Chair thinks he can not be taken off the floor except by his own consent.

Mr. HATCH. I had not yielded the floor.

The SPEAKER. The Chair, of course, must respect the claim of the gentleman that he had not yielded the floor.

Mr. IRION. But I had not yielded the floor, Mr. Speaker.

The SPEAKER. The gentleman yielded the floor when the previous question was demanded. That demand was made, a vote was taken upon it, which of course deprived the gentleman of the floor. The gentleman from Missouri was then recognized, and has not since yielded the floor.

Mr. HATCH. I do not desire, Mr. Speaker, to take up any unnecessary time in the discussion of this resolution. I simply deem it my duty to call the attention of the House to the fact that there is no provision in the resolution for either the care and custody or the safe return of this property to the different Departments of the Government. There is not one single responsibility resting upon this American exposition to either take necessary and proper care of this property of the Government or return it at the proper time; and the amendment I have offered will compel them, before they come into possession of the property, to execute and deliver to the Government a good and sufficient bond for that purpose, and if there is anything in the history of this exposition, it teaches Congress that we ought to demand this bond. I know very well that the persuasive eloquence of the gentleman from Louisiana has lulled the House to sleep heretofore to the tune of about one and a half millions of dollars out of the Treasury.

It is time that this should be stopped. I am willing to go as far to oblige the gentleman from Louisiana and his colleagues personally as any other member on this floor; but in view of the teachings and experience of the three past Congresses to grant this aid to a new organization, that is the legatee of the bankruptcy of the old, without one dollar returned, is a dereliction of duty on the part of the House; and I hope the amendment will be adopted.

Mr. PETERS. May I ask the gentleman a question?

Mr. HATCH. Certainly.

Mr. PETERS. I would like to ask what additional power this joint resolution confers upon the heads of the Departments to what they now have?

Mr. HATCH. It gives them power to demand a good and sufficient bond before this property is turned over to the parties specified in the resolution.

Mr. PETERS. I speak of the original resolution. What additional power or authority is conferred upon them—the heads of Departments—that does not now exist under the law?

Mr. HATCH. I do not understand that the heads of Departments would have any right under this resolution, if it passed the House without the amendment, to demand the bond to which the amendment refers.

Mr. PETERS. I will call the attention of the gentleman from Missouri to the first few lines of the joint resolution:

That it is desirable, in any way consistent with existing laws, and without risk to Government property or expense to the national Treasury, to encourage the effort, &c.

Mr. HATCH. Well, is there any existing law conferring upon the heads of Executive Departments the right to demand this bond? I know the gentleman is an admirable lawyer, and I would be glad to have his opinion upon this point.

Mr. PETERS. That is just what I am trying to find out myself.

Mr. HATCH. That is what I want to do; but I want to put it beyond all question, and so I have offered the amendment.

Mr. IRION. I now demand the previous question.

Mr. CANNON. I move to lay the joint resolution and amendments on the table.

The question was taken; and upon a division there were—ayes 87, noes 61.

Mr. IRION. I demand tellers.

Mr. CANNON. Why not have the yeas and nays at once?

The yeas and nays were ordered, 38 members voting in favor thereof and 55 in opposition.

Mr. DUNHAM. I demand tellers on the yeas and nays.

The SPEAKER. The hour devoted to the consideration of this business has expired.

Mr. DUNHAM. That is all I wanted.

RETURN OF BILL TO SENATE.

The SPEAKER. The Clerk will read a message from the Senate.

The Clerk read as follows:

IN THE SENATE OF THE UNITED STATES, *February* 15, 1886.

Resolved, That the Secretary of the Senate be, and he is hereby, directed to request the House of Representatives to return to the Senate the bill (S. 637) for the erection of a public building at Hudson, N. Y.

The SPEAKER. If there be no objection this bill will be returned to the Senate in accordance with the request of that body.

There was no objection, and it was so ordered.

CLAIMS AGAINST THE UNITED STATES.

Mr. WARNER, of Missouri. I desire to renew the request for unanimous consent to have a report made by the Committee on Claims on the bill (H. R. 5314) conferring jurisdiction upon the Court of Claims to investigate private and domestic claims and demands other than war claims against the United States printed in the RECORD.

There was no objection.

The report is as follows:

The Committee on Claims, to which was referred bill H. R. 5314, having fully considered the same, submit the following report:

The committee, in the discharge of its duties in the investigation of the large number of private and domestic claims and demands other than war claims against the United States, from the difficulty attending even a partial examination of the great mass of these claims, is deeply impressed with the urgent necessity of immediate legislation referring them to some judicial tribunal where the facts upon which they are based may be thoroughly investigated.

The action of Congress in passing upon these claims is most unsatisfactory; its conclusion is, in almost every case, based on *ex parte* evidence furnished by the claimant. There are now pending before your committee nearly one thou-

sand bills and petitions. It is estimated that the number will reach eighteen hundred before the close of this Congress. Many of these claims are only for small amounts, while others involve hundreds of thousands of dollars. Nearly all of them require the investigation of disputed facts, a task for which judicial tribunals are especially adapted, a task from which Congress, in the interest of justice and general legislation, should be released. The history of past legislation shows that only a fraction over 1 per cent. of these bills, introduced for the relief of citizens for private and domestic claims against the Government other than war claims, ever pass Congress. It is a practical denial of justice to the citizens having an honest claim against the United States.

In the Forty-eighth Congress nine hundred and thirteen bills and petitions were referred to the Committee on Claims. That committee, composed of honest and able men, was only able to report to the House one hundred and sixty-three—that is, about one-sixth of the bills referred to the committee—only twelve of which passed Congress and became laws. One claimant out of every seventy-six had his demand against the Government finally acted upon. It will not do to say that the nine hundred and one claims that failed to receive Congressional approval were dishonest ones, or that they were less deserving of favorable consideration than the twelve. It is safe to say that nearly all of these claims that failed of allowance in the last Congress have found their way into this, and, with others, have been referred to your committee, presumably for an investigation of the disputed facts, the committee's conclusions, and action of Congress thereon. Judging from the disposition of such bills in the past, there are now more private and domestic claims against the United States before your committee than will be disposed of in the next fifty years under the present system. The citizen who has an honest claim against the Government should not be trifled with; it is a mockery of justice.

Many of these claims have been before almost every Congress for a quarter of a century; a few did service in the First Congress, and are now prosecuted by the great-grandchildren of the original claimants. Of the claims now pending before your committee, many have been favorably considered in one Congress by one House and in another Congress by the other House, without ever reaching the point of a final determination by receiving the concurrent action of both Houses in any Congress; while others which have been rejected are again and again presented to Congress after Congress to take their chances in the legislative lottery.

The committee is of the opinion that every private and domestic claim against the Government in which the facts are not conceded should be referred to a judicial tribunal for an ascertainment of the facts under the rules governing the introduction of evidence in courts of justice. This will protect the claimant who has an honest claim, and prevent the allowance of claims having no merit upon *ex parte* evidence. It will be conceded that Congress has neither the time nor the disposition to properly investigate and make a finding of fact in each of these private and domestic claims; its province and duty is to provide a judicial tribunal for their ascertainment. This justice alike the Government and the citizen demands.

The Committee on Reform in the Civil Service of the Forty-fifth Congress used the following language in its report, namely:

"From the nature of things, no tribunal can be less fitted to examine and decide upon private claims than the Congress. The organization of the body requires that the consideration of such claims must be first had in committee. The pressure of business is now so great that the claims before the committees are generally allotted for examination to subcommittees of one, or two, or three members. Claimants, therefore, naturally begin by seeking first a favorable committee to which to refer their claims, and next for a favorable selection from that committee to consider them. Evidence is then offered in the form of statements or of *ex parte* affidavits. There is no answer, usually no personal appearance of witnesses, no cross-examination, no opposing testimony, no inquiry by nor appearance on the part of the Government, no general publicity, no check against fraud, and no prescribed rules and regulations for the investigation. Many of the claims are impressed with a sectional or party character especially calculated to exclude all judicial fairness in their consideration. Every person who has been charged by a committee with the examination of a private claim must have felt how unsatisfactory as a means to justice, even after a most conscientious examination, his consideration of it had been.

"The claim thus considered is reported to the committee, and by the committee to the House. How little time or opportunity the House has for considering those claims, and how liable they are to be determined blindly or partially, we all know. That such a determination of claims should naturally result in great delay and great abuses is unavoidable.

* * * * * * * *

"It is hardly too much to say that a person with a just claim upon Congress might almost as well abandon it as pursue it, and that no one with an unjust claim, if only plausible, persistent, and needy, need be without some hope of success.

* * * * * * * *

"How numerous these cases have become may be seen from the fact that while from the Twenty-eighth to the Thirtieth Congress the private bills and petitions of all kinds averaged only 525 in a Congress—of which the great body belonged to the class for which judicial tribunals have been since established—of late years the number of private bills alone belonging to the exceptional classes, relief for which rests in the discretion of Congress, amount in a session of Congress to about 2,500, or about five for each day Congress is in session. The gross injustice this necessarily occasions to meritorious claimants, and the inducement it offers for the presentation and pressure of groundless and unworthy claims, is obvious."

The evils as well as folly of attempting, or rather pretending, to adjudicate private and domestic claims by Congressional investigation is much more apparent now than in the Forty-fifth Congress. Congress should relieve itself from this judicial work, which it is ever making the pretense of doing, but never completes. It should not delay in referring these claims for judicial investigation as to the facts to some court where the claimant may obtain that hearing and consideration of his demand against the Government to which every citizen is entitled. There were 6,329 private bills introduced in the House during the Forty-eighth Congress. Of this number 682 became laws, of which 588 were pension bills. During that Congress there were but 1,861 bills of a general character introduced. Up to this date (February 13, 1886), there have been introduced in the House 5,554 bills, of which number 3,777 are of a private nature. The cost of printing the bills and resolutions of Congress for twenty years ending June 30, 1881, was $459,740.11. The cost for the five years ending June 30, 1886, will be as follows:

Year ending June 30, 1882	$61,882 74
Year ending June 30, 1883	23,556 08
Year ending June 30, 1884	74,720 26
Year ending June 30, 1885	21,616 33
Year ending June 30, 1886 (estimated)	100,000 00

Making the total cost of printing bills and resolutions of Congress, for twenty-five years, $741,515.52. It is estimated by the Public Printer that bills of a private nature comprise two-thirds of the whole number printed. The proportion of private bills introduced into the House at this session to date (February 13, 1886) is slightly greater than the estimate given.

If the cost of printing bills of a private nature bears the same proportion to the whole cost as their number bears to the whole number, the Government on June 30 of this year will have paid $494,343.68 in twenty-five years for printing bills of a private nature. The cost of printing the bills and resolutions referred to the Committee on Claims in the Forty-eighth Congress was, in round numbers, $8,000, or $666 for every one of the twelve private bills that became laws. Aside from the expenses for printing these private bills, it has been stated "that if the time spent by Congress at every session in the consideration of private and domestic claims was reduced to dollars and cents it would be found that those expenses are equal to the claims allowed, and probably to the sum claimed in those rejected." Yet this condition of things is permitted to go on from Congress to Congress. Bills for the relief of the same party or his heirs are introduced every two years.

The claimant comes and goes and dies, leaving his claim against the United States as a legacy to his children, for if the claimant does not belong to the favored few an ordinary lifetime is far too short to get a claim, however just, through Congress. If it is the policy of Congress to have the facts in each claim before it before passing upon the claim, in order that the citizen in a reasonable time may be paid that to which he is honestly entitled, and to insure the rejection of claims without merit, then Congress should, in the opinion of your committee, pass this bill. But if it is the purpose to continue these private claims from generation to generation, obstructing general legislation, then there should be no change, for the mind of man would be at a loss to suggest any other mode of procedure for passing upon private claims against the Government, under the practical workings of which so little can be accomplished at so great an expense as the present system.

It is fair to assume that Congress is not afraid to trust the judiciary to ascertain the facts and to declare the conclusions of law as to such facts in any controversy, whether it be one between citizens or between a citizen and the United States? It is to be regretted that this Republic of ours should refuse to open its courts to any of its citizens having just demands against the Government. The evils, delays, and injustice of examining and passing upon private claims resulted in the establishment of the Court of Claims to repress a mischief and to advance a remedy. Yet many private and domestic claims can not be prosecuted in that court, they being barred by the statute of limitations. A just claim of the citizen against the Government should not be discharged by time; it should be paid, regardless of its age. The claimant should be given the privilege of going into such court as the Congress shall designate, at least to establish fully the facts upon which he bases the claim or demand.

The other great nations go much farther than is asked by this bill. In the Brown case (6 Court of Claims Reports, 192), Nott, justice, in delivering the opinion of the court, uses this language:

"That the legal redress given to a citizen of the United States against the United States is less than he can have against almost any government in Christendom. The laws of other nations have been produced and proved in this court, and the mortifying fact is judicially established that the Government of the United States holds itself, of nearly all governments, the least amenable to the laws. * * * Of all the governments of Europe, it is believed that Russia alone does not hold the state amenable in matters of property to the law. Of all the countries whose laws have been examined in this court, Spain only resembles the United States in fettering the judicial proceedings of her courts by restricting and leaving the execution of their decrees dependent upon the legislative will. * * * First in the high civilization that protects the individual and assures his rights stands the great empire of the German States."

In England, notwithstanding the principle underlying the English constitution that the king can do no wrong the citizen who has a claim against the government is furnished with a mode of obtaining redress. Mr. Justice Davis, in the O'Keefe case (2 Wall., 183), says:

"The law allows him (the citizen) by petition to inform the king of the nature of his grievance, and as the law presumes that to know of an injury and to redress it are inseparable in the royal breast, it then issues, as of course, in the king's own name, his orders to his judges to do justice to the party aggrieved.

"This valuable privilege, secured to the subject in the time of Edward I, is now crystallized in the common law of England. As the prayer of the petition is grantable *ex debito justitiæ*, it is called a petition of right, and is a judicial proceeding to be tried like suits between subject and subject. It does not exist by virtue of any statute, nor does the recent legislation in England concerning it do more than to regulate the manner of its exercise and to confer on the petitioner the privilege not before granted of instituting his proceeding in any one of the superior courts of common law or equity in Westminster."

This question received consideration of the Committee on Claims in the Thirtieth Congress. Hon. John A. Rockwell, a distinguished member of that committee, in an elaborate report uses this language:

"The chairman of the committee has obtained from the ministers of several of the leading governments of Europe statements as to the course pursued in claims against the governments of Russia, Austria, and the smaller German States, and in Holland and in other nations. In relation to all mere matters of contract and ordinary trespasses the government is heard in the ordinary tribunals of the country, which are governed precisely by the same rules of law in these cases as between individuals. These governments, although far behind us in civil freedom and constitutional liberty, never shirk from the full and fair investigation of these claims, and always submit to an adverse decision by the courts. It has been left to our own Government to deny to the citizen who has a demand against it the power to try the question before its own courts, and yet has furnished no adequate tribunal for the purpose." (Report No. 498, vol. 3, R. of Com., Forty-eighth Congress, first session.)

The accumulation of private claims has been so great within the last twenty-five years as to burden several of the committees of Congress and to retard action upon a great proportion of the claims referred, at the same time compelling members, elected to participate in the examination and discussion of national subjects, to devote their time to the investigation of these private claims. The committee is confronted with the fact that, work as it may in the ascertainment of the facts upon which the claimants seek redress, it is beyond its power to give anything like a satisfactory examination to but a very small portion of the claims before it. It is also aware of the further fact that but a few of the cases reported will ever receive the consideration of Congress. The liquidation of private claims by Congress time has demonstrated to be expensive as well as dilatory. It should be the wish of every honest claimant, as well as that of the Government, to have the facts in every claim ascertained by a court, after a thorough examination of the witnesses for and against the claims. When the facts are so found, then, and not till then, can Congress satisfactorily or expeditiously pass on the private and domestic claims now pending before this committee.

Although the committee can not suppose that the accompanying bill is the best possible substitute for the present very objectionable system of passing upon claims referred to it, yet it believes that this bill will furnish a remedy for many of the evils complained of; it is at least a step in the right direction. The bill may be obnoxious to the objection that it does not go far enough in affording a remedy to claimants. However true that may be, certain it is that under its provisions the facts will be ascertained under due forms of law, so as to protect the interest of all concerned; that if it becomes a law, and its provisions are strictly adhered to by Congress, it will afford relief now practically denied to those having claims against the Government, and will give members more time to attend to general legislation.

The committee recommend the following amendment to the bill:

"In the ninth line of the first section strike out the word 'finally.' And, when so amended, the committee recommend the passage of the bill."

TARIFF REVISION.

Mr. HISCOCK. I have a large number of protests against the re-

vision of the tariff, which I ask permission to present to the House and have referred to the Committee on Ways and Means.

There was no objection.

The protests are prefaced by the following statement:

Mr. Speaker and Members of the House of Representatives:

GENTLEMEN: In presenting to your honorable body volume No. 2 of protests against tariff revision, I beg to submit, that while volume No. 1 contained the protests of business men from eighteen States of the Union, volume No. 2 contains the names of business men from twenty-eight States, who respectfully and earnestly protest against any revision of the tariff for the reasons herein set forth.

The industrial establishments represented in this volume give employment to 40,500 workmen, who, at an average of only $7 per week, receive $14,742,000 per annum in wages.

Each person, firm, or corporation signing these protests solemnly assures Congress that labor will be compelled to bear a large share of any reduction of duties, and every business man whose signature appears in either volume emphasizes his opposition to any legislation which tends to reduce American labor to the foreign standard, either in price or condition.

With assurance of highest esteem, please believe me, sirs and gentlemen,

Your most obedient servant,

JOHN W. FRAZIER.

PHILADELPHIA, PA., *January*, 1886.

FOURTH BRIGADE, SOUTH CAROLINA.

Mr. FINDLAY. I am instructed by the Committee on Military Affairs to request that House bill No. 2212 be recommitted to that committee together with the report accompanying the bill. This is the unanimous wish of the committee.

Mr. BRAGG. The bill is now on the table.

The SPEAKER. The clerk will report the title of the bill.

The Clerk read as follows:

A bill (H. R. 2212) for the relief of the board of field officers of the Fourth Brigade of South Carolina Volunteer State Troops.

The SPEAKER. The gentleman from Maryland requests that this bill be taken from the table and that it be recommitted to the Committee on Military Affairs. If there be no objection, that order will be made.

There was no objection.

FITZ-JOHN PORTER.

Mr. BRAGG. I move that the House resolve itself into Committee of the Whole House on the Private Calendar, for the consideration of the special order, the bill (H. R. 67) for the relief of Fitz-John Porter.

The motion was agreed to.

The House accordingly resolved itself into Committee of the Whole on the Private Calendar, Mr. SPRINGER in the chair.

The CHAIRMAN. The House is in Committee of the Whole for the purpose of considering the bill the title of which the Clerk will report.

The Clerk read as follows:

A bill (H. R. 67) for the relief of Fitz-John Porter.

Mr. WHEELER. Mr. Speaker, the Committee on Military Affairs have considered the bill for the relief of Fitz-John Porter, and reported it back to the House recommending its passage.

Having the honor to be a member of that committee it becomes my duty, by the custom of this House, to state the facts upon which the committee based its action.

When our last Congress adjourned it seemed that the members were thoroughly informed regarding the eventful campaign of August, 1862. Not they alone, but the reading public had become very familiar with these historical events.

Since that time much official correspondence, orders, reports, &c., relating to the campaign have been published by the Government, and every new fact developed adds strength to the now almost universal conclusion that the sentence of the court-martial by which Maj. Gen. Fitz-John Porter was dismissed from the Army was one of those atrocities which at long intervals disgrace the records of even the most honorable and chivalric nations.

You are all familiar with the military operations in Virginia during the summer of 1862. McClellan had steadily advanced, and on May 31 and June 1 fought the battles of

SEVEN PINES AND FAIR OAKS,

carrying his army nearly within cannon range of the confederate capital. General Jackson, in the Valley of Virginia, had, on the 23d of March, fought General Shields at Kernstown; on the 8th of May encountered and defeated General Milroy at McDowell; on the 23d of the same month had fought the battle of Front Royal; defeated General Banks at Winchester on the 25th, and had achieved a brilliant victory over Generals Shields and Frémont at Cross Keys on the 8th of June, and at Port Republic on the 9th.

These successful operations caused Mr. Lincoln to concentrate the separate armies in Northern Virginia, and on June 26th he issued the following executive order:

EXECUTIVE MANSION, *Washington, D. C., June 26, 1862.*

Order first. The forces under Major-Generals Fremont, Banks, and McDowell, including the troops now under Brigadier-General Sturgis at Washington, shall be consolidated and form one army, to be called the Army of Virginia.

Second. The command of the army of Virginia is specially assigned to Maj. Gen. John Pope as commanding general. The troops of the mountain department, heretofore under command of General Fremont, shall constitute the First Army Corps, under the command of General Fremont; the troops of the Shenandoah department, now under General Banks, shall constitute the Second Army Corps, and be commanded by him; the troops under the command of General McDowell, except those within the fortifications and city of Washington, shall form the Third Army Corps, and be under his command.

Third. The army of Virginia shall operate in such manner as, while protecting Western Virginia and the national capital from danger or insult, it shall in the speediest manner attack and overcome the rebel forces under Jackson and Ewell, threaten the enemy in the direction of Charlottesville, and render the most effective aid to relieve General McClellan and capture Richmond.

Fourth. When the Army of the Potomac and the Army of Virginia shall be in position to communicate and directly co-operate at or before Richmond the chief command, while so operating together, shall be governed, as in like cases, by the Rules and Articles of War.

A. LINCOLN.

Another result of these battles was the discomfiture of the troops under Shields, Frémont, Banks, and Milroy, which enabled General Jackson to withdraw from the valley and join General Lee before Richmond in time to assist in the

SEVEN DAYS' BATTLES,

commencing with Mechanicsville, June 26, followed by Gaines's Mill or Chickahominy, Savage Station, Peach Orchard, Frazer's farm, and ending, July 1, with the desperate battle of Malvern Hill. The Federal commander in this last engagement, and principal actor in most of these battles, was General Fitz-John Porter, who by his skill and intrepidity won more distinction than any other officer of the Army of the Potomac. McClellan having retreated to Harrison's Landing, 25 miles from Richmond, General Jackson hastened to confront the forces under the command of General Pope, whose aggregate strength present for duty in the latter part of June was reported:

First Corps, Major-General Frémont	26,115
Second Corps, Major-General Banks	12,456
Third Corps, Major-General McDowell	25,147
Total	63,718

On July 14 this order was issued by General Pope:

HEADQUARTERS ARMY OF VIRGINIA,
Washington, D. C., July 14, 1862.

To the officers and soldiers of the Army of Virginia:

By the special assignment of the President of the United States I have assumed command of this army. I have spent two weeks in learning your whereabouts, your condition, and your wants, in preparing you for active operations and in placing you in positions from which you can act promptly and to the purpose. These labors are nearly completed, and I am about to join you in the field. Let us understand each other.

I have come to you from the West, where we have always seen the backs of our enemies; from an army whose business it has been to seek the adversary, and to beat him when found; whose policy has been attack and not defense. In but one instance has the enemy been able to place our Western armies in a defensive attitude. I presume that I have been called here to pursue the same system and to lead you against the enemy. It is my purpose to do so, and that speedily. I am sure you long for an opportunity to win the distinction you are capable of achieving; that opportunity I shall endeavor to give you. Meantime, I desire you to dismiss from your minds certain phrases which I am sorry to find in vogue among you. I hear constantly of taking strong positions and holding them; of lines of retreat and bases of supplies. Let us discard such ideas.

The strongest position a soldier should desire to occupy is one from which he can most easily advance against the enemy. Let us study the probable lines of retreat of our opponents, and leave our own to take care of themselves. Let us look before us and not behind. Success and glory are in the advance. Disaster and shame lurk in the rear.

Let us act on this understanding, and it is safe to predict that your banners shall be inscribed with many a glorious deed, and that your names will be dear to your countrymen forever.

JOHN POPE,
Major-General, Commanding.

Five days later, July 19, General Jackson reached Gordonsville from Richmond.

On the 26th of July General Pope dispatched General Halleck that Jackson, Hill, Ewell, and Longstreet were at Louisa Court House and Gordonsville. Arrangements were then made to re-enforce General Pope by ordering troops from North Carolina and from McClellan's army.

General Halleck had become general-in-chief on July 11.

The movements of the confederate army soon caused serious apprehensions in Washington, and on July 26 General Halleck visited General McClellan at his headquarters at Harrison's Landing, on James River. General McClellan contended that with 35,000 added to his own army of 90,000 he could advance upon and probably take Richmond, but nevertheless on August 3, a week after Halleck's return to Washington, he ordered McClellan to transfer his army to Acquia Creek. Two days previous to this order he had directed Burnside to move his command to that locality. General Pope pushed his advance across the Rappahannock, and the forces under General Banks were on August 9 attacked by General Jackson at

CEDAR RUN, OR SLAUGHTER MOUNTAIN.

The unfavorable result of the engagement and the rumored approach of General Lee caused General Pope to withdraw all his forces from the Rapidan to the left bank of the Rappahannock, and on August 20 the entire confederate army under General Lee occupied its right bank.

While Pope was being re-enforced the confederate army was not inactive. General Stonewall Jackson had marched rapidly up the Rappahannock, accompanied by General Stuart with a large force of cavalry, and on August 22 Stuart, supported by a brigade of infantry, crossed the river at Sulphur Springs, and with his cavalry alone turned Pope's right flank and attacked his immediate rear at Catlett's Station.

Stuart captured Pope's headquarter papers and retreated to the ford, but a heavy rain had so swollen the stream that he could not cross.

General Pope marched to attack General Jackson, who he presumed

would cross his entire force at Sulphur Springs. Obstacles encountered caused Pope to countermarch, with the view of crossing below and attacking the forces left by General Jackson opposite his first position. General Pope then learned that the brigade on the left bank of the river, at Sulphur Springs, could not recross; and imagining that it could be easily captured in its isolated position, he retraced his steps northward, only to find that the isolated brigade had succeeded in recrossing the river and had joined the main force of the confederates. General Jackson now marched up the river to Hinson's Mill. On the 25th he crossed, and, by active movements, early on the 26th passed through

THOROUGHFARE GAP.

By rapid marches he reached Pope's rear at Bristoe Station, and after doing much damage, moved on Manassas Junction, defeated a brigade of Franklin's corps, which held that place, captured a vast quantity of supplies, of which his hungry and weary troops were greatly in need, and during the 27th utterly destroyed all that he could not use or carry off.

General Jackson was now directly between Washington and the army of General Pope.

General Hooker reached Bristoe Station after the supplies had been burned, and attacked the rear guard of General Jackson as it was retiring toward Manassas. This action was called

THE BATTLE OF KETTLE RUN.

Although Jackson was between General Pope and the Federal capital, it was in Pope's power to put himself between Jackson and the balance of General Lee's army. This he proceeded to do, and on August 27 issued orders which contained these paragraphs:

The following movements of troops will be made, namely: Major-General McDowell, with his own and Sigel's corps and the division of Brigadier-General Reynolds, will pursue the turnpike from Warrenton to Gainesville, so as to reach Gainesville, if possible, to-night.

The army corps of General Heintzelman, with the detachment of the Ninth Corps, under Major-General Reno (General Reno leading), will take the road from Catlett's Station to Greenwich, so as to reach there to-night or early in the morning. Major-General Reno will immediately communicate with Major-General McDowell, and his command, as well as that of Major-General Heintzelman, will support Major-General McDowell in any operations against the enemy.

Maj. Gen. Fitz-John Porter will remain at Warrenton Junction till he is relieved by Major-General Banks, when he will immediately push forward with his corps in the direction of Greenwich and Gainesville to assist the operations on the right wing.

* * * * * * *

The general headquarters will be with the corps of Major-General Heintzelman until further notice.

With this force General McDowell was expected to cut Jackson off from his retreat through Thoroughfare Gap, or Hopewell Gap, and also make it impossible for Jackson to escape by the more circuitous route marching northward. General Porter reached Warrenton Junction that night, and was in position to re-enforce General McDowell at Gainesville.

On August 21 General Fitz-John Porter had arrived at Acquia Creek with the Fifth Army Corps, reporting 6,926 men for duty. On the 22d he had disembarked, and on that day General Halleck telegraphs General Pope:

Porter's corps is moving up the river to re-enforce Reno at Kelly's Ford.

On the 23d he again telegraphs General Pope:

Reynolds's corps and Porter's advance must be at or near Kelly's Ford, and consequently nearer to you than to Burnside.

And on the 23d General Porter dispatches General Morell:

Reynolds has moved to Rappahannock Station. Go to Kelly's Ford and hold it. Griffin will join you after being relieved by Sykes. Artillery will join you to-morrow. Supplies also go up. Communicate often.

When General Pope retired across the Rappahannock his left was near Kelly's Ford, his right near Freeman's Ford, and General Porter sought, very properly, to place his corps on General Pope's extreme left.

I regret that I have not time to read the orders issued by General Porter to his division commanders, Generals Morell and Sykes, as they certainly afford unmistakable evidence of his extreme anxiety to comply, with the utmost promptitude, with the wishes of his commanders. The same spirit is evinced in his dispatches to his immediate commanding general.

At noon on the 24th General Halleck dispatched General McClellan at Acquia Creek:

Porter and Reno should hold the line of the Rappahannock below Pope.

While in this position, at 11 p. m. on the 26th, General Porter received his

FIRST ORDER FROM GENERAL POPE.

It was dated at 7 p. m., and contained a long series of instructions. It directed that on the 27th he should move through Fayetteville to within 2½ miles of the town of Warrenton. Porter replied immediately, saying the instructions would be obeyed as rapidly as possible.

At 4 a. m. on the 27th General Pope writes from Warrenton Junction modifying this order, and directing General Porter to march direct to that place. General Porter complied with this order, marching most of his corps 18 miles, and all of it at least 12 miles, his rearmost regiments reaching their camp at about 10 o'clock at night. At 9.50 p. m., while encamping his troops, General Porter received orders from General Pope, dated Bristoe Station, 6.30 p. m., August 27, which directed him to march with his whole corps at 1 a. m. on the 28th, so as to reach Bristoe Station at daylight.

The order was in these words:

HEADQUARTERS ARMY OF VIRGINIA,
August 27, 1862—6.30 p. m., Bristoe Station.

GENERAL: The major-general commanding directs that you start at 1 o'clock to-night, so as to be here by daylight to-morrow morning. Hooker has had a very severe action with the enemy, with a loss of about three hundred killed and wounded. The enemy has been driven back, but is retiring along the railroad. We must drive him from Manassas and clear the country between that place and Gainesville, where McDowell is. If Morell has not joined you, send word to him to push forward immediately; also send word to Banks to hurry forward with all speed to take your place at Warrenton Junction. It is necessary, on all accounts, that you should be here by daylight. I send an officer with this dispatch, who will conduct you to this place. Be sure to send word to Banks, who is on the road from Fayetteville, probably in the direction of Bealeton. Say to Banks, also, that he had best run back the railroad train to this side of Cedar Run. If he is not with you, write him to that effect.

By command of Major-General Pope:

GEO. D. RUGGLES,
Colonel and Chief of Staff.

Maj. Gen. F. J. PORTER, *Warrenton Junction.*

P. S.—If Banks is not at Warrenton Junction leave a regiment of infantry and two pieces of artillery as a guard till he comes up, with instructions to follow you immediately. If Banks is not at the Junction instruct Colonel Clary to run the trains back to this side of Cedar Run, and post a regiment and section of artillery with it.

By command of Major-General Pope:

GEO. D. RUGGLES,
Colonel and Chief of Staff.

When General Pope issued this order

HE DID NOT KNOW

that a portion of General Porter's troops would not reach camp until 10 p. m.; nor did he know that rain and clouds would obscure the night; nor did he know that between two thousand and three thousand wagons would obstruct the road so as to make it impassable; nor did he know that the railroad would be obstructed by railroad trains. Notwithstanding all this, General Porter issued orders to his division commanders to be ready to march at the hour specified. It was proven on the first trial that Captain De Kay, who brought the order, told General Porter of the wagons and blocked condition of the road. The order was important, and he had traveled with all possible haste, but the condition of the road was such that three hours and twenty minutes had intervened between the date of the order and its delivery, a portion of that time being daylight. And on page 28, court-martial record, we find General Pope states that the two letters which Porter sent to him during the night asking his (Pope's) assistance in having the road cleared of wagons were not received until nearly morning. As these letters left Porter about 10 o'clock they must have been some five hours on the road.

Let me ask this question: If it required three hours and twenty minutes for a single horseman to wind in and out, around and through the wagons, to make the journey, was it possible for an army corps, with artillery and wagons, to make any progress whatever under like conditions? And yet this order contemplated the physical impossibility that Porter's "whole corps" should accomplish the march in three hours, between 1 and 4 o'clock—as the evidence shows it was daylight at the latter hour.

The division commanders protested that compliance was impossible. But Porter says:

This order must be obeyed. General Pope, who signs it, knows what he writes. Let us start at once.

Generals Morell, Butterfield, and Sykes still advised and urged that the march be delayed for two hours. They felt satisfied that General Pope would not have issued the order if he had known the tired condition of the troops, the darkness of the night, and the impassable condition of the road.

General Porter promptly sent a dispatch to General Pope telling him of these difficulties, suggesting a delay until 3 a. m., and requested him to send an officer of his staff to exercise authority in clearing the road of wagons sufficiently to enable the troops to march. General Pope did send officers to assist in clearing the road, which is conclusive evidence that he recognized and acknowledged the difficulty suggested by General Porter. That all these difficulties existed to the fullest extent claimed is proven beyond question.

Lieutenant-Colonel Myers testified (court record, page 110) that there were between two thousand and three thousand wagons, and Lieutenant Davis testified (board record, page 390):

Q. Do you recollect whether there were any obstructions in the way of marching from Warrenton Junction to Bristoe Station?
A. I recollect distinctly there were.
Q. What character?
A. Pope's wagon-train. The road was entirely blocked, and between two of those stations the wagon-train passed through our column and I individually went up to stop them. I asked them for the wagon-master, or if there was any officer in command of the train; the men said no; they had not seen the wagon-master for a week; they were traveling independent. I told them they must hold on or I would shoot them, and we did hold them after considerable trouble

It is equally evident General Porter could not have used the railroad.

It will be recalled that this very order said:

If Banks is not at the Junction, instruct Colonel Clary to run the trains back to this side of Cedar Run.

Colonel Clary testified (court record, page 120) that this order was given to him and Captain Fifield, and that trains were running until about 4 o'clock the next morning from Warrenton Junction to Kettle Run and back, which would effectually have prevented the use of the

railway track for the troops, his reply to a direct question being, "The movement of the trains during the night would have prevented the possibility of moving troops upon the railroad track." But even if there had been no train, the open culverts would have made marching upon the railroad track almost impossible during a dark night. Porter overcame the difficulties and moved with more promptness and celerity than any other corps commander of Pope's army.

GENERAL POPE STATED ON OATH

that Porter was at Bristoe Station at 8 o'clock on the 28th. He also admits that Porter spoke to him of his march and the difficulty he had getting wagons out of the road, and the difficulty he had in getting through the wagon-trains, and with all that on his mind General Pope volunteers the distinct and explicit assertion that there had been no necessity for an earlier appearance of his corps.

In the face of these facts, my friend and colleague [Mr. STEELE] says:

He (Porter) was hoping at the time he received the order to be either ordered back to Falmouth or on to Washington. *He wanted Pope defeated.*

The gentleman does not deny but admits that Sykes, Morell, and Butterfield all said: "Oh! don't move at 1; wait till daylight."

Mr. STEELE. But, if my friend will allow me, they stated that they did not know the importance of the order, or they would not have said so.

Mr. WHEELER. And General Pope said the order had no importance. I have just stated that when Porter met Pope at 8 o'clock the next morning, Pope's first remark was that there had been no necessity for an earlier appearance of his corps.

And although the proof shows that Porter, by awaiting until 3 o'clock, was enabled to move his corps in good order to Bristoe Station, reaching that place at 8 o'clock, yet my friend does General Porter the injustice to say that he did this because he wanted Pope defeated.

The gentleman from Iowa [Mr. FULLER] says:

I am convinced that from the time General Fitz-John Porter on the 23d of August, 1862, was ordered to report to General Pope for duty, by direction of General Halleck, he was not in harmony with his commanding general; that he was guilty of conduct unbecoming an officer; that he was not a true soldier; that during the operations at Manassas he repeatedly refused and neglected to obey his commander-in-chief, and that to his course can be traced the direful results to the Union arms on that bloody field.

General Grant says:

On the contrary, to my mind now, he was zealous in giving a support to General Pope, and more so, possibly, for the reason that he knew among his former army associates there was a good deal of apprehension, to say the least, of his fitness for his new place.

Now remember that General Lee, with Longstreet's corps, was, at this time (August 27), approaching Thoroughfare Gap, and observe that McDowell, who was at Gainesville, could prevent his passing through to join Jackson, while with equal ease he could make it impossible for Jackson to join Longstreet.

The troops under Lee and Longstreet could not cross the mountain to attack General Pope, and those under General Jackson were necessarily most seriously imperiled. Not only were they liable to be attacked by the bulk of Pope's army, but the troops in front of Washington also threatened Jackson's forces.

It is seldom that a commander finds himself in so advantageous a position as was General Pope's army on the evening of August 27; but, notwithstanding this, he at once countermanded the orders which had resulted in this favorable disposition of his troops.

At 6.30 p. m. on the 27th, as we have seen, he orders Porter to start at 1 a. m. on the 28th for Bristoe Station. At 9 p. m. he orders McDowell, with his own and Sigel's corps and Reynolds's division to march at daylight, moving rapidly, to Manassas Junction, and simultaneously orders General Reno to move his corps to the same place, and directs General Kearny at the "first flush of the dawn," to push rapidly to Bristoe Station. None of these orders were strictly obeyed. General McDowell ordered Ricketts's division to remain and guard Thoroughfare Gap. This was an important matter, and had General Ricketts's force been adequate to the execution of the order it might have had a material effect upon the issue of the campaign.

Neither Generals Reno nor Kearny moved with the rapidity and promptness contemplated in the orders to them, and, as we have seen, General Porter encountered obstacles and difficulties which necessitated some delay, and yet it will be observed,

WITH HIS TIRED TROOPS,

he marched 10 miles and reached Bristoe Station at the same time that Kearny reached that place from his camp but 3 miles distant.

The orders to the generals stated these movements were to be executed for the purpose of "bagging" Jackson, but they only opened the way for Longstreet to join him; General Lee, with Longstreet's corps, having reached Thoroughfare Gap at 3 o'clock on the afternoon of August 28. The advanced regiment immediately attempted to pass the gap, but was repulsed. Two brigades were then pushed into the gap, while a division was sent 3 miles to the left to turn the enemy's right via Hopewell Gap. Other troops were dispatched over the mountain by a foot-path, and the Federals, being thus outflanked, retreated toward Gainesville. Early next morning the confederate columns were united and the advance was renewed to join Jackson, who was then engaged. Ten miles were quickly passed over, and the junction of General Lee's forces was completed by 9 o'clock a. m. on the 29th.

The position occupied by General Jackson was a strong one. After retiring during the night of the 27th from Manassas Junction, on the 28th he formed his line facing to the southeast. His right was near the Warrenton turnpike, a little to the east of Groveton, his left at Sudley Springs, on Bull Run, and the cuts, or excavations, prepared for a railroad were good substitutes for fortifications along some considerable portion of his front.

On the evening of the 28th, while *en route* from Gainesville to Centreville, King's division had a severe engagement with General Ewell, which only closed with night. Jackson was in the position above described

WHEN GENERAL LEE ARRIVED

near Groveton about 9 a. m. on the 29th, and commenced forming Longstreet's corps on the right of Jackson's line.

When Jackson selected this position he deceived General Pope by the stratagem of sending General A. P. Hill to Centreville, and during the afternoon and night of the 28th and on the morning of the 29th we find General Pope ordering McDowell, Reno, and Porter to that place. The order to the latter officer was conveyed in these words:

HEADQUARTERS ARMY OF VIRGINIA,
Near Bull Run, August 29, 1862—3 a. m.

GENERAL: McDowell has intercepted the retreat of Jackson. Sigel is immediately on the right of McDowell. Kearney and Hooker march to attack the enemy's rear at early dawn. Major-General Pope directs you to move upon Centreville at the first dawn of day with your whole command, leaving your trains to follow. It is very important that you should be here at a very early hour in the morning. A severe engagement is likely to take place, and your presence is necessary.

I am, general, very respectfully, your obedient servant,
GEORGE D. RUGGLES,
Colonel and Chief of Staff.

Major-General PORTER.

General Porter obeyed the order promptly, and marched at least 6 miles, to a point beyond Manassas Junction, when he was met by an order countermanding the above, which was in these terms:

HEADQUARTERS ARMY OF VIRGINIA,
Centreville, August 29, 1862.

To Maj. Gen. FITZ-JOHN PORTER:

Push forward with your corps and King's division, which you will take with you, upon Gainesville. I am following the enemy down the Warrenton turnpike. Be expeditious or we will lose much.

JOHN POPE,
Major-General, Commanding.

General Porter countermarched and moved rapidly as directed. When within 4 miles of Gainesville he met Longstreet with 25,000 men deployed in line of battle. Porter was pressing forward to attack when, at 12 o'clock, General McDowell came upon the field, assumed the command and arrested Porter's advance. Porter here received what is called the "joint order," which I will read:

HEADQUARTERS ARMY OF VIRGINIA,
Centreville, August 29, 1862.

Generals McDOWELL and PORTER:

You will please move forward with your joint commands towards Gainesville. I sent General Porter written orders to that effect an hour and a half ago. Heintzelman, Sigel, and Reno are moving on the Warrenton turnpike, and must now be not far from Gainesville. I desire that as soon as communication is established between this force and your own the whole command shall halt. It may be necessary to fall back behind Bull Run at Centreville to-night. I presume it will be so on account of our supplies. I have sent no orders of any description to Ricketts, and none to interfere in any way with the movements of McDowell's troops, except what I sent by aid-de-camp last night, which were to hold his position on the Warrenton pike until the troops from here should fall on the enemy's flank and rear. I do not even know Ricketts's position, as I have not been able to find out where General McDowell was until a late hour this morning. General McDowell will take immediate steps to communicate with General Ricketts and instruct him to join the other divisions of his corps as soon as practicable. If any considerable advantages are to be gained by departing from this order it will not be strictly carried out. One thing must be held in view: That the troops must occupy a position from which they can reach Bull Run to-night or by morning. The indications are that the whole force of the enemy is moving in this direction at a pace that will bring them here by to-morrow night or the next day. My own headquarters will, for the present, be with Heintzelman's corps or at this place.

JOHN POPE,
Major-General, Commanding.

It will be observed that when this order reached General Porter's hands it had been fully complied with.

He did not receive the order until 12 o'clock, and all the proof shows he had anticipated and fully executed it. He had "moved forward with his command toward Gainesville" as far as he could go, and he had fully complied with the part of the order which said—

I desire that as soon as communication is established between this force—

That on Porter's right—

and your own the whole command shall halt.

He had established communication with the force on his right, and he had formed line to engage Longstreet, whose forces were drawn up in his immediate front.

Even General *McDowell testifies that Porter had complied with the directions of the order before it reached him*, and all the facts show that General Porter gave an intelligent and prompt compliance with this and the two preceding orders which he received that day; and the proof also shows that General McDowell, who was senior to Porter, was present when Porter received the order; that he assumed command and became responsible for the movements of General Porter's corps.

General McDowell's exact language while testifying upon this point against Porter was (see record, page 83):

At that time I conceived General Porter to be under me. When the joint order reached us we were doing what that joint order directed us to do. That joint order found the troops in the position in which it directed them to be.

Mr. STEELE. Oh, no.

Mr. WHEELER. The gentleman says "Oh, no." I said, and I repeat, that General McDowell says, "At that time I conceived Porter to be under my command. When the joint order reached us we were doing what the joint order directed us to do. That joint order found the troops in the position which it directed them to occupy." That is McDowell's testimony.

Mr. STEELE. I do not like to interrupt the gentleman.

Mr. WHEELER. I wish to be interrupted. I desire to answer any questions. I wish to make the matter plain.

Mr. STEELE. The joint order itself says: "I directed you to move toward Gainesville over an hour ago." Now, before Porter received that joint order he had halted in front of Dawkin's Branch. The joint order did not tell him to halt; it told him to go on. He had been ordered to go on more than an hour before, but instead of that he halted. The question was put to him before the McDowell board: "If you had not received the joint order, what would have been the consequence?" And his answer was, "I suppose I would have gone on and would have interfered with the joining of the forces, or would have been whipped."

Mr. WHEELER. I am confident the gentleman is mistaken. The joint order says:

> You will please move orward with your joint commands toward Gainesville. I sent General Porter written orders to that effect an hour and a half ago. Heintzelman, Sigel, and Reno are moving on the Warrenton turnpike, and must now be not far from Gainesville. I desire that as soon as communication is established between this force and your own the whole command shall halt. It may be necessary to fall back behind Bull Run at Centreville to-night. I presume it will be so on account of our supplies.

Mr. STEELE. Yes; but he did not join the forces. He would have joined the forces if he had gone on as directed.

Mr. WHEELER. Let us see. Here are maps sworn to be correct. Here [indicating] is Reynolds; here [indicating] is Porter. Now if he had gone on he would not have done what he was ordered to do. He would not have established communication with the other forces—Heintzelman, Sigel, and Reno—because the other force had not gone to where General Pope said it had gone. Porter went nearer to Gainesville than Pope's other troops did.

Mr. STEELE. I never before heard of a few disconnected lines on a piece of paper being called a map. Those lines don't indicate anything. They are hung "out in the air." I don't know what positions you intend to show by those lines. There is no road indicated.

Mr. WHEELER. I tell you this is copied from the maps of the Engineer officers. This [indicating] is Pope's force, exclusive of Porter's; this [indicating] represents McDowell; this [indicating] represents Longstreet. This is not my map, but it is copied from the map of the Engineers, and I invite anybody to examine and see if it is not a correct copy of the map made by the Government officers, and which is admitted by all parties to be correct.

Mr. STEELE. Well, I say that I know something about maps, but I can not make head or tail of that one.

Mr. WHEELER. I do not suppose you can, because it seems to me you have not been able to make either head or tail of this case. I think the trouble with the gentlemen opposed to the bill is that they do not want to understand it. If they saw the facts as they are, their consciences would not let them vote against the bill. From the arguments and theories advanced by the opponents of the bill, they appear determined to ignore the evidence in the case which convinced the Schofield board and General Grant that they had been in error as to most of the essential facts of the case, and have limited their investigations and studies to the misstatements of the witnesses before the court-martial, the disingenuous argument of Judge Holt which imposed upon Mr. Lincoln, and Pope's interested version of the points at issue which misled Grant.

The red lines indicate the confederates and the dark blue represent the Federal army.

Mr. STEELE. I shall not undertake to make the gentleman understand it, but the House I think understood my map the other day. It was an official map, made not only by an officer of the Government but by a friend of Porter.

Mr. WHEELER. I will take great pains and pleasure in explaining everything to my friend from Indiana [Mr. STEELE]. One of the large maps is a copy of "Board map No. 2," showing the general situation of Pope's and Lee's armies at 4.30 p. m. August 29, 1862. The other large map is a copy of "Board map No. 3," which shows the supposed military situation under which the 4.30 p. m. order was issued. I have had these two maps very much enlarged so they can be seen and understood at a distance, but, as I said before, as proof of their accuracy I place below them the small original maps from which they are copied. I shall put these small fac-similes in the RECORD.

Skirmishing had become quite brisk along Porter's deployed line, which Porter was endeavoring to press close on the enemy. It has been proven by five witnesses that General McDowell, seeing this, said:

> Porter, you are too far out already; this is no place to fight a battle.

McDowell then turned to the rear and marched his corps from the field, to form it some 2 miles to Porter's right. About sundown, while making this movement, a portion of one of his divisions, under General Hatch, encountered two brigades under General Hood, and an engagement followed which lasted about an hour. The only severe fighting that day was some 3 miles to the right near Groveton, where Generals Sigel, Hooker, Kearny, Reynolds, and Reno were engaged with Stonewall Jackson.

The statement of some zealous opponents to this bill, that as General McDowell left Dawkin's Branch he ordered Porter to attack Longstreet, is a serious disparagement, not to say insult, to General McDowell. It is a charge that General McDowell marched his eighteen thousand men from the field and at the same time ordered Porter with nine thousand to attack the twenty-five thousand men under Longstreet. This illustrates the inconsistencies in which people become involved when they attempt to assume positions which are unreasonable and without foundation.

Our friends of the minority have exhibited remarkable industry. They appear to have done all that human exertion could accomplish to show that when Porter received the joint order a great battle was being waged between Pope's forces and those of Jackson and Longstreet, and that Porter should have attacked anything he found in his front. The gentleman from Indiana [Mr. STEELE] says Porter had three orders to do so. The gentleman from Michigan [Mr. CUTCHEON] evidently saw Mr. STEELE's error, and he interjects the opinion that Porter should have attacked "with or without" orders.

The first order Porter received that day said:

> Major-General Pope directs that you move upon Centreville.

The second order countermanded this, and said:

> Push forward upon Gainesville.

The third order reiterated the second, and said:

> I desire that as soon as communication is established between this force—
>
> Heintzelman, Sigel, and Reno—
>
> and your own the whole command shall halt.

McDowell did

NOT ORDER PORTER TO ATTACK,

and I assert that until after 6 o'clock that evening he had no orders from any one to attack.

The gentleman from Indiana [Mr. STEELE] also makes an effort to prove that the forces under Pope's immediate command were engaging Longstreet as well as Jackson when the joint order was received.

To establish these two propositions he read the official reports of many generals, but unfortunately for him these reports, so far from sustaining his position, tend to prove the contrary.

It is true that Sigel speaks of being engaged in the morning of the 29th, but he says:

> During two hours, from 4 to 6 p. m., strong cannonading and musketry continued on our center and right, where General Kearny made a successful effort against the extreme left of the enemy's lines.
>
> At 6.15 o'clock Brigadier-General King's division of Major-General McDowell's corps arrived behind our front and advanced on the Gainesville turnpike.

General Hatch's first allusion to any engagement was in these words:

> Late on the afternoon of the 29th ultimo I was ordered by General McDowell in person (who was at the time stationed near the stone house, on the turnpike from Gainesville to Centreville) to move the division on the Gainesville road in pursuit of the enemy, who he informed me were retreating.

General Heintzelman says:

> At 11 a. m. the head of Hooker's division arrived; General Reno an hour later. At the request of General Sigel I ordered General Hooker to place one of his brigades at General Sigel's disposal to re-enforce a portion of his line then hard pressed. General Grover reported, and before long became engaged, and was afterward supported by the whole division. General Pope arrived between 1 and 2 p. m. The enemy were driven back a short distance toward Sudley church, where they made another stand, and again pressed a portion of our line back. All this time General Kearny's division held its position on our extreme right. Several orders were sent him to advance, but he did not move until after the troops on his left had been forced back, which was near 6 p. m.

The report of General Grover shows that his severest fighting was after 3 o'clock in the afternoon.

The only troops of Longstreet that engaged any one beside Porter on that day were the two brigades under Hood. This officer says in his report (War Records, volume 12, part 2, page 605) that the order for him to make the attack reached him at sunset.

General John F. Reynolds, a witness before the court which condemned Porter, testified in these words (Schofield board, page 165):

> Q. On the 29th, before 4 o'clock p. m., what was the character of the battle—artillery or infantry?
>
> A. Principally artillery.
>
> Q. About what time did the infantry fire commence in force and volume?
>
> A. As near as I can recollect it must have been between 4 and 5 o'clock, probably 5 o'clock; that is, I refer to the part near me. There may have been infantry firing on the right which I could not hear.

The Schofield board, after an exhaustive examination of this matter, in speaking of the battle of the 29th, say:

> That battle consisted of a number of sharp and gallant combats between small portions of the opposing forces. These combats were of short duration and were separated by long intervals of simple skirmishing and artillery duels. Until after 6 o'clock only a small part of the troops on either side were engaged at any time during the afternoon. Then, about sunset, one additional division on each side was engaged near Groveton.

General Grant says:

> Until 1881, when I re-examined for myself, my belief was that on the 29th of August, 1862, a great battle was fought. * * * Now, on a full investigation of facts, I find that the battle was fought on the 30th of August; that your (Porter's) corps, commanded directly by you (Porter) in person, lost a greater percentage than any other corps engaged.

But there is one witness to the fact that no severe fighting occurred

prior to 4.30 p. m. on the 29th, whose accuracy I suppose will be admitted by my friend [Mr. STEELE], and that is General Pope himself. No general would communicate orders to his corps commanders during a great battle without mentioning it, and we see that General Pope was very particular and prompt to mention, if not to magnify, every conflict. Pope's order to Porter, written during the morning, which directed him to push forward on Gainesville; the joint order, written just before noon, and the 4.30 p. m. order, all fail to speak of any engagement.

The joint order states what his army is doing, and says it is occupied in marching, not fighting. He says he is with Heintzelman's corps, which, together with Sigel and Reno, is moving down the Warrenton pike. He orders that when Porter shall have established communication with this force he shall halt.

He says—now listen:

Ricketts's orders are to hold his position until the troops from here fall on the enemy's flank and rear.

This is positive proof that up to that time they had not done so.

The order states, and reiterates, that the troops must occupy a position from which they can fall back behind Bull Run at Centreville.

Even the 4.30 order does not mention any fight, but says the enemy is massed in the woods in front of us, but can be shelled out as soon as you engage their flank. This is proof that he was only contemplating an attack up to that time.

The gentlemen who oppose this bill reiterate the statement made by Pope in his dispatch of 5 a. m. August 30, which reads:

We fought a terrific battle here yesterday with the combined forces of the enemy. * * * We have lost not less than eight thousand men, killed and wounded.

The official reports show this to be absolutely untrue—at least four times as big as the truth.

No one contends that any troops besides Porter's were engaged on that day except Reynolds, Sigel, Hooker, Kearny, Reno, and King, and General Pope's official report does not mention any other troops as being engaged, and that report says that King attacked about sunset.

The official reports (War Records, volume 12, part 2, pages 250 to 262) show that the entire losses, in killed and wounded, of these troops from August 16 to September 2, including the battle of Chantilly, the terrible battle of the Second Manassas, August 30, the battle of the 29th, the battle at Groveton on the 28th, the fight at Kettle Run on the 27th, and all other battles, skirmishes, affairs, and combats of every character were as follows:

Sigel's corps	1,656
Reynolds's division	465
Kearny's division (Heintzelman's corps)	851
Hooker's division (Heintzelman's corps)	934
Reno (Ninth Corps)	1,204
Doubleday's brigade (King's division)	210
Total	5,320

I only put in Doubleday's brigade of King's division because Pope says King attacked at sunset of the 29th, and all the reports show that Doubleday's brigade did this fighting.

It is therefore shown by the records that instead of these troops losing eight thousand men on the 29th, their killed and wounded during the entire campaign were but five thousand three hundred and twenty—less than two-thirds of eight thousand.

And while there were no separate reports of the losses on the 29th, it must be evident to any one who reads all the reports that the losses on that day could not have exceeded fifteen hundred to two thousand men.

The report prepared by General Kearny (War Records, volume 12, part 2, page 416) shows that most of the fighting on the 29th was done by four regiments—exactly half of one of his brigades—and yet I have included in the five thousand three hundred and twenty the aggregate of the losses of all his division during the entire campaign.

The argument of my friend from Indiana [Mr. STEELE], as well as that of others opposed to this bill, seemed to be based upon his sustaining the position that a great battle was going on from noon until night on the 29th, and therefore I have made these citations to show the glaring error into which they have been betrayed.

My colleague [Mr. STEELE] also quotes from General Longstreet's official report, and prefaces it by saying:

And I want my friend and colleague on the committee, General WHEELER, to hear what Longstreet says.

I beg my friend to accept my thanks for the quotation, and also for thus emphasizing it upon the attention of the House. From this quotation I now read:

General D. R. Jones's division was placed upon the Manassas Gap Railroad.

This was in front of Porter.

From the same quotation I read further:

Major-General Stuart reported the approach of the enemy in heavy columns against my extreme right. I withdrew General Wilcox, with his three brigades, from the left, and placed his command in position to support Jones in case of an attack against my right.

My friend's own witness

THUS ESTABLISHES THE FACT

that a large proportion of Longstreet's force was withdrawn from in front of Reynolds, Sigel, and Hooker to oppose Porter, who, according to my friend's theory and belief, remained perfectly quiet and made no demonstration whatever against Longstreet's force.

While this fight at Groveton was in progress General Pope dictated the following:

HEADQUARTERS IN THE FIELD, *August* 29, 1862—4.30 p. m.

Major-General PORTER:

Your line of march brings you in on the enemy's right flank. I desire you to push forward into action at once on the enemy's flank, and, if possible, on his rear, keeping your right in communication with General Reynolds. The enemy is massed in the woods in front of us, but can be shelled out as soon as you engage their flank. Keep heavy reserves, and use your batteries, keeping well closed to your right all the time. In case you are obliged to fall back, do so to your right and rear, so as to keep you in close communication with the right wing.

JOHN POPE,
Major-General, Commanding.

This will be recognized as the famous "4.30 order," the alleged noncompliance with which has for twenty-four years been relied upon by the supporters of General Pope as the grand central fact which supported and vivified all the reckless charges against the honor and patriotism of General Porter, and to which they now appeal to

PREVENT THE TARDY JUSTICE

to that gallant soldier which is contemplated by this bill. As this alleged failure to comply with this order constitutes the very core, the soul, the life, of all the charges against General Porter, it is evident that his complete vindication must follow the establishment of the fact that such compliance was simply impossible, and that it was issued by General Pope in ignorance of the actual situation in which his army was placed.

It is worse than useless for Porter's enemies to attempt now to change their position and fall back upon the argument that Pope was aware of Longstreet's presence, and that this order contemplated an attack upon Longstreet. Only four hours before, General Pope's dispatch to Generals McDowell and Porter had asserted that it would require a march of from thirty-six to forty-eight hours for Longstreet to form a junction with Jackson. General Pope's exact words were:

The indications are that the whole force of the enemy is moving in this direction at a pace that will bring them here by to-morrow night or next day.

If further evidence be required to show that the order referred only to an attack on Jackson's right it is supplied by the order itself, which positively asserts "the enemy is massed in the woods in front of us," and as he had placed Longstreet thirty-six to forty-eight hours distant, even he could not have expected General Porter to make an immediate attack on a force so far off.

As confirmatory of this position, General Pope, on December 4, testified at Porter's trial in these words:

Had General Porter fallen upon the flank of the enemy, as it was hoped, at any time up to 8 o'clock that night, it is my firm conviction that we should have destroyed the army of Jackson.

Here he specifies Jackson in explicit terms, and says nothing about Longstreet.

Again, on December 6, General Pope testified:

General Porter was expected to attack if possible—and as I understood it to be practicable—the right flank of Jackson's forces, and if possible the rear of his forces, to prevent, if it were practicable, the junction of Longstreet's forces with Jackson's, and to crush Jackson's flank before Longstreet could effect a junction with him. I did not then believe, nor do I now believe, that at that time (4.30 p. m.) any considerable portion of Longstreet's corps had reached the vicinity of the field. I do not know that General Porter between 5.30 p. m. and 7 o'clock had the enemy immediately in his front, though I would think it altogether likely that Jackson would have pushed out some force to observe the road between Gainesville and Manassas Junction. It is altogether likely, therefore, that some of Jackson's troops were in the presence of General Porter's advance, though of my own knowledge I do not know that.

This eager testimony of the prosecutor on the trial must settle this point in Porter's favor.

Having shown that Pope could have

REFERRED ONLY TO JACKSON

as the enemy to be assailed, the next point in the defense is that, no matter who he was ordered to attack, Porter did not receive the order until nearly one hour later than the time fixed for its reception by Pope's witnesses at the trial. This is now so clearly established and is so universally admitted, that no one with any regard for his reputation dare attempt to controvert this vital fact.

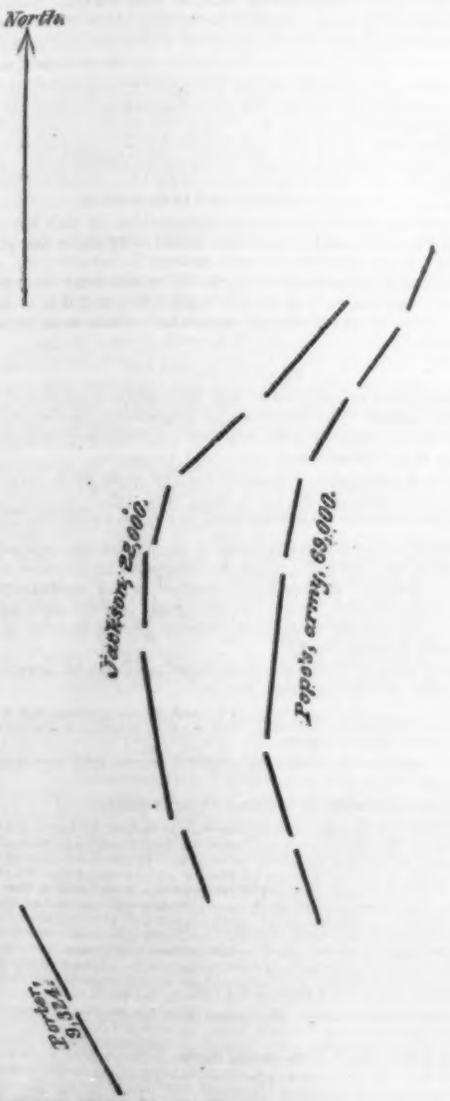
As another and distinct defense of General Porter I beg to call attention to the following utterances of that illustrious and successful soldier the late General and ex-President Grant:

But, even if the position of Lee's army had been thirty-six to forty-eight hours distant, as asserted in the joint order to McDowell and Porter, it would have been impossible for Porter to have obeyed the 4.30 order, because it did not contemplate a night attack, and was not received by Porter until about dark. To have obeyed it would have required some little preparation, movement of troops, and distribution of orders, so that it would have been some time after dark before he could have moved from the position he was then occupying, and at least as late as 9 o'clock at night before he could have reached Jackson's flank to engage it. His efforts to execute the order, notwithstanding its apparent inappropriateness, demonstrate this assertion.

Now I will ask attention to the map. All the evidence of Pope and

of the witnesses he summoned stated that when that (the 4.30) order was issued Pope was in this position [indicating on the map], Fitz-John Porter was in this position [indicating], Stonewall Jackson in this position [indicating], and Longstreet thirty-six hours away; and therefore it was very proper for Porter to attack Jackson's flank and rear. This is an exact copy of the map which was made by the Government to show the supposed position at 4.30 p. m., simply made on a larger scale; and no man now denies but this was the supposed situation of Pope's army, and the record shows that Pope testified before the Porter court in 1862 that such was his situation.

Diagram showing the position Pope supposed the contending forces to occupy when he issued the 4.30 p. m. order.



Mr. STEELE. Now, do I understand the red line represents Jackson?

Mr. WHEELER. It represents Jackson.

Mr. STEELE. And facing south?

Mr. WHEELER. Southeast.

Mr. STEELE. Your map shows him facing south. If that is not facing south I do not understand the map.

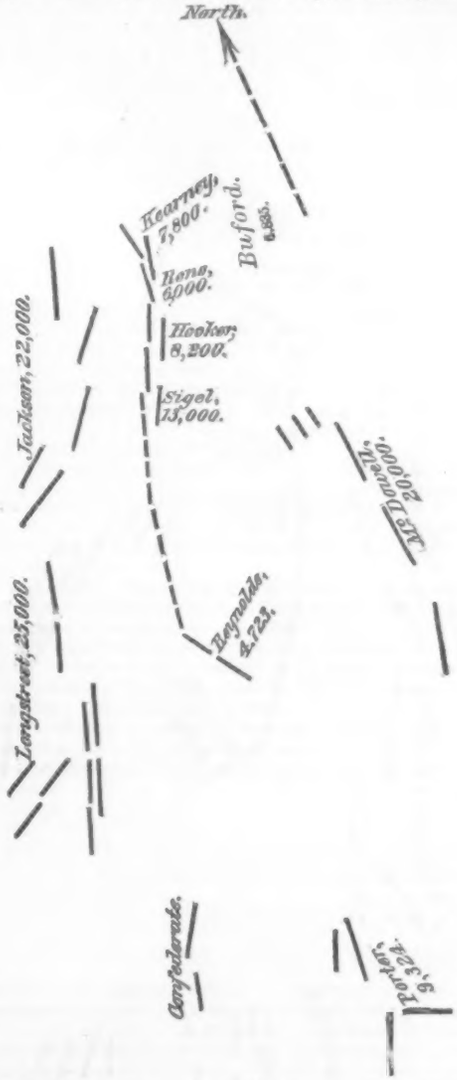
Mr. WHEELER. I do not expect the gentleman to understand it unless he desires to do so.

Mr. STEELE. I would like to ask the gentleman from Alabama, General OATES, if he understands that. He was there.

Mr. OATES. I understand very well what the situation was.

Mr. WHEELER. I am willing to yield to any proper interruptions, but I do not wish my time to be consumed by gentlemen who do not wish to understand things put before them in a clear and natural way. My friend General OATES understands the maps, and I think my friend Mr. STEELE understands them also; but I will gladly yield to either for any question.

Diagram showing the position of the two armies at the time the 4.30 p. m. order was issued, as claimed by Government counsel before the Schofield board.



Here [indicating on the map] was Pope's army; Reynolds here; Reno there. Here was Longstreet; here was Porter; here was McDowell going to join the rest of Pope's army.

The order would have required Porter to march his corps along the entire front of Longstreet's line of battle and attack Stonewall Jackson's flank, a thing impossible to be done, and therefore Grant says a thing he ought not to have attempted to do. Grant says that fortunately this order did not reach Porter until sunset. If it had reached him, a man of his determination to obey orders, he would have obeyed it, and Grant and Longstreet both say if he had attempted to obey it it would have caused disaster to his army. It would have been nine thousand men fighting and attacking twenty-five thousand.

Mr. STEELE. Did not Longstreet have something else to do there? Will the gentleman explain if he was there with thirty-five thousand men, and knew Porter was in his front with nine thousand, why did he not wipe out Porter?

Mr. WHEELER. Because he did not know that Porter had so small a force. He saw Porter move on him with so much energy. [Laughter.] I quote from what the gentleman read on Thursday——

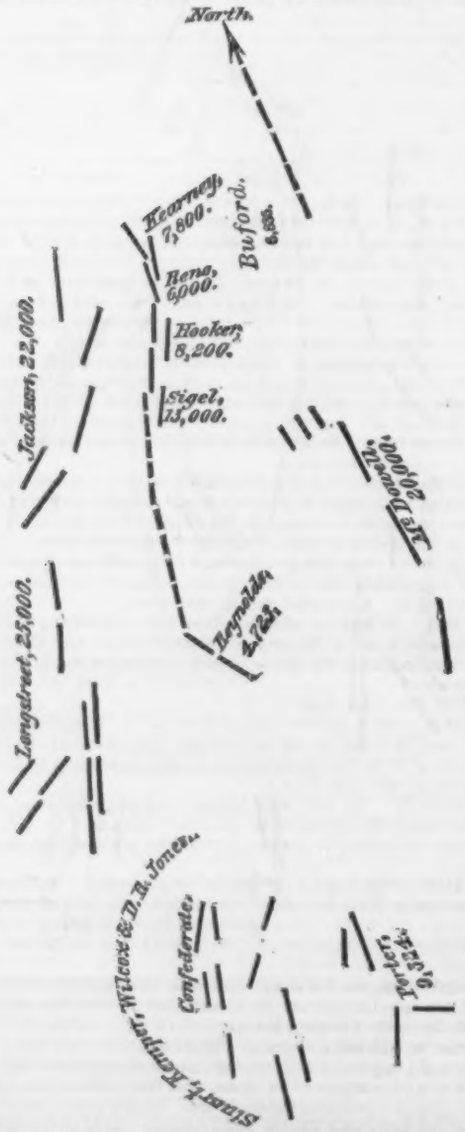
Mr. STEELE. I deny that I said he had displayed any energy.

Mr. WHEELER. I have already correctly quoted what my friend said last Thursday, but I will repeat it. I read from his speech in the RECORD:

> And I want my friend and colleague on the committee, General WHEELER, to hear what Longstreet says:
>
> * * * * * * * *
>
> "Three brigades, under General Wilcox, were thrown forward to the support of the left, and three others, under General Kemper, to the support of the right of these commands.
>
> "General D. R. Jones's division was placed upon the Manassas Gap Railroad to the right and *en échelon* with regard to the last three brigades. Colonel Walton placed his batteries in a commanding position between my line and that of General Jackson, and engaged the enemy for several hours in a severe and success-

ful artillery duel. At a late hour in the day Major-General Stuart reported the approach of the enemy in heavy columns against my extreme right. I withdrew General Wilcox, with his three brigades, from the left and placed his command in position to support Jones in case of an attack against my right."

Diagram showing the actual position of the two armies on the afternoon of August 29, as shown by the evidence before the Schofield board and official reports, when the confederate divisions of Wilcox, Kemper, and D. R. Jones, and Stuart's cavalry were in Porter's front.



This shows that Porter occupied the attention of and prevented three divisions, Wilcox's, Kemper's, and D. R. Jones's, and Stuart's cavalry, a force nearly double his own, from engaging other troops of General Pope's army.

But if we grant, in defiance of the well-established facts in the case, that the order did reach Porter at the hour specified at the trial, it is manifest to every one at all familiar with history that General Porter would have been fully justified had he flatly refused to even attempt its execution.

As I have already shown, in anticipating the "joint order" to himself and McDowell, General Porter had, as early as 12 o'clock, deployed his line to engage a superior force of the enemy in his immediate front, which force obstructed his "line of march" as laid down in the "joint order," and which is referred to in the 4.30 order.

Any commanding officer must have realized at once that the order just delivered to him had been issued under a total misapprehension of the actual state of affairs upon the Federal left. General Pope says distinctly that Porter's line of march would bring him "on the enemys' right flank."

BUT PORTER KNEW

that he was already opposed to a superior force immediately in his front. The order, and Pope's evidence at the trial, already quoted, shows it to have been issued in the belief that Jackson had received no re-enforcements whatever. Porter knew that Lee's whole army was united, and that while the commanding general, at 4.30 p. m., fancied himself to be opposed only by an isolated fraction of the confederate forces, he was, in fact, at the date of the order, and had been since 12 o'clock, opposed by Lee's entire army most advantageously posted in a formidable position. The order directed Porter to "fall back to his right and rear" in case a retrograde movement became necessary. Porter knew that to attempt an attack on the enemy's right flank could have no other result than to cut him off from the possibility of retiring by his right and rear, as it would inevitably interpose a greatly superior force of the enemy between himself and the line of retreat he was directed to pursue.

It is barely possible that some persons may be found who, declining to argue the question on its merits, will venture to assert that notwithstanding Porter's knowledge of facts, of which it was evident his commander must be ignorant, he had no right to allow his knowledge to influence his action; that having received a definite and explicit order to attack the enemy's right flank, he had no option as a good soldier and zealous officer, but that it was his plain and imperative duty to find the enemy's right flank and make the attack, leaving his superiors to assume all the responsibility for any adverse result of this blind obedience.

A sufficient answer to this is to be found in the fact that in every army that was ever organized, from the time of Alexander to the present day, the commander of a subdivision so important as a corps, not immediately under the eye of his general, exposed to various contingencies, and receiving from his chief only general instructions or such instructions as were palpably prompted by misapprehension or ignorance of his situation, must have some discretionary power.

The duty of a corps commander is the same as the duty of an army commander, and the duty of each is to his country and to his men. And as his men constitute the instrument which alone enables him to discharge his duty to his country, it is obvious that he has

NO RIGHT TO DECLINE

the responsibility of exercising his discretion when forced to choose whether he will sacrifice success and jeopardize his country or fail to comply literally with an order evidently issued in ignorance or misapprehension of his situation.

And this, I maintain, was precisely the case with General Porter. The order was based, as we have seen, upon the false assumption that Jackson could receive no accession of strength under thirty-six hours; that his (Jackson's) right flank was "in the air," and that by following the line of march indicated in a previous order Porter would be able to attack him at this superlative disadvantage.

Now Porter knew, from actual contact with the foe, that every presumption of his commander was erroneous, and he was fully justified in using the discretion inseparable from his position to preserve his command as the only means of averting the irreparable catastrophe which he saw was probably impending as the result of his commanding general's erroneous impressions.

General Longstreet, who has been in full sympathy with the Republican party for twenty years, has recently published an article in the Century Magazine, in which he discusses the possibility of Porter's obedience to this order, and which I will now read:

General Pope, sanguine by nature, was not careful enough to keep himself informed about the movements of his enemy. At half past four on the afternoon of the 29th he issued an order for Porter to attack Jackson's right, supposing I was at Thoroughfare Gap, when in fact I had been in position since noon, and was anxiously awaiting an attack. It has been said that General Stuart, by raising a dust in front of Porter, so impressed him that he did not offer battle. I know nothing of the truth of the story, and never heard of it till after the war. If from any such cause Porter was prevented from attacking me it was to our disadvantage, and delayed our victory twenty-four hours. Porter knew I was in his front. He had captured one or two of my men, which gave him information of my position before he actually saw me. If Porter had not appeared when he did I would have attacked by our right early in the afternoon. In that event Porter would have had a fine opportunity to take me on the wing and strike a fearful blow. As it was, he was a check upon my move against Pope's main position. If I had advanced upon Pope I would have been under an enfilade fire from Porter's batteries, and if I had advanced upon Porter I would have been under a fire from the batteries on Pope's front as severe as the raking fire from my batteries the next day, when Pope was massed against Jackson. Had Porter attacked me between noon and night on the 29th, I should have received his nine thousand with about double that number. I would have held my line to receive the attack, and as soon as his line developed its strength, I would have thrown three brigades forward beyond his extreme left. When my line of battle had broken up the attack, as it certainly would have done, these three brigades would have been thrown forward at the flank, and at the same time my main line would have pushed on in the pursuit.

The result would have been Porter's retreat in confusion, and I might possibly have reached Pope's left and rear in time to cut him off. When his army was well concentrated on the 30th he was badly cut up and defeated. It does not seem unreasonable to conclude that attack on 29th in his disjointed condition would have been attended with more disastrous results to him. If I had been attacked under the 4.30 order the result might have been less damaging, as Porter would have had the night to cover his retreat, and the Federal Army could have availed itself of the darkness to screen its move back across Bull Run. But Porter's attack at night, if not followed by the retreat of the Army, would have drawn me around the Federal left, and put me in a position for striking the next day.

The gentleman from Iowa [Mr. FULLER] says:

There is no evidence that there was a large force of the enemy in front of General Porter.

But General Grant says:

From 11 o'clock of the 29th he (Porter) was confronted by a force of twice his own number, of whose presence he had positive proof, while General Pope did not know of it.

When I last had the honor to address the House on this question I pointed out the deplorable results of a literal but unintelligent compliance with orders, as exemplified in the case of Marshal Grouchy. That too-obedient commander blindly followed, as he claimed, his understanding of the meaning conveyed by the order he received, and this undiscriminating regard for the precise terms of the order as he interpreted it defeated the most brilliant campaign ever planned and brought irretrievable disaster upon the greatest commander of the world.

It was literal and unintelligent compliance with orders which caused the disaster at Balaklava. When the order was given its execution was possible and might have been fruitful of good results; when its execution was attempted the conditions had changed, and the attempt to carry out an order which contemplated entirely different circumstances from those actually existing was criminal.

This view of the duty and discretionary power of a corps commander is fully sustained by Napoleon's seventy-second maxim of war, which I will read:

A general-in-chief has no right to shelter his mistakes in war under cover of his sovereign or of a minister when these are both distant from the scene of operation, and must consequently be either ill-informed or wholly ignorant of the actual state of things.

Hence it follows that every general is culpable who undertakes the execution of a plan which he considers faulty. It is his duty to represent his reasons, to insist upon a change of plan; in short, to give in his resignation rather than allow himself to be made the instrument of his army's ruin. Every general-in-chief who fights a battle in consequence of superior orders with the certainty of losing it is equally blamable.

In this last-mentioned case the general ought to refuse obedience, because a blind obedience is due only to a military command given by a superior present on the spot at the moment of action. Being in possession of the real state of things, the superior has it then in his power to afford the necessary explanations to the person who executes his orders. But supposing a general-in-chief to receive a positive order from his sovereign, directing him to fight a battle, with the further injunction to yield to his adversary and allow himself to be defeated, ought he to obey it? No. If the general should be able to comprehend the meaning or utility of such an order he should execute it, otherwise he should refuse to obey it.

This maxim is peculiarly applicable to the situation of General Porter when he received each of the three orders he was charged with disobeying. He was the commander of an army corps,

SEPARATED FROM HIS CHIEF,

who, it was evident, was "ill-informed or wholly ignorant of the actual state of things," and under the maxim would, therefore, have been fully justified in exercising his discretion.

We see running through all of Napoleon's campaigns instances in which the most trusted and capable of his lieutenants did not comply strictly with his orders; and his dispatches show that he was frequently vexed and irritated, but in nearly every case after understanding the facts he fully justified their judicious exercise of discretion.

I believe allusion has been made to M. Thiers's censure of Ney for failing to comply with one of Napoleon's orders at Quatre Bras. An eminent writer, in replying to this a quarter of a century ago, said:

To this we reply that a commander intrusted with such a large command, and exposed to contingencies so various and receiving none but general instructions from his chief, must be considered to possess some discretionary power. Now, Napoleon's orders to Ney were given, as we have seen, under the false impression that Sombref and Quatre Bras would be occupied with little or no opposition, and that Brussels would be open to the French and attainable in a single march. If ever, then, a chief in Ney's position is perfectly justified in using discretionary power, it is when his instructions prove to have been given from a false estimate of the facts. We say, then, that he was right to use his discretion, and we say, also, that he used his discretion rightly with caution in advancing.

Mr. BRUMM. If the gentleman will permit me, I wish to ask him this question: In every instance of an order disobeyed by an inferior commander under Napoleon where Napoleon justified the disobedience, was it not a case where the commander was out of Napoleon's reach and the emergency was such a one as to require immediate action?

Mr. WHEELER. In about a hundred cases that I have read of the subordinate commander was nearer to Napoleon than Porter was to Pope in this case.

Mr. BRUMM. That is only part of an answer to my question. The commander may have been nearer to Napoleon, but was not the emergency so extreme that it required immediate action?

Mr. WHEELER. It was not an emergency requiring more immediate action than was required in the case we have been considering here.

Mr. BRUMM. I should like the gentleman from Alabama [Mr. WHEELER] to name such a case.

Mr. WHEELER. I will name this one that I am speaking of now, where Marshal Ney, 5 miles distant from Napoleon, disobeyed his order at Quatre Bras, and Napoleon justified him in doing so. But we do not need to go to France for testimony on this point. We need not go to any other witness than General Pope himself.

I have not the time to read many cases, but I will cite one which comes to my mind, and which my friend will admit applies here with great force.

This principle, or I might say law, governing military operations, sanctioned by immemorial usage, was recognized by General Pope time and again during his brief career as commander of the Army of Virginia, and in no instance do we find that he censured this exercise of discretionary power.

Not only that, but we find that, when a witness before the McDowell court of inquiry, when all the facts must have been fresh in his mind, and when the ink, which recorded his testimony against Fitz-John Porter was hardly dry, he expressly sanctioned and asserted the principle that a corps commander situated as Porter was was vested with this discretionary power and should exercise it.

On January 14, 1863, at the instance of a member of the McDowell court, the recorder read the order from Major-General Pope to Major-General McDowell, dated Headquarter's Army of Virginia, Bristoe Station, August 27, 1862, 9 o'clock p. m., in which we find these words:

At daylight to-morrow morning march rapidly on Manassas Junction with your whole force, resting your right on the Manassas Gap Railroad, throwing your left well to the east. * * * If you will march promptly and rapidly at the earliest dawn of day upon Manassas Junction we shall bag the whole crowd. * * * Be expeditious and the day is our own.

If ever there was an order which, from its language and the promise of great results to follow its execution, called for implicit obedience, it was this. It was not only an

UNEQUIVOCAL AND IMPERATIVE DIRECTION

to do a certain thing "with his whole force," accompanied by explicit instructions to do it in a certain way, but it expressed the commander's assured conviction that prompt and exact compliance would surely be followed by the most glorious results. General McDowell was assured by General Pope that if he obeyed this order promptly and expeditiously victory was certain. And more than that; this victory must be followed by the capture of the whole force of the enemy, and that capture must have ended the campaign and closed the war.

And yet, notwithstanding all these incentives and allurements, General McDowell not merely failed to obey this imperative order, but actually disobeyed it. He did not march his corps in the manner directed, and instead of "marching rapidly on Manassas Junction with your [his] whole force" he sent a large division under General Ricketts in an exactly opposite direction.

Nor is this the worst. He did not march with his corps, but left it entirely, separating himself 6 miles from one division and 10 miles from the other, and while thus separated from them both divisions became engaged with the enemy in the absence of their commander.

Mr. BRUMM. I hope the gentleman will permit me to ask, because I think this is probably the turning point in this whole case——

Mr. WHEELER. I am glad you say so.

Mr. BRUMM. Where an inferior officer acts contrary to his instructions does he not assume the entire responsibility, and does he not make himself responsible for the approval or disapproval of his immediate commander?

Mr. WHEELER. He does.

Mr. BRUMM. Now, in this case, did not Fitz-John Porter disobey a command, and in doing so did he not take upon himself the responsibility of meeting with the approbation or disapprobation of his immediate commander, who was Pope?

Mr. WHEELER. He did; and he met his approbation. General Pope said he was perfectly satisfied with the conduct of Porter; but afterward, when he wanted to destroy Porter, he preferred these charges against him.

Mr. BRUMM. Then the question is simply—and I will not interrupt the gentleman further—the question is simply one of veracity as to whether Pope did at any time approve of Porter's action or did not.

Mr. WHEELER. Yes, sir; and I will prove that he did so before I get through.

Very naturally the court was astounded at this flagrant disobedience of orders by a corps commander in the face of the enemy; and in the discharge of its duty propounded the following question to General Pope, then on the witness-stand and under oath:

Q. After the order just read to you had General McDowell any discretionary power to send Ricketts's division to Thoroughfare Gap to check the approach of Longstreet?

A. At the time that the order in question was written I was satisfied that we had completely interposed between the forces under Jackson and the main body of the enemy yet to the westward of the Bull Run range. The order directing General McDowell's march would have carried him to the eastward and in the same direction in which the main body of the enemy was marching to join Jackson. I believed then, and believe now, that we were sufficiently in advance of Longstreet, who was supposed to lead the main body of the enemy, that by using our whole force vigorously we should be able to crush Jackson completely before Longstreet by any possibility could have reached the scene of action. I sent nothing to General McDowell concerning Thoroughfare Gap, and regretted afterward that any portion of his forces had been detached in that direction. General McDowell had the discretion, however, necessarily incident to his position and to his distance from me to make such a disposition to cover his rear as he might consider necessary. (War Records, volume 12, part 1, page 205.)

This testimony of General Pope must have made a marked impression on the court, for in stating the facts developed by the inquiry, and the opinions reached, the court uses this very emphatic and significant language:

The court also felt bound to report the fact that his commanding officer, General Pope, not only omitted to hold him culpable for this separation, but emphatically commended his whole conduct while under his command, without exception or qualification. (War Records, volume 12, part 1, page 331.)

I should like to know by what peculiar mental process any one can reach the conclusion that General McDowell is to be justified and commended for exercising the "discretion necessarily incident to his position and to his distance from me" (General Pope), and General Porter is to be censured, condemned, and punished for doing the very same thing?

If further evidence be wanted of General Pope's acceptance of this principle of the right and duty of a commander not under the immediate eye of his chief, nor in immediate communication with him, to exercise his discretion, we also find that this very McDowell court of inquiry alluded to the fact that both Generals Ricketts and King disobeyed the orders of General McDowell, and not only did they escape all censure, but were made members of the court which tried and condemned Porter.

By this discussion I do not wish to be understood as in any way admitting that General Porter failed to comply strictly with every order which he received, but my object is to show that even had he used discretion and not complied literally with the orders he would under the circumstances have been justified.

In closing this branch of the subject, as confirmatory of the fact that General Porter could be implicitly relied on to execute any order the execution of which was possible or proper, I ask the attention of the House to an extract from the manuscript of General McClellan's forthcoming work, which I will read:

Fitz-John Porter was on duty with General Patterson as adjutant-general when I assumed command. As soon as possible I had him made a brigadier-general, and gave him the command created by W. T. Sherman. Take him for all in all, he was probably the best general officer I had under me. He had excellent ability, sound judgment, and all the instincts of a soldier. He was perfectly familiar with the details of his duty, an excellent organizer and administrative officer, and one of the most conscientious and laborious men I ever knew. I never found it necessary to do more than give him general instructions, for it was certain that all details would be cared for and nothing neglected. I always knew that an order given to him would be fully carried out were it morally and physically possible. He was one of the coolest and most imperturbable men in danger whom I ever knew, like all his race.

Having, as I think, sufficiently discussed the 4.30 order, I propose now to glance hastily at the subsequent events in the order of their sequence. General Pope, evidently irritated at his want of success on the 29th, during that night ordered Porter to join him with his corps and to report in person at his headquarters. This was promptly complied with, and during the night General Porter took position as directed by General Pope.

On the 30th the

SECOND BATTLE OF MANASSAS

was fought, in which nearly all of Pope's army was engaged, but the brunt of the engagement was borne by General Porter, who displayed the same conspicious skill and superb gallantry which had uniformly been characteristic of the man in every one of the numerons actions in which he had ben previously engaged.

General Jackson, in his official report, alluding to this engagement with Porter's corps, uses these words:

In a few moments our entire line was engaged in a fierce and sanguinary struggle with the enemy. As one line was repulsed another took its place and pressed forward as if determined, by force of numbers and fury of assault, to drive us from our positions. So impetuous and well sustained were these onsets as to induce me to send to the commanding general for re-enforcements, but the timely and gallant advance of General Longstreet on the right relieved my troops from the pressure of overwhelming numbers, and gave to those brave men the chances of a more equal conflict. As Longstreet pressed upon the right the Federal advance was checked, and soon a general advance of my whole line was ordered.

General Pope, in his apparent effort to detract from and disparage Porter's services, in his report uses these words:

The attack of Porter was neither vigorous nor persistent, and his troops soon retired in considerable confusion.

I desire to call attention to the fact that in the attack of the Fifth Corps, which General Pope says was "neither vigorous nor persistent," Porter's loss in killed and wounded was, in proportion to the strength of the various corps, nearly double that of any other corps during all the battles and affairs of the campaign which lasted eighteen days.

Porter lost about 2,100 out of less than 8,500 men for the fighting that General Pope styles "neither vigorous nor persistent."

Other corps of General Pope's army lost from August 16 to September 2, inclusive—Sigel 2,087 out of 9,000, Heintzelman 2,238 out of 9,000, Reno 1,523 out of 7,000, McDowell 5,469 out of 18,000; and of these 5,469 more than 2,000 of McDowell's losses were reported as "missing," while Porter's "missing" was only 458.

Worse than that, the extract from Jackson's report which I have just quoted was put in circulation by Porter's detractors, coupled with the assertion that it referred to the engagement of the 29th. This perversion of fact served a double purpose: it produced the false impression in the public mind that a great battle was being fought by General Pope on the 29th when he sent the 4.30 order to Porter, and at the same time deprived the Fifth Corps and its commander of all credit for their intrepid valor.

On the 31st no engagement occurred, but on September 1 General Lee pressed around General Pope's right. Pope attempted to interpose Generals Hooker, Reno, Kearny, and Stevens. A severe engagement followed which was called

THE BATTLE OF CHANTILLY.

The following day, while *en route* to Washington, General Pope received the following:

WASHINGTON, D. C., *September* 2, 1862.

Major-General POPE, *Fairfax Court House, Va.:*

You will bring your forces, as best you can, within or near the line of fortifications. General McClellan has charge of all the defenses, and you will consider any direction as to disposition of the troops as they arrive given by him as coming from me. Do not let the enemy get between you and the works.

It is impossible for me to leave Washington.

H. W. HALLECK,
General-in-Chief.

At 7.10 p. m. General Pope dispatches General Halleck from Ball's Cross Roads:

I arrived here safely.

On the 3d General Pope was ordered to report in person at Washington. On the 4th he writes asking to be placed in command of the corps of Generals Banks, McDowell, Reno, and Hooker, and on the 5th he writes a letter to General Halleck, a few extracts from which, which I will read, will assist us to understand the animus of the whole prosecution of which Porter was the victim:

* * * By the present arrangement you are doing me more injury than my worst enemy could do. It is understood and acted upon that I am deprived of my command, and that it is assigned to McClellan.

* * * Again, I understood from you that you intended to publish a complimentary order to my army, for their arduous and difficult services, based upon the telegram you sent me. Your silence since conveys very plainly an unfavorable impression of me to the country. I hope that you will do me the kindness and the justice not to delay the issue of this order.

General Halleck replied:

The President and Secretary both think that no order in relation to the recent battles should be issued at present.

And General Pope was relieved from command by the following order:

WASHINGTON, D. C., *September* 5, 1862.

Major-General POPE, *Arlington, Va.:*

The armies of the Potomac and Virginia being consolidated, you will report for orders to the Secretary of War.

H. W. HALLECK,
General-in-Chief.

General McClellan, again in command of the army, with Generals Porter, Franklin, Griffin, and other officers of the Army of the Potomac, marched to meet General Lee, fought the battle of South Mountain September 14, and Antietam or Sharpsburg September 17.

To facilitate a thorough understanding and appreciation of these events and their precise relation to each other, I have had some maps prepared to illustrate them.

First. A map embracing the entire field of operations, including the campaign in the valley between Stonewall Jackson on the one side and Banks, Frémont, Shields, and Milroy on the other; also McClellan's operations around Richmond, upon which those interested may trace the route by which McClellan re-enforced Pope and by which Lee transferred his army from Richmond to Manassas and the field at Antietam.

Second. A map marked "Board map No. 1," showing the battle-grounds of August 28, 29, and 30, 1862, in the vicinity of Groveton, drawn from a survey made in June, 1878, by Maj. Gen. G. K. Warren, of the United States Corps of Engineers, by order of Hon. George W. McCrary, Secretary of War. This map shows the probable position of the opposing forces at noon, August 29, 1862, as indicated by the information then in possession of the Union generals.

Third. Longstreet and Williams's map, showing the position of Longstreet's corps at 12 o'clock noon on August 29, also made by General Warren, and its accuracy verified by the before-mentioned survey of June, 1878.

Fourth. Map marked "Board map No. 2," made by the same officer, under the same authority, showing the general situation when General Pope issued the order dated 4.30 p. m. August 29.

Fifth. Map marked "Board map No. 3," by same officer, under same authority, showing the situation as General Pope supposed it to exist when he issued the 4.30 p. m. order to Porter.

Sixth. "Letter-press descriptive," used by the counsel for the Government before the Schofield board.

Seventh. "Illustrated map No. 1," used by the counsel for the Government, and made by same officer under same authority, showing relative positions of the United States and confederate forces at 2 p. m. August 29, as given by the evidence of witnesses at the court-martial in 1862 in the official reports, and laid down on the map by the counsel for the Government.

Eighth. Pope's map, to which is added a diagram, marked "Map A."

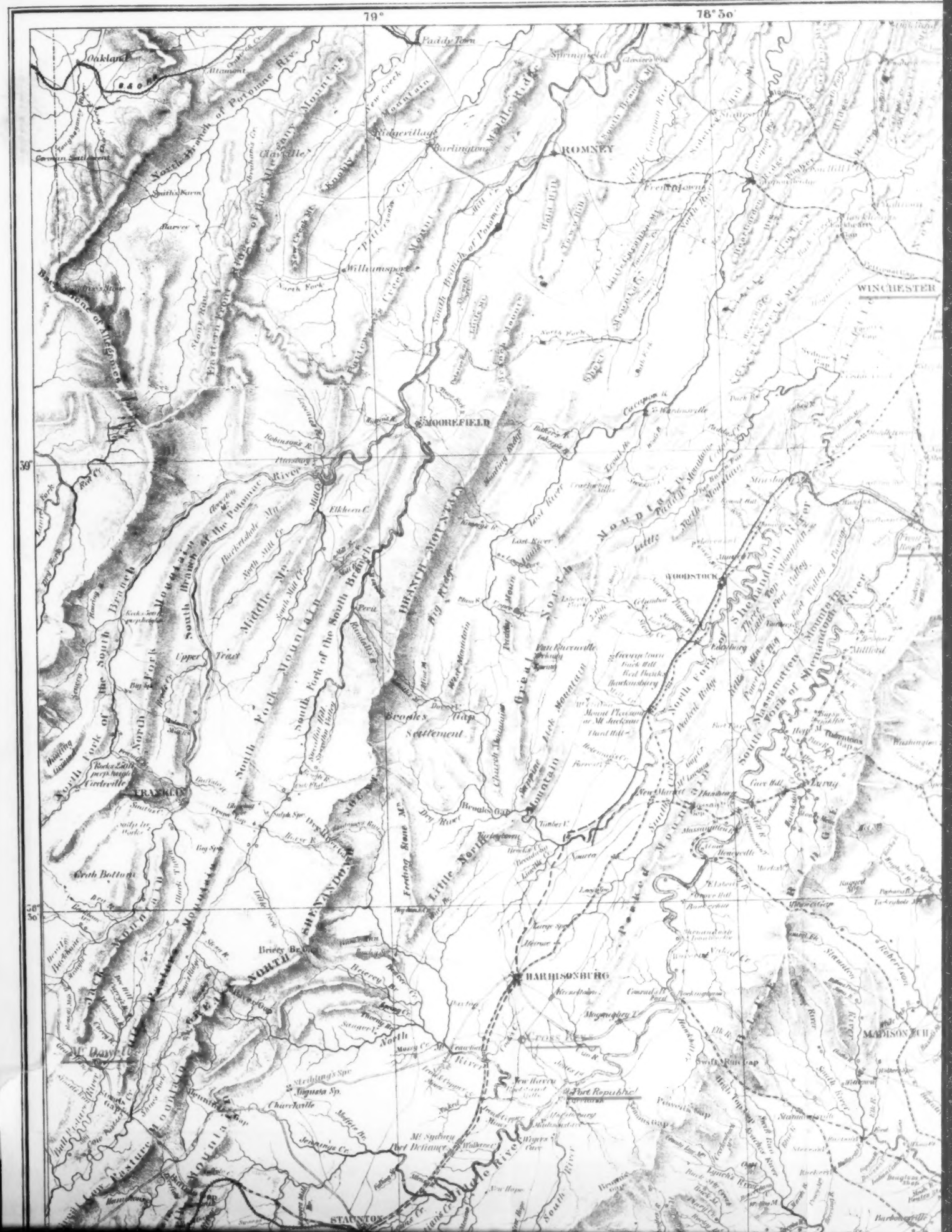
The battle of Antietam was more

FAVORABLE TO THE FEDERAL ARMY

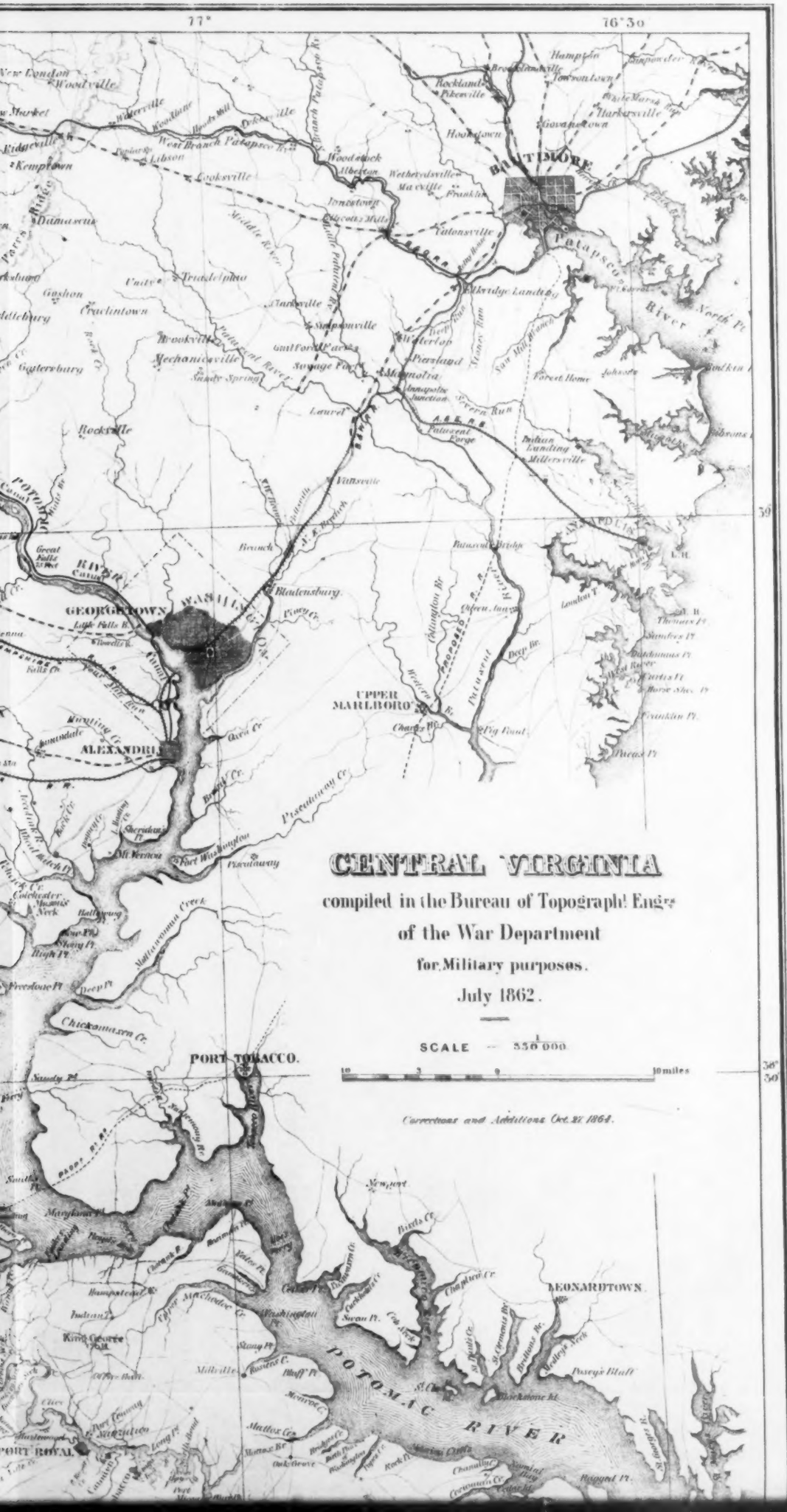
than any important engagement which had, up to this time, taken place, except Grant's victory at Fort Donelson and Porter's victory at Malvern Hill, and coming as it did after a series of disasters to the Federal armies of the West, as well as to those under General Pope in Virginia, the people from Maine to California were exultant in their joy, and while the country was expressing its praise of General McClellan and the officers and soldiers under his command, General Pope, now commanding at Saint Paul, Minn., was writing, and before the end of September had completed and dispatched, a letter to General Halleck, which contained expressions which I will read:

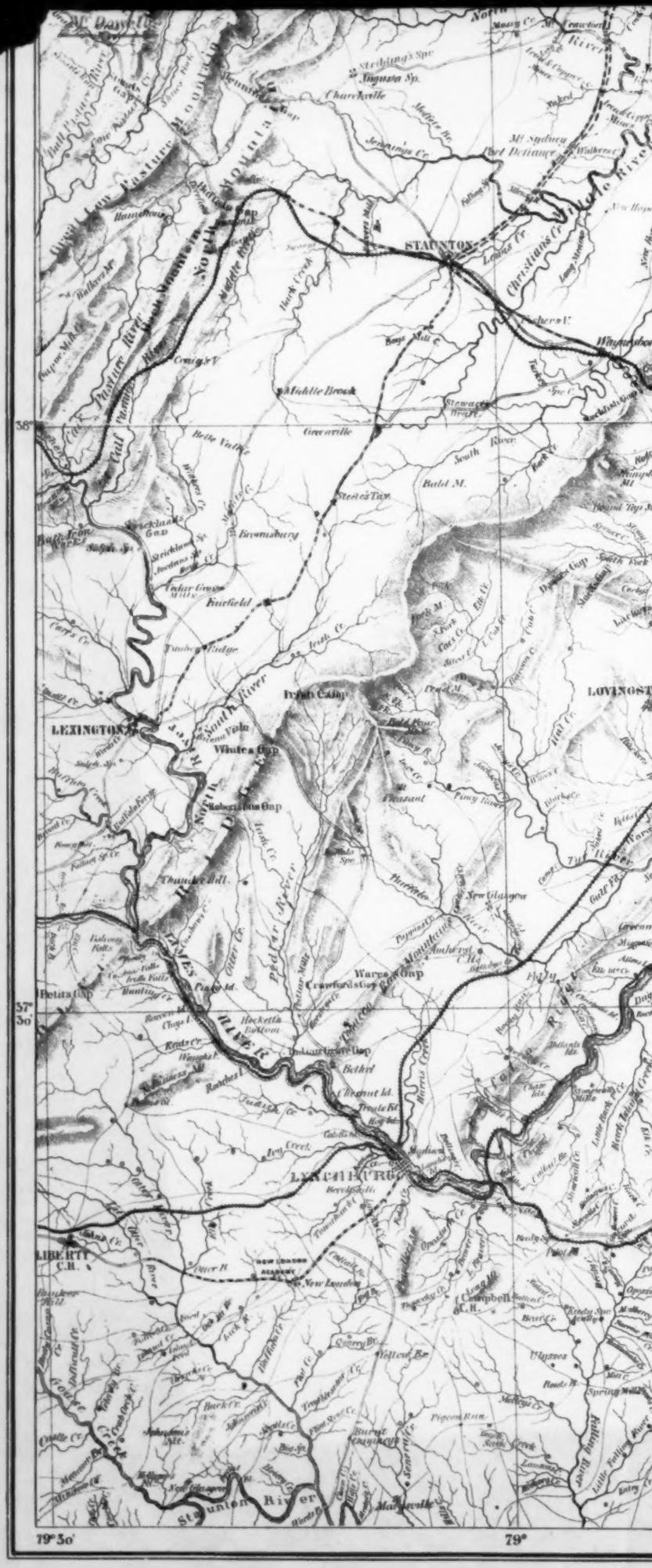
* * * * * * *

You will excuse a little plain speaking, since it will doubtless be for our mutual benefit. I begin then by saying, that in my judgment every sense of justice and fair dealing as well as a sense of deep personal obligation should have impelled you to sustain me against the machinations of McClellan and his parasites, knowing well, as you did, that the result of the late campaign in Virginia


79°
78° 30'
39°
38° 30'
Oakland
Altamont
Paddy Town
Springfield
Glades
Ridgeville
Burlington
ROMNEY
Middle Ridge
Frenchtown
WINCHESTER
Williamsport
MOOREFIELD
Hanging Rock
Cacapon R.
Wardensville
Elkhorn C.
Peru
Readville
Big Ridge
Little North Mountain
Woodstock
Edinburg
Mill Creek Mountain
Peoples Settlement
Mount Pleasant or Mt Jackson
Timber Ridge
Timber V.
Brocks Gap
Dry River
Harrisonburg
Cross Keys
Port Republic
New Hope
Mt Sidney
Port Defiance
Waynesboro
Staunton
Middle R.
North R.
South R.
North Fork
South Fork
Shenandoah Mountain
Great North Mountain
Allegheny Mountain
Alleghany Mountain
Knobly Mountain
Patterson Creek Mountain
North Branch of Potomac River
South Branch of the Potomac
South Fork of the South Branch
North Fork of the South Branch
Middle Mountain
South Fork Mountain
Branch Mountain
Little North Mountain
Great North Mountain
Shenandoah Mountain
Blue Ridge
Peaked Mountain
Massanutten Mountain
South Fork of Shenandoah River
North Fork of Shenandoah River
Shenandoah River
Page Valley
Luray
Hawksbill Mt
Stony Man
Three Top Mountain
Powells Fort Mountain
Little North Mountain
Great North Mountain
Shenandoah Mountain
Allegheny Mountain
Alleghany Mountain
Knobly Mountain
Patterson Creek Mountain
Middle Mountain
South Fork Mountain
Branch Mountain
Little North Mountain
Great North Mountain
Shenandoah Mountain
Blue Ridge
Peaked Mountain
Massanutten Mountain
Three Top Mountain
Powells Fort Mountain
Stony Man
Hawksbill Mt
Page Valley
Luray
Shenandoah River
South Fork of Shenandoah River
North Fork of Shenandoah River
Middle R.
North R.
South R.
North Fork
South Fork
Cacapon R.
Big Ridge
Timber

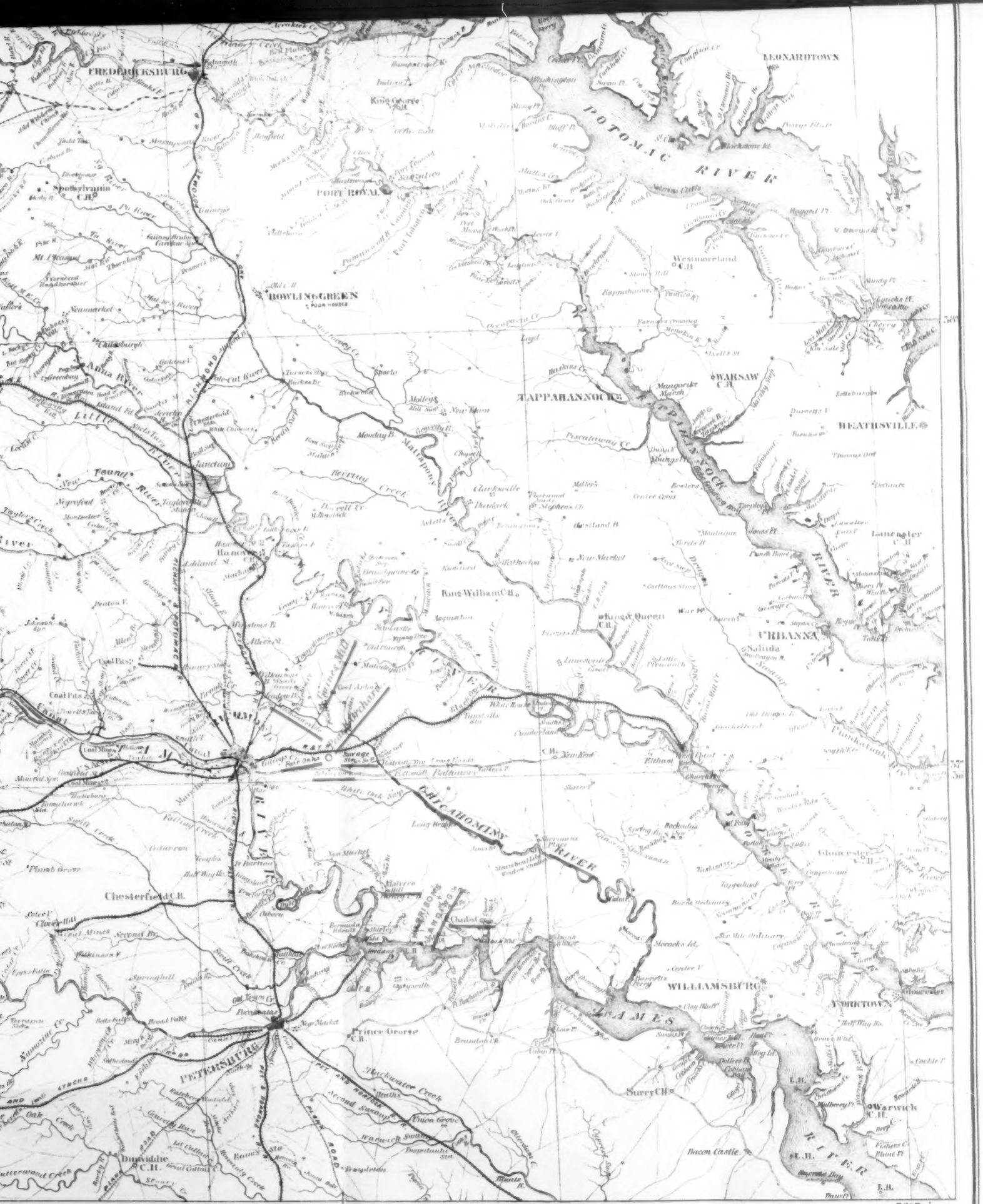

78°
77° 30'
MARTINSBURG
HARPERS FERRY
FREDERICKSBURG
WINCHESTER
LEESBURG
Chesapeake & Ohio Canal
Manassas Gap
Manassas Junction
BULL RUN
BATTLE GROUND
WARRENTON
BRENTSVILLE
Culpeper C.H.
or FAIRFAX
STAFFORD C.H.
ORANGE C.H.
Spotsylvania C.H.
PORT ROYAL
Rappahannock
Occoquan River
Shenandoah River
Blue Ridge Mountains
Bull Run Mountains
Catharpin Creek
Cedar Run
Elk Town
Star Hill
Stevensburg
Woodville
Washington
Middleburg
Aldie Gap
Thoroughfare Gap
Gainesville
Haymarket
Centreville
Fairfax C.H.
Chantilly
Alexandria
Occoquan
Dumfries
Brentsville
Warrenton
Madison C.H.
Orange C.H.
Fredericksburg
Stafford C.H.
Plank Road
Turnpike
Alexandria & Manassas Junction R.R.
Orange & Alexandria R.R.
Baltimore & Ohio R.R.


77°
76°30
BALTIMORE
GEORGETOWN
ALEXANDRIA
UPPER MARLBORO'
PORT TOBACCO.
LEONARDTOWN
POTOMAC RIVER
Patapsco River
CENTRAL VIRGINIA
compiled in the Bureau of Topograph! Engrs
of the War Department
for Military purposes.
July 1862.
SCALE — 1/250 000
10 miles
Corrections and Additions Oct. 27 1864.


STAUNTON
LEXINGTON
LYNCHBURG
LIBERTY
C.H.
Greenville
Brownsburg
Fairfield
Timber Ridge
Irish Cabin
White's Gap
Natural Bridge
Thunder Hill
Buffalo Forge
Bethel
New London
Campbell C.H.
Ulysses
Maysville
Staunton River
Middle Brook
Christians Creek
Back Creek
Pedlar River
James River
Blue Ridge
Alleghany Mts.
Bald M.
Bald Mt.
Pleasant
Mountiville
Amherst C.H.
Warwick
Crawford's Store
Hockett's Bottom
Natural Bridge Gap
Buffalo Gap
Cedar Grove Mills
Stewart's Brick
Stewart's Tan
Middle Brook
Craig's V.
Walker's V.
Rose Mill
Mt Sydney
Port Defiance
Waynesboro
Augusta Sp.
Churchville
Strickling's Spr.
Mossy Cr.
Crawford
Deep Cr.
Back Cr.
Middle Br.
Christians Cr.
Lewis Cr.
Walker's Mt.
Craig's Mt.
Rose Mill Cr.
Middle Brook
Stewart's Brick
Greenville
Bald M.
Steel's Tan
Brownsburg
Fairfield
Timber Ridge
Irish Cabin
White's Gap
Natural Bridge
Thunder Hill
Buffalo Forge
Bethel
New London
Campbell C.H.
Ulysses
Maysville
Staunton River
Middle Brook
Christians Creek
Back Creek
Pedlar River
James River
Blue Ridge
Alleghany Mts.
Bald M.
Bald Mt.
Pleasant
Mountiville
Amherst C.H.
Warwick
Crawford's Store
Hockett's Bottom
Natural Bridge Gap
Buffalo Gap
Cedar Grove Mills
Stewart's Brick
Stewart's Tan
Middle Brook
Craig's V.
Walker's V.
Rose Mill
Mt Sydney
Port Defiance
Waynesboro
Augusta Sp.
Churchville
Strickling's Spr.
Mossy Cr.
Crawford
Deep Cr.
Back Cr.
Middle Br.
Christians Cr.
Lewis Cr.
Walker's Mt.
Craig's Mt.
Rose Mill Cr.
38°
37° 30'
79° 30'
79°


MADISON C.H.
FREDERICKSBURG
RAPIDAN
RIVER
ORANGE C.H.
TURNPIKE
PLANK ROAD
New Hope
Jamison's Gap
Buck's Horn
Waynesboro
SOUTH WEST
CHARLOTTESVILLE
North
Garden
South
Austin's Gap
Ames's Gap
Rock Island
Milton
Louisa C.H.
Union
RIVER
Green Mount
LOVINGSTON
Thomas's Hanger
JAMES RIVER
Columbia
Warminster
Lock
Seven Islands
Fidd's Falls
Virginia
Stanton's Mill
Staunton's Prec.
Spectator Creek
Gold
Williams Fork
Gauley
Cumberland Old C.H.
OTTSVILLE
MAYSVILLE
Poor House
Phillipsville
Middle Fork
South Fork
Springfield
Cumberland C.H.
Fetterville
Willis's Mt.
Willis River
New Store
Clover Hill
Appomattox
Lynchburg
Lincoln C.H.
Old C.H.
Buffalo
Buffalo River
Chickentown
Haytokah
C.H. or Nottoway
Dudleys B.
Jeffreys Store
Pricess
Wilson's
White Oak
Dinwiddie C.H.
Butterwood Creek
Namozine Creek
Deep Creek
Flat Creek
Appomattox River
Little Falling River
Spring Mill
78°30'
78°

STAUNTON
CHARLOTTESVILLE
LOVINGSTON
MAYSVILLE
LYNCHBURG
Appomattox
ORANGE C.H.
Louisa C.H.
Columbia
CUMBERLAND
Cumberland C.H.
Amelia C.H.
C.H. or Nottaway
Jeffress Store
Dudleys B.
Hungry Town
Mansfield
Fredericksburg
Richmond
Petersburg
Manchester
Goochland
Powhatan
Chesterfield
Prince George
Dinwiddie
Nottaway
Amelia
Buckingham
Fluvanna
Albemarle
Augusta
Rockbridge
Bath
Alleghany
Greenbrier
Monroe
Botetourt
Campbell
Appomattox
Prince Edward
Charlotte
Halifax
Pittsylvania
Henry
Patrick
Franklin
Bedford
Amherst
Nelson
Orange
Madison
Rockingham
Page
Shenandoah
Frederick
Clarke
Warren
Fauquier
Culpeper
Rappahannock
Spotsylvania
Caroline
Hanover
King William
New Kent
James City
York
Gloucester
Middlesex
Essex
King & Queen
King George
Westmoreland
Northumberland
Lancaster
Richmond
Accomack
Northampton
Isle of Wight
Southampton
Sussex
Surry
Prince George
Dinwiddie
Nottaway
Amelia
Powhatan
Chesterfield
Henrico
Hanover
Goochland
Fluvanna
Louisa
Albemarle
Augusta
Rockbridge
Bath
Alleghany
Greenbrier
Monroe
Botetourt
Campbell
Appomattox
Prince Edward
Charlotte
Halifax
Pittsylvania
Henry
Patrick
Franklin
Bedford
Amherst
Nelson
Orange
Madison
Rockingham
Page
Shenandoah
Frederick
Clarke
Warren
Fauquier
Culpeper
Rappahannock
Spotsylvania
Caroline
King William
New Kent
James City
York
Gloucester
Middlesex
Essex
King & Queen
King George
Westmoreland
Northumberland
Lancaster
Richmond
Accomack
Northampton
Isle of Wight
Southampton
Sussex
Surry
James River
Rivanna River
South Anna River
North Anna River
Pamunkey River
Mattapony River
Rappahannock River
Potomac River
Shenandoah River
Blue Ridge
Allegheny Mts
Peaks of Otter
Willis Mt.
Warwick Mt.
Cow Pasture River
Jackson River
Dunlap's Creek
Calf Pasture River
Maury River
Buffalo Gap
Goshen Pass
Natural Bridge
Rockfish Gap
Swift Run Gap
Brown's Gap
Jarman's Gap
Blue Ridge Tunnel
Tye River
Piney River
Hardware River
Rivanna Canal
James River Canal
Kanawha Canal
Chesapeake & Ohio Canal
Orange & Alexandria R.R.
Virginia Central R.R.
Richmond & Fredericksburg R.R.
Richmond & Petersburg R.R.
Petersburg & Weldon R.R.
Southside R.R.
Danville R.R.
Richmond & Danville R.R.
Plank Road
Turnpike
79°
78°30'
78°


FREDERICKSBURG
King George
POTOMAC RIVER
MONAROTOWN
Spotsylvania C.H.
PORT ROYAL
Westmoreland C.H.
BOWLINGSGREEN
POOR HOUSE
Neaumarket
Chilesburgh
Aqua River
Little River
Junction
Fauna River
Negrofoot
Hanover C.H.
Richmond Turnpike
Tappahannock
WARSAW C.H.
Mangoroke Marsh
HEATHSVILLE
Lancaster C.H.
King William C.H.
King & Queen C.H.
URBANNA
Salluda
Coal Pits
Coal Mines
Chesterfield C.H.
Plumb Grove
Clover Hill
Coal Mines Second By.
Malvern Hill
Charles City
Williamsburg
YORKTOWN
Petersburg
Prince George C.H.
Brandon
Surry C.H.
Warwick C.H.
Dinwiddie C.H.
Bacon Castle
Rappahannock
Piscataway Cr.
Mattapony River
Pamunkey River
Herring Creek
Clarksville
Thankerk
Aylett's
Pamunkey
Mattapony
Pamunkey River
Rappahannock River
Piankatank River
York River
James River
Appomattox River
Chickahominy River
Blackwater Creek
Second Swamp
Union Grove
Warwick Swamp
Disputanta
Nottoway River
Rocky Run
Deep Run
Swift Creek
Falling Creek
Proctors Creek
Beaverdam Creek
Genito Creek
Tuckahoe Creek
Meadow Swamp
Cattail Creek
Gravelly Run
Stony Run
Cedar Run
Goodwin's Mill
Orchard
Old Church
Hanover Court House
Matadequin Cr.
Mattaponi
Aylett's
Pamunkey
Mattapony
Pamunkey River
Rappahannock River
Piankatank River
York River
James River
Appomattox River
Chickahominy River
Blackwater Creek
Second Swamp
Union Grove
Warwick Swamp
Disputanta
Nottoway River
Rocky Run
Deep Run
Swift Creek
Falling Creek
Proctors Creek
Beaverdam Creek
Genito Creek
Tuckahoe Creek
Meadow Swamp
Cattail Creek
Gravelly Run
Stony Run
Cedar Run
Goodwin's Mill
Orchard
Old Church
Hanover Court House
Matadequin Cr.
77°30'
77°
76°30'

BOARD MAP, Nº 1.

Engineer Department, U.S. Army.
Bvt. Maj. Gen. A.A. Humphreys,
Brig. Gen. & Chief of Engineers.

MAP
of

Battle-Grounds of August 28th, 29th, & 30th 1862

in the vicinity of

Groveton, Prince William Co., Va.

Made by the authority of
The Hon. G.W. McCrary, Secretary of War.

Surveyed in June 1878 by
Bvt. Maj. Gen. G.K. Warren, Major of Engineers, U.S.A.
assisted by
Capt. J.A. Judson, C.E., (A.A.Gen. "King's Division")
and
H.D. Gurden, C.E., (late Capt. & A.A.Gen. Confed. Army.)

Scale.

0 ½ 1 2 miles.

0 500 1000 2000 3000 4000 5000 6000 7000 8000 feet.

NOTE There will be a descriptive memoir, and a sheet exhibiting hill topography to accompany this map.

PROBABLE POSITIONS OF THE OPPOSING FORCES AT NOON AUGUST 29th 1862, AS INDICATED BY THE INFORMATION THEN IN POSSESSION OF THE UNION GENERALS.

Official Copy
G.K. Warren
Maj. Engrs & Bvt. Maj. Gen. U.S.A.

Surveyed in June 1878 by
Bvt. Maj. Gen. G.K. Warren, Major of Engineers, U.S.A.
assisted by


BULL RUN
Bull Run
Robinson's
Lewis Ford
Bull's Ford
Flat Run
NEW MARKET
Manassas Road
King's Division
MANASSAS STATION
Alexandria Railroad
Centreville
Pleasants Ford

Surveyed in June 1878 by
Bvt. Maj. Gen. G.K. Warren, Major of Engineers, U.S.A.
assisted by
Capt. J.A. Judson, C.E. (A.A.Gen. "King's Division")
and
H.D. Gurdon, C.E. (late Capt. & A.A.Gen. Confed. Army)

Scale

note There will be a descriptive memoir, and a sheet exhibiting hill topography to accompany this map.

PROBABLE POSITIONS OF THE OPPOSING FORCES AT NOON AUGUST 29th 1862, AS INDICATED BY THE INFORMATION THEN IN POSSESSION OF THE UNION GENERALS.

Official Copy
G.K. Warren
Maj. Engrs & Bvt. Maj. Gen. U.S.A.

Union Lines

WARRENTON & GAINESVILLE TURNPIKE

GAINESVILLE

DAWKIN'S BRANCH

MASS OF WOODS

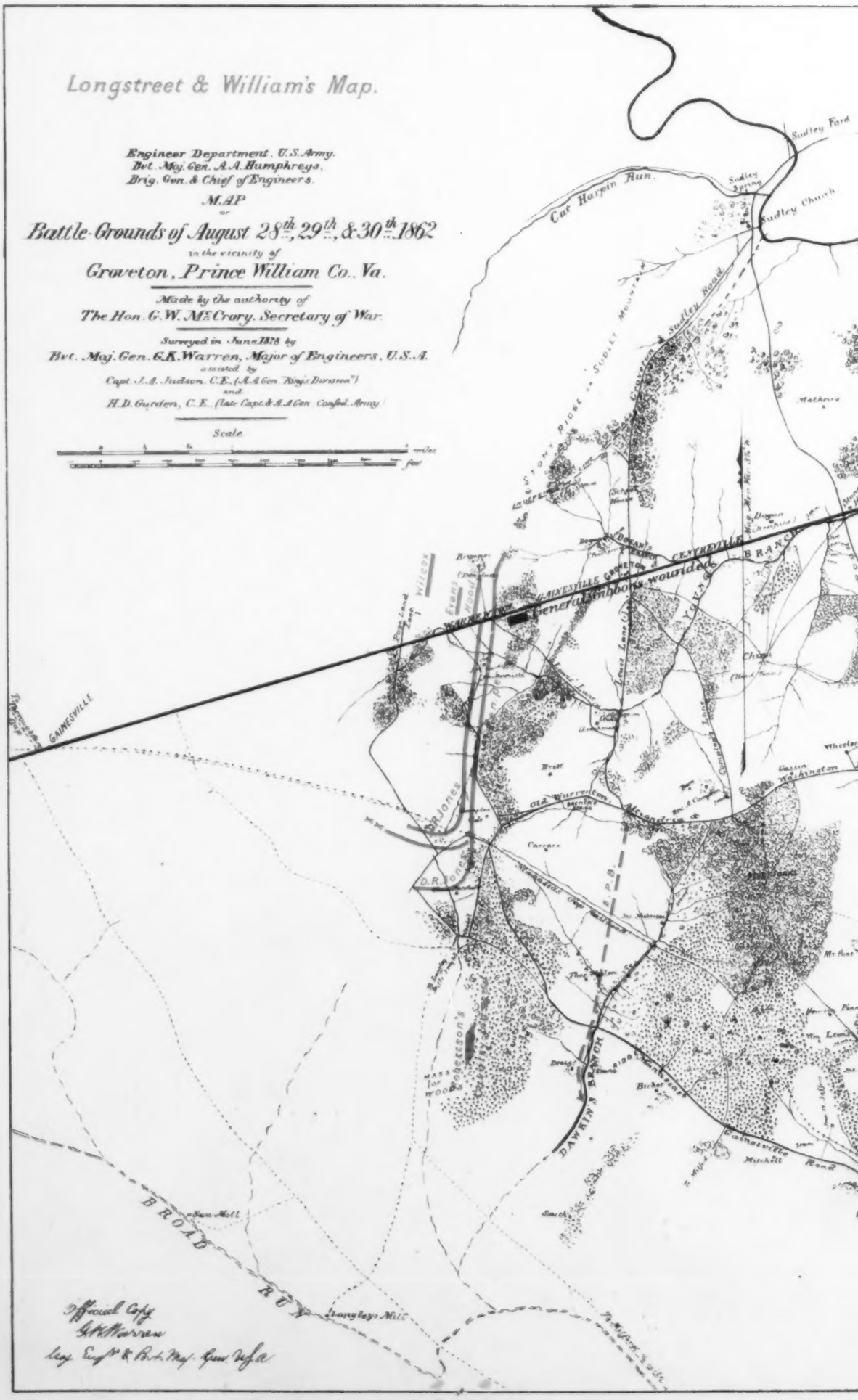
BROAD RUN

Porter's Corps

Ricketts Divisi

BRISTOE


Henry
Halltown Branch
Wheeler
NEW MARKET
Steers
Merchant
Flat Run
Centreville Road
New Road
King's Division
MANASSAS STATION
Orange & Alexandria Railroad
Bull Run
Bull Run Ford
Lewis Ford
Bee's Ford
B. T.


Longstreet & William's Map.
Engineer Department, U.S. Army.
Bvt. Maj. Gen. A.A. Humphreys,
Brig. Gen. & Chief of Engineers.
MAP
of
Battle-Grounds of August 28th, 29th, & 30th 1862
in the vicinity of
Groveton, Prince William Co., Va.
Made by the authority of
The Hon. G.W. McCrary, Secretary of War.
Surveyed in June 1878 by
Bvt. Maj. Gen. G.K. Warren, Major of Engineers, U.S.A.
assisted by
Capt. J.A. Judson, C.E. (A.A. Gen "King's Division")
and
H.D. Gurdon, C.E. (late Capt. & A.A. Gen Confed. Army)
Scale
miles
feet
Official Copy
G.K. Warren
Maj. Engrs & Bvt. Maj. Gen. U.S.A.
Sudley Ford
Sudley Church
Sudley Road
Stony Ridge or Sudley Mountain
Gainesville
Centreville
Brawner's
Dawkin's Branch
Broad Run
Groveton
Gainesville Mitchell Road
Lt. Gen. Longstreet wounded
Lt. Gen. Stonewall Jackson's Mass of Woods
Old Warrenton
Chinn
Wheeler
Mathews
Carrara
Smith
Saw Mill
Stranger's Mill
Farquier's Mill


Sudley Ford
BULL RUN
Stone Bridge
Robinson's
Henry
Holkum Branch
Lewis Ford
Balls Ford
Conrad
Wheeler
NEW MARKET
Steers
Merchants
BETHLEHEM CHURCH
Jeffers
Manassas Road
Warrenton Road
MANASSAS STATION
Orange & Alexandria Railroad

BOARD MAP, Nº 2.

Engineer Department, U.S. Army.
Bvt. Maj. Gen. A.A. Humphreys,
Brig. Gen. & Chief of Engineers.

MAP
of
Battle-Grounds of August 28th, 29th, & 30th 1862
in the vicinity of
Groveton, Prince William Co., Va.

Made by the authority of
The Hon. G.W. McCrary, Secretary of War.

Surveyed in June 1878 by
Bvt. Maj. Gen. G.K. Warren, Major of Engineers, U.S.A.
assisted by
Capt. J.A. Judson, C.E., (A.A. Gen. "King's Division")
and
H.D. Garden, C.E., (late Capt. & A.A. Gen. Confed. Army)

Scale

NOTE. There will be a descriptive memoir and a sheet exhibiting hill topography, to accompany this map.

GENERAL SITUATION AT 4.30 P.M. AUGUST 29TH 1862.

Official Copy
G.K. Warren
Maj. Engrs & Bvt. Maj. Gen. U.S.A.


Sudley Ford
Sudley Church
BULL RUN
Matthews
Stone Bridge
Robinson's
Br.
Henry
Lewis Ford
Ball's Ford
Malkus Branch
Wheeler
NEW MARKET
Steers
McDowell's Column
Pitts Run
Mr. Rose
B.F. Lewis
P.M. Lewis
Merchant
Jeffers
Rose Road
Carter's Road
MANASSAS STATION
Orange & Alexandria Rail road

BOARD MAP, Nº 3.

Engineer Department, U.S. Army.
Bvt. Maj. Gen. A.A. Humphreys,
Brig. Gen. & Chief of Engineers.

MAP
of
Battle-Grounds of August 28th, 29th, & 30th 1862
in the vicinity of
Groveton, Prince William Co., Va.

Made by the authority of
The Hon. G.W. McCrary, Secretary of War.

Surveyed in June 1878 by
Bvt. Maj. Gen. G.K. Warren, Major of Engineers, U.S.A.
assisted by
Capt. J.A. Judson, C.E., (A.A.Gen. "King's Division")
and
H.D. Gardner, C.E., (Late Capt. & A.A.Gen. Confed. Army)

Scale

NOTE - There will be a descriptive memoir, and a sheet exhibiting hill topography, to accompany this map

SUPPOSED MILITARY SITUATION UNDER WHICH THE 4.30 P.M. ORDER WAS ISSUED AUGUST 29th 1862.

Cat Hairpin Run

Sudley Spring

Sudley Ch

Sudley Road

STONY RIDGE or SUDLEY MOUNTAIN

Schmidt House

Dogan

Groveton

Centreville

Warrenton

Gainesville

Old Warrenton Road

Chinn

Carrgee

Position from which Porter's column was understood to have fallen back.

Position in which Porter's column was u... by the Court Martial to have been

DAWKINS BRANCH

Saw Mill

BROAD RUN

Georgetown Mill

Official Copy
G.K. Warren
Maj. Engrs & Bvt. Maj. Gen. U.S.A.


Sudley Ford
Sudley Church
BULL RUN
Matthews
Robinson's
Henry
Conrad
Wheeler
Carter's Washington Road
NEW MARKET
Steers
Mt. Post
B.F. Lewis
P.M. Thomas
Merchant
Jeffers
Gainesville
Bull Run
Lewis Ford
Battle Ford
Holkum Branch
Flat Run
Gainesville Road
Manassas Road
MANASSAS STATION
Orange & Alexandria Railroad
Blackburn Ford
Stone Bridge
Dogan
RANCH
B.T.
Sudley Road
Manassas Gap Railroad
n was understood
ave been, at 4.30, or 5 P.M.

LETTER-PRESS DESCRIPTIVE OF ILLUSTRATIVE MAP

The contours on this map correctly represent the directions and positions of the ridges and valleys and their a arbitrary. National forces are delineated in bl

[This map has been prepared at request of the president of the board, *after* argument, to represent the views of the counsel

NATIONAL FORCES COMMANDED BY MAJOR-GENERAL

P, Petitioner's corps in retreat.

- M, Morell's division.
  - B, Butterfield's brigade.
  - B^2, Martindale's brigade under Barnes.
  - G, Griffin's brigade.
- S, Sykes's division.
  - W, Warren's brigade.
  - B^3, Buchanan's brigade.
  - C, Chapman's brigade.
- Sturgis's division.
  - P^1, Piatt's brigade.
  - T, Taylor's squadron of 1st Pa. Cavalry.
- Smead's Battery K, 5th U. S. Artillery. } Attached to Sykes's division.
- Weed's Battery I, 5th U. S. Artillery. } Attached to Sykes's division.
- Davis's Battery E, 1st U. S. Artillery, under Randol. } Attached to Sykes's division.
- Griffin's Battery D, 5th U. S. Artillery, under Hazlett. } Attached to Morell's division.
- Martin's Battery C, 3d Mass. Independent Artillery. } Attached to Morell's division.
- Waterman's Battery C, 1st Rhode Island Artillery. } Attached to Morell's division.

M P—McDowell and Petitioner at 12 m.

McDowell's Corps.

- R, Ricketts's
- K, King's di command
- K^1, King's di command
- Reynolds's d
- Buford's cav

Sigel's corps.

- S^3, Schurz's division.
  - S^6, Schimmelfenning's (1st brigade).
  - K^2, Krzyzanowski's (2d brigade).
- Shenck's division (1st).
  - M^1, McLean's (2d brigade).
  - S^2, Stahl's (1st brigade).
  - S^4, Steinwehr's (1st brigade).
  - M^2, Milroy's Independent brigade.
  - S^5, Sigel's reserve.
  - S^6, Sigel's artillery.
- B^4, Bayard's cavalry, under Beardsley.
  - 1st Pa. Cavalry, Colonel Jones.
  - 1st N. Y. Cavalry, Colonel Windom.
  - 1st Maine Cavalry, Colonel Allen.

Hampton's Ind. Pa. Battery. } These batteries porarily atta
Romer's Battery. }
De Beck's Battery, 1st Ohio Artillery.

*All the batteries of artillery with the

CONFEDERATE FORCES, COMMANDED

L, Longstreet's force.

- W^3, Wilcox's division.
  - Wilcox's brigade.
  - Featherstone's brigade.
  - Pryor's brigade.
- H^1, Hood's division.
  - T, Texas brigade.
  - L, Law's brigade.
  - E', Evans's brigade.
- K, Kemper's division.
  - Kemper's brigade, under Colonel Corse.
  - Pickett's brigade, under Colonel Hunton.
  - Jenkins's brigade.
- J^2, Jones' division.
  - G. T. Anderson's brigade.
  - Drayton's brigade.
  - Toombs's brigade.
- W^2, Squires's and Miller's batteries Washington Artillery, at 1 o'clock p. m.
- W^1, Squires's and Miller's batteries, with others from Jackson's command, in all 26 guns, at 2 o'clock p. m.

J, Jackson's f

Portion of the confederate army of Northern Virginia which did not ar

Colonel Stephen D. Lee's reserve artillery, stationed at Thoroughfare Gap on the 29th. Arrived on the field at 3 a. m
Major-General R. A. Anderson's division (four brigades) on the march to join. Arrived on the field at 3 a. m. Augus
Major-General D. H. Hill's division (five brigades with artillery) on the march to join. Arrived on the field in the a
Major-General L. McLaw's division (four brigades) on the march to join. Arrived on the field in the afternoon of the

Note by counsel for the Government.—While the enemy's forces are given a position in line of battle west of Pageland Lane, at 2 p. m., it is consider and extend below the pike, as early as this time. When Jackson's right was threatened and attacked by Reynolds's division of Pennsylvania Reser Jackson's right, to move up to near Pageland Lane from the "defensive" position taken at Gainesville (part of Hood's division in advance). That of the Potomac, would come up from the Rappahannock, via Warrenton, on the Warrenton, Gainesville, and Groveton pike, instead of landing at Ale overwhelm it before the third of his army, then absent, could arrive. Jackson's cavalry, under Stuart, were down in the indicated direction in order General Banks's corps could have advanced and interposed at Gainesville between the portion of Lee's army under Major-General Longstreet and hi

AUTHORITIES FOUND IN THE GENERAL COURT-MARTIAL AND ARMY BOARD'S RECORDS USE

National officers.

Major-General John Pope.	Brevet Major-General N. C. McLean.*	Brevet Brigadier-General E. D. Fowler.
Major-General Irwin McDowell.	Brigadier-General John F. Reynolds.*	Brevet Brigadier-General Charles Barnes.*
Major-General S. P. Heintzelman.	Brigadier-General John Buford.	Brevet Brigadier-General J. P. Taylor.
Major-General Abner Doubleday.	Brigadier-General Charles Griffin.	Brevet Brigadier-General T. F. McCoy.
Major-General S. D. Sturgis.	Brigadier-General M. R. Patrick.	Brevet Brigadier-General W. P. Richardson.*
Major-General Franz Sigel.*	Brigadier-General A. S. Piatt.	Colonel B. F. Smith.
Major-General Z. B. Tower.	Brigadier-General Thomas C. H. Smith.*	Colonel E. G. Marshall.
Major-General R. C. Schenck.*	Brevet Brigadier-General R. R. Dawes.	Major G. B. Fox.*
Brevet Major-General H. G. Sickles.	Brevet Brigadier-General J. M. Deems.	

Official reports of Generals S. P. Heintzelman, J. F. Reynolds,* J. C. Robinson, C. Grover, Philip Kearney, Franz Sigel, R. H. Milroy, J. Stahel, rick and Dilger.

Confederate official reports of Generals R. E. Lee, James Longstreet, T. J. Jackson, J. B. Hood, A. P. Hill, J. E. B. Stuart, and subordinate repo

*These witnesses more particularly as to position

E MAP No. 1 OF COUNSEL FOR THE GOVERNMENT.

l their approximate relative elevations. They may be in error from five to twenty feet. The datum plane is ted in blue, and the Confederate forces in red.

he counsel for Government, who attempted to locate positions with a pointer on the large official map.—*Vide* argument.]

GENERAL JOHN POPE, UNITED STATES VOLUNTEERS.

Ricketts's division	D, Duryée's brigade, 1st.	Leppein's Maine Battery.
	Tower's brigade, 2d.	Hall's Maine Battery (en route from Bristoe to Manassas).
	H, Hartsuff's brigade, 3d.	Mathew's Pennsylvania Battery F, 1st Penn. Light Artillery
	C^1, Carroll's brigade, 4th.	Thompson' Independent Pennsylvania Battery C.
King's division (Hatch commanding).	H^1, Hatch's brigade.	
	D^1, Doubleday's brigade.	Gerrish's battery of howitzers.
, King's division (Hatch commanding), at 12 m.	G^1, Gibbon's brigade.	
	P^2, Patrick's brigade.	
eynolds's division	S^1, Seymour's brigade.	R^1, Ransom's Battery C, 5th United States Artillery.
	J, Jackson's brigade.	A, Battery A, 1st Pennsylvania Light Artillery (Simpson's).
	M^2, Mead's brigade.	B^1, Battery G, 1st Pennsylvania Light Artillery (Kearn's).
		C, Battery B, 1st Pennsylvania Light Artillery (*Cooper's*).
nford's cavalry	4th N. Y. cavalry.	
	9th N. Y. cavalry.	
	6th Ohio cavalry.	
	1st Conn. cavalry.	
	1st R. I. cavalry, of Bayard's cavalry.	

e batteries belong to Banks's corps, tem-
rarily attached to Schurz's division.
ry.

Heintzelman's corps.	K^2, Kearney's division.	P^2, Poe's brigade.	
		B^2, Birney's brigade.	
		R^1, Robinson's brigade.	
	H, Hooker's division.	G^3, Grover's brigade.	M^4, 1st Mass. Volunteer Infantry.
		C^1, Carr's brigade.	
		T^1, Taylor's brigade.	
Burnside's corps, R^2, Reno's division.		S^7, Stevens's brigade.	B^4, Battery E, 2d U. S. Artillery, Lt. S. N. Benjamin commanding, with Weidrick's Battery of Sigel's corps and part of Stevens's brigade.
		F^1, Ferrero's brigade.	
		N^1, Nichol's brigade.	

with the several divisions are not noted and only those which are considered necessary to describe the map.

MANDED BY GENERAL R. E. LEE.

ackson's force	H, A. P. Hill's division	Gregg's brigade.
		Branch's brigade.
		Pender's brigade.
		Archer's brigade.
		Thomas's brigade.
		Field's brigade.
	E, Ewell's division, under Lawton	Early's brigade.
		Lawton's brigade.
		Hay's brigade.
		Trimball's brigade.
	J^1, Jackson's division, under Starke	Jackson's brigade.
		Starke's brigade.
	Stuart's division	R^1, Rosser's cavalry, videttes.
		R, Robertson's cavalry, videttes.
		L^3, Fitz Hugh Lee's cavalry.
		P^1, Patrick's squadron of cavalry. [to Stuart.]
		B^1, Bachman's battery of arfillery (of Hood's division ordered to report
		P, Pelham's battery of artillery.
	S^1, Five batteries in reserve under Major Shumaker.	
	B, Batteries of Braxton, Pegram, and Crenshaw.	

d not arrive on the field until after the battle of the 29th of August, 1862.

l at 3 a. m. August 30.
m. August 30.
d in the afternoon of the 30th.
noon of the 30th.

is considered very doubtful if they had advanced from a point just east of Gainesville, *in force*, to the indicated position, so as to form *complete* line rania Reserves attached to McDowell's corps, and Schenck's division of Sigel's corps, the confederate force under Longstreet had, in order to relieve nce). That "defensive" position, it is believed, was taken because the enemy did not then know but that Sumner's and Franklin's corps, of the Army ding at Alexandria, and thus strike in the rear of so much of Lee's army as was on the field, and in conjunction with the national forces on the ground ion in order to watch the Manasses and Gainesville road, and were subsequently moved further down to watch the road from Bristoe, from whence treet and his re-enforcements then on the march via Thoroughfare Gap. (Vide argument, board's record, page 1439.)

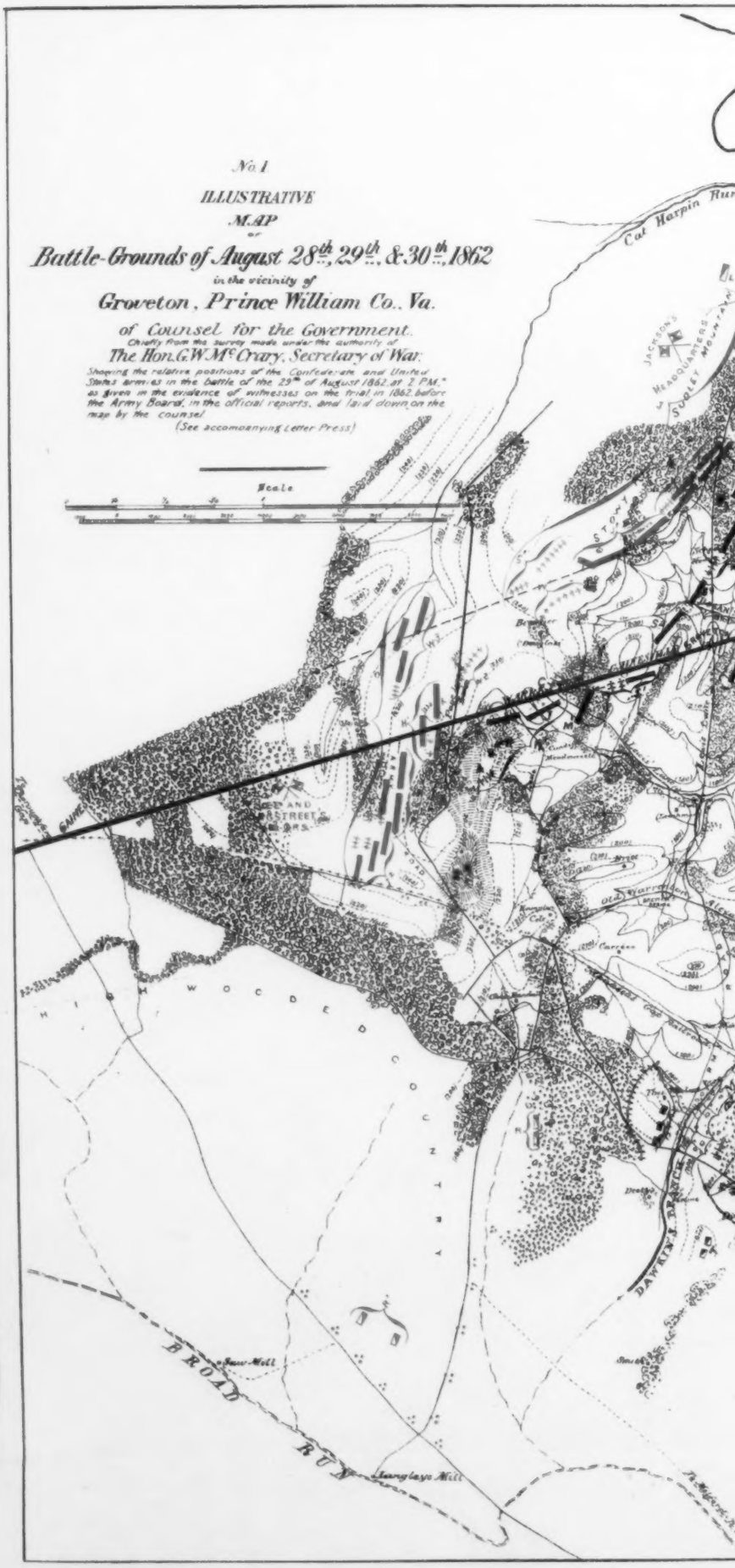
ORDS USED IN PREPARATION OF THE TWO ILLUSTRATIVE MAPS OF GOVERNMENT COUNSEL.

			Confederate officers.
er.	Major S. N. Benjamin.	Lieutenant J. S. Hollingshead.*	Major-General C. M. Wilcox.
nes.*	Major W. H. Hope.*	Lieutenant B. T. Bowers.	Brigadier-General T. L. Rosser.
.	Major George Hyland, jr.	Private William Ready, 1st Pa. Cavalry.	Major B. S. White.
y.	Captain J. J. Coppinger.	Private Charles Duffee, 1st Ohio Cavalry.	Major Henry Kyd Douglas.
rdson.*	Captain Henry Geck.	Private Archelaus Dyer, 1st Ohio Cavalry.	Captain R. McEldowney.
	Captain R. P. Brooks.	Private William Bayard, 1st Pa. Cavalry.	Captain James Mitchell.
	Captain R. J. McNitt.	Private John Hoffman, 1st Pa. Cavalry.	Rev. John Landstreet.
	Captain Douglas Pope.	Private William H. Ramsey, 1st Pa. Cavalry.	Citizen W. B. Monroe.
			Citizen L. B. Carrico.
			Citizen W. B. Wheeler.

, J. Stahel, N. C. McLean, Carl Schurz, R. C. Schenck (by Colonel William H. Cheeseborough*), Colonels J. B. Carr, W. Kryzanowski, Captains Wied-

rdinate reports.

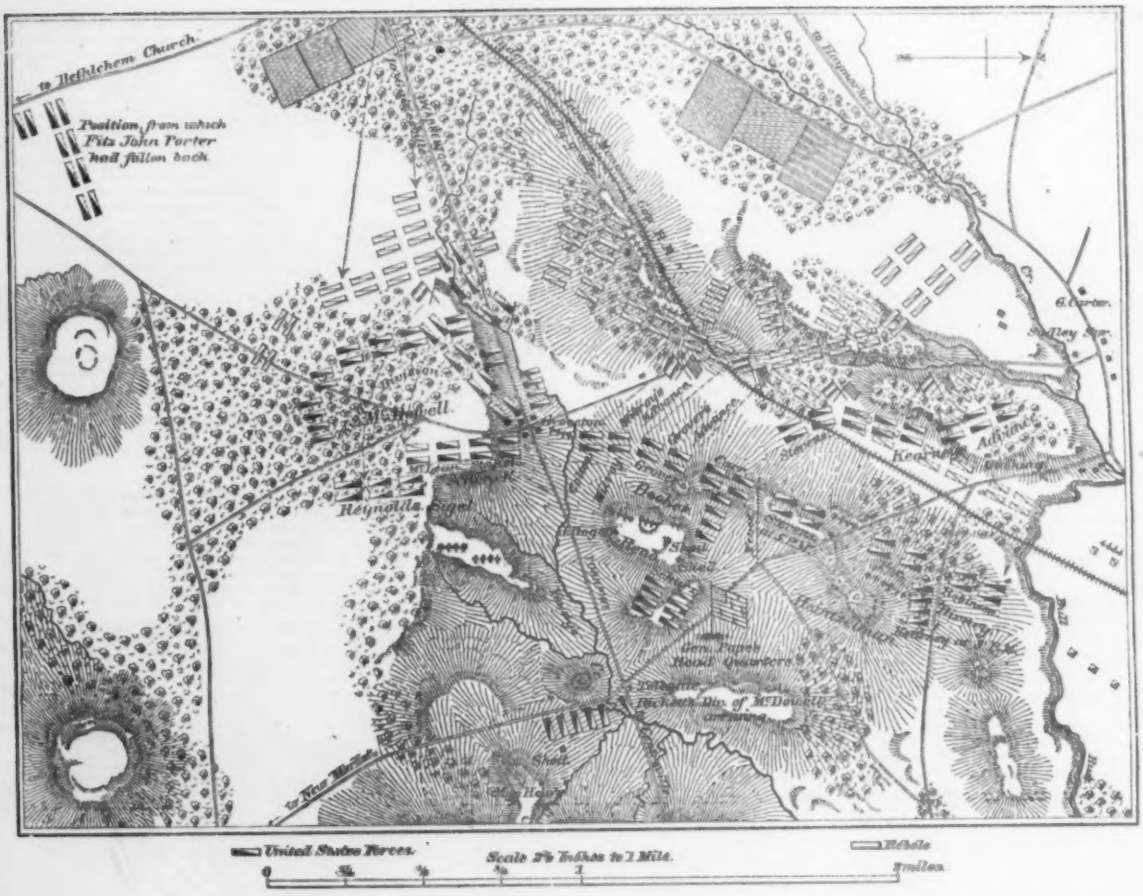
s to position of Reynolds's and Schenck's divisions.


No. 1
ILLUSTRATIVE
MAP
of
Battle-Grounds of August 28th, 29th, & 30th, 1862
in the vicinity of
Groveton, Prince William Co., Va.
of Counsel for the Government.
Chiefly from the survey made under the authority of
The Hon. G.W. McCrary, Secretary of War.
Showing the relative positions of the Confederate and United States armies in the battle of the 29th of August 1862, at 2 P.M. as given in the evidence of witnesses on the trial in 1862 before the Army Board, in the official reports, and laid down on the map by the counsel
(See accompanying Letter Press)
Scale
Cat Harpin Run
Jackson's Headquarters
Sudley Mountain
Stony
Old Warrenton Road
Old Carriage
Dawkins Branch
Broad Run
Sudley Mill
Lewis Mill
HIGH WOODED COUNTRY

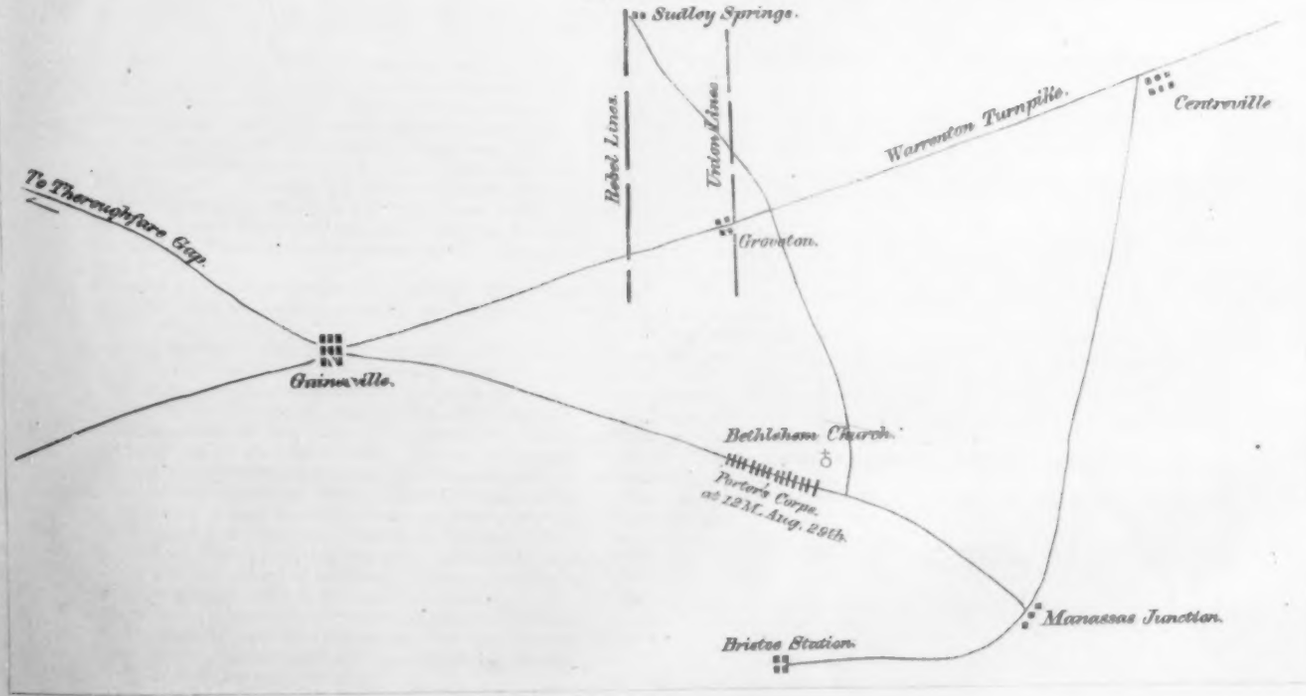

Sudley Ford
Harpin Run
Sudley Spring
Sudley Church
BULL RUN
CENTREVILLE
Sudley Mountain
Headquarters
Stuarts Rd
K2
R2
Mathews
Hen Pelt
Stone Bridge
Pope
Robinson's
Henry
Young's Branch
Keyes Ford
Bull Run
Poland
Hall
Sudley Road
Ford
Hadkins Branch
Mc Dowell
at 2 p.m.
MARKET
Blackburn's Ford
Flat Run
Cedar Run
Gibbon's brigade
Used as Army road in 1862
Wier
MANASSAS
STATION
Orange & Alexandria Railroad



POPE'S MAP.



MAP A.





was directly due to the neglect of duty (to call it by no worse name) of these very men.

* * * * * * *

It may be and doubtless was true that, considering the relations between myself and McClellan and many of his followers who held high commands in that army, it was better to change the commander of the armies around Washington, but this fact did not necessitate nor justify, in view of the facts in your possession, that McClellan should be thus advanced, nor that I should be banished to a remote and unimportant command. A great and fatal mistake for the country as for yourself was committed when he was thus assigned.

If you had sustained me, as I had every reason to expect and did expect you would do, you would have had a warm and earnest friend, as I had always been. By yielding to and advancing McClellan you have only put into the hands of an enemy a club to beat your own brains out with. You can never be forgiven for occupying the place you do. You, of course, do not imagine McClellan to be your friend in any sense. Every motive a man can have he has to displace you from your position, which is a constant reproach and humiliation to him. Neither he nor his clique will omit any means to destroy you.

Having at your own urgent request and from a sense of duty laid before the Government the conduct of McClellan, Porter, and Griffin, and substantiated the facts stated by their own written documents, I am not disposed to push the matter further unless the silence of the Government in the midst of the unscrupulous slander and misrepresentation purposely put in circulation against me and the restoration of these officers without trial to their commands, coupled with my banishment to a distant and unimportant department, render it necessary as an act of justice to myself.

* * * * * * *

I need not remind you that when you arrived in Washington I earnestly urged you, as I had before urged the President, to allow me to return to the West. I told you, as I had already told him, that McClellan could not be depended upon to co-operate with me, and that I was sure he would fail me. You insisted upon my remaining, against my repeated requests and my firm conviction that the army under my command would be sacrificed by the very men for whose release from James River it was about to encounter such risk and undergo such hardship.

* * * * * * *

You are a man of the world and you know well that McClellan will never forgive you for superseding him in the command of the army. You stand in the way of a thousand purposes which he and those around him have in view. Your presence as general-in-chief is a constant reproach and mortification to him. Already the journals and people in his interest are representing that he is really commander while you are but a tool in his hands. Such an opinion is entertained even by members of the Cabinet, and everything that has occurred since the 1st of September gives color to such belief. * * *

The next letter from Pope to Halleck seems to exhibit, if possible, a more intensified bitterness and animosity against McClellan, Porter, and Griffin. I will read a few expressions:

* * * Why are McClellan, Porter, and Griffin retained in high command, with such charges of treachery and baseness hanging over them? Do you not believe these charges true? Are they not substantiated to your satisfaction by the papers attached to the report containing them? Did not both you and the President know before the battles at Manassas, from Porter's intercepted dispatches, that he was likely to do precisely what he did? The President himself told me so.

I would not care to press these charges if the Government would only do me the barest justice. Acknowledge publicly as has been done privately by the whole administration, that I did my duty bravely and skillfully in Virginia, and I have nothing further to say about what you do with the criminals who betrayed the country. * * * You assume that I confine my charges to Porter and Griffin. My report tells another story. The greatest criminal is McClellan, and my charge is direct and plain against him. * * * You mistake also when you say that I asked you to put me in command of the reunited Western Department. I said and say now, that one of three things I was entitled to; any one of them would have satisfied me. The dictates of the commonest justice gave me the right to expect one of them, at least:

First. That the court of inquiry be at once held, and the blame be fixed where it belonged. It is now too late for that, as the delay has already made the worst impression against me that is possible.

Second. That the Government should acknowledge publicly as it had done privately my services in Virginia; or

Third. That in case neither of these things could be done, then that the Government bestow upon me some mark of public confidence as its opinion of my ability warranted. * * *

It will be very evident to the impartial student of the real merits of this remarkable controversy that General Pope was smarting under the pangs of mortified vanity—a vanity at once morbid and phenomenal—and that the stings to his wounded pride were aggravated and intensified by the criticisms of his conduct occurring in the personal and private letters which General Porter wrote to his old school-mate and West Point friend General Burnside. This honest officer saw that they contained most valuable information, which it was important should be known by General Halleck and the President, and without a thought that they could be used to Porter's detriment hastened to transmit them to Washington.

There was one burning trouble about Porter's letters. They told the truth, and his predictions, so far as they went, proved to be veritable prophecies.

Porter was a thorough soldier. He saw that the effect of Pope's orders and counter-orders, marches and counter-marches, upon some of his subordinates, and even upon the private soldiers, was to produce a paralysis of confusion and bewilderment equal to that which had apparently seized upon the mind of the commanding general. There could be but one termination to such conditions. Porter left Acquia Creek under orders from his superior officer, General Burnside, and until he reached the immediate vicinity of General Pope it was his duty to make his reports to, and receive his orders from, that general. It was in obedience to this duty and in compliance with General Burnside's requests that General Porter supplied him with full, candid, and truthful comments upon the movements and the condition of affairs in the field of active operations upon which he was about entering. The fact that these comments were proved by the event to be both judicious and sagacious, and the further fact that the result thus foreseen and foretold did not reflect credit upon Pope's skill as a commander, constituted the head and front of Porter's offending.

No one would be more prompt than myself to

CONDEMN THE IMPROPRIETY

sometimes committed of making ill-natured criticisms of a commander. They tend to lessen the confidence of an army in the commanding general and weaken his power to control and use his troops to the best advantage.

It will be readily seen that neither officers nor soldiers will readily obey orders from a commander whose skill and judgment they distrust; at least there is apt to be a lack of that enthusiastic vim which is so essential to success. But in all the search for evidence of this character against General Porter not one particle has been found. Not one single word could they prove that General Porter uttered regarding General Pope which could be construed into criticism of his orders. Not one of the numerous orders sent to him by General Pope, contradictory as they were, frequently countermanded as they were, difficult of execution as they were, ill-judged as some of them were, sufficed to provoke this exemplary soldier into the slightest expression of disapprobation or criticism. Never did he utter one word regarding them except to direct and command that they should be immediately obeyed. Never did he utter one word indicating that he had any lack of confidence in the ability and skill of General Pope, and most certainly he did not, by the slightest expression, indicate any lack of confidence in his integrity and honor. In this respect, as in many others, General Porter deserves to be held up to the admiration of the country as one of the most striking instances of the successful effort to subordinate natural intelligence and acquired professional knowledge, skill, and experience to convictions of duty, which a distinguished writer has defined thus: "The grand idea of duty is self-constraint exercised for some noble end." Here we have duty rigidly discharged under the most trying circumstances, with no other "noble end" in view than to do all that was possible to promote the success of his commander.

General Grant, after his exhaustive examination of the case, failed to find any evidence that Porter had expressed any lack of confidence. On the contrary, to his mind, Porter was zealous in giving support to General Pope.

Would to God we could say as much for the conduct of General Pope. I will not afflict the House with his reiterated expressions of unseemly disparagement of both superiors and subordinates. It is not necessary. His order to his army, which I have read, was an insult to every other officer in the armies serving in the State of Virginia.

His letters to General Halleck boast that when General Halleck first came to Washington, and therefore before General Halleck assumed command of the armies,

HE OPENLY CHARGED

that their common superior, General McClellan, could not be depended upon to co-operate with him, and that General McClellan would fail him. This was an open and explicit charge of treason against this great general, who was then the superior of both himself and General Halleck. General Pope also admits that he had made the same charge against McClellan to President Lincoln.

Pope asks, in a letter to Halleck:

Why are McClellan, Porter, and Griffin retained in command with such charge of treachery and baseness hanging over them?

He also says:

The greatest criminal is McClellan. My charge is direct and plain against him.

But he says:

Acknowledge publicly, as has been done privately by the whole administration, that I did my duty bravely and skillfully in Virginia, and I have nothing further to say about what you do with the criminals who betrayed the country.

These expressions were made regarding the general who had won Antietam and South Mountain and was then commanding the Army of the Potomac.

Can the gentlemen who oppose this bill point out anything said or written by General Porter which approximates these improprieties?

You have had all the power and agencies of the strongest Government on earth at your disposal for twenty-three years, and you have not been able to do it.

You have neglected nothing. Certainly it might have been presumed that when contradictory, ill-judged and conflicting orders reached Porter, he, in some unguarded moment, would have been betrayed into some impatient or thoughtless word. Unfortunately for the prosecution, Porter was so thorough a soldier and so perfect a man that this hope of the prosecution was blasted.

In all Porter's letters to Pope he is respectful, subordinate, and uncomplaining.

When the order comes to start his tired corps at 1 o'clock at night, the evidence is:

General Porter spoke rather decidedly, that there was the order—it must be obeyed; that those who gave the order knew whether the necessities of the case would warrant the exertions that had to be made to comply with it.

We are chided because of our determination in this matter, and the question is asked, Why such earnestness in favor of the bill by those who

ONCE BELIEVED IN PORTER'S GUILT,

and with equal earnestness opposed him?

This, Mr. Speaker, is as it should be. It is but a repetition of the true exposition of honest nature. True human nature is the same now that it was in the earliest stages of written history. It was the same two thousand years ago that it is to-day. St. Paul was the most zealous of all the persecutors of the Christians, but when he learned the truth he became the greatest of the apostles of Christ. Read these words from his epistle to the Galatians:

For ye have heard of my manner of life in time past in the Jew's religion; how that beyond measure I persecuted the church of God, and made havoc of it.

And from his first epistle to the Corinthians:

For I am the least of the apostles, that am not meet to be called an apostle, because I persecuted the church of God. But by the grace of God I am what I am: and His grace which was bestowed upon me was not found vain; but I labored more than they all.

Was there a man who was more thoroughly convinced of the guilt of Porter, and the justice of his punishment, than Major-General Terry, the hero of Fort Fisher? And is there a man now who feels more keenly his absolute innocence?

General Terry had always been a Republican; his associations had been largely with those whose interest led them to use every effort to convince those around them of Porter's guilt, and a life of fifteen years in that atmosphere had made an impression upon General Terry which seemed indelible. Such was his prejudice that when he received the order to serve on the board he wrote that his feelings were so settled and fixed that he could not do Porter justice. Notwithstanding that letter General Terry was peremptorily directed to comply with the order. He listened to and studied the evidence, and this educated lawyer and experienced soldier upon his oath said General Porter was not guilty. On August 26, 1879, he wrote to General Porter:

It is not thanks but pardon I should ask from you. For years I did you wrong in thought and sometimes in speech. It is true that this was through ignorance; but I had not the right to be so ignorant; I might have learned something at least of the truth had I diligently sought it. If you find anything in my action as a member of the board which you can accept as an atonement for the wrong which I did you I shall be more than gratified.

Generals Schofield and Getty were substantially in the same attitude, and when they had completed their labors they all, Schofield, Terry, and Getty, made their report, in which they say:

These charges and specifications certainly bear no discernible resemblance to the facts of the case as now established. Yet it has been our duty to carefully compare with these facts the views entertained by the court-martial, as shown in the findings and in the review of the case which was prepared for the information of the President by the Judge-Advocate-General, who had conducted the prosecution, and thus to clearly perceive every error into which the court-martial was led. We trust it is not necessary for us to submit in detail the results of this comparison, and that it will be sufficient for us to point out the fundamental errors, and to say that all the essential facts in every instance stand out in clear and absolute contrast to those supposed facts upon which General Porter was adjudged guilty.

The fundamental errors upon which the conviction of General Porter depended may be summed up in few words. It was maintained, and apparently established to the satisfaction of the court-martial, that only about one-half of the confederate army was on the field of Manassas on the 29th of August, while General Lee, with the other half, was still beyond the Bull Run Mountains; that General Pope's army, exclusive of Porter's corps, was engaged in a severe and nearly equal contest with the enemy, and only needed the aid of a flank attack which Porter was expected to make to insure the defeat and destruction or capture of the confederate force in their front under General Jackson; that McDowell and Porter, with their joint forces, Porter's leading, had advanced towards Gainesville until the head of their column had reached a point near the Warrenton turnpike, where they found a division of confederate troops, "seventeen regiments," which Buford had counted as they passed through Gainesville, marching along the road across Porter's front and going toward the field of battle at Groveton; that McDowell ordered Porter to at once attack that column thus moving to join Jackson, or the flank and rear of the line if they had formed in line, while he would take his own troops by the Sudley Springs road and throw them upon the enemy's center near Groveton; that Porter, McDowell having then separated from him, disobeyed that order to attack, allowed that division of the enemy's troops to pass him unmolested, and then fell back and retreated toward Manassas Junction; that Porter then remained in the rear all the afternoon, listening to the sounds of battle and coolly contemplating a presumed defeat of his comrades on the center and right of the field; that this division of the enemy having passed Porter's column and formed on the right of Jackson's line near Groveton, an order was sent to Porter to attack the right flank or rear of the enemy's line, upon which his own line of march must bring him, but that he had willfully disobeyed, and made no attempt to execute that order; that in this way was lost the opportunity to destroy Jackson's detached force before the other wing of General Lee's army could join it, and that this junction having been effected during the night of the 29th, the defeat of General Pope's army on the 30th thus resulted from General Porter's neglect and disobedience.

Now, in contrast to these fundamental errors the following all-important facts are fully established:

As Porter was advancing toward Gainesville, and while yet nearly 4 miles from that place and more than 2 miles from the nearest point of the Warrenton turnpike, he met the right wing of the confederate army, twenty-five thousand strong, which had arrived on the field that morning and was already in line of battle. Not being at that moment quite fully informed of the enemy's movements, and being then under orders from Pope to push rapidly toward Gainesville, Porter was pressing forward to attack the enemy in his front, when McDowell arrived on the field with later information of the enemy, and later and very different orders from Pope, assumed the command, and arrested Porter's advance. This latter information left no room for doubt that the main body of Lee's army was already on the field and far in advance of Pope's army in preparation for battle. General McDowell promptly decided not to attempt to go farther to the front, but to deploy his column so as to form line in connection with General Pope's right wing, which was then engaged with Jackson. To do this General McDowell separated his corps entirely from General Porter's, and thus relinquished the command and all right to the command of Porter's corps. McDowell did not give Porter any order to attack, nor did he give him any order whatever to govern his action after their separation.

It does not appear from the testimony that he conveyed to General Porter in any way the erroneous view of the military situation which was afterward maintained before the court-martial, nor that he suggested to General Porter any expectation that he would make an attack. On the contrary, the testimony of all the witnesses as to what was actually said and done, the information which McDowell and Porter then had respecting the enemy, and the movement which McDowell decided to make, and did make, with his own troops, prove conclusively that there was left no room for doubt in Porter's mind that his duty was to stand on the defensive and hold his position until McDowell's movement could be completed. It would have indicated a great error of military judgment to have done or ordered the contrary, in the situation as then fully known to both McDowell and Porter.

General Pope appears from his orders and from his testimony to have been at that time wholly ignorant of the true situation. He had disapproved of the sending of Ricketts to Thoroughfare Gap to meet Longstreet on the 28th, believing that the main body of Lee's army could not reach the field of Manassas before the night of the 30th. Hence he sent the order to Porter, dated 4.30 p. m., to attack Jackson's right flank or rear. Fortunately that order did not reach Porter until about sunset, too late for any attack to be made. Any attack which Porter could have made at any time that afternoon must necessarily have been fruitless of any good result.

Porter's faithful, subordinate, and intelligent conduct that afternoon saved the Union army from the defeat which would otherwise have resulted that day from the enemy's more speedy concentration. The only seriously critical period of that campaign, namely, between 11 a. m. and sunset of August 29, was thus safely passed. Porter had understood and appreciated the military situation, and, so far as he had acted upon his own judgment, his action had been wise and judicious. For the disaster of the succeeding day he was in no degree responsible. Whosoever else may have been responsible, it did not flow from any action or inaction of his.

The judgment of the court-martial upon General Porter's conduct was evidently based upon greatly erroneous impressions, not only respecting what that conduct really was and the orders under which he was acting, but also respecting all the circumstances under which he acted. Especially was this true in respect to the character of the battle of the 29th of August. That battle consisted of a number of sharp and gallant combats between small portions of the opposing forces. Those combats were of short duration, and were separated by long intervals of simple skirmishing and artillery duels. Until after 6 o'clock only a small part of the troops on either side were engaged at any time during the afternoon. Then, about sunset, one additional division on each side was engaged near Groveton. The musketry of that last contest and the yells of the confederate troops about dark were distinctly heard by the officers of Porter's corps; but at no other time during all that afternoon was the volume of musketry such that it could be heard at the position of Porter's troops. No sound but that of artillery was heard by them during all those hours when Porter was understood by the court-martial to have been listening to the sounds of a furious battle raging immediately to his right. And those sounds of artillery were by no means such as to indicate a general battle.

The reports of the 29th and those of the 30th of August have somehow been strangely confounded with each other. Even the confederate reports have since the termination of the war been similarly misconstrued. Those of the 30th have been misquoted as referring to the 29th, thus to prove that a furious battle was going on while Porter was comparatively inactive on the 29th. The fierce and gallant struggle of his own troops on the 30th has thus been used to sustain the original error under which he was condemned. General Porter was in effect condemned for not having taken any part in his own battle. Such was the error upon which General Porter was pronounced guilty of the most shameful crime known among soldiers. We believe not one among all the gallant soldiers on that bloody field was less deserving of such condemnation than he.

And this complete exoneration of General Porter is supplemented by the following statement of opinion as to the duty of the Government:

Having thus given the reasons for our conclusions, we have the honor to report, in accordance with the President's order, that, in our opinion, justice requires at his hands such action as may be necessary to annul and set aside the findings and sentence of the court-martial in the case of Maj. Gen. Fitz-John Porter, and to restore him to the positions of which that sentence deprived him—such restoration to take effect from the date of his dismissal from service.

The minority of the Military Committee appear anxious to weaken the force and effect of this sweeping and complete vindication of General Porter, and as a means of accomplishing this they inform the House that the witnesses before the Schofield board were not sworn, and that there was no process of subpœna at the command of the recorder. In the first of these statements the minority of the committee is mistaken, as the record shows that the witnesses were all sworn, and gave every word of their testimony under oath. Regarding the second statement, I shall only say that the only thing in the record which justifies an inference of any lack of power in the recorder is the fact that he failed to compel the attendance of General Pope as a witness.

The minority also volunteer the information to the House that the board was organized to Porter's entire liking. This novel discovery is conveyed in these words:

With a board organized to his entire liking.

The gentleman from Indiana [Mr. STEELE] says:

"Well, but," you say, "Terry and Schofield and Getty acquitted Porter." So they did, but how?

In the first place, Porter had three as eminent lawyers as there are in this country to take charge of his case. Then they had the selection of the jury, of the court, which meant Schofield, for he was the whole court. All honor to General Terry. He is a brave, conscientious, able, and learned man. I have not a word to say against him or General Getty. But you can see by examining the testimony that Schofield took charge.

The gentleman from Tennessee [Mr. HOUK] says:

The Schofield board was organized to acquit and then ordered to try.

It seems to me, Mr. Speaker, that it would be impossible to make an assertion more directly opposed to the actual facts connected with the composition of the board. It was composed of one major-general, one brigadier-general, and one colonel, and the selection of the officers was in the hands of a Republican administration. There were but three major-generals in the Army—Hancock, Schofield, and McDowell—the last named not being eligible. Hancock was an acknowledged Democrat, while Schofield had been a Cabinet officer under two Republican administrations, and it was notorious

ENTERTAINED A STRONG PRESUMPTION

that there must have been some good ground for the judgment of the

court-martial which condemned Porter, and that while Secretary of War he, like Grant, and no doubt controlled by the same considerations, had felt it to be his duty to decline General Porter's application to him to invoke the President's action in his (Porter's) behalf.

It was also publicly known that General Schofield's official and personal relations with both Generals Pope and McDowell were of an agreeable and friendly character.

It was also a matter of record that prior to these events circumstances had occurred between Porter and Schofield in which Schofield's friends unanimously felt that Porter had done great injustice to Schofield.

It is reasonable to suppose that the persons who advised Mr. Hayes as to the formation of the board felt that these facts justified them in the belief that Schofield was unfriendly to Porter; and they knew so little of the character of the great soldier who had commanded the Army of the Ohio during the most critical period of the war, and to whose skill and heroism the country was indebted for the victory at Franklin, as to suppose that any personal feeling could influence his action in a judicial capacity.

Had these persons consulted with Schofield's associates as a cadet or as an officer in the Army, or had they studied his career, they would have learned that his personal integrity and honor were of the very highest of that high order which, with the fewest exceptions, has always characterized and distinguished the officers of the Army of the United States.

There was a broader field in which to select the brigadier, but the choice made shows that the administration was determined that Porter should not enjoy any possible advantage through political sympathy. General Terry, as I have already shown, was, by the associations of years and the prejudices of a lifetime, bound to the party in power, and, as his letters clearly prove, held decided opinions adverse to any theory of Porter's possible innocence. Similar circumspection was manifested in selecting the remaining officer of the board. Getty was known to have the same feelings and opinions relative to the case as Terry. Indeed, so strong was his prejudice that he himself has said:

It was with no pleasant feelings that I [he] received the order to sit as a member of the board to investigate the case of Fitz-John Porter, for the reason that I [he] believed then that General Porter was guilty of the charges of which he was convicted by the general court-martial.

In calling the attention of the House to the composition of the board of investigation I have not intended to reflect in any manner upon those charged with its appointment. I have merely sought to emphasize the significance of the conclusions reached by a board consisting of gentlemen who avowedly entertained strong prejudices against General Porter. And my statements regarding the political and personal bias of the members of the board were forced upon me by the erroneous assertions of the minority of the committee.

While I will not follow their example and insult the appointing powers by saying that they appointed the board to obtain a prearranged verdict, I will say that if they had sought the records of every major-general, every brigadier-general, and every colonel in the Army to find an officer of each of the above grades whose history and known sentiments regarding this case were of a character to justify the belief that their bias was all against Porter and in favor of Pope and McDowell, their investigation would have unerringly pointed to the very men who were selected by them to compose the board.

My colleague on that committee [Mr. STEELE] also says, referring to the court-martial which condemned Porter:

If Porter had friends in the Army they were on that court. * * * They were his intimate associates. Seven members of that court were graduates of West Point, fellow-students or fellow-classmates of Porter's.

I simply refer to this to show how inaccurate the minority of the committee are in their assertions.

Seven members were not graduates of West Point. They were not intimate associates of Porter. None of them were Porter's classmates. None of them were Porter's fellow-students. Those who did graduate at West Point left there years before Porter entered that institution, and I believe most of them were appointed cadets before Porter was born.

The gentleman [Mr. STEELE] also says, referring to the court-martial which condemned Porter:

* * * The judge-advocate is not only counsel for the prosecution, but counsel also for the defense in military courts. It is his duty, and he is sworn to do his duty fairly.

The fact is that Judge Holt, so far from doing his duty fairly, as the gentleman says his oath required, deceived and imposed upon Mr. Lincoln by not presenting a brief of facts, but an argument, which will be found printed, occupying pages 280 to 300 inclusive of the record.

In this argument

EVIDENCE FAVORABLE TO PORTER IS OMITTED,

and undue force and weight are given to evidence which is against him. Porter had no knowledge of its existence until after the proceedings were confirmed by the President; and, taking it all in all, it was one of the most disreputable transactions which ever entered into court-martial proceedings.

Judge Holt's pretended summary of the case upon which Mr. Lincoln relied exclusively in reaching a decision may be, and doubtless is, an ingenious, able, specious, and artful piece of special pleading, designed to compass the condemnation of the accused, but I defy any one to read it and say that it is, or could have been, intended to enable the President, as the reviewing officer, to reach through its agency an exact knowledge of the evidence presented on the trial, or to gain that fair and unbiased knowledge of the facts which would have resulted in impartial justice to Porter.

The testimony of five officers upon an important question of fact is contemptuously rejected, and that of a courier accepted as more credible and trustworthy, and for no apparent reason but that the courier's story may be tortured to Porter's discredit, while the statement of the officers must inevitably redound to his advantage.

This method of presenting evidence is so monstrous that I can readily imagine any one demanding proof of its accuracy, and I therefore refer to pages 291 and 293 of the record.

This is only a specimen of the whole argument. It bristles all through, from the first line to the last, with the animus—not to say the malice—of the prosecuting attorney more anxious to secure the personal triumph of a verdict adverse to the accused than of the upright and conscientious lawyer who was only solicitous to see justice done to all parties to the suit.

To illustrate the enormity and criminality of Judge Holt's conduct, and the extent of his offense against the rights of General Porter, I assert that if in my State a lawyer in closing even a civil case had so perverted the evidence—had so wantonly suppressed the true and suggested the false—the judge would have been justified in rebuking him in the severest terms and in setting aside any verdict so procured, and had he failed to do so any appellate court would have reversed the verdict.

Judge Holt knew that if the argument submitted to the President had been made in open court it would have aroused the indignation of the country, and he therefore adopted a secret and underhand method of imposing upon and misleading the honest, confiding, and unsuspicious Abraham Lincoln.

I have not alluded to the illegality of the court, as that question has heretofore been elaborately discussed, and it has been shown that the order convening the court was illegal.

The manner of proceeding was illegal, and the method of lacing the record before the President not only illegal but disgraceful.

The gentleman from Maine [Mr. MILLIKEN] and the gentleman from Tennessee [Mr. HOUK] claim that a distinguished soldier stated that the members of this House could not understand the case.

THIS DISTINGUISHED SOLDIER MEANT

that many of them would not understand it. They would not read the facts or listen to the arguments.

A large number of the members of this House were soldiers, and many of them of marked distinction, and all will testify that military business, to be successful, like all other affairs of life, should be conducted upon the plainest requirements of common sense.

The recognition and application of the fundamental principle that when two forces meet the greater will prevail was the leading idea which gave victories to Napoleon, Grant, Lee, Stonewall Jackson, and General Porter.

When armies are confronting each other the commanding-general who first learns the point of battle, and places there a superior force, will of necessity prevail at that point, and other conditions being equal he will be victorious. That superior force may be excess of men, excess of vigor, excess of courage, application of machinery, construction of mines, like Grant's effort at Petersburg, or it may be a combination of some or all of these elements.

It was hard common sense and the habit of seeking truth and looking at things as they really were which made Grant a successful soldier, and it was an honest effort to learn the truth which caused him to take the action he did in this case.

It was sound common sense combined with personal courage which made Generals Sheridan and Hancock so distinguished. The statements made on this floor that either of these great generals would have forced their troops into action when defeat was certain, or even when no advantage could be gained, is a reflection upon them which I utterly refute. They were not Fourth-of-July soldiers. They were practical, great, and able men.

The leader of the minority [Mr. STEELE] explains to the Forty-ninth Congress why General Pope refused to go before the Schofield board. His opinion seems to be that Pope could not stand being examined by the lawyers.

The gentleman says:

I would not have gone there and been in his boots in the hands of such counsel as Porter had.

This is the first instance on record where a general in the Army feared testifying to the truth, or feared being examined regarding his own conduct toward a fellow-officer. General Pope had made so many mistakes in his evidence and his reports and his expressions and his various brief-printed statements, that it would probably have been embarrassing for them all to be presented to him at the same time.

Let us recall a few, beginning with the first: On August 28 General Pope told Porter he had arrived in time, and on September 2 General

Pope declared in General Ruggles's presence that he was satisfied with Porter's explanation, and yet soon after he caused charges to be preferred against Porter regarding these same occurrences.

General Pope's evidence as to his satisfaction with the manner in which Porter complied with the order of August 27 (to move to Bristoe Station at 1 o'clock at night), and General Pope's admission that Porter had reached him at Bristoe at 8 o'clock on the morning of the 28th, and that he (Porter) had arrived in time, and that he (Porter) had given him an account of his march and the difficulties he had in getting through the wagon train will be found in the record of the court-martial which condemned Porter, reprinted in the proceedings of the Schofield board, part 1, top page 19, side page 18.

General Ruggles's evidence, that on September 2 General Pope expressed himself as satisfied with General Porter's explanation of all that had occurred up to that date, will be found in the record of the Porter court-martial, reprinted in the proceedings of the Schofield board, top page 150, side page 155. And General Pope's evidence to the same effect will be found on top page 23, side page 22, where he admits under oath that "I [he] did not at that time (September 2) believe that General Porter deliberately and of purpose had withheld his command from the assistance of the army engaged in that battle" (the battle of August 29).

This answers fully the inquiry of my friend from Pennsylvania [Mr. BRUMM].

It shows that at 8 o'clock on the morning of the 28th Pope fully approved of Porter's exercise of discretion regarding the execution of the order of the night previous, expressing his approval in the declaration to Porter that there had been no necessity for an earlier appearance of his corps. And it shows further, that as late as September 2 General Pope proclaimed in the presence of witnesses that he was satisfied with Porter's explanation.

General Pope dispatched to General Halleck at 5 a. m., August 30 (War Records, volume 12, part 3, page 741):

> We fought a terrific battle here yesterday with the combined forces of the enemy, which lasted with continuous fury from daylight until dark. * * * Our troops behaved splendidly.

I think I have shown that no furious battle commenced until late in the afternoon.

When General Pope

THOUGHT IT TO HIS ADVANTAGE

to show that Longstreet was not on the field, and did not interpose and prevent Porter's attack on Jackson's flank, he contradicted this dispatch, and stated in his report and swore before the Porter court that he did not fight the combined forces, but that Longstreet was absent.

At 9.45 p. m. the same day he dispatched (War Records, volume 12, part 2, page 78):

> We have had a terrific battle again to-day. The enemy, largely re-enforced, assaulted our position early to-day. We held our ground firmly until 6 p. m., when the enemy, massing very heavy forces on our left, forced back that wing about half a mile. The movement has been made in perfect order and without loss. The troops are in good heart, and marched off the field without the least hurry or confusion. Their conduct was very fine. The battle was most furious for hours without cessation and the losses on both sides very heavy.

Porter's troops did most of the fighting, and General Pope says:

> Their conduct was very fine.

But when he wished to sacrifice Porter he says:

> The attack of Porter was neither vigorous nor persistent, and his troops soon retired in considerable confusion.

To make the court legal it was necessary for General Pope to testify that he was not the prosecutor; but in 1865 he wrote to Senator Wade that he had brought Porter to justice.

And his letter to General Grant of September 16, 1867, says:

> As I am one of the principal parties concerned in the case of Fitz-John Porter,

Probably the most painful thing that General Pope escaped in refusing to go before the Schofield board was the embarrassment of the exposure of his injury to Porter by palming off Stonewall Jackson's report of his battle with Porter on the 30th as Jackson's report of his fight with Pope's other troops on the 29th. No one ought to vote on this bill without reading the evidence of General McDowell before the Schofield board. (Pages 722 to 740, and side pages 751 to 771.)

There it will be seen that in 1878 Generals Pope and McDowell, in their efforts to injure Porter, sought to show that there was a severe battle on the 29th. They therefore take an extract of General Jackson's report, which relates to

GENERAL PORTER'S GALLANT FIGHT

on the 30th, and change it so as to make it appear to refer to the battle of the 29th. The paragraph is in the following words (War Records, volume 12, part 2, page 646):

> On the following day (30th) my command occupied the ground and the divisions the same relative position to each other and to the field which they held the day before, forming the left wing of the army, General Longstreet's command forming the right wing. A large quantity of artillery was posted upon a commanding eminence in the center. After some desultory skirmishing and heavy cannonading during the day the Federal infantry, about 4 o'clock in the evening, moved from under cover of the wood and advanced in several lines, first engaging the right, but soon extending its attack to the center and left. In a few moments our entire line was engaged in a fierce and sanguinary struggle with the enemy. As one line was repulsed another took its place and pressed forward as if determined by force of numbers and fury of assault to drive us from our position.
>
> So impetuous and well-sustained were these onsets as to induce me to send to the commanding general for re-enforcements, but the timely and gallant advance of General Longstreet on the right relieved my troops from the pressure of overwhelming numbers and gave to those brave men the chances of a more equal conflict. As Longstreet pressed upon the right the Federal advance was checked, and soon a general advance of my whole line was ordered. Eagerly and fiercely did each brigade press forward, exhibiting in parts of the field scenes of close encounter and murderous strife not witnessed often in the turmoil of battle. The Federals gave way before our troops, fell back in disorder, and fled precipitately, leaving their dead and wounded on the field. During their retreat the artillery opened with destructive power upon the fugitive masses. The infantry followed until darkness put an end to the pursuit.

This they change by omitting the first four lines, which show that it refers to the 30th, and place a heading above that and other reports, as follows:

OPERATIONS OF THE 29TH OF AUGUST—SECOND BULL RUN.

And, in order to more thoroughly impress this deception upon the public, Pope says:

> And here we shall recite the testimony of Stonewall Jackson, who was the general commanding-in-chief on that day.

This was in full keeping with the methods by which General Pope misled General Grant, who, in excusing his failure to do Porter justice in 1867, says he read the other side as prepared and furnished by General Pope. It was perpetrated by the same man to whom Major-General Franklin refers in a letter which I find in the Schofield board report, page 489. I will read an extract:

> During the trial I thought it proper to inform Porter that General J. F. Reynolds, George H. Thomas, and myself would, if requested, go before the court and swear that we would not believe Pope or Roberts under oath. I had consulted General Reynolds before I wrote the proposition. He consented to go himself, and thought General Thomas would have no hesitation in giving such evidence. I was myself well convinced of General Thomas's opinion of Pope's veracity from what I had often heard him say before the war. Porter declined to call us up to give this evidence, on the ground that the court appeared so well-disposed toward him and his case was going on so well that he did not wish to irritate the court by an attempt to break down the evidence of the principal prosecutors. The sequel showed that he made a serious mistake.

I fully concur with my colleague [Mr. STEELE] that General Pope showed good judgment in keeping away from the Schofield board; and I am not surprised at the gentleman from Indiana [Mr. STEELE] saying that he would not like to be in General Pope's boots as a witness before that board.

I suppose he read General McDowell's evidence about the change of the date in Jackson's report, and no doubt he readily conceived that General Pope's position would have been even more embarrassing than General McDowell's.

So far from the board being organized in Porter's favor, I feel justified in the conclusion that they were expected to reach a decision which would be substantially, if not literally, an indorsement of the verdict of the court-martial. That this expectation was widespread, if not general, is clearly established by innumerable letters upon the subject, from the mass of which I select a few extracts from the correspondence of the late President Garfield as sufficient for my purpose.

On the 18th of January, 1875, General Garfield, then the leader of his party in this House, introduced a resolution looking to the appointment by the President of a board of Army officers to examine the new evidence said to be in the possession of General Porter, and to report what bearing such evidence would have on the findings and sentence of the court-martial in his case. On the 19th of February he wrote a letter to General Porter, stating or explaining his reasons for introducing that resolution, and in this letter he says:

> I have never concurred in the severe reflections which have from time to time appeared in the public press on the motives and conduct of that court.

On February 18, 1880, he wrote to General Cox:

> I have made a strong effort to separate myself from the case.

On the 13th of February, 1880, he wrote:

> If the Fitz-John Porter bill passes it condemns hundreds of leading men, from Lincoln down, and leaves a blot on their name.

And in the letter to General Cox, previously referred to, he says:

> I have been so stung by the decision of the Schofield board that it is very hard to trust my own mind to speak of it as it appeared to me.

General Garfield dreaded that the Fitz-John Porter bill, if passed, would "condemn hundreds of leading men, from Lincoln down, and leave a blot on their names."

Is it not manifest from the language employed that Garfield spoke as a party man, not as a lawyer; that his view was that of an advocate and champion of his party, not that of an unbiased citizen anxious to secure justice for the victim of unavoidable error?

I wish it to be distinctly understood that I allude to the distinguished dead

WITH ALL POSSIBLE RESPECT AND REVERENCE,

and have introduced his name only because the views he was known to hold upon this case have been advanced as lending a peculiar and special sanction to the opposition to this bill. But it must not be forgotten that, notwithstanding his many great and good qualities, General Garfield, according to his own explicit avowal, was never able to separate himself from the case.

But notwithstanding all this, I am convinced that had General Gar-

field been relieved of the excitement and responsibilities of party leadership long enough to have given to the case that careful, thorough, and dispassionate consideration without which it was impossible to understand or appreciate the just weight and bearing of the new evidence produced before the Schofield board—had this been possible, I say, I am convinced he would have earnestly, zealously, and efficiently supported the act of justice sought to be secured by the bill under consideration.

We all know the extreme and intense feeling of President Lincoln against General Porter. His son, then a child, recalled this in 1870, when before the board he testified:

My father was exceedingly severe in his condemnation.

Yet Mr. Lincoln, at the first glimpse of facts showing he was in error, said to Governor Newell that he had acted upon the opinion of Judge Holt, and that he would be glad to give General Porter an opportunity of presenting the new evidence which exculpated him. Governor Newell was upon intimate and friendly terms with Mr. Lincoln, both personal and political. The governor, while a witness, in reply to direct questions, testified to the above, and in reply to a question from the court testified regarding Mr. Lincoln's statement in these words:

Mr. Lincoln stated that he had not been able to give that personal attention to the cause which its merits required; that he had accepted the opinion of the Judge-Advocate-General and of the War Department as the basis of his action; that if any evidence exculpatory of General Porter could be introduced, he would be very glad to give him an opportunity to have it presented; that he had a high regard for General Porter personally and as a soldier, and that he hoped he would be able to vindicate himself in that way.

This shows that Mr. Lincoln himself, as shown by the evidence of Mr. Newell, expressed the greatest contrition when he found that he had been deceived and imposed upon by Judge Holt and induced to affirm a verdict he otherwise would have set aside. The gentleman from Indiana says that Judge Holt——

Mr. HANBACK. Upon what authority do you make that statement?

Mr. WHEELER. I make it upon the authority of Governor Newell, of New Jersey, who swore before the Schofield board to that effect.

Mr. HANBACK. It has been denied a thousand times by honorable men.

Mr. WHEELER. It has never been denied under oath by anybody. I assert that so far from it being the fact, as has been stated here, that Mr. Lincoln considered this evidence, he never saw it at all, but, as I have before stated, relied upon that paper presented by Judge Holt. Though it was his sworn duty to defend the accused, General Porter, yet he presented to Mr. Lincoln a written paper occupying twenty pages printed matter which is one of the basest arguments, false in its statements and deceptive in its inferences, that was ever placed before a court by any lawyer. If in my State a lawyer before a court and jury had made such an argument, perverting facts as he did, the judge would have set aside the verdict if one had been obtained, or, if he did not do it, the supreme court would have reversed it. Yet, while it was Judge Holt's duty to do the defendant justice, he declined to make his argument before the court, and then placed this argument before the President.

Mr. STEELE. If the gentleman will allow me, the facts are these——

Mr. WHEELER. No, I can not allow you, because I have very little time. You can take some other time for your statement.

Mr. STEELE. I need not remind the gentleman that he interrupted me *ad libitum* the other day.

Mr. WHEELER. I did not occupy a minute.

My colleague on the committee [Mr. STEELE] also seems never to have heard of this, as he said in his speech:

President Lincoln, who had the case in his hands at least two days—and it is attested that he carefully reviewed it—approved the sentence.

On the contrary, what I have read shows, and my information is, that Mr. Lincoln did not review the evidence. I have shown that Governor William A. Newell, of New Jersey, testified to this fact in his evidence before the Schofield board, which may be found on pages 318 to 321, part 2, of the Schofield board.

On one point the evidence of Governor Newell is specially clear and emphatic, and that was as to Mr. Lincoln's desire to have General Porter submit any new evidence, which I will read:

Q. Did he at that time state what kind of newly discovered evidence or explanatory evidence he desired?

A. No, sir; he made no inquiry about that. I didn't know anything about that myself. I recollect his saying distinctly, and his manner of putting it at the time, that if there was any evidence that General Porter could bring to change the aspect of the case he would be glad to have it done. I recollect perfectly his particular expression at that time—I recollect that more than anything else—that if there was anything that could be brought out he hoped it would be done.

GENERAL GRANT'S PREJUDICE

against Porter was so great that in 1866 he refused Porter's application to even recommend any action which would tend to open a way for a new investigation, and for eighteen years this distinguished soldier admitted he had entertained and expressed opinions reflecting upon the integrity of General Porter's military acts; yet, immediately after reading the evidence, General Grant writes, December 9, 1881:

I have heretofore done you injustice both in thought and speech, and I will regard it as a most solemn obligation on my part to correct the wrong.

And two weeks later, December 22, 1881, General Grant writes to the President:

The reading of the whole of this record has thoroughly convinced me that for these nineteen years I have been doing a gallant and efficient soldier a very great injustice in thought, and sometimes in speech. I feel it incumbent upon me now to do whatever lies in my power to remove from him and from his family the stain upon his good name. I feel this the more incumbent upon me than I should if I had been a corps commander only, or occupying any other command in the Army than the one which I did; but as General I had it possibly in my power to have obtained for him the hearing which he only got at a later day, and as President I certainly had the power to have ordered that hearing. In justification for my injustice to General Porter, I can only state that shortly after the war closed his defense was brought to my attention, but I read it in connection with a sketch of the field where his offenses were said to have been committed, *which I now see, since perfect maps have been made by the Engineer Department of the whole field, were totally incorrect as showing the position of the two armies.* I also read it in connection with statements made *on the other side against General Porter*, and I am afraid possibly with some little prejudice in the case. * * * I am now convinced that he rendered faithful, efficient, and intelligent service, and the fact that he was retained in command of a corps for months after his offenses were said to have been committed is in his favor.

On December 30, in reply to a letter from General LOGAN, Grant says:

I reluctantly came to the conclusion I did, but was convinced beyond all preconceived notions, and felt it due to an accused man to say so.

On January 23, 1882, he wrote to the President:

But, as I feel myself somewhat responsible for General Porter's long suffering, I ask an interview with one of his personal friends, to the end that you may consult as to the best method of reaching a just and practical solution of the Porter case, if you should look upon the matter as I do.

On February 4, 1882, he writes to Senator CAMERON:

* * * When I commenced the examination of the Fitz-John Porter case, as it now stands, it was with the conviction that his sentence was a just one, and that his punishment had been light for so hideous an offense; but I tried to throw off all prejudice in the case and to examine it on its merits. I came out of that examination with the firm conviction that an entirely innocent man had been most unjustly punished. * * *

You are aware that when General LOGAN made a speech against General Porter it was in opposition to a bill pending in Congress. He, like myself, was thoroughly convinced of the guilt of General Porter, and was, therefore, opposed to the bill. His investigations, therefore, were necessarily to find arguments to sustain his side of a pending question. I have, of course, no knowledge of the papers he could refer to, or would examine, to find such arguments, but I know he could have the testimony which was taken before the court-martial which convicted, probably also the arguments of the officer who acted as prosecutor when the case was before the Schofield court, and arguments that have been made by lawyers J. D. Cox, and others possibly—all of which were made in opposition to General Porter, as much as that of paid attorneys in cases of civil courts.

But my investigation of all the facts that I could bring before me of the occurrences from the 27th of August, 1862, and for some little time prior to the 1st of September the same year, show conclusively that the court and some of the witnesses entirely misapprehended the position of the enemy on the 29th of August.

* * * * * * *

I find the Schofield board acquit him entirely, but throw some censure upon him for having expressed a lack of confidence in his commanding officer. Such conduct might be censured, although if every man in the Army had been punished who had expressed lack of confidence in his superior officer many of our best soldiers would have been punished. But, in fact, if this was not stated in the summing up of the case by the board, I should have not found that he had expressed any such lack of confidence. On the contrary, to my mind now he was zealous in giving a support to General Pope, and more so, possibly, for the reason that he knew among his former Army associates there was a good deal of apprehension, to say the least, of his fitness for his new place.

* * * * * * *

I commenced reading up this case with the conviction that General Porter had been guilty, as found by the court, but come out of the investigation with a thorough conviction that I and the public generally had done him a fearful injustice, and entirely satisfied that any intelligent man or lawyer who will throw aside prejudice and examine the case as I have done will come to the same conclusion.

As stated in my letter to the President, I feel it incumbent upon me, in view of the positions that I have held heretofore and my failure then to do what I now wish I had done, to do all in my power to place General Porter right before the public and in future history, and to repair my own unintentional injustice.

I address this letter to you, knowing that you will have a desire to do just what your judgment dictates as being right in the matter, and that you will state to whomsoever it may seem to you proper and necessary my present convictions upon this case.

On April 10, 1882, he writes to the President:

* * * As I have before said verbally and in writing, I take a very deep interest in this matter, because I deem myself somewhat responsible for the continuous punishment of an officer of high rank in the Army whose innocence I am now as sure of as it is possible for one to be in human evidence. * * *

May 29, 1882, he writes Senator CAMERON:

DEAR SENATOR: I understand the bill for the relief of General F. J. Porter will be called up to-morrow if there is a session, if not on the first meeting thereafter. I hope you will do all that is proper to expedite a hearing and vote in his case. My feeling in this matter is intensified by my thorough conviction of Porter's innocence of the charges upon which he was convicted and the fact that I am more or less responsible for the long delay in having justice—partial justice—done him. LOGAN made an able speech against Porter, believing him guilty, as I did at the time, but I do not believe he will benefit himself by renewing the attack, now that an investigation, not only by an able and impartial board, acting as judges and not as defenders, unqualifiedly pronounce him innocent, but writers of history, free from prejudice or prejudiced against him, also so find.

If you can urge a vote this week I will regard it as a special favor. The bill is a very mild one in comparison to what I think is due Porter; but perhaps it is better that it should be so.

December 27, 1882, in reply to a letter which referred to the bill then pending for his own restoration to the Army, General Grant says:

* * * * * * *

I care nothing about mine whatever. It will depend much upon the discussion that takes place in Congress whether I accept, even if it does pass. In yours I feel a much deeper interest, and am ready to say now, that if yours can

be advanced by laying mine "on the table" or withdrawing it, I am ready to ask it.

On February 21, 1883, writing upon the same subject, General Grant says:

DEAR GENERAL: I have your letter of this a. m. I beg you to give yourself no concern about the bill for my retirement. I care nothing about it; in fact, should be governed in my acceptance or declination of its benefits—if it were to pass and receive the signature of the President—by the discussion in Congress and comments by the public. Of course, I should esteem it a great compliment if Congress, with great unanimity, should pass this bill, should pass the bill before the House, and it should be received with favor by the public. Otherwise I would not accept. But even if I were anxious for the passage of the bill retiring me, I would not have it at the expense of one so deeply wronged as I now know you have been.

November 23, 1883, General Grant writes a letter to General Porter in which he uses the following emphatic language:

* * * But I did believe that General Pope was so odious to some of the officers in the East that a cordial support was not given him by them. I was disposed, too, to accept the verdict of a court-martial composed as the one which tried you was. Some of the members of that court I knew personally, and had great confidence in their judgment and justice. I supposed you had shared in this feeling towards Pope, and while not more guilty than others, you were unfortunate in being placed in a position where specifications could be made showing this hostility.

After the close of the war, when I was requested to read your new defense, I read it with the feeling above described. At the same time I read the other side as prepared—or furnished—by General Pope. * * * I was first shaken in my views, however, when such a man as General Terry—who unites the lawyer with the soldier—a man of high character and ability, and who had believed as I had, and possibly worse, after many weeks of investigation, should entirely vindicate you and be sustained, too, by men of the known ability of his colleagues on the board.

* * * * * * *

I have no doubt now but the change would have taken place in 1867 if I had then made an investigation. I regret now that I did not understand your case then as I do now. Your whole life since your trial, as well as your services before, disprove the great burden of the charges then sustained by a court-martial. As long as I have a voice it shall be raised in your support without any reference to the effect upon me or others. Your restoration to the Army, simply, I would regard as a very inadequate and unjust reparation. While men—one at least—have been restored to the Army because of their gallantry and wounds, after conviction and sentence, and when there is no doubt of their guilt, are given all their pay for the years they were out of the service, I can see no reason for your having less.

I hope for you a through vindication, not only by Congress, but in the minds of your countrymen.

On July 4, 1884, but twenty-seven days after the development of Ward's perfidy, by which Grant was financially ruined, apparently forgetting his own troubles, he writes:

You can scarcely conceive the pain it caused me to read the veto of your bill by the President yesterday. I was not prepared for it. His message is the merest sophistry. It is no doubt a great disappointment to you and your family, but I believe it will result ultimately in doing you fuller justice.

You were dismissed unjustly and you are entitled to restoration. That would make you a major-general from the date of dismissal to the time of restoration. I want to see this final decision in your case.

Be of good cheer and pray that justice may yet be done you and yours.

Presidents Lincoln and Grant, Generals Schofield, Terry, and Getty

EXAMINED THE CASE INTELLECTUALLY,

were convinced of their error, and immediately sought to do Porter justice. All these great men were too exalted in character to be controlled by personal or political prejudice in a matter involving right, honor, and justice. The moment they found they had done General Porter injustice, without a thought as to the effect upon themselves, their every effort seemed to be to rectify the wrong they had committed. Look at the gallant and honest General Terry. No one in this House ever was more thoroughly convinced of Porter's guilt than he; yet when he learns the truth he asks Porter's pardon for remaining in ignorance of his case, confessing:

I might have learned something of the truth had I diligently sought it.

Look at General Grant. Once convinced he had done wrong, when he examined the case in 1866, by giving too much weight to the papers "prepared or furnished by General Pope" which caused him to refuse any action in Porter's behalf, this distinguished officer now, at any personal sacrifice, sought to aid Porter in attaining justice.

The gentleman from Tennessee [Mr. HOUK] does not seem to understand or is unable to comprehend General Grant's greatness of character, and he does him the injustice to charge that his vindication of Porter was caused by old age, of necessity creating the inference that his conclusions were the result of impaired intellect. Is it possible that this is the measure of gratitude Republicans have to General Grant in return for his service to their party and his country?

General Grant became convinced of his error in 1881, and his history shows that during the four years from that time to his death the vigor of his intellect was remarkable, and yet to disparage General Grant's opinion this gentleman would have us believe that during these years his mind was enfeebled by old age.

The man who during the illness which terminated his life wrote a history of the war which will be accepted as the standard authority upon that subject, and for which his honored widow has already received a quarter of a million dollars, I respectfully submit ought to have escaped this assault.

General Grant's friends will not thank the gentleman from Tennessee [Mr. HOUK] for the feeble words of praise with which he sugar-coats these unworthy insinuations against a great and honored hero.

If any gentleman opposed to this bill can rise in his seat and declare that he has brought to this subject the same amount of experience and has bestowed upon it the same degree of intelligent and careful study that General Grant gave it, and in spite of that study still considers Porter guilty, I feel confident Porter will be willing to withdraw his case from Congress. I call upon any gentleman who has given this subject the same consideration that General Grant has, and brought to it the same experience, to rise in his seat and say that he considers Porter guilty.

Mr. STEELE. I do not know how much consideration General Grant gave it, but I consider Porter guilty. I think I have given a great deal more attention to the subject than did General Grant, or he never would have found as he did.

Mr. WHEELER. The gentleman does not say that he has given it the same careful consideration that General Grant has——

Mr. CURTIN. Very much depends on the amount of ability and experience as a soldier which may be brought to the consideration of the case.

Mr. WHEELER. I have great respect for the talent and ability of my friend from Indiana [Mr. STEELE], but must confess some amazement at his statement, which implies an assumption that he knows more about the case than General Grant. I have also great respect for the other members of the minority of the committee, and if any one of them might deem himself justified in challenging a military opinion of General Grant we should expect it to be the distinguished gentleman from Pennsylvania.

We see running through General Grant's correspondence repeated reference to his feeling of responsibility on account of his failure to do Porter justice when it was in his power to have done so. He loses sight of himself, and his own restoration to the Army he regards as nothing when compared to the rectification of the wrongs inflicted upon Porter.

My failure to do what I now wish I had done, to place General Porter right before the public and in future history, and to repair my own unintentional injustice.

These are the words which come from General Grant's heart. Such was the feeling which actuated men like Lincoln, Grant, Schofield, Terry, and Getty.

They were all Republicans; not a Democrat among them.

Like guiding stars of night, like beacons seen by a storm-tossed mariner, the example set by these men might well be taken to aid in steering your party to a haven of right. These are men you might well follow, admire, and emulate.

St. Paul never considered the effect upon himself when he ceased to persecute and commenced to follow Christ. He did it because his heart told him it was right, and he labored for Christianity more abundantly than them all. Lincoln, Grant, Schofield, Terry, and Getty had for years "condemned General Porter, both in thought and sometimes in speech," but, actuated by the same grand principle of right, now labored abundantly to rectify the wrong they had unintentionally done.

The bright morning sun which on July 23, at Mount McGregor, cast its rays upon the bier of the greatest of these shines to-day upon us, the chosen Representatives of his beloved country. Can we not learn a lesson from the last acts of the dead hero, a man capable of rising above himself, a man to whom right was better than might and justice dearer than personal ambition.

THERE IS A BEAUTIFUL FANCY

of pagan mythology which insists that when men who were pre-eminent in any cause on earth meet in the happy fields of Elysium and discuss the events in which, while mortal, they had been the chief actors, they cheerfully and cordially concede the transcendent merits of each other in their several fields of endeavor. How adroitly and charmingly Jomini avails himself of this fiction as introductory to his Napoleon:

Long time had the Elysian Fields resounded with the memorable events which marked the beginning of the nineteenth century. The shades of Pitt, Thugut, Kleber, Moreau, Nelson, Lannes, and the many other heroes slain in battle had already carried there a thousand different versions of the combinations to which were attributed so many victories and so many defeats. The illustrious inhabitants of these mysterious regions were waiting with impatience the appearance of the extraordinary man who had been the principal actor in these events, and who alone could explain them.

Already the news of his exile to St. Helena, and of the barbarous treatment he received there, gives warning of his approaching end. Already homicidal fate seizes his scissors * * * inexorable Atropos cannot suffer so noble a victim to escape. Finally, on the 5th of May, 1821, the clear sky of Elysium is suddenly covered with clouds, the angry waves of Acheron, lashed by the unchained winds, give notice of some extraordinary apparition. All, with a common sentiment of interest and curiosity, hasten to the shore. Soon the skiff of the sad and silent Charon is seen approaching; it carries the shade of Napoleon the * * *. All press forward to see him; Alexander, Cæsar, Frederick, are in the first rank, and they alone have the right of interrogating him.

To the usual felicitations succeed the most weighty questions. Alexander, who from the mountains of Macedonia penetrated into India and returned victorious, is astonished at the retreat from Moscow, and asks to know the cause; Cæsar, who died invincible, asks an explanation of the disasters of Llepsic and Waterloo; Frederick, so great in reverses and so measured in his enterprises, wishes an explanation of the prompt destruction of his monarchy and of its brilliant resurrection in 1813.

Napoleon then recites the events which mark

HIS EXTRAORDINARY CAREER,

and at the close of the narration the verdict of the noble Areopagus was pronounced:

His illustrious auditors declared with unanimous voice that, although he had

failed in the execution of his vast projects, he surpassed them all in his force of genius and greatness of soul. Each in particular eulogized those traits which most resembled his own: Alexander praised Napoleon for his generosity to his conquered foes; Cæsar admired his having built up an empire out of the scattered fragments of public liberty, and established his power with legions destined to defend that liberty; Frederick applauded his spirit of order and economy, and was particularly pleased at seeing his own system of war receive such new and extensive developments.

From that moment the four heroes became inseparable, and their conversations form an inexhaustible source of political and military instruction, and constitute the principal charm and delight of the illustrious shades who inhabit the fields of Elysium.

Applying this pleasing fiction to the present case, what can we imagine will be Grant's salutation to Porter when they meet in the Elysian fields? Judging from the last expressions and efforts of the illustrious leader of the Union armies, have we not a right to say it will be: "Thank God, Porter, after your many years of martyrdom, the American people did you justice."

And to pursue the same delightful conceit, can we not fancy Porter, surrounded by Ney, Soult, Massena, Macdonald, Stonewall Jackson, and Hancock as they greet him with, "All hail to you, Porter! Your achievements at Malvern Hill and the Second Manassas surpass in glory anything of which we can boast."

No one blames General Pope for his misfortunes. The greatest and most successful soldiers have lost battles, have lost campaigns, have lost kingdoms, empires, and country. Misfortune was even more potent than their genius, and no one ever thought of reproaching them for being overcome by the irresistible. Frederick the Great, in the apparent hopelessness of his cause which followed the defeat of Rossbach, still retained the love and confidence of his people and commanded the admiration of the world; Kosciusko is immortal in fame and poetry though defeated in his military efforts and patriotic aspirations; Washington, after the reverses at Boston and Long Island, and amid all the gloom which lowered on the patriot cause in the

DARK DAYS AT VALLEY FORGE,

was still revered by his countrymen as a devoted patriot and trusted by his troops and people as a military commander; Lee, in his almost solitary ride from Appomattox to Richmond, had lost no jot or tittle of the glory and popular idolatry which had attached to his name in the midst of his greatest triumphs. And to use the language of Napier:

Napoleon, the greatest man of whom history makes mention, the most wonderful commander, the most sagacious politician, the most profound statesman, lost by arms Poland, Germany, Italy, Portugal, Spain, and France. Fortune, that name for the unknown combinations of infinite power, was wanting to him, and without her aid the designs of man are as bubbles on a troubled ocean.

The almost unanimous expressions of opinion by the press and people of the United States, without distinction of party, had led me to hope that this bill would at least escape the old and exploded objections urged against General Porter in former Congresses. In this hope, I regret to say, I have been disappointed.

The minority of the committee say:

There is another reason why we can not join in the report of the majority, and that is that we gravely doubt the propriety or constitutionality of Congress attempting to review and reverse the adjudication of a military judicial tribunal.

* * * * * * *

Courts-martial have been established by the law-making power for the administration of order, discipline, and justice in the land and naval forces of the United States.

It is beyond the province of Congress to review or reverse the decisions of these courts-martial. If they are not a part of the judicial system, they certainly belong to the executive department as appurtenant to the government of the Army, and in either case it would be an act of usurpation for Congress to set itself up as an appellate court-martial. * * *

If the court-martial erred, it is, in our opinion, one of those errors from which there is no appeal; one of the incidents inseparable from all judicial systems. This House might as properly attempt to review and correct the errors of the Supreme Court of the United States as to review and correct the errors of the highest military court, when its findings have been approved by the President of the United States and duly executed.

These are the grounds taken by President Arthur in his veto of the Fitz-John Porter bill passed by the Forty-eighth Congress. These objections are satisfactorily disposed of to the minds of all unprejudiced people by General Grant, who characterized the veto message as the "merest sophistry."

The fallacy of the position assumed by President Arthur and reasserted and adopted by the minority of the committee, with its underlying theory that all courts-martial are infallible, is strikingly illustrated by the fact that within the last ten years Congress has been compelled to examine into and reverse the decision of numerous courts-martial, some of which showed gross perversions of justice.

I do not wish to be understood as impugning or in any way assailing the integrity and fairness of courts-martial. This is by no means my purpose. On the contrary, I maintain and am prepared to defend and uphold the proposition that, as a rule,

THE COURTS OF OUR ARMY

have been distinguished for their anxiety to arrive at a thorough and accurate knowledge of the facts which were to influence or govern their deliberations, and for the equal, exact, and impartial justice of their decisions. That there have been instances of deviation from this general rule or characteristic is doubtless true. But in the majority of cases the records will show that our military tribunals must be credited with fairness and impartiality.

And yet, partial as I am, by education and association, to the gentlemen engaged in the military service of our country, vigilant and eager as I am to defend them against and to repel unjust aspersions, I must unwillingly admit that there have been cases where the verdict of a court-martial appears to have been dictated by the personal feelings of its members rather than a desire to learn the truth and administer justice. This may sound like a harsh judgment, but it is warranted by facts. It is true, and a truth does not cease to be a truth because of concealment or strenuous denial.

These occasional miscarriages of military justice have not escaped the attention of our present pure and honored Executive, and in his last message they are alluded to in the vigorous language which I will now read:

If some of the proceedings of courts-martial which I have had occasion to examine present the ideas of justice which generally prevail in these tribunals, I am satisfied that they should be much reformed, if the honor and honesty of the Army and Navy are by their instrumentality to be vindicated and protected.

To say that we must accept as infallible the verdict of one of the tribunals which have provoked this unsparing censure is preposterous. And it is this very absurdity which President Arthur and the minority of the committee seem determined to maintain.

The difficulty with these champions of the inviolability of the verdict of this particular court-martial is this: They have somehow conceived the idea that the suit was a prosecution conducted solely in the interest of General John Pope, and they can not divest themselves of this error. If they were correct in these premises, I admit the justice of their conclusions. If the case had been General Pope against General Fitz-John Porter, and if, as some seem to contend, General Pope acquired a right or proprietary ownership in the judgment, then Congress would have no right to interfere. If General Pope were the

BENEFICIARY OF THE JUDGMENT

then he, and he alone, could consent to its being annulled. But we may as well now inform him and his supporters that the record shows the case to have been the United States against Porter. The 33,000,000 of American people were the plaintiffs, and General Porter was the defendant. These 33,000,000 people, now increased to 60,000,000, find the judgment was obtained by mistaken evidence, perjury, and fraud, and that if the whole truth and nothing but the truth had been put in evidence and placed before the tribunal, the judgment of the court would have been in favor of Fitz-John Porter and against the plaintiffs. And these 33,000,000 people, increased to 60,000,000, now say, "We are too honorable to retain the benefit of a judgment to which, under the law and the facts, we are not entitled, and we come into open court and declare that, impelled by conscience, right, and justice, we hereby release our judgment and ask that it be annulled."

Every successful suitor in any court has a right to do that, and every honorable one will always do it. The United States of America in their sovereign capacity can not possess less right in such a matter than is possessed by one of their citizens, and certainly they ought not to be less honorable than individual citizens. Nay, they ought to be more honorable; they ought to set the example of honor and integrity.

I repeat that the entire theory of the opponents to this bill seems to rest upon the presumption of Pope's interest in this matter. That was certainly General Pope's idea. He was almost continually alluding to it as his case, or as one in which he had an interest.

I will read a paragraph from a letter written by him to General Grant in 1867:

HEADQUARTERS THIRD MILITARY DISTRICT,
Atlanta, Ga., September 16, 1867.

GENERAL: As I am one of the principal parties concerned in the case of Fitz-John Porter, and as I learn that he is in Washington city seeking a reopening of his case, on the ground that he has come into possession of testimony since the close of the war which has an important bearing on the subject, and as I suppose it is not unlikely that a commission may be ordered to examine that testimony and report upon it, I consider it my duty as well as my right respectfully to submit to your attention or that of any commission that may be ordered, the following remarks, for such consideration as they merit. * * *

I am, general, very respectfully, your obedient servant,

JOHN POPE,
Bvt. Maj. Gen., U. S. A.

General U. S. GRANT, *Washington, D. C.*

This letter was a very long one and contained a reiteration of the numerous errors and misstatements which appeared in the arguments for the prosecution before the court-martial in 1862-'63, and we have the

EVIDENCE OF GENERAL GRANT

that it was potential in its effect upon his mind, and led to the rejection of Porter's appeal to have his case reopened. In further corroboration of this view, I quote the following from General Pope's letter to Senator Wade:

In the last days of January, 1863, when the trial of Fitz-John Porter had closed and when his guilt had been established I intimated to the President that it seemed a proper time then for some public acknowledgment of my services in Virginia from him.

This would appear to indicate that General Pope was laboring under the delusion that he must benefit by the condemnation visited upon General Porter, and that any degradation of the latter must result in corresponding exaltation of himself.

I am surprised at the assertion of the minority:

This House might as properly attempt to review and correct the errors of the Supreme Court of the United States as to review and correct the errors of the

highest military court, when its findings have been approved by the President of the United States and duly executed.

This attempt to establish an absolute parallel between the Supreme Court of the United States and a court-martial could hardly have been made had the minority given the subject that thoughtful attention which the gravity of the issue demanded. The Supreme Court was created by the Constitution, the same supreme authority to which Congress likewise owes its existence. The Supreme Court is a court of appellate jurisdiction in all cases except those affecting embassadors, other public ministers and consuls, and cases in which a State is a party. Therefore with the rarest exceptions the function of this court is to examine into and decide upon the proceedings of inferior tribunals.

But I insist that even in a case where the Supreme Court had affirmed any decision of a lower court against a citizen and in favor of the United States Congress has the power and the right to annul the verdict.

Courts-martial are tribunals unknown to the Constitution. They owe their existence to the Articles of War, which by act of Congress were made laws of the United States. These Articles of War were taken almost *verbatim* from monarchical governments, under which courts-martial were little more than advisory bodies to military commanders.

The minority of the committee also hold that the feature of the bill authorizing the President to nominate and, by and with the advice of the Senate, to appoint Fitz-John Porter to the position of colonel in the Army is an invasion of the executive prerogative. On this point the report says:

Again, the power of nominating officers of the Army and Navy belongs under the Constitution exclusively to the President.

If this bill does not nominate F. J. Porter to the office of "colonel in the Army," then it is an absolute nullity and of no force whatever. If it does nominate him to that office, then it is an invasion of the executive prerogative, and is a usurpation.

Certainly the minority have failed to observe, or have chosen to ignore, the fact to which I have previously adverted, that within the last ten years the President has appointed a number of officers to the Army under and by virtue of acts of Congress reversing verdicts of courts-martial. Is it not singular that this peculiar theory is invoked for the first time in opposition to this particular bill, and is sought to be applied in bar of the claims of this particular individual?

Since the organization of the Government many

SIMILAR CASES HAVE ARISEN.

Prominent among them I recall that of the restoration to the Army of George B. Crittenden by act of Congress. But I do not wish to fatigue the House with a tiresome recapitulation, and therefore shall confine myself to acts of Congress of recent date, authorizing the restoration or appointment of officers to the Army, some of which I will recite.

An act to create an additional major of artillery, and to promote Capt. James M. Robertson.

Be it enacted, &c., That an additional major be added to the Second Regiment of Artillery, to be filled by the nomination and appointment of Capt. James M. Robertson, of said regiment, by the President of the United States, and that the said Robertson take rank next after the junior major of artillery: *Provided, however*, That the additional major added by this act to the Second Regiment of Artillery shall not hereafter be filled by any other officer, and the office shall expire whenever, by any casualty, the number of majors in each regiment of artillery shall be reduced to three.

SEC. 2. That the pay of said Captain Robertson as major shall commence from the date of his confirmation by the Senate on the nomination by the President.

Approved June 17, 1874.

Acts more or less similar were passed in the following cases:

An act authorizing the President to appoint Frank M. Ashton as second assistant engineer in the Navy of the United States. (U. S. Stat. at Large, volume 17, page 484; March 1, 1873.)

An act to restore William Kilburn, of San Francisco, Cal., to the Navy of the United States as an ensign. (U. S. Stat. at Large, volume 18, page 18; March 2, 1874.)

An act authorizing the Secretary of the Navy to employ a retired officer at sea, and if physically and professionally qualified to perform his duties the President is authorized to restore him to the active-list. (U. S. Stat. at Large, volume 18, page 30; April 17, 1874.)

An act to authorize an appointment in the Inspector-General's Department. (U. S. Stat. at Large, volume 18, page 77; June 16, 1874.)

An act authorizing the President to reinstate George M. Book on the active-list of the Navy. (U. S. Stat. at Large, volume 18, page 80; June 18, 1874.)

An act to place on the retired-list of the Navy M. P. Plunkett, late second assistant engineer in the Navy. (U. S. Stat. at Large, volume 18, page 202; June 22, 1874.)

An act authorizing the President to appoint George Henry Preble, now a captain on the active-list of the Navy, to be a commodore. (U. S. Stat. at Large, volume 18, page 233; June 23, 1874.)

An act for the relief of J. Scott Payne, second lieutenant Sixth United States Cavalry, late first lieutenant Fifth United States Cavalry. (U. S. Stat. at Large, volume 18, page 283; June 23, 1874.)

An act authorizing the President to nominate Holmes Wykoff an assistant surgeon in the Navy. (U. S. Stat. at Large, volume 18, page 304; January 30, 1875.)

An act for the relief of John T. Smith. (U. S. Stat. at Large, volume 18, page 305; January 30, 1875.)

An act to restore Capt. John C. Beaumont, of the United States Navy, to his original position on the Navy Register. (U. S. Stat. at Large, volume 18, page 515; March 3, 1875.)

An act for the relief of Maj. N. H. McLean, late of Adjutant-General's Department, United States Army. (U. S. Stat. at Large, volume 18, page 515; March 3, 1875.)

Joint resolution for the relief of Lowell A. Chamberlain. (U. S. Stat. at Large, volume 18, page 525; March 3, 1875.)

An act for the relief of George T. Olmstead, jr. (U. S. Stat. at Large, volume 19, page 53; June 24, 1876.)

An act to authorize the appointment of a sergeant in the Signal Corps as a second lieutenant in the Army. (U. S. Stat. at Large, volume 19, page 305; March 3, 1877.)

An act to authorize the President to restore Thomas J. Spencer to his former rank in the Army. (U. S. Stat. at Large, volume 19, page 407; March 3, 1877.)

An act placing the name of C. G. Fraedenberg upon the retired-list of the United States Army. (U. S. Stat. at Large, volume 19, page 408; March 3, 1877.)

An act for the relief of Thomas E. Maley. (U. S. Stat. at Large, volume 19, page 408; March 3, 1877.)

An act for the relief of William A. Hammond, late Surgeon-General of the Army. (U. S. Stat. at Large, volume 20, page 17; March 15, 1878.)

An act for the relief of John A. Darling. (U. S. Stat. at Large, volume 20, page 35; April 8, 1878.)

An act to authorize the restoration of George A. Armes to the rank of captain. (U. S. Stat. at Large, volume 20, page 37; April 23, 1878.)

An act for the relief of Robert C. Walker. (U. S. Stat. at Large, volume 20, page 206; June 19, 1878.)

An act for the relief of Horace E. Mullen. (U. S. Stat. at Large, volume 20, page 331; June 19, 1878.)

An act for the relief of Thomas B. Hunt. (U. S. Stat. at Large, volume 20, page 470; March 3, 1879.)

An act for the relief of William H. Gill. (U. S. Stat. at Large, volume 22, page 7; March 4, 1882.)

An act for the relief of Capt. William D. Whiting. (U. S. Stat. at Large, volume 22, page 37; April 1, 1882.)

An act for the relief of D. T. Kirby. (U. S. Stat. at Large, volume 22, page 97; May 26, 1882.)

On the 3d March, 1879, Congress passed the following act (20 Stat. at Large, 848):

Chapter 201.—An act for the relief of Joseph B. Collins.

Be it enacted, &c., That the President be, and he is hereby, authorized to reinstate Maj. Joseph B. Collins, late of the United States Army, and to retire him in that grade, as of the date he was previously mustered out, charging him with all extra pay and allowances paid him at that time.

Under and in pursuance of this act the President, on the 8th March, 1879, issued the following order:

EXECUTIVE MANSION, *March* 8, 1879.

Under authority conferred by the act approved March 3, 1879, Joseph B. Collins is hereby reinstated in the Army of the United States as a major of infantry, and placed on the retired-list in that grade, to date January 1, 1871.

R. B. HAYES.

This case was brought before the Court of Claims in a proceeding instituted by the beneficiary of the act to recover his pay in accordance with its provisions. And this involved the consideration by the court of the validity of acts of this character. The case is reported as Collins *vs.* The United States. (14 Court of Claims Reports, page 570.)

Justice Richardson delivered the opinion, in which he said:

This the accounting officer of the Treasury refused to allow on the ground that he had not been reappointed with the advice and consent of the Senate.

Two questions arise which require careful consideration: First, whether by the terms of the act Congress intended to confer upon the President alone authority to reinstate the claimant; and, second, whether it had the constitutional power so to do.

It appears to have been the purpose of Congress to place upon the retired-list a veteran officer who, upon the reduction of the Army, had been ungenerously mustered out of service. It was not its object to increase the effective military force of the Army, but to place upon what may be regarded as an especially honorable pension-roll a single individual, who, after long service, had the misfortune to be summarily dismissed without any fault of his own.

The Court of Claims then considered the constitutional provisions as to appointments, and decided in favor of Major Collins, fully affirming the right of Congress to pass such acts, the language of the court (volume 14, page 576), which I will read, being:

It is therefore clear on principle and authority that his appointment was legal and constitutional, and that he is entitled to the pay and emoluments of the office which he claims.

The fact that the President has sometimes availed himself of the authority granted by these laws to make the appointments referred to, and in other cases has declined to do so, is a complete answer to the idea advanced by the minority that laws of this character are in any manner imperative upon the Executive.

It follows, therefore, that if the practice of Congress or the decisions of a court are to have weight these objections of the minority must fall.

I entertain some doubts as to the propriety of dignifying General Pope's article in the Century by even referring to it, much less undertaking the simple task of its formal refutation. It is a

BADLY ARRANGED REPETITION

of the misstatements which General Grant said had deceived him when he investigated the case in 1867. I shall say nothing regarding the bad taste of such a publication appearing on the first day of the very month in which the bill was to be considered in Congress; but it contains some errors or misrepresentations that are so glaring that it becomes a duty to expose them. He says in the Century:

On the 27th of June I assumed command of the army of Virginia, which consisted of three corps. Frémont's corps, 11,500; Banks's corps, 8,000, and McDowell's corps, 18,500; in all, 38,000 men.

In the War Records we find the official report of the aggregate strength of this army, present for duty, at the same date to be 63,718, and, as I will show, it was re-enforced sufficiently to give General Pope a force actually available for the defense of Washington, prior to the engagements which culminated in the second battle of Manassas, which certainly approximated 157,544 men.

General Pope's return, dated July 31, 1862 (War Records, volume 12, part 3, page 523), showed his force to be 71,974. But he claims that, owing to detachments, the corps of Sigel, Banks, and McDowell had on

the banks of the Rappahannock but 52,000 men present for duty, from which there must be deducted the 1,400 men lost at Cedar Run.

Assuming this to be correct, the strength of these three corps present for duty was	50,600
Add cavalry not included in other returns (volume 12 part 2, page 53)	6,835
Add Reynolds's division (volume 12, part 2, page 396)	4,723
Add Heintzelman's corps (return August 10, volume 11, part 3, page 367)	16,539
Add Reno's corps (return for month of August, transcript War Records Office)	6,079
Add Taylor's brigade, Franklin's corps (return August 10, transcript War Records Office)	2,341
Add Fitz-John Porter's corps	9,324
And we have a total of	96,441
In addition to these was the force around Washington (volume 12, part 3, page 781)	27,717
Franklin's corps, less Taylor's brigade (return August 10, transcript from War Records Office), at Centreville	12,489
Sumner's corps (return August 20, volume 11, part 3, page 380), at Alexandria, according to McClellan's dispatch to Halleck, dated 10 a. m. August 28	16,858
Rodman's brigade (return for month of August, transcript from War Records Office) at Falmouth	4,039
From these figures we learn that General Pope had in the latter part of August, available for the defense of Washington, a total force of	157,544

General Pope also says in the Century:

The corps of General F. J. Porter consisted of ten thousand men, and was by far the finest if not the best in the Army. He had made very short and deliberate marches from Fredericksburg, and his advance division, mainly troops of the regular Army, under Sykes, had arrived at Warrenton Junction by 11 o'clock on the morning of the 27th, Morell's division of the same corps arriving later in the same day.

The reverse of this is the truth. The Fifth Corps (General Fitz-John Porter's) marched from Harrison's Landing at 7 p. m. August 14, and although, as General Halleck states in his letter of August 26, the movement "was greatly

DELAYED BY STORMS,"

he and his troops were engaged night and day, marching, embarking, and disembarking, and on ships packed like herrings. On the night of August 27 it reached Warrenton Junction, after a very hot march of from 12 to 18 miles, without food or water. In this connection I quote from the paper of General Weld, a gallant officer of Porter's corps, read before the Massachusetts Historical Society in Boston April 16, 1877:

His [Porter's] previous record was so honorable and so well known, that even his accusers did not venture to attack it. The extraordinary energy and zeal displayed by him in marching from Harrison's Landing to Newport News and in embarking and hastening his troops to Acquia Creek and forwarding them from there to Pope, are admitted even by Judge Advocate Holt. No complaint or fault is found with him until the day after joining Pope, which he did on the 27th of August. His marches had been rapid his vigilance unceasing, his obedience to all orders unquestioned, and, in a word, his conduct in all military matters had been that of a skillful, practiced soldier and of one who deserved well of he Republic.

General Pope also says in the Century:

At dark on the 27th, Hooker informed me that his ammunition was nearly exhausted. * * * In consequence of Hooker's report and the weakness of the small division which he commanded, and to strengthen my right wing moving in the direction of Manassas, I sent orders to Porter at dark, which reached him at 9 o'clock p. m., to move forward from Warrenton Junction at 1 o'clock that night, and to report to me at Bristoe Station by daylight next morning (August 28). * * * It was possible, however (for Jackson), to mass his whole force at Manassas Junction and assail our right (Hooker's division), which had fought a severe battle that afternoon, and was almost out of ammunition. Jackson, with A. P. Hill's division, retired through Centreville. Thinking it altogether within the probabilities that he might adopt the other alternative (mass his whole force at Manassas Junction), I sent the orders above mentioned to General Porter. He neither obeyed them nor attempted to obey them, but afterward gave as a reason for not doing so that his men were tired, the night was too dark to march, and that there was a wagon-train on the road toward Bristoe.

EVERY ESSENTIAL STATEMENT

in this extract from the Century article is so manifestly an afterthought that General Pope must have been reduced to the hardihood of desperation before he could venture to put them forward seriously. It is established beyond the possibility of controversy that he had no knowledge of Hooker being short of ammunition until long after he had dispatched the order to Porter. It is worthy of notice just here, that at 9.30 p. m., two and a half hours after the date of the order to Porter, General Pope sent orders to McDowell and Reno to march to Manassas Junction, and to Kearny to march to Bristoe Station, and in none of these orders did he refer to Hooker being short of ammunition, although in two of them he dwelt specially on Hooker having had a severe fight.

At 6.05 a. m. on the 28th General Pope wrote to General Porter:

HEADQUARTERS ARMY OF VIRGINIA,
Bristoe Station, August 28, 1862—6.05 a. m.

Maj. Gen. F. J. PORTER,
Commanding Fifth Corps:

GENERAL: Major-General Pope directs me to say that General Hooker reports his ammunition exhausted. * * *

This is the first allusion we can find to this subject in General Pope's correspondence, and when taken in connection with other facts it is fair to presume that it was about this time that he first learned of Hooker's want of ammunition. This shows that it could not have been one of the reasons for his order to Porter, which was written twelve hours before.

So much for the first portion of the extract.

As to the second, I can only say that no one has ever attributed to General Pope such a lack of ordinary intelligence as is involved in its statement.

Surprising and astonishing as it may appear, I stand here to-day as the champion of John Pope the general, to defend him against the imputations and disparagement of John Pope the pamphleteer. John Pope the pamphleteer may, possibly, have imagined that so skillful and sagacious a soldier as Stonewall Jackson could have been guilty of the folly, after having succeeded in all that could be accomplished at Manassas Junction, and having established himself in comparative proximity to his supporting column under Longstreet, of deliberately and voluntarily placing Pope's army between himself and his support; of his own choice isolating his command, and in its exposed condition inviting its destruction by an onslaught of the combined forces of his opponent. Against John Pope the pamphleteer I oppose John Pope the general, as he appears in the official records, from which we learn that John Pope the general, up to 9 o'clock p. m. of August 27, had never exhibited such a lack of judgment and perception as John Pope the pamphleteer now attributes to him. At 6.30 p. m. August 27 John Pope the general, in an order to General Porter, said:

The enemy has been driven back, but is retiring along the railroad. We must drive him from Manassas, and clear the country between that place and Gainesville, where McDowell is.

At 9 o'clock p. m. of the same day, in an order to McDowell, he said:

If you will move promptly and rapidly at the earliest dawn of day upon Manassas Junction we shall bag the whole crowd.

In a simultaneous order to Kearny we find the same idea in the words:

I want you here at day-dawn, if possible, and we shall bag the whole crowd.

And at the same time Reno is admonished:

If you are prompt and energetic [in moving on Manassas Junction] we shall bag the whole crowd.

It will be noticed that in none of these orders does John Pope the general, intimate that he entertains the idea that Jackson is to be caught at Manassas Junction, as John Pope the pamphleteer would have us believe he did, but that the conception, perception, and intention of John Pope the general, as indicated in his orders, was only to pursue a flying enemy and capture (bag) him somewhere before he reached Thoroughfare Gap as he "retired along the railroad."

John Pope the pamphleteer says:

The distance [from Warrenton Junction to Bristoe Station] was 9 miles along the railroad track, with a wagon-road on each side of it most of the way.

The error in stating the distance at 9 instead of 10 miles is not important, but it is well known to all soldiers of either army who served in the locality referred to that the road was single and was crossed by the railroad several times in its tortuous course; nor is there any excuse for General Pope's statement in the January Century that—

The railroad track itself was clear and entirely practicable for the march of infantry.

We have shown that the proof was positive that trains were passing back and forth until 4 o'clock on the morning of the 28th.

[Here the hammer fell.]

Mr. VIELE. I will yield to my colleague on the committee [Mr. WHEELER] ten minutes of the time to which I shall be entitled hereafter.

Mr. BRUMM. I hope the gentleman from Alabama will prove what he said he would in reply to my question—outside, of course, of Porter's own evidence.

Mr. WHEELER. I have proved it by Pope; that is enough.

Mr. BRUMM. You have not done it as yet.

Mr. WHEELER. Oh, yes, I have; you did not listen. I read the evidence.

Mr. BRUMM. From the record?

Mr. WHEELER. Yes; from the record.

Mr. BRUMM. Well, I shall ask after a while to look at it.

Mr. WHEELER. I desire in closing to say that the attitude of men from the South on this subject has been one I have heard commented on. I think that I know the feelings which control their action in this case, and I am sure they will pardon an attempt on my part to give them expression. I beg you will not misunderstand the attitude of

EX-CONFEDERATE SOLDIERS

who vote for this bill; do not misinterpret our interest in this case. The necessity for our action would not exist were it not that some of the opponents to the bill still appeal to a character of party passion which has long since been repudiated by Republicans who are most esteemed by their political adherents. I regret and deplore the efforts to degrade a judicial question to a party conflict, but we are free from the responsibility of the position these gentlemen have voluntarily assumed, and

no taunts from mistaken zealots can drive us from a plain and unquestioned duty.

We advocate and support this bill because we see in it the only means to repair a cruel wrong; to atone for gross, though perhaps unintentional, injustice; to relieve a gallant soldier and honorable gentleman from a grievous martyrdom, long and nobly endured. As soldiers, we are bound to spare no effort to relieve this brave commander from unmerited disgrace; as men, we feel called upon to do all in our power to succor the weak and suffering; as gentlemen, we are obliged to do frankly and fearlessly what we conceive to be honorable and right; as servants of the people, we must strive to secure this tardy justice to one who so ably served them; and as citizens of this great Republic, it is our duty and our pride to cherish and defend its honor, and we therefore seek to efface this blot upon the fair fame of our country. [Applause.]

Mr. CUTCHEON obtained the floor.

The CHAIRMAN (Mr. SPRINGER). The gentleman from Alabama has occupied only five minutes of the time of the gentleman from New York [Mr. VIELE].

Mr. CUTCHEON. Mr. Chairman, before proceeding with my remarks, I desire to say that the material I have before me is much greater than I can compress into the time allowed me; and for that reason I shall ask the courtesy and indulgence of my colleagues on the committee and other members of the House to permit me to pursue my argument without interruption until I have finished it; then, if any time should remain to me, or if any gentleman will yield me further time, I will gladly answer such questions as may be put to me, to the best of my ability.

I will state, Mr. Chairman, that the honorable gentlemen from Wyoming [Mr. CAREY], my colleague on the committee, has yielded me the remainder of his time, thirty-five minutes, which I desire first to occupy. He is now out of his seat, though he was here a moment ago; but that is the arrangement; so that I desire to proceed without break at the end of his time.

The CHAIRMAN. The Chair so understands.

Mr. CUTCHEON. Mr. Chairman, or perhaps I should say "if the court please," the supreme court-martial of the United States is now in session. We are engaged in rewriting history. It may be said that history, if wrong, should be rewritten. Let it be granted. But it should be rewritten at a time, upon evidence, and under circumstances that will be likely to assure greater and not less correctness.

Almost a quarter of a century has elapsed since the facts in this case were judicially investigated. The dust of years has gathered in the chambers of memory; boys have become men, men of middle age have become old, and many of them have passed on since then to—

> The undiscover'd country, from whose bourn
> No traveler returns.

Most of the conspicuous figures of that period who were connected with the events which led to Fitz-John Porter's conviction and dismissal have passed away. Halleck, who convened the court; Hunter, who presided; Garfield, who gave to the evidence his clear, strong, logical mind, and Lincoln, who approved the finding and sentence of the court, have all gone over to the majority. McDowell and McClellan, Hooker and Heintzelman, Burnside and Birney, Kearny and Reno and Grover, and hundreds of others, are no longer here to correct errors of fact or false constructions of evidence. At this distance of time and in this absence of witnesses we ought to proceed with the greatest caution in reversing their work.

General Fitz-John Porter, a colonel in the regular Army and major-general of volunteers, was, during the months of November and December, 1862, and January, 1863, fully, fairly, and patiently tried by a general court-martial, and, after every possible opportunity for defense, was convicted of disobedience of three several important and explicit orders from his commanding general, also of three separate specifications of misbehavior in the presence of the enemy, and was sentenced to be dishonorably dismissed from the service and disqualified for holding any office of profit or trust under the United States. The sentence was approved and executed. The latter part of the sentence has been removed by the exercise of the pardoning power. This bill is a legislative declaration of innocence.

I have no personal feeling in this cause, and no political bias, except in so far as the great names of Stanton, Garfield, and Lincoln would make me cautious to cast no shadow upon their probity or their integrity. This is a bill to set aside the finding and sentence of the highest court-martial ever assembled in this country, regularly constituted, convened by competent authority, bound by the sanction of a solemn oath, hearing and seeing the living witnesses, and assisted by the ablest counsel for the accused. The proceedings were reviewed by the able Judge-Advocate-General, approved and confirmed by the President, and carried duly into execution. Such a sentence, so approved, so executed, is beyond appeal. It is *res adjudicata* for all time. The President can not revoke it; the Supreme Court can not set it aside. He must be legislated into a pardon by the law-making power.

The very statement of the proposition would seem to be sufficient to show its impropriety. Not only that, he is to be rewarded, to be put back at the head of the list of colonels with rank the same as if he had not been dismissed.

It is at least an open question whether this bill as it stands will not also give him pay from the day of his dismissal. The bill provides—

> That said Fitz-John Porter shall receive no pay, compensation, or allowance whatsoever prior to his appointment under this act.

That is to say he shall not receive the compensation prior to his appointment, but it does not say that after his appointment he shall not receive full compensation covering the period prior to his appointment. If this proviso is intended in good faith to exclude compensation covering the time prior to his appointment it should say so in unambiguous langnage.

Mr. Chairman, I am opposed to this bill—

First. Because I do not believe that Congress has constitutional power to reverse the finding of a general court-martial when it has been confirmed by the President of the United States and carried into execution by his order. The reasons for deciding that neither the President nor Congress can annul or set aside the final judicial judgment of a court-martial are given by Attorney-General Brewster in opinions of March 15, 1882, and June 23, 1884, from which last opinion are quoted extracts as follows:

> A court-martial is to be respected in its judgments the same as any other court. Its findings, when rendered and approved according to the due forms of that law which creates it, are to be treated as would be the final judgments of a court of final jurisdiction in the law. * * * Such a judgment the President has no power to review and annul or set aside.

[See cited in the opinion of March 15, 1882, President Hayes's message of June 5, 1879; Dynes *vs.* Hooper, 20 Howard, 65; *Ex parte* Reed, 100 U. S. Rep., 13; Attorney-General's Opinions, volume 6, pages 370 and 507 (Cushing), volume 6, pages 170 and 274 (Legare and Nelson, volume 10, page 64, and volume 11, page 19 (Bates).]

Second. I do not believe that this House is qualified or fitted to review the finding of a judicial tribunal. It has none of the attributes of a court. It has none of the temper of a court. It has none of the sanctions of a court. It has none of the instrumentalities of a court. If courts-martial are a part of the judicial system, then this proposed action is usurpation of judicial powers. If they belong to the executive department as appurtenant to the Government and discipline of the Army, then it is usurpation of executive powers. In either case it is usurpation.

It is suggested that the United States, represented in Congress, has full power to remit a judgment in its favor. If it were a matter of civil damage, that perhaps would be true. But this is something more. It involves the reversal of a final verdict, involving only a question of guilt or innocence, and upon that I submit that none but a tribunal equipped to investigate that question can pass. It is not within the scope of legislative action.

Third. I am opposed to this bill because it is an invasion of the appointing power vested by the Constitution solely in the President.

If the President would be under obligation to regard the provisions of this bill, should it become law, then it would be tantamount to a legislative appointment—a violation of both the letter and spirit of the Constitution.

If he would not be bound to regard it as law, then it would be advice only—both an impertinence and a nullity.

If this can be done in one instance it can be done in all, and all the Legislature has to do is by act of Congress to abolish all offices, and then by another act create them, directing how they shall be filled, leaving to the Executive only the choice whether they shall remain vacant or be filled as dictated. We are therefore reduced to this dilemma: The bill in question is either advice or law. If it is advice, it is useless and without force; if it is law, it is usurpation of the executive prerogative. In either case it is inadvisable.

It is of no consequence that the present incumbent is willing to waive his prerogative, and to accept Congressional advice. The office is greater than the officer, and we have no right to degrade the former because the latter does not insist upon his rights.

Let us suppose for a moment that this House were in political accord with the Senate, and the Senate should to-morrow pass a bill increasing the number of Supreme Court judges to thirteen, and should designate four well-known Republican jurists to fill the four additional seats, so as to secure the political balance of that court for a long term of years, will it be contended that such an act would not be a trespass upon the prerogative of the Executive? But it would be no more so in principle than is this bill.

Fourth. I am opposed to the passage of this bill because I am profoundly convinced that the court-martial arrived at a just conclusion, under circumstances when both sides of the case were fully represented, at the only time when they were so represented; that their verdict was righteous and their sentence merciful.

It must be remembered that Fitz-John Porter does not stand before us with the presumption of innocence in his favor, as would be the case of a person standing before a jury at nisi prius. It is *res adjudicata*. He comes with the verdict of a competent court against him, and the presumption is in favor of the rightfulness of the decision of the court, and not in favor of the innocence of the accused. This is a point that seems to have been steadily overlooked in the argument on this question.

Before proceeding further with this branch of the subject I will give a hurried history of the military situation at that time. After the seven

days' fighting around Richmond, General McClellan had changed the base of his operations from the Chickahominy to the James River, resting his right at Harrison's Landing on the river. General Pope had just been summoned from the West, where he had signalized his skill with marked success as a military man and soldier on several important occasions, and was intrusted with the command of an army then being formed from the corps of Generals Fremont, Banks, and McDowell, to be known as "the Army of Virginia" and consist of some thirty-odd thousand men. The purpose of this organization was, in the first place, to cover the approaches to Washington, and, secondly, to demonstrate in favor of McClellan in the direction of Richmond. General Pope assumed command of this consolidated force in the latter days of June, 1862, and his first step was to unite the force under him and move forward, with his right at Sperryville, while McDowell's corps was moved forward to Waterloo Bridge, the whole force being along the line and in front of the Rappahannock.

Now from this time on, the whole purpose of the Government at Washington was to consolidate the Army of the Potomac with the Army of Virginia. How should it be done? To withdraw Pope from his position on the Rappahannock in order to form a junction with the army operating on the James River was impossible, because it would have left the national capital uncovered. McClellan was then calling for re-enforcements, his first call being for one hundred thousand men, which was subsequently modified by a call for fifty thousand; but as his ultimatum, he said, he could not advance on Richmond with less than thirty-five thousand men. The Secretary of War looked over the entire field endeavoring to find from what point he could gather these re-enforcements to send McClellan, and finally it was determined that there was no other resource than to unite the two armies, that of the Potomac and of the Army of Virginia, in front of Washington and upon the line of the Rappahannock.

Upon the 3d of August, 1862, McClellan was directed to withdraw immediately the Army of the Potomac from its position on the James and interpose it between Washington and Richmond. This movement began on the 18th of August. Porter's corps, or one of his divisions, I believe, was the first to embark, and Heintzelman's, Reno's, and one or two other divisions were transferred from the James to the Army of Virginia prior to the operations about to be referred to.

Halleck, who was then the General-in-Chief of all the armies, directed General Pope to cling to the line of the Rappahannock. He telegraphed him again and again, "If you can but hold on until the 25th we shall re-enforce you all you need." Again he telegraphed on the 26th to Pope ordering him "to hold every inch of ground and fight like the devil." And, Mr. Chairman, Pope did fight like the devil, for he was always ready for a fight. So Pope with his army held his position on the line of the Rappahannock, with his left at the fords above Fredericksburg, where he was joined by Porter's divisions. This was the situation on the night of the 26th, when Pope ordered Porter's command to join him the next day.

Up to this time he had been under the direct command of the General-in-Chief. On the morning of the 27th General Porter with his command arrived at Warrenton Junction and reported to Pope; but meanwhile, on the 13th of August, General Lee cut himself loose from Richmond, leaving it with only one army corps, or rather one division, that of D. H. Hill, and leaving it for McClellan to work his will with as he would, or dared, swung out into Virginia, concentrating his force at Gordonsville, with Jackson in advance and Longstreet following Jackson, and by the 18th of August the whole confederate army was reunited opposite the Federal army on the Rappahanock with the design of crushing the small army opposed to him before a junction of the Union armies could be effected, and then pushing on to Washington.

A fortunate rise in the river prevented him from making his contemplated movement upon Pope to crush him before the troops from the Army of the Potomac could reach him. But the rise in the river which saved Pope, temporarily separated one division of Lee's army from his command. At the suggestion of Jackson upon the 25th, Jackson was to make his contemplated move around the right of the Federal Army by way of Jefferson to Salem and Rectortown to Gainesville, plunge down through the gap on Pope's right and rear, cut his line of communications, capture his supplies, and get between him and the national capital.

With some reluctance, as I understand, General Lee assented to this arrangement. On the 25th Jackson marched from Jefferson to Salem. On the next day, the 26th, he struck out from Salem by way of White Plains and by Thoroughfare Gap to Gainesville, through Gainesville to Catlett's and Bristoe. A little after dark, having marched 30 miles without rest, he struck Pope's communications in rear and captured two trains of cars. And before midnight Stuart and Trimble were at Manassas Junction, 36 miles and more from where they had started in the morning. That shows what generals can do when they are in earnest. That was what the men we regarded as on the wrong side and supporting a bad cause could accomplish when they were commanded by a general who was determined to accomplish the purpose he had in view.

Jackson struck the railroad on the night of the 26th in the neighborhood of Kettle Run, a little tributary of Broad Run, which comes down between Bristoe and Catlett's Station. Pope found his telegraph communications cut and thought it was Jeb Stuart raiding in his rear. He put some regiments on flat cars and ran them down there, to find General Ewell with an entire division. Immediately old fighting Joe Hooker with his division was sent down; and on the afternoon of the 27th the battle raged, until three hundred of Hooker's men lay dead or wounded on the field.

Where at this time was Porter? He had just reported to General Pope that forenoon at Warrenton Junction. The first order that cuts any figure in this case is the order of the evening of the 27th, 6.30 p. m. It has been claimed that this order was an entirely unimportant, immaterial order. Now, let us see as to that. As the gentleman from Alabama [Mr. WHEELER] has very properly said, orders are always given with a purpose.

General Pope and his subordinate officers met that evening and talked over the situation, and orders for the operations of next morning were issued. What was the situation? Jackson was upon the railroad between Bristoe and Manassas and at Manassas; McDowell and Reno and Sigel were west of Gainesville, between Jackson and Thoroughfare Gap, the only road by which Longstreet could come to his succor. Porter was at Warrenton Junction, 9 miles from Hooker's battlefield. Hooker was at Bristoe late in the evening.

Now, what was the purpose of the orders for the next day? To concentrate Pope's army on the two sides of Jackson, one half on the north and west, the other on the south and west, and to pen Jackson between these two armies, McDowell, Reno, and Sigel coming from the direction of Gainesville, and Porter, Kearny, and Hooker coming from the west, with Banks in their rear. With this purpose Pope issued his orders. The first order to Fitz-John Porter is as follows:

HEADQUARTERS ARMY OF VIRGINIA,
Bristoe Station, August 27, 1862—6.30 p. m.

Maj. Gen. F. J. PORTER, *Warrenton Junction:*

GENERAL: The major-general commanding directs that you *start at 1 o'clock to-night and come forward with your whole corps, or such part of it as is with you, so as to be here by daylight to-morrow morning. Hooker has had a very severe action with the enemy, with a loss of about three hundred killed and wounded.* The enemy has been driven back, but is retiring along the railroad. *We must drive him from Manassas*, and clear the country between that place and Gainesville, where McDowell is. If Morell has not joined you, send him word to push forward immediately; also send word to Banks to hurry forward with all speed to take your place at Warrenton Junction. *It is necessary on all accounts that you should be here by daylight.* I send an officer with this dispatch who will conduct you to this place. Be sure to send word to Banks, who is on the road from Fayetteville, probably in the direction of Bealeton. Say to Banks, also, that he had best run back the railroad trains to this side of Cedar Run. If he is not with you, write him to that effect.

By command of General Pope:

GEORGE D. RUGGLES,
Colonel and Chief of Staff.

What was he wanted for? Stonewall Jackson, one of the most brilliant generals this century has produced since Napoleon, was in Pope's rear, and had been fighting Hooker's division, which that evening had lost three hundred men killed and wounded. The battle was to be renewed in the morning, and as Heintzelman swears, he had informed Pope before dark that Hooker's division was out of ammunition—that there were not more than five rounds to each man—there was an emergency. Stonewall Jackson was between the upper and nether millstones. He could not retreat westward, because McDowell, Reno, and Sigel were on that side; nor in the direction of Warrenton Junction, because Porter, Hooker, Kearny, and Banks were there. Which way was he to go? Pope figured out the situation, and thought the only way Jackson could escape was to turn his right and move to the south of the Orange and Alexandria Railroad. The object of Pope was to concentrate these three army corps upon him at daylight before he could get away. Here is the order to General Kearny, dated at 9 p. m.:

HEADQUARTERS, BRISTOE, *August 27, 1862—9 p. m.*

Major-General KEARNY:

At the earliest blush of dawn push forward with your command with all speed to this place. You can not be more than 3 or 4 miles distant. Jackson, A. P. Hill, and Ewell are in front of us. *Hooker has had a severe fight with them to-day. McDowell marches upon Manassas Junction from Gainesville to-morrow at daybreak; Reno upon the same place at the same hour. I want you here at day-dawn, if possible, and we shall bag the whole crowd.* Be prompt and expeditous, and never mind wagon trains or roads till this affair is over. Lieutenant Brooks will deliver you this communication. He has one for General Reno and one for General McDowell. Please have these dispatches sent forward instantly by a trusty staff officer, who will be sure to deliver them without fail, and make him bring back a receipt to you before daylight. Lieutenant Brooks will remain with you and bring you to this camp. Use the cavalry I send you to escort your staff officer to McDowell and Reno.

JNO. POPE,
Major-General, Commanding.

Not only that, but at 9 p. m., this to Major-General McDowell:

HEADQUARTERS ARMY OF VIRGINIA,
Bristoe Station, August 27, 1862—9 p. m.

Major-General MCDOWELL:

At daylight to-morrow morning march rapidly on Manassas Junction with your whole force, resting your right on the Manassas Gap Railroad, throwing your left well to the east. Jackson, Ewell, and A. P. Hill are between Gainesville and Manassas Junction. We had a severe fight with them to-day, driving them back several miles along the railroad. If you will march promptly and rapidly at the earliest dawn of day upon Manassas Junction we shall bag the whole crowd. *I have directed Reno to march from Greenwich at the same hour upon Manassas Junction, and Kearny, who is in his rear, to march on Bristoe at daybreak. Be expeditious, and the day is our own.*

JNO. POPE,
Major-General, Commanding.

Here was a strategic combination, three army corps concentrating upon a single point, to surround Jackson at daylight before he could get away, and the whole key of the situation was in the hands of Fitz-John Porter at Warrenton Junction. Therefore General Pope gave him this order:

Major-General PORTER:

Start at 1 o'clock to-night, and come forward with your whole corps, or with so much as is with you, so as to be here at daylight to-morrow morning. It is of the last importance that you should be here at daylight.

That was the tenor of the dispatch. General Pope knew that everything depended upon absolute promptness. Warrenton Junction is 9 miles from Bristoe Station. The intervening space is a broad, open, pine plain—Manassas plain. I see gentlemen sitting around me who have marched over it again and again, and who know its character. It was an open pine plain, with no fences or obstructions of any kind, with the exception of one or two small streams; and roads everywhere. What did Porter do? He received this imperative order to start at 1 o'clock. General Sykes and General Morell, his division commanders, and General Butterfield, one of his brigade commanders, were in the tent with him. Holding the dispatch in his hand, he said, "Gentlemen, there is something for you to sleep on." They stepped out of the lighted tent into the starlight. The night appeared to be dark, and somebody said that it would not be possible to march at 1 o'clock. Then, after a little conversation, in which General Sykes swears positively the tenor of the order was never mentioned—nothing except that it was an order to march at 1 o'clock, nothing about the imperative terms of the order—Porter said, "Very well, we will march at 3 o'clock." Now the evidence is that they did not march at 3 o'clock. The reveille was sounded at 3 o'clock, but it was broad daylight, and the sun was up, before they were well upon the road. It was half past 10 before they reached Bristoe Station; it was half past 2 in the afternoon, as testified by one of the brigade commanders, before their rear reached Bistoe, and of course by that time Jackson was far away.

What are the excuses offered for Porter's disobedience of this order? First, that the night was dark and that he could not march. Yet that very night, and at that very hour, Stonewall Jackson, having burned our supplies at Manassas, marched two of his divisions to Centreville and a third, Taliaferro's, marched by the Sudley road to the old Bull Run battle-ground, nearly 9 miles, and bivouacked next morning at Sudley Ford. In fact, the whole rebel army marched that night. The same night McDowell was on the march; part of Reno's division was on the march. I believe every division of the Union Army, except Porter's, was on the march during some part of that night. But Porter could not march! Worse than that, he never attempted to march. Why, if the night was dark so that his progress would be impeded, what ought he to have done? The point of the order given him by General Pope was that he should be at Bristoe Station at daylight. Therefore, if the night was dark, instead of starting later than the hour indicated in the order, he should have started earlier. He should have said, "Gentlemen, we are to be at Bristoe Station at daylight. I do not know what it means, but there must be some emergency, or the commanding general would not have given this order; so you had better get ready to start right away, because the night is dark, and if there should be wagons on the road it will take us longer than if the circumstances were favorable."

Mr. BROWN, of Pennsylvania. May I interrupt the gentleman a moment?

Mr. CUTCHEON. Certainly.

Mr. BROWN, of Pennsylvania. The gentleman forgets that a big thunder-shower was manufactured in this House two years ago as an additional excuse for Porter's failure to obey that order. [Laughter on the Republican side.]

Mr. CUTCHEON. We will let that thunder-shower pass over for the present. I will go on in spite of the rain.

Mr. HOPKINS. I would like to ask the gentleman from Michigan [Mr. CUTCHEON] whether that thunder-storm was ever heard of before it appeared in this House two years ago?

Mr. CUTCHEON. I believe not. I believe the gentleman from Pennsylvania [Mr. BROWN] is right about that; that was home-made thunder.

The next excuse is that Porter's troops were fatigued with their day's march. They were the freshest troops in the Army. Sykes's division had been in camp since the forenoon, and Morell's division had mostly arrived before sundown. But even if they had been tired, even tired troops must march in an emergency. The third excuse is that there were wagons on the road. The officer who brought the order swears that he passed the last wagon at Catlett's Station, and as the wagons were going in the same direction, he would not have encountered them before daylight. The excuse is a paltry one. It is one that no soldier who was in earnest ought to have made. If wagons were in the road he should have put them out of the road. Porter was found guilty of disobedience of the order to march at 1 o'clock.

EVENTS OF AUGUST 29.

On the morning of the 29th, at 3 a. m., General Pope sends this order:

HEADQUARTERS ARMY OF VIRGINIA,
Near Bull Run, August 29, 1862—3 a. m.

GENERAL: McDowell has intercepted the retreat of Jackson. Sigel is immediately on the right of McDowell. Kearny and Hooker march to attack the enemy's rear at early dawn. Major-General Pope *directs you to move upon Centreville at the first dawn of day with your whole command, leaving your trains to follow. It is very important that you should be here at a very early hour in the morning. A severe engagement is likely to take place, and your presence is necessary.*

I am, general, very respectfully, your obedient servant,

GEORGE D. RUGGLES,
Colonel and Chief of Staff.

Major-General PORTER.

The purpose of the campaign of the 29th was to hem Jackson in between Gainesville and Centreville before Longstreet should arrive. Heintzelman and Reno ordered forward in pursuit; Reynolds and Sigel on the south to attack at dawn; Porter ordered to close the gap on the west.

"A severe engagement is likely to take place," General Pope says. Did Porter obey that order, as a good soldier should; and if not, why not? I will answer that question. By the testimony it appears that that order reached Porter between daylight and sunrise. It was daylight at 4 in the morning, and the sun rose at 5.26. That order reached Porter between daylight and sunrise, yet at 7 o'clock he was still in his quarters back in front of Bristoe Station. At 6 o'clock that morning he was writing a dispatch, which I will presently read.

I may as well here as anywhere allude to

PORTER'S ANIMUS TOWARD POPE.

When he was ordered to join Pope he telegraphed on August 26 to General Burnside, telling him of his movements, and added, "Inform McClellan, that I may know that I am doing right." He wanted to know whether he was doing right in obeying an order from his superior officer to report to his commanding general! He had been ordered to join General Pope, yet he wanted McClellan to tell him whether he was doing right or not!

Immediately after joining Pope at Warrenton Junction, on the 27th of August, Porter telegraphed to General Burnside as follows:

* * * Everything here is *at sixes and sevens*, and I find I am *to take care of myself in every respect*. Our line of communication *has taken care of itself in compliance with orders*. * * * No guard accompanying trains and small ones guard bridges.

Again, on the same afternoon, before receiving the order to march to Bristoe, he telegraphed to Burnside:

AUGUST 27, 1862—4 p. m.

GENERAL BURNSIDE: * * * "I hear that they [Pope's troops] are *much demoralized* and needed some good troops to give them heart, *and, I think, head*. We are *working now to get behind Bull Run*, and I presume will be there in a few days, *if strategy don't use us up. The strategy is magnificent*, and the *tactics in inverse ratio*." * * * I do not doubt the enemy have a large amount of supplies *provided for them*, and I believe they have *a contempt for the Army of Virginia. I wish myself away from it, with all our old Army of the Potomac*, and so do our *companions*."

The next morning after his leisurely arrival at Bristoe Station, he telegraphs:

All that talk about taking Jackson, &c., was *bosh*. * * * The story of McDowell having *cut off Longstreet was without foundation*. I expect the next thing will be a raid on our rear *by Longstreet, who was "cut off."*

On the morning of the 29th, at about 3 a. m., Porter was ordered to move on Centreville "at the first dawn of day." The sun rose that morning at 5.26. At 6 o'clock, as I have said, Porter was still in his quarters, engaged in writing the following loyal dispatch to General Burnside:

BRISTOE, 29—6 a. m.

To General BURNSIDE:

* * * * * * *

Heintzelman and Reno are at Centreville, where they marched yesterday, and Pope went to Centreville *with the last two as a body-guard*, at the time *not knowing where was the enemy*, and when Sigel was fighting within 8 miles of him and within sight. *Comment is unnecessary.* * * * *I hope Mac. is working and will soon get us out of this.* (Volume 1, page 377.)

I have been assured by a gentleman, a resident of this city, then commanding a regiment of Kearny's division, that General Birney, then commanding a brigade of Kearny's division, heard Porter say on the morning of the 28th that "he would not put his corps into battle to be slaughtered for such d—d fool as John Pope."

Again, on August 29, Porter, in reply to an inquiry from Col. T. C. H. Smith, ordnance officer, whether he had received his ammunition, said that it was "going where it belonged;" that it was "on the road to Alexandria, where we are all going." That meant: "We are not going to use any ammunition here; we are not going to have any fighting. It is all going where it belongs—where McClellan is."

(See also testimony of Surgeon William L. Faxon, Thirty-second Massachusetts, proceedings of board, page 844.) He says:

As I crossed the run [at Bristoe] I heard General Porter make this remark: "Go tell Morell to halt his division. I don't care a damn if I don't get there."

Mr. BRAGG. Will the gentleman permit me to ask him a question? Did not this same Surgeon Faxon, who heard that wonderful remark, describe the man who made it as wearing a major-general's uniform; and was it not proven that General Porter, at that time, never had worn a major-general's uniform, and had not one with him at all? That all appears in the evidence.

Mr. CUTCHEON. It may be so. I will allow the gentleman to answer that question in his own time.

This fairly exhibits the spirit of dislike, distrust, contempt, and insubordination which Porter indulged toward Pope. Nor was he alone

in it. McClellan appears to have been in sympathy with Porter. At 3.30 p. m., August 29, he telegraphed Halleck:

I am clear that one of two courses must be adopted. First, to concentrate all our available forces and *open communication* with Pope, and *second, to leave Pope to get out of his scrape, &c., at once* using all our means to make the capital safe.

And again, to Halleck:

I have no confidence in the dispositions made as I gather them. To speak frankly, and the occasion requires it, there appears to be a *total absence of brains.*

It is in the light of this spirit of insubordination that we must interpret Porter's conduct on the 28th and 29th of August, 1862.

The second order on the 29th to Porter was brought by General Gibbon in person, and delivered at the Weir house.

It was as follows:

HEADQUARTERS ARMY OF VIRGINIA,
Centreville, August 29, 1862.

Push forward with your corps and King's division, which you will take with you, upon *Gainesville.* I am following the enemy down the Warrenton turnpike. Be expeditious or we will lose much.

JOHN POPE,
Major-General, Commanding.

How came Gibbon to bring this order? There are gentlemen here who were with Gibbon the night before at Groveton. Coming down the Warrenton pike from the west a little before dusk, leading McDowell's corps, being ordered to move on Centreville, Gibbon ran into the right of Stonewall Jackson's command. A fierce action ensued, in which Gibbon lost several hundred men.

Mr. BRAGG. Seven hundred and seventy out of his four regiments.

Mr. CUTCHEON. I think the gentleman is correct. He was there, and knows. After the fight was over, General King, at 1 o'clock that night, withdrew the corps from the Warrenton pike, near Groveton, and came down to Manassas Junction. Gibbon, who had made the fight, knew that this had opened the door for Longstreet to join Jackson, the very thing he knew General Pope did not wish to happen. General Gibbon mounted his horse and rode with all speed by way of Manassas Junction to Centreville—with such speed that he broke down his horse and had to have a relay with which to return. He there had a conference with Pope; explained the situation; explained King's withdrawal from the Warrenton pike, and how the door had been opened for Longstreet. General Pope then gave him the order to Porter which I have just read:

Push forward with your corps and King's division, which you will take with you, upon Gainesville. I am following the enemy down the Warrenton pike. Be expeditious, or we will lose much.

Gibbon with that order galloped at full speed, met Porter about 8 o'clock a. m. at the Weir house, near Manassas Junction, and delivered the order to Porter. At that time Porter had left his bivouac near Bristoe. The head of Sykes's division was at the station, right where the cars were burned, as witnesses have testified. The head of Morell's division had just got up to the turning point where the Gainesville road turns from the Bristoe Station road, about a mile west from Manassas. Immediately orders were sent back to halt the column. Sykes was already halted. Morell, I think, was halted also. To save the time of countermarching Sykes's division, Morell was ordered to proceed at once on the Gainesville road and Sykes to follow. The march proceeds for about 4 miles, when they arrive at a small stream, or rather the bed of a stream, known as Dawkin's Branch. It was now about 11 o'clock in the morning. Porter's corps consisted of Morell's division, Sykes's division of regulars, Piatt's brigade, and thirty-six pieces of artillery. Arriving at Dawkin's Branch, the column halted. Right there they met a horseman, who had just come from Gainesville over the road, and reported the road clear, but the enemy's skirmishers at Gainesville. A conference took place. Some skirmishers were sent forward across the branch. A few scattering shots were fired from along the woods, perhaps a thousand yards in advance of Porter's head of column. Warren closed up his brigade *en masse* on the left of the road.

Mr. BROWN, of Pennsylvania. Will the gentleman explain what is the distance from Gainesville to Dawkin's Branch?

Mr. CUTCHEON. About 5 miles. Morell deployed Griffin's brigade to the right of the road. Warren, as I have said, was massed on the left. Two companies were deployed at the front as skirmishers. Porter and Morell had been there about half an hour deliberating what further they would do when General McDowell came to the front of the column bearing an order he had just received from General Pope—which order, by the way, Porter had already received. That order was as follows, known as the joint order:

[General Orders, No. 5.]

HEADQUARTERS ARMY OF VIRGINIA,
Centreville, August 29, 1862.

Generals McDOWELL and PORTER:

You will please move forward *with your joint commands toward Gainesville. I send General Porter written orders to that effect an hour and a half ago.* Heintzelman, Sigel, and Reno are moving on the Warrenton turnpike, and must be not far from Gainesville. I desire that *as soon as communication is established between this force and your own the whole command shall halt.* It may be necessary to fall back behind Bull Run, at Centreville, to-night. I presume it will be so on account of our supplies. I have sent no orders of any description to Ricketts, and none to interfere in any way with the movements of McDowell's troops, except what I sent by his aid-de-camp last night, which were to hold his position on the Warrenton pike until the troops from here should fall upon the enemy's flank and rear. I do not even know Ricketts's position, as I have not been able to find out where General McDowell was until a late hour this morning. General McDowell will take immediate steps to communicate with General Ricketts, and instruct him to rejoin the other divisions of his corps as soon as practicable. If any considerable advantages are to be gained by departing from this order it will not be strictly carried out. One thing must be had in view, that the troops must occupy a position from which they can reach Bull Run to-night or by morning. The indications are that the whole force of the enemy is moving in this direction at a pace that will bring them here by to-morrow night or next day. My own headquarters will be for the present with Heintzelman's corps or at this place.

JOHN POPE,
Major-General, Commanding.

The disobedience of this order was the second specification of the first charge.

Now, right here is about the only time I wish to refer at all to this map. Here [illustrating] is Warrentown pike, extending in a southwesterly direction from Centreville to Gainesville. Here is the Alexandria and Orange Railroad; this is the Manassas Gap Railroad, extending northwesterly from Manassas to Gainesville. They form a junction here at Gainesville, at an acute angle. Here were Heintzelman and Reno, moving upon the Warrenton pike from Centreville westward. Here was Fitz-John Porter, half way between Manassas and Gainesville, facing northwesterly. Jackson's line extended in a southwesterly direction from Sudley Ford to the turnpike west of Groveton. Here were the Union forces fronting them. Here were Reno, Hooker, and Sigel on the Union right, and Reynolds on the extreme left, at the Lewis house. Here was Morell, at Dawkin's Branch. Here was Sykes, stretched along the road back to Bethlehem church. Here was McDowell, extending along the road back toward Manassas; and Ricketts was off here extending back toward Bristoe. That was the situation at 11 o'clock. Now, what was the object of General Pope? It was to have General Porter advance upon this Gainesville road until his right had reached out and grasped hands with Reynolds, who was here between the Lewis house and Groveton [illustrating]. Now, what was in front of him? So far as he knew, nothing in the world but skirmishers. General Warren, a good friend of Porter's, testified as follows, on page 83 of volume 2 of the proceedings of the Schofield board:

Q. So far as you know was there an enemy in that position at that time?
A. We could see as far as the woods allowed us. We could see them along the edges of the woods. There was no knowing whether they were in force or not. We should have had to make a demonstration to find out what it was. I know very often we did not see the enemy's line of battle when it was very heavy.

* * * * * * *

Q. You did not know what force of the enemy was in your front?
A. No; I did not know how great they were. I knew there was a force.
Q. You saw enough there to make you cautious in your movements?
A. Yes. In making a military maneuver no man is justified in going upon the uncertainties of the occasion. If he does not know what force is in his front he should make an effort to develop it.

That is what I say; that is what it seems to me every soldier ought to say—if you do not know what force is in your front you ought to make a movement to develop the enemy's force and find out.

But I must press on, as I see my time is short.

Porter had been advised by the 3 a. m. order that a battle was expected; that Hooker and Kearny were to attack; that Sigel was on their left to extend the line. He knew the purpose of his march on Gainesville was to unite his right with Reynolds's left—that his order was to advance until communication was established. He was to fight if need be. This communication was not established. No *bona fide* attempt was made to establish it.

After the brief interview (not exceeding fifteen minutes) between Porter and McDowell, in which McDowell said, "Put your troops in here, and I will take mine and go to the right," Porter, instead of remaining at the front at Dawkin's Branch, left the head of his column, went 2¾ miles to the rear, lay down in the shade by Bethlehem church, and remained there until dark. He never visited the head of his column again that day until it was dark. I defy refutation of this statement.

I say, then, that this absolute absence of vigor, this complete lack of attempt to carry out his order, his retirement from the head of his column to Bethelehem church, where he could neither see nor hear nor know what was going on, his inaction while the sounds of battle were constantly throbbing in his ears, can only be explained upon the hypothesis of a want of good faith, a purpose "to let Pope get out of his scrape" as best he could. Thus far, from the moment he joined Pope, he had not promptly and in a soldierly manner obeyed one solitary order that he had received from his commander.

He had acted upon the order to march to Bristoe in his own time and in his own manner. When he received the order to march on Centreville "at the first dawn of day" to take part in a battle, he was an hour after sunrise still in his tent writing captious dispatches and wishing that "Mac will soon get us out of this."

When, at 9 a. m., he is ordered to fill his cartridge-boxes he says, indifferently, to Colonel Smith, that the ammunition "was where it belonged;" it "was on its way to Alexandria, where we are all going." At Dawkin's Branch he said, "we can't go in there anywhere without getting into a fight."

His whole demeanor manifested the most utter want of earnestness or desire for the success of the army. His whole correspondence with Burnside showed that he did not regard that as his army; that he wanted

to be away from it; that he had a most hearty dislike for its commander; that he looked to "Mac" as his patron, monitor, and favorite. What attempt did he make to cross over to Sigel? If any gentleman can tell me of any I shall be glad. I am told that Griffin moved his brigade six hundred yards to the right. So he did. He deployed this brigade, a magnificent brigade, and moved to the right until the head of column reached some pine bushes, when somebody said, "You can not get through there," and immediately he halted his column, faced about, and went into the brush at Dawkin's Branch. That was the only attempt to connect with the right.

Porter's process of reasoning was a simple one. If Pope gains the prestige of a victory, then Pope will command the united armies. If Pope is beaten, then the army must fall back within the lines of Washington, Pope will be a failure, and "McClellan's star" will shine out once more.

His reasoning was not only simple, it was sound, as the sequel too surely proved.

He was found guilty of disobedience to the "joint order;" but thus far he could make a show of excuse for his disobedience: he was out of the presence of his commander; the discretion allowed to a corps commander; obstacles in the way of a strict obedience, and other excuses.

But

THE 4.30 ORDER

changed all this. It was given on the very field of battle. It was given by his immediate commander under circumstances when the subordinate had but one duty, and that was to obey at once, fully, and with all his energy.

That order was as follows:

HEADQUARTERS IN THE FIELD,
August 29—4.30 p. m.

Major-General PORTER:

Your line of march brings you in on the *enemy's* right flank. *I desire you to push forward into action at once* on the enemy's flank, and, if possible, on his rear, keeping your right in communication with General Reynolds. The enemy is massed in the woods in front of us, but can be shelled out *as soon as you engage their flank.* Keep heavy reserves and *use your batteries, keeping well closed to your right all the time.* In case you are obliged to fall back, do so to your right and rear, so as to keep you in close communication with the right wing.

JOHN POPE,
Major-General, Commanding.

All that afternoon the roar of battle was sounding in his ears, or at least it would have been had he not been 2½ miles from the head of his own column.

Here was an imperative order, an order to attack. It admitted of no misconstruction. There was no discretion. If a battle was raging, there was no recourse but to obey at once.

McDowell says, speaking of the time he was conferring with Porter, before 12 o'clock:

The sound of battle, which seemed to be at its height on our right toward Groveton. (G. C. M., 83 [85].)

* * * * * * *

Q. Was or not the battle raging at that time?

A. The battle *was raging on our right.* That is, if you regard that road from Bethlehem church to Gainesville to be substantially northwest, the *battle was raging* to the right and east of that line. (G. C. M. [86] 85.)

If no battle was raging, it was equally imperative.

A new excuse must be found. It was found.

The excuse was that the order was received too late for execution. Now, Mr. Chairman, how much of my time remains?

The CHAIRMAN. The gentleman has forty-five minutes of his time remaining.

Mr. CUTCHEON. I find I must hurry on.

The order was dispatched from Stone house at 4.30. It was borne by Capt. Douglas Pope, a staff officer. The distance to Bethlehem church was just 5 miles. He swears he believes he delivered it by 5 o'clock. (G. C. M., page 60.) The course of subsequent events shows that it must have been delivered as early as 5.30. Charles Duffer, orderly, says about 5.30, (G. C. M., page 201). Archelaus Dyer, First Ohio, puts it at 5.15. (Board proceedings, page 1097.)

Warren's dispatch, dated at 5.45 (Board proceeding, page 81), which says, "I met then an orderly from General Porter to General Morell, saying he must push on and press the enemy," shows that the order must have been received by 5.30.

There is no doubt whatever that the order General Warren speaks of, which had already reached him before 5.45, was the very order sent to Morell to make the attack in obedience to the 4.30 order. Warren says:

5.45 p. m. August 29, 1862, I received an order to go to the support of Morell. I faced about and did so.

The sun set that evening at 6.36 o'clock. When the order was received the sun was an hour high. This was 5.45. Already the order had reached Porter at Bethlehem church; already it had been carried 2 miles to the front, and had reached the front before sunset that night at 6.36, fully an hour before sunset.

Mr. BRAGG. Permit me to ask the gentleman a question.

Mr. CUTCHEON. Certainly.

Mr. BRAGG. Colonel Locke went forward with the order that he received—that 4.30 order.

Mr. CUTCHEON. I understand all about that.

Mr. BRAGG. That 4.30 order, as subsequent dispatches brought by General McDowell himself at West Point dated at 6.30 showed, that order had not been received by Porter at all.

Allow me to say the testimony shows that two witnesses stated subsequently they did not know anything about the time they delivered the order.

Mr. CUTCHEON. With all due respect to the gallant commander of the Iron Brigade, and we love him for the enemies he has made [laughter and applause], I want to say there were three orders to attack that went to Morell that afternoon. First, the written order of General Porter to push out two regiments supported by two others to attack the party with the section of artillery in front. That was late in the afternoon. What did General Porter then suppose was in his front? He says "the party with a section of artillery in front."

General Morell says nothing was ever done under that order. The next order was a verbal one carried by Colonel Locke to General Morell to make preparation for attack. That was followed up by a written order, carried by an orderly, to attack.

It was a written order. It was not a verbal order. He could not read a verbal order. It was the written order carried by an orderly when there was a full hour before sunset. [Applause on the Republican side.]

Mr. BRAGG. The gentleman should read the documents before him.

Mr. CUTCHEON. I have read three thousand pages of this evidence, and I think I know what I am talking about all the time. Morell was already deployed, or partly so. The skirmishers were already out and in contact with the enemy. Warren was massed on the left of the road behind the branch. The batteries, or some of them, were already in position to cover the advance. Wilcox, of Longstreet's corps, with his division, had been already withdrawn from Longstreet's right to the Warrenton pike, and, together with Hood and Kemper, was pressing down upon Pope's left to crush it back with the last fierce charge of the day, forcing the battle until 9 o'clock that night. Where was Porter then? What was he doing? And only echo answers, where! How did he receive this order to attack? Reclining upon the ground back of Bethlehem church, 2⅝ miles from the front of his column. Sykes was with him, the commander of the regular division, the finest division in the Army. Did he inform Sykes that he was ordered to attack? Not at all. Did he direct him to prepare his division to advance? Did he cause the assembly to be sounded? Did he do anything to indicate that he intended to attempt to obey the order?

General Sykes, before the court-martial, testified as follows (page 178):

Q. Do you know the officer who on the 29th of August bore to General Porter the order of which you have spoken?

A. I do not.

Q. Do you know whether you saw him when he first arrived, or was it on the second arrival?

A. I think it was on his first arrival. General Porter and I were seated together at the time.

Q. Was there any action taken or any order issued immediately on the receipt of the message which that officer bore?

A. I think that some aids-de-camp of General Porter were sent out. I am not positive on that point; but I think Captain Monteith was sent out.

Q. Did General Porter make known to you the character of that order?

A. He did not.

Q. Did he read it in your presence?

A. Not that I know of.

Q. Did you see any order delivered to him by this messenger?

A. I saw a communication delivered to him. I do not know whether it was this order or not.

Q. How long did you remain with General Porter on that occasion after the receipt of this order?

A. I continued with him from that time all night.

Q. You had then, as I understand you to say, no knowledge that a positive order had been given by General Pope on that afternoon for General Porter to attack the enemy on the right flank?

A. I had no such knowledge.

Porter rides to the front, and that is the end of it. "It was quite dark." Yes; it was very dark then in more senses than one. He was justly convicted of disobedience to the 4.30 order to attack.

Next came the following peremptory order, which shows how Pope regarded Porter's conduct:

HEADQUARTERS ARMY OF VIRGINIA,
In the Field, near Bull Run, August 29, 1862—8.50 p. m.

Maj. Gen. F. J. PORTER:

GENERAL: Immediately upon receipt of this order, the precise hour of receiving which you will acknowledge, you will march your command to the field of battle of to-day and report to me in person for orders. *You are to understand that you are expected to comply strictly with this order, and to be present on the field within three hours after its reception, or after daybreak to-morrow morning.*

JOHN POPE,
Major-General, Commanding.

(Received August 30, 3.30 a. m.)

The tone of this order is such as to be insulting in the higest degree to a faithful and subordinate officer.

He might as well have said in so many words, "You have been insubordinate; now you must obey!"

We know that before sending this order Pope had been inclined to order the arrest of Porter for his failure to attack, but had been dissuaded. "What will you say of the 30th," I have been asked. On the 30th Porter was under the immediate eye of Pope. He was stung, evidently, by the order, its tone of reprimand and distrust. And that day he had no choice but fight, and the old Fifth Corps fought as it always fought when it had a chance, with heroic valor. But the desperate valor

with which that noble corps fought on the 30th can have nothing to do with the conduct of its commander on the 27th, 28th, and 29th of August.

Pity that so much sacrifice should have been required and so much precious blood wasted to repair the insubordination of the day before.

Such were the events which gave rise to

THE COURT-MARTIAL

and dismissal of General Porter.

That court convened on the 27th of November, 1862. It sat for forty-five days. It was the most elaborate military trial the country ever witnessed.

The court itself was composed of distinguished officers. The following was the detail for the court:

Maj. Gen. D. Hunter, United States Volunteers.
Maj. Gen. E. A. Hitchcock, United States Volunteers.
Brig. Gen. Rufus King, United States Volunteers.
Brig. Gen. B. M. Prentiss, United States Volunteers.
Brig. Gen. James B. Ricketts, United States Volunteers.
Brig. Gen. Silas Casey, United States Volunteers.
Brig. Gen. James A. Garfield, United States Volunteers.
Brig. Gen. N. B. Buford, United States Volunteers.
Bvt. Brig. Gen. W. W. Morris; United States Army.
Col. J. Holt, Judge-Advocate-General, United State Army, judge-advocate and recorder of the court.

On the 10th day of January, 1863, the court rendered its verdict. It found him guilty of three specifications under each of two charges. The merciful sentence was that he should be cashiered. On the 13th the findings were transmitted to the Secretary of War to be laid before President Lincoln. On the 19th the review of the Judge-Advocate-General was laid before the President. On the 21st the President "approved" and confirmed the sentence and carried it into execution. That should have been final. In any other government it would have been final.

Of the thousands of officers and soldiers who have been condemned by courts-martial this case alone is selected for a legislative acquittal—to be legislated into innocence by act of Congress.

However Porter may have lacked in energy on the 27th, 28th, and 29th of August, 1862, he has not lacked in energy since in his efforts to secure the reversal of the verdict of the court; immediately commenced his appeals for a rehearing:

1. Appeal to Grant as Secretary of War, 1866.
2. Appeal to Grant as General, in 1867.
3. Appeal to Grant as President, in 1869.
4. Appeal to Grant as President, in 1874.
5. Appeal to President Hayes, in 1878.

ORDER FOR THE SCHOFIELD BOARD.

Three military gentlemen were invited to compile statements, "that the President may be informed of the facts." It was not a court-martial; not a court of inquiry.

As to the want of power of this board see minority report, page 3:

Not one sentence of the so-called testimony taken before the Schofield board could ever be used as evidence before any court of law or equity in the land. That board had no legal existence; they were bound by no oath of office. The hearing was *ex parte;* there was no process of subpœna for witnesses; no fund to pay their expenses; no person officially charged with the duty of supporting the verdict of the court. No lawful oath was or could be administered to witnesses; no penalty could be imposed for false swearing.

The board perfectly understood this. On page 5 of the proceedings of the board, the president of the board says:

"There is one other matter in regard to which the board would like to hear what counsel have to say; that is in regard to receiving testimony in a case like this, this being *a board having no organization under the law;* no power to summon witnesses or to administer oaths."

Mr. Bullett, of counsel for petitioner, said:

"It is true that the board have no power to administer oaths as far as we can ascertain. * * * As a matter of course many persons may be influenced by the fact that this is not a judicial proceeding; hence the question of perjury might not apply."

On page 6 of the proceedings (Ex. Doc. 37, part 2, Forty-sixth Congress, first session, page 68), the recorder says:

"If the board please, I suppose that the administration of an oath, even by an officer competent to administer oaths, would give no increased validity to statements that may be made here, but it might influence *some* in the manner in which they would give their statements. * * * Of course we know that that which is said here is not in any legal sense evidence, but merely statements."

March 19, 1879, the Schofield board made its report; but so deeply grounded was the confidence of the American people in the court that originally tried him and the President who approved its findings that the report made no perceptible change in the popular conviction that Porter had been justly convicted and dismissed.

The defense made before this board was identical with that made before the court-martial.

As the board themselves say in their report:

The recent testimony of confederate officers hardly adds anything to the conclusiveness of that proof, *but rather diminishes its force,* by showing that one division (Anderson's) did not arrive until the next morning; while the information in their possession at that time required the Union officers *to assume that that division as well as the others* had arrived on the 29th.

The report of the board is a most extraordinary one. It not only absolutely acquits Porter, not only finds him perfectly free of all blame or fault, but it exhausts the vocabulary of eulogy and praise to heap the most fulsome panegyric upon him.

If the report of the Schofield board is a correct judgment in the case, then the court-martial was a hideous conspiracy, to which the General-in-Chief, the War Secretary, the Judge-Advocate-General, and the great and tender-hearted Lincoln were all parties, to sacrifice Porter as a scapegoat for the failure of a campaign then already retrieved. It was not until after it became known that General Grant had espoused Porter's cause, and written to President Arthur to that effect, about December 22, 1881, that the people who had never studied the case for themselves, and who depended upon others for their opinions, began to think that the court-martial might have erred in its judgment. So long as Garfield lived Porter remained quiet. But scarcely had the last painful breath departed from his anguish-racked body when Porter commenced his advances upon the Arthur administration. He knew perfectly well the reverence in which the whole Northern people held the great names of Stanton, Garfield, and Lincoln, and the only possible way to counteract the mighty weight of these names was to throw into the opposite scale a name as great as or even greater than these, the name of Grant.

Garfield was but lately dead. His long and terrible suffering and most pathetic death had made all hearts tender. It was a time for effacing all the scars of war. Four times already Porter had appealed to Grant—in 1866 and 1867, when Grant was General and Secretary of War respectively; to these appeals Grant had turned a deaf ear. Once more, in 1869, when Grant was President and Commander-in-Chief of the Army and Navy—when his power, backed by an overwhelming majority in Congress, was almost unlimited—Porter pressed his appeal. We must presume that the President, as he himself has declared, gave it careful attention. Again he declined to take any action. At this time the newly discovered evidence of Lee and Longstreet was laid before the President.

Once more in 1874, while General Grant was still President, Porter made one more appeal, at this time presenting the additional evidence of Hood, Wilcox, Early, Owens, and Robertson, covering substantially all the ground covered by the board of review, yet without effect.

It was at this time that General Pope wrote to President Grant, among other things saying:

As I do not wish even to *seem* to consent to any additional misconception concerning me or my action in this case, I beg (if you have not already done so) that you will yourself, Mr. President, examine as fully into the question as you think justice or mercy demands.

To this, under date of May 9, 1874, General Grant replied as follows:

* * * You are under the apprehension *that I had not fully examined the case.* * * * I read during the trial the evidence and the final findings of the court, looking upon the whole trial as one of great importance, and particulary so to the Army and Navy. When General Porter's subsequent defense was published *I received a copy of it and read it with care and attention,* determined *if he had been wronged and I could right* him I would do so. My conclusion was that *no new facts* were developed that could be fairly considered, and that it was of *doubtful legality whether by mere authority of the Executive a rehearing could be given.*

Yours, truly,

U. S. GRANT.

General JOHN POPE,
United States Army.

(Volume 3, board proceedings, page 1094.)

President Grant's term of office expired March 4, 1877.

March 9, 1878, General Porter made an appeal to President Hayes. The result was that on the 12th of April the order was issued convening the "Schofield board," consisting of General J. M. Schofield, General A. H. Terry, and Col. George W. Getty: certainly not more distinguished officers than composed the court-martial.

They were appointed by the President on his own motion, without any authority of law.

On March 19, 1879, the board made its report. It was an astonishing document—elaborate, ingenious, the thoroughly partisan plea of an advocate rather than the impartial and candid summing of a judge.

Of all the able and accomplished attorneys who have been employed and paid by Porter in this case, not one has ever made a plea so extravagant, so partisan, so one-sided.

But the great mass of the people, as I have already said, continued to believe that Porter was righteously stripped of the dignities and honors which his country had bestowed upon him. But when, near the beginning of 1882, it became known that our greatest soldier, he who had been our "first in war and first in peace," had brought his powerful advocacy to Porter's cause, many who had neither the time nor the means of examining for themselves yielded their long-settled convictions.

We now find attached to and made a part of the majority report in this case a letter written by General Grant under date of November 23, 1882, directed to General Porter, in which he exonerates him from all blame. This letter being thus made a part and parcel of the majority report, it becomes pertinent and important, as we honor the names of Lincoln and Garfield equally with that of Grant, that we should understand the reason and the basis of this great change—for the opinion of no man of this generation is entitled to more careful consideration and more profound respect at our hands than the opinion of General Grant.

But when we further consider that for nineteen years Grant himself believed Porter guilty as charged, and that too after being four times appealed to, and after reading Porter's defense "with care and attention," and when we find in the letter embodied in the majority report

the reasons alleged for his change of belief, it behooves us to examine those reasons with great care.

No man's opinion is worth more than his reasons are worth. And this is true of the greatest as well as of the humblest. No man is equally great in all directions, and we have been sadly reminded of this truth since the last argument of this cause. I am convinced that this change in General Grant's expressed opinion was due to errors and influences easily traced.

I hold in my hand a pamphlet entitled, "General Grant's Unpublished Correspondence in the Case of General Fitz-John Porter." This pamphlet presumably and unquestionably has been printed since the death of General Grant by the authority of Porter himself. It embraces a correspondence extending from September, 1866, to July, 1884, and covers the four rejected appeals of 1866, 1867, 1869, and 1874. During all this long period and down to December, 1881, General Grant firmly believed Porter to be guilty. If he had continued to believe the facts to be as he had previously understood them, he would have continued to believe him guilty to the day of his death. Were those facts as he had understood them or were they not? These nineteen years of firm belief of the great general should not go for nothing, especially when during most of this time he was under official responsibility in the matter.

These letters are an exceedingly valuable contribution to the literature of the case. By their light we are able to understand, I think, in what manner and by what process and by what extent of actual study the change was wrought. The first of these letters, which are significant, is that on page 7, from Porter to Grant.

NEW YORK, *September* 17, 1881.

DEAR GENERAL: *I have been told that you have entertained and sometimes expressed opinions reflecting upon the integrity of my military acts while in the Army.* While I have always been unwilling to believe these reports, I can not help taking them to heart, as I am willing to acknowledge that it would be a matter of wonder if you did not entertain opinions adverse to me, considering the light under which you may have expressed them. * * *

Believe me, very respectfully yours,

F. J. PORTER.

General U. S. GRANT, *Long Branch, N. J.*

To which General Grant replied:

NEW YORK, *September* 27, 1881.

DEAR GENERAL: Your letter of the 17th of September was handed me at Long Branch the *day after the death of the President.* Since that time I have had no opportunity of seeing you, and hence have deferred writing until this time. For a few days I will be so busily employed that I am not able now to appoint a time for the conference which you desire to have with me, but as soon as I can fix a day I will take great pleasure in doing so, and will hear what you have to say in regard to the matter alluded to in your letter, and will endeavor to listen without prejudice, and if convinced that I am *wrong* in former opinions entertained and, possibly, expressed, I would be willing to correct them.

Very truly, yours,

U. S. GRANT.

General F. J. PORTER, 119 *Liberty Street, New York.*

This fixes the fact that up to September 27, 1881, three years after the Schofield board, General Grant had not changed his opinion.

He writes again under date—

NEW YORK, *October* 31, 1881.

DEAR GENERAL: Since my letter to you I have been so busy with correspondence and callers each day that I have not been able to designate a particular time to see you.

If you will call any day, however, at my office, 99 Broadway, about 11 o'clock, I will give you the interview desired, and will keep persons from coming in my office during the time you are with me.

Very truly, yours,

U. S. GRANT.

General F. J. PORTER.

Up to October 31 he had no time even for an interview. Nothing had occurred to change his mind.

Congress was about to meet. Porter was anxious to have General Grant's decision at an early day, as upon it depended whether his renewed appeal should be made through the President or direct to Congress. He therefore sent the following note:

NEW YORK, *December* 1, 1881.

GENERAL: I would be glad of an interview with you to-day, if agreeable, or to-morrow, if more convenient to you.

Yours, truly,

F. J. PORTER.

General U. S. GRANT.

This note was returned, indorsed as follows (December 1, 1881):

I will be glad to see you at any time you may call, but *your papers I carried to my house* to go over carefully, but as to yet I have had company every evening at the house—the only time I am there—*so I have not yet examined them sufficiently to say anything.* I think I can safely say, however, that *you will not meet with opposition from me in obtaining relief from the odium of your sentence.* After *examining the papers* before me—which I will do within a few days, if I have to shut myself up for the purpose—if my judgment convinces me that you have been wronged, I will say so.

U. S. GRANT.

The interview did not take place, Porter preferring to wait till the general had formed his convictions.

This is the language of Porter's pamphlet.

From this letter it will be observed that General Grant had been so occupied that he had been able to give little or no attention to the papers sent him by Porter. Yet his mind, by some means, has reached a point where he is able to say, "I think I can safely say, however, that you will not meet with opposition from me in obtaining relief," &c.

Before this, in chronological order, should come in two letters which for some occult reason have been taken out of their proper order and placed at the end of the pamphlet. They are important as showing what new documents, what new evidence were furnished General Grant for his information.

The first one is dated four days after General Grant's letter of October 31, when Grant had not had time to examine the papers, and is as follows:

NEW YORK, *November* 4, 1881.

DEAR GENERAL: If, after you have read the report of the board and my letter to General COX, you should need any further light or information or proof to sustain anything put forth by the board or by me, I shall be very glad to give it. Yesterday I saw plainly that your impressions of the facts in the case were incorrect, and I am anxious that you should see the facts in their true light, and the more so as the matter was once in your hands to act upon, but you did not act upon, I presume, because of such impressions as you expressed yesterday.

I will try to present my case to you clearly and dispassionately, believing that you will receive them as dispassionately and free from prejudice, and with as great a desire to undo any wrong unintentionally done as you would have done right in the first case.

My statement sent to you yesterday was mainly written in 1863, added to as time sustained my views by proofs, and but slightly altered by my counsel for presentation to the Schofield board. The foot-notes were added after the adjournment of the board, and when the Senate was printing the proceedings. * * *

Respectfully yours,

F. J. PORTER.

From this we see that up to "yesterday" (November 3) Grant's "impressions of the facts of the case were incorrect." We also see the subtle appeal to his feelings, because "the matter was once in your hands to act upon, but you did not act." It also shows the papers furnished by Porter. They were "the report of the board," "my letter to General COX," "my statement sent you yesterday," "mainly written in 1863," "the foot-notes added after the adjournment of the board."

The following comes immediately after the last, without date, and seems to be a postscript to it. (Date would be November 4.)

GENERAL U. S. GRANT: I inclose a copy of *my defense before the court-martial*, written by Mr. Eames and prepared from the imperfect evidence of fact on the record, but at that time—with the obstacles thrown in the way of getting evidence—all the evidence I could bring forward. *It is substantially the same argument as now made.*

Yours, respectfully,

F. J. PORTER.

So that by Porter's own admission the case made to General Grant was "substantially the same" that was made before the court-martial in 1863. No more, no less, in substance.

We may also see what he did not have:

NEW YORK, *December* 23, 1881.

DEAR SIR: * * * I will be pleased if you will send me a copy of the proceedings of the board, as published by the Senate.

Truly yours,

U. S. GRANT.

General F. J. PORTER, *New York.*

It would seem that he did not have the proceedings of the board, which contained the evidence in the case.

The next letter (but dated the day before) is to President Arthur, and shows the amount of time given to the study of the case:

NEW YORK, *December* 22, 1881.

DEAR SIR: At the request of General Fitz-John Porter I have recently reviewed his trial and the testimony furnished before the Schofield court of inquiry, held in 1879, giving to the subject three full days of careful reading and consideration, and much thought in the intervening time. The reading of the whole of this record has thoroughly convinced me that for these nineteen years I have been doing a gallant and efficient soldier a very great injustice in thought, and sometimes in speech.

* * * * * * * *

I am, very truly, yours,

U. S. GRANT.

The PRESIDENT, *Washington, D. C.*

I desire to make only one comment upon this correspondence.

It is admitted that the argument made to Grant in 1881 was substantially the same as made to Garfield as a member of the court, who was solemnly sworn to try the case "without fear, favor, affection, or hope of reward," in 1863.

Grant gave to the case three days—at least all the time he could give to it in "three full days."

Garfield give to it forty-five full days.

Grant had only one side presented to him.

Garfield had both sides, on the facts, but argument only for the defense.

Garfield had all the living witnesses before him. He looked into their eyes, witnessed their bearing, heard the tones of their voice, saw them under the fire of cross-examination.

Grant had none of these.

Garfield added to the honor and chivalry of the soldier the intellectual discipline, the logical mind, the keen discrimination of the trained lawyer.

Grant, with that kind-hearted magnanimity which in his later years made him desire the good-will of every heart that had in any way been wounded by the unhappy strife of war, and feeling that when he had this man absolutely in his hands he had been wholly deaf to his appeal, was unquestionably disposed to place the most optimistic construction upon every act and apparent neglect of duty.

Grant had before him everything that would exculpate, nothing that would condemn.

But in the letter which forms a part of the majority report General

Grant has given us for himself the reasons for his change of mind. This letter, as embodied in the report, bears date November 3, 1883. In the pamphlet of General Porter it is dated November 23. I shall incorporate only a portion of it in my remarks:

NEW YORK, *November 3*, 1883.

DEAR GENERAL: As there is some discussion as to the probable reasons for my change of mind in regard to your case, now pending before the people of the United States, I deem it proper *that I should give them myself.*

In the first place, I never believed you to be a traitor, as many affected to believe. I thought I knew you too well to believe for one moment that you would accept the pay, rank, and command you held for the purpose of betraying the cause you were professing to serve. Then, too, your services had been too conspicuous as a staff officer at the beginning of the war and as commander of troops later, to support such a theory for a moment.

But *I did believe that General Pope was so odious to some of the officers in the East that a cordial support was not given him by them.* I was disposed, too, to accept the verdict of a court-martial composed as the one which tried you was. Some of the members of that court I knew personally, and had great confidence in their judgment and justice. I supposed you had shared in this feeling toward Pope, and while not more guilty than others, you were unfortunate in being placed in a position where specifications could be made showing this hostility.

After the close of the war, when I was requested to read your new defense, I read it with the feeling above described. At the same time I read the other side as prepared—or furnished—by General Pope. This gave maps showing the positions of the two armies substantially as shown by the first of the diagrams presented by Mr. Lord, of San Francisco, from whom I copied the article in your case, and did not indicate the presence of any other force than Jackson's. *Then, too, it appeared that you had actually received an order at about 5 or 5.30 in the afternoon of August 29 to attack the enemy's flank, and that, too, at a time when a fierce battle was raging in the front.*

I was first shaken in my views, however, when such a man as General Terry—who unites the lawyer with the soldier—a man of high character and ability, and who had believed as I had and possibly worse, after many weeks of investigation, should entirely vindicate you and be sustained, too, by men of the known ability of his colleagues on the board. Until in 1881, when I re-examined for myself, my belief was that, [1] on the 29th of August, 1862, a great battle was fought between General Pope, commanding the Union forces, and General Jackson, commanding the confederate forces; [2] that you, with a corps of twelve or more thousand men, stood in a position across the right flank of Jackson, and where you could easily get into his rear; [3] that you received an order to do so about 5 or 5.30 o'clock, which you refused to obey because of clouds of dust in your front, which you contended indicated an enemy in superior force to you; [4] that you allowed Pope to get beaten while you stood idly looking on without raising an arm to help him. With this understanding, and without a doubt as to the correctness of it, I condemned you.

Now, on a full investigation of the facts, *I find that the battle was fought on the 30th of August;* that your corps, commanded directly by you in person, lost a greater percentage than any other corps engaged; that the 4.30 order of the day before did not reach you until night-fall; that your immediate superior had cautioned you early in the day that you were too far out to the front then; that General Pope had cautioned you against bringing on an engagement except under such circumstances as he described, and that in any event you must be prepared to fall back behind Bull Run that night, where it would be necessary for you to be to receive supplies; *that from 11 o'clock of the 29th you were confronted by a force of twice your own number, of whose presence you had positive proof, while General Pope did not know of it.*

* * * * * * *

Your knowledge of this fact, as well as of the fact that you had another force, quite double yours, in addition in your front, would have been sufficient justification for your not attacking, even if the order had been received in time. Of course this would not apply if a battle had been raging between Jackson and Pope. At the hour you received the order all was quiet.

* * * * * * *

Faithfully yours,

U. S. GRANT.

General F. J. PORTER.

General Grant says he condemned Porter because he believed four things:

1. That a great battle was fought on the 29th of August, 1862.
2. That Porter stood with a corps of twelve thousand or more men across the enemy's right flank.
3. That he received an order to attack which he failed to obey.
4. That he allowed Pope to get beaten while he stood idly looking on.

Believing this, he for nineteen years condemned Porter.

If these suppositions were correct Grant would still have condemned him.

1. I think that I have already shown that Porter did stand "with a corps of twelve thousand or more men" across the enemy's right flank.
2. That he received an order to attack which he could have obeyed, and ought to have obeyed, but did not obey.
3. That he allowed Pope to get beaten, and that too on the portion of the battlefield nearest Porter's troops, while he stood (or rather lay) idly looking on.

But he says: "I find that the battle was fought on the 30th of August."

Again he says: "Of course this would not apply if a battle had been raging between Jackson and Pope."

So that now the issue is distinctly raised, both by the letter of General Grant and by the report of the Schofield board, whether there was

A BATTLE ON AUGUST 29 AT GROVETON.

General Grant says in his letter that "until 1881 * * * my belief was that on the 29th of August, 1862, a great battle was fought." Now, here is an amazing thing, that for nineteen years the General of the Army should have believed that a great battle was fought, when, in point of fact, no battle was fought. And this great battle is made to disappear from history in the interest of the relief of Fitz-John Porter. [Applause.]

General Grant says in the majority report: "Of course this would not apply if a battle had been raging." Hence the battle must not rage! One of the great battles of the war must be wiped out to afford an excuse for Porter's not obeying a peremptory order to attack.

It appears to me, Mr. Chairman, that it is about time that this great historical question were settled and determined.

Since the last discussion of this bill in this House the publication of the Official Record of the War of the Rebellion has covered the epoch from August 27 to September 30, and we are permitted access to the official reports of the officers who commanded the troops on both sides upon August 29.

I propose that, so far as in me lies, this question shall be settled, that it shall be settled now and settled forever. And if any gentleman of this House shall vote for this bill—shall vote that Porter was not under obligation to obey an imperative order to attack—it shall not be upon the false and flimsy ground that there was no battle upon the 29th of August.

Before entering upon a discussion of the facts, Mr. Chairman, I desire to call attention to some general features of battles.

The greatness of a battle depends upon several things:

1. The magnitude of the forces engaged;
2. The duration of the conflict;
3. The energy or fierceness of the collision;
4. The losses of life and force; and
5. The decisive character of the result.

There are battles, and then there are *battles*. There are battles that are to a finish, and then there are battles that are not to a finish. The battle of August 29 was of the latter class; so were the first two days at Gettysburg, and the first day at Shiloh. No battle lasts, as a rule, with continuous fury along the whole line all day long. That would not be possible; flesh and blood could not stand it.

In the late war it was my lot to share in some of the larger engagements, including Fredericksburg, Vicksburg, Wilderness, Spottsylvania, and Petersburg. I never knew a battle that was not made up of a series of conflicts, at different hours, and on different parts of the line with intervals between.

Perhaps the most decisive battle yet fought upon this continent was the third day at Gettysburg, yet the first signal gun was fired after 1 o'clock, and after an artillery duel of about an hour the infantry advanced to the assault.

In two hours the battle was practically over.

I know there are soldiers here who were in that battle. Do not understand me to say that there was not fighting in the morning; that there was not fighting after Pickett's division was repulsed. There was fighting all day, but the decisive battle was between 1 and 3 o'clock.

At Fredericksburg the battle commenced in the early morning by Franklin's attack on the left, was followed by Hooker on the extreme right and Sumner in the center, and was renewed at wide intervals of time and space, until the final assault by Humphrey's division was made after dark.

The same is true of the battle of the Wilderness. I think it can be said that at no one time were all the forces on either side engaged.

I propose to apply these usual and recognized tests to the action of the 29th of August to determine whether a battle, in the proper sense of that word, was fought on that day. The sources of information upon which I shall rely are the official reports of the commanding officers on either side, in most cases made immediately or very soon thereafter. These reports, with the possible exception of General Pope's, were made without any reference to Porter's case.

ORGANIZATION OF POPE'S ARMY.

	Divisions.
1. Sigel's corps	Schenck.
	Schurz.
	Milroy.
2. Heintzelman's corps	Hooker.
	Kearny.
3. McDowell's corps	King.
	Reynolds.
	Ricketts.
4. Reno's corps	Stevens.
5. Porter's corps	Sykes.
	Morell.
	Piatt's brigade.

All the following extracts except the first are from the official reports embraced in part 2, volume 12, War of the Rebellion, published by the War Department, and relate exclusively to the battle of the 29th, unless otherwise shown upon their face.

HEADQUARTERS, FIELD OF BATTLE.
Near Groveton, Va.—5 a. m., August 30, 1862.

Maj. Gen. H. W. HALLECK,
General-in-Chief, United States Army:

We fought a terrific battle here yesterday with the combined forces of the enemy, which lasted with continuous fury from daylight until after dark. * * *
The enemy is still in our front, but badly used up. We lost not less than eight thousand men killed and wounded. * * *

JOHN POPE, *Major-General.*

(Page 388, board proceedings.)

[Report of Maj. Gen. John Pope, U. S. Army, of the operations of the Army of Virginia June 26-September 2, with orders and correspondence.]

HEADQUARTERS ARMY OF VIRGINIA, *September* 3, 1862.

* * * * * * * *

Heintzelman marched early from Centreville toward Gainesville, closely followed by Reno.

Meantime, shortly after daylight, Sigel, and Reynolds's division of McDowell's corps, had become engaged with the enemy, who was brought to a stand, and he was soon joined by Heintzelman and Reno, and the whole line became actively engaged. Porter marched as directed, followed by King's division, which was by this time joined by Ricketts's division, which had been forced back from Thoroughfare Gap by the heavy forces of the enemy advancing to support Jackson.

As soon as I found that the enemy had been brought to a halt and was being vigorously attacked along Warrenton turnpike I sent orders to McDowell to advance rapidly on our left and attack the enemy on his flank, extending his right to meet Reynolds's left, and to Fitz-John Porter to keep the right well closed on McDowell's left and to attack the enemy in flank and rear while he was pushed in front. This would have made the line of battle of McDowell and Porter at right angles to that of the other forces engaged. The action raged furiously all day, McDowell, although previously in rear of Porter, bringing his whole corps on the field in the afternoon and taking a conspicuous part in that day's operations.

To my surprise and disappointment I received late in the afternoon from Porter a note saying that his advance had met the enemy on the flank in some force, and that he was retiring upon Manassas Junction, without attacking the enemy or coming to the assistance of our other forces, although they were engaged in a furious action only 2 miles distant and in full hearing of him. A portion of his force fell back toward Manassas, and he remained, as he afterward informed me, where he was, looking at the enemy during the whole of the afternoon of Friday and part of Friday night passing down in plain view to re-enforce the troops under Jackson without an effort to prevent it or to assist us. One, at least, of his brigades, under General Griffin, got around to Centreville and remained there during the whole of the next day's battle without coming on the field, though in full view of it, while General Griffin himself spent the day in making ill-natured strictures upon the general commanding [see paper marked D] the action in the presence of a promiscuous assemblage.

Darkness closed the action on Friday, the enemy being driven back from his position by Heintzelman's corps and Reno, concluded by a furious attack along the turnpike by King's division, of McDowell's corps, leaving his dead and wounded on the field.

* * * * * * *

I have much to say and to report to you concerning the conduct of certain officers and their commands during these operations, which I will postpone for the present. There is no doubt in the mind of any man here that the battle of Groveton would have been a decisive and complete victory on the first day had General Porter advanced as I directed him. Why he did not is yet unexplained. The whole of the heavy re-enforcements which attacked us on Saturday passed down the road from Gainesville during the whole afternoon and night of Friday, while General Porter remained in full sight of them, on their flank, between Manassas Junction and Gainesville, although he had my positive written order to attack them in flank while I was urging the battle in front. He made no attack whatever, but retired a portion of his command, at least, to Manassas, which was not near enough the next day to take any part in the action.

[Report of Maj. Gen. Franz Sigel, United States Army, commanding First Corps, Army of Virginia, of operations along the Rappahannock and the battles of Groveton and Bull Run.]

HEADQUARTERS FIRST CORPS, ARMY OF VIRGINIA,
Near Fort De Kalb, Va., September 16, 1862.

* * * * * * * *

On the night of August 28, when the First Corps was encamped on the heights south of Young's Branch, near Bull Run, I received orders to "attack the enemy vigorously" the next morning. I accordingly made the necessary preparations at night and formed in order of battle at daybreak, having ascertained that the enemy was in considerable force beyond Young's Branch, in sight of the hills we occupied. His left wing rested on Catharpin Creek, front toward Centreville; with his center he occupied a long stretch of woods parallel with the Sudley Springs-New Market road, and his right was posted on the hills on both sides of the Centreville-Gainesville road. I therefore directed General Schurz to deploy his division on the right of Gainesville road, and by a change of direction to the left to come into position parallel with the Sudley Springs road. General Milroy, with his brigade and one battery, was directed to form the center, and to take possession of an elevation in front of the so-called "stone house," at the junction of the Gainesville and Sudley Springs roads. General Schenck, with his division, forming our left, was ordered to advance quickly to an adjoining range of hills, and to plant his batteries on these hills at an excellent range from the enemy's position.

In this order our whole line advanced from point to point, taking advantage of the ground before us, until our whole line was involved in a most vehement artillery and infantry contest. In the course of about four hours, from 6.30 to 10.30 o'clock in the morning, our whole infantry force and nearly all our batteries were engaged with the enemy, Generals Milroy and Schurz advancing 1 mile and General Schenck 2 miles from their original positions.

At this time (10.30 o'clock) the enemy threw forward large masses of infantry against our right, but was resisted firmly and driven back three times by the troops of Generals Milroy and Schurz. To assist these troops so hard pressed by overpowering numbers, exhausted by fatigue, and weakened by losses, I ordered one battery of reserve to take position on their left, and posted two pieces of artillery under Lieutenant Blume, of Schirmer's battery, supported by the Forty-first New York Volunteer Infantry, beyond their line and opposite the right flank of the enemy, who was advancing in the woods. These pieces opened fire with canister most effectively and checked the enemy's advance on that point. I now directed General Schenck to draw his lines nearer to us and to attack the enemy's right flank and rear by a change of front to the right, thereby assisting our troops in the center. This movement could not be executed by General Schenck with his whole division, as he became briskly engaged with the enemy, who tried to turn our extreme left.

At this critical moment, when the enemy had almost outflanked us on both wings, and was preparing a new attack against our center, Major-General Kearny arrived on the field of battle, and deployed by Sudley Springs road on our right, while General Reno's troops came to our support by the Gainesville turnpike. With the consent of General Reno I directed two regiments and one battery, under Brigadier-General Stevens, to take position on the right of General Schenck—the battery on an eminence in front and center of our line, where it did excellent work during the rest of the day, and where it relieved Captain Dilger's battery, which had held this position the whole morning. Three regiments were posted between General Milroy and General Schenck, and two others, with two mountain howitzers, were sent to the assistance of General Schurz. Scarcely were these troops in position when the contest began with renewed vigor and vehemence, the enemy attacking furiously along our whole line, from the extreme right to the extreme left.

At 2 o'clock in the afternoon Genera Hooker's troops arrived on the field of battle, and were immediately ordered forward by their noble commander to participate in the battle. One brigade, under Colonel Carr, received orders, by my request, to relieve the regiments of General Schurz's division, which had maintained their ground against repeated attacks, but were now worn out and nearly without ammunition. Other regiments were sent forward to relieve Brigadier-General Milroy, whose brigade had valiantly disputed the ground against greatly superior numbers for eight hours.

* * * * * * *

During two hours, from 4 to 6 p. m., strong cannonading and musketry continued on our center and right, where General Kearny made a successful effort against the extreme left of the enemy's lines.

At 6.15 o'clock Brigadier-General King's division of Major-General McDowell's corps arrived behind our front, and advanced on the Gainesville turnpike. I do not know the real result of this movement, but from the weakness of the enemy's cannonade and the gradually decreasing musketry in the direction of General Kearny's attack, I received the impression that the enemy's resistance was broken, and that victory was on our side; and so it was. We had won the field of battle, and our army rested near the dead and wounded who had so gloriously defended the good cause of this country. (Pages 266, 267.)

[Report of Brig. Gen. R. C. Schenck, commanding first division.]

WASHINGTON, D. C., *September* 17, 1862.

* * * * * * *

On Friday morning early the engagement was commenced by General Milroy on our right, in which we soon took part, and a rapid artillery fire ensued from both sides. * * * Milroy in the mean while had deployed to the right of the road, and soon became engaged with the enemy. Our division was advanced until we reached the edge of the woods and halted. In front of us was an open space (which also extended to the right of the road and to our right) beyond which was another wood. We remained here nearly an hour, the firing in the meanwhile becoming heavy on the right. The enemy had a battery very advantageously placed on a high ridge behind the woods in front of Milroy, on the right of the road. It was admirably served and entirely concealed. Our position becoming known, their fire was directed toward us. The general determined, therefore, to advance, and so pushed on across the open space in front and took position in the woods beyond. We here discovered that we were on the battle-ground of the night before, and found the hospital of Gibbon's brigade, who had engaged the enemy. The battery of the enemy still continued. We had no artillery. De Beck's and Schirmer's ammunition having given out, and Buell's battery, which had reported, after a hot contest with the enemy (who had every advantage in position and range), was compelled to retire.

It was now determined to flank the battery and capture it, and for this purpose General Schenck ordered one of his aids to reconnoiter the position. Before he returned, however, we were requested by General Milroy to assist him, as he was very heavily pressed. General Stahel was immediately ordered to proceed with his brigade to Milroy's support. It was about this time (1 or 2 o'clock) that a line of skirmishers were observed approaching us from the rear. They proved to be of General Reynolds's division. We communicated with General Reynolds at once, who took his position on our left, and at General Schenck's suggestion he sent a battery to our right in the woods for the purpose of flanking the enemy's. They secured a position, and were engaged with him about an hour, but with what result we were not informed. General Reynolds now sent us word that he had discovered the enemy bearing down upon his left in heavy columns, and that he intended to fall back to the first woods behind the cleared space, and had already put his troops in motion. We therefore accommodated ourselves to his movement. (Page 280.)

[Report of Brig. Gen. Carl Schurz, United States Army, commanding Third Division, of the battles of Groveton and Bull Run.]

HEADQUARTERS THIRD DIVISION,
Camp near Minor's Hill, September 15, 1862.

GENERAL: I have the honor to submit the following report concerning the part taken by the division under my command in the battles of the 29th and 30th of August:

On the evening of the 28th of August my division was encamped south of the turnpike leading from Centreville to Gainesville, near Mrs. Henry's farm. On the 29th, a little after 5 o'clock a. m., you ordered me to cross the turnpike, to deploy my division north of it, and to attack the forces of the enemy supposed to be concealed in the woods immediately in my front, my division forming the right wing of your army corps. * * * I pushed my left wing rapidly forward into the long stretch of woods before me, and found myself obliged to extend my line considerably in order to establish the connection with General Milroy, which, however, was soon effected.

Hardly had this been done when the fire commenced near the point where General Milroy's right touched my left. I placed the battery of the second brigade upon an elevation of ground, about 600 or 700 yards behind the point where that brigade had entered the woods a little to the left, so as to protect the retreat of the regiments composing the left wing, in case they should be forced to fall back. The battery of the first brigade remained for the same purpose on high ground behind the woods in which Colonel Schimmelfennig was engaged, covering my right. When the fire of the skirmishers had been going on a little while two prisoners were brought to me, sent by Colonel Schimmelfennig, who stated that there was a very large force of the enemy (Ewell's and Jackson's divisions) immediately in my front, and about the same time one of Colonel Schimmelfennig's aides informed me that heavy columns of troops were seen moving on my right flank, and that it could not be distinguished whether they were Union troops or rebels. I then withdrew the reserve regiment of the second brigade (the Fifty-fourth New York) from the woods, so as to have it at my disposal in an emergency, and ordered Colonel Schimmelfennig to form one of his regiments front toward the right and to send out skirmishers in that direction, so as to ascertain the true condition of things there.

Meanwhile the fire in front had extended along the whole line and become very lively, my regiments pushing the enemy vigorously before them about one-half mile. The discharges of musketry increased in rapidity and volume as we advanced, and it soon became evident that the enemy was throwing heavy masses against us. About that time General Steinwehr brought the Twenty-ninth New York, under Colonel Soest, to my support, and formed it in line of battle on the edge of the roads behind a fence. I then received information that the columns which had appeared on my right, and which really seemed to have belonged to the enemy, had disappeared again in the woods without making any demonstration, and also that General Kearny's troops were coming up in my rear. Thus reassured about the safety of my right, and expecting more serious business in the center, I sent the Fifty-fourth New York forward again, with the order to fill up the gap between my two brigades occasioned by the extension of my line toward General Milroy's right. The Twenty-ninth New York remained in reserve.

Immediately afterward the enemy began to press my center so severely that it gave way; but we soon rallied it again, and after a sharp contest reoccupied the ground previously taken from the enemy. It was about 10 o'clock a. m. when an officer announced to me that General Kearny had arrived on the battlefield and desired to see me. General Kearny requested me to shorten my front and condense my line by drawing my right nearer to the left, so as to make

room for him on the right. I gave my orders to Colonel Schimmelfennig accordingly. A short time afterward I discovered that two small regiments sent to my support had slipped in between my two brigades, and were occupying part of my line in the woods. General Kearny was just moving up his troops on my right when the enemy made another furious charge upon my center. The two regiments above mentioned, as well as the Fifty-fourth New York, broke and were thrown out of the woods in disorder.

* * * * * * *

The Twenty-ninth New York and the Fifty-fourth New York had just re-entered the woods when one of your aides presented to me for perusal a letter which you had addressed to General Kearny, requesting him to attack at once with his whole force, as the rebel General Longstreet who was expected to re-enforce the enemy during the day had not yet arrived upon the battlefield, and we might hope to gain decisive advantage before his arrival. I then ordered a general advance of my whole line, which was executed with great gallantry, the enemy yielding everywhere before us.

* * * * * * *

Now the whole line advanced with great alacrity, and we succeeded in driving the enemy away from his strong position behind the embankment, which then fell into our hands on my left also.

While this was going on I heard from time to time very heavy firing on my left, where General Milroy stood. The sound of the musketry was swaying forward and backward, indicating that the fight was carried on with alternate success. The connection of my left with General Milroy's right was lost, and I found my left uncovered. However, we succeeded in holding the position of the railroad embankment along my whole front against the repeated attacks of the enemy until about 2 o'clock p. m., when my troops, who had started at 5 o'clock in the morning, mostly without breakfast, had been under fire for eight hours, had been decimated by enormous losses, and had exhausted nearly all their ammunition, were relieved by a number of regiments kindly sent by General Hooker for that purpose. These re-enforcements arrived in my front between 1 and 2 o'clock. According to your order, I withdrew my regiments, one after another, as their places were filled by those of General Hooker. Thus the possession of that portion of the woods which my division had taken and held was in good order delivered to the troops that relieved me. * * * Exhausted and worn down as my men were my division was unable to take part in the action after 2 o'clock p. m., nor was I called upon to do so.

[Report of Brig. Gen. Robert H. Milroy, United States Army, commanding independent brigade, First Corps, Army of Virginia, of operations August 13–31.]

HEADQUARTERS INDEPENDENT BRIGADE,
Near Fort Ethan Allen, Virginia, September 12, 1862.

* * * * * * *

On the following morning (the 29th), at daylight, I was ordered to proceed in search of the rebels, and had not proceeded more than 500 yards when we were greeted by a few straggling shots from the woods in front. We were now at the creek, and I had just sent forward my skirmishers, when I received orders to halt and let the men have breakfast. While they were cooking, myself, accompanied by General Schenck, rode up to the top of an eminence, some 500 yards to the front, to reconnoiter. We had no sooner reached the top than we were greeted by a shower of musket balls from the woods on our right. I immediately ordered up my battery and gave the bushwhackers a few shot and shell, which soon cleared the woods. Soon after I discovered the enemy in great force about three-quarters of a mile in front of us, upon our right of the pike leading from Gainesville to Alexandria. I brought up my two batteries and opened upon them, causing them to fall back. I then moved forward my brigade, with skirmishers deployed, and continued to advance my regiments, the enemy falling back.

General Schenck's division was off to my left and that of General Schurz to my right. After passing a piece of woods I turned to the right, where the rebels had a battery that gave us a great deal of trouble. I brought forward one of my batteries to reply to it, and soon after heard a tremendous fire of small-arms, and knew that General Schurz was hotly engaged to my right in an extensive forest. I sent two of my regiments, the Eighty-second Ohio, Colonel Cantwell, and the Fifth Virginia, Colonel Zeigler, to General Schurz's assistance. They were to attack the enemy's right flank, and I held my other two regiments in reserve for a time.

The two regiments sent to Shurz were soon hotly engaged, the enemy being behind a railroad embankment, which afforded them an excellent breastwork.

The railroad had to be approached from the cleared ground on our side through a strip of thick timber from 100 to 500 yards in width. I had intended, with the two regiments held in reserve (the Second and Third Virginia Regiments), to charge the rebel battery, which was but a short distance from us over the top of a hill to our left, but while making my arrangements to do this I observed that my two regiments engaged were being driven back out of the woods by the terrible fire of the rebels.

I then saw the brave Colonels Cantwell and Zeigler struggling to rally their broken regiments on the rear of the forest out of which they had been driven, and sent two of my aids to assist them and assure them of immediate support. They soon rallied their men and charged again and again up to the railroad, but were driven back each time with great loss. I then sent the Second Virginia to their support, directing it to approach the railroad at the point on the left of my other regiments, where the woods ended, but they were met by such a destructive fire from a large rebel force that they were soon thrown into confusion and fell back in disorder. The enemy now came on in overwhelming numbers. General Carl Schurz had been obliged to retire with his two brigades an hour before, and then the whole rebel force was turned against my brigade, and my brave lads were dashed back before the storm of bullets like chaff before the tempest. I then ordered my reserve battery into position a short distance in the rear, and when five guns had got into position one of the wheel horses was shot dead, but I ordered it to unlimber where they were, and the six guns mowed the rebels with grape and canister with fine effect.

My reserved regiment, the Third Virginia, now opened with telling effect. Colonel Cantwell, of the Eighty-second Ohio, was shot through the brain and instantly killed while trying to rally his regiment during the thickest of the fight.

While the storm was raging the fiercest, General Stahel came to me and reported that he had been sent by General Schenck to support me, and inquired where he should place his brigade. I told him on my left, and help support my battery. He then returned to his brigade, and soon after being attacked from another quarter, I did not again see him during the day. I was left wholly unsupported, except by a portion of a Pennsylvania regiment, which I found on the field, and stood by me bravely during the next hour or two. I then rallied my reserved regiment and broken fragments in the woods near my battery, and sent out a strong party of skirmishers to keep the enemy at bay, while another party went forward without arms to get off as many of our dead and wounded as possible. I maintained my ground, skirmishing, and occasionally firing by battalion during the greater part of the afternoon.

Toward evening General Grover came up with his New England brigade. I saw him forming a line to attack the rebel stronghold in the same place I had been all day, and advised him to form line more to the left, and charge bayonets on arriving at the railroad track, which his brigade executed with such telling effect as to drive the rebels in clouds before their bayonets. Meanwhile I had gathered the remnant of my brigade, ready to take advantage of any opportunity to assist him. I soon discovered a large number of rebels fleeing before the left flank of Grover's brigade. They passed over an open space some 500 yards in width in front of my reserved regiment, which I ordered to fire on them, which they did, accelerating their speed and discomfiture so much that I ordered a charge. My regiment immediately dashed out of the woods we were in down across the meadows in front of us after the retreating foe, but before their arriving at the other side of the meadow the retreating column received a heavy support from the railroad below them, and, soon rallying, came surging back, driving before their immense columns Grover's brigade and my handful of men.

An hour before the charge I had sent one of my aids back after a fresh battery—the ammunition of both my batteries having given out—which arriving as our boys were being driven back I immediately ordered them into position and commenced pouring a steady fire of grape and canister into the advancing columns of the enemy. The first discharge discomposed them a little, but the immense surging mass behind pressed them on us. I held on until they were within 100 yards of us, and having but a handful of men to support the battery, ordered it to retire, which was executed with the loss of one gun. I then rallied the shattered remnant of my brigade, which had been rallied by my aids and its officers, and encamped some three-quarters of a mile to the rear.

[Reports of Maj. Gen. Irvin McDowell, United States Army, commanding Third Corps, Army of Virginia, of operations August 7–September 2.]

WASHINGTON, D. C., *November 6, 1862.*

* * * * * * *

Early in the morning of the 29th General Sigel, who had come up the night before from near Manassas, and who was on Reynold's right, made demonstrations against the enemy, who seemed to be on the north of us. I directed Reynolds to support General Sigel on the left in the movements he might make, and then proceeded to join Generals King's and Ricketts's divisions.

At Manassas I found Maj. Gen. Fitz-John Porter's corps coming up, and soon after, in answer partly to a message of mine, I received your order of the 29th from Centreville, addressed jointly to General Porter and myself. In compliance with it, King's and Ricketts's divisions were directed, as soon as they could be placed on the road from Manassas Junction to Gainesville, which runs nearly west, to follow in the rear and close to General Porter's corps. Both these divisions had been on foot night and day for several days past, had marched the most of the night before, and were separated from their baggage and subsistence. They moved forward, however, cheerfully. The column coming to a halt, I rode forward and found General Porter at the head of his corps, on a slight eminence; in front was an open piece of ground, and beyond it the woods skirting the Warrenton road, down which, as we could see from the dust above the trees, the enemy was moving from Gainesville upon Groveton, where the battle was now going on.

Just before reaching General Porter I received a note from General Buford, commanding cavalry brigade, who was on our then left and front, acquainting me with the strength of the enemy, which he had seen as they passed through Gainesville, then moving down the road. It consisted of seventeen regiments, one battery, and five hundred cavalry. As this was an inferior force to General Porter's, I decided for him to throw himself at once on the enemy's flank, and as the head of my column was some 3 miles back, near the Sudley Springs road, I would move it directly north on that road upon the field where the battle was then at its height,

Generals Seymour and Jackson led their brigades in advance, but notwithstanding all the steadiness and courage of the men they were compelled, by the fire of the enemy's artillery and infantry on their front and left, to resume their former position.

Immediately on my arrival with King's division I directed it to move forward and take place on the left of Reynolds's, then still engaged on the left of Sigel's corps, and some of the brigades went forward to do so, when I received your instructions to order the division over to the north of the turnpike to support the line held by Reno, which had been hotly engaged all day, and the division was recalled and brought back to the Sudley Springs road for this purpose.

One of the brigades—Patrick's—having received an order, as he informed me, direct from your headquarters, to move across the field, became separated from the division, and though he moved at the quickest pace, was not able to rejoin until late that evening.

About the time the division arrived at the crossing of the Sudley Springs and Warrenton turnpike I received word from you that the enemy were falling back, and to send the division right up the turnpike after them. It was now near dusk, and though the men had been on foot since 1 o'clock in the morning they moved forward with the greatest enthusiasm. They were led gallantly up the road by Brigadier-General Hatch, who, trusting to find the enemy in retreat as he was told, and hoping to turn their retreat into a flight, took the men forward, his own and Doubleday's brigades and Gerrish's battery of howitzers, with Patrick's brigade in reserve, with an impetuosity akin to rashness. The attack was severe, both on the enemy and our men.

About the same time an attack was made by Bayard's cavalry, on the left of Hatch, on the enemy south of the road, in which Seymour's squadron suffered severely. These were the finishing strokes of the day, which we could now safely claim as ours. (Pages 337, 338, and 339.)

[Report of Brig. Gen. John P. Hatch, United States Army, commanding first (King's) division, of the battles of Groveton and Bull Run.]

CAMP NEAR FREDERICK, MD., *September 13, 1862.*

CAPTAIN: I have the honor to submit the following report of the movements of the first division, Third Corps, temporarily under my command during parts of the 29th and 30th days of August:

Late on the afternoon of the 29th ultimo I was ordered by General McDowell in person (who was at the time stationed near the stone house on the turnpike from Gainesville to Centreville) to move the division on the Gainesville road in pursuit of the enemy, who, he informed me, were retreating. Gibbon's brigade had been detached to support some batteries. With the three other brigades of the division and Gerrish's battery of howitzers, I proceeded with all the speed possible, hoping, by harassing the enemy's rear, to turn their retreat into a rout.

After marching about three-quarters of a mile the Second Regiment of United States Sharpshooters was deployed to the front as skirmishers, the column continuing up the road in support. The advance almost immediately became warmly engaged on the left of the road. Two howitzers were then placed in position, one on each side of the road, and Doubleday's brigade was deployed to the front, on the left of the road, and moved up to the support of the skirmishers. We were met by a force consisting of three brigades of infantry, one of which was posted in the woods on the left, parallel to and about an eighth of a mile from the road. The two other brigades were drawn up in line of battle, one on each side of the road. These were in turn supported by a large portion of the rebel forces, estimated by a prisoner, who was taken to their rear, at about thirty thousand men, drawn up in successive lines, extending 1½ miles to the rear. Doubleday's brigade moved to the front under a very heavy fire, which they gallantly sustained; but the firing continuing very heavy, Hatch's brigade, com-

manded by Colonel Sullivan, was also deployed, and moved to the support of General Doubleday. Patrick's brigade, which had been held in reserve, took up a position on the opposite side of the road, completely commanding it. The struggle, lasting some three-quarters of an hour, was a desperate one, being in many instances a hand-to-hand conflict.

Night had now come on, our loss had been severe, and the enemy occupying a position in the woods on our left which gave them a flank fire upon us, I was forced to give the order for a retreat. The retreat was executed in good order, the attempt of the enemy to follow being defeated by a few well-directed volleys from Patrick's brigade. (Page 367.)

[Report of Brig. Gen. Abner Doubleday.]

NOVEMBER 2, 1862.

* * * * * * *

At 1 a. m. on the 29th the division moved on the road to Manassas Junction, by order of General King, reaching the Junction at 7 a. m., having made a march of about 8 miles. After a short rest, which scarcely availed to refresh our weary and battle-worn soldiers, my brigade, together with the rest of the division, returned on the Centreville road again to a point about a mile east of the battlefield of the night before.

Here Jackson's army was drawn up to dispute the passage to Washington. King's division was posted on the left of General McDowell's line of battle. We remained in this position for two or three hours, when an order came for Hatch's and my brigades to attack the enemy's right, it being represented that his whole line was in great confusion, and that it was only necessary for us to move forward to render his rout complete and capture a large number of fugitives. Under this impression we advanced to the attack at the double-quick step, my brigade leading the way, accompanied by Captain Gerrish's battery. As we gained the crest of a hill the battery opened on the enemy, but without much effect, owing to their being well sheltered.

I have learned subsequently, from prisoners taken in the action, that we did not encounter Jackson's force at all. It was Longstreet's division, which had just come up, after having been delayed on its route from Thoroughfare Gap by General Ricketts's command. Drawn up in three ranks, the front rank kneeling, the rebels poured in an incessant fire, their line not only confronting ours, but enveloping us on each flank. As their brigades came up one after another, while we received no re-enforcement, the contest soon became very unequal, and after reforming several times we were obliged to fall back, the enemy following, until checked by a daring charge of the Harris Light Cavalry, which ended the contest for the night. (Pages 269 and 270.)

[Report of Col. Thomas F. McCoy, One hundred and seventh Pennsylvania Infantry.]

OCTOBER 8, 1862.

* * * * * * *

At the dawn of the next morning (the 29th) we were again upon the road to Manassas, where we arrived before noon, and unexpectedly found it in the possession of our army. After two or three hours' rest the line of march was taken for another battlefield, the battle then raging with great fury near the old Bull Run battle-ground. At the close of the day we arrived upon the ground, the battle still in progress, the rebels being strongly pressed and yielding ground. The regiment, in connection with those composing the brigade, bivouacked on the field while the balls and shells of the enemy were still flying over and around them.

Soon after daylight the next morning (30th) the regiment was in line. (Page 387.)

[Report of General J. F. Reynolds, commander of third division.]

CAMP NEAR MUNSON'S HILL, VA., *September* 5, 1862.

* * * * * * *

I then returned to my own division, which I reached at daylight on the morning of the 28th [29th]; closed up with General Sigel's command on the old battlefield of Bull Run. General Sigel reported the enemy in his immediate front, and requested my co-operation with him in an attack upon his position. I accordingly formed my division on the left of General Sigel's corps, next to the division of General Schenck. General McDowell joined the command at daylight, and directed my co-operation with General Sigel.

The right of the enemy's position could be discerned upon the heights above Groveton, on the right of the pike. The division advanced over the ground to the heights above Groveton, crossed the pike, and Cooper's battery came gallantly into action on the same ridge on which the enemy's right was, supported by Meade's brigade. While pressing forward our extreme left across the pike, re-enforcements were sent for by General Sigel for the right of his line, under General Milroy, now hardly pressed by the enemy, and a brigade was taken from Schenck's command on my right. The whole fire of the enemy was now concentrated on the extreme right of my division, and, unsupported there, the battery was obliged to retire, with considerable loss in both men and horses, and the division fell back to connect with Schenck.

Later in the day General Pope, arriving on the right from Centreville, renewed the attack on the enemy and drove him some distance. My division was directed to threaten the enemy's right and rear, which it proceeded to do under a heavy fire of artillery from the ridge to the left of the pike. Generals Seymour and Jackson led their brigades in advance, but notwithstanding all the steadiness and courage shown by the men they were compelled to fall back before the heavy fire of artillery and musketry which met them both on the front and left flank, and the division resumed its original position. King's division engaged the enemy along the pike on our right, and the action was continued with it until dark by Meade's brigade. (Pages 393 and 394.)

[Report of Brig. Gen. George G. Meade, United States Army, commanding first brigade, of operations August 21 to September 4, including battles of Groveton and Bull Run.]

HEADQUARTERS FIRST BRIGADE, REYNOLDS'S DIVISION, P. R. V. C.,
Camp near Munson's Hill, Va., September 5, 1862.

CAPTAIN: I have to submit the following report of the operations of my command since leaving Fredericksburg on the night of August 21:

* * * * * * *

On the 29th the brigade was formed in line of battle on the left of Sigel's corps and directed to move on Gainesville. Sigel, having found the enemy on his front on the other side of the Warrenton pike, engaged them along his whole line, and the brigade moved up on his left until it crossed the Warrenton pike within a half mile of Groveton, at which point Cooper's battery was established on the ridge, with the Fourth, Seventh, and Eighth regiments to support him, the Third being posted along the pike and the Rifles sent up the pike as skirmishers.

The enemy, perceiving this disposition, brought several batteries to bear on Cooper's, who, being short of ammunition, was withdrawn, and Ransom's was about being substituted, when it was ascertained that Schenck's division of Sigel's corps, which had been on our right, was withdrawn, and at the same time the enemy's infantry were deploying in our front in such force as required the withdrawal of the brigade to the other side of the Warrenton pike, where a position was taken on the plateau near what is known as the Lewis House, which overlooks Groveton and the pike leading to it. This position was held until dark, when, ascertaining that the attack of a portion of King's division, on our right and front, had been repulsed and the enemy advancing in force, I directed the withdrawal of the batteries, and after dark withdrew the brigade to the position occupied by the rest of the division.

On the morning of the 30th the brigade advanced. (Pages 397 and 398.)

[Report of Maj. Gen. Samuel P. Heintzelman, United States Army, commanding Third Corps, Army of the Potomac, of operations August 14–September 2, including engagement at Kettle Run and battles of Groveton, Bull Run, and Chantilly.]

HDQRS. DEFENSES OF WASHINGTON SOUTH OF THE POTOMAC,
Arlington, Va., October 21, 1862.

* * * * * * *

At 10 a. m. I reached the field of battle, a mile from stone bridge, on the Warrenton turnpike. General Kearny's division had proceeded to the right and front. I learned that General Sigel was in command of the troops then engaged and called on him.

At 11 a. m. the head of Hooker's division arrived; General Reno an hour later. At the request of General Sigel I ordered General Hooker to place one of his brigades at General Sigel's disposal to re-enforce a portion of his line then hard pressed. General Grover reported, and before long became engaged, and was afterward supported by the whole division. General Pope arrived between 1 and 2 p. m. The enemy were driven back a short distance toward Sudley church, where they made another stand, and again pressed a portion of our line back. All this time General Kearny's division held its position on our extreme right. Several orders were sent to him to advance, but he did not move until after the troops on his left had been forced back, which was near 6 p. m. He now advanced and reported that he was driving the enemy. This was not, however, until after the renewed heavy musketry fire on our center had driven General Hooker's troops and those he was sent to support back. They were greatly outnumbered, and had behaved with exceeding gallantry.

It was on this occasion that General Grover's brigade made the most gallant and determined bayonet charge of the war. He broke two of the enemy's lines, but was finally repulsed by the overwhelming numbers in the rebel third line. It was a hand-to-hand conflict, using the bayonet and the butt of the musket. In this fierce encounter, of not over twenty minutes' duration, the Second New Hampshire, Colonel Marston, suffered the most. The First, Eleventh, and Sixteenth Massachusetts and Twenty-sixth Pennsylvania were engaged. The loss of this brigade, numbering less than two thousand present, was a total of four hundred and eighty-four, nearly all killed and wounded. I refer you to General Grover's accompanying report.

Had General Kearny pushed the enemy earlier, it might have enabled us to have held our center and have saved some of this heavy loss. Kearny on the right, with General Stevens and our artillery, drove the enemy out of the woods they had temporarily occupied. The firing continued until some time after dark, and when it ceased we remained in possession of the battlefield. During the night, however, our troops again fell back from the woods that had been so obstinately disputed all the afternoon. (Pages 412, 413.)

[Report of Brig. Gen. Philip Kearny, United States Army, commanding first division, of the battles of Groveton and Bull Run.]

HDQRS. FIRST DIVISION, THIRD CORPS, ARMY OF THE POTOMAC,
Centreville, Va., August 31, 1862.

COLONEL: I report the part taken by my division in the battles of the two previous days. On the 29th, on my arrival, I was assigned to the holding of the right wing, my left on Leesburg road. I posted Colonel Poe, with Berry's brigade, in first line, General Robinson, first brigade, on his right, partly in line and partly in support, and kept Birney's most disciplined regiments reserved and ready for emergencies. Toward noon I was obliged to occupy a quarter of a mile additional on left of said road, from Schurz's troops being taken elsewhere.

During the first hours of combat General Birney, on tired regiments in the center falling back, of his own accord rapidly pushed across to give them a hand to raise themselves to a renewed fight. In early afternoon General Pope's order, per General Roberts, was to send a pretty strong force diagonally to the front to relieve the center in the woods from pressure. Accordingly I detached for that purpose General Robinson, with his brigade; the Sixty-third Pennsylvania Volunteers, Colonel Hays; the One hundred and fifth Pennsylvania Volunteers, Captain Craig; the Twentieth Indiana, Colonel Brown, and, additionally, the Third Michigan Marksmen, under Colonel Champlin.

General Robinson drove forward for several hundred yards, but the center of the main battle being shortly after driven back and out of the woods, my detachment, thus exposed, so considerably in front of all others, both flanks in air, was obliged to cease to advance, and confine themselves to holding their own. At 5 o'clock, thinking—though at the risk of exposing my fighting line to being enfiladed—that I might drive the enemy by an unexpected attack through the woods, I brought up additionally the most of Birney's regiments—the Fourth Maine, Colonel Walker and Lieutenant-Colonel Carver; the Fortieth New York, Colonel Egan; First New York, Major Burt, and One hundred and first New York, Lieutenant-Colonel Gesner—and changed front to the left, to sweep with a rush the first line of the enemy. This was most successful. The enemy rolled up on his own right. It presaged a victory for us all. Still our force was too light. The enemy brought up rapidly heavy reserves, so that our farther progress was impeded. General Stevens came up gallantly in action to support us, but did not have the numbers. (Pages 415, 416.)

[Reports of Brig. Gen. John C. Robinson, United States Army, commanding First Brigade, of engagement at Kettle Run and battles of Groveton, Bull Run, and Chantilly.]

HEADQUARTERS ROBINSON'S BRIGADE,
Centreville, Va., August 31, 1862.

CAPTAIN: I have the honor to submit the following report of the operations of my brigade yesterday and day before:

On Friday morning I was ordered to support Colonel Poe's brigade and to develop his line of battle to the right. After crossing Bull Run I moved forward in two lines—the first composed of the Twentieth Indiana and One hundred and fifth Pennsylvania, and the second of the Sixty-third Pennsylvania and five companies of the Thirtieth Ohio, which were temporarily attached to my command.

Arriving on the ground assigned me, I remained for a considerable time exposed to a heavy artillery fire, after which I took up my position on high ground farther to the right. I was soon after directed by Major-General Kearny, commanding division, to move to the support of Poe's left, when I formed the Sixty-third and One hundred and fifth Pennsylvania in line of battle on the Leesburg road, holding the Twentieth Indiana and Ohio battalion in reserve. At this time there was a heavy musketry fire to our left and front, and I was directed to move forward through the woods to turn the enemy and cut off his retreat through the railroad cut. On arriving on the ground with the Sixty-third and One hundred and fifth Pennsylvania, Twentieth Indiana, and Third Michigan, I found the railroad already occupied by our own troops and the cornfield in front filled with the enemy. I then deployed the Sixty-third and One hundred and fifth Pennsylvania along the railroad to the right of the troops in position,

directing the Third Michigan to protect my right flank, placing the Twentieth Indiana in reserve, and throwing skirmishers to the front.

Soon after taking this position the regiments on my left gave way and passed rapidly to the rear out of the woods, leaving my left flank entirely exposed. As rapidly as possible I moved my command to the left to occupy the deserted ground, but before my troops could get fairly into position I was fiercely attacked by a superior force that had succeeded in crossing the road. I then threw forward my right wing, forming my line of battle at right angles to the original position, and checked the progress of the enemy. At this time General Birney brought up and turned over to me his Fourth Maine. He afterward sent me his First, Fortieth, and One hundred and first New York Regiments. These troops were deployed to the right and left of the railroad, and pushed forward to the support of my regiments in front, which were suffering severely from a terrific fire of musketry and the enemy's artillery, posted on a hill to our right and rear. Our men now gained steadily on the enemy, and were driving him before them until he brought up fresh masses of troops (supposed to be two brigades), when, with ammunition nearly expended, we withdrew to our second position. (Pages 421, 422.)

[Report of Brig. Gen. Cuvier Grover, United States Army, commanding first brigade, of engagement at Kettle Run and battles of Groveton and Bull Run.]

On the following day we recontinued our march for the plains of Manassas by the way of Centreville, and arrived upon the battlefield about 9 a. m. The battle had already commenced, and as my column moved to the front the shells fell with remarkable precision along the line of the road, but fortunately did no damage. My brigade was temporarily placed under the orders of Major-General Sigel, whose troops were then engaging the enemy in the center. Under instructions received from him I threw forward the First Massachusetts Volunteers to support his line, while my remaining four regiments were drawn up in two lines, sheltered from the enemy's fire by a roll of the field in front. This position was occupied until about 2.30 p. m.

In the mean time I rode over the field in front as far as the position of the enemy would admit. After rising the hill under which my command lay an open field was entered, and from one edge of it gradually fell off in a slope to a valley, through which ran a railroad embankment. Beyond this embankment the forest continued, and the corresponding heights beyond were held by the enemy in force, supported by artillery.

At 3 p. m. I received an order to advance in line of battle over this ground, pass the embankment, enter the edge of the woods beyond, and hold it. Dispositions for carrying out such orders were immediately made. Pieces were loaded, bayonets fixed, and instructions given for the line to move slowly upon the enemy until it felt his fire, then close upon him rapidly, fire one well-directed volley, and rely upon the bayonet to secure the position on the other side.

We rapidly and firmly pressed upon the embankment, and here occurred a short, sharp, and obstinate hand-to-hand conflict with bayonets and clubbed muskets. Many of the enemy were bayoneted in their tracks, others struck down with the buts of pieces, and onward pressed our line. In a few yards more it met a terrible fire from a second line, which in its turn broke. The enemy's third line now bore down upon our thinned ranks in close order, and swept back the right center and a portion of our left. With the gallant Sixteenth Massachusetts on our left I tried to turn his flank, but the breaking of our right and center and the weight of the enemy's lines caused the necessity of falling back, first to the embankment and then to our first position, behind which we rallied to our colors.

In this fierce encounter of not more than twenty minutes' duration our loss was as follows:

Command.	Killed.	Wounded.	Missing.	Total.
First Massachusetts Volunteers	5	66	7	78
Second New Hampshire Volunteers	16	87	30	133
Eleventh Massachusetts Volunteers	10	77	25	112
Sixteenth Massachusetts Volunteers	4	64	42	110
Twenty-sixth Pennsylvania Volunteers	6	33	14	53
	41	327	118	486

Though forced to retire from the field by the immensely superior numbers of the enemy, supported by artillery and by the natural strength of his position, men never fought more gallantly or efficiently. (Pages 438, 439.)

[Report of Brig. Gen. Nelson Taylor, United States Army, commanding second brigade, of engagement at Kettle Run and battles of Groveton and Bull Run.]

HEADQUARTERS SECOND BRIGADE, HOOKER'S DIVISION,
Camp near Fort Lyon, Virginia, September 8, 1862.

CAPTAIN: I have the honor to submit the following report of the movements and services rendered by the brigade from the 26th ultimo to the 3d instant inclusive:

* * * * * * *

The next morning (29th) the march was resumed, passing through Centreville. We arrived on the battle-ground about 2 p. m.

* * * * * * *

Having everything in readiness I gave the order to advance. The line had advanced but a few steps when the left was struck with such violence by a regiment (which continued the line to the left) which had broken, that the Second Excelsior Regiment, which was on the left of the brigade line, was almost carried away with it. Seeing the confusion, I rode hastily to this part of the line, accompanied by my two aids, Lieutenants Tremain and Dwight, and endeavored to stay this disgraceful retreat, but it was in vain; the tide could not be stemmed.

On they rushed over and through my line perfectly panic-stricken, breaking and carrying away with them the left of my line. The enemy seeing this charged after them. I then endeavored to throw back my line to give the enemy a flank fire. This I found on trial impracticable, the wood being too dense to execute the movement. By this time the enemy had availed themselves of the large interval opened on my left and poured through in large numbers, and had got 50 or 60 paces in my rear, giving the line an enfilading and reverse fire. They, however, soon ceased firing, as they were so mixed up as to endanger their own men; they then commenced taking prisoners. Finding my line completely flanked and turned, and in danger of being entirely cut off, I gave the order to fall back, which was done in as good order as could be, situated as we were. The loss on this occasion was not as large as I had reason to apprehend, yet it was considerable. (Pages 444 and 445.)

[Report of Capt. Charles L. Young, Seventieth New York Infantry, of engagement at Kettle Run and battles of Groveton and Bull Run.]

HDQRS. FIRST REGT., EXCELSIOR BRIG. (SECOND),
HOOKER'S DIV. (SECOND), THIRD ARMY CORPS,
Camp near Fort Lyon, Virginia, September 4, 1862.

LIEUTENANT: In compliance with orders from brigade headquarters I have the honor to report the part taken by this regiment in the recent battles at Bristoe Station, on the 27th, and Bull Run, on Friday and Saturday, August 29 and 30:

* * * * * * *

Left Union Mills August 29, at 3 a. m., reaching Centreville before 9 a. m., when we ascertained the enemy had made a stand beyond Bull Run. Our division was early ordered forward, reaching the field about noon. The first and third brigades were engaged first, the Excelsior (second) being held in reserve. Twice our position was changed, soon bringing us within supporting distance. The battle raged fearfully, the enemy making a desperate stand, never flinching. His artillery worked splendidly, exerting us to hold him in check. It soon became necessary to forward our brigade. Forming in line of battle facing a long wood, the Third Regiment on the extreme right, this command directly on their left and on the right of the other regiments of the brigade, with three regiments numbering twenty-four hundred strong immediately on the left of our brigade, we moved cautiously and steadily into the wood to relieve a force already engaging the enemy, who was behind and holding a railway.

We had barely time to reach the point designated when the rebels, with a murderous shout, accompanied by a sharp fire, broke through the brigade in front, forcing them pell-mell on our line of battle, at the same time skillfully turning our left flank and routing the brigade on our left from the wood, our men never wavering until Colonel Taylor saw it would be madness to expose his command to the mercies of a desperate and much larger foe. As it was, we held our ground until many of our mounted officers were dragged from their horses and our colors within the enemy's grasp. Still undaunted, Colonel Taylor rallied his little force at the edge of the wood that he might send skirmishers back to protect the recovery of our wounded comrades, never leaving the field until the skirmishers had been twice driven in and orders arrived from General Hooker for us to retire. We passed the night on the top of a hill in the rear of a reserve battery. (Pages 446 and 447.)

[Report of Capt. H. J. Bliss, commanding Seventy-second New York Infantry.]

HEADQUARTERS THIRD REGIMENT,
Camp near Spring Hill, September 7, 1862.

I have the honor to report that the Third Excelsior, of your brigade, under my command, on the 29th of August took the position assigned on the right of the brigade line, and advanced into the timber, where a portion of our forces were already engaged with the enemy. My instructions were to halt behind the line engaged, and when their ammunition was exhausted take their place. I advanced skirmishers covering my whole front to this line and dressed my regiment accurately on the brigade line. Our position was hardly taken when the line of troops in our front, belonging to regiments never before under fire, gave way under a dashing attempt of the enemy to turn the left of our line. Gradually the left gave way, struggling hand-to-hand for life and their colors, until the line was broken up to the left of my command, rendered almost powerless by the influence and presence of the disorganized troops breaking through my line and preventing my firing until the enemy were actually in our ranks in overpowering numbers. We fell back 300 yards to the edge of the timber and again formed line and advanced skirmishers forward to the line we had just left. The enemy had also fallen back, and seemed unwilling to improve his temporary advantage. By order I again withdrew my skirmishers and subsequently took position for the night with the brigade. (Pages 451, 452.)

[Report of Col. Joseph B. Carr, Second New York Infantry, commanding third brigade, of operations August 15-30, including engagement at Kettle Run, and battles of Groveton and Bull Run.]

HEADQUARTERS THIRD BRIGADE, HOOKER'S DIVISION,
Camp near Fort Lyon, Va., September 6, 1862.

* * * * * * *

At 2 o'clock Friday morning, August 29, I received orders to march at 3 a. m. and support General Kearny, who was in pursuit of the enemy. A march of 10 miles brought us to the Bull Run battlefield. About 11 a. m. was ordered into position to support a battery in front of the woods, where the enemy was engaged with General Sigel's troops. Remaining about one hour in that position, was ordered to send into the woods and relieve two regiments of General Sigel's corps. I sent in the Sixth and Seventh New Jersey Volunteers. Afterward received orders to take the balance of the brigade into the woods, which I did at about 2 p. m. Here I at once engaged the enemy and fought him for a space of two hours, holding my position until our ammunition was all expended. About 4 o'clock we were relieved by General Reno and Colonel Taylor, but did not reach the skirt of the woods before a retreat was made and the woods occupied by the enemy. When I arrived out of the woods I was ordered to march about half a mile to the rear and bivouac for the night. (Pages 454, 455.)

[Report of Lieut. Col. William J. Sewell, Fifth New Jersey Infantry, of engagement at Kettle Run, and battles of Groveton and Bull Run.]

HEADQUARTERS FIFTH NEW JERSEY VOLUNTEERS,
Camp near Alexandria, Va., September 5, 1862.

* * * * * * *

SIR: I have the honor to make the following report of the part taken by the regiment under my command at the battle of Bull Run [Groveton], August 29:

I received orders to deploy my right wing as skirmishers in front of the brigade in an open wood. As soon as the line advanced to where the line of another division had previously been, firing commenced on both sides, continuing up to the time that the brigade was relieved. I was soon obliged to relieve my right with my left wing, the former having emptied their cartridge-boxes, containing sixty rounds. The men thus relieved I posted in the rear of the line of battle to prevent stragglers from leaving the fight. The brigade having been relieved by General Reno's brigade while I was forming the regiment, this last brigade fell back in disorder. I endeavored to stop them, but finding that the enemy were almost up to my line, deployed in the rear, and now being formed, having divided their cartridges equally, I saw that it was time for me to take care of my own command.

A part of the Eighth New Jersey, with their colors, formed on my left. The enemy having turned the left flank of the line of battle, came out in the open field on my left, and immediately after I received their fire from the front, which I returned, driving them from our immediate vicinity, and then marched to position on the right of the first line of the brigade, my left resting on the railroad. Advancing in this manner, I was soon entangled in a dense wood, which retarded my progress, it being almost impassable. I was obliged to halt several times and form the regiment. Skirmishers in advance reporting the enemy in my immediate vicinity, the Second New York and One hundred and fifteenth Pennsylvania, on my left, soon became engaged. Finding it impossible to push

my way through the woods in anything like order, I threw one company to the left of the railroad an ' one across the track. Three companies immediately opened a flank fire on the enemy, who were using the high embankment of the railroad as a breastwork. After a few volleys the enemy gave way, when I ordered a charge up the railroad. The regiment advanced on the double-quick, the enemy running before us.

At this point I took one prisoner, who was not able to keep up with his comrades. Halting in an open field, on the brow of a hill, the enemy in sight on my left and front, the regiment rested until the rest of the brigade came up. The infantry did not again become engaged.

Later in the day I was ordered to picket a road 2 miles to the left. While performing this duty the regiment captured twenty-three prisoners.

* * * * * * *

In this engagement the officers and men of the regiment, without any exceptions, behaved with great gallantry. All seemed to be actuated with the same spirit, and that was to fight.

[Report of General R. E. Lee, C. S. A.]

JUNE 8, 1863.

* * * * * * *

Generals Jones and Wilcox bivouacked that night east of the mountain, and on the morning of the 29th the whole command resumed the march, the sound of cannon at Manassas announcing that Jackson was already engaged. Longstreet entered the turnpike near Gainesville, and moving down toward Groveton, the head of his column came upon the field in rear of the enemy's left, which had already opened with artillery upon Jackson's right, as previously described. He immediately placed some of his batteries in position, but before he could complete his dispositions to attack the enemy withdrew, not, however, without loss from our artillery. Longstreet took position on the right of Jackson, Hood's two brigades, supported by Evans, being deployed across the turnpike and at right angles to it. These troops were supported on the left by three brigades under General Wilcox and by a like force on the right under General Kemper. D. R. Jones's division formed the extreme right of the line, resting on the Manassas Gap Railroad. The cavalry guarded our right and left flanks, that on the right being under General Stuart in person.

After the arrival of Longstreet the enemy changed his position and began to concentrate opposite Jackson's left, opening a brisk artillery fire, which was responded to with effect by some of General A. P. Hill's batteries. Colonel Walton placed a part of his artillery upon a commanding position between the lines of Generals Jackson and Longstreet by order of the latter and engaged the enemy vigorously for several hours. Soon afterward General Stuart reported the approach of a large force from the direction of Bristoe Station, threatening Longstreet's right. The brigades under General Wilcox were sent to re-enforce General Jones, but no serious attack was made, and after firing a few shots the enemy withdrew. While this demonstration was being made on our right a large force advanced to assail the left of Jackson's position, occupied by the division of General A. P. Hill. The attack was received by his troops with their accustomed steadiness and the battle raged with great fury. The enemy was repeatedly repulsed, but again pressed on to the attack with fresh troops. Once he succeeded in penetrating an interval between General Gregg's brigade, on the extreme left, and that of General Thomas, but was quickly driven back with great slaughter by the Fourteenth South Carolina Regiment, then in reserve, and the Forty-ninth Georgia, of Thomas's brigade.

The contest was close and obstinate, the combatants sometimes delivering their fire at ten paces. General Gregg, who was most exposed, was re-enforced by Hays's brigade, under Colonel Forno, and successfully and gallantly resisted the attacks of the enemy until, the ammunition of his brigade being exhausted and all his field officers but two killed or wounded, it was relieved, after several hours of severe fighting, by Early's brigade and the Eighth Louisiana Regiment. General Early drove the enemy back with heavy loss, and pursued about 200 yards beyond the line of battle, when he was recalled to the position on the railroad where Thomas, Pender, and Archer had firmly held their ground against every attack. While the battle was raging on Jackson's left General Longstreet ordered Hood and Evans to advance, but before the order could be obeyed Hood was himself attacked, and his command at once became warmly engaged. General Wilcox was recalled from the right and ordered to advance on Hood's left, and one of Kemper's brigades, under Colonel Hunton, moved forward on his right. The enemy was repulsed by Hood after a severe contest and fell back, closely followed by our troops.

The battle continued until 9 p. m., the enemy retreating until he reached a strong position, which he held with a large force. The darkness of the night put a stop to the engagement, and our troops remained in their advanced position until early next morning, when they were withdrawn to their first line. One piece of artillery, several stands of colors, and a number of prisoners were captured.

HEADQUARTERS ARMY OF NORTHEASTERN VIRGINIA,
Chantilly, Va., September 3, 1862.

Mr. PRESIDENT: My letter of the 30th ultimo will have informed your excellency of the progress of this army to that date. General Longstreet's division, having arrived the day previous, was formed in order of battle on the right of General Jackson, who had been engaged with the enemy since morning resisting an attack commenced on the 28th. The enemy on the latter day was vigorously repulsed, leaving his numerous dead and wounded on the field. His attack on the morning of the 29th was feeble, but became warmer in the afternoon, when he was again repulsed by both wings of the army, his loss on this day, as stated in his published report, herewith inclosed, amounting to eight thousand killed and wounded. (Page 559.)

[Report of Lieut. Gen. James Longstreet, C. S. Army, commanding First Corps, of operations August 16-September 2, including battles of Groveton and Manassas, &c.]

HEADQUARTERS, NEAR WINCHESTER, VA., *October* 10, 1862.

GENERAL: I have the honor to submit the following report of the operations of my command in the late campaign:

* * * * * * *

Early on the 29th the columns were united and the advance to join General Jackson was resumed. The noise of battle was heard before we reached Gainesville. The march was quickened to the extent of our capacity. The excitement of battle seemed to give new life and strength to our jaded men, and the head of my column soon reached a position in rear of the enemy's left flank and within easy cannon-shot. On approaching the field some of Brigadier-General Hood's batteries were ordered into position, and his division was deployed on the right and left of the turnpike at right angles with it, and supported by Brigadier-General Evans's brigade. Before these batteries could open the enemy discovered our movements and withdrew his left. Another battery (Captain Stribling's) was placed upon a commanding position to my right, which played upon the rear of the enemy's left and drove him entirely from that part of the field. He changed his front rapidly, so as to meet the advance of Hood and Evans. Three brigades, under General Wilcox, were thrown forward to the support of the left, and three others, under General Kemper, to the support of the right, of these commands.

General D. R. Jones's division was placed upon the Manassas Gap Railroad to the right and *en échelon* with regard to the three last brigades. Colonel Walton placed his batteries in a commanding position between my line and that of General Jackson, and engaged the enemy for several hours in a severe and successful artillery duel. At a late hour in the day Major-General Stuart reported the approach of the enemy in heavy columns against my extreme right. I withdrew General Wilcox, with his three brigades, from the left and placed his command in position to support Jones in case of an attack against my right. After some few shots the enemy withdrew his forces, moving them around toward his front, and about 4 o'clock in the afternoon began to press forward against General Jackson's position. Wilcox's brigades were moved back to their former position, and Hood's two brigades, supported by Evans, were quickly pressed forward to the attack. At the same time Wilcox's three brigades made a like advance, as also Hunton's brigade, of Kemper's command. These movements were executed with commendable zeal and ability.

Hood, supported by Evans, made a gallant attack, driving the enemy back until 9 o'clock at night. One piece of artillery, several regimental standards, and a number of prisoners were taken. The enemy's entire force was found to be massed directly in my front, and in so strong a position that it was not deemed advisable to move on against his immediate front; so the troops were quietly withdrawn at 1 o'clock the following morning. The wheels of the captured piece were cut down and it was left on the ground.

The enemy seized that opportunity to claim a victory, and the Federal commander was so imprudent as to dispatch his Government by telegraph tidings to that effect. After withdrawing from the attack my troops were placed in the line first occupied and in the original order. (Pages 564, 565.)

[Report of Maj. Gen. David R. Jones, C. S. Army, commanding division, of operations August 15-September 2.]

RICHMOND, VA., *December* 8, 1862.

MAJOR: I have the honor to submit the following report of the movements of my division and of the part it performed in the engagements of the campaign in Northern Virginia and Maryland. Serious illness and absence from the field has delayed its appearance till now.

* * * * * * *

Crossing the Rappahannock River, I reached Thoroughfare Gap on the 28th, and under orders from General Longstreet sent forward the Ninth Georgia Regiment, Anderson's brigade, into the Gap, following it with my whole division.

* * * * * * *

Appearances indicating his retreat, I advanced my command and bivouacked beyond the Gap unmolested by the enemy. The intense darkness and ignorance of the fords over the creek in my front prevented pursuit.

* * * * * * *

Early on the morning of the 29th I took up the line of march in the direction of the old battle-ground of Manassas, whence heavy firing was heard. Arriving on the ground about noon, my command was stationed on the extreme right of our whole line, and during the balance of the day was subjected to shelling, resulting in but few casualties.

On the morning of the 30th slight alterations were made in the disposition of my command, throwing it more forward and to the right, the battle meanwhile raging fiercely on the left. (Page 579.)

[Reports of Brig. Gen. Cadmus M. Wilcox, C. S. Army, commanding division, of skirmish at Kelly's Ford and battle of Manassas.]

HEADQUARTERS ANDERSON'S DIVISION,
October 11, 1862.

* * * * * * *

Early the following morning our march was resumed, and the command rejoined at 9.30 a. m. the remainder of the division at the intersection of the two roads leading from the gaps above mentioned. Pursuing our line of march, together with the division, we passed by Gainesville, and advancing some 3 miles beyond, my three brigades were formed in line of battle on the left and at right angles to the turnpike. Having advanced near three-fourths of a mile, we were then halted. The enemy was in our front and not far distant. Several of our batteries were placed in position on a commanding eminence to the left of the turnpike. A cannonading ensued and continued for an hour or two, to which the enemy's artillery replied.

At 4.30 or 5 p. m. the three brigades were moved across to the right of the turnpike a mile or more to the Manassas Gap Railroad. While here musketry was heard to our left on the turnpike. This firing continued with more or less vivacity till sundown. Now the command was ordered back to the turnpike and forward on this to the support of General Hood, who had become engaged with the enemy and had driven him back some distance, inflicting severe loss upon him, being checked in his successes by the darkness of the night. After reaching General Hood's position but little musketry was heard; all soon became quiet. Our pickets were thrown out to the front. The enemy's camp fires soon became visible, extending far off to our left, front, and right. Remaining in this position till 12 o'clock at night, the troops were withdrawn three-fourths of a mile to the rear and bivouacked, pickets being left to guard our front. (Page 598.)

[Report of Brig. Gen. John B. Hood, C. S. Army, commanding division, of operations August 22-31, including Freeman's Ford, Groveton, and Manassas.]

DIVISION HEADQUARTERS, *September* 27, 1862.

* * * * * * *

After a spirited little engagemedt with them by General D. R. Jones's troops, on the evening of the 28th instant, our forces were able to bivouac for the night beyond the Gap.

The next morning at daylight the march was again resumed, with this division in the advance, Lieutenant-Colonel Upton, of the Fifth Texas, in command of a party of select Texan riflemen, constituting the advance guard. Coming up with the rear guard of the enemy before sunrise, this gallant and distinguished officer drove them before him so rapidly that halts would have to be made for the troops in rear to rest.

Early in the day we came up with the main body of the enemy on the plains of Manassas, engaging General Jackson's forces. Disposition of the troops being made, the Texas brigade advanced in line of battle down and on the immediate right of the pike leading to the stone bridge, and Colonel Law's brigade on the left. Arriving on a line with the line of battle established by General Jackson, the division was halted by order of the general commanding.

About 4 o'clock in the afternoon the enemy made a fierce attack upon General Jackson, his noble troops holding their ground with their usual gallantry. At sunset an order came to me from the commanding general to move forward and attack the enemy. Before, however, this division could come to attention it was attacked, and I instantly ordered the two brigades to move forward and charge the enemy, which they did most gallantly, driving them in confusion in front of them. Colonel Law's brigade, being engaged with a very heavy force of the enemy, captured one piece of artillery, three stand of colors, and one hundred prisoners, and the Texas brigade three stand of colors. It soon became so very dark that it was impossible to pursue the enemy any farther.

At 12 o'clock at night orders came to retake our position on the right of Gen-

eral Jackson, in which we remained until 4 o'clock the next afternoon, August 30, when the battle of the plains of Manassas commenced. (Page 605.)

[Report of Col. P. F. Stevens, commanding Evans's Brigade.]

HDQRS. HOLCOMBE LEGION, SOUTH CAROLINA VOLS,
Near Winchester, Va., October 13, 1862.

* * * * * * *

On August 29, after a fatiguing day's march, my regiment, with the rest of the brigade, was put in line of battle in support of General Hood's brigade. The line was scarcely formed when the order was given, "Forward." The obscurity of the hour caused me to separate from the brigade; but I moved forward until within a few yards of the enemy's camp-fires. I was met by a messenger, who assured me that the camp was already occupied by a Texas regiment. Halting, I sent a messenger to report to General Evans. (Page 630.)

[Report of Lieut. Gen. Thomas J. Jackson, C. S. Army, commanding Second Corps, of operations August 15-September 3.]

HDQRS. SECOND CORPS, ARMY OF NORTHERN VIRGINIA,
April 27, 1863.

GENERAL: I have the honor herewith to submit to you a report of the operations of my command from August 15 to September 5, 1862, embracing the several engagements of Manassas Junction, Bristoe Station, Ox Hill, and so much of the battle of Groveton (on August 28, 29, and 30) as was fought by the troops under my command:

* * * * * * *

The next morning (29th) I found that he had abandoned the ground occupied as the battlefield the evening before and had moved farther to the east and to my left, placing himself between my command and the Federal capital. My troops on this day were distributed along and in the vicinity of the cut of an unfinished railroad (intended as a part of the track to connect the Manassas road directly with Alexandria), stretching from the Warrenton turnpike in the direction of Sudley's mill. It was mainly along the excavation of this unfinished road that my line of battle was formed on the 29th—Jackson's division, under Brigadier-General Starke, on the right, Ewell's division, under Brigadier-General Lawton, in the center, and Hill's division on the left.

In the morning, about 10 o'clock, the Federal artillery opened with spirit and animation upon our right, which was soon replied to by the batteries of Poague, Carpenter, Dement, Brockenbrough, and Latimer, under Major [L. M.] Shumaker. This lasted for some time, when the enemy moved around more to our left to another point of attack. His next effort was directed against our left. This was vigorously repulsed by the batteries of Braxton, Crenshaw, and Pegram.

About 2 p. m. the Federal infantry in large force advanced to the attack of our left, occupied by the division of General Hill. It pressed forward, in defiance of our fatal and destructive fire, with great determination, a portion of it crossing a deep cut in the railroad track and penetrating in heavy force an interval of nearly 175 yards, which separated the right of Gregg's from the left of Thomas's brigade. For a short time Gregg's brigade, on the extreme left, was isolated from the main body of the command; but the Fourteenth South Carolina Regiment, then in reserve, with the Forty-ninth Georgia, left of Colonel Thomas, attacked the exultant enemy with vigor and drove them back across the railroad track with great slaughter. General McGowan reports that the opposing forces at one time delivered their volleys into each other at the distance of 10 paces. Assault after assault was made on the left, exhibiting on the part of the enemy great pertinacity and determination, but every advance was most successfully and gallantly driven back.

General Hill reports that six separate and distinct assaults were thus met and repulsed by his division, assisted by Hays's brigade, Colonel Forno commanding.

By this time the brigade of General Gregg, which from its position on the extreme left was most exposed to the enemy's attack, had nearly expended its ammunition. It had suffered severely in its men, and all its field officers except two were killed or wounded. About 4 o'clock it had been assisted by Hays's brigade (Colonel Forno). It was now retired to the rear to take some repose after seven hours of severe service, and General Early's brigade, of Ewell's division, with the Eighth Louisiana Regiment, took its place. On reaching his position General Early found that the enemy had obtained possession of the railroad and a piece of wood in front, there being at this point a deep cut, which furnished a strong defense. Moving through a field he advanced upon the enemy, drove them from the wood and railroad cut with great slaughter, and followed in pursuit some 200 yards; the Thirteenth Georgia at the same time advanced to the railroad and crossed with Early's brigade. (Pages 645 and 646.)

[Report of Maj. Gen. Ambrose P. Hill, commanding second division, of operations August 20 to September 2.]

HEADQUARTERS LIGHT DIVISION.
Camp Gregg, Virginia, February 25, 1863.

* * * * * * *

Friday morning, in accordance with orders from General Jackson, I occupied the line of the unfinished railroad, my extreme left resting near Sudley Ford, my right near the point where the road strikes the open field, Gregg, Field, and Thomas in the front line, Gregg on the left, and Field on the right, with Branch, Pender, and Archer as supports. My batteries were in the open field in rear of the infantry, the nature of my position being such as to preclude the effective use of much artillery. The evident intention of the enemy this day was to turn our left and overwhelm Jackson's corps before Longstreet came up, and to accomplish this the most persistent and furious onsets were made by column after column of infantry, accompanied by numerous batteries of artillery. Soon my reserves were all in, and up to 6 o'clock my division, assisted by the Louisiana brigade of General Hays, commanded by Colonel Forno, with a heroic courage and obstinacy almost beyond parallel, had met and repulsed six distinct and separate assaults, a portion of the time the majority of the men being without a cartridge.

The reply of the gallant Gregg to a message of mine is worthy of note: "Tell General Hill that my ammunition is exhausted, but that I will hold my position with the bayonet." The enemy prepared for a last and determined attempt. Their serried masses, overwhelming superiority of numbers, and bold bearing made the chances of victory to tremble in the balance; my own division exhausted by seven hours' unremitted fighting, hardly one round per man remaining, and weakened in all things save its unconquerable spirit. Casting about for help, fortunately it was here reported to me that the brigades of Generals Lawton and Early were near by, and sending to them they promptly moved to my front at the most opportune moment, and this last charge met the same disastrous fate that had befallen those preceding. Having received an order from General Jackson to endeavor to avoid a general engagement, my commanders of brigades contented themselves with repulsing the enemy and following them up but a few hundred yards.

During the night of the 29th my brigades were engaged in refilling cartridge boxes and generally putting themselves in condition for the morrow's fight. (Pages 670, 671.)

[Report of Brig. Gen. Samuel McGowan, C. S. Army, commanding Gregg's brigade.]

HEADQUARTERS SECOND BRIGADE, A. P. HILL'S LIGHT DIVISION,
Camp Gregg, Virginia, February 9, 1863.

* * * * * * *

We slept upon our arms near Ewell's battlefield, and the next morning at early dawn returned near the position first taken up by us the evening before, and were placed in line of battle on the extreme left of the whole command near Catharpin Run. We occupied a small, rocky, wooded knoll, having a railroad excavation bending around the east and north fronts and a cleared field on the northwest. This position was slightly in advance of the general line, and besides being on the extreme left, was considered important because of the Sudley Ford road, which it commanded. Our line made an obtuse angle, pointing toward the enemy, one side of which ran nearly parallel with the railroad cut and the other along the fence bordering the cleared field before spoken of. Within these contracted limits was the little tongue of woodland which we occupied, and which we were directed to hold at all hazards.

On this spot, barely large enough to hold the brigade, we stood and fought with intervals of cessation from 8 o'clock in the morning until dark. We repulsed many successive charges, I believe seven, the enemy constantly throwing fresh columns upon us, and persisting in his effort to carry the point with the utmost obstinacy. During the different struggles of the day the regiments were relieved and shifted as occasion required. The space covered by the brigade was so small and the distance between the regiments so inconsiderable that I would not be able, if it were necessary, to state all the movements which were made. I can only advert to the positions of the respective regiments at one or two important junctures during the day.

* * * * * * *

It was now 4 p. m., and there was no abatement in the fury of the assaults, when the brigades of Generals Branch and Early, having been sent to our assistance, came in most opportunely and gallantly. After these re-enforcements had arrived and passed to the front General Gregg collected the remnant of his regiments, and, placing them in line behind the troops now engaged, gave them instructions to lie down, and if our friends were overpowered and had to fall back over them to wait until the enemy was very near, then rise and drive them back at the point of the bayonet. The men all lay down as instructed, resolved as the last resort to try the virtue of the cold steel, but happily the necessity did not arise. The enemy were finally driven back at all points, and night closed upon us occupying the identical spot which we were ordered to hold in the morning.

We slept on the field of battle and remained in position all the next day, while the great battle of the Second Manassas was progressing on our right. The enemy made several attempts to advance, but the admirable practice of Captain McIntosh's battery kept them beyond musket-range, scattering them with shot and shell every time they moved forward. Some few men were wounded by shell, but we were not very actively engaged on that day.

Friday, the 29th, was the glorious but bloody day for the brigade. (Pages 680, 681.)

[Report of Brig. Gen. James J. Archer, Confederate States army, commanding brigade, of operations August 24-September 2.]

HEADQUARTERS ARCHER'S BRIGADE,
Camp Gregg, near Fredericksburg, Va., March 1, 1863.

MAJOR: I have the honor to present the following report of the operations of my brigade in the series of battles from Warrenton Springs Ford to Shepherdstown, inclusive:

* * * * * * *

About 4 p. m., during an interval of the assaults of the enemy, General Pender sent his aid-de-camp, requesting me to relieve him, and with the consent of General Hill, who was near me at the time, I immediately marched down and filed to the right into the railroad cut. As my leading files entered the railroad cut I perceived the enemy advancing up it from the left into the wood. Unwilling to commence the fight until my troops were in position, I did not call their attention to the enemy until half of my last regiment (Colonel Turney's, First Tennessee) had entered the cut. I then pointed out the enemy on the left and ordered that regiment to fire, which it did with great effect. The first fire of this regiment was instantly answered by a furious assault upon my whole front.

At this time my own brigade was the only one in sight along the whole line, but for twenty minutes or more it firmly and gallantly resisted the attack and maintained its position until other troops came on my right and left in time to save me from being flanked. Soon after the arrival of these fresh troops we charged and drove the enemy back several hundred yards, and then quietly returned to our position. In a few minutes fresh forces of the enemy arrived and attacked us as vigorously as the first. They were as firmly resisted and as gallantly repelled by another charge. At this second charge many of my men were out of ammunition, and charged with empty rifles I did not average over two cartridges to the man. A third assault was met and repulsed in the same manner, my brigade charging upon the enemy with loud cheers and driving them back with their empty rifles.

It was after sunset when we resumed our position, and we lay upon our arms that night with a strong picket in front to prevent surprise. (Page 699, 700.)

[Report of Maj. Gen. James E. B. Stuart, C. S. Army, commanding cavalry of the Army of Northern Virginia, of operations August 15 to September 2.]

HDQRS. STUART'S CAV. DIV., ARMY OF N. VA.,
February 28, 1863.

GENERAL: I have the honor to furnish the following summary of events in which my command participated immediately preceding and subsequent to the second battle of Manassas, or, as it should be more properly termed, the battle of Groveton Heights, August 30, 1862:

* * * * * * *

The next morning (29th), in pursuance of General Jackson's wishes, I set out again to endeavor to establish communication with Longstreet, from whom he had received a favorable report the night before. Just after leaving the Sudley road my party was fired on from the woods bordering the road, which was in rear of Jackson's lines and which the enemy had penetrated with small force, it was afterward ascertained, and captured some stragglers. They were between General Jackson and his baggage at Sudley.

I immediately sent to Major [W.] Patrick, whose six companies of cavalry were near Sudley, to interpose in defense of the baggage and use all the means at hand for its protection, and ordered the baggage at once to start for Aldie. General Jackson, also being notified of this movement in his rear, sent back infantry to clear the woods. Captain Pelham, always at the right place at the right time, unlimbered his battery and soon dispersed that portion in the woods. Major Patrick was attacked later, but he repulsed the enemy with considerable loss, though not without loss to us, for the gallant major, himself setting the example to his men, was mortally wounded. He lived long enough to witness the triumph of our arms, and expired thus in the arms of victory. The sacrifice was noble, but the loss to us irreparable.

I met with the head of General Longstreet's column between Hay Market and

Gainesville, and there communicated to the commanding general General Jackson's position and the enemy's. I then passed the cavalry through the column, so as to place it on Longstreet's right flank, and advanced directly toward Manassas, while the column kept directly down the pike to join General Jackson's right. I selected a fine position for a battery on the right, and one having been sent to me, I fired a few shots at the enemy's supposed position, which induced him to shift his position. General Robertson, who with his command was sent to reconnoiter farther down the road toward Manassas, reported the enemy in his front. Upon repairing to that front I found that Rosser's regiment was engaged with the enemy to the left of the road and Robertson's vedettes had found the enemy approaching from the direction of Bristoe Station toward Sudley.

The prolongation of his line of march would have passed through my position, which was a very fine one for artillery as well as observation, and struck Longstreet in flank. I waited his approach long enough to ascertain that there was at least an army corps, at the same time keeping detachments of cavalry dragging brush down the road from the direction of Gainesville, so as to deceive the enemy—a ruse which Porter's report shows was successful—and notified the commanding general, then opposite me on the turnpike, that Longstreet's flank and rear were seriously threatened, and of the importance to us of the ridge I then held. Immediately upon receipt of that intelligence Jenkins's, Kemper's, and D. R. Jones's brigades and several pieces of artillery were ordered to me by General Longstreet, and, being placed in position fronting Bristoe, awaited the enemy's advance. After exchanging a few shots with rifle pieces, this corps withdrew toward Manassas, leaving artillery and supports to hold the position until night. (Pages 735, 736.)

From these official reports I gather the following facts as to

THE FORCES ENGAGED,

the duration of the battle, the character of the conflict, and the losses in men:

First. At the battle of Groveton, August 29, 1862, we have seen from the official reports that there were engaged:

1. UNION.

1. Sigel's entire corps, three divisions, all day.
2. Reno's, small division, Ninth Corps, from 10 o'clock.
3. Heintzelman's corps, two divisions, from about 10 o'clock.
4. McDowell's corps, two divisions, during evening.

Total, four corps, eight divisions.

2. CONFEDERATES.

General T. J. Jackson's corps: General Taliaferro's division, General A. P. Hill's division, General Ewell's (Lawton's) division, all day.

General James Longstreet's corps: General Wilcox's division, General Hood's division, General Kemper's division, (Hunton's brigade), last part of day.

General Jones watching Porter.

Total, two corps, six divisions.

DURATION OF CONFLICT.

Second. The time engaged:

General Pope says it "lasted with continuous fury from daylight until after dark." "Shortly after daylight Sigel and Reynolds's divisions of McDowell's corps had become engaged." "Darkness closed the action on Friday."

General Sigel says: "Formed in order of battle at daybreak." "From 6.30 to 10.30 in the morning our whole infantry force and nearly all our batteries were engaged." "At 10.30 the enemy threw forward large masses of infantry." "Major-General Kearny arrived on the field of battle and deployed by the Sudley Springs road on our right." "General Reno's troops came to our support by the Gainesville turnpike." "The contest began with renewed vigor and vehemence, the enemy attacking furiously along the whole line." "At 2 o'clock in the afternoon General Hooker's troops arrived on the field of battle, and were immediately ordered forward by their noble commander into battle." "During two hours, from 4 to 6 p. m., strong cannonading and musketry continued on our center and right." "At 6.15 Brigadier-General King's division of Major-General McDowell's corps arrived behind our front and advanced on the Gainesville pike."

Schenck says: "On Friday morning early the engagement was commenced by General Milroy on our right, in which we soon took part." "We remained here nearly an hour, the firing in the mean while becoming heavy on the right."

Schurz says: "On the 29th, a little after 5 o'clock a. m., you ordered me to cross the turnpike, to deploy my division north of it, and attack the forces of the enemy." "Meanwhile the fire in front had extended along the whole line and become very lively." "It was about 10 a. m., when an officer announced to me that General Kearny had arrived on the battlefield." "My troops, who had started at 5 o'clock in the morning, mostly without breakfast, had been under fire for eight hours." "Re-enforcements arrived in my front between 1 and 2 o'clock." "Worn down as my men were, my division was unable to take part in the action after 2 o'clock p. m."

Milroy says: "The following morning, the 29th, at daylight I was ordered to proceed in search of the rebels." "The enemy now [p. m.] came on in overwhelming numbers. General Carl Schurz had been obliged to retire with his two brigades an hour before." "When the storm was raging fiercest General Stahel came to me and reported," &c. "Toward evening General Grover came up with his New England brigade."

McDowell says: "I received your instructions to order the division over to the north of the turnpike to support the line held by Reno, which had been hotly engaged all day. It was now near dusk, and though the men had now been on foot since 1 o'clock in the morning, they moved forward with the greatest enthusiasm."

Hatch says: "Late on the afternoon of the 29th I was ordered by General McDowell in person to move the division on the Gainesville road in pursuit of the enemy," &c. "The struggle, lasting some three-quarters of an hour, was a desperate one. Night had now come on."

Colonel McCoy, commanding first brigade, Ricketts's division, says: "At the dawn of the next morning, the 29th, we were again upon the road to Massassas." "At the close of the day we arrived upon the ground, the battle still in progress." "Bivouacked on the field, while the balls and shells of the enemy were still flying over and around them."

Reynolds says: "The action was continued with it until dark by Meade's brigade."

Heintzelman says: "At 10 a. m. I reached the field of battle." "At 11 the head of Hooker's division arrived; General Reno an hour later." "General Grover reported, and before long became engaged." "The firing continued until some time after dark."

Kearny says: "During the first hours of the combat General Birney pushed across," &c. "In the early afternoon General Pope's order, per General Roberts, was to send a pretty strong force diagonally to the front," &c. "At 5 o'clock * * * I brought up the most of Birney's regiments * * * to sweep with a rush the enemy's first line."

Grover says: "Arrived on the battlefield about 9 a. m." "The battle had already commenced." "At 3 p. m. I received an order to advance in line of battle."

Carr says: "About 11 a. m., ordered into position." "Received orders to take balance of brigade into woods, which I did about 2 p. m.; here I engaged the enemy and fought him for a space of two hours." "About 4 o'clock we were relieved by General Reno."

Either there is a vast amount of lying in these reports, or else Pope was about right when in his dispatch to Halleck, written during that night and sent at 5 o'clock next morning, he said the battle "lasted with continuous fury from daylight until after dark."

I will now introduce some witnesses whom our friends on the other side will scarcely dispute, because they are certainly disinterested witnesses so far as this question is concerned.

R. E. Lee says: "On the morning of the 29th the whole command resumed the march, the sound of cannon announcing that Jackson was already engaged. Engaged the enemy vigorously for several hours. The battle continued until 9 p. m."

Longstreet says: "The noise of battle was heard before we reached Gainesville. Hood, supported by Evans, made a gallant attack, driving the enemy back until 9 o'clock at night."

Hood says: "About 4 o'clock in the afternoon, the enemy made a fierce attack on General Jackson. It soon became so dark that it was impossible to pursue the enemy farther."

Jackson says: "About 10 o'clock the Federal artillery opened. About 2 o'clock the Federal infantry advanced."

Hill says: "Up to 6 o'clock my division * * * had met and repulsed six distinct and separate assaults."

McGowan says: "We stood and fought with intervals of cessation from 8 o'clock in the morning until dark."

THIRD. AS TO THE CHARACTER OF THE BATTLE.

Lee says: "The battle raged with great fury." "The enemy was repeatedly repulsed, but again pressed on to the attack with fresh troops." "The contest was close and obstinate." "The enemy was repulsed by Hood after a severe contest."

Jackson says: "It [Federal infantry] pressed forward in defiance of our fatal and destructive fire with great determination." "Assault after assault was made." "Six separate and distinct assaults were thus met and repulsed."

A. P. Hill says: "The enemy prepared for a last and determined attempt. Their serried masses, overwhelming superiority of numbers, and bold bearing made the chances of victory to tremble in the balance." "My own division, exhausted by seven hours' unremitted fighting."

McGowan says: "We repulsed many successive charges; I believe seven."

Archer says: "The first fire of this regiment was answered by a furious assault on my whole front."

General Pope says: "We fought a terrific battle." "Lasted with continuous fury." "The action raged furiously all day."

General Sigel says: "The contest began with renewed vigor and vehemence, the enemy attacking furiously along the whole line."

General Schurz says: "The enemy made another furious charge upon my center." "I then ordered a general advance of my whole line, which was executed with great gallantry."

General Milroy says: "My brave lads were dashed back before the storm of bullets like chaff before the tempest."

General McDowell says: "The attack was severe both on the enemy and on our men.

General Hatch says: "The struggle * * * was a desperate one, being in many instances a hand-to-hand conflict."

Colonel McCoy says: "The battle then raging with great fury." "The rebels being strongly pressed and yielding ground."

Reynolds says: "Compelled to fall back before the heavy fire of artillery and musketry which met them."

General Meade says: "The renewed heavy musketry fire on our center had driven General Hooker's troops."

Heintzelman says: "The most gallant and determined bayonet charge of the war."

Kearny says: "General Robinson drove forward for several hundred yards, but the center of the main battle being shortly after driven back," &c.

Robinson says: "My regiments which were suffering from a terrific fire of musketry and the enemy's artillery."

Grover says: "An obstinate hand-to-hand conflict with bayonets and clubbed muskets." "Met a terrific fire from a second line, which in its turn broke."

Captain Young says: "The battle raged fearfully, the enemy making a desperate stand, never flinching."

If this engagement is to be judged by the desperate and unflinching character of the conflict, which delivers and withstands seven successive assaults, which empties cartridge-boxes of 60 rounds of cartridge, then this was a great battle.

FOURTH. LOSSES IN THE BATTLE OF AUGUST 29, 1862.

Return of casualties in the Union forces, commanded by Maj. Gen. John Pope during the operations August 16–September 2, 1862, inclusive.

Command.	Killed.		Wounded.		Captured or missing.		Aggregate.
	Officers.	Enlisted men.	Officers.	Enlisted men.	Officers.	Enlisted men.	
Army of Virginia	63	866	245	4,144	67	2,720	8,105
Army of the Potomac	54	546	172	2,841	27	1,088	4,728
Ninth Army Corps	15	189	43	907	11	308	1,023
Kanawha division (detachment).	.....	14	1	49	1	41	106
Grand total	132	1,615	461	7,901	106	4,157	14,462

This includes all the fighting on the Rappahannock, the battles at Catlett's 25th, Kettle Run 26th and 27th, Manassas 26th and 27th, Bull Run Bridge 27th, Thoroughfare Gap and Gibbon's fight 28th, Groveton 29th, Bull Run 30th, and Chantilly September 1, and nearly one-half that entire loss was on the 29th, at Groveton.

I believe that it is demonstrable that one-half of this entire loss occurred upon the 29th.

The loss of Sigel's corps was two thousand and eighty-seven, nearly all upon the 29th. The loss of McDowell's corps was five thousand four hundred and sixty-nine, of which fully one-half was on the 29th. The loss of Heintzelman's corps was two thousand two hundred and thirty-eight, by far the greater part on the 29th. The total loss of Porter's corps was two thousand one hundred and fifty-one, all but three on the 30th. The total loss of Sykes's division during entire period, nine hundred and eighteen, of which four hundred and twelve was from Warren's little brigade, leaving five hundred and six for the rest of the division, including three batteries. Morell's loss, one thousand two hundred and thirty-three, of which five hundred and seventy-six was in Roberts's brigade; five hundred and ninety in Butterfield's brigade.

These figures are taken from the official reports of The War of the Rebellion.

The loss of the 29th could not have fallen short of six thousand killed and wounded.

Pope says: "We have lost not less than eight thousand men killed and wounded." (Dispatch 5 a. m., August 30, from field of battle.)

"Our loss during that day was not less than six thousand or eight thousand killed and wounded, and I think this estimate will be confirmed by the general reports which cover the losses. (Report, September 3, 1862.)

Schurz says: "My troops * * * had been decimated by enormous losses."

Milroy says: "I rallied the shattered remnant of my brigade."

Hatch (King's division) says: "Our loss had been severe."

Heintzelman says: "The loss of this brigade (Grover's), numbering less than two thousand present, was a total of four hundred and eighty-four, nearly all killed and wounded."

Robertson says: "Our loss in this action was severe, embracing some of our best officers. The enemy's loss must have been very great."

General R. E. Lee says: "Our loss was severe in this engagement. His (Pope's) loss on this day (29th), as stated in his published report herewith inclosed, amounting to eight thousand killed and wounded."

SUMMARY.

From these official reports it appears that the forces engaged on the 29th consisted of eight divisions of the Union Army and six divisions of the confederate army, comprising the best fighting material of both armies (if Porter's corps be excepted). If the divisions be estimated at five thousand each only, that would make forty thousand on the Union side and thirty thousand on the confederate side. In fact Jackson alone had twenty-two thousand men.

These armies were under the immediate command of Lee and Pope, the commanding generals, assisted by such generals as Jackson, Longstreet, McDowell, Hooker, and Kearney. The battle continued from sunrise until after dark. It "raged with continuous fury." The losses were not less than six thousand on the Union side, and Generals Hooker and Kearney, two good fighters, estimated that the confederate loss was greater. And yet the Schofield board and General Grant base the reversal of the finding of the court-martial upon the supposed fact that there was no battle upon the 29th.

I have recently read the Personal Memoirs of General Grant, including his history of the so-called Mexican war, and his account of certain so-called "battles." It has been considered something of a war; yet the losses in battle of General Scott from Vera Cruz to the city of Mexico, and, I believe, in that entire war, were less than the losses of the Union Army on the 29th of August, 1862.

There has been an impression abroad that there was a battle fought at Bunker Hill in 1775. Yet the American losses on that day in killed, wounded, and missing were only four hundred and fifty-two—less than the loss in Grover's Brigade alone on the 29th in a single charge.

There has been a popular superstition abroad that a "battle" was fought at Bull Run on the 21st of August, 1861, under the command of Beauregard on the one side and McDowell on the other. Yet the entire loss of the Union Army on that day was but two thousand nine hundred and fifty-two, of which about one thousand was in prisoners, or, in other words, the killed and wounded were about one-third the killed and wounded on the 29th of August, 1862. And yet, in the face of these well-known and incontrovertible facts, the defense and restoration of Fitz-John Porter is made to hinge upon the claim that there was no battle upon the 29th of August, 1862.

I do not believe that in all the history of civil or military trials so astounding a proposition was ever before advanced. There are probably living to-day forty thousand men who took part in that battle.

We shall next be told that there was no civil war; that there was a "labor riot" in Gettysburg, a "strike" at Vicksburg, and the sheriff's posse succeeded in arresting the rioters at Appomattox. [Applause and laughter.] I am about ready to believe with the Berkeleian philosophy, that there is no external world, and therefore no history; that life and so-called events are simply a series of internal impressions, with no corresponding external phenomena. [Laughter.] The keystone of the arch of Porter's defense having fallen, the whole arch tumbles about the heads of those who support it. [Continued applause.]

FIFTH. DID PORTER KNOW THERE WAS A BATTLE?

If he did he was not to blame for it. He stopped just as far from it as he could, and then went 2½ miles from the head of his own column, back behind a hill, and laid down in the woods, 5 miles from the main battle and 4 miles from the nearest fighting. But even there the sounds of battle reached him. We know this beyond question from his own dispatches to McDowell at the time.

General Porter reported to General McDowell his views and intentions in the following dispatches:

GENERALS MCDOWELL and KING:

I found it impossible to communicate by crossing the woods to Groveton. The enemy are in great force on this road, and as they appear to have driven our forces back, the fire of the enemy having advanced and ours retired, I have determined to withdraw to Manassas. I have attempted to communicate with McDowell and Sigel, but my messengers have run into the enemy. They have gathered artillery and cavalry and infantry, and the advancing masses of dust show the enemy coming in force. I am now going to the head of the column to see what is passing and how affairs are going, and I will communicate with you. Had you not better send your train back?

F. J. PORTER, *Major-General.*

GENERAL MCDOWELL OR KING: I have been wandering over the woods and failed to get a communication to you. Tell how matters go with you. The enemy is in strong force in front of me, and I wish to know your designs for to-night. If left to me, I shall have to retire for food and water, which I can not get here. How goes the battle? It seems to go to our rear. The enemy are getting to our left.

F. J. PORTER,
Major-General Volunteers.

GENERAL MCDOWELL: The firing on my right has so far retired that, as I can not advance and have failed to get over to you except by the route taken by King, I shall withdraw to Manassas. If you have anything to communicate, please do so. I have sent many messengers to you and General Sigel and get nothing.

F. J. PORTER,
Major-General.

(Report Schofield board, volume 12, page 2, War of Rebellion.)

McDowell's testimony (page 85, G. C. M.):

Was or not the battle raging at that time? [while Porter and McDowell were together at Dawkin's Branch about 12 m.].

A. The battle was raging on our right.

Col. E. G. Marshall, who was one of Porter's chief witnesses both on the court-martial and before the board and who commanded Porter's skirmish line that day, testified before the court as follows:

About the same time, before I went in to General Morell, I could hear and judge of the result of the fighting between the force of the enemy and General Pope's army. I could see General Pope's left and the enemy's right during the greatest

part of the day about 2 miles off, perhaps more, diagonally to our front and right. The enemy set up their cheering, and appeared to be charging and driving us, so that not a man of my command but what was certain that General Pope's army was being driven from the field.

He goes on to describe how he could distinguish "the enemy's yell when they are successful," which he describes as "a continual yelling." I presume that may bring it vividly to the minds and memory of many of us.

Porter knew there was a battle, and fully believed it was going against Pope.

WHEN DID LONGSTREET ARRIVE,

and was his whole corps present?

General D. R. Jones had forced the passage of Thoroughfare Gap on the night of the 28th and "bivouacked beyond [east of] the gap." Jones led the advance on the 29th. He says he arrived on the ground "about noon."

Col. P. F. Stevens, commanding Evans's brigade, Hood's division (which came up next after Jones), says: "On August 29, after a fatiguing day's march, my regiment, with the rest of the brigade, was put in line of battle to support Hood's brigade. The line was scarcely formed when the order was given, 'forward.' The obscurity of the hour caused me to separate from the brigade." So it must have been quite late when Evans's brigade arrived.

William M. Owen (adjutant, Washington Artillery): "Marched to Groveton at the head of the column, directly after the escort of Lee and Longstreet. Reached the battlefield at 11.30 a. m." (Schofield board, page 552.)

At noon on the 29th, the two batteries in reserve, having halted near *the village of Gainesville*, 3 miles from field, on the Warrenton and Centreville turnpike, were ordered forward by General Longstreet to engage the enemy, then in our front and near the village of Groveton. Captains Miller and Squires at once proceeded to the position indicated by the general and opened fire upon the enemy's batteries." (Major Walton, commanding Washington Artillery, volume 12, page 2, page 571.)

We may also approximate the arrival of Lee and Longstreet from J. E. B. Stuart's report (War of Rebellion, volume 12, part 2, page 740), as follows:

Friday, August 29, as General Stuart rode forward toward Groveton, about 10 a. m., he found that the enemy's sharpshooters had penetrated the woods, going toward the ambulances and train, threatening to cut them off. He at once directed Captain (now Major) Pelham, of the Stuart Horse Artillery, who was near by, to shell the woods and gather up all the stragglers around the train and drive back the enemy. Notifying General Jackson in the mean time of what was transpiring, he also ordered the quartermaster to move the train toward Aldie, and sent an order to Major Patrick to keep his battalion of cavalry between the enemy and the baggage train, a duty which he faithfully discharged, receiving a mortal wound just as he gallantly and successfully repulsed a large force of the enemy that was attempting to cross the run. General Stuart also sent to Colonel Baylor, who was near the railroad embankment, in command of the Stonewall Brigade, asking him to come forward and drive back the enemy; but he replied, "I was posted here for a purpose, and have positive orders to stay here, which I must obey."

Having ordered Captain Pelham to report to General Jackson, General Stuart went toward Hay Market to establish communication with Generals Lee and Longstreet, accompanied by Brigadier-General Robertson with a portion of his and portion of General Fitzhugh Lee's cavalry. General Stuart met Generals Lee and Longstreet on the road between Hay Market and Gainesville, and informed them of what had happened and the situation of General Jackson's forces and those of the enemy. General Lee inquired for some way to the Sudley road. General Stuart showed him that the best route for them was by the turnpike, which they took, and General Stuart moved to Longstreet's right flank. The detachment of cavalry under General Fitzhugh Lee that had been to Burke's Station returned in the p. m. of this day to the vicinity of General Jackson, at Sudley.

The night of Friday, August 29, General Stuart was 2 miles east of General Longstreet's command.

The attack was made on Jackson's train "about 10 a. m." near Sudley Ford. Stuart remained there until the attack was repulsed; rode toward Hay Market. Stuart met Lee and Longstreet between Hay Market and Gainesville. After leaving Sudley he must have ridden with his column at least 6 miles. He met Lee and Longstreet at the head of their column, communicated the situation, then passed his cavalry division—about two thousand cavalry—through the column, and went to the right toward Manassas.

This would give us this time-table: Attack on train, 10 a. m.; repulsed in, say, one-half hour, 10.30 a. m.; ride to Hay Market, 6 miles, say, one hour, 11.30 a. m.; interview with Lee and passing a division of cavalry through column, one hour, 12.30 p. m. (see Longstreet in February Century); march of Longstreet's infantry from point where Stuart met him to point where line was formed, at Pageland lane, 3½ miles, one and one-half hours, 2 p. m.

General Thomas L. Rosser swears (Schofield board, page 1073):

Longstreet's command was coming in a very forced and disordered march from the direction of Thoroughfare Gap, moving rapidly and straggling badly.

How long would it require to close up in mass and deploy into line of battle say twenty-four thousand troops, "coming in a very forced and disordered march, straggling badly?" I apprehend that four divisions of infantry, with artillery, ammunition trains, and other *impedimenta*, would occupy not less than from two to two and one-half hours in closing up and getting into line of battle. That would bring us to 4 p. m. or 4.30 p. m.

Colonel Marshall, in his testimony before the court, swore that Longstreet's force "continued to come down all day; in fact, until 1 o'clock at night."

From all this I draw the conclusion that Lee, personally, arrived at Gainesville, 3 miles from the battle, at about noon; that by 1 o'clock the Washington Artillery (at the head of the column) reached the vicinity of Jackson's right, near Pageland lane; that by 2 o'clock the head of Longstreet's infantry began to go into line on the turnpike; that they were arriving all the afternoon; that Evans's brigade of Hood's division did not arrive until near night; that Longstreet's forces continued to arrive through the night; that the only force of Longstreet's troops within 2 miles of Porter up to 4.30 was D. R. Jones's and a small force of cavalry; that if Porter had moved promptly on arriving at Dawkin's Branch he could have seized the Monroe Hill and prevented the union of Lee and Jackson that afternoon.

The troops which Porter first encountered in front of Dawkin's Branch and near the Randall house were no part of Longstreet's command, but were two regiments of Jubal A. Early's brigade of Ewell's division of Jackson's corps.

Early, in his letter to Porter, under date of February 23, 1874 (proceedings Schofield board, Senate Ex. Doc. 37, Forty-sixth Congress, page 553), says:

On the morning of the 29th I was ordered by Jackson to take a position on his right and about 1 mile from his main body with my own and Hays's Louisiana brigades, * * * in order to watch a body of Federal troops reported to be moving up from the direction of Manassas Junction. * * * Two regiments of my brigade were detached by General Jackson and placed southeast of the Warrenton pike in the direction of Manassas from my main position for the purpose of observing and reporting the approach of the opposing force * * * Early in the day my two advanced regiments began skirmishing with the advance of the force coming from the direction of Manassas.

(See also testimony of General Early, Schofield board, page 810 [850.])

Now, we know that there was no other force "coming from the direction of Manassas" that day on that road but Porter's command. The only force in front of him then on his arrival at his most advanced point was two regiments of Early's brigade and the cavalry outposts. If he had promptly deployed a brigade, supported by another, instead of halting at Dawkin's Branch, he ought to have had possession of the Hampton Cole and Britt's ridge in thirty minutes. He would then have been in communication with Reynolds's left, and if forced to fall back would have fallen back to his right, and reunited Pope's army. This was his order. This order he disobeyed. The result was the crushing repulse of Reynolds and Hatch that evening between sundown and 9 o'clock.

I think that I have demonstrated, if anything in human history is capable of demonstration, that

THERE WAS A GREAT BATTLE UPON THE 29TH;

that Porter knew it from the sounds of battle; that he fully believed that the battle was going against Pope and the Union Army; that he did stand from noon until 9 o'clock at night, when the battle ceased, across the right flank of the enemy—first of Jackson (Early's brigade), and later, after the middle of the afternoon, D. R. Jones, of Longstreet (with twelve thousand or more men); that he did not attack—that he did not even demonstrate with any force or vigor; that he never attempted to advance his line across Dawkin's Branch; that he made no energetic attempt of any kind to communicate with Pope's right wing; that during most of this time he was more than two miles from the head of his own troops, exhibiting the least possible concern as to what was the fate of the day, except he had a constantly recurring desire to withdraw to Manassas. Manassas was toward Alexandria, and at Alexandria was McClellan. At Groveton was the battle, and in the battle was Pope.

But where did General Grant get his idea that there was no battle on the 29th? Not from the official reports, manifestly. He appears never to have read them; they are not mentioned among his three days' reading. Not from the evidence taken before the court-martial. It nowhere appears that he read that. Not from the evidence taken before the Schofield board. He asked for that in his letter of December 23, 1881, after he had announced his decision. He did have Schofield's report, and in that report we find the following:

The judgment of the court-martial upon General Porter's conduct was evidently based upon greatly erroneous impressions, not only respecting what that conduct really was and the orders under which he was acting, but also respecting all the circumstances under which he acted. Especially was this true in respect to the character of the battle of the 29th of August.

* * * * * * *

The reports of the 29th and those of the 30th of August have somehow been strangely confounded with each other. Even the confederate reports have, since the termination of the war, been similarly misconstrued. Those of the 30th have been misquoted as referring to the 29th, thus to prove that a furious battle was going on while Porter was comparatively inactive on the 29th. The fierce and gallant struggle of his own troops on the 30th has thus been used to sustain the original error under which he was condemned. General Porter was, in effect, condemned for not having taken any part in his own battle. Such was the error upon which General Porter was pronounced guilty of the most shameful crime known among soldiers. We believe not one among all the gallant soldiers on that bloody field was less deserving of such condemnation than he.

It was from this report that General Grant drew his facts, a most unsafe source from which to derive facts. That report was made expressly to acquit. If the facts did not fit that end, then so much the worse for the facts.

Now what was the origin of and how much was there of this

ALLEGED CONFUSION OF THE 29TH WITH THE 30TH?

The facts are simply as follows: After Porter made his appeal to President Grant in 1869 General McDowell obtained from the confederate archives in charge of the War Department extracts from the official reports of Longstreet, Stuart, and Jackson, and sent them in the form of printed slips to General Pope, then in command of the Department of the Lakes. General Pope was preparing a reply to Porter's statement under the title of "A brief view," and as he designed using some of the extracts, he forwarded them to General Ed. Schriver, Inspector-General, and confidential secretary to the Secretary of War, with the request that he would verify the extracts as true extracts from the official reports in question for the operations of the 29th August, 1862. General Schriver replied under date of 7th January, 1870, saying:

I am now able to inclose the printed extracts from the rebel commanders' reports of engagements certified to by the Adjutant-General.

Mr. BRAGG. Will the gentleman permit me to correct him?

Mr. CUTCHEON. Certainly.

Mr. BRAGG. The certificate that was appended to that circular which was made by the Adjutant-General did not have any heading. McDowell placed upon it a heading, "Operations 29th day of August." So that your witnesses certified to a falsehood, and distributed it over the United States as evidence by which to convict.

Mr. CUTCHEON. It was certified by the Adjutant-General to be a correct copy of the records on file in the War Department.

One of these extracts was a brief portion of the report of General T. J. Jackson, which was supposed to relate to the charge of General Grover's brigade on the afternoon of the 29th, but which, upon the publication of the entire report subsequently, proved to relate to the charge of Butterfield's brigade over the same ground on the 30th. The extract was as follows:

After some desultory skirmishing and heavy cannonading during the day, the Federal infantry, about 4 o'clock in the evening, moved from under cover of the wood and advanced in several lines, first engaging the right, but soon extending its attack to the center and left. In a few moments our entire line was engaged in a fierce and sanguinary struggle with the enemy. As one line was repulsed another took its place and pressed forward as if determined by force of numbers and fury of assault to drive us from our positions. So impetuous and well sustained were these onsets as to induce me to send to the commanding general for re-enforcements, but the timely and gallant advance of General Longstreet on the right relieved my troops from the pressure of overwhelming numbers and gave to those brave men the chances of a more equal conflict. As Longstreet pressed upon the right the Federal advance was checked, and soon a general advance of my whole line was ordered. Eagerly and fiercely did each brigade press forward, exhibiting in parts of the field scenes of close encounter and murderous strife not witnessed often in the turmoil of battle. The Federals gave way before our troops, fell back in disorder, and fled precipitately, leaving their dead and wounded on the field. During their retreat the artillery opened with destructive power upon the fugitive masses. The infantry followed until darkness put an end to the pursuit.

The similarity of the assaults upon Jackson's line upon the afternoons of the 29th and 30th as to time, place, and character of the assault is exceedingly remarkable. The first was made by Hooker's troops, the one on the 30th was made by Porter's troops. This error made by the Adjutant-General in regard to this one brief extract was and is the only "confusion" that has ever arisen at any time in regard to the battles of the 29th and 30th of August, 1862. I boldly challenge the denial or refutation of this statement.

The Schofield report clearly carries the implication that this confusion in some way affected the judgment of the court-martial. But when it is considered that at the time of General Porter's conviction and sentence nothing whatever was known of the confederate reports, and that this error did not occur until seven years afterward, and was immediately corrected, it will be seen how preposterous and how false to fact this supposition is.

As General Grant himself says, his remarks as to Porter's justification "would not apply if a battle had been raging between Jackson and Pope."

I HAVE PROVED THAT A BATTLE WAS RAGING,

and therefore by his own judgment his statements do not apply.

The four conditions on which General Grant says he condemned Porter are shown to have existed. They were proved before the court-martial to have existed.

Not lightly, not impulsively, not from prejudice, not malignantly did such men as Hunter and Hitchcock and Garfield cast the ballots that under any other government in the world would have condemned Porter to death. Not heedlessly nor callously did the great and kind-hearted Lincoln put his approval to the sentence.

Since this case was last before Congress, Hon. Leonard Swett, one of President Lincoln's most intimate friends, sent to the Chicago Tribune an account of an interview which he had with Mr. Lincoln when the case of General Fitz-John Porter was before him for the approval of the court-martial's verdict. The President pointed to a pile of manuscripts lying on the table, with the remark that that was the record of the case, adding: "You know that if I know anything it is what evidence tends to prove and when a thing is proved. I have read every word in that record, and I tell you Fitz-John Porter is guilty and ought to be shot."

Not lightly did Abraham Lincoln condemn any man to disgrace and obloquy, and least of all one whom but shortly before he had promoted to a major-general for his services at Malvern Hill.

Garfield condemned him. He of the full-orbed brain and tender spirit, he whose strong and logical mind went to the bottom of every question which duty called him to investigate and understand. He condemned him upon the court-martial. Himself a soldier, with all the high sense of honor of a soldier, knowing well the duty of a soldier, after seeing the witnesses face to face, after seeing and hearing the accused, and all that he had to urge in extenuation or defense, he voted for his conviction. Year after year went by, Porter made appeal after appeal; he brought forward his so-called new evidence from confederate sources; but

GARFIELD SAW NO REASON TO CHANGE HIS JUDGMENT

of the case. When the Schofield board met, he watched the evidence with all the keenness and penetration of his trained and acute intellect, but he saw no cause to believe that the court-martial had erred. In February, 1880, just a few months before his nomination to the Presidency, he wrote to his friend, General J. D. Cox:

I have been so stung by the decision of the Schofield board that it is very hard to trust my own mind to speak of it as it appeared to me.

Mr. Chairman, the argument is almost closed. The die is cast, the tale is almost told. The decree of the highest military tribunal ever assembled upon this continent, and the executed order of the martyr President, are about to be sponged out. I apprehend, judging the future by the past, that neither argument nor evidence will change the result. Though Hunter, and Hitchcock, and Garfield, and Lincoln were to come forth from their charnel house and again declare him "guilty," I am persuaded that it would change no vote on the other side of this House. Those are not the names you conjure with. Though the thousands slain, who fell by reason of Porter's blind prejudice, his unfaithfulness to his country's trust, and his insubordination to the superior whom his Government had placed over him, were to come forth from their resting place on yonder heights at Arlington and file in ghostly procession before you, and with the stony lips of death pronounce him guilty of their sacrifice, and "plead trumpet-tongued against the deep damnation of their taking off," this bill would still be passed. The fiat has gone forth that Fitz-John Porter must be "vindicated."

Ah! gentlemen, you may pass this bill. You may affix the stigma of imbecility or malignity to the court that tried him. You may restore him to the rolls of that Army made illustrious by deeds of immortal valor and purest patriotism. You may elevate him over the heads of all the gray-haired veteran officers who never swerved from the line of patriotic devotion and loyal obedience. You may erase the word "guilty" where Garfield wrote it, and inscribe in its place the words "not guilty." Where Lincoln wrote "approved," you may wipe off the word and write over it "disapproved," but it is beyond your power to vindicate Fitz-John Porter. This is not the forum nor these the voices that have the power to change

THE VERDICT OF HISTORY.

God forbid, Mr. Chairman, that I, or any of us, should stand here against an act of justice, or of mercy even, from any bitterness of a past strife, or worse yet, from any excess of party zeal. If I am conscious of my own motives, neither of these does move me. I have given to the consideration of this case long and careful study, and all the power of analysis and all the maturity of judgment of which I am possessed. In the light of that study and that analysis of evidence, I see as in a vision the events of that long sultry August afternoon. I stand at the head of Porter's column while within cannon-range the dusty-gray column of the enemy presses eagerly down across his front upon the worn-out and shattered battalions of the Union army. I hear the summons of the cannon—the same that Longstreet's men heard—calling him to the glorious fray for the cause of Union, liberty, and law. I see the reeling, wavering lines as they advance or recede with the ever-fluctuating tide of batte. I hear the shrill, far-reaching yells of the enemy as they sweep down upon our lines, and the "old glory" of the Union goes down before the resistless sweep.

It would seem as if every drop of blood in his veins, every sentiment of honor, truth, and loyalty should have impelled him with resistless power to the field of battle. But no! In listless ease, careless of the fate of his commander, his comrades, and his country, he listens to the receding roar of the conflict, and proposes to retire to Manassas without lifting hand or foot for the rescue.

Mr. Chairman, it is not for me to judge for others, not for me to say how others shall cast their votes; but as for myself, when the roll shall be called which shall decide whether the word "approved" where it was written by the hand of Lincoln shall be sponged off, my answer must be, no. [Loud and prolonged applause.]

[During the delivery of the foregoing remarks the hammer fell.

The CHAIRMAN. The gentleman's time has expired.

Mr. CUTCHEON. I hope the gentleman from Pennsylvania will yield me additional time. I will give it back if I have to buy it. [Laughter.]

Mr. NEGLEY. Very well.

Mr. BRAGG. Has the gentleman any additional time to yield?

Mr. CUTCHEON. The gentleman has thirty minutes, and I will take what I need, no more.

The CHAIRMAN. The Chair understands the gentleman from Michigan will occupy the time of the gentleman from Pennsylvania.

Mr. CUTCHEON resumed and concluded his remarks.]

Mr. BRAGG. I move that the committee do now rise.

The motion was agreed to.

The committee accordingly rose; and Mr. EDEN having taken the chair as Speaker *pro tempore*, Mr. SPRINGER reported that the Committee of the Whole House on the Private Calendar, having had under consideration the bill for the relief of Fitz-John Porter, had come to no resolution thereon.

REVISION OF CUSTOMS LAWS.

The SPEAKER *pro tempore* laid before the House a communication from the Secretary of the Treasury, recommending a revision of the customs laws, and transmitting the opinion of certain manufacturers and merchants in connection therewith; which was referred to the Committee on Ways and Means, and ordered to be printed.

RAILROADS THROUGH INDIAN TERRITORY.

Mr. ALLEN, of Massachusetts, by unanimous consent, introduced a bill (H. R. 5868) to authorize the construction and operation of railroads through the Indian Territory; which was read a first and second time, referred to the Committee on Indian Affairs, and ordered to be printed.

LEAVE OF ABSENCE.

By unanimous consent, leave of absence was granted to Mr. PLUMB until Friday next, on account of important business.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. SYMPSON, one of its clerks, informed the House that the Senate had passed bills of the following titles; in which the concurrence of the House was requested:

A bill (S. 637) for the erection of a public building at Hudson, N. Y.; and

A bill (S. 806) granting a pension to Mary B. Holmes.

ORDER OF BUSINESS.

Mr. PERKINS. I ask unanimous consent to introduce a bill for reference.

Mr. DUNHAM. I think we might as well have the regular order.

The SPEAKER *pro tempore*. The hour having arrived under the order heretofore made, the House takes a recess until 7 o'clock this evening.

EVENING SESSION.

The recess having expired, the House reassembled at 7 o'clock p. m.

Mr. EDEN. Mr. Speaker, there was probably a misapprehension as to the time when the recess should expire. The order of the House was to take a recess until 7 o'clock. In order to give gentlemen who desired to take part in the proceedings of this evening an opportunity to be present I move that we take another recess for half an hour.

The motion was agreed to; and the House accordingly took a recess until half past 7 p. m.

AFTER RECESS.

The recess having expired, the Clerk, at half past 7 p. m., called the House to order, and directed the reading of the following communication:

Hon. JOHN B. CLARK, Jr.,
Clerk House of Representatives:

I hereby designate Hon. JOHN R. EDEN to preside as Speaker *pro tempore* during the session this evening.

JOHN G. CARLISLE, *Speaker.*

ORDER OF BUSINESS.

The SPEAKER *pro tempore*. The Clerk will read the order for the evening session.

The Clerk read as follows:

Resolved, That Thursday, the 11th day of February, immediately after the second call of committees under clause 5, Rule XXIV, be set apart for the consideration of the bill (No. 67) for the relief of Fitz-John Porter, and that the consideration of the same be resumed at the same time thereafter on Thursday and Saturday, and Monday, Tuesday, and Wednesday, and that the previous question be moved Thursday, the 18th of February, at 3 o'clock p. m.; and that a recess be taken on Tuesday, February 16, from 5 o'clock p. m. until 7 o'clock p. m. of that day, and that the evening session be devoted to the consideration of House bill 67.

FITZ-JOHN PORTER.

Mr. BRAGG. It is said, Mr. Speaker, that broad is the road that leads to death, and thousands travel together there, while wisdom shows a narrow path, with here and there a traveler. For the benefit of those few who have been willing to gather here to-night to listen to the discussion in this case I now move that the House resolve itself into Committee of the Whole House for the further consideration of the special order.

The motion was agreed to.

The House accordingly resolved itself into Committee of the Whole House, Mr. SPRINGER in the chair.

The CHAIRMAN. The House is in Committee of the Whole for the consideration of the bill the title of which the Clerk will read.

The Clerk read as follows:

A bill (H. R. 67) for the relief of Fitz-John Porter.

The CHAIRMAN. The gentleman from Virginia [Mr. BRADY] is entitled to the floor.

Mr. BRADY. The discussion of the bill under consideration has taken quite a wide range. We have heard much of the confederate soldier and of the Union soldier and of General Grant; and following the example of the gentleman from Tennessee [Mr. HOUK], who has devoted a considerable portion of the time allotted to him to an able and interesting discussion with reference to his own position as to the politics of Tennessee, I trust the House will indulge me in making some personal explanation and some comments with regard to matters in the State of Virginia.

Mr. Chairman, a member of Congress who, for any purpose, would knowingly make false statements is an unfit representative of the people, and sooner or later he will lose the respect and confidence of the honest and respectable members of his own party. This House is not the place for the blatant demagogue, nor is it the proper arena for the exhibition of the wily contortionist. The characteristic Bourbon politician is so accustomed on the stump in Virginia to misleading and misinforming the people, and it is so natural for him to traduce his political opponents, that in any presence he is out of his sphere unless he wildly indulges in bitter invective and clap-trap.

Mr. Chairman, it is my earnest desire, so long as I remain a member of this body, that in all my actions, in all I say, and in all my intercourse with my fellow-members I shall not, under any circumstances, forget the honor, the courtesy, the high duties, and great responsibilities belonging to my position.

The honorable gentleman from Virginia [Mr. WISE], in discussing the report from the Committee on Naval Affairs made to the House on Friday, January 22, concerning the erasure of certain inscriptions from the dry-dock engine at the Norfolk navy-yard, made a number of statements which are not true. The gentleman appointed to succeed Mr. Lyons was not selected after a competitive examination as stated. The truth is that a Mr. Corwine was, without said examination, appointed, *vice* Lyons, removed. He held the position four months, and not being qualified to perform the duties thereof, he was succeeded by Mr. Carr, another Democrat, who now holds the office.

The facts are that Corwine, Democrat, incompetent, was appointed in place of Lyons, Republican, competent and twenty-three years' experience, and four months thereafter Corwine was displaced and another Democrat of Baltimore, Md., given the position, which he holds at the present time. It appears that no Democrat in Virginia could be found qualified to discharge the responsible duties of the position held so long by Mr. Lyons.

In reference to the cruel statement that Mr. Lyons was dismissed for "beastly intoxication," I have to say that I have known this worthy gentleman intimately for twenty years. It is now nearly ten months since he was removed from the office he held so long and discharged the duties thereof so faithfully, as I know from the splendid testimonials he has from a number of the most prominent and distinguished officers, line and staff, of the Navy, and never before has such a reason been assigned for his dismissal. If it were true the Democrats would have long ago proclaimed it, and I am confident that the accusation can not be sustained. It is denied by the present Chief of the Bureau of Steam-Engineering, as appears by the following letter:

NAVY DEPARTMENT, BUREAU OF STEAM-ENGINEERING,
Washington, January 28, 1886.

DEAR SIR: In reply to yours of yesterday, I have to inform you that Mr. Lyons was discharged in April, 1885. Mr. Corwine was appointed in the same month, and served as foreman until August 23, 1885. Mr. Carr, Mr. Corwine's successor, was appointed August 27, 1885, and is still at the yard as foreman of machinists.

There is no record in this bureau relating to intoxication on the part of Mr. Lyons.

Very truly, yours,
CHAS. H. LORING.

Hon. J. D. BRADY,
House of Representatives.

Mr. Lyons was removed April 27, 1885, and a few days thereafter Chief Engineer Hibbert, in charge of the steam-engineering department of the Norfolk navy-yard, gave him the following letter:

NORFOLK NAVY-YARD, VIRGINIA, *May 4, 1885.*

DEAR SIR: Although regretting the circumstances which terminate our official connection, I take pleasure in testifying to the marked mechanical and executive ability which has been exhibited by you in all the varying duties of the machine department of this yard during the period in which we have been associated together. In seeking elsewhere for another field of duty I heartily commend you to the favorable consideration of all with whom you may have to do, with an earnest wish that every success possible may attend your efforts.

Truly, yours,

S. D. HIBBERT,
Chief Engineer, United States Navy.

WILLIAM H. LYONS, Esq.,
Berkeley, Va.

It was stated upon the floor of the House that this gentleman held a bomb-proof position throughout the war and rendered no service to the Government. I hold in my hand a copy of the Daily Transcript, published in Portsmouth, Va., in May, 1861. The leading editorial denounces the Union Army in Virginia as the "Coming of the invaders."

In another editorial Mr. Lincoln is denounced as a traitor to the country; and I find on the list published in this same paper the name of this same man Mr. Lyons as having voted against the ordinance of secession.

From this same paper, the Portsmouth Transcript of August 5, 1861, I find that this same man Lyons was arrested and confined in jail for uttering treasonable sentiments to the Southern confederacy.

I hold in my hand a letter from ex-Secretary of the Navy Welles, showing the character of the valuable services rendered by Mr. Lyons, which is as follows:

HARTFORD, *December* 19, 1877.

DEAR SIR: I have your letter of the 12th inst., reminding me of the trying days of 1861 and 1862. I do not forget, though years have passed, that I was kept advised by you and others of the affairs at the navy-yard at Norfolk at the time of the evacuation, and of the condition of the Merrimac after she was raised, and from time to time as the work of refitting and armoring her, as the work progressed, preparatory to her descent and assault upon the fleet in Hampton Roads. The value and importance of the information I received were great, and was furnished at no small risk to yourself. Of present anticipated difficulties which threaten you, whether personal or political, I know nothing, and prefer not to participate in them; nor do I wish to intrude myself voluntarily upon the present Secretary of the Navy, who perhaps might take exception to any interference from me. Should he wish any facts from me in your case they will be cheerfully given, and you are at liberty to refer him to me.

This letter addressed to yourself may answer your purpose.

Very respectfully,

GIDEON WELLES.

W. H. LYONS, Esq.,
Superintendent of Machinery, Navy-Yard, Norfolk.

I also invite attention to the following letter of the late Major-General Wool, of the United States Army, to Mr. Lyons:

TROY, N. Y., *December* 3, 1864.

SIR: I have this morning received your letter of the 29th ult. calling my attention to the information furnished me in the spring of 1862 by you of the intended attack of the iron-clad steamer Merrimac on our ships of war, at that time in Hampton Roads. The information was written on cloth, as you stated, and concealed under the lining of the coat of the person who brought it. At that time I considered it highly important, but I do not now remember the name of the person who brought me the information, and I have no memorandum to refresh my memory.

Col. T. J. Cram, my aid at that time, is now at Detroit.

Very respectfully, yours,

JOHN E. WOOL, *U. S. A.*

W. H. LYONS,
United States Navy-Yard, Norfolk, Va.

And I also ask special attention to the following letter from Commodore Livingston, commandant of the navy-yard, to Rear-Admiral Joseph Smith, showing the character of Mr. Lyons's services during the late war:

UNITED STATES NAVY-YARD, NORFOLK, *August* 31, 1863.

SIR: I inclose herewith a letter from Mr. Lyons in relation to the working of the dock engine. It gives me great pleasure to state that Mr. Lyons has been as indefatigable in his attention to this as in all his other duties in the yard, and to him beyond all others I have been indebted for aid in my duties here.

I had no knowledge of him before I came to this yard; I understand that he performed valuable service in giving information to the authorities at Fortress Monroe concerning the Merrimac before her movement to destroy our vessels in the James River. He is very attentive to his duties and seldom dines out of the yard, and takes more pleasure in his profession than in politics; his work is spoken of well by the officers who have been here, and he keeps his men to their work. Such a man is valuable to the Government. I understand there is a great effort on the part of some dissatisfied politicians to have this most worthy man removed. Why, I know not. His salary has been $3 per day, and I consider his services have been worth far more to the Government. He has been building up a reputation for himself, as well as doing his duty. And I hope when the engine has been in complete working order you will appoint competent engineers to examine and report the manner in which the work has been done, and, if satisfactory, you will use your valuable influence to have justice done this worthy mechanic.

I am, sir, very respectfully, your obedient servant,

JNO. W. LIVINGSTON,
Commodore, Commanding.

Rear-Admiral JOSEPH SMITH,
Chief of Bureau of Yards and Docks, Washington, D. C.

I now introduce in the order following letters from Chief Engineers Robie and Dade, late Chief of Bureau Shock, Chief Engineer Stewart, Rear-Admiral Davis, Rear-Admiral Cooper, Chief Engineers Melville, Williamson, and Winans, Captain Glassin, and the present Rear-Admiral Livingston, all showing the splendid record, character, and standing of Mr. Lyons, who has been so outrageously traduced:

CHIEF ENGINEER'S OFFICE, NAVY-YARD,
New York, June 20, 1884.

DEAR SIR: I have a letter stating that you are about to be suspended unless you can prove that your services in the navy-yard have been of importance during the war and since that time.

As I had some duty at that navy-yard during the war in repairing the Dictator's massive machinery and in fitting torpedo rafts for use on the Southern coast, I take pleasure in saying that your services on those occasions were of importance, and since then, while I was the chief engineer in charge of the steam-engineering department of that navy-yard, from 1874 until 1877, and you were the foreman and superintendent of machinists, I found you equal to every emergency, capable and zealous in the discharge of all the duty assigned you.

With best wishes, I am yours, truly,

R. D. ROBIE,
Chief Engineer, U. S. N.

Mr. WILLIAM H. LYONS,
Superintendent of Machinery, Navy-Yard, Norfolk, Va.

NAVY-YARD, NORFOLK, *January* 26, 1881.

Mr. W. H. Lyons, superintendent of machinery at this yard, has been employed in the bureau of steam engineering here for nineteen years, about seven years of which time his conduct came under my observation, and I can say that he performed his duties faithfully and ably.

F. C. DADE,
Chief Engineer, United States Navy.

NAVY DEPARTMENT, BUREAU OF STEAM ENGINEERING,
Washington, May 7, 1877.

SIR: Mr. W. H. Lyons is hereby reinstated as superintendent of machinery at Norfolk navy-yard, as recommended by Chief Engineer Robie, under date of the 4th instant, and "approved and earnestly recommended" by yourself, the same to date from the 1st instant.

Respectfully,

W. H. SHOCK, *Chief of Bureau.*

Commodore J. B. CREIGHTON, *U. S. N.*,
Commandant Navy-Yard, Norfolk, Va.

CHIEF ENGINEER'S OFFICE, NAVY-YARD,
Norfolk, Va., June 14, 1872.

SIR: It affords me much pleasure to state that since I have been on duty at this navy-yard (the past three years) the intelligence, ability, attention, and care bestowed in the conduct of the work and the mechanical knowledge displayed by you merit and receive my strongest approbation.

Hoping you may retain for many years the position you now so ably fill,

I am, yours, respectfully,

H. H. STEWART,
Chief Engineer, U. S. N.

W. H. LYONS,
Master Machinist, Navy-Yard, Norfolk, Va.

UNITED STATES NAVY-YARD, NORFOLK, VA., *May* 31, 1872.

SIR: I beg leave to say to the Department that Mr. William H. Lyons, the master machinist of this yard, has always commanded my highest respect and confidence both officially and privately, and respectfully recommend him to its most favorable consideration.

I have the honor to be, very respectfully, your obedient servant,

C. H. DAVIS,
Rear-Admiral, Commanding Navy-Yard and Station, Norfolk, Va.

Hon. GEO. M. ROBESON,
Secretary of the Navy,
Navy Department, Washington, D. C.

EXECUTIVE OFFICER'S OFFICE, NAVY-YARD,
Portsmouth, Va., May 31, 1872.

DEAR SIR: In compliance with your request of this date, it affords me great pleasure to certify to your strict attention to your duties as master machinist of this yard. Your gentlemanly conduct and willingness at all times to act in concert with the authorities of the yard has made you many friends among the officers.

Very respectfully,

G. H. COOPER,
Captain, United States Navy.

WILLIAM H. LYONS, Esq.,
Master Machinist, Navy-Yard, Norfolk, Va.

UNITED STATES STEAMSHIP LANCASTER,
Off Norfolk, Va., September 8, 1869.

DEAR SIR: I was a little surprised this morning to hear of your intended change in office if possible. The service you have rendered the Government as master machinist of the Norfolk navy-yard should be better recompensed than an appointment in the revenue service as you speak of. I am sure no master machinist of any of our yards can turn out as much, and done in as good manner, as I have seen turned out under your supervision. I have been here as chief of three different ships and have had work done for all of them. One, the Penobscot, in particular, after undergoing thorough repairs at Washington, was unable to go to sea until you laid your master-hand upon her.

But if you are still determined upon going into the revenue service, you have my best wishes for your success, and I know the Government could not confer an appointment upon a more deserving and competent engineer.

I have the honor, sir, to be, yours, truly,

GEO. H. MELVILLE,
First Assistant Engineer, U. S. N.

Mr. W. H. LYONS.

U. S. S. R. R. CUYLER,
Gosport Navy-Yard, Virginia, March 29, 1865.

SIR: Having been personally and professionally acquainted with you as the master machinist of Gosport navy-yard, I take pleasure in bearing testimony to your moral character and qualifications (professionally) to superintend or conduct the machine business in all its branches.

Hoping to hear of your future success and happiness, I remain,

Yours, truly,

J. D. WILLIAMSON,
Acting Chief Engineer, U. S. Navy.

WILLIAM H. LYONS,
Master Machinist, Gosport Navy-Yard.

U. S. S. SHENANDOAH, *Gosport Navy-Yard, November* 21, 1864.

SIR: I beg leave to tender you my thanks for the manner and dispatch you have completed the repairs on this ship during the few months I have been connected with her, and cheerfully bear testimony to your mechanical skill and your superior knowledge of engineering, both mechanical and civil.

Hoping you success in whatever you may undertake,

I remain, yours, truly,

U. WINANS,
Act'g Ch'f Eng'r, U. S. N.

WILLIAM H. LYONS,
M. M., Gosport Navy-Yard.

OFFICE NORTH ATLANTIC SQUADRON,
United States Navy-Yard, Norfolk, December 5, 1864.

DEAR SIR: Permit me to introduce to you Mr. W. H. Lyons, the master machinist at this yard, and a gentleman admirably adapted to execute with promptitude and energy the work in his department.

I say with confidence that Mr. Lyons stands remarkably high in his profession and with the officers and men employed in this yard.

His untiring zeal and devotion to the Union of the States makes him stand in that noble position in which you are and which you ever will be.

I have the honor, general, to be,

Very respectfully, your obedient servant,

JOHN J. GLASSIN,
Commander United States Navy.

General SHIPLEY,
Military Governor of Norfolk, and commanding the Military District of Virginia and North Carolina.

NEW YORK, *April 24, 1885.*

MY DEAR SIR: I have received yours of the 20th instant. Its contents brought to mind many things of the past; but so many years have gone by that my memory is much shaken, for you must remember that I am now an old man. Therefore I wish you would write me again, and let me know what became of you after I left the yard and what you have been doing since and how now employed. I well remember how much your patriotism, energy, and industry did to help the Government when enemies were numerous and friends few. I do not believe that a letter to the Secretary of the Navy would aid you as much as a general one "to whom it may concern." However, write me again, and we will see what can be done for you. I am glad to hear from you, and that you are among the living, and, I hope, prosperous and happy.

Yours, respectfully,

JNO. W. LIVINGSTON,
Rear-Admiral United States Navy.

W. H. LYONS, *Navy-Yard, Norfolk.*

The gentleman also states that "during Arthur's administration the postmaster at Portsmouth, who was a Union soldier, twice wounded and twice promoted for gallantry, was removed at the dictation of WILLIAM MAHONE."

Mr. Chairman, the other side of the House loudly cheered and laughed over this wonderful sally of their champion. I declare to the House that the statement is not true. The postmaster at Portsmouth was not removed. So says the First Assistant Postmaster-General.

POST-OFFICE DEPARTMENT,
OFFICE OF FIRST ASSISTANT POSTMASTER GENERAL,
Washington, D. C., January 26, 1886.

MY DEAR SIR: In reply to your letter of this date I would state that the commission of the postmaster at Portsmouth, Va., will expire on June 20, 1888. Mr. Staples served his full term of four years.

Yours, very truly,

A. E. STEVENSON.

Hon. JAMES D. BRADY, *House.*

POST-OFFICE DEPARTMENT,
OFFICE OF THE FIRST ASSISTANT POSTMASTER-GENERAL,
Washington, D. C., January 27, 1886.

DEAR SIR: In reply to your verbal inquiries of this date I beg to submit the following statements: First, the commission of Robert G. Staples as postmaster at Portsmouth, Va., expired January 26, 1884; second, Ambrose H. Lindsay was appointed as Staples's successor June 20, 1884; third, the cause of such change was the expiration of the commission of said Staples; fourth, the name of the present postmaster at Portsmouth is Ambrose H. Lindsay.

Very respectfully,

A. E. STEVENSON,
First Assistant Postmaster-General.

Hon. J. D. BRADY,
House of Representatives.

He was not "a Union soldier, twice wounded and twice promoted for gallantry."

This postmaster, although an active sympathizer with the Bourbon Democratic party of Virginia and a bitter opponent of the Republican administration, was permitted under the administration of President Arthur to serve out his full term. He was never "wounded" or "promoted for gallantry."

The gentleman has gratuitously introduced the name of WILLIAM MAHONE into this debate. Mr. Speaker, the name "Mahone" in my State makes the average Bourbon Democrat foam and splutter. It frightens the Democratic bosses and strikes terror into the hearts of their clans. We had a mild exhibition of the effect of that name in this House the other day.

With regard to the Federal patronage in Virginia under President Arthur's administration, no man in public life has been more unjustly assailed than General MAHONE. I assert that during his whole term as Senator no person holding a Federal Presidential office has been removed therefrom upon his recommendation or suggestion. The gentleman's party now have the books. Let him examine the record and contradict me if he can. I also ask the gentleman to name the Union soldiers and sailors who have been removed from office in Virginia by General MAHONE. He can not show a single instance, except one, where a Union soldier was appointed to a minor office held by a Union sailor, and very soon after this change the Union sailor was given another position.

As the gentleman has not confined himself to the question embraced in the committee's report, and explored the Post-Office Department in search of ammunition with which to kill MAHONE and fire the Democratic heart, I will call his attention to three removals of ex-Union soldiers, not embraced in the long list I propose to give of those dismissed from the navy-yard. I refer to Col. H. de B. Clay, the department commander of the Grand Army of the Republic of Virginia, who was removed as collector of customs at West Point, and Baker P. Lee, ex-confederate, appointed; to Col. J. B. Raulston, who was removed from the position of collector of internal revenue; and to Mr. Spencer, who for many years, under the gentleman's own eye, was a faithful and competent deputy collector of customs at Richmond. Col. Clay and Mr. Spencer, as prominent Grand Army men, interested themselves in the good work of raising funds for the establishment of a home at Richmond, Va., for disabled and poor ex-confederates, and they were both rewarded by being kicked out of the little positions they held under the Government they fought to save by the influence of the member from the Richmond district and his fellow-Democrats.

The gentleman has presumed to introduce the great name of General Grant in this discussion. He forgets that MAHONE, Mosby, and Longstreet were the friends of General Grant, that he was their friend, that the great confederate leaders and their followers have accepted the results of the war in good faith, that they are now Republicans, and that the Republican party will not allow any man, be he high or low in its councils, to violate the law of the land which gives the preference in Government employment to the Union soldiers disabled in the service of their country. What is that law?

SEC. 1754. Persons honorably discharged from the military or naval service by reason of disability resulting from wounds or sickness incurred in the line of duty, shall be preferred for appointment to civil offices, provided they are found to possess the business capacity necessary for the proper discharge of the duties of such offices.

Does the gentleman believe if that great hero General Grant were alive that he would approve of the discharge from the Norfolk navy-yard of one-armed, wounded, disabled veterans of his own army in order to make room for rampant Democratic "offensive" partisans who were in the confederate service during the war? Ah, Mr. Chairman, the gentleman even goes to the bedside of the dying leader at Mount McGregor and he draws patriotic inspiration therefrom. I would suggest it would have been better for him to have turned his attention to his own party friends and his own party's organ at his home during the dying days of General Grant, for in the Richmond Dispatch (the Sunday issue) at that time conspicuously appeared a communication charging General Grant with feigning sickness. I submit, Mr. Speaker, that it does not become the gentleman to refer to General Grant in order to bolster up the cause he represents in this House, for General Grant has forcibly condemned that cause in Virginia, as will appear by the letter which I send to the Clerk's desk and ask that it be read.

The Clerk read as follows:

NEW YORK, *October 4, 1881.*

DEAR SIR: Your letter of the 10th of September was duly received, but not answered at that time because of my absence from the city. I was busy on my return, and have only just come across your letter again. As a rule I am averse to taking any part in political matters outside of the State in which I reside, except where they become national in their character. I do regard the present contest in Virginia as being national, and therefore justifying me and all other lovers of their country, without regard to section, in expressing an opinion. In conversations on the subject I have openly and frequently expressed my sympathy with General MAHONE and the Readjusters, so-called, in their present contest.

I have never been a sympathizer with repudiation in any form, but in the present instance the virtue claimed by the Democracy of the State of Virginia I regard as all assumed. They have had control of the State for quite a number of years, and as I understand the politics of the State, they not only have made no effort to pay the interest upon their State debt, but they have prohibited taxation beyond a certain percentage, which looks to a determination to pay no part, principal or interest. In other words, while they are in favor of acknowledging the whole debt, principal and interest, they are opposed to paying any part of either. Hence, on this point between the two, I much prefer those who are willing to acknowledge as much of the debt as they think they can pay, and who want to bind themselves to provide for the interest and the acknowledged principal when it becomes due.

But in this contest there is a much more important issue at stake. I regard the success of what is called the Readjusters as working the emancipation of all the voters of the State, and when that is secured, it is a matter of much less difference which party succeeds. It is patent to my mind that at present and for some years back, while there is an acknowledgment of the right of the colored citizen to vote, there is a determination that his vote shall not decide the success of a political party. When this freedom of the ballot is given to all legal voters Virginia will be in a condition to invite immigration of people who will add greatly to the resources as well as to the population of the State. The interests of all citizens will then become so great that no fear need be entertained of bad government, no matter which political party may have the ascendency.

Truly, yours,

U. S. GRANT.

Col. JAMES D. BRADY,
Chairman Republican State Executive Committee.

Mr. BRADY. Mr. Chairman, were it not for the patriotism and valor of the Union soldiers "the house of our fathers" would have been destroyed, and the gentleman would not to-day be a member of the Congress of these United States.

We of the victorious side cordially welcome them back to the old home which we preserved and saved for them. We greatly rejoice over their return; they are equals in the nation's councils, and we are glad of their determination to stay, but they must not forget that we are still a part of the household, and have some rights which we propose to properly assert in "our fathers' house."

Mr. Chairman, I have no respect for that sickly sentimentality which gives credence to the assertion that because we on this side of the House demand fair treatment, justice, and enforcement of the law for Union soldiers we have raised the sectional cry. Perish the thought that a majority of the American people will ever regard the demand in Congress for the enforcement of the just and legal rights of the men who saved the nation as unpatriotic or impolitic.

Another statement of the gentleman is not true. That is his reference to the circular "bearing the name of WILLIAM MAHONE as chairman and JAMES D. BRADY as secretary."

Mr. Chairman, I never held such a position, political or otherwise, in connection with General MAHONE, and no such circular as described was ever issued either by General MAHONE or myself. Every circular issued during the political campaigns in Virginia by General MAHONE or myself was published and distributed, and I here again challenge him to produce any such circular.

Mr. Chairman, in regard to the resolutions of inquiry introduced in the House of Representatives by the honorable gentleman from Maine [Mr. BOUTELLE], calling on the Secretary of the Navy for information

concerning the removal of certain Union war inscriptions from the dry-dock engine and from cannons, and the dismissal of honorably discharged Union soldiers and sailors, in violation of the United States Revised Statutes, at the Norfolk navy-yard, I desire to state that I never saw said resolutions before they were introduced and read in this House. I had nothing to do with their preparation or introduction, and I am not responsible for bringing the matters therein referred to before the House. The subject is, nevertheless, before Congress, and in the discharge of a duty I feel that I owe to my comrades of the late war, and with the desire of perpetuating the honorable mementoes and glorious memories of their heroic and successful struggle for the maintenance of this great nation I propose to give a statement of such facts bearing upon the subject as are within my own knowledge and have been furnished me by men of high character and standing.

Mr. Chairman, this is not a political question, nor is it a question of party patronage at the Norfolk navy-yard or elsewhere in Virginia. It is not whether Democrats or Republicans should fill the offices under the General Government at the Norfolk navy-yard, but it is the great, the all-important question of good faith on the part of this nation to its noble defenders. True, the Democratic party and its "committee on spoils" of the old Commonwealth have had full and complete sway over the Federal offices in our State since the advent of the present administration, and it can not be denied that during the past nine months all the collectors of internal revenue, the United States marshals, district attorneys, hundreds of postmasters, deputy collectors, clerks, inspectors, gaugers, messengers, mail-agents, storekeepers, watchmen, and other faithful public servants of the Government have been unceremoniously dismissed by the present "reform" administration and the vacancies thus created filled by the appointment of active Democrats of no experience whatever in the public service. Yet I will not complain of or tarry upon this theme, so prolific of valuable information for the honest civil-service reformers. I come direct to the subject under consideration.

Mr. Chairman, in June last I addressed a letter to a United States Senator of the North, which was published in many newspapers of the country, and in said letter I made the following declaration, which I believe I can prove to the satisfaction of any honest court or jury in the land, namely:

> The climax of persecution for opinion's sake is that of the Bourbon Democracy at the Norfolk navy-yard during the months of March, April, and May. I venture the assertion that since the foundation of this Government to the present time no such outrageous proscription has been practiced toward mechanics, laborers, clerks, and writers. Valuable information and services to the Government immediately after the reoccupation of the navy-yard after its abandonment by the confederates, gallant services in the Union Army and Navy during the rebellion, honorable wounds received upon the battlefields in the desperate struggle for the maintenance of the Union, years of experience in the various mechanical branches, bodily injuries received by mechanics and laborers in the performance of Government work, old, skilled, and valuable mechanics and laborers, all are cruelly disregarded, all shamefully forgotten, all willfully ignored in order to make places for hungry and thirsty Bourbon Democrats.

The men employed at the Norfolk navy-yard, with but few exceptions, on account of their long and faithful services, their character and standing, their superior fitness, their meritorious conduct, felt secure in their places, and as a class had little to do with politics and were indifferent as to the political influences at Washington, because nearly all of them were appointed upon the recommendation of United States naval officers in charge of the different departments. Within three months after the inauguration of the present administration sixty-two of these faithful and experienced officials were removed. Here are the names and a brief statement of the record of some of the Union soldiers and sailors and loyal citizens who have been dismissed from the Government service at that navy-yard since the 4th of March last, in violation of the following United States revised statutes:

> SEC. 1543. The persons employed at the several navy-yards to superintend the mechanical departments, and heretofore known as master mechanics, master carpenters, master joiners, master blacksmiths, master boiler-makers, master sail-makers, master plumbers, master painters, master calkers, master masons, master boat-builders, master spar-makers, master block-makers, master laborers, and the superintendents of rope-walks shall be men skilled in their several duties and appointed from civil life, and shall not be appointed from the officers of the Navy.
>
> SEC. 1544. Laborers shall be employed in the several navy-yards by the proper officers in charge with reference to skill and efficiency, and without regard to other considerations.
>
> SEC. 1545. Salaries shall not be paid to any employés in any of the navy-yards except those who are designated in the estimates. All other persons shall receive a per diem compensation for the time during which they may be actually employed.
>
> SEC. 1546. No officer or employé of the Government shall require or request any workingman in any navy-yard to contribute or pay any money for political purposes, nor shall any workingman be removed or discharged for political opinion; and any officer or employé of the Government who shall offend against the provisions of this section shall be dismissed from the service of the United States.

A. J. Hopkins, engine tender, bureau of construction and repairs, appointed in 1869, upon the recommendation of Naval Constructor Webb; was in 1861 arrested at Portsmouth, Va., and confined in Libby prison for his loyalty to the Government; served in the Union Navy during the rebellion; sixteen years' experience in the yard; an honored and respected citizen; removed May 4 last, and Virginius Freeman, of the confederate navy, appointed. This Mr. Freeman was in the Union Navy before the war, which he left to join the confederate cause.

W. N. Eaton, store clerk, bureau of steam engineering, appointed in 1870 upon the recommendation of Chief Engineer Newell, United States Navy; ex-Union officer; served gallantly during the war, and has a splendid record; twenty years' experience and constant employment in a clerical capacity at the navy-yard; was removed May 29, 1885, and William Easby appointed.

S. B. Kenney, store clerk, bureau of yards and docks, appointed in 1870 upon the recommendation of Civil Engineer Speer, United States Navy; ex-Union officer in the United States Navy, serving faithfully during the whole of the late war; twenty years' constant employment and experience in clerical duties at the yard; was removed May 7, 1885, and E. A. Butt appointed.

Charles M. Clark, civil engineer's clerk, bureau of yards and docks, appointed in 1870 upon the recommendation of Civil Engineer Speer; was taken prisoner and confined in Libby prison while attending Union wounded on the battlefield at first Bull Run; served in the Union Army; one of the most competent clerks in the Government service; was removed May 7, 1885, and J. B. King, ex-confederate soldier, appointed.

Peter Oakes, foreman of laborers, bureau of construction and repairs, appointed in 1873 upon the recommendation of Rear-Admiral Cooper, United States Navy; ex-officer of the Union Army; served gallantly in a New York regiment during the war; wounded three times; entering the service as a private and coming out at the end of the war as captain of his company; one of the most worthy, competent, and reliable officials in the public service; was removed April 27, 1885, and John Castin, with no experience, appointed.

W. H. Ryder, leading man of riggers, bureau of equipment and recruiting, appointed in 1877 by the Secretary of the Navy; served in the Union Army during the war; has a good record as a soldier; one of the best and most experienced riggers; was removed April 27, 1885, and J. W. Thompson, ex-confederate, appointed.

J. E. Stokes, an ex-Union soldier, an old man employed as a laborer, removed April 29, 1885, and James Elam appointed.

Hamilton Hodges, ex-Union sailor, serving during the whole of the war; he was for twelve years employed as a hostler, having charge of the Government horses, bureau of yards and docks; a most industrious, reliable, and qualified laborer; was removed June 3, 1885, and Sylvester Wood, ex-confederate, appointed in his place.

I. N. C. Cole, clerk bureau of equipment and recruiting; served in the Union Army during the war in a New Jersey regiment; was removed in May, 1885, and R. H. Hamilton appointed in his place.

William H. King, special laborer, appointed in 1878 upon the recommendation of Chief Engineer Darby, United States Navy; son of the late Chief Engineer King, United States Navy, one of the few Virginia naval officers who remained loyal to the Government during the war; a most worthy young man; the main support of his mother, the widow of the late Chief Engineer King; was removed June 6 last, and Albert Perry, appointed.

C. H. Sturtevant, chief engineer's clerk, bureau of steam engineering; appointed in 1870 upon the recommendation of Chief Engineer Newell, United States Navy; a splendid clerk and a most accomplished gentleman; he and his whole family were conspicuously loyal to the Government during the war, and in consequence thereof were most bitterly and cruelly persecuted; was removed May 11, 1885, and Inman Payne, ex-confederate soldier, appointed.

L. J. Smith, foreman bureau of yards and docks, appointed in 1871 upon the recommendation of Civil Engineer Speer, United States Navy; one of the most skillful mechanics in the country; removed May 21, 1885, and D. Brownley, ex-confederate, appointed.

J. J. Buchanan, store clerk, bureau of construction and repairs; appointed in 1870 on the recommendation of Naval Constructor Webb; served in our Navy during the war; an old, faithful, and qualified employé of the Navy; thirty years' service in Navy; was removed May 29, 1885, and C. B. Page, ex-confederate, appointed.

Job P. Manning, writer, bureau of construction and repairs, employed in the navy-yard since his boyhood days—1863; his father for many years before the war was clerk at the navy-yard, and he remained loyal to the Government. Young Manning was one of the most efficient clerks in the service; was removed May 18, 1885, and W. H. Peters, ex-confederate, appointed.

John J. Curran, foreman of painters, bureau of construction and repairs, learned his trade in the navy-yard, and is universally regarded as a master of his business. He and all his family were loyal to the Government during the war; was removed May 27, 1885, and George Church, ex-confederate, appointed.

William F. Smith, foreman of shipwrights, bureau of construction and repairs; appointed in 1872 upon the recommendation of the Chief Naval Constructor; one of the most skillful and experienced ship-builders in the country; has frequently had charge of the construction department of the navy-yard; rendered faithful and valuable services to the Government during the war; was removed April 24, 1885, and H. M. Hope, ex-confederate, appointed.

James Dunn, leading block-maker, appointed in 1877 by Naval Con-

structor Webb; loyal to the Government during the war; an experienced and valuable mechanic; had grown gray in the service of the Navy Department; was removed April 25, 1885, and Washington Rue, ex-confederate, appointed.

A. C. Fuller, lost an arm in Union Army; removed as laborer in paint-shop.

R. H. McLean, for fifteen years foreman of boat-builders, and who, in the position, gained a national reputation among the officers of the Navy.

F. J. Durham, for nearly twenty years foreman and quarterman of ship-joiners.

Joseph Knapp, for ten years foreman of spar-makers.

Nelson Proctor, ex-Union soldier, foreman of laborers, bureau of yards and docks.

William R. Carpenter, foreman of painters, and ex-Union soldiers.

William Silloway, leading gas-fitter, and ex-Union soldier.

John Milan, for fifteen years foreman of calkers, and ex-Union soldier.

Frank Craig, for fifteen years employed as machinist and writer; ex-Union sailor.

Samuel Brown, laborer, and ex-Union soldier.

J. Hammond, ordnance officer's clerk, and ex-Union naval service.

J. W. Fauth, master plumber, and Unionist.

W. S. Wallace, leading slater for ten years.

Charles Stanley, leading sawyer for many years; ex-Union soldier.

J. W. McDonough, fifteen years foreman of molders.

James Wilson, ten years foreman of pattern-makers.

Thomas Howe, for more than sixteen years foreman of boiler-makers.

John V. Schooler, writer, and ex-Union soldier.

James E. Fuller, captain of ship-keepers, ex-Union Army.

All loyal to the Government during the war, have since the 4th of March last been removed, and the places thus made vacant, in most instances, given to those who served in the confederate army or navy.

Mr. Chairman, it appears that Commodore Truxton, the naval officer assigned by Secretary Whitney to the command of the navy-yard at Norfolk, soon after assuming charge, issued an order removing a certain plate from the dry-dock engine upon which was the following inscription:

Destroyed by the rebels in 1862.
Rebuilt by U. S. Government in 1863.
J. W. Livingston, Commandant.
W. H. Lyons, Sup't of Machinery.

The plate containing the foregoing inscription, placed there by orders of Rear-Admiral Smith, Chief of Bureau of Yards and Docks, remained on the dry-dock engine from 1863 until said removal by Commodore Truxton, which action aroused the old Union and loyal sentiments of Mr. Lyons, and making some unfavorable comments thereon, he was shortly thereafter dismissed, as I have shown by the official records.

I am sure, Mr. Chairman, that no denial will be made of the fact that the inscription above referred to, which for nearly twenty years remained upon the dry-dock engine at the Norfolk navy-yard, was removed therefrom very soon after the coming into power of the present Democratic administration. I know that it has been removed. A pettifogging statement has been made that the dry-dock at the Norfolk navy-yard was not destroyed. Everybody knows that an effort was made to completely destroy the dry-dock; and if the efforts were not successful, it is certain that the dry-dock was rendered unfit for use and that the dry-dock engine upon which this inscription was borne was destroyed. The official records of the Navy Department show this to be true.

I have, Mr. Chairman, given the names, the services, and the records of those honorably discharged soldiers and sailors who, in violation of law, have been dismissed from the Government service at the Norfolk navy-yard under the present Democratic administration.

Mr. Chairman, the propositions involved in this matter are simple and plain.

First. Shall the inscriptions of the patriotic and heroic deeds of the soldiers and sailors of the Union Army upon the public works and property and monuments belonging to the Government be obliterated by the present Democratic administration without protest in the American Congress on the part of those who represent the loyal sentiment of the country?

Second. Shall wounded and disabled ex-Union soldiers and sailors with honorable records, long and faithful services to the Government, be unceremoniously dismissed by a Democratic administration, in plain violation of law, in order to make place for inexperienced, unreconstructed ex-confederate Bourbon Democrats, without an earnest protest on the part of their comrades who served with them, who fought with them in the dark days of their country's trials and dangers?

Mr. Chairman, I yield to no man who fought on the Union side during the late war in kindly feelings toward the ex-confederate soldiers, and upon this point I need only refer to my public acts during the past twenty years. An examination of the public records of the country and of the newspapers of my own State during this long period will show that in season and sometimes out of season I have always come to the front and defended the confederate soldiers against unjust assaults and untruthful accusations. My first act in Congress was to introduce a bill removing all political disability:

IN THE HOUSE OF REPRESENTATIVES, *January* 6, 1886.

Read twice, referred to the Committee on the Judiciary, and ordered to be printed.

Mr. BRADY introduced the following bill:

A bill for the removal of all disabilities imposed by the fourteenth amendment to the Constitution of the United States.

Be it enacted, &c., That all disabilities imposed by the third section of the fourteenth amendment to the Constitution of the United States upon persons who have engaged in the insurrection or rebellion against the United States, or given aid or comfort to the enemies thereof, be, and they are hereby, removed.

Ten years ago, nearly, Federal Memorial Day, May 30, 1876, I delivered the address at the Yorktown (Va.) National Cemetery in response to the invitation of the Grand Army of the Republic of Virginia. I send to the Clerk's desk and ask to be read an extract from that address, as published in the Norfolk (Va.) Landmark, June 1, 1876.

I am not unmindful that I speak upon Virginia soil, nor do I forget the side that her brave sons espoused during the late war. To my mind sad indeed is it to realize the fact that Virginians, who did so much to make the Union great, beloved at home and respected abroad, should have fought so hard to destroy that same Union. But the war is over, the confederate cause is dead, the Southerners have returned to the homes of their fathers, there to remain; and we of the victorious side, instead of censuring or condemning them, should welcome them back, extending the right hand of fellowship, and ask them that as we forget, that they forget the bitterness of the past and to unite with us in every proper effort to benefit our country.

The war has demoralized and corrupted our people, North and South, to an alarming extent, and in my judgment the salvation of our country depends upon the purification of our governments, national, State, and local. This is a most difficult undertaking, and it requires the combined wisdom and skill of our best statesmen to accomplish the task. We who wore the blue have only feelings of kindness and words of praise for those who wore the gray. The herculean works of valor and gallantry displayed by the ragged, sore-foot, half-fed Southern soldiers upon many of the desperate battlefields of the war have justly won for them the respect and admiration of the civilized world, and most assuredly we their brothers, Americans, should be and we are proud of such deeds and of such noble men. All that we ask of those who wore the gray is to feel toward us, act toward us as we feel and act toward them. Let us, soldiers of the Union and confederate armies, be friends.

These, Mr. Chairman, are my sentiments now, and I have ever been for cordially extending to the ex-confederate soldiers all rights and privileges guaranteed by law under our Government to all its citizens, but when I know that my wounded and disabled comrades of the Union Army have been dismissed from Federal employment, when I know that skillful mechanics and hard-working laborers, those who have suffered indescribable persecution on account of their loyalty and devotion to their country, are shamefully proscribed and deprived of the work they so much need to enable them to obtain bread for their wives and little ones—and all this under the Government they saved—in order that ex-confederates may be given the preference in employment, I hang my head in sorrow, and ask myself, can it be true that the Union side was triumphant in the late war? In all fairness and candor I submit to the calm, the unprejudiced judgment of ex-confederates on the floor of Congress that in employment under the Federal Government disabled ex-Union soldiers and sailors, being qualified, are entitled to the preference. It is the law of the land, and the repeated declaration of almost every national convention of both the great political parties since the close of the war.

Mr. Chairman, there are two classes in my State, both of which are despised and traduced with a malignity and ferociousness which is indescribable, and can not be imagined by the intelligent and patriotic people of the North. I have the great honor of belonging to one of these classes. I am a Virginian who was loyal to my country during the late war. I fought in the Union Army from Bull Run to Appomattox.

This fact to-day in my State, more than twenty years after the termination of the war, is regarded as the most heinous of crimes and offenses against Virginia and Virginians, and which will never be, I fear, forgotten or forgiven; certainly not by the party which at present dominates the State. The men who fought the hardest, who did the most for the destruction of the Union, who yet glory in the confederate cause, and who bitterly hate those Southern men who were loyal to the Union during the war, are to-day the heroes, the patriots, the leaders in Virginia of the Bourbon Democracy.

There is the other class, which, if it were possible, are more despised than that to which I belong. It is composed of ex-confederates, now numbering, I am happy to say, more than fifty thousand brave and true men, those who have accepted the results of the war for the Union in good faith and have identified themselves with the Republican party. They are most shamefully, most cruelly denounced as "outcasts" and "deserters," and their alleged "treason" to the confederate cause since the end of the war is made more than odious. Proclamations of outlawry are issued against both classes, and only a few days ago one of the leading Democratic newspapers of the State editorially announced that we deserved to be lynched.

Mr. Chairman, my position in this matter shall not be misunderstood. I speak plainly, in order that there may be no misconstruction or misrepresentation of my remarks. I do not censure the people of Virginia. The Bourbon Democracy and the people of Virginia are not, thank God,

one and the same. I do censure, I do condemn that intolerant party at present ruling and ruining Virginia, because it believes in, teaches, and puts into practice the horrible doctrine of hatred and ill-will toward every one who dares to differ with it; because under its baneful edicts many of Virginia's brightest intellects, many of her most renowned soldiers and distinguished citizens, many of her most prosperous merchants and successful bankers, many of her most industrious mechanics and thrifty farmers—no matter how pure and honorable their character—since their identification with the Republican party have been shamefully traduced, maliciously slandered, willfully misrepresented, and most outrageously ostracised; because it approves of the removal of honorable Union war inscriptions at the Norfolk navy-yard and elsewhere, while it labors hard to perpetuate the memory and deeds of the confederate cause, and because it boldly defends and upholds the violators of the law giving the preference to ex-Union soldiers and sailors in employment under the General Government.

Mr. Chairman, unfortunately for the peace, happiness, and prosperity of the people of Virginia and for the country, this bitter, unreconstructed Bourbon Democratic party now governs the old Commonwealth; and, supported as it is by the power of the present Democratic administration, it publicly boasts, through its newspapers and its leaders, of the recently acquired right to tear down Union war inscriptions and to dismiss from the United States Government workshops honorably discharged Union soldiers and sailors. I fear that the loyal men of the nation will, when it is too late, realize the full extent of the power and influence under the Government of this dangerous, this most insidious, party, under the influences of which Old Virginia—the home of Washington, Jefferson, Henry, Madison, and Monroe—is surely, alas! sadly, taking its position backward in the Union of States. It has driven from her borders thousands of the hardy, industrious, and enterprising sons of the North and millions of dollars of capital.

Mr. BRUMM. Will the gentleman permit a question?

Mr. BRADY. Certainly.

Mr. BRUMM. I understand the gentleman to say that certain memorials inscribed upon the engine of the dry-dock in the Norfolk navy-yard had been removed. What I want to know is whether that is the memorial that the gentleman from Maine [Mr. BOUTELLE] stated here the other day had been removed and the removal of which I understood the gentleman from Virginia [Mr. WISE] to deny?

Mr. BRADY. It is the same, sir. I do not think that will be denied.

Mr. BRADY. Mr. Chairman, I yield the balance of my time to the gentleman from Alabama [Mr. WHEELER].

Mr. WHEELER. Mr. Chairman, I will reserve the time until after the gentleman from Kansas [Mr. PETERS] shall have spoken.

Mr. PETERS. Mr. Chairman, I yield ten minutes of my time to the gentleman from Pennsylvania [Mr. BROWN].

Mr. BROWN, of Pennsylvania. Mr. Chairman, there does not seem to be any one to whom I can yield the time just given me by the gentleman from Kansas [laughter], so I must endeavor to utilize it myself, although I had no expectation of making any remarks upon the pending bill.

I would be glad if the proposition before us were to forgive, to sponge out the record that Fitz-John Porter has made. If the pending bill were one extending amnesty to him I should be glad to vote for it, because I believe that he has suffered perhaps far beyond what he should have suffered for the crimes he committed against his country. I am not one of those who place him in the catalogue of traitors. I believe, as I think most of the people of this country believe, that on that occasion he was moved and instigated by a spirit of insubordination, which led him into doing that which perhaps in a month, yea, perhaps in a day, he regretted.

If Fitz-John Porter is innocent of any offense against his country, as some profess to believe, then he is the most unfortunate of men. I do not believe he was a coward, but if not a coward then he was willfully disobedient from the very moment he came under the orders of General Pope until the 30th day of August, when the tragedy ended. On the 27th day of August, two days before the first battle was fought, we find him carping and complaining, criticising and finding fault with his commander-in-chief. And yet I am free to say, sir, that if we could separate what General Porter did from what he had previously said, if we could consider his action alone and not his words, we might induce ourselves to believe that he was not guilty of any offense against his country. Gentlemen sneer when we say that General Porter was disloyal to his commander, as if that had nothing to do with fealty to country.

They make a wide distinction, and I concede that there may be a great distinction, between the two cases in general; but when a commander in the field orders a subordinate officer to do a certain duty in a perilous hour, then that subordinate can not be disloyal to his commander without being at the same time disloyal to his country. There can be no distinction in such a case as that. An officer must either do his duty as ordered, or he must be regarded as disloyal to his flag for the time being. The fact that the commanding general does not happen to suit him has nothing to do with the question. If he thinks that the commander has less brains than himself, that is no reason why he should fail to exercise all his own capacity in defending the flag under which he serves. If his commander be weak and lacking in capacity, the obligation is all the greater upon the subordinate to bring to bear, for the benefit of his flag, all the ability and all the valor which he possesses.

Now, sir, on the 27th of August we find General Porter writing letters, complaining and criticising what had been done and what was about to be done, telling how little was known about the situation, and at the same time exposing how little he knew about the situation himself. The very first order he received from his new commander he disobeyed. For that disobedience, which is practically admitted, a great variety of excuses were offered two years ago in this Chamber. It was stated here by one gentleman at least that a terrific thunder-storm, amounting almost to a cyclone, prevented his moving as ordered; but now that terrific thunder-storm has declined to a mist. According to the gentleman from New Hampshire [Mr. HAYNES] who opens the case for General Porter, that terrible thunder-storm has shriveled into a mist, and if the real truth had been stated it would have dwindled to a gentle dew. [Laughter.] There was absolutely no storm that night. No man who was in that army, no man who marched either toward the enemy or from the enemy on that occasion, dare stand up in this presence and say that there was a storm. But it seemed to be necessary two years ago that a thunder-storm should be manufactured here in order to excuse Fitz-John Porter and acquit him of his offense against his country and his kind.

It is said there was great stupidity on the part of General Pope; that his idea of "bagging Jackson" at that time was ridiculous. Because Jackson was not "bagged," because what Pope had determined to do was not done, gentlemen say, "Oh, that was so stupid; it was so far beyond the possibilities." But Fitz-John Porter was nine miles away in the hour when the "bagging" was to be accomplished; he was nine miles from the point where he was expected to be; and when Porter finally reached that point the enemy which was expected to be there had gone, and how could he be "bagged?" Because there was a failure under these circumstances no inference can be drawn that if the orders of General Pope had been obeyed success would not have crowned the effort. But whether failure or success follow, the duty of the soldier in the hour a battle is pending is to obey.

But Porter, instead of being at the point designated at daylight, was not there until 10 o'clock. That is failure No. 1 to obey orders. Then came the great misfortune that befell our arms, growing, as I believe, out of the failure of Porter to obey orders on the 29th. I refer to the orders sent to Porter personally and the joint order sent to him and General McDowell.

Arriving at Dawkin's Branch, where he should have prepared for battle on the 29th day of August, Porter then and there made manifest to all the world a purpose on his part not to fight the enemy. And here is where the gentleman from Alabama makes his great mistake. His whole argument to-day, which was able, was based on the supposition that General Porter was in the presence, and believed he was in the presence, of twenty-five thousand of the enemy. Hence the gentleman argues it would have been a piece of hardihood, it would have been a waste of men and material—mere recklessness—to make an attack upon an enemy thus numerous. Now, I undertake to say that there is not a particle of evidence anywhere in the case going to show that General Porter at the time he halted his command at Dawkin's Branch had any knowledge whatever of the number of the enemy in his front—not one scintilla of evidence.

Mr. WHEELER. You were an officer in the Army?

Mr. BROWN, of Pennsylvania. Yes, in the Army; but not an officer.

Mr. WHEELER. And do you say it is possible for a military commander to be in the presence of twenty-five thousand of the enemy without knowing it?

Mr. BROWN, of Pennsylvania. I do not say that. I do not say a general can be in the presence of the enemy and not know there is an enemy. But I say it is a very easy thing, and a very common thing, to be in the presence of an enemy and not know the number of that enemy. I think that is the case almost every time a battle is fought. But I say now that it matters nothing whether that army was composed of twenty-five thousand men or twenty-five men. The obligation or duty resting upon Fitz-John Porter was just as strong as if he had believed the number of the enemy to be exactly that which he himself commanded. In fact I believe, and I think you yourself believe, that the duty was even greater, the responsibility of obeying the order rose even higher if he knew that the enemy consisted of twenty-five thousand men, because then it was all the more important he should hold those twenty-five thousand men so that they could not be hurled against the army of Pope, then in a deadly conflict with General Jackson.

Mr. WHEELER. Will you be kind enough to read anything from the record showing that General Pope ordered Porter to make an attack upon any troops in front of him prior to 4.30 in the afternoon?

Mr. BROWN, of Pennsylvania. That, with all deference to the gentleman, is simply a quibble.

Mr. WHEELER. I assert that no such order was ever given, and I call upon you to read it.

Mr. BROWN, of Pennsylvania. Well, I am not here to read orders.

I have ten minutes of time which I can not use to hunt orders read here already a dozen times over. I know that Porter was ordered there for the purpose of attacking the enemy. He was ordered in the first place to move to Gainesville.

Mr. WHEELER. Toward Gainesville.

Mr. BROWN, of Pennsylvania. But was never ordered to stop at all until he had made connection with the other portions of the army. Neither of those things had been accomplished up to the time he made his halt at Dawkin's Branch.

Mr. WHEELER. Do you assert that by moving farther forward toward Gainesville he would have made connection with troops on his right? I assert—I assert confidently—that to have gone beyond where he was would have placed him farther from any connection with any troops on his right.

Mr. BROWN, of Pennsylvania. Farther from the connection with Union forces, but nearer the enemy. And if you say he had an alternative—if you say he might have obeyed one order or the other, that is, join with our forces or proceed toward Gainesville—if you make this distinction, then all he had to do was to move on toward Gainesville and he would have struck the enemy. If you say the first order should have been followed, then he did not go far enough to the right to join himself with our forces, and so did not obey the order.

Mr. WHEELER. But the only order he ever received directed him to march toward Gainesville. If he had moved to the right, he would have been disobeying that order, and would have placed himself where Longstreet could have advanced on that road and flanked Pope. In that case Porter would have been arrested most certainly, as he ought to have been.

Mr. BROWN, of Pennsylvania. It makes little difference to me, sir—it should have made little difference to General Porter—whether he construed the order as a command to him to move on toward Gainesville until he struck the enemy or to go far enough to the right to connect with the other Union forces. He did neither, and the only excuse that the gentleman now offers in his behalf is that in his front stood the enemy, twenty-five thousand strong, and for that reason he is to be excused for not fighting.

Mr. WHEELER. Let me make one single statement. When Porter reached Dawkin's Branch he met McDowell. McDowell swears he took command, and said: "I will take my troops (eighteen thousand men) and make a connection, and you remain here."

Mr. BROWN, of Pennsylvania. That is an entire misapprehension of the situation. General McDowell turned back and left the road upon which the troops of General Porter were distributed, took a road to the right hand, and that evening engaged with the enemy on Porter's right, and General Porter was left to exercise his own volition—to fight or not to fight, as he saw fit, and he saw fit not to fight.

But to return. The gentleman's whole argument this morning was based on the assumption that twenty-five thousand were known by Porter to be in his front. Whether he knew that or not makes little difference; but I say there is no evidence of it. He had learned that Longstreet's advanced pickets were only at Gainesville, 4 miles away, when he himself had position at Dawkin's Branch.

Mr. WHEELER. He had the statement that seventeen regiments had passed through Gainesville at 9.45 that morning.

Mr. BROWN, of Pennsylvania. I beg your pardon. General Porter had no such information at that time. It was obtained afterward, as he himself said. Among all those who have argued this case no one but the gentleman claims that Porter had knowledge there were seventeen regiments in his front at that time.

But no matter. If he had such knowledge, the duty was actually upon him to make an attack upon that twenty-five thousand men; to do what he could to defeat them, or to hold them to their position and prevent Longstreet from sending brigade after brigade to Jackson to assist him in his resistance of the assault which was being made on Jackson's line.

[Here the hammer fell.]

Mr. PETERS. I will now yield for ten minutes to the gentleman from Illinois.

Mr. ROWELL. Mr. Chairman, through the kindness of my friend from Kansas I am unexpectedly permitted to say a few words in justification of the vote I expect to cast on the pending bill. I do not intend to comment upon the evidence before the court-martial which convicted Fitz-John Porter, nor upon the evidence claimed to have been subsequently discovered and presented to the commission which sought to vindicate him. Only those who have carefully and intelligently studied the whole record are competent to review it and present it before Congress.

But there are certain present surroundings of this case in this presence which can be understood and commented upon without a knowledge of the minute evidence presented to the court-martial. Fitz-John Porter was a soldier by profession; of his own free choice he had selected the tribunal which tried him. In becoming a soldier, adopting that profession for his life-work, he had deliberately chosen the tribunal which should try him for any military offense, the court-martial provided by the statute, and ordered by competent authority. The same tribunal which tries the soldier in the ranks, the subordinate or the higher officer, was the tribunal which he chose before which he went, and by which he was, more than twenty years ago, convicted of grave crimes, and by reason of that conviction ceased to be an officer in the Army of the United States.

This proceeding is an appeal from the court of his own choice to the political judgment of this legislative body. Ostensibly, the purpose of this appeal is to restore Fitz-John Porter to the rolls of the Army and to the salary and emoluments attached to that position when he shall be placed on the retired-list. It is declared, however, that the real purpose of this movement is to vindicate a long-suffering soldier, to take away from him the stigma of having failed in the hour of the nation's need, to lift off his shoulders the burden he has so unjustly borne for so many years.

I desire to say to gentlemen on both sides of this House that this is not the tribunal to relieve Fitz-John Porter from the stigma and stain of the verdict which sent him disgraced out of the Army. The great body of Union soldiers from the Atlantic to the Pacific have long since made up their verdict against Fitz-John Porter, and no action of Congress can recall or change that verdict. Every Congress that sees this matter discussed in this House but strengthens the conviction of that army to which he ought to look for vindication and a reversal of their judgment against him. Instead of standing better before the American people by this proceeding, no day passes in Congress, with this matter discussed and the discussion going out to the great body of men who represented that army of which he was an officer, without a firmer, a stronger, and a deeper feeling in favor of the verdict of the court-martial which convicted him. If it is for vindication, if it is for the purpose of rewriting the history of the country, silence would better become him and his friends.

Congress can not vindicate him. The bill for his relief comes before the House, and it is decided by a divided vote, because men on both sides differ, and you call this a vindication, a vindication by a political body dividing largely on political lines.

It is such a vindication as no professional soldier ought to ask, and therefore such as no Congress ought to attempt to make.

There are some peculiar surroundings, Mr. Chairman, of this case. We are recalling a matter of discipline in the Union Army, a matter in which the great body of the American people adhering to the Union cause were at one time deeply and vitally interested. The men who fought under the same colors as did Fitz-John Porter were the men most deeply interested in the success of their cause and in the discipline of their Army.

To-day the tribunal to which Fitz-John Porter appeals is a tribunal composed not only of men who served in the Union Army and the representatives of those who sustained them at home, but it is a tribunal composed largely of men who were engaged in disciplining another army, men who did not adhere to the Union cause, and the representatives of men not then represented in the Union; and he and his friends expect that such a tribunal, and a bill carried by the votes of the men who were not interested in good discipline in the Union Army, is going to vindicate him before the great body of the American people. Better go down to history without any attempt to rewrite the history of this matter to fit a single case, the case of a man whose interests are no higher than the interests of the private soldier in the ranks; better let future generations rewrite and reread the history of this time when free from personal feelings, when free from passion, when free from political bias Porter may hope to have a fair and candid judgment. It is only by such a judgment that he can hope to have his name and fame relieved from the stigma which now rests upon them.

Mr. Chairman, in this attempt to rewrite history and correct its judgments there is more of politics than men are willing to admit. In 1862, 1863, and 1864, there was a divided political conviction in the North in regard to the way and manner of prosecuting and conducting the war; the Government, the party in power attempting to prosecute it in a certain way, the party out of power were demanding the prosecution in another way, and Fitz-John Porter represented that other way. For twenty years that other way has been in disgrace among the American people, a confessed fault if not a crime; and this action to my mind is but an attempt, at this late day, to change the verdict of the people, and to declare by this vote that he and his confederates represented the true spirit and the true judgment as to how the war should be prosecuted. It is an attempt to justify the action of those whom we were in the habit of characterizing in the North as hostile to the success of the Union arms. It is a revival by Porter and his friends of the old contest between the friends and advocates of a vigorous prosecution of the war and the advocates of compromise—an affirmative vote on this bill is to be the vindication of the compromisers as well as of Fitz-John Porter.

I heard the question asked here to-night: "Were you ever in the presence of an army and did not know it?" I have been in the immediate presence of forty thousand men for nearly the whole day, and did not know it, and not only I, but so gallant and able a soldier as General Sherman did not know it.

All day on the 5th of April, 1862, the Union Army lay in the immediate presence of the confederate army without knowledge that an enemy was near except a small reconnoitering force.

Mr. BRAGG. May I interupt the gentleman?

Mr. ROWELL. Certainly.

Mr. BRAGG. Let me ask if General Sherman has not certified in a book which he published, and General Grant indorsed the same, and General Prentiss approved the same, that the army at Shiloh was not surprised?

Mr. ROWELL. Mr. Chairman, there is very great difference between being in the presence of an army and being surprised, between not being surprised and not expecting an engagement. There is a very marked difference between being surprised and knowing that an enemy is very near. General Grant, by a dispatch on the night of the 5th day of April, stated that a reconnoitering force of the enemy had attacked two of his regiments, but he had no idea that a general engagement was to be brought on. But he added that he was prepared. If prepared, it was not a surprise to him. I happened to be there. Whether they were surprised or not I do not know; but I do know, by written statements made at the time, that they did not expect a general engagement; and I do know, by the line of battle, arranged not with reference to fighting, but with reference to health, that they did not expect a battle on that day.

Mr. Chairman, when General Pope came from the West he came from an army whose great battles were always victories, whose every campaign resulted in penetrating deeper into the enemy's country. He came to an equally gallant army, but whose commanding officers had never seemed to know how to fight a battle out. He came, as I believe, to predetermined defeat, as every other man who came from that victorious Western army would have come at that time coming to the Potomac; and yet we in a political body, largely divided by political affiliations, are asked to vindicate a man aiding and intending to aid in the defeat—are asked by our vote to add something to or take something from his record. Why from the close of the war down to the present day there has not been a year in my judgment that some friend or attorney of Fitz-John Porter has not presented to the American people some new argument in favor of his acquittal.

Maps have been reconstructed, history rewritten, social and political influence brought to bear, while year by year the American people have been educated upon this question. In the Forty-eighth Congress day after day this matter was discussed and rediscussed. In this Congress a week of valuable time before a body that has no power to vindicate a man is consumed; and we are going to divide and vote, part on one side and part on the other, and because of political majorities made up of a reunion of all the forces on both sides of the conflict we are going to say by that majority that Fitz-John Porter is vindicated and justified!

It is not wise to forget whence comes the vote which is to vindicate Porter and restore him to the rolls of the Army, for the fiat has gone forth that he is to be so restored, for in remembering these things we shall know how to value the vindication.

Out upon any such vindication, upon any such justification. This is not the tribunal of American judgment; this is not the tribunal which has it in its power to change any single letter of the record, that has it in its power to take away from the purest and best of the American people, its Army that wore the blue, the conviction that Fitz-John Porter deliberately, knowingly, and willfully sacrificed General Pope when he might have saved a battle and won victory for the Union arms.

I am satisfied with the verdict of the court-martial and with the verdict of the great body of the Union Army, and shall express that satisfaction by the vote which I intend to cast upon the pending bill.

[Here the hammer fell.]

Mr. PETERS. I yield ten minutes to the gentleman from Kansas [Mr. PERKINS].

Mr. PERKINS. Not being a member of the Committee on Military Affairs I had not expected to engage in this discussion, and until this evening I had no thought or purpose of adding to what I said in the Forty-eighth Congress concerning this case. But at that time I gave to the bill then presented to us for our consideration some thought, some investigation, some careful consideration, and I desire briefly to-night to emphasize and only emphasize what I had then occasion to say.

For more than twenty years it has stood recorded that in an hour of the country's extremity and peril Fitz-John Porter was guilty of insubordination and disobedience of orders; and during all these years the loyal, patriotic heart of this country has indorsed and approved that record. It so approves it now, and asks that in the years that are yet to come it may stand as the recorded judgment of the American people.

Why ought it to be stricken down? What evidence is tendered to us for our consideration? What evidence has been adduced that is calculated to convince any man that the verdict then recorded by that distinguished court-martial was erroneous and wrong? True, it has been criticised; true, supplications and petitions have been presented; true, a military commission reviewed the evidence subsequently, years after that trial and that investigation; a commission that had no power to execute its decrees; a commission that had no power to administer a legal oath; a commission that had no power to command the presence of a witness; a commission constituted and composed of three officers to review the proceedings of a court-martial legally constituted and authorized under the laws of the land sitting for forty-five days patiently, impartially, and conscientiously endeavoring to ascertain and determine the facts.

I have heard it said upon this floor that that is not such a court as is recognized by or known to our Constitution. And yet members here know that quite recently the Supreme Court of the nation in reviewing the celebrated case of Paymaster Smith has recognized and affirmed the constitutionality and legality of military courts-martial, and it has declared the law to be that these officers may not only be tried and court-martialed for offenses committed by them in their military capacity, but they may be court-martialed and tried for offenses committed in a civil capacity if as a matter of fact they are officers representing the Government of the United States.

We all know how important it is, if we desire to ascertain the truth, that a matter shall be investigated when it is fresh in the minds and recollections of the people. As lawyers we all know how important it is, if we are defending criminals, to indulge in delay and procrastination. We know that delay is the essence of our defense, and if we can secure continuances until witnesses are dead; if we can secure delays until facts are forgotten; if we can secure continuances until public interest has subsided or has lost knowledge of the case, then we hope to secure acquittals for our clients. And it has occurred to me that is the essence of this supplication and of this petition that is presented to the American Congress in the name of Fitz-John Porter. When that distinguished court-martial sat for forty-five days and heard the witnesses tendered in defense of Fitz-John Porter, as well as those brought by the Government to confront him with his deeds, all knew the circumstances; the facts were fresh.

General Porter knew whether it rained on that night or not. General Porter knew whether the roads were passable on that night or not. General Porter knew whether his troops were in condition to be marched that night or not. General Porter knew whether he received these orders or not. General Porter knew whether he had moved with expedition and promptness or not. General Porter knew, and so did the country, where the position of these confederate forces was on that day. And now, after more than twenty years from the happening of those events, he comes to Congress to say that that court-martial so patiently investigating these facts knew nothing of them, and were in error.

Is not that, Mr. Chairman, a remarkable proposition? I remember that in the Forty-eighth Congress a distinguished gentleman from New York who had charge of this bill said that we, as members of Congress, were not competent to consider the facts; that we, as members, could not investigate the testimony and determine whether Fitz-John Porter was innocent or guilty. And yet, with that remarkable declaration made here to this House, he pressed upon our attention and our consideration a bill something like the one we are considering to-night. I think it isa remarkable thing in the history of legislative bodies that a man should come before Congress pressing for its consideration such a bill, and yet declaring when so tendering it that that body was not competent to give it an intelligent investigation.

Appeals are made on this floor to us in the name of General Grant; and it is said that after he had given to this subject laborious, careful, and thoughtful investigation he changed his conclusions.

I am glad, Mr. Chairman, to express my appreciation of one fact in connection with this discussion, and that is that it has converted almost all of the Representatives upon the other side of this Chamber into friends of General Grant; and let me say that that better becomes them than the defamation and slander which for years were uttered and expressed against the head and heart of that distinguished statesman and patriotic soldier. But let me suggest to them also that for eight years General Grant had resting upon his shoulders an official oath and official responsibility; for eight years he was the Chief Executive of this nation. During those eight years General Fitz-John Porter knocked at the doors of the Presidential mansion asking that this case of his should be reviewed and reconsidered, and during all that period when General Grant, as President of the United States, had resting upon him the same obligations that rest upon us here to observe and maintain the Constitution and respect the laws, he turned a deaf ear to those solicitations and said: "My duty is plain; my duty is to stand by that court-martial which considered all the evidence and all the facts in an impartial manner and declared that you were guilty as charged in the indictment." Afterward when official responsibility ceased and official cares were laid aside, when General Grant had gone into a different atmosphere and had resting upon him only the simple responsibility of a private citizen, he allowed the avenues to his heart to be opened, and he listened to the supplications and importunities of this unfortunate man. And because General Grant did that we are charged almost with sacrilege because we do not set aside the oath of official responsibility that is imposed upon us as representatives of the American people, and say that we will vindicate, or attempt to vindicate, this man.

Mr. WHEELER. Will the gentleman allow me to ask him a question?

Mr. PERKINS. Yes, sir.

Mr. WHEELER. Did not General Grant say that the reason he did

not act in the case while he was General of the Army was that he had been deceived regarding the facts by papers and maps laid before him by General Pope?

Mr. PERKINS. I will answer that by asking another question—whether General Grant did not say, when he was President, that he had given to all the papers in this case most careful consideration, and that he saw no occasion for a review of the proceedings of the judgment of the court? That was the declaration of General Grant as President of this nation. That was the declaration of the Chief Executive, who had the power and the responsibility resting upon him under the law. That, sir, should be the declaration of this American Congress. Let us as citizens listen to these importunities if we will, but as a legislative body let us not tear down the safeguards that have been established for the administration of military justice, and attempt, as has been suggested here, to rewrite history, and in fact to cover with calumny those who sat upon that important military tribunal.

Mr. Chairman, in the few minutes allowed me here I shall not attempt to review the evidence in this case. In the time at my command I should be unable to particularize as I would like to do. But I remember that in the last Congress I heard it stated on the floor of this Chamber that General Fitz-John Porter would not have been a good soldier if he had not burned with contempt of General Pope. That, sir, was a most extraordinary statement. What had General Pope done? Had he wronged Fitz-John Porter? Had he been disloyal to his country? Had he been unfaithful in its hour of peril and extremity? Had he exhibited cowardice or insubordination upon the field of battle? Who was General Pope? He was an officer distinguished for his services in the Army of the United States, a man educated and graduated at the expense of the Government, one who had rendered good service to his country in the Mexican war, one who had already rendered great service in the war of the rebellion. He had come from the West, where victories had been wrenched from the enemy by impetuosity and daring, and when he assumed command of the armies in Virginia the prayers of the loyal people of all this nation sustained him. At that time from every patriotic hearth-stone in the land pleadings went up to the God of battles that victory might perch upon the banners of the Union armies in Virginia, and it was hoped that General Pope, by his energy and genius, might reunite into one great and irresistible whole those broken battalions and organizations. Such was General Pope, and such was the task imposed upon him; and yet it was stated upon the floor of this Chamber that if Fitz-John Porter had not burned with contempt for General Pope he would not have been a good soldier!

Ah, Mr. Chairman, that shows the animus which moved Fitz-John Porter at that time. That in my judgment is the secret of the delay, the insubordination, the disobedience for which he was tried and convicted in those long days in 1862. It has been said by way of excuse that the night was wet; yet it is known to all who have participated in this discussion that on that night soldiers slept in the field without cover and without shelter. It has been said that General Porter's troops were weary and exhausted and that they marched as far as possible under the circumstances; and yet it is known that they moved on that occasion only from 6 to 9 miles, while the enemy, the men who were fighting to overthrow the Government, marched in the same time some 30 miles. It is said that the roads were blockaded so that his march would have been impeded; yet it has been testified by his own officers that, if ordered to do so, they could have removed all the *impedimenta* in an hour and a half. It has been said that he could not move; yet it has been shown by his officers that had they been so commanded they could have put their troops into position and respected the orders of their superior officers.

Mr. BRAGG. What officer ever testified to that?

Mr. PERKINS. I have not reviewed the testimony for two years, and I will not attempt now to give the officer's name——

Mr. BRAGG. There is no such officer.

Mr. PERKINS. But I will satisfy the gentleman to-morrow, if he so desires, that there was such testimony given before the court-martial by one of Porter's subordinate officers.

Mr. BRAGG. No, sir; you are mistaken.

Mr. PERKINS. I am reviewing this testimony as I remember it from an investigation that I gave to it two years ago.

Mr. BRAGG. You may have read General Logan's speech.

Mr. PERKINS. I did not expect to engage in this discussion until a few moments ago, and therefore I am not prepared to enter into references to the evidence.

These facts confront us; and should they be ignored, should they be set aside, that the importunities, the supplications of this unfortunate man may be heeded by us? I have the honor to represent in part on this floor a State which made more sacrifices for the Union in proportion to its population than any other State. I have the honor to represent in part a State that has to-day more ex-soldiers of the Union in proportion to population than any other State of this nation. And the judgment of that people—not actuated by personal considerations, not actuated by feelings of animosity, not actuated, I hope, by feelings of improper prejudice—the judgment of that people is that instead of having cause for complaint, instead of having cause to condemn the action of the court-martial which tried him, Fitz-John Porter has cause for congratulation to-day that he is suffered to live and enjoy the privileges of an American citizen.

Mr. PETERS. I yield ten minutes to my colleague [Mr. HANBACK].

Mr. HANBACK. Mr. Chairman, the Democratic party never did and never will build a school-house. Upon the wheel of progress it has been a constant air-brake with "Pan-Electric" attachment. [Laughter.] Professing to be the friend of the poor and the humble, it has never wiped from off the brow of labor one drop of sweat. There is in this House at this very moment a bill presented by the leader of this party which, if it shall become a law, will send men away from their shops broken in hope; will send women with their little children into the streets, to land finally in the poor-house and thence in the grave. In this land, in all lands, it has always shouted, "Give us Barabbas!" It is not strange to-night that it should be in favor of the failure whose name is now being pressed upon the House and upon the American people in connection with this bill, because the worst portion of this party that remained in the North constantly voted that the effort to preserve the Union was a continuous failure.

The better part of the Democratic party, believing twenty-five years ago to be oppressed, went out and attempted to destroy this country—the land of our fathers. But the other part remained at home, and as an organization (it is as an organization I speak of it, not of individual members)—as an organization it protested by all the power of its might in its conventions, by the voice of its leaders, against the effort to unite this distracted country.

To it drafts were odious. No matter if the house of the fathers was burning, it sought to hinder men from carrying buckets of water to put out the fire. It shouted through its press that war was murder, and denounced the great and successful commanders as butchers.

It is not strange, therefore, that a solid array of votes from that party will be given on Thursday next in favor of one of the most pronounced failures of the war—not only a failure, but a man who knew better and who failed of his duty.

Five weeks ago, with seven other gentlemen, I took the cars here and went to Manassas Junction for the first time. Carriages awaited us, and we rode out upon the Gainesville road to Bethlehem church, now destroyed save the few bricks that mark its place. I saw where this man, whose restoration to the Army is now advocated, lay all the livelong day on the 29th of August—lay in the hearing of a terrific battle—lay in the hearing of the roar of musketry and the thunder of artillery—lay almost in hearing of the cheers and shouts of the enemies of his country as they swept forward like a besom of destruction over the sons of America fighting for their country—lay under a "fly," not content with the shade—lay quiet there all day, with the head of his column at Dawkin's Branch, with his skirmishers a mile beyond.

During all that day he rested, for there is nothing to show that he rode to his skirmish line, so far in advance of the head of his column. How did he know that an enemy lay before him? Did he advance his line? Did he fire a shot from all his artillery? Did he order an advance to feel the force in his front? No, he rested. I am against a man who rests in battle, save and except it be the company cook, whose right to go to the rear in the hour of battle was never questioned, but whose valor was commended as he crept with painful effort to the skirmish line with a great vessel of hot coffee.

A beautiful country it was in which to fight a battle—hills, dales, and groves of woods. We drove by where the skirmishers were to where, a mile beyond, at Leechman's house, Longstreet planted his first batteries. We drove from there to Groveton, and looked over that field of former strife where so many died on the 29th. We drove farther on, over to the railroad cut and the railroad embankment where Stonewall Jackson held the day not only on the 29th but on the 30th, and where thousands and thousands of men were sacrificed because Porter was resting in sound of the guns, their loved ones weeping to-night in all quarters of the Union with homes darkened by a despair unspeakable, Rachels mourning and refusing to be comforted, and all in that this man failed of his duty. Against the vote which a majority of this House will give I enter my solemn protest in the name of the widows and orphans of the war. I protest in the name of the maimed; in the name of all who suffered in the years succeeding Fitz-John Porter's treasonable delay, I protest. And in the name of the soldiers of the Union who still live, I protest against his rehabiliment in loyal clothing.

I have no time to enter into this discussion. I am sick of the discussion. Talk about men marching in night and rain! I have marched at night when I could not see my horse's ears, and so has the distinguished gentleman from Alabama [Mr. WHEELER], because it happens that once upon a time, in the darkest kind of a night, he captured a train in which were my valise and my other baggage and the letters from my girl; and I presume he read them. [Laughter].

Mr. Chairman, let me read Fitz-John Porter against Fitz-John Porter. I have here, in the Century of last June, an article on the battle of Gaines's Mill, in which he writes:

The Prince de Joinville and his two nephews, the Comte de Paris and the Duc de Chartres, were on the field as volunteer aids-de-camp, actively engaged in encouraging the men, carrying messages, and performing other duties of aids. Each of these officers was in the midst of flying musket-balls and was liable to be struck at any moment. At one time the Comte de Paris, regardless of

himself, begged me to send his uncle to General McClellan with a message, which would at once and permanently remove him from the dangers of the battle—

My God! what a commentary that was on McClellan! If his uncle could get there but once he would be permanently removed from all danger. And this from Fitz-John Porter—

since the family interests at stake were too important to permit him to be so exposed. I had shortly before asked Colonel Gantt, another of McClellan's aids, to hasten to that general and hurry up re-enforcements, as our lines would soon be broken. The danger was now imminent, and I asked the prince to carry the same message, telling him that he was selected because of the speed of his horse. He turned as if to go and I went to attend to the field.

Soon the comte returned, with tears in his eyes and with choking utterance expressive of his care and affection, begged me again to send away his uncle. This also I did. Scarcely had the prince left the second time when our cavalry fell back on us as I have related; our line was broken, and our artillery rendered unserviceable. The prince and Colonel Gantt afterward told me that they did not leave, as I had directed, because all seemed favorable to us, and they thought I could not be in earnest or that I had greatly misjudged the situation.

Here is the gist of the thing:

This shows how sudden the tide may turn in battle, and on what little incidents success may depend.

Why did Fitz-John Porter not think of that when he got all the commands he did from Pope? Should they not have been instantly obeyed; or, at least, should not a prompt desire have been shown? But really he needed no command when he heard the guns. There could have been no stronger call to duty. Here is my friend THOMPSON, a noble man, an honored Representative from Ohio, who was shot on the 29th of August. He is an honorable member of this House; and he was there fighting for his country, while this man, who now seeks to be a colonel in the army he betrayed, was resting.

Fitz-John Porter did not hear that battle! If Phil. Kearny, who died at Chantilly, had commanded that column of ten thousand men would he have put up a "fly" and covered himself up? Would he have gone under the shadow of a tree? Would he have said that he would not go in where McDowell commanded him to go because he would get into trouble? No, sir; he would have marched, as he always did, to the sound of the guns. When he heard the roar of the guns he would have rushed to the assistance of his comrades. He would have marched, as he always did, to the sound of the guns. [Applause.]

Against this man is a charge which history has planted deep-rooted and rock-ribbed, and which this and no other Congress can wipe out. It is a damned spot, which can not be wiped out. It will live there forever. History will not vindicate him. Men will rise up in judgment against him in the future as they did against another man in the past who betrayed his country in her direst hour of distress.

I heard a statement made to-day on this floor of a man whom we all know, that he regarded he had been imposed upon by his judge-advocate. Who was that man? He was a man whose life was worth living beyond all doubt or question. Born in poverty's deep distress, raised in a humble home, uneducated, compelled to follow and in sore distress the devious ways of poverty, led by a strange yet loving circumstance to an interior town in a new State, beloved by all and honored by the people of his town and State for twenty-five years, and suddenly called to fill the highest place in all the land—how shall I speak of him to-night, who was so noble, brave, and true; of him whose pulsing heart beat with love of human kind—the world's oppressed and poor; of him who in the midst of war's wild delirium heard the command as Moses did from Sinai's awful height, heard and obeyed; and breaking in sunder the chains which bound four million souls, bade the oppressed go free; and then in victory's supremest hour, when all his labor had been molded into complete success, slain by the hand of an assassin, the last dastard attempt at the destruction of the country. Dead! No, not dead; for over all the world wherever liberty is loved, wherever freedom's holy spell exerts her peaceful sway, wherever men are suffering under the oppressor's rod, hope grows more buoyant and faith smiles triumphant at Lincoln's name. And because he said the judgment of the court composed of America's noblest sons was right, I shall vote against the man who faltered in the hour of his country's need. [Applause.]

Mr. PETERS. I will yield now for ten minutes to the gentleman from Vermont [Mr. GROUT].

Mr. BRAGG. I would like to know whether the gentleman has any more time to yield.

The CHAIRMAN. The hour during this evening has been somewhat lengthened.

Mr. BRAGG. That will scarcely do, for the reason this debate may be managed so that time reserved may be carried into to-morrow's debate. I have no objection to a member dealing out all the time which fairly belongs to him, but when he begins to yield time which he does not have I have considerable objection to it.

The CHAIRMAN. The Chair will try to equalize between the two sides before the close of the debate.

Mr. BRAGG. I desired, before the gentleman from Vermont proceeded, to call attention for the benefit of my eloquent and poetical friend from Kansas——

Mr. PETERS. This does not come out of my time.

Mr. BRAGG. Your time has already expired so far as that is concerned.

Mr. PETERS. I have only yielded forty minutes.

Mr. BRAGG. The gentleman has occupied his hour.

Mr. PETERS. I am not the time-keeper.

The CHAIRMAN. The Chair will protect gentlemen in their rights.

Mr. BRAGG. I want the attention of my poetical and very eloquent friend from Kansas, if he is within hearing of me, because I would like to have him pick up a little information upon this question from some official records which I desire him to hear.

Mr. HANBACK. Very well.

Mr. BRAGG. I read to the gentleman now from the records:

HEADQUARTERS ARMY OF VIRGINIA (NEAR BULL RUN),
August 28, 1862—9.50 p. m.

Major-General KEARNY—

who always went "whenever he heard the musketry firing"——

Mr. HANBACK. Do you say that he did not?

Mr. BRAGG. This is the gentleman who always marched to the sound of the guns.

General McDowell has intercepted the retreat of the enemy—

Mr. HANBACK. I ask the gentleman if he says General Kearny did not march to the sound of firing?

Mr. BRAGG. I do say so.

Mr. HANBACK. Well, that is enough.

Mr. BRAGG. I am going to read the gentleman some dispatches in proof of the fact that he did not.

Mr. HANBACK. I say he did.

Mr. BRAGG. I ask the gentleman's attention:

General McDowell has intercepted the retreat of the enemy, and is now in front; Sigel on the right of McDowell. Unless he can escape by passes leading to the north to-night he must be captured. I desire you to move forward at 1 o'clock to-night even if you carry with you not more than two thousand men, though I trust you will carry the larger part of your division. Pursue the turnpike from Centreville to Warrenton. The enemy is not more than 3½ miles from you. Seize any of the people of the town to guide you. Advance cautiously and drive in the enemy's pickets to-night, and at early dawn attack him vigorously. Hooker shall be close behind you. Extend your right well in the attack. Be sure to march not later than 1, with all the men you can take.

JNO. POPE,
Major-General, Commanding.

The testimony of General Heintzelman, if the gentleman will take the trouble to examine it, will show him that General Philip Kearny remained in his camp until after daylight.

Mr. HANBACK. I think General Kearny was dead at that time, was he not?

Mr. BRAGG. Yes, sir.

Mr. HANBACK. I mean at the time that the testimony was given.

Mr. BRAGG. Yes, sir.

Mr. HANBACK. And could not be present to contradict?

Mr. BRAGG. Now, if the eloquent gentleman from Kansas will give me his attention a little further I will read a part of the report upon the battle.

Mr. HANBACK. Not General Kearny's.

Mr. BRAGG. He could not make one after he was dead. Perhaps where you are all going you will be able to hear his report. [Laughter].

General Pope arrived between 1 and 2 p. m. The enemy—

And I refer now to the operations of Grover's brigade, which the member from New Hampshire, a member of that brigade, testified had failed of its support. I read the official comments of the action—

The enemy were driven back a short distance toward Sudley church, where they made another stand, and again pressed a portion of our line back. All this time General Kearny's division held its position on our extreme right. Several orders were sent to him to advance, but he did not move until after the troops on his left had been forced back, which was near 6 o'clock p. m.

There was the support for Grover; that gallant brigade which was almost annihilated. If you look further to the official records you will find that at the same time Porter received the dispatch to move at 1 o'clock, 9 miles from Pope's headquarters, General Philip Kearny was resting 4 miles from Pope's headquarters, just upon his right; and though he received this dispatch, "Move at the first blush of dawn," General Kearny arrived at Bristoe after the 4-mile march an hour after Porter arrived after the 9-mile march. [Applause.]

Mr HANBACK. Well, that is all right. He was a fighter all the same, wasn't he?

Mr. BRAGG. Oh, no doubt of that. I do not say anything against that.

Mr. HANBACK. And he wasn't court-martialed either, was he?

Mr. BRAGG. He was not.

Mr. PETERS. I was but a boy at the time of the battle of Bull Run, a beardless youth with three stripes on my arm, a mere file-closer in a company. I did not know much about war at that time, although I had been in the army from October, 1861, the beginning of the campaign in Virginia. I did not know anything about generals. I did not know anything about positions. I remember with what admiration and almost reverence I looked upon the first major-general that I ever saw knowing him to be such, and he was not a very large major-general either. I will not mention his name. But I remember when I saw those two stars on his shoulder that I thought he was something of a god.

I do not place my vote or my position upon this bill upon my own information or upon my own judgment, for the reason that at that time

I knew nothing of war and was young and inexperienced. But I hold in my hand a history written by the colonel of my regiment, a faithful diary kept by him of almost each day's events, and I rest my case and my vote upon the record therein contained. I know that a man who then commanded Company A of my regiment, and who afterward commanded my regiment and carried it from the time he won his promotion up to the very close of the war, a man whom I know personally, a man who did have judgment, a man who was the acquaintance, the friend, the intimate friend of those who did command corps and divisions at Bull Run—I know that so far as my vote is concerned I can base it upon his statement, and that I may rely upon that statement as being that of a mature man, a mature and military mind. His history was not written in the interest of Fitz-John Porter; it was not written in the interest of Major-General Pope; because in this little narrative he criticises General Pope perhaps with more severity than he does any other man that had connection with that battle.

I have a great deal of charity for men who have made mistakes But upon this one question and this one bill I realize that I have more feeling and perhaps, I will frankly say, I have more prejudice than upon any other question that can come before this House; because upon that Bull Run battlefield one of the best and truest of my boyhood friends that went with me from college to the battlefield laid down his life; and as I believed then and as my regiment believed then, as I believe now and as my regiment believes now, he might, in all probability, have been living to-day if Fitz-John Porter had been where he was ordered to be on the morning of the 29th.

I say I have not the calmness and deliberation to argue or reason upon this proposition. I have too much feeling upon it. I have too much intense friendship for that boy-lieutenant who died upon that field of battle, as well as for the one hundred and seventy others of my regiment who were killed and wounded, it being the regiment that was upon the left of our army upon the day of the 30th. I wish I had time to read a little of what was written by my colonel, written down at the time, in regard to the movements that were made. Suffice it to say that he shows by that little record that he kept that on the 29th day of August, Schenck's division was ordered to move to the right of the pike on which my regiment was; that Colonel McLean's brigade, the Ohio brigade composed of the Seventy-third (which was my regiment), the Seventy-fifth, the Fifty-fifth, and the Twenty-fifth Ohio—that Schenck, with his division, of which this brigade was a part, was commanded to move to the right; that General McDowell and General Porter were coming in upon our left. General McDowell came in upon our left, and his gallant boys went forward just before dark and made a grand charge. But Porter's corps came not.

They say there was no fighting upon the 29th. Why, sir, can any man convince me that there was no fight upon the 29th? Can any man make me believe that my right hand is not raised? Can any man make me believe that I am not living? I say I can not argue upon this proposition, and I feel that intensity of emotion upon this subject that I can not suppress. When men say to me there was no battle on the 29th, I know they say what they do not know to be true; and I know they say what the men of my regiment know to be false.

I have, as I said, charity for a man who has done wrong. I have a great deal of charity for Fitz-John Porter, because of the school in which he was raised, not only from the time he entered West Point, but from the time of the beginning of the war of the rebellion up to the battle of Bull Run. I believe, and I say it with reverence, that Abraham Lincoln was responsible to some extent for the disobedience of orders that Fitz-John Porter was guilty of on that day.

Fitz-John Porter was an intimate friend and pet of General George B. McClellan, and the great-hearted Lincoln, in his desire to save the country, was so liberal and indulgent in his conduct toward that general, that Fitz-John Porter had been led to believe that General McClellan controlled this country, and that no man could do otherwise than as General McClellan desired. I believe that Fitz-John Porter believed firmly that whatever his conduct might be General George B. McClellan could shield him from the consequences of his own acts.

Who can read the history of that time written by a member of this House, showing the relations that existed between General McClellan and the President of the United States during that period, and fail to recognize the fact that Abraham Lincoln was entirely too lenient toward General McClellan, and that the very fact of his great leniency undermined the discipline of the Army of the Potomac? Fitz-John Porter, under the training and schooling of his association with McClellan, who day after day violated the orders of the President, failing to move upon the enemy—Fitz-John Porter, I say, realized or thought he realized that he was safe beneath the shadow of the wing of the man who was in command of that Army at that time. Mr. Chairman, I do not say this by way of reflection upon General McClellan, because I believe, with a firmness akin to the belief I have in the guilt of Fitz-John Porter, that McClellan as a general acting upon the defensive was a great general. He was not born nor educated to be an offensive general, but it is no fault of his that he was incapable of working out an offensive campaign. I say that Fitz-John Porter's associations were such that he was led to believe that he could disobey the order of his superior officer and not be guilty of any great offense or crime. So, when he received these orders from General Pope, influenced as he was by the feeling that had existed in the Army of the Potomac under the command of General McClellan, he did not realize that it was his duty as a soldier to obey them regardless of results.

They tell me that Fitz-John Porter had the right at the time to determine whether it was politic or prudent for him to make the attack as ordered. Suppose Major Peter Keenan, with his four hundred cavalrymen at Chancellorsville, when General Pleasanton said to him, "Major, you must take your four hundred men and charge in the face of Jackson and gain me thirty minutes' time in which to load these guns"—suppose Major Peter Keenan on that occasion had answered, "Ah, it is death to go in there, and I will not do it!" Did he say that? Ah, no! That gallant soldier gave the command to his four hundred men, "Forward!" and every one of those men knew as well as he knew that when he went forward in the face of that column he was going to almost certain death. Nevertheless they charged, and gained for Pleasanton the thirty minutes' time he needed; and he loaded his guns to the muzzle, and when Jackson had wiped away the heroic little column and his troops came forward again they were met with a volley of grape that took them off their feet, staggered their column, and I believe saved the Union army for that time. But, I say, suppose Major Peter Keenan had received the order of his commanding general on that occasion as Fitz-John Porter received the order of General Pope and refused to obey as did Fitz-John Porter, he would have been tried for disobedience, and Hooker's army might have been destroyed.

Jackson's column was one that could be met only by men who were prepared to stand up against it with the same persistence and energy and determination that urged it forward. I had the fortune, or the misfortune, to fight against Jackson's column at Chancellorsville and at other places, and, though only a boy at the time, I know whereof I speak when I say that the only way to repulse the charge of that column was to meet it with equal energy and equal determination to do or die. So I say that General Fitz-John Porter, when he received the order from General Pope to make an attack, was in duty bound as a soldier to make the attack, and by making it determine whether it could be successful or not. It was for Pope to consider what the consequences would be. If the consequences were fatal the responsibility would rest upon General Pope and not upon General Porter. I think it is disclosed by the evidence, at least it is to my mind, that Fitz-John Porter did not really know at the time the extent of the force that was in front of him. But suppose he did, he had no right to believe other than that General Pope intended him to make that attack, even though he sacrificed his entire corps, in order that other portions of the army might be relieved and that the plan of the major-general commanding the army might be carried out to a successful termination. Sir, if Fitz-John Porter had been as good a soldier as Maj. Peter Keenan was at Chancellorsville, he would have made that attack when it was ordered with as much firmness and as much intensity and as much zeal, and I believe that if he had made an attack, as he should have done, on the 29th of August, my regiment would not have gone back on the 30th almost wholly cut to pieces, broken up, demoralized, and thrown into such a condition that months of recruiting were required to restore it to even minimum strength.

Mr. BRAGG. Will the gentleman please mention the name of his regiment?

Mr. PETERS. The Seventy-third Ohio. Colonel McLean, colonel of one of the Ohio regiments, was the brigade commander, in General Schenck's division.

Now, Mr. Chairman, I said in the beginning of my remarks that I did not base my vote on this question upon my own experience or knowledge. Like every one who as a boy shouldered his musket and went out to fight I have an intuition upon this subject and I have great confidence in that intuition. I have also great confidence in those who were over me at that time, with whom I have conversed since, and whose statements in relation to it, written down at the time, I have read and reread.

But I base my judgment upon this bill, also upon the justice and completeness of the trial by court-martial. I know it is said that Mr. Lincoln had not time to review the finding. But, sir, any one who knows something about that great heart of Lincoln, and about his treatment of men who commanded our armies, must realize that every drop of blood in his veins beat in sympathy with the man who had suffered a misfortune. That man who could against the undivided opinion of his Cabinet place General George B. McClellan in command of the Army and retain him there until after Antietam would have done no injustice to Fitz-John Porter. The sentence of that court as laid before Mr. Lincoln, if I have been correctly informed, was something more than cashiering from the service of the United States; and it was the kind, grand, noble heart of Lincoln that prevented the carrying out of a sentence which, if executed according to the finding of the court, would have placed it out of the power of Fitz-John Porter to appeal to-day to the American Congress to reinstate him. I base my judgment upon those things which I believe were fairly and carefully adjudicated at the time, and upon that judgment I am willing to stand or fall.

[Here the hammer fell.]

Mr. GROUT. Mr. Chairman, I am going to vote against this bill. And I am moved to give some of my reasons for that vote, because I think it profitable to hold the attention of the House and of the public to the law and the facts which should control in the disposition of it.

On the 10th day of January, A. D., 1863, nine general officers of the United States Army, to wit, David Hunter, E. A. Hitchcock, Rufus King, B. M. Prentiss, James B. Ricketts, Silas Casey, James A. Garfield, N. B. Buford, and James P. Slough, sitting as a general court-martial, found General Fitz-John Porter guilty of certain charges and specifications, alleging the disobedience of certain orders, not necessary here to be recited, but which will be read further on; which orders were issued by General Pope, then commanding the Army of Virginia, just before and on the first day of the second battle of Bull Run. The trial was had under the ninth article of war, which is as follows:

Any officer or soldier who * * * shall disobey any lawful command of his superior officer, shall suffer death, or such other punishment as shall, according to the nature of his offense, be inflicted upon him by the sentence of a court-martial.

The court found a general verdict of guilty, and passed the following sentence:

And the court do therefore sentence him, Maj. Gen. Fitz-John Porter, of the United States volunteers, to be cashiered, and to be forever disqualified from holding any office of trust or profit under the Government of the United States.

D. HUNTER,
Major-General, President.
J. HOLT, *Judge-Advocate.*

In accordance with the sixty-fifth article of war the proceedings of this court-martial were reviewed by President Lincoln, and the following was the result:

The foregoing proceedings, findings, and sentence in the foregoing case of Maj. Gen. Fitz-John Porter are approved and confirmed; and it is ordered that the said Fitz-John Porter be, and hereby is, cashiered and dismissed from the service of the United States as a major-general of volunteers, and as colonel and brevet brigadier-general in the regular service of the United States, and forever disqualified from holding any office of trust or profit under the Government of the United States.

ABRAHAM LINCOLN.

JANUARY 21, 1863.

Now, here was a conviction and a sentence by a legally constituted judicial tribunal, which had jurisdiction of both the subject-matter and the person of the accused.

This verdict and sentence were approved by the President of the United States, the only person who under the laws of the land had revisory power over them. It was in every sense a judicial proceeding, and as such Congress has no more authority under the Constitution to inquire into it or set it aside, as proposed by this bill, than it has to set aside a decision of the courts.

Benét, in his excellent work on military law, says:

A court-martial is the proper and sole tribunal for the trial of military officers. It is a lawful tribunal, existing by the same authority that any other court exists, and the law military is a branch of law as valid as any other, and it differs from the general law of the land in authority only in this—that it applies to officers and soldiers of the Army but not to other members of the body-politic, and that it is limited to breaches of military duty.

Caleb Cushing, Attorney-General in 1854, speaking on this subject, says:

The decisions of the President of the United States in cases of this sort are that of the ultimate judge provided by the Constitution and the laws. Like that of any other court in the last resort of the law, it is final as to the subject-matter.

The Supreme Court of the United States, in Reed *ex parte*, 100 United States Reports, 13, hold the following language:

The constitutionality of the acts of Congress touching Army and Navy courts-martial in this country, if there could ever have been a doubt about it, is no longer an open question in this court. It is the organism provided by law and clothed with the duty of administering justice in this class of cases. Its judgments when approved as required rest on the same base and are surrounded by the same considerations which give conclusiveness to the judgments of other legal tribunals, including as well the lowest as the highest under like circumstances.

And again, in Dynes *vs.* Hoover, 20 Howard, 81, the court says:

If a sentence be so confirmed it becomes final, and must be executed unless the President pardons the offender. * * * When confirmed it is altogether beyond the jurisdiction or inquiry of any civil tribunal whatever, unless it shall be in a case in which the court had not jurisdiction over the subject-matter or charge, or one in which, having jurisdiction, it has failed to observe the rules prescribed by the statute for its exercise.

But there is no pretense that this court-martial had not jurisdiction of the subject-matter and of the accused; nor is there any claim that the proceedings were not regular in every respect, from the order convening the court to the approval by the President. Courts-martial are, of course, the creatures of Congress, but no more so than are all the courts of the United States, except alone the Supreme Court, for which the Constitution in terms provides. In the one case the Constitution says:

Congress shall have power to make rules for the government and regulation of the land and naval forces.

And under this clause it created courts-martial. In the other case the Constitution says:

The judicial power of the United States shall be vested in one Supreme Court and such inferior courts as the Congress may from time to time ordain and establish.

And under this clause the circuit and district courts, the courts of the District of Columbia and in the Territories, all have their existence by authority of Congress. But this gives Congress no revisory power over the work of courts-martial, nor over the work of any of these other courts, of which it is equally the creator.

Now what would be thought by the lawyers of this House and of the country were a proposition to be brought in here to annul and set aside some judgment of a district or circuit court? There could be but one opinion. It would be denounced as an usurpation of judicial authority by the legislative branch of the Government.

The alarm would at once be sounded and we should be warned of the dangers which all the great writers upon the Constitution have foretold as certain to result from the encroachment by one of the co-ordinate branches of our system upon the prerogatives of the other branches; and if, in the language of the Supreme Court in Reed *ex parte*, above cited, "its judgments"—the judgments of a court-martial—"when approved as required, rest upon the same base and are surrounded by the same considerations which give conclusiveness to the judgment of other legal tribunals, including as well the lowest as the highest," wherein is the proposition of this bill to annul and set aside the findings and sentence of this court-martial any less an attack upon the sanctity and finality of judicial proceedings than if it were a proposition to overhaul some judgment of one of the Federal courts? Wherein would the one be any less a case of legislative intermeddling than the other?

But some one asks, is there no relief against the mistakes of courts-martial? No opportunity for newly-discovered evidence to save the innocent from the fate which the guilty alone should suffer? Certainly there is; and that relief is ample, and may be invoked at any time before the sentence is executed. That part of the sentence which dismissed General Porter from the service was executed at the time, and upon the authority of the Supreme Court in Dynes *vs.* Hoover above cited, "is altogether beyond the jurisdiction of any civil tribunal whatever." That part of the sentence which disqualified General Porter from holding office was a continuing sentence, and was, of course, at any time subject to remission by the President, and acting upon the doubts which have arisen in the case, the President has fully relieved General Porter from all disabilities on account of that part of the sentence; and he is to-day eligible to any office within the gift of the people or the President.

Now, if the Democratic party is determined to have Fitz-John Porter vindicated—and I say this because an examination of the record discloses the fact that only one Democrat in both the House and Senate voted against the bill identical with this which was passed by the Forty-eighth Congress, but was finally vetoed by President Arthur—I say if the Democracy want him vindicated let this Democratic administration send his name into the Senate for such office as shall satisfy both himself and his party, and the proposition can then be considered upon its merits. His dismissal from the service will be no legal bar to his confirmation to any office except that from which he was dismissed, and perhaps not from that if a vacancy existed at the time of the appointment and the appointment was of and for that time. But that is not what this bill proposes. This bill recites in the preamble the findings and judgment of the court-martial and the recommendation of the advisory board that that judgment be annulled and set aside, and then in the enacting clause authorizes the President and Senate to appoint General Porter to the identical office from which he was dismissed and as from the date of his dismissal. Now, if the President and Senate were to do this is it not perfectly plain that it would annul and set aside the judgment of the court-martial? It is a maxim of law that that can not be legally done indirectly which can not be done directly.

Remember that General Porter is not pardoned from that part of the sentence dismissing him from the service. Now, while this bill does not propose in terms to "annul and set aside" that part of the sentence by cautiously keeping that proposition out of the enacting clause, reciting it only in the preamble, it does authorize the President and Senate to restore him to his old office as of the very date of his dismissal. If this be done, what has became of the sentence of dismissal? Has it still any force? Clearly not. It has been met face to face by the action of the President and Senate under this bill and is destroyed. It has been "annulled and set aside." The result is the same as though the enacting clause was to that effect. This indirection does not relieve from the Constitutional objection. It is none the less an attack by the legislative branch of the Government upon the validity and finality of a judicial sentence.

Let us not forget that we are living under a government of law, and that that government can be best preserved by an adherence to the forms and requirements and limitations which the law has prescribed. And I repeat, if some holocaust must be made to Fitz-John Porter let it at least be brought within the forms of law. Let his admirers have him nominated to some office, to any office, to which, under the pardon of the President, he is eligible, and take his chances before the Senate. But let Congress halt on the proper limit of its prerogatives. Let it still maintain some respect for that conclusiveness of judicial proceedings which the jurisprudence and the legislation of every civilized people on the face of the globe have always regarded as inviolable.

This constitutional objection would be quite sufficient to determine my vote against this bill, even though I felt that General Porter was

wronged by the judgment of the court-martial. But failing, as I do, to find any equity in his case, and seeing, as I do, the dangers attendant upon the invasion of the judicial by the legislative power of our Government, and seeing also the demoralizing effect which the overthrow of these court-martial proceedings must surely have upon the future discipline of the Army, like "him who hath his quarrel just," I feel that those who may vote against this bill are at least "thrice armed;" armed with the highest considerations of a sound public policy; armed with the sanctions of the law and with even-handed justice. And now having done with the law, let us look a little into the facts of the case.

To fully understand the relation of Fitz-John Porter and his command to General Pope and the Army of Virginia at the time of the second battle of Bull Run, it will be necessary to take a glance at the military situation as covered just before and at that time by the operations of both the Army of Virginia and the Army of the Potomac.

It is matter of history how, in the early spring of 1862, the Army of the Potomac, General McClellan, commanding, started for Richmond by way of the Peninsula. It is also matter of history that the long, weary days of June found that patient, heroic army in a deadlock with the enemy in the swamps of the Chickahominy.

During the last days of June that series of battles was fought which resulted in the disastrous retreat of the Army of the Potomac to the cover of the gunboats at Harrison's Landing.

Meantime, for the purpose of relieving the Army of the Potomac of its perilous situation, the Army of Virginia was organized and given to the command of General Pope. This command mustered about thirty-seven thousand men, and General Pope took personal command at Warrenton on the 29th of July, 1862. The problem with the War Department was how to get the Army of the Potomac again into the field as an aggressive force and at the same time prevent the capture of Washington and the invasion of Maryland and Pennsylvania. To assume offensive operations again upon the Peninsula, McClellan required reenforcements far beyond the power of the War Department to furnish.

General Halleck, just then appointed General-in-Chief, went to Harrison's Landing and inspected the Army of the Potomac, and on his return to Washington on the 3rd of August issued an order for the withdrawal of that army by transports to the defenses of Washington, and for the re-enforcement of the Army of Virginia. The difficult and perilous duty was assigned to General Pope of standing between Lee's army and the capital until the Army of the Potomac should come up. It was in the nature of a forlorn hope, and General Pope asked to be relieved, but the authorities held him to the undertaking. General McClellan had all the time insisted that no part of Lee's army could or should be detached for a movement on Washington while he held Harrison's Landing. But it is a fact in history that on the very day General McClellan received the order to evacuate Harrison's Landing, August 4, Jackson was at Gordonsville, and five days later, August 9, which was five days before McClellan had embarked a man, he encountered Pope's army at Cedar Mountain, more that 100 miles from Richmond, and with his own, Ewell's, and A. P. Hill's divisions, fought a severe battle, in which the confederate killed and wounded were some fourteen hundred. This was the first of that series of sharp encounters between the confederate forces and the Army of Virginia which culminated on the 29th and 30th of August in the second battle of Bull Run. During these twenty eventful days the headquarters of the gallant little Army of Virginia were where the commander foresaw they would be, literally "in the saddle," and the officers and men were constant in watching, and marching, and fighting.

General Pope's plan was to lie off on the flank of the enemy, for his greatly inferior numbers did not justify meeting him face to face, and by rapid movements and unexpected attacks upon his line of march and his communications delay him as much as possible till the arrival of the transports.

He first maintained, till no longer tenable, the line of the Rapidan; but was compelled on the 18th of August to fall back across the Rappahannock, meanwhile hardly a day passing in which there was not collision somewhere between the two armies.

Now, as showing something of the character of the campaign General Pope was conducting, which in turn must give character to the orders issued during that campaign, and especially those of the 27th and 29th of August to Fitz-John Porter, I will here read a couple of orders from the General-in-Chief:

WASHINGTON, *August* 18, 1862.

General POPE:

I fully approve your movement. I hope to push a part of Burnside's forces to near Barnet's Ford by to-morrow night to assist you in holding that pass. Stand firm on the line of the Rappahannock till I can help you. Fight hard and aid will come.

H. W. HALLECK, *General-in-Chief.*

Here is another, three days later:

WASHINGTON, *August* 21, 1862.

General POPE:

I have just sent Burnside's reply. General Cox's forces will be here to-morrow and next day. Dispute every inch of ground and fight like the devil till we can re-enforce you. Forty-eight hours more and we can make you strong enough. Don't yield an inch if you can help it.

H. W. HALLECK, *General-in-Chief.*

These and such as these were the orders under which General Pope was acting, and probably none more urgent or positive were issued during the late war on either side. Nor were the orders more urgent than was the situation. It must be admitted that both Pope's army and the capital back of it were in very great peril. August 21 Lee had his headquarters at Culpeper. On the 25th Jackson with his own and Ewell's and A. P. Hill's divisions crossed the Rappahannock well up that stream, where Pope's extended line was too weak for successful resistance, and by a forced march on the 26th reached Bristoe Station at just about nightfall and captured two trains of cars.

General Jackson in his report says they had marched 30 miles that day, but hearing of a supply of stores at Manassas Junction, some miles away, though the night was dark, he dispatched a force to capture that place, which was successfully done.

The 27th, Hill's and Jackson's divisions went to Manassas Junction, 4 miles toward Washington. Ewell's division remained at Bristoe Station, and toward night was attacked and driven back by General Pope's advance under Hooker, coming from the direction of Warrenton Junction. In this encounter our loss was about three hundred.

Now let us leave for a moment these three confederate divisions with their location on the evening of the 27th of August thus distinctly fixed, and bring General Fitz-John Porter upon the scene; for it was on this evening that he recieved from General Pope an important order, which, with others that he afterwards received, the court-martial found he did not obey.

Here a dispatch from General Halleck to General McClellan becomes important:

WASHINGTON, D. C., *August* 19, 1862.

General MCCLELLAN,
Commanding Army Potomac, Fort Monroe:

The enemy is moving in great force across the Rapidan. It is of vital importance that you send forward troops as rapidly as possible, leaving the material which is not absolutely necessary, to follow more leisurely. We want immediately all the men that can possibly be sent.

H. W. HALLECK, *General-in-Chief.*

Among the orders to the corps commanders by General McClellan hurrying them up was the following exceptional and significant one to Fitz-John Porter:

AUGUST 20, 1862—11 a. m.

General PORTER:

Please push off your troops without one moment's delay. The necessity is very pressing—a case of life and death. What progress is made and when will you be through? See me before you sail.

GEORGE B. MCCLELLAN.

This order is exceptional because no other order issued by him in the embarkation of his troops, which remember he was called upon on the 4th day of August to make, approaches this in urgency of language; it is exceptional also because of the request "see me before you sail."

None of the many dispatches to his other officers contain any similar request. And perhaps only for Fitz-John Porter's subsequent conduct it would be a circumstance too slight to attract attention. But in the light of that conduct it at once becomes significant as showing betweenthese men some matter of private or personal concernment; something not suitable or, at least, not desired by General McClellan to be communicated officially. It may have been only a matter of intense personal friendship which could not give the "good-by and God bless you" without at the same time a fervent grasp of the hand.

If it were this and nothing more, it was still significant as giving color to what General Porter said and did afterward. Whether there was a meeting under this request, and, if so, what passed between them, there is nothing in the case to show. General Porter embarked with his corps at Newport News the 21st and disembarked at Aquia Creek the 22d, going by rail to Falmouth, thence up the Rappahannock under General Burnside's orders to join Pope's army.

On the 26th he received his first order from General Pope, as follows:

HEADQUARTERS ARMY OF VIRGINIA,
Warrenton Junction, August 26, 1862—7 o'clock p. m.

GENERAL: Please move forward with Sykes's division to-morrow morning through Fayetteville to a point two and a half miles of the town of Warrenton, and take position where you can easily move to the front, with your right resting on the railroad. Call up Morell to join you as speedily as possible, leaving only small cavalry forces to watch the fords. If there are any troops below, coming up, they should come up rapidly, leaving only a small rear guard at Rappahannock Station. You will find General Banks at Fayetteville. I append below the position of our forces, as also those of the enemy. I do not see how a general engagement can be postponed more than a day or two.

McDowell, with his own corps, Sigel's, and three brigades of Reynolds's men, being about thirty-four thousand, are at and immediately in front of Warrenton; Reno joins him on his right and rear, with eight thousand men, at an early hour to-morrow; Cox, with seven thousand men, will move forward to join him in the afternoon of to-morrow; Banks, with six thousand men, is at Fayetteville; Sturgis, about eight thousand strong, will move forward by day after to-morrow; Franklin, I hope, with his corps, will by day after to-morrow night, occupy the point where the Manassas Gap Railroad intersects the turnpike from Warrenton to Washington City; Heintzelman's corps will be held in reserve here at Warrenton Junction until it is ascertained that the enemy has begun to cross Hedgeman's River. You will understand how necessary it is for our troops to be in position as soon as possible. The enemy's line extends from a point a little east of Warrenton Sulphur Springs around to a point a few miles north of the turnpike from Sperryville to Warrenton, with his front presented to the east, and his trains thrown round well behind him in the direction of Little Washington and Sperryville. Make your men cook three days' rations and keep at least two days' cooked rations constantly on hand. Hurry up Morell as rapidly as possible, as also the troops coming up in his rear. The enemy has a strong column still farther to his left toward Manassas Gap Railroad, in the direction of Salem.

JOHN POPE.
Major-General, Commanding.

Maj. Gen. FITZ-JOHN PORTER,
Commanding Fifth Army Corps.

Here is what Porter sent to General Burnside, to whom it was his duty to communicate all information:

FROM ADVANCE, 11.45 P. M., *August* 26,
Received August 27, 1862.

Major-General BURNSIDE:

Have just received orders from General Pope to move Sykes to-morrow to within two miles of Warrenton, and to call up Morell to same point, leaving the fords guarded by cavalry. He says the troops in rear should be brought up as rapidly as possible, leaving only a small rear guard at Rappahannock Station, and that he can not see how a general engagement can be put off more than a day or two. I shall move up as ordered, but the want of grain and the necessity of receiving a supply of subsistence will cause some delay. Please hasten back the wagon sent down, and inform McClellan that I may know I am doing right. Banks is at Fayetteville; McDowell, Sigel, and Ricketts at and immediately in front of Warrenton; Reno on his right; Cox joins to-morrow, Sturgis next day, and Franklin is expected. So says General Pope.

F. J. PORTER, *Major-General.*

On reading this dispatch from Porter to Burnside one can not help asking by what enchantment Fitz-John Porter felt himself so fastened to the fortunes of General McClellan or so controlled by his will that he wanted him informed that he was going to obey the order of his superior officer and move up his corps toward the impending battle. This dispatch shows another thing. It shows that General Porter was questioning in his own mind if he would be doing right to obey this first order from General Pope. He was also questioning if he would in fact obey it. But it seems he concluded to do so, for he says, "I shall move up as ordered," suggesting at the same time causes of delay if, perchance, it should be thought by any one that he did not move as rapidly as he might.

Saying nothing more, this dispatch from Porter to Burnside shows at least a strong anxiety not to displease McClellan. It confesses in unmistakable terms that McClellan had reason to expect something different from what he was going to do. It, at least, confesses that Fitz-John Porter understood McClellan was expecting something different.

When and where and how did Porter get that understanding? But he did "move up as ordered;" and on the 27th, at night, was at Warrenton Junction.

Now, with Porter at Warrenton Junction, recall the fact that on that same night we left the confederate divisions of Jackson and Hill at Manassas Junction, and that of Ewell at Bristoe Station, four miles further down the railroad, it being nine miles still further down the track to Warrenton Junction, where Porter was. Recall, also, Hooker's quite severe engagement with Ewell at Bristoe, just about nightfall; and add to this the fact that that engagement had left Hooker about out of ammunition, and you have the situation under which an order was issued by Pope, who was with Hooker's advance, to Porter, which he did not obey. It is as follows:

HEADQUARTERS ARMY OF VIRGINIA,
Bristoe Station, August 27, 1862—6.30 p. m.

GENERAL: The major-general commanding directs that you start at 1 o'clock to-night and come forward with your whole corps, or such part of it as is with you, so as to be here by daylight to-morrow morning. Hooker has had a very severe action with the enemy, with a loss of about three hundred killed and wounded. The enemy has been driven back, but is retiring along the railroad. We must drive him from Manassas, and clear the country between that place and Gainesville, where McDowell is. If Morell has not joined you, send word to him to push forward immediately; also send word to Banks to hurry forward with all speed to take your place at Warrenton Junction. It is necessary, on all accounts, that you should be here by daylight. I send an officer with this dispatch who will conduct you to this place. Be sure to send word to Banks, who is on the road from Fayetteville, probably in the direction of Bealeton. Say to Banks, also, that he had best run back the railroad trains to this side of Cedar Run. If he is not with you, write him to that effect.

By command of Major-General Pope:

GEORGE D. RUGGLES,
Colonel and Chief of Staff.

Major-General F. J. PORTER,
Warrenton Junction.

P. S.—If Banks is not at Warrenton Junction leave a regiment of infantry and two pieces of artillery as a guard till he comes up, with instructions to follow you immediately. If Banks is not at the junction instruct Colonel Cleary to run the trains back to this side of Cedar Run, and post a regiment and section of artillery with it.

By command of Major-General Pope:

GEORGE D. RUGGLES,
Colonel and Chief of Staff.

Porter received this order about 9.30 the same evening. Did he obey it?

The hesitation which was shown over the first order from Pope to him was now changed to resolution, and he deliberately decided to disobey it. Here is the proof:

General Morell says, on page 138 of court-martial record:

Q. Do you know anything of an order received by General Porter from General Pope on the evening of the 27th of August?

A. Yes, sir. I was present when he received one brought by Captain De Kay.

Q. About what hour?

A. About 10 o'clock.

Q. Who else, as you recollect, was present at the time?

A. General Sykes and General Butterfield were either present or came in a very few minutes after. I do not know which.

Q. State what occurred at the time of the receipt of the order, or immediately afterward, between the accused and yourself and the other generals.

A. General Porter said to us that he had received this order to march at 1 o'clock that night. We immediately spoke of the condition of our troops—they being very much fatigued—and the darkness of the night, and said that we did not believe we could make any better progress by attempting to start at that hour than if we waited until daylight. After some little conversation, General Porter said, "Well, we will start at 3 o'clock—get ready." I immediately left his tent and went back to my division and made preparations for moving.

This shows that he decided not to start till 3 o'clock, and instead of reaching Bristoe at daylight he did not get there till after 10 o'clock. Of course for such palpable disobedience some excuse must be formulated. What could it be? It was that the night was dark, that a wagon-train was in the road and his troops needed rest. First, as to the wagon-train. Had the two roads on the two sides of the railroad track—for there was one on either side—been full of wagons his troops could have moved along the track, or he could have ordered them to put the wagons out of the road and gone along had he wanted to. But the fact is, there were no wagons in the road that night between Porter and Bristoe Station at 1 o'clock. Here is the proof of it found on page 106, court-martial proceedings.

Lieut. Col. Frederick Myers was then called by the Government and sworn, and examined as follows:

By the JUDGE-ADVOCATE:

Q. Will you state to the court in what capacity you served in the Army of Virginia, under Major-General Pope, during its late campaign in July and August last?

A. I was chief quartermaster to General McDowell.

Q. Where were you on the night of the 27th of August last?

A. I was with the trains of the Army, about a mile and a half from where General Hooker had his battle on the 27th.

Q. Did you, or not, receive any instructions from General Pope on that day relating to your train along the road from Warrenton Junction to Bristoe Station? If so, state what they were.

A. I was ordered to move the trains in rear of General Hooker. Just before dark General Pope with his staff rode up, and I reported to him that General Hooker was in action ahead of me, and asked him if I should go into park with my trains. He replied that I could do so, or go on, as I thought best.

Q. What did you do; did you go into park, or did you continue on?

A. I went into park, and gave directions to all the quartermasters to go into park.

Q. At what hour on the following morning were those trains upon that road put in motion?

A. The head of the train commenced moving just at daylight.

Q. What was the condition of the road between Warrenton Junction and Bristoe Station at that time, so far as regards the passage of wagons, artillery, &c.?

A. It was in excellent condition at that time.

Q. Do you remember the character of that night—the night of the 27th of August? If so, will you please state it?

A. I was up nearly all that night. It was quite dark; there was no moon.

Q. Did the night change in its character toward the morning, or was it the same throughout?

A. It was a dark night. I could not state about it, toward morning particularly.

Q. In view of the condition of the road as you have described it, and also the character of the night, was or was not the movement of troops along that road practicable that night?

A. I do not know of anything to hinder troops moving along the railroad there. There was a road running each side of the railroad. I should think it would have been easy for troops to move along there, although I may be mistaken in that.

In addition to the above from the commander of the wagon-train himself, here is confirmation from Capt. Drake De Kay, Pope's aide-de-camp, who carried the order to Porter, and was to conduct his column to Bristoe. It may be found on page 45 court-martial record:

By the JUDGE-ADVOCATE:

Q. Did you remain over night, and wait until the march of General Porter's command the next day?

A. I did.

Q. At what hour, in point of fact, did he move from Warrenton Junction?

A. I should think the head of the column left about 4 o'clock in the morning; I am not positive about the hour.

Q. At what rate did the command march after it left Warrenton Junction?

A. I could not say at what rate. We started at or about 4 o'clock in the morning, and marched along quietly, without any apparent haste, meeting with no obstruction or detention, except that arising from the wagons we found in the road. The head of the column arrived at Bristoe Station about 10 o'clock, I should judge.

Q. At what point did you overtake the wagons, and how many of them do you suppose there were?

A. I do not recollect. There was a large park of wagons near Warrenton Junction—about half way between Catlett's Station and Warrenton Junction—which left for Bristoe Station at daylight. We overtook those wagons. They were in park when I passed down to Warrenton Junction the previous evening; therefore, I can not tell when we overtook the end of the train which I had passed near Catlett's Station the evening before.

Q. What is the meaning of the term "in park?"

A. In camp.

Q. Had General Porter's command marched at 1 o'clock in the morning would he or would he not have passed those wagons in camp?

A. He would have passed them in camp, probably.

Q. Was or was not the march throughout at the usual rate at which troops move, or was it slower?

A. It was at the rate at which troops would move if there was no necessity for rapid movement.

This must be accepted as clearly showing that had Porter moved at 1 o'clock as ordered he would have found no wagon train in the road—no "lion in the way." But by his delay he did encounter the wagons which came back into the road at daylight.

Now, what of the darkness of the night and the exhaustion of his troops? The night was undoubtedly dark and his troops had done some marching, but nothing like what had been done by the Army of Virginia; nothing either like what was being done by the confederate army.

Porter's corps had lain at Harrison's Landing since the 1st day of July, and had marched from Falmouth to Warrenton Junction during the preceding five days—not over 35 miles—an average of 7 miles per day.

Sykes's division had been at Warrenton Junction since 10 o'clock a. m., and Morell's came up before dark. It was undoubtedly a pleasant thing for Porter's command to be allowed to sleep that night till 3 o'clock. But remember it was a time of great peril, one-half of the

confederate army was upon the communications of the Army of Virginia and between Pope and Washington. What if in the morning Jackson should turn and fall upon Hooker, who was out of ammunition? If, however, Jackson was between Pope and Washington, so Pope was between Jackson and Longstreet, and as an enterprising captain he wanted to overtake and crush Jackson before Longstreet could join him.

Remember, also, in connection with this order to march at 1 o'clock, that the profession of arms calls for hardships and sufferings; for fatigning marches and heroic daring; for privations of every kind; for hunger and thirst, and in the final struggle for death itself. War is no holiday, and successful war was never waged by the sluggard or the feeble in spirit. It always calls for energy and activity. We were told more than a hundred years ago that "the battle is not to the strong alone, but to the vigilant, the active, and the brave."

In determining the value of Porter's excuse—that the night was dark and his troops tired—we can do no better than show what Jackson's forces did on that same night and the night preceding, which was equally dark.

In his report of that campaign, after telling how he reached Bristoe Station on the night of the 26th, Jackson says, on page 643, volume 12, part 2, War Records:

Learning that the enemy had collected at Manassas Junction, a station about 4 miles distant, stores of great value, I decided it important that no time should be lost in securing them. Notwithstanding the darkness of the night and the fatiguing march since dawn would be over 30 miles before reaching the junction, Brigadier-General Trimble volunteered to proceed there forthwith. * * * Major-General Stuart, with a portion of his cavalry, was subsequently directed to move forward and, as ranking officer, to take command of the expedition. The duty was cheerfully undertaken by all who were assigned to it, and most promptly and successfully executed.

Now here is a lesson in war for General Porter and his apologists. Thirty miles in a day and a night's march against 35 miles in five days; for Porter's men who were too tired to be called at 1 o'clock. But, says some one, this was the night before, and it might not have been as dark. Very well; let us see what Jackson's forces did the next night, the very night Porter was ordered to move at 1 o'clock.

General Taliaferro, commanding Jackson's division, in his report, page 656, volume 12, part 2, War Records, says:

At night (27th) Major-General Ewell, who had been fighting during the evening at Bristoe Station—

The fight with Hooker—

having crossed Muddy Creek, by direction of Major-General Jackson, I moved my division with the entire train across to the Warrenton and Alexandria turnpike, pursuing the old military road to Sudley Mill, and at daybreak halted on the battlefield of July 21, 1861.

Here was a march of 9 or 10 miles by one division. General Early, who made the report of the operations of Ewell's division, the latter officer having been wounded in the battle of the 28th, after speaking of the affair with Hooker in the evening at Bristoe Station, says:

Shortly after dark, under orders from General Ewell, I moved to Manassas Junction.

* * * * * * *

As soon as the troops of the division were supplied with provisions at Manassas, of which they stood in great need, they were moved in the direction of Centreville toward Bull Run, and the several brigades bivouacked separately between Manassas and Bull Run.—*War Records*, page 710, volume 12, part 2.

Here was the movement of another division, four miles to Manassas and thence on toward Centreville, probably 9 or 10 miles.

General A. P. Hill, in his report, on page 670, War Records, volume 12, part 2, speaking of his crossing of the Rappahannock and the brisk engagement that attended it, says:

At nightfall I was relieved by General Hood, and the next morning commenced the flank movement to Manassas. A march of 54 miles was made in two days. Wednesday morning (27th), at Manassas, Branch's brigade had a sharp encounter with a battery supported by the Twelfth Pennsylvania Cavalry. They were soon dispersed.

* * * * * * *

That night about 12 o'clock the depot buildings, with an immense amount of commissary stores and about two miles of loaded freight cars, were burned, and at 1 o'clock I moved my division to Centreville.

The very hour Porter was ordered to move. Thus do we see every division under Jackson marching as great or a greater distance that night than was asked of Porter. This fact alone shows the complete invalidity of Porter's excuse that the night was dark. Why, here were the troops of the confederate army, some of them marching 30 miles in one day, and others 54 miles in two days, and then making these night marches in order to deal their blows and then elude the pursuit of their adversary till the reserve under Longstreet could come up. Verily, this was war. But Fitz-John Porter slept—"slept while the enemy sowed tares and went his way." Now, let us see at just what time he put his column in motion under this order to move at 1 o'clock. Lieutenant-Colonel Buchanan, Third Indiana Cavalry, on page 603, board record, says:

Q. What conversation had you with General Porter before he started off to Bristoe Station?

A. On the evening before he started somebody gave me an order to be in readiness to move at 3 o'clock in the morning. I was in front of General Porter's headquarters at 3 o'clock in the morning, but I saw no one until after the break of day. Then some one came to me and told me to let the men get their breakfasts and let their horses be fed. That was done, and I immediately went back to the place I occupied. Some time afterward, after sunrise, I saw General Porter. I wanted to go back to Fredericksburg to my regiment. I only had about ninety men with me, and I expected to go back the day before. I rode out with him in the woods, where he was in camp, until we got into an open field.

He asked me to send a detachment of the command I had forward to clear the road toward Bristoe Station two or three miles. This was done. I waited some little time, and the infantry began to move. About that time he handed me a letter, and directed me to give it to General Burnside, and told me I could go. I started toward Fredericksburg; he sent an aid after me and brought me back, and told me that he was apprehensive that I might be captured. He told me to say to General Burnside—I can not get his language—but the idea was that there was no disaster that was very threatening as yet, and he hoped for the best.

He did not start till after sunrise. But let us read the letter he sent to Burnside, which, it seem she had written the night before. It is as follows:

WARRENTON JUNCTION, *August* 27, 1862—4 p. m.

General BURNSIDE, *Falmouth:*

I send you the last order from General Pope, which indicates the future as well as the present. Wagons are rolling along rapidly to the rear, as if a mighty power was propelling them. I see no cause for alarm, though I think this order may cause it.

* * * * * * *

We are working now to get behind Bull Run, and, I presume, will be there in a few days if strategy don't use us up. The strategy is magnificent and tactics in the inverse proportion. I would like some of my ambulances. I would like, also, to be ordered to return to Fredericksburg and to push toward Hanover, or, with a large force to strike at Orange Court-House. I wish Sumner was at Washington, and up near the Monocacy with good batteries. I do not doubt the enemy have large amounts of supplies provided for them, and I believe they have a contempt for this Army of Virginia. I wish myself away from it with all our old Army of the Potomac, and so do our companions.

* * * * * * *

There is no grain here to-day or anywhere, and this army is wretchedly supplied in that line. Pope says he never could get enough. Most of this is private.

F. J. PORTER.

But if you can get me away, please do so. Make what use of this you choose, so it does good.

F. J. P.

This letter was written about five hours before he received the order to march at 1 o'clock, and discloses very fully Porter's animus toward Pope.

It is most insubordinate in tone from beginning to end. He does not conceal his contempt for the Army of Virginia and for its commander. He freely ridicules both his strategy and tactics, wishes himself away, and appeals to Burnside to get him away. And then, as if fearful he may have gone too far, he makes it half private. This letter, when taken with his other of the 26th, clearly shows a disobedient and treacherous spirit; and when we find him paying no attention to this peremptory order to move at 1 o'clock, and find him not starting till after sunrise, past the time he was ordered to be at Bristoe, which place he did not reach till after 10 o'clock, and at the same time find all his excuses mere pretenses, can there be any doubt of his deliberate intention not to help Pope in his struggle with the enemy, at least not to help him gain a victory?

The court-martial found him guilty of disobedience of this order. How could it have done otherwise? And how can any fair-minded man fail to say that he was, indeed, most guilty, and under the ninth article of war might have been legally called upon to suffer death? But this was only the beginning of his disobedience. Let us now follow him to the battlefield of August 29. But before doing so you should read the following letters to General Burnside. The first must have been written so soon as he arrived at Bristoe as he himself says his column had not then come up—and General Pope testified that it did not arrive till 10.45:

BRISTOE, 9.30 A. M., *August* 28, 1862.

My command will soon be up, and will at once go into position. Hooker drove Ewell some 3 miles, and Pope says McDowell intercepted Longstreet, so that without a long detour he can not join Ewell, Jackson, and A. P. Hill, who are, or supposed to be, at Manassas.

* * * * * * *

I hope for the best, and my lucky star is always up about my birthday, the 31st, and hope Mc's is up also. You will hear of us soon by way of Alexandria.

Ever yours,

F. J. P.

General BURNSIDE, *Falmouth.*

It may be matter of wonder, but not content with the foregoing he writes Burnside again at 1 p. m.

The significant thing about these letters, aside from the frequent allusions to McClellan, is that feature of them which amounts to a continued sneer at Pope and a constant longing to get back to Alexandria. Here is the next letter sent at once by Burnside to Halleck:

FALMOUTH, *August* 29, 1862—1 p. m.

To Maj. Gen. H. W. HALLECK, *General-in-Chief*, and
Maj. Gen. G. B. MCCLELLAN, *Alexandria:*

The following just received from Porter, 4 miles from Manassas, the 28th, 2 p. m.:

"All that talk about bagging Jackson, &c., was bosh. That enormous gap—Manassas—was left open, and the enemy jumped through; and the story of McDowell having cut off Longstreet had no good foundation. The enemy have destroyed all our bridges, burnt trains, &c., and made this army rush back to look at its line of communication, and find us bare of subsistence. We are far from Alexandria——

"Considering the importance of transportion——

"your supply-train of forty wagons is here, but I can't find them.

"There is a report that Jackson is at Centreville, which you can believe or not. The enemy destroyed an immense amount of property at Manassas—cars and supplies. I expect the next thing will be a raid on our rear by way of Warrenton by Longstreet, who was cut off.

"F. J. PORTER, *Major-General.*"

This is the latest news.

A. E. BURNSIDE, *Major-General.*

We have seen that on the night of the 27th Jackson's division moved to Groveton and took position for the impending battle. Hill went to Centreville to distract Pope and for the mischief he could do. Ewell bivouacked near Bull Run. Pope was pursuing, and on the night of the 28th had his headquarters at Bull Run. He had ordered McDowell to Gainesville and Ricketts to Thoroughfare Gap, through which Longstreet must come, for he was still beyond the Bull Run Mountains. Pope wanted to get hold of Jackson and crush him before Longstreet could come up, and at 3 o'clock in the morning of the 29th this vigilant and resolute commander of the Army of Virginia, who displayed an energy and activity in this campaign that ought to have won him the victory, and would had he been cordially supported, issued to General Porter the following order:

HEADQUARTERS ARMY OF VIRGINIA,
Near Bull Run, August 29, 1862—3 a. m.

GENERAL: McDowell has intercepted the retreat of Jackson. Sigel is immediately on the right of McDowell. Kearny and Hooker march to attack the enemy's rear at early dawn. Major-General Pope directs you to move upon Centreville at the first dawn of day with your whole command, leaving your trains to follow. It is very important that you should be here at a very early hour in the morning. A severe engagement is likely to take place, and your presence is necessary.

I am, general, very respectfully, your obedient servant,

GEORGE D. RUGGLES,
Colonel and Chief of Staff.

Now what does Porter do? Does he obey this order? He is ordered to move "at the first dawn of day." It was sunrise August 29 at 5.26, and "the first dawn" more than an hour earlier. At 6 o'clock he seats himself to write the following letter to Burnside, saying he should be off in half an hour. When he did get off does not appear. And here again is found the same contemptuous sneer at Pope, the same apparent disgust at his surroundings, and the same strange turning of his heart in hope to McClellan:

BRISTOE, 6 *a. m., 29th.*

GENERAL BURNSIDE: Shall be off in half an hour. * * * Heintzelman and Reno at Centreville, where they marched yesterday.

Pope went to Centreville with the last two as a body-guard, at the time not knowing where was the enemy and where Sigel was fighting—within 8 miles of him and in sight. Comment is unnecessary. * * * I hope Mac. is working, and will soon get out of this. * * * Your train of forty wagons can not be found——

but I expect they know what they are doing, which is more than any one here or anywhere knows.

F. J. P.

Pope a little later, finding McDowell was not at Gainesville, as he supposed, first sent a verbal order to Porter to move on that point instead of Centreville, and then the following written order. It was of the very first importance that Gainesville should be held, as it lay on the line of Longstreet's approach.

HEADQUARTERS ARMY OF VIRGINIA,
Centreville, August 29, 1862.

Push forward with your corps and King's division, which you will take with you, upon Gainesville. I am following the enemy down the Warrenton turnpike. Be expeditious, or we will lose much.

JOHN POPE,
Major-General, Commanding.

Maj. Gen. FITZ-JOHN PORTER.

We have seen how Porter loitered on the order to move "at the first dawn of day," how he took time after 6 o'clock to write the fifth libelous letter about his superior officer. Now let us see if he obeyed this last order. The court-martial said he did not. Had this order been promptly obeyed Porter would have intercepted Longstreet, or at least engaged him, somewhere on the turnpike, and have left Jackson to be dealt with by Pope.

Soon after giving this order, McDowell complained to Pope about the detachment of King's division, whereupon Pope issued to both McDowell and Porter the following joint order to move on Gainesville, the very key to the situation on that day. Pope had ordered McDowell there the day before; but finding he was not there he now tried to get both Porter and McDowell to march on that point:

[General Order No. 5.]

HEADQUARTERS ARMY OF VIRGINIA,
Centreville, August 29, 1862.

GENERALS MCDOWELL AND PORTER: You will please move forward with your joint commands toward Gainesville. I sent General Porter written orders to that effect an hour and a half ago. Heintzelman, Sigel, and Reno are moving on the Warrenton turnpike, and must now be not far from Gainesville. I desire that, as soon as communication is established between this force and your own, the whole command shall halt. It may be necessary to fall back behind Bull Run, at Centreville, to-night. I presume it will be so on account of our supplies. I have sent no orders of any description to Ricketts, and none to interfere in any way with the movements of McDowell's troops, except what I sent by his aid-de-camp last night, which were to hold his position on the Warrenton pike until the troops from here should fall upon the enemy's flank and rear. I do not even know Ricketts's position, as I have not been able to find out where General McDowell was until a late hour this morning. General McDowell will take immediate steps to communicate with General Ricketts, and instruct him to rejoin the other divisions of his corps as soon as practicable. If any considerable advantages are to be gained by departing from this order, it will not be strictly carried out. One thing must be had in view, that the troops must occupy a position from which they can reach Bull Run to-night or by morning. The indications are that the whole force of the enemy is moving in this direction at a pace that will bring them here by to-morrow night or next day. My own headquarters will be, for the present, with Heintzelman's corps or at this place.

JOHN POPE,
Major-General, Commanding.

To Porter this was a repetition of the former order. It emphasized Pope's wish to occupy Gainesville—to intercept and hold off Longstreet.

McDowell, as the ranking officer, would have had command of Porter had they remained together; but under the discretionary clause in the order McDowell decided to move his corps with King's division directly to Groveton, where the battle, as he says in his testimony, seemed to be "at its height."

McDowell did this because his corps was back on the Sudley Spring road, behind that of Porter, and he thought he could soonest get it into action by moving it up that road in the direction of the fighting.

See his testimony (page 84, court record), in which, speaking of the time he and Porter were together at the head of Porter's column near Dawkin's Branch, he also says:

General Porter made a remark to me which showed me that he had no question but that the enemy was in his immediate front. I said to him: "You put your force in here, and I will take mine up the Sudley Spring road, on the left of the troops engaged at that point with the enemy," or words to that effect. I left General Porter with the belief and understanding that he would put his force in at that point.

* * * * * * *

Q. You have said that the accused made an observation to you which showed that he was satisfied that the enemy was in his immediate front; will you state what that observation was?

A. I do not know that I can repeat it exactly, and I do not know that the accused meant exactly what the remark might seem to imply. The observation was to this effect—putting his hand in the direction of the dust rising above the tops of the trees—"We can not go in there anywhere without getting into a fight."

Q. What reply did you make to that remark?

A. I think to this effect: "That is what we came here for."

Q. Were there any obstacles in the way of the advance on the part of General Porter's command on the flank of the enemy?

A. That depends upon what you would call obstacles. A wood is an obstacle.

Q. I mean insuperable obstacles, in a military sense.

A. I do not think we so regarded it at that time. I did not.

Q. Was or not the battle raging at that time?

A. The battle was raging on our right; that is, if you regard the line of the road from Bethlehem church to Gainesville to be substantially northwest, the battle was raging to the right and east of that line at Groveton.

* * * * * * *

Q. At what hour did you arrive upon the battlefield with your command and take part in the engagement?

A. I cannot say as to hours.

Q. As nearly as you can?

A. It was in the afternoon. I do not know at what time the sun set. I should not be able to fix the hour. It may have been 4 o'clock or 5 o'clock.

It seems that McDowell found a way into the fight; but what of Porter? The fact is undisputed that his corps lay all day in the precise position where McDowell left it, strung along the road from Dawkin's Branch back beyond Bethlehem church, with arms stacked and the men at rest. A couple of batteries, Hazlitt's and Waterman's, were posted at the head of the column and a couple of regiments thrown out as a picket. But wait, this statement is too favorable to Porter; his force did not all stay there; he actually ordered one brigade back to Manassas Junction. General Sturgis, one of Porter's officers, on the seven hundred and eleventh page, board record, says:

Q. You say you went a mile and a half beyond Bethlehem church toward Gainesville?

A. That is my recollection.

Q. What did you then do?

A. I reported to General Porter. I rode in advance of my brigade. I found troops occupying the road, and I got up as near as I could get and then halted my command, and then rode forward to tell General Porter that they were there. He said, "For the present let them lie there."

Q. What did you do then individually?

A. Well, I simply looked about to see what I could see. I was a stranger to the lay of the land, and the troops, and all that; so without getting off my horse I rode about from place to place watching the skirmishers, and among other things I took a glass and looked in the direction of the woods; about a mile beyond, which seemed to be the object of attention—beyond the skirmishers; there I saw a glint of light on a gun; and I remarked to General Porter that I thought they were probably putting a battery in position at that place, for I thought I had seen a gun.

Q. State what the conversation was?

A. I reported this fact of what I had seen to the general; he thought I was mistaken about it, but I was not mistaken, because it opened in a moment—at least a few shots were fired from that place—four, as I recollect.

Q. What force of the enemy did you see in that direction at that time?

A. I didn't see any of the enemy, at all.

Q. Then what did you do?

A. Then when they had fired, as near as I can recollect, about four shots from this piece, General Porter beckoned to me; I rode up to him and he directed me to take my command to Manassas Junction and take up a defensive position, inasmuch as the firing seemed to be receding on our right.

Q. What firing do you mean?

A. I mean the cannonading that had been going on for some time on our right, probably in the direction of Groveton.

Q. How long had you heard that cannonading?

A. I don't recollect exactly where I heard it first. My impression has been that I heard it all along the march from Manassas to General Porter's position. I do not recollect distinctly that I did hear it, but I know I heard it all the time after I arrived there until I left.

Q. What time of day was this that you received the order to move back with your command to Manassas Junction?

A. I have no way of fixing the time of day. I have carried in my mind the impression that it was more about the middle of the day—about 1 o'clock.

Q. What did you do when you received that order?

A. I sent word to General Piatt to move back to Manassas Junction and that I would join him there.

Q. Do you know whether your order was obeyed?

A. Yes; it was obeyed.

With the battle raging on the right and under orders to advance, Porter halted, and at four shots from a gun "about a mile" away ordered one brigade two miles to the rear to intrench itself.

But this was not marching on Gainsville. What was his excuse for not going farther? He claims that Longstreet was in his immediate

front; and, first, that he could not have gone farther if he had tried. He does not claim that he tried. And, second, that he was aiding in the most effectual manner possible the fortunes of the day by holding Longstreet in his front and keeping him off from Pope. If it were true that with his twelve thousand men he was really holding twenty-five thousand under Longstreet, or, having taken the proper means to ascertain, honestly supposed he was, then under the discretionary clause in the order he would be justified so far as this order is concerned. But the infirmity of this excuse is it is not true. In the first place he took no means whatever to ascertain whether or not there really was a large force in his front. Every soldier knows that not having positive information, the only way to ascertain the strength of the enemy is to push up and feel of him.

There is no pretense that Porter did this at any time during the day.

The only order that he issued during the entire day that gives the remotest hint of a purpose to advance, except one just at night, of which I will soon speak, is the following; and that sounds more like retreating than advancing:

General MORELL: Push over to the aid of Sigel and strike in his rear. If you reach a road up which King is moving, and he has got ahead of you, let him pass; but see if you can give help to Sigel. If you find him retiring, move back toward Manassas, and should necessity require it, and you do not hear from me, push to Centreville. If you find the direct road filled, take the road via Union Mills, which is to the right as you return.

F. J. PORTER, *Major-General.*

Look to the points of the compass.

General Morell, a witness called by Porter himself, at the court-martial, on page 141, volume 1, evidently speaking of this order, says:

After awhile I saw General McDowell and General Porter riding together. They passed off to our right into the woods toward the railroad, and after a time General Porter returned, and I think alone, and gave me orders to move my command to the right over the railroad. I started there and got one brigade, and I think one battery, over the railroad, passing through a clearing, and had got to the edge of the woods on the other side of it, when I received orders to return to my former position.

I led the men back, and as the head of the column was in front of Hazlitt's battery, which had been put in position, we received a shot from the enemy's artillery directly in front of us. I got the infantry back of the batteries under cover of the bushes and the crest of the ridge, and posted Waterman's battery on the opposite side of the Gainesville road, and we remained in that position most of the day.

"Off to the right into the woods" and "over the railroad" was in the direction of Sigel. While McDowell was there Porter put on the appearance of doing something. But after he was gone the order was countermanded. Remember, Porter's advance was under Morell, who says they remained "under cover of the bushes and the crest of the ridge most of the day." Now, the truth is that until late in the afternoon there was nothing in Porter's front but cavalry pickets, and what does infantry, when in earnest, care for cavalry? But before examining the evidence on this point let us for just a moment recur to this thrice-given order to Porter to move on Gainesville. Remember Porter was at Bristoe on the morning of the 29th. From Bristoe to Manassas Junction is short 4 miles. From the junction to the left of our line at Groveton, not over 5 miles, 9 in all. Longstreet camped that night at Thoroughfare Gap west of the mountains. Ricketts's division was guarding the gap and had an engagement with Longstreet's advance under General Jones just at night and did not retire till after dark, which let Jones through late that night.

Longstreet had sent Wilcox with his own and Featherston's and Pryor's brigades to Hopewell Gap, 3 miles to the north, and they reached this side between 11 and 12 o'clock. All the rest of Longstreet's corps slept on the other side of the mountain. (See reports of Lee, who was with Longstreet, and of Jones and Wilcox, volume 12, part 2, pages 556, 578, 598.) From Thoroughfare Gap to Groveton is strong 10 miles, and the brigades at Hopewell Gap nearly 2 miles farther, thus leaving Longstreet's whole corps farther from the field of action than was Porter. Now, will the admirers of Fitz-John Porter, who, it must be admitted, was every inch a soldier when he did his best, allow him to be outdone by Longstreet, especially when he was ordered to "move at the first dawn of day," and was told that "a severe engagement was likely to take place?" It may furnish Porter's friends no explanation, but it should be stated that the case does not show that Longstreet before starting that morning sat down at 6 o'clock and wrote a sneering letter about his commanding general.

Do not these distances make it perfectly plain that if Porter had been as active as Longstreet he would have met him somewhere between Gainesville and Groveton? And if overpowered he could have fallen back upon Pope's left, which would have brought him upon the ridge afterward taken by General Stuart and immediately occupied by Longstreet's artillery with terrible effect upon the Union line on both days of the battle. Or if he had failed to intercept him at the very head of his column he could at least have struck him on the flank as he was passing along the turnpike, for Porter's road led straight to the turnpike at Gainesville and again between Gainesville and Groveton.

Had he done this at any time between 2 and 3 o'clock he would have prevented any effectual re-enforcement of Jackson by Longstreet. This he was ordered to do, but he did not do it; nor did he make any effort whatever to do it.

Now, the truth is, with the exception of the three brigades under Jones, Longstreet did not unite with Jackson till considerably after noon, certainly as late as 1 o'clock. I do not forget the report made by General Buford of the seventeen regiments passing through Gainesville at 9.30 a. m. But these must have been Jones's three brigades which came through the gap the night before. That Longstreet did not reach Jackson's right till about 1 o'clock is shown by the following facts about which there seems to be no dispute: General Stuart says in his memorandum of facts and in his report (volume 12, part 2, pages 736-740) that he spent the night with General Jackson near Sudley's mill; that in the morning about 10 o'clock an attack was made upon General Jackson's baggage, which he made disposition to repulse; and then, in accordance with Jackson's wishes, after 10 o'clock, he started to find Longstreet; and, to use his exact language, he says:

I met with the head of General Longstreet's column between Hay Market and Gainesville, and there communicated to the commanding general General Jackson's position and the enemy's. I then passed the cavalry through the column, so as to place it on Longstreet's right flank, and advanced directly toward Manassas, while the column kept directly down the pike to join General Jackson's right.

This report develops three important facts:

1. The head of Longstreet's column was west of Gainesville as late as about 12 o'clock, for it must have taken Stuart the best part of two hours to move his command the 6 or 7 miles from Sudley's mill to this point.

2. Longstreet went straight down the pike to Jackson's right at Groveton, not toward Porter at all.

3. Stuart went toward Manassas, right down the road toward Porter.

Now, holding fast to these facts, let us look a little farther into Stuart's report:

General Robertson, who was sent to reconnoiter farther down the road toward Manassas, reported the enemy in his front. The prolongation of his line of march would have passed through my position, which was a very fine one for artillery, as well as observation, and struck Longstreet in flank. I waited his approach long enough to ascertain that there was at least an army corps, at the same time keeping detachments of cavalry dragging brush down the road from the direction of Gainesville so as to deceive the enemy—a ruse which Porter's report shows was successful—and notified the commanding general, then opposite me on the turnpike, that Longstreet's flank and rear were seriously threatened, and of the importance of the ridge I then held.

Now, where was this ridge, this "fine place for artillery and observation?" Remember he "notified the commanding general opposite on the turnpike." This ridge was up near the turnpike and was really the key to the situation on the left on both days. It is known in the history of the battle as "Stuart Hill," and was between 1 and 2 miles from the head of Porter's column at Dawkin's Branch. Now, let us look again into Stuart's report:

Immediately upon the receipt of that intelligence, Jenkins's, Kemper's, and D. R. Jones's brigades and several pieces of artillery were ordered to me by General Longstreet, and being placed in position fronting Bristoe, awaited the enemy's advance. After exchanging a few shots with rifle-pieces, this corps withdrew toward Manassas."

The use of rifle-pieces indicates long range. These were the shots that fell in front of Porter when he ordered Sturgis back to Manassas to intrench. Remember Sturgis says the glint of light on the gun which he saw through his glass was "about a mile beyond;" and that "he didn't see any of the enemy at all." These were the shots, too, that fell in front of Morell when he put his men into the bushes and behind the hill. Stuart says, "This corps withdrew toward Manassas"—an impression he probably got from the movement of Sturgis's brigade back to Manassas, the rest of the men being hid away. Now, up to this time, which Sturgis says was about 1 o'clock, and which, from Stuart's march from Sudley Mill to beyond Gainesville and back to that point, must have made it as late or later, there was no infantry in front of Porter, and we have no account of but four shots at him from that gun "about a mile" away. And remember that Stuart was on Longstreet's right flank; that it was his particular business to protect that flank; hence, he must be accepted as authority upon what took place in Porter's front.

Remember, also, that even Stuart's position was not in the immediate front of Porter, but up "opposite the turnpike" on Longstreet's right flank, at least a mile from him. While Stuart's position was thus remote from Porter, he did have Robertson's videttes in Porter's front, and had Rosser's cavalry "dragging brush down the road from the direction of Gainesville so as to deceive the enemy" by raising a dust, indicating, of course, an approaching column.

Speaking of this, Colonel Rosser says, on page 1152, board record:

Longstreet's command was coming in in a very forced and disordered march from the direction of Thoroughfare Gap, moving rapidly and straggling badly. * * * When Stuart joined me he notified me that the enemy was moving upon our right flank, and ordered me to move my command up and down the dusty road, and to drag brush, and thus create a heavy dust as though troops were in motion. I kept this up at least four or five hours.

This testimony of Rosser, who was Porter's witness, shows two things: First, that there was no infantry in Porter's front and none moving down toward him, but that they raised a dust to make him think there was; and, second, it shows what an easy prey Longstreet's straggling column would have been to a vigorous assault by Porter as it went hurrying down the pike to Jackson. But Porter was lying in the shade back of Dawkin's Branch with nothing on this road, leading straight up to the pike, but cavalry videttes and brush and dust. Nor was there

any infantry in his front till late in the day, and then only for a little time.

I do not forget that Colonel Marshall, on Porter's picket line, says he saw infantry in their front early in the afternoon, but attention to the following facts will show him mistaken as to time. That a force of infantry went down from the pike toward Porter's front that afternoon is true. Some think it was Jones's division which formed the extreme right of Longstreet's line; but that can not have been, for Stuart says Jenkins's brigade, which was a part of Jones's division, co-operated with the batteries on Stuart Hill in the repulse of a force coming through a cornfield late in the day, which must have been on Pope's extreme left, between 1 and 2 miles from Porter's column. Besides, Jones in his report makes no mention of any force in his front answering to the location of Porter's corps.

Whose troops, then, did go down toward Porter and at what time and how long did they remain? Lee says when Stuart reported this large force on his right he sent General Wilcox in that direction, and Wilcox in his report (volume 12, part 2, page 598, War Records) says:

At 4.30 or 5 p. m. the three brigades were moved across to the right of the turnpike a mile or more to the Manassas Gap Railroad. While there, musketry was heard to our left on the turnpike. This firing continued with more or less vivacity till sundown. Now the command was ordered back to the turnpike and forward on this to the support of General Hood, who had become engaged with the enemy.

Wilcox went down "a mile or more to the Manassas Gap Railroad," just where Colonel Marshall saw the enemy, but finding nothing of a threatening character he went back to the support of General Hood on the pike. The confederate commander did not know that that force beyond Dawkin's Branch was not on the war path that day; that it was a harmless force; that it had no fangs except the fangs of envy and jealousy, else he had not sent General Wilcox out to reconnoiter it; for Pope in his part of the field was furnishing business for them all, as Wilcox's quick return to the support of Hood, who had become engaged, clearly shows.

Now, Hood commanded one of the divisions of Longstreet's corps, which Porter claims he held in his front that day and kept from attacking Pope. Wilcox commanded another. There were five brigades in these two divisions and eleven brigades in his whole corps—(Longstreet's report, volume 12, part 2, page 565, and his testimony, board record, page 59). Upon the authority of Wilcox's report five of these brigades are found crowding back Pope's left. Upon the authority of General Stuart, Jenkins's brigade of Jones's division took a hand also; and it will be seen by the following reports of Lee and Longstreet that Evans's and Hunton's brigades were also engaged, eight out of the eleven brigades, including also Stribling's battery on Longstreet's right and Walton's between him and Jackson on his left, and the artillery also that was on Stuart Hill, which he reported as so effective, was all of Longstreet's corps, and all pouring in upon Pope's left; and this is the way Porter kept Longstreet off from Pope that day. But to these reports, and first that of General Lee, volume 12, part 2, page 556:

Longstreet entered the turnpike near Gainesville, and, moving down toward Groveton, the head of his column came upon the field in rear of the enemy's left, which had already opened with artillery upon Jackson's right, as previously described. He immediately placed some batteries in position, but before he could complete his dispositions to attack the enemy withdrew, not, however, without loss from our artillery. Longstreet took position on the right of Jackson, Hood's two brigades, supported by Evans's, being deployed across the turnpike and at right angles to it. These troops were supported on the left by three brigades under General Wilcox, and by a like force on the right under General Kemper; D. R. Jones's division formed the extreme right of the line resting on the Manassas Gap Railroad. * * * Colonel Walton placed a part of his artillery upon a commanding position between the lines of Generals Jackson and Longstreet by order of the latter and engaged the enemy vigorously for several hours.

* * * * * * *

While the battle was raging on Jackson's left General Longstreet ordered Hood and Evans to advance, but before the order could be obeyed Hood himself was attacked and his command became warmly engaged. General Wilcox was recalled from the right and ordered to advance on Hood's left, and one of Kemper's brigades, under Colonel Hunton, moved forward on his right. The enemy was repulsed by Hood, after a severe contest, and fell back closely followed by our troops. The battle continued until 9 p. m.—the enemy retreating until he reached a strong position, which he held with a large force.

Here make a note that Lee says: "Moving to the sound of cannon, Longstreet went straight down the pike and took position on the right of Jackson," which was wholly east of the pike and more than two miles from the head of Porter's column. Make a note, also, that Lee names seven brigades and Walton's artillery and Hood's batteries, all of Longstreet's corps, as taking part against Pope in what he speaks of as a "severe contest." Now to Longstreet's report. He says:

Early on the 29th the columns were united and the advance to join General Jackson was resumed. The noise of battle was heard before we reached Gainesville. The march was quickened to the extent of our capacity. The excitement of battle seemed to give new life and strength to our jaded men, and the head of my column soon reached a position in rear of the enemy's left flank, and within easy cannon-shot. On approaching the field some of Brigadier-General Hood's batteries were ordered into position, and his division was deployed on the right and left of the turnpike, at right angles with it, and supported by Brigadier-General Evans's brigade. Before these batteries could open the enemy discovered our movements and withdrew his left. Another battery (Captain Stribling's) was placed upon a commanding position to my right, which played upon the rear of the enemy's left and drove him entirely from that part of the field. He changed his front rapidly, so as to meet the advance of Hood and Evans.

* * * * * * *

The enemy about 4 o'clock in the afternoon began to press forward against General Jackson's position. Wilcox's brigades were moved back to their former position, and Hood's two brigades, supported by Evans, were quickly pressed forward to the attack. At the same time Wilcox's three brigades made a like advance, as also Hunton's brigade of Kemper's command. These movements were executed with commendable zeal and ability. Hood, supported by Evans, made a gallant attack, driving the enemy back, until 9 o'clock at night.

Thus does Longstreet corroborate Lee, and place his corps on Jackson's right, deployed at right angles across the pike, with fully one-half of it north of the pike, and from the very moment of its arrival engaged with Pope's left.

There must by this time be a curiosity to know whose troops were opposite Longstreet that day. They were the Pennsylvania reserves under the gallant Reynolds, who lets a flood of light on this subject in both his report and his testimony before the court-martial. It nicks exactly with the reports of Lee and Longstreet. His testimony (page 166, volume 1, court record) is as follows:

Q. Do you, or not, know where the enemy's right flank was on the afternoon of the 29th, say, toward sunset?

A. I was on the extreme left of our troops, facing the enemy, and their right toward sunset had been extended across the pike, with fresh troops coming down the Warrenton turnpike; but up to 12 or 1 o'clock it was not across the pike, and I had myself made an attack on their right with my division, but was obliged to change front to meet the enemy coming down the Warrenton pike. I was forming my troops parallel to the pike to attack the enemy's right, but was obliged to change from front to rear on the right to face the troops coming down the turnpike. That was, I suppose, as late as 1 o'clock; and they continued to come in there till they formed and extended across the pike.

This agrees exactly with Longstreet, who says the enemy "changed his front rapidly so as to meet the advance of Hood and Evans." It also shows the important fact that Reynolds had formed parallel with the pike and was just ready to move on Jackson's right flank when Longstreet came down the pike and took him in flank and rear, compelling him to change front and fall back. It also shows the further important fact, that this was not till 1 o'clock p. m., all of which in turn shows that had Porter been "expeditious," as Pope enjoined in his order that morning, he would have collared Longstreet somewhere on the pike and have left Reynolds free to carry out his designs upon Jackson.

Napoleon, when asked for the reason why he always whipped the Austrians, said: "It was because they did not understand the value of five minutes of time." Now, who can tell what the result might have been had Reynolds only been given time to have got home on Jackson's flank, for he already had a battery playing upon it. But Porter was loafing beyond Dawkin's Branch. It was 1 o'clock, and Longstreet was forming in Reynolds's front. Speaking of this crisis in his report, page 393, volume 12, part 2, War Records, Reynolds says:

The whole fire of the enemy was now concentrated on the extreme right of my division, and, unsupported there, the battery was obliged to retire with considerable loss in both horses and men, and the division fell back to connect with Schenck.

Later in the day, General Pope arriving on the right from Centreville renewed the attack on the enemy and drove him some distance.

My division was directed to threaten the enemy's right and rear, which it proceeded to do under a heavy fire of artillery from the ridge to the left of the pike.

Generals Seymour and Jackson led their brigades in advance, but notwithstanding all the steadiness and courage shown by the men they were compelled to fall back before the heavy artillery and musketry which met them on both the front and left flank, and the division resumed its original position.

Hatch's division of McDowell's corps was also engaged with Longstreet on the pike that night.

In his report (volume 12, part 2, page 367) General Hatch says:

The struggle lasting some three-quarters of an hour was a desperate one, being in many instances a hand-to-hand conflict.

No one fails to see that Reynolds, Longstreet, and Lee speak in their reports of the same events. Observe, also, that Reynolds fixes Longstreet's arrival at 1 o'clock, which, taken with Stuart's report and memoranda that he went from Sudley's mill after 10 o'clock and met the head of Longstreet's column beyond Gainesville, must make reasonably certain that he did not arrive before that time. This settles one of the principal disputes in the case. And the other great question of fact, namely, whether Longstreet's corps was on the pike and engaged with Pope's left, or over in front of Porter, is equally well settled by the reports of Lee and Longstreet and Reynolds, coupled with the testimony of the latter before the court-martial in 1862, when the whole affair was fresh.

I do not forget that the confederate officers in their testimony before the advisory board in 1878 put Longstreet's arrival at an earlier hour and placed his corps more over toward Porter.

But I have chosen to fasten upon and make prominent these statements in their official reports made at the time, believing that the deliberate judgment of mankind will accept them as far more satisfactory than this attempt, sixteen years afterward, to bring something new on this subject from out the slippery depths of recollection, upon the mere "guess of memory."

Now, before going back to Porter, just a word as to the character of the fighting that day further out on Pope's right; and this for the reason that the advisory board would have it understood in their report that there was not much of a battle; not enough to have given Porter to understand as a soldier that his comrades-in-arms needed his help. Here is the way they attempt to smooth it over.

The judgment of the court-martial upon General Porter's conduct was evidently based upon greatly erroneous impressions, not only respecting what that conduct really was, and the orders under which he was acting, but also respecting all the circumstances under which he acted. Especially was this true in respect to the character of the battle on the 29th of August. That battle con-

sisted of a number of sharp and gallant combats between small portions of the opposing forces. Those combats were of short duration and were separated by long intervals of simple skirmishing and artillery duels. Until after 6 o'clock only a small part of the troops on either side were engaged at any time during the afternoon. Then, about sunset, one additional division on each side was engaged near Groveton. The musketry of that last contest and the yells of the confederate troops about dark were distinctly heard by the officers of Porter's corps; but at no other time during all that afternoon was the volume of musketry such that it could be heard at the position of Porter's troops. No sound but that of artillery was heard by them during all those hours when Porter was understood by the court-martial to have been listening to the sound of a furious battle raging immediately to his right. And those sounds of artillery were by no means such as to indicate a general battle.

Now, this very attempt not only shows that this board had gone into the whitewashing business, but it amounts in itself to a confession that had there really been a battle that day on his right, as a true soldier he was not justified in lying by and lifting no hand to help. Hence the importance of the question, was there really a battle that day? Here is an extract from A. P. Hill's report (volume 12, part 2, page 670, War Records):

Friday morning (29th), in accordance with orders from General Jackson I occupied the line of the unfinished railroad. * * * The evident intention of the enemy this day was to turn our left and overwhelm Jackson's corps before Longstreet came up; and to accomplish this the most persistent and furious onsets were made by column after column of infantry accompanied by numerous batteries of artillery. Soon my reserves were all in, and up to 6 o'clock my division, assisted by the Louisiana brigade commanded by Colonel Forno, with a heroic courage and obstinacy, had met and repulsed six distinct and separate assaults, a portion of the time the majority of the men being without a cartridge.

Surely this report of Hill sounds quite like the description of a battle. It would seem that "seven hours' unremitted fighting," in which "all the reserves were in," and in which "the most persistent and furious onsets were made by column after column of infantry, accompanied by numerous batteries of artillery," might properly enough be called a battle. And no old soldier will say that "six separate and distinct assaults" might not well be spoken of by this distinguished confederate leader as "almost without parallel." One or two assaults generally satisfies the assailants or carries the position.

Jackson, in his report, volume 12, part 2, page 464, says:

Thomas attacked the exultant enemy with vigor, and drove him back across the railroad with great slaughter. General McGowan reports that the opposing forces at one time delivered their volleys into each other at the distance of ten paces. Assault after assault was made on the left, exhibiting on the part of the enemy great pertinacity and determination.

General Lee says of the fighting on his left that day:

The contest was close and obstinate. General Gregg, who was most exposed, was re-enforced by Hays's brigade, and successfully and gallantly resisted the attack of the enemy until the ammunition of his brigade being exhausted and all his field officers but two killed and wounded, it was relieved after several hours' severe fighting.

This was all between Jackson's corps and the right of Pope's line.

The fight between Reynolds's and Hatch's divisions, on Pope's left, and Longstreet has already been fully described in extracts from the reports of those officers, Lee speaking of it as a "severe contest," and both Lee and Longstreet saying that it lasted till 9 o'clock at night. There can be no doubt but that all these men thought there was a battle that day. "The sound of cannon announced" it to Lee when he was miles away, and Longstreet "heard the noise of battle before he reached Gainesville." Sturgis and McDowell were aware of it when with Porter early in the day, and even Burnside at Fredericksburg telegraphed to Washington twice that day that his advance reported a battle off to the north. In short, everybody within a radius of twenty miles but Fitz-John Porter thought there was a battle that day; and the truth is it was an obstinate and bloody one, Pope acting literally upon the order of the general-in-chief to "dispute every inch of ground and fight like the devil." Nor was Pope overdoing. The crisis was such that desperate fighting was necessary. The victorious army that had driven McClellan behind the gunboats at Harrison's Landing was bearing down upon the capital. Pope, in writing Halleck of this day's work, said:

We have fought a terrific battle. * * * We have lost not less than eight thousand men killed and wounded.—*Conduct of War*, supplement, part 2, page 196.

If further proof were requisite to show that a battle was fought on that 29th day of August, 1862, enough could be furnished from the reports of the general and field officers in both armies to fill a volume; but the mind intuitively shrinks from the sickening details and the ghastly scenes it would reveal. Besides enough has already been produced to lay bare the sophistry of the advisory board when they try to excuse Porter on the ground that while he was down there in the shade he did not know that a battle was raging on his right. But if more were wanted, Fitz-John Porter himself, over his own signature, shows not only the fallacy but the utter falsity of this claim of the board. During the long hours that Porter played the truant that day he sent four several dispatches to McDowell and King. Here are two of them:

GENERAL MCDOWELL OR KING: I have been wandering over the woods and failed to get a communication to you. Tell how matters go with you. The enemy is in strong force in front of me, and I wish to know your designs for to-night. If left to me I shall have to retire for food and water, which I can not get here. How goes the battle? It seems to go to our rear. The enemy are getting to our left.

F. J. PORTER,
Major-General Volunteers.

GENERALS MCDOWELL AND KING: I found it impossible to communicate by crossing the woods to Groveton. The enemy are in great force on this road, and as they appear to have driven our forces back, the fire of the enemy having advanced and ours retired, I have determined to withdraw to Manassas. I have attempted to communicate with McDowell and Sigel, but my messengers have run into the enemy. They have gathered artillery and cavalry and infantry, and the advancing masses of dust show the enemy coming in force. I am now going to the head of the column to see what is passing and how affairs are going, and will communicate with you. Had you not better send your train back?

F. J. PORTER, *Major-General.*

Would Porter have asked "how goes the battle" unless he knew there was a battle? Would he have said, "As they appear to have driven our forces back, the firing of the enemy having advanced and ours retired, I have determined to withdraw to Manassas," if he did not know they were fighting?

Thus does Porter himself show the utter unreliability of these men of the advisory board. But these dispatches show another thing, and that is, instead of advancing as ordered he was intent upon falling back.

He says: "I shall have to retire for food and water, which I can not get here." But he did get both there, and staid all night because he saw it would make his treachery too plain if, under the circumstances, he fell back. "The advancing masses of dust show the enemy coming in force." But we have already seen that this was only the dust raised by Rosser's cavalry dragging brush up and down the road "four or five hours." "I have determined to withdraw to Manassas." "Had you not better send your train back." As much as to say, "Come, McDowell, let us get out of this." General Morell, at the head of the column, knowing the wishes of Porter, wrote him once during the day, "I think we had better retire."

But Porter does not quite dare to do that unless he can get McDowell started also, and writes back to Morell, "We can not retire while McDowell holds out;" and then writes McDowell that he has "determined to withdraw to Manassas," thus giving McDowell to understand that he is going to leave his flank exposed to a large force, which he tells McDowell is in his front. And this, not because he has been attacked and can not hold his ground, but because there is a cloud of dust in his front. Think of it; a corps commander, with twelve thousand troops, about to retire from the field, because a few cavalrymen, who will have their practical joke, are dragging brush up and down the road. But had there really been a large force in Porter's front, and he had retired, as he notified McDowell he had determined to do, it would have compelled McDowell to retire also. And thus did Porter tell McDowell these sailors' yarns in the hope that McDowell would get discouraged and join him in a retrograde movement.

But McDowell still held to the enemy; and Porter, not daring to retire, and having no intention whatever to advance, was still squat in his skulking place down behind Dawkin's Branch.

Now, take the hour of 4.30 p. m. This was a culminating point in the history of this man's disobedience. Pope, perplexed and thus far baffled, but undismayed, was resolutely struggling with the whole confederate army in his front. McDowell's corps was coming upon the field. King's division, under Hatch, was forming for a forward movement along the pike. Pope knew Porter had not connected with his left. He also knew that had he obeyed his orders to push forward on Gainesville it should have brought him upon the confederate flank or rear; and he had been waiting impatiently all day for Porter's guns to announce the welcome intelligence that he too had found and was grappling with the enemy. But he waited in vain. Off in Porter's direction all was silent as the grave. Pope had determined to make another assault upon the confederate line that night. He determined also to make another effort to get help from Porter, and at 4.30 p. m. sent him the following order:

"HEADQUARTERS IN THE FIELD,
August 29—4.30 p. m.

"MAJOR-GENERAL PORTER: Your line of march brings you in on the enemy's right flank. I desire you to push forward into action at once on the enemy's flank, and, if possible on the rear, keeping your right in communication with General Reynolds. The enemy is massed in the woods in front of us, but can be shelled out as soon as you engage their flank. Keep heavy reserves and use your batteries, keeping well closed to your right all the time. In case you are obliged to fall back, do so to your right and rear, so as to keep you in close communication with the right wing.

"JOHN POPE,
"*Major-General, Commanding.*"

Now here is a peremptory order to "push forward into action at once." Did he obey it? There is no pretense whatever that he did. What was his excuse? He claims that he did not receive the order till sunset, and that it was then too late to attack.

Certain officers of his corps and staff cautiously fix the time "just before or about sunset." The sun set August 29 at 6.36, but daylight lingered for more than an hour afterward. Upon the authority of both Lee and Longstreet, the fight did not close until 9 o'clock. Hence we see by Porter's own version of the time he received the order he listened for two and one-half mortal hours to the struggle on his right, and made no move to help, though under a positive order "to push forward into action at once." But the truth is, Porter received this 4.30 order just about 5 o'clock—possibly a little later. Capt. Douglass Pope, who delivered the order, and two orderlies who accompanied him, all swear that they went straight down the Sudley Springs road, between 3 and 4 miles, and delivered this order not later than 5 o'clock. But there

is a piece of evidence in the case that shows conclusively that Porter must have had this order a considerable time before 5.45 p. m. It is a message from General Warren to General Sykes that afternoon.

But before reading this message let it be understood that when Porter received the 4.30 order he evidently felt the necessity of making some show of obeying it—possibly for the moment not seeing how he could escape responsibility if he failed to do so. He accordingly sent the following order to General Morell who, remember, was at the head of the column.

[No. 37.]

AUGUST 29.

GENERAL MORELL: I wish you to push up two regiments supported by two others, preceded by skirmishers, the regiments at intervals of 200 yards, and attack the section of artillery opposed to you. The battle works well on our right, and the enemy are said to be retiring up the pike. Give the enemy a good shelling as our troops advance.

F. J. PORTER,
Major-General, Commanding.

This was the artillery which Sturgis said was "a mile away." But General Morell, speaking of this order in his testimony, says:

When I received that order—the latter part says, "the battle works well on our right; the enemy said to be retiring up the pike"—I said immediately to the person who brought it that the order was given under a misapprehension. We knew the enemy were not retiring, and I believe I sent that message to General Porter. I immediately gave orders to move the whole of my division to the front to be in readiness to support the four regiments. While that was going on I received a verbal order from Colonel Locke to make an attack. When I received this order it was quite late in the afternoon, just before sunset; the sun was almost touching the tops of the trees, and soon after that an order in writing, which is No. 38, "to put the men in position and remain during the night."

The following is No. 38:

GENERAL MORELL: Put your men in position to remain during the night, and have out your pickets. Put them so that they will be in a position to resist anything. I am about a mile from you. McDowell says all goes well, and we are getting the best of the fight. I wish you would send me a dozen men from the cavalry. Keep me informed. Troops are passing up to Gainesville, pushing the enemy. Ricketts has gone; also King.

F. J. PORTER, *Major-General.*

Under this last order Morell suspended all proceedings looking toward an attack and put the men into position for the night. It seems that as a part of the preparation for an attack General Warren's brigade, of Sykes's division, was ordered to support General Morell, and at some time during the movements consequent upon these various orders Warren sent to Sykes the following statement of what he had done:

5.45 *p. m., August* 29, 1862.

GENERAL SYKES: I received an order from Mr. Cutting to advance to the support of Morell. I faced about and did so. I soon met Griffin's brigade withdrawing, by order of General Morell, who was not pushed out, but retiring. I faced about and marched back 200 yards or so; I met then an orderly from General Porter to General Morell, saying he must push on and press the enemy; that all was going well for us and he was retiring. Griffin then faced about, and I am following him to support General Morell, as ordered. None of the batteries are closed up to me.

Respectfully,

G. K. WARREN.

This note from Warren was manifestly written some time after Morell received Order 37, to attack. It was after Colonel Locke, of Porter's staff, delivered the verbal order to "push on and press the enemy." And presumably Colonel Locke did not start with the verbal order till Porter received the message which Morell says he sent him that the enemy were not retiring. And thus it would seem that three trips, of a mile each, were made between Porter and Morell after the receipt by Porter of the 4.30 order and before Warren wrote his note at 5.45, making it, as Douglass Pope and the two orderlies swore, about 5 o'clock when the order was delivered. And yet the advisory board, in the face of this incontrovertible proof, have the effrontery to say that "it was not received by Porter before 6.30 p. m."

After having thus strangely found this fact to suit Porter's purpose they then excuse him by saying it was too late to attack that night. But there was more than two hours of daylight after Warren's note was written, and more than three hours of fighting. Many a battle has been decided by the work of a very few minutes; but here is a man who makes no use of three hours; in fact, no use of the whole day. How unlike this was the conduct of another corps commander on another great occasion. On the day of the battle of Marengo Dessaix marched his troops 20 miles, and reaching the field just as the French on the left were falling back in confusion, he said to Napoleon: "I am in season to cover your retreat." Napoleon replied: "You are in season to win a victory." Dessaix instantly led his corps in an impetuous charge upon the enemy, in which he fell; but the pen of history now tells how Napoleon, with twenty thousand men, put to flight thirty-two thousand Austrians.

The French people, in grateful recognition of Dessaix's valor, have put his statue in the Place Dauphine, in Paris.

When a grateful Democracy shall have put the name of Fitz-John Porter on the retired-list of the Army it will then be in order to build his monument. It should bear this inscription: "To the memory of the general who was ordered to attack the enemy, but instead thereof hid his men in the bushes and indifferently listened to the noise of a great battle, in which 8,000 of his companions in arms were killed and wounded."

The board, not quite satisfied with this excuse for Porter, invent another. It is as follows:

It is a well-established military maxim that a corps commander is not justifiable in making an apparently hopeless attack in obedience to an order from a superior who is not on the spot, and who is evidently in error in respect to the essential conditions upon which the order is based. The duty of the corps commander in such a case is to make not a real attack, but a strong demonstration, so as to prevent the enemy in his front from sending reinforcements to other parts of his line.

It was Porter's duty, then, to "make a strong demonstration." Let us be thankful that in the opinion of this board it was Porter's duty to have done anything that day. But instead of "a strong demonstration," Porter's force was really so undemonstrative that Lee and Longstreet and Stuart understood it had wholly withdrawn. General Lee, in his report, says:

Soon after General Stuart reported the approach of a large force from the direction of Bristoe Station. The three brigades under Wilcox were sent to reinforce Jones, but no serious attack was made, and after firing a few shots the enemy withdrew.

Here recall the fact that Wilcox in his report says he went down "a mile or more." Then recall the passages already read from the reports of Stuart and Longstreet, which show that they, too, understood that Porter's force was withdrawn. Longstreet says:

After some few shots the enemy withdrew his forces. * * * Wilcox's brigades were moved back to their former position.

And Stuart says:

After exchanging a few shots with rifle pieces, this corps withdrew toward Manassas,

Thus do we see that Lee, Longstreet, and Stuart all supposed Porter had withdrawn; and this is the way he made "a strong demonstration." But the board, still attempting to excuse Porter, say:

The display of troops made by Porter earlier in the afternoon had all the desired and all possible beneficial effect. It caused Longstreet's reserve division to be sent to his extreme right in front of Porter's position. There that division remained until about 6 o'clock—too late for it to take any effective part in the operations at other points of the line.

This statement of the board is not only specious and misleading, but it is worse. It is untrue. This reserve division was under General Wilcox, who "went down a mile or more" towards Porter, and in his report says:

Now the command was ordered back to the turnpike, and forward on this to the support of General Hood, who became warmly engaged with the enemy.

General Lee says:

General Wilcox was recalled from the right and ordered to advance on Hood's left.

General Longstreet, in his report, says:

Hood's two brigades were pressed forward quickly to the attack. At the same time Wilcox's three brigades made a like advance.

Thus is it perfectly clear that instead of being "too late" this reserve division went forward in the advance that drove Pope's left back that night. Not only must this board stand convicted of these several misstatements of facts, but in their eagerness to completely vindicate Porter these gentlemen actually misstate the language of the 4.30 order. They say it was an order to attack Jackson's right flank. The order says:

Your line of march brings you on the enemy's right flank. Push forward into action at once on the enemy's flank.

But the board say "it required an attack which could not be made." Why not? Stuart says: "The prolongation of Porter's line of march would have struck Longstreet in flank." All he had to do was to "push forward" as Pope ordered and it would have brought him "into action on the enemy's flank." But he ordered Morell to put the men into position for the night. He did not even make a demonstration; not a shot was fired under the 4.30 order; not a gun opened its mouth in threatening; he did absolutely nothing, and Longstreet, unmolested, threw the bulk of his corps upon Reynolds's and King's divisions. But enough concerning the inacuracies of this board. I should not have taken so much time in exposing some of them, only for the fact that the opinion of this board has proved a stumbling-block with many fair-minded people who have not examined the whole case.

The report of this board has been accepted as an authoritative disposition of the subject. But the fact is, the board itself had no legal existence whatever. It was authorized neither by the law nor the Constitution. It was called into being and existed wholly outside the law. The only warrant for its existence was the will of the President. It was in every sense extra-judicial; and if it administered oaths, as it did, the persons administering them would, under the common law, and under the statutes of most of the States, my own certainly, be guilty of a misdemeanor and the persons taking those oaths could not be punished for perjury under them.

The President, if he wanted advice upon this subject with a view of exercising the pardoning power, might well enough have asked the opinion of these gentlemen, or the opinion of any other gentlemen. But that opinion when given was of no binding force upon any one, not even the President. It was simply advisory. Not so with the court-

martial, however, which was a judicial tribunal, vested with the power of life and death, and whose judgment was final. Had the board confined itself to its legitimate and rightful work of advising the President as to the pardon of this man, no criticism could be offered. But instead of this, it altogether transcended the proper limit of its authority and advised that something be done that can not legally be done. And now, as a second false step, Congress is asked to act upon this illegitimate advice and transcend the proper limit of its authority by attempting to "annul and set aside" a judicial decree.

Let not, then, this unauthorized and illegal, and as we have abundantly seen, unreliable opinion of this board, longer mislead any one. It was undoubtedly from reading the artificial and fallacious report of this board and the testimony taken before it which, as we have already seen, was brought forth from the uncertain memory of sixteen years, rather than from carefully reading the reports of the confederate officers made at the time, that the friends of this bill are provided with their very best argument in support of it, namely, the opinion of the late General Grant. They tell us here was a man who led armies and fought battles and won victories. Surely his opinion ought to be decisive. But he would never have won victories with such support as Porter gave to Pope that day. With that kind of help he would never have won Donelson, or Shiloh, or Vicksburg, or Appomattox. It will not be claimed that General Grant was infallible. An examination of the letters written in this case by this sympathetic, confiding man will show that he lost himself in the vicious atmosphere of the report of this board and of the moldy recollections of the witnesses who came before it. The name of Ulysses S. Grant has gone into history. It will always hold a proud place in our country's annals, a secure place in the gratitude of the American people. But this will not be because of his letters in the Fitz-John Porter case, nor because of his relations with Ferdinand Ward in Wall street. It will be in spite of these things.

Now let us return to Fitz-John Porter and his command. Here was a corps in material and discipline considered the very best in the Army of the Potomac.

It contained the troops of the regular Army. It was filled with officers and men both patriotic and faithful.

Porter, told by Mr. McClellan that it was "a case of life and death," had brought this corps up from Falmouth in the last seven days, counting the 29th, a distance of 51 or 52 miles; a less distance than we have seen that A. P. Hill moved his division in two of those seven days.

This corps had seen no fighting since July 1; only two days less than two months since it had fired a gun at the enemy. We have already seen how the little Army of Virginia since the battle of Cedar Mountain, August 9, had been constantly marching and fighting, all the time being confronted by greatly superior numbers. And again on this memorable 29th of August the remnant of that army was found in line of battle and in deadly encounter with the enemy. But this corps of Porter's instead of being in line of battle and facing the enemy was strung along the road from Bethlehem church to Dawkin's Branch, just as the column halted, the men taking their ease, and its commander apparently not at all stirred by the din of battle on his right, in which his companions in arms were falling like autumn leaves. With three several orders in his pocket, obedience to any one of which would have taken him to the assistance of the line under Pope, which he understood was being driven back, he decided without striking a single blow to "withdraw to Manassas." But not quite daring to do this unless McDowell would join him he reluctantly remained, but was careful to give no assistance through the long hours of that fierce contest which only the thick darkness of 9 o'clock at night could subdue. Yes, ordered to advance, he "determined to withdraw to Manassas," and actually sent one brigade back, apparently not caring what disaster might overtake the army on the right; not caring that the capital was in danger; that, in fact, the hand of the assassin was at the very throat of the State.

Now, this was Fitz-John Porter's conduct on the 29th of August, 1862. But this was not the only day of his disobedience. We have seen how, upon the receipt of the very first order from the commander of the Army of Virginia, he was in doubt whether he would obey it; and upon deciding to do so, asked his friend Burnside to "inform McClellan that he might know he was doing right." We have seen also how the order of the 27th to move at 1 o'clock a. m. was wholly disregarded. And, most significant of all, as the mirror in which stands reflected the treacherous purpose of this man, we have seen his oft-repeated expressions of contempt for Pope and the mysterious turning of his heart to another idol—to the man who said, "See me before you sail." The board says this conduct of Porter was "obedient, subordinate, and faithful." But I tell you, notwithstanding this encomium of the board; notwithstanding under this bill, if it should become a law, the President and Senate may restore him to his original rank in the Army and put him on the retired-list, the impartial pen of history will write against the name of Fitz-John Porter the word traitor—not to the flag, but to his superior officer, whom he was resolved not to help win any victories in that campaign.

But the darkness of night had come on and the battle was fast dying out. General Pope had heard no sound from Porter's guns in response to the 4.30 order; and he knew that Porter must have wholly disregarded it, just as he had every order he had thus far sent him, excepting the first. Saying to himself "I will see if I can get this man into action," Pope sent him the following, which by its terms is suggestive that he was becoming somewhat in earnest:

HEADQUARTERS ARMY OF VIRGINIA,
IN THE FIELD NEAR BULL RUN,
August 29, 1862—8.50 p. m.

GENERAL: Immediately upon receipt of this order, the precise hour of receiving which you will acknowledge, you will march your command to the field of battle of to-day and report to me in person for orders. You are to understand that you are expected to comply strictly with this order, and to be present on the field within three hours after its reception, or after daybreak to-morrow morning.

JOHN POPE,
Major-General, Commanding.

Maj. Gen. F. J. PORTER.

[Received August 30—3.30 a. m.]

But Porter did not obey this last order. Though he went himself, he did not take his whole command to the field. Two brigades and one of his division commanders, General Morell, straggled away to Centreville, more than 6 miles to the rear. One of these brigades reached the field at night, just as the battle closed; but the other made no effort whatever to come up. Pope's force was less on the 30th by these two brigades, about four thousand men, than it would have been had Porter taken them along as ordered. Think of it, two whole brigades ordered up to take part in the battle, marching back 6 miles to the rear! Now, if Porter did not connive at this, he was clearly responsible for it. The officers of these brigades only did what they knew Porter all the time wanted to do, namely, fall back, one of them testifying that he expected when he reached Centreville to have found Porter there.

But Porter was on the field on the 30th and took part in the battle. It is said that he did well. But suppose he did; that does not help his former conduct. He was then under the very eye of his superior, and if he faltered his disobedience would be plain.

Notwithstanding the gallant fighting of the 30th the battle was lost. It was fatally turned against us by the complete inactivity of Porter's corps on the 29th, before the enemy was settled in his position and before his re-enforcements were all up.

Porter's failure to take four thousand of his twelve thousand men into action on the 30th, coupled with the fact that Lee was re-enforced on the morning of the 30th with Maj. Gen. R. H. Anderson's division of six thousand men, and Col. S. D. Lee's battalion of artillery (volume 12, part 2, page 577; and part 3, page 935), made Lee relatively stronger by ten thousand men, not counting Colonel Lee's artillery, than he was on the 29th; and this saying nothing of Lee's further re-enforcement on the afternoon of the 30th by McLaws's and D. H. Hills's divisions of five thousand men each, and nothing also of Franklin's corps from the Army of the Potomac, which should have participated in both days' fight, lost us the second battle of Bull Run. The 29th was the day of our hope in that battle. That was the day when the heavy blows should have been struck, but on that day Fitz-John Porter, though four times ordered to strike, never lifted a hand.

The second battle of Bull Run ought to have been a great Union victory. It would have been had Porter been zealous and active on the 29th; and had General Franklin gone forward with alacrity under the orders he received it must have resulted in the overwhelming defeat of the enemy. It would have been the Waterloo of the rebellion. There would have been no Antietam, no Gettysburg, and no river of blood from the Wilderness to Cold Harbor.

Now, to properly understand the conduct of Fitz-John Porter in this campaign it should be studied in the light of the conduct of General Franklin and the commander of the Army of the Potomac. By taking a view of these three men in a group the motive for Porter's lukewarmness becomes apparent. Without this his conduct, though clearly disobedient, might seem inexplicable; with it all is plain. Now, remember that on the 3d of August General McClellan was ordered to withdraw the Army of the Potomac from the James for the reinforcement of the army under General Pope. When these armies were united who was to have command, Pope or McClellan? That was the question. For some reason never explained General Sumner's corps was held back till all the other corps had come forward. Now, of all the corps commanders of the Army of the Potomac at that time, if there was one who, like Napoleon's marshals "always marched to the sound of the enemy's guns," it was Edwin V. Sumner. But he was kept back. We have already seen how not a man left Harrison's Landing under this order till August 14; we have also seen Porter's arrival at Falmouth the 22d and his snail-like progress in connecting with Pope and his conduct thereafter. Now, General Franklin's corps arrived at Alexandria the 24th and 25th of August. On the 26th he received the following order (volume 12, part 3, page 676):

WAR DEPARTMENT, *Washington, August* 26, 1862.

Major-General FRANKLIN, *Alexandria, Va.:*

You will march your corps by Centreville toward Warrenton, reporting to General Pope in the absence of General McClellan from the immediate field of operations.

H. W. HALLECK, *General-in-Chief.*

On the 27th, General McClellan arrived at Alexandria and reported

No. 1

ILLUSTRATIVE

MAP

of

Battle-Grounds of August 28th, 29th, & 30th, 1862

in the vicinity of

Groveton, Prince William Co., Va.

of Counsel for the Government.

Chiefly from the survey made under the authority of

The Hon. G. W. McCrary, Secretary of War.

Showing the relative positions of the Confederate and United States armies in the battle of the 29th of August 1862, at 2 P.M. as given in the evidence of witnesses on the trial in 1862 before the Army Board, in the official reports, and laid down on the map by the counsel

(See accompanying Letter Press)

Scale

Cat Harpin Run.

Sudley Ford

Sudley Church

BULL RUN

Centreville

Jackson's Headquarters

Sudley Mountain

Matthews

Pope's Hd.

Robinson's

Stone Bridge

Lewis Ford

Bull Run

Ford

Mc. Dowell

at 2 P.M.

Manassas Gap R.R.

Manassas Junction

Orange & Alexandria Railroad

Lee and Longstreet's Hqrs.

Hazel Run

Blackburn's Ford

Cub Run

Warrenton Road

Used as Army Road in 1862

Manassas Station

Groveton

Sudley Road

Dawkins Branch

Bald Hill

Chinn's Hill

Buck Hill

Young's Branch

Stony Ridge

Deep Cut

Broad Run

Bethlehem Church

Gainesville

Haymarket

Thoroughfare Gap

Gainesville & Haymarket Road

Thoroughfare Mountain

Gainesville & Thoroughfare Gap Road

Hay Market

Manassas Gap R.R.

Orange & Alexandria Railroad

to the General-in-Chief. On the 28th the following dispatch was sent to General Franklin (part 3, page 707):

WAR DEPARTMENT, *Washington, August 28, 1862.*

Major-General FRANKLIN, *Alexandria, Va.:*

On parting with General McClellan about 2 o'clock this morning it was understood that you were to move your corps to-day toward Manassas Junction to drive the enemy from the railroad. I have just learned that the general has not yet returned to Alexandria. If you have not received his orders act on this.

H. W. HALLECK, *General-in-Chief.*

But it seems the General-in-Chief learned that Franklin had not gone forward as ordered, and McClellan was claiming he was not ready to go, whereupon Halleck sent the following to General McClellan (part 3, page 710):

WASHINGTON, D. C., *August 28, 1862—7.40 p. m.*

Major-General McCLELLAN, *Alexandria, Va.:*

There must be no further delay in moving Franklin's corps toward Manassas. They must go to-morrow morning, ready or not ready. If we delay too long to get ready there will be no necessity to go at all, for Pope will either be defeated or victorious without our aid. If there is want of wagons the men must carry provisions with them until the wagons can come to their relief.

H. W. HALLECK, *General-in-Chief.*

The following order (part 3, page 723) speaks for itself:

WASHINGTON, D. C., *August 29, 1862—7.40 p. m.*

Major-General McCLELLAN, *Alexandria, Va.:*

You will immediately send construction trains and guards to repair railroad to Manassas; let there be no delay in this.

I have just been told that Franklin's corps stopped at Annandale, and that he was this evening in Alexandria.

This is all contrary to my orders; investigate and report the facts of this disobedience. That corps must push forward as I directed, protect the railroad, and open our communication with Manassas.

H. W. HALLECK, *General-in-Chief.*

On the night of the 30th, after the battle was all over, this corps reached Centreville, a distance of 20 miles from Alexandria, where it landed five days before. Thus do we see that Franklin went to the relief of Pope much as Porter did. Now, without claiming that McClellan ought to have got Porter's corps to Falmouth in less than twenty days after he was ordered, and Franklin's corps to Alexandria in less than twenty-three days, can there be any doubt but that if these two corps, after they were landed, had pressed forward with vigor to the help of Pope there would have been a radically different result on the plains of Manassas? It would have resulted in a signal victory, in a complete triumph for the Army of Virginia and its commander, and as the hero of the hour Pope would have had command of the Army of the Potomac. But instead of this the day was lost. Pope was whipped. He was no longer to be feared by McClellan or his friends. No one knew this better than McClellan himself. Porter had been the chief instrument of Pope's defeat, and rumors of his infidelity had come up here to the capital. Whereupon McClellan, two days after the battle, two days after the mischief was all done, in the exercise of that mystical power which he was supposed to hold over this man, sent him the following fervid personal note:

WAR DEPARTMENT, *September 1, 1862—5.30 p. m.*

I ask you for my sake, that of the country, and of the old Army of the Potomac, that you and all friends will lend the fullest and most cordial co-operation to General Pope in all the operations now going on.

The distresses of our country, the honor of our arms are at stake, and all depends now upon the cheerful co-operation of all in the field. This week is the crisis of our fate. Say the same thing to all my friends in the Army of the Potomac, and that the last request I have to make of them is that for their country's sake they will extend to General Pope the same support they ever have to me. I am in charge of the defenses of Washington. I am doing all I can to render your retreat safe, should that become necessary.

GEORGE B. McCLELLAN,
Major-General.

Major-General PORTER,
Centreville, Commanding Fifth Corps.

Now to understand the exact meaning of this patriotic appeal there should be read right between the lines of it the following dispatch of just three days before, sent in reply to Pope's call for food for his army; and sent, too, at the very hour he was engaged in deadly conflict with the enemy, and while Alexandria was swarming with troops from the Army of the Potomac, among which was Franklin's Corps, which, as we have seen, was ordered two days before that to march to the relief of Pope. Would that this dispatch had never been sent. Here it is. (Supplement to report of Committee on Conduct of War, part 2, page 156):

AUGUST 29, 1862—8 p. m

To COMMANDING OFFICER *at Centreville:*

I have been instructed by General McClellan to inform you that he will have all the available wagons at Alexandria loaded with rations for your troops, and all of the cars also, as soon as you will send a cavalry escort to Alexandria as a guard to the train.

Respectfully,

W. B. FRANKLIN,
Maj. Gen., Commanding Sixth Corps.

This last dispatch shows the kind of support McClellan would have had Porter give to Pope had the request been before the battle. But the mischief was already done. Pope's fate was fixed. He was beaten, and was sure to be set aside. The man to lead armies is never the man who loses battles. On the 1st day of September the Army of Virginia was ordered within the fortifications about Washington, and McClellan set about consolidating it with the Army of the Potomac; and Pope was without a command. His sun had set. And at the same time "McClellan's star was up"—just as Fitz-John Porter wrote his friend Burnside he hoped it would be "about the 31st." It was only one day behind the time fixed by Porter's horoscope when Burnside was to hear from him "by way of Alexandria;" and like a true prophet he had done as little as possible to prevent the fulfillment of the prophecy. The result was not only as Porter hoped, but as McClellan expected when he wrote Burnside a "confidential" note on the 20th of August, saying:

Yesterday and to-day I have received intelligence from confidential sources leading me to think it probable that Halleck will not or can not carry out his intention in regard to my position as expressed to you. (Volume 12, part 2, page 605.)

No, he "could not." The crisis was not then passed. The victorious enemy was still aggressive. Though McClellan was under manifest suspicion at the War Department of not having brought the Army of the Potomac to Pope's assistance as expeditiously as he might (volume 12, part 3, page 706), yet it "could not" in that critical and perilous time displace him and give the command to another; and as the result the army under his leadership followed the enemy into Maryland.

The stake that Porter had played for was won. He was again with the chief whom he loved best. Nor was McClellan ungrateful to his friend.

The curious will always wonder whether it was from a sense of obligation or from purely military considerations that at the terrible battle of Antietam, on the 17th of September, Porter was given the post of honor and the place of safety.

His corps was held all day in reserve behind the hill just in front of Pry's house, where McClellan had his headquarters, and during the whole of that bloody struggle never fired a gun. Thus for a season did the guilty prosper. But a day of reckoning was at hand. When the tide of war set back again to the southward this man was brought to justice.

Nine general officers, among them James A. Garfield, presided over by the venerable David Hunter, just gone to his reward, said he was guilty of disobedience of orders and sentenced him to be dismissed from the service. The findings and sentence were approved by Abraham Lincoln; and this man left the Army covered with the disgrace which he had brought upon himself. But now, after twenty-three years, it is proposed by the unauthorized and violent edict of Congress to "annul and set aside" the judgment of that court. It may be natural for those of you on the other side of the House, who were on the other side on the 29th of August, 1862, to feel like helping this man now, who so effectually helped you then. But remember that this Government is now yours; and just now the administration of it is yours. And, through your President, the command of the Army is yours. And, as swift punishment would have surely overtaken conduct like that of Porter in the army to which you then belonged, how can you consistently or safely make the attack contemplated by this bill upon the efficiency and good name of the Army whose honor is now in your keeping?

Ask yourselves upon the other side of the House, before passing this bill, if you can afford to prostitute the legislative power of this Government to the work of overthrowing the judgment of any court whatever which has existence by authority of law.

Ask yourselves if you can afford to break down the discipline of your Army by restoring to rank and position therein a man of whose treachery and disobedience nine-tenths of that Army are well convinced. But it may be said that this was an occurrence of the war and should be treated in the spirit of that general amnesty which is fast blotting out the transgressions of that period.

Now, with the principle laid down by Montesquieu in his Spirit of Laws, that—

It is not profitable for republics to deal harshly with those who may rebel against its authority; that it is more advisable to exceed in lenity than severity; to banish but few rather than many; and to leave them their estates instead of making a vast number of confiscations; that the object is not to destroy the rebel, but the rebellion—

all will agree. And it is to the lasting credit of this American Republic that, when the surrender came, blood ceased to flow. Not a political execution followed. But this principle of Montesquieu does not apply to the case before us. For the man who, in the face of the world, stands up in battle for his flag there may be room for respect, even though it be the flag of rebellion. But what shall be said of the man who stood coolly by and gave the enemy a victory rather than help his superior officer whom he did not like? What shall be said of the man whom the slaughter of his friends did not move?

Were this gray-haired old man, who some think has been sufficiently punished already, to confess his error and ask to be relieved from a punishment greater than he could bear, the appeal might arouse compassion, even though this body were powerless, as it is, to relieve. But that is not the attitude of Fitz-John Porter. He comes justifying, not confessing. He demands restoration to his place in the Army from which he claims to have been wrongfully thrust out by the unjust judgment of a court-martial. He does not ask mercy. He demands justice. But justice cries out against him. The law cries out against him. The Army and Navy, both officers and men, cry out against him. The millions who upheld the flag in the late civil struggle cry out against him. Three hundred thousand veteran soldiers who fought for the preservation of the Union cry out against him. The disem-

bodied spirits of those who fell on the 29th of August, 1862, cry out against him; as

They wheel in airy echelon
From pass and height and plain,
To form upon that bloody ground
Their scattered ranks again,

they cry out against him.

The martyred Lincoln and the martyred Garfield, both of whom sat in judgment upon this man, and one of whom said, "the case would have justified the sentence of death," cry out from the silent chambers of the dead against him.

In the name of good government and for the sake of legislative decency let us hope that the law may not be outraged and justice mocked by the passage of this bill, against which stands the solemn protest of both the living and the dead.

Mr. THOMPSON. Mr. Chairman, I would like for a moment to call attention to a statement made by the gentleman from Wisconsin [Mr. BRAGG]. That gentleman read from the report of Major-General Heintzelman for the purpose, as I understand, of showing that Kearny, on the afternoon of the 29th, was ordered to attack and failed to do so until after 6 o'clock. The gentleman stated—and it was true, of course—that General Kearny made no report after his death. But he did prepare a report on the 31st of August, covering the operations of his division on the 29th and 30th—a report which was intended to be signed by him on the day of his death, and which was forwarded by his successor, General Birney, in this language:

Respectfully forwarded as the official report drawn up by the late Maj. Gen. Philip Kearny, and intended to have been signed by him the day of his death.

The report may be found on page 415, volume 12, part 2, of the Records of the War of the Rebellion. In this report General Kearny gives his own account of the matter referred to in the report of General Heintzelman. I read the language of General Kearny:

Toward noon I was obliged to occupy a quarter of a mile additional on left of said road, from Schurz's troops being taken elsewhere.

During the first hours of combat General Birney, on tired regiments in the center falling back, of his own accord rapidly pushed across to give them a hand to raise themselves to a renewed fight. In early afternoon General Pope's order, per General Roberts, was to send a pretty strong force diagonally to the front to relieve the center in the woods from pressure. Accordingly I detached for that purpose General Robinson with his brigade; the Sixty-third Pennsylvania Volunteers, Colonel Hays; the One hundred and fifth Pennsylvania Volunteers, Captain Craig; the Twentieth Indiana, Colonel Brown; and, additionally, the Third Michigan Marksmen, under Colonel Champlin. General Robinson drove forward for several hundred yards; but the center of the main battle being shortly after driven back and out of the woods, my detachment, thus exposed so considerably in front of all others, both flanks in air, was obliged to cease to advance and confine themselves to holding their own.

At 5 o'clock, thinking—though at the risk of exposing my fighting line to being enfiladed—that I might drive the enemy by an unexpected attack through the woods, I brought up additionally the most of Birney's regiments—the Fourth Maine, Colonel Walker and Lieutenant-Colonel Carver; the Fortieth New York, Colonel Egan; First New York, Major Burt, and One hundred and first New York, Lieutenant-Colonel Gesner—and changed front to the left to sweep with a rush the first line of the enemy. This was most successful. The enemy rolled up on his own right. It presaged a victory for us all. Still our force was too light. The enemy brought up rapidly heavy reserves, so that our further progress was impeded.

Now, I desire merely to call attention to this in reply to what has been said by the gentleman from Wisconsin [Mr. BRAGG], who sought to create the impression that at that critical moment General Kearny failed to respond. I have read General Kearny's own answer to the statement of General Heintzelman, which must have been made under a misapprehension of the facts.

Mr. BRAGG. It is a fact, however, is it not, that Grover was not supported? Can there be any dispute that General Grover was not supported?

Mr. THOMPSON. I have simply called attention to General Kearny's statement, which is a full answer to the statement made by General Heintzelman in his report.

Mr. WHEELER. Mr. Chairman, in making my remarks to-day, being confined to an hour, and as the speech which I had prepared would have exceeded an hour in length, there were necessarily some parts which I could not read in full, simply stating their substance. I now ask permission to print in full in the RECORD my speech as prepared.

The CHAIRMAN. If there be no objection the leave requested will be granted.

There was no objection.

Mr. BRAGG. I move that the committee rise.

The motion was agreed to.

The committee accordingly rose; and Mr. EDEN having taken the chair as Speaker *pro tempore*, Mr. SPRINGER reported that the Committee of the Whole House on the state of the Union, having had under consideration the bill (H. R. 67) for the relief of Fitz-John Porter, had come to no resolution thereon.

And then, on motion of Mr. BRAGG (at 10 o'clock and 6 minutes p. m.), the House adjourned.

PETITIONS, ETC.

The following petitions and papers were laid on the Clerk's desk, under the rule, and referred as follows:

By Mr. C. R. BRECKINRIDGE: Memorial for the relief of Mary C. Yuckley—to the Committee on War Claims.

By Mr. CAINE: Petition of Edward Bird, of Tooele, Utah, late mate in the United States Navy, asking for the three months' extra pay allowed to volunteers who served to the end of the war—to the same committee.

By Mr. CARLETON: Petition of citizens of Port Huron, Mich., for a constitutional amendment granting the right of suffrage to women—to the Committee on the Judiciary.

Also, resolution of Local Assembly Knights of Labor, No. 3997, Otter Lake, Mich., for the passage of the bill for the restoration of wages in the Government Printing Office—to the Committee on Labor.

By Mr. COMSTOCK: Petition of Thomas D. Gilbert and 40 others, leading citizens of Grand Rapids, Mich., for an appropriation for public buildings at that place—to the Committee on Public Buildings and Grounds.

Also, petition of Hon. Dwight Butler and 110 citizens of Grand Haven, Mich., for an appropriation for the erection of public buildings at that place—to the same committee.

By Mr. R. H. M. DAVIDSON: Petition of 48 citizens of Blanch, Polk County, Florida, and vicinity, praying for forfeiture of lands claimed by the Florida Railway and Navigation Company—to the Committee on the Public Lands.

By Mr. DINGLEY: Petition of 52 masters of vessels in the port of Boston and of 82 owners of vessels in Boston, asking that masters or mates of American sailing vessels may be authorized to pilot their own vessels in the same manner as masters or mates of American steam-vessels are now authorized to do—to the Select Committee on American Ship-building and Ship-owning Interests.

By Mr. DORSEY: Petition of J. E. West and others, asking an appropriation for a bridge over Niobrara River, Nebraska—to the Committee on Commerce.

By Mr. DUNN: Papers relating to the claim of Louisa Chism, of Monroe County, Arkansas—to the Committee on War Claims.

By Mr. ELY: Petition from Rev. Charles H. Regan, Roman Catholic priest, Dr. J. L. Harrison and 100 others, representative citizens of Middlesex County, Massachusetts, for scientific temperance instruction in the schools under control of the Federal Government, and by unanimous vote the Methodist Episcopal church and Congregational Sunday school of Berlin join these petitioners—to the Committee on Education.

By Mr. EVERHART: Petition of citizens of Delaware County, Pennsylvania, favoring early pension legislation recommended by the Grand Army of the Republic—to the Committee on Invalid Pensions.

By Mr. FUNSTON: Petition of citizens of Douglas County, Kansas, for the passage of the Oklahoma bill—to the Committee on the Territories.

By Mr. GLOVER: Petition of citizens of Saint Louis, for the passage of an act granting suffrage to women—to the Committee on the Judiciary.

By Mr. GUENTHER: Memorial from Oshkosh, Wis.; and two memorials from Holstein, Wis., concerning the abolition of the Presidency—to the same committee.

Also, petition of Charles Blanchard, for a pension—to the Committee on Invalid Pensions.

By Mr. HIRES: Petitions signed by many citizens, praying for the improvement of the thoroughfare between Townsend's and Corson's Inlets, Cape May County, New Jersey—to the Committee on Rivers and Harbors.

By Mr. HITT: Petition of I. T. Kanode, of Ogle County, Illinois, praying that his war claim be referred to the Court of Claims—to the Committee on War Claims.

By Mr. LAFFOON: Petition of O. S. Parker, for relief—to the Committee on Invalid Pensions.

By Mr. LANHAM: Petition of T. J. Middleton and others, citizens of Hood County, Texas, for national aid to education—to the Committee on Education.

By Mr. LIBBEY: Papers relating to the claim of Jean Odendhal—to the Committee on War Claims.

By Mr. McCOMAS: Petition of Joseph H. Maddox, for relief—to the same committee.

By Mr. McRAE: Petition of John Duggan, of Nevada County, Arkansas, asking reference of his claim to the Court of Claims—to the same committee.

By Mr. MILLER: Petition of Thomas Reiling, for back pay as postmaster at Anderson, Tex.—to the Committee on the Post-Office and Post-Roads.

By Mr. PERKINS: Petition of A. M. Kelman and 250 others, citizens and ex-soldiers of Montgomery County, Kansas, asking for legislation in keeping with the recommendations of the national committee of the Grand Army of the Republic—to the Committee on Invalid Pensions.

By Mr. PETERS: Concurrent resolutions of the Legislature of Kansas, favoring the right of way to the Winfield and Fort Smith Railway, and to the Parsons and Pacific Railway, through Indian Territory—to the Committee on Indian Affairs.

Also, petition of 736 citizens of Wellington and Sumner Counties, Kansas, praying for the organization of the Territory of Oklahoma, and the opening of unoccupied lands to actual settlers—to the Committee on the Territories.

By Mr. RICHARDSON: Petition of George N. Tillman and others, citizens of Tennessee, asking relief for A. A. Strong—to the Committee on Claims.

By Mr. RIGGS: Papers relating to claim of Maj. W. Vedder, to accompany his petition heretofore introduced—to the Committee on War Claims.

By Mr. SENEY: Memorial of C. H. Boppe and others, concerning the abolition of the Presidency—to the Committee on the Judiciary.

By Mr. SKINNER: Memorial of the citizens of Dare County, North Carolina, for the establishment of a light-house on Pugh's Reef, Pamlico Sound, North Carolina—to the Committee on Commerce.

By Mr. SYMES: Papers relating to the claim of James H. Wells—to the Committee on Claims.

By Mr. TAULBEE: A bill for the relief of John P. Barrett—to the Committee on War Claims.

By Mr. E. B. TAYLOR: Petition of 72 citizens of Ohio, asking an appropriation of $80,000 for the harbor of Ashtabula, on Lake Erie—to the Committee on Rivers and Harbors.

By Mr. ZACH. TAYLOR: Petition of the heirs of Margaret Rawlings, deceased, of Fayette County, Tennessee, asking compensation for property taken and used by the United States Army during the late war—to the Committee on War Claims.

Also, papers relating to the claim of Robert Talley—to the same committee.

By Mr. WARD: Petition of citizens of Tipton County; of William B. Nobles and others, of Tipton County; of Joseph B. Cheadle and others, of Clinton County; of James L. Richard and others, and of I. J. Daton and others, of Hamilton County, Indiana, asking that all Union soldiers be pensioned—to the Committee on Invalid Pensions.

By Mr. A. J. WARNER: Petition of John R. Hunt and 64 others, citizens of Quaker City, Guernsey County, Ohio, asking the passage of a bill to pay soldiers the difference between gold and greenbacks—to the Committee on War Claims.

Also, petition of Franklin Sanford and 28 others, asking for certain pension legislation—to the Committee on Invalid Pensions.

The following petitions, praying Congress to place the coinage of silver upon an equality with gold; that there be issued coin certificates of one, two, and five dollars, the same being made legal tender; that one and two dollar legal-tender notes be issued, and that the public debt be paid as rapidly as possible by applying for this purpose the idle surplus now in the Treasury, were presented and severally referred to the Committee on Coinage, Weights, and Measures.

By Mr. CANNON: Petition of Thomas Lahe and 325 others, citizens of Illinois.

By Mr. HALL: Of C. Nicola and 100 others, citizens of Iowa.

By Mr. PETERS: Of Thomas Clark and 112 others, citizens of McPherson County, Kansas.

By Mr. J. W. REID: Of 68 citizens of North Carolina.

SENATE.

WEDNESDAY, *February* 17, 1886.

Prayer by the Chaplain, Rev. E. D. HUNTLEY, D. D.

The Journal of yesterday's proceedings was read and approved.

EXECUTIVE COMMUNICATION.

The PRESIDENT *pro tempore* laid before the Senate a communication from the Secretary of the Treasury, transmitting, in response to a resolution of the 1st instant, additional information as to the accounts of Alfred B. Meacham, late superintendent of Indian affairs for the State of Oregon; which, with the accompanying papers, was, on motion of Mr. MITCHELL, of Oregon, referred to the Committee on Claims, and ordered to be printed.

PETITIONS AND MEMORIALS.

The PRESIDENT *pro tempore* presented seven petitions of local assemblies of Knights of Labor of Ohio, praying for the opening of lands in the Indian Territory to homestead settlement, &c.; which were referred to the Committee on Indian Affairs.

He also presented a memorial of Local Assembly No. 3579, Knights of Labor, Washington, D. C., remonstrating against the passage of Senate bills 265 and 1003, in relation to pilots; which was referred to the Committee on Commerce.

He also presented a petition of Local Assembly 2591, Knights of Labor, of Toledo, Ohio, praying for the passage of a bill in regard to the wages of employés in the Government Printing Office; which was referred to the Committee on Printing.

Mr. EUSTIS presented a petition of steamboat owners of Philadelphia, Pa., and a petition of steamboat owners of New Orleans, La., praying for the passage of the bill (S. 1004) to abolish certain fees for official services to American vessels, and to amend the laws relating to shipping commissioners, seamen, and owners of vessels, and for other purposes; which were referred to the Committee on Commerce.

Mr. MCMILLAN presented a petition of citizens of Faribault, Minn., praying for the passage of a joint resolution at the present session of Congress submitting to the several State Legislatures a proposition to so amend the national Constitution as to protect the women of all the States and Territories in the enjoyment of the right of suffrage; which was ordered to lie on the table.

He also presented a petition of citizens of Minneapolis and Saint Paul, Minn., praying for the appointment of commissioners on the part of the United States to confer with commissioners on the part of Canada for a general reciprocity treaty and for the settlement of all questions at present existing between Canada and the United States; which was referred to the Committee on Foreign Relations.

Mr. PALMER presented a petition of 387 representative citizens of Cass, Berrien, and Saint Joseph Counties, Michigan, and a petition of 525 representative citizens of Hillsdale, Lenawee, and Washington Counties, Michigan, praying for the enactment of a law requiring scientific temperance instruction in the public schools of the District of Columbia, in the Territories, and in the Military and Naval Academies, and the Indian and colored schools, supported wholly or in part by money from the national Treasury; which were ordered to lie on the table.

Mr. EVARTS presented a petition of 232 representative citizens of Cattaraugus County, New York; a petition of 290 representative citizens of Steuben County, New York; and a petition of 267 representative citizens of Monroe County, New York, praying for the enactment of a law requiring scientific temperance instruction in the public schools of the District of Columbia, in the Territories, and in the Military and Naval Academies, and the Indian and colored schools, supported wholly or in part by money from the national Treasury; which were ordered to lie on the table.

He also presented the petition of A. Colburn & Co., John Bodine, and 135 other merchants of New York, praying that the Secretary of War be authorized to contract with Charles Stoughton and his associates for the entire work of improving the Harlem River, New York, for a sum not exceeding $1,295,000, including the right of way free of cost to the United States; which was referred to the Committee on Commerce.

Mr. WILSON, of Maryland, presented a petition of citizens of Montgomery County, Maryland, praying for the passage of a joint resolution submitting to the several State Legislatures a proposition to so amend the national Constitution as to protect the women of all the States and Territories in the enjoyment of the right of suffrage on equal terms with men; which was ordered to lie on the table.

Mr. JACKSON presented the petition of Elizabeth P. Hicks, praying for the passage of an act authorizing and directing the Adjutant-General of the United States to place the name of her late husband, Adam Finch, on the rolls of Company K, Seventh Regiment Tennessee Cavalry; which was referred to the Committee on Military Affairs.

Mr. LOGAN presented four petitions of citizens of Fairbury, Livingston County, Illinois, praying for the enactment of a law requiring scientific temperance instruction in the public schools of the District of Columbia, in the Territories, and in the Military and Naval Academies, and the Indian and colored schools, supported wholly or in part by moneys from the national Treasury; which were ordered to lie on the table.

Mr. PLUMB presented the petition of Michael Hall, late a commissary-sergeant of the United States Army, having served over thirty years, praying to be placed on the retired-list of enlisted men by special legislation; which was referred to the Committee on Military Affairs.

Mr. LOGAN presented the petition of John Sorrell, of Illinois, praying for the removal of the charge of desertion from his military record; which was referred to the Committee on Military Affairs.

He also presented a petition of citizens of Illinois, praying for the passage of a bill granting pensions to the soldiers of the Mexican war; which was referred to the Committee on Pensions.

He also presented a petition of citizens of Franklin, Pa., praying for the passage of a bill to equalize pensions; which was referred to the Committee on Pensions.

He also presented a petition of citizens of the United States, praying for the taxation of all property for the support of the Government; which was referred to the Committee on Finance.

He also presented a petition of citizens of Illinois, praying Congress to place the coinage of silver on the same footing with the coinage of gold; which was referred to the Committee on Finance.

He also presented a petition of citizens of Rock Island County, Illinois, praying that the right of suffrage be granted to women; which was ordered to lie on the table.

REPORTS OF COMMITTEES.

Mr. DOLPH, from the Committee on Claims, to whom was recommitted the bill (S. 41) for the relief of James S. Clark & Co., reported it without amendment.

Mr. PIKE, from the Committee on Claims, to whom was referred the bill (S. 187) for the relief of Frederick W. Ruggles, of Westport, Nova Scotia, reported it with an amendment, and submitted a report thereon.

He also, from the same committee, to whom were referred the follow-

ing bills, reported them severally without amendment, and submitted reports thereon:

A bill (S. 267) for the relief of Edway A. Grant; and

A bill (S. 1071) for the relief of Frances W. Dyer.

BILLS INTRODUCED.

Mr. GEORGE introduced a bill (S. 1550) to provide for an addition to the United States building at Jackson, Miss.; which was read twice by its title, and referred to the Committee on Public Buildings and Grounds.

Mr. MAHONE introduced a bill (S. 1551) for the relief of the heirs of the late A. Thompson, of Roanoke County, Virginia; which was read twice by its title, and referred to the Committee on Post-Offices and Post-Roads.

Mr. JACKSON introduced a bill (S. 1552) for the relief of Hart Mauson; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Claims.

He also (by request) introduced a bill (S. 1553) granting a pension to Mrs. E. G. C. Abbott; which was read twice by its title, and referred to the Committee on Pensions.

Mr. GORMAN introduced a bill (S. 1554) for the relief of William Talbert; which was read twice by its title, and referred to the Committee on Claims.

He also (by request) introduced a bill (S. 1555) imposing additional duties on merchandise the product of countries east of the Cape of Good Hope; which was read twice by its title, and referred to the Committee on Finance.

Mr. JONES, of Arkansas (by request), introduced a bill (S. 1556) for the relief of the estate of Henry C. Boyd; which was read twice by its title, and referred to the Committee on Claims.

Mr. GIBSON (by request) introduced a bill (S. 1557) for the relief of certain employés of the United States mint at New Orleans, La.; which was was read twice by its title, and referred to the Committee on Claims.

He also introduced a bill (S. 1558) providing for the judicial ascertainment of claims against the United States; which was read twice by its title, and referred to the Committee on the Judiciary.

Mr. MITCHELL, of Oregon, introduced a bill (S. 1559) to amend section 3020 of the Revised Statutes, referring to drawback duty on manufactured tin; which was read twice by its title, and referred to the Committee on Finance.

He also introduced a bill (S. 1560) to reimburse Peter French for depredations committed by Bannock and Piute Indians; which was read twice by its title, and referred to the Committee on Indian Affairs.

Mr. MORRILL introduced a bill (S. 1561) to establish an educational fund, and apply a portion of the proceeds of the public lands to public education, and to provide for the more complete endowment and support of colleges for the advancement of scientific and industrial education; which was read twice by its title.

Mr. MORRILL. I ask that the bill may be printed and laid upon the table. I desire at some opportune time to submit some remarks upon it.

The PRESIDENT *pro tempore*. The bill will lie upon the table.

Mr. PLUMB introduced a bill (S. 1562) granting arrears of pension to A. C. Hight; which was read twice by its title, and referred to the Committee on Pensions.

He also introduced a bill (S. 1563) granting a pension to James McLaughlin; which was read twice by its title, and referred to the Committee on Pensions.

Mr. HOAR introduced a bill (S. 1564) for the erection of a monument to the late Ulysses S. Grant; which was read the first time by its title.

Mr. HOAR. I ask to have the bill read at length. It is very short, consisting of but five or six lines.

The bill was read the second time at length, as follows:

Be it enacted, &c., That there shall be erected in Washington a monument, with appropriate statuary, to commemorate the illustrious public services of the late Ulysses S. Grant.

SEC. 2. A commission, to consist of three Senators to be appointed by the President of the Senate, and three members of the House of Representatives to be appointed by the Speaker of the House, are authorized to contract for said monument.

SEC. 3. The sum of $150,000, or so much thereof as may be necessary, is hereby appropriated, out of any moneys in the Treasury not otherwise appropriated, for this purpose.

Mr. LOGAN. I suggest to the Senator from Massachusetts that he increase the amount by $100,000. I do not think $150,000 would erect a monument to General Grant that the country would be satisfied with.

Mr. HOAR. With the unanimous consent of the Senate I will amend the bill accordingly at this moment, and make the amount proposed to be appropriated for the purpose $250,000.

The PRESIDENT *pro tempore*. The Senator has a right to modify it at the present stage. The bill as amended will be referred to the Committee on the Library.

Mr. CALL introduced a bill (S. 1565) for the relief the legal representatives of Joseph Sierra, deceased; which was read twice by its title, and referred to Committee on Claims.

Mr. BECK introduced a bill (S. 1566) to establish a new land district in the Territory of Wyoming; which was read twice by its title, and referred to the Committee on Public Lands.

Mr. LOGAN introduced a bill (S. 1567) regulating gas works in the District of Columbia; which was read twice by its title, and referred to the Committee on the District of Columbia.

Mr. LOGAN. I ask that the paper filed with the bill, containing suggestions in reference to the different acts pertaining to the subject, may be printed in connection with the bill, so as to go to the committee and afford them information.

The PRESIDENT *pro tempore*. The accompanying paper will be printed at the request of the Senator from Illinois, and also referred to the Committee on the District of Columbia.

Mr. GEORGE introduced a joint resolution (S. R. 44) authorizing and directing the Department of Justice to transfer certain rooms which have been occupied by the United States courts to the city of Jackson, Miss.; which was read twice by its title, and referred to the Committee on Public Buildings and Grounds.

Mr. EVARTS introduced a joint resolution (S. R. 45) authorizing and requiring the Secretary of War to contract for the improvement of Harlem River navigation; which was read twice by its title, and referred to the Committee on Commerce.

PAPERS WITHDRAWN.

On motion of Mr. HARRIS, it was

Ordered, That N. G. Terry have leave to withdraw from the files his petition and papers in respect to his claim for use in the House of Representatives, there having been no adverse report on the same.

PRINTING OF INTERSTATE-COMMERCE BILL.

Mr. CULLOM. I offer the following resolution and ask for its present consideration:

Resolved, That 500 additional copies of Senate bill No. 1532 be printed for the use of the Senate.

This is the bill relating to interstate commerce, and the gentleman in charge of bills says that he is unable to supply the call for copies of it.

The resolution was considered by unanimous consent, and agreed to.

REPORT ON SHIPPING INTERESTS OF GERMANY.

Mr. FRYE submitted the following resolution; which was considered by unanimous consent, and agreed to:

Resolved, That the Secretary of State be, and he hereby is, requested to transmit to the Senate a copy of a report recently received by him from Frederick Raine, consul-general of the United States at Berlin, upon the shipping interests of Germany.

PEARSON C. MONTGOMERY.

The PRESIDENT *pro tempore*. If there be no further "concurrent or other resolutions" the Calendar is in order under the eighth rule. The first case will be stated.

The bill (S. 18) for the relief of Pearson C. Montgomery, of Memphis, Tenn., was announced as first in order, and the Senate, as in Committee of the Whole, proceeded to consider it.

The bill was reported from the Committee on Claims with an amendment, in line 6, after the words "sum of," to strike out "fourteen" and insert "three;" and in line 7, before the word "hundred," to strike out "eight" and insert "one;" so as to make the bill read:

Be it enacted, &c., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to Pearson C. Montgomery, of Memphis, State of Tennessee, the sum of $3,100, in full compensation for property taken from him for the use of and used by the Army of the United States during the late war.

The amendment was agreed to.

Mr. CONGER. I ask that the report be read in that case.

The PRESIDENT *pro tempore*. The report will be read.

The Chief Clerk proceeded to read the report, submitted by Mr. PIKE January 13, 1886, but before concluding—

Mr. CONGER. That involves some questions which ought to be considered in a longer time than under the five-minute rule, and for that reason I object to the consideration of the bill.

The PRESIDENT *pro tempore*. Objection being made, the bill goes over.

Mr. PIKE subsequently said: I wish to call attention to Order of Business 52, being the bill (S. 18) for the relief of Pearson C. Montgomery, of Memphis, Tenn., which was objected to by the Senator from Michigan [Mr. CONGER] when reached. I have consulted him, and he is willing to allow it to remain on the Calendar as it is without prejudice.

The PRESIDENT *pro tempore*. If there be no objection that order will be made.

AMERICAN REGISTER FOR STEAMSHIP CAROLINE MILLER.

The bill (S. 491) to provide for an American register for the steamship Caroline Miller, of Baltimore, Md., was announced as next in order; and the Senate, as in Committee of the Whole, resumed its consideration.

The PRESIDENT *pro tempore*. The bill having heretofore been read, the question is on the adoption of the amendment reported by the Committee on Commerce. The amendment will be read.

The CHIEF CLERK. The Committee on Commerce report to insert as an additional section the following:

SEC. 2. That the Secretary of the Treasury be, and hereby is, authorized and directed to authorize and direct the inspection of said steam-vessel, steam-boiler, steam-pipes, and the appurtenances of said boiler, and cause to be granted the proper and usual certificate issued to steam-vessels of the merchant marine, without reference to the fact that said steam-boiler, steam-pipes, and appurtenances were not constructed pursuant to the laws of the United States, and were not constructed of iron stamped pursuant to said laws; and the tests to be applied on the inspection of said boiler, steam-pipes, and appurtenances will be the same, in all respects as to strength and safety, as are required in the inspection of boilers constructed in the United States for marine purposes, save that the fact that said boiler, steam-pipes, and appurtenances not being constructed pursuant to the requirements of the laws of the United States, and are of unstamped iron, shall not be an obstacle to the granting of the usual certificate if said boiler, steam-pipes, and appurtenances are found to be of sufficient strength and safety.

The PRESIDENT *pro tempore*. The question is on agreeing to the amendment of the committee.

The amendment was agreed to.

Mr. FRYE. That bill was passed over the other day because it was not accompanied by a report. Has a report since been filed?

The PRESIDENT *pro tempore*. The Chair is not able to inform the Senator. The Senator from Maryland [Mr. GORMAN], the Chair thinks, filed a report.

Mr. GORMAN. I submitted a report in accordance with the understanding, but I find that the report has not yet come from the Public Printer. I hold in my hand, however, a communication from the Secretary of the Treasury on the subject.

Mr. FRYE. The report has been submitted, I understand the Senator to say?

Mr. GORMAN. It has been submitted.

The PRESIDENT *pro tempore*. It is in the hands of the Printer.

Mr. FRYE. That is all I desire. A report stating the facts should be submitted, because it is an exceptional case; and in all such cases of application to be removed from the general rule I think a report should accompany the bill.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

JOHN HOLROYD.

The bill (S. 94) for the relief of Mrs. Sarah Elizabeth Holroyd, widow and administratrix of the estate of John Holroyd, deceased, was considered as in Committee of the Whole. It directs the Secretary of the Treasury to pay to Mrs. Sarah Elizabeth Holroyd, widow and administratrix of the estate of John Holroyd, deceased, $1,000, in full consideration for the entire past and future use by the Government of the United States of the patented hook and eye for tackle-blocks of John Holroyd, if a full, sufficient, and legal transfer and license is executed and deposited with the Navy Department, for the Government purposes, free of all charges of royalty.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

JABEZ BURCHARD.

The bill (S. 570) for the relief of Jabez Burchard was announced as next in order on the Calendar.

Mr. PLUMB. Is there a report in that case?

The PRESIDENT *pro tempore*. There is.

Mr. PLUMB. I call for the reading of the report.

The PRESIDENT *pro tempore*. The report will be read.

The Chief Clerk proceeded to read the report, submitted by Mr. CAMERON, from the Committee on Naval Affairs, January 20, 1886, and before concluding,

Mr. PLUMB. I think I shall have to object to the present consideration of the bill.

The PRESIDENT *pro tempore*. Objection being made, the bill goes over under the rule.

LIEUT. WILLIAM P. RANDALL.

The bill (S. 367) authorizing the President of the United States to appoint Lieut. William P. Randall a lieutenant-commander on the retired-list of the Navy was announced as next in order.

Mr. PLUMB. I object to the consideration of that bill.

The PRESIDENT *pro tempore*. Objection being made, the next case on the Calendar will be announced.

JAMES CLIFFORD.

The bill (S. 738) for the relief of James Clifford was considered as in Committee of the Whole. It proposes to pay $556.70 to James Clifford, of Fort Smith, Ark., for iron doors and windows furnished for the United States jail at Fort Smith, in the western district of Arkansas, during the year 1874, under employment by the jailor.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

CAPT. C. H. WARRENS.

The bill (S. 1052) for the relief of Capt. C. H. Warrens was considered as in Committee of the Whole. It directs the Secretary of the Treasury to pay Capt. C. H. Warrens, of the Fourteenth Infantry, United States Army, $621.18, to reimburse him for a like amount stolen from him, in quartermaster supplies, by Sergeant Bismarck, who is now serving a term of imprisonment for his crime.

Mr. PLUMB. Is there a report with that bill?

The PRESIDENT *pro tempore*. There is a report; it will be read.

Mr. PLUMB. It seems to me it should require some unusual statement of fact to warrant the passage of a bill of that kind, and I should like to hear the facts.

The PRESIDENT *pro tempore*. The report will be read.

The Chief Clerk read the following report, submitted by Mr. LOGAN, January 20, 1886:

The Committee on Military Affairs, to whom was referred the bill (S. 1052) for the relief of Capt. C. H. Warrens, have duly considered the same, and submit the following report:

It appears from the evidence submitted that Captain Warrens was, in 1867, post quartermaster at Fort Douglas, Utah, and depot quartermaster at Ogden, Utah, 38 miles distant, where his duties required his frequent presence. He was post commissary and purchasing commissary at Salt Lake City. It will be seen that he was often necessarily absent from Fort Douglas.

During these absences Sergt. Robert Bismarck, who was quartermaster-sergeant, had many opportunities to steal quartermaster's property, and did so. A part of these stolen stores were traced and found, but some of them were never recovered, and it is for these that Captain Warrens has been held accountable.

A court-martial was convened, and Sergeant Bismarck was found guilty of stealing these stores and sentenced to seven years in the penitentiary. The board of survey entirely exonerated Captain Warrens from all blame.

There is abundant evidence that Captain Warrens was in no way responsible for the loss of these stores.

The total deficiency, as ascertained by the board of inquiry, amounted to $1,788.24. Of this amount $1,090.55 was ascertained to have been stolen by Sergeant Bismarck. The sum of $76.51 has also been passed to the credit of Captain Warrens, which leaves a balance of $621.18, the amount appropriated by this bill, against his pay, which amount represents the value of the goods stolen but could not be found.

Your committee are of the opinion that the bill ought to pass, wherefore they report S. 1052 without amendment, and recommend that it do pass.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

ESTATE OF J. J. PULLIAM.

The bill (S. 605) for the relief of the estate of J. J. Pulliam, deceased, was announced as next in order on the Calendar.

Mr. PLUMB. I object to the consideration of that bill.

The PRESIDENT *pro tempore*. Objection being made, the bill goes over.

Mr. HOAR. Will the Senator withhold his objection one moment to allow me to state to him what the bill is? It is a very compact matter, and it will take but half a minute to state the facts.

Mr. PLUMB. I withdraw the objection for the moment.

Mr. HOAR. When the bill containing some thirteen hundred or fourteen hundred items which passes every year for quartermaster stores came to the Senate last year, after passing the House of Representatives (the bill is made up in the Quartermaster's Department and comes from the Treasury, I think, here, and the committee always have an examination and a comparison of the evidence with the amounts in the bill), the attention of the committee was called by the Department to that fact that a clerical mistake had been made in the case of this man, and that instead of being entitled to thirteen hundred and odd dollars which was allowed him, he was entitled to two or three thousand dollars more; I have forgotten the exact amount. To have made the amendment in the Senate would have required the sending back of that bill to the other House for concurrence in the amendment, and involved perhaps the loss of the whole bill, covering some thirteen hundred claimants. Thereupon the committee in its report that year stated that this mistake had been discovered, and that it was satisfied the man ought to have a larger sum, but thought it would be unjust to the other claimants to send the bill back and risk its entire loss at that stage of the session. This bill is to correct that mistake by authorizing the accounting officers of the Treasury to examine and settle the account. That is the whole story.

Mr. PLUMB. That ought to be stated in the bill.

Mr. HOAR. It is stated in the report.

Mr. PLUMB. The bill itself ought to state that it is one of that class of cases, because if gone on in the ordinary way according to the statement of the Senator from Massachusetts that would not have been a part of the bill itself and therefore it would have remained upon the statute-book as a naked appropriation for taking wood from the estate during the war. I think the bill ought to be amended in such a way as to disclose that fact. I wish to say further that I think there has been a great deal of looseness about the payment of this class of claims, and I should be very glad to know that the last of them was disposed of. The general talk among people who know about the situation of these bills is that most of this class of claimants were disloyal during the war, but in some way we seem to allow everybody's claim who presents it and the proof of loyalty is always forthcoming. I think that hereafter we ought to stop such allowances, or at all events we ought to have the facts clearly stated in the bill itself.

The PRESIDENT *pro tempore*. Is there objection to the present consideration of the bill?

Mr. PLUMB. I object.

Mr. HOAR. I move to take up the bill. It is a five-minutes matter, and it is a clear case of justice.

Mr. PLUMB. If the Senator will amend the bill——

Mr. HOAR. I shall move the amendment the Senator suggests.

Mr. PLUMB. If the Senator will prepare such an amendment it would be the better way to identify it as being part of the measure.

Mr. HOAR. Let the bill stand over until to-morrow morning, and in the mean time I shall present the amendment to the Senator from Kansas.

The PRESIDENT *pro tempore*. That course will be pursued if there be no objection. The next case on the Calendar will be called.

ORDER OF BUSINESS.

Mr. BLAIR. I should like the Senate to proceed now to the consideration of the education bill, which, I hope, by taking up this morning we may be able to get through with during the day. I ask the friends of the measure to stand by it until we do conclude it, if possible, to-night. I move that the Senate now proceed to the consideration of the education bill, which is the unfinished business.

Mr. PLUMB. I think we had better have the Calendar a little while.

The PRESIDENT *pro tempore*. The Senator from New Hampshire moves that the Senate proceed to the consideration of the bill (S. 194) to aid in the establishment and temporary support of common schools. The question is on that motion.

The motion was not agreed to.

SONE AND FLEMING MANUFACTURING COMPANY.

The PRESIDENT *pro tempore*. The next bill on the Calendar will be stated.

The bill (S. 601) for the relief of the Sone and Fleming Manufacturing Company, Limited, of the city of New York, was considered as in Committee of the Whole. It provides for the payment to the Sone and Fleming Manufacturing Company, Limited, of the city of New York, of $5,265.73, being the amount of drawback of duties due to them on certain tin cans exported by them, but which were not entered for drawback within the time fixed by law.

Mr. PLATT. I should like to hear the report read.

Mr. HOAR. I will state the point, and if the Senator shall want the report read afterward, very well.

Mr. PLATT. It will do just as well to have the point stated.

Mr. HOAR. The report was made originally by the Senator from Colorado [Mr. TELLER] when a member of the Committee on Claims in a former Congress.

This company were entitled to a drawback on certain oil, of which they were refiners and exporters. They sent their clerk to the custom-house in New York with the money for the payment of the drawback, and the clerk stole it and ran away with it. The statute says that:

SEC. 3037. Whenever the exporter entering any merchandise, for the benefit of drawback, shall not have completed such entry, by taking the oath or giving the bond required by the existing laws, within the period prescribed by law, but shall offer to complete the entry after the expiration of the period, the Secretary of the Treasury may, upon application to him made, by the exporter, setting forth the cause of his omission, under oath, and accompanied by a statement of the collector of all the circumstances attending the transaction within the knowledge of such collector, if he shall be satisfied that the failure to complete the entry was accidental, without any intention to evade the law or defraud the revenue, direct the entry to be completed, and the certificates or debentures, as the case may be, to issue in the same manner, as if such entry had been completed within the period prescribed by the existing laws of the United States.

In this case the company had not begun the entry because the clerk who went down with the fees should have made the original entry, but we were satisfied that the case came within the spirit and purpose of that section. Mr. Arthur, who was then the collector of New York, certified to the high character of the firm and recommended the repayment of the drawback. As soon as the firm discovered the default of their clerk they instantly paid their fees and made their application within a few weeks or months after the transaction.

Mr. MORRILL. This is a case that peculiarly belongs to the Committee on Finance. I do not know how it came to be referred to the Committee on Claims.

Mr. HOAR. I do not know how that was, but it had been referred to the Committee on Claims by a former Congress. It has been here some years.

Mr. MORRILL. I ask the Senator from Massachusetts if he would have any objection to having it referred to the Committee on Finance.

Mr. HOAR. Not the slightest in the world, if you will take charge of it.

Mr. MORRILL. Then I move that the bill be referred to the Committee on Finance.

The motion was agreed to.

MAURICE GRIVOT.

The bill (S. 177) for the relief of the heirs of Maurice Grivot was announced as next in order.

Mr. INGALLS. I object to that.

The PRESIDENT *pro tempore*. The bill, being objected to, goes over under the rules.

SUFFERERS BY WRECK OF UNITED STATES STEAMER TALLAPOOSA.

The bill (S. 702) for the relief of the sufferers by the wreck of the United States steamer Tallapoosa was considered as in Committee of the Whole.

The Chief Clerk proceeded to read the bill.

Mr. PLUMB. I object to the consideration of the bill.

The PRESIDENT *pro tempore*. The bill goes over under the rules.

TRESPASSERS ON INDIAN LANDS.

The bill (S. 1055) to amend section 2148 of the Revised Statutes of the United States in relation to trespassers on Indian lands was considered as in Committee of the Whole.

The bill was reported from the Committee on Indian Affairs with amendments, in line 11, before the words "be imprisoned," to strike out "and" and insert "or;" and in line 16, before the words "be imprisoned," to strike out "and" and insert "or."

The amendments were agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

Mr. INGALLS. This bill was reported from a committee of which I am a member and generally received my concurrence; but I call the attention of the chairman of the committee to the clause between lines 17 and 22, and ask him whether or not it is advisable to retain a provision as vague and as unusual as that is:

And the wagons, teams, and outfit of such person or persons so offending shall be seized and delivered to the proper United States officer, and be proceeded against by libel in the proper court, and forfeited, one-half to the informer and the other half to the United States.

There is absolutely no limitation. A man may not have taken his teams in there at all; they may be elsewhere employed; but if he goes on an Indian reservation, whether he takes his team and wagon and outfit or not, then his personal property that comes within that description is to be libeled and proceeded against for forfeiture, and one-half to be given to the informer and the other half to the United States. It appears to me that those provisions are inconsistent with the proper administration of the criminal law. In the first place, there may not be any informer to give one-half of it to; and I should say it was unusually and inordinately severe, after putting a man in prison and subjecting him to a fine to deprive him of his personal property. I suggest to the Senator whether it would not be well to leave out that clause. The man may have a family that need these things.

Mr. DAWES. I have no special objection to the striking out of that clause in the bill. It may not be improper, if it is not unparliamentary, to say that the bill was prepared at the Interior Department, and is a bill which has passed the Senate two or three times at previous sessions. It is intended to meet the case of the "boomers," as they are called, going into the Indian Territory for the purpose of taking possession of that land and holding it. Under the existing law trespassers upon the Indian lands can only be fined, and the leaders of those bands have heretofore been arrested after they had been warned and after all proper and reasonable means had been taken to induce them to desist, and the Army of the United States has been employed necessarily to protect that land from their invasion. They have been prosecuted under existing law, have been taken to court, and have been fined $1,000 under existing law, and have the next day taken the poor debtor's oath and gone back and repeated this offense over and over again; and they exult in the fact that they are independent of the Government. They would just as lief be fined as not. They have nothing with which to pay the fine. It is to meet that that the Interior Department under various administrations has asked this legislation, and it has passed the Senate from time to time in precisely this form.

The provision to which the Senator from Kansas alludes is analogous to the one in section 2140 of the Revised Statutes, where people who take liquor onto Indian reservations are subject to a penalty and their teams and wagons are forfeited. There is some force in the suggestion of the Senator that it should be confined only to the teams that are used for the purpose of furthering this particular object. I am inclined to think with the Senator that the penalty provided in this bill will be sufficiently severe; and certainly the bill could be amended so that it should be confined to those particular teams used in taking possession. If the Senator will suggest such an amendment as that I shall be glad. If the Senator thinks, however, that it is severe enough to prevent the repetition of the scenes, which I know he does not approve any more than any other member of the committee, I shall not object.

The bill comes to us in the form and from the source I have suggested, and is deemed by the administrators of the law necessary in order to prevent this willful defiance of existing laws in taking possession of territory which the laws of the land make it clear the trespassers have no right to.

Mr. INGALLS. I move to strike out, between the word "year," in line 17 and the word "and" at the close of line 21, what will be read by the Secretary.

The Chief Clerk read the words proposed to be stricken out, as follows:

And the wagons, teams, and outfit of such person or persons so offending shall be seized and delivered to the proper United States officer, and be proceeded against by libel in the proper court, and forfeited, one-half to the informer and the other half to the United States.

The amendment was agreed to.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

THE PACIFIC RAILROADS.

The next bill on the Calendar was the bill (S. 1200) to amend an act entitled "An act to aid in the construction of a railroad and telegraph line from the Missouri River to the Pacific Ocean, and to secure to the Government the use of the same for postal, military, and other purposes," approved July 1, 1862; also to amend an act approved July 2, 1864, and also an act approved May 7, 1878, both in amendment of said first-mentioned act; and to provide for a settlement of claims growing out of the issue of bonds to aid in the construction of certain of said railroads, and to secure to the United States the payment of all indebtedness of certain of the companies therein mentioned.

Mr. INGALLS. That can not be considered this morning.

The PRESIDENT *pro tempore*. The bill goes over under the rules.

ADMISSION OF WASHINGTON.

The bill (S. 67) to provide for the formation and admission into the Union of the State of Washington, and for other purposes, was announced next in order.

Mr. INGALLS. Nor that.

Mr. PLATT. I wish to say a word.

Mr. INGALLS. I withdraw any objection.

Mr. PLATT. I wish to say a word in regard to this bill. As the Senator from Kansas suggests, it is impossible to consider the bill under this rule; but I gave notice the other day that I should call it up immediately after the disposition of the educational bill which is now under consideration; and while I have no objection to its passing into the Calendar under the ninth rule, I wish the Senate to understand that I shall as soon as I can call it up for action.

Mr. HOAR. I had already given notice to the Senate sometime ago that at the close of the debate on the educational bill I should ask the Senate to take up and consider the bankruptcy bill. It is one which has been already passed by this body. But I do not wish to come in conflict with the bill in regard to the admission of Washington. Therefore I will waive whatever possible title I might have to ask the Senate to take up that bill at the close of the educational bill, and will give notice that at the close of the bill mentioned by the Senator from Connecticut I shall ask to take up the bankruptcy bill.

The PRESIDENT *pro tempore*. The bill goes over under the objection.

BODIES FOR DISSECTION.

The bill (S. 349) for the promotion of anatomical science and to prevent the desecration of graves was considered as in Committee of the Whole.

The bill was reported from the Committee on the District of Columbia with amendments.

The first amendment was, in line 14 of section 1, after the word "within," to strike out "twenty-four" and insert "forty-eight;" and in line 16, after the words "he is," to strike out "of kindred to" and insert "a relation by blood or marriage, or friend, of;" so as to make the section read:

That any public officer or officers, whether directors, trustees, superintendents, wardens, keepers, or managers, having lawful charge of or control over any hospital, prison, almshouse, jail, morgue, or asylum within the District of Columbia, may deliver to the duly authorized agent of any medical college or colleges in the said District of Columbia the bodies of such deceased persons as are required to be buried at the public expense, said bodies to be distributed among the several colleges equitably, the number assigned to each being proportioned to that of its students: *Provided, however*, That if the deceased person, during his last illness, of his own accord requested to be buried; or if, within forty-eight hours after his death, any person claiming to be and satisfying the authorities that he is, a relative by blood or marriage, or friend, of the deceased asks to have the body buried; or if such deceased person was a stranger or traveler who suddenly died, the body shall not be so delivered, but shall be buried.

The amendment was agreed to.

The next amendment was, in section 2, line 14, after the word "not," to strike out "exceeding" and insert "less than two nor more than;" so as to make the section read:

That every physician or surgeon, before receiving such dead body, shall give to the officers surrendering the same to him a sufficient bond that each body shall be used only for the promotion of anatomical and surgical knowledge within the District of Columbia, and that after having been so used the remains thereof shall be decently buried; and whosoever shall use such body or bodies for any purpose other than that aforesaid, or shall remove the same beyond the limits of the said District of Columbia, and whoever shall sell or buy such body or bodies, or in any way traffic in the same, or who shall disturb or remove bodies from graves in which they have been buried, shall be deemed guilty of a misdemeanor, and shall, on conviction, be imprisoned for a term not less than two nor more than three years, at hard labor, in the District (or city) jail.

The amendment was agreed to.

Mr. PLATT. If the report is not long I should like to hear it read.

The PRESIDENT *pro tempore*. There is no printed report, the Chair is advised.

Mr. INGALLS. I think there is.

Mr. PLATT. The Calendar seems to show that there is a report.

The PRESIDENT *pro tempore*. The report will be read.

The Chief Clerk read the following report, submitted by Mr. VANCE, February 4, 1886:

The Committee on the District of Columbia, to whom was referred bill S. 349, having considered the same, report as follows:

The object of this bill is to provide sufficient dissecting material for the medical colleges of the District of Columbia, and to afford better protection to the graves of the dead from desecration. The report made on said bill and submitted to the House of Representatives states fully the objects and the necessity for its passage, with which your committee agree, and herewith incorporate the same as a part of their report, as follows:

"The Committee on the District of Columbia, to whom was referred the bill (H. R. ——) entitled 'A bill for the promotion of anatomical science, and to prevent the desecration of graves,' having had the same under consideration, report it back with a favorable recommendation.

"The object of the bill is twofold: First and chiefly, to provide sufficient dissecting material for the medical colleges of the District of Columbia; and secondly and indirectly, to afford better protection to the graves of the dead from desecration.

"There are now several flourishing medical schools in Washington well established, and one or more of them of long standing. It is known to all that such institutions can not be carried on or proper training for the practice of medicine and surgery be given without ample experience in the dissection of the human cadaver. This fact is recognized and approved by all, and yet public opinion as strongly approves and demands stringent laws for the punishment of the desecration of graves in order to procure the necessary dissecting material. Hence, the laws of the District are very severe, and properly so, against the crime of grave-robbing. With such laws in operation and such necessities for the schools of medicine, the authorities of the District are compelled either to wink at this offense or seriously to cripple, if not to destroy, the efficiency and success of these schools. Furthermore, the heads of these institutions, professors, and students of science are compelled to supply their admitted necessities by confederating with and employing professional grave-robbers, and constantly to incur the risk of detection and criminal prosecution; and it being known in a community that the trade of resurrecting bodies for dissection is a common one, kindred and friends are frequently tortured with anxiety lest the hand of the resurrectionist shall remove the bodies of their dead.

"This bill is intended to relieve from such fears, to do away with the necessity or temptation for violating the laws, and at the same time in an open and legal way to provide the requisite dissecting material for the study and advancement of anatomical science in the District. A careful comparison with the statutes of some of the States shows its provisions to be prudently and aptly framed, and intended to accomplish the purpose in view in a manner as little repellant to public sentiment and sensibility as practicable."

For the above reasons your committee return said bill with the recommendation that it do pass as amended.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

C. M. & J. D. MORRISON.

The bill (S. 353) for the relief of J. D. Morrison, surviving partner of C. M. & J. D. Morrison, was considered as in Committee of the Whole. It directs the Secretary of the Treasury to pay $408.10 to J. D. Morrison, surviving partner of C. M. & J. D. Morrison, of Rockbridge County, Virginia, being the excess of taxes improperly and unlawfully collected of them for whisky distilled by them in January, 1866.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

JOHN M. M'CLINTOCK.

The bill (S. 936) for the relief of John M. McClintock was considered as in Committee of the Whole. It is a direction to the Commissioner of Internal Revenue to reopen and reconsider the claim of John M. McClintock for the refunding of certain taxes alleged to have been improperly and illegally assessed and collected, amounting to $3,600, as claimed by him in the papers now on file in the Treasury Department; and, if upon reopening and reconsidering the claim, the commissioner shall find these taxes, or any part thereof, to have been illegally or improperly assessed and collected, he is to audit and ascertain the amount of taxes so illegally and improperly collected, deducting, however, any legal unpaid taxes which the claimant should have paid and did not pay, if any there shall be, under section 103 of the act of June 30, 1864. The Secretary of the Treasury is to pay the amount of taxes so found by the Commissioner of Internal Revenue to have been illegally and improperly assessed and collected to John M. McClintock.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

G. W. CANDEE.

The next bill on the Calendar was the bill (S. 725) for the relief of Maj. G. W. Candee.

Mr. PLUMB. I object to the consideration of that bill.

The PRESIDENT *pro tempore*. The bill goes over under the rule.

WILLIAM H. MORGAN.

The next bill on the Calendar was the bill (S. 528) for the relief of William H. Morgan.

The PRESIDENT *pro tempore*. This bill is reported adversely.

Mr. PLUMB. I ask that it go over, retaining its place on the Calendar.

The PRESIDENT *pro tempore*. It will go over.

L. MADISON DAY.

The bill (S. 266) for the relief of L. Madison Day was considered as in Committee of the Whole. It provides for the payment to L. Madison Day of $5,400, being the amount of purchase-money received by the United States from Day for a square of ground in the town of Hurstville, La., condemned as the property of Judah P. Benjamin, and sold by the United States as their own and as free from mortgage, but which turned out to be a mistake, and the purchaser was evicted in consequence of the enforcement of a mortgage which the Government, through

its officers, had caused to be erased and canceled by the recorder of mortgages, and whose genuine and proper certificate showing the erasure and cancellation of the mortgage was embodied in, as well as annexed to, the deed given to the purchaser.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

CITIZENS' NATIONAL BANK OF LOUISVILLE.

The bill (S. 952) to authorize the increase of the capital stock of the Citizens' National Bank of Louisville, Ky., was considered as in Committee of the Whole.

Mr. BECK. I made no report in that case. The Comptroller of the Currency prepared the bill himself, and it was approved by the Committee on Finance.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

HARRY I. TODD.

The bill (S. 30) for the relief of Harry I. Todd, late keeper of the Kentucky penitentiary, was considered as in Committee of the Whole. It proposes to authorize Henry I. Todd, late keeper of the Kentucky penitentiary to institute and prosecute an action, within six months, in the Court of Claims, against the United States, for the recovery of the amount of internal-revenue taxes alleged to have been improperly collected from him between the years 1863 and 1868, as the duly elected and qualified keeper of the Kentucky penitentiary, on manufactured articles produced at the institution by convict labor alone, and on account of other operations of that institution by him under the laws of the State of Kentucky.

Mr. INGALLS. What is probably the amount involved in this?

Mr. BECK. The Senator from Kansas will allow me to say a word. The bill passed the Senate at the last Congress on a full report, and was reported favorably and passed the Senate at a previous session. There is a report in the case, though it is not noted on the Calendar, adopting the report made when the bill was passed in the last Congress. It is simply allowing Harry I. Todd, keeper of the Kentucky penitentiary, a State officer, as he claims, to go before the Court of Claims and show that he was not subject to certain internal-revenue taxes.

Mr. INGALLS. That is reasonable. I ask how much is the amount probably involved in it?

Mr. BECK. The amount involved is $35,000.

Mr. INGALLS. What were the tax payments?

Mr. BECK. On the profits of the labor in the Kentucky penitentiary. The proposition is only to allow the matter to go before the Court of Claims for examination.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

ESTATES OF DECEASED KICKAPOOS.

The bill (S. 632) to provide for the settlement of the estates of deceased Kickapoo Indians in the State of Kansas, and for other purposes, was considered as in Committee of the Whole.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

LANDS IN SEVERALTY TO INDIANS.

The bill (S. 54) to provide for the allotment of lands in severalty to Indians on the various reservations and to extend the protection of the laws of the United States and the Territories over the Indians, and for other purposes, was announced as next in order.

Mr. MORGAN. I think this is not a bill that ought to be considered under the five-minute rule. It is a bill which probably will lead to some discussion, or at all events it ought to be explained to the Senate. The chairman of the committee should have an opportunity of explaining it. I hope he will consent that the bill be made a special order for some day, and that he will make a motion to that effect.

Mr. DAWES. It is a very important bill, and ought to pass, if at all, at a very early day. I agree with the Senator that the importance of it is such that it is hardly possible to expect it to go through under this rule; and if the Senate will accede to the suggestion of the Senator from Alabama and let it be taken up at some given time, I should prefer that course rather than to attempt to pass it under this rule. If it goes over to the other Calendar there is no knowing when we can get it up.

Mr. INGALLS. A majority can take it up at any time.

Mr. DAWES. I am aware of that; but it is pretty difficult to get one bill taken out of the Calendar.

Mr. INGALLS. Not if a majority want to take it up.

The PRESIDENT *pro tempore*. If objection be made the bill goes over under this rule.

Mr. ALLISON. That is enough.

Mr. DAWES. Before it goes over I should like to get the Senate to indicate some time when they will consider it. Will the Senator from Alabama suggest some time? I dislike very much to let this bill slip away in this manner.

Mr. MORGAN. I have no measure here that is to come in conflict with any time that might be suggested. I would propose a week from to-day.

Mr. DAWES. If the Senate will permit us to take it up a week from to-day immediately after 2 o'clock——

Mr. BLAIR. What is that?

Mr. DAWES. I presume the Senator's bill will be out of the way by that time. Say 2 o'clock a week from to-day, or immediately after the consideration of the educational bill, if it is not disposed of by that time.

The PRESIDENT *pro tempore*. The occupant of the chair does not see any advantage the Senator has by that over merely having it on the Calendar subject to motion. Still the motion is proper.

Mr. DAWES. It saves the effort of getting a vote of the Senate. That is all.

The PRESIDENT *pro tempore*. The Senator from Massachusetts moves that the bill be postponed until this day week, at 2 o'clock.

Mr. PLATT. I object to anything which makes a special order of the Senate.

The PRESIDENT *pro tempore*. The motion does not make the bill a special order.

Mr. PLATT. Will not the adoption of the motion be considered as making the bill a special order for that time?

The PRESIDENT *pro tempore*. No bill is made a special order unless it is made so by a motion made under the rule as to special orders.

Mr. INGALLS. By a two-thirds vote.

Mr. DAWES. If Senators are not disposed to fix a time to consider this bill, I shall have done my duty in asking the Senate to consider it; but I urge upon the Senate the necessity of the passage of the bill. It has been discussed in three separate sessions, and was passed by the Senate during the last Congress unanimously after the fullest possible discussion. All that will be required, I think, will be for the Senate to understand now what is the measure and it will pass without serious opposition.

Mr. MORGAN. I have suggested that the chairman of the committee ought to explain the nature of the bill and all its provisions, and he will not be able to do that under the five-minute rule. I do not care to debate the bill. I have expressed my opinions upon it heretofore.

Mr. DAWES. Under the circumstances I prefer to let the Senate go on under the rule until some one raises an objection.

Mr. TELLER. I will object to it now, then. I do not think this bill ought to be considered under the five-minute rule.

The PRESIDENT *pro tempore*. The bill, being objected to, goes over.

Mr. DAWES. I move to proceed to the consideration of the bill at this time notwithstanding the objection.

The PRESIDENT *pro tempore*. The Senator from Massachusetts moves that the Senate proceed to the consideration of the bill notwithstanding the objection.

The motion was agreed to; and the Senate, as in Committee of the Whole, proceeded to consider the bill (S. 54) to provide for the allotment of lands in severalty to Indians on the various reservations and to extend the protection of the laws of the United States and the Territories over the Indians, and for other purposes.

Mr. INGALLS. Mr. President, in section 7 I find this language:

> And no State or Territory shall pass or enforce any law denying any such Indian within its jurisdiction the equal protection of the law.

I presume that no State would enact any such legislation; but it is a query in my mind what effect a declaration of Congress has upon the power of a State to do whatever it pleases. I do not understand that it is within the constitutional power of Congress to declare what a State shall do or what it shall not do, and I therefore move to strike out the words "State or," before the word "Territory," as, in the first place, nugatory; and, in the second place, as in violation of what is within the constitutional powers of this body.

The PRESIDENT *pro tempore*. The amendment of the Senator from Kansas will be reported.

The SECRETARY. In section 7, line 6, after the word "no," it is proposed to strike out "State or;" so as to read:

> And no Territory shall pass or enforce any law denying any such Indian within its jurisdiction the equal protection of the law.

The PRESIDENT *pro tempore*. The question is on this amendment.

The amendment was agreed to.

Mr. DAWES. I offer an amendment to come in at the end of line 19, section 7:

> Without in any manner impairing or otherwise affecting the right of any such Indian to tribal or other property.

The question is sometimes raised whether an Indian by becoming a citizen of the United States does not lose his claim to the tribal property which the tribe holds in common, and this is to prevent any such construction as that.

The amendment was agreed to.

Mr. TELLER. I move to strike out, in the third line of section 9, the word "and," between the words "Chickasaws" and "Seminoles," and after the word "Seminoles" to insert "and Osages;" so as to make the section read:

> SEC. 9. That the provision of this act shall not extend to the reservations of the Cherokees, Creeks, Choctaws, Chickasaws, Seminoles, and Osages in the Indian Territory, nor to any of the reservations of the Seneca Nation of New York Indians in the State of New York.

Mr. DAWES. I have no objection to that.

Mr. TELLER. I just want to say one word. The Osage Indians are a very sturdy race, and have recently taken a very advanced step in the cause of education by providing for the compulsory education of their children of school age. They made application to the Interior Department about a year and a half ago to be known hereafter as the sixth civilized tribe, and their ambition is to be so known and to be civilized. I should like to have them inserted with those tribes that we recognize as the civilized tribes.

Mr. DAWES. They have adopted a written constitution and a government after the manner and similitude of ours. How nearly it approaches to that I suppose it is difficult to tell; but they are evidently as far advanced in all the stages of civilization as the other five tribes, and I think it commendable that they should seek to be put on the same footing.

Mr. PLUMB. I should like to make an observation before the amendment is adopted. This bill, judging by the remarks of the Senator from Colorado and the Senator from Massachusetts, seems to proceed on the theory that only those Indians shall be treated to the luxury of the severalty provisions who are barbarous, and who are therefore, as we suppose, the least able to take care of themselves. Here are the Osage Indians, who, according to the concurrent testimony of those Senators, are very far advanced on the road to high civilization. They have compulsory education; they have a large amount of money; they have done a great many things, according to these statements, which would seem to indicate that they are proper subjects for self-government, and if that be the case it seems to me they are the very Indians on whom we should experiment with these severalty provisions.

Now, to take these shining lights among the Indians, the highest example of what they can do, those who have the largest amount of land, and who ought by all rules to set the best example as to individuality, and set them apart, and put them out of the pale of any provision of this kind, and then to take up the poor savages down in Arizona, and the mud-eaters up in Washington Territory, and the Digger Indians of California, and all that class who are the lowest in the scale of humanity of any of the Indians, and require them to stand alone, to pick them out and say to them, "root, hog, or die," with the certainty that it will be "die," seems to me to be a refinement of cruelty which I would hardly have expected of my friend from Massachusetts.

Mr. DAWES. Mr. President, this is a very important bill in reference to the Indians. It has been considered, as I have already said, a great many times in the Senate. To the Senator from Texas [Mr. COKE] more than to any other Senator is due the credit of this which I believe will be considered hereafter one of the wisest measures with reference to the Indian. I have no doubt that if it should be applied to what are called the five civilized tribes of Indians, it would be the best thing possible in its application to them. I think that the five tribes have arrived at a stand-still, and that that stand-still grows out of the character of their title, and that character of title is precisely the same as to the Osages. They hold in common.

The PRESIDENT *pro tempore*. The Senator from Massachusetts will pause. It is the duty of the Chair to lay before the Senate the unfinished business of yesterday, it being now 2 o'clock, which is the bill (S. 194) to aid in the establishment and temporary support of common schools.

Mr. DAWES. The Senator from New Hampshire will allow me to finish my most interesting remarks.

Mr. BLAIR. I suppose the Senator does not care to occupy a great deal of time, and I am desirous to finish the educational bill to-day.

The PRESIDENT *pro tempore*. Does the Senator from New Hampshire object to the Senator from Massachusetts closing his remarks?

Mr. BLAIR. I should like to inquire of the Senator how much time he wants.

Mr. DAWES. I would say a few words only in response to the remarks of the Senator from Kansas.

Mr. BLAIR. Let the unfinished business be informally laid aside.

Mr. INGALLS. The remarks can as well be made on the educational bill.

Mr. DAWES. The reason this bill does not apply to the five tribes—and that is the same reason why it should not apply to the Osages—is that they hold an absolute patent to their lands in common, so that they can not be subdivided into severalty holdings; and I think that one of the most serious misfortunes attending the whole effort to cause the Indian to cease to be an Indian. It has been up to a certain stage a help in the advancement of these Indians, but in my opinion it has now reached its limits, and hereafter as they continue to hold in common it is difficult for me to see how much progress beyond that will be made.

Certain tribes hold what may be called a treaty title and certain other tribes a statute title, and many occupy land simply under an executive order. The application of this bill is first to those that hold under treaty and statute title and provides for their consent. Then a certain part of the bill authorizes the Secretary of the Interior to take Indians on reservations held by executive order, just as fast and as far as they are sufficiently advanced, and put them upon such land with a holding in severalty.

There is no way to apply this bill to the five tribes or the Osages, because they hold a fee, and the present condition of public sentiment in those nations is such that I do not think it would be wise to agitate that question just at this moment; and that is the reason why the exception is made. It is not from the fact that we are treating the poor Indians outside of these reservations in one way and in a better and more favored way; but it is because we can not quite reach them now as they are that they are excepted. I trust the time is not far distant when the holding in severalty will prevail all over this country among Indians as well as white men.

Mr. COCKRELL. Mr. President——

Mr. BLAIR. Mr. President——

The PRESIDING OFFICER (Mr. CULLOM in the chair). The Senator from Missouri [Mr. COCKRELL] has the floor.

Mr. BLAIR. On what bill?

Mr. COCKRELL. I have the floor.

The PRESIDING OFFICER. The regular order is the bill (S. 194) to aid in the establishment and temporary support of common schools.

Mr. COCKRELL. I am perfectly aware of that. Have I not a right to take the floor upon it?

The PRESIDING OFFICER. The present occupant of the chair has just taken the chair.

Mr. PLUMB. I make the point that the school bill is not the regular order. It was displaced by a vote of the Senate. It has not been laid before the Senate, as I understand, and I do not think that it is entitled to be laid before the Senate.

The PRESIDING OFFICER. The present occupant of the chair understands that the school bill was laid before the Senate at 2 o'clock and is the regular order for consideration now.

The Senator from Missouri has the floor.

L. MADISON DAY.

Mr. COCKRELL. I happened not to be present; was unavoidably detained from the Senate Chamber during the morning hour, and I find that Order of Business 100, the bill (S. 266) for the relief of L. Madison Day, was passed without any discussion in the Senate. I desire to enter a motion to reconsider the vote by which the bill was passed. It is a bill that I do not think ought to pass, and I never have thought so. It was passed without any attention being called to it.

Mr. RIDDLEBERGER. Let me ask the Senator to name again the bill?

Mr. COCKRELL. The bill for the relief of L. Madison Day.

Mr. RIDDLEBERGER. When was it passed?

Mr. COCKRELL. This morning in the morning hour.

The PRESIDING OFFICER. The motion to reconsider will be entered.

Mr. COCKRELL. I now yield the floor to my distinguished friend from New Hampshire.

Mr. BLAIR. I feel grateful to my most admired colleague in the Senate, the brilliant luminary from the West, the most illustrious of all the illustrious representatives of the great State of Missouri, the paragon of ability and the great pride of America on this floor. I thank him for his courtesy. I wish further to say that I do not desire myself to occupy longer time in the discussion of the educational bill. I suppose there are others who wish to address the Senate and I yield the floor.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. CLARK, its Clerk, announced that the House had passed the following bills; in which it requested the concurrence of the Senate:

A bill (H. R. 129) to protect homestead settlers within railway limits, and for other purposes;

A bill (H. R. 4177) to reduce the fee on domestic money-orders for sums not exceeding $5; and

A bill (H. R. 4415) to make the allowances for clerk-hire to postmasters of the first and second class post-offices cover the cost of clerical labor in the money-order business, and for other purposes.

AID TO COMMON SCHOOLS.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (S. 194) to aid in the establishment and temporary support of common schools.

The PRESIDING OFFICER. The question is on the amendment reported by the Committee on Education and Labor to strike out section 13 of the bill.

The section was read, as follows:

SEC. 13. That there shall be appropriated and set apart the sum of $2,000,000, which shall be allotted to the several States and Territories on the same basis as the moneys appropriated in the first section, which shall be known as the school-house fund, and which shall be paid out annually to each State and Territory, at the end of the year, until said sum of $2,000,000 shall be exhausted, and no longer, to be expended for the erection and construction of school-houses for the use of pupils attending the common schools in sparsely populated districts where the local communities shall be comparatively unable to bear the burdens of taxation. Such school-houses shall be built in accordance with modern plans, which plans shall be furnished free on application to the Bureau of Education, in Washington: *Provided, however*, That not more than $100 shall be paid from said fund toward the cost of any single school-house, nor more than one-half the cost thereof in any case; and the States and Territories shall annually make full report of all expenditures from the school-house fund to the

Secretary of the Interior as in case of other moneys received under the provisions of this act.

The amendment was agreed to.

Mr. TELLER. I move to add to the first section of the bill the following proviso:

Provided, That no money shall be paid to a State, or any officer thereof, until the Legislature of the State shall by bill or resolution accept the provisions of this act, and such acceptance shall be filed with the Secretary of the Interior.

I do not desire to debate the amendment. I do not suppose that the Senator who has the bill in charge will object to it.

Mr. BLAIR. I do not know that there is any objection to it.

The PRESIDING OFFICER. The question is on the adoption of the amendment of the Senator from Colorado [Mr. TELLER].

The amendment was agreed to.

Mr. INGALLS. I move, in line 4 of section 2, to strike out the words "of the age of ten years and over," between "being" and "can not," and to insert "between the age of ten and twenty-one years;" so as to read:

That such money shall annually be divided among and paid out in the several States and Territories in that proportion which the whole number of persons in each who, being between the age of ten and twenty-one years, can not write bears to the whole number of such persons in the United States.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from Kansas [Mr. INGALLS].

Mr. RIDDLEBERGER. I ask the Senator if he will not modify his amendment. The school age provided or recognized by the laws of the several States varies. Instead of being from ten to twenty-one years, the school age in some States is from six to twenty-one, in some from seven to twenty-one, and in some from five to twenty-one. I do not want to make any suggestion that would hurt the bill or lose it a vote under any circumstances; but I simply ask the Senator from Kansas if he will not modify his amendment so as to say, "the school age recognized by the laws of the several States," or say, "between seven and twenty-one" instead of "between ten and twenty-one."

Mr. INGALLS. I used the language I have proposed because the census tables contain statistics of the persons who can not write in the several States of the Union between the ages of ten and twenty-one years. The object of this section is to define the basis upon which the distribution of the money is to be made, and my purpose is, if possible, to have that distribution made upon the basis of the illiteracy that it is proposed to cure; in other words, the remediable illiteracy.

Every one understands that in the States lately in rebellion, who will obtain the greater portion of this donation from the Treasury, a very large proportion of the illiterates consist of those who were such at the close of the war, who were at that period of time beyond the school age, and who of course never will attend any common schools for the purpose of obtaining any of the benefits of the money that is to be disbursed under this bill. It is manifestly unjust that, in those States which contain a very large per cent. of adult illiteracy, who must always remain illiterate, who were illiterate when the war closed, and were adults at that time, and who never can be made the recipients of the bounty of this bill, they should be used as a numerical basis in establishing a computation upon which this money is to be distributed.

I assume that the Senator from New Hampshire will make no objection to the adoption of this amendment. I presume it is an oversight, and that he would not be willing to have a system adopted which would enable the States containing this adult illiterate class to obtain an enormous disproportion of the money which would only be applied under the provisions of the bill itself to those persons who are of the school age in the different States which I have roughly assumed in my amendment to be included between the ages of ten and twenty-one years.

Mr. PLATT. It was suggested by the Senator from Virginia to the Senator from Kansas whether he would not base it upon the children who could not write within the school ages of the several States. Take my own State; the school age there is from four to sixteen. It will be easily seen that it would not be fair to put it upon that basis, because probably no children of four and five and six years could read.

Mr. INGALLS. I took the minor premiss in my amendment from the age fixed by the Senator from New Hampshire himself in his bill.

Mr. MORRILL. And the only one that can be ascertained by the census.

Mr. INGALLS. And as I understand it is the only one concerning which there are any existing data or information obtainable from the national census tables. The suggestion of the Senator from Virginia is appropriate, and if there were any way of making the bill uniform in its operation and at the same time to include the suggestion made by the Senator from Virginia I should be very glad to have that done, for the purpose that I have in view is that which he intimates, and that is to make this benefaction, if it shall be agreed to by Congress, applicable to those who would be the beneficiaries of the common-school system in each of the States in the Union, and to make that class the basis of computation as to the amount which each of the States is to receive under the bill.

Mr. BLAIR. The suggestion of the Senator from Virginia would be impracticable in actual operation. It would destroy the efficiency of the bill by the confusion that it would create in the effort of administration. The school ages vary so much in the different States that the Senator will see, I think, in a moment that distribution dependent upon the basis of the school ages of the different States would be unwise. For instance, in some States the school age is from eight to fifteen, in several States it is from four or five to twenty-one, and so the variation in school age under the statutes of the several States is such as would create the utmost confusion in administration.

In regard to the suggestion of the Senator from Kansas, if there were a homogeneous condition of education throughout the country and an equality of capacity to maintain schools it would undoubtedly be a just system of distribution. This matter, however, was fully discussed in the three weeks' debate which we had two years ago, and if the Senator was present (he might not have been, of course) at the discussion, I think he will remember that it was then fully considered in debate.

The object of the bill, the object of giving this temporary aid, is to place the major part of the benefaction, or contribution, or appropriation, or whatever it may be called, where there exists the greatest necessity for its use. It is, of course, well understood that the most of it—I believe, as near as can be ascertained by calculation, about two-thirds of the amount that will be distributed under the bill will go into what are known as the Southern States. It will be seen that those who are educable, that is, those who are within the school ages, or between the age of ten and twenty-one and are still likely to attend school and so get the advantages of education, are just about as many in one State as in another. There may be more in the Southern States, for the reason that it is quite possible, and I think is true, that population increases more rapidly there than in some of the Northern States, so that there may be a somewhat larger proportion of those who need education between the years during which they are likely to attend school in the South than in the North. But there is no substantial difference probably in that regard, so that upon the basis of distribution suggested by the Senator as much of this money in proportion to population would go to one part of the country as to another.

The bill has been denounced by a great many for the reason that it affords an opportunity for the distribution of small sums to the Northern States, who are rich, as it is said, and have need of nothing, and some of them perhaps, it is said by those who oppose the bill, would refuse to accept anything that appears like a pittance from the National Government, for they can educate their children themselves. Now, this proposition from one Senator from Kansas is a proposition to give to a State like Kansas, or a State like New York, or a State like Massachusetts, each of which has large means of education, whose people are comparatively rid of this discreditable figure of illiteracy which we find abounding in the census—it is a proposition to give those States exactly the same proportion of the money distributed according to the number of those who are to attend school as is given to any other part of the country whatever.

It is a very different and antagonistic proposition to that which the other Senator from Kansas has advocated, formerly at least, upon this floor. To adopt such a basis of distribution would of course practically nullify the greater purpose of the bill itself, which is to give temporary aid and to give it where it is now most needed. If this were a bill providing appropriations for all time, if it were the basis upon which the education of the children of the country for all time was to rest, it would be probably the just basis of distribution, unless you had a distribution according to population; but for a temporary use, in order that the mass of the money may go where there is the least ability to bear taxation, where schools need to be established, where the system itself needs as it were to be acclimated, to be introduced, established, its ramifications made as extensive there as they are elsewhere in the country, and that the population for a limited period of time may be educated until they can reach something like the general par of education throughout the country, this proposition would be a nullification of the terms of the bill.

I trust that the amendment will not be pressed, and at all events if pressed that it may be rejected.

The PRESIDING OFFICER. The question is on agreeing to the amendment offered by the Senator from Kansas [Mr. INGALLS].

The question being put, there were on a division—ayes 7, noes 11; not a quorum voting.

Mr. MORGAN. I ask for the yeas and nays.

The yeas and nays were ordered.

Mr. COCKRELL. Let the amendment be reported.

The PRESIDING OFFICER. The Secretary will read the amendment.

The CHIEF CLERK. In section 2, line 4, after the word "being," it is proposed to strike out the words "of the age of ten years and over" and insert the words "between the age of ten and twenty-one years;" so as to read:

That such money shall annually be divided among and paid out in the several States and Territories in that proportion which the whole number of persons in each who, being between the age of ten and twenty-one years, can not write bears to the whole number of such persons in the United States.

The Secretary proceeded to call the roll.

Mr. RANSOM (when Mr. VANCE's name was called). My colleague [Mr. VANCE] is necessarily absent to-day. He is paired on this bill with the Senator from Missouri [Mr. VEST]. If my colleague were here he

would vote "nay." I do not know how the Senator from Missouri would vote.

Mr. COCKRELL (when Mr. VEST's name was called). My colleague [Mr. VEST] is necessarily detained from the Senate to-day by sickness, and is paired, as announced, with the Senator from North Carolina [Mr. VANCE]. I am inclined to think that if my colleague were here he would vote "yea."

Mr. RANSOM. I did not know how he would vote and so stated.

The roll-call was concluded.

Mr. ALDRICH. I am paired on the bill and the amendment with the Senator from West Virginia [Mr. CAMDEN].

Mr. BUTLER. I am paired generally with the Senator from Pennsylvania [Mr. CAMERON] on political questions. He is kept away from the Senate to-day by illness, but he informed me the other day that he agreed with me generally on this bill, and believing that he would vote "yea" on this amendment, I shall vote "yea."

Mr. BERRY. My colleague [Mr. JONES, of Arkansas] is paired with the Senator from Indiana [Mr. HARRISON]. If my colleague were here he would vote "nay." I do not know how the Senator from Indiana would vote.

The result was announced—yeas 18, nays 22; as follows:

YEAS—18.

Allison,	Cullom,	Logan,	Plumb,
Butler,	Edmunds,	Maxey,	Sewell,
Chace,	Frye,	Morgan,	Teller.
Cockrell,	Harris,	Morrill,	
Coke,	Hawley,	Platt,	

NAYS—22.

Berry,	George,	Kenna,	Riddleberger,
Blair,	Gray,	Miller of N. Y.,	Sabin,
Call,	Hampton,	Mitchell of Oreg.,	Spooner,
Colquitt,	Hoar,	Payne,	Walthall.
Conger,	Jackson,	Pugh,	
Eustis,	Jones of Nevada,	Ransom,	

ABSENT—36.

Aldrich,	Evarts,	McMillan,	Sawyer,
Beck,	Fair,	McPherson,	Sherman,
Blackburn,	Gibson,	Mahone,	Stanford,
Bowen,	Gorman,	Manderson,	Vance,
Brown,	Hale,	Miller of Cal.,	Van Wyck,
Camden,	Harrison,	Mitchell of Pa.,	Vest,
Cameron,	Ingalls,	Palmer,	Voorhees,
Dawes,	Jones of Arkansas,	Pike,	Wilson of Iowa,
Dolph,	Jones of Florida,	Saulsbury,	Wilson of Md.

So the amendment was rejected.

Mr. PLUMB. In section 8 there is a provision that "a part of the money apportioned to each State or Territory, not exceeding one-tenth thereof, may yearly be applied to the education of teachers for the common schools," &c., but without any delegation of authority to determine the question of such appropriation. The governor seems to be the unit of power in this bill, and I presume that in the absence of any specific provision on the subject the governor himself would determine where this money should go. I do not suppose the Senator from New Hampshire desired to produce that result. I think, at all events, it ought to be so amended that the Legislature alone should determine the diversion of this money for the education of teachers. I therefore move to add in line 3, at the beginning of section 8, the words "by the direction of the Legislature of such State or Territory;" so as to read:

That by the direction of the Legislature of such State or Territory a part of the money apportioned to each State or Territory, not exceeding one-tenth thereof, may yearly be applied, &c.

The PRESIDING OFFICER. The question is on agreeing to the amendment moved by the Senator from Kansas [Mr. PLUMB].

Mr. BLAIR. There does not seem to be any earthly use in putting in those words. This bill is the result of three months' debate and careful examination and the closest possible scrutiny by the Republican caucus in the last Congress. They considered every line and syllable, every abbreviation and every punctuation point, and it was thought that the bill was as sufficiently restricted and close in its provisions with reference to the expenditure of this money as the wit of man could make it. Nobody has ever understood but that this money when it had been paid over to the State authorities would be expended by the State authorities that control the State. There is no provision here that it shall be expended by the governor, or that it shall be expended by the Legislature, or that it shall be expended by the superintendent of public schools, but it is left to the free action of the State to dispose of this money for the year for which it has been appropriated just as it disposes of other money, subject to the trusts that are provided in the bill itself. An amendment of this sort is trifling in its character and would be of no earthly use other than to serve as a precedent for doing what might keep us at work here interminably upon equally inconsequential points, as I think they are.

Mr. PLUMB. If the Senator is going to get this bill through in much of a hurry he may find possibly before he gets it through that it may be well to yield to some sensible suggestions about its terms.

I am not aware, in the first place, that the Senator from New Hampshire has stated the truth when he says that this bill in its terms was agreed upon by a Republican caucus. The Senator so stated, and I want him to have the benefit of the general knowledge of the fact that he made that statement. I deny it myself.

Mr. BLAIR. My attention was diverted; I should like the Senator from Kansas to repeat what he has just said, if he will.

Mr. PLUMB. This bill, whether framed by a Republican caucus, although that is a very immaculate body, I know, or by the Committee on Education and Labor, still more immaculate, or by anybody else, is not to come into this body and to be treated like a sacred bull of Burmah, not to be touched by irreverent hands. If it is to become a law, it ought to represent the ultimate judgment of the law-making power, it ought to be subjected to scrutiny, and there ought to be no objection such as the Senator from New Hampshire has made to proper amendments; and he himself, except in a petulant way, has not referred to the point which I made in regard to the propriety of this amendment. He simply desires to get through with the bill. I do not suppose that a mob in the streets of Paris ever was so anxious to get at the blood of a human being as the Senator from New Hampshire is to get this bill through, and the *rationale* of the two operations is about the same, I should think.

I say that this bill does nowhere provide, in any specific terms or by any fair inference, what power in the State, if any, shall have the right to divert the one-tenth of this fund which goes to the several States for the purpose of the education of teachers. The governor certifies to the Secretary of the Interior what are regarded as the material facts upon which the apportionment is to be made, and, those facts having been certified, the payment of the money is mandatory; that is to say, he certifies it to the Secretary of the Treasury, and the Secretary of the Treasury then has to pay to the properly constituted authorities of the State their proportion of the money going to the State.

If we were to stop there and make no provision at all as to what should be done with the money, that would be all right. We should then give it over into the hands of the State officers, and they might deposit it with their own private funds, or use it for school purposes or any other purposes, and our concern would be gone. But we have assumed in this bill some control over the question as to what shall be done with the money, and we specifically provide in section 8 that not exceeding one-tenth of it may yearly be diverted for the purpose of the education of teachers for the common schools therein. Where is the objection to saying that the Legislature of the State shall determine that diversion? If it is not to be the Legislature, then what other power?

I am satisfied the bill will pass this body at least; but while I am opposed to it, if it is to pass I desire that it shall be reasonably guarded, and if it is to become a law that it may, at least in form, be such as will be no reflection upon the body that passed it.

If, as the Senator says, this is simply nugatory, then where can be the objection to the amendment. It does no hurt; it makes specific that which he himself has not undertaken to say is now specific and certain. He has referred to no provision in the bill as evidencing the authority or power to divert this money which may be allotted to any State, and unless something of this kind is done one of two things will happen, either the individual officer to whom the money is turned over will do as he pleases about it, or there will be a confusion of authority, which will prevent anything from being done.

Mr. HOAR. I suggest to the Senator from Kansas, in order to save the repetition of the same words, whether his object would not be effected as well by inserting after the word "may," in line 2 of section 8, the words "in the discretion of its Legislature."

Mr. PLUMB. That would accomplish the purpose.

Mr. HOAR. It would save repeating the words.

Mr. BLAIR. What is the suggestion?

Mr. HOAR. After the word "may," in line 2, to insert the words "in the discretion of its Legislature."

Mr. BLAIR. The Senator from Kansas, however, has the floor.

Mr. PLUMB. That accomplishes the same purpose. I am not wedded to the form of words, and I did not understand the Senator from Massachusetts to make a verbal criticism.

Mr. HOAR. No; I did not.

Mr. RIDDLEBERGER. I understood the Senator from Kansas to say that the money would be drawn on the warrant of the governor or other officer. Section 4 provides that this money "shall be paid over to such officer as shall be authorized by the laws of the respective States and Territories to receive the same." I think the Senator is mistaken in his statement that it is to be drawn on the warrant of the governor of the State or any other officer. It is a legislative enactment that is provided for; but if the Senator is right, I agree with him in his amendment.

Mr. PLUMB. I did not state that it was to be drawn on the warrant of the governor; I stated that it was to be drawn from the Treasury by warrant of the Secretary of the Treasury upon the requisition of the Secretary of the Interior.

Mr. RIDDLEBERGER. It is to be drawn from the Treasury in that way, but is to be paid to the State, and it is to be paid to such officer or officers as the Legislature of the State shall indicate.

Mr. PLUMB. That is merely a deposit; that is, the money is to be deposited with them. The question is, what shall be done with the money? We have assumed here to give direction, or at least to specify, what may be done with it. All I want to provide is that what is to be done with it shall be directed by the Legislature of the State, and not left to the discretion of individuals. I want the Legislature of Virginia, or of New Hampshire, or of any other State that may choose to divert a portion of this money, if it thinks fit to do so, to take specific and determinate action on that point, and not leave it to an individual officer of the State.

I will modify my amendment by accepting the suggestion of the Senator from Massachusetts, and inserting after the word "may," in line 2 of section 8, the words "in the discretion of its Legislature."

The PRESIDING OFFICER. The amendment as modified will be reported.

The CHIEF CLERK. In section 8, line 2, after the word "may," it is proposed to insert "in the discretion of its Legislature;" so as to read:

That a part of the money apportioned to each State or Territory, not exceeding one-tenth thereof, may, in the discretion of its Legislature, yearly be applied to the education of teachers for the common schools therein, &c.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from Kansas [Mr. PLUMB] as modified.

Mr. BLAIR. I desire first of all to apologize to my friend from Kansas. I must have said something to hurt his feelings, and our relations have been so pleasant thus far that I would not have anything in the world to happen to produce a single disagreeable moment; I would rather submit myself to the last penalty of existence; and so I apologize, and in all good nature.

But the point he raises is not so inconsequential as in his advocacy of it it might seem. The theory of the bill is that whatever is appropriated goes to the State as a State, to be appropriated by the State as a State in accordance with certain restrictions and trusts which are specified in the body of the bill. It does not undertake to say what any State officer shall do; it assumes no direction or control over any particular element of the governing power of the State, but leaves the State as a State in her sovereignty to dispose of the fund. The Legislature may provide that the governor shall dispose of it, the governor may apply it under existing laws, and the one-tenth may be appropriated in that way, or the one-tenth may not be appropriated in that way. The bill simply provides that the one-tenth may be so appropriated, thus liberating the fund from a trust which otherwise would apply to the entire amount, that it should go to the common school itself proper.

If we are to begin by amending the bill in a way that the Legislature shall do this part of the work of distribution; that the governor shall do that part of the work of distribution; that the superintendent of education shall do this, that, or the other, and that the county boards of education shall do this, and shall do that, and something else, and thus undertake to diversify our method of control by assuming direct power over the various agencies of the State and to direct them how they shall perform their functions in the distribution of this money, we had better dispense with the State as an organization altogether, and lay our hand directly upon the individual, and thus abolish the entire theory upon which the bill is based.

It is for that reason that I am opposed to the amendment. If I were willing to do that, I should be willing to adopt instead of this measure a bill that should establish national schools out and out in the States; that we would control the teacher; that we would control the superintendent of education; that we would control the child; that we would educate him, and abolish the State so far as its educational work is concerned.

The bill simply passes the money to the State as a State, and she provides her own agencies and methods of distributing it; and if she does not apply each year's appropriation in accordance with the trust specified in the bill, she gets no more. That is all. I am opposed to the amendment because I think it is a pernicious one.

The PRESIDING OFFICER. The question is, Will the Senate agree to the amendment offered by the Senator from Kansas [Mr. PLUMB]?

Mr. BLAIR. I call for the yeas and nays.

The yeas and nays were ordered.

Mr. GEORGE. Before the vote is taken I desire to say that I regard the amendment as not having the slightest effect upon the legal meaning of the bill; but as some Senators here think that the bill is ambiguous, and that this amendment removes the ambiguity, I am perfectly willing to vote for it.

The Secretary called the roll.

Mr. KENNA. I am paired generally with the Senator from Minnesota [Mr. SABIN], but, concurring as I do with him about this bill, I vote "yea."

Mr. COKE (after having voted in the affirmative). I remember that I am paired for an hour with the Senator from Kentucky [Mr. BLACKBURN], and I withdraw my vote. I do not know how the Senator from Kentucky would vote. I should vote "yea" if he were here.

Mr. HALE. Has the Senator from Kentucky [Mr. BECK] voted?

The PRESIDING OFFICER. He is not present and has not voted.

Mr. HALE. I am paired with him generally. I do not know how he would vote on this question, so I shall not vote.

The result was announced—yeas 26, nays 17; as follows:

YEAS—26.

Allison,	George,	McMillan,	Riddleberger,
Butler,	Gibson,	Maxey,	Spooner,
Cullom,	Harris,	Morgan,	Teller,
Dolph,	Hawley,	Morrill,	Voorhees,
Edmunds,	Ingalls,	Platt,	Walthall.
Eustis,	Jackson,	Plumb,	
Frye,	Kenna,	Pugh,	

NAYS—17.

Berry,	Colquitt,	Hoar,	Ransom,
Blair,	Conger,	Miller of N. Y.,	Sawyer.
Brown,	Evarts,	Mitchell of Oreg.,	
Call,	Gray,	Payne,	
Chace,	Hampton,	Pike,	

ABSENT—33.

Aldrich,	Fair,	Mahone,	Stanford,
Beck,	Gorman,	Manderson,	Vance,
Blackburn,	Hale,	Miller of Cal.,	Van Wyck,
Bowen,	Harrison,	Mitchell of Pa.,	Vest,
Camden,	Jones of Arkansas,	Palmer,	Wilson of Iowa,
Cameron,	Jones of Florida,	Sabin,	Wilson of Md.
Cockrell,	Jones of Nevada,	Saulsbury,	
Coke,	Logan,	Sewell,	
Dawes,	McPherson,	Sherman,	

So the amendment was agreed to.

Mr. MAXEY. I desire to call the attention of the Senate to the first portion of the bill, in section 1, which reads:

That for eight years next after the passage of this act there shall be annually appropriated from the money in the Treasury the following sums, &c.

That is mandatory; it does not use the ordinary expression in every other bill, "out of any moneys in the Treasury not otherwise appropriated," but makes it a command, that if there be money in the Treasury at all, that money must be devoted to the payment of this claim. To obviate that, and to place this like other claims against the Government in the event the bill should pass, I move to amend the bill by adding, in the fourth line of the first section, after the word "Treasury," the words:

Not otherwise appropriated to the current expenses of the Government, including interest on the public debt, the amount provided by law for the sinking fund, and appropriations for pensions.

So as to read:

That for eight years next after the passage of this act there shall be annually appropriated from the money in the Treasury not otherwise appropriated to the current expenses of the Government, including interest on the public debt, the amount provided by law for the sinking fund, and appropriations for pensions, the following sums, namely: The first year," &c.

The PRESIDING OFFICER. The question is on this amendment.

Mr. ALLISON. I submit to the Senator from Texas that his suggestions will not in any way impair the force of this present provision. The language of all appropriation bills is to appropriate money "not otherwise appropriated."

Mr. MAXEY. That expression is not in the bill.

Mr. ALLISON. I understand it is not in the bill, but the requirement of the bill will be as strong, it seems to me, after the amendment of the Senator from Texas is adopted as it is now. I do not think he impairs in any way by his amendment the force of the present language of the bill, and I should be glad to have him state wherein he thinks there is a limitation provided by his amendment.

Mr. MAXEY. I hope that every Senator will take that view of the case. In my judgment the obligation which Congress has taken in the face of all the world to pay the interest on the public debt, to make provision by a sinking fund for the ultimate extinction of the debt itself, to pay the current expenses of the Government, and to pay the pensions makes them proper claims, which should come in in preference to this mere gratuity, this mere shoveling out by wholesale of money from the Treasury without authority of the Constitution or of sound judgment. If this bill should become a law and the question should ever spring up hereafter, a State could refer to the wording of this bill, and say, "We have a prior right to walk into the Treasury, and if we find in the Treasury money not otherwise appropriated"—the bill does not say that—but "if we find in the Treasury any money, we have a right to apply that money to the purposes of this bill," because this bill says "there shall be annually appropriated from the money in the Treasury the following sums."

I say the bill differs from every other bill that has ever been before Congress since I have been a member of the Senate. I say that the expression "not otherwise appropriated" ought to be there, and to make the thing beyond peradventure, I reiterate that the debts, which in my judgment are proper debts and ought in all conscience to take precedence of any appropriation whatever made by Congress, to wit, the current expenses of the Government, the interest on the public debt, for which the honor of this country is pledged, the extinguishment of the debt itself by the sinking fund, which is a preferred debt, and the pledge to pay the pensions should come in in preference to this bill, which makes no provision whatever that anybody shall be provided for, not even the current expenses of the Government. If money is in the Treasury, according to this bill, it must come out. Whether that was

the design, or whether it is an oversight, is not my business. I find the language as it is.

I hope the Senate will adopt the amendment which I have offered.

Mr. ALLISON. The point I desire to make and submit to the Senator from Texas is this: What is the force of this provision as it stands now? Suppose there was in it no word of appropriation, suppose instead of using the words used here it said that "the following sums are hereby devoted to public education in the States," and then went on with the remainder of the bill without in any way alluding to the question of appropriation, would there be an honorable obligation or would there not be? That is the question I desire answered. Would there not be an honorable obligation then, on the part of the Government, to each year appropriate the sums herein prescribed? And if there was not money enough in the Treasury to pay the current expenses, the interest on the public debt, and the other items enumerated in the Senator's amendment, would not Congress be required to place such additional sum in the Treasury either by borrowing money or by levying additional taxes as would enable the Government to comply with the terms of the bill? In others words, I should be glad to have the Senator from New Hampshire state whether he does not regard this bill, without specific words of appropriation, as binding Congress and the Government of the United States, if these conditions are complied with, to devote $77,000,000 for purposes of aiding public schools in the States during the period mentioned in this bill.

I desired to call attention to the general provisions in order to show, if I could, that the limitation proposed by the Senator from Texas does not in any way impair the obligation that we shall be under to the several States of the Union to devote $77,000,000 in aid of public education, if they will comply in good faith with the terms which we have here laid down. When this bill passes, is it not as much of an obligation on the part of the General Government as is the obligation to pay the interest on the public debt or any other obligation that we have incurred, whether there be in this bill any words appropriating money or promising to appropriate money? Is not the passage of the bill a promise that we will devote this vast of sum money to the purpose of education, and that Congress will hereafter make the necessary appropriations to carry out the provisions of this bill?

So, if I understand the bill, whether there are in it words of appropriation or suggestions of appropriation or not, if this bill passes we are bound to make the appropriations from year to year if the States comply with their part of the obligation of this bill.

Mr. MAXEY. I hope that every member of the Senate will take that view of the question; but I have found by long experience in life that when you want to make a contract the best thing to do is to make it at the time and insert all the terms of the contract in the agreement then and there made, and not supply them by argument, as the Senator from Iowa is now doing, supposing that it may hereafter be so construed. Let us construe the bill now, that these obligations, the payment of the interest on the public debt, the current expenses of the Government, provision for the sinking fund to extinguish the debt itself, and the pensions, shall be first fulfilled and that then shall come the appropriation now made.

Mr. ALLISON. But, Mr. President, that is an implication, I submit to the Senator, that the Government of the United States will create obligations by law and then will not fulfill those obligations by providing in the Treasury the money necessary for that purpose. So it seems to me if there be not one word in this bill said respecting the appropriation of money, if the bill shall pass and next year there is no appropriation made to carry out its provisions, those persons who are interested in it can fairly say that we have passed a bill providing for an expenditure of money and then refused to appropriate the necessary money to carry out that expenditure. That is my view of the bill.

The PRESIDING OFFICER. The question is on the amendment of the Senator from Texas.

Mr. MAXEY. I call for the yeas and nays.

The yeas and nays were ordered; and the Secretary proceeded to call the roll.

Mr. COKE (when his name was called). I am paired for an hour with the Senator from Kentucky [Mr. BLACKBURN]. If he were here, I should vote "yea." I do not know how he would vote.

Mr. RANSOM (when Mr. VANCE'S name was called). I have stated that my colleague [Mr. VANCE] is paired with the Senator from Missouri [Mr. VEST]. My colleague, if here, would vote "nay."

The result was announced—yeas 10, nays 30; as follows:

NAYS—10.

Butler,	Gray,	Morgan,	Van Wyck.
Cockrell,	Harris,	Plumb,	
Gorman,	Maxey,	Teller,	

YEAS—30.

Berry,	Dolph,	Jackson,	Riddleberger,
Blair,	Eustis,	Kenna,	Sewell,
Brown,	Evarts,	Logan,	Spooner,
Call,	Frye,	Mahone,	Voorhees,
Colquitt,	George,	Mitchell of Oreg.,	Walthall,
Conger,	Hale,	Morrill,	Wilson of Iowa.
Cullom,	Hampton,	Pugh,	
Dawes,	Hoar,	Ransom,	

ABSENT—36.

Aldrich,	Edmunds,	McMillan,	Platt,
Allison,	Fair,	McPherson,	Sabin,
Beck,	Gibson,	Manderson,	Saulsbury,
Blackburn,	Harrison,	Miller of Cal.,	Sawyer,
Bowen,	Hawley,	Miller of N. Y.,	Sherman,
Camden,	Ingalls,	Mitchell of Pa.,	Stanford,
Cameron,	Jones of Arkansas,	Palmer,	Vance,
Chace,	Jones of Florida,	Payne,	Vest,
Coke,	Jones of Nevada,	Pike,	Wilson of Md.

So the amendment was rejected.

Mr. BUTLER. May I have the attention of the Senator from New Hampshire for a moment, and also the attention of the Senator from Mississippi? I find in section 7 of this bill the following language:

That the design of this act not being to establish an independent system of schools, but rather to aid for the time being in the development and maintenance of the school system established by local government, and which must eventually be wholly maintained by the States and Territories wherein they exist.

I should be glad to know if the Senator from New Hampshire means by that language that the States and Territories are compelled by this act to keep the schools up to the standard at which they are left at the end of eight or ten years or whatever the time is. I should be glad to have the Senator from New Hampshire explain that.

Mr. BLAIR. In reply to the Senator's question I say that I do not.

Mr. BUTLER. Then I move to strike it out.

Mr. BLAIR. The Senator's question is whether I understand that the States and Territories will necessarily be obliged to maintain their schools in the same condition that they are at the expiration of the eight years.

Mr. BUTLER. That seems to be the language of the bill.

Mr. BLAIR. Oh, no; the Senator did not read the section to which that is introductory. This is the essential part of the section:

It is hereby provided that no greater part of the money appropriated under this act shall be paid out to any State or Territory in any one year than the sum expended out of its own revenues or out of moneys raised under its authority in the preceding year for the maintenance of common schools, not including the sums expended in the erection of school buildings.

Mr. BUTLER. Then I move to strike out all from the word "that," in the first line, down to and including the word "exist," in the sixth line, as those words seem to be entirely superfluous.

Mr. ALLISON. Then let section 7 begin—

No greater——

Mr. BUTLER. Let the word "that" be put in after "provided." I make the motion.

The PRESIDING OFFICER. The amendment will be reported.

The CHIEF CLERK. Beginning at section 7, it is moved to strike out all down to and including "exist," in line 6, the words stricken out being:

That the design of this act not being to establish an independent system of schools, but rather to aid for the time being in the development and maintenance of the school system established by local government, and which must eventually be wholly maintained by the States and Territories wherein they exist.

So as to read:

SEC. 7. It is hereby provided that no greater part of the money appropriated under this act shall be paid out to any State or Territory in any one year than the sum expended out of its own revenues or out of moneys raised under its authority in the preceding year for the maintenance of common schools, not including the sums expended in the erection of school buildings.

Mr. INGALLS. It is not necessary to retain the words "it is hereby provided." They should be omitted.

The PRESIDING OFFICER. The question is on the amendment just read.

Mr. INGALLS. I suggest an amendment, to leave out the words "it is hereby provided," and let the section begin:

That no greater part of the money appropriated.

Mr. BUTLER. That point is well taken, and I so modify my amendment.

The PRESIDING OFFICER. The amendment of the Senator from South Carolina will be so modified. The question is on the amendment as modified.

Mr. BLAIR. I have no objection to that amendment. It is merely to strike out a declaratory statement.

The amendment was agreed to.

Mr. INGALLS. In section 6, line 3, after the word "common," I move to strike out the words "and industrial."

Mr. BLAIR. Will the Senator be kind enough to state his amendment again?

Mr. INGALLS. It is to strike out "and industrial," so as to apply this money to the support of common schools.

Mr. BLAIR. In the Territories? The section relates to the Territories.

Mr. INGALLS. Yes, sir.

Mr. BLAIR. I have no objection to the amendment.

Mr. CALL. I hope that amendment will not be adopted. In my view, industrial education is the great necessity of this country. I think it is absolutely necessary to the existence of the people of the United States in a condition of comfort and to the economies which are going to control the policies of the Government and our systems of industrial production. There is no more important part of this bill. I regard it

as the most important legislation and the most beneficial which has occurred in this country for many years or which will occur during the existence of this Congress.

Universal education and industrial education are an absolute necessity to relieve the country of its pauperism, to produce comfort and abundance among all classes of people, to avoid the necessity of strikes, to furnish opportunities and means of labor to people who are in needy circumstances. The system has been adopted by foreign nations. The despotic governments of the world have established industrial education and have found it a great means of producing comfort among the people, of providing laborers who are at all times qualified to turn from one employment to another. I regard it as the most meritorious and beneficial feature of this bill.

Mr. INGALLS. I was controlled in my amendment by the language in section 10, to which I respectfully invite the attention of the Senator from Florida and the Senator from New Hampshire:

SEC. 10. That the moneys distributed under the provisions of this act shall be used only for common schools, not sectarian in character, in the school districts of the several States and Territories, in such way as to provide, as near as may be, for the equalization of school privileges to all the children of the school age prescribed by the law of the State or Territory, &c.

In order to make this bill symmetrical, in order to make it harmonious and not inconsistent with itself, I simply moved to strike out that provision in section 6 to make it correspond with the declaration in section 10, upon which the Senator from Florida rises in a spirit of rebuke, and states that the industrial feature is the most important there is in this bill, when section 10 expressly declares that the money is to be used for common schools and not for industrial schools. I suppose that I yield to no person in a recognition of the importance of industrial schools; but this is not intended for the purpose of establishing industrial schools; it is a fund to procure the advantages of common-school education, what is technically known as such, and I submit that in view of the language in section 10 my amendment ought to be agreed to or that that section ought to be amended.

Mr. BLAIR. As the bill was originally draughted and reported at the last Congress this provision with reference to industrial schools applied to the whole country. There was a modification during the discussion, and the section with regard to the distribution of moneys in the States was so amended as to strike out the industrial feature. It remained in the section which had reference to the distribution of money in the Territories. This consideration entered into the action of the Senate, that the amount of money proposed to be appropriated by this bill was too small for the actual necessities of the common schools themselves, and the amendment was therefore made so far as the schools in the States were concerned, and might very well have been extended (for there it is comparatively a trivial matter) to the Territories. It was for that reason that it seemed to me, when the Senator from Kansas made his suggestion in the direction of uniformity and propriety in the entire appropriation, that the words might as well go out in accordance with his motion.

Mr. CONGER. Mr. President, Congress has heretofore made appropriations for the Territory of Alaska for industrial schools. Money has been appropriated and is now being expended there in that way. It has been supposed that in that Territory an industrial school was perhaps the best and most efficient way of educating the natives' children of the Territory, and the system has been commenced. Whatever would go to Alaska under this bill should go to these schools in accordance with the system already commenced and now working well there. I hope in regard to the Territories where some Indian schools and schools of other kinds might be assisted by this fund, the amendment will not be made. It does not apply to the States, but to the Territories, where, owing to the peculiar character of the people to be educated, some belonging to one race and some to another, it is very desirable that they should have whatever facilities this bill can give them.

Mr. BLAIR. I did not pass upon the resubmission of the bill to the Senate without observing that this provision was made for industrial schools in the Territories. I do not think it can be of much importance, unless it be in the Territory of Alaska; but, at the same time, it is a feature that I should have been glad to see retained in the entire bill. If there are those who object to striking out the words I shall vote to retain them, but it seemed to me it might be well enough to let them go with the rest. I do not think it will be a very appreciable advantage in the Territories.

Mr. CALL. I hope the amendment will not be adopted, and I shall move when the proper time arrives to insert this word "industrial" in the provision providing for the money to be applied for common schools in the States in the tenth section.

I can see no reason why the authorities of a State should not have the right to appropriate this money to industrial education as a part of the common-school education, and I can see no reason why the people of the Territories should not everywhere and all the people of the different States, where the States are not able to furnish it, should not receive aid from the General Government for that industrial education which is ascertained now to be a necessity for the welfare of every community, a necessity to provide employment for them, to relieve them from the pauperism that is extending throughout the country, and from the inequalities in the distribution of labor and the productions of labor everywhere.

It is an ascertained fact, by the experience of Germany and the despotic governments of the world and also of France, that industrial education is a necessity for the people and that it is fast doing away with the inequalities, the suffering, and the absolute poverty that come from the want of employment. People employed in our great factories—and factory employment is a great part of the industries of the country—are taught only one thing and are completely at the mercy of their employers. Turned out of that particular employment by its stopping or being unremunerative, they have nothing to do and no means by which to earn a livelihood; but under the system of industrial education they are qualified for more than one employment and they are able to earn a subsistence for themselves and to turn from one thing to another.

If we are contemplating this great subject of education, of fitting the people to take care of themselves and be useful factors to the State, I can see no reason why we should not adopt the system entirely and give the aid to the States, to be applied either to common-school education or to industrial education, for they are both practically the same and apply to the same classes of people. Nor can there be any reason why it should not be done in the Territories. As has been well observed by the Senator from Michigan, it is already a developed fact in the history of the country that such appropriations have done good and worked well in the Territory of Alaska.

Mr. DOLPH. Mr. President, I do not understand that the question of industrial education is involved in this bill. The question is how to make a proper appropriation of this fund as between the States and Territories. I do not understand that under section 6 the Secretary of the Interior in the Territories would have the arbitrary division or allotment of this fund. I do not understand that in any of the Territories there are industrial schools which are maintained by public taxation or under any uniform law of the Territory. All these industrial schools I suppose to be private institutions, institutions for higher education; and I do not know by what rule the Secretary of the Interior could make an allotment in a Territory between the common schools and such private institutions. I do not understand that it is the intention of the law to give him the power of making an arbitrary division of this money between these different schools; but his division should be made to the various districts or subdivisions of the Territory according to the number of children of school age in the Territory.

I do not believe that this bill covers Alaska at all. I do not believe that Alaska is a Territory within the meaning of that word as used in the bill. I think the act providing a civil government for Alaska treats it as a district, calls it the "District of Alaska." It has not a full Territorial government; it has no school laws; it has no common schools; it has nothing from which its proportion of the money to be appropriated by this bill could be determined and allotted to the Territory. The industrial schools in Alaska are supported in part by appropriations which have been recently made by Congress for that purpose, but mainly by donations from religious bodies and from individuals. So far as appropriations have been made for common-school education, they are simply applied to schools that have been established under the direction of the Secretary of the Interior, maintained by no law, the appropriation of the money regulated by no law; and it would be impossible to make any distribution of money appropriated by this act to Alaska Territory unless there were some arbitrary division and allotment of it by the Secretary of the Interior.

I say therefore that I do not think what is called the Territory of Alaska (which is a Territory so far as the land is concerned and in that sense only) is a Territory within the meaning of this section or of this bill. I think it is a district, having but an imperfect government, having no school system, and it ought not to be taken into consideration in the passage of this bill.

I do not see how the Secretary of the Interior can make any allotment to industrial schools which are maintained by voluntary subscription, to schools which are not governed by the laws of the States or Territories, and I think the words "industrial schools" should be stricken out wherever they occur in this bill.

Mr. TELLER. If the Territory of Alaska is not included in this bill it certainly ought to be. I am inclined to think it is, but if it is not I should like to offer an amendment that it shall be. I find in the last two statutes making appropriations that it is spoken of as "the Territory of Alaska." I should think it would come under the term "Territories."

I want to say a word about the industrial education in the Territories. The bill does not seem to deal with industrial schools except in the Territories, and there is really no industrial schools in the Territories. Industrial schools are only valuable, as I understand, in crowded communities, where there is a difficulty for those who are unfortunate in their poverty and in their inability to acquire trades and general business education. All through the Western country in the Territories there is no difficulty of that kind, and I do not know of any industrial schools in the Territories for the purpose of educating the Indians, and no provision is made for that class in this bill, as I understand it.

I wish to call the attention of the Senate to the fact that the Territories have very little interest in this bill, the total amount that they will receive is so insignificant. For instance, the Territory of Arizona will receive a total sum of about $72,000 during the whole life of the bill. The Territory of Dakota, with its great population, will only get $69,000; Idaho Territory, $22,000; Montana Territory, about $21,000; Utah Territory, $109,000; Washington Territory, $48,000; and Wyoming, $6,000. The Territories have little or no interest in this bill, for when you divide $48,000 into eight years' payments it will make no considerable impression, in fact none at all, upon the educational resources of a Territory like Washington.

I do not suppose there is a Territory ever so poor, unless it may be Arizona, that has not a better educational system than a great number of the old and wealthy States. I know that is the case with some of the Northwestern Territories, at least. The very first thing the people who go to those Territories do is to establish a school system. The very first Legislature that assembled in Colorado, in the midst of civil war, with scarcely any women or children within the borders of the Territory, immediately passed an act establishing one of the most efficient free-school systems—and we have it to-day—of any State in the Union. From the very beginning they provided, even in the remote and thinly and sparsely settled regions, for the free education of all the children of that section, and established schools in communities where you would hardly suppose a school could be maintained.

I do not think it is necessary to keep in this bill any provision for industrial schools in the Territories; but I do think it was a very great mistake to strike out of the bill, as the Senator from New Hampshire says the committee did, the provision for the support of industrial schools in the States. I think industrial schools in very many of the States would, as the Senator from Florida says, be the solution of a very great difficulty, and especially in the crowded cities, in the great cities where the poor are unable to acquire the opportunities of skill necessary for conducting business or trade in a proper way.

The PRESIDING OFFICER. The question is on the amendment of the Senator from Kansas [Mr. INGALLS].

Mr. CALL. If the amendment is adopted the sixth section may just as well be striken out entirely, because the tenth section provides for the distribution of money to the Territories as well as to the States. But I do not concur entirely with my friend from Colorado as to the absence of a necessity for the application of this money to industrial schools in the Territories. Unquestionably it is true that the great amount of unoccupied land, the facility with which it may be obtained, the mineral resources of the Territories, and the grazing interests furnish occupation and a comfortable subsistence to the people who are there; but we are in a country that is increasing millions every year. We have now sixty millions of people. The Western Territories are being populated rapidly, and the proposition I make is that it is an ascertained fact in this new world of new industries and new economies that industrial education is an absolute necessity to accompany common-school education everywhere; that a man can not be a useful citizen or factor in our civilization to-day without an industrial education, and that it is a necessity so pressing that it has been established by the despotic governments of the world among their people.

In France it is said that under the system of industrial education established in Paris and some other parts of the Republic of France pauperism has diminished rapidly, until now you can scarcely find any family who are without the means of support; and shall we shut our eyes to this fact in this country with a population growing beyond all estimation and covering with great rapidity the Territories of the West?

I think, therefore, sir, that the bill should distinctly recognize and provide for the application of this money in the discretion of the State and the Territorial authorities, and in company with a common-school education, with teaching them to read and write, also teaching them how to make a living, the employments of the hand which will enable them to be factors in the production of the country; and it applies just as well, and it ought to be made to apply, to the Territories as to the States.

Mr. INGALLS. Mr. President, the argument of the Senator from Florida has convinced me that section 6 ought to be stricken out, as he suggests. The bill in its title declares the measure to be one "to aid in the establishment and temporary support of common schools," and section 10 declares specifically how the moneys that are provided for in this bill shall be distributed in the several States and Territories. Therefore section 6 is entirely superfluous, unless the intention be to include industrial schools in the Territories in addition to common schools as a part of the system; and I therefore move to strike out section 6.

The PRESIDING OFFICER. The question now is on the motion of the Senator from Kansas to strike out section 6 of the bill, which includes the previous amendment offered by him.

Mr. MORGAN. I agree with the Senator from Kansas that the section ought to be stricken out. There ought to be no discrimination in this bill between the States and Territories, some of them having industrial schools in addition to common schools, and others not being allowed to have the industrial schools. But I wish to call the attention of the Senate to another fact in regard to the bill, which I think the committee ought to reconsider, even though it requires that this bill should be sent back to the committee.

This bill proposes to distribute $77,000,000 among the States and Territories upon the basis of the illiteracy of the people over ten years of age in the States and Territories in 1880. The other day we had quite a long and earnest and important debate in the Senate upon the admission of Dakota into the Union, and it was then stated on all hands that Dakota had 400,000 population, a rich, prosperous community that was rapidly filling up. Now I find by going back to 1880, according to the table presented in the report of the committee or by the Senator from New Hampshire, that Dakota is credited in this bill with only 135,177 people, in all, of whom there 4,631 that can not write. If we are proposing to do justice between the different States and Territories, why do we go back to 1880 when these Territories had very sparse population, and take from them the advantage of the increase in their population from that time? The amount of money that would go to the Territory of Dakota during all this time would be $59,737 during the whole eight years. Alabama has only about three times the population that is alleged here for Dakota—about 1,250,000 people. Alabama gets under this bill for the whole time $5,370,848.45.

A bill was brought in the other day to admit Washington Territory into the Union. Washington had 75,116 people in 1880. It is now claimed that there are 150,000 people in Washington Territory. The illiterates in that Territory, as shown in this table, are 3,850. The amount of money coming during the eight years to Washington Territory, claiming now to be entitled to Statehood, is $48,186.66; and that, too, when Washington Territory and Dakota are now paying more money into the Treasury of the United States for public lands, perhaps, or at all events a greater number of population is going there to take the benefit of our homestead system, than in any of the old land States of the Union.

Now I take Montana Territory. It is credited in this report with 39,159 people and its illiteracy is 1,077, and what it would get under the bill is $31,151.46 for the whole time, for the entire eight years; not quite $4,000 a year.

If the Senate of the United States can afford to take $77,000,000 and distribute it among the people of the United States under this bill, and have the constitutional right to do it, can it not afford to take the time to do them justice? Can anybody defend this bill upon this statement? Have we the right to have these people pay their taxes, incur all the hardships of frontier life, start up the incipient foundations of society, including education, struggling as people never have to struggle in the older States for any purpose, and yet insist in the distribution of this money to put them back on the basis of population shown by the census of 1880, when their population has trebled and quadrupled at the time the bill passes? And, mark you, for eight years to come this basis of distribution is to be maintained. Dakota may have a million of people at the end of eight years, Washington Territory may have 500,000, and Montana may have 400,000 at the end of eight years, and yet you go on with the distribution upon the basis of 1880.

Mr. President, I know that whatever I say about this bill will be credited to an inveterate hostility against the measure; but if this bill is to become a law, I claim that it shall be so framed by the Senate of the United States as at least to show that we have some consideration for the principles of justice and equity in the distribution of the money. That is what I have to say about it.

Mr. BLAIR. Mr. President, in regard to the necessity or the desirableness of retaining the Territories within the scope of the bill I have a word to say.

The Territory of New Mexico is very much dependent upon outside help for the establishment of any system of common schools that can be efficient there; and I believe there is no part of the whole country where the rate of illiteracy is so high as it is in that Territory. There are peculiar circumstances in that Territory which have led the superintendent of public instruction and the other friends of education in that Territory to write with great urgency setting forth their needs and their anxieties that this bill become a law on account of the provision that will be made for that Territory. It is very true that several of the other Territories will not receive large sums of money; but New Mexico will receive from the whole fund to be distributed between $700,000 and $800,000, say three-quarters of a million dollars. This would be to the Territory of New Mexico at least a Godsend, and there is no prospect of their getting efficient help from any other source whatever. As to the other Territories, they will receive something, and there is no difficulty whatever in the acceptance of the sum, however small it may be.

To preserve the symmetrical character of the bill, to give to all our population in proportion to the existing illiteracy on the basis of the census of 1880, which we adopt from necessity, there being no other basis, and which we can not reject until we take another census without occasioning great confusion, it was thought best to include these Territories. They are increasing rapidly in population, it is true, but most of the increase is from the educated people in the States and from the more intelligent class of foreign immigration, so that the standard of illiteracy in most of the Territories is low, though until perhaps recently Iowa supplanted them in that honorable distinction as having

the lowest rate of illiteracy of any part of the entire country. Nevertheless these small sums which the Territories receive will help them a little and certainly can do no harm, while, as I said before, the Territory of New Mexico will be greatly benefited, and to it this money is almost indispensable.

So far as Alaska is concerned, if it is properly a Territory, I suppose it is included within the provisions of the bill. The amount that that Territory will receive will be greatly beneficial to it.

In regard to the striking out of this section which the Senator from Kansas has moved, the force of the section is not so much to designate whether the money shall go to the industrial or the common schools as it is to confide the discretion of the expenditure in the Secretary of the Interior. It was thought better to leave that money to him to be expended for the cause of education in his discretion than to leave it to the local Legislatures and the local authorities. There is great difficulty in one or two of the Territories, as the Senate will perceive by a moment's reflection, in securing the raising and the application of the necessary funds for education. New Mexico and Utah might be instanced; and it is a great deal better that this section should be retained in order that its provisions may be a portion of the act, confiding to the discretion of the Secretary of the Interior the expenditure of the money which the Territory is to receive.

I hope the Senator will not insist on his amendment, for in this view I think that he himself will admit that it is quite important that the section should be retained in the bill.

The PRESIDING OFFICER. The question is on the amendment of the Senator from Kansas [Mr. INGALLS] to strike out section 6 of the bill.

The question being put, there were on a division—ayes 13, noes 15.

Mr. INGALLS. Was there a quorum voting?

The PRESIDING OFFICER. There was not.

Mr. INGALLS. It will not be possible to decide the question without a quorum.

The PRESIDING OFFICER. That is true.

Mr. BLAIR. I ask for the yeas and nays.

The yeas and nays were ordered; and the Secretary proceeded to call the roll.

Mr. COKE (when his name was called). I am paired with the Senator from Kentucky [Mr. BLACKBURN] who is temporarily absent. If he were here, I should vote "yea."

Mr. JONES, of Arkansas (when his name was called). I am paired with the Senator from Indiana [Mr. HARRISON], but as I understand his views on the bill are the same as mine I will take the liberty of voting. I vote "nay."

Mr. CONGER (when Mr. PALMER'S name was called). My colleague [Mr. PALMER] is temporarily absent, but he is paired on political questions with the Senator from North Carolina [Mr. VANCE].

Mr. RANSOM. The Senator from Michigan [Mr. PALMER] is paired with my colleague [Mr. VANCE] on party questions.

Mr. CONGER. I said on political questions.

Mr. RANSOM. My colleague is paired with the Senator from Missouri [Mr. VEST] on this question.

Mr. CONGER. As I understand it, if my colleague were here he would vote "nay" on this proposition.

The roll-call was concluded.

Mr. CALL. My colleague [Mr. JONES, of Florida] is paired with the Senator from New Jersey [Mr. MCPHERSON].

The result was announced—yeas 23, nays 26; as follows:

YEAS—23.

Allison,	Dolph,	Ingalls,	Plumb,
Beck,	Frye,	Logan,	Riddleberger,
Butler,	Gray,	Manderson,	Spooner,
Cockrell,	Hale,	Maxey,	Teller,
Coke,	Harris,	Morgan,	Van Wyck.
Culloin,	Hawley,	Platt,	

NAYS—26.

Berry,	Dawes,	Jackson,	Pike,
Blackburn,	Eustis,	Jones of Arkansas,	Pugh,
Brown,	Evarts,	Jones of Nevada,	Ransom,
Call,	George,	Mahone,	Sewell,
Chace,	Gibson,	Miller of N. Y.,	Walthall.
Colquitt,	Hampton,	Mitchell of Oreg.,	
Conger,	Hoar,	Payne,	

NOT VOTING—27.

Aldrich,	Gorman,	Mitchell of Pa.,	Stanford,
Blair,	Harrison,	Morrill,	Vance,
Bowen,	Jones of Florida,	Palmer,	Vest,
Camden,	Kenna,	Sabin,	Voorhees,
Cameron,	McMillan,	Saulsbury,	Wilson of Iowa,
Edmunds,	McPherson,	Sawyer,	Wilson of Md.
Fair,	Miller of Cal.,	Sherman,	

So the amendment was rejected.

Mr. BUTLER. In line 4 of section 2 I move, after the words "can not," to insert the words "read and;" so as to read:

Being of the age of ten years and over and can not read and write.

The PRESIDING OFFICER. The question is on the amendment of the Senator from South Carolina.

Mr. EDMUNDS. I wish the Senator from South Carolina would explain how this would affect the bill as it stands.

Mr. BUTLER. I am utterly unable to answer that question.

Mr. INGALLS. Can the Senator state whether the number of those who can not read and write is greater or less than of those who can not write?

Mr. BUTLER. I can not answer that question, but I should think that a man who can not read would be as illiterate as one who can not write. If you are going at illiteracy, why not include both?

Mr. BLAIR. It will be necessary to adopt a rule to make the computation on the basis either of those who can not read or of those who can not write. The enumerations are different. If those who can not write be adopted as the basis that means something, and the bill can be administered on that basis; but if you put in the language now proposed I do not know that the bill will amount to anything.

Mr. INGALLS. I understand that the class of those who can not write is very much larger than the class of those who can not read.

Mr. BUTLER. I have not investigated that question as to whether there are a greater number of those who can not read or of those who can not write, but my off-hand opinion would be that there are a great many who can not read and can not write. A parrot or a monkey might almost write by way of imitation.

Mr. INGALLS. According to the census of 1880 those who could not read were 4,923,451, and those who could not write were 6,239,958, making an excess of those who could not write over those who could not read of about a million and a quarter. Of course those who can not read can not write.

Mr. BUTLER. I do not know about that.

Mr. INGALLS. There is no classification which shows that any of those who can not write are included in the class who can not read.

Mr. BUTLER. Why not include both classes?

Mr. INGALLS. I think they ought to be included.

Mr. ALLISON. I should like to know of the Senator from South Carolina whether the census tables of 1880, which seem to be the basis of all this calculation, state separately the number of persons who cannot read and write. I find in one of the tables which the honorable chairman introduced the other day a statement of those who can not read and a separate statement of those who can not write. Now is there a table in the census returns of those who can not read and write?

Mr. BLAIR. I do not understand that there is; and the bill should either say those who can not read or those who can not write; and the basis of those who can not write was adopted in the bill. The number who can not write is of course larger. I understand that the census, as the Senator from Kansas stated, shows that the number who can not write is larger than the number of those who can not read. There is not a very substantial difference. The calculations have been made both ways, and it does not make very much difference which basis is adopted. The one that is in the bill has been adopted, and there is no reason for changing it that I can see.

Mr. HALE. Let me ask the Senator from South Carolina whether it really makes any difference whether the class which can not write is larger than the class which can not read, because the basis in the section is that whatever number there is of either class in a given State shall be the proportion that it bears to the entire number in the United States. If he makes the provision so that it shall read "the proportion which the whole number of persons in each State, who being of the age of ten years and over can not read and write, bear to the whole number of such persons in the United States," it is simply the proportion in a given State that it bears to the whole. I see no reason why the proportion of persons who can not read and write, for instance, in South Carolina, is not likely to be the same as to all persons in the United States who can not read and write, as the persons who can not read in South Carolina shall bear to the persons who can not read throughout the United States. I do not see that there is anything gained either the one way or the other. It is not a question of the larger class, but of the proportion of the class to the entire number in the United States.

Mr. BUTLER. I do not know how that is. I have not examined the census tables, and therefore I frankly say I am not prepared to answer that point; but I think there are many people who can write and can not read—who by a sort of imitation might sign their names and yet not be able to read or even write a syllable or letter. Therefore I think this bill ought to include both classes, and hence I offer the amendment. I have heard no good reason assigned why it should not be adopted. I ask for a vote on the amendment.

The PRESIDING OFFICER. The question is on the amendment of the Senator from South Carolina.

Mr. BLAIR. This is a very important matter. The bill can not be worked if both classes be adopted as the basis. There is absolutely no method of ascertaining so that there can be a practical administration of the law if you include all persons in the country who can not read and write.

This illustrates how important it may be to the friends of the practical operation of this measure if it ever should be enacted to note these numerous amendments and their effect upon this bill. Those who care to see the bill passed and become a law and care to see it efficient may as well give attention to what is going on. The Senator from South Carolina rises and makes a motion the effect of which he says he knows nothing about, pretends not to know, to insert a word which if adopted

would throw very great doubt upon the question whether the law can be administered at all. The basis of the distribution of these funds is the census of 1880. That census was taken; and the general ground of division is that of illiteracy. The census shows two classes of illiterates, those who can not read in one table and those who can not write in another table, and the numbers differ largely, as shown by the citation from the census made by the Senator from Kansas.

That being so, it was necessary to adopt either one or the other as the basis of distribution, and it did not make very much difference which, because the relation of those who can not write in any given State or Territory to the whole number of those who can not write in the whole country as shown by the census is a definite mathematical relation, and it is very nearly the same as the relation which exists between the whole number in any given State or Territory who can not read and the whole number in the entire country who can not read. It is a definite mathematical relation, and if that be adopted the bill can be operative. But when you come to inserting the words "read and write," there is no tabulation whatever that you can refer to in order to see how much money is to go to this, that, or the other State. The Senator will find on page 345 one enumeration of those who can not read and another enumeration of those who can not write.

Mr. BUTLER. May I ask the Senator why can he not ascertain the number of persons in the United States who can not read and write? If you can ascertain how many can not read, why can you not ascertain how many can not both read and write?

Mr. BLAIR. The census has not shown it. There is no mathematical tabulation of it, and there is nothing definite about it. It might be claimed that there were some who could write who were not able to read. A man may be able to write his name and say he writes, but that same man may not be able to read. In various States a man, in order to have the qualifications of a voter—in Massachusetts, for instance—must be able to read. What must he be able to read? In order to be considered able to read in the sense of the Massachusetts law he must be able to read the constitution of Massachusetts or some ordinary book.

The question whether a man can read and write is one of exceedingly dubious nature. There is no settlement of it anywhere, certainly not in the census, and the basis of distribution adopted in the bill is the census of 1880 until another census can be taken.

In view of the confusion it would cause, I can not really think that the Senator should have made this motion without a design.

The PRESIDING OFFICER. The question is on the amendment of the Senator from South Carolina.

The amendment was rejected.

Mr. BUTLER. Now, while I am up I will offer another amendment. Section 5 provides:

> That the instruction in the common schools wherein these moneys shall be expended shall include the art of reading, writing, and speaking the English language, arithmetic, geography, history of the United States, and such other branches of useful knowledge as may be taught under local laws.

I should like to ask the friends of this bill where they can find, either in the practices or customs of this Government or in the Constitution and laws, any authority for Congress to go into the common schools of the States and dictate what shall be taught there. If that is not taking charge of the schools with a vengeance I should like to know what is; and entertaining the opinion that it does do that, I move to strike out section 5. I do not believe the Congress of the United States has any right whatever to say what shall be taught in the common schools of the respective States.

Mr. BLAIR. I do not know that it is necessary to say anything in opposition to an amendment like that. The bill imposes various restrictions upon the expenditure of this money. It was thought that it should contain something definitely certain as to the character of the instruction to secure which this money should be expended. It says for the benefit of common schools, for the temporary support of common schools; and although one would think the inhabitant of a Northern State might suppose that the expression "common school" was sufficiently definite, yet various persons thought there should be introduced into the bill something to show what a common school is; that it is a place where the ordinary branches of instruction that are essential to common life should be taught. They should be taught at all events, and the money should not gradually by indirection or by innocent intent come to be appropriated to the higher lines of instruction, to the more select schools, to which it might be applied perhaps in some of the States. It was the design that this money should reach the common people through the common schools, that in the common schools the common branches of study should be taught. And, so far from being an interference with the rights of the States, it is no more an interference than any other restriction that is contained in the bill as to the manner in which the money shall be expended.

Mr. BUTLER. I have really no desire to prolong this debate and do not mean to do so, but every Senator who has spoken on this floor in favor of this bill has disclaimed with emphasis, especially my friend from Tennessee [Mr. JACKSON], that there was any intention, any purpose to assume any jurisdiction whatever over the common schools of the States; and yet in the fifth section Congress not only assumes jurisdiction but declares in terms what shall be taught in the common schools of the respective States. If that is not taking charge of them, assuming jurisdiction over them, prescribing what shall be done, then I have failed to understand the English language.

The PRESIDING OFFICER. The question is on the amendment of the Senator from South Carolina, which is to strike out section 5. The section will be read.

The Chief Clerk read as follows:

> SEC. 5. That the instruction in the common schools wherein these moneys shall be expended shall include the art of reading, writing, and speaking the English language, arithmetic, geography, history of the United States, and such other branches of useful knowledge as may be taught under local laws.

Mr. BUTLER called for the yeas and nays, and they were ordered.

Mr. ALLISON. I do not understand, as does the Senator from South Carolina, that this section imposes anything upon the States. It only exacts compliance with this provision from them if they intend to receive the benefit of this fund. That is all. If they do not choose to teach these branches in the common schools, of course they are not permitted to avail themselves of this bounty.

Mr. BUTLER. Let me ask the Senator from Iowa this question: Suppose they do not teach these branches after they get the money, what is to be done?

Mr. ALLISON. They do not get the second installment.

Mr. BUTLER. They get the first.

Mr. ALLISON. They would get the first; they would start in with the first installment.

Mr. RIDDLEBERGER. It strikes me that if the fifth section is taken from this bill, leaving in it a line that ought to be taken out of the eighth section, it destroys the whole purpose and object of the bill. This is intended to be an appropriation of public money by the Government of the United States for the purpose of promoting a common-school system; and if you take out the fifth section, in my judgment, this money will be carried to the States and distributed among the universities and the colleges, and the common schools will get none of it.

The Secretary proceeded to call the roll on Mr. Butler's amendment to strike out section 5.

Mr. MCPHERSON (when his name was called). On this question I am paired with the Senator from Florida [Mr. JONES]. If he were here, I should vote "yea."

Mr. GORMAN (when Mr. PIKE'S name was called). I am paired with the Senator from New Hampshire [Mr. PIKE] on all questions connected with this bill.

The roll-call having been concluded, the result was announced—yeas 8, nays 43; as follows:

YEAS—8.

Beck,	Coke,	Hawley,	Morgan,
Butler,	Harris,	Maxey,	Wilson of Md.

NAYS—43.

Allison,	Edmunds,	Kenna,	Pugh,
Berry,	Eustis,	Logan,	Ransom,
Blackburn,	Evarts,	McMillan,	Riddleberger,
Blair,	Frye,	Mahone,	Sabin,
Brown,	George,	Manderson,	Sawyer,
Call,	Gibson,	Miller of N. Y.,	Spooner,
Chace,	Gray,	Mitchell of Oreg.,	Teller,
Colquitt,	Hale,	Morrill,	Voorhees,
Conger,	Hampton,	Payne,	Walthall,
Cullom,	Jackson,	Platt,	Wilson of Iowa.
Dawes,	Jones of Nevada,	Plumb,	

ABSENT—25.

Aldrich,	Gorman,	Miller of Cal.,	Stanford,
Bowen,	Harrison,	Mitchell of Pa.,	Vance,
Camden,	Hoar,	Palmer,	Van Wyck,
Cameron,	Ingalls,	Pike,	Vest.
Cockrell,	Jones of Arkansas,	Saulsbury,	
Dolph,	Jones of Florida,	Sewell,	
Fair,	McPherson,	Sherman,	

So the amendment was rejected.

Mr. MAHONE. Mr. President, I could not be more earnestly in favor of the measure which this bill proposes to inaugurate than I have been and am. Therefore I hope it will be understood that in offering the amendment which I propose it is in the spirit of friendship.

It will be seen that no money is to be paid under this bill until the governor of a State or Territory has certified as to the school system of the State or Territory and certain other facts, the more important of which is that there is no discrimination by the system between classes. Now it does not seem to me that the Secretary of the Interior will be able to determine whether there exists any discrimination, not only between classes, but between the sections composing the State or Territory upon such a certificate so limited.

Therefore it is that I propose in the amendment which I send to the desk that the governor shall furnish certain information by which not only will the Secretary of the Interior be able to determine as to the proper distribution of the money which it is proposed to contribute by this bill, but that the Congress of the United States may afterward readily perceive whether or not the spirit and purpose of the bill are fully complied with. That is the object, that is the spirit of the amendment which I wish now to have read.

The PRESIDENT *pro tempore*. The amendment will be read.

The CHIEF CLERK. In section 3, line 14, it is proposed to strike out all after "schools" down to and including "schools," in line 15, as follows:

The number of white and the number of colored common schools—

And to insert in lieu thereof:

The number of the population, white and colored, of each school district for each county and city, and the number of children, white and colored, of the school age prescribed by this act in each such district, and the number of each of such class attending school, the number of schools in operation in each such district, white and colored, the number of teachers employed, white and colored, male and female, and the average compensation paid such teachers.

Mr. RIDDLEBERGER. I should like to have the words proposed to be inserted read again.

The PRESIDENT *pro tempore*. The Secretary will again report the amendment.

Mr. MORGAN. Read the entire amendment.

Mr. BUTLER. So as to show how it will read.

The Chief Clerk again read the amendment.

Mr. RIDDLEBERGER. Mr. President, it is read so rapidly that I really do not comprehend it now, but it struck me when first presented as an embodiment in the way of an amendment of the views that you yourself presented on this bill two years ago as to the distribution of this money among school districts so as to discriminate on account of color, whereas the whole object and purpose of the bill is to avoid any discrimination. It just struck me that way. It seems to me that before an amendment of that sort is passed upon at all it ought to be printed and laid on desks of Senators, so that they may have some knowledge of what they are voting upon.

I apprehend that it means—I only apprehend it because I heard a discussion of it here two years ago—that this money shall be apportioned according to the illiteracy which is reported to obtain in certain districts of a State, for instance, without regard to the fundamental idea of the bill. It will be remembered possibly that I opposed that view two years ago. I held then, as I hold now, that the taxes which are levied and paid for the support of the public-school system of the States are mainly paid by the white people. I say that without hesitation. Therefore we ought not to consider so small a matter as a school district. A State like Virginia, for instance, that pays so many hundred thousand dollars for the education of children without regard to race or color, it is known pays it out of the pockets of the people of certain sections of that State.

I do not want to discriminate against the colored man or against any school district, but I do want, if it be possible, to see that there is no discrimination anywhere in this bill.

I am not sure that I am right about this amendment, but it struck me as sounding so much after the manner of the one that the presiding officer himself discussed here two years ago, that I would prefer to have it printed and understand it. I do not want to oppose it unless I do understand it. I do not want to vote for it without knowing what is in it.

Mr. EDMUNDS. I move that the Senate proceed to the consideration of executive business, asking in the mean time that the amendment of my friend from Virginia be printed.

Mr. MORGAN. Will the Senator from Vermont also allow me to send two amendments to the desk to have them printed?

Mr. EDMUNDS. Very well.

Mr. INGALLS. I suggest that the bill with the amendments already agreed to be reprinted so that we may have it to-morrow morning in its present condition.

The PRESIDENT *pro tempore*. It is moved that the bill be reprinted with the amendments that are adopted. Those that are offered will also be printed. If there be no objection that order will be made.

Mr. CALL. I ask the Senator from Vermont to allow me to offer an amendment to the bill.

The PRESIDENT *pro tempore*. The amendment will be received.

Mr. EDMUNDS. Let it be printed also.

The PRESIDENT *pro tempore*. The amendment will be printed.

Mr. HAMPTON. I ask the Senator from Vermont to withhold his motion for one moment. I wish to make an explanation. Yesterday when the Senator from New Hampshire [Mr. BLAIR] was appealing to Senators on this side to know the action of the Legislature of South Carolina he referred to a memorial, and so did I, sent here in 1883. I did not intend to allude to any action of the present Legislature.

I simply desired to make that correction, as there might be some misunderstanding in reference to the matter.

Mr. EVARTS. I ask leave to send up an amendment intended to be proposed to section 10 of the pending bill.

The PRESIDENT *pro tempore*. The amendment will be received and printed.

EXECUTIVE SESSION.

Mr. EDMUNDS. I move that the Senate proceed to the consideration of executive business.

The motion was agreed to; and the Senate proceeded to the consideration of executive business. After 25 minutes spent in executive session the doors were reopened, and (at 5 o'clock p. m.) the Senate adjourned.

EXECUTIVE NOMINATIONS.

Received the 17th day of February, 1886.

UNITED STATES MARSHAL.

William M. Campbell, of Minnesota, to be marshal of the United States for the district of Minnesota, *vice* Henry R. Denny, whose term expires February 20, 1886.

SECRETARY OF LEGATION.

Pendleton King, of North Carolina, to be secretary of the legation of the United States at Constantinople, to fill a vacancy.

COLLECTOR OF CUSTOMS.

James B. Groome, of Maryland, to be collector of customs for the district of Baltimore, Md., *vice* Edwin H. Webster, commission expired.

NAVAL OFFICER OF CUSTOMS.

I. Freeman Rasin, of Maryland, to be naval officer of customs in the district of Baltimore, Md., *vice* William R. Wilmer, commission expired.

SURVEYOR OF CUSTOMS.

Frank I. Phelps, of Wisconsin, to be surveyor of customs for the port of La Crosse, Wis., *vice* William R. Finch, commission expired.

PENSION AGENT.

Alfred B. Judd, of Milwaukee, Wis., to be pension agent at Milwaukee, Wis., *vice* Edward Ferguson, resigned, to take effect February 28, 1886.

POSTMASTERS.

M. O. Bowdoin, at Griffin, Spaulding County, Georgia, *vice* Thomas W. Thurman, commission expired.

J. W. Renfroe, at Atlanta, Fulton County, Georgia, *vice* W. T. B. Wilson, resigned.

A. T. Bitters, at Rochester, Fulton County, Indiana, *vice* Kline G. Shryock, whose commission expires February 17, 1886.

Nathaniel S. Bates, at Rensselaer, Jasper County, Indiana, *vice* Horace E. James, whose commission expires February 17, 1886.

James J. Russell, at Muscatine, Muscatine County, Iowa, *vice* Benjamin Beach, commission expired.

Frank B. Smith, at Wichita, Sedgwick County, Kansas, *vice* Marshall M. Murdock, resigned.

Charles A. White, at Gardiner, Kennebec County, Maine, whose commission expires February 20, 1886.

Dennis D. Dinan, at Westborough, Worcester County, Massachusetts, *vice* Frank W. Bullard, commission expired.

Joseph H. Wilder, at Shelburne Falls, Franklin County, Massachusetts, *vice* John F. Severance, whose commission expires February 17, 1886.

Joseph Edelbrock, at Saint Cloud, Stearns County, Minnesota, *vice* Josiah E. West, commission expired.

Samuel E. Rigg, at Beatrice, Gage County, Nebraska, *vice* Jacob Drum, resigned.

William J. Poulson, at Flemington, Hunterdon County, New Jersey, *vice* William Hill, commission expired.

Thomas J. Franisco, at Cuyhoga Falls, Summit County, Ohio, *vice* John J. Jones, commission expired.

George Moore, at Steubenville, Jefferson County, Ohio, *vice* Frank O'Neal, commission expired.

George O. Guild, at Bellows Falls, Windham County, Vermont, *vice* Quartus E. Morgan, whose commission expires February 17, 1886.

CONFIRMATION.

Executive nomination confirmed by the Senate, February 17, 1886.

UNITED STATES ATTORNEY.

George M. Stearns, of Massachusetts, to be attorney of the United States for the district of Masachusetts.

HOUSE OF REPRESENTATIVES.

WEDNESDAY, *February* 17, 1886.

The House met at 12 o'clock m. Prayer by the Chaplain, Rev. W. H MILBURN, D. D.

The Journal of yesterday's proceedings was read and approved.

CONTINGENT FUND, MILITARY ESTABLISHMENT.

The SPEAKER laid before the House a letter from the Secretary of War, transmitting a statement of the expenditure of the contingent fund of the military establishment for the fiscal year ended June 30, 1885; which was referred to the Committee on Expenditures in the War Department, and ordered to be printed.

IMPROVEMENT OF SAUGATUCK RIVER.

The SPEAKER also laid before the House a letter from the Secretary of War, transmitting a communication from the Chief of Engineers inclosing reports of examination and survey with a view of connecting the Saugatuck River with Long Island Sound; which was referred to the Committee on Rivers and Harbors, and ordered to be printed.

IMPROVEMENTS OF SOUTH PASS, MISSISSIPPI RIVER.

The SPEAKER also laid before the House a letter from the Secretary of War, transmitting papers from the Chief of Engineers, and asking an appropriation for continuing examinations and surveys at the South Pass of the Mississippi River; which was referred to the Committee on Rivers and Harbors, and ordered to be printed.

MEDICAL AND SURGICAL HISTORY OF THE WAR.

The SPEAKER also laid before the House a letter from the Public Printer, in response to a resolution of the House calling for information as to cost, &c., of printing the Medical and Surgical History of the Rebellion; which was referred to the Committee on Printing, and ordered to be printed.

FINDINGS OF COURT OF CLAIMS.

The SPEAKER also laid before the House a letter from the assistant clerk of the Court of Claims, transmitting copies of the order and findings of fact by that court in the case of John B. Reid against the United States, and also a letter from the assistant clerk of said court, transmitting copies of the order and findings of fact in the case of Elizabeth P. Dyer against the United States; which were severally referred to the Committee on War Claims.

DISTRIBUTION OF PUBLIC DOCUMENTS BY INTERIOR DEPARTMENT.

The SPEAKER also laid before the House a letter from the Secretary of the Interior, submitting a report of the receipt and distribution of public documents on behalf of the Government by the Department of the Interior; which was referred to the Committee on Printing, and ordered to be printed.

REFERENCE OF SENATE BILLS.

The SPEAKER also laid before the House, in obedience to the rule, the following Senate bills; which were severally read a first and second time, and referred, as follows:

A bill (S. 806) granting a pension to Mary B. Holmes—to the Committee on Invalid Pensions.

A bill (S. 637) for the erection of a public building at Hudson, N. Y.—to the Committee on Public Buildings and Grounds.

A bill (S. 579) granting the franking privilege to Julia D. Grant—to the Committee on the Post-Office and Post-Roads.

A bill (S. 53) for the relief of the Mission Indians in the State of California—to the Committee on Indian Affairs.

PRINTING FOR COMMITTEE ON COINAGE, WEIGHTS, AND MEASURES.

Mr. BLAND. Mr. Speaker, I ask unanimous consent to submit a resolution for reference to the Committee on Printing in regard to some necessary printing for the Committee on Coinage, Weights, and Measures.

The SPEAKER. The resolution will be read, after which the Chair will ask for objections.

The Clerk read as follows:

Resolved, That the Committee on Coinage, Weights, and Measures be empowered to print such matters before the committee on the subject of coinage and the silver question as the committee may deem important and desirable.

Mr. BEACH. This is a resolution simply for reference, as I understand it.

The SPEAKER. It is.

Mr. BEACH. I shall object.

Mr. BLAND. It is important that the committee should have authority to get this printing done as soon as possible.

Mr. BEACH. No doubt it will keep until Monday.

The SPEAKER. There is objection to the request of the gentleman from Missouri.

PRINTING FOR JUDICIARY COMMITTEE.

Mr. BARKSDALE. I desire to make a privileged report from the Committee on Printing.

The Clerk read the report, as follows:

The Committee on Printing, to whom was referred the following resolution—
"*Resolved*, That the Committee on the Judiciary be authorized to have printed and bound such papers and documents as it may deem necessary in connection with propositions pending before said committee"—
have had the same under consideration, and have instructed me to report the same back to the House with the following amendment:
"*Provided*, That the printing and binding of such papers and documents shall not exceed $500 in any one instance."

The amendment was agreed to.

The resolution as amended was adopted.

Mr. BARKSDALE moved to reconsider the vote by which the resolution was adopted; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

COMMITTEE ON PUBLIC BUILDINGS AND GROUNDS.

Mr. DIBBLE. On behalf of the Committee on Public Buildings and Grounds, I ask unanimous consent to submit for present consideration the resolution which I send to the desk.

The Clerk read as follows:

Resolved, That the Committee on Public Buildings and Grounds have leave to sit this day during the session of the House after the second morning hour.

There being no objection, the resolution was adopted.

Mr. DIBBLE moved to reconsider the vote by which the resolution was adopted; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

ORDER OF BUSINESS.

The SPEAKER. The Chair will proceed to call the standing and select committees for reports.

TERMS OF COURT IN COLORADO.

Mr. CASWELL, from the Committee on the Judiciary, reported back with a favorable recommendation the bill (H. R. 3014) to provide for terms of court in Colorado; which was referred to the House Calendar, and, with the accompanying report, ordered to be printed.

STATES OF TEXAS, COLORADO, ETC.

Mr. CULBERSON, from the Committee on the Judiciary, reported back with amendments the bill (S. 71) for the benefit of the States of Texas, Colorado, Oregon, Nebraska, California, Kansas, and Nevada, and the Territories of Washington and Idaho, and Nevada when a Territory; which was referred to the Committee of the Whole House on the state of the Union, and, with the amendments and accompanying report, ordered to be printed.

LIGHT-HOUSE AT MUSQUITO INLET.

Mr. CLARDY, from the Committee on Commerce, reported back the bill (H. R. 3258) making an appropriation for the completion of the light-house at Musquito Inlet, Florida, and moved that the committee be discharged from the further consideration of the same, and that it be referred to the Committee on Appropriations.

The motion was agreed to.

LIGHT-STATION AT NORTHWEST SEAL ROCK.

Mr. CLARDY, from the Committee on Commerce, also reported back the bill (H. R. 3231) making an appropriation for the continuation of the light-station at Northwest Seal Rock, coast of California, and moved that the committee be discharged from the further consideration of the same and that it be referred to the Committee on Appropriations.

The motion was agreed to.

FOG-SIGNAL STATION AT ANGEL ISLAND.

Mr. CLARDY, from the Committee on Commerce, also reported back the bill (H. R. 3230) making an appropriation for the completion of the fog-signal station at Angel Island, California, and moved that the committee be discharged from the further consideration of the same, and that it be referred to the Committee on Appropriations.

The motion was agreed to.

HUNTING ISLAND LIGHT-HOUSE SITE.

Mr. CLARDY, from the Committee on Commerce, also reported back the bill (H. R. 3259) making an appropriation for the protection of Hunting Island light-house site, South Carolina, and moved that the committee be discharged from the further consideration of the same, and that it be referred to the Committee on Appropriations.

The motion was agreed to.

JULIA D. GRANT.

Mr. JONES, of Texas, from the Committee on the Post-Office and Post-Roads, reported back with a favorable recommendation the bill (H. R. 2033) granting the franking privilege to Julia D. Grant; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

ILLINOIS AND MICHIGAN CANAL.

Mr. MURPHY, from the Committee on Railways and Canals, reported, as a substitute for H. R. 3022, a bill (H. R. 5869) to provide for the acceptance by the United States of the proposed grant of the Illinois and Michigan Canal, and all its appurtenances, from the State of Illinois, and for the construction of the Illinois and Mississippi River Canal; which was read a first and second time, referred to the Committee of the Whole House on the state of the Union, and, with the accompanying report, ordered to be printed.

JOHN P. BRINEGAR.

Mr. MORRILL, from the Committee on Invalid Pensions, reported back with an amendment the bill (H. R. 4116) increasing the pension of John P. Brinegar; which was referred to the Committee of the Whole House on the Private Calendar, and, with the amendment and accompanying report, ordered to be printed.

JOHN FRANCIS HOPPER.

Mr. MORRILL, from the Committee on Invalid Pensions, also reported back with an amendment the bill (H. R. 4918) granting a pension to John Francis Hopper; which was referred to the Committee of the Whole House on the Private Calendar, and, with the amendment and accompanying report, ordered to be printed.

SILAS S. WHITE.

Mr. MORRILL, from the Committee on Invalid Pensions, also reported back with a favorable recommendation the bill (H. R. 1398) granting a pension to Silas S. White; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

NIVA D. GWYNNE.

Mr. MORRILL, from the Committee on Invalid Pensions, also reported back with an amendment the bill (H. R. 1361) giving a pension to Niva D. Gwynne; which was referred to the Committee of the Whole House on the Private Calendar, and, with the amendment and accompanying report, ordered to be printed.

ADVERSE REPORTS.

Mr. MORRILL, from the Committee on Invalid Pensions, reported back adversely bills of the folowing titles; which were severally laid on the table, and the accompanying reports ordered to be printed:

A bill (H. R. 3121) granting a pension to Joseph M. Feather;

A bill (H. R. 4499) granting a pension to John C. White;

A bill (H. R. 724) to place the name of John B. Ross on the pension-roll;

A bill (H. R. 5001) for the relief of William Cannon;

A bill (H. R. 732) granting a pension to John H. Atchison; and

A bill (H. R. 1424) for the relief of John H. Whitaker, guardian.

FANNIE E. EVANS.

Mr. LOUTTIT, from the Committee on Invalid Pensions, reported back with a favorable recommendation the bill (H. R. 4426) granting a pension to Fannie E. Evans; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

MARY E. RIPLEY.

Mr. ELLSBERRY, from the Committee on Invalid Pensions, reported back with a favorable recommendation the bill (H. R. 5127) granting a pension to Mary E. Ripley; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

LOUISE J. WEITZEL.

Mr. ELLSBERRY, from the Committee on Invalid Pensions, also reported back with a favorable recommendation the bill (H. R. 3601) to increase the pension of Louise Weitzel, widow of Godfrey Weitzel, late major-general of United States volunteers; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

LOUISE J. M'FARLAND.

Mr. ELLSBERRY, from the Committee on Invalid Pensions, also reported back with a favorable recommendation the bill (H. R. 1940) granting a pension to Louise J. McFarland; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

MARGARET A. POLAND.

Mr. ELLSBERRY, from the Committee on Invalid Pensions, also reported back with an amendment the bill (H. R. 5154) granting a pension to Margaret A. Poland; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

ADVERSE REPORTS.

Mr. ELLSBERRY, from the Committee on Invalid Pensions, also reported back adversely the bill (H. R. 1881) for the relief of Joseph Fisher; which was laid on the table, and the accompanying report ordered to be printed.

JAMES STONE.

Mr. TAULBEE, from the Committee on Invalid Pensions, reported back with a favorable recommendation the bill (H. R. 926) granting a pension to James Stone; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

SANFORD GOIN.

Mr. TAULBEE, from the Committee on Invalid Pensions, also reported favorably a bill (H. R. 5870) granting a pension to Sanford Goin; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

INCREASED PENSION FOR DEAFNESS.

Mr. CONGER, from the Committee on Invalid Pensions, reported, as a substitute for H. R. 3352, a bill (H. R. 5871) granting an increase of the rate of pension now provided for deafness; which was referred to the Committee of the Whole House on the state of the Union, and, with the accompanying report, ordered to be printed.

CHANGE OF REFERENCE.

On motion of Mr. MURPHY, the Committee on Invalid Pensions was discharged from the further consideration of a bill (H. R. 4491) granting a pension to Welty M. Jonas; and the same was referred to the Committee on Pensions.

ADVERSE REPORTS.

Mr. CONGER, from the Committeee on Invalid Pensions, reported back adversely bills of the following titles; which were severally laid on the table, and the accompanying reports ordered to be printed:

A bill (H. R. 5249) for the relief of Leonard King; and

A bill (H. R. 657) granting a pension to William Randall.

RACHAEL J. FLOYD.

Mr. GALLINGER, from the Committee on Claims, reported with a favorable recommendation the bill (H. R. 2053) for the relief of Rachael J. Floyd; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

WILLIAM DALTON.

Mr. BUCHANAN, from the Committee on Claims, reported back with an amendment the bill (H. R. 1501) referring the claim of William Dalton to the Court of Claims; which was referred to the Committee of Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

R. D. BECKLEY AND LEON HOWARD.

Mr. TRIGG, from the Committee on Claims, reported a bill (H. R. 5872) for the relief of R. D Beckley and Leon Howard; which was read a first and second time, referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

ADVERSE REPORTS.

Mr. GEDDES, from the Committee on War Claims, reported back adversely the following bills and petition; which were severally laid on the table, and the accompanying reports ordered to be printed:

A bill (H. R. 244) to provide for the payment to the legal representatives of Arvah Hopkins of the rent of certain property in Tallahassee, Fla., for the use of the Army;

A bill (H. R. 940) for the relief of John M. Higgins; and

Petition of Jane C. Dyer, for relief on account of property destroyed during the late war.

ELEANOR F. BROOKBANKS AND OTHERS.

Mr. KLEINER, from the Committee on War Claims, reported back favorably the bill (H. R. 506) for the relief of Eleanor F. Brookbanks and others; which was referred to the Committee of the Whole House on the Private Calendar, and the accompanying report ordered to be printed.

HEIRS OF JACOB CRAMER.

Mr. ST. MARTIN, from the Committee on Private Land Claims, reported back favorably the bill (H. R. 3642) for the relief of the heirs of Jacob Cramer; which was referred to the Committee of the Whole House on the Private Calendar, and the accompanying report ordered to be printed.

JOHN TAGGART.

Mr. WARNER, of Missouri, from the Committee on Claims, reported back favorably the bill (H. R. 4115) for the relief of John Taggart; which was referred to the Committee of the Whole House on the Private Calendar, and the accompanying report ordered to be printed.

The call of committees for reports was concluded.

COMMITTEE ON COMMERCE.

The SPEAKER laid before the House the following:

The Committee on Commerce asks leave to hold its sessions from day to day during the sessions of the House.

The SPEAKER. If there be no objection this leave will be granted. There was no objection.

ORDER OF BUSINESS.

The SPEAKER. The hour for the consideration of bills called up by committees begins now at two minutes before 1 o'clock.

Mr. HATCH. I rise to a parliamentary inquiry. When this hour closed yesterday there was pending, upon a call of the yeas and nays, a joint resolution from the Committee on Commerce. Is the hour of that committee exhausted?

The SPEAKER. It is.

POSTAL MONEY-ORDER BUSINESS.

Mr. PETERS (when the Committee on the Post-Office and Post-Roads was called). I call up from the House Calendar the bill (H. R. 4415) to make the allowances for clerk-hire to postmasters of the first and second class post-offices cover the cost of clerical labor in the money-order business, and for other purposes.

The bill was read, as follows:

Be it enacted, &c., That from and after the 1st day of July, 1886, the allowances for clerk-hire made to postmasters of first and second class post-offices by the Postmaster-General out of the annual appropriation for clerks in post-offices shall cover the cost of clerical service of all kinds in such post-offices, including the cost of clerical labor in the money-order business; and that all laws or parts of laws inconsistent or in conflict herewith are hereby repealed.

SEC. 2. That from and after the 1st day of July, 1886, the allowances for clerk-hire in money-order business shall not be separately made, but shall be included in the general allowances for clerk-hire, and shall not be given to post-offices of the first class at the rates specified in the fourth section of the act of March 3, 1883; and from and after the said 1st of July, 1886, compensation for clerical labor in the money-order business shall not be given, at the rates specified in said section, to post-offices of the second class.

The amendment reported by the committee was read, as follows:

At the end of section 2 strike out the following:

"Shall not be given to post-offices of the first class at the rates specified in the fourth section of the act of March 3, 1883; and from and after the said 1st of July, 1886, compensation for clerical labor in the money-order business shall not be given, at the rates specified in said section, to post-offices of the second class."

And insert the following:

"Shall be based upon, but not to exceed, the rates specified in the fourth section of the act of March 3, 1883; and at all money-order exchange offices which are now or may hereafter be established, additional allowances for clerk-hire may be made as provided in said section for international exchange offices; and postmasters at offices of the first and second classes shall not receive any compensation in addition to their salaries for the transaction of the money-order and postal-note business."

Mr. PETERS. Mr. Speaker, this bill was introduced and referred to the Committee on the Post-Office and Post-Roads at the instance and upon the recommendation of the Postmaster-General. It does not in any manner affect other post-offices than those of the first and second classes. The bill has been carefully examined by the Committee, and unless there are to be some questions asked in relation to it I do not desire to take up time upon it further than to state that it has the recommendation of the Postmaster-General, the First Assistant Postmaster-General, and the Superintendent of the Money-Order Department.

Mr. HOLMAN. I trust the gentleman from Kansas [Mr. PETERS] will state in a brief way what he understands to be the exact effect of the bill. The amendment is not readily understood upon a hasty reading.

Mr. ROGERS. Before the gentleman from Kansas enters upon his explanation of the bill I desire to make this preliminary inquiry—whether this is the bill reported back as a substitute for bills introduced which proposed to merge the money-order system into the other branches of the postal service?

Mr. PETERS. I will state for the information of the gentleman from Arkansas that this bill covers the same object that was intended to be accomplished by the bill introduced by himself.

Mr. ROGERS. In other words, as I understand, it allows postmasters in first and second class offices to utilize the entire force of their offices without reference to whether a particular officer belongs to the money-order system or to the general postal service.

Mr. PETERS. Yes, that is what this bill accomplishes.

Mr. STRUBLE. I would like to ask a question with reference to the compensation to be paid to these clerks. The bill seems to be very indefinite as to that. It refers to existing laws not set forth in the bill; it provides that these clerks shall not be paid according to a particular law. Now, I would like to know what is to be the law or rule which will govern the compensation to be paid.

Mr. PETERS. Section 4 of the act of March 3, 1883, fixed the rate of compensation for the transaction of money-order business in post-offices, and provided that such compensation should be paid out of the fees received from the issue of money-orders and postal notes. Under that law the late Postmaster-General, Mr. Gresham, decided that a post-office clerk employed for the purpose of attending to money-order business could not devote any of his time to any other duties connected with the post-office.

In other words, he could only attend to the money-order office, and nothing else. As frequently happens, there was not sufficient work in the money-order office to take the time of a clerk in making up and issuing money-orders. It therefore required the postmaster either to do that work himself, or to employ a clerk to do it, whose time thus could not all be devoted to it. So the enforcement of this provision created much embarrassment in post-offices, particularly in smaller post-offices, where the extent of the money-order business was in very many instances not sufficient to occupy the whole time of a clerk, who could not, during any leisure, engage in any other work of the office. This difficulty was removed in part by the following provision inserted in the act making appropriations for the service of the Post-Office Department for the fiscal year ended June 30, 1886, and for other purposes, to wit:

And postmasters are authorized, with the approval of the Postmaster-General, to assign at any time any clerk or employé of their respective post-offices to duty in any branch thereof: *Provided, always*, That any employé shall be paid from money-order funds for such time as he is engaged in money-order work.

This relieved the difficulty to some extent, but it had this great embarrassment, that the Department could not depend entirely upon the statement of the postmaster as to how much time was occupied in issuing money-orders. The Department absolutely had of itself no criterion upon which to base an estimate except the statement of the postmaster himself. This led to, or rather was, a temptation to the postmaster to increase the amount of time the clerk was employed in the money-order business.

Now, Mr. Speaker, the object of this bill is to do away with that temptation and to place the whole matter in the hands of the Postmaster-General, to allow him to state what amount postmasters shall have in first and second class offices. It also gives him a basis upon which to fix that estimate, by stating that he shall fix it on an estimate of 3½ cents for each money-order transaction, 1 cent for each postal note issued, and ¾ of a cent for each postal note paid. So it relieves the Department of that embarrassment, and also relieves the postmaster of any temptation to make the time employed by his clerk in issuing money-orders greater than it naturally would be.

Mr. BLOUNT. Will the gentleman from Kansas yield to me?

Mr. PETERS. Certainly.

Mr. BLOUNT. Mr. Speaker, my colleague on the Committee on the Post-Office and Post-Roads has well stated the merits of the pending proposition. It has occurred to me to add one or two thoughts in addition to what he has already said. In the beginning of the money-order system it was merely experimental. It was a novel thing, and there was a disinclination to take hold of it because of its novelty. So with a view to persuade its adoption it was provided the scheme should pay for itself; that the force to be used should be paid out of the money-order fees. The service has gone on and grown until it has become accepted throughout the country.

We find, however, this difficulty attending the administration of the work in post-offices and the distribution of the mails under the money-order system: You allow a gross sum of money to the Postmaster-General to be apportioned among the several post-offices throughout the country for the compensation of clerks in those post-offices. As has been already stated, the Postmaster-General has ruled that the clerk employed for money-order purposes could not be paid out of this fund. Then followed the provision which my friend recites from an appropriation bill, that there should be allowed out of the fund for clerk-hire to the money-order clerk for work done not in connection with the money-order service, but for clerical services in addition to that service.

But, as was stated by my friend, there was this difficulty: Take the postmaster at an important point; take for instance the postmaster at the city of Washington or at the city of New Orleans. There must be a roster made up for the distribution of the fund. Take the money-order clerks at those offices. They may be used one day so many hours for money-order business, and on the same day so many hours in the distribution of the mails. To-morrow they may be used at different times. Hence there is almost an utter impossibility for the postmaster to make out a roster showing the amount of time these clerks were used in the money-order business and the amount of time they were used in the distribution of the mails.

The principal purpose, therefore, of this bill is to avoid that confusion by allowing postmasters a gross sum which may be used in the money-order business or for the distribution of the mails. This is the whole story; it merely simplifies the matter, and there will be no further pay or expense because of it.

Mr. ROGERS. I examined this subject at one time and favored the purport of the pending measure. My memory is indistinct as to one provision of the law, and that is how it distinguishes between first, second, and third class postmasters. Following that, I would like to know whether it is not necessary to extend the provisions of this bill to third-class post-offices?

Mr. BLOUNT. I confess I do not see any objection myself to making it applicable generally to the third or even to the fourth in some cases.

Mr. WARNER, of Ohio. If the gentleman from Georgia will permit me a moment, I think I can answer the question of the gentleman from Arkansas.

Mr. BLOUNT. Certainly.

Mr. WARNER, of Ohio. The third-class post-offices do not have clerks assigned to them, nor the fourth-class offices, for this purpose.

Mr. ROGERS. But they are money-order offices, are they not?

Mr. WARNER, of Ohio. They may do a money-order business, of course; nearly all third-class offices do; but they do not have postal clerks assigned to them. They must furnish the clerical force out of the salary allowed to the postmaster.

Mr. LONG. There is no allowance for clerk-hire in third-class offices now?

Mr. WARNER, of Ohio. There is not.

Mr. PETERS. Postmasters at third or fourth class offices are allowed clerk-hire for distribution purposes, but not for the money-order business.

Mr. ROGERS. What is the distinction between these classes? How do you determine a third-class postmaster?

Mr. PETERS. The difference between second and third class postmasters is regulated by the salary received.

Mr. ROGERS. What is the salary of a third-class postmaster?

Mr. PETERS. It is over $1,000 and less than $2,000.

Mr. ROGERS. Allow me to ask the gentleman from Kansas further if he is quite sure that the same rule has not been applied to third-class offices that has been applied to the second-class offices with reference to the money-order business?

Mr. PETERS. If I understand the question of the gentleman, I think the rule has not been applied to third-class offices.

Mr. WARNER, of Ohio. Not for this purpose.

Mr. DOCKERY. Will the gentleman from Kansas permit me a moment?

Mr. PETERS. Certainly.

Mr. DOCKERY. Clerk-hire is only allowed to postmasters of the third class for separating purposes.

Mr. PETERS. Yes; for distribution.

Mr. DOCKERY. This allowance is a very inconsiderable item; but while it does not compensate the clerk for the labor performed, it is a small addendum to his pay. For instance, a postmaster who gets $1,000 a year is allowed, say, $160 for clerk-hire by reason of separating, star-routes, or railway crossing.

Mr. ROGERS. Then there are no money-order clerks allowed to third-class offices?

Mr. DOCKERY. No, sir.

Mr. ROGERS. I have no further inquiry to make, Mr. Speaker. I believe the bill to be a very good and wise one. It is satisfactory to me.

Mr. PETERS. I move the previous question, unless some gentleman desires to ask further questions upon the amendment to the bill.

The previous question was ordered.

The SPEAKER *pro tempore*. The Clerk will report the amendment.

The Clerk read as follows:

It is proposed by the committee to strike out after the word "and," in the fourth line of the bill, the following words:

"Shall not be given to post-offices of the first class at the rates specified in the fourth section of the act of March 3, 1883; and from and after the said 1st of July, 1886, compensation for clerical labor in the money-order business shall not be given, at the rates specified in said section, to post-offices of the second class."

And insert in lieu thereof:

Shall be based upon, but not to exceed, the rates specified in the fourth section of the act of March 3, 1883; and at all money-order exchange offices which are now or may hereafter be established, additional allowances for clerk-hire may be made as provided in said section for international exchange offices; and postmasters at offices of the first and second classes shall not receive any compensation in addition to their salaries for the transaction of the money-order and postal-note business.

The amendment was agreed to.

The bill as amended was ordered to be engrossed and read the third time; and being engrossed, it was accordingly read the third time, and passed.

Mr. PETERS moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

FEE ON DOMESTIC MONEY-ORDERS.

Mr. WARNER, of Ohio. Mr. Chairman, I desire to call up for present consideration the bill (H. R. 4177) to reduce the fee on domestic money-orders for sums not exceeding $5. This bill is on the House Calendar.

The bill was read, as follows:

Be it enacted, &c., That the fee for each domestic money-order not exceeding in amount $5 shall be reduced from 8 cents to 5 cents.

SEC. 2. That this act shall take effect within one month after the date of its approval by the President.

Mr. WARNER, of Ohio. This bill simply reduces the fee on money-orders under $5 from 8 cents to 5 cents. It may be said in explanation that the net revenue from the money-order business amounted last year to one hundred and twenty-three thousand some odd hundred dollars over and above all expenses, including clerk-hire in Washington, rent of buildings, and other incidental expenses. This reduction therefore to 5 cents can be made and still leave, unless reductions are made otherwise, a surplus arising out of the business. It is recommended by the Postmaster-General, and has the unanimous support of the committee. I do not know that it is necessary to say anything further, unless some gentleman desires to ask a question in reference to it.

Mr. ROGERS. I desire to inquire of the gentleman from Ohio whether or not the terms of the bill—I did not hear the reading of it—make it applicable to offices of all grades?

Mr. WARNER, of Ohio. To all money-order offices. This applies only to money-orders below $5, the fee on which is now 8 cents.

Mr. ROGERS. Let me ask the gentleman further whether or not the committee considered the proposition as to whether the third and fourth class offices were sufficiently paid under the present arrangement.

Mr. WARNER, of Ohio. This has nothing to do with the pay of clerks. It simply reduces the fee now paid on these money-orders.

Mr. ROGERS. But does not that fee form a portion of the salary of the office?

Mr. WARNER, of Ohio. It is so much on each order; and this bill does not change that.

Mr. ROGERS. But does not that necessarily reduce the compensation of the third-class postmasters?

Mr. WARNER, of Ohio. No; they are not paid by a percentage on the amount, but so much on the orders issued.

Mr. ROGERS. Then it does not affect their compensation.

Mr. WARNER, of Ohio. The bill does not change the fees in any way. The fees of postmasters are so much for each order. I think there will be no objection to the passage of the bill.

The bill was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

Mr. WARNER, of Ohio, moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to

HOMESTEAD SETTLERS WITHIN RAILWAY LIMITS.

The Committee on the Public Lands was called.

Mr. McRAE called up from the House Calendar the bill (H. R. 129) to protect homestead settlers within railway limits, and for other purposes.

The bill was read, as follows:

Be it enacted, &c., That all homestead settlers on public lands within the railway limits restricted to less than 160 acres of land, who have heretofore made or may hereafter make the additional entry allowed either by the act approved March 3, 1879, or the act approved July 1, 1879, after having made final proof of settlement and cultivation under the original entry, shall be entitled to have the lands covered by the additional entry patented without any further cost or proof of settlement and cultivation; and in all such entries patents shall issue as soon as reported to and approved by the General Land Commissioner.

SEC. 2. That all laws or parts of laws inconsistent with this act be, and the same are hereby, repealed; and this act shall take effect from and after its passage.

Mr. McRAE. Mr. Speaker, this bill only affects such homestead settlers as are embraced within the limits of railroads that have received grants from the General Government. Under the acts of March 3 and July 1, 1879, settlers within those limits who were restricted to 80 acres had their rights extended to 160; but the provisos to those acts require an additional year's residence and cultivation—six years instead of five, as in other cases.

The Committee on the Public Lands have recommended the passage of this bill. It simply gives these settlers the benefits of the additional rights granted by these acts without additional cost or expense, as was evidently intended by the first acts.

Mr. HOLMAN. I hope the bill will be reported again.

The bill was again read.

The bill was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

Mr. McRAE moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

ATLANTIC AND PACIFIC LAND-GRANTS.

Mr. COBB, on behalf of the Committee on the Public Lands, called up from the House Calendar the bill (H. R. 453) to forfeit the lands granted to the Atlantic and Pacific Railroad Company to aid in the construction of a railroad and telegraph line from the States of Missouri and Arkansas to the Pacific coast and to restore the same to settlement, and for other purposes, with amendments.

The bill was read, as follows:

Be it enacted, &c., That all the lands, excepting the right of way and lands for stations, heretofore granted to the Atlantic and Pacific Railroad Company by an act entitled "An act granting lands to aid in the construction of a railroad and telegraph line from the States of Missouri and Arkansas to the Pacific coast," approved July 27, 1866, and subsequent acts and joint resolutions of Congress, which are adjacent to and conterminous with the uncompleted portions of the main line of said road, embraced within both the granted and indemnity limits, as contemplated to be constructed under and by the provisions of the said act of July 27, 1866, and acts and joint resolutions subsequent thereto and relating to the construction of said road and telegraph, be, and the same are hereby, declared forfeited and restored to the public domain, and made subject to disposal under the general laws of the United States as though said grant had never been made: *Provided*, That the price of the lands so forfeited and restored shall be the same as heretofore fixed for the even-numbered sections within said grant.

SEC. 2. That the act of March 3, 1875, entitled "An act for the relief of settlers within railroad limits," is hereby repealed.

The amendments were read, as follows:

In line 3 of section 1, after the words "right of way," strike out the words "and lands for stations."

In lines 20 and 21, strike out the words "the same as heretofore fixed for the even-numbered sections within said grant," and insert in lieu thereof as follows:

"One dollar and twenty-five cents per acre: *Provided*, That nothing in this act shall be held to impair any right the United States may have in or to the lands not forfeited by this act."

Strike out section 2, which is as follows:

"SEC. 2. That the act of March 3, 1875, entitled 'An act for the relief of settlers within railroad limits,' is hereby repealed."

Mr. COBB. Mr. Speaker, this is a bill that passed the last Congress, and I do not desire to take up the time of the House in discussing it unless gentlemen desire to have that done. The majority of the Committee on Public Lands report a bill forfeiting all the lands that are not conterminous with the completed road. There is a minority report accompanying the majority report which favors a bill providing for the forfeiture of the entire grant.

This road was chartered in 1866 by an act of Congress and a grant of lands was made to it. The road begins, or did begin, at Springfield, Mo., and ran upon the latitude of 35° north to the Pacific Ocean. The road was not completed within the time. There really were but 34 miles of road completed within the time, and since that time there have been about 60 miles of the road completed, and the company have purchased another line of road which they claim as a part of this line. But it is not really upon the line of the road, as indicated by the act of Congress making the grant. The company, therefore, has totally failed to comply with its contract with the Government, and the Committee on the Public Lands is of the opinion that a forfeiture ought to be had.

The only reason why the entire grant is not forfeitable in the opinion

of the majority of the committee is founded on the act of Congress of 1871. That act gave the company the power to mortgage its road. Perhaps it had that before, but the act gave the company that right, and gave—as the majority of the committee believe the true construction to be—a lien upon the lands that were conterminous with the completed road at the time of forfeiture. There is some controversy, however, about the construction of that act. The minority of the committee are of the opinion that the entire grant is subject to forfeiture. The majority of the committee think otherwise. The only controversy is as to whether we will forfeit the lands conterminous with the non-completed road, or whether we will forfeit the entire grant. Were it not for this act that I have referred to there would be no question about the forfeiture of the entire grant.

This company, in my judgment, from the very best information that I can gather, has really never completed but 34 miles of its road. I said a moment ago that about 60 miles had been completed in addition to that; but that was done by the Saint Louis and San Francisco company. And I believe that to-day the Atlantic and Pacific Railway Company is a mere shell, a mere formality, and that there is no substance in it as is set out in the report; that the Atchison, Topeka and Santa Fé and the Saint Louis and San Francisco companies own and control its capital stock. In my judgment, from the best information I can obtain, they own and control not only the road-bed that is completed but the rolling-stock that is upon it, together with its entire machinery; and whatever benefit may result from this grant will not go to the original corporation for which it was intended, but will go to foreign corporations which had no connection or relation whatever with the contract. The report is pretty long, and as it sets out all the facts, I shall not take up the time of the House in discussing the matter further unless some member desires additional information. If anybody does desire that, I shall take great pleasure in answering any questions that may be put; otherwise I shall now give way.

Mr. McRAE. Mr. Speaker, I offer a substitute for the pending bill, which I send to the Clerk's desk to be read.

The Clerk read as follows:

A bill to forfeit the lands granted to the Atlantic and Pacific Railroad Company to aid in the construction of a railroad and telegraph line from the States of Missouri and Arkansas to the Pacific coast and to restore the same to settlement, and for other purposes.

Be it enacted, &c., That all the lands, excepting the right of way, heretofore granted to the Atlantic and Pacific Railroad Company by an act entitled "An act granting lands to aid in the construction of a railroad and telegraph line from the States of Missouri and Arkansas to the Pacific coast," approved July 27, 1866, and subsequent acts and joint resolutions of Congress be, and the same are hereby, declared forfeited and restored to the public domain, and made subject to disposal under the general homestead laws of the United States as though said grant had never been made: *Provided*, This act of forfeiture shall not affect the rights of those claiming under any mortgage made by the said company by virtue of the act approved April 20, 1871, to so much of the lands granted conterminous with or appertaining to that part of said road which was actually constructed by the company by the 4th day of July, 1878.

SEC. 2. That all persons who at the date of the passage of this act are actual settlers in good faith on any of the lands hereby forfeited, and who are otherwise qualified, on making due claim to such lands under the homestead, pre-emption, or other laws, within six months after the same shall have been declared forfeited, shall be entitled to a preference right to enter the same in accordance with the provisions of this act and of the homestead, pre-emption, or other laws, as the case may be, and shall be regarded as having legally settled upon and occupied said lands under said laws from the date of such actual settlement or occupation; and in case any such settler may not be entitled to thus enter or acquire such land under existing laws, he or she shall be permitted, within one year after the passage of this act, to purchase not to exceed 160 acres of the same, at the price of $1.25 per acre; and the Secretary of the Interior is hereby authorized and directed to make such rules and regulations as will secure to said actual settlers the benefit of their rights under this act: *Provided*, That nothing in this act shall be so construed as to affect the title to any city, town, or village site where the same has passed to patent and been sold by the company.

SEC. 3. That the Attorney-General of the United States be, and he is hereby, authorized and directed to institute proper legal proceedings to set aside and cancel any mortgage or mortgages that may have been executed by said company upon lands forfeited by this act.

Mr. McRAE. Mr. Speaker, the majority of the committee report in favor of forfeiting all the lands not conterminous with the constructed part of the road. The facts as reported by the majority are, I believe, correctly stated, and from that report we learn that, within the time fixed by the granting act for the completion of this road, only 34 miles of it were completed. Up to this time only about 100 miles have been built, yet this company claim a grant extending over 2,000 miles. I believe that the whole of this land grant ought to be forfeited. The reasoning of the majority of the committee shows conclusively that we have the power to forfeit the grant, and it appears to me that there is no equity at all on the part of this company. The only justification the majority offer for insisting that all of this grant shall not be forfeited is the act of April 20, 1871, the act authorizing the company to mortgage its road, which I now ask the Clerk to read.

The Clerk read as follows:

CHAP. XXXIII.—An act to enable the Atlantic and Pacific Railroad Company to mortgage its road.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Atlantic and Pacific Railroad Company, organized under act of Congress of July 27, 1866, is hereby authorized to make and issue its bonds in such form and manner, and for such sums, payable at such times, and bearing such rate of interest, and to dispose of them on such terms as its directors may deem advisable; and to secure said bonds, the said company may mortgage its road, equipment, lands, franchises, privileges, and other rights and property, subject to such terms, conditions, and limitations as its directors may prescribe. As proof and notice of the legal execution and effectual delivery of any mortgage hereafter made by said company, it shall be filed and recorded in the office of the Secretary of the Interior: *Provided*, That if the company shall hereafter suffer any breach of the conditions of the act above referred to, under which it is organized, the rights of those claiming under any mortgage made by the company to the lands granted to it by said act shall extend only to so much thereof as shall be coterminous with or appertaining to that portion of said road which shall have been constructed at the time of the foreclosure of said mortgage.

Mr. McRAE. Now, Mr. Speaker, it appears to me that a proper construction of the language of that act will not extend the privileges of this company beyond the time fixed by the granting act. It was passed before the expiration of the time for the building of the road, and its only purpose was to give the company power to mortgage such rights as it had. There was no intention and no attempt to extend the time for the completion of it, nor to grant any other privilege except the power to execute a mortgage.

It is insisted now that all the lands covered by this grant will be covered by the mortgage up to the time of foreclosure; but as the power to foreclose rests in the hands of the people who hold the mortgage, it may—no doubt will be postponed for all time, and in that case the rights of the Government can never be protected.

Now, I insist that under this act the lien of the mortgagees has attached to the 34 miles of road completed within the prescribed time. The act did not contemplate extending the time, and it was the duty of the mortgagees to foreclose the mortgage at that time if they were going to insist upon holding the lands of the Government which were granted upon the conditions set forth in the granting act. So I insist that this substitute should be adopted, which will in effect restore to the public domain all the lands granted to this company except the 34 miles of road which was completed within the time. While but for this act Congress would have the power to forfeit that also, I concede that the act fixes a lien in favor of the mortgagees upon that portion of the road which was completed within the time, but that the lien extends no further.

I hope, Mr. Speaker, that the House will vote to adopt the substitute, and thus restore this immense body of land to the settlers in the country through which the road runs. By a system of ingenious trading this company has bought other roads, and claims that it has earned this immense grant of land, amounting to nearly 51,000,000 acres—earned it by the construction of about 100 miles of road! It is a case that calls more loudly for forfeiture than any other case within my knowledge. If you want to do justice to the people along the line of the road and to the States through which it runs, adopt this substitute. It provides as far as possible for the protection of the settlers along the line, and it does no injustice to the mortgagees so far as the portion of the road completed within the prescribed time is concerned. In the third section there is a provision authorizing the Attorney-General to institute a suit to adjust the rights of the mortgagees and the United States, which I believe should be done. I believe, Mr. Speaker, that have nothing further to say at present on this bill.

Mr. OATES. May I ask the gentleman a question?

Mr. McRAE. Yes, sir.

Mr. OATES. I would like the gentleman to state the effect of the proviso in the act of April 20, 1871, especially the latter portion, which provides that the rights of those claiming under the mortgage shall be determined at the time of the foreclosure; that said mortgage shall rest upon the lands conterminous with the constructed road at the time of the foreclosure of said mortgage.

Mr. McRAE. My opinion about that act is that some man interested in the railroad company drew it for the purpose of getting an undue advantage of the Government. But the act, taken altogether, including its title, indicates very clearly that it was not the intention of Congress to extend the time for building this road until the mortgage should be foreclosed. In terms the act does not extend the time at all. It only gave the power, which these parties denied they had, to mortgage the land; and if they failed to build within the prescribed time, it gave them only the right to land conterminous with the portion of the road constructed within that time. The act granted no additional time; and a fair and just construction of it will not give the company any lands not conterminous with the portion of the line constructed within the time.

Mr. Speaker, if a vote can be had on this matter to-day, I do not desire to say anything further. Otherwise I would like to reserve my time.

Mr. HOLMAN. Mr. Speaker, I wish to submit an amendment to the original bill. I ask the Clerk to read it.

The Clerk read as follows:

Strike out after the words "to disposal," in lines 17 and 18, and insert, "to entry and settlement under the provisions of the homestead law by actual settlers only, as though said grant had never been made: *Provided*, That nothing in this act shall be held to impair any right the United States may have in or to the lands embraced in said grant not declared forfeited by this act."

Mr. HOLMAN. I wish to say but a single word——

Mr. COBB. I desire to reserve a point of order on that amendment.

The SPEAKER. The gentleman from Indiana [Mr. COBB] reserves a point of order.

Mr. HOLMAN addressed the House. [See Appendix.]

The SPEAKER. The hour has expired, and under special order of

the House the remainder of the day will be devoted to the consideration of the Fitz-John Porter bill.

FITZ-JOHN PORTER.

Mr. BRAGG. I move that the House resolve itself into Committee of the Whole House on the Private Calendar, for the consideration of the special order, the bill (H. R. 67) for the relief of Fitz-John Porter.

The motion was agreed to.

The House accordingly resolved itself into Committee of the Whole on the Private Calendar, Mr. SPRINGER in the chair.

The CHAIRMAN. The House is in Committee of the Whole for the purpose of considering the bill the title of which the Clerk will report.

The Clerk read as follows:

A bill (H. R. 67) for the relief of Fitz-John Porter.

Mr. LAIRD addressed the committee. [See Appendix.]

Mr. BRAGG. I would like to inquire as to the allotment of time. About how much has been occupied on each side?

The CHAIRMAN. The Chair will answer the gentleman that according to the way the Chair has kept the count about five hours have been occupied in favor of the bill and six hours and forty minutes against it. The gentleman from Michigan [Mr. BURROWS] is recognized.

Mr. BURROWS. Mr. Chairman, the measure before the committee is identical in all its features with an act passed in the Forty-eighth Congress for the relief of Fitz-John Porter. That act, however, did not become a law for the reason that it could not command Executive approval. On the 21st of July, 1884, President Arthur returned the bill to the House with his veto; which was as follows:

It is apparent that should this bill become a law it will create a new office which can be filled by the appointment of the particular individual whom it specifies, and can not be filled otherwise; or it may be said with perhaps greater precision of statement that it will create a new office upon condition that the particular person designated shall be chosen to fill it.

Such an act, as it seems to me, is either unnecessary and ineffective or it involves an encroachment by the legislative branch of the Government upon the authority of the Executive. As the Congress has no power under the Constitution to nominate or appoint an officer and can not lawfully impose upon the President the duty of nominating or appointing to office any particular individual of its own selection, this bill, if it can fairly be construed as requiring the President to make the nomination, and by and with the advice and consent of the Senate the appointment which it authorizes, is in manifest violation of the Constitution. If such be not its just interpretation it must be regarded as a mere enactment of advice and counsel, which lacks in the very nature of things the force of positive law and can serve no useful purpose upon the statute-books.

There are other causes that deter me from giving this bill the sanction of my approval. The judgment of the court-martial by which more than twenty years since General Fitz-John Porter was tried and convicted was pronounced by a tribunal composed of nine general officers of distinguished character and ability. Its investigation of the charges by which it found the accused guilty was thorough and conscientious, and its findings and sentence were in due course of law approved by Abraham Lincoln, then President of the United States.

Its legal competency, its jurisdiction of the accused and of the subject of the accusation, and the substantial regularity of all its proceedings, are matters which have never been brought in question.

Its judgment, therefore, is final and conclusive in its character.

The Supreme Court of the United States has recently declared that a court-martial such as this was is the organism provided by law and clothed with the duty of administering justice in this class of cases.

Its judgments, when approved, rest on the same basis and are surrounded by the same considerations which give conclusiveness to the judgments of other legal tribunals, including as well the lowest as the highest. It follows accordingly that when a lawfully constituted court-martial has duly declared its findings, and its sentence, and the same have been duly approved, neither the President nor the Congress has any power to set them aside.

The existence of such power is not openly asserted, nor perhaps is it necessarily implied, in the provisions of the bill which is before me; but when its enacting clauses are read in the light of recitations of its preamble it will be seen that it seeks in effect the practical annulment of the findings and the sentence of a competent court-martial.

This veto presents a new phase in this case. The Committee on Military Affairs dispose of it in three lines, as follows:

Your committee have carefully considered the objections returned by the President to the bill, and are clearly of the opinion that they are not well founded, and should not interrupt the course of justice.

It is unfortunate that the Committee on Military Affairs did not furnish the House with the reasons which led it to this conclusion. This committee was appointed January 7, 1886, and reported January 19, twelve days thereafter. The meetings of the committee could not have been numerous, nor the examination of the constitutional question very searching. The questions raised by the veto of President Arthur are too momentous to be thus flippantly cast aside, too far-reaching to be wholly ignored, and I conjure the majority of this House before passing this measure to see to it that it is not only in harmony with the sentiment of the American people but consonant with the Constitution of the United States, to the support of which we all stand most solemnly bound.

A full examination of this measure involves the consideration of two propositions: first, the constitutional power of Congress to do what this bill proposes; and, secondly, if the power exists, the propriety of exercising it. If it shall appear from an examination of the first proposition that to pass this measure is to trample upon and violate the plainest principle of the Constitution and unbalance the three great powers by which the harmony and perpetuity of our governmental system would be seriously impaired and ultimately destroyed, then that is the end of this controversy, and the consideration of the second proposition becomes wholly immaterial. Believing as I do that the provisions of this bill are repugnant to the Constitution of the United States, I shall content myself with the discussion chiefly of this phase of the case.

What is the case, then, with which this bill proposes to deal? On the 10th day of January, 1863, Fitz-John Porter, by the judgment of a court-martial, was found guilty of—first, "disobedience of the lawful commands of his superior officer," and, secondly, "misbehavior in the face of the enemy." Whereupon he was cashiered and dismissed from the military service of the United States and forever disqualified from holding any office of profit or trust under the Government thereof. On the 21st day of January, 1863, Abraham Lincoln approved the findings of the court in the following terms:

JANUARY 21, 1863.

The foregoing proceedings, findings, and sentence in the foregoing case of Maj. Gen. Fitz-John Porter are approved and confirmed, and it is ordered that the said Fitz-John Porter be, and he hereby is, cashiered and dismissed from the service of the United States as a major-general of volunteers, and as colonel and brevet brigadier-general in the regular service of the United States, and forever disqualified from holding any office of trust or profit under the Government of the United States.

ABRAHAM LINCOLN.

From the moment that judgment was approved by President Lincoln, and by virtue of it, Porter ceased to be an officer of the United States. It is now proposed that Congress put him back in defiance of the judgment of this court-martial. This presents the vital question in the case. Where is the revisory power over the decisions of courts-martial lodged? If in Congress, then we have power to do this thing. If not, we can not do it. It will not be contended, I apprehend, that in so far as this bill attempts to exercise the pardoning power but that it is a bald usurpation of executive authority conferred by that provision of the Constitution which lodges with the President the power of granting reprieves and pardons for offenses against the United States. In so far as the bill attempts to exercise the appointing power it is a flagrant infringement of the prerogatives both of the President and the Senate, upon whose joint action the Constitution has conferred the sole authority of appointment. This bill seeks to clothe the Executive with power to appoint Fitz-John Porter in defiance of the judgment of a court-martial.

That judgment removed him; this act restores him. By authority of the court-martial he was dismissed; by authority of Congress he is restored. The effect of this bill is nothing more nor less than to override, set aside, and nullify the findings and sentence of that court-martial. If it does not do that it furnishes no relief whatever. But such is its avowed purpose and effect, and presents a vital legal question in the case. Where, then, is the revisory power over the decisions of courts-martial lodged? Does the Constitution of the United States confer upon Congress the power to set aside, modify, and annul the sentence of a general court-martial? If it does, we can pass this measure. If it does not, we can not. I affirm and shall undertake to demonstrate the truth of the proposition that the findings of a court-martial, when legally constituted and duly organized, having jurisdiction of the person and the subject-matter, supplemented by the approval of the proper revisory power, are as conclusive and binding as the judgments of any civil court of original jurisdiction, and that Congress has no power to set aside, modify, or annul them, and that the only escape for the party resting under the condemnation of such a tribunal is through the broad avenue of the pardoning power, guarded only, except in cases of impeachment, by Executive discretion.

In discussing whether Congress has the revisory power over the decisions of courts-martial a better understanding will be reached by tracing this power from its source to its final lodgment in our Constitution. Previous to the separation of the colonies from the mother country we have no difficulty in determining where the revisory power over the findings of courts-martial was lodged. The seventy-ninth section of the mutiny act of England, in force at the time the American colonies declared their independence, expressly authorized an appeal from the sentence of a court-martial to the court of king's bench and common pleas. Under this revisory power it was repeatedly held that the appellate court could not only arrest the judgment of a court-martial, but was empowered to order a new trial. After the colonies severed their connection with England their first care was to raise, organize, and discipline an army, and in furtherance of which purpose the Continental Congress, exercising not only executive and legislative but judicial powers, proceeded to establish rules and articles of war. By the eighteenth section of the rules and articles of war it was provided:

That the continental general commanding in either of the American States for the time being shall have full power of appointing general courts-martial to be held, and of pardoning and mitigating any punishment ordered to be inflicted for any of the offenses mentioned in the aforementioned rules and articles for the better government of the troops, except the punishment of offenders under the sentence of death by a general court-martial, which he may order to be suspended until the pleasure of Congress can be known; which suspension, with the proceedings of the court-martial, he shall immediately transmit to Congress for their determination. (1 Graydon's Digest, appendix, 156–157.)

Under this section of the Articles of War for the government of the Continental Army it is clear that the Continental Congress so far assumed the exercise of judicial power in this regard as to make itself the revisory tribunal, in some cases, over the findings of courts-martial. A brief experience, however, was sufficient to demonstrate how utterly

impossible it was to maintain discipline in the Army if the judgments of a court-martial were to be revised and annulled by a political body like the American Congress; and so, in 1777, the whole revisory power was, by express enactment of law, conferred upon the General or Commander-in-Chief of the Continental Army. Here it remained until the close of the Revolutionary war, when, on the 31st of May, 1786, it was resolved by Congress that—

No sentence of a general court-martial, in time of peace, extending to the loss of life, the dismission of a commissioned officer, or which shall, either in time of peace or war, respect a general officer, shall be carried into execution, until after the whole proceedings shall have been transmitted to the Secretary of War, to be laid before Congress for their confirmation or disapproval, and their orders in the same. (1 Graydon, App., 158-9.)

Here we find the Continental Congress, in peace, assuming the revisory power over the decisions of courts-martial to the extent not only of confirming or disapproving its findings but to making such orders in the same as its judgment might dictate. Its powers were unquestioned and supreme and ample to accomplish what this bill proposes.

In 1818 Attorney-General Wirt, speaking of the extent of the power conferred upon the Continental Congress by the act of 1786, said:

I can not doubt that it was the intention of Congress to lodge in that body all the conciliating powers over sentences of courts-martial which they must have known to exist in the different branches of the Government of England.

He further says:

The Continental Congress was forced by the emergency of the crisis to assume in some instances legislative, executive, and judicial power to take care of the Republic, in relation to the Army particularly. That they (the Continental Congress) could have done all which the court of king's bench could have done for the relief of the injured honor of the Army I have no doubt. (1 Opinions, 237-8.)

Previous, then, to the establishment of our present form of government we have no difficulty in ascertaining where the revisory power over the decisions of courts-martial was lodged, and the extent to which that power might be exercised. We shall have quite as little embarrassment, I apprehend, in determining the repository of this power and the limit of its exercise under the Federal Constitution. When the fathers took down the unseemly structure of the confederacy and reared the present fabric of civil government they divided it into three compartments, the legislative, the executive, and the judicial, each distinct, together forming one symmetrical whole.

To the legislative department it assigned one class of duties, to the executive another, and to the judicial another. Among the powers conferred upon the legislative department by section 8, article I of the Constitution are the following, namely:

To declare war.
To raise armies.
To make rules for the government and regulation of the land and naval forces.
To provide for organizing, arming, and disciplining the militia; and for governing such parts of them as may be employed in the service of the United States.

The power to declare war, so essential to the preservation of our Government, was not only especially conferred upon Congress by the Constitution, but ample provision was made for making that power effective.

To declare war would be *brutum fulmen* unless supplemented with the power to raise armies, and marching armies without government or discipline would overthrow the liberties of the people which they were marshalled to defend; hence Congress was enjoined by the express letter of the Constitution "to make rules for the regulation and government of the land and naval forces." Then, as if to place the matter beyond all cavil, it was further provided in the same article that "Congress shall make all laws that may be necessary and proper for carrying into execution the foregoing powers."

It is in the execution of this authority that Congress has provided and established articles of war for the regulation and government of the land and naval forces of the United States. But rules and regulations for the government of the Army would be of little avail without the power to enforce them, and it is for the purpose of their enforcement that Congress has authorized courts-martial to try and punish offenders of military law. Whiting, in his work on the War Powers of the United States, well says:

Congress has power to provide means as well as rules for governing the Army. In the execution of this authority Congress has provided for governing the Army by erecting military courts, which are not merely necessary and proper, but are the only practical means yet found for carrying into execution the rules and regulations so enacted. Such courts are, therefore, sanctioned as positively as if established by express language in the Constitution.

The authority conferred upon Congress to establish courts-martial is further recognized in the fifth amendment to the Constitution, which provides that—

No person shall be held to answer for a capital, or otherwise infamous crime, unless on a presentment or indictment of a grand jury, except in cases arising in the land or naval forces.

Justice Swayne, speaking of this provision of the Constitution (in the case of Dynes *vs.* Hoover, 20 Howard), says:

These provisions show that Congress has the power to provide for the trial and punishment of military and naval offenses in the manner then and now practiced by civilized nations; and that the power to do so is given without any connection between it and the third article of the Constitution defining the judicial power of the United States; indeed, that the two powers are entirely independent of each other.

It thus appearing that Congress is clothed with power under the Constitution to establish courts-martial, it remains to be seen what, if any, provision has been made for a revision of its findings, and if such provision has been made, where that power resides. In the first place it will not be contended that this revisory power is conferred upon Congress or the judiciary by any express language of the Constitution or any statutory enactment. If such power resides in either of the departments it must be by implication. Unfortunately, however, for such a view of the case, it is expressly provided how and by whom the revisory power shall be exercised.

The thirtieth article of war provides for an appeal from a regimental to a general court-martial.

By the seventy-second article of war "the proceedings and sentence shall be laid before the President for his approval or orders in the case"—a power as broad as that exercised by the Continental Congress under the act of 1786.

By the one hundred and fourth article it is provided "that no sentence of a court-martial shall be carried into execution until the whole proceedings shall have been approved by the officer ordering the court."

By the one hundred and fifth article "the sentence of a court-martial inflicting the punishment of death shall not be carried into execution until it shall have been confirmed by the President."

The one hundred and sixth article provides for a revision by the President.

The one hundred and eighth article I will give in full, as it is the one under which the President acted in this case:

No sentence of a court-martial, either in time of peace or in time of war, respecting a general officer, shall be carried into execution until it shall be confirmed by the President.

In the light of these provisions I do not see how it can be questioned but that the President in this case has the sole revisory power, and that this attempt on the part of Congress to reopen and readjudicate the matter is a bold and flagrant usurpation which, if persisted in in all cases, would certainly prove destructive of all military order and discipline.

In this connection, bearing upon the power of the President over the findings of courts-martial, I desire to quote an opinion of Attorney-General Wirt directly in point.

In 1818 Attorney-General Wirt said:

The power which Congress possessed before the formation of the present Government was obviously intended to be transferred to the President after its formation. (1 Opinions, 238.)

In 1829 Attorney-General Berrien, giving an opinion upon the same subject, said:

The power now exercised by the President is the same which, in the early history of our Government, was exercised by the Commander-in-Chief or by Congress. When it is considered that he is, by the Constitution, the depositary of the pardoning power, that this is co-extensive with every species of punishment, except only in cases of impeachment, it can not, I think, be doubted that he has authority to mitigate, as well as to confirm or reject the sentence of a general court-martial in the exercise of the supervisory power committed to him by the act for establishing rules and articles for the government of the armies of the United States. (2 Opinions, 289.)

It seems to me, therefore, that it can not be questioned either in reason or upon authority, but that the President of the United States, in cases of this character, is clothed with all the powers to affirm or disapprove, revise or modify, the findings of courts-martial, which were possessed by the Continental Congress previous to the adoption of the Federal Constitution. The only remaining question is whether Congress has the constitutional power to revise the revision of the President; whether executive determination, enjoined by law, is final and conclusive, or whether it is open to the everlasting bickerings of a political body like the American Congress. Everlasting, I say, for if this doctrine is established there is and can be no end.

Fortunately, however, in the consideration of this question we are not compelled to grope our way over uncertain ground and beneath unlighted skies, but we walk in beaten paths illumined by the clear light of judicial learning, and here I prefer to follow in the footsteps of others without attempting to direct the way. Lieutenant Whitney, of the Marine Corps, was tried, convicted, and cashiered by a court-martial He applied to the Secretary of the Navy for restoration. The Secretary of the Navy, Hon. David Henshaw, submitted the question of his power in the premises to Attorney-General Nelson, and, in reply, the Attorney-General said:

The case of Lieutenant Whitney has heretofore engaged the attention of Mr. Crittenden, late Attorney-General, who stated the results of his examination. In those opinions I entirely concur as far as they relate to the character and validity of the proceedings of the court and to the harshness of the sentence pronounced by that tribunal. But I know of no revisory power by which that sentence can now be rescinded, annulled, or modified. It has been passed upon by the competent authority from whose decision the law has provided no appeal. It must therefore forever stand as the judgment of the court. The effect of the judgment, it is true, may be removed; not, however, in virtue of any authority to reverse the court's sentence, but in the exercise of the power of appointment with which the Constitution has clothed the President. No case has been brought to my notice in which an officer once dismissed has ever been restored to the service otherwise than by nomination by the Chief Magistrate and confirmation by the Senate, where the grade of the appointment was within the control of their joint action; and if such a case had occurred, I should not hesitate to declare it to be in direct repugnance to the Constitution and the laws and to every principle applicable to their just and safe construction.

The proceedings of the court held in this case I do not deem it necessary to discuss. I have no difficulty, however, in stating that they were exceedingly irregular. But still I do not perceive how those irregularities can be regarded as annulling the judgment pronounced. They might have been appealed to as reasons why the revisory power, when called to act upon the proceedings, should not have approved the finding and sentence of the court; but that approval hav-

ing been signified, they can not avail wholly to avoid everything that has been done. The judgment of the tribunals created by the law has been pronounced and carried into effect, and the officer upon whom it operates was thenceforth unquestionably out of the service. The judgment I hold now to be irreversible. If he is restored to the service, it must be through the power of appointment, which the President will exercise according to his own sense of the exigency of the case. (4 Opinions, 274.)

In the case of Commodore Barron's trial by court-martial it was sought to vitiate the proceedings upon the ground of their irreguiarity, and the Secretary of the Navy propounded two questions to the Attorney-General, the second one of which was, "What relief can now be given?" and in 1843 Attorney-General Legaré said:

I hold it to be quite unnecessary to consider the first point, because my opinion is very decided on the second. Commodore Barron was tried by a competent court. Its sentence was approved by the President at the time. It is too much to ask, after the whole generation who were concerned in these proceedings have passed away, that a solemn judicial sentence thus pronounced, thus ratified, thus acquiesced in should be set aside as a mere nullity. If this precedent were set the Navy Department and this office would be turned into a permanent court of errors, to try over all the cases disposed of since the foundation of the Government; for if thirty-five years be no bar, what is? and if you can set aside a judgment of your predecessors why shall not any of your successors for fifty years to come set aside yours? The repose of society and the putting an end to controversy and litigation are more desirable than mere accuracy of procedure or even the justice of a particular case. (4 Opinions, 171.)]

In 1854 Attorney-General Cushing had occasion to give an opinion on the same subject, and, after quoting with approval the decisions of Legaré, Crittenden, and others, said:

It is impossible, it seems to me, to deny the soundness of these conclusions of my predecessors. I defer to them as precedents, and they have the approbation of my judgment. The decision of the President of the United States in cases of this sort is that of the ultimate judge provided by the Constitution and laws. Like that of any other court in the last resort of law, it is final as to the subject, matter. (7 Opinions.)

In 1861 Attorney-General Bates, in a case submitted to him by President Lincoln, said that—

It is beyond the power of the President to annul or revoke the sentence of a court-martial which has been approved and executed under a former President is well settled.

Then, after quoting with approval the decisions of former Attorneys-General, he concludes:

I know of no redress which is open to him except an appeal to the pardoning power. (10 Opinions, 64.)

In 1864 Attorney-General Bates again had occasion to express an opinion upon this question, and in doing so used the following language:

Undoubtedly the President, in passing upon the sentence of a court-martial, and giving to it the approval without which it cannot be executed, acts judicially. The whole proceeding from its inception is judicial. The trial, finding, and sentence are solemn acts of a court organized and conducted under the authority and according to the prescribed forms of law. It sits to pass upon the most sacred questions of human rights that are ever placed on trial in a court of justice. When the President, then, performs this duty of approving the sentence of a court-martial dismissing an officer, his act has all the solemnity and significance of the judgment of a court of law. As it has to be performed under the same sanctions, so it draws with it the same consequences. One of these consequences is, that where a judgment has been regularly entered in a case properly within the judicial cognizance, from which no appeal has been provided, and it has been followed by execution, it is final and conclusive upon the party against whom it is entered. And this effect attaches, in my opinion, to the action of the President in approving the sentence of a court-martial dismissing an officer, after that approval has been consummated by actual dismissal.

Undoubtedly, if the sentence should be disapproved and the action of the President result in establishing the innocence of the officer, all the legal consequences of such action in favor of the officer would follow. No man would assert the power of the President to reverse his judicial decision afterward to the prejudice of the accused. But why should that judgment be any less permanent because it establishes his guilt? It must be accepted as final and conclusive in the one case as in the other, because it is the judgment which the law authorizes to settle the rights in controversy, from which no appeal has been given. And it may be added that if it be open to subsequent consideration and reversal, the same principle would entitle a dissatisfied party to demand any number of reconsiderations and decisions, so that the subject would, practically, be open to endless controversy and litigation. (11 Opinions, 19.)

In 1865 Attorney-General Speed put the whole question in a very clear light, as follows:

Courts-martial are judicial tribunals, constituted by statutory authority, and organized in pursuance of statutory regulations for the administration of a great and an important department of jurisprudence, the military law (or law-military). They are, therefore, in the strictest sense courts of justice, having jurisdiction of a large and in some respects distinct community of our fellow-citizens. Courts-martial are not only legally constituted courts of justice, but also courts of justice, whose judgments in cases fitted for their consideration and determination are as final, conclusive, and authoritative as those of any judicial tribunal of the country. In England the military courts are as free from the control and dictation of the sovereign as the highest civil courts of the realm. He may remit the punishment or order the court to sit again, but he can no more decree any particular alteration of their sentence than he can alter the judgment of a civil court or the verdict of a jury.

In this country the President has power not only to pardon persons convicted in military courts, but also to commute. After the sentence, however, has been approved and carried into effect there is no revisory power by which it can be rescinded, annulled, or modified. It forever stands as the judgment of a court. These considerations appear to me to be pertinent to the present inquiry; for if they give a correct idea of the legal character of courts-martial, of their proceedings and jurisdiction, it would seem to be clear that when their judgments become finalities, when their proceedings have been consummated by the action of the competent revisory authority, the records of those proceedings should be regarded as standing upon the same footing, so far as the parties affected and the community at large are concerned, as the records of the ordinary tribunals of civil and criminal jurisdiction. (11 Opinions, 137.)

Passing, then, from these opinions of Attorneys-General, which certainly are entitled to respectful consideration, I desire to call attention to the solemn adjudications of the Supreme Court of the United States, which ought to be decisive of the whole matter. I will detain the committee with only two citations. The case of Dynes *vs.* Hooper, 20 Howard, already referred to, was an action for assault and battery and false imprisonment, where the plaintiff, having been tried and convicted by court-martial, was sentenced to imprisonment but sought to be released by habeas corpus. Justice Swayne, in delivering the opinion of the Supreme Court in that case, said:

But the case in hand is not one of a court without jurisdiction over the subject-matter, or that of one which has neglected the forms and rules of procedure enjoined for the exercise of jurisdiction. It was regularly convened. Whatever the sentence, it could not have been carried into execution but by the confirmation of the President. And if a sentence be so confirmed it becomes final, and must be executed unless the President pardons the offender. It is in the nature of an appeal to the officer ordering the court, who is made by the law the arbiter of the legality and propriety of the court's sentence. When confirmed it is altogether beyond the jurisdiction or inquiry of any civil tribunal whatever unless it shall be in a case in which the court had not jurisdiction over the subject-matter or charge, or one in which, having jurisdiction over the subject-matter, it has failed to observe the rules prescribed by the statute for its exercise. With the sentences of courts-martial which have been convened regularly and have proceeded legally and by which punishments are directed not forbidden by law, civil courts have nothing to do, nor are they in any way alterable by them. If it were otherwise the civil courts would virtually administer the rules and articles of war, irrespective of those to whom that duty and obligation has been confided by the laws of the United States, from whose decisions no appeal or jurisdiction of any kind has been given to the civil magistrate or civil courts.

The second case to which I desire to call attention is the following: In 1878, Alvin R. Reed, paymaster's clerk in the United States Navy, was court-martialed and sentenced to two years' imprisonment, the loss of all pay, a fine of $500, and, at the expiration of the term of imprisonment, to be dishonorably dismissed from the naval service of the United States. The sentence was duly approved by the revisory power, and, while in confinement under this sentence on board a naval vessel in the harbor of Boston, Reed sued out a writ of habeas corpus and brought his case before the United States circuit court for the district of Massachusetts. The case was decided against him. He thereupon removed it to the Supreme Court of the United States, and in November, 1879, Justice Swayne, delivering the opinion of the court, again said:

The constitutionality of the acts of Congress touching Army and Navy courts-martial in this country, if there could ever have been any doubt about it, is no longer an open question in this court. (20 Howard, 65.) The court in this case had jurisdiction over the person and the case. It is the organism provided by law and clothed with the duty of administering justice in this class of cases. Having had such jurisdiction, its proceedings can not be collaterally impeached for any mere error or irregularity, if there were any, committed within the sphere of its authority. Its judgments, when approved as required, rest on the same basis, and are surrounded by the same considerations which give conclusiveness to the judgments of other legal tribunals, including as well the lowest as the highest, under like circumstances. (*Ex parte* Reed.)

If, upon the consideration of these authorities, the conviction obtains that the findings of a court-martial, where approved by the proper revisory power, are as conclusive as the judgments of the highest legal tribunal, it can not be possible that any member of this House would attempt to evade the consequences of such conviction by asserting that Congress had the power to set aside and annul the solemn judgments of the judiciary. Such a position is too hazardous to be held for a single moment, and is easily overcome by an array of authority absolutely overwhelming. A single citation is sufficient to demonstrate how untenable is such ground. In the case of The State *vs.* Fleming and others, decided by the supreme court of Tennessee and reported in 7 Humphrey, the facts in the case are these: The Legislature of the State of Tennessee sought by legislative enactment to relieve the defendants of the judgment of a court pronounced against them and in favor of the State for violation of the liquor law. The legality of such an enactment was passed upon by the supreme court of the State, and Judge Turley, delivering the opinion of the court, said:

The powers of the State of Tennessee are vested in legislative, executive, and judicial departments, each separate and distinct from the other, with their power and duties well defined by the constitution, and by which each is kept within its appropriate sphere of action. The Legislature can make the law, but the courts must expound it and execute it, with the aid of the executive, when his action may become necessary for that purpose. The Legislature has no power to interfere with the administration of justice, either criminal or civil, in the courts. After conviction the governor may pardon. We are therefore constrained to hold that the resolution under which these defendants claim their discharge is void for want of power in the Legislature to pass it.

Another case is so directly in point and emanates from so respectable a source that I can not refrain from a brief quotation from it. The supreme court of Massachusetts in 1861, in the case of Denny *vs.* Matton and others, held, Chief-Justice Bigelow delivering the opinion of the court, as follows:

The wise and salutary provisions of our Constitution, by which its framers sought to declare the distribution of the different powers of the Government and to keep them separate and distinct, is not a mere abstract truth. It is the exclusive province of courts of justice to apply established principles to cases within their jurisdiction, and to enforce their decisions by rendering judgment and executing them by suitable process. The Legislature has no power to interfere with this jurisdiction in such manner as to change the decision of cases pending before courts, or to impair or set aside their judgments, or take cases out of the settled course of judicial proceedings. It is on this principle that it has been held that the Legislature have no power to grant a new trial or direct a rehearing of a cause which has been once judicially settled. An act of the Legislature can not set aside or annul final judgments or decrees. This is the highest exercise of judicial authority. Lord Coke calls judgments and executions the "fruit of the law." To vest in the Legislature the power to take them

away or to impair their effect on the rights of parties would be to deprive the judiciary of its most essential prerogative. It could then no longer finally adjudicate and determine the rights of litigants.

The will of the Legislature would be substituted in the place of fixed rules and established principles, by which alone judicial tribunals can be governed. The power to correct errors and to revise and reverse judgments would be transferred to the legislative branch of the Government, even to the extent of controlling the final decrees of the tribunal of last resort. Such an exercise of authority would lead to the entire destruction of the order and harmony of our system of government, and to a manifest infraction of one of its fundamental principles. Indeed, it is difficult to see how the Legislature could more palpably invade the judicial department and effectually usurp its functions, than to pass statutes which should operate to set aside or annul judgments of courts in their nature final and which would otherwise be conclusive on the rights of parties. If such was the intent of the Legislature in passing the act it can not be carried into effect, because it would operate to annul or reverse a final judgment of this court.

Mr. Chairman, having thus hastily reviewed some of the authorities in support of the proposition that this measure is repugnant to the Constitution of the United States, I have little else to say. Indeed, if this position is well taken, there is nothing else to be said, for in such case the guilt or innocence of Fitz-John Porter becomes wholly immaterial. If the legal position is impregnable, that is the end of this controversy, for I am reluctant to believe that we will not all bow in submission to the behests of the Constitution. Yet I am frank to confess, when I consider the history of this case, the pertinacity with which it has been prosecuted, and the section from which it receives its chief support, that I am apprehensive that the restraining influences of the Constitution will be of little avail. Of course, if there is a predetermination to override all legal and constitutional restraint and pass this measure at all hazards, then no barrier, however formidable, will deter the majority from consummating such a purpose. You have the power in this House to accomplish that end.

But let me say to you, gentlemen—let me say to the Democratic party North and South, the South in the lead, the North following, that if by the force of numbers you do this thing the country will not hold you guiltless. The people whom Fitz-John Porter betrayed are content with the verdict. Why not let it stand? Why seek to reverse it? Do you question the capacity or integrity of the court? Fitz-John Porter was tried and convicted by a military tribunal composed of gentlemen of exalted character and acknowledged ability. Six of the nine generals, Hunter, Hitchcock, King, Ricketts, Casey, and Buford, were graduates of the Military Academy, familiar with all the details and discipline of military life. Generals Prentiss and Slough were men of high civil and military renown, while General Garfield, for brilliant achievements in the field and forum, is assigned a foremost place in the nation's regard.

Such was the high character of the tribunal which convicted Fitz-John Porter. It sat where the sound of the battle's thunder had been heard, and summoned into its presence the witnesses, chief and subaltern, from that field of carnage and treachery. It sat with open doors. The accused was present in person and by eminent counsel, among whom was the Hon. Reverdy Johnson. It prosecuted the investigation for forty-five days; examined eighteen persons on the part of the Government and twenty-two on behalf of the accused—forty witnesses in all. Among them were Pope, Roberts, Heintzelman, McDowell, Park, Morrow, Griffith, Reynolds, Sykes, Burnside, Buford, and George B. McClellan. Judge Holt submitted the case without argument. The accused was heard at length, after which the court found Fitz-John Porter guilty of disobedience of the lawful commands of his superior officer and misbehavior in the face of the enemy, and thereupon sentenced him to be dismissed from the military service of the United States and forever disqualified from holding any office of profit or trust under the Government thereof. The findings and sentence of the court were approved by Abraham Lincoln, whose name has become a synonym of justice and honesty. But it has been said that injustice was done Fitz-John Porter and that the judgment of the court was swayed by the passions and prejudices of the hour. Sir, it is a notorious fact that a majority of that court were Porter's personal friends, none his enemies. He himself, upon his arraignment, declared himself content with the detail. The sentence of the court gives assurance of its friendship, for if Fitz-John Porter was guilty of one-half with which he was charged he ought to have paid the forfeit of his life. The blood that courses in his veins is no richer than that which warms the heart of the humblest subaltern, and if a private soldier had been guilty of what Fitz-John Porter was convicted he would have been shot on the field. But do you come here for an impartial tribunal? Is there no bias in this panel? At the risk of being charged with reviving the memories of the past, may I inquire if there are not some gentlemen in this array whose cause was directly benefited by Porter's treachery, and if such, do you think you are or can be impartial judges? Do you believe the betrayer of a public trust should be tried by the parties who profited by the treachery? Is that your idea of an impartial verdict? What a travesty this is upon justice! The beneficiaries of Porter's crime gravely sit in judgment to condemn Lincoln and Garfield and acquit Porter! That, too, after twenty-three years, nearly a quarter of a century, has sealed the lips of witnesses and silenced the voice of the court. Why not let this judgment stand? Why seek to reverse it?

You who are so sensitive about reviving the memories of the past, in the name of peace why not let this rest? I fear there is but one explanation. Not long since it was proclaimed in this Hall that the "South would not be content until it had wiped from the statute-book all the war legislation of Abraham Lincoln." What was then regarded as a harmless outburst of passion seems after all to have been a startling prophecy. The beginning of its fulfillment is at hand. Legislative enactment and solemn adjudication are alike marked for destruction. Where the work is to end Heaven only knows. It looks as if nothing was secure, nothing settled, nothing exempt from this unholy purpose of demolition. But let me say to the majority of this House and to the Democratic party that you are making a fearful mistake in signalizing your return to national control by impeaching the honesty of Abraham Lincoln and reversing the judgment of James A. Garfield. Though their lips are sealed be assured that the people who honored them and their works living will defend them dead. You may enter judgment against them here, but it will be indignantly reversed by the grand assizes of the people. I am conscious that we can do little else here than to protest against the passage of this measure. In the name of the Constitution which it overrides, of the law which it wantonly violates, of the good order and discipline of the Army which it disturbs and destroys, and in the name of the unnumbered dead who fell a sacrifice to the treachery of Fitz-John Porter, I protest against it.

Mr. BURROWS. I yield fifteen minutes to Mr. KELLEY.

Mr. KELLEY addressed the committee. [See Appendix.]

Mr. BURROWS. I yield to the gentleman from Illinois [Mr. THOMAS] for thirty minutes.

Mr. STEELE. If it makes no difference to the gentleman I would be glad to have my friend from Illinois yield to the other side at the present time. We have only two hours, and one hour and forty-five minutes of that will be claimed by the other side. We do not want, of course, three, four, or five speeches on the other side without one on this side.

Mr. THOMAS, of Illinois. I am willing to agree to anything suggested by the gentleman from Indiana, but unless there can be some arrangement made of that sort, I hope I will be allowed to proceed with my argument.

Mr. STEELE. I understand the gentleman from Alabama [Mr. OATES] is ready to take the floor at this time, and I hope the gentleman from Illinois will give way to him.

The CHAIRMAN. The Chair would suggest to the gentleman to proceed in his hour.

Mr. BURROWS. Of course I would not like to lose the hour to which I am entitled, but if by unanimous consent——

Mr. STEELE. As I have said, the gentleman from Alabama [Mr. OATES] is ready to go on.

Mr. THOMAS, of Illinois. If I can be recognized at the close of his speech that will be agreeable to me.

Mr. BRAGG. I shall object to the gentleman from Michigan yielding the floor unless he now occupies his hour. That will consume all the time on that side belonging to the discussion of this bill.

Mr. THOMAS, of Illinois. That being the case, I will now proceed with my remarks.

The CHAIRMAN. For how long does the gentleman from Michigan yield to the gentleman from Illinois?

Mr. BURROWS. For thirty minutes.

Mr. THOMAS addressed the committee. [See Appendix.]

Mr. BURROWS. How much time is remaining, Mr. Chairman?

The CHAIRMAN. The gentleman has seventeen minutes remaining.

Mr. BURROWS. I desire to reserve the remainder of my time.

Mr. OATES. Mr. Chairman, I have not prepared any speech upon this subject, and will not therefore undertake to discuss it according to historical precedent and military science. I propose only to state facts within my own knowledge derived from my own observation, what I saw and know, together with facts established by indubitable testimony. I had not thought it necessary for me to say anything upon this very notable case, which has elicited a greater amount of discussion and interest than any case of the kind in modern times. But as what I know and purpose saying may contribute something to what I conceive to be just, I have no right to withhold it. I have no prejudice in this matter. I have heard that General Porter is a Democrat, but that makes no difference with me. He is a man, and the question now to be tried is whether the bill we are considering is or is not a measure of justice. In determining such a question I do not care to know what the political or religious opinions of the person may be. Is the measure just? Observe the golden rule, which can not be too often repeated—do unto others as you would they should do unto you.

It was stated on yesterday by some one on this side of the Chamber that after the battle of Cedar Run, on the 9th of August, General Pope withdrew to the east side of the Rappahannock River. That is a mistake. He concentrated his army in the neighborhood of Culpeper Court House, and there remained, receiving re-enforcements until the 20th of August, when General Lee with a part of his army began to advance on him, taking him in flank, when Pope retreated to the east side of the river. Lee's forces occupied the west side for a distance of 3, 4,

or 5 miles and Pope's confronting on the opposite bank. Artillery firing across the river was continuous with short intervals for a day or two when on the 22d occurred the affair of Hazel River.

A Federal brigade had the temerity to recross to our side, which General Trimble with his brigade, to which I belonged, attacked and drove them to the east side again with considerable loss. While these operations were going on Gen. J. E. B. Stuart with a small portion of his command crossed the river unobserved and penetrated to Pope's rear at Catlett's Station and captured his papers, his coat, and headquarters, which were not then "in the saddle," and came very near taking Pope also. He got Pope's papers by which General Lee learned the number and disposition of Pope's forces. So soon as that information was obtained General Jackson began to extend his line to the left up the river in a quiet and somewhat stealthy manner, Longstreet covering the ground abandoned, until Jackson seemed to have withdrawn beyond the observation of Pope's forces, when early on the morning of the 25th he crossed the river away up—I have forgotten the name of the crossing—and marched rapidly through the country guarded by a cordon of cavalry on his right to cover his movement from the Federals, until he reached Thoroughfare Gap; passing through that he changed direction but continued his march until he reached Bristoe Station, which was about dark on the second day. In two days his men had marched a distance of upward of 60 miles, the greater part of the time—in fact from and after the forenoon of the first day—upon green corn gathered from the fields, and half-ripe apples.

The Louisiana brigade, then I believe commanded by Hays, was the first, and Trimble's the second, to reach Bristoe. The first-named formed along the railroad to the right, and the latter to the left of the station house and hotel, in which some officers were captured just as they sat down to a supper which Jackson and his staff appropriated. Three trains of cars, almost empty, were heard coming, and measures were speedily taken by which the first was thrown down an embankment and the other two running into this made a huge and frightful wreck. They were trains which had been transporting troops to Pope. The regiment to which I belonged was detailed to remove the wreck for the purpose of saving one of the engines to run down to the junction and haul off up toward the valley the stores we expected to capture, while Trimble with his other regiments proceeded toward the junction to capture it that night. Soon finding it impossible, without appliances, to move the wreck and save the engine, I in person informed General Jackson of that fact, and he directed that we set fire to it and rejoin our brigade, which he informed me was on its way to Manassas Junction.

It was then about an hour after dark. We had marched upward of 30 miles that day, but 4 miles farther we expected to draw rations. These, of which we were sorely in need, put renewed life and mettle in our heels and we made it in a little over an hour, reached the brigade just in time, charged and captured the place with the loss of thirteen men in the Twenty-first Georgia Regiment by the discharge of a battery of seven pieces of artillery which we captured before they could be fired a second time. A vast quantity of stores was captured. The sutlers' shops were broken and eviscerated. Fires were built and cooking and eating began. Our men were ragged and dirty; some were barefooted and others bareheaded. There was a sort of negro camp-meeting going on there, but the worshipers fled in all directions except that from which we were arriving. The bareheaded men who could not find men's hats took the negro women's hats, usually trimmed with red ribbon. At midnight to see soldiers thus attired who had marched 35 miles that day, dancing around the camp-fires, eating lobster salad, drinking Rhine wine and "sure enough coffee with sugar in it," presented a scene the ludicrousness of which can not well be described and was equaled only by their wonderful power of endurance and cheerfulness under the most trying circumstances. It was difficult to whip such men commanded by such generals. The next morning, at an early hour, we heard a train coming from the direction of Washington.

After crossing Bull Run it halted, and Taylor's New Jersey brigade, which it had brought down, formed line of battle and marched up beautifully, and supposing that our movement was but a cavalry raid, they had come to drive us away. Trimble's brigade was lying behind the crest of a hill, eager to fire, while Stuart had his horse artillery in the old forts. When near enough we opened fire, which killed General Taylor and dispersed his brigade. Trimble followed them, capturing prisoners occasionally, to Centreville. After an hour's rest we marched back to the Junction, which was 15 miles marched that day. We lay there and slept that night. The next morning a large quantity of the bacon captured had been cut into pieces of such size as to be carried, and the boxes of crackers and barrels of hard-tack had been opened and piled about so that every man as he marched between these piles might help himself. They did so, and many, fearing that rations might fall short again, helped themselves quite lavishly. When we marched away about every third or fourth man, in addition to his musket and accouterments, had a box of crackers on his shoulder, while each one of his messmates carried a large hunk of bacon. They did not wish to be reduced to green corn and apples again.

But as the heat of the day increased these burdens grew intolerable and were cast down by the roadside, except what could be conveniently carried. We crossed Bull Run and marched out in the neighborhood of Centreville, wheeled to the left, recrossed Bull Run at the stone bridge, wheeled to the right and marched up that stream, and then to the left, and formed in the woods on the identical ground where General McDowell began the first battle of Manassas, or Bull Run, on the 21st of July, 1861. Our line is pretty accurately indicated by the upper blue line on the map before me, running from northeast on Bull Run in a southwesterly direction to a point northwest of Groveton.

General Jackson's command consisted then of three divisions—A. P. Hill's division; what was known as "Stonewall" division, which General Jackson formerly commanded; and Ewell's division—numbering about twenty-two thousand men present for duty. These troops, except two brigades, were formed in the woods on that ground, with the right extending near to the pike above Groveton. The two brigades referred to were left under the command of General Ewell at Bristoe Station, where they remained and had an action with General Hooker, I believe, in the forenoon or about midday of the 28th, when he withdrew, marched across the plain, and joined the command in the position I have just indicated. In that position, and concealed in the woods, we remained for some two or three hours. About sunset I heard distinctly the cannonading at Thoroughfare Gap. Longstreet was driving General Ricketts out of the Gap and securing his passage. It was a good many miles away. Just at that moment I saw the dust rising to our right and right rear. I knew not what was the cause of this, but felt a deep concern on account of our position, for, although I had no military education except what I had acquired in the army, I knew well that General Jackson's movement, cutting loose from the main body and passing around to the rear of an army stronger than both wings of General Lee's united, was a very perilous experiment, especially if attempted in the presence of an enterprising commander of the opposing forces. It was a piece of audacity which showed how Lee and Jackson esteemed Pope as a commander.

While I was thus looking, General Jackson and General Ewell were sitting on their horses, unaccompanied by any staff officers, some twenty steps out from the edge of the woods. They seemed to be in conversation with each other.

A MEMBER. What day was that?

Mr. OATES. That was the evening of Thursday, the 28th of August, 1862.

Just about this moment I saw the head of the Federal column passing along the Gainesville pike, which is indicated on the map by that long line to the right. They were passing along up that pike from west, eastwardly toward Bull Run. That was King's division, my gallant friend General BRAGG commanding, I believe, the leading brigade, known as "the Iron Brigade." That column was passing along that pike in the direction of Groveton. My apprehensions were much increased by the appearance of that column and not knowing what was raising this dust in our right rear. An officer came through the woods from the rear and asked where General Jackson was. I pointed to him and he rode up; and I listened to hear what the officer had to say. He delivered his message by telling General Jackson that General Stuart sent his compliments and informed General Jackson that he was in position on his right. I then knew that the dust raised over there was Stuart's cavalry. The moment that message was delivered General Jackson pointed to this column, directed Ewell to advance, and darted away. Thereupon Taliaferro's brigade moved up, and then two or three regiments from Lawton's brigade. Trimble's was held in reserve for a time. Others, perhaps, might have moved forward. Looking as I stood there, I saw these columns of hostile men meet in the open plain. It was then so near dark that when they fired the flash lighted up the whole field, and the spurts of fire from the muzzles of their pieces presented a scene unsurpassed in sublimity.

The battle proceeded. The brigade I was in was soon ordered into it, passing through a little copse of woods which my friend General BRAGG well remembers, for his command had driven our left back, and the brigade I was in went there for the purpose of retaking it. Advancing to the fence on the opposite side, we found his command in a gulley that was washed in the hillside, and there at a distance of 20 feet from each other the fire was delivered into the opposing lines for half an hour or more. Then the Union line was withdrawn a short distance, but to indicate that they were not worsted they set up a cheer of triumph. We held the field. The losses were heavy for the numbers engaged. Generals Ewell and Trimble were both wounded that night. Some one stated in this debate that Trimble was killed on the 29th. That is a mistake; he was severely wounded, but is not dead yet. He now resides in Baltimore.

The next morning General Jackson's troops were brought from their hiding place—or perhaps the movement was made during the night. At any rate, the next morning they occupied that unfinished railroad cut. At some places it was an embankment; at others it was a cut. That was the line from Bull Run near Sudley to the point indicated on the map, just above the end of that blue line nearly opposite Groveton. General Stark's Louisiana brigade occupied the right and Trimble's brigade was the next. I belonged to the regiment on the right of that. There was no engagement in the forenoon of Friday, the 29th, so far as

I am aware. There was skirmishing. There was artillery firing. The carnage of the field the next morning was sickening. I felt nauseated, and leaving my superior in rank, who was in command of the regiment, I rode away for the purpose of going to a farm-house and getting some coffee. A shell from the enemy's battery had destroyed the coffee that one of my comrades was making, and I had to go into the country to get some. As I rode on, to our right, west from our position, I found General Early, whom I knew very well, with his brigade concealed in a copse of woods, some 200 or 300 yards from where our right rested.

I think in addition to his brigade the Eighth Louisiana Regiment was there. I spoke with him and asked him if any of our troops were beyond him, and whether I would be in danger if I should go in that direction. He said he thought not. I rode on. He said there were no other troops of our command out there, and that I might proceed in the direction of some houses which were in sight across a little creek. I rode on some little distance and turning down a steep embankment I found at a bold spring a number of confederate soldiers filling their canteens. I inquired what command they belonged to. I soon discovered among them two or three men of my acquaintance. They belonged to Longstreet's corps. I asked them where their commands were, and they pointed, stating that they were up in that direction, some half or three-quarters of a mile, in a piece of woods. That was the middle of the day. The position was at most not more than 1 mile from our right, where Early was.

A MEMBER. Was not that Jones's division?

Mr. OATES. I do not remember whose commands they were, except that they belonged to Longstreet's corps. After going to the house and getting some coffee I returned. When I reached the field, attracted by the increased volume of firing, it was 2 o'clock or thereabouts. I can not be accurate. It might have been half past 1 or 2; it was about 2 o'clock.

When I reached my command an advance was being made in our immediate front. That advance was of two brigades. They came up and made an attack which was repulsed by Trimble and Stark's brigades.

A few moments afterward, perhaps half an hour, a single brigade, I do not know whether one of those previously engaged or another, advanced to attack Stark. Most gallantly it came up to this embankment, and I saw the colors of the opposing forces flapping together in the breeze while the men were fighting with clubbed muskets and cobble-stones, which lay there in great abundance. My regiment fired right oblique in aid of their Lousiana comrades, and the brigade assaulting them was soon driven away, leaving a large number of killed and wounded behind.

There was no other attack on that part of the line until a late hour, but further down on A. P. Hill's part of the line several assaults were made. Soon after this there was an attack made to our left on Hill and there was very heavy firing for the number of troops engaged. Having no enemy on our immediate front I went down there and stood on the railroad embankment and looked at that fighting. There was no embankment and no cut in the railroad at that point. They marched through the valley; a brigade at a time would march up to about the same point and attack one of Hill's brigades, and when exhausted it would retire and another take its place. That continued for at least two hours, with intervals of from ten to fifteen minutes and half an hour.

In this way there was a good deal of fighting done on the 29th. There was no general engagement in the sense that term is frequently used; that is to say, there was no marching up of a continuous line and a general assault on our position. Attacks were made by detachment. Two brigades were as great a number of troops as assaulted our lines at any one time that day. A great deal of damage was done and there was much hard fighting. Artillery firing from both sides was kept up all the time.

Mr. STEELE. Would not some of these assaults on other fields be called battles?

Mr. OATES. Compared with the fighting on other fields I do not know but they would be regarded as considerable battles. The battles of the Revolution and the war with Mexico were insignificant in point of damage done compared with many of the engagements on the 29th. I passed over the field after the battle of the 30th and that portion of it where I witnessed these successive assaults on Hill's line, and I never saw on any field a greater number of dead men on the same space of ground or dead men lying thicker than they lay there.

I have no purpose to suppress any truth in this matter. I have my own convictions about it and those convictions have arisen from my knowledge of what I saw, and were not derived from any testimony presented in this case on the trial of Porter.

It is insisted by some that Porter was a traitor and wanted the Union army defeated because Pope commanded it. I do not believe a word of that. They say that he should have pressed on under the joint order and have fought anything that he found in his front. The argument against him assumes that if he had fought on the 29th the result would have been a Union victory. The opportunity for victory, if any was to be found possible, was lost when McDowell and Porter failed to confront and assault Longstreet at or near Gainesville on the morning of the 29th. The two united had over thirty thousand men, a greater number than Longstreet had. Pope's idea seems to have been to crush Jackson before Longstreet could unite with him. This was not practicable; for after sending thirty thousand against Longstreet—and a less number could not have kept him separated from Jackson under the skillful direction of that greatest of generals, Robert E. Lee—Pope would have had but little, if any, over thirty thousand men left, and with that number he could not have whipped Jackson with his twenty-two thousand men in the strong position he had chosen.

But had Pope reversed his strategy, or, more properly, if he had possessed such an accomplishment, and had sent fifteen thousand men only to hold Jackson at bay and had concentrated his other forty-five thousand and fallen on Longstreet at Gainesville, he would have stood a good chance to have beaten him, and with Longstreet beaten Jackson's position would have been exceedingly precarious, and with any other general hopeless. The science of war is to concentrate at the point of assault a greater number of men than your adversary has there. That usually wins unless the greater number are very inferior men, poorly disciplined, and badly handled. Whose fault was it that McDowell and Porter did not, on the morning of the 29th, strike Longstreet? Certainly not Porter's, for McDowell ranked and commanded him, and after McDowell withdrew Porter was too weak to make the attack with any hope of success, having only between nine and ten thousand men present under his command. So if any one was to blame besides Pope himself for the failure to attack Longstreet when there was a possibility of success, McDowell was the man and not Porter. But Porter was found guilty of failing to obey the 4.30 o'clock p. m. order, which he did not receive until a late hour; the time is uncertain, but so late that it was impossible for him to have marched 2½ to 3 miles and have attacked Jackson's right before dark, and at that hour Longstreet had connected his line with Jackson's.

But had Longstreet been ten miles away and Porter had obeyed the order and attacked Jackson's right, it would not have availed, because Early would have formed line from Stark's right across to the Bull Run Mountains, his right on a precipice at the little creek where the ground was so rugged that troops could not march over it in line of battle in the day time. From this position he could not have driven Early that night. In fact, however, Longstreet was there within 1 or 2 miles of Jackson's right two hours before Pope wrote his 4.30 order, and had Porter obeyed it such obedience would inevitably have resulted in the destruction of his corps.

At any time that afternoon had Porter moved to the front and attacked he would have been repulsed with very considerable loss. Nothing else would have been accomplished. Whether Porter intended it or not he made the best possible use of his troops, for by hanging on Longstreet's flank that afternoon he kept him out of the fight which was waged against Jackson. Some nine thousand men were held in a position which kept nearly three times that number—about twenty-five thousand or more—out of an engagement which was going on near by, and was the very best possible use that could have been made of them; and whether Porter did it purposely or inadvertently it was good service and ought to weigh something in his behalf. I can not believe that Longstreet would have remained out of the fighting going on in Jackson's front all that afternoon but for Porter on his flank. Lee was there in person and was perhaps anticipating and awaiting such a blunder as it would have been for Porter's corps to have interposed between Longstreet and Jackson.

Mr. BROWN, of Pennsylvania. Let me ask the gentleman from Alabama if it is not a fact that three brigades were sent from Longstreet to Jackson?

Mr. OATES. Yes; two to attack and one in support, but just after dark.

Mr. GROUT. Let me ask the gentleman from Alabama: Is it not true that Hood's two brigades attacked Reynolds as early as 1 or 2 o'clock and drove him back?

Mr. OATES. I have no knowledge of that. I did not see it; it may have been so. I do not pretend to know. It did not come within my personal observation.

Mr. GROUT. Have you read General Reynolds's testimony——

Mr. OATES. I have not.

Mr. GROUT. He being a witness called by Porter before the court-martial?

Mr. OATES. No, sir; I have not read it. But it does not matter. Porter's presence, of which Lee and Longstreet were aware, on Longstreet's flank manifestly kept him from sending at least part of his force to assist Jackson and drive his assailants away.

As I said before, there was no other attack upon our right until a late hour. About deep dusk the Federal lines moved up and assaulted Stark's and Trimble's brigades again. We were engaged the night before and had been in that position all day, and I know I felt, in common with the men, that we were in a very precarious condition.

We were in fact nearly worn out, and knowing Longstreet was near could not help wondering why it was that relief was not sent to us. The impression seemed to gain ground among the men that we would be driven from our position, when our hearts were made glad at last by the arrival of Hood's men who reached us about dark and drove the

enemy back and continued to drive them for an hour or more and for near a mile toward Bull Run, when Hood withdrew to the west side of Groveton for the night.

Mr. BROWN, of Pennsylvania. That was near 9 o'clock.

Mr. OATES. It might have been 9 o'clock when they returned. Dark comes at that season of the year at a pretty late hour, and an hour after dark would be probably near 9 o'clock. It was quite dark at that time. None of Longstreet's troops came to Jackson's support until that moment that I am aware of. Then I repeat, whether it was intended or not by Porter, I think the effect was incontrovertible that his presence on Longstreet's right kept Longstreet's troops out of the engagement of the 29th. If nine thousand men can be made to keep twenty-five thousand of the adversaries force out of an engagement they are indeed well employed.

Mr. BROWN, of Pennsylvania. But they did not succeed in that, for you admit that several brigades were sent to Jackson.

Mr. OATES. Two only to fight; one in support, and that, I say, was at dark.

Mr. GROUT. Only two brigades at dark, you say, attacked Pope's left? Now, has the gentleman read the reports of Lee and Longstreet carefully?

Mr. OATES. I have not.

Mr. GROUT. If the gentleman will read those reports he will find that eight out of eleven of Longstreet's brigades were engaged on Pope's left in support of his line.

Mr. OATES. Well, in support that might have been, but I speak of the brigades that were actually engaged, the two brigades—Law's and Hood's Texas brigades—were the only ones actually engaged that evening.

Mr. BROWN, of Pennsylvania. And Wilcox's command went to his support.

Mr. VAN EATON. And did not fire a gun. I will say to the gentleman that I was in that command and know that to be a fact.

Mr. BROWN, of Pennsylvania. But the command went to Jackson's assistance.

Mr. VAN EATON. But the firing had ceased before we got there.

Mr. BROWN, of Pennsylvania. But he left his position in front of Porter, nevertheless.

Mr. OATES. Now, I have an opinion about General Porter's disobedience of orders. It seems from all I can gather there was some disobedience. General Pope did not know the true situation himself. He thought that Longstreet would not arrive before the 30th, perhaps the evening of the 30th, when Longstreet had already passed through Thoroughfare Gap. He thought that Jackson was in retreat and sent forward King's division to intercept him in the neighborhood of Centreville. General Porter knew these facts. He had gathered from a courier from the front that some of Longstreet's troops were in the neighborhood of Gainesville. He knew that there were some skirmishers and scouts in his front. Yet, according to the strict letter of military law, he should have obeyed the order and advanced, because obedience of orders is one of the highest duties that a soldier owes to his commander and his country's cause. According to strict military law it was his duty to have advanced unless he saw and knew it would result in destruction of his command, and from the evidence as I learn it he did not have sufficient information to determine that it would result in destruction.

But he had no confidence in General Pope—not that he was disloyal or desired to see victory over his countrymen. I have no idea he desired any such thing. But in doubt about what to do, and not having sufficient confidence in his superior, General Pope, to act upon the order, he hesitated and held back, and in that way, hesitating and doubting, he failed to obey the order.

Mr. REED, of Maine. And was guilty of a military crime.

Mr. OATES. I think that the only offense he was guilty of was what I state, and that the punishment he received has been greatly disproportionate to that. I think to have been relieved from his command, to have been practically retired from his command during the war would, in all conscience, have been as severe a punishment as ought to have been inflicted upon him, and that would have been a very severe punishment on an ambitious officer.

Mr. BRUMM. Will the gentleman permit me to ask him a question?

Mr. OATES. Yes, sir.

Mr. BRUMM. I understood him to say, that Pope did not understand the situation; that he thought Longstreet could not get up until the 30th, and that he did not understand the situation because he thought Jackson was retreating; that he had issued his order to Porter, but that Porter did know Longstreet was there; that he had come up with some of his soldiers, and therefore Porter hesitated. Now, the question I desire to ask the gentleman is this, if Porter did know that Pope was under a wrong impression was it not Porter's duty to inform Pope immediately of that fact, and not stay there all that day refusing to obey the order?

Mr. OATES. If he had any information.

Mr. BRUMM. I understood the gentleman to say he had.

Mr. OATES. If he had any information of an important character which his commanding officer did not possess, it was his duty to communicate it. But it was not his duty to undertake to correct any mistakes which his general had made. That would have been regarded as a piece of impertinence.

Mr. REED, of Maine. Will the gentleman permit me to ask him a question?

Mr. OATES. Yes, sir.

Mr. REED, of Maine. Am I correct in understanding the gentleman to say that in his opinion General Porter was guilty of a military crime, but that he demurs to the amount of punishment?

Mr. OATES. I did not put it in that way, nor will I do it. I prefer to employ my own language.

Mr. REED, of Maine. Is not that about it?

Mr. OATES. No, sir. This is it: Porter, on account of a want of confidence in Pope—and which many others shared—on account of his want of confidence in Pope's ability, and ignorance of the situation, Porter doubted whether he should obey the order; and therein, according to the strict letter of military law, he was perhaps censurable, because the duty of a soldier is to obey orders. It is the duty of a corps commander, for he is next to the commanding general in importance, not only to obey the orders of his superior but to give hearty co-operation in the execution of the plans of the general commanding, if known to him, and it is likewise the duty of such general to make known to his corps commander the part of the general plan he is expected to execute, and then in the execution of it he may exercise his discretion in the absence of specific orders. But when he receives such an order, as it must be admitted Porter received, whether it be day or night, although it may be contrary to his judgment, it is his duty to obey it unless he knows that it will involve his command in destruction. And while I believe that Porter did that which was the best, yet there is no evidence sufficiently showing that he disobeyed on account of his knowledge of the situation, and hence I can not honestly conclude that he was wholly guiltless. There were and are, however, many mitigating circumstances.

There is much allowance to be made when he is tried by an impartial tribunal, and all of the facts are known. I have nothing to say against the men who tried him. There is much allowance to be made for human nature. It is such, I care not whose the case may be, that if a man doubts and knows that the undertaking before him is perilous, he is very much inclined to hesitate. Now, while I think that General Porter was not wholly guiltless, I do not regard him as a traitor nor as guilty of a crime. If he failed to obey and act with promptness upon the order of his superior, that, perhaps, ought to have relieved him of his command and sent him to the rear; but it ought not, in my judgment, to have sent him before a court-martial, or brought upon him the punishment that was inflicted. We all know that in times of war, courts-martial, composed like other courts of men, are influenced by excitement and prejudices that do not influence men when they are free from such perilous and exciting surroundings as those under which General Porter was tried. It is natural, too, that when defeat has come upon an army, when a campaign has resulted in failure, those who have failed should make efforts to discover a victim upon whom to put the responsibility. In this case, unfortunately for Porter, it fell upon him, and a much severer punishment was meted out to him than he deserved. I do not regard this bill as wiping out the sentence of the court or declaring that it was all wrong, for it does not propose to give him back pay. If I thought him guiltless of any wrong I would say give him that. This is simply an act of justice. The sentence of the court was too harsh, too severe. For an act merely censurable on account of its animus and bad example, he was made the victim for Pope's defeat, a responsibility which did not attach to him. There may have been some political prejudices at the bottom of it.

General Porter has suffered long enough—yea, too long; and now, in my humble judgment, is entitled to the relief which this bill proposes to give him, and I will cheerfully vote for it. [Applause.]

Mr. BRAGG. Mr. Chairman, how much time is left?

The CHAIRMAN. Twenty minutes.

Mr. BRAGG. I yield now to the gentleman from New York [Mr. WEBER.]

Mr. CURTIN. Mr. Chairman, I desire an opportunity to say a few words upon this bill.

Mr. BRAGG (to Mr. CURTIN). I will give you time to-morrow.

Mr. CURTIN. Very well. But I want to say just one word now, Mr. Chairman. I do not agree with the gentleman who has just spoken [Mr OATES] that Fitz-John Porter disobeyed orders.

Mr. WEBER. Mr. Chairman, in the brief time allotted to me I can not go into the evidence, nor have I desire to do so. Plausible arguments have been and can be made for and against. It involves days and weeks of patient, careful examination and study, as has been stated by gentlemen upon this floor, who yet point to the public sentiment and to the judgment of the Union soldiers upon the innocence or guilt of General Porter as one of the reasons for the votes which they intend to cast. Three thousand pages of testimony have been examined, involving weeks of study, as has been stated here, to reach conclusions,

and yet the two days claimed to have been devoted to the consideration of the case are pointed to as indicating the careful review made by President Lincoln. Therefore it would seem to be more profitable to deal with the conclusions of the court-martial that convicted him, the board of officers that disagreed with such finding, the reports of the committees, and the remarks of the gentlemen who have made such careful study.

The fact that his restoration "will place Fitz-John Porter back upon the honored roll of the nation's defenders as a colonel in the Army of the United States of the same grade and rank held by him at the time of his dismissal" and "place him at the head of all the loyal, faithful, and gray-haired colonels" is no argument against the bill if he was unjustly dismissed. If by reason of such injustice the "loyal, faithful, and gray-haired colonels" were advanced in grade, the removal of such injustice now will but restore them to the position from which they were advanced by reason of such unjust decision. If "his justification and vindication will be the conviction and condemnation of the court that tried and sentenced him," a failure to so justify and vindicate him will be the conviction and condemnation of the board which subsequently acquitted him in a report which wound up by saying that—

Porter's faithful, subordinate, and intelligent conduct that afternoon saved the Union Army from defeat which would otherwise have resulted that day from the enemy's more speedy concentration.

If the justification of Porter will be a reflection upon the sacred memory of Abraham Lincoln—as is claimed by gentlemen upon this floor, who do not hesitate to open the tomb to bolster up their position upon this question—what a reflection it must be upon that other great American whose proud achievements are equally the cherished legacies of our children. Both were distinguished leaders—grand in their respective spheres. Neither need be pulled down to exalt the other, and I would as unhesitatingly regard, respect, and prefer the judgment of the one in civil affairs as I would that of the other in matters military. And it can not be construed in any sense as a reflection upon the judgment, ability, and integrity of Mr. Lincoln to claim that Grant's great military experience made him a better judge of the merits of this case than was Mr. Lincoln. But it has been said by way of explanation of General Grant's change of sentiment that it is one of the characteristics of the human race to mellow and soften with age—to look more charitably upon our fellow-creatures, and regard more kindly the weaknesses and short-comings of others as age moves upon us. I would be glad to feel assured that this feeling is natural and universal. It would be a grand thing to know that we shall leave behind us the bitter resentments of life as we approach the portals of death. We have, to be sure, in favor of this theory the word of my friend from Tennessee [Mr. HOUK], but he will pardon me for saying that in his able and masterly speech of opposition I can find no evidence that this noble sentiment has yet found lodgment in his heart.

If the gentlemen who signed the minority report upon this bill now pending, from which report I quote, "are convinced, from careful and patient examination and study of the evidence on the trial before the court-martial and of the statements made before the Schofield board, the case stood substantially the same before the board that it did before the court," why insist upon the infallibility of the court-martial and pay no regard to the findings of the Schofield board, when, as these gentlemen say, 'the case stood substantially the same?" That board, too, "was composed of some of the ablest generals and some of the clearest and most logical minds of their day." If the case stood substantially the same, why dwell upon the assertion that the chief witnesses were not living and not accessible? If such witnesses were not living and not accessible at the hearing before the board, is it not fair to assume that this was as disadvantageous to Porter as to the Government?

If it be now claimed that "that board had no legal existence," why was it convened? Was Porter's guilt or innocence to be ascertained or were members of the court-martial to be tried, and was the legal existence of the board to be called in question only in the event of a finding favorable to Porter? I shall not undertake to argue the question of legality of that board or the constitutionality of this measure against those whose experience teaches them that "the ingenuity of man never framed a law but the ingenuity of another could twist around it;" but looking at it from the standpoint of the ordinary mortal, it seems cold-blooded to pile up the Constitution as an obstacle to a man who I believe is seeking but simple justice and whose tireless efforts wring from the minority committee the expression, "We can but yield a certain tribute of respect to the indomitable persistence with which he has pursued the one object of his life for twenty-three years. Twenty-three years has this man been imploring and appealing for justice. Year after year has he come here asking for a hearing of a Congress and an administration opposed to him politically, not waiting until a party came into power with which he had political sympathy, pleading only to be heard and petitioning that his case be not made a party matter.

I have not seen General Porter for nearly a quarter of a century. They tell me that he is a bent, bowed, decrepit man—aged prematurely in the unequal struggle of one man against the unreasonable prejudice of a nation. I remember him only as the strong, able soldier who directed us at Gaines's Mill, at Malvern, and in those terrible seven days' battles in front of Richmond, where the courage, fidelity, and valor of Porter and his troops saved the Union army. It is not Porter nor the appeal of his friends that influence my action in this matter. I approached the examination of this case prejudiced against him like thousands of others before I had fully examined it. My study of the case turned the bias in his favor, and I have read the minority report against him and listened to or read every speech thus far made in opposition, and I can not and will not by voting against this bill war against my convictions—the judgment of which may be assailed but their integrity never. I dare not violate a conscience which will always be with me.

And I regret that upon this question I part company with many political friends, whose motives I do not impugn, whose sincerity I do not question, but whose conclusions I can only explain as being based upon the theory that their favorable consideration will reflect upon some whose distinguished names are the heritage of the nation. Why need we consider this as a reflection upon any one? It seems to me that we may well and properly conclude that an unreasoning sentiment and unreasonable prejudice which was prevalent in those days prevented that calm consideration which the spirit of our laws accords to the meanest criminal. Who knows but that the military necessities of the situation required just such an arbitrary act—to sacrifice one for the good of the many. Only those who served in the Peninsula campaign can realize or comprehend that intense McClellanism which pervaded that Army of the Potomac in 1862. McClellan was our first love, whom we worshiped with the enthusiasm of youth and with a feeling akin to idolatry.

Neither Grant nor Sherman, nor yet dashing Phil. Sheridan, with all their wonderful abilities and unexampled successes, held that enthusiastic esteem in the hearts of their followers as did McClellan in the early days of the war. That feeling—that spirit of McClellanism, capable of being used to such great advantage, worthy and desirous if so used—was nevertheless a great obstacle to the success of the Army with another commander to lead it, and that spirit needed extinction, even if by arbitrary acts an innocent man should suffer. It is a cruel theory, but as Sherman has pithily expressed it, "War is a cruelty and can not be refined." This is not the only act of injustice and cruelty which the secret history of that war contains, and which for the sake of humanity I pray may never be exposed to public view. The pathway of those four years of war is strewn with blasted hopes, broken hearts, and wrecked humanity, because of the exercise of that arbitrary power so revolting and abhorrent and which only the military necessity can justify.

But, sir, when that necessity passes away—as fortunately for us it has—leaving the blessings of the present and the hopes and anticipation of the future to repair and obliterate the ravages of the past, we should eagerly hasten to right the wrongs, so far as it is in our power, and heal the wounds necessarily inflicted upon friends while pursuing the foe. And in this case it seems to me that instead of subscribing to the doctrine that Porter should have been shot, we should thank that Providence so eloquently invoked by a gentleman on this floor that it is still within the power of this mighty nation to do justice to the living. These are a few of the reasons why I intend to vote for this bill, and while I shall not conceal my regret that so many of my party associates see fit to oppose it, I do not hesitate to express my satisfaction that upon this question my judgment is in entire harmony with my sympathies, and the sacred memories of my comrades at Gaines's Mill and Malvern are happily blended and in harmonious accord with the belief that my duty, measured by my oath as a member and my conscience as a man, demands the most earnest of my humble efforts to obtain justice for my old division and corps commander, General Fitz-John Porter. [Applause.]

Mr. BRAGG. Mr. Chairman, I move that the committee do now rise.

The motion was agreed to.

The committee accordingly rose; and Mr. RICHARDSON having taken the chair as Speaker *pro tempore*, Mr. SPRINGER reported that the Committee of the Whole House on the state of the Union, having had under consideration, by special order, the bill (H. R. 67) for the relief of Fitz-John Porter, had come to no resolution thereon.

Mr. COX. Mr. Speaker, I move that the House do now adjourn.

LEAVE OF ABSENCE.

Pending the motion to adjourn leave of absence was granted as follows:

To Mr. MCADOO, for five days, on account of illness in his family.

To Mr. LONG, for six days, on account of important business.

To Mr. PETTIBONE, indefinitely, on account of sickness in his family.

The motion of Mr. COX was then agreed to; and accordingly (at 5 o'clock and 10 minutes p. m.) the House adjourned.

PETITIONS, ETC.

The following petitions and papers were laid on the Clerk's desk, under the rule, and referred as follows:

By Mr. ATKINSON: Petition of citizens of Cassville, Huntingdon

County, Pennsylvania, for the increase of pensions and other amendments to the pension laws—to the Committee on Invalid Pensions.

By Mr. BAKER: Memorial concerning the abolition of the Presidency—to the Committee on the Judiciary.

By Mr. BARBOUR: Petition of Dinwiddie B. Phillips, of Virginia, asking for the removal of his disabilities—to the same committee.

By Mr. BARKSDALE: Papers relating to the claims of George Markham and of J. T. Green, of Mississippi—to the Committee on War Claims.

By Mr. BURLEIGH: Joint resolution of New York State Legislature, requesting Congress to pass an act which shall provide for the payment, in addition to the pensions now provided by law, of a moderate pension to every surviving Union soldier and sailor of the late war upon the basis of enlistment in the Union Army or Navy, faithful service, and honorable discharge therefrom—to the Committee on Invalid Pensions.

By Mr. BUTTERWORTH: Papers relating to the claim of Hiram D. Rogers, of Cincinnati, Ohio—to the Committee on War Claims.

By Mr. CASWELL: Papers relating to the case of Hector F. Phelps and of William Wall—to the Committee on Military Affairs.

By Mr. CUTCHEON: Petition from Congregational churches of Kalkaska and Shelby, and Rev. J. S. Valentine, Dr. Ransom Sabine, and 420 others, representative citizens of the ninth district of Michigan, including 42 clergymen, 20 physicians, 25 lawyers, 48 teachers, 192 business men, 77 officers of temperance and other societies, for scientific temperance instruction in schools under control of the Federal Government—to the Committee on Education.

By Mr. DAVENPORT: Petition for scientific temperance instruction in all schools under control of the Federal Government from Rev. L. F. Laine, Dr. C. P. Chamberlain, and 288 others, representative citizens of Steuben County, New York; the Baptist church in Hornellsville, and the Prattsburgh Grange—to the same committee.

By Mr. FINDLAY: Petition for the creation of a tribunal for international arbitration—to the Committee on the Judiciary.

By Mr. GIFFORD: Petition of Joanna Melton and others, praying for a constitutional amendment providing for woman suffrage—to the same committee.

By Mr. GROSVENOR: Petition of S. G. Burdick and others, for relief—to the Committee on Invalid Pensions.

By Mr. GUENTHER: Petition of the North American Turner-Bund, in relation to the preservation of our national forests—to the Committee on Agriculture.

Also, petition of Ernest Rudolphus Knorr, praying to be placed upon the retired-list of the Navy as a professor of mathematics—to the Committee on Pensions.

By Mr. HEMPHILL: Petition of John T. McNair, mayor of Cheraw, S. C., and 49 other citizens, praying for the improvement of the entrance to Winyaw Bay and the rivers tributary to said bay—to the Committee on Rivers and Harbors.

By Mr. HIESTAND: Petition of 205 citizens of Lancaster County, Pennsylvania, in favor of the increase of the duty on Sumatra tobacco—to the Committee on Ways and Means.

By Mr. HISCOCK: A volume of petitions against tariff revision from business men of twenty-eight States. The industrial establishments represented by these petitions give employment to 40,500 workmen, who at an average of only $7 per week receive $14,742,000 per annum in wages—to the same committee.

By Mr. KLEINER: Memorial from citizens of Spencer County, Indiana, praying the extension of the arrears-of-pension act—to the Committee on Invalid Pensions.

By Mr. LIBBEY: Papers to accompany H. R. 2545, for a pension to Samuel Bradford—to the same committee.

Also, papers relating to the claim of Lemuel B. Norton—to the Committee on Claims.

By Mr. LOWRY: Petition from C. H. Hurlburt, Dr. E. K. Strand, and 374 others, representative citizens of the twelfth district of Indiana, including 23 clergyman, 6 lawyers, 6 teachers, 161 business men, and 9 officers of temperance and other societies, for scientific temperance instruction in all the schools under the control of the National Government—to the Committee on Education.

By Mr. LYMAN: Remonstrance of citizens of Pottawattamie County, Iowa, against the passage of H. R. 659—a bill granting Honey Creek Lake to city of Council Bluffs—to the Committee on the Public Lands.

By Mr. McKENNA: Petition of 326 residents of Vallejo and vicinity, California, against Chinese immigration and for abrogation of the Burlingame treaty—to the Committee on Foreign Affairs.

By Mr. MORGAN: Petition of Anna M. Rohr, administratrix of F. G. Rohr, for relief—to the Committee on War Claims.

By Mr. MORRILL: Senate concurrent resolution, State of Kansas, asking for relief for settlers on the public lands resulting from the action of Commissioner Sparks in indefinitely and indiscriminately postponing the issuance of patents—to the Committee on the Public Lands.

Also, house concurrent resolution, State of Kansas, asking appropriate legislation granting right of way to railroads across Indian Territory—to the Committee on Indian Affairs.

By Mr. O'DONNELL: Petition from E. C. Williams, Chester S. Tucker, M. D., and 427 others, representative citizens of Branch, Calhoun, and Eaton Counties, Michigan, for scientific temperance instruction in schools under the control of the National Government, including the names of 41 teachers, 23 clergymen, 26 physicians, 15 lawyers, 212 leading business men, 26 officers of temperance and other societies, and the Presbyterian church of Coldwater—to the Committee on Education.

By Mr. PARKER: Joint resolutions of the Legislature of New York, in favor of service pensions—to the Committee on Invalid Pensions.

By Mr. PERKINS: Petition of J. T. Brook and 100 others, citizens of Cherryville, Kans., asking for organization of the Oklahoma Territory by appropriate legislation—to the Committee on the Territories.

Also, senate concurrent resolution No. 7 of the Kansas Legislature, asking for legislation that will give relief to honest, *bona fide* settlers upon the public domain against the arbitrary and ruinous decisions and rulings of the Commissioner of the General Land Office—to the Committee on the Public Lands.

Also, senate concurrent resolution No. 22 of the Kansas Legislature, asking that legislation be had giving to the Parsons and Pacific Railway Company the right of way through the Indian Territory—to the Committee on Indian Affairs.

Also, senate concurrent resolution No. 20 of the Kansas Legislature, asking for legislation giving the Winfield and Fort Smith Railroad Company the right of way through the Indian Territory—to the same committee.

By Mr. PULITZER: Numerous petitions asking the passage of a bill for the deepening and widening of a channel of the outer bay of New York, to afford a depth of 30 feet at mean low tide in the most practicable channel—to the Committee on Rivers and Harbors.

By Mr. T. B. REED: Petition of citizens of Bath, of Bangor, of Lubec, of Provincetown, of Yarmouth, of Portland, and other places, Me.; and of Provincetown, Mass., asking relief for the cooperage trade—to the Committee on Ways and Means.

By Mr. ST. MARTIN: Papers relating to claim of Armalie H. Smith, of Plaquemines Parish, Louisiana—to the Committee on War Claims.

By Mr. SAYERS: Papers relating to the claims of John Mellifent and Ellen Riordan—to the Committee on Claims.

By Mr. SCOTT: Petition from Rev. W. R. Moore, Dr. B. A. Skinner, and 222 other representative citizens of Erie County, Pennsylvania, including 20 clergymen, 3 physicians, 4 lawyers, 81 teachers, 84 leading business men, and 32 officers of temperance and other societies, for scientific temperance instruction in all schools under the control of the Government—to the Committee on Education.

By Mr. SENEY: Protest of George W. McAlpine against the passage of Lowell bankruptcy bill—to the Committee on the Judiciary.

By Mr. SNYDER: Petition of John W. Gray, of Raleigh County; of John McCoy, of Fayette County; of Elijah Lilly, of Summers County; and of May Sydenstricker, of Greenbrier County, West Virginia, praying that their claims be referred to the Court of Claims—to the Committee on War Claims.

By Mr. STEELE: Petition of M. L. Spencer and 50 others, favoring woman suffrage—to the Committee on the Judiciary.

By Mr. SYMES: Papers relating to the claim of Albert G. Boone—to the Committee on Claims.

By Mr. ZACH. TAYLOR: Petition of Peter Kelly, of Madison County; of John A. Smith, administrator of Rebecca Casey, deceased, of Hardin County; of Benjamin F. Shelby, of Hardin County; of Jesse R. Wright, administrator of Nancy Wright, deceased, of McNairy County; and of Mary A. Vernon, of Chester County, Tennessee, asking reference of their several claims to the Court of Claims—to the Committee on War Claims.

By Mr. J. R. THOMAS: Petition of Helen A. De Russey, for relief—to the Committee on Invalid Pensions.

By Mr. VAN SCHAICK: Resolution adopted by Shoemakers' Assembly No. 3567, Knights of Labor, Milwaukee, asking for the passage of House bill 1914 for restoration of wages in Government Printing Office paid prior to March 4, 1877—to the Committee on Labor.

Also, petition of S. Kramer, for increase of pension—to the Committee on Invalid Pensions.

Also, resolutions of the Fourteenth Corps, Army of the Cumberland, asking that authority be given for the loan of regimental colors to certain regiments—to the Committee on Military Affairs.

By Mr. A. J. WARNER: Petition of J. H. Stockdale and others, citizens of Guernsey County, Ohio, asking to have pay of soldiers made equal to gold—to the Committee on War Claims.

By Mr. WHEELER: Petition of Jane W. Lock, of Limestone County, and of Claborn Evins, of Jackson County, Alabama, asking reference of their claims to the Court of Claims—to the same committee.

By Mr. WILSON: Petition of the Children's Hospital of the District of Columbia, praying for an appropriation of $10,000 to aid in the construction of the west wing of the hospital—to the Committee on Appropriations.

SENATE.

THURSDAY, *February* 18, 1886.

Prayer by Bishop E. G. ANDREWS, D. D., of the city of Washington.
The Journal of yesterday's proceedings was read and approved.

HOUSE BILLS REFERRED.

The following bills, received yesterday from the House of Representatives, were severally read twice by their titles, and referred to the Committee on Post-Offices and Post-Roads:

A bill (H. R. 4177) to reduce the fee on domestic money-orders for sums not exceeding $5; and

A bill (H. R. 4415) to make the allowance for clerk-hire to postmasters of the first and second class post-offices cover the cost of clerical labor in the money-order business, and for other purposes.

The bill (H. R. 129) to protect homestead settlers within railway limits, and for other purposes, was read twice by its title, and referred to the Committee on Public Lands.

PETITIONS AND MEMORIALS.

The PRESIDENT *pro tempore* presented a petition of 26 ex-Union soldiers, praying for the passage of a bill embodying the recommendations of the national pension committee of the Grand Army of the Republic; which was referred to the Committee on Pensions.

Mr. HARRISON presented the petition of M. L. Spencer and 50 other citizens of Huntington County, Indiana, praying for the passage of a joint resolution submitting to the several State Legislatures an amendment to the Constitution to protect women in the enjoyment of the right of suffrage on equal terms with men; which was ordered to lie on the table.

He also presented the petition of Ira Miller, late a private in the Fifteenth and Seventeenth Regiments Indiana Volunteers, praying that he be granted an increase of pension; which was referred to the Committee on Pensions.

Mr. HALE presented a petition of the Rock Bound Assembly, Knights of Labor, of Vinal Haven, Me., praying the passage of the bill (H. R. 1914) relating to the wages of printers in the Government Printing Office; which was referred to the Committee on Printing.

Mr. WILSON, of Iowa, presented a petition of the quarterly meeting of Orthodox Friends assembled at Damascus, Ohio, praying for the passage of the bill (S. 355) to promote peace among nations and for the creation of a tribunal for international arbitration, and for other purposes; which was referred to the Committee on Foreign Relations.

Mr. CALL. I present a petition of J. J. Delaney, president; W. D. Cash, first vice-president; E. Canals, second vice-president; George W. Allen, third vice-president: William Curry, and other members of the board of governors of the Board of Trade at Key West, Fla. The petition is as follows:

> The Board of Trade of the port of Key West, Fla., respectfully asks the enactment of a law providing that signal stations be established at Point Jupiter (Jupiter Inlet) and Fort Jefferson, Tortugas, Florida, to be connected with Key West by telegraph; looping in Sand Key light-house, which is in direct line, and could be arranged with very little if any extra expense.
>
> In our opinion this will be of great benefit to commerce.
>
> All vessels from the Gulf of Mexico to ports on the east coast of North America and to Europe pass within signaling distance of Tortugas and Sand Key and nearly all steamers from the east coast of North America on their way to ports in the Gulf pass within signaling distance of Point Jupiter.
>
> These vessels after reaching Tortugas on their way north encounter the most dangerous part of the Florida reef, which continues nearly to Jupiter, and coming south pass along this line of dangerous reefs from Jupiter to Tortugas.
>
> Vessels should be warned when entering these reefs from either station. Key West is the nearest port to these points, and is connected with Cuba and South America and the mainland of Florida by cable and is a signal station, and is the only point from which assistance to vessels in distress on the Florida reefs can be speedily had, and great saving to property and oftentimes to life would result by timely information of vessels in distress conveyed by telegraph from these points.

The petitioners therefore urge this subject upon the early consideration of Congress. I move that the petition be referred to the Committee on Commerce.

The motion was agreed to.

Mr. MORGAN. I present the petition of Sigmond Roman, administrator of A. Gugenheim, in which he states that the recent French and American Claims Commission expired without time for the proper and legal consideration of a number of claims of great magnitude, which by reason of the large amount involved and the character of proof required were necessarily crowded to the heel of the docket, and instead of the causes being considered on their respective merits they were dismissed with a decree of a single line—that the commission was without jurisdiction, &c. The petitioner desires some relief, and suggests in his petition that perhaps the best relief would be to have the Governments of France and the United States agree to an enlargement of the time. I move that the petition be referred to the Committee on Foreign Relations.

The motion was agreed to.

Mr. HOAR. I present a number of petitions quite largely signed by citizens of the United States, praying for the abolition of the Presidency. I judge from the names and the handwriting in which they are written that many of the signers of the petitions must be citizens of foreign birth; but the form of petition indicates that the gentlemen who have prepared it have given a great deal of thought and study to this question, both in the matter of history and the matter of political philosophy; and they set forth the abuses which have existed, or which they believe exist, in the present condition of things. I move that the petitions be referred to the Committee on Privileges and Elections.

The motion was agreed to.

Mr. HOAR presented resolutions adopted by the American Woman's Suffrage Association held at Minneapolis, Minn., in October, 1885, favoring the submission to the State Legislatures of a constitutional amendment abolishing all political distinction on account of sex; which were ordered to lie on the table.

Mr. SEWELL presented a petition of the local assembly of Knights of Labor at Winslow, N. J., and a petition of the local assembly of Knights of Labor at Camden, N. J., praying for the passage of a bill for the restoration of the rate of wages in the Government Printing Office; which were referred to the Committee on Printing.

He also presented a petition of citizens of Philadelphia, praying for the passage of a bill to prohibit the employment of purse-nets or any other device injurious to food-fish by menhaden or other fishermen within 3 statute miles of the Atlantic coast; which was referred to the Committee on Fisheries.

Mr. RIDDLEBERGER presented the petition of John Tyler, jr., of Washington, D. C., praying for the passage of a bill granting him remuneration for services rendered as private secretary to the President of the United States from 1841 to 1845; which was referred to the Committee on Claims.

Mr. PALMER presented the petition of John Donahue, of Emmett, Saint Clair County, Michigan, praying for relief in the matter of title to 40 acres of land patented to him by the Government of the United States; which was referred to the Committee on Public Lands.

He also presented the petition of Cornelia R. Schenck, of Detroit, Mich., widow of Daniel F. Schenck, late captain Company D, Fiftieth Regiment New York Engineer Corps, praying to be allowed a pension; which was referred to the Committee on Pensions.

He also presented a petition of the Knights of Labor of Cheboygan, Mich., praying for the establishment of a Territorial government over the Indian Territory; which was referred to the Committee on Indian Affairs.

He also presented a petition of Lovica Haslett and 34 others, citizens of Capac and Port Huron, Mich., praying for the passage of a joint resolution submitting to the several States an amendment to the Constitution protecting women in the enjoyment of the right of suffrage on equal terms with men; which was ordered to lie on the table.

Mr. INGALLS presented two petitions of citizens of Harper County, Kansas, praying for such legislation as will provide a Territorial government for the Indian Territory and the opening up of the surplus lands there for settlement; which was referred to the Committee on Indian Affairs.

Mr. SABIN presented a petition of citizens of Faribault, Minn., praying for the adoption of a joint resolution for an amendment of the Constitution conferring the right of suffrage on women; which was ordered to lie on the table.

Mr. CAMERON presented a resolution adopted by the Berks County Agricultural and Horticultural Society, of Reading, Pa., in favor of an appropriation of $500,000 for the suppression of pleuro-pneumonia; which was referred to the Committee on Agriculture and Forestry.

He also presented a resolution adopted by the Philadelphia County Medical Society, of Philadelphia, Pa., in favor of the bill now pending before the Senate for the restoration of the National Board of Health; which was referred to the Committee on Epidemic Diseases.

He also presented a resolution of the select and common councils of Philadelphia, in favor of the removal of the walls inclosing the Bridesburg and Schuylkill arsenals, and the naval asylum, and the replacement of iron railings therefor; which was referred to the Committee on Military Affairs.

He also presented a petition of the Homeopathic Medical Society of Philadelphia County, Pennsylvania, praying that an appropriation be made for the National Board of Health; which was referred to the Committee on Appropriations.

He also presented a petition of citizens of Pittsfield, Pa., praying the passage of the bill providing for teaching children the effect of artificial stimulants; which was ordered to lie on the table.

He also presented a petition of local assembly of Knights of Labor of Duke Centre, Pa., and a petition of local assembly of Knights of Labor of Mahanoy City, Pa., praying for the organization of a Territorial form of government over the Indian Territory; which were referred to the Committee on Indian Affairs.

He also presented resolutions of the local assembly of Knights of Labor of South Bethlehem, Pa., protesting against the present interpretation of the eight-hour law as being in the interest of the capitalist and against the laborer, and recommending a restoration of the wages of the employés of the Government Printing Office to what they were prior to March 4, 1877; which were referred to the Committee on Printing.

He also presented a petition of the Steamboat Officers' Protective Association of Pittsburgh, Pa., praying for such legislation as will place the Monongahela slack-water improvement under the charge of the

United States Government; which was referred to the Committee on Commerce.

Mr. MANDERSON presented a petition of Post No. 45, Grand Army of the Republic, of Plattsmouth, Nebr., praying the passage of a bill embodying the recommendations of the national pension committee of the Grand Army of the Republic in regard to pensions; which was referred to the Committee on Pensions.

Mr. SAWYER presented the petition of Mrs. W. F. Nugent and 28 other ladies of Plainfield, Wis., praying for the adoption of a sixteenth amendment to the Constitution of the United States prohibiting the disfranchisement of any citizens on the ground of sex; which was ordered to lie on the table.

Mr. LOGAN presented a petition of Zachariah Sibert, late a private in Company F, One hundred and twenty-ninth Illinois Volunteers, praying to be granted a pension; which was referred to the Committee on Pensions.

Mr. CULLOM presented a resolution adopted by the Master Plumbers' Association of the District of Columbia, remonstrating against any change in the present lien law of the District; which was referred to the Committee on the District of Columbia.

He also presented a resolution adopted by the wholesale and retail fresh-fish dealers of the city of New York, remonstrating against the passage of the bill relating to the importing and landing of mackerel caught during the spawning season; which was referred to the Committee on Fisheries.

He also presented a petition of the Print Cutters' Union of the United States, praying an increase of 15 per cent. on the existing tariff on prints in order that their present wages may be continued; which was referred to the Committee on Finance.

He also presented a petition of citizens of Illinois, praying Congress to protect the settlers upon the tract of land in Northwestern Iowa called the "unearned land grant of the Sioux City and Saint Paul Railroad" by an absolute act of forfeiture; which was ordered to lie on the table.

Mr. JONES, of Nevada, presented a petition of citizens of the United States residents of the town of Reno, in the State of Nevada, praying for the passage of a joint resolution at this session of Congress submitting to the several State Legislatures a proposition to so amend the national Constitution as to protect the women of all the States and Territories in the enjoyment of the right of suffrage on equal terms with men; which was ordered to lie on the table.

Mr. COCKRELL presented a petition of Local Assembly No. 107, Knights of Labor, of Missouri, praying certain legislation in regard to the hours of labor and the compensation of employés at the Government Printing Office; which was referred to the Committee on Printing.

Mr. GRAY presented a petition of citizens of Delaware, praying that a sufficient appropriation be made to complete the improvement of the navigation of Indian River, in Sussex County, Delaware; which was referred to the Committee on Commerce.

Mr. BECK presented the petition of 115 citizens of Wyoming Territory, praying for the continued coinage of the standard silver dollar and for certain other financial legislation; which was referred to the Committee on Finance.

Mr. DAWES presented the petition of George M. Stearns and other members of the bar of Western Massachusetts, praying for the establishing of terms of the United States courts in Springfield, in that State; which was referred to the Committee on the Judiciary.

REPORTS OF COMMITTEES.

Mr. HOAR. I am directed by the Committee on the Library, to whom was referred the bill (S. 1564) for the erection of a monument to the late Ulysses S. Grant, to report it favorably without amendment. I shall endeavor to call up the bill for action at an early day.

The PRESIDENT *pro tempore*. The bill will be placed on the Calendar.

Mr. MORGAN, from the Committee on Indian Affairs, to whom was referred the bill (S. 1101) to provide for allotments of lands in severalty to the Indians residing upon the Round Valley reservation, in the State of California, and granting patents therefor, and for other purposes, reported it without amendment.

Mr. HAMPTON, from the Committee on Military Affairs, to whom was referred the bill (S. 470) for a survey and estimate for a railroad from the mainland to Key West, Fla., and for a canal connecting the same with the Saint John's River, for military and naval purposes, submitted an adverse report thereon, and moved that the bill be indefinitely postponed.

Mr. CALL. I ask that the bill be placed on the Calendar.

The PRESIDENT *pro tempore*. The bill will be placed on the Calendar with the adverse report of the committee.

Mr. HAMPTON. I am instructed by the Committee on Military Affairs to report adversely on the petition of William C. Shimoneck, late a musician in the Third Regiment United States Infantry, asking that he may be retired from the service on pay, and ask that the petition be indefinitely postponed.

Mr. EDMUNDS. The ordinary entry in the Journal should be that the prayer of the petitioner be denied, instead of postponing the petition, I suggest to my friend.

The PRESIDENT *pro tempore*. That order will be made if there be no objection.

Mr. HAMPTON, from the Committee on Indian Affairs, to whom were referred the bill (S. 145) for the relief of James Bainter and the bill (S. 146) for the relief of George S. Comstock, submitted adverse reports thereon, and moved their indefinite postponement.

Mr. MANDERSON. I ask that the two bills just reported from the Committee on Indian Affairs be placed on the Calendar.

The PRESIDENT *pro tempore*. The bills will be placed on the Calendar with the adverse reports of the committee.

Mr. GRAY, from the Committee on Claims, to whom was referred the bill (S. 211) for the relief of Wetmore & Brother, of Saint Louis, Mo., reported adversely thereon.

Mr. COCKRELL. Let that bill be placed on the Calendar.

The PRESIDENT *pro tempore*. The bill will be placed on the Calendar with the adverse report of the committee.

Mr. PIKE, from the Committee on Claims, to whom was referred the bill (S. 472) for the relief of the American Board of Commissioners for Foreign Missions, Rev. Worcester Willey, and Esther Smith, reported it without amendment, and submitted a report thereon.

Mr. SHERMAN, from the Committee on Foreign Relations, submitted a report accompanied by a bill (S. 1568) to authorize Commander John W. Philip, United States Navy, to accept a silver pitcher tendered him by the Government of the United States of Colombia; which was read twice by its title.

Mr. PLATT, from the Committee on Patents, to whom was referred the bill (S. 244) for the relief of Mary F. Potts, reported it with amendments, and submitted a report thereon.

RELATIONS BETWEEN THE SENATE AND EXECUTIVE DEPARTMENTS.

Mr. EDMUNDS. I am instructed by the Committee on the Judiciary, to which was referred in executive session a letter of the Attorney-General, with authority to report in open session, to make a report, concluding with sundry resolutions, which I ask may be placed on the Calendar.

The PRESIDENT *pro tempore*. The Senator from Vermont, from the Committee on the Judiciary, reports certain resolutions. Does the Senator desire to have them read?

Mr. EDMUNDS. No, sir.

The PRESIDENT *pro tempore*. The resolutions will be placed on the Calendar.

Mr. EDMUNDS. The Senator from Alabama [Mr. PUGH] wishes to give a notice in reference to the report.

Mr. PUGH. On behalf of the minority of the committee from which the report has just been made, I desire to state that we knew nothing of the contents of the report until it was read to the committee this morning. The minority desire to prepare a report, in which they will present their views; and to enable them to do so we ask to have until Monday a week within which to prepare the report. We wish to have it now understood that the majority report and the resolutions accompanying it will not be called up for consideration until we get leave to file the minority report, and that the time given us to do so is not to extend beyond next Monday week.

Mr. DAWES. Can not we have the resolutions read so that everybody may see them in the RECORD?

The PRESIDENT *pro tempore*. The Senator from Massachusetts asks for the reading of the resolutions. They will be read.

The Chief Clerk read the resolutions.

The PRESIDENT *pro tempore*. The request of the minority of the committee will be considered as granted, if there be no objection.

Mr. BUTLER. Is there a report accompanying the resolutions?

The PRESIDENT *pro tempore*. There is a report.

Mr. BUTLER. Will the report be printed?

Mr. EDMUNDS. Certainly; it will be printed under the rule. I ask that the report of the committee, as well as the resolutions which have been read, be printed in the RECORD, as it will be in demand.

The PRESIDENT *pro tempore*. If there be no objection that order will be made.

The report is as follows:

Mr. EDMUNDS, from the Committee on the Judiciary, submitted the following report on the letter from the Attorney-General of the United States declining to transmit to the Senate copies of official records and papers concerning the administration of the office of the district attorney of the southern district of Alabama:

The Committee on the Judiciary, to which was referred a letter from the Attorney-General of the United States declining to transmit to the Senate copies of official records and papers concerning the administration of the office of the district attorney of the southern district of Alabama from January 1, 1885, to January 25, 1886, respectfully reports:

That on the 17th July, 1885, the President of the United States, pursuant to the provisions of section 1768 of the Revised Statutes, suspended George M. Duskin from the execution of the duties of the office of district attorney of said district by an order in the following words:

EXECUTIVE MANSION, *Washington, D. C., July* 17, 1885.

SIR: You are hereby suspended from the office of attorney of the United States for the southern district of Alabama, in accordance with the terms of section 1768, Revised Statutes of the United States, and subject to all provisions of law applicable thereto.

GROVER CLEVELAND.

To GEORGE M. DUSKIN, Esq.,
United States Attorney, Mobile, Ala.

And on the same day, pursuant to the same statute, designated John D. Burnett to perform the duties of such suspended officer in the mean time by a letter of authority in the words following:

GROVER CLEVELAND, *President of the United States of America, to all who shall see these presents, greeting:*

Know ye, that by virtue of the authority conferred upon the President by section 1768 of the Revised Statutes of the United States, I do hereby suspend George M. Duskin, of Alabama, from the office of attorney of the United States for the southern district of Alabama until the end of the next session of the Senate; and I hereby designate John D. Burnett, of Alabama, to perform the duties of such suspended officer in the mean time, he being a suitable person therefor; subject to all provisions of law applicable thereto.

In testimony whereof I have caused these letters to be made patent, and the seal of the United States to be hereunto affixed.

Given under my hand at the city of Washington, the 17th day of July, A. D. 1885, and of the Independence of the United States the one hundred and tenth.

GROVER CLEVELAND.

[SEAL.]

By the President:

T. F. BAYARD,
Secretary of State.

On the 14th December, 1885, the Senate then being in session, the President nominated the same John D. Burnett to be attorney of the United States for the southern district of Alabama in the place of the said Duskin, suspended, in the following words:

"I nominate John D. Burnett, of Alabama, to be attorney of the United States for the southern district of Alabama, *vice* George M. Duskin, suspended.

"GROVER CLEVELAND."

This nomination was in due course referred to the Committee on the Judiciary.

Since the passage of the act of 2d March, 1867, "regarding the tenure of certain civil offices," it has been the practice of the Committee on the Judiciary whenever a nomination has been made proposing the removal from office of one person and the appointment of another to address a note to the head of the Department having such matters in charge (usually the Attorney-General), asking that all papers and information in the possession of the Department touching the conduct and administration of the officer proposed to be removed and touching the character and conduct of the person proposed to be appointed be sent to the committee for its information. This practice has through all administrations been carried on with the unanimous approval of all the members of the committee, although the composition of the committee has been during this period sometimes of one political character and sometimes of another. In no instance, until this time, has the committee met with any delay or denial in respect of furnishing such papers and information, with a single exception, and in which exception the delay and suggested denial lasted for only two or three days.

The committee has thus hitherto been enabled to know the character and quality of the administration of the office in charge of the incumbent proposed to be removed as well as the character and quality of the person proposed to be appointed, so far as the papers in the Department could furnish information in regard thereto.

In the instance now particularly under consideration the committee, according to its standing course, on December 26, 1885, through its chairman, addressed a note to the Attorney-General in the same form and asking for the same papers and information that it had been accustomed to do. After sundry delays and explanations it became evident to the committee that it could not by this informal method obtain an inspection of the papers and documents in the Department of Justice bearing upon the subject. It accordingly, on the 25th of January, 1886, reported to the Senate for its adoption a resolution in the following words:

"*Resolved*, That the Attorney-General of the United States be, and he hereby is, directed to transmit to the Senate copies of all documents and papers that have been filed in the Department of Justice since the 1st day of January, A. D. 1885, in relation to the management and conduct of the office of district attorney of the United States of the southern district of Alabama."

which on the next day was adopted by the Senate without a division.

The Attorney-General, on the 1st day of February, 1886, sent to the Senate a communication in the following words:

DEPARTMENT OF JUSTICE, *January* 28, 1886.

The PRESIDENT *pro tempore of the Senate of the United States:*

I acknowledge the receipt of a resolution of the Senate, adopted on the 25th instant in executive session, as follows:

"*Resolved*, That the Attorney-General of the United States be, and he hereby is, directed to transmit to the Senate copies of all documents and papers that have been filed in the Department of Justice since the 1st day of January, A. D. 1885, in relation to the management and conduct of the office of district attorney of the United States of the southern district of Alabama."

In response to the said resolution the President of the United States directs me to say that the papers which were in this Department relating to the fitness of John D. Burnett, recently nominated to said office, having been already sent to the Judiciary Committee of the Senate, and the papers and documents which are mentioned in the said resolution and still remaining in the custody of this Department, having exclusive reference to the suspension by the President of George M. Duskin, the late incumbent of the office of district attorney of the United States for the southern district of Alabama, it is not considered that the public interest will be promoted by a compliance with said resolution and the transmission of the papers and documents therein mentioned to the Senate in executive session.

Very respectfully, your obedient servant,

A. H. GARLAND, *Attorney-General.*

This letter, although in response to the direction of the Senate that copies of any papers bearing on the subject within a given period of time be transmitted, assumes that the Attorney-General of the United States is the servant of the President, and is to give or withhold copies of documents in his office according to the will of the Executive and not otherwise.

Your committee is unable to discover, either in the original act of 1789 creating the office of Attorney-General or in the act of 1870 creating the Department of Justice, any provision which makes the Attorney-General of the United States in any sense the servant of or controlled by the Executive in the performance of the duties imputed to him by law or the nature of his office. It is true that in the creation of the Department of State, of War, and of the Navy it was provided in substance that these Secretaries should perform such duties as should from time to time be enjoined upon them by the President, and should conduct the business of their Departments in such manner as the President should direct, but the committee does not think it important to the main question under consideration that such direction is not to be found in the statute creating the Department of Justice, for it is thought it must be obvious that the authority intrusted by the statute in these cases to the President to direct and control the performance of duties was only a superintending authority to regulate the performance of the duties that the *law* required, and not to require the performance of duties that the laws had not devolved upon the heads of Departments, and not to dispense with or forbid the performance of such duties according as it might suit the discretion or the fancy of the Executive. The Executive is bound by the Constitution and by his oath to take care that the laws be faithfully executed, and he is himself as much bound by the regulations of law as the humblest officer in the service of the United States, and he can not have authority to undertake to faithfully execute the laws, whether applied to his own special functions or those of the Departments created by law, otherwise than by causing, so far as he lawfully may and by lawful methods, the heads of Departments and other officers of the United States to do the duties which the law, and not his will, has imputed to them.

The important question, then, is whether it is within the constitutional competence of either House of Congress to have access to the official papers and documents in the various public offices of the United States created by laws enacted by themselves. It may be fully admitted that, except in respect of the Department of the Treasury, there is no statute which commands the head of any Department to transmit to either House of Congress on its demand any information whatever concerning the administration of his Department; but the committee believes it to be clear that from the very nature of the powers intrusted by the Consitution to the two Houses of Congress it is a necessary incident that either House must have at all times the right to know all that officially exists or takes place in any of the Departments of the Government. So perfectly was this proposition understood before and at the time of the formation of the Consitution, that the Continental Congress, before the adoption of the present Constitution, in establishing a department of foreign affairs and providing for a principal officer thereof, thought it fit to enact that all books, records, and other papers in that office should be open to the inspection of any *member* of Congress, provided that no copy should be taken of matters of secret nature without special leave of Congress. It was not thought necessary to enact that the Congress itself should be entitled to the production and inspection of such papers, for that right was supposed to exist in the very nature of things; and when under the Constitution the Department came to be created, although the provision that each individual member of Congress should have access to the papers was omitted (evidently for reasons that can now be quite well understood) it was not thought necessary that an affirmative provision should be inserted giving to the Houses of Congress the right to know the contents of the public papers and records in the public offices of the country whose laws and whose offices they were to assist in creating.

It is believed that there is no instance of civilized governments having bodies representative of the people or of states in which the right and the power of those representative bodies to obtain in one form or another complete information as to every paper and transaction in any of the executive departments thereof does not exist even though such papers might relate to what is ordinarily an executive function, if that function impinged upon any duty or function of the representative bodies. A qualification of this general right may under our Consitution exist in the case of calls by the House of Representatives for papers relating to treaties, &c., under consideration and not yet disposed of by the President and Senate.

The committee feels authorized to state, after a somewhat careful research, that within the foregoing limits there is scarcely in the history of this Government until now any instance of a refusal by a head of a Department, or even of the President himself, to communicate official facts and information as distinguished from private and unofficial papers, motions, views, reasons, and opinions, to either House of Congress when unconditionally demanded. Indeed the early Journals of the Senate show great numbers of instances of directions to the heads of Departments, as of course, to furnish papers and reports upon all sorts of affairs both legislative and executive.

The instances of requests to the President and commands to the heads of Departments by each House of Congress from those days until now for papers and information on every conceivable subject of public affairs are almost innumerable; for it appears to have been thought by all the Presidents who have carried on the Government now for almost a century that even in respect of requests to them, an independent and co-ordinate branch of the Government, they were under a constitutional duty and obligation to furnish to either House the papers called for, unless, as has happened in very rare instances, when the request was coupled with an appeal to the discretion of the President in respect of the danger of publicity to send the papers if in his judgment it should not be incompatible with the public welfare.

Even in times of the highest party excitement and stress, as in 1826 and 1844, it did not seem to occur to the Chief Executive of the United States that it was possible that any official facts or information existing either in the Departments created by law or within his own possession could, save as before stated, be withheld from either of the Houses of Congress, although such facts or information sometimes involved very intricate and delicate matters of foreign affairs, as well as sometimes the history and conduct of officers connected with the administration of affairs. Thus in 1826, when the Senate thought fit to pass a resolution that in considering whether the United States should be represented in the congress of Panama the Senate ought to act with open doors, unless the publication of the documents referred to in debate would be prejudicial to existing negotiations, and that the President be requested to inform the Senate whether such objection existed to the publication of the documents communicated by the Executive, and, if so, to specify the parts which would for that reason be objectionable. The President replied that all the communications had been made to the Senate in confidence, and proceeded to say: "Believing that the established free, confidential communication between the Executive and the Senate ought for the public interest to be preserved unimpaired, I deem it my indispensable duty to leave to the Senate itself the decision of the question involving a departure, hitherto, so far as I am informed, without example, from that usage, and upon the motives for which, not being informed of them, I do not feel myself competent to decide;" and although in this instance there was no question in regard to the furnishing documents or papers and the question was merely whether the Executive was bound to give an opinion to the Senate in such a case, twenty out of the forty-four Senators present appear to have voted on the yeas and nays for the proposition that the President in such a case was bound to give such an opinion to the Senate. Among those twenty were Senators Benton, Cobb, Dickerson, Hayne, King, Macon, Randolph, Van Buren, and Woodbury, and by a vote of 27 to 16 the Senate declared that it had "the right to publish communications so made and discuss the same with open doors without the consent of the President when, in their opinion, the public interest may require such publication and such discussion."

In 1842 the House of Representatives charged the select committee to inquire into the cause, manner, and circumstances of the removal of one H. H. Sylvester, late a clerk in the Pension Office, with power to send for persons and papers. On the 27th of July, 1842, Mr. Garrett Davis reported to the House upon the subject, stating that the committee had requested the Secretary to furnish for its use a copy of the charges against Sylvester and a copy of the order dismissing him and copies of any other papers in the Department touching his removal. He quotes from the response of the Secretary as follows:

"The letter dismissing Mr. Sylvester was made a public record of the Department, and I therefore transmit a copy of it herewith, agreeably to your request. There is no other paper of the description specified in your request or relating to the subject on the files of this Department, nor is there any in my possession which is not of a confidential character. The faithful discharge of the duties devolving upon heads of Departments frequently renders it of essential im-

portance to preserve confidential communications he has received as such, and private honor as well as public policy forbids that a pledge thus given should be violated."

Everything in the files was produced without question. The House adjourned soon after this report, and no final action was taken upon the subject. This report is so valuable as a discussion of the general questions connected with patronage that the committee think it fit to append it to this report (Appendix B). It will be seen in this instance that there was no attempt on the part of the Secretary to deny the right of the House to have the inspection of all papers in the files of the Department, but he only put himself upon the ground that private and confidential communications that were not on the files of the Department ought not to be disclosed. On the 18th May, 1844, the Senate in executive session adopted a resolution directing the Secretary of the Treasury to communicate whether any and what sums of money had been drawn from the Treasury to carry into effect the orders of the War and Navy Departments made since the 12th April of that year for increasing the military force on the frontiers of Texas, &c. On 28th of same month President Tyler sent a message to the Senate stating that the Secretary had communicated the Senate resolution to him. He then says:

"While I can not recognise this call thus made on the head of the Department as consistent with the constitutional rights of the Senate when acting in its executive capacity, which in such case can only properly hold correspondence with the President of the United States, nevertheless from an anxious desire to lay before the Senate all such information as may be necessary to enable it, with full understanding, to act upon any subject which may be before it, I herewith transmit communications which have been made to me by the Secretaries of War and Navy Departments in full answer to the resolution of the Senate."

In this instance it will be seen that there is no intimation of a denial of the right of either House of Congress in the exercise of its general jurisdiction to have knowledge of papers in and acts of a Department of the Government, but only a claim that when such papers are wanted in the "executive capacity" of the Senate they ought to be called for from the President direct. It must be supposed that President Tyler was ignorant of the fact that such commands to heads of Departments had been made by the Senate continuously from the foundation of the Government down to that time, and that those commands had been obeyed, or else he must have supposed that an unbroken and unchanged practice of the Senate under the Constitution for more than half a century had been under a plainly erroneous impression of its rights not only by itself, but by the Executive Departments of the Government. It would seem to be too clear for argument that whether the Senate chooses to conduct its business with closed doors or open doors is a matter entirely for its consideration and can have no relation to the obligation of the Executive Departments of the Government to respond to its call for papers or information.

On the 22d May of the same year the Senate, on motion of Mr. Benton, requested the President to inform the Senate whether any engagement or agreement had taken place between the President of the United States and the president of Texas in relation to naval or military aid, or any other aid, and, if so, to communicate all the particulars and copies of the same, if in writing, and a copy of all communications on the subject; which information was furnished.

On 28th of May of the same year a similar resolution was passed calling for a copy of the instructions given in 1829 by President Jackson through the Secretary of State to the United States minister at Mexico on the subject of Texas; which was furnished.

On the same 28th of May, 1844, on motion by Mr. Benton, the Senate called on the President for "the whole of the private letter from London, with its date, quoted by the American Secretary of State" in a letter of his to the United States chargés d'affaires in Texas, together with the name of the writer of the private letter. Which information was supplied without protest.

Numerous other instances occurred about the same time of similar requests and similar compliances too numerous indeed to justify insertion in this report.

The fact that the executive Journals of the Senate have only been made public and printed down to the year 1828, and the written Journals since that time are not indexed, makes it difficult to find all the instances of calls on the President and heads of Departments for information and papers that have occurred since that date, but the committee feel safe in stating from the research it has made that the course of the Government has been constant and continuous and unchanged from the beginning until now, and that, in its belief, no instance within the principles and limitations before stated has occurred in which calls for official papers and files addressed either to the President in the form of requests or to the heads of Departments in the form of commands which have not been complied with, but it has sometimes happened where the request to the President was merely a conditional one, leaving it to his discretion whether the papers should be communicated or not, that they have not been communicated.

On the 6th of December, 1866, when there was much irritation existing between the Houses of Congress and the Executive, the House of Representatives adopted a resolution directing the Postmaster-General to communicate to the House information of all the postmasters removed from office between the 28th of July, 1866, and said 6th of December, together with the reasons or causes of such removals, and the names of all persons appointed in their places, &c. This command was, on the 18th of February, 1867, complied with by the Postmaster-General without in the least degree questioning the right of the House of Representatives to have that information.

Two instances occurring during the administration of President Hayes, under circumstances when there would be naturally a disposition on the part of the Executive to stand upon his constitutional rights, may be of interest. On the 9th of January, 1879, the Senate passed a resolution directing the Secretary of the Treasury to transmit charges on file against the supervising inspector-general of steamboats and the papers connected therewith; which was also promptly complied with.

At the same session a similar resolution called for papers on file in the Treasury Department "showing why Lieutenant Devereux was removed from the revenue-marine service," which was also complied with.

But it would seem to be needless to array further precedents out of the vast mass that exists in the Journals of the Houses covering probably every year of the existence of the Government. The practical construction of the Constitution in these respects by all branches of the Government for so long a period would seem upon acknowledged principles to settle what are the rights and powers of the two Houses of Congress in the exercise of their respective duties covering every branch of the operations of the Government, and it is submitted with confidence that such rights and powers are indispensable to the discharge of their duties and do not infringe any right of the Executive, and that it does not belong to either heads of Departments or to the President himself to take into consideration any supposed motives or purposes that either House may have in calling for such papers, or whether their possession or knowledge of their contents could be applied by either House to useful purposes.

The Constitution of the United States was adopted in the light of the well-known history that even ministers of the English Crown were bound to lay before Parliament all papers when demanded on pain of the instant dismissal of such ministers on refusal, through the rapid and effectual instrumentality of a vote of want of confidence. And the Continental Congress had for more than ten years itself governed the country and had control of all papers and records, not by reason of anything expressed in the Articles of Confederation, but by reason of the intrinsic nature of free government. The jurisdiction of the two Houses of Congress to legislate and the power to advise or withhold advice concerning treaties and appointments necessarily involves the jurisdiction to officially know every step and action of the officers of the law and all the facts touching their conduct in the possession of any Department or even in the possession of the President himself. There was no need to express such a power, for it was necessarily an inherent incident to the exercise of the powers granted.

It will be observed that in this instance the call for papers covered a period of more than six months, during which the regular incumbent of the office had been discharging its duties, and also the further period of more than six months, during which the person designated to discharge those duties on suspension of the officer had been acting, and that that person is the one now proposed to be appointed to the place.

It will also be observed that the President has not undertaken to remove the incumbent of the office, but has only, in expressed and stated pursuance of the statutes on the subject, suspended that officer, and that the same statutes expressly provide that such officer shall not be removed without the advice and consent of the Senate and that, if that advice and consent be not given, the incumbent would (unless his regular term of office should have previously expired) at the close of this session of the Senate be restored to the lawful right to exercise its duties. The Senate, then, by this nomination is asked to advise and consent to the removal of the incumbent and to the appointment of the candidate proposed for his place. In exercising its duty in respect of these questions it is plain that the conduct and management of the incumbent is a matter absolutely essential to be known to the Senate, in order that it may determine whether it can rightly advise his removal or rightly leave him to resume the functions of his office at the end of its session, as well as whether the candidate proposed has in the exercise of the office under his designation so conducted himself as to show that he is competent and faithful. Indeed it may be stated with entire accuracy that even in the case of a vacancy in an office and the proposed filling of such vacancy it is important for the Senate to know the previous condition and management of the office, the state of its affairs; whether there have been cases of misconduct or abuse of powers, the embezzlement of money, and indeed all the circumstances bearing upon its administration, in order that it may judge of the suitableness of appointing a particular person to take up its duties with reference to the difficulties that may exist in its affairs, the state of the accounts, and everything concerning its administration, so as to measure the fitness and competency of the particular candidate to meet the emergencies of the case.

It appears from the table herewith submitted (Appendix A) that out of about fourteen hundred and eighty-five nominations sent to the Senate during the first thirty days of this session, that is from the first Monday in December, 1885, to the 5th of January, 1886, six hundred and forty-three were nominations of persons proposed to be appointed in the place of officers suspended and proposed to be removed (and of whom it is known that some are soldiers), and in respect of whom the action of the Senate in advising and consenting to the proposed appointment would effect a removal and in respect of whom the failure of the Senate to advise and consent to such removals and appointments the effect would be to restore them to the possession of their offices at the end of the session except in cases in which the terms of some of them should have previously expired.

Is it not desirable and necessary to the proper performance of its duties and in every aspect of the public interest that the simple facts in regard to what the conduct of these officials as well as in regard to what the conduct of the persons designated to perform their duties has been should be made known to the Senate? Have these suspended officials or any considerable number of them been guilty of misconduct in office or of any personal conduct making them unworthy to be longer trusted with the performance of duties imposed upon them by law? If they have, it would seem to be clear that every consideration of public interest and of public duty would require that the facts should be made known, in order that the Senate may understandingly and promptly advise their removal, and that the most careful scrutiny should be had in respect of selecting their successors, as well as in respect of providing better means and safeguards by legislation for administering the laws of the United States.

Such information, it would seem, the Executive is determined the Senate shall not possess, for the alleged reason that it might enable the Senate to understand what circumstances connected with the faithful execution of the laws induced the President to exercise the discretion the statute confers upon him to suspend them and ask the Senate to unite with him in their removal from office. A similar result would follow in respect of the knowledge of any and every step in the transactions of the Government; for instance, the President, as Commander-in-Chief of the Army, has as large discretion as he has in the suspension of civil officers, but on the theory suggested by the Attorney-General both the President and the Secretary of War would be justified in refusing to either House of Congress copies of papers and documents relating to the administration of the Department of War and the disposition of the troops, &c., for the reason that, the facts being disclosed, the two Houses of Congress might be enabled to comprehend the reasons and motives actuating the Executive in his conduct as Commander-in-Chief.

Reduced to its simplest form the proposition would be that neither the President nor the head of a Department is bound to communicate any official papers to either House of Congress which might draw into question in the minds of its members or of the people the wisdom or fairness of his acts. But the committee is of the opinion that in matters of this nature the Senate has little concern with the reasons or motives either of the heads of Departments or of the Executive, but it has large concern that its own reasons and grounds of action should rest upon and be drawn from the solid truth. The Senate, if it does its duty and preserves the independence that belongs to it, must act upon its own reasons and judgment and not upon those of the President, however valuable they may be. If the truth regarding the conduct of these officials and designated persons were known, the question for the Senate would be not what were the reasons or motives of the Executive, but whether the facts themselves, as they took place, would furnish it with sufficient reason for giving or withholding its advice and consent to the proposed changes.

Another view of the matter is not, as the committee thinks, without large importance to the public interest at this time. The President, in his last annual message and in connection with the subject of removing the ordinary administration of the laws and the selection of public agents from the arena of mere party politics, stated:

"I am inclined to think that there is no sentiment more general in the minds of the people of our country than a conviction of the correctness of the principle upon which the law enforcing civil-service reform is based. In its present condition the law regulates only a part of the subordinate public positions throughout the country. It applies the test of fitness to applicants for these places by means of a competitive examination, and gives a large discretion to the commissioners as to the character of the examination and many other matters connected with its execution. Thus the rules and regulations adopted by the commission have much to do with the practical usefulness of the statute and with the results of its application.

"The people may well trust the commission to execute the law with perfect fairness and with as little irritation as is possible. But of course no relaxation of the principle which underlies it, and no weakening of the safeguards which surround it can be expected. Experience in its administration will probably suggest amendment of the methods of its execution, but I venture to hope that we shall never again be remitted to the system which distributes public positions purely as rewards for partisan service. Doubts may well be entertained whether our Government could survive the strain of a continuance of this sys-

tem, which upon every change of administration inspires an immense army of claimants for office to lay siege to the patronage of Government, engrossing the time of public officers with their importunities, spreading abroad the contagion of their disappointment, and filling the air with the tumult of their discontent.

"The allurements of an immense number of offices and places exhibited to the voters of the land, and the promise of their bestowal in recognition of partisan activity, debauch the suffrage and rob political action of its thoughful and deliberative character. The evil would increase with the multiplication of offices consequent upon our extension, and the mania for office-holding, growing from its indulgence, would pervade our population so generally that patriotic purpose, the support of principle, the desire for the public good, and solicitude for the nation's welfare, would be nearly banished from the activity of our party contests, and cause them to degenerate into ignoble, selfish, and disgraceful struggles for the possession of office and public place.

"Civil-service reform enforced by law came none too soon to check the progress of demoralization.

"One of its effects, not enough regarded, is the freedom it brings to the political action of those conservative and sober men who, in fear of the confusion and risk attending an arbitrary and sudden change in all the public offices with a change of party rule, cast their ballots against such a chance.

"Parties seem to be necessary, and will long continue to exist; nor can it be now denied that there are legitimate advantages, not disconnected with office-holding, which follow party supremacy. While partisanship continues bitter and pronounced, and supplies so much of motive to sentiment and action, it is not fair to hold public officials, in charge of important trusts, responsible for the best results in the performance of their duties, and yet insist that they shall rely, in confidential and important places, upon the work of those not only opposed to them in political affiliation, but so steeped in partisan prejudice and rancor that they have no loyalty to their chiefs and no desire for their success. Civil-service reform does not exact this, nor does it require that those in subordinate positions who fail in yielding their best service, or who are incompetent, should be retained simply because they are in place. The whining of a clerk discharged for indolence or incompetency, who, though he gained his place by the worst possible operation of the spoils system, suddenly discovers that he is entitled to protection under the sanction of civil-service reform, represents an idea no less absurd than the clamor of the applicant who claims the vacant position as his compensation for the most questionable party work.

"The civil-service law does not prevent the discharge of the indolent or incompetent clerk, but it does prevent supplying his place with the unfit party worker. Thus in both these phases is seen benefit to the public service. And the people who desire good government, having secured this statute, will not relinquish its benefits without protest. Nor are they unmindful of the fact that its full advantages can only be gained through the complete good faith of those having its execution in charge. And this they will insist upon."

This highly important and valuable official communication in the presence of six hundred and forty-three suspensions from office would seem to lead to the conclusion that this number of the civil officers of the United States selected to be suspended and removed had been so derelict in the performance of their functions or guilty of such personal misconduct as to put them in the category of unfaithful public servants deserving dismissal by the President and the Senate and the condemnation of their countrymen. In such a state of things we think that the common sense of justice and fair play that is so much prized, as we believe, by the people of the United States would require that in some way this large body of men should have an opportunity to know the substance of their alleged misdoings in order that they may either admit their guilt or, denying it, explain their conduct, or show that the accusations against them were selfish and wicked pretexts, and set up for the mere purpose of obtaining their suspension and ultimate dismissal from office in order that others less capable and worthy might at once receive the honors and emoluments of their places. It is known to every Senator that, so far as the Senate has had to do both with removals and appointments, it has for a great number of years been its practice, when any officer or person was before it for removal or appointment against whom any serious accusation has been made which would, if true, influence the action of the Senate in the case, to cause the person concerned to be informed of the substance of the complaint against him and give him an opportunity to defend himself; and it is also known that at this very session a very considerable number of instances of that kind have occurred and are daily occurring. If the Senate is proceeding upon a false principle in such instances, it is high time that its course in these respects should be reversed, and that hereafter it should act upon such accusations without any knowledge other than that derived from the accusers, and leave the victims of such injustice to console themselves with the reflection that all parties are now engaged in an effort to reform the Government.

Why should the facts, as they may appear from the papers on file, be suppressed? Is it because that, being brought to light, it would appear that malice and misrepresentation and perjury are somewhat abundant, or merely that faithful and competent and honorable officers have been suspended and are proposed to be removed, under the advice and consent of the Senate, in order that places may be found for party men because they are party men or are the special objects of party favor?

How does it happen in this time of suggested reform and purer methods in government that for the first time it is thought important that the historic and administrative facts relating to the official and personal conduct of officers of the United States should be withheld and that the administration of the Government should proceed with a secrecy and mystery as great as in the days of the Star Chamber?

The high respect and consideration that the Senate must always have for the executive office would make it reluctant to adopt either theory. But at present the impenetrable veil remains, and as the committee is unable to suggest any other solution of the riddle, it must leave it until this veil is lifted and the operations of the Government shall again be known.

In this state of things the committee feels it to be its clear duty to report for the consideration of the Senate and for adoption the following resolutions, namely:

Resolved, That the foregoing report of the Committee on the Judiciary be agreed to and adopted.

Resolved, That the Senate hereby expresses its condemnation of the refusal of the Attorney-General, under whatever influence, to send to the Senate copies of papers called for by its resolution of the 25th of January and set forth in the report of the Committee on the Judiciary as in violation of his official duty and subversive of the fundamental principles of the Government and of a good administration thereof.

Resolved, That it is, under these circumstances, the duty of the Senate to refuse its advice and consent to proposed removals of officers the documents and papers in reference to the supposed official or personal misconduct of whom are withheld by the Executive or any head of a Department when deemed necessary by the Senate and called for in considering the matter.

Resolved, That the provision of section 1754 of the Revised Statutes declaring—

"That persons honorably discharged from the military or naval service by reason of disability resulting from wounds or sickness incurred in the line of duty shall be preferred for appointments to civil offices, provided they are found to possess the business capacity necessary for the proper discharge of the duties of such office ought to be faithfully and fully put in execution, and that to remove, or to propose to remove, any such soldier whose faithfulness, competency, and character are above reproach and to give place to another who has not rendered such service is a violation of the spirit of the law and of the practical gratitude the people and Government of the United States owe to the defenders of constitutional liberty and the integrity of the Government."

All of which is respectfully submitted.

GEO. F. EDMUNDS.
JOHN J. INGALLS.
S. J. R. McMILLAN.
GEO. F. HOAR.
JAMES F. WILSON.
WM. M. EVARTS.

APPENDIX A.

The following statement will show the number of suspensions by the President of the United States as indicated by the executive nominations delivered to the Senate during the first thirty days of the present session, being from the first Monday in December, 1885, to January 5, 1886, both dates inclusive:

Whole number of messages received during the time	1,485
The judiciary:	
Chief-justices of Territories	3
Associate justices of Territories	7
United States district attorneys	28
United States marshals	24
Total	62
Finance:	
Assistant treasurer	1
Superintendent of Mint	1
Coiner of Mint	1
Assayer of Mint	5
Melter and refiner	2
Collectors internal revenue	61
Total	71
Director of Mint (removed)	1
Commerce:	
Collectors of customs	45
Appraisers of merchandise	20
Surveyors of customs	12
Consuls	57
Consuls-general	5
Examiners of drugs, &c	4
Naval officers of customs	3
Supervising inspectors of steam-vessels	5
Total	151
Public lands:	
Surveyors-general	7
Receivers public money	20
Registers land offices	24
Principal clerk of surveys General Land Office	1
Total	52
Territories:	
Governors Territories	2
Secretaries Territories	2
Total	4
Indian affairs:	
Indian inspectors	3
Indian agents	13
Total	16
Post-Offices and Post-Roads:	
Postmasters	278
Foreign Relations:	
Secretaries of legations	3
Pensions:	
Pension agents	6
Grand total of suspensions	643
Grand total of removal	1

APPENDIX B.

[House Report No. 945, Twenty-seventh Congress, second session. Removal from office of Henry H. Sylvester. To accompany Senate bill No. 549. July 27, 1842; laid upon the table.]

Mr. Garrett Davis, from the select committee appointed on the subject, made the following report:

The select committee charged by the House to inquire into "the cause, manner, and circumstances of the removal of Henry H. Sylvester, late a clerk in the Pension Office, with power to send for persons and papers, and to report by bill, resolution, or otherwise," have performed the duties assigned to them, and beg leave to report as follows:

Mr. Sylvester having been removed by Hon. John C. Spencer, Secretary of War, your committee thought it was proper to notify him of their proceedings, and therefore directed its chairman to inform him of the readiness of the committee to receive any communication which he might desire to make to it, to summon and take the testimony of any witnesses he might wish to have examined, and to invite him to attend its meetings. In reply, the honorable Secretary informed the chairman that he did "not desire to make any communication to the committee, or to have any witnesses summoned by it, or to attend its meetings."

The committee then made a request in writing of the Secretary to furnish for its use "a copy of the charges preferred against Henry H. Sylvester; also a copy of the order or letter dismissing him from office, and copies of any other papers in the Department touching his removal."

In his response the Secretary says: "The letter dismissing Mr. Sylvester was made a *public record* of the Department, and I therefore transmit a copy of it herewith agreeably to your request. There is no other paper of the description specified in your request, or relating to the subject, on the files of this Department, nor is there any in my possession which is not of a confidential character." "The faithful discharge of the duties devolved upon the heads of Departments frequently renders it of essential importance to *preserve* as confiden-

tial communications made and received as such, and private honor as well as public policy forbids that a pledge thus given should be violated."

This reply of the honorable Secretary evinces somewhat more of interest in this proceeding; and, though he argues his positions with great earnestness, your committee are constrained to protest against them, as unjust, impolitic, and immoral. What are they, but that the secret charges of concealed informers, however false and calumnious in fact, and from whatever selfish, impure, and dishonorable motives made, even after they have effected the nefarious purpose of removing a faithful officer, who, indeed, may be above all exception, officially and personally, are still of so important and sacred a character that "private honor as well as public policy" forbids that they should be revealed to a committee of the House, raised for the purpose of investigating the cause of the removal of the *particular officer*.

Are we under a despotism, where the best officers of the Government are to be struck down—by, they know not whom, and for, they know not what? And does the honorable Secretary imagine that he is clothed with the authority and executing the functions of a Fouché? That the House of Representatives—the grand inquest of the nation, invested by the Constitution with the power to impeach every officer of the Government, and consequently to supervise all their official acts—is to be told, by a Secretary, that the causes and information upon which he bases his official conduct are of too much public interest and of too confidential a character to be disclosed to it? And this, too, when such information may be unmitigated falsehood, and when this official action involves the oppression of a subordinate and malversation in office. The committee do not doubt the power and the right of Congress, and of the House of Representatives, to rend the veil that covers these transactions in the Executive Departments, to explore their most hidden recesses, and to drag to the light, and hold up to the nation every such case, in all its revolting deformity of untruth, tyranny, and corruption; but it preferred the position assumed by the Secretary should remain undisturbed, that its enormity might be the more striking, when examined in connection with the facts and circumstances attending the removal of Sylvester.

The copy of the letter dismissing Sylvester, as transmitted by the Secretary of War to the committee, is as follows:

"WAR DEPARTMENT, *April* 9, 1842.

"SIR: From and after the 10th instant your services as a clerk in the office of the Commissioner of Pensions will be dispensed with.

"Your obedient,

"JOHN C. SPENCER.

"Mr. HENRY SYLVESTER."

The committee then proceeded to take the testimony, in writing, of sundry witnesses, which accompanies this report, and the substance of which is: That on Wednesday, the 6th of April last, Mr. Spencer summoned Sylvester to appear before him, upon the charge that he had, on the Monday succeeding the confirmation, by the Senate, of the nomination of Powell to the consulship to Rio de Janeiro, in a public company expressed his belief that the gamblers had bribed the Secretary of State to procure the nomination of Powell.

Sylvester denied the truth of this charge, and added that this imputation upon Mr. Webster had been the subject of general remark and conversation in this city. Whereupon Mr. Spencer observed to Sylvester that he had nothing further at present, and if he should have thereafter Sylvester should hear from him again. On the succeeding Saturday Sylvester was informed by a messenger in the Department that the Secretary had sent to the Pension Office for him after office hours the preceding evening. He immediately went to Mr. Spencer's office and was informed that he was out. Sylvester returned in about two hours and requested the chief clerk to inform Mr. Spencer that in obedience to the message sent him he was in attendance. The chief clerk stepped into the Secretary's room, and after a few minutes returned and informed Sylvester that the Secretary did not wish to see him, and thereupon handed him the letter by which he was dismissed from his place. It is proven that on the preceding Sunday morning Powell's appointment and the slander against Mr. Webster in connection with it were the topics of conversation among several persons, of whom Sylvester was not one, and early the next morning [Monday], to use the expressive phrase of a witness, "were in the mouth of everybody."

Sylvester having learned that Hon. Daniel Webster had procured his dismissal, upon the allegation that he had made or indorsed the calumny against him in relation to the nomination of Powell, and being informed by a friend that the President had said if he would satisfy Mr. Webster he should be reinstated or otherwise provided for, wrote a letter to Hon. Mr. Bates, of the Senate, in which he denied ever having made this immputation against Mr. Webster, and averring that, on the contrary, he had several times, and whenever he had conversed upon the subject, defended the Secretary of State against it. He procured written statements from four gentlemen, showing that such had been his exculpation of Mr. Webster, in conversation with them, severaly, the day preceding and the day when he was said to have made the charge; and he procured Mr. Bates to wait on Mr. Webster and present to him as well those statements as his own letter to Mr. Bates. Mr. Webster declined to read these papers, and expressed his full belief in the truth of the information, which he said he had received, that Sylvester had made the charge against him.

The committee have examined Sylvester, and he swears that he never made, nor intended to make, any such imputation against Mr. Webster, but, on the contrary, upon the faith of information which he had obtained, he repeatedly, and whenever he spoke upon the subject, defended him against it, and *all improper* conduct in relation to the nomination of Powell.

William A. Williams proves that on the Sunday morning succeeding the confirmation by the Senate of Powell he and several others were expressing their surprise at the nomination, and some one having remarked that "Mr Webster knew how it was done," Sylvester denied that Mr. Webster had anything to do with the nomination.

George W. Crump, chief clerk in the Pension Office; John T. Cochran, a clerk in the War Department, and Henry M. Morfit, esq., prove, that early on the next day (Monday), being the day on which Sylvester was said to have used the language concerning Mr. Webster for which the Secretary of War had arraigned him, in separate conversations with each of them, Sylvester had expressly exonerated and defended Mr. Webster against this charge.

Upon a deliberate consideration of this branch of the testimony, your committee are altogether satisfied that Sylvester was innocent of having made or indorsed the calumny against Mr. Webster. His explicit denial and the evidence he adduced, and which established reasonably the negative, ought to have satisfied both Mr. Spencer and Mr. Webster that he was guiltless; and his dismissal by the Secretary of War, for this cause, and in the manner of it, was unjust, capricious, and oppressive treatment.

As an officer, Sylvester was experienced and capable, assiduous, and faithful; as a man, he was modest, respectful, honorable, and moral; as a political partisan, he was neither noisy, obtrusive, nor intolerant. In all these points he might well be held up as an example to his superiors in place. The testimony by which his high personal and official character is sustained is abundant and most satisfactory. It is given by General Eaton, a former Secretary of War; by General Parker, chief clerk in the War Department; by Colonel Edwards, the Commissioner of the Pension Bureau, and by Crump, Cochran, Rice, and Evans, clerks of the War Department. These men have known Sylvester long and intimately, and, at the peril of their places, in their testimony they do him justice, though some of them seemed to feel that, for this cause, they too might be victimized. They all know full well that the most perfect knowledge and attentive performance of the duties of their offices, the greatest fidelity to the Government and the country, the most respectful deportment to their superiors, and the utmost rectitude of conduct and character, when connected with any degree of independence of political sentiment, however quietly and unobstrusively maintained, give no assurance of continuance in place. Your committee know no portion of the American population which is more oppressed and enslaved in will and spirit than the subordinates in the Executive Departments; none among whom there is more mental suffering, arising from a constant dread of being visited with the petty proscription of some small tyrant, "clothed with a little brief authority," by which they and their families are to be deprived of their support. It was the duty of Mr. Spencer, and would have been his pride had he been animated by sentiments of justice and magnanimity, to have protected such a subordinate as Sylvester.

It would seem quite improbable that the avowed cause, denied and refuted as it was, upon which the two Secretaries professed to act, could have rendered the ire of Mr. Webster against Sylvester so implacable. He attributes the deep resentment of the Secretary of State to these transactions. The brother-in-law of Sylvester (the Hon. Mr. Hubbard, of New Hampshire) became the security of Mr. Webster, some few years since, to one of the banks in this city, for upward of $3,000; and during the last summer, with a view to meet a part of the debt, Mr. Hubbard drew upon Mr. Webster for a sum of money in favor of Sylvester, and requested him to collect and apply it according to instructions. Sylvester undertook this commission for his kinsman, and, by note, advised Mr. Webster that he held such a draft.

In reply, the honorable Secretary of State requested to see Sylvester upon this subject at his office. The latter attended accordingly, and yet a second and a third time, before he could obtain an interview. Mr. Webster then evinced his displeasure by discourteous and uncivil conduct, neither responding to the ordinary salutation on the part of Sylvester, nor asking him to take a seat. Some time afterward Mr. Hubbard inclosed Sylvester another draft for a small amount on Mr. Webster, and importuned him to collect it. Declining to expose himself again to such treatment as he had previously received from Mr. Webster, Sylvester indorsed it and inclosed it in a note to him with a request of payment, but never heard afterward of the draft or the money. Sylvester communicated these facts to Mr. Hubbard; and in December last he was directed by him to hand Mr. Webster's note over to Mr. Morfit, an attorney, for collection, with a proposition that if Mr. Webster would pay $1,000 the remainder might run for a specified time, otherwise suit to be brought upon it. An arrangement was at length adjusted by which Mr. Webster was to pay $1,000 on the 1st of January last at the Commercial Bank of Boston, and he accordingly drew for that amount in favor of Hubbard: but he neither had nor placed any funds in bank to meet his paper, and at maturity it was dishonored. Sylvester says that he spoke freely of these matters; and of this, he doubts not, Mr. Webster was informed.

But whatever other reasons may have operated in the removal of Sylvester, it is not to be doubted that the ordinary one of making a place for a political friend and partisan had its full force. His successor is Mr. F. H. Davidge, whose name had been before the President for an appointment since the 4th of March, 1841. John B. Jones, editor of the Madisonian, proves that Mr. Davidge had been writing for his paper, and that some of his contributions were on hand when he received this appointment and were afterward inserted; but that the President then requested him to dispense with the further services of Mr. Davidge as a writer for the Madisonian, which he did. Here is the mode by which office-seekers qualify themselves for places under this administration. They come to this city and have their names thrown before the President for an appointment; they commence writing for the Madisonian, under his surveillance, and, after having gone through the proper probation and established their *fitness for office* by inditing stupid panegyrics upon the President and coarse ribaldry upon the majority in Congress to be published in the *court journal*, are duly installed into place. Is such the purpose for which the offices of this Government were created, and such the principle upon which they are to be filled? What becomes of the message of the President, and of his proclamation through the Secretary of State against the interference of all office-holders in politics? Where is the potency of his emphatic quotation to them forbidding active partisanship, "Thus far thou comest, but no further?" Mr. Davidge entered a novice into the Pension Bureau, and merely performs a portion of the duties which had been previously done by another clerk, Evans; and the only result of his labors is to relieve Evans of an occasional press of business; yet he receives a salary of $1,400, and Evans but $1,200. It appears, also, that a son of Mr. Davidge has received a clerkship in one of the Departments.

Mr. Madison, in his speech in the House of Representatives in 1789, on the power of removal from office by the President, says: "The danger then consists merely in this—the President can displace from office a man whose merits require that he should be continued. What will be the motives which the President can feel for such abuse of his power, and the restraints to prevent it? In the first place he will be impeachable by this House, before the Senate, for such an act of malversation; for I contend that the wanton removal of meritorious officers would subject him to impeachment and removal from his own high place." The committee concur fully in the soundness of Mr. Madison's opinion of the responsibility of the President for such an abuse of power, and they do not doubt that this principle applies to all officers of Government who are invested with the discretion of removing others. They believe that the honorable John C. Spencer has been guilty of this official malversation, in displacing Sylvester, and they would not hesitate to recommend to the House to impeach him before the Senate, but that he is in some degree excused by similar abuses, which have so often occurred in the administration of the executive department during the last thirteen years.

But the case of Sylvester is another of the numerous instances which warn us of the enormity and the danger of suffering the President and his Departments to wield this formidable power unchecked, and without the least effective responsibility. It, with hundreds of others of equal atrocity, cries aloud to Congress to interpose a remedy, as well to prevent a vast mass of individual oppression, as to uphold purity in the administration of the Government and the public liberty. The practice of treating all the offices of this great Government as "the spoils of victory," and, with the rise and fall of contending parties, the ejection of a large multitude of experienced, honest, and capable incumbents, to make room for needy mercenaries, who entered the political conflict without any principle or love of country, but impelled wholly by a hope of plunder, is the greatest and most threatening abuse that has ever invaded our system. It makes the President the *great feudatory* of the nation, and all offices *fiefs*, whose tenure is *suit and service* to him. It is because all those *fiefs* are at his sovereign will, to be confirmed or granted anew after each Presidential election, that the whole country is kept perpetually convulsed by that oft-recurring and all-absorbing event.

Suppose the successful candidate for this high office had as many real estates diffused over this Union as there are offices of Government, those estates producing annually a revenue equal to the salary of each office, and he had the power to bestow and reclaim them at pleasure, would not the possession by the President, of such vast means of operating upon the will and controlling the actions of an immense number of the people of this country, scattered everywhere over it, fill all with a dread apprehension of the overthrow of our institutions and of popular liberty? The President has all this tremendous power, in fact, and in the much more dangerous form of bestowing public offices, according to the provisions of the Constitution and laws, seemingly for the exclusive good

of the people and to conduct the necessary operations of the Government. The extent to which it is liable, and, in truth, has been abused, some of the most powerful minds which the country has ever produced have delineated with a vigor and vividness that must strongly impress the most careless.

In 1826 Mr. Benton made a report to the Senate, embracing, in part, this subject, which ought to be carefully read by every American. In that paper we find this powerful passage: "The King of England is 'the fountain of honor;' the President of the United States is the source of patronage. He presides over the entire system of Federal appointments, jobs, and contracts. He has power over the 'support' of the individuals who administer the system. He makes and unmakes them. He chooses from the circle of his friends and supporters, and may dismiss them, and upon all the principles of human actions, he will dismiss them as often as they disappoint his expectations. There may be exceptions, but the truth of the general rule is proved by the exception. The intended check and control of the Senate, without new constitutional or statutory provisions, will cease to operate. Patronage will penetrate this body, subdue its capacity of resistance, chain it to the car of power, and enable the President to rule as easily and much more securely with than without the nominal check of the Senate.

"If the President himself was the officer of the people, elected by them and responsible to them, there would be less danger from this concentration of all power in his hands; but it is the business of statesmen to act upon things as they are, and not as they would wish them to be. We must look forward to the time when the public revenue will be doubled; when the civil and military officers of the Government will be quadrupled; when its influence over individuals will be multiplied to an indefinite extent; when the nomination of the President can carry any man through the Senate, and his recommendation can carry any measure through the two Houses of Congress; when the principle of public action will be open and avowed—the President wants my vote, and I want his patronage; I will vote as he wishes, and he will give me the office I wish for. What will this be but the government of one man? And what is the government of one man but a monarchy? Names are nothing. The nature of a thing is in its substance, and the name soon accommodates itself to the substance." "Those who make the President must support him. Their political fate becomes identified, and they must stand or fall together. Right or wrong, they must support him," &c. All this was prophecy then, it is now history.

In the year 1835 Mr. Calhoun took up the subject of executive patronage generally, and submitted to the Senate a measure for its reduction, accompanied by a most elaborate and able report. Upon this branch of the subject he says:

"It is only within the last four years that removals from office have been introduced as a system; and, for the first time, an opportunity has been afforded of testing the tendency of the practice, and witnessing the mighty increase which it has given to the force of executive patronage, and the entire and fearful change, in conjunction with other causes, it is effecting in our political system. Nor will it require much reflection to perceive in what manner it contributes to increase so vastly the extent of executive patronage.

"So long as offices were considered as public trusts, to be conferred on the honest, the faithful, and capable, for the common good, and not for the benefit or gain of the incumbent or his party, and so long as it was the practice of the Government to continue in office those who faithfully performed their duties, its patronage, in point of fact, was limited to the mere power of nominating to accidental vacancies or to newly created offices, and would, of course, exercise but a moderate influence either over the body of the community or over the office-holders themselves; but when this practice was reversed—when offices, instead of being considered as public trusts, to be conferred on the deserving, were regarded as the spoils of victory, to be bestowed as rewards for partisan service—it is easy to see that the certain, direct, and inevitable tendency of such a state of things is to convert the entire body of those in office into corrupt and supple instruments of power, and to raise up a host of hungry, greedy, and subservient partisans, ready for every service, however base and corrupt. Were a premium offered for the best means of extending to the utmost the power of patronage; to destroy the love of country, and to substitute a spirit of subserviency and man-worship; to encourage vice and to discourage virtue; and, in a word, to prepare for the subversion of liberty and the establishment of a despotism, no scheme more perfect could be devised; and such must be the tendency of the practice, with whatever intention adopted, or to whatever extent pursued."

The remedy proposed, both by Mr. Benton and Mr. Calhoun, to reduce this inordinate power, was to pass a law repealing the section of the act of 1820 which limited the appointment of certain officers to four years; and also requiring the President, when he removed any officer, to lay the cause of his removal, at the time of nominating his successor, before the Senate.

Mr. Webster supported this measure of Mr. Calhoun's in a speech of unsurpassed ability, in which he said:

"I concur with those who think that, looking to the present, and looking also to the future, and regarding all the probabilities of what is before us, as to the qualities which shall belong to those who may fill the Executive chair, it is important to the stability of Government and the welfare of the people, that there should be a check to the progress of official influence and patronage. The unlimited power to grant office and to take it away gives a command over the hopes and the fears of a vast multitude of men. It is generally true that he who controls another man's means of living controls his will. Where there are favors to be granted there are usually enough to solicit for them; and when favors once granted may be withdrawn at pleasure, there is ordinarily little security for personal independence of character. The power of giving office thus affects the fears of all who are in and the hopes of all who are out. Those who are out endeavor to distinguish themselves by active political friendship, by warm personal devotion, by clamorous support of men in whose hands is the power of reward: while those who are in ordinarily take care that others shall not surpass them in such qualities or such conduct as is most likely to secure favor. They resolve not to be outdone in any of the works of partisanship. The consequence of all this is obvious. A competition ensues, not of political labors, not of rough and severe toils for the public good, not of manliness, independence, and public spirit, but of complaisance, of indiscriminate support of Executive measures, of pliant subserviency, and gross adulation. All throng and rush together to the altar of man worship, and there they offer sacrifices and pour out libations till the thick fumes of their incense turn their own heads, and turn also the head of him who is the object of their idolatry.

"Sir, we can not disregard our own experience. We can not shut our eyes to what is around us and upon us. No candid man can deny that a great, a very great change has taken place within a few years, in the practice of the executive government, which produced a corresponding change in our political condition. No one can deny that office of every kind is now sought with extraordinary avidity, and that the condition, well understood to be attached to every office, high or low, is indiscriminate support of Executive measures, and implicit obedience to Executive will. For these reasons, sir, I am for arresting the further progress of Executive patronage if we can arrest it. I am for staying the further contagion of this plague."

This extract is fraught with momentous truths, and some of the gravest of them are enforced by the present political position of the intellectual giant who gave them utterance. When he illustrates them, not less by his own lamentable example than by the graphic vigor with which he has stated them, who can refuse to give heed to the solemn lesson which they teach?

Mr. Clay also gave the same measure his earnest support, and, in the course of his argument on the occasion, he said: "We can now deliberately contemplate the vast expansion of Executive power, under the present administration, free from embarrassment. And is there any real lover of civil liberty who can behold it without great and just alarm? Take the doctrines of the protest and the Secretary's report together, and, instead of having a balanced Government, with three co-ordinate departments, we have but one power in the State. According to these papers, all officers concerned in the administration of the laws are bound to obey the President. His will controls every branch of the administration. No matter that the laws may have assigned to other officers of the Government specially defined duties; no matter that the theory of the Constitution and the law supposes them bound to the discharge of those duties according to their own judgment, and under their own responsibility, and liable to impeachment for malfeasance; the will of the President, even in opposition to their own deliberate sense of their own obligations, is to prevail, and expulsion from office is to be the penalty of disobedience!"

"The basis of this overshadowing superstructure of Executive power is the power of dismission, which it is the object of one of the bills under consideration somewhat to regulate, but which, it is contended by the supporters of the Executive authority, is uncontrollable. The practical exercise of this power during this administration has reduced the salutary co-operation of the Senate as approved by the Constitution in all appointments to an idle form. What avail is it that the Senate shall have passed upon a nomination if the President at any time thereafter, even the next day, whether the Senate be in session or vacation, without any known cause, may dismiss the incumbent? Let us examine the nature of this power. It is exercised in the recesses of the Executive mansion, perhaps upon *secret* information. The accused officer is not *present or heard*, nor confronted with the witnesses against him, and the President is judge, juror, and executioner. *No reasons* are assigned for the dismission, and the public is left to conjecture the cause. Is not a power so exercised essentially a despotic power? It is adverse to the genius of all free government, the foundation of which is responsibility. Responsibility is the vital principle of civil liberty, as irresponsibility is the vital principle of despotism. Free government can no more exist without this principle than animal life can be sustained without the presence of the atmosphere. But is not the President absolutely irresponsible in the exercise of this power? How can he be reached? By impeachment? It is a mockery."

How is this corrupting and tremendous power to be bridled? All the great men who advocated the measure of Mr. Benton and Mr. Calhoun, whilst they maintained it would effect much good, conceded it would be a very inadequate remedy. In the opinion of your committee, a more effective one would be, for Congress to pass a law repealing the limitation to office under the law of 1820, and requiring all officers having the power to dismiss a subordinate to furnish each person removed from office with the cause, in writing; and also to report forthwith the name of the officer, and the cause of his removal, to the President; and that the President, at the ensuing session of Congress, report to each House a full list of all officers removed since the preceding session, with the causes, severally, of their removal; and, also, that the Senate assert and maintain its constitutional right to concur or to refuse to concur in the removal of every officer to whose nomination it has advised and consented. As to the first branch of this proposition, there can be no doubt of the power of Congress to establish it by law. The second section of the second article of the Constitution provides: "But the Congress may by law vest the appointment of such inferior officers as they think proper, in the President, in the courts of law, or in the heads of Departments."

If Congress were to pass, as it has passed, many such laws, thus vesting the appointment of inferior officers, it could prescribe a particular mode for their removal, and any other conditions that might be thought proper. The justice and sound policy of *that condition* is undeniable. All offices are created exclusively for the convenience and benefit of the people; and, whilst none belong to the incumbent, certainly none belong the incumbent of *any other office*. No removal should ever take place except when the *public weal* requires it; and whenever and wherever such is the state of the fact, there is a specific cause why it is so. If there be no such cause, no removal ought to be made, as, independent of its generally dangerous and corrupting tendency, it might be both unjust to the individual officer and detrimental to the public service. There might be no cause, and yet one might be falsely assumed; wherefore, the officer exercising this power ought to be required to set forth to the person dismissed the ground of the proceeding, that he, knowing its truth or its falsehood, might have an opportunity to arraign his superior for an abuse of power, both before the country and Congress. All such cases ought to be reported to Congress, that it might know how a power which it had authorized was executed, and that it might correct and punish its perversion.

Why should there be any secrecy in these matters? Secrecy is not an element of our system—its great and fundamental law is public opinion; and how can this be wisely and justly formed, when the facts which are necessary to enlighten it are concealed as "*state secrets*." It is only falsehood and corruption, wrong and oppression, that are sought to be wrapped in darkness; the officer who means and acts well dreads not the sunlight! There may be rare cases where secrecy in the removal of public officers would promote the public good, but the mischief and immorality inseparable from such a system will preponderate a thousand fold.

The clause repealing the section of the act of 1820 which limits the appointment of certain officers to four years, it is also believed, will be of great practical utility. All those officers at the termination of that period are, by operation of law, removed for the President, without any act on his part; and he may commit the greatest improprieties in filling the vacant places, without incurring any liability for the displacement of faithful public agents. This regulation swells considerably his power, as it makes a great many vacancies with the certainty of the returning year, and subjects the incumbents more inexorably to his will than if the exertion of the power of removal was a preliminary operation. Such repeal would, besides, add somewhat to the permanency and certainty of the tenure by which office would be held; and such tenure should at least be as certain and permanent as the fidelity and fitness of the officer.

But warped from some of its most essential and fundamental principles, as our Government has been, by the vast accession to the power of the Executive, the only mode by which it can be demonarchized is to return to that great conservative principle of the Constitution, that the President by his single action can not permanently and absolutely displace any officer. He is made the depository of the *executive power, and the whole executive power of our Government*—not an indigested and vague executive power—not that of France, or of England, of Russia, or of Turkey, of this age, or of any past one, but as it is defined, established, organized, and circumscribed by our own Constitution; and he can not, without usurpation, wield one particle more. Our fathers conceived and fabricated their own edifice of government; they mixed and compounded different principles, but they made the structure complete after its own order. The ideas attached to the phrases "legislative powers," "executive power," and "judicial power," as used in our Constitution, are unique, and their significance is only to be learned correctly as they are taught in that instrument.

There are certain powers of our Government that are purely *legislative*, others pure *executive*, and others purely *judicial*; and there are certain other powers that belong to *neither* of those classes; and because they are to be exercised by one of the departments, or a branch thereof, does not make them legislative, executive, or judicial. The House of Representatives may impeach officers of the Government; and, when the electors fail to elect the President, is to choose that officer, and yet neither of these acts is of a legislative character. The President, by and with the advice and consent of the Senate, is clothed with

the full appointing power. The function of the Senate to approve or reject the President's nominations is not legislative; nor is it executive in our system, because, to be so, it must appertain to the *President*. Neither is the act of nominating to office an executive power, or, indeed, of *itself, any power*; it is merely a constitutent, an element of a power, to be furnished by the agency of the President, as the other constitutent is to be produced by the action of the Senate. If the President's nomination be rejected, nothing has been effected by it; both must concur and combine to constitute a power, a faculty in the business of the Government.

From these plain principles it is apparent that theoretical constructions of the provisions and powers of our Constitution, by analogies drawn from other governments, are very liable, as they have led to great errors; and, as a general rule, it is much safer to construe our Constitution of itself, and by itself, especially as it is a government, not of original and plenary, but of delegated and limited powers. Though the power of appointment in our peculiar system is given conjointly to the President and the Senate, yet their action is separate and independent, and each equally necessary to effect the result. The "advice and consent" of the Senate is as indispensable as the nomination of the President to fill an office.

The Constitution is wholly silent upon the subject of removals from office, except by impeachment; and if another and more summary mode of displacing a faithless or incompetent officer is necessary and proper to secure a due execution of the laws, the position might be very plausibly assumed, that *the mode* would involve an implied legislative power, and was therefore vested in Congress. This position would be strongly supported by quoting from the Constitution: "Congress shall have power to make all laws which shall be necessary and proper for carrying into execution the foregoing powers, and all other powers vested by this Constitution in the *Government* of the United States, or in *any department* or *office* thereof." But the more general opinion seems to be, that the power of appointment implies and carries along with it the power of removal. That a power to create imports *the* power to destroy, may be assumed to be a general truth, both in logic and philosophy; and this principle would lead directly to the conclusion that the power of appointment and removal are blended, but for the clause in the Constitution before quoted. However, the committee will not further controvert the general judgment on this point.

It is believed that there are but few statesmen or jurists in our country but who concede that an officer can not be constitutionally removed by the President without the concurrence of the Senate, and that practice and pretty general acquiescence alone sanction the contrary doctrine. In the case of Hennen *ex parte*, the Supreme Court have decided that Congress had authorized the United States district courts to appoint their clerks, and, "in the absence of all *constitutional provision* or *statutory regulation*, it would seem to be a sound and *necessary* rule to consider the power of removal as incident of the power of appointment." The judgment of the court consequently was that the district court could at pleasure remove its clerk. Here is a recognition of the general principle by the highest judicial tribunal of the nation; and it is strictly applicable to the question now under examination, because there is no clause in the Constitution, except that which establishes and regulates the power of appointment, from whence a power of removal in any mode except by impeachment can be deduced.

In the execution of this auxiliary power of removal, it would be just as logical for the Senate to contend for an exclusive right to remove from office as that the President should; for either to do so would be equally paradoxical. The power which is implied and incidental must be congruous with the express and the principal power; and it is absurd to say that though both the President and the Senate must combine, by distinct and independent operation, to effect a certain act, yet that *he*, in the exercise of a faculty only inferred from what he *is expressly* authorized to do, may, the next hour and at all times afterward, reverse and abrogate the joint act of himself and the Senate. The political effect would be yet more preposterous. The Senate is expressly established by the Constitution as a check upon the President in the execution of the appointing power. If the power of removal be accorded to him absolutely and exclusively, it practically destroys this restraint, and the power *expressly* conferred upon the Senate becomes to be expunged by the *implied* power of the President. Whenever an officer refused to submit to his will, and to carry out his culpable objects, or, from any cause, was obnoxious to him, he would immolate him by his own stern fiat; and the utmost the Senate could do would be to force him to nominate a succession of his favorites and tools. The framers of the Constitution did not do their work after this manner.

The connection between the President and the Senate, in the appointing power, continues in all its forms, whether express or incidental. So, if the Constitution had required the approval of the House of Representatives, also, of the President's nominations to office, the power of removal would have been incidental to the President and the two Houses of Congress, and all would necessarily have to concur to dismiss an officer. The implied power is to the principal and express one what the shade is to the substance: when the latter exists in a duplicate form the former can not be single, but is stamped with and represents the perfect figure of the thing which gives it existence. We are examining what the Constitution is, not what it ought to be; and yet, with the construction which we give it, we are prepared to maintain that it is exactly what it should be.

It was during the first session of the first Congress under our Constitution that a legislative construction was given to that instrument, which vested the power of removal in the President alone. Such members of the convention as were then in Congress were equally divided on this (then new) question. Washington was the man to whom the power was to be accorded or denied. The Senate was equally divided, and its decision was rendered by the casting vote of the *Vice-President*; whilst the majority in the House was not large. The pure minds of those who maintained the position that this was an executive power, and belonged to the President exclusively, could not conceive the flagitious abuse that has since marked its exercise; and if, after all the impressive admonition of subsequent experience, the men who established that unfortunate heresy could be recalled from the tomb, to consider the question now for the first time, it is impossible to doubt that they would settle it differently.

The considerations then urged in support of the position that this power was appendant to the President alone, are mainly those of *convenience, expediency, necessity*; and the strength of the argument, embracing constitutional law, the sound sense of the case, and a safe policy, are clearly on the other side of the question. Under every administration previous to 1829, except that of Mr. Jefferson, it was a dormant power, as no other President, in eight years, exceeded twelve removals, and all were for cause which the Senate would probably have deemed sufficient, and which were therefore silently ratified by the country. Even Mr. Jefferson removed but about forty officers in his two terms, and the reason why the people did not manifest a greater repugnance to his exercise of this power was that much the larger number of the offices of Government were held by his political opponents.

In 1829, a wary and keen-sighted party thought it could descry, that this power was about to be exerted by the existing administration, for the proscription of political opinions; and then its constitutional authority was boldly and justly denied. This construction was given in a speculative form in 1789; it was never practically asserted until 1801, and only for a brief season and to a very limited extent. So soon as it was deliberately examined by the generation of men who succeeded those by whom it was originally made, upon the presumption that it was about to become an active administrative power, the weight of the highest reason and of the most erudite attainments of the whole country decided against it. That decision is still unreversed and in full force; so that this anomalous and unconstitutional power has not the sanction of general acquiescence to sustain it.

Your committee concede that where the constitutionality of a power is doubtful, and yet it is highly expedient and proper that it should exist, and it has been exerted by successive Congresses, approved and confirmed by the other departments of the Government, and ratified and sustained by the people, all this concurring must be considered as conclusive of the question. But where a power, like the one now controverted, has only been prospectively considered and recognized, and long before any case for its exercise had arisen, the weight of authority for and against it being, then, nearly an equipoise, the power itself not being necessary for a due administration of the Government, but tending irresistibly to its corruption, the destruction of its checks and balances, and the overthrow of popular liberty, your committee are far from thinking that it is entitled to the consideration due such a sanction; on the contrary, they have no hesitation in recommending its unconditional and immediate renunciation.

They will now proceed to fortify their general position of hostility to this power by the weight of some of the greatest men which our country has ever produced. Mr. Benton, in his report before quoted from, says: "It is no longer true that the President, in dealing out offices to members of Congress, will be limited, as supposed in the Federalist, to the inconsiderable number of places which may become vacant by the ordinary casualties of death and resignations: on the contrary, he may now draw, for that purpose, upon the whole entire fund of the executive patronage. Construction and legislation have effected this change.

"In the first year of the Constitution, a construction was put upon that instrument, which enabled the President to create as many vacancies as he pleased, and at any moment he thought proper. This was effected by yielding to him the *kingly prerogative* of dismissing officers without the formality of trial. The authors of the Federalist had not foreseen this construction; so far from it, they had asserted the contrary, and arguing logically from the premises, 'that the dismissing power was appertinent to the appointing power,' they had maintained, in No. 77 of that standard work, that, as the consent of the Senate was necessary to the appointment, so the consent of the same body would be equally necessary to his dismission from office. But this construction was overruled by the first Congress which was formed under the Constitution; the power of dismission from office was *abandoned* to the President alone; and, with the *acquisition* of this prerogative alone, the *power* and patronage of the Presidential office was instantly increased to an indefinite extent," &c.

Mr. Webster's speech in favor of the bill reported by Mr. Calhoun is among the most cogent and powerful emanations of his mighty mind. In a series of unanswerable arguments, he assaults and overthrows this exclusive power of the President to dismiss from office, and concludes: "On the whole, sir, with the diffidence which becomes one who is reviewing the opinions of some of the ablest and wisest men of the age, I must still express my own conviction that the decision of Congress, in 1789, *which separated* the power of removal from the power of appointment, was founded on an erroneous construction of the Constitution, and that it has led to great inconsistencies as well as to great abuses, in the subsequent, and especially in the more recent, history of the Government.

"I think, then, sir, that the power of appointment naturally and necessarily includes the power of removal, where no limitation is expressed, nor any tenure but that at will declared. The power of appointment being conferred on the President and Senate, I think the power of removal went along with it, and should have been regarded as a part of it and exercised by the same hands. I think, consequently, that the decision of 1789, which implied a power of removal separate from the appointing power, was erroneous.

"But I think the decision of 1789 has been established, and recognized by subsequent law, as the settled construction of the Constitution; and that it is our duty to act upon the case accordingly for the *present*, without *admitting* that Congress may not, if necessity shall require it, *reverse* the decision of 1789. I think the Legislature possesses the power of *regulating the condition, duration, qualification*, and *tenure of office*, in all cases, where the Constitution has made *no express provision* upon the subject."

Mr. Clay also controverts this noxious interpolation of the Constitution with extraordinary force of argument, and, after having made a luminous analysis of the precedent by which it was established, he denies that it is conclusive, and adds: "A precedent established against the weight of argument, by a House of Representatives greatly divided, in a Senate equally divided, under the influence of a reverential attachment to the Father of his Country, upon the condition that, if the power were applied, as we know it has been in hundreds of instances recently applied, the President himself would be justly liable to impeachment and removal from office; and which, until this administration, has never, since its adoption been thoroughly examined or considered." Mr. Clay gave Mr. Calhoun's bill his hearty support, and he prepared an amendment and gave notice of his intention to offer it, which provided, in substance, that the President should exercise the power of removal only in concurrence with the Senate; when the Senate was not in session, he might suspend an officer, but was required to communicate the fact, together with the cause, to the Senate at its next session, and unless that body concurred, the suspended officer to be *ipso facto* reinstated in his place.

In the opinion of the committee, this proposition of Mr. Clay comprehends the true exposition of the Constitution. The President is exclusively invested with the appointing power, to fill all vacancies happening during the recess of the Senate, the duration of the appointment being limited by the termination of its ensuing session. If the power of removal is incident to, attendant upon, and correspondent with, the power of appointment, it would follow that the President, during the recess of the Senate, would be authorized to exercise a correlative power of removal. As his appointments, made at such times, would determine and expire at the end of the ensuing session of the Senate, so his removals or suspensions from office would be operative only for the same period; and, unless the Senate also agreed to the dismissal of the officer, he would, by operation of the constitutional principle, be fully reinstated in his place. While the Senate was in session, the President could not displace any more than he could appoint an officer, but would have to state his decision to remove, together with the cause, to the Senate; and unless it advised and consented thereto, no removal would ensue.

This construction, it is believed, is in strict conformity both to the letter and the spirit of the Constitution, and would bring back the administration of the Government to its true principles. It would tend greatly to reduce the colossal power of the President, and to restore to the other departments their just constitutional weight and independence. It would not impair the necessary energy and efficiency of the executive branch, or obstruct in any considerable degree the proper responsibility to which inferior officers ought to be held. For faithlessness, incompetency, or any other cause, the President could suspend; and the reasonable presumption is, that whenever it was right that the officer should be permanently displaced, the Senate would ratify his act. Some inconvenience would no doubt be produced by this practice—a bad officer might be occasionally continued in place longer than would be compatible with the public interest—the Senate might have more business thrown upon it; but with all its inconveniencies, even if the sessions of the Senate were thereby made perpetual, it would be incomparably preferable to existing things. The one would introduce only transient and minor evils, the other is certainly bringing on the subversion of our whole system of constitutional liberty.

But there would be other beneficial consequences of the utmost importance. A great appreciation in the character of our public officers, particularly in the inferior grades, would ensue. From the degradation of physical and moral servitude they would rise to the dignity of free and independent thought, opinion,

and action; they would exchange the trembling uncertainty of a ceaseless dread of the oppression of bad men for a reasonable assurance that qualifications, fidelity, and decorum in office, would enable them to maintain their places. The President and the Senate would become what the Constitution intended they should be—mutual checks—and both would then be subject to a proper responsibility at the bar of public opinion, and be required to justify every case of removal. This would be a valuable immunity to inferior officers.

When this reform should have had time to operate, and to produce its legitimate fruits, there would not be a great many cases in which it would be necessary to exercise the power of removal. The subordinate being no longer subject to the tyrant's law—the uncontrolled will of one man—he would begin to feel too much security and cherish too much self-respect to play the parasite and the pander. Rising with the consciousness that he now belonged to the country, and not to his official superior, patriotism and a sense of duty would take the place of supple hypocrisy and venal man-worship. Occupying a position to mark official malfeasance, both above and below him, each officer would be a sentinel on his associates, because he would know that he would be rewarded, and not dismissed and punished, for the revelation of their delinquencies. Officers exercising the power of appointing to inferior places, not being able to reduce their nominees to the condition of minions, would at length begin to feel the promptings of a sense of duty and a regard for their own fame, and look for moral and business qualities.

The infamous spoils system, with all its abhorrent and demoralizing concomitants, would be overthrown. The Presidential election—that moral volcano which breaks forth periodically in its terrible eruptions, and in the intervals keeps the whole country heaving and tossing in wild commotion—would be tamed of that excited and convulsive energy which menaces the overthrow of social order; for it is this power of removal, enabling the President at will to reclaim and regrant fifty thousand places, and thus to sway the hopes and the fears of at least four times that number of men, diffused over the whole confederacy, which has rendered the Presidential election not the most sober, well-considered, and well-purposed act which this great people perform, but one general and wild conflict of passion, venality, corruption, and violence.

The past assures us of what would be the future state of things if the principle that an officer is only to be removed for sufficient cause should be again established. Under Washington, Madison, Monroe, and the two Adamses it fully obtained, and there was hardly occasion to exert it once on the average during each year of the administration of these Presidents; and yet, in those better days of the Republic, the superiority of the officers of the Government over those of this day, in capability, fidelity, and virtue, is most striking. The people were then neither better, nor wiser, nor more patriotic, nor more devoted to business than now, nor were our general condition and circumstances more favorable to the preservation of public and private virtue in Government agents. It is the degenerate and demoralizing "spoils principle" which has contributed more than any other cause to defile our whole system, and is precipitating us so rapidly upon premature decay and ruin; and we must expel it if we would save our free and glorious institutions.

The present predicament of the Executive power affords no argument against the truth of the positions we have assumed. The President came fortuitously into office without a party, and not himself occupying the position of a party leader. Repudiating both the party which had elevated him to the Vice-Presidency and that which had opposed his election, he attempted the irrational and impossible task of building up for himself a third one. This was an impossibility, because the two antagonist parties constitute the entire people, their cohesion having been established by years of affiliation upon distinct and well-contested systems of measures, and because the President himself is very far from being a man who, under the most favorable circumstances, could gather together and form a party. The gigantic executive power of the Government is at at this time as near an abstraction, an ideality, notwithstanding the ill-concerted and desperate attempts to make it practically effective, as it is possible to be; but its very repose and inertion will cause it, when aroused and directed by a capable man, to act with renovated vigor. The present conjuncture is most propitious for its reduction. The relaxation of party prejudice and intolerance in a very sensible degree, a calmer and more impartial view of principles, measures, and men, and the total inability of the present incumbent to interpose any obstacle, except by the exercise of the veto, all seem to allure Congress now to attempt this great reform.

Mr. Tyler was a member of the Senate when Mr. Calhoun introduced his measure, and his name is found among the majority of that body which voted for it. His public position has been distinctly that of an advocate for the diminution of Executive power. In his address to the people of the United States, on entering upon the discharge of the duties of the Presidential office, we find the following passage: "In view of the fact, well avouched by history, that the tendency of all human institutions is to concentrate power in the hands of a single man, and that their ultimate downfall has proceeded from this cause, I deem it of the most essential importance that a complete separation should take place between the sword and the purse. No matter how or where the public moneys shall be deposited, so long as the President can exert the power of appointing and removing at his pleasure the agents selected for their custody, the Commander-in-Chief of the Army and Navy is in fact the treasurer. A permanent radical change should therefore be decreed."

The patronage incident to the Presidential office, already great, is constantly increasing. Such increase is destined to keep pace with our population, until, without a figure of speech, an army of office-holders will overspread the land. The unrestrained power exerted by a selfish, ambitious man, in order either to perpetuate his authority or to hand it over to some favorite as his successor, may lead to the employment of all the means within his control to accomplish his object. The right to remove from office, while subjected to no just restraint, is inevitably destined to produce a spirit of crawling servility with the official corps, which, in order to uphold the hands which feed them, would lead to direct and active interference in elections, both State and Federal, thereby subjecting the course of State legislation to the dictation of the chief executive officer, and making the will of that officer absolute and supreme. I *will*, at a proper time, invoke the action of Congress upon this subject, and shall readily acquiesce in the adoption of all proper measures which are calculated to arrest these evils, so full of danger in their tendency. I will remove *no incumbent* from office who has faithfully and honestly acquitted himself of the duties of his office, except in such cases where such officers have been guilty of an active partisanship, or by secret means, the less manly, and therefore the more objectionable, has given his official influence to the purposes of party, thereby bringing the patronage of the Government into conflict with the freedom of elections.

In his message to Congress at the commencement of the extra session, he again takes up the same subject and treats it thus: "The power of appointing to office is one of a character the most delicate and responsible. The appointing power is ever more exposed to be led into error. With anxious solicitude to select the most trustworthy for official station, I can not be supposed to possess a personal knowledge of the qualifications of every applicant. I deem it therefore proper, in this most public manner, to invite, on the part of the Senate, a just scrutiny into the character and pretensions of every person whom I may bring to their notice in the regular form of a nomination for office. Unless persons every way trustworthy are employed in the public service, corruption and irregularity will inevitably follow. I shall, with the *greatest cheerfulness*, acquiesce in the decision of that body, and, regarding it as wisely constituted to aid the Executive department in the performance of this delicate duty, I shall look to its "consent and advice" as *given only* in furtherance of the best interests of the country. I shall also, at the earliest proper occasion, *invite* the attention of Congress to such measures as, in my judgment, will be best calculated to *regulate and control* the Executive power, in reference to this vitally interesting subject.

In his message at the beginning of the present session, he again presents this subject, thus: "I feel it my duty to bring under your consideration a practice which has *grown up* in the administration of the Government, and which I am deeply convinced ought to be corrected. I allude to the exercise of power which *usage, rather than reason*, has vested in the President, of removing incumbents from office, in order to substitute others more in favor with the dominant party. My own conduct, in this respect, has been governed by a conscientious purpose to exercise the removing power only in cases of unfaithfulness or inability, or in those in which its exercise appeared necessary in order to *discontinue* and *suppress* that spirit of active partisanship, on the part of holders of office, which not only withdraws them from the steady and impartial discharge of their official duties, but exerts an undue and injurious influence over elections, and degrades the character of the Government, inasmuch as it exhibits the Chief Magistrate as being a party, through his agents, in the secret plots or open workings of political parties.

"In respect to the exercise of this power, nothing should be left to discretion which may safely be regulated by law; and it is of high importance to restrain, as far as possible, the stimulus of personal interests in public elections. Considering the great increase which has been made in public offices in the last quarter of a century, and the probability of further increase, we incur the hazard of witnessing violent political contests, directed too often to the single object of retaining office by those who are in, or obtaining it by those who are out. Under the influence of these convictions, I shall cordially concur in any constitutional measure for regulating, and, by *regulating, restraining* the power of removal." These are just and sensible views, mixed up with a profusion of fine promises, and the country may hope for something from Mr. Tyler when he proceeds to redeem these promises.

In conformity to the opinions herein set forth, your committee ask leave to report the subjoined resolutions, and a bill providing for the repeal of the limitation of four years to the appointment of certain officers, by the act of Congress of 1820; and that, whenever an officer is dismissed, he shall be furnished, by the authority dismissing him, with the cause thereof, in writing; and in every case where the dismission may be made by any other officer or officers than the President, it shall be his or their duty forthwith to report to the President the name of the officer so removed, together with the cause of the removal; and the President to report to both Houses of Congress, at its next session, all such cases, with the cause of the removal of each officer:

Resolved, That the Hon. John C. Spencer, Secretary of War, in having removed Henry H. Sylvester, late a clerk in the Pension Office, is properly chargeable with injustice and oppression toward the said Henry H. Sylvester, and of culpable abuse of his authority as Secretary of War.

Resolved, That both Houses of Congress, and especially the House of Representatives, as the grand inquest of the nation, have a constitutional right at all times to free access to the Executive Departments of the Government for the examination of all papers therein, whether regarded by the head of the Department as public or as private and confidential; and, also, to copies of all such papers, from the officer or officers having their custody, as either House may require.

Resolved, That the power of removal from office is not expressly conferred by the Constitution, but that it is incidental to and derivable from the power of appointment, and is consequently to be exercised by such officers and branches of the Government as are invested by the Constitution and laws with the power of appointment; that a power of removal belongs neither to the President nor the Senate exclusively, but to both conjointly, and as incidental to the separate agency of each in appointing to office; that as the President is clothed by the Constitution during the recess of the Senate with the full appointing power to all vacancies occurring during such recess, his appointment to continue until the end of the ensuing session of the Senate, so he may during such recess exercise the incidental and correlative power of removal, to have effect for the same time, and at the next ensuing session of the Senate it is his *constitutional duty* to lay before that body the names of all officers whom he may have removed during its preceding vacation, *together with the cause, specifically, of the removal*; and if the Senate do at that session advise and consent to such removal the said officer is thereupon absolutely and permanently displaced, otherwise he is, by the operation of the Constitution, at the end of said session, reinstated in his office, with all its rights and privileges; and where the President during the session of the Senate decides to remove an officer it is his duty under the Constitution to communicate the name of such officer to the Senate, with the specific cause for his removal; and unless that body advise and consent to the removal of such officer no removal whatever takes place, and he continues in his office as though there had been no such proceeding against him.

The undersigned, a member of the committee appointed on the case of Henry H. Sylvester, concurs in the report of the majority of said committee, so far as it is a statement of the facts and circumstances attending the removal of said Sylvester; and he also concurs in the first resolution submitted by the majority. But, although he finds much to approve in the residue of the report of the majority, and with pleasure bears his testimony to the great force and ability with which it is drawn, he dissents from it in the main, and also from the two remaining resolutions and the bill recommended by the majority to the House. And particularly does he dissent from the third and last resolution in the report of the majority; regarding it as asserting a principle which, if carried out in practice, would virtually vest the entire power of appointment to and removal from office in the Senate, and in fact the whole executive power of the Government, a result which, in his belief, the framers of the Constitution never contemplated; which is against the contemporaneous exposition given to that instrument, and which would, in effect, constitute the Senate the supervisor and dictator of the Executive, and end in that concentration of power in one branch of the Government which the faithful and vigilant patriot has ever feared and sought to avoid. The undersigned might go into an elaborate argument to sustain his views in relation to the subjects submitted by the majority, but he at present contents himself with the simple expression of his opinion, and his dissent from that part of the report, and the resolutions, and bill of the majority, to which he has above referred.

EDMUND BURKE.

BILLS INTRODUCED.

Mr. ALDRICH introduced a bill (S. 1569) establishing additional life-saving stations on the sea and lake coasts of the United States; which was read twice by its title, and referred to the Committee on Commerce.

He also introduced a bill (S. 1570) granting a pension to Mary Ann Vars; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Pensions.

He also introduced a bill (S. 1571) granting a pension to Abbie M. Hay; which was read twice by its title, and referred to the Committee on Pensions.

Mr. CAMERON introduced a bill (S. 1572) to amend an act entitled "An act to provide a building for the use of the United States circuit and district courts of the United States, the post-office, and other Government offices at Williamsport, Pa.," and making an additional appropriation therefor; which was read twice by its title, and referred to the Committee on Public Buildings and Grounds.

He also introduced a bill (S. 1573) to increase the appropriation for the erection of the public building at Reading, Pa.; which was read twice by its title, and referred to the Committee on Public Buildings and Grounds.

He also introduced a bill (S. 1574) for the relief of Snowden and Mason; which was read twice by its title, and referred to the Committee on Claims.

He also introduced a bill (S. 1575) fixing the positions of assistant astronomers at the United States Naval Observatory, and for other purposes; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Naval Affairs.

Mr. DOLPH (by request) introduced a bill (S. 1576) for the relief of Col. James C. Duane; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Claims.

Mr. DAWES introduced a bill (S. 1577) to amend the third section of an act entitled "An act to provide for the sale of the Sac and Fox and Iowa Indian reservations in the States of Nebraska and Kansas, and for other purposes," approved March 3, 1885; which was read twice by its title, and referred to the Committee on Indian Affairs.

Mr. VAN WYCK (by request) introduced a bill (S. 1578) for the erection of a public building at Cheyenne, Wyo.; which was read twice by its title, and referred to the Committee on Public Buildings and Grounds.

Mr. COLQUITT introduced a bill (S. 1579) to provide for the suppression of the traffic in intoxicating liquors in the District of Columbia; which was read twice by its title, and referred to the Committee on the District of Columbia.

Mr. HAWLEY (by request) introduced a bill (S. 1580) for the relief of Maj. James Belger; which was read twice by its title, and referred to the Committee on Military Affairs.

He also introduced a bill (S. 1581) granting a pension to Gertrude K. Lyford; which was read twice by its title, and referred to the Committee on Pensions.

Mr. SABIN introduced a bill (S. 1582) for the relief of Alpheus R. French, pensioner No. 193391; which was read twice by its title, and referred to the Committee on Pensions.

He also introduced a bill (S. 1583) fixing compensation of United States marshals and deputies, and for other purposes; which was read twice by its title, and referred to the Committee on the Judiciary.

Mr. PALMER introduced a bill (S. 1584) for the relief of Cornelia R. Schenck; which was read twice by its title, and referred to the Committee on Pensions.

Mr. INGALLS (by request) introduced a bill (S. 1585) to compensate Mr. Benjamin Smith for services in the Union Army; which was read twice by its title, and referred to the Committee on Pensions.

He also introduced a bill (S. 1586) granting a pension to Marie Hollander; which was read twice by its title, and referred to the Committee on Pensions.

He also introduced a bill (S. 1587) in relation to the trustees of the Reform School of the District of Columbia; which was read twice by its title, and referred to the Committee on the District of Columbia.

Mr. PLUMB introduced a bill (S. 1588) granting a pension to John C. Adams; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Pensions.

Mr. RIDDLEBERGER introduced a bill (S. 1589) for the relief of J. W. Carpenter, pay-inspector United States Navy; which was read twice by its title, and referred to the Committee on Naval Affairs.

He also introduced a bill (S. 1590) for the relief of John Scott; which was read twice by its title, and referred to the Committee on Military Affairs.

Mr. HALE. By request I introduce a bill; I am in no way committed to its provisions.

The bill (S. 1591) to amend an act entitled "An act to authorize a retired-list for privates and non-commissioned officers of the United States Army who have served for a period of thirty years or upward," approved February 14, 1885, so that the same shall apply to the United States Navy; was read twice by its title, and referred to the Committee on Naval Affairs.

Mr. TELLER introduced a bill (S. 1592) to change the limit of appropriation for the public building at Denver, Colo.; which was read twice by its title, and referred to the Committee on Public Buildings and Grounds.

Mr. HOAR introduced a bill (S. 1593) to increase the pensions of soldiers, sailors, and marines who have been totally disabled; which was read twice by its title.

Mr. HOAR. I introduce the bill by request, but from an examination I am satisfied it ought to pass. I move that the bill be referred to the Committee on Pensions.

The motion was agreed to.

Mr. BOWEN introduced a bill (S. 1594) providing for a new basis for the circulation of national banks, and for other purposes; which was read twice by its title.

Mr. BOWEN. In introducing the bill I desire to say that it changes the present basis of the issue of notes to national banks, withdraws national-bank note circulation entirely, and substitutes United States notes on a basis of gold, silver, and bonds, one-third of each, with power to change the bonds into gold and silver at the option of the association. The banks under this bill will receive $1,000 in circulation for every $700 of coin and bonds, and as further security for the circulation a statutory lien is created on the general assets of the bank.

I will say further that the bill covers quite a number of questions, some of which have been discussed during the session, and that I should like to have the bill laid on the table, in order that at some future day I may call it up and by the consent of the Senate address the Senate on the subject.

The PRESIDENT *pro tempore*. The bill will lie on the table awaiting the motion of the Senator from Colorado.

Mr. COCKRELL introduced a bill (S. 1595) for the erection of a public building at Sedalia, Mo.; which was read twice by its title, and referred to the Committee on Public Buildings and Grounds.

Mr. MAHONE introduced a bill (S. 1596) to confirm to Emile Guerin and Cheri P. Major title to certain lands; which was read twice by its title, and referred to the Committee on Private Land Claims.

Mr. MILLER, of New York, introduced a bill (S. 1597) for the erection of a public building at Yonkers, N. Y.; which was read twice by its title, and referred to the Committee on Public Buildings and Grounds.

Mr. MORRILL introduced a joint resolution (S. R. 46) accepting from William H. Vanderbilt and Julia Dent Grant objects of value and art presented by various foreign governments to the late General Ulysses S. Grant; which was read twice by its title, and, with the accompanying papers, referred to the Committee on the Library.

PAPERS WITHDRAWN AND REFERRED.

On motion of Mr. CAMERON, it was

Ordered, That the petition and papers of W. H. Whiting be taken from the files and referred to the Committee on Military Affairs.

Ordered, That the papers in the case of Mrs. Mary G. Shott be taken from the files and referred to the Committee on Pensions.

On motion by Mr. MORRILL, it was

Ordered, That the papers with Senate bill No. 719, Forty-eighth Congress, first session, be taken from the files and referred to the Committee on Finance.

On motion of Mr. WILSON, of Iowa, it was

Ordered, That the papers in the case of "the American Grocer" be withdrawn from the files and referred to the Committee on Post-Offices and Post-Roads.

SALE OF LIQUOR NEAR SOLDIERS' HOME.

Mr. EDMUNDS. I offer the following resolution and ask for its present consideration:

Resolved, That the Committee on Military Affairs be, and it hereby is, instructed to inquire into the expediency of providing by law against the sale, furnishing, or keeping of intoxicating drinks in the near vicinity of the Soldiers' Home, in the District of Columbia, and that said committee report by bill or otherwise.

I should like to call the attention of the Committee on Military Affairs specially to this subject. Anybody who drives out of this town at any time, or rides or walks, will find the Soldiers' Home full of a large number of the old, broken-down soldiers of the United States, whom we are trying to make happy and comfortable there, surrounded by a cordon on every side—I believe really on every side and on every road—of dramshops, where these poor old fellows are tempted in and all their money gotten away from them, and they get too much stimulant and are frequently robbed on their way back. I should like to have the Military Committee consider (as we have in many of the States and in many cities in respect of public schools and other institutions) the propriety of seeing if we can not remove those temptations a little farther away

The resolution was considered by unanimous consent, and agreed to

COAST AND GEODETIC SURVEY REPORT.

Mr. MANDERSON submitted the following concurrent resolution; which was referred to the Committee on Printing:

Resolved by the Senate (the House of Representatives concurring), That there be printed 3,000 extra copies of the report of the Superintendent of the Coast and Geodetic Survey, showing the progress made in said survey during the year ending June 30, 1885, for distribution by said superintendent.

MICHAEL J. HEWSTON.

Mr. LOGAN. I ask that the bill (S. 329) to increase the pension of Michael J. Hewston, which was reported adversely yesterday, I think, or the day before, be placed upon the Calendar. The Senator from Tennessee [Mr. JACKSON] made the report, I think. I was not in the Chamber at the time.

The PRESIDENT *pro tempore*. If there is no objection the order by which the bill was indefinitely postponed will be reconsidered, and the bill will be placed on the Calendar with the adverse report of the committee.

SAINT LOUIS AND SAN FRANCISCO RAILWAY.

The PRESIDENT *pro tempore*. If there are no further "concurrent or other resolutions" the Calendar is now in order.

Mr. DAWES. I call for the regular order.

Mr. MAXEY. I ask the unanimous consent of the Senate to proceed to the consideration of Senate bill 91, Order of Business 201. I beg to state to the Senate, after a service of eleven years, it is a very rare thing

that I ask a favor of this kind. The bill is simply for the extension of time of a railroad which could not be built within the time prescribed by the original act on account of the stringency of the times. It was reported favorably by the Committee on Railroads, and at the suggestion of the Senator from Indiana [Mr. HARRISON] was referred to the Committee on Indian Affairs; and I am authorized by that committee to say that the passage of the bill will be approved by it. I ask unanimous consent that we proceed to consider the bill.

The PRESIDENT *pro tempore*. Pending the consideration of Order of Business 52, the bill (S. 184) for the relief of Pearson C. Montgomery, of Memphis, Tenn., which is the first bill in order on the Calendar, the Senator from Texas moves that the Senate proceed to the consideration of the bill (S. 91) to amend an act entitled "An act to grant a right of way for a railroad and telegraph line through the lands of the Choctaw and Chickasaw Nations of Indians to the Saint Louis and San Francisco Railway Company, and for other purposes."

Mr. PLUMB. While this is no doubt a very proper bill, at the same time——

The PRESIDENT *pro tempore*. The Chair must remind the Senator from Kansas that the motion is not debatable under the rules.

Mr. PLUMB. I shall object to taking up the bill now out of order for reasons which I think I can state to the satisfaction of the Senate.

The PRESIDENT *pro tempore*. The question is on the motion of the Senator from Texas to proceed to the consideration of the bill indicated.

The question being put, there were on a division—ayes 19, noes 9; no quorum voting.

Mr. MAXEY. I hope that I shall have no trouble about this matter. I have already stated that the bill was reported favorably——

Mr. INGALLS. If this question is to be debated, it is fair that both sides should be heard.

The PRESIDENT *pro tempore*. The Chair must remind the Senator from Texas that the motion is not debatable. On a division no quorum has voted.

Mr. ALLISON. I ask for the yeas and nays.

The yeas and nays were ordered.

Mr. HOAR. Will the Chair be kind enough to state the question again? Several Senators have just come in.

The PRESIDENT *pro tempore*. Pending the regular order, which is the Calendar, the Senator from Texas [Mr. MAXEY] moves to proceed to the consideration of the bill (S. 91) "to amend an act entitled 'An act to grant a right of way for a railroad and telegraph line through the lands of the Choctaw and Chickasaw Nations of Indians to the Saint Louis and San Francisco Railway Company, and for other purposes.'"

The Secretary will call the roll.

The yeas and nays were taken.

Mr. SAWYER. I am paired with the Senator from Delaware [Mr. SAULSBURY] on all questions.

Mr. COCKRELL. I desire to state that my colleague [Mr. VEST] is detained at home by illness, and will not be able to be present to-day.

The result was announced—yeas 31, nays 13; as follows:

YEAS—31.

Beck,	Eustis,	McPherson,	Sabin,
Blackburn,	George,	Manderson,	Sewell,
Brown,	Gibson,	Maxey,	Spooner,
Butler,	Gorman,	Morgan,	Teller,
Call,	Gray,	Palmer,	Van Wyck,
Cockrell,	Hampton,	Payne,	Voorhees,
Coke,	Harris,	Pike,	Wilson of Md.
Conger,	Kenna,	Pugh,	

NAYS—13.

Aldrich,	Frye,	Logan,	Wilson of Iowa.
Allison,	Hale,	McMillan,	
Chace,	Hoar,	Morrill,	
Edmunds,	Ingalls,	Platt,	

ABSENT—32.

Berry,	Dolph,	Jones of Nevada,	Riddleberger,
Blair,	Evarts,	Mahone,	Saulsbury,
Bowen,	Fair,	Miller of Cal.,	Sawyer,
Camden,	Harrison,	Miller of N. Y.,	Sherman,
Cameron,	Hawley,	Mitchell of Oreg.,	Stanford,
Colquitt,	Jackson,	Mitchell of Pa.,	Vance,
Cullom,	Jones of Arkansas,	Plumb,	Vest,
Dawes,	Jones of Florida,	Ransom,	Walthall.

So the motion was agreed to; and the Senate, as in Committee of the Whole, proceeded to consider the bill (S. 91) to amend an act entitled "An act to grant a right of way for a railroad and telegraph line through the lands of the Choctaw and Chickasaw Nations of Indians to the Saint Louis and San Francisco Railway Company, and for other purposes." It proposes to amend so much of section 5 of the act approved August 2, 1882, which requires that "within one year from the date of the acceptance of this act by said company as herein provided, the said company shall file with the Secretary of the Interior a map showing the definite location of its line of road and telegraph as designated in the first section of this act, and shall complete the said road and telegraph through the lands of said nations within the further period of one year," that the time within which the road and telegraph line is required to be completed shall be extended two years from the date of the passage of the present act.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

Mr. BERRY. I desire to make a motion.

Mr. VAN WYCK. Let me ask a question for information.

Mr. BERRY. I yield.

Mr. VAN WYCK. Did the act referred to in the bill just passed originally provide any grant of land through this territory?

Mr. MAXEY. No.

Mr. VAN WYCK. Nothing of that kind?

Mr. MAXEY. Nothing.

KANSAS AND ARKANSAS VALLEY RAILROAD.

Mr. BERRY. I move that the Senate proceed to the consideration of Senate bill 1484. I wish to say in regard to this matter that this was the first bill reported by the Committee on Railroads relative to a railroad in the Indian Territory.

The PRESIDENT *pro tempore*. The Chair must remind the Senator that on a motion to proceed to the consideration of a bill at this time debate is not in order.

Mr. BERRY. I move to proceed to the consideration of Senate bill 1484. I thought the Senator from Texas was allowed to speak on his motion.

The PRESIDENT *pro tempore*. The Chair called the attention of the Senator from Texas in the same way. The Senator from Arkansas moves to proceed to the consideration of Order of Business 191, being Senate bill 1484.

The motion was agreed to; and the Senate, as in Committee of the Whole, proceeded to consider the bill (S. 1484) to authorize the Kansas and Arkansas Valley Railway to construct and operate a railway through the Indian Territory, and for other purposes.

Mr. CONGER. I ask for the reading of the report in that case.

The PRESIDENT *pro tempore*. The report will be read.

The Chief Clerk read the following report, submitted by Mr. DAWES February 15, 1886:

The Committee on Indian Affairs, to whom was referred the bill (S. 90) "to grant to the Kansas and Arkansas Valley Railway the right of way through the Indian Territory, and for other purposes," have considered the same, and submit the following report:

In the passage by Congress on the 5th of July, 1884, of the act "to grant to the Gulf, Colorado and Santa Fé Railway Company a right of way through the Indian Territory, and for other purposes" and also the act "to grant a right of way through the Indian Territory to the Southern Kansas Railway Company, and for other purposes," Congress asserted the right to make such grant without the consent of the Indians through whose territory such railways were authorized to construct their roads. The committee, therefore, without waiving individual opinion upon the right of Congress to make such grants without the consent of the Indians, have considered that question settled by Congress, and have not deemed it of any practical value to consider it here. They have considered the question whether there is any public exigency for the construction of the railroad contemplated in this bill, and what are the provisions proper for securing to the Indians through whose territory it is to be constructed such protection to their rights and compensation for their property taken as will be fair and just.

The railroad contemplated by this bill leads from Fort Smith, in the State of Arkansas, across a small portion of the reservation belonging to the Choctaws, and a considerable distance through that belonging to the Cherokees, in a northwesterly direction to the Southern line of Kansas, at or near Arkansas City, with a branch designed to make connection with existing railroads at or near Coffeyville, in the State of Kansas. The length of the road from Fort Smith to the Kansas line, at or near Arkansas City, is 245 miles; and of the branch to Coffeyville, 70 miles. The line will form a direct connection between the railroad system of Kansas and that of the Southwest and make a direct and shorter line from the headwaters of the Colorado to New Orleans and the Gulf States. These two systems of railway are now separated for want of this connecting link. With it a most important through line from the Upper Missouri to the Gulf would be completed.

The road is proposed by an association formed under the laws of the State of Arkansas by responsible men, able to build the line and directly interested in both the upper and lower connections. It seems to the committee to be not only a very important link in this great system of railways, but to be also in the hands of such responsible men as will be sure to build and run it in the manner that will most contribute to the advancement of the public interest.

The committee have endeavored to guard in the best way possible the interest of all parties in the Indian Territory likely to be affected by the construction of this railway. The bill provides, in case of failure to make amicable settlement with any occupant of lands through which the road may pass, that the amount of damage shall be determined by three disinterested referees, to be appointed, one by the President, one by the tribe to whom such occupant belongs, and one by the railroad company, with an appeal to the United States district court at Fort Smith, Ark., or at Wichita, Kans., by either party feeling aggrieved by the award of the referees.

The bill also provides for a stipulated sum of $50 per mile to be paid to the tribe of Indians for the right of way through their land, and the right of appeal to the courts at Fort Smith, Ark., and Wichita, Kans., by the tribe if they shall not be satisfied with this sum. The bill also provides for the payment of an additional sum of $15 per annum for each mile of railway during the continuance of the railway, to be paid to the tribe in conformity with treaty stipulations on the part of the United States. There are provisions also in the bill for proper police regulations and the protection of the Indians of the Territory under the non-intercourse laws.

In the opinion of the committee the rights of the Indians and the public are as well guarded as it is possible to protect them by enactment, and the bill contains a provision that Congress may at any time amend, add to, alter, or repeal the provisions of the bill itself.

The committee therefore recommend the passage of the bill in a new draught.

Mr. PLATT. I should like to know something more about this bill. It may be all right so far as the Indians are concerned, but I want to know whether it is right so far as the people of the United States are concerned. I should like to know something about the charter which has been granted to this railroad company. I should like to know how far the road is to extend through Government land or the land of the Indians. I should like to be assured that there is to be no overcapitalization of this railroad company. I should like to be assured that

it is not to be built on bonds sold to the public by various representations which turn out to be worth a great deal less than they have been represented to be. In other words, I should like to be assured that the Government is now, when it grants a right to a railroad, to inaugurate the principle that that railroad shall be built for cash or its equivalent. I think that three-quarters of the financial trouble which this country now has upon it, that three-quarters of the discontent of the laboring people of this country and the poor people of this country, arises from the way in which railroad building and construction has been managed in the past; and for myself I do not, as a member of the Senate, propose to sit and vote for any more railroad charters, rights of way, or anything of the kind until I am assured that a different style of railroad building is to be the rule in the future from what it has been in the past.

We are asked here this morning to grant a right of way through Government land or Indian land to a railroad company which is chartered by the State of Arkansas. We know nothing about that charter, nothing about the provisions of it, nothing as to how it is to be built, nothing as to who is to build it, nothing as to whether it is to parallel a line already existing and finally to be consolidated with it. We know nothing indeed of this railroad enterprise except that it has been chartered by the State of Arkansas, and that we are asked to consent that it shall go through the Indian Territory. It may be all right; but for one I can not legislate without having some more information than is contained in the report of the committee or anything that has been laid before us.

The Senator from Massachusetts has no doubt looked to the right of the Indians, but I think somebody ought to look to the rights of the people in connection with this road.

Mr. DAWES. Mr. President, the questions which the Senator from Connecticut [Mr. PLATT] raises are pertinent questions and are proper to be answered, and the Committee on Indian Affairs have endeavored to answer them in the report which has been read at the desk. The Senator, of course, listened to that report, but it does not seem to have satisfied him.

I would say in reference to this bill that there are two systems of roads, one ending at Fort Smith, Ark., which is on the southeastern border of the Indian Territory, and the other on the north, stopping at the southern line of Kansas and the northern line of the Indian Territory. These two systems stop at these lines of the Indian Territory; and if this road is built a distance of two hundred and seventy-odd miles it will make a through line from all the northwestern region, reaching as far as the Upper Missouri River and from all through the State of Kansas through this line of two hundred and odd miles in the Indian Territory, to connect with the southern system of roads at Fort Smith, Ark., which lead to New Orleans and the Gulf and all through that region of country.

Upon the map it looks like a most important link of railway, and as affording an outlet in the southern direction for all the produce of that vast region of country. I think no one looking at the map or having any acquaintance with the country can doubt the importance of such a link.

The committee were satisfied also of the fact that this was a corporation organized under the laws of the State of Arkansas, with which the Senator from Arkansas, who is on the committee, is more familiar than myself, and I leave him to state the terms of the charter. It is in the hands of the men who have built both ends of the line, this long system at the north and another system at the south. There can be no association better able to build this road than the association which asks this permission to go through the Indian Territory. That they desire to build the road in good faith must be assumed in the absence of any suggestion to the contrary, and in the fact that they are very largely investors in the roads at both ends of this connection, which will be vastly increased in benefit to them as well as in benefit to the public if this road be constructed.

The conditions upon which it is proposed to take this right of way from the Indians without their consent are provided for in the bill, under the idea that Congress has committed itself and has settled the question of the right of eminent domain as it is called, the right to take property for railroad purposes from this Indian Territory, as the States have a right to take it through the States for the same purpose. The endeavor of the bill is to take care of the rights of the Indian with as much solicitude as similar rights are taken care of in the States under these circumstances. In my own State care has been taken. We have a general railroad law there; and very much after the manner of taking land for railroad purposes in my own State are the provisions inserted in this bill for settling the damages to the Indians for this right of way, with this difference: the bill enacts that they shall have $50 a mile for this right of way and an annual tax of $15 a mile as long as the road runs. That is to make it certain that they shall have what in the opinion of Congress is a fair price; and then it is provided in the bill that if the Indians are not satisfied with this $50 a mile they can go to the courts and in precisely the same manner that men go to the courts in all the States, so far as I have been made acquainted with their laws, and get, if they can, a larger sum.

Then the Indians are protected under the non-intercourse law from anybody on the 200-feet strip of land thus taken from entering there and erecting shops for the sale of liquor or anything of that kind. They preserve their police laws over this whole territory. The railroad people have only the right to use it for railroad purposes and for no other.

If it is conceded in the outset that the Government of the United States has the right to take the lands for public uses of this kind, I think that the other provisions of the bill should be satisfactory to those who are the most solicitous for the welfare of the Indians and for their rights.

Mr. PLATT. May I inquire how much of this system of railroads is in the State of Arkansas and how much in the State of Kansas?

Mr. DAWES. This particular corporation itself that is to construct this road, as I understand, begins at Fort Smith, Ark., and ends at the Kansas line. So this is a corporation for the purpose of building this road, but although a separate organization, it is in the hands and for the purposes of the two main lines at each end of this road; so that, as I understand, this particular corporation has no road in either of those States of itself, except that the corporators themselves are corporators in the other roads.

Mr. PLATT. What I want to get at is this: What system does this belong to? I hear a great deal about railroad systems in these days.

Mr. INGALLS. The Atchison, Topeka and Santa Fé.

Mr. PLATT. I think that ought to be satisfactory. We hear about the Vanderbilt system, and the Wabash system, and the Gould system.

Mr. DAWES. I did not mean by "system" any set of railroads owned by any particular man or men, for I do not know who own these railroads. I only know or think I know that here is a great "system" of roads—I mean by that here are roads, substantial roads, lying along a region of country which it appears to me from the map and from a very little personal knowledge—not worth much to me—to be of great importance to the commerce of the country. That is what I meant.

Mr. PLATT. I should like to make another inquiry. This report says:

> The line will form a direct connection between the railroad system of Kansas and that of the Southwest and make a direct and shorter line from the headwaters of the Colorado to New Orleans and the Gulf States.

How much will the line be shortened over the present existing line?

Mr. DAWES. I am unable to state, but I should think it would be two or three hundred miles around that corner of the Indian Territory to reach from Coffeyville or Arkansas City on the line of Kansas to Fort Smith, Ark.

Mr. JONES, of Arkansas. The only road covering the section of country contemplated by the report would be by Saint Louis and from Saint Louis up, and would be a very much greater distance than that suggested by the Senator from Massachusetts. The building of this connection across the corner of the Indian Territory would shorten the route from the western part of Kansas and from all the Northwest to the mouth of the Mississippi River and all the Gulf ports several hundred miles. I have not made the calculation, but it must amount to from five to seven hundred miles in all.

Mr. DAWES. If the Senator from Connecticut will give me his attention, the points on the Kansas line are as if here at my finger, and Fort Smith, Ark., is here [indicating]. This road proposes to go across the hypotenuse, instead of around the two sides of a right-angled triangle.

Mr. VAN WYCK. I do not understand from the Senator from Massachusetts how many lines are proposed to pass through the Indian Territory.

Mr. DAWES. This bill has reference only to a single line with a branch, striking several branches of the Atchison, Topeka and Santa Fé road, which runs down through Kansas as my fingers run here [indicating], striking different points and running out toward the Pacific. Two of those branches of the Atchison, Topeka and Santa Fé road it proposes to strike by going across this corner of the Indian Territory.

Mr. VAN WYCK. But how many other roads are proposed through the Indian Territory; how many such bills are pending?

Mr. DAWES. As to that there are a great many bills pending. I think there are ten or eleven bills pending. The committee have reported only two of them.

Mr. VAN WYCK. They have not acted on the others?

Mr. DAWES. The committee have not acted on any others. The committee, if I may be allowed to express the opinions of the committee, do not propose to authorize any body of men to go through that Territory under the idea of a railroad where the connections are not such as to promote permanently and to an appreciable extent the commerce of the country; but the committee assume that Congress in the action taken heretofore is committed to the assertion of the power of eminent domain over this Territory, so that it shall not lie between great lines of railway reaching from the Gulf of Mexico to the great Northwest; that where there is such a railway on both sides of this Indian Territory stopped by this Territory from a continuous line, the demands of commerce are such that it will be impossible, if it was undertaken, to prevent its going through this Territory; and it is wisdom on the part of Congress and it is prudence on the part of the Territory itself to see to it that such railroads are properly authorized and constructed.

Mr. VAN WYCK. I did not understand that from the Senator from Massachusetts there was any response to one portion of the suggestion of the Senator from Connecticut. He has answered that part relating to the protection of the Indians, but I did not understand—if I heard it I fail to remember it—that there was any response to the suggestion as to the protection of the remaining portion of the people of the United States in the allowance of this right to this road against adding stock and bonds as indebtedness of the road beyond the actual cost of its construction. I did not hear whether anything was done by the committee on that branch of the subject.

Mr. DAWES. The committee have undertaken to protect the public in reference to rates, both on passengers and freights, and have made stipulations in the bill that the railroad is obliged to conform to, and have also taken care that no rights shall be vested, no property shall be so vested that Congress can not at all times modify and control the law; but as to the particular question of issuing bonds, &c., the Senator from Arkansas can give better than myself the exact condition of the corporation.

Mr. VAN WYCK. I rise to offer an amendment. I move, in section 4, at the end of line 23, to insert:

And provided further, That mortgages and stock issued by said company shall not exceed the actual cost in money of building and equipping said road.

Mr. JONES, of Arkansas. This railroad company was chartered under the general law of the State of Arkansas, under which all the roads constructed in the State have been built, and which has been from time to time amended as seemed to be required by the best interests of the public at large.

For my own self, I imagine that when bonds are to be sold by this company they will be put on the market like other bonds, and purchasers will be required to take care of themselves as they would in the case of the purchase of the bonds of any other railroad company.

As to what amount of money will be required for the construction of the road, I presume no company could undertake to tell in advance. The gentlemen who compose this company are the large stockholders in the Arkansas Valley Railroad, a railroad which runs entirely across my State from Fort Smith down the line of the Arkansas River, to the Mississippi, making a connection there with links to various ports on the Gulf coast. Others, stockholders connected with the Atchison, Topeka and Santa Fé road, which touches the northern part of the Indian Territory, are largely interested in an outlet for their system of railroads, and wish anen tire route for the commerce of that country to the mouth of the Mississippi River. These are chiefly interested in the completion of this road.

It seems to me that Congress would act unwisely in attempting to hamper them in the exercise of an ordinary business discretion in negotiating bonds and getting the money on them for the purpose of building the road. These gentlemen may or may not have money enough in their vaults to build the road without borrowing. I do not know about that, but they are reputable gentlemen, capitalists of high standing. They are in no sense speculators. They are gentlemen who have been connected with great enterprises, and against whom and against whose methods there has been, so far as I know, never a word alleged.

I know the people of my State are deeply interested in the construction of this railroad. It is not the interest of the company alone, but it is the interest of all the people that they shall have shorter and more direct commercial connection with the people of the Northwest than they are now compelled to have by going around by Saint Louis.

It seems to me that the adoption of the amendment suggested by the Senator from Nebraska would be unwise and impolitic, and so far as I am concerned I shall vote against it. This bill is properly guarded in every respect, so far as I can see, and has been carefully considered. The general law, as I stated a while ago, of the State of Arkansas is applicable to this charter as to all other charters obtained in that State, and I do not know of any particular shortcoming in the law. It corresponds with the general railroad laws of other States in every particular, so far as I know. The provisions for taking care of private property are carefully secured in this bill, and it seems to me there is no good reason why the bill should not pass as it has been reported by the Senator from Massachusetts.

The PRESIDENT *pro tempore*. The question is on the amendment proposed by the Senator from Nebraska.

Mr. PLUMB. The Senator from Nebraska must know that the amendment would not accomplish any purpose such as he has in view. Such a provision was in the constitution, or certainly in the law, of the State of Texas, as it is in other States; but when the Texas Pacific Railway was built the contract was let to a contract company, and bonds were issued for the price of the contract. I state this merely as current history, and I have no doubt it is true. In that way the law was evaded by making a contract to build the road for more than it could be built for, but it was one of those things into which no inquiry could practically be made, because the question of cost is a very indefinite one, and it is not everybody who will contract to build a railroad. My granger friend from Nebraska would not feel himself prepared to take a contract to build four or five hundred miles of railroad in as many days; it requires very much capital.

The Senator from Connecticut has some doubt about this business. It is very true, as he says, that there have been great evils in regard to the building of railroads growing out of the fact that they have been built in unnecessary places and bonded to an extent which was entirely unreasonable. I beg leave to say, generally speaking, that the people whom he represents, and not the people of the West, have had great profit out of that class of transactions. The people of the Western country have been desirous for the building of roads, but the money must necessarily come from New England and New York. The people of the West have generally been willing to pay the price, and I can say, I think without any fear of successful contradiction, that there was no particular modesty on the part of New England people in fixing the price for which they would build these railroads, and so they have put on first-mortgage bonds and second-mortgage bonds and income bonds, and first-preferred stock and second-preferred stock and common stock, and so on, &c., in such a way that the burden on the people of the West has been remarkably heavy. I should have hoped that we at least might have been permitted to say something about that first, rather than to have the beneficiaries of that sort of transaction reproaching us with it.

Seriously, Mr. President, the addition of 150 miles of railroad to the 125,000 miles now built and in operation in the United States is not going to disturb the labor market a great deal, nor any other market. It is going to put no very great burden on any laboring man or poor man, but will give him a little more opportunity to labor and to get the money for his labor. Unless we can extend our jurisdiction pretty generally over the United States in such a way as to control the railroad building over a very large area of country, what little we can do in the Indian Territory in stopping building there would not have very much effect either on the labor market or the market for steel or other railroad supplies.

If the Senator from Connecticut is going into the labor question on this bill, I hope he will not give us a homeopathic dose, but that he will embrace within the purview of his operations for the purpose of affecting the labor question the entire railroad system of the United States, and make a drive at all the railroad building everywhere to meet the views which he has expressed on this occasion, and not keep the Indian Territory as an example of what he would like to do when it will have no effect in the direction in which he seeks to arrive at results.

Mr. PLATT. Mr. President, I do not want to discuss this matter on the question of whether New England has done this thing or that thing, or whether the West has done this thing or that thing. I want to discuss it on broader principles. I do not want to discuss it specifically with regard to any labor movement. I want the Senate for once to understand, if it is possible, that the time has come in the history of this Government when it ought not to allow fictitious railroad building any longer, where it can control the matter. By fictitious railroad building I mean fictitious capitalization.

If people in my section have put bonds on the market and sold them and built roads after that fashion so that they have cost two or three times as much when they are represented by capital as they ought to have cost in fact, and thereby an additional burden, a triple burden, is laid on all the people of the United States, or at least all who have occasion to support the railroads, and that embraces pretty much all the people—I am not here to defend the people of my section.

I do, however, believe that this subject is a wider and a broader and a deeper subject than the Senator from Kansas seems to think it is. I have no desire to stop the building of a railroad in the Indian Territory; but now when the first opportunity occurs after I have examined this question carefully, as I have through the past summer, I am called upon to act in my place as a Senator, I am desirous that the Senate shall stop in what it has been doing heretofore.

We can not regulate this matter of railroad building in the States. If a State chooses to charter railroad companies in such a way that the proprietors can in building their road capitalize it for twice, three, or four times as much as it ought to be capitalized for, so that if any dividends are paid they are to be paid upon a capital twice, three, or four times as large as the public ought to pay dividends upon—if the States choose to do that the Congress of the United States can not interfere. If it could I would be glad to extend the action of Congress over all the future railroad building of this country. I would be glad if it were in the power of Congress by an enactment which we might pass here to have it provided that hereafter no railroad should be capitalized for more than its actual fair cost to build. I believe that no measure would so protect the people in their interest as such a measure. But we can not do it. We can not interfere with railroad building in the States. But when we are asked to grant a right to a railroad company, I think it is not only our privilege but it is our duty to understand how that railroad is to be built, whether there is a necessity for it, whether it is to be built with cash or bonds and unpaid stock, and what is to be the probable effect upon the people who have to support that railroad.

If I choose to reply to the Senator from Kansas in the way in which he replied to me, I might intimate that the people of Connecticut had had some experience with Arkansas railroads, and that they have not gotten very rich out of that experience either.

Mr. PLUMB. What railroads?

Mr. PLATT. Arkansas railroads. But I do not wish to discuss this

subject in any such temper or on any such plane. I have sent to the Library and obtained the statutes of Arkansas. I have had but a moment's time to look at them, but I find this: I find that any number of persons, five or more, may associate, and as soon as stock of a thousand dollars per mile of the railroad intended to be built shall be subscribed in good faith they may organize, and then they have at some future time to make a certificate that they have paid in 5 per cent. of that subscription. I may be mistaken in the examination of these laws, but if I am not, all the cash subscription ever required of stockholders in that railroad is 5 per cent. upon $1,000 a mile, or $50 a mile. If I understand—and I have had but a moment's time to examine them—the laws of Arkansas under which this road is to be built, the only provision for the payment of any money for the building of the road is $50 a mile. What is to be the result? Bonds are to be put on the market; prospectuses are to be issued setting forth the great advantages of this railroad; capitalists are to be invoked to sell its bonds; people will take them if they have not learned too dearly by the experience of the past, as probably they have not, at a high rate. The road will be built by the contractors for the bonds (except such of them as may be sold for cash) and for the stock of the road; and what is the inevitable result? That this road, in bonds, in stock, and in watered stock, will represent when it comes to be constructed and put in operation twice or three times the amounts for which it ought to have been built.

This little road perhaps is not of much consequence; but the assent of the Government to that principle is of immense consequence. I have learned this by an examination during the past summer upon the Committee on Interstate Commerce, of which the distinguished Senator from Illinois [Mr. CULLOM] is chairman. I have learned by that investigation how deeply this question interests the country. Of the entire capitalization of the railroads of this country it is estimated that more than half is fictitious. What does that mean? It means that the great railroad tax which the people of this country pay from year to year and from day to day is double what it ought to be in this country.

I am not standing here in any narrow sense to advocate the claims of labor and laboring men. I trust my reputation in the Senate is too well established for anybody to suppose that I am a demagogue.

Mr. HOAR. I should like to ask my honorable friend from Connecticut if, in the very interesting statement he has just made, he means to say that the investigation of the committee of which he was a member showed that the capital of the railroads, the dividend-paying capital, was more than half fictitious, so that the railroads were earning a percentage upon fictitious stock equal to their actual cost?

Mr. PLATT. The statement I made was this, and it is backed up in Poor's Manual, that taking the entire capitalization, bonds and stock, of this country it is double—I do not speak accurately, but I speak in general terms—it is double the cost or the value of these roads.

Mr. HOAR. That I understood.

Mr. PLATT. Now let me go a little further. I will answer that question.

Mr. HOAR. The Senator added that it followed from that statement that the burden of the people in supporting these railroads, paying them freights and fares, was doubled.

Mr. PLATT. It may not follow exactly; but if the Senator will take any railroad in Massachusetts and study its history, I think he will scarcely be able to find one in which there is not fictitious capitalization, by which I mean a capitalization over and above any cost of the road and over and above any fair valuation of the road. It is the rule of railroad building and railroad operation in this country.

Mr. HOAR. I do not like to interrupt the Senator too much, but I wish to say that while I entirely sympathize with his general views on this subject, and while there never has come up a railroad charter through the Territories in this or the other House for the last fifteen years to my knowledge in which I have not endeavored to insert clauses, sometimes successfully and sometimes unsuccessfully, for this security, I think the Senator does injustice to the railroad system of Massachusetts, which is very carefully guarded. There have been, especially in one conspicuous instance and in one or two less conspicuous instances, cases of watering the stock of those railroads; but as a rule the law of railroad construction in Massachusetts has been the actual paying in in cash of the capital stock of the roads, secured by very strict legislation, the absolute sinking by the original builders of a road of its entire original cost, and sometimes that has been repeated more than once in the loss of interest before there was any dividend on stock.

Mr. PLATT. I see that my time has almost expired, Mr. President. I was drawn into this discussion on the moment. I can give facts and statistics which are a great deal more valuable than any statements which I might make upon recollection. Possibly the Senator from Massachusetts is right, but I think he will find when he comes to examine the statistics that in all the roads there is what is called watered stock. I have been drawn into this discussion without preparation and without thought. I have been drawn into it in this way. Here is a proposition to grant a railroad a right of way through the Indian Territory. It is taken up ahead of a hundred other cases which are entitled to preference on the Calendar. I have had no opportunity to examine it and examine the laws of the State of Arkansas except as I could examine them here at my desk; but I assume if there was any such haste as made it necessary to take this up when a hundred other cases stood ahead of it which were entitled to preference, there was at least reason why it should be examined somewhat carefully.

Mr. VAN WYCK. Mr. President——

The PRESIDING OFFICER (Mr. CHACE in the chair). It is the duty of the Chair to inform the Senator from Nebraska that the morning hour has expired. The Chair lays before the Senate the unfinished business, being the bill (S. 194), to aid in the establishment and temporary support of common schools.

SAINT LOUIS AND SAN FRANCISCO RAILWAY COMPANY.

Mr. VAN WYCK. If the Senator from New Hampshire will for one moment allow me, I desire to enter a motion to reconsider the vote whereby the Senate passed this morning the bill (S. 91) to amend an act entitled "An act to grant a right of way for a railroad and telegraph line through the lands of the Choctaw and Chickasaw Nations of Indians to the Saint Louis and San Francisco Railway Company, and for other purposes." I do it for the purpose of having both these bills put on the same platform; and if this matter should have been considered in the bill hastily passed, I desire that an opportunity shall be offered to consider it and apply the same principle to that as to this.

The PRESIDING OFFICER. The motion to reconsider will be entered.

AID TO COMMON SCHOOLS.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (S. 194) to aid in the establishment and temporary support of common schools.

The PRESIDING OFFICER. The question is on the amendment proposed by the Senator from Virginia [Mr. MAHONE].

Mr. MAHONE. I wish to modify the amendment I offered yesterday.

The PRESIDING OFFICER. The modification will be read.

The CHIEF CLERK. The proposed amendment is in section 3, line 14, to strike out all after "schools" down to and including the word "schools," in line 15, as follows:

> The number of white and the number of colored common schools

And to insert in lieu thereof:

> The number of white and colored children of the school age prescribed by this act for each county and city as given by the census of 1880, and the number of children, white and colored, of such school age attending school, the number of schools in operation in each county and city, white and colored, the school term for each class, the number of teachers employed, white and colored, male and female, and the average compensation paid such teachers.

The PRESIDING OFFICER. The question is on the amendment proposed by the Senator from Virginia as modified.

Mr. RIDDLEBERGER. I should like to have it reported again, as I understand it is not the same amendment which was presented yesterday.

The PRESIDING OFFICER. The amendment will be read again.

The Chief Clerk read the amendment of Mr. MAHONE.

Mr. BLAIR. I am very glad the Senator from Virginia has modified his amendment, as the modification relieves it of the only objection I had to it last night. It simply calls for matter which is available through the census and through the reports of the superintendents of education of the various States. I see no objection to the amendment as it is now proposed.

The PRESIDING OFFICER. The question is on the amendment of the Senator from Virginia [Mr. MAHONE].

The amendment was agreed to.

Mr. PLUMB. I desire to call attention to the provisions of section 6. That section is in these words:

> SEC. 6. That the money appropriated and apportioned under the provisions of this act to the use of any Territory shall be applied to the use of common and industrial schools therein by the Secretary of the Interior.

That makes the Secretary of the Interior the sole arbiter, the only person qualified to perform any act in regard to the distribution or use of this money, under which he may employ teachers; he may build school-houses; he may employ general agents or special agents of his Department. In other words, he may take all that money for any purpose which he considers germane to the educational interests of any Territory, and there is no power to prevent or to limit in any way the exercise of any discretion that he may see fit to use. I think that that whole section is really an anachronism; that is to say, I think the explanation of the Senator from Massachusetts yesterday showed fairly that the committee, if its attention had been called to it, would have stricken it out. It is not necessary to the purpose of the bill at all, because section 10, which is the one that was referred to yesterday, provides generally for the distribution of the money in the States and Territories; and the sixth section ought to have been stricken out, but the Senate voted otherwise. I now, therefore, move an amendment in order to take this power away from the Secretary of the Interior and put it where it belongs, by striking out all the words in line 4 and inserting "under the direction of the Legislature thereof," so that the Legislature of the Territory shall have the same power with reference to this money which is given by other portions of the bill to the Legislatures of the several States.

I think there can be no objection to this, because certainly it will not be claimed that the Secretary of the Interior ought to organize an educational bureau for the States or the Territories in his Department and carry on all the minutiæ of education in these remote communities, without any reference to the local desire, or without any reference to the local authorities.

Mr. BLAIR. This matter was debated a little yesterday, and I supposed it was settled. The vote was substantially upon the question whether the Secretary of the Interior should have control of the expenditure of this money within the Territories, and, as the Senator has said, the motion to strike out the section was decided in the negative by the Senate. I would restate for a moment the strong reasons, as it seems to me, for retaining this power in the hands of the Secretary of the Interior.

In the Territory of New Mexico and in the Territory of Utah it would be very difficult to insure the application of these funds through the local Legislature to the equal benefit of common schools. If this money should fall into the hands of a Mormon Legislature it is quite apparent that it would hardly be applied to the support of the common schools which are being built up in the Territory of Utah against Mormon influence, for the purpose, so far as they may have influence, of the counteraction of the system of polygamy. I think it is true that we shall have to rely very largely, perhaps as largely as upon any other influence or power whatever, on the common schools, the effect of education properly conducted on the rising population in the Territory of Utah, for the spread of a sentiment which will result in the extinction of that crime.

In the Territory of New Mexico also, which will receive under this act between $700,000 and $800,000 in all, there are reasons equally conclusive why the control of this money should be kept in the hands of an authority which sympathizes with the general purposes of this act, charged, of course, to carry the money to the children generally, and to insure to them, against any adverse influences, local or otherwise, the advantages of a common-school instruction.

So far as the other Territories—Wyoming, Dakota, Montana, Washington, and Idaho—are concerned, it is not a matter of any particular importance, because their Legislatures would of course appropriate this money in substantially the same way that the Secretary of the Interior, would be likely to do so at least; and yet we have retained in this section the feature of industrial education, and if anything is to be done in these rising commonwealths to plant that system of instruction within their borders, it would be better that there should be a central power here at Washington to direct the expenditure which might go in several of the Territories to industrial education.

In any view of it that may be adopted it seems to me that the previous action of the Senate is wise, and it ought not to be interfered with. The section should stand as it now is.

Mr. TELLER. I should like to ask the Senator from New Hampshire how much of an industrial school he supposes he could establish in Utah with the magnificent sum of $9,942 the first year and the second year about $14,000?

Mr. BLAIR. I think that amount of money, properly expended, would do a great deal toward giving instruction in some of the industrial arts in particular schools, or possibly toward the establishment of a school, if there should be suitable co-operation on the part of the people, which the bill contemplates in all cases. That might be worth a great deal. A little money goes a great way sometimes.

But that is not the point so much as it is that whatever goes to the Territory of Utah, whatever goes to the Territory of New Mexico, should go to the common school or to the industrial school if it be thought best; and I do not think, if we pay this over to the control of the Legislature of New Mexico, it will be of very much advantage to the common non-sectarian schools, and it certainly would not be wise to trust a dollar to the expenditure of a Mormon Legislature.

Mr. TELLER. I think that the Senator from New Hampshire is not as conversant with the condition of the Territories as he is, perhaps, with that of New Hampshire and some of the other sections of the country. As I said yesterday, there is not to my knowledge—and I have a pretty thorough knowledge of the Western Territories—and there has not been in that Western country an industrial school at any time; and what is more, there is no necessity for an industrial school, unless it is for the education of Indians, and I am sorry to say I do not know of any that are being conducted in the Territories for that purpose, to any considerable extent at least, and this does not apply to that class of schools.

Mr. BLAIR. The question is whether the money shall be taken out of the control of the Secretary of the Interior and given to the Legislature.

Mr. TELLER. I understand that, but that is one of the arguments the Senator uses why it ought not to be put under the control of the Legislature of the Territory, that the Secretary of the Interior might desire to establish industrial schools in the Territories. He may desire to do so, but he will find no money under this bill to do it if he does so desire, and he will find no subjects for his school. There is not any portion of the face of the earth that needs an industrial school so little as do the free Territories of the Northwest, New Mexico included. The people there can find enough to do. They have got a virgin land, they have got wealth untold in the natural advantages of the country and the soil, and if they desire to follow trades they do not have any trouble. That is not the place where you need industrial schools; you do not want them, can not get them under the bill, and if you had millions of money you could not induce those people to patronize such schools to any considerable extent.

Now, as I understand the purpose of this bill, if it is anything at all it is to stimulate and assist the struggling communities who are anxious to do more than their financial ability will admit, and the Senator proposes in all these Territories that the Secretary of the Interior, if he sees fit, shall run one class of schools and the government of the Territory shall run another. Why, Mr. President, there are counties in these Territories that pay more money every year for the support of education than a whole Territory will get under this bill. It is a mere pittance they are getting; it amounts, as I said yesterday, practically to nothing. Neither does it in other sections that are not Territories. Take the State of Colorado. I believe the amount she will get in eight years would be $129,783. The first year it would be $11,798. It is not enough to make any perceptible difference with the educational facilities in that section of country.

If this money is to be of any value at all, the little pittance that is doled out must go into the treasury of the State or Territory, and the local authorities must control it. If you should give a million dollars a year to the Territories it might be used under the direction of the Secretary of the Interior to some advantage, though I do not believe it would. I do not believe it could be possibly used by the Secretary of the Interior with the discretion and with the judgment that it would be used by the Territorial authorities of these Territories; and it seems to me that nobody ought to object to the Territorial Legislature determining as to the disposition of this money. Let them determine it through their executive officers appointed for the purpose.

I do not know that you should make a bad rule for all the Territories simply because there is a condition of affairs in Utah that may be objectionable. I know one thing; I know that in Utah they have maintained schools for many years and that they pay a large amount of money for them. I have no doubt they teach the Mormon doctrines in their schools. I think the prevailing doctrine would be likely to be taught in any community where nine-tenths of the people worshipped in one manner. I think if nine-tenths of a community were Episcopalians or Methodists or Baptists or Quakers there would be teachers in the schools of those denominations, and there would be a Quaker education or a Baptist education, whichever denomination predominated to such a great extent. It is not unusual; it is not astonishing; and if they do take in some heresies with their education it is better they should have it with those heresies, which they would get anyhow, than not to have the education at all. The attempt, then, to have the Secretary of the Interior distribute this money as he may, in some other method than that agreeable to the people of the Territory, will be simply to throw it away.

Mr. BLAIR. The Senator has spoken in so many directions and so little to the point of the amendment that I feel almost the necessity of saying a word to recall the Senate to the real issue, which is simply whether the Secretary of the Interior shall distribute these amounts in the Territories in his discretion or whether the Legislatures of the Territories shall perform that function.

The Senator says he has no doubt that if it goes to the Legislature of the Territory of Utah it will go to give instruction to Mormonism. The whole amount that will be contributed to the enlargement of the borders of that institution, according to the Senator's suggestion, if his desire is to be complied with, in the course of the next eight years would be $109,363.10. If the Secretary of the Interior distributes that money it will go to the maintenance of a system of schools under what are known as Gentile influences, which Congregational, Presbyterian, Methodist, Baptist, Catholic religious societies are assisting in maintaining in that Territory. It will have a little tendency to break down the institution known as Mormonism, so far as it has any influence at all.

In the Territory of New Mexico, to which I have already alluded as one that will receive under the provisions of this bill between seven and eight hundred thousand dollars—$708,220.88, to be accurate—it has been a matter of complaint for many years on the part of the superintendent of education and those interested in the establishment of the common schools proper, not connected with or under the influence of any religious organization or any sectarian institution, that it was impossible to maintain the common schools by the local action. If this amendment should prevail between seven and eight hundred thousand dollars would be substantially placed at the disposal of those who maintain a certain class of religious schools, when section 2 of the bill prohibits the payment of any of this money to the maintenance of schools of a sectarian character. To give control of the fund that goes to New Mexico to anybody likely to take it save the Secretary of the Interior, would be to appropriate that amount to the maintenance, in practice at least, of sectarian schools.

I have received many letters and strong representations from that Territory from time to time, the most recent of which is a letter that

I will now read, written to me by the superintendent of schools of one of the counties of the Territory.

LAS VEGAS, N. MEX., *January* 13, 1886.

SIR: I have just mailed to your address a copy of my annual report as superintendent of schools for San Miguel County, New Mexico. My object in so doing is, that it may throw some light on the condition of the newly organized public schools of this country and aid in the passage of your educational bill, for which we all so heartily pray. Our school population is quite large, but thinly distributed over a large area of country, and not being a State, the lands set apart for school purposes are of no use to us at present, hence the great disadvantage under which we now labor. Again hoping your educational bill may become law during this Congress,

I am, honorable sir, your obedient servant,

W. G. KOOGLER,
Superintendent of Schools.

Hon. HENRY W. BLAIR,
United States Senator.

I hope that this section may not be changed. I care very little about the word "industrial," as I said yesterday, but the power should remain with the Secretary of the Interior.

Mr. TELLER. The Senator who has this bill in charge, and who is the father of it, announces unequivocally that the purpose of this bill is to maintain in certain portions of the country sectarian schools. I am astonished at that, for I had supposed the bill proceeded upon an entirely different idea.

Mr. BLAIR. I have made no statement of that kind.

Mr. TELLER. Certainly the Senator did.

Mr. BLAIR. The Senator misunderstood me. I said the amount provided for Utah would go to the system of common schools, to the maintenance of which various religious societies made contributions.

Mr. TELLER. The honorable Senator knows very well that the schools to which he referred are sectarian schools. They are church schools supported by the churches and not by law. He proposes now that the Secretary of the Interior shall appropriate this money in Utah for the purpose of supporting schools which he knows that at least nine-tenths of the children will not attend. He proposes also that in the Territory of New Mexico, where it happens that the great bulk of the people are Roman Catholics, other schools shall be there maintained of the same character, I suppose.

Mr. BLAIR. The Senator is laboring under a mistake.

Mr. TELLER. I am not laboring under any mistake. That is the logic of the Senator's statement.

Mr. BLAIR. The Senator——

Mr. TELLER. I decline to be interrupted. The Senator has had a great deal of time and he can speak again after I conclude.

That is the logic of the Senator's position, that the Territory of New Mexico is not to have charge of this fund, that it is to be taken in charge by somebody outside of the Territory, because the Territory of New Mexico, controlled by a certain class of religionists, is not capable and competent to take charge of the educational interests in that Territory.

Mr. President, I am free to admit that in the Territory of New Mexico, settled largely by people of the Latin race, people who have not such a love for learning and for liberty as the Anglo-Saxon, there has been very little done in the way of education; but I had supposed that this bill was for the purpose of inciting and stimulating the legislative department of that Territory to do better and greater things in the cause of education; but now, if I understand the Senator aright—and I am bound to suppose that he means just what he says—these schools are to be outside of that authority, there are to be two systems of schools in the Territory of New Mexico, two systems in the Territory of Utah, two systems in the Territory of Montana, in Idaho, and in other regions, if the Secretary of the Interior is not satisfied with the management and the condition of the public schools. We have the power, undoubtedly, to do that. I have no doubt we could establish separate national schools in all the Territories. Nobody doubts that. Whatever may be the power in the States, we may do it in the Territories; but is it wise to do it? Certainly not with the pittance that this bill gives.

I think these States and Territories should be put on an equal footing. If you trust the States you ought to trust the Territories. They are but embryo States, and it will not do to say that the class of people in charge and control, a religious body in either or in all the Territories, will not carry out the act in good faith. You might say the same thing of people in other sections of the country. It has been doubted whether it will be carried out in good faith in other sections. The Senator proceeds upon the theory, as I understand, and so do all the friends of the bill, that you must trust the people and must submit to them and depend upon their honesty to carry out the provisions of this law. I am in favor of applying to the Territories exactly the same rule which is applied to the States. They are but embryo States, soon to be States in fact, and most of them are as well governed and as well managed and the people as capable of good and great things as they are in the States. They are not dependencies of ours, to be treated as Great Britain treats her dependencies. They are part and parcel of our own people, with the same aspirations, the same hopes, and the same influences dictating and guiding them, and I think, if I except New Mexico, there can be no complaint made of the Territories with reference to the educational facilities that they are giving to their own people.

Mr. BLAIR. I want to say one word. The Senator from Colorado does know—I assume that he knows it because he has been Secretary of the Interior—that there are two classes of schools in Utah and New Mexico to-day, and he undoubtedly does know that if this matter is placed in the hands of the Legislatures of these two Territories all that goes to Utah will go to Mormonism, and all or probably all that goes to New Mexico will reach the parochial instead of the common schools by indirection. I undertake to say that it is no disparagement of the inhabitants of the Territories, no misrepresentation of the general wish of the population in the Territories, those two at least, that this money should be used in such a way as to promote the cause of non-sectarian common schools. If this section stands as it is, that result will be attained. If the money is put in the hands of the local Legislature, it is very certain what the result will be in a portion of the Territories.

Mr. PLUMB. I did not suppose there would be the slightest objection to this amendment, and it seems to me now that the Senator from New Hampshire has obscured his usual good judgment by his determination to keep this bill exactly as it came from the committee, in some way committing himself to its terms without due regard, I think, for its substance. I do not believe that anybody would ever have seriously proposed that the entire subject of education in a Territory should be committed to the Secretary of the Interior.

The Senator makes some point about Utah and about New Mexico. I think the point in regard to New Mexico is entirely wide of the mark. But take Utah. Should Dakota, with one-half a million people, with fully 600,000, be punished because of the delinquency of the people of Utah? How about the Territory of Washington with 150,000 people, and the Territories of Wyoming and Montana, and so on? It seems to me that the Territory of Washington ought to appeal to my friend, because in Washington they have female suffrage; and does he want to take away from the virtuous and recently enfranchised women of Washington Territory the right to control the common-school system of that great area?

Mr. President, there is no limit on the power of the Secretary of the Interior under this provision. It may be used—I do not say that it would be so, but it might be used—for very improper purposes in connection with the administration of affairs in a Territory. It might be made, in the hands of an indifferent or unscrupulous Secretary of the Interior, a very powerful political weapon. Who is to limit the exercise of his discretion? How many superintendents may he appoint for schools? How many special agents? How many books of a certain kind may he buy? There is absolutely no limit to what he can do under the provision of this section, and I appeal to the Senators on the Democratic side of this Chamber who are actively aiding the passage of this bill because its passage gives to their States great sums beyond the proportion which they pay into the national Treasury in the shape of taxes, if they want a power of this kind committed to the Secretary of the Interior, whether he be a Democrat or whether he be a Republican.

If the people of the Territory of Dakota can be trusted to vote money to be paid by the tax-payers, who elect the Legislature, for the purposes of schools as well as for all other purposes of government—if they can be trusted in fact with all or nearly all the great functions of legislation, why can they not be trusted to expend the little pittance they will get—only a few thousand dollars a year—a mere bagatelle compared with that which the Legislature levies on the people of that Territory for the same purpose? Take even Utah. So long as we commit to the people of Utah the power of local self-government, the erection and care and maintenance of schools, and the levy of taxes for all other purposes connected with that government, except payment of the Federal officials, why can we not trust them also with the expenditure of a small sum of money annually to be derived from the national Treasury for the purposes of education?

Mr. President, if there is to be an exception made, why not say that we except Utah and provide some other method of distribution in regard to that Territory? Why take these great commonwealths of Dakota and Montana and Washington and New Mexico, having population enough to be admitted to this floor and being equipped in all essential particulars as well for the performance of the functions of self-government as the people of any State in this Union, and say that they shall not have the same control over money that comes from the Federal Treasury that Louisiana and Arkansas and Alabama and Indiana have; but that in their case it shall be committed to the Secretary of the Interior, who may build school-houses and employ teachers and buy school-books and intrude his personality into every single thing that concerns the schools, notwithstanding the fact that a portion of them may be kept up by taxes levied by the people of the Territories themselves?

If anything were lacking to show that there is some undercurrent, some hidden purpose in connection with this bill, if it does not make itself apparent on the face of it it is the strenuous advocacy by the Senator from New Hampshire of this most outrageous provision. Nothing could be more insulting to the people of these Territories than this provision, nothing could be wider apart from that which is due to them, and nothing could be a more unusual and unwise deposit of power than to give to the Secretary of the Interior this authority to intrude himself into the affairs of these different commonwealths in regard to this sacred cause of education without any attempt to limit his discretion.

The time has been when if a provision of this kind appeared in a bill proposed for action here every Senator who sat on one side of the Chamber would have said that it was simply intended for a political purpose, and was done for the purpose of putting the Territories of the United States into direct relations with the party then controlling the Government. It would have been said freely that such was the purpose and that it could have been the only purpose for inserting such a provision as that in this or any other bill. I make no such charge; but I say that the fact that these words are here, and that the suggestion that the Legislatures of these Territories shall have power to control this money is resisted by the putative father of this bill, is to my mind abundant evidence that he has something concealed which, if it were known, would make the bill a little less palatable than it is now.

The PRESIDING OFFICER. The question is on the amendment proposed by the Senator from Kansas [Mr. PLUMB].

Mr. DOLPH. I have not been present during all the debate on this bill, but if there have been no amendments made to it, I do not see how this amendment helps it very much.

If Senators will refer to the last clause of section 4, they will find that it is provided that this money "shall be paid over to such officers as shall be authorized by the laws of the respective States and Territories to receive the same." There is an express provision as to what shall be done with this money when it is drawn from the Treasury, an express provision that it shall be paid over to the officer of the State or Territory who is charged with the disbursement of funds for the support of schools.

Then when we come to section 6, and in contradiction of the provision which I have quoted from section 4, section 6 provides that this fund "shall be applied to the use of common and industrial schools" in the Territories by the Secretary of the Interior.

Then we come to section 10, and we find a provision that the fund "shall be used only for common schools, not sectarian in character, in the school districts of the several States and Territories."

Then, passing to section 11, we find that it is provided that "no second or subsequent allotment shall be made under this act to any State or Territory unless the governor of such State or Territory shall first file with the Secretary of the Interior a statement, certified by him, giving a detailed account of the payments or disbursements made of the school fund apportioned to his State or Territory and received by the State or Territorial treasurer or officer under this act."

Taking all four of these sections together, each one contradicts the other as to the manner in which the fund shall be disbursed. Now the Senator from Kansas proposes to make a new provision contradicting all these others, proposing that this fund in the Territories shall be applied under the direction of the Legislature, so that if that should be incorporated in this bill and the bill should become a law we shall have a provision that this money shall be paid over to the officer in the Territory charged with the disbursement of school funds, the treasurer or school superintendent, and then we shall have another provision that in the Territories it shall be disbursed by the Legislature, then another provision that the governor shall make a report of the manner in which the funds have been disbursed which have been turned over by the General Government to the Territorial treasurer or superintendent of schools or other officer charged with the disbursement of school funds! So it seems to me that instead of making this bill harmonious, it is made still more contradictory by this amendment.

It seems to me that we must either leave this fund appropriated for the Territories to be disbursed by the Territorial officers elected and qualified for that purpose or it must be disbursed by the Secretary of the Interior. Both can not do it. It ought to be disbursed the same as the fund is required to be disbursed in the States. It ought to be apportioned between the various counties of the State or Territory and between the various school districts in the county in accordance with the number of children of school age in those districts and in those counties. There is no other satisfactory rule for the disbursement of this money which can be adopted which can be enforced by the Secretary of the Interior or by Congress after the bill is passed.

But I do not see any provision in the bill that is adapted for that purpose. Suppose this money is to be disbursed in the Territories by the Secretary of the Interior and to be divided between common schools and industrial schools. As I said yesterday, so far as I know industrial schools are not established and maintained under any general law providing for their maintenance and their support. How is the Secretary of the Interior to divide this fund between common schools and industrial schools? Is his decision not to be subject to review or is his apportionment not to be controlled by law? Is it to be arbitrary, according to his own discretion? May he give 99 cents on every dollar of money appropriated for a Territory to industrial schools and the balance to common schools?

I can not see how such a method can be put in force, how it is practicable to make a division of this fund under any such loose provision as that. I think the money which is appropriated should be appropriated to the States and Territories in accordance with some rule to be prescribed in the act itself; it should be apportioned between the various counties and school districts in accordance with some rule to be prescribed in the act, and not according to the discretion of any executive officer. There ought to be a suitable provision in the bill for retaining any future installments of the money proposed to be appropriated in case there is a failure to divide the money and to expend it according to the provisions of the bill.

In regard to Alaska Territory, as I said yesterday, I do not think that Alaska is a Territory within the meaning of this act. I see the Senator from Indiana [Mr. HARRISON] present, the chairman of the Committee on Territories, who reported the Alaska bill of last year; and as I recollect, either in the report or in his remarks, he said, "We have not called this a Territory; we have called it a District," and the suggestion was made that it would not come within the category of the other Territories of the United States. If it is intended that the bill shall apply to Alaska, I think there ought to be a special provision for it, and in due time I shall offer an amendment for that purpose, making it applicable to Alaska. Then the proportion which Alaska receives ought to be disbursed by the Secretary of the Interior, and it ought to be disbursed for industrial schools, because those are the principal schools that are in force there, and it ought to be disbursed in the same manner as other appropriations which have been made for schools in Alaska or which shall hereafter be made for that purpose; and Alaska ought to be made an exception to the States and all the other Territories. As I said, when the opportunity comes I shall offer an amendment to that effect in regard to Alaska Territory.

So far as the pending amendment is concerned, it only seems to me to put another contradictory statement in the bill by providing that the Legislature shall determine the expenditure of this money, whereas in another portion of the bill it is provided that it shall be paid over to the Territorial officers appointed by law.

Mr. PLUMB. As I understand the position of the Senator from Oregon, I think he is entirely wide of the mark. Section 4 provides for the deposit of this money. It does not provide for its expenditure at all. Section 6 provides that the money shall be actually applied by the Secretary of the Interior. Whether he shall confide it to the officers of the Territory with whom the money may be deposited or otherwise is one of those things that he himself may probably decide; but there is nowhere any provision authorizing any officer of a Territory to expend this money except it may be directed by the Legislature of the State or Territory.

Mr. DOLPH. Would it be any more an application of the money for the Secretary of the Interior to pay it over to the Territorial treasurer than it would be an application of the money for the Secretary of the Interior to pay it over to the treasurer of a State authorized to receive it? Is what is intended in section 6 by the application of this money to the schools by the Secretary of the Interior simply that it shall be paid over to an officer of the State? I think not.

Mr. PLUMB. I do not know that I understand the purpose of the Senator's question; but in section 6 the Secretary is directed to apply the money to the use of the common and industrial schools. That is an absolute provision which gives him control of the money, in the school-house, if necessary, in the detailed expenditure of it for all the purposes of schools. Is not that so?

Mr. DOLPH. That is so; but could he control that detailed expenditure of money after he had paid it over under another section to the treasurer of the Territory, after it had passed out of his power?

Mr. PLUMB. But suppose he should refuse to apply it to industrial schools. Section 10 does not provide for industrial schools at all. Suppose the Secretary of the Interior simply says then, "I will exercise that power about which there can be no controversy whatever; it is my right to apply it to industrial schools; I shall not give it to the common schools of Dakota, but I shall give it to a superintendent whom I shall employ, and a teacher whom I shall employ, and I will provide industrial-school houses, and so on, and set up agencies of my own in those Territories;" what would prevent his doing that?

Mr. DOLPH. If the Senator will permit me, perhaps I have not made myself plain as I had intended to do. Section 4 provides that the Secretary of the Interior shall pay over this money. He does not control the distribution of it. He simply makes requisition on the Secretary of the Treasury, who draws his warrant on the Treasury, and receives the money, and the Secretary of the Interior pays it over to "such officers as shall be authorized by the laws of the respective States and Territories to receive the same." Then the money is out of his possession. It is beyond his control if he complies with this section.

Mr. TELLER. Who does control it? That is the question.

Mr. DOLPH. It will be controlled by the State or Territory.

Mr. TELLER. Through its Legislature, would it not? The details under the bill are to be directed by the Legislature.

Mr. DOLPH. Yes; they are either already provided or will hereafter be provided.

Mr. TELLER. Then what is the objection to having this contradictory provision stricken out of section 4 and put in words which shall express the idea the Senator from Oregon seems to be in favor of?

Mr. DOLPH. The two sections are entirely contradictory. One or the other should go entirely out of the bill. The Senate has voted down the amendment to strike out section 6. I suppose, therefore, that it has determined, if it does not reconsider that vote, that this money

shall be expended under the discretion of the Secretary of the Interior. If that is the purpose, the latter clause of section 4 ought to be stricken out, because, as I say, it is contradictory, flatly so, of the provision in section 6.

Mr. PLUMB. It is true the Senate voted that they would not strike out that section, but that is no reason why the section itself should not be amended so as to be in harmony with the general idea of the bill. The Senator from New Hampshire says that it is the affirmative purpose of himself, as the author and finisher of this measure, to have this money controlled by the Secretary of the Interior whenever in his judgment he thinks it can be properly applied in the Territories. That is the issue I meet. He explained at great length why it might not be proper in some cases to commit the expenditure of this money to the Legislature of a Territory. I say as against the commission of this authority to the Secretary of the Interior; that is, as between him and the Legislature of any Territory, I am in favor of the Legislature that has charge of this matter under the laws of the Territory.

Therefore I think this section should be amended in such a way that there may be the same system, the same power of control, the same discretion in regard to a matter in which those people are far more interested than the Secretary of the Interior and which is committed to the people of the several States.

The PRESIDENT *pro tempore*. The question is on the adoption of the amendment.

Mr. DOLPH. I ask to have it reported again.

The PRESIDENT *pro tempore*. The Secretary will report the amendment.

The CHIEF CLERK. In section 6, line 4, it is proposed to strike out the words "by the Secretary of the Interior" and insert "under the direction of the Legislature thereof;" so as to read:

That the money appropriated and apportioned under the provisions of this act to the use of any Territory shall be applied to the use of common and industrial schools therein under the direction of the Legislature thereof.

The PRESIDENT *pro tempore*. The question is on agreeing to the amendment.

The amendment was agreed to.

Mr. TELLER. In section 2, line 3, after the word "persons," I move to insert "including Indians."

Mr. BLAIR. Let me ask the Senator whether there is any such enumeration of Indians as it would be necessary to have?

Mr. TELLER. I do not think there would be any trouble in finding out how many Indians could read and write.

Mr. BLAIR. Suppose you say "Indians, the number of which shall be ascertained" in some way. There is no enumeration of them, is there? Is there such an enumeration in the census as would be necessary?

Mr. TELLER. When the amendment is reported I will state how it can be done.

The PRESIDENT *pro tempore*. The amendment will be reported.

The CHIEF CLERK. In section 2, line 3, after the word "persons," it is moved to insert "including Indians;" so as to read:

That such money shall annually be divided among and paid out in the several States and Territories in that proportion which the whole number of persons, including Indians, in each who, being of the age of ten years and over, can not write, bears to the whole number of such persons in the United States; such computation shall be made according to the census of 1880.

Mr. TELLER. In reply to the Senator from New Hampshire, I will say that there will be no practical difficulty in determining the number of Indians who can read and write. The census very likely would not show that, but there is a fair presumption that none of them can read and write. However, the Department is in possession of such data that there would be no difficulty in selecting them through the names of those who are attending the schools. I think there would be no practical difficulty in carrying out the provision.

Mr. BLAIR. Does the Senator understand that action in regard to the Indian population in the language he proposes in his amendment, would occasion no confusion in the general distribution based per capita or upon the illiteracy as shown by the census?

Mr. TELLER. I do not think it would occasion any trouble at all. I think that the Indians ought to be included in the provisions of the bill, and I have moved the amendment with a view of subsequently amending the bill so as to include the Indian Territory. The Senator from Oregon has indicated his intention to make the bill include Alaska. There would be no trouble in determining the number of people in Alaska who can not read or write, for it is the whole body of the Indian population there.

Mr. BLAIR. What about the number of the various tribes?

Mr. TELLER. There is a census of the tribes, and if the Department should proceed upon the theory that every Indian of ten years or upward was ignorant of the art of writing and reading it would not be far out of the way; it would be an inconsequential error.

Mr. BLAIR. If it would not occasion any difficulty or technical obstruction in administration there would be no objection to the amendment, so far as I am concerned. I should be glad to see the Indian population in the Indian Territory and elsewhere included, but I should not like to have anything incorporated in the bill that is going to interfere with the general basis of distribution, so that it could be said that the amount due to any State or to the States generally could not be definitely ascertained, and therefore the bill would be inoperative. I think the Senator should put his amendment in such a form as would obviate a difficulty of that kind, and if he will do so for one I shall be very glad to assent to it.

Mr. TELLER. I do not believe there is any practical difficulty in it at all.

Mr. BLAIR. It can easily be obviated by drawing such an amendment as I have suggested.

Mr. TELLER. I do not think it necessary, and I do not see how I could draw an amendment more comprehensive than the one I have offered.

Mr. GEORGE. I should like to ask the Senator from Colorado for information if the United States does not make provision for the education of Indians under United States authority, and is it not a fact that the Indians within the limits of the States in their tribal relations are not under the jurisdiction of the States? If those questions are to be answered, as I suppose they ought to be answered, how can the States or the Territories undertake to dispose of this money in educating the Indians?

Mr. ALLISON (in his seat). We educate them specially.

Mr. TELLER. I hear a Senator say in an undertone, "We educate them specially." I deny it.

Mr. GEORGE. How is that?

Mr. TELLER. We do not do that.

Mr. ALLISON. We pretend to do it.

Mr. TELLER. We "pretend to." That is the word to apply.

Mr. GEORGE. But is not the subject of Indian education under the control of the United States?

Mr. TELLER. It is under the control of the United States. This is not the occasion for me to go very extensively into the question of how far the Government of the United States has done its duty with reference to the Indians.

Mr. HAWLEY. May I not ask the Senator whether the United States has not failed as badly in teaching the Indians as the States have failed in teaching the white people? The theory of the bill is that the States have failed in teaching their own white people.

Mr. TELLER. So far as that is concerned there is not a State or Territory, New Mexico and Utah not excepted, but what has done its duty better by its people than the United States has done its duty, if it is a duty at all, to educate the Indian children.

Mr. GEORGE. I can not hear the Senator.

Mr. TELLER. It is not my fault. I am talking as loud as I can. I will repeat what I said for the benefit of the Senator from Mississippi.

Mr. GEORGE. I wish you would, because I should like to hear what you are saying.

Mr. TELLER. I say it is true that the Government of the United States pretends to educate the Indian children, but there is not a State or Territory (including New Mexico and Utah, which have perhaps the poorest educational facilities of all) but what has furnished to its people better educational facilities than the Government of the United States has furnished to the class that it pretends to educate.

I understand the objection made by the Senator from Mississippi is that the State has no control over the education of Indians, and therefore the Indians ought in no wise to be included in this estimate. It is true the States do not have such a control, and yet by the provisions of the bill if the Indians choose to avail themselves of the privilege all the schools of the States must be open to the Indians. If the Indians living in the vicinity of a white school choose to go to the white school and the people of the State or Territory accept a dollar of this money then they can not shut their doors against the Indian children. And that is the place to give the Indian children an education. If you could put the Indian population of school age side by side with an equal number of white boys and white girls for a year you would accomplish much more in the way of their education than you will in many years by the system we pursue.

The great obstacle to the education of the Indian is the fact that he does not speak our language. The Indian children who come in contact with white children readily learn the English language.

I do not know that any of the States accepting this appropriation would refuse, but I think they would be compelled, if the Indians were in their neighborhood, to open their school doors to them; and when we are adopting a system here of stimulating and urging on the school system of the States and Territories I do not see why we should leave a very large class of people entirely beyond the pale of the law.

That is one of the objections I have had to the bill. As I said to the Senator from New Hampshire in the beginning, the bill ought to have contained a systematic provision for the education of the Indians. On account of the sporadic way in which we make appropriations here and there and now and then for the Indians, with a few in school to-day, a few more to-morrow, and less the next day, the money has been largely wasted and thrown away. The appropriation of a million dollars has done but very little in that way; and although there has been some progress in the last four or five years and a great number of Indians have been put in schools who were not in schools before, there has been but very little done compared with what ought to be done by

the General Government with reference to the education of the Indians.

I should like to have offered to the bill a provision that I refrained from offering because the Senator who has it in charge thought it would injure the bill, and I have no disposition to injure the bill, although I am free to say that I think it is a very crude and unsatisfactory bill. I am not at all satisfied with its provisions; I am not at all satisfied with the scheme. It seems to me that the bill has been thrown together in a disjointed and inharmonious way; there is no harmony in the several provisions, and I do not believe that it will accomplish quite as much as it ought for the money that is to be expended. I regret that the Senator who has it in charge seems determined that nobody shall be heard, that he seems to think the wisdom of this body must reside in the Committee on Education and Labor, and resents the attempt to do what I think would improve the bill from time to time, as if it was an attack upon the bill itself.

Mr. GEORGE. Will the Senator allow me to interrupt him?

Mr. TELLER. Certainly.

Mr. GEORGE. I am not now a member of the Committee on Education and Labor, but I desire to say on behalf of that committee that the bill as now reported from them is not the bill originally framed by that committee, but it is the bill framed by them, reported to the Senate, and by the Senate amended and passed. Is not that a fact?

Mr. BLAIR. I did not understand the Senator's remark.

Mr. GEORGE. I said that the bill as it now appears, from the report of the committee, is not the bill originally framed by the committee, but it is the bill as reported by the committee and amended and passed by the Senate.

Mr. BLAIR. It represents the best that the Senate could do after three weeks of hard labor in the Forty-eighth Congress. It is the best that the ablest and most enlightened and best educated gentlemen on this side of the Chamber not upon the Committee on Education and Labor could do, and the best that could be done by the Democratic side of the Chamber. I presume it is a crude bill, but notwithstanding it was the best the Senate was able to accomplish after three weeks of hard labor.

Mr. GEORGE. I desire the Senator from New Hampshire to answer if it is not the fact that the bill as now reported from the Committee on Education and Labor is in the exact shape in which the bill was passed by the Senate in the Forty-eighth Congress?

Mr. BLAIR. Certainly, except as to the words in the thirteenth section, which were stricken out, and the amendment which has just been adopted. This was as well as the Senate could do. But it ought to be taken into account always that the Senator from Colorado was not a member of the Forty-eighth Congress, and it may still be an exceedingly crude bill. No such bill as this could have gone through when he was a member of Congress!

Mr. TELLER. Yes, it was my misfortune to be out of the Senate when this remarkable production was passed.

Mr. BLAIR. It was the misfortune of the Senate, not of the Senator. The Senator is too modest altogether.

The PRESIDENT *pro tempore*. The Senator from Colorado has the floor.

Mr. TELLER. It was my misfortune not to be a member of the Senate when this wonderful bill was passed.

Mr. PUGH. Mr. President——

The PRESIDENT *pro tempore*. Will the Senator from Colorado yield to the Senator from Alabama?

Mr. TELLER. I will yield in a moment. I have never been a member of the Committee on Education and Labor, but this is a question that I have given some little attention to. I spent some of the best years of my life as a public teacher. I have had considerable experience in the matter of education, common-school and otherwise. I thought I knew something about the educational systems of the different States. I had made some suggestions from time to time with reference to this subject in another department of the Government, and I thought I could properly, without hurting the feelings of the sensitive members of that committee, criticise a bill which they now disclaim having any responsibility for. They now say it is not their bill, that it is somebody else's bill, and its paternity they are prepared now to deny. I do not very much wonder that they do not want to father the bill. I said before that it was crude and unsatisfactory to the friends of the cause of public education. I do not believe that on this side of the Chamber or on the other a single member of this body can be found who will say that it is satisfactory to him in its details.

If the Senate had botched the bill, if I may use the term, in the last Congress, of which I had the misfortune not to be a member, why should not the committee, when the bill went back to them again, have put it in a proper shape? Why do we organize committees? Is it so essential that $77,000,000 must be taken out of the public Treasury, that a bill ill-prepared to accomplish the purpose for which we can alone be justified in passing it comes here because they say they can not pass any other bill? I did not suppose that a committee governed themselves by what they might be able to get the Senate to pass. I supposed that the bill was sent to the committee to be perfected and put in shape to accomplish an end, and if it does not accomplish the end (and the members of the committee are now prepared to admit that it does not fully), they ought not to have brought it here. Now I will answer the question of the Senator from Alabama.

Mr. PUGH. I desire to say that the bill now before the Senate is in many particulars materially different from the bill originally reported from the committee. The amendments made in the Senate were, as stated yesterday by the chairman, in pursuance of a decision in the Republican caucus. The amendments made in the Senate were made against the vote of members of the committee on this side of the Chamber, but the bill as it passed the Senate with those amendments was not so variant from the structure of the original bill in principle and in substance but that I felt bound to accept it and to vote for it, as I did. However, there was a very great difference between the bill reported by the committee and the bill which passed the Senate.

Mr. TELLER. I thought the Senator from Alabama wanted to ask a question. I do not object to the interruption, however.

Mr. MILLER, of New York. If it does not interrupt the Senator from Colorado, I should like to ask him a question in regard to his proposed amendment, prefacing that with a statement. As a member of the Committee on Education and Labor which has prepared this bill, for one I do not object to the Senator from Colorado or any other Senator offering all the amendments and suggestions which may occur to him for the benefit of the bill. There is no pride on my part that the bill shall not be changed. The bill met with my general approval as it came from the committee, and it has not been so materially altered by amendments in the Senate but that it still meets with my approval. I think the Senator from Colorado is mistaken when he says that the bill in its present form, or in the form which it is likely to come to, does not meet with the general approval of the educational people of the whole country. So far as I have been able to learn I think it does meet with their approval. It is possible that there may be inaccuracies in it, and that in some of its details it may not be as perfect as it should be. Nevertheless, I believe it will go very far toward producing the results which have been sought for by this appropriation of $77,000,000.

As to the amendment proposed by the Senator from Colorado, I fail to see wherein he expects to improve the bill by the adoption of the amendment. Perhaps I do not understand fully his purpose in offering the amendment, but if it be to bring about a condition of affairs under the bill by which a larger percentage of the money shall go to the various Territories, then I think his amendment instead of securing that object will defeat it and will send less money to the Territories than would go there if the bill were left in its present shape. May I ask the Senator if that was his object?

Mr. TELLER. That was not my object, Mr. President. I will say now——

Mr. MILLER, of New York. If the Senator will tell us what the object of his amendment is I then may be able to reply to him. I have misconceived the object.

Mr. TELLER. I do not know that it is absolutely necessary that the Senator should reply to my statement.

Mr. MILLER, of New York. As a member of the Senate and as a member of the committee that presented the bill I suppose I have a perfect right to defend the bill; and I have also, I presume, a perfect right to ask the Senator the object of his amendment or what his reasons are for offering it.

Mr. TELLER. Certainly. Now, when we get down to the fact, it is exactly as I stated it to be. The bill now before the Senate is substantially the bill reported by the committee. Whether it is right or whether it is wrong, the committee sent it here and said, "This is the bill we want you to pass." This is the bill that they have so sturdily resisted any attempt to amend, upon the theory that the bill was as perfect as it could be made, I suppose.

The Senator from New York wishes to know whether I want to help the Territories, whether I want to get more money for the Territories. I am free to say that I have not any interest in the Territories whatever with reference to this bill; and so far as the State that I represent in part on this floor is concerned you may strike it out of the bill, if you choose, and I shall not change my vote on the bill nor my opinion of the bill. Colorado is not asking any assistance from the General Government for her schools. If we vote this money, we vote it because there is in this country a class of people who are uneducated and the States declare that they are unable to educate them. Whether we believe that is a fair statement or whether we do not, the fact remains that States fail to educate their children, and because they do not provide school facilities for all their children we have proposed for the last four or five years in some way to grant national aid temporarily for the purpose of inciting and encouraging the States. It was proposed, when I was a member of this body before, that it should be done by donating the proceeds of the public lands and that certain moneys arising from other sources should be given for this purpose. For that I voted, and that I supported not only with my vote but with my voice.

I want to vote for a bill that will accomplish the purpose, for two reasons. The first is that I hold it is not proper to vote out a great

amount of money in a case where it is doubtful whether the object will be accomplished. I want the money which is voted for the support of common schools in this country to support the common schools; and I think we have a right to insist that a bill brought here shall be so perfect that at least there is a fair presumption that the good sought by the appropriation will be obtained.

Now I shall answer a little further. I proposed this amendment, as I said, to be followed, if agreed to, by others. We have a Territory called the Indian Territory. We have thousands of Indian children there who are not having an opportunity presented to them for an education by the Indians, who probably, in some of the tribes, are abundantly able to educate their children. We are not having it done by the Government. I know of but one single tribe that has made suitable and proper preparation for the education of its children, and certainly nobody will pretend that the Government of the United States has done anything of that kind in this country.

I believe that this bill ought to go back to the Committee on Education and Labor, and that the committee ought to go to work and put these disjointed sections in harmony one with another. Here we find that the Secretary of the Interior is in one instance to distribute the money and in another the State is to distribute it. We find that this is for the support of non-sectarian schools, and then the chairman rises and tells us that it is the purpose and object of a provision of the bill to use it for sectarian schools in at least two of the great Territories of the country. I do not propose myself to vote a dollar for any sectarian school, although it may be a school of the faith in which I was brought up and educated. I propose to vote any amount of money that may be fairly and honestly expended, as far as the wealth and condition of the country will justify it, in supporting a public common school where all the children will have the same opportunity of getting an education in the rudimentary branches.

If this amendment is accepted I propose to follow it by others. I do not know that it is very material to the subsequent amendments whether this amendment is adopted or not. You may leave out the Indian Territory with its large number of people, and you may assert that they are better able to educate their children than the people of Louisiana, or Mississippi, or Arkansas, or Colorado, if you choose. I do not believe it; and I do not see why the Committee on Education and Labor did not include all classes and all kinds of people who live in this country.

Mr. MILLER, of New York. Mr. President, I shall be very glad to join hands with the Senator from Colorado in perfecting this very imperfect and disjointed bill, as he calls it; but it seems to me, if this amendment is adopted, it will be still more disjointed and imperfect than it now is.

The bill did not undertake to deal with the difficult question of the education of Indian children. That has been provided for, and is being provided for, from year to year by special laws, and special schools have been established for them. It has not been left for the Territorial governments, or any of the State governments even, to do that work. It has been provided for by liberal appropriations in the past; and while much of the work may not have been successful, yet I believe there is a great advance for good in the education of the Indians of our common country. Therefore it was left out.

If the object of the Senator from Colorado in adding the words "and Indians" was thereby to bring a larger proportion of the amount of money to the Territories and then to impose upon them the duty of educating the Indian children found within their borders—if it would produce that result and it should be thought wise that the education of Indian children should be committed to the Territorial authorities in each Territory and that the Federal Government should give up any direct control or action upon that matter, I might be disposed to go with him; but if this amendment is adopted it will result in giving a less amount of money to each Territory in which the Indians are found than will go to it under the bill as it now stands. Certainly I suppose that the Senator from Colorado does not desire to produce any such result as that.

This apportionment is to be made under the census of 1880, and the money is to be apportioned in the proportion which the whole number of persons in any State or Territory over ten years old who can not write bears to those over the age of ten who can not write in the whole country. While the census of 1880 may show in a general way the number of Indians in any particular State or Territory, it does not show, I think, nor does it attempt to show at all, how many of them can not read or write. Therefore, if an apportionment comes, for instance, to the Territory of Utah and the Indians are added, and they are 250,000, the number of people in that Territory who can not write are a fixed number under the census of 1880, and that number will not be at all increased by the number of Indians being added to the whole number of persons. Therefore the amount of money coming to Utah under the bill, if the amendment is added, would be decreased materially instead of being increased, unless you provide in the bill that the whole number of Indians shall be held to be illiterate or that they shall all be held to be unable to write.

If such an amendment as that were added to it, then of course it would increase the amount of money which would go to the Territory of Utah, which I have taken as an illustration; but if left as it is now proposed, it certainly would result in decreasing the amount of money which would come to any particular Territory or State in which the Indians are enumerated. So I think it is much better to leave the section upon that question as it now stands.

Mr. DAWES. I agree with the Senator from New York in this matter. I am not quite certain that his premises are correct when he states that the Indians who can not write are not enumerated in the census tables. If he is correct in that, then certainly if the amendment is adopted the Territories will get less money. I am not certain about that; but if they are included and the money is apportioned upon them, then there will be some obligation upon the Territory or State to interfere and take the management of the Indian schools upon themselves. The Government of the United States will be carrying on schools, and the general superintendent of Indian schools will have one set of schools or one policy in teaching the Indians, while the State or Territory will have its own policy and its own method; and when compulsory education, if that bill should pass, shall apply to the Indians in a Territory or a State and not be the policy of the State itself, or if the school age adopted by the United States as applicable to the Indians shall differ from that adopted under the State laws, there is confusion, conflict, friction.

I think that inasmuch as the United States takes upon itself the work of educating the Indians in another system, it is not quite well for us also to undertake to get the United States into this system with these appropriations. The United States will excuse itself from appropriations for the Indian under the Indian schools of which they have control themselves just to the extent that they contribute here, or the attempt will be made, and those not earnest and sincere and liberal in the appropriations for Indian schools will find an excuse and shelter themselves under the claim that under this bill we are providing for Indian children, when in point of fact nothing substantial will come of it to the Indian.

Mr. MORGAN. May I ask the Senator a question about this bill? The bill provides that money shall be apportioned and shall be also applied without distinction of color. Does he understand that the Indians would be entitled to be considered in the application of this fund in the States? Take Kansas and North Carolina, where there are still a good many Indians.

Mr. DAWES. I suppose the Senator alludes to Indians who are members of tribes and under the supervision of an agent on a reservation. I should not think so. I should think it would be a very bad feature of this bill if it attempted to aid education in the State to the extent of interfering with the policy now adopted by the Government toward the Indians.

Mr. MORGAN. Then as color is the only question, and there shall be no distinction made on account of color, and illiteracy is the basis on which we make the appropriation, and also the school age is the basis on which we make the dispensation of the money, would not the State of North Carolina, for instance, be entitled to draw for the Indians within her borders, although she might not apply a dollar of the fund to their education?

Mr. DAWES. I do not know as to that. I am looking at the policy of undertaking in this way to eke out by interference and by friction and by diversion the system of educating the Indian. The Indian is unlike the colored youth and the white youth, and his education must be altogether from a different standpoint.

Mr. MORGAN. I thought the Indian was a colored man; I thought he was very much like a colored man. That is my idea about it.

Mr. DAWES. "Colored man" is in some sense a technical term. It has its meaning in laws and in our legislation. It never occurred to me until the Senator undertook by an amendment to make it applicable to the Indian that anybody would have thought that term included Indians on the reservations, who are treated to that extent as outside of the territorial limits of the State in which the reservation is situated for all purposes, and you must have special legislation to make the crimes act applicable to them.

Mr. BLAIR. There is no census whatever of Indians which throws any light upon their condition of illiteracy. They are taken by numbers and by sex. There are no data which could assist in the distribution of money for them under the provisions of the bill. The bill does not provide that every person of color in the States and Territories shall have any benefit under the act. The bill provides that the money shall be paid out in the States and Territories upon the basis of illiteracy as shown by the census of 1880, and that census shows illiteracy without any reference whatever to the Indians. The illiteracy shown is the basis of this distribution, so that the question does not arise at all as to the Indians within the States, and they are not in any way included.

The whole Indian question is entirely outside of this bill. No State is entitled to have counted in its number of illiterates the Indians that may exist in that State, because the bill provides that it is the illiteracy as shown by the census, which is simply that of the white man and of the black man and of the intermediate shade, those being the only classes of population, as I understand, that enter into the census.

If the Indian was taken into account in the census of the several States as a colored man, and his illiteracy was taken account of, then there is no difficulty whatever—he is already included; but I do not un-

derstand that to be so, for here are the tables of the Indian census, and they relate only, as I said before, to population and sex.

Mr. TELLER. If this amendment should be adopted I stated that I intended to follow it with others. I think the bill would need a further amendment in order to make it practicable to carry it out. I should provide some method perhaps by which there would be no trouble in determining what Indians could read or write.

Now I wish to say a word in reply to the Senator from Massachusetts [Mr. DAWES]. My proposition did not go at all to interfering with the Government of the United States in its lame and weak efforts at the education of Indians. I no not believe that the States would be willing to assume that responsibility, and I doubt very much whether the States and Territories would do it any more efficiently than the Government of the United States, although they could not well do it much worse. It was not for the purpose of interfering with the Government schools. The Senator can rest assured that neither the States nor Territories will rush to educate the Indians; they will let the Government do it, if it wants to do it. But I said that if a State did accept this appropriation, then their doors must necessarily be opened if the Indian saw fit to avail himself of common-school education in that State.

I understand that in the State of New York the common-school system applies to Indians just as well as to white people; that they have all the benefits of it; that they are enumerated. As I recollect after having been away from there a good many years (but that was the fact years ago as I recollect), the Indians have the opportunity of attending school, and they are enumerated in the list to determine the amount of money to be apportioned to a district, and in regard to everything, the same as white people, and the schools are open to them. I do not know that the Government is doing anything specially with reference to that class of Indians now.

As I said before, I want to amend the bill if I can so that it may be applied to the Indian Territory. If this amendment is adopted and another one, the bill will still require probably another amendment before that can be done.

Mr. DAWES. There is no doubt that if there are Indians in any State or Territory who have separated from tribal organizations and are leading the habits of civilized life their children could go into schools where colored or white children go. There are such Indians in Massachusetts. They have been there for two hundred years. They do not belong to any existing tribal organization now. They attend the schools wherever they are established in the neighborhood.

Mr. GEORGE. They are taxed, too.

Mr. DAWES. They are citizens of the United States and of Massachusetts, and they are treated in all respects as such. They are measured solely by their capacity, their moral capacity.

The PRESIDENT *pro tempore*. The question is on the adoption of the amendment of the Senator from Colorado [Mr. TELLER].

The amendment was rejected.

Mr. TELLER. I wish to add one other amendment to the bill, and I think perhaps the Committee on Education and Labor will not object to this one. In section 14 it is provided:

> That the Secretary of the Interior shall be charged with the practical administration of this act in the Territories, through the Commissioner of Education, who shall report annually to Congress its practical operation, &c.

It is a little doubtful whether it is meant that the Commissioner of Education or the Secretary of the Interior shall report. In proper administration the report should come from the Secretary and not from the Commissioner.

Mr. BLAIR. If the Senator will read the whole section he will see that there is no doubt.

Beginning in line 6, the section reads:

> Which report shall be transmitted to Congress by the Secretary of the Interior, accompanying the report of his Department.

Showing that it is the Commissioner of Education who is expected to make this report, through the Secretary of the Interior, who transmits it to Congress with the other papers accompanying his own report.

Mr. TELLER. I will ask the Senator if it is proposed that the Commissioner of Education shall also report to Congress? The ordinary method is that the head of the Department makes the report to Congress and the subordinates report to him.

Mr. BLAIR. I am exceedingly obliged to the Senator for the information. It is well that those who have not had the opportunity to be trained in all the schools of Government office should occasionally receive instruction upon doubtful and abstruse questions of practice like that. The entire fourteenth section reads as follows:

> That the Secretary of the Interior shall be charged with the practical administration of this act in the Territories, through the Commissioner of Education, who shall report annually to Congress its practical operation, and briefly the condition of common and industrial education as affected thereby throughout the country, which report shall be transmitted to Congress by the Secretary of the Interior, accompanying the report of his Department. And the power to alter, amend, or repeal this act is hereby reserved.

If there are any amendments that ought to be made in that section I have no objection to them, but I will take this occasion to say to the Senator——

Mr. TELLER. I shall not take the time of the Senate in replying to the courteous and Senator-like remarks of the Senator from New Hampshire, but will proceed to offer my amendment.

Mr. BLAIR. The Senator was interrupting me, I will say.

Mr. TELLER. I decline to yield to the Senator from New Hampshire.

The PRESIDENT *pro tempore*. The Senator from Colorado has the floor.

Mr. TELLER. I decline to yield to a Senator who attempts to belittle everything that anybody tries to do in reference to the bill, upon the theory that nobody knows anything about the bill but the Senator from New Hampshire.

Mr. BLAIR. I call the Senator to order.

The PRESIDENT *pro tempore*. The Senator from New Hampshire will reduce his point of order to writing.

Mr. BLAIR. I withdraw the point of order.

Mr. TELLER. I do not desire to have any controversy with the Senator from New Hampshire. I propose to amend the bill so that it shall be in proper form if I can. The bill provides now that the Commissioner of Education shall report to Congress, and then it also provides that the Secretary of the Interior shall be his messenger to bring the report to Congress. In line 4 of section 14, after the word "report," I propose to strike out the words "annually to Congress." It will then read:

> Through the Commissioner of Education, who shall report its practical operation, and briefly the condition of common and industrial education as affected thereby, &c.

Mr. BLAIR. Will the Senator state his amendment again? I presume there is no objection to it, but I should be glad to have him state it. I wish to understand it.

The PRESIDENT *pro tempore*. The amendment will be reported by the Secretary.

The CHIEF CLERK. In section 14, line 4, after the word "report," it is proposed to strike out the words "annually to Congress," so as to read:

> That the Secretary of the Interior shall be charged with the practical administration of this act in the Territories, through the Commissioner of Education, who shall report its practical operation, &c.

Mr. BLAIR. There is no objection to that; at least none on my part.

Mr. ALLISON. Is an amendment to the pending amendment in order?

The PRESIDENT *pro tempore*. The amendment of the Senator from Colorado will be considered as agreed to if there be no objection.

Mr. DOLPH. I object to it.

Mr. ALLISON. I do not object to the amendment, but I desire to move to strike out section 14 down to and including the word "and," after "Department," in line 8. We have already provided that these funds distributed in the Territories shall be practically applied as they are in the several States, and therefore this whole provision should go out.

Mr. BLAIR. That is the logical result of the action of the Senate upon section 6. There is no objection to the amendment. Of course it improves the bill, and it should be agreed to.

Mr. ALLISON. I am glad that the Senator from New Hampshire agrees with me on that point.

Mr. BLAIR. The Senator is not aware of the amiable nature of the Senator from New Hampshire. When he is met with anything of a like spirit, he is the most docile creature in the world.

Mr. ALLISON. So I have observed. I ask that that amendment may be agreed to.

Mr. MILLER, of New York. Let it be reported.

The PRESIDENT *pro tempore*. The amendment will be reported.

The CHIEF CLERK. It is proposed to strike out all of section 14 down to and including the word "and," in line 8, so that the section, if amended, would read:

> The power to alter, amend, or repeal this act is hereby reserved.

The PRESIDENT *pro tempore*. If there be no objection that amendment will be considered as agreed to.

Mr. HOAR. Is there not any provision for a report to Congress now left? I should like to know before that amendment is agreed to.

Mr. BLAIR. The section applies to what he shall do with reference to the Territories, the Senator will observe. It does not affect the general duty of the Secretary of the Interior.

Mr. HOAR. I rose at the moment the Chair was announcing that the amendment was adopted. I suppose the Chair will consider it as still pending if there be no objection.

The PRESIDENT *pro tempore*. The Chair recognized the Senator from Massachusetts after the amendment had been agreed to.

Mr. HOAR. I rose at the time it was announced, intending to speak to the amendment.

The PRESIDENT *pro tempore*. The question may be considered as still open and the amendment of the Senator from Iowa is pending.

Mr. HOAR. I wish to inquire whether it is the purpose of the Senator from Iowa to propose and the Senator from New Hampshire to consent to an amendment which strikes out the provision that the Secretary of the Interior shall make a report as to the effect of this bill on common-school education throughout the country—whether that report is now

to be dispensed with? It does not relate to the Territories alone; it relates to the whole operation of the bill. It seems to me there should be somewhere—there is probably elsewhere in the bill—a provision for an annual report to Congress of the whole matter of the operation of this measure.

Mr. ALLISON. The Senator will see that section 14 is intended to apply to the Territories, and then it adds a little suggestion that the Commissioner of Education shall make a report briefly, as the bill might affect the condition of education throughout the country. I think an ordinary Commissioner of Education will be able to state that in his report without special authority from Congress.

Mr. HOAR. Is that covered by the general law in regard to the Commissioner of Education?

Mr. ALLISON. What I desire is to place this provision on the same footing as all other provisions of the bill, whatever they may be.

The PRESIDENT *pro tempore*. The amendment will be considered as agreed to if there be no objection. The amendment is agreed to.

Mr. MORGAN. I offer an amendment, and desire to call the attention of the Senator from Indiana [Mr. HARRISON] to it.

The PRESIDENT *pro tempore*. The amendment will be reported.

The CHIEF CLERK. It is proposed to add as a new section:

SEC. —. That the money that shall be appropriated in pursuance of this act for the purposes of education in the Territories shall be apportioned according to a census that shall be taken in each of the organized Territories at the expense of the United States and under the direction of the Secretary of the Interior on or before the 1st day of June, 1886.

Mr. MORGAN. Yesterday, when the Senator from Indiana who is the chairman of the Committee on Territories was absent, I called the attention of the Senate to the condition of the bill and to its effects upon the new Territories. I will just repeat the remarks which I made yesterday, which are pretty concise:

Now I find by going back to 1880, according to the table presented in the report of the committee or by the Senator from New Hampshire, that Dakota is credited in this bill with only 135,177 people, in all of whom there are 4,631 that can not write. If we are proposing to do justice between the different States and Territories, why do we go back to 1880, when these Territories had very sparse population, and take from them the advantage of the increase in their population from that time? The amount of money that would go to the Territory of Dakota during all this time would be $59,737 during the whole eight years. Alabama has only about three times the population that is alleged here for Dakota, about 1,250,000 people. Alabama gets under this bill for the whole time $5,370,848.45.

A bill was brought in the other day to admit Washington Territory into the Union. Washington had 75,116 people in 1880. It is now claimed that there are 150,000 people in Washington Territory. The illiterates in that Territory, as shown in this table, are 3,850. The amount of money coming during the eight years to Washington Territory, claiming now to be entitled to Statehood, is $48,186.66; and that, too, when Washington Territory and Dakota are now paying more money into the Treasury of the United States for public lands, perhaps, or at all events a greater number of population is going there to take the benefit of our homestead system, than in any of the old land States of the Union.

Now I take Montana Territory. It is credited in this report with 39,159 people and its illiteracy is 1,077, and what it would get under the bill is $31,151.46 for the whole time, for the entire eight years, not quite $4,000 a year.

That is a very great injustice to those people. I am not their champion on the floor by any means, but I have not any doubt at all that the Senator from Indiana will be ready to claim for that body of organized Territories what is just in comparison with the people of the other parts of the United States. Commencing in 1880, we are six years advanced beyond that period, and during that time Dakota has added to her population, so that she now has—I can not recall the precise figures——

Mr. HARRISON. Five hundred thousand, in round numbers.

Mr. MORGAN. Dakota has, in round numbers, a population of 500,000. That is a tremendous increase. In eight years more she will probably have a million people, having a population as large as Alabama, and though her illiteracy would not be as great as that of Alabama, because of her not having any negroes there, and especially because she has not got any there over twenty-one years of age who can not get the benefits of this system, Dakota would go on under this basis, according to the census of 1880, and would run until 1894, four years beyond the next decennial census, as the bill is framed, and during all the life of the bill, unless it is afterward altered or amended in some way, Dakota would be drawing money on the basis of her population in 1880.

Now, I claim that that is an injustice which this bill ought not to inflict.

I am aware, Mr. President, yes, too sadly aware, that the money which would thus come from the people of Dakota goes to the people of the recent slave-holding States. I know that I yield for my State a very decided advantage in the proposition which I present here to-day; but, sir, if I am compelled to legislate on a subject like this, I am not here for the purpose of legislating for one State or one section of the country by way of discrimination against another. I can not content myself with legislation of that sort, whatever other gentlemen may do. Before I could support any feature of this bill, or have the slightest degree of respect for it, I must understand that there is some principle of justice in the bill, and that it is not a mere grab for one section of the country against another.

The committee have not considered this question; they could not have considered it; neither did the Senate when the bill was before us two years ago consider this question. It is an open question, and the Senate ought to do justice to those people.

Mr. HARRISON. I think the Senator from Alabama is clearly right in saying that the bill as it stands perpetrates a gross injustice upon the people of the Territories, and not only upon the people of the Territories, but upon the people of some of the new Western States that are increasing in population with enormous rapidity. I had myself noted upon a copy of the bill which I have before me an amendment which I shall offer presently, though it was not intended to supersede the amendment of the Senator from Alabama, providing that the census of 1880, which is declared by the bill to be the basis upon which the whole apportionment for the eight years is to take place, shall yield to the returns of the census of 1890 when they come in.

It will be noticed that the bill can hardly go into effect for a year. If it should pass the other House at this session of Congress, and the appropriation called for for the first year should be made in one of our next annual appropriation bills, it would not take effect or become available till the 1st of July.

Then there is another provision in the first section of the bill that "no money shall be paid to a State, or any officer thereof, until the Legislature of the State shall, by bill or resolution, accept the provisions of this act." It may very well be, it probably will be, that some of the State Legislatures will not assemble next winter; and there, if I may digress a moment, I want to suggest what seems to me to be an uncertainty in the bill.

Suppose it should be true that the Legislature of some State either does not meet in regular session or the governor does not convene it in extra session, so that it does not pass a resolution or bill accepting the provisions of this act next winter, the first year of this appropriation rolls around and whatever is not expended I suppose would go back into the Treasury of the United States as an unexpended appropriation, and in that case the State that did not act within the first year would lose the benefit of the appropriation. It would necessarily do so unless the Legislature was called together by the governor to take action upon the matter at an early day.

Mr. HOAR. Unless Congress remedied it.

Mr. HARRISON. Unless that should be remedied; but now, before the passage of the bill, is the time to remedy it, if there is anything in the suggestion which I make.

But the point I was proceeding to make is this: This bill can not take effect for a year, because it is not likely that the Legislatures that assemble next winter, as the Legislature of Indiana does in January, would be called together in special session to act upon this measure. Therefore the apportionment would not begin until a year from this time. That would make it 1887, so that only three years would remain until we entered upon the work of taking the census of 1890, and five years of the time covered by the bill would be after 1890. Yet, according to the terms of the bill, we are proceeding upon the basis of the census of 1880.

It seems to me that as soon as the returns are received at the Department of the Interior in such shape as to be made a basis of distribution we should abandon the census of 1880 and take up the returns of illiteracy for 1890. In that way States such as Kansas, Nebraska, Iowa, and other States on the frontier, that are increasing enormously in population, would get the benefit of that increase; they would get the benefit at least of the latest tables of illiteracy in those States. As to the Territory of Dakota, the Territory of Washington, and indeed as to all our Territories, the basis of the census of 1880 is utterly unfair.

Mr. HOAR. I should like to ask my friend from Indiana if while those States are to be increasing in population from 1880 to 1890 they will not be diminishing all the time in the proportion of their illiteracy to the illiteracy of the whole country?

Mr. HARRISON. Possibly.

Mr. HOAR. I do not mean to oppose the point the Senator is making, but there may be some injustice after the census of 1890 is taken which ought to be remedied by having that operate as soon as it taken, in the particular illustration which he makes, which is probably an illustration of States that will get less and not more under the distribution.

Mr. HARRISON. I agree that we can not say that an increase of population implies a proportionate increase in illiteracy. It may be the reverse. But at all events the basis adopted here is an uncertain one; it does not represent the actual basis. If in fact the proportion of illiteracy is diminished, then the injustice would be on one side; if it is increased, it would be on the other.

So it seems to me we should pass from the census of 1880 to that of 1890 at the earliest possible moment, and I think it is fair that there should be in the Territories a census. In the case of Dakota a census

was taken this last year. I think it embraces these returns; and I am of the opinion that the Secretary of the Interior as to that Territory, if the bill did not confine it to the census of 1880, would have before him the facts upon which that might be determined.

Mr. MORGAN. Will the Senator allow me to ask him a question for information?

Mr. HARRISON. Certainly.

Mr. MORGAN. The Senator has studied all about the population of the Northwest very much more than I have, I know. I have been informed, and I suppose it is correct, that there is a large influx of population into the Northwest from abroad, from Germany and other states of Europe where English is not spoken.

Mr. HARRISON. That is true.

Mr. MORGAN. This bill requires that persons shall be taught in the English language. I suppose the illiteracy which is mentioned here means of course illiteracy in respect to the English language. So I would take it that the large number of persons coming from Germany, for instance, would most of them come as persons who are not English-speaking people and would have to be taught. They can write, but they can not write in English; they can not speak in English.

Mr. HARRISON. I have no doubt what the Senator says is true, yet the emigration coming from European countries is very largely from the north of Europe, from countries where the people have had the advantage of instruction, of course in their own tongue, and I do not suppose they would be classed as illiterates. I do not understand the bill to mean that one shall be able to read and write in the English tongue. I do not think the census tables are made up upon that basis.

Mr. MORGAN. I do not know how they are made up; I inquired for information about it.

Mr. HARRISON. But it is clear, I think, that however the proportion might be maintained in the Territories with the increase of population, there would be a large increase of illiterates. What the proportion would be as to the whole population of the United States of course no one can tell; but it seems to me that we are taking too remote a basis or estimate for the Territories, whose conditions as to population are changing with such amazing rapidity.

I do not see any objection to the amendment of the Senator from Alabama; on the other hand, I think it enables us to distribute the fund to the Territories upon a more equal basis than the bill provides.

Mr. CALL. Mr. President, the bill reported from the committee is not, I think, properly subject to the criticisms which have been made upon it. It is a bill which necessarily establishes proportions, and appropriates the money according to a proportion between the illiteracy of a locality and the whole. Some basis must have been taken, and the only possible basis before the bill was reported was the last census.

It is impossible under the suggestion of the Senator from Alabama to fix that proportion. A census yet to be taken in the future may vary it entirely. Of what necessity is it? This law will always be within the control of Congress. When the fact is developed that the proportion does injustice to any locality, what is the difficulty in the next Congress or in any Congress establishing another basis for ascertaining what is the proportion of illiteracy between one part of the country and another? The bill is not an iron one that can not be changed, but must always be within the power of every succeeding Congress to alter it.

Therefore it appears to me that the suggestion is entirely an immaterial one and will not produce any substantial effect.

Mr. TELLER. At the risk of bringing down upon myself the condemnation of some member of the committee—not that I care anything about it; I rather like to see the courtesies and decencies of the Senate maintained myself—I will venture to suggest that several of the States under a United States law have recently taken a census. The act providing for the census of 1880 contained a provision that in 1885 such of the States as saw fit to take a census might do so, and that one-half of the expense should be paid by the General Government. Certainly several of the States have taken a census of that character. It seems if this provision was not limited to the census of 1880 the Secretary of the Interior would have some discretion to accept the last census. For instance Kansas, I understand, has taken a census, Colorado has taken a census, and other States have taken a census.

Mr. INGALLS. In Kansas a census is taken every year in March.

Mr. TELLER. In Kansas a census is taken every year in March, the Senator says.

Mr. DAWES. A census is taken every five years in Massachusetts.

Mr. TELLER. A census was taken in 1885 in Massachusetts. A great number of States availed themselves of that provision in the act for taking the census of 1880 that they might take a census in five years and the Government would pay one-half the expense.

Mr. CALL. Will the Senator from Colorado allow me to make a suggtion?

Mr. TELLER. Yes, sir.

Mr. CALL. I suggest to my honorable friend from Colorado that although there might have been twelve or fifteen or twenty States which had taken a census, you could not from that fix the proportion unless you took the census of those States as the basis for the whole, and the census of 1880, which extends to all the States, is the only practical basis for the ascertainment in all the States and Territories.

Mr. TELLER. I do not know how many of the States did take a census last year. It may be that it is not practicable; but I think myself the suggestion made by the Senator from Alabama is proper, and I am in favor of his amendment

Mr. HARRISON. I want to suggest to the Senator from Alabama, upon reflection, whether the expense of such a census as he provides for here would not in the Territories equal or very nearly equal the amount of the appropriation in the bill for their benefit, and whether his amendment might not be so modified as to allow the Secretary of the Interior to act upon the school reports, such reports and information as is furnished by the Territorial authorities from time to time. I think a census of Dakota would cost as much as the Senator stated a moment ago would be apportioned to that Territory, certainly more than for the first year on the basis of the census of 1880.

Mr. MORGAN. In proposing the amendment the thought had occurred to me that is suggested by the Senator from Indiana, and I supposed the words "school census" would probably reach it, which the Secretary could obtain through the legislative authorities. I grant that it will be an expensive business, and the only apology I should have for that view of the case is that this is a very expensive proceeding we are in, and we have stricken out of the bill $2,000,000 for the building of school-houses, as originally provided in the bill passed by the Senate before, and I suppose we might take that as a sort of contingent fund out of which we could provide for the persons who would suffer otherwise under the bill.

I do not want to increase the expenses of the Government, and I am quite willing to agree to any modification of the amendment by which it can be ascertained what is the present basis of illiteracy in the Territories or what it will be at the time the bill goes into effect.

The Senator from Florida I have no doubt understands this bill better than I do, but I have had a great misunderstanding of it if I have not rightly understood that the bill goes upon the basis of the number of illiterates that were found in the States over ten years of age at the date of the census that is the basis of the proportion. You ascertain, in order to determine the amount of money that is to be paid to any State or Territory, the number of persons over ten years of age who were illiterate at that time, and that is the basis of the proportion to the whole fund. There is where the difficulty comes in. Dakota had only about 150,000 people in 1880, and now she has 500,000; so that the basis of illiteracy in reference to Dakota which was established in 1880 would be a great injustice to her now. Assuming that the same proportion exists in respect to her 500,000 population that existed in 1880 in respect of her 150,000, still we should find that Dakota was behind some 300 per cent. probably in the amount of money that we are awarding to her under this bill.

As I observed yesterday, if the Senate has got the power to pass this enormous bill it ought to have the measure consistent; its committee ought to be willing to take pains to consider it; and I am quite dissatisfied with the statement made here to-day by Senators in which they seem rather to boast themselves that they did not bring in a bill that agreed with their own convictions as Senators, but they brought in a bill that was passed by the Senate two years ago as their guide. We want the enlightened opinion, the intelligent action of the committee on the bill upon its merits, without reference to how the Senate might have voted heretofore. I shall not say much, or anything indeed, about sending it back to the committee, for fear it might be understood that that was my method of trying to defeat it; but what has been said about the true features of this bill has been said very mildly. The Senate has purged out some of them after great and laborious effort and long debate. But I believe if I was on that committee I could not justify myself after all that has occurred here in not asking that this bill should be recommitted. At all events, I am trying to do what I can to get the injustice out of it.

Mr. CALL. I think the point is so clear that there ought not to be any difficulty here. The bill provides:

SEC. 2. That such money shall annually be divided among and paid out in the several States and Territories in that proportion which the whole number of persons in each who, being of the age of ten years and over, can not write, bears to the whole number of such persons in the United States.

If we are to take the census of Dakota we are to establish that proportion by the census, whether it be a school census or a State census of that Territory, for the whole United States; and the simple question presented by this amendment is whether it is right to take a census of a single Territory and make that the proportion for the whole country, or whether it is better to take the census of the whole United States, although it may have been several years past and may do injustice to some locality. There can be no question between those two propositions, that the only approximate basis that would be correct would be the last census of the whole United States.

Mr. INGALLS. Mr. President, the amendment proposed by the Senator from Alabama and the observations made by the Senator from Indiana are based upon an entire misapprehension of the objects and the purposes of this bill. It is not intended for the free Territories of the Northwest. It is not intended for the States of the North and the West. They spurn it. I know, sir, I voice the Republicans, the people of the State of Kansas, when I say that they spurn indignantly and

with contempt any assumption that they desire a donation from the national Treasury for the purpose of conducting the system of common schools within their borders.

Sir, the State of Kansas since 1861, amid all the perils and privations of her career during the period of the war, with less than 100,000 people when that war broke out and having sent more soldiers into the Union armies than she had voters when the war was declared, and notwithstanding all the subsequent privations of the frontier, droughts, locusts, perils of all descriptions, out of her scanty resources has expended more than $30,000,000 down to this last year of our Lord for the support and maintenance of common schools within her borders. And I am fatigued with the assumption that the Senator from New Hampshire so often presents and that others who advocate this bill so often present, that the people of the North and the West, that the people of Dakota or Montana or any of the other great Territories that are being filled up by immigration from the Northern and Western States, demand a donation from the national Treasury or ask any portion of this $77,000,000, either by way of bribe or by way of alms, to induce them to take care of the matter of education within their own borders.

Let us be just about this matter; let us drop disguises, let us come down to the basis of common sense and common justice, and do not insult the people of the Northern States, do not insult Massachusetts and New Hampshire and New York and Illinois and Wisconsin and Kansas and Nebraska and Iowa and Dakota and Montana by declaring that they want any portion of this donation of $77,000,000 for the purpose of taking care of the common-school system within their borders. We do not want it.

Sir, this bill is essentially dishonest, and under section 2, upon the basis of distribution that is proposed, the States which will take money under this bill are actuated by precisely the same spirit that would induce a man to pick a pocket or to rob a graveyard. When the States to whom this donation is to be given propose to ask us to vote $77,000,000 to be distributed upon the basis of illiteracy, to be determined by ascertaining the number of people within their limits above the age of ten years who can neither read nor write, that is essentially dishonest. It is an act of grand larceny of the Treasury of the United States. They do not intend to take that money for the purpose of educating those people upon whose illiteracy they obtain it. Let there be no misunderstanding about this matter. When the States of the South, for whom this money is intended, come here and ask that they shall obtain it, and that the basis of distribution shall be the number of illiterates above the age of ten years without any maximum, they know perfectly well, and the country knows, that they are obtaining that money under false pretenses. This is a bill nominally intended for the support of the system of common schools in this country.

Mr. MAXEY. Mr. President——

The PRESIDENT *pro tempore*. Does the Senator from Kansas yield to the Senator from Texas?

Mr. INGALLS. With pleasure.

Mr. MAXEY. I beg to say to the Senator who is making that sweeping expression as to the South that the State of Texas does not ask and has not asked for this money, and as represented on the floor of the Senate she will not vote for the bill.

Mr. INGALLS. I am very glad to hear it.

Mr. MORGAN. Will the Senator from Kansas allow me to call attention to a telegram which I received yesterday from the governor of Alabama?

MONTGOMERY, ALA., *February* 17, 1886.

To JOHN F. MORGAN,
U. S. S., Washington, D. C.:

I see no authority in the Constitution for the propositions of the Blair bill, and am opposed to this insidious effort to transfer to the Federal Government the power to control and regulate education within the States. I indorse your opposition to this bill and believe the people of this State do.

E. A. O'NEAL, *Governor.*

Mr. RIDDLEBERGER. Will the Senator from Kansas allow me to ask the Senator from Texas what the amount of the school fund in that State is derived from the large territory of that State which almost all the other States furnished troops to acquire for Texas, save and except possibly Kansas and a few others?

Mr. INGALLS. I hope the Senator from Virginia will allow the answer to that question to be postponed.

Mr. MAXEY. I wish to answer that single question.

Mr. RIDDLEBERGER. I should like to have an answer.

Mr. MAXEY. There is not a bit of territory in the State of Texas that was ever acquired by the exertion of any one State of this Union; it all belonged to Texas when that State was admitted into the Union, and belongs to it yet. Her school fund is her own property, not embracing a dollar of money derived from the United States.

Mr. RIDDLEBERGER. How much is it?

Mr. MAXEY. It is very large, and I hope it will be larger.

Mr. INGALLS. Section 2 of this bill says:

That such money shall annually be divided among and paid out in the several States and Territories in that proportion which the whole number of persons in each who, being of the age of ten years and over, can not write, bears to the whole number of such persons in the United States; such computation shall be made according to the census of 1880.

I moved yesterday to amend that section by providing that the basis of distribution should be ascertained by computing the number of such persons between the ages of ten and twenty-one years in each State and Territory, for the reason that I desired that this money should be distributed upon the basis of those persons who being unable to read and write were to receive the benefit of it. That amendment was rejected by a vote, I believe, of 17 to 23; and that was a declaration of the purpose and the intention of those who are promoting this bill, and that is to obtain for the States of the South a vastly greater proportion of this money than they are by any reason or by any equity entitled to.

Who is responsible for the illiteracy in the South of those people who are above the school age? I have heard this measure spoken of as an act of restitution, a contribution to the national conscience fund, as if the North, in overcoming the South and in securing the freedom of the slave and enfranchising the freedmen, was thereby compelled by virtue of that fact to bear the entire burden of educating them up to the condition where they would be properly competent and qualified to exercise the suffrage. Very good; admit that. What part or lot has that great class of illiterates who are above the school age, who were in that condition at the time enfranchisement was declared, in this matter?

Why should the United States of America, why should the people of the North, why should the people of Kansas be called upon, in addition to paying $3,000,000 this last year to educate their own illiterates between the ages of ten and twenty-one, to contribute of their hard-earned resources money to the South, not to educate those between the ages of ten and twenty-one, but to educate those who are far beyond the age of maturity and who were illiterates when the war closed? Who is responsible for that vast illiterate class above the school age in the South? I know, sir, that by the laws of those States they were forbidden to read and write. It was made a penalty subject to fine and imprisonment to teach one of those wretched and helpless creatures to read the Bible, which taught him the means of salvation; and yet we are in 1886 to be asked under the second section of this bill to contribute from the national Treasury this vast sum of $77,000,000, to be disbursed mainly in the Southern States, for the purpose of educating the illiterates, and the basis of distribution is not illiterates of the school age, but illiterates of every age, and I venture to say that one-half of all those persons above the age of ten years who can not read and write are also above the age of twenty-one years.

Now, sir, is there justice in that? If this is proposed as an act of national restitution, if we are called upon to make this contribution by reason of having enfranchised the slave, is that a reasonable basis of computation?

Therefore, Mr. President, so far as the amendment offered by the Senator from Alabama is concerned, I see no reason why it should be adopted. It is inconsistent with the theory and purpose of the bill, and I am very sure that for myself and my associates from the North and from the East and from the West I speak their sentiments when I say that none of them desire any portion of this contribution. It is not made because they need it; it is not made because they have asked for it; and if I could have my own views prevail about this matter I would have the State that I represent left out of this bill.

Mr. RIDDLEBERGER. Mr. President, this is about the most opportune time since the consideration of this bill began to have it understood that Kansas and Alabama and Texas are against it.

We passed this bill two years ago in the Senate, and it went to the House of Representatives. That was some three months before the Congress adjourned at that long session. The bill became very prominent in the party politics of the South in the canvass before the succeeding election in November, and I heard of gentlemen in the State of Virginia who approved it denouncing a Republican Senate for not having passed it in time for the House of Representatives to have duly considered it. They were all in favor of it, though I believe mine was the only vote from that State which was given for it.

Now, the Senator from Alabama has spoken here the better part of two days in opposition to this bill. We know his reasons against it. It has been under consideration twice before this, and at this time he asks, not that we shall consider what he has said and possibly be influenced in our votes by what he has given us as constitutional law, but that there shall be another census, or that the bill shall be recommitted. I want to fasten the responsibility of delay where it properly belongs. I do not want another canvass of falsehood and deception on this bill. Here is the place to have it understood. Three months this bill was pending in the House of Representatives before adjournment, after it had passed the Senate, and the objection of one single man defeated it, and that man himself never asserted that he had made the objection, and never denied it when the allegation was made and the man was present who heard him make the objection.

I can understand why the Senator from Kansas should oppose the bill, and should oppose it on the ground that his State does not want it. They do not need it. They look upon it as a gratuity, and they are so rich that they repel it. I can understand why the Senator from Alabama does not want it for his State. I can understand perfectly well why some States are benefited by their own illiteracy. I can understand why Texas does not want it. She, like Kansas, does not need it, because she has a territory there that she uses for the purposes of public education that the very States in distress gave to her and gave liberty

to the people of the State. They do not want it; but were they in the condition of Virginia, they would. I am not ashamed to say here on behalf of as good a people as inhabit the State of Texas or of Kansas, that we do want it; we ask for it, and we think that is due to us to have it.

I shall not go into a discussion of the war question as to who freed the slave; I am glad he is free; but being free, I ask the gentlemen here and elsewhere who considered that it was one of their duties under a higher law to free him, whether it is not one of their duties to come to the rescue of an impoverished people who accept the situation and desire that the freedmen shall be educated. [Manifestations of applause in the galleries.]

The PRESIDENT *pro tempore*. Persons in the galleries are warned that no sign of approbation or disapprobation is allowed by the rules of the Senate.

Mr. RIDDLEBERGER. I only intended to make these few observations. I want the responsibility of the defeat of this bill, if it shall be defeated, fastened exactly where it belongs. I want no more deception about this bill. When it is amended to suit Senators on the floor, or a majority of them, I think we should have a vote upon it. I represent a State that has as much illiteracy in proportion to its population as any other, I suppose, in the Union, except perhaps three or four that had more slaves. I represent a State that has a large number of white children who can not read and write. The Senator from Kansas refers to the fact that people were kept in slavery there and forbidden to read until they could not even understand the mysterious problem of the soul's salvation.

I can recollect, sir, when the public officers were not allowed even to distribute there the mails that contained an abolition paper. I grant that is true. But if he will have the same consideration, the same pious consideration, if I may so express it, for the white children there who can not read and write and the colored children there who can not read and write he will take from this public Treasury this surplus of money about which we have heard so much in political campaigns, and utilize it for that grand and glorious, religious and Christian purpose of enabling them all to read the Holy Bible. You can not appropriate it to any nobler purpose. I have heard that it ought to be put in circulation. I have heard that it ought to be distributed, because that would relieve the pressure and oppression of the public in debt. Can you give it out to any grander or holier purpose than to educate these same children to read that same Bible, which teaches us the mysterious doctrine of salvation?

That is the only answer I propose to make to the Senator from Kansas. I am sorry that he is not willing to accept even that small portion of this fund which would go to his State, and reproaches us who will accept it, but he, I know, is capable of drawing the distinction between Kansas after a war and Virginia after a war, and if he shall take that into the recesses of his soul he will conclude that I am not asking a donation, not asking a gift, but asking Congress to do that which I think is within its power under the Constitution, and which I believe it owes to our people.

Mr. COKE. Mr. President, the bill before the Senate is exactly the same that passed this body by more than a two-thirds vote two years ago. It went to the House of Representatives and was never reached on the Calendar. When it was under consideration in the Senate I gave full expression to my views in opposition to it in the long and exhaustive debate which then occurred. Not intending to repeat arguments then made, I rise now to declare my continued and unabated opposition to it, and to enter now, as I did then, my earnest protest against its passage; for in my judgment it is the most pernicious bill introduced into either House of Congress since the war, whether viewed with reference to the powers of Congress under the Constitution to pass such a bill, or to its expediency as a measure of policy.

As a precedent, it will be as utterly destructive of the limitations of the Constitution upon Congressional power, adopted for the preservation of the liberties of the people and the right of local self-government in the States, as if two-thirds of the provisions of the Constitution had been eliminated in a convention of the States. The powers of taxation, which necessarily are unlimited except by the purposes defined in the Constitution, to accomplish which taxes may be levied, have, in order to justify this bill, been enlarged and expanded until the discretion of Congress is their sole boundary, while the power of appropriation is held to be without limit or bounds, with the single exception that the object shall be the "general welfare," and of this Congress is to be the sole and exclusive judge. Unlimited power in Congress to tax, coupled with unlimited power to appropriate, is the theory of this bill, and this, according to the opinion of Justice Miller in the famous Topeka case, reported in 20 Wallace, is the very definition of despotism.

Says that great judge, speaking as the organ of the Supreme Court of the United States:

> It may well be doubted, if a man is to hold all he is accustomed to call his own, all in which he has placed his happiness, and the security of which is essential to that happiness, under the unlimited dominion of others, whether it is not wiser that this power should be exercised by one man than by many. The theory of our Government, State and national, is opposed to the unlimited deposit of power anywhere.

Congress, say the advocates of this bill, is the sole judge of what the "general welfare" requires, and the discretion of Congress is the sole limit of the power of Congress to tax the people and appropriate money to promote the "general welfare."

This proposition, if true, places every dollar's worth of property in this country under the dominion of Congress, without a single limitation upon the power of Congress to tax it not self-imposed, and the truth and correctness of that proposition the advocates of this bill find themselves compelled to maintain in order to justify the bill. Judge Miller, in the opinion I have just read from, discussing and denying the unlimited power of taxation and appropriation, said:

> It must be conceded that there are such rights in every free government beyond the control of the state. A government which recognized no such rights, which held the lives, the liberty, and property of its citizens subject at all times to the absolute disposition and unlimited control of even the most democratic depositary of power, is, after all, but a despotism. It is true it is a despotism of the many, of the majority, if you choose to call it so, but it is none the less a despotism.

At the close of the war, when the blood of the victorious North was hot from recent conflict, when the surging passions of men rather than cool judgment dictated the policy of the hour, what would have been the fate of the South unprotected by the guarantees of the Constitution which this bill proposes to strike down and nullify? A sectional majority in Congress, with power to tax at will and appropriate at will upon its own decision of the requirements of the "general welfare," could constitutionally have taxed the people of the South until they were stripped of every dollar's worth of property they possessed in the world if the argument in support of this bill is sound. It was then that the South felt the value and wisdom of our noble Constitution, for it sheltered us from the storm.

The strong can always take care of themselves, while constitutions and laws are necessary for the protection of the weak against the aggressions of the powerful. Unlimited, uncontrolled Congressional power means the domination of the weaker by the stronger sections of the Union. It was against this condition that the framers of our Constitution sought most sedulously to provide in the enumeration of powers granted to the Federal Government and in the reservation of other powers to the States and the people, thereby intending and hoping to secure equality, independence, and security to all the States and sections alike, whether weak and insignificant or strong and powerful.

The public law of Europe which holds firmly the balance of power, under which feeble and insignificant states repose in perfect security against their more powerful neighbors, was worked out and formulated through centuries of struggle, rivers of blood, and the expenditure of countless millions of treasure. The wise men who framed our Constitution, utilizing this experience, by a system of checks and balances sought to accomplish the same results in a written Constitution for the States of our Union, covering more territory and a greater diversity of soil, climate, production, interests, and population than the states of Europe.

It is not claimed that the power to pass this bill is conferred by any of the amendments to the Constitution adopted since the war. The present distinguished Attorney-General, two years ago a member of this body and the leader of the debate in behalf of this bill, expressly disclaimed the derivation of the power from these amendments or either of them. So we must test the powers of Congress in this regard by the Constitution as it came from the hands of the fathers.

This bill, if passed, will establish a construction of the Constitution which utterly destroys the constitutional balance of power between the States and sections of this Union, and invests with unlimited and uncontrolled power a Congressional majority, which the universal history of all the ages shows will be used by the stronger for the oppression and despoiling of the weaker sections of the country. "The power to tax is the power to destroy," says Chief-Justice Marshall in a memorable case. This great power rests in the hands of Congress, as heretofore understood, subject to certain well-defined limitations in the Constitution, which the theory of this bill utterly ignores and which its influence as a precedent will utterly destroy, leaving in the hands of the majority in Congress the unlimited and uncontrolled power to be wielded, whether under the influence of passion and excitement or of greed and avarice, for the most destructive purposes.

The right of local self-government, so dear to the people of all the States and so fully guaranteed by the Constitution, and especially the ninth and tenth amendments thereto, if this bill becomes a law, based as it is on the theory that Congress may do all things not prohibited in the Constitution required by the general welfare and is the exclusive judge of what the "general welfare" does require, will have received a blow from which there is no recovery. For what local rights have the States or people if not that of controlling the education of their children? Hear what Mr. Madison says on this subject. I read again a portion of the extract from one of Mr. Madison's speeches heretofore read in this debate, and will add that all the research of the Senator from Tennessee [Mr. JACKSON] in his able argument on this bill has failed to discover any retraction or modification of what he here says:

> There are consequences—

Says Mr. Madison—

> still more extensive, which, as they follow clearly from the doctrine combated, must either be admitted, or the doctrine must be given up. If Congress can em-

ploy money indefinitely to the general welfare, and are the sole and supreme judges of the general welfare, they may take the care of religion into their own hands; they may appoint teachers in every State, county, and parish, and pay them out of their public Treasury; they may take into their own hands the education of children, establishing in like manner schools throughout the Union; they may assume the provision for the poor; they may undertake the regulation of all roads other than post-roads; in short, everything, from the highest object of State legislation down to the most minute object of police, would be thrown under the power of Congress; for every object I have mentioned would admit of the application of money, and might be called, if Conrgess pleased, provisions for the general welfare.

The passage of this bill is an affirmation in the most solemn official form that every subject of state concern, in the language of Mr. Madison, "from the highest object of State legislation down to the most minute object of police, would be thrown under the power of Congress," if Congress should deem it proper to exercise the jurisdiction. For it can not be denied that the argument which sustains this bill will equally well sustain any other assertion of jurisdiction over any of the local affairs of the States.

In order to justify themselves the Democrats who support this bill in this Chamber assert that while Congress has no power or jurisdiction over the common schools of the States, in which I concur most heartily with them, that still Congress has the power to levy and collect taxes from the people for the purpose of expending the money upon common schools in the States, confessedly beyond the jurisdiction of Congress. In other words, that Congress is not confined to the execution of its constitutional powers in levying taxes and appropriating the money, but that objects outside of and beyond the jurisdiction of Congress may be specially provided for by taxation and appropriation when the general welfare requires it. We are not dealing with a surplus in our Treasury, for if we will pay all the bonds subject to call we not only have not a dollar of surplus, but lack millions of dollars of having enough to pay them. So the precedents relied on to establish the power of Congress to appropriate money in the Treasury wherever and whenever the general welfare requires it, and which, in my judgment, signally fails to establish that power over money already in the Treasury, are not in point with or applicable to this bill.

The proposition here is not to apply money in the Treasury or to get rid of a surplus, but it is to lay additional taxes on the people to raise money first and then to appropriate it—the levy of the tax, as well as the appropriation, being to promote objects outside of and beyond the jurisdiction of Congress. I deny the power of Congress to appropriate money already in the Treasury for purposes beyond its jurisdiction, but if I am in error in this, which I do not for one instant believe, I can not be wrong when I deny the power of Congress to levy taxes upon the people and collect money for the purpose of expending it upon objects outside of its powers and jurisdiction, as the common schools of the States are admitted by the Democratic advocates of this bill to be.

The great power of taxation is limited, controlled, and confined by the grants of the Constitution, or it is unlimited except by the discretion of Congress. If the latter, then the Supreme Court of the United States, in the opinion I have quoted, is wrong, and ours is not a free government, but a despotism. Unlimited power of taxation as well as of appropriation is necessary to justify this bill, which dedicates $77,000,000 yet to be raised by taxation and to be expended over a period of eight years, and that to an object which the Senator from Tennessee [Mr. JACKSON] and his Democratic associates who support this bill admit is outside of and beyond the jurisdiction of Congress.

All the arguments made and the precedents cited by the advocates of this bill have been directed to the point of establishing the power in Congress to appropriate money already in the Treasury—a surplus—for any purpose which Congress may determine that the general welfare requires. None of them touch the question of the power of Congress to tax the people for the purpose of placing money in the Treasury to be appropriated or bestowed upon objects outside of and beyond the jurisdiction of Congress.

It would seem that the mere statement of the proposition that Congress has no power to levy and collect taxes except to raise money to carry out and execute its constitutional powers ought to be sufficient without an argument to support it; and it is equally plain and clear that the common schools of the States not being under the jurisdiction of Congress, nor their control, management, or maintenance being within the powers of Congress, no power resides in Congress to tax the people to raise money for their support, whatever may be the power of Congress over money lying unused as a surplus in the Treasury over and above the needs of the Government.

I do not propose to repeat the argument made by me on this question when this bill was last before the Senate, but will read here one authority used by me in that debate. I allude to Cooley on Taxation, a book of standard authority in all our courts.

Judge Cooley says:

Taxes are defined as being the enforced proportional contribution of persons and property, levied by the authority of the State for the support of the Government and for all public needs.

Again he says:

They are the property of the citizen, demanded and received by the Government to be disposed of to enable it to carry into effect its mandates and to discharge its manifold functions.

Again he says:

The power of taxation is an incident of sovereignty, and is coextensive with that of which it is an incident. All subjects, therefore, over which the sovereign power of the state extends are, in its discretion, legitimate subjects of taxation; and this may be carried to any extent to which the government may choose to carry it.

After enumerating a number of maxims on this subject, the author says:

All these maxims assume that taxation is laid for the purpose of obtaining a revenue. Within the definitions given, the burden would not be taxation, if revenue were not the purpose.

What is revenue but that which is needed to carry on the Government and enable the Government to execute its constitutional powers? But again, and here is where he covers the whole question:

In considering the legality of the purpose of any particular tax a question of first importance must always concern the grade of the government which assumes to levy it. The "public" that is concerned in a legal sense in any matter of government is the public the particular government has been provided for; and the "public purpose" for which that government may tax is one which concerns its own people, and not some other people having a government of its own, for whose wants taxes are laid. There may, therefore, be a public purpose as regards the Federal Union which would not be such as a basis for State taxation, and there may be a public purpose which would uphold State taxation, but not the taxation which its municipalities would be at liberty to vote and collect. The purpose must in every instance pertain to the sovereignty with which the tax originates; it must be something within its jurisdiction so as to justify its making provision for it. The rule is applicable to all the subordinate municipalities; they are clothed with powers to accomplish certain objects, and for those objects they may tax, but not for others, however interesting and important, which are the proper concern of any other government or jurisdiction. State expenses are not to be provided for by Federal taxation, nor Federal expenses by State taxation, because in neither case would the taxation be levied by the government upon whose public the burden of the expenses properly rests. To provide for such expenses would consequently not be a purpose in which the people taxed would in a legal sense be concerned.

That is what Judge Cooley in his work of standard authority says upon the subject, and it covers this whole ground.

The taxation which is legitimate under our Government is taxation to raise revenue, for what? To enable the Government to execute its constitutional powers, to exercise and perform the functions and duties of its jurisdiction, and to supply its needs for those purposes. Taxation to raise money to bestow on objects and promote purposes outside of and beyond its jurisdiction and powers would not be to raise revenue for the Government, and, Judge Cooley says, would not be taxation, but simply a taking by superior force. Therefore it is that I assert it to be an undeniable proposition that if Congress has the constitutional power to draw money from the people by taxation for the support of the common schools of the States, it must be because the maintenance of the common schools of the States is a public purpose within the powers and jurisdiction of the Government of the United States, for unless they are, no power resides in Congress to sustain them by taxation, and he who supports this bill stultifies himself whenever he denies the power and jurisdiction of Congress over public education in the several States.

I deny this power to the Government of the United States. I believe the common schools of the States are wholly and exclusively under the power and jurisdiction of the several States, and, therefore, being outside of the jurisdiction of the National Government, that that Government has no power to tax the people for their support. The Senator from Tennessee [Mr. JACKSON] claims, as I do, that the common schools of the States are wholly within the jurisdiction of the several States and not within that of the National Government; but he says that Congress, although these schools are beyond its jurisdiction and outside of its powers, can tax the people to raise money for their support. Upon this I take issue with him, and say to him that whenever he goes outside the jurisdiction and powers of Congress to find objects for which taxation may be imposed on the people he takes off the limitations of the Constitution upon the taxing power, and vests in the dominant majority in Congress an unlimited, uncontrolled, undefined power of taxation, which the Supreme Court of the United States has said in the opinion I have read from has never been confided in any free government to any depositary of power however democratic, not even to a majority.

No man has advocated this bill and no man can advocate it and justify it without being driven to the position thus condemned by the highest judicial authority in the world. I am not prepared to revolutionize this Government. I am not prepared to establish the despotism of a Congressional majority, and destroy the balance of power between the States and sections of this Union so wisely adjusted in our Constitution.

It is considered by my Democratic friends from the South who support this bill that it is a good thing to have the people in all the States of the Union taxed for the benefit of their constituents, but I beg them to remember that this is but the beginning of this new departure from constitutional methods, and that as surely as time rolls on the "general welfare" will levy its tribute on their people in turn. Once established, this precedent will return to plague you. You had better go on in the good old way. Your people are struggling bravely and successfully with the evils of illiteracy. Their achievements have challenged the admiration of the world, and if encouraged to rely on themselves instead of asking charity from the Government will in good time surmount all difficulties, and be stronger, wiser, and more self-

reliant and self-reverent for having accomplished their own redemption and re-establishment.

The plea for the passage of this bill is that the safety of the Republic demands that voters be educated. The Government of the United States has nothing to do with suffrage except to see to it that no State discriminates against any class of citizens in conferring the right of suffrage. The State prescribes the qualifications of voters and says who shall be voters and who shall not be. This is a subject wholly and confessedly within the jurisdiction and powers of the several States, and wholly outside of the jurisdiction of the National Government. Nobody denies this. My friends on this side of the Chamber who support this bill agree with me that public education is a matter wholly within the power and jurisdiction of the States and wholly outside the jurisdiction of the General Government. When the entire subject-matter, both suffrage and education, are thus wholly matters of State jurisdiction and wholly outside of the jurisdiction of the National Government, I can not see how it is that the National Government is to take hold of it.

I am here told that the "general welfare" requires that the National Government leave its own constitutional sphere of action and go into that of the States with their consent. I can not think that the general welfare will be promoted by a violation of the Constitution, nor can the States constitutionally consent to an assumption of their powers and duties by the National Government. The whole theory and framework of our Government is founded and built upon States possessed of the powers reserved to them in the Constitution and rests upon them as pillars, and if these pillars are to be wasted and frittered away by any process, the superstructure will come down. An indissoluble union of indestructible States, indestructible even by their own consent, is the character of our Government. The powers of Congress can not be enlarged by the consent of the States, nor can those of the States be diminished by the consent of Congress. An amendment to the Constitution alone can make these changes.

The States can not consent to a usurpation of their powers by Congress any more than Congress can rightfully go into the reserved domain of the States. The machinery of our Governments, both State and National, is adjusted to the Constitution and will not work without jarring and friction outside of it. All the powers of Congress, and no more and no less, and all the rights and powers of the States, and neither more nor less, must be exercised respectively by them in order to a harmonious working of our system. For Congress to go outside of its powers and jurisdiction to perform functions alloted by the Constitution to the States in the management or administration or maintenance of their common-school systems would be a violation of the rights and powers and duties of both the State and National Governments. What the Constitution has ordained shall be kept separate, apart, and distinct can not be mixed and mingled even by the joint action and consent of both Congress and the States without violence to our theory and Constitution of Government.

The astonishing proposition is asserted by some of the advocates of this bill that the Government of the United States can tax the people of the United States to raise money to aid the common schools of the States, but can not follow that money and see to its administration and disbursement. It is difficult to believe that they are serious in making this assertion. If Congress is performing a duty in passing this bill the duty certainly does not end with handing the money over to the States. It is a continuing duty to see to it that it is applied to the purpose for which it is raised. This duty implies a discretion in Congress as to the mode of administration, the agents and instrumentalities; indeed, as to the entire method and all the processes of its use, handling, disbursement, &c., and all these things together constitute the management and current business and running of the public schools.

The bill now before the Senate, which in my judgment concedes the jurisdiction and power of the National Government over the common schools of the States, to be taken charge of either wholly or partially, as Congress may determine, does in fact largely direct how these schools shall be administered, going so far even as to prescribe studies to be taught in them. The bill exercises the powers, or many of them, over the schools proposed to be aided which a reader of many of the speeches made in advocacy of the bill is led to believe could not be claimed under it by the Government.

While Democratic advocates of the bill are claiming that the Government has no right or power or jurisdiction over the common schools under this bill, and have no power to follow the money and see to its application and administration, exactly the contrary is claimed by my Republican friends on the other side of the Chamber. I will read an extract from a speech of the Senator from Ohio [Mr. SHERMAN] now in the chair on this bill made two years ago, which I think will not be denied to be representative of the views of his party associates on the subject. The Senator from Ohio [Mr. SHERMAN] said:

> If the United States have the right to appropriate the money, they have the right to say upon what conditions the money shall be expended. If they say we will aid the South or the Southern States to educate their illiterate children, then the United States have the power and the right to set out the principles and conditions or limitations of that grant. The greater includes the less; and if the power is given to make these appropriations at all, the power is also given to say for whose benefit the money shall be expended, how it shall be expended, where and when and how apportioned, and for what purposes. That is as clear a proposition as can be shown in Euclid or any other mathematical work.

I will also read from the debate of two years ago an extract from an editorial which I find in the speech of Mr. Bayard, then a member of the Senate, taken from a paper published in Rhode Island, of which Senator Anthony, of that State, then a member of this body but since dead, was the editor and proprietor:

> The more honest, as the more truthful way of putting it would perhaps be to say that the necessity has arisen for the exercise of ultra-constitutional but necessary authority, and that it is a logical consequence of the emancipation and enfranchisement of the negro, these being the inevitable results of the war of the rebellion.
>
> It is not at all irrelevant, however, to inquire whether the means will secure the end. The committee finds that five-twelfths of the school population of the country are growing up in ignorance of the English alphabet; that in eighty-six cities, containing a school population of over 2,000,000, over one-third of the children never enter a school-room. New York city has 114,000 children not enrolled at all, and of a school population of 385,000, there is an average attendance of only 132,000. Some of our New England villages exhibit statistics which are simply appalling. The South excuses herself on account of emancipation and poverty; the North explains herself by the inundation of a foreign population. Whatever the causes, and they are clear enough, the facts are to be admitted and faced. The prevailing sentiment is, that the State shall no longer be responsible for the education of her children, but they shall be educated by the National Government, the State doing so much as Congress shall require. This is to be understood, however, when the Federal Government undertakes this business, as of right and duty it has assumed, and the States have conceded that it has full and sovereign authority. It will be bound to look out for the "general welfare" in this behalf, according to its best judgment and highest wisdom. The schools must conform to its idea of virtue and its standard of education.

The Senator from Ohio is unquestionably correct in the opinion he expresses as to the right and power of the Government to follow and superintend the administration and disbursement of money it appropriates, and Senator Anthony undoubtedly foreshadowed, in the well-considered editorial just read, what the Republican party will claim in respect to this subject if the Government enters upon this career of interfering with the common schools of the States. Which construction shall prevail, that of the Democratic supporters of this bill, who claim that all the United States Government has the power to do is to hand the money over to the States to be controlled and managed exclusively by them, or that of the Republican supporters of the bill, that the passage of the bill would be the recognition of plenary power in the United States Government over the entire subject of common schools in the States, and enable the Government to exercise its sovereign will and pleasure in administering them?

A direct antagonism on this point exists between the Democratic and Republican Senators who support this bill, as the debate throughout abundantly shows; yet both agree in pushing the bill through. This unsettled difference of opinion will still remain if the bill shall become a law, and will be the fruitful source of acrimonious and heated sectional discussion hereafter. That clause of the bill which retains the power in Congress to alter, amend, or repeal the bill will always preserve the subject open for debate, amendment, and agitation. It will be a constant source of irritation under the handling of demagogues, who will not fail to use it for all the mischief there is in it in stirring up strife between the colored and white people of the South.

It will be the basis of Congressional investigations into the school systems of the South upon alleged discriminations against colored people in the administration of the fund appropriated, charged for political effect. It will cause the administration of the public schools of the States to be a distinct issue in all political campaigns, and be the most potent and effective means of inciting anew and keeping alive for political effect race issues, now being so happily solved under State jurisdiction. It will be a perennial source of trouble, of agitation, of unrest, of irritation, and harassment throughout the South. One construction of the powers of the Government over State schools under Democratic administration and another and different construction under a Republican administration will subject the education of the youth of the country to all the vicissitudes and changes occurring in the ups and downs of political warfare.

These and many other evils are plainly to result from the passage of this bill. Besides, the relaxation of effort and interest for and in behalf of education among the people of the States will surely eventuate in the end in the assumption by the General Government of full power, jurisdiction, and charge of the subject of education in all the States.

No greater misfortune, in my judgment, could befall the people of this country or the cause of education than would be involved in this result. The fund proposed in this bill is to be taxed out of the people and returned back to them, less the cost of collection and return. Why not retain the money while they have it, and at the same time retain the control of their school systems as they now have them?

Mr. President, I see only evil in this bill; and while I have not intended to go into a general discussion of its provisions as I have done heretofore, I could not refrain from saying this much before the vote is taken.

Mr. DOLPH. I desire to present some amendments that I propose to offer to the pending bill in order that they may be printed before we meet again to-morrow, as I do not see any chance of reaching them for consideration this afternoon. I ask that they may be read, as they are brief.

The PRESIDENT *pro tempore*. The amendments will be read if there be no objection.

The SECRETARY. The first proposed amendment is to add to section 1 the following:

And provided further, That no money appropriated by this act shall be paid to any State until three-fourths of all the States have so accepted the provisions of this act.

The next proposed amendment is to add to section 2:

Until and including the year 1890, and afterward according to the census of 1890: *Provided*, That the District of Alaska shall be considered a Territory within the meaning of this act; and the money apportioned to said district shall be expended annually under the direction of the Secretary of the Interior in the manner provided for the expenditure of other appropriations for educational purposes in said District.

The PRESIDENT *pro tempore*. The proposed amendments will be printed if there be no objection.

Mr. EVARTS obtained the floor.

Mr. HARRISON. I ask the Senator from New York to yield to me for a moment. I propose an amendment as a substitute for the amendment of the Senator from Alabama and I ask that it may be printed.

The PRESIDENT *pro tempore*. The order to print will be made if there be no objection.

Mr. HARRISON. As it is somewhat late, if the Senator from New York will yield, I move that the Senate do now adjourn.

Several Senators addressed the Chair.

The PRESIDENT *pro tempore*. The Senator from New York has the floor.

Mr. EVARTS. If it is intended that the vote shall be taken upon this bill to-night I shall not occupy the time of the Senate at all, as I am heartily and perfectly desirous that the bill shall be passed; but if it is not the intention of the Senator from New Hampshire or of the Senate that it should proceed to a vote, I may wish to make some remarks upon the subject.

Mr. BLAIR. I think that the intimation of the Senator from New York that he may offer remarks upon the bill to the Senate would produce a general inclination to adjourn in order to have an opportunity to listen to him to-morrow. I understand, too, that there may be other gentlemen who desire to be heard further, and if a motion to adjourn should be made I should not resist it.

Mr. ALLISON. Will the Senator yield to a motion for an executive session? I move that the Senate proceed to the consideration of executive business.

The PRESIDENT *pro tempore*. The Senator from New York [Mr. EVARTS] having the floor, the Senator from Iowa moves that the Senate proceed to the consideration of executive business.

The motion was agreed to; and the Senate proceeded to the consideration of executive business. After eleven minutes spent in executive session the doors were reopened, and (at 5 o'clock and 35 minutes p. m.) the Senate adjourned.

EXECUTIVE NOMINATIONS.

Received the 18th day of February, 1886.

UNITED STATES MARSHAL.

John Christian Franks, of California, to be marshal of the United States for the district of California, whose term expires February 20, 1886.

POSTMASTERS.

Charles Stackhouse, to be postmaster at Osage City, Osage County, Kansas, *vice* Jacob V. Admire, commission expired.

Edward R. Pemberthy, to be postmaster at Houghton, Houghton County, Michigan, *vice* Frank A. Douglass, commission expired.

William G. McCarty, to be postmaster at Jefferson City, Cole County, Missouri, *vice* Jacob Steinenger, commission expired.

John McAusland, to be postmaster at Miles City, Custer County, Territory of Montana, *vice* Newman Borchardt, commission expired.

John C. Collins, to be postmaster at Brockport, Monroe County, New York, *vice* Mrs. Mary E. Baker, commission expired.

R. Chauncy Fisher, to be postmaster at White Plains, Westchester County, New York, *vice* Samuel C. Miller, whose commission will expire February 20, 1886.

Edward H. Freeman, to be postmaster at Binghamton, Broome County, New York, *vice* George W. Dunn, commission expired.

Dudley S. Nye, to be postmaster at Marietta, Washington County, Ohio, *vice* Samuel L. Grosvenor, whose commission will expire February 28, 1886.

Marinus W. Allen, to be postmaster at Titusville, Crawford County, Pennsylvania, *vice* Joseph H. Cogswell, whose commission will expire February 20, 1886.

Thomas B. Coon, to be postmaster at Kilbourn City, Columbia County, Wisconsin, *vice* Jacob V. Hughes, resigned.

James Benton, to be postmaster at Colfax, Whitman County, Washington Territory, *vice* Lewis P. Berry, commission expired.

FOR PROMOTION IN THE ARMY OF THE UNITED STATES.

Second Regiment of Cavalry.

Lieut. Col. Nelson B. Sweitzer, of the Eighth Cavalry, to be colonel, January 9, 1886, *vice* Hatch, retired from active service.

Eighth Regiment of Cavalry.

First Lieut. Edward E. Wood, to be captain, January 20, 1886, *vice* Farnsworth, who resigns his line commission only.

Second Lieut. John A. Johnson, to be first lieutenant, January 20, 1886, *vice* Wood, promoted.

CONFIRMATIONS.

Executive nominations confirmed by the Senate, February 15, 1886.

UNITED STATES MARSHAL.

David R. Waters, of Michigan, to be marshal of the United States for the western district of Michigan.

POSTMASTERS.

Alexander Ferguson, to be postmaster at Palestine, Anderson County, Texas, *vice* James F. Pells, commission expired.

John F. Walsh, to be postmaster at Humboldt, in the county of Richardson and State of Nebraska.

D. B. Hanan, to be postmaster at New Hampton, Chickasaw County, Iowa, *vice* Charles McCullow, commission expired.

John D. Russell, to be postmaster at Sedalia, Pettis County, Missouri, *vice* Milo Blair, commission expired.

H. E. Black, to be postmaster at Greensburg, Decatur County, Indiana, *vice* George H. Dunn, commission expired.

Frank D. Travis, to be postmaster at Holdredge, Phelps County, Nebraska.

Edmund Knapp, to be postmaster at Garrettsville, Portage County, Ohio.

James W. Talbott, to be postmaster at Middleport, in the county of Meigs and State of Ohio.

F. P. Thompson, to be postmaster at Eureka, Humboldt County, California, *vice* Frederick Axe, commission expired.

W. B. Burnett, to be postmaster at Athens, Clarke County, Georgia, *vice* Madison Davis, whose commission will expire February 13, 1886.

C. W. Freeman, to be postmaster at Bolivar, Polk County, Missouri, the office having become Presidential.

Frank M. Jackson, to be postmaster at Los Gatos, Santa Clara County, California, the office having become Presidential.

H. T. Davis, to be postmaster at Orange, in the county of Orange and State of Texas.

Charles C. Commerford, to be postmaster at Waterbury, New Haven County, Connecticut, *vice* John W. Hill, term expired.

Silas L. Erwin, to be postmaster at New Milford, Litchfield County, Connecticut, *vice* David A. Baldwin, commission expired.

R. J. Humphrey, to be postmaster at Poultney, in the county of Rutland and State of Vermont.

COLLECTOR OF CUSTOMS.

William F. Howland, of North Carolina, to be collector of customs for the district of Beaufort, N. C.

Executive nominations confirmed by the Senate, February 18, 1886.

UNITED STATES ATTORNEY.

Lewis L. McArthur, of Oregon, to be attorney of the United States for the district of Oregon.

COLLECTOR OF CUSTOMS.

James B. Groome, of Maryland, to be collector of customs for the district of Baltimore, Md., *vice* Edwin H. Webster, commission expired.

HOUSE OF REPRESENTATIVES.

THURSDAY, *February* 18, 1886.

The House met at 12 o'clock m. Prayer by the Chaplain, Rev. W. H. MILBURN, D. D.

The Journal of the proceedings of yesterday was read and approved.

CENSUS OF INDIANS IN THE UNITED STATES.

The SPEAKER laid before the House a letter from the Secretary of the Treasury, transmitting an estimate from the Secretary of the Interior of an appropriation for taking a census of Indians in the United States; which was referred to the Committee on Indian Affairs, and ordered to be printed.

COMMITTEE VACANCY.

The SPEAKER appointed Mr. J. V. L. FINDLAY, of Maryland, a member of the Committee on Banking and Currency, to fill a vacancy.

ORDER OF BUSINESS.

The SPEAKER. The Chair will now proceed, under the rule, to call the standing and select committees for reports.

MORRIS COUNTY RAILROAD, NEW JERSEY.

Mr. COBB, from the Committee on the Public Lands, reported back with a favorable recommendation the bill (H. R. 4584) granting the right of way for railroad purposes through the lands of the United States powder depot near Dover, N. J., to the Morris County Railroad Com-

pany; which was referred to the Committee of the Whole House on the state of the Union, and, with the accompanying report, ordered to be printed.

LAND OFFICES IN NEBRASKA.

Mr. LAFFOON, from the Committee on the Public Lands, reported, as a substitute for H. R. 1448, a bill (H. R. 5873) to establish two additional land offices in Nebraska; which was referred to the Committee of the Whole House on the state of the Union, and, with the accompanying report, ordered to be printed.

The original bill (H. R. 1448) was laid on the table.

MISSOURI PACIFIC RAILROAD.

Mr. CRISP, from the Committee on Pacific Railroads, reported, as a substitute for the bills H. R. 70, 276, 378, and 1410, a bill (H. R. 5874) to amend the act entitled "An act to aid in the construction of a railroad and telegraph line from the Missouri River to the Pacific Ocean, and to secure to the Government the use of the same for postal, military, and other purposes," approved July 1, 1862; and also to alter and amend the act of Congress approved July 2, 1864, in amendment of said first-named act; which was referred to the House Calendar, and ordered to be printed.

And House bills 70, 276, 378, and 1410 which were severally laid on the table.

WILLIAM BRIDGES, JR.

Mr. HAYNES, from the Committee on Invalid Pensions, reported back with a favorable recommendation the bill (H. R. 4389) granting a pension to William Bridges, jr.; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

ADVERSE REPORT.

Mr. HAYNES, from the Committee on Invalid Pensions, also reported back adversely the bill (H. R. 3461) granting a pension to Ansel Potter; which was laid on the table, and the accompanying report ordered to be printed.

NOAH B. BROOKSHIRE.

Mr. O'HARA, from the Committee on Invalid Pensions, reported back favorably the bill (H. R. 4644) granting a pension to Noah B. Brookshire; which was referred to the Committee of the Whole House on the Private Calendar, and the accompanying report ordered to be printed.

WILLIAM TURVILLE.

Mr. O'HARA, from the Committee on Invalid Pensions, also reported back with amendment the bill (H. R. 1275) granting a pension to William Turville; which was referred to the Committee of the Whole House on the Private Calendar, and the accompanying report ordered to be printed.

NAVIGATION AND CUSTOMS COLLECTION LAWS.

Mr. FARQUHAR, from the Committee on Printing, reported back favorably the following resolution; which was referred to the Committee of the Whole House on the state of the Union, and the accompanying report ordered to be printed.

Resolved by the House of Representatives (the Senate concurring), That there be printed 5,000 copies of the navigation and customs collection laws relating to vessels, including the laws relating to merchant seamen and the regulation of steam-vessels, compiled by the Bureau of Navigation in the Treasury Department; of which 1,000 copies shall be for the use of the Senate, 2,000 copies for the use of the House of Representatives, and 2,000 copies for the use of the Bureau of Navigation.

PUBLIC BUILDING AT LOGANSPORT, IND.

Mr. DIBBLE, from the Committee on Public Buildings and Grounds, reported back, as a substitute for H. R. 465, a bill (H. R. 5875) for the erection of a public building at Logansport, Ind.; which was read a first and second time, referred to the Committee of the Whole House on the state of the Union, and, with the accompanying report, ordered to be printed.

House bill No. 465 was laid on the table.

PUBLIC BUILDING AT SAN ANTONIO, TEX.

Mr. DIBBLE, from the Committee on Public Buildings and Grounds, also reported back with amendment the bill (S. 44) providing for the erection of a public building at San Antonio, Tex.; which was referred to the Committee of the Whole House on the state of the Union, and the accompaning report ordered to be printed.

DINWIDDIE B. PHILLIPS.

Mr. TUCKER, from the Committee on the Judiciary, reported a bill (H. R. 5876) for the relief of Dinwiddie B. Phillips; which was read a first and second time, referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. MCCOOK, its Secretary, announced that the Senate had passed bills of the following titles; in which the concurrence of the House was requested:

A bill (S. 30) for the relief of Harry I. Todd, late keeper of the Kentucky penitentiary;

A bill (S. 94) for the relief of Mrs. Sarah Elizabeth Holroyd, widow and administratrix of the estate of John Holroyd, deceased;

A bill (S. 349) for the promotion of anatomical science and to prevent the desecration of graves;

A bill (S. 353) for the relief of J. D. Morrison, surviving partner of C. M. and J. D. Morrison;

A bill (S. 491) to provide for an American register for the steamship Caroline Miller, of Baltimore, Md.;

A bill (S. 632) to provide for the settlement of the estates of deceased Kickapoo Indians in the State of Kansas, and for other purposes;

A bill S. 738) for the relief of James Clifford;

A bill (S. 936) for the relief of John M. McClintock;

A bill (S. 952) to authorize the increase of the capital stock of the Citizens' National Bank, of Louisville, Ky.;

A bill (S. 1052) for the relief of Capt. C. H. Warrens; and

A bill (S. 1055) to amend section 2148 of the Revised Statutes of the United States in relation to trespassers on Indian lands.

LAND GRANT TO ATLANTIC AND PACIFIC RAILROAD.

The SPEAKER. The call of committees for reports being concluded, the hour for the consideration of bills called up by committees now begins at twenty-five minutes past 12 o'clock. The Clerk will report the title of the pending bill, called up yesterday by the gentleman from Indiana [Mr. COBB] on behalf of the Committee on Public Lands.

The Clerk read as follows:

A bill (H. R. 453) to forfeit the lands granted to the Atlantic and Pacific Railroad Company to aid in the construction of a railroad and telegraph line from the States of Missouri and Arkansas to the Pacific coast and to restore the same to settlement, and for other purposes.

Mr. COBB. There is a question of order pending, I believe, upon an amendment submitted yesterday by my colleague [Mr. HOLMAN].

The SPEAKER. The gentleman from Indiana [Mr. HOLMAN] was occupying the floor yesterday when the hour expired. The Chair does not know whether he desires to conclude his remarks at this time.

Mr. HOLMAN. I have not concluded my remarks, but I am entirely willing that the question of order shall be decided now.

The SPEAKER. The gentleman from Indiana [Mr. COBB] will state his point of order.

Mr. COBB. My point of order, Mr. Speaker, is that there is now pending before the House a bill providing, I think, for everything contained in the amendment proposed by my colleague. This bill, which I hold in my hand and will send to the Chair, provides that all laws with reference to the disposition of our public lands, except the homestead law, shall be repealed, and it especially provides that these lands shall not be sold at public or private sale, but shall only be disposed of by homesteading. While I am in favor of my colleague's proposition, I do not wish the pending bill encumbered with matters which may provoke discussion and obstruct or delay its passage in this or the other end of the Capitol.

I may state further that this House at the last session of Congress passed a bill in substance the same as that which I now send to the Chair, and probably such a bill will be passed again during this Congress. The last section, as I think the Chair will find, covers the proposition embraced in my colleague's amendment; indeed, I may say that the whole bill affects this question.

Mr. HOLMAN. Mr. Speaker, I have no doubt that there are pending in the House bills providing for the repeal of all laws now in force, with the exception of the homestead law, for the disposition of public lands; but I call the attention of the Chair to the fact that it is not assumed there is any bill now pending in the House which provides for the application of the provisions of the homestead law to lands heretofore granted by Congress, and which may be restored to the public domain. The effect of my proposition is not to reach the entire public domain, but only this particular body of land heretofore granted, and which I propose, when restored to the public domain, shall be restored only upon the condition of being occupied as homesteads by actual settlers.

It seems to me, Mr. Speaker, if the gentleman's proposition is correct and this point is well taken, then it is almost impossible to submit an amendment to a bill which in some form or other is not embraced in some proposition pending before the House.

I admit there is a bill pending to repeal the desert-land law and the timber-culture law and the pre-emption law—I concede all that; and the result necessarily will be the law remaining in force will be the homestead law. But there is no bill declaring that upon the forfeiture of a grant of public lands heretofore made the homestead law shall apply to it. That is the only point presented—simply as to this particular body of land heretofore granted by Congress, that upon the declaration of forfeiture by Congress those lands shall be controlled by the principles of the homestead law. I think if the narrow view necessarily taken of this subject by the point of order is good, it will be almost impossible to submit an amendment to the House that will not be subject to the same point.

Mr. COBB. I do not so regard it. This bill now pending, and to which this amendment is offered, provides that these lands, when forfeited, shall become a part of the public domain and be subject to the laws governing the public domain, and therefore the homestead, pre-

emption, and other laws would apply to these lands from the very moment the forfeiture takes place. They would apply in all cases suggested by the gentleman. In other words, they become a part of the public domain, and are governed by the rules and regulations affecting the public domain. The bill is this: After repealing all the provisions relative to the construction of said railroad or telegraph line, it provides that all the lands granted be, and the same are hereby, restored to the public domain. They are made subject to disposal under the general laws of the United States as though said grant had never been made. Of course this bill, when passed, will restore these lands to the public domain, and they will be affected by any general law which affects other portions of the public domain. I think the gentleman's point of order is not well taken, and I believe the point of order should be sustained.

The SPEAKER. From such examination as the Chair has been able to give to the bill sent up by the gentleman from Indiana [Mr. COBB] it appears to be a general bill, applicable to all the public lands of the United States, whereas the amendment offered by the gentleman from Indiana [Mr. HOLMAN] applies only to this particular body of lands heretofore granted to a railroad company. The Chair thinks the best test which can be applied in determining a question of this character is to ascertain whether or not the adoption of the amendment would either absolutely or substantially supersede the necessity for the passage of some bill which is pending. It is evident that the adoption of this amendment could not cover the subject embraced by the bill which the gentleman from Indiana has sent up. The amendment would apply this rule only to the lands in the particular bill now under consideration and leave all the other lands of the country just as the law now leaves them—to be affected hereafter by the passage of the bill which the gentleman sent up. The Chair thinks the point of order is not well taken.

Mr. HOLMAN. I do not know what the purpose of the Committee on the Public Lands may be; and if I can have the ear of my colleague I will be able to determine whether I am justified in occupying further the attention of the House. The question I wish to put to my colleague is this, Whether it is proposed during this morning hour to put this bill on its passage, or is it intended to carry it over for further debate?

Mr. COBB. I desire to put the bill on its passage. Of course that will depend upon the temper of the House. I conclude the provisions of the bill, unless some amendment is proposed, will not take up much of the time of the House; that is, they will not provoke discussion. In other words, I think we can pass the bill before the hour expires.

Mr. HOLMAN. Does not the gentleman intend to discuss the substitute offered to the bill?

Mr. COBB. That has been discussed, or it was yesterday.

Mr. HOLMAN. If it is not intended to discuss this subject further upon the main point presented, then I will occupy but a moment further to state my own position in regard to it. I shall be brief, because I do not wish to embarrass the passage of this bill.

The SPEAKER. The gentleman will proceed with his remarks.

Mr. HOLMAN addressed the House. [See Appendix.]

Mr. OATES. Mr. Speaker, I concur in a portion of the remarks made by the distinguished gentleman from Indiana [Mr. HOLMAN] on yesterday with regard to the importance of legislation to preserve what remains of the public domain, especially that which is fit for agricultural purposes, for actual settlers; in other words, to provide lands for the landless and homes for the homeless. But I must express my surprise at the extraordinary position taken by that distinguished and learned gentleman this morning with reference to the minority report of this committee and the substitute which the minority offer. The gentleman certainly loses sight of a very important consideration in questions of this kind, to wit, the nature and character of the law of forfeitures.

Let me say, too, in this connection, that while I have very little doubt of the power of Congress to declare a forfeiture to the extent the majority of the committee has reported, or that which is tantamount thereto, a repeal and revocation of the grant, yet a mere forfeiture to the extent recommended by the minority of the committee report would go for naught, would have no more force or effect, in my judgment, with the learning I have as a lawyer, than to whistle against the wind.

There is a question, however, of great moment in this connection, growing out of the peculiar phraseology of the proviso in the act of 20th April, 1871, authorizing this company to place a mortgage on the land granted. Now it may be, and in fact as the language literally imports is, the right of these mortgagees to foreclose the mortgage on the land coextensive with the road constructed at the time they see proper to foreclose; for the language is:

> That portion of said road which shall have been constructed at the time of the foreclosure of said mortgage.

That is, it shall operate on all lands conterminous with constructed roads at the time of the foreclosure of the mortgage.

That presents a question of importance from this consideration: Now, when a forfeiture is declared, or a revocation of the grant, where no road has been constructed, and the land is thrown open to homestead settlement or entry under the general laws, and is taken up by homestead settlers and improvements made, in course of time their rights, their homes may be jeopardized in consequence of the rights vested by this language in the bondholders under the mortgages upon these lands. This consideration induced me to examine this question critically, and though I may be wrong I have reached certain conclusions. Forfeiture, Mr. Speaker, has a well-defined meaning. The law abhors forfeitures, and hence in no case will one be sustained except the right to it clearly exists. A forfeiture is not like unto a judgment which results at the end of a litigation or legal controversy. It is a common-law, not a statutory, method, by which a grantor of an estate upon condition subsequent gets the title back on account of a failure by the grantee to perform the condition.

In the case of an individual grantor, all that is necessary for him to do to reinvest himself with the title in case of a breach of the condition is to go upon and claim his estate, which is called a re-entry. In the case of the king, under the English common law, in lieu of re-entering in person he had the process of office found—a sort of office judgment which had the effect of reinvesting the Crown with the title. But if there was a controversy, mark you, as to whether the grantee had performed the condition or the grantor had prevented full performance, then the grantor, whether king or peasant, was put to his suit, his action in court, for the recovery of the estate. If the grantor, instead of relying upon his common-law right of forfeiture, substitutes other remedies and reservations in the deed, he must rely on them and not on forfeiture.

In the case of the Atlantic and Pacific Railroad grant there are many conditions, and the reservations of power on the part of the Government, as grantor, are expressed in the twentieth section in these words:

> Congress may at any time, having due regard for the rights of said Atlantic and Pacific Railroad Company, add to, alter, amend, or repeal this act.

Now, the only reservation which the company makes, or, in other words, the only limitation upon the reservation of the Government, is that due regard shall be had for the rights of this company.

What, then, are the rights of this company as between it and the Government? At most, only to have the lands conterminous with the constructed and completed road. The committee concedes this to the company. But the act of Congress of April 20, 1871, authorized the Company to mortgage the lands granted to secure bonds to be issued and sold, and now the holders of the bonds which were thus secured and sold claim that they have a vested right in all the lands granted, and that the Government has no legal right to reclaim those lands and restore them to the public domain. Lee us see. The following in the granting act is strong language, and it is claimed with some plausibility that it constitutes an irrevocable dedication of the lands to the building of the road:

> The United States may do any and all acts and things which may be needful and necessary to insure a speedy completion of the said road.

Said act further provides that—

> The better to accomplish the object of this act, namely, to promote the public interest and welfare by the construction of said railroad and telegraph line and keep the same in working order, and to secure to the Government at all times, but particularly in time of war, the use and benefits of the same for postal, military, and other purposes, Congress may at any time, having due regard to the rights of said Atlantic and Pacific Railroad Company, add to, alter, amend, or repeal this act.

When we consider the entire granting act in all its parts, this language is but indicative of the great object which the Government desired to attain by making the grant. But it is manifest that it was not intended that the grant should be an unconditional estate in fee. Such a construction would be utterly inconsistent with the reservations of power over the lands granted. The grant was made to aid in the construction of a railroad westward on the nearest practicable route along the thirty-fifth parallel of north latitude to the Pacific Ocean. The lands in the State of California, which were withdrawn in accordance with the map of definite location of the road, are situated north of thirty-five and extending to or into the thirty-eighth parallel of north latitude; and although a Secretary of the Interior decided that this departure from the line indicated in the deed or granting act by the grantor was lawful, I can not sanction such a doctrine. The proviso touching the bondholders, which I have just read, is not very perspicuous in its language. The granting act is referred to, and hence the two must be construed and considered as different parts merely of one and the same act. "If the company shall hereafter suffer any breach of the conditions of the (granting) act," &c., is the first proposition in the proviso, and, if taken literally, would imply that the grantor would commit the breach; whereas its true meaning, to be gathered from the whole act, is that if the company commits a breach of the conditions, &c.

Next, the proviso declares that in that event the rights of the bondholders under the mortgages in respect to the lands shall extend only to so much thereof as shall be conterminous with or appertain to that part of said road which shall have been constructed.

Then, instead of stopping here, which would have made the meaning beyond question, these words follow, "at the time of the foreclosure of said mortgage;" language which is utterly inconsistent with every preceding proposition in the proviso and every reservation in the granting act. To hold that Congress intended just what this language literally imports would place it in the power of the trustees and bondholders, by never foreclosing their mortgages, to annul all the reservations over the lands granted and convert the grant into an absolute and unconditional one.

Congress must therefore have meant that if the company failed to perform the conditions, and the United States in consequence proceeded to take the lands from the company, the mortgagees should have a right to foreclose on all the lands conterminous with the constructed road. The object of authorizing the mortgage on the land was to raise money with which to construct the road; and it is therefore equitable for the Government to limit itself to reclaiming only the lands where no road has been constructed. This is, in my opinion, what was intended by the proviso.

The act authorizing the company to mortgage the lands granted is so intimately connected with the granting act that it may be considered a part, a section of it. Being a part, the whole act must be construed so as to harmonize and furnish a field of operation for each particular provision, if it can be done. The reservation of a right to the Government to repeal the granting act, having due regard for the rights of the company, was known to the mortgagees when they wrote the mortgages. The bondholders are chargeable with that which apppears upon the face of the legislative enactment which authorizes the issue of the bonds. I suppose that no lawyer here will dispute this proposition. Then, as they had notice that the Government, while consenting that the lands might be mortgaged, reserved in express terms the right to terminate the grant whenever the company failed to comply with their part of the contract, therefore the bondholders and mortgagees have not in my opinion a vested right in any lands except such as are conterminous with the road constructed and completed at the time the Government declares a dissolution of the contract and a resumption of the title to unearned lands.

There is another consideration which tends strongly to show that such was the intention of Congress. Lop off the words "at the time of the foreclosure of said mortgage;" strike them out of the proviso as meaningless, and the lien of the bondholders under it will be identical with the rights of the company as against the Government as grantors, and harmony of the otherwise conflicting provisions of the act is secured. I am therefore persuaded that the words "at the time of the foreclosure of said mortgage" are mere redundant words of description, and in fact mean "at the time when the grant is terminated."

But, Mr. Speaker, there is another answer to the claim of the bondholders. I find in the report of the committee several propositions of law the correctness of which I do not sanction, but I have no good reason to dispute their statement of the facts as found by them. I will therefore ask the Clerk to read a passage which I have marked on page 4 of the report.

The Clerk read as follows:

These bonds were all taken and are now owned by the parties interested in the Atchison, Topeka and Santa Fé and the Saint Louis and San Francisco Companies, and the capital stock is now owned by these two companies; and the Atlantic and Pacific road, and all the property, rights, and franchises of the company, are virtually owned and controlled by these two corporations. They hold the mortgage interest complete, all of the road which is completed, and operate it after it is so completed. We believe that the tripartite agreement above referred to was entered into with a full understanding by all the parties that the Atlantic and Pacific was to maintain a nominal existence merely so as to enable these two corporations to secure the benefit of the land grant to the extent they desire under the act passed by Congress April 21, 1871, to enable the Atlantic and Pacific Company to mortgage its road. They caused the mortgages named to be executed, and the bonds to be issued, for the individuals composing these two companies owned the capital stock of the Atlantic and Pacific Company; thus giving them complete control of the latter company. They bought the bonds so issued, and now own them, and these corporations guaranteed their payment. They are, therefore, both debtor and creditor in this transaction.

Mr. OATES. Now, if it be true that these two corporations owned the Atlantic and Pacific Railroad, they stand in the shoes of the grantees, and can claim no more than their assignors; and if they also caused the mortgages to be made, and are the owners of all the bonds, it is quite clear that their lien upon the lands is limited to the lands conterminous with the completed road. They would be subrogated to the rights of the grantees, the Atlantic and Pacific Railroad Company, which still retains a nominal existence.

Now, the reservation to the company in the language of the twentieth section, "with due regard to the rights of said company," means just what the majority of the committee in their report have conceded; that if there is a breach of conditions and a consequent termination or revocation of the grant, they should have the lands conterminous with the portion of road they had constructed. It can not mean anything else. And the fact that this road was constructed after the limitation expressed in the grant amounts to nothing, in my judment, for the plain reason which I will state. Every gentleman who is acquainted with the horn-books of the law, who understands its elementary principles, knows that estates upon condition are of two kinds; an estate upon condition precedent, the title in which can not vest until the condition precedent is performed; and an estate upon condition subsequent, the title to which vests the moment the grant is made. In the latter case, although the grantee fails to perform the condition at the time and in the manner prescribed in the deed, that does not in itself forfeit or terminate his estate; that does not cause the title to revert to the grantor. The title still resides in the grantee; the estate is still his until the grantor acts. The right which the grantor has to re-enter in the case of individuals, and thereby reinvest himself with the title, is not regarded as property so far as to enable him to sell or transfer it. His heirs, or his successor, alone can exercise that right if he himself fails to do so during his existence. But suppose he never does re-enter, or, in the case of the Government, declare a dissolution of the contract and a resumption of the title—for that is the only office and effect of an act passed here to declare what is called in this bill a forfeiture—to reinvest the Government with the title to the lands granted? Until this is done, where is the title to the estate? I ask any legal gentleman whether he will dispute the proposition that it rests and resides in the grantee? So long as the title rests and resides in the grantee, the estate is his property. In the case of individuals, whenever the grantor re-enters he is reinvested with the whole estate; and no improvements nor complication placed upon it by the grantee can prevent its reinvesting entire.

But in the case of these peculiar grants to railroad corporations there is in every one of them a provision that when the conditions are performed as to certain specified sections of the grant—20, 30, or 50 miles—the company shall be entitled to patents for lands conterminous with such constructed road. This apportions the grant; so that whenever the Government, for a breach of condition, sees proper to declare a forfeiture of the grant or a resumption of title, it does so only as to that part where the conditions have not been performed.

So long as the Government permits the company to go on and perform its conditions out of time the company has the right to the lands conterminous with the conditions thus performed.

And I say this in reply to the position of the gentleman from Indiana and those who have reported the substitute in this case. The right of this company I maintain is a right to have the lands conterminous with the completed road under the original act. The granting act retained to the Government the right, on breach of conditions by the company, to declare forfeiture at any time. It never was intended, in my judgment, to grant to this company the right to place mortgages on the lands which would extend the right of the mortgagees beyond the right of the company. As I may be wrong in this opinion, and if I am wrong, then if these lands are thrown open to homestead entry and settlement it will result in great hardship to these settlers hereafter, because this corporation or its successor or the mortgagees may bring suit for the recovery of these lands. Therefore it had better be put in such shape as will settle it, so that when settlers go upon the lands and acquire homes there and make improvements they will have security against being ousted. I therefore deem it to be both cautious and wise that the House should adopt an amendment of the character of that which I shall offer at the proper time.

A MEMBER. Offer it now.

Mr. OATES. Very well; I will offer it now and let it be pending if that be deemed best. I am not aware whether it is now in order or not, as there is a substitute and an amendment already pending.

The SPEAKER. The Chair will state there is a substitute pending, and there is also pending an amendment to the text of the original bill proposed by the gentleman from Indiana [Mr. HOLMAN]. If the gentleman from Alabama proposes to amend the substitute that is in order.

Mr. OATES. No; I propose to amend the bill.

The SPEAKER. If he proposes to amend the amendment of the gentleman from Indiana that would be in order. But an independent amendment to the bill itself would not now be in order.

Mr. OATES. I will read the amendment I intend to propose as part of my remarks for the purpose of explaining it to the House. It is as follows:

Add to the bill the following:

"*Provided*, That any person interested in, or injuriously affected by, the passage of this act, may, at any time within one year after the approval of the same, bring a suit in any circuit court of the United States exercising jurisdiction over the Territory or the district in which the subject of controversy is, and all rights of action given hereby which are not commenced within said year shall be forever barred."

Now, Mr. Speaker, I propose to add this provision at the proper time to the pending bill. I think it ought to be adopted for the reason that it opens the way to any person injuriously affected by this legislation, so that if these bondholders have rights they can be adjudicated in the courts. If this corporation has rights they will have their opportunity. At the same time if such rights are not brought to the attention of the country, if they are not enforced by bringing suits within one year, it is a statute of limitations which forever bars their right of action. The settlers and homesteaders on these lands under such provision will find repose under quiet titles.

Mr. BRECKINRIDGE, of Kentucky. When do these mortgages expire?

Mr. OATES. I am informed not until 1910.

Mr. BRECKINRIDGE, of Kentucky. In default of payment of interest can the bondholders under the terms of the mortgage bring action to foreclose?

Mr. OATES. No action, I am informed, has been brought to foreclose under the mortgage, the interest having been paid.

Mr. BRECKINRIDGE, of Kentucky. Is there anything to prevent——

Mr. STEWART, of Vermont. When can they bring suit under the amendment?

Mr. OATES. They have one year.

Mr. BRECKINRIDGE, of Kentucky. Is there anything to prevent the bondholders under the mortgage, when the bond falls due, bringing suit to foreclose the mortgage?

Mr. OATES. I think there is, after one year.

Mr. BRECKINRIDGE, of Kentucky. Would it not only be an accumulative remedy by which they could file a bill to quiet title? Is it to prevent bringing suit, when the mortgage falls due, in equity to have that mortgage foreclosed?

Mr. OATES. You mean in the event the company builds the road beyond the present terminal point and they enter suit to foreclose the mortgage upon that portion of the grant?

Mr. BRECKINRIDGE, of Kentucky. If I understand the facts, this road is completed for a certain number of miles. The right of way is still given by this bill. It only applies to the lands beyond the point of present completion. There is a provision in the amended act by which the mortgagees have a right to foreclose on such lands as are conterminous to the road at the time of the foreclosure of the mortgage.

Mr. OATES. That is in the proviso.

Mr. BRECKINRIDGE, of Kentucky. Now, will the amendment which you offer prevent a bondholder, at the time when his bond becomes due, in case the road is operated farther out, from taking action to foreclose the mortgage and have the land which is then conterminous to the increased completed portion of the road sold subject to that mortgage? I ask that for information.

Mr. OATES. That is a feature which I have not carefully studied. I will only say my present impression is it will bar the action.

Mr. BRECKINRIDGE, of Kentucky. My idea is that if we are to open these lands to homestead settlement under a doubtful title it would be an unwise act on the part of Congress. When do I understand these mortgage bonds to be due?

Mr. OATES. They are due in 1910. But I will say to the gentleman from Kentucky that my desire in offering this amendment is to avoid any defect in the title. I think the statute of limitations would protect the settlers if no suits were commenced within the one year.

Mr. BRECKINRIDGE, of Kentucky. That is the point I had in mind, whether the statute is sufficient to protect the homestead settler under the mortgage which exists, provided we throw these lands open.

Mr. OATES. I think it would.

Mr. PERKINS. Let me ask the gentleman from Alabama a question, whether this Atlantic and Pacific Company did not as a matter of fact construct its road to the western boundary of Missouri and several miles into the Territory a good many years ago?

Mr. OATES. Yes, sir; the report discloses that.

Mr. PERKINS. And is it not a matter of history that all or nearly all of the land in Missouri has been disposed of by the company, and that settlers have gone on it?

Mr. OATES. I think that is set forth in the report.

Mr. PERKINS. Then I desire to ask the gentleman from Alabama if by either of the bills, that of the majority or minority of the committee, these settlers are protected in any way in their rights.

Mr. OATES. I think so.

Mr. PERKINS. I would be glad if the gentleman from Alabama would point out any provision in the bill which protects them.

Mr. OATES. They are certainly protected, because the bill of the committee does not propose to interfere with any of the lands conterminous with the completed portions of the road.

Mr. PERKINS. Here is the language of the bill:

Provided this act of forfeiture shall not affect the rights of those claiming under any mortgage made by the said company by virtue of the act approved April 20, 1871, &c.

Mr. OATES. If the gentleman will look at the beginning of the bill reported by the committee—he is reading now from the substitute—he will find that it declares a forfeiture, in my opinion I may be permitted to say not in proper language, but a forfeiture nevertheless, which amounts to a repeal or revocation of the grant where no road has been built.

Mr. STEWART, of Vermont. I would like to ask the gentleman from Alabama a question.

Mr. OATES. Certainly.

Mr. STEWART, of Vermont. If the right has not accrued to these bondholders by any failure on the part of the company to meet the payments due to them in interest or otherwise, how can any rights accrue under this act?

Mr. OATES. The amendment which I propose gives to all persons who are injuriously affected the right to go into the courts.

Mr. STEWART, of Vermont. But how can they be injuriously affected or come within the provisions of the act if this interest is paid and other conditions on which they hold the bonds complied with?

Mr. OATES. If they have a vested right, of course they are protected and will under the amendment I offer have a right to have their rights passed upon and adjudged by the courts of the United States.

Mr. Speaker, I reserve my time.

Mr. COBB. Mr. Speaker, there seems to be some misunderstanding in the minds of gentlemen upon the other side as to the provisions of this bill with reference to that portion of the line within the Indian Territory. If I can have their attention for a few moments, I believe I can satisfy them upon that point. The Indian Territory is not a part of the public lands of the United States, and is not contemplated as such by the law. None of the land laws are extended over the Indian Territory, and therefore it is not affected by this grant.

The third section of the act provides what is granted in the way of the public domain. The second section grants the right of way, while the third section grants the lands. Now it is provided that the lands in the Territory and the States—that is, the public lands—are granted. Under the rulings of the Departments of the Government, as well as the courts, the Indian Territory has been regarded as a Territory of the United States. It is a separate and distinct portion of the lands of the continent set apart for the Indians. It is held, therefore, in larger part by deeds and treaties, and it can not be the subject of a grant, not being a part of the public domain.

Mr. WEAVER, of Iowa. Will the gentleman allow me to ask him a question?

The SPEAKER. The hour for the consideration of this business has expired.

LEAVE OF ABSENCE.

By unanimous consent, leave of absence was granted to Mr. PETERS for fifteen days, on account of important business; and to Mr. SWINBURNE for four days, on account of sickness.

MISSOURI PACIFIC RAILROAD.

Mr. BLISS. Mr. Speaker, I ask unanimous consent to submit the report of the minority of the committee on the bill (H. R. 5874) reported to-day by the gentleman from Georgia [Mr. CRISP].

Mr. CRISP. What time does the gentleman desire in which to file the report?

Mr. BLISS. Within one week.

Mr. CRISP. I shall have to object to that length of time, as I hope to get the case up on the next day when the committee is called, which would probably cut it off.

Mr. BLISS. The gentleman can set the time. I think I can submit the report on it by Saturday.

Mr. CRISP. I have no objection to that length of time.

The SPEAKER. There being no objection, the gentleman from New York will have leave to file the views of the minority.

FITZ-JOHN PORTER.

Mr. BRAGG. I move that the House resolve itself into Committee of the Whole House on the Private Calendar, for the consideration of the special order, the bill (H. R. 67) for the relief of Fitz-John Porter.

The motion was agreed to.

The House accordingly resolved itself into Committee of the Whole on the Private Calendar, Mr. SPRINGER in the chair.

The CHAIRMAN. The House is in Committee of the Whole for the purpose of considering the bill the title of which the Clerk will report.

The Clerk read as follows:

A bill (H. R. 67) for the relief of Fitz-John Porter.

Mr. STEELE. I desire to inquire of the Chair how much time each side of this debate has remaining.

The CHAIRMAN. The Chair has computed the time up to the close of the debate yesterday, and finds that six hours have been consumed by those supporting the bill and seven hours and thirty minutes by the opponents of the bill.

Mr. PHELPS. Mr. Chairman, I believed for twenty years that Fitz-John Porter was a traitor and that he deserved to be hanged. I accepted this belief because it was the public opinion of the loyal North, and my whole heart was with them. Now I believe he was an honest man and a loyal soldier, and I reached this conclusion when it became my duty as his representative to examine the evidence, and I learned the facts. The examination was tedious. There was the testimony in two trials and the vast accumulations besides. Fitz-John Porter determined at the start to regain his good name, and all these years gathered every fact and every utterance which would recreate the 29th day of August, 1862, when he lost it. The case is so voluminous that I am not inclined to find fault with any who, exempt from this official obligation, shrink from the task of examination and have determined to swim with the popular current of their section. But this examination I have made, and I can not, as an honest man, shrink from its results, and I state them to-day to the committee partly to atone for the bitter words I have heaped upon the man whom I believed to be a traitor, and partly because I wish to show to those who sent me here, some of whom do not approve of my action, that I acted in this case not from impulse, but upon reason and conviction.

First. Consider the facts in the case and the presumption to be derived from them. Look first at the facts before the 29th day of August, 1862. Fitz-John Porter started well. His ancestry was good. His father and grandfather fought in the battles of the country, and they created those family traditions of military honor which the son inherited. Starting with these traditions, he was a good boy, studious and dutiful; he was a good youth, and by his gentleness and his courage won popularity among his fellows, while his success in the exercises of the academy secured for him the approbation of his instructors. He was a good soldier, and the Mexican war soon gave him the oppor-

tunity to show his metal. He was in that wonderful little army which subdued a nation and had private soldiers who carried in their knapsacks, all unknown, the stars which they afterward wore as generals.

Yet in such an army Porter acquired conspicuous distinction. He was very brave and he was very prudent—a model officer. And when he lay in the hospital in the city of Mexico wounded in the assault, he solaced his confinement with the knowledge that the distant Government whose commission he bore recognized him as the most promising among its younger officers. With this record he was immediately and naturally called to positions of highest responsibility in the war of the rebellion. How well he discharged them his opponents on this floor have acknowledged. The hero of the City of Mexico became the hero of Gaines's Mill and Malvern Hill; and the Fifth Army Corps, as they rested under the Virginia sky on the 29th day of August, 1862, had not a private in the ranks who did not thrill with the conviction that his commander was the consummate flower of the American Army and its pride. This was the record of Fitz-John Porter up to and on the morning of August 29. Is there anything in it inconsistent with the theory of his innocence on that afternoon?

Now look at the facts which came after this date. On the 30th day of August he received an order to fight. He knew that the order was a blunder, and he said so; but he also knew that it was an order which, under that military code which speaks to the soldier like a voice from Sinai, left him no discretion. He obeyed. He led his six thousand into hopeless battle and held them under a leaden hail until twenty-two hundred lay on the ground about him. Then he thought he had lost all the men the order required him to lose, and he withdrew the remnant. This was the obedience and courage, on the 30th, of the man who on the 29th day of August was insubordinate and a coward. On August 31, knowing that such generalship must sink the Army of the Potomac, he determined to rescue his own reputation and that of his friends from the general wreck, and he sends, August 31, a rapid courier to Washington to demand of Abraham Lincoln an investigation that should prove his treason.

President Lincoln on the 5th of September granted his request and ordered a court of inquiry. Porter did not know his request was granted. He first heard it sixteen years afterward, when the original order appeared among the exhibits in his second trial. The War Department thought that this was not the court and this was not the time. Lee's victorious army was threatening Washington and they needed the most trustworthy soldier in the Army to guard the defenses of the capital. To that post of supreme importance they promptly summoned Porter, and the man who on the 29th day of August was a coward and a traitor on the 3d day of September at Arlington guarded this beleaguered city. Afterward they asked him to pick out his own division and his own commander to take them with his own old forces to Antietam.

When that campaign of disaster was ending, when Pope had been superseded by McClellan and Mr. McClellan by Burnside—when the people, mad in their disappointment, clamored for an explanation and a victim—then the Department gave them Porter. It organized its court. It summoned nine officers from the smoke of battle and placed them under the shadow of the Department to perform their task. They hesitated to do it. They lingered for weeks until a War Secretary ever ready to sacrifice an individual for the nation's life ordered them to find their verdict. The order was read in the morning, they found their verdict at noon, and in the afternoon they adjourned. Five could find a verdict. And the record tells us that one became a witness for the prosecution and four received promotion two weeks afterward. Porter met his fate as only a brave and innocent man could. He took himself and his family from the public eye. He has appeared only to recall or to present fresh evidence of his innocence. He worked and waited. He never threatened and he never murmured. He trusted in the justice of God and man. I think he has not trusted in vain.

At the time the verdict was given the evidence was printed and was read largely by the legal profession. With singular unanimity they condemned the result, and the great leaders of the profession, in writing and unsolicited, expressed their opinion that the evidence did not sustain the verdict. Those who gave such written opinions were lawyers like Daniel Lord, Charles O'Conor, Benjamin F. Curtis, and Sydney Bartlett. Afterward Legislatures in many Northern States, in New Jersey, in Pennsylvania, in New Hampshire, in Minnesota passed resolutions asking for a reopening of the case; and private citizens bearing such names as Edward Everett, Robert C. Winthrop, and Amos A. Lawrence, without consultation with Porter, prepared and signed memorials of similar purpose, which Porter with difficulty suppressed. Garfield himself introduced in this House a bill proposing a commission similar to that one which was afterward created, who should sit and review and report upon the new evidence. Public opinion in this demand grew irresistible, and in 1878 such a commission was created and acted. The conclusions of this commission, whose wording is so familiar to the country, reversed the findings of the first trial, and for a verdict of censure substituted a verdict of praise.

General Grant accepted their conclusions and boldly declared his conversion; and so did the Count of Paris, the impartial historian of our civil war, who in his second edition erased the charges he had made in his first. Since that time Senates have passed this bill, and one House of Representatives, by a vote in which more than a score of Republican members who had read the evidence were forced to join. These are the facts after the 29th day of August, 1862, and the presumptions to be drawn from them are not inconsistent with his innocence on that day.

Now let us look at what transpired on the 29th day of August, 1862, and our task is done. This is the one day in a long life—for Porter must be now more than sixty years old—when the man who was always faithful was, in a supreme moment, faithless; when the man always brave was a coward; when the man always a patriot was a traitor.

On this day Major-General Pope, in command of the Union forces in Virginia, was in active warfare on the field and in his dispatch box. He issued that afternoon an order to General Porter, dated at 4.30, commanding him to attack the enemy. General Porter did not attack the enemy. That is the charge; that is the crime if Porter committed one. And what is the defense? One is that the order was not delivered in time. This seems to be complete, but Porter has always refused to rest his case upon it. And I refer to it now only because it capitally illustrates two things which the committee should keep in mind. One is the strange carelessness with which the court in the first trial treated its evidence; and the other is the great value of the new testimony which was presented at the second trial.

The issue in the first trial was upon the time that the order was delivered. The prosecution introduced two witnesses, who were interested, whose words showed their views were conjectural. These two were the captain and his orderly, who brought the order. They testified that the order was delivered early and in good season. The defense introduced five witnesses of the highest character, disinterested, unimpeachable, who testified that it was delivered at dusk, late, too late for execution. The judges chose to believe two witnesses rather than the five led by Major General Sykes, and found that the order was delivered in time. With the same carelessness this court seems to have weighed its evidence all through the case. At the second trial, along with other new evidence, was produced (I think by General McDowell) a dispatch sent that day by Porter to General Pope. In this dispatch Porter showed his ignorance of Pope's whereabouts and his desire to get that information. Porter carelessly took the dispatch and was toying with it, when his eye read in the corner the hour when it was sent—"half-past six o'clock in the afternoon." At that hour evidently Pope's order had not come, and here was documentary evidence which confirmed the oral testimony of five witnesses and established this defense.

But upon this defense Porter refuses to rest his case. He disobeyed the order because it could not be executed, and because to attempt to execute it under the circumstances would be unsoldierly and cruel. Pope commanded him to attack the army of Jackson on the flank or on the rear. Porter could not attack the army of Jackson on the front or on the rear, because the army of Jackson was not before him, but the army of Longstreet, which had suddenly and unexpectedly appeared and assumed this position. Porter had ten thousand men, Longstreet twenty-five thousand men, and Porter could reach the flank or rear of Jackson only by first marching over the forces of Longstreet.

This thing, impossible to be done, he would have attempted had Pope been aware of the presence of Longstreet or present to accept the responsibility of the movement. But Pope was ignorant of the presence of Longstreet—the order itself showed it—and he had only assumed the responsibility of an attack upon Jackson. This left the responsibility of decision under these new circumstances upon Porter, and he decided wisely not to make the attack. So plain was it that the presence of Longstreet excused and forbade the attack, that in order to condemn Porter the first court had to find that Longstreet was not there. Abundant testimony has since proved that he was. So says Lee, the commander-in-chief of the confederate forces; so says Longstreet; so, finally, in a late magazine, says Pope, the persistent prosecutor, himself. And this ends the contest.

Finally, Mr. Chairman, I ask you could any case be better buttressed by facts and authority than Fitz-John Porter's to-day? In his two trials Pope claimed that Longstreet was not there, and so admitted his own ignorance of the circumstances of the field; then came Longstreet to say he was there, and the circumstances of the field were just as Porter claimed. And these two admissions bring the case directly within the Napoleonic maxim, which declares "that discretion must be assumed by the subordinate when the superior who issued the order is absent and is ignorant of the circumstances in the case." And how well this discretion was exercised by the subordinate is proven by the best of evidence, the statement of Lee, who commanded the enemy's forces: "Porter could not flank Jackson. I suppose we would have cut Porter to pieces had he attempted to get at Jackson's flank."

In view of such facts how insignificant seems to be the hasty and imperfect decision at the first trial! So imperfect, that the whole legal profession rose with Bartlett, O'Conor, and Lord to say that there was not evidence to support it. Especially how insignificant does it appear by the side of the decision in the second trial, where judges of highest rank, upon mature deliberation and full evidence, after admitted prejudice against the accused, declare him not alone free from guilt but worthy of commendation. How well is Porter justified in his persistent trust in the ultimate justice of God and man, and how proud must

he feel—if the sorrows of so many years leave any place for pride—when he sees all the great generals of the civil war, with one notable and regrettable exception, joining with Terry and Schofield and Grant to acclaim his innocence and to lead him to their august companionship. This is the story of Fitz-John Porter. An old, a familiar, a wearisome one to us, to him it is the story of a blighted life. Let the friends of justice do to-day what they can to repair the wrong and so end forever, so far as this House is concerned, one of the strangest and saddest scenes in American history.

Mr. KELLEY. Will the gentleman from New Jersey yield to me a portion of the remainder of his time to make a request?

Mr. PHELPS. I have yielded the remainder of the time to the gentleman from Pennsylvania, Mr. CURTIN, otherwise I should be very glad to oblige his colleague.

Mr. KELLEY. I would ask again a moment that I may renew my application to print a review of the testimony on the part of the Judge-Advocate-General, which was presented to President Lincoln as a part of my remarks on this case.

Mr. BRAGG. And I object.

Mr. ADAMS, of New York. I hope no objection will be made.

Mr. CURTIN. Mr. Chairman, some one asked me for a minute—I think the gentleman from Ohio, General WARNER. I will yield him that time, and know he will occupy that minute well.

Mr. WARNER, of Ohio. Mr. Chairman, I desired a moment that I may give a brief explanation of the vote I expect to cast on this bill. I am one of those who do not believe that Fitz-John Porter did his whole duty at the battle of second Bull Run. But, on the other hand, I believe that if the court which found him guilty of the charges as laid could assemble again, and have the evidence which now is in possession of the country presented to it, it would be compelled to reverse the verdict it once gave. For that reason I shall cast my vote for the passage of the bill. [Great applause.]

Mr. CURTIN. Mr. Chairman, we had before us a bill in the last Congress to restore Fitz-John Porter, and we have to-day a similar bill to do for him what I regarded then and regard now as a measure of justice to an American citizen. I know the man well, sir. He was the first military officer of this Government who came to me in the beginning of the war, and of all the men who did come—and there were many—he was the most faithful, vigilant, active, and intelligent. He was placed on the staff of General Patterson, who commanded the Pennsylvania forces down in the Valley of Virginia.

My colleague from Allegheny County, Pennsylvania, has stated that in a council of war at Winchester Fitz-John Porter opposed an advance on the enemy. He was then a captain of the United States Army—that was all; and my colleague has not read the report of General Patterson, who commanded that force; and has not read that President Lincoln said to Patterson, "You can wait for your vindication." And the old man did wait—he who had been in the war of 1812 and '13, who commanded an army in Mexico in the war with that country, and at an advanced age took part in the war which so agitated this great country and imperiled our Government. When that war was over that old Irish hero so vindicated himself that every man in America agreed that he was right.

I recommend to my colleague to read General Patterson's book, and he will find that he acted under obedience to orders from Washington.

My colleague from Philadelphia, my venerable colleague [Mr. KELLEY], in the speech he made yesterday, denounces Fitz-John Porter as a traitor. Traitor, Mr. Chairman, is a terrible word to an American citizen. It means much. We have had few traitors in this great Government of ours from the beginning of our national existence down to this day. They have been few, indeed. The inspiration of patriotism and devotion to this great Government forbid that men should be traitors; and if Fitz-Fohn Porter is a traitor I am one. [Applause.] And yet I gave my country the best years of my life. I knew him well, and his friends. And the gentleman from Michigan [Mr. CUTCHEON] denounced Fitz-John Porter in a speech so technical and trite in the discussion of evidence that it would have been creditable in a court of quarter-sessions for a man who had stolen a pair of trousers or a pair of boots, or had violated the liquor law. [Laughter and applause.]

And, Mr. Chairman, he said, in his peroration, that he summoned from high heaven Garfield and others who are dead; he canonized as saints all the persons interested in the court-martial and condemnation of Fitz-John Porter—and I notice that the gentleman dealt generally with the dead [laughter]—that they, before the high court of heaven, would sustain the verdict that Fitz-John Porter was a traitor to his country. I want to say to the gentleman, under God I hope that Grant will be there, and if he is there, then there will be conflicting testimony on that point. [Applause and laughter.] And if he is there, I trust he will be permitted to cross-examine Grant, and that high court of heaven may be resolved into a court of quarter sessions, and the gentleman can then display his ability, his wit, as a cross-examiner, his logic, and his facts. [Laughter and applause.]

Mr. Chairman, Henry Wilson, of Massachusetts, Horace Greeley, of New York, and the man who has the honor to speak to you now, first presented to the Government of the United States a review of the court-martial and the sentence of Fitz-John Porter. They are in their graves; and will you say that Horace Greeley and Henry Wilson, of Massachusetts, were traitors? Who will say that? And if you say to me that I am a traitor, say it in the corridor and you will regret it. [Laughter and applause.] We presented that subject to the Government after a full and deliberate consideration. Our names are on record and I glory in the fact that my humble name is in such association. I repeat I glory in the fact, and that the appeal was to vindicate an American citizen. That is all.

I hold in my hand Scribner, containing an article written by General Pope; and I have listened to the discussion on this floor; and in vindication of General Pope I have heard nothing new. It is all here. He complains of Halleck. He complains that his counsel was not accepted by Lincoln, who is so eulogized on this floor, and in those eulogies I most heartily unite. He complains of the tardiness of the officers who came up to him, and especially of John F. Reynolds.

Mr. WARNER, of Ohio. Than whom there was never a more faithful soldier.

Mr. CURTIN. Never. He was an ideal soldier, so grand and pure that no man can taint his memory here. We erect monuments to him in Pennsylvania. The men of his corps in 10-cent subscriptions made a fund for a bronze statue of him at Gettysburg. And the State of Pennsylvania has now appropriated money to put up a monument to his memory where he fell. And a liberal gentleman of Pennsylvania, Mr. Temple—God bless him—subscribed $25,000 to put a bronze equestrian statue of that pure soldier in the city of Philadelphia, which I had the honor to unveil. I can not but express my indignation at the imputation that John F. Reynolds ever disobeyed an order.

Here it all is in this article. I say to the gentleman from Michigan, it is all here. I do not know if he read it, but it is all in Pope's own article. He says he advised the President and the Secretary of War—and he deals with dead men. My friend, Fitz-John Porter, lives. I am no longer young, but I am glad I live to vindicate him.

My venerable colleague from Philadelphia [Mr. KELLEY] quoted Dessaix, as was also done in the discussion last Congress. He has not read the history recently. Massena was shut up in Genoa. Dessaix was ordered to relieve him. Napoleon found he needed the column of Dessaix, and Dessaix came back to Marengo under orders. His tragic death made him remarkable in history. He obeyed the order and did come back.

Disobedience of orders and acting without orders is a common occurrence in all great wars, and a man is unfit to command armies who fails at times to exercise his judgment and discretion. It is for that he is put in the field and clothed with authority. It occurred very often in the war of the rebellion; notably my kinsman, General Gregg, when Hancock was hard pressed at Ream's Station, went to the sound of his guns, dismounted his cavalry, and assisted in preventing what might have been one of the greatest disasters of the war. If he had lost his command, as he acted without orders, gentlemen on this floor might have applied their wisdom and knowledge of war to him, and have had him court-martialed and dismissed.

My friend from New Jersey [Mr. PHELPS] has shown to the House that the order of which they complain arrived at 6.30. That is the end of it. The speech of the gentleman is so clear and forcible and his conclusions so just and logical, that it is unnecessary for any advocate of this bill to go over the same ground again. One more day and Fitz-John Porter, as these gentlemen know, with his column resisted the approach on Washington with eight thousand men, not ten thousand or twelve thousand, as you say; and it is part of the history of that battle that three thousand men of that column were either killed or wounded in that terrible struggle.

Mr. Chairman, I witnessed that war with intense anxiety; and for the State of Pennsylvania I feel pride in all the great people of that State did to preserve the Government. I will astonish you, sir, and this House when I tell you that after the second battle of Bull Run the great Commonwealth of Pennsylvania put thirty-two regiments in the field in sixteen days. I ought, therefore, to know something about the war.

I wish to God it had never occurred. I believe if that war had not occurred and forced on me those terrible four years I would, thanks to my Irish ancestry, have lived to be a hundred. [Laughter.] If I had been ten years older it would have killed me. But I watched the war, I encouraged my fellow-citizens engaged in its hostilities and giving their lives as the highest measure of their fidelity to their country. I do hate to hear gentlemen on this floor denouncing American soldiers as traitors or cowards. Fitz-John Porter was not a coward. Ah, no! There were few cowards in that war on either side.

The newspapers were constantly clamoring "On to Richmond!" "On to Richmond!" but we always found some fellows between us and Richmond who gave us a great deal of trouble, as the soldiers who fought them will tell you. [Laughter.] The war should never have occurred, but it did; and I now appeal to this House, Mr. Chairman, to have justice done to an American soldier. Admiral Byng, who should have attacked the fort of St. Philip, at Minorca, but retired in the presence of a French superior force, was tried, convicted, and shot. But the ministry who made that victim were hooted and mobbed in the streets and turned out of power for the injustice done to that gallant man. History is constantly repeating itself.

Now, Mr. Chairman, this Government at that time needed a victim,

and something had to be done. The disasters on the Peninsula had aroused the American people. McClellan was removed from the command, and Pope was recalled from the West to take command of the armies, and he proclaimed himself, in brilliant and glittering rhetoric, as commander of the armies. Although he says in his article he did not use the phrase, he announced that his headquarters would be in the saddle, which meant an improvised saddle down here at Willard's Hotel. [Laughter.]

Mr. GALLINGER. He denies that.

Mr. CURTIN. His order was read by everybody at the time. I read it myself with great satisfaction. Now, I thought, we have got the right men, the fighting men, the men in the saddle. Now, if there has been anything elucidated on this floor in the discussion of this question, and in the newspapers and periodicals of the day, it is the utter impossibility of many of the conversations which are reported to have occurred with Abraham Lincoln, because, if they be true, when did he find time to attend to public duty?

When men are dead, that is the time to publish conversations [laughter]; for in these conversations men too often magnify themselves into consequence before the country. I used to see Lincoln myself occasionally, and when I did see him he attended promptly to the public business that we had under consideration and didn't talk much about anything else; but it would appear now from these publications that he devoted most of his time to holding conversations. [Laughter.] They are publishing conversations with him in all parts of the country, and conversations with Halleck and with Stanton. General Pope says in this article that he objected to the movement, did not desire the place of commander of the army, but accepted it and took the field. Sir, if there is anything in history that is beyond dispute, it is that that second battle of Bull Run was simply a struggle of a confused mob, one division going in after another without any concert, a front five miles long, and such a general state of confusion as would have resulted in the capture of Washington if the enemy had known the real situation.

Fortunately for the country they did not. Fortunately for us all they did not. Fortunately for you gentlemen who come here from the South to represent upon this floor, your people, who are now enjoying, in common with us all, the blessings and the benefits of this great Government; fortunately for you, they did not capture Washington. When that confusion was passed and McClellan was called back to the command of the Army, we obtained a success at South Mountain and a victory at Antietam.

As the House will remember, it was about that time that the conference of State governors was held at Altoona. The case for the conference was withheld until the Army of the Potomac obtained a success. The most active agents in the calling of that conference were Governor Andrew, of Massachusetts, and Governor Morton, of Indiana. That conference was called to set a policy for the war and to urge its vigorous prosecution. The main question was whether the proclamation of freedom for the slaves should precede the Altoona conference or should follow it. There were seventeen governors of States present.

Before the conference it was decided that the proclamation of freedom should be issued, and that the war should be prosecuted vigorously, and that the governors would approve and support that policy, and they did. I do not deal with dead men or report conversations with dead men. [Laughter.] Of the seventeen governors there assembled there are three—Kirkwood, Blair, and Sprague—still living besides myself. Ask them, and they will tell you what we did there. We took that course because the war was about slavery, and the time had come to assert it. I hold in my hand the correspondence with Governor Andrew and with Governors Kirkwood and Blair, and I want it published soon, because I am afraid that the other three survivors of that conference may die. For my own part, I do not intend to die until it is done [laughter] and the history of that conference known to the nation, as it will be soon.

Now, as to Fitz-John Porter, I do not propose to go into the details of the case. I shall not undertake to say just when that famous order was received. The gentleman from New Jersey [Mr. PHELPS] says it came at half past 6, and he has no doubt investigated the facts. But, as I have said, I do not care to fight our battles over again. I do not like bloody-minded men. I never did. For a like reason I did not like the commissaries or the contractors who wanted the war to go on because they made money out of it, and when I visited the Army I always hated to see, as I did see stuck up on trees, notices announcing "embalming done at low prices." [Laughter.] As to these bloody-minded men, some of whom would wipe out everybody on this side of the House, these warriors who can never be appeased, they remind me of a noted character who lived in my town years ago. He was an old fellow; I think he had been a wagon-master in the Revolution; that was the tradition of the town. He used to tell a story of his warlike achievements in battle, and he told it so often that he believed it himself, and when strangers would come to the little village in which we lived they would give "Captain Curzy" (that was his name) a drink or two and get him to tell his story. The story, as he told it, was about like this: "At the battle of Monmouth," he would say, "although in the light-horse I fought that day on foot. I slashed with my saber cuts one and two, and a head went off here and a limb went off there, until the blood actually ran into my shoes. [Laughter.] A pile of dead bodies surrounded me; I was excited, and I was still slashing away, when I felt a touch on my shoulder. I looked up and there was Washington! [Laughter.] I shall never forget the solemnity of his appearance or the gravity of his speech. He gazed at me a moment without speaking, and then he said, 'Young man, restrain your impetuosity! In the name of God, do not make a slaughter-house of the field of battle!'" [Renewed laughter.]

Now, Mr. Chairman, I wish to remind these bloody-minded men, if any of them are here, that the war has been over more than twenty years. The war ended nearly a quarter of a century ago. Good God, let us forget it! You gentlemen of the South are back in this house built by your fathers; we of the North are in the same house, built by our fathers. It was the soldiers of the Union that maintained this Government that made us one again, that restored peace and concord and fraternity. Mr. Chairman, there is a wide difference between a state and a government. For example, Sweden is a state; Belgium is a state. Can Austria be a state? Austria is a government. She holds Hungary, another nation, under subjection to her government.

But a state must be homogeneous. We are a state, if when the interests of Maine are touched the vibration is felt in California; if when the interests of the people of Oregon are violated it is felt in Florida. To be a great nation of sixty million people we must be homogeneous; we must be fraternal; and above all when an American citizen is punished unjustly we must relieve him and do justice. In a former age when a man said, "I am a Roman citizen," an empire moved to revenge his ignominious death, and the nation that touched the body of a Roman citizen was destroyed. When some years since the missionaries of the Cross in Africa were maltreated the Lion growled, and Great Britain knocked an empire to pieces and vindicated the rights of those who had suffered wrong.

We, as a nation, have been constantly making apologies; but in my judgment the time has come when this great people should assert themselves in the family of nations, when the mariner or the merchant or the man traveling for pleasure should be protected in any part of the world by the power of this great Government. Most of all, we should protect the honor and interests of the individual citizen of the United States. A man who is placed in the dock of the court of quarter sessions, accused of crime, epitomizes in himself all that there is in this Government. He is not to be convicted of crime without evidence. All the panoply of the Government, all its greatness and power, encircle the meanest citizen. Whether the man whose rights are in question be a "tramp" or a man of wealth it matters not; power must be exercised legitimately. If we fail to accord justice at home, how can we exact it abroad?

Gentlemen say there is no constitutional right on our part to review the finding of this court-martial. Sir, I am tired of that kind of talk. What does it mean? Does it mean that the action of a court-martial summoned suddenly to provide a victim for the indiscretion of the Government can not be reviewed? It has been reviewed, and honorable men have declared their judgment in opposition to the verdict of that court. I have on my desk a private letter from General Schofield to a friend of his, in which he says that he went to the trial of this case before the military court of inquiry without prejudice or feeling, and was convinced that Fitz-John Porter had been unjustly accused. Other gentlemen who sat on that board have come to the same conclusion.

But the gentleman from Michigan [Mr. CUTCHEON] complains that Grant was mistaken; half his speech was occupied with an effort to convince this House that Grant was mistaken, if not worse. Now, if there has been, in the history of this great nation, a military man deserving the respect and honor and gratitude of the country it is Grant. I am sorry he was ever President; I still more regret that he ever went to New York to be involved in the speculations of Wall street. For, mark it well, Grant during the whole war never took a place that he did not hold. That is his history. At Shiloh he went under the banks of the river, but he held the position. In the Wildnerness, when defeated, he did not know it; he held the position. Wherever he went, whatever position he took, he held. He developed from obscure life into one of the greatest soldiers of the world.

When the last court was appointed, Grant turned his attention with renewed interest to the case. One gentleman complains that Fitz-John Porter importuned Grant. Thank God, he did. He importuned different Presidents in succession. He knocked at the doors of this Hall. He demanded for himself and his children the justice due to an American citizen. If he importuned Grant he had the right to do so; and Grant yielded. Having made an investigation of the whole case, Grant declared to the American people that he had been mistaken.

Mr. BURLEIGH. And he never took that out of the record.

Mr. CURTIN. No; he never took it out. Why, sir, death came to Grant when he knew it was coming. The grim monster was feeling for his heart-strings day by day and hour by hour. So long as he could speak his voice was for his country, its perpetuity, its peace, its grandeur. When he could no longer speak, his writing was all in the same strain. Why, Mr. Chairman and gentlemen, there is not in all history a

death so poetically sublime as Grant's. And he will be there to answer the accusations which the gentleman said will be sustained above. Look out for Grant! I hope my friend from Michigan will get there; but look out for Grant, because on earth or in heaven that man will be believed.

Mr. Chairman, is my time out?

The CHAIRMAN. The gentleman has fifteen minutes more.

Mr. CURTIN. Why, I thought I had only fifteen minutes altogether. Well, I do not think I need say anything more on this question. I will not fight the battle of Bull Run over again. It has been fought so often on this floor and by some men who were not there [laughter], and I was not there! My enlightened friend from Nebraska [Mr. LAIRD] was there, and has made a speech on behalf of Fitz-John Porter; and Mr. Ray, of New York, who was also there, but not now a member of this House, made a speech on the same side in the last Congress.

A MEMBER. And Mr. HAYNES spoke on the same side.

Mr. CURTIN. Yes, I heard his speech and admired it. I heard also the speech of my excellent friend, the gallant gentleman from Indiana [Mr. STEELE], who was not there, and who elucidated this question on the map. Why, sir, what are maps worth? Anybody can make a map. While my excellent friend from Indiana made a map, I would remind him that Grant made maps also.

Mr. CUTCHEON. Will the gentleman from Pennsylvania yield at this point for a question?

Mr. CURTIN. Oh, yes; I am a yielding man.

Mr. CUTCHEON. The gentleman from Pennsylvania thinks that General Grant is to be believed either on earth or in heaven. Now, I desire to know whether he thinks that General Grant is to be believed when in his letter of May 9, 1874, to General Pope he wrote:

* * * I read during the trial the evidence and the final findings of the court, looking upon the whole trial as one of great importance, and particularly so to the Army and Navy. When General Porter's subsequent defense was published I received a copy of it and read it with care and attention, determined if he had been wronged and I could right him I would do so. My conclusion was that no new facts were developed that could be fairly considered, and that it was of doubtful legality whether by mere authority of the Executive a rehearing could be given.

Yours, truly,

U. S. GRANT.

General JOHN POPE,
United States Army.

Is Grant to be believed when he says there that he had read all the evidence and saw no new facts?

Mr. CURTIN. Oh, yes; as to facts the evidence of which was then before him, he was familiar with them. As to the question of legality, why, sir, this is the grandest inquest of the American people. This is the great tribunal for final adjudication of such questions. Do you say there is no appeal, no redress for the wrongs of an American citizen who has suffered as Porter has suffered? Why, sir; if a man is unjustly put into jail the governor or the President can pardon him.

Grant, after the date of the letters which the gentleman has just read, examined this whole case carefully at his home when death was almost upon him, and Grant then said that he had been mistaken. What manhood! How some other men are dwarfed beside him!

Mr. CUTCHEON. The distinguished gentleman from Pennsylvania and myself can have no controversy as to General Grant.

Mr. CURTIN. No.

Mr. CUTCHEON. Either as to his military supremacy or his absolute honesty. I wish now—— [Cries of "Go on, governor," from the Democratic side.]

Mr. CURTIN. I understand you perfectly. You said that; you read it before. I read it in your speech.

Mr. CUTCHEON. The gentleman has yielded to me.

Mr. CURTIN. But not too much.

Mr. CUTCHEON. The gentleman has invoked the names of Henry Wilson and of Horace Greeley and of the distinguished gentleman from Pennsylvania himself.

Mr. CURTIN. Oh, never mind me.

Mr. CUTCHEON. As proving what? [Cries of "Go on, governor," from the Democratic side.] I have in my hands the letter of Henry Wilson, and also the letter of Horace Greeley, and also the letter of the gentleman from Pennsylvania.

Mr. CURTIN. Yes; we asked re-examination.

Mr. CUTCHEON. I wish to call the gentleman's attention to what Henry Wilson did say.

Mr. CURTIN. I know what he said. You need not read it to me. I know it by heart. [Laughter and applause.] I know it better than the shorter catechism. [Renewed laughter and applause.]

Mr. CUTCHEON. Will the honorable gentleman permit me to read it?

Mr. CURTIN. The gentleman from Michigan is a more adroit man than I am. I am a plain, common-sense man, and he is a very astute man. [Laughter.]

Mr. CUTCHEON. The gentleman cited Henry Wilson.

Mr. CURTIN. I cited him. Henry Wilson believed him innocent; and so did Horace Greeley; and so did I, too. You shook me a little in your speech, but not much. [Laughter and applause.]

Mr. CUTCHEON. Allow me to read it?

Mr. CURTIN. Oh, no; it is all in your speech. [Laughter.] There is not a man in your presence——

Mr. CUTCHEON. I would be glad to read it, and also to read the letter of Horace Greeley.

Mr. CURTIN. There is not a man in your presence to-day who can not read. If there is in this House such a one let him stand up and say so. There is not a man up. [Great laughter and applause.] I remember very well in the last Congress——

Mr. CUTCHEON. The gentleman will not permit me to read what Mr. Wilson wrote.

Mr. CURTIN. No; they have all read it, and if they have not—as they can all read—they can go and read it for themselves. The gentleman in the last Congress stated on this floor that some kind of an arrangement had been made with Grant; that we ought to put him through again as a general, and that we would sustain him. Very well. The next morning it was not in his speech. I want to say to the gentleman from Michigan—I need not call him my friend; I would be friends with him if I could—but what he said about that arrangement was not in his speech as it was published the next morning. About two or three thousand years ago there were two men, one of whom repented and the other was severely shaken, just on the margin, at the eleventh hour, very near the fire. [Laughter and applause.] But though they were malefactors they did not bear false testimony against their neighbor, which false testimony has always been cursed. [Applause.]

Now that is all. The gentleman does not say that now. If these men are to be believed, we only ask for justice to a man who was injured.

Mr. CUTCHEON. Under these circumstances will the gentleman yield to me?

Mr. CURTIN. What do you want me to yield for? We should never agree. You have had your speech, and it was a good one. I did not interrupt you. If that is not enough to satisfy the gentleman I will tell him that it was one of the best speeches I ever heard. He made the most of it. [Laughter and applause.]

Mr. CUTCHEON. I do not desire to interrupt the gentleman if he does not wish to yield to me.

Mr. LAIRD. I do not think it is fair to the gentleman from Pennsylvania to be constantly interrupted.

Mr. STEELE. The gentleman from Pennsylvania can take care of himself.

Mr. CURTIN. I am about done. I desire to do justice to Fitz-John Porter. The gentleman himself says we are going to pass the bill. Oh, yes; we will pass it! [Applause.]

Mr. STEELE. Will the gentleman from Pennsylvania yield to me for one minute?

Mr. CUTCHEON. I ask the gentleman from Pennsylvania——

Mr. STEELE. Oh, let me alone.

Mr. CURTIN. One at a time. [Laughter and applause.] The gentleman from Wisconsin [Mr. BRAGG] has the floor. I have talked my time out; but what does the gentleman from Indiana wish to ask me.

Mr. STEELE. It is but a word.

Mr. BURROWS. I claim the balance of my time which I reserved.

Mr. BRAGG. There is no time left for anybody to claim.

Mr. CURTIN. Before I resume my seat I wish to say in reference to my friend from Indiana [Mr. STEELE], and I am pleased to call him my friend, that in nothing which I have uttered do I wish in the slightest degree to reflect upon his gallantry as a soldier. He was upon other fields and fought gallantly. I wish to treat him with the greatest possible respect. So, too, I wish to speak of the gentleman from Michigan. We differ on these points, and we only differ to that extent.

Now, Mr. Chairman, having at all times, with a sincere belief in the innocency of Fitz-John Porter, whenever and wherever in my power advocating that justice should be done him, I make the last appeal for this gallant soldier, who, together with his family, have so long and so grievously suffered, to this august tribunal, representing the grand inquest of the American people.

I do this with great satisfaction, independent of your favorable official action, which is, I hope, to occur to-day, but from the higher and holier motives that I believe him innocent, and that I am thereby discharging a grateful duty to a gentleman who honors me with his friendship.

I am done. I yield the floor. [Applause.]

Mr. BURROWS. Mr. Chairman——

Mr. BRAGG. I have the floor, Mr. Chairman, I believe.

Mr. BURROWS. I desire to occupy my time.

The CHAIRMAN. The Chair will state that by a general order the time fixed for closing this debate expires at 3 o'clock to-day, when it is understood the previous question is to be ordered. The Chair has endeavored to divide the time equally between gentlemen favoring and those opposing the bill. In that effort to equally divide the time the Chair finds that the seven minutes between now and 3 o'clock belong to those who support the bill, and therefore the Chair recognized the gentleman from Wisconsin.

Mr. KELLEY. Then I would ask the Chair, with permission, whether an arrangement was not entered into between the gentleman from Wisconsin [Mr. BRAGG] and the House, the Speaker being in the

chair at the time, that the previous question should be ordered at 3 o'clock and that the chairman of the committee in charge of the bill should have one hour thereafter? I ask whether that arrangement is not on record, and how, that being the order of the House, time can now be taken from the gentleman from Michigan [Mr. BURROWS] and yield it to the gentleman who is ordered to confine himself to the hour after the previous question is ordered?

Mr. BRAGG. I will answer that, Mr. Chairman.

Mr. KELLEY. I want the Chair to answer it. I addressed my inquiry to the chairman and not to the gentleman from Wisconsin.

Mr. BRAGG. There is no order confining me to the hour, and no one knows that better than the gentleman from Pennsylvania himself.

Mr. BURROWS. Do I understand the Chair to deny the floor to me for the balance of the time, five minutes, remaining?

The CHAIRMAN. The Chair will state, in response to the gentleman from Pennsylvania, that the Chair can not take cognizance of the ruling of the Speaker; but if the gentleman desires it the Chair will cause to be read the agreement or understanding entered into at that time.

Mr. BURROWS. That will consume the balance of the time, and if I am entitled to the floor I desire to proceed now.

The CHAIRMAN. The Chair is of opinion that the remaining time belongs to those gentlemen who support the bill, which will equalize the time.

Mr. BRAGG. Mr. Chairman, gentlemen upon the other side have had their time. Now let me be heard.

Mr. CUTCHEON. I ask unanimous consent of the House, in the few minutes remaining of the gentleman from Pennsylvania's time, to print in the RECORD the letter of Henry Wilson, Horace Greeley, and ANDREW G. CURTIN.

Mr. BRAGG. I object.

Mr. CURTIN. Except as to my letter. Print my letter. [Laughter and applause.]

Mr. BRAGG. I object.

Mr. CURTIN. I promised my colleague from Pennsylvania [Mr. EVERHART] five minutes, which promise I had entirely forgotten. I hope that it will be allowed to him, although he is against the bill.

The CHAIRMAN. The Chair has recognized the gentleman from Wisconsin.

Mr. REED, of Maine. What was the ruling of the Speaker that the chairman was about to have read?

The CHAIRMAN. The Chair has stated that if the gentleman from Pennsylvania desired, the understanding which was reached in the House with reference to the debate on the bill would be read.

Mr. BRAGG. Mr. Chairman, I am not surprised that a member of the old Fifth Army Corps should be able to cause such disturbance in the ranks of the enemy. I stand here to-day, sir, representing the old Fifth Army Corps, and a member also of the First Army Corps, wearing upon my breast the badge of the old Army of the Potomac that loved McClellan and Porter while they fought the battles of this country well, despite Congressional influence. [Applause.] They sometimes had good officers; they sometimes had officers of medium capacity, and they sometimes had officers that would have disgraced a country militia camp. But, sir, they fought steady and well against the flower of the confederate army, led by their ablest captains. Their danger was more from the rear than from the front, for Congressional committees were prowling through their camps looking for candidates for the Presidency, and interfering with all orders that their general officers issued. [Applause.] That condition of things existed up until the time that the country cried out against it and the power was given to General Grant to command all the armies. Then, with him at their head, the Army of the Potomac went forward to victory and closed the war and saved the Union by the surrender at Appomattox. So have we, friends of Fitz-John Porter, pressed forward year after year asking that justice be done to him. Partisan zeal and malicious personal motives combined with it have prevented a fair and impartial hearing, and have made men fearful to vote in accordance with their judgment lest the long black mark should go down across their name and the curse of the G. O. P. be issued against them.

But at last, like the Army of the Potomac in its campaigns, we come on this battlefield with the great captain, Grant, at our head, and we are going to win the battle. Justice is all that we ask. Mr. Chairman, there is no better test in the world of the honesty, the faithfulness, the zeal, the ardor, and the bravery of an officer than the testimony of the men under his command.

Mr. BURROWS. Has not the time arrived when the previous question was to be called?

The CHAIRMAN. The hour of 3 o'clock has arrived.

Mr. BRAGG. I move that the committee rise and report the bill to the House.

The motion was agreed to.

The committee accordingly rose; and the Speaker having resumed the chair, Mr. SPRINGER reported that the Committee of the Whole House, having had, according to special order, under consideration the bill (H. R. 67) for the relief of Fitz-John Porter, had instructed him to report the same back to the House without amendment.

Mr. BRAGG. I move the previous question on the engrossment and third reading of the bill.

Mr. CUTCHEON. I desire to make a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. CUTCHEON. I wish to ask if amendments are now in order or will be at any time?

The SPEAKER. If the demand for the previous question is not sustained amendments will be in order. If the previous question is ordered, then all amendments, under the rule, will be cut off.

Mr. CUTCHEON. I desire to ask another question. The gentleman from Pennsylvania [Mr. EVERHART] gave notice of an amendment which he proposed to send up. Will that amendment be considered as pending?

The SPEAKER. The chairman of the Committee of the Whole House reports the bill back to the House without amendment.

Mr. CUTCHEON. I desire to offer an amendment to the last clause of the bill if it can be permitted. Possibly the gentleman from Wisconsin will permit me to do so. I ask the gentleman to yield to me to move an amendment to the last clause of the bill.

Mr. BRAGG. No, sir; I yield for nothing.

The previous question was ordered; and under the operation thereof the bill was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time.

Mr. BRAGG. I move the previous question on the passage of the bill.

Mr. WARNER, of Missouri. I move to recommit the bill to the Committee on Military Affairs with instructions to add as the second section of the bill what I send to the desk.

The Clerk read as follows:

Whereas Andrew J. Smith, late a major-general of the United States volunteers and colonel of the Seventh Cavalry of the United States, never was court-martialed;

Whereas said Andrew J. Smith was never accused of disobedience of the orders of his superior officers and never turned his back upon the enemy, always marched when ordered without question as to the difficulties or dangers in the way;

Whereas said Andrew J. Smith never had his loyalty to his country or his commanding officer questioned during a continuance in service from July 1, 1838, to May 6, 1869, through all grades from second lieutenant of the First Dragoons to major-general of volunteers;

Whereas the said Andrew J. Smith received the brevet of colonel, United States Army, April 10, 1864, for gallant and meritorious services at the battle of Pleasant Hill, La.; of brigadier-general, United States Army, March 13, 1865, "for gallant and meritorious service at the battle of Tupelo, Miss.," and of major-general, United States Army, March 13, 1865, "for gallant and meritorious services at the battle of Nashville, Tenn.;" and

Whereas the said Andrew J. Smith performed longer and more arduous and gallant services on our frontier before the late war of the Rebellion than any other living man. This old veteran, now full of years—three-score and ten—being poor, is entitled to the grateful recognition of his country.

That the laws regulating appointments in the Army be, and they are hereby, suspended, and suspended only for the purposes of this act; and the President is hereby authorized to nominate and, by and with the advice and consent of the Senate, appoint Andrew J. Smith, late colonel of the Seventh United States Cavalry and a major-general of volunteers, a brigadier-general in the Army of the United States, and thereupon to place him, the said Andrew J. Smith, upon the retired-list of the Army as such brigadier-general, without regard and in addition to the number now authorized by law of said retired-list.

Mr. BRAGG. I make the point of order on that proposition that it is not germane to the subject-matter of the bill under consideration.

The SPEAKER. The gentleman from Wisconsin [Mr. BRAGG] makes the point of order that this proposes to instruct the committee to amend the bill by adding to it a subject not germane.

Mr. REED, of Maine. I wish to be heard on the point of order. Notwithstanding the fact that this bill for the rehabilitation of Fitz-John Porter has a preamble which relates entirely to him, nevertheless, if it is a proper bill to be presented for the consideration of this House, it must be because it creates an office such as is needed for the carrying on of the business of the United States. And if the bill proposes to create one office, or rather one officer, it certainly must be in order to propose to double that number.

If the Chair shall decide that the purpose of this bill is not to create an office which is needed to carry on the business of the United States Government, it certainly exposes the character of this bill as to its constitutionality and purpose more thoroughly than any lengthy argument can do. The pretense here is the creation of an office. I do not say anything about the propriety, which seems to me indefensible, of proposing to the Executive that it shall create that office and put a man in it whom Congress has designated or he shall not have the office at all. But if it be proper for this House by a bill to propose that there be one officer of a certain class it must be within the competency of this House to decide that there may be two of a class, or twenty, or a hundred; and if it be proper to do as is done in the first bill—if it be proper to fill that office by legislative act, it must be equally competent to fill a second position created in like manner by act of Congress.

I do not know but that the point of order will be sustained, but I think that the situation is very well explained by it.

The SPEAKER. The bill under consideration is a private bill, the title of which is, "An act for the relief of Fitz-John Porter." So far as the Chair knows, it has always been held in the House that a bill for the benefit of one private individual could not be amended so as to extend its provisions to another by an amendment offered upon the floor, and the present occupant of the chair has had occasion to decide very frequently that it is not competent to do indirectly, by recommitting a bill with instructions, that which could not be done directly by an

amendment offered by a member. The Chair thinks that the point of order is well taken, and that the motion of the gentleman from Missouri [Mr. WARNER] is not in order.

Mr. EVERHART. Mr. Speaker, if the previous motion is withdrawn, I move to recommit the bill with instructions.

The SPEAKER. The Chair has decided that the previous motion was not in order.

Mr. EVERHART. Then I move to recommit the bill with instructions to strike out the last line.

The SPEAKER. The Clerk will report the words which the gentleman from Pennsylvania [Mr. EVERHART] moves to strike out.

The Clerk read as follows:

Strike out at the end of the bill the words "prior to his appointment under this act;" so that the proviso will read:

"*Provided*, That said Fitz-John Porter shall receive no pay, compensation, or allowance whatever."

The House divided on the motion of Mr. EVERHART; and there were ayes 103.

Before the noes were announced,

Mr. REED, of Maine. Mr. Speaker, I ask for the yeas and nays.

The yeas and nays were ordered. The question was taken; and there were—yeas 112, nays 175, not voting 36; as follows:

YEAS—112.

Adams, G. E.	Everhart,	Lindsley,	Ryan,
Allen, C. H.	Farquhar,	Little,	Sawyer,
Anderson, J. A.	Fleeger,	Louttit,	Scranton,
Atkinson,	Fuller,	Lyman,	Sessions,
Bingham,	Funston,	Markham,	Smalls,
Bound,	Gallinger,	McComas,	Spooner,
Boutelle,	Gilfillan,	McKinley,	Steele,
Browne, T. M.	Grosvenor,	Millard,	Stephenson,
Brown, C. E.	Grout,	Milliken,	Stewart, J. W.
Brown, W. W.	Guenther,	Moffatt,	Stone, E. F.
Brumm,	Hanback,	Morrill,	Strait,
Buchanan,	Henderson, D. B.	Morrow,	Struble,
Buck,	Hepburn,	Negley,	Symes,
Bunnell,	Herman,	Nelson,	Taylor, E. B.
Burrows,	Hiestand,	O'Donnell,	Taylor, I. H.
Butterworth,	Hires,	O'Hara,	Taylor, Zach.
Campbell, J. M.	Hiscock,	O'Neill, Charles	Thomas, J. R.
Cannon,	Hitt,	Osborne,	Thomas, O. B.
Caswell,	Holmes,	Owen,	Thompson,
Conger,	Hopkins,	Parker,	Van Schaick,
Cooper,	Houk,	Payne,	Wade,
Cutcheon,	Jackson,	Payson,	Wakefield,
Davenport,	Johnson, F. A.	Perkins,	Warner, William
Davis,	Johnston, J. T.	Peters,	Weaver, A. J.
Dingley,	Kelley,	Price,	West,
Dorsey,	Ketcham,	Reed, T. B.	White, Milo
Dunham,	La Follette,	Rice,	Whiting,
Evans,	Lehlbach,	Rowell,	Woodburn.

NAYS—175.

Adams, J. J.	Dockery,	Jones, J. H.	Rockwell,
Allen, J. M.	Dougherty,	Jones, J. T.	Rogers,
Anderson, C. M.	Dowdney,	King,	Sadler,
Baker,	Dunn,	Kleiner,	Sayers,
Ballentine,	Eden,	Laffoon,	Scott,
Barnes,	Eldredge,	Laird,	Seney,
Barry,	Ellsberry,	Lanham,	Seymour,
Bayne,	Ely,	Lawler,	Singleton,
Beach,	Ermentrout,	Le Fevre,	Skinner,
Belmont,	Felton,	Lore,	Snyder,
Bennett,	Findlay,	Lovering,	Sowden,
Blanchard,	Fisher,	Lowry,	Springer,
Bland,	Foran,	Mahoney,	Stewart, Charles
Bliss,	Ford,	Martin,	St. Martin,
Blount,	Forney,	Matson,	Stone, W. J., of Ky.
Bragg,	Frederick,	Maybury,	Stone, W. J., of Mo.
Breckinridge, WCP.	Gay,	McCreary,	Storm,
Burleigh,	Geddes,	McKenna,	Swinburne,
Burnes,	Gibson, C. H.	McMillin,	Swope,
Bynum,	Glover,	McRae,	Tarsney,
Cabell,	Green, R. S.	Merriman,	Taulbee,
Campbell, Felix	Green, W. J.	Miller,	Taylor, J. M.
Campbell, J. E.	Hahn,	Mills,	Throckmorton,
Campbell, T. J.	Hale,	Mitchell,	Tillman,
Candler,	Hall,	Morgan,	Trigg,
Carleton,	Halsell,	Morrison,	Tucker,
Catchings,	Hammond,	Muller,	Van Eaton,
Clardy,	Harmer,	Murphy,	Viele,
Clements,	Harris,	Neal,	Wadsworth,
Cobb,	Hatch,	Norwood,	Ward, J. H.
Collins,	Hayden,	Oates,	Ward, T. B.
Compton,	Haynes,	O'Ferrall,	Warner, A. J.
Comstock,	Heard,	O'Neill, J. J.	Weaver, J. B.
Cowles,	Hemphill,	Outhwaite,	Weber,
Cox,	Henderson, J. S.	Peel,	Wellborn,
Crain,	Henley,	Perry,	Wheeler,
Crisp,	Herbert,	Phelps,	Wilkins,
Culberson,	Hewitt,	Pidcock,	Willis,
Curtin,	Holman,	Pindar,	Wilson,
Daniel,	Howard,	Reagan,	Winans,
Dargan,	Hutton,	Reid, J. W.	Wise,
Davidson, A. C.	Irion,	Richardson,	Wolford,
Davidson, R. H. M.	James,	Riggs,	Worthington.
Dibble,	Johnston, T. D.	Robertson,	

NOT VOTING—36.

Aiken,	Croxton,	Long,	Reese,
Arnot,	Dawson,	McAdoo,	Romeis,
Barbour,	Gibson, Eustace	Neece,	Shaw,
Barksdale,	Glass,	Pettibone,	Spriggs,
Boyle,	Goff,	Pirce,	Stahlnecker,
Brady,	Henderson, T. J.	Plumb,	Townshend,
Breckinridge, C. R.	Hill,	Pulitzer,	Turner,
Caldwell,	Landes,	Randall,	Wait,
Cole,	Libbey,	Ranney,	White, A. C.

So the motion to recommit was rejected.

The Clerk proceeded to read the names of members voting.

Mr. EDEN. Mr. Speaker, I move to dispense with the reading of the names.

The motion was agreed to.

Mr. BROWNE, of Indiana. Mr. Speaker, permit me to ask if the gentleman from Arkansas [Mr. ROGERS] is recorded as having voted?

The SPEAKER. The gentleman from Arkansas [Mr. ROGERS] voted on the second call.

Mr. BROWNE, of Indiana. That gentleman and myself were paired on all preliminary questions in connection with the Fitz-John Porter case. I was present in my seat listening to the roll-call, and on the first call the gentleman from Arkansas [Mr. ROGERS] did not respond. Believing that it were better that I should treat this as a preliminary question, I also failed to respond. I think that now it is but fair that I should be permitted to vote.

The SPEAKER. The Chair thinks the name of the gentleman from Indiana [Mr. BROWNE] should be called.

The Clerk called the name of Mr. BROWNE, of Indiana, and he voted ay.

Mr. BLOUNT. Mr. Speaker, my colleague [Mr. TURNER] is absent on account of sickness.

Mr. HAMMOND. Mr. Speaker, I desire to announce that my colleague [Mr. REESE] is absent on account of the death of his father.

The following pairs were announced:

Mr. BARBOUR with Mr. PIRCE, until further notice.

Mr. TOWNSHEND with Mr. GROSVENOR, until further notice.

Mr. LANDES with Mr. PAYNE.

Mr. BOYLE with Mr. WAIT. If present, Mr. BOYLE would vote for the Fitz-John Porter bill.

Mr. COLE with Mr. PLUMB, on political questions, until Friday next. On the Fitz-John Porter bill, Mr. COLE, if present, would vote for the bill and Mr. PLUMB against it.

Mr. MCADOO with Mr. GOFF, on all political questions, until further notice. If present, Mr. MCADOO would vote for the Fitz-John Porter bill, Mr. GOFF against it.

Mr. CALDWELL with Mr. PETTIBONE, for this day.

Mr. RANDALL with Mr. WHITE, of Pennsylvania, for this day.

Mr. HENDERSON, of Illinois, with Mr. BRECKINRIDGE, of Arkansas, on this vote.

Mr. GROSVENOR. Mr. Speaker, I was paired with Mr. TOWNSHEND on all political questions, but I was not paired with him upon the passage of the Fitz-John Porter bill. However, it apparently having been the understanding that I was so paired, if my vote would change the result upon the passage of the bill I would not vote; but as it probably will not, I wish to have my vote recorded.

Mr. PIRCE. Mr. Speaker, my name was called, and I voted. I have since learned that I was paired. I did not know it; but if I am paired I desire to withdraw my vote.

The SPEAKER. The pair of the gentleman with another member has been announced.

Mr. STAHLNECKER. Mr. Speaker, I was unavoidably absent during the roll-call. Had I been present, I would have voted against recommitting this bill.

The result of the yea-and-nay vote was then announced as above recorded.

Mr. BRAGG. Mr. Speaker, I desire to withdraw the motion which I made for the previous question upon the passage of the bill. I will renew it at the conclusion of my remarks.

The SPEAKER. The gentleman from Wisconsin [Mr. BRAGG] withdraws his motion for the previous question.

Mr. REED, of Maine. Mr. Speaker, does that require unanimous consent?

The SPEAKER. No; there has been no decision on it.

Mr. BRAGG. It requires *my* unanimous consent.

Mr. Speaker, it is a serious question to ask one to discuss *seriatim* the numerous points of this case within the limited space of one hour. I can not do it; I shall not attempt to do it. I have given months of study to the consideration of this case——

Mr. STEELE. Mr. Speaker, I would like to know whether the previous question has not already been ordered, and whether the gentleman can now withdraw the call.

The SPEAKER. The previous question was ordered on ordering the bill to be engrossed and read a third time. The bill was ordered to be engrossed and read a third time.

Mr. STEELE. Has not the previous question been ordered on the passage of the bill?

The SPEAKER. It has not. The gentleman from Wisconsin demanded it, but before the question was put a motion was made to recommit the bill with instructions. The gentleman from Wisconsin now withdraws the demand for the previous question.

Mr. BRAGG. Mr. Speaker, independent of being personally upon that field and of marching behind the color of Fitz-John Porter on the 29th of August, 1862, and of fighting steadily to the front, following that same color against the enemy on the 30th of August—independent of personal knowledge—independent of the fact that I read day by day the testimony produced before the original court-martial as the proceedings went on—I have since that time given two months to a care-

ful compilation of the evidence before the old court; have compared it with the evidence before the new court, and line by line have abstracted and analyzed it, so that I have a slight conception that I know what is contained in the record. And I say to you, Mr. Speaker, and to gentlemen of the House, that no greater disgrace has ever stained the pages of the history of a republic or of a despotic form of government than the finding and sentence against Fitz-John Porter that was made in accord with the demands of the Secretary of War in 1863. There was scarcely a principle of law or of evidence that was not violated; and every lawyer in this country who has examined the question judicially has so said, and will so say down all time.

That court sat, sir, in the midst of an excitement the like of which this country never before saw and I trust in God may never see again. Disaster attended our arms. A black pall was cast over all our people. The capital was in danger. Men were struggling for political preferment in this Hall, in the streets, in the hotels, and in all the entrances of the public offices of this country. Each man was striving to outdo his neighbor in bending the pliant knee to power so that he could get place. Under such circumstances this court was convened—not by the order of the President, but by the clerk of the Secretary of War.

Sir, there has been much said about this court. I am a man who deals in plain talk. I have no cant and no hypocrisy in my composition; and I must say that it fills me with supreme disgust, when there is an argument as to whether the truth be on one side or the other, to see the Republican party running (as I have seen boys run away from their mothers), and just as they are about to receive a blow cry out, "Oh, you are going to hurt Mr. Lincoln!" There is where the sneaks of your party always run. You dare not face the truth and decide upon it as men, but you run behind Mr. Lincoln; you run behind the court; you run behind the Secretary of War. Why is it that you do this? Because you are afraid that an investigation will rustle some drapery that enshrouds your self-canonized saints, and when the drapery is pulled aside, as with the saints of old whose history we now read, you will find heaps of moral corruption underneath that drapery.

Now, let us talk a little about the court and see whether it was not a court exactly adapted to the circumstances of the case by the master-hand that sought to bring about a result. Who was its president? You say the great General Hunter. What position did he occupy? He had been removed from his command in South Carolina because of incompetency. Removed by whom? By the man that put him as president of that court, to do justice. Justice? No; to do Stanton's bidding. Who were the other members of the court? One of them a man who, as the report of General Pope himself shows, disobeyed orders and when he held the key to the door between Longstreet and Jackson deserted the field and retired (after being ordered to hold on) without firing a shot; and for that reason he had been relieved from his command. Was he not an elegant man under the direction of Mr. Stanton to do justice? Who was another man? A man who had fallen into disrepute in Colorado and had found himself over here as military governor in Alexandria, and Colonel Morris was stricken off the court in order to make a place for him—to make a sure thing. Then came Buford, from Kentucky—not General Buford, the soldier—no, no! Then came General Prentiss, whose division was surprised at Shiloh. They are all worthy men, to be sure; but they all occupied exactly the position that Mr. Stanton wanted the men to occupy that were to decide upon sacrificing the life or character of the man against whom he aimed his blow.

Why, sir, I was told the other day that there had been no promotions of members of that court, and I was challenged to tell who were promoted, and that, too, by a gentleman who claims to have spent months in examining this case and its surroundings. Buford was promoted within a very few days after the rendition of that verdict. Casey was promoted within a few days after the rendition of that verdict, and he, too, was under a cloud for a report as to allowing his division to break at Seven Pines.

Mr. STEELE. General Hunter——

Mr. BRAGG. Be quiet. When that verdict was rendered General Hunter was restored to his command. There is his pay. [Applause.] When that verdict was rendered General King, the man who disobeyed the order and ran away from between Jackson and Longstreet on the 29th of August, was restored to his command. Smith, the swift witness, who I am sorry to say once lived in my county, was made, at the age of nearly sixty, a paymaster in the Army for his testimony. Douglas Pope, who swore that he carried that dispatch in half an hour, when the next messenger who went, knowing the place, took six hours to deliver the dispatch, was made a captain in the regular Army. Rewards and punishments followed one another very rapidly in those days.

That is the court. Those are the gentlemen whose memories you are afraid to disturb. What did they find? I might go further. That court was placed in charge of an apostate Democrat [laughter] to do the bidding of another apostate Democrat who was acting as Secretary of War. The two apostates, as apostates always do, out-Heroded Herod in order to get at the top of the column of the new company into which they were brought. [Laughter and applause.]

Mr. NEGLEY. As the gentleman has defined the character of an apostate Democrat, will he define the character of an apostate Republican?

Mr. BRAGG. I do not yield to the gentleman. I will give you the character of an apostate Democrat. He is a man who cut the Democracy and went into the Republican party for an office; he then became a Republican saint, but I call him an apostate Democrat. [Applause.]

Let us go back to contemporaneous events and let me present to you some of the evidence in detail and give you some of the minor decisions upon these questions as they went along by the men who were acting in connection with them.

My distinguished and eloquent friend from New Jersey [Mr. PHELPS] this morning painted the situation beautifully, both before and after the battle, but there were some things which he did not describe, because he did not know them.

The first order that Fitz-John Porter received from John Pope was to move to Warrenton Junction for the purpose of moving next morning on Greenwich. Porter arrived in his camp at night—just at nightfall. General Porter, Fitz-John Porter, the coward, the laggard, the man who was seeking an opportunity to do what he did—what did he do? He dispatched two aids, Monteith and McQuaid, to ride over that country between daylight and dark so far as they could go, to ascertain the condition of all the roads, so he might move his command in fighting order on Greenwich.

There is the man whom they say did not want to move with alacrity to meet the orders of John Pope. Soldier as he was, he comes for the first time into that part of Virginia with a body of troops, without acquaintance with the country, with no knowledge of the roads and surroundings, with no knowledge of the plan of the campaign, because there was not any plan. [Laughter and applause]. There he was, with a corps that loved him as children love their father and he loved them. They were proud of him and he was proud of them. Without suggestion from anybody he dispatched his staff officers at once for the purpose of inquiring into the condition of the country—the condition of the roads, so that he could handle his troops. And for what? Not to fight for John Pope. No, sir. No good soldier ever fought for any man. He did it in order that he might fight the battles of his country and bring back victory to its flag out of the hands of incompetency. [Applause.]

It was that night, while these men were making their reconnaissances and coming in, that an order came for him to move. The order was to move at 1. His direction, after consulting with his officers, was to move at 3. Why? Because by moving at 3 he had his men in hand to use them for a fight, whereas if he moved at midnight in a broken country with streams and quicksand bottoms to be crossed with his artillery, with roads packed and crowded by Sigel's wagons and wagons coming in from every direction of the country, his men would come in, as every soldier knows, jaded and weary and unable to accomplish any purpose whatever.

Mr. STEELE. Is it not frequently the case——

Mr. BRAGG. You had your two hours and I have only an hour.

Mr. STEELE. We will give the gentleman all the time he wants.

Mr. BRAGG. What did he do? He sent a dispatch to John Pope informing him of the condition; that is what he did.

Mr. STEELE. There is no record of it.

Mr. BRAGG. Yes, there is; and there is the reason why I knew the other day you had never read the evidence. [Applause and laughter.]

Mr. STEELE. I should like to see the record.

Mr. WHEELER. Page 28 of the record.

Mr. BRAGG. John Pope so testified, that he received another note, and he thought one, too, explaining the circumstances. I knew you did not know it, but it is only a little thing. There he was. When he had determined, in order his commanding officer might know his position, he dispatched a staff officer with a note, and John Pope swears to it. Then, sir, when he reported himself the next morning, there you have John Pope's judgment on Fitz-John Porter's disobedience established by his reception of him, by his shaking him by the hand, by his discussing the plan of the campaign (if he had one), and without one single word of passion, without a single word of complaint, and putting him in command of what was recognized as the flower of the army. There, sir, is judgment number one in a court in which John Pope was sole presiding justice.

John Pope remained with that corps until it went in camp at Bristoe and was at Sykes's headquarters, where General Porter was. He left that command at Bristoe without orders to move; and now let me show you where this cowardly laggard Fitz-John Porter was and what he tried to do. At 5 o'clock that day Porter heard the firing of Gibbon's guns. He did not know that McDowell had run away. He did not know that Sigel was standing aloof. He did not know that General Gibbon's pet little "Iron Brigade" was being hurled against Jackson's forces, as many as they could bring, but he supposed there was some order, some method in the battle, and he sent a staff officer to Pope. What for? To get orders to go into the fight. Pope was looking through a field-glass at the flashes of the guns and sent word to him, "Tell General Porter when I want him I will send for him."

Mr. STEELE. Now let me ask the gentleman a question?

Mr. BRAGG. No, sir; I decline to yield.

Mr. STEELE. In all fairness I hope the gentleman will not refuse.

Mr. BRAGG. Not in my time.

The SPEAKER. The gentleman declines to yield.

Mr. STEELE. I yielded every time you rose to interrupt me. [Loud cries of "Order!"]

Mr. BRAGG. It was said, Mr. Speaker, that that was a mere "conjuring" of a staff officer, who ought not to be believed; but, sir, when the board met at West Point the original letter, directed to John Pope, was produced from General Pope's miscellanies, that was sent by Fitz-John Porter asking for orders, and dated it 5 p. m. Pope the hero and McDowell the Ney of that campaign—one ran away from his command and the other sat upon his horse looking through his glass watching the flashes of the guns of Gibbon's brigade as we stemmed the tide of Jackson's host, and Porter, chafing for the fray, burning to make himself the bright shining star of the war and add still greater luster to the historic name of Porter, sent a dispatch for permission to go in the fight.

"When I want you I will send for you" was the reply he received from the general commanding!

That is the traitor up till the 29th day of August. What then?

Why, Porter actually ate his breakfast and dictated a dispatch in his own camp that morning. Why should he have been elsewhere? The order for Fitz-John Porter to move was given at Centreville at 3.30 a. m., and Centreville was 12 miles from Porter's camp. There you have the ride of your orderly for 12 miles before an order could be delivered. He had been given notice not to go forward until he got orders. You may make it half past 5 or 6 when the order was received. His men were to be breakfasted and break camp. Then he put his command in motion, as he always did, and down he came to Manassas Junction, and, with the head of his column toward Centreville, looked to find the itinerant commander-in-chief.

Mr. STEELE. That order was sent from the headquarters between Manassas and Centreville.

Mr. BRAGG. This order is dated 3.30 a. m. at Centerville.

Mr. STEELE. The headquarters were at Bull Run, half-way between Manassas Junction and Centreville.

Mr. BRAGG. That is another order altogether. That is the one you looked up. [Laughter and applause.]

But, sir, let me stop right here, for I have passed in the hurry of this argument a point where I have not done my friends on the other side justice. I desire to do it in order to show how the verdict of that court-martial was made to mold the public sentiment of this country. There was taken out of the testimony an analysis of all the evidence that bore against the defendant, and not one single word of testimony in his behalf was added to it, which was compiled, and printed at a Government press, and sent to every officer of the United States.

Mr. STEELE. Why do you object to allowing the gentleman from Pennsylvania to print that compilation to show what it was?

Mr. BRAGG. It was sent all over the country indorsed "The proceedings and evidence of the court that tried Fitz-John Porter;" and that was the record which General Grant read when he supposed he knew all about the case.

Mr. STEELE. Let the compilation be printed so as to show whether that statement is true or not.

Mr. BRAGG. Following that came another prepared paper, and that was prepared by General McDowell, and in that was the embodiment of the report of Jackson, containing his account of the resistance to the attack of the Fifth Corps on the 30th day of August, which was made to appear in the testimony, by a false indorsement across the top, against the defendant as if it applied to the action of the 29th of August. These are matters of history and they are in the record.

Now, to show you that the animus of the partisan Republican has not yet died out, let me state that the gentleman from Michigan [Mr. CUTCHEON] took the report of the battle of Bull Run and read from the official records the number of killed and wounded upon the 29th day of August for the purpose of showing that there was a general battle. If he had been disposed to be ingenuous he would have said that the headings of those official reports are the casualties between the 16th day of August and the 2d of September.

Mr. CUTCHEON. I have so stated. The entire number of casualties is 14,462.

Mr. BRAGG. But that is not the statement you made in your argument. It is the same old story. You took a table of figures from a heading that covered almost a month, including all the battles of the Rappahannock and Cedar Mountain, and from that table you have stated in your speech the evidence of losses on the 29th of August. And your Republican constituents, who read nothing but your speech in a Republican newspaper, will think that is historical evidence of the war.

Mr. CUTCHEON. The figures show precisely what they apply to.

Mr. BRAGG. I decline to be disturbed.

Mr. CUTCHEON. When you make such a statement as that I should be allowed to make a correction.

Mr. BRAGG. I state what you said. I state what the figures are. I draw my own inferences as to your purposes, and will repeat them if you desire it.

Mr. CUTCHEON. I only claim you shall not cram a falsehood down the throat of this House. [Applause on the Republican side.]

The SPEAKER. The Chair will state to the gentleman from Michigan that the gentleman from Wisconsin is not subject to interruption except by his consent, and he has declined to yield.

Mr. BRAGG. I am delighted I have driven one Radical from under Stanton's petticoats, so that he has come out to the front.

When Fitz-John Porter reached Manassas and was passing on he received notice from Pope that he should turn back. What did General Pope then do? General Pope then directed the traitor, the coward, the laggard, to take away from McDowell the best division in the First Army Corps and take command of it himself. There is another judgment of John Pope on the faithful conduct and fidelity of Fitz-John Porter. He detached from McDowell King's division, which in his report he said contained the flower of that corps, and gave it to Porter and left McDowell in disgrace. McDowell followed him until he got the joint order, and when he got it he rode on to Porter.

In what condition was Porter then? Why, Mr. Chairman, when McDowell reached Porter, Porter's line of battle was on Dawkin's Branch. His skirmishers were across Dawkin's Branch; Butterfield, in command of one of his favorite brigades, was moving at the head of his column beyond the branch intending to form a line of battle for others to move up to. He saw the enemy, as the Fifth Corps always did, and the sight neither frightened, sickened, nor confused him.

His place was with his men to the front and forward. But Butterfield, as he tells you, riding on, when he turned about, discovered his brigade was gone. What had become of the brigade? He rode back, he tells you, in a rage to think his command had been taken away from him, and then he learned General McDowell, the senior officer on the field, had ordered his troops to be withdrawn. And upon the testimony of that witness this court found Fitz-John Porter guilty of not moving to the front, when his guilt consists in obeying the military direction of his superior officer.

Mr. STEELE. There is no evidence that General McDowell gave any such order.

Mr. BRAGG. I will tell you where to look for it. Read the evidence of a Michigan captain, who tells you he heard McDowell tell him so.

Mr. STEELE. But he swears he did not.

Mr. BRAGG. He swears like the Italian witness on the trial of Queen Caroline; whenever he gets in a corner, he says, "Non mi ricordo."

There was the testimony of Morell's staff and the testimony of Porter's staff, that that advance—which my friend from Alabama [Mr. OATES] thought might have amounted to a success—was actually being made. The struggle was going on, with the Fifth Corps and its commander unflinching, until this marplot came, not to fight a battle, but to call out that he might get hurt if he went that way. That was the first thing McDowell always thought of, that he might get hurt. He thought he would go by virtue of his authority on that field, take King's division away, saying, "You remain here while I go and put them in there."

Mr. CUTCHEON. But does not the evidence show——

Mr. BRAGG. I do not yield. The galled jade winces, but I can not wait to hear her cry. That is the fact; for I marched in King's division on that bloody day. I followed down the way McDowell said he was going, and he never joined his division that day or the next.

Mr. STEELE. Will the gentleman allow me to read——

Mr. BRAGG. No, sir. I do not allow you to read anything. If I had two hours' time I would give you all the chances you want, but I have not got it.

On my march to the Henry house I saw that distinguished major-general riding along with a staff officer, far away from his command, which was being pressed into that vigorous battle, and when we reached the Henry house we could not find him to report to and did not know where the balance of his division was, and neither did he. And yet, to show how evenly justice was meted out in those days, while Porter was being tried by court-martial, McDowell had a court of inquiry. That court of inquiry found that he was guilty of opening the gap between Longstreet and Jackson, so that the responsibility for the failure of the campaign rested upon him, but, like the country justice in the story, they said that in consideration of the strong recommendations of his friend John Pope they would excuse him! [Laughter.] That was their decision, and there comes in "the milk in the cocoanut."

Pope, McDowell, Benny Roberts, Paymaster Smith, Douglas Pope, were all moving on that court-martial. The conviction of McDowell would have destroyed the mainspring of the case. In order to clear McDowell, they allowed him to give evidence of his heroic conduct on the 30th, which was a myth. When Porter was on trial and his counsel asked the court to consider what his action was the day before and the day after the 29th, in order that his true animus might appear, My Lord Chief-Justice Holt said, "No! such a thing never was heard of." Yet in the adjoining court it was heard of, and a man was cleared there in order that he might come into the next room and give testimony against his comrade, his superior in every particular and in every high quality which makes a soldier with which God Almighty has ever endowed humanity. That is the justice that is talked about here. Perhaps you may think that King ran away.

Mr. STEELE. He belonged to your division. You should know more about that than we do.

Mr. BRAGG. Yes, King ran away and we had to follow him, but we did not follow him until John Gibbon, with four regiments, left upon the field seven hundred and seventy-seven men out of eighteen

hundred, to test, not their loyalty to Pope—for he was an object of derision to every man in the command—but to show our devotion and loyalty to our Government and to teach the gentlemen on the other side who had so often boasted that one man of theirs could whip three of ours, that, whether that was so as a rule or not, the "black hats" of the West could not be driven by any men in any such proportion. [Applause.]

Mr. Speaker, I have given to the House different verdicts of Pope upon Porter. Let me now give one more verdict of Pope upon Porter. When we fell back in total rout at Centreville on Sunday morning after that battle, when neither Pope nor McDowell knew anything about the military organization, for Pope telegraphed to Halleck, as you will see in his official report, that he had not lost a gun nor a wagon, and Halleck at the other end of the line responded, "You have done gloriously, and the country is in arms to congratulate you and receive you on your victorious return from the second Bull Run" [laughter]—in that situation there was needed a military mind, a man who could inspire confidence in the troops. The situation required a man who, if two regiments were marching by different roads to a junction, could tell something about where the roads would join, and the Army had not had such a man in that campaign up to that time. In looking about for a man to take command of the mob in that exigency Fitz-John Porter was selected by General Pope and given the post of honor, the command of the rear-guard, to protect those military scalawags on their trip to Washington to enter complaint, as it proved, against him.

The only organized body of forces that amounted to anything like a division or corps was the old Fifth Corps, with all its banners tattered and torn, with its ranks thinned, but with its survivors still inspired with love for their commander and for their country. Just think of it, Brother STEELE, that Pope in that trying hour, when everything turned on alacrity and judgment, should have given control of his army to a coward, a laggard, and a traitor, a man in whom his countrymen put no trust! Oh, shame on you, men! The day will come when the history of the war shall be written long after us, when the grand old party that you are trying to keep from going to pieces shall be forgotten, except to be execrated, and when your sons will blush to think that you were Porter's foes. [Derisive laughter and cheers on the Republican side.]

Mr. Speaker, there is one more judgment on Porter that I want to call attention to. Abraham Lincoln placed Fitz-John Porter in command of the defenses of Washington. What a traitor Lincoln was! He placed Porter in command of the defenses of the national capital. What did he do with Pope? What did he do with McDowell?

Mr. STEELE. Where was McClellan?

Mr. LAWLER. At the head of the Army.

Mr. BRAGG. Pope was sent to fight the Indians in Minnesota; McDowell was sent to the rear, and neither of them ever commanded a soldier again during the war.

Occupying that position, did not those two men occupy a position that should call on their utmost zeal and their most intense forgetfulness to bring about a verdict that should blacken somebody else's character? There is Mr. Lincoln's judgment upon the men—Porter in the defenses of Washington, Porter commanding the reserve and re-enforcing the lines of Antietam; Pope and McDowell, rejected as worthless vessels, were sent to the rear, to spend their time writing dispatches and articles addressed to the commissaries and sutlers of the Army. And there is where they belonged.

Still, it said we can not upset the verdict of a court-martial. Upon that subject I desire to speak my views distinctly and unmistakably. The power to control the Army rests absolutely in time of peace in the Commander-in-Chief of the Army of the United States, except where there is some prohibition of positive law; in time of war the maxim *Inter arma silent leges* prevails; and civil law does not affect or control him. So that all the power of the military establishment, except as regulated by law, rests in the President of the United States. Show me any provision of law that prevents the President, when he sees injustice being done to one of his officers, from sending a board of inquiry to examine into the facts; show me any law but one—and that was passed for the Porter case. But for that law the President could have restored Porter of his own free will.

But, sir, gentlemen tell me that in this Republic Congress, the source of the law-making power, having exclusive authority to make rules for the government of the Army, may not make a law affecting the judgment of a court-martial. Why, sir, has not Congress power to discharge the judgment even of a civil court? If not, why do men come here and ask to be relieved from the operations of judgments? Congress has no power to discharge a judgment between two private individuals, for that would interfere with a provision designed to protect the rights of persons under the Constitution, but when the judgment runs for the benefit of the United States we represent the United States; we are the attorneys in fact of the people, and we may cancel any judgment the United States have recovered. There is no power on earth to interfere with us; there is no law that can be cited to tie our hands.

One thing further. Cowardly shame seeks silence; conscious innocence is always bold. From the hour of the rendition of that verdict up to the present time Fitz-John Porter has persisted unalterably and firmly in declaring that he was innocent both in thought and deed. For years he did not come to Congress for relief. He went to the War Department, like a soldier. He filed his petition. When Congress had a two-thirds majority in both branches against men thinking like him, he kept his petition there. It was acted upon adversely by General Schofield, as Secretary of War. He continued to press it through the military channel until Rutherford B. Hayes, acting President of the United States [laughter and applause on the Democratic side], directed a board to be convened; and upon that board he placed the man who, when he was under political pressure as a Republican Secretary of War, had refused to act in the case. Upon that board he placed a volunteer officer who had pronounced his judgment that Porter ought to be shot. Upon that board he placed another regular Army officer whose convictions upon the testimony that he had seen were open and announced in favor of the declaration of Porter's guilt.

But, as I said, innocence is always bold. Porter went before that board. All he asked was a careful analysis of the evidence and an understanding of the situation. That board reversed the previous judgment and found in his favor. They found that instead of ever enveloping Jackson's flank, as represented in the old map, which was produced and sworn to before the previous court-martial, Porter's corps was more than 3 miles from there, and the ground where it had been supposed Porter was in a position from which he could have rolled up Jackson like a scroll was in fact occupied by Longstreet. And that judgment was transmitted by a Republican President to Congress for its action in the premises, and then for the first time Fitz-John Porter came to Congress.

At this point I ought not to omit a reply to an oft-repeated question, "How did Porter know Longstreet was there?" Well, if Pope had been in Porter's place he would not have known it until a dozen or more regiments had been sacrificed, and even then he would have wondered whether it was not somebody else. I will tell you how Porter knew it. Porter first received a message from a countryman, who came through the lines, that Longstreet's skirmishers were coming forward to that branch. He subsequently captured some prisoners, and upon examination he found they belonged to Longstreet's corps. He received a dispatch from Buford, handed him by McDowell, that Buford had seen seventeen regiments pass a point within 8 miles distant about an hour and a half or two hours before.

His skirmish line, under the command of an officer of the regular Army then commanding the Thirteenth New York, reported Longstreet in front; and General Porter knew Longstreet well enough to know that he did not go wandering around the country like Pope, but always went in state [laughter], supported by his whole retinue! When we struck Longstreet's forces, or Jackson's, or Lee's, we knew who was there. We knew we were fighting a battle with men who went to do battle in a condition to do battle; that we were not fighting stragglers.

Mr. STEELE. Will the gentleman allow me to read three lines?

Mr. BRAGG. No; you can read all you like when you go home to-night. [Laughter.]

But we are told certain brigades were thrown in support. If the distinguished gentleman from Vermont wants to find out the position of those brigades and how they were moved, he will find that the support of which he talks was so placed in the rear and opposite the center between Jackson and Longstreet that it served as a support for Longstreet, if he was pressed, and that if the enemy left his front it could be handled to support Jackson's right. The troops were changed and put in position, so the machine was ready to be handled to take the enemy if he came in front or the other way by reverse action and gobble him up. He will find that to be the condition of the troops if he will look at Longstreet's map, in which he lays down his own line with every brigade he had and the exact position of the supporting troops.

Now about the battle on the night of the 29th. On the 29th McDowell was there with the same insane mania Pope had, that the enemy heard those two gentlemen were there and was running away. [Laughter and applause]. That commenced in the afternoon of the 29th—that they were running away. About sundown of the 29th they ordered a portion of McDowell's division—he was not with it—Hatch had it—McDowell was not there—it would have taken a piece of artillery to fire a long way to reach where he was. [Laughter.]

Mr. STEELE rose.

Mr. BRAGG. Is my hour out?

The SPEAKER. No.

Mr. BRAGG. How much time have I left?

The SPEAKER. Six minutes.

Mr. BRAGG. I have tormented my friends enough on the other side, and I now say in conclusion that I can not leave this debate without congratulating the country there are men who, acknowledging themselves to be Republicans in good standing, yet do not feel they are politically disgraced if they have the honesty to declare their sentiments by their votes. Would to God there was more freedom of conscience allowed in that party; we should have vastly more votes. [Applause.] As that party is to run on the Fitz-John Porter bill, it will not do for too many of you too come over, or the Black Eagle of the West may think he is losing some of his support. [Groans on the Republican side.] I am glad to hear you groan, for it is evidence there is a little bit of life left in you. [Laughter and applause on the Democratic side.]

Groans always proceed from some suffering body. [Laughter and applause.] They are no evidence of a happy spirit, of a happy frame of mind, or of content, but of a cramp in the bowels, either mental or physical, and the record here proves it. [Laughter and applause.] I now demand the previous question. [Applause.]

Mr. BURROWS. I hope the court will preserve its dignity. [Cries of "Oh!" on the Democratic side.]

The SPEAKER. The gentleman from Wisconsin demands the previous question on the passage of the bill.

The previous question was ordered.

Mr. STEELE. I demand the yeas and nays on the passage of the bill.

Mr. BRAGG. I hope the yeas and nays will be ordered.

The yeas and nays were ordered.

Mr. STEELE. I would like to have permission to print Griffin's and Sykes's testimony. [Cries of "Regular order!"]

Mr. BRAGG. I object.

Mr. CUTCHEON. Mr. Speaker, I rise to a question of personal privilege.

The SPEAKER. The gentleman will state it.

Mr. CUTCHEON. The gentleman from Wisconsin [Mr. BRAGG]—— [Cries of "Regular order!"]

The SPEAKER. The gentleman from Michigan states that he rises to a question of personal privilege, and he is now stating it.

Mr. CUTCHEON. The gentleman from Wisconsin [Mr. BRAGG] in the course of his remarks referred to the table printed by me in the RECORD of this morning with respect to the losses in the battle of Bull Run or Groveton, and charged me, as I understand him, with the purpose of misleading the readers of my remarks into believing the entire footing of the table showed the losses on the 29th of August, 1862. At that time I asked him to yield to me for a moment, which he declined to do.

Mr. BRAGG. Yes, sir.

Mr. CUTCHEON. I ask now as a matter of personal privilege, and here now in this presence where the statement was made, to refer to that table in order to correct what I consider to be a misstatement in reference to my remarks. I ask it as a matter of personal privilege.

Mr. BRAGG. I object.

The SPEAKER. The gentleman from Michigan states he understood the gentleman from Wisconsin to attribute to him an improper purpose, that is, to mislead the readers of his remarks. If that is the correct understanding of the remarks of the gentleman from Wisconsin the Chair thinks a question of privilege is involved.

Mr. HAMMOND. No such remark was made.

Mr. CUTCHEON. The table in question is headed "Returns of casualties in the Union forces"——

Mr. HAMMOND. I rise to a question of order.

The SPEAKER. The gentleman will state it.

Mr. HAMMOND. Before the gentleman can have the right to raise the question of privilege as to a matter said about him on the floor the fact that such an expression was used must be ascertained. There was no remark made about his purpose at all, as I understand it.

Mr. CUTCHEON. And on that I call for the reading of the notes of the Official Reporter. The gentleman from Wisconsin referred to the table printed by me——

Mr. BRAGG. I did not refer to the table that was printed, for I did not know that it was printed.

The SPEAKER. The Chair understands that the gentleman from Wisconsin did refer to some table which had been used in the remarks of the gentleman from Michigan. The Chair does not know whether this is the table or not.

Mr. BRAGG. I did not know that he had printed such a table. I referred to what I understood him to read on the floor. Of course I do not know what he has got printed. The last Congress shows many things said by the gentleman on the floor that were not printed.

Mr. CUTCHEON. Am I permitted to proceed?

The SPEAKER. The Chair can not yet decide whether the gentleman has stated a matter of personal privilege or not. The Chair understands the gentleman from Wisconsin to say that he does not know that he referred to the table to which the gentleman from Michigan now alludes.

Mr. CUTCHEON. The Official Reporter's notes will decide.

Mr. BRAGG. I did not know that you had printed a speech.

Mr. CUTCHEON. You referred to a table of casualties that I had used in my argument.

Mr. BRAGG I referred to a speech that you would print and that your constituents would read and which would be published in your country newspaper, and that it would pass for the history of this case; that is the substance and almost the language I used.

Mr. BRUMM. You stated that the gentleman had published a list of the losses during that whole campaign and fixed it all as of the 29th of August.

Mr. BRAGG. You have been showing your teeth here for the last few days, and the gentleman has nothing to do with this question.

Mr. BRUMM. You distinctly made that statement on the floor.

Mr. CUTCHEON. Am I permitted to proceed?

The SPEAKER. Before the Chair can decide whether a question of personal privilege is involved or not it will be necessary to know what the gentleman from Wisconsin actually said.

Mr. CUTCHEON. I demand the reading of the Reporter's notes.

The SPEAKER. The Chair will cause it to be written out and have it read.

Mr. BRAGG. I have not been guilty of a breach of the privileges of the House. The taking of this vote can not be delayed in this way. If I have been guilty of a breach of the privileges of the House, and the words have been taken down, they will be considered at the proper time; but calling the previous question and taking the vote can not be delayed by a man rising here and asking that certain things shall be read.

Mr. HENDERSON, of Iowa. There is no such claim made.

The SPEAKER. There is no such claim made, and if it were made it would have been necessary to take the words down at the moment.

The gentleman from Michigan rises to a question of personal privilege, and says that the gentleman from Wisconsin, in his remarks, has questioned his motives; or, in other words, attributed improper motives in the use of the table in question. This is not a question affecting the dignity of the House itself or the integrity of its proceedings, but it is a question of personal privilege made by the gentleman from Michigan. Now, of course the Chair can not determine whether any question of personal privilege is involved unless he can ascertain exactly what was said.

Mr. CUTCHEON. And I have asked for the reading of the Reporter's notes.

The SPEAKER. The Clerk will read what was said.

The Clerk read as follows:

Now, to show you that the animus of the partisan Republican has not yet died out, let me state that the gentleman from Michigan [Mr. CUTCHEON] took the report of the battle of Bull Run and read from the official records the number of killed and wounded upon the 29th day of August for the purpose of showing that there was a general battle. If he had been disposed to be ingenuous he would have said that the headings of those official reports are the casualties between the 16th day of August and the 2d of September.

Mr. CUTCHEON. I have so stated. The entire number of casualties is 14,462.

Mr. BRAGG. I do not yield. It is the same old story. You took a table of figures from a heading that covered almost a month, including all the battles of the Rappahannock and Cedar Mountain, and from that table you have published in your speech the evidence of losses on the 29th day of August. And your Republican constituents, who read nothing but your speech in a Republican newspaper, will think that is historical evidence of the war.

Mr. CUTCHEON. The figures show precisely what they apply to.

Mr. BRAGG. I decline to be disturbed.

Mr. CUTCHEON. When you make such a statement as that I should be allowed to make a correction.

Mr. BRAGG. I state what you said. I state what the figures are. I draw my own inferences as to your purposes, and will repeat them if you desire it.

Mr. CUTCHEON. I only claim you shall not cram a falsehood down the throat of this House. [Applause on the Republican side.]

The SPEAKER. The Chair will state to the gentleman from Michigan that the gentleman from Wisconsin is not subject to interruption except by his consent, and he has declined to yield.

Mr. BRAGG. I am delighted to have driven that Radical from under Stanton's petticoats, so that he has come out to the front.

Mr. HAMMOND. Mr. Speaker, I desire to say that I think that the gentleman from Wisconsin [Mr. BRAGG], in the portion of his remarks where he intimated that the gentleman from Michigan [Mr. CUTCHEON] had been disingenuous, and afterward spoke of that gentleman's "purpose," did create a case which gave the gentleman from Michigan a right to rise to a question of privilege; and when the gentleman from Michigan is done with that, I think his own remark about the gentleman from Wisconsin [Mr. BRAGG] "cramming falsehood down the throat of the House" will justify the gentleman from Wisconsin in rising to a question of privilege.

Mr. REED, of Maine. All right. Let him rise.

Mr. BRAGG. Mr. Speaker, I do not propose to settle this matter by arbitration. I have not called upon anybody but the Speaker of this House to settle it.

The SPEAKER. The Chair thinks that the remark made by the gentleman from Wisconsin [Mr. BRAGG] in reference to the gentleman from Michigan [Mr. CUTCHEON] might, without any strained construction, be understood as attributing to the gentleman from Michigan a disposition not to be ingenuous in the discussion of this bill.

Mr. BRAGG. Let me say to the Speaker that there is a participle there which I did not use, because I did not know the heading was printed. [Cries of "Regular order!" on the Republican side.]

I will give you [addressing Mr. CUTCHEON] cause for personal explanation if you will let me speak a minute now. The gentleman from Michigan stated in his speech that Fitz-John Porter was lying down 2½ miles from the head of his column. There is no such evidence in the record. [Renewed cries of "Regular order!" on the Republican side.]

The SPEAKER. It is not in order at this time to discuss what the gentleman from Michigan or any other gentleman has said during the progress of the debate. The only matter now before the House is the question of privilege raised by the gentleman from Michigan [Mr. CUTCHEON], and that gentleman, the Chair thinks, has a right to make a statement as to what his tables show. That is the extent of the privilege. The merits of the bill are not now before the House for discussion.

Mr. CUTCHEON. Thanks. The table in question to which the

gentleman from Wisconsin [Mr. BRAGG] referred is headed as follows: "Return of casualties in the Union forces, commanded by Maj. Gen. John Pope, during the operations August 16–September 2, 1862, inclusive." I will not read the names of the different corps, but the aggregate is 14,462. That is followed by this statement, which was a part of my speech as delivered:

This includes all the fighting on the Rappahannock, the battles at Catlett's 25th, Kettle Run 26th and 27th, Manassas 26th and 27th, Bull Run Bridge 27th, Thoroughfare Gap and Gibbon's fight 28th, Groveton 29th, Bull Run 30th, and Chantilly September 1, and nearly one-half that entire loss was on the 29th, at Groveton.

I believe that it is demonstrable that one-half of this entire loss occurred upon the 29th.

Mr. BRAGG. That is the printed speech. It was not delivered in that form. [Renewed cries of "Regular order!" on the Republican side.]

The question was taken on the passage of the bill, and there were—yeas 171, nays 113, not voting 39; as follows:

YEAS—171.

Adams, J. J.	Dibble,	Jones, J. H.	Rockwell,
Allen, J. M.	Dockery,	Jones, J. T.	Rogers,
Anderson, C. M.	Dougherty,	Kleiner,	Sadler,
Baker,	Dowdney,	Laffoon,	Sayers,
Ballentine,	Dunn,	Laird,	Seney,
Barnes,	Eden,	Lanham,	Seymour,
Barry,	Eldredge,	Lawler,	Singleton,
Bayne,	Ellsberry,	Le Fevre,	Skinner,
Beach,	Ely,	Lore,	Snyder,
Belmont,	Ermentrout,	Lovering,	Sowden,
Bennett,	Findlay,	Lowry,	Springer,
Blanchard,	Fisher,	Mahoney,	Stahlnecker,
Bland,	Foran,	Martin,	Stewart, Charles
Bliss,	Ford,	Matson,	St. Martin,
Blount,	Forney,	Maybury,	Stone, W. J., of Ky.
Bragg,	Frederick,	McCreary,	Stone, W. J., of Mo.
Breckinridge, C. R.	Gay,	McMillin,	Storm,
Breckinridge, WCP.	Geddes,	McRae,	Swinburne,
Burleigh,	Gibson, C. H.	Merriman,	Swope,
Burnes,	Green, R. S.	Miller,	Tarsney,
Bynum,	Green, W. J.	Mills,	Taulbee,
Cabell,	Hahn,	Mitchell,	Taylor, J. M.
Campbell, Felix	Hale,	Morgan,	Throckmorton,
Campbell, J. E.	Hall,	Morrison,	Tillman,
Campbell, T. J.	Halsell,	Muller,	Tucker,
Candler,	Hammond,	Murphy,	Van Eaton,
Carleton,	Harmer,	Neal,	Viele,
Catchings,	Harris,	Norwood,	Wadsworth,
Clardy,	Hatch,	Oates,	Ward, J. H.
Clements,	Hayden,	O'Ferrall,	Ward, T. B.
Cobb,	Haynes,	O'Hara,	Warner, A. J.
Collins,	Heard,	O'Neill, J. J.	Weaver, J. B.
Compton,	Hemphill,	Outhwaite,	Weber,
Comstock,	Henderson, J. S.	Peel,	Wellborn,
Cowles,	Henley,	Perry,	Wheeler,
Crain,	Herbert,	Phelps,	Wilkins,
Crisp,	Hewitt,	Pidcock,	Willis,
Culberson,	Holman,	Pindar,	Wilson,
Curtin,	Howard,	Reagan,	Winans,
Daniel,	Hutton,	Reid, J. W.	Wise,
Dargan,	Irion,	Richardson,	Wolford,
Davidson, A. C.	James,	Riggs,	Worthington.
Davidson, R. H. M.	Johnston, T. D.	Robertson,	

NAYS—113.

Adams, G. E.	Farquhar,	Lindsley,	Rowell,
Allen, C. H.	Fleeger,	Little,	Ryan,
Anderson, J. A.	Fuller,	Louttit,	Sawyer,
Atkinson,	Funston,	Lyman,	Scranton,
Bingham,	Gallinger,	Markham,	Sessions,
Bound,	Gilfillan,	McComas,	Smalls,
Boutelle,	Grosvenor,	McKenna,	Spooner,
Browne, T. M.	Grout,	McKinley,	Steele,
Brown, C. E.	Guenther,	Millard,	Stephenson,
Brown, W. W.	Hanback,	Milliken,	Stewart, J. W.
Brumm,	Henderson, D. B.	Moffat,	Stone, E. F.
Buchanan,	Henderson, T. J.	Morrill,	Strait,
Buck,	Hepburn,	Morrow,	Struble,
Bunnell,	Herman,	Negley,	Symes,
Burrows,	Hiestand,	Nelson,	Taylor, E. B.
Butterworth,	Hires,	O'Donnell,	Taylor, I. H.
Campbell, J. M.	Hiscock,	O'Neill, Charles	Taylor, Zach.
Cannon,	Hitt,	Osborne,	Thomas, J. R.
Caswell,	Holmes,	Owen,	Thomas, O. B.
Conger,	Hopkins,	Parker,	Thompson,
Cooper,	Houk,	Payne,	Van Schaick,
Cutcheon,	Jackson,	Payson,	Wakefield,
Davenport,	Johnson, F. A.	Perkins,	Warner, William
Davis,	Johnston, J. T.	Peters,	Weaver, A. J.
Dingley,	Kelley,	Pirce,	West,
Dorsey,	Ketcham,	Price,	White, Milo
Dunham,	La Follette,	Reed, T. B.	Whiting,
Evans,	Lehlbach,	Rice,	Woodburn.
Everhart,			

NOT VOTING—39.

Aiken,	Dawson,	Long,	Scott,
Arnot,	Felton,	McAdoo,	Shaw,
Barbour,	Gibson, Eustace	Neece,	Spriggs,
Barksdale,	Glass,	Pettibone,	Townshend,
Boyle,	Glover,	Plumb,	Trigg,
Brady,	Goff,	Pulitzer,	Turner,
Caldwell,	Hill,	Randall,	Wade,
Cole,	King,	Ranney,	Wait,
Cox,	Landes,	Reese,	White, A. C.
Croxton,	Libbey,	Romeis,	

So the bill was passed.

The Clerk proceeded to read the names of members voting on the passage of the bill.

Mr. BEACH. Mr. Speaker, I move that the recapitulation of the names be dispensed with.

Mr. DUNHAM. I object, Mr. Speaker.

The Clerk completed the reading of the names.

Mr. ADAMS, of New York. Mr. Speaker, in behalf of my colleagues Mr. ARNOT and Mr. SPRIGGS, I desire to say that Mr. ARNOT is at home sick, unable to attend the sessions of the House. If he were present, he would vote "ay" on the passage of this bill. Mr. SPRIGGS is unavoidably absent, having gone to attend the funeral of Governor Seymour. If he were present, he also would vote "ay."

The following additional pairs were announced:

Mr. KING with Mr. WADE, upon all political questions, for the rest of this day.

Mr. SCOTT, of Pennsylvania, with Mr. FELTON, of California, on this vote.

The result of the vote was announced as above recorded.

Mr. BRAGG moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

Upon the latter motion a division was demanded.

The House divided; and there were—ayes 118, noes 6.

So the motion to reconsider was laid on the table.

Mr. TIMOTHY J. CAMPBELL. Mr. Speaker, I move that the House do now adjourn.

The SPEAKER. The gentleman from New York [Mr. TIMOTHY J. CAMPBELL] moves that the House do now adjourn. Pending that motion the Chair will lay before the House certain personal requests.

LEAVE OF ABSENCE.

By unanimous consent leave of absence was granted as follows:

To Mr. BOUND, until the 22d instant, on account of important business.

To Mr. EDEN, for ten days.

To Mr. GREEN, of New Jersey, until Thursday next, on account of important business.

To Mr. BURROWS, from to-morrow until Wednesday next.

Mr. KELLEY. Mr. Speaker, I ask leave to have printed in the RECORD some remarks on the bill for the relief of Fitz-John Porter.

Mr. STEELE and others objected; but the objection of Mr. STEELE was afterward withdrawn.

Mr. KELLEY. Mr. Speaker, the gentleman from Indiana [Mr. STEELE] withdraws his objection.

The SPEAKER. Other gentlemen have objected. The gentleman from Illinois objects.

Mr. TIMOTHY J. CAMPBELL. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; and accordingly (at 5 o'clock and 20 minutes p. m.) the House adjourned.

PETITIONS, ETC.

The following petitions and papers were laid on the Clerk's desk, under the rule, and referred as follows:

By Mr. J. A. ANDERSON: Papers relating to the claim of Mary Clark—to the Committee on Claims.

By Mr. W. W. BROWN: Petition of Williamsport Assembly Knights of Labor, praying that the Oklahoma country may be opened up for homestead settlement—to the Committee on the Territortes.

By Mr. BURROWS: Petition of 401 representative citizens of Michigan, for scientific temperance instruction in all schools supported by the Federal Government—to the Committee on Education.

Also, petition of C. H. Osborn and others, and of Jasper White and others, against the suspension of silver coinage—to the Committee on Coinage, Weights, and Measures.

By Mr. BYNUM: Petition of 239 soldiers and 326 citizens of Hancock County, Indiana, asking Congress to grant a pension to all soldiers who served in the late war—to the Committee on Invalid Pensions.

By Mr. CANDLER: Papers relating to the claim of F. H. Nichols, of Forsyth County, Georgia—to the Committee on War Claims.

By Mr. CATCHINGS: Papers relating to the claims of Jane E. Simes, of Norah Walsh, and of John Kane—to the Committee on War Claims.

Also, papers relating to the claim of Anna E. Smith, of Adams County, Mississippi—to the same committee.

By Mr. CURTIN: Petition of 230 representative citizens of Centre, Pa., for scientific temperance instruction in all schools supported by the Federal Government—to the Committee on Education.

By Mr. DARGAN: Four petitions of citizens of North and South Carolina, for the improvement of the Waccamaw River—to the Committee on Rivers and Harbors.

Also, petition of W. E. Hardwick and others, and of W. F. Dargan and others, for the improvement of Winyaw Bay and the rivers tributary thereto—to the same committee.

By Mr. DAVENPORT: Petition for amendment of patent laws from citizens of Yates County, New York—to the Committee on Patents.

By Mr. A. C. DAVIDSON: A bill making appropriations to continue the work on the Cahawba River, Alabama—to the Committee on Rivers and Harbors.

By Mr. DIBBLE: Petition of Paul T. Bowen and others, committee

of District Assembly No. 66, Knights of Labor, asking that public buildings, museums, and libraries be opened on Sundays, holidays, and evenings—to the Committee on Public Buildings and Grounds.

By Mr. DINGLEY: Petition of Local Assembly No. 3368, Knights of Labor, and of citizens of Hurricane Island, Me., for passage of bill prohibiting employment of convict labor on Government work, &c.—to the Committee on Labor.

Also, petition of T. J. Southard and 80 others, of Richmond, Me., for improvement of Kennebec River between Augusta and the lower end of Perkins's Island—to the Committee on Rivers and Harbors.

Also, petition of J. H. Kimball and 150 others, of Bath, Me., for improvement of Kennebec River between Augusta and lower end of Perkins's Island—to the same committee.

By Mr. DORSEY: Petition of John A. Staley and 180 citizens of Nebraska, asking passage of increase pensions—to the Committee on Invalid Pensions.

By Mr. ERMENTROUT: Memorial of W. Atlee Burpee & Co., of Philadelphia, against the passage of the Senate bill doubling rates of postage on deeds—to the Committee on the Post-Office and Post-Roads.

Also, memorial of the Berks County Agricultural and Horticultural Society, of Pennsylvania, requesting an appropriation of $500,000 for the suppression of pleuro-pneumonia—to the Committee on Agriculture.

Also, memorial of the Master Plumbers and Gas-fitters' Protective Association of the District of Columbia, against any change in the present lien law of the District—to the Committee on the District of Columbia.

By Mr. FREDERICK: Petition of M. N. Strickling, of Blairstown, Iowa, for relief as postmaster—to the Committee on the Post-Office and Post-Roads.

By Mr. EUSTACE GIBSON: Petition of Frank Kennedy and others, for the establishment of a marine hospital at Point Pleasant, W. Va.—to the Committee on Military Affairs.

By Mr. HAHN: Papers in the case of Myra Clark Gaines, to accompany House bill—to the Committee on Private Land Claims.

By Mr. HEMPHILL: Petition of R. Pon Lowndes, for lock in Mosquito Creek, South Carolina—to the Committee on Rivers and Harbors.

By Mr. D. B. HENDERSON: Paper from D. G. Scott, of Dubuque, Iowa, in relation to providing for better security for depositors in national banks—to the Committee on Banking and Currency.

Also, papers supporting H. R. 5829 in favor of Mena Holmes—to the Committee on Invalid Pensions.

By Mr. JOSEPH: Papers relating to the claim of S. E. D. Parker—to the Committee on Indian Affairs.

By Mr. KLEINER: Papers relating to the claim of Crawford Brown—to the Committee on Claims.

By Mr. LANHAM: Papers in the case of James Mann—to the Committee on Indian Affairs.

By Mr. LORE: Petition of John R. McFee and 312 others, for an appropriation to complete the improvement of Indian River, Sussex County, Delaware—to the Committee on Rivers and Harbors.

By Mr. LYMAN: Petition of citizens of Cass County, Iowa, concerning the abolition of the Presidency—to the Committee on the Judiciary.

By Mr. McCOMAS: Petition of Knights of Labor of Westernport, Md., for the organization of Oklahoma Territory, &c.—to the Committee on Territories.

Also, petition of citizens of Montgomery County, Maryland, asking for constitutional amendment in favor of woman suffrage—to the Committee on the Judiciary.

By Mr. MAYBURY: Petition of Lavinia Robinson, for a mother's pension—to the Committee on Invalid Pensions.

Also, petition of Theodore Munger, of Detroit, Mich., for the allowance of bounty for improvement in the manufacture of sugar—to the Committee on Ways and Means.

By Mr. MILLIKEN: Petition of William Wilson and others, of George E. Weeks and others, of E. Stone and others, and of P. G. Bradstreet and others, for the improvement of the Kennebec River between Augusta and the lower end of Perkins's Island—to the Committee on Rivers and Harbors.

By Mr. MILLER: Petition of C. Cowan, for pay as postmaster at Lockport, Tex.—to the Committee on the Post-Office and Post-Roads.

By Mr. MITCHELL: Papers relating to the claim of John W. Dear—to the Committee on Claims.

By Mr. MORGAN: Petition of James L. Webb and 312 other citizens, for the improvement of Bayou Cassity, Mississippi—to the Committee on Rivers and Harbors.

By Mr. MORRILL: House concurrent resolution of the Kansas Legislature, asking for sale of Fort Dodge military reservation—to the Committee on Military Affairs.

By Mr. MORRISON: Petition of sundry citizens of Illinois, for a bridge across the Mississippi River at Alton, Ill.—to the Committee on Commerce.

By Mr. MORROW: Petition of George A. Norton, assistant quartermaster, for relief—to the Committee on Military Affairs.

By Mr. MURPHY: Memorial of Scott County (Iowa) bar, for increase of United States circuit judges' salaries—to the Committee on the Judiciary.

By Mr. NELSON: Petition of George W. Smith and others, for additional pension legislation—to the Committee on Invalid Pensions.

By Mr. CHARLES O'NEILL: Resolution of the Board of Trade of Philadelphia, favoring the passage of the Dingley shipping bill and the bill of Senator FRYE upon the same subject—to the Select Committee on American Ship-building and Ship-owning Interests.

By Mr. J. J. O'NEILL: Paper to accompany bill for the relief of Maj. Frank Backof—to the Committee on Military Affairs.

By Mr. PARKER: Petition of S. C. Crane, for an appropriation to make good the readjusted back salaries of postmasters—to the Committee on the Post-Office and Post-Roads.

By Mr. PERRY: Petition of citizens of Columbia, S. C., for the improvement of Winyaw Bay, South Carolina, and its tributary rivers—to the Committee on Rivers and Harbors.

Also, petition of John C. Strain, late postmaster at Cross Hill, S. C., for the passage of a joint resolution for relief of postmasters—to the Committee on the Post-Office and Post-Roads.

By Mr. PRICE: Petition of Alexander Baker, of Juneau, Wis., in favor of the passage of Senate bill No. 958, to increase the pensions of Union soldiers who have lost one eye—to the Committee on Invalid Pensions.

Also, petition of August Hanstead and 63 others, asking for the legislation recommended by the national pension committee of the Grand Army of the Republic—to the same committee.

By Mr. RANNEY: Petition of James H. Work and others, regarding the appointment of a commission on fisheries—to the Committee on Foreign Affairs.

By Mr. T. B. REED: Petition of masters and ship-owners of Harrington, Me., for relief to the cooperage trade—to the Committee on Ways and Means.

By Mr. ROCKWELL: Petition of George M. Stearns and others, of the bar of Western Massachusetts, for holding terms of the United States courts at Springfield, Mass.—to the Committee on the Judiciary.

Also, memorial of citizens of Adams, Mass., concerning the abolition of the Presidency—to the same committee.

By Mr. SKINNER. Memorial of J. W. Saunders and 139 others, asking an appropriation for the improvement of navigation of Bogue Sound from Beaufort to Swansborough, N. C.—to the Committee on Rivers and Harbors.

By Mr. SPRINGER: Petition of C. W. Gauther, of Detroit, Mich., asking that fresh and frozen fish be placed on the free list—to the Committee on Ways and Means.

By Mr. STRAIT: Petition of Ruby Gale and 50 others, citizens of Faribault, Minn., praying for the amendment of the Constitution granting to women the right of suffrage—to the Committee on the Judiciary.

By Mr. J. M. TAYLOR: Papers relating to the claim of John W. Rosaman, of Madison County, Tennessee—to the Committee on War Claims.

By Mr. O. B. THOMAS: Petition of members of Post No. 63, Grand Army of the Republic, of Wisconsin; and of 200 members of Grand Army of the Republic of Elroy, Wis., praying for the passage of a bill embracing the recommendations of the national pension committee of the Grand Army of the Republic—to the Committee on Invalid Pensions.

By Mr. VAN EATON: Papers in the claim of Rebecca E. Jackson, of Amite County, Mississippi—to the Committee on War Claims.

Also, papers in the claim of William Jenkins, of Amite County, Mississippi—to the same committee.

By Mr. VOORHEES: Papers relating to the claim of John Bradley—to the Committee on Claims.

By Mr. WILLIAM WARNER: Petition of James Clark, Edward Speirs, and 100 others, indorsing the recommendation of the national committee of the Grand Army of the Republic—to the Committee on Invalid Pensions.

Also, resolutions of Bar Association of Kansas City, Mo., favoring increase of United States district judges' salaries to $5,000 per year—to the Committee on the Judiciary.

By Mr. A. J. WEAVER: Petition of W. D. Clark and 100 others, asking for the passage of the Oklahoma bill introduced by Hon. J. B. WEAVER—to the Committee on the Territories.

By Mr. WELLBORN: Papers in the case of A. B. Norton—to the Committee on Claims.

By Mr. MILO WHITE: Petition of 262 representative citizens of Minnesota, for scientific temperance instruction in all schools supported by the Federal Government—to the Committee on Education.

By Mr. WINANS: Petition of 420 representative citizens of the sixth district of Michigan, for scientific temperance instruction in schools supported by the General Government—to the Committee on Education.

The following petitions, praying Congress to place the coinage of silver upon an equality with gold; that there be issued coin certificates of one, two, and five dollars, the same being made legal tender; that one and two dollar legal-tender notes be issued, and that the public debt be paid

as rapidly as possible by applying for this purpose the idle surplus now in the Treasury, were presented and severally referred to the Committee on Coinage, Weights, and Measures:

By Mr. MILLS: Of citizens of Texas.

By Mr. PETERS: Of L. H. Owen and 15 others, citizens of Canton, Kans.

By Mr. A. J. WEAVER: Of Dr. W. P. Brooks and 50 others, of Helena, Nebr.

SENATE.

FRIDAY, *February* 19, 1886.

Prayer by the Chaplain, Rev. E. D. HUNTLEY, D. D.

The Journal of yesterday's proceedings was read and approved.

JAMES G. FAIR, a Senator from the State of Nevada, appeared in his seat to-day.

COPIES OF REVISED STATUTES.

The PRESIDENT *pro tempore* laid before the Senate the following communication from the Secretary of State; which was read, and ordered to lie on the table and be printed:

To the Senate of the United States:

The Secretary of State has the honor to inform the Senate that its Library will be furnished with 40 copies of the Revised Statutes of the United States, in compliance with the request contained in the Senate's resolution of the 15th instant.

T. F. BAYARD.

DEPARTMENT OF STATE,
Washington, February 18, 1886.

SESSION LAWS OF ARIZONA.

The PRESIDENT *pro tempore* laid before the Senate a communication from the Secretary of the Interior, transmitting a letter from the secretary of Arizona, inclosing, as required by law, a copy of the session laws of that Territory for the year 1885; which was referred, with the accompanying papers, to the Committee on Territories.

PETITIONS AND MEMORIALS.

The PRESIDENT *pro tempore* presented resolutions passed at a mass meeting of citizens of Damascus, Ohio, in favor of the instruction of children in regard to the effects of intoxicants upon the human system; which were ordered to lie on the table.

He also presented a petition of members of the Chesterfield monthly meeting of Friends, State of Ohio, praying the passage of the bill (S. 355) to promote peace among nations, for the creation of a tribunal for international arbitration, and for other purposes; which was referred to the Committee on Foreign Relations.

He also presented a petition of Ironclad Assembly of Knights of Labor, No. 4261, of Ironton, Ohio, praying the passage of the bill for the restoration of wages in the Government Printing Office; which was referred to the Committee on Printing.

Mr. EDMUNDS. I ask leave to present two papers, the affidavit of Anson H. Weed, of Vermont, and the certificate of Dr. L. M. Bingham, of Burlington, Vt., in support of the pension claim of Sarah J. Foy, now before the Committee on Pensions. I move the reference of the papers to the Committee on Pensions.

The motion was agreed to.

Mr. EDMUNDS presented the petition of James S. Furniss, of Burlington, Vt., late a private in the Seventy-fourth Regiment New York Volunteers, praying to be allowed a pension; which was referred to the Committee on Pensions.

Mr. MILLER, of New York, presented a petition of workingmen of New York and Brooklyn who are or have been in the employ of the Government, praying for an adjudication of certain claims arising under the eight-hour law; which was referred to the Committee on Education and Labor.

Mr. BERRY presented a petition of citizens of Benton County, Arkansas, praying for the opening to settlement of the Oklahoma lands in the Indian Territory; which was referred to the Committee on Indian Affairs.

Mr. CAMERON presented a resolution adopted by the Board of Trade of Philadelphia, Pa., favoring the passage of a bill for the benefit of the shipping interests of the country; which was referred to the Committee on Commerce.

Mr. WILSON, of Iowa, presented the petition of A. M. Frew and 120 other citizens of Washington, Iowa, praying for the opening of the Oklahoma lands in the Indian Territory to settlement; which was referred to the Committee on Indian Affairs.

He also presented a resolution adopted by Buena Vista Grange No. 544, Patrons of Husbandry, of Jasper County, Iowa, favoring the continued coinage of silver; which was referred to the Committee on Finance.

Mr. COCKRELL. I present a petition praying for the enactment of a law requiring scientific temperance instruction in the public schools of the District of Columbia, and in the Military and Naval Academies, the Indian and colored schools, supported wholly or in part by money from the national Treasury. This petition is signed by 22 clergymen, 20 physicians, 13 lawyers, 47 teachers, 154 business men, and 32 officers of temperance and other societies, having the signatures of 288 representative citizens. The committee having reported the bill, I move that the petition lie on the table.

The motion was agreed to.

REPORTS OF COMMITTEES.

Mr. MORRILL, from the Committee on Finance, to whom were referred the following bills, reported adversely thereon, and they were postponed indefinitely:

A bill (S. 1032) to refund duties upon goods on shipboard when the tariff act of March 3, 1883, went into effect;

A bill (S. 459) authorizing the Secretary of the Treasury to overrule and reverse the decisions of all inferior officers of the Treasury Department in respect to all matters of account;

A bill (S. 558) to refund internal-revenue taxes in certain cases; and

A bill (S. 956) for the relief of Thomas C. Killie.

Mr. MORRILL. I am also directed by the Committee on Finance, to whom was referred the bill (S. 395) to admit free of duty a certain set of altars for the Catholic church of St. John the Evangelist, in the parish of La Fayette, Louisiana, to report it adversely on the unanimous agreement that the Senate committee can not report a tariff bill, and on the agreement of several members of the committee that it would not be judicious to report it any way. I move that the bill be indefinitely postponed.

The motion was agreed to.

Mr. MORRILL, from the Committee on Finance, to whom was referred the bill (S. 449) to reimburse the depositors of the Freedman's Savings and Trust Company for losses incurred by the failure of said company, asked to be discharged from its further consideration, and that it be referred to the Committee on Claims; which was agreed to.

Mr. MORRILL. I am directed also by the Committee on Finance, to whom was referred the bill (S. 559) for the relief of George F. Roberts, administrator of the estate of William B. Thayer, deceased, surviving partner of Thayer Brothers, and others, to ask to be discharged from its further consideration, and that it be referred to the Committee on Claims.

Mr. HOAR. There is an enormous burden upon the Committee on Claims and a number of cases which have been referred to that committee the Senator himself has desired to have referred to the Committee on Finance. I think before making these new references the Senator should state to the Senate, so that the Committee on Claims themselves may know, what is the character of the claim, so as to see whether it comes within their jurisdiction.

Mr. MORRILL. I think the Senator will be satisfied that the bill ought to go to the Committee on Claims. Senate bill 559 is to pay a claim for leakage of distilled spirits as long ago as 1864. I presume the Senator will agree that the Committee on Claims has jurisdiction of that bill. Senate bill 449 is in relation to the Freedman's Savings Bank.

Mr. HOAR. Not long since the Committee on Claims reported a bill to repay to a person the amount of drawback where, by the dishonesty of his clerk, the fees had not been paid, although the clerk had been sent with the fees to the custom-house to make the entry, and the Senator thought that that bill ought to be considered by the Committee on Finance and objected to the consideration by the Senate of the report of the Committee on Claims. If a claim growing out of the collection of the revenues of the country or of the enforcement illegally or improperly of taxes belongs to the Committeee on Finance, I do not see why a claim to revise the matter of allowance for the leakage of whisky should not go there. Certainly the members of that committee, as far as we know them, are amply competent to deal with that general subject.

Mr. MORRILL. The bill to which the Senator refers will receive early attention. Upon the reading of it at the desk it struck me as being a bill that should be taken charge of by the Finance Committee.

Mr. HOAR. What is the distinction in principle between that bill and the one just sent back from the Committee on Finance for reference to the Committee on Claims?

Mr. MORRILL. A claim that is twenty years old ought to be investigated by the Committee on Claims undoubtedly.

Mr. HOAR. Then a claim growing out of the administration of the revenue laws which is fifteen years old belongs to the Committee on Finance, and one twenty years old belongs to the Committee on Claims. Is that the idea? I should like to have some principle stated by that committee.

Mr. MORRILL. I shall satisfy the Senator on that point.

The PRESIDENT *pro tempore*. The Committee on Finance will be discharged from the further consideration of the bill and it will be referred to the Committee on Claims if there is no other motion made. That change of reference will be made.

Mr. MORRILL, from the Committee on Finance, to whom was referred the bill (S. 1118) authorizing the Secretary of the Treasury to deliver to the rightful owners the contents of certain boxes deposited in the Treasury Department by the Secretary of War, reported it without amendment.

Mr. MORRILL. I am directed by the Committee on Finance, to whom was referred the bill (S. 950) to authorize suits to be brought in

the Court of Claims for money paid and expenses incurred on account of Tice meters, to report it adversely and ask to have it placed upon the Calendar.

The PRESIDENT *pro tempore*. The bill will be placed on the Calendar.

Mr. MORRILL. I am directed by the Committee on Finance, to whom was referred the bill (H. R. 327) to enable national banking associations to increase their capital stock and to change their names or locations, to report it favorably. If the Senate will consent to hear the reading of this bill it will be seen that its passage will save us the trouble of passing on a great many individual bills. The inquiry is often made why we do not report a general bill on the subject, instead of reporting individual cases. I have two bills now that I shall report adversely if we can pass this bill.

Mr. EDMUNDS (to Mr. MORRILL). We can not pass it now.

The PRESIDENT *pro tempore*. Does the Senator from Vermont ask for the consideration of the bill at this time?

Mr. MORRILL. My colleague objects to its consideration now, and I shall therefore let it go over.

The PRESIDENT *pro tempore*. The bill will be placed on the Calendar.

Mr. INGALLS, from the Committee on the District of Columbia, to whom was referred the bill (S. 634) relating to sales for taxes in the District of Columbia, reported it with an amendment.

He also, from the same committee, to whom was referred the bill (S. 1380) regulating the sale of distilled and fermented liquors in the District of Columbia, reported it with an amendment.

Mr. HARRIS, from the Committee on the District of Columbia, to whom was referred the bill (S. 1422) to amend the law relating to the bonds of executors in the District of Columbia, reported it without amendment.

He also, from the same committee, to whom was referred the bill (S. 1130) to exempt from taxation all property held by the trustees of the Corcoran Gallery of Art, and for other purposes, reported it with an amendment, and submitted a report thereon.

He also, from the same committee, to whom was referred the bill (S. 1129) to exempt from taxation all property held by the trustees of the Louise Home, and for other purposes, reported it with an amendment, and submitted a report thereon.

Mr. PIKE, from the Committee on the District of Columbia, to whom was referred the bill (S. 984) to regulate the foreclosure of mortgages and deeds of trust in the District of Columbia, reported it without amendment.

Mr. BROWN, from the Committee on the District of Columbia, to whom was referred the bill (S. 495) changing the name of the Real Estate Title Insurance Company of the District of Columbia, and for other purposes, reported adversely thereon; and the bill was postponed indefinitely.

Mr. GEORGE, from the Committee on Territories, to whom the subject was referred, reported a bill (S. 1598) to annex a certain strip of land therein named to the Territory of New Mexico; which was read twice by its title.

BILLS INTRODUCED.

Mr. EVARTS introduced a bill (S. 1599) for the relief of the Phœnix National Bank, of the City of New York; which was read twice by its title, and referred to the Committee on the Judiciary.

Mr. EDMUNDS. I introduce a bill by request. From explanations made to me I think the subject certainly deserves investigation and some species of remedy. It applies in substance to the hours letter-carriers in the large cities are obliged to do duty, which seem to be in excess of what human nature in some instances can endure. I hope, therefore, the bill will receive the careful investigation of the Committee on Education and Labor.

The bill (S. 1600) to amend section 3738 of the Revised Statutes relative to the eight-hour law was read twice by its title, and referred to the Committee on Education and Labor.

Mr. JONES, of Arkansas (by request), introduced a bill (S. 1601) to provide for the settlement of certain Cherokee claims; which was read twice by its title, and referred to the Committee on Indian Affairs.

Mr. CONGER (by request) introduced a bill (S. 1602) to provide for holding terms of the circuit and district courts of the United States for the eastern district of Michigan at East Saginaw, in said district; which was read twice by its title, and referred to the Committee on the Judiciary.

Mr. MITCHELL, of Oregon, introduced a bill (S. 1603) to protect certain purchasers of lands from the Northern Pacific Railroad Company; which was read twice by its title, and referred to the Committee on Public Lands.

Mr. CALL introduced a bill (S. 1604) to authorize the location of a branch home for volunteer disabled soldiers and sailors in the State of Florida; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Military Affairs.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. CLARK, its Clerk, announced that the House had passed the bill (S. 738) for the relief of James Clifford.

The message also announced that the House had passed a bill (H. R. 67) for the relief of Fitz-John Porter; in which it requested the concurrence of the Senate.

REDEMPTION OF UNITED STATES NOTES.

Mr. ALLISON submitted the following resolution; which was considered by unanimous consent, and agreed to:

Resolved, That the Secretary of the Treasury is hereby directed to inform the Senate the aggregate amount of United States notes redeemed, as required by the resumption act, so called, for and during each fiscal year beginning July 1, 1879, and ending June 30, 1885, and also a like statement for the period beginning January 1, 1879, and ending June 30, 1879, and for the period beginning July 1, 1885, and ending December 31, 1885.

THE KILLING OF CAPTAIN CRAWFORD.

Mr. MANDERSON. I rise to offer a resolution, and after it shall have been read at the desk I shall ask that the Senate take action upon it. But before such action by the Senate I desire to submit a few remarks with reference to the subject-matter.

The PRESIDENT *pro tempore*. The resolution will be read.

The Chief Clerk read as follows:

Resolved, That the Secretary of State and the Secretary of War be directed to inquire and report to the Senate the facts pertaining to the killing of Capt. Emmet Crawford, of the United States Army, said to have been slain on or about January 10, 1886, by the troops of the Republic of Mexico or by the troops of the states of Chihuahua and Sonora, in the Republic of Mexico; also to report what steps are being taken for the punishment by the Mexican Government of those guilty of the alleged outrage; whether reparation and indemnity should not be made to those who suffered, and ample and full explanation and apology should not be rendered for this apparently gross insult to our arms.

Mr. MANDERSON. I ask the Senate to consider the resolution at this time.

The PRESIDENT *pro tempore*. Is there objection?

Mr. BUTLER. I object.

The PRESIDENT *pro tempore*. Objection is made.

Mr. EDMUNDS. I was going to remark to my friend from Nebraska that it has always been the course of the Senate in such cases about foreign affairs that might involve difficulty to send such resolutions to the Committee on Foreign Relations, who can confer informally with the President and Secretary of State and ascertain in what form the matter should be put, if it is necessary to put it at all. I hope, therefore, my friend will consent to the resolution being referred to that committee.

Mr. MANDERSON. I shall not object to that reference, but before the resolution is referred——

The PRESIDENT *pro tempore*. The resolution being objected to, it goes over until to-morrow.

Mr. INGALLS. The Senator from Nebraska ought to be allowed to make any remarks he desires before the reference is made.

Mr. BUTLER. I have no objection to that.

Mr. EDMUNDS. Certainly there is no objection to it.

The PRESIDENT *pro tempore*. There being no objection, the Senator from Nebraska will proceed.

Mr. MANDERSON. I believe it to be due to the relatives of this dead soldier, many of whom reside in the State in which I live, due to the Senate of the United States, and to the country, that some of the facts connected with this killing should be made public prior to any investigation by either the War Department, the Department of State, and perhaps before consideration by the Committee of the Senate on Foreign Relations.

I have before me a treaty made in 1882 between the United States and the Republic of Mexico. It was signed upon the 29th day of July, 1882. I will read a part of it, so that the matter may be fully understood:

Memorandum of an agreement entered into in behalf of their respective governments, by Frederick T. Frelinghuysen, Secretary of State of the United States of America, and Matias Romero, envoy extraordinary and minister plenipotentiary of the Republic of Mexico, providing for the reciprocal crossing of the international boundary line by the troops of the respective governments in pursuit of savage Indians, under the conditions hereinafter stated.

ARTICLE I.

It is agreed that the regular federal troops of the two republics may reciprocally cross the boundary line of the two countries, when they are in close pursuit of a band of savage Indians, upon the conditions stated in the following articles:

ARTICLE II.

The reciprocal crossing agreed upon in Article I shall only occur in the unpopulated or desert parts of said boundary line. For the purposes of this agreement the unpopulated or desert parts are defined to be all those points which are at least two leagues distant from any encampment or town of either country.

I then pass to Articles VI and VII of the agreement and read as follows:

ARTICLE VI.

The abuses which may be committed by the forces which cross into the territory of the other nation shall be punished by the government to which the forces belong, according to the gravity of the offense and in conformity to its laws, as if the abuses had been committed in its own territory, the said government being further under obligation to withdraw the guilty parties from the frontier.

ARTICLE VII.

In the cases of offenses which may be committed by the inhabitants of the one country against the foreign forces which may be within its limits, the government of said country shall only be responsible to the government of the other for denial of justice in the punishment of the guilty.

This treaty, thus entered into in 1882, by repeated agreements of the

two governments, has been continued year after year, and the last agreement, made in the year 1885, extended its provisions to November 1, 1886.

In accordance with the terms of the treaty between the two republics, Captain Crawford, in charge of about two hundred men and in pursuit of hostile Apache Indians, crossed into the State of Sonora some time in December, 1885. I understand that his troop was composed of about fifty white men and about one hundred and fifty Indian scouts, enlisted by our Government and wearing not the garb of Indians but the uniform of the United States Army.

These men early in January were in hot pursuit of the hostile Apaches. They reached a point near Nacori, in the State of Sonora. I have before me, and propose to read for the information of the Senate, a part of the report of Lieut. Marion P. Maus, who succeeded to the command of the troops after the killing of Captain Crawford, and I submit that this report shows a condition of affairs that reflects most severely upon whoever was in charge, or whoever directed the action of the Mexican forces by whom Captain Crawford's command was attacked. This is the official report of Lieutenant Maus, made to General Crook and dated the 21st day of January, 1886. He writes from camp near Nacori, Sonora:

I have the honor to report that this command, under Captain Crawford, Third Cavalry, after a march of eighteen hours, struck on Sunday, the 10th instant the hostile camp, about 50 miles southwest of Nacori and 1 mile north of the Ara River, or Rio Grande. The hostiles, evidently fearing an attack, had placed their camp among the rocks, a commanding position, where a few men could successfully resist a large force. The four companies of this post were so disposed as to nearly surround the hostile camp.

This preparation having been made, an attack was ordered upon the hostile camp of Indians. They were driven from it, and pursuit was made for several hours after they had fled from their camp. At nightfall our troops went into camp, and I take up the account of Lieutenant Maus at that point:

At daylight the next morning—Monday, the 10th instant—the camp was alarmed by loud cries from some of the scouts, followed immediately by a shower of bullets into our camp. I, with Lieutenant Shipp and Mr. Horn, ran forward to stop it, as it was supposed to be an attack by Captain Davis's scouts through mistake. It was soon discovered, however, that the attacking party was a large force of Mexican soldiers from Chihuahua, numbering, as I afterward ascertained from them, one hundred and fifty-four. They wore no uniform.

I supposed they were Nationals. Although we tried in every way, waving handkerchiefs and calling out in Spanish who we were, they continued a sharp fire for about fifteen minutes. It then seemed that we had made them understand that we were American soldiers and friends. A party of them approached, and Captain Crawford and I went out about 50 yards from our position in the open and talked with them. They did not stop moving. I told them in Spanish that we were American soldiers; called attention to our dress, and said we would not fire. They answered they would not fire, but all the time moved toward a hill a short distance away, a little higher than our position, with some scattering oak wood.

Captain Crawford then ordered me to go back and insure no more firing. I started back when again a volley was fired. Of course we all sought shelter. I am sure they knew who we were perfectly well at this time. Lieutenant Shipp and Mr. Horn were also shouting at another point, telling whom we were; that all was right. Mr. Horn speaks Spanish very well.

When I turned again I saw the captain lying on the rocks, with a wound in his head and some of his brains upon the rocks. This has all occurred in two minutes. He was said to be waving his handkerchief when shot. Mr. Horn was also wounded at the same time, in the left arm, slightly. It is remarkable no others were shot.

There can be no mistake; these men knew they were firing at American soldiers.

At this time I took command, and endeavored by all means to prevent more firing. I do not believe the scouts fired more than was necessary to keep the Mexicans away. After about half an hour longer firing ceased and an answer to our cries came from the Mexicans.

I sent Mr. Horn to go out and talk with one of them who advanced, and I soon followed him to a point some three hundred yards away. I had a talk with the man in command, their captain having been killed. I was told by many they were sure we were hostiles; that they took our trail for a hostile train, and, it being dark, they could not tell. They seemed very sincere in their regrets, and signed a paper stating it was all a mistake, &c. They asked me for horses to take their wounded away, and wanted rations. I promised to do what I could, and also promised, as they requested, to send the doctor to dress the wounded.

The result of this unfortunate affair was a loss to us of Captain Crawford, Third Cavalry, mortally wounded; Mr. Horn, chief of scouts, slightly wounded; two Indian scouts, slightly, and one severely.

The loss on the part of the Mexicans, so far as I could determine, was four killed and five wounded. I saw the bodies of four carried away from within one hundred yards of our camp. I examined each of them myself. I had to cause the men carrying them away to come without arms, as I feared the scouts would fire at them again, and I remained until they were carried off the field.

It seems hardly possible that these men should continue this attack when they knew who we were, but I now believe they expected to drive us off with an overwhelming force, and secure our camp and effects. I do not believe they had any idea we were so strong or had taken such a strong position, for which we were indebted to the hostiles, fearing a fresh conflict.

Afterward he goes on to say that it being demanded that he should furnish to the Mexican troops certain pack-trains, mules, &c., with which they could move their wounded, he went to see them, being assured that all was right, and proceeds:

I was assured that all was right, and finally went over a small hill a few yards farther, when I was surrounded by these men, a hard-looking crowd. They were armed with 44-caliber Remington rifles, carrying a cartridge much like our brass cartridges. Their manner was threatening; they made many demands, said I had no authority in Mexico, and asked me to produce my papers. I can not now explain all their questions. I had no papers to show them. Captain Crawford had left all behind with the train. They asked me for six mules to take their wounded. I did not expect to get away. But I told them that, on my word of honor, I would send them if they would let me go back. They refused to take the ponies, as they said they were worthless. The Indians were shouting and stripping at the time for a fight. I was then permitted to go.

He then went back to camp and sent the necessary aid.

I think it will be ascertained that there was another motive for this attack upon our arms of the soldiers of the states of Chihuahua and Sonora. The Mexican Government offered some years ago, and I believe the law is still operative, $400 for the scalp of every hostile Indian taken in the states of Sonora and Chihuahua or upon our southern border. I take it that the scalp of the enlisted Indian serving under the United States flag would probably bring as much money to the captors from the authorities of Sonora and Chihuahua as the scalp of any hostile Apache; and from private advices I have received from that section I believe this was one of the motives of these Mexicans, whether they were national soldiers or troops of the two states named, in committing this terrible outrage.

This matter should receive full investigation. It is due to the family of this deceased soldier, a man who stood as high as any other man in the Army of the United States. I knew him years ago when he served under General Crook in the brilliant campaign made by that gallant officer against the hostile Sioux in Northern Nebraska, and I do not wonder that his old commander speaks of him in warm terms of praise in the order lately issued by him having reference to his brave conduct and heroic death. He closes his tribute to the lamented Crawford by saying:

Brave as a lion, tender and gentle as a woman; always averse to alluding to his own achievements, temperate, noble, and wise—he was during life an honor to his profession, and by his death is an example to his comrades.

Mr. President, I hope this matter will be very fully investigated and that reparation will be forced if necessary from the Mexican Government, if it be a party to or countenanced this crime, to the family of Captain Crawford.

The PRESIDENT *pro tempore*. Does the Senator from Nebraska move the reference of the resolution?

Mr. MANDERSON. I move that the resolution be referred to the Committee on Foreign Relations.

Mr. EDMUNDS. I merely wish to remark that it is a subject which certainly ought to be carefully investigated, but I think we are bound to assume at this present moment that the President and Secretary of State are not slumbering over this subject, but are making careful investigations to bring the Mexican Government to punish whatever of wrong (as it appears there was a good deal) was done. I certainly shall hope so, and can not doubt that that is the case.

The PRESIDENT *pro tempore*. The resolution will be referred to the Committee on Foreign Relations.

MARGARET KENNEDY.

Mr. VAN WYCK. On the 2d of February the Committee on Claims reported adversely on the petition of Margaret Kennedy, executrix of John Kennedy, deceased, praying compensation for damages done to property of the decedent by the military forces during the late war. Since then additional evidence has been obtained, and I desire to have the additional evidence, together with the original petition, resubmitted to the Committee on Claims, and therefore I ask unanimous consent to reconsider the action heretofore taken.

The PRESIDENT *pro tempore*. The Senator from Nebraska moves to reconsider the vote by which the Committee on Claims was discharged from the consideration of the petition of Margaret Kennedy for relief. That order will be made if there be no objection, and the papers, with the additional evidence now presented, will be referred to the Committee on Claims.

SILVER DEPOSITS AT SUBTREASURIES.

Mr. EUSTIS. I move to take up the resolution I offered some time ago.

The PRESIDENT *pro tempore*. The Senator from Louisiana moves that the Senate proceed to the consideration of Order of Business 168, being the resolution submitted by him on the 8th instant, instructing the Committee on Finance to inquire into certain transactions of the assistant treasurer at New Orleans relating to the deposit of standard dollars, &c.

The motion was agreed to; and the Senate resumed the consideration of the following resolution:

Resolved, That the Committee on Finance be, and are hereby, instructed to inquire: First. Whether it has been the custom for the assistant treasurer at New Orleans to receive deposits of standard silver dollars from shippers of said coin and to issue to their correspondents at New Orleans receipts subject to count, and to issue silver certificates after the count of said dollars so deposited has been made; and whether said custom, if it has prevailed, has been changed by the instructions of the Treasurer of the United States, and the reasons therefor; also, whether the said custom is now in force as regards any subtreasury of the United States. Second. Whether there has been, and is now, an adequate clerical force at the subtreasury at New Orleans to perform the duties of that office, so that holders desiring to deposit standard silver dollars, under the authority of law, may deposit them and receive therefor certificates without delay, and if such clerical force is insufficient, to report to the Senate what increase of said force should be made to secure a prompt execution of the law. That said committee are hereby authorized to send for persons and papers.

The PRESIDENT *pro tempore*. There was an amendment intended to be proposed to the resolution submitted and printed, but it has not yet been offered formally. The attention of the Senator from Colorado [Mr. TELLER] is called to the amendment submitted by him and ordered to be printed.

Mr. TELLER. I desire to have the amendment read.

The PRESIDENT *pro tempore*. The amendment will be read.

The CHIEF CLERK. The amendment is to add to the resolution—

The committee also inquire of and concerning the alleged defalcation in the subtreasury at New Orleans mentioned in the telegram from C. N. Jordan, Treasurer, addressed to Senator CALL, and presented by him to the Senate on the 9th instant, and whether such defalcation was in any wise connected with the exchange of silver dollars for silver certificates.

The amendment was agreed to.

The PRESIDENT *pro tempore*. The question is on the adoption of the resolution as amended.

The resolution as amended was agreed to.

LANDS IN SEVERALTY TO INDIANS.

The PRESIDENT *pro tempore*. The Calendar is now in order. The first bill on the Calendar will be reported.

Mr. DAWES. The unfinished business is——

The PRESIDENT *pro tempore*. There is no unfinished business in the morning hour. The first bill in order will be stated.

Mr. DAWES. I move to proceed to the consideration of the severalty bill, which was partially considered the other morning, Senate bill 54.

The PRESIDENT *pro tempore*. The Senator from Massachusetts moves that the Senate proceed to the consideration of the bill (S. 54) to provide for the allotment of lands in severalty to Indians on the various reservations and to extend the protection of the laws of the United States and the Territories over the Indians, and for other purposes.

The motion was agreed to; and the Senate, as in Committee of the Whole, resumed the consideration of the bill.

The PRESIDENT *pro tempore*. The question is on the amendment offered by the Senator from Colorado [Mr. TELLER].

Mr. INGALLS. Let it be read.

The PRESIDENT *pro tempore*. It will be read.

The CHIEF CLERK. In section 9, line 3, after the word "Chickasaws," it is proposed to strike out the word "and," and after the word "Seminoles" to insert "and Osages;" so as to make the section read:

SEC. 9. That the provisions of this act shall not extend to the reservations of the Cherokees, Creeks, Choctaws, Chickasaws, Seminoles, and Osages in the Indian Territory, nor to any of the reservations of the Seneca Nation of New York Indians in the State of New York.

Mr. DAWES. I thought that amendment was adopted.

Mr. TELLER. I understood that amendment was accepted by the committee. If not, it ought to be.

The PRESIDENT *pro tempore*. The amendment will be considered as agreed to if there be no objection. The Secretary has no note of its having been voted on heretofore. It is now agreed to.

Mr. PLUMB. I call the attention of the Senator from Massachusetts to what I think to be a contradiction between sections 1 and 2. Section 1 provides—

That in all cases where any tribes or bands of Indians have been or shall hereafter be located upon any reservation created for their use either by virtue of treaty stipulations or an act of Congress, the President of the United States be, and he is hereby, authorized to cause a patent to issue for each of such reservations in favor of the tribe or tribes, band or bands, of Indians occupying the same under treaty stipulations or act of Congress.

In section 2 it is provided that this provision in regard to ordering lands to be divided in severalty shall apply to "any reservations created for their use either by treaty stipulations or by virtue of an act of Congress or executive order." I should like to have an explanation of that.

Mr. DAWES. That change in the phraseology was adopted after deliberation, and I think I can satisfy the Senator why. Section 1 provides for the issuing of a tribal patent in cases where the Indians hold their title by treaty or statute title. It was not supposed by the committee possible or wise to include in that provision reservations made by executive order. Reservations by executive order are in the nature of things temporary, and they include sometimes vast tracts of lands which there is no propriety in giving a tribe any tribal patent for. But when you come to the second section, it proposes to authorize the Secretary of the Interior to take individual Indians as well those upon the treaty and statute reservations as those upon reservations established by executive order, and set them out upon land in severalty just as fast in his opinion as these individual Indians are competent and desire to take this land and support themselves.

An executive-order reservation is public land set apart temporarily for an Indian reservation; and, if upon such a reservation there are Indians so far advanced in civilization as in the opinion of the Secretary of the Interior to be able to support themselves upon land in severalty, he is authorized by the second section to take them upon this public land and give them their 160 acres in severalty. That is why the authority in the second section is broader than that in the first section.

Mr. PLUMB. It seems to me that the statement of the case made by the Senator from Massachusetts indicates clearly that this distinction should not exist. If there is any purpose in connection with the awarding of land in severalty it is to enable and in fact to require the Indian to make a living upon that land and to make his home there. Now, to put him upon land which has been set apart by executive order, and which the Senator from Massachusetts says furnishes only a temporary provision, to induce him to go on that land to make a home, build a house, plow the land, cultivate it, and yet provide no means of giving him title, is to put him in the way of not only a very great disappointment but of a very great injustice.

Mr. DAWES. Let me call the Senator's attention. I misunderstand this bill, if when the Indian is put on lands in severalty under the second section he does not get a patent. Under a subsequent part of the bill the United States is to give him a patent, by which the United States covenants to hold for him for twenty-five years in trust this particular 160 acres, and at the end of twenty-five years to give him or his heirs a patent in fee.

Mr. PLUMB. It does not seem to me that that applies. If it does, it is a ratification now, by act of Congress, of all the acts of the Executive in setting aside by order the bounds of Indian reservations. This is doing hap-hazard what I think ought not to be done except after the utmost consideration. I know of several reservations which have been set apart by executive order which I think ought not to be parceled out among the Indians now occupying the lands. One of them which I have in my mind is the Cheyenne and Arapaho reservation, in the Indian Territory. It is true that the President is supposed to have some discretion lodged with him under this bill; but it will be observed that it is a very wide one. If the land is fit for agriculture or for grazing it is to be parceled out. That practically describes every single reservation set apart by executive order in the United States. The President may, if he finds that the land is fit for grazing, set it apart for the Indians, as well as land fit for agriculture. We shall then have the spectacle of Indians being allotted a small quantity of land upon which they are expected to make a living and on which it is impossible that they shall make a living. There would be no sense in allotting to an Indian grazing land with a view to his making a living upon it, because he would not have enough, under the provisions of this bill, to make a living upon. He can not live on 160 acres or 240 acres of land suitable only for grazing. Thus we should be confronted with the same difficulty we are confronted with now in regard to some Indians who have located on reservations on the northern line of the country, where there is no possibility that the Indians will ever make a single effective step toward becoming self-supporting.

This question was discussed at the last session of Congress under a proposition to increase the appropriation for the support of a tribe of Indians having a reservation on the Canadian border. It was agreed then, as I think by common consent—I certainly think the Senator from Massachusetts agreed to it—that those Indians should be removed from that reservation; and yet here we are providing that the President shall set apart in severalty those lands to the Indians when we know that they are not fit for any human occupancy, at least to the extent of furnishing a livelihood for any considerable number of people. I shall move therefore to strike out the words "or executive order setting apart the same for their use," in section 2, lines 4 and 5.

Mr. DAWES. The Senator from Kansas has failed to understand the scope of this bill. It puts in the power of the President and the Secretary of the Interior in reference to the executive-order reservations simply this:

Whenever in his opinion any reservation of such Indians or any part thereof is suitable and advantageous for agricultural or grazing purposes, and the progress in civilization of the tribe located thereon, or any of the members thereof, shall be such as to encourage the belief that an allotment of lands in severalty to the members of said tribe, or any of them, would be for the best interests of said Indians, to cause said reservation, or such parts thereof as in his opinion are suitable and advantageous for agricultural or grazing purposes, to be surveyed, or resurveyed if necessary.

And then it prescribes that he may allot to such Indian 160 acres and hold in trust for him for twenty-five years that particular 160 acres. It applies, to begin with, only to such lands as are in his opinion suitable.

Mr. PLUMB. For what?

Mr. DAWES. For agricultural or grazing purposes, to which he proposes to put the Indian whom he finds to have been so far advanced in civilization as to give reasonable hope that he can maintain himself upon that land. Further on in the bill it also authorizes the Secretary of the Interior to take up all three of these classes of reservations, the treaty reservation, the statute reservation, and the executive-order reservation, and by negotiation or otherwise to reduce the limits and open up to the public all those parts of those reservations not necessary for the purpose of maintaining upon the reservation such of these Indians as in his opinion he can not wisely put out upon the land. It does not consolidate or fix in a statute at all the present limits of any executive-order reservation; it leaves them just where they were before; but it clothes the Secretary of the Interior with a power he has not had to individualize all Indians as fast as he can, to treat them not as tribes but as individuals as fast as it is possible, in the progress of their development.

If this language is stricken out, then we shall have one process of dealing with the Indians upon treaty and statute reservations, and another process of dealing with those upon executive-order reservations. If it is stricken out, you can not take a single Indian upon an executive-order reservation and put him out in severalty. You must confine this whole process to those few reservations that are held by treaty

and by statute, but all that vast number of Indians, three-fourths of them all, or half of them at least, who are now upon executive-order reservations will be without the benefits of this statute.

Mr. MANDERSON. I should like to ask the Senator from Massachusetts a question, if he will consent.

Mr. DAWES. Certainly.

Mr. MANDERSON. I recall to his mind the fact that simply for purposes of protecting the Sioux Indians from the sale of liquor in close proximity to their reservation there was laid out in the State of Nebraska, contiguous to and immediately south of the Sioux reservation, a strip of land 10 miles long and 5 miles wide. The Senator is familiar with that fact. I ask him whether he thinks that strip of land laid out simply by executive order for that purpose should come under the provisions of this bill and be occupied in severalty by the Sioux tribe?

Mr. DAWES. Most certainly not; and as I understand it under the letter it does not apply to it.

Mr. MANDERSON. Does it in spirit?

Mr. DAWES. It is only Indians that are occupying the land, and therefore no Indians occupying that little strip.

Mr. MANDERSON. I think there are some Indians on that strip.

Mr. DAWES. It is only such Indians as in the opinion of the Secretary are so far advanced as to maintain themselves, and it is only such land as the Secretary of the Interior in his opinion finds proper to place those Indians upon.

Mr. MANDERSON. Would the Senator from Massachusetts have any objection to excepting that strip of land by specific language?

Mr. DAWES. Not the slightest if there is any apprehension that it could apply, because I understand, just as the Senator does, that that is a mere police regulation, and I have not the slightest idea of grasping in it into executive-order reservations.

I supposed that the bill would make a very great advance in the reduction of all reservations, treaty, statute, and executive-order reservations, because for the first time it clothes our officials with power to take up each one of these reservations, and, in the light of the present day, and of the present condition of the Indians and of the soil, to cut it down to present necessities. All that, by the amendment of the Senator from Kansas, will be stricken out of this bill, and this will be a bill only to treat with the Indians upon the treaty and statute reservations. I trust, therefore, that the amendment will not be adopted.

Mr. TELLER. I should like to ask the Senator a question.

The PRESIDENT *pro tempore*. The amendment will be reported.

The SECRETARY. In section 2, line 4, after the word "Congress," it is proposed to strike out "or executive order setting apart the same for their use."

Mr. TELLER. I should like to ask the Senator from Massachusetts a question as to what he understands to be the effect of the second section, whether it is to give the Indian tribe the title to the whole executive-order reservation they occupy?

Mr. DAWES. The change of phraseology between the first and second sections was for the very purpose of excluding the conclusion suggested by the Senator. If the present language of the bill is maintained, the tribal title will apply only to treaty and statute reservations and will not extend to any executive-order reservation. There will not be any authority, as I understand the bill, and I think it is clear, in anybody to give to any tribe of Indians any patent to any executive-order reservation, but there will be authority to take individual Indians in such cases and give them 160 acres each with a qualified patent.

Mr. TELLER. And throw the rest open to settlement.

Mr. DAWES. And throw the rest open to settlement just as fast as the Secretary of the Interior shall be able to do that consistent with the needs of the Indians.

The PRESIDENT *pro tempore*. The question is on the amendment of the Senator from Kansas [Mr. PLUMB].

The amendment was rejected.

Mr. PLUMB. I now move to strike out the words "or grazing," in line 8 of section 2.

There is no use in giving power to the President which he can not exercise in a beneficial way; and he can not locate Indians on grazing land in such a way as to enable them to become self-supporting. It must be agricultural land, on which they can raise a crop.

While, of course, I do not want to come between the Senator from Massachusetts and his great solicitude about the Indian, I do not want that we shall go on in the way we have heretofore, locating them on reservations where they can not earn a living, and therefore I think if we are to deposit them in some place where we expect them to stay and make homes we should put them on land where they can make a support.

The PRESIDENT *pro tempore*. The question is on the amendment of the Senator from Kansas [Mr. PLUMB], in section 2, line 8, after the word "agricultural," to strike out "or grazing."

Mr. DAWES. If the Indian can not be made to support himself on the grazing land, then the Secretary of the Interior will not plant him on it. But there is a great extent of territory, half of which is grazing land and part of which is agricultural land; and a wise arrangement of this matter would be to give the Indians who have an inclination to raise cattle a small portion of agricultural land and a larger portion of grazing land connected with it, sufficient for each Indian not only to maintain himself but to encourage him and his family to make themselves independent. That manner of treating the Indian is provided for in several bills that have passed here without objection, and it has been considered in the administration of affairs at the Indian Bureau as a very marked and wise provision.

Now, if you are going to confine the Indian to farming only, you cripple and you destroy the opportunity of the Indian on very many reservations. You take that vast reservation upon the British border of 30,000 square miles, and the last report of the Commissioner of Indian Affairs says there are but ten acres of it all under cultivation. There can not be up there much farming in the ordinary sense of the word, but it is a magnificent grazing country, and a small portion of the rivers reaching up among the valleys and the mountains for grazing purposes may be a very valuable acquisition for the Indian. But if this is to be confined to farming lands suited for what are ordinarily called agricultural purposes it will cripple the honest and earnest efforts of the present as well as of the past administration of Indian affairs in trying to lift the Indian up to take care of himself and lift off from this Government the great burden of more than $5,000,000 every year for his support.

The PRESIDENT *pro tempore*. The question is on the amendment of the Senator from Kansas [Mr. PLUMB].

The amendment was rejected.

Mr. INGALLS. I invite the attention of the Senator from Massachusetts to section 11 of this bill. It appears to me to be inconsistent and superfluous. The first clause declares—

SEC. 11. That the provisions of this act, except those relating to the issue of tribal patents, shall not extend to any tribe of Indians as such until the consent of two-thirds of the male members twenty-one years of age shall be first had and obtained.

The second clause continues—

Provided, That the President may, in his discretion, make allotment of land in severalty as hereinbefore provided to any one or more Indians, members of a tribe or band, upon the request of such Indian or Indians, irrespective of the action of such tribe or band; and when allotment of land shall be made to any Indian the head of a family, allotment shall be made to the members of such family as hereinbefore provided in cases where division is made among the members of an entire tribe or band.

All that is contained in the proviso extending from line 5 to line 13 is already provided for; that is to say, under section 2 individual members can be provided for by the action of the President; and therefore, when you declare in the first clause that nothing shall be done except in pursuance of the consent of two-thirds of the members of the tribe, and then afterward assert that any individual member, and so on up to the entire number, may do exactly as the President sees fit, it seems to me the section is inconsistent, and I suggest to the Senator to omit that clause from the bill.

Mr. DAWES. Mr. President, it is not essential to the operation of the bill that that clause should remain; but the meaning of it is perfectly plain to me. When it provides that the whole tribe shall not be under this bill, except with its consent, and goes on further to declare that notwithstanding that provision, that prohibition, that limitation shall not go to the extent of preventing the President from taking individual members of that tribe and giving them lands in severalty, it is plain that the object of the proviso is to save to individual members of the tribe the operations of the first and second sections. The first and second sections do provide just what is in the proviso.

Mr. INGALLS. The Senator will permit me one moment there. This does not refer to the first section. This expressly excludes the first section by its terms. The first section relates to the issue of a tribal patent; therefore the first paragraph of this section has no reference whatever to section 1; this relates solely to section 2, which refers to the issue of patents in severalty to individual Indians who may wish to withdraw from the tribe.

Mr. DAWES. The Senator fails to observe that section 2 embraces the treaty titles, the statute titles, and the executive-order reservation titles; and therefore any prohibition contained in the first part of that section might be construed as applying to executive-order reservation Indians were it not for the proviso; but the bill would work without that, and I am so anxious to get the real issue here, which is to clothe the Secretary of the Interior with power to individualize all the Indians, that if the Senator desires to make a motion to that effect I shall not oppose it.

Mr. INGALLS. I think it had better be amended. I move to amend the bill by striking out section 11.

The PRESIDENT *pro tempore*. The section proposed to be stricken out will be read.

The Chief Clerk read as follows:

SEC. 11. That the provisions of this act, except those relating to the issue of tribal patents, shall not extend to any tribe of Indians as such until the consent of two-thirds of the male members twenty-one years of age shall be first had and obtained: *Provided*, That the President may, in his discretion, make allotment of land in severalty as hereinbefore provided to any one or more Indians, members of a tribe or band, upon the request of such Indian or Indians, irrespective of the action of such tribe or band; and when allotment of land shall be made to any Indian the head of a family, allotment shall be made to the members of such family as hereinbefore provided in cases where division is made among the members of an entire tribe or band.

The amendment was agreed to.

Mr. MAXEY. In section 7, beginning with the word "and" on line 8, I move to strike out from that word "and" down to the words "United States," in line 19, and ask that the words be read.

The CHIEF CLERK. It is proposed to strike out in section 7, after the word "law," in line 8, all down to and including the words "United States," in line 19, at the end of the section, as follows:

And every Indian born within the territorial limits of the United States to whom allotments shall have been made under the provisions of this act, and every Indian born within the territorial limits of the United States who has voluntarily taken up, within said limits, his residence separate and apart from any tribe of Indians therein, and has adopted the habits of civilized life, is hereby declared to be a citizen of the United States, and is entitled to all the rights, privileges, and immunities of such citizens, whether said Indian has been or not, by birth or otherwise, a member of any tribe of Indians within the territorial limits of the United States.

Mr. DAWES. There has been an amendment added to that clause since the print of the bill. Perhaps the Senator would like to have that included, if it is in order.

Mr. MAXEY. I do not know what the amendment is.

Mr. DAWES. There has been an amendment to that.

The PRESIDENT *pro tempore*. The amendment already made will be read.

Mr. MAXEY. I should like to hear it.

The CHIEF CLERK. The amendment was to add to the section:

Without in any manner impairing or otherwise affecting the right of any such Indian to tribal or any other property.

Mr. MAXEY. That does not change the point I wish to make. The lines I propose to strike out will inaugurate a new policy in this Government. I wish to say in the beginning that no man is more in favor of the general doctrine of placing the lands for the Indians in separate parcels and giving to each head of a family and each single man who desires to work for himself a home of his own. I believe in that principle because it is the way to start a people in the direction of civilization. I believe that is a wise policy. But here before this new policy has been tested, before we can see what is to be the practical effect of the policy, whether the Indians will be benefited or injured by that policy, we propose to make them citizens of the United States.

In my opinion that is a dangerous starting-course; and so regarding it, as a member of the Committee on Indian Affairs I reserved the right to object to it. Let us endeavor to see what we can do with these Indians by giving them separate homes; let us see what we can do when we destroy the old aboriginal idea of chiefship, and make every man among the Indians understand that he is to obey the laws of the land like other people; that he is to make his living like other people; that he can no longer depend upon this Government to support him in idleness; that the system of herding Indians on reservations to lie idle and be provided for by the Government is to cease, and that each individual Indian is to be required, like any other human being, to earn his living by the sweat of his face. Let us try that policy. This bill inaugurates that policy. This bill has passed the Senate twice, I believe, under the leadership of my colleague [Mr. COKE], inaugurating that policy; but the bill which we passed heretofore did not contain this provision; it is a new provision. Now, to show that it is not well guarded, let me read the bill, for I think this applies to Indians on the reservations, and to them alone. You will find by the ninth section—

That the provision of this act shall not extend to the reservations of the Cherokees, Creeks, Choctaws, Chickasaws, and Seminoles, in the Indian Territory, nor to any of the reservations of the Seneca Nation of New York Indians in the State of New York.

If there are any Indians in this broad land who are capable of citizenship they are excluded by the terms of the bill. We take men who have no knowledge of our language, no knowledge whatever of our laws, and we confer upon those men suddenly, and without preparation, the highest boon that can be conferred on mortal man, that of American citizenship.

Mr. President, we have had enough, in recent days, of trouble in this country on such matters. Let us get through with what we have already in that way. We are doing our very best to benefit the colored race who have been made citizens of the country; and those who are most deeply interested in the success of that movement are doing all they can do with their means to make them qualified for the exercise of the rights of citizenship. But here these people, not knowing our language, never having associated with our white people, never having had opportunity of seeing how civilized people conduct their affairs and organize society, are proposed to be made in one day citizens of the United States in case they live on a separate tract of land. Why, Mr. President, by the very theory of our Constitution a person born abroad and coming here, no matter how educated that man may be, must pass a specified time (five years as now fixed by law) before he is entitled to the rights of citizenship. But here are people who but a few years ago were wild tribes roaming upon the prairies, engaged in raiding upon the settlements of the white people with the tomahawk and scalping-knife; we have gathered them up into reservations; and now, because we put them on separate tracts of land, we are to say to them, "You may become citizens of the United States." It is too soon. I do not say, and I do not wish to be understood as saying, that the time may not come when I would favor the extension of citizenship to them; but I want first to educate them up to that standard.

I agree with what was said by the Senator from Massachusetts in this regard. You must begin the civilization and education of the Indian, as was said once by a distinguished citizen of the United States, one who understood him as well as any man ever did, the Senator who occupies the chair [Mr. SHERMAN], by first making him learn how to raise stock. You must follow the old rule that is laid down by the Bible. Let him begin by raising stock; begin by herding. After a while he will be prepared to go to farming; then after a while he will be prepared to go into mechanical pursuits, and so on step by step. Educate the Indians in that way in the practical affairs of life while their children are being educated in schools and prepared, and thus you have a preparation made for this great boon of American citizenship. Being deeply impressed with that, I oppose this provision of the bill.

The Senator from Massachusetts knows the Indians pretty well, and I know them very well. If there are any who are qualified for citizenship it would be the very ones who are not made citizens by this bill, the five civilized tribes, as they are called, and the Seneca Nation of New York. I am not acquainted with the latter, but with the five civilized tribes I am; and if any Indians are fitted for citizenship they have been for years, many of them for fifty years; indeed the tribal relation in some instances was broken up longer ago than that. They have been raising stock, have been farming, have homes, each one for himself. They have no chiefship. They elect their legislature and their governor, and every one has to provide for himself by his own industry. That is their system. They have been going on in that way, and they are doing very well. They are having schools, they are having high schools, neighborhood schools, and various graded schools. In that way they are endeavoring to prepare the rising generation for citizenship.

When we were out in the Indian Territory last summer they showed us in that very connection that when they shall be brought into the Union as citizens they desire to understand our laws, to speak our language, and to live on terms of equality in all matters relating to the country. They told us that a large portion of their people did not understand our language, and therefore they were not prepared for this. They are right in that, in my opinion, and for that reason I have moved to strike out these words. I think the words ought not to be there, and have not been in any similar bill heretofore.

Mr. DAWES. I hope the attention of the Senate can be drawn to this amendment and that it understands what is proposed in the bill if the amendment shall not prevail. It is to make citizens of the United States of those Indians and those only who have taken allotments under this bill, and those born within the United States who have taken up their residence separate and apart from any tribe of Indians therein and have adopted the habits of civilized life. Such a person is the Indian whom it is proposed to make a citizen of the United States; and we do it in order to encourage any Indian who has started upon the life of a civilized man and is making the effort to be one of the body-politic in which he lives, giving the encouragement that if he so maintains himself he shall be a citizen of the United States.

We have declared in a constitutional amendment that every man born within the territorial limits of the United States thereby becomes a citizen of the United States. The Supreme Court has said that an Indian tribe on a reservation is outside, for these purposes, of the territorial limits of the United States; but without criticising that decision, the policy of the United States has been ever since the adoption of that amendment to the Constitution to take every man born within the limits of the United States and clothe him with United States citizenship, giving him all the advantages of the protection of our laws and an appeal to our courts for his protection, whether he has adopted the mode and manner of civilized life or not. He may be a poor African; though born within the limits of the United States, he may in all things else be like an African born on the coast of Africa; he may have no one of what we may deem to be the qualifications of citizenship except the fact that he is a man and has in him that out of which a man can be made; but before he has acquired these qualifications, the Constitution of the United States says that if he has been born within the limits of the United States, without regard to his condition of life, he shall be a citizen.

In the case of an Indian who has left his tribe, turned his back upon the savage life, has adopted the modes and habits of civilized life, is in all respects like one of us, why shall he not be a citizen of the United States, while the poor and degraded and ignorant African, with no better qualifications than if he were imported from the Congo coast, merely because he is born here, may be a citizen? I do not see the reason for the distinction. I think it is safe to say that every Indian who has adopted our mode of life and lives among us as we live can be a citizen of the United States. It is safe; and it is time when we have extended the protection of citizenship to everybody else that we extend it to such an Indian.

The Senator from Texas says it is a new policy. He is quite mistaken. For fifty years we have provided in treaty and in statute that every Indian who took an allotment of land should thereby become a citizen of the United States. We so provided in all those treaties which were made in 1867 by the commission then sent out, beginning with the Sioux treaty; and the provision in the Sioux treaty runs through

them all. After having provided for Indians taking land in severalty, that treaty says:

And any Indian or Indians receiving a patent for land under the foregoing provisions shall thereby and from thenceforth become and be a citizen of the United States, and be entitled to all the privileges and immunities of such citizens, and shall at the same time retain all his rights to benefits accruing to Indians under this treaty.

Very many Indians under all those treaties made that year have taken lands in severalty and are by virtue of those provisions to-day citizens of the United States. Can any one tell us any good reason why if they should be citizens of the United States Indians taking land in severalty under this bill should not be? And then, sir, the same provision was made long ago in the treaties of 1817 and 1835 with the Cherokees, and in 1820, 1825, and 1830 with the Choctaws (7 Stat., 159, 211, 236, 335, 483, 488; Wilson *vs.* Wall, 6 Wallace, 83; Opinion of Attorney-General Taney, 2 Opinions of Attorneys-General, 462); in 1855 with the Wyandotts (10 Stat., 1159; Karrahoo *vs.* Adams, 1 Dillon, 344, 346; Gray, *vs.* Coffman, 3 Dillon, 393; Hicks *vs.* Butrick, 3 Dillon, 413); in 1861 and in March, 1866, with the Pottawatomies (12 Stat., 1192; 14 Stat., 763); in 1862 with the Ottawas (12 Stat., 1237) and the Kickapoos (13 Stat., 624); and acts of Congress of March 3, 1839, chapter 83, section 7, concerning the Brothertown Indians, and of March 3, 1843, chapter 101, section 7, August 6, 1846, chapter 88, and March 3, 1865, chapter 127, section 4, concerning the Stockbridge Indians (5 Stat., 351, 647; 9 Stat., 55; 13 Stat., 562). See also treaties with the Stockbridge Indians in 1848 and 1856 (9 Stat., 955; 11 Stat., 667; 7 Opinions of Attorneys-General, 746).

Running through all these treaties and statutes are provisions that Indians taking land under them shall thereby become citizens of the United States; so if this provision be stricken out of this bill we shall have two classes of Indians occupying land in all respects in the same manner, holding the same title, occupying the same position in the community, part of whom are citizens of the United States and part of whom are not. I fail to see why a distinction should be made against an Indian who has, in the language of this bill, taken upon himself all the attributes of a citizen, who is living the life of a citizen, who is certainly as intelligent, as capable mentally and morally as a vast body of our citizens are to discharge any of the duties incumbent upon a citizen of the United States and not incumbent upon him as an individual resident of the United States, if there are any other duties devolving upon a man as a citizen of the United States that do not devolve upon any resident of the United States while here. If there are any such duties I do not know what they are; I know there are privileges of citizenship, but the duties required at the hands of a citizen of the United States by the laws of the United States are required also at the hands of every resident of the United States while here, but a resident of the United States not a citizen has no standing in our courts. This gives the Indian holding land in severalty a place in the United States courts to vindicate his right to his land and protect himself in the enjoyment of his land. He is a different order of being, holds a different status in the United States from the Indian living with a tribe; and the Indian who has taken land in severalty under the statutes and treaties that I have cited holds a different status from the white man or the colored man. The colored man was a slave but yesterday; he has been made to-day by a constitutional amendment a citizen of the United States, and not only a citizen of the United States but a citizen of the State in which he lives. This bill does not undertake to make an Indian the citizen of any State, but it gives him citizenship of the United States and a status in the courts of the United States.

Mr. CHACE. Mr. President, I send to the desk and request to have read the address of J. L. McDonald, a Choctaw. I ask for the reading of the part I have marked with pencil.

The PRESIDENT *pro tempore*. The paper sent up by the Senator from Rhode Island will be read if there be no objection.

The Chief Clerk read as follows:

An address from a delegation of Choctaw Indians to Congress in 1825.

J. L. McDonald, a Choctaw and the writer of the subjoined address, was when quite a youth adopted into the family of Hon. Thomas L. McKinny, at that time chief of the Bureau of Indian Affairs. Under the instruction of Rev. Dr. Carnahan, afterward president of Princeton College, his rare intellectual powers developed in so marked a degree that Mr. Calhoun, Secretary of War, proposed that he be made a lawyer. This suggestion was acted upon, and in half the usual time devoted to the study of this profession he had mastered it and was qualified for the bar. At this crisis in his history a letter came from his people telling him "he had one of two things to do—either throw away all that belonged to the white race and turn Indian, or quit being Indian and turn white man. The first you can do; the last it is not in your power to do. The white man will never permit the Indian to come into close fellowship with him or share his prerogatives or advantages."

From this moment Mr. McDonald was oppressed by the despotism of his destiny, and when subsequently during the practice of his profession in Mississippi his overtures of marriage were scornfully rejected by a townswoman he felt his social ostracism to be so hopeless and complete that he ended his unfortunate life.

It was during a brief visit to the Choctaw country that he was chosen by his tribe to accompany a delegation of the chiefs to Washington, whose course he so eloquently pleads below.

WASHINGTON, *February* 18, 1825.

To the Congress of the United States:

As representatives of the Choctaw Nation, and in part of the aborigines of this country, we feel ourselves impelled alike by duty and by inclination to address you at the present crisis. The Indians are becoming objects of increasing interest among your people. Sympathy is felt for their condition, and the most benevolent exertions have been and continue to be made to improve and civilize them. Under such circumstances we can not refrain from giving an expression of our feelings with regard to our condition and prospects. You are an assembly which we have been taught to consider the most august in the world, and into whose hands are committed the destinies of our people. To whom, then, could we more properly address ourselves on the great points connected with our happiness and prosperity?

Our good father the President has spoken to you and requested you to adopt some measures to improve the condition of the Indian race. He has recommended that all the Indians east of the Mississippi be persuaded to remove and establish themselves to the west, that a certain form of government be provided for them, and that the land to which they may remove be secured to them forever.

Of the policy and practicability of the measure we will not now express a decided opinion; time alone can determine. Of the motives which prompted the recommendation we entertain no question. The opinion expressed by the President that under no pretense should the Indians be forcibly removed from the lands which they occupy gives us an assurance that his feelings are truly paternal toward us. That opinion accords with the sentiment entertained by all just and reflecting men, and can not, therefore, fail to be responded to by your honorable body.

We have long been sensible of our weakness, and we know that should the Government of the United States rise in hostility against us we must inevitably be exterminated or driven to the West. We know that the extensive country which you now possess once belonged to our forefathers. We have heard that from a small beginning you have grown to be a great and powerful people, and that as you advanced we receded, as you flourished we decayed. We have been tempted to ask, Why should this be so? Has the Great Spirit frowned upon His red children that they should thus have withered in your presence? Yet we have been told from the good book that He loves all His children alike and that His greatest attribute is that of infinite mercy. This we are most willing to believe, and believing we are led to the natural conclusion that for some great end only known to Himself He has permitted us to melt before you, but that the time must come when His interposing hand will be outstretched in our behalf and we be made to become like white men.

We rejoice to think that that period is approaching. The voice of the President, the sentiments of philanthropy which seem to pervade the people, the schools and religious institutions which have been established among us—all give us the consoling assurance that we are not doomed to extinction. We have become sensible that one great reason of the power and prosperity with which our white brothers are so eminently favored has been the general diffusion of literature and the arts of civilized life among them. You have institutions to promote and disseminate the knowled[illegible] of every branch of science; you have a government, and you have laws all [illegible]nded upon those principles of liberty and equality which have ever been dear to us; for in all our vicissitudes of fortune, and notwithstanding the constant and gradual diminution of our numbers, we have never been the slaves of any power, and we trust in the Great Spirit we never shall be. The theory of your Government is: justice and good faith to all men. You will not submit to injury from one party because it is powerful, nor will you oppress another because it is weak. Impressed with that persuasion, we are confident that our rights will be respected.

We have but small tracts of territory remaining and our numbers are comparatively few. The majority of those east of the Mississippi are turning their attention to agriculture, are settling themselves, and would in time become useful citizens. We admit at the same time that a large number still continue a wandering life, are wretched and degraded. These it would give us pleasure to see settled west of the Mississippi. It would be better for them and better for those who remain. But you can not persuade all to remove. The gradual operation of the law which you may enact with regard to this subject would probably effect much. But there are those whom the strongest inducements could scarcely persuade to leave the land which contains the bones of their fathers, and which has been rendered dear to them by the recollections of youth. The important question then presents itself, what will you do with those that remain? What measures will you adopt to improve their condition, to promote their happiness? It is this great point to which our address is intended principally to direct your attention.

As connected with the subject and with the question just proposed, we are constrained to say that in several of the Southern States we are denied privileges to which as members of the human family we are of right entitled. However qualified by education we may be, we are neither permitted to hold offices nor to give our testimony in courts of justice, although our dearest rights may be at stake. Can this be a correct policy? Is it just? Is it humane? When schools are multiplying among us, when we have made liberal appropriations of money for the education of our children, when we are forsaking the chase and turned our attention to agriculture, and are becoming an orderly and social people, does it comport with an enlightened and liberal policy to continue the imposition of those degrading restrictions upon us? Should not inducements be held forth to our young men to qualify themselves to become useful citizens of your Republic? Should not the portals of honorable distinction be thrown open to them as well as to their white brothers? But the subject is a painful one, and we will dismiss it. The mist of prejudice is gradually vanishing before the light of reason and enlarged sentiments of philanthropy begin to prevail. We leave the issue of the question to your wisdom and to the liberality of the South.

In conclusion, we would express the earnest hope that the result of your deliberations respecting our unfortunate race may be such as to insure durable benefits to them and lasting credit in the eyes of posterity to yourselves.

Respectfully submitted by

MOOSHULATUBBEE, his + mark.
ROBERT COLE, his + mark.
DANIEL McCURTAIN, his + mark.
TALKING WARRIOR, his + mark.
RED FORT, his + mark.
NITTUCKACHEE, his + mark.
J. L. McDONALD.

Interpreted and the signing witnessed by me,

JOHN PITCHLYNN,
United States Interpreter for the Choctaws.

Mr. CHACE. That memorial is dated in 1825. I think it bears in itself internal evidence that the writer of such a document was surely fit to enjoy the rights and privileges of citizenship.

I confess that I am at a loss to understand how gentlemen reconcile to themselves and to their own sense of right and justice that anomalous condition that the people of the United States have occupied so long toward the Indian tribes. How with our system of laws, based as it is upon the Declaration of Independence, which announces "that all men are created equal," that they are endowed "with certain inalienable rights, that among these are life, liberty, and the pursuit of happiness," this people can go on generation after generation holding in subjection this handful of a race of men, possessing as I hold within themselves

elements which might under proper cultivation go to make up the very best class of citizens, I am at a loss to understand.

As this memorial says, our Government is based upon the immutable principles of justice; but how are we meting it out? Let us not forget that the great sin of slavery had to be washed out in a sea of blood and at the cost of untold treasure; and I take this opportunity to declare here my solemn belief that unless the American people amend their wrongful course against the red man the nation will be punished again for its sin in this regard.

There are some two hundred and sixty-five thousand Indians in this country. Surely this is a very small morsel to be assimilated among the sixty millions, guarded and protected as the process would be under the eleventh section of this bill, which it is proposed to strike out. The provisions are very ample. These Indians are not to receive the rights of citizenship until they shall have settled themselves upon their allotted land, until they shall have separated themselves from their tribal relations, until they shall have taken up their residence separate and apart from the tribe and adopted the habits of civilized life.

What greater guarantee can we have of their fitness for citizenship than that? And what malign prejudices, what influence is it, what strange, peculiar influence is it, which can operate upon the mind of any gentleman to prevent him from supporting such a provision as that? As the Senator from Massachusetts has said, it is no new provision. It is simply providing that this shall apply to all those Indians now who shall take the precautionary steps here provided.

We are receiving by immigration into this country each year from three hundred and fifty thousand to seven hundred thousand immigrants from foreign lands. We apply to them no such conditions precedent to citizenship. Those men come from any country save one or two; they land on our shores and declare their intention of becoming citizens. We do not ask whether their previous condition in life has fitted them for the rights of citizenship. Here we have a race of people who occupied this country before we came here, who possess under our declaration these rights now; and upon what principle do we debar them from their exercise?

Again, on the score of economy we have gone on year after year spending millions fighting the Indian; we are spending every year hundreds of thousands of dollars to educate him. We find that this policy has not been a success. We seem to forget the one vital and important point, and that is that in order to be rid of this problem, in order that it may be settled, we must put it in the way to settle itself, and it can only settle itself by giving the Indian that greatest and best, yes, the only weapon of defense, the ballot, with the rights of citizenship, the right to sue and defend in the courts.

I claim, then, that on the score of justice, on the score of constitutional obligation, on the score of our obligations to humanity, and on the score of economy as a pure matter of finance, and as the only and quickest method of settling this vexed problem of the Indian, we must make such a provision as this.

Mr. MAXEY. Mr. President, the Senator from Massachusetts has referred to various treaties, beginning with the treaty of 1825 with the Choctaws providing that they might be citizens. Now, the fact is within the knowledge of the Senator from Massachusetts that from 1825, at which time they were east of the Mississippi River, up to the present time they have never yet divided their lands in severalty. Why? They fear becoming citizens of the United States; and why? Because if their country is inhabited by citizens of the United States, if they become citizens of the United States, then the Territory within which they will live will be governed by Congress, and finally their Territory will be taken into the Union as a State, and the citizens of all other States will have the privileges and immunities of citizens of the several States; and they believe (and they talk so in their councils everywhere) that when thus their country is opened under the Constitution to settlement by citizens of the United States they will be practically despoiled of their country. The Seminoles, Creeks, and Cherokees, which are regarded as among the most enlightened of all the Indian nations, have never yet availed themselves of the privilege of citizenship by dividing their lands in severalty.

So much for that. I come now to the claim that the fourteenth amendment makes all Indians citizens. If that made them all citizens it would make them citizens irrespective of whether they were in a tribe or out of a tribe, whether they held their land in severalty or altogether, or had no land at all. If the fourteenth amendment made every one born within the limits of the United States a citizen, that would settle the question without the slightest regard to whether he held land in severalty or not. But the Supreme Court of the United States, in the case of Elk vs. Wilkins, in 112 United States Reports, has settled that question and settled it conclusively. I read from the syllabus, and only regret that I have not time to read the whole opinion, which was well considered and elaborate.

An Indian, born a member of one of the Indian tribes within the United States, which still exists and is recognized as a tribe by the Government of the United States, who has voluntarily separated himself from his tribe and taken up his residence among the white citizens of a State, but who has not been naturalized, or taxed, or recognized as a citizen, either by the United States or by the State, is not a citizen of the United States within the meaning of the first section of the fourteenth article of amendment of the Constitution.

A petition alleging that the plaintiff is an Indian, and was born within the United States, and has severed his tribal relation to the Indian tribes, and fully and completely surrendered himself to the jurisdiction of the United States, and still so continues subject to the jurisdiction of the United States, and is a *bona fide* resident of the State of Nebraska and city of Omaha, does not show that he is a citizen of the United States under the fourteenth article of amendment of the Constitution. (Elk vs. Wilkins, 112 U. S. Reports, page 94.)

It comes back at last to the proposition which I made as to this new departure, for that is what it is. We are told that the privilege was given to Indians to become citizens by severing their lands sixty years ago; and how many in the length and breadth of this great country since 1825 to the present time have ever availed themselves of that privilege? In the five civilized tribes, the most enlightened of all the Indians, not one has ever availed himself of this privilege; but you pass them all by, you pass by the Indians best qualified to become citizens, specially except them out of the operation of this bill, and make the Indian who but a few years ago with the scalping-knife and the tomahawk was attacking the people on the frontier, by the simple act of taking a piece of land in severalty a citizen of the United States, without any knowledge of our laws; and you say that is the rule.

If that is the rule, amend the naturalization laws as to the wild, savage negro that the Senator spoke of who was brought from Africa to this land. Can he become a citizen of the United States under the statutes as they now exist to-day? Look at your Chinamen; are they not specially excepted from the naturalization laws?

The policy of the United States Government when they liberated the slaves was first to make them citizens, and in order to protect that citizenship to give them the right of voting and holding office. That was it, and why? Because they were not isolated, they were not dissociated, they were not separated from the white citizens of this country; but they were mixed among them, they were our neighbors. As long as we and our descendants of the white race shall live in this country, just that long will the colored man and his descendants live in this country, and their fortunes, their destinies will run side by side with ours.

Whether it was wise to begin at once, as we did, or to make them undergo a probation, is a question in the past not now necessary to be discussed. That was the policy, that these people being made free should be intrusted with the rights of citizenship for protection, and to-day throughout all the country where the great mass of these people live the white people of those States are doing all in their power to educate the colored people and make them qualified for citizenship. You may say what you please about the people of the South, they have common sense, and their common sense teaches them that so long as the colored people live among them the better educated the colored man is the more he respects himself, the better citizen he makes, and the better it will be for both colored and white. Therefore it is that under the constitution—and it is a constitutional provision in my State—we have conceded to the colored child his pro rata of the school fund precisely as the white child, no difference whatever. We educate the different races in separate schools, but all the advantages of that magnificent school fund which the white child has the colored child alike has.

The PRESIDING OFFICER (Mr. FRYE in the chair). The hour of 2 o'clock has arrived, and the Chair must lay before the Senate the unfinished business.

Mr. DAWES. Let the Senator from Texas complete his remarks.

Mr. MAXEY. I should like to finish what I was going on to say.

Mr. DAWES. I hope the Senator from New Hampshire will not object to the Senator from Texas completing his remarks.

The PRESIDING OFFICER. The Senator from Massachusetts asks unanimous consent that the Senator from Texas be allowed to complete his remarks.

Mr. BLAIR. I object, unless we can have some understanding as to the length of time, for it is very desirable to complete the education bill, if possible, to-day. Of course I would not object to any such time as five or ten minutes.

Mr. MAXEY. I want no more.

The PRESIDING OFFICER. Is there objection?

Mr. BLAIR. Let the unfinished business be laid before the Senate, and then it may be informally laid aside.

The PRESIDING OFFICER. It has been laid before the Senate.

Mr. MAXEY. I am obliged to the Senator from New Hampshire for his courtesy, and I assure him that I will not trespass upon it.

The decision of the case to which I have referred, of Elk vs. Wilkins, gives a very correct and a very interesting history of all the efforts to make citizens out of an unprepared people like the Indians. The court lays down the proposition distinctly that although born within the limits of the United States, when a member of a tribe, an Indian does not thereby become a natural-born citizen of the United States, and that by some process either of naturalization or act of Congress he has to become a citizen. That is the proposition laid down by the Supreme Court; but the point which I make—and I beg Senators to pay some regard to it—is that you must take these people by the hand and build them up step by step. You can not build Indian civilization up by beginning at the top of the ascent and building downward. You must begin at the bottom and build upward. If you ever have a permanent Indian civilization, I believe the true policy will be to divide their

land in severalty. That I believe to be right. Teach them to rely upon their own exertions for a living like white people. Teach them that they must be amenable to the laws like white people and colored people are, and that the United States have determined that from this point henceforth and forever the labor of the white man and the colored man shall not be made tributary to the support and maintenance of the Indian in idleness, but that the Indian must be prepared to go on under great sacrifices and secure his living by his own exertions.

Begin there and bring him along step by step and you will prepare him, and I hope in not a very great length of time, for citizenship. There are Indians now in the schools; those children are being taught the English language. They do not teach them the Indian tongue. They say they want to prepare the children so that they can talk the white man's language, read the white man's books, study the white man's laws, and in the great battle of life be able to protect themselves. But so long as they can not do that, so long as they speak a different tongue, so long as they do not know our laws, so long as they are left in that helpless condition they are not prepared for citizenship. They are not like the colored man, I beg to say. The colored man speaks the English tongue. Many of us were born and reared with colored people from childhood up, and all understand the same language; everybody of our race can understand what they mean; they speak the English language, and therefore they were in a condition at the very beginning, so far as that was concerned, to be prepared for citizenship, and they had associated all their lifetime with white people, had seen their manners, habits, customs, and their methods of carrying on their courts and their civil affairs; but these people have not had any of those privileges, and yet you propose to place upon them without preparation the great toga of American citizenship!

Mr. President, I have spoken earnestly about this because I believe in the policy of the bill with this exception.

Mr. MANDERSON. As I expect to be absent on the next two legislative days, when the bill may be concluded, I desire to ask action on an amendment, if I can have unanimous consent. It is agreed to by the Senator in charge of the bill, and it will take but a moment, I think.

The PRESIDING OFFICER. The Senator from Nebraska asks unanimous consent to present for consideration an amendment.

Mr. BLAIR. I understand that the amendment will not lead to debate, and I consent to action upon it with that understanding.

The PRESIDING OFFICER. The Chair hears no objection. The amendment offered by the Senator from Nebraska will be reported.

The CHIEF CLERK. It is proposed to add at the end of section 9:

Nor to that strip of territory in the State of Nebraska adjoining the Sioux reservation on the south, added by executive order, which shall be withheld from Indian settlement.

The PRESIDING OFFICER. Is the Senate ready for the question on agreeing to this amendment?

Mr. DAWES. Let the words "which shall be withheld from Indian settlement" be stricken out.

Mr. MANDERSON. I have no objection to that.

The PRESIDING OFFICER. The amendment will be so modified. The question is on agreeing to the amendment as modified.

The amendment was agreed to.

Mr. MAXEY. What became of the amendment I offered?

The PRESIDING OFFICER. That is pending. This was done by unanimous consent. The Chair will take this opportunity to lay before the Senate a communication from the Attorney-General.

EXECUTIVE COMMUNICATION.

The PRESIDING OFFICER laid before the Senate a communication from the Attorney-General, transmitting, in answer to a resolution of the 16th instant, a statement of the number of suits in the United States courts in the eastern district of Virginia; which, with the accompanying papers, was referred to the Committee on the Judiciary, and ordered to be printed.

HOUSE BILL REFERRED.

The bill (H. R. 67) for the relief of Fitz-John Porter was read twice by its title, and referred to the Committee on Military Affairs.

THE LIBRARY OF CONGRESS.

Mr. VOORHEES. I ask the Senator from New Hampshire to yield to me for a moment. I ask leave at this time to report from the Select Committee on Additional Accommodations for the Library of Congress the bill (S. 61) authorizing the construction of a building for the accommodation of the Congressional Library. It is the bill introduced by the Senator from Vermont [Mr. MORRILL], and is reported from the committee without amendment. I ask that it be put on the Calendar, and give notice that at as early a day as possible I shall call it up and see what we can do toward removing the disgrace on the country growing out of the failure to furnish accommodations for the Library of Congress.

The PRESIDING OFFICER. The bill will be placed on the Calendar.

Mr. BLAIR. Let the unfinished business be now proceeded with.

AID TO COMMON SCHOOLS.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (S. 194) to aid in the establishment and temporary support of common schools, the pending question being on the amendment proposed by Mr. MORGAN, to add as a new section the following:

SEC. —. That the money that shall be appropriated in pursuance of this act for the purposes of education in the Territories shall be apportioned according to a census that shall be taken in each of the organized Territories at the expense of the United States and under the direction of the Secretary of the Interior on or before the 1st day of June, 1885.

Mr. BLAIR. On the pending question the Senator from New York [Mr. EVARTS] has the floor.

Mr. MORGAN. Will the Senator from New York yield to me? I was unavoidably detained from the Senate this morning when resolutions were in order, and I ask that the resolution which I send to the desk be read and printed and to lie over until to-morrow.

The PRESIDING OFFICER. Is there objection to the request of the Senator from Alabama?

Mr. BLAIR. I object.

The PRESIDING OFFICER. The Senator from New Hampshire objects. The Senator from New York [Mr. EVARTS] has the floor on the pending amendment.

Mr. EVARTS. Before opening any remarks I may offer to-day, I beg to send to the Chair an amendment to be read for information to the bill now pending. It is an amendment to be added to line 18 of section 1 as it has been already amended.

The PRESIDING OFFICER. The amendment will be read for information.

The CHIEF CLERK. Add to section 1 as amended:

And if any State by its Legislature shall decline or relinquish its share or proportion under this bill, or any portion thereof, the sum so relinquished shall go to increase the amount for distribution among the other States and the Territories as herein provided.

Mr. EVARTS. This amendment, as I have proposed it, I think meets with the concurrence of the Senator from New Hampshire.

Mr. BLAIR. I have no objection to it, so far as I am concerned.

Mr. EVARTS. As might be inferred, Mr. President, from an observation I made yesterday upon taking the floor, I am heartily in favor of the passage of this bill, and I desire to place no impediment, even by consumption of time in addressing the Senate, in the way of its passage. But for some reasons I have thought that it was hardly suitable, from certain relations I have held to the subject in my capacity as a citizen to this topic, to let the occasion pass without saying something affirmatively in favor of the bill.

It will have been noticed in the earlier discussions of this bill, at previous sessions of the Senate as well as now, that the trustees of the Peabody fund had brought to the attention of the two Houses of Congress, by a memorial prepared by that body, a report of a committee that had investigated the whole subject and had produced with some form and precision the conclusions, both in matter of constitutional law and of the public interests that should govern this subject. That report, prepared by a very eminent citizen, experienced in public affairs and universally respected in the State of Virginia, Mr. Stuart, received a careful examination from the Chief-Justice of the United States and myself in the preparation of that paper; and as it presents as its conclusion the affirmance on my part of the correctness of those opinions in matter of law and of the great public interests that are involved, it is quite suitable, it seems to me, that I should now in this place and with such authority as I may command, by a vote which I possess in the Senate, avow an adherence and maintenance of and a defense against all imputations upon those principles which have been or are to be presented here.

The wise benevolence of a very distinguished business man, wholly unconnected with politics but by the large interests and varied experience concerning them in all matters interesting to the United States—I mean the late Mr. Peabody—had at the very outset of the process of reconstruction, seen that education, education first and last, education universal, education under difficulties, education where it was most indispensable, was the first step toward a rearrangement of the ordinary working of the suffrage and of all the movements of political society that were necessary in consequence of the change, so deep, so wide, so thorough, that had been accomplished by the transactions and the determination of the civil war. Out of his private fortune, and with a contribution seemingly but trivial toward so great a labor and to aid so great a result, he undertook to apply what was a princely donation to the very purpose and end that is comprised and is to be accomplished by this bill. There was placed at the disposal of his trustees an income at first of a million dollars and afterward of an additional million; and that was, as we conceived in our application and our estimate of the service that was to be furnished by its use, nothing but as it were a diffusive stimulant that in this great but inert mass could be moved on all that were concerned, on scholars, on teachers, on public men, on statesmen, on States themselves—an element stimulant to activity and encouraging, that should show lightwould come adequate to diffuse itself through the immense darkness.

Fortunate we were in securing as a general agent one of the best instructed and one of the most even-tempered agents of this benefaction, the late Dr. Sears, who was through many years of his life spared to this service. He had gained throughout the South, from those in offi-

cial life and in all classes of society, in all instructors, whether in official positions or in the ordinary employments of that function, and with scholars as well and the masses of the people, an absolute confidence equivalent in the service of this great benefaction of Mr. Peabody to what his own munificence had attracted from their homage.

Soon it became evident that there was no limit to the benefits which might be accomplished by the methods that Mr. Peabody had placed at our service except the poverty of that fund; that if there had been at our disposal even large revenues they could have been used at the initial stage, and then in progress as the appetite was fed for knowledge and the appreciation of its benefits in the largest considerations that can affect any community that looks at it. There was no limit whatever in the benefits that we could apply if we could have had an enlargement of funds that more truly would meet the vastness of the receptive power of the mass to be enlightened.

As then this matter went on, we saw not only a manifestation of hunger and thirst for knowledge on the part of the ignorant masses, but of zeal, of favor, of activity on the part of those who did not need to share in its bounty except in their perception of the general advantage that would flow from its diffusion; and as we were satisfied not only of a positive but a permanent purpose on the part of the people of the South to seek for and supply their needs out of this source of bounty and of light, so all communities recognized the fact that any interception, any interruption, any perversion not only of the funds that we distributed but of all that were called forth in aid, in supply, in support of this movement were thoroughly, were carefully looked at in communities to which our attention was directed.

It was early a conclusion on the part of the members of this trust that there was no fair reason to doubt that if, from whatever source, there should be placed aid at the service of those States who were plunged into a burden of education and were in the midst of the direst necessity of education, it would be nursed, would be cherished, would be developed, would be faithfully applied. I desire, therefore, here upon this point, to say that I have no misgivings as to the fidelity of the application in the States that in consequence of the results of the war are needing more immediately and more painfully aids in diffused education; that I have no lack of confidence, no distrust as to there being any perversion of the funds that are to be placed at their disposal.

Having this view and there being before the Senate a bill that had been prepared at previous sessions of Congress, had passed through review here, and had received the assent of a great majority of the Senators on each side in political opinions, and it having now and again been reviewed, presented to the Senate, submitted to amendments, now subject to amendments, I can not but say distinctly that I regard this bill as upon the same basis of wisdom and of charity that directed the benevolent mind of Mr. Peabody in the devotion of his fortune to this great object. My experience—and in that I express the united opinion of every member of that trust—induces me to feel that the moneys which shall be devoted under this bill will reap the results and benefits for the communities in which they are to be used that have been derived under the somewhat trivial means that we could command in their aid.

If that be so, then I have no occasion to consider here any question but that of constitutional power and of the wisdom of the distribution of the fund that is provided in the bill. I do not propose to enter any large province of constitutional discussion. As I have watched the debate I have thought that, in the objections which have been made on the other side of this Chamber, the discrimination of what is there regarded as constitutional and that which is objected to as extra-constitutional is upon a very narrow line of division. I am not one of those who attribute to the preamble of the Constitution any affirmative source of means, or of powers, or of methods; but as I believe the fathers of the Constitution who framed the preamble, and those who discussed it upon one side and the other at different stages of constitutional progress as the matter came under debate, all agreed that it was a grave, deliberate, well-measured, comprehensive preamble, and that it was not meant for rhetoric, but was meant for the introduction of the Government that they were founding, and which they described as a constitution; that it was to show that that constitution was proposed by its means and through its methods to accomplish what were conceived great and controlling purposes.

Let us look for a moment at this brief and yet this simple preamble and see whether in the history of any great transactions of our race there has been more compressed and more carefully weighed and weighted in and with meaning than this preamble. What is the motive and what the object of all this transaction that was to make a new nation, that was to make a new government? It was not in any one of its elements, in any one of its words, connected with a trivial, or a temporary, or a limited subject of consideration:

> We, the people of the United States, in order to form a more perfect union, establish justice, insure domestic tranquillity, provide for the common defense, promote the general welfare, and secure the blessings of liberty to ourselves and our posterity, do ordain and establish this Constitution for the United States of America.

Before you proceed into the clauses and set forms of the Constitution you are in advance prepared to meet in every part of it a full, complete appreciation of that object and purpose that led to the subsequent portions named in the Constitution. You do not expect to find anything therein that is conducive to anything less important than those great purposes. You do not expect to find inside of the clauses of the Constitution anything that is calculated to pervert or to frustrate any of those great propositions.

While, then, I agree that whatever follows in the articles and clauses of the Constitution we can not enlarge its area or deny the force of any of its restrictions, yet we have a right to understand that all the clauses and all the restrictions are supposed by the framers of this Constitution to point one way, and that way is that pointed out in the preamble. Then, as I think, the general constitutional opinion is, and should be, that although this preamble can not enlarge the means that are placed at the disposal of the Government, although it can not disparage or pervert any of the restrictions contained in it, yet we are able to say that whatever is found in the Constitution, from one end of it to the other, in regard to all the means that are put at the disposal of the Government, there is a right to use them in the manner of the preamble, and that in regard to the methods by which they are to be exercised those means are not to be reduced in their methods, except in what is in methods denied to the powers.

This is the sole topic, as I understand, of constitutional debate upon the other side. It is supposed that this bill would not be any violation of the constitutional powers on the subject if this measure were confined to the proceeds of public lands, either under the first gifts of the original States or as they have been acquired by conquest and treaty since that time. I do not wish to misrepresent the Senator from Alabama [Mr. MORGAN], but I understand that if this fund now existed and could be reached by the sales of public lands, not only that source of means to be used, but the objects to which it was to be applied (I do not refer now to methods and precise qualifications or arrangements), would meet with his approval. That I may not be misunderstood, and that I may do him justice in this behalf, I ask attention to a portion of the Senator's remarks as reported in the RECORD on page 1341, in the second column:

> Mr. CALL. I ask the Senator if he has not introduced a bill here and voted for it donating a considerable sum of money to a college or university in Alabama for replacing the buildings which were destroyed during the war?
>
> Mr. MORGAN. The Senator has got a great many vain imaginations about me, Mr. President. No, I did not. I introduced a bill, voted for it, and carried it too, to apply the public lands, a trust fund in our hands, for that purpose; and I promise the Senator, if he will do me the honor to listen to me when I come to that branch of the subject, to convince him I think that we have power to do that, and in doing it we do not transgress any feature of the Constitution.

And on page 1433, in the second column, the Senator from Alabama, speaking of the property in public lands, proceeds to say:

> This ownership of the soil is property of the United States which the Constitution expressly empowers Congress to dispose of. It is property to which there is annexed a use, by contract, which Congress should respect far more than it has done. That use could not be better executed than to apply the lands or their proceeds to the education of the people, nor can better agents be found than the States, to all of whom, as States, the beneficial interest in the lands is expressly reserved—reserved not to the people of the different States, but reserved to the States.

As the Senator from Alabama not only in his discussion of this subject but on all occasions when legal distinctions are drawn purposes to speak with precision and force I wish to ask the attention of the Senate very briefly to this discrimination that is made between the public lands as an estate in the United States and a trust impressed upon it as property and ownership, and what I shall present as the true view, as I regard it, of the clause respecting taxation, if we are to apply to constitutions the strict notions of law, sometimes not inapplicable but always valuable, if they proceed upon the general wisdom of the law rather than mere technicalities, as upon this distinction that is attempted to be made between an estate, as he says, in the lands upon which a trust is imposed, and the power of taxation.

In my judgment all constitutional lawyers ought to agree that all the powers named in the clauses of the Constitution are what are called by lawyers, if we are to speak thus precisely, trust powers. There is no power here that is for the benefit of anybody except the beneficiaries of the Constitution, the same people who framed the Constitution, for whom it was made, by whom it is conducted, and for whom all these trust powers are created; and they are defrauded when any one of those trust powers is withheld from the exigencies that might be met from an exercise of those powers.

Where shall we find any closer or more definite proposition in regard to the trusts imposed upon the public lands, upon this property which the United States holds in estate and subject to trust, than that which is included in the various clauses, perhaps with some variation, that have been quoted in the different instruments which have created, if you please, this trust estate? Is there anything anywhere in them but what amounts to this, and to nothing more, that they are so held or they are so vested for the common benefit of all the States? Then the learned Senator from Alabama finds in that estate and in that trust a right to take those lands in the form that they shall be liquidated into money to accomplish the end—not only a constitutional power but a beneficial use, too much, too often neglected; and that he would favor in having the application made. Let me ask attention to the trust power that is found in taxation, and see what its terms are, and what its proper construction should be:

> The Congress shall have power to lay and collect taxes, duties, imposts and

excises, to pay the debts and provide for the common defense and general welfare of the United States.

We will take this by the strict constructions of the lawyers, and we have a trust power. The power is unlimited, except as to the subjects to be resorted to for revenue and the methods there described; but the amounts derived by those methods are raised only for one purpose under a trust power, the large scale of governmental application to this trust power that is thus described, and that trust power is "to pay the debts and provide for the common defense and general welfare of the United States."

Now, can the learned Senator, can any of the ingenious lawyers on the other side, draw a distinction in regard to the terms of the trust, between that laid on the estate of land for the common benefit and that laid upon this power for raising the revenues of the Government, to use them not for the common benefit of the United States but "for the common defense and general welfare of the United States?" I, myself, can draw no such distinction. I am willing that the old debate should be renewed as to strict construction; I am willing that the people should think that nothing can be done at the right time and in the right way, and leave everything to be rectified and redressed by neglects, and done then by powers and means that sacrifice and ruin while at the same time they accomplish a final result.

I should like to know how and why this Government escapes from its obligation under this Constitution to apply the efficacy and the means provided by this trust power to the general welfare as well as to the common defense of the United States. I can not think that if this matter were subject to judicial construction any court or any forensic debater could make a point as to the difference between "common benefit" and "general welfare," except it must be in favor of the taxing clause rather than of the estate furnished by the land investments.

Mr. President, I have said all I desire to say upon that subject, for I believe both in the observations of the Senator from Alabama and of the two Senators from Texas, the constitutional propositions are limited to that discrimination, and the whole play and force of the argument is made to apply only to that discrimination.

Now, is there anything latitudinarian in that treatment of the trust and of the power that is given in order to sustain and execute the trust? What was the power of taxation given for in any of its parts, in any of its applications, in any of its results? What was it deposited in the Congress of the United States for, except that its means, its resources, its faculties, its revenues should all be used to pay the debts—that was for the past—and for the common defense and general welfare, for all future debts would arise undoubtedly as a part of common defense and general welfare.

Where, then, do we find a right to withdraw from an application of these proceeds of taxation and employment of these revenues thus derived, if it be true in the opinions of the Senate, in the opinions of the public, in the needs of the people, that this very situation in the affairs of this nation is the one that most needs to be cared for in reference to the common defense and general welfare of the United States? Is it to build a fort in Boston Harbor or in the New York Narrows; is it to open by the jetties the flow of the mouths of the Mississippi River? Is that more instant, is that more national, is that more necessary, is that more universal than this which we need to provide for the situation produced by the greatest transaction that has happened in civilization, the changed condition of the people of this country?

I agree that if Senators on this side and on the other think that the object is not a good one, that it does not come within general welfare, they should discard this measure that is for their action. Taking the bill by and large, through and through, with all the defects that may be imputed to it by any one, and with the shortcomings that all will lament, not in the frame of the bill but in the efficacy of any measure they can adopt which will adequately provide and accomplish speedily, peremptorily, and conclusively all the results that we would like, does it not conduce to the purpose of this clause of the Constitution? If gentlemen are ready to say that this nation does confront now both a public necessity and a public duty in this provision for the purposes that this bill proposes, then the "ands" and the "ifs" and the "buts" must all disappear. If it is constitutional and if it is necessary it is inexorable in its demands, it must be met by the best means, by the best wisdom, by the best cautions and adaptations that can be resorted to; but never turn from a defect that you can not supply because you omit the whole necessity and leave this mass of ignorance that this bill is proposed to penetrate and permeate and animate with knowledge and with life in all the interest of the United States—let such vote for this bill.

I believe even a narrower constitutional proposition has been raised, and that is that it might be within the constitutional power after money had been raised by taxation and was lying in the Treasury, that then it would not be unconstitutional to devote it; but that to devote the unreceived and uncollected and unlevied revenues that are accessible under this trust power would be unconstitutional. In other words, if the $77,000,000 were at our disposal for the draft to draw out from the Treasury the means, that might be constitutional, because that would be an application of property the whole of it already reduced to possession; but that if we provide that the revenues as they shall occur shall furnish sufficient means for the timely and appropriate and adequate use, that would be unconstitutional because that is exerting the taxing power beyond the means.

Well, Mr. President, it is constitutional to devote the last dollar in the Treasury to the purposes of this bill, and then it is constitutional by your next taxation to raise the money that is necessary to supply the void which has thus been created. I do not know of any court of equity that I have known, open to the large consideration of trust obligations, which would draw a distinction of that kind. But whenever the subject of taxation comes up and the means thus sought to be made and the applications are thought to be beyond the purposes to which they should be usefully or can be constitutionally applied, we are always alarmed by the enormous stretch and reach and authority of this principle, this faculty of taxation.

Did not the framers of this Constitution know what the power to tax meant? Where did they repose the protection of themselves and their posterity in the enjoyment of liberty that it was proposed to defend and perpetuate by this Constitution? Where did they rest it? They rested it in the representation proceeding from the people that were to be taxed. That is the constitutional limitation upon excess of taxation, upon exhaustive taxation, upon any of the encroachments upon liberty and happiness through the processes of taxation. When they gave the taxing powers under the Constitution they were not carelessly deposited, they were not carelessly left open. They knew that the power to tax was the power to destroy. They knew it as well as one of their great contemporaries, the great Chief-Justice of the United States, knew it when he said that the power to create is the power to preserve, and the power to tax is the power to destroy. There you have it all over your Constitution; and whom are you going to destroy? You are to destroy the interests of the people of the United States, all of whom furnish the basis of suffrage out of which your power is to come. There are reasons enough why public men are exposed to diminution of authority by rivalries of every kind, whether they are true to their duties to the Government and to the people or not, but no man needs ever to fear the exercise of the taxing power unless it has been for measures and with results that are not for the benefit of the people in their own intelligence of what they regard as their interests.

Now, then, in a word, Mr. President, I confront this immense, this dangerous, this growing, this threatening mass of ignorance. I find a deliberate, a concerted, a thoughtful, a valuable measure. I might have preferred this or that means; I might have liked to look in the face the very situation that has been produced by the transaction of the war and apply the abundant resources of a renovated and restored Constitution and people to scatter now with as large and liberal a hand as was the power with which it asserted itself to produce that result, also for the common defense and the general welfare.

If it be that in constitutional view an equal and general distribution upon some great basis that shall apply to all the States of the Union is a better method for securing the result of its becoming a law and being useful, or if it be that not on constitutional grounds the support of the representatives of the people of the United States in the two Houses of Congress finds it more in accordance with their public duty as representatives that this shall be the area upon which revenue is to be raised, and this the area upon which it is to be distributed and employed, then I am for a measure that can constitutionally and by adequate support in the two Houses of Congress be made an operative measure, rather than to criticise a dead, inanimate, exhausted, frustrated measure which has failed of passage perhaps by my endeavor to make some wounds in this mantle of charity that is extended now.

Mr. MORGAN. Mr. President, I am one of many millions of American people to regret that one of our greatest American lawyers, soon after his advent into the Senate, has found it necessary, in order to support a measure to which his affection seems to be strongly drawn, to declare in favor of the absolutism of Congress. That Senator has declared here to-day that after all there is really no restraint in the Constitution upon the power of taxation as it shall be voted by the two Houses of Congress except the trust that the people are expected to repose and will repose in their representatives. The honorable Senator with a very fine hand has chiseled away upon the distinctions between the powers of Congress and the rights of the people, until he has merged them into one beautiful, symmetrical nonentity. The distinctions are now broken down by this honorable artist in the constitutional law, and hereafter the Congress of the United States has but one question to ask itself, Do we determine in our supreme will that the measure proposed is for the general welfare? Upon that we vote "ay." Do we determine that in support of that measure we shall tax the people? The vote is "ay." Do we determine, if we choose to do it, that we shall vote to tax the people unto destruction? The vote is "ay." And these three propositions are the summary, the substance, the full effect of the statement made by the honorable Senator from New York here to-day as to the absolutism of Congress.

I for one, sir, dread the absolutism of any legislative power. I have seen it exerted in Great Britain through history, now for many years, where they profess to have a constitution not all written, but so established in the traditions of that country and by declarations of their Parliament as that it is scarcely to be mistaken. But the power of the Par-

liament has been increasing from year to year, and especially in the house of commons, where the people have a representation direct from themselves, until the house of commons has seized almost every power in the British Government and has almost exterminated a great and splendid people just across the channel. Great Britain is to-day writhing in anguish in reference to her public affairs, and the wisest men in all that great realm are confused almost into insanity by the terrible problem which they are trying to unsolve, every particle of which has grown out of this doctrine that the honorable Senator from New York advocates on this floor to-day, the absolutism of the legislative power.

Ireland to-day would have been a prosperous and beautiful land, and those patriotic sons who have been driven from her green isle to seek a refuge in this country, without property and in humiliation and in the face even of social ostracism—those brave men would to-day have been noble subjects of the British Kingdom but for the fact that the Parliament of Great Britain, assuming to itself from time to time this power of absolutism over their destinies, has crushed them and ruined them, I am afraid, beyond recovery.

The Senator has conceded in favor of the rights of the people that they shall at least have a representation. What becomes of the people in the Territories of the United States and in that vast region of country which was a Territory where they have no representation that is entitled to vote in either of these Houses? If the power of Congress is an absolute power of taxation according to its will and its discretion, what is to prevent the Congress of the United States from taxing the people in the Territories without representation and in the exercise of its absolute power? Nothing.

The Senator also undertook to illustrate his argument in favor of this power of Congress to tax the people at its will and pleasure for such purposes as it might determine were within the general welfare by attempting to draw a comparison or analogy or some strength from a position which I took upon the floor with respect to the public lands in favor of the power of Congress to tax the people at its will and to execute what he called a power held in trust. The honorable Senator has not forgotten, though he may not care to remember and recall the fact, that the Constitution of the United States came from the people and not from the States; that the lands which were transferred to the possession of the Government and to its control and ownership *sub modo* and subject to a trust came from the States and not from the people. Perhaps if the honorable Senator will consult the source of those powers he will be able to discriminate more clearly between the value of those powers that are derived from the people and the value of the rights of property which come from the States.

When the convention which adopted the Constitution of the United States was about to adjourn, a resolution was adopted, after a good deal of debate, that that Constitution should be submitted to the people of the several States in their conventions. They all had Legislatures, and a proposition was made in the convention that this Constitution should be ratified or rejected by the Legislatures of the different States. The convention refused to take that course. Hence it was that the Legislature in each of the thirteen States provided for the organization of a convention to be chosen by the people, and that convention, after being thus endowed with power by the Legislature to act in an organic and legal form as the representative of the people of the respective States, ratified this Constitution, and never went back to the Legislature with it to see whether the Legislature would approve it or not. So that in every source of authority this Constitution came fresh from the people without the intervention of any State Legislature or the State in its organic form in any manner whatsoever. Then the powers that are lodged in this Constitution came from the people of the United States and not from the States, and when those people put limitations, if they did put any at all after all in this Constitution, it was for the preservation of their individual liberties man by man, and not State by State.

When the Congress of the United States undertakes to tax the humblest citizen of this country for the purpose of raising revenue for any cause whatsoever, that citizen has thrown around him in the Constitution of the United States the personal guarantees operating not in behalf of his State, but in behalf of himself as an American citizen, that Congress shall not exercise that power over him. In that fact comes the great strength and beauty and nobility of that character which we call American citizenship. Yes, sir; the American citizen in the Constitution of our country is protected even more than the American State, and almost every guarantee in this Constitution has its operation upon the citizen. Of what is he a citizen? Of his State and also of the United States. He holds a relation of allegiance both to that government which we call his State and to this Government which we call the United States—a double allegiance.

His State represents him in certain functions. This Government represents him in certain other functions. His State tries him for his life if he commits a murder; his State protects his property by its immediate agents thrown around him. The Government of the United States protects him abroad and protects him in any State that he may visit, protects him in all the rights guaranteed to every citizen of the United States. But the two governments in their effect and in their relation and their operation on citizens of the United States and citizens of the State operate by different machinery for different purposes to accomplish different ends. He has the benefit of two governments.

Now, here is a citizen of the United States, properly so called, amenable to the laws of the United States, to its customs laws, to its internal-revenue laws, to its laws for the collection of any tax that the Government of the United States imposes. His State can not interfere to protect him, his State can not say a word about the operation or the execution of those laws. Whom is he left to? To his own representatives from his own State? They may not have the power to protect him or the will to do it. Have we put that citizen of the United States in such an unfortunate and unprotected category as that he has no power left to him to protect himself with, except the mercy of people who reside in other States and represent other communities? Certainly not.

Suppose that we should determine that for the benefit of the general welfare of this country we should enrich and strengthen the great commercial mart and metropolis of this country by giving to it two-thirds of the revenues of the United States for its own private advantage, the city of New York; we have the right to do it because we say that is for the general welfare—no limitation in behalf of the people against that outrageous appropriation and diversion of money to private purposes or to local municipal purposes. What is a man in Alabama or Arizona or Alaska or California to do in a case of that kind? Must he appeal to the representatives of other States, including the honorable Senator with his great powers who wants this act passed, we will say? No, sir; he can go to the body of the written Constitution of the United States, and he can say to Congress, "In the name of the Constitution and of God also, whom you have consulted and addressed when you swore before Him that you would maintain it, do not allow the Congress of the United States to vote that the general welfare of the country requires that two-thirds of the revenues which are received through New York shall be retained there for the benefit of the municipal government, and that that revenue shall be collected from all the quarters of the country."

No, Mr. President, no matter what gloss may be put upon this subject, there is no such absurdity as that in this instrument. The American people were never blind enough to intrust into the hands of any parliamentary body all their liberties to that extent. These men when they ordained this Constitution and voted for it in these conventions, were fresh from the battlefields of the Revolution, and they knew that those battles were fought because of the power of taxation exercised over them by Great Britain who claimed the right to tax them. And yet the honorable Senator is unable to find in his metaphysical disquisition upon words in this Constitution that that great hope of the people of this country embodied in this instrument that they should hereafter be protected against the tyranny of taxation, was all lost in the fact that they confided everything into the hands of their representatives, and that without restraint!

The honorable Senator refers to the case of the opening of the mouth of the Mississippi and other expenditures by the Congress of the United States in opening harbors and rivers, and still others in respect of the building of forts. The honorable Senator knows that the power under which Congress has always claimed the right to open the rivers and the harbors is the commerce clause in the Constitution, where an express power is given to regulate commerce. I do not believe that that is the source, but I believe it comes from the fact that the States themselves when they came into the Union by unanimous consent yielded up in favor of the people of all the States into the hands of the United States the right of navigation in the navigable waters, and that the United States having thus acquired the right to control navigation in the navigable waters become correspondingly in duty bound to protect the navigation and to see that it is kept free.

But whether it comes from the commerce clause, or whether it comes from the navigation cession made by the States to the Federal Union, still in neither case is there the slightest analogy between that express power conferred upon Congress to make these appropriations and that broad power claimed here to exercise an absolute discretion not only as to the amount of taxation but also as to the field of taxation. The distinctions are too plain. We have fancied that we had seen them here for many, many years before the arrival of the honorable Senator from New York, and our fathers who made this Constitution had fancied that they saw them before that honorable Senator was born. These distinctions are not to be thus blended by the art of debate or of argumentation.

I observed, however, that the Senator from New York in his discussion this morning omitted to throw any weight at least in his argument upon this language, "the general welfare of the United States." That is in the body of the Constitution, whereas in the preamble of the Constitution the language is, "promote the general welfare." That means, of course, the general welfare of the people; but when they came to putting a restraint and a limitation upon the taxing power in the Constitution they limited Congress to the right to levy taxes for the common defense, the payment of the public debt, and the general welfare of the United States.

I call the attention of the Senate to the distinction between the citizenship of a man of the State and of the United States. Need I call its attention to the distinction between the States of the American Union considered as such and the United States Government? We have now thirty-eight organized State governments in the Union, and we have got one United States Government. When the power of taxation was

given here the term "United States," "for the benefit of the United States," meant for the benefit of the Government of the United States as contradistinguished from the government of the States. When you come to tax the people to promote the welfare of the Government of the United States, you have limitations upon you. You look at the powers of the Government of the United States; you ascertain what they include and what they exclude; and whatever power you find included in the Government of the United States by an express grant, or by a necessary implication from a grant contained in this instrument, you can tax for that object; but you can not tax for the general welfare of the government of the States.

I deny the power of Congress to tax for the general welfare of the government of the States. I deny the power of Congress to tax for the general welfare of the people considered merely as people, except in their relations to the Government of the United States. As citizens of the United States, connected by allegiance with that Government, the Congress of the United States has the right to tax the country for their benefit, provided in doing so it exercises a governmental power, not one assumed, not a new creation, not something that springs like Minerva from the brain of Jupiter in an instant of time and in full splendor. Sir, our fathers did not make this Government to meet the fancies and the isms and the new ideas that might arise from time to time and might be supposed to create necessities for the intervention of law in order to promote the general welfare of the people. Our people then and now were and are able to take care of their private welfare; and the welfare of the people of the United States to-day aggregated in this enormous display of wealth and prosperity is the result of the toiling millions who have been free from the taxing powers of Congress, and Congress has been restrained from invading their rights.

I will not protract this argument. I had supposed that I was done with it, and I would not have risen to-day at all upon this question but for the fact that the honorable Senator from New York did me the honor to refer to me in the debate and to call in question some of the positions which I had taken.

Mr. President, I did demonstrate, I thought, not by argumentation of my own but by facts which I produced, by the recitals from each of the several deeds of cession made by the six great land States, that the right to the soil was transferred to the United States by these different States in lands that belonged to them. Did the honorable Senator understand me to argue that because the Government of the United States received a deed from the State of Georgia to a portion of the country which is included now in the Mississippi Valley, the powers of the General Government of the United States were thereby increased? Surely not. I trust that I have not stultified myself in the estimation of that great lawyer by taking a position of that kind. I have always argued that no State government and no combination of State governments, otherwise than by an amendment of the Constitution, can confer power upon Congress. Here is the limitation of the powers of Congress; there is the charter; the States can not enlarge it or improve it, as I say, except by amending the Constitution.

Now, then, if these States, in order to preserve peace among themselves and to get Maryland and Delaware to consent to come into the Confederation, agreed that they would yield up their lands held outside of their ordinary boundaries far abroad, reaching as far west as the Mississippi River, into the hands of Congress as a common trustee for the benefit of the States, and if each State in its deed of cession said for the benefit of the several States, the State making the grant inclusive, and if Congress accepted the trust in that way, and if the agents of the States came into Congress, so that there might be no mistake about it, and yielded the trust openly into the hands of Congress in session, and then attached to this land the trust and use that it was to be for the benefit of the several States, can anybody discern in that grant any analogy at all in relation to the grant of powers by the people of the United States in their various conventions with which legislation, as I said, had nothing to do, to the Government of the United States putting restraints upon States and upon government also as they went along? No, sir; the analogy is impossible; and the resort of the honorable Senator from New York to that supposed analogy, it occurs to me, only shows that even with his vast ability he had not discovered an argument that he thought was even plausible to maintain the position here to-day. That came from the States not as a power, but it came from the States as a grant of land subject to conditions. I grant you that the conditions have not always been complied with; Congress has abused them.

The honorable Senator from Tennessee the other day called our attention to the fact that after money was collected into the Treasury Congress might go on and appropiate it to improper purposes and no court might have the power to restrain it. That is true. We can abuse our trust every day if we choose to do it, without personal responsibility to the law; but that does not argue that we have the right to do it. The honorable Senator from Tennessee may justify himself according to his opinion in doing what he deems proper; my oath will justify me or require me, according to my opinion, in voting against it; but that does not increase the power or the right, because we have the power merely, to appropriate property. The honorable Senator from New York seems to take the same line of argumentation, as though it derived some strength from the admirable manner in which the Senator from Tennessee had handled this question; but the argument is utterly fallacious. It will not do to say that because we have money in the Treasury, therefore we have unlimited power over that money. That is not safe to the people of the United States.

Mr. EVARTS. The Senator will allow me to say that that was not my proposition. I stated a proposition that I understood to come from the other side—I did not impute it to the Senator from Alabama—that I understood a distinction was taken also that if the money were in the Treasury, then there was a constitutional power to apply it in this way, but that it would not do to rest upon taxation in future as constitutional to furnish means.

Mr. MORGAN. I beg the Senator's pardon. I thought he took the same view with the Senator from Tennessee.

Mr. EVARTS. Not at all. I did not discuss that subject except in that way.

Mr. MORGAN. I beg pardon of the Senator from New York, and address my argument to the Senator from Tennessee as long as he has taken up that absurd position, as the Senator from New York now argues.

Mr. JACKSON. Will the Senator from Alabama allow me a word?

Mr. MORGAN. Yes, sir.

Mr. JACKSON. It was not my proposition. It was the proposition of the Senator from Alabama.

Mr. MORGAN. Then I think I am the parent of this bill, and I do not know my own child. [Laughter.]

Mr. JACKSON. Listen to what the Senator says. I read from the RECORD:

> What money there is now in the Treasury, being the property of the United States, you may divert or apply to any purpose not forbidden by the Constitution.

Mr. MORGAN. Read a little further, please.

Mr. JACKSON. That is sufficient.

Mr. MORGAN. Read a little further.

Mr. JACKSON. I continue to read the Senator's words:

> If the purpose to which you apply it is unwise or unauthorized, still you have the power to so apply it in the exercise of a political power which no judge can call in question.

Mr. MORGAN. Yes. Then I go still further and say that in this case "might does not make right." Oh, yes; you have the power; certainly you have the power. We have great powers in this Congress. Sometimes I dread to think of the powers we possess; and when I do think over them seriously, I always feel as if I wanted to put constraint upon the hands of myself and my friends in the exercise of them. We have great powers here. For God's sake do not let us abuse them merely for the gratification of ourselves or our friends. We can take the money out of the Treasury, whatever surplus there may be in it, and we can give it to the Kingdom of Congo in Africa if we choose and nobody can hold us to account for it; but when the people come to think of the purposes for which it was taxed out of them, they will either wonder at our stupidity or our infidelity to our oaths, one of the two, and I do not like to be put in either category myself. I should like to go back to the people I have the honor to represent, every time, and say: "I have tried to appropriate all the money that I voted to appropriate to some distinct governmental purpose, not to find a new one not recognized by the Constitution and hatch up something in my imagination or in the supposed benevolence of my great and magnanimous heart to give away to one man what another poor, honest, laboring man toils for and starves his family perhaps to accumulate."

Mr. EVARTS. Mr. President, I have expressly stated the limitations within which I propose to conduct the debate on constitutional propositions, and I discarded all generalization growing out of the declarations of the preamble, except as pointing and describing what the Constitution and the results of it were proposed. I then said that nothing could be imported from those general terms to increase the means of government that were placed at the disposal of the government thus created, and that nothing could be drawn from them to extinguish or disparage the denials of methods which were framed into the Constitution, and then I undertook to display what I regarded as the Senator's argument within the province of legal construction and interpretation and application, and that is that when the United States had any estate in the land, either included in the first great gifts or in subsequent acquisitions, it was within the common benefit to apply the proceeds of that land to the purposes of this bill, if you please, or the uses of education, not that we approve of this bill or of these uses, but that that was not a perversion of a trust, which was imposed upon that estate, because it was in the common benefit.

I then laid down two legal propositions—that a trust power was to be construed upon the same principles as a trust estate, and that as this trust power was described itself in the clause of the Constitution to be wholly for the purpose of paying the debts and providing for the common defense and the general welfare, as those were the strict terms of the trust power, if the Senator thought and argued that an application to education was within a common benefit to come out of the trust estate, then an application to education to come out of the trust power of taxation under the description of general welfare also could have its origin.

But I have not undertaken to give any latitude to my constitutional opinions in regard to what the limitations or the restrictions in the Constitution are. Those who think that this is not within the general welfare must condemn it. If they think it is within the general welfare, it is as much within it under the taxing power as it is under any of the other enabling clauses of the Constitution.

The Senator from Alabama has been polite enough to say that other constitutional arguments and other constitutional debaters had been presented in this Senate before I became a member of it. Perhaps the Senator will allow me to say that I also had studied and debated these constitutional principles in another forum, more accurate perhaps than that which is pursued here.

Mr. INGALLS. Mr. President, the Constitution was made for the people, and not the people for the Constitution.

Government is a thing of to-day, and not of yesterday. We all listen to the disquisitions of the political archeologists with undissembled rapture. These subtle explorations into the subterranean recesses of the Constitution and the inner consciousness of its founders have an indescribable delight to those who look to "Time's dark backward and abyss" for information as to what should be done in the emergencies that confront us to-day. It is like turning from Pennsylvania avenue into the buried streets of Herculaneum and Pompeii to ascertain what were the opinions of the politicians of Rome as to the continued coinage of the silver dollar and the reform of the civil service.

Mr. President, whatever may be said about the constitutional powers of Congress upon this subject, it is proper to premise that there are but two methods of interpretation of that venerable instrument. One is that of the doctrinaire who regards government as a scientific problem in which all details are to be subordinated to a general principle in the light of strict construction. The other is that of the practical politician, who recognizes that in the changing processes of a nation's life the application of predetermined and preconceived theories and ideas is impracticable, and that he is wisest who adapts himself to measures that are momentarily fitting, leaving all questions of consistency, subject to the consideration of the public good, to take care of themselves. I belong to the latter class; and, sir, the history of constitutional construction shows that the Constitution has been always so interpreted as to render effectual the will of a majority of the people; and whenever it has ceased to measure the purpose and determinations of a majority of the people it has been amended; and in the greatest debate of all, when peaceful contention was ended, it was amended by the sword. But, sir, with regard to the subject which we are now considering, whether from the standpoint of strict construction or of liberal interpretation of the principles of the Constitution, it has never been contended from the foundation of the Government down to this present time that popular education was either directly or indirectly under the control of the General Government or subjected to its supervision.

The practical question that confronts us here is whether or not, admitting that this constitutional power exists, a necessity has been shown that requires it to be evoked and demands that it shall be exercised.

Popular education may have suffered from not being under the control of the General Government; something of precision, of force, and something of energy may have been lost; but on the other hand the advantages gained have been immeasurable. It has been broader and freer; it has been applied more directly to the necessities and wants of the people in their various localities, and it has drawn its power from broader and more enduring sources, so that at last it has come that this system of public-school education has become imbedded in the convictions of the people as a permanent and constantly increasing factor and element in the national life. Its right to exist is nowhere seriously questioned. If it ever had enemies, they have been converted into friends, or they have disappeared. Religious prejudice, that at one time was thought likely to assail it, has become one of its strongest safeguards. The most violent sectionalism and fanaticism has never dared to assail it. And we may confidently assume that if left to the operation of those great agencies that have hitherto controlled it it will broaden and widen in its application and continue in the future, as it has been in the past, the most beneficent and most powerful element in our national growth and development.

Sir, I do not regard this matter precisely as some of those who advocate this bill are inclined to do. The difference between those States that now especially require assistance from the national Treasury and those that have from their own energies conducted this system to such a magnificent conclusion is fundamental. The Southern States saw fit to build their society upon a different theory. They did not believe in the education of the masses of the people; they did not believe in free labor; they constructed the fabric of their civilization, such as it was, upon an entirely different basis. The system of free public-school education as such had its distinctive origin in the North and in New England.

The forty thousand English exiles who came from Great Britain between 1620 and 1650 brought with them to America the elements of a civilization the most rapacious, the most arrogant, and the most relentless ever known in the history of colonization. They brought hither political ideas of inconceivable energy—self-government, liberty of conscience, and universal education. Under them the free-school system was early established and widely disseminated. For a space, battling with savages, poverty, and winter, they lingered upon the coast, amid the gloomy forests and upon the sterile declivities of the stony hills of Massachusetts, wresting a scanty subsistence from the stingy soil and the stormy sea. Extending their wealth and widening their power, they turned their faces westward, and in two centuries the column has marched across the continent, subduing it by peaceful domination. Descending the slopes of the Alleghanies, spreading over the vast alluvial valleys of the Ohio, the Mississippi, and the Missouri, scaling the Rocky Mountains, building States, constructing cities, railroads, tranquil institutions, and organizing civilization, it now pauses on the coast of the Pacific, gazing northward and gazing southward, and meditating new conquests from the equator to the poles.

While that population remained homogeneous, one result of universal education was the selection of the highest representative men in the various communities as political leaders; and thus the civilization of the North impressed itself with prodigious power upon the New World. But it was not until the invasion of foreign elements began that the tremendous assimilating power of the common-school system became apparent. While the population remained homogeneous the problem was simple; but with the influx of the Germans, the Scandinavians, and the Irish it became complicated. Detached communities, surrounded by jealous and to some extent unfriendly populations, were liable to grow up in permanent alienation from our system. Here the common-school system developed unsuspected powers, and by educating together the children of immigrants and natives within the limits of its operation overcame the fatalities of race and the obstacles of instinct and blended them in the succeeding generation into the great mass of American citizenship.

And, sir, to come down one step further, to the common-school system and its operation in the great free communities of the North, more than to all other influences combined, is to be attributed that pervading, steadfast, unrelenting devotion to free government and fidelity to free institutions, to liberty of conscience, and to universal education that made the North invincible in that great struggle that created those impregnable bulwarks of civilization against which the passionate valor of the South dashed itself in vain.

And, sir, it is due to the prevalence of the common-school system, unaided by governmental intervention, gaining its force from those interior influences, by the exercise of which nations as well as men become great and strong, that since the war closed, upon the ruins of that civilization in the South, has been erected, so far as it has proceeded, that tranquil and orderly fabric of industrial activity and reasonable policies, rich in every element of present prosperity, but far richer in every prophecy of future greatness, opulence, and renown. And, sir, it is to the influence of that system, upon the original purposes and designs of its authors, that we are to look, if we are to ever attain to the complete rehabilitation of the Union, with all its members in harmonious accord, the harsh and baleful contentions of the past forming the bond of stronger and more enduring alliance in the future.

Now, sir, these great results having been thus reached, admitting that the Constitution contains this dormant and hitherto unexerted power, conceding that within the general-welfare clause or in any other clause that the widest latitudinarian may claim can throw open its avenues and gates wide enough to admit the power of Congress to do what it pleases, admitting that this is strictly within the province of the Constitution, the practical question is before us, what necessity exists to call it into exercise? Why should it be evoked? Why should we introduce a new element into this great system approved by the stupendous results which have been achieved under it, and attempt the novel, doubtful, questionable, and untried experiment of turning over the common-school system of the nation into the custody of the General Government?

Mr. President, the South is unjust to itself. One of the most painful indications, one of the most distressing symptoms in the South is its want of self-reliance, its disposition in every calamity, in every disaster, whether great or trivial, instead of relying upon itself and learning the lesson that they who would have wings must tempt the abyss, to call upon the National Government or upon the charity of the people for assistance. The South has yet to learn the lesson of self-reliance. This is the secret prescription that makes States and their citizens robust, powerful, and enduring.

There is too much disposition to dwell upon the impoverishment of the South. The South was not impoverished by the war; it was enriched by the war. When the slaves were enfranchised the white men of the South were emancipated; and it is not well to argue here that because the ownership of four millions of men was transferred from their masters to themselves they became less valuable to the State. Sir, a freeman is better than a slave; and no matter how degraded, no matter how ignorant, no matter how helpless were the emancipated freedmen, they were better free than when they were slaves. They have not been deported; they are there; their labor is there; their muscle is there; their experience is there; their earnings are there; and it is a strange basis upon which to establish this claim for relief that four millions of slaves were translated into free American citizens.

I came across a day or two since, in the columns of a Democratic news-

paper entirely friendly to the South, an editorial, from which I will read a brief extract as bearing upon this subject. Speaking of the period that has transpired since the war, this article proceeds:

The outcome has been the recuperation of the South. Interrupted channels of traffic have been repaired and re-established. Where, on account of changed conditions, former prosperity in the old direction has not been regained, a tenfold measure of prosperity in another has been achieved. Poverty led to individual enterprise and the stress of necessity has created an industrial feeling unknown in former times. The inexhaustible resources of a rich domain, formerly for the most part unheeded, were eagerly scanned and estimated in the hope of obtaining help. Capital was invited, wealth was developed, and manufactures arose. So that, at a little more than twenty years after the war, we find a people without complaint as to their condition, animated by common sentiments as to frugality and industry, and hopeful as to their future prospects.

In some things the new South is greatly the gainer compared with the South that was. Instead of depending, as formerly, on the production of one or two staples, diversified production has become the rule. It is a remarkable fact that even in the special cases which were supposed to depend wholly on slave labor the result of the changed conditions is a greatly increased production. A few figures will indicate more clearly the progress to which we have referred.

The assessed value of property—

That is, in the South—

has increased $900,000,000 since 1870.

Seven years.

In the same period 11,000 miles of new railway have been built, involving an expenditure of nearly $500,000,000. Cotton-mills have doubled in number and capacity during the last five years, and are still rapidly increasing. In the same time the cottonseed-oil mills have quadrupled in number, and employ now a capital of $11,000,000. The increased production of iron and coal has more than doubled. In a word, the march of enterprise is in every direction and material progress in the South is advancing with rapid strides. In this prosperity all classes of the people share, and even the old slave population is manifesting a vast gain in industry and thrift.

Do the men of the South deny that this statement is true? Will any Senator from any Southern State rise in his place and declare that it is false? Is there any Senator who will admit that the condition of the South is not immeasurably better than it was before the war, or who will claim that in the increase of material advantages, in wealth, and in assurances for the future that statement is exaggerated? If not——

Mr. RIDDLEBERGER. If it came down to mere matter of public revenues I say that we are not in as good a condition as we were in before the war, and yet I do not wish to affect the results of the war.

Mr. INGALLS. If that is not the case, if the South is not worse than it was before the war, if its material progress is constantly upward and onward, upon what ground, consistent with self-respect, consistent with duty to the other States in the Union, can be based this continuous clamor and uproar and importunity for assistance from the national Treasury upon the theory of the impoverishment of the South? Is it in consequence of the action of the Government in freeing and enfranchising the slaves? Sir, that problem has given grave thought to wiser men. My view of this subject is necessarily casual and superficial; but I see no occasion for discouragement or despondency about the condition of the negro race in the Southern States. On the contrary it is my deliberate judgment, in the light of such history as I have been able to peruse, that there is nothing in the history of civilization which compares with the advance made by the African race in the last two centuries on this continent.

It is not just that they should be measured by competition with their Anglo-Saxon oppressors. They should be contrasted with their ancestors and their contemporaries in the Dark Continent; in the tropical wildernesses where the negro race still swarms in amazing fecundity and unexampled degradation—the lowest in the scale of humanity. The character of the aboriginal negro is compounded of instincts at once puerile and ferocious; of grotesque vanity and squalid superstition; of virtues and vices that appear equally destitute of moral qualities, forming a type so degraded that the conscience of civilized nations has hitherto scarcely revolted against treating them with continued denial of justice and making them the unwilling victims of indolence and cupidity. Their political society in Africa is only an incoherent aggregation of hostile tribes; their religion an infamous and bloody idolatry. They have neither history nor literature nor laws, and are scarcely distinguishable in their habits and traits from the beasts that perish.

But in contrast with this revolting picture look upon the four millions of Africans upon this continent. They have become Christians. Their souls—and the soul of man is hospitable to great thoughts—their souls have risen to the sublimest conceptions which humanity is capable of entertaining—one invisible, supreme, and eternal God, the immortality of the soul and its conscious existence beyond the grave. In their political condition they have advanced, feebly and with halting steps, it may be, but they have advanced to the high plane of American citizenship with reasonable and adequate ideas and conceptions of what that implies. For centuries they endured unexampled oppression with uncomplaining patience; and if during the war that was waged to rivet more firmly the chains that bound them there were instances where the negroes in the South committed outrages upon the women and children who were left to their charge, or destroyed or plundered the property that was confided to their care, while their masters were absent waging battle to reduce them to a profounder and more hopeless subjection and servitude, history does not record that fact. And since the war closed, having been elevated to citizenship, they have conducted themselves with an orderly and tranquil dignity that has justified the anticipation of those who declared that God had made of one blood all the nations of the earth, and has been the amazement and the admiration of the civilized world. They have acquired property; they have builded homes; they have established permanent domestic relations; they have deposited their savings in the banks; they have gathered about the schoolmaster; they have studied the Bible, and they can be safely left alone to work out their destiny under the influences that have operated to make all other members of our political society patriotic, intelligent, and happy. There is ample ground to warrant the expectation that the African race upon the American continent is destined hereafter to act no unimportant part in the great drama of our civilization.

Therefore, Mr. President, admitting that the constitutional power exists, which I do not dispute, admitting that we have the right to appropriate this money from the Treasury, which I do not deny, I contend that there is nothing in the condition of the South, their resources, the relations of the enfranchised slaves, that renders it necessary to call this great power into activity, to subvert the principle and practice of the public-school system, and to impose this enormous burden under false pretenses upon the finances of the nation.

It has sometimes been intimated that, having produced this condition of affairs in the South, the people of the North were unwilling to contribute to its alleviation. Sir, that stigma does not rest upon me. No one will make greater concessions, go farther and stay longer, than I will in the exercise of any constitutional power to relieve distress or promote the public welfare in any portion of our common country. I have not heard the representative of any Southern State make any other claim than this, not that they could not educate the Anglo-Saxon, not that they could not take care of their white illiterates, but that in consequence of the results of the war they had been subjected to great additional burdens which the North ought in justice and equity to share.

If that be the object and purpose of this bill, then let it be so amended and framed. If there be any State that, in consequence of impoverished resources, of decrease of tax-paying capacity, of excessive illiteracy between the ages of six and twenty-one years, is unable to provide schools, to hire teachers, to erect school-houses and furnish apparatus, let this be declared, and no Senator will vote with wider liberality than I to alleviate the distress.

If this measure can be so modified, as I understand the Senator from Iowa [Mr. ALLISON] proposes, to provide for liberal appropriations from the Treasury to support colored schools for children within the prescribed school ages of the States where they are established, it will be a pleasure and a duty to contribute to that result. But unless some such method as that can be adopted, unless the false pretenses upon which it is supported are abandoned, unless those who are now endeavoring to promote it relinquish the idea that pecuniary assistance is demanded or will be accepted by any portion of this country north of the Potomac and the Ohio Rivers, where the free-school system has been for so many generations successfully maintained by self-imposed taxation, I shall continue to oppose it. But let me not be misunderstood. It is not from hostility nor indifference; but because of my conviction that there is one duty alone that rests upon us—the obligation to give assistance for the purposes for which aid is necessary, and not upon the injurious pretension that the great States of the North and West, unable or unwilling longer to maintain their public-school system, are asking alms from the national Treasury.

Mr. HOAR. Mr. President, I have taken no share in the general debate upon this bill, either at the present session or when it passed during the last Congress. My silence is not due to any indifference to the great object which is intended to be accomplished, or to any want of approbation of the particular method or scheme which is devised here. I think there is no single object in public life dearer to me, no stronger object of personal desire, than the establishment of a perfect system of common-school education over the entire country. But I rise now only to correct a misapprehension of the Senator from Kansas who has just addressed the Senate.

I have been familiar from the beginning with this effort for a national system of education; I drew the first bill ever proposed, and the first bill which ever passed either branch of Congress, some ten or fifteen years ago. It was the same bill which, with some changes, I afterward introduced in the Senate, and which passed here. That proposition never came from the wish, the demand, or the request of the people of the South. When it first passed the House of Representatives, in the year 1872 or 1873, but three Southern Democratic votes, I think, were recorded in its favor. The proposition came from a Northern Representative, was devised by a Northern Representative, was supported almost exclusively by Northern Representatives, and was supported all over the North by the press, by religious bodies, by educational bodies that voiced the sentiment and the wish of the people of the North. Its acceptance at the South, with that portion of the South now dominant, has been the result of a gradual growth of public sentiment.

Mr. GEORGE. I wish to ask the Senator a question. My attention was diverted a moment ago when the Senator made a statement in reference to the vote on the first bill of this character in the other House.

Mr. HOAR. Upon the first bill, according to my recollection, there were but three Southern Democratic votes cast in favor of it—Mr. Gol-

laday, of Tennessee, and two gentlemen from the State of Kentucky; one of them, I believe, was Mr. Standiford.

Mr. GEORGE. In what year was that?

Mr. HOAR. In 1872 or 1873, I think. It seems to me that the honorable Senator from Kansas [Mr. INGALLS], to whose eloquent appeal I listened with admiration, with a large portion of which I most heartily and entirely concur, errs in another opinion, which pervades his entire speech. It is that Northern States are taxing themselves to yield to a demand, or that Southern States are making a demand. This bill proceeds upon the ground that in a nation in the government of which every citizen has an equal share, where the vote of the negro on the plantation in Arkansas or Mississippi equals the vote of the merchant prince in Boston or New York in regard to the measures and policies upon which the value of the property and the security of the business of the latter is dependent, the education of that citizen, taking that equal part in the government of the Republic, is as much the concern of the merchant prince as it is of the near neighbor of the negro on the plantation. There is not an interest in which the people of Massachusetts or the people of Kansas are concerned which is to be affected by the voice of the American people in regard to which it is possible to draw a distinction between the influence and the power of the illiterate person in Louisiana and the illiterate person in Massachusetts. It is because we are one, it is because their society is our society, it is because their interest is our interest, it is because in the sublime triumph which ended in 1865 it was determined that hereafter and forever this was to be a nation and not an aggregation of warring and conflicting communities held together by a feeble band, that we have a right to demand that the national resources shall be poured out to their fullest extent to secure for every American citizen that intelligence which is necessary to the common benefit and interest of all.

The honorable Senator from Kansas said yesterday or the day before, and repeated it several times, that this bill was an undertaking to appeal to the liberality or the generosity or the justice of the American Congress on false pretenses, and that a State that would accept it would be actuated by the same spirit which would pick a pocket or rob a church.

Mr. INGALLS. Or rob a graveyard.

Mr. HOAR. Or rob a graveyard; and the Senator supported that proposition by reference to a scheme upon which by this bill the money which is to be raised is to be distributed.

Mr. INGALLS. Section 2 I referred to.

Mr. HOAR. If I can find the language of the Senator I should like to read it. He said:

> Sir, this bill is essentially dishonest, and under section 2 upon the basis of distribution that is proposed the States which will take money under this bill are actuated by precisely the same spirit that would induce a man to pick a pocket or to rob a graveyard. When the States to whom this donation is to be given propose to ask us to vote $77,000,000 to be distributed upon the basis of illiteracy, to be determined by ascertaining the number of people within their limits above the age of ten years who can neither read nor write, that is essentially dishonest. It is an act of grand larceny of the Treasury of the United States. They do not intend to take that money for the purpose of educating those people upon whose illiteracy they obtain it. Let there be no misunderstanding about this matter. When the States of the South, for whom this money is intended, come here and ask that they shall obtain it, and that the basis of distribution shall be the number of illiterates above the age of ten years without any maximum, they know perfectly well, and the country knows, that they are obtaining that money under false pretenses.
>
> * * * * * * *
>
> That amendment—
>
> Speaking of his own amendment—
>
> was rejected by a vote, I believe, of 17 to 28; and that was a declaration of the purpose and the intention of those who are promoting this bill, and that is to obtain for the States of the South a vastly greater proportion of this money than they are by any reason or any equity entitled to.

Mr. INGALLS. The Senator ought not to do me an injustice by withholding the statement of the ground on which I made that declaration.

Mr. HOAR. I thought I had stated it.

Mr. INGALLS. Of course I adhere to my language, but the Senator, by reading extracts detached from the remainder, does me an injustice.

Mr. HOAR. Then let me read further.

Mr. INGALLS. I do not ask the Senator to read all of it, but the few lines which he read fail to state the reason I gave for my statement.

Mr. HOAR. That is what I was coming to. I understand the reason for the Senator's statement. He states that the South are engaged in a fraudulent combination to get much more than their proportionate share of this fund. The Senator bases it upon a provision of the bill that the distribution is to be made on the basis of the illiteracy over ten years of age, of persons from ten years to ninety, and he says that the just proposition, which would reduce them more nearly to their proper share, would be to base it upon the illiteracy of those persons between ten years and twenty-one.

Mr. INGALLS. Yes; of school age.

Mr. HOAR. Persons of school age.

Mr. INGALLS. Persons who would receive the benefit of the money.

Mr. HOAR. Persons who would receive the benefit of the money. Now, let us see. I have taken the two States of Massachusetts and Mississippi from the census, which, I suppose, furnish a perfectly fair test and sample of the whole thing. In Massachusetts the whole number of illiterates over ten years of age is 92,980. I ought to say that we stand at the head of all communities on the face of the earth in regard to the natives, but these illiterates are made up chiefly of foreign residents in Massachusetts who have moved there. The number of illiterates in Massachusetts over ten years of age, let me repeat, is 92,980. The number of illiterates in Mississippi over ten years of age is 373,201. So on the basis of the bill Mississippi gets four times as much as Massachusetts, with which Massachusetts is entirely content.

Now the number of illiterates in Massachusetts over twenty-one is 83,891. Subtracting that from the whole number, the number of illiterates in Massachusetts between ten and twenty-one, which the Senator from Kansas would take as a basis, is 9,089; whereas the number of illiterates over twenty-one in Mississippi is 235,911, which deducted from 373,201 leaves 138,290; so that under the basis proposed by the Senator from Kansas the State of Mississippi, which is trying to cheat the United States by false pretenses, would get fifteen times as much as Massachusetts, whereas under the basis proposed by the bill she gets four times as much.

Mr. INGALLS. Nothing lies like figures.

Mr. HOAR. I think sometimes people lie under mistakes from not having read their figures before they make their speech.

Mr. President, I sympathize with the feeling of the Senator from Kansas in regard to the present and the future condition of the black race, but I look at this thing as a practical question. I do not care whether Mississippi or South Carolina or any other State is to blame for not educating or providing for her blacks. I believe that unless the United States Government helps do this thing it will not be done, or if it be done at all it will be done in the far distant future. I believe if the United States Government helps do this thing it will be done; and believing that its accomplishment is a local, individual, State concern to the people of Massachusetts, as much as it is to the people of any other State, that the people of every American State who are to share in American citizenship and American Government should be able to take an intelligent share in that citizenship, I am willing, and the people whom I represent and whose opinions and views I know, are willing, that the United States Government shall make this gift from the public Treasury; and I should be quite inclined to consent, if it were necessary, even to the larger proportion which unwittingly the amendment of the honorable Senator from Kansas proposed should be given to the people of the South and the smaller proportion to the people of the State I represent.

The people of the South, the white Democrats of the South, have sins enough to answer for, before the war, and during the war, and since the war. I join my honorable friend from Kansas in hating as the worst of crimes the suppression of the vote which honestly belongs to a portion of the people in some parts of the country. But I think that people, whatever may have been their faults, are not to be justly taunted either with seeking by dishonest and false pretense to obtain money by this bill from the national Treasury, or with having uttered in the ear of the nation a pusillanimous cry for help. This measure is of Northern origin, it is of Northern construction, it is of Northern support, it is of Northern desire, and it rests upon that constitutional doctrine which has been dear to the heart of the people of the North since the Constitution went into effect, that in all matters which affect nationality or citizenship the people of the United States are one, that "The eye can not say unto the hand, I have no need of thee; nor again the head to the feet, I have no need of you."

Mr. WILSON, of Maryland, obtained the floor.

REMOVAL OF POLITICAL DISABILITIES.

Mr. EDMUNDS. I ask unanimous consent to be allowed to report at this time from the Committee on the Judiciary three bills for the removal of political disabilities, which have been considerably delayed on account of the delay in getting information from the Departments, and in respect of one of whom the gentleman concerned is a very aged man, and he wishes when his time comes to leave this world in perfect peace with the United States. I therefore ask unanimous consent to submit these reports at this time, and I ask for their present consideration.

The PRESIDENT *pro tempore*. The Senator from Vermont asks leave to submit several reports from the Committee on the Judiciary. The Chair hears no objection, and the title of the first bill reported will be read.

The CHIEF CLERK. A bill (H. R. 3846) to remove the disabilities of Alexander P. Stewart, of La Fayette County, Mississippi.

The PRESIDENT *pro tempore*. Is there objection to the present consideration of the bill?

Mr. BLAIR. Are they likely to take any time?

Mr. EDMUNDS. Not any time at all.

Mr. BLAIR. Very well.

By unanimous consent, the Senate, as in Committee of the Whole, proceeded to consider the bill.

Mr. EDMUNDS. I will state that it appears in this case, as in the two others which I shall submit, that there are regular and respectful

petitions and that these gentlemen are not indebted to the United States; so they come within the rule.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed (two-thirds of the Senators present voting in the affirmative).

Mr. EDMUNDS. I report House bill No. 3827 of the same character.

The bill (H. R. 3827) to remove the political disabilities of Thomas L. Rosser was considered as in Committee of the Whole.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed (two-thirds of the Senators present voting in the affirmative).

Mr. EDMUNDS. I present one other report of a similar character, House bill No. 4409.

The bill (H. R. 4409) to remove the disabilities of Edward G. W. Butler, of Missouri, was considered as in Committee of the Whole.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed (two-thirds of the Senators present voting in the affirmative).

Mr. BECK. Mr. President.

The PRESIDENT *pro tempore*. The Senator from Maryland [Mr. WILSON] is entitled to the floor. Does the Senator from Kentucky rise to the bill which has just been passed?

Mr. BECK. I only rose to ask if that is the last bill of that character now.

The PRESIDENT *pro tempore*. These are the only three that have been presented.

Mr. BECK. I voted for them all, as I always do, and I only rose to say that I do not know any smaller business for the Senate of the United States to be engaged in now than in peddling out bills for the removal of disabilities. I have endeavored for years to have a general bill passed so that this thing should not be done. While I vote for each one I do not know that I can express my idea on the subject of the smallness of the business of peddling them out now.

The PRESIDENT *pro tempore*. The bill has passed. The Senator from Maryland is entitled to the floor.

Mr. EDMUNDS. Mr. President——

The PRESIDENT *pro tempore*. Does the Senator from Maryland yield to the Senator from Vermont?

Mr. WILSON, of Maryland. Yes, sir.

Mr. EDMUNDS. I think the Senator from Kentucky does the Committee on the Judiciary and the Senate great injustice. He is entitled to his opinion, and the rest of us are entitled to ours. All that the United States asks of any person now, a respectable and a good citizen, to relieve him from the penalty that the Constitution has imposed upon him for violating his oath, and deserting the Constitution that he had sworn to support, and making war against the United States is, that he shall present a respectful petition showing that he is ready to give up fighting the United States any longer and has paid the debts that he owes to the United States for moneys that he received in his official character. If the Senator thinks that is peddling out the removal of disabilities, he is entitled to his opinion.

Mr. BECK. Mr. President——

The PRESIDENT *pro tempore*. The Senator from Maryland has the floor. Does he yield further?

Mr. BLAIR. Mr. President——

Mr. BECK. One moment, if I may be allowed. Twelve years ago the House of Representatives, then having a three-fourths Republican majority, passed a bill under the lead of a former Representative from Tennessee, Mr. Maynard, removing all disabilities. Before that time the Senate had done it, but it never was done at the same time in both Houses. It may be a gratification to the Senator from Vermont, after both the Senate and the House have come to an agreement to remove all disabilities, now to be peddling out separate relief bills. If so, in the present condition of the Senate I can not prevent him from being so gratified.

AID TO COMMON SCHOOLS.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (S. 194) to aid in the establishment and temporary support of common schools.

Mr. WILSON, of Maryland. Mr. President, I do not propose to make a speech on this bill; but since it offers a goodly sum of money to my State for school purposes, I wish very briefly to make known the reasons why I can not vote to receive it.

I believe it is usual, when one is invited to a feast, to give his excuses why he can not partake of the proffered hospitality. Every one who has spoken in favor of this measure—at least on this side of the House—has distinctly stated that all the power claimed for Congress is to appropriate money for the benefit of schools within the States, all the time most emphatically disclaiming all right to control by legislation their school systems, which are conceded to be exclusively within the sphere of State action. I shall view the question entirely in the light of such concessions, without committing myself to the power of appropriation thus claimed. Conceding, then, for the sake of the argument, the power thus claimed, the measure before us forcibly demonstrates the dangers and abuses likely to result from an attempt by Congress to appropriate money to be expended within the States for purposes outside of Federal control, and lying exclusively within the reserved rights and duties of the States.

Right here, in the first attempt to appropriate out of the national Treasury money raised by taxation for the maintenance of public schools, with a full disclaimer on the part of the friends of the bill of any desire or power to shape or control State school systems, we find the baldest attempts to dictate to the States how those systems shall be ordered and regulated. It first provides that so many millions of dollars shall be distributed among the States for the support of common schools upon the basis of illiteracy. If it stopped there it would be such a law as its advocates alone claim the power to enact. But the bill further proceeds to prescribe a course of studies as a condition precedent to the enjoyment of its bounty. It is perfectly manifest that if we have the right to prescribe one course of study of the simplest kind we have the right in like manner to enforce another of a still higher grade; or, in other words, we can take charge of that entire branch of school legislation, giving the State the alternative of conforming to our will or of losing all claim to her share of such apportionment.

Another section provides that unless a State raises by home taxation as much money as her apportionment under the law would give her she shall forfeit the difference between the amount she does raise and the amount of her apportionment. Thus, she must adapt her legislation to this bill in the exercise of her sovereign right of taxation or pay the penalty of disobedience.

Another section forbids the spending of any of the money allotted to a State toward building school-houses. It makes the erection of more school-houses absolutely necessary to the full fruition of this money in many of the States, but imposes upon such States the necessity of further State taxation for such new school-houses or makes them forfeit all right to any share of this common fund.

Another section provides that no money shall be paid out to any State which shall not have provided a system of free common schools for all its children of school age, without distinction of race or color, either in the raising or in the distributing of school revenues, or in the school facilities afforded. Several States, as their laws now stand, must report systems in a greater or less degree not conformable to this requirement. Such States, then, must forfeit all claim to any share of this fund, whilst bearing their full share of the burdens of taxation, or hasten to conform their laws to the dictation of Congress.

Now, let us not be told that Congress does not actually establish any school system in a State by direct and positive legislation, but only enacts conditions precedent which we must conform to if we desire to reap any benefit from this legislation. Such a law, it is plain, will prove a direct and powerful agency toward coercing States in such law-making as Congress chooses to impose upon them. It will be an entering wedge to the control of State systems of education, to be driven home by the powerful influences of great and much-coveted largesses on the one hand and of heavy punishments by way of forfeitures on the other. If it were in the power of a State to escape taxation while rejecting all benefit from such a law there would be but little practical hardship. But she must pay her quota of taxation, while if she does not bow the knee to Federal dictation like a whipped child she is driven away from the table and is not permitted to partake of the feast.

If the representatives of the States and people once succumb to this species of legislation, then indeed will our States and people lie prostrate at the feet of Federal power. This Government can tax the people *ad libitum*—$70,000,000 per annum, if they choose, instead of an average of $7,000,000 for school purposes; and then debar any State from the enjoyment of any share of this enormous burden until she complies with any conditions Congress sees fit to impose. If we can donate public money for schools, prescribing rules to which States must accede by corresponding legislation, what is to hinder Congress from appropriating money to improve the road systems of the States, with like provisions for forfeitures upon the non-compliance with prescribed conditions? And so with the police systems and other great branches of the State's legislative powers.

Sir, such legislation as the bill before us initiates is nothing but the beginning of a system which would enable the General Government, by tempting gifts on the one hand and crushing forfeitures on the other, to bring the States into the most disgraceful of all subjections, based in equal degrees upon the ignoble motives of greed and fear.

The simple truth must be, Mr. President, and common sense so declares, that when subjects like education, internal police, and road systems are clearly committed to the States their jurisdiction over such matters is conclusive, and Congress has nothing whatever to do with them. Being reserved to the States, it is their business not only to legislate on such subjects but to support them by all needful taxation. If Congress has the power to aid in their support, we have just as much power to support them altogether; and all experience teaches that the power which supports will control.

I have not the slightest idea that the support supplied by this bill will end with the eight years. The State systems—especially in the South—will be enlarged and made more costly by your gifts; so that at the end of that term of years their proportions will have outgrown the ability of the States to manage, and especially will have outrun their

disposition to maintain, after they have leaned so long upon a more powerful arm. The eight years will not have materially reduced the mass of illiteracy; and rather than surrender the benefits gained, by recommitting the school systems entirely to feeble and inadequate hands, the same order of things will be continued, with extended control on the part of Congress and increased subserviency on the part of the States, all of which will end in a grand national scheme of education, with a great central bureau at Washington supervising and directing every detail of common-school education throughout the country.

Sir, there is no safety to our institutions but in confining both the General Government and the States within their legitimate powers and duties, both as to appropriations and legislation. Let the States be never so jealous and guarded, power will always be tending from the many to the few. But if the States come and beseech the General Government to assume their proper functions and to bear their burdens, and to overshadow them with its powers in matters with which it was never intended to interfere, and which it can not in any wise deal without the State's consent, then, indeed, will the march of empire toward this capital be fearfully accelerated.

Let Congress, under the assumed or real power of appropriating the public money toward other purposes than those growing out of their enumerated powers, strive to stamp out cattle plagues or alleviate the destitution of storm or plague stricken people either at home or abroad, or erect a grand national university in this beautiful city; for such matters are either occasional and evanescent in their character, or may be referred to other grants of power to Congress, and are not important to be controlled by the States, in order to preserve their dignity and their rightful status in our dual system of government; but let us keep our hands away from our State school systems, for which we have not and never claimed the power to legislate, and even now disclaim such power, while all the while we are insidiously imposing the heavy hand of power on them and are treacherously bringing gifts, in return for which we demand that they shall conform their legislation to our will or lose all benefit of the taxation, the burden of which they have helped to bear.

While I would not and do not battle for the rights of the States to render them powerful and aggressive as against the General Government, I do most anxiously and most earnestly beseech that all their plain and undisputed rights and jurisdiction shall be most sacredly guarded, as the only security we have on earth to be at once free and the citizens of an almost illimitable empire.

Mr. HARRIS. Mr. President, in view of the full and exhaustive discussion of this bill, I have no wish to delay the action of the Senate by prolonging the debate, and will therefore content myself by putting upon record, without argument or elaboration, some of the reasons which will control my vote.

Believing as I do, and as I think has been clearly shown by the arguments and authorities cited by the Senator from Alabama [Mr. MORGAN] and the two Senators from Texas, that Congress has no power under the Constitution to levy and collect taxes and appropriate the money so collected to this purely State purpose of maintaining a system of common schools, I shall record my vote against the passage of the bill.

But if it was free from all constitutional objection I should still oppose it, for the reason that the money to be appropriated for this purpose, whether taken from the treasury of the several States or from the Federal Treasury, is drawn by taxation from the pockets of the people of the several States and Territories. And as the people have to pay these $77,000,000, it becomes a matter of interest to them to ascertain the method by which it can be paid with the least inconvenience and injury to themselves.

If collected under the direct-tax system of the States every dollar drawn from their earnings would go into the Treasury less the small commission for collection. And they would get the benefit of all that they were compelled to pay—each citizen having contributed in proportion to his wealth and his ability to pay. Not so, however, under the Federal system of taxation; about two-thirds of our Federal revenues being collected under our tariff laws, in the practical operations of which, to get $1 into the Treasury they are compelled to pay many dollars in the way of bounty to the protected home manufacturers, and the poorest man often compelled to pay as much as the most wealthy.

Therefore, on the score of economy as well as of right, I would leave the matter of common-school education to the States, where it properly, legitimately, and exclusively belongs.

I will not consent that the people of Tennessee shall be taxed to educate the children of Massachusetts or Louisiana. Nor would I consent to tax the people of Massachusetts or Louisiana to educate the children of Tennessee. Nor do I wish to consult either the representatives or people of other States as to how much the people of Tennessee shall be taxed to support their own domestic institutions, educational or others. Nor do I wish to be consulted or in any manner interfere with the administration of the domestic affairs of any State other than my own. Nor would I ever consent to see the strong hand of Federal power extended into any State for the purpose of controlling or in any manner interfering with its domestic affairs.

Each State is the best judge of its own educational necessities, and the extent to which it is able to meet them, and should be left free to determine for itself, and to provide for these necessities in its own way. And even though it may not be able to provide for them as fully as it may desire, is it for that reason, to assume the rôle of mendicant and ask alms at the hands of its more fortunate neighbors? If so, let it beg in the ordinary way, and not through the coercive power of the revenue laws of the United States.

Those of us who oppose this bill can well afford to rest the case upon the arguments and authorities already referred to. That it will pass the Senate, however, is a foregone conclusion. I see in it seventy-seven millions of reasons why it will pass.

Mr. MAXEY. I give notice now that when the bill is reported to the Senate I shall offer in the Senate the same amendment which I offered in Committee of the Whole, proposing to add after the word "Treasury" in the fourth line of the first section the words "not otherwise appropriated," &c.

Mr. RIDDLEBERGER. Was not that amendment passed upon?

Mr. MAXEY. It will not take me three minutes to state what I wish to say.

Mr. RIDDLEBERGER. Was not that amendment passed upon; and, if so, can it be offered again just as it was before?

The PRESIDENT *pro tempore*. The Chair will state that the amendment has been passed upon in committee, and that it can be renewed in the Senate.

Mr. MAXEY. I have a right to renew it in the Senate.

Mr. RIDDLEBERGER. I do not want to hear what occurred in committee, because I prefer to have it stated here. Was not the amendment of the Senator from Texas offered before and passed upon in the Senate?

The PRESIDENT *pro tempore*. The Senator from Texas has the floor.

Mr. MAXEY. I will now give my reasons for renewing the amendment in the Senate. When the amendment was offered in Committee of the Whole I stated that I was not prepared to say whether the usual words, "not otherwise appropriated," had been left out by accident or design. I afterward heard the statement made by the Senator from New Hampshire, which I will read, and I now think it was not done by accident. Last Wednesday evening he said, as printed in the RECORD of February 18, page 1513:

> This bill is the result of three months' debate and careful examination, and the closest possible scrutiny by the Republican caucus in the last Congress. They considered every line and syllable, every abbreviation and every punctuation point, and it was thought that the bill was as sufficiently restricted and close in its provisions with reference to the expenditure of this money as the wit of man could make it.

Now, I am satisfied that those words were left out with a design, and for this purpose: The argument has been made on this floor that no dollar can be placed in the Treasury by taxation except to carry out one of the enumerated powers in the Constitution, but that after the money gets into the Treasury, then, under the general-welfare clause of the Constitution, it can be paid out without the slightest regard to the enumerated powers.

Mr. RIDDLEBERGER. Is this an amendment that has been acted upon?

Mr. MAXEY. I do not desire to be interrupted.

Mr. RIDDLEBERGER. If it is an amendment that has been acted upon in Committee of the Whole I have a right, or any other Senator has a right, to ask that it shall be printed anew and laid upon the desks of Senators.

The PRESIDENT *pro tempore*. The Senator from Texas has the floor.

Mr. RIDDLEBERGER. I ask now that it shall be printed anew before it is acted upon.

Mr. MAXEY. I should be glad to go on with what I have to say.

The PRESIDENT *pro tempore*. The Senator from Texas has the floor.

Mr. MAXEY. As the bill now stands it reads, "There shall be annually appropriated from the money in the Treasury the following sums." That language would possibly give ground for the most fallacious argument that was ever offered on the floor of any legislative body; but to put the words in which I offered to put in, "not otherwise appropriated," and especially excepting out the class of debt to which I referred, the current expenses of the Government, the interest on the public debt, the sinking fund, and the large amount which we have agreed to vote for pensions, then this would not go out of the Treasury, but would have to be collected by taxation, and away would go that argument.

The Senator from Iowa, in the short discussion he had upon that point, admitted the proposition that if we passed this bill the money would have to be raised by taxation if necessary, or even by a loan if necessary, in order to comply with it, and thus that argument passed by the board.

Therefore I say that when we go before the country on this bill the bill should state the truth. It should say that what we design and intend if the bill passes is that the people of this country are to be taxed to carry it out, and if that be true, then those who have made this argument concede themselves that the money has to be raised by taxation; that there being no grant of power in the Constitution to

authorize that taxation, we have no right to make it. It is for that reason that I make the proposition to amend the first section of the bill as I have indicated.

Mr. PLUMB. I move that the Senate adjourn to Monday next.

Several SENATORS. Say Tuesday.

Mr. PLUMB. I will say Tuesday.

Mr. RIDDLEBERGER. Will the Senator allow me to have an amendment reprinted?

Mr. PLUMB. I withdraw the motion for that purpose.

Mr. RIDDLEBERGER. I ask that the amendment of the Senator from Texas shall be reprinted, if it is to be reoffered, so that we may know exactly what we are doing with amendments to this bill. I believe that that is a request which is usually granted.

The PRESIDENT *pro tempore*. The Senator from Texas has not yet offered his amendment.

Mr. RIDDLEBERGER. I understood him to offer it before he commenced his remarks.

Mr. MAXEY. I gave notice that when the bill passed into the Senate I should offer it. That is according to the rules of the Senate, and it is what I propose to do.

Mr. RIDDLEBERGER. I want to have it printed. I know what the amendment is, but it is better to have it on the desks of Senators.

The PRESIDENT *pro tempore*. Does the Senator from Kansas insist on his motion?

Mr. BLAIR. I ask the Senator to withhold his motion for a moment.

Mr. PLUMB. I will withhold the motion for the purpose of allowing the Senator from Oregon [Mr. DOLPH] to offer an amendment.

Mr. DOLPH. I offer some amendments intended to be proposed to the bill so that they may be printed before the next meeting of the Senate.

The PRESIDENT *pro tempore*. If there be no objection the proposed amendments will be received and printed.

Mr. PLUMB. I now renew my motion to adjourn.

Mr. BLAIR. I appeal to the Senator from Kansas to allow me to make an inquiry of the Senator from Texas.

Mr. PLUMB. I withhold the motion for that purpose.

Mr. BLAIR. I was unable to hear the Senator from Texas. I ask the attention of the Senator from Texas.

The PRESIDENT *pro tempore*. The Senator from New Hampshire appeals to the Senator from Texas.

Mr. BLAIR. Mr. President, I was able to hear very little of what the Senator from Texas either said or read. I gathered that he inferred that there was some indirection or some sleight-of-hand work with reference to the first section of the bill. I was not aware of any; and I am sure I can not make any statement without knowing precisely what he said. There is no objection to the Senator offering any amendment, whether it has been passed upon already or not. I have no desire whatever to prevent any amendment being offered.

Mr. MAXEY. The Senator belongs to the sanhedrim, and I do not belong to that body.

ADJOURNMENT TO TUESDAY.

Mr. PLUMB. I will change my motion, at the request of the Senator from Vermont [Mr. EDMUNDS], and move that when the Senate adjourn to-day it be to meet on Tuesday next. The Senate appreciate the reason for that. If we meet on Monday we shall immediately adjourn.

The PRESIDENT *pro tempore*. The question is on the motion of the Senator from Kansas.

The motion was agreed to.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. CLARK, its Clerk, announced that the House had passed a joint resolution (H. Res. 125) in recognition of the services of Joseph Francis; in which it requested the concurrence of the Senate.

EXECUTIVE SESSION.

Mr. EDMUNDS. I move that the Senate proceed to the consideration of executive business.

The motion was agreed to; and the Senate proceeded to the consideration of executive business. After thirty-five minutes spent in executive session the doors were reopened, and (at 5 o'clock and 40 minutes p. m.) the Senate adjourned.

EXECUTIVE NOMINATIONS.

Executive nominations received the 18th day of February, 1886.

FOR PROMOTION IN THE NAVY.

Pay Inspector Richard Washington, to be a pay director in the Navy, from the 5th February, 1886, *vice* —— Russell, retired.

Paymaster Francis H. Swan, to be pay inspector in the Navy, from the 5th February, 1886, *vice* Washington, promoted.

Passed Assistant Paymaster Lawrence G. Boggs, to be a paymaster in the Navy, from the 28th January, 1886, *vice* McConnell, retired.

Lieut. Samuel W. B. Diehl, junior grade, to be a lieutenant in the Navy, from the 9th January, 1886, *vice* Wood, deceased.

Ensign Lovell K. Reynolds, to be a lieutenant, junior grade, in the Navy, from the 9th January, 1886, *vice* Diehl, junior grade, promoted.

Lieut. Commander Charles J. Train, to be a commander in the Navy, from the 17th January, 1886, *vice* Hayward, deceased.

Lieut. Frederick W. Crocker, to be a lieutenant-commander in the Navy, from the 17th January, 1886, *vice* Train, promoted.

Lieut. Reginald F. Nicholson, junior grade, to be a lieutenant in the Navy, from the 17th January, 1886, *vice* Crocker, promoted.

Ensign James C. Gillmore, to be a lieutenant, junior grade, in the Navy, from the 17th January, 1886, *vice* Nicholson, junior grade, promoted.

Lieut. Robert M. Berry, to be a lieutenant-commander in the Navy, from the 4th February, 1886, *vice* Cutts, deceased.

Lieut. Edmund B. Underwood, junior grade, to be a lieutenant in the Navy, from the 4th February, 1886, *vice* Berry, promoted.

Ensign Louis W. Piepmeyer, to be a lieutenant, junior grade, in the Navy, from the 4th February, 1886, *vice* Underwood, junior grade, promoted.

Lieut. Samuel C. Lemly, junior grade, to be a lieutenant in the Navy, from the 20th January, 1886, *vice* Hadden, deceased.

Ensign Benjamin Tappan, to be a lieutenant, junior grade, in the Navy, from the 20th January, 1886, *vice* Lemly, junior grade, promoted.

Executive nominations received the 19th day of February, 1886.

UNITED STATES MARSHAL.

Charles B. Harmon, of Maine, to be marshal of the United States, for the district of Maine, *vice* George D. Bisbee, whose term expires February 20, 1886.

POSTMASTERS.

Benjamin M. Blackburn, to be postmaster at Madison, Morgan County, Georgia, *vice* David S. Johnston, failed to qualify and not commissioned.

Lewis H. Mills, to be postmaster at Carthage, Jefferson County, New York, *vice* Lloyd G. Chase, commission expired.

WITHDRAWAL.

Nomination withdrawn the 19th day of February, 1886.

Christopher Franks, to be marshal of the United States for the district of California.

CONFIRMATIONS.

Executive nominations confirmed by the Senate February 17, 1886.

SURVEYOR-GENERAL OF DAKOTA.

Maris Taylor, of Yankton, Dak., to be surveyor-general of Dakota.

RECEIVERS OF PUBLIC MONEYS.

Leigh O. Knapp, of Raton, Colfax County, New Mexico, to be receiver of public moneys at Santa Fé, N. Mex.

Downer T. Bramble, of Yankton, Dak., who was commissioned during the recess of the Senate, to be receiver of public moneys at Watertown, Dak.

POSTMASTERS.

W. B. Colston, to be postmaster at Martinsburg, in the county of Berkeley and State of West Virginia.

Newton S. Barus, to be postmaster at Fairmont, in the county of Marion and State of West Virginia.

Executive nominations confirmed by the Senate February 19, 1886.

UNITED STATES MARSHALS.

William M. Campbell, of Minnesota, to be marshal of the United States for the district of Minnesota.

John Christian Frank, of California, to be marshal of the United States for the district of California.

ARMY.

First Lieut. Thomas C. Davenport, of the Ninth Cavalry, to be first lieutenant Fourth Artillery.

First Lieut. Joseph Garrard, of the Fourth Artillery, to be first lieutenant Ninth Cavalry.

HOUSE OF REPRESENTATIVES.

FRIDAY, *February* 19, 1886.

The House met at 12 o'clock m. Prayer by the Chaplain, Rev. W. H. MILBURN, D. D.

The Journal of yesterday's proceedings was read and approved.

COPIES OF REVISED STATUTES FOR LIBRARY.

The SPEAKER, under the rule, laid before the House a letter from the Secretary of State, reporting that, in compliance with the resolution of the House of January 26, 1886, 100 copies of the Revised Statutes of the United States and of the Supplement thereto will be furnished the Library of the House; which was referred to the Committee on the Library.

FEEBLE-MINDED CHILDREN OF THE DISTRICT.

The SPEAKER also laid before the House a letter from the Secretary of the Treasury, transmitting estimates from the Secretary of the Interior

of appropriations for the education of the feeble-minded children of the District of Columbia for the fiscal years ending June 30, 1885, and June 30, 1886; which was referred to the Committee on Appropriations, and ordered to be printed.

LAWS OF ARIZONA.

The SPEAKER also laid before the House a letter from the Secretary of the Interior, transmitting a copy of the session laws of the Territory of Arizona for the year 1885; which was referred to the Committee on the Territories.

PETER MACK ET AL. VS. UNITED STATES.

The SPEAKER also laid before the House a letter from the assistant clerk of the Court of Claims, transmitting copies of orders and findings of fact in that court in the case of Peter Mack *et al. vs.* the United States; which was referred to the Committee on War Claims.

REFERENCE OF SENATE BILLS.

The SPEAKER also laid before the House bills of the Senate of the following titles; which were read twice, referred to the committees named, and ordered to be printed:

A bill (S. 30) for the relief of Harry I. Todd, late keeper of the Kentucky penitentiary—to the Committee on Claims.

A bill (S. 94) for the relief of Mrs. Sarah Elizabeth Holroyd, widow and administratrix of the estate of John Holroyd, deceased—to the Committee on Claims.

A bill (S. 349) for the promotion of anatomical science and to prevent the desecration of graves—to the Committee on the District of Columbia.

A bill (S. 353) for the relief of J. D. Morrison, surviving partner of C. M. & J. D. Morrison—to the Committee on Claims.

A bill (S. 491) to provide for an American register for the steamship Caroline Miller, of Baltimore, Md.—to the Select Committee on Shipbuilding and Ship-owning Interests.

A bill (S. 632) to provide for the settlement of the estates of deceased Kickapoo Indians in the State of Kansas, and for other purposes—to the Committee on Indian Affairs.

A bill (S. 936) for the relief of John M. McClintock—to the Committee on Claims.

A bill (S. 952) to authorize the increase of the capital stock of the Citizens' National Bank of Louisville, Ky.—to the Committee on Banking and Currency.

A bill (S. 1052) for the relief of Capt. C. H. Warrens—to the Committee on Claims.

A bill (S. 1055) to amend section 2148 of the Revised Statutes of the United States in relation to trespassers on Indian lands—to the Committee on Indian Affairs.

JAMES CLIFFORD.

The SPEAKER also laid before the House the bill (S. 738) for the relief of James Clifford; which was read a first and second time.

Mr. ROGERS. I ask unanimous consent to put that bill upon its passage at this time. I will state that the same bill, *verbatim et literatim*, has been reported from the Committee on Claims and is now pending on the Calendar. It is a very meritorious measure, and I think will be passed without objection.

The SPEAKER. The gentleman from Arkansas asks unanimous consent for the present consideration of this bill. The bill will be read, after which the Chair will ask for objections.

The bill was read, as follows:

Be it enacted, &c., That the sum of $576.70 shall be paid to James Clifford, of Fort Smith, Ark., out of any money in the Treasury not otherwise appropriated, in payment for iron doors and windows furnished for the United States jail at Fort Smith, in the western district of Arkansas, during the year 1874, under employment by the jailer.

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. BURROWS. I desire to inquire if this bill has been considered by a committee of the House?

Mr. ROGERS. It has; and it has been reported both this session and last session. I think this is the fourth time this bill has been reported by a committee of this House, and it is now on the Calendar.

Mr. BURROWS. I hope the gentleman from Arkansas will give a brief explanation of the bill.

Mr. HOLMAN. I should like to hear an explanation, reserving the right to object.

The SPEAKER. The gentleman from Indiana [Mr. HOLMAN] reserves the right to object.

Mr. REED, of Maine. I do not think that is regular. I have no objection to the bill being considered, but I do not wish to have its consideration rest on the ability of the gentleman in charge of it to convince one man in the House.

Mr. HOLMAN. I do not reserve the right to object.

The SPEAKER. The bill is before the House for consideration.

Mr. ROGERS. In 1874 there were imprisoned in the jail at my town, the Federal jail, under the exclusive control of the Federal Government, and belonging to the Government, about one hundred prisoners, and they were still coming in, the court at Fort Smith being the court which exercises jurisdiction over the Indian Territory. The marshal of the district was at that time absent with a batch of prisoners to be confined at Detroit, Mich. In his absence it became necessary, by reason of want of space in the single room in which these prisoners were confined, to make some changes in another room adjoining and to strengthen both rooms, that the prisoners might be safely kept. The jailer in charge employed this man, whose personal integrity and character I have pleasure in vouching for, in doing this work, including the making and hanging of some iron doors and windows for the jail. This old man, in the utmost innocence and good faith, went forward and did this work. It turned out the jailer had no authority to make the contract, and when the account for the work was referred to the Department of Justice it declined to order the claim to be paid, as there was no authority for doing the work. It accepted the work, and to my personal knowledge, up to the hour I left home, the Government was enjoying the benefit of that work. The old man was driven to bring his case to Congress, and has been here since 1874 asking for the payment of this claim.

It has been reported upon favorably by every committee of both Houses of Congress, I believe, from that time till the present, yet it has never been reached upon the Calendar. The correctness of the claim is sworn to by the marshal and by the jailer who employed Mr. Clifford to do this work; it is certified to by the Federal judge now presiding over that court—a gentleman who was once a member of this body, and who says the work was absolutely necessary in order to safely keep these prisoners, and resulted economically to the Government by dispensing with guards that had been previously necessary for the safe-keeping of the prisoners. The Government has enjoyed the benefits of the work from that day to this. In my judgment, no more honest and straightforward claim was ever presented to Congress than this little claim due to an old man now past seventy years of age, and who has been knocking at the doors of Congress since 1874 to get payment for his labor and material.

A MEMBER. What is the amount?

Mr. ROGERS. A little over $500.

The bill was ordered to a third reading, was accordingly read the third time, and passed.

Mr. ROGERS moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

The SPEAKER. If there be no objection the Committee of the Whole House will be discharged from the further consideration of House bill No. 75, providing for the payment of this claim, and the bill will be laid on the table.

There being no objection, it was ordered accordingly.

LEAVE TO PRINT.

Mr. KELLEY. With entire respect to the House and all its members, I renew my request to incorporate in my remarks on the bill disposed of yesterday for the relief of Fitz-John Porter the review of the testimony, which I propose to substitute for a review of my own. I ask leave to print it in connection with my remarks.

The SPEAKER. The gentleman from Pennsylvania [Mr. KELLEY] asks unanimous consent to incorporate in his remarks on the bill for the relief of Fitz-John Porter a review of the testimony by Judge-Advocate-General Holt. Is there objection?

Mr. BRAGG. Mr. Speaker, the war being over, the tide of battle having moved away, I am in favor of general amnesty; and therefore I am entirely willing that the gentleman should print all he desires.

The SPEAKER. There being no objection, the leave requested by the gentleman from Pennsylvania will be granted.

Mr. WHEELER. I ask permission to print in the RECORD a review of Judge Holt's paper.

The SPEAKER. By whom?

Mr. WHEELER. I have prepared it myself.

The SPEAKER. The gentleman from Alabama asks unanimous consent to print in the RECORD a review of the paper which the gentleman from Pennsylvania has obtained leave to print.

Mr. STEELE. I object.

LEAVE OF ABSENCE.

Mr. MAYBURY, by unanimous consent, obtained leave of absence for ten days.

JOSEPH FRANCIS.

Mr. HEWITT. I ask unanimous consent to call up for present consideration a joint resolution (H. Res. 125) which has been reported favorably by the Committee on Commerce. I ask that it may be read subject to objection.

The SPEAKER. The resolution will be read, after which the Chair will ask for objection.

The Clerk read as follows:

Joint resolution (H. Res. 125) in recognition of the services of Joseph Francis.

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That in view of the life-long services to humanity and to his country of the now venerable Joseph Francis, in the construction and perfection of life-saving appliances by which many thousands of lives have been saved, the thanks of Congress be, and are hereby, tendered to Joseph Francis; and that the President of the United States is hereby authorized to cause to be prepared a gold medal, with a suitable inscription, to be presented to Mr. Francis, in recognition of his eminent services.

The SPEAKER. Is there objection to discharging the Committee of the Whole House from the further consideration of this resolution, and proceeding to its consideration?

Mr. COX. I would like to know what will be the effect of the passage of this resolution—whether it confers any privileges or emoluments.

Mr. HEWITT. No privileges follow a vote of thanks by Congress, except to an officer of the Army or Navy. Therefore Mr. Francis will take nothing by the passage of this resolution beyond securing a recognition of services which, according to the unanimous report of the Committee on Commerce, should be recognized in this way.

Mr. WARNER, of Ohio. Can we have the report read?

Mr. HEWITT. It may be read if the gentleman so desires.

Mr. SCOTT. Mr. Speaker, I desire to ask the gentleman from New York [Mr. HEWITT] whether this resolution proposes to give to Mr. Francis the credit of having invented the surf-boat?

Mr. HEWITT. It does not. The resolution does not pass on that question.

Mr. SCOTT. That is a question upon which there is some dispute, and one in which a gentleman of my district has an interest. Therefore I could not allow this resolution to go through without objection if it embraced anything of that kind.

Mr. HEWITT. It does not.

There being no objection, the Committee of the Whole House was discharged from the further consideration of the joint resolution, and the House proceeded to consider the same.

The joint resolution was ordered to be engrossed for a third reading, and was accordingly read the third time.

The SPEAKER. The question is on the passage of the joint resolution.

Mr. WARNER, of Ohio. I supposed that the gentleman from New York was about to have the report read in his time.

Mr. HEWITT. There is a report which can be read. I supposed the House was quite content to vote, and therefore I did not ask to have it read.

Mr. WARNER, of Ohio. I asked to have the report read, and the gentleman assented. I supposed it would be read in his time.

The SPEAKER. The Clerk will read the report.

The report (by Mr. IRION) was read, as follows:

The Committee on Commerce, to whom were referred the memorials of the New York Chamber of Commerce and the American Institute of New York, beg leave to submit the following report:

The joint resolutions offered by the committee propose nothing more than the recognition by the Government of the United States of the eminent services rendered by Mr. Joseph Francis to the cause of humanity by furnishing an avenue of escape from a watery grave to the thousands of unfortunate beings who are yearly cast away on the shores of the oceans and great lakes.

Previous to the invention of the life-saving appliances of Mr. Francis the wreck of a vessel on the storm-swept shores of the sea was certain death to all or nearly all on board. In early life his attention was attracted to the great loss of life and property along the Atlantic coast. His heart was moved to sympathy for the large number of helpless beings who were yearly swept away, and his active genius set to work to provide some means by which they might be transported in safety from the vessel to the shore. Encouraged by the partial success of his early efforts, he persevered in making improvement after improvement, until his inventive genius culminated in the construction of the first perfect life-car in the year 1848. It was not, however, until January, 1850, that he had an opportunity to test the efficiency of his invention. At that time "the British ship Ayrshire, having become disabled, was driven on shore at Squan Beach during a terrific snow-storm. She had two hundred and one souls on board, and after striking the beach lay there stranded, the sea breaking over her and the surf rolling in so high that it was impossible for any boat to reach her."

Through the instrumentality of the mortar and line a hawser was stretched from the shore to the ship, and along this passway the life-car made frequent trips, until two hundred out of the two hundred and one persons on board were carried over the boiling surf in safety to the land.

This successful experiment at once brought Mr. Francis and his life-car into prominence before the civilized world. Everywhere, except in his own country, his services in the cause of humanity were fitly recognized; and now, in the eighty-fifth year of his age, as the last honor which is to crown his well-spent life, he asks his own Government to award him a suitable testimonial of his worth and life-long devotion to the welfare of his fellow-man. In this request he is sustained by the American Institute of New York and by the Chamber of Commerce of the State of New York, both of which bodies have memorialized "the Congress of the United States to take such action in recognition of the great services to the country and to humanity of Joseph Francis as in its wisdom it may deem most fitting and proper."

Mr. Francis asks no pension or pecuniary reward, but simply some acknowledgment from the Government of his native country of his honorable life and eminent services in the cause of humanity.

In view of these facts the Committee on Commerce beg leave to report the accompanying joint resolution, and recommend its adoption.

Mr. SCOTT. Mr. Speaker, I will have to object to the consideration of this joint resolution at the present time, and I will briefly state the reasons——

The SPEAKER. The Chair will state to the gentleman from Pennsylvania that the resolution is now under consideration, the question being on its passage, it having been already ordered to be engrossed and read the third time.

Mr. SCOTT. Then I will make a brief explanation of my objection to it.

The SPEAKER. It is debatable.

Mr. SCOTT. The question as to who originated or conceived the idea of the life-saving boat was between Mr. Joseph Francis and Capt. Douglas Ottinger, of the United States Revenue Marine. Some fifteen years ago the Congress of the United States voted to Captain Ottinger, as a reward for the invention and origination of the life-boat, the sum of $10,000, which was a voluntary contribution on the part of the Government of the United States to Captain Ottinger, made entirely without his solicitation.

Now, sir, this resolution is introduced here in behalf of Mr. Francis, and as a reward for the same invention.

Captain Ottinger is a man of over ninety years of age; he has served his country faithfully, and he has had the credit of inventing the life-boat, which invention has been acknowledged by the Congress of the United States by making, as I have said, a voluntary contribution to him of $10,000.

That is the correct history of the life-boat up to date, and now, without giving Captain Ottinger an opportunity of being heard, this resolution is brought in from the Committee on Commerce and reported here to this House for its passage—a resolution which, if adopted, takes the credit of this invention away from the man to whom it properly belongs and gives it to another.

Mr. Speaker, if the Committee on Commerce had given the inventor of this life-boat an opportunity to come before them and to have presented his claim for the credit of the invention I should have raised no objection to the consideration of the matter now. Because he has not had an opportunity to be heard I am compelled to offer my objection, and I hope (and if in order I shall make the motion to recommit it) that it will be recommitted to the Committee on Commerce for further consideration.

Mr. HEWITT. Mr. Speaker, the gentleman from Pennsylvania unfortunately misapprehends the nature and scope of this resolution. The origin of this resolution, let me state to him, is a petition from the Chamber of Commerce of the State of New York and from the American Institute of the City of New York, both institutions of the most reputable character and of the highest standing throughout the nation, that the services of Joseph Francis be recognized.

The petitions do not pretend to pass judgment upon the services of any other man; and if the gentleman to whom the member from Pennsylvania has referred has already received from Congress recognition and a gift of $10,000, this fact certainly should interpose no objection to a simple recognition of the services rendered by another man, which are in no way in denial or contravention of the claim of the person to whom the gentleman from Pennsylvania refers.

The name of Joseph Francis, Mr. Speaker, in the State of New York and among mercantile men throughout this country is a household word. In the year 1844 it happened that I myself experienced the horrors of a shipwreck. My own attention was directed therefore to all appliances for the saving of life from shipwreck, and I recall as though it were but yesterday the intense interest with which the people of the city of New York waited for news of the British ship Ayrshire, which had been disabled and driven ashore on Squan Beach in a terrific storm in January, 1850. Under such circumstances human life had always perished. It was in such a shipwreck that Margaret Fuller went down, and mankind was deprived of one of the most brilliant characters it had ever produced. But in 1850 Joseph Francis had perfected his life-boat and furnished the Government at his own charge with all of the appliances needed for making the necessary tests, by means of which a hawser was thrown to the Ayrshire, the life-car was connected with the ship, and two hundred out of the two hundred and one lives exposed to peril were saved.

It was, Mr. Speaker, the first instance in the history of shipwreck that such a thing had been accomplished. Mr. Francis received a perfect ovation. I remember well going to him myself and thanking him from the bottom of my heart for this great and humane invention. From that hour shipwrecks lost very much of their terror upon our American coast. Mr. Francis went with his invention to Europe and was greeted with honors wherever he went; England, France, Russia, all received him with welcome and commendation, accepting his inventions and acknowledging their worth to humanity. But from his own country alone he has never received official recognition. Now in his old age, and he is eighty-five years of age, he comes here not of his own motion, but on a request of two great commercial bodies of this country, and asks that this simple and well-deserved tribute be granted to him. He does not want to deprive of his full share of credit any other man who is entitled to it. I do not want to take away one single item of credit that may justly belong to the officer to whom my friend from Pennsylvania refers. But as to the merits of Joseph Francis, there is no word of mine that can enhance them, and if they were personally known to this House as they are to me and my constituents, certainly no objection would have been raised on this floor to the passage of this resolution.

Mr. SCOTT. Mr. Speaker, I want to call the attention of the House to one more fact. Mr. Francis's whole life has been devoted to the construction of life-saving machines. There has not been a movement made, either on this continent or in Europe, for the past twenty-five years, in connection with this subject, that Mr. Francis has not been perfectly conversant with. As I said in the remarks I have just made, when the question as to who was the inventor of the surf-boat was made, it was sent to the Congress of the United States to decide as to who was that inventor. Mr. Francis then had full opportunity to ap-

pear before the committees of this House and put in his claim. He did not do so. He made no such claim, but he allowed the Congress of the United States to pass a bill, as I have stated, contributing $10,000 to the man who had invented the surf-boat.

Sir, the $10,000 the Congress of the United States donated to that old man was nothing to him in comparison to the reputation he wanted to leave to his children, that he had invented the surf-boat by which all these lives had been saved and by which all the lives in the future will be saved.

But the passage of this joint resolution robs that old man of the credit to which he is entitled and puts it into the hands of one who was not the inventor and whom the Congress of the United States has decided was not the inventor.

Mr. HEWITT. Will my friend from Pennsylvania kindly state whose life-boat it was that saved two hundred out of two hundred and one lives on the ship Ayrshire in the year 1850, the first time that ever the life-car was used for such purpose?

Mr. SCOTT. That is the question.

Mr. HEWITT. Who built that car?

Mr. SCOTT. In one minute.

Mr. HEWITT. Who furnished it?

Mr. SCOTT. I will answer your question if you will wait one minute. I would not leave that question to the Chamber of Commerce of the city of New York, or to any other commercial body. It is a question that must be submitted and decided by proof and by evidence, and not by an *ex parte* conclusion such as your committee or your commercial bodies in the city of New York arrived at.

Mr. HEWITT. My friend does not answer my question. Who built the life-car? Who furnished the life-car that saved two hundred out of the two hundred and one lives on the ship Ayrshire in 1850?

Mr. DINGLEY. My friend from New York will pardon me for a moment to make an inquiry. As I understand it this joint resolution does not refer to the discoverer of the surf-boat.

Mr. HEWITT. I have already stated, in answer to the question of the gentleman from Pennsylvania, it does not pretend to determine the question of invention, but simply recognizes the services that Mr. Francis has rendered to humanity in connection with life-saving inventions.

Mr. DINGLEY. And does not refer specifically as to who made the invention?

Mr. HEWITT. Not at all.

Mr. SCOTT. I beg pardon. The report of this committee absolutely specifies and says what this joint resolution is for.

Mr. DINGLEY. I would like to have the joint resolution read again.

The SPEAKER. If there be no objection the joint resolution will be again read.

The joint resolution was again read.

Mr. HEWITT. I think it will be apparent to every member of the House that the joint resolution does not enter into the question of title at all to any particular invention.

Mr. DINGLEY. Will the gentleman from New York pardon me for a moment? Is there anything in the report which alludes to it?

Mr. HEWITT. Nothing so far as I can understand the report. It speaks of this invention of Mr. Francis as having been used in 1850. It was so used. It does not refer to any other invention. If any other was then used I never heard of it; and if so this does not refer to it.

Mr. DINGLEY. It refers to the life-car.

Mr. HEWITT. Yes, to the life-car and not to the surf-boat.

Mr. SCOTT. I will raise no objection to the passage of the joint resolution if the life-car is not in the report. If the report of the committee does not expressly give to Mr. Francis, and say so, the reputation of being the inventor of the life-car, then I withdraw all objection to it.

Mr. HEWITT. There is nothing in the joint resolution upon which we have to vote that relates to it. As the subject must be understood by all members I will now demand the previous question.

Mr. SCOTT. I will make the motion to recommit.

The SPEAKER. The motion to recommit is pending.

Mr. HAMMOND. I rise to make a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. HAMMOND. Do we vote on the report or on the resolution?

The SPEAKER. The question now before the House is on the motion to recommit the joint resolution.

Mr. HAMMOND. The final vote will be on the resolution?

The SPEAKER. The final vote will be on the passage of the resolution.

The question being taken on the motion to recommit, there were—ayes 56, noes 76.

So (further count not being called for) the motion was not agreed to.

The joint resolution was passed.

Mr. HEWITT moved to reconsider the vote by which the joint resolution was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

CHANGE OF REFERENCE.

Mr. HENDERSON, of Iowa. I rise to ask a change of reference of the bill (S. 699) to authorize the Secretary of the Interior to issue to George K. Otis duplicates of certain land-warrants lost while in the possession of the officers of the Government.

That bill has been referred to the Committee on Claims. The same bill is before the Committee on Public Lands of the House, which twice passed upon it in former Congresses. I desire a change of the reference, so that the bill shall go to that committee.

The SPEAKER. To what subject does the bill relate?

Mr. HENDERSON, of Iowa. It relates to the matter of a patent for public lands.

The SPEAKER. If there be no objection the change of reference will be made.

There was no objection.

PROPERTY TAKEN BY FEDERAL ARMS.

Mr. GEDDES. I rise to make a privileged report from the Committee on War Claims. I am directed by the committee to report back with an adverse recommendation the resolution which I send to the desk.

The Clerk read as follows:

Resolved, That the Secretary of the Treasury be, and is hereby, requested, if not incompatible with the public interests, to report at the earliest date practicable the names of all persons whose property was taken possession of in Louisiana by the Federal authorities during the late war between the States, the amount of rents collected from said property, and the disposition made of said rents by the Government, including all such information relating to the following-named persons: Mayronne Brothers, plantation in Saint Charles Parish; heirs of Trasimond Landry, plantation in Ascension Parish; I. and S. Ellis, plantation in Terre Bonne Parish; J. R. Groves, property in New Orleans; S. W. and B. S. Story, property in New Orleans; R. H. Short, property in New Orleans; heirs of P. A. Rost, plantation in Saint Charles Parish; heirs of Samuel Jamison, New Orleans; Wid. B. Bragg, plantation in La Fourche Parish; C. F. Caruthers; heirs of Adam Giffin, property in New Orleans; Duncan F. Kenna, plantation in Ascension Parish, and one hundred others.

The resolution was laid on the table, and the accompanying report ordered to be printed.

PAY OF POSTAL CLERKS.

Mr. BURROWS. I desire to present a privileged report from the Committee on the Post-Office and Post-Roads.

The Clerk read as follows:

The Committee on the Post-Office and Post-Roads, to whom was referred the accompanying resolution, have had the same under consideration, and report the same back to the House with an amendment, and as amended recommend that the resolution be passed.

"Whereas the act of March 3, 1885, appropriated the sum of $4,682,300 for the payment of railway postal clerks for the fiscal year ending June 30, 1886; and

"Whereas $81,300 of such appropriation was made for the purpose of enabling the Postmaster-General to pay the postal clerks of class 4 and 5 the sum and salary of $1,200 and $1,400 respectively for the year ending June 30, 1886: Therefore,

"*Be it resolved*, That the Postmaster-General be, and he hereby is, directed to inform this House what portion of the said sum of $81,300 has been used for the purpose aforesaid; and if no portion of said sum has been so applied, why the same has been withheld, and whether any portion of said sum has been used for other purposes."

The amendment recommended by the committee was to insert, after the word "whereas," where it occurs the second time, the words "it is alleged that," so that it will read, "whereas it is alleged that $81,300," &c.

The amendment was agreed to.

The resolution as amended was adopted.

Mr. BURROWS moved to reconsider the vote by which the resolution was adopted; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

ORDER OF BUSINESS.

The SPEAKER. This being Friday, the Chair will now call the standing and select committees for reports on bills of a private nature.

WILLIAM E. HARDY.

Mr. MORRILL, from the Committee on Invalid Pensions, reported back with a favorable recommendation the bill (H. R. 5259) granting a pension to William E. Hardy; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

CHANGE OF REFERENCE.

Mr. O'HARA, from the Committee on Invalid Pensions, reported back the bill (H. R. 2255) for the relief of the Beaufort Mounted Guards, and moved that the committee be discharged from the further consideration of the same, and that it be referred to the Committee on Military Affairs.

The motion was agreed to.

BANGS, BROWNELL & CO.

Mr. REID, of North Carolina, from the Committee on War Claims, reported back with amendments the bill (H. R. 1034) for the relief of Bangs, Brownell & Co.; which was referred to the Committee of the Whole House on the Private Calendar, and, with the amendments and accompanying report, ordered to be printed.

CHANGE OF REFERENCE.

Mr. REID, of North Carolina, from the Committee on War Claims, also reported back the bill (H. R. 1926) for the payment of the funeral

expenses of Lieut. John G. Kyle, and moved that the committtee be discharged from the further consideration of the same, and that it be referred to the Committee on Claims.

The motion was agreed to.

FRANCES H. PLUMMER.

Mr. LYMAN, from the Committee on War Claims, reported back with an amendment the bill (H. R. 3750) for the relief of Frances H. Plummer; which was referred to the Committee of the Whole House on the Private Calendar, and, with the amendment and accompanying report, ordered to be printed.

WILLIAM MORHISER.

Mr. LYMAN, from the Committee on War Claims, also reported, as a substitute for the bill H. R. 604, a bill (H. R. 5877) for the relief of William Morhiser; which was read a first and second time, referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

The bill H. R. 604 was laid on the table.

GEORGE T. DUDLEY.

Mr. LYMAN, from the committee on War Claims, also reported back with a favorable recommendation the bill (H. R. 1503) for the relief of George T. Dudley; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

ADVERSE REPORTS.

Mr. LYMAN, from the Committee on War Claims, also reported back with adverse recommendations bills of the following titles; which were severally laid on the table, and the accompanying reports ordered to be printed:

A bill (H. R. 4470) for the relief of David L. Wright;

A bill (H. R. 4878) for the relief of Mrs. Elizabeth Leebrick;

A bill (H. R. 1450) for the relief of Charles B. Signor;

A bill (H. R. 5148) to compensate Mrs. Benjamin Smith for services in the Union Army; and

A bill (H. R. 980) for the relief of Robert Carter.

Mr. GEDDES, from the Committee on War Claims, reported back adversely bills of the following titles; which were severally laid on the table, and the accompanying reports ordered to be printed:

A bill (H. R. 4457) to pay William H. Willoughby the sum of $337.50; and

A bill (H. R. 89) for the relief of the heirs or legal representatives of Peter Nolan.

ASA FAULKNER AND OTHERS.

Mr. GEDDES, from the Committee on War Claims, also reported back adversely the memorial of Asa Faulkner and others, of Tennessee, asking compensation for the value of a cotton factory and materials destroyed by military orders; which was laid on the table, and the accompanying report ordered to be printed.

ORDER OF BUSINESS.

The SPEAKER. This completes the call of committees.

Mr. SPRINGER. Mr. Speaker, I move that the House resolve itself in Committee of the Whole for the consideration of bills on the Private Calendar.

Mr. BRAGG. Mr. Speaker, is not the regular order the disposition first of the business that has come over unfinished from last Friday?

The SPEAKER. That will come up immediately after the rising of the Committee of the Whole.

The motion of Mr. SPRINGER was agreed to.

The House accordingly resolved itself into Committee of the Whole for the consideration of bills on the Private Calendar, Mr. HATCH in the chair.

The first business on the Private Calendar was the bill (H. R. 822) for the relief of William H. Wheeler.

The bill was read, as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Treasury be, and he is hereby, authorized and directed, out of any money in the Treasury not otherwise appropriated, to pay William H. Wheeler, of Warren County, Kentucky, the sum of $633.50, for quartermaster's stores furnished the United States Army in the year 1862, and used by said Army.

Mr. SCOTT. Mr. Chairman, I desire to offer an amendment which I send to the desk to be read.

The amendment was read, as follows:

After the words "six hundred and thirty-three dollars and fifty cents," in lines 6 and 7, insert the words "in standard silver dollars."

Mr. SCOTT. Mr. Chairman, I will preface what I have to say on the subject under consideration by expressing my regret that gentlemen representing my own political faith have seen proper to anticipate our party opponents in their criticisms of the first Democratic President and Secretary of the Treasury who have occupied those positions in the past twenty-five years. And I desire further to say, in justice to a large majority of the gentlemen who differ with me politically, and who represent their party in both branches of Congress, that I do not believe they would so far ignore facts as to intimate that "the organizations of wealth have succeeded in alarming the President and Secretary of the Treasury, as they have done in several previous administrations."

If the language employed in this connection means anything at all it must be construed to mean that the President and Secretary of the Treasury are under the influence of capitalists, whose interests are supposed to be antagonistic to those of the productive classes and wage-workers. What facts susceptible of such construction have been submitted in proof of the charges or insinuations uttered? They seem to me to rest only upon the bare, unsupported statements of those who promulgated them. Have the President and Secretary of the Treasury in any respect violated the law as it exists to-day? Have they not conformed to its very letter? Can we not concede to them as much honesty and integrity in the views they entertain upon this subject as we claim for ourselves, and can we not presume them to be as desirous as we ourselves are of doing what is for the best interests of the people? It is true that they have recommended the suspension of the coinage of the silver dollar under the provisions of the act of 1878, but can any one say that such recommendations may not ultimately prove to be as wise and as well calculated to promote the public good as its continued coinage has been shown by practical experience to have been of doubtful advantage?

The charge has been made that the Secretary of the Treasury is inimical to silver, for the reason, it is alleged, that he has not paid out silver in the Treasury for the retirement of Government bonds. Let us see how far this theory accords with the process of redemption. The Government provides three grades of money, all of equal purchasing power in the market. To maintain this equality is one of the duties of the Secretary of the Treasury. Let us suppose I have $10,000 of Government bonds. I am required, when they are called, to present them for redemption at the Treasury of the United States in Washington. I am not paid for them in money, but I receive a check, say upon the subtreasury in New York, or upon some other United States depository where the money of the Government is kept. This check does not describe the kind of money I shall receive; it simply calls for $10,000. It is optional with me to demand either gold, silver, or paper. But if, under instructions of the Secretary of the Treasury, the disbursing officers are commanded upon the face of the check to pay me in silver, would I not have a right to infer that the Government was endeavoring to force upon me a coin which intrinsically did not represent $10,000 in true money? By arbitrarily compelling me to take silver, when under existing laws gold, silver, and United States notes are understood and declared to be of equal value, and so treated in all payments by the Treasury, would not such action on the part of the Secretary of the Treasury tend to discredit silver, and would he not be derelict in his duty, which requires him to do all that it is in his power to do to maintain the three kinds of money on a parity? The Treasury Department has not discriminated against silver, as it would have done had such a policy been pursued; but on the contrary the Secretary has endeavored to uphold it by refusing to arbitrarily compel those who do not want it to take it, and for which there is no law.

Now, Mr. Chairman, I care nothing about those who hold the present bonded obligations of the Government, or what they are paid in; this is a question entirely foreign to the subject we are discussing; but I do care about the honor and credit and good name of the country. We all know that a nation's credit rests entirely upon a strict and honest fulfillment of its promises. The power of the Government is supreme. It can repudiate all its outstanding obligations, if it so desires, and there is no remedy for those who may be injured by the act save that which Congress may provide as a remedy for any injustice that may have been done. Inasmuch as a citizen can not sue the Government as he can his fellow-citizen to obtain justice, it devolves upon us, the representatives of the people, to fulfill to the minutest detail the pledges and promises made in its behalf. Any other policy than this must result not only in the demoralization of national credit, but in inculcating in our people a debased standard of morality which can not but result in the injury of all.

Congress in the year 1878 passed a law over the veto of the President of the United States which, I think, practical experience has since demonstrated was in violation of economic principles, and the aim of which was to do something beyond the power of Congress to do. This law provided that the mints of the Government should coin and the financial officers of the Government should issue and maintain in circulation a coin known as the standard dollar, purporting to contain silver of the value of 100 cents, whereas the fact is universally known that its metallic value to-day is less than 80 cents of its face value. And now because these gentlemen, charged under the law with the duty of carrying out this Utopian financial idea, realize that it is impossible for them to accomplish all that was intended, although having faithfully executed the provisions of the law, they are now held responsible by the authors of the act of 1878 for the want of confidence on the part of the people in and the non-circulation of this coin.

Sir, with as much propriety might those who by their votes in 1861 authorized the issue of the first greenback, the purchasing power of which subsequently declined to about 40 per cent. of its face value, have held that the officers of the Government whose duty it was to

print and issue them were responsible for their depreciation as for gentlemen to make the accusation to-day that the President of the United States and Secretary of the Treasury are responsible for the distrust now existing with respect to our standard silver dollar.

Why, then, by inference and insinuation, charge the President and Secretary of the Treasury with being influenced by organizations of wealth, and not by their convictions of what is best for the people? Do the gentlemen making such charges claim that the President and Secretary of the Treasury are less intelligent than they are; that all the virtue and patriotism in the party is embodied in themselves or those who think as they do, and that those who differ from them are actuated by sordid and mercenary motives?

The question is so closely allied to that principle of good government which involves our national honor that its discussion should not only be conducted with fairness but with the most liberal deference to the opinions of others. It must be presumed that all are equally sincere in their desire to reach a satisfactory solution of our troubles, and certainly it is the honest opinion of many that by the continued coinage of the standard silver dollar we are drifting into the evils inevitably resulting from the excessive supply of an inferior quality of money. The ablest advocates of bimetallism and the use of silver by international accord throughout the civilized world have for at least two years past strongly urged the suspension of coinage by the United States as in their judgment the only practical means to that end. Gresham's theory that poor money will run out good money can hardly be disputed in this age; experience has fully demonstrated its truth.

And, sir, I make bold to state another theory, that if there be in circulation a good dollar and a poor dollar the rich man will always get the good dollar and the poor man the poor dollar. If public policy requires that all dollars should be poor in order to rob the creditor class of our people in favor of the debtor I appeal to this House to in some way protect the man who earns his bread and supports his family by his daily labor, and when he asks for bread not to give him a stone. How this can be done in any better way than by giving the rich and poor alike a good dollar I do not know; but protect, in God's name, the poor man. The rich man can take care of himself. He needs no sympathy, nor is he entitled to any.

Gentlemen believing that a silver dollar of 412½ grains is the equivalent of a gold dollar can undoubtedly accomplish this. They are prolific in theories; practical experience has no attractions for them.

WHAT CONSTITUTES TRUE MONEY?

Mr. Chairman, I will endeavor to state briefly what, in my judgment, true money is; for I hold we can never solve the question we are now considering until we first reach a correct conclusion in this respect. Probably no one principle of government has been so liberally discussed as that which pertains to money; and yet, if we may judge by the diversity of opinions maintained not only in this country, but in the world, by gentlemen equally intelligent, and, I hope, equally honest and desirous of arriving at such a solution of the problem as shall prove to be for the best interests of the people, we are no nearer a correct understanding of what true money really is than were those who lived in the time of Aristotle. That eminent philosopher, writing three centuries before Christ, reveals the existence of a controversy even in that day when he asks, "Is not money an imaginary wealth, its value wholly in law? If the government which admits it into circulation changes, where is its real value?"

There are those sitting around me who, notwithstanding the lapse of two thousand years between that age and this, have not advanced a single step from this theory. And in distinct opposition to the view thus expressed a learned Chinese statesman and author, May Twan Lin, in the thirteenth century of our own era, in describing money as a measure of value for all commodities, declared that "it should have an intrinsic metallic worth corresponding to the nominal indicated by the legend at which the coin is brought into circulation." Here we are met by the opposing views of two men of almost equal eminence in their respective countries, and though they differ so widely upon the question of what constitutes true money both theories have their earnest advocates in the discussions of the present time.

What, then, is true money? Is it a representative of value made so by law? Is its value based upon desire, or has it an intrinsic value of its own? If, by intelligent deductions from the experience of those who have preceded us in past ages, the nations of the world, or the people even of our own country, could to-day meet together upon some common ground of understanding as to what true money is, the solution of the question would be far less difficult.

All civilized and semi-civilized people, embracing as well the nations of the East, have at some period of their history employed some two or more of four kinds of metals as money, namely, gold, silver, copper, and iron. I eliminate from this list the conch shells and wampum of the savages; and I state it also as a proposition that such nations and peoples, as they have advanced in intelligence and wealth, have marked their growth and development by a desire to improve their money and better adapt it to meet the demands of an advanced civilization.

In discussing this question I do not propose to consider paper money, even when redeemable in coin, much less fiat paper money, but to confine myself to metallic money exclusively. Paper money first originated in China prior to the thirteenth century of our own era, and the definition given to it then is I think applicable to-day. It was known as "the stretching of money," and that is the name under which it goes to-day in China. It was used as a means of economically transporting specie, and in the nature of a receipt for tea, salt, and temporarily balancing accounts.

History, as I have said, records the use of four metals as money, namely, gold, silver, iron, and copper. But the issue has gradually narrowed, until to-day it is useless to deny that an irrepressible conflict for the determination of the question "What is true money?" and based upon the Darwinian theory of the survival of the fittest, is being waged between gold and silver. This conflict is not incident alone to this century; it has apparently prevailed throughout all ages. At no period of the world's history can it be shown that gold and silver have been of equal value, or that any ratio fixed by law for the purpose of establishing a relative value in the form of metallic money has been accepted by the world in its transactions in gold and silver bullion.

Gold has always been the most valuable metal, and in the nature of things must always be so. In the early dawn of civilization this conflict was between copper and silver, and copper had to succumb; then between silver and gold, and in every instance gold as a metal established its superiority and became at last the only standard with those nations and peoples who first had favored silver and then bimetallism. Such is the history of the world, as I understand it, in connection with metallic money. We may by legislation endeavor to overcome this economic law, but in my judgment we shall never succeed in so doing.

Entertaining the convictions I do in regard to gold, I nevertheless realize how easy it is to be mistaken, however honest one may be. I also recognize the fact that we are to-day on a bimetallic basis, with a silver circulation of about $203,000,000, not including fractional silver pieces. If in the future it shall be demonstrated that a gold standard is better for us, the present amount of silver in circulation would not necessarily entail a loss so serious as to materially affect us as a nation. If, on the other hand, bimetallism should become the standard of the world, we would then be in harmony with that theory; and should this fact become established, we could then renew the coinage of our silver dollars. It is because I recognize these possibilities that I am in favor of bimetallism at the present time, although I am a believer in the superiority of gold as a standard of value.

Therefore I believe it is the best policy and in the line of our interests to place ourselves in such a position, not only with respect to ourselves of to-day, but with respect to those who come after us, that at the least possible pecuniary sacrifice to our people the nation may adopt such a policy as practical experience may prove to be for our highest and best interests as a people. For this reason, sir, I favor bimetallism as the best policy for us to adhere to at this time, and neither gold nor silver monometallism, provided the further coinage of the standard silver dollar can be regulated by the requirements of trade and the expressed will of the people, and not through the operations of an arbitrary law.

I have no fear that our present gold dollar, our unit of value of 25.8 grains, nine-tenths fine, can not be in the future always exchanged for our silver dollar of 412½ grains, worth to-day less than 80 cents; and I do believe that if we continue the coinage of our present silver dollar beyond the amount which the people want, no power under heaven except the fact that the Government or some one will give you a gold dollar in exchange for it will maintain its purchasing power, not only in our own country but in the markets of the world; and without this convertibility of the silver dollar, if silver should ever become your only standard, its purchasing power will simply be the value of the silver bullion in it.

It is for this reason, sir, that I say "let the people decide the question." They are the most interested in it; they are eventually to lose or gain by its proper solution, and ought to and do know what they do or do not want.

Gentlemen differing with me on the subject of unlimited coinage start out with the proposition that the present standard silver dollar of 412½ grains is true money, whereas in intrinsic value it represents less than 80 cents of the money of the world. The same gentlemen insist that the fiat power of the Government makes it equal in value to our present gold dollar. Must they not present the same argument if the 20 per cent. deficiency of to-day shall in a few years become 50 per cent. through the decline in the value of the metal? They will not permit us to turn back and demonstrate the truth or falsity of their position. They simply tell us that it is the poor man's money. I can only reply that in my judgment it will be poor enough, indeed, when the Government, after stamping upon its face the statement that it is a dollar, will not give you a gold dollar for it.

Sir, no gold monometallist denies that the purchasing power of the present standard silver dollar of 412½ grains is to-day equal to a gold dollar, but we do deny, sir, that this state of affairs grows out of the fact that the Government has stamped it a dollar and makes it a legal tender as such. This condition of affairs arises solely from the fact that the Government receives it as the equivalent of a gold dollar; and if the Government should stamp 412½ grains of copper and receive it as the equivalent of a gold dollar, its purchasing power would equal the present gold or silver dollar so long as we are on a bimetallic basis. But, sir, if silver monometallism should become our standard, the pur-

chasing power of the silver dollar of to-day will eventually fall to the value of the metal in it; and such would be the case if our present silver dollar was of copper or of iron, measured as they then would be by a gold standard.

But gentlemen assert that the Government will always be able to redeem it. This may be so, and I admit that so long as the work of redemption continues the coin will be the equivalent of a gold dollar. But when I ask how the Government is to redeem it if the necessary gold to enable it to do so does not come in through our custom-houses, I am told that the Government can issue bonds and buy gold. But, sir, the supporters of that proposition are to-day censuring the Administration because it is not using the unemployed balances in the Treasury for the retirement of our outstanding bonds. They seem to repudiate the theory that "a public debt is a public blessing," and yet they propose that our bonded debt may be increased, if necessary, to the end that a debased currency shall be forced upon the people who do not want it. Is there any consistency in such reasoning?

Again I ask, what is true money? Is it credit? Is it faith? Is it a token? Does it or should it possess an intrinsic value of its own, so that when received or paid for labor or commodities a just and equitable return may be realized and all risk of loss growing out of such exchange of values eliminated? To my mind the proposition is so simple that I can not comprehend the difference of opinions of gentlemen much more learned than I am. True money, sir, is not credit; it is not faith; nor does it derive its value from desire alone; nor is it a token. A representative of money may derive its fiat worth from law, but a higher law, one beyond the scope of any legislative power the world has ever known, will determine its purchasing power, and the sooner we recognize this fact and shape our policy in conformity to this economic law, the sooner will we, in my judgment, arrive at a true solution of this question.

We know that nature has established laws immutable in the physical world, and as these laws are developed and understood by man, and the nearer he is brought into harmony with them, the greater is his development and the more is his welfare promoted. True money that will stand, as it has been said, the ordeal of fire; that money which is based upon and which derives its value from a fixed standard supported by the natural law of supply and demand, that money which is the least susceptible to fluctuations in value, not only in this century, but for all time to come, must be the world's money of the future.

In my judgment, the metal which conforms to this standard can not be other than gold produced by manual labor. Therefore, in my opinion, the world's money must represent within itself an element of manual labor of average uniformity of value, whether performed by Roman slaves in the mines of the Roman Empire, by the Spaniards in the mines of Peru or of Mexico, or by our own people in the gulches of California. Furthermore, I can not but be impressed with the idea, though it may be an illusion, that a fixed amount of manual labor which is engaged in producing a metal to be used as money, and which mankind requires to lessen their labor and to meet the general necessities of life, is the only true representative of exchangeable values. The more unchangeable and uniform the metal employed as the representative of the manual labor of the character described, whether it be of this century or of past centuries, the better it is adapted for exchanges of other labor and other values throughout the world.

Gold to-day represents, has always represented, and, I believe, always will represent a greater and more unchangeable amount of manual labor performed than silver, and in a smaller compass than is possible in any other metal that can be used as money. It is better suited, under the operation of natural laws, for the purposes for which it is used than any other metal; and possessing these characteristics, both natural and economic, it is better adapted for the exchange of other labor and commodities in the larger transactions of our commercial and financial life than silver can ever possibly become.

In using the word "labor" I have prefixed the word manual, for I desire to make a distinction between purely manual labor as a basis of exchangeable value and that class of labor which is supplemented by the ingenuity of man; for I claim that the economic law governing the production of gold is not the same as that which applies to silver. If it were possible for men to create true money, then indeed would we have discovered the philosopher's stone. "In the sweat of thy face shalt thou eat bread" is as true to-day as when first uttered centuries ago.

And now, Mr. Chairman, I will close what I have to say in regard to true money with what seems to me to be a perfectly plain illustration. The economic laws governing its movement should be identical in their character with those natural laws which control the tides of the ocean. It should freely flow into and out of the nations of the world, under the operation of the law of supply and demand, just as the vacuum caused by the ebb-tide on one shore must, in the nature of things, be filled by the returning waters of the flood-tide from the opposite shore. Furthermore, the money employed in this service should be strictly uniform in density, purity, and metallic value. It should be as unvarying in its qualities as the imperial gallon, which is the world's basis of standard measure of capacity for all goods not sold by heaped measure, and which was originally determined by weighing in air 10 pounds avoirdupois of distilled water at a temperature of 62 degrees Fahrenheit's thermometer, with the barometer at 30 inches.

In my judgment we might as well assume that different nations should at their pleasure use waters of varying qualities of density and purity for the determination of the standard gallon, and attempt to maintain strict uniformity in liquid measurement in trade and commerce as to hope to preserve a fixedness of true metallic values in money nominally representing a certain aggregation of units but in fact possessed of varying degrees of intrinsic worth and representing various and widely varying amounts and kinds of labor. When we shall have reached this degree of uniformity in relation to the money of the world we will have a money which under the operation of both natural and economic laws will best fulfill not only our own requirements as a nation but the requirements of every other nation of the world.

SUBSIDIARY MONEY.

But, Mr. Chairman, it is a well-known fact that all nations have maintained at least two classes or grades of metallic money; one for their larger transactions, and recognized in the foreign exchanges as the money of the world, and another for their subsidiary or smaller exchanges of value in dealings within themselves.

It appears to me to be in accordance with the principles of economic law that a metal to meet the requirements of one purpose is not necessarily that which is best adapted for the other, and that confusion and instability in commercial transactions must follow among any people who adopt such metals as a double standard.

In my judgment the violation of this law by European nations working under the Latin Union is one of the causes of the difficulties under which they are now laboring, and to a like origin I think we can trace the difficulties under which we in this country are likewise laboring to-day. But is there not a law which has governed the use of metallic money for limited transactions as well as the use of a different metal for the larger commercial and foreign exchanges? The economic laws governing a subsidiary coinage, and those governing the money of the world, are not, in my judgment, the same; or at any rate they are only relatively the same. I do not deem it necessary, therefore, that the same economic law should be applied to a metal used in subsidiary coinage as that which applies to the world's money, or for the larger transactions of the people as distinguished from their smaller transactions. I think that experience and history teach us that it is not necessary.

The subsidiary coin of a people need not necessarily represent an intrinsic metallic value equal to the value for which it is proposed to be exchanged, and although the nearer it approaches to a true representation of manual labor, the more desirable it is. Its value or purchasing power is more dependent upon its volume, and upon the fact whether it is issued in excess of or fails to meet the requirements of the people for their smaller exchanges, than upon its intrinsic value, if money possesses an inherent value. Consequently, whatever metal may be used for this purpose should be so divisible that its units of metallic value can be subdivided into fractional parts in conformity to the prices of labor, and not so cumbersome as to cause inconvenience to those who have to use it. It should be a legal tender to a limited extent, approximating, relatively, to the maximum values for which it is to be exchanged. It should not be redeemable by the government issuing it, until abrasion has affected it; for if redeemable at the national treasuries the volume in circulation would no longer be governed by the requirements of the people and the uses for which it was intended, but on the contrary, when the demand for money used in larger transactions became less than the amount needed by the country in the ordinary conduct of business, the subsidiary coinage would be converted by the holders in order to meet this demand.

The holder of subsidiary money should always be able to convert it under the laws of supply and demand alone, into the world's standard, the reasons for such convertibility existing only in the fact that those who give you the world's money for it can use it to meet their own wants or the wants of others, and strictly within the bounds of trade. In other words, the Government provides various grades of money for the convenience of its people. That which is purely subsidiary in its character is especially designed for use within the country where it is issued. It should be in constant circulation among the people, and under no possible condition of affairs should its intrinsic value be such that it could be exported from the country where it is used. Such a coinage will then meet the requirements for which it is intended to be utilized.

It is upon this theory that the copper cash of China fills all the requirements of the Chinese people, but it would not meet the wants of European nations or the United States, where labor and prices are so much higher than in China, as the cash of China would be too cumbersome. And yet a subsidiary coinage possessing the same characteristics as the Chinese copper cash, which is about the equivalent of one-fifteenth part of one of our cents, is as necessary to us as the copper cash is to the Chinese people. If, then, I ask, sir, what metal is best adapted for our subsidiary purposes, the answer must, I think, be silver.

There is nothing more important, Mr. Chairman, to the wage-worker and those who live on fixed incomes than steady employment, uniformity in the price of wages and in the price of commodities and the necessaries of life for the support of both classes. A sudden influx of even true money will, it is well known, affect all values; and until such influx can be provided for through investment, and values can

readjust themselves upon a normal basis, fluctuations not only in the price of all commodities but in the value of money itself must be the inevitable result. But where this influx consists either wholly or in part of fiat money, as contrasted with the money of the world, and is issued in excess of the requirements for which it is especially created, the fluctuation in the value of such money, measuring as it does other values, causes greater disturbance and unsettles the values of commercial transactions throughout the country to a more extended degree than if the excess or influx consists of true money. Such would be the condition of affairs if subsidiary money should be issued in excess of the natural requirements of trade.

There appears to be an economic law which adjusts itself to all people similarly situated, and which governs the subsidiary coinage of nations and the amount that can be so used, and I am led to this conclusion by an investigation into the subsidiary coinage of England, France, Germany, and the United States. If we attempt to divide what may be properly designated the money used for the smaller transactions of Great Britain, France, Germany, and the United States from the world's money we can not but be impressed by the figures and the results as shown by statistics. The subsidiary coinage of England consists entirely of silver, there being no bank notes under the denomination of $25, and the highest denomination of silver is practically a half-crown, equivalent to about 50 cents in our money.

We find by a report of Mr. Freemantle, superintendent of the English mint, that this subsidiary coinage in 1885 amounted to $96,731,420. If divided pro rata among the estimated population of Great Britain, it gives a per capita circulation of $2.68. Although the subsidiary coinage of England is of less metallic value than our own, and although it is only a legal tender to the amount of $10, yet it is at all times exchangeable for its equivalent in gold. This arises from the simple fact that it is not issued in excess of the requirements of trade, and therefore no distinction is made in its value. When we come to the United States we find an economic law which appears to govern our subsidiary coinage.

And, further, we have to recognize the fact that our present standard dollar is also in its effect a subsidiary coin, and used in the smaller exchanges of our internal affairs. We are also compelled to treat the one and two dollar bills as used in a similar capacity. We find by the report of the Director of the Mint that—

The total coinage of silver dollars on July 1, 1885, was		$203,884,381
Fractional silver		74,939,820
Total		278,824,201
From this we should deduct silver certificates, for which the United States held an equivalent amount of silver, of the denomination of $10, and which are not used strictly for subsidiary purposes	$140,323,140	
Fractional silver held by the Treasury and not in circulation	31,236,899	
		171,560,039
Leaving an aggregate of actual silver in circulation of		107,264,162
If we add to this United States and national-bank notes outstanding as of October 31, 1885, of the denomination of $1 and $2		46,711,593
We have a total of		153,875,755

which may properly be considered as our subsidiary coinage; and if this is divided pro rata among a population of 57,000,000 it shows a per capita circulation of $2.69, or a difference between England and the United States of only 1 cent per capita. These are not the results of legislation, but the operation of economic laws left to themselves.

As to Germany, we find from a report of a committee of the House of Commons on the cause of the depreciation of silver, page 26 of a paper put in by Mr. Peitsch in regard to Germany's subsidiary coinage, that the amount per capita is 10s., or about $2.40, on an estimated population of 42,000,000. Undoubtedly the fact that the old one-thaler piece, a coin which has not been entirely withdrawn from circulation in Germany, and recoined as provided for under existing laws, has had some effect on the subsidiary coin now in use; but with the thaler yet in use, an apparent difference of only 28 cents per capita is shown to exist between Germany, England, and the United States.

When we come to France the same difficulty confronts us with reference to the five-franc piece, as that which exists in Germany with respect to the thaler. The amount of subsidiary and copper coins now in circulation in France, including her dependencies, is equivalent to eight francs or about $1.60 per capita, or five of silver and three of copper. Whatever deficit may appear in the subsidiary coinage of France is undoubtedly supplemented by the circulation of five-franc pieces. But it is reasonable to suppose that their requirements do not vary materially from what is shown to be the requirements of Great Britain, Germany, and the United States, although prices in France, as compared with the United States, may have some effect on the volume required.

Now, sir, I affirm unhesitatingly that our silver dollar, whether containing 412½ grains of silver or of an increased weight (although it is too cumbersome for such uses, as has been demonstrated in England by its equivalent, the crown piece), can only be a subsidiary coin in this country; and if coined and put into circulation to meet the requirements of a higher plane of commercial transactions, it will, from its very nature and characteristics, if issued in quantities sufficient to meet the requirements for which it is issued, so affect our subsidiary coinage as to unsettle and demoralize it. In other words, when the present silver dollar, issued in amounts to meet requirements not only as subsidiary metallic money, but as money required for the higher exchange of values, is in excess of or short of the requirements of either, such a state of affairs must necessarily unsettle and confuse all the smaller exchanges of our country.

If the statements I have given are based upon correct data, and I have endeavored to have them so, it certainly reveals a remarkable uniformity in the per capita requirements of the four nations named, without the aid of the Latin Union to regulate the subject, and when left to the natural laws of supply and demand.

These figures would lead us to believe that this country can use, provided paper money does not enter to interfere with the circulation, about one hundred and sixty millions of dollars of silver for absolutely subsidiary purposes, and no more, in coin subdivided into fractions of a dollar which are the most convenient in size for the uses for which they are intended.

THE EXAMPLE OF FRANCE.

The advocates of a bimetallic standard, or perhaps I may more properly say those who favor silver monometallism, are disposed to point to France as a model of all that is perfect in her methods of finance. But they do not always tell us that France, together with the other nations of the Latin Union, has, since the year 1876, stopped the coinage of five-franc pieces, which in our money is the equivalent of the silver dollar. There is no one problem confronting France and the states of the Latin Union to-day more important or more difficult of solution than that which pertains to their silver coinage. The arguments submitted by gentlemen who urge the continued coinage of silver dollars are usually based upon the condition of affairs in France. They point

First, to the amount of silver in circulation.

Second, to her metallic wealth in both silver and gold.

Third, to her per capita circulation in gold, silver, and paper.

Fourth, to the wealth of the French people as a nation.

Fifth, that we as a nation are so deficient in money to meet our requirements that the continued coinage of silver is a necessity.

Now, while they do not directly make the assertion, they at least leave the impression that the apparent prosperity of France arises from the money it is claimed she possesses, and especially from the freedom with which silver has been coined and circulated in that country. In this connection I desire to submit the following statement from figures furnished by the Director of the Mint for 1884, showing the total as well as the per capita circulation of France, England, Germany, Holland, and the United States:

Table showing the total paper and specie circulated in France, Great Britain, Germany, the United States, and Holland.

[From the Report of the Director of the Mint for 1884.]

Nations.	Estimated population.	Date.	Paper.	Gold.	Silver.	Total.	Per capita.		
							Paper.	Specie.	Total.
France	37,672,048	1881	$548,061,912	$848,000,000	$596,900,000	$1,990,961,912	$14 55	$38 30	$52 85
Great Britain	35,246,562	1881	197,818,139	583,500,000	95,000,000	876,318,139	5 61	19 25	24 86
Germany	45,235,061	1880	279,573,023	334,420,000	211,480,000	825,473,023	6 18	12 06	18 24
United States	50,155,783	1880	873,426,755	610,500,000	262,000,000	1,745,926,755	17 41	19 30	36 80
Holland	4,172,921	1883	78,847,949	28,000,000	57,000,000	163,847,949	14 10	20 37	34 47

From this table it will be seen that France alone of the nations named had a larger alleged circulation per capita in gold, silver, and paper than the United States, being $52.85 as against $36.80 for the United States, $24.86 for England, $18.24 for Germany, and $34.47 for Holland. It will also be observed by this table that France had a metallic circulation of $135,000,000 in excess of the combined metallic circulation of Germany, England, Holland, and the United States. It also shows that France had an alleged metallic circulation nearly three times that of England, being $1,611,000,000, as against England's $696,814,668; about twice that of the United States, which was $820,998,837; three times that of Germany, which was $545,900,000, notwithstanding France's comparatively recent alleged payment of about $1,000,000,000 of gold to Germany to liquidate her war indemnity, and which gentlemen refer to with so much pride when quoting France.

But assuming these figures to be correct, will any gentleman claim that even then there is a deficiency of money in this country? We had, by this table, over twice the money in circulation that they had in England, and the aggregate value of the imports and the exports of England alone for the year 1884 was $3,338,351,608, or the equivalent of $92.82 per capita of her population, and we know that her per capita circulation of $24.86 was ample to meet the requirements of this immense traffic, and it is a well-known fact that the rates charged for the use of money in England are lower than those of any other country in the world. Therefore I claim, sir, that the gentlemen who base their arguments on the continued coinage of our present silver dollar on the ground that we require more money have no just grounds for their arguments if practical experience and not theory is to be our guide.

But, sir, I claim that if France is any example for us to follow as to her per capita circulation in 1884, and that if all her money is true money, when you come to consider the different methods in which business is conducted and the way money is used in this country and in France, we have to-day a per capita circulation equivalent to double that of France, and competent judges estimate it at the equivalent of five times that of France. Ninety per cent. of our entire metallic and paper money is either in active circulation or on deposit in the financial institutions of the country, at all times available to those who require it and can give satisfactory security for it when loaned.

Our system of checks, used by all classes of our community, and which is practically unknown in France, or used only to a very limited extent, more than doubles the volume of our available money. This, together with the further well-known fact that a large proportion of the metallic money of France is in the money-drawers of the people instead of in the Bank of France or its branches, the only banking institutions of that country, and thereby withdrawn from active circulation, I think corroborates my statement.

Sir Robert Peel, in discussing the comparative wealth of France and England in 1840, said:

> In England one person in five spends all his income or his earnings; in France there is scarcely one in forty who does the same; the other thirty-nine make savings.

These habits of thrift and economy are what form the secret of the wealth of the French people, whatever it may be, and not their metallic money, and especially not their silver circulation.

Mr. Chairman, no man, I care not who he is or what his professions may be, takes a greater interest in the welfare of the laboring man than I do. I have been associated with them all my life; they want to get all they can for the labor they give in return, and it is right and just that they should have a liberal return for what they do, to build up and to make this country what it is and what I hope they will make it in the future.

But, sir, glittering generalities and doubtful theories will not alone give the laboring man what he requires to meet his necessities. The man who by his brains, capital, and energy, finds steady employment for the wage-worker, at just wages that will enable him to support his family and lay aside something for a rainy day, is the true and best friend of the man who lives by his labor. Hearing so much as I have about silver being the poor man's money, and France so often quoted as a model for us to follow in connection with silver coinage, my faith in my own convictions in regard to this subject, that our present silver dollar was not the poor man's dollar, but a fraud and a cheat, became shaken; for if it was going to help the poor man, and I could be convinced of the fact, then I would most heartily adopt the views of those with whom I now differ.

France and Belgium are the two principal nations of the Latin Union, and France to-day has a larger silver circulation than all the rest of the European nations and the United States combined. If silver, therefore, is the poor man's money, and as France has the most of it in circulation, the status of the wage worker in France should prove the truth or falsity of this proposition. England being a gold country, with only a subsidary coinage of silver, and the seacoasts of those countries being only some 40 miles apart, and the relative conditions of the two countries being as nearly the same as you can find two peoples, it occurred to me to compare the condition of labor in England with that of France and Belgium, and I submit the following table of the comparative rate of wages paid in England with those paid in France and Belgium, which are silver countries.

Statement showing the average rates of wages paid per week in France and Belgium, as compared with the rates for similar work in England in the year 1884.

Occupations.	France.	Belgium.	Average, France and Belgium.	England.	Increase of England over France.	Over France and Belgium.
BUILDING TRADES.					*Per cent.*	*Per cent.*
Carpenters	$6 20	$4 82	$5 51	$7 02	13.55	27.04
Masons	5 33	5 03	5 18	7 96	49.34	53.67
Bricklayers	5 74	4 82	5 28	7 85	38.50	50.57
Hod-carriers	3 13	3 22	3 18	5 07	62.00	60.38
Plasterers	6 34	4 82	5 58	7 33	14.04	31.36
Plumbers	6 10	5 79	5 94	7 65	25.40	28.79
Gas-fitters	6 07	5 79	5 93	7 23	19.11	21.92
Average	5 56	4 90	5 23	7 17	29.00	37.66
OTHER TRADES.						
Bakers	4 84	4 28	4 56	5 88	21 49	29 00
Blacksmiths	6 00	5 80	5 90	6 91	15 00	17 00
Brass-founders	6 54	6 02	6 28	6 91	5 65	10 00
Cabinet-makers	6 14	5 79	5 96	7 42	20 84	24 50
Coopers	5 58	5 17	5 38	7 12	27 60	32 34
Draymen and teamsters	5 57	4 28	4 92	5 63	1 08	14 43
Horseshoers	5 89	5 62	5 71	6 69	13 59	17 16
Laborers, porters, &c	3 93	3 47	3 70	4 50	14 50	21 62
Potters	4 78	4 86	4 82	7 02	46 86	45 64
Saddle and harness makers	5 70	5 51	5 60	6 87	20 52	22 68
Tailors	6 00	5 58	5 79	7 11	18 50	22 80
Tanners	5 18	5 79	5 48	6 32	22 00	15 33
Average	5 51	5 18	5 34	6 53	18 49	22 27

Number of trades, 19. Average per cent. paid in England over France, 22 41; average per cent. paid in England over France and Belgium, 27.44.

It will be seen from this table, carefully compiled by an expert statistician from official and other trustworthy sources, that the average rates of weekly wages paid in various parts of England in the year 1884 to persons employed in nineteen trades or occupations exceeded the average rates paid in France during the same year in the same trades 22.41 per cent., and exceeded the average rates paid in the same pursuits throughout France and Belgium 29.49 per cent. In other words, for every $1 paid on an average to nineteen different mechanics or laborers in France 1.22\frac{41}{100}$ was paid in England, and for every $1 paid on an average throughout France and Belgium $1.27½ was paid in England.

I assert that France, notwithstanding her reputed wealth, is to-day in a more wretched condition both financially and commercially than any other of the great nations of the world. It is well known that her population has increased in a smaller ratio than that of any other European country of the first rank, and yet her labor is more poorly paid, although she is without a growing population for which to find employment. Quite recently the public announcement was made that the crown jewels of France are to be sold and the proceeds invested for the maintenance of the poor of that country. I could cite other facts of equal significance if I had the time to do so.

WHAT IS THE TRUE MONEY OF FRANCE?

Now, sir, is it not pertinent to inquire whether the policy of France in connection with her metallic money has always been such as to enable her people to best meet their requirements at the period of their greatest necessities. At the beginning of the war in which the third Napoleon engaged with Germany, the French nation, in order to raise the money with which to carry on that war, was compelled to negotiate a loan in London through the American banking house of J. S. Morgan & Co.

Again, at the termination of the war with Germany, when the French Government appealed to the patriotism of the people, and their loan was taken partly at home and partly abroad, how, and in what form, was the money derived from this loan paid to Germany? The German Empire was unwilling to take silver; it demanded gold. Can any one tell the amount of sacrifice and loss to which the French nation submitted by that transaction because of the fact that of their accumulated wealth of ages in metallic money, so large a portion of it was concentrated in a silver currency, which, when measured by the world's standard, would to-day show a loss of from 20 to 30 per cent. as compared with its fiat value?

And now let us look at the true condition of France in 1874. By a report of M. Leon Say, who had been charged by the French Government with the duty of preparing a report on the payment of the war indemnity and the exchange operations to which it gave rise, we find the following: When the preliminaries of peace were signed at Versailles, February 26, 1871, no mention was made of the kind of money in which the indemnity was to be paid. In the supplementary convention at Ferriere, March 11, the exchange was fixed at 3 francs and 75 centimes per thaler, and 2 francs and 15 centimes per German florin.

The definite treaty of peace, signed at Frankfort May 10, stipulated the different kinds of paper that would be received in payment; but with the exception of thalers and florins, no exchange was fixed, and the English, Dutch, and other non-German paper given in payment was to be converted into German money by Prussia at the cost of the French Government, which was only credited with the sum actually realized after the deduction of exchange and commissions.

The indemnity, including interest at 5 per cent., amounted to $1,060,209,015. After crediting France with the value of certain railways in Alsace and Loraine, the amount of indemnity due Germany was $998,132,093, which was paid by the French Government as follows:

	Francs.	Dollars.
Notes of the Bank of France	125,000,000	25,000,000
French gold coin	273,003,058	54,600,622
French silver coin	239,291,875	47,858,375
German notes and coin	105,039,045	21,007,809
Bills in thalers	2,485,513,721	497,062,745
Frankfort florins	235,128,152	47,025,631
Marks banco	265,216,990	53,043,393
Reichmarks	79,072,309	15,814,462
Dutch florins	250,540,821	50,108,165
Belgium florins	295,704,546	59,140,919
Pounds sterling on England	637,349,832	127,469,967
Total	4,990,660,453	998,132,093

It will be seen from the foregoing that out of this immense sum of money paid to Germany, France used of her own metallic money only $47,858,375 of silver, and $54,600,611 of gold, and $25,000,000 of the notes of the bank of France. Almost every nation of Europe was called upon in some form or other for metallic or paper money with which to enable her to pay this indemnity. And while she was thus engaged in scouring other countries for bankers' exchange to enable her to pay the debt in the form exacted by Germany, the effect of her own financial disturbances was apparent every day in the prices of French commodities interchangeable for the commodities of other nations.

I would ask, Mr. Chairman, whether the foregoing statement as to how the French indemnity was paid to Germany would not lead one to doubt that France really possessed the metallic circulation claimed for her. But admitting for the sake of argument that she did have in 1874, and that she now has, in circulation the large amount of metallic money shown by the tables, did not there exist some good reason why she was forced to appeal to other nations to assist her in her time of need, when she apparently possessed three times as much metallic money as the nations which she had to call on? Would not one naturally infer that either she did not possess the amount of metallic money that it was claimed she possessed, or, that having it, it was not true money, or of a quality that could be made available in meeting her obligations?

At the date she paid the last of the indemnity to Germany, namely, in September, 1873, the five-franc piece was not equivalent to its nominal value in gold, measured by a bullion standard; and in the following year it showed a greater depreciation; and, sir, it is well understood that had she in 1874 attempted to convert her silver into gold, silver would have shown a greater depreciation than it did show at that time. And if misfortune ever again comes to France, and the conquerer stands upon her soil demanding gold, and she is compelled to convert her silver into the money of the world in order to meet her necessities, she will have to submit to a loss arising from her silver. Even granting that the price of silver bullion in the future should show no decline below the figures of to-day that loss would amount to the sum of over $160,000,000.

But while gentlemen will be forced to admit that France did not pay this one thousand millions in gold as alleged, they will still insist that France did pay the money. This claim can not be denied; but the manner in which its payment was rendered possible affords an interesting subject of inquiry, and one which will demonstrate beyond a question of doubt the correctness of my argument, that the metallic money of France was not used for this purpose. Had not a large and intelligent proportion of the French people recognized the fact that the true wealth of France did not consist in her silver coinage as available money France could not have met that indemnity. This class had invested largely in the securities of other nations. It is estimated by competent judges that the aggregate of such investments in 1874 amounted to $1,000,000,000. More or less of these large foreign holdings were disposed of in the countries in which they were issued, and, being converted into the money of the world, the sum realized was paid over to their Government by the French people, who took the French rentes in return, thus enabling France not only to pay the indemnity, but to maintain her metallic circulation. But if the French people who held these foreign securities had held French silver in lien of them the results would have been entirely different.

Now, sir, if I am correct in my conclusions, is this a country for us to follow? Is it one that gentlemen who believe in bimetallism and a silver standard would hold up to us as one that is best adapted not only for our wants and necessities of to-day, but for the possible contingencies that may meet us as a people in the future? If the gentlemen favoring bimetallism or a continued coinage of the present silver dollar have any basis for their arguments at all, it is that we have not sufficient money in the country to meet our requirements and necessities. I am sure, sir, that the figures I have given will demonstrate that we are at least as well off to-day in this respect as England. If we are to judge from practical results, we are in a better condition than France; and if we have to-day all the money that our necessities demand, this argument falls to the ground.

But the advocates of silver say, "Why should we care for England, Germany, and France. They have only existed as nations about a thousand years; we a little over a century. We can learn nothing from England, but much from France; England can not affect us. Oh, no, sir, they are of no consequence to us; we are not dependent upon them in any respect, nor can they affect our financial interests." And yet when the little bell rings in the Bank of England in Threadneedle street, London, its echo starts the money markets of the world! The results of the policy of the Bank of England may not directly reach the prairies of Texas or the mountains of Missouri; fortunately, they are in the interior of our continent; but our great money centers, located as they are upon our defenseless seacoast, are exposed to such influences; but if affected injuriously, in time the oscillations in New York, Boston, and Philadelphia will be vibrations on the plains of Texas and in the State of Missouri, and from these their people will suffer to a greater or less degree.

WILL THE CONTINUED COINAGE OF SILVER BENEFIT THE COUNTRY?

And now let me ask would an increase of our money from the degree of sufficiency which has been shown to exist result in a more active development of the business of the country? I claim that it would not. In my judgment the effect would be directly the opposite. There would, on the contrary, be a tendency toward a demoralization of business. Suppose the business interests of the country were suffering from a deficiency of money; unquestionably, as soon as this deficiency was supplied there would be a revival in trade. But if the volume of money now is in excess of normal requirements, increasing our circulation with a debased coin can not possibly be of any permanent value to us; it might result in a fictitious increase of values, but the inevitable reaction would follow and in the end the people would be the sufferers.

But may I ask whether gold is not now gradually disappearing from circulation in this country, arising, first, from the fact of the great uncertainty as to its future status; secondly, from the large paper circulation now in existence, and, thirdly, from the fear of silver monometalism, for if we ever come to silver monometalism our paper circulation will not be redeemable in gold, but in silver. A few years ago gold was in circulation everywhere. It was within sight every day. On January 1, however, out of about $550,000,000 in the country, only about half the gold coin could be found either in the banks or in the Treasury. The question is, Where has it gone? Some will claim that it has gone into the arts, but my belief is that it is being hoarded by the people who know its real value.

That we have an abundance of money in the country for our present needs is practically demonstrated by the fact that millions are lying idle to-day with no prospect of early employment. Meanwhile silver is depreciating in value. If the future status of this metal could be foreseen, the principal element of uncertainty would be eliminated. Or if we could judge of the future valuation of silver by its past history in the money transactions of the world, one of the difficulties under which we labor would be removed. But it may be that silver is now undergoing a change, the results of which the wisest of us can not foresee. It is this dangerous uncertainty that has precipitated our present complications.

It is true that from 1834 to 1873, a period of thirty-nine years, 412½ grains of silver, the weight of our standard dollar, did not fall below the value of a gold dollar. In fact, from 1834 to 1873 a silver dollar of this weight commanded a premium of from .2 to as high as 4.6 premium. In 1873 the value of the coin was 101.46 cents, but in the succeeding year, 1874, it fell to 98.86, and has steadily declined from year to year until in 1885 its metallic value as compared with gold was less than 80 cents. Now I ask if there is any gentleman in this House who can say that this decline is going to stop or that silver will appreciate in value from this time forward? If this question can not be answered understandingly one way or the other, what does ordinary prudence and common sense dictate as the best policy for us to pursue? It is, in my judgment, sir, to stop where we are until the future enlightens us as to what is our best policy.

We stand to-day among the first nations of the earth in credit; our 3 per cent. extended Government bonds, redeemable at the pleasure of the Government, command a premium, and we could to-day I believe fund the entire bonded indebtedness of the Government into a bond payable in fifty or one hundred years at 2½ per cent. and they would be taken at par and perhaps above par, while English consols, practically irredeemable, paying 3 per cent., command in London 100 1/16. Our credit, sir, is too high; our good faith and honor, not only with our own people but with the people and nations of all the world, too sacred and valuable for us to continue a policy which our own better judgment tells us, and which the experiences and misfortunes of other people and nations confirm, can only end in ruin and disaster.

Although, sir, under the act of 1878 the Government has put its

stamp upon 412½ grains of silver, calling it a dollar, and is under no legal obligation to redeem it in the future, yet, sir, the day will come, if the coinage of the present silver dollar is continued until the amount reaches a sum in excess of that which the country needs, when the sentiment of justice and fair and honest dealing among our people will compel your Government to redeem these dollars, not at their metallic value to day, based on 412½ grains of silver worth 80 cents in gold, but at 100 cents in gold; for unless we do this we can never be classed otherwise than as a people who have repudiated their just obligations. This fact is illustrated more emphatically by the sentiment of our people in connection with the trade-dollar of to-day, which contains more pure silver than the standard dollar.

But, sir, many of the speeches made upon this subject appear to be in the form of appeals in favor of the debtor class of our people. Now, sir, we are not all paupers, nor are we all debtors. The great mass of the people are neither debtors nor creditors in the sense in which these terms have been used, but a very large proportion of them have their small earnings deposited in the savings-banks of the country to provide for their old age or when sickness shall overtake them or those dependent upon them.

By the report of the Secretary of the Treasury the bonded debt of the United States on July 1, 1885, amounted to $1,324,229,150. Of this debt there were held by the savings-banks, national banks, State banks, and trust companies (not including life insurance and other labor associations) $664,395,676, or a little over 50 per cent. of the entire debt of the United States.

From the report of the Comptroller of the Currency for the fiscal year ending June 30, 1885, we find the gross amount of deposits in the savings-banks of Maine, New Hampshire, Vermont, Massachusetts, Rhode Island, Connecticut, New York, New Jersey, Pennsylvania, Maryland, District of Columbia, Ohio, Indiana, Minnesota, and California to be $1,095,172,147, deposited by 3,015,151 individuals, which shows an average amount to each depositor of $356.56.

It is well known that savings-banks are not institutions for profit, but are simply conducted in the interest of the laboring classes. It is practically the same with a large amount of Government bonds held by life insurance companies, which it is not necessary for me to discuss here, as the subject is understood by every intelligent man. The small interest this class of our community receives on such savings, as well as the payments eventually to be made on life-insurance policies in the interests of those who are endeavoring to avoid leaving those dependent upon them to the cold charities of the world, are based to a large extent upon Government bonds. Capitalists as a rule are not large holders of Government bonds. They can do better with their money than buying bonds at 124 bearing only 4 per cent. interest.

At the time of the passage of the act of 1878, the value of silver bullion per ounce was $52\frac{2}{16}$, and the metallic value of our silver dollar was 89.30 cents, measured by a gold standard. To-day the metallic value of our silver dollar is 79.21 cents, showing a depreciation of 10.9 per cent. in seven years. But this depreciation has not inured to the benefit of the debtor class. They can not avail themselves of it as long as the present silver dollar can be exchanged for a gold dollar. Their only hope, therefore, is to demonetize gold, leaving silver as the only standard; then not only creditors, but millions of our wage-workers and producing classes will be defrauded out of their just dues and hard earnings 20 per cent. if not more, if silver should further depreciate, regardless of the value of the silver dollar at the time the liability was created.

Is there any justice in this policy? If there is (and I fail to see it), would it not be more manly and more honest to pass a bankrupt law permitting solvent and insolvent debtors to settle their debts at say 50, 75, or 80 cents on the dollar, than to attempt indirectly to accomplish the same ends by a debased currency? Such a policy would at least permit the honest portion of our people to pay their just debts and not force upon them involuntary repudiation.

Sir, I think I know something about the wage-workers of this country. One fact in connection with them is conspicuous: whatever the condition or the necessities of a laboring man may be he will never, as a rule, take the bread from or in any way interfere with his co-worker. They are always found standing shoulder to shoulder together, and any policy that will rob one, although that one may be a citizen of New York, will incur the disapproval of another, though he may be a citizen of Pennsylvania or any other State.

WHAT IS THE TRUE POLICY OF THE SOUTH AND SOUTHWEST?

Mr. Chairman, let us look at this question from a Southern and Southwestern standpoint only. I will endeavor to imagine that I am representing a constituency in that section and that I desire to do conscientiously what I believe will in the end prove to be for their best interests, regardless of all personal considerations. What do the people of the South and Southwest want? The arguments of the gentlemen from those sections are based upon the theory that they require more money.

I have endeavored to show that we already have in this country all the money that the legitimate needs of the country demand; that in fact money is now the cheapest commodity we have, even when compared with the prices at which other commodities of the country are selling. If money was scarce, this state of affairs could not exist, for it would command a higher rate of interest than it does to-day. The South and Southwest want railroads; they want their coal and iron fields developed; they want the great natural advantages they possess for manufacturing developed, their naturally productive soil cultivated, and of which probably not one-eighth is now under cultivation. To accomplish this capital is necessary, and not money in the sense in which they confound the two words. Will an unlimited coinage of silver, which is not true money, supply their wants in this respect; and will the South and Southwest realize their expectations from such policy?

I say, sir, they will not; but the effect will be to check the influx of capital to these sections, which would go there if all the money of the country was good money and there was no doubt or shadow of doubt as to its future intrinsic value. If I have to-day $10,000 of silver which is on a parity with $10,000 of gold, however anxious I may be to loan it, even at a low rate of interest, I will not loan it if there is any uncertainty as to whether I am to receive in return when due anything less than its value when I parted with it. If there is any probability of my being forced to take a depreciated currency, nominally worth $10,000, but intrinsically worth only $8,000, I know I will be better off if I hold my gold and lose my interest than to loan it subject to such a contingency. It is this great fear hanging over the country to-day, which, in my judgment, has done more to bring about the present stagnation in business than any other one fact.

The capital of this country is idle because the people owning it realize the great uncertainty of the future, in connection with the money of the country. The paramount interest of the debtor, if he is an honest debtor and proposes to pay his just obligations, is to hire his money at the lowest possible rates of interest. The rates at which money is being loaned in the United States to-day, are lower than they have ever been in the history of the country. As soon as this money becomes depreciated, its ultimate value uncertain, although it may be fiat money, the rates of interest will immediately advance. The uncertainty of those who are willing to loan it under such a condition of affairs, will cause them to demand a higher rate of interest for this debased money than they otherwise would, to protect themselves as a guarantee against any possible further depreciation in it when paid, and the debtor class of the country will be the greatest sufferers thereby.

It is claimed that the prices of our cotton, our corn, our wheat, and our hog products of to-day are caused by the deficit in the amount of our money. Such a proposition is so absurd that I can not comprehend why any gentleman possessing ordinary intelligence would in this House make such an assertion. He must either be ignorant of the first principles governing the price of these commodities, or else he is endeavoring from personal or some other motive to mislead the constituency he is sent here to represent and serve. The price of our cotton, our grain, our wheat, and all other products is fixed and determined, not by the amount of money we have in this country, but by the price that foreign nations will pay us for the surplus which it is necessary for us to ship out of the country in order to find a market for it, and the money of the United States has nothing more to do with it than the money of any other nation in the world. We do not and we can not consume all of the products I have mentioned, and the export prices of our surplus fixes and determines the home prices of what we do consume; and these prices are to-day and always will be measured by a gold standard, whatever our standard may be. Sir, I beg the pardon of this House for occupying their time in refuting such a ridiculous proposition.

And now, sir, I desire to touch upon another phase of this subject. Any ordinary merchant or business man understands that if he can purchase and pay for any commodity produced by human labor so as to absolutely control it he can fictitiously appreciate the apparent value of such commodity. The difficulty arises when he wishes to dispose of it and to find those who will buy it. On what theory of sound economy and practical common sense can you ask this Government to become, if I may use the expression, the "bull" of the world for the appreciation of silver? We know that its ultimate intrinsic value can only be determined by supply and demand. Why should we assume to appreciate silver any more than to appreciate wheat, copper, or iron? What is the relative production of the silver mines of this country as compared with all other products?

Many of those who are most strenuously advocating the continued coinage of our silver dollar do not believe in the theory of protection; yet it is claimed by other advocates of the measure that we should especially protect our silver industries because this country is the largest producer of that metal. The total amount of silver produced in the United States in 1885 was estimated to be $46,489,930, an amount which hardly equals the value of the petroleum product of a little corner of the State of Pennsylvania.

From the best estimates that can be made from the census of 1880 the valuation of all the products of this country is as follows:

Total value of manufactures	$5,369,000,000
Cereals and potatoes	2,139,000,000
Wool (about)	100,000,000
Butcher meats and other articles not included elsewhere (estimated)	400,000,000
Total	8,000,000,000

Now, sir, the economic question involved in this discussion is simply this: Is the production of this fifty millions of silver in the country of such paramount importance to us as a people as to influence our judgment in arriving at a true and correct solution of the question of what is true money when we know that to a greater or less extent, whether we solve it wisely or unwisely, the larger proportion of the remaining products of the country, amounting to $7,950,000,000, will be affected thereby?

And now I will ask the Clerk to read that which I send to his desk.

The Clerk read as follows:

A bill to regulate the coinage of the standard silver dollar.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That all that part of section 1 of an act entitled "An act to authorize the coinage of the standard silver dollar and to restore its legal-tender character," approved February 28, 1878, which reads as follows: "And the Secretary of the Treasury is authorized and directed to purchase, from time to time, silver bullion, at the market price thereof, not less than $2,000,000 worth per month nor more than $4,000,000 worth per month, and cause the same to be coined monthly, as fast as so purchased, into such dollars; and a sum sufficient to carry out the foregoing provision of this act is hereby appropriated out of any money in the Treasury not otherwise appropriated. And any gain or seigniorage arising from this coinage shall be accounted for and paid into the Treasury as provided under existing laws relative to the subsidiary coinage: *Provided*, That the amount of money at any one time invested in such silver bullion, exclusive of such resulting coin, shall not exceed $5,000,000," be, and the same is hereby, repealed.

SEC. 2. That whenever the standard silver dollars now in the Treasury of the United States shall, by payments in due course of law, have been reduced in amount to $20,000,000, the Secretary of the Treasury shall set the said sum of $20,000,000 aside in a specific fund, to be known as the "silver coinage adjustment fund." If by payments, upon lawful demands, made from said fund the amount thereof on the last day of any month shall be reduced below the sum fixed as aforesaid, the Secretary of the Treasury is hereby authorized and directed to coin, in the month next following, standard silver dollars sufficient to bring the said fund up to the sum of $20,000,000; and in every month thereafter the Secretary of the Treasury is hereby authorized and directed to coin as many standard silver dollars as shall be necessary to restore the said fund to the sum of $20,000,000, providing it shall have been reduced below that amount in the month immediate y preceding.

SEC. 3. That the Secretary of the Treasury is authorized and directed to purchase from time to time silver bullion at the market price thereof in such quantities as shall enable him to carry out the provisions of the preceding sections; and a sum sufficient to carry out the foregoing provisions of this act and to pay the expenses of the coinage herein authorized is hereby appropriated out of any money in the Treasury not otherwise appropriated; and any gain or seigniorage arising from this coinage shall be accounted for and paid into the Treasury as provided under existing laws relative to the subsidiary coinage.

Mr. SCOTT. Mr. Chairman, my convictions in regard to this whole subject are based upon the facts or assumed facts to which I have called the attention of the committee. The opinions I entertain upon the question are derived in part from practical experience and observation, but they are also confirmed by what I understand to be the experience of other nations who now or at some period of their history have been similarly situated. The provisions embodied in the bill just read are so simple and so free from ambiguity that the weakest intellect can comprehend them. The measure does not demonetize silver; it does not provide for a stoppage of the coinage of the silver dollar, nor change in any manner its weight or fineness; in fact it raises the maximum of its coinage from $4,000,000 per month, as limited by the act of 1878, to a possible twenty millions per month, if the mints of the Government can coin so much, and if the people of the country want it coined.

Why, then, can not any gentleman on this floor who believes in a bimetallic standard or who favors the continued coinage of the silver dollar vote for it? Will his vote in its favor in any way conflict with his past record? I fail to see that it will. If so, I would be glad to hear the reasons for such an opinion. It is true it leaves the whole question of the future coinage of the silver dollar to the people. Are we afraid to trust them? Are they not better judges of what they want and do not want than we are? Or are three hundred and twenty-five gentlemen on this floor better able to solve this problem than the people themselves?

Let us briefly consider the results of the passage of such a bill from a bimetallic standpoint, and let us see whether it is not more likely in the future to establish bimetallism as the standard of the values of the world than the law which now governs our silver coinage. If such a standard can ever be adopted, will enforced silver coinage on our part result in compelling England and Germany to adopt bimetallism, or induce France and the Latin Union to renew that which they have now stopped, the coinage of their five-franc pieces? Most assuredly it would not, but it would have directly the opposite effect, for such a policy on our part, if continued indefinitely, will sooner or later bring us to a silver standard, and no living man or set of men can determine when the last dollar that will produce this result may be coined.

It will come, sir, like a thief in the night, when least expected, precipitated, undoubtedly, by some convulsion of trade, which no law can anticipate; and when that day comes, and we require every dollar of money we can control to save our people from bankruptcy and ruin, nearly the entire mass of our gold coin, amounting to $600,000,000, will not only be driven from circulation, but out of the country into those countries where gold is the standard, thereby strengthening them in the position they now occupy, leaving us to receive silver for what we export, and pay such nations in gold for what we import.

But suppose we change the existing law, compulsory in its nature, and relegate the whole question to the people, as provided for in the bill, leaving the people's wants to be met by the law of supply and demand, and provide, as this bill does, for giving them all they want, what possible objection can there be to such modification of existing laws? We have now coined about $203,000,000 of the standard dollars, and faith in the value of the present silver dollar now coined, would return. If they ever can find a resting place in the confidence of the people, such a policy would secure that result, and in the near or distant future, when the country requires more silver, and can absorb it, the provisions of this act would furnish it for them.

Would not such a policy place us in the strongest possible position for the accomplishment of the best results in the future? Would it not leave us in the position of a discreet and wise general who, hoping for victory, does not overlook the necessity of providing for a line of retreat in case of disaster? For, sir, if in the future we should become loaded down with silver coinage, as France and the other States of the Latin Union are to-day, and have to retreat, it will be at a sacrifice and loss to the people of this country for which years of labor will not compensate.

Now, in conclusion, Mr. Chairman, I can not but call the attention of the gentlemen of this House to what they know so well, that our very existence as a nation was based on concession and compromise. The past history of our legislation tells us that where great national interests have been involved, our best and ablest statesmen of all parties have sought by conciliation and compromise to harmonize conflicting interests, and teaches us that there is not and that there can never be any question or sectional interest which our good sense can not settle in such manner as will mete out justice and equity to all.

Realizing as I do the difference of opinion on the part of gentlemen of this House upon this subject, and conceding to all who differ with me as much honesty of purpose and the possession of an equal desire to do only what shall result in the advancement of the best interests of the country as I claim for myself, I have endeavored, in the preparation of this bill, to so frame it that however different our views might be, it would afford a common ground for us to stand upon, and one which, in my judgment, will give satisfaction, as a fair compromise measure, to the people, whatever their individual opinions may be. Our duty to our country demands this.

[During the course of the foregoing speech the following proceedings occurred:

Mr. DUNHAM and Mr. REED of Maine. Mr. Chairman, what is the business before the House?

The CHAIRMAN. The gentleman from Pennsylvania [Mr. SCOTT] sent up an amendment to the pending bill, and, as the Chair understands, is speaking to his amendment.

Mr. REED, of Maine. Has the amendment been read?

The CHAIRMAN. It has.

Mr. REED, of Maine. Does it refer to the silver question?

The CHAIRMAN. The amendment will be again reported.

The Clerk again read the amendment as above printed.

Mr. REED, of Maine. Ah! I see it is entirely pertinent. [Laughter.]

Mr. STONE, of Kentucky. Mr. Chairman, is it in order for the gentleman in charge of this bill to accept the amendment?

The CHAIRMAN. The Chair thinks not.

Mr. SCOTT. Mr. Chairman. I trust that these interruptions are not to be taken out of my time.

The CHAIRMAN. The gentleman's hour has expired.

Mr. WARNER, of Ohio. Mr. Chairman, I ask unanimous consent that the time of the gentleman from Pennsylvania [Mr. SCOTT] be extended twenty minutes.

Mr. REED, of Maine, Mr. ROGERS, Mr. TUCKER, and other members objected.

Mr. TUCKER. Mr. Chairman, on any other day than private bill day I would make no objection, but I must object to time being consumed on this day in the discussion of the silver question.

Mr. SCOTT. Mr. Chairman, I am somewhat fatigued, and if I can have unanimous consent to print the remainder of my remarks I shall be content.

There was no objection, and it was so ordered.]

Mr. GEDDES. I rise, Mr. Chairman, to oppose the amendment offered by the distinguished gentleman from Pennsylvania [Mr. SCOTT] to pay this little claim in silver.

Mr. REED, of Maine. I think we can vote that down. [Laughter.]

Mr. GEDDES. The party for whose relief this bill is reported suffered his loss twenty years ago. He was a loyal man and furnished this property to the Government. The claim is a small one, and, as we never report interest, he can have only the value of the property at the time he parted with it; yet gentlemen now propose to pay this claim in silver. I am opposed to that. As long as I hear so much said in favor of paying the bonds of the Government in gold, I, as a member of the Committee on War Claims, shall resist all these efforts of the gold men to pay these little claims that are reported from time to time in silver. [Applause.]

Not only so; I have another reason for addressing the House at this particular time. The gentleman who has just spoken [Mr. SCOTT] is a distinguished member of the Coinage Committee. That Committee has reported a bill the consideration of which will, I have no doubt,

consume much of the valuable time of the House. This fact I recognize, that when that bill comes up for discussion the gentleman will have the right of way on this floor as against me and others not members of that committee who entertain opposite convictions upon that subject. Is it to be wondered at then that I, as a member of the War Claims Committee, entitled to this day for the passage of our few little bills for the relief of suffering poor men and poor women, should oppose the consumption of time by a one, two, or three hours' speech in favor of gold in order that the bonds of the country shall be paid in gold?

Mr. STRUBLE. Mr. Chairman, I think that after these remarks perhaps the gentleman from Pennsylvania [Mr. SCOTT] will be willing to withdraw his amendment.

Mr. GEDDES. Mr. Chairman, I have the floor. I do not give my consent to the withdrawal of the amendment, and I do not yield the floor for any purpose. [Laughter.] I propose to vindicate the payment of small claims precisely in the same way that the bonds of this country are to be paid.

Mr. STRUBLE. That is all right, but, Mr. Chairman, I would suggest——

Mr. GEDDES. Well, then, let me alone. [Laughter.] Before I get through I will prove that it is right I do not ask any concession from any man unless I convince his judgment.

Mr. STRUBLE. I do not differ with the gentleman on that question; at least I do not think we shall differ.

Mr. GEDDES. You certainly will not differ with me by the time I get through. [Laughter.]

Mr. STRUBLE. I desire, however, Mr. Chairman, that business should be considered in the line for which this day is set apart.

Mr. GEDDES. It is directly in the line of business that I am now at work. But I want to state that the only business of this country is not railroading or bondholding. The poor man has some rights that we ought to recognize. [Applause.]

Mr. Chairman, the Secretary of the Treasury, in his able report to the present Congress, in reviewing the legislation of Congress under Republican rule, says:

> To many our prosperity might well seem satisfactory, although in fact ever since the war it has been intolerably abridged by an unwise financial policy.

I propose to vindicate the correctness of this assertion and point out some of the evils resulting from it, and by the light of that experience avoid the line of financial policy so prejudicial to our prosperity.

It is susceptible of the clearest proof that the financial policy of the Republican party from 1865 to the last exercise of power has been full of evil, and that continually. Its legislation has been in the highest degree burdensome and oppressive upon the many in the plain, direct interest of the few. The leaders of that party have with unvarying and ceaseless activity, at times openly and at other times secretly, sought to establish and firmly fasten upon the people of this country a moneyed oligarchy. Whether these efforts will prove successful or not must be settled in the near future. The power of the people to protect themselves in the presence and under the various appliances and multiplied influences of concentrated wealth often appears doubtful. Whether they can establish their proper influence in the affairs of this nation is the overshadowing question to be determined. The people have endured patiently and with long suffering an "unwise financial policy" and an unjust, unequal, and burdensome scheme of taxation. As wisely stated by the Secretary of the Treasury in his report:

> Both are legacies of the war. They are unaccountable except by the light of events which afforded their origin and their excuse.

A free people can not be enslaved in a day. The evils imposed have been gradual. The power behind the throne of the Republican party has always been the same. Sometimes it has appeared in disguise, seeking to hide its real purpose, but sooner or later the crushing, grinding influence of its acts disclosed its real character.

Mark some of its footsteps from the year 1865. At the close of our late war the business interests of the country were highly prosperous. Every laborer in the land was in great demand, and his services in every department of employment very remunerative. Every branch of productive capital was active and profitable. In all the workshops and mines, on all the farms and in all the stores the active capital invested and the men employed worked harmoniously together, producing general contentment. No financial depression, no business distress, no fears of impending bankruptcy were seen or felt in all the land.

All this was changed by the policy forced upon the country at the instance and in the interest of that kind of capital owned by the few, non-productive to all except its owners. This capital must not be confounded with capital invested and used in all the various industries of the country.

During the long years since the war a moneyed class has been created by legislation and from time to time encouraged until it has become a fearful moneyed power in the land. It has been gradually eating up the substance that rightfully belonged to labor.

This species of capital has from the beginning been championed by the Republican party. Legislation in its interest produced the most appalling condition of things, disastrous to the best business interests of the country. Bankruptcy the most startling spread throughout the country. Suffering and pauperism everywhere prevailed. In this government of the people a million of men willing and anxious to work were thrown out of employment. The workshops, stores, and mines were closed. Money-lending and bond-holding alone were profitable. In their interest this widespread ruin was wrought.

This greedy and relentless form of wealth demanded special legislation and secured it. It was secured in defiance of the rights of the humble and unprotected laborer. It was obtained regardless of the bankruptcy and ruin thereby entailed upon the useful and productive capital invested in manufacturing, mining, farming, and other industries. All of these higher and better interests were forced to yield to this exacting, overreaching, insatiate money power. Step by step it marched toward the seat of power, on which it now seeks to be permanently enthroned. Its bold, grasping nature has been seen and felt, and the warning sounded; but under different guises it has secured its present hold upon the vitals of this nation. Without any just claims to commend it, by the sheer force of its strength this bond-holding interest has been the dictator of the policy of the Republican party, until it now seeks a lease of permanent power.

It does not share the burdens of government. It builds no schoolhouses, court-houses, orphans' or soldiers' homes, or asylums of any kind for the unfortunate. It erects no cottages as homes for laborers, takes no part in the public improvement of highways or other burdens of government. Productive capital and the toiling masses must unite to maintain schools, improve highways, erect buildings for the unfortunate, and carry on the Government, and allow this favored form of capital to remain idle, reaping where it has not sown. This unconscionable form of capital accepts the benefits and enjoyment of the blessings of government provided by productive capital and labor as it accepts the dews, rain, and sunshine of Heaven, considering them a kind of birthright due from useful capital and industry. How was this brought about? A brief glance at the history and workings of the financial policy and legislation of the Republican party will answer my present purpose.

At the close of the war in 1865 we had a currency circulation of about $1,200,000,000, on which was based all the values of property of every description. Peace opened up immense demand in the South for our currency, which naturally affected the volume of circulation in the North. But notwithstanding the demand and necessity for this circulation, the contrary policy of contracting the circulating medium was commenced and produced its inevitable results, great shrinkage in values, depression in business, and general bankruptcy. From that time the people have been grossly robbed in the interest of this growing, greedy, and overawing money power.

In March, 1869, the Republican party, with entire control of the Government, made the 5-20 bonds payable in coin, when by the contract under which they were issued they were payable in currency except the interest. That act—a single turn of the extortioner's wheel—gave the bondholders $600,000,000 of the people's money. This was done not only in violation of the contract authorizing these bonds, but it was in violation of the platform on which that party secured a new lease of power.

In the year 1868 great fears were entertained by the people that the Republican leaders would yield to the persistent clamors of the bondholding class, and therefore in conventions obtained solemn pledges that so great a wrong should not be done. The Chicago convention of 1868 pledged the Republican party that the bond should be paid as the contract provided. Many State conventions that year felt compelled to give the people the same pledge. Senator SHERMAN, under the influence of the pure atmosphere of his Mansfield home, in 1868 wrote the following letter, which for the period of that campaign gave great encouragement to the people, expressing as it did the general sentiment of the people of both political parties:

> DEAR SIR: I was pleased to receive your letter. My personal interests are the same as yours, but like you I do not intend to be influenced by them. My construction of the law is the result of careful examination, and I feel quite sure an impartial court would affirm it if the case could be tried before a court. I send you my views as fully stated in a speech. Your idea is that we propose to repudiate or violate a promise when we offer to redeem the principal in legal-tenders.
>
> I think the bondholder violates his promise when he refuses to take the same kind of money he paid for the bonds. If the case is to be tested by law I am right; if it is to be tested by Jay Cooke's advertisement I am wrong. I hate repudiation or anything like it, but we ought not to be deterred from doing what is right by fear of undeserved epithets.
>
> If under the law as it stands the holders of the five-twenties can only be paid in gold, then we are repudiators if we propose to pay otherwise. If the bondholder can legally demand only the kind of money he paid, then he is a repudiator and extortioner to demand money more valuable than he gave.
>
> Truly, yours,
>
> JOHN SHERMAN.

Mr. Chairman, when the new Republican administration entered upon its duties all pledges to the people were repudiated by the act of 1869 to enable the bondholder to become "a repudiator and extortioner" by demanding and receiving money for them contrary to the terms of his contract. Is it possible to conceive of a more bold, destructive, and iniquitous scheme than this piece of legislation? It was bold, because it was in direct violation of the most solemn pledges given the people of the country. It was destructive, because it increased the burdens of productive capital and labor by unjust retroactive legislation. It was

iniquitous, because it was giving more than the original contract provided for bonds which only cost the holders 40 cents on the dollar.

What apology was offered to the public for this flagrant violation of the rights of the people? What reason could be assigned for thus increasing the burdens resting upon them? The law of 1869 is entitled "An act to sustain the national credit." Here we have a just and honest motive—a pure, patriotic sentiment—held up to the gaze of an honest people to mislead and deceive them. Is it possible that what Senator Sherman stigmatized as repudiation and extortion could so soon become essential to the national credit?

When Moses, the leader of God's chosen people through the wilderness, held up the rod that all who looked upon it might be healed of the serpent's bite and live none looked in vain, but all who trusted and looked were saved. But the Republican leaders by this title holding it up for us to look at simply sought to deceive, mislead, and mock the burdened, suffering people. The bite of the fiery serpent continued and increased. If any individual should be overwhelmed with debt, but still hoping and struggling to pay it, and should by a new contract swell his indebtedness in that way, his family and friends would not believe it was done to "sustain" his credit. Nor can a political party in that way long deceive a free, intelligent people.

On the 14th day of July, 1870, another act was passed "to authorize the refunding of the national debt," in which the pledge of the United States to pay the debt in coin was renewed. It was provided in that act that the bonds issued under its provisions should be redeemable in coin of the standard value of July 14, 1870, which would be in gold dollars consisting of 25.8 grains of standard gold or in silver dollars of 412½ grains of standard silver. The present gold and silver coin of the country are both of the standard value prescribed by that law. This generous act of the Government in making the bonds, originally payable in greenbacks, the same currency paid the soldier for his services, payable in coin should have been considered a full compensation for the patriotism manifested in buying the bonds for from 40 to 50 cents on the dollar in coin.

To this point in the struggle the bondholder fought, openly insisting that it was generally understood that the bonds of the United States should be redeemed in coin, and that the agents of the Government had so represented in offering them for sale. As soon as their claim was submitted to by Republican legislation it operated to stimulate the bondholder's love of gain, so that he at once conceived it possible to convert this new contract for payment in coin into a contract for gold alone. How is this new scheme to be accomplished? They could not hope to again successfully appeal to the patriotism of the people. Silver was known to be a popular coin with the people. It has existed as a coin from the earliest dawn of civilization, and in our own country was recognized in the Constitution by the founders of the Government. From 1794 no change had been made in the amount of pure silver constituting the standard silver dollar. It was for about forty years of our history immediately prior to 1873 at a premium from 1 to 5 per cent. above gold.

Mr. Chairman, it is now a matter of history that by an unaccountable inadvertence or clandestine act the law of 1873 operated to demonetize silver. Congress created a commission to revise the statutes, providing for a codification and rearrangement of existing laws without any authority to devise new legislation. The laws thus revised make a large volume, which in 1874 was adopted by Congress without reading on the assurance of the commissioners that no new legislation had been introduced.

It was not generally known until 1876 that the section demonetizing silver had been introduced. The section is in the following words:

> The silver coin of the United States shall be a legal tender at their nominal value for any amount not exceeding $5 in any one payment.

On the 14th of April, 1874, it certainly could not have been known by the then members of this House that the silver dollar was not a legal coin, for on that day Mr. HOAR, of Massachusetts, offered the following resolution, which was voted upon:

> That from and after the 1st day of September, 1874, nothing but gold and silver coin of the United States shall be a legal tender in the payment of any debt thereafter contracted.

This action of this House at that date recognized silver as possessing by law the full legal-tender quality, and no voice was raised or hint given that silver had been demonetized. Thus we find that the representatives of the people, watchfully guarding their interests, had no knowledge or suspicion that legal-tender silver coins could no longer be struck at the mints.

President Grant had no knowledge or suspicion that silver had been demonetized as late as January 14, 1875. In his message to Congress of that date announcing his approval of the resumption act he uses the following language:

> With the present facilities for coinage it would take a period probably beyond that fixed by law for final specie resumption to coin the silver necessary to transact the business of the country.

Thereupon the President recommended the establishment of one or more new mints at either Chicago, Omaha, or Saint Louis.

As late as the 30th of March, 1876, the subject of the currency was under discussion in the Senate, and the CONGRESSIONAL RECORD of that date shows that it was not then known by the most vigilant men of that body. The following from the CONGRESSIONAL RECORD of that date proves it:

> Mr. CONKLING. Will the Senator allow me to ask him or some other Senator a question? Is it true that there is now by law no American dollar; and, if so, is it true that the effect of this bill is to be to make half-dollars and quarter-dollars the only silver coin which can be used as a legal tender?
>
> Mr. SHERMAN. I will answer the Senator from New York that since the law of 1853 the use of the silver whole dollar has been discontinued and none has been issued. That has been so since 1853.
>
> Mr. CONKLING. Is there power to issue it?
>
> Mr. SHERMAN. There is no power and has been none.
>
> Mr. BOGY. The power to issue existed from 1853 to 1873, but since there has been no power.
>
> Mr. SHERMAN. There has been no silver dollar issued since 1853, and my impression is that the law of 1853 did not confer the power, but the law of 1873 cut off the power, in my judgment, if it existed.
>
> Mr. JONES, of Nevada. The law of 1853 authorized the coinage of the silver dollar, and it was never demonetized until 1873, but it needed no law to prevent people from coining such a dollar for use in business when there was another dollar to be got 3 or 4 per cent. cheaper. The people did in 1853, and up to 1873, have an option that if gold should become dearer they could fall back on the silver dollar. In 1873 that privilege was taken away.

Mr. Chairman, having quoted this discussion in the Senate precisely as it occurred, it is due to Senator SHERMAN to say that he subsequently acknowledged the error under which he labored. In his biography, on page 209, I find this statement by the author:

> Mr. SHERMAN acknowledges an error he made in saying the dollar had not been issued since 1853. Official reports show that large quantities were issued from 1870 to 1873, when it was demonetized.

The five years following this legislation proved the most disastrous to business and labor ever known in this country. The shrinkage in values, the general depression in business of all kinds, and the widespread bankruptcy that followed alarmed and affected every community. The working classes suffered severely. Their condition excited general sympathy, but they were not the only sufferers. The manufacturer and all who had money invested in business shared in the losses and suffering. Reliable statistics show that during that period of five years shrinkage in values occurred causing failures aggregating over $100,000,000.

This was the natural and inevitable result of the financial policy of the times. Manufacturing and other business enterprises had been commenced on a different basis. It is impossible to strike down one-half the circulating medium of the country without producing disastrous results.

By the legislation of 1873 the American dollar was driven out of existence and the purpose and policy announced to the commercial world that the silver dollar should no longer be received in payment of bonds or constitute any part of the legal-tender currency of the United States. It placed us before the civilized world precisely where we would be by the unconditional suspension of silver coinage now. It is now urged that to suspend it now would produce a business millennium. Did it then? Let the gloomy years of dullness and stagnation in business of all kinds that continued until the restoration of silver coinage in 1878 answer the question.

It is true Republican leaders try to hide the evil influences of their class legislation by referring to the wonderful increase in the aggregate wealth of the country, and it is claimed that $30,000,000,000 have been added during the last twenty years. The fallacy of such an argument is manifest. This increase in wealth would be a great blessing if it was found distributed among the masses in some proportion to their industry and frugality, but the exact reverse is true. It is found concentrated in the hands of the few in whose interest legislation has been secured.

The immense advantages afforded the laboring classes in this country by the soil, climate, and variety of employment have to some extent neutralized the evil effects of injurious legislation. This is no apology for the wrong done. The privileges and blessings enjoyed have been in defiance of vicious legislation. A wise thinker on political economy a hundred years ago expressed the principle found in our national legislation and its practical effect as follows:

> The natural effort of every individual to better his own condition when suffered to exert itself with freedom and security is so powerful a principle that it is alone and without any assistance not only capable of carrying on society to wealth and prosperity, but of surmounting a hundred impertinent obstructions with which the folly of human laws too often encumber its operations.
>
> Like the unknown principle of animal life it frequently restores health and vigor to the constitution in spite not only of the disease but of the absurd prescription of the doctor.—*Wealth of Nations*, book ii, page 141.

Mr. Chairman, the five years of financial suffering mentioned aroused the people of the country to demand the legislation of 1878, requiring the coinage of silver dollars not less than two nor more than four millions per month.

Was this demand of the people wise? It was conceded that the immediate effect was to aid the resumption of specie payment which followed in 1879.

In referring to this legislation restoring the silver dollar Hon. W. M. EVARTS, former Secretary of State and now a Senator from New York, at the international monetary conference, said:

> I say the United States came to the conclusion that as there never had been a time in history when both silver and gold had not been necessary and been used as money; as there had never been a time in history when their united strength

was more than adequate for the unfolding progress of society, so above all things at this age and in the actual circumstances of the world was this true.

Senator SHERMAN, in a speech made in 1876 on the subject of the legal tender of silver coin, said:

The utter ruin that would come to mankind, especially to the poorer nations by the demonetization of silver, can not be estimated by us. Take one-half of the solid money of the world out of existence, take the sole standard of more than two-thirds of the human race, reduce it to a base metal and the effect upon the commerce of the world would be incalculable. It can not be done; it will not be done. There is no danger of it.

These two metals have traveled side by side from the beginning of time. The records of human history do not go back to a time where they did not move together. They have varied in value, sometimes one and sometimes the other being higher; but they have gone on, gold the money of the rich, silver the money of the poor; the one to measure acquired wealth, the other to measure the daily necessities of life; and, sir, no act of Parliament, although it may disturb for a moment the relation of these two metals to each other, nothing but the act of God can destroy the use of both of them by mankind.

The most distinguished economists and financiers of Europe and America favor the adoption and maintenance of the bimetallic monetary system. Baron de Rothschild, of Paris, used on a recent occasion the following language:

The two legal moneys, gold and silver, ought to be maintained. The two metals constitute together the monetary circulation of the world. They were united by a tie of a certain degree of elasticity, but which was indissoluble. To separate them would be impossible under pain of falling into a commercial chaos of which the consequences would be incalculable. The more there was of the precious metals gold and silver the better, for the more labor was developed.

Ex-Senator Thurman, of Ohio, as a member of the commission, before the international convention said:

I believe that bimetallism will ultimately prevail, for I can not see how the vast structure of credit, the most distinguishing feature of modern industry and commerce, can be supported on a gold basis alone; with both metals its base has often been found too narrow, but with one it would be positively unsafe.

What was the practical effect of the act of 1878 requiring the coinage of silver as stated? Had that legislation the tendency or effect to drive gold from the country? Did it have the effect to flood this country with silver from abroad to the exclusion of gold? On the contrary; soon after the passage of the act of 1878 the business interests of the country revived, the demand for labor and the price of wages increased. Manufacturing and mining companies furnished remunerative employment for workmen, and the farmers of the country found a market for all their products.

Gold, instead of leaving us, flowed more abundantly into the country. The Comptroller of the Currency in his report for 1881 gives us the facts that from the date of the restoration of silver in 1878 to November 1, 1881, the imports of gold exceeded the exports of gold $197,000,000. I put the statement in this form to show the feeling in the commercial world immediately following the popular demand for the restoration of silver.

Next let us look at the entire period from 1878 to 1885, inclusive, and we find statistics furnished by the Director of the Mint show that during the period we imported $301,025,100 in gold and exported $113,744,843 in gold, making our importation of gold during that period $187,280,257 more than we exported from the country. If we look to the last fiscal year separately we find we imported $26,691,696 in gold and exported $8,477,843 in gold, making $18,213,853 more in gold flowing into the country than went out.

Concurrently with this historical conduct of the business men of the world in relation to gold, how do they regard silver? During the same period we exported $172,145,209 in silver and imported $103,914,843 in silver, making $31,769,745 exported in silver more than we imported. Looking at the last fiscal year separately to see whether any change has occurred to alarm or discourage us we find $16,550,953 in silver imported and $33,753,633 in silver exported, making $17,202,680 of silver exported in excess of the amount flowing into our country.

If human experience is worth anything we must consider it settled that the coinage of the standard silver dollars, as at present limited, has not driven gold from the country or flooded us with an excess of silver.

A persistent, and in some cases unfair, effort has been made to prejudice the people against the coinage of silver. The amount of silver in the Treasury compared with the amount in circulation has been grossly exaggerated. The proceedings of the American Bankers' Association will be found to illustrate the kind of efforts made to forestall and mislead public sentiment in regard to silver. The last convention, which was held in Chicago September last, published quite a volume of essays, and in the one on page 53 will be found this statement:

With two hundred millions of these fiat dollars in the Treasury being transported from place to place for want of room, and another one hundred million for which silver certificates of deposit are floating about the country, it must be evident the people have no use for it in such unreasonable, inconvenient, and unprofitable proportion.

Mr. Chairman, this statement is remarkable in view of facts and figures within the reach of all. The monthly statements from the Treasury furnish information showing that at the time this essay was delivered the standard silver dollars and bullion in the Treasury amounted to only seventy-six million beyond what was needed to redeem the certificates, and the report of the Treasurer for December 31, 1885, shows $76,335,765.84 silver in the Treasury in excess of that held for certificates.

There is another significant fact bearing upon the question of the effect of the restoration of silver in 1878 showing that business men and holders of gold did not fear the present limited coinage of silver. Between September 18, 1880, and January, 1885, an order of the Treasury Department authorized the exchange of silver certificates for gold coin or gold bullion deposited with the Government. This right was withdrawn and all further exchange prohibited since January last. During the time such exchange was permitted the amount of gold that flowed into the Treasury in exchange for silver certificates is stated in the last report of the Treasurer, on page 24, as follows:

The issue of silver certificates by Treasury officers in the South and West for gold coin deposited with the assistant treasurer in New York under departmental circular of September 18, 1880, was discontinued in January last. The amount which has been issued in this manner to the date named was $80,730,500.

What rational financial objection can be urged against the continuance of this privilege granted the people of exchanging gold for silver to the extent of all the silver coined under the act of 1878?

Mr. Chairman, I regard this as a struggle between the debtor and creditor classes. Speedy and inevitable financial ruin would result from limiting the quantity of legal money and confining it to gold. It would almost double the amount of the debts of the country. Mortgages given and debts contracted under the present coinage laws would, after the adoption of the single gold-currency policy, be so largely increased as to produce widespread distress. Stability and safety in our currency are indispensable to our prosperity. Values fixed upon one basis, and then suddenly unsettling those values, must produce unjust and disastrous results. The financial prospects and happiness of the debtor class should not be thus assailed by our legislation.

We have about $250,000,000 of silver and $550,000,000 of gold in this country. Is it possible that our silver is an enemy to our growth, prosperity, and greatness? Is it an alarming inflation of the currency of the country? I find these questions triumphantly answered by the condition of our country in 1866, and a fact in regard to it by Senator SHERMAN in the United States Senate on April 6, 1866, as follows:

Here is a significant fact that when gold was 280 our currency was $550,000,000, and now when our currency is over $700,000,000 gold is 130, and is going down and down, and no power in this world can prevent its going down.

Mr. Chairman, this fact proves that the value of gold fell from 280 to 130 under the influence of an increase in the currency to about the difference in amount between our gold and silver circulation now. It is now proposed to reverse that order of things.

Mr. Chairman, if the national, State, municipal, individual, and every form of indebtedness must be paid in gold, its enhanced value and purchasing power would make it a hard money indeed; hard to be obtained, hard upon the producing and laboring classes, and falling with crushing weight upon all except the moneyed class.

This favored class would have their wealth greatly increased at the expense and suffering of the producing and laboring classes. In proportion to the increase in the value of money the wages of labor would be decreased. The bonds of the Government payable in 1892 and 1907, instead of being as at present at a premium of 12 and 24 per cent. respectively, would advance to double that premium.

The national debt in 1865 amounted to $2,756,000,000. It now amounts to $1,843,713,715.80. Although in the twenty years we have reduced the principal to the present amount and have paid $1,900,000,000 in interest on the debt, the balance is still as large and as hard to be paid, if we estimate it by the chief products of human labor in our country. It should not be still further increased as a burden upon the people.

The Democratic party, after a struggle of twenty years, not only elected but inaugurated a President. He holds the reins of Government in the interests of the people. The vicious financial policy of the Republican leaders, the reckless extravagance in every department of the Government, and the heavy burdens imposed upon the people by an unjust, unequal, and iniquitous tariff law secured the popular verdict in favor of reform in all of them.

Our pledges must be kept inviolate. The cardinal and time-honored principles of the party—dear to the fathers in the earlier days of the Republic—must be adhered to with unfaltering firmness. Then our land will be filled with peace and safety, honesty and happiness, with such unequaled privileges, social, political, secular, and religious, as no other people ever enjoyed.

Mr. REED, of Maine. Mr. Chairman, why can not we go on with the private bills?

Mr. GEDDES. I am on private bills.

Mr. REED, of Maine. It seems to me the gentleman from Ohio [Mr. GEDDES] is guilty of the inconsistency which he charges upon the gentleman from Pennsylvania. Why should he take up time in this discussion when almost all of us, I think, are decidedly dissatisfied that private bill day should be consumed in this way?

Mr. GEDDES. I suppose you are, for you have only heard the gold side.

Mr. REED, of Maine. "The gold side!" I am as much dissatisfied with the time being taken up on that side as the other; and I say the example of the gentleman from Pennsylvania in this respect ought not to be imitated.

Mr. GEDDES. Why did you not make your objection earlier?

Mr. REED, of Maine. I did.

Mr. GEDDES. Oh, you did! Then you did not get it in very well.

Mr. REED, of Maine. Pretty well, I thought.

Mr. GEDDES. No doubt you did the best you could; but you were overruled.

Mr. REED, of Maine. I was.

Mr. GEDDES. And are likely to be overruled again.

Mr. REED, of Maine. I suspect I am likely to be; but I want to call the attention of the House to the fact that the gentleman from Ohio, while claiming to object to the introduction of this question by the gentleman from Pennsylvania——

Mr. GEDDES. Mr. Chairman, I hope this does not come out of my time.

The CHAIRMAN. Does the gentleman from Ohio yield?

Mr. GEDDES. I do not.

The CHAIRMAN. The gentleman from Ohio declines to yield.

Mr. GEDDES resumed his remarks but was interrupted by

Mr. JOHNSTON, of Indiana, who said: Mr. Chairman, the gentleman from Pennsylvania offered a proposition and then spoke against it; and now the gentleman from Ohio is following in the same line—making a speech against the proposition. I insist that some member in favor of the amendment should take the floor. [Laughter.]

The CHAIRMAN. The gentleman from Ohio will proceed.

Mr. GEDDES proceeded with his remarks for some time, when

Mr. REED, of Maine, said: Mr. Chairman, I rise to a point of order.

The CHAIRMAN. The gentleman will state it.

Mr. REED, of Maine. My point is that the gentleman from Ohio is not addressing himself to the amendment before the Committee of the Whole.

Mr. GEDDES. Well, I am doing the best I can.

Mr. REED, of Maine. I have no doubt he is. I agree with the gentleman about that. [Laughter.]

Mr. GEDDES. I presume I am not doing quite so well in your estimation as the gentleman who just preceded me.

Mr. REED, of Maine. I did not do him the honor to listen to him, so I do not know whether the gentleman from Ohio is doing better or worse.

Mr. BROWNE, of Indiana. Does the Chair hold that it is in order to consume the time of the House in this way?

The CHAIRMAN. The Chair will cause the rule to be read.

Mr. GEDDES. Well, we shall see whether gentlemen can get silver off the floor when they did not get gold off. That is the question now. There may be some point enforced in favor of getting silver off the floor that we could not discover as against gold.

Mr. REED, of Maine. Mr. Chairman, in the proposition I make I have no reference to the views which the gentleman from Ohio may possibly be presenting to this House. I have not listened to him nor did I listen to the views of the gentleman who preceded him. But I do feel—in common, I think, with the majority of the members of this House—that the use of this day for the purpose of general debate as if we were in the Committee of the Whole on the state of the Union is not exactly in accordance with our rules; and I desire to ascertain from the ruling of the Chair whether such is the fact. If this proceeding be in accordance with the rules, I have nothing more to say; the gentleman from Ohio will then proceed in his right, and other gentlemen will do the same; but I think there ought first to be an adjudication from the Chair that such proceeding is suitable and proper. If it is, none of us have any right to complain. If it is not, the gentleman from Ohio will have no right to complain. I make the point of order, not in any invidious spirit toward him or any of the propositions which he is advancing or thinks he is advancing.

Mr. WARNER, of Ohio. I agree with the gentleman from Maine in his general view; but inasmuch as there has been a speech made on one side of this question, I submit that my colleague [Mr. GEDDES] ought to be permitted to make his speech in reply.

Mr. REED, of Maine. But, Mr. Chairman, we have had no end of speeches on what I assume to be "the other side," from information we have had by remarks made here, not from anything that I have heard to-day. We have had no end of speeches upon both sides; but I think that the majority have been on the side that is being supported by the gentleman from Ohio.

Mr. GEDDES. By way of apology, I will ask whether the gentleman from Maine heard my statement that the speech of the gentleman who preceded me was made by a member of the Coinage Committee, which committee will have the right of way on the floor when its bill comes up, so that I would not be able to get the floor on this subject as against him. He now comes in and tries to consume our private bill day by devoting it to a discussion of the gold question.

Mr. REED, of Maine. And you, in order to rectify the evil, propose to take another hour away from private bills in order to discuss silver coinage.

Mr. GEDDES. I will take care of private bills, and the House will be satisfied with my action.

The CHAIRMAN. The Chair will cause the rule to be read.

The Clerk read as follows:

When any member desires to speak or deliver any matter to the House, he shall rise and respectfully address himself to "Mr. Speaker," and on being recognized may address the House from any place on the floor or from the Clerk's desk, and shall confine himself to the question under debate, avoiding personality.

Mr. REED, of Maine. I submit to the gentleman from Ohio that to an amendment to pay a particular thing in silver the remarks he is now making are not in order.

Mr. GEDDES. Yes, they are strictly in order.

The CHAIRMAN. The Chair will state that when the bill under consideration was read the gentleman from Pennsylvania rose and addressed the Chair and asked for recognition. No gentleman of the War Claims Committee and no other gentleman addressed the Chair at the time. The Chair recognized the gentleman from Pennsylvania, and he first read and then sent to the Clerk's desk an amendment to the bill under consideration. The Clerk will report that amendment.

The Clerk read as follows:

Amend the bill, after the word "cents," in line 7, by inserting the words "in standard silver dollars."

The CHAIRMAN. After the gentleman from Pennsylvania had been recognized the gentleman from Illinois [Mr. DUNHAM] and the gentleman from Maine [Mr. REED] asked the Chair a question as to what was under discussion. The Chair will have the notes of that portion of to-day's proceedings read.

Mr. REED, of Maine. I will say, Mr. Chairman, in regard to the interruption I made, that coming into the Hall without knowing what was going on, I inquired what it was. I was not aware of the condition of affairs when I made the request.

Mr. HISCOCK. I desire to make a parliamentary inquiry.

The CHAIRMAN. The Clerk will now read what occurred during the course of the speech of the gentleman from Pennsylvania [Mr. SCOTT] when the question was raised.

The Clerk read as follows:

Mr. DUNHAM. What is the business before the House?

The CHAIRMAN. The gentleman from Pennsylvania [Mr. SCOTT] sent up an amendment to the pending bill, as the Chairman understands, and is speaking to his amendment.

Mr. REED, of Maine. Has the amendment been read?

The CHAIRMAN. It has.

Mr. REED, of Maine. Does it refer to the silver question?

The CHAIRMAN. The amendment will be again reported.

The Clerk again read the amendment as above printed.

Mr. REED, of Maine. Ah! I see it is entirely pertinent. [Laughter.]

The CHAIRMAN. The Chair will state these proceedings occurred during the hour occupied by the gentleman from Pennsylvania. No point of order was raised by any member of the committee. After his hour expired the Chair recognized the gentleman from Ohio [Mr. GEDDES], the chairman of the Committee on War Claims.

The gentleman from Maine now submits the point of order that the gentleman from Ohio is not confining himself to the subject under consideration. So far as the gentleman has proceeded the Chair will state that a part of his remarks are certainly pertinent to the question under consideration. The gentleman in his opening remarks referred to the pending bill and stated his reasons for opposing the amendment. Subsequently the Chair thinks that the gentleman has not been strictly within the rule. The Chair can only state, as has been stated by occupants of the chair repeatedly before, that he hopes in the time allotted to the gentleman he will confine himself to the rules of the House.

Mr. REED, of Maine. Permit me one word.

Mr. HISCOCK. Is it not in order to move that the committee rise?

Mr. GEDDES. This discussion is not, of course, to come out of my time.

The CHAIRMAN. Certainly not. It is not in order to move that the committee rise, as the gentleman from Ohio has the floor.

Mr. WARNER, of Ohio. And he can not be taken off the floor for any such purpose.

The CHAIRMAN. No; not without his consent.

Mr. REED, of Maine. I desire to state to the House, because I think it only fair to myself I should do so, that the observation I made in regard to the pertinency of the remarks of the gentleman from Pennsylvania to the subject under discussion was made without having heard what his remarks were, except they seemed to be on the silver question.

Mr. WARNER, of Ohio. And the gold standard.

Mr. REED, of Maine. Not at all. I did not recognize him personally, and it was fifteen minutes after that before I had any information of the side upon which he was. I think it fair to state that to the House. I am not trying to make fish of one and flesh of the other, but I did sympathize fully with the opening remarks of the gentleman from Ohio about taking up the time of the House in such discussion. I really hope, and beg leave to express that hope, he may continue in that vein.

Mr. MORRISON. Mr. Chairman, no one can more earnestly desire than I do that all discussion here shall be in accord with the letter and spirit of the rules and relate to the subject at the time actually under consideration. This discussion of silver out of place began on a bill on another subject, of which I had charge. Whether appropriate or not, it began on an amendment technically in order, and on this side

of the House. Next followed the gentleman from Colorado [Mr. SYMES] in a speech alike irrelevant, but greatly to the gratification of our friends now complaining on the other side of the House. That speech was no more in order than the other. It was followed by another, and still another, and to-day the gentleman from Pennsylvania [Mr. SCOTT], acting as the other gentlemen had done, offered an amendment, which is just as much in order to a private as it would be if offered to a public bill. He then took the floor in his own right on his amendment, being at least technically in order under the rules of the House, and his speech was to the amendment he had offered, and was justified by what had gone before.

While I deprecate this character of discussion, I know of no method under the rules to prevent it; and unless gentlemen will themselves, under what I believe to be the spirit of the rules, confine their discussions strictly to the subject-matter under consideration, I suppose this character of debate will go further.

Mr. REED, of Maine. Mr. Chairman, just one word. The discussion to which the gentleman from Illinois calls our attention was a discussion which took place in the Committee of the Whole House on the state of the Union, where, as I understand, greater latitude of debate has always been allowed. In that committee it has always been allowable, at the discretion of the member occupying the floor, to discuss any subject relating to the state of the Union without question. But this is a Committee of the Whole on the Private Calendar, which, as I understand it, is quite a different committee from that to which I have referred.

Mr. MORRISON. Both are alike irrelevant and opposed to the spirit of the rule which requires members to speak to the subject-matter under consideration. The silver-coinage discussion in the Committee of the Whole House on the state of the Union in the past few weeks as well as in this committee to-day has all been on or to amendments proposing to pay particular allowances in silver. The amendments were, of course, offered for the sole purpose of taking advantage of the rule and thus enable gentlemen to make speeches upon this particular subject. Such amendments are in order to the same extent on private or public bills in Committee of the Whole or out of it. Both are against the spirit of the rule. I very much desire that the House will come to so consider it and that the practice will go into disuse.

Mr. BLAND. Permit me, Mr. Chairman, to make one or two suggestions in this connection.

I suppose that inasmuch as this discussion has begun we will save time by allowing the gentleman from Ohio to conclude his speech; but I do hope that this House will have some respect for the Committee on Coinage, Weights, and Measures, inasmuch as the gentlemen composing that committee up to this day have refrained from participating in the debate upon this subject.

There was no understanding that any member of the committee, nor was there any expectation that any one of the members of the committee, would speak upon this question until the subject was before the House regularly in a measure to be presented by that committee; and inasmuch as this subject, as is apparent to everybody present, will be discussed from time to time in this irregular way, I desire when the committee rises to-day to ask instructions of the House to set aside a day for the consideration of a bill which will be reported by that committee, so that the House can discuss it until it thinks it has exhausted the subject. We can go on then with the other business which needs attention without the interjection of an irrelevant subject, and until that is done the House must see that nothing else can be done.

Mr. GEDDES. I desire, Mr. Chairman, if the gentleman——

Mr. MORRISON. Permit me a moment.

Mr. GEDDES. Certainly.

Mr. MORRISON. If the gentleman from Missouri infers from anything I have said that the discussion is to go on as it has heretofore been going on and without objection, he misunderstood me. It will not proceed in this irregular way without objection. Of course there should be no objection to the gentleman from Ohio [Mr. GEDDES] continuing his speech.

Mr. BLAND. No, I did not mean that. What I meant was that the gentleman from Illinois nor any other gentleman on the floor can control this subject. It can only be controlled by the House itself setting a day for the consideration of a bill reported from the Committee on Coinage, Weights, and Measures, so as to permit, in its proper place and in a proper way, the discussion of this whole question.

Mr. GEDDES. Mr. Chairman, I want to put myself on record as being in earnest sympathy with gentlemen who had been endeavoring to take me off the floor. [Laughter.] They observed (as I understood the earnest sympathy of my good friend from Maine at the opening of my remarks to mean) that the time of the committee which reports these private claims was being taken up by members of the Committee on Coinage, Weights, and Measures, and noticing that, I intended to make the issue and to emphasize it as strongly as I could, whether when private bill day is taken from us it must always be for gold. That is my attitude, and I will, as far as within my power, adhere to the point.

Mr. JOHNSTON, of Indiana. Will the gentleman from Ohio allow a question?

Mr. GEDDES. I can not yield now.

Mr. JOHNSTON, of Indiana. I am a member of the Committee on War Claims——

Mr. GEDDES. If in what I say I do not make the matter about which you desire information perfectly clear, then I will cheerfully yield to the gentleman for any question he may wish to ask.

Mr. JOHNSTON, of Indiana. Just one question: Whether you wrote that speech after the remarks about gold had been made or before? [Laughter].

Mr. GEDDES. Oh, sir, I did it before. [Laughter.] That gold speech was not written to-day, since this question came up, I can tell the gentleman. It was read from manuscript, as I shall read the most of mine. Let us be fair to each other.

[Mr. GEDDES concluded his remarks, as above printed.]

Mr. SCOTT. I desire to withdraw my amendment.

Mr. STONE, of Kentucky, and Mr. JOHNSTON, of Indiana, objected.

Mr. JOHNSTON, of Indiana. I move as an amendment to the amendment what I send to the desk.

Mr. SCOTT. Is not my amendment withdrawn?

The CHAIRMAN. Objection was made.

Mr. SCOTT. I understand I have the right to withdraw it. I stated that I withdrew it. I then understood some gentleman objected and that the Chair decided I could not withdraw the amendment because objection was made.

The CHAIRMAN. The Chair understood the gentleman to ask unanimous consent to withdraw his amendment.

Mr. SCOTT. I did withdraw it. I did not ask any unanimous consent; I had a right to withdraw it.

The CHAIRMAN. The Chair will state he misapprehended the request of the gentleman from Pennsylvania. The Chair asked consent for the withdrawal of the amendment, because he was under the impression that the gentleman from Pennsylvania had asked it. There having been no vote on the amendment, the gentleman has the right to withdraw it.

Mr. HAMMOND. I move that the committee rise.

Mr. JOHNSTON, of Indiana. I believe I have the floor.

The CHAIRMAN. The Chair had recognized the gentleman from Indiana [Mr. JOHNSTON] to offer an amendment. The amendment will be read.

The Clerk read as follows:

Insert the following words: "Or in such lawful money as William H. Wheeler may demand."

The CHAIRMAN. The Chair will state that that can not be offered as an amendment to the amendment which has been withdrawn.

Mr. JOHNSTON, of Indiana. I will offer my amendment then as an amendment to the bill. I do not want to take up the time of the committee now in discussing these questions. I believe the days set apart for private legislation should be devoted to that purpose. And as the gentleman from Pennsylvania [Mr. SCOTT] has attempted a defense of the administration, and as the gentleman from Ohio [Mr. GEDDES] has shown to this House and the country, so far as his speech may be read, that the Democratic party, as led by the Secretary of the Treasury, is not to be trusted, I do not think they require an answer from our side. If one has bolstered up the administration the other has assailed it.

Since the gentleman from Ohio has sought to cast reflections on the Republican party on account of the debt that is piled up, I will say to him if he and his party had been as anxious to keep down the debt as the Republican party was, and had stood by the Government as the Republican party did, this debt would not have been piled mountain high to be paid in gold or greenbacks.

Now I withdraw my amendment.

Mr. HAMMOND. I move that the committee rise.

The question being taken on Mr. HAMMOND'S motion, there were—ayes 29, noes 54.

So the motion was not agreed to.

Mr. HALSELL. I ask that the bill be laid aside to be reported to the House with a favorable recommendation.

Mr. SPRINGER. I desire to have the report on the bill read.

The report (by Mr. TIMOTHY J. CAMPBELL) was read, as follows:

The Committee on War Claims, to whom was referred the bill (H. R. 822) for the relief of William H. Wheeler, have examined the same, and submit the following report:

This claim is for corn and fodder taken by the Union Army from the claimant, at or near Bowling Green, Ky., in the year 1862.

The claim was duly presented to the Quartermaster-General for settlement, and was referred by the Quartermaster-General to an agent for investigation and report. On Novembr 22, 1881, the agent submitted a report recommending that claimant be paid the sum of $633.50. General James A. Ekin, deputy quartermaster-general, United States Army, indorsed the agent's report as follows:

"The proof supplied appears to be of a reliable nature, and the claim, to a certain extent, is no doubt meritorious. The estimate made by the investigating agent of corn and fodder taken in this instance, as a result of his investigation, is considered reasonable and just—placing its valuation at $633.50 unpaid for—and which sum he recommends be allowed claimant in full of claim. I concur in the agent's recommendation. Claimant was loyal."

The case was considered September 9, 1882, and no allowance recommended by the Quartermaster-General.

The loyalty of the claimant and the taking of the property and its value are

proven to the satisfaction of the committee; and they report back the bill with the recommendation that it do pass.

Mr. SPRINGER. I desire to ask the friends of this bill whether this claim was not rejected by the Quartermaster-General, and if not rejected how it happens to come here for allowance?

Mr. HALSELL. It was rejected by the Quartermaster-General.

Mr. SPRINGER. On what ground? The report does not disclose that.

Mr. HALSELL. It was rejected on the ground that the Quartermaster-General was not satisfied as to the loyalty of the claimant, and now this report shows there is not any question about it at all. I will say I have gone through the papers, every solitary one of them, myself. And I know this old gentleman; he lives in my town, and I have known him all my life. There is not a scintilla of proof to the contrary of his loyalty, but on the other hand there is an abundance of affirmative proof by his neighbors that he is a man of as good loyalty as any man in Kentucky. The bill is all right.

The bill was laid aside to be reported to the House with the recommendation that it do pass.

Mr. WOLFORD. I move that the committee rise, so that action may be taken on the bills which have been reported and are before the House, before we forget all about them.

The question being taken on Mr. WOLFORD's motion, there were—ayes 44, noes 58.

So the motion was not agreed to.

JOHN A. COAN.

The next business on the Private Calendar was the bill (H. R. 4412) for the relief of John A. Coan.

The bill was read, as follows:

Be it enacted, &c., That the Secretary of the Treasury be, and he is hereby, authorized and directed, out of any money in the Treasury not otherwise appropriated, to pay to John A. Coan, of Lewis County, Kentucky, the sum of $350, in full compensation for two horses, saddles, and bridles taken from him by the United States forces in Louisiana.

Mr. SPRINGER. I ask for the reading of the report.

The report (by Mr. KLEINER) was read, as follows:

The Committee on War Claims, to whom was referred the petition of John A. Coan, report as follows:

That this is a claim for two horses, saddles, and bridles taken from the claimant by the Army of the United States in Louisiana during the late war. Claim stated at $350.

It appears from the proof submitted that the claimant filed his claim with the Quartermaster-General, and that officer submitted a report thereon, which is as follows:

QUARTERMASTER-GENERAL'S OFFICE,
Washington, D. C., August 4, 1866.

SIR: I have the honor to forward with report the claim of John A. Coan, Cincinnati, Ohio, late Government lessee of lands in Louisiana, for horses and bridles ($368) taken at Natchez, Miss., in July 1864, by order of General M. Brayman, commanding at that post.

There seems to be evidence of the seizure and impressment of the horses, and that claimant was a lessee of plantations under the policy adopted by the Government, and therefore entitled to be protected.

It is an irregular claim, in that no officer of the Quartermaster's Department appears to have reported, accounted for, or receipted for the property, and one to which the act of July 4, 1864, does not apply, the transaction having occurred in a rebel district.

I am of opinion that the position of claimant as a lessee seems to require the Government to extend to him indemnity in this matter, as is customary in cases where horses are taken from soldiers, officers, or persons employed by the Government in connection with military operations, and respectfully submit the case to the honorable Secretary for his decision whether it shall be made an exceptional case and referred to the Auditor with recommendation for settlement.

I have the honor to be, very respectfully, your obedient servant,

M. C. MEIGS,
Quartermaster-General, Brevet Major-General.

Hon. EDWIN M. STANTON,
Secretary of War, Washington, D. C.

The case was referred by the War Department to the Third Auditor of the Treasury, and that officer decided that the accounting officers could not pay the claim, being prohibited by the act of March 3, 1871.

Your committee think the claim is fully substantiated by the evidence, and that the amount charged is a fair price; they therefore report herewith a bill, and recommend its passage.

Mr. KLEINER. As is recited in the report of the Committee on War Claims, the only reason given by the Quartermaster-General for refusing payment was that this claim originated in an insurrectionary district or a State lately in rebellion; but there is abundant proof that Mr. Coan was a loyal man. There is abundant proof too that he was a citizen of Cincinnati at the time he went to Mississippi in the latter part of 1863, and in accordance with the rules that obtained at that time leased from the Government through the regularly authorized Government agents certain plantations, seven in number.

On account of the difficulties surrounding him and the dangers from confederate forces and guerrillas in the vicinity in which these plantations were located he was compelled to keep his stores, his horses and mules, in fact everything except the manual labor employed on the plantations, in the city of Natchez under the surveillance of the United States forces. In 1864 General Brayman had command of that portion of the State of Mississippi. He found himself surrounded by guerrillas and confederate cavalry, and having nothing with which to defend himself and his post save infantry, he ordered the adjutant-general, Major Townsend, to go out and seize horses, mules, or any kind of animal upon which he could mount a certain portion of his command. In obeying this order, the adjutant-general, who was stationed in Natchez, went to the livery stables and seized the horses and other property represented in this claim. There is no dispute as to the seizure, no dispute as to the price, no dispute as to the loyalty of the claimant, and the only reason why he has not received his pay before this or did not receive it at the time, as stated by General Brayman himself, and stated later by General Grant when he was commander of all the armies of the United States, was that the seizure was made in an insurrectionary district, and therefore could not be paid for under the existing law.

Mr. HOLMAN. Does my friend [Mr. KLEINER] understand from the evidence that this property went to the use of the Government?

Mr. KLEINER. Yes, sir; and it was absolutely necessary for the use of the Government at the time.

Mr. HOLMAN. Then of course the bill is proper and ought to pass.

Mr. KLEINER. No question at all was raised about the seizure or about the value of the property. The only objection made to the claim was that the property was seized in an insurrectionary district, and that, therefore, there was no provision of law under which it could be paid.

Mr. BEACH. Can the gentleman from Indiana [Mr. KLEINER] inform us when this claimant first presented his claim?

Mr. KLEINER. He presented it immediately.

Mr. BEACH. In what year?

Mr. KLEINER. In 1864. The property was seized in July, 1864, and he immediately presented his claim, and has been diligently seeking its payment ever since. He never got a voucher for it, nor did anybody else get a voucher at that time in such a case.

Mr. WARNER, of Ohio. I was about to ask the gentleman whether this party ever got any voucher from the quartermaster for this property.

Mr. KLEINER. He never did.

Mr. WARNER, of Ohio. Why?

Mr. KLEINER. I will state to the committee that there is an affidavit, or certificate, of General Brayman, who ordered this seizure, in which he states that immediately after the seizure was made and when the cavalry had gone out into the country, he was relieved from command there before he could order vouchers to be given or payments made, and was sent away and never returned to that post again.

There is also in the case a statement from General Grant. His letter is furnished to the committee by the War Department. He there states that there were no questions raised as to the seizure of this property, or as to its value, and that the reason no vouchers were given for this or any of the seizures made at that time was that the officer then in charge at the post was almost immediately removed. General Grant states further that the seizure was a military necessity.

Mr. WARNER, of Ohio. I take it that there were many other seizeures made in the same way under the same order and by the same commander at that time, were there not?

Mr. KLEINER. Undoubtedly.

Mr. WARNER, of Ohio. Do you know what has become of those claims?

Mr. KLEINER. I do not. This is the only claim under consideration at this time. We have not yet reached the others.

Mr. WARNER, of Ohio. My friend from Indiana [Mr. HOLMAN] seemed to assume a while ago that if these horses were used for the purposes of the Government, then this claim was necessarily good. On that theory any seizure of property for Government use would serve as the basis of a good claim.

Mr. HOLMAN. No. My friend misapprehends my position. It is clear on the face of the report in this case that the property was taken for the use of the Government, and if the seizure had been made in a loyal State, and the property had been so taken and applied to Government use, it would have been a case for adjustment under the 4th of July act.

Mr. WARNER, of Ohio. Then the claim rests upon two things.

Mr. HOLMAN. Upon three.

Mr. WARNER, of Ohio. Upon three, but chiefly upon two things: First, that this property was seized and appropriated for the use of the Government; and second, that the property was owned by a man who was loyal.

Mr. KLEINER. Yes; he was a loyal man. He was a citizen of Ohio, and was in fact at that time a lessee and agent of the Government. No question has been made as to his loyalty.

Mr. PERKINS. Did the Quartermaster's Department in its investigation ascertain the value of this property?

Mr. KLEINER. Yes, sir; the Quartermaster's Department investigated the matter and it recommended an allowance of $350, but it did not authorize the payment of the claim for the reason I have stated.

Mr. PERKINS. But the Quartermaster's Department found that the property was of that value?

Mr. KLEINER. Yes, sir.

Mr. HOLMAN. Clearly such a claim could not be paid under the law as it stood at that time.

Mr. KLEINER. Mr. Chairman, I move that this bill be laid aside to be reported to the House with the recommendation that it do pass.

The motion was agreed to.

D. E. DOWNING.

The next business on the Private Calendar was the bill (H. R. 832) for the relief of D. E. Downing.

The bill was read, as follows:

Be it enacted, &c., That the Secretary of the Treasury be, and he is hereby, directed to pay D. E. Downing, of Monroe County, Kentucky, out of any money in the Treasury not otherwise appropriated, the sum of $130.50, in payment of that amount for quartermaster's vouchers for quartermaster's stores furnished in 1862 for the use of the United States Army, which amount has never been paid.

Mr. PERRY. I ask that the report in this case, which briefly states the facts, be read.

Mr. SPRINGER. I do not think it necessary for us to consume time in the reading of the report on a bill that allows only $130. The time which would be consumed in the reading of the report is of more value than the amount proposed to be appropriated. As a committee of this House has recommended the passage of this bill, and as the amount is so small that it would be within the ordinary jurisdiction of a justice of the peace, I think we may as well accept the finding of the committee and pass the bill without consuming further time.

Mr. PERRY. I move, then, that the bill be laid aside to be reported to the House with a favorable recommendation.

Mr. STORM. Let us hear the report. The amount is small, but the principle involved may be large.

Mr. BUCHANAN. I do not think the whole report need be read. The bill proposes simply to pay this man the amount of three quartermaster's vouchers which were intrusted to a member of Congress and lost. That is all there is of it.

Mr. STORM. Then the member ought to pay the amount.

The report (by Mr. PERRY) was read, as follows:

The Committee on War Claims, to whom was referred the bill (H. R. 832) for the relief of D. E. Downing, have had the same under consideration, and report as follows:

The facts out of which this claim for relief arises will be found stated in House report of the Committee on War Claims No. 2443, second session Forty-eighth Congress, and are in substance as follows:

The bill under consideration asks an appropriation of $130.50 for quartermaster's stores and commissary supplies alleged to have been furnished the Army of the United States during the late war. The affidavit of the claimant states:

"That he was a resident of Monroe County, Kentucky, in the year 1862 or 1863; that he was the owner of three United States quartermaster's vouchers, one for $87.50, to be accounted for in the June report of 1862, and one for 400 pounds of beef, valued at 7 cents per pound, making $28, and to be accounted for in the June report of 1862, and also one voucher for 15 bushels of corn, valued at $1 per bushel, making $15, to be accounted for in June report, 1863; that he took the vouchers to Louisville, Ky., and presented them to the quartermaster's department for payment; that the quartermaster at Louisville examined them and said that they were correctly made out, but that he had no money to pay them; that the said vouchers were given to Hon. C. W. Milliken some time in August, 1874, for presentation to the Quartermaster-General for payment; that Hon. C. W. Milliken lost or mislaid the said vouchers; and that for said vouchers he has received no compensation whatever."

This petition is accompanied by an affidavit from Hon. C. W. Milliken that the said vouchers were delivered to him and that he lost or misplaced them.

Your committee, in view of the foregoing statement of facts, report back the bill and recommend its passage.

The question being taken on the motion that the bill be laid aside to be favorably reported to the House, it was agreed to.

ORDER OF BUSINESS.

Mr. SPRINGER. There being now on the table as unfinished business several bills reported from the Committee of the Whole House last Friday, and as it is now nearly 4 o'clock, I move that the committee rise.

The question being taken, there were—ayes 60, noes 62.

Mr. SPRINGER. No quorum has voted, and I think we had better have tellers.

The CHAIRMAN. Does the gentleman demand tellers?

Mr. SPRINGER. I do.

Mr. JOHNSTON, of Indiana. We could pass two more bills in the time which will be consumed by this count.

Mr. SPRINGER. There are more bills now pending in the House, coming over from last Friday, than we can dispose of during the rest of the day.

The CHAIRMAN, under the rules, ordered tellers, and appointed Mr. SPRINGER and Mr. JOHNSTON of Indiana.

The committee again divided; and the tellers reported—ayes 70, noes 58.

So the motion of Mr. SPRINGER was agreed to.

The committee accordingly rose; and, the Speaker having resumed the chair, Mr. HATCH reported that the Committee of the Whole House, having had under consideration the Private Calendar, had directed him to report sundry bills with the recommendation that they do pass.

JOHN HOLLINS M'BLAIR.

The SPEAKER. The Clerk will report the title of the first bill pending and not disposed of, having been reported from the Committee of the Whole House on last Friday.

The Clerk read as follows:

A bill (S. 199) for the relief of John Hollins McBlair.

The SPEAKER. The pending question is on the motion made last Friday by the gentleman from Illinois [Mr. SPRINGER] to recommit this bill to the Committee on Military Affairs with instructions.

Mr. SPRINGER. The Chair directed me to put the proposed instructions in writing, and I have done so.

The SPEAKER. The Clerk will read the proposed instructions.

The Clerk read as follows:

That this bill be recommitted to the Committee on Military Affairs with instructions to ascertain and report whether a retiring-board of the United States Army, organized under the provisions of the act of August 3, 1861, to investigate the case of Lieut. J. H. McBlair, jr., did or did not find, in September, 1863, after mature deliberation and careful consideration of his case, that he was incapacitated for active service, and that his incapacity did not result from any incident of the service, and recommend that he be wholly retired from the service with one year's pay and allowance, and whether this finding of the retiring-board is true or not; and if not true, said committee shall ascertain and report to the House what was the cause of the incapacity of said McBlair for active service, and whether he contracted his disease or disability before or after entering the United States service. Said committee shall also ascertain and report to the House whether the findings and recommendations of retiring-boards have not equal force and effect as the findings and recommendations of courts-martial, and whether Congress has the right to review such findings and recommendations after they have been approved by the President and set them aside, as is proposed in the pending bill.

Mr. SPRINGER. I desire to call the attention of the House to the fact that several bills reported from the Committee of the Whole House——

The SPEAKER. The Chair will state to the gentleman from Illinois that a demand for the previous question is pending; and the motion to recommit is not debatable except by unanimous consent.

Mr. BRAGG. I object. The gentleman has got in one speech in the paper which has just been read.

Mr. SPRINGER. I want to show that these bills are substantially the same as the Fitz-John Porter bill.

Mr. BRAGG. I object to debate.

The SPEAKER. Objection is made. The question is on the motion of the gentleman from Illinois to recommit the bill with the instructions just read.

The motion of Mr. SPRINGER was rejected.

The SPEAKER. The question is now upon ordering the previous question on the passage of the bill.

The previous question was ordered.

Mr. SPRINGER. Mr. Speaker——

The SPEAKER. Debate is not in order, as the previous question has just been ordered.

Mr. SPRINGER. Not on the passage of the bill? I understood it was on ordering the bill to a third reading.

The SPEAKER. That was done last Friday. The demand for the previous question on the passage of the bill was made at that time, and pending that the gentleman from Illinois moved to recommit. The question is now on the passage of the bill.

The question having been put,

The SPEAKER said: The ayes seem to have it.

Mr. SPRINGER. I demand the yeas and nays.

The yeas and nays were not ordered, only 11 voting in favor thereof.

Mr. SPRINGER. I know that these gentlemen do not want to go on the record on this bill.

The SPEAKER. Debate is not in order. The ayes have it; and the bill is passed.

Mr. SPRINGER. I ask for a division on the question of the passage of the bill.

The SPEAKER. The Chair did not hear the gentleman demand a division. The gentleman now states, as the Chair understands, that he demanded a division before the result was announced. The Chair always accepts a statement of that character.

Mr. SPRINGER. I did not demand a division before the Speaker announced the result, because I did not know that both sides of the question had been taken. When I heard the Chair announce that the bill had passed I then demanded a division, because I had not heard both sides of the question put.

The SPEAKER. Then the Chair thinks the demand was too late. The vote taken was merely *viva voce*, and the Chair announced that "the ayes seemed to have it." Thereupon the gentleman from Illinois demanded the yeas and nays, which were refused by the House, and then the Chair announced the result upon the *viva voce* vote.

Mr. BRAGG. I move to reconsider the vote on the passage of the bill, and to lay that motion on the table.

Mr. SPRINGER. I ask for a division on the motion to lay the motion to reconsider upon the table.

The House divided; and there were—ayes 64, noes 11.

Mr. SPRINGER. No quorum has voted.

The SPEAKER. The point of order of no quorum having been made, the Chair will appoint as tellers Mr. SPRINGER and Mr. BRAGG.

The House again divided; and the tellers reported—ayes 119, noes 44.

So the motion to reconsider was laid on the table.

BILLS PASSED.

Bills of the following titles, reported from the Committee of the Whole House on the Private Calendar without amendment, were severally ordered to be engrossed and read a third time; and being engrossed, they were accordingly read the third time, and passed:

A bill (H. R. 3428) for the relief of V. F. Gorrisen;

A bill (H. R. 290) for the relief of L. S. Ensel;

A bill (H. R. 4411) for the relief of A. Gates Lee;
A bill (H. R. 822) for the relief of William H. Wheeler;
A bill (H. R. 4412) for the relief of John A. Coan; and
A bill (H. R. 832) for the relief of J. E. Downing.

BILLS PASSED WITH AMENDMENTS.

Amendments to bills of the following titles, reported from the Committee of the Whole House on the Private Calendar, were agreed to, and the bills as amended were severally ordered to be engrossed and read a third time; and being engrossed, they were accordingly read the third time, and passed:

A bill (H. R. 68) for the relief of William P. Chambliss;
A bill (H. R. 899) for the relief of A. S. Bloom; and
A bill (H. R. 897) for the relief of the heirs at law of Andrew F. McMillin, deceased.

JOHN HATFIELD, DECEASED.

The bill (H. R. 212) for the relief of Alfred G. Hatfield was reported back from the Committee of the Whole House on the Private Calendar, together with the bill (S. 296) for the relief of the legal representatives of John Hatfield, deceased, with the recommendation that the House bill be laid on the table and the Senate bill be passed.

The House bill was laid on the table, and the Senate bill was ordered to a third reading; and it was accordingly read the third time, and passed.

Mr. WOLFORD moved to reconsider the vote by which the bill (H. R. 68) for the relief of William P. Chambliss was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

Mr. LANHAM moved to reconsider the vote by which the bill (H. R. 3428) for the relief of V. F. Gorrisen was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

Mr. HALSELL moved to reconsider the several votes by which the other bills were passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

ADJOURNMENT OVER.

Mr. HAMMOND. It has been usual, during the long session of Congress to adjourn over for Washington's birthday. At any rate the Departments will be closed that day, and as Tuesday will be Cabinet day it will in any event be impossible to do any departmental business until Wednesday next if it be not done to-morrow. Therefore I move when the House adjourns to-day it adjourn to meet on Tuesday next.

The motion was agreed to.

FREE COINAGE OF SILVER.

Mr. BLAND. I ask by unanimous consent to submit the following resolution for present consideration.

The SPEAKER. The resolution will be read, after which the Chair will ask for objection.

The Clerk read as follows:

Resolved, That on Tuesday, the 2d of March next, after the morning hour for the consideration of bills, the House shall proceed to the consideration of House bill No. 5690, for the free coinage of silver, and other purposes, and that the same shall be so considered from day to day until disposed of, not to interfere with general appropriation and revenue bills or to prevent the Committee on Coinage, Weights, and Measures from using any morning hour when said Committee may be called from calling up said bill.

Mr. STEELE. I object.

Mr. JAMES. I ask the gentleman from Indiana to withdraw his objection until I can make a statement.

The SPEAKER. The objection is insisted upon, and the resolution is not before the House.

Mr. BAKER. I ask by unanimous consent to introduce a bill for reference.

Mr. BEACH. I object.

EXPLANATION.

Mr. TOWNSHEND. I desire to say that if I had been present yesterday when the vote was taken I would have voted for the Fitz-John Porter bill as it passed the House.

CALL OF STATES.

Mr. PERKINS. As we have agreed to adjourn over until Tuesday next I hope by unanimous consent it will be agreed that on Tuesday the States and Territories will be called for the introduction of bills for reference.

Mr. WARNER, of Ohio. We have adjourned over Monday and we may as well adjourn the business of Monday.

On motion of Mr. HOLMAN (at twenty-two minutes to 5 o'clock p. m.) the House took a recess until half past 7 p. m.

EVENING SESSION.

The recess having expired, the House (at 7 o'clock and 30 minutes p. m.) resumed its session.

Mr. MATSON. Mr. Speaker, I move that the House resolve itself into Committee of the Whole for the consideration of the special order fixed for Friday evening sessions.

The motion was agreed to.

The House accordingly resolved itself into Committee of the Whole on the Private Calendar, Mr. HATCH in the chair.

The CHAIRMAN. The Clerk will report the order under which the House assembles to-night.

The Clerk read as follows:

Resolved, That on each Friday the House shall take a recess from 5 o'clock p. m. until 7.30 p. m., at which evening sessions private bills reported from the Committee on Invalid Pensions and the Committee on Pensions, and bills reported from the Judiciary Committee to remove political disabilities only, be considered.

FRANCIS H. KIRMAYER.

The first business on the Private Calendar was the bill (H. R. 1083) granting a pension to Francis H. Kirmayer.

The bill is as follows:

Be it enacted, &c., That the Secretary of the Interior be, and he is hereby, authorized and directed to increase the pension of Francis H. Kirmayer, late of Company G, Fifty-fourth Ohio Volunteers, to $72 a month.

Mr. DOCKERY. I suppose the reports in all of these cases, although they may not be read, will be printed in the RECORD.

The CHAIRMAN. That order will be made.

The report (by Mr. LOVERING) is as follows:

Francis H. Kirmayer was a sergeant in Company G, Fifty-fourth Ohio Volunteers. He enlisted February 15, 1864, and was discharged May 24, 1865, for wounds received at Nickajack Creek, Georgia, by the bursting of a shell, which resulted in amputation of left leg above the knee; the same shell wounded the right knee-joint, breaking off a piece of the tibia, and at the same time threw him into the air several feet; that when he dropped to the ground he injured his back and head severely, and never has recovered from the effects of the same; he also received a bullet wound in the right thigh and another in the abdomen from spent balls.

This soldier was first pensioned from discharge to June 6, 1866, at $8 per month, increased to $15 from June 6, 1866, to $18 from June 8, 1872, $24 from June 4, 1874, and $30 from March 3, 1883, for loss of left leg above the knee.

He filed an application for increase April 2, 1884, alleging increase of disability from the wound of right leg which renders him helpless and unfit for performing any labor, has to be dressed and undressed, and has not been able to take care of himself unaided since he was shot, and that he is entitled to the rate provided by law for persons who require aid and attendance. This application was rejected September 15, 1884, on the ground "that he was receiving the full amount of pension to which he is entitled; the evidence not showing that degree of helplessness that would entitle him to $50 per month." An appeal was taken from the finding of the Pension Commissioner, and on the 14th day of March, 1885, the Secretary of the Interior reaffirmed the rejection of the Pension Department.

The evidence in the case all shows that the soldier is very greatly disabled and does require the aid and assistance of another person.

Drs. C. Pratt and Lewis S. Hopkins testify they have known claimant for the past ten years; that they know he has not performed any manual labor during that time, and that he needs the aid and attendance of another person more or less frequently.

Dr. Pratt aforementioned supplements his affidavit as above by saying he requires assistance in dressing at all times and can never be better; the evidence of these physicians is corroborated by Bridget O'Brien and Marie Allendorf that he needs regular aid and attendance and that they have assisted him.

The board of examining surgeons at Taunton who last examined him April 23, 1884, say:

"Left femur amputated at middle third; good stump. A large cicatrix on inside of right knee shows extensive wound and ulceration, cicatrix drawn, and smooth, knee weak, sometimes giving out suddenly (on one occasion caused him to chop off his left thumb); says he suffers pain and weakness in back in consequence of injury received at time of wound. We think he should be rated, (1) loss of thigh, present; (2) wound of right knee, total; (3) injury to back, 0."

From the statement of facts set forth in this claim, while the evidence does not show conclusively that this soldier is in that state of absolute helplessness requiring the constant care and attendance of another person, still it does show that without a certain amount of assistance he would be unable to get around and do for himself, being able to walk with the use of cane or crutch, and partly care for himself. The evidence shows that he is liable to sudden vertigo upon stooping, owing to swollen temporal veins, the result of the injury to his head.

His condition is such that his disabilities would entitle him to an advance upon his present rating of $30 per month, and still they are not of that extreme nature as to entitle him to the full amount, $50, allowed to those who are utterly incapacitated from helping themselves, and are obliged to have constant and regular care and attendance of another person.

Your committee therefore recommend the passage of the accompanying bill as amended, by striking out the words "seventy-two" in last line and substituting therefor the word "forty."

The CHAIRMAN. The question is on agreeing to the amendment recommended by the committee.

The amendment was agreed to.

The bill as amended was laid aside to be reported to the House with the recommendation that it do pass.

MARY B. CARLL.

The next business on the Private Calendar was the bill (H. R. 1106) granting a pension to Mary B. Carll.

The bill is as follows:

Be it enacted, &c., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-roll the name of Mary B. Carll, widow of Erastus B. Carll, late a lieutenant of Company —, Second Regiment of Massachusetts Volunteers, subject to the provisions and limitations of the pension laws.

The report (by Mr. LOVERING) is as follows:

Mary B. Carll is the widow of Erastus B. Carll, late first lieutenant Company F, Second Massachusetts Infantry. He enlisted May 24, 1861, and was discharged May 30, 1864. He died November 9, 1878.

It is not shown that the soldier ever made application in his life. At the time of his death he left claimant, and a family of five small children, all under thirteen years of age. She applied for pension January 27, 1879, which was rejected January 9, 1882, on the ground that soldier's death was not due to his military service.

The evidence in the case shows that the soldier was in good health, sound, and robust at time of enlistment; that he contracted malarial disease in the Army, and that ever thereafter he suffered from it down to the day of his death.

William Cogswell, colonel of Second Massachusetts Volunteers, testifies:

"Soldier was in good health when he entered service, and in feeble health when discharged; have no doubt he contracted malaria in the service."

George W. Morse, first lieutenant Company I, Second Massachusetts, testifies to his general good health at enlistment, and that during the latter part of his service he seemed to be breaking down in health.

C. C. L. Moore, of Malden, Mass., testifies:

"That he knew soldier before the war. He was then in robust health, able-bodied; he resided at my father's house for two years, 1858-'59; never knew of his being sick or complaining. I next saw him in August, 1864; he was in a car with me. He had changed so much I would not have recognized him had he not spoken to me and told me who he was. His voice was very weak, and he seemed to be a changed man. I obtained employment for him in one of the storehouses in the navy-yard at Charlestown under my charge. He was run down in health, and while he remained in the yard he was a constant sufferer from what he said was malarial poison. He appeared stupid a great part of the time; his mind at times seemed to wander; he had but very little strength, and if he sat down he would be apt to fall asleep. He was a man of good moral character, temperate, and industrious. He worked under me up to the time he was taken ill with his last sickness."

Mary Galvin and Hugh McKenna, neighbors, testify that from his discharge to his death he complained of and was always suffering from malarial poisoning.

Dr. J. A. McDonald, of Boston, Mass., family physician, and who attended soldier in his last sickness, testifies:

"He had frequent attacks of intermittent malarial chills, chronic enlargement of liver and spleen, great debility, extreme emaciation, cough, and night sweats. During the two months I attended him previous to his death the above symptoms constantly increased, until four days previous to his death pleuro-pneumonia supervened and hastened a result which, even without the latter disease, would inevitably follow in the course of a few weeks. The acute attack in this case was caused largely, if not wholly, by the previous exhausted condition of patient. I am decidedly of the opinion that the essential cause of death was the chronic diseases which he contracted in the Army, and I am led to this conclusion by the fact that the pneumonia was so slight that it would not have occurred were it not for the condition of his system from the wasting effects of the malarial hepatic and previous lung disease which had so invaded his system."

Your committee are of the opinion the case is clearly proven and that the rejection by the Pension Department was purely technical. They therefore recommend the passage of the accompanying bill with the following amendment: Insert the letter "F" in the sixth line, after the word "Company."

The amendment was agreed to.

The bill as amended was laid aside to be reported to the House with the recommendation that it do pass.

JESSE B. SCUDDER.

The next business on the Private Calendar was the bill (H. R. 421) granting a pension to Jesse B. Scudder.

The bill is as follows:

Be it enacted, &c., That the Secretary of the Interior be, and he is hereby, instructed to place on the pension-roll the name of Jesse B. Scudder, of Industry, Ill., and pay him a pension at the rate of $8 per month from the 6th day of June, 1865, to the present time, and to continue at the same rate, unless increased.

The report (by Mr. NEECE) is as follows:

Jesse B. Scudder enlisted August 11, 1862, at Industry, Ill., in Company I, Seventy-eighth Illinois Infantry, and was honorably discharged June 6, 1865, from United States hospital at Quincy, Ill., on account of disabilities, which disability is recited in his discharge as being one-half. The Adjutant-General's report shows that Scudder was on duty with his regiment from the time of enlistment until October 18, 1864. At that date he was left sick at Chattanooga, Tenn., and the record shows him sick in the hospital until his discharge.

A certificate of disability, dated June 6, 1865, by D. G. Brinton, surgeon United States Volunteers, in charge of United States hospital at Quincy, Ill., certifies said Scudder is incapable of performing the duties of a soldier because of obscure injury to the spine. It seems that the hospital record of said regiment is not on file and has not been preserved; consequently the cause of his sickness while in the hospital does not appear of record. The above facts are in the Adjutant-General's report.

It appears from the evidence that in October, 1864, while Scudder was sick in the hospital at Chattanooga, Tenn., he was granted a furlough, and on October 31, 1864, was on his way home, along with a lot of other sick soldiers, under the charge of William H. Githens, assistant surgeon of the said regiment. That at or near La Fayette, Ind., the train upon the railroad upon which said soldiers were traveling collided with another train and a large number of the soldiers aboard were killed, and a large number of the remainder were crippled and injured in various ways by reason of said collision.

William H. Githens testifies that he was the assistant surgeon of the Seventy-eighth Illinois Regiment; that he was in charge of the furloughed soldiers at the time of the collision near La Fayette, Ind., October 31, 1864, and took care of the wounded; but he has no distinct recollection of treating or caring for Jesse B. Scudder, but that he believes he was injured, as very few escaped in the first passenger coach, but to what extent is unable to say.

It is proven that Scudder was in the first passenger coach mentioned by Dr. Githens. The evidence clearly shows that said Scudder, soon after the said collision, reached his home injured in the back, for which he was treated by Dr. Duncan; that he was shortly able to return to his regiment, which he did, and the records of the Adjutant-General's Office show that he was sick in the hospital until he was discharged. The evidence fully establishes the fact that he was a sound and healthy man at the time he enlisted.

It is also fully established by the evidence that said Scudder never has recovered from his injuries to his back. This is established by the evidence of several physicians.

Dr. Bendles, of Bushnell, Ill., who was the medical examiner of Scudder's district, certifies that he examined said Scudder; that he was suffering from an injury to his spine; that it disabled him fully one-half.

It further appears from the evidence that before said Scudder enlisted his occupation was a farmer, and that since the war, owing to his disabilities, he is disabled from performing labor upon a farm at least one-half of the time, and that he is subject to bad spells which disable him entirely for the time; that he is a man of a family, and is very poor, and owing to his disabilities he has had a very hard time to make a living for his family.

His case was rejected by the Commissioner of Pensions on the ground that said Scudder was on a furlough at the time he received his injuries. Your committee is of the opinion that had the hospital records of said regiment been preserved they would have shown that he was on sick furlough at the time of receiving his injuries, insomuch as the assistant surgeon of the regiment was sent in charge of said sick soldiers; that while he was under the care and control of the surgeon of the regiment he was in the line of his duty, and if injured without fault on his part he should be entitled, in equity at least, to his pension.

Your committee recommend the passage of the bill, with the following amendment:

Strike out of said bill all after the words "Industry, Illinois," and insert "of Company I, Seventy-eighth Illinois Regiment, and pay him a pension subject to the provisions and limitations of the pension laws."

The amendment was agreed to.

The bill as amended was laid aside to be reported to the House with the recommendation that it do pass.

NATHAN HILDEBRANT.

The next business on the Private Calendar was the bill (H. R. 4586) for the relief of Nathan Hildebrant.

The bill is as follows:

Be it enacted, &c., That the Secretary of the Interior be, and is hereby, authorized and directed to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of Nathan Hildebrant, late of Company A, Thirty-first Regiment New Jersey Infantry Volunteers.

The report (by Mr. PIDCOCK) is as follows:

The claimant, Nathan Hildabrant, late private of Company A, Thirty-first Regiment of New Jersey Volunteers, filed his application for pension December 31, 1879, alleging disability from disease of the spine and kidneys, the result of an injury to his back by a fall while he was detailed, with other members of his company, to unload boats of grain and supplies at Belle Plains, Va., in January or February, 1863. The application was rejected March 19, 1884, on the ground that there was no record at the War Department showing that claimant was injured in service. The testimony in this case is voluminous, and comes from the best citizens of claimant's neighborhood, who testify from personal knowledge of the claimant. It is already proven that claimant, at the time of and prior to his enlistment, was a sound, able-bodied man and free from any disability, particularly disease of spine and kidneys, and four of his comrades testify that the injury was received as alleged, and that claimant was sent to regimental hospital for treatment, and afterward on his return to the company was cared for by these same and other comrades, doing but little duty and treated in camp. The surgeon of the regiment was unable to give any testimony because no records of treatment were in existence.

The physicians who have treated claimant since return from service testify to attacks of cerebro-spinal meningitis, the result of the injury to his spine and back, from which he never entirely recovered, and has become partially paralyzed in his limbs and back; that he is a constant sufferer from his injuries, and the disease grows gradually worse, and that he is totally incapacitated from performing any manual labor.

The testimony given by claimant's neighbors shows claimant to be completely broken down in health and totally incapacitated for labor, and that he has been so since his return from the service; that he is confined to his house for days and weeks at a time, and is almost a walking skeleton, being emaciated in form and obliged to use a cane constantly. This is a meritorious case, and your committee recommend the passage of the bill.

Amend the bill by striking out the letter "e," in the name of the applicant, and inserting "a;" so it will read: "Hildabrant."

The amendment was agreed to.

The bill as amended was laid aside to be reported to the House with the recommendation that it do pass.

MARCUS A. HAMILTON.

The next business on the Private Calendar was the bill (H. R. 1508) for the relief of Marcus A. Hamilton.

The bill is as follows:

Be it enacted, &c., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of Marcus A. Hamilton, formerly of Company K, First Regiment New Jersey Cavalry Volunteers.

The report (by Mr. PIDCOCK) is as follows:

Marcus A. Hamilton, late of Company K, First Regiment New Jersey Cavalry Volunteers, filed his application for pension November 3, 1879, alleging disability from injury to left leg and hip received about December 15, 1864, at Petersburg, Va., by his horse falling upon him in jumping a ditch, for which he was treated in camp and excused from duty by regimental surgeons. The testimony of claimant's neighbors shows him to have been perfectly sound at the time of his enlistment and free from the disability claimed for. It is also proven by four of his comrades that he received the injury to left leg and hip while in the line of duty at the time and place and in the manner alleged.

Several physicians who have treated the claimant since his return from the service testify that the fall of the horse compressed the sciatic nerve, as well as the ligaments and soft parts, and as to their having treated claimant for chronic sciatica and other resulting troubles from this injury by cupping, blistering, and internal treatment, and that he suffers constantly from pains in his left leg and hip, and the disability is permanent and one which renders him unable to perform manual labor at least one-half his time. It is also shown that since discharge claimant has suffered continuously from his injuries and largely incapacitated for work.

The committee deem this a worthy case and recommend the passage of the bill.

The bill was laid aside to be reported to the House with the recommendation that it do pass.

FANNY COLLINS.

The next business on the Private Calendar was the bill (H. R. 3516) granting a pension to Fanny Collins.

The bill is as follows:

Be it enacted, &c., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of Fanny Collins, widow of Louis Collins, deceased, late a private in Company H, Fifty-eighth Regiment United States Colored Troops.

The report (by Mr. PIDCOCK) is as follows:

Lewis Collins, the husband of claimant, was enrolled as private in Company H, Fifty-eighth Regiment United States Colored Troops, April 27, 1864, and died at Natchez, Miss., May 9, 1864, of small-pox. The claimant, his widow, filed her application for pension November 23, 1878, and it was rejected June 19, 1879, on the ground that the soldier's fatal disease, small-pox, was not contracted in the service and line of duty.

The records of the Surgeon-General show that the soldier entered regimental

hospital, Natchez, Miss., April 28, 1864, with intermittent fever, disposition not stated, and died in small-pox hospital, Natchez, Miss., May 9, 1864, of small-pox.

The Adjutant-General reports the soldier on the muster-roll of Company H, Fifty-eighth United States Colored Troops, for the months of March and April, 1864; that he was reported present for duty, with remark, "Joined, a recruit, April 27, 1864; that the record of enrollment is taken from company muster-roll for March and April, 1864, there being no enlistment paper or muster-in roll of him on file."

The testimony filed shows the claimant to have been formerly a slave and legally married to the soldier; that they had no children and she has not married since his death; that the soldier left home in good health; that the claimant was dependent on him for support, and that she is very poor and in every way deserving of aid.

The rejection of the claim was based on an opinion by the medical reviewer, who reported as follows:

"Enlisted April 27, 1864; died May 8, 1864; eleven days after enlistment * * * allow only ten days for period of incubation and it gives but one day for development of disease and death. Disease must have originated prior to enlistment."

The muster-roll showing the soldier as a member of said company for at least two months prior to alleged enlistment, and the testimony that, prior to his entry in the service, soldier was in good, sound, physical health, your committee consider that his service as a member of said company began prior to alleged enlistment or joining of recruit, and that the disease of small-pox was contracted while in the service and line of duty, and therefore recommend the passage of the bill.

The bill was laid aside to be reported to the House with the recommendation that it do pass.

SAMUEL C. PECK, JR.

The next business on the Private Calendar was the bill (H. R. 4131) for the relief of Samuel C. Peck, jr.

The bill is as follows:

Be it enacted, &c., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of Samuel C. Peck, jr., of Plainfield, N. J., late captain of Company A, Sixth Regiment Connecticut Volunteers, said pension to begin from the date of his filing claim numbered 464249 in the Pension Office.

The report (by Mr. PIDCOCK) is as follows:

The claimant, Samuel C. Peck, jr., enlisted September 17, 1861, as first lieutenant in Company F, Sixth Regiment Connecticut Volunteers, and October 24, 1863, was promoted to captain of Company A of the same regiment. He was discharged June 29, 1864, on tender of resignation, accompanied by surgeon's certificate of disability. He filed his application for pension November 6, 1882, alleging disability from an injury to both ankles, the result of a fall while with his company in the line of duty at Drury's Bluff, Virginia, in May, 1864, and November 27, 1883; his application was rejected, on the ground that the disability existed in right ankle at the time of and prior to enlistment.

The claimant admits that he had a weakness in one of his ankles, but that he fully recovered from it many years before his entry into the service, and that prior to his enlistment it is shown by testimony of others that he had done military duty. Neighbors living near to him at the time of his enlistment testify as to his being sound and in good health, and Lorenzo Meeker, the colonel of the regiment, also testifies that the claimant was in good, sound bodily health before and at the time of his enlistment; that he was a good officer, and contracted the injury by falling and spraining both ankles at the time and place alleged, and was carried to the rear; that it was some weeks before his return from the hospital to his company, and that he tried to do duty, but his ankles gave out, and he was honorably discharged. Other officers of the regiment also testify that claimant sprained both his ankles at the time and place and in the manner alleged.

The surgeon granting the certificate of disability on which he was discharged stated that he found claimant suffering from necrosis of the left tarsal bones, of long standing, aggravated by a severe sprain of the ankle-joint, and it was upon this report that the application was rejected. The testimony furnished by claimant shows clearly that he was sound at entry into service, and that the statement made by the surgeon in granting certificate of disability was incorrect, and that the injury to both ankles was received in the line of duty; besides, he had been in the service at the time of contracting this disability nearly three years, and should be considered, by recent ruling of the Pension Office, as sound at date of enlistment.

The testimony presented as to claimant's condition since discharge shows that he has been, since his discharge, a constant sufferer from his injuries, and in a large measure incapacitated for work.

Your committee think that the mere opinion of the physician, given perhaps hurriedly and thoughtlessly, should not outweigh the strong evidence given as to soundness at date of enlistment, and therefore recommend the passage of the bill with the following amendment: Striking out, after the word "volunteers," line 8, the words "said pension to begin from the date of his filing claim numbered 464249 in the Pension Office."

The amendment was agreed to.

The bill as amended was laid aside to be reported to the House with the recommendation that it do pass.

AURELIA F. ROBBINS.

The next business on the Private Calendar was the bill (H. R. 1024) granting a pension to Aurelia F. Robbins.

The bill is as follows:

Be it enacted, &c., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-roll, subject to the provisions and limitations of the pension laws, at the rate of $12 per month, from and after the passage of this act, the name of Aurelia F. Robbins, dependent sister of the late Daniel Robbins, of the Second Maine Battery.

The report (by Mr. HAYNES) is as follows:

Aurelia F. Robbins is the daughter of Daniel Robbins, a private in Company B, Second Battery, First Regiment of Maine Light Artillery Volunteers. He was discharged for disability, subsequently pensioned, and died May 6, 1873. The soldier's wife—mother of Aurelia F.—died in 1865. Some confusion seems to have arised from the fact that Aurelia F. filed two separate claims for pension, at different dates; one as dependent daughter of Daniel Robbins, and the other as dependent sister of soldier of same name, the service of the latter being indefinitely stated as "Maine" (no company or regiment). The latter claim appears not to have been pressed further than the filing of application. The former was rejected upon the ground that claimant was over the age of sixteen years at the date of death of the soldier.

The papers filed with this committee show that there were two Daniel Robbinses, father and son; that the son, brother of claimant, was in a Massachusetts regiment, the number of which is not known, and was supposed to have been killed in the battle of the Wilderness.

These papers also show that the claimant's present condition is most pitiful, and appeals in the strongest manner to every human sympathy. She is a cripple, having lost the use of her legs by an accident when two years of age, and has never been able to walk a step since. Her limbs are now no larger than when she met with the accident which caused her misfortune, and she has to crawl or creep around with her hands. She is utterly destitute, a town pauper, and has at times suffered for the actual necessaries of life. She has no relatives who can aid her. These facts are established by several sworn affidavits and by unsworn statements of D. L. Savage, of Foxcroft, Me., whose standing is attested by Hon. CHARLES A. BOUTELLE, a member of this House.

Your committee report favorably upon this bill, and recommend its passage, with the following amendments, namely: Strike out all from the word "subject," in fourth line, to the word "laws," in the fifth line, inclusive, and insert "at the rate of $12 per month from and after the passage of this act." Strike out all after the word "dependent," in the sixth line, and insert "daughter of the late Daniel Robbins, a private in Company B (Second Battery), First Regiment of Maine Light Artillery."

The amendments were agreed to.

The bill as amended was laid aside to be reported to the House with the recommendation that it do pass.

AMANDA RODGERS.

The next business on the Private Calendar was the bill (H. R. 4224) for the relief of Amanda Rodgers.

The bill is as follows:

Be it enacted, &c., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-roll the name of Amanda Rodgers, widow of Matthew B. Rodgers, late of Company C, First Regiment United States Dragoons, subject to the limitations and provisions of the pension laws.

Mr. PERKINS. I think we had better have the report read in that case.

Mr. BRADY. I will ask, Mr. Chairman, unanimous consent, by reason of the absence of the gentleman having charge of these two bills, this one and number 1345, immediately following it upon the Calendar, that they be passed over informally for the present, retaining their place on the Calendar. I speak for the committee in this regard.

Mr. DOCKERY. I do not wish the bill number 1345 passed over.

Mr. BRADY. Very well. I did not know the gentleman was here when I made the request; but I ask that the bill now before us be passed over informally owing to the absence of the gentleman having charge of it.

Mr. SWOPE. I hope the bill will be laid aside.

There being no objection, the bill was passed over informally, to retain its place upon the Calendar.

NATHANIEL H. BLAKELY.

The next business on the Private Calendar was the bill (H. R. 1345) granting a pension to Nathaniel H. Blakely.

The bill is as follows:

Be it enacted, &c., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of Nathaniel H. Blakely, formerly of Company F, Third Regiment Missouri Mounted Volunteers, in the war with Mexico.

The report (by Mr. A. C. WHITE) is as follows:

Nathaniel H. Blakely was a private in Company H, Third Regiment Missouri Mounted Volunteers, in the war with Mexico. He was enlisted April 27, 1847, and mustered out with his company October 19, 1848, at Independence, Mo. The rolls of the company from September 1, 1847, to August 31, 1848, are not on file in the office of the Adjutant-General. Mr. Blakely alleges in his affidavit that at Taos, N. Mex., in the winter of 1847 or 1848 (he is not certain as to the year), he lost the sight of his left eye from exposure on guard duty before he had fully recovered from an attack of the mumps. He further states that he was treated in the hospital at Taos, N. Mex., by Dr. Maxwell, and remained under his treatment three or four weeks. His eye was sound before the attack which sent him to the hospital. Since that attack, and in consequence thereof, he has totally lost the sight of his left eye.

James A. Robertson and G. D. Sego, both residents of Worth County, Missouri, testify that they knew Nathaniel H. Blakely, and that the loss of his left eye was caused by exposure while in the line of duty at or near Taos, N. Mex., in the winter of 1847 or 1848. These affiants further state that—

"They knew the said soldier before he enlisted, at the time he enlisted, and were with him during the time he was in service; and saw said soldier while he was disabled with the mumps, and know that he was placed on guard duty before he was fully recovered from the mumps, which caused him to take a severe cold, which caused his jaw to swell up and inflame, which settled in his left eye, causing the loss of his sight."

They also state that at the time of enlistment and prior to the attack of mumps claimant was in sound health and free from disease, and that the sight of the left eye was perfect. Claimant states under oath that he has no knowledge of the whereabouts of either one of his commissioned officers or the surgeon who treated him. He does not know whether they are living or dead.

William Prewitt and Jesse Creekmore, who have known claimant since 1839, make oath as to his loyalty during the late civil war.

Hon. A. M. DOCKERY states that he has known claimant for fifteen years, and knows him to be honest, honorable, and reliable.

In view of all these facts your committee recommend that the bill do pass.

The bill was laid aside to be reported to the House with the recommendation that it do pass.

DAVID C. PAULLUS.

The next pension bill on the Private Calendar was the bill (H. R. 19) for the relief of David C. Paullus.

The bill was read as follows:

Be it enacted, &c., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of David C. Paullus, late a private in Company D, Second Regiment of Ohio Volunteers, in the war with Mexico.

The report (by Mr. BRADY) is as follows:

The Committee on Pensions, to whom was referred the bill (H. R. 19) granting a pension to David C. Paullus, submit the following report:

This bill passed this House by a unanimous vote at the last Congress. The Committee on Pensions at the first session of the Forty-eighth Congress made a favorable report on this bill, which is adopted by this committee, and reads as follows:

"In the Pension Office the claim of David C. Paullus stands rejected 'because the records of the War Department do not show the existence of the alleged disability in the service,' the soldier having claimed his pension because of rupture incurred while on the march from Vera Cruz to San Juan, Mexico, in 1848. But after examining the evidence the committee are of the opinion that said Paullus is clearly entitled to a pension, and report back the bill with the recommendation that it pass, namely:

Be it enacted, &c., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of David C. Paullus, late a private in Company D, Second Regiment of Ohio Volunteers in the war with Mexico.

The bill was laid aside to be reported to the House with a favorable recommendation.

MILTON R. MUZZY.

The next business on the Private Calendar was the bill (H. R. 2549) granting a pension to Milton R. Muzzy.

The bill was read, as follows:

Be it enacted, &c., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of Milton R. Muzzy, late a sergeant of Company K, Third United States Artillery, and grant him a pension of $8 a month, commencing with the date of his discharge from said artillery.

The CHAIRMAN. If there be no objection the bill will be laid aside to be reported to the House with a favorable recommendation.

Mr. PRICE. I object.

Mr. GIBSON, of West Virginia. Let the report be read.

The report (by Mr. BRADY) was read, as follows:

The Committee on Pensions, to whom was referred the bill H. R. 2549, have considered the same, and report as follows:

Milton R. Muzzy entered the United States Army as a private in January, 1830, and served almost continuously until June 21, 1841, when he was discharged a sergeant of Company K, Third Artillery.

During the Florida war, in the latter part of the year 1838, at Fort Lauderdale, near the mouth of New River, he was detailed with others to unload commissary stores from a steamboat into a yawl-boat lying alongside. While so engaged a barrel of provisions being lowered from the steamboat to the yawl, in which Muzzy was stationed, fell and struck him full in the breast, knocking him over backward, causing his back to strike heavily against the rail of the yawl-boat, severely injuring him in the region of the kidneys; he was placed in the post hospital for treatment, and while there suffered from passing bloody urine, and was much troubled about walking, caused by the hurt.

He is now eighty years of age, and in April, 1881, became totally paralyzed, a result from the injury received. He is not able to move or help himself, and is entirely dependent on others to even place his food in his mouth, and has no means of support.

Assistant Adjutant-General S. N. Benjamin, in a letter to Muzzy of February 23, 1878, states that—

"From the records of this office (Adjutant-General's Office) you served honorably, and were discharged as follows: January 25, 1835, a corporal of Company B, Fourth Artillery; February 11, 1838, a sergeant of Company I, Third Infantry; and June 21, 1841, a sergeant of Company K, Third Artillery."

Your committee report the bill without amendment, with the recommendation that it do pass.

Mr. GIBSON, of West Virginia. I want to call the attention of the committee to the fact that that bill carries arrearages back to 1841.

Mr. MORRILL. Let the bill be again read.

The bill was again read.

Mr. BRADY. I propose to amend the bill so that the pension shall take effect from the passage of the act.

Mr. GIBSON, of West Virginia. All right. I have no objection to that.

Mr. PERKINS. I would suggest that according to the report this applicant, if entitled to anything, is entitled to much more than $8 a month. The bill somewhat inconsistently puts him on the pension-roll subject to the provisions and limitations of the pension law and yet fixes the pension. I think we should strike out the one provision or the other. It appears to me that portion of the bill which fixes the pension should be eliminated.

Mr. GIBSON, of West Virginia. I think that is a good suggestion.

Mr. BRADY. I have no objection to accepting that amendment.

The CHAIRMAN. The Clerk will read the bill as now proposed to be amended.

The Clerk read as follows:

That the Secretary of the Interior be, and is hereby, authorized and directed to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of Milton R. Muzzy, late a sergeant of Company K, Third United States Artillery.

The CHAIRMAN. The question is on the amendment submitted by the gentleman from Virginia [Mr. BRADY].

The amendment was adopted.

The bill as amended was laid aside to be reported to the House with a favorable recommendation.

ELIZABETH STOCKSDALE.

The next business on the Private Calendar was the bill (H. R. 4022) granting a pension to Elizabeth Stocksdale.

The bill was read, as follows:

Be it enacted, &c., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of Elizabeth Stocksdale, widow of Aaron Stocksdale, deceased, late of the Thirty-sixth Maryland Militia, war of 1812-'14.

The report (by Mr. BRADY) is as follows:

The Committee on Pensions, to whom was referred the bill (H. R. 4022) directing the Secretary of the Interior to place on the pension-roll the name of Elizabeth Stocksdale, widow of Aaron Stocksdale, deceased, a soldier in the war of 1812-'14, have duly considered the same, and report:

The evidence in the case shows that Aaron Stocksdale served as a private in Capt. Eli Stocksdale's company, Thirty-sixth Maryland Volunteers, in the war of 1812-'14; that during said service said Aaron Stocksdale was called home by the illness of his mother, and that on her recovery he returned to his company, and served until the close of said war. It also further shows that the said Elizabeth Stocksdale intermarried with the said Aaron on the 12th day of May, 1813, and lived with him as his wife until his death, which occurred on the 1st day of October, 1867, since which time she has remained, and still is, a widow, and has always been loyal to the Government of the United States.

Your committee recommend the passage of the accompanying bill.

The bill was laid aside to be reported to the House with the recommendation that it do pass.

KATE AMANN.

The next business on the Private Calendar was the bill (H. R. 441) granting a pension to Kate Amann.

The bill was read, as follows:

Be it enacted, &c., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of Kate Amann, widow of Philip Amann, late a private in Company D, Seventy-fifth Regiment Pennsylvania Volunteers.

The report (by Mr. MATSON) is as follows:

The Committee on Invalid Pensions, to whom was referred House bill 441, beg leave to submit the following report:

A similar bill having passed this committee and the House in the Forty-eighth Congress, and not having been reached in the Senate, your committee adopt the report of this committee of the Forty-eighth Congress, as follows:

That Kate Amann is the widow of Philip Amann, who was a private in Company D, Seventy-fifth Regiment Pennsylvania Volunteers, and who was discharged from the service February 25, 1863, on account of two gunshot wounds received at the second Bull Run battle, August 30, 1862, one ball having passed through the right leg, the other through the right foot. That he was pensioned on account of said wounds to date from the time of his discharge, and continued to receive a pension until the time of his death, November 15, 1880, which occurred in the following manner:

"The evidence shows the fact that, while engaged with others working in a stone-yard, the derrick used by them for moving and hoisting stone fell on the said Amann, crushing him to death. This accident occurred through no fault nor by any negligence on the part of the said Amann. And in the opinion of your committee, had it not been for his disabled condition caused by his wounds he would have been enabled to escape the injury which resulted in his death; that those who were engaged with him at the time of his death, and who were exposed to the danger in as great a degree as the said Amann was, did escape death by reason of the fact that they possessed the full use of their limbs. Your committee further find that the said Amann was a sober and industrious man, of good moral character.

"That the claimant, Kate Amann, is in reduced circumstances, supporting herself and family by washing and such other hard labor as she can get to do.

"In consideration of all the facts, the committee recommend the passage of the accompanying bill."

The bill was laid aside to be reported to the House with a favorable recommendation.

SAMUEL HANSON.

The next business on the Private Calendar was the bill (H. R. 3100) granting a pension to Samuel Hanson.

The bill was read, as follows:

Be it enacted, &c., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of Samuel Hanson, late a private in Company D, Thirty-fourth Regiment of Iowa Volunteer Infantry.

The report (by Mr. MORRILL) is as follows:

The Committee on Invalid Pensions, to whom was referred the bill (H. R. 3100) granting a pension to Samuel Hanson, submit the following report:

This soldier enlisted January 16, 1864, in Company D, Thirty-third Regiment Iowa Volunteers, and was mustered out with his company August 15, 1865. In 1870 he applied for a pension, alleging disability from lung disease; that in March, 1864, at Little Rock, Ark., he was attacked with lung fever from exposure while in service, which seriously affected his lungs, and from which he never recovered. The Adjutant-General's report shows that he was left sick at Little Rock March 23, 1864. The Surgeon-General's report shows that he was admitted to general hospital at Little Rock March 22, 1864, for treatment for "pleuro-pneumonia," and returned to duty April 11, 1864.

Riley Jessup, late captain of Company D, in affidavit made September 23, 1870, states:

"At Little Rock, March, 1864, while in line of duty claimant was attacked by lung fever, brought on by exposure in the service; said disease affected his lungs, and that they continued affected until discharge; that his lungs were not affected at the time of enlistment or prior to said attack of lung fever; that claimant was of good habits while in the service, and in affiant's opinion the disease was the result of unavoidable exposure."

Dr. D. A. Hoffman states:

"Claimant was examined by me before he enlisted, for the purpose of ascertaining whether he was a sound man physically. That at that time he was not affected with any disease of the lungs. On his return from the service, immediately after his discharge, I treated him for disease of the lungs, which was the result of acute inflammation of the lungs, contracted while he was in service. I have treated him for the said disease at various times since September, 1865, to the present time (December, 1870), and his disease still continues."

The testimony is ample and undisputed that his disease has continued ever since, except that Dr. Huntsman, of Oskaloosa, the examining surgeon, said in 1872 that he found no disease of the lungs. A few months later another examining surgeon says:

"I find upon examination that the applicant has a deep, hollow cough, expectorating purulent and muco-purulent matter, night sweats, and emaciation; auscultation shows, in the upper portion of the left lung, cavernous râle; respiration and voice amphoric; dullness on percussion over the whole left lung; the lower portion very dull, and can not ascertain that air passes into that portion of it. He is physically unable to perform manual labor."

A few months later Dr. W. S. Orr, examining surgeon at Ottumwa, reports him totally incapacitated from obtaining a sustenance by manual labor, and says the disability is probably permanent.

It would seem as though nothing was wanting to establish a case in the Pension Department, but two special examiners were sent out and a mass of contradictory evidence was submitted, and the case was finally rejected on the ground that claimant's lungs were affected when he went into service. If the evidence submitted by the special examiners proves anything, it proves that the soldier was a weak man, physically unfit for the service, when he was accepted; that he was a hale, hearty man after his discharge, working at heavy work in a stone-quarry and receiving full wages; that he was before enlistment a sound, rugged young man of excellent habits, and at the same time a confirmed drunkard; that he had a severe consumptive cough; and by other witnesses equally reliable it is proven that he "never had the least symptoms of anything being the matter with his lungs prior to his going into the Army; that he was frequently employed to chop wood and split rails, and was noted as a first-rate wood-chopper." The Commissioner of Pensions in 1878 was evidently bewildered by this mass of contradictory evidence, for in a letter to claimant's agent he says:

"The invalid pension claim No. 162081, of Samuel Hanson, was rejected September 16, 1875, upon competent evidence (medical and lay) elicited by special examinations, showing that the alleged disease was not due to the service; in other words, that his lungs were diseased at the time he enlisted, and that the principal cause of his disability was due to an attack of lung fever since his discharge. It is proper to add that an examination made March 2, 1872, fails to discover any disease of the lungs."

This is certainly being equal to the occasion. The disability existed before enlistment, the disability was caused by lung fever after enlistment, and finally the disability never existed at all.

The simple facts seem to be that some two months after enlistment the soldier had an acute attack of lung fever, from which he has never recovered, and that he is now totally incapacitated from performing manual labor. By the passage of this bill his few remaining years will be made comparatively comfortable. He loses the twenty years of arrears to which he seems to have been as clearly entitled as his more fortunate comrades who received them. Believing that simple justice requires that the Government should care for this soldier, your committee recommend the passage of this bill.

The bill was laid aside to be reported to the House with a favorable recommendation.

DANIEL B. RANDALL.

The next business on the Private Calendar was the bill (H. R. 4591) granting a pension to Daniel B. Randall.

The bill was read, as follows:

Be it enacted, &c., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of Daniel B. Randall, late of Company A, One hundred and second Illinois Volunteers.

The report (by Mr. MORRILL) is as follows:

The Committee on Invalid Pensions, to whom was referred the bill (H. R. 4501) granting a pension to Daniel B. Randall, submit the following report:

Your committee find that claimant enlisted in Company A, One hundred and second Illinois Volunteers, July 28, 1862, and was discharged June 6, 1865. On the 18th of July, 1879, he applied for pension, alleging that "while in line of duty returning from hospital to join his regiment he fell, striking his right side on a stump, fracturing his ribs, which caused epilepsy."

Claimant, in his affidavit, says:

"I was on my way from a hospital in Jeffersonville, Ind., with a squad of convalescents belonging to different regiments, and on their way to join their commands, there being only one from my regiment, a member of Company A, by the name of Doggett, who died within a month or two after at Gallatin, Tenn. I do not remember the names of any of the persons belonging to the squad or the organizations to which they belonged, as they were all strangers to me. The only treatment that I received while in the service was occasional bleeding by the assistant surgeon, Dr. Hamilton, who, I have been informed by comrades, died shortly after the close of the war."

His family physician and three of his neighbors, who are reported as bearing excellent reputations, testify fully as to his soundness at enlistment, and speak of such an intimate acquaintance with him that it would seem to have been impossible for him to be affected with a disease of that character without their having knowledge of it.

His captain testifies that—

"Claimant was away at hospital and returned between 26th of September and 15th of November, 1862. Several men were left sick at Frankfort, Ky., October 26, 1862, when the regiment moved to Bowling Green and thence to Scottville, Tenn. Upon the arrival of these men to join their companies this accident was reported. Further I do not know, except that said Randall did suffer from frequent fits of epilepsy from that time until his discharge. He could have been discharged at any time after his sickness, but he would not make application for such discharge."

The evidence of continuance of the disease from discharge to the present time is abundant and conclusive. The case was rejected in the Pension Office on the ground of "No record or other satisfactory evidence that alleged disability (injury to side and resulting epilepsy) was received while in line of duty." This is strictly correct. There is no evidence to show that claimant was in line of duty when he received the fall. He gives good reasons for his inability to prove this, *i. e.*, the fact that the squad of men under his charge was made up from different commands, and that he can not remember their names. Every old soldier can appreciate this reason.

But it is shown by overwhelming testimony that he was a sound, vigorous, healthy man of thirty years of age when he enlisted; that he afterward became subject to fits of epilepsy, which continued during the remainder of his service (more than two years), and that he has been thus afflicted ever since. That he was a brave and gallant soldier is proven by the fact that though afflicted with this terrible malady he refused to accept a discharge and served until the expiration of his term of service as a non-commissioned officer of his company. The absolute proof of the fall is lacking, and it is not shown that it was received in line of duty, though that your committee feel can be fairly assumed, for the proof is overwhelming that he incurred a terrible disease in the service, from which he still suffers.

Your committee feel that this is a case richly deserving the action of Congress, and therefore recommend the passage of the bill.

The bill was laid aside to be reported to the House with the recommendation that it do pass.

WILLIS W. FINK.

The next business on the Private Calendar was the bill (H. R. 4572) granting a pension to Willis W. Fink.

The bill was read, as follows:

Be it enacted, &c., That the Secretary of the Interior be, and is hereby, authorized and directed to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of Willis W. Fink, late of Company D, Forty-fourth Regiment Illinois Volunteers.

The report (by Mr. MORRILL) is as follows:

The Committee on Invalid Pensions, to whom was referred the bill (H. R. 4572) granting a pension to Willis W. Fink, submit the following report:

We find that claimant enlisted August 1, 1861, in, and was discharged September 25, 1865, from, Company D, Forty-fourth Illinois Volunteers; that in 1879 he applied for a pension, alleging "that on the 24th day of June, 1864, at Marietta, Ga., while assisting to carry a log on top of the breastworks, they were charged upon by the enemy, causing the men to let go the log, and the heavy weight came on him, by which he received a rupture of the left groin." This was rejected on the ground of no record and no testimony of eye-witnesses showing when, where, and under what circumstances it occurred, &c.

Three comrades testify that claimant received an injury on the day and in the manner claimed by him. The regimental surgeon testifies that he examined him June 27, 1864:

"That claimant came to him complaining of pain in his right groin, and said the pain was aggravated by any exertion. Said he had felt the pain at the time and since a heavy lift on a log that they were placing on the breastworks that day. I examined the groin and found a tumor, showing to me a disposition to hernia, and I put him off duty."

There is no evidence of medical treatment after service, but an abundance of lay testimony that the rupture existed in service and at time of discharge. The examining surgeon in 1881, and a board of examining surgeons in 1884, describe the hernia. The latter say:

"We find oblique inguinal hernia of right side, with opening that is difficult to retain with a truss."

The case seems a very strong one. The proof is not positive, for no one saw him in a nude state the instant before the injury and immediately after, but there can be no question that he was injured at the time he claims. He was then on his fourth year in the service, and it is hardly supposable that he had suffered all that time from rupture without its being known in his company. That it existed at time of discharge is admitted by the Department.

Your committee recommend the passage of the bill.

The bill was laid aside to be reported to the House with the recommendation that it do pass.

ROBERT MORAN.

The next business on the Private Calendar was the bill (H. R. 5551) for the relief of Robert Moran.

The bill was read, as follows:

Be it enacted, &c., That the Secretary of the Interior be, and he is hereby, authorized and directed to increase the pension paid to Robert Moran, late lieutenant-colonel of the Second Regiment of West Virginia Volunteers, to $45 per month.

The CHAIRMAN. If there be no objection the bill will be laid aside to be reported to the House with a favorable recommendation.

Mr. PRICE. I object.

Mr. BRADY. Let the report be read.

The report (by Mr. MORRILL) was read, as follows:

The Committee on Invalid Pensions, to whom was referred the bill (H. R. 4120) for the relief of Robert Moran, submit the following report:

Your committee find that Robert Moran was lieutenant-colonel of the Second West Virginia Volunteers. Was mustered July 4, 1861, and was discharged May 19, 1862. In 1876 he applied for a pension for asthma, which was allowed, and he received $15 per month from discharge until 1880, and since that date $30 per month. This bill asks that he be paid the difference between $15 and $30 from the date of his discharge till 1880. As the rating seems to have been made in accordance with existing laws and the reports of the examining surgeons, your committee see no reason why the bill should not pass in its present form. But the evidence discloses the fact that he has been a great sufferer for many years; that at times he needs the aid and attention of another person, and that at no time is it safe for him to be left alone.

The examining surgeon at Columbus, Nebr., in his report dated February 21, 1883, says:

"The disability is permanent in this degree, and probably will grow worse as claimant grows older. He is growing feebler every year. He does require the regular aid and attendance of another person, as contemplated in your instructions to surgeons (as I understand the instructions). It is a fact, however, that after he is washed, dressed, and has his meals he is permitted to go around the streets in fair weather without the actual presence of another person, though a system of espionage is kept up constantly over him. I am sure, were you to see the man, you would not think the rating too high; further, I believe, though I am not sure of it, that incipient phthisis is developing. His nutrition is very bad, and, from his statements, I think he must be helpless at times."

The Department can grant no increase between $30, the rate for total inability to perform any manual labor, and $50, the rate where the constant aid and attention is required. His condition is much worse than that of a person simply unable to perform manual labor. He says for twenty years he has not been able to sleep all night in a bed. His sufferings are terrible. Believing that, while the relief asked for by this bill can not be properly granted, he ought to have a higher rating of pension than he is now receiving, your committee recommend the passage of the accompanying substitute for bill H. R. 4120.

Mr. GIBSON, of West Virginia. Let the bill be again read.

The bill was again read.

Mr. BRADY. I think, if there be no objection, we may take a vote on the bill.

Mr. PRICE. There are objections. I shall object so far as recording my vote is concerned. I want to vote against that proposition, but I shall not object to the extent of breaking up this session.

The bill was laid aside to be reported to the House with the recommendation that it do pass.

LIZZIE KENAMORE.

The next business on the Private Calendar was the bill (H. R. 4112) granting a pension to Lizzie Kenamore, reported from the Committee on Invalid Pensions.

Mr. MORRILL. I ask that this bill be laid aside for the present,

holding its place on the Calendar. There is a strong probability that if it has not already passed the Pension Department it will do so soon.

There being no objection, the bill was passed over informally.

MARY M. GALLEYAN.

The next business on the Private Calendar was the bill (H. R. 3941) granting a pension to Mary M. Galleyan.

The bill was read, as follows:

Be it enacted, &c., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of Mary M. Galleyan, widow of Joseph S. Galleyan, late of Company G, Fifty-ninth Indiana Volunteers.

The report (by Mr. MORRILL) is as follows:

The Committee on Invalid Pensions, to whom was referred the bill (H. R. 3941) granting a pension to Mary M. Galleyan, submit the following report:

Your committee find that claimant is the widow of Joseph S. Galleyan, late a private of Company G, Fifty-ninth Indiana Volunteers. This soldier died November 2, 1873, of chronic diarrhea. The evidence shows that he was drafted January, 1865, and discharged July, 1865. The widow applied for pension in June, 1877, which was rejected, though no reason is given. The hospital record shows that the soldier was admitted July 3, 1865, with diarrhea. Samuel Rebstock testifies:

"The soldier was first taken with diarrhea about the 28th of April, which stuck to and disabled him until the time of his discharge. I lived within half a mile of said Galleyan after his discharge until in February, 1866, during which time I was intimately acquainted with him, and he was never free from the diarrhea."

Dr. Samuel W. Gould says he treated him from August, 1868, till July, 1870, for the same disease.

Dr. John M. Rochhold testifies that he had been acquainted with him for about one year before his death; that he attended him at the time of his death, and that the immediate cause of his death was chronic diarrhea; that it must have existed for a long time prior to his acquaintance with him.

The widow declares her inability to furnish further evidence. The incurrence of the disease in the service seems to be fully established; that it existed February, 1866, and August, 1868, and continued until his death is also clearly shown; that he died from the effects of that disease is proven. The reasonable conclusion is that his death was caused by the disability incurred in service, and your committee therefore recommend the passage of the bill.

There being no objection, the bill was laid aside to be reported to the House with the recommendation that it do pass.

WILLIAM G. SCHOONOZER.

The next business on the Private Calendar was the bill (H. R. 3390) to place the name of William G. Schoonozer on the pension-roll.

The bill was read, as follows:

Be it enacted, &c., That the Secretary of the Interior be, and is hereby, authorized and directed to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of William G. Schoonozer, father of James C. Schoonozer, late of Company E, One hundred and fourth Illinois, who died of wounds at Chattanooga on the 27th day of June, 1864, in general hospital, ward numbered 6.

The report (by Mr. MORRILL) is as follows:

The Committee on Invalid Pensions, to whom was referred the bill (H. R. 3390) to place the name of William G. Schoonozer on the pension-roll, submit the following report:

We find that claimant is the father of James C. Schoonozer, of Company E, One hundredth and fourth Illinois Volunteers; that the soldier died from the effects of wounds received in battle, and that his mother was allowed a pension until her death in September, 1878. The father's claim was rejected on the ground that he was able to support himself. The evidence shows that after the death of the mother, and about 1881, claimant sold his little farm, receiving therefor $300; that after erecting a stone to her grave and paying doctors' bills he had $150; that he was well, active, and strong for one of his age (then seventy-one years), and could earn $1 per day at light work. The special examiner in his report made December 4, 1882, and from which the above statement of evidence is obtained, sums up his findings as follows:

"It is my opinion, from observation and the testimony obtained in the case, that the following facts exist: (1) That claimant is the father of James C. Schoonozer, who was a private in Company E, One hundred and fourth Illinois Volunteers; that said James C. Schoonozer was wounded while in the service and line of duty, and died from the effects of said wound. (2) That claimant was partially dependent on said soldier for support at the date of said soldier's enlistment. (3) That claimant is and has been since the death of his wife (the mother of soldier, who died September, 1878, and who drew pension as dependent mother) able to and has supported himself by manual labor."

The old man is now seventy-six years of age. His only son fills a soldier's grave. He fell in battle with his face toward the enemy. Will the Congress of the United States refuse to pension this father because he is able to support himself by manual labor at the ripe old age of seventy-six years?

Your committee recommend the passage of the bill.

There being no objection, the bill was laid aside to be reported to the House with the recommendation that it do pass.

N. M. MILLER.

The next business on the Private Calendar was the bill (H. R. 737) granting a pension to N. M. Miller.

The bill was read, as follows:

Be it enacted, &c., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of N. M. Miller, late of Company B, Ninety-first Regiment Indiana Infantry Volunteers.

The report (by Mr. MORRILL) is as follows:

The Committee on Invalid Pensions, to whom was referred the bill (H. R. 737) granting a pension to N. M. Miller, submit the following report:

We find that claimant enlisted August 16, 1862, in the Ninety-first Regiment Indiana Volunteers, and was discharged May 26, 1865. June, 1880, he filed application for a pension, alleging heart disease. June 1, 1885, the claim was rejected on the ground that there was "no record of heart disease, nor evidence of medical treatment in service. The evidence is insufficient to show the same due to the service." The evidence in this case seems to prove conclusively—it having been thoroughly investigated by special examiners of the Pension Department—that claimant was a strong, robust man at time of enlistment. That about August 1, 1864, he was admitted to the hospital at Marietta, Ga., with epistaxis; that he also had scurvy and chronic diarrhea; that he continued to suffer from these diseases, and especially from epistaxis, very severely until his discharge; that he complained also of heart disease in the spring of 1865. He was a practicing physician before he entered the service, and at one time in the service had charge of the regimental hospital. It seems to be well established that he had heart disease and that it has continued ever since.

The evidence shows that he was a good soldier. The difficulty in the Pension Department seems to have been to decide as to the cause of the heart disease. The evidence shows that claimant was addicted to the use of alcoholic drinks, and the medical referee, it seems, was unable to decide whether the heart disease was the result of that habit or of the scurvy and epistaxis and the resultant impoverishment of the blood. In submitting the case to the medical referee the examiner says:

"He used to drink. He is now of excellent reputation and high professional standing. He has practiced since 1858, and hence can furnish no medical evidence as to treatment. For that reason the disease of heart can not be proven as an independent disability."

A number of his acquaintances, including Hon. B. W. PERKINS, a member of this Congress, testify that he is a man of high character, unquestionable veracity, and of good standing in his profession. It is not possible for him to prove that heart disease was not the result of the use of alcohol, but it is more reasonable to suppose that three years of exposure and hardship, a want of proper diet, and the deprivations incident to a soldier's life in the field, resulting in scurvy and chronic diarrhea, caused the disability from which he now suffers.

Your committee recommend the passage of the bill.

There being no objection, the bill was laid aside to be reported to the House with the recommendation that it do pass.

MARTIN KIRK.

The next business on the Private Calendar was the bill (H. R. 1396) to pension Martin Kirk.

The bill was read, as follows:

Be it enacted, &c., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of Martin Kirk, late a private in Company E, Eighth Regiment Missouri State Militia Cavalry Volunteers.

The report (by Mr. MORRILL) is as follows:

The Committee on Invalid Pensions, to whom was referred the bill (H. R. 1396) to pension Martin Kirk, submit the following report:

We find that claimant enlisted August 19, 1863, and was discharged July 17, 1865. July, 1877, he applied for a pension, alleging "that on the 30th of September he contracted a fever; that he was salivated from mercurial treatment while under treatment for fever, which resulted in cough," &c. This was rejected on the ground of no record and inability to furnish evidence of commanding officer or surgeon. The records of the company show for September and October that he was absent sick in Polk County, but do not state the disease. The claimant says:

"The origin of my sickness, for which I make application for a pension, was from a spell of sickness contracted in the fall of 1863 while on a scout in the counties of Laclede and Webster, Missouri. I was brought from off the scout to Marshfield, Mo., where I lay sick with a fever for three or four weeks. After I was able to get up I found myself salivated from mercurial treatment. Being in this condition, I was detailed immediately after this sickness on the Shelby raid; was on the raid three weeks, exposed day and night. It ruined my health and brought on a permanent disease, which has produced a continuous cough and a spitting of corrupt matter and blood."

Dr. S. H. Headin, whose reputation is vouched for "as the very best," testifies that he treated the soldier in October, 1863, for congestion of the liver, caused from exposure in camp life.

R. M. Johnson, one of his comrades, swears that claimant was very sick in September and October at Marshfield, Mo., and that he was never able afterward to do active duty and frequently not able to perform any duty at all. James Bouldin, another comrade, testifies to the same facts.

Thomas B. Evans, a citizen of Polk County, a member of same company, says claimant was very sick with fever at Marshfield, September and October, 1863, and that he was never able for active duty afterward.

John A. Callahan, a citizen of Marshfield, testifies that he has known claimant since 1857; that he knows of his being sick at Marshfield; that he has not been well since; staid with him two days in 1865 and he was then spitting blood. Has known him ever since, and that he has been troubled with the cough and spitting of blood and corruption ever since.

Two other witnesses testify to having known him since discharge, and describe his condition the same as the last witness has. His family physician and eight others testify to his good health before enlistment. The examining surgeon at Springfield, Mo., November 28, 1881, reports him totally and permanently disabled.

The examining board at the same place, November 29, 1882, report:

"Applicant is feeble, emaciated, shrunken muscles and flabby; has chronic pharyngitis and some cough. Has rotten teeth and ulcerated, spongy, rotten gums; skin harsh and dry. Is debilitated, and walks with canes; disability total."

The evidence seems clear and straightforward. Five witnesses swear positively to the origin of the disease. These witnesses testify from personal knowledge to its continuance; the examining surgeons report as to his present condition. Nothing is shown to throw a cloud on any of the evidence offered, but the absence of a hospital record and of the evidence of the surgeon of the regiment was fatal to the case. Your committee find few cases referred to them with evidence so clear and conclusive. That the disease originated in the service, has continued ever since, and now exists, seem to be proven.

Your committee recommend the passage of the bill.

There being no objection, the bill was laid aside to be reported to the House with the recommendation that it do pass.

WILLIAM TAYLOR.

The next business on the Private Calendar was the bill (H. R. 4580) to grant a pension to William Taylor.

The bill was read, as follows:

Be it enacted, &c., That the Secretary of the Interior be, and he is hereby, authorized to place the name of William Taylor, late a private in Company B, First Regiment of Nebraska Militia, on the pension-roll, subject to the conditions and limitations of the pension laws.

The report (by Mr. MORRILL) is as follows:

The Committee on Invalid Pension, to whom was referred the bill (H. R. 4580) to grant a pension to William Taylor, submit the following report:

We find that claimant was a member of Company B, First Nebraska Militia; enlisted August 13, 1864, and discharged February 13, 1865. This organization was under the command of an officer of the United States Volunteers, and co-

operated with the United States forces, and was paid by the General Government. He filed his application, alleging that at Grand Island, Nebr., about November 30, 1864, he was injured by his horse falling on him, dislocating his shoulder. The case seems to have been fully proven in the Pension Office, but was finally rejected on the ground that it was barred by paragraph 3, section 4693, Revised Statutes.

The captain of the company and the regimental surgeon testify as to the facts in the case. A physician who treated him at discharge, and for years after, testifies that his injury was permanent and incurable. Neighbors testify to its continuance, and the examining board at Omaha report October, 1882, that he is half totally disabled. The only point in the case seems to be that he was a militiaman. The general rule, in Congress, has been to grant pensions to militiamen when wounded or injured in line of duty when their organization was under the command of a United States Army officer. This is shown to be the fact in this case.

Your committee recommend the passage of the bill with an amendment striking out the word "volunteers," in fifth line, and inserting the word "militia."

The amendment recommended by the committee, striking out the word "volunteers," in the fifth line, and inserting the word "militia," was agreed to.

There being no objection, the bill as amended was laid aside to be reported to the House with the recommendation that it do pass.

J. W. BENNETT.

The next business on the Private Calendar was the bill (H. R. 746) granting a pension to J. W. Bennett.

The bill was read, as follows:

Be it enacted, &c., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-roll the name of J. W. Bennett, late an ensign in the United States Navy, subject to the provisions and limitations of the pension laws.

The report (by Mr. MORRILL) is as follows:

The Committee on Invalid Pensions, to whom was referred the bill (H. R. 746) granting a pension to J. W. Bennett, submit the following report:

We find that J. W. Bennett was appointed an acting ensign in the Navy February 20, 1865, and served on the Savannah from that date to March 13, 1865; on the Currituck from March 14, 1865, to July 27, 1865, and on the Nansemond from July 28 to August 8, 1865, when he was granted leave of absence. He was honorably discharged October 12, 1865.

Claimant in his affidavit says:

"That he is wholly unable to furnish the testimony or affidavit of a commissioned officer or two of the men belonging to the United States steamer Currituck at the time he met with the accident set forth in the application for invalid pension, for the reason that he does not now know the place of residence of any officer or man with whom he had the honor to serve, nor has he at any time since his discharge and the separation and dispersion of the command ever known the place of residence or whereabouts of either or any of the officers or men, he, immediately after his charge, having set out for the Western States, and not being bound either by relationship, friendship, or previous acquaintance with any of the members of said command, which was composed of men from most of the seafaring nations of the earth; that there was no surgeon on board at the time of his injury, which was caused by falling from the gunboat across the thwart seat of the boat waiting to convey him to a vessel to be searched, in Chesapeake Bay, in April, 1865, the fall resulting in a rupture of left groin; that the doctor's steward furnished him with a truss."

But he shows by the evidence of Acting Ensign Boivie that the rupture existed a few days after discharge. He testifies:

"He was acquainted with claimant at time of discharge, about the middle of October, 1865; that he was quite intimate with him, being a brother officer and countryman; says he is sure as to time, as he was about to go, and did go, to Sweden a few days after; that they boarded at same house together, and claimant wore a truss, and explained to affiant that he was ruptured, and that it was caused by a fall into a cutter that was waiting to take him to a vessel in Chesapeake Bay."

Anton Williams testifies that he became acquainted and was intimate with claimant early in 1866, and he knows that he was then ruptured.

A number of witnesses testify to claimant's high character for truth and veracity from a long and intimate acquaintance with him. There is nothing in the evidence examined to raise a doubt as to the merits of the case. The examining board at Mount Vernon, Mo., report, December 22, 1883, that there is a direct hernia of left side.

Your committee recommend the passage of the bill.

On motion of Mr. PERKINS, the title of the bill was amended so as to read, "granting a pension to J. W. A. Bennett," and a like amendment was made in the name where it occurs in the body of the bill.

There being no objection, the bill as amended was laid aside to be reported to the House with the recommendation that it do pass.

THOMAS S. OWENS.

The next business on the Private Calendar was the bill (H. R. 4579) granting an increase of pension to Thomas S. Owens.

The bill was read, as follows:

Be it enacted, &c., That the Secretary of the Interior be, and he is hereby, authorized and directed to increase the pension of Thomas S. Owens, late a private in Company A, First Nebraska Veteran Volunteers, to $24 per month.

The report (by Mr. MORRILL) is as follows:

The committee on Invalid Pensions, to whom was referred the bill (H. R. 4579) granting an increase of pension to Thomas S. Owens, submit the following report:

We find that claimant enlisted in Company A, First Nebraska Cavalry, November 17, 1862, and was discharged July 1, 1866. He applied for a pension January 23, 1880, alleging chronic diarrhea, and resulting epileptic fits, heart palpitation, and indigestion. This was allowed for chronic diarrhea, but the other diseases stated were not admitted as results of chronic diarrhea. There seems to have been a difference of opinion in the board of medical referees on this question.

Dr. T. B. Hood says:

"I claim that the irritation of the mucous membrane of the bowels from chronic diarrhea would be a good and sufficient cause to produce the epileptic convulsions with the resulting functional disease of heart and indigestion."

The claimant is unable to work and is penniless, being helped by the county to support his wife and five children. He served nearly four years, and when good medical authority holds that the diseases for which he claims pension can properly be said to be the result of the disease admitted to have been contracted in the service, it would seem that the soldier ought to have the benefit of the doubt.

Your committee recommend the passage of the bill with an amendment striking out all after the word "directed," in the fourth line, and inserting the words "to increase the pension of Thomas S. Owens, late a private in Company A, First Nebraska Veteran Volunteers, to $24 per month."

The amendments reported by the committee as set forth in the last paragraph of the report were agreed to.

There being no objection, the bill as amended was laid aside to be reported to the House with the recommendation that it do pass.

M. S. TOWNE.

The next business on the Private Calendar was the bill (H. R. 4370) granting a pension to M. S. Towne.

The bill was read as follows:

Be it enacted &c., That the Secretary of the Interior be, and is hereby, authorized and directed to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of M. S. Towne, late a private in Company H, One hundred and forty-third Pennsylvania Volunteers.

The report (by Mr. MORRILL) is as follows:

The Committee on Invalid Pensions, to whom was referred the bill (H. R. 4370) granting a pension to Myron S. Towne, submit the following report:

We find that claimant enlisted August 16, 1862, as a private in Company H, One hundred and forty-third Pennsylvania Volunteers, was promoted to lieutenant July 12, 1864, and was mustered out November 4, 1865. December, 1876, he filed application for pension, alleging piles and varicose veins, which was rejected October 28, 1885, on the ground of no record, and inability to prove incurrence in the service. His long service of over three years would seem to render any proof of prior soundness unnecessary, but claimant has shown by nine witnesses, all of whom are reported as of good reputation, that he was sound and well at time of enlistment and for nearly two years thereafter. Claimant testifies that he contracted varicose veins in the campaign of the Wilderness, and that they were much increased by subsequent service; that he can not furnish the evidence of a commissioned officer, as his company lost their officers, and the first sergeant was taken prisoner; that he can not furnish the testimony of the surgeon, as he never went to the hospital. He does, however, prove by medical evidence that he was treated immediately after discharge, and until 1883, by four different physicians, whose reputations are vouched for as good; that the piles resulted in fistula, for which surgical operations were performed in 1877 and again in 1879.

The board of medical examiners at Princeton, Mo., July 22, 1885, report him one-half disabled. There seems but one thing lacking in this case, and that is evidence of actual incurrence in the service. It is shown conclusively that he was free from the disease at enlistment and for nearly two years thereafter; that he was suffering from the disabilities at time of discharge, and that they have continued ever since. Diseases of this character are of slow development. At first the inconvenience and suffering from them is slight, and does not disable the soldier from the discharge of his duties. They might naturally have existed for weeks and months without requiring medical attendance. After a careful examination of the case your committee conclude that it is a proper one for Congress to afford the asked-for relief, and they therefore recommend the passage of the bill.

There being no objection, the bill was laid aside to be reported to the House with the recommendation that it do pass.

MRS. B. ALFERS.

The next business on the Private Calendar was the bill (H. R. 3945) for the relief of Mrs. B. Alfers.

The bill was read, as follows:

Be it enacted, &c., That the Secretary of the Interior is hereby authorized and directed to pay to Mrs. B. Alfers (his mother) the pension allowed to James R., minor child of Antoine Brentano, late a sergeant of Company B., Thirteenth Kansas Volunteers.

The report (by Mr. MORRILL) is as follows:

The Committee on Invalid Pensions, to whom was referred the bill (H. R. 3945) for the relief of Mrs. B. Alfers, submit the following report:

We find that claimant is the mother of James R. Brentano, minor child of Antoine Brentano, late a sergeant of Company B, Thirteenth Kansas Volunteers. Antoine Brentano enlisted in Company B, Thirteenth Kansas Volunteers, September 1, 1862, and was discharged June 26, 1865. He died January 22, 1869. His widow, now Mrs. B. Alfers, remarried February 4, 1871, without having made any application for a pension. In 1881 an application was made for a pension for James R. Brentano, the only child (and a minor) of James R. Brentano. The evidence being satisfactory that the death of the soldier was the result of disabilities contracted in the service the pension was allowed and a certificate was issued for a pension to cease December 22, 1882, the date at which the minor arrived at the age of sixteen years. A few months before the certificate was issued James R. Brentano met with an accident which resulted in his death.

This bill asks that the pension allowed to the minor be paid to his mother, who is his sole heir. This would seem to be but simple justice. The papers in the case show that the evidence was filed some time before the death of the child, and had prompt action been taken in the Department the money would have been paid before his death, and in that event the mother would have received the benefit of it. A pension to a minor is for his support and education. This mother had kindly provided for all his wants, and had been to the expense of supporting and educating him till his sudden death deprived her of her child. Technically she is not entitled to the pension, but every principle of justice and equity demands that it should be paid to her.

Your committee recommend the passage of the bill.

There being no objection, the bill was laid aside to be reported to the House with the recommendation that it do pass.

ALBERT L. ALLEN.

The next business on the Private Calendar was the bill (H. R. 3530) granting a pension to Albert L. Allen.

The bill was read, as follows:

Be it enacted, &c., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of Albert L. Allen, who was wounded while serving as a special agent of the Quartermaster's Office.

Mr. BRADY. Mr. Chairman, I would like to hear the report in that case. It appears to have something to do with the Quartermaster's Office.

The CHAIRMAN. The report will be read.

The report (by Mr. MORRILL) was read, as follows:

The Committee on Invalid Pensions, to whom was referred the bill (H. R. 3530) granting a pension to Albert L. Allen, submit the following report:

The evidence on file in this case shows the following facts: That during the war claimant was a Government agent, under the direction of Lyne S. Metcalfe, then in charge of Government stores at the Saint Louis depot; that he was ordered to and took charge of the quartermaster's stores, then embarked on the Government transport steamer Venice, and conducted the same from Saint Louis to Johnsonville, on the Tennessee River, in Tennessee; that while returning from said duty, having taken on board at Johnsonville a detachment of troops commanded by one Lieutenant Gibson, of the New Jersey troops, as they were approaching Paris, Tenn., on October 30, 1864, the Venice and consort were fired into by confederate troops under General Forrest; that Lieutenant Gibson ordered every man on board to fight till all should be killed, and enforced his order with drawn revolver; that all took arms and fought from 10 a. m. to 4 p. m., nine men being killed and many wounded; that claimant fought with a musket and was shot through the right shoulder and right foot, and was permanently disabled. The vessels were captured and most of the wounded carried off as prisoners, but the surgeon said that claimant would die and could not be removed, whereupon General Forrest paroled him. Claimant was neglected for five days, and lay helpless, with his wounds undressed, until they became offensive, and he has been disabled ever since.

The case was rejected by the Pension Department on the ground that claimant was not an enlisted man. Congress has repeatedly granted relief in similar cases by special act, and your committee therefore recommend the passage of the bill.

There being no objection, the bill was laid aside to be reported to the House with the recommendation that it do pass.

MARTHA A. SILKEY.

The next business on the Private Calendar was the bill (H. R. 4101) for the relief of Martha A. Silkey.

The bill was read, as follows:

Be it enacted, &c., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-roll the name of Martha A. Silkey, widow of William Silkey, deceased, late a private in Company B, Sixty-fifth Regiment Enrolled Missouri Militia, who, with his company, was captured by a portion of the command of the rebel General Sterling Price, at Carrollton, Mo., October 17, 1864, and he, with five others of the command so captured, was shot and killed by said rebel forces in retaliation, as it was claimed, for the killing of two rebel soldiers by a squad of the same command to which said Silkey belonged, said Silkey at the time being in the service of the United States, at the time of his capture engaged in the defense of a Federal military post at Carrollton aforesaid; and her claim for a pension, No. 177193, having been rejected by the Pension Department for reasons stated in the opinion of the Commissioner; said pension to be subject to the provisions and limitations of the pension laws.

The report (by Mr. MORRILL) is as follows:

The Committee on Invalid Pensions, to whom was referred the bill (H. R. 4101) granting a pension to Martha A. Silkey, submit the following report:

We find that Martha A. Silkey is the widow of William Silkey, private of Company B, Sixty-fifth Regiment Missouri Enrolled Militia. Briefly stated, the evidence is as follows: This soldier was captured, with his company, October 17, 1864, by a portion of the command under the rebel General Sterling Price, and while a prisoner was shot, as it was claimed, in retaliation for the killing of two rebel soldiers by a squad of the same command to which Silkey belonged. His widow filed a claim for pension July 6, 1869. As the soldier belonged to one of the classes of organizations specified in the third paragraph of section 4693, Revised Statutes, the claim was not valid unless prosecuted to a successful issue prior to July 4, 1874. This was not entirely done, though the material portion of the evidence was filed before 1871.

It would seem that there can be no question as to the duty of Congress in this case, and your committee therefore recommend the passage of the bill, with the amendment striking out that portion after the word "militia," in seventh line, and before the word "subject," in the twentieth line.

The committee recommended the amendment of the bill by striking out all after the word "militia," in the seventh line.

The amendment was agreed to.

There being no objection, the bill as amended was laid aside to be reported to the House with the recommendation that it do pass.

MARGARET CALLANAN.

The next business on the Private Calendar was the bill (H. R. 4134) for the relief of Margaret Callanan.

The bill was read, as follows:

Be it enacted, &c., That the Secretary of the Interior is authorized and directed to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of Margaret Callanan, of Orange, in the county of Essex, in the State of New Jersey, widow of Eugene Callahan, late a private in Company F, of the Second Regiment New Jersey Volunteers, and to pay her a pension at the rate of $8 per month, and the allowance provided for minor children under sixteen years of age, from and after the 18th day of March, A. D. 1864, the date of the death of her said husband.

The report (by Mr. PIDCOCK) is as follows:

The Committee on Invalid Pensions, to whom was referred the bill (H. R. 4134) for the relief of Margaret Callanan, submit the following report:

The claimant asks pension on account of the death of her husband, who was a private in Company F, Second Regiment New Jersey Volunteers.

The Pension Office rejected the claim on the ground that the disease of which he died did not originate in the service and line of duty.

The soldier obtained a furlough February 10, 1864, for thirty-five days, and while at home, March 18, 1864, died of typhoid pneumonia.

The claimant can furnish no evidence as to origin of the disease, but states that the soldier on his arrival home had a bad cough and was feeling unwell.

Dr. Lyman M. Crane testifies that he was first called to visit soldier March 12, 1864, and found him very ill with inflammation of the lungs. He had been complaining from the time he got his furlough, and had a bad cough, till he was taken down to his bed the day before the doctor was called to see him. In answer to question put in affidavit, "Is it possible that he could have contracted such disease subsequent to February 10, 1864," he says:

"I think not. His disease assumed a typhoid form very different from any inflammatory disease prevalent in this latitude at the time. In my opinion he contracted the disease of which he died from exposure and fatigue in the United States Army previous to getting his furlough. The United States hospital physician at Newark, N. J., requested me to make affidavit to his condition and send it on, which I did accordingly."

The doctor's conclusion seems positive; and your committee are of the opinion that this is a deserving claim, and recommend the passage of the bill.

Mr. GIBSON, of West Virginia. Mr. Chairman, does that bill carry arrearages back to 1864?

The CHAIRMAN. The Chair will cause the bill to be read again, so that the gentleman may judge for himself.

The bill was again read.

Mr. BRADY. Mr. Chairman, I move to amend that bill by striking out "eight," before the word "dollars," and inserting the word "twelve."

Mr. MORRILL. Mr. Chairman, I shall object to that. I prefer to have the pension granted subject to the conditions and limitations of the pension laws. Then if the widows' pension bill does not become a law this lady will get the same as any other widow, and that is all she ought to have.

Mr. GIBSON. I understand, then, that the amendment is withdrawn. I desire, Mr. Chairman, to offer another amendment. I move to strike out all after that portion of the bill completing the fact of putting this widow upon the pension-roll subject to the pension laws, and I will ask the Clerk to read the bill so amended, in order that we may hear how it reads.

The Clerk read the bill as above printed down to and including the words "New Jersey Volunteers," in the eighth line.

Mr. GIBSON. Now, Mr. Chairman, in connection with my amendment I want to call the attention of the House to the fact that the bill in its present form presents another instance where it is sought to take a particular case out of its general class. The bill in its present form would carry the arrearages back in this one case, although we have refused to do that in thousands of other cases.

Mr. MORRILL. The gentleman from West Virginia [Mr. GIBSON] will allow me to state that when the committee agreed to report this bill they instructed the gentleman who was to make the report to report it with such an amendment as the gentleman from West Virginia now proposes, but through some misunderstanding the amendment was not reported with the bill.

Mr. GIBSON, of West Virginia. Well, if there is a mistake, let that portion of the bill be stricken out, and there will be no objection to the passage of the bill.

Mr. BRADY. Will this affect the question of granting pensions to the children?

Several MEMBERS. Oh, no.

Mr. GIBSON, of West Virginia. The general law provides for pensions to the children under a certain age. There is no necessity for specifying the children in the bill.

Mr. LOVERING. There seems to be a discrepancy in regard to the name, which in one place is "Callahan" and in another "Callanan."

The CHAIRMAN. The gentleman who introduced the bill has already advised the Chair that the name is properly "Callanan," and unless there be objection the bill be amended so that the name will read in that way wherever it occurs.

There was no objection.

The CHAIRMAN. The question is now on the amendment submitted by the gentleman from West Virginia to strike out all after the word "volunteers," in line 8.

The amendment was agreed to.

There being no objection, the bill as amended was laid aside to be reported to the House with a recommendation that it do pass.

JOHN D. JAMES.

The next business on the Private Calendar was the bill (H. R. 3753) granting a pension to John D. James.

The bill was read, as follows:

Be it enacted, &c., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of John D. James, late a private in Company H, Third Regiment Pennsylvania Artillery Volunteers.

The report (by Mr. PIDCOCK) was read, as follows:

The Committee on Invalid Pensions, to whom was referred the bill (H. R. 3753) granting a pension to John D. James, submit the following report;

John D. James, late private Company H, Third Regiment, Pennsylvania Artillery, filed his application for pension March 29, 1882, alleging disability from spinal wound received at Baltimore pike, Maryland, June 30, 1863, caused by his horse falling and by such fall the hammer of his revolver penetrated his spine and caused injury. The application was rejected May 23, 1885, on the ground that there was no record of alleged injury. The claimant proved that prior to the time of enlistment he was in good sound health and was free from injury to spine.

The reports from Surgeon-General show that he entered Sutterlie General Hospital, West Philadelphia, Pa., July 5, 1863, with rheumatism, the case-book showing debility, headache, and considerable pains in side and limbs, and after being transferred from one hospital to another was returned to duty December 7, 1863, being discharged from Convalescent Camp, Virginia, January 16, 1864, upon certificate of disability. The reports from Adjutant-General show that claimant enlisted in said company October 31, 1862, and the rolls for July and August report him absent, sick in United States general hospital at Chester, Pa., to December 31, 1863, January and February, 1864, and discharged for disability at Washington, D. C., January 16, 1864, the nature of illness not stated, and the regimental hospital records not on file.

Dr. F. J. Bancroft, the surgeon of the regiment, testifies that claimant was a sound man prior to his enlistment; that he knew him before his enlistment into the service, and examined him at the time of his enlistment, and found no weakness of the spine existed at that time. He further says that he believes he treated him for injury to spine during term of service. Claimant expressed his inability

to furnish the testimony of the officers or comrades of his company, because he has never been able to ascertain their whereabouts; that the captain, he has been informed, is dead, and his comrades so scattered about that it is impossible to find them; that one is in Germany, but though having written him repeatedly has never heard from him.

It is shown that since his discharge claimant has been a constant sufferer from spinal derangement and unable to perform anything but light labor, and laid up with illness resulting from derangement of the spine a considerable part of the time, and in the enjoyment of very poor health, and incapacitated for even light labor fully one-half the time. The medical evidence filed shows frequent treatment since discharge for spinal derangement, and the examining surgeon, in reporting claimant two-thirds incapacitated for manual labor, says:

"I find there has been an injury at about the eleventh dorsal vertebra, and quite tender for about 6 inches, and remember him being in county hospital for several months in 1878 with trouble in his back. He says he is not able to lift a pail of water without causing pain in the back."

Your committee believe this to be a deserving case, and though claimant has been unable to prove it, from the evidence presented and hospital records are of the opinion that the injury to spine was contracted, as alleged, in the service and line of duty, and therefore recommend the passage of the bill.

There being no objection, the bill was laid aside to be reported to the House with the recommendation that it do pass.

WILLIAM DERMODY.

The next business on the Private Calendar was the bill (H. R. 1505) granting a pension to William Dermody.

The bill was read, as follows:

Be it enacted, &c., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of William Dermody, late a private in Company E, Fifth Regiment New Jersey Infantry, and in Company H, Seventh Regiment New Jersey Infantry, at the rate of $8 per month, to date from the 23d day of July, 1865.

Mr. WINANS. I move to amend this bill by striking out the clause which carries arrearages. I think the instructions of the House committee to the gentleman who reported the bill provided for this amendment, and it was omitted by inadvertence. I remember distinctly such was the instruction of the committee.

Mr. MATSON. That is the fact.

The CHAIRMAN. The Clerk will read the amendment proposed by the gentleman from Michigan [Mr. WINANS].

The Clerk read as follows:

At the end of the bill strike out the words "at the rate of $8 per month, to date from the 23d day of July, 1865."

Mr. BUCHANAN. This bill was introduced by myself; and if there ever was a case in which arrears ought to be granted, this is one. The man was wounded within 50 yards of camp on his return to duty from a visit to his home. The case was rejected by the Pension Office, and, on appeal, by the Secretary of the Interior, on the ground that the man did not receive his injury in the line of duty. There is no question about the receipt of the injury; there is no question that the man was in the service at the time the injury was received. If it be the settled policy of the committee and of the House to grant no arrears in any case, I shall not oppose the amendment; but such a rule applied to this case certainly works gross hardship to a faithful soldier. The application was rejected at the Pension Office on the merest technicality.

Mr. JOHNSTON, of Indiana. Did this man file his claim soon enough to come in under the arrearage act?

Mr. BUCHANAN. He did.

Mr. WOLFORD. May I ask the gentleman a question?

Mr. BUCHANAN. Certainly.

Mr. WOLFORD. Was the application in this case filed at the Pension Office in season to have entitled the applicant to arrears if the pension had been granted?

Mr. BUCHANAN. As I have just stated in reply to the gentleman from Indiana, it was. There is no trouble on that score.

Mr. LOUTTIT. Can the gentleman state the precise date of the filing of the application?

Mr. BUCHANAN. I can not give the exact date; but I know it was filed within the time. I repeat, however, that if it is the settled policy to grant no arrears in any case I shall not oppose the amendment; but if there ever was a case where arrears ought to be granted this is undoubtedly such a case.

Several MEMBERS. Let the report be read.

The report (by Mr. PIDCOCK) was read, as follows:

The Committee on Invalid Pensions, to whom was referred the bill (H. R. 1505) granting a pension to William Dermody, submit the following report:

The claimant was a private in Company H, Seventh Regiment New Jersey Volunteers, and in his application for pension alleged disability from gunshot wound of the right thigh, received at Trenton Barracks, Trenton, N. J., July 26, 1865, from the hands of one of the Invalid Corps, who was whipping a drummer boy, while claimant attempted to stop him.

The officers of the regiment testify that the regiment was mustered out of service at Washington, D. C., and had arrived at Trenton, N. J., for final discharge; and also that claimant was wounded in the right thigh by one of the Invalid Corps on the date mentioned, as alleged. William Ramage, captain of Company D, of same regiment, testifies as being an eye-witness to wounding, and to picking claimant up and sending him to his home in a wagon.

Sylvester W. Nafew, the captain of claimant's company, testifies that about July 22, 1865, the regiment arrived in Trenton, N. J., for being paid off and discharged, and on the afternoon of their arrival he gave claimant permission to spend the night with his family in said city, to report at 9 a. m. the next day; that next morning at about said hour claimant returned to the United States barracks, near said city, where they were quartered, and just as he was about entering camp he saw a drunken soldier of the Invalid Corps beating and kicking a little drummer boy named William Murphy, of the Sixth New Jersey, in the public road, and thereby greatly endangering the limbs and life of said boy; that said claimant rushed to the rescue of said boy, when said drunken soldier drew a revolver and shot claimant in the right thigh, wounding him severely; that claimant was put in a wagon and sent to his own home and there treated for said disability, affiant thinks, by the surgeon or assistant surgeon of the regiment; that claimant was a good soldier and not addicted to intemperance or other bad habits, and that when disabled as aforesaid he was still in service and in the line of his duty.

Dr. Richard R. Rogers testifies that about July 21, 1865, he was called to attend the claimant for a gunshot wound of right leg, for which attended him about one week.

The application for pension was rejected on the ground that the wounds were not received in the line of duty.

The Pension Office, your committee think, were in error in their decision in this case, because the soldier had permission to leave camp, and was on his return and almost if not quite in camp, and therefore should be considered in the line of his duty, and therefore recommend that the bill do pass.

Mr. WOLFORD. In my humble opinion, if there ever was a case in which justice, humanity, and a proper regard for the honor of the country demanded that the soldier should receive arrears of pension, this is such a case. The decision given at the Pension Office in this case, under which this application was there rejected, has now, as I understand, been reversed. The decision was to the effect that a soldier having been on leave of absence and returning to his command—doing the very thing that he agreed to do—is not a soldier in the line of his duty. There is no evidence in this case that the soldier did not return at the time appointed. There is no evidence that he did not do everything which a true and faithful soldier ought to do. At the time he received this injury he was simply obeying the highest impulse of humanity and manhood. Finding a drunken soldier chastising unmercifully a boy, he interposed, as any one with the instincts of a man ought to have done; and because he thus interposed he was shot and wounded. Being thus disabled for life, his health ruined in the cause of his country, when he was exercising the highest and noblest impulse of human nature, he goes to the Pension Office for a pension, and is told upon a technicality that he was not strictly in the line of duty. Surely in such a ruling there is no latitude allowed in construing the term "line of duty." Surely it is a very short and circumscribed "line of duty" that does not take in such circumstances as those surrounding this case.

Having been rejected at the Pension Office, the man now comes to the Congress of the United States. I will venture the assertion that there is no man in this House to-night who will not say, speaking honestly from his heart, that this man ought to have had a pension granted by the Department. It is no fault of his that he did not get it there.

There is no act of limitation passed by Congress that would have debarred him—for I inquired into that particularly—from his pension if he had received one dollar. But they say you can not do it here. Why not?

Mr. MORRILL. I understood you a moment ago to say that the decision had been reversed at the Pension Office.

Mr. WOLFORD. Yes; I understood that it had been reversed at the Pension Office.

Mr. MORRILL. Then why not take it back to the Pension Office?

Mr. WOLFORD. Because it is here now and before you gentlemen of Congress who ought to dispose of it.

Mr. BUCHANAN. I thank the gentleman from Kentucky for the remarks he is making in behalf of this soldier. If he will permit me, I would state that as I understand the subsequent decision of the Pension Office it does not affect this particular class of cases. I have thought that perhaps it would be well again to ask the Secretary to take up this case, but on reading that subsequent ruling I became satisfied it did not reach this case at all.

Now the Commissioner has had it before him twice, and the decision has been that this man was not wounded in the line of duty. According to my idea the soldier is in the line of duty from the moment he is recruited until he is discharged, unless when he is trying to desert.

Mr. WOLFORD. I ask the attention of the gentlemen present for a few moments only. Surely the Congress of the United States is not to act in such way as to deprive a man of his rights. Surely no ruling can be accepted which will operate so as to prevent men from doing their duty Now the country promised this man when he went into the Army that if he was injured while in the Army he should be provided for. If he was wounded the law said that he should be pensioned. If he were killed it provided that his widow and children should be pensioned. Upon the faith of that pledge these brave soldiers went into the Army and risked everything for the country. They went into battle and took the chances of wounds and death. They confronted all the consequences which might come upon them. Now can we, who are enjoying the blessings of the peace which followed the war, a peace brought about by the noble exertions of these men, forget our pledges and our promises, made not only by implication but by express enactment of law? Can we answer those promises by saying, "No, my son; it is true you did your duty; it is true you did it nobly; it is true you did everything that ought to have been done; it is true you have shown yourself to be a man; when the drunken soldier was chastising a boy you interfered and were ruined—that may all be true, but because of a mere technicality of the Pension Office you are deprived of your right to the pension which the law promised you."

But this case is not now before the Pension Office. It is not where a technicality can strike down this man's rights. It is here where it ought to be, before the Congress of the United States, which represents

the great people that said to that man, "You shall be vindicated; you shall be made whole; you shall as far as this Government goes in its benignity be sustained; you shall have compensation for the lack of strength, for the lack of manhood, for being crippled; you shall be compensated for that."

Are we to be told that the Congress of the United States is to stand back and say, "I can not do this?" Why can not you do it? I appeal to you gentlemen by every consideration of reason, of equity, of law, why can not we do it? Why should we not do justice to this man? Why not do justice to the citizen who believed in your promises when he went out to fight in behalf of his country?

It is said there are cases where heretofore we have refused arrears. Yes, gentlemen, that is so; but when you did it you did wrong. For I assert here now there is no principle by which discrimination can be made between an act passed by Congress and a decision by a commissioner appointed by act of Congress. The Commissioner of Pensions is nothing more than your agent to carry out the law which you enacted. You can not tell me that he can give arrears of pension and yet that you can not do the same thing yourselves by passing an act for that purpose. To say that this Congress can not do what it has provided by law that its agent can do is not founded upon any principle of law or equity. It is all wrong.

Now, I asserted in the last Congress, and I repeat it here to-night, that every time this Congress refuses to pension a wounded soldier from the time he was wounded it fails to fulfill the promise which was made when all these soldiers were enlisted and went into the Army. Whenever Congress fails to carry the pension back to the time the soldier was wounded it fails to meet the pledges of the people. It is repudiation, and repudiation toward the very men who risked every thing to save the Union.

Mr. BUCHANAN. Will the gentleman from Kentucky yield to me for a moment?

Mr. WOLFORD. Yes, sir.

Mr. BUCHANAN. I am loath to have the committee detained longer upon the consideration of this case——

Mr. WOLFORD. I yield.

Mr. BUCHANAN. The facts are laid before the committee, and while we are doing justice to this man, for God's sake do not let us forget those that are farther down on the list.

Mr. WOLFORD. I certainly have no desire to detain the committee, I only wanted to present my views, and having done so I now yield the floor.

Mr. GIBSON, of West Virginia. Do I understand that the gentleman from New Jersey accepts the amendment of the gentleman from Michigan [Mr. WINANS].

Mr. PERKINS. Mr. Chairman, if I understand this bill correctly the amendment proposed by the gentleman from Michigan would leave it somewhat imperfect in form, unless it carried the additional clause providing that the pension shall be granted under the provisions and limitations of the pension law.

Mr. WINANS. That will be the effect.

The CHAIRMAN. The Clerk will report the bill as it will read if amended.

The bill was again read as proposed to be amended.

Mr. BUCHANAN. Let me take a moment to state that the reason the rate was fixed in the bill is this: because of the injury to this man's limb, which left it in a crippled condition, he received a second injury, which resulted in the amputation of the limb. There is abundant testimony to show that the subsequent injury was the result of the lack of the free use of the crippled limb; and I doubt very much whether any board of surgeons would be able to rate him or decide properly upon the merits of the case in the absence of the crippled limb.

Mr. WARNER, of Missouri. Let me ask if the purpose is to fix the rate——

Mr. BUCHANAN. The man is on crutches now, and has been for fifteen years, to my certain knowledge.

Mr. WARNER, of Missouri. The object is, as I understand it, to fix the rate at $8 a month rather than have an examination and a rating by a board of surgeons, on account of the absence of the limb?

Mr. BUCHANAN. On account of the absence of anything to examine, we would, of course, rather have the higher rate, $25; but, as I have said, there is a difficulty in the way.

The CHAIRMAN. The question is on agreeing to the amendment of the gentleman from Michigan.

Mr. DOCKERY. Do I understand the gentleman from New Jersey to accept the amendment?

Mr. BUCHANAN. I do not know what the gentleman understands. I do not accept the amendment unless, by the votes of gentlemen present, I am required to do so.

Mr. DOCKERY. I want to say, then, that I am in favor of all the pension propositions that have come before us to-night; but I think it will be very unwise to depart from a well-established precedent and allow arrears in any case like this.

Mr. GIBSON, of West Virginia. Mr. Chairman, if there is any question about breaking the well-established precedents in regard to this class of legislation I must object, and ask leave of the committee to say a word or two, and hope the committee will bear with me in view of the fact that I have never up to this time—the third session of my service in Congress—made any factious opposition to the passage of any pension bill. But we have duties which we must perform toward our constituents who are not soldiers as well as to our constituents who have been soldiers. That duty, Mr. Chairman, is to guard not only the public Treasury, but to observe the laws as they are fixed upon the statute-books, and the pledges that we have made to our constituents to that extent; to do right between the pensioners too, as well as to make the law our rule of action to apply to all alike. Now, here is a case, let gentlemen say what they please about it, that is not only not doubtful as to its status, but it does not even come within the settled principle of the law which we have made applicable to all other soldiers throughout the country. Here is a case that can not pass a person through the office of the Commissioner of Pensions. Here is a case that the party does not dare to appeal to the Secretary of the Interior, or if it was appealed to him who is made the tribunal of appeal in such cases, was there rejected because it does not come within the general law. Now they come forward and not only ask Congress to disregard the judicial action of the officers created by law to pass upon the case, but they ask us to disregard all the settled precedents of the House and the established law, and say to this man whose case has been rejected by an officer created by law to pass upon it that he must not only be put upon the pension-roll, but shall have special privileges in his case which have been granted to no other soldier in this land. I ask gentlemen if they expect to establish such a precedent here? They must know the result will be to create opposition to this system of pensions and break down thousands of worthy claims while fighting over these unworthy ones.

The CHAIRMAN. The question is on the amendment submitted by the gentleman from Michigan.

Mr. BRADY. I desire to vote understandingly on the question, and I would like some information from the gentleman from New Jersey. This man, as I understand, was not a soldier at the time. He had been mustered out of the service.

Mr. BUCHANAN. Not at all. He had not yet received his discharge, for the discharges of that regiment I personally know were delivered to that regiment at Trenton.

Mr. GIBSON, of West Virginia. It appears from the report that the regiment was mustered out of service at Washington and had been ordered to Trenton to receive their final discharge. I say that in a case of that sort things should not be pushed too for.

Mr. BUCHANAN. I will say that the Pension Office, which is in the habit of raising every technical objection it can, never made that objection.

The amendment was adopted.

The bill as amended was laid aside to be reported to the House with the recommendation that it do pass.

AMANDA HOUSELL.

The next business on the Private Calendar was the bill (H. R. 3546) granting a pension to Amanda Housell.

The bill was read, as follows:

Be it enacted, &c., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of Amanda Housell (together with her minor children), widow of John M. Housell, late a private in Company K, First Regiment Maryland Infantry Volunteers, to date from September 1, 1865.

The bill was reported by the Committee on Invalid Pensions with the following amendment:

At the end of the bill strike out the words "to date from September 1, 1865."

The report (by Mr. PIDCOCK) is as follows:

The Committee on Invalid Pensions, to whom was referred the bill (H. R. 3546) granting a pension to Amanda Housell, submit the following report:

It appears from the testimony in this case that John M. Housell, the husband of claimant, enlisted August 13, 1861, in Company C, Fourth Regiment New Jersey Volunteers, and was discharged October 29, 1862, upon a surgeon's certificate of disability because of "chronic diarrhea, which resists all treatment; sick six months." He re-enlisted June 20, 1864, in Company E, Eighth Regiment Maryland Volunteers, and was transferred to Company K, First Regiment Maryland Volunteers, and was mustered out August 1, 1865, at Washington, D. C., upon individual muster-out roll, as from general hospital, Alexandria, Va. The records of Lickle Hospital, Virginia, show that he was discharged from the service August 4, 1865, and was paid in full on same date at Washington, D. C., since which date his whereabouts have been unknown.

The claimant, believing her husband to be dead, filed a claim for pension as widow April 9, 1881, and the claim was rejected on the ground "that there is no record at the War Department of the date and cause of death of soldier, and the claimant has declared her inability to prove the same."

In transmitting the case to the honorable Secretary of the Interior on an appeal of the case by the claimant's attorney, the Commissioner of Pensions uses the following language:

"Whether his death was actually caused by the disease contracted in the service, or by events not due to his service, is a question that can not be determined by the facts before us.

"The Commissioner has no authority under the law to presume a result; he must decide questions on the facts presented, and in this instance it is clear that the soldier's death can not be definitely charged to the service. The case seems to be worthy of consideration by Congress with a view to special legislation to give title."

The Secretary of the Interior sustained the action of the Commissioner of Pensions in rejecting the claim, and in his opinion uses the following language:

"The presumption that the soldier is dead is very great, and the presumption that he died from chronic diarrhea and shortly after discharge is also great. The Department concurs in the opinion expressed in your report, quoted above, that

you have no authority under the law to grant a pension in this case; and further the Department concurs with you in the opinion that the case seems worthy of special legislation."

The testimony in this case shows that the soldier prior to his first enlistment was in good sound health and free from disease of chronic diarrhea, and that said disease was contracted in the service, and at the time of his discharge had assumed a malignant form, and bears out the opinion of the honorable Secretary of the Interior that he died shortly after discharge from said disease.

Your committee deem this a meritorious case, and recommend the passage of the bill with the amendment, striking out after word "Volunteers," line 8, the words "to date from September first, eighteen hundred and sixty-five."

The amendment was adopted.

The bill as amended was laid aside to be reported to the House with the recommendation that it do pass.

JOHN W. ROSE.

The next business on the Private Calendar was the bill (H. R. 1504) granting a pension to John W. Rose.

Mr. BUCHANAN. In this case I feel bound to say there is an adverse report. The bill was reported without my knowledge and I would like it to be passed over informally, without losing its place on the Calendar, until I can procure additional testimony.

There was no objection, and it was so ordered.

RICHARD GEAR.

The next business on the Private Calendar was the bill (H. R. 3921) granting a pension to Richard Gear.

The bill was read, as follows:

Be it enacted, &c., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of Richard Gear, late a private in Company G, Twentieth Iowa Volunteers, at the rate of $72 per month, in lieu of the pension heretofore allowed him, as specified in pension certificate 275893.

Mr. GIBSON, of West Virginia. Let the report be read.

The report (by Mr. CONGER) was read, as follows:

The Committee on Invalid Pensions, to whom was referred the bill (H. R. 3921) having given the same due consideration, beg leave to report:

That Richard Gear, late a private in Company G, Twentieth Iowa Volunteers, is now drawing a pension of $21 per month for disease of the eyes, said disability being the result of fever, with which the claimant suffered about July 3, 1863, while in the service. About September, 1884, he became totally blind and applied for an increase of his pension in consequence. His application was rejected, for the reason that "loss of vision did not result from the disease of eyes for which pension was granted." This decision was based upon an examination and report of an oculist, Dr. F. E. Cruttenden, made January 5, 1885, from which we extract the following objective symptoms:

"Slight ophthalmia; no fixation; a little conjunctivitis; no evidence of severe inflammation or granulation of lids; no adhesion of iris; pupils widely dilated; refracting media clear and a little myopic; retina and choroid show no evidence of any inflammatory trouble; vascular supply reduced one-half; disk depressed; grayish white atrophy; depression does not indicate chronic or absolute glaucoma; vision apparently nothing; says he can not see light; slight degree strabismus, divergent. I think he is afflicted with ataxia, and that his loss of vision is a direct result. Whether the ataxia was acquired after or before he left the service I am unable to decide."

The proof upon which his present pension was granted, which was abundant and clear, was that while on guard duty soon after recovery from a severe fever he became suddenly blind, and had to be led to camp, his vision being ever after impaired, and his eyes more or less inflamed, and so continuing, part of the time troubling but little, and at other times very seriously.

Two previous medical examinations find:

Chronic granulations of both lids, and decided opacity of pupil.

A third, by a full board, says:

"The lids are granulated, and indicate chronicity. The eyes are blear. There is congestion of the conjunctiva of the ball and photophobia."

The Pension Office, taking the opinion of the oculist, Dr. Cruttenden, that the loss of vision was the result of ataxia, reject the claim because "ataxia was not alleged or proven to have been incurred in the service."

It does not seem probable that the claimant would know or allege that ataxia was a result of the fever, but he does know and allege that his present disease of eyes is the result of the said fever; and it seems from a comparison of the diagnoses furnished by the three medical examinations with that of the oculist, and the fact that the symptoms attending the first disability in the service were the same as when total blindness resulted, that the ataxia was the result of the fever, and the total blindness was the result of the ataxia.

Luther Gear testifies:

"I have lived near him and been with him since 1865 to this date (December 15, 1883), and his eyes have been growing worse all the time. I have nearly every year since, or some one else has, had to help him put in his crops. At times during the whole time since 1865 he has been laid up with his eyes, and in the last six months his eyes have failed very much. He can hardly see to walk around now, and not able to do any work."

Dr. M. D. Sloan testifies, May 21, 1885:

"About six months ago I made an examination of claimant at his request and found him to be totally blind in both eyes from chronic glaucoma, the pupils widely dilated and immovable, the eyeballs prominent, and the tension increased to T + 2. His nervous system seemed to be in a very irritable condition."

From all the testimony in this case, both lay and medical, it is quite apparent that the same affliction which caused the disability in the service has continued to this date and has gradually resulted in total blindness, and if he was entitled to the pension for partial disability he is clearly entitled to the increase when the increase of that disability has made him totally helpless, and should not be withheld for the reason that claimant did not use the scientific and technical name in alleging his original disability.

The proof shows that the soldier is not only blind, but utterly helpless, in abject poverty, and rapidly failing health.

Your committee therefore recommend the passage of the bill.

Mr. GIBSON, of West Virginia. That report is so perfectly clear and presents so beautiful an opportunity for discussion for the committee, that I think they would not be doing themselves justice to let the bill pass without some discussion.

Mr. CONGER. I desire to say, with reference to this case, that the only reason why this soldier was not granted a pension at the Pension Office was simply because he did not allege in his application for pension the scientific or technical name for the disease for which he sought a pension. The nature of his disease is now stated in the terms of the report of the expert oculist who examined him. The soldier in the first place made an application for a pension for inflammation of the eyes and was granted only $2 per month.

On his application for an increase of pension he was sent to an expert oculist, who says he has gone blind from ataxia, which is a brain disease, and consequently the disability, the inflammation of the eyes, for which he was given his first pension, was not the disease which made him totally blind. But the symptoms which he first discovered were the same as the symptoms of the disease which finally made him blind, as the testimony shows; but because he did not call the disease with which he was afflicted ataxia the Pension Department failed to give him a certificate. He is now totally blind, and of course should have $72 a month, the same as totally blind soldiers receive.

Mr. WARNER, of Ohio. I wish to inquire in this case whether the Pension Committee have adopted any new rule or changed the rule which I supposed prevailed invariably in granting pensions; that is, to leave the rating of pensions wholly to the medical board?

Mr. CONGER. The rate for one totally blind is fixed at $72 per month.

Mr. WARNER, of Ohio. The rate is fixed for the disability of total blindness, and that, it seems to me, is only a matter of fact, which the Pension board can easily determine.

Mr. CONGER. The Pension board have determined the fact that he is blind; but, on the report of the expert oculist, they say that the disease which finally made him blind was not the disease contracted in the service. It has been proven conclusively to your committee that the same disease that he incurred in the service has made him blind.

Mr. McMILLIN. If blindness is not the result of his services, how is it that he received a pension at all?

Mr. CONGER. It is the result of his service.

Mr. McMILLIN. Then why can not the Department rate him?

Mr. CONGER. For this reason—I quote from the decision on which his claim for an increase was rejected—that "loss of vision did not result from the disease of the eyes for which pension was granted." Now the expert oculist says he has finally gone blind as the result of ataxia, which is a disease of the brain; and he had been on the pension-roll for alleged disability which, when making his first application for a pension, he called inflammation of the eyes, but the symptom was the same when he was first attacked as when he went blind.

Mr. McMILLIN. If blindness was not the result of injury contracted in the service, but the result of brain troubles, it seems to me the decision is correct.

Mr. CONGER. But the brain trouble commenced in the service when the soldier became suddenly blind after a severe attack of typhoid fever. He recovered somewhat from that attack, but the blindness subsequently returned and grew worse.

Mr. WARNER, of Ohio. Mr. Chairman, there is no question that if this soldier is totally blind, and has become so in consequence of his military service, he is entitled to $72 a month under the law as it now exists. As I understand the case, then, it is simply a question of fact whether his total blindness was the result of his military service or not. There does not appear to be any question as to the fact of the blindness. The only point about which there can be any question is the cause of the blindness. Now, is there any disagreement upon that point between the medical board and the outside testimony?

Mr. CONGER. No, sir; there is no difference except in the manner in which the oculist presents the case. His diagnosis of the case is just the same as that of the other doctors.

Mr. WARNER, of Ohio. But there is no question or difference between them as to the fact of total blindness?

Mr. CONGER. None at all.

Mr. ELLSBERRY. Mr. Chairman, there is no difference of opinion upon the part of the medical board in relation to this case. The difficulty resulted merely from a mistake on the part of the applicant in presenting his case. He had had a severe attack of typhoid fever which depressed his whole nervous system, and, as a natural sequence of such an attack, any organ may become involved.

In this case it produced inflammation of the eye. That inflammation existed at the time of the application. The claimant did not know that there was anything but simple inflammation, but there was conjunctival inflammation, which resulted in inflammation of the cornea. The brain trouble undoubtedly resulted from the depressed condition of his nervous system consequent upon typhoid fever, producing this ataxia and ophthalmia. The sequence of the pathological condition is clear and can not be denied, and had the applicant given a proper definition of his case at the beginning or had he had when he was making his application a physician who understood his business there never would have been any dispute whatever about the case.

There being no objection, the bill was laid aside to be reported to the House with the recommendation that it do pass.

AARON C. JOHNSON.

The next business on the Private Calendar was the bill (H. R. 4905) granting a pension to Aaron C. Johnson.

The bill was read, as follows:

Be it enacted, &c., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of Aaron C. Johnson, late lieutenant-colonel of the One hundred and seventy-eighth Ohio Volunteers, and now a resident of Linden, Dallas County, Iowa.

The report (by Mr. CONGER) is as follows:

The Committee on Invalid Pensions, to whom was referred House bill 4905, having given the same due consideration, report:

That Aaron C. Johnson entered the service June 8, 1861, as captain Twelfth Independent Ohio Battery, served through the entire war, being mustered out at the close as lieutenant-colonel of the One hundred and seventy-eighth Ohio Infantry. He filed his application for pension January 31, 1884, alleging that while in the line of duty, from exposure at Murfreesborough, Tenn., during the winter of 1864 and 1865, he contracted chronic diarrhea and heart disease, which still continues. This was rejected for chronic diarrhea because it was not troubling him at the time of medical examination, and for heart disease because it was due to rheumatism prior to enlistment.

This rejection seems to have been based entirely upon the following medical examination:

"Chronic diarrhea;" says he has none now. "Disease of heart;" says he had metastatic rheumatism about thirty years ago, and that while in the service, riding on a march, he began to have short breathing and trouble with his heart. We find an extremely irregular heart-beat, intermittent, with unusually well-marked mitral regurgitation. He is in his present condition totally disabled for manual labor. While the disability may not have developed until after he was exposed in the service, the probability is that the rheumatism, occurring prior to his entering the service, was the cause of his heart disease.

But, *contra*, we have Dr. Taylor, the assistant surgeon of claimant's regiment, who swore that claimant contracted chronic diarrhea in the service, and that he treated him for the same. And Dr. Harlow, of Washington Court-House, Ohio, who testifies that he has known him intimately for twenty-five years; that he was sound and healthy when he enlisted; that he returned from the war with chronic diarrhea and heart trouble, and that he treated him for the same at various times, until about 1880 claimant moved to Iowa.

Dr. H. C. Coffman, of same place, also testifies:

"I was acquainted with Dr. A. C. Johnson before, during, and after the war. I was his family physician several years preceding the rebellion. I was well acquainted with him at the time of his enlistment, and know him to have been a sound and healthy man. After his return home at the close of the war I prescribed for him frequently for chronic diarrhea every summer while he remained in the vicinity. He also was complaining at the same time with heart trouble, such as palpitation and a smothering sensation. For heart I gave him no treatment as I now remember."

O. A. Allen, M. D., Washington Court House, Ohio, testifies practically the same, and that he examined him for life insurance in 1865 or 1866, and that on his report the company rejected him.

Dr. I. D. Payne, Linden, Iowa, testifies:

"Have known claimant since September, 1880, having been his attending physician. Have treated him at different times for chronic diseases that I have reason to believe date back many years prior to my first treatment. Find him afflicted with mitral lesions of the heart-valves, chronic, also has chronic dysentery, condition existing at the time of my first acquaintance with him. Has been much of the time, on account of chronic dysentery, confined to his bed and room, and never being free from relapses of the disease but a short time at once. There has been a gradual decline in his health, on account of above diseases, since my first treatment and knowledge of his case in September, 1880."

With such an array of testimony as to prior soundness and constant and continued disability since, and in view of his four full years of arduous service, it seems hardly fair to fix upon a single attack of rheumatism of thirty years ago as the prime cause of his disability.

Your committee believe him clearly entitled to a place upon the pension-roll, subject to the provisions and limitations of the pension laws, and therefore recommend the passage of the bill.

There being no objection, the bill was laid aside to be reported to the House with the recommendation that it do pass.

CHRISTIAN SMARZO.

The next business on the Private Calendar was the bill (H. R. 4903) granting a pension to Christian Smarzo.

The bill was read, as follows:

Be it enacted, &c., That the Secretary of the Interior be, and is hereby, authorized and directed to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of Christian Smarzo, employé at the Quartermaster's Department, United States Army.

Mr. MCMILLIN. Mr. Chairman, I should like to hear the report in that case.

The report (by Mr. CONGER) was read, as follows:

The Committee on Invalid Pensions, to whom was referred the bill (H. R. 4903) granting a pension to Christian Smarzo, having given the same careful consideration, report:

That Christian Smarzo was an employé in the Quartermaster's Department, United States Army, during the war of the rebellion, and that while so employed as a fireman on a locomotive engine, near Big Shanty, Ga., on the 25th of September, 1864, the train was attacked and captured by the enemy; claimant was wounded by a gunshot wound in left side, taken prisoner, held as such for three months, paroled, furloughed for three months, and then returned to same duty.

His application for pension was rejected on the ground that "he was not in the military service of the United States at the date of receipt of wound." It is true claimant was not enlisted and mustered into the service, but he was performing a most perilous yet meritorious service, one that required a very high order of courage and soldierly valor. He was wounded and taken prisoner while at his post of duty, and as richly deserves reward as does he who fought with gun or sword.

Your committee therefore recommend that the bill do pass.

There being no objection, the bill was laid aside to be reported to the House with the recommendation that it do pass.

H. W. M'DONALD.

The next business on the Private Calendar was the bill (H. R. 4490) granting a pension to H. W. McDonald.

The bill was read, as follows:

Be it enacted, &c., That the Secretary of the Interior be, and is hereby, authorized and directed to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of H. W. McDonald, late of Company A, Fifth Regiment Iowa Volunteers.

The report (by Mr. CONGER) is as follows:

The Committee on Invalid Pensions, to whom was referred House bill 4490, having considered the same, beg leave to report:

That the claimant, H. W. McDonald, enlisted as a private in Company A, Fifth Iowa Volunteers, July 15, 1861, and was discharged April 19, 1863. His application for pension was rejected on the ground "that disease of heart existed prior to enlistment." This theory seems to have been based entirely upon the statement in his certificate of disability for discharge: that he had "hypertrophy of the heart, of several years' standing, and had been unfit for duty most of the time since he enlisted."

Claimant furnishes testimony of six respectable witnesses, physician, neighbors, schoolmate, comrade, and lieutenant of his company, that he was perfectly sound and healthy prior to and at the time of enlistment.

The certificate on which he was discharged proves conclusively the existence of disease in service; continuance since is clearly proven by both medical and lay testimony.

Two special examiners were sent out by the Department and twenty-five witnesses examined. Many of them testify positively to prior soundness; "that at enlistment he was a boy of seventeen, robust, full of health and vigor." Some of them did not know his condition then, and only one—a doctor, who thought he had prescribed for him on account of heart disease in 1861—gave any testimony indicating existence of disease prior to enlistment.

Capt. William Dean, who signed his discharge with the statement as to prior existence of heart disease, testifies in examination by special examiner upon this point:

"Perhaps I was a little rough on him at that time. I did not know him prior to service. He had been appealing to me for a discharge, claiming heart disease. We expected active service at that time, and I wanted to get rid of this class of men, and I discharged him."

Without quoting further from the voluminous testimony, your committee are very strongly of the opinion that this explanation of Captain Dean, together with the fact that examinations were quite strict in those early days of the war, the extreme youth of the soldier, and his service of nearly two years before discharge, are amply sufficient to overcome the evidence of prior disease in his certificate of discharge, and to warrant the relief by Congress which the Pension Office, following the strict letter of the law, did not feel authorized to grant.

Your committee therefore recommend the passage of the bill.

There being no objection, the bill was laid aside to be reported to the House with the recommendation that it do pass.

PERRY JOHNSON.

The next business on the Private Calendar was the bill (H. R. 4813) granting a pension to Perry Johnson.

The bill was read, as follows:

Be it enacted, &c., That the Secretary of the Interior be, and is hereby, directed to place the name of Perry Johnson on the pension-roll of the United States, at the rate of $72 per month, instead of the pension now allowed and paid him.

Mr. MCMILLIN. Mr. Chairman, I ask that the report in that case be read.

The report (by Mr. HAYNES) was read, as follows:

The Committee on Invalid Pensions, to whom was referred the bill (H. R. 4813) granting a pension to Perry Johnson, submit the following report:

That Perry Johnson, late a private of Company C, Third Iowa Cavalry Volunteers, is now on the pension-roll at the rate of $50 per month, for total and permanent helplessness, the result of gunshot wound in left side, received at Pea Ridge, Ark., March 5, 1862. This rate of $50 per month was granted him March 1, 1881. He has since filed two applications asking an increase to $72 per month, both of which have been rejected on the ground that "he is now drawing the highest rate to which he is entitled by law."

The act of June 16, 1880, increasing the pension of those "utterly helpless" from $50 to $72 per month, was by its terms made applicable only to those persons then on the roll at $50. Therefore those who might be placed on the roll at that rate after that date could not receive the benefits thereof, no matter how serious their disability nor how deplorable their condition.

As to present condition of claimant, the proof is abundant and conclusive of his utter helplessness, continual suffering, and requiring the constant attention of another person; is confined to his bed all the time; can not turn in bed without help; has to take morphine constantly to allay pain; still carries ball in his body.

The last official medical examination ordered by the Commissioner of Pensions, April 5, 1885, says:

"Ball entered about near anterior superior spinous process of ilium on left side, taking its course backward and downward, leaving a well-defined cicatrix as big as a dime-piece, with a dark red discoloration of several inches around cicatrix; cicatrix very tender and discharging constantly thick pus. There is a hard and very tender tumor extending from cicatrix of point of entrance along iliac region and partly down over thigh, supposed to contain pus. Left testicle drawn up and tender. Anasarca of bowels. There is a cicatrix on inside of thigh about at junction of middle and upper one-third, also freely discharging pus, seemingly a sinus in connection with abscess above. There is a third cicatrix on back, about 2 inches to left of spinal column, near junction of lumbar and dorsal vertebra, constantly discharging. Contraction and adhesion of muscles about cicatrices in back and thigh. Tenderness over whole spinal column. Very emaciated. Left knee hypertrophied, partly anchylosed, tender, painful, and stiff. Right lung hepatized and entirely useless; left lung incipient hepatization; throat inflamed and ulcerated; difficulty about lungs superinduced likely by sepicæmia from extensive suppuration. This man has no prospect of recovery, and needs the attendance of another person constantly."

Your committee can see no good reason why this unfortunate man should not receive the same allowance as his brothers in like condition who happened to be on the pension-roll at $50 on June 16, 1880. We therefore recommend the passage of the bill.

There being no objection, the bill was laid aside to be reported to the House with the recommendation that it do pass.

MARY C. SNOW.

The next business on the Private Calendar was the bill (H. R. 4122) granting a pension to Mary C. Snow.

The bill was read, as follows:

Be it enacted, &c., That the Secretary of the Interior be, and hereby is, authorized and directed to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of Mary E. Snow, widow of Thomas Snow, late a captain in the Second New Hampshire Regiment.

The report (by Mr. HAYNES) is as follows:

The Committee on Invalid Pensions, to whom was referred the bill (H. R. 4122) granting a pension to Mary E. Snow, submit the following report:

Thomas Snow, captain of Company F, Second New Hampshire Regiment, was mustered June 4, 1861, and discharged for disability August 12, 1862. He died April 18, 1880, and the claim of his widow, Mary E. Snow, for pension was rejected on the ground that cause of officer's death (pneumonia) was not due to the service.

That Captain Snow lost his health in the service is established by an exceptionally strong line of evidence.

Oliver Fernald, of Great Falls, N. H., testifies:

"That he was personally and intimately acquainted with the above-named Snow; that said Snow was employed by the above-named corporation [Great Falls Manufacturing Company] as overseer of the weaving-room; that previous to said Snow entering the United States service the said Fernald was superintendent of the machine-shop and saw Snow almost daily, and he was a person of good health, sound, and robust; that said Fernald never heard of said Snow being sick or disabled from his daily labor a day for three years previous to enlistment. That after his return home he was entirely broken down and suffering, as reported, with intermittent fever, ague, and chills, and chronic diarrhea; for a long time, some year or more, entirely unable to perform any manual labor, and from our intimacy and conversation, and his debilitated condition, in my opinion he was three-fourths disabled from performing manual labor up to the time he went to Marblehead, 1872."

Freeman Chick and Calvin H. Weymouth, both of Great Falls, strongly corroborate this testimony.

During the period covered by this testimony claimant was unable to furnish medical testimony, for the reason that Drs. C. F. Elliot and J. M. Buckman, who treated him, are dead. But the period from 1872, when he removed to Marblehead, until his death is covered by Dr. M. V. B. Morse, of Marblehead, whose reputation is vouched to the Department as "excellent," and who certifies:

"I was the physician of Thomas Snow, and attended him eight years, more or less, up to the time of his death. The first time I was called to attend him he was suffering quite severely from an attack of intermittent fever associated with chronic diarrhea, which he alleged were contracted while in the military service of the United States in the line of his duty. From the time I was first called to see him up to the time of his death he was a constant sufferer from the above diseases, which gradually reduced his health, until they finally caused his death on the 18th day of April, 1880. For the last eight years of his life his health was such that he could not perform but a very limited amount of manual labor. There can be no doubt of the fact that the above diseases, which resulted in his death, were contracted in the Army."

In response to a subsequent letter of inquiry from claimant's attorney, he wrote:

"I now recall at the time of his death he took a severe cold, and in his weak condition he was sick but a very short time with this cold, and died. I think that at his death the cause was reported at the time pneumonia, but I am positive that the cause of death was due to the diseases contracted in the Army."

Capt. Harrison D. F. Young and Lieut. Samuel P. Sayles, both of the Second Regiment, testify to the perfect health of Captain Snow when he assumed command of his company in June, 1861, to the incurrence of a severe dysentery on the march to first Bull Run, which afterward assumed a chronic form; also to malarial symptoms; the combined effects of which finally broke him down and led to his resignation.

The Adjutant-General of the United States Army reports the organization books incomplete, but medical certificates upon which he was granted leave of absence in July, 1862, set forth that he was suffering with bilious diarrhea, attended with a good deal of fever.

The line of evidence establishing prior soundness, incurrence of disability in the service, and continuance of the disability in severe form until his death, is unimpeachable. The rejection of the widow's claim was upon a technicality which overruled and ignored the sworn opinion of the reputable physician who attended Captain Snow for eight years and in his last sickness.

The committee recommend the passage of the bill.

There being no objection, the bill was laid aside to be reported to the House with the recommendation that it do pass.

MARY B. SMITH.

The next business on the Private Calendar was the bill (H. R. 3505) for the relief of Mary B. Smith.

The bill was read, as follows:

Be it enacted, &c., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-roll the name of Mary B. Smith, mother of Leonard A. Smith, late a private in the Seventh Wisconsin Battery of Light Artillery Volunteers, who died from the effects of starvation while a prisoner at Andersonville and other Southern prisons, and to pay her a pension as provided by law for dependent widows and mothers.

The report (by Mr. O'HARA) was read, as follows:

The Committee on Invalid Pensions, to whom was referred the bill (H. R. 3505) for the relief of Mary B. Smith, after considering the same, submit the following report:

The applicant, Mary B. Smith, is the mother of Leonard A. Smith, late a private in the Seventh Wisconsin Battery of Light Artillery Volunteers, who was captured and taken as a prisoner after or during an engagement with the enemy at or near Guntown, Miss., on or about the 11th day of June, 1864, and confined at Andersonville prison, in Georgia, and at Charleston, S. C. The said Leonard A. Smith died from the effects of starvation and exposure suffered while confined in the aforesaid prisons, as shown by the following letter on file with applicant's papers in the Pension Office:

HOSPITAL STEAMER GEORGE LEARY,
Port Royal Harbor, South Carolina, December 17, 1864.

DEAR SIR: Leonard A. Smith, Seventh Wisconsin Battery Light Artillery, died on board this steamer this day from the effects of starvation while a prisoner. His effects you will find inclosed. He was buried at Beaufort, S. C. Was received from the rebels in Charleston Harbor the 16th instant. For further particulars address the Adjutant-General, Washington, D. C.

Respectfully,

HENRY C. SMITH,
Clerk George Leary.

From the testimony in the case it appears that the applicant and her husband, Ami Smith, are quite aged, both being nearly seventy-five years of age. That they were somewhat dependent on the son, Leonard A. Smith, for support, is established by affiant's declaration and the testimony of Noah Smith, who states on oath:

"I have been personally and intimately acquainted with Mrs. Mary B. Smith and her family and the circumstances by which they are and have been surrounded since the year 1863. She was the mother of three sons, Luther B. Smith, Leonard A. Smith, and Gustavus A. Smith, all of whom enlisted and served in the United States Army during the war of the rebellion. The said son, Leonard A. Smith, enlisted in the Seventh Wisconsin Battery of Light Artillery Volunteers as a private on or about the 12th of November, 1863; was captured during or just after an engagement with the enemy at or near Guntown, Miss., on or about the 11th day of June, 1864, while actiag under the lawful orders of his superior officers and in the line of his duty; was taken as a prisoner of war to Andersonville, Ga., and there starved and inhumanly treated, from the effects of which he became sick and died.

"The said Leonard A. Smith was received on board the hospital steamer George Leary from the rebel authorities in Charleston Harbor, South Carolina, on the 16th day of December, 1864, and died on board said steamer on the 17th day of December, 1864, from the effects of starvation while a prisoner of war, and that the said soldier left surviving neither widow nor child, having never married; that he always contributed toward the support and comfort of his mother during his lifetime; that the said applicant and her husband own some property, worth in the aggregate about $800, and in their old age this does not furnish them a support, owing to their advanced age and poor health, and they are unable, in any manner whatever, from gaining their support from any personal efforts of their own."

This witness is corroborated by others.

Your committee, in view of the fact that this aged couple furnished three sons to defend the country in time of its need, one of whom suffered all the horrors of a cruel death, should not in their old age be left to buffet against the cold winds of adversity unaided by the Government, and therefore recommend the passage of the bill, after striking out all after the word "pension," in line 9, and inserting "as provided by law for dependent widows and mothers."

The amendment recommended by the committee in the last paragraph of the report was agreed to.

There being no objection, the bill as amended was laid aside to be reported to the House with the recommendation that it do pass.

GEORGE W. GUYSE.

The next business on the Private Calendar was the bill (H. R. 3205) granting a pension to George W. Guyse.

The bill was read, as follows:

Be it enacted, &c., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of George W. Guyse, late of Company L, First Regiment Alabama Cavalry.

The report (by Mr. O'HARA) is as follows:

The Committee on Invalid Pensions, to whom was referred the bill (H. R. 3205) granting a pension to George W. Guyse, submit the following report;

The claimant enlisted on the 25th day of September, 1863, for one year, as a private in Company L, First Alabama Cavalry, and was discharged September 28, 1864, and filed his application for a pension on the ground of disability incurred while in the service and in the line of duty, to wit, a gunshot wound in the left knee received in a skirmish with the enemy at Jackson, Tenn., on or about the 25th day of December, 1863. Said claim was rejected on the ground that there is no record of the alleged gunshot wound of left knee, and no satisfactory evidence showing the origin of said wound while in the service in the line of duty, and claimant declared his inability to furnish further testimony.

Claimant alleges that at Jackson, Tenn., about December 25, 1863, he received a gunshot wound in left knee immediately below the knee-cap, while engaged in a skirmish with Forrest's command, and that he can not furnish the testimony of a commissioned officer for the reason that his captain was not in command when he was wounded, but was on detached service and never was in actual command of the company; that Lieutenant Fishback, who was in command, is dead, having died before claimant filed his application for pension; and that Lieutenant Fiter can not be found, although he had made diligent search and inquiry for him; and that he is unable to furnish further testimony of comrades or of persons who saw and examined his wound at the date of discharge except David Cummings; that affiant is a cripple and extremely poor, and it is utterly impossible for him to make any further proof of parties who saw his wounds at the date of his discharge.

Isom Fleetwood, a comrade, swears that on or about the 24th of December, 1863, while engaged in battle with Forrest's command near Jackson, Tenn., the claimant was wounded in the left knee, and, to the best of affiant's belief, was taken to a field hospital near Corinth, Miss., and treated for his wound for about six weeks; that he saw claimant several times while he was in the hospital, and examined his wound, and was present when he was wounded, and knows that he was wounded while engaged in battle, and saw him taken off the field while the fight was going on.

Peter F. Holt, another comrade, swears to substantially the same state of facts.

Dr. James W. Stewart swears that he examined the claimant's wounded leg, and that the wound is located in the left leg immediately below the patella, or knee-cap, it being in affiant's opinion the result of a gunshot; ball penetrated below the knee-cap, dividing the tendon that unites the patella to the tibia, and has destroyed the usefulness of the limb to the amount of about one-fourth of total disability, and that he had known claimant about one month.

Dr. A. H. Jones swears substantially to a similar state of facts, and that he did not know claimant prior to the examination.

David Cummings swears that claimant was wounded while engaged in action; that he examined his wound about the time he was discharged, and a month or two afterward; there was a deep scar just below the left knee-cap, the leg above and below the wound being considerably shrunk and smaller than the right leg; there was a sink, as well as he remembers, at a point where scar is located, and seemed to affiant that some of the bones or tendons had been wounded, causing claimant to limp very badly, left leg seeming to be shorter than the right; affiant lived near claimant after he returned from the Army, and saw him very frequently.

Dr. James W. Stewart is also the examining surgeon of the Pension Office, and rated applicant's disability to about $6 per month.

It is but fair to state that there is some evidence of other parties tending to throw some shadow on the credibility of claimant's testimony, and if taken alone might create a doubt of his right to a pension; and as we rely upon the examination made by the medical experts, one of whom was an agent of the Government, we can not fail to conclude that claimant received his disability in the service and in the line of duty, and therefore recommend the passage of the bill, after striking out all after the word "cavalry," in line 7.

The amendment recommended by the committee in the last paragraph of the report was agreed to.

The bill as amended was laid aside to be reported to the House with the recommendation that it do pass.

MARGARET A. BLAKE.

The next business on the Private Calendar was the bill (H. R. 2021) granting a pension to Margaret A. Blake.

The bill was read, as follows:

Be it enacted, &c., That the Secretary of the Interior be, and is hereby, authorized and directed to place on the pension-roll of the United States the name of Margaret A. Blake, widow of George A. H. Blake, late colonel of the First Cavalry and a brevet brigadier-general in the United States Army, and to pay her a pension at the rate of $30 a month from and after the passage of this act, subject to all the other provisions and limitations of the pension laws.

Mr. GIBSON. Mr. Chairman, I ask that the report in that case be read.

The report (by Mr. SWOPE) was read, as follows:

The Committee on Invalid Pensions, to whom was referred the bill (H. R. 2021) granting a pension to Margaret A. Blake, widow of George A. H. Blake, late colonel of the First Cavalry and a brevet brigadier-general in the United States Army, have had the same under consideration, and submit the following report:

General George A. H. Blake was born in Pennsylvania and appointed from that State first lieutenant Second Dragoons, June 11, 1836; in Florida to 1841, and engaged in action with the Seminole Indians at Fort Welborn, Jupiter Inlet, and other engagements; captain Second Dragoons, December 3, 1839; was in the Indian Territory and Texas; in the war with Mexico, and engaged in the battles of Cerro Gordo, defense of Pueblo, battles of Contreras, Molino del Rey, Chapultepec, and City of Mexico; brevet major United States Army, August 17, 1847, for gallant and meritorious conduct in an affair at Saint Augustine, Mexico; major First Dragoons, July 23, 1850; in Missouri, Texas, New Mexico, Arizona, California, Nevada, Oregon, and Washington Territory to 1861, and engaged against the Apache and Navajo Indians; lieutenant-colonel First Cavalry, February 15, 1862; engaged in the Seven Days' fight and battle of Gaines's Mill, Virginia (in which he was slightly wounded); chief commissary of musters, Department of Virginia, to April, 1863; chief commissary of cavalry corps, Army of the Potomac, to December, 1863; was present at the actions of Aldie, Middletown, Upperville, and battle of Gettysburg; special duty in the cavalry bureau, Washington, D. C., to April, 1864; commanding cavalry depot Giesboro' Point, Maryland, to September 1, 1864; special duty to February, 1865; member of a military commission at Washington, D. C., to March, 1866; brevet brigadier-general United States Army, March 15, 1865, for "gallant and efficient services during the Gettysburg campaign;" commanding regiment and post of Fort Vancouver, Washington, and retired at his own request "for over forty years' service," December 15, 1870.

Thus it will be seen that for forty years and in three wars this faithful officer served his country in various positions of trust and responsibility, and finally retired from the service full of years and honors. The claim of his widow for pension was rejected on the ground that the "fatal disease originated subsequent to his retirement."

Strictly construed, as the law must necessarily be by the Pension Department, this was probably a correct decision for that department to make. But giving due weight to all the consequences and effects of a service continued for so many years, and in every variety of climate, from the Gulf of Mexico to the Pacific, and from the City of Mexico to Gettysburg, your committee are of the opinion that it is not proven that his death did not originate from disease contracted in the service, and are disposed to give his widow the benefit of the doubt as to this point, and they are further of the opinion that, in view of the long and valuable services of General Blake, his widow, who is in impoverished circumstances, should have the pension asked for in the bill, and they therefore recommend its passage.

Mr. GIBSON, of West Virginia. I was about to ask for the reading of the report in this case, not, however, for the purpose of objecting to this bill, because I recognize the fact that those who are by profession and for their lives the soldiers of the country are in a different position from ordinary volunteers. I wish merely to say that for the future I mean to draw a distinction, and to make a fight against every bill that gives to the widow of a volunteer officer a preference over the widow of a private soldier.

Mr. BUCHANAN. I hope the gentleman will reconsider his determination.

Mr. GIBSON, of West Virginia. No, sir. Just look at the question. Take for instance, two brothers raised in the same town, volunteering in the same war. Before entering the service they marry two sisters, who are equally talented, equally respectable, occupying equal stations in society. These two brothers go into the war. One becomes an officer; the other remains a private. The private, as everybody knows who has been engaged in war, has the hardest time. These two brothers are killed; and the one sister, because her husband happened to have a soft place as an officer in the Army, draws two or three times as much pension as the other sister whose husband was in the ranks bearing all the brunt of battle. We have had instance after instance of that sort in this House. Such a discrimination ought to be stopped.

Mr. PRICE. I move to amend the bill by striking out the words fixing the amount of the pension, my object being to leave the amount subject to the provisions and limitations of the pension laws. I will not detain the House with any argument, but I want a vote on that amendment.

The amendment was read, as follows:

Strike out the words "and pay her a pension at the rate of $30 a month from and after the passage of this act."

Mr. WINANS. The adoption of that amendment would leave this lady to draw the same pension she now gets.

Mr. PRICE. And I will say that is as large a sum as is now drawn by thousands of other women as good as she is, assuming that she is as good a woman as any on earth. Other women with nerves as sensitive, with impulses as heroic, with purposes as patriotic, are drawing no greater pension.

Mr. WARNER, of Ohio. I quite agree with the gentleman from Wisconsin [Mr. PRICE]. I think that these questions as to the rating of pensions ought to be left always to the law and the medical boards established for that purpose. We are not likely to go wrong or to do injustice in putting persons on the pension-roll, if we leave such questions to be determined in that way.

Mr. STEELE. I would remind the gentleman that the examining board does not have to examine widows. [Laughter.]

Mr. WARNER, of Ohio. I understand that this is the case of a widow's pension; but nevertheless I was referring to a principle, and a principle only—a principle which I believe should invariably govern this House in the granting of pensions—the principle of allowing pensions to be determined by the law and by the boards of examination. While there is no medical examination in this case, nevertheless there is a law governing it. The law fixes the pensions for widows of officers; and when widows are placed on the roll subject to the law, then, as my friend from Wisconsin [Mr. PRICE] says, they go on the roll upon an equality with all others of like rank.

Mr. GIBSON, of West Virginia. Mr. Chairman, I object to the amendment of the gentleman from Wisconsin. I do not think it right in this particular case, nor do I believe it right in principle. We must remember that these professional soldiers are at all times expected to be the guardians of the liberties and property of the people and of the interests of the Government. They are deprived of opportunities to engage in civil business and to make money. They have no opportunity of doing anything outside their military profession for the support of their families. Almost every civilized country recognizes the principle of taking care of its professional soldiers, upon whom it must depend at all times. The case is not the same with volunteers. Except when directly engaged in war they are at liberty to carry on their private business. While acting as soldiers they are simply performing a part of their duty as citizens, and no civilized country puts them upon the same footing as those who make military duty the business of their lives. When a meritorious Army officer, after long service, leaves his widow without a sufficient support, I think we are violating no principle of law or justice in giving such a woman a higher pension than we would give to the widow of a volunteer soldier.

Mr. BUCHANAN. I understood the gentleman from Michigan [Mr. WINANS] to say that if the amendment of the gentleman from Wisconsin [Mr. PRICE] should be adopted this lady would receive the same pension she is now receiving.

Mr. WINANS. I was mistaken about that.

Mr. BUCHANAN. I thought so.

Mr. WINANS. She is now drawing no pension at all.

Mr. BUCHANAN. She is drawing no pension, her application, as the report shows, having been rejected for the reasons there stated.

Mr. WINANS. That is true.

Mr. BUCHANAN. This bill will put her upon the pension-roll. Why should there be a rating allowed in this case when it was not allowed in the case of the man I spoke of a while ago?

Mr. PRICE's amendment was agreed to; and the bill as amended was laid aside to be reported to the House with the recommendation that it do pass.

WILLIAM PAUGH.

The next business on the Private Calendar was the bill (H. R. 2070) granting a pension to William Paugh.

The bill was read, as follows:

Be it enacted, &c., That the Secretary of the Interior be, and hereby is, authorized and directed to place on the pension-roll, subject to the conditions and limitations of the pension laws, the name of William Paugh, late a private in Company A, Sixty-ninth Regiment Pennsylvania Volunteers.

The report (by Mr. SWOPE) was read as follows:

The Committee on Invalid Pensions, to whom was referred the bill (H. R. 2070) granting a pension to William Paugh, have examined the papers on file in the Pension Department, and make the following report:

They find that the Committee on Invalid Pensions, Forty-eighth Congress, had this claim before them for their consideration, and made a report thereon, which this committee believes to be a true presentation of the case, and which, having verified by a close examination of the papers, they adopt as their own, and ask that it be so considered.

"William Paugh, the soldier above named, enlisted as a private in Company D, Sixty-ninth Regiment Pennsylvania Volunteers, September 10, 1861, and was honorably discharged from the service July 14, 1865, and filed his declaration for a pension September, 6, 1865, for disability incurred from a gunshot wound of the right shoulder, June 15, 1864, from which he partly lost his speech and was injured in his lungs.

"In a statement filed, the date of his injury is fixed in the spring of 1863, and exposure is set forth as an additional cause of his sickness. On muster-out roll, dated July 1, 1865, the soldier is reported as 'absent sick.' In May and June, 1863, he is reported 'absent in general hospital,' and is reported absent sick till December 31, 1863. The records of Surgeon-General's Office show that he was admitted to Mount Pleasant General Hospital, Washington, D. C., June 10, 1863, with contusion of back. They also show that he received a gunshot wound, and was treated in field hospital Second Army Corps, Chancellorsville, Va., May 4, 1863. That he was several times treated in the hospital, and that he entered private hospital, Chester, Pa., September 18, 1864, with fracture of the humerus.

"Two comrades, P. Connelly and Charles Rodgers, testify to his being wounded in the right shoulder at Bristoe Station, Va., June, 1863. They also testify to the soldier's exposure at Harper's Ferry, from which claimant took cold, which settled on his lungs. They also testify to his soundness before and his disability since his military service.

"Doctors Snyder and Delcamp testify to having treated the soldier in 1865, 1869, 1870, 1872, for lung and bronchial troubles, and the latter says for wound of right shoulder.

"Comrade Rodgers says further that while he did not see the applicant hit, yet says he saw him go into a severe skirmish at Bristoe Station, Va., sound and well, and that he saw him right afterward with the wound.

"The Pension Bureau rejected the claim for the reason that there was no record entered of the wound, and his inability to furnish satisfactory evidence of the fact that the wound was received as alleged. Neither of the reasons are well founded. The hospital record shows that the soldier was wounded May 4, 1863. That June 10, 1863, he was treated in the general hospital for contusion of the

back; that in April, 1864, and May, 1865, he was in the hospital for fracture of humerus.

"The difficulty has clearly happened through carelessness in inserting the wrong date in the declaration, and from the carelessness in the surgeons not stating fully the facts concerning the injury; for instance, how the fracture of the humerus occurred Had it been done it is manifest that it would have then appeared on the record that the same was caused by the explosion of a shell or from gunshot wound. Neither is it correct that the injury is not proven independent of hospital treatment.

"Another reason given is that no disability now exists as shown by the board of surgeons. Yet the affidavits all go to show the contrary. In 1865 the Surgeon-General's report rates him at one-half disability, and in 1880 Examining Surgeon Strawbridge rates him at three-eighths.

"The committee are of the opinion that the soldier is entitled to a pension and recommend the passage of the accompanying bill."

There being no objection, the bill was laid aside to be reported to the House with the recommendation that it do pass.

E. B. SWEENY.

The next business on the Private Calendar was the bill (H. R. 3633) granting a pension to E. B. Sweeny.

The bill was read, as follows:

Be it enacted, &c., That the Secretary of the Interior be, and he hereby is, authorized and directed to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of E. B. Sweeny, late a member of the Signal Corps of the United States Army.

The report (by Mr. SWOPE) was read.

POLLY HALL.

The next business on the Private Calendar was the bill (H. R. 3141) granting a pension to Polly Hall.

The bill was read, as follows:

Be it enacted, &c., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of Polly Hall, mother of Amos Hall, late of Company G, Fourth Regiment of Michigan Infantry Volunteers.

The report (by Mr. WINANS) was read, as follows:

The Committee on Invalid Pensions, to whom was referred the bill (H. R. 3141) granting a pension to Polly Hall, have had the same under consideration, and submit the following report:

That Polly Hall is the mother of Amos L. Hall, late a corporal in Company G, Fourth Regiment Michigan Volunteer Infantry, who enlisted May 16, 1861, for three years or during the war, and on the 27th day of June, 1862, at the battle of Gaines Hill, Va., he received a gunshot wound in the right thigh, by reason of which he was discharged September 6, 1862. He applied for and received a pension at the rate of $8 per month until his death, February 26, 1881.

The files in the case show that shortly after his discharge he became partially insane and gradually grew worse, and finally was, April 12, 1871, sent to the Government Hospital for the Insane, at Washington, where he died, as stated, February 26, 1881.

January 9, 1882, the mother of this soldier, Polly Hall, applied for a pension as a dependent mother, which was rejected on the ground that the insanity and ultimate death of the soldier was not attributable to the wound he received in the service.

Upon this question the evidence before the Pension Office, both medical and lay, is conflicting. On the 13th of December, 1870, the soldier in the case applied for an increase of pension, and it was finally referred to a special examiner, who submitted a report February 17, 1873, in which he says:

"Amos Hall applied for increase of pension; he was pensioned for gunshot wound of the right femur from September 13, 1862, at $8 per month; he now applies, by his legal guardian, for an increase, alleging that the disability has greatly increased and has resulted in insanity. The mother of claimant testifies that her son came home to Clinton, Mich., the latter part of September, 1862, very thin in flesh, and was very nervous, restless at night, and subject to spasms and fits."

Dr. Philip Reeder, of Cleveland, ex-surgeon, says:

"He first visited claimant in 1865; he was insane at the time; I am inclined to the opinion that the epilepsy and the insanity had its origin in the exposure and extremity of mind to which he was subjected. I have observed nothing in the soldier's habits or practices which, in my judgment, could produce his present mental and physical condition."

Dr. John Dickenson, late assistant surgeon Thirtieth Ohio, and surgeon of One hundred and ninety-fifth Volunteer Infantry, says:

"I am acquainted with Amos Hall. I examined him at the time he was sent to the Soldiers' Home with a view of ascertaining whether his insanity was the result of military service. I reached an affirmative conclusion."

D. S. Oliphant, M. D., testifies:

"That previous to his being wounded he was sound in mind and body; that owing to exposure after being wounded, being three days and nights on the battle-field before removal, he contracted brain fever, and was three months confined to hospital and discharged with shattered intellect, and has since lapsed into a state of incurable insanity."

Dr. J. C. Stanton examined claimant June 13, 1872, and finds gunshot wound and insanity, and rated him total first grade. The mother and sister of soldier both testify under oath that no member of their family was ever insane to their knowledge; that claimant was a man of excellent habits and good health when he entered the service. He returned home in September, 1862, and had spasms from the day of his arrival, and was out of his mind much of the time; that they kept him at home as long as they could. The special examiner closes his report by recommending that the pension be increased to total first grade, $31.25. The report was not concurred in for the reason that the medical examiners were not able to arrive at the conclusion that insanity was the result of his service.

The mother's claim was also rejected on the ground that the death of the soldier was not traceable to the injury received in the service.

There is no question but that Polly Hall is the mother of Amos Hall; that she was dependent on him for support. Her husband is dead; she has no other children to support her; she is now eighty-four years of age, living on the charity of friends and contributions of Grand Army of the Republic posts.

In view of these facts, and that it is fair to presume that the suffering and exposure of the wounded soldier caused the brain fever resulting in insanity and death, your committee recommend the passage of the bill, and that it be amended, in the sixth line, by inserting after "Polly Hall" the word "dependent," and the letter "L" between Amos and Hall; so it will read "Polly Hall, dependent mother of Amos L. Hall."

The amendment reported by the committee was agreed to.

There being no objection, the bill as amended was laid aside to be reported to the House with the recommendation that it do pass.

ELLEN M. MITCHELL.

The next business on the Private Calendar was the bill (H. R. 2022) granting a pension to Ellen M. Mitchell.

Mr. SWOPE. My colleague [Mr. BINGHAM] who introduced this bill was unable to be present on account of illness, and requested that this bill should be informally passed over for the present, not to lose its place upon the Calendar; and accordingly I make that motion.

The CHAIRMAN. The Chair hears no objection, and it is so ordered.

STEPHEN GARDNER.

The next business on the Private Calendar was the bill (H. R. 1184) granting a pension to Stephen Gardner.

The bill was read, as follows:

Be it enacted, &c., That the Secretary of the Interior be, and is hereby, authorized and directed to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of Stephen Gardner, late of Company D, Tenth Regiment Michigan Volunteers.

The report (by Mr. WINANS) was read, as follows:

The Committee on Invalid Pensions, to whom was referred the bill (H. R. 1184) granting a pension to Stephen Gardner, submit the following report:

That Stephen Gardner was mustered into the service March 20, 1864, in Company D, Tenth Regiment Michigan Infantry, and was discharged at the close of the war, July 19, 1865. He applied for a pension March 10, 1875, alleging hernia, caused by a fall and being run over during a charge in the battle of Jonesborough, Ga., September 1, 1864. His claim was rejected on the ground of no record of rupture and no satisfactory proof of incurrence in the service.

C. W. Stockwell, ex-surgeon, certifies, May 10, 1875, that he examined Gardner and finds "double inguinal hernia—right very large, coming far down in scrotum."

The proof as to incurrence is two comrades, John D. McKenzie, who says he saw him fall and afterward procured him a truss, and George Edwards, who remembers hearing Gardner complain of being hurt, and of a comrade procuring a truss for him.

Henry Wideman, late captain of Company D, states that claimant told him he had procured a truss for his rupture, and that he received it by falling in a ditch September 1, 1864.

The case was referred for special examination, during which two witnesses testified they had been informed Gardner had hernia at the time he enlisted. For this reason, and because there was no record evidence, the claim was rejected.

The testimony of Dr. Miles Huckins shows that Gardner was suffering from a rupture on his return home from the Army.

From all the evidence in this case your committee are inclined to believe the incurrence of hernia was as stated by Gardner. He served faithfully from enlistment to close of the war. He was no bounty-jumper, and had no reason to conceal any disability existing at time of enlistment.

His examination at time of muster disclosed no disability. He could have had no thought of laying the foundation of a pension at the time he says he was hurt. He shirked no service by going to hospital, but made the best effort he could and as little complaint, and kept in line of duty, with no thought of pension or reward until increasing disability compelled him, ten years after discharge, to ask relief by pension. His disability at close of war and since is not disputed or in doubt.

We therefore recommend the passage of the bill.

There being no objection, the bill was laid aside to be reported to the House with the recommendation that it do pass.

MRS. ANN J. CONWELL.

The next business on the Private Calendar was the bill (H. R. 3177) for placing the name of Mrs. Ann J. Conwell on the pension-roll.

The bill was read, as follows:

Be it enacted, &c., That the Secretary of the Interior be, and he is hereby, directed to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of Mrs. Ann J. Conwell, widow of Matthew Conwell, late a private in Company I, First Indiana Cavalry Volunteers.

The report (by Mr. LOVERING) was read, as follows:

The Committee on Invalid Pensions, to whom was referred the bill (H. R. 3177) granting a pension to Ann J. Conwell, submit the following report:

Ann J. Conwell is the widow of Mathew Conwell, late a private in Company I, First Indiana Cavalry. She asks to be placed upon the pension-roll as his widow. The facts in the case, substantiated by affidavit, are peculiar, inasmuch as she appears as the widow of two soldiers, one of whom gave up his life in service; the other, disabled by wound and disease.

The facts are as follows: Her first marriage was with one Edward Blumely, at Willimantic, Conn., upon the 29th of November, 1855. On the 1st of October, 1861, he enlisted as a private in Company D, Eighth Connecticut Volunteers, and re-enlisted as a veteran at the expiration of his term of service. On October 6, 1864, he died in Andersonville prison, leaving the beneficiary in this bill with three small children to provide for. She applied for and obtained a widow's pension, and struggled along as best she could with the aid of the pension to clothe and feed herself and children. Finding herself unable to properly care for and bring up her family, on January 5, 1867, she married Matthew Conwell, a pensioned soldier, who, though at that time suffering from a wound and from other disabilities, was by superior skill at his trade, that of "spring-fitter," able to earn good wages.

He had served as a private soldier in the First Indiana Cavalry, and was pensioned upon certificate 39980, first for $2 and afterward at $4 per month. As time went on his disabilities increased, and finally, in 1877, he was admitted as an inmate of the Soldiers' Home at Dayton, Ohio, suffering from his gunshot wound of shoulder, asthma, and heart disease, of which disease he finally died, and which he always claimed he contracted in the service. The death occurred March 30, 1882, at the Soldiers' Home aforementioned. The certificate of death gives the cause, "organic disease of the heart."

Her claim was rejected for the reason that the disease of which soldier died was not due to his military service. This widow is old, infirm, and poor. She believes she ought to be entitled to be placed upon the roll, when the circumstances of her earlier struggles and bereavements are considered.

Your committee are of opinion that this is a proper case for relief, and would therefore recommend the passage of the accompanying bill.

There being no objection, the bill was laid aside to be reported to the House with the recommendation that it do pass.

ALONZO MAYNARD.

The next business on the Private Calendar was the bill (H. R. 3478) granting an increase of pension to Alonzo Maynard.

The bill was read, as follows:

Be it enacted, &c., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of Alonzo Maynard, late a private in Company I, Eleventh Connecticut Volunteers, at the rate of $50 per month, in lieu of the pension he is now receiving, to commence from the passage of this act.

The report (by Mr. LOVERING) was read, as follows:

The Committee on Invalid Pensions, to whom was referred the bill (H. R. 3478) to increase the pension of Alonzo Maynard, submit the following report:

Alonzo Maynard enlisted in Company I, Eleventh Connecticut Volunteers, and was discharged March 25, 1863, for gunshot wound received at Antietam. He applied for and received a pension on certificate 18040, October 6, 1863, at the rate of $8 per month, which has been increased from time to time until June 4, 1872, he was rated $31.25, which he received until March 15, 1884, when, upon application for increase, it was rejected, and under order No. 35 he was reduced to $30 per month, the reason being given that the disability from which he was rendered helpless, requiring aid and attention, was rheumatism, a disability not proved.

The evidence in this case discloses that the man has suffered terribly ever since discharge from the gunshot wound to right lung, which injured his spine and resulted in total incapacity for any manual labor.

E. F. Parsons, of Enfield, Conn., practicing physician, testifies he has treated claimant at different times during the past five years (1879 to 1884); that he is suffering from deformity and disability, resulting from his wounds, from rheumatism, making his right arm nearly helpless; that the diminution of aerating surface in the lungs from loss of lung tissue causes great dyspnœa on exercise, which, together with rheumatism of his legs and feet, cripples him to that extent he can walk only a few rods at a time; that his disabilities render him practically helpless.

Drs. Jarvis and Fuller, examining surgeons at Hartford, say:

"Two balls entered near the right side of the spinal column, at the third dorsal vertebra. There are four deep cicatrices in this region, covering a space perpendicularly of 6 inches by 4 horizontally. There are four cicatrices between the clavicle and scapula. In front, right side, there is one large cicatrix on the point of the shoulder, one directly above and one below the inner half of the clavicle, one just to the inner side of the mamma, and one just below the nipple, causing much contraction of the mammary gland. The lung was apparently riddled; soldier says he was hit with bullet and buckshot."

R. Strickland, Enfield, Conn., examining surgeon, says September 11, 1883:

"What remains of right lung of little use for purposes of respiration; dullness on percussion over whole lung; left lung nearly sound; right arm nearly useless from extensive caries and loss of bone of shoulder, following the wound. Left arm he can use only in a very limited degree, resulting from wound: rheumatism. His urine dribbles from him, being unable to retain it. He has a cough, which at times is quite troublesome; yet with all these symptoms he is fat and eats well. He appears nearly helpless and demands the regular aid of another person."

J. R. Lewis, examining surgeon, Rockville, Conn., October 2, 1885, says:

"The track of the wound involves the upper right lung, and has resulted in suppuration and absorption of the greater portion of said lung; the upper and lower extremities have become dropsical, and the patient is helpless, or so nearly as to require the constant personal aid and attendance of another person. Large burrowing abscesses frequently form upon the chest."

Photographs exhibited to the committee of this soldier show both breast and back views, both of which are covered with deep and long scars. The right shoulder is apparently several inches lower than the left, and the soldier is drawn out of shape.

Your committee, after a careful consideration of all the evidence in the case, which is mostly professional, are of the opinion the rating of this pensioner should be advanced. They would therefore recommend the passage of the accompanying bill as amended by substituting the word "forty," in the seventh line, for the word "fifty."

The amendment reported by the committee was agreed to; and the bill as amended was laid aside to be reported to the House with the recommendation that it do pass.

AUGUSTA M. RICHARDS.

The next business on the Private Calendar was the bill (H. R. 1107) granting a pension to Augusta M. Richards.

The bill was read, as follows:

Be it enacted, &c., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-roll the name of Augusta M. Richards, a volunteer nurse in the late war, and pay her the sum of $20 per month from and after the passage of this act.

The report (by Mr. LOVERING) was read as follows:

The Committee on Invalid Pensions, to whom was referred House bill 1107, beg leave to submit the following report:

Mrs. Augusta M. Richards, of Malden, Mass., was a volunteer nurse in the hospitals of New Orleans after its capture by the Union forces. Mrs. Richards went to New Orleans from the North early in 1861, and taught a private school for young ladies. From the opening of the port by Admiral Farragut, or as soon thereafter as the Saint James and Saint Louis hospitals were established, her duties began, first by spending all the spare hours at her disposal, before and after school, in every kind of service in her power to render, to alleviate the suffering of the sick and wounded soldiers, many times furnishing food from her own home to those who seemed to need something more delicate and palatable than the hospitals afforded. During these ministrations she was stricken down with small-pox contracted in Saint James hospital. At this time she had a prosperous school, which yielded her about $150 per month, while her daughter, who was with her, had a class of young ladies in music, whom she visited daily, which business was, by reason of the contagious disease, entirely ruined and permanently broken up, thus cutting off their means of support. This occurred in April, 1864. Upon her recovery she resumed her work in the hospital, remaining in it until the close of the war in 1865.

She presents much evidence to corroborate the statements above made, from soldiers whom she had nursed and cared for; from doctors as to her incurrence of small-pox while engaged in the duties claimed.

The following, from Dr. S. H. Orton, in charge Saint James Hospital:

McDOUGAL U. S. A. HOSPITAL (near Fort Schuyler, N. Y. H.),
September 11, 1865.

This will certify that Mrs. Augusta M. Richards contracted small-pox while attending the sick and wounded of the Union troops at the Saint James United States Army Hospital at New Orleans in May, 1864, and was under my professional charge during her sickness, which was attended with great danger and pecuniary loss, she having been deprived of all her pupils through fear of contagion.

Mrs. Richards will ever be remembered by me as having been of the greatest service in assisting the sick by every means in her power.

SAMUEL HENRY ORTON,
Brevet Major and Assistant Surgeon, United States Army, Commanding, Formerly in charge of Saint James United States Army Hospital, New Orleans.

That General Banks, then in command of the department, thought highly of her services is shown by the following safeguard order:

HEADQUARTERS DEPARTMENT OF THE GULF, NEW ORLEANS,
September 9, 1864.

Mrs. Richards, 109 Coliseum street, has devoted her time and exposed her life in assisting the sick and wounded men of the Army.

She pays rent for the house she occupies to the Treasury agent. She is a thoroughly loyal woman, to whom the Government is indebted both for her assistance and her sacrifices, and will not be disturbed without orders from these headquarters.

N. P. BANKS,
Major-General, Commanding.

More and specific evidence might be given to strengthen this case if necessary, but it would seem that sufficient had been adduced to show that this lady gave her services freely until prostrated by a dread disease; that upon recovery, even though her means of support was gone, she went on with her work until the last gun was fired in the great contest. For all this disinterested, noble, and self-sacrificing work she never received a dollar of pay from the Government. She is a widow. Since the war she has been supported by her son, a resident of New Orleans; but reverses in business have overtaken him recently and cut short her means for support. She has no property or income, and is, at the age of seventy-two, left without means of support.

Your committee are of opinion that this lady through her services and sacrifices has richly earned the right to the relief she asks for the few remaining years of her life. They therefore recommend the passage of the accompanying bill.

Mr. LOVERING. That ought to be $25 a month instead of $20; and I therefore move that amendment.

Mr. WARNER, of Ohio. What is the usual pension?

Mr. LOVERING. In the case of volunteer nurses who devoted their time without any compensation it is $25 a month.

Mr. WARNER, of Ohio. They should all be served alike.

The amendment was agreed to; and the bill as amended was laid aside to be reported to the House with the recommendation that it do pass.

THOMAS G. NEWMAN.

The next business on the Private Calendar was the bill (H. R. 1367) to place the name of Thomas G. Newman on the pension-roll.

The bill was read, as follows:

Be it enacted, &c., That the Secretary of the Interior be, and he is hereby, instructed to place the name of Thomas G. Newnam, late of Company K, Ninth Missouri Regiment State Militia Cavalry, on the pension-roll, subject to the limitations and provisions of the pension laws of the United States.

Amend the title so as to read: "A bill to place the name of Thomas G. Newnam on the pension-roll."

The report (by Mr. MORRILL) was read as follows:

The Committee on Invalid Pensions, to whom was referred the bill (H. R. 1367) to place the name of Thomas G. Newman on the pension-roll, submit the following report:

We find that claimant enlisted April 23, 1863, in Company K, Ninth Missouri State Militia, and was discharged May 29, 1865. He had served the year preceding in Companies A and E, Forty-sixth Missouri State Militia. He filed an application for pension March, 1883, alleging lung disease and sciatic rheumatism, which was rejected on the ground of no record and no evidence of origin and no medical evidence since. There is no record, for the very good reason that the hospital records are not on file. Claimant states that he sent Fitzgerald & Co. an application for a pension in 1877, and supposed they had filed it. He further states—

"That in April, 1865, while stationed at Sturgeon, Mo., word came in that a lot of guerrillas were between said camp and Columbia, and that Captain Cook, of Company C, was after them, and that they could join him at a certain point. A detail of fifteen men was made, claimant being one of the men. Left camp about 1 p. m. Sunday. An hour later it commenced raining, gently at first, but it increased until it got to be a steady pour, and it so continued until 4 o'clock p. m. next day. About dark Sunday evening they joined Captain Cook, and the whole command were in the saddle until 3 o'clock the next morning. Then took a rest, using their saddles for pillows to keep their heads out of water. Claimant was placed in charge of seven men by Lieutenant Hawkins, with orders to run down the guerrillas. They rode until about 10 o'clock a. m., when they discovered four men on the other side of a stream. They hailed one another, when the four men fired and retreated. They followed them several miles and then returned to Sturgeon, after nearly a continuous ride of twenty-four hours, and from that time he was never able for any kind of duty. He applied for a furlough, and, receiving it, went to Macon City, Mo., where the regimental headquarters then were, where he met Dr. A. B. Castle, assistant surgeon of his regiment.

Dr. Castle corroborates the above, in the following language, given under oath:

I have the following statement to make from memoranda in my possession: Early in April, 1865, claimant was exposed to wet and cold while on a scout in Boone County, Missouri, and pneumonia resulted therefrom. He made a bad recovery—that is, his lungs were seriously impaired, and he suffered from sciatic rheumatism, so that at times he could only walk with the aid of sticks. His health seemed utterly broken. He was examined by myself and Surg. J. H. Peabody, United States Army, on the 26th of May, 1865, and immediately ordered to Saint Louis for muster-out. Newman was walking with a cane in a bent condition, complaining of rheumatism of the back and hips, and he had chronic bronchitis, which we then thought incurable. We apprehended the invasion of tubercular phthisis in the near future.

John Jones and Philip Liley testified that he has not since been an able-bodied man.

Claimant testifies that he was treated by Dr. Smith, now dead, in 1865, and by Dr. Dedman, who is also dead, in 1872.

H. J. Bates says he has known him intimately since 1875, and that he has seemed to be laboring under some disease of the lungs and rheumatism.

W. C. Harland and David Galloday testify that for several years they have filled prescriptions for claimant for pulmonary diseases.

The postmaster at Gun City says he has known him since 1871; that he was not then an able-bodied man, and has not improved since. The board of pension-examining surgeons, at Kansas City, report him, May 16, 1883, totally disabled from lung disease and rheumatism.

The testimony of Dr. Castle, so clear and positive, and whose reputation is vouched for as good, ought to establish the origin of the disease in the service. If the testimony of Drs. Smith and Dedman could be obtained it would establish continuance; as it is, your committee are forced, from the evidence before them, to the conclusion that the soldier lost his health in the military service; that his disabilities have continued ever since, and that his present condition is the result of that service. They therefore recommend the passage of the bill.

The amendment was agreed to, and the bill as amended was laid aside to be reported to the House with the recommendation that it do pass.

Mr. WOLFORD. Mr. Chairman, before that I want to detain the committee, by its consent, some fifteen or twenty minutes.

Mr. PERKINS. Let us vote on the amendment first.

Mr. WOLFORD. I want to talk about fifteen or twenty minutes and then I will give way for any motion the gentleman desires to make. I want to use this time, Mr. Chairman, so that we will understand each other better than we have been doing on these pension nights; and I hope I will be permitted to proceed for a few minutes.

There is a feeling, sir—and this bill is a proper one to make the remarks upon, and I hope I will have the attention of gentlemen, especially of my friend from West Virginia [Mr. GIBSON] and my friend from Ohio [Mr. WARNER]—there is a feeling, I say, that we are going too fast on the subject of pensions. Now, it is known that I am pretty much in favor of pensions, and I want to call the attention of the committee for a few minutes to the arguments which are very commonly used that we are going too fast and are about to exhaust the Treasury.

Mr. WARNER, of Ohio. I do not fear that you will go too fast if you will but go right; that is all.

Mr. WOLFORD. Well, I think we will go right if we go in the direction of granting pensions to our soldiers.

The first thing, Mr. Chairman, to which I wish to call attention is that there is a feeling of dissatisfaction with a large number of thinking, sensible Congressmen upon the subject of giving large pensions, frequent pensions, a great many pensions to our soldiers, although there seems to be a necessity for it. The soldiers of the country sorely need it. But there is complaint because, in the first place, as was so pertinently remarked in the sensible speech of my distinguished friend from Georgia [Mr. CRISP] the other night, one portion of the country, one region of the country, gets the most of these pensions, while the other portion gets none; and I refer now to the South, and I call the attention of my friends upon the other side, the South, as stated by that distinguished man, and he does not oppose pensions, neither does anybody on this floor, but while the South in her misfortune and in her struggle to reinstate herself against the tremendous losses of the war pays about one-third of the revenue collected, none of the vast amount of pensions, or scarcely any of it, goes to the South. Now, brethren, that is a serious objection. We are all united now.

I do not feel like deserting our soldiers upon such a proposition as that; neither do I believe that the proposition I am about to submit will break the Treasury. I think it will have a good effect and be of advantage to the country, and I want to talk about that a few minutes. It is true, and we can not help that, that most of the pensions paid out go to other sections of the country instead of to the South. But suppose we make a compensation for it at the start, and I believe in a statesman having a system about him, that two or three things come into every system, and I say now, suppose we make a compensation for that? Suppose, in the first place, we agree that part of the money may be circulated in the South. That is what is needed, and that is the first ground of feeling a little sore about it; everybody can see that as it is presented.

Well, there were some laws passed during the war that took about ten millions of dollars from the South and covered it into the Treasury, and the Supreme Court of the United States says, in a very able decision, that that money belongs to the citizens. Now, while we give to our soldiers—and I mean when I say "our soldiers" the soldiers North and South, for we are all one people, all Union people, there is no disunionist now in this broad land—but, while we give to our soldiers who live in one section of country that immense amount of money for pensions, and I want gentlemen to remark and bear in mind that the soldiers are not laying by money, they all put it in circulation, let us give back the money that belongs to our Southern friends. You all remember what the gentleman from Texas [Mr. MILLS] so well said when arguing the silver bill, that when you cause money to circulate among the people it will be beneficial to all, but if you withhold the circulation from them it will be worse than war, pestilence, and famine.

Now the great end of circulation, or the means of accomplishing it, is found in giving to the soldiers these pensions, which means not only comfort and ability to live—it not only means bread and sugar and coffee to his family, but it makes him love his country which remembers him, which gives his wife and children clothing, food, and education. They put this money in circulation, and it meets the demands of the country as a circulating medium. Again, another effect of it; they not only circulate the money but they are enabled to buy more goods. Now a great portion of the revenue we derive for the support of the Government is from our tariff.

If you give a poor family a hard run, and God knows that many of our soldiers are hard run, if you give them more money they will buy more goods, and it will add to our revenues, because a great many of these articles are brought from abroad. That of course brings more money into the Treasury. That is all right and proper, and our brethren of the South will not grumble; but if we go on to say that these poor people in the South who had their money taken from them by military forces, taken from them not as a measure of right but as a war measure, shall have it repaid to them, why then you will accomplish a great deal in the way of equalizing this pension business. Now, restore to them what the Supreme Court says is their right. Give them that $10,000,000 while we are giving several millions to the Union soldiers; and I want, Mr. Chairman, to make myself perfectly clear on this subject. I do not wish to be misunderstood.

Mr. BROWN, of Pennsylvania. Do you expect to dispose of that to-night?

Mr. WOLFORD. Yes, sir; and I want gentlemen to have an opportunity of hearing me. I say while we are giving to the Union soldiers millions of dollars, and it will take millions of dollars to pay the pensions that we owe them, and to meet all of these demands upon the country will take millions of dollars—I say while we are giving them millions of dollars let us pay to our brethren of the South that $10,000,000 that is theirs.

Let that go to the individuals to whom it belongs and let it circulate in the South. That is a kind of compensation; but that is not an equivalent for the vast amount that the Union soldiers of the war must have. But if you give them $10,000,000 there and then give the many millions that are voted to the Union soldiers it puts so much more money in circulation. Everybody is pleased. The North is pleased and the South is pleased.

Then there is another proposition to which I wish to call the attention of the committee.

Mr. PRICE. Will the gentleman permit me to interrupt him with a question?

Mr. WOLFORD. Yes, sir.

Mr. PRICE. To what particular $10,000,000 do you refer as payable to the South?

Mr. WOLFORD. It is $10,000,000 that were collected by military operations in the South from the people in the South, from individuals, that the Supreme Court has decided belonged to the people of the South. That money has been covered into our Treasury. We have it. I say, pay that back to them. It is theirs. If it is not according to law I do not ask it. But if it is theirs, if they are poor crippled men that we wounded—and we had to wound them, there was no other way to do [laughter]—if the men we wounded are now suffering, crippled, and disabled, and that money has been taken from them, I say, let it be given back and let it circulate in the South.

But there is another equivalent for what we have to pay to the Union soldiers, and about that I want to talk a little. There is a bill to pension the soldiers of the Mexican war; a bill to pension them for service. And I hope my friend from Wisconsin [Mr. PRICE] will be in favor of that; for it is the only bill that ever has been introduced in this Congress that puts the general and the private exactly on the same footing, that gives a pension of $8 a month to every soldier and every general. It levels everybody. I hope the gentleman will be in favor of that. A good deal of that money will circulate in the South. That will be an equivalent.

The pension proposed in that bill is based upon the principle of service. I know that my distinguished friend from Ohio [Mr. WARNER], whom I do not now see in his seat, is opposed to a service pension of any kind. He has just one idea on this proposition. It is that a man has to be wounded and wounded in a certain place before he is entitled to a pension at all [laughter]—that no other disability should entitle him to a pension. I am in favor of pensioning all our soldiers for service. The first pension that was ever given in the United States was to the Revolutionary soldier for service. Again, the brave soldiers of 1812 received a service pension. If we give the soldiers of the Mexican war a service pension, it will be distributed North and South, East and West. There are only about six thousand of them now and it will not cost a million dollars a year to pension all that are now surviving.

The Mexican veterans are now almost gone. They went to a foreign land to fight the battles of their country; and they got for you more than a million of square miles of the best territory in the world. They got your gold and silver mines by that fighting; and all the talk you hear in this place about silver never would be uttered here if it had not been for the valor of the soldiers of the Mexican war. [Laughter.] It has been computed that if paid for the territory we have got and for the mines we have got every soldier who fought in that war would have twice his weight in gold.

Sir, this is the only war in which we were ever engaged that paid us back anything. There was some division of sentiment about it. It was said by some that we had no right to invade Mexico. I thought differently, and went as a humble private when a boy to invade Mexico. I thought we ought to invade her, because I held to the doctrine that we of this country were a brotherhood; and the President of the United States, James K. Polk, said that our brothers since the annex-

ation of Texas were being murdered by Mexicans coming over the Rio Grande, and we were bound to defend them to the last extremity. And then our Government said the Mexicans were treacherous and had violated their treaty obligations, and were cruel to the men they had captured.

We said then, we will have indemnity for the past and security for the future. And, ah, sir, what a grab we made! [Laughter.] Did anybody ever see such a grab? Why, sir, almost half the territory of the United States is at this time ours as the consequence of that war. We whipped Mexico and made her acknowledge she would pay an indemnity. You will say there was a kind of duress, but it was according to the plan of our Government, and we got the amount.

Now, sir, are these soldiers that suffered so much hardship in that war—are they to be ignored? I am sure gentlemen will vote that they shall not be.

Mr. PRICE. If they have not by their own act canceled the obligation under which the Government lay to them.

Mr. WOLFORD. How can they have done that, when, as I have said, every man has earned more than twice his weight in gold, if you count the dollars and cents they have given to the United States? You have taken what they got by their valor. You may call it plunder, if you please, but even if you take it as plunder it is in your Treasury. You have in your Treasury many millions of money as the result of that war, and you have many millions of swarming population inhabiting that land that they got for you. And I ask you, how could they forfeit their title to compensation?

The CHAIRMAN. The Chair will state to the gentleman from Kentucky that the time for which he asked the indulgence of the House, fifteen minutes, has expired.

Mr. WOLFORD. I want to talk a little further about that hereafter, but I will stop right here now. But I repeat sir, they could not forfeit it. I know your meaning. I know you mean that the poor fellows who fought in the Mexican war and afterward happened to go with the South, where they lived, ought not to be pensioned. I will talk about that another time. I will skip it now, but before I stop I will say I believe they ought to be pensioned.

Mr. PRICE. And I believe they ought not.

Mr. WOLFORD. There is another compensation that we can make to the South that will help to put them on an equal footing with the rest of the country. We can vote for this Blair bill and help to educate the children. A great deal of that money will go to the South; my own State will get some of it [laughter], and it will do a great deal of good in the Southern country; for if you take the poor and the lowly and the ignorant, that were considered once unworthy to be citizens, but are now citizens, and educate them, you will make them more capable of voting, of thinking, of managing their affairs, and you will elevate them in every way. The advantage that the South will get from that, and also from the circulation of the money there, will help to compensate the people for their disadvantages in other respects.

The CHAIRMAN. The time of the gentleman from Kentucky [Mr. WOLFORD] has expired.

Mr. BRADY. I hope the gentleman's time will be extended.

Mr. WOLFORD. I do not want to say another word now, but I will pursue this subject another time.

Mr. JOHNSTON, of Indiana. Are you in favor of a service pension for Union soldiers?

Mr. WOLFORD. Yes, sir, I am. I was coming to that, but I will take that up on another occasion. [Laughter and applause.]

The CHAIRMAN. The question is on the amendment submitted by the committee at the time the gentleman from Kentucky [Mr. WOLFORD] took the floor.

The amendment was agreed to.

There being no objection, the bill as amended was laid aside to be reported to the House with the recommendation that it do pass.

Mr. WINANS. Mr. Chairman, I move that the committee now rise.

The motion was agreed to.

The committee accordingly rose; and Mr. GIBSON, of West Virginia, having taken the chair as Speaker *pro tempore*, Mr. HATCH reported that the Committee of the Whole House on the Private Calendar, having had under consideration, pursuant to order, sundry bills on the Private Calendar, had instructed him to report the same back to the House with various recommendations.

Mr. BUCHANAN. Mr. Speaker, I ask unanimous consent to have House bill 1504, granting a pension to John W. Rose, which was passed over informally in Committee of the Whole, recommitted for further investigation.

There was no objection, and it was so ordered.

BILLS PASSED.

Bills of the following titles, reported from the Committee of the Whole House on the Private Calendar with the recommendation that they do pass, were severally ordered to be engrossed and read a third time; and being engrossed, they were accordingly read the third time, and passed:

A bill (H. R. 1508) for the relief of Marcus A. Hamilton;

A bill (H. R. 3516) granting a pension to Fanny Collins;
A bill (H. R. 1345) granting a pension to Nathaniel H. Blakely;
A bill (H. R. 19) for the relief of David C. Paullus;
A bill (H. R. 4022) granting a pension to Elizabeth Stocksdale;
A bill (H. R. 441) granting a pension to Kate Amann;
A bill (H. R. 3100) granting a pension to Samuel Hanson;
A bill (H. R. 4501) granting a pension to Daniel B. Randall;
A bill (H. R. 4572) granting a pension to Willis W. Fink;
A bill (H. R. 5551) for the relief of Robert Moran;
A bill (H. R. 3941) granting a pension to Mary M. Galleyan;
A bill (H. R. 3390) to place the name of William G. Schoonozer on the pension-roll;
A bill (H. R. 737) granting a pension to N. M. Miller;
A bill (H. R. 1396) to pension Martin Kirk;
A bill (H. R. 4370) granting a pension to M. S. Towne;
A bill (H. R. 3945) for the relief of Mrs. B. Alfers;
A bill (H. R. 3530) granting a pension to Albert L. Allen;
A bill (H. R. 3753) granting a pension to John D. James;
A bill (H. R. 3921) granting a pension to Richard Gear;
A bill (H. R. 4905) granting a pension to Aaron C. Johnson;
A bill (H. R. 4903) granting a pension to Christian Smarzo;
A bill (H. R. 4490) granting a pension to H. W. McDonald;
A bill (H. R. 4813) granting a pension to Perry Johnson;
A bill (H. R. 4122) granting a pension to Mary E. Snow;
A bill (H. R. 2070) granting a pension to William Paugh;
A bill (H. R. 3633) granting a pension to E. B. Sweeny;
A bill (H. R. 1184) granting a pension to Stephen Gardner; and
A bill (H. R. 3177) for placing the name of Mrs. Ann J. Conwell on the pension-roll.

Amendments reported from the Committee of the Whole House to bills of the following titles were severally agreed to, and the bills as amended were severally ordered to be engrossed and read a third time; and being engrossed, they were accordingly read the third time, and passed:

A bill (H. R. 1083) granting a pension to Francis H. Kirmayer;
A bill (H. R. 1106) granting a pension to Mary B. Carll;
A bill (H. R. 421) granting a pension to Jesse B. Scudder;
A bill (H. R. 4131) for the relief of Samuel C. Peck, jr.;
A bill (H. R. 1024) granting a pension to Aurelia F. Robbins;
A bill (H. R. 2549) granting a pension to Milton R. Muzzy;
A bill (H. R. 4580) to grant a pension to William Taylor;
A bill (H. R. 4579) granting an increase of pension to Thomas S. Owens;
A bill (H. R. 4101) granting a pension to Martha A. Silkey;
A bill (H. R. 4135) for the relief of Margaret Callanan;
A bill (H. R. 1505) granting a pension to William Dermody;
A bill (H. R. 3546) granting a pension to Amanda Housell;
A bill (H. R. 3505) for the relief of Mary B. Smith;
A bill (H. R. 3205) granting a pension to George W. Guyse;
A bill (H. R. 2021) granting a pension to Margaret A. Blake;
A bill (H. R. 3141) granting a pension to Polly Hall;
A bill (H. R. 3478) granting an increase of pension to Alonzo Maynard;
A bill (H. R. 1107) granting a pension to Augusta M. Richards;
A bill (H. R. 4586) for the relief of Nathan Hildebrant;
A bill (H. R. 746) granting a pension to J. W. Bennett; and
A bill (H. R. 1367) to place Thomas G. Newman on the pension-roll.

Mr. WINANS moved to reconsider the several votes by which the bills reported from the Committee of the Whole House on the Private Calendar were passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

On motion of Mr. WINANS, the House (at 9 o'clock and 45 minutes p. m.) adjourned until Tuesday next.

PETITIONS, ETC.

The following petitions and papers were laid on the Clerk's desk, under the rule, and referred as follows:

By Mr. BARNES: Petition of citizens of Washington County, Georgia, in favor of the passage of a bill providing for national aid to the cause of education—to the Committee on Education.

By Mr. BLAND: Petition of Thomas H. Moreland, of Missouri, for pay for property taken by United States soldiers during the war—to the Committee on War Claims.

By Mr. BOUTELLE: Evidence in the case of the claim of Bertha M. Timoney—to the Committee on Invalid Pensions.

By Mr. BRADY: Petition of W. A. Pattie, late postmaster at Warrenton, Va., for difference of salary claimed to be due him—to the Committee on the Post-Office and Post-Roads.

By Mr. BURROWS: Petition of B. Hinchman and others, of S. Snell and others, of George E. Roys, and of A. K. Clark and others, of Michigan, in favor of silver coinage—to the Committee on Coinage, Weights, and Measures.

By Mr. CATCHINGS: Petition of Alexander Chavis, of Warren

County, Mississippi, asking reference of war claim of Jordan Chavis to the Court of Claims—to the Committee on War Claims.

By Mr. DUNN: Petition of Elizabeth A. Collier, for relief—to the same committee.

Also, papers relating to the claim of Hattie Lanier, administratrix of Samuel B. Lanier, of Mississippi County, Arkansas—to the same committee.

By Mr. FELTON: Petition signed by over 3,000 citizens of the Anti-Coolie Chinese League of the fifth Congressional district of California, in favor of the termination of the Burlingame treaty—to the Committee on Foreign Affairs.

By Mr. FORAN: Memorial of the Cleveland Board of Trade, praying for speedy completion of the Government improvements on Saint Mary's River and canal—to the Committee on Rivers and Harbors.

Also, petition of local assembly, Knights of Labor, Cleveland, Ohio, praying for a Territorial government for the Indian Territory—to the Committee on the Territories.

Also, resolutions of Local Assembly No. 2013, Knights of Labor, Cleveland, Ohio, protesting against the passage of the Dingley pilotage bill, so called—to the Committee on Commerce.

By Mr. FORD: Petition of Warring Wilkinson, of Colorado, and C. E. Moor, of Oregon, for the incorporation of the American College for the Blind—to the Committee on the District of Columbia.

By Mr. GROUT: Petition of T. J. Kenary, asking increase of pension for loss of arm at shoulder-joint—to the Committee on Invalid Pensions.

By Mr. HARRIS: Petition of John H. Parks, of Muscogee County, Georgia, praying that war claim of Mary E. Hardaway, deceased, be referred to the Court of Claims—to the Committee on War Claims.

Also, petition of citizens of Talbot County, Georgia, asking for aid for common schools—to the Committee on Education.

By Mr. HAYNES: Petition from Manchester, N. H., concerning the abolition of the Presidency—to the Committee on the Judiciary.

By Mr. D. B. HENDERSON: Petition of the board of trustees of the National Homeopathic Hospital, asking aid from Congress to complete their hospital building, and for other purposes—to the Committee on Appropriations.

By Mr. IRION: Petition of Jesse W. Pollitt, administrator to the succession of Whitty M. and Amanda Sasser, of Rapides Parish, Louisiana, for stores and supplies stated at $100,498.78—to the Committee on War Claims.

By Mr. JACKSON: Petition of 210 soldiers and citizens of the twenty-fourth Congressional district of Pennsylvania, asking the passage of a pension bill as recommended by the pension committee of the Grand Army of the Republic—to the Committee an Invalid Pensions.

By Mr. F. A. JOHNSON: Petition of citizens of Franklin County, New York, for protection against fraud in the matter of royalty on patented machinery in general use—to the Committee on Patents.

By Mr. J. H. JONES: Petition of E. J. Fry and 76 others, citizens of Harrison County, Texas, asking a continuance of appropriation for deepening the channel at Sabine Pass, Texas.—to the Committee on Rivers and Harbors.

Also, petition of W. T. S. Keller, judge of court of Harrison County, Texas, and 19 others, in opposition to the concentration of all Government aid for rivers and harbors of Texas on the harbor of Galveston, Tex.—to the same committee.

Also, petition of J. T. Hamm and 61 others, citizens of Van Zandt County, Texas, asking for adequate appropriation to secure deep water at Galveston, Tex.—to the same committee.

By Mr. KLEINER: Paper relating to the claim of E. B. Bear—to the Committee on Indian Affairs.

By Mr. LANHAM: Petition of citizens of Weatherford, Tex., referring to deep water at Galveston, Tex.—to the Committee on Rivers and Harbors.

By Mr. LORE: Petition of B. L. Lewis and 37 others, citizens of Delaware, for the completion of Government pier at Lewes, Del.—to the same committee.

By Mr. LOWRY: Petition of citizens of Steuben County, Indiana, asking additional pension legislation—to the Committee on Invalid Pensions.

By Mr. MATSON: Petition of Oliver S. Mulford and 73 others, citizens of Dellsborough; of A. Owens and 463 others, citizens of Johnson County; of A. McNaught and 23 others, citizens of Owen County, and of Albert Patrick and 138 others, citizens of Owen County, Indiana, asking for certain pension legislation—to the same committee.

By Mr. MULLER: Petition of George Stamp, Patrick Moore, and others, for payment of claims for difference of pay under the eight-hour law, on behalf of the Eight-Hour League—to the Committee on Claims.

By Mr. MURPHY: Papers relating to the claim of R. H. Shropshire—to the Committee on War Claims.

By Mr. CHARLES O'NEILL: Resolution of the Homeopathic Medical Society of Philadelphia County, urging an appropriation for the National Board of Health—to the Committee on Appropriations.

By Mr. OWEN: Petition of George H. Harper and others, for additional pension legislation—to the Committee on Invalid Pensions.

By Mr. PAYNE: Petition of E. T. Pinner and others, for increased pay to soldiers of the late war—to the Committee on War Claims.

By Mr. RICHARDSON: Petition of W. K. Ransom, of Bedford County, Tennessee, for relief—to the same committee.

Also, petition of George W. Davidson, of Tullahoma, Tenn., for relief and readjustment of salary as postmaster—to the Committee on the Post-Office and Post-Roads.

By Mr. RIGGS: Petition of D. C. McIver and 130 others, ex-soldiers and citizens of Roodhouse and vicinity, Greene County, Illinois, asking a pension for all who served in the Union Army—to the Committee on Invalid Pensions.

Also, resolutions passed by a meeting of citizens of Milton, Ill., relative to silver coinage—to the Committee on Coinage, Weights, and Measures.

By Mr. ROMEIS: Petition of James Normanton and 50 others, members of the Knights of Labor Assembly No. 2591, Toledo, asking for an increase of wages of the printers in the Government Printing Office, and the passage of the Foran bill—to the Committee on Labor.

Also, petition of Labor Assembly No. 2277, of Toledo, Ohio, praying for the passage of the Foran bill to increase the wages of employés in the Public Printing Office—to the same committee.

By Mr. SMALLS: Petition of J. Harleston Redd, of Georgetown County, South Carolina, praying that the war claim of Esther Jane Redd, deceased, be referred to the Court of Claims—to the Committee on War Claims.

By Mr. E. B. TAYLOR: Petition of citizens of Olin, Ohio, praying for an appropriation for Ashtabula Harbor—to the Committee on Rivers and Harbors.

By Mr. WADE: Petition of John C. Bailey, for relief on pension certificate No. 254008, for the difference between $4 per month from August 20, 1865, to April 3, 1883, and $10 per month—to the Committee on Invalid Pensions.

By Mr. WAKEFIELD: Resolution of the Saint Paul Jobbers' Union of Minnesota favoring bill of Hon. D. R. JAMES to remove all restrictions upon commerce between States, &c.—to the Committee on Commerce.

By Mr. WILSON: Petition of B. W. Herbert, of Jefferson County; of Benona Eckels, of William J. Grantham, of Richard Timberlake, of Samuel Ruckle, of Jefferson County; of Harrison J. Seibert, of James W. Vanmeter, of John G. Couchman, of Robert Leman, and of John D. Cushwa, of Berkeley County, and of Samuel B. McNemar, for Joseph McNemar, deceased, of Grant County, West Virginia, asking reference of their several claims to the Court of Claims—to the Committee on War Claims.

By Mr. WISE: Petition of Alfred R. Buffin, of Henrico County, Virginia, praying reference of his war claim to the Court of Claims—to the same committee.

The following petitions, praying Congress to place the coinage of silver upon an equality with gold; that there be issued coin certificates of one, two, and five dollars, the same being made a legal tender; that one and two dollar legal-tender notes be issued, and that the public debt be paid as rapidly as possible by applying for this purpose the idle surplus now in the Treasury, were presented and severally referred to the Committee on Coinage, Weights, and Measures:

By Mr. LANHAM: Of citizens of El Paso, Tex.

By Mr. WADE: Of R. A. Stevens and others, of Missouri.

SENATE.

TUESDAY, *February* 23, 1886.

Prayer by the Chaplain, Rev. E. D. HUNTLEY, D. D.

The Journal of the proceedings of Friday last was read and approved.

HOUSE BILL REFERRED.

The joint resolution (H. Res. 125) in recognition of the services of Joseph Francis was read twice by its title, and referred to the Committee on Commerce.

PETITIONS AND MEMORIALS.

The PRESIDENT *pro tempore* presented a petition of Post No. 456, Department of Ohio, Grand Army of the Republic, praying for certain amendments to the pension laws; which was referred to the Committee on Pensions.

He also presented a petition of 63 citizens of Pawnee County, Kansas, praying for the passage of a bill granting pensions to soldiers and sailors of the war of the rebellion and to their widows and orphans; which was referred to the Committee on Pensions.

He also presented a memorial of the Kickapoo tribe of Indians, residing on their reservation in Brown County, Kansas, remonstrating against the passage of the bill to sell the Kickapoo reservation and to remove the members of the tribe into the Indian Territory south of Kansas; which was referred to the Committee on Indian Affairs.

He also presented a petition of citizens of Shawnee, Perry County,

Ohio; a petition of Local Assembly No. 2482, Knights of Labor, of Van Wert, Ohio; and a petition of Local Assembly No. 2093, Knights of Labor, praying for the opening to settlement of lands in the Indian Territory; which were referred to the Committee on Indian Affairs.

He also presented a petition of Akron (Ohio) Trades and Labor Assembly, praying for the passage of House bill 1914, relative to the restoration of wages paid to employés in the Government Printing Office; which was referred to the Committee on Printing.

He also presented a memorial of Akron (Ohio) Trades and Labor Assembly, remonstrating against the passage of bills relating to pilots, &c.; which was referred to the Committee on Commerce.

He also presented a petition of citizens of Ash Flat, Sharp County, Arkansas, praying for the passage of the educational bill; which was ordered to lie on the table.

Mr. COKE. I present a petition of a large number of citizens of Callahan County, Texas, praying that abundant appropriations be made to insure in as short a time as possible deep water across the bar at Galveston, and for other purposes. I move that the petition be referred to the Committee on Commerce.

The motion was agreed to.

Mr. COKE. I also present a petition from citizens of Eastland County, Texas, and a petition of citizens of Falls County, Texas, of the same purport. I move that the petitions be referred to the Committee on Commerce.

The motion was agreed to.

Mr. SABIN presented a petition from the Baptist church and the church of the Disciples, of Concord, Dodge County, Minnesota, and 262 representative citizens of the first district of Minnesota, praying for physiological temperance instruction in the schools under the control of the Federal Government; which was ordered to lie on the table.

Mr. DOLPH. I present a petition of the Legislative Assembly of the Territory of Washington, praying for the admission of that Territory to the Union of States. As it is brief, I ask that it be read.

The petition was read, and ordered to lie on the table, as follows:

To the honorable Senate and House of Representatives in Congress assembled:

Your memorialists, the Legislative Assembly of the Territory of Washington, respectfully represent that Washington Territory has a population of 175,000, capable and desirous of governing themselves; that the wealth and natural resources of the Territory are sufficient to maintain a grand and prosperous State: Therefore, your memorialists do respectfully urge your honorable body to admit the Territory of Washington to the Union of States at the earliest possible date.

Passed the house of representatives February 3, 1886.
R. O. DUNBAR, *Speaker of the House.*

Passed the council February 3, 1886.
B. B. DAY, *President of the Council.*

Approved February 4, 1886.
WATSON C. SQUIRE, *Governor.*

Mr. DOLPH presented a petition of the common council of the city of Portland, Oreg., praying for the passage of the bill (S. 1111) to set apart from the public domain, in the State of Oregon, as a public park, for the benefit of the people of the United States, townships 27, 28, 29, 30, and 31, in ranges 5 and 6 east of Willamette meridian, in the State of Oregon; which was referred to the Committee on Public Lands.

Mr. FRYE presented a petition of the Pine Tree Assembly, Knights of Labor, of Lewiston, Me., praying for a restoration of the wages of employés at the Government Printing Office to the price paid them prior to March 4, 1877; which was referred to the Committee on Printing.

Mr. EDMUNDS. I present the petition of Mrs. C. W. Wyman, president of the Vermont Woman Suffrage Association, and sundry other ladies, presidents of local associations, &c., praying for the passage of a joint resolution at this session submitting to the several State Legislatures a proposition to so amend the national Constitution as to protect women in all the States and Territories in the enjoyment of the right of suffrage on equal terms with men. I move that the petition lie on the table.

The motion was agreed to.

Mr. EDMUNDS presented the petition of John Randolph Hamilton, of Asheville, N. C., praying for the removal of his political disabilities; which was referred to the Committee on the Judiciary.

He also presented a petition of Col. Le Grand B. Cannon, president of the Lake Champlain Transportation Company, and sundry other citizens of Vermont and New York, praying for the establishment of a breakwater at Gordon Landing, on the west shore of Grand Isle, in Lake Champlain, near Plattsburg; which was referred to the Committee on Commerce.

Mr. CULLOM presented a petition of Local Assembly of Knights of Labor No. 4900, of Maroa, Ill., praying for the construction of the Hennepin Canal; which was referred to the Committee on Commerce, and ordered to be printed in the RECORD, as follows:

To the honorable the Senate and House of Representatives of the United States:

Whereas the problem of alleviating the distress everywhere prevalent among the laboring classes of the civilized world is universally considered the most important question of the hour—a problem that has demanded and received the immediate attention of the leading governments of Europe; and

Whereas, owing to the displacement of labor by the invention of labor-saving machinery and to laws which foster monopoly and divide society into two hostile classes, namely, the real rich and the real poor, the condition of the laboring people of this Republic is in many respects worse than in the countries of Europe—so deplorable in fact that the bureau of labor statistics of the State of Illinois in its official report for the year 1882 declares as an indisputable deduction from carefully compiled statistics that the average earnings of the heads of families for the entire list of occupations is less than the general average of the cost of living—a condition of hopeless destitution and relentless poverty that demands the immediate attention of the National Government: Therefore,

Be it resolved by the laboring men of America in the lodges of the Knights of Labor assembled, That we who labor in fair weather and in foul and contribute daily and willingly to the wealth of others and of the world are at least entitled to an opportunity of securing food for our children, the ordinary comforts of life, and a fair expectation of shelter and repose for our declining years.

Resolved, That in time of depression the General Government should make liberal appropriations of the surplus revenue for the construction of works of internal improvement and of national importance, and redistribute among the people in the form of wages funds hoarded in the vaults of the Treasury that have been taken from the people by taxation on what they eat and on what they wear.

Resolved, That we heartily indorse the plan for the construction of the Hennepin Canal by the General Government as an undertaking of national importance and necessity, an improvement that will not only benefit thousands of needy men pending the construction, but one that will furnish employment for all time to come to thousands engaged in a vast system of internal water traffic between New Orleans, Saint Paul, and New York; that will present an insurmountable check to the greed of monopolies; that will give cheaper bread to the East and cheaper goods to the West; that will stimulate commerce, industry, and agriculture everywhere in this great Republic.

Resolved, That our Representatives in Congress are hereby urged to consider this and like projects, questions of paramount and immediate importance, and to act in accordance with the spirit of these resolutions.

We hereby certify that the foregoing is a correct copy of resolutions adopted by the L. A. No. 4900 of the Knights of Labor of the county of Macon, and State of Illinois.

[L. S.]
D. W. CRAIG, *M. W.*
W. A. T. NOLAND, *R. S.*

Mr. CULLOM presented a petition of Local Assembly No. 3419 of the Knights of Labor, of Havana, Ill., and a petition of Local Assembly No. 2435 of the Knights of Labor, of Decatur, Ill., praying for the construction of the Hennepin Canal; which were referred to the Committee on Commerce.

He also presented the petition of Mrs. E. T. Lippincott and 41 other residents of Orion, Henry County, Illinois, praying for the submission of a constitutional amendment extending the right of suffrage to women; which was ordered to lie on the table.

He also presented a memorial of residents of the Cœur d'Alene mining region, in Idaho Territory, remonstrating against the annexation of the northern part of Idaho to Washington Territory, and praying that that portion of Idaho may be annexed to Montana Territory; which was referred to the Committee on Territories.

He also presented a petition of Knights of Labor of Peru, Ill.; a petition of Local Assembly No. 2913, Knights of Labor, of Alton, Ill., and a petition of Golden Rule Assembly No. 1959, Knights of Labor, of Quincy, Ill., praying for the restoration of wages in the Government Printing Office to the price formerly paid; which were referred to the Committee on Printing.

He also presented a petition of Local Assembly of Knights of Labor No. 2252, of Bloomington, Ill.; a petition of Knox Local Assembly of Knights of Labor No. 2719, of Galesburg, Ill., and a petition of Local Assembly of Knights of Labor No. 3739, of Geneseo, Ill., praying for the opening to settlement of the public lands in the Indian Territory and the organization of a Territorial form of government therein; which were referred to the Committe on Indian Affairs.

Mr. CULLOM. I present a communication from the Young Republican Club of Lake, in the county of Cook, Illinois, calling attention to the dangers to this Government of allowing the acquisition of large tracts of land in this country by non-resident aliens, and insisting that lands in the United States should be held for American settlers. This I think is a very well prepared paper, and as it is brief I ask that it be inserted in the RECORD.

The paper was referred to the Committee on Public Lands, and ordered to be printed in the RECORD, as follows:

HEADQUARTERS OF THE YOUNG REPUBLICAN CLUB OF LAKE,
February 16, 1886.

SIR: The rapid absorption of the public domain of the United States by the acquisition and occupation of a large portion of it by non-resident aliens furnishes occasion for much anxiety to the people.

A few years ago the citizen settler had little difficulty in acquiring fertile and desirable lands for actual settlement, and there were homes for multitudes besides. Within a recent period the conditions have changed. Large quantities of the public lands have been acquired by non-resident aliens as individuals or in syndicates, and nearly all of what remains for American settlers is either arid or difficult of access. This condition of affairs seems to require a remedy. The remainder of the public lands should be preserved from the encroachment of aliens whose birth and education create and foster sentiments inimical to the country from which they are attempting to derive wealth to maintain an aristocratic splendor in their own countries. It may happen that the nation which failed to conquer us with its arms may yet prevail with its treasure.

The history of our own and of all countries, which have been conspicuous for the grandeur of their national life, has shown most emphatically that the public domain whose title is vested in and held by the Government as the visible organization of the nation, is the God-given property of the people. It can not, then, be alienated either by loss or misappropriation, whether by the sword or the money of aliens, except at imminent peril to the peace and, eventually, to the unity and life of the nation. Our land in its entirety on which the nation has lived, fought, and bled is a sacred heritage, and is to be, we trust, transmitted in its integrity to posterity with the same unfailing care with which we hand down the records of the glories of the fathers of the Republic. A glorious deed and the field upon which it was achieved should alike be the cherished possession of its people.

The public lands have not been regarded as a source of revenue to the Government. Hence, the policy of regarding the public domain as a trust, to be held by the central power for the benefit of actual settlers, who by making homes on these lands would eventually develop deserted tracts into populous and fertile

States, is, we think, an enlightened policy, which accords with the instincts of national life and tends to avert from the people of our country that economic bondage in which the masses of other countries seem to be hopelessly involved. We can not think that the land which, if properly disposed of, would be peopled by a hardy and laborious race who in peace would be producers or consumers and in war defenders of the State, is put to good purpose when controlled by aliens, who suffer it to remain untilled or use it merely as a ranging-ground for cattle. The evil of large land-holding is unquestionably great, when the land-holder is an American; but to what extent is it intensified when the proprietor is an alien imbued with many of the barbarous ideas of feudal polity?

At its last regular meeting the Young Republicans of Lake discussed the question: "*Resolved*, That the holding of lands by aliens is detrimental to the best interest and welfare of the people of the United States;" and it was decided unanimously in the affirmative.

The undersigned were directed to communicate this to you. We are informed that there are measures pending in Congress designed to redress these evils as far as may be done by that body, having regard for vested rights and reciprocal treaty obligations. We ask your earnest consideration of these measures and, if possible, your support. As constituents, and on behalf of the Young Republican Club of Lake, we respectfully request an expression of your opinion.

Respectfully submitted.

HENRY R. NEELY,
EDWARD MAHER,
FRANK D. THOMASON,
Committee representing Young Republican Club of Lake.

To Hon. SHELBY M. CULLOM, *Senate.*

Mr. SAWYER presented a petition of the Milwaukee Local Assembly of Knights of Labor No. 3927, of Milwaukee, Wis., praying for the increase of the wages of printers in the Government Printing Office to the rate at which they were paid prior to the passage of the act of Congress of February 16, 1877; which was referred to the Committee on Printing.

He also presented the petition of Martha A. Clark and 29 other ladies of Rosendale, Wis., praying for the adoption of a sixteenth amendment to the Constitution of the United States, prohibiting the disfranchisement of any citizen on the ground of sex; which was ordered to lie on the table.

Mr. CAMERON presented a petition of the Philadelphia (Pa.) Board of Trade, praying for the passage of the interstate-commerce bill and suggesting certain amendments thereto; which was referred to the Select Committee on Interstate Commerce.

He also presented a petition of the League Island Mutual Protective Association of Philadelphia, Pa., praying for the enforcement of the eight-hour law; which was referred to the Committee on Education and Labor.

He also presented a petition of the local assembly of Knights of Labor of Locust Dale, Pa., praying that an increase of wages be granted employés of the Government Printing Office; which was referred to the Committee on Education and Labor.

Mr. HARRISON presented a petition of Local Assembly No. 3500, Knights of Labor, of South Bend, Ind., praying Congress to organize a Territorial form of government for the Indian Territory and to open the unoccupied lands to settlement; which was referred to the Committee on Indian Affairs.

He also presented a petition of the Kokomo monthly meeting of Friends, Howard County, Indiana, and pastors of the different churches at that place, praying Congress to pass the bill (S. 355) to promote peace among nations, for the creation of a tribunal for international arbitration, and for other purposes; which was referred to the Committee on Foreign Relations.

Mr. MAXEY presented a petition of citizens of Texarkana, Tex., praying for the establishment of a Federal court at that place; which was referred to the Committee on the Judiciary.

Mr. VAN WYCK. I present a petition numerously signed by citizens of the District of Columbia residing on square 725.

I take occasion on presenting their petition to allude to the fact that the citizens of Washington are almost remediless in regard to the grievances which they may suffer from time to time in this city. This petition shows that as far back as 1878, to accommodate certain contractors, they were allowed to sink an alley from 10 to 12 feet below the surface of the adjoining lots, and that has kept a pool of refuse matter and water, making it dangerous to the lives of those in the neighborhood. It has been reported by the board of health as dangerous to the lives of the citizens residing in that portion of the city; and deaths have resulted from typhoid fever which the board of health say was a result from the alley being suffered to remain in this position. The petitioners have appealed from time to time to the District commissioners. They say:

That as early as 1878 your petitioners requested the District commissioners to abate the nuisance; that in 1880 and 1881 the health officer officially condemned said alley as a nuisance injurious to the public health; that after a personal examination by Commissioner Morgan the commissioners promised to fix the alley, but Major Twining dying soon after, nothing was done.

Your petitioners further show that during the past year the commissioners have permitted the erection of twenty negro tenement-houses without any sewer or means of drainage, and that all the slops and filth from the two or three hundred negroes and Italians, added to that from those already there, runs into said stagnant pool, so that during the past summer the stench was terrible; that it was again condemned by the health officer, and that subsequently it became so bad that he made a special report to the commissioners and insisted that it should be abated without delay, but that nothing has been done about it to this day.

Your petitioners have reason to fear still more serious results from this cause during the ensuing season, and more especially so if, as alleged by medical men, the cholera shall visit us.

For this long time these people have been subjected to this nuisance which has become an outrage, because really they have no tribunal that they can reach and by which they can be effectively heard. They have no legislative power anywhere except when Congress can pause long enough to consider their wants and wishes. There is no government provided for this people, there is no right of suffrage to this people in regard to the lowest offices which may affect them. They are stripped far more even than the Mormons are, upon whom Congress seeks to visit its displeasure from time to time, and I do trust that this appeal will now be heard.

Two distinguished Senators stated the other night at a meeting of newsboys that all the citizens of Washington had to do was to stretch forth their hands and appeal to Congress and Congress would rush in and do all they asked. Those statements were made in good faith, but they must have been rather startling when placed side by side with the experience of the citizens of this District. They have very much more to do than only to appeal or mildly stretch forth their hands and ask, because on very many matters I think every Senator will know, if his experience in the Senate does not go back too far, that they have petitioned year after year and year after year for the same subject-matter, and they have been thrust aside without any heed apparently being paid to them.

I trust now that this request for the health of that section of the city will be listened to by Congress. I move that the petition be referred to the Committee on the District of Columbia.

The motion was agreed to.

Mr. MCMILLAN presented a memorial of the Legislative Assembly of Washington Territory; which was referred to the Committee on Commerce, and ordered to be printed in the RECORD, as follows:

Memorial asking for light-house and fog-bell and buoys in San Juan Archipelago.

To the honorable the United States Light-House Board:

Your petitioners, the Legislative Assembly of the Territory of Washington in session assembled, would most respectfully represent that the commerce of the district of Puget Sound is rapidly increasing; that the islands in the San Juan Archipelago in said district are being thickly settled; that commerce of increasing importance is carried on between said group of islands and points on the main land in said district of Puget Sound; that the channels between and about said islands are rock-bound and dangerous to navigation; that the United States mails are now carried through said channels by steam twice a week and return; that bids are now being advertised for carrying mails over said route and through said channels six times per week and return; that the safety to commerce and of the mails demands that a light, with a fog-bell, be erected at the entrance from the south of the San Juan passage in said group. Also that a bell-buoy be placed on Pacific Rock, in San Juan Harbor; one on Turn Rock, near Friday Harbor, and one on Cypress Reef. Also that buoys at Lopez and Semiahmoo Harbors would greatly promote the interest of commerce and would add much to the safety of navigation on said route. Your petitioners, therefore, would most respectfully and earnestly urge upon your honorable body the necessity of said light, fog-bell, and buoys, and request that they be placed in position at as early a day as possible. And your petitioners will ever pray.

Passed the house of representatives January 23, 1886.
R. O. DUNBAR, *Speaker of the House.*

Passed the council January 25, 1886.
B. B. DAY, *President of the Council.*

Approved January 29, 1886.
WATSON C. SQUIRE, *Governor.*

House memorial No. 10, asking for light-house and fog-bell and buoys in San Juan Archipelago, filed January 29, 1886.
N. H. OWINGS, *Secretary.*

Mr. WILSON, of Iowa, presented a petition of citizens of Winterset, Iowa, in favor of so amending the Constitution of the United States as to protect the women of all the States and Territories in the enjoyment of the right of suffrage on equal terms with men; which was ordered to lie on the table.

He also presented a petition of members of the West Union monthly meeting of Friends, of Indiana, praying for the passage of Senate bill 353 to promote peace among nations, for the creation of a tribunal for international arbitration, and for other purposes; which was referred to the Committee on Foreign Relations.

He also presented a memorial of the Bluff City Typographical Union, No. 203, of Council Bluffs, Iowa, remonstrating against the passage of an international copyright bill; which was referred to the Committee on Patents.

Mr. PLUMB. I present sundry petitions of citizens of Kansas, including two organizations of Knights of Labor, in favor of the opening of Oklahoma, in the Indian Territory, to settlement. I move that the petitions be referred to the Committee on Indian Affairs.

The motion was agreed to.

Mr. PLUMB also presented a petition of citizens of Eudora, Kans., praying for the passage of a law to carry out the recommendations of the national pension committee of the Grand Army of the Republic; which was referred to the Committee on Pensions.

Mr. INGALLS. I present a petition praying for an increase of pension to those ex-Union soldiers who have lost a leg or an arm, and the petition is signed by 116 who have been thus disabled. I move that the petition be referred to the Committee on Pensions.

The motion was agreed to.

Mr. INGALLS. I present a petition, very numerously signed by citizens of the State of Kansas, praying for general financial legislation, including the equality of the coinage of silver with that of gold, and other subjects. I move that the petition be referred to the Committee on Finance.

The motion was agreed to.

Mr. INGALLS presented a petition of Fort Pillow Post, No. 321,

Grand Army of the Republic, at Topeka, Kans., praying for certain pension legislation; which was referred to the Committee on Pensions.

He also presented a memorial of property-holders of Washington, D. C., remonstrating against the location of a street-car railway on the line of L street northwest; which was referred to the Committee on the District of Columbia.

He also presented a petition of local assembly, Knights of Labor, at Wallace, Kans., and a petition of citizens of Kansas, praying for the opening of Oklahoma lands, in the Indian Territory, to settlement; which was referred to the Committee on Indian Affairs.

He also presented a petition, signed by James Pitts and Phebe R. Thomas, on behalf of a meeting of the religious Society of Friends, held at Hesper, Kans., praying for the passage of Senate bill 353, to promote peace among nations, for the establishment of a tribunal for international arbitration, and for other purposes; which was referred to the Committee on Foreign Relations.

Mr. FAIR presented a petition of ladies of Reno, Nev., praying the adoption of a constitutional amendment granting the right of suffrage to women; which was ordered to lie on the table.

Mr. ALLISON. I present a petition of citizens of Muscatine, Iowa, two petitions of citizens of Davenport, Iowa, a petition of citizens of Clinton, Iowa, and one from citizens of Holyoke, Mass., all praying for the abolition of the Presidency. I move that the petitions be referred to the Committee on Privileges and Elections.

The motion was agreed to.

Mr. ALLISON presented the petition of Mrs. Mary Wetherall and a number of citizens of Knoxville, Iowa; a petition of Mrs. Mary A. Davisson and a number of citizens of Winterset, Iowa; and a petition of Mrs. Mary J. Coggeshall, in favor of woman suffrage; which were ordered to lie on the table.

Mr. VOORHEES presented a petition of members of the Society of Friends of Kokomo, Howard County, Indiana, praying for the passage of Senate bill 355, providing for a tribunal of international arbitration in order to promote peace among the nations of the earth; which was referred to the Committee on Foreign Relations.

Mr. COCKRELL. I present a petition of sundry citizens of Avilla, in Jasper County, Missouri, praying Congress that the coinage of silver be placed on an equality with the coinage of gold; that the coin certificate system be continued, and so modified as to authorize their issue in denominations of one, two, and five dollars and upward; and that the same be made lawful money and legal tender in payment of all debts, public and private, hereafter contracted within the United States; and demanding the reissue of the one and two dollar legal-tender notes, and that their volume be regulated so as to meet the public needs; and that the public debt be liquidated as rapidly as the revenues of the Government will permit, to the end that no useless, unnecessary, or idle surplus may remain hoarded in the Treasury. I move that the petition be referred to the Committee on Finance.

The motion was agreed to.

Mr. COCKRELL. I present a petition of citizens of Iowa and other States, representing that there is in Northwestern Iowa a tract of land called the "Unearned Sioux City and Saint Paul Railroad land grant," comprising 85,457 acres of land, the greater portion of which lies in O'Brien County, and which lands were, some years since, declared by Commissioner McFarland and Secretary Teller to be public lands. Citizens from nearly every county in Iowa, and also from other States, settled upon the lands, believing the statements of those officials, and there remained for years, investing all their means in improving their homes. They earnestly request Congress to protect the hundreds of settlers now on those lands by an act of absolute forfeiture. As the bill has been reported, I move that the petition lie on the table.

The motion was agreed to.

Mr. RANSOM presented a memorial of citizens of North Carolina, remonstrating against the passage of any bill preventing the catching of menhaden; which was referred to the Committee on Fisheries.

Mr. CALL. I have had a communication sent to me, being in the nature of a petition to the Senate, signed by J. K. Liles, of Fort Ogden, Fla., in reference to a resolution which was submitted by me in December last, and referred to the Committee on Public Lands. The petition states that the people of Manatee County, Florida, have been deprived of their homesteads throughout the entire extent of the county by selections made, under the authority of the United States, of swamp and overflowed lands. It also states that these selections have been made in some cases by agents of the United States through corrupt motives and under the influence of bribes offered to them, and it prays such action on the part of Congress as may protect the settlers in their homesteads. This petition also states that in many cases where settlers had lived out the term required by the homestead laws with the exception of a few months they have been deprived of those homesteads after labor put upon them by selections unlawfully made of land which was not swamp and overflowed, and in violation of the swamp and overflowed land grant.

FORT OGDEN, FLORIDA, *February* 12, 1886.

SIR: I am in receipt of a letter from S. M. Stockslager, assistant land commissioner, and he says: "In reply to yours making inquiry in regard to certain lands claimed under the swamp grant in township 45 south, range 20 east, and township 44 south, range 20 east, Florida," &c.

Senator, the people here never knew before that these lands were claimed under the swamp act, nor neither did they know until very recently that the Government lands on Pine Island were claimed under the same act. We knew by advices from the Gainesville office that our homesteads all over the mainland of Manatee County were selected by the State under the swamp act, not even respecting the duplicate homestead papers of our people, where they only lacked a short time of having lived out their five years, but swept the country (from the maps) of all the Government land there was left on the 13th of June, 1885.

Senator, one of the best men in this country told me the other day that the State agent offered Mr. John Bright, of Pine Island, and others the sum of $50 and $100 for their affidavits that Pine Island was swamp and overflowed. My homestead was selected by the State at the same time, and I have just come from Gainesville on contest business against the State; and I represented over a hundred settlers who were in the same fix. The Gainsville office promised me the appointment of W. H. Simmons, at Fort Ogden, as special commissioner to investigate our cases, but he has not received his commission yet. And when I was at Gainesville the land officers there said you had been raising "hell" in Washington over the matter, and that it was a "damned nuisance;" that you had the Washington folks thinking that they, the land officers at Gainesville, wanted our lands. Senator, you have struck the key-note at last, your name is in all mouths, and what we want you to do (and I speak the sentiments of the people who sent you there and who can send you again) is to forbid the approval by the Secretary of the Interior of any of the selections of June 13, 1885. That office has a special commissioner, one J. W. Childs, who is owned and controlled by Kreamer of the Okeechobee Drainage Company, and the Florida Southern Railroad. He has turned over land to the State that was claimed by actual settlers that had not a foot of swamp or overflowed ground.

Senator, I am quite a young man, and I have seen the poor settlers of this country who had their homes and little farms, as they thought, safe and under the protection of our Government, have to pay the agents of S. J. Wailes, Hamilton Disston, and the various railroads and other corporations from $2.50 to $25 per acre for their homes.

Senator, the day of judgment is fast approaching; the time of wrath is now at hand; the people in this section are raging over the wrongs they have sustained, and we shall from this time on hold our Senators and Representatives responsible.

Senator, there are numbers of people so ignorant they do not know what steps to take to save their homes, and they are being patented to the State, as the Department of Interior says, "because no conflicting reports are had in that office.

Senator Wilkinson Call, we demand of you to make a conflicting report in regard to the whole of the selections of June 13, 1885.

Respectfully,

J. K. LILES.

I move that the petition be referred to the Committee on Public Lands.

The motion was agreed to.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. CLARK, its Clerk, announced that the House had passed the following bills; in which it requested the concurrence of the Senate:

A bill (H. R. 68) for the relief of William P. Chambliss;

A bill (H. R. 290) for the relief of L. S. Ensel;

A bill (H. R. 822) for the relief of William H. Wheeler;

A bill (H. R. 832) for the relief of D. E. Downing;

A bill (H. R. 897) for the relief of the heirs at law of Andrew F. McMillin, deceased;

A bill (H. R. 899) for the relief of A. S. Bloom;

A bill (H. R. 2428) for the relief of V. F. Gorrisen;

A bill (H. R. 4411) for the relief of A. Gates Lee; and

A bill (H. R. 4412) for the relief of John A. Coan.

The message also announced that the House had passed the following bills:

A bill (S. 296) for the relief of the legal representatives of John Hatfield, deceased; and

A bill (S. 193) for the relief of John Hollins McBlair.

REPORTS OF COMMITTEES.

Mr. COCKRELL. I am directed by the Committee on Military Affairs, to which was referred the bill (S. 1471) to remove the charge of desertion from the rolls and records in the office of the Adjutant-General of the Army against certain soldiers, to report the bill to the Senate favorably and recommend its passage; and I give notice that at an early day I shall call the bill up and ask action upon it.

The PRESIDENT *pro tempore*. The bill will be placed on the Calendar.

Mr. COCKRELL. There was referred to the Committee on Military Affairs the bill (S. 625) for the relief of Louis Garon, jr., from the charge of desertion. I call the attention of the Senator from Vermont [Mr. MORRILL] who introduced the bill. The committee instruct me to report the bill back adversely, recommending that it be indefinitely postponed and that the claim intended to be presented therein be not allowed. The general law passed on the 5th of July, 1884, affords ample remedy for this kind of a case.

The PRESIDENT *pro tempore*. Does the Senator from Missouri ask that the bill be placed on the Calendar?

Mr. COCKRELL. No; I ask that it be indefinitely postponed.

The PRESIDENT *pro tempore*. The bill will be postponed indefinitely if there be no objection.

Mr. COCKRELL. The Committee on Military Affairs, to which was referred the bill (S. 271) to remove the charge of desertion from the military record of John H. Mitchell, a bill introduced by the Senator from Kansas [Mr. INGALLS], have instructed me to report adversely, recommending that the bill be indefinitely postponed. The Secretary of War sent the original papers to your committee and they examined them, and all the letters there were letters from the claimant himself

and two from his brother, showing no sufficient ground for the relief sought. I move that the bill be indefinitely postponed.

The motion was agreed to.

Mr. CAMERON, from the Committee on Military Affairs, to whom was referred the bill (S. 1006) for the relief of James W. Schaumburg, asked to be discharged from its further consideration, and that it be referred to the Committee on Claims; which was agreed to.

He also, from the same committee, to whom was referred the petition of the heirs of John H. Shorter, asking pay for his services as lieutenant of the Fifty-fifth Regiment Massachusetts Volunteer Infantry from March 24, 1864, to July 1, 1865, submitted an adverse report thereon, which was agreed to; and the committee were discharged from the further consideration of the petition.

He also, from the same committee, to whom was referred the petition of George B. Proctor and others, praying pay for services as commissioned officers of the Thirth-sixth Regiment United States Colored Troops from April to September, 1864, submitted an adverse report thereon, which was agreed to; and the committee were discharged from the further consideration of the petition.

He also, from the same committee, to whom were referred the following bills, submitted adverse reports thereon, which were agreed to; and the bills were postponed indefinitely:

A bill (S. 793) for the relief of Lewis Coon;

A bill (S. 828) for the relief of Albert P. Cunningham; and

A bill (S. 921) to provide for the muster into service of Martin V. Miller as second lieutenant of Company E, Seventieth New York Volunteers.

Mr. VAN WYCK, from the Committee on Public Lands, to whom was referred the bill (S. 1319) to confirm entries of lands heretofore made under the land laws of the United States, reported it with amendments, and submitted a report thereon.

Mr. PLUMB, from the Committee on Public Lands, to whom was referred the bill (S. 588) to resume to the United States certain lands granted to the State of Iowa to aid in the construction of a railroad in said State, reported adversely thereon; and the bill was postponed indefinitely.

He also, from the same committee, to whom was referred the bill (S. 698) to prevent the unlawful inclosure of public lands, reported adversely thereon; and the bill was postponed indefinitely.

He also, from the same committee, to whom was referred Senate Executive Document No. 13, being a message from the President of the United States transmitting a communication from the Secretary of the Interior relative to timber depredations upon lands reserved or purchased for military, Indian, or other purposes, &c., asked to be discharged from its further consideration, and that it be referred to the Committee on Indian Affairs; which was agreed to.

He also, from the same committee, to whom were referred petitions of citizens of Wichita and of Lecompton, Kans., praying for legislation opening to settlement the unoccupied lands in the Indian Territory and the establishment of a Territorial government therein, asked to be discharged from their further consideration, and that they be referred to the Committee on Indian Affairs; which was agreed to.

Mr. BLAIR, from the Committee on Pensions, to whom was referred the bill (H. R. 1625) for the relief of Frances McNeil Potter, reported it without amendment, and submitted a report thereon.

He also, from the same committee, to whom were referred the bill (S. 774) for the relief of Frances McNeil Potter and the bill (S. 1231) for the relief of Frances McNeil Potter, reported adversely thereon; and the bills were postponed indefinitely.

He also, from the same committee, to whom was referred the bill (S. 1125) granting a pension to Noah Nelson, reported it with an amendment, and submitted a report thereon.

He also, from the same committee, to whom were referred the following bills, reported them severally without amendment, and submitted reports thereon:

A bill (S. 811) granting a pension to Mrs. Susan Gilman;

A bill (S. 284) granting a pension to Margaret B. Harwood;

A bill (S. 813) granting a pension to Miss Rebecca Miller;

A bill (S. 683) granting a pension to Henry O. Hill; and

A bill (S. 814) granting a pension to Mrs. Adaline M. Putnam.

Mr. HARRISON, from the Committee on Military Affairs, to whom were referred the following bills, reported them severally without amendment, and submitted reports thereon:

A bill (S. 365) for the relief of Martin L. Bundy; and

A bill (S. 129) authorizing the Secretary of War to adjust and settle the accounts for arms, ammunition, and accouterments between the Territory of Montana and the United States.

Mr. SAWYER, from the Committee on Post-Offices and Post-Roads, to whom was referred a bill (S. 34) for the relief of Mrs. Sultana S. Farrell, submitted an adverse report thereon, and the bill was postponed indefinitely.

NORTHERN PACIFIC RAILROAD.

Mr. DOLPH, from the Committee on Public Lands, reported the following resolution; which was considered by unanimous consent, and agreed to:

Resolved, That the Secretary of the Interior be directed to furnish the Senate with copies of all official correspondence of the Interior Department with the Northern Pacific Railroad Company, its officers and agents, concerning the payment by said company of the cost of selecting, surveying, and conveying, or patenting of lands granted to said company by act of Congress to aid in the construction of its road, together with a statement of the approximate amount of lands to which said company claims to have become entitled by reason of the construction and approval of sections of its road, the amount of lands heretofore surveyed within the limits of said grant, the number of acres of land in place and of indemnity lands which have been selected by the company and for which lists have been filed in the local land office and transmitted to the General Land Office for approval, the date when each list was received at the General Land Office, and the number of acres contained in each list, the number of lists approved by the Secretary of the Interior, and the date of such approval, the number of acres patented to said company and the dates of such patents, the number of acres for which the cost of surveying has been paid by said company, the number of acres for which the cost of selecting and listing has been paid by said company, and the number of acres for which the cost of patenting has been paid by said company, whether or not any patents are ready for delivery to said company, and whether the company has been notified of the same, and whether said company has at any time refused, after being notified of the approval of any certified list of selected lands and of the cost of the survey thereof and of the readiness to issue said patents, to pay the cost of said survey and patent, and if so, when?

HOUSE PENSION BILLS.

A message from the House, by Mr. CLARK, its Clerk, announced that the House had passed the following pension bills; in which it requested the concurrence of the Senate:

A bill (H. R. 19) for the relief of David C. Paullus;

A bill (H. R. 421) granting a pension to Jesse B. Scudder;

A bill (H. R. 441) granting a pension to Kate Amann;

A bill (H. R. 737) granting a pension to N. M. Miller;

A bill (H. R. 746) granting a pension to J. W. A. Bennett;

A bill (H. R. 1024) granting a pension to Aurelia F. Robbins;

A bill (H. R. 1083) granting a pension to Francis H. Kirmayer;

A bill (H. R. 1106) granting a pension to Mary B. Carll;

A bill (H. R. 1107) granting a pension to Augusta M. Richards;

A bill (H. R. 1184) granting a pension to Stephen Gardner;

A bill (H. R. 1345) granting a pension to Nathaniel H. Blakely;

A bill (H. R. 1367) to place the name of Thomas G. Newnam on the pension-roll;

A bill (H. R. 1396) to pension Martin Kirk;

A bill (H. R. 1505) granting a pension to William Dermody;

A bill (H. R. 1508) for the relief of Marcus A. Hamilton;

A bill (H. R. 2021) granting a pension to Margaret A. Blake;

A bill (H. R. 2070) granting a pension to William Paugh;

A bill (H. R. 2549) granting a pension to Milton R. Muzzy;

A bill (H. R. 3100) granting a pension to Samuel Hanson;

A bill (H. R. 3141) granting a pension to Polly Hall;

A bill (H. R. 3177) for placing the name of Mrs. Ann J. Conwell on the pension-roll;

A bill (H. R. 3205) granting a pension to George W. Guyse;

A bill (H. R. 3390) to place the name of William G. Schoonozer on the pension-roll;

A bill (H. R. 3478) granting an increase of pension to Alonzo Maynard;

A bill (H. R. 3505) for the relief of Mary B. Smith;

A bill (H. R. 3516) granting a pension to Fannie Collins;

A bill (H. R. 3530) granting a pension to Albert L. Allen;

A bill (H. R. 3546) granting a pension to Amanda Housell;

A bill (H. R. 3633) granting a pension to E. B. Sweeny;

A bill (H. R. 3753) granting a pension to John D. James;

A bill (H. R. 3921) granting an increase of pension to Richard Gear;

A bill (H. R. 3941) granting a pension to Mary M. Galleyan;

A bill (H. R. 3945) for the relief of Mrs. B. Alfers;

A bill (H. R. 4022) granting a pension to Elizabeth Stocksdale;

A bill (H. R. 4101) granting a pension to Martha A. Silkey;

A bill (H. R. 4122) granting a pension to Mary E. Snow;

A bill (H. R. 4131) for the relief of Samuel C. Peck, jr.;

A bill (H. R. 4135) for the relief of Margaret Callanan;

A bill (H. R. 4370) granting a pension to M. S. Towne;

A bill (H. R. 4490) granting a pension to A. W. McDonald;

A bill (H. R. 4501) granting a pension to Daniel R. Randall;

A bill (H. R. 4572) granting a pension to Willis W. Fink;

A bill (H. R. 4579) granting an increase of pension to Thomas S. Owens;

A bill (H. R. 4580) to grant a pension to William Taylor;

A bill (H. R. 4586) for the relief of Nathan Hildebrant;

A bill (H. R. 4813) granting a pension to Perry Johnson;

A bill (H. R. 4903) granting a pension to Christian Smarzo;

A bill (H. R. 4905) granting a pension to Aaron C. Johnson; and

A bill (H. R. 5551) for the relief of Robert Moran.

[The foregoing forty-nine pension bills from the House of Representatives were severally read twice by their titles and referred to the Committee on Pensions.]

BILLS INTRODUCED.

Mr. STANFORD introduced a bill (S. 1605) to establish a quarantine station at the port of San Francisco; which was read twice by its title, and referred to the Committee on Commerce.

Mr. EDMUNDS introduced a bill (S. 1606) to facilitate the administration of the laws in the Territory of Alaska; which was read twice by its title.

Mr. EDMUNDS. I ask that the bill be referred to the Committee on the Judiciary. It only provides for the giving of bonds before district judges in the States from which appointees come, as there are no means of their giving their bonds in the Territory of Alaska as the law seems now to require. The bill should go to the Committee on the Judiciary, I think.

The PRESIDENT *pro tempore*. The bill will be referred to the Committee on the Judiciary.

Mr. CAMERON introduced a bill (S. 1607) granting an increase of pension to James E. B. Dalzell; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Pensions.

Mr. SAWYER (by request) introduced a bill (S. 1608) for the relief of Robert C. Murphy; which was read twice by its title, and referred to the Committee on Claims.

Mr. VAN WYCK introduced a bill (S. 1609) to authorize the use of the proceeds of the sinking fund created by the act of June 8, 1878, known as the Thurman act, in the construction and equipment of branch railroad and telegraph lines; which was read twice by its title, and referred to the Committee on the Judiciary.

Mr. VOORHEES introduced a bill (S. 1610) granting a pension to Margaret Houts; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Pensions.

Mr. WILSON, of Iowa, introduced a bill (S. 1611) for the erection of a public building at Fort Dodge, Iowa; which was read twice by its title, and referred to the Committee on Public Buildings and Grounds.

Mr. COCKRELL (by request) introduced a bill (S. 1612) for the relief of the Albemarle and Chesapeake Canal Company; which was read twice by its title, and referred to the Committee on Naval Affairs.

Mr. CALL introduced a bill (S. 1613) in relation to homestead entries; which was read twice by its title, and referred to the Committee on Public Lands.

Mr. PLUMB introduced a bill (S. 1614) granting a pension to Sarah C. Wright; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Pensions.

He also introduced a bill (S. 1615) to authorize the Secretary of War to credit the State of Kansas with certain sums for ordnance and ordnance stores issued to said State, and for other purposes; which was read twice by its title, and referred to the Committee on Military Affairs.

Mr. FRYE introduced a bill (S. 1616) to promote the political progress and commercial prosperity of the American nations; which was read twice by its title, and referred to the Committee on Foreign Relations.

Mr. INGALLS (by request) introduced a bill (S. 1617) to incorporate the Union Passenger Railway Company of Washington, D.C.; which was read twice by its title, and referred to the Committee on the District of Columbia.

He also introduced a bill (S. 1618) granting a pension to John G. Nicholas; which was read twice by its title, and referred to the Committee on Pensions.

Mr. HAMPTON introduced a bill (S. 1619) to refer the claim of the State of South Carolina for rent of the State military academy at Charleston, S. C., to the Court of Claims; which was read twice by its title, and referred to the Committee on Claims.

He also introduced a bill (S. 1620) to refer the claim of the Ursuline nuns for compensation for the burning of their convent at Columbia, S. C., to the Court of Claims; which was read twice by its title, and referred to the Committee on Claims.

PAPERS WITHDRAWN AND REFERRED.

On motion of Mr. SAWYER, it was

Ordered, That the petition and papers in the case of Robert C. Murphy be taken from the files and referred to the Committee on Claims.

On motion of Mr. JONES, of Arkansas, it was

Ordered, That the papers in the claim of Silas F. Field be taken from the files and referred to the Committee on Claims.

On motion of Mr. MORGAN, it was

Ordered, That the memorial of W. C. Dodge and others relating to an alley in square 725 in the city of Washington be taken from the files and referred to the Committee on the District of Columbia.

Mr. DOLPH. A few days since an adverse report was made upon the petition of Maj. Theodore J. Eckerson, United States Army, retired, praying an amendment to the law in reference to grades in the military service. I at the time entered a motion to reconsider it, which I now withdraw, and ask for the following order for the withdrawal of papers:

Ordered, That the petition and accompanying papers in the case of Maj. Theodore J. Eckerson, United States Army, be permitted to be withdrawn from the files of the Senate.

The PRESIDENT *pro tempore*. If there be no objection the order will be entered and the motion to reconsider will be withdrawn.

ANDREWS'S PORTRAIT OF JEFFERSON.

Mr. VOORHEES submitted the following resolution; which was considered by unanimous consent, and agreed to:

Resolved, That the Committee on the Library be, and is hereby, instructed to inquire into the propriety and expediency of purchasing for the Government, to be placed in the Department of State, the life-size portrait of Thomas Jefferson painted by E. F. Andrews.

RELATIONS BETWEEN THE SENATE AND EXECUTIVE DEPARTMENTS.

Mr. MORGAN submitted the following resolutions; which were read:

Whereas a majority of the Committee on the Judiciary have originated and reported to the Senate and recommend the adoption of the following resolution:

"*Resolved*, That the Senate hereby expresses its condemnation of the refusal of the Attorney-General, under whatever influence, to send to the Senate copies of papers called for by its resolution of the 25th of January and set forth in the report of the Committee on the Judiciary as in violation of his official duty and subversive of the fundamental principles of the Government and of a good administration thereof;"

And whereas the Senate, if said resolution is adopted as being true upon the facts and as matter of law, will thereby announce the prejudgment of a majority of this body, without any trial according to law, that the Attorney-General of the United States is guilty of and condemned for having willfully committed an offense in the conduct of his office which is in violation of his official duty and is subversive of the fundamental principles of the Government of the United States; and

Whereas the Attorney-General, if he has in fact willfully committed any offense that is in violation of his official duty and is subversive of the fundamental principles of the Government of the United States, is only amenable to the condemnation of the Senate when the Senate is sitting, with the Chief-Justice of the United States, as a court of impeachment to hear and decide upon articles of impeachment presented by the House of Representatives; and

Whereas it is alleged that the Senate has no rightful authority to cause the Attorney-General of the United States to be arrested, tried, and punished for a contempt of its authority and dignity, if the Senate shall declare that such contempt has been committed by him upon the facts stated and the averments made in said resolution and in the report which accompanies the same;

Whereas the Senate would be exposed to just censure if they, in the manner recommended by the Committee on the Judiciary, proceed to announce their judgment of condemnation against the Attorney-General of the United States upon an accusation that includes an offense which is punishable by impeachment; and

Whereas, the Senate would also be exposed to just censure if it should attempt to declare the Attorney-General to be in contempt of its authority, and to pass judgment of condemnation against him for such contempt without having him notified of the charge and arraigned to answer the same at the bar of the Senate:

Resolved, That the Committee on Privileges and Elections be instructed to inquire into and report upon the question whether the offense alleged against the Attorney-General of the United States in said resolution is of the class of offenses for which the head of a Department may be impeached and removed from office, and whether the Senate can take jurisdiction of said alleged offense in the manner provided for in said resolution, and can proceed to convict and condemn the Attorney-General in advance of a trial for said alleged offense by a resolution of the Senate, there being no impeachment of said officer in the mode required by the Constitution.

2. That said committee be instructed to further inquire and report whether the Senate has the power under the law and the rules adopted for its government to arrest, try, convict, and punish the Attorney-General of the United States for a contempt of its rightful authority.

3. That said committee be further instructed to inquire and report whether the matters stated and referred to in the manner set forth in the resolution reported from the Committee on the Judiciary above copied constitute any crime or any misdemeanor in office under any law of the United States; and, if so, what penalty is annexed to said crime or misdemeanor, and what tribunal has the rightful jurisdiction to try and, on conviction, to condemn the Attorney-General of the United States to punishment for the same.

4. That said committee be further instructed to consider, ascertain, and report whether in the conduct of the Attorney-General, as stated in the resolution reported from the Committee on the Judiciary and in the accompanying report, he violated any and what law of the United States, and in what respect he has violated said law; and whether he has done any and what act, in his conduct of the business of his office to which said resolution relates, that he might not have done in the exercise of his lawful discretion.

5. That said committee be further instructed to inquire and report whether the Senate has any constitutional right or power to give its advice and consent to removals from office by the President, and whether, by withholding such advice and consent, the Senate can prevent the removal of any person from office by the President.

6. That said committee inquire and report whether the Senate, if a majority shall agree to the resolution above recited (which was reported from the Committee on the Judiciary), has the right, under the Constitution, to withhold its consent to the removal of persons by the President who are unfit for office, under the circumstances mentioned in said report of the Committee on the Judiciary and in the resolutions reported by said committee; and whether the Senate can bind its members by any declaration of the duty of the Senate, or by any rule, as a duty to the Senate, as the same is declared in the following resolution touching the powers and proper conduct of the Senate, which was also reported by the Committee on the Judiciary, namely:

"*Resolved*, That it is, under these circumstances, the duty of the Senate to refuse its advice and consent to proposed removals of officers the documents and papers in reference to the supposed official or personal misconduct of whom are withheld by the Executive or any head of a Department when deemed necessary by the Senate and called for in considering the matter."

Mr. MORGAN. I ask that the resolutions be printed and lie on the table.

The PRESIDENT *pro tempore*. That order will be made if there be no objection.

PEARSON C. MONTGOMERY.

The PRESIDENT *pro tempore*. If there be no further "concurrent or other resolutions" the Calendar is in order. The first case on the Calendar will be stated.

The CHIEF CLERK. A bill (S. 18) for the relief of Pearson C. Montgomery, of Memphis, Tenn.

Mr. INGALLS. The Senator from New Hampshire [Mr. PIKE] who reported the bill desires to be present when it is discussed. I ask that it may retain its place on the Calendar and go over.

The PRESIDENT *pro tempore*. That order will be made if there be no objection.

Mr. HARRIS. The bill goes over without prejudice, I understand.

Mr. INGALLS. Yes; it retains its place.

J. J. PULLIAM'S ESTATE.

The bill (S. 605) for the relief of the estate of J. J. Pulliam, deceased, was announced as next in order on the Calendar, and the Senate resumed its consideration as in Committee of the Whole.

The PRESIDENT *pro tempore*. The bill has been read on a former day. Are there any amendments to be offered to it as in Committee of the Whole?

Mr. HOAR. The report also has been read. The Senator from Kansas [Mr. PLUMB] made some objection, and I understand an amendment has been prepared to the bill which meets his approbation.

The PRESIDENT *pro tempore*. The bill is still open to amendment.

Mr. JACKSON. I submit a preamble to the bill, which relieves the objection which the Senator from Kansas had to it.

The PRESIDENT *pro tempore*. The proposed preamble will be read for information only at this time.

The Chief Clerk read as follows:

Whereas under the provisions of the act of June 16, 1864, certain claims were allowed and reported to Congress by the proper accounting officers of the Treasury Department in 1882 for payment, including the claim of J. J. Pulliam's estate for wood supplied to the Quartermaster's Department of the United States Army; and whereas there was a mistake in the amount that should have been reported in favor of said Pulliam's estate, as appears by the report of the committee to whom said bill was referred, made before the passage thereof.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

The PRESIDENT *pro tempore*. The question is on agreeing to the preamble submitted by the Senator from Tennessee.

The preamble was agreed to.

L. MADISON DAY.

The bill (S. 266) for the relief of L. Madison Day was announced as next in order.

Mr. COCKRELL. That goes over. The Senator from New Hampshire [Mr. PIKE] is not present.

The PRESIDENT *pro tempore*. Is the bill to go over without prejudice or to be passed over under the rule?

Mr. COCKRELL. Just let it go over without prejudice.

The PRESIDENT *pro tempore*. That order will be made.

LANDS IN SEVERALTY TO INDIANS.

The bill (S. 54) to provide for the allotment of lands in severalty to Indians on the various reservations and to extend the protection of the laws of the United States and Territories over the Indians, and for other purposes, was the next in order on the Calendar.

Mr. HOAR. My colleague [Mr. DAWES], who has in charge the bill, has gone home to attend the funeral of a friend, and I should like to have the bill go over without prejudice.

The PRESIDENT *pro tempore*. That order will be made.

Mr. TELLER. Before the bill goes over I desire to offer an amendment to it and to have it printed.

The PRESIDENT *pro tempore*. The order to print will be made if there be no objection.

Mr. MORGAN. Let the amendment be read.

The PRESIDENT *pro tempore*. The proposed amendment will be read.

The CHIEF CLERK. At the end of section 1 add the following proviso:

Provided, That the President may, in his discretion, allow homestead settlement by citizens of the United States on each alternate quarter-section under such rules and regulations as shall secure to the Indians their allotments as herein provided for and a proper enforcement of the intercourse laws; and for all land so taken for homesteads by citizens of the United States there shall be proper compensation made to the Indians owning such land under treaty stipulations by act of Congress.

The PRESIDENT *pro tempore*. The proposed amendment will be printed, and the bill will go over without being displaced.

PAYMENT OF A DRAFT.

The joint resolution (S. R. 26) relative to a certain accepted draft in the Department of State was considered as in Committee of the Whole. It directs the Secretary of State to deliver to the person justly entitled to the possession thereof one draft for the sum of $8,950, dated New York, August 19, 1859, and drawn by Santiago Vidaurri, governor of Nuevo Leon and Coahuila, by Ignacio Galindo, on J. M. Mata, Mexican minister, Washington, D. C., and accepted by Mata, and made payable at the Bank of the Republic, New York, the same having been deposited in the Department by error. But a copy of the draft, with all the indorsements and protests, if any, thereon, shall be retained by the Secretary of State.

The joint resolution was reported to the Senate without amendment.

Mr. INGALLS. I suggest that the form be changed so that it be a bill.

The PRESIDENT *pro tempore*. There will be no objection to that.

Mr. INGALLS. Unless the Senator reporting the bill has some special reason why it should be retained as a joint resolution.

The PRESIDENT *pro tempore*. It was sent in this form from the State Department. That was the only reason.

Mr. INGALLS. Then I suggest that the change in the frame be made.

The PRESIDENT *pro tempore*. If there be no objection the joint resolution will be changed into a bill.

The joint resolution was changed to a bill (S. 1621) relative to a certain accepted draft in the Department of State.

The bill was read three times and passed.

MONUMENT TO GENERAL GRANT.

Mr. HOAR. I should like, if there be no objection, to call up the bill for the erection of a monument to the late Ulysses S. Grant. If any member of the Senate desires any further time I shall not press the motion, but I suppose it will be unanimously the desire of the Senate to pass the bill. [A pause.] I move that the Senate take up the bill (S. 1564) for the erection of a monument to the late Ulysses S. Grant.

The motion was agreed to; and the Senate, as in Committee of the Whole, proceeded to consider the bill.

Mr. PLUMB. I have no doubt the bill will pass, but I want to say that I think it ought not to pass, and I am sure that I only voice what I believe would be the sentiment of the great soldier whose name is mentioned therein, were he alive, when I say that a monument is not needed to perpetuate his fame, and that he would not, if he were here to express an opinion on the subject, desire that it should be erected.

There is to be erected in the city of New York, at the expense of the people of that city and of such other persons as may contribute thereto, a monument over the place where the body of General Grant rests, the place where, according to all the testimony we have on the subject, he desired to be buried and where he was buried.

If his fame rests upon any such insubstantial foundation as a monument to cost $250,000, or any other sum, then it will perish long before history ceases to recount the deeds which made him famous. If he was the man whom we believe him to have been, and if his connection with the most important epoch of this country has the significance which we attribute to it, his fame is more secure without a monument than with it.

Mr. President, it is no disparagement to General Grant to say that he was preceded by a greater man, in a measure also the creation of the epoch which brought General Grant his fame. That man was Abraham Lincoln. I am not aware that Congress has paused in the transaction of its business or put its hand into the public Treasury to erect any monument to him. To do so would be unnecessary. Mr. Lincoln's memory would be no more safe with a great monument than without one, and I take it that it is an appreciation of that fact which has induced the American people to forego the appropriation of a sum of money out of the national Treasury for the purpose of erecting such a monument.

Similarly, I believe that the memory of General Grant is safe. He was as great a man in his way as Mr. Lincoln was in his, and I have no doubt that if he could be consulted he would ask for no better honor than that he might go down to posterity along with Mr. Lincoln, with no monument erected to him in Washington or elsewhere.

It is easy, of course, to take the money out of the public Treasury for a purpose of this kind, for the gratification of a momentary sentiment, and I do not speak with any disrespect of the sentiment which prompts this bill; but the people of this country are amply able to build a monument, and if the sentiment toward General Grant was of the kind that could be voiced in a monument, a monument would be built by private contributions. But the sentiment toward General Grant, as that toward Mr. Lincoln, is deeper, more profound, and more tender than could ever find expression in a law of the United States or in any monument of marble or any other material, built here or elsewhere. I would not detract from his fame by doing this, but I would let the monument to be erected at the point where he was buried be the single evidence of that kind of expression of good will or good feeling or whatever else it may be called that he is held in by the people of the United States.

No law we can pass expresses any kind of sentiment except perhaps the indifference that we have to a certain extent in regard to the public funds, as is manifested by much of the legislation that we pass here. Therefore this is merely idle as an expression that is in any way valuable as testifying the sense of obligation or of respect or of kindliness of the people of the United States toward the memory of General Grant.

We have done many things that I think were not proper to be done in this same direction. I might be willing to agree that we would make such appropriation should any member of the family of General Grant ever come to want; I might be willing to go further, and agree that no member of the family of any President of the United States should ever come to want; but we have come to consider the giving of money as the highest evidence of regard, and give money where money is not needed. There are obligations which can be responded to only with money, which this nation incurred to those who defended it in its hour of peril. The widows of the men whom General Grant commanded, of the men who made the victories of Donelson and Vicksburg and Missionary Ridge and the Wilderness and Appomattox possible, scattered all over this broad land, in the busy haunts of men, on homesteads, on the remote frontier, are among the people whom the Government of the United States owes money to and which it doles out with a scanty hand; little pensions of $8 a month to the widows of private soldiers whose necessities are just as great as the widows of Presidents or generals of the Army. We can not pause in the exercise of our ordinary duties here to do the graceful and the honorable and the just and the legal thing

for them; but if there is any proposition to vote a pension to somebody who does not need it, or to build a monument which is not necessary as the expression of the national regard, then we can stop and drop our Calendar and take this up to the exclusion of everything else.

As I said, the bill will pass. I have no doubt it will. It will become a law. I want simply to record my protest against it, as one who, I think, cherishes just as much the memory of General Grant as a soldier, as a statesman, and, above all, as a man as any person on this floor or elsewhere; and I say that that feeling which I have, and which will descend through my blood as it will descend through the blood of all the American people through all coming time, will find no fitting expression in any monument erected by statute here or elsewhere. General Grant's monument is in the hearts of the American people.

Mr. HOAR. Mr. President, I have heard that there is in the French Academy a bust of the most famous dramatist of France who was not a member of that body in his lifetime, and under it the inscription: "Nothing is wanting to his fame; he is wanting to ours." I think that if in future time the American citizen from any part of this country, from any part of the continent which may then be included within our borders visits the seat of Government, if he shall look in vain for an expression of the gratitude and honor of the American people to Ulysses S. Grant he will repeat with sorrow and shame the sentiment of the French scholars, "Nothing is wanting to his fame, but something is wanting to ours."

I had not intended to speak upon this subject. I did not suppose that it would be necessary to urge the Senate to do what I am quite sure will, with the exception of my honorable friend from Kansas, be done by its unanimous voice.

I appreciate the spirit and I appreciate the independence which has led the honorable Senator to express the sentiments which he feels. I am sure that he yields to no other Senator and to no other citizen in his reverence for the great memory which this bill is intended to honor, and that it is only a difference of opinion with the general mass of his countrymen in regard to the value and appropriateness of this particular method alone which animates that able and patriotic Senator. But it seems to me that we must take this thing as settled by the general judgment of mankind, that civilized nations are wanting in due and decent honor for their great benefactors unless by monument or statuary, or in some other public way, they put up in their public places the tokens of their regard.

The English and the continental cities, as every traveler knows, are crowded; there is not a public square in Europe from which there does not look down from lofty pedestal the image of some man who has done good fighting in great wars, or who has been a public leader and benefactor in the paths of statesmanship, in administration, in peace. Napoleon was commemorated by a thousand monuments. The statues of Wellington and of Marlborough are found in almost every principal city in Great Britain.

Here we have a man to whom, with the single exception of Washington alone in modern history, belongs the double wreath, the double crown of being foremost in the great war on which the life of his country depended and foremost in the statesmanship of a great age in which the character and the future history of his country were alike dependent.

General Grant also has another claim to the gratitude of this entire people. He represents more than any other single man, either in war or peace, that sublime clemency which at the close of this mighty death-struggle sent home restored to citizenship, to equality, to all the rights and privileges of an American, every one who had espoused the conquered cause. I do not think there can be found in the history of the world from the earliest preserved record to this hour an instance of a great civil strife succeeded by such a sublime, noble, and magnanimous clemency. That, of course, like the subjugation of the rebellion, like the civil policy which followed the subjugation of the rebellion, was the act of the American people. It is not due to any one man or to any number of individual leaders, but none the less was President Grant its foremost representative and example; and it is the one thing which future ages will contemplate with admiration and regard when they look back to this history of ours. There have been great wars, there have been great civil periods, there have been great achievements on the field of battle and in the senate-house, and there will be other great wars and great acts of statesmanship and of civil administration; but there never has been and I do not believe that for ages to come, in the present condition of the civilized world, there ever will be again repeated such an instance of sublime, noble, and heroic magnanimity.

Now, Mr. President, it is impossible to reward, as we should be glad to reward and as he deserves to be rewarded, every soldier or every officer or every general by public commemoration, by public generosity. We must for these purposes select the representatives, and when the monument to Ulysses S. Grant is erected at the seat of the Government of the country, every soldier throughout the land, every Union and patriotic soldier, will say, "That honor is mine also." Every citizen who joined in the policy of forbearance and clemency and generosity will say, "In honoring him you have conferred an honor also which is reflected in some humble measure upon me."

I think there is not a private soldier within the length and breadth of this land who would not feel almost a sense of personal outrage and indignity if he should miss or his neighbors or children should miss when they come to Washington some fitting memorial of the great President. There will be others, there are others now, who will deserve a place in that companionship. The images of other great generals of the war who have gone to their reward have already been erected in our chief squares and others will sooner or later take their place. The nation will—I hope it will be a long time—but the nation will seek also among these images to erect one to manifest its honor and regard for a member of this body not now in his seat, who more than any other single man is the representative of the character of the volunteer soldier, who is to-day the foremost living volunteer soldier who served in this great struggle. I do not think when the time comes for such a memorial, distant as we all hope it will be, that there will be from any quarter of the country, North or South, the voice of any soldier raised in opposition to that act of public gratitude.

Mr. President, this policy, it seems to me, with due respect to my honorable friend from Kansas, must be taken as settled, as the judgment, the taste, the desire, the demand of the American people, as it is of all other peoples. We erect monuments on every great field of battle of the Revolution or of the late war, not because the little structure of stone or bronze or brass is needed that the people of the United States should remember Yorktown or Saratoga or Bunker Hill or Concord, but it is because in that way by the universal instincts of humanity these feelings are expressed and these feelings are preserved to other ages.

So, Mr. President, it seems to me the Senator might as well say, or some other Senator might as well say, that his taste or judgment did not approve the funeral ceremonial, the wearing of mourning, or the religious service, or the dirge, or the gathering neighbors, with which the instincts of all civilized people mark the funeral of a friend who dies. A great deal can be said in the way of reason about the waste, that you had better have sold it for a thousand pence and given it to the poor, but the answer is that this is the method by which universal humanity seeks not to pay its debt to the dead, but to do justice to the sentiment and the affection of the living.

Mr. BLAIR. Mr. President, one thing is certain, that there never yet was a great nation that neglected its great dead; and my opposition to this bill, if I were to oppose it, would not be made upon the fact that there is to be a contribution of $250,000 in money to the erection of a monument to honor the memory of our dead general and President, but that the amount is too parsimonious, too small. I think it is unworthy so great a nation that we should appropriate to the erection in the capital of a monument at an expense of not more than one-fourth the amount that is to be expended in our metropolitan city for the same purpose. I think that it is hardly commensurate with the due magnificence of that memorial and tribute which we pay to General Grant that we should limit the amount of the expenditure to the paltry quarter million dollars that is provided for in this bill.

But there is another reason why I would object to the passage of this bill in its present form; and that is this: No reason can be given for commemorating the name of General Grant that can not be given as strongly why this nation should erect a suitable monument in this her capital city to the commemoration of the virtues and patriotism of the dead Lincoln also. It is now more than twenty years since he died; and Congress has forgotten, although the nation may not have forgotten, this great duty which should be discharged ere we enter upon the commemoration of the memory of Grant.

I am in favor of discharging both these duties now. I think that the committee, instead of reporting this bill alone, should have reported some measure for the erection of a due memorial, a proper monument, to the memory of Lincoln in this city. It is true that we have one, one which is a discredit alike to the memory of the dead and to the generosity of the nation, a monument which I venture to say would not to-day as a work of art sell for $25 if it were offered to free and open competition in the marts of the world.

While I shall not oppose the passage of this bill, I hope that the committee themselves will take into consideration the question whether it should not be recommitted, whether they should not provide for the erection of some suitable testimonial of the nation's gratitude to these two great Presidents who must for all time stand upon the same high level which is now occupied by the unapproachable Washington himself. I hope the committee will consider this question. I hope the Senator who is pressing this bill will recall the virtues and the services of Lincoln, and himself ask that the bill be recommitted, and that something come to the Senate and go to the House which will be, to a certain extent at least, consonant with the wishes of the American people as to what should be done to give appropriate commemoration to these two great men.

Mr. HOAR. The Senator will pardon me for suggesting that the committee will consider that matter in the same spirit that the Senator has manifested, of a proper memorial to Mr. Lincoln, and I think the committee would all be of opinion—I am sure I should—that it belittles both to undertake to have them united in anything which would give the appearance of log-rolling. Each of these things must stand as one single and sincere action.

Mr. BLAIR. I should be entirely indifferent as to which was done first, provided both were done by the present Congress. It did not occur to me that any mortal being would consider a proposition of

this kind in connection with any discreditable log-rolling. But I do think that the committee should consider whether the amount with which they propose to erect this memorial to Grant is sufficient. Is it suitable that the American nation in the exhibition of its gratitude by a demonstration of this kind should be surpassed by what is expected to be done in the capital of one of our States or in the metropolitan city of our country? It seems to me that the monument to Grant, as well as the monument to Lincoln—at least the monument erected here in the capital city, should surpass all others as a tribute of the sentiment of the nation at large.

I did not rise to oppose the bill. I am only glad that there is some manifestation of a disposition to do something in this direction, and I hope, as I said before, that the committee will consider whether they have gone to the full extent of propriety and duty in this regard.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

HOUSE BILLS REFERRED.

The following bills from the House of Representatives were severally read twice by their titles, and referred to the Committee on Military Affairs:

A bill (H. R. 68) for the relief of William P. Chambliss;
A bill (H. R. 822) for the relief of William H. Wheeler;
A bill (H. R. 832) for the relief of D. E. Downing;
A bill (H. R. 899) for the relief of A. S. Bloom;
A bill (H. R. 4411) for the relief of A. Gates Lee; and
A bill (H. R. 4412) for the relief of John A. Coan.

The following bills were severally read twice by their titles, and referred to the Committee on Claims:

A bill (H. R. 290) for the relief of L. S. Ensel; and
A bill (H. R. 897) for the relief of the heirs at law of Andrew F. McMillin, deceased.

The bill (H. R. 2428) for the relief of V. F. Gorrisen was read twice by its title, and referred to the Committee on Post-Offices and Post-Roads.

CONVEYANCE OF AN ALLEY.

The PRESIDENT *pro tempore*. The next case regularly in order on the Calendar will be reported.

The bill (S. 1020) authorizing the District of Columbia to convey the alley, 15 feet wide, running east and west, between lots 6 and 7, in square 635, comprising an area of 3,480 square feet of land, to the owner of said lots, was announced as next in order, and the Senate, as in Committee of the Whole, proceeded to consider it.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

PUBLIC LAND LAWS.

The bill (S. 1296) to repeal all laws providing for the pre-emption of the public lands, the laws allowing entries for timber-culture, and for other purposes, was announced as next in order.

Mr. PLUMB. The hour of 2 o'clock has nearly arrived, and this bill I think will lead to debate. I think it is not the desire of the committee to have it considered now on account of some testimony in regard to it that is being taken. I ask that it lie over, retaining its place on the Calendar.

The PRESIDING OFFICER (Mr. HARRIS in the chair). If there be no objection the bill will be informally passed over, retaining its place on the Calendar.

WILBUR F. STEELE.

The bill (S. 1223) for the relief of Wilbur F. Steele was announced as next in order.

Mr. COCKRELL. Let that go over.

The PRESIDING OFFICER. Being objected to, the bill goes over.

Mr. COCKRELL. I do not want it to lose its place on the Calendar.

The PRESIDING OFFICER. The bill will be informally passed over without losing its place on the Calendar.

ARKANSAS HOT SPRINGS.

The next business on the Calendar was the concurrent resolution reported by Mr. BERRY, from the Committee on Public Lands February 1, 1886, against the renewal of the leases of bath-houses and hot-water privileges upon the Government lands at Hot Springs.

Mr. INGALLS. I object to that.

The PRESIDING OFFICER. Objection being made the resolution goes over.

Mr. JONES, of Arkansas. I ask that the resolution of my colleague go over, retaining its place on the Calendar. He is not here at this moment.

The PRESIDING OFFICER. Is there objection that the resolution referred to by the Senator from Arkansas go over without prejudice and retain its place on the Calendar? The Chair hears none, and such is the order of the Senate.

STATUES TO COLUMBUS, LA FAYETTE, AND GARFIELD.

The joint resolution (S. R. 35) setting apart public reservations for statues to Columbus, Lafayette, and James A. Garfield was announced as next in order.

Mr. INGALLS. The Senator from Vermont [Mr. MORRILL], who reported that measure, left the Chamber a short time since, saying that he was not feeling well enough to remain here to-day. I am quite sure he would wish to be heard on the resolution, and I ask that it go over.

The PRESIDING OFFICER. If there be no objection the resolution will go over, without losing its place on the Calendar.

WOMAN SUFFRAGE.

The joint resolution (S. R. 5) proposing an amendment to the Constitution of the United States extending the right of suffrage to women was announced as next in order.

Mr. RIDDLEBERGER. Is there no report from the committee?

Mr. BLAIR. That is a very important matter, probably the most important on the Calendar, and it can not be suitably discussed in the morning hour. I shall be obliged on that account, and for no other reason, to ask the indulgence of the Senate that it be passed over, retaining its place on the Calendar.

The PRESIDING OFFICER. If there be no objection the resolution will be informally passed over, retaining its place on the Calendar. The Chair hears no objection.

ALBERT H. EMERY.

Mr. HOAR. The next measure on the Calendar has passed the Senate several times, but it is quite important, and I think the Senate would desire to have it explained, and there is not quite time for that before 2 o'clock perhaps. So I should like to have it go over and retain its place.

The PRESIDING OFFICER. The Senator from Massachusetts asks that the next bill on the Calendar, being the bill (S. 929) for the relief of Albert H. Emery, be informally passed over, retaining its place on the Calendar. There being no objection, the bill is informally passed over, retaining its place on the Calendar.

FRANCIS GILBEAU.

The bill (S. 718) for the relief of Francis Gilbeau was considered as in Committee of the Whole. It provides for the payment of $2,600 to the legal representatives of Francis Gilbeau, deceased, in full of claims against the United States for the rent of houses belonging to Gilbeau and all damages to the same, in Galveston and San Antonio, Tex., during the years 1865 and 1866.

Mr. EDMUNDS. Let us hear the report.

The Chief Clerk read the following report, submitted by Mr. MITCHELL, of Oregon, February 2, 1886:

The Committee on Claims, to which was referred the bill (S. 718) for the relief of Francis Gilbeau, report thereon as follows:

The petition of claimant presents a claim for rent of certain buildings in San Antonio and Galveston, Tex., occupied by the United States Army for Army purposes in the years 1865 and 1866, amounting to $3,701.65, and itemized as follows:

(1) For rent of building and store at San Antonio, Tex., from August 24, 1865, to December 10, 1865, at $400 per month, as per certificate of Capt. H. S. Clubb	$1,432 22
(2) For rent of dwelling in San Antonio, Tex., from October 12 to December 31, 1865, at $100 per month	263 33
(3) For rent of same from January 1, 1866, to August 31, 1866, at $150 per month	1,200 00
(4) For rent of fire-proof building in Galveston from June 19, 1865, to August 28, 1865, at $350 per month, used by Captain Atwood, assistant quartermaster	806 17
Total	3,701 67

This claim has the following legislative history: In the Forty-fourth Congress, first session, a bill for $2,600 was reported favorably from this committee; in the Forty-sixth Congress a similar bill passed both Houses of Congress, but owing to delay failed to receive the signature of the President; in the first session of the Forty-seventh Congress it was again reported favorably from this committee and again passed the Senate, and in the Forty-eighth Congress, first session, like action was had in the Senate. At that session Mr. CAMERON, then chairman of this committee, submitted the following report, which, on a careful examination of the testimony submitted, your committee approves, and submits it as the report of this committee in support of the bill now under consideration.

Mr. Cameron's report is as follows:

"This claim is for the rent of certain buildings in San Antonio and Galveston, Tex., in the years 1865 and 1866, amounting to $3,701.67.

"The loyalty of the claimant is proven conclusively.

"The occupation of the building by officers of the United States Government for legitimate and necessary Army purposes is clearly proven, and contracts were entered into by which the claimant was to receive a reasonable rental.

"The demand for rent for the buildings in San Antonio was declared reasonable by a board of survey, consisting of officers of the Army. The claim was presented to the proper officers of the Treasury, but was rejected on the ground that the location of the building was in a State lately in rebellion, and they were prohibited by law from paying it. It was also presented to the Southern Claims Commission, and was rejected for want of jurisdiction.

"It appears from the certificate of Capt. Henry S. Clubb, assistant quartermaster and district quartermaster, that the United States Government rented a ten-room building in San Antonio of Mr. Guilbeau, on the 24th day of August, 1865, and returned possession of it to him on the 10th of December, 1865. It also appears that a board of survey, convened June 6, 1866, recommended that a rent be paid for the use of the same by the United States Government.

"It appears from the proceedings of a board of survey, composed of Army officers, convened on the 28th of August, 1866, that a rent of $400 per month was not 'too much' for the use of the storehouse then rented by Guilbeau to the Government.

"An affidavit of A. Fretelliere shows that he, as agent of Guilbeau, agreed with Capt. Henry S. Clubb, assistant quartermaster, that he (Fretelliere) was to receive $400 per month, or $4,000 per annum, for the rent of the above-mentioned store building.

"A letter from General S. K. Mizner shows that a dwelling-house of Guilbeau was occupied for military purposes by officers of the United States Army on the

12th of October, 1865, 'with a perfect understanding that a proper rent should be paid' by the United States Government.

"A certificate from General S. P. Heintzelman shows that the dwelling of Guilbeau was used as headquarters by General Shaw, and afterward by himself in like manner, and that Guilbeau was to receive $150 per month rent for the same, and that the building was thus occupied from the 9th day of May, 1865, to the 31st day of August of the same year.

"An affidavit of A. Fretelliere, agent of Guilbeau, shows that the dwelling was occupied on the 12th day of October, 1865, and from that time until the 1st day of September, 1866; that $100 per month was the rent agreed upon from October 12, 1865, to January 1, 1866, and from that day he was to receive $150 per month.

"An affidavit of James B. Nash, agent for Guilbeau, shows that the building known as Guilbeau's building, situated on lot No. 10, block No. 680, in Galveston, was occupied for Army purposes by Captain Atwood, assistant quartermaster, on the 9th day of June, 1865, and continued to be occupied until the 28th day of August 1865, and it was agreed that he was to be paid punctually by the Government. He states, further, that he never received any rent from the Government for the use of the building, and that the rent charged the Government was but little more than half the sum he received for it immediately after the vacation of the same by the Government.

"The affidavits of Messrs. William M. Varmell and James A. McKee show that Guilbeau was loyal to the United States Government during the war, and that he was compelled to leave his home in San Antonio because of his loyalty.

"Your committee are of opinion that $2,600 would be a fair compensation to make to claimant."

Your committee therefore report back S. bill 718 without amendment and recommend its passage.

Mr. EDMUNDS. Let us hear the bill read again.

The PRESIDING OFFICER. The bill will be again read.

The Chief Clerk read the bill.

Mr. EDMUNDS. I move an amendment after the word "houses," in line 7, to insert the words "and other buildings." I see by the report that there were one or two buildings that might not come within the phraseology of "houses," and the committee evidently intend that the bill shall cover the whole case.

The PRESIDING OFFICER. The amendment proposed by the Senator from Vermont will be reported.

The CHIEF CLERK. In line 7, after the word "houses," it is proposed to insert "and other buildings."

The amendment was agreed to.

Mr. PLUMB. This report, it seems to me, ought to be a little more full in some particulars in order to show the basis of this claim. It is stated here that a contract was entered into, but the report very carefully fails to state with whom that contract was made. It is a very singular thing if this contract was made by some person authorized to make it (and if it was not so made, really it was no contract at all) that it should not be set out here, and it is equally singular that, if it were made by a person authorized to make it, it was not paid in the usual way in which claims of that kind are paid. I do not speak of it as impeaching the character of this claim, but it seems to me that the report is silent where it ought to be expressive.

Mr. EDMUNDS. We ought to know why it was not paid before.

Mr. PLUMB. It is stated here that the officers of the Treasury Department rejected it on the ground that the location of the buildings was in a State actually in rebellion, and that the Southern Claims Commission rejected it for want of jurisdiction. I never heard before, I think, of any claim being rejected by the Southern Claims Commission on account of any difficulty as to jurisdiction. I thought they had jurisdiction of everything under the sun that had reference to the rebellion.

Mr. JACKSON. I will state to the Senator from Kansas that the facts in the case are contained in the report. The quartermaster of that department made the contract and gave a voucher according to form No. 22, as it was called, for the rent agreed upon, after he had adjusted the claim by a proper reference. The reason it was not paid was that it was cut off by the act of February 20, 1867, which prevented the Treasury Department from paying such a claim that had originated in States that had been in insurrection, although it originated after hostilities had actually ceased.

Mr. PLUMB. That is a very important fact, but it is not set out in the report. I am speaking wholly of the lack of the report; and to show how indistinct this is, while it is stated in the first part of the report that a contract was made, and not by whom it was made, a letter is introduced here from General Mizner, who says this building was occupied "with a perfect understanding that a proper rent should be paid," which I do not think expresses the idea of a contract at all. It seems that it was a claim really, according to General Mizner, on a *quantum meruit*.

I do not care to object to the consideration of the bill, but it seems to me the report ought to have covered several points that it does not in order that we might know exactly the grounds on which the Committee on Claims proceeded and the theory on which the bill was to be passed.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

PRESIDENTIAL APPROVAL.

A message from the President of the United States, by Mr. O. L. PRUDEN, one of his secretaries, announced that the President had, on the 20th instant, approved and signed the act (S. 241) for the relief of Joseph W. Parish.

AID TO COMMON SCHOOLS.

The PRESIDING OFFICER. The hour of 2 o'clock having arrived, the Chair lays before the Senate the unfinished business.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (S. 194) to aid in the establishment and temporary support of common schools.

The PRESIDING OFFICER. The question is on the amendment proposed by the Senator from Indiana [Mr. HARRISON] to the amendment proposed by the Senator from Alabama [Mr. MORGAN].

Mr. GRAY. Mr. President, as I can not vote for this educational bill, I desire to vindicate the opposition that I am compelle p by my convictions to make to a measure which is urged with so much zeal, sincerity, and ability on both sides of this Chamber. In doing so I shall not be deterred by the formidable array of so-called precedents that have been marshaled to support the constitutionality of the bill, or by the conflicting opinions of the fathers of the Constitution from giving the results of my own study of the question or the reasoning by which those results have been reached. In dealing with a question of such immense importance to the welfare of our country, so tremendous in its scope, so far-reaching in its consequences, we would be derelict to the high functions of American legislators were we to allow it to be decided for us by the real or supposed analogy of the cases (trivial in importance when compared with this) which in our past history have from time to time been acted upon by Congress, and thus abdicate the right and the duty to scrutinize and examine each for himself the Constitution from which all our powers are derived.

Precedents, however well established, the former practice of the Government however uniform, opinions of constitutional lawyers however concurring, though they may illustrate, illuminate, and inform, can never deprive the people who send us here of their right to have such questions decided, not by precedents, practices, or opinions, but by the conscience and intelligence of their representatives with all the aid that such precedent, practice, and opinion can give. In this sense no constitutional question can be called settled against the deliberate judgment of those who are lawfully charged with its determination.

But what are we to do in a case where there are no well-established precedents, where there is no uniform practice, and no *consensus* of authoritative opinions? Why, we can only turn to the open pages of the Constitution and there, whence all lawful authority, all legislative power must find its source, study its mandates, consider its restrictions, review its history, and commune with its spirit, and upon the judgment thus formed decide for ourselves for or against the constitutionality of this bill. I desire, sir, to make no other apology for approaching the question of the constitutionality of this measure, though I know, Mr. President, that in some respectable quarters constitutional discussion is made light of and treated as an outworn fashion of earlier days, something to make merry over, and those who indulge in it are called "political archæologists" and other hard names. And they are contrasted with a more robust school of statesmen, who are fond of posing as the representatives *par excellence* of the will of the people, their wants and their aspirations, which are always interpreted to suit the passing mood of such representatives.

Now, Mr. President, I recognize in this Constitution the highest and most authoritative expression of the people's will. They, the sovereign people, have ordained it as the supreme law of the land, and to that will so expressed I always bow in humble submission. They do not and never did intend that the notions or opinions of their servants here, however honestly they may be entertained, as to their wants or their welfare, shall override the plain lines of demarkation between the powers which they have granted and those which they have withheld.

And now, sir, what is proposed by this bill? Nothing other or less than to take from the pockets of the people by taxation $77,000,000, and apply it, under certain conditions prescribed by Congress, to the support of one of the municipal institutions of the States—their school system. This, to my mind, is a proposition more fraught with danger to our system of local self-government and more menancing to the just relations existing under the Constitution between the Federal Government and the States than any ever made in our history. The benevolent features of the bill and the respectable motives of those who advocate it do not allay my fears. *Timeo Danaos et dona ferentes.*

It is absolutely without precedent in any proper sense of that term. There ought surely to be the clearest and most undeniable constitutional warrant for a measure so revolutionary and so radical.

We are referred by the friends of the measure to the first clause of section 8 of Article I of the Constitution as conferring upon Congress the authority requisite to enact this bill into a law—to what has come to be called in this debate "the general-welfare clause."

That clause reads as follows:

The Congress shall have power to lay and collect taxes, duties, imposts, and excises, to pay the debts and provide for the common defense and general welfare of the United States; but all duties, imposts, and excises shall be uniform throughout the United States.

Here, it is conceded, the friends of the bill must find the constitutional warrant they seek or it can not be found at all.

Now in examining this clause, as all other clauses of the Constitution, in order to find what of legislative powers or governmental au-

thorities they confer, it must be always remembered that the Federal Government as established by the Constitution in its three branches, legislative, executive, and judicial, was made the depositary by the States or the people of a specially described portion only of the governmental powers previously existing in the plenary sovereignty of these States.

The great residuum of governmental powers not thus specially deposited remained in the States and their peoples, so that it has become an axiom of American constitutional law that the Federal Government is one of enumerated and specially delegated powers, including, of course, those implied powers necessary to give efficiency to the others, and has no authority or power or jurisdiction not thus expressly conferred; while the State governments have a plenary sovereignty, power, and jurisdiction except where specially restrained or limited by their constitutions or that of the United States. It is not a waste of time to thus go back to the horn-books of constitutional law, because a careful consideration of the partition of power made between the common Federal Government and the States creating it will, I think, go far toward the solution of this question.

The powers and jurisdictions conferred upon this common agent, the Federal Government, were specific and enumerated, but plenary and complete; they are, and were meant to be, exclusive either in grant or in exercise. The powers and jurisdictions withheld by the States were likewise full and complete, so that there was never any occasion, as there never was any justification, for a joint exercise of governmental functions.

The terms in which these grants are made are general, and not particular, and merely the subject-matter of the jurisdiction and the general scope of the powers is indicated, thus leaving the largest and widest discretion in their exercise, and avoiding the danger of confining or trammeling the activities and energies of the Government which the Constitution created. The power in Congress to legislate is coextensive with the subject of the grant, but at the same time is limited by it.

Congress has the largest choice of means and methods when dealing with a subject committed to its jurisdiction, but it can not move one step in regard to matters and interests and concerns not committed to it by the Constitution. Within the domain of its granted authority it is all-powerful, but outside of it it is absolutely powerless. With the institutions of a State and the concerns of municipal government retained under State control Congress can in no wise meddle or interfere. Its energies are paralyzed when they are attempted to be exerted outside of the scope of its delegated powers.

No argument is necessary to enforce these plain propositions of constitutional law. Keeping in mind then these fundamental principles, and also the whole scheme of this Government of enumerated powers erected by the Constitution and the States with their residuum of undelegated powers, what do we gather as the plain meaning of the grant of legislative power contained in this eighth section of the first article of the Constitution? Take it with what goes before and what comes after, consider the subject-matter of the several powers enumerated, and the language with which Article I is introduced, namely, "all legislative powers *herein* granted shall be vested," &c.—language not used in introducing the delegation of powers to either of the other two branches of the Government—and we get at the outset the impression of a carefully limited and restricted investiture of legislative powers in this body called Congress. There are enumerated in this eighth section sixteen distinct subjects of common and public interest and concern, with regard to which Congress is invested with legislative power, not including the taxing power of the first clause or the supplementary and qualifying power in the eighteenth clause. What are they? Let me very briefly, without reading at large, show what are the subjects of public concern mentioned in the eighth section of the first article:

1. To borrow money on the credit of the United States.
2. To regulate commerce with foreign nations, and among the several States, and with the Indian tribes.
3. To establish an uniform rule of naturalization, and uniform laws on the subject of bankruptcies throughout the United States.
4. To coin money and regulate the value thereof.
5. To provide for the punishment of counterfeiting the securities and current coin of the United States.
6. To establish post-offices and post-roads.
7. To promote the progress of science and useful arts by copyrights and patents.
8. To constitute tribunals inferior to the Supreme Court.
9. To define and punish piracies and felonies committed on the high seas and offenses against the law of nations.
10. To declare war, grant letters of marque and reprisal, and make rules concerning captures on land and water.
11. To raise and support armies.
12. To provide and maintain a navy.
13. To make rules for the government and regulation of the land and naval forces.
14. To provide for calling forth the militia to execute the laws of the Union.
15. To provide for organizing, arming, and disciplining the militia, and for governing such part of them as may be employed in the service of the United States.
16. To exercise exclusive legislation in all cases whatsoever over the District of Columbia and ceded places.

An examination of these sixteen subjects thus committed to the control and charge of Congress shows them to be each and all of the utmost and highest importance to the well-being and general welfare of the people of the United States.

It is also apparent that in regard to these sixteen subject-matters of legislative control it is for the best interests and happiness of the people that the legislative power granted *should be exercised*, except in the case of the second item in regard to borrowing money.

Now, it is plain that the grant of power to lay and collect taxes is very different in its essential character from the other grants to which I have alluded. That power does not of itself and by itself relate to a subject-matter which it is one of the interests of civilized society to promote and conserve. No one is made happier or better or safer or more comfortable by the mere fact of having money taken from him in the shape of taxes. The character of the power to lay and collect taxes differs essentially from that of all the other powers enumerated in this section. It is an ancillary power, not one to be exercised for its own sake. It is necessarily attendant on the direct and substantive powers and jurisdictions conferred on government.

In a government of limited and enumerated powers it clearly can not be invoked for objects not within that government's jurisdiction or control. It can not transcend the limitations upon those powers to which it is auxiliary and attendant. I admit that this power to lay and collect taxes for the purposes that are within the jurisdiction of the Federal Government is unlimited as to amounts and as to methods, except in the respect expressed in the section; but I deny that it is unlimited as to the purposes or occasions for which and on which it may be invoked. If the power to lay and collect taxes had been given without more, it must be conceded that it would have been subordinate to and attendant upon the other powers and jurisdictions conferred by the Constitution.

How, then, can the scope of the power be enlarged by the words "in order to provide for the general welfare of the United States," which are admitted on all hands to be words of qualification; that is to say, you may lay the tax, you may take money from the pockets of the people to promote any object within the jurisdiction and control of the Federal Government provided it is for the general welfare of the United States. A moral restriction, it is true, but one to be enjoined on the conscience of Senators and Representatives.

And here it is well to call attention again to the fact that this qualifying purpose, for which taxes may be levied and collected, is the general welfare of the people not of the United States nor of the States but of the political organism called the "United States."

The second clause of this section granting power to borrow money expresses it "to borrow money on the credit of the United States." That shows that the words "United States" without adding "of America" were meant to indicate the political organism known by that phrase.

Surely here in the phraseology itself of the qualification, apart from the restrictions that come from the general scope and limitations of the Constitution taken as a whole, is a very large and important restriction of the universality of the phrase "to provide for the general welfare."

But what are we to say when we find that this qualification of the ancillary power of taxation is interpreted to be itself a specific grant of an independent power, to wit, a power of appropriation without limitation, a new power invented, while the other question which I alluded to at the outset of my remarks had been disposed of by saying that this can not be interpreted to be a general grant of power to legislate for the general welfare, but must be taken in connection with the taxing power. Now we have an interpretation which admits that these words are words of qualification, but yet contends that they do create and do grant a specific power of a certain kind, to wit, a power of appropriation.

This so-called indefinite and unlimited power of appropriation, if it exists, would break down every barrier that has been erected by the Constitution and the scheme of dual government which it creates against invasion of the reserved powers and autonomy of the States. If those subjects and those provinces of governmental power and jurisdiction which have been committed to the Federal Government, wide and great and important as they are, do not also prescribe the limitations of the taxing power, which, in the language of Judge Cooley, is merely "an incident" of them, then it was in vain that our fathers endeavored to form a government of limited powers.

It was not necessary to confer a special power of appropriating the funds which were to be raised under the power to tax. The power to appropriate went with the power to levy and collect the tax, so that we are driven, it seems to me, to the common-sense interpretation, that the words "to provide for the general welfare of the United States" are a qualification merely of this incidental and subordinate power of taxation and not a specific grant of an independent power. But it is said that to provide for the general welfare is the declaration of a purpose as wide as the interests of humanity; so it would be in a government of unlimited powers. But in our scheme of a partition of powers between

the general and State governments the "general welfare" that is to be provided for must necessarily be that portion of the "general welfare" which has been committed to the care of the General Government.

You can not read this or any other clause of the Constitution except in the light of and in connection with all the conditions and qualifying restrictions that are made by its other provisions and the scheme of government it established. What, sir, was the great achievement of our fathers who framed this Government of ours if it was not that they, for the first time in the history of governments, laid down in advance by means of a written constitution the boundaries and limitations of the power they conferred. They knew that the heart of man was "deceitful above all things and desperately wicked," and could not be trusted when assailed by lust of power, avarice, or ambition. Nay, they knew that the very virtues which find their home in the human breast, benevolence, patriotism, and white-robed charity, might tempt men to step beyond the just limits of governmental activity, unless they were restrained by written organic law, ordained and established in advance of the occasions or the exigencies that required such restraint.

They knew full well that all the governments of the civilized world, whether absolute monarchies or limited monarchies or those despotisms which were only tempered by assassination, professed that the ends of their existence were domestic tranquillity, the general welfare, and the maintenance of justice. And they also knew full well how often these high ends had failed of fruition and what crimes had been committed in their name. They therefore proclaimed in the preamble of the Constitution that "in order to form a more perfect union, establish justice, insure domestic tranquillity, provide for the common defense, promote the general welfare, and secure the blessings of liberty to ourselves and our posterity, they did ordain and establish this Constitution for the United States of America." In other words, this was *their* plan for securing those great ends of all civilized governments, and which had failed of realization in the other governments of the world.

No words more significant or of graver import were ever penned than those contained in this preamble of the Constitution. They in effect said, all these great ends of government which all human societies seek to achieve but measurably fail to realize we propose to accomplish and make realities by creating a government of delegated and enumerated and strictly limited powers. We propose to make the experiment by the means and the methods and in the manner hereinafter set forth. We will promote and provide for "the general welfare" by leaving nothing to chance or the caprice of the moment, by declaring in writing and by explicit language in what respect and how that general welfare is to be provided for and promoted. How, then, without a violation of this manifest spirit of our Constitution, can we assert that this clause of the Constitution so introduced can create a power to appropriate the money of the people not only to an object not within the jurisdiction of the Government, but clearly and exclusively within the jurisdiction of the States.

This Government, within the legitimate sphere of its action, stands erect, efficient, and omnipotent; its powers are plenary and complete. It has none that are uncertain, or are dependent on permission of prince, potentate, or political organism outside of itself. Its just powers can be asserted everywhere and against all opposition. Why then seek to introduce confusion and disorder into this admirably arranged and wisely constructed system of State and National Governments. Consent can not confer jurisdiction, and the consent of the States can not enlarge the constitutional scope of Federal power. There is only one way in which the consent of the States can be efficient for that purpose, and that is the way pointed out in the Constitution for its amendment. If the field of jurisdiction is denied to the Federal Government and retained by the States, you can not enter it by force, you can not assert your authority *in invitum;* this will be at once conceded. Then is it not just as much *ultra vires* to enter it by stealth, or by reason of the negligence or the passiveness of those to whom it rightfully belongs?

What difference in principle is there between an assertion of a right of control to be exercised *in invitum* over one of the municipal institutions of the States and the exercise of the same power under a license purchased from the States? Whether you force your way in or buy your way into the prohibited domain can matter little, except that the latter is the more demoralizing method of the two.

Is it to be believed that powers can come to the General Government as the result of negotiation, persuasion, or bargain with the States; that the general-welfare clause gives a power of appropriation to Congress which is dormant until it is awakened and energized by negotiation and bargain between the States and Federal Government?

The argument in its favor can be and has been reduced to an absurdity by pointing out the cases that must logically follow such a precedent. If in the opinion of good men here in Congress the judicial system of a State or States seems bad or to need improvement, all Congress would have to do would be to pass a law making an appropriation under the general-welfare clause offering to defray all the expenses of the judicial establishment of the States, provided the States conformed the appointment of their judges, the constitution of their courts, and the general administration of justice to the provisions prescribed by the law. The States are struggling with the problem of city government. Could not Congress be persuaded at some time that it was for the "general welfare" that they should take this problem into their own hands by passing a law appropriating money to pay the expense of municipal government in whole or in part, provided the States should make their city charters after this fashion or that, by enlarging or diminishing the powers of local self-government?

Or could it not be argued that it was for the general welfare that governors be elected for a longer period or that Legislatures should have less frequent sessions or that women should vote at all elections; if so, there is the power to appropriate the money on any conditions you choose to prescribe, and it only remains for the State to accept the offer and abdicate its functions. Can it be that our great principle of local self-government, through the autonomies of the States, is exposed to dangers like these; that our Constitution, that we thought so strong in its limitations as well as in its power, is so weak on a single side? Did our fathers build less wisely than they thought, and after laying down the lines of demarkation between State and federal power so broad and clear and erecting the walls of our constitutional citadel so high and strong and on foundations so deep and permanent, leave wide open this postern door through which the enemies of local self-government with the banners of centralization and absolutism flaunting in the breeze can enter and possess themselves of our heritage? I do not believe it. No door was thus left open or unguarded; and I for one shall not assist in taking down the bars or drawing the bolts that keep it closed.

I said, Mr. President, at the outset that there was no precedent, properly so called, for the legislation proposed by this bill, and I am aware of none. This bill proposes to appropriate money to defray in part the expenses of the educational system—a municipal institution in the States, an institution not only clearly outside of the jurisdiction of the Federal Government, but exclusively within that of the States, and now conducted and actively managed and controlled by the States. Now, I have shown, if I have shown anything, and the Senator from Texas and the Senator from Alabama have shown better than I, that the power to appropriate money raised by taxation (and which is an incident of the power to levy and collect the tax) can only be exercised for purposes within the scope of Federal jurisdiction and control, and then only to provide for the general welfare of the United States, and that there is no possible right to control or attempt to control the subjects over which the States have retained their complete authority. If any of the cases of appropriation by Congress under the power alleged to be conferred by this general-welfare clause have touched or affected the municipal institutions and concerns of the States then actively managed and conducted by them, I have failed to observe it.

I do not, in distinguishing from the present case the cases cited as precedents in the past history of the country, impose on myself the task of finding for them constitutional warrant. I merely call attention to what I believe to be the fact, that they none of them involved the appropriation of money for matters, institutions, or concerns that were exclusively and actively controlled and managed by the States.

Now, I admit that the opinions of those entitled to speak with authority are conflicting. Mr. Jefferson can be cited on both sides of this question, and so can Mr. Monroe, who acknowledges in his message of May 4, 1822, that his mind had undergone a change respecting the power of appropriation. And it is worthy of remark that in that message respecting the bill for the repair of the Cumberland road the burden of his argument was to show that the words "to provide for the common defense and general welfare" did not import a separate and independent grant of power, which, as he remarked, "would in effect break down all barriers between the States and the General Government and consolidate the whole under the latter," but indicated the purpose for which taxes were authorized to be laid and collected. I am content to rest the decision of the question on the argument made by Mr. Madison and quoted by the Senator from Alabama—the citations from Judge Cooley's work on taxation made by the Senator from Texas in his speech of Thursday last. To these I add the crown of Chief-Justice Marshall's opinion in Gibbons *vs.* Ogden, which, though *obiter*, is nevertheless weighty and authoritative:

> This does not interfere with the power of the States to tax for the support of their own governments—

Speaking of this very clause that Congress is authorized to levy and collect taxes, &c., to pay the debts and provide for the common defense and general welfare of the United States—

> nor is the exercise of that power by the States an exercise of any portion of the power that is granted to the United States. In imposing taxes for State purposes they are not doing what Congress is empowered to do. Congress is not empowered to tax for those purposes which are within the exclusive province of the States. (Gibbons *vs.* Ogden, 9 Wheaton, page 199.)

Mr. President, I trust that it may not be thought presumption in me if I beg Senators older in experience and wiser than I to hesitate long before taking the first step in this new and unexplored pathway of Federal encroachment. Down its dark vistas I see shapes of direful portent and I shrink from the encounter. Over the leveled bulwarks of the Constitution will come thronging thick and fast the armies of centralization and the enemies of local self-government. We may still find life worth living under the new dispensation, but we will never cease

to mourn the Constitution of our fathers wounded to death in the house of its friends.

Mr. President, I have no desire to see the map of the United States painted over with one color, whether that color be a royal purple or socialistic red. I at least shall not assist in thus obliterating the lines of the States, and with them the ancient landmarks of the Constitution.

Mr. GEORGE. I desire to ask the Senator from Delaware a question. I desire to know if the Senator has expressed any opinion, or if he has not is he willing to express it now, as to the power of Congress to donate the public lands to the States in aid of education?

Mr. GRAY. I did not think it worth while within the line I had laid down for myself to address myself to the question which has just been put by the Senator from Mississippi. I did not undertake to discuss, nor do I undertake now to discuss, what particular power or legislative authority there was in Congress in the past history of our country to donate the proceeds of the public lands or the lands themselves—I do not know whether there are such grants—for the purposes of education.

I was content to leave that argument and that distinction where it was left by the Senator from Alabama [Mr. MORGAN]. He very fully, very ably, and very clearly, as I thought, did distinguish between the power of Congress to deal with the public lands or their proceeds, which had been given to the United States as a political organism or corporation by the States upon a specified and stated trust, and its power over money raised by taxation. I do not think I could add anything to the force of the argument with which he sustained the difference between that specific trust in regard to that part of the lands ceded to the General Government by the States and the trust that, as was argued by the Senator from New York [Mr. EVARTS], attaches to and is impressed upon all grants of power. I can only say that the argument made by the Senator from Alabama impressed me as one that was sound and one which did draw a distinction that was not without importance in its application to this matter.

Mr. President, not in the line of an answer to the question put by the Senator from Mississippi, but because I omitted in the remarks which I made to allude to it as I intended to do, I will present now, if I may be permitted, certain language which is used in a very able article on the constitutionality of this bill which I find in a New Orleans paper, the Daily Picayune, because the language of that writer does suggest an interpretation of these words which has been anxiously sought for by so many Senators, and in regard to the interpretation of which I confess there are difficulties. I say that this writer has suggested a reading, a gloss of that section, which is worthy of attentive consideration. He says:

> The action of the convention that planned the instrument—
>
> The Constitution—
>
> teaches the same lesson.
>
> August 5, 1787, the clause in question appeared as follows: "The Legislature of the United States shall have the power to lay and collect taxes, duties, imposts, and excises." (5 Elliott's Debates, 376.)
>
> August 23, 1787, Mr. Sherman moved to add to the clause: "For the payment of said debts and for defraying the expenses that shall be incurred *for the common defense and general welfare.*" (*Ibid.*, 476.)
>
> This addition was then deemed unnecessary; but on September 4 "Mr. Brearly from the committee of eleven"—
>
> Which I believe was the committee of style—
>
> modified and added to it; and the subsequent "committee on revision" approved the amendment, so that the clause now reads: "To lay and collect taxes, duties, imposts, and excises [to pay the debts and provide for the common defense and general welfare of the United States].

I read that because, apart from the interest in it as part of the history of the formation of the Constitution, it lets us see something of the formative process by which this result was reached in our present Constitution. It also suggests, most happily I submit, to my mind at least, that these words should now be so interpreted and that interpretation contained in Mr. Sherman's amendment or suggestion is today the true interpretation and the only one that is consistent with all the other limitations of the Constitution, its letter and its spirit. So then this power to lay and collect taxes means that they can be raised in order to defray the expenses incurred in providing for the common defense and general welfare of the United States. That seems to be the right, logical, and sensible construction, one that reconciles all parts of the Constitution to it, harmonizes the supposed conflict that has been alluded to in this debate, and leaves it still with the ramparts and the bulwarks of the Constitution unimpaired in all its pristine strength and vigor.

Mr. PLUMB. Mr. President——

Mr. TELLER. I ask the Senator to yield that I may make an announcement. The Senator from Oregon [Mr. MITCHELL] gave notice that at 2 o'clock to-day he desired to discuss the Chinese question. He is sick and confined to his room, and desires me to say that he will ask permission to address the Senate on Thursday at 2 o'clock.

Mr. PLUMB. Mr. President, it is so thoroughly understood that speeches made here do not convince those to whom they are nominally addressed, that I take it it is universally understood equally that they are made for the outside public. I do not think there is any other single thing which so thoroughly illustrates the popular character of this body, and of the House of Representatives, as this fact, equally applicable to both bodies. This is a public assize, and the legislation which we adopt is perhaps as nearly related to an honest, conservative, and permanent public opinion as though it were adopted by a mass convention of all the people of the United States assembled for that purpose and having time enough and opportunity to fairly discuss the propositions that might be submitted.

In addressing the Senate, therefore, upon this question I do not do so with the expectation of changing any votes here or of influencing in any way the decision of this body upon this great and very important question; but I do it as my justification to the people who sent me here for the vote I give, and who have a right to, as they will carefully, consider what I do and the reasons which I may give for my action, and also for the benefit of that greater public which has a claim upon each member of this body, no matter from what State he comes.

In the first place this legislation is anomalous. There is no one who can point out a law on the statute-book which not only appropriates money for present expenses or for present operations or purposes and at the same time projects a similar expenditure into the future. When I speak of the future I do not speak alone of the future which is mentioned in this bill, the eight years of time which, according to its terms, it is to cover, but I speak of the indefinite future reaching far beyond that, because, as has well been said here, these appropriations will not stop at eight years. The appetite which they will have created—an abnormal distension of what may be called the school systems of the several States, and especially of the Southern States—will not be satisfied with a peremptory cutting off of the pabulum upon which they have been fed at the expiration of eight years; but unless the absolute unwisdom of the appropriation shall finally have been established, and unless the appetites which have been fed thereby have been gorged to repletion, there will be an assemblage of influence and interest represented by caucuses, by political movements in the several States, by conventions, and by elections, that will have pledged members and Senators to come here and vote to continue that which we are about, I fear unwisely, to begin.

So, Mr. President, we are committing now the National Government to a policy which is to call upon us for expenditures for perhaps generations to come, and expenditures which will finally be the means of embracing within their scope either the entire educational system of the States, or at least such a supervision of them as will constantly call for these additional appropriations.

Who knows where this money is to come from? The Secretary of the Treasury in his annual report, recently submitted to Congress, estimates that the requirements of the National Government, including the sinking fund, will this year exhaust the entire revenue of the Government. Will any one vote for this bill if by so doing he is required at the next moment of time to impose taxes whereby the money to be appropriated shall be levied from the people of the United States? Who so wise as to know or even be able to give any reasonable assurance that within twelve months he may not be required to impose taxes in order that the requirements of this bill may be met?

We have a constantly increasing pension-roll based upon a legal obligation assumed by the United States Government when it called into its service two millions of men for the national defense. Each year the amount of money required to satisfy it increases. There has already been proposed by the other branch of Congress an increase of annual levy for that purpose of some six or seven million dollars, and measures are pending in both bodies based upon justice, demanded I might say by a fair consideration of that which is legally due to the men whom the Government invited to enlist and who on that invitation did enlist for the national defense, which, if carried out even partially will not only exhaust all existing sources of revenue, but will deprive the sinking fund out of which the national debt is to be discharged of that which we have solemnly pledged by law it shall always contain.

I know that the very magnitude of this appropriation is a recommendation. I know that a proposition to appropriate $77,000,000 is seventy-seven times as strong as would be a proposition to appropriate a million dollars. We have become so accustomed to financial operations of great magnitude that there is something attractive in them. We are like the man who built the Union Pacific Railroad, traversing a great range of mountains and binding together the Atlantic and the Pacific by an iron rail. He never would consent to build a railroad 30 or 40 miles long or to engage in any of the smaller transactions of life. His abilities, his faculties, his ambitions were all attuned to greater things. And so when we come to consider money matters we spurn under our feet sums of money that thirty years ago would have been regarded as of the greatest possible consequence. So, as I said, the larger the sum the more attractive it is and the greater the freedom with which we vote. So this bill appropriating $77,000,000 is attractive by reason of its magnitude. I only wonder that the wise prevision of its framer—not the Republican caucus but the Senator from New Hampshire—did not make it ten times $77,000,000, and so anticipate with confidence a unanimous vote in this and the other body.

But, Mr. President, the time is coming, soon to be here, liable to come at any moment, when the question of an abundant revenue or of

a deficit is to be measured by hundreds of thousands of dollars, and he who would impose burdens upon the Treasury must by the same token impose burdens upon the tax-payers to meet them. This bill was the outgrowth of the demoralized condition of things which always precedes a Presidential campaign. If there is any time in which the Congress of the United States or the people who mold public opinion are less qualified than at any other time for the serious concerns of government, for that wise and careful prevision of financial affairs that ought always to be an accompaniment of legislation, it is that period which precedes a Presidential election, when issues are being made, when the interests of candidates are being forwarded, and when we are laying plans and traps whereby we may catch our unwary adversaries. At that time measures for the benefit of some individual person or some class of persons or some section of the country are always attractive, and then there is a rush pell-mell, every party seeking to outrun every other party in devotion to that particular interest in order to get votes. This measure was the outgrowth of that demoralized and that demoralizing epoch immediately preceding the last Presidential election. But for that it never would have had a respectable vote in this body, and but for that its chances of passage would be at the minimum.

Mr. President, I have here a statement of the taxable valuation of some of the Southern States for 1860 and since, which I use as an example.

Assessed valuation.

States.	Year.	Population.	Assessed valuation.
South Carolina	1860	703,708	$489,319,128
	1870	705,606	183,913,337
	1880	995,577	133,560,135
Florida	1860	140,424	68,929,685
	1870	187,748	32,480,843
	1880	269,493	30,938,308
Alabama	1860	964,201	432,198,762
	1870	996,922	155,582,595
	1880	1,262,505	122,867,228
Louisiana	1860	708,002	435,787,265
	1870	726,915	253,371,890
	1880	939,946	160,162,439
Georgia	1860	1,057,286	618,232,387
	1870	1,184,109	227,219,519
	1880	1,542,180	239,472,599
North Carolina	1860	992,602	292,297,602
	1870	1,071,361	130,378,622
	1880	1,399,750	156,100,202
Virginia	1860	1,596,318	657,021,336
	1870	1,225,163	365,439,917
	1880	1,512,565	308,455,135

Now I say, what every man knows, that I can count on the fingers of my two hands the members on this floor who are actually in favor of this measure, who will dare avow that they are for it as an original proposition or as one that commends itself to their judgment. But one man says, "I made incautiously somewhere a speech in favor of it, and at a time when I did not consider the surroundings;" and another man says, "My Legislature say they want me to vote for it;" and so on all the way around. If there could be some way of voting upon this measure without meeting these conditions it would have practically no support. I do not believe legislation thus enacted is likely to be wise.

What is the justification for it? The Senator from New Hampshire said what I think no Southern Senator has yet said, that it was because the Southern States were unable themselves to meet the requirements of popular education within their limits. In speaking of the devastation of the war and its result he says:

> We helped to create that devastation. We destroyed slavery in the joint effort wherein the resistance of the Southerner was just as necessary as the aggression of the Northerner. In no other way could that institution have been destroyed at all; and it was destroyed for the general good, for the national good; as we all know, it was an institution for which the nation as a nation, the whole people, North as well as South, were responsible. Having accomplished a common good, and the people in that portion of the country which was the particular scene of its devastations being left without property, having to reconstruct society, to reconstruct their institutions and establish a new system of labor among them and make the masses of laborers intelligent, white as well as black—under these circumstances, it being the demonstration of the census and in fact commonly known to all men that they have gone to the very extent of their capacity to bear the burdens of taxation, and yet have not reached the point of the education of their children as a whole, I think there is a moral obligation, I think there is a legal and a constitutional obligation, a national obligation on the part of the whole people to assist our friends at the South temporarily until they are fairly on their feet and can enter on the great race of life with a fair opportunity and a fair chance with their brothers in other and more highly favored portions of the country.

I take issue with that as a statement of a fact. I say that it is not a fact; and no Senator has arisen as I think on the Democratic side of the Chamber to say that such is the fact. Here before me sits one of the most enterprising and active of the business men of what is known as the Empire State of the South, Georgia. He has had occasion in the exercise of his business of managing railroads and of manufacturing iron and so on to put forth advertisements, prospectuses, representations in regard to the resources of that great State, showing how inviting it was for immigration, how the laboring man was wanted there and how the capitalist was wanted there and everybody else was wanted there in order that he might make money and get great returns from having gone there. I think he would not have added to one of his advertisements to the people of the North or to the people of the Old Country "we are all right here, except that if you come you must understand we have not money enough to educate your children." Will any immigration bureau under the auspices of any State put forth a statement of that kind?

On the contrary, are not the newspapers and all the public prints filled with statements exactly the opposite? The South is not representing to-day its inability to carry on a system of education which will be broad enough and extensive enough and useful enough to embrace every single child of school age within its limits. Quite the contrary.

A great deal has been said about the loss of slaves. As was well said by my colleague, the destruction of slavery was no pecuniary loss to the South. The property was all there; it was simply the ownership that was changed. The decline in taxable valuation from 1860 to 1870 represented everything that could possibly be said as the result of the devastation of war, including the removal from the tax-roll of the slaves, who before that time had been taxed as other property.

Mr. GEORGE. Will the Senator allow me to make an explanation?

Mr. PLUMB. I will.

Mr. GEORGE. I presume that in the other Southern States, like it was in Mississippi before the war, slave property was not taxed by valuation, but taxed per capita. So the value of the slaves never went into the aggregate value of the taxable property of the State.

Mr. PLUMB. Then the Senator from Mississippi would be saying in effect that South Carolina lost by reason of the destruction of property during the war $300,000,000.

Mr. GEORGE. I do not know that that is true in reference to South Carolina. I only speak in reference to Mississippi, and I suppose it applies to the other States. Other Senators can speak for those States.

Mr. PLUMB. At all events, the taxable valuation as shown now represents land, houses, cattle, horses, hogs—everything of that kind that is property elsewhere.

Mr. GEORGE. If the Senator will allow me, I will make another statement on that subject. Since the war taxation in the South has been tending to include all classes of property. Before the war a great deal of property was never taxed at all. For instance, I can speak in reference to my own State. No money securities of any sort were ever taxed before the war in Mississippi, except securities given for money loaned.

Mr. PLUMB. Remembering, as I do, the extent to which the South was indebted to the North about the time of the war, and what became of that indebtedness, I presume there was no property of that kind to be taxed. There had been taken out of the taxable property of the Southern States, and had been prior to the year 1870, all the destruction of property accruing because of the war, including the destruction of slave property and every other thing that had tended to depreciate that property. I do not care to comment to any considerable extent on the fact that some of the States have shown a diminution of taxable valuation according to the returns between 1870 and 1880, that while they increase in population they decrease in taxable valuation; but I desire to call attention to the fact that every Southern State had more miles of railroad in 1880 than it had in 1870, more iron furnaces, and more of all the things that go to make up wealth than they ever had before.

But take it as it is now, with every single thing charged off that could possibly be charged to the war, the Southern States which I have named have a taxable valuation shown by the figures of 1880, and on the basis of that I say that every single one of them is able, financially able, to take care of and give a good, fair common-school education to every child of school age within its limits.

Who is to pay this money and who is to get it? I have a table here which exhibits what certain States get and what they pay under this bill:

Alabama—		Delaware—	
Gets	$5,370,848	Pays	$205,251
Pays	1,767,507	Florida—	
Arkansas—		Gets	993,548
Gets	2,503,170	Pays	377,290
Pays	1,123,535	Georgia—	
California—		Gets	6,448,482
Gets	662,051	Pays	2,159,052
Pays	1,210,571	Illinois—	
Colorado—		Gets	1,801,616
Gets	129,783	Pays	4,309,019
Pays	272,057	Indiana—	
Connecticut—		Gets	1,372,441
Gets	352,202	Pays	2,749,621
Pays	871,780	Iowa—	
Delaware—		Gets	577,532
Gets	240,559	Pays	2,274,461

Mr. GEORGE. What does the Senator mean by a State paying so much?

Mr. PLUMB. I mean that is the proportion of this $77,000,000 which is levied upon and paid by the people of the respective States.

Mr. GEORGE. If levied according to direct taxation by the Federal ratio?

Mr. PLUMB. Collected by the Government of the United States on the clothing we wear, the sugar, the salt, and so on, that we eat, just as we pay all the national taxes that are levied.

Mr. HARRIS. Is it a calculation on the basis of population?

Mr. PLUMB. On the basis of population by the census of 1880, in which I beg the Senate to bear in mind that no account is taken of the increase in the population since that date of the Western States, nor the increase yet to come; their constant increase will make them bear a much larger burden than is here shown. I will carry the statement through all the States and Territories.

Kansas—	
Gets	$489,147
Pays	1,894,534
Kentucky—	
Gets	4,316,930
Pays	2,308,166
Louisiana—	
Gets	3,945,051
Pays	1,315,924
Maine—	
Gets	274,708
Pays	908,510
Maryland—	
Gets	1,666,442
Pays	1,308,920
Massachusetts—	
Gets	1,152,116
Pays	2,496,319
Michigan—	
Gets	789,592
Pays	2,291,711
Minnesota—	
Gets	428,060
Pays	1,093,096
Mississippi—	
Gets	4,624,339
Pays	1,584,235
Missouri—	
Gets	2,586,674
Pays	3,035,722
Nebraska—	
Gets	142,843
Pays	933,341
New Hampshire—	
Gets	177,216
Pays	485,787
New Jersey—	
Gets	659,809
Pays	1,583,562
New York—	
Gets	2,721,066
Pays	7,116,019
North Carolina—	
Gets	5,749,121
Pays	1,959,650
Ohio—	
Gets	1,633,718
Pays	4,477,286
Oregon—	
Gets	91,978
Pays	244,675
Pennsylvania—	
Gets	$2,825,324
Pays	5,976,019
Rhode Island—	
Gets	307,210
Pays	387,143
South Carolina—	
Gets	4,582,792
Pays	1,393,807
Tennessee—	
Gets	5,089,262
Pays	2,159,302
Texas—	
Gets	3,920,913
Pays	2,228,443
Vermont—	
Gets	196,236
Pays	465,200
Virginia—	
Gets	5,332,498
Pays	2,117,591
West Virginia—	
Gets	1,057,895
Pays	865,765
Wisconsin—	
Gets	688,420
Pays	1,841,695
Dakota—	
Gets	59,737
Pays	567,743
Montana—	
Gets	21,151
Pays	154,000
Arizona—	
Gets	72,388
Pays	84,000
Idaho—	
Gets	22,031
Pays	91,000
New Mexico—	
Gets	64,383
Pays	167,391
Utah—	
Gets	109,363
Pays	201,548
Washington Territory (estimated population, 150,000)—	
Gets	48,188
Pays	210,000

Mr. President, when we come to levy a tax for the payment of money which is not to be equally expended, there ought to be ample justification for such levy. I should like to ask the Senator from Wisconsin if he is willing to levy upon the lumbermen of Wisconsin, to levy upon the wage-workers of that great State, the amount of money necessary to meet the amount they will have to pay over and above what they will get in order that it may be given to the Southern States?

Mr. BLAIR. Will the Senator allow me to ask a question?

Mr. PLUMB. Certainly.

Mr. BLAIR. Would there be any difference between expending $7,000,000 (which is the amount this bill asks for the first year and none is appropriated) for the common schools of the country and expending the same amount of money for the improvement of rivers and harbors? Might there not be some sort of discrimination shown as between States in that regard, where some States do not fare quite as well as others?

Mr. PLUMB. That money is levied on the theory that the expenditure of it is for the benefit of the whole people, and I am showing that this expenditure is not for the benefit of the whole people. If that is the theory, then I want the Senator from New Hampshire to be willing to have the bill amended in such a way that the money shall be paid to the different States according to their population, and not distributed according to the provisions of this bill.

Mr. BLAIR. Would the Senator like to be answered now, treating that as a question?

Mr. PLUMB. I have no control over the Senator from New Hampshire. He can answer it now or later, just as he pleases.

Mr. BLAIR. I will, without trespassing much on the Senator's time, just say that the theory of the bill is that illiteracy is considered as dangerous to the public good or general welfare as any imperfection in our rivers and harbors, and it is expressly upon the ground that it is a national and general evil that calls for a remedy by contributions from the national finances that the bill is pressed upon the Senate. The contribution of the country for the improvement of our rivers and harbors is for the general good. There are many States which will not draw a single dollar of that expenditure probably or but a very small amount; and that tax is paid cheerfully by all. It is the opinion of those who favor this measure that general ignorance is as dangerous to one portion of the country as another, and that it equally calls for a national contribution for a remedy.

Mr. PLUMB. I think I shall show—at least I have already demonstrated to my own satisfaction by the investigation which I have given to this subject—that the theory on which this bill proceeds, as stated by the Senator from New Hampshire, is absolutely untrue; that there is not a single Southern State but that is just as able to educate to the extent of giving a reasonable common-school education to its school children as any Northern State is.

The State of New Hampshire pays $485,787 of this expenditure and gets $177,216. I imagine that even the astute and eloquent Senator from New Hampshire will have some little trouble in justifying his advocacy of this bill, which levies $300,000 net off the wage-workers of that State to give to people who do not need it. I will take one or two further samples.

New York gets $2,721,066, and pays $7,116,019; North Carolina gets the smg sum of $5,749,121, and pays $1,959,650; South Carolina gets $4,582,792, and pays $1,393,807; Tennessee gets $5,089,262, and pays $2,159,302; Virginia gets $5,332,498, and pays $2,117,591; Wisconsin gets $688,420, and pays $1,841,695.

There should be justification for this inequality. It is not to be done by argument. It must be demonstrated. I do not care whether the measure is constitutional or not; it is enough to say that it is not a wise expenditure of public money. I can say on the construction of the Constitution, however, that if this be constitutional, then hereafter there are no States except as they exist in the imagination, because they have no function which can not be absorbed at the will of the National Government. If this is constitutional, then it is constitutional to abrogate the States, because if we can devote money to the public schools of the different States, and follow it too, as the Senator from Maryland well said on Friday, for the purpose of seeing that it is properly expended, nominate to them the system of schools which they shall carry on, provide that they shall not build school-houses with it—if we can limit the expenditure, then we may go further and seize the entire system and put it into bonds under control here at Washington. It may be constitutional, but I do not think that is wise. But it is enough for me to know, for the purpose of the vote I shall give, that it is an unwise and unwarranted expenditure of the public money.

But, Mr. President, the theory upon which this bill is founded fails on the Senator's own statement of its purpose. I read again from his speech. I take it no one will question his authority to speak for the bill. His theory is that as we freed the slave, as we thereby launched upon the Southern States a great mass of ignorant people, we are under obligation to remove that ignorance by appropriations from the National Treasury. In his speech made on the 16th of February the Senator from New Hampshire said:

> It has been stated in the speech of the Senator from Tennessee [Mr. JACKSON] this afternoon that there are about four million children in the Southern States who are not enrolled at all, who are not attending school at all, and we by this bill make no provision for this vast uncultivated class who are outside the present operations of the common-school system.

Is that lifting the burdens of the war from these people when we leave outside the four million children who are not now enrolled? The very class that he uses for the purpose of getting us to make this appropriation are not to benefit a dollar by it. No, sir; the blacks whom we freed, the ignorant people whom we left on the hands of the Southern States as freedmen, are not to have it. They are not embraced within the terms of this bill; it is for somebody else, and thus, if the Senator from New Hampshire is authorized to speak for this bill, the very foundation disappears from under it.

Mr. BLAIR. I do not want to interrupt the Senator, but I do not think he understands me in what I have stated.

The PRESIDING OFFICER (Mr. HAWLEY in the chair). Does the Senator from Kansas yield?

Mr. PLUMB. I yield.

Mr. BLAIR. The general fact was stated by the Senator from Tennessee [Mr. JACKSON] that only about one-third the children of the South are enrolled. There are, speaking in round numbers, about six million children there within the school ages who should be educated; only about one-third of them are enrolled. Those who are enrolled are the ones that are presumed to attend school. Those who are not enrolled are not for the time being attending school. I stated that the amount of money proposed by this bill to be distributed throughout the country would give to the South only the means of extending the length of the schools which now exist——

Mr. PLUMB. I can not yield to the Senator to make another speech in my time.

Mr. BLAIR. The Senator will allow me to make my point, as I was making it briefly. The money thus paid out would simply be sufficient to extend existing schools to what would seem to be only a reasonable period—that is, six months. Of course, when it comes to be applied it will be used with the other public funds of the State in establishing schools where they do not exist, but in so far as other schools are established the length of the whole school period must be shortened. The point I was making was that this appropriation, which is being talked about as so enormous, is very far short of the amount that is really necessary in proportion to the evil that exists.

Mr. PLUMB. Mr. President, the people of the Southern States, like the people of the Northern States, not only assess their own property but impose their own taxes. The Senator, for the purpose of showing the necessity of this appropriation, published certain tables in that number of the RECORD which he had all to himself. I quoted the tax-

able property of some of the Southern States. The States which I quoted from I only used as samples. I did not select them. They fairly represent the whole. South Carolina, with a taxable valuation in 1880 of $133,000,000, paid $440,000 for school purposes. The Southern States, too, have cheaper State and local government than the Northern States. In the South the county is the unit of local government. There are no such subdivisions as are known in the North. In the State of Kansas, which is a fair sample of the Northern States, there are subdivisions within the counties having taxable power, the road district, the school district, the township, the town, and the city, every one of them having independent taxing power and every one of them supreme within a limit fixed by the Legislature, and not a narrow limit neither in regard to levying taxes for the purposes for which these different subdivisions of the municipality are created.

I asked the Senator from Arkansas [Mr. BERRY] what per cent. was paid in the State of Arkansas. He said that they pay for all purposes, State, county, and school purposes, outside of the great cities, 12 mills on the dollar.

Mr. BLAIR. What State is that?

Mr. PLUMB. Arkansas. Is it true then that the Southern States require the levying of taxes on the North to help them?

Mr. BLAIR. Will the Senator allow me to correct him?

Mr. PLUMB. Not at all; I am speaking of the Senator from Arkansas.

Mr. BLAIR. The Senator from Arkansas would do well to study the teachings of the census on that same point. I will, however, take occasion to reply later.

Mr. PLUMB. I am quoting the Senator from Arkansas who sits in front of me. He said to me yesterday, and I made a memorandum of it, that the entire levy of taxes in that State, except in the cities, did not exceed 12 mills.

Mr. BLAIR. It is $2.12 on the hundred dollars.

Mr. BERRY. In speaking to the Senator from Kansas yesterday I had reference to the counties particularly in my locality, in the northern part of the State. I stated to him that in other sections of the State, especially in the cities, the taxes were higher on account of the county debts that had been entailed upon them and that they were still owing.

Mr. PLUMB. That does not differ from my statement at all. I stated that outside of the cities the gross levy for all purposes in the State of Arkansas is 12 mills.

Mr. BLAIR. It is $2.12.

Mr. PLUMB. I ask any Senator on this floor whether that is the full tax-paying capacity of the State of Arkansas? Of that only five mills are levied for school purposes, and the balance for other county and State purposes. The State of Kansas in 1870, with a taxable valuation of $92,000,000, levied $672,000 for schools, while the State of South Carolina with $133,000,000 of taxable valuation, more than 50 per cent. greater, the same year levied 50 per cent. less for school purposes.

Mr. BLAIR. I understand the Senator from Kansas does not wish to be interrupted by me, but I should like to correct him in regard to his own State.

Mr. PLUMB. I decline to yield to the Senator from New Hampshire. He not only had two days of time but one entire number of the RECORD to make his speech in. When I have gone as far as he has then I shall yield to him.

Mr. BLAIR. I thought the Senator might like to be accurate about his own State.

The PRESIDING OFFICER. The Senator from Kansas declines to be interrupted.

Mr. PLUMB. South Carolina in 1877 levied only $282,451 for school purposes. The State of Louisiana, with a population in 1860 of 708,000, with an assessed valuation of $435,000,000, levied $726,000. In 1870, with an assessed valuation of $253,000,000, it levied $456,000. All the States of the South without exception levy from one-quarter to one-half what is levied for similar purposes according to the taxable valuation by the Northern States. When the war was over, and five years after the war closed, there was not one of all the States which I have named that had not a taxable valuation largely in excess of the State of Kansas. What was the difference against them in that year compared with that State? They had been through the war for four years, they had the same rich soil they had had before, the same climate, the same great forests of timber, the same mines of coal and iron, the same navigable water open all the year round, and they were naturally favored above all other sections of the United States. Was that worse to start with than comparatively nothing?

Yet the State of Kansas since that time has appropriated more than four times more in proportion to its population, and having regard also to its wealth, than any Southern State has appropriated, and it has done it not upon the basis of inherited wealth; it has done it upon wealth which it has created meanwhile. In 1861, at the close of the Territorial period, the State of Kansas, emerging from its own war only to enter into another one, expended $1,700 for school purposes. In 1862, in the midst of that great struggle, it increased the appropriation to $11,000, in 1863 to $26,000, in 1864 to $84,000, and in 1865 to $137,000.

Now, suppose that the State of Kansas and those Southern States commenced without property at the close of the war, with nothing but population, and let us see what the difference is. Since 1865 the State of Kansas has appropriated for common schools more than $29,000,000, and every dollar that it has appropriated has proved an attraction for the State to all the people of the United States seeking homes, and it has thereby added year by year to its population and wealth according to its expenditure for this great and noble purpose. Thirty million dollars in thirty years, and an expenditure for the last year of nearly $3,000,000! Talk about a levy of 12 mills! What the people of Kansas have asked is not what they would like to pay, not alone either what they were able to pay, but what the situation demanded of them. A little hamlet to-day rises on what was yesterday a naked and unoccupied plain, and under the law of that State where there is a school district containing twelve children the electors (and that embraces in that State for all school purposes women as well as men) get together in school meeting, patterned after the town meeting of New England, where every man and every woman votes, and levy a tax for the purpose of building a school-house, and if the taxable valuation is not sufficient for that purpose they pledge the future by the issue of bonds in order that there may be no delay in beginning the education of their children. And then follow adequate levies for the payment of teachers and other expenses.

The school-house is the principal object around which the settlement centers. The one thing which the man who settles on the Kansas soil will not be without is the facility for schooling his children, and where the school-house is planted, where the spirit exists to erect and maintain it, other spirits of the same kind, other ambitious, energetic, forceful, intelligent people come, and the hamlet of to-day is the organized county of to-morrow; and swift after this population come railroads. It is the sign by which the people of Kansas have conquered; and what they have done is not single and alone to them. While they have been doing this Nebraska has been doing the same thing. Dakota, Colorado, all the Western States and Territories are engaged in the same work in the same way by means of the same self-sacrifice.

A levy of 12 mills is more than the average in the country districts of the South for all purposes. While in Alabama a few years ago, talking with one of the keenest, wisest men of business of that State, he said to me that the only drawback was the rate of taxation. When I asked him what it was, he said, "Well, it is 1 per cent., but I think we can get it down to about 8 mills." He had spoken kindly of Kansas, about its growth, its enterprise, and so on. When I told him that our people levied sometimes 2½ and sometimes even as much as 5 per cent. in a single year for school purposes alone, such was their determination to have educational facilities, to have all the appliances of a highly ordered government, he was amazed.

The spirit which shirks the payment of taxes, of the imposition of necessary burdens, never builds school-houses or railroads. I know there may be, as there often is, such a thing as overtaxation, but there is also that which "withholdeth more than is meet and it tendeth to poverty." One of the results of low taxes in the South is lack of interest in public affairs. Why is it that our census tables and election returns show that less votes are cast in proportion in most of the election districts of the South than in those of the North? Why is it that there is lack of interest in county affairs, including schools? It is because the one aspiration, the one determination, is that the government shall be cheap, and so long as it is cheap the electors and property-owners are satisfied and take no further interest. The interest is proportioned to the stake. Levy taxes upon men, and they will promptly go to the polls and vote for the men who are to expend them. Levy taxes for the maintenance of schools, the building of bridges, court-houses, and all the appliances and protection of a well-ordered government, and the people will take good care that their judgment goes along with their money.

It is a grace of this kind that the South needs. If it should be seized with the enterprise to create schools, build good roads, and generally to bring together what the Northern people are accustomed to and which they will not be without, it would divert largely the stream of emigration which flows so full to the West and which shuns the South like a plague-spot.

The taxes in no Southern State, as I said, average half what they do in the Northern States. I leave out the cities, I take the country districts. If the State of Louisiana, or the State of South Carolina, or Alabama, or any other State levied taxes as they are levied in the Northern States, there would be a school fund ample for all the purposes of the education of every single person of school age within the limits of those States.

Mr. GEORGE. Will the Senator allow me to ask him a question?

Mr. PLUMB. Certainly.

Mr. GEORGE. The Senator stated a little while ago that the State of Kansas paid a school tax of 5 per cent. upon its property. I desire to know whether all the property in Kansas is taxed or whether only a portion of it is taxed for that purpose? Does the Senator mean to say that on all the wealth of Kansas 5 per cent. is levied?

Mr. PLUMB. I mean to say that it has been often levied, and that the only exception to the rule of constitutional taxation upon all property there is the exemption of $200 of personal property to the head of every family.

Mr. GEORGE. Everything else is taxed?

Mr. PLUMB. Everything else is taxed.

Mr. GEORGE. Is the taxation according to the actual value of the property?

Mr. PLUMB. It is a valuation which is required to be uniform. I do not think it extends in every case to the actual value of the property; that is, to its selling value, but I presume the same rule applies there as elsewhere; the people assess their own property, and the rule of law is that it shall be taxed at its actual value in cash.

Mr. GEORGE. Does the Senator mean to say that the property of Kansas would sell for the amount at which it is assessed or for more?

Mr. PLUMB. It would probably sell for its assessed value—possibly for more. I do not mean to say that all property bears 5 per cent. tax every year; what I mean to say is that the amount is graded not according to what would ordinarily be called the ability to pay, but according to the necessity which exists of having schools, and that the question of rate is not allowed to stand between the settler there and the school facilities which he regards as material for his children. It may be 5 per cent., it may be 2 per cent., it may be 1 per cent. In the city in which I live the school-tax alone is 1 per cent. In some of the country districts it is a great deal more. Of course it varies, and as the population becomes more dense the tax becomes less; but I will venture to say that there is not a school district in that State in which it is as low as it is in the State of Arkansas to-day, according to the statement of the Senator from Arkansas—5 mills. It is oftener over 1 per cent. than under, and it is now lower in all the older settled portions of the State than it has been.

A false impression has been created as to the question of taxation for school purposes in Kansas and elsewhere. I see that the Commissioner of Education gives utterance to it in his report for 1883–'84. Speaking of the school system of Kansas he says:

> The public schools are supported from the proceeds of all lands granted by the United States, including 500,000 acres given to new States under act of September 4, 1841—

That is not very material, but I can state for his benefit that not one acre of that land goes into the school fund—

> and also sections 16 and 36 in every township, granted by act of January 29, 1861; from estates of those dying without heir or will; from such per cent. as may be granted by Congress on the sale of lands in the State—

That is the 5 per cent.—

> from a yearly tax of 1 mill on $1; and from an annual fee of $50 paid by every insurance company doing business in the State.

He states that as the sum of all the sums paid in Kansas for school purposes, when it was but a small fraction. As I said, the tax for school purposes in that State amounted last year to nearly $3,000,000, with a school population of about 460,000. The entire amount realized as income on the fund granted by the United States Government and including all the escheats and the fines and forfeitures in the State which go into the school fund only furnished 80 cents on the scholar. The balance was appropriated and paid by the people themselves by direct taxation levied upon their property.

I have here a table showing the amount that has been granted to every State in the Union for school purposes.

Statement of grants to States and reservations to Territories for school purposes.

States and Territories.	Total area.	Dates of grants.
SECTION 16.	*Acres.*	
Ohio	704,488	March 3, 1803.
Indiana	650,317	April 19, 1816.
Illinois	958,066	April 18, 1818.
Missouri	1,199,139	March 6, 1820.
Alabama	902,774	March 2, 1819.
Mississippi	837,584	March 3, 1803; May 19, 1852; March 3, 1857.
Louisiana	786,044	April 21, 1806; February 15, 1843.
Michigan	1,067,397	June 23, 1836.
Arkansas	886,460	Do.
Florida	908,503	March 3, 1845.
Iowa	905,144	Do.
Wisconsin	958,649	August 6, 1846.
SECTIONS 16 AND 36.		
California	6,719,324	Act March 3, 1853.
Minnesota	2,969,990	February 26, 1857.
Oregon	3,329,706	February 14, 1859.
Kansas	2,801,306	January 29, 1861.
Nevada	3,985,428	March 21, 1864.
Nebraska	2,702,044	April 19, 1864.
Colorado	3,715,556	March 3, 1875.
Washington Territory	2,488,675	March 2, 1853.
New Mexico Territory	4,309,368	September 9, 1850; July 22, 1854.
Utah Territory	3,003,613	September 9, 1850.
Dakota Territory	6,366,451	March 2, 1861.
Montana Territory	5,112,635	February 28, 1861.
Arizona Territory	4,050,347	May 26, 1864.
Idaho Territory	3,088,231	March 3, 1863.
Wyoming Territory	3,490,281	July 25, 1868.
Total	67,893,919	

No grants to Indian and Alaska Territories.

Lands in sixteenth and thirty-sixth sections in Territories not granted, but reserved.

Lands in place and indemnity for deficiencies in sections and townships, under acts of May 20, 1836, and February 26, 1859, included in above statement.

Something has been said about the question of the school fund arising out of the appropriation of sections 16 and 36. Every State admitted into the Union since 1846 has had sections 16 and 36. The States admitted prior to that time had one section to each township.

So the newer States, like Kansas and Nebraska, are not the only ones that have had lands for school purposes. Mississippi had 837,584 acres.

Mr. FRYE. For common schools?

Mr. PLUMB. For common schools.

Mr. GEORGE. Will the Senator allow me to make an explanation there? I do not want to interrupt him unless it is agreeable to him.

Mr. PLUMB. All right.

M. GEORGE. I desire to make a statement in reference to the sixteenth sections in Mississippi. Under the law of the State and of Congress the sixteenth sections were leased for ninety-nine years. Nearly all the sixteenth sections were leased before the war, and where the title had vested and the money had been loaned, in nearly every instance the fund was lost by the general insolvency arising from the war. That is the fact about it.

Mr. PLUMB. I have said nothing about what has become of these lands. I have no doubt that, like the fund which was given to States under the act of 1837, much of it has been misappropriated and lost.

Mr. GEORGE. It was not misappropriated.

Mr. PLUMB. Well, lost, then, by misadventure.

Mr. GEORGE. It was sold, and the money loaned to good and solvent men at the time they borrowed it; but when pay-day came they were nearly all bankrupt.

Mr. PLUMB. Some of the Southern States have had besides swamp land and indemnity for swamp lands, and those swamp lands, as we all know now, were largely good agricultural lands. They were granted to the several States upon the theory that they not only needed reclamation, but that the States themselves stood ready with money to reclaim them. That reclamation never has been made, and the lands have been used for the purpose of swelling the revenues of the several States. I do not speak of this to complain of it, but I speak of it simply as showing that those States have had benefits from the national Treasury which more than equal those which have been had by the Western States.

Alabama has had already, or is in process of now getting, 479,500 acres; Arkansas, 8,652,000; Florida, 15,656,000 acres; and I have a letter from the Secretary of the Interior, in which he says that the claim of Florida adds to that by nearly 3,000,000 acres, amounting to about 18,000,000 acres for the State of Florida. Illinois has 3,000,000; Indiana, 1,000,000; Iowa, 3,000,000; Louisiana, under the act of 1849, has 10,817,000, and under the act of 1850 543,000 acres; Mississippi, 3,070,000 acres; Missouri, 4,719,000 acres; and so on.

In addition to that those States had their distributive shares each of them of the fund of 1837. That table is contained in the speech of the Senator from New Hampshire, and if there is no objection I will incorporate it into mine only for the purpose of showing that there is no foundation for the charge that the Western States admitted since 1846 have had any advantage from the national Treasury or from the common fund, either in lands or money, that all the Southern States have not equally had.

Statement respecting the surplus revenue deposit of 1837, and the educational use made by each State receiving a part thereof.

Names of States receiving parts of the deposit.	Amount received.
Alabama	$669,088 95
Arkansas	286,751 49
Connecticut	764,670 60
Delaware	286,751 49
Georgia	1,051,422 09
Illinois	477,919 14
Indiana	860,254 44
Kentucky	1,433,754 39
Louisiana	447,919 14
Maine	955,838 25
Maryland	955,838 25
Massachusetts	1,338,173 58
Michigan	286,751 49
Mississippi	382,335 30
Missouri	382,335 30
New Hampshire	669,086 79
New Jersey	764,679 60
New York	4,014,520 71
North Carolina	1,433,757 39
Ohio	2,077,260 34
Pennsylvania	2,867,514 78
Rhode Island	382,335 30
South Carolina	1,051,422 09
Tennessee	1,433,757 39
Vermont	669,086 79
Virginia	2,198,427 94
Twenty-six States	28,181,644 91

The fact is, in the race for appropriations I think the general result is a pretty even divide.

Mr. President, it is not money that the Southern States lack, it is the spirit to do the work and to make the necessary sacrifice. You may give them from the national Treasury not only $77,000,000, but ten times seventy-seven million, and every dollar you give them will be not a help to education, but actually a disaster to it. Money does not educate people. Education is born of the determination to know, of that keen instinct quick to discern the advantage of knowing, followed by the determination to put forth every effort and to use every appliance in order that the requisition may be made. Is the native sitting under the bread-fruit tree of the equatorial region, who has only to open his mouth and it is filled, thereby stimulated to exertion? Will the South hanging upon the national Treasury fund for school purposes, and justifying itself by the claim that the North owes this money to it because slavery was abolished, and that therefore you are getting your own, be likely to be stimulated to the effort without which there can be no effective education?

No, Mr. President, the passage of this bill and the distribution of this money is a serious blow to the educational system of the South. What it needs is the stimulus of self-help; and in the four or five years last past, during which time I have given attention to this subject, I am glad to say that the South is increasing year by year its expenditures for school purposes, and the cause of education has been sensibly quickened. If let alone and allowed to stand upon its own resources and not encouraged to believe that it can hang like a leech upon the national Treasury it will continue to increase the scope and efficiency of its system, stimulated by a rising appreciation of the necessity of education for all its people, and as it widens the foundation of the structure, as it adds school-house by school-house, teacher by teacher, out of the money that it has earned, and which it must earn before it can pay, it will find that a structure thus built will be enduring to the end, and will not be shaken by storms or undermined by neglect; and it is only such a system as that which can be of any value to the South or to anybody else.

There are places in the State of Massachusetts where there are more illiterates than there are in the State of Kansas, and places in the State of Massachusetts where there are more illiterates than there are in certain places in the Southern States. Kansas has a less proportion of illiterates than Massachusetts by more than 60 per cent. That does not necessarily mean that the great body of the people of Kansas are more intelligent than those of Massachusetts. There is a certain amount of illiteracy that can not be removed. The millennium will not come this year. There will always be people who can not read and write. There is a certain amount of froth upon the surface of every great swiftly-flowing river. The illiteracy prevailing in Massachusetts can not be materially reduced by levying taxes, just as it can not be considerably reduced in Kansas. In other words, both States have substantially got to the maximum of what money will do. The illiteracy is one of importation, and not of local origin.

So in the South there is the illiteracy which the war found there, the black people of the age of fifty, sixty, seventy-five, and even a hundred years. No amount of money will ever remove that. It is not intended while they are used as the basis of this distribution that they shall ever have any of the benefit of it. But as these are eliminated from time to time, and as the people down there are inspired by their appreciation of the need of universal education, not only as a good in itself, but as a means to pecuniary prosperity, all other kinds of illiteracy will disappear as well.

I am glad to bear testimony to the courageous men on the other side of this Chamber who put aside as unworthy of them that portion of this fund which goes to their States. Look at Alabama, for instance, lying between two great systems of navigable waters. There is more coal and more iron in the space of 125 miles between the upper waters of the Tennessee, flowing into the Ohio, and the waters of the Big Warrior, leading into the Gulf of Mexico, than there is in the entire State of Pennsylvania. The taxable values of that State are increasing by more than $7,000,000 each year. Every year it is more and more becoming a great factor in the iron production of this country, and every year the people of that great State are pluming themselves on the fact that they are running a race with Pennsylvania in the production of iron and coal.

More favorably located than Pennsylvania, with water courses open all the year round that touch the borders of their great iron and coal production, do they want money out of the national Treasury? Are they willing while they make advertisement to the people of the world of their richness in all material resources, of their energy and their ambition, that it shall be accompanied by a statement that "while we are thus rich, the people that come within our borders must be prepared either to educate their own children or to join us in a raid upon the Treasury of the United States because we have not got the money to do it ourselves?"

I know the people of that State do not want it. I know the people of Georgia do not want it. I know that those people left to themselves, away from the devices of politics and politicians, putting aside with the contempt which it deserves this talk about the debt of the North to the South, will always say they do not want it; and I prophesy that if this bill does not become a law in this Congress it will never receive one-third of the votes of this body in any other Congress.

If I believed the South was engaged in a vain struggle, liable to be ingulfed under the ignorance of its population, that it had exhausted every resource which a spirited people could put forth for the purpose of meeting it, then I should say not only appropriate this money for eight years, but I should say, considering these people as absolutely dependent, let us adopt a system not for to-day nor for eight years to come, but for all the coming time, to meet that poverty which can not supply means of education—than which no poverty can be more abject.

A people who have got railroads, who have got rich and fertile lands, in a favorable climate, near to markets, can never be so poor that they can not take from their labor enough to educate their children and leave them an abundance with which to fill their stomachs and clothe their backs. Poverty of that sort is not the poverty of inability but that of sloth. The people of Kansas, who have taxed themselves, who have mortgaged the future, who have borne every burden willingly in order that their children might have a better education than they themselves had, ought not to be levied upon to make up for the sloth and indifference of a people who are not willing to tax themselves in order that they may have equal advantages.

When there is a flood on the Lower Mississippi Congress is appealed to and responds in generous appropriations; but there have been misfortunes to the people of Kansas and Nebraska far more devastating than any flood that ever overflowed the banks of the Mississippi River; and yet picking up fresh courage from every new misfortune, asking nothing from any one but simply planting their feet more firmly upon the ground, addressing themselves to the great problem before them with more zeal and earnestness and determination they have surmounted every misfortune. It was because they had the spirit of determination, because they had courage, because they had industry that they succeeded, and without these there can be no education, there can be no civilization; and donations bring neither education nor civilization.

I ask Northern Senators if they will vote to tax the many small farms, the many shops and forges already bearing the largest proportionate burden of taxation imposed, as they always do, the money necessary to carry out the provisions of this bill? If they do, let them consider well of their reasons. And why levy a great burden on the Territories denied admission as States, struggling with all the adverse circumstances attending new and frontier settlements? Is it manly thus to impose on them? Let not this injustice be done in the sacred name of education.

Mr. CALL. Mr. President, there is nothing that affords a greater contrast than the plain, simple fact when contrasted with declarations of theory and opinion. There have been grave questions made in regard to this bill, and an examination of the merits of the people of the respective States and sections has been largely entered upon. It has been said that the illiteracy in some portions of the country is due to the fault of the people there; that there is abundant ability, taxable sources of revenue, to sustain a proper system of public instruction throughout the States where it prevails.

Suppose we leave that subject for one moment and consider that the United States collected from the people of the Southern States, where the greatest need for aid to education exists, between sixty and seventy million dollars without authority of law and paid it into the Treasury of the United States, and that it still remains there, the property of the people from whom it was taken. What is the result and what the obligation of that fact? What matters it what superiority there may or may not be in different portions of this country, if that fact be true, and if there is illiteracy and there is a need of education, what is the constitutional objection, or the moral objection, or the political objection to the payment of that money, unlawfully in the Treasury of the United States and taken from the people of these Southern States? But we have grave constitutional arguments here to show that while that money did get into the Treasury by the operations of the Government, that while it got there by the exercise of the constitutional powers of the Government, although unlawfully exerted, yet there is no constitutional power to pay it out, even for purposes which concern the people of all the States.

I think that fact is a sufficient answer to the Senator from Kansas and to his objections to this bill, that here is a large sum of money taken from the people of the States where illiteracy most prevails, at a time when their industries were disordered, when there was no power to resuscitate all the various sources from which industry derives its support, while there was no power to direct efficiently the labor of the country, and still held by the national Treasury.

But it is not necessary to enter into a discussion of the questions raised by the Senator from Kansas. It is idle to deny the fact that a great war had destroyed the relations of society, the relations of industry; that it had destroyed the values of property, and that those people have not yet recovered from that war. Be the fact what it may in regard to the superior economies of the people of Kansas or any other State it does not touch the question that the result of the great civil war left the Southern people and the Southern States with disordered industry, with landed property which had no convertible value in

money, and that its effects still remain; and that no people, either in Kansas or anywhere else in the world, have ever striven with more economy, with more industry, nor appropriated their means with more liberality to the great burden of education that came upon them from these circumstances.

The figures which the Senator from New Hampshire has furnished and has had printed in the RECORD abundantly evidence that fact; they abundantly establish the present needs of the country, the fact that there is an increasing illiteracy throughout the country, the fact that there is a necessity for a greater application of money than can be obtained from the taxable resources of the people of these States, and it is with that question and its consequences that we are called upon to-day to deal.

How do we approach that question? We find the gravest constitutional objections urged against this bill. Senators can find in this simple appropriation of money not so great as the sum belonging to them in the Treasury to be accepted or rejected by the States at their will, to be applied through their own State officers, and with the requirement only of a condition applicable to all appropriations and grants of public money, that it shall be applied to the purpose for which it is intended. They find in this simple fact a grave constitutional objection, that it interferes with the autonomy of the States, that it is destructive of their sovereign power of legislation, that it invades the barrier interposed by the Constitution between State and Federal power, that although money was appropriated to purchase Louisiana and a part of Texas, although the people were taxed to buy Alaska, and although neither of these acts is pretended to be within the specific grants of power, for which alone under the argument of the objectors to this bill, money can be appropriated, yet no power can be found to apply the money realized from taxes in aid of education even with the consent of the States where it is to be expended.

Nothing, I think, will more clearly establish how futile these ideas are than the fact that it has been regarded as a proper subject of State and Federal power that a State might cede its territory to the United States. The State of Texas ceded to the United States for a consideration paid in money enough empire to make two or three States. The power was found in the Constitution for that, and where was it found? Can it be said that the right of a State and the Federal Government to make a compact by which the territory of the State is surrendered to be held at the discretion of the National Government is less dangerous to State autonomy than the power to accept a gift? There is no discretion or limitation either upon the State or upon the Government of the United States. If they may cede their territory by a compact and it be accepted, they may extinguish the State government entirely. If there is a power for a part there is a power for the whole, and it will not do to construe the Constitution upon any such narrow and impracticable ideas as these.

Time and again the power of a State and the Federal Government to make a compact by which the State ceded her territory to the United States has been recognized and affirmed, and it creates no apprehension and no alarm; but manifestly I reiterate such a power may be so used as to be absolutely destructive of the theory of an indestructible State.

How, then, shall we construe the Constitution? Simply by the proposition that it contains two great principles, the one of national government and national authority and the other of State authority, and that neither can as a matter of power interfere with the other. This construction of the Constitution has prevailed throughout the whole history of this Government. None other is practicable.

We find as the result of this that the public domain of the United States, estimated to be 1,849,000,000 acres, cost for the purchase $322,049,000, paid by the Government of the United States out of the taxable revenues of the country, paid by taxes imposed upon the people of the United States under the powers of the Constitution.

COST PER ACRE OF THE PUBLIC DOMAIN—PURCHASE AND CESSIONS.

The entire public domain contained (estimated) cessions, 259,171,787 acres; purchases, 1,593,139,200 acres; total, 1,852,310,987 acres; cost, $88,157,389.98, which is 4¾ cents per acre.

Purchases—cost, $81,957,389.98; contained 1,593,139,200 acres; cost 5 1/10 cents per acre.

Louisiana purchase—cost, $27,267,621.98; contained 756,961,280 acres; cost 3⅗ cents per acre.

East and West Florida, from Spain—cost, $6,489,768; contained 37,931,520 acres; cost 17 1/10 cents per acre.

Mexico, Guadalupe Hidalgo—cost, $15,000,000; contained 334,443,520 acres; cost 4½ cents per acre.

Texas purchase, 1850—cost $16,000,000; contained 65,130,880 acres; cost 24 7/10 cents per acre.

Mexico, Gadsden purchase, 1853—cost $10,000,000; contained 29,142,400 acres; cost 34 3/10 cents per acre.

Alaska from Russia, 1867—cost, $7,200,000; contained 369,529,600 acres; cost 1 9/10 cents per acre.

State cessions, from Georgia—cost, $6,200,000; contained 56,689,920 acres; cost 10 9/10 cents per acre.

The United States has disposed of (estimated) 547,754,483.88 acres of public domain, exclusive of Tennessee, and received therefor, net, $200,702,849.11, or nearly 36⅔ cents per acre.

The public domain contains (estimated) 1,852,310,987 acres, and cost for purchase, Indians, survey, and disposition, $322,049,595.96, or about 17⅓ cents per acre.

We find that vast portions of this money have passed by donation accepted by the States to all of the States, and the distinction that can be drawn between the injury to the States in accepting the proceeds of the sales of the public lands and the public lands themselves and the injury that will result from accepting the money derived directly by taxes manifestly has no foundation either in reason or in the experience of the country. I think that is a satisfactory reply. Three hundred and more million dollars of the taxes on the people of this country have been expended in the purchase of the public domain, and it has been appropriated in this form for educational purposes in every State in the Union, the State of Kansas receiving nearly 3,000,000 acres of this public land, worth at least $10 per acre, or about $28,000,000 of this public money, and all of the States receiving their 5 per cent., as they are to-day receiving it, of the proceeds of the sales of public lands. The State of Kansas receiving in money from this source $346,318.24.

Statement of the grants to States and reservations to Territories for school purposes.

States and Territories.	Total area.	Dates of grants.
SECTION 16.	*Acres.*	
Ohio	704,488	March 3, 1803.
Indiana	650,317	April 19, 1816.
Illinois	985,066	April 18, 1818.
Missouri	1,199,139	March 6, 1820.
Alabama	902,774	March 2, 1819.
Mississippi	837,584	March 3, 1803; May 19, 1852; March 3, 1857.
Louisiana	786,044	April 21, 1806; February 15, 1843.
Michigan	1,067,397	June 23, 1836.
Arkansas	886,460	Do.
Florida	908,503	March 3, 1845.
Iowa	905,144	Do.
Wisconsin	958,649	August 6, 1846.
SECTIONS 16 AND 36.		
California	6,719,324	Act March 3, 1853.
Minnesota	2,909,990	February 26, 1857.
Oregon	3,329,706	February 14, 1859.
Kansas	2,801,306	January 29, 1861.
Nevada	3,985,428	March 21, 1864.
Nebraska	2,702,044	April 19, 1864.
Colorado	3,715,535	March 3, 1875.
Washington Territory	2,488,675	March 2, 1853.
New Mexico Territory	4,309,368	September 9, 1850; July 22, 1854.
Utah Territory	3,003,613	September 9, 1850.
Dakota Territory	5,366,451	March 2, 1861.
Montana Territory	5,112,035	February 28, 1861.
Arizona Territory	4,050,347	May 26, 1864.
Idaho Territory	3,068,231	March 3, 1863.
Wyoming Territory	3,480,281	July 25, 1868.
Total	67,893,919	

No grants to Indian and Alaska Territories.

Lands in sixteenth and thirty-sixth sections in Territories not granted, but reserved.

Lands in place and indemnity for deficiencies in sections and townships, under acts of May 20, 1826, and February 26, 1859, included in above statement.

The following statement shows the number of acres granted to the States and reserved in the Territories of Washington, New Mexico, and Utah, for university purposes, by acts of Congress, the dates of which are given in proper column:

Grants and reservations for universities.

States and Territories.	Total area.	Under what acts.
	Acres.	
Ohio	69,120	April 21, 1792; March 3, 1803.
Indiana	46,080	April 19, 1816; March 26, 1804.
Illinois	46,080	March 26, 1804; April 18, 1818.
Missouri	46,080	February 17, 1818; March 6, 1820.
Alabama	46,080	April 20, 1818; March 2, 1819.
Mississippi	46,080	March 3, 1803; February 20, 1819.
Louisiana	46,080	April 21, 1806; March 3, 1811; March 3, 1827.
Michigan	46,080	June 23, 1836.
Arkansas	46,080	Do.
Florida	92,160	March 3, 1845.
Iowa	46,080	Do.
Wisconsin	92,160	August 6, 1846; December 15, 1854.
California	46,080	March 3, 1853.
Minnesota	82,640	March 2, 1861; February 26, 1857; July 8, 1870.
Oregon	46,080	February 14, 1859; March 2, 1861.
Kansas	46,080	January 29, 1861.
Nevada	46,080	July 4, 1866.
Nebraska	46,080	April 19, 1864.
Colorado	46,080	March 3, 1875.
Washington Territory	46,080	July 17, 1854; March 14, 1864.
New Mexico Territory	46,080	July 22, 1854.
Utah Territory	46,080	February 21, 1855.
Total	1,165,520	

Lands in the Territories not granted, but reserved.

TWO, THREE, AND FIVE PER CENT. FUNDS.

Statement of the amounts which have accrued to the following-named States on account of the 2, 3, and 5 per cent. upon the net proceeds of the sales of public lands to June 30, 1882, inclusive.

States.	2 per cent.	3 per cent.	5 per cent.	Aggregate.
Alabama	$405,178 81	$607,678 22		$1,012,857 03
Arkansas			$232,317 03	232,317 03
Colorado			9,589 73	9,589 73
Florida			33,162 27	33,162 27
Iowa			626,075 16	626,075 16
Illinois		$712,744 82		712,744 82
Indiana		618,277 50		618,277 50
Kansas			$346,318 24	346,318 24
Louisiana			315,676 36	315,676 36
Michigan			484,645 04	484,645 04
Minnesota			148,854 92	148,854 92
Mississippi	$395,528 64	601,377 86		996,906 50
Missouri	15,587 78	535,836 05		551,423 83
Nebraska			137,685 79	137,685 79
Nevada			8,319 84	8,319 84
Ohio		596,634 10		596,634 10
Oregon			34,911 09	34,911 09
Wisconsin			466,670 51	466,670 51
Total	816,295 23	3,672,548 55	2,844,225 98	7,333,069 76

Why shall we argue upon these questions and find constitutional difficulties, first toward paying back the money unlawfully collected from the people of the Southern States and now in the Treasury, for an object common to all for a benefit that will result to every State and to all the people of the United States. Second, why shall we find objections to giving the money in aid of education, when we find that the same money invested in the $300,000,000 of public land has been paid out to an extent twice as great as the whole amount provided to be paid in the bill?

Sir, this bill is but a small proportion of the amount that has been appropriated continuously and without objection with the consent of every State and of the people by the United States to the cause of education. It seems strange to me, with this continuous experience on the part of the Government, renewed Congress after Congress, this appropriation of a sum of money much larger in the aggregate than that now proposed to be expended, that we should still find these urgent constitutional objections to this act so common in the history of the Government and attempt to justify it by a distinction between taxes now to be levied and taxes levied in the past and then invested in public lands and then applied to the purposes of education.

We still apply the 5 per cent. of the proceeds of the sales of the public lands paid in the Treasury every year to this benefit, accepted by the States and received by them. If it is unconstitutional to appropriate money out of the Treasury to the cause of education because it is not provided for in the Constitution, there is not one of the appropriations of the 5 per cent. of the proceeds of the sales of the public lands that is not equally within the constitutional inhibition.

But I do not found my support of the bill upon any question of restitution to the people of the Southern States or of justice or injustice to this or that section of the Union—not because of the war or the results of the war. To-day, standing as a Senator here, I propose to legislate for the present and the future. The past is irrevocable. To my mind we stand to-day in a new generation and with new surroundings. We have a new world and new economies, and we have but two great guiding stars and principles to control us in the exercise of the powers conferred upon us, and that is the preservation of the National Government and the preservation of the States in their respective spheres of action.

I recognize the power to aid States and the power of the States to aid the National Government as within the sphere of constitutional power, and I ask the Senators who have made their arguments here denying it, I ask those who have quoted from Judge Cooley in regard to the power of the Federal and State Governments, and from Judge Marshall to the effect that the General Government can not tax for an object of State power and the State government can not tax for an object of Federal power, how is it that they pay year after year the loans made by the different States in aid of the General Government during the late civil war and the money expended by the States for the suppression of Indian hostilities?

These are each powers not enumerated in the specific grants. The States are not charged with the common defense. The Federal Government is charged with the power and duty of defending each State from war and invasion. How, then, can you recognize its power to tax its people for this Federal duty, and appropriate money to pay them for exercising an unconstitutional and prohibited power? Consent, you say, can not give power or jurisdiction.

How is it, if it be unconstitutional for the National Government to aid the States by an appropriation of money, that from the very beginning of the history of this Government the States have been paid by the National Government the money that they had used and expended and loaned in the suppression of Indian hostilities and later in the civil war in the equipment of troops and the general expenditures for the maintenance of the war?

There is no ground of argument or of reason in the proposition that there is anything in the Federal Constitution that prohibits a State or withholds power from us to aid the States in a lawful and proper way with their consent. The Constitution has prohibited any invasion of their sovereignty, and assuredly it would not be lawful for the General Government to exercise any power which it possessed to the destruction of the proper sovereignty of the States, nor would it be on the part of the States to exercise any authority to the destruction of any of the powers intrusted to the National Government. That is the only distinction which has guided the Government in the exercise of its powers, and the only reasonable one which can guide it.

But I said that we stood now with new surroundings, and what are those? We have no census and no statistical tables which can tell us the number of unemployed people in the United States. We have no means of knowing what the extent of want, what the extent of poverty, what the extent of suffering in this country is; but we know that North and South there is a want of employment for the people of the country; that agriculture alone is open to great masses of people. We find in the statistical reports even of the Commonwealth of Massachusetts, where labor is more equally divided and distributed, where education and industrial education is more general than anywhere else, that by the statistics of Massachusetts even there there is a necessity for industrial education; that there is a necessity for education among some classes of the people greater than their system provides. Even there less than 50 per cent. of their people are employed; the remainder have no employment and are not producers.

We are confronted with the proposition that with the labor-saving machinery that has been invented, that with the great corporations and the great increase of corporate power everywhere in the country, there is a necessity for something that will distribute labor, for something that will diversify labor, for something that will enable the whole people of the country to relieve themselves from their present condition of poverty and of want. We find that we are in an age when the communications of the country are so rapid and quick, when by the telegraph the speed of lightning is given to thought and all nations and peoples are placed in direct and immediate communication, the power of combination is associating the laboring people of the world everywhere until they can dictate to the communities and to the sources of employment the terms of their employment.

I regard it as a favorable and an auspicious feature in the economy of this time, but it must be accompanied with education. It is a fearful power which takes the attribute that has hitherto belonged to government and gives it to an associated body of men federated throughout the world the power of directing the actions of large bodies of people. It is necessary, in my opinion, for the comfort of the laboring people, for their protection against want and suffering; but it must be accompanied with education, it must be accompanied with the power to diversify employment, it must be accompanied with that kind of education which will enable every man to be an independent factor and laborer in the community; and when the law of a relentless competition shall have made one employment unprofitable, when he or she may not be able to obtain employment there, they must be so educated that they can turn their attention to some other employment fitted for them and labor in that.

Therefore I recognize in the present condition of things a necessity for aid from the General Government wherever a State may be found that is not able to afford education to her people, and I do not regard it with any apprehension that it shall be upon such terms not interfering with the internal autonomy of the State, not interfering with her power to control education, but that it shall be upon such reasonable terms to be accepted by the State as will require that education shall be provided with the means furnished for the purpose by the Government of the United States.

It has been urged that this is a local interest, that this is a necessity for that community and for none other. I do not take such a view of the case. I consider that if there be any State within this Union now or hereafter that from any cause shall be so crippled in its resources that it can not perform for her people the functions which were retained and reserved in her constitution, to aid that State with a gift of the public money would be in the interest and for the benefit of every other State of the United States and for every other people in the United States.

I believe it is just as legitimate and as clearly wise as it was for the States of the Union in the late war to loan their money to equip troops, to expend their taxes in the maintenance of the Union, or as it was for the States to have organized troops and suppressed the Indian hostilities, and then to ask the Government of the United States that they should be reimbursed for that money. I can see no difference between the two propositions, except that here it is proposed to give this money, and it finds its justification in fact so far as the Southern States are concerned in the fact that the Government holds $77,000,000 of their money, though I do not need that. I am prepared to vote as a Senator money to aid them wherever it is necessary to maintain the existence of a State government, wherever her people are without the means to maintain that autonomy, and if it be necessary to loan money with her consent, to give money to rehabilitate that State and that people, I shall find no constitutional objections toward doing it.

But we are told that there must be self-reliance in the people, and that it is the want of self-reliance in these great communities of Southern States that has caused this lack of education. The contrast between the State of Kansas and other Western States and the Southern States has no foundation in reason. They were the centers of a large and prosperous emigration. They were the centers to which a population was crowding, with land suitable for the production of cereals ready at once to be converted into profitable agriculture; while the agriculture of the Southern States, with a peculiar population, was one that drove away this vast tide of emigration.

Pour into the Southern States the same emigration and the same people and you will find that there is no peculiarity in the soil there, or in the climate there, or in the surroundings there which will prevent the same people upon the soil of the Southern States, under the same circumstances, from producing the same results. But put a few of them there in the midst of a different population, accustomed to other processes of labor, themselves to be educated not only in the habits of free labor and free industry, but in the economies that are necessary, and put them in the midst of a population that have to be taught everything, and you will find as great a difference with the people of Kansas situated as the Southern people are as you will find between them there at this time and those in the free States.

But how is this donation of money going to affect the self-reliance of the people? I venture to affirm that the Southern people have been taxed to the utmost limits of possible payment. The values there are not convertible values. The railroads built there are built with foreign capital, under conditions of exemption from taxation for many years. In a great many if not in all cases every inducement has been held out to capital. The land is not a convertible asset. It is taxed far beyond its convertible value, for that is almost absolutely nothing. The whole amount of taxation is paid out of the labor of the people. It is not paid out of value which can be converted; it is paid out of the annual agricultural labor of the country, which is the sole resource of the people.

If this donation of money shall destroy the self-reliance of the people, how has it been that those 3,000,000 acres nearly of public land donated to the people of Kansas and this 5 per cent. upon the proceeds of the sales of the public lands, equal in value to thirty millions of dollars in the State of Kansas, has not destroyed their self-reliance? I hold in my hand the table of the distribution of the proceeds of the sales of the public lands or the surplus money in the Treasury which has been the foundation of the great systems of education in many of the Western and Northern States.

Why has not that destroyed the self-reliance of the people? Mr. President, there is no foundation for that proposition. Unquestionably, to sustain these people entirely from the national Treasury would be unwise and absurd, but a moderate appropriation to be invested properly in the encouragement of education, in the establishment of schools everywhere, in maintaining teachers for a limited time, could have no permanent effect upon the self-reliance of the people.

There are tasks too great to be accomplished by an impoverished people, and this danger is pressing upon us. A hundred million people will soon be here. They will need employment and they will need education of the head and the hand. They will need that which every despotic government has already undertaken because of the necessity to provide employment for the people. Sir, this is a necessity which will admit of no denial and no delay. Ignorance, the lack of employment, the want of capacity to earn a living will crush a stronger government than any that has ever existed in the world. The associations of labor which are telling everywhere the story of their wrongs and sufferings, the want of employment, the lack of compensation, the stern oppression which they feel, evidences, I think, to every enlightened statesman that there must be some other, some wider, some more efficient education than that now existing; and I can see no impropriety in the National Government, which has expended the proceeds of the public lands to an extent twice or three times greater than the appropriation asked for here—I can see no objection to Government aid in the midst of this necessity, with the increasing illiteracy in the South unfitting the people for the duties of citizenship or for the employments of life except the single one of an imperfect agriculture, the single one of an agriculture not in accordance with the spirit of the age, with the intelligence of the age confined to one or two staples alone, and with the utter impossibility within this generation of that ignorance being relieved.

Sir, I am in favor of appropriating money to the full extent of $60,000,000 or $70,000,000 improperly taken from the Southern States, and now held in the Treasury, for this purpose of general education, of industrial education, and I find no difficulty whatever in any of the provisions of the Constitution in giving to it my support.

Mr. MORGAN. I do not think there are $50,000,000 or $60,000,000 now held in the Treasury that had been taxed out of the people of the South, I suppose out of the cotton tax. Is that what the Senator from Florida referred to?

Mr. CALL. I do not say that that justifies it in your view or in anybody's view. I would not give that for my justification.

Mr. MORGAN. I do not think that money is in the Treasury. That money doubtless has been long ago expended for the general welfare, and the Senator bars himself from making any reclamation upon that fund by announcing that the Congress has a perfect right to tax South, North, East, or West for the general welfare. The money has been collected and long ago expended for the general welfare, and therefore I can not see how the Senator can get into his heart or mind to make another raid upon the Treasury to get that money out after it has been expended, having once been collected and expended for the general welfare.

I do not think that the South will ever assert any claim to that $60,000,000 or $70,000,000 on any account; but if it should ever assert a claim, it will be certain, I think, to try to pay the money back into the hands of the men who put it into the Treasury, and not to divert it to some other purpose. If the people of the South have been required to pay $60,000,000 or $70,000,000 cotton tax unconstitutionally into the Treasury of the United States, it is the plain duty of the Government of the United States to refund that money to the people who paid it, and not to take the money, and by some *cy pres* or eleemosynary arrangement transfer it to other people to benefit them. We have no claim to this $77,000,000 based upon that ground.

There are about $10,000,000 or $12,000,000 in the Treasury which were collected, I believe, by the confiscation of property or property which was seized in the name of the United States in the hands of owners and supposed to be confiscated. Perhaps it was not confiscated. The persons from whom that money was taken, the persons whose cotton was taken and the cotton sold under proceedings of confiscation and placed in the Treasury would have a clear right individually to go upon the Treasury of the United States and to ask us to vote the money back to them in the event that the Government of the United States had no right to take it. But in that case also the money ought to go back to the hands of the people from whom the cotton was taken, and not take their money and convert it into a general fund for the education of somebody else. That is not the proper way to treat claimants against the Government of the United States.

There are a great many honest and just claims against the Government of the United States now being pressed here. We voted on some to-day; a great many are to be voted upon; many millions of dollars have been voted, but we never once thought that because that money had found its way into the Treasury of the United States, or because the Government of the United States was indebted to those people, therefore we had the right to take the funds which we found there and appropriate them to any purpose that we saw proper. We pay the money back to the men who suffered, to the men who put it in the Treasury, and it would be just as bold a usurpation and as great a robbery for the Government of the United States to take a private citizen's money and give it to another man as it would be to take that $60,000,000 or $70,000,000 that the people of the South have paid, people I will say of the Gulf States, and pay it for the education of people in the Middle States.

That is all the reply I propose to make to the Senator from Florida about this matter, but while I am on my feet I desire to call the attention of the Senate to this statement made by the Senator from New Hampshire on the 17th of this month:

> The Legislature of Alabama, the Senator's own Legislature, has done it unanimously.

That is to say, instructed the Senators from that State to vote for this bill. It struck me with a good deal of astonishment that a Senator should make a statement of that kind on this floor which at the moment I was unprepared to answer. I knew I had never received any such instruction, nor had I ever heard of it; but the Senator of course knows more about the business of my people than I do myself. He doubtless understands not only the business but the necessities and the welfare and all that belongs to the people of Alabama better than I do. And there is one great consolation to me in this new style of legislation that we are starting on, and that is that the people of Alabama after all will have the benefit of the talent and the industry and the benevolence of the Senator from New Hampshire in the management of their local affairs. That, sir, is a boon which I could scarcely reject without being guilty even of impropriety, to say nothing of impoliteness.

Now, let us see what the Legislature of Alabama has actually done. I read from a dispatch in a paper published in Montgomery, which referred to a statement made by my colleague that he was voting in obedience to the instructions of his State on this bill, which proceeds to say:

> At its session of 1882-'83 the Alabama Legislature adopted the following joint memorial asking aid from the Federal Government for educational purposes:
> "That the Senators and Representatives in Congress from this State be requested to secure the passage of a bill granting aid to education in the several States on the basis of illiteracy, the amount so appropriated to be applied by the several States through their superintendents of education.
> "Approved December 11, 1882."

That is all my State has ever done, memorialized Congress asking that the Senators should advocate bills here for aid to education to be paid to the cause of education through the State superintendents. The Senator from Florida asks me if that is not this bill. I do not know that it is. I rather think it is not. I proceed with the editorial of this paper:

> There is a wide difference between "requesting" and "instructing" Senators, which no one understands better than Mr. Pugh, and he must therefore have been ignorant as to the exact wording of the resolution. We publish it, therefore, that he may again read it and refresh his memory.

Now, the Blair bill, as it is called, was passed two years ago by the Senate by an immense majority, a four-fifths majority, and it was a subject of discussion two years ago in Alabama in the elections to the Legislature, Congress, &c. I did not participate in the discussion at all. I was there and made some speeches in the State, but I never alluded to the Blair bill. The Legislature met last winter a year ago, the same Legislature that re-elected my colleague to the Senate. Says this paper:

There was an effort made in the last Legislature to pass a resolution indorsing the Blair bill and instructing the Alabama Senators to vote for it—

I was not there at all—

A Democratic caucus of members of both houses was called for that purpose. But the caucus was a failure. Less than a dozen members, all told, of the house and senate were present, and it was Major Wodawell, of Perry, who got up, and, picking up the speaker's gavel, rapped the little crowd to order and announced with a pleased and humorous expression on his benevolent face, "Gentlemen, this thing is a failure, and is declared adjourned *sine die*." This was the end of all further efforts during the session to get up a sentiment in favor of the Blair bill.

That is the whole story about this affair in my State, and here I stand alarmed at the idea that my Legislature had actually instructed me to vote for the Blair bill and never had the grace to communicate the instructions to me. I was very much more alarmed when I looked over the Senate files and found Senate bill 2642, introduced by the Senator from New Hampshire [Mr. BLAIR] by request, the first section of which I will read. I was really alarmed that perhaps my Legislature might have instructed me to vote for this bill of the Senator from New Hampshire, which has relation to a kindred subject.

A bill granting lands to aid in the establishment of an endowment for savings, to promote thrift and to assist the people to preserve themselves from sinking into or remaining in the dangerous and degraded hand-to-mouth condition of absolute and direct dependence upon current wages.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That upon the conditions hereinafter stated, and for the purpose of aiding in the establishment of an endowment for savings (to promote thrift and assist citizens of the United States to preserve themselves from sinking into or remaining in the dangerous and degraded hand-to-mouth condition of absolute and direct dependence upon current wages), there is hereby granted to the People's Real Estate Tontine, a society or company now engaged in accumulating and administering such an endowment, the right to take and hold, for the purpose of such endowment, sections of the public lands not otherwise disposed of or reserved or held by valid pre-emption or homestead right at the time of such taking, to the amount of one such section for every hundred dollars received by said company in subscriptions to its tontine year-funds, but not to exceed 1,000,000 acres in all; and whenever and as often as the said company shall prove to the Secretary of the Interior that it has in fact received subscriptions to its year-funds to the amount of $100, the said Secretary shall cause patents to be issued to said company for one such section, to be by him selected if practicable from among lands actually worth at the time at least the minimum selling price, and as nearly adjacent as may be to the sections, if any, theretofore granted to said company under this act.

I notice that that bill is now before the Committee on Education and Labor.

Mr. BLAIR. The Committee on Public Lands.

Mr. MORGAN. The Senator from Vermont is impatient, but I am not.

Mr. EDMUNDS. I am very patient indeed.

Mr. MORGAN. The Senator has not been in the Senate all day and he is excusable for his impatience.

I find that that same bill has been introduced again and I call attention to it now for two purposes. One is that I do not want the Legislature of Alabama to instruct me to vote for that wild measure of agrarianism and communism, which is only of a piece with the bill which the honorable Senator is advocating here to-day. I am against all such measures. I am for trying to hold down the legislation of this country to reasonable and proper bounds. I am trying to keep it in the range of those objects and purposes which our fathers had in view when they adopted the Constitution of the United States.

Mr. EDMUNDS. The Senator from Alabama has concluded. I move that the Senate proceed to the consideration of executive business.

The motion was agreed to; and the Senate proceeded to the consideration of executive business. After thirty-seven minutes spent in executive session the doors were reopened, and (at 5 o'clock and 37 minutes p. m.) the Senate adjourned.

EXECUTIVE NOMINATIONS.

Nominations received the 23d day of February, 1886.

CONSUL.

John Woessner, of Texas, now vice-consul at Saltillo, to be consul of the United States at that place.

REGISTER OF THE LAND OFFICE.

Charles F. Wikins, of Minnesota, to be register of the land office at Benson, Minn., *vice* Darwin S. Hall, commission expired.

CONFIRMATIONS.

Nominations confirmed February 23, 1886.

UNITED STATES MARSHAL.

Charles B. Harmon, of Maine, to be marshal of the United Statas for the district of Maine.

PENSION AGENT.

Alfred B. Judd, of Milwaukee, Wis., to be pension agent at Milwaukee, Wis.

HOUSE OF REPRESENTATIVES.

TUESDAY, *February* 23, 1886.

The House met at 12 o'clock m. Prayer by the Chaplain, Rev. W. H. MILBURN, D. D.

The Journal of the proceedings of Friday last was read and approved.

BUILDING FOR PRINTING AND ENGRAVING BUREAU.

The SPEAKER laid before the House a letter from the Secretary of the Treasury, transmitting a letter from the Chief of the Bureau of Printing and Engraving recommending the passage of a bill to condemn lot 12 of square 231, Washington city, for the purpose of erecting a building for the use of that bureau; which was referred to the Committee on Public Buildings and Grounds, and ordered to be printed.

SUBSISTENCE OF INDIANS.

The SPEAKER also laid before the House a letter from the Secretary of the Treasury, transmitting a report from the Commissioner of Indian Affairs, showing diversions, for subsistence of Indians, of surplus appropriations authorized by the Indian appropriation act of March 3, 1885; which was referred to the Committee on Indian Affairs, and ordered to be printed.

SURVEY OF PASCAGOULA RIVER, FLORIDA.

The SPEAKER also laid before the House a letter from the Secretary of War, transmitting a letter from the Chief of Engineers, with reports from Maj. A. N. Damrell of a survey and examination of the Pascagoula River, Florida; which was referred to the Committee on Rivers and Harbors, and ordered to be printed.

SALE OF FORT BRADY, MICHIGAN.

The SPEAKER also laid before the House a letter from the Secretary of War, transmitting a report from the Chief of Engineers in relation to Senate bill 753 for the sale of Fort Brady, Michigan; which was referred to the Committee on Military Affairs, and ordered to be printed.

SURVEY OF WACISSA RIVER, FLORIDA.

The SPEAKER also laid before the House a letter from the Secretary of War, transmitting a report from Maj. A. N. Damrell, Corps of Engineers, of an examination of Wacissa River, Florida; which was referred to the Committee on Rivers and Harbors, and ordered to be printed.

LEAVE OF ABSENCE.

By unanimous consent, leave of absence was granted as follows:

To Mr. DUNHAM, for one week, on account of important business.

To Mr. CAMPBELL, of Ohio, for three days, on account of important business.

To Mr. ADAMS, of New York, until Tuesday next, on account of important business.

CHANGES OF REFERENCE.

The SPEAKER. The Chair finds, upon examination, that the bill (H. R. 2200) granting a pension to William Gilmore and the bill (H. R. 2763) for the relief of Hiram Haskell were improperly referred to the Committee on Invalid Pensions. If there be no objection House bill No. 2200 will be referred to the Committee on Pensions and House bill No. 2763 to the Committee on Claims.

There being no objection, it was ordered accordingly.

STEAMSHIP CAROLINE MILLER.

Mr. DUNN. I ask unanimous consent to report back for immediate consideration, from the Committee on Ship-building and Ship-owning Interests, the bill (S. 491) to provide for an American register for the steamship Caroline Miller, of Baltimore, Md. This bill is identical with a bill already reported by this committee, and its early passage is a matter of importance.

The SPEAKER. The bill will be read, after which the Chair will ask for objection.

Mr. BEACH. There is no use wasting time reading the bill. I shall object to the consideration at present.

The SPEAKER. The gentleman from New York [Mr. BEACH] objects.

Mr. DUNN. I ask the gentleman to allow me to make a statement before he insists on his objection.

Mr. BEACH. I understand that quite a number of members have what they conceive to be important bills and resolutions, which they desire to introduce simply for reference. I therefore ask unanimous consent that a call of the States may be had at this time.

Mr. DUNN. I object.

SITTINGS OF COMMITTEE ON APPROPRIATIONS.

Mr. FORNEY, by unanimous consent, reported from the Committee on Appropriations the following resolution; which was read, considered, and adopted:

Resolved, That the Committee on Appropriations and its subcommittees have leave to sit during the sessions of the House for the present session.

Mr. FORNEY moved to reconsider the vote by which the resolution was adopted; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

ORDER OF BUSINESS.

The SPEAKER. The Chair will proceed to call the standing and select committees for reports.

PAYMENT OF THE PUBLIC DEBT.

Mr. MORRISON, from the Committee on Ways and Means, reported a joint resolution (H. R. 126) directing payment of the surplus in the Treasury on the public debt; which was read a first and second time, referred to the Committee of the Whole House on the state of the Union, and, with the accompanying report, ordered to be printed.

Mr. HEWITT. Mr. Speaker, the minority of the committee desire to file their views upon the joint resolution just reported.

The SPEAKER. The gentleman from New York [Mr. HEWITT] asks unanimous consent to submit the views of the minority upon this joint resolution, to be printed with the report of the majority. If there be no objection leave will be given.

There was no objection, and it was ordered accordingly.

CHANGE OF REFERENCE.

On motion of Mr. FORNEY, by unanimous consent the Committee on Appropriations was discharged from the further consideration of the bill (H. R. 1524) making an appropriation for the purchase of a work entitled "Port charges and requirements on vessels in the various ports of the world, with tables of moneys, weights, and measures of all nations, and a telegraphic code for masters, owners, and ship-brokers, by Theodore Hunter and Jarvis Patten," for the use of United States consuls that are stationed at seaports, and, through said consuls, for consultation of American ship-masters visiting those ports; which was referred to the Committee on Foreign Affairs.

CRIMINAL PROCEDURE, UNITED STATES COURTS.

Mr. TUCKER, from the Committee on the Judiciary, reported back with favorable recommendation the bill (H. R. 2492) to regulate criminal procedure in cases of crimes punishable by loss of life or liberty; which was referred to the House Calendar, and, with the accompanying report, ordered to be printed.

ADVERSE REPORT.

Mr. CASWELL, from the Committee on the Judiciary, reported back with adverse recommendation the bill (H. R. 76) relating to claim agents and attorneys in pension cases; which was ordered to be laid on the table, and the accompanying report printed.

JUDICIAL DISTRICTS, TEXAS.

Mr. CULBERSON, from the Committee on the Judiciary, reported back with amendments the bill (H. R. 4841) to change the eastern and northern judicial districts of Texas, and for other purposes; which was referred to the House Calendar, and, with the accompanying report, ordered to be printed.

ADVERSE REPORTS.

Mr. CULBERSON, from the Committee on the Judiciary, also reported back with adverse recommendations bills of the following titles; which were severally ordered to be laid on the table, and the accompanying reports printed, namely:

A bill (H. R. 2434) to change the eastern and northern judicial districts of the State of Texas, and for other purposes;

A bill (H. R. 2462) to create the judicial district of Northern Texas and Indian Territory; and

A bill (H. R. 5119) to create a judicial district in the State of Texas, to be known as Red River judicial district, and providing for appointment of officers thereof.

BRIDGE ACROSS TENNESSEE RIVER.

Mr. CRISP, from the Committee on Commerce, reported back with an amendment the bill (H. R. 2309) to give the assent of Congress to the construction of a bridge by the Nashville, Jackson and Memphis Railroad Company over the Tennessee River; which was referred to the House Calendar, and, with the accompanying report, ordered to be printed.

CHANGE OF REFERENCE.

On motion of Mr. CRISP, by unanimous consent the Committee on Commerce was discharged from the further consideration of the bill (H. R. 4108) for the relief of captains, pilots, engineers, and mates of steam-vessels; and the same was referred to the Committee on Claims.

ADVERSE REPORT.

Mr. CLARDY, from the Committee on Commerce, reported back with an adverse recommendation the bill (H. R. 1018) for the erection of beacon lights on islands in Moosehead Lake, Maine; which was ordered to be laid on the table, and the accompanying report printed.

TRANSFER OF APPROPRIATIONS, AGRICULTURAL BUREAU.

Mr. HATCH, from the Committee on Agriculture, reported back with a favorable recommendation the bill (H. R. 4083) to empower the Commissioner of Agriculture to transfer certain appropriations.

Mr. HATCH. I ask the reference of this bill to the House Calendar.

The SPEAKER. Does it provide for an appropriation?

Mr. HATCH. It does not; but simply for the transfer of appropriations already made.

The SPEAKER. If it provides for the expenditure of money already appropriated it must go, under the rule, to the Committee of the Whole House on the state of the Union.

The bill was referred to the Committee of the Whole House on the state of the Union, and, with the accompanying report, ordered to be printed.

UNITED STATES BARRACKS, BATON ROUGE, LA.

Mr. FINDLAY, from the Committee on Military Affairs, reported back with an amendment the bill (H. R. 985) authorizing the Secretary of War to transfer the United States barracks at Baton Rouge, La., to the Louisiana State University and Agricultural and Mechanical College at said place for educational purposes; which was referred to the Committee of the Whole House on the state of the Union, and, with the accompanying report, ordered to be printed.

MOSES B. WALKER.

Mr. FINDLAY, from the Committee on Military Affairs, also reported back with a favorable recommendation the bill (H. R. 1802) for the relief of Moses B. Walker; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

MILITARY TELEGRAPH LINE, ETC., FLORIDA.

Mr. VIELE, from the Committee on Military Affairs, reported back with a favorable recommendation the bill (H. R. 4626) for the construction of a military telegraph line from Sanford, Fla., to Point Jupiter, Florida, and the establishment of a signal station; which was referred to the Committee of the Whole House on the state of the Union, and, with the accompanying report, ordered to be printed.

MUSTER AND PAY OF CERTAIN VOLUNTEER OFFICERS AND MEN.

Mr. CUTCHEON, from the Committee on Military Affairs, reported back with a favorable recommendation the bill (H. R. 1171) to amend an act entitled "An act to provide for the muster and pay of certain officers and enlisted men of the volunteer forces," approved June 3, 1884; which was referred to the Committee of the Whole House on the state of the Union, and, with the accompanying report, ordered to be printed.

VOLUNTEER REGIMENTS IN THE TERRITORIES.

Mr. STEELE, from the Committee on Military Affairs, submitted the views of the minority of said committee upon the bill (H. R. 5867) authorizing the raising of two regiments in the Territories; which was ordered to be printed to accompany the report of the committee.

MONOPOLY OF TELEGRAPHIC FACILITIES.

Mr. WARNER, of Ohio, from the Committee on the Post-Office and Post-Roads, reported back with an amendment a resolution directing an inquiry by the Committee on the Post-Office and Post-Roads whether additional legislation is needed to prevent a monopoly of telegraphic facilities, and authorizing the committee in making such investigation to incur an expenditure not exceeding $1,500, to be paid out of the contingent fund; and moved that the committee be discharged from the further consideration of the same, and that it be referred to the Committee on Accounts.

The motion was agreed to.

POSTAL NOTES.

Mr. JONES, of Texas, from the Committee on the Post-Office and Post-Roads, reported, as a substitute for the bill H. R. 4677, a bill (H. R. 5878) to amend the act entitled "An act to modify the money-order system, and for other purposes," approved March 3, 1883; which was read a first and second time, referred to the House Calendar, and, with the accompanying report, ordered to be printed.

House bill No. 4677 was laid on the table.

KICKAPOO RESERVATION IN KANSAS.

Mr. STORM, from the Committee on Indian Affairs, reported, as a substitute for the bill H. R. 699, a bill (H. R. 5879) to provide for the sale and allotment of lands of the Kickapoo reservation in Kansas; which was read a first and second time, referred to the House Calendar, and, with the accompanying report, ordered to be printed.

House bill No. 699 was laid on the table.

ERIE AND OSWEGO CANALS.

Mr. WEBER, from the Committee on Railways and Canals, reported back with a favorable recommendation the bill (H. R. 1577) for the permanent improvement of the Erie and Oswego canals and to secure the freedom of the same to the commerce of the United States; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

PUBLIC BUILDING AT CHARLESTON, W. VA.

Mr. SNYDER, from the Committee on Public Buildings and Grounds, reported back with a favorable recommendation the bill (H. R. 2642) appropriating the sum of $52,000 for the enlargement and improvement of the United States Government building at Charleston, W. Va.; which was referred to the Committee of the Whole House on the state of the Union, and, with the accompanying report, ordered to be printed.

JOHN R. HARRINGTON.

Mr. LEHLBACH, from the Committee on Patents, reported back with an amendment the bill (H. R. 4594) for the relief of John R. Harrington; which was referred to the Committee of the Whole House on the Private Calendar, and, with the amendment and accompanying report, ordered to be printed.

STEPHEN N. SMITH.

Mr. LEHLBACH, from the Committee on Patents, also reported back with a favorable recommendation the bill (H. R. 3126) for the relief of Stephen N. Smith; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

ADVERSE REPORTS.

Mr. MATSON, from the Committee on Invalid Pensions, reported back with adverse recommendations bills of the following titles; and the same were severally laid on the table, and the accompanying reports ordered to be printed:

A bill (H. R. 24) for the relief of James Moss; and

A bill (H. R. 3911) granting a pension to John A. Dean.

MRS. ELIZABETH STEWART.

Mr. MORRILL, from the Committee on Invalid Pensions, reported back with a favorable recommendation the bill (H. R. 5253) granting a pension to Mrs. Elizabeth Stewart; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

JOHN W. LOGAN.

Mr. MORRILL, from the Committee on Invalid Pensions, also reported back with a favorable recommendation the bill (H. R. 5000) to place the name of John W. Logan on the pension-roll; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

GEORGE W. FLINT.

Mr. MORRILL, from the Committee on Invalid Pensions, also reported back with a favorable recommendation the bill (H. R. 5323) granting a pension to George W. Flint; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

JOHN W. THORNTON.

Mr. MORRILL, from the Committee on Invalid Pensions, also reported back with a favorable recommendation the bill (H. R. 5252) granting a pension to John W. Thornton; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

WILLIAM CHRISTY.

Mr. SAWYER, from the Committee on Invalid Pensions, reported back with a favorable recommendation the bill (H. R. 5024) granting a pension to William Christy; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

DR. WILLIAM H. SHEFFIELD.

Mr. SAWYER, from the Committee on Invalid Pensions, also reported back with an amendment the bill (H. R. 4163) granting a pension to Dr. William H. Sheffield; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

ADVERSE REPORTS.

Mr. SWOPE, from the Committee on Invalid Pensions, reported back adversely bills of the following titles; which were severally laid on the table, and the accompanying reports ordered to be printed:

A bill (H. R. 1987) granting a pension to Henry Lichty;

A bill (H. R. 2094) granting a pension to William R. Weimer;

A bill (H. R. 3636) granting a pension to Marion Clark; and

A bill (H. R. 1991) granting a pension to Mary Ann Wesner.

Mr. HAYNES, from the Committee on Invalid Pensions, reported back adversely the bill (H. R. 4397) to pension Julia Spenard; which was laid on the table, and the accompanying report ordered to be printed.

CHANGE OF REFERENCE.

On motion of Mr. LANHAM, the Committee on Claims was discharged from the further consideration of the bill (H. R. 5714) for the relief of Sarah E. E. Perine, widow and administratrix of the estate of William Perine, deceased; and the same was referred to the Committee on War Claims.

CONFERRING JURISDICTION ON COURT OF CLAIMS.

Mr. WARNER, of Missouri, from the Committee on Claims, reported back with a favorable recommendation the bill (H. R. 1357) authorizing the Court of Claims to hear and determine certain claims; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

ILLEGAL TONNAGE DUES.

Mr. BUCHANAN, from the Committee on Claims, reported back with an amendment the bill (H. R. 4583) authorizing the Secretary of the Treasury to make final adjustment of claims of certain foreign steamship companies, arising from the illegal exaction of tonnage dues; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

SURVIVORS OF THE ARCTIC STEAMER JEANNETTE.

Mr. BUCHANAN, from the Committee on Claims, also reported back with an amendment the bill (H. R. 1659) for the relief of the survivors of the exploring steamer Jeannette and the widows and children of those who perished in the retreat from the wreck of that vessel in the Arctic seas; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

REIMBURSEMENT OF THE JEANNETTE SURVIVORS.

Mr. BUCHANAN, from the Committee on Claims, also reported back adversely the bill (H. R. 2112) to reimburse the officers and crew of the United States Arctic exploring steamer Jeannette for the loss of baggage and personal effects; which was laid on the table, and the accompanying report ordered to be printed.

WILLIAM TALBERT.

Mr. SHAW, from the Committee on Claims, reported back with a favorable recommendation the bill (H. R. 3475) for the relief of William Talbert; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

ALEXANDER GOBLE.

Mr. LYMAN, from the Committee on War Claims, reported back with amendments the bill (H. R. 2176) for the relief of Alexander Goble; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

W. A. EASTEN.

Mr. LYMAN, from the Committee on War Claims, also reported back adversely the bill (H. R. 3436) for the relief of W. A. Easten; which was laid on the table, and the accompanying report ordered to be printed.

ELIAS B. MOORE.

Mr. SMALLS, from the Committee on War Claims, reported back with a favorable recommendation the bill (H. R. 107) for the relief of Elias B. Moore; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

DR. W. S. HOSACK.

Mr. SMALLS, from the Committee on War Claims, reported back adversely the bill (H. R. 2175) for the relief of Dr. W. S. Hosack.

Mr. WHITE, of Pennsylvania. Mr. Speaker, I ask that that bill be placed upon the Private Calendar.

The SPEAKER. The bill will be referred to the Private Calendar, and the accompanying report will be printed.

STEAMSHIP OZAMA.

Mr. McMILLIN, from the Select Committee on American Ship-building and Ship-owning Interests, reported back with a favorable recommendation the bill (H. R. 5219) to provide for an American register for the steamship Ozama; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

STEAMSHIP CAROLINE MILLER.

Mr. DUNN, from the Select Committee on American Ship-building and Ship-owning Interests, reported back with a favorable recommendation the bill (S. 491) to provide for an American register for the steamship Caroline Miller, of Baltimore, Md.; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

MYRON E. DUNLAP.

Mr. NEGLEY, from the Committee on Military Affairs, reported back with amendment the bill (H. R. 2013) for the relief of Myron E. Dunlap; which was referred to the Committee of the Whole House on the Private Calendar, and the accompanying report ordered to be printed.

CINNABAR AND CLARKE'S FORK RAILROAD.

Mr. PAYSON, from the Committee on the Public Lands, reported, as a substitute for the bills H. R. 2881 and 3756, a bill (H. R. 5880) granting a right of way to the Cinnabar and Clarke's Fork Railroad Company; which was read a first and second time, referred to the Committee of the Whole House on the state of the Union, and, with the accompanying report, ordered to be printed.

House bills 2881 and 3756 laid on the table.

ORDER OF BUSINESS.

The SPEAKER. The hour for the consideration of bills under the rule begins at five minutes before 1 o'clock.

IDAHO AND WASHINGTON TERRITORIES.

Mr. SPRINGER (when the Committee on the Territories was called).

I call up for present consideration the bill (H. R. 2889) to annex a portion of the Territory of Idaho to Washington Territory.

The bill was read, as follows:

Be it enacted, &c., That all of that portion of Idaho Territory north of the following boundary line, to wit, commencing at a point in the middle of the main channel of Snake River due west of the headwaters of Rabbit Creek; thence due east to the headwaters of Rabbit Creek; thence down the middle of said Rabbit Creek to its junction with Salmon River; thence up the middle of said Salmon River to the junction of Horse Creek; thence up the middle of said Horse Creek to the junction of the East Fork of said creek; thence up the middle of said East Fork of Horse Creek to the crest of the Bitter Root range of mountains, be, and is hereby, detached from Idaho Territory and is hereby annexed to Washington Territory: *Provided*, That the people of that portion of Idaho Territory hereby annexed to Washington Territory shall in no wise be released from the payment of their just portion of the bonded indebtedness of Idaho Territory; and in ascertaining such bonded indebtedness there shall be deducted therefrom the amount of money in the Territorial treasury at the time of the passage of this act: *And provided further*, That the auditor of each county wholly or partially within such portion shall, as such indebtedness may become due and payable, draw his warrant or warrants on the treasurer of his county, in favor of the treasurer of the Territory of Idaho, for such proportion of such indebtedness as the assessed valuation of the property therein shall then bear to the assessed valuation of all the property of said Territory and said detached portion.

SEC. 2. That within sixty days after the passage of this act the Territorial auditor of Washington Territory and the Territorial comptroller and Territorial treasurer of Idaho Territory shall meet at the offices of the Territorial comptroller and Territorial treasurer of Idaho Territory, at Boisé City, and shall ascertain and determine from the books and records of said offices the exact amount of said bonded indebtedness and the time when the same or any and every portion thereof shall become due, and after deducting therefrom the amount of money found to have been in the treasury at the time of the passage of this act, to fix the several proportions justly due and to become due from the several counties and portions of counties detached from Idaho and attached to Washington Territory as provided in section 1 of this act. They shall also in like manner apportion the cost of keeping the Territorial prisoners under sentence and in prison at the date of the passage of this act, at the present cost rate of keeping the same, to the expiration of their several terms of sentence; and the Territorial comptroller and Territorial treasurer of Idaho, on the first day of each month, shall make out an itemized bill of the cost of keeping said portion of prisoners, and shall certify to the correctness thereof and forward the same to the auditor of Washington Territory, who shall draw his warrant on the Territorial treasurer of Washington Territory in favor of the Territorial treasurer of Idaho Territory for the amount thereof, not to exceed the cost rate of maintaining and keeping said proportion of prisoners at the date of the passage of this act.

SEC. 3. That all insane persons who at the date of the passage of this act are accredited to that portion of Idaho Territory which is hereby annexed to Washington Territory, and who are at that time being cared for at the expense of Idaho Territory, shall be transferred to the hospital for the insane of Washington Territory.

SEC. 4. That from and after the passage of this act the government of the Territory of Idaho shall continue unimpaired, with the boundaries of said Territory changed as herein provided; and preparatory to the holding of the next general election, the governor, secretary, chief-justice, president of the council, and speaker of the house of representatives of said Territory, or a majority of them, shall subdivide the Territory into the requisite number of legislative districts of convenient size, to be composed of single counties or of several adjoining counties, so as to apportion, as nearly as practicable, the representation in each branch of the Legislative Assembly among the different districts according to population: *Provided*, That until otherwise provided by law, the legislative districts of that portion annexed to Washington Territory by this act shall be and remain as now fixed by law, and the number of the members composing the Legislative Assembly of Washington Territory is hereby increased to fifteen members of the council and twenty-nine members of the house of representatives.

SEC. 5. That until otherwise provided by law, the judges of the supreme court of the Territory of Idaho shall subdivide said Territory into as many judicial districts as there are judges of said court, and shall in like manner assign said judges severally thereto, and designate the places therein for the holding of courts for the trial of causes and the transaction of business arising therein: *Provided*, That all that portion of Idaho Territory annexed to Washington Territory by this act shall form and constitute the fifth judicial district of Washington Territory until otherwise provided by the Legislative Assembly of Washington Territory; and there shall be appointed therefor, by the President of the United States, by and with the advice and consent of the Senate, an additional associate justice of the supreme court of said Territory of Washington.

SEC. 6. That all cases of writ of error or appeal heretofore prosecuted and now pending in the Supreme Court of the United States upon any record from the supreme court of the Territory of Idaho, or that may hereafter be lawfully prosecuted from said court, may be heard and determined by said Supreme Court of the United States; and where the same arose within the limits by this act annexed to Washington Territory, the mandate of execution or of other and further proceedings shall be directed by the Supreme Court of the United States to the said district court herein provided, or to the supreme court of the Territory of Washington, as the nature of the case may require; and each of said last-mentioned courts shall be the successor of the supreme court of said Territory of Idaho as to all such cases, with full power to proceed with the same and to award mesne or final process therein.

SEC. 7. That in respect of all cases, proceedings, and matters pending in the supreme or district courts of Idaho at the time of the passage of this act, arising within the limits hereby annexed to Washington Territory, the supreme court of Washington Territory and the district court for the fifth district of said Territory shall be the successors of said supreme and district courts of Idaho; and all the files, records, indictments, and proceedings relating thereto shall be transferred to said supreme and district courts of Washington Territory, respectively, and the same shall be proceeded with therein in due course of law.

SEC. 8. That all justices of the peace, constables, sheriffs, and other officers who shall be in office within the limits of the district hereby annexed shall be, and they are hereby, authorized and required to continue to exercise and perform the duties of their respective offices as officers of said Territory of Washington until they or others shall be duly elected or appointed and qualified to fill their places in the manner provided by the laws in force in Washington Territory, or until their offices shall be abolished: *Provided*, That from and after the passage of this act the laws of Idaho shall cease to be in force in the district hereby annexed to Washington Territory, and the laws in force in Washington Territory are hereby extended over the same.

Mr. SPRINGER. Mr. Speaker, this bill simply provides that a small strip of territory now constituting a part of the Territory of Idaho, and extending northward and dividing Washington Territory from Montana, shall be detached from Idaho and annexed to Washington Territory. The reason for this measure grows out of the physical condition of the country. It is simply the adoption of a natural boundary as against an artificial one. The present boundary is artificial. The northern part of Idaho, and indeed the main part of the State, is an almost impassable mountain barrier. There is no road through this region—only a trail by which pack trains may be conducted. The people in that portion of Idaho called the Pan Handle desire to be annexed to Washington Territory because of the greater geographical convenience. In order to get to the capital of Idaho those people living in the Pan Handle must travel from 400 to 600 miles by a circuitous route.

In the last election for Delegates from the Territory of Idaho both parties made this question of the annexation of the Pan Handle to Washington Territory an issue in their party platform, each side of course desiring to get the votes of that portion of the Territory for their respective candidates, and each of the candidates before the people for the office of Delegate pledged himself, in pursuance of the platform of his respective convention, to use his influence in Congress for the purpose of securing the annexation of that part of Idaho to Washington Territory.

The Territory of Washington has also memorialized Congress for the purpose of having that portion of the Territory of Idaho known as the Pan Handle annexed to Washington Territory. Idaho, in its Territorial Legislature in 1884–'85, also memorialized Congress for the purpose of having this portion of Idaho annexed to Washington Territory. There is, therefore, concurrence of sentiment of the Territories of Idaho and Washington, and of the Delegates from those Territories on this floor, asking that this annexation be made.

This bill provides simply for the necessary details of that annexation—the division of the debt, the distribution of the care of the insane, and the redistricting of the Territories which will be requisite in consequence of this change. There is nothing in the bill that is not necessary to carry out the object of the annexation.

I will say in answer to an inquiry of my friend from Mississippi [Mr. SINGLETON], who sits near me, that the Delegates on this floor from Idaho and Washington have both introduced bills substantially the same as that now pending.

Mr. WARNER, of Ohio. One Territory wants to get rid of this portion and the other Territory wants to get it?

Mr. SPRINGER. That is the result.

Mr. WARNER, of Ohio. Then I think their wishes ought to be gratified.

Mr. SPRINGER. But there is another feature of the case to which I desire to call the attention of the House before this bill is acted upon. Although the people of these Territories with such unparalleled unanimity at the time of the election desired this annexation to take place, it has come to my knowledge and the knowledge of the Committee on the Territories since this bill was reported that a large portion of the people in the middle of Idaho and some in that part of the Pan Handle proposed to be detached have recently changed their minds, and wish the present boundaries of their Territories to continue. I have not thought that this opinion unofficially expressed by petitions should in this case have any weight with this House. If the people of Idaho have made an agreement, with a full knowledge of the facts, for the purpose of accommodating that portion of the Territory remote from the seat of government, and have pledged their faith to have this annexation carried out, I think it is too late now for them to retract, after both parties have gone before the people at a popular election upon this solemn pledge in their respective platforms. I believe in the ethics of that good man mentioned in the Scriptures who, though he promised to his hurt, still kept his promise good. That is what these people should do. If they have promised to their hurt (and I do not believe they have) they should keep their promise. That promise is carried out in this bill. The change will certainly conduce to the convenience of that portion of Idaho that is to be annexed to Washington Territory.

I now yield to the gentleman from Ohio [Mr. HILL], the chairman of our committee, who desires to make a statement.

Mr. HILL. Mr. Speaker, I desire to state, for the information of the House, that when this bill was pending before the Committee on the Territories all the information that the committee had was to the effect that there was a unanimous sentiment in the Territory of Idaho in favor of this annexation scheme. Acting under that impression, and having before us bills introduced by the Delegates from Washington and Idaho both providing for the same object, and also a memorial from the Legislatures of the respective Territories passed some years ago asking for the same thing, the Committee on the Territories had no alternative but to present a unanimous report to the House in favor of the passage of this bill. But since that report has been made information has come to me, which I believe to be reliable, that this public sentiment in the Territory of Idaho was worked up by local politicians for the purpose of carrying a Territorial election. For instance, two years ago the Republicans elected a Delegate to Congress from that Democratic Territory, because the Democrats of the Pan Handle, so called, voted for the Republican candidate, and the Republicans of the southern portion of Idaho, while opposed to this annexation scheme, told their Delegate, for the purpose of securing the Democratic votes, to go and pledge himself for it anyhow; and by that trick he was elected. Last fall the Democrats were determined not to be beaten by that game, and so both candidates were instructed by the people of Southern Idaho to pledge

themselves for this annexation in order to redraw the party lines in Northern Idaho. It was a dishonest scheme on the part of both of them, and there was no feeling in it. They do not want that country annexed, as I believe.

Now, that is all there is of it. I propose, Mr. Speaker, so far as I am concerned now, to let the House have this opinion and to throw the responsibility of severing and dismembering this Territory on the Delegate from that Territory and on the Delegate from the Territory of Washington.

Mr. SPRINGER. I will now yield the floor to the Delegate from Washington Territory [Mr. VOORHEES].

Mr. VOORHEES. Mr. Speaker, I stand in the presence of this House, in the presence of the people I represent, and in the presence of the people of Idaho, and assume all the responsibility attaching to the favorable consideration of this measure. I stand here prepared to assert that ever since the organization of the Territory of Idaho, in its present form and shape, by the organization of the Territory of Montana in 1864 there has been a very deep-seated, widespread, and oft-expressed desire on the part of the people of North Idaho for the favorable consideration of a measure of this kind. The period of which I speak extends over nearly twenty-two years, during all of which time there never has been an expression made in the political conventions of either of the Territories of Idaho or Washington relating to this subject which did not declare unequivocally in favor of the passage of such a measure.

Now, Mr. Speaker, in order that we may understand just how much of a dishonest scheme this measure embodies, I desire to read from a memorial of the Legislative Assembly of Idaho Territory, passed no longer ago than the session of 1884–'85, which voices the sentiment of the people of the Pan Handle on this proposition. I may state, in connection with this memorial, that the nine members of the Territorial Legislature representing the Pan Handle of Idaho voted unanimously for its adoption. I would not take up the time of the House in discussing the subject at any length were it not for the effort which has evidently been made to create the impression that there is some dishonest scheme in connection with this measure.

Mr. HILL. The gentleman from Washington Territory will understand that I do not impute that to any Delegate or Member of this House.

Mr. VOORHEES. I do not understand that the gentleman did, as a matter of course. I desire to place the memorial before the House as showing the sentiment of the people of Idaho, and not with any hostile feeling toward the distinguished chairman of the Committee on Territories.

This is council joint memorial No. 2, headed annexing Idaho, Nez Percés, Shoshone, and Kootenai Counties to Washington Territory.

To the honorable the Senate and House of Representatives of the United States of America in Congress assembled:

Your memorialists, the council and house of representatives of the Legislative Assembly of the Territory of Idaho, respectfully represent that all of that portion of said Territory which comprises the counties of Idaho, Nez Percés, Shoshone, and Kootenai, and is included in the boundaries hereinafter set forth, and constituting what is known as North Idaho, is so situated in relation to the southern and southeastern portion of said Territory as to render their political union impracticable, for the reason that nature has divided them by a high and rugged range of mountains, over which there is no road, except such as will admit of the passage of riding and pack animals, and this only for about six months of the year; during the remaining six months the snow is so deep as to cut off all communication between said sections, except by telegraph or travel by a circuitous route through Washington Territory, across the Umatilla Indian reservation and through the State of Oregon, a distance of some 700 miles, this being the shortest route by which the people of the north can reach Boisé City, the capital of the Territory, except it be on horseback or on snow-shoes.

Politically the two sections are united, but socially, commercially, and geographically they never can be.

We, your memorialists, therefore respectfully pray that when the Territory of Washington is admitted as a State into the Union, all that portion of the Territory of Idaho hereinafter more particularly described be attached to and made a part of said State of Washington, to wit: Commencing at a point in the middle channel of Snake River, at the northwest corner of Washington County, in Idaho Territory; thence easterly along the northern boundary line of said Washington County to where said boundary line crosses the Salmon River range of mountains; easterly along the summit of said Salmon River range of mountains to the eastern boundary line of Idaho County; thence northerly along the eastern boundary line of said Idaho County to the summit of the Bitter Root range of mountains; thence in a general northerly course along the summit of the Bitter Root range of mountains to the thirty-ninth meridian line west longitude from Washington, D. C.; thence north along said meridian to the forty-ninth parallel of latitude; thence west along said parallel to the western boundary line of Idaho Territory, and thence southerly along said western boundary line to the place of beginning.

And we would further ask that in the event of the disintegration of the part of Idaho Territory mentioned, the common debt be adjusted and provision made for the support of such convicts as are now in the Territorial penitentiary, and for the support of the persons adjudged insane in said counties of Idaho, Kootenai, Shoshone, and Nez Percés.

And your memorialists will ever pray, &c.

This is the language of the people of the Territory of Idaho asking this measure of justice at the hands of the American Congress.

Let us see whether the people of Northern Idaho do not desire the favorable consideration of this measure. When Mr. Singeiser, an ex-Delegate in this House, was a candidate before the people, it was generally understood and intimated that he had pledged himself in these northern counties to labor diligently and assiduously for the passage of this measure. His opponent was understood to be determined to antagonize any such efforts. The result was that Mr. Singeiser got all but about 400 votes in that portion of the Territory out of an aggregate of 1,600 or 1,800.

That was in the campaign of 1882. Mr. Singeiser did not receive any such vote in this portion of the Territory when before the people as a candidate at the last Congressional election for the reason that his efforts in the matter of annexation had not been during his term in Congress commensurate with his pledges to the people of North Idaho. This is the second memorial, Mr. Speaker, which has passed the Territorial Legislature of Idaho. Only three or four years after the Territory was so irregularly shaped by the carving out of it of the Territory of Montana a similar request was made of Congress. During the campaign of 1884, in the platforms of both of the political parties of Idaho and Washington, there was a declaration in favor of this measure. There has never been an expression of public sentiment, in or out of political conventions, or in or out of the Territorial Legislatures of either of these Territories, adverse to the favorable consideration of this measure.

There is an impassable range of mountains known as the Salmon River range, which entirely isolates and cuts off this portion of Idaho from the southern portion of the Territory. I am actuated by no other consideration in the world in my advocacy of this measure except a desire to meet the wishes of the people who have been cut off from all communication and association with their fellows commercially, geographically, socially, and politically for more than twenty years, and who have been for so many years insisting on favorable action on a measure of the character of the one now pending, as well as to represent the intelligently expressed wishes of the people who sent me here. I would be recreant to the pledges made to the people whom I have the honor to represent on this floor did I not denounce with all the power I can command any suggestion, come from whatever source it may, that there is anything dishonest, directly or indirectly, in connection with this measure.

It simply declares the will of the people. It seems to me we are assembled here for the purpose of meeting the will of the people when we can ascertain just what that will is. How any one can suggest a better idea of ascertaining the wishes of these people than through the expression of the people's representatives it is difficult for me to understand, and, so far as this measure is concerned, I have given you that expression in the memorial which I have read. A similar memorial was passed by the Legislative Assembly of Washington Territory in 1873 and was presented to this House.

I am aware, Mr. Speaker, that any proposition for the benefit of Idaho Territory or for the benefit of Washington Territory which might be suggested for the consideration of this House would arouse opposition from some source or other. Unanimity upon any proposition is of course impossible. If a bill were pending before this House to organize a Territory of Utopia, full of all the bright dreams of perfection and glory which could emanate from the brain of the most talented theorist, somebody most likely would rise to object. As indicative of the capacity of the average human being to object to a given proposition, whether good or bad, I recall a suggestion made by a member of this House some years ago in response to some untenable objection to the pending proposition, that if the objectors on that occasion had been present when Christ delivered His Sermon on the Mount they would have objected to it. [Laughter.]

Mr. Speaker, in view of the unanimous and overwhelming sentiment in Idaho Territory as well as in Washington Territory in favor of this measure, it seems to me that there ought to be no doubt whatever as to what the action of this House should be.

Mr. BROWNE, of Indiana. How many voters are in the portion of Idaho that it is proposed to annex to Washington Territory?

Mr. VOORHEES. About 2,788, making, on the basis of 4.7 which has been for some years past the ratio of population to vote in Washington Territory, a population of 13,103. These figures relate to the 4th day of November, 1884. The increase in population has been large since that date.

Mr. WARNER, of Ohio. Is there any question as to the fact that the people living in this portion of Idaho desire to be attached to Washington Territory?

Mr. VOORHEES. There is absolutely no question as to that in my opinion. I have had that proposition presented to me in such varied shapes that I can not possibly think there is any difference of opinion in reference to it either in Washington or Idaho Territory.

There are one or two amendments which I desire to move to the bill at the proper time, embodying no new legislation, but merely correcting one or two minor errors.

Mr. SPRINGER. I will yield to the gentleman for that purpose in a moment, but for the present I wish to yield to the Delegate from Idaho [Mr. HAILEY].

Mr. HAILEY. Mr. Speaker, I desire to say but little on this question. This Pan Handle of Idaho, about which there has been so much talk, has been a bone of contention for the last twenty years. A large majority of the people living in that portion of the Territory have wanted annexation to Washington Territory. There is no doubt about that fact in my mind. The people of the southern portion of Idaho, however, have objected to it until the last two years. Up to that time their

objection was a serious one. Three years ago last fall the people of the north were so embittered against the people of the south because they could not be annexed that both political parties in these northern counties refused to participate in the Territorial conventions. They called an independent convention for the purpose of nominating a man to run on the annexation question with a view of sending him to Washington city to work for the annexation of those counties to Washington Territory whether he was elected or not. But the Republican candidate was a little sharper than the Democratic candidate, and he rushed up north and pledged himself to go for annexation, and they took him as their candidate with the understanding down south, I am told by good authority, that he did not intend to work very hard for it. [Laughter.]

However, he secured almost the unanimous vote of these northern counties, and was elected. But although he was elected, he did not secure their annexation. At the recent election, or rather at the conventions which preceded the election, the Republicans placed a section in their platform pledging their party to do all in their power to secure the annexation, and their Delegate also was pledged to do whatever was in his power, if elected, to annex these northern counties to Washington Territory. The Democratic party took the matter under advisement, talked it over, and after some consideration of the subject, concluded that they also would put the same plank in their platform, or substantially the same thing, favoring this annexation. I gave them due notice that if that plank was inserted in the platform and they nominated me, that if elected I would try to give this portion of the Territory away to Washington Territory.

I now propose to keep good the pledges made by my party and myself by trying to have them annexed to Washington Territory. They have expressed a desire to go to Washington, and I do not propose to keep them from going; they have been very troublesome. I hope the bill will pass to annex them to Washington Territory, because we can get along very well without them. It has been clearly understood for years that the people of those counties themselves wanted to be annexed to Washington Territory. The Legislature in 1885 passed a memorial requesting that these counties be annexed to Washington Territory, but with the proviso that they should pay their portion of the debt of the Territory just as this bill provides.

Now at this late date some of these northern counties, I understand, are kicking about it when they find that they can really be annexed to Washington Territory, and they do not want it near so bad as they thought they did. Some of them say they prefer to go to Montana Territory, and for that reason they send in here and oppose the passage of the bill which proposes to give to them the very thing they have been asking for for so many years, and I therefore insist upon the passage of the bill.

Mr. REED, of Maine. Will the gentleman from Idaho yield for a question?

Mr. HAILEY. Certainly, sir.

Mr. REED, of Maine. In the time away back when they had politics in Northern Idaho, what was ordinarily the result when they took sufficient interest in elections to vote their sentiments?

Mr. HAILEY. It was, in the early days, Democratic by a small majority. That was before this question arose——

Mr. REED, of Maine. But not since?

Mr. HAILEY. No, sir, not recently; that is to say, in the last few years. Three years ago, the election before the last, the Republican candidate got about fourteen hundred majority.

Mr. REED, of Maine. That is on account of having adopted a Territorial annexation platform.

Mr. HAILEY. Two years ago the Republican candidate got several hundred majority, because most of them did not believe that I was in earnest when I stated that I was going to give these counties away as they had been insisting upon for so long; and I want to say now that I am going to keep my pledge.

Mr. VOORHEES. Will the gentleman from Idaho permit me to answer the gentleman from Maine?

Mr. HAILEY. Certainly.

Mr. VOORHEES. I will answer the question by saying that the only politics in these northern counties of Idaho, and it has been unanimous for twenty years, is in favor of this annexation. That has been the only question.

Mr. REED, of Maine. But on a straight party ticket?

Mr. HAILEY. On a straight party ticket the parties are about evenly divided in this portion of the Territory.

Mr. SPRINGER. Mr. Speaker, I yield now to the gentleman from Montana.

The SPEAKER *pro tempore*. The Chair understood the gentleman to yield the floor to the gentleman from Idaho.

Mr. SPRINGER. I yield ten minutes of the time to the gentleman from Montana, if the gentleman from Idaho has concluded.

Mr. HAILEY. I have concluded what I desired to say.

Mr. TOOLE. Mr. Speaker, I desire to submit a few remarks upon the proposition embraced in this bill, not with a view of interfering with the desire of the people of Idaho in disposing of that portion of their territory embraced within what is called the Pan Handle, but for the purpose of presenting some considerations which would seem to demand that all that portion of the Pan Handle north of the forty-seventh parallel should be annexed to the Territory of Montana.

The SPEAKER. The gentleman from Montana will please suspend until order is restored on the floor.

Mr. TOOLE. As was suggested by the gentleman from Ohio, the chairman of the Committee on Territories, the only information which came to that committee upon this subject before their report was made to the House was to the effect that the people of Idaho Territory, without reference to party, desired that all that portion of Idaho which has been referred to as the Pan Handle should be annexed to Washington Territory. Acting upon that information, and that information only, the bill now before the House was reported back unanimously recommending its passage. It is only fair to the House that they should be fully advised of the present desire of the people of that portion of the Pan Handle lying north of the forty-seventh parallel, as expressed by them since the committee had the same under consideration.

The citizens of that country residing within the district known as the Cœur d'Alene Mining Company, which is north of the forty-seventh parallel, have recently held public meetings and demonstrations for the express purpose of considering the propriety and desirability of being annexed to Washington Territory, and after full and free discussion there was but one sentiment, and that was to be annexed to the Territory of Montana. The meeting held for that purpose at Murray, in the Territory of Idaho, formulated and submitted to me a memorial to be presented to Congress asking the annexation to Montana instead of to Washington Territory. The gentleman from Illinois [Mr. SPRINGER], who has charge of this bill, has stated to the House that the Legislative Assembly of the Territory of Idaho in several joint memorials have asked the annexation of this portion of Idaho to Washington Territory, and that both political parties of the Territory have embraced in their late platforms a plank which committed them to this action, and that they are now bound by it. He seems to present this matter to the House as if the action of the Legislative Assembly and of the several conventions was a contract, and that the parties interested were estopped from ever changing their minds in this respect. If there was an element of consideration or mutuality involved in it, then I submit that the Territory of Washington ought to be remitted to a court of equity to compel its specific performance.

It sometimes happens that declarations are put into platforms for ulterior purposes and without any purpose of carrying them into execution. I do not say that this was the case at the time the resolutions referred to by the gentleman from Illinois were adopted, but that this thing does sometimes occur. I recall the fact that the two great political parties of this country in their late national conventions inserted a plank in their several platforms which provided that all appointments in the Territories should be made from actual residents therein; and yet, in the light of subsequent events, it will not be contended by the most punctilious political observer that they ever meant what they said. And, if there is any imputation in this declaration of trifling with more than a million people in the Territories, it applies with equal force to the present and preceding administrations; but there is nothing in analogies, nor do I cite this as such. The proposition under consideration is simply this: That since the last conventions referred to by the gentleman from Illinois were held, and within the last two weeks, the people of the Cœur d'Alene country, who ought to be consulted, have held public meetings for the sole purpose of giving expression to their views upon this question of annexation, and have said that it is their unanimous desire to be annexed to the Territory of Montana. I present a memorial from those people to Congress upon this subject and ask that it be read by the Clerk.

The Clerk proceeded to read the memorial.

Mr. SPRINGER (interrupting the reading). The gentleman from Montana [Mr. TOOLE] advises me that he prefers to occupy the time which can be allowed him in making his remarks in addition to what is contained in the petition, and I ask unanimous consent that the remainder of it be printed in the RECORD as part of the gentleman's remarks.

There was no objection.

The petition in full is as follows:

A petition to the Congress of the United States.

To the honorable the Senate and House of Representatives of the United States:

At a mass meeting of the people of the Cœur d'Alene mining region (at which all classes and localities in that region were fully represented) held at Murray, Shoshone County, Idaho, on February 6, 1886, to consider the whole question of annexation, it was resolved that all of the material interests of the people of Idaho, living north of the forty seventh degree of north latitude, require that the territory north of such parallel shall be annexed to the Territory of Montana, and the undersigned were appointed a committee to briefly present to your honorable bodies the reasons why we desire to become a portion of Montana, and why we object to being annexed to Washington Territory.

Pursuant to such resolution the following is respectfully submitted:

North of the Salmon River Mountains Idaho consists of a series of mountain basins, separated by mountain spurs, which branch off from the Bitter Root range and run to the west, gradually diminishing in altitude until they end in the rolling prairie region of Eastern Oregon and Washington. The Bitter Root range itself breaks down in its course to the north and ends on the shores of Lake Pend d'Oreille. From the Salmon River Mountains to the northern boundary of the United States Idaho is divided into two great hydrographic sections. The southernmost section, lying south of the forty-seventh parallel of north latitude, and embracing an area of about 13,000 square miles, is drained by Snake

River, a navigable stream, on which the agricultural products of Eastern Oregon and Washington and the adjacent sections in Idaho are transported to market; while north of the forty-seventh parallel (which falls on the mountain spur which lies between the headwaters of the Clearwater and Saint Joseph Rivers, known as the Clearwater divide) the country, embracing an area of about 6,500 square miles, has a lake drainage only, with no navigable stream, and must always depend upon railway transportation alone.

The Clearwater divide separates the northern section from the southern as completely as the Salmon River range separates Northern from Southern Idaho. Every economical and political reason which demands that Northern Idaho shall be separated from Southern Idaho, and that the territory lying between the forty-seventh parallel and the Salmon River Mountains shall be annexed to Washington, equally demands that the territory lying north of that parallel shall be annexed to Montana. There is not now nor can there ever be any business or commercial relations between the two sections. The mountain barrier on which the forty-seventh parallel falls has been and is a fatal bar to all intercommunication.

We hold the people of Washington Territory in high esteem. We feel flattered by their intelligent desire to embrace within its limits this rich and growing section, but after full consideration we are persuaded that all of our material interests will be best promoted by annexation to Montana. Shoshone County is one of the most populous and casts the largest vote of any county in Idaho. Nineteen-twentieths of its population live north of the forty-seventh parallel. Murray, the county seat of the county, is within 8 miles of the Montana line, and the whole of the mining region drained by the Cœur d'Alene and Saint Joseph Rivers lies within 25 miles of that line. From Murray through the Thompson Falls Pass in the Bitter Root Mountains (over which a standard-gauge railroad can be constructed on easy grade) lies the natural thoroughfare over which our people now largely receive their supplies from the Northern Pacific Railroad in Montana, less than 30 miles distant. Probably a majority of our people are from Montana. Our business interests and commercial relations are principally with that Territory, and from the nature of our leading industries must become more and more so in the future.

Sooner or later Montana and Washington will become States in the Union. How soon the wisdom of Congress must decide. When they are so admitted it will be all-important that they shall severally have homogeneous populations with substantially similar interests, so that their general legislation may be applied without discrimination to all their industrial classes. While the section of Idaho north of the forty-seventh parallel contains large tracts of fertile agricultural land, its leading interest is and always must be that of mining for the useful and precious metals. On the other hand, Washington Territory is preeminently an agricultural and grazing country. As a part of Washington our interests would be at the mercy of a Legislature in which the non-mining interests would have absolute control. Such general legislation as an agricultural community demands would certainly be injurious and perhaps ruinous to the prosperity of a mining region. Even where hostile legislation is withheld, or defeated after strenuous effort, its possibility is a standing menace, sowing discord among the people, frequently giving rise to permanent antipathies, and sometimes to blistering hates, which cause resort to political and legislative methods which corrupt the suffrage and debauch the public conscience. This is the lesson which the experience of the Pacific coast for more than thirty years past has taught its people. We have seen and felt it too often not to have learned it.

The people of Washington would doubtless try to be just to us; but they would find it extremely difficult, if not impossible, to be so without in their judgment being unjust to themselves. This would be especially true in all matters of fiscal legislation and laws for the collection of debts. In several of the Pacific coast States and Territories this irrepressible conflict between the two interests has been sought to be appeased by special legislation. An inspection of their statute-books will show that in the matters which most concern the daily business of the people it might almost be said that each county had a separate code of laws. Special legislation, however, can offer only a partial solution of the difficulty, and owing to the extravagance and corruption which it engenders it has deservedly become odious to the people. Even special legislation might be denied us, as to our knowledge it has been denied in other Territories. If not denied by the Legislature, it would probably be prohibited by any State constitution which Washington would be likely to present or Congress to accept.

On the other hand as an integral part of Montana our interests will be in thorough harmony with those of the rest of the Territory, in which neither the mining nor any other one interest exerts a controlling influence; where special legislation is not required, and where general legislation is compelled to represent the average interests of all of the leading industries. Furthermore, Montana already has a full code of mining laws and fiscal laws which carefully protect the mining interests from the burden of unjust taxation, while Washington has (so far as we can ascertain) no mining legislation whatever, and the general terms in which its laws relating to the raising of revenue are couched would impose a ruinous taxation upon our interests. In the interregum between our severance from Idaho and the passage of legislation required by our condition by the Legislature of Washington we will be subjected to the most grievous hardships, and when the time shall arrive when such legislation will be possible, we will be confronted by opposing and perhaps hostile interests absolutely dominating the Territory.

Again, Montana possesses a Territorial judiciary trained in the special rules and principles relating to mining controversies, while Washington has one destitute of this knowledge. During the continuance of the Territorial condition of the two Territories, as a part of Montana we will have the benefit of its trained judges, while as a part of Washington all of the delicate questions relating to mining titles will have to be passed upon by a bench absolutely ignorant of the first principles of mining law. If both Territories shall be admitted as States into the Union, Montana will select the judges of its courts of original and appellate jurisdiction from its large number of able lawyers versed in all of the intricacies of mining law, while the supreme court of Washington will necessarily be composed of men ignorant of this law and whose deliberations will result in "hit-or-miss" decisions that will unsettle all of our titles and impose a fatal bar upon our progress.

In conclusion we say that the sentiment of our people is a unit in favor of our severance from Idaho and practically unanimous in favor of annexation to Montana.

Your petitioners therefore most earnestly pray that so much of the Territory of Idaho as lies north of the forty-seventh degree of north latitude may be detached from Idaho and annexed to Montana. And your petitioners will ever pray.

THOS. T. SINGLETON.
RICHARD A. POMEROY.
WM. H. CLAGETT.
ALEX. E. MAYHEW.
W. C. HUMAN.
WARREN HUSSEY.
ALBERT ALLEN.

Mr. TOOLE. From this memorial it appears that the people of the Cœur d'Alene country have no disposition to interfere with the annexation of that portion of Idaho to Washington Territory which lies south of the forty-seventh parallel. But they insist that all of that portion of it occupied by them and lying north of the forty-seventh parallel shall be annexed to the Territory of Montana. Their reasons for this are potential and in my judgment ought to be controlling. While there is some agricultural land embraced within this portion of the Pan Handle it is essentially a mining country, while Washington Territory is essentially an agricultural country.

While Montana has great diversified interests, embracing agriculture, stock-raising, and mining pursuits, the dominant interest of the Territory is that of mining, so it will be seen that there would be a community of interests between the people of the Territory of Montana and that portion of the Pan Handle lying north of the forty-seventh parallel. Their interests and pursuits are identical, and the past legislation of the Territory of Montana, while not discriminating against other industries, has been liberal in promoting its mining interests. Its mines are exempt from taxation, its judges are conversant with mining laws, and these considerations are among others which invite the people of that portion of the Pan Handle to connect themselves with the Territory of Montana.

The people who reside in that country are largely Montanians; they left us in pursuit of fortunes, but, warm in their attachments and strong in their feelings, they have expressed the desire to return. The information which I have from Montana justifies me in saying that the people of that Territory are willing and anxious to receive the proposed addition of territory and population and will welcome their return with open arms.

Mr. SPRINGER. I yield five minutes to the gentleman from Iowa [Mr. STRUBLE].

The SPEAKER. The amendment sent up by the gentleman from Montana has not yet been read.

Mr. SPRINGER. I have not yielded for the offering of an amendment.

Mr. STRUBLE. I desire to say, Mr. Speaker, that this question, as may be understood from the report of the subcommittee to which it was assigned, was most fully investigated with reference to all the questions which are supposed to have a bearing upon the main question involved in the bill. And I desire to say that the subcommittee was unanimous in its view, after a full consideration of all these questions, that this annexation to Washington Territory should be made as is proposed in the bill.

Not only is that the case, but the gentlemen of the committee unanimously agreed to the report of the subcommittee, and in harmony with that action this bill has been reported to the House. As the chairman of the committee has disclosed upon the floor, it seems that he has received some protestations from gentlemen residing out there against this movement. I confess that his statements were as new to me as they were undoubtedly to the members of this House. They seem to be based on individual letters from gentlemen residing in that Territory. But, as against these, there are the resolutions which were read by the Delegate from Washington Territory and the statements made by the Delegate from Idaho Territory, and I think the evidence is conclusive that the people, or a great majority of the people, of these two Territories desire this change.

I have no doubt all politicians out there have schemes, and I have no doubt there may have been practices out there to be condemned in the interest of good morals. But the fact is, all the political scheming in which these gentlemen have engaged has not been sufficient to raise the mountains that stand there as natural barriers against the people of the north in their intercourse with the major part of that Territory of Idaho. They are hemmed in by these mountains, and nothing can change the physical conditions in that regard.

It seems to me, Mr. Speaker, in view of the unanimous report of the subcommittee, in view of the unanimous report of the Committee on Territories, and the harmony there has been on the subject on the part both of Democrats and Republicans, this bill ought to receive the sanction of the House.

Mr. SPRINGER. I shall yield in a moment to the Delegate from Washington Territory [Mr. VOORHEES]. But in reference to the statement made by the gentleman from Montana [Mr. TOOLE] that certain persons residing in the Pan Handle of Idaho had changed their minds and now desired to be annexed to Montana Territory, I have this to say. Of course there are some persons residing in the Pan Handle of Idaho who prefer to be attached to the Territory of Montana, so that they can by means of the Northern Pacific Railroad cross the Bitter Root range of mountains and get into Montana perhaps more easily than they could get into the capital of Washington Territory. But the people in that region, through their representatives in the Legislature of Idaho, have unanimously united in a vote in favor of this bill, so that we have the official expression of the people in that region through their representatives in their own Legislature in favor of the passage of the bill now before the House, and I maintain that such official expression of views by the people, through the members of their Legislature, after a popular vote, ought not to be set aside by resolutions of irresponsible town meetings. I yield now to the gentleman from Washington, who desires to offer an amendment to this bill.

Mr. VOORHEES. Mr. Speaker, I offer an amendment, which I send to the desk.

The amendment was read, as follows:

In line 18, page 4, strike out "twenty-nine" and insert "thirty."

Mr. SPRINGER. The object of the amendment, as I understand it, is to give to the Territory annexed a member of the Legislature.

Mr. VOORHEES. It is designed to conform to the districts as organized. That is all.

The amendment was agreed to.

Mr. VOORHEES. Mr. Speaker, I offer also another amendment, which is simply designed to pefect the bill.

The amendment was read, as follows:

Add, as section 9, the following:

"That the Cœur d'Alene land district within that portion of Idaho Territory hereby annexed to Washington Territory shall constitute the Cœur d'Alene land district of Washington Territory; and all that portion of Idaho Territory hereby annexed to Washington Territory which is not embraced within the limits of the Cœur d'Alene land district shall constitute the Lewiston land district of Washington Territory."

Mr. VOORHEES. That provision simply continues, under the new order of things, the organization which exists at present.

Mr. SPRINGER. Mr. Speaker, I now move the previous question.

Mr. TOOLE. Mr. Speaker, I desire to have my amendment considered.

The SPEAKER. The gentleman from Illinois [Mr. SPRINGER], as the Chair understood, did not yield to the gentleman [Mr. TOOLE] to offer an amendment, but only for some remarks. The gentleman from Illinois [Mr. SPRINGER] now demands the previous question upon the pending amendment and upon ordering the bill to be engrossed and read a third time.

The previous question was ordered.

The amendment last offered was then agreed to.

Mr. SPRINGER. Mr. Speaker, I now move the previous question upon the engrossment and third reading of the bill.

The SPEAKER. The previous question has been already ordered, but the hour for the consideration of bills has expired.

ENROLLED BILL SIGNED.

Mr. NEECE, from the Committee on Enrolled Bills, reported that they had examined and found truly enrolled a bill (S. 738) for the relief of James Clifford; when the Speaker signed the same.

ORDER OF BUSINESS.

Mr. COBB. Mr. Speaker, I move that the House now proceed to the consideration of business on the House Calendar.

The motion was agreed to.

The first business on the House Calendar was the bill (H. R. 3) to prevent the claim of the war taxes under the act of August 5, 1861, and acts amendatory thereof, by the United States, as set-off against States having claims against the General Government.

Mr. HAMMOND. Mr. Speaker, one of my colleagues who desired to engage in the debate on that bill is absent on account of illness, and it has been agreed that, if there be no objection, this bill shall be passed over for the present. I therefore ask unanimous consent that the bill be passed over without losing its place on the Calendar.

The SPEAKER. It would not lose its place on the Calendar.

There was no objection.

NORTH, CENTRAL, AND SOUTH AMERICAN EXPOSITION.

The next business on the House Calendar was the joint resolution (H. Res. 108) authorizing the several Executive Departments of the Government to loan the North, Central, and South American Exposition at New Orleans certain articles for exhibit.

The SPEAKER. The pending question is upon the motion of the gentleman from Illinois [Mr. CANNON] to lay the joint resolution and the pending amendment on the table. On that the yeas and nays have been demanded and that demand is pending.

The question was taken upon ordering the yeas and nays; and, 40 members voting in favor thereof, the yeas and nays were ordered.

Mr. MILLS. Mr. Speaker, I would like to hear the joint resolution read, and also the amendment.

The SPEAKER. The Clerk will read the joint resolution and the amendment.

The Clerk read as follows:

Resolved, &c., That it is desirable, in any way consistent with existing laws, and without risk to Government property or expense to the National Treasury, to encourage the effort being made for the development of industry and commercial relations by the North, Central, and South American Exposition at New Orleans, and it be, and is hereby, approved that the heads of the several Executive Departments shall, in whatever respect they may in their judgment see convenient and proper, loan any articles or material suitable to such purpose: *Provided*, That such loan be made entirely at the expense and on the responsibility of said American Exposition, and shall not be of material needed for use in either Department and shall not in any way interrupt the daily routine of duty or order in any branch of the Government.

Amendment: "*Provided further*, That before either of the heads of the Executive Departments loan to said American Exposition any article or material embraced in this resolution, said American Exposition, or some one as principal for it, shall execute and deliver to the head of such Executive Department a good and sufficient bond, of approved security, in such sum as the head of such Executive Department may approve, conditioned for the proper care and safe and prompt return of such articles or material at a time to be specified in the bond."

The question was taken; and there were—yeas 135, nays 112, not voting 76; as follows:

YEAS—135.

Adams, G. E.	Davenport,	Holman,	Reed, T. B.
Allen, C. H.	Davidson, A. C.	Holmes,	Rice,
Allen, J. M.	Dockery,	Hopkins,	Romeis,
Arnot,	Dorsey,	Houk,	Rowell,
Baker,	Eldredge,	Jackson,	Sawyer,
Ballentine,	Ely,	Johnston, J. T.	Scott,
Beach,	Evans,	Jones, J. H.	Scranton,
Bennett,	Everhart,	Kelley,	Sessions,
Bingham,	Farquhar,	La Follette,	Sowden,
Bland,	Felton,	Laird,	Spooner,
Blount,	Findlay,	Lanham,	Springer,
Bound,	Fisher,	Lawler,	Steele,
Boyle,	Fleeger,	Lindsey,	Stephenson,
Bragg,	Foran,	Lyman,	Strait,
Brown, C. E.	Ford,	Markham,	Struble,
Brown, W. W.	Frederick,	McAdoo,	Swope,
Buchanan,	Fuller,	McComas,	Symes,
Buck,	Funston,	Merriman,	Taylor, E. B.
Bunnell,	Gallinger,	Millard,	Taylor, J. M.
Burleigh,	Geddes,	Milliken,	Thomas, O. B.
Burrows,	Glass,	Mills,	Thompson,
Campbell, J. M.	Goff,	Moffatt,	Tucker,
Cannon,	Hale,	O'Donnell,	Turner,
Carleton,	Hall,	O'Ferrall,	Van Eaton,
Catchings,	Hammond,	Osborne,	Wait,
Cobb,	Hatch,	Outhwaite,	Wakefield,
Conger,	Hayden,	Payson,	Ward, J. H.
Cooper,	Hepburn,	Peel,	Ward, T. B.
Cowles,	Herbert,	Phelps,	Weaver, A. J.
Cox,	Herman,	Pidcock,	West,
Croxton,	Hewitt,	Pindar,	White, A. C.
Culberson,	Hiestand,	Pirce,	White, Milo
Cutcheon,	Hiscock,	Price,	Winans.
Daniel,	Hitt,	Ranney,	

NAYS—112.

Atkinson,	Grout,	Mitchell,	Spriggs,
Barry,	Hahn,	Morgan,	Stahlnecker,
Blanchard,	Harmer,	Morrill,	Stewart, Charles
Bliss,	Harris,	Morrison,	St. Martin,
Brady,	Heard,	Morrow,	Stone, W. J., of Ky.
Breckinridge, C. R.	Hemphill,	Murphy,	Storm,
Breckinridge, WCP	Henderson, D. B.	Neal,	Swinburne,
Browne, T. M.	Henderson, J. S.	Neece,	Tarsney,
Brumm,	Henderson, T. J.	Negley,	Taylor, Zach.
Bynum,	Hires,	Nelson,	Thomas, J. R.
Cabell,	Howard,	Norwood,	Throckmorton,
Candler,	Irion,	Oates,	Tillman,
Clements,	Johnson, F. A.	O'Neill, Charles	Townshend,
Cole,	Johnston, T. D.	Owen,	Trigg,
Crain,	Jones, J. T.	Perry,	Viele,
Crisp,	King,	Plumb,	Wade,
Dargan,	Laffoon,	Reagan,	Wadsworth,
Davidson, R. H. M.	Landes,	Richardson,	Warner, A. J.
Dibble,	Lehlbach,	Robertson,	Warner, William
Dingley,	Little,	Rockwell,	Wellborn,
Dougherty,	Lore,	Rogers,	Wheeler,
Dunn,	Loutitt,	Sadler,	Wilkins,
Ermentrout,	Martin,	Sayers,	Willis,
Forney,	Matson,	Shaw,	Wilson,
Gay,	McCreary,	Singleton,	Wise,
Gibson, C. H.	McKenna,	Skinner,	Wolford,
Gilfillan,	McMillin,	Smalls,	Woodburn,
Green, W. J.	McRae,	Snyder,	Worthington.

NOT VOTING—76.

Adams, J. J.	Compton,	Hutton,	Peters,
Aiken,	Comstock,	James,	Pettibone,
Anderson, C. M.	Curtin,	Ketcham,	Pulitzer,
Anderson, J. A.	Davis,	Kleiner,	Randall,
Barbour,	Dawson,	Le Fevre,	Reid, J. W.
Barksdale,	Dowdney,	Libbey,	Reese,
Barnes,	Dunham,	Long,	Riggs,
Bayne,	Eden,	Lovering,	Ryan,
Belmont,	Ellsberry,	Lowry,	Seney,
Boutelle,	Gibson, Eustace	Mahoney,	Seymour,
Burnes,	Glover,	Maybury,	Stewart, J. W.
Butterworth,	Green, R. S.	McKinley,	Stone, E. F.
Caldwell,	Grosvenor,	Miller,	Stone, W. J., of Mo.
Campbell, Felix	Guenther,	Muller,	Taulbee,
Campbell, J. E.	Halsell,	O'Hara,	Taylor, I. H.
Campbell, T. J.	Hanback,	O'Neill, J. J.	Van Schaick,
Caswell,	Haynes,	Parker,	Weaver, J. B.
Clardy,	Henley,	Payne,	Weber,
Collins,	Hill,	Perkins,	Whiting.

So the motion to lay on the table was agreed to.

The following pairs were announced:

Mr. BAKER with Mr. EDEN, during the week.

Mr. CAMPBELL, of Ohio, with Mr. BAYNE, until further notice.

Mr. PETERS with Mr. MAYBURY, until the 29th instant.

The following were announced as paired for this day:

Mr. LOWRY with Mr. WHITING.

Mr. ANDERSON, of Ohio, with Mr. IKE H. TAYLOR.

Mr. LE FEVRE with Mr. BOUTELLE.

Mr. DOWDNEY with Mr. LIBBEY.

Mr. DAWSON with Mr. HANBACK.

Mr. GREEN, of New Jersey, with Mr. PAYNE.

Mr. MULLER with Mr. ANDERSON, of Kansas.

Mr. LOVERING with Mr. LONG.

Mr. REESE with Mr. BUTTERWORTH.

Mr. LAFFOON. I desire to state that my colleague, Judge HALSELL, is confined to his room by sickness.

The result of the vote was announced as above stated.

LAND GRANT TO ATLANTIC AND PACIFIC RAILROAD.

The next unfinished business on the House Calendar was the bill (H. R. 453) to forfeit the lands granted to the Atlantic and Pacific Railroad Company in aid of the construction of a railroad and telegraph line from the States of Missouri and Arkansas to the Pacific coast and to restore the same to settlement, and for other purposes.

The SPEAKER. The pending question is on an amendment proposed by the gentleman from Indiana [Mr. HOLMAN].

Mr. HOLMAN. I hope the amendment will be read.

The Clerk read as follows:

Strike out all after the words "to disposal," in the seventeenth and eighteenth lines, and insert:

"To entry and settlement under the provisions of the homestead laws by actual settlers only, as though said grant had never been made: *Provided*, That nothing in this act shall be held to impair any right the United States may have in or to the lands embraced in said grant not declared forfeited by this act."

Mr. COBB. That last clause of the amendment, beginning with the word "provided," is in the bill and ought not to be repeated.

Mr. HOLMAN. That clause is in the bill, but is embraced within the portion which my amendment strikes out; and it is reinserted by the amendment, the object being to preserve the connection.

Mr. COBB. The same language is in the bill.

The SPEAKER. As the Chair understands, the gentleman from Indiana [Mr. HOLMAN] proposes to strike out the language of the bill after certain words and to insert what has been read, the language to be inserted including a part of what is already in the bill; but if the amendment be adopted the language will be included but once.

Mr. HOLMAN. My only object was to preserve the connection of the language; and that is the effect, as my colleague will see if he examines the amendment carefully. The amendment differs from the provision of the bill in this respect only: the amendment proposes to apply to these lands the principle of the homestead law, instead of allowing them to be sold at $1.25 per acre.

Mr. COBB. Mr. Speaker, I will only say that I hope this amendment will not be adopted. If such a provision be inserted in the bill, it will merely provoke discussion, and in the end, I think, kill the bill. While I do not charge that to be the object of my colleague, yet it is very clear that if any proposition of this kind be inserted controversy between the two Houses will necessarily arise, and the bill probably be defeated in the Senate. For this reason I am opposed to the amendment; and I trust the House will not adopt such a proposition, as it did on a previous bill of this nature.

Mr. HOLMAN. Are not both the Senate and the House committed to the policy of disposing of the public lands under the homestead laws, and are not both of the great political parties of the country committed to the same policy?

Mr. COBB. My colleague asks me a question whether I do not understand the Senate wishes to pass such a measure. Now, I understand the Senate is willing to vote for a measure, but a measure with other things attached to it.

Mr. HOLMAN. The Senate sent this bill back at the last session.

Mr. COBB. Yes; the Senate sent this bill back at the last session, but with an amendment that no one in this House would vote for.

Mr. HOLMAN. Was there any amendment to the homestead law?

Mr. COBB. Yes; they amended the homestead law.

Mr. HOLMAN. The principle of the homestead law was substantially included.

Mr. COBB. In connection with what we sent they sent back other propositions we could not vote for, and which they knew we could not vote for.

Mr. HOLMAN. But can this House afford to go back of the principle of the homestead law?

Mr. COBB. We are not going back of the principle of the homestead law. We have a bill pending, and the committee has considered it, for the purpose of repealing the timber-culture law and the pre-emption law. We will bring it before the House, and if the House will pass it, it will prevent any of the public lands being disposed of except for homestead purposes. I hope this House will be disposed to let it pass and become a law.

Mr. HOLMAN. Let us send this bill to the Senate in favor of homesteaders. The other law has not yet been passed.

Mr. COBB. That is the very point. I am willing to do that. I am as anxious about the homestead law as my colleague, and I have done as much as he ever did to preserve for homestead purposes the public lands of the United States. Here are lands belonging to railroad corporations, and I am trying to wrest them from the grip of these railroad corporations. I know there will be obstructions placed in the way; but I appeal to the House again to let the bill pass. I reserve the remainder of my time.

Mr. HOLMAN'S amendment to the amendment was again read.

The House divided; and there were—ayes 61, noes 44.

So the amendment to the amendment was agreed to.

The amendment as amended was adopted.

The remaining amendments of the committee, heretofore published, were agreed to.

The SPEAKER. The question now recurs on the substitute for the bill as amended proposed by the gentleman from Arkansas [Mr. MCRAE].

Mr. PERKINS. Is debate exhausted on the pending bill and substitute?

The SPEAKER. It is not. The previous question has not been demanded.

Mr. MCRAE. I am willing to yield to the gentleman from Kansas. How many minutes does he desire?

Mr. PERKINS. I wish to take the floor for the purpose of opposing the gentleman's substitute.

The SPEAKER. The gentleman from Arkansas is first entitled to the floor.

Mr. MCRAE. Mr. Speaker, the bill reported by the majority of the Committee on the Public Lands seeks to forfeit only that part of the lands granted the Atlantic and Pacific Railroad Company which are not conterminous with any portion of the constructed road. That will give to the railroad company all the lands along the line of the road, whether constructed or purchased by it, and will forfeit to the Government those in the Mohave Desert and which are of little or no value as compared with the other lands. Here is where the Government no doubt was most anxious to get a road when the grant was made. If you permit this corporation by a system of trading and mortgaging with the Atchison, Topeka and Santa Fé and the Saint Louis and San Francisco Railroad Companies to acquire title to all of these lands without complying with the conditions of the grant, leave the road uncompleted, and give the company for so small a part performance all that is of any real value to it, then you have saved nothing for the people of the country by the act of forfeiture; for if the legal argument advanced by the honorable gentleman from Alabama [Mr. OATES] last week be correct, then the title to all these lands will be clouded until the mortgages are foreclosed, and some of them are not due until 1922 and others until 1910. Shall we leave the title thus clouded?

The substitute I offer seeks to forfeit all the lands not conterminous with any portion of the road constructed within the time provided by the grant, which was July 4, 1878. I understand only 34 miles of the road were completed within this time, and under the argument presented by the majority of the committee I insist upon the exercise of all the power vested in Congress. The committee in the report undertake to justify themselves in going beyond that by the act passed April 20, 1871, to enable the company to mortgage its road and lands.

Mr. COBB. If the gentleman from Arkansas will allow me a moment I will make a correction.

Mr. MCRAE. Certainly.

Mr. COBB. The gentleman is mistaken in saying that but 34 miles of the road were completed. They had completed 125 miles within the time fixed by the act. That includes that portion of the road in Missouri and 34 miles in the Indian Territory running to Venita, making 125 in all. Now he proposes, as I understand it, by his substitute to forfeit all the lands, including that in Missouri along the completed portion of the road.

Mr. MCRAE. No, sir; I propose forfeiting none of the lands conterminous with the road which was constructed within the time—that is, before July 4, 1878.

Mr. COBB. Then it would not make much difference. The number of miles completed was 125 within the time fixed by the act making the grant.

Mr. MCRAE. I do not know how much was completed. I made the statement upon information received from the chairman of the committee and supposed it was accurate. But I stand corrected now. However, it does not matter whether it was 34 miles or 125 miles completed. All of the lands conterminous with the constructed road—that is, constructed within the time fixed by the law—are lost to the Government and pass to the company or its mortgagees under the act of April 20, 1871.

Now I hold that, inasmuch as this act does not pretend to grant additional rights to the company, the mortgage thus authorized only carries a lien to such rights as the company held. The mortgage was necessarily subject to all the conditions of the granting act. So far from enlarging the rights of the company, I think the language used clearly limited the rights of the mortgagees to the lands conterminous with road constructed within time or at the time of foreclosure if made before the time for completion expired. This is to my mind the only just construction of which it is susceptible. As to the power of Congress to declare this forfeiture, I refer to the able argument of the chairman of the committee in his report upon this bill. I agree fully with him until we come to the act of April 20, 1871. Then who can tell what the courts will decide about that act? If I am correct, we have saved homes for millions of our people. If not, we have lost nothing. Shall we anticipate what the decision of the courts will be, or shall we do what we think is right toward the people and leave the courts to construe the laws?

If the argument of the gentleman who represents the company be correct, and it possibly may be, then it may be 1922 before a foreclosure of the mortgage. Shall we wait until then before we force a judicial construction of the act, and during all of that time have all of this great body of land tied up and withheld from settlement? This is necessarily the case unless Congress provides some way to test the validity

of the mortgage as to the lands forfeited. Will you restore the lands to the public domain and open them to settlers, to have them and their children annoyed by these bondholders, or will you declare the forfeiture and proceed at once to adjust the differences between the Government and the bondholders?

I hold, Mr. Speaker, that it is the duty of Congress in behalf of the people to declare this grant forfeited as between the Government and the railroad company, and if the mortgagees have rights, as they doubtless have, then it is within their province, if they so desire, to go into court and adjust them. No act of ours will or can in the least prejudice their rights. But you can not protect the people without an act of forfeiture, and the protection only goes to the extent of the forfeiture. There is but one safe course, and that is to adopt the substitute or some similar measure. Will not the company get all the lands it is entitled to under the substitute, if that be adopted? The settlers will be protected as far as they can be protected by legislative enactment, but if they can be protected further, in God's name let us protect them.

No one here will go further in any effort to protect them than I will. I am not willing that this corporation should take shelter under them. Let us not lose sight of the rights of the thousands of homeless families of our country while we are protecting the few settlers who have been duped by this company. I say we should then take back that which belongs to us.

Mr. COBB. If my colleague on the committee will allow me a moment——

Mr. McRAE. Yes, sir.

Mr. COBB. I understand this act does not grant an acre of land within the Indian Territory to this company. I think there is no question of that. I have looked it up very carefully, and that is my conviction. Now, that being so, I take it that the substitute does not cover anything more than the bill does.

Mr. McRAE. Oh, certainly.

Mr. COBB. I assert, as a fair proposition, that the act incorporating the Atlantic and Pacific Railroad Company does not grant a single acre of that portion of the lands within the Indian Territory.

Mr. McRAE. I think you are correct in that.

Mr. COBB. Because it is not a Territory of the United States, nor is it a State. The Territory never has been regarded in the light of a Territory of the United States.

Mr. McRAE. I think there is no doubt of that.

Mr. COBB. Then practically, as I understand it, the substitute does not cover any more than the original bill, except as to some details you go into with regard to the protection of settlers.

Mr. HOLMAN. And as to the portion completed after 1878.

Mr. McRAE. It affects that.

Mr. COBB. That does not matter. It does not cover an inch of ground more than the bill of the committee.

To explain now: There were only 34 miles of the road completed at the time the whole road should have been running under the act of incorporation. Now, the gentleman from Arkansas proposes to give to this company all of the lands that it has earned, in the language of railroad men, by completing the 34 miles. If they run into the Indian Territory, and no grant being made in that Territory, it can not involve any additional land, and hence it makes no difference as between that provision and the bill of the committee.

Mr. WEAVER, of Iowa. Let me ask a question. I understand the chairman of the Committee on the Public Lands to say that if by any construction there was a grant made in the Indian Territory the present bill forfeits that grant?

Mr. COBB. No, I did not say that; but that there was no grant; because it was beyond the power of Congress to make the grant and it has been so held by the Interior Department as well as by Congress. It has been held that this is not a Territory within the construction of the word as generally employed, but that it is a portion of our territory set apart for a specific purpose; that is to say, for the Indian tribes, and the most of the land in the Territory is owned by the Indians by deeds and treaties. They have titles to it, which are vested in four great tribes of Indians. It is, in other words, an Indian reservation.

Mr. WEAVER, of Iowa. But what does the gentleman do with the language of the act itself, which says it shall take effect on the extinguishment of the Indian title?

Mr. COBB. That refers to other small portions of the Indian reservations lying beyond. It was so understood and was never claimed otherwise by the company till a year or two ago.

Mr. WEAVER, of Iowa. But in point of fact the company does claim it and has issued mortgages on it?

Mr. COBB. Oh, no.

Mr. WEAVER, of Iowa. They have not done so? I am glad to hear that.

Mr. COBB. They put up a claim five or six years ago and discussed the question before Commissioner Williamson. He decided there was no grant in the Indian Territory, not even a right of way. But they went on, and in order to cover that section of the road treated with the Indians and got the right of way from them under the act of Congress.

Mr. WEAVER, of Iowa. That is very important information, which the House will be glad to have.

Mr. COBB. You will find it in the report pretty fully discussed.

Mr. PEEL. I wish to ask my colleague [Mr. McRAE] if his substitute forfeits any lands of the grant east of the Indian Territory; in other words, between Springfield and the Indian Territory?

Mr. McRAE. I do not know where the lands are precisely. But the substitute bill seeks to forfeit all the lands where the road has not been constructed within the time fixed by the granting act.

Now, Mr. Chairman, I call the attention of the chairman of the committee to this statement in his report in connection with his statement here to-day when he says there is very little difference between the substitute and the bill proposed by the committee. On page 5 of the report he uses this language:

> They are, therefore, both debtor and creditor in this transaction. And they are now only completing such parts of said road as suits their selfish desires, in securing such parts of the land grant as may be conterminous therewith at the date of the declaration of forfeiture by the Government. Since entering into this tripartite agreement they have completed 559 miles of the Western Division.

Now, I think that agreement referred to was entered into after the time fixed by the original granting act had expired; and the gentleman says himself 559 miles of road have been completed and are claimed by these companies since that time. My impression is that the company has reported this amount of road constructed, but in fact some of it was purchased for the purpose of earning this grant.

As I started to say a moment ago, the facts connected with this case call more loudly for a forfeiture than in any case I have been led to examine. This company of themselves have constructed almost nothing. They have taken other roads, bought them, paid little or nothing upon them, given mortgages upon the land grants and the roads so purchased to secure the payments—roads already in operation and constructed with the aid of subsidies from the Government. These are thus made to earn two grants in part.

They are thus extending their lines wherever they want them without any reference to the location provided for the charter of this road, and as the chairman of the committee in his able argument in this report says, they keep up a nominal existence merely so as to enable these two corporations to secure the benefit of the land grant to the extent they desire under the act authorizing the mortgage, and not for a *bona fide* purpose. There is not a solitary condition of the granting act that was carried out. They did not commence work on, and complete, the first section as the act required, nor within the time specified. They did not complete any of the sections, nor whole road, as was required, nor within the specified time. They have done as nearly nothing of what was required of them as was possible for them to do and claim to have done anything. There is no end to the bonds issued and the mortgages executed by it.

Now, if section 2 of the substitute does not protect the settlers, let some gentleman who will propose something better on this subject. I do not care for the phraseology. I want both the Government and settlers protected, and I appeal to this House to preserve these lands for the generations who are to come after us. Are we not pledged to do so?

My substitute provides for the forfeiture of all the lands not earned within the time, and then for a judicial proceeding which will adjust the difference between the United States and the mortgagees.

While this road in 1871 claimed it did not have the power to mortgage and asked Congress to permit it to do so, there was in fact a mortgage on a part of it executed two years before it discovered that it did not have the power.

There is no question in my mind that the act of April 20, 1871, was surreptitiously passed through Congress with its deceptive title for the purpose of obtaining an unfair advantage and securing additional hold upon these lands. In construing acts the courts may look to the title in arriving at the intention of the law-making power. If this conviction forces itself upon the mind of Congress, as it appears to have done upon the majority of the Public Lands Committee, these reasons are doubly strong why we should take hold of this matter and settle it at once. Do not let it go to 1922. If the bill proposed by the committee is passed, this adjustment may not be made till the last of these mortgages become due and mortgagees see fit to foreclose. If default should be made, there is no probability of a foreclosure, because the mortgagees make more by refusing to act, and the probability is that they will wait as long as they can.

Mr. COBB. But we forfeit all the lands that are not conterminous with the completed road.

Mr. McRAE. That are not conterminous with the road completed now; that is all they intended to complete for a long time. They are not expecting to complete their road through the desert lands. They say it will not pay them to do so. You give them all they care for at present—the cream of the grant—and yet leave an immense gap uncompleted. I say enter; take back the whole estate granted that it is possible for us to get——

Mr. COBB. We save 28,000,000 of acres.

Mr. McRAE. Yes, of desert lands, and give the company nearly as much of the very best land by the side of these roads that they did not construct at all—roads constructed by aid of other land grants and without this grant. The Government expected a road to be constructed

along the line of the thirty-fifth parallel, and did not expect the company to purchase one on the thirty-fifth parallel.

Mr. PERKINS. Mr. Speaker, I think that if the provisions of this substitute are understood they will not meet the approval or the conscience of this House. The gentleman suggests that the second section of the substitute is designed to protect settlers in their interests. I see no protection to them in its provisions. Instead of that, it authorizes and directs the representative of the Government to institute proceedings to carry into effect the forfeiture that is declared by the bill. What will be the effect? I do not care, for the purposes of this discussion, whether these mortgagees have a valid mortgage or not, whether it can be sustained and maintained in court or not; but it is of importance to this House, and of importance to thousands of people in Southwest Missouri, whether this substitute shall be adopted and enacted into law or not. This road was constructed to the western boundary of Missouri years ago, and has been constructed 34 miles into the Indian Territory. Along the line of the road the lands have been sold; the company has parted with its title, and settlers have purchased and occupy the lands.

Mr. McRAE. Will the gentleman allow me a question?

Mr. PERKINS. Certainly.

Mr. McRAE. Was not this part of the road which you refer to constructed within the prescribed time?

Mr. PERKINS. But your substitute, if I understand its provisions, proposes to forfeit the entire grant of this railroad company.

Mr. McRAE. Oh, no. You do not understand it. It proposes only to forfeit that part of the grant where the road was not constructed within the time prescribed.

Mr. PERKINS. I think it is well, Mr. Speaker, that there should be no uncertainty or ambiguity. As I was suggesting, the lands along the line of this road in Southwestern Missouri have passed into the possession of settlers; homes are there; the people have occupied and cultivated the lands for years; they have invested their money and have rested, as they supposed, in perfect security in the titles they possess. Now, as I understand the provisions of this substitute, all that is to be disturbed, and the representative of the Government is authorized to institute actions in court to adjust the titles. What would be the effect of that? It would precipitate contests upon these settlers. The settler would be compelled to go to the local land offices for the purpose of securing a title from the Government—a title which he now has, unless it is disturbed by act of Congress—a title which is satisfactory, and which secures the settlers in their possessions. But declare an entire forfeiture of these lands and impose upon these people the necessity of going into local tribunals or local land offices to secure new titles, and you impose upon them a hardship indeed.

Others may come in and institute contests with them; others may move upon the same lands that are now occupied and thus precipitate contests about titles which will send the settlers from the local land offices to the Commissioner of the General Land Office and thence to the Secretary of the Interior—contests attended with costs, attended with delay, attended with uncertainty, attended with hardships, for which, in my judgment, there is no occasion or justification. If this railroad company has an unearned grant of land, let us forfeit it and restore it to the Government; but let us act in moderation and deal in justice with existing rights. While taking from the company lands not earned, do not let us take from the people the homes they possess and for years have beautified with their industry and toil. In our zeal to strike a land-grant railroad company, do not let us, without cause or justification, imperil the homes of all Southwestern Missouri.

The people are not asking that the title to the lands originally granted to this company and parted with by the company to settlers shall be disturbed; but, if I understand the scope of this substitute, it would disturb those titles as well as others.

Now, as to the effect of this bill on the lands in the Indian Territory, as suggested by the chairman of the committee, it is questionable whether the company has any grant there or not. Those are not public lands; they are not open to settlement; people are not authorized to go in and settle upon those lands or to make homes there; the company has made no disposition of them, except as they may be affected by the mortgage which has been executed, the provisions of which have been discussed. But so far as the road has been constructed, so far as the lands have passed from the Government to the company along the finished and completed line, it seems to me there ought not to be any disposition on the part of this House to declare a forfeiture and to put in jeopardy the homes of the people.

Mr. COBB. Mr. Speaker, I sympathize with my colleague on the committee [Mr. McRAE] so far as his amendment is concerned, but I am very well satisfied, as a legal proposition, that under the act of 1871 to which he has referred we can not forfeit the lands that are conterminous with the completed road; in other words, that the mortgages have a subsisting lien for the moneys that they have advanced upon the mortgage, a lien which must be satisfied before anything can come to the Government from a forfeiture; and when that lien is satisfied I do not believe there would be anything left. So that this question is, perhaps, more a question of principle than a practical question.

Now, Mr. Speaker, with all due respect to my colleague, I think this bill ought to pass as the committee have reported it. It is the same bill that passed here two years ago. It was fully considered then by the House; the committee have given it careful consideration now; the majority of the committee favor the bill in this form, and I think it ought to pass. I do not think any objection ought to be raised against the bill as reported by the committee. I do not wish to take up the time of the House. If any gentleman desires to ask any questions in regard to the provisions of the bill, I shall take pleasure in answering them if I can; but if there is no such desire, I shall move the previous question on the engrossment and third reading of the bill.

Mr. SPRINGER. Will the gentleman [Mr. COBB] allow me three minutes to say a few words in reference to the third section of this substitute?

Mr. COBB. Yes, sir.

Mr. SPRINGER. Mr. Speaker, I am opposed especially to the third section of this substitute, which provides that the Attorney-General is "authorized and directed to institute proper legal proceedings to set aside and cancel any mortgage or mortgages that may have been executed by said company upon the lands forfeited by this act." If any mortgages have been executed by the railroad company which cover the lands forfeited by this act, those mortgages cover other lands as well as those forfeited; they cover the road-bed, the depots, and the rolling-stock of the railroad company. Now, what would be the effect of a proceeding by the Attorney-General to bring a mortgagee into court and have his mortgage canceled when a part of that mortgage was good and a part bad? I do not see that we ought to require such a proceeding to be brought in the courts. The courts can not decide the question properly. If the railroad companies think they have mortgages upon these lands, let them at their own expense proceed in the courts to foreclose their mortgates and see whether they can perfect their title.

Mr. McRAE. It is not their interest to foreclose, because the longer they wait the more they get.

Mr. SPRINGER. If they do not go into court and foreclose their mortgages, I do not see that the Attorney-General should go into court to have a portion of the mortgage declared invalid.

Mr. RANNEY. May I ask the gentleman a question?

Mr. SPRINGER. Certainly.

Mr. RANNEY. The principal of the mortgage not being due and the interest being regularly paid, how can the mortgage be foreclosed until it expires?

Mr. SPRINGER. I have no desire to facilitate or hurry up these foreclosure proceedings. If the Government of the United States has declared the lands forfeited and has given deeds for them to its citizens, who have gone on the lands and perfected their title, I want their title to stand in the courts as against any mortgage the railroad company may have upon these lands. I think the patents to the settlers will stand good for their protection.

Mr. RANNEY. I understand that the mortgage of 1871 was given under express authority granted by Congress. This being so, I wish to know whether we can disturb that vested right on the assumption, as one gentleman has stated, that the act was procured from Congress by fraud.

Mr. SPRINGER. If the gentleman will propound that question to the Committee on Public Lands, they will answer that they have considered it and in consequence of their decision have reported this bill to forfeit the lands to the United States. The judgment of the Committee on Public Lands in this House, as expressed in their report and in this proposition to forfeit those lands, is that the Government can withdraw any title that it may have given, if it ever did give any.

Mr. RANNEY. The gentleman being a good lawyer, and it appearing that the mortgage was given under the authority of a special act of Congress, I wanted to know his opinion, as I esteem it valuable, whether Congress can now destroy that vested right.

Mr. SPRINGER. The question of vested rights has been settled by the reports of the Committee on Public Lands upon this subject.

Mr. RANNEY. I do not agree to that.

Mr. SPRINGER. If the gentleman does not agree with the committee, then of course he will vote against this bill. But I have not been impressed with the argument which claims for these vast railroad corporations vested rights to the public domain. I think the people have some vested rights; and their representatives are here now to assert those vested rights, and to claim this public domain for actual settlers.

Mr. RANNEY. But third parties have an interest in the lands.

Mr. COBB. I agree with the gentleman from Illinois [Mr. SPRINGER] that the people have vested rights; and I think in some cases corporations also have such rights. In this case I believe they have rights under the law which the gentleman had not perhaps looked into. Now, here is the law passed in 1871. I think it very likely its passage through this House may have been secured in the manner stated by my colleague on the committee. That act, however, had a purpose, and that purpose has been accomplished, and we can not gainsay it. Let me read a provision of that act. After reciting some of the facts and giving the power

to mortgage this land grant, together with the road-bed, &c., of the company, the act continues:

Provided, That if the company shall hereafter suffer any breach of the conditions of the act above referred to, under which it is organized, the rights of those claiming under any mortgage made by the company to the lands granted to it by said act shall extend only to so much thereof as shall be conterminous with or appertaining to that part of said road which shall have been constructed at the time of the foreclosure of said mortgage.

Now, I submit, taking the whole legislation together, the true construction of this language is "at the time of forfeiture;" otherwise, as my colleague on the committee has said, the grant under this provision might stand for a hundred years if foreclosure should not be made. Taking the whole legislation together—the original act in connection with this act of 1871, a portion of which I have read—I think there is clearly reserved to the Government of the United States a right to forfeit these lands, but only such lands as lie non-conterminous with the completed road. This is, I think, the true construction; and it was the construction of the majority of the committee. If this be the correct construction, our act of forfeiture can not go further. I would be glad to forfeit all these lands if we had the power to do so.

This company has all the way along made breaches of the conditions upon which the grant was made. It will never complete this road. I am satisfied beyond all doubt that to-day the Atlantic and Pacific Railroad Company owns none of this road from beginning to end, but it is all owned by the Atchison, Topeka and Santa Fé Railroad Company and the Saint Louis and San Francisco Company. All of this road that they ever intend to complete has been completed, and I would be glad to forfeit every inch of the lands granted if I believed that in legal contemplation it could be done. But my opinion is that we have not the legal power to carry our forfeiture so far; that all we can do is to take the lands non-conterminous with the completed road. This the bill proposes to do. The substitute proposes in terms to go somewhat further; but practically I do not think it does so, because, as I have said, no grant of lands in the Indian Territory was ever made to this railroad corporation. In view of the construction heretofore adopted by the courts as to the Indian Territory, I think the third section of the act is very clear. It says:

That there be, and hereby is, granted to the Atlantic and Pacific Railroad Company, its successors and assigns, for the purpose of aiding in the construction of said railroad and telegraph line to the Pacific coast, and to secure the safe and speedy transportation of the mails, troops, munitions of war, and public stores over the route of said line of railway and its branches, every alternate section of public land," &c.

Now the Indian Territory is not construed to be "public land," and never was so considered either by the Interior Department or the courts. The Interior Department, as I have already said, has decided in an able opinion that not an inch of the lands lying within the limits of the Indian Territory was granted by this act, because such lands are not embraced in any organized Territory of the United States or in any State.

Mr. SPRINGER. My friend from Indiana [Mr. COBB] will allow me to say that the title of the Cherokee Nation is a title in fee-simple by the express terms of the act of Congress which gave it to them, and by the act such title is to remain in that nation so long as that Indian tribe shall occupy the land or until the tribe shall become extinct. Under these conditions the duration of the grant is likely to be indefinite.

Mr. COBB. They have power under this act to make contracts with the Indians subject to the control of the President of the United States and the Secretary of the Interior. In pursuance of that act they did make some sort of agreement with the chiefs of the four nations through whose lands this road passes in reference to the right of way, thereby admitting they had no title to these lands, and that on the contrary the lands were owned by these four nations of Indians. Those Indian nations, as they are called, own these lands in the Indian Territory by absolute treaty, which even the Congress of the United States could not, if it would, violate. If, therefore, the Congress of the United States made this grant with the intention of giving these lands in the Indian Territory to this road it could not do so, because the United States did not own the lands at the time of the grant. Some of the lands, it is true, in the Indian Territory, are not thus owned under treaty stipulations by the Indians, but the greater portion are set apart by Congress for a specific purpose, and they are not regarded as any portion of the public lands of the United States. Nor are these lands regarded as territory in the meaning of the law. So the courts of the United States and so the Department of the Interior have decided time and again.

I now demand the previous question on the substitute and ordering the bill to be engrossed and read a third time.

The previous question was ordered.

Mr. MCRAE's substitute was rejected.

The bill was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time.

Mr. BRECKINRIDGE, of Kentucky. I rise, Mr. Speaker, for the purpose of asking a question. The gentleman from Alabama [Mr. OATES] either offered or gave notice he would offer an amendment that would cover the troublesome law question as to the rights of the bondholders under the peculiar language of the amended act.

The SPEAKER. The Chair decided the amendment was not then in order under the rules of the House, there being at that time several amendments proposed by the committee and an amendment to one of those amendments offered by the gentleman from Indiana. The gentleman from Alabama did not at a subsequent stage reoffer his amendment.

Mr. HOLMAN. My understanding was that the gentleman's amendment applied to the substitute.

Mr. BRECKINRIDGE, of Kentucky. I understood it was intended to apply to the original bill.

Mr. COBB. I think the gentleman is mistaken. I understood the gentleman from Alabama directed his remarks to the substitute of the gentleman from Arkansas. I do not think he intended to offer an amendment to the bill.

Mr. BRECKINRIDGE, of Kentucky. I may probably be mistaken.

The SPEAKER. The gentleman from Alabama at the close of his remarks proposed to offer an amendment, which the Chair decided not to be in order. Thereupon the gentleman himself read the amendment for the information of the House. It was never pending.

Mr. BRECKINRIDGE, of Kentucky. Has the Clerk possession of the amendment?

The SPEAKER. The Chair decided the amendment was not in order, and it was not afterward renewed.

The bill was passed.

Mr. COBB moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

MESSAGE FROM THE PRESIDENT.

A message from the President, by Mr. PRUDEN, one of his secretaries, announced that he had approved and signed, February 20, an act (H. R. 989) for the allowance of certain claims reported by the accounting officers of the United States Treasury Department.

SATURDAY SESSIONS FOR DEBATE ONLY.

Mr. MORRISON. I ask by unanimous consent that Saturday of each week until further order of the House be set apart for debate only, no business to be done.

There was no objection, and it was so ordered.

And then, on motion of Mr. MORRISON (at 3 o'clock and 20 minutes p. m.), the House adjourned.

PETITIONS, ETC.

The following petitions and papers were laid on the Clerk's desk, under the rule, and referred as follows:

By Mr. C. M. ANDERSON: Petition of M. L. Brown, George W. Swadener, and 100 others, praying for the passage of a bill embodying the recommendations of the pension committee of the Grand Army of the Republic—to the Committee on Invalid Pensions.

By Mr. BAKER: Petition of the Steam Gauge and Lantern Company of Rochester, N. Y., in favor of reciprocity treaty with Mexico—to the Committee on Ways and Means.

By Mr. BLAND: Petition of James W. Sanford for invalid pension—to the Committee on Invalid Pensions.

By Mr. BOYLE: Petition of 23 clergymen, 8 physicians, 2 lawyers, 47 teachers, 86 business men, and 26 officers of temperance and other societies, for scientific temperance instruction in all schools under control of the Federal Government—to the Committee on Education.

By Mr. C. R. BRECKINRIDGE: Papers relating to the claim of George W. Yackley, of Madison County, Alabama—to the Committee on War Claims.

By Mr. W. W. BROWN: Petition of R. B. Church, M. D., Rev. George C. Foley, and 900 others, representative citizens of Lycoming, McKean, Sullivan, and Tioga Counties, Pennsylvania, asking for scientific temperance instruction in all the schools under control of the Federal Government—to the Committee on Education.

By Mr. BURROWS: Petition asking the continued coinage of silver—to the Committee on Coinage, Weights, and Measures.

Also, petition of John S. Gibson and others, and of G. A. Hunt and others, against the suspension of silver coinage—to the same committee.

Also, petition of George Standerline and others against the suspension of silver coinage—to the same committee.

By Mr. J. M. CAMPBELL: Papers relating to the case of William H. Weghaman—to the Committee on Military Affairs.

By Mr. CANNON: Memorial of Clark W. Cottrell of Philo, Ill., for removal of charge of desertion against him from Company E, One hundred and thirteenth Regiment, Ohio Volunteer Infantry—to the same committee.

By Mr. CARLETON: Two petitions of ex-soldiers of Michigan, asking for the passage of pension laws as recommended by the Grand Army of the Republic—to the Committee on Invalid Pensions.

Also, petition from the ninth district of Michigan from 127 representative citizens, among these 12 clergymen, 8 physicians, 4 lawyers, 13 teachers, 62 business men, 30 officers of temperance and other societies, for scientific temperance instruction in public schools under control of the National Government—to the Committee on Education.

By Mr. CATCHINGS: Petition of W. R. Riley; of J. C. Yost, ad-

ministrator of the estate of the late Benedict Yost; of John H. McChesney, administrator of the estate of Robert McChesney, and of John H. McChesney, severally for relief—to the Committee on War Claims.

By Mr. CLEMENTS: Petition of Isaac S. Smith, of Chattooga County; of Samuel S. Davidson and of Cora A. Hudgins, of Chattooga County, Georgia, asking reference of their several claims to the Court of Claims—to the same committee.

By Mr. COLE: Appeal of Saint Ann's Infant Asylum, for an increase of appropriation—to the Committee on Appropriations.

By Mr. COLLINS: Petition of William Murray and others, citizens of Boston, Mass., asking for the passage of an act demonetizing gold, &c.—to the Committee on Coinage, Weights, and Measures.

Also, petition of A. D. Thomas and others, for the repeal of the "Comstock act"—to the Committee on the Judiciary.

By Mr. COMSTOCK: Three petitions of vessel-owners and citizens, for continuous life-saving service at the port of Grand Haven, Mich., during the whole year—to the Committee on Commerce.

By Mr. CONGER: Petition of citizens of Des Moines and Knoxville, Iowa, praying for a constitutional amendment granting suffrage to women on equal terms with men—to the Committee on the Judiciary.

Also, petition of citizens of Iowa, praying for pension legislation recommended by pension committee of the Grand Army of the Republic—to the Committee on Invalid Pensions.

By Mr. COX: Petition of the quarterly meeting of Friends in North Carolina, requesting the passage of Senate bill 355 to promote peace among nations—to the Committee on the Judiciary.

By Mr. CRAIN: Petition from citizens of Rockport, Tex., in relation to improvements at Aransas Pass, Tex.—to the Committee on Rivers and Harbors.

Also, a bill to provide for the improvement of the channel between Galveston Harbor and the Gulf of Mexico—to the same committee.

Also, petition from citizens of Myersville, Tex., in relation to deep water on the coast of Texas—to the same committee.

By Mr. CULBERSON: Memorial of the bar of Texarkana, Ark., and Texarkana, Tex., prepared by T. E. Webber, E. F. Friedell, O. D. Scott, Charles S. Todd, and J. T. Vaughn, asking that terms of the circuit and district courts of the United States shall be held at Texarkana, Ark.—to the Committee on the Judiciary.

By Mr. CUTCHEON: Petition of J. A. Sprague, relative to postmasters' salaries—to the Committee on the Post-Office and Post-Roads.

By Mr. DINGLEY: Memorial of Pine Tree Assembly, No. 4318, relative to interpretation of the eight-hour law—to the Committee on Labor.

Also, memorial of T. R. Simonton and 100 others, of Camden, Me., protesting against a commission looking to the admission of Canadian fish free of duty.

By Mr. DOUGHERTY: Petition of citizens of Greenwood, Steuben County, New York, relative to pensions—to the Committee on Invalid Pensions.

Also, memorial of citizens of Bronson, Levy County, Florida, in reference to entrance to Cumberland Sound—to the Committee on Rivers and Harbors.

Also, memorial of merchants and citizens of Cedar Keys in reference to entrance to Cumberland Sound—to the same committee.

By Mr. ELDREDGE: Petition of Rev. R. W. Moore, C. C. Johnson, M. D., and 529 others, representative citizens of the second district of Michigan, and the Congregational and Methodist Episcopal churches of Morenci, Mich., for scientific temperance instruction in all the schools under control of the Federal Government—to the Committee on Education.

Also, petition of several citizens of Pontiac, Mich., favoring a bill to increase the pension of Lewis G. Clark—to the Committee on Pensions.

By Mr. ERMENTROUT: Petition and papers of John Lyon, for relief—to the Committee on Military Affairs.

Also, memorial of pearl-button makers for relief—to the Committee on Ways and Means.

Also, memorial of Charles E. Nordstrom, relative to the reorganization of the Army—to the Committee on Military Affairs.

By Mr. EVANS: Petition of Rev. William White Bronson, J. N. Richards, M. D., and 165 others, representative citizens of Bucks County, Pennsylvania, for scientific temperance instruction in all schools under control of the Federal Government—to the Committee on Education.

By Mr. FREDERICK: Petition of citizens of Cedar County, of Clinton County, of Bremer County, of Grundy County, of Hardin County, of Iowa County, of James County, of Benton County, of Johnston County, of Tama County, of Butler County, and of Linn County, Iowa, to create a new division in the northern judicial district of Iowa—to the Committee on the Judiciary.

By Mr. FORAN: Resolutions of Local Assembly No. 2013, Knights of Labor, Cleveland, Ohio, protesting against the passage of the Dingley pilotage bill, so called—to the Select Committee on American Shipbuilding and Ship-owning Interests.

By Mr. FULLER: Memorial of citizens of Guttenburg, Iowa, concerning the office of the Presidency—to the Committee on the Judiciary.

By Mr. GLASS: Petition of Richard F. Gaines, of Lauderdale County; of Prudence M. Kerin, formerly Crews, widow of Gideon P. Crews, deceased; and of Byron Hoover, of Gibson County, Tennessee, asking reference of their war claims to the Court of Claims—to the Committee on War Claims.

By Mr. GOFF: Petition of Joseph Speidel & Co. and others, wholesale grocers of Wheeling, W. Va., relative to the change of duties on foreign sugars—to the Committee on Ways and Means.

By Mr. GROUT: Petition of Ezekiel Mullen and others, for increase of pensions in certain cases—to the Committee on Invalid Pensions.

By Mr. HARMER: Petition relative to tariff on marble—to the Committee on Ways and Means.

By Mr. HARRIS: Petition of citizens of Coweta County, Georgia, asking for aid to common schools—to the Committee on Education.

By Mr. HEMPHILL: Petition of B. F. Miller, intendant, and 34 others, citizens of Lancaster, S. C., praying for the improvement of the entrance to Winyaw Bay and rivers tributary thereto—to the Committee on Rivers and Harbors.

By Mr. HEPBURN: Petition of J. A. Farris and 125 others, soldiers now residing in Mount Ayr, Iowa, asking for additional legislation on the subject of pensions—to the Committee on Invalid Pensions.

Also, memorial of W. W Masman and others, members of the bar of Page County, Iowa, asking that the salaries of the district judges of the United States be increased—to the Committee on the Judiciary.

Also, petition of Cornelia T. Dodel, praying that the right of suffrage be granted women—to the same committee.

By Mr. HOLMAN: Papers of Matthew E. Jackson, of Decatur County, Indiana, asking for an honorable discharge from the Army—to the Committee on Military Affairs.

By Mr. HOLMES: Petition of H. C. Jay and others, citizens of Boone and Greene Counties, Iowa, asking that a pension be granted to Elizabeth Luce, widow of John W. Luce, late a private in Company E, First Ohio Light Artillery—to the Committee on Invalid Pensions.

Also, petition of John L. Swartz and 201 others, ex-soldiers and citizens of Iowa Falls, Iowa, praying for the passage of the bill recommended by the pension committee of the Grand Army of the Republic—to the same committee.

Also, petition of W. W. Olmstead and 149 others, ex-soldiers and citizens of Winnebago County, Iowa, praying the passage of a bill placing soldiers on an equality with the holders of United States bonds—to the Committee on War Claims.

Also, petition from Rev. L. Jean and 236 others, representative citizens of Boone, Cerro Gordo, Hamilton, and Hardin Counties, Iowa, for scientific temperance instruction in all schools under control of the National Government; the Congregational church in Mason City; also urges the passage of such a law—to the Committee on Education.

By Mr. HOPKINS: Petition of citizens of Kane County, Illinois, to open Indian Territory—to the Committee on the Territories.

Also, petition of John Plumer, Howard Crawford, Fred. Adgate, and others; of G. B. Reed, G. W. Smith, R. McEgan, and 20 others; of A. Nolting, S. J. Gifford, N. C. Banks, and 25 others; and of G. B. Reed, A. McConnell, Charles Warford, and 20 others, for a law putting oleomargarine, butterine, and all imitations of and substitutes for butter under control of the Internal Revenue Department, with a tax sufficient to defray the expenses of enforcing the law—to the Committee on Agriculture.

By Mr. HOUK: Papers relating to the claim of Joseph C. Hodges—to the Committee on War Claims.

By Mr. JACKSON: Petition of 305 citizens of Darlington, Pa., and vicinity, asking for the passage of the pension bill recommended by the committee of the Grand Army of the Republic—to the Committee on Invalid Pensions.

Also, evidence in support of bill for the relief of Rebecca Spence and Matilda Spence—to the same committee.

Also, evidence in support of claim for the relief of Willie Gilmore—to the same committee.

Also, petition of certain citizens, asking for passage of the bill for relief of Jacob Holder—to the same committee.

By Mr. J. T. JOHNSTON: Petition of 202 representative citizens of Park and Warren Counties, Indiana, for scientific temperance instruction in all schools under control of the Federal Government—to the Committee on Education.

By Mr. J. H. JONES: Petition of citizens of Gregg County, Texas, for appropriation to continue work to open the channel at Sabine Pass—to the Committee on Rivers and Harbors.

Also, petition from citizens of Panola County, Texas, in favor of continuing appropriations for deep water at Sabine Pass, Tex.—to the same committee.

By Mr. KLEINER: Memorial of ex-soldiers of Posey County, and of Gilson County, Indiana, for a uniform pension to the Union soldiers of the late war—to the Committee on Invalid Pensions.

By Mr. LA FOLLETTE: Petition of Mrs. William H. Beach, Emma C. Bascom, Mrs. T. B. Raymer, and Mrs. C. H. Rich, officers of the Woman's Christian Temperance Union of Wisconsin, praying that the Constitution be so amended as to give all citizens equal rights under the law—to the Committee on the Judiciary.

By Mr. LANDES: Petition of Capt. George B. Sweet and 100 others, ex-soldiers, for the passage of the pension bill proposed by the Grand Army of the Republic—to the Committee on Invalid Pensions.

By Mr. LANHAM: Petition of citizens of Somervell County, Texas,

relative to deep water at Galveston, Tex.—to the Committee on Rivers and Harbors.

By Mr. LAWLER: Petition of the Lake Pilots' Aid Association, of Chicago, Ill., asking for the relief of captains, pilots, mates, and engineers of steam-vessels as provided in Senate bill 298—to the Committee on Claims.

By Mr. LIBBEY: Papers to accompany H. R. 2561 for a public building at Newport News, Va.—to the Committee on Public Buildings and Grounds.

By Mr. LITTLE: Petition of N. D. Creamer, A. J. Gaskins, M. D., and 103 others, citizens of Clinton County, Ohio, and 14 officers of temperance and other societies, for scientific temperance instructions in all schools under control of the National Government—to the Committee on Education.

By Mr. LYMAN: Resolutions of Typographical Union of Council Bluffs, Iowa, protesting against the passage of the international copyright bill now pending in the Senate—to the Committee on Patents.

Also, resolutions of Nebraska City city council, board of trade, and of the county commissioners of Otoe County, Nebraska, in reference to the improvement of the Missouri River at said city—to the Committee on Rivers and Harbors.

By Mr. McCOMAS: Petition of C. W. Wood, of Montgomery County, Maryland, for supplies or stores taken for the use of the Army—to the Committee on War Claims.

By Mr. MATSON: Petition of Rufus C. Carpenter and 83 others, citizens of Putnam County, Indiana, asking for certain pension legislation—to the Committee on Invalid Pensions.

By Mr. MILLER: Petition of citizens of Austin County, Texas, and of citizens of Fayette County, Texas, for the improvement of the harbor at Galveston, Tex.—to the Committee on Rivers and Harbors.

Also, resolutions of citizens of Luling, Caldwell County, Texas, in reference to improvement of harbors on the Texas coast—to the same committee.

By Mr. MORRILL: Petition of Hon. Ira F. Collins and 160 others, of Sabetta, Kans., asking that a special act be passed granting a pension to Elizabeth Stewart—to the Committee on Invalid Pensions.

By Mr. MORRISON: Petition of the Saint Louis Live Stock Exchange, to extend civil jurisdiction of the United States in the Indian Territory—to the Committee on the Judiciary.

Also, petition of Mr. Washburn and officers of the Humane Society, against free pasturage on public lands and branding of cattle—to the Committee on Agriculture.

By Mr. NEGLEY: Petition praying for the speedy enactment of all legislation necessary to put in force the reciprocity treaty with Mexico—to the Committee on Ways and Means.

Also, petition of Gustav Schleiter, for increase of pension—to the Committee on Invalid Pensions.

By Mr. NELSON: Petition for opening of the Red Lake reservation—to the Committee on Indian Affairs.

By Mr. CHARLES O'NEILL: Memorial of the Philadelphia Board of Trade, concerning the regulation of interstate commerce, and approving of the main features of the bill reported by Senator CULLOM—to the Committee on Commerce.

Also, statement of a committee representing those engaged in the marble industry, in reference to the duties on marble and asking for the protection of that industry—to the Committee on Ways and Means.

By Mr. J. J. O'NEILL: Petition of merchants of Saint Louis, favoring Mexican reciprocity treaty with Mexico—to the same committee.

By Mr. PERRY: Memorial of Isaac K. James, praying reference of his claim to the Court of Claims—to the Committee on War Claims.

By Mr. PERKINS: Petition of W. H. Porter and 200 other ex-soldiers of Labette County, Kansas, asking for legislation giving to all honorably discharged Union soldiers and officers of the late war who served sixty days or more a pension, and for other legislation—to the Committee on Invalid Pensions.

Also, petition of Thomas J. Sener and others, citizens of Coffeyville, Kans., asking for legislation granting to the Kansas and Arkansas Railroad Company the right of way through Indian Territory—to the Committee on Indian Affairs.

Also, resolutions of the State board of agriculture of Kansas, asking for legislation making the Bureau of Agriculture a department of the Government with a practical agriculturist for secretary—to the Committee on Agriculture.

By Mr. PRICE: Memorial of the board of supervisors of Saint Croix County, Wisconsin, asking Congress to enact a law prohibiting railroads from charging a greater price for a short than a long haul—to the Committee on Commerce.

By Mr. RICHARDSON: Petition of W. P. Neeld, of Tennessee, for readjustment of salary as postmaster—to the Committee on the Post-Office and Post-Roads.

Also, petition of Joseph J. Anderson, of Marshall County, Tennessee, asking reference of his war claim to the Court of Claims—to the Committee on War Claims.

By Mr. RIGGS: Petition of John C. Hesley and 87 others, of Pittsfield, Ill., praying for the enactment of a law relative to oleomargarine, &c.—to the Committee on the Judiciary.

Also, petition of John S. Roy, for a pension—to the Committee on Invalid Pensions.

Also, resolution of Knights of Labor, Quincy, Ill., asking passage of House bill 1914—to the Committee on Labor.

By Mr. ROGERS: Papers relating to the claims of B. Mills Parrish and of Prairie County, Arkansas—to the Committee on War Claims.

By Mr. ROMEIS: Petition of V. Dollen and 46 others, citizens of Put-in-Bay Island, Ottawa County, Ohio, against any action involving a renewal or extension of what is known as the treaty of Washington—to the Committee on Foreign Affairs.

By Mr. RYAN: Petition of Henry Moyle and others, of Augusta, Butler County, Kansas, for opening the Indian Territory to white settlers—to the Committee on the Territories.

Also, petition of George W. Igg and others, of Douglass, Kans., for the opening of the Indian Territory to white settlement—to the Committee on Indian Affairs.

By Mr. SCRANTON: Remonstrance of Union Assembly, No. 233, Knights of Labor, Olyphant, Pa., against the passage of the pilotage bill—to the Select Committee on American Ship-building and Ship-owning Interests.

By Mr. SENEY: Petition of Henry Baldwin and 40 others, citizens of Wood County, Ohio, for certain pension legislation—to the Committee on Invalid Pensions.

By Mr. SEYMOUR: Memorial from Bridgeport, Conn., concerning the abolition of the Presidency—to the Committee on the Judiciary.

By Mr. SKINNER: Testimony in relation to claim of H. W. Styron (H. R. 1743)—to the Committee on War Claims.

By Mr. SMALLS: Petition of citizens of Georgetown, S. C., asking for the improvement of the entrance to Winyaw Bay, South Carolina—to the Committee on Rivers and Harbors.

Also, memorial of the town council of Beaufort, S. C., for the erection of custom-house and post-office at Beaufort, S. C.—to the Committee on Public Buildings and Grounds.

By Mr. STAHLNECKER: Memorial of Manchester, Philbrick & Co., Church E. Gates & Co., P. William Ebling, and others, merchants, of New York, requesting that the Secretary of War be authorized to contract with Charles Stoughton and his associates for the entire work of improving Harlem River, New York, for a sum not exceeding $1,295,000, including the right of way free of cost to the United States—to the Committee on Rivers and Harbors.

By Mr. STEELE: Petition of Louis J. Ramsey and 300 other soldiers, citizens of Howard County, Indiana, asking for service pension—to the Committee on Invalid Pensions.

Also, petition of James Hackett, Friends Church; Rev. Robert McCune, Congregational; Rev. G. G. Huddren, Methodist; Rev. W. A. Hyle, Union Mission; Rev. N. C. Smith, Baptist; and Rev. E. L. Frazier, Campbellite, representing a membership of 1,283, asking favorable action on Senate bill 355, promoting peace among nations—to the Committee on the Judiciary.

By Mr. W. J. STONE, of Missouri: Petition of C. A. Edgar, M. D., Rev. G. W. Ferrill, M. D., and 286 others, representative citizens of Jasper, Cedar, and Dade Counties, Missouri, for scientific temperance instruction in all schools under control of the Federal Government—to the Committee on Education.

By Mr. TARSNEY: Petition of J. B. Hunter and 51 others, of Detroit, Mich.; of T. O. Reily and 97 others, of Pittsburgh, Pa.; of S. S. Patten and 67 others, of New Orleans, La.; of John Barry and 49 others, of Muskegon, Mich.; of John Agry and 120 others, of Pittsburgh, Pa.; of Peter Gilespie and 14 others, of Pittsburgh, Pa.; of C. M. Errett and 14 others, of Marquette, Mich.; of D. A. Black and 28 others, of Detroit, Mich.; of Joseph P. Reid and 95 others, of La Crosse, Wis.; of M. O. Michiels and 89 others, of Pittsburgh, Pa.; of W. A. Case and 92 others, of Buffalo, N. Y.; of B. D. Howey and 53 others, of Philadelphia, Pa.; of A. J. Ways and 50 others, of Portland, Oreg.; of S. Hones and 36 others, of Boston, Mass.; of William Byrne and 51 others, of Philadelphia, Pa.; of D. C. Byers and 52 others, and Capt. John T. Springer and 51 others, of Philadelphia, Pa.; of D. R. Stublefield and 106 others, of Nashville, Tenn.; of J. P. Hathaway and 25 others, of Arkansas; of H. C. Davis and 49 others, of Sault de St. Marie, Mich.; of H. E. Davidson and 44 others, of Philadelphia, Pa.; of J. H. Ollum and 66 others, of Belpre, Ohio; of John Hughes and 26 others, of Louisville, Ky.; of W. H. Andrews and 50 others, of Galveston, Tex.; of T. M. Harman and 57 others, of Nashville, Tenn.; of John T. Cartwright and 122 others, of Nashville, Tenn.; of 256 citizens of Saint Louis, Mo.; of 119 citizens of New York, and of 232 citizens of Portland, Me., asking the passage of House bill 4108, for the relief of captains, pilots, engineers, and mates of steam vessels—to the Committee on Claims.

Also, petition of 232 representative citizens of the eighth district of Michigan, for scientific temperance instruction in all schools under control of the Federal Government—to the Committee on Education.

Also, petition of John H. Savage and others, for the equalization of bounties—to the Committee on War Claims.

By Mr. E. B. TAYLOR: Petition of citizens of the nineteenth district of Ohio, praying for an appropriation of $80,000 for Ashtabula Harbor—to the Committee on Rivers and Harbors.

By Mr. ZACH. TAYLOR: Petition of R. A. Cleaves, executor of John D. Cleaves, deceased; of Mrs. Mary Maples, administratrix of Josiah Maples, deceased; and of Jane E. Taylor, administratrix of H. S. Taylor, deceased, of Fayette County; of William R. and John Parham, executors of John Parham, sr., deceased, of Saint Francis and Fayette Counties; of Virginia, W. S., Ambrose E. Green, and Mary Anderson, heirs of Dr. Alfred L. Green, of Fayette County; and of Charlotte A., Mary, and J. D. Swinebroad, heirs of G. W. Swinebroad; of John S. Norment, and of William Nicholls, of Hardeman County, Tennessee, asking severally that their war claims be referred to the Court of Claims—to the Committee on War Claims,

Also, papers relating to the claim of Daniel J. Wells, of Hardeman County, Tennessee—to the same committee.

By Mr. O. B. THOMAS: Petition of 75 citizens of Hillsborough, Vernon County, Wisconsin, praying the passage of a bill embodying the recommendations of the national pension committee of the Grand Army of the Republic—to the Committee on Invalid Pensions.

By Mr. TOWNSHEND: Petition of citizens of Franklin County, Illinois, praying for the passage of the bill embodying the recommendations of the national pension committee of the Grand Army of the Republic—to the Committee on Invalid Pensions.

By Mr. VAN SCHAICK: Petition of Thomas Douglass for honorable discharge—to the Committee on Military Affairs.

Also, memorial of Max Grossman and others, of Milwaukee, praying for the abolition of the Presidency; and of Albert Dudley and others, of Milwaukee, for the same—to the Committee on the Judiciary.

Also, petition of Knights of Labor of Milwaukee, for restoration of wages in Government Printing Office—to the Committee on Labor.

By Mr. WAKEFIELD: Memorial of 36 citizens of New Ulm, Minn., concerning the abolition of the Presidency—to the Committee on the Judiciary.

By Mr. WAIT: Papers relating to the claim of James Belger—to the Committee on War Claims.

By Mr. A. J. WARNER.: Petition of William McFarland and 63 others, of J. A. Bostick and 44 others, and of U. V. McKim and 49 others, citizens of Cambridge, Ohio, asking for the passage of a law to pay soldiers difference between gold and greenbacks—to the same committee.

By Mr. J. B. WEAVER: Petition of A. D. Stricker, of Kansas, and 50 others, praying for the organization of the Oklahoma Territory—to the Committee on the Territories.

By Mr. WELLBORN: Petition of citizens of Cedar Hill, Tex., for deep water at Galveston, Tex.—to the Committee on Rivers and Harbors.

Also, petition from citizens of Dallas County, Texas, for an adequate appropriation for the removal of the bar at the mouth of Sabine Pass, Texas—to the same committee.

Also, petition of citizens of Tarrant County, Texas, for the improvement of Sabine Pass bar, at Sabine Pass, Tex.—to the same committee.

Also, petition of citizens of Italy, Tex., for unlimited coinage of silver—to the Committee on Coinage, Weights, and Measures.

By Mr. WHEELER: Petition of Joseph A. Clark, of Madison County; of Elisha Stogsdill, of James P. Stuly, and of Sarah A. Wood, of Jackson County, and of John J. Turrentine, administrator, of Limestone County, Alabama, asking severally the reference of their war claims to the Court of Claims—to the Committee on War Claims.

By Mr. MILO WHITE: Petition of Dr. M. G. Ripley, of Minneapolis, Minn., and 536 others (337 women and 200 men), in favor of a sixteenth amendment, giving suffrage to women—to the Committee on the Judiciary.

By Mr. WILLIS: Memorial of the Board of Trade of Louisville, Ky., asking for the enlargement of the Signal Service—to the Committee on Military Affairs.

Also, memorial of the Louisville Board of Trade, asking free navigation of the Monongahela River—to the Committee on Rivers and Harbors.

By Mr. WINANS: Petition of William B. McCreary, George H. Durand, and 36 others, citizens of Flint, Mich., to amend the Constitution so as to give women equal rights with men—to the Committee on the Judiciary.

By Mr. WORTHINGTON: Petition of H. E. Parker and 160 others, citizens of Galesburg, Ill., for the opening of Oklahoma land for settlers—to the Committee on the Territories.

The following petitions, praying Congress to place the coinage of silver upon an equality with gold; that there be issued coin certificates of one, two, and five dollars, the same being made a legal tender; that one and two dollar legal-tender notes be issued, and that the public debt be paid as rapidly as possible by applying for this purpose the idle surplus now in the Treasury, were presented and severally referred to the Committee on Coinage, Weights, and Measures:

By Mr. BYNUM: Of 40 citizens of Shelby County, Indiana.

By Mr. CUTCHEON: Of citizens of Montague, Mich.

By Mr. FULLER: Of G. W. Chamberlin and 58 others, citizens of Fayette County, Iowa.

By Mr. GOFF: Of J. M. Robey and others, of Harrison County, West Virginia.

By Mr. LA FOLLETTE: Of Lyman A. Powers, of Fenimore, Wis., and 150 others.

By Mr. LANHAM: Of citizens of Jack County and of Brown County, Texas.

By Mr. MORRISON: Of sundry citizens of Richview, Ill., and of Pueblo, Colo.

By Mr. PERKINS: Of L. C. North and 90 others, citizens of Elk County, and of W. K. Lackey and 70 others, citizens of Labette County, Kansas.

By Mr. SESSIONS: Of citizens of Chautauqua County, New York.

By Mr. THROCKMORTON: Of 188 citizens of Collin and Grayson Counties, Texas.

By Mr. T. B. WARD: Of citizens of Tipton County, Indiana.

By Mr. J. B. WEAVER: Of P. Hotte and 85 others, of Illinois; of H. Ingersoll and 50 others, of Maine; of John Watson and 125 others, of Illinois, and of R. W. Carson and 60 others, of Iowa.

SENATE.

WEDNESDAY, *February* 24, 1886.

Prayer by the Chaplain, Rev. E. D. HUNTLEY, D. D.

The Journal of yesterday's proceedings was read and approved.

PETITIONS AND MEMORIALS.

Mr. MILLER, of New York, presented a petition of New York steam-vessel owners, praying for the passage of the bill (H. R. 4838) to abolish certain fees for official services to American vessels and to amend the laws relating to shipping commissioners, seamen, and owners of vessels, and for other purposes; which was referred to the Committee on Commerce.

He also presented the petition of the State's Charities Aid Association of New York, praying for the passage of a bill to establish a postal savings depository as a branch of the Post-Office Department; which was referred to the Committee on Post-Offices and Post-Roads.

Mr. WILSON, of Iowa, presented the petition of Mary J. Coggeshall, president of the Polk County Woman's Suffrage Association, and 15 other citizens, of Des Moines, Iowa, and the petition of Mrs. Mary Wetherall, president of the Marion County (Iowa) Woman's Suffrage Association, and other citizens, of Knoxville, Iowa, praying for the passage of a joint resolution at the present session of Congress submitting to the several State Legislatures a proposition to so amend the national Constitution as to protect the women of all the States and Territories in the enjoyment of the right of suffrage on equal terms with men; which were ordered to lie on the table.

He also presented the petition of J. H. Cornish & Co. and other citizens of Osage, Iowa, praying for the enactment of a law requiring all imitations of butter and cheese manufactured or sold in the United States or used on the table of public eating-houses to be labeled with a United States stamp; which was referred to the Committee on Finance.

Mr. DOLPH. I present a preamble and resolutions adopted by the Walla Walla Board, of Trade of Washington Territory, protesting against the forfeiture of the land grant to aid in the construction of the Cascade Branch of the Northern Pacific Railroad. It is not lengthy, and as it relates to a very important matter, I desire to have it appear in the RECORD.

The resolutions were referred to the Committee on Public Lands, and ordered to be printed in the RECORD, as follows:

Preamble and resolutions against the forfeiture of the land grant to aid in construction of the Cascade Branch of the Northern Pacific Railroad.

Whereas that portion of the United States known as Eastern Washington and Northern Idaho and Northeastern Oregon, and which is locally called the Inland Empire, contains about 100,000 inhabitants whose chief occupation is the production of wheat;

Whereas during the present harvest year there was produced in this Inland Empire over 400,000 tons, or over 12,000,000 bushels of wheat, of which over 10,000,000 bushels were for export;

Whereas nine-tenths of the surplus product of this Inland Empire is compelled to seek market over the railroad constructed and operated by the Oregon Railway and Navigation Company on the south side of the Columbia River, which company charges $6 a ton, or 18 cents a bushel, for transporting wheat from Walla Walla to Portland, a distance of 245 miles;

Whereas the Columbia River, by reason of great natural obstructions to navigation at the Cascades and The Dalles, is not now an available route to market;

Whereas the Northern Pacific Railroad Company has constructed all but 75 miles of the mountain portion of a railroad between Pasco, a point on its main line in Eastern Washington within 20 miles of the Oregon State line, over the Cascade Mountains to Tacoma, on Puget Sound, has let the contract for building a tunnel nearly 2 miles long on this Cascade division, and is prosecuting the work of completing this road, which will give the producers and other inhabitants of the Inland Empire the benefits which flow from competing railroads and markets;

Whereas Congress agreed to give the Northern Pacific Railroad Company a specified amount of land for each mile of railroad built by it between Lake Superior and Puget Sound;

Whereas that corporation has constructed all but 75 miles of the great transcontinental line it undertook to build, and has operated the constructed portion in the interest of the people, as is evinced by its charging only $8 per ton, or 24 cents per bushel, for transporting wheat from Wallula Junction to Saint Paul, a distance of 1,698 miles, through what a few years ago was a wilderness, thus making it possible for producers within reach of its road to obtain 8 cents more

per bushel for their wheat than it is possible for producers dependent on the Oregon Railway and Navigation Company to obtain; and

Whereas we believe that the material prosperity of the Inland Empire, particularly of Eastern Washington and Northern Idaho, will be greatly advanced by the speedy completion of the Cascade Branch of the Northern Pacific; and

Whereas we believe that the completion of the Cascade Branch of the Northern Pacific, a road we consider absolutely necessary for our future prosperity, would be hindered and delayed by a forfeiture of the land grant to the company: Therefore,

Be it resolved, That the Walla Walla Board of Trade implores Congress not to forfeit the grant for the Cascade Branch and to confirm the title of the Northern Pacific Railroad Company to the land along the completed portions of its road.

Resolved, That Hon. CHARLES S. VOORHEES, Delegate to Congress from Washington Territory, and the Senators and Representatives from Oregon be, and they are hereby, requested to exert their influence to prevent the forfeiture of the land grant for the Cascade Branch of the Northern Pacific.

Resolved, That the president and secretary forward authenticated copies of this preamble and resolutions to Delegate VOORHEES, the Oregon delegation, the President of the Senate, and Speaker of the House.

Passed the Walla Walla Board of Trade February 12, 1886.

H. P. ISAACS, *President.*

Attest:

H. D. CHAPMAN, *Secretary.*

Mr. CAMERON presented a petition of the Philadelphia (Pa.) Board of Trade, praying for the passage of the interstate-commerce bill and suggesting certain amendments thereto; which was referred to the Select Committee on Interstate Commerce.

He also presented two petitions of citizens of Montrose, Susquehanna County, Pennsylvania, praying for the passage of a joint resolution submitting an amendment to the Constitution of the United States, giving the right of suffrage to women; which were ordered to lie on the table.

He also presented a petition of citizens of Westmoreland, Greene, and Fayette Counties, Pennsylvania; a petition of citizens of Indiana County, Pennsylvania; a petition of 902 citizens of Lycoming, McKean, Sullivan, and Tioga Counties, Pennsylvania; a petition of citizens of Elk, Clinton, Mifflin, and Union Counties, and a petition of 234 citizens of Centre County, Pennsylvania, praying the enactment of a law requiring scientific temperance instruction in the public schools of the District of Columbia, in the Territories, and in the Military and Naval Academies, the Indian and colored schools, supported wholly or in part by money from the national Treasury; which where ordered to lie on the table.

Mr. CULLOM presented a petition of the Philadelphia (Pa.) Board of Trade, praying for the passage of the bill to regulate commerce, reported by the Select Committee on Interstate Commerce with certain amendments; which was ordered to lie on the table.

He also presented a petition of Local Assembly No. 3794, Knights of Labor, of Tuscola, Ill.; and a petition of Local Assembly No. 3538, Knights of Labor, of Streator, Ill., praying for the construction of the Hennepin Canal; which were referred to the Committee on Commerce.

Mr. CONGER presented a petition of citizens of Bad Axe, Mich., praying the passage of Senate bill No. 927, increasing the pension of soldiers who have lost an arm or a leg; which was referred to the Committee on Pensions.

He also presented a petition of Battle Creek Local Assembly of Knights of Labor, Michigan, praying that a Territorial form of government be established over the Indian Territory, and that the unoccupied lands therein may be opened to homestead settlement; which was referred to the Committee on Indian Affairs.

He also presented a petition of citizens of Muskegon, Mich., praying for the passage of a joint resolution submitting to the several State Legislatures a proposition to so amend the national Constitution as to protect the women of all the States and Territories in the enjoyment of the right of suffrage on equal terms with men; which was ordered to lie on the table.

Mr. MANDERSON. I present certain resolutions adopted by the Board of Trade of Omaha, Nebr., in the nature of a petition, and although addressed to myself they are evidently designed for the Senate, having reference to the extension of the time for the payment of the debt of the Union Pacific Railway Company. I move that the resolutions lie on the table, the bill on the subject having been reported from the Committee on the Judiciary.

The motion was agreed to.

Mr. BLAIR. I present a petition of Post No. 51, Grand Army of the Republic, of Raymond, Rock County, New Hampshire. The petitioners "earnestly but respectfully pray your honorable body to pass at the earliest practicable day a bill embodying the recommendations of the pension committee of the Grand Army of the Republic as set forth in its recent communication to your honorable body. We ask you to pass it from the consideration of the following facts, which we believe to be true: First, because the private soldier of the United States Army is the peer of this world; second, they are the mainstay of the Government; third, they only ask the true principles carried out, or Democracy, or Democrat, or Republican, or honesty, or equal justice; fourth, they have made all the people of the United States of America; fifth, they have made all the Congresses of the United States of America; sixth, they made all the Presidents and all other officers of the United States of America; seventh, and they let their enemies live; wherefore we ask, desire, and pray your honorable body to pass it, and that they have their highest generalship title, and the highest rate of general pension paid them by the Congress of the United States of America."

I move that the petition be referred to the Committee on Pensions.

The motion was agreed to.

Mr. INGALLS. I present a petition, signed by many reputable householders in this city, residing in the immediate neighborhood of the operating machinery and engines of the United States Electric Lighting Company, complaining of the injury to health and property by the nuisance created by that machinery, which the petitioners believe to have been located there without permission of law. They ask for legislation that will relieve them from the injuries under which they suffer. I move that the petition be referred to the Committee on the District of Columbia.

The motion was agreed to.

Mr. BROWN. I present the petition of a committee appointed by a convention held on the 4th of November, 1885, at Darien, Ga., relating to the improvement of the Altamaha River and its branches. As the petition is of some length I desire to refer in a condensed form to the points made in it.

The petitioners state that the water ways to be improved run through and are used by twenty-two of the counties of the State. The great Altamaha River, and the Ocmulgee, the Oconee, the Ohoopee, which are navigable branches of the river, are the water way really for twenty-two counties in the State. At a good stage of water the Ocmulgee is navigable for 250 miles, the Oconee, taking in its windings, for about 225 miles, and the Ohoopee for nearly the same distance, making over 600 miles that by proper improvement would be made navigable, counting the Ocmulgee and its branches.

There are some shoals and sand-bars that at stages of low water interfere with and even stop the navigation. The petitioners want a survey of the entrance of the harbor at Doboy Sound, so that it may be improved and cleared out until it will accommodate the commerce of the rivers already mentioned. They hope to get 17 feet of water at the bar without a very heavy appropriation. They say there are 100,000,000 feet of lumber shipped annually from the port, 200,000 bushels of rice, besides considerable quantities of wool, naval stores, cotton, and other farm products. The tonnage engaged in the carrying trade is 100,000 tons. From Lumber City, a town upon the river, the shipments of cotton and other products amount to 20,000 tons annually, besides large amounts shipped from Hawkinsville on the Ocmulgee and Dublin on the Oconee. There are vast forests of pine timber up along the rivers, and vessels from almost every port in the civilized world come there to get timber for masts and spars. There are thirty-eight mills in constant operation sawing timber along the line of the rivers, the rivers being the only means of transportation for nearly all of them.

There were fifty-eight turpentine distilleries at the beginning of the present year in full operation along the line of the Altamaha and its tributaries. Cotton, fruits, root-plants, &c., grow in great abundance. The great want is transportation. There is a swamp from a mile to a mile and a quarter wide along a great portion of the river, that abounds in the hard woods of various kinds that are very valuable, and the petitioners believe that the proper cleaning out of the river would drain a large portion of it as an incident to the improvement.

Their estimates show that there are $75,000,000 worth of naval stores and timber in easy reach of the Altamaha, $60,000,000 in reach of the Ocmulgee, and $50,000,000 in reach of the Oconee, and a large number adjacent to the Ohoopee River, it being one of the finest forests probably on any continent or in any country.

The prayer of the petitioners is for the general improvement of the river by the Government. The petition represents 200,000 people occupying 13,000 square miles of territory, who are in a great measure dependent upon the Altamaha for transportation.

I present the petition and commend its objects to the attention of the Senate. I move that it be referred to the Committee on Commerce.

The motion was agreed to.

Mr. LOGAN presented petitions of Knights of Labor of Geneseo and Braidwood, Ill., praying for the passage of a bill opening the Oklahoma lands in the Indian Territory to settlement; which were referred to the Committee on Indian Affairs.

He also presented petitions of Knights of Labor of Lincoln, Marea, and Havana, Ill., praying that an appropriation be made for the construction of the Hennepin Canal; which were referred to the Committee on Commerce.

He also presented a memorial of the Chicago Typographical Union, remonstrating against any change in the international copyright laws; which was referred to the Committee on Patents.

He also presented a petition of citizens of Orion, Ill., praying for the adoption of a joint resolution submitting to the several State Legislatures a proposition to amend the national Constitution so as to protect women in the enjoyment of the right of suffrage; which was ordered to lie on the table.

He also presented a petition of citizens of Maine, praying that Lieutenant Greely be placed on the retired-list of the Army with the rank of colonel; which was referred to the Committee on Military Affairs.

He also presented resolutions adopted by the Golden Rule Assembly, Knights of Labor, of Quincy, Ill., favoring the restoration of wages at the Government Printing Office to the rate formerly paid; which were referred to the Committee on Printing.

The PRESIDENT *pro tempore* presented a petition of citizens of Ohio,

praying for the passage of the bill to increase the pensions of soldiers' widows; which was referred to the Committee on Pensions.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. CLARK, its Clerk, announced that the House had passed a bill (H. R. 453) to forfeit the lands granted to the Atlantic and Pacific Railroad Company to aid in the construction of a railroad and telegraph line from the States of Missouri and Arkansas to the Pacific coast, and to restore the same to settlement, and for other purposes; in which it requested the concurrence of the Senate.

ENROLLED BILL SIGNED.

The message also announced that the Speaker of the House had signed the enrolled bill (S. 738) for the relief of James Clifford; and it was thereupon signed by the President *pro tempore*.

REPORTS OF COMMITTEES.

Mr. FRYE, from the Committee on Foreign Relations, reported a joint resolution (S. R. 47) to forward a copy of the daily CONGRESSIONAL RECORD to each of our legations abroad; which was read twice by its title, and referred to the Committee on Printing.

He also, from the Committee on Foreign Relations, reported a joint resolution (S. R. 48) authorizing Rear-Admiral J. W. A. Nicholson to accept a medal conferred upon him by the King of Sweden and Norway; which was read twice by its title.

Mr. FRYE. I ask that the accompanying papers may be printed as a report.

The PRESIDENT *pro tempore*. That order will be made.

Mr. SPOONER, from the Committee on Claims, to whom was referred the bill (S. 127) for the relief of H. K. Belding, reported it without amendment, and submitted a report thereon.

Mr. PIKE, from the Committee on Claims, to whom was referred the bill (S. 433) to provide for the payment to the legal representatives of Arvah Hopkins of the rent of certain property in Tallahassee, Fla., for the use of the Army, reported it without amendment, and submitted a report thereon.

Mr. DOLPH, from the Committee on Claims, to whom was referred the bill (S. 492) for the relief of Frank Della Terre and Susan F. Della Terre, heirs of Peter Della Terre, deceased, reported it with an amendment, and submitted a report thereon.

He also, from the same committee, to whom was referred the bill (S. 918) for the relief of Charles A. Sibley, guardian of Lloyd M. Stevens, submitted an adverse report thereon; and the bill was postponed indefinitely.

Mr. HAMPTON, from the Committee on Military Affairs, to whom was referred the petition of E. H. Brodie, ordnance sergeant, retired, United States Army, of Astoria, Oreg., praying for the passage of a bill awarding him a certificate of merit for distinguished bravery and good conduct at the battle of Cerro Gordo, submitted an adverse report thereon, which was agreed to; and the committee were discharged from the further consideration of the petition.

Mr. PAYNE. I am directed by the Committee on Pensions, to whom was referred the bill (S. 204) granting a pension to Frank Gray, to report it adversely. I ask that it may be placed on the Calendar.

The PRESIDENT *pro tempore*. The bill will be placed on the Calendar with the adverse report of the committee.

Mr. MORGAN, from the Committee on Foreign Relations, reported an amendment intended to be proposed to the consular and diplomatic appropriation bill making an appropriation of $25,000 for the purchase of a site in the city of Tokio, Japan, for a legation and ministerial residence in that city, to be expended under the direction of the Secretary of State; which was referred to the Committee on Appropriations, and ordered to be printed.

Mr. HOAR, from the Committee on Claims, to whom was referred the bill (S. 501) for the relief of Charles W. Foulke, submitted an adverse report thereon; and the bill was indefinitely postponed.

He also, from the same committee, to whom was referred the bill (S. 1310) for the relief of William Tabb, reported it without amendment, and submitted a report thereon.

Mr. MORRILL, from the Committee on Public Buildings and Grounds, submitted a report to accompany the bill (S. 1404) to authorize the acquisition of certain parcels of real estate embraced in square No. 406 of the city of Washington, for the enlargement of the Post-Office Department building and to provide accommodations for the city post-office, heretofore reported by him.

BILLS INTRODUCED.

Mr. MILLER, of New York, introduced a bill (S. 1622) to establish a postal savings depository as a branch of the Post-Office Department; which was read twice by its title, and referred to the Committee on Post-Offices and Post-Roads.

Mr. SAWYER (by request) introduced a bill (S. 1623) for the relief of Maria Black; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Claims.

He also (by request) introduced a bill (S. 1624) for the relief of Gerson Freidenheit; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Claims.

Mr. ALDRICH introduced a bill (S. 1625) granting a pension to Rebecca Hollingsworth Humphreys; which was read twice by its title, and referred to the Committee on Pensions.

Mr. CONGER introduced a bill (S. 1626) granting a pension to John Reed, sr.; which was read twice by its title, and referred to the Committee on Pensions.

He also introduced a bill (S. 1627) granting a pension to Mrs. M. C. Miles; which was read twice by its title, and referred to the Committee on Pensions.

Mr. PAYNE introduced a bill (S. 1628) for the relief of the estate of Edwin E. Saunders; which was read twice by its title, and referred to the Committee on Claims.

Mr. HARRISON introduced a bill (S. 1629) granting a pension to Elizabeth Reed; which was read twice by its title, and referred to the Committee on Pensions.

He also introduced a bill (S. 1630) granting a pension to James C. Chandler; which was read twice by its title, and referred to the Committee on Pensions.

Mr. MAHONE introduced a bill (S. 1631) granting a pension to Joseph F. Bean; which was read twice by its title, and referred to the Committee on Pensions.

He also introduced a bill (S. 1632) granting a pension to Luke B. Williams; which was read twice by its title, and referred to the Committee on Pensions.

Mr. BERRY introduced a bill (S. 1633) to provide for a building for the use of the post-office and the superintendent's office, and other civil offices at Hot Springs, Ark.; which was read twice by its title, and referred to the Committee on Public Buildings and Grounds.

Mr. VOORHEES. I introduce a joint resolution, and ask that it be printed and laid upon the table in order that I may call it up for action to-morrow.

The joint resolution (S. R. 49) authorizing the loan of obsolete or practically useless instruments of the Coast and Geodetic Survey to colleges, &c., was read twice by its title, and ordered to lie on the table.

STATISTICAL ABSTRACT FOR 1885.

Mr. COCKRELL submitted the following concurrent resolution; which was referred to the Committee on Printing:

Resolved by the Senate (the House of Representatives concurring), That there be printed 15,000 additional copies of the Statistical Abstract of the United States for the year 1885; of which 5,000 copies shall be for the use of the Senate and 10,000 for the use of the House of Representatives.

SAINT LOUIS AND SAN FRANCISCO RAILWAY.

Mr. VAN WYCK. On the 18th instant I entered a motion to reconsider the vote whereby the Senate passed the bill (S. 91) to amend an act entitled "An act to grant a right of way for a railroad and telegraph line through the lands of the Choctaw and Chickasaw Nations of Indians to the Saint Louis and San Francisco Railway Company, and for other purposes." I now ask the consent of the Senate to withdraw that motion. I suppose the Senator from Texas [Mr. MAXEY] who had the measure specially in charge and whose section of country the bill will reach understood my motive in entering the motion to reconsider at that time. I felt that it might possibly be unjust if any new principle were introduced by the Senate on any bill that was then or hereafter might be under consideration that should not be applied to that bill which had already passed the Senate; but upon an examination of the matter I find that the bill was in the shape, as stated by the Senator from Texas, in which the original measure was passed some four years ago, after due consideration and deliberation; and the bill when reached in the Senate for action a few days ago was simply to extend the time for the completion of the road. The Senator from Texas feels that it would be unjust to that road to hold it in suspense at this time, and I have come to the same conclusion and ask the consent of the Senate to withdraw the motion to reconsider.

The PRESIDENT *pro tempore*. If there be no objection the motion to reconsider is withdrawn; and the bill stands passed.

PEARSON C. MONTGOMERY.

The PRESIDENT *pro tempore*. If there be no further "concurrent or other resolutions" the Calendar is now in order. The first case on the Calendar will be announced.

The CHIEF CLERK. A bill (S. 18) for the relief of Pearson C. Montgomery, of Memphis, Tenn.

Mr. INGALLS. Let that go over without prejudice.

The PRESIDENT *pro tempore*. The bill will be passed over without prejudice.

L. MADISON DAY.

The bill (S. 266) for the relief of L. Madison Day was announced as the next in order on the Calendar.

Mr. COCKRELL. Let that bill go over without prejudice.

The PRESIDENT *pro tempore*. The bill will be passed over without prejudice.

LANDS IN SEVERALTY TO INDIANS.

The next bill on the Calendar was the bill (S. 54) to provide for the allotment of lands in severalty to Indians on the various reservations,

and to extend the protection of the laws of the United States and the Territories over the Indians, and for other purposes.

Mr. INGALLS. The Senator from Massachusetts [Mr. DAWES] not being present, I suggest that that bill go over without prejudice.

The PRESIDENT *pro tempore*. If there be no objection the bill will be passed over without prejudice.

PUBLIC LAND LAWS.

The bill (S. 1296) to repeal all laws providing for the pre-emption of the public lands, the laws allowing entries for timber culture, and for other purposes, was announced as next in order on the Calendar.

Mr. INGALLS. That can hardly be considered in the morning hour.

The PRESIDENT *pro tempore*. Being objected to, the bill goes over to the Calendar under Rule IX.

WILBUR F. STEELE.

The bill (S. 1223) for the relief of Wilbur F. Steele was next in order on the Calendar.

Mr. COCKRELL. Let that bill be passed over without prejudice.

The PRESIDENT *pro tempore*. The bill will be passed over without prejudice.

ARKANSAS HOT SPRINGS.

The next business on the Calendar was the concurrent resolution reported by Mr. BERRY, from the Committee on Public Lands, February 1, 1886, relative to bath-house and hot-water privileges on the Government lands at Hot Springs, Ark.

The PRESIDENT *pro tempore*. The resolution will be read at length.

Mr. CONGER. Let the report be read in that case.

The PRESIDENT *pro tempore*. The resolution will be read. There is no report accompanying it.

Mr. INGALLS. I object to the consideration of the resolution.

The PRESIDENT *pro tempore*. Objection being made, the resolution goes over.

Mr. BERRY. I move to consider it, notwithstanding the objection. I see no reason why it should not be considered now and finally disposed of. It is a unanimous report from the committee.

The PRESIDENT *pro tempore*. The Senator from Arkansas moves that the Senate proceed to the consideration of the resolution notwithstanding the objection.

Mr. INGALLS. I know the motion is not debatable, but my colleague [Mr. PLUMB], the chairman of the Committee on Public Lands, is unavoidably absent to-day, and I know that he desires to be present when the discussion occurs.

Mr. BERRY. Very well. With that understanding I have no objection to the resolution going over without prejudice. The Senator's colleague united in making the report; it was a unanimous report from the committee; but if the Senator from Kansas who is absent desires to be present when the resolution is considered, I consent to its going over.

The PRESIDENT *pro tempore*. The resolution goes over without prejudice.

STATUES TO COLUMBUS, LAFAYETTE, AND GARFIELD.

The joint resolution (S. R. 35) setting apart public reservations for statues to Columbus, Lafayette, and James A. Garfield was announced as next in order on the Calendar.

Mr. CONGER. The Senator from Vermont [Mr. MORRILL] who reported that bill desires to be present when it is considered. Let it go over without prejudice.

The PRESIDENT *pro tempore*. The joint resolution will go over without prejudice.

WOMAN SUFFRAGE.

The joint resolution (S. R. 5) proposing an amendment to the Constitution of the United States extending the right of suffrage to women was next in order on the Calendar.

Mr. INGALLS. I object to the consideration of the joint resolution.

Mr. BLAIR. Let it be passed over without prejudice.

The PRESIDENT *pro tempore*. Being objected to, the joint resolution will go over.

Mr. BLAIR. Without prejudice?

The PRESIDENT *pro tempore*. It will go over to the Calendar under Rule IX.

Mr. INGALLS. Does the Senator from New Hampshire suppose that that measure can be properly considered during the morning hour on any day?

Mr. BLAIR. Very likely not.

Mr. INGALLS. Then why not let it take its place under Rule IX? It can be called up by a majority at any time they desire.

Mr. BLAIR. There is, I suppose, really no objection to that disposition of it, but I should like to say at this time——

The PRESIDENT *pro tempore*. The bill goes over under Rule IX.

Mr. BLAIR. I should like to say that the friends of the measure desire to call it up for consideration as early as may be, and to have a vote upon it, and have it settled.

ALBERT H. EMERY.

The bill (S. 929) for the relief of Albert H. Emery was announced as next in order on the Calendar.

The PRESIDENT *pro tempore*. The bill was read in full on a previous day.

Mr. HARRIS. I do not think that bill can be considered under the five-minute rule.

The PRESIDENT *pro tempore*. Being objected to, the bill goes over.

Mr. HOAR. That bill has passed the Senate two or three times. I suggest to the Senator from Tennessee to let the report be read. I think a five-minute discussion under Rule VIII will probably answer the purpose.

Mr. HARRIS. The bill involves some tolerably important questions and a large amount. I have no desire to debate it, and I have no disposition, if the Senator from Massachusetts wishes to proceed with it, to postpone its consideration; but I doubt very much whether we ought to undertake to consider a bill such as that under the five-minute rule. I shall not object, though, with a view of carrying it over.

Mr. HOAR. The Senator made, I think, a favorable report himself once upon the bill.

Mr. HARRIS. To a given extent the Senator from Massachusetts is right. I thought that there was an allowance which ought to be made, but one very much less, my recollection is, than the amount now reported or the amount claimed. That is my recollection of the history of the case.

Mr. HOAR. The Senator from Connecticut [Mr. HAWLEY], whose constituent I think Mr. Emery now is, is quite well informed about the bill. Though I am entirely prepared to discuss it myself, I would suggest that it go over till to-morrow without prejudice, as the Senator from Connecticut is not in his seat now, and then the Senator from Tennessee can determine whether he would like to have it taken out of this Calendar or not.

Mr. HARRIS. I am satisfied to take that course. Let the bill go over without prejudice.

The PRESIDENT *pro tempore*. The bill will be passed over without prejudice.

FRANCES E. STEWART.

The bill (S. 257) for the relief of Frances E. Stewart, administratrix of Michael S. Stewart, deceased, was announced as next in order on the Calendar, and was read by the Chief Clerk.

Mr. DOLPH. The bill just read was reported favorably at the last Congress. It had been several times reported favorably from the Senate Committee on Claims, and I think it passed the Senate at the last Congress. A bill for the relief of the same party, and the same bill substantially, appropriating the same amount, has passed the House at the present session of Congress, has been reported favorably by the Committee on Claims, and it is Order of Business 182. I move, therefore, to substitute the House bill for the Senate bill.

The PRESIDENT *pro tempore*. The Senator from Oregon moves to substitute the House bill in the place of the Senate bill, and to take its place on the Calendar. If there be no objection that course will be pursued.

Mr. HARRIS. Let the Senator ask unanimous consent to proceed to the consideration of the House bill. It will not do to substitute it, because it would then be an amendment of the Senate bill, and would have to go back to the other House.

The PRESIDENT *pro tempore*. The Chair understood that, and treats the request as simply to substitute the House bill to this place on the Calendar, not a substitute by way of amendment.

Mr. HARRIS. Ah!

The PRESIDENT *pro tempore*. If there be no objection, the House bill will be taken up.

The bill (H. R. 3829) for the relief of Frances E. Stewart, administratrix of Michael S. Stewart, deceased, was considered as in Committee of the Whole. It directs the Secretary of the Treasury to pay to Frances E. Stewart, administratrix of Michael S. Stewart, deceased, $3,160.50, in full of all balances due the estate of Michael S. Stewart, deceased, growing out of a contract made on or about the 10th of December, 1864, between Michael S. Stewart and Capt. George B. Hibbard, then assistant quartermaster at Nashville, Tenn., by which Stewart agreed to cut and deliver 10,000 cords of wood at the Cumberland River for the use of the Army.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

The PRESIDENT *pro tempore*. Senate bill 257, of a corresponding character, will be indefinitely postponed.

THOMAS MILLER.

The bill (S. 23) giving a military record to Thomas Miller was considered as in Committee of the Whole. It requires the Secretary of War to enter on the rolls of Company M, Eighth Regiment Tennessee Cavalry Volunteers, the name of Thomas Miller, as duly mustered into the United States service on the 27th day of August, 1863, and to complete his military record as follows: "Killed by the enemy November 25, 1863, while in the line of duty."

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

ASSISTANT SECRETARY OF THE NAVY.

The bill (S. 1302) authorizing the appointment of an assistant secretary of the Navy, and fixing the salary of the same, and for other purposes, was announced as next in order.

Mr. HALE. I ask that that may for to-day retain its place and be passed over.

The PRESIDENT *pro tempore*. The bill will be passed over without prejudice, if there be no objection, retaining its place on the Calendar.

MILITARY INSTRUCTORS FOR COREA.

The joint resolution (S. R. 28) authorizing the President of the United States to grant permission to one or more officers of the Army to accept temporary service under the Government of Corea, was considered as in Committee of the Whole. It authorizes the President to grant permission to one or more officers of the United States Army to accept positions under the Government of Corea to instruct and drill its troops, but the officers who may be granted leave under this authority shall not receive any pay or allowances from the United States during their absence from duty with their regiments or corps.

Mr. INGALLS. I suggest that the frame of that be changed so that it will read "a bill" instead of "a joint resolution."

The PRESIDENT *pro tempore*. The Senator from Kansas moves to change the joint resolution so as to convert it into a bill. Is there objection? The Chair hears none, and the joint resolution will be changed to a bill.

Mr. INGALLS. Is there a report?

The PRESIDENT *pro tempore*. There is a report.

Mr. INGALLS. I should like to hear it read.

The Chief Clerk read the following report, submitted by Mr. SEWELL February 3, 1886:

The Committee on Military Affairs, to whom was referred the following communication from the then President, with the accompanying letter from the Secretary of State of that date, have considered the same, and respectfully report:

The following are the papers referred to as received by the committee from the then President and Secretary of State, and which the committee beg to make a part of their report:

To the Senate and House of Representatives of the United States:

I herewith transmit a communication from the Secretary of State in regard to the desire of the Government of Corea to obtain the services of one or more officers of the United States as military instructors in that country, and recommend the adoption of a joint resolution authorizing such officers as may be conveniently spared, and who may be selected for that duty, to proceed to Corea for the purpose indicated.

CHESTER A. ARTHUR.

EXECUTIVE MANSION,
Washington, January 30, 1885.

To the President:

It appears from a dispatch addressed to this Department by Mr. Lucius H. Foote, the accredited diplomatic representative of this Government to that of Corea, and which was received shortly after his arrival at Seoul, that the Government of Corea was extremely anxious to procure the services of an American military officer to instruct and drill its troops.

In dispatches of September 3 and 17 last, Mr. Foote again recurs to this subject, and urges the importance of our acceding to the request of His Majesty's Government as a means of strengthening our influence in that peninsular kingdom. "All expenses in coming," says Mr. Foote, "will be paid, and a fair salary, commensurate with the importance of the position, will be paid."

The subject was accordingly submitted to the Secretary of War for his consideration, with a request that if it were possible to meet the wishes of the Corean Government in the premises, the step was thought to be a wise one, and would result beneficially to the United States in many ways.

Mr. Lincoln's reply of the 24th ultimo stated that it was not unlikely that one or more competent officers could be selected for such a duty, although their absence would entail additional duties upon others, there being no provision in regard to officers of the line of the Army for replacing those absent from their proper stations; "but," observes Mr. Lincoln, "I have the honor to invite your attention to the last paragraph of section 9 of the first article of the Constitution, which provides that 'no person holding any office of profit or trust under them [the United States] shall, without the consent of Congress, accept of any present, emolument, office, or title of any kind whatever, from any king, prince, or foreign state.'"

Mr. Lincoln then alludes to the request of the Corean Government, which embraced not only the holding of an office under that government, but the giving by it of some emolument to the officer, and adds that, indeed, if it were otherwise it would probably be difficult to find an officer who would be willing to undertake the duty. But before any such officer could be sent the necessary authorization of Congress must be obtained.

I therefore suggested to Mr. Lincoln, in a letter of the 12th instant, the propriety of his making the required application; but at his instance I have thus brought the matter to your attention, and do recommend that Congress be requested to grant the necessary permission to one or more officers of the United States Army to proceed to Corea and take temporary service under the government of that country as herein indicated.

I am persuaded that such a step will be especially gratifying to that government and increase the friendly feeling toward the United States which animates the Government of Corea.

Respectfully submitted.

FRED'K T. FRELINGHUYSEN.

DEPARTMENT OF STATE,
Washington, January 29, 1885.

For the reasons set forth by the Secretary of State, the committee report the accompanying joint resolution, authorizing the President to grant permission to one or more officers of the Army to accept temporary service under the Government of Corea, for the purposes indicated in the foregoing communication of the honorable Secretary, and recommend the passage of the joint resolution.

Mr. SEWELL. I move to amend by adding the following proviso:

Provided, That no leave of absence granted to any officer under the authority of this act shall extend for over three years.

The amendment was agreed to.

Mr. INGALLS. Has the Senator from New Jersey considered whether under the Constitution these detached officers would be permitted to receive any compensation from the Government of Corea without the consent of Congress.

Mr. SEWELL. There are precedents for this. We have sent officers to some of the South American states.

The bill (S. 1634) authorizing the President of the United States to grant permission to one or more officers of the Army to accept temporary service under the Government of Corea was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading.

Mr. INGALLS. I am inclined to think this bill ought to be amended. The provision of the Constitution is very clear:

No person holding any office of profit or trust under them—

The United States—

shall, without the consent of Congress, accept of any present, emolument, office, or title, of any kind whatever, from any king, prince, or foreign state.

It is obvious that under the provision of the Constitution these officers who are detached can not, without violating their oaths of office, accept any compensation for this duty that they are authorized and expected to perform. I would suggest that the Senator from New Jersey prepare an amendment that will permit them to receive compensation for the service rendered to the Government of Corea, and that meanwhile the bill be passed over temporarily for that purpose, and the next bill considered. It can be done in a very few moments.

Mr. SEWELL. I have no objection.

The PRESIDENT *pro tempore*. The bill will be passed over for the present, and the vote ordering it to a third reading will be reconsidered.

Mr. INGALLS. It can all be done by unanimous consent.

PLANTS AND SHRUBS FOR PENSION BUILDING.

The joint resolution (H. Res. 71) authorizing the Superintendent of Public Buildings and Grounds in the District of Columbia to supply plants and shrubs to fill certain vases in the Pension Building was announced as next in order.

Mr. COCKRELL. What was done with Order of Business 130, being the resolution reported by the Senator from Maine [Mr. FRYE] from the Committee on Foreign Relations in relation to fishing rights?

The PRESIDENT *pro tempore*. That has been made a special order.

Mr. HALE. What became of Order of Business 130?

The PRESIDENT *pro tempore*. The Chair is informed it is already a special order. It is at the head of the Calendar as a special order, but the time for which it was assigned as a special order has passed by.

Mr. HALE. It does not lose its place?

Mr. COCKRELL. It was made a special order, but retained its place on the Calendar. It is only a question of how we shall conduct the business.

Mr. HALE. My colleague being absent, I desire it to retain its place and to be passed over without prejudice.

The PRESIDENT *pro tempore*. It retains its place, but having been made a special order, it is not read on this call of the Calendar. It will remain in the position it is now.

Mr. COCKRELL. It seems to me that would probably be the correct way.

The joint resolution (H. Res. 71) authorizing the Superintendent of Public Buildings and Grounds in the District of Columbia to supply plants and shrubs to fill certain vases in the Pension Building was considered as in Committee of the Whole.

The joint resolution was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

INCREASE OF CAPITAL AND CHANGE OF LOCATION, NATIONAL BANKS.

Senate bill No. 1365 was announced as next in order.

Mr. MORRILL. I ask unanimous consent now to take up Order of Business 228, being the bill (H. R. 327) to enable national banking associations to increase their capital stock and to change their names or locations. If this bill can have consideration it will save the necessity of considering several private bills both of the House and the Senate.

The PRESIDENT *pro tempore*. The Senator from Vermont moves to proceed to the consideration of the bill named by him.

The motion was agreed to; and the Senate, as in Committee of the Whole, proceeded to consider the bill.

Mr. BECK. I should like to hear the first section read again.

The Chief Clerk read the first section of the bill, as follows:

That any national banking association may, with the approval of the Comptroller of the Currency, by the vote of shareholders owning two-thirds of the stock of the association, increase its capital stock, in accordance with existing laws, to any sum approved by the said Comptroller, notwithstanding the limit fixed in its original articles of association and determined by said Comptroller; and no increase of the capital stock of any national banking association, either within or beyond the limit fixed in its original articles of association, shall be made except in the manner herein provided.

Mr. BECK. I thought that was to be done with the approval of the Secretary of the Treasury, and I was not aware that the House bill contained a provision for the Comptroller of the Currency surpervising the matter. I think it ought to be so amended as to require the approval of the Secretary of the Treasury.

Mr. MORRILL. That amendment was made to one bill that we passed—a private bill.

Mr. BECK. I think it would be well to make the general bill subject to that approval.

Mr. MORRILL. I think it was the general opinion of the Committee on Finance that that amendment should be made in a bill that was reported for a single bank.

Mr. HOAR. The Comptroller of the Currency is left with the very much more important power of approving the fixing of the capital stock, approving, I think, the reduction of the capital stock in certain cases. Why should he not have this much less important power of approving a change of name and location?

Mr. BECK. The head of the Department is the Secretary of the Treasury. He, of course, would not act without consultation with the Comptroller of the Currency. We generally prefer to deal with the head of a Department rather than the head of one of its bureaus.

Mr. INGALLS. The first section, if I understood it correctly, refers to the increase of capital stock.

Mr. HOAR. I should like to ask the Senator from Iowa or the Senator from Vermont, does not the present law give the Comptroller of the Currency the control when a bank is originally established of the question of the validity of all its proceedings; and then if the capital stock is subsequently increased or diminished by the vote of the stockholders, is not the Comptroller of the Currency the officer who deals with all these questions? The matter has come up hastily.

Mr. ALLISON. Under existing law a national bank has absolute authority to reduce its circulation and its capital stock without the intervention of the Comptroller of the Currency; but the Comptroller of the Currency under existing law can not authorize the increase of the capital stock. We have in special cases increased the capital stock by special law.

Mr. INGALLS. The language of this bill would seem to imply that the determination was originally with the Comptroller, the language being:

> Notwithstanding the limit fixed in its original articles of association and determined by said Comptroller.

Mr. ALLISON. Undoubtedly. A national bank seeking to organize fixes its own capital, and when the Comptroller of the Currency authorizes the establishment of that bank that fixes the capital.

Mr. HOAR. But when they reduce, if they propose to reduce afterward, unless I am mistaken they have got to get the approbation of the Comptroller of the Currency.

Mr. ALLISON. The law of 1874 covers that case; and my recollection is that a national bank can reduce its capital. I know it can reduce its circulation without the consent of Congress.

Mr. HOAR. The reduction of capital has to have the consent of the Comptroller and of the Secretary. It seems to me all these discretions should be in one officer.

The PRESIDENT *pro tempore*. The Chair calls attention to the fact that if this amendment is made, it should be made in several sections.

Mr. ALLISON. It should run through the bill.

Mr. INGALLS. This modification can not be made intelligently in this way; and if the suggestion of the Senator from Kentucky is to prevail the bill should have more careful consideration than can be given to it now.

Mr. HARRISON. It seems to me that the second section of this bill confers a very extraordinary power. It authorizes a change of location without any limitation—a change of location from one State to another, from one city to another, upon a vote of two-thirds of the capital stock. It seems to me that that power ought not to be vested in any proportion of the stock. A stockholder who has become associated in a banking institution located at Indianapolis ought not to have the institution with which he is connected as a stockholder transferred to New York without unanimous consent. It seems to me also that it introduces some complications as to the rights and liabilities of those who are dealing with a bank in a given location where their notes mature and may be protested, a question whether it carries the place of payment of those obligations to the bank to another location. I call the attention of the chairman of the Committee on Finance; it seems to me that it is a very broad and rather unwise power to confer.

Mr. HOAR. I find on looking at the Revised Statutes that I was right in my recollection unless the law has been changed since the statutes were revised. Section 5142 provides that—

> Any association formed under this title may, by its articles of association, provide for an increase of its capital from time to time.

Then—

> No increase of capital shall be valid until the whole amount of such increase is paid in, and notice thereof has been transmitted to the Comptroller of the Currency and his certificate obtained specifying the amount of such increase of capital stock, with his approval thereof.

Then section 5143 provides for a reduction of the capital stock by a vote of two-thirds of the shareholders, but no such reduction shall be made "until the amount of the proposed reduction has been reported to the Comptroller of the Currency and his approval thereof obtained."

It seems to me that if the Comptroller is to supervise the original formation of the association and give his assent to its going into operation, and if he has the control of the increase or reduction of capital stock, all these smaller, less important, matters connected with the banking business should be under the same jurisdiction. You have now one officer supervising the bank for one purpose, and another for another.

Mr. SHERMAN (Mr. BLAIR in the chair). Mr. President, I think that the Senator from Kentucky is mistaken about the necessity of amending this bill by transferring the power conferred by it to the Secretary of the Treasury, and perhaps he will on reflection see that there are reasons why it should not be done.

In the first place, the banking law has conferred very large and extensive powers on the Comptroller of the Currency as distinguished from the Secretary of the Treasury. The Comptroller of the Currency is under the most rigid responsibility. He holds a peculiar office, is bound to give bond; and in many cases he exercises large powers. Then, besides, he can not be interested in a national bank; he can not by possibility under the law have any interest which would affect his mind in dealing with any bank. He can not hold a share of bank stock. The law is framed on the idea that the Comptroller of the Currency should do all the executive duties and perform all acts connected with the Government's relation to the banks except a very few that are necessarily conferred upon the head of the Department.

There are certain greater questions that are left to the Secretary of the Treasury as the head of the Department; for instance the power of appointment, also the amount of the currency and the like; but all subordinate powers in regard to the management of the banks are left with the Comptroller of the Currency, and they ought to be so left. We ought always to have a man in that office equal to the powers to be performed by that office, and it seems to me now that to turn over these powers to the Secretary of the Treasury might create embarrassment. For instance the Secretary of the Treasury is not a bonded officer; he may be the owner of bank stock; he may be interested in the management of banks; and therefore he ought not to be trusted with these powers. They were purposely given to an officer who is separated from all possibility of interest in order that he might be armed with very large and extensive powers.

I think the bill is defective in one or two particulars, because it does not limit the bounds within which a removal may be made. According to the broad language of the bill, a bank may be removed, as my friend from Indiana suggested, from Indianapolis to New York or from New York to San Francisco. That is not the purpose of the bill, and no Comptroller probably would authorize such a removal. Therefore it may be said that I am creating a fanciful danger where there is no real danger. That may be true; but still the law itself ought to contain some boundaries upon the limits of the discretion of the Comptroller. The removal ought not to be beyond the limits of the State very clearly, and perhaps it ought not to be beyond the limits of the county where a bank is located; I do not know but that would be proper. But all the powers conferred ought to be conferred, I think, upon the Comptroller of the Currency, rather than upon the Secretary of the Treasury. That was the view taken by the House of Representatives and I think that is the view with which this bill was recommended by the Secretary of the Treasury.

I believe it would be an inconvenience and a detriment to the public service to have the Secretary of the Treasury always called upon to pass upon the reasons for removing a bank from one town to another town, or for authorizing the increase of a bank's capital stock $100,000 or $50,000. These are matters of detail. They are not matters of very great importance. They are matters that involve no great responsibility, because as banking is free and anybody may start a new bank with any amount of capital, it certainly is no great power simply to give an existing bank the privilege of increasing its stock.

Mr. BECK. I thought until I heard the bill read that the powers conferred by it were vested in the Secretary of the Treasury. The Senate has always thought it best to deal with the heads of the Departments so as to secure accountability and responsibility for whatever may happen in the management of affairs under the control of the Department. While the Comptroller of the Currency has very great powers, and, as the Senator from Ohio [Mr. SHERMAN] properly suggests, ought to be entirely disinterested in the affairs of national banks, and the law presumes and provides that he is and shall be, I regret to say that in my experience and observation I have not found that to be the fact; therefore I desire that we shall have a Cabinet officer, the head of a great Department, responsible to us, one with whom we can deal directly and who can be held responsible by us for any violation of the trusts reposed in him. I have a case in my mind to which my attention was called the other day which perhaps influences me somewhat in my desire to place this responsibility on the Secretary rather than on the Comptroller of the Currency.

A national bank in Southwestern Kentucky located at Henderson, in one of the large tobacco-producing districts, whose business is mostly with men who ship tobacco to Berlin, London, Paris, and elsewhere in Europe, and consequently deal largely in sterling exchange, had been in the habit for years of transacting its business through the Bank of America in New York. That is a State bank, one of the oldest, strongest, and best in the country. When the report of the bank in Kentucky was made to the Comptroller at the close of last year showing that about $38,000—more than one-tenth of its capital—was in the Bank of Amer-

ica, being the balance received from sterling exchange for proceeds of tobacco which their customers had shipped to foreign countries, the bank was advised by the Comptroller of the Currency in an official letter that it had no right to have that much money or credit for it there because the Bank of America was a State bank. He said that it would have had credit for the amount in its settlement if the Bank of America had been a national bank. He referred to section 5200 of the Revised Statutes in support of that decision, no word of which gives color of authority for such ruling. I will read it:

SEC. 5200. The total liabilities to any association, of any person, or of any company, corporation, or firm for money borrowed, including, in the liabilities of a company or firm, the liabilities of the several members thereof, shall at no time exceed one-tenth part of the amount of the capital stock of such association actually paid in. But the discount of bills of exchange drawn in good faith against actually existing values, and the discount of commercial or business paper actually owned by the person negotiating the same, shall not be considered as money borrowed.

It was so plain that those foreign bills of exchange which passed through the Bank of America in payment for tobacco sent to Europe were in no sense a loan and were not money borrowed by the Bank of America, which, by the way, was only a corporation, as national banks are corporations, that I at once presented the case to the Comptroller, and protested against the decision or order issued from his office. He assured me that Mr. Knox had so ruled and Mr. Cannon had always so ruled, and he was bound to follow the precedents. Thus the Bank of America, New York, the Northern Bank of Kentucky, and the best State banks in the country are sought to be ruled out and not to be allowed to transact business on a large scale with the Western banks or Western producers of exports, and have been quietly discriminated against by the Comptroller of the Currency so far as I can see only because he sought to force by his decisions all that important class of business into the national banks. One Comptroller the moment he resigned became the president of a national bank which he had aided in its competition for business with the Bank of America by that character of ruling. Another is to be the vice-president of a national bank, so we are advised, and it is said that he has now left his place in the hands of a deputy for the purpose of taking that position.

When I submitted the question to the Secretary of the Treasury, he at once said, "That ruling is all wrong in my opinion;" and I have received just this moment, since this bill came up, the following from the present acting Comptroller, Mr. Snyder, who, by the way, is a very able young man:

TREASURY DEPARTMENT,
OFFICE OF COMPTROLLER OF THE CURRENCY,
Washington, February 24, 1886.

SIR: Referring to our conversation of yesterday morning, I would say that I have since received a legal opinion which reverses to a certain extent the former ruling of this office as regards section 5200 R. S. I hope you will therefore write to your Henderson friends that their business relations with the Bank of America, New York, will not be disturbed or interfered with by the Comptroller.

Respectfully, yours,

V. P. SNYDER, *Deputy Comptroller.*

Hon. JAMES B. BECK,
United States Senate, &c.

Up to this time it seems to me that the struggle of the Comptrollers of the Currency has been to drive out of business not only the Bank of America, but to drive out all the great State banks of New York, and the banks of the West as well, such as the Northern Bank of Kentucky at Lexington, the Bank of Louisville, and every other bank that is not a national bank, and force every national bank in the West to have its correspondence and large transactions alone with national banks, in plain violation of law, as I understand it. I do not propose, therefore, if I can help it, to allow that officer to have the authority proposed to be conferred on him by this bill. I propose to lodge it in the responsible head of the Department. All who have occupied that position, as far as I know, have been the advocates, if not the agents, of the national banks while here, and have accepted employment from them as though it was a reward for what they had done while in official position; they certainly enter their service the very moment they quit our employ. If we are going to enlarge the exercise of power in regard to national banks I want it authorized by the Secretary of the Treasury, and not by an irresponsible subordinate.

Mr. MORRILL. Mr. President, the case the Senator from Kentucky has been discussing is obviously not the case before the Senate, and I think that he himself would admit that it would be very bad policy for the Comptroller of the Currency to allow a national bank to make deposits in all the State banks, many of which are very feeble institutions. It would be altogether too broad to admit of that as a general rule.

I hope that the Senator from Kentucky will allow this bill to pass. I think it can hardly be improved. If an amendment should be made on the second page, in line 3 of section 2, after the words "carried on," by inserting "from one place to another in the same county"—if there is a disposition to adopt such an amendment as that, I see no objection to it. I will move that as an amendment.

The PRESIDENT *pro tempore.* That amendment is in order.

Mr. MORRILL. After the words "carried on," in section 2, line 3, I move to insert "from one place to another in the same county."

Mr. HOAR. I would suggest to the Senator from Vermont whether it would not be better to have that limitation not to depend upon counties. For instance, one of the last cases that happened in my own State (and the Senator himself reported it), was a change from over a county line from one town to an adjoining town. It seems to me that to say "in the same State to any distance within 30 miles," or any limit of distance, would be better than the county.

Mr. MORRILL. I have no objection to that.

Mr. HOAR. I suggest that instead of the Senator's amendment the following words be inserted:

To any other place within the same State not more than 30 miles distant.

Mr. MORRILL. That will be satisfactory.

Mr. HOAR. Then I move to insert after the words "carried on," in line 3 of section 2, the words:

To any other place within the same State not more than 30 miles distant.

The PRESIDENT *pro tempore.* The question is on the amendment as thus modified.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

Mr. BECK. Does the first section remain as reported?

The PRESIDENT *pro tempore.* The first section remains as reported.

Mr. BECK. I move to strike out "Comptroller of the Currency" and insert "Secretary of the Treasury."

The PRESIDENT *pro tempore.* The question is on the amendment of the Senator from Kentucky to strike out, in line 4 of section 1, "Comptroller of the Currency" and insert "Secretary of the Treasury."

Mr. MORRILL. I hope that will not be done because it will require the bill to be changed throughout from beginning to end.

The PRESIDENT *pro tempore.* The question is on the amendment proposed by the Senator from Kentucky [Mr. BECK].

The amendment was rejected.

The amendment was ordered to be engrossed and the bill to be read a third time.

The bill was read the third time, and passed.

Mr. MORRILL. Now I move that the bill (S. 1365) to authorize the increase of the capital stock of the First National Bank of Shakopee, Minn., be indefinitely postponed.

The motion was agreed to.

Mr. MORRILL. I now ask leave to make a report out of order. I am instructed by the Committee on Finance, to which was referred the bill (H. R. 1260) to authorize the increase of the capital stock of the First National Bank of Minneapolis, Minn., not to exceed $2,000,000, to report it adversely. I move that it be indefinitely postponed.

The motion was agreed to.

MILITARY INSTRUCTORS FOR COREA.

Mr. SEWELL. I ask the Senate now to take up the bill which was passed over temporarily for the purpose of amendment.

The PRESIDENT *pro tempore.* The Senate will resume the consideration of the bill.

The Senate resumed the consideration of the bill (S. 1634) authorizing the President of the United States to grant permission to one or more officers of the Army to accept temporary service under the Government of Corea.

Mr. SEWELL. I move to amend by adding to the second section the following:

But may accept such compensation for their services as may be allowed by the Government of Corea.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

HOUSE BILL REFERRED.

The bill (H. R. 453) to forfeit the lands granted to the Atlantic and Pacific Railroad Company to aid in the construction of a railroad and telegraph line from the States of Missouri and Arkansas to the Pacific coast and to restore the same to settlement, and for other purposes, was read twice by its title, and referred to the Committee on Public Lands.

SETTLERS WITHIN NORTHERN KANSAS GRANT.

The bill (S. 333) for the relief of settlers and purchasers of lands on the public domain in the States of Nebraska and Kansas was considered as in Committee of the Whole.

For the purpose of reimbursing persons, and the grantees, heirs, and devisees of persons, who, under the homestead, pre-emption, or other laws, settled upon or purchased lands within the grant made by the "act for a grant of lands to the State of Kansas to aid in the construction of the Northern Kansas Railroad and Telegraph," approved July 23, 1866, and to whom patents have been issued therefor, but against which persons, or their grantees, heirs, or devisees, decrees have been rendered by the United States circuit court on account of the priority of the grant made in the act of July 23, 1866, the bill appropriates $250,000, or so much thereof as shall be required for the said purpose.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

BILLS PASSED OVER.

The bill (S. 1100) to amend the ninth section of an act entitled "An act making appropriations for the current and contingent expenses of the Indian Department, and for fulfilling treaty stipulations with various Indian tribes, for the year ending June 30, 1886, and for other purposes," approved March 3, 1885, was announced as next in order.

Mr. HOAR. Let that bill go over without prejudice. My colleague [Mr. DAWES], who is absent, has charge of it.

The PRESIDENT *pro tempore*. The bill will be passed over without prejudice.

Mr. HOAR. Let the next four bills on the Calendar, which were reported by my colleague from the Committee on Indian Affairs, also go over without prejudice.

The PRESIDENT *pro tempore*. That course will be pursued.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. CLARK, its Clerk, announced that the House had passed the bill (S. 150) to quiet title of settlers on the Des Moines River lands, in the State of Iowa, and for other purposes.

ENROLLED BILLS SIGNED.

The message also announced that the Speaker of the House had signed the following enrolled bills; and they were thereupon signed by the President *pro tempore*:

A bill (S. 193) for the relief of John Hollins McBlair; and

A bill (S. 296) for the relief of the legal representatives of John Hatfield, deceased.

AID TO COMMON SCHOOLS.

Mr. BLAIR. I move that the Senate proceed to the consideration of the educational bill.

Mr. INGALLS. If the Senator from New Hampshire desires to occupy the time between now and 2 o'clock himself, of course there can be no objection to proceeding to the consideration of the educational bill; but one or two Senators who desire to participate in the debate supposed it would not come up before 2 o'clock and have departed and will not return until that time. I therefore suggest, unless the Senator desires to go on himself, that we proceed with the Calendar.

Mr. BLAIR. I understood there were gentlemen who would like to speak at 2 o'clock or later. I desired to submit a few observations myself, and thought perhaps I could nearly complete them by that time. I do not wish to interfere with the consideration of the Calendar if gentlemen are anxious to go on with it; but if they are not, I should be glad to proceed.

Mr. HOAR. I should like to point out to the Senator from Kansas that five bills have been passed over on the Calendar in a row in consequence of the absence of my colleague, who I suppose will be here to-morrow; and the next bills all down the same page of the Calendar, with perhaps one exception, are important public bills which will be pretty sure to meet objection to being considered in this way. Therefore we shall probably take up the next twenty minutes by reading their titles and objecting, without anything else. If the Senator from New Hampshire will take up the time by his speech, I think we shall save in the end.

The PRESIDENT *pro tempore*. The question is on the motion of the Senator from New Hampshire.

Mr. INGALLS. The understanding being that no vote is to be taken on any proposition before 2 o'clock.

The motion was agreed to; and the Senate, as in Committee of the Whole, resumed the consideration of the bill (S. 194) to aid in the establishment and temporary support of common schools.

Mr. BLAIR. Mr. President, before proceeding to other matters that seem to me of some consequence, I wish to advert to a trifling occurrence of last evening at the close of the debate, in which the Senator from Alabama [Mr. MORGAN] assumed to criticise me with some little verbal severity, which is so foreign to his nature that I know it was simply verbal, in regard to an expression which I had used in my remarks the other day touching the sentiment of his own people as exhibited by an utterance or a resolution of the Legislature of his State. He quotes my expression, but makes a wrongful application of it.

He assumes that I had stated, which I did not state and which the RECORD which he examined shows that I did not state for he quoted it with such verbal accuracy as to show that he had referred to it—he assumes that I stated that he had been instructed by his Legislature unanimously. An examination of the RECORD reveals nothing of the kind. I said nothing of the kind; I had nothing of the sort in my mind; and the Senator neither heard nor read in the RECORD in my remarks anything which really justified him in giving or endeavoring to give to the country the impression that I had in any wise misrepresented the action of his State.

His colleague used in his remarks an expression indicating that the Legislature had given instructions to the Senators. I used no such remark and I had no such impression; but the Legislature of his State, so far as I know—and in my statement I relied upon information received from a Senator of his own State—did when this bill was pending before, or a short time before it was considered, give a unanimous indorsement to the principles of the bill and to the bill itself so far as all its essential features are concerned, and in fact in everything except that they expressed a desire that the distribution should be made through the superintendents of the States. In the discussion of the bill which preceded its final passage, it was objected by representatives of the Southern States that it would be better that this money should be appropriated directly to the States and all interference with its management after it became a portion of the funds of the State should be dispensed with, and therefore that the National Government ought not to assume to give directions to the State superintendent or to any other State officer, and the bill was passed free from that objection accordingly.

The Senator then goes on giving utterance to his sentiment of hostility to the common schools as a system by premising some matters with reference to a bill that I had the honor to introduce to the Senate, twice introduced by request—a bill drawn by a gentleman living in the city of New York, a gentleman who is clerk or secretary of the Civil Service Commission, as I understand, a gentleman of character and of education and many accomplishments, who has a project of securing trifling national legislation the purpose of which is to enable poorer people connected with some association with which he is himself connected, I suppose, to invest their funds in the national lands. He asks by his bill that an amount of national land not exceeding 1,000,000 acres may be acquired by the savings of these industrious people, and this investment he considers as perhaps safer than almost any other form in which their savings can be placed. Therefore he would like that legislation. I introduced the bill, and it was referred to the Committee on Public Lands, just exactly as other Senators introduce bills; and simply because it had a little phraseology in it which is not exactly in consonance with the best formula of legislation, it seems to have attracted the attention of the Senator from Alabama, and of others. But the bill itself is an exceedingly innocent bill, as I should judge, and for a praiseworthy object. After denouncing this as a wild, agrarian measure, and endeavoring to associate my name with it in an offensive way somewhat, he goes on to denounce this bill, the object of which is the establishment of common-schools as a like wild and agrarian bill.

This is all a very trifling matter. I simply allude to it for the reason that the Senator thought it was worth while to waste considerable time upon it, and make this explanation that the real facts may be understood by the Senate. Of course it is all of very slight consequence.

The Senator from Kansas [Mr. PLUMB] who is not in his seat today made a strong and somewhat extraordinary speech against this bill before the Senate yesterday afternoon. The animus of that address, which was to the country rather than to the Senate, as the Senator himself stated in his opening remarks, was so extraordinary that I must confess that if I occupied the standpoint from which he looks at this measure I should be among its violent opponents. He seems to feel that in some way the citizenship in the Southern States at the present time, the American people, so far as they live in the Southern States, ought to be visited with the consequences of an order of things that was destroyed by the war, and that what ever of guilt there may have been in the establishment of the institution of slavery, whatever there may have been anywhere either upon the whole nation or upon any section of it, these people still in the Southern States should be held responsible for it and suffer to the uttermost all the consequences that can be made to flow from it.

I have no such animus; neither do I undertake to claim that I am the special friend of any section of the country. I would be glad for the general good that sound principles of legislation should be adopted and made applicable everywhere; and in urging the adoption of this measure, I believe it to be for the general good that education should become general and illiteracy should be reduced to the lowest minimum possible. It is as much my concern in New Hampshire whether illiteracy in Alabama or Louisiana or Texas or any other State controls the choice of a President as it is the matter of the inhabitants of that State. It is as much my concern whether the unity and perpetuity of this Government be preserved as it is that of any other citizen whatever; and it is as important that I should contribute all my means to the education of the children on the borders of the country as it is that I should assist in the education of those who control its great centers. It is for such reasons, and only for reasons of this kind, that this measure can be justified.

Men who look upon it from the standpoint of the Senator from Kansas, men who are controlled to-day by the same prejudices that hurried us to the war and which must cease if there is ever to be any permanent peace, can not of course appreciate a measure of this kind. They do well to give utterance to their sentiments; but I do not believe that, either North or South, they represent one-tenth of the American population. I believe that the people desire that the whole country should participate in the benefits which are to be derived from the national revenue and that those conditions be established everywhere which are indispensable to the universal good of our people.

It is of very little use to denounce those who may be in need from any cause whatever in any section of the country. That is no way to cure the evil. Suppose by reason of the violent opposition which is made directly and indirectly to the passage of this bill, that it be defeated; what is the prospect of any alleviation resulting from that fate

of this bill to the great evil which we all concede and which we all desire to remove? Will it stimulate the people of the South who are already bending under more burdens than they can bear, when they have already done their uttermost to remove this evil? In the school districts throughout the Southern country the people have for years been looking anxiously for this assistance to add a little to their short terms of school. Will it encourage them in their poverty to find that the great North which they look upon as having given them their liberty and who pledged themselves in platforms, in messages, and in the utterances of conventions to assist in their education—will it encourage them to greater efforts if you defeat this bill? What tendency has it to remove the evil? What tendency to stimulate to greater exertions those who are suffering from it can it have to destroy their strong and reasonable hope of generous aid?

Is it any discredit to the Southern country or any other portion of the world that it is in need of charitable assistance? Is it any encouragement to them to deprive them of that which might satisfy their necessity? The benevolent institutions, the religious organizations, and benevolent individuals of the North have already deposited in the Southern land $25,000,000 in aid of the establishment of schools; and to-day the colored man in the South is better cared for by reason of Northern benevolence in this regard than is the white child in the matter of education. Has anybody ever thought of blaming the South with its reception of the income of the Peabody fund, or of the Slater fund, or of the $25,000,000 that the religious denominations of the North have expended in that section of our country?

And, further, has the distribution of this money resulted at all in any lack of the necessary self-help? On the contrary all statistics and all statements of intelligent observers prove that a very powerful stimulus has been given to the cause of education by these very means. Consider that the common school was not indigenous to the South. Until within a very few years it was a hostile institution to their system of labor, and their laws were against it; and the common white people as well as the colored people shared in the inimical effect of those laws and in the dominance of what was then the aristocratic power in the Southern States.

Only twenty years since the common school was legalized; it is less than twenty years since it was actually legalized in the Southern States. As a legal institution it only began to exist with any efficiency from about the year 1868. Since that time, it has become, as I expressed it the other day, acclimated; it has been established as a system in every Southern State. The carpet-bag governments did this good to the South if nothing else. They gave that people systems of common schools; and as those governments passed away and the control of that portion of the country was once more taken into the hands of the white and educated element, they retained those systems; they have enlarged them; they have improved them; and the management of those systems has fallen into the hands of the very best men of the South, the religious, the upright, the educated men, men who manage these school funds such as the Southern States have raised as intelligently and apply them as economically and as usefully as the like amount of money is applied in any portion of our country.

All this help has had the effect to establish and to stimulate, to increase the forces of the common-school system in the South. Now, if we are to judge at all by experience, giving them more help, the exhibition of a friendly and neighborly and national feeling on the part of the General Government, giving them more money to enlarge these institutions, must have the like effect.

Why, sir, it seems to be held by some of my friends on this side of the Chamber as a reason for withholding this money that the influence of Southern society is opposed to its reception. "If they do not want it, let them go without it," gentlemen say. These men, as I believe, represent mathematically and influentially but a trifling portion of the Southern people. But suppose that that were the general sentiment of the South, is that any reason why we should withhold our hands? Does it not, on the contrary, establish by irrefragable proof a still stronger necessity of giving this help, of establishing in some way the school? Those who do not understand its work and its good influences might naturally, considering former prejudices and conditions, be opposed to it; but when they become acquainted with the practical working of the institution, then, as we see already demonstrated in the experience of the past ten years, they are likely to become more and more attached to it and to fasten their hopes, as numbers of people do everywhere, on the efficiency of a system of proper common-school education.

So far then, if there were an unwillingness to receive this money and to apply it properly, from that constituting any real reason of opposition to the bill, it establishes in a still stronger sense the necessity of the distribution and proper application of this money from the national Treasury.

The Senator from Kansas alluded to the fact that immigration is not as general to the South as it ought to be, and he strangely opposed the passage of this bill because there are no common schools, and the fact that there were no efficient common schools as a rule in the Southern States is objected to by the intelligent immigrants from the North and from foreign lands. The very reason that he gives for opposing this bill is the strongest possible reason for the passage of the bill. Give the South common schools, and the Northern immigrant would often go there in preference to the prairies of the West. Nothing has arrested the development of the South like the fact that these schools do not exist there. We all remember how soon after the close of the war the mass of Northern feeling and spirit was turned toward the South. The war was over; the cause of the war was destroyed.

There was never, so far as I know, on the part of the North one single particle of that feeling which we may term personal hostility toward the South. We fought the South for the common good; and so far as I know, certainly so far as I was myself concerned, without the slightest feeling of personal hostility to any man or any body of men who lived there. We believed their course was destructive to the national welfare, that the Union ought not to be dissolved, that slavery should be destroyed; and we fought in God's name to accomplish all of those purposes; and when they were accomplished we looked upon the Southern people as our brethren as much as we ever did before, and more so, because she was to have a future that was homogeneous with our own, and the great cause of difference between the sections was passing away, and the whole Republic seemed likely for the future to be really independent and free.

So the feeling turned, as I said, to the South in all kindliness and with an anxiety on the part of our immigrant population to settle in that portion of the country. But what did the Northern men find there? Accustomed to common schools, and understanding that the primal necessity in the raising of a family was to educate the child, the father found no school for his child; he found hostility to the school system, the teacher often abused, the school-house often burned, and persecution toward that system which alone, by permeating the entire population, could create real freedom, and he got away and staid away, and he has remained away, and he will remain away, and so will the intelligent immigrant from abroad avoid that country, blessed as it is by nature with everything that makes it desirable as a home, the loveliest, most fertile, and desirable region of the entire country. So I say that immigration will forever remain away from the South until she has such opportunities for the education of the children of the immigrant as are to be found in other parts of the country.

The Senator from Kansas dwells very much upon his table, which he produced here, by which he endeavored to show to the country how enormously disproportionate are the benefits that are to be received from this bill if it shall become a law. He reads to us his table in which he says, Alabama, for instance, gets out of this fund of $77,000,000 for the whole eight years $5,370,848, and she pays $1,767,507; California gets $662,051, and pays $1,210,571; and so he goes through with all the States and calls attention with great vigor to the account which I shall be obliged to render to my constituents for advocating the passage of this bill. He says New Hampshire gets $177,216 and pays $485,787, and he appeals to me to know whether I can settle this account with the producing laborers of my own State. His table, as he says, is based upon population, and he assumes that the burden of Federal taxation, the collection of Federal revenue, falls upon the people of the country per capita, as though the whole were raised by a direct tax and raised also as a direct tax on the individual men, women, and children alike.

If this were so it would still be the better thing to pass this bill, and I believe that for the general good the people of New Hampshire would be willing to pay the difference beyond what they receive—a people frugal and hardy and not wealthy, but a people patriotic and intelligent, and knowing that the common school is the only bond of union and peace to the whole country in future time. And he is but a poor student of history or human nature who believes that the perpetuity of this country, its freedom from wars, such as we have seen in our own day and generation, can be preserved unless we make our institutions and the condition of our people homogeneous and intelligent, and who does not recognize the common school as the only instrumentality by which that can be accomplished. So, as a matter of dollars and cents, it is cheaper for New Hampshire to pay, not this difference which the Senator speaks of, but ten times that difference in order that we may be preserved from the consequences of ignorance, which is the essence of slavery, and thus secure immunity from future wars.

But, sir, the Senator is all wrong as to the basis of his table. Taxation is not raised, as he well knows and as the Senate well knows, or at least should understand on second thought, in any such way. The Federal revenues come in an altogether different way; they do not come out of the poor people of this country. Myself and the Senator, the school of politics to which we belong, the faith which the Republican party professes is entirely in the contrary direction. By the method which we employ Federal taxation needs to be large in order to conduce to a great extent to the good of the laboring people of the country.

We believe in the protective system. We have established it and we have enforced it as against all comers, and our Democratic friends have assisted us to such an extent that for many years it has been the law of the land, and I trust in God it may remain so for all time. By virtue of that system of taxation which is levied upon the luxuries and not upon the necessaries of life, the national is almost the only tax which comes out of the pockets of the wealthy and not out of the pockets of

the poor. By that taxation we raise almost two hundred millions of the little more than three hundred millions of annual national revenue.

On this point—for I consider it a vital one, as I wish to combat something of the other heresies in the Senator's speech which should be replied to—I wish to insert a table from the first page of the report of the Secretary of the Treasury for the fiscal year 1885, which shows the sources of national revenue.

From customs, to which I have just been alluding, we receive $181,471,939.34. That is the largest item. I have stated where that comes from, not out of the laboring poor, but out of the accumulating rich. Internal revenue gives us $112,498,725.54, and the internal revenue, as we know, is taken from intoxicating drinks, spirituous liquors, and from tobacco, the great mass of it, almost the whole of it. During the year 1884 our revenue from distilled spirits was $76,905,385.26; from tobacco in all its forms, $26,062,399.98; from fermented liquors, $18,084,954.11. These items which represent taxation upon wealth only in the form of comfort, taxation upon our luxuries and indulgences in vice, in the consumption of liquors, distilled and fermented, wines, and tobacco—these items comprise the great sources of revenue, and from which would come the expenditure under this bill. The other items I will read from the report of the Secretary of the Treasury himself:

From sales of public lands	$5,705,986 44
From tax on national banks	2,914,222 25
From profits on coinage, bullion deposits, and assays	6,051,284 96
From customs fees, fines, penalties, &c	907,464 27
From fees—consular, letters patent, and lands	3,714,613 58
From repayment of interest by Pacific railway companies	1,608,071 58
From sinking-fund for Pacific railway companies	2,476,707 78
From deposits by individuals for surveying public lands	594,414 34
From proceeds of sales of Government property	302,882 07
From Indian trust-funds	76,942 08
From immigrant fund	177,002 50
From Soldiers' Home, permanent fund	333,735 05
From sale of condemned naval vessels	55,541 80
From tax on tonnage	400,342 46
From revenues of the District of Columbia	1,929,298 11
From miscellaneous sources	2,471,532 23

That comprises the whole; and I appeal to any Senator who may think as the Senator from Kansas does—he not now being in his seat—if there is a dollar of that taxation going into the Federal Treasury which comes out of the pockets of the poor if republican theories as to the effect of customs taxation are correct. No, sir. I look upon our system of Federal taxation as a benefit to the poor. It is one great means, and the only great all-comprehending means that we now have of fastening where it belongs the great burden of society upon its accumulated wealth and taxing those accumulations and applying them to the great ends which are for the general good. Can there be any more righteous thing to do than by this form of taxation to place the burden of the education of the child of the poor man upon the accumulated wealth of the rich man which he has been able under the laws of the land to gather for himself largely from the muscle and brain of the industrious poor? That is our theory. You may call it a leveling theory, but it is the theory upon which this bill and republican creeds are built.

There is other matter that I wish to notice in the speech of the honorable Senator from Kansas. The bill calls for a small amount yearly. We ought to consider that every year the question of the further appropriation is subject to the action of Congress, subject, if you please, to the action of the Senate, which is Republican at present and likely to be so, I trust, for a long time to come; and if it is found that the appropriation of any given year is not properly applied or that it does not do the amount of good which is necessary in order to justify a still further appropriation—if that is found to be so, by the express terms of this bill itself the appropriation is to cease.

Take our river and harbor appropriation. It is not likely for the years to come to average less than from twelve to fifteen million dollars a year. In the next ten years we are likely to expend from one hundred and twenty to one hundred and fifty million dollars in that direction alone. This bill, subject to all these contingencies and conditions, proposes to give at the uttermost the amount of $77,000,000, and for a cause and to remove a necessity vastly more pressing and dangerous to the American people than impediment to navigation.

The Senator might just as well endeavor to excite the hostility of the people of my State against the river and harbor bill by showing that the people of New Hampshire, who never have had money enough out of it to pay the ordinary candy bills of the children of the State—and the river and harbor bill is very important to himself and to the States of the great West generally—as to undertake to excite a like hostility against this. The people of New Hampshire in either case are broad enough and patriotic enough to contribute from their earnings, if it came from their earnings, so much as is indispensable for the general national good. Wherever they put their blood they are ready to put their money.

The Senator himself is a strong advocate of a measure which I believe to be just and to which his party is committed as it is to this measure. He says we ought to contribute to-day, we ought to enact proper legislation and to make the consequent appropriation to pay the arrears of pensions, which have lately been computed at over $300,000,000, approaching four times the amount that is proposed by this bill; and no computation can make the sum that will be called for less than $225,000,000 or $250,000,000. He proposes that without any hesitation, and that taxation comes out of the poor, if any taxation comes from that class of our fellow-men.

So I might speak of other pension legislation of which I am an advocate as well as himself. I believe that in the case of every Union soldier, every man who rendered good service to his country who is now in need of assistance from any source, whether it be from charity or from his relatives or from the poor-rates of the country, it is the duty of this nation, which exists because he fought for it, to supply him with an honorable support to the extent of his necessity. We passed a bill of that kind in the last Congress and sent it to the House of Representatives where it died, and we prided ourselves somewhat in our appeals to the people of this country, to the soldiers of this country and their friends, that we had passed so liberal, so just, and as I believe so wise a measure; but it was to take from the funds of this country enormously beyond the amount called for by this bill for the support of common schools.

The Senator alluded to this bill as having grown out of that feverish condition of the party mind which precedes a Presidential election. Sir, that is not the case. The ideas of this bill have been pending in the northern portion of this country for the last twenty years. Grant recommended these appropriations. Hayes recommended these appropriations. Garfield delivered the noblest utterance in his first and only message in favor of these appropriations. The Republican platform for at least two campaigns has contained this same proposition, Federal aid to common schools wherever it is necessary.

It is not a new idea. True it is we passed this bill immediately preceding the last Presidential election. We passed it in April. In all its essential features we wrote this bill for Federal aid wherever it was necessary into our platform the following June and appealed to the people, on the strength of that provision, for their support, and we received many votes by it. I think, sir, that even if it had grown out of a "feverish condition" of the party mind it would still be our duty to keep our plighted faith to the public. I do not understand because we have made promises to the American people of what we would do that we made them in a base barter for votes—that when the time comes to perform them we are therefore excused and called upon to demonstrate our own corruption and make good the allegations of the Senator from Kansas. I am for keeping the faith of parties as I would keep the national faith, for this is a government of parties, and only as parties are to be depended upon to keep their promises and redeem their pledges can we expect the nation which is controlled by a dominant party to preserve its honor under the management of that party.

The question is not between the men who on the one side and the other fought the war; the question is not between them at all, and no sophistry can conceal the real issue which is between the American nation and the American child. If the Senator from Alabama who rises here and thanks God that he is not to be bribed in this way has any children of his own to be properly educated, and if others who following him denounce the constitutionality of this bill, or for any reason whatever oppose it, are justified, nevertheless the Republican and the Northern man and the American citizen who believes that by reason of their opposition justifies the rejection of this bill has misconceived the true issue—he has made a mistake. The real issue, as I said before, is between the nation and the child, and for one I am not willing to stand here and say that the son of a confederate officer or soldier shall not be educated as well as the child of his former slave. Give them both equal privileges in the direction of education, give them both the same chance to prepare for the future of American citizenship.

I do not know but that it was unfortunate that the discussion of this bill immediately followed the appeals that were made to prejudice both North and South during the discussion of the Dakota bill. I thought our Southern friends might well have exhibited a different spirit, and if I were called upon to judge I would justify something of the feeling that has been exhibited on this side of the Chamber when I remember the spirit in which that bill was met. But my friend from Kansas ought to remember that the very gentlemen on the other side of the Chamber who opposed the Dakota bill so violently are the men who oppose the education bill in the same spirit and, in fact, with still stronger expression of virulence and hate. And is the fact that these men oppose the Dakota bill and likewise oppose this bill any reason why those who made war upon them in the former discussion should shake hands with them at the present time, and that they should unite in a common effort to defeat this measure? One would have inferred that the contrary would have been the case if it had not been otherwise illustrated on this floor.

Mr. President, I wish to call a little closer the attention of the Senate to what has been done with reference to this bill and the general propositions which pervade it hitherto by the North—and by "the North" I mean the Republican party. I read now from the Republican platform adopted at Chicago in 1884. In the eleventh section of the platform are to be found these words. Among other clauses pledging the party to various measures which were supposed to be in the

interest of the working people of this country and in other directions, a sound currency and the like, are these words:

> We favor the establishment of * * * a wise and judicious system of general education by adequate appropriation from the national revenues wherever the same is needed.

In another section of the same platform is a pledge to pass whatsoever legislation is necessary to the assistance of the white Republicans in the South in the attainment and the enjoyment of all their rights and privileges, civil and political. If there is anything essential as a primary condition to the development and the enjoyment of the rights of American citizenship at the South, and especially, I may say, of the Republicans at the South, it is the common school, which will give to every individual who receives its benefits that sense of manhood and that intelligence which will make him, knowing his rights, dare to maintain them, and he will maintain them; and it is only the man who has that quality of mind and that quality of body who is likely to defend the rights conferred upon him by the Declaration and by the principles of the Republican party.

The Republican platform of 1880, as I recollect it, contained a like provision. I will take the liberty of reading to the Senate a few utterances of the party and of its representative men upon this very subject. In the Republican platform of 1880 we took this position:

> The work of popular education is one left to the care of the several States, but it is the duty of the National Government to aid that work to the extent of its constitutional power. The intelligence of the nation is but the aggregate of the intelligence in the several States, and the destiny of the nation must be guided, not by the genius of any one State, but by the aggregate genius of all.

And from the call of the national committee as adopted in the call of the Republican State convention in Maine to choose delegates to Chicago in the convention held in 1884 I find this:

> Without regard to past political differences, who are in favor of elevating and dignifying American labor, protecting and extending home industries, giving free popular education to the masses of the people, securing free suffrage and an honest counting of ballots.

As I said earlier, in the platform is laid down the language which I have read. These utterances of which I now speak were in the June following the passage of this bill in the Senate on April, 1884. I will read now from the message of President Garfield, in which he said—and I ask the Senate to remember that it was President Garfield who said this—we would do well to listen to this voice from the tombs:

> But the danger which arises from ignorance in the voter can not be denied. It covers a field far wider than that of negro suffrage, and the present condition of the race. It is a danger that lurks and hides in the sources and fountains of power in every State. We have no standard by which to measure the disaster that may be brought upon us by ignorance and vice in the citizen when joined to corruption and fraud in the suffrage.
>
> The voters of the Union who make and unmake constitutions, and upon whose will hang the destinies of our governments, can transmit their supreme authority to no successors save the coming generation of voters, who are the sole heirs of sovereign power. If that generation comes to its inheritance blinded by ignorance and corrupted by vice, the fall of the Republic will be certain and remediless.
>
> The census has already sounded the alarm in the appalling figures which mark how dangerously high the tide of illiteracy has risen among our voters and their children.
>
> To the South this question is of supreme importance, but the responsibility for the existence of slavery did not rest upon the South alone. The nation itself is responsible for the extension of the suffrage, and is under special obligations to aid in removing the illiteracy which it has added to the voting population. For the North and South alike there is but one remedy. All the constitutional power of the nation and of the States and all the volunteer forces of the people should be summoned to meet this danger by the strong influence of universal education.

However feverish may have been the feeling which led to the utterance of these sentiments, scattered over a long period of time, it survives until the present time, and whatever be the fate of this measure the evil will exist and will increase and this sentiment will survive and increase until by some like measure the evil is diminished and destroyed, and it will never become an obsolete issue, never an issue which we can avoid or evade until it is settled either by the ruin of our country or by its extinction in the complete establishment everywhere of the common school.

I have here utterances of President Hayes, President Grant, and Chief-Justice Waite. Perhaps I ought to put into these remarks various citations from the fathers of the Republic, from Horace Mann and other educators and statesmen of the past. I have here the report of the trustees of the Peabody educational fund, a report discussing the same questions, citing the fathers, Jefferson, Adams, Washington, of course, Madison, Monroe, all to the same general effect; and whatever may have been the earlier views of some of these men in regard to the constitutional power of educating the people for the general welfare, their later and riper views were in favor of the full extent of the power which we claim and of its immediate and general exercise. I read from page 4 of the report of the trustees of the Peabody fund:

> Washington, in his farewell address, condenses into two short sentences an admonition which should never be forgotten by the American people. "Promote, then," says he, "as an object of primary importance, institutions for the general diffusion of knowledge. In proportion as the structure of a government gives force to public opinion, it is essential that public opinion should be enlightened."
>
> The writings of John Adams are replete with expressions of his estimate of the value of popular education as the best safeguard of free institutions.
>
> * * * * * * *
>
> In a letter to Mr. Yancey, dated January 6, 1816, Mr. Jefferson says: "If a nation expects to be ignorant and free in a state of civilization, it expects what never will be. The functionaries of every government have propensities to command at will the liberty and property of their constituents. There is no safe deposit for them but with the people themselves; nor can they be safe with them without information. Where the press is free, and every man able to read, all is safe." In another letter to Governor Nicholas, dated April 2, 1816, speaking of his system of elementary education, he says: "My partiality for that division is not founded in view of education solely, but infinitely more as a means of the better administration of our Government and the eternal preservation of its republican principles."
>
> * * * * * * *
>
> Mr. Madison, who has been called the father of our Federal Constitution, and who certainly contributed as much as any other man in framing its provisions, was equally emphatic in the expression of his opinions of the value of popular education. In a letter to William T. Barry, of Kentucky, dated August 4, 1826, he says: "A popular government without popular information, or the means of acquiring it, is but a prologue to a farce or tragedy, or perhaps both. Knowledge will forever govern ignorance, and a people who mean to be their own governors must arm themselves with the power which knowledge gives." In another letter, to Littleton D. Teakle, of Maryland, Mr. Madison says: "The best service that can be rendered to a country, next to that of giving it liberty, is in diffusing the mental improvement essential to the preservation and enjoyment of the blessing."
>
> Quotations of a similar character, from the writings of the statesmen and sages of the earliest days of the Republic, might be indefinitely multiplied, but your committee will content themselves with adding a single extract from the inaugural address of President Monroe, delivered on the 4th of March, 1817.
>
> Had the people of the United States been educated in different principles, had they been less intelligent, less independent, or less virtuous, can it be believed that we should have maintained the same steady and consistent career, or been blessed with the same success? While, then, the constituent body retains its present sound and healthful state all will be safe. It is only when the people become ignorant and corrupt, when they degenerate into a populace, that they become incapable of exercising sovereignty. Usurpation is an easy attainment, and a usurper soon found. The people themselves become the willing instruments of their own debasement and ruin. Let us look to the great cause, and endeavor to preserve it in full force. Let us, by all wise and constitutional measures, promote intelligence among the people as the best means of preserving our liberties.

Speaking more particularly of the Southern condition, that body of great men, the trustees of the Peabody fund, more cognizant probably with the real Southern status at that time than anybody else, say, speaking especially of the colored people:

> We are thus compelled to face the fact that more than half a million of voters, scattered over half the Union, from illiteracy are notoriously incompetent to the intelligent discharge of the public duties intrusted to them. This large class of uneducated voters, it must be remembered, are not merely citizens and voters of the States in which they respectively reside: they are also citizens of the United States. The power which they wield and the influence which they exert is not merely local: it is coextensive with the Union. Their votes may decide the issues of peace or war; they may control Presidential elections and give shape to the policy of the nation; they are entitled to participate in the election of President and Vice-President, of members of the House of Representatives, and of the State Legislatures which choose Senators of the United States; they elect governors and legislators of their respective States, and in many States, judges, clerks, sheriffs, supervisors, magistrates, and almost every officer intrusted with the administration of public affairs; they are themselves eligible to all positions of honor, trust, and emolument, and legally competent to act as judges or to sit as jurors in cases involving the most sacred rights of life, liberty, and property.

As I do not mean to occupy the time of the Senate unduly, I shall omit further extracts from the report, but I do wish to read from an address delivered by Horace Mann the following, given at page 8:

> The illustrious and noble band who framed the Constitution of the Union—Washington, Franklin, Adams, Jefferson, Madison—who adjusted all the principles which it contains by the line and the plummet, and weighed the words which describe them in scales so nice as to tremble beneath the dust of the balance, expended the energies of their mighty minds to perfect an instrument which, before half a century had passed away, was doomed to be administered, controlled, expounded, by men unable to read and write. The power of Congress over all the great social and economical interests of this vast country; the orbits in which the States are to move around the central body in the system: the functions of the Executive, who holds in his hand the Army and the Navy, manages all diplomatic relations with foreign powers, and can involve the country at any time in the horrors of war; and that grand poising power, the supreme judiciary, appointed to be the presiding intelligence over the system, to harmonize its motions and to hold its attracting and diverging tendencies in equilibrium—all this splendid structure, the vastest and nicest ever devised by mortals, is under the control of men who are incapable of reading one word of the language which describes its framework and defines its objects and its guards, incapable of reading one word of contemporaneous exposition, of antecedent history, or of subsequent development, and therefore make it include anything or exclude anything, as their blind passions may dictate. Phaeton was less a fool when he mounted the chariot to drive the horses of the sun than ourselves, if we expect to reach the zenith of prosperity and happiness under such guidance.

These seem commonplaces, and yet they are denied on the floor of the Senate, and it is necessary even here to revert to first principles.

There has been perhaps already a sufficiency of evidence of fact as bearing upon the contributions of the General Government in the form of public lands and otherwise to the maintenance of school systems in the States, and I shall not take the time of the Senate any further in that direction.

I wish to add to the great Republican authorities and the great national authorities of earlier times from which I have cited a few contemporary names of men who were in this Chamber during the last discussion upon this bill. The present Secretary of the Interior, Mr. Lamar,

and Attorney-General Garland, as all will remember, made eloquent and exceedingly able speeches in support of the bill, dealing to some extent with the constitutional questions involved and also dealing with the actual necessity, conceding and claiming the power and the duty of the Government to make these appropriations and the necessity that exists for their use.

I should like to read, and will read to the Senate, a line from the report of the Secretary of the Interior, Mr. Lamar, showing that in his new position and as the man who will have a revision of the expenditure of this fund in connection with Congress, he still retains his interest in this great measure and desires its enactment into a law. He says in his report to the present Congress, page 85, under the caption of Education:

> The report of the Commissioner of Education is an instructive and interesting document. I have been unable, for want of time, to present even a brief of the views and recommendations therein set forth, the greater part of which meet my concurrence, especially his renewed invocation of Federal aid to insure adequate provision for the instruction of the freedmen of the South, and also his recommendation that some measure of Federal aid be extended to public primary education, based on the number of illiterates in the various States as shown by the Tenth Census.

This is not the only time that the voice of a Secretary of the Interior has been raised in behalf of this or a like measure. It was done in the reports of the former Secretary of the Interior, the Senator from Colorado [Mr. TELLER]; and if there was a word of unpleasantness between us the other day I desire again to apologize, if it be necessary, because I know his goodness of heart and my own hasty temper, and perhaps I was provoked; I desire to do him the justice to say that no man ever gave forth nobler utterances in favor of national aid to universal education. He was among the earliest men who advocated substantial relief to the South in the discussion in the Forty-sixth Congress when the Morrill bill was passed, for, I think, the third time by the Senate. I will ask the Senator from Vermont [Mr. MORRILL] if it was not the third time?

Mr. MORRILL. A similar bill.

Mr. BLAIR. A similar bill, but what was known as the Morrill measure, and a measure whose feature I mean, if I have it in my power to help it, shall become the law of the land. In that discussion the only objection made to the bill on this side of the Chamber was that it did not give enough. Its theory was the establishment of a fund that would gradually accumulate and in all future time, while not controlling or dominating over the schools of the country would yet give a little to their support, and especially of the industrial feature, the colleges of agriculture and of the mechanic arts. The objection, as I said, made to the bill was that it did not meet the existing emergency, and that there should be something provided for temporary aid, but the principle was right, and every constitutional principle involved in this bill was in that. The theory of that measure concerning the machinery, as it was called, was more generally acceptable to both sides of the Chamber than to my own individual mind, and it commanded almost the universal support of both sides of the Chamber.

But, as I said, some objected to it that it did not give enough, and the fact that there is an immediate emergency was the origin of this bill, which proposes to make for the time being a much more liberal contribution. In that debate the Senator from Colorado by his remarks first attracted my attention to the necessity of a much greater contribution or appropriation than that bill provided. He passed from the Senate. I remained in it, and by the action of the Senate was placed upon the Committee on Education and Labor, and we set about fashioning the various bills, notable among which was the bill of Senator LOGAN, of Illinois, which provided for an appropriation of eighty millions annually, and was a just recognition of the great necessity—combining the same idea into the one that we thought would be acceptable to the Senate, and we reported such a bill to that Congress, both branches of which were Republican and the Executive the same.

That bill was not this bill in all its features. It was a bill which provided that there should be more, not of Federal supervision, but of actual Federal control. It provided that there should be appointed in every State a Federal commissioner from among the citizens of the State, nominated by the President and confirmed by the Senate, and that he in connection with the superintendent of public instruction for the State should decide where the money should go and how it should be distributed and divided, each having a veto upon the other, and there being no money save so far as they agreed; but it was opposed on this side of the Chamber as containing a feature of interference with the local schools, for the State rights people are not all of them sitting opposite to us. The bill could not command the full support of the Republican side of the Chamber, and though I pressed it with all the urgency of which I was capable, it was found impossible to secure for it consideration during that Congress, when we had the power to make the bill and to make the law as we might see fit, having the control of every department of the Government.

In the next Congress, the Forty-eighth, the evil remaining and increasing, and the necessity being as great or greater than ever, it was thought that in some way the situation must be met, and this bill, adopting the machinery of the Morrill bill for distribution, was brought into the Senate and was argued three weeks in the Senate and passed by a three-fourths vote of the Senate; and as passed by the Senate after that three-fourths vote it was in substance made a leading feature of the Republican Presidential platform adopted in the June following, and as so passed it was brought by your committee to the Senate in the present Congress; and the bill that we started with and are dealing with is the bill thus perfected by the action of the Senate in the Forty-eighth Congress.

I have previously spoken upon the real inadequacy, though it would do an immense good, of the amount of the appropriation which is here proposed; but at this time at least I shall not dwell longer upon that point. I wish, however, in passing, to ask those who dwell upon the enormous amount of this contribution to consider that in the year 1836 we took from the national Treasury at one time $28,000,000 and distributed it to the States in a single year. All this bill calls for now is $7,000,000; and we took $28,000,000 at a time when the valuation of this country was not more than one-fourth what it is to-day, and when the population was not more than 16,000,000, whereas it is now 60,000,000. Under those circumstances we took from the national Treasury and poured into the treasury of the States $28,000,000. It was an extravagance beyond that which we propose at the present time more than tenfold in amount, as I doubt not any one will find who takes care to work out its mathematical proportions from the data I have stated.

That money you say was wasted, some of it. Some of it was wasted. How was it wasted? By the expenditure of the principal in most cases in the cause of education, and instead of appearing to-day in many of the States in the form of a permanent fund the interest whereon is available to educate the children, it went into the brain and heart and soul of the children at the time, making the very best form of investment, so that that generation rose to a greater height of intelligence and of prosperity, and our country to-day is stronger and grander because the whole was spent, "wasted," as it is expressed by some, instead of being invested in a permanent fund.

But that was not the case with all of it. In nearly every one of the States a portion of that money still survives, appropriated in the form of annual interest to the cause of common-school education. But did it ever do any harm to education? Were the States of the North by this contribution from the national Treasury induced to neglect their schools? Did they become "leeches" upon the public Treasury? Have they been any less liberal and generous in submitting to personal taxation in the maintenance of their schools and their other institutions by reason of that contribution from the national funds? Sir, on the contrary common schools never were encouraged at the North as they have been during the last forty or fifty years. The institution is stronger and more beneficent to-day than ever before. I believe one of the fathers says that he asks only for the lamp of experience as a guide for his footsteps. If experience is to be our guide, we ought to have made these contributions years ago and to have made them longer still. So long as the evil continues we ought to meet it with the appropriate remedy.

It has been charged upon our friends of the South that because there was slavery and because there was war, therefore they should take care of all the consequences resulting therefrom and should educate their own children; that for the reason that they have done so much of evil they should make the necessary sacrifice to rescue themselves regardless of their ability to do it. I think it is due to history to say that it was not the North alone that put down the rebellion and destroyed the institution of slavery. If the thing is to be measured upon that theory even, it is a fact that may be well stated here on the floor of the Senate that the Southern States gave us over four hundred thousand of the men enlisted into the Union Army.

I have here a table which I will have printed in full, but I shall read what it contains with reference to the contribution of Union troops from Southern States. Maryland gave us 46,638; West Virginia, 32,068; Missouri, 109,111; Kentucky, 75,760; Tennessee, 31,092; Arkansas, 8,289; North Carolina, 3,156; Alabama, 2,576; Florida, 1,290; Louisiana, 5,224; Mississippi, 545, and Texas, 1,965, making an aggregate of white soldiers from the slave States actually in the rebellion (for I think Missouri might as well be classed that way) of 317,714 men. In addition to those, there were mustered into service 99,327 colored troops, and it is estimated that beyond this number there were actually in the service another 100,000 of colored troops, making the whole number of colored troops actually in the service not far from 200,000. Reduced to three years' service, there were enlisted into the war on the side of the Union arms 2,320,369 men, including negroes. Of this number very nearly or quite half a million were from the slave States, so that they contributed of their blood and something of their money to the maintenance of the cause of the Union.

But we are dealing with the great masses of the Southern people, who were always for the Union, and for the children of those men who were always for the Union. I do not think I am in danger of any contradiction even on this floor, where there are witnesses who could contradict me if I were under a mistake, when I say that had the masses of the Southern people been educated they never would have rebelled. It would have been impossible for three hundred thousand men to have instituted that great war which came so near destroying the Government if this educational bill had been passed and applied ten years before the war.

The table in full is as follows:

Showing the troops mustered into the Union service during the war.

States and Territories	Aggregate. Quota.	Men furnished.	Paid commutation.	Total.	Aggregate reduced to a three years' standard.
Maine	73,587	70,107	2,007	72,114	56,776
New Hampshire	35,897	33,937	692	34,629	30,849
Vermont	32,074	33,288	1,974	35,262	29,068
Massachusetts	139,005	146,730	5,318	152,048	124,104
Rhode Island	18,898	23,236	463	23,699	17,866
Connecticut	44,797	55,864	1,515	57,379	50,623
New York	507,148	448,850	18,197	467,047	392,270
New Jersey	92,820	76,814	4,196	81,010	57,908
Pennsylvania	385,369	337,936	28,171	366,107	265,517
Delaware	13,935	12,284	1,386	13,670	10,322
Maryland	70,965	46,638	3,678	50,316	41,275
West Virginia	31,463	32,068	.....	32,068	27,714
District of Columbia	13,973	16,534	338	16,872	11,506
Ohio	306,322	313,180	6,479	319,659	240,514
Indiana	199,788	196,353	784	197,147	153,576
Illinois	244,496	259,092	55	259,147	214,133
Michigan	95,007	87,364	2,008	89,372	80,111
Wisconsin	109,080	91,327	5,097	96,424	79,260
Minnesota	26,326	24,020	1,032	25,052	19,693
Iowa	79,521	76,242	67	76,309	68,630
Missouri	122,496	109,111	.....	109,111	85,530
Kentucky	100,782	75,760	3,265	79,025	70,832
Kansas	12,931	20,149	2	20,151	18,706
Tennessee	1,560	31,092	.....	31,092	26,394
Arkansas	780	8,289	.....	8,289	7,836
North Carolina	1,560	3,156	.....	3,156	3,156
California	.....	15,725	.....	15,725	15,725
Nevada	.....	1,080	.....	1,080	1,080
Oregon	.....	1,810	.....	1,810	1,773
Washington Territory	.....	964	.....	964	964
Nebraska Territory	.....	3,157	.....	3,157	2,175
Colorado Territory	.....	4,903	.....	4,903	3,697
Dakota Territory	.....	206	.....	206	206
New Mexico Territory	.....	6,561	.....	6,561	4,432
Alabama	.....	2,576	.....	2,576	1,611
Florida	.....	1,290	.....	1,290	1,290
Louisiana	.....	5,224	.....	5,244	4,654
Mississippi	.....	545	.....	545	545
Texas	.....	1,965	.....	1,965	1,632
Indian Nation	.....	3,530	.....	3,530	3,530
Colored troops*†	.....	99,337	.....	99,337	99,434
Total	2,763,670	2,778,304	86,724	2,865,028	2,320,369

*Colored troops organized at various stations in the States in rebellion, embracing all not specifically credited to States, and which can not be so assigned.
†Revised [30 Enr. Div., A. G. O., 1886].

ADJUTANT-GENERAL'S OFFICE,
Washington, November 9, 1880.

I wish to discuss now one feature of the bill which has been criticised in the press by prominent individuals who have at heart the general cause which the bill seeks to promote, and, if I may, to defend it against some aggressive but mistaken attacks. I think in the feature to which I now allude the bill is right. It is not as it is for want of sufficient consideration. If the committee are wrong, they are wrong after long study and deep reflection.

It has been claimed and all concede that the best test or measure for the distribution of the money in the first instance as between the States is according to the illiteracy shown by the census of 1880. In fact there seems to be no other reliable and just test that you can find. I think it will be conceded that the true test of distribution as between the States would be made up of two complex propositions or ratios. It should depend upon the actual necessity for education in the different States and the power to bear taxation in the State to relieve that necessity. These two ideas combined, if they were data by which they could be measured and multiplied into each other, would give the true ratio of distribution between the States.

But there is not in the census, there is nowhere any measure of the capacity of the several States to bear taxation for the support of common schools that seems to be entirely satisfactory. The property in all but three of the Southern States has been diminished in value very largely during the last ten years. Eliminate all about freeing the slaves, commence with the census of 1870 and compare the condition of the Northern and the Southern States as in 1870 with their condition in 1880, and we find that there has been a diminution of valuation for taxable purposes in the Southern States of over $400,000,000. That indicates, of course, a lack of prosperity, inactivity in business, want of the proper diversification of occupations, a lack of ready money and of those available sources of taxation which are to be found in all Northern States where there are bonds and currency and money in the pockets of the people, personal property easily to be disposed of, taxable, and so the available means of supporting the public necessities easily to be obtained.

In the South personal property is comparatively scarce, hardly to be found, and but a small amount to be taxed. Real estate has to submit to the chief burden of taxation, and real estate is depreciating as a rule rather than increasing in value. There are localities to be sure where Northern capital has planted itself, where railroads are being constructed by Northern capital, exempt, as the Senator from Florida [Mr. CALL] said yesterday, from taxation, not available for the means of the education of the people as yet. Real estate is depreciating, the very last source of getting ready money, because you can not sell that to raise the money to pay the taxes, which is the main resource they have upon which to exist. I do not speak of limited localities; I speak of that portion of our country as a whole as its condition is revealed to us in the light of the figures of the census.

Now, a country devastated by war must supply itself with dwellings, with roads and bridges, with public structures, and everything that is necessary first to exist. A man must eat before he can read; he must supply himself with food and clothing and shelter before he is able to educate himself or his children either in the common school or the university. It is just so with the Southern people. They are obliged to-day to apply their revenues more largely, from such taxation as they can submit to, first to these primary necessities and what they have left over they apply to the schools. Their relative capacity by the figures of the census to bear taxation would seem to be indicated by the valuation, and yet that would not be the truth in regard to their relative capacities to bear taxation for the purpose of maintaining schools, because schools have to be deferred to the necessities of life, as I said before. What is true of an individual is true of an aggregation of individuals; that is to say, of society as a whole.

We come back to the point, what shall be the proper measure of distribution as between the States? The actual illiteracy as shown by the census was adopted as the only available practicable basis of the computation of distribution, and I do not know of anybody who finds any fault with that. In the number of illiterates is included, of course, all over the school age who can not read or write, as well as those who are within the school age who can not read or write. They are a portion of the illiterates, and combined with those who can not read or write between ten years and twenty-one, the aggregate is made up of the entire illiterate population of the whole country. That is the basis of distribution, and it is according to it that you get the money to the State; but when you get into the State how is the money to be used? Here is the vital question to which I ask the attention of Senators who are interested in the matter at all.

The money is in the State; it goes there by virtue of a rule of distribution which is the best we can find, but is it to be applied to the very individuals who have been counted in making up this basis of distribution? Are we to take the illiterate of twenty-one, twenty-five, forty, seventy-five, one hundred years of age and undertake to educate him in the common school? Manifestly that is impracticable. As a measure of necessity it is well that they should be included, for it is the best we can take; but when we come to the application of the fund in the State itself it becomes an impossibility at once. Anybody sees that. I do not allude to any distinctions of color here, because there are no distinctions of color in the appropriation; by a provision in the bill there shall be none. Shall we set up a distinction of color in favor of the black child when we object to our friends on the other side who take a different view of this matter setting up a like distinction in favor of the white man? No, sir; the whole theory of the bill (and any other would be anti-republican) is that there shall be no discrimination as to color.

Under what rule shall we apply the money when we come to distribute it in the State? Is there any other than this: That from the combination of the fund that we give with the appropriation of the State herself all the children throughout the State of school age shall receive a like sum, or a sum which shall produce an equality of privilege? It may be that in some localities one dollar will buy more of education than it will in others, but the whole sum which goes to the State shall be used economically and wisely, so as to give to all children of school age, irrespective of and without distinction of color, an equality of common-school education.

Can there be any other wiser, more just rule of distribution than that, and can there be any other possible? Consider how it is. This country is not all through alike. The necessity is greater in some portions than in others. The States are not all through alike. There is more of living education in one part of Georgia than in another. Some portions of Georgia are in comparatively slight if in any want of assistance from the public Treasury, and in other portions of that State the money would go to the white child, rather than to the colored child, very likely; and so it may be generally thoughout the South. I do not know how that may be. I do not think it will be so to any extent—at least if we can trust the testimony of those who do know—I do not know that it is to such an extent as some of us would naturally apprehend who have the sympathy and feelings of Northern men; but assuming that it is so, what does the bill provide?

It provides that, however they appropriate their own funds, discriminating if they see fit, if they do discriminate, this national money shall so go as to produce an equality of schooling, and the colored boy shall get not quite as much but twenty times as much in any locality if it be necessary in order to give him as good a chance as his white brother has; and if at the end of one year it does not appear to have been done,

it is in the power of Congress to withhold further appropriations. That is the theory of the bill.

It has been claimed by some that by reason of the fact that the colored man is more generally illiterate and enters more largely in proportion to entire numbers in the ratio of distribution in the States, therefore his child should have a larger proportion of this money. That would be true if he is discriminated against, and the bill provides that the money shall be all used for colored children if it be necessary to give colored children as good a chance as the white children have. In other words, the money is all to be expended as one sum from whatever source it comes, whether from the nation or from the State, and the State gives an account of the way it is divided, and if she does show a discrimination as to color, then she has no right to a further contribution or appropriation under the bill. There can not be any theory any more just, it seems to me, than that. These remarks apply to the moneys expended for instruction. The bill provides that the State shall herself furnish the necessary funds for the erection of houses, and the appropriations under this act go to the actual running expenses of the schools.

We ought not to ask for a discrimination when we deny to others the right to make it. This is said very largely in reply to an article from Judge Tourgee, who is a strong friend of national aid to education, a man of great ability who has written a work on the subject, but who, notwithstanding that, finds it necessary in a newspaper article, which I find has been distributed very generally among Senators, to criticise this bill and myself as one who is interested in it with some acrimony and I think with some injustice and lack of proper thought upon all the difficulties of the situation. The bill is capable, I imagine, of defense against such assaults. If we had nothing to do but to write just what we want we could suit ourselves. But we have to choose between such a bill as can become a law and the continued sacrifice of the American child. All sections and all parties must yield something if anything is to be done and we are to repair the wrongful neglect of the last twenty years.

Now, sir, let us look at this a little further. I say that it is of more consequence to the black child that the white child shall be educated than it is that his black associate shall be educated. Whence came the outrages which we call the ku-klux outrages during the period of reconstruction? Who perpetrated them upon the negro? Was it the educated white man? No, but it was his instrument, the ignorant and degraded white man. It is his child that the child of the negro must live with for all future time; for, whether it be for better or for worse, the destiny of these people is one. It is as impossible to think of eliminating the colored element from the population of this country as it is to segregate the waters of the flowing Mississippi river or of the great oceans of the world. They are there, and they will stay there; and while the white man must live with the colored man, the colored man must live with the white man, and we are undertaking to-day so to legislate as to establish an equality of condition between them. The reason why the colored man has suffered in association with the white population is because the white population is ignorant, because the influences which brought on the war still to some extent dominate over that white population.

The only way they can be removed is by the effect of universal education, and it is more important for the black child that his two white brothers be educated, be refined by a higher form of civilization, be taught to respect his rights, than it is that his own colored brother shall receive the bounty of the nation and the consequent benefits of the common schools.

We but half perceive our duty when we say we discharge it by educating the colored man. We fail in our purpose, we are in hostility to his true interests when we say we will assume his education and let the white child remain as he is, if the Southern white population see fit that he shall do so. If the sentiments of the honorable Senator from Alabama are to prevail, if the common school is a "wild and agrarian" institution, and society is to frown upon the white child, he stands no good chance of receiving an education from the people of the South themselves. Thank God, the Senator does not represent the people of the South.

Suppose we carry the idea a little further and undertake by appropriations to educate the colored man; we say we will give him enough to take care of him in school for eight years, and you white folks take care of yourselves and your own children. The colored men possess not over $5 per capita in taxable property to-day. In the next decade they will not accumulate an average of more than $200 per family, and a family which has not more than that amount of property has as a rule no homestead except it may be as a lessee. They have no power to submit to taxation for the establishment of the institutions which are indispensable to their own good, and at the end of eight years the colored people down there, if they are cast upon their own resources wholly with reference to education, will be without ability much further to educate themselves.

Meanwhile we shall have said to the South, "We propose to assume the duty, as it is a duty, to educate those colored men for eight years. You put your money into the education of your own children; the colored man is our ward; we will take care of him." At the end of eight years we draw away our support from the colored man and he is as dependent as ever; meanwhile we shall have educated the Southern white people by our own example and our own precept in the idea that they are not responsible for their colored brother, but that the nation is, and we shall have made him a permanent ward of the nation as the Indian is, and more dependent upon the nation for help.

Any common-school bill which undertakes to separate these two races from each other when by the ordinance of God they must live together and to manage the one as an element independent of the other is a delusion and a snare. We can not do it. The bill had better fail. I should like to see this bill pass, but I do not want to see any permanent injury inflicted upon my country in the attempt to accomplish a good. No, sir, we can not establish that discrimination in regard to color when we deny to those who think differently from us the right to make the same. The bill wisely provides in the tenth section that the moneys given under the provisions of this act shall be appropriated and used for the maintenance of the common schools and shall be so distributed in the several districts of the States and Territories wherein the fund is expended as to secure an equalization of schooling privileges to every child irrespective of race or color. I wish the precise words of the section itself to go into the RECORD. The language is:

That the moneys distributed under the provisions of this act shall be used only for common schools, not sectarian in character, in the school districts of the several States and Territories, in such way as to provide, as near as may be, for the equalization of school privileges to all the children of the school age prescribed by the law of the State or Territory wherein the expenditure shall be made, thereby giving to each child, without distinction of race or color, an equal opportunity for education.

The presiding officer for the time being (Mr. HARRISON in the chair) will recognize that as his own language, some of it, at least.

I am sorry that I do not see present in the Chamber at this time the honorable Senator from Connecticut [Mr. HAWLEY]. I should be glad if he were present, but, as he is absent, I call to the attention of the Senate this extract, which I read from the Sunday Herald of this city:

Senator Hawley administers a damaging blow to the Blair educational bill, with its $77,000,000 appropriation attached. The blow is none the less telling because it appears in the Senator's newspaper, the Hartford Courant, the organ of the Connecticut Republicans. The money is to be distributed under the provisions of the bill in proportion to illiteracy, and this is the result figured up by the Senator's newspaper:

"If two States get each, say, the same large slice on the first year, and if one State squanders the money and teaches nobody, and the other State really does encourage education and begins the good work of instructing, then at the second distribution the State which has begun the good work will get less money to carry it on with, while the State which has gone backward will get even more than at first. This is simply paying a premium for delay, malfeasance, and neglect of work. The less got for the money the more money to be got for that."

Then the editor of the Herald goes on to say that "there is something radically wrong about a bill under which such results are possible." Really one would think so if it is true. If true, this would indeed be a "damaging blow" from the Senator from Connecticut. I wish he were present that he could make the explanation. I can not believe that he is responsible for the article in the paper. If he is, it is written under a very great misapprehension as to the provisions of the bill. There is nothing of the kind in the bill, and any one who says there is anything of this sort in the bill I wish would point out the section and the clause wherein it is to be found. The bill expressly provides on that point, as the Senator knows, for he must have read it. I do not undertake to hold him responsible for the utterances of this paper because I do not know that he has any connection with it. I only call attention to it because it goes to the public as though it were Senator HAWLEY who was misrepresenting the bill.

Mr. HAWLEY. Will the Senator allow me a moment?

Mr. BLAIR. Certainly.

Mr. HAWLEY. This is the first time I have heard an intelligent gentleman express the opinion that I am responsible for every paragraph in a paper about 350 miles off, that I have not written a word for in many months.

Mr. BLAIR. I have not said that——

Mr. HAWLEY. Allow me a moment. Its general character and purposes I am in a sense responsible for, because my views harmonize with their and theirs with mine; but particular expressions and arguments, &c., I have no more to do with than the Senator has with some little matters around his barn in New Hampshire.

Mr. BLAIR. I am more than gratified at the disclaimer of the Senator from Connecticut.

Mr. HAWLEY. I am probably worse opposed to the bill than my paper is.

Mr. BLAIR. I can understand that, and the Senator has a right to oppose the bill in that way; as an honorable man he is entitled to oppose it; and yet this goes to the people of the country through a paper that they generally understand to give utterance to his sentiments, and other papers quote it as a "damaging blow" from the Senator. Now that the Senator has made a disclaimer which is consonant with truth and with honor, I have no more to say about it. The bill has been misrepresented in many directions; sometimes honestly, perhaps always so; but for the benefit of those who may have been misled by this utterance I wish to say that the bill expressly provides that in case of any malappropriation by any State it shall receive no further appropriation until it has made

good the deficiency, so that if it is possible for the terms of a bill to be well guarded they would seem to be in this case.

An article was sent to me in order to make me feel happy, I suppose, from the New York Star, said to be written by an eminent constitutional lawyer, in which the writer says that the constitutional argument, at least the one that I made, in support of the bill, is a droll one. It is a pretty good one, and if it affords anybody any amusement, that is all right. The article has been circulated evidently, because I think the honorable Senator from Alabama [Mr. MORGAN] made its ideas the basis of his reply to the Senator from New York [Mr. EVARTS]. I observe that it is signed "G. T. C.," from which I infer, as somebody stated, it was produced by an eminent Democratic lawyer.

I wish only to say in reply that whoever reads the article will find that the proposition which he sets up in reply to the constitutional argument in support of the bill is that it is not necessary that people shall be educated in order to be sufficiently intelligent to discharge the duties of citizenship. He goes on to say that we all know that Tom, Dick, and Harry get along very well and make money although they can not sign their names, but have to make a mark and all that sort of thing. That is the spirit of the article. If we are laboring under a mistake, and if our fathers were laboring under a mistake when they asserted that the general intelligence of the people is necessary to perpetuate the republican form of government, then the writer is correct; but the fact comes to us that intelligence is a necessity, and the national Constitution provides for the existence of a national government republican in form, and it thereby provides for general intelligence. If, I say, he is right in his proposition that intelligence is not necessary, then those who hold the contrary are wrong and the argument falls; but it is necessary, like the Senator from Alabama, to resort to a warfare upon common schools in order to make out the proposition that this bill is unconstitutional.

I have here a mass of matter from very intelligent Southern gentlemen, evidently so, in the higher walks of life, patriots, educated citizens, which I should be glad to give the Senate as bearing upon the question whether the Southern people to-day are anxious for the passage of the bill. I am held to pretty strict rules about having matter printed without being read, and if I am liable to be trespassing upon the indulgence of the Senate in asking to have what might be a column and a half in the RECORD printed I will not do so. [A pause.] I will assume that there is no objection, and that I may put in a little of this matter to save the time of the Senate so as to call the attention of those to it who may look at the RECORD to-morrow:

DALLAS, TEX., *November* 17, 1886.

DEAR SIR: Senator MORGAN and his following do not I assure you, "in all truth and soberness," express the feeling of the people of the South upon your educational bill, nor of one-eighth of them. You will find in the inclosed editorial of the New Orleans Times-Democrat a truthful expression of that opinion. The opposition to it here, as elsewhere, is found in a very narrow tangent of free-traders, and for the reason that to the extent that bill would disburse Government money to that extent would import duties be necessary.

Were the millions of public funds annually squandered upon rivers and harbors expended upon educating the people what an enlightened nation would this be in a few years! Are you sure that even Congressmen have opened their eyes upon the grand fact railways have well-nigh nullified water transportation? Twenty years ago there were thirty steamboats upon Western rivers to one now. Save for the accommodation and uses of vessels plying to foreign ports our harbors have become nearly useless.

I once laughed at the definition of water by an old toper: "It was created for the purpose of making crops and weakening whisky." I have learned to take it more seriously.

Please accept this as a hearty indorsement of your measure by a Jeffersonian Democrat. The perpetuity of the Union is in the education of the people.

Yours, respectfully,

H. C. STEVENSON.

Senator BLAIR, *Washington*.

[Editorial referred to in the foregoing letter.]

THE BLAIR EDUCATIONAL BILL.

The argument of Senator MORGAN, of Alabama, on the Blair educational bill is a narrow view of the subject that has called forth little applause or approval in the South. Mr. MORGAN is one of those strict constructionists who haul in the Constitution against every public measure of advantage proposed; who consider its principal purpose is to prevent any good act being done by the Government. Under their view the rivers and harbors of the country can not be improved; must remain forever closed to commerce, leaving the people of the interior without access to market, because a strict or rather forced construction of the Constitution prevents it. It is useless to appeal to them to show that commerce requires this, that the whole people will be benefited. No appeal of any kind can move these gentlemen, who find the Constitution opposed to the best interests of the people; an obstacle to every act of improvement, to every advantage or benefit.

In this educational matter, the opposition made to this tender of assistance that will wipe away the greatest incubus to the South, illiteracy, is far less excusable than opposition to river or harbor improvement. Mr. MORGAN, when he speaks of the virtue and happiness of the people of the backwoods, is not speaking for the Southern people if he means by this that they prefer illiteracy, believe that "ignorance is bliss," and would welcome the condition of civilization prevailing in Greenland and the interior of Africa, where people are contented because they know no better. The South is as earnest and warm an advocate of education as any section of the country. The most eminent educators who have visited it say that it is more aroused on this point than any other, and fully appreciating the evils flowing from illiteracy, it is willing to do anything in its power to crush it out.

Here the difficulties come in, difficulties created by war, bad government, and by this illiteracy itself. The South is not in a financial condition to educate all its illiterates. Most of the Southern States have made extraordinary efforts in this direction, have taxed themselves heavily to maintain their schools, more heavily, in proportion to wealth, than even New England, but experience shows that it is impossible to make any but the slightest impression upon the great mass of illiteracy. The Southern States at best can but take care of some of the youth growing up and prevent an increase in illiteracy. Nothing whatever is being done toward redeeming the adult illiterates. The most optimistic of the Southern educators can not hope under the exciting condition of affairs to make much impression on these. The wealth of the South—which under unfavorable educational conditions advances far slower than it otherwise would—will not for many years be great enough to provide for the millions who can not read and write. We see it doomed to this dark future for half a century to come. Manufactures languish, for they can never thrive except with education, as the illiterate is never a good workman or mechanic; and even agriculture is backward and slow, as it must always be when the laborer is absolutely illiterate, and thousands of the small farmers are unable to learn the progress and advance the world is making in farming.

Nothing but outside aid and assistance will prevent this, will give us hope for the future. We recognize the benefits that have accrued from the generosity of philanthropists both North and South; but these donations, although generous, have been as a drop in the bucket, so small compared with the herculean task ahead that, even with their assistance, this half century of blackness and illiteracy ahead will be reduced but a very few years. In this almost hopeless educational condition there comes to us the very aid and assistance we need in the Blair bill.

This measure might be called a bill to destroy illiteracy in the South. It is a generous offer on the part of the North to assist us in our present dilemma, and can not be refused unless we believe that there is some virtue in illiteracy. It contains two excellent provisions—first, dividing the appropriation, not in accordance with population but by illiteracy; secondly, in stimulating the Southern States to vote liberal appropriations for their public schools, the assistance of the National Government being based on the idea that these States are in favor of education and willing to pay for it.

Does it not sound like the height of madness to refuse such an offer, such an opportunity as this, by calling up that skeleton of a strict construction of the Constitution which confronts and opposes every project of national benefit and improvement. We do not believe that Senator MORGAN has the support of his own State or any other portion of the South in his opposition to this project of national aid to education. If Congress has the right to improve our rivers, if it can protect us from epidemics, has it not the right, is it not its duty to save and protect us from the most dangerous enemy our Constitution and our civilization is threatened with—ignorance, illiteracy?—*New Orleans Times-Democrat.*

NEWBERRY COURT HOUSE, S. C., *January* 8, 1886.

HONORED SIR: Accept from a true daughter of Carolina her heartfelt gratitude for your earnest and persistent efforts in pressing upon the attention of Congress your educational bill, and most sincerely do I pray for your success.

At the request of our State superintendent of education, Colonel Coward, I presented a petition to the citizens of this town for their signatures, asking Federal aid to public schools. My petition was filled from the banker to the baker. The list was complete. I sent it to Col. D. Wyatt Aiken during the session of Congress, and he answered that he placed it on file, but gave cold comfort regarding the measure. I fear he is not in accord with popular education, and trust he will not be placed in a position where his influence will militate against the Blair bill.

We are poor, notwithstanding our solons' pride and prejudice, and we need help even more than our colored people, who are greatly assisted by societies and Northern friends in all educational work. I am perfectly willing that this should be so, and while they also reap a harvest of benefits from Federal aid, we, the white and needy, may also glean the fields of learning.

I am greatly interested in the common-school system of our State, and have used voice and pen in its advancement and betterment, but though taxes are paid and all efforts made to sustain the schools, we are unable to keep them open but for a little time; hence my desire to see your bill safely through, for with this great aid we can then see our way clear.

Pray pardon the liberty of this communication, but I can not refrain from showing you that the great wish of all true friends of progress and enlightening influences are with you in this struggle for the masses, notwithstanding pedagogue or politician, and the people pray for your success and their relief.

With sentiments of high esteem, I am, yours, in sympathy,

MRS. MARY A. EVANS.

Senator BLAIR, *Washington, D. C.*

NEWBERRY, S. C., *January* 15, 1886.

HONORED SIR: Accept my sincere thanks for your kind and courteous letter of 12th instant, and, believe me, the hope therein expressed—that the school bill may pass the House this session of Congress—finds an echo in my heart and that of many thousands in South Carolina.

This subject has been discussed in all its phases by press and politicians—its constitutionality, its expediency, &c. The former is a question upon which individual opinions differ, and is one of little value. Sufficient to say, that minds of great judicial acumen have no doubt about its constitutionality. With universal suffrage it becomes us of the South as a body-politic to watch that cancer, illiteracy. Only an intelligent people remains a free people, and that which lessens illiteracy, wherever done, accrues to the good of all.

The school system of South Carolina is as good as any other, but we need money to make it a success. We pay a large tax in proportion to income, yet the amount is inadequate to meet the demand. It is the duty of the Government to help us educate the colored man from an overflowing Treasury. We are poor; the war dealt hardly with us. Lands were devastated, homes destroyed, debt, like Damocles's sword, hanging over our citizens' heads, public-school funds all gone; yet South Carolina bravely put her shoulder to the wheel and began the struggle to educate an illiterate generation and a letterless race. But the burden is too heavy and we call for help. It has been heard. Will it be heeded? It is not a matter of charity that the South and the negro ask. It is a claim founded on justice to us and due the negro by the nation, else he must be left in the darkness of an ignorance only less abject than his former condition.

Will Congress heed this call for help? The necessity of the South has aroused public sentiment on this vital question of educating the masses. Will the nation turn aside her ears to the oily politicians, who, knowing that ignorance hoisted them into position, would fain keep the shackels of ignorance on a free people by putting aside this subject year after year? Let wily men take heed. Necessity laughs at constitutions and threatens if not heard.

Through the medium of the press public opinion has been molded to a great extent to the proper understanding of the Blair bill. The fears of the people, who have just escaped from radical rule, was aroused by wrong-headed men; but when it was understood that the funds for educational purposes would be made supplementary to the State school funds objection vanished like mist before the sun. In my own town one hundred and twenty names of prominent citizens were signed to a petition asking national aid to education. This in the face of a pronounced opinion that not three could be found to sign it. During the session of the South Carolina Legislature a bitter fight was waged against free tuition in the South Carolina University by a few would-be solons who imagine they represent the people. The bill was defeated by a 3 to 1 vote, and the yell of delight which burst forth from the sympathetic spectators and students awoke from their Rip Van Winkle sleep of twenty years the wise men who would stop the wheels of progress, and taught them that old ideas had grown obsolete and new laws are required to meet the exigencies of advancing civilization.

That gallant son of South Carolina, WADE HAMPTON, who was as unflinching in battle as he is unswerving in principle, recognized this fact from the very

beginning, and none dare doubt his loyalty to his State because he asks of the nation aid to assist in educating the poor of the South.

You have my authority to use, if you choose, in debate or elsewhere, anything I may write. I have no fear of successful contradiction relative to this subject. I am to the manner born, a South Carolinian by birth and principle. All I own and all I love are here. I have shared the sorrows of my beloved State and I now rejoice in her redemption from misrule, and believe that aid to assist her in her struggle with the problem of which you can form but a faint idea from your standpoint will solve the matter to the nation's satisfaction.

The new South, with new ideas and leaders of progress who will bring their party into harmony with the progressive tendencies of the people, has risen from her ashes, and among the names on this roll of honor will be found South Carolina.

With high esteem, yours,

MARY A. EVANS.

Senator BLAIR, *Washington, D. C.*

ROCKY POINT, N. C., *February* 20, 1886.

DEAR SIR: You are entirely correct in declaring upon the floor of the Senate that the people of the Southern States are in favor of the Blair educational bill. It is more warmly and universally popular in the South than any motion that has been before Congress since the late war. The tide rises higher and higher, stronger and stronger, the more it is understood, and now threatens to overwhelm, in its onward and upward course, any public servant or public man who opposes this grand measure of deliverance of our Southern people from the burdens and dangers of ignorance. In our State the question rises above party politics, and all parties favor it. Our Legislature indorsed it a year ago by nearly a unanimous vote. The people demanded this expression, and since then the great measure has a stronger support than ever before. Of course there are some old fogies and mummies in this State, as there are in all the Southern States, who oppose this as they do every measure of progress and of development and recuperation, but they are of that deluded, impracticable, obsolete class who are passing away, and are being swallowed up by the onward, upward, sweeping demands and necessities of the times. Please do not tire nor relax your able efforts until your bill has triumphantly passed both Houses of Congress and become a law.

Yours, truly,

S. S. SATCHWELL, M. D.

Hon. H. W. BLAIR,
United States Senate.

NEWBERRY, S. C., *February* 17, 1886.

DEAR SIR: I would be under great obligation to you for a copy of your educational bill, together with a copy of your address in explanation of it. I am a warm advocate of the measure—have defended it in the press in the past and wish to do so again. I therefore desire to have the bill before me. I am quite disgusted at so much opposition to it on the part of Southern Congressmen, and can not but suspect that a very considerable part of this is from opposition to the education of the colored people at all. The deplorable state of ignorance prevailing in a large part of the South, among whites as well as negroes, can hardly be exaggerated, Senator MORGAN to the contrary notwithstanding. Our only hope for improvement depends on the public schools; but these, to a very large extent, are extremely inefficient, with little hope of improvement for want of means. Your bill offers us a partial remedy, at least, and I trust the prospect of its passage is good.

Very respectfully,

B. O. DUNCAN.

Hon. HENRY W. BLAIR,
United States Senate, Washington.

GREENSBOROUGH, ALA., *February* 10, 1886.

Hon. HENRY W. BLAIR,
Washington, D. C.:

DEAR SIR: With the hope that you will treat this letter in the same spirit with which it is written, the writer in his most humble condition in life presumes to drop you a few lines, as he thinks, of encouragement.

In the black belt of Alabama, far from you, the cries and prayers of a few, yes few, made few by the vast clouds of ignorance, are ascending to high Heaven asking the one Father, the one God, to assist you in your noble work.

I thank God that you have the assistance of one of the noblest sons of Alabama, Hon. JAMES L. PUGH. If he continues to assist in this noble work he will receive the plaudits of the best people of Alabama.

There is too much ignorance in this land, Constitution or no Constitution; this cloud which is threatening our institutions must be swept away.

Senator, stop for a moment. Look at the black belt of Alabama. Ignorant and poor American citizens possessed with that they can not use—the ballot. If they could, I fear the safety of the country, and yet I am colored. What must be done? We must be educated! Who is to do it? We are not able. The resources of the State are not sufficient. Private contributions will not suffice. The General Government must, as in duty bound it ought to, educate us. We need it and we look only to such public spirited men as you to get it for us. We have no tribute to lay at your feet; we only ask God to bless you.

Right in this town we are in need of a new school-house, and we have not the money to build it. Our school is only seven months, and that, too, with an insufficient number of teachers. Need any one any more proof? If so, let them come into this country, see for themselves, then your labor will be light.

I pray for your success.

Yours, respectfully.

I withhold the name at the request of the writer.

[Editorial from the Birmingham Age, Birmingham, Ala., Saturday, February 13, 1886.]

SENATOR MORGAN ON EDUCATION.

Whatever may be said of Senator MORGAN and his views on the Blair education bill, it must be admitted his speech on Thursday against the bill was an able presentation of his side of the question.

The distinguished Senator does not antagonize the bill this time altogether on the ground of its unconstitutionality, but he lays down the broad principle that the Government has no right to tax one man to educate the children of another man; not only this, but the Senator intimated that the best people in the United States were uneducated backwoodsmen. He did not say it in so many words, but we are bound to infer from the press reports of his speech that the Senator doubts the wisdom of educating the masses of the people.

If this is the Senator's position, and the Age trusts it has not misinterpreted him as much as it regrets his position, he may at least have the consolation of knowing that he is in such good company as the philosopher, Herbert Spencer, and the economist, Bastiat—a school of thinkers who limit government strictly to the administration of justice. But the Senator is not only antagonizing the accepted policy of the American people as declared in their State constitutions and statute-books, but in opposing this bill he is also antagonizing the will of the great majority of the people of his own State and that of the people of the United States. Popular education may be wrong; the best and happiest people may be those who live in the backwoods; but the great body of the American people think otherwise, and they will not tolerate such views. It is too late to attempt to undo what has already been done by the National Government and the State governments for the cause of popular education, and all talk in this direction is a mere idle waste of time and talent.

The Senator's chief ground of objection to the Blair bill is, as he conceives it, its unconstitutionality. We would like to know of the distinguished Senator upon what ground he can justify the giving away of 78,659,439 acres of the public lands by the Federal Government for educational purposes, and wherein consists the difference in giving money and giving lands which are to be converted into money. We would also like to know by what constitutional authority the United States made an appropriation for the building of the West Point and Annapolis Academies, and annually appropriates money for their support. We know the Senator makes a broad distinction between moneys derived from taxation and moneys derived from the sales of public lands, but no special fund from the sales of lands is set aside for the support of these institutions. The money is appropriated from the general funds derived from taxation, if we are not greatly mistaken. If it is constitutional to appropriate money for the education of soldiers and sailors why is it not also constitutional to appropriate money to educate citizens, voters?

And what about the surplus the Federal Government in 1836 divided out among the States, most of which as in Alabama has been devoted to school purposes? If Senator MORGAN is right the State had no authority to use this fund for educational purposes.

But why argue the question with the distinguished Senator when he strikes at the very foundation of the common-school system of the country. If he does not believe the Federal Government has the right to appropriate money derived from taxation to school purposes, for precisely the same reason he denies the right of the State to do the same thing. The Senator does not believe it right to vote away the money of one man to educate the child of another man. By parity of reasoning the Senator must also say he does not believe the country has the right to take the taxes of the citizen living in its northern end to help build a bridge for the citizen living in its southern end, a part of the country which the north countryman never travels and never expects to; and that the Federal Government has no right to take the taxes paid by the citizens of California to help improve the Tennessee River, a river which thousands of them never will see nor derive any direct benefit from.

Senator MORGAN is perfectly sincere in his views on public education, but he is a century and a half behind the age in which he lives.

[From the Philadelphia American, February 20, 1886.]

WEEKLY NOTES.

A Friend (in the double sense in which the word is commonly used in Philadelphia) has shown us a private letter from a young Southern girl who was recently here to educate herself for a teacher, and who is now in charge of a school in one of the States south of Virginia. In the course of it she says:

"I am teaching a public school of seventy scholars. Fifty are now coming; the others will come perhaps. Our public schools are so sorry! We can have no money to pay an assistant. The free school is cut down to two months. It does such little good that we are discouraged to see no other school but it. We have a right good school-house for this part of the country. Three Friends have worked till the house is ready to teach in, but they can not pay a teacher by themselves. There are one hundred children that might be in school, but not half of them can pay. Some of the parents are widow women, and have nothing to buy books. Does thee know of any fund or individual who might aid us to get books, or to pay for those who can't pay their tuition. It's a good neighborhood, but people do not lay by anything for school purposes because they know not the good of education * * * The colored people don't run their school in winter, as they can't get clothes to wear."

* * * * * * *

This simple picture, drawn without art, and not intended for any but private reading, is, it must be confessed, very sorry. The locality she describes is an upland county, and the conditions of life there are not so prosperous that much could be spared for education; but yet it is evident that better work than this will have to be done if the new South is to rescued from the grasp of illiteracy, and the conviction must be newly enforced that there must be aid from the national hand. Perhaps there never was in all history a more absurd and unreasonable situation than this in the United States in reference to Southern education. It reminds one as nearly as possible of the Spanish king, who roasted before his own palace fire, because, though plenty of grandees were standing about his chair, the one designated by the court etiquette to withdraw him was unfortunately absent. Here is the great need of school work; here is the weakness of the local and State funds; and here, too, is the abundant strength of the national Treasury. Yet it seems to be the idea of some people that the court etiquette forbids the nation to help the States, even under such circumstances!

* * * * * * *

AMITE CITY, LA., *February* 12, 1886.

DEAR SIR: * * * Born and reared in Virginia, having spent near a half century in Mississippi and Louisiana, and been a participant in many of the important events of the past, I can fully understand and comprehend the importance of your "educational bill," and without any stretch of fancy can see the social and political advantages that would flow from its adoption. Let the Government extend its fostering hand to raise the people from an ignorant to an intelligent existence, and not only will the happiness of the people be assured, but the bands that unite the different sections will be strengthened and the prosperity and advancement of the nation be placed upon a sure foundation.

* * * * * * *

Yours, most respectfully,

WM. H. GARLAND.

Hon. HENRY W. BLAIR,
United States Senate, Washington.

[Extracts from an address delivered by Col. William H. Garland before the Educational Society of Tangipahoa Parish, Louisiana, on January 30, 1886.]

The number of voters in this judicial district, and the number that can not write, arranged by parishes and color.

Parishes.	White.	Colored.	Total.	White.		Colored.		Total.	
				Write.	Make mark.	Write.	Make mark.	Write.	Make mark.
Washington	638	253	891	446	192	38	215	484	407
Saint Tammany	815	558	1,373	613	202	138	420	751	623
Livingston	860	187	1,047	671	189	19	168	690	357
Tangipahoa	1,291	784	2,075	1,094	197	80	704	1,174	901
Total	3,604	1,780	5,386	2,824	780	275	1,487	3,099	2,287

By these figures the grave and important fact is set forth that, of the male population of the State over twenty-one years of age, 49.7 per cent., or nearly one-half, can not write, and that in this judicial district 43 per cent. of the voters can not write. In contemplating these facts the mind shudders at the danger that surrounds us; for history shows that ignorance and vice are twin sisters. In England, in 1872, out of 147,073 commitments for crime, 49,345 could neither read nor write, 92,123 could read and write imperfectly, 4,892 could read and write well, and but 223 had received a good education. The statistics of the city of New York show that nearly one-half of the expenses of the city are incurred on account of crime. In New Orleans, in 1885, there were 17,435 arrests made by the police; of these there were 11,161 who could read and write, and 6,274, or over one-third who could not read or write, and the statistics of every country show similar facts.

With the knowledge gathered from the experience of the past, that in every age and clime the vicious and unprincipled man is ever playing upon the passions and credulity of the ignorant, it becomes the duty of every one who loves his country, who desires the improvement of his race, and seeks his own safety and happiness, to put forth his whole energy to fit the people for an intelligent performance of their duty. The verdict of the civilized world is that this can best be done by a wise and judicious system of public education. Pressed down by the results of the late war, the Southern people have not been able to carry out the necessary measures for the education of the people which their judgment and feelings prompted; but with returning prosperity the necessity of educating the masses is pressing itself on the public attention, and this society is organized to aid in building up a public sentiment that shall demand of every legislative body that it shall lend its aid in breaking the chains of ignorance and fitting every man for an intelligent discharge of his whole duty.

The day has passed when men can fold their arms and stand idly by, the time has come when each one must mingle his voice with his fellow-man's, to demand that every legislative body must do its whole duty. That the police juries should be reminded that they are the local legislatures of the parishes, that their duties are not bounded to the preservation of roads and bridges, and the payment of jurors and the feeding of prisoners; that a broader, a higher duty is theirs; that the improvement and happiness of the rising generation is theirs; that the high road to knowledge and virtue should be opened to every child. Oh! how sad grows the heart when it reflects that in the past year, in this parish, $1,900 was levied to pay the expenses of juries and $873.45 was paid for feeding prisoners, while but $500 was appropriated towards educating over three thousand children of the parish, and that, for the present year, as yet no appropriation has been made.

The neglect to meet the duty to the children of the parish is not so much the fault of the police jury as it is of the people themselves. A cry should go up from every fireside in the parish, and demand of the police jury, the local legislature of the parish, an appropriation that would aid in building up an efficient system of public education. Let this public sentiment gather strength from day to day, until it knocks at your State and national legislative halls, and demands from them that which every child in the land has a right to—an education that will fit him for an intelligent discharge of his duties to his fellow-man, his country, and his God.

Will you enlist in a cause so glorious? Will you gather around your country's altar, and give a portion of your time to rousing the public mind to the necessity of energetic action in so important a work? I plead with you, not for myself, for ere the seed of the "Blair bill" shall have bloomed and blossomed the tongue that now seeks to rouse you to action will be still and silent, but I plead with you for my country and for my country's children.

It is equally for the rich man's child as for the poor man's child that I invoke your aid. Build up your public schools and thus break down the prejudice of the rich and elevate the thoughts and aspirations of the poor. Hold high the torch that lights the way to knowledge and to virtue; drive back ignorance and vice to the dark caverns, and let them no longer hold the hearts and minds of the people in chains and bondage. Man's destiny is the skies; a golden chain links his soul with a high and noble destiny, but to keep that chain bright and strong it is necessary that all the faculties with which God has endowed him should be fully developed. Let his animal passions run wild and unrestrained, first one vice will attach itself to this golden chain, then another and then another until their accumulated weight snaps the chain and the soul sinks, sinks in the dark pit of endless misery! Then when the wailing cry of anguish shall come up from that dark pit, with what trembling anxiety will your hearts inquire, "The wailing of whose child is that?"

"Why thus sinks his soul in wretchedness and misery?" Then to your stricken heart will come the answer. It is because the light of knowledge has never wakened his mind to thought and action; it is because the yearnings of his soul were never pointed to the life beyond the skies. When this fleeting life shall have ended, and the spirit walks the court of heaven, and the book of life is opened, and Almighty God shall demand of you, "where are the jewels I gave you in trust" oh, may you not have to answer "they are broken to pieces, they are trampled in dust."

Rouse then yourselves to your duty, and lend your aid to build up a temple whose spires shall catch the first light of the morning, and around whose dome the glory of the setting sun shall linger as the light-house fire, to point you and your children to the path that leads to a higher a brighter existence.

The honorable Senator from Alabama, who seems to think that it is indispensable that he should kick at me every time he gets upon his feet, has received a good deal of attention from his Southern friends since he made his famous constitutional argument that common schools are a damage to the country and therefore it is unconstitutional to support them, and I should be willing to read a little while, weary as I am, and still more weary as I know the Senate is. I suppose all that sort of matter, however, is too much of a personal nature, and a man ought to get above it and stay above it, and I will dismiss it. If the bill can not pass without being settled on questions of that kind, let the bill go.

I wish to say a word to the senior Senator from Kansas [Mr. INGALLS] who denounced this bill with a luxuriance and vehemence of rhetoric worthy of himself. That is all I can say in regard to that. I would remind him, however, of the bill that he has introduced at this very session in favor of a national university, which has incorporated in it a great many ideas that it would be well I think to extend to the maintenance of the common schools of the country. Every State is to be represented in that national university, and it is a good thing. The bill has gone to a subcommittee of the Committee on Education and Labor, every member of which is the peer of the Senator himself, and I hope they will very soon report it to the Senate favorably. I indorse the whole of it in its principles and much of it in its details, and I hope the bill will pass. I commend to him, however, the question whether it is not just as well on the whole to be willing to take care of the masses of society as to establish, at the vast expense which he proposes, a national university.

We have given already 80,000,000 acres of public lands to schools, agricultural colleges, and seminaries. The proceeds of those lands have gone. Of the public lands which we have given, that is the sixteenth and thirty-sixth sections, vast masses still remain, wisely held as they are by States for that accretion of value which comes from surrounding improvements, so that the school funds of some of the Western States where they have wisely reserved their lands from sale seem likely to be, I might say enormous in the future from the subsequent sales of those public lands. Nobody is sorry for that. I am only sorry that New Hampshire has not had her share of it, but she is glad that those who have it may keep it.

We have given 5 per cent. of the cash sales of the public lands, and that amounts now to about $9,000,000. We gave, under the act of 1836, as has been often stated, $28,000,000 for the same purpose. By a subsequent distribution in 1841 we gave almost $700,000 more. By the distribution of the $28,000,000 we gave per capita to the people of the country at that time almost $2, while the amount which we propose to give by this bill will be less than 12 cents per capita the first year. As the aggregate for eight years, considering the increase of population to come during that period, it will be not over $1.20, or an average of 15 cents yearly per capita. That is the extent of the proposed contribution under the provisions of this bill.

As I said earlier, private charity has given to the South already $25,000,000, as religious organizations compute the amount. The Peabody fund is $3,000,000, I think. I will ask the Senator from New York [Mr. EVARTS] if that is the amount.

Mr. EVARTS. It is $2,000,000.

Mr. BLAIR. Two million dollars, the interest of which is given annually?

Mr. EVARTS. Yes, sir.

Mr. BLAIR. The Slater fund is $1,000,000, the interest of which is given annually in the South. There is at least one man, recently deceased, whose private fortune would triple the whole sum which we propose to give in the course of eight years for the extinction of this terrific evil. I do not make any allusions to the munificence of gentlemen who are upon this floor, but in view of what private individuals can do and have done who should have no more vivid sense of the necessities of the hour than the rest of us possess, we, the enlightened legislators of the country, to whose care the interests of the country are confided, it does seem to me under these circumstances, ought to be willing to give this real pittance, for it is but a pittance after all, to the extinction of this great wrong and source of danger to our institutions.

I have here the voice of New England, or at least of Boston, our metropolitan city, upon this subject, being short articles from the Journal and the Traveller, which I shall take the liberty of incorporating with my remarks, if there be no objection:

[Editorial from the Boston Journal, February 18, 1886.]

NATIONAL AID TO EDUCATION.

It seems to us that the objection made in some quarters to the Blair education bill—that it puts a premium upon State inefficiency and negligence by basing the allotment upon illiteracy—is not a candid one. It is said that to give the larger part of the appropriation to States where the common schools are so inadequate that illiteracy abounds is to insure the continuance of State inefficiency, and that, in order to get a larger slice of the fund, the people of certain States will diminish rather than increase their own educational endeavors. We do not apprehend any danger of this sort. We have not so poor an opinion of any State in this Union as to believe that its people would deliberately cultivate illiteracy and diminish educational influences in order that a few thousand dollars more might be drawn from the national Treasury.

Moreover, these objectors apparently overlook that clause of the bill which provides that States whose appropriations for educational purposes do not reach a certain ratio of the aid to be extended from the national Treasury are to be cut off altogether from the benefits of the appropriation, as is the case also with any State which may misapply any portion of the fund.

The true way of stating the case is that illiteracy is a disease, the continuance of which menaces the well-being of the whole body-politic. National aid is the proposed remedy. If there is any better or more natural course than to apportion the remedy in ratio to the extent of the disease, we do not know what it is. The object being to rid the country of illiteracy, the rational course would seem to be to put forth the greatest exertions wherever illiteracy is greatest. It is not the States where illiteracy is small and the public school system most developed which stand in need of aid, but the States which, with more or less of well-meant endeavor, and as we believe with an increasing earnestness of purpose, are contending with long arrears of ignorance. Their task is too great for them, unassisted.

As the security of all our institutions depends ultimately upon an intelligent ballot, it is not only, in our judgment, proper that the nation should aid the States in reducing this mass of illiteracy, but it is an urgent and pressing necessity that it should do so. This is not to say that the Blair bill is an ideal measure, or that it is free from all objections, but that national aid in some form is needed, and needed at once, and that when bestowed it must be in ratio to the evil to be reached.

[Editorial from the Boston Traveller, February 18, 1886.]

THE EVIL OF ILLITERACY.

The Southern Senators who follow the lead of Senator MORGAN, of Alabama, in opposing the educational bill now before the Senate would probably not regard that measure so unconstitutional were the moneys appropriated by the bill to be expended by the local authorities of the States receiving them without restriction as to their methods of such expenditure. Beyond question the South is making great progress in the cause of education. The State and school officers, almost without an exception, state that they can do no more at present. They admit their increasing prosperity; they point, as they may well do, to the rapid increase in their school funds, amounting, as the tables show, to something over $2,000,000 since 1882; but over against these facts they call to mind the continued depression of all valuations in their midst, the long prostration of business, their want of school accommodations

and of trained teachers, and, above all, the burden of illiteracy, which rests upon them, and they declare that this illiteracy can not be overcome by means of the State and local funds as rapidly as the interests of the particular States involved and of the entire nation demand.

The figures here given speak eloquently of the needs of the South, and of what must be done if the nation is to overcome one of the most deadly foes of the national life in the form of Southern illiteracy. It is hardly possible to prevent the suspicion that it is not so much a scrupulous regard for the Constitution that lies at the root of Southern opposition to national appropriation for education as it is the desire which exists in some quarters to keep the masses of the Southern people illiterate, that their votes may be the better controlled by the few. The illiterate black voter of the South has the ballot but in name. Its power is exercised by the educated white, and it has come to pass that one white Southern vote is equal to two Northern ones.

That there should be some Southern whites greedy of power who prefer that blacks should be kept illiterate is not strange, and this class is evidently represented in the United States Senate. The duty of the nation, however, is clear. Illiteracy, wherever found, is a menace to the national life, and it is simply proposed to attack and overcome this evil. The Blair bill meets with some opposition in the North as well as South, but the opponents are short-sighted, even when basing their opposition on economical grounds. True economy demands the building of the school-house and the establishment of the school, since on these the safety and perpetuity of our institutions depend.

I wish to state the actual taxation of all the States by groups of the Union, and I ask attention to these figures because they are from the census, and they contradict the assertions which have been made in this Chamber: New England, $1.58 out of every $100 of valuation; the Middle States, $1.82; the Southern States, $1.58; the Western States, $2.08 on every $100, and the Territories, $2.06 on the $100. I have explained already the reasons why for the South $1.58 on the $100 is vastly more than the same taxation in New England upon $100. We of New England can better bear the taxation of $5 per $100 than the South as a whole can bear the taxation of $1.58 on the $100 of valuation. I take another list of figures, the money raised by actual taxation of these several groups which make up the country. The following percentages are applied to the uses of schools: In the New England States of the whole amount raised by taxation 20.2 per cent. goes to the schools, or about one-fifth; in the Middle States 19½ per cent. goes to the schools; in the Southern States 20.1 goes to schools; in the Western States 26.6 goes to schools, and in the Territories 22.1 goes to schools.

I have here, and I will give to the Senate, a short calculation bearing upon the relative burdens by the cities. The Southern taxation comes from poor men and from homesteads, as there is so little floating money there and taxes are exceedingly hard to pay. Table 19 of the tables which were printed in the commencement of this discussion, shows in the calculation of cities the following: New York city, taxation $2.58 on the $100; New Orleans, $2.64 on the $100; Philadelphia, $2.05 on the $100; Nashville, $3 on the $100; Boston, $1.24 on the $100; Memphis, $1.79 on the $100; Cincinnati, $2.91 on the $100; Charleston, $3.10 on the $100; Little Rock, $3.85 on the $100, while Savannah pays $2.93 on the $100. From this table Southern taxation in the cities would seem to be higher than that in the Northern States.

The only Southern States that have increased in valuation since 1870, as shown by the census of 1880, are North Carolina, Texas, and Georgia. In North Carolina there has been an increase of $25,000,000 valuation, in Texas of $170,000,000, in Georgia of $12,000,000, making an aggregate increase in those three States of $207,000,000, while the loss in the other ten Southern States is $411,475,090. This, remember, is after the slaves had disappeared as an element of valuation in both cases, they having been liberated before the census of 1870. Take now the valuation per capita of the different groups of our country. In New England the valuation is $661 to each individual; in the Western States it is $334; in the Middle States $473; in the Territories $211, while in the Southern States it is $155.

We all understand how taxation oppresses a poor people. As I said earlier, the colored population does not average over $5 per capita of valuation, although their increase during the last decade in population is 35 per cent., some 7 or 8 per cent. more rapid than the increase of the white population in the same locality. The net loss, taking the whole of the Southern States together, in valuation during ten years is $202,868,844, while the increase in population was 4,006,982, or a net loss of 8 per cent. of valuation and an increase of 30 per cent. of population.

What I said before I find many Senators have not read, and I would have done better to have made my speech and taken two days to make it instead of allowing so much of it to be printed in hope of saving time. In that speech I have shown that at present only about one-third of the Southern school children are in school, while two-thirds of the Northern children are enrolled. The average number in attendance in both cases is much less than the number enrolled. If in the Southern States school privileges are provided to the same extent that we have them in the Northern States after having provided the plant, the school-house, and the educated teacher, it would require of this, if I recollect aright, an expenditure of over $30,000,000, after having supplied, as I say, the plant, the mills wherein to grind out education as we have done in the North. Then there should be annually expended in the South over $34,000,000 at the same ratio of expenditure which we have at the North. Their actual expenditure is only some $16,000,000 for the purpose of construction of school-houses, wages of teachers, and everything else.

Mr. President, the subject is of course interminable, and I have no right to trespass longer upon the attention of the Senate, but in conclusion I wish to say just a few words.

The bill represents the result of the effort, concession, and matured judgment of those who, with differences of opinion as to the details of it, have felt forced to agree upon some remedy for the emergency now threatening the general welfare. The bill may not be the best that inspiration would produce, but it represents the best that the Senate, a continuing body, has been able to agree upon after deep consideration in the last Congress, by a mutual compromise of conflicting views extending now from the close of the war to the present time.

Probably no great measure applicable like this to a situation so complex that all efforts at legislation would fail if at the same time that situation was not so terrible to the patriotic mind, was ever satisfactory in all its details to all its supporters; but in this case I think the Senate will have cause for congratulation that its deliberations have produced a measure which, while reasonably adequate in the remedy proposed for the evil, is not lavish, and at the same time the period over which the expenditure is to be extended is such that its operation can be arrested before great loss to the public Treasury, provided the results of the small annual expenditure should not be satisfactory.

It is a measure, sir, which, while liberal to sections, is yet as necessary to the good of the whole as for those localities where the evil is specially destructive. The national life-blood circulates in all parts of the body politic, and it matters not where the tooth of poison penetrates to its vital flow.

The nation has but one heart as it has but one destiny, and he is no American whose sympathy is bounded by the lines of his State or whose prejudices would forever dwell upon the calamities and wrongs of the past. It was Cain who denied that he was his brother's keeper, and that was six thousand years ago.

If we must refer to the past let us recall more glorious memories, and the tender associations of other days when the North and the South stood shoulder to shoulder against the mightiest earthly forces in defense of the principles of human liberty and established this great nation upon the eternal foundations of intelligence, justice, and law.

Whatever may have occurred since those earlier days to excite sectional animosity, the fact of our unity and of our common destiny is now as fixed as fate, and our future as a nation will be what we make it as a nation. What shall become of the colored race in our country is a great question. What shall become of the white race in our country is a greater question. What shall become of both races in their mutual relations is the greatest question of all. No one can answer either of the first two until he can answer the last; and neither of those questions can be answered save in recognition of the divine truth that "God hath made of one blood all the nations of the earth." There may be a happy and prosperous future for our children and for their descendants generation after generation. If so, intelligence and virtue must be universally diffused by the ministrations of religion and the sweet influences of the common school. Fifteen hundred millions of men are watching our example and their destiny waits on ours.

Mr. GEORGE. Mr. President, so much has been said upon the measure now before the Senate, it has been so thoroughly discussed both in its constitutional aspects and in its relations to the people of the section from which I come, that I feel some hesitation now in addressing the Senate upon the subject.

The people of Mississippi, however, are interested in this measure. The house of representatives of that State, now in session, has sent a request to my colleague and myself to support the pending bill. Some things have been said during the discussion, and especially on this side of the Chamber, by those with whom I am accustomed to act and with whose views on constitutional law I am generally in accord, which seem to demand from me at least an explanation of the reasons which control me in supporting this measure.

And in the outset, Mr. President, I desire to submit that I do not appear, nor does the State of Mississippi through her Senators here appear, as a suppliant for the passage of this measure. On the contrary, the State of Mississippi and her representatives here have all along been accustomed to regard this measure and similar ones which have been offered in this body as an offering on the part of the North.

Mr. HOAR. Mr. President——

The PRESIDING OFFICER. Does the Senator from Mississippi yield?

Mr. GEORGE. Yes, sir.

Mr. HOAR. I desire at some time in this debate to put on record a very brief message of General Grant, dated the 30th of March, 1870, at the time when this movement for a grant of this kind began, communicating to Congress the adoption of the fifteenth amendment. I think it very likely that my honorable friend from Mississippi would like to have that read as a part of his argument on the very point he is making.

Mr. GEORGE. I should be very glad to have it read.

Mr. HOAR. If it is agreeable to him I will send it to the desk to be read now.

Mr. GEORGE. I shall be very glad to have it read.

Mr. HOAR. It is not necessary to read the Secretary of State's communication, but only President Grant's.

The Chief Clerk read as follows:

To the Senate and House of Representatives:

It is unusual to notify the two Houses of Congress, by message, of the promulgation, by proclamation of the Secretary of State, of the ratification of a constitutional amendment. In view, however, of the vast importance of the fifteenth amendment to the Constitution, this day declared a part of that revered instrument, I deem a departure from the usual custom justifiable. A measure which makes at once four millions of people voters, who were heretofore declared by the highest tribunal in the land not citizens of the United States, nor eligible to become so (with the assertion that, "at the time of the Declaration of Independence, the opinion was fixed and universal in the civilized portion of the white race, regarded as an axiom in morals as well as in politics, that black men had no rights which the white man was bound to respect"), is indeed a measure of grander importance than any other one act of the kind from the foundation of our free Government to the present day.

Institutions like ours, in which all power is derived directly from the people, must depend mainly upon their intelligence, patriotism, and industry. I call the attention, therefore, of the newly-enfranchised race to the importance of their striving in every honorable manner to make themselves worthy of their new privilege. To the race more favored heretofore by our laws I would say, withhold no legal privilege of advancement to the new citizen. The framers of our Constitution firmly believed that a republican government could not endure without intelligence and education generally diffused among the people. The "Father of his Country," in his Farewell Address, uses this language: "Promote, then, as a matter of primary importance, institutions for the general diffusion of knowledge. In proportion as the structure of the Government gives force to public opinion, it is essential that public opinion should be enlightened." In his first annual message to Congress the same views are forcibly presented, and are again urged in his eighth message.

I repeat that the adoption of the fifteenth amendment to the Constitution completes the greatest civil change, and constitutes the most important event, that has occurred since the nation came into life. The change will be beneficial in proportion to the heed that is given to the urgent recommendations of Washington. If these recommendations were important then, with a population of but a few millions, how much more important now, with a population of 40,000,000, and increasing in a rapid ratio.

I would therefore call upon Congress to take all the means within their constitutional powers to promote and encourage popular education throughout the country; and upon the people everywhere to see to it that all who possess and exercise political rights shall have the opportunity to acquire the knowledge which will make their share in the Government a blessing and not a danger. By such means only can the benefits contemplated by this amendment to the Constitution be secured.

U. S. GRANT.

EXECUTIVE MANSION, *March* 30, 1870.

Mr. HOAR. I simply desire to add that that message was followed by President Grant in his general message in December, 1872, just after his re-election, by an urgent recommendation of a liberal grant from the public Treasury for the common schools throughout the country.

Mr. GEORGE. Mr. President, I am very much obliged to the Senator from Massachusetts for making this contribution to the discussion of this question.

I was going on to say when interrupted that the State of Mississippi and her Senators are not here as suppliants for the national bounty, that we have all along regarded this measure and similar ones which have passed this body as generous offerings on the part of the Northern States to aid the Southern States in removing that very great danger which exists there now arising from the illiteracy of a portion of their people.

I find myself placed by this offer, the white people of Mississippi also find themselves placed in this condition: We have in that State a majority of about 180,000 colored people. Here is an offer made, as we understand it, by the generous people of the North to aid us in educating them. Are we to reject it? Confessedly we are unable to educate them as we ought. Then the question presents itself to us, my colleague and myself and others representing States in a similar position, are we to reject this offer? It is in that attitude alone that I will consider the question.

The views and the wishes of the people of Mississippi of all classes and of all colors have been very distinctly made known on this subject. I know of a few, and a few only, who reject this offer. I do not know of a single colored man in the State of Mississippi who does not ardently wish that this measure should pass.

When such a measure is proposed, I am bound to consider what might be the peculiar views and wishes of the colored people of the South upon the question. I represent on this floor, as I have stated, a majority of colored people. It is as much my duty to represent their interests, to promote their welfare, to advance them so far as constitutional power is vested in me to advance them, as it is to advance the interests and the welfare of the white people.

Now, sir, as I have just said, there is not, as I believe, a colored man in the State of Mississippi who is not ardently in favor of this bill; and if I should undertake to present some of the arguments which a colored man in the State of Mississippi would present in favor of the passage of this bill I would suppose that he would say something like this: That when the war ended he found himself enfranchised, made a citizen of the United States, clothed with the rights, responsibilities, and duties of citizenship; he was made a voter; he was made a part of the governmental machinery not only of the State of Mississippi but of the country at large. When these came to him he found himself utterly incapable of discharging these duties and these responsibilities. He would point to the long history of himself and his race in this country as a slave. He would say during all that time no man of my race, no man of my color, was allowed to read or write; that in all the States in which we have lived it was a part of the institution of slavery, recognized so by everybody, that the slave should not be educated. He would plead this as an excuse for his ignorance and an excuse for his incapacity to discharge the great duties and the high responsibilities which had been placed upon him by the act of the Federal Government.

Then, sir, he might truthfully say this: When the time came when he was first called upon to vote in the State of Mississippi he voted under a law which proscribed many of the most intelligent white people of that State. "In my ignorance I was warned by a law of Congress proscribing those who were disfranchised by the reconstruction laws not to consult them, and as they had opposed my enfranchisement I did not feel disposed to consult them." That being thus situated, being thus suddenly called upon to discharge the high duties of citizenship, ignorant of the constitution of the State, ignorant of the Constitution of the United States, ignorant of all statecraft, he was obliged to resort to what help he could find; he was obliged to rely upon somebody. "I found in the State of Mississippi at that time men who were strangers, men who came from that section of the country which gave me freedom. Ignorant myself, weak myself, unable to comprehend the great problems which were submitted to me for solution, I applied to them. I gave them my unreserved support. I concurred in electing to the Legislature of Mississippi and to the constitutional convention of Mississippi men who framed the constitution and who framed laws about which I knew nothing." He would then point to the history of the legislation of that State during that period and show that the taxes of that State had been raised in the course of four or five years more than 1,400 per cent.; that he was urged by his friends to go for high taxation; he was advised that if taxes were imposed upon land at a high rate the owners would be compelled to surrender it and that he would thus have an opportunity to get it. He would point to the fact, that within the short period of five years 6,500,000 acres of private property in land were sold for taxes to the State, because there were no private persons, white or colored, who were able to buy it for the taxes due on it.

He would point also to the further fact that taxes were levied for the purpose, as it was said, of educating the people of Mississippi; he would show that during that period the fund was so manipulated that only about 25 or 30 cents in the dollar actually collected from the taxpayer ever went for the purpose of education. He would point to the further fact that in his ignorance and weakness he was made a tool by which this onerous taxation should be so diverted to the advancement of private individuals, of adventurers, that more money was actually appropriated out of the treasury of Mississippi in a period of five years for the purpose of supporting a partisan newspaper than there was for the purpose of education. He would say also that when funds had been raised for education, instead of being carefully and economically disposed of, in many instances the fund was appropriated in buying at extravagant rates, in order to enrich officials and their friends, expensive furniture for school-houses and in paying large salaries to county superintendents and State superintendents. And after all this he would say "this was done because I did not know how to exercise the political power which was vested in me; I meant to do right; I knew no better; I was not trained in statecraft; but I was obliged in my ignorance to do what no voter ought ever to do, vote at the dictation of another. Circumstanced as I am and as my race is in Mississippi, the great need for me and for mine is that we may be enabled to discharge the trusts and the responsibilities of citizenship properly." That his material advancement, his capacity to make money, to deal with other men was not equal to his necessites in life; that he was incompetent to cope in his dealings with sharpers and dishonest men; and he would point to his present poverty, and want of property, and probably say that a great deal of this is attributable to that. And if the argument was stated to him that many years ago a large donation was made to the State of Mississippi for the purpose of education, that many thousand acres of land at one time, and the sixteenth section in each township at another time, and a university fund at another time, he would answer: "When these donations were made I was not a citizen, I was not a voter; if they were misappropriated and lost, I am not responsible for it;" and then, referring to the history to which I have just alluded, he would add that every educational fund which had been donated in recent times by Congress to the State of Mississippi had also been lost. There was the agricultural school fund, which came to the State of Mississippi during the unhappy era of reconstruction, amounting to about $200,000, every single dollar of which had been applied during that era to other purposes than education, and that taxation in Mississippi to-day, taken every year from the hard earnings of the people, is necessary to pay the interest on that fund. He could say the same thing as to taxation in reference to the Chickasaw school fund, which was lost during the war, and the same thing in reference to the university fund. "All of these grand donations," he would say, "have been nothing to us; they have been lost, and without our fault."

So, Mr. President, whatever may be said about donations of school funds to the State of Mississippi, it can not be charged to the colored man that they are lost. Nor do I think that the white people there can be charged with this loss, but I am speaking now simply from the colored man's standpoint.

If one of these colored men should hear that my colleague and myself were opposed to this bill, and he wanted to express his views in

reference to our action, he would probably say to us: "Why, I was born in Mississippi; I was reared in Mississippi with your people and with you. When the war came and all the able-bodied white men of Mississippi had left the State for the purpose of engaging in it, leaving here only the women and children, I and my race staid here, we cultivated the soil, we took care of your wives and children during that conflict, although we knew that our fate as free men or slaves depended upon the result. You represent us as well as you do the white people of Mississippi. Will you now resist this opportunity? Will you reject this offering?"

Mr. President, in face of an argument of that sort, an appeal of that sort, and other arguments relating to the interest of the white race, I confess that I am unable to vote against this bill if there be constitutional ground for it. Of course the most pressing necessity, the most exigent emergency, can never justify the exercise of a power by this body not granted to it by the Constitution; and, however much I might see the necessity of this measure, I should be compelled, as some of my brethren on this side of the Chamber feel compelled, to oppose it if I believed we did not have the constitutional power to pass it. I do not propose to go over that ground now; but the constitutional power of Congress to make this appropriation has been so vigorously assailed on this side of the Chamber that I feel that I am warranted, if not compelled, to make some answer.

In the first place, without going into the argument as to the true meaning of the Constitution as an original question, I propose to go into the history of this country, the constitutional history, for, after all, the Constitution is not the mere paper and ink with which it is written. It is not the mere dozen pages which you find in a book which makes what is the Constitution of the Union; its meaning is its life, and that meaning is to be ascertained by the constant practice of the Government under it. You can not make, no man can make, no nation can make, a written paper constitution otherwise than what the nation living under it habitually do under it, perform under it, and recognize as proper under it.

Commencing at the very earliest period of our history, we find appropriations made outside of the enumerated powers in the Constitution if we exclude the taxing power. I have a list of some to which I propose now to call attention.

In 1794, during the administration of George Washington, a bill was passed and received his signature appropriating $15,000 for the support of refugees from the Island of San Domingo. Mr. Madison was a member of Congress at the time. He opposed it upon the same ground that Senators oppose this bill, that it was not within the enumerated powers of the Constitution to make this appropriation, but Congress by a very decided majority passed the bill.

Mr. HARRIS. Would it disturb my friend from Mississippi for me to ask him a question in this connection?

Mr. GEORGE. Not at all.

Mr. HARRIS. I infer from the Senator's last remark that he proposes to refer to various acts of Congress as probably putting a construction upon the constitutional powers of Congress. The question I want to ask him is this: Would he as a judge sitting upon the bench look at the express literalism of a power of attorney from a principal to an agent to determine what the powers of the agent were, or would he look to the acts of the agent under the power of attorney?

Mr. GEORGE. If the principal for a long series of years upon a doubtful clause in the power knew that the agent had done thus and so, and acquiesced in and ratified the agent's action, I would look at that acquiescence and that ratification as a construction of the power of attorney, and that is undoubted law.

There is a series of acts to which I desire to call the attention of the Senate, in which appropriations made by Congress, commencing in the year 1801 and up to the present time, by which millions of dollars have been appropriated out of the Federal Treasury in aid of American seamen in foreign countries. Commencing under Jefferson in 1801, going through every President from that time down, these appropriations have been made of large amounts in aid of American seamen in foreign countries. Where is the power to do that under the construction placed upon the Constitution by my friend from Tennessee? Will he answer? I ask him now. I pause for a reply.

Mr. HARRIS. I am not responsible for it.

Mr. GEORGE. The Senator from Tennessee says he is not responsible for it. No, he is not if he disapproves it, but the fathers of the Republic and all the great statesmen from them down to the present day are responsible, and the American people are responsible for it because they acquiesced in it.

Mr. MORGAN. I submit to the Senator whether he could not find power to aid American seamen in foreign countries under the power to regulate commerce with foreign countries?

Mr. GEORGE. I answer that Congress has the same power to regulate commerce among the States as it has to regulate commerce with foreign nations. The two powers are conferred in exactly the same language and in the same clause of the Constitution. Does that give to Congress the power to take care of the agencies of commerce between the States? Can you take care of broken merchants, and of commercial travelers, and of the stage-drivers, and all that sort of thing because they happen to be engaged in commerce among the States? I think the Senator from Alabama will have to look to some other clause of the Constitution for that power.

In 1796, under the administration of George Washington, an act was passed by which $4,000 was donated out of the national Treasury to two American citizens who had paid that sum to ransom themselves from the Government of Algiers. Where is your power to make that appropriation under the construction placed upon the Constitution by the Senators on this side who oppose the bill?

Then in 1812, under James Madison, for whose memory and opinions the Senators who oppose this bill on this side of the Chamber have so much reverence, receiving his signature, an appropriation was made by which the President of the United States, James Madison himself, was directed to purchase provisions and in the name of the United States to give them to the Government of Venezuela to aid certain of its citizens who had suffered from an earthquake. Where is the power to make that grant under the construction placed upon the Constitution by the Senators who oppose this bill? Madison was President then, and he signed the bill. My friend from Tennessee [Mr. JACKSON] suggests that that comes from the earthquake power in the Constitution. [Laughter.] If we can take money out of the Treasury of the United States raised by taxation from the laborers of this country, as my friend from Alabama would say, and give it to people living in Venezuela, it does seem to me we might give a little of that money back to the very people who paid it.

Then in 1813 Mr. Madison signed another bill of the same character passed by Congress. If there is anything settled in the constitutional history of this country it is that the police powers of the State embrace everything connected with the sanitary condition of the people and their health; and yet Mr. Madison, to aid the States, not to usurp a power which had been reserved to them under the Constitution, signed a bill by which vaccine matter was to be distributed among the people. Where is your authority for that under your construction of the Constitution?

Then, sir, in 1847 ships of war were sent from the United States to convey provisions to the starving people of Ireland. Gentlemen may say, the Senator from Texas [Mr. COKE] may say, that was not money out of the Treasury, that was property, and Congress had authority to dispose of the property of the United States as it saw proper. But can two ships of war be run from the port of New York to the port of Dublin and return without money from the Treasury of the United States?

Then in 1867 public ships were used for the purpose of transporting provisions to the Southern people who had suffered from drought; and in 1871 we sent similar ships to carry provisions to the starving people of France and Germany.

And then, sir, to come down to our grand Centennial Exposition of 1876, millions of dollars were voted out of the Federal Treasury for that. Where is the power to do that under the specified, enumerated powers of the Constitution?

And then, later than that, only a year or two ago, over a million dollars was voted out of the Federal Treasury to aid in a similar exposition in the city of New Orleans. Where is your power to do that under the construction placed upon the Constitution by the gentlemen who oppose this bill? Has Congress the power to go into the show business and yet not power to aid in educating the people?

Then I was about to say, and I believe I will say it, that there is not a single session of Congress in which appropriations are not habitually made, without objection or question on the part of anybody, which can have no warrant except under that construction of the Constitution which the friends of this bill on this side of the Chamber give to it. Where is the authority for your Agricultural Department, by which over a half million dollars every year is taken out of the Federal Treasury? I should like the Senator from Alabama, who made an effort to answer me on one point just now, to answer me on that. Where is your power to establish the Agricultural Department, to pay these men for going out and getting up agricultural statistics and buying seeds and distributing them among the people of this country?

Mr. MORGAN. I might equally ask the Senator where he finds the power in the Constitution to establish the Department of the Interior. There is no such department mentioned there. I presume the Government has authority to provide the necessary agencies of government. I have never believed it was a constitutional appropriation to distribute seeds.

Mr. GEORGE. What do you think about buying silk-worm eggs?

Mr. MORGAN. I do not think that is, either.

Mr. GEORGE. I am very sorry to hear the Senator say so, because I remember not much more than a year ago the Senator and myself were engaged for a whole evening in trying to persuade this body to increase the appropriation for buying silk-worm eggs from $15,000 to $30,000.

Mr. MORGAN. I have been insisting on this bill also that if we intend to appropriate $77,000,000 for the education of the negroes we should educate those over twenty-one years of age. I am trying to get as good a bill as I can.

Mr. GEORGE. I will show before I get through that the Senator

has changed his mind about the twenty-one years of age. I got no answer from the Senator, nor will the country accept that as an answer, to the question which I put to him.

I will go a little further; and the Senator is at liberty at any time when I propound him questions, or any one else who occupies the opposite side of this argument, to answer. I should be glad to have light from the Senator and his friends, and the country would like to have light; the country would like to know whether or not our yearly, I might say almost daily, practice here is in violation of the Constitution or not.

There is the Geological Survey. Where is the power in the Constitution to expend money for that purpose?

Then the transit of Venus. I believe we sent ships and men to the other side of the world to observe the transit of Venus. I suppose the Senator from Alabama and the other Senators who oppose this bill will be able to find some power in the Constitution for that. Carrying out the suggestion of the Senator from Tennessee [Mr. JACKSON], made a little while ago, I suppose it will come from the celestial power of the Constitution.

Then we have sent out expeditions to explore the Amazon and all that magnificent country there, costing the Government thousands and thousands of dollars. What right under the construction of the Constitution to which these gentlemen allude and which they insist we are bound by had we to send those expeditions? What right did we have to send Captain Wilkes around the globe with his ships to examine all parts of it? What power under the Constitution, construed as claimed by them, would authorize it?

Mr. GRAY. Will the Senator yield to me a moment, if he does not object to an interruption?

Mr. GEORGE. Not at all.

Mr. GRAY. I ask if the power to send Commodore Wilkes around the world was not a necessary incident to the power to maintain a navy; and whether it is possible to maintain a navy without its being exercised and having duties prescribed for the fleets which compose it, as much so as a naval pageant is sometimes enacted off the coast?

Mr. GEORGE. What about the exploration of the Amazon? What has that to do with the Navy? Is it necessary to send vessels all around the globe for naval purposes? I should like to know what authority you have to send an expedition to the North Pole? We did not send our Navy there, and yet we paid out many thousands of dollars for expeditions of that sort.

Then, sir, we have surveyed the Nicaragua route for a canal and we have surveyed the Panama route, and all at the expense of the Federal Treasury—out of money raised by taxation. Where is your authority for that under the construction placed upon the Constitution by the Senators who oppose this bill?

Then what about the Indians? We are voting money to educate them at every session of Congress. Where is the authority under the Constitution to vote money to educate Indians which at the same time prohibits us from voting money to educate the white people and the colored people of this country? Has an Indian more interest in this country than the posterity of the framers of the Constitution, for whose benefit they declared it was made?

There is no power conferred by the Constitution with reference to Indians at all except to regulate commerce with them. Indians are only mentioned in the Constitution three times; once in the clause giving Congress power to regulate commerce with foreign nations and among the States and with the Indian tribes, and twice where it says that they shall not be counted, if they are not taxed, in making an apportionment of representation. Will the Senators who now sit silently by, if they do not expressly vote for all these sums to the Indians, say that the power comes from the commerce clause? If it does, then under the same clause we shall get the power to educate all the people of this country, because the Constitution says Congress shall have power to regulate commerce among the States and with the Indian tribes. If the latter part of that confers the power on Congress to educate the Indians, then the first part of it confers the power to educate the white and black people in the States.

Then here is this grand Congressional Library of ours, costing millions and millions of dollars. I should like to know under what clause of the Constitution we vote money to have this large library under the construction placed upon the Constitution by the Senator from Texas, the Senator from Tennessee, and the Senator from Alabama. Will the Senators say that the Congressional Library is necessary for the Senators and Representatives to enlighten them so that they may properly discharge their duties? Is that the argument the Senators will advance? If so, I should like to know the distinction between an appropriation to educate Senators and Representatives and an appropriation to educate their constituents. It seems to me the Constitution was not made alone for Senators and Representatives and for the other public officers about Washington, but for the people of the United States.

Mr. GRAY. I ask the Senator from Mississippi if his argument on the Congressional Library would go so far as to claim the right to establish a library in any other city dissociated entirely from the Congress of the United States?

Mr. GEORGE. Whenever a bill is brought before this body for the purpose of establishing a library in any other city I will answer that question. I am just now trying to find out from these gentlemen where they get the power to have it here except under the "general-welfare" clause of the taxing power.

Mr. MORGAN. The Senator charges on men of this generation all that has been done from the foundation of the Government and holds them responsible for it. Perhaps it would be more candid in him to say whether he favored all these measures or would have done it if he were then here. But in respect to the Library, has the Senator forgotten that Congress has the exclusive right to legislate for this District as the Legislature of Mississippi has the right to legislate for Mississippi; and will he deny that Mississippi or Alabama could furnish a library to the supreme court or a library to the Legislature or a library to a college in the State?

Mr. GEORGE. Now I should like the Senator from Alabama to answer this question, whether the 500,000 volumes in the Congressional Library are necessary for the use of the people of this District?

Mr. MORGAN. That is not a constitutional question. I supposed that the ex-chief-justice of the supreme court of Mississippi could certainly take a distinction between a question of policy and one of constitutional law. I had that opinion of him.

Mr. GEORGE. I am very sorry to lose the good opinion of the Senator from Alabama, but I think before I get through he will find out that I have not got as much respect for his constitutional opinions as he has for mine. [Laughter.]

Here is the extra pay we vote to the employés of the Senate every session, and the Senator from Alabama I noticed on one occasion was the author of the resolution for that purpose—a month's extra pay, a small matter it is true; but where did he get the power to do it? You do not owe them anything; they have served here for the pay fixed by law, and it is a mere gift.

Mr. MORGAN. Will the Senator allow me to answer that? We have the same right to vote them extra pay when the Senate is not in session as we have to vote to the Senator from Mississippi or myself a monthly salary when the Senate is not in session.

Mr. GEORGE. I do not doubt the right of the Senate to give us our salary. I am claiming that they have the right and I claim that we have the right to vote this extra pay, but I am asking the Senator from Alabama to show me the clause of the Constitution which authorizes this extra pay. That is the question before the Senate.

Mr. MORGAN. The clause is that which enables us to provide for the expenses of Congress.

Mr. GEORGE. Is that an expense of Congress—a donation made after Congress adjourns?

Mr. MORGAN. Just as much as it is to keep you on your pay during the vacation.

Mr. GEORGE. We have an annual salary, and the gentleman offered a resolution here to give the men who have an annual salary an extra month's pay.

Mr. MORGAN. Oh, no; that will not do.

Mr. GEORGE. I do not remember myself whether it applied to the annual salary men or to the monthly salary men; but what is the difference? The question is whether Congress has a right to make a donation, a benefaction, a gift. I say they have the right to do it, but I say you can not find it according to the theory of the Senator from Alabama and of the gentlemen who oppose this bill.

Mr. HARRIS. Does it come under the general-welfare clause?

Mr. GEORGE. Exactly.

Mr. HARRIS. So I supposed.

Mr. GEORGE. Where is the authority of Congress to vote the immense sums they vote for pensions—for pensions after the service was rendered?

Mr. MORGAN. You find that in the fifteenth amendment.

Mr. GEORGE. You will not find it in the fifteenth amendment.

Mr. MORGAN. In the fourteenth.

Mr. GEORGE. You will not find it in the fourteenth amendment.

Mr. MORGAN. Yes, you will.

Mr. GEORGE. Will the gentleman read from the fourteenth amendment the authority to pay pensions? I think there is something in the fourteenth amendment about recognizing pensions, pensions already granted, not pensions to be granted afterwards. There is no attempt in the fourteenth amendment to confer on Congress a power which it already possessed to grant pensions, a mere bounty of the Government, a gracious and beneficent bounty, a bounty in strict accord with the Constitution, a bounty for which I feel at liberty to vote whenever the proposition is made; but according to the theory upon which this bill is opposed, I should like to know where the authority is to grant pensions.

Mr. MORGAN. Section 4 of the fourteenth amendment of the Constitution says:

> The validity of the public debt of the United States, authorized by law, including debts incurred for payment of pensions and bounties for services in suppressing insurrection or rebellion, shall not be questioned.

Not even "questioned!"

Mr. GEORGE. "Debts," debts already created.

Mr. MORGAN. And pensions.

Mr. GEORGE. Debts created for pensions and bounties. It only refers to debts already created. It does not confer on Congress author-

ity to create any more debts or give any more pensions because Congress already had that power.

Mr. GRAY. I beg the Senator's pardon for interrupting him, but I understood that he asked a general question.

Mr. GEORGE. Of course, if I am wrong I can be corrected.

Mr. GRAY. I ask the Senator from Mississippi whether he can not find any constitutional warrant for granting pensions or for increasing pensions in the grant to Congress of the power to raise and support armies; and whether in that grant, which like all other grants of power carries with it in a very wide scope all that is incidental and necessary to perfectly execute and make efficient that power, the right to allow pensions is not as much a part of that power, as necessary an incident to it, as the right to pay the troops or provide for their maintenance and comfort?

Mr. GEORGE. The Senator is very correct if he would confine himself to pensions which were conferred by law as an inducement to enlist in the Army; but I should like to know what a pension granted on this day, the 24th of February, 1886, has to do with the supporting of an army raised in 1846 for the Mexican war or in 1861 for the civil war? Recollect now I am not denying the power of Congress to grant pensions; I think we have ample power, but we do not get it from the power to raise and support armies; we do not get it, I mean, in this respect long years after the armies have been raised and disbanded; we do not get it from that power then.

Where do you get the power to build the monument to Washington, that splendid shaft on the banks of the Potomac, except under the power to raise and appropriate money for the general welfare? There is no other power to pass the bill we passed yesterday to erect a monument to that great soldier and statesman General Grant. Certainly that was not necessary to raise and support an army. If it be necessary to raise and support armies to erect monuments after the armies have been disbanded for many years, then we are bound to build a monument to every citizen of the United States who ever served in the Army either in the civil war or in any other war. It comes from the power granted to raise money to provide for the general welfare; that is to show the people of this country that the nation honors and respects great and patriotic services; and that is all I claim.

It does seem to me when we compare these transactions of the Government with the theory of the Constitution advocated by the opponents of this bill that it is a great misfortune that the people of the United States are not either Indians, or inhabitants of the isles of the sea, or of some foreign country, or possibly of some celestial planet, so that they might derive some benefit from the taxes which they are compelled to pay.

Then come two or three of the greatest transactions in this country in which money was spent, and I should like to know where the power exists in the Federal Constitution, under the construction placed on it by the opponents of this bill, to make the purchase of Louisiana, the purchase of Alaska, the purchase of that magnificent domain which we acquired from Mexico, the purchase of Florida, the purchase under the Gadsden treaty of a still further strip of the Mexican territory.

Mr. MAXEY. Will the Senator yield to me?

Mr. GEORGE. I will; I should like to know where it comes from. Mr. Jefferson did not find it.

Mr. MAXEY. The Supreme Court of the United States did find it in American Insurance Company *vs.* Canter, reported in 3 Peters, decided at the January term, 1829. The Supreme Court declared that Congress has the undoubted right to acquire territory either under the war-making power or the treaty-making power. That decision was by Chief-Justice Marshall.

Mr. GEORGE. Where did they get the money to pay for it except under the general-welfare clause?

Mr. MAXEY. He puts it on the war-making power or the treaty-making power.

Mr. GEORGE. How could they get the money by taxation unless under the general-welfare clause?

Mr. GRAY. There was never any question or trouble about obtaining the money. The constitutional warrant is clear for obtaining money to execute any grant of express power or any implied power.

Mr. GEORGE. There was no grant of power to purchase Louisiana.

Mr. GRAY. But I understood the Senator from Texas to say that it had been decided by the Supreme Court of the United States that under the treaty-making power or the war-making power there was the right in Congress to acquire territory. If that right is established—and the decision of the Supreme Court establishes it—the appropriation necessarily follows.

Mr. GEORGE. I would like to know what right the treaty-making power has to acquire foreign territory except for the general welfare. What right have you to make war except for the general welfare? It all comes down to that at last. There is no express limit in the Constitution on the power to make war, whether war should be declared only for the general welfare or at the caprice of Congress. I argued, and I think successfully, during the last Congress in the debate on this bill, with the Senator from Texas that the words "general welfare" were to be considered as repeated under every specific grant of the Constitution, and that is what is meant.

Commencing from the earliest days of the Constitution, extending down to the very moment in which I am now speaking, we find an unbroken series of precedents in favor of the construction the friends of this bill place on the Constitution, having the sanction of the greatest names that ever adorned American history. Now, what is their value as a construction of the Constitution?

Mr. HAWLEY. The Senator has been so often interrupted that I wish he would allow me to make a little statement.

Mr. GEORGE. Certainly.

Mr. HAWLEY. I believe nobody denies that this is, as to all external powers, a nation. It is one among the family of nations. Bancroft observes that as a nation its garment is without a seam. It may do all that becomes a nation. In no one of the things the Senator has mentioned have I seen the National Government interfering with a work that has been traditionally for two centuries in the hands of the communities and States themselves.

Mr. GEORGE. That does not help the case in the least. Suppose we are a nation. I admit we are a nation as to foreign states; but what powers have we as a nation? I am answering the argument made by Senators who sit before me. We have, according to their view, no other powers than those which are nominated in the Constitution, which created us a nation so far as we are a nation. That is the argument of the Senators who oppose this bill. The Constitution gives the Federal Government powers with reference to other nations. We can send embassadors; we can receive embassadors sent by them; we can send consuls; we can receive consuls; we can make war on them; we can make peace with them; we can make treaties with them; and that is all we can do. There is no power in the Constitution under the theory of those who oppose this bill—under my theory there is—no express power, no enumerated power, as the opponents of this bill insist, to do anything with foreign nations except the things which I have enumerated.

I was going on to say something about the force of precedents. Upon that subject allow me to reproduce some authorities which were read to the Senate the other day by the Senator from Tennessee [Mr. JACKSON]; and the first one which I will read is from the great master of that constitutional theory upon which the opponents of this bill rest their case. I read from the quotation of Mr. Madison contained in the speech of the Senator from Tennessee:

> Can it be of less consequence that the meaning of a constitution should be fixed and known than that the meaning of a law should be so? Can, indeed, a law be fixed in its meaning and operation unless the Constitution be so? On the contrary, if a particular Legislature, differing in the construction of the Constitution from a series of preceding constructions, proceed to act on that difference, they not only introduce uncertainty and instability in the Constitution, but in the laws themselves, inasmuch as all laws preceding the new construction and inconsistent with it are not only annulled for the future, but virtually pronounced nullities from the beginning. * * * Has the wisest and most conscientious judge ever scrupled to acquiesce in decisions in which he has been overruled by the matured opinions of the majority of his colleagues and subsequently to conform himself thereto as to authoritative expositions of the law? And is it not reasonable that the same view of the official oath should be taken by a legislator acting under the Constitution, which is his guide, as is taken by a judge acting under the law, which is his?
>
> There is in fact and in common understanding a necessity of regarding a course of practice as above characterized in the light of a legal rule of interpreting a law; and there is a like necessity of considering it a constitutional rule of interpreting a constitution. * * * Let it then be left to the decision of every intelligent and candid judge which, on the whole, is most to be relied on for the true and safe construction of the Constitution, that which has the uniform sanction of successive legislative bodies through a period of years and under the varied ascendency of parties; not that which depends upon the opinions of every new Legislature, heated as it may be by the spirit of party, eager in the pursuit of some favorite object, or led away by the eloquence and address of popular statesmen—

Like the Senator from Alabama [Mr. MORGAN] and the Senator who sits before me [Mr. COKE]—

> themselves perhaps under the influence of the same misleading causes. It was in conformity with the view here taken of the respect due to deliberate and reiterated precedent that the Bank of the United States, though on the original question held to be unconstitutional, received the executive signature in the year 1817.

That is what Mr. Madison said about precedents. If you disregard precedents you make the Constitution uncertain and unstable. You have a Constitution to-day that means one thing under the lead of the Senator from Alabama and his associates on this side of the Chamber, and next year we have a Constitution that means an entirely different thing under the lead of some other statesmen; and what are the people of this country to know or believe about their Constitution if it is thus construed according to the whim, the caprice, or even the judgment of successive Congresses to make it mean one thing this year and another the next year?

Here we have a set of precedents commencing with the birth of the Constitution, receiving the sanction of the Father of his Country, extending all the way down from him to the very moment in which I am now addressing the Senate; and yet Senators say that they have a right to set up their private judgment, their private views of what the Constitution is, in opposition to all this line of precedents.

There was another great man who expressed himself upon the value of precedents and changed his constitutional action upon them. If Andrew Jackson and James Madison could afford to change their original views about the Constitution of the United States in obedience to a line of precedents, in the one case not twenty years in existence and in the other not over thirty-five, can not Senators on this floor yield their views of the Constitution to the same line of precedents now prolonged nearly to a century?

Mr. HAWLEY. Will the Senator yield for a moment once more?

Mr. GEORGE. Certainly.

Mr. HAWLEY. I will yield to the force of precedent as every man must do, but I call the Senator's attention to this series of precedents: Every State in this Union from the beginning to this day has established every one of its district schools and paid for every one of them. The United States has never created a district school or paid for one.

Mr. GEORGE. And they do not propose to do it by this bill either. They only propose to aid the States; and the Government of the United States has been from the very beginning aiding the States to do that very thing, sometimes, as in this bill, by the grant of money derived if you please from all the sources from which money can go into the Treasury, and in other cases by a grant of lands belonging to the United States and money derived from the sales of those lands.

So the precedents are with me, and I will dwell on these precedents a little more when I get on further, because as I am a States-rights Democrat, and as my consistency as such has been assailed on this floor, I mean to prove beyond controversy or cavil that I am with the fathers in their construction of the Constitution.

When I was interrupted I was about to read from Andrew Jackson, a man who in his day occupied a proud position in this country, a man whose name is venerated now for his great services in peace and war and for his sound constitutional opinions throughout the length and breadth of this Union. General Jackson found it necessary to change his views of the Constitution in obedience to precedents. He says, referring to the construction of the Constitution which limits the power of appropriation of money to the subjects expressly enumerated in the Constitution:

> The symmetry and purity of the Government would doubtless have been better preserved if this restriction of the power of appropriation could have been maintained without weakening its ability to fulfill the great objects of its institution, an effect so likely to attend its admission, notwithstanding its apparent fitness, that every subsequent administration of the Government, embracing a period of thirty out of the forty-two years of its existence, has adopted a more enlarged construction of the power.

Then further:

> A restriction of the power "to provide for the common defense and general welfare" to cases which are to be provided for by the expenditure of money would still leave within the legislative power of Congress all the great and most important measures of Government, money being the ordinary and necessary means of carrying them into execution.

And further:

> I have not been able to consider these declarations [of Mr. Madison] in any other point of view than as a concession that the right of appropriation is not limited by the power of Congress to carry into effect the measure for which the money is asked, as was formerly contended.

And then most significantly on this point:

> That the public good and the nature of our political institutions require that individual differences should yield to well-settled acquiescence of the people and confederated authorities in particular constructions of the Constitution on doubtful points. Not to concede this much to the spirit of our institutions would impair their stability and defeat the objects of the Constitution itself.

And yet Senators say, with all this long line of precedents and with all these great authorities enforcing the necessity of observing them, that they stand upon what they regard as the original and rightful construction of the Constitution without reference to the precedents. Mr. Calhoun took the same view as General Jackson, as quoted by the Senator from Tennessee, but I will come down nearer the present day. Gentlemen may say these are all antiquated; we have outlived the opinions of these men. Now, I will see what the statesmen of the present day and one of the Senators who oppose this measure say. When the education bill was up in the Forty-sixth Congress, third session, the senior Senator from Texas [Mr. MAXEY] made a very able and eloquent defense of that measure, and the subject of its constitutionality he disposed of in this sentence:

> The power of Congress is too firmly established by precedent to be now questioned.

Mr. MAXEY. The Senator will permit me to say that that speech was made in reference to the disposition of the proceeds of the public lands.

Mr. GEORGE. I did not quote it for the purpose of committing the Senator from Texas to the constitutionality of this bill. I quoted it to commit him to the general principle that precedent would settle the construction of the Constitution. I will show before I get through that he did concede with reference to that bill all that is necessary to make this bill constitutional.

So, sir, we have precedents from the beginning of the Government down to the present hour in favor of the constitutionality of this measure. We have the opinions of the great fathers of the Constitution, the great lights of the Democratic party in the olden times, and also in the present day in the person of the Senator from Texas [Mr. MAXEY]. These precedents establish the proposition on which this bill is based—that Congress may appropriate money for the general welfare without thereby assuming any power or jurisdiction over the subject to which the appropriation is made. That education is for the general welfare is too clear for argument; and this bill assumes no other power over it than to appropriate money to aid the States in carrying on their common schools.

[At this point the honorable Senator yielded the floor to enable the Senate to proceed to the consideration of executive business.]

Mr. COKE. Will the Senator from Mississippi yield for a motion to adjourn?

Mr. GEORGE. Yes, sir.

Mr. COKE. I move that the Senate do now adjourn.

The motion was not agreed to.

Mr. HARRIS. The Senator from Mississippi is somewhat fatigued and has not concluded his remarks. It being agreeable to him, if it be agreeable to the Senate, I will move that the Senate proceed to the consideration of executive business.

Mr. EDMUNDS. Oh, no, let us finish this bill to-night.

The PRESIDING OFFICER. The Senator from Tennessee moves that the Senate proceed to the consideration of executive business.

The motion was agreed to.

Mr. MILLER, of New York. Now I move that the Senate adjourn.

Mr. EDMUNDS. It can not be done. The order is being executed.

Several SENATORS. Regular order! Regular order!

The Senate proceeded to the consideration of executive business. After twelve minutes spent in executive session the doors were reopened, and (at 5 o'clock and ten minutes p. m.) the Senate adjourned.

EXECUTIVE NOMINATIONS.

Executive nominations received this 24th day of February, 1886.

RECEIVER OF PUBLIC MONEYS.

Henderson M. Jacoway, of Dardanelle, Ark., to be receiver of public moneys at Dardanelle, Ark., *vice* Zenas L. Wise, resigned.

POSTMASTERS.

Henry P. Grant, at Helena, Phillips County, Arkansas, *vice* George D. Jaquess, commission expired.

John H. Shaffer, at Kankakee, Kankakee County, Illinois.

William Kaough, at Fort Wayne, Allen County, Indiana, *vice* F. W. Keil, commission expired.

Ferdinand Van Derveer, at Hamilton, Butler County, Ohio, *vice* Charles E. Giffen, commission expired.

Jason K. Wright, at Marinette, Marinette County, Wisconsin, *vice* Charles J. Ellis, commission expired.

WITHDRAWALS.

Nominations withdrawn this 24th day of February, 1886.

Thomas Ryan, to be postmaster at Sault de St. Marie, Mich.

James L. Arnott, at Thompsonville, Conn.

CONFIRMATIONS.

Executive nominations confirmed by the Senate, February 19, 1886.

COLLECTOR OF CUSTOMS.

John P. Robinson, of Virginia, to be collector of customs for the district of Alexandria, Va.

COLLECTOR OF INTERNAL REVENUE.

Francis S. Shields, of Louisiana, to be collector of internal revenue for the district of Louisiana.

RECEIVER OF PUBLIC MONEYS.

John Lafabre, of Chamberlin, Dakota, to be receiver of public moneys at Deadwood, Dak.

MINISTER RESIDENT AND CONSUL-GENERAL.

William H. Parker, of the District of Columbia, to be minister resident and consul-general of the United States to Corea.

CONSULS.

Jasper Smith, of the District of Columbia, to be consul of the United States at Newcastle-upon-Tyne.

D. J. Partello, of the District of Columbia, to be consul of the United States at Dusseldorf.

William J. Black, of New Castle, Del., to be consul of the United State at Nuremberg.

INDIAN AGENTS.

Joseph Emery, of Corvallis, Oreg., to be agent for the Indians of the Klamath agency in Oregon.

Joseph B. Kinney, of Boonville, Mo., to be agent for the Indians of the Uintah agency, in Utah.

REGISTERS OF THE LAND OFFICE.

William R. Brownlee, of Kingman, Kans., to be register of the land office at Larned, Kans.

Frank Dale, of Wichita, Kans., to be register of the land office at Wichita, Kans.

PROMOTIONS IN THE ARMY.

Ninth Regiment of Cavalry.

Second Lieut. John F. McBlain, to be first lieutenant, January 12, 1886.

Eighth Regiment of Infantry.

Second Lieut. Richard H. Wilson, to be first lieutenant, January 1, 1886.

POSTMASTERS.

John W. Campbell, at Glen Cove, Queens County, New York.
Samuel M. Johnston, at Anaconda, Deer Lodge County, Territory of Montana.
Peter Primean, at Lake Linden, Houghton County, Michigan.
Otto R. Miller, at Brighton, in the county of Monroe and State of New York.
David B. Dennis, at Coldwater, Branch County, Michigan.
James Croly, at Cadillac, Wexford County, Michigan.
Timothy D. Barron, at Saint Clair, Saint Clair County, Michigan.
Jerome B. Joslyn, at Cambridge, Washington County, New York.
William G. Vaughn, at New Lisbon, Columbiana County, Ohio.
David S. Hime, at Greenville, Darke County, Ohio.
S. S. Crawford, at Hudson, Summit County, Ohio.
George C. Bush, at Wellington, Lorain County, Ohio.
Alva R. Beckwith, at Jefferson, Ashtabula County, Ohio.
Orange Pomeroy, at Chardon, Geauga County, Ohio.
John J. Zeller, at Ottawa, Putnam County, Ohio.
Robert O. Rote, at Geneva, Ashtabula County, Ohio.
Abram D. Smith, at Newark, Wayne County, New York.
Sylvester J. Heinbach, at Constantine, Saint Joseph County, Michigan.
George D. Whittlesey, at New London, in the county of New London and State of Connecticut.
Henry N. Wales, at Willimantic, in the county of Windham and State of Connecticut.
Edward Mullan, at Putnam, in the county of Windham and State of Connecticut.
Silas K. Montgomery, at Bristol, in the county of Hartford and State of Connecticut.
Willis B. Isbell, at Westville, in the county of New Haven and State of Connecticut.
Henry A. Bills, at Winsted, in the county of Litchfield and State of Connecticut.
Dan W. Gould, at Moline, Rock Island County, Illinois.
Laura H. Webb, at Farmer City, De Witt County, Illinois.
Thomas Philpot, at Macomb, in the county of McDonough and State of Illinois.
Joseph B. Boyle, at Westminster, Carroll County, Maryland.
John V. Lovely, at Paris, Bourbon County, Kentucky.
Orrin Wade, at Whitinsville, Worcester County, Massachusetts.
John H. Stratton, at Milford, Worcester County, Massachusetts.
Alstead W. Brownell, at Wakefield, Middlesex County, Massachusetts.
L. O. Ball, at Malden, Middlesex County, Massachusetts.
Samuel H. Spear, at Quincy, Norfolk County, Massachusetts.
Austin G. Wheelock, at Barre, Worcester County, Massachusetts.
Leonard B. Holland, at Walpole, in the county of Cheshire and State of New Hampshire.
Harry S. Parker, at Farmington, in the county of Strafford and State of New Hampshire.
John W. Crosby, at Milford, in the county of Hillsboro' and State of New Hampshire.
Ringgold W. Meily, at Lima, in the county of Allen and State of Ohio.
Joseph S. McCartney, at Garnett, Anderson County, Kansas.
Dennison Howe, at Fairfield, Clay County, Nebraska.
Frank H. Smith, at Sycamore, De Kalb County, Illinois.
John B. Reid, at Greenville, Bond County, Illinois.
Jared C. Gregory, at Madison, Dane County, Wisconsin.
Charles C. Peck, at Middlebury, in the county of Addison and State of Vermont.
John Wright, at Sedgwick, Harvey County, Kansas.
William B. Mead, at Oberlin, Decatur County, Kansas.
G. B. Falconer, at Minneapolis, in the county of Ottawa and State of Kansas.

UNITED STATES ATTORNEY.

Stephen A. Walker, of New York, to be attorney of the United States for the southern district of New York.

HOUSE OF REPRESENTATIVES.

WEDNESDAY, *February* 24, 1886.

The House met at 12 o'clock m. Prayer by the Chaplain, Rev. W. H. MILBURN, D. D.

The Journal of yesterday's proceedings was read and approved.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. SYMPSON, one of its clerks, announced that the Senate had passed without amendment bills of the House of the following titles, namely:

A bill (H. R. 3827) to remove the political disabilities of Thomas L. Rosser;

A bill (H. R. 3846) to remove the political disabilities of Alexander L. Stewart, of La Fayette County, Mississippi; and

A bill (H. R. 4409) to remove the political disabilities of Edward G. W. Butler, of Mississippi.

It also announced the passage of bills of the following titles; in which the concurrence of the House of Representatives was requested, namely:

A bill (S. 605) for the relief of the estate of J. J. Pulliam, deceased;

A bill (S. 718) for the relief of Francis Gilbeau;

A bill (S. 1020) authorizing the District of Columbia to convey the alley 15 feet wide, running east and west between lots 6 and 7 in square 635, comprising an area of 3,480 square feet of land, to the owner of said lots;

A bill (S. 1564) for the erection of a monument to the late Ulysses S. Grant; and

A bill (S. 1621) relative to a certain accepted draft in the Department of State.

DECORATION, ETC., PENSION OFFICE.

The SPEAKER laid before the House a letter from the Secretary of the Treasury, transmitting an estimate from the Secretary of the Interior of an appropriation for the completion and decoration of the Pension Office; which was referred to the Committee on Appropriations.

PUBLIC BUILDING, GALVESTON.

The SPEAKER also laid before the House a letter from the Secretary of the Treasury, inclosing an opinion of the Solicitor of the Treasury and recommending an amendment to the act authorizing the erection of a public building at Galveston, Tex., and making an appropriation therefor; which was referred to the Committee on Public Buildings and Grounds.

MARINE BARRACKS, WASHINGTON.

The SPEAKER also laid before the House a letter from the Secretary of the Treasury, transmitting an estimate from the Secretary of the Navy for repairs of the barracks of the Marine Corps and the contingent expenses of the Marine Corps for the fiscal year ending June 30, 1887; which was referred to the Committee on Naval Affairs.

LEAVE OF ABSENCE.

By unanimous consent, leave of absence was granted to Mr. WEST for one week, and to Mr. BAYNE until Friday, on account of important business.

DES MOINES RIVER LANDS.

Mr. PAYSON. Mr. Speaker, I desire to submit a privileged report from the Committee on the Public Lands.

I am directed by the Committee on Public Lands to report back the bill (S. 150) to quiet title of settlers on the Des Moines River lands, in the State of Iowa, and for other purposes, and to ask its present consideration.

The SPEAKER. The bill will be read.

The bill was read, as follows:

Whereas it is alleged that all the lands along the Des Moines River above the mouth of the Raccoon Fork, in the State of Iowa, referred to in the joint resolution of March 2, 1861 (12 Statutes, page 251), as certified to said State improperly by the Department of the Interior as under the grant of August 8, 1846, and which were treated in the Harvey settlement, of May 20, 1866, as having been sold or otherwise disposed of by the United States, as mentioned or provided in the act of July 12, 1862 (12 Statutes, page 543), to extend the grant of 1846, and for which lands the State, in the Harvey settlement, received and accepted by the Department of the Interior after Secretary Browning's decision of May 9, 1868, and that by such settlement Iowa, in accepting the indemnity lands as referred to, is estopped from all claim to the lands in place that were improperly certified as river land or under the act of 1846; and

Whereas there are many settlers who, believing that the said lands were public lands, entered upon the same in good faith, and with the consent of the Department of the Interior, as pre-emptions and homesteads, and since so doing, and after receiving patents, have been held by the courts as trespassers, or that the lands were reserved from settlement: Therefore,

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That all the lands improperly certified to Iowa by the Department of the Interior under the act of August 8, 1846, as referred to in the joint resolution of March 2, 1861, for which indemnity lands were selected and received by the State of Iowa, as provided in the act of 1862, are, and are hereby declared to be, public lands of the United States: *Provided*, That the title of all *bona fide* settlers under color of title from the State of Iowa and its grantees, or the United States and its grantees, which do not come in conflict with pre-emption or homestead claimants, are hereby ratified and confirmed, and made valid: *Provided further*, That the claims of all persons who, with intent, in good faith, to obtain title thereto under the pre-emption or homestead laws of the United States, entered or remained upon any tract of said land prior to January, 1880, not exceeding 160 acres, are hereby confirmed and made valid in them, their heirs or their proper assigns, and upon due proof thereof, and payment of the usual price or fees, where the same has not been paid, shall be carried to patent: *Provided further*, That the title of all *bona fide* claimants under color of title from the State of Iowa and its grantees, or the United States and its grantees, which do not come in conflict with persons who, with intent, in good faith, to obtain title thereto under the pre-emption or homestead laws of the United States, settled upon the said lands prior to January, 1880, are confirmed and made valid.

SEC. 2. That it is hereby made the duty of the Attorney-General, within ninety days after the passage of this act, to institute, or cause to be instituted, such suit or suits, either in law or equity, or both, as may be necessary and proper to assert and protect the title of the United States to said lands and remove all clouds from its title thereto; and until such suits shall be determined, and Congress shall so provide, no part of said lands shall be open for settlement or sale except as hereinbefore provided. And in any suits so instituted any person or persons in possession of or claiming title to any tract or tracts of land under the United States involved in such suits may, at his or their expense, unite with the United States in the prosecution of such suits.

Mr. PAYSON. Mr. Speaker, a bill identical with this has been reported unanimously from the Committee on Public Lands. Accom-

panying that is a printed report containing the facts upon which the bill is based, and requiring forty-seven printed pages. The number of this report is 491.

In different forms the relief which is sought by this bill has been before Congress since and before the Forty-third Congress, and with one exception there never has been an adverse report as against the interests involved in the bill. While the facts upon which the bill is based are very voluminous, covering, as I have said, forty-odd printed pages, I think perhaps they may be concisely stated, so that the members of the House can understand the principles involved, and which form the basis of the bill, in a very few minutes.

The amount of land involved in this bill is, in round numbers, 270,000 acres. In 1846 an act of Congress was passed granting to the State of Iowa certain lands in alternate sections on either side of the Des Moines River for the purpose of aiding in the improvement of the navigation of that river. The grant was accepted by the State of Iowa on the 9th of January, 1847. Some time during that year the governor of the State appointed a commission to make selection of the lands that were involved in the grant, and these lands were selected, being the odd-numbered sections on either side of the river from its confluence with the Mississippi River in a northwesterly direction, and on either side of the river, up to about the point where the city of Des Moines is now located.

The improvement of the river which was contemplated by the act of Congress was from the Mississippi River to the mouth of the Raccoon Fork, about the center of the State. The Des Moines River, I may say, enters into the State at its northwest corner, flows southeastwardly toward its southeast corner, dividing the State practically into two equal parts, and, as I have said, the mouth of the Raccoon Fork is about the center of the State.

When the grant was made it was assumed by those who passed the bill, as well as by the officers of the Department of the Interior, that the grant of land only extended up to the mouth of the Fork, and the selection was made with that construction of the act in view. In a few years somebody, the record is silent as to who started it, construed the act to mean that the State of Iowa was entitled to these alternate sections on either side of the river to the extreme source of the river to the northwest; and disputes were had before the Secretary of the Interior as to what the proper construction was. It finally resulted in an opinion of the Secretary of the Interior in 1852, Secretary Stuart, who held that the land extended northwardly to the northern limit of the State; and a certification of the land was made certifying to the State of Iowa these alternate sections of land on either side to the northern boundary of the State. And as the act provided the State of Iowa should dispose of these lands the State appointed a kind of State land office, and the lands were offered for sale, and large amounts of land, 55,990 acres, were sold by the State of Iowa under this construction of the law. About this time the question got into the courts as to what the proper construction of this act was, and in a case which is known in this legislation as the Litchfield case the Supreme Court of the United States decided that a proper construction of the act was that the grant was limited to such portions of the land as lay upon either side of the Des Moines River up to the mouth of the Fork, and that the State of Iowa took nothing beyond that point.

But, as I have said, Mr. Speaker, the State had sold 55,000 acres of this land to various parties, and they were in possession and improving it; and hence the necessity for some kind of validating action. In 1861 an appeal was made to Congress in behalf of the people who had thus bought these lands, and a joint resolution was passed by Congress validating the title of all persons who had purchased from the State of Iowa and stood as *bona fide* purchasers under this construction of the act of Congress making this grant. Prior to that time, I may say, a company was organized, known as the Des Moines River Railroad and Navigation Company, which, under a contract with the State of Iowa, and in consideration of a grant to this company by the State of such lands as were granted by Congress to the State, undertook the improvement of the Des Moines River. After spending some money—I have forgotten the amount, but it is immaterial here—they had proceeded with the work of construction, but after the Litchfield case was decided, where it was held that nothing passed to the State above the mouth of the Fork, and that the company would be limited in its claim to such lands as lay below the Fork, they declined to proceed any further, and a compromise was entered into between the navigation company and the State of Iowa, by which the navigation company agreed to receive from the State of Iowa such lands as it received from the General Government, and call everything square between them; and in 1859 or 1860 a deed was made by the governor of the State, pursuant to a resolution passed by the General Assembly of that State, making a conveyance to the navigation company of such lands as it took by reason of this grant, and work on the river was abandoned.

Involved in this grant above the fork were two hundred and seventy-one thousand and some odd hundred acres. The State had sold, as I have said, some 55,000 acres, leaving in round numbers about a quarter of a million of acres of lands which were not included within the grant, and therefore were treated by the Interior Department as public lands. A large number of settlers then went on those lands. The local land offices at Des Moines and Sioux City, holding the lands were public lands, recognized the entries, and the thing went along in that way.

In 1864 Congress passed another act granting all the lands that were above the mouth of the Raccoon Fork to certain railroad companies, and it was thought that these railway companies took an interest in the land by reason of this act of Congress. That question got into the courts, and the courts in Iowa held, and afterward the decision was affirmed by the Supreme Court of the United States in a case known as the Wolcott case, that, because the Secretary of the Interior, Mr. Stuart, had made certification to these lands away back in 1851 to the State of Iowa, and the lands were in a condition of reservation—the technical term "reserved" being used—for the benefit of this Des Moines River improvement, that therefore the railroad companies could take nothing by reason of the act of Congress, and that the lands still remained public lands. Under that decision from that time down to now those lands have been in that condition. The navigation company have been claiming that under the deed which they received from the State of Iowa, although that deed was only a quitclaim deed in form, the subsequent title of the State of Iowa under the joint resolution of 1861 inures to the navigation company. The settlers who have gone in upon those lands claim that because the Supreme Court had decided in the original case that neither the navigation company nor the State of Iowa could take anything above the mouth of the Raccoon Fork, therefore they had a right to make settlement upon the lands. Now, Mr. Speaker, this bill simply proposes to give parties who have made homestead and pre-emption filings upon these lands upon the assumption that they were public lands and that they had a right to make such filings—the object of the bill is to give those parties a standing in court, so that they may have the question judicially determined whether or not these are public lands subject to entry and homestead settlement. It does not attempt to divest anybody of any vested right. Indeed it would be powerless if it undertook so to do; but the people who are upon these lands meet with this difficulty in undertaking to litigate their titles.

It is a familiar principle of real-estate law in connection with the administration of the public land system that there can be no valid pre-emption filing or valid homestead settlement upon any land that is technically "reserved" by the Interior Department; and because this land was reserved by the action of the Secretary of the Interior, Mr. Stuart, and that reservation has never been removed by the Interior Department or by any act of Congress, no valid pre-emption settlement can be made, none that the courts will recognize. Therefore these settlers are powerless when they go into court and ask for a recognition of their rights, and that a test may be instituted between themselves and the claimants under the navigation company. But an act of Congress was passed in 1853 which provides in terms—and it is by virtue of this act that these pre-emptors and homesteaders may have relief—that when any land is in a state of "reservation," and is entered upon in good faith by pre-emptors or homestead settlers, if at any time, by act of Congress or by action of the Secretary of the Interior, the reservation is removed, then these parties shall have the prior right to recognition in the Interior Department to file their claims or to perfect their filings by the subsequent proofs which the land laws require.

That, Mr. Speaker, is the object of this bill. The blight of uncertainty of title has rested upon these lands ever since this contest began, and while there have been various cases litigated and decisions of the Supreme Court apparently holding that the title of the navigation company is good under the quitclaim deed to which I have referred, every case which has been decided bears upon its face the evidence that it was collusive; that is, that the decision was based upon an agreed state of facts between the attorneys, and the questions which this bill covers have never been really presented.

Mr. OATES. I do not fully understand the gentleman's statement, and if he will permit I wish to ask him a question. Is the purpose of this bill to give the settlers a standing in court to quiet their titles?

Mr. PAYSON. No, sir; the purpose is to give them a standing in court that they may perfect the titles which they claim.

Mr. Speaker, I do not care to consume the time of the House by saying more about this bill on the present occasion; but if any gentleman who has listened to me desires to ask any questions I shall be very glad to answer them, if I can.

Mr. LONG. Is there a minority report?

Mr. PAYSON. Mr. Speaker, in answer to the gentleman from Massachusetts [Mr. LONG] I will state that this bill is unanimously reported by the Committee on Public Lands, and that such has been the uniform recommendation in this House for the last five years, and also in the Senate with one exception.

The gentleman from Iowa [Mr. HOLMES], in whose district a major portion of these lands lie, desires to address the House briefly on this bill, and I now yield him ten minutes of my time.

Mr. HOLMES. Mr. Speaker, it is now forty years since the Government made to the State of Iowa that magnificent grant of land intended to aid in the improvement of the navigation of the Des Moines River. It was provided by the act of August 8, 1846, that there should

be granted to the State of Iowa for that purpose alternate sections 5 miles in width on each side of the Des Moines River from its mouth to Raccoon Fork.

One of the primary requirements of that act was that the land should be used for that purpose and no other—in the words of the act, "and no other." That act provided exactly how that grant should be given to the State and the conditions upon which it should be received. For instance, it was provided that the lands not before conveyed or disposed of should be given to the Territory or State for that purpose, and that the Territory or State might sell so much of those lands as should produce the sum of $30,000, and then the sale should cease until the governor of the Territory or State should certify the fact to the President of the United States that one-half of that sum had been expended upon the improvements, when lands to a like amount might be again sold.

Now, the State of Iowa proceeded under this act to select these lands. It was provided in the act that the governor himself should appoint the agent. He did so. The lands were selected, and that selection was approved. It was filed in the office of the Secretary of State. The State of Iowa accepted the grant; the Government of the United States accepted it through its executive department; the matter was concluded and became a finality so far as that grant was concerned. James Shields, the acting Commissioner of the Land Office at that time, advised the State of Iowa that 261,000 acres of land were so selected, and that this would be the number of acres that would be received under the grant.

Up to that time no claim had ever been made that this grant extended above the Raccoon Fork; that is, above the present city of Des Moines. More than two years had elapsed in which the State of Iowa, and likewise the Government of the United States, had accepted that as the construction of the act. For more than two years it was never conceived that this grant extended up above the mouth of the Raccoon Fork; and there were various reasons why that was so. That country had been explored but about two years. Nicollet and John C. Frémont had just made their exploration of the country above the Raccoon Fork. It was occupied by the Sacs and Foxes, and still farther up by the Sioux Indians. The river was not then called the Des Moines River; above the Raccoon Fork it was known as the River Sioux, and above that it was called the Moingonan, and the East Fork was called "Moingonan's Brother." It was also called the Inyan Shasha River of the Sioux. The information in regard to that part of the country was so vague and uncertain that the name of the river was hardly definitely settled up to that time.

For several years the State of Iowa pursued the improvement of this river in accordance with the terms of the act by a board of public works. After that time a company was formed called the Des Moines Navigation Railroad Company, which, through some process I can not now explain, procured the transfer to itself of the entire franchise and right of the State in these lands, and agreed on its part to improve and perfect the navigation of the Des Moines River. Suffice it to say this company has never carried out a single requirement of that agreement. There never was even one certificate made by the governor to the President of the United States showing that one block amounting to $30,000 had been completed. It is true that long afterward the governor of Iowa made a deed for this land to this company, but the deed was without any warrant or authority; and certainly any deed by the governor of Iowa to a private company or corporation must be invalid and void, unless made in accordance with the terms of the grant by Congress.

Mr. WEAVER, of Iowa. And it is the fact that people went upon that land and established their homes——

Mr. HOLMES. Yes, sir.

Mr. WEAVER, of Iowa. And many of them have received patents from the Government.

Mr. HOLMES. Yes, sir; some of these men have received patents from the Government. About the year 1854 this contract was made with the Des Moines Navigation and Railroad Company by which it took this grant and agreed to improve the river. That company has never finished one single dam or lock; on the contrary, it has damaged the river. In a report made to the senate and house of representatives of the State of Iowa by the commissioners appointed to examine this question, it is shown that the damages to the State and the people consequent upon what this company has done have been greater than the value of their pretended improvements.

Mr. OATES. The grant made to the State was made only in trust?

Mr. HOLMES. Yes, sir; in trust—not *in præsenti*. It was only a conditional grant. I thank the gentleman for making the suggestion.

I wish to say that as to the lands above the Racoon Fork it is not pretended that one acre of that land up to this date has ever been patented or certified to the State of Iowa or its grantees; and this company can have no title. Yet they claim these lands.

In 1860 Mr. Litchfield, a large integral portion of the company, brought action against the Dubuque and Pacific Railroad to determine the question of title, as prior to that time a grant had been made across the State of Iowa for four railroads. These companies were to have the land in alternate sections for 6 miles on each side. That grant conflicted with the river grant, provided the claim that the river grant included the land above Racoon Fork was true. That case was tried; and it is the only case ever tried in which the rights of the Government in this matter were in the remotest manner presented or defended. They were in that case ably presented by Mr. Black, at that time Attorney-General. The result was that Mr. Litchfield and the river company were declared to have no title in any of the lands above the Raccoon Fork; that is to say, the lands now in question here.

Mr. MILLARD. Does this bill protect those persons who have entered and paid for their lands in good faith?

Mr. HOLMES. It does. It will be seen by the proviso that those who have purchased in good faith are protected.

The whole amount of lands in controversy here is small compared with the amount which the company will take. After the decision in the Litchfield case, which was in April, 1860, the joint resolution of 1861 was passed by Congress, providing that lands heretofore purchased by *bona fide* settlers in the State of Iowa should be released and that their title and claims should be made good to these lands. This company afterward procured the passage of the act of 1862, in which it was provided that their grant should extend to the north line of the State. But at the same time it was provided in that act it should be subject to this same act of 1846, with which they never complied.

Mr. PAYSON. I demand the previous question on the third reading of the bill.

Mr. PARKER. I think this should not be done. I do not say there are others who wish to speak, but for myself I should like to call the attention of the House to the history of the decisions to which reference has been made by the gentleman from Illinois.

Mr. PAYSON. I have no objection to withdrawing the demand for the previous question and yielding to the gentleman from New York. How much time does he desire?

Mr. PARKER. I do not wish to take the gentleman's time, but I take it the opposition has a right to be heard. I do not know whether there are others who wish to be heard, but I would like myself a little time.

Mr. PAYSON. I withdraw the demand for the previous question, and reserve the balance of my time, so that the gentleman from New York can be recognized in his own right.

Mr. PARKER. Mr. Speaker, this is the old Des Moines land case which has been here for many years before Congress, and has been one of the controversies which has disturbed Congress and the politics of the State of Iowa for many years. I would like to know of the gentleman from Illinois [Mr. PAYSON] whether this is the same bill which passed through the Senate, but failed to pass through the House, at the last session?

Mr. PAYSON. It is.

Mr. PARKER. There has been a controversy for years over this land, and it is claimed by those who represent the navigation company that the parties who have earned this land, and have the right to it as I believe under decisions of the court, should not have their title disturbed by legislation of this kind; that it is an attempt on the part of those defeated in court under the decisions of the Supreme Court to open the case in Congress and give to the parties in possession of the land wrongfully rights they do not otherwise possess—to confirm titles where they have merely possession and to overrule the ordinary rights to all that particular property.

Mr. WEAVER, of Iowa. Will the gentleman yield to me for one moment?

Mr. PARKER. Certainly.

Mr. WEAVER, of Iowa. This bill does not confer a single right on anybody or determine any question of title. It does not propose to, but simply allows the occupants of these lands to go into the courts and litigate the case to see whether they are the rightful owners or others.

Mr. PARKER. Why have they not the right to go into court now?

Mr. WEAVER, of Iowa. They claim they have.

Mr. PARKER. They have not, because the courts have passed upon the question. This bill seeks to overrule the court, to change the natural rules of law, and give these men standing in court when under the decisions of the court they have no standing.

Mr. WEAVER, of Iowa. I beg the gentleman's pardon. No decision of a court could preclude anybody except those particular parties in that particular suit. That is all. This case has not been decided as to these parties, and this is simply an enabling act.

Mr. PARKER. But the gentleman fails to show why they have not the right to go into court now. I understand it is, as I said, a case where the courts have passed upon it, and now an enabling act is necessary to overrule the court.

Mr. WEAVER, of Iowa. Not at all.

Mr. PARKER. To give them a hearing where otherwise they would not be entitled to a hearing.

Mr. PAYSON. Will the gentleman from New York yield to me for a question?

Mr. PARKER. Yes.

Mr. PAYSON. I do not wish to anticipate the gentleman from New York, but will he say whether he expects during the course of his argument to call the attention of the House to a single case, either in the Supreme Court or in any inferior court, where the rights of settlers under the homestead or pre-emption law have ever been passed upon?

Mr. PARKER. I do not know they have directly, but in effect the ownership of the land has been passed upon.

Mr. PAYSON. No, sir. I will say for the information of the gentleman that no such case has been passed upon, and to the opponents of the bill I confidently assert no such case can be found.

Mr. PARKER. Then why is it necessary to bring forward this enabling act?

Mr. PAYSON. If the gentleman will yield I will say that this land, by certification of Secretary Stuart, certifying to the State of Iowa the land above Raccoon Fork, placed it technically in what is called a state of reservation. That reservation has never been removed, either by the Interior Department or by act of Congress, and because the land is in this state of reservation the officers of this local land office are not authorized, and refuse, to accept the filing of homestead or pre-emption settlers. That is the reason. It is simply that the question may be presented in the courts. It is proposed to relieve these lands from reservation, declaring them to be public land so far as Congress has that power. That will compel the officers at Des Moines and Sioux City, and also at the Department of the Interior, to recognize the claims of settlers; and if the officers of the land office refuse, then a mandamus will lie under the common law to recognize them.

Mr. PARKER. Why, does not the gentleman understand that in the Litchfield case it was held that these lands in controversy belong to the navigation company?

Mr. PAYSON. No, sir; the Supreme Court not only did not decide that question, but let me say to the gentleman that it was not presented in the Litchfield case.

That was a contest between Litchfield on the one hand and the navigation company on the other, and the case was submitted on an agreed state of facts, where both agreed that the lands had been duly certified to the State of Iowa, that they had been duly sold by the State of Iowa, under the joint rules of 1861, to the navigation company; when the fact is the lands never were properly certified to the State of Iowa, and the navigation company never had become the purchaser from the State of Iowa for value; and because of that agreed state of facts the Supreme Court decided, as between Litchfield and the navigation company, that the title of the navigation company was valid. But that was the extent of the decision.

Mr. PARKER. And this bill now comes in and seeks to escape the effect of the decision of the Supreme Court.

Mr. PAYSON. Not at all. As I said to the gentleman before, that question was not presented in that decision in any form.

Mr. HOLMES. Will the gentleman from New York permit me to ask him a question?

Mr. PARKER. Yes, sir.

Mr. HOLMES. Was any case ever tried or decided in the United States courts in which the question whether the Des Moines Navigation and Railroad Company complied with the conditions of the grant was raised?

Mr. PARKER. I am not able to state that there was.

Mr. HOLMES. No, sir; there never has been any such case decided.

Mr. PARKER. My understanding of the situation is that a large number of people have gone upon these lands which ostensibly and apparently are under the control of this navigation company through the State of Iowa, and that the owners of the land are unable even to go upon the premises to view them.

Mr. WEAVER, of Iowa. I beg the gentleman's pardon; that is entirely a mistake. The people entered upon these lands under authority of the Government and paid their money in many instances, took possession, and some have had them for twenty-five years from the Government.

Mr. PARKER. I will give one single instance of the methods which have been adopted in reference to these lands, and I refer to a speech now of Senator Lapham, of New York, delivered in the last session of the last Congress, in which he shows the manner of some of these people.

Mr. HENDERSON, of Iowa. Will the gentleman from New York allow a suggestion?

Mr. PARKER. Certainly.

Mr. HENDERSON, of Iowa. Is it not true that Senator Lapham admitted in the course of that debate that he was practically representing the attorneys for this navigation company?

Mr. PARKER. No, sir. Senator Lapham stated that he represented the parties who represented the interests of his dead friend General Martindale, whose interests and whose estate had been robbed by settlers on the Des Moines lands.

Mr. HENDERSON, of Iowa. His speech was the speech of an attorney of that corporation.

Mr. PARKER. His speech was a speech delivered in his representative capacity and on his responsibility as a Senator from the State of New York. In that speech he used this language:

> I was considering yesterday at the close of what I said the question of the condition of these lands in the possession of settlers in the Des Moines Valley. They are by no manner of means the thrifty and enterprising population so eloquently described by the honorable Senator from Iowa. They cultivate their farms very indifferently. The purchasers under the river grant have been paying the taxes since 1861; the settlers pay no taxes. When General Martindale, whose case I mentioned yesterday, went to one of the occupants of a portion of the land which had been conveyed to him, he entered into a contract with him for the sale of the lot at a reasonable price. The occupant then said to General Martindale: "I have no means with which to cultivate this land, and I want you to make me a loan of $150 to enable me to get a team and needed farming implements." The general very kindly and liberally made him the loan of $150 and entered into a contract with him for the purchase of the property. In less than three years that man joined the Settlers' Union, as it is called, the organization to which I shall refer by and by, and he has never refunded the money or paid a farthing upon his contract, and remains in possession to this day. He has repudiated his obligations. That, under the inspiration of this organization, is the character mainly of the occupants of those lands in that part of the State.

This incident throws a light upon the whole controversy and indicates the position in which the occupants of these lands stand to the Des Moines River Company, and therefore I assert that this is an act which will tend to disturb the title of the real owners of these lands and which is attempting to continue litigation, which is carried on, as I understand it, by subscription of the valley occupants——

Mr. HENDERSON, of Iowa. Will the gentleman allow me?

Mr. PARKER. Certainly.

Mr. HENDERSON, of Iowa. Subscriptions made by farmers who entered, at the invitation of the Government, these lands, located upon them, and have sent delegations of their own class, farmers—who have been knocking at the doors of Congress for several years—not paid attorneys, not lobbyists, but representing the men themselves who have been deprived of their homes; and twice before, in the Forty-fifth and Forty-sixth Congresses, the House put this bill through with no opposing vote, except in one case two from the State of New York. That is all the lobby there was to get the bill through.

Mr. PARKER. Does not the gentleman from Iowa know that $100,000 was raised at one time to pay the attorneys of these "farmers?"

Mr. HENDERSON, of Iowa. No, sir; and my friend from New York does not know it. If there has been a fund of $100,000 here it has been in the interest of the heirs of General Martindale, and not in the interest of the farmers, who could not raise that amount of money to save their souls.

Mr. STRUBLE. I wish to ask my friend from New York a question.

Mr. PARKER. I desire to take care of one at a time. I assert in answer to the gentleman from Iowa [Mr. HENDERSON], I am informed from sources I believe that a fund of something like $100,000 was raised at that time, that the attorneys representing this company haunted this Capitol at another session of Congress, and that the contest grew so sharp and severe at the close of the last Congress that the leading attorney representing these men went insane and died here from the disappointment caused by Senator Lapham contesting the case and carrying it to a point that under the rule the bill was defeated. Is not that so?

Mr. HENDERSON, of Iowa. No, sir; and I call upon the gentleman to give the name of the man who said there were $100,000 here for that purpose. And let me tell the gentleman the man did not die insane. He died in the bath-house opposite the Riggs House taking a Turkish bath, and he was as sane before he entered the bath-room as the gentleman from New York. There has never been in either Chamber of the American Congress a representative of Iowa who did not stand up at the behest of his own conscience and the demands of the farmers who have been robbed of their homes to favor this legislation, and if there has been any fund raised here in the interest of this legislation it has been from sources that could afford to raise it, and the representatives of Iowa are ignorant of it, and will be pleased to have the gentleman from New York give the name of his informant.

Mr. HOLMES. Will the gentleman from New York indulge me to ask a question?

Mr. PARKER. Not at present. I can only deal with one at a time. The gentleman from Iowa [Mr. HENDERSON] misapprehends me. I did not state or suggest that any fund was raised to meet this contest. I stated what I believed to be well known, that in a previous Congress to meet the general contest in the courts and the expense of pressing through a bill here a large fund was raised, something like $100,000.

Mr. HEPBURN. Does not the gentleman know that a member of this House from an Eastern State was expelled years ago for having received a bribe in connection with this very matter?

Mr. PARKER. That I leave the gentleman to settle with the gentleman he attacks. I do not know his name or the circumstances.

Mr. HENDERSON, of Iowa. Tell us all about the fund.

Mr. HOLMES. How about the $1,000 that was confessed by the company as having been used by them for the purpose of furthering the passage of the navigation bill through Congress?

The SPEAKER. The House will be in order. Gentlemen will resume their seats.

Mr. PARKER. I shall not object to these interruptions, as I wish to convince the House there is something here that needs their attention.

The SPEAKER. It is important to have order in the House. Gentlemen will resume their seats.

Mr. PARKER. Mr. Speaker, I have no objection, as I have said, to these interruptions, as they show to the House there is a controversy in this matter which has two sides to it. The excellent gentleman from Illinois [Mr. PAYSON] has put this forward here as though it were a railroad bill, a bill carrying the right of the committee to claim the attention of the House whenever it sees fit. He has reported the bill this morning, and places it on its immediate passage. This is a

Senate bill. I suppose it has been considered in the committee of the House.

Mr. PAYSON. It has, and it is unanimously reported by that committee with a favorable recommendation.

Mr. PARKER. Therefore I wished to satisfy the House there was a matter of controversy here; and those who care to look the matter up should have an opportunity to do so, if they desire, before the vote is taken. The manner in which my friends from Iowa come forward in defense of the Des Moines settlers and the interests they represent will suggest there is a controversy here that really and fairly demands the attention of the House.

Now, a few words as to this bill. After providing that all the lands improperly certified—without other specification—shall be declared to be public lands of the United States, the bill says:

Provided further, That the claims of all persons who with intent in good faith to obtain title thereto under the pre-emption or homestead laws of the United States entered or remained upon any tract of said land prior to January, 1880, not exceeding 160 acres, are hereby confirmed and made valid in them, their heirs, or their proper assigns.

That is, however they went upon these lands, and whoever those lands belonged to, whether they belonged to the navigation company or whether they belonged to the United States, if they went or remained upon these lands, not exceeding 160 acres, they are confirmed, and their title is made valid. Is this the method of those who are only seeking their rights in good faith?

Again they say:

Provided further, That the titles of all *bona fide* claimants under color of title from the State of Iowa and its grantees, or the United States and its grantees, which do not come in conflict with the persons who, with intent in good faith to obtain title thereto under the pre-emption or homestead laws of the United States, settled upon said lands prior to January, 1880, are confirmed and made valid.

Here are two classes of landholders, merely in possession, whose titles are to be confirmed and made valid as against the decisions of the courts, so far as that can be done by this bill.

Mr. PAYSON. Will the gentleman yield there a moment?

Mr. PARKER. Certainly.

Mr. PAYSON. Is not the gentleman himself in favor of that proviso which he has just read?

Mr. PARKER. Perhaps that should be adopted if the other is.

Mr. PAYSON. But, in any event, is not the gentleman himself in favor of that proviso?

Mr. PARKER. I am opposed to the whole bill.

Mr. PAYSON. The gentleman does not answer my question.

Mr. PARKER. My answer covers the gentleman's question.

Mr. PAYSON. If the gentleman will permit me a word, that provision is intended as a confirmation of title to the grantees of the parties whom the gentleman from New York represents upon this floor, and it makes the confirmation in express terms.

Mr. PARKER. It is not in any wise satisfactory to the grantees or to any of the parties who have any interest under this bill.

Mr. PAYSON. It is satisfactory to Mr. Litchfield and his attorney, Mr. Martindale.

Mr. PARKER. I do not know whether Mr. Litchfield is satisfied with this bill or not. I never saw him.

Mr. HENDERSON, of Iowa. Well, I can tell you that he is not.

Mr. PARKER. But I do know that parties who reside in my district, who put their money into the Des Moines River improvement, who understood that they bought lands and paid for them, and received all the title that could be given, yet who, when they visit there, are not able to go upon their own lands on account of the rifles that are pointed at them—I know that they do not want this proviso, which would take their lands and give them to people who were at first merely squatters, who have continued in that character from that time to this, and to whose titles this legislation seeks to give validity as against the repeated decisions of the courts.

Mr. HOLMES. Will the gentleman from New York [Mr. PARKER] please inform the House whether the Des Moines Navigation Company, or the gentlemen claiming to own these lands, did ever improve the navigation of the Des Moines River to the extent of one foot or ever gave the people of Iowa one cent of real value for these lands? That is the real question before us and that is what this House wants to know.

Mr. PARKER. I understand that the settlement and adjustment entered into by the State of Iowa recognized the fact that they had made improvement, so that they were entitled to be paid and were paid accordingly.

Mr. HOLMES. The gentleman knows that that was without any action by Congress and in violation of the act of Congress.

Mr. PARKER. Was it not done by the State of Iowa?

Mr. HOLMES. True; but what has that to do with the action of Congress?

Mr. PARKER. Are you here denouncing your own State in the interest of these Des Moines settlers?

Mr. HOLMES. Our State has repeatedly asked of Congress action in this matter which would go far beyond anything contained in this bill.

Mr. PARKER. Has the State of Iowa been corrupt in its action?

Mr. HOLMES. No, sir.

Mr. PARKER. Then stand by what it did, and do as you agreed to do, and not come here with a proposition based upon a local political clamor and ask to have the repeated decisions of the courts overturned.

Mr. HOLMES. If any officer of the State of Iowa, or any other person, was corrupted I do not stand by him or by that action; but I say again that the people of my State have repeatedly asked Congress to grant relief going far beyond that which is provided in this bill.

Mr. PARKER. Mr. Speaker, I have now reached a point where the representation of the district to which this bill relates treats the matter with respectable and respectful consideration. That is certainly something gained. [Laughter.] This bill was sprung upon us this morning without notice or any expectation that it would be here. The report of the committee came into my hands only three or four days ago, and no one had a right to expect that the bill would be up for discussion at this time. It covers a vast field, as every lawyer will see who gives the subject any attention. I have not looked at the points involved or refreshed my mind in regard to them for more than a year, and I have never before had occasion to debate them. For these reasons, Mr. Speaker, it seems to me that in fairness this bill should be postponed until it can receive more deliberate consideration, and that we should not have it driven through under the previous question here this morning when we are waiting for more important business.

Mr. PAYSON. A single word, Mr. Speaker, with reference to the statement just made by the gentleman from New York [Mr. PARKER] as to this bill being hastily sprung upon the House. The report was submitted to the House on the 13th day of February; therefore it has been in the hands of members for eleven days.

As to the other point, that the State of Iowa has been acting improperly in reference to this matter, let me say that the State of Iowa has never, either directly or indirectly, recognized the claims of the Des Moines Navigation Company to an acre of this land above the mouth of the Raccoon Fork. There never has been even an indirect recognition on the part of the State of Iowa of the right of that company to an acre of that land above that point. In fact, the deed under which the navigation company claims is in form only a quitclaim deed, and only purports to convey to the navigation company the lands which were granted to the State of Iowa, and, as I said before, the Supreme Court has decided that the lands which were granted to the State of Iowa are those below the forks.

In addition to that, when the settlement known as the Harvey settlement, to which the gentleman from New York [Mr. PARKER] has referred, was made, the claims of the navigation company never entered into consideration, directly or indirectly; and when the act of 1861 was passed validating the titles and forbidding trespass upon these lands, the debates both in this House and in the Senate show that all the parties who were then contemplated by that validation were those who were purchasers from the State of Iowa to the amount of 55,000 acres of land, upon which they were then settled. It was only when ingenious lawyers came into the case, and when, with the promise of a fee and the hope of reward, a construction was placed upon that act extending the terms of the deed of 1858—it was then for the first time that the claim was presented in behalf of the navigation company that they had a right to these lands above the forks, upon which settlers had gone, many of them holding the patents of the Government of the United States for twenty-five years past.

Mr. HENDERSON, of Iowa. In some cases for thirty years.

Mr. PAYSON. Some of those settlers have had the patents of this Government for thirty years, as I am informed by the gentleman from Iowa [Mr. HENDERSON], and, as the records in our committee-room show, others have had such patents for twenty-five years, and have been resting there in fancied security as against the claims now represented on this floor by the gentleman from New York [Mr. PARKER].

Mr. PARKER. What legislation of this kind do men want who have been in possession of the land and have held patents for it from the United States for a quarter of a century? What reason is there why they should want any legislation of this kind?

Mr. PAYSON. It is easy enough to answer the gentleman's question, but to do it I shall have to sing the same old song over again.

Mr. PARKER. I have heard it a good many times.

Mr. PAYSON. The reason is that whenever their entries were recognized by the local land office, the lands having been in a state of "reservation" under the action of the Secretary of the Interior, Mr. Stuart, the courts would not recognize the right of pre-emption or homestead settlement upon them.

And the gentleman from New York knows as well as I know that when a patent is issued by the Secretary of the Interior and signed by the President in a case where those officers have no authority to act it is absolutely void. Every lawyer knows that in such a case the patent is not worth the paper on which it is written.

Mr. PARKER. Then the very patents which you boast these men have held for twenty-five years are not worth the paper on which they are written.

Mr. PAYSON. They are not. But these men being in possession of this land as *bona fide* settlers under the public-land laws, this bill will sweep away the cobweb which is technically in the way of their per-

fecting their titles, and will give them a standing which the courts will be bound to recognize.

Now, if any gentleman desires to ask any question——

Mr. WEAVER, of Iowa. The gentleman will allow me to say that some of these poor people who have had their patents for twenty-five years have absolutely in a state of sickness and destitution been thrown out in the inclement Iowa winter. They now come here and simply ask the privilege of going into the courts to show that they have a *bona fide* title to the lands on which they have been settled for years and have raised their families.

Mr. PARKER. I ask the gentleman from Illinois [Mr. PAYSON] to yield me one minute.

Mr. PAYSON. Certainly.

Mr. PARKER. I wish to say that the gentleman from Iowa [Mr. WEAVER] must certainly be in error as to these people being "thrown out;" for I am told that the Settlers' Union prevents by force of arms any owner or agent of an owner from going upon those lands.

Mr. WEAVER, of Iowa. Not at all. The Settlers' Union is not for that purpose. It is simply for the purpose of having their case properly presented to Congress and asking for relief where they have a right under the law to ask it.

Mr. PARKER. If that is their legitimate purpose, I must say that they have their case presented here with superior energy.

Mr. STRUBLE. In the statement just made by the gentleman from New York as to the course of the Settlers' Union, he is just as much mistaken as he was in saying that $100,000 had been raised by these poor fellows, who, in some cases, have had to borrow money on which to subsist till the next year.

Mr. PARKER. Will the gentleman state to me the amount they did raise?

Mr. HENDERSON, of Iowa. Let me say to the gentleman from New York, in reference to the "energy" with which the case of these people is presented, that it is an "energy" which finds its birth in reasons that ought to touch the heart of every lawmaker in this Hall.

Mr. PARKER. I have no doubt the gentleman so regards it. There is a home political influence behind it. [Laughter.]

Mr. HENDERSON, of Iowa. None, sir.

Mr. PARKER. Now, do not use up any more of my time.

Mr. HENDERSON, of Iowa. It is used up already. You are now talking by the courtesy of the House, as I am.

Mr. PARKER. Exactly; and I always receive the courtesy of the House.

Mr. HENDERSON, of Iowa. And always will.

Mr. PARKER. Thank you. Now, I wish merely to say one word more. The litigation which this bill proposes to authorize, instead of giving these men any rights that will be permanent or will inhere in a permanent title, simply places these parties where, with their attorneys ahead of them, they can occupy two or three years more in getting a case to the Supreme Court of the United States and then waiting three years more till the case is reached, thus giving them five or six years of "breathing-spell." In the mean time, the men who really own the land will be compelled to pay the taxes upon it, while these people will occupy the lands, have the benefit of the crops, and be able to divide the proceeds with their attorneys, matters going on as they have gone on.

Mr. HENDERSON, of Iowa. The payment of the taxes is all that is done by these non-occupying claimants. Now, will the gentleman from New York allow me a single question?

Mr. PAYSON. I do not yield further.

Mr. HENDERSON, of Iowa. There is a great deal said about attorneys' fees and "political influence." What "political influence" touches the gentleman from New York in this matter?

The SPEAKER. The gentleman from Illinois [Mr. PAYSON] insists on his right to the floor.

Mr. HENDERSON, of Iowa. Will the gentleman from New York answer that question?

Mr. PARKER. Certainly; I will do so with a great deal of pleasure, if the gentleman from Illinois will give me half a minute.

Mr. ADAMS, of Illinois. Will the gentleman yield to me for a question?

Mr. PAYSON. I yield to the gentleman from New York [Mr. PARKER] that he may answer the question of the gentleman from Iowa [Mr. HENDERSON].

Mr. PARKER. I will very cheerfully state in reply to my friend from Iowa [Mr. HENDERSON] that the parties whom I represent are named Chapman and reside in Morristown, in my district. They, with others—and they especially—put a large amount of money, under the laws of the United States and in accordance with the request of the State of Iowa, in this Des Moines River improvement.

Mr. HENDERSON, of Iowa. Then they are moneyed men.

Mr. PARKER. They are constituents of mine, and I appear for them.

Mr. HENDERSON, of Iowa. And they have "political influence" in your district.

Mr. PARKER. Some. [Laughter.] All respectable men have political influence.

Mr. HENDERSON, of Iowa. Why did you not put that in before?

Mr. PARKER. You kept asking questions.

Mr. STRUBLE. Those poor Des Moines River people, have they "influence?"

Mr. HENDERSON, of Iowa. Not one of those men is in my district.

The SPEAKER. The gentleman from Illinois [Mr. PAYSON] yielded one half minute to the gentleman from New York [Mr. PARKER], and it has expired.

Mr. BROWNE, of Indiana. The gentleman did not get his half minute. I can certify to that. [Laughter.]

Mr. PAYSON. I demand the previous question on the third reading of the bill.

Mr. PARKER. Mr. Speaker, I submit to the rules of the House.

The previous question was ordered; and under the operation thereof the bill was ordered to a third reading, and was accordingly read the third time.

The bill was then passed.

Mr. PAYSON moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

ENROLLED BILLS SIGNED.

Mr. NEECE, from the Committee on Enrolled Bills, reported that the committee had examined and found truly enrolled bills of the following titles; when the Speaker signed the same:

A bill (S. 193) for the relief of John Hollins McBlair; and

A bill (S. 296) for the relief of the legal representatives of John Hatfield, deceased.

COMMITTEE ON MILITARY AFFAIRS.

The SPEAKER. The Committee on Military Affairs asks unanimous consent to sit during the session of the House for the consideration of appropriation bills.

There was no objection, and it was so ordered.

LEWIS J. TRASPER.

The SPEAKER. The bill (H. R. 3316) for the relief of Lewis J. Trasper was improperly referred to the Committee on Invalid Pensions. It provides for removing the charge of desertion from the military record of a soldier, and should have been referred to the Committee on Military Affairs.

There being no objection, the Committee on Invalid Pensions was discharged from the further consideration of the bill, and it was referred to the Committee on Military Affairs.

RETIRED-LIST, UNITED STATES NAVY.

Mr. HERBERT, from the Committee on Invalid Pensions, reported back the following resolution with a substitute therefor:

The Clerk read as follows:

Whereas the annual appropriation for the payment of the retired-list of the United States Navy for the fiscal year 1885 amounted to the sum of $797,880, and for the fiscal year 1886 amounted to $797,880, and whereas it is alleged that quite a number of the officers now on the retired-list of the Navy were placed there on account of their own immoral conduct and vicious habits, and for reasons other than having arrived at the age of sixty-two years, or on account of wounds, injuries, or disabilities received or incurred in the line of their legitimate official duties: Therefore,

Be it resolved by the House of Representatives, That the Secretary of the Navy be requested, and is hereby directed, to transmit to the House of Representatives a full and complete list of officers now on the retired-list of the Navy, with their respective rank or relative rank, annual pay and allowances, and the specific reasons or grounds upon which they were placed upon the retired-list.

The substitute was read, as follows:

Whereas the annual appropriation for the payment of the retired-list of the United States Navy for the fiscal year 1885 amounted to the sum of $797,880, and for the fiscal year 1886 amounted to $797,880;

And whereas it is alleged that a number of the officers now on the retired-list of the Navy were placed there for reasons other than having arrived at the age of sixty-two years, or on account of wounds, injuries, or disabilities received or incurred in the line of their legitimate official duties: Therefore,

Be it resolved by the House of Representatives, That the Secretary of the Navy be requested, and is hereby directed, to transmit to the House of Representatives a full and complete list of the officers now on the retired-list of the Navy, with their respective rank or relative rank, annual pay and allowances, and the specific reasons or grounds upon which they were placed upon the retired-list.

Mr. HERBERT. I move the adoption of the substitute.

The substitute was adopted; and the resolution as amended was agreed to.

Mr. HERBERT moved to reconsider the vote by which the resolution was adopted; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

THE SILVER QUESTION.

Mr. JAMES. I ask by unanimous consent to introduce a resolution providing for the consideration of House bill 5690, for the coinage of silver and other purposes.

Mr. MORRISON. I demand the regular order of business.

ORDER OF BUSINESS.

The SPEAKER. The regular order of business is the calling of standing and select committees for reports.

ESTATES OF DECEASED KICKAPOO INDIANS.

Mr. PERKINS, from the Committee on Indian Affairs, reported back favorably the bill (H. R. 710) to provide for the settlement of the estates of deceased Kickapoo Indians in the State of Kansas, and for other purposes; which was referred to the House Calendar, and, with the accompanying report, ordered to be printed.

HENRY ANNIN.

Mr. PIDCOCK, from the Committee on Invalid Pensions, reported back with an amendment the bill (H. R. 5334) granting a pension to Henry Annin; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

PHILLIP DEVEMER.

Mr. PIDCOCK, from the Committee on Invalid Pensions, also reported back with an amendment the bill (H. R. 5335) granting a pension to Phillip Devemer; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

EDWARD L. HILL.

Mr. PIDCOCK, from the Committee on Invalid Pensions, also reported back favorably the bill (H. R. 5333) granting a pension to Edward L. Hill; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

BENJAMIN S. WOLVERTON.

Mr. PIDCOCK, from the Committee on Invalid Pensions, also reported back favorably the bill (H. R. 5336) granting a pension to Benjamin S. Wolverton; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

NOAH HOFFMAN.

Mr. PIDCOCK, from the Committee on Invalid Pensions, also reported back favorably the bill (H. R. 5328) granting a pension to Noah Hoffman; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

MARY B. HOLMES.

Mr. PIDCOCK, from the Committee on Invalid Pensions, also rereported back favorably the bill (S. 806) granting a pension to Mary B. Holmes; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

EMILINE CRAWFORD.

Mr. MORRILL, from the Committee on Invalid Pensions, reported back favorably the bill (H. R. 5527) granting a pension to Emiline Crawford; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

GEORGE W. SMITH.

Mr. MORRILL, from the Committee on Invalid Pensions, also reported back favorably the bill (H. R. 5254) to increase the pension of George W. Smith; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

CHANGE OF REFERENCE.

On motion of Mr. MORRILL, the Committee on Invalid Pensions was discharged from the further consideration of the bill (H. R. 731) granting a pension to William H. Heister; and the same was referred to the Committee on Pensions.

ADVERSE REPORT.

Mr. MORRILL, from the Committee on Invalid Pensions, reported back adversely the bill (H. R. 5312) granting arrears of pension to Hugh O'Neill; which was laid on the table, and the accompanying report ordered to be printed.

CARTER W. TILLER.

Mr. TAULBEE, from the Committee on Invalid Pensions, reported back favorably the bill (H. R. 4002) granting a pension to Carter W. Tiller; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

MARGARET E. COCHRAN.

Mr. TAULBEE, from the Committee on Invalid Pensions, also reported back favorably the bill (H. R. 908) granting a pension to Margaret E. Cochran; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

HENRIETTA FISHER.

Mr. TAULBEE, from the Committee on Invalid Pensions, also reported back favorably the bill (H. R. 3954) granting a pension to Henrietta Fisher; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

HENRY S. COHN.

Mr. TAULBEE, from the Committee on Invalid Pensions, also reported, as a substitute for H. R. 909, a bill (H. R. 5881) for the relief of Henry S. Cohn; which was read a first and second time, referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

House bill 909, by unanimous consent, was laid on the table.

SARAH ANN MURPHY.

Mr. TAULBEE, from the Committee on Invalid Pensions, also reported back favorably the bill (H. R. 5882) granting a pension to Sarah Ann Murphy; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

JOHN PENNINGTON.

Mr. TAULBEE, from the Committee on Invalid Pensions, also reported back with an amendment the bill (H. R. 3982) granting a pension to John Pennington; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

JOHN L. HUNTER.

Mr. WINANS, from the Committee on Invalid Pensions, reported back with favorable recommendation the bill (H. R. 2797) granting a pension to John L. Hunter; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

GEORGE WELLS.

Mr. WINANS, from the Committee on Invalid Pensions, also reported back with favorable recommendation the bill (H. R. 2791) granting an increase of pension to George Wells; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

CLAYTON E. ROGERS.

Mr. WINANS, from the Committee on Invalid Pensions, also reported back with favorable recommendation the bill (H. R. 2804) granting a pension to Clayton E. Rogers; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

BRUNER D. HYATT.

Mr. WINANS, from the Committee on Invalid Pensions, also reported back with favorable recommendation the bill (H. R. 2798) granting a pension to Bruner D. Hyatt; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

SARAH A. LOVELL.

Mr. WINANS, from the Committee on Invalid Pensions, also reported back with favorable recommendation the bill (H. R. 2802) granting a pension to Sarah A. Lovell; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

JOEL D. MONROE.

Mr. WINANS, from the Committee on Invalid Pensions, also reported back with a favorable recommendation the bill (H. R. 4058) for the relief of Joel D. Monroe; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

CHANGE OF REFERENCE.

On motion of Mr. WINANS, by unanimous consent the Committee on Invalid Pensions was discharged from the further consideration of bills of the following titles; and the same were referred to the Committee on Military Affairs, namely:

A bill (H. R. 2795) for the relief of William Wall; and

A bill (H. R. 2794) for the relief of John F. Kellogg.

HARRIET M. LARRABEE.

Mr. HAYNES, from the Committee on Invalid Pensions, reported back with a favorable recommendation the bill (H. R. 4516) granting a pension to Harriet M. Larrabee; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

ZEBA S. AYER.

Mr. HAYNES, from the Committee on Invalid Pensions, also reported back with a favorable recommendation the bill (H. R. 5277) granting a pension to Zeba S. Ayer; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

ADVERSE REPORTS.

Mr. HAYNES, from the Committee on Invalid Pensions, also reported back with adverse recommendations bills of the following titles; which were severally ordered to be laid on the table, and the accompanying reports printed, namely:

A bill (H. R. 3451) granting a pension to Denis Carty; and

A bill (H. R. 4390) to pay Evelyn M. Lovejoy, widow of Daniel W. Lovejoy, late of Company C, Ninth Vermont Volunteers, the sum mentioned.

JAMES CARROLL.

Mr. O'HARA, from the Committee on Invalid Pensions, reported back with a favorable recommendation the bill (H. R. 4642) granting a pension to James Carroll; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

MRS. BRIDGET SMITH.

Mr. O'HARA, from the Committee on Invalid Pensions, also reported back with a favorable recommendation the bill (H. R. 4070) for the relief of Mrs. Bridget Smith, mother of Patrick J. Smith; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

WILLIAM L. M'CALL.

Mr. O'HARA, from the Committee on Invalid Pensions, also reported back with a favorable recommendation the bill (H. R. 4632) granting a pension to William L. McCall; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

MRS. MARY HASTINGS.

Mr. O'HARA, from the Committee on Invalid Pensions, also reported back with amendments the bill (H. R. 3198) granting a pension to Mrs. Mary Hastings; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

MARGARET KEARNS.

Mr. PINDAR, from the Committee on Invalid Pensions, reported back with a favorable recommendation the bill (H. R. 1543) granting a pension to Margaret Kearns; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

JOHN TAYLOR.

Mr. PINDAR, from the Committee on Invalid Pensions, also reported back with a favorable recommendation the bill (H. R. 3826) for the relief of John Taylor; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

AGNES RENZ.

Mr. PINDAR, from the Committee on Invalid Pensions, also reported back with a favorable recommendation the bill (H. R. 4592) granting a pension to Agnes Renz; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

CHANGE OF REFERENCE.

On motion of Mr. PINDAR, by unanimous consent the Committee on Invalid Pensions was discharged from further consideration of the bill (H. R. 1609) granting a pension to Thomas Shannon; and the same was referred to the Committee on Pensions.

FARAN & M'LEAN.

Mr. WARNER, of Missouri, from the Committee on Claims, reported back with a favorable recommendation the bill (H. R. 1776) for the relief of Faran & McLean; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

SOUTHERN PACIFIC RAILROAD COMPANY.

Mr. STONE, of Missouri, from the Committee on the Public Lands, reported, as a substitute for H. R. 148, a bill (H. R. 5883) forfeiting certain lands granted to the Southern Pacific Railroad Company of California by section 18 of the act of Congress approved July 27, A. D. 1866; which was read a first and second time, referred to the House Calendar, and, with the accompanying report, ordered to be printed.

The bill (H. R. 148) was laid on the table.

Mr. VAN EATON obtained unanimous consent to submit the views of the minority, to be printed with the report of the majority.

LAND DISTRICTS IN DAKOTA.

Mr. STRAIT, from the Committee on the Public Lands, reported back with a favorable recommendation the bill (H. R. 2823) to create two additional land districts in Dakota and to define the boundaries of the Deadwood district; which was referred to the House Calendar, and, with the accompanying report, ordered to be printed.

MARGARET D. MARCHAND.

Mr. SWOPE, from the Committee on Invalid Pensions, reported back with an amendment the bill (H. R. 2060) granting a pension to Margaret D. Marchand; which was referred to the Committee of the Whole House on the Private Calendar, and, with the amendment and accompanying report, ordered to be printed.

ELIAS SHEADS.

Mr. SWOPE, from the Committee on Invalid Pensions, also reported back with a favorable recommendation the bill (H. R. 5438) for the relief of Elias Sheads; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

ELIZABETH K. GALLAGHER.

Mr. SWOPE, from the Committee on Invalid Pensions, also reported back with a favorable recommendation the bill (H. R. 3627) granting a pension to Mrs. Elizabeth K. Gallagher, widow of Bvt. Brig. Gen. Thomas F. Gallagher, deceased, late colonel of the Eleventh Regiment Pennsylvania Reserve Corps; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

JOHN A. STEWART.

Mr. SWOPE, from the Committee on Invalid Pensions, also reported, as a substitute for H. R. 4249, a bill (H. R. 5884) to increase the pension of John A. Stewart; which was read a first and second time, referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

The bill (H. R. 4249) was laid on the table.

SARAH M. SHEARER.

Mr. SWOPE, from the Committee on Invalid Pensions, also reported back with a favorable recommendation the bill (H. R. 1061) for the relief of Sarah M. Shearer; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

JOHN M. HIGGINS.

Mr. STONE, of Kentucky, by unanimous consent, submitted the views of the minority of the Committee on War Claims upon the bill (H. R. 940) for the benefit of John M. Higgins, heretofore reported by that committee; and they were ordered to be printed with the report of the majority.

IDAHO AND WASHINGTON TERRITORIES.

The SPEAKER. The hour for the consideration of bills under the rule begins at ten minutes to 2 o'clock. When the hour expired yesterday there was under consideration a bill called up by the Committee on Territories, the title of which will be read.

The clerk read as follows:

A bill (H. R. 2889) to annex a portion of the Territory of Idaho to Washington Territory.

The SPEAKER. The question is first on the adoption of the second amendment, proposed by the gentleman from Washington Territory.

The amendment was agreed to.

The bill as amended was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

Mr. SPRINGER moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

ILLINOIS AND MISSISSIPPI RIVER CANAL.

The Committee on Railways and Canals was called.

Mr. MURPHY. I am instructed by the Committee on Railways and Canals to call up the bill (H. R. 5869) to provide for the acceptance by the United States of the proposed grant of the Illinois and Michigan Canal, and all its appurtenances, from the State of Illinois, and for the construction of the Illinois and Mississippi River Canal. I move that the House resolve itself into Committee of the Whole House on the state of the Union for the consideration of this bill, as it involves an appropriation.

The motion was agreed to.

The House accordingly resolved itself into Committee of the Whole House on the state of the Union (Mr. SPRINGER in the chair), and proceeded to consider the bill H. R. 5869, which is as follows:

Whereas the General Assembly of the State of Illinois has passed an act providing, among other things, that the Illinois and Michigan Canal, in said State, its right of way, and all its appurtenances, and all right, title, and interest which the State may have in any real estate heretofore ceded to the State by the United States for canal purposes, should be ceded to the United States on the conditions and for the purposes named in said act; and

Whereas said act, approved April 28, 1882, was submitted to a vote of the people of said State at a general election held in November, 1882, in pursuance of said act and as required by the constitution of said State, at which election said act was approved by a majority of all the votes polled at such election, and proclamation thereof duly made by the governor of said State; and

Whereas the General Assembly of said State has not withdrawn or revoked said grant; and

Whereas the interests of commerce require that said canal shall be owned, enlarged, and controlled by the Government of the United States: Therefore,

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That said grant of said canal, its right of way, and all its appurtenances, and all right, title, or interest which the State may now have in any real estate heretofore ceded to said State by the United States, be, and are hereby, accepted on the terms and conditions specified in said act of the General Assembly of the State of Illinois.

SEC. 2. That the Secretary of War is hereby authorized and directed to construct a canal from the Illinois River, at or near the town of Hennepin, in the State of Illinois, to the Mississippi River, at or above the mouth of Rock River, in said State; and also a branch canal or feeder from said Rock River to the main line of said canal. Said canal and branch canal or feeder shall be known as the Illinois and Mississippi River Canal, and shall be constructed on such

route as has been heretofore surveyed by the Secretary of War in pursuance of the provisions of the act of Congress passed August 2, 1882, and entitled "An act making appropriations for the construction, repair, and preservation of certain works on rivers and harbors, and for other purposes," known as the Rock Island or Rock River route in said survey.

SEC. 3. That it shall be the duty of the Secretary of War, in order to secure the right of way for such canal and branch, to acquire the title to such lands as may be necessary by agreement, purchase, or voluntary conveyance from the owners, if it can be done on reasonable terms; but if that shall be found impracticable, then the Secretary of War shall apply at any term of the circuit or district court of the United States for the northern district of Illinois to be held thereafter, at any general or special term held in said district, and in the name of the United States institute and carry on proceedings to condemn such lands as may be necessary for right of way as aforesaid; and in such proceedings said court shall be governed by the laws of the State of Illinois, so far as the same may be applicable to the subject of condemning private property for public use.

SEC. 4. That said canal or feeder shall be 80 feet wide at the water line and 7 feet deep, the locks 170 feet in length and 30 feet in width, and with a capacity for vessels of at least 280 tons burden, with guard-gates, waste-weirs, locks, lock-houses, basins, bridges, and all other erections and fixtures that may be necessary for safe and convenient navigation of said canal and branch as specified in said survey.

SEC. 5. That the Secretary of War shall cause said work to be commenced as soon as practicable, and within six months after this act goes into effect; and he shall cause said work to be constructed in accordance with the provisions of section 4 of this act, and of permanent and substantial materials and in good, workmanlike manner: *Provided*, That Congress may at any time regulate, fix, and determine the tolls and charges to be imposed upon said improvement when completed.

SEC. 6. That the sum of $1,000,000 be, and the same is hereby, appropriated, out of any money in the Treasury of the United States not otherwise appropriated, to carry into effect the provisions of this act relating to the canal connecting the Illinois River, at or near the town of Hennepin, with the Mississippi River, at or above the mouth of Rock River.

Mr. MURPHY addressed the committee for some time, when

The CHAIRMAN (at 2 o'clock and 50 minutes p. m.) announced that the hour for the consideration of bills had expired, and under the rule the committee would now rise.

The committee accordingly rose; and the Speaker having resumed the chair, Mr. SPRINGER reported that the Committee of the Whole House on the state of the Union, having had under consideration the bill (H. R. 5869) to provide for the acceptance by the United States of the proposed grant of the Illinois and Michigan Canal, and all its appurtenances, from the State of Illinois, and for the construction of the Illinois and Mississippi River Canal, had come to no resolution thereon.

DEBATE ON COINAGE BILL.

Mr. JAMES. I am instructed by the Committee on Coinage, Weights, and Measures to ask unanimous consent for the consideration and adoption of the resolution which I sent to the desk.

The Clerk read as follows:

Resolved, That Tuesday, March 2, after the hour for the consideration of bills, the House proceed to the consideration of House bill No. 5090, for the coinage of silver, and other purposes, and that said bill be considered from day to day until disposed of, not interfering with revenue and general appropriation bills.

The SPEAKER. Is there objection to the present consideration of the resolution?

Mr. BURROWS. I desire to make an inquiry. If that resolution is adopted, when that day is reached will not this order exclude all other business except revenue and appropriation bills until the close of the session?

The SPEAKER. If it is called up it will.

Mr. BURROWS. If called up it will close out all other bills during the session except revenue and appropriation bills.

Mr. JAMES. It is the intention of the committee, after the discussion has gone on for some days, to give notice that the previous question will be moved so as to close the debate.

Mr. BURROWS. But the House may not order the previous question. Unless the order can be limited to some time I shall have to object.

Mr. JAMES. We have no objection to limiting the time if such is the wish of the House. It is a question which the House wants to consider. The committee have come unanimously to the conclusion that it is desirable to follow the course indicated in the resolution, and have directed me to ask its adoption. But if the House desires to limit the time it can do so.

The SPEAKER. Is there objection to the present consideration of the resolution?

Mr. COLE. I object.

Mr. GROSVENOR. Mr. Speaker, I ask unanimous consent to introduce a bill for reference. I ask it at this time because a bill upon a kindred subject, the erection of a public building, is now pending before a committee of Congress, and I desire that this bill may be considered at the same time, as antagonizing the propositions contained in the other bill.

Mr. BEACH. I shall have to object, Mr. Speaker. A great many other gentlemen have similar bills, and we can not give consent to one gentleman without giving it to all.

Mr. COLE. Mr. Speaker, I withdraw my objection to the resolution presented by the gentleman from New York [Mr. JAMES].

Mr. STEELE. I shall object, Mr. Speaker, unless the time is fixed for closing the debate.

Mr. JAMES. We will take one week, then.

The SPEAKER. The gentleman from New York [Mr. JAMES] proposes to modify the resolution submitted by him this morning so as to continue the consideration of the bill in question for one week. With that modification of the resolution is there still objection?

Mr. DOUGHERTY. I object.

ORDER OF BUSINESS.

Mr. MORRISON. Mr. Speaker, I move that the House now resolve itself into Committee of the Whole on the state of the Union for the consideration of bills for raising revenue.

The motion was agreed to.

The House accordingly resolved itself into Committee of the Whole on the state of the Union, Mr. HAMMOND in the chair.

The CHAIRMAN (Mr. HAMMOND). The House is now in Committee of the Whole for the purpose of considering revenue bills. The Clerk will report the unfinished business.

The unfinished business was a bill (H. R. 4833) relating to the taxation of fractional parts of a gallon of distilled spirits.

Mr. BUTTERWORTH. Mr. Chairman, this bill was called up on the 19th of January, if I remember rightly, and about twenty minutes devoted to its consideration, when an amendment was offered providing for the payment of any tax assessed in standard silver dollars. That amendment was considered from time to time for a week or two, but nothing was said in regard to the merits of the bill. The amendment was out of order, but the point was not made, as certain gentlemen desired to submit observations upon the propriety of repealing the Bland act.

The CHAIRMAN. It may be proper for the Chair to state to the gentleman from Ohio [Mr. BUTTERWORTH] that he himself occupied thirty minutes in the discussion of this bill when he had the floor before and has but thirty minutes remaining.

Mr. BUTTERWORTH. Mr. Chairman, I am aware of that, and I would not claim the attention of the House now but for the fact that when this bill was called up before it was in the evening, and there were but few members present.

I desire now to call the attention of the House to the provisions of this bill, its origin and its purpose, and to show, if I can, that the desired object can be accomplished without doing the injustice to a great industry which the bill will do if passed just as it is reported by the committee.

I do not care to go into a discussion of the whisky business in detail or to give a history of distilling or to enumerate the different kinds and brands of whisky, nor shall I seek to entertain the House by reviewing the history of revenue legislation in this country; but a few words with reference to the taxation of distilled spirits are absolutely necessary that the effect of this bill may be clearly understood.

As you are all aware, a great part of the revenue of this nation is raised by a tax on distilled spirits. You are also aware that contrary to the usage in reference to every other article that is taxed, and contrary to the usage of every other nation, the tax upon this article is collected before the article goes into consumption. You are also aware that the tax levied is 600 per cent. more than the original cost of the spirits.

The amount of the tax due is determined by a gauge of the distilled spirits taken as soon as the spirits are drawn off from the distillery cisterns. The amount ascertained to be in each barrel is taxed 90 cents per proof gallon. A law passed some fifteen years ago provided that wherever in gauging the contents of a barrel it was ascertained that there was more than a half-gallon in excess of the number of full gallons that fraction of a gallon should be taxed as a whole gallon, while if the fraction was less than half a gallon no account should be taken of it; in other words, it was to be exempt from taxation.

That provision was adopted for the purpose of securing thoroughly fair play between the Government and the distiller. It was presumed that there would be about as many fractions over the half-gallon as under, and that therefore this arrangement would be fair to both the Government and the distiller. In practical experience, however, it was ascertained that the distiller was enabled to bring the fraction beneath the half-gallon every time, and thereby to exempt the fraction in every case from taxation.

You may ask, "Why should the distiller not be taxed for that half-gallon?" So he ought, if he gets the half-gallon; so he ought, if he has any use of the half-gallon; so he ought, if he is able to sell the half-gallon; so he ought, if anything short of omnipresence could find the half-gallon. But the fact is that the distiller does not receive, does not use, does not sell that half-gallon. It is absolutely lost to him; and it is neither the plan nor the purpose of this Government, nor is it honest, to tax a man for that which he does not have, can not use, and can not sell. Such is the policy of the Government. In view of that fact the Commissioner of Internal Revenue declined to ask Congress to provide for taxing that odd half-gallon for the reason that every distiller in the country loses much more than the half-gallon on each barrel of spirits he produces. In other words, when the distilled spirits are drawn off by a Government gauger and put into barrels the loss by soakage and leakage always exceeds half a gallon. I have here a statement from prominent distillers and handlers of distilled spirits, showing that the loss in handling these goods, in taking them to the rectifying-house

and putting them upon the market, is not half a gallon, which would be a little more than 1 per cent. of the contents of a barrel, but is in fact 3½ per cent.

Therefore the Commissioner of Internal Revenue recognized that it was not just to tax the distiller for this fraction, because it is not the purpose of the Government to tax him for more than he puts into the barrel and is enabled to take to the warehouse and sell and deliver to the purchaser. Every man here must see that to tax the distiller on what he does not get is palpably unjust; and it is against this injustice that I am bearing my testimony now. I do not ask on behalf of any distiller in my district or in this country that he shall be exempted from paying tax to the last poor scruple upon every gill of distilled spirits which he gets and handles and controls. Recognizing the justice of this allowance to the distiller, the Commissioner of Internal Revenue has not asked until recently that Congress interpose any legislation against this allowance of the fraction of a gallon.

Upon this subject I must necessarily repeat some things I said on a previous day, since a great many are here now who were not then present. In 1881, in what was known as the Carlisle bill, we authorized that which was not theretofore permitted, the drawing of distilled spirits in packages of 10 gallons. What has been the result? Some distillers have availed themselves of the opportunity to get the advantage of the half-gallon on that small package. While this was fairly against the spirit of the law, it was not against its letter. But there has arisen this abuse of claiming the fraction on the 10-gallon packages, and it is this abuse the Internal Revenue Department seeks to correct. It does not seek to work an injustice; it does not seek to take away the small measure of justice which resulted from the passage of the law as it stood prior to 1881, as it has stood for fifteen years, and as it stands to-day. Now gentlemen will readily see that if by an amendment we can correct this abuse and thereby save to the distillers and those interested in every part of the country, the protection resulting from a just provision of law, it ought to be done.

But some one says to me, "Why is it that the Committee on Ways and Means has reported unanimously this bill without the amendment?" Well, to quote Scripture, I might say to the committee, "Ye did run well; who did hinder you?" Who knew that such a bill was pending before the Ways and Means Committee? Who that was interested in this matter had any information about it one way or the other? No man on this floor interested in resisting the unjust feature of this bill—not intended to be unjust, of course, but none the less unjust in its practical operation—knew anything about this measure before it was reported? If to-day this bill were pending before the Ways and Means Committee there would be, in my humble judgment, no difficulty in reaching a just measure which would correct the abuse as I propose to correct it, or otherwise, and at the same time, preserve to the distillers the measure of justice which the law as it now stands secures to them.

Let me call attention to another matter: I have been speaking of the effect of this bill as it relates to what is known as high-wine distillers In Kentucky and other localities they make what is known as Bourbon whisky. It is a table beverage. That kind of spirit, that is, the Bourbon whisky, is prepared for market by aging; in other words, it is drawn from the still, taken into the warehouse, and there, by aging, the fusel oil passes off and the liquor becomes what connoisseurs call "mellow" and full of cheer. Now in view of the fact that the distillers of Bourbon whisky lose largely in the process of aging, what did Congress do as a measure of even-handed justice? By a measure for which four out of every five members of the House voted it was provided that the distillers should be allowed upon spirits stored in a distillery warehouse 1 gallon for every sixty days up to three years, the greatest allowance being 7½ gallons. That measure was just and right, because the distillers sustained the loss. Now the people who make high wines ask for a similar measure of justice, but justice in a smaller degree.

I only ask in behalf of my constituents and the distillers of this country that while correcting the abuse they do not do a great wrong to that industry. I am aware there are some in the House who think it is a good thing to kick the business wherever there is an opportunity. This is a business transaction. It is the great Government of the United States dealing with an industry that has paid into the coffers of the country hundreds of millions of dollars. It is a question of dealing with it fairly, justly, and not having our judgments perverted or diverted by reason of the fact that we are dealing with distilled spirits.

I have talked, Mr. Chairman, not with the Commissioner of Internal Revenue, but with the acting commissioner and Mr. Cushing, both reliable men. They have not had time to consider the proposition I have submitted in reference to correcting the abuse I am speaking of, and which resulted from the use of the 10-gallon packages. You will observe that the chairman of the Committee on Ways and Means in his report suggests the Government loses $200,000 a year on these fractional half-gallons. Why, certainly, theoretically it does; and if we should tax them on a gallon and a half more than they get there will be that much additional revenue placed in the coffers of the nation, but it would be an unjust exaction. All I complain of is, you are taxing what the distiller does not get. There is not a distiller in America, I do not care who or where, but knows and will testify to the House that he loses more than the fraction of a gallon now exempt from tax.

To do away with this abuse I shall offer, Mr. Chairman, and shall consider for a moment this amendment. I am perfectly aware that the House has not had the opportunity, and probably will not have the opportunity, to consider this question as fully and carefully as it deserves; but the amendment I offer not only puts us back to the old law, where there was no chance for fraud, but it goes beyond it for abundant security. Whereas the old law, before the distillers were permitted to use 10-gallon packages, authorized them to use 20-gallon packages, I have by this amendment remitted them to 30-gallon casks. In other words, in drawing off spirits that they shall not be drawn off in any cask or package containing less than 30 gallons. I will read the amendment. I hold in my hand the statute which provided that distilled spirits should be drawn off under the supervision of the gauger—that is, under the supervision of the Government—in packages of not less than 20 wine-gallons' capacity.

We subsequently modified the law with a view to promoting the South American trade. By the modification which was embodied in the Carlisle bill we authorized distillers to draw off into 10-gallon packages. I am not clear the South American trade amounted to a great deal; whether it did or not I do not know, but at all events, in order that there may be no ground for the Committee on Ways and Means to stand upon, in order that the abuse at which they aim in this bill may be corrected, and at the same time no wrong done to those engaged in this industry, I offer this amendment which I will read. I propose to strike out all after the enacting clause and insert in lieu thereof the following. I beg the attention of gentlemen to see whether or not, and I call the attention of the chairman of the Ways and Means Committee to it—whether or not this does not correct the abuse, while retaining to the distillers the right to which they are entitled and which they have been enjoying for fifteen years.

Strike out all after the enacting clause and insert in lieu thereof the following: "SECTION 1. That section 5 of the act entitled an act to amend the laws in relation to internal revenue, approved May 28, 1880, be amended by striking out the word 'ten,' wherever the same occurs in said section, and inserting in lieu of it 'thirty.'"

So the section will read—and I beg the attention of the House to it:

All distilled spirits shall be drawn from the receiving cistern into casks or packages of not less capacity than 30 wine gallons, &c.

The law is now 10. It was, prior to the Carlisle bill, 20. I have made it 30, so out of abundant caution there may be no chance for any suggestion even of fraud on the revenue.

This section fixes the size of the casks. What is the result? Instead of the bill, as proposed, compelling distillers to pay on spirits that do not exist in tangible shape, that they can not use, never sell; in other words, instead of doing these men a rank injustice, it does them justice while it provides for doing justice to the Government. The section which provides for taxing fractional parts of a gallon is section 3251 Revised Statutes, which simply provides, in drawing off into casks or packages, wherever a fraction of a gallon exceeds one-half it shall be taxed as a whole gallon.

Wherever the fractional part of a gallon is less than one-half it shall be exempt from taxation. Now, there being an absolute loss to the distillers of the fraction which is exempt, and I have heard no testimony to the contrary, it is simply absurd to say that the distiller gets a half-gallon of spirits upon which he evades payment of tax. Theoretically he gets the fraction, practically he does not, and it is at present exempt from tax because he does not get it.

Mr. Chairman, there is another amendment proposed by the distillers, and to which I think the consideration of the Internal Revenue Department has been called. The loss to distillers by soakage, &c., is ascertained to exceed 1 per cent. of the contents of each barrel. The amendment, and it might be more acceptable to the honorable gentlemen in charge of this bill, provides for allowing the exemption of fractional part of a gallon as now authorized by law, provided such allowance in no case exceeds 1 per cent. of the wine-gallon contents of the package.

If that be more satisfactory, I am content with it. But I am here to call the attention of the House to the fact that an abuse against the spirit, not the letter of the law, but against its spirit, can be corrected, and in a very simple way, without doing a great wrong, and I hope it may please our friends upon the committee to adopt it. I submit to my honorable friend from Illinois whether or not it does not accomplish precisely what he desires to accomplish, and what the Commissioner of Internal Revenue desired to accomplish when he suggested the measure to the House, or rather to the committee.

One word further, Mr. Chairman, and I will yield to my friend from Illinois. In talking with the Internal Revenue Department, I find that the complaints which have called the attention of the Commissioner of Internal Revenue to the necessity for legislative action in this matter grew out of the use, or rather the abuse, of the 10-gallon-package system. Nobody, so far as I am informed, hinted that the exemption of a fraction under a half-gallon was unjust when applied to the barrel package, or that the allowance more than covered the actual loss the distiller sustained. Now, again let me say that I hope my honorable friends upon the committee will be content to accept the remedy I propose, which permits no injustice to the Government and accomplishes all that is, or at least all that is sought to be, accomplished—that is, to

correct an abuse. Other gentlemen desire to be heard, and therefore I will for the present yield the floor.

MESSAGE FROM THE SENATE.

The committee informally rose; and Mr. MCCREARY having taken the chair as Speaker *pro tempore*, a message from the Senate, by Mr. SYMPSON, one of its clerks, announced that the Senate had passed without amendments a bill and joint resolution of the House of Representatives of the following titles, namely:

A bill (H. R. 3829) for the relief of Frances E. Stewart, administratrix of Michael S. Stewart, deceased; and

Joint resolution (H. Res. 71) authorizing the Superintendent of Public Buildings and Grounds to supply plants and shrubs to fill certain vases in the Pension building.

It also announced that the Senate had passed, with amendments, in which the concurrence of the House of Representatives was requested, a bill (H. R. 327) to enable national banking associations to increase their capital stock and to change their names and locations.

It further announced that the Senate had passed bills of the following titles; in which the concurrence of the House of Representatives was requested, namely:

A bill (S. 23) giving a military record to Thomas Miller;

A bill (S. 91) to amend an act entitled "An act to grant the right of way for a railroad and telegraph line through the lands of the Choctaw and Chickasaw Nations of Indians to the Saint Louis and San Francisco Railroad Company, and for other purposes;

A bill (S. 333) for the relief of settlers and purchasers of lands on the public domain in the States of Nebraska and Kansas; and

A bill (S. 1634) authorizing the President of the United States to grant permission to one or more officers of the Army to accept temporary service under the Government of Corea.

TAX ON FRACTIONAL PARTS OF GALLON DISTILLED SPIRITS.

The Committee of the Whole resumed its session.

Mr. MORRISON. Mr. Chairman, I ask the Clerk to read the report accompanying this bill.

The Clerk read as follows:

Under existing laws "any fractional part of a gallon of distilled spirits amounting to one-half gallon or over in a cask or package shall be taxed as a gallon, and any fractional part of a gallon less than one-half gallon in any cask or package shall be exempt from tax."

This statute is based on the assumption that the fractions taxed and untaxed would balance each other.

In practice it has occurred that the tax-payer, to avail himself of the advantages which this statute affords, frequently used small packages with fractional parts of gallons less than half a gallon. It is estimated by the Commissioner of Internal Revenue that by this process the fractional parts of a gallon which go untaxed exceed those which are taxed by 500,000 in a single year, entailing a loss in the collection of this tax of a sum estimated to exceed $200,000, and adds much to the cost of collecting the revenue.

To remedy these and other evils, and to secure a better collection of the revenue, your committee report the accompanying bill and recommend its passage.

Mr. MORRISON. Mr. Chairman, the report of the committee just read states with substantial accuracy the purpose of the bill under consideration. Its purpose is to compel payment at the time fixed by law, and at the rate fixed by law, on all distilled spirits made and removed or taken away from the distillery warehouse and out of the control of the Government by the owner. During the first six years of the existence of this law putting a tax on distilled spirits, or from 1862 to 1868, in which time of six years the tax was sometimes as high as $2 and at others as low as 20 cents per gallon, the tax was collected directly in money.

We had not then adopted the method of collecting the tax through the stamp system. Then the spirits were gauged, which is another name for measuring, the quantity ascertained, and the tax paid at the rate per gallon or parts of a gallon fixed by the law. In 1868 the tax was fixed at 50 cents per gallon, and the system of collecting through the stamp system adopted. It being impracticable to have a stamp of the size of every fractional part of a gallon, it was enacted that not only gallons but fractional parts of gallons should pay the full 50 cents tax. This, although complained of by the distillers, was the law, and remained in force for four years, when in 1872 the tax was raised to 70, and afterward to 90 cents. In 1872 it was still considered impracticable to provide stamps to correspond with the size of the various fractional parts of gallons, and it was determined to exempt from taxation parts of a gallon less than one-half and tax the fractional part if in excess of a half-gallon at the rate of a full gallon.

When this was done it was supposed that from day to day, month to month, year to year, the manufacturers would, as it might happen, sometimes put a fraction more or greater than one-half gallon and sometimes less in a cask, barrel, or other package; that the two would about offset or equalize each other, so that at the end of the year, or of a given or stated time, the quantity taxed would be as near as might be equal to the whole quantity made and taken away or withdrawn from the warehouse by the owner. It was some considerable time before the violations of this law were very flagrant, but later it was discovered that all or nearly all the fractions were less than half-gallons and escaped taxation; that this was not the result of chance, but was a contrivance to avoid the payment of a legitimate tax. The Commissioner of Internal Revenue reports that in the last year this abuse, or, if I may use a stronger term, this fraud, had so grown that in the very last year the packages which were less than a half-gallon and escaped taxation outnumbered those which were greater and were taxed by 500,000. The loss of revenue to the Treasury by this failure to account for and pay legal taxes amounted to not less than a quarter of a million of dollars, estimated on the statement of the Commissioner.

The gentleman from Ohio [Mr. BUTTERWORTH] tells us that these parts of gallons less than a half-gallon were to be left untaxed as a compensation or allowance for loss by leakage, which, he says, is inevitable; that this was only justice, for the loss far exceeded the allowance or amount allowed. What measure of justice was that which let one part of a gallon escape a tax and doubled it on the other? Any losses resulting to one are common to both. It was simply for purposes of convenience. This method was adopted, its authors supposing that it could and would be honestly enforced and that the parts of gallons would be greater or less as might happen, and as the casks might be made, without any design to defraud the Government.

Nor is the loss of revenue the only or the greatest evil that results from this abuse. By using smaller packages, casks, or barrels—packages of 10 gallons' measure—which are extensively used by many manufacturers or distillers, the crafty and less scrupulous have often escaped, do continually avoid, the payment of taxes on the quantity of spirits contained in a single barrel amounting to $1.75, which the honest maker and the man who honestly pays his tax has to account for. This is such an advantage in favor of the unscrupulous as the upright and honest tax-payer can not compete with or contend against.

This is an invitation to trickery, because the fair dealer can not be on equal terms in business. He must abandon distilling or resort to the same ingenious rascalities practiced by his rival or competitor in business. The result is this tax-escaping contrivance grows from year to year, and will as long as this abuse finds its indemnity in the wording or terms of the law. If one distiller puts 42 gallons in a barrel and pays the tax on it, another distiller who puts 10 gallons and nearly a half in each of four smaller barrels will have of his 42 gallons nearly 2 gallons untaxed, and may thus save at least $1.75, which his competitor must pay. This evil increases, too, the cost and expense of collecting the revenue, because the inducement to use smaller packages increases their number and adds to the labor and expense of gauging and inspecting.

The gentleman from Ohio [Mr. BUTTERWORTH] asks us to believe it unjust to tax parts of gallons because, he tells us, they do not go into use; that the manufacturer does not get the benefit of them. The bill we are considering provides that when these high wines or spirits are taken from the distillery warehouse and pass from the control of the Government, when they go to the owner and to his own use, ownership, and control, he pays taxes on the aggregate number of gallons, of both whole gallons and fractional parts. He has the ownership and use of the fractional parts of a gallon to the same extent as any other product of his distillery. We have been told in this debate that other makers had an advantage over the makers of high wines or distilled spirits of the particular quality made by some distillers in Illinois and in Cincinnati—maybe elsewhere.

It is true there is provision made for losses by leakage, but it applies to makers all alike. Whoever leaves distilled spirits in the distillery warehouses such length of time as to incur loss from evaporation or any of the processes by which nature lessens the quantity of distillery products, has or may have an allowance for such loss. The owner who withdraws his product before there is a loss of course has no allowance, nor should he have any. The manufacturers for whom the gentleman from Ohio speaks have just the same advantages and privileges as all others; they should have no more. If they take out or withdraw their high wines immediately they have no loss and get no allowance.

Mr. BUTTERWORTH. I do not wish to interrupt the gentleman, but I desire to make a suggestion, if he will allow me.

Mr. MORRISON. I yield to the gentleman.

Mr. BUTTERWORTH. Does not the gentleman from Illinois know that the high-wines distillers get no advantage at all by keeping them; and if they do so they have loss in soakage, just as the Bourbon distillers; but the Bourbon distillers have to keep their spirits for age? We—I mean the men for whom I am speaking—gain nothing by holding on to them. Others do. Our loss is immediate, and we want to provide for it in this way.

Mr. MORRISON. If you gain nothing by holding on, you lose nothing by letting go.

Mr. BUTTERWORTH. Does not my friend know that the testimony of every distiller in the country is, that when they draw off the goods from the cistern, in the first instance, taking them into the warehouses, every barrel will entail a dead loss of half a gallon?

Mr. MORRISON. In justice you ought not to put it on the other half-gallon, should you?

Mr. BUTTERWORTH. Not at all. My friend knows every distiller can so gauge his package that he will be simply allowed that half-gallon, and that half-gallon is exempt from taxation only because it does not exist; it is a loss to the distiller, to the Government, to the commercial world absolutely. That is the reason.

Mr. MORRISON. There is not so much lost by what I believe the

gentleman called soakage—there is not so much lost in soakage as in suckage. [Laughter.]

Mr. BUTTERWORTH. I think the suckage is nearly always lost. [Laughter.]

Mr. MORRISON. The gentleman criticised the action of the Ways and Means Committee in reporting this bill, and referred to the fact that the makers in Illinois put their distilled spirits in great big honest barrels that contain 42 or 40 gallons, on all of which he admits, I believe, the taxes are paid, and then proposes to prevent our respective friends and constituents from cheating the Government, or cheating each other, by making them put their goods, their distilled spirits, in a larger cask or a larger barrel. The Ways and Means Committee wanted to accommodate the trade and allow those engaged in it to choose for themselves the size of the cask or other vessel in which they shall put their wares or goods; but whatever they do put them in we want them to pay taxes on all of them.

Mr. SOWDEN. Will the gentleman allow me to ask him a question?

Mr. MORRISON. Yes, sir.

Mr. SOWDEN. Is not the alleged gain on the spirits lost made up on the extra cost of the keg?

Mr. MORRISON. No. Putting the spirits into smaller casks may make an increased cost equal to the tax on the half-gallon, or probably more; but you put the spirits in the smaller cask for your own convenience; and if you do that for your own convenience and your own profit, you ought not to take the cost of doing it out of the public Treasury. All we want and require by the bill is that those who make this product, upon which the Government has fixed a tax, shall pay it, and pay it as the law provides, when the whiskies are removed or taken away from the distillery warehouse.

Mr. BUTTERWORTH. Will my friend permit me to ask him a question?

Mr. MORRISON. Certainly.

Mr. BUTTERWORTH. Suppose that, owing to some law which no human contrivance could control, there was a loss of a gallon every time a barrel was drawn off, would you hold it right to tax the distiller for that gallon of spirits which he could not get or use?

Mr. MORRISON. I hold it right to treat all distillers alike. I want them all to pay their tax alike, the tax which the law provides they shall pay; and if these gentlemen who draw the distilled spirits off from the distillery into the warehouse and take it directly there—though in fact I think it very often takes another course, and never goes by the warehouse at all——

Mr. BUTTERWORTH (interposing). Oh, that is a fraud, which of course ought to be guarded against; but I want to ask my friend——

Mr. MORRISON. Now, Mr. Chairman, I say that if it in any way occurs that these manufacturers lose in drawing off these spirits the loss ought not to be taxed and the law ought to provide for that, but we ought to have a law applying to all alike, and not compel the honest men to pay and let the crafty escape.

Mr. BUTTERWORTH. Oh, there is no purpose of that kind. Now I will ask my friend to give me a categorical answer to my question. Suppose that in drawing off a barrel of spirits there should be a conceded loss of half a gallon, will my friend hold that the Government ought to collect a tax upon that half-gallon?

Mr. MORRISON. If such a state of facts exists, bring in your bill, send it to the committee from which this bill comes, go there and convince these gentlemen [indicating Mr. KELLEY, Mr. HEWITT, and Mr. BRECKINRIDGE of Arkansas] that such loss does occur, and they will undoubtedly report a bill providing that in such cases the distiller shall be allowed a half-gallon for waste.

Mr. BUTTERWORTH. But my friend knows that we have not been heard in this matter. If he will consent to recommit this bill and give us a hearing, and we do not satisfy the committee that we are right, I will withdraw all opposition.

Mr. MORRISON. Oh, no. This bill only provides that all shall pay tax under the law as it is. Those who complain of its proposed modification are those who have availed themselves of all the advantages it affords. All do not avail themselves of this advantage, and it is hardly just to let some escape this tax because they are less scrupulous than others.

Mr. BUTTERWORTH. But suppose it is true that in taking these spirits from the cisterns to the warehouses there is an actual loss which can be ascertained?

Mr. MORRISON. That may be true.

Mr. BUTTERWORTH. Well, if it is so, you would not want this bill to pass if you could provide for correcting existing evil and at the same time save that to the distillers, would you?

Mr. MORRISON. I want this bill to pass because it proposes to treat all alike and that all shall be treated alike. As to this loss of which you speak, if you want to provide for that, I have already indicated it may be taken up and considered separately.

Mr. BUTTERWORTH. But you do not want to do the wrong that this bill would do if you can avoid it?

Mr. MORRISON. This bill is just right. It is the wrong we are trying to correct. [Laughter.]

Mr. HEWITT. It is not this bill which produces the loss of which the gentleman from Ohio [Mr. BUTTERWORTH] speaks. That loss occurs without reference to this bill.

Mr. MORRISON. I wish the Clerk to read to the House what the Commissioner of Internal Revenue says upon this subject for a reply to the gentleman's criticism of the committee.

The Clerk read as follows:

TAXATION OF FRACTIONAL PARTS OF A GALLON OF DISTILLED SPIRITS.

I desire to invite your special attention to what appears to be a pressing need for legislation taxing all fractions of a gallon of distilled spirits.

Under the present law any fractional part of a gallon amounting to one half-gallon or over, in a cask or package, is taxed as a gallon, but any fractional part of a gallon less than one half-gallon in any cask or package is exempt from tax. This provision was undoubtedly made upon the assumption that in filling large numbers of packages the fractional parts of a gallon would be indifferently above or below a half-gallon, as might happen, and that the fractions taxed as full gallons would balance the fractions exempt from tax.

But in practice this assumption has not proved to be correct.

It is quite practicable for the distiller so to fill his packages as to have a large fraction less than one half-gallon in nearly every instance.

The tax-payer does not omit to avail himself of this opportunity, and consequently taxable fractions, equal to or exceeding a half-gallon, occur in packages when filled at the distillery cisterns, only infrequently and by accident, while the untaxed fraction is of constant occurrence.

When spirits remain in the distillery warehouse for a considerable time the natural changes in their volume and proof will render the size of the fraction, upon regauge at the time of withdrawal, a matter of chance entirely, as assumed by the statute.

But much the larger portion of the spirits manufactured remains in warehouse for a brief period only, and very large quantities are, immediately after entry, removed to rectifying-houses, where the untaxed fractions are made fully available by the distiller or owner.

It is probable that at least five hundred thousand packages contained a large, untaxed fraction upon removal from warehouse, during the last fiscal year, over and above the packages whose fractions, taxed and untaxed, fairly offset each other.

The direct result of this practice, as it has prevailed in former years, is the loss of a very appreciable amount of revenue. But during the last year a disposition has been manifested to profit by this method of avoiding taxation to a greatly increased extent.

The plan has been adopted at several large distilleries of substituting packages of 10 gallons capacity and upward in place of the spirit barrel of ordinary size, for the sole purpose, apparently, of obtaining the benefit of the untaxed fraction as frequently as possible.

This threatens to be a matter of very serious consequence, as the profit derivable from the fractions, especially if trebled or quadrupled, is sufficient to induce or to compel competitors to resort to the same device, and a large part of the distillers of finished spirits and of high wines already declare that they shall be forced to adopt it.

The tax lost thereby is but one of the evils resulting from this practice. The multiplication of packages increases the labor and expense of gauging and inspection and of the reports and accounts of the packages and their contents. But the evil most to be deprecated is an unwholesome rivalry of this sort, which is found to stimulate invention and to lead continually to efforts to obtain other advantages, and those of a less legitimate character, in advance of competitors in business, or in place of the benefits from fractions in cases where the latter are not available.

I am of the opinion that the practice should be checked without delay, and that the best remedy will be found in taxing all fractional parts of a gallon of distilled spirits; and for this purpose I respectfully recommend that legislation be had which, in lieu of the present method of taxing and exempting fractions, shall authorize the assessment and collection monthly, in like manner as other taxes are assessed and collected, of the tax upon the whole number of proof gallons, or of wine gallons when below proof, which the fractions of gallons removed from each distillery warehouse may aggregate.

Mr. WORTHINGTON. Mr. Chairman, there are two objects to be attained by the passage of this bill. One is to secure to the Government the tax upon all spirits distilled, instead of upon a part only. The other is to shape the law so that it shall not benefit one class of distillers to the injury of others. The average price on the market of high wines is about $1.08 a gallon. The tax is 90 cents a gallon. The Government takes, then, as tax, five-sixths of the gross receipts for a gallon of high wines when a distiller sells it. This being so, every member of the House can see at a glance that any clause or operation of the law which releases some distillers from paying tax upon a part of the spirits they manufacture while collecting from other distillers the full tax upon all that they manufacture is a most unfair, unequal, and unjust exercise of the power of taxation.

The Government has no right to use its power for collecting revenue to build up one branch of an industry and to destroy another. This injustice does exist under the present law, and will exist under any amendment or substitute that may be offered to the present bill that will so change it as to exempt a part of the products of distillation from taxation. There is but one fair, equal way of doing, and that is to tax all fractions of a gallon as well as the whole gallon, excepting no part, but making the entire quantity distilled subject to assessment and taxation.

This is the object of the present bill. As the law now stands, if the fraction of a gallon in a keg or barrel or package is less than one-half, it pays no tax at all. If it is over one-half, it pays for a full gallon. There is no doubt that in framing this law the presumption was that there would be, in the ordinary course of business, about as many fractional gallons over one-half as under one-half, so that on an average the Government would neither make nor lose revenue, and would avoid the complications of fractional stamps. But this presumption has proved to be untrue. Distillers, while acting under the strict letter of the law, have evaded the payment of the tax on nearly one-half a gallon in each package. Their packages have been constructed so as to make the fraction always a little under one-half.

All gentlemen are not familiar with the details of the manufacture of

spirits, or with the different kinds of spirits manufactured. If they were, they would understand why these distillers who have rectifying establishments connected with their business are anxious to keep the law as it is; and would also see the advantage that the law as it now is gives to this class of distillers over others in the business. The distiller who both distils and rectifies practically gets the advantage of the untaxed half-gallon, while the manufacturer of alcohol or cologne spirits, who sees his products in this shape, gets very little, if any, advantage. Neither does the manufacturer of that class of goods which are aged before being sold get any advantage.

I ask the indulgence of the House for a moment while I explain these different modes of manufacture and the manner of business of the trade, so that members may see and understand why the great rectifying districts that turn corn into dead-center, instantaneous, forty-rod, chain-lightning, cheap whisky that is put on the market as soon as made get the lion's share of the advantage of the untaxed half-gallon, and why other distillers can not get it; and also that they may understand how much revenue the Government loses by this half-gallon law. When the distiller makes his product, it is in the first place drawn into a receiving tank or cistern.

From this it is drawn into barrels or packages, and these are gauged by the Government gaugers to ascertain the amount of tax to be paid. The distiller can now pay the tax at once and put his goods on the market. Or he can put them into the distillery bonded warehouse until the first day of the ensuing month. If he has not paid the tax by this time he can bond his spirits for three years and pay the tax at any time within the three years. My friend from Ohio [Mr. BUTTERWORTH] talks of the loss by soakage into the barrel, &c., and insists that the distiller ought to have the advantage of an untaxed half-gallon to offset this loss. Why, sir, he comes from a distilling district, and he knows as well as I do that the inside of every package is sized, or glued, to prevent absorption, and that practically there is no loss by it. Now let us see if there is any loss for which the Government has not already made a liberal allowance.

If the distiller sells his wines as soon as produced the gauge made when they are drawn from the cistern gives the correct quantity, and it is upon that gauge that he pays the tax. But suppose he does not put them on the market at once, but puts them in the bonded warehouse? As I said before, they may lay there in bond for three years. There would naturally then be some loss by evaporation, leakage, &c. But my friend from Ohio was mistaken on one point right here, although he did not, I am sure, intend to deceive the House. When the spirits are taken out of the warehouse the tax is not paid upon the original gauge, as I understood him to say. They are, upon application of the distiller, regauged, and the tax is charged upon the regauge, and not upon the original gauge. So that the distiller does not have to pay tax upon what has leaked out, or been absorbed or evaporated.

Mr. BUTTERWORTH. Do you say that is so as to high wines?

Mr. WORTHINGTON. I will read from the law. I refer to the act of May 28, 1880:

SEC. 17. Whenever the owner of any distilled spirits shall desire to withdraw the same from the distillery warehouse or from a special bonded warehouse, he may file with the collector a notice giving a description of the packages to be withdrawn, and request that the distilled spirits be regauged; and thereupon the collector shall direct the gauger to regauge the same, and mark upon each package so regauged the number of gauge or wine gallons and proof gallons therein contained. If upon such regauging it shall appear that there has been a loss of distilled spirits from any cask or package, without the fault or negligence of the distiller or owner thereof, taxes shall be collected only on the quantity of distilled spirits contained in such cask or package at the time of the withdrawal thereof from the distillery warehouse or special bonded warehouse: *Provided, however*, That the allowance which shall be made for such loss of spirits as aforesaid shall not exceed 1 proof gallon for two months or part thereof, 1½ gallons for three and four months, 2 gallons for five and six months, 2½ gallons for seven and eight months, 3 gallons for nine and ten months, 3½ gallons for eleven and twelve months, 4 gallons for thirteen, fourteen, and fifteen months, 4½ gallons for sixteen, seventeen, and eighteen months, 5 gallons for nineteen, twenty, and twenty-one months, 5½ gallons for twenty-two, twenty-three, and twenty-four months, 6 gallons for twenty-five, twenty-six, and twenty-seven months, 6½ gallons for twenty-eight, twenty-nine, and thirty months, 7 gallons for thirty-one, thirty-two, and thirty-three months, and 7½ gallons for thirty-four, thirty-five, and thirty-six months.

Thus the allowance for outage runs on in proportion to the length of time the spirits are in bond, for three years, when it may amount to 7½ gallons, that being the maximum loss which is allowed.

Mr. BUTTERWORTH. Now, will my friend——

Mr. WORTHINGTON. I have so little time and so much to say that I must decline to be interrupted.

Mr. BUTTERWORTH. I do not want to be placed in a false light before the House.

Mr. WORTHINGTON. The gentleman will have an opportunity to correct me if I am wrong. I said he had no intention of deceiving the House.

Mr. BUTTERWORTH. I understand that, and I did not deceive the House.

Mr. WORTHINGTON. Now, I have cited the law to show that it is exceedingly liberal in its allowance as to losses by leakage, &c., on distilled spirits. I now wish to call attention to what the Commissioner of Internal Revenue says in his last report as to the tax that spirits, Bourbon whiskies, and others actually paid during the last fiscal year. It will be seen that instead of their paying 90 cents per gallon on the quantity that actually went into the warehouse, they have paid in many cases as low as 80, 81, or 82 cents a gallon. This was owing to the allowance for leakage, evaporation, &c., made under the law I have cited:

As the foregoing tables show not only the quantity of all kinds of spirits withdrawn for all purposes and the quantity allowed for leakage, evaporation, &c., but also the quantity of each kind so withdrawn and so allowed, they afford the means of determining the actual amount of tax paid on each gallon of each kind of spirits produced. Computations on this basis show that the tax paid on withdrawal of each gallon produced was as follows: Bourbon whisky, nearly 81 cents per taxable gallon; rye whisky, nearly 80 cents per gallon; alcohol, 89.99 cents per gallon; rum, 89.23 cents per gallon; gin, 89.74 cents per gallon; high wines, 89.61 cents per gallon; pure, neutral, or cologne spirits, 89.56 cents per gallon; miscellaneous, 88.34 cents per gallon.

In other words, the allowance for leakage, waste, evaporation, &c., from the time the spirits were first gauged and went into the warehouse until they were taken out, reduced the tax from 90 cents per gallon upon the whole amount to 80, 81, and 82 cents upon these finer grades of whisky. Certainly under this showing there is no foundation for the claim that another half-gallon ought to be allowed in every package to go untaxed to make up for some possible loss or waste.

But the gentleman from Ohio proposes to remedy the injustice of the present law by an amendment to this bill that will leave the half-gallon part of the law as it now is, but will make the smallest package into which spirits can be drawn and gauged 30 gallons, instead of 10, as now provided.

If gentlemen will recall what I have already said in describing how these goods are drawn from the cistern and gauged in packages they can see the abuse of the present law in the use of the 10-gallon package, the loss to the Government it causes, and the advantage it gives to every distiller who has a rectifying establishment connected with his distillery. The rectifying establishment must be 600 feet from the distillery. As the high wines are drawn off from the receiving cistern they are drawn not into ordinary barrels of 40 or 50 gallons, but are drawn exclusively into 10-gallon packages, because only 1 half-gallon can be gained to a package. Forty-two gallons drawn into four 10-gallon packages, I speak in round numbers, gives in each package 10½ gallons, and the distiller, on the 42 gallons, by saving the fraction on each package, pays tax on only 40 gallons. If he had put the whole 42 into one barrel he could only have saved paying tax on 1 half-gallon.

You see now how useful this little joker, in the shape of a 10-gallon keg, is to the distiller who rectifies as well as distils. These 10-gallon packages are not commercial packages. They are not used to ship spirits when put on the market, but are used solely as whisky ducts, to transfer the spirits from the distillery to the rectifying-house, and there dumping it are then taken back to the distillery and filled and carted over the 600 feet to the rectifying-house and dumped again, and so on indefinitely. Now how will the 30-gallon package, which the gentleman's amendment proposes, work? When he gave notice, in his remarks the other day, that he would offer an amendment, he stated that it would be to change the present law to what it used to be. That was 20 gallons instead of 10. In that way he would have reduced the evil just one-half. Under that amendment the distillers would use 20-gallon kegs to carry the spirits from the distillery to the rectifying-house instead of 10. I am glad to know that he has experienced a great change of heart since then. He now proposes to fix the limit at 30 gallons. That is, he now proposes to do away with two-thirds of the evil instead of one-half. Why not abolish it entirely, as this bill proposes, instead of tinkering with it?

I wish to say to you gentlemen who do not represent distilling districts that you have but little idea of the loss of revenue that the Government sustains by this half-gallon allowance. I have here a computation made by a distiller of my district, to which I desire to call the attention of the House. And I wish to say right here that all distillers are not in favor of this half-gallon arrangement. I represent the greatest distilling district in the United States or in the world. It is a distilling district which does not rectify much. During the year ending June 30, 1885, it manufactured 14,650,000 gallons of spirits. The first district of Ohio manufactured for the same time 13,000,000 gallons. But now look at the rectifying statistics. The Illinois district rectified in the same time 910,000 gallons. The Ohio district rectified 9,300,000, more than ten times as much. You can see where the little joker comes in. Let us follow this still further.

Mr. BUTTERWORTH. You want the little joker under your hat.

Mr. WORTHINGTON. I was proceeding to call attention to the computation I referred to, and by it to show what a distiller who uses the 10-gallon package gains in not paying tax over one who uses the common package or barrel of 45 gallons. A house that mashes 2,000 bushels a day, 300 days in the year, allowing 4 gallons to the bushel, and uses a 45-gallon package, saving the fraction of untaxed spirit on each package, avoids the payment thereby in round numbers of $21,000 tax in a year. Another house using the minimum package, say 11 gallons, avoids the payment of $83,000 tax in a year. I submit the computation in detail herewith, to be published as a part of my remarks.

Distillery "A." which sells original packages, ordinary size, mashing daily 2,000 bushels, produces 4 gallons spirits per bushel; 2,000 × 4 = 8,000 gallons × 300 days = 2,400,000 gallons × 90 cents tax = $2,160,000; filled in 45-gallon barrels, at 101 per cent. proof, would fill

52,805 barrels of 45.45 gallons, fractions free = 2,376,225 taxable gallons = $2,138,602.50.

Distillery "B," which removes, dumps, and compounds liquors, mashing 2,000 bushels per day × 4 gallons to bushel = 8,000 gallons × 300 working days = 2,400,000 gallons × 90 cents tax, as above = $2,160,000; filled in kegs of 11 gallons, at 104 per cent. proof, for removal and dumping, would fill 209,781 kegs of 11.44 gallons, fractions free = 2,307,591 taxable gallons × 90 cents = $2,076,831.90.

RECAPITULATION.

"A" gains in fractions..... and the Government loses that amount.	$21,397 50
"B" gains in fractions..... and the Government loses that amount.	83,168 10
"B" is ahead more than "A".....	61,770 60

Gentlemen can now see the injustice of the operation of the present law. This computation is based on a 2,000-bushel house. We have distilleries that mash 5,000 bushels a day. It will be seen that in the case cited the 10-gallon-package distiller gains $60,000 a year over his competitor who uses a 45-gallon package. My friend from Ohio says "Oh, no; we will not pass the present bill, but in place of it we will prohibit the 10-gallon package and make 30 gallons the smallest size." Well, all that would amount to would be that the Government would not lose quite so much revenue as it does now, and the distiller using a 30-gallon package would not have quite so great an advantage over the one using a 45-gallon one. Instead of having $60,000 a year advantage, as in the case I have cited, he would only have one-third of that advantage, or $20,000 a year. As I said before, the gentleman from Ohio's plan would abolish two-thirds of the evil.

In reply to a remark of mine made to the gentleman when speaking on this subject the other day, he retorted by saying, "Your people in Peoria manufacture high wines and cologne spirits and put them in 40-gallon packages, double-proof spirits, so you get 80 gallons in a barrel in this way." Some who heard this statement may have concluded from it that by this arrangement the Peoria distiller only paid tax on 40 gallons, when the package really contained 80 proof gallons. I do not think he intended to leave that impression, because he knows as well as I do, and as well as every one in the House does who is at all familiar with the subject, that the tax is not paid on the wine gallon but upon the proof gallon. If, then, you put 40 wine gallons of double-proof spirits into a barrel you pay tax not on 40 but on 80 gallons.

But, Mr. Chairman, notice how ingeniously and successfully the 30-gallon arrangement of proof spirits suggested by my friend from the first Ohio district would work compared with a 40-gallon package of double proof. Every time a 30-gallon package of proof spirits was filled there would be poured in this extra half-gallon upon which no tax would be paid, while the man who filled the 40-gallon package of double-proof spirits could only save a half-gallon on every 80 gallons. The one would save it on every 30 gallons, the other on every 80 gallons. The gentleman was correct in stating that cologne or neutral spirits, alcohol, and high wines, when shipped, are generally made double proof. This is to save freight, but it saves no tax. And as a quart, wine measure, of double-proof spirits makes a half-gallon of proof or taxable spirits, the distiller who hopes to save an untaxed half-gallon of double-proof spirits must limit the fractional excess to a little less than a quart of the fluid; and it is difficult to get cooperage so exact as to enable him to take much practical advantage in a barrel, with the uncertainty of gauging, when he is compelled to figure down so closely as to keep within a quart measure.

It is easily seen, then, how great an advantage the distillers who make their high wines into whisky would have under my friend's plan when they use a 30-gallon package and save a half-gallon tax, which means exactly 45 cents, over the distillers who make alcohol, cologne spirits, or high wines, and ship them in double-proof packages, and who could not possibly save more than 45 cents on every 80 gallons.

Now, I do not care to consume much more time. I think I have made myself understood, but I want to say just one or two words more with reference to another phase of the matter.

Those who have examined this subject carefully tell us that the best estimate they can make of the proportion of spirits manufactured in this country and used for drinking purposes is from one-third to one-half of the total amount manufactured. It is a liberal estimate to assume, then, according to every statistician, that one-half of the product of the distilleries of the country is in use for purposes of beverage, while the remainder of it, according to the estimates, is used solely and purely for manufacturing purposes. Now, whatever may be the prejudices of gentlemen with reference to the production of spirits to be used for beverages, there can be no prejudice, I take it, against the legitimate manufacture of spirits to be used in chemistry, manufactures, and in the arts. But spirits distilled to be used for manufacturing purposes or in the arts and sciences are put up in double-proof, full-barrel packages. The benefits that accrue from the untaxed half-gallon accrue almost entirely to the class of spirits made for beverages, that is, the spirits that are distilled and taken to the rectifying establishments connected with the distilleries and made into the cheaper kinds of whisky. Now, are you gentlemen in favor of any discrimination that shall be against the class of distilleries whose wares enter the market for manufacturing purposes and for the arts, and in favor of the class whose wares are used almost solely for beverages?

Another word. Those who manufacture the finer grades of whisky get but little advantage from this half-gallon system, and you can see in a moment why it is so The Bourbon whiskies are generally aged, and lay in bond for three years before being put on the market. They gain value, as my friend from Ohio puts it, by becoming "mellow" from age. No distiller in the world can make a package, fill it with spirits and set it away, and let it gain this advantage of age by remaining in store from one to three years, and tell when he takes it out whether it is to gain the half-gallon or lose it. His package is just as likely to have a fraction over a half-gallon, and be thereby taxed for a whole gallon, as to have a fraction under a half and escape taxation. The reason of this is that it is impossible to tell what the exact loss will be from leakage and evaporation after from six months to three years' storage.

For this reason this class of spirits is practically outside entirely of the benefit of this half-gallon law. So, as I said before, all the benefits that accrue to any class of distillers go almost alone to that class who distil and rectify, making an article that is placed on the market very shortly after its manufacture, while it operates very unjustly, no matter what size of package is used, against all other classes of distillers.

All we ask under the sun is that you make a law that will make every distiller pay tax for every gallon that he manufactures. We can not do anybody injustice by such a law, and that is simply what the bill under consideration proposes to do. You need not worry about the leakage or absorption in these barrels. The distillers will take care of that, and will ask you for relief quick enough if they need it. This kind of loss is reduced to such a minimum that it cuts no particular figure. And I say to you, gentlemen, in conclusion, that instead of the entire distilling interest being opposed to this bill, that it was introduced at the suggestion of that class of distillers who ask that all shall stand upon a common platform, that platform being the assessment and collection, impartially and universally, of all the tax upon all the spirits distilled, no matter when made or for what purpose.

With an annual pension-roll of $75,000,000, and an outstanding national debt of hundreds of millions, it will be many years, if ever, before the tax on distilled liquors will be abolished. It pours into the Treasury about $70,000,000 a year, and is a tax that is more lightly felt than any other that can be levied. For these reasons the law should be amended in every particular that is necessary to a thorough, exact, and equitable collection of this tax.

Mr. MORRISON. I yield ten minutes to the gentleman from Virginia [Mr. BRADY].

Mr. BRADY. Mr. Chairman, in the few minutes allotted to me I have not time to go into the merits of the bill. But I will say this much asto it, after a practical experience of several years in the internal-revenue service, that I think the bill in two particulars will work hardship and injustice. If the Government intends to impose a tax upon the fractional part of a gallon—and I am willing to concede that the arguments offered by the chairman of the committee and the gentleman who has just taken his seat [Mr. WORTHINGTON] show a disposition on the part of some of those large distillers engaged in the manufacture of distilled spirits to evade the law as to 10-gallon packages—I think that the Internal Revenue Office should provide a stamp, as can well be done, instead of the proposed assessment plan. Under the operation of the assessment system of the Internal Revenue Office great injustice and great injury has been done, especially to the small distillers.

But I do not propose now to discuss that branch of the subject. With regard to fruit distillers—and I speak especially with reference to the fruit-distilling interests in the State of Virginia, which I have the honor in part to represent on this floor, and in North Carolina, Kentucky, and Georgia—under the operation of the proposed bill, should it pass Congress and become the law, the interests of the fruit distillers of the country will be most injuriously affected thereby.

On the 9th instant, when the bill was under consideration, I gave notice that I would propose to amend it as follows:

Add to section 1 the following proviso:
"*Provided*, That the provisions of this act shall not apply to brandy and wine manufactured from fruit, nor shall any such tax upon the fractional part of a gallon be assessed against any distiller engaged in the manufacture of brandy and wine from fruit."

Let us see about the operations of the present internal-revenue laws concerning fruit distillers.

From the report of the Commissioner of Internal Revenue for the year ending June 30, 1885, it will be seen that the total receipts for that year from spirits distilled from apples, grapes, or peaches was $1,321,897.58. The total number of fruit distilleries in operation during said year was 4,245, and the tax collected from them would average $311+ each. The four States operating the greatest number of fruit distilleries were Georgia, Kentucky, North Carolina, and Virginia; and upon this point I invite attention to the following statement from the Commissioner of Internal Revenue:

The following statement shows the number of fruit distilleries operated, the quantities of fruit brandy produced, and the amount of revenue derived there-

from during the last fiscal year in Georgia, Kentucky, North Carolina, and Virginia:

States.	Distilleries.	Production.	Tax collected.
	Number.	*Gallons.*	*Dollars.*
Georgia	291	43,894	39,504 64
Kentucky	360	142,533	128,279 84
North Carolina	1,214	85,062	76,555 38
Virginia	1,071	138,103	124,292 92
Total	2,936	409,592	368,632 78

Respectfully,

JOS. S. MILLER,
Commissioner.

In these four States 2,936 fruit distilleries were operated, and the average tax collected from them during the last fiscal year was $125+. Only 1,309 fruit distilleries were operated in all other States.

Mr. Chairman, the cost of collecting this tax during the last fiscal year in the said four States is shown from the following information kindly furnished me by the Commissioner of Internal Revenue:

In Georgia ten gaugers were on this duty at an expense of	$2,368
In Kentucky nineteen gaugers and six special deputies were employed; cost	8,929
In North Carolina fifty-eight gaugers and ten special deputies, expending	26,990
In Virginia forty-five gaugers and twelve special deputies, costing	23,134
	61,421
The total number of regular internal-revenue deputies and clerks on duty in said States was two hundred and sixty, and allowances for their pay and expenses $330,556. I am sure that 3 per cent. of this expenditure is a low estimate of the amount thereof properly chargeable to the operations of fruit distillers	9,916
The total amount expended for discovery and punishment of violations of internal-revenue laws during said year was $34,387.29, and I am certain that it is a low estimate to charge said four States under this account	3,000
For court expenses, arrest, trial, examination of witnesses, fees, &c., for these violations of law, in the four States, I estimate the small amount of	5,000
Thus the total expenses to the Government connected with the collection of said tax and enforcement of the law in said four States as to fruit distillers amounts to	79,337

The average tax paid by said 2,936 fruit distillers in the four States named was $125+, and it cost the Government an average of $27+ each to collect it.

Mr. Chairman, the total collections from all sources in the United States from internal revenue during the last fiscal year were $112,421,000, and the total cost of collecting the same was $4,455,430.27, or 3.9 per cent.

The total receipts from fruit distillers in the States of Georgia, Kentucky, North Carolina, and Virginia, as shown by the tabular statement of the Commissioner of Internal Revenue, was $368,632.78, and the cost of collecting this tax, according to the figures herein given, was $79,337, or 21.5 per cent.

These figures from official records and estimates far below the actual expenditures for the purposes named speak for themselves, and clearly demonstrate the great injustice of the tax. It is a heavy burden upon the poor farmers engaged in making a barrel or two of brandy from the fruit, and as a matter of economy the Government should abolish the tax altogether. To impose the additional burden upon the hard-working tillers of the soil, as will be done under the present bill, is indeed a great wrong. The Commissioner of Internal Revenue does not contemplate, as I understand his report of this year, that the proposed tax on fractional parts of a gallon shall apply to fruit distillers.

Let us examine the effect of the enforcement of the law as the present bill proposes; and in order to do this I will endeavor to illustrate the practical operations of assessments against fruit distillers. The distiller registers his still for use; it has a producing capacity under the survey of 96 gallons per day, or 4 gallons per hour. July 1 he operates the same 13 hours, producing 52 gallons. He is for this 13 hours charged 24 hours and for 96 gallons of spirits. July 15 and 16 he again operates his still and for 25 hours, really producing 100 gallons of spirits; he is again charged for two whole days, 48 hours, and taxed with 192 gallons of brandy or spirits. July 30 he again operates his still and for only 10 hours, producing only 40 gallons of spirits, yet he is charged for 24 hours' operation, or 96 gallons of spirits. Thus he has operated his still 48 hours, producing actually 192 gallons, the tax on which would be $162.80; yet he will be charged with 96 hours, or 384 gallons, the tax on which is $325.60, just a difference of $162.80, which latter amount is assessed against him and he has to pay.

Now, as to the operation of the assessment feature under the proposed bill

The production of fruit brandy by the distilleries last fiscal year in the four States named was 409,592 gallons, or an average of 139 gallons—say four packages (the usual size) each.

If one thousand of these small distillers on each package of brandy produced by them have an excess of one half-gallon, we will have one thousand assessments against them of two gallons each, or $1.80 tax each; and I undertake to say that it will cost the Government in many cases twenty times the amount of the assessment to collect it, not to mention the vexation and injustice frequently done the fruit distillers.

In many instances, as I know from my own personal experience, the assessments made have been wrong, yet it has been with great difficulty, and very seldom, that the distillers have succeeded in getting relief from the Internal-Revenue Department; in fact, under the law and the decisions there is nothing else for the court to do but to insist upon the payment of the assessments as made by the Internal-Revenue Office. I know of many cases where poor fruit distillers have had assessments against them of about $8 or $10 deficiency, where judgment has been obtained and where it has sometimes cost the Government over $150 to collect the small judgment upon these assessments. I wish to say to the committee in conclusion, that this bill, unless it is amended, will work great injury and great wrong to the fruit-distilling interests, not only in the States that I have named, but in every part of the country where fruit distilleries are in operation.

Mr. MORRISON resumed the floor.

The CHAIRMAN. The gentleman from Illinois [Mr. MORRISON] has six minutes left.

Mr. MORRISON. I yield to my colleague [Mr. ADAMS, of Illinois].

Mr. ADAMS, of Illinois. Mr. Chairman, I do not think there can be any question that the United States ought carefully to avoid making a discrimination between different classes of manufacturers of whisky, and if the existing law, or any proposed modification of the law, tends to benefit those manufacturers who use large packages as against those who use small, that discrimination should be avoided. Now, there is one loss about which I suppose there can be no possible mistake.

Whatever my colleague from Illinois [Mr. WORTHINGTON] may have said, the loss by absorption into the fibers of the wood constituting the package is a real loss, which is capable of exact calculation. I am informed and believe that that loss amounts to about half a gallon in a 44-gallon barrel, and I suspect that that was the reason for the original law rather than the convenience or inconvenience of making stamps of particular denominations; for, if the 44-gallon barrel was the usual package when the law was made, and if that proportion of loss was the usual loss, then such a provision as we find in the existing law would be a reasonable and an accountable thing. What should be done is to provide that the exemption should be in proportion to the loss. Now the loss is in proportion to the superficial surface of the package in which the whisky is contained. The loss is greater in a 44-gallon barrel than in a 10-gallon package, but it is not greater in proportion; and the true form of this amendment would be to allow a certain exemption on account of that loss, but have it in proportion to the size of the package. I understand that even if whisky is removed within forty-eight hours there is this loss, that half a gallon in 44 gallons disappears and the distillers can not have any benefit from it. Clearly, on that half-gallon he should pay no tax. The form of the law should not be such as to drive distillers to use large packages rather than small packages, or small packages rather than large. That is a question outside of the sphere of Government. The private individual should be allowed to settle that question for himself according to the demands of trade. The Government should simply see that the whisky producer pays the tax on every gallon and every fractional gallon which he can put into the market, not which he can manufacture, provided some of that which he manufactures immediately disappears by absorption. What the Government should demand is, that if there is such a loss the distiller should be exempt to the amount of that loss, and that, in stating that exemption, there should be no discrimination between one class of distillers and any other class.

In order to secure such a law I desire to offer a substitute for the amendment of my friend from Ohio [Mr. BUTTERWORTH], which I understand is now pending, and I will ask to have it read to illustrate the meaning of my remarks. It is intended as an amendment of the original bill, as a substitute for the amendment proposed by the gentleman from Ohio [Mr. BUTTERWORTH]. Its effect is that, there being a loss of about 1 per cent. on every package, that shall be the amount which shall be exempt from tax, because it is utterly lost to the producer as well as to the consumer.

I ask now that this proposed amendment be read.

The Clerk read as follows:

That in lieu of the existing law taxing certain fractional parts of a gallon of distilled spirits and exempting from taxation certain other parts of a gallon, all fractional parts of a gallon of distilled spirits in excess of 1 per cent. of the wine-gallon contents of the cask or package into which such distilled spirits may be drawn, produced on or after the 1st day of May, 1886, shall be taxed; and the Commissioner of Internal Revenue shall thereafter assess, monthly, against each distiller, owner, or person having them in possession, a tax of 90 cents upon each proof gallon, or wine-gallon when below proof, which the fractional parts of a gallon in excess of 1 per cent. of the wine-gallon contents contained in

casks or packages of distilled spirits produced by such distiller on or after said 1st day of May, 1886, and withdrawn from distillery warehouse or from special bonded warehouse upon payment of tax, or upon which the tax has otherwise become payable, during the preceding month, may aggregate, together with the proportionate tax upon any final fraction of a gallon beyond the number of full gallons aggregated; and the Commissioner of Internal Revenue, with the approval of the Secretary of the Treasury, shall make such regulations and prescribe such warehousing bonds as are needful to carry this law into effect. All assessments made under this act shall be a lien on all distilled spirits, on the distillery premises, the distillery used for distilling the same, the stills, vessels, fixtures, and tools therein, the tract of land whereon the said distillery is located, and any building thereon, from the time such assessment is made until the same shall have been paid.

Mr. BRECKINRIDGE, of Kentucky. Mr. Chairman, one view of this question which controls me has not been fully stated, though it has been alluded to in the progress of this discussion.

I represent a district that is largely interested in the production of Bourbon whisky and in legislation concerning whisky. My view is that a system which taxes a product some 300 or 400 per cent. on its prime cost is a system that constantly tempts to fraud—constantly offers temptation to men engaged in this business to take advantage of every possible method to escape taxation, or to use it for their benefit adversely to their competitors.

Besides, we can not shut our eyes to the fact that there is a widespread and growing sensitiveness in the country about all matters connected with the manufacture and sale of ardent spirits. It has seemed to me, therefore, that on every ground the wise policy for the distilling interest is to deal with absolute fairness in reference to the law and the law-making power, so that all that this interest is entitled to should be frankly asked for, and that no evasion, under whatever pretense or however plausibly defended, should be resorted to.

The statute to which this bill has reference was a statute for convenience. Upon the doctrine of probabilities, the fraction of a gallon in a package of spirits would exceed or fall below a half-gallon an equal number of times. It was therefore just for the Government to tax all fractions exceeding a half-gallon as if they were full gallons, and to exempt from tax all fractions less than a half-gallon. Thereby all whisky subject to tax would in the end be taxed by a process taxing certain fractions for more than their actual quantity, while relieving altogether from tax certain other fractions.

Mr. Chairman, it has not seemed to me the interest of the distillers of the country to be guilty of what (saying it with respect to everybody) would seem to me a miserable keeping within the letter of the statute. I have thought it better to shut that door—to subject honestly to taxation all the whisky that by law was meant to be taxed; and then, if the interests of this great revenue-producing industry require it, it should frankly say to the law-making power, "You tax that which we do not produce, and we ask a proper allowance under the law so that we may escape this injustice."

Without going into a consideration of the rival interests of the manufacturers of Peoria or Cincinnati—without making a calculation whether the discrimination was in favor of this or that particular form of this industry, but upon the broader and higher view that there is a statute which has been evaded—I have thought it wise to shut the door to the evasion. Furthermore, I have wished, as a representative of a part of that great interest, to show that it desires to deal with Congress upon an absolutely frank, open, and candid meeting of minds—a fair discussion of what may be the best interest of that branch of production. Therefore, I did not make the calculation that as 9,000,000 gallons of whisky are made and rectified in the district of the gentleman from Cincinnati, a tax upon a half-gallon in every 10 gallons would amount to $405,000, and there would thus be a saving to that extent; for whether any be saved or any be lost, it has appeared to me the proper thing to pass a statute taxing the whisky according to the spirit of the existing law; and then if any different allowance not given by the statute ought to be given, we can consider the question in that form.

Mr. Chairman, I desire now to yield to the honorable gentleman from Virginia [Mr. WISE] so much of my time as he may want, reserving what he does not use.

Mr. WISE. Mr. Chairman, on the 16th instant—yesterday one week ago—it was ordered by the House of Representatives that a night session should be held in order to give gentlemen an opportunity to make speeches in reference to the bill then pending for the relief of Fitz-John Porter. In violation of an implied, if not an express, understanding, a member——

Mr. BRADY. Mr. Chairman, I desire to say that the gentleman in making that statement states that which is not true, because I had a distinct understanding—— [Cries of "Order."] I will not be traduced on this floor. I claim my right and privilege as a member. I had a distinct understanding, not only with the chairman of the Committee of the Whole, Mr. SPRINGER, but with others, about that matter.

Mr. MORRISON. There has been quite enough of irrelevant matter introduced in the debate on this bill, and I protest against it. There shall be no more of it if I can prevent it.

Mr. WISE. What I wanted to say——

Mr. MORRISON. I make a point of order.

Mr. WISE. Allow me to finish my phrase.

The CHAIRMAN. The gentleman from Illinois [Mr. MORRISON] makes a point of order.

Mr. BRADY. I will not be misrepresented.

Mr. WISE. I have not yet declared how I intend to speak.

The CHAIRMAN. The gentleman from Illinois raises a point of order.

Mr. WISE. The gentleman from Illinois can not raise such a question until I have reached a point where I am out of order.

Mr. MORRISON. I think both gentlemen had got quite that far.

Mr. WISE. I want to make a statement. I was about to say, Mr. Chairman, that a speech in reply to myself was made on that occasion, and I desired to ask the honorable gentleman from Illinois to permit me to say—because I want to be frank; I do not mean to imitate or to follow the bad example of those who have gone before me—I meant to declare that my purpose on this occasion in occupying the floor, if I am permitted to do so without objection, is to reply to that speech. I have no purpose—and I declare it in advance—to speak upon this whisky question.

Mr. BRADY. I made the same statement with respect to the Fitz-John Porter question before I made my speech.

Mr. MORRISON. Now, I insist——

The CHAIRMAN. The Clerk will read the rule.

Mr. WISE. I know what the rule is; and if the gentleman from Illinois makes the point——

The CHAIRMAN. The gentleman will suspend a moment.

Mr. WISE. I know the rule.

The CHAIRMAN. The Clerk will read clause 1 of Rule XIV.

The Clerk read as follows:

When any member desires to speak or deliver any matter to the House, he shall rise and respectfully address himself to "Mr. Speaker," and, on being recognized, may address the House from any place on the floor or from the Clerk's desk, and shall confine himself to the question under debate, avoiding personality.

Mr. WISE. I wish to make an inquiry.

The CHAIRMAN. If the point of order is made against the gentleman from Virginia proceeding in the line of remark which he has indicated, the Chair will be compelled to sustain it.

Mr. MORRISON. The gentleman himself frankly states that he does not wish to speak to the pending bill.

Mr. WISE. I rise now to claim my right to speak to a question of personal privilege.

The CHAIRMAN. That is out of order in the Committee of the Whole.

Mr. WISE. But I understand that we are now in Committee of the Whole.

The CHAIRMAN. The House is now in Committee of the Whole on the state of the Union.

Mr. WISE. I rise, then, to make a parliamentary inquiry to which I wish to call the attention of the gentleman from Illinois. On his motion the other day Saturday was set set apart for a debate. Now, is it permissible under that order of the House made yesterday on motion of the gentleman from Illinois [Mr. MORRISON] for me to take the floor and submit remarks in answer to those which have been made by my colleague?

The CHAIRMAN. The present occupant of the chair can only decide questions as they arise.

Mr. MORRISON. I understand there is the largest liberty of debate on Saturday under the order of the House adopted yesterday.

The CHAIRMAN. The order of the House yesterday provided that the session of Saturday of each week shall be devoted to debate only; no business whatever to be transacted.

Mr. WISE. Very well, then; I will take my opportunity on Saturday next. [Applause.]

Mr. HENDERSON, of Iowa. "On with the dance." [Laughter.]

Mr. BRECKINRIDGE, of Kentucky. I now yield the floor, Mr. Chairman, to the gentleman from Illinois [Mr. MORRISON].

Mr. MORRISON. I trust now we will be allowed to pass the bill.

Mr. BUTTERWORTH. I wish for a few minutes to reply to what has been said by the gentleman from Illinois [Mr. WORTHINGTON]. It is only fair I should be allowed that opportunity.

Mr. MORRISON. The gentleman has been talking for an hour, and has had as much time on the pending proposition as anybody else.

Mr. BUTTERWORTH. This bill came from the Committee on Ways and Means with a unanimous report in favor of its passage. It was therefore unnecessary to say anything on that side. We had on this side to attack the wisdom of its provisions and advocate necessary amendments. It is only fair I should have fifteen minutes.

Mr. MORRISON. Oh, no!

Mr. BUTTERWORTH. Then I will not take so much time.

Mr. MORRISON. I will give you ten minutes.

Mr. BUTTERWORTH. Very well; then I will take ten minutes with a fraction. [Laughter.]

A MEMBER. Take it with a sliding scale.

Mr. BUTTERWORTH. Certainly; with a sliding scale, if necessary, up to fifteen minutes.

Mr. MORRISON. No, we can not allow that.

Mr. BUTTERWORTH. Now, Mr. Chairman, I wish to say to my honored friend from Illinois [Mr. WORTHINGTON], who comes, he says,

representing the distillers of his section, who are anxious to put more money into the national Treasury, that it is the first time in the history of this country that this or any other class of men ever came voluntarily and knocked at the door of the Treasury for permission to increase the sum they were paying as a revenue tax. "Beware of the Greeks bearing gifts." The fact of the business is, it is not a solicitude on their part to pay more money into the Treasury, but to get an advantage, and that advantage I pointed out the other day.

My friend has stated to this House that our people, the high-wine distillers of this country, can avail themselves of the law which provides for loss by evaporation, &c. They can not find any protection whatever under the operation of the Carlisle law. It affords the high-wine distiller no relief against loss. True, they can leave their goods in the warehouse if they will, but their goods are of a character which do not improve if left in from year to year. Hence they must put them upon the market at once, since keeping them in warehouse adds nothing to their quality as it does to Bourbon whiskies. Yet this House would be made to believe they could by storing, as the distillers of Bourbon whisky do, protect themselves against loss.

This House can not fail to note that the high-wine distiller, by leaving his goods in the warehouse, as the distiller of Bourbon does, the former would lose more in interest on his money than he would save if he got an allowance of a half-gallon by the delay in putting his goods on the market.

He would, as you must see, lose in interest the value of a half-gallon if he allowed his goods to remain in the warehouse sixty days.

One thing the gentleman from Illinois [Mr. WORTHINGTON] does not deny, that every distiller in this country loses a half-gallon in drawing off and removal of his spirits to the bonded warehouse. But he says if you allow Cincinnati distillers and the other producers of high wines in this country half a gallon they will get an advantage over us. Will the gentleman answer this question: If it is true that my constituents lose half a gallon on each barrel, is it their fault because in the gentleman's district they put two barrels in one, and therefore can not get the exact allowance they would if put into two packages? They save more in cooperage by putting two barrels into one than they lose in the fraction of a gallon.

You ask why we do not do the same. My answer is because we manufacture a different kind of goods, and they are used in compounding, &c., in our own city, and there put upon the market.

The gentleman from Kentucky says that this bill proposes to tax all who are engaged in the manufacture of whisky alike. That is precisely what we are willing to do. We do not ask anything else. I only protest that you shall not tax the half-gallon that we do not get. My friend from Illinois says that the General Government lost $200,000 by not taking an account of the fractions.

I ask why should they take an account of them if the distillers do not get them?

My friend [Mr. WORTHINGTON] appeals to the temperance element in this House, which is very large, and says his people manufacture spirits for the arts and the sciences, while the constituents of "his friend" from Cincinnati manufacture spirits for drinking purposes.

Mr. Chairman, we manufacture spirits for all uses to which they are applicable; but for whatever purpose manufactured, I claim, and it is all I ask, the right to be fairly protected.

Now a word as to the proposition of the gentleman from Illinois [Mr. ADAMS]. What is it? The loss to every distiller is at least 1 per cent. It is a loss which is inseparable from the business, in soakage and in changing from the distillery to the warehouse.

I am satisfied with his amendment, and I am of opinion that it will be generally satisfactory to the distillers of the country. In point of fact this loss is more than 1 per cent.—I mean the half-gallon which is now by law allowed is more than 1 per cent.; but I am content with the amendment, and will vote for it—that is, that you shall tax the fractional gallons in excess of 1 per cent. It is a fair, honest amendment, and it certainly can not be objectionable to anybody.

But what does this bill propose? It proposes to tax every fraction less than a half-gallon, even though it is lost. The amendment of the gentleman from Illinois [Mr. ADAMS] taxes all of the fractions in excess of 1 per cent., the 1 per cent. being allowed to cover loss sustained.

But, Mr. Chairman, when you find distillers coming here and saying "We want to put more money into the Treasury," you can feel well assured that they are prompted by that spirit which with one hand puts a penny into the urn of poverty while with the other it takes the shilling out.

My friend from Kentucky [Mr. BRECKINRIDGE] may well be satisfied. We protected the Bourbon distillers of his State against loss, and now we ask that you protect us in Indiana and Ohio. I am always ready to stand up in defense of every industry in this country. Why, even the threads on the bobbins up in New England are numbered, and the output of your iron furnaces and factories in Pennsylvania and everywhere else are carefully noted and protected. I ask not to escape taxation on one poor scruple of spirits, but I do ask that you do not tax that which our people do not get. Let us deal with Peoria, Pekin, Des Moines, Cincinnati, Chicago, and all places alike. This amendment does that. I have to meet a distiller, a dealer, or any one else who admits that the loss is not greater than is here provided for, and the statement, I submit, that this bill proposes simply to tax spirits is begging the question.

The gentleman from Illinois [Mr. WORTHINGTON] intimated that I tried to mislead the House in saying that we could not avail ourselves of the right that the Bourbon whisky dealers or manufacturers availed themselves of—that is, to have the spirits regauged. I have told you why. It is because it does no good to leave our goods in bond; they do not improve, and the interest on the money invested in the goods left in bond would be more than the value of the half-gallon saved as exempt from tax. This amendment simply provides that they shall tax all in excess of 1 per cent., and, as I have said, the internal-revenue department has recognized this as just and fair.

You have allowed this half-gallon for no other reason on earth than that it was just, and the only reason that this bill was suggested was to correct an abuse, an abuse the existence of which I admit and which, as my brother from Peoria suggested, enabled men to use a 10-gallon package, and thereby, while conforming to the letter of the law, violate its spirit. It is one of the cases of paying tithes of mint, anise, and cummin, but neglecting the weightier matters of the law.

[Here the hammer fell.]

Mr. MORRISON. I yield two minutes to the gentleman from Arkansas [Mr. BRECKINRIDGE].

Mr. BRECKINRIDGE, of Arkansas. In regard to the amendment proposed by the gentleman from Illinois [Mr. ADAMS], I desire to say if there is any part lost by absorption in the cask it is very small, and certainly it is about evenly distributed among the dealers. That question is one which would call for very nice calculation. If there is inequality in it, it would probably be in favor of those who use large casks, as I believe you will find that the wood exposed to 40 gallons of whisky inclosed in small packages has a far greater surface than where it is confined in a large package. But the remedy proposed would clearly work a greater inequality in the other direction. Consequently there will be inequality; but very small in both cases, and the one we have is the lesser. That subject would require, then, very careful calculation, such as can only be given in committee. If the gentleman will bring in a bill to remedy that minute point, I am sure it will get careful consideration from the committee.

The Commissioner of Internal Revenue tells us this bill is necessary for an honest administration of the law and full collection of the tax as it stands. Nobody—as the gentleman from Ohio [Mr. BUTTERWORTH] says—wants to pay more tax. The trouble is some people want to pay less tax. Honest men are at a disadvantage. We find, Mr. Chairman, that our present law has started a foot-race between evaporation and rascality, and in the contest rascality has come out victorious. I think the bill should be passed without any amendment or alteration at this time.

Mr. MORRISON. The Commissioner of Internal Revenue has assured us that this bill is necessary to the honest collection of the revenue. The amendment of my colleague from Illinois [Mr. ADAMS] has to me a suspicious look about it, possibly because I do not understand it, and I will ask the committee to vote down these amendments and pass this bill. If the friends of these amendments have any equities, or those they represent have any distilled spirits that are being taxed that they do not use, I will be ready at any time to hear them and assist in bringing in a bill that will do them entire justice. We should now be allowed to vote.

The CHAIRMAN. The question is first on the amendment of the gentleman from Iowa [Mr. WEAVER].

Mr. WEAVER, of Iowa. I withdraw the amendment.

The CHAIRMAN. The question is next on the amendment of the gentleman from Illinois [Mr. ADAMS] in lieu of that proposed by the gentleman from Ohio [Mr. BUTTERWORTH].

The amendment proposed by Mr. ADAMS, of Illinois, was again read.

The question being taken, it was rejected.

The CHAIRMAN. The question is next on the amendment proposed by the gentleman from Ohio [Mr. BUTTERWORTH].

The Clerk proceeded to read the amendment.

Mr. BUTTERWORTH. I accepted the amendment of the gentleman from Illinois, and as that has been voted down, I withdraw my own amendment.

Mr. MORRISON. I move that the bill be laid aside to be reported to the House with a favorable recommendation.

The motion was agreed to.

Mr. MORRISON. I move that the committee rise.

The motion was agreed to.

The committee accordingly rose; and Mr. SPRINGER having taken the chair as Speaker *pro tempore*, Mr. HAMMOND reported that the Committee of the Whole House on the state of the Union, having had under consideration the bill (H. R. 4833) relating to taxes on fractional parts of a gallon of distilled spirits, had directed him to report it to the House with a favorable recommendation.

The bill was ordered to be engrossed and read a third time; and it being engrossed, it was accordingly read the third time.

The SPEAKER *pro tempore*. The question is on the passage of the bill.

Mr. REID, of North Carolina, and others called for a division.

The House divided; but before the affirmative vote was counted many members said, "Withdraw the call for further count."

The SPEAKER *pro tempore*. Is further count insisted upon?

Further count was not insisted on.

The SPEAKER *pro tempore*. Further count not being insisted on——

Mr. COWLES. I call for the yeas and nays.

The SPEAKER *pro tempore*. The "ayes" have it, and the bill is passed.

Mr. MORRISON moved to reconsider the vote by which the bill was passed; and also moved to lay the motion to reconsider on the table.

The latter motion was agreed to.

ORDER OF BUSINESS.

Mr. HAMMOND. I move that the House do now adjourn.

Mr. JAMES. I desire again to submit the resolution with reference to the debate on the coinage bill. The gentleman who last objected has withdrawn his objection.

Mr. HAMMOND. I insist on my motion.

The question being taken on the motion to adjourn, there were—ayes 91, noes 42.

So the motion was agreed to; and accordingly (at 4 o'clock and 58 minutes p. m.) the House adjourned.

PETITIONS, ETC.

The following petitions and papers were laid on the Clerk's desk, under the rule, and referred as follows:

By Mr. J. A. ANDERSON: Petition of 54 citizens of Delphos, Kans., for equalization of soldiers' pay—to the Committee on War Claims.

Also, petition of E. J. Donnell, of Kansas, for the issuance of a "forlorn hope" medal—to the Committee on Military Affairs.

Also, petition of 105 citizens of Kansas, for the passage of a bill to adjust land grants to railroads in Kansas—to the Committee on the Public Lands.

By Mr. BARBOUR: Papers relating to the claim of Martin Dubs—to the Committee on Claims.

By Mr. BARKSDALE: Papers relating to the claim of Jacob M. Shaw, of Hinds County; of John Ellis and of Rhesa Hatcher, of Hines County, Mississippi—to the Committee on War Claims.

By Mr. BINGHAM: Memorial of the Board of Trade of Philadelphia, Pa., approving the main features of the bill to regulate interstate commerce, reported on the 18th of January, 1886, from the Select Committee on Transportation by Railroads—to the Committee on Commerce.

By Mr. BLANCHARD: Papers relating to the claim of Carroll Jones, colored, of Natchitoches Parish, Louisiana—to the Committee on War Claims.

By Mr. BOYLE: Petition of residents of New Florence, Westmoreland County, Pennsylvania, in favor of certain amendment to the pension laws—to the Committee on Invalid Pensions.

By Mr. C. E. BROWN: Petition on behalf of the Western Tract Society of Cincinnati, Ohio, to amend the postal laws—to the Committee on the Post-Office and Post-Roads.

By Mr. T. M. BROWNE: Petition of 146 citizens of Randolph County, Indiana, for a service pension for the soldiers and sailors who served in the late war—to the Committee on Invalid Pensions.

Also, petition of the manufacturers of the city of Connersville, Ind., for the passage of an act prohibiting the imposition of a local tax or license fee on traveling salesmen—to the Committee on Ways and Means.

By Mr. BURROWS: Petition for the free and continued coinage of silver—to the Committee on Coinage, Weights, and Measures.

By Mr. CABELL: Petition of citizens of Danville, Va., praying the passage of H. R. 1914, restoring wages in the Government Printing Office—to the Committee on Labor.

Also, petition of William Fisher, of Franklin County, Virginia, to be relieved from the payment of internal-revenue tax upon 257 gallons of distilled spirits destroyed by fire before removal—to the Committee on Ways and Means.

By Mr. CALDWELL: Petition of J. H. Balthrop and other postmasters of the fourth class, of Chatham County, Tennessee, for increase of compensation, &c.—to the Committee on the Post-Office and Post-Roads.

Also, petition of Charles E. Woodruff and of J. E. Batts, for salary, &c., as postmasters—to the same committee.

By Mr. CURTIN: Petition of 383 representative citizens of Clinton, Elk, Mifflin, and Union Counties, Pennsylvania, for scientific temperance instruction in all schools under control of the Federal Government—to the Committee on Education.

By Mr. COMSTOCK: Petition of 356 representative citizens of Allegan County, Iowa, and Kent County, Michigan, for scientific temperance instruction in all schools controlled by the Federal Government—to the Committee on Education.

By Mr. CANNON: Memorial of K. of L., Tuscola, Ill., indorsing Hennepin Canal—to the Committee on Railways and Canals.

By Mr. CRAIN: Petition of citizens of Jackson County; of C. C. Huveston and 113 others, citizens of De Witt County; and of J. M. Brownson and 90 others, citizens of Victoria County, Texas, for the improvement of Galveston Harbor—to the Committee on Rivers and Harbors.

By Mr. ERMENTROUT: Memorial of William Henry Maule against increasing rates of postage on seeds—to the Committee on the Post-Office and Post-Roads.

By Mr. FELTON: Petition in relation to drawback on exportations of goods in tin—to the Committee on Ways and Means.

By Mr. FREDERICK: Petition of 382 representative citizens of the fifth district of Iowa, for scientific temperance instruction in all schools controlled by the Federal Government—to the Committee on Education.

By Mr. FLEEGER: Petition of Rev. R. R. Moore and 127 others, representative citizens of Crawford and Butler Counties, Pennsylvania, for scientific temperance instruction in all schools under control of the Federal Government—to the same committee.

By Mr. GEDDES: Petition of William F. Gladdern and 70 others, citizens of Ashland County, Ohio, for the passage of a law embodying the recommendations of the pension committee of the Grand Army of the Republic—to the Committee on Invalid Pensions.

By Mr. GLASS: Petition of 11 citizens of Bell's Depot, Tenn., asking that no further appropriations be made for cleaning out the Upper Forked Deer River, &c.—to the Committee on Rivers and Harbors.

Also, petition of 47 citizens of Lauderdale County, Tennessee, asking that an appropriation be made to clean out and improve the navigation of the Forked Deer River, &c.—to the same committee.

By Mr. GOFF: Petition of L. C. Powell and 372 citizens of Marion, Harrison, Monongalia and Taylor Counties, West Virginia, praying an appropriation for the purpose of erecting fish-ladders on the dams in the Monongahela River—to the Committee on Appropriations.

By Mr. W. J. GREEN: Petition of Sol Gornto, E. L. Franck, jr., J. F. Giles, E. Murrill, and about 90 others, citizens of Onslow County, North Carolina, praying that the water ways between New River and Bear Inlet may be improved in order to open navigation between said river and Beaufort Harbor—to the Committee on Rivers and Harbors.

Also, resolutions of a public meeting of Menhaden fishermen, of Carteret County, North Carolina, protesting against legislation inimical to their interests—to the Committee on Commerce.

By Mr. GUENTHER: Memorial of the Department of the Wisconsin Grand Army of the Republic, praying for the relief of John Calihan, late a private in Company G, One hundred and forty-seventh New York Volunteers—to the Committee on Invalid Pensions.

By Mr. HATCH: Petition of Weavers' Assembly, No. 717, Knights of Labor, Bevier, Mo., against Chinese immigration—to the Committee on Foreign Affairs.

Also, petitions of Local Assemblies (Knights of Labor) Nos. 717, 3685, and 3726, for the organization of a Territorial form of government for Indian Territory, &c.—to the Committee on the Territories.

Also, petitions of G. W. Gatlin, for relief as postmaster—to the Committee on the Post-Office and Post-Roads.

By Mr. HAYNES: Petition of Andrew Shinki and others, citizens of Lucas County, Ohio, and of Washington Esveatt, of Pembroke, N. H., asking increase of pension to soldiers who have lost an arm or leg—to the Committee on Invalid Pensions.

By Mr. D. B. HENDERSON: Letter and papers from H. Glass, of Fontanelle, Iowa, relating to national banking—to the Committee on Banking and Currency.

Also, petition of 259 representative citizens of Delaware, Grundy, and Buchanan Counties, Iowa, for scientific temperance instruction in all schools under the control of the Federal Government—to the Committee on Education.

By Mr. HOUK: Papers relating to the claim of Wachan Early, Loudon County, Tennessee—to the Committee on War Claims.

Also, petition of G. R. Sewell, of Adamsville, Tenn.—to the Committee on Military Affairs.

Also, petition of Alvis Beshears, for relief—to the same committee.

By Mr. JACKSON: Petition of 65 soldiers of Darlington, Pa., asking for the passage of the pension law recommended by the Grand Army of the Republic—to the Committee on Invalid Pensions.

By Mr. J. T. JOHNSTON: Petition of T. H. Sutton and 78 others, soldiers and citizens of Clark County; of Samuel Coble and 22 others, soldiers and citizens of Park County; of N. W. Davidson and 42 others, soldiers and citizens of Vermillion County; of George Fox and 51 others, soldiers and citizens of Martin County; of Thomas F. Leech and 204 others, soldiers and citizens of Montgomery County, and of Pryor Cates and 92 others, soldiers and citizens of Fountain County, Indiana, asking for the passage of House bill 3320, for pensioning all Union soldiers—to the same committee.

Also, petition for the relief of John H. Hathorn to accompany House bill 3912—to the Committee on Military Affairs.

By Mr. JOSEPH: Papers relating to the claim of Agnes and Maria De Leon—to the Committee on War Claims.

By Mr. KETCHAM: Petition of 384 representative citizens of Dutchess and Columbia Counties, New York, for scientific temperance instruction in all schools under control of the Federal Government—to the Committee on Education.

By Mr. LIBBEY: Petition of Andrew Jackson, for payment for carrying the mail—to the Committee on Claims.

Also, petition of W. J. Groner, asking for improvement of Elizabeth River, Virginia—to the Committee on Rivers and Harbors.

By Mr. LONG: Petition of Assembly No. 845, Knights of Labor, Weymouth, Mass., in support of House bill 1914, for restoring wages of the Government Printing Office—to the Committee on Labor.

By Mr. LOUTTIT: Petition of Samuel Mays, of Sutter County, California, asking that his war claim be referred to the Court of Claims—to the Committee on War Claims.

By Mr. LYMAN: Petition of citizens of Council Bluffs, Iowa, asking an increase in the salaries of United States district judges—to the Committee on the Judiciary.

By Mr. McCOMAS: Petition of Joseph C. Hill, late major of the Sixth Indiana Volunteers, for arrears of pay—to the Committee on War Claims.

By Mr. MATSON: Petition of Elijah Knight and 99 others, citizens of Monroe County, Iowa, for additional pension legislation—to the Committee on Invalid Pensions.

By Mr. MERRIMAN: Petition of Fanny Levy, administratrix of the estate of Capt. Jonas P. Levy, of New York, that the claim for money due the said estate by Mexico be adjusted and paid—to the Committee on Foreign Affairs.

By Mr. MOFFATT: Petition of George E. Steele and others, and of Chris. B. Kebl and others, asking for telegraphic communication between North and South Manitou Islands, in Lake Michigan, and the mainland—to the Committee on Commerce.

By Mr. MORGAN: Petition of Robert W. Scruggs, administrator of Maria W. Scruggs, deceased, of Panola County, Mississippi, asking reference of claim to the Court of Claims—to the Committee on War Claims.

By Mr. NEAL: Petition of the members of the Cumberland Presbyterian church at Calhoun, Tenn., for pay for their church building, taken down and used by the United States Army—to the same committee.

By Mr. NELSON: Petition of L. D. Hendry and many others against the increase of postage on fourth-class matter—to the Committee on the Post-Office and Post-Roads.

Also, petition and papers in the case of Samuel J. Brown—to the Committee on Pensions.

By Mr. OATES: Petition of 105 citizens of Bullock County, Alabama, for the relief of third and fourth class postmasters—to the Committee on the Post-Office and Post-Roads.

By Mr. O'DONNELL: Petition of 1,287 citizens of the District of Columbia, for the enactment of a law requiring scientific temperance instruction in the public schools of said District—to the Committee on Education.

By Mr. PAYNE: Petition of 315 representative citizens of Cayuga, Wayne, and Oswego Counties, N. Y., for scientific temperance instruction in all schools under control of the Federal Government—to the same committee.

By Mr. PEEL: Papers relating to the claim of Absalom H. Alfney, of Benton County, and of William M. Noe, of Marion County, Arkansas—to the Committee on War Claims.

By Mr. RIGGS: Resolutions of a meeting of citizens of Scott County, Illinois, relative to the coinage of money, &c.—to the Committee on Coinage, Weights, and Measures.

By Mr. ROWELL: Memorials of Assembly 2435, Knights of Labor, Decatur; of Assembly 4146, Knights of Labor, Lincoln; and of Assembly 4900, Knights of Labor, of Macon, Ill., in favor of public improvements—to the Committee on Railways and Canals.

By Mr. SAWYER: Petition of 511 representative citizens of Orleans and Livingston Counties, New York, for scientific temperance instruction in all schools under control of the Federal Government—to the Committee on Education.

By Mr. SENEY: Petition of pearl-button makers' convention, asking for protection against tariff reduction—to the Committee on Ways and Means.

By Mr. SINGLETON: Papers relating to the claim of John Simmons, of Yazoo County, Mississippi—to the Committee on War Claims.

By Mr. SKINNER: Petition of A. H. Chadwick and 300 fishermen, of North Carolina, asking that any bill restricting the fishing for menhaden on the Atlantic coast may not pass—to the Committee on Commerce.

Also, evidence in the claim of H. W. Styron—to the Committee on War Claims.

By Mr. SMALLS: Petition of citizens of Georgetown County, South Carolina, praying for relief—to the Committee on Rivers and Harbors.

By Mr. SPRINGER: Memorial of General James S. Brisbin, United States Army, for the passage of House bill No. 286 to facilitate promotions, and retire from active service, upon their own application, officers of the Army who served during the late war as general officers of volunteers—to the Committee on Military Affairs.

By Mr. CHARLES STEWART: Memorial from H. C. Schmidt for removing obstruction to navigation at the mouth of the Brazos River, Texas—to the Committee on Rivers and Harbors.

By Mr. SYMES: Memorial of the General Assembly of Colorado, requesting appropriations for agricultural colleges—to the Committee on Education.

By J. M. TAYLOR: Papers relating to the claim of David Rice, of Jackson County, and of John B. Bell, of Henderson County, Tennessee—to the Committee on War Claims.

By Mr. ZACH. TAYLOR: Papers relating to the claim of Amanda T. Waller, of Fayette County, Tennessee—to the same committee.

By Mr. J. R. THOMAS: Papers relating to the claim of Hugh Worthington—to the same committee.

By Mr. THROCKMORTON: Petition from 252 citizens of Bowie, Montague County, Texas, praying a sufficient appropriation to secure deep water at Sabine Pass, Texas—to the Committee on Rivers and Harbors.

By Mr. TUCKER: Petition of H. T. Hartman for extension of patent right—to the Committee on Patents.

By Mr. WAKEFIELD: Petition of 248 representative citizens of Fairbault, Jackson, and Waseca Counties, Minnesota, for scientific temperance instruction in all schools under control of the Federal Government—to the Committee on Education.

By Mr. A. J. WEAVER: Petition of citizens of Omaha, Nebr., asking for the appointment of a commission to negotiate with Canada commission on the fisheries question—to the Committee on Foreign Affairs.

By Mr. WELLBORN: Memorial of J. L. Taylor, of the Cherokee Nation, against H. R. 584—to the Committee on the Territories.

By Mr. WHEELER: Petition of Mrs. N. V. Hewlett, asking that her war claim be referred to the Court of Claims—to the Committee on War Claims.

By Mr. WILSON: Petition of Solomon Strobe, of Nimrod Strobe, of Wilber F. Dyer, of Milton Taylor, administrator of Henry Strobe; of Wilbur F. Dyer, of Mrs. Street Cunningham, and of Jacob J. Hyne, of Grant County; of John G. Harvey, of Angus M. Wood, of James Kuykendall, of E. W. McNeill and S. R. McNeill, administrators of A. M. and J. W. Inskeep, and of James S. Whiting, of Hardy, W. Va.; and of Isaac Hutton, of Nevada, Vernon County, Missouri, praying that their several war claims be referred to the Court of Claims—to the same committee.

By Mr. WINANS: Petition of citizens of Clinton County, Michigan, for a pension for Mrs. Margaret Vance, widow of Edward S. Vance, late a private of Company E, One hundred and twenty-third Regiment, New York Infantry—to the Committee on Invalid Pensions.

The following petitions, praying Congress to place the coinage of silver upon an equality with gold; that there be issued coin certificates of one, two, and five dollars, the same being made legal tender; that one and two dollar legal-tender notes be issued, and that the public debt be paid as rapidly as possible by applying for this purpose the idle surplus now in the Treasury, were presented and severally referred to the Committee on Coinage, Weights, and Measures:

By Mr. J. T. JOHNSTON: Of citizens of Fountain County, Indiana.

By Mr. LANDES: Of J. R. Parks and 32 others, citizens of Wayne County, Illinois.

By Mr. PRICE: Of C. P. Johnson and 51 others, citizens of Panoma, Kans.

SENATE.

THURSDAY, *February* 25, 1886.

Prayer by the Chaplain, Rev. E. D. HUNTLEY, D. D.

The Journal of yesterday's proceedings was read and approved.

REDEMPTION OF UNITED STATES NOTES.

The PRESIDENT *pro tempore* laid before the Senate a communication from the Secretary of the Treasury, which was read.

The PRESIDENT *pro tempore*. This communication, with the accompanying table, will be printed, and, the table being very brief, will be printed also in the RECORD with the communication, if there be no objection.

The communication, with the accompanying table, was referred to the Committee on Finance, and ordered to be printed in the RECORD, as follows:

TREASURY DEPARTMENT, *February* 24, 1886.

SIR: I have the honor to acknowledge the receipt of Senate resolution of the 19th instant, "That the Secretary of the Treasury is hereby directed to inform the Senate the aggregate amount of United States notes redeemed, as required by the resumption act, so called, for and during each fiscal year, beginning July 1, 1879, and ending June 30, 1885, and also a like statement for the period beginning January 1, 1879, and ending June 30, 1879, and for the period beginning July 1, 1885, and ending December 31, 1885," and to inclose herewith a statement, prepared in the office of the United States Treasurer, covering the information called for.

Respectfully, yours,

D. MANNING, *Secretary*.

Hon. JOHN SHERMAN,
President pro tempore United States Senate.

Statement of United States notes redeemed in gold coin from January 1, 1879, to December 31, 1885, under act of January 14, 1875.

From—	To—	Amount.
January 1, 1879	June 30, 1879	$7,976,698
July 1, 1879	June 30, 1880	3,780,538
July 1, 1880	June 30, 1881	271,750
July 1, 1881	June 30, 1882	40,000
July 1, 1882	June 30, 1883	
July 1, 1883	June 30, 1884	500,000
July 1, 1884	June 30, 1885	2,222,000
July 1, 1885	December 31, 1885	925,400
Total		15,806,486

UNITED STATES TREASURER'S OFFICE, *February* 24, 1886.

PETITIONS AND MEMORIALS.

The PRESIDENT *pro tempore* presented a petition of Knights of Labor of Wadsworth, Ohio, praying for the passage of the bill relative to the increase of wages in the Government Printing Office; which was referred to the Committee on Printing.

Mr. MAXEY presented a petition of Local Assembly No. 4433, Knights of Labor, of Gordon, Tex., and a petition of Local Assembly No. 4481, Knights of Labor, of Nugent, Tex., praying for the organization of a Territorial form of government over the Indian Territory, &c.; which were referred to the Committee on Indian Affairs.

Mr. HARRIS. At the request of a member of the bar of this city I present the petition of Charles E. Creecy, making a claim for compensation for property taken and used by the United States authorities for public purposes. I know nothing of the merits. I move that the petition be referred to the Committee on Claims.

The motion was agreed to.

Mr. CULLOM presented a petition of Local Assembly No. 1799 of the Knights of Labor, of Bushnell, Ill.; a petition of Local Assembly No. 1420 of the Knights of Labor, of Peru, Ill.; a petition of Local Assembly No. 1957 of the Knights of Labor, of Rock Island, Ill.; a petition of Golden Rule Assembly No. 3444 of the Knights of Labor, of Colchester, Ill.; a petition of Local Assembly No. 2511 of the Knights of Labor, of Pekin, Ill; a petition of Local Assembly No. 3643 of the Knights of Labor, of Staunton, Ill., and a petition of Local Assembly No. 2819 of the Knights of Labor, of Lincoln, Ill., praying for the construction of the Hennepin Canal; which were referred to the Committee on Commerce.

He also presented a petition of Local Assembly No. 2511, Knights of Labor, of Pekin, Ill., and a petition of Local Assembly No. 3643, Knights of Labor, of Staunton, Ill., praying for the opening to settlement of public and unoccupied lands in the Indian Territory and the organization of a Territorial form of government therein; which were referred to the Committee on Indian Affairs.

Mr. CONGER presented the petition of Andrew F. Schafer, chairman of a committee of Knights of Labor, and other citizens of Ionia, Mich., praying for the passage of the bill restoring the rates of wages in the Government Printing Office; which was referred to the Committee on Printing.

He also presented a petition of District Assembly No. 83 of the Knights of Labor, of Manistee, Mich., praying for the opening of the Indian Territory for homestead settlement and the organization of a Territorial government therein; which was referred to the Committee on Indian Affairs.

Mr. DOLPH. I present a petition of the Board of Trade of Portland, Oreg., praying for the passage of Senate bill No. 1111, which proposes to set apart from the public domain in the State of Oregon as a public park for the benefit of the people of the United States certain townships known as the Crater Lake Park. I move that the petition be referred to the Committee on Public Lands.

The motion was agreed to.

Mr. MANDERSON presented a petition of the Board of Trade of Chadron, Nebr., praying for the passage of the bill (H. R. 1448) to create two additional land districts in Nebraska; which was referred to the Committee on Public Lands.

Mr. HARRISON presented a petition of the Indiana Furniture Manufacturing Company and other manufacturing establishments in Indiana, praying Congress to pass the bill (H. R. 615) to relieve commercial travelers from license taxes in the District of Columbia; which was referred to the Committee on Commerce.

Mr. INGALLS presented a petition of the managers of the Saint Ann's Infant Asylum of the city of Washington, praying for an increase of the appropriation for that institution; which was referred to the Committee on Appropriations.

He also presented a memorial of Local Assembly No. 1800, Knights of Labor, of Topeka, Kans., remonstrating against the passage of the pending bills upon pilots and pilotage; which was referred to the Committee on Commerce.

Mr. PLUMB. I present three several petitions, signed by ex-Union soldiers residing in the State of Kansas, praying for the passage of the bill to equalize the pay of ex-Union soldiers and sailors with the pay of holders of national securities, the effect of which is to pay the soldiers and sailors the difference between the value of specie and depreciated greenback currency at the date they received their pay. I move that the petitions be referred to the Committee on Military Affairs.

The motion was agreed to.

Mr. WILSON, of Iowa, presented the petition of Rev. Robert Edgar and 342 representative citizens of Scott, Jones, Clinton, Muscatine, and Cedar Counties, Iowa, and the petition of Rev. L. Jean and 273 other representative citizens of Boone, Cerro Gordo, Hamilton, and Hardin Counties, Iowa, praying for the enactment of a law requiring scientific temperance instruction in the public schools of the District of Columbia, in the Territories, and in the Military and Naval Academies, the Indian and colored schools, supported wholly or in part by money from the national Treasury; which were ordered to lie on the table.

He also presented the petition of L. T. Gates and 64 other citizens of Iowa, praying for the passage of an act of absolute forfeiture of the unearned lands within the limits of the grant to the Sioux City and Saint Paul Railroad Company; which was ordered to lie on the table.

He also presented the petition of E. E. Herrick and 14 others, citizens of Cherokee, Iowa, praying for the passage of a joint resolution submitting to the States an amendment to the Constitution of the United States securing the right of suffrage to women on equal terms with men in all of the States and Territories; which was ordered to lie on the table.

He also presented resolutions adopted by the Abe Lincoln Post, No. 29, of the Grand Army of the Republic, at Council Bluffs, Iowa, favoring the immediate passage of a bill prohibiting the exhibition at the national capital and elsewhere in the country of a certain panorama of the battle of Bull Run; which was referred to the Committee on Military Affairs.

Mr. COCKRELL. I present a petition of citizens of Saint Louis, in the State of Missouri, earnestly praying Congress to pass a joint resolution at this session submitting to the several State Legislatures a proposition to so amend the national Constitution as to protect the women of the United States of all the States and Territories in the enjoyment of the right of suffrage on equal terms with men. The petition is signed by Mrs. Amanda E. Dickinson, president of the Missouri Woman's Suffrage Association; Mrs. Penelope Allen, vice-president; Mrs. Charlotte A. Cleveland, chairman of the executive committee; Dr. W. G. Eliot, and others. Inasmuch as the bill on this subject has been reported from the Committee on Woman Suffrage, I move that the petition lie on the table.

The motion was agreed to.

Mr. LOGAN presented petitions of Knights of Labor of Edwards Station, Rock Island, Bushnell, and Lincoln, Ill., praying for the construction of the Hennepin Canal; which were referred to the Committee on Commerce.

He also presented a petition of attorneys of Macomb, Ill., praying that McDonough County be stricken from the bill which proposes to place that county in a judicial district with Peoria as the place for holding Federal courts; which was referred to the Committee on the Judiciary.

REPORTS OF COMMITTEES.

Mr. DAWES, from the Committee on Indian Affairs, to whom was referred the bill (S. 1577) to amend the third section of an act entitled "An act to provide for the sale of the Sac and Fox and Iowa Indian reservations in the States of Nebraska and Kansas, and for other purposes," approved March 3, 1885, reported it with amendments.

He also, from the same committee, to whom was referred the bill (S. 55) to authorize the sale of timber on certain lands reserved for the use of the Menomonee tribe of Indians, in the State of Wisconsin, reported it with an amendment.

Mr. HOAR. I am directed by the Committee on Privileges and Elections, to whom was recommitted the bill (S. 9) to fix the day for the meeting of the electors of President and Vice-President and to provide for and regulate the counting of the votes for President and Vice-President, and the decision of questions arising thereon, to report it back with an amendment in the nature of a substitute. The substance of the original bill is retained unchanged, but there are certain amendments which meet the ideas suggested by the Senator from New York [Mr. EVARTS] in debate, and it has been found convenient to make the report of the bill with the amendments incorporated. I wish to have the substitute printed in a fashion which will show the proposed changes from the original bill.

The PRESIDENT *pro tempore*. That order will be made, if there be no objection.

Mr. HOAR. I suppose from my knowledge of the views of the Senate, from the debate which has taken place, that the bill will not give rise to much debate hereafter. Senators, I think, thoroughly understand it, and their views will be found to be pretty well fixed upon it. I shall give notice, therefore, that at a very early day I propose to call it up and have it disposed of, either by laying aside informally the then pending order or at some time when the Senate is not engaged on other business.

Mr. FRYE, from the Committee on Commerce, to whom was referred

the bill (S. 121) to authorize the construction of a bridge across the Staten Island Sound, known as Arthur Kill, and to establish the same as a post-road, reported it with amendments, and submitted a report thereon.

He also, from the same committe, to whom was referred the bill (S. 63) to authorize the construction of a highway bridge across that part of the waters of Lake Champlain lying between the towns of North Hero and Alburg, in the State of Vermont, reported it without amendment.

He also, from the same committee, to whom was referred the bill (S. 446) to amend section 4400 of the Revised Statutes so that vessels under 5 tons burden, and used for private purposes and not carrying passengers for hire, shall not be subject to license, reported adversely thereon; and the bill was postponed indefinitely.

He also, from the same committee, to whom was referred the bill (S. 1403) to provide for an American register for the steamship Ozama, of New York city, reported it without amendment, and submitted a report thereon.

ROBERT H. ANDERSON.

Mr. EDMUNDS. I am authorized by the Committee on the Judiciary to report favorably the bill for the relief of Robert H. Anderson, of the State of Georgia, from his political disabilities. I ask for its present consideration, as I see my friend from Kentucky [Mr. BECK] is here.

By unanimous consent, the Senate, as in Committee of the Whole, proceeded to consider the bill (S. 877) for the relief of Robert H. Anderson, of the State of Georgia.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed (two-thirds of the Senators present voting in the affirmative).

BRIDGES OVER SAINT CROIX RIVER.

Mr. McMILLAN. From the Committee on Commerce I report favorably with an amendment the bill (S. 1476) to amend the act of Congress approved June 12, 1884, entitled "An act to authorize the construction of bridges across the Wisconsin, Chippewa, and Saint Croix Rivers, in the State of Wisconsin." I ask the Senate to consider the bill at this time.

The bill was read for information; and by unanimous consent, the Senate, as in Committee of the Whole, proceeded to consider it.

The amendment of the Committee on Commerce was, in line 10, after the word "Northern," to strike out the word "Railway" and insert "Railroad;" so as to make the bill read:

Be it enacted, &c., That an act of Congress approved June 12, 1884, entitled "An act to authorize the construction of bridges across the Wisconsin, Chippewa, and Saint Croix Rivers, in the State of Wisconsin," be, and the same is hereby, amended by striking out the words "Winona, Alma and Northern Railway Company," wherever the same occur in the said law, and by inserting in lieu thereof the words "the Chicago, Burlington and Northern Railroad Company, its successors and assigns."

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

BILLS INTRODUCED.

Mr. WILSON, of Iowa, introduced a bill (S. 1635) granting a pension to John Rasler; which was read twice by its title, and, with the accompanying papers, referred to the Committtee on Pensions.

He also introduced a bill (S. 1636) to reduce the rate of postage on seeds, scions, bulbs, and plants; which was read twice by its title, and referred to the Committee on Post-Offices and Post-Roads.

Mr. CONGER introduced a bill (S. 1637) to promote the efficiency of the Revenue-Marine Service; which was read twice by its title, and referred to the Committee on Commerce.

He also introduced a bill (S. 1638) for the relief of Samuel W. Hamilton; which was read twice by its title, and referred to the Committee on Claims.

Mr. EUSTIS introduced a bill (S. 1639) to make bills of lading conclusive in certain cases; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Commerce.

Mr. CULLOM (by request) introduced a bill (S. 1640) for the relief of Hugh O'Neil; which was read twice by its title, and referred to the Committee on Pensions.

Mr. RIDDLEBERGER introduced a bill (S. 1641) for the relief of Frederick Foote, of Fairfax County, Virginia; which was read twice by its title, and, with the accompanying paper, referred to the Committee on Claims.

Mr. PLUMB introduced a bill (S. 1642) granting a pension to William F. Harmon; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Pensions.

He also introduced a bill (S. 1643) to grant a pension to John Waters; which was read twice by its title, and referred to the Committee on Pensions.

Mr. EDMUNDS introduced a bill (S. 1644) providing for an inspection of meats for exportation, prohibiting the importation of adulterated articles of food or drink, and authorizing the President to make proclamation in certain cases, and for other purposes; which was read twice by its title.

Mr. EDMUNDS. This bill was reported last year from the Committee on Foreign Relations, and besides providing for the inspection of pork, &c., for exportation, it contained a section which gave the President of the United States authority, whenever he was convinced that unjust discriminations were made against American products desired to be imported into other countries, to suspend importations from those countries of such articles as he thought fit for the protection of the just interests of the United States. In view of what I see by the newspapers is going on in other countries touching American productions, on the theory that they are supposed to be diseased, when it is obvious as a matter of fact that it is merely a method of excluding American productions that the people want, I think it desirable that this subject should be again brought definitely to the attention of the committee and the Senate. I therefore introduce the bill and ask that it be referred to the same committee.

The PRESIDENT *pro tempore*. The bill will be referred to the Committee on Foreign Relations.

Mr. LOGAN introduced a bill (S. 1645) to regulate commerce among the several States and to codify the law relating to bills of exchange and other commercial paper; which was read twice by its title.

Mr. LOGAN. From the first part of the title it would seem that the bill should go the Committee on Commerce, but it proposes to regulate bills of exchange, commercial paper, and matters of that character, and therefore I ask that it be referred to the Committee on the Judiciary. I introduce the bill by request.

The PRESIDENT *pro tempore*. The bill will be referred to the Committee on the Judiciary.

CHANGE OF REFERENCE.

Mr. STANFORD. The bill (S. 1605) to establish a quarantine station at the port of San Francisco, introduced by me several days ago, was referred to the Committee on Commerce, when it should have been referred to the Committee on Epidemic Diseases. I ask that that change of reference be made.

The PRESIDENT *pro tempore*. The change of reference will be made as requested, there being no objection.

PAPERS WITHDRAWN AND REFERRED.

Mr. SABIN. I ask for the adoption of the following order:

Ordered, That the papers in the case of Edway A. Grant, late postmaster at Fargo, Dak. (Senate bill No. 267), be taken from the files of the Senate for the purpose of being referred to the Committee on Claims of the House of Representatives, there being no adverse report.

Mr. EDMUNDS. We can not refer papers to the Committee on Claims of the House of Representatives.

The PRESIDENT *pro tempore*. An order withdrawing the papers will answer the purpose.

Mr. SABIN. I asked that the papers might be referred to the Committee on Claims of the other House for the purpose of passing upon a bill which is now before that committee, a duplicate of the bill which was introduced in the Senate.

Mr. EDMUNDS. The ordinary method in such cases where papers are wanted in the other House is for that House to ask this House to send the papers. I do not know, but without violating any propriety we might order that the papers be sent to the House of Representatives, but we could hardly send them to one of its committees, I suppose, as a reference.

Mr. HARRIS. Is this anything more than an order withdrawing papers under the rule? The Senator submitting the order simply assigns the reason why he wishes to withdraw the papers, but it seems to me it is simply an order to withdraw.

Mr. EDMUNDS. It can be modified so as to make it a simple withdrawal. I have no objection to that.

The PRESIDENT *pro tempore*. That modification can be made by striking out a clause in the latter part of the order.

Mr. SABIN. I ask to have the order amended so as simply to withdraw the papers.

Mr. INGALLS. Let the order be read again.

The PRESIDENT *pro tempore*. The order will be read as proposed to be amended.

The Chief Clerk read as follows:

Ordered, That the papers in the case of Edway A. Grant, late postmaster at Fargo, Dak. (Senate bill No. 267), be taken from the files of the Senate, there being no adverse report.

The PRESIDENT *pro tempore*. The Senator from Minnesota proposes to strike out the clause "for the purpose of being referred to the Committee on Claims of the House of Representatives."

Mr. EDMUNDS. He has a right to modify it.

The PRESIDENT *pro tempore*. The order will be considered as modified, there being no objection.

On motion of Mr. JONES, of Nevada, it was

Ordered, That the papers in the claim relating to the equitable and legal rights of parties in possession of certain lands and improvements thereon in California be taken from the files and referred to the Committee on Claims.

On motion of Mr. HAWLEY, it was

Ordered, That the papers in the case of James Belger be withdrawn from the files and referred to the Committee on Military Affairs.

GORDON'S LANDING BREAKWATER.

Mr. EDMUNDS submitted the following resolution; which was considered by unanimous consent, and agreed to:

Resolved, That the Secretary of War be, and he hereby is, directed to report to the Senate any information in his possession concerning the utility of a breakwater at Gordon's Landing, on Lake Champlain, in Vermont, with an estimate of the cost of a suitable structure at that place.

GEORGETOWN AQUEDUCT BRIDGE.

Mr. BUTLER submitted the following resolution; which was considered by unanimous consent, and agreed to:

Resolved, That the Secretary of War be directed to cause to be made a careful examination of the Aqueduct Bridge at Georgetown, and report its present condition, especially as to its safety for ordinary travel when the aqueduct is filled with water.

PLANTS AND SHRUBS FOR PENSION BUILDING.

Mr. BECK. I desire to enter a motion to reconsider the vote whereby House joint resolution 71 was passed by the Senate yesterday, it being a joint resolution authorizing the Superintendent of Public Buildings and Grounds in the District of Columbia, and directing him as well, "to supply, and to keep supplied, from the public greenhouses and nurseries, the vases around the interior court of the Pension building with plants and shrubs suitable thereto."

My object in asking for a reconsideration is to have an explanation from the Committee on the Library in regard to that resolution. I happened to meet the Superintendent of Public Buildings and Grounds last night, and speaking about matters altogether disconnected with this measure, he said to me that we should have to make an appropriation of $1,600 more for him this year; that as soon as the joint resolution had passed the other House he had an examination of the vases made, the cost and everything else, and it would require $1,600 to do it. He said that he had made an official statement of that and furnished it to the committee with a request that they should lay it before the Senate. When they do lay it before the Senate and explain it perhaps I shall vote for the joint resolution, but I insist that a committee having that information as to the cost ought to give it to us, so that we may vote with our eyes open and not have a controversy in the Committee on Appropriations as to the propriety of voting money to carry out the law. For the purpose of having that explanation, as I do not see the Senator from New Jersey [Mr. SEWELL] in his seat who reported the joint resolution in the Senate, all I ask now is to enter the motion to reconsider, and perhaps he will give the information that will satisfy me.

The PRESIDENT *pro tempore*. The Senator from Kentucky enters a motion to reconsider the vote by which the Senate yesterday passed the joint resolution (H. Res. 71) authorizing the Superintendent of Public Buildings and Grounds in the District of Columbia to supply plants and shrubs to fill certain vases in the Pension building.

Mr. MORRILL. I think in relation to this matter there ought to be further inquiry, to know what kind of plants it is necessary to supply, whether the Pension building is to be kept as a greenhouse or hot-house, with sufficient heat there to preserve the plants during the winter season. I think it would be very difficult to do that, as it would cost a great deal of money for coal alone to supply the interior of that immense building in order to protect the plants.

Mr. BECK. I only desire to say to the Senator from Vermont that I was advised by the Superintendent that in the present condition of that building it would be absolutely impossible during the winter season to comply with the joint resolution unless a fresh supply is furnished after each frost.

The PRESIDENT *pro tempore*. The Chair informs the Senator from Kentucky that it will be necessary to recall the joint resolution from the House of Representatives, as it has gone to that body.

Mr. BECK. I will make the request, in connection with the motion to reconsider, that the other House be requested to return the joint resolution to the Senate.

The PRESIDENT *pro tempore*. That order will be made if there be no objection.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. CLARK, its Clerk, announced that the House had passed the following bills; in which it requested the concurrence of the Senate:

A bill (H. R. 2889) to annex a portion of the Territory of Idaho to Washington Territory; and

A bill (H. R. 4833) relating to the taxation of fractional parts of a gallon of distilled spirits.

ORDER OF BUSINESS.

The PRESIDENT *pro tempore*. The Calendar is now in order.

Mr. BLAIR. I desire to ask the Senate to proceed to the consideration of the educational bill at this time in the hope that we may complete action upon it to-day, and I shall ask the Senate to remain even beyond the ordinary hour of adjournment for that purpose.

The Senator from Oregon [Mr. MITCHELL], it will be recollected, a few days ago gave notice that yesterday he would desire to occupy the attention of the Senate in remarks upon the bill touching the Chinese question. Sickness prevented his being present at that time. He is in the Chamber this morning, and was desirous to proceed with his address to the Senate at this time, but in conversing with him I find that his health is still poor, and he is not really in a condition in which he ought to address the Senate.

The PRESIDENT *pro tempore*. It is the duty of the Chair to remind the Senator from New Hampshire that a motion to proceed to the consideration of the educational bill is not debatable.

Mr. BLAIR. I understand that; but it seemed only just to make the statement that the Senator from Oregon desires the opportunity of being heard to-morrow morning after the completion of the morning business, at the time when the Calendar would naturally be taken up; and I desire at this time to proceed to the consideration of the educational bill, and that the Senator from Mississippi [Mr. GEORGE], who has the floor upon that bill, may proceed with his remarks.

Mr. PLUMB. Mr. President——

The PRESIDENT *pro tempore*. The Chair must remind Senators that the motion is not debatable.

Mr. PLUMB. I wish to ask the Senator from New Hampshire to withhold his motion for a moment until I can make a statement.

Mr. BLAIR. Certainly.

Mr. PLUMB. I had designed this morning to ask the Senate to take up the bill (S. 149) forfeiting a part of certain lands granted to the State of Iowa to aid in the construction of railroads in that State, and for other purposes, which is a very important bill, and for various reasons it is very desirable that it should be considered at once; but the Senator from Minnesota [Mr. MCMILLAN], who is interested in the measure, is not able, as he states, to take the part in the debate which he desires to take. On his suggestion I think that I shall not make that motion to-day, but I wish to say to the Senate that to-morrow, when the time for the consideration of the Calendar shall have arrived, I shall move the Senate to proceed to the consideration of the bill.

Mr. BLAIR. I wish to say in this immediate connection that the Senator from Oregon came to the Chamber hoping to be heard this morning, although really in such a physical condition that he ought not to be obliged to address the Senate; and he consented to this motion of mine to take up the educational bill at this time in the hope that he might address the Senate to-morrow morning in the morning hour. If he prefers to go on at this time, unless he could have the floor to-morrow, I shall not press the educational bill until 2 o'clock.

Mr. DAWES. If the Senator will allow me, before he renews his motion I wish to make a suggestion.

The PRESIDENT *pro tempore*. The Chair will have the pending bill on the Calendar reported by its title. The matter will then be open to five minutes' debate.

The CHIEF CLERK. A bill (S. 18) for the relief of Pearson C. Montgomery, of Memphis, Tennessee.

Mr. DAWES. I was about to ask a favor of the Senator from New Hampshire. I have been necessarily absent from the Senate for two days. When I was last in the Senate the Indian severalty bill was pending in the morning hour. I think the debate is entirely exhausted upon it. I wish the Senator would let me try the experiment and see if it will not go through without further debate before he calls up the educational bill.

Mr. BLAIR. I have no objection to withholding my motion for that purpose.

Mr. DAWES. That bill is nearly at the head of the Calendar, and if there is any extended debate I shall yield to the Senator's motion.

Mr. BLAIR. I have no objection to that course.

Mr. HOAR. I ask unanimous consent that the first two cases on the Calendar, which have gone over in consequence of the absence of the Senator from New Hampshire [Mr. PIKE], which are in his charge, may go over now without prejudice.

Mr. VOORHEES. Unless we can transact some business on the Calendar I shall have to object to postponing it.

Mr. HOAR. This is transacting business on the Calendar.

Mr. VOORHEES. I understand that. My remark was not aimed at the Senator from Massachusetts, but at the suggestion of the Senator from New Hampshire.

Mr. HOAR. I wish the Senator would allow this unanimous consent to be given, so as to get those matters out of the way.

Mr. VOORHEES. Certainly.

Mr. HARRIS and Mr. INGALLS. Unanimous consent to what?

Mr. HOAR. I ask unanimous consent that the first two measures on the Calendar, which are measures in the charge of the Senator from New Hampshire [Mr. PIKE], may go over without prejudice.

The PRESIDENT *pro tempore*. A single objection is sufficient to put them over. The first two cases on the Calendar will go over without prejudice if there be no objection.

Mr. INGALLS. Do I understand the Senator from New Hampshire to suggest that the final vote on the educational bill shall be taken to-day?

Mr. BLAIR. If possible to reach it. Of course that is a matter wholly in the control of the Senate. I thought that by beginning about this time we could probably get through with the bill by perhaps remaining a little beyond the usual hour of adjournment. Perhaps it will not be necessary for the Senate to remain longer than usual.

The PRESIDENT *pro tempore*. The next case on the Calendar will now be reported.

Mr. BLAIR. I do not withhold my motion, unless in deference to the suggestion of the Senator from Massachusetts [Mr. DAWES] and that the Senator from Oregon [Mr. MITCHELL], who wishes to address the Chair, may give a notice.

The PRESIDENT *pro tempore*. The first case now on the Calendar will be reported, when a motion will be in order.

The CHIEF CLERK. A bill (S. 54) to provide for the allotment of lands in severalty to Indians on the various reservations and to extend the protection of the laws of the United States and the Territories over the Indians, and for other purposes.

The PRESIDENT *pro tempore*. Does the Senator from New Hampshire submit a motion to proceed to the consideration of the educational bill?

Mr. BLAIR. I yield to the Senator from Oregon.

Mr. MITCHELL, of Oregon. In connection with the statement made by the Senator from New Hampshire I desire to give notice that tomorrow morning, after the conclusion of the morning business, I shall request the Senate to proceed to the consideration of what is known as the Chinese bill, for the purpose of enabling me to submit some remarks upon that measure.

Mr. TELLER. I do not object to the Senator from New Hampshire taking up his educational bill, but I do object to setting any time for a vote.

Mr. BLAIR. I did not ask that.

Mr. TELLER. I think we should have a fair opportunity to discuss the bill.

Mr. VOORHEES. I am a friend of the bill that the Senator from New Hampshire has in charge, but after an experience in this body of some years now I am satisfied that the best interests of the public service require the time usually given to the Calendar. The Calendar contains the matured work of committees, and each measure pending upon the Calendar is entitled to the consideration of the Senate whenever it is reached. It does seem to me that when a bill has the right of way from and after 2 o'clock without interference it has enough of an advantage. I say this as a friend of the bill. I would suggest to the Senator from New Hampshire that he had better let the interests of the Calendar be attended to during the little time that remains for it, and then go on with his measure.

Mr. BLAIR. The suggestion of the Senator from Indiana——

The PRESIDENT *pro tempore*. The Chair must still remind Senators that the motion is not debatable.

Mr. BLAIR. I yield to the suggestion of the Senator from Indiana, but I wish to say that I am very desirous, as the Senate is, of completing the consideration of the educational bill. However, I suppose we shall probably save time by waiting until 2 o'clock.

LANDS IN SEVERALTY TO INDIANS.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (S. 54) to provide for the allotment of lands in severalty to Indians on the various reservations and to extend the protection of the laws of the United States and the Territories over the Indians, and for other purposes.

The PRESIDENT *pro tempore*. The pending question is on the amendment offered by the Senator from Texas [Mr. MAXEY], which will be read.

The CHIEF CLERK. In section 7, after the word "law," in line 8, it is proposed to strike out all down to and including the amendment agreed to at the end of the section, as follows:

> And every Indian born within the territorial limits of the United States to whom allotments shall have been made under the provisions of this act, and every Indian born within the territorial limits of the United States who has voluntarily taken up, within said limits, his residence separate and apart from any tribe of Indians therein, and has adopted the habits of civilized life, is hereby declared to be a citizen of the United States, and is entitled to all the rights, privileges, and immunities of such citizens, whether said Indian has been or not, by birth or otherwise, a member of any tribe of Indians within the territorial limits of the United States, without in any manner impairing or otherwise affecting the right of any such Indian to tribal or other property.

The PRESIDENT *pro tempore*. The question is on agreeing to the amendment.

The amendment was rejected.

Mr. TELLER. Some days ago I offered an amendment to the bill, which I should like to have considered.

The PRESIDENT *pro tempore*. The amendment has not been offered. The bill is open to amendment.

Mr. TELLER. I offer the amendment now.

The PRESIDENT *pro tempore*. In what part of the bill does the Senator propose to insert the amendment?

Mr. TELLER. At the end of section 7. It is immaterial practically where it comes in.

The PRESIDENT *pro tempore*. The amendment will be read.

The CHIEF CLERK. It is proposed to add to section 7 the following proviso:

> *Provided*, That the President may, in his discretion, allow homestead settlement by citizens of the United States on each alternate quarter-section, under such rules and regulations as shall secure to the Indians their allotments as herein provided for and a proper enforcement of the intercourse laws; and for all lands so taken for homesteads by citizens of the United States there shall be proper compensation made to the Indians owning such lands under treaty stipulations or by act of Congress.

The PRESIDENT *pro tempore*. The question is on agreeing to the amendment of the Senator from Colorado.

Mr. TELLER. Mr. President, I do not intend to spend any time in discussing this question, it has been so thoroughly discussed already. I only want to repeat what I have before said on various occasions, that in my judgment the benefits to be derived from this bill are very remote and are of very doubtful character. I know that for some years it has been the cry of the friends of the Indians all over the country that what was lacking was title to their lands, and that as soon as they acquired the title to their lands and a certainty that they would not be disturbed in their possession, from that time on they would enter rapidly upon the road of progress. I will admit that after a careful examination of this question I am satisfied that a great deal of trouble has arisen from the fact that the Indians have not been secure, not so much in their land as in their location, that they have been moved from one place to another as the necessities of civilization and settlement apparently demanded their absence instead of their presence.

This bill, introduced originally by the chairman of the committee several years since, has passed the Senate substantially in its present form on several occasions. The bill of itself submitting questions of allotment to the direction of the President, may not be used to the injury of the Indians; but it is a fact, which can not be disputed and which ought not to be overlooked, that so far as we have gone into the business of allotting lands to Indians, commencing many years ago down to the present time, the practical result has not been at all favorable. Little, if any, advantage has ever resulted from the allotment of lands in severalty. It never will, in my judgment, result in benefit to the Indians until such time as they shall have made some considerable progress in civilization.

The bill is based upon a false idea, and that is the old idea which has prevailed from the very commencement of our national dealings with the Indian tribes, that it is absolutely necessary for the preservation and welfare of the Indian that he be isolated from the white man, that he be kept from contact with civilization.

The honorable Senator from Kansas [Mr. INGALLS] the other day in discussing the educational bill took occasion to speak of the marvelous progress which had been made by the black race in civilization in this country in the last two hundred years. The black race, if it had been treated exactly as we have treated the red race, would be just in the state to-day, I have no doubt, that it was when it was brought into this country. No considerable progress would have been made if the black race had been isolated from the white race on this continent, but, on the contrary, the system of servitude brought them in daily contact with the white people, and in a very short time they had forgotten their barbarism, they had forgotten the language of their native land, and they spoke in the languge of their task-masters and in that alone. Brought into daily contact as house servants, as the companions in some sense of the children of their white masters, they took in, as all people do by contact and as few people have ever taken in except by contact, the civilization that surrounded them. The Indian, on the other hand, has been kept from civilization by the provisions of law. It has been a crime for a white man to go upon his reservation; it has been a crime for a white man to sit down by his side for the purpose of teaching him civilization and progress; and the race will remain in its present ignorance and degradation just so long as in this country we maintain the stupid idea that the red man will be overcome by the vices of civilization and will be destroyed by contact with civilization and with Christianity. We set apart great tracts of country, empires in extent, and we decree the entire territory to ignorance, to degradation, and to savagery, and we lock the door against enterprise, against civilization and religion, and then we wonder at the end of a decade why no progress has been made by the Indians.

I object to this bill, because it is a continuance of a system that one hundred years of effort on our part to civilize and Christianize the Indians under have demonstrated our inability so to do. I suggested on a former bill the opening of the country, the putting side by side with the Indian farmer of a white farmer; and the chairman of the committee admitted in the presence of the Senate then (and I was glad he did, because that was one step at least in advance) that the day of the isolation of the Indian was past. It is past; it has passed; it has gone by. We can not longer isolate the Indian if we desire to do it, but we ought not to desire it. The railroads that are being constructed in every section of the country by the side of reservations and across reservations will bring these people in contact with the white element; and I say it is the duty of the friends of the Indian to take hold and see to it that they are brought into contact with the better class of whites and the better element of our civilization. No better element can be found than the men who go out and settle upon the public lands, and

make for themselves honest homes. Give to our people, under such discretion as the President may exercise, the right to go upon the Indian lands and make, side by side of the Indian farm, a farm tilled by the aggressive and enterprising Anglo-Saxon, and in a little while contact alone will compel these people to accept the civilization that surrounds them on every side.

Isolate them as we have done, and they will continue as they are, although you may establish schools and churches and give them the missionary effort, and it will take ages under the present system to civilize and Christianize them. But if you can put them in the midst of an intelligent community you will have them civilized in a few years. With white settlers on every alternate section of Indian lands, there will be a school-house built, with Indian children and white children together; there will be churches at which there will be an attendance of Indians and of white people alike. They will readily learn the tongue of the white race. They will for a while speak their own language, but they will readily learn the ways of civilization.

I have, therefore, with but little hopes that the Senate will make such an innovation, but for the purpose of insisting and emphasizing as fully as I could the absurdity of continuing the old system, introduced this amendment, and unless it is accepted by the chairman of the committee who has this bill in charge I should be pleased to have the vote of the Senate and see whether the Senate are in favor of the old policy or whether they are willing, under the discretion that the Chief Executive may exercise, to start upon a new and what I think is a better plan.

Mr. DAWES. Mr. President, if the Senator from Colorado will modify his amendment by inserting in the third line of it, after the word "quarter-section," these words, "of lands upon any reservation established by executive order," I will aid him in getting it a part of this bill.

I have already said, as the Senator has intimated, that the idea upon which the amendment is based is I think the true idea. The idea of as far and as fast as possible putting the Indians among civilized people and giving them the advantage of the example and the contact and the association and every other stimulus connected with civilization promises better success than any other idea that has obtained in reference to the Indians; and therefore just so far as it can be done I am desirous of co-operating with the Senator in this idea to the extent of its application to the reservations established by executive order. It is perfectly easy, it intrenches upon no right, it disturbs no established and fixed settlement in the mind of the Indians, no title; but if you apply it to all the reservations you at once attack vested rights. The treaty reservations and the statute reservations are held by a title on the part of the Indian that it is not right for us to authorize the Secretary of the Interior to invade.

And furthermore, all this is an experiment. I am not one of those who believe that we have at any time invented a new and perfect way that will solve this question. This only gives promise, and I think an earnest and well-assured promise of working out the problem. It may not work it out as well as we hope it may. It will, I am confident, go a great way in that direction.

The idea which the Senator has suggested in his amendment is one of the ideas incorporated in this mode of trying to make something of the Indian, in my opinion a wise one, which ought to be carried as far as it can. It can be tried upon the executive-order reservations without infringing upon any rights, without disturbing any Indian with the idea that we are trying to get his land away from him. That is the greatest obstacle in the way of any attempt to make something out of the Indian at this time, the universal distrust on the part of the Indians holding land by treaty and by statute that the United States, in all its measures, has lurking under them some method by which his land is to be wrested from him.

The suggestion of the Senator is that the Secretary of the Interior can walk upon any Indian reservation held by the solemn title of a treaty, whether the Indians will or not, and take alternate sections, as many or as few as he pleases, and put white men right in among them. There is a reservation where this can be done, and where, when it is done, I believe it will be with all the beneficial effects suggested by the Senator. But there are reservations where it would work great injury, not only to the specific Indians, but to all attempts to get the Indian so that he will accept it, so that he will take from us in the spirit in which we propose it this beneficent measure of ours. True, it being left to the discretion of the Secretary of the Interior, he may not think it wise, and probably will not, to invade such reservations against the will of the Indian; but the fact that he has the power, in the hands of the enemies of this measure would be held up before them as a matter of alarm, of concern and distrust. Any agent of the Department going among the Indians clothed with such power, whether he proposed to exercise it or not—the fact of his merely going there to see if he could—would be considered as the enemy of the Indian and be driven out in some way or other.

Now I suggest to the Senator to be content with the application of it to the executive-order reservations, and then I will do what I can to help him to get it incorporated in the bill; otherwise, and simply for the reasons I have suggested, I should hope that the Senate would not adopt the amendment in its broad sense.

Mr. TELLER. I have not any doubt of the right of the Executive on an executive-order reservation to do the very thing provided for in this bill; but it is such an innovation upon existing practice and upon existing ideas that the executive officer who should try to do it would have quite as much courage, I think, as the greatest military leader.

I want to see this principle applied to all reservations because the great mass of Indians are not on executive order reservations; the great mass of Indians are on reservations established either by treaty or by act of Congress; and we are not now treating, as we were the other day, with the Sioux tribe. This is a general statute upon which the Indians do not even have a veto. The eleventh section of this bill has been stricken out which provided that they might pass upon the question whether they would accept it or not. We are now making a general law for the government of all the Indians in the United States, and I think it is an appropriate time to announce to the world that we have departed from the old and obsolete idea that civilization was not as good as savagery, that Christianity can not come in contact with heathenism without the heathen suffering.

If the honorable Senator is tenacious and is afraid that the President of the United States will ever invade their reservation and take their lands without their being compensated, I am willing that he shall amend my amendment by putting in words which will require the compensation to be made before the land is taken. I am willing to add:

Before such settlement shall be made compensation shall be provided for.

I do not desire by legislation to deprive the Indians of any property rights they may have. I only want to put it in the power of the executive officers of the country to do the most good that can be done to that unfortunate people. I know that the great hindrance that the Department to-day finds in dealing with the Indian is that there is not proper discretion lodged in the hands of the executive branch of the Government. They have been tied up by legislative rules in such a way that they may see one part of a tribe have luxurious living while another starves, without the ability to divert the appropriations from one to another except to a limited extent; and a rule that the Department would be satisfied may work great good it is precluded from adopting, because there is no legislative authority extended to it to do so.

Every act of the executive department in its dealing with the Indians is hedged about by legislative restrictions. Discretion there is none, and I do not believe there is a department of the Government in which there is so much restriction and so much hedging about the department as there is in the Interior Department in dealing with the Indians. I want to remove some of that; and I want to place proper power in the hands of the executive officers who are responsible to the whole people of the United States with reference to this subject.

I know that it has been thought that this subject can not be dealt with except in the legislative halls, and that it is not safe to intrust it to what the quickened conscience of the whole people of the United States demands from every executive officer, exactness in conduct and rectitude in purpose when he deals with Indians, which it does not demand in any other department of the Government. There is no danger that any man who administers the office of Secretary of the Interior will ever invade the rights of the Indians. He may, and he will if he is an intelligent man, run counter to the Indian Rights Association, or the Indian Defense Association, or the people who know nothing of Indians except as they have learned it through Fenimore Cooper's novels or some authority of that character. There is no such danger.

If the Senator thinks it is necessary to provide compensation before the lands are taken, I am willing he should offer that amendment, or if my amendment should be acceptable with that clause added to it, I should be glad to make that change myself.

Mr. DAWES. If the Senator does not feel like adopting the amendment I suggested, I hope the Senate will vote down his amendment.

The PRESIDENT *pro tempore*. The question is on the amendment proposed by the Senator from Colorado.

Mr. MORGAN. I wish to say a word, more to call the attention of the Senator from Colorado than anything else. The proposition that he presents in this amendment is one that if it were carried into the statutes would require very great elaboration and detail. It ought to be the subject of a separate bill. This subject has not been brought to the attention of the Committee on Indian Affairs. It is put for the first time before the Senate, as I understand, by this proposed amendment late in the consideration of this bill.

Now, there is one feature of this amendment which I wish to call to the special attention of the Senator from Colorado:

Under such rules and regulations as shall secure to the Indians their allotments as herein provided for, and a proper enforcement of the intercourse laws.

How would it be possible that the Secretary of the Interior could provide rules and regulations for the proper enforcement of the intercourse laws when the whole of the reservations of the Indians were spotted over with white men who had settled there and had got title to the property? "Alternate sections." The Senator says it must be in alternate sections. I do not know whether the Indians are to take the odd-numbered or the even-numbered sections, or when the Indian

has made his location then the alternate section on which an Indian is located may not be devoted to the homestead of a white man.

The measure which the Senator proposes here must be one of growth. Of course we know that all this western country at some future day must be populated jointly by Indians and white people; but until the Indians get into condition where they can be protected against the white men who would sell them whisky, sell them powder and shot, and out-deal them in all their transactions, it is the duty of the Government of the United States to preserve them in some form or other until they have matured sufficiently to become able to control their own domestic affairs; I mean their household affairs, and manage their own property.

I do not know of anything that could be worse to-day than to settle the Arapaho and Cheyenne and Kiowa and Comanche Indians upon allotments of land in severalty throughout that broad expanse of the Indian country; and then to allow white men to go in and take the alternate sections. They are confirmed savages; a great many of them are almost wholly untutored; they are not fit for civilized society, and men with nice families and who desire to prosper in the world would not be very apt to go in there. We should get a ruffian class of population among those Indians, and we should be in so much trouble with them that we should not get clear of it in fifty years to come, in my opinion. I hope the Senator will be content to frame a bill, for which he will receive support as has been indicated in the Senate from various quarters, moving upon this subject gradually. Let his bill first apply to those Indian reservations where the Indians have some knowledge of affairs, and where they are calculated in some sense to take care of themselves. We can provide by law so that the white people can go and settle among them, and doubtless many of the tribes would welcome the white people among them; but to make a broadcast measure of that kind and to leave it to the discretion of the Secretary of the Interior to indulge in legislation of the most important character by the mere adoption of rules and regulations, it seems to me would be a very unfortunate movement at this time.

I hope the Senator will not press his amendment.

Mr. TELLER. I wonder the Senator from Alabama overlooked the fact that the intercourse laws with rare exceptions—and those in the Indian Territory—are not Territorial in their character. The intercourse laws depend upon the relation that the Indian bears to the General Government. If he is a member of a tribe it is as much an offense against the intercourse laws to sell him ardent spirits in the city of Washington as it would be on his reservation. Therefore there can be nothing in that objection, because if every other settler was a white man in a reservation, a sale by a white man or an Indian on the reservation or off the reservation of intoxicating drinks to an Indian is a violation of the intercourse laws.

I admit that this is a subject which will require some detail; I understand that. What I complain of is that any law which we might attempt to pass through this body would necessarily require so much detail that it would be very doubtful whether we should ever get it passed, and if we did whether with all the wisdom of this body and all the wisdom that could be thrown upon it by the other House it would not be found in practical operation that there had been some things omitted. In my judgment the whole subject can better be remitted to the executive department of the Government under the general authority of a statute which says you may do this, subject to such conditions as you think will promote the interest and welfare of the Indians. I do not suppose any Secretary would think of putting now in the present condition of things white people in the Cheyenne territory. That would be a question of discretion for the executive department of the Government. I think we may safely leave all such things to the executive department, and not attempt to provide in detail for every little thing that might arise in the carrying out of such a principle.

The PRESIDENT *pro tempore*. The question is on the adoption of the amendment proposed by the Senator from Colorado.

The amendment was rejected.

Mr. MAXEY. I call the attention of the chairman of the Committee on Indian Affairs to section 9. In that section I move to strike out, from line 2, the words "reservations of" and insert "territory occupied by;" so that the section will read:

SEC. 9. That the provision of this act shall not extend to the territory occupied by the Cherokees, Creeks, Choctaws, Chickasaws, Seminoles, and Osages in the Indian Territory, nor to any of the reservations of the Seneca Nation of New York Indians in the State of New York.

Mr. DAWES. That is a verbal correction and it ought to be made.

Mr. MAXEY. I wish to state why I offer the amendment, in order to put the reason on record.

The word "reservations" in that connection is a very broad expression. By striking out the word "reservations," which has a fixed idea of title, and inserting "territory," we reach the object.

The PRESIDENT *pro tempore*. The question is on the amendment of the Senator from Texas.

The amendment was agreed to.

The PRESIDENT *pro tempore*. The word "provision," at the beginning of the sentence, will be changed to "provisions," if there be no objection.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

WILBUR F. STEELE.

The PRESIDENT *pro tempore*. The next bill on the Calendar will be stated.

The bill (S. 1223) for the relief of Wilbur F. Steele was announced as next in order.

Mr. COCKRELL. Let that be passed over without prejudice.

The PRESIDENT *pro tempore*. The bill will be passed over without prejudice if there be no objection.

ARKANSAS HOT SPRINGS.

The next business on the Calendar was the resolution reported by Mr. BERRY, from the Committee on Public Lands, February 1, 1886, relative to bath-house and hot-water privileges on the Government reservation at Hot Springs, Ark.

The PRESIDENT *pro tempore*. The resolution will be read.

The Chief Clerk read the resolution.

The resolution was reported from the Committee on Public Lands with an amendment, to strike out the words "until proper legislation is had with reference thereto" and insert "until the Forty-ninth Congress shall adjourn without having legislated with reference thereto;" so as to make the resolution read:

Whereas the leases heretofore made of the bath-house and hot-water privileges upon the reservation of Government lands at Hot Springs, Ark., have expired by limitation of law; and

Whereas the Attorney-General of the United States has given an opinion that such lease may be renewed by the Secretary of the Interior without additional legislation:

Be it resolved by the Senate of the United States (the House of Representatives concurring), That in the opinion of Congress such leases of bath-house and hot-water privileges should not be renewed by the Secretary of the Interior unless the Forty-ninth Congress shall adjourn without having legislated with reference thereto.

The amendment was agreed to.

The resolution as amended was agreed to.

STATUES TO COLUMBUS, LAFAYETTE, AND JAMES A. GARFIELD.

The joint resolution (S. R. 35) setting apart public reservations for statues to Columbus, Lafayette, and James A. Garfield was considered as in Committee of the Whole.

Mr. MORRILL. I believe there will be no objection to the passage of this joint resolution at the present time.

The joint resolution was reported to the Senate without amendment.

Mr. SEWELL. I should like the Senator from Vermont to explain the joint resolution. Under the act authorizing the Garfield statue the commission appointed was authorized to select the ground for its location, and they did locate it and they made a contract for the statue. I am afraid if we change the location it may interfere somewhat with the contract. I think myself that notwithstanding there are a number of bills for the location of statues, they ought all to be in charge of the Committee on Public Buildings and Grounds so as to secure uniformity in the selection.

Mr. MORRILL. There will be no sort of difficulty in changing the location so far as the artist is concerned. I desire to say further, in relation to the contract of the Secretary of War with the artist, that it is provided that it shall have only an excavation of 6 feet. That will be entirely insufficient. The naval monument had to have an excavation of over 30 feet.

Mr. EDMUNDS. Why did he make the contract, then?

Mr. MORRILL. I do not know. Under the circumstances it would be well to change the contract, and there is not the slightest doubt of the willingness of the artist to make the change.

The joint resolution was ordered to be engrossed for a third reading, and was read the third time.

Mr. CONGER. On the passage of the joint resolution I ask for the yeas and nays.

The yeas and nays were ordered and taken.

Mr. COCKRELL. My colleague [Mr. VEST] is still detained at home by serious illness. I am generally paired with the Senator from Iowa [Mr. ALLISON]. Did he vote on this question?

Mr. ALLISON. I did not.

Mr. COCKRELL. On general questions I am paired with the Senator from Iowa, and as he did not vote I believe I will vote "nay."

Mr. SEWELL. I ask the Senator from Vermont if he will not agree to a reconsideration of the vote by which the joint resolution was ordered to a third reading for the purpose of amending the resolution so as to give charge to the Committee on Public Buildings and Grounds. I think it is proper they should have the selection of all the sites and not have a separate commission in each case.

Mr. EDMUNDS. Debate is not in order. The roll-call must be concluded.

Mr. MILLER, of New York. On political questions I am paired with the Senator from North Carolina [Mr. RANSOM], but I presume this is not considered such, and to make a quorum I will vote "yea."

The result was announced—yeas 31, nays 12; as follows:

YEAS—31.

Beck,	Edmunds,	McMillan,	Sabin,
Berry,	Gibson,	Mahone,	Sewell,
Blackburn,	Gray,	Miller of N. Y.,	Spooner,
Blair,	Hampton,	Mitchell of Oreg.,	Stanford,
Brown,	Harrison,	Morgan,	Walthall,
Call,	Hawley,	Morrill,	Wilson of Iowa,
Colquitt,	Hoar,	Payne,	Wilson of Md.
Dawes,	Logan,	Plumb,	

NAYS—12.

Allison,	Conger,	Harris,	Saulsbury,
Bowen,	Dolph,	Manderson,	Sherman,
Cockrell,	Hale,	Platt,	Teller.

ABSENT—33.

Aldrich,	Fair,	Kenna,	Riddleberger,
Butler,	Frye,	McPherson,	Sawyer,
Camden,	George,	Maxey,	Vance,
Cameron,	Gorman,	Miller of Cal.,	Van Wyck,
Chace,	Ingalls,	Mitchell of Pa.,	Vest,
Coke,	Jackson,	Palmer,	Voorhees.
Cullom,	Jones of Arkansas,	Pike,	
Eustis,	Jones of Florida,	Pugh,	
Evarts.	Jones of Nevada,	Ransom,	

So the joint resolution was passed.

ALBERT H. EMERY.

The bill (S. 929) for the relief of Albert H. Emery was announced as next in order.

Mr. EDMUNDS. That will have to go over.

The PRESIDENT *pro tempore*. The bill, being objected to, will be passed over.

Mr. HOAR. I hope it will be passed over without prejudice.

Mr. EDMUNDS. I have no objection to that; but it is one of the matters that will have to be debated. I do not object to its keeping its place.

The PRESIDENT *pro tempore*. The bill will be passed over informally, retaining its place on the Calendar.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. CLARK, its Clerk, announced that the House had passed a joint resolution (H. Res. 124) to print 31,000 copies of the eulogies on Thomas A. Hendricks, late Vice-President of the United States; in which it requested the concurrence of the Senate.

ENROLLED BILLS SIGNED.

The message also announced that the Speaker of the House had signed the following enrolled bills; and they were thereupon signed by the President *pro tempore:*

A bill (S. 150) to quiet title to settlers on the Des Moines River lands, in the State of Iowa, and for other purposes;

A bill (H. R. 3827) to remove the political disabilities of Thomas L. Rosser, of Virginia;

A bill (H. R. 3846) to remove the disabilities of Alexander P. Stewart, of La Fayette County, Mississippi; and

A bill (H. R. 4409) to remove the disabilities of Edward G. W. Butler, of Missouri.

ASSISTANT SECRETARY OF THE NAVY.

The bill (S. 1302) authorizing the appointment of an assistant Secretary of the Navy, and fixing the salary for the same, and for other purposes, was announced as next in order.

Mr. PLUMB. I object to the consideration of that.

The PRESIDENT *pro tempore*. The bill, being objected to, goes over under the rule.

CRIMES BY INDIANS.

The bill (S. 1100) to amend the ninth section of an act entitled "An act making appropriations for the current and contingent expenses of the Indian Department and for fulfilling treaty stipulations with various Indian tribes for the year ending June 30, 1886, and for other purposes," approved March 3, 1885, was considered as in Committee of the Whole. It proposes to amend the section named so as to read:

SEC. 9. That immediately upon and after the date of the passage of this act all Indians committing against the person or property of another Indian or other person any of the following crimes, namely, murder, manslaughter, rape, assault with intent to kill, arson, burglary, or larceny, within any Territory of the United States, and either within or without an Indian reservation, shall be subject therefor to the laws of such Territory relating to said crimes, and shall be tried therefor in the same courts and in the same manner, and shall be subject to the same penalties, as are all other persons charged with the commission of said crimes respectively; and the said courts are hereby given jurisdiction in all such cases: *Provided*, That in all cases where any of said crimes shall be committed against the person or property of another Indian the judge of the court before which such Indian may be tried shall certify to the Attorney-General of the United States the cost of the apprehension and trial of such Indian, and the Attorney-General shall cause the same to be reimbursed to the Territory, or any county thereof, incurring the same, out of funds that may be available or appropriated for that purpose: *And provided further*, That the cost of the support and maintenance of Indians convicted of any of said crimes against the person or property of another Indian, and sentenced to imprisonment, shall be borne by the United States. And all Indians committing any of the above crimes against the person or property of another Indian or other person within the boundaries of any State of the United States and within the limits of any Indian reservation, or within the limits of any portion of the Indian Territory and not set apart for and occupied by the Cherokee, Creek, Choctaw, Chickasaw, or Seminole Indian tribes, shall be subject to the same laws, tried in the same courts and in the same manner, and be subject to the same penalties as are all other persons committing any of the above crimes within the exclusive jurisdiction of the United States.

Mr. EDMUNDS. I should like to ask the chairman of the Committee on Indian Affairs to explain this matter; and we can see what the law was before.

Mr. DAWES. In the last Congress in an appropriation bill was inserted a provision making Indians who commit offenses against Indians upon reservations and outside the reservations amenable to the criminal laws of the country as to certain crimes specified, the same crimes which are specified in this bill. In putting it into practical operation it has been found to work in this way, that the Indians upon reservations are taken to a court in some county that has no Indian reservation in it, and the costs of the trial all fall upon that county. Not only is the burden a great deal, but the public sentiment in the county against the prosecution comes from that source to be so great that it paralyzes the law.

The Interior Department had its attention called to this as well as the Indian Committee, and at the suggestion of some members of the committee the law officers of the Government prepared this bill which merely causes the costs of such prosecutions to be paid on the certificate of the Attorney-General, out of the Treasury of the United States. They can not be paid out of the treasury of the county where the crime is committed, because that is an Indian reservation; and they must be paid out of the taxable property of the poor county that holds the court unless they are paid in this way. That is all there is to it.

Mr. EDMUNDS. I should like a minute to see what the old law is.

Mr. PLATT. Let me inquire whether the effect of this bill is to enlarge the jurisdiction of the Territorial courts?

Mr. DAWES. Not at all. This bill follows the words of the existing law except as to the question of costs. It would have been proper, I may add, to have this bill go to the Committee on the Judiciary; but it was thought, as the Committee on Indian Affairs had knowledge of the evils, they were so apparent, that the Committee on the Judiciary would have more trouble in finding out the meaning of the thing than they would in acquiescing.

The bill was reported to the Senate, ordered to be engrossed for a third reading, read the third time, and passed.

UMATILLA INDIAN LANDS.

The bill (S. 1210) authorizing the Secretary of the Interior to make sale of certain lands of the Umatilla Indian reservation, in Oregon, to William S. Byers and others, and to issue patents therefor, was considered as in Committee of the Whole.

The bill proposes to authorize the Secretary of the Interior to have an amount of land, not to exceed 20 acres, upon the Umatilla Indian reservation, in Oregon, immediately adjoining on the east a tract of 640 acres set apart as an additional town site for the town of Pendleton by an act of Congress, approved August 5, 1882, surveyed by the surveyor-general of Oregon in such shape as will best embrace and secure the mill-race and water-head of William S. Byers, Robert G. Thompson, and Jeremiah Barnhart, as the same is now located and used in connection with their mill in the town of Pendleton, and, when such survey shall have been completed, to have the lands included within the limits thereof appraised by the surveyor-general at their actual value, and thereupon to have the plat and field-notes of such survey and the amount of the appraisement of such lands returned to and filed in the office of the Secretary; and thereupon, and upon the approval thereof by the Secretary, it shall be lawful for him to make sale of the lands at their appraised value to Byers, Thompson, and Barnhart; and upon payment by them in full of the purchase price thereof, together with all costs and expenses incurred in the premises, the Secretary shall cause a patent to be issued to them for the lands purchased. The moneys to be realized from the sale of the lands are to be placed to the credit of the confederated tribes of the Umatilla, Walla Walla, and Cayuse Indians, now resident upon the reservation, and be held and managed in like manner and in connection with similar funds now existing.

Mr. EDMUNDS. Is there any report about that?

The PRESIDENT *pro tempore*. There is no written report. The bill is reported by the Committee on Indian Affairs with an amendment. The amendment will be read.

The CHIEF CLERK. It is proposed to add to the bill:

Provided, That this act shall in no way impair or affect any existing right to a reasonable use of the water of said stream for agricultural purposes, nor shall confirm or grant any right to use the water thereof in any manner nor to any extent beyond or different from that to which it has been heretofore appropriated.

Mr. EDMUNDS. I should like to hear the bill explained.

Mr. DAWES. There is a town called Pendleton, a very flourishing town, built just upon the border of this reservation. There is a stream running by this town which has a water-power upon it. Certain individuals, of whom the men named in this bill are the assignees who hold under the original persons, obtained a verbal license from the Interior Department to construct a ditch from the falls in that river across a portion of the Indian reservation to this town of Pendleton, where they erected a flouring mill. There was a law passed at the last Congress appointing three commissioners to treat with these Indians, and

get their title to a portion of this land adjoining Pendleton in order to enlarge the area of that town. In that bill was a provision substantially like this bill when this proviso is added.

These men lose all the privileges which they obtained by the verbal license in the absence of legislation. They have invested quite a large capital in this flouring mill, all dependent upon the right to take the water in this ditch, which they constructed under a verbal license. That law, by the way, has failed in its operation because the Indians would not give their consent to the negotiations entered into on the part of the Government by the commissioners, so that that law as yet has not prevailed, and these persons obtained no portion of the land. Now this bill is introduced to grant to these persons the land along this ditch, to appraise its value, and to give a patent for it to these parties, and the appraised value of it goes into the Treasury for the use of the Indians.

If it were granted without any condition it would be in the power of these men to appropriate the entire stream, and it is understood by the committee that the town of Pendleton is dependent upon this stream for all its water as well as these people are for their power, and the Committee on Indian Affairs were of opinion that possibly for irrigating purposes, agricultural purposes, the right to take water out of this stream would be impaired if this grant were made without condition. Hence, while they thought it was reasonable and fair that these persons who had constructed their ditch across the corner of the reservation under a verbal license from the Interior Department should have a permanent right to do it in order that the capital they had invested upon the strength of this license might not be useless to them, yet that it was highly important that the grant should go no futher than the present use, and that there should be excepted out of it all other uses to which the water might be put, so that the town of Pendleton might not be taxed by these individuals. They might take all this water and the town of Pendleton might be obliged to buy it of them, or agriculturists might desire this water for agricultural purposes and be cut off. It was thought that these men would have all that they were justly and fairly entitled to if the grant extended to their present use of the water.

Mr. EDMUNDS. I notice that this amendment of the committee, a very proper one providing for reserving existing rights to a reasonable use of the water for agricultural purposes as a limitation of the confirmation, says from that use "to which it has been heretofore appropriated." I think the word "lawfully" ought to be inserted before "appropriated," and I make that motion to amend the amendment of the committee by inserting the word "lawfully," so that they shall not get anything more than they are now lawfully entitled to.

The PRESIDENT *pro tempore*. The question is on the amendment of the Senator from Vermont to the amendment of the Committee on Indian Affairs.

Mr. DAWES. That would raise the question whether this verbal license to use it to its present extent would be a lawful use.

Mr. EDMUNDS. Yes, it would. If the verbal license given by the Secretary of the Interior was a piracy upon the rights of these Indians and therefore affected the value of this land that we are going to take from them and give to these mill-owners, and it was an illegal and void license, then they ought not to get anything from the advantage of the license in respect to this water which the town wants and which the Indians want, and therefore to affirm any unlawful use that they are making of the water—I am not on the subject of the land—would be a little further than I wish to go.

Mr. DAWES. These men would find that they had taken nothing but a paper if this amendment were adopted. I may be mistaken about it. I shall leave it to the Senator from Oregon.

Mr. DOLPH. I shall oppose this amendment, and desire to present the facts in this case; but I see it is 2 o'clock now, and I suppose the bill will go over in its present shape until to-morrow.

Mr. EDMUNDS. There are two other amendments which I have written in pencil in the body of the bill that I wish to call the attention of the Senate to when the matter comes up again.

The PRESIDENT *pro tempore*. The hour of 2 o'clock having arrived, the unfinished business will be taken up.

HOUSE BILLS REFERRED.

The bill (H. R. 2889) to annex a portion of the Territory of Idaho to Washington Territory was read twice by its title, and referred to the Committee on Territories; and

The bill (H. R. 4833) relating to the taxation of fractional parts of a gallon of distilled spirits was read twice by its title, and referred to the Committee on Finance.

AID TO COMMON SCHOOLS.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (S. 194) to aid in the establishment and temporary support of common schools.

Mr. GEORGE. Mr. President——

Mr. HALE. Will the Senator give way to me for a moment only to give notice to the Senator from New Hampshire that at the close of the remarks of the Senator from Mississippi I may feel constrained to move that the Senate go into executive session to attend to some important business before the Senate in that way. I wish to give the notice to the Senator from New Hampshire now who is in charge of this bill. The business I have in mind will probably take most of the day.

The PRESIDENT *pro tempore*. The Senator from Mississippi is entitled to the floor.

Mr. GEORGE. Mr. President, the people of Mississippi, all classes, have so much interest in this subject that I shall feel constrained to trespass further upon the attention of the Senate in presenting some further views in advocacy of the bill.

Yesterday I called the attention of the Senate to the precedents in the legislation of the country which I thought justified the constitutionality of this measure. One of the precedents to which I alluded was a resolution offered by the Senator from Alabama and passed, I think, by the Senate some years ago donating to the employés of this body a month's extra pay. I did not mention that for the purpose of complaining of the action of the Senate, but of calling attention to the fact that money was being continually appropriated by Congress for purposes outside of the specially enumerated powers in the Constitution. I said then and I say now that there was no justification in the Constitution for an appropriation by way of gift to the employés of this body other than such as might come from the words in the Constitution which authorize Congress to levy and collect taxes, &c., to pay the debts and provide for the common defense and general welfare of the United States.

The Senator from Alabama corrected me as to the purport of the resolution to which I was referring, and said that that resolution applied only to the employés of the Senate whose pay continued merely during the session of the Senate, and he justified this extra pay upon the ground that it was necessary to enable these parties to live during the vacation of the Senate. I was under the impression then that the Senator from Alabama was wrong, but I was not sure of it. I have looked into that matter since, and I have caused a copy of that resolution offered by the Senator from Alabama to be made, which I will now read to the Senate. The resolution was offered July 17, 1882, and is found on page 6129 of the CONGRESSIONAL RECORD, first session Forty-seventh Congress. The resolution is in these words:

Resolved, That there shall be allowed and paid to the employés of the Senate (including the Capitol police) receiving an annual compensation, who were employed on the 4th day of March, 1881, or on the 15th day of December, 1881, a sum equal to one month's pay at the rate per annum they were receiving at the dates specified herein, and that a sum equal to one month's pay shall be allowed and paid to the session employés of the Senate who shall be so employed at the adjournment of the present session.

Mr. MORGAN. What became of that resolution?

Mr. GEORGE. I do not remember.

Mr. MORGAN. We very often out of kindness to our friends around the Capitol introduce resolutions in order to have them referred to the proper committee. I do not suppose the Senator thinks I am committed to every constitutional absurdity that ever was enacted in the world, as he seems to think he is obliged to be, because at the request of some friend I offered a resolution in the Senate.

Mr. GEORGE. That is the first time I ever heard it announced that a Senator had a right to make a proposition to violate the Constitution of the United States out of courtesy for his friends. I had supposed that the Constitution was equally binding upon us, binding upon our conscience, whether we were called upon to act under it in favor of our friends or in favor of the people at large. And that remark of the Senator reminds me of what I had heard before, that in his opposition to the general-welfare clause of the Constitution allowing appropriations for the general welfare he was more inclined to seek methods of getting money out of the Treasury when it was simply for the private welfare of some particular individuals.

Mr. MORGAN. That remark is unjust to me. I do not wish to follow the Senator in his detailed effort to lay before the world what little of my record he thinks is worthy of examination; doubtless he can find a great many things in it to object to; but in paying the employés of the Senate we have an unquestioned right, if we employ a man at $50 a month and it is not enough, to pay him $100 a month, without violating the Constitution or any precendent. And so we have certainly the right when employés have been brought here, and especially when the Senate has changed its politics by the coming in of new members, to say to these men who have come here, "You have lost your business at home; you have been put to unnecessary and unexpected expense; and we think it but just and equitable that we should reward you or compensate you." That is the first Senator who ever had the capacity of ascertaining that there was the slightest hint of unconstitutionality in a proceeding of that kind. I never heard one before on this floor, as long as I have been here, intimate that there was any restraint upon the power of the Senate to apply such moneys as the two Houses would vote, out of its contingent fund or out of any fund under its control, for the purpose of giving to its own officers just and reasonable compensation. The Senator is welcome to make all he can out of such trash as that which he may be able to find in my record.

Mr. GEORGE. I am very much obliged to the honorable Senator for the complimentary manner in which he has alluded to my remarks. It so happens that when a Senator undertakes to follow the course of the Senator from Alabama he is compelled by the necessity of the case to deal with trash, for there is little else in the record of the Senator except what can be denominated by the word "trash."

The Senator says it is the first time he ever heard it intimated on this floor that it was a violation of the Constitution to pay the employés of the Senate an extra compensation—the first time he ever heard it intimated that such an appropriation was in violation of the Constitution. He has not heard that to-day. I made no such intimation. I only said that on the absurd and ridiculous construction of the Constitution which the Senator from Alabama insists upon, tested by that rule, the appropriation was unconstitutional.

Mr. President, my attention has been called by the Senator from Louisiana [Mr. EUSTIS] to several other precedents, coming down to the very present time, which justify the legislation now proposed by this bill. In looking at one of last year's appropriation bills, framed by a committee upon which the Senator from Kentucky [Mr. BECK] is a member, I find provisions which can not be justified except upon the construction of the Constitution insisted upon by the advocates of this bill. I find:

For the introduction by the United States Fish Commission into and the increase in the waters of the United States of food-fishes and other useful products of the waters, including lobsters, oysters, and other shell-fish, and for continuing the inquiry into the fisheries of the United States and their subjects, and for such general and miscellaneous expenditures as the Commissioner of Fish and Fisheries may find necessary to the prosecution of his work, including salaries or compensation of all necessary employés, $130,000.

I find also an appropriation—

For the preparation and maintenance of fish-ponds in Washington and elsewhere, &c.

I find appropriations also for "Fish Commission buildings, Wood's Holl, Mass.," and for sailing vessels to propagate food-fishes.

I find also an appropriation of $300,000 to aid the State and local boards of health in the arrest of epidemic diseases. I find a million dollars appropriated to take care of the weather—for the Signal Service—to make reports for the benefit of agriculture and commerce. I should like to know under what clause of the Constitution these appropriations were made, unless under the clause on which we rely who advocate this bill.

But passing now from the precedents and looking somewhat at the arguments which have been urged for and against the construction of the Constitution upon which we rely, let me state now that construction, so that there can be no mistake as to our view with relation to that matter.

No Senator on this side of the Chamber who advocates this bill insists, so far as I know, that under that clause of the Constitution which authorizes Congress to levy taxes to pay the debts, to provide for the common defense and general welfare of the United States—no Senator contends that that confers upon Congress a substantive and independent power outside of the powers enumerated in subsequent clauses of the Constitution. Our position is that this clause gives Congress power to make the appropriation—nothing more. That was the distinction taken by Mr. Monroe; that was the distinction taken by Mr. Calhoun; and that is the distinction which has been taken by all the statesmen who concur in our view of the Constitution. It is unjust to say that when we make an appropriation, or ask for an appropriation under that clause of the Constitution, we insist or acknowledge that Congress can do more than that, and I here distinctly disavow upon my part and upon the part of the friends of this measure on this side of the Chamber that we hold that Congress can do anything more in relation to education than make an appropriation in aid of the States. And, sir, that is the plain meaning of this bill itself. It contained a disclaimer, as it was introduced by the Committee on Education and Labor, of any assertion of any power on the part of Congress to do anything more than that. That disclaimer is contained in these words:

SEC. 7. That the design of this act not being to establish an independent system of schools, but rather to aid for the time being in the development and maintenance of the school system established by local government and which must eventually be wholly maintained by the States and Territories wherein they exist, it is hereby provided.

Mr. BUTLER. That was struck out.

Mr. GEORGE. I was just coming to that. It was struck out on the motion of the Senator who has just interrupted me, and his motion, I believe, was sustained by every single Senator on this side of the Chamber who opposes the bill.

When we who advocate this bill, when Senators on the other side who advocate this bill, are willing to put in it a positive disclaimer of the powers which the Senators on this side who oppose it assert that the bill implies, we find those very same Senators fearing, as they say they fear, that the bill will be quoted as a precedent for the power of Congress to take charge of education in the States, one of them making a motion and the others voting to sustain that motion to strike that disclaimer from the bill. Now, sir, I am not to inquire into the motives of Senators who cast that vote. They had a right to do it if they saw proper. They had a right to strike out the clause if they had power enough to do it. But I say that when this disclaimer was reported in the bill, a disclaimer of power, the Senators who opposed the bill because, as they assert, it contained by implication the power thus expressly repudiated, when they vote to strike that disclaimer from the bill are estopped from saying that it implies the power thus disclaimed and repudiated. We who support the bill, in order to close out forever any inference that it meant to assert the power on the part of Congress to interfere with the school system of the States, put that disclaimer in the bill, and the Senators who oppose the bill on the ground that such power must be necessarily implied come in and vote to strike out the disclaimer.

Mr. MORGAN. I hope the Senator from Mississippi will not consider it an intrusion for me to make a suggestion.

Mr. GEORGE. Certainly not.

Mr. MORGAN. I voted for that amendment because I wanted to strip the bill of all unnecessary disguises. The bill without that clause did exactly what the bill did with it. So says the Senator. If you strike it out, what else does it do? The bill with that stricken out means that the States are not to receive a subvention under this bill which they can themselves control, but that the power of Congress attends the appropriation within the State and controls its exercise there.

Mr. GEORGE. Mr. President, the answer to that is a very plain one. There was controversy as to what this bill meant. The Senator from Alabama and those who agree with him on this side of the Chamber said it meant that the power was asserted by Congress to control and manage education in the schools of the States. The Senators on this side of the Chamber who supported the bill denied that such implication was proper, and we put in the bill a disclaimer of the power which the Senator says existed or is asserted by the bill.

Mr. BUTLER. Would it interrupt my friend for me to ask him a question?

Mr. GEORGE. Not at all.

Mr. BUTLER. I should like to call his attention to the provision of the bill which prescribes what shall be taught in the common schools of the respective States and ask him if in his judgment that does not assume jurisdiction of the common schools? I also made a motion to strike that out, but it was voted down.

Mr. GEORGE. I intended to notice that further on, but I will do it now. Every bill for the grant to the States of land for schools of the sixteenth sections has been a grant for the purpose of establishing and maintaining common schools. What is taught in common schools? Reading, writing, arithmetic, geography, and speaking the English language. That is exactly what a common school is. That is what everybody understands when a common school is established will be taught in it; and yet this bill merely specifies in plain language the subjects which are always taught in common schools. Does it make any difference whether we say that this fund shall go for the purpose of aiding in the establishment of common schools and in the teaching of such studies as are usually taught in them, or whether we specify reading, writing, arithmetic, geography, and speaking the English language? What else could be taught in a common school, or rather how could a common school be established without teaching these things?

Mr. BUTLER. Then I ask what necessity for specifying them?

Mr. GEORGE. That is a mere matter of taste, not a matter of constitutional law. It is a matter of taste whether it be specified or whether it be left to inference. We are talking now about the Constitution.

Mr. BUTLER. The Senator asserts the constitutional right of Congress to take charge of common schools.

Mr. GEORGE. No more than if it had said you shall teach in these schools the studies which are usually taught in common schools.

Mr. BUTLER. Why not say that?

Mr. GEORGE. Can you have a common school without any studies in it at all? How will you establish a common school, I ask the Senator from South Carolina, without teaching reading, without teaching writing, without teaching arithmetic? That would be a very uncommon school, as suggested by the Senator from Indiana [Mr. VOORHEES]. The object of this appropriation is to educate the illiterate. The object of the common school is to educate the illiterate. Would the Senator commence at the other end of the line? Would he introduce into the common school the study of transcendental metaphysics?

Mr. BUTLER. No, Mr. President, I will tell you where I would begin. I would begin and end just exactly where the States of this Union leave the question. That is where I would begin and end.

Mr. GEORGE. Well, Mr. President, the framers of this measure and the framers of other measures making donations to the States for the purpose of education have done it. Here is the agricultural land grant made in 1862 for agricultural colleges. Nobody ever denied but that was a constitutional law, and yet that contained an enumeration of the studies, and among others military tactics. There is nothing in that idea.

But, Mr. President, I am not going over the argument which I went over two years ago in favor of the construction of the Constitution that Congress has the right to make an appropriation, outside of the enumerated clauses in the Constitution, under the general-welfare clause of the taxing part of the Constitution. That argument has been made and repeated by the greatest men who have lived in this country. It is unnecessary for me to repeat it now, but I will answer some objections which have been urged to it. On a former day during this discussion I asserted that this bill contained a mere gift to the States in aid of ed-

nation, interrupting the Senator from Alabama [Mr. MORGAN]. He replied in this way:

And that being true—

That is, the consent of the donee being required to make a particular gift—

there is no power in the Constitution of the United States for the United States Government to send a gift to a State, for there is no power in the Constitution which hints at the idea that Congress may do something with the consent of the State which it can not do without it.

I replied:

Can we make a gift to a foreign state?

Mr. MORGAN. I am speaking about the relations between our States and our Government.

The debate proceeded:

Mr. GEORGE. I want to know if Congress can make a gift to a foreign state, as was done during the administration of General Washington?

Mr. MORGAN. With due respect to the honorable Senator, that is a begging of the question and a refuge besides.

Mr. GEORGE. If you can make a gift to a foreign state, can you not to your own?

Mr. MORGAN. No, sir. If the Senator has not learned enough of horn-book constitutional law to understand the difference between the relations of the Federal Government to a foreign state and of the Federal Government to the States of the Federal Union, I shall have to take back what I said a while ago about his being a profound constitutional lawyer. [Laughter.] No, sir; the Senator saw that he was in a hole, and he could not get out of it without taking refuge in a foreign state.

I repeat the proposition, it does require a donor and a consenting donee to perfect a gift; and inasmuch as there is no hint of power in the Constitution by which an act of Congress is to become complete by the consent of a State, your case is gone.

Mr. GEORGE. Is there any hint in the Constitution that any act of Congress shall become complete with the consent of a foreign state or a private individual?

Mr. MORGAN. I have too much respect for the gentleman who taught me the elementary principles of law to answer that question. I really have.

Further on he said:

The Senator from New Hampshire thinks he can give the money to the children. Probably he can. He can not give it to the State, because the State can not consent to accept it, so as to confer on Congress a power it does not possess to make the gift.

Now I propose to make some remarks upon that proposition in issue between the Senator from Alabama and myself. He says that Congress can not make a gift to a State. If so, why not? Congress makes gifts to everybody else. Congress makes gifts, as the Senator admitted, to foreign states, makes gifts to individuals, makes gifts to classes, makes gifts to corporations. Why can not the Congress of the United States make a gift to a State? Is it because the State is incapable of being a donee? Is it a fact, does the Senator from Alabama assert it as a fact, that a State can not be made a donee, can not accept a gift from any one? If so, he is in contravention to the legal and constitutional history of this country.

Then if Congress is competent to make a gift and if the State is competent to accept a gift, what prevents a gift from going from Congress to the State? Here is a donor with power to give, here is a donee with power to accept. By what process of reasoning can you prevent a gift from going from this donor to this donee?

But the Senator from Alabama did not believe in his own theory on that subject. I find on page 12 of the twenty-third volume of the Statutes at Large an act of Congress, introduced by the Senator from Alabama, advocated by him, and through his agency passing the Congress of the United States. That act says:

That 46,080 acres of the public lands in Alabama are hereby granted to the State of Alabama in addition to the lands reserved to said State, &c.

Here are lands granted without consideration.

Mr. BUTLER. For what purpose?

Mr. GEORGE. For the use of the University of Alabama. I am only quoting it now to show that Congress can make a gift, that a State can accept a gift, and that Congress can make a gift directly to a State. There is the answer to the proposition of the Senator from Alabama denying the power to make such a gift. Here is an act of Congress, introduced by the Senator from Alabama himself, which makes a gift by Congress to a State. Will the Senator say we can give land and can not give money?

I propose to read from the CONGRESSIONAL RECORD a proposition made by the Senator from Alabama upon this same subject. His proposition was this:

I think that a bill framed upon an idea like this in the first section would be a bill that would meet with general acceptance on the part of Congress and be exactly in harmony with the whole course of our legislation since 1799:

"That the sum of $650,000 is hereby appropriated, out of any moneys in the Treasury not otherwise appropriated, to be expended as hereinafter provided, to aid in the execution of such quarantine and health laws of any State respecting any vessel arriving in, or bound to, any port or district thereof, or respecting any person or thing bound to, or arriving in, any place in the United States from any foreign state or country."

Mr. HAWLEY. May I ask the Senator a question?

Mr. GEORGE. Certainly.

Mr. HAWLEY. I ask him if this whole matter of jurisdiction over commerce at large is not a matter of co-operation with the authorities of the States?

Mr. GEORGE. That may be to some extent true, but I am quoting from a Senator who in the very speech from which I read this proposition denied that concurrent jurisdiction. He said that this whole matter was within the jurisdiction of the States and opposed the measure as it then stood upon that ground, and offered only to support it upon the terms which I have just read.

I have no doubt at all—

Said he—

that whenever a great calamity like this visits any part of the United States, whether it visits its people, or whether it visits its property, or animals useful for human food or human service, it is entirely within the purview of Congress to render assistance to the local laws and the local agencies for the purpose of resisting such a calamity.

Here, then, the Senator from Alabama has introduced and secured the passage of a bill giving land to a State; here is his proposition to give $650,000 to the States, denying all the time, as we deny, that this gift, this grant conferred any jurisdiction or power on the agencies of the Federal Government to interfere with the local concerns of the States, but simply to act in aid of the States. So, Mr. President, we have one of the distinguished Senators who oppose this bill on record here in favor of gifts to the States by Congress to aid the States in the discharge of their proper constitutional functions.

I pass now to another very important precedent on this subject, in which nearly all the Senators on this side of the Chamber who oppose this bill figured to some extent. There was introduced in March, 1879, by Mr. Burnside, a bill sometimes called the Burnside bill and sometimes the Morrill bill. I propose to bring the contents of that bill before the Senate as a precedent for this bill. I propose to show its history, what was said and done, how it was explained, how it was amended, what powers were proposed to be exercised by Congress in passing it, and what influence those powers were supposed to have upon the States. The bill, as I said, was introduced by Mr. Burnside. It was referred to the Committee on Education and Labor, of which committee my friend from Texas [Mr. MAXEY] was at that time, I believe, a member. They concurred in reporting the bill back with some amendments. Let us see what that bill proposed to do and how that affects the question now before the Senate.

In the first place, that bill is supposed at times to give the proceeds of the sale of public lands to education, and yet that is not true. The bill as introduced probably was different, but as it was amended and passed it made no such provision. As the bill was introduced it read in this way:

That the net proceeds of said sales and receipts for patents shall be set apart as an educational fund, and shall be invested in the bonds of the United States, bearing a rate of interest not less than 4 per cent. per annum, both principal and interest payable in coin.

When it came before this body the above provision was amended so as to read—

Provided, That the net proceeds of said sales and receipts for patents shall be set apart as an educational fund, and shall be entered on the books of the Treasury to the credit of the fund, and bearing a rate of interest not less than 4 per cent. per annum.

There was no appropriation of this fund; not one dollar of it ever went out of the Treasury or was intended to go out of the Treasury by the bill. What is meant by setting apart is in fact nothing. There was no direction that the sum, say of $5,000,000, accruing in any one year from the sales of the public lands and from fees on patents should be taken bodily by the Treasurer and put in a particular vault, laid away securely for the purpose of being used in supporting or aiding in supporting common schools in the State. The setting apart was simply this, and nothing more: The dollars, so far as they were affected by this bill, remained in the Treasury as they came there; they were like dollars coming from customs, coming from internal-revenue taxes, coming from any other source by which dollars can get into the Treasury and wholly mixed with and unseparated and undistinguished from them. They were physically and corporeally not set apart; they were mingled as a part of the common treasure and common fund in the Treasury of the United States. All that was done (and I desire to call the attention of the Senate to that) was that the simple arithmetical figures corresponding to the amount of these dollars was directed to be entered on a book in the Treasury Department, and that on the figures thus entered the United States were required to pay 4 per cent. interest to the States.

Mr. MAXEY. Will the Senator allow me to say that I was a member of the Committee on Education and Labor at the time that bill was reported, and if I now remember correctly the Senator from Vermont [Mr. MORRILL] and Mr. Burnside and myself were a subcommittee. The receipts of the Patent Office were included in that bill, not one dollar of which was ever raised from the people of the United States under the clause of the Constitution "to lay and collect taxes, duties, imposts, and excises." It is simply the receipt of a certain fee for the issue of patents over and above the expenses necessary for that issue. There is to the credit of that fund about $300,000, I think. That was provided for in that bill because after discharging the duty for which the money was paid this much was left over and was deposited with the United States like any other deposit. It is not money raised by taxation.

Mr. GEORGE. I am not making any point now on the fact that the proceeds of the Patent Office were set apart, but I am making the point that there was actually no appropriation or transfer at all of either the

patent fees or the land receipts. The whole thing was only a change in the system of book-keeping. But to make this thing perfectly understood, here are, say, $5,000,000 coming into the Treasury from the proceeds of public lands. That money was not given to the States; it was not locked up in any particular box or vault for the use of the States; it was to go, after the passage of the bill, just as it went before, into the general fund, and was to be paid out of the general fund to general purposes in the ordinary way and in the discharge of the ordinary expenses of the Government. The money coming from these funds was not in any way disturbed in the Treasury; it was neither enlarged nor diminished, nor was its use in the slightest degree changed. All remained exactly as before, except an entry on the books of the Treasury. There was nothing done or authorized to be done by this bill except to enter upon the books of the Treasury Department the number in figures of the dollars thus received as a basis upon which a donation was to be made out of the general Treasury to the States. If $5,000,000 come in during the year from this source the dollars are not separated from the other money or in anywise distinguished from them. The Treasurer enters according to the bill on the books of the Treasury Department $5,000,000 creditor to the educational fund, and upon that 4 per cent. is calculated and paid to the States under the bill, amounting to $200,000, and that sum is not paid out of that fund but paid out of the general fund of the Treasury. In other words, if it be constitutional to pay out the proceeds of the public lands and the patent fees to the States in aid of education and unconstitutional to pay out any other money, then you have accomplished nothing by this Burnside bill in the way of making it constitutional. The money paid out under that bill came from all the funds in the Treasury from whatever source derived. It in fact made an appropriation for education out of these general funds. If that bill was constitutional and this unconstitutional, this results not from any difference in the substance of the two either as to the funds to be paid out or the object of the appropriation, but comes only from the fact that a certain entry was directed by the Burnside bill to be made on the books of the Treasury. If the Constitution was saved in the Burnside bill and destroyed by this, this salvation and destruction came only by a difference in the mode of book-keeping in the Treasury.

So, Mr. President, if you construe the bill as it really meant, it was a donation out of the general fund of the Treasury in aid of common schools.

Mr. MAXEY. I should like to say to the Senator from Mississippi in regard to that bill that he has stated more than is justified by the facts. We had the entire right to devote the fund there mentioned to the purpose there provided.

Mr. GEORGE. I was just going to read something from the Senator from Texas which I think controverts the idea he now states. During the progress of that bill, which proposed out of the general funds of the United States to pay 4 per cent. to the States, the Senator from Connecticut, Mr. Eaton, said that the United States could borrow money at 3 per cent., and that it was wrong that the United States should pay to the States a larger per cent. for money than they could get it in market. Mr. Hill, of Georgia, then on this floor, objected to the reduction of the interest, admitting, as everybody then did admit, that the United States could borrow money at 3 per cent. He objected to it upon the ground that, it being for educational purposes, it was right that 4 per cent. should be paid, and the Senator from Texas (Mr. MAXEY), in debating that point, made use of this language:

I am willing to have this rate of interest 4 per cent., and I would say even more than that, if need be, because—

What? Because the United States ought to pay more interest for money than it could borrow at; that the 4 per cent. was justly due; that the rate fixed was too small as compared with the market? No, but—

because it is money wisely and well distributed, for the grandest of all purposes, the education of the people.

Now, I submit it to the honorable Senator from Texas if money could be borrowed at 3 per cent. readily in the market, if that was all anybody asked, and if Congress gave 1 per cent. more out of the general tax funds of the country, if it was not making that 1 per cent. a donation to educational purposes out of the general funds of the United States raised by taxation? This was December 16, 1880.

Mr. MAXEY. I ask the Senator if the United States had ever borrowed money at 3 per cent. at that time? If so, I do not remember it.

Mr. GEORGE. The reason the Senator gave for not reducing the interest was not that we could not borrow at that rate. It was even said by some that it could be borrowed at less. Mr. Hill, of Georgia, conceded, if I remember right, that it could be borrowed at less, but said we ought to pay more; and when the Senator from Texas came to advocate the 4 per cent. instead of 3, he did not say then, "We can not get money for less than 4 per cent.," but he said "no." I will read his very words:

I am willing to have this rate of interest 4 per cent., and I would say even more than that—

Five per cent. or 6 per cent.

Mr. MAXEY. We were paying 4 and 5 per cent. for money then.

Mr. GEORGE. But the Senator did not give that reason for it. The Senator gave as a reason for wishing to raise the rate that it was a donation for the grandest of all causes, the education of the people. And now I ask the Senator from Texas or any other strict constructionist in the Senate, if you can pay on a fund which belongs to the United States (because nobody denied that the money belonged to the United States) an interest greater than the United States can borrow money for in the markets, for the reason not that you can not get the money for less, but that the paying of the excessive rate is for the grandest of all purposes, the education of the people—I would ask if that is not a clear donation to the extent of this excess out of the Treasury of money raised by taxation for the purposes of education? There can be no negative answer to this.

But, Mr. President, the Senator did not allow his opinion on that subject to rest upon that short quotation from his speech which I have read. He treated, as I do, the fund arising from the proceeds of the public lands and from patent fees as actually a part of the common treasure of the country, and as much subject to and no more subject to the appropriation of Congress than money raised in any other way. Let us see what the Senator said upon that point:

Mr. President, as a member of the Committee on Education and Labor I concurred with that committee in reporting this bill, and I will say that if I had believed that there was one word in the bill which would interfere with the reserved rights of the States, I should never have agreed to its report. I do not believe that; but I do believe that where the United States of its own volition grants to the States a certain portion of—

What? Proceeds of the sales of the public lands? Proceeds of any money in the Treasury arising otherwise than by taxation? No.

Grants to the States a certain portion of the public treasure, in trust for the use of common schools, &c.

He speaks here of this fund in the Treasury as we who support this bill do as a part of the common public treasure of the country.

Now let us see what the Senator from Alabama [Mr. MORGAN] said on this subject. During the progress of the bill the Senator from Alabama, in carrying out the straight, strict-construction, State-rights theory of the Government in preserving the rights of the States with that sleepless vigilance which he has stated in a speech he made here a few days ago he always guards the interests of the people, saw proper, in order to carry out that theory of the Government, to introduce the following amendment to the Burnside or Morrill bill:

And said last-mentioned act of Congress—

Which was the act making grants of land to the States for agricultural colleges, passed in 1862—

And the said last-mentioned act of Congress—

Mr. MORGAN. That is not the same act the Senator has been reading from.

Mr. GEORGE. No, the agricultural college act was passed in 1862. But you were amending this act; you introduced the amendment to the bill reported by the Committee on Education and Labor and on which I have been commenting, and that amendment amends the agricultural-college act. I hope you understand it now. This was the amendment:

And said last-mentioned act of Congress is hereby amended so as to—

What? Authorize? Legalize? No.

So as to *require* each State and Territory to establish in said colleges schools for the instruction of females in such branches of technical education as are suitable to their sex.

The Senator from Alabama and all the other Senators on this side of the Chamber who oppose this bill object because it is made a condition of this grant that the ordinary branches always and everywhere taught in common schools shall be taught, though leaving it at the option of the State to accept or reject, yet here the Senator upon a grant already perfected and vested in the State years and years ago introduces an amendment requiring the States to teach certain things in their colleges.

Mr. MORGAN. Will the Senator permit me?

Mr. GEORGE. Yes, sir.

Mr. MORGAN. We have been discussing this question about the difference between the power to appropriate money raised by taxation for public education in the States and the power to apply a trust-fund realized by the Congress of the United States by the sale of lands granted to it by the States in a way that, I suppose, lawyers who discuss a question of constitutional law or of trust would understand. Now I admonish the Senator from Mississippi that he stands before the legal profession of the United States as one of the ex-judges of the supreme court of the State of Mississippi.

Mr. GEORGE. I beg the Senator's pardon; my attention was diverted.

Mr. MORGAN. I was admonishing the Senator from Mississippi that he stands before the legal profession of the United States as one of the ex-judges of the Supreme Court of that great State. The Senator, however, for purposes of his own, undertakes to avoid a judgment that the bar of the United States is obliged to pronounce against him of insincerity in the methods of his argument in order to try to hoodwink the people. The Senator knows as well as I do that the bill establishing the agricultural colleges was founded entirely upon the execution of a trust by the Congress of the United States, which the States themselves by their various acts of legislation had imposed as a duty upon Congress in the grant of the land. My opposition to this bill is that it does not

resort to a fund of that kind derived from the States, but it resorts only to the power of taxing the people of the United States in the future to gain money for the purpose of educating the children of the people in the different States. I do not know that I can make that distinction palpable and clear to the people at all; I think I can to millions and millions of them; but the bar of the United States will never for a moment be deceived in respect of the fact that the Senator from Mississippi is arguing upon a proposition which I was debating at the time which had sole reference to the execution of a trust by Congress in the administration of a trust estate conferred upon it by concessions from the States themselves, and that I had no reference in the world to the taxing power of Congress either to promote the general welfare or anything else. With that explanation the Senator can go on; I dismiss the subject from my attention.

Mr. GEORGE. A man who talks as much as the Senator from Alabama talks ought to have a very good memory. It just so happens that in the speech he made on that bill and on the amendment he utterly ignored the distinction which he now makes. If I understood his explanation just now he advocated the bill entertaining the opinion that Congress in the execution of a trust could give the proceeds of the public lands to the States for schools. I will show before I get through in the same speech that the Senator made upon the amendment which he offered, and which I have read to the Senate, and which was objected to by the Senator from Massachusetts [Mr. HOAR] because it was unconstitutional, that the Senator took no distinction between the power of Congress to appropriate the proceeds of the public lands and the other treasure of the United States.

But before I get to that I wanted to say something about the objections raised against this bill by the Senator from Alabama in the speech which he made.

Mr. MAXEY. As the Senator from Mississippi has referred to what I said about public treasure, I desire him to state that in the same speech I distinctly said that the public treasure referred to was the proceeds of the public domain. It was in the same speech and applied to that. That is what I meant by the expression "public treasure."

Mr. GEORGE. It only shows that at that time these gentlemen were not making the distinction between the proceeds of public lands and other moneys in the Treasury.

Mr. MORGAN. For the reason, if the Senator will allow me, that the question was not up.

Mr. GEORGE. If I may be allowed to proceed a little while I will get out of this diversion occasioned by the Senator from Texas, and show that in the same speech the Senator from Alabama made use of similar language in support of his amendment. It was objected to that amendment that there was not money enough to carry it out as well as that it was unconstitutional; and the Senator from Alabama said:

> It is very true that under ordinary circumstances the establishment and endowment of schools of technology requires a good deal of money, requires quite a variety of professors and instructors and tutors in various branches of industry which our people are following in the land, and it is equally true that the amount of money which is to be raised under this bill is comparatively a small one.

That objection was made that there was not money enough. Now how does the Senator answer that?

> Some Senators have expressed the hope and the confidence that this fund will hereafter be added to. I join very heartily in that hope and in that confidence, and that not only this fund will be increased by private contributions, but that hereafter we shall find other means arising from the general Treasury of the United States for the purpose of aiding in this very important movement, I think one of the most important movements which have ever addressed themselves to the civilization of the people of the United States.

Mr. MORGAN. If the Senator will allow me, I ask him in all candor to state whether in that remark I committed myself to the proposition that taxation was to be resorted to for that purpose? Other means from the general Treasury of the United States might result from confiscations, from forfeitures and fines; there are a thousand sources of revenue—we have the Alaska seal and fur fisheries, the amount of money that is raised by seigniorage upon the coinage of silver dollars—which are not taxed out of the people at all, which do not resort to the the taxing power, which become property in the Treasury of the United States, and which the Congress of the United States has a right to dispose of as it sees proper. My distinction has been all the time between the exercise of the taxing power and the right of Congress to appropriate public property for purposes of this kind.

Mr. GEORGE. The Senator has a right to make his own explanation.

Mr. MORGAN. I have done so. That is the truth about it.

Mr. GEORGE. I have no doubt of that.

The Senator from Alabama said:

> I join very heartily in that hope and in that confidence, and that not only this fund will be increased by private contributions, but that hereafter we shall find other means arising from the general Treasury of the United States for the purpose of aiding in this very important movement.

If the Senator had reference to the Alaska seal fisheries, to the seigniorage on the coinage of silver dollars, and the various other subjects to which he has alluded, it was due I think to the intelligence of the country for the Senator to have so stated it. I stand upon his language as it is in the RECORD—"the general Treasury of the United States." If that does not include all the funds in the Treasury of the United States I am unable to understand the English language.

But, Mr. President, the Senator by his interruption diverted me from the point I was on when I read his amendment. It has been objected, it was objected this morning by the Senator from South Carolina [Mr. BUTLER], it has been objected in debate all the way through, that this is compulsory upon the States. It was objected by the Senator from Alabama, and all the others, as I understood their remarks; it was objected by the Senator from Maryland [Mr. WILSON] and the Senator from Delaware [Mr. GRAY], all concurring in the general statement that if we gave upon condition it was in effect an invasion of the authority of the State and in effect compulsory. That is the objection they make to this bill, that it is an invasion of the authority of the States.

I read from the Senator from Alabama upon that subject, and I want to read a little further upon it. I have read his amendment. It was objected to by the Senator from Massachusetts that it was unconstitutional; that you could not require a State which had already accepted a grant made by the Government to do with it otherwise than was expressed in the grant. We will see what the Senator said upon that subject. After making an elaborate argument for the purpose of showing the necessity of this kind of education and presenting some very valuable statistics, the Senator concludes:

> The facts stated in the concluding paragraphs of the paper I have presented, that the number of persons who attended upon these lectures and these instructions increased from two hundred so that within the period of less than three months they had gone up to six thousand five hundred and sixty, it seems to me do not furnish us any reason for despairing of our success if we shall make it *compulsory* on the States to adopt a system of this kind.

So there is the amendment of the Senator, and there is his construction upon it; and yet when in this bill grants of money are simply made upon a condition that the State must comply with in order to get it, but is left full liberty to reject, we are charged, and especially by the Senator from Alabama, with invading the reserved rights of the States.

It seems to me that if compulsion on the States was an objection to a measure of this sort, it was equally an objection in 1880. Certainly it is no more unconstitutional now to make an offer to aid the States and make it compulsory upon them (though that is not the effect of this bill) than it was in 1880, and yet we find ourselves upon this side of the Chamber who are advocating this measure charged with violating the reserved rights of the States because we propose to accept a gift upon condition without any compulsion at all.

I desire now to read what the Senator from Texas [Mr. MAXEY] said on that subject. Here in this bill is a gift. Congress offers it to us on the conditions named in it. There were conditions in the Burnside bill almost as strong and as many as in the bill now under consideration by the Senate. There was the condition that reports should be made, there was the condition that the funds should be fairly and impartially divided among all the children of the States, there were all the conditions substantially that are in this measure. The Senator from Missouri [Mr. VEST] objected to the bill upon the ground that those conditions were in it. What did the Senator from Texas say on that? I will read the same extract I read before and a little further—

> I do believe that where the United States of its own volition grants to the States a certain portion of the public treasure, in trust for the use of common schools, the United States have the right to know that the fund is appropriated in the mode and manner prescribed by the act of Congress; that it is a right which all trustees always have to see that a trust fund goes in the direction in which it was designed to go. So far as that is concerned I have nothing further to say.

So these Senators saw no objection to the gift being made upon a condition then.

Now, Mr. President, I desire to say something upon the alleged difference between the grants of public lands for the use of public schools and the grants for the same purpose of money raised by taxation or any other wise in the Treasury. The Senator from Texas [Mr. COKE] and myself argued and debated that question at length some two years ago. He took the position that as to public lands Congress had an autocratic and unlimited power of disposition, unrestrained by any of the limitations in the Constitution upon the power of appropriation, and he maintained the right to donate them to education upon that ground. The Senator from Alabama seems to be dissatisfied with that ground and he places it upon another. I do not propose to go over the argument I had with the Senator from Texas except to say that I insisted on that occasion, as I insist now, that Congress has no autocratic and unlimited power over anything, that all of its powers are in trust, that all of the property that the Government has is trust property, a trust under the Constitution of the United States, that instrument expressing the nature, extent, and object of the trust. But the Senator from Alabama discards that ground and insists that there is a trust by contract in relation to the public lands which enables Congress to make a disposition of them for education, and which trust not extending to money does not enable Congress to make an appropriation of money out of the Treasury for the same purpose. He read from the grant made by the State of Georgia and from several other grants, but, as it is unnecessary

to go through all of them, I will notice now the grant from the State of Georgia, which provided—

That all the lands ceded by this agreement to the United States shall, after satisfying the above-mentioned payment of $1,250,000 to the State of Georgia and the grants recognized by the preceding conditions, be considered as a common fund for the use and benefit of the United States, Georgia included, and shall be faithfully disposed of for that purpose, and for no other use or purpose whatever.

The trust, sir, was simply this, that it should go into the common Treasury of the United States as a common fund for the benefit of the United States. If the Senator from Alabama were to undertake to define the money in the Treasury raised by taxation or in any other mode in which it can be raised for the Treasury he could not more properly describe it than in the words used in this grant: The grants shall "be considered as a common fund for the use and benefit of the United States, Georgia included." In accordance with that the proceeds of the sales of the public lands did go into the common Treasury of the United States, have been used as a public fund in paying the ordinary expenses of the Government, used in every way in which any other fund in the Treasury of the United States is used.

But the Senator says that that created a trust in favor of separate States of the Union, or, in other words, that the grant was to Congress as a trustee to hold the fund for the use and benefit of Georgia and South Carolina and of the other States then including the Union individually and separately, and not for their use and benefit as the United States. If that were true, and I deny it——

Mr. MORGAN. So do I.

Mr. GEORGE. You deny it?

Mr. MORGAN. Yes.

Mr. GEORGE. I understood that to be your argument.

Mr. MORGAN. You did not understand me then.

Mr. GEORGE. I did understand it.

Mr. MORGAN. I say you did not understand *me*.

Mr. GEORGE. Oh, of course the Senator from Alabama has a right to put his own construction upon his own language, but here is his language:

On the 24th of April, 1802, Georgia ceded the land included in Mississippi and Alabama, for a cash payment out of the proceeds of the sales of the lands of $1,250,000, to the United States upon certain conditions, of which the second are as follows.

Then he quotes the conditions:

There is certainly enough in each of these cessions to show that the original States, having outlying lands, gave up a beneficial interest in them to the States that had no such lands. They declared the beneficial interest to be reserved in themselves, and they all placed the United States in the attitude of their trustee, and as trustee of the new States to be formed from the ceded territory, to hold the proceeds in trust for all the States then existing or afterward to be formed as a common fund.

And in speaking of North Carolina and South Carolina he says:

On the 9th of August, 1787, South Carolina ceded her wild lands "to the United States of America, for their benefit, South Carolina inclusive," the words "their benefit" clearly meaning the *separate* States. A portion of this cession stretches across North Alabama.

On the 25th of February, 1790, North Carolina, after making certain reservations, ceded her western possessions, now the State of Tennessee, and then having large white settlements, "unto the United States of America for the benefit of said States, North Carolina inclusive," "said States" meaning each and all the States. In the deed was this condition among others.

So I had good ground for supposing that he meant that it was a gift for the use of the separate States. I accept his explanation, however, as he has a right to put a construction upon his own language.

Mr. MORGAN. I will restate it if the Senator from Mississippi will allow me.

Mr. GEORGE. I understand it very well. You can restate it, however.

Mr. MORGAN. The gift was a gift of lands belonging to the States to the United States of America for the benefit of each and all of the States, and it conferred upon each State the right to receive back from the Government of the United States any donation of this property or any release of it that the Government of the United States might choose to make—a power that is not conferred upon the States by any other condition or clause of the Constitution or any other circumstances. The States reserved to themselves the right to receive back in such form as Congress might choose to bestow it a portion of the lands in kind, in place, or the proceeds of them for any State purpose whatsoever. That is my position.

Mr. GEORGE. I understand, then, the position of the Senator to be this——

Mr. MORGAN. I have stated it.

Mr. GEORGE. I understand his position to be that it was to go as a common fund in the Treasury of the United States, but with the reserved right that Congress might give it to any one of the States in such proportion as Congress might see proper, and not to go to each one equally and according to its Federal ratio or right in the Treasury.

You will find in some of these grants that it is expressly stated that the lands shall go in that way. I do not believe that I can lay my hand upon it now; but however that may be, put it upon the language used in the grant of Georgia, and they are all substantially alike—shall be "considered as a common fund for the use and benefit of the United States, Georgia included, and shall be faithfully disposed of for that purpose, and for no other use or purpose whatever." How could that be disposed of as a common fund for the use and benefit of the United States except by appropriating it out of the Treasury for use in the ordinary operations of the Government? The United States were a corporation; they owned property; they had taxation; they had expenses; and how, I ask, could this fund be used otherwise, if it was a common fund, than for the common benefit? It is an assumption not warranted by the language of the grant or by the practice of the Government under it.

But if the Senator from Alabama is right, which I deny that he is, in reference to the grant from Georgia and the other States, what becomes of his doctrine of trust when it is applied to that immense territory which we acquired from France in Louisiana, from Spain in Florida, and from Mexico? I read from the treaty by which Louisiana was ceded to the United States:

The First Consul of the French Republic, desiring to give to the United States a strong proof of his friendship, doth hereby cede to the said *United States* in the name of the French Republic, *forever and in full sovereignty*, the said territory, with all its rights and appurtenances, as fully and in the same manner as they have been acquired by the French Republic in virtue of the above-mentioned treaty, concluded with his Catholic majesty.

There is no trust there. There is a simple grant to the United States as a Government; no trust, no nothing except a simple grant to the United States. When you go to the treaty made with Mexico there is even no grant at all; there is just a line run between the United States and Mexico up the Rio Grande, up the Rio Gila, and then to the Pacific Ocean, and it is said there that the lands on the north side or the east side of that line *remain* to the United States. There is no trust there. If that is a trust, it is impossible to make a grant to the United States which will not be impressed with a trust that it may divide it out among the States as it sees proper. There is very little land, there was in 1880 very little land, belonging to the Government of the United States which did not come under either the Mexican or the French treaty. From lands thus acquired from France and Mexico nine-tenths of the proceeds of public lands mentioned in the Burnside bill must necessarily come. So I take it it can not be made out that there is any trust which would authorize Congress to make any disposition of this property that it would not be authorized to make of any other property belonging to the United States.

I spoke in the beginning of my remarks yesterday of the interest which the colored people of Mississippi had in this bill. I desire now to say that the white people of Mississippi have also an interest, and a deep interest in it. I shall not urge the arguments which I think might properly be urged in their behalf in this matter, because I prefer to read to the Senate a better argument made in their behalf by the Senator from Texas [Mr. MAXEY]. The Senator from Texas, in discussing the necessity for the passage of the Burnside bill, said:

Whether we will or not, the colored people are to-day citizens. If it be true, and it is true, that the perpetuity of free government depends upon the virtue and intelligence of the people, then common sense will tell any man that the more enlightened, the more virtuous you make those who enter into the body-politic the more certain you are of the perpetuation of free institutions. These colored people have become by the Constitution and the laws of our country a part and parcel of the body-politic. They were but a few years ago slaves. They are mainly in the portion of the country where I live. It is the interest of the Southern people that this colored population should be educated. They are among us; they are entitled to vote; they are entitled to hold office; they are entitled to sit upon juries; they are entitled to be appointed executors, administrators, and guardians; they are entitled to any official political position that a white man is entitled to; and hence it is of the utmost importance to us and to the perpetuity of our institutions that these people should become educated. Coming out of the war as they did without property, what they now own they have had to acquire by their own exertions. They are necessarily poor. Their children have to be educated. In the State in which I live by the terms of the constitution—and similar provisions are in the constitutions of all the Southern States—they are entitled to the same common-school education that the white child is entitled to.

He proceeded further, after some interruption:

Mr. President, as I stated, these people came out of the war without property, their children under the constitutions of the Southern States are entitled, like the white children, to be educated. The burden of educating those children falls upon the whites. The white men of the South came out of the war deprived of their property. We were impoverished by the war, and what little of property was left there was left in the hands of the white people, and the burden of educating both white and black has devolved upon the white people in the Southern section of the country.

I read that because it expresses my view better than I can express it myself.

Mr. MAXEY. I beg to say, if the Senator will permit me, that I indorse every word of that, and did the other day.

Mr. GEORGE. I am not reading it for the purpose of making the Senator appear inconsistent, but to support the passage of the bill.

Mr. MAXEY. I said on that bill that I was in favor of appropriating the proceeds of the public domain for purposes of education, and I stated the other day that I would do the same thing. I have not changed in regard to the matter.

Mr. GEORGE. There is another sentence which I will read, because it adds force to what the Senator had said and because also it contains some expressions which were singularly inconsistent, I thought, with the conduct of the Senator from Texas a few days ago when it was charged in debate that it was dishonest for any State to receive money under this bill because of the unequal distribution of it, seeing that the distribution under the Burnside bill of the fund for ten years was exactly on the same basis.

Mr. MAXEY. Have I charged dishonesty against anybody?

Mr. GEORGE. No, sir.

Mr. MAXEY. I do not charge dishonesty against anybody about anything here.

Mr. GEORGE. The distribution under the Burnside bill for the first ten years was exactly the same as the distribution under this bill; that is, according to the illiteracy of the population of ten years of age and upward. That bill made this distribution for ten years and this bill only makes a distribution for eight years. I say when it was charged in debate that for a State to receive a distribution under the provisions of this bill was dishonest the Senator from Texas got up and to my surprise stated that Texas was not for the bill. Premising that much, I will read the last sentence of the paragraph from which I have been reading:

These people—

That is, the colored people—

were made citizens by the act of this Federal Government, and it is a matter of common justice, it is a matter of common honesty and fair dealing, in my judgment, for the Federal Government to aid in their education, to aid the States which are now educating them.

Mr. MAXEY. I said that the other day. Now read that. [Indicating.]

Mr. GEORGE. I will do so. My attention is called to another portion of the Senator's speech which I shall read with great pleasure.

Mr. MAXEY. In what the Senator has read he has not stated and left entirely unexplained that I used the phrase "common treasure." What I now ask the Senator from Mississippi to read shows precisely what I meant by "common treasure."

Mr. GEORGE. The Senator from Texas says in another part of his speech:

If it be true that out of the common treasure the vacant public domain belonging to the United States could be given to a particular State or Territory because it happened to lie within the limits of that State or Territory, I ask if that principle does not authorize Congress to take the proceeds of this vacant public domain and distribute them among all the States which constitute the Union for which we are the trustees? Sir, the constitutional argument falls—falls upon principle as well as upon precedent.

The only point I make is that the Senator, as all of us do who advocate this bill, speaks of all the funds in the public Treasury without distinction as public treasure. Of course when the Senator made his argument at the close of his speech he confined it to the bill under consideration to the public lands.

Now, Mr. President, I have said all I intend to say upon this subject. I have made, I confess, a very desultory and unsatisfactory argument this morning. I have not felt well, but I felt it to be my duty to say what I have said in favor of a measure so much demanded by the people of my State. I have looked on this measure all along, I wish to repeat, as a generous offering made by the people of the Northern States to the people of the Southern States to aid them in working out the greatest of all problems with which a free people have ever been tasked. I shall not try to depict the trouble that we are in. It is sufficient to say that there is a large mass of uneducated people in the Southern States belonging to a class whose ancestors for hundreds of years have been unused and unaccustomed to self-government. I believe myself—I might as well say it here—that the capacity of the Anglo-Saxon race for self-government is in a large degree an inherited aptitude; I have no doubt about that. Those people are among us; they are citizens under the Constitution and laws of our country; they have a right to participate in the Government; the duty is imposed on them by law to participate in the Government; they are unfit, ignorant as they are, to engage in that participation. If the Northern people desire to help us in this great trouble I am willing to accept it. I understand this bill to have been offered to us by the North. I understand from a statement made by the Senator from New Hampshire, who has with such courage, ability, and patriotic zeal and persistent energy pressed the bill under all circumstances, that this bill was perfected by a Republican caucus. I accept it then, also, as an offer from that caucus. If the Republicans of the Senate desire to withdraw that offer, it is in their power to do so. If they will hold another caucus, if they are dissatisfied with the offering which they have made and withdraw the offer, that ends the measure. The Southern men who favor it can not pass it; it must fall for the want of support of those who made the offer.

I believe, sir, I have said all I desire to say on this subject.

Mr. DOLPH. Mr. President, I desire at some stage of the debate on this bill to submit some brief remarks. I presented and had printed some amendments which I propose to offer at the appropriate time. I had intended to submit what I desired to say upon the merits of the bill at the time of offering the amendments, but we have drifted away from the question before the Senate, which is the motion to adopt the amendment offered by the Senator from Indiana [Mr. HARRISON] to the amendment proposed by the Senator from Alabama [Mr. MORGAN], and have for several days been discussing the merits of the bill, and it appears as if that course will be continued until the Senate is ready to vote upon the several pending and proposed amendments and is impatient of further discussion. I shall therefore embrace this opportunity to say what I desire to say upon the merits of the bill as well as upon the amendments which I propose to offer.

The first amendment intended to be proposed by me is to add to section 1 the following additional proviso:

And provided further, That no money appropriated by this act shall be paid to any State until three-fourths of all the States have so accepted the provisions of this act.

The bill now contains, at the close of the first section, the following provision:

Provided, That no money shall be paid to a State, or any officer thereof, until the Legislature of the State shall, by bill or resolution, accept the provisions of this act; and such acceptance shall be filed with the Secretary of the Interior.

The bill as it came from the Senate committee, and the bill which passed the Senate at the last Congress, did not contain this provision. I believe it is a meritorious one and should be retained in the bill, but I think its presence in the bill necessitates the further amendment which I propose. I do not intend to discuss it at length. I propose to state to the Senate the reasons why I think it necessary and the object intended to be accomplished by it, and shall then submit it to the judgment of the Senate.

I start with this affirmative proposition, that no money shall be paid to any State until its Legislature has by act or resolution accepted the provisions of this act, from which it is reasonable to infer that it is the intention that whenever a State has accepted the provisions of this act it shall receive its allotment under it.

It is well known that there are several of the States whose legislative assemblies meet but once in two years. It may therefore happen that nearly two years will elapse after the bill shall become a law before some of the States will have an opportunity to determine in the manner proposed in the bill whether they will accept its provisions or not. In the mean time one or more States may have accepted the provisions of the bill, and the question will then arise, what course is the Secretary of the Interior to adopt in the execution of this measure? Is he to pay to those States which have accepted the provisions of the bill the proportion which they would receive if all the States had accepted its provisions, or is he to pay to the one or more States which have accepted its provisions during the first year the entire appropriation for that year?

If he is to pay only the allotment which is due to the States which accept the provisions of the bill, what is to become of the balance of the appropriation for that year? Will it lapse into the Treasury and be lost to those States which have had no opportunity to accept the provisions of the bill, whose Legislatures have not met, or will such States, after they have accepted its provisions, receive their allotments for the first year in addition to their proportions for the second year, or will they receive their allotments for the first year, and then the next year receive their proportion for the second year, and so on, the receipt by such States of their allotments for each year being postponed from year to year from the fact that they did not accept the provisions of the bill during the first year? Is it the intention of the Senate that we shall enter upon this scheme of Federal aid to education in a fragmentary manner and before a sufficient number of States have accepted the provisions of the bill to insure that the scheme can be carried out and will be successful?

These suggestions, it appears to me, show the necessity for some rule fixing the time when this proposed law shall go into effect and when the Secretary of the Interior, under the authority conferred upon him, shall proceed to execute it. It would be unjust to the Secretary of the Interior, or any other executive officer of the Government, to leave the execution of the law to him under the provisions of the bill as it now stands; and if any rule is necessary, if we are to prescribe the time when the money shall be apportioned and paid to the States, what shall be the rule? Shall we say, and I understand that to be the position of the chairman of the Committee on Education and Labor, that when a single State has accepted the provisions of this bill it shall receive its proportion of the money, that we will commence the expenditure of this money and put the law in operation when a single State has accepted its provisions, or when half a dozen States have accepted its provisions, or when a majority of the Southern States have accepted its provisions, or when a majority of all the States, or when three-fourths of all the States have accepted its provisions, as provided in the amendment proposed by me?

The second amendment which I propose to offer when the proper time arrives is to add to section 2 the following:

Until and including the year 1890, and afterward according to the census of 1890.

So as to provide that the distribution of the funds appropriated under the provisions of this bill shall be made in accordance with the census returns of 1880 until a new census is taken, and then the distribution shall be made according to the returns of the new census.

When the census of 1890 is taken it may be disclosed that the proportion of illiterates between the North and South and between the several States of the South has changed; and after we have another census to serve as a basis upon which to make the apportionment it certainly ought to be made according to the latest census returns.

The latter clause of the second amendment is as follows:

Provided, That the District of Alaska shall be considered a Territory within the meaning of this act; and the money apportioned to said District shall be ex-

pended annually, under the direction of the Secretary of the Interior, in the manner provided for the expenditure of other appropriations for educational purposes in said District.

This clause is necessary if Alaska is to be included within the provisions of the bill and to receive her proportion of the benefits of it. The late Secretary of the Interior, the Senator from Colorado [Mr. TELLER], says if Alaska is not included it ought to be. It is necessary to provide, I think, by this amendment that it shall be included, because, as I said on a former occasion, the Committee on Territories was careful to call the Territory of Alaska a district in framing a Territorial government for it. It is known in the statutes creating the Territorial government as the District of Alaska, but if it is already included, the amendment which I propose will do no harm. A further provision is necessary in regard to the distribution of the money to be appropriated to Alaska, because there are no school laws and no general system of education there. Therefore, the money should be disbursed by the Secretary of the Interior, under whose direction our annual appropriations for educational purposes in that Territory are applied.

As I shall proceed to show shortly, I think it will be necessary soon to establish some system of education in Alaska, to regulate by law the expenditure of appropriations for educational purposes there, and therefore this amendment provides that the money which the Territory would receive under the bill shall be expended as other and future appropriations for the purpose of education in the Territory are expended, making a certain rule upon that subject.

While upon the question of education in Alaska I desire to say a few words in regard to the necessity of educating the native youth of that Territory and of providing some system of education there. During the recess of Congress last year I visited Alaska, partly for purposes of pleasure and recreation and partly for the purpose of ascertaining the resources of the Territory and the adaptation of the new government that was provided by the last Congress for it to meet the needs of its people. While there I visited two of the industrial schools of the Territory, one located at Sitka and the other at Wrangel. While I was prepared to some extent by my information in regard to the work of education in industrial Indian schools for what I saw, I was agreeably surprised and much gratified with the character of the educational work being done in Alaska; and I was greatly impressed with the necessity of educating the native youth of that Territory, and also with the obstacles in the way of establishing anything like a uniform system of education in the Territory.

The appropriations which were made by the last Congress for the purposes of education in Alaska were so small and disproportioned to the needs of the Territory, that it was found necessary for the Secretary of the Interior in expending the appropriation for industrial education, instead of attempting to build school-houses and establishing new schools, to apply the money to the schools already in existence there, which had been established and supported by private contributions under the supervision of the Board of Missions of the Presbyterian Church; which he did by making contracts with some of those schools to take an additional number of pupils at a fixed rate per pupil. Although that was the only thing which it was practicable to do with the appropriation on account of the character of the country and the absence of all laws providing for a school system and the inadequacy of the appropriation, there is already complaint that the Government appropriations are being expended for the support of sectarian schools. I, therefore, think that the time will come before long when the Government will find it necessary to appropriate sufficient sums for education in Alaska, and to bring forward some system of general education for the Territory and regulate the expenditure of appropriations for educational purposes there by law.

The obstacles in the way of providing a system of education for Alaska arise from the vast extent of that Territory, being from north to south 1,200 miles in extent, and from the eastern boundary to the most western of the Aleutian Islands 2,200 miles, and embracing an area of 480,000 square miles, and from the fact that there are no roads in the Territory and no means of inland transportation or travel, and will not be for generations. All the facilities for travel and transportation are by Indian canoes and Government vessels, except about once a month when the ocean steamer from Portland arrives, and then the steamer only touches at a few of the principal points, and from the fact also that the native population is scattered all along the coast, 2,500 miles in extent, and along the principal rivers, and even upon the headwaters of streams in the interior living in small villages and communities.

There are in Alaska somewhere from 30,000 to 35,000 natives. Of these about 10,000 are children of school age. There are in Southern Alaska, which consists of a narrow strip bounding British Columbia on the west, and the Alexandrian Archipelago, consisting of some ten thousand islands, about 7,000 natives, among whom there are about 2,500 children of school age; and about 550 of those are now enjoying school privileges in schools maintained at the expense of the Government or in private schools. In Northern Alaska, which contains 23,000 or more native population, so far as I am informed there are but two schools, maintained by the Alaska Fur Trading Company upon the islands of Saint Paul and Saint George.

All of those Indians are self-supporting. They live by fishing and hunting, the principal industries of the country. They never can be placed upon reservations; they never can be put under Government surveillance; they never need be a tax upon the Government except for education; and from the character of the country, the fact that there are no roads, and that there are no means of transportation in the interior of the country, it never will be possible for the United States to keep them under control by military forces. They now greatly outnumber the whites in the Territory, and they will do so probably for a generation. It therefore becomes an imperative necessity to educate and civilize them, and every dollar which is expended in their education will save the Government the expenditure of $10 in some other manner if they are not educated.

I met at Wrangel a very intelligent gentleman who has spent many years in the work of education in Alaska, and who has given the subject a great deal of study. I availed myself of the opportunity to learn what I could in regard to the educational wants of the Territory and as to the manner in which the Government schools should be conducted and the Government appropriations could be most profitably expended. I left with him certain points upon which I desired information and upon which I requested him to write to me after my return. He wrote me a letter which contains a great deal of valuable information and many valuable suggestions, stated concisely and well arranged. Although the letter was not intended for publication, I will submit it as a part of my remarks and have it appear in the RECORD. I call the attention of the chairmen of the Committee on Indian Affairs and the Committee on Appropriations to the letter, and I hope they will read it. It is as follows:

FORT WRANGEL, ALASKA, *October* 15, 1885.

SIR: In answer to your questions on the subject of education in Alaska, I would respectfully submit the following as the views of one who has been actively engaged in the work of education and civilization in the Territory for the last seven years. What I say must be understood as applying specially to Southeastern Alaska, or the Alexandrian Archipelago, the only portion of the Territory with which I am familiar.

I. The number of natives in Alaska in computed at 30,000, and of these more than half are called Indians, although their appearance, customs, mode of life, dispositions, and degree of advancement in mechanical arts prove them to be of different race from the Indians of the plains, and point to a comparatively recent Asiatic origin. The term Indian, applied to our natives here, is misleading.

The natives of this archipelago number about 7,000.

II. I am unable to give the number of children of school age, but would compute it at about two thousand five hundred.

III. There are at present in operation nine schools in the archipelago, classified as follows:

(*a*) Mission day schools, three, namely: One at Chilcoot Harbor, in the extreme north of the archipelago, taught by Miss Bessie Mathews. The second is at Hoonah, on Cross Sound, and is taught by Rev. J. W. McFarland and his wife. The third is at Longass, in the extreme south of the archipelago, taught by two half-breeds trained at Fort Wrangel, Mr. Louis Paul and wife.

The teachers of these schools are all paid directly by the Presbyterian Board of Home Missions, and are accountable only to it.

(*b*) Government day schools, four:

1. At Sitka, Miss Powell, teacher.
2. At Juneau, Miss Murphy, teacher.
3. At Fort Wrangel, Miss McAvoy, teacher.
4. At Jackson, Miss Gould, teacher.

These schools are supported entirely by the Government, and are under the supervision of Rev. Sheldon Jackson, D. D., agent of education. They were formerly mission schools, but have been handed over to the Government.

(*c*) Boarding-schools, two:

1. The Sitka training-school, in charge of Professor A. J. Davis, with eight assistants. This school is supported jointly by the Presbyterian Board of Home Missions and the Government.

2. The Tlinkit training academy, at Fort Wrangel, in charge of Mrs. S. H. Young and three assistants. This institution is supported entirely by private contributions and is under no society or board.

IV. The number of pupils attending these schools I would estimate at five hundred and fifty.

V. The education desirable for these natives is such as will fit them for citizenship. They are not "treaty Indians." They do not live on reservations. They stand on the same footing in regard to the owning of property and amenity to law as the whites. They need such an education as will enable them to compete successfully with the whites in arts and trades and become something better than mere "hewers of wood and drawers of water."

VI. The plan of education which the Government should adopt is indicated by the foregoing. Let common day schools be established in every considerable settlement, at least one for each native tribe and one or more in every town where there are whites. Let competent teachers be sent to them, school-houses built, and every effort be made to teach the children to talk and read in English.

Let no books be printed in the Tlinkit language, and no work of translation be done except in the interest of philological science. The language of a barbarous people embodies and preserves its customs, superstitions, and vices. The language of civilization, substituted for this, will teach all the arts, customs, and habits of thought of the superior race. The sooner the Tlinkit becomes a dead language the better for this people. Let these schools be open and free to whites, Russians, half-breeds, and Indians, without distinction.

But industrial education is by far the shortest road to Caucasian civilization. The two training-schools already established are sufficient for the wants of Southeastern Alaska, if properly equipped and managed. I would make the following suggestions:

Let the Government assume the entire control and support of the Sitka school, purchasing the buildings, if necessary, from the board of missions, that there be no conflict of interests or authority. Let the present principal and teachers be retained if found competent, and others procured if necessary. Let shops, under the supervision of trained workmen, be established, and this part of the school be emphasized. Let the Yakutat, Chilkhat, Hoonah, Auk, Hoochenov, and Sitka tribes, occupying the northwestern half of the archipelago, be invited to send their most promising boys and girls to this school, that they may be fitted to engage in the rapidly developing industries of the archipelago and to assume the duties of enlightened citizenship.

Let the private training-school at Fort Wrangel be aided to the same extent and in a similar way. Let it be enrolled as a Government training-school to receive its share of the appropriations for industrial schools. Let the present

management be retained, if found competent; let suitable buildings be erected at Wrangel, or on the farm belonging to the institution; let the shoe, cabinet and carpenter shops, and printing office, already equipped with apparatus and tools, be provided with skilled instructors, other assistants be procured, and the school enabled to realize the idea of its founder more successfully than is now possible. Let the Tacoo, Stickine, Kake, Kooyou, Hanega, Tongass, and Hydah tribes occupying the southeastern half of the archipelago be invited to send their children to this school to be educated at Government expense, the boys in the trades of use in the Territory, the girls in intelligent house-keeping, and all in the rudiments of an English education.

VII. There are obvious objections to expending the Government appropriations on sectarian schools. The following suggest themselves:

1. It tends to excite jealousy between different denominations.

2. It divorces from the schools the sympathy and aid of those interested in religious schools on the one hand, and on the other of those who do not belong to any denomination of professing Christians.

3. It is opposed to the principle of entire religious freedom and the complete separation of church and state.

But frequently the cry is raised that Government appropriations are used to aid sectarian schools when such is not the case. The plan I have outlined could not possibly be open to that objection. But the Presbyterian Church has until this year had the only schools in the archipelago since the purchase of Alaska, with one or two small exceptions. It has expended thousands of dollars upon these schools, and has erected buildings, employed teachers, and made successful efforts to enlighten the people. Its schools have been free to all classes. It now has a corps of competent teachers on the ground, brought from the Eastern States at its expense. To summarily dismiss these teachers would be unjust to them and to the church and injurious to the schools.

Let these teachers be retained so far as they are found upon examination to be competent; but let the Government introduce its own system of text-books, records, and reports, and the schools be brought up strictly to the requirements of the civil service. And hereafter let the superintending agent recommend for appointment the teachers to be employed, without following any denominational line, solely on the ground of their qualification as teachers.

VIII. The portion of Alaska southeast of Mount Saint Elias is so different in climate, resources, inhabitants, and general conditions from the rest of the Territory, and so isolated from it, that it ought to constitute an educational district by itself, with its own system and own superintendent.

IX. The amount of money that can be economically and profitably expended in Southeast Alaska I would estimate for the present year at $20,000 for the day schools and $15,000 for each of the training-schools. Or, in regard to the training-schools, let a sum sufficient to supply them with suitable buildings, shops, and equipments be set aside for this purpose, and then let the appropriation for the running expenses of each school be proportioned to the number of pupils.

X. As the various towns and tribes in the archipelago are distant from each other and communication can be had only by water, and in most cases only by private boats or canoes, the Government should procure two small steam-launches or yachts, to be placed at Sitka and Wrangel respectively, under the control of the principals of the training-schools at these places. These boats should be used exclusively for the benefit of the schools, to be a means of communication between them, to convey supplies, to carry the superintendent of education on his visits to the day schools, and to procure pupils for the training-schools. The cost of these vessels would be small, and they are essential to the full success of the schools.

XI. In conclusion, allow me to call your attention more particularly to the condition and needs of the Tlinkit training academy at Fort Wrangel, in charge of Mrs. Young. It is the only educational institution in the archipelago which has received no aid from either the Government or the board of missions, and yet it is more truly an industrial school and has more to show for its work in the advancement of its pupils toward self-supporting citizenship than any other school in Alaska. It has from its origin, three years ago, been entirely supported by private contributions, obtained in response to the letters and public addresses of its founder. rom the first the effort was made to work as rapidly as possible toward self-support. A large farm—the only piece of land worthy of the name in this region, an alluvial meadow—was purchased, and the services of an experienced farmer secured. Machines and tools sufficient to fully equip carpenter, cabinet, and shoe shops were obtained.

The Government permitted us to occupy the buildings of the garrison. The boys of the carpenter and cabinet shops repaired, altered, and furnished them. Guns and fishing apparatus were bought, and thus the supply of animal food obtained. As one item, be boys killed for the use of the school in 1884 one hundred and twenty-one deer. For fruit, the children gathered berries. The boys of the shoe shop made and mended all the shoes used in the school. The farm furnished all the potatoes and other vegetables needed. For clothing we depended upon boxes sent by friends. Thus every effort was made to economize, and the inmates were taught that the condition of their remaining in the school was that they should do all they could to help themselves and each other. The girls did all the sewing and laundry work and general house-keeping. The boys procured the fuel, besides the other supplies mentioned. Each pupil was kept in the school-room half the day, and engaged in useful and instructive labor the other half.

Mrs. Young paid three assistants—a matron for the girls, a housekeeper, and the farmer. Thirty boys and girls were taken, the most of whom still remain.

But the support is inadequate and unreliable. Some societies, under pressure of the board of missions, which is naturally desirous of drawing the benevolences of the churches into its channels, withdrew their support. The farm, on which we based our principal hope of self-support, failed to realize those hopes, because we were unable to buy the team, implements, and stock needed. Instead of expanding and enlarging the work we were compelled to retrench. Most of the larger boys were dismissed to work for themselves, and the lady assistant was released to take charge of the day school.

The Government appropriation for industrial schools was all drawn to Sitka. Last May we sent an application for the unexpended balance, backed by the civil officers of the Territory, but we were too late.

As our only desire is to benefit these promising children, let the Government take up this school, using the shops, farm, printing-press, and supplies on hand, and furnishing such buildings, assistants, and equipments as shall suffice to fully organize and make successful this interesting school. Let it become a Government school, subject to all the requirements of the Department. A portion of the appropriation for the present fiscal year should be applied for the benefit of this school, and it should receive its full share of future appropriations. The present number of pupils is twenty-five. The adjacent tribes would gladly send their children to this school were it enlarged and equipped, while they will not send to Sitka; and in many respects, notably in the matter of the farm, Wrangel has decided advantages over the other town as the seat of such an institution.

Submitted, very respectfully,

S. HALL YOUNG,
Minister in charge of Presbyterian Mission, Fort Wrangel, Alaska.

Hon. J. N. DOLPH.

I have always had doubts as to whether the provisions of this bill were sufficient to accomplish the object which I suppose is intended to be accomplished by it. It will be recollected that when the bill which passed the Senate at the last Congress was under discussion I offered an amendment proposing the appointment by the General Government of a commissioner to take in charge, to a certain extent, in the States the distribution of the fund proposed to be appropriated by that bill, and to see that it was distributed in accordance with the provisions of the bill; but I never dreamed until recently that the chairman of the Committee on Education and Labor supposed that the bill was at all defective in that regard or would fail to accomplish the purposes for which it was intended. I was, therefore, much surprised a week ago last Monday, when, according to my understanding of his language at the time, and I still think it will bear that construction, he distinctly conceded that the bill would not accomplish the object which I supposed it was intended to accomplish, when he alluded to the fact that there were four millions of children of school age in the Southern States not now enrolled in schools and not now receiving educational advantages who would not be reached by the appropriations to be made under the bill and who would not be benefited by it. If the money appropriated by this bill is not intended to reach that large illiterate class what in the name of common sense is the bill worth and who will it reach? Sir, I have not so understood this measure and have supposed that the intention of the framers of the bill was that this money should reach that very class.

Mr. BLAIR rose.

Mr. DOLPH. I will yield.

Mr. BLAIR. The Senator certainly is under a misapprehension as to my meaning or the construction of what I said. I have stated all along that, instead of being an enormous contribution, according to the necessity the amount we are giving is not by any means an adequate remedy to the entire evil or to anything like the extent that school privileges are already provided for the children of the North. I say it will help and help very much, but it is not sufficient to accomplish the entire purpose, to give the South educational facilities equal to ours, but it will help in that direction.

Mr. DOLPH. The language of the Senator was read by the junior Senator from Kansas [Mr. PLUMB] the other day. I did not intend to read it again. I think it has been in part explained away by the Senator from New Hampshire, but he stated the following:

It has been stated in the speech of the Senator from Tennessee [Mr. JACKSON] this afternoon that there are about four million children in the Southern States who are not enrolled at all, who are not attending school at all, and we by this bill make no provision for this vast uncultivated class who are outside the present operations of the common-school system, so that the appropriation is a trivial appropriation in comparison with the actual necessity of the country, and yet it is talked of as a mammoth appropriation, as a great bribe to those who may receive benefit from it.

I do not care to put any construction upon that.

Mr. BLAIR. The Senator will excuse me. In those same remarks and at half a dozen other times I have said that if we should apply the same amount that we give to the existing schools without any extension of the enrollment it would only then make the existing schools about six months in length instead of three, as they now are; but of course the money will not be so applied. It will be applied to the extension of schools where there are none now, to some degree, and also to an increase in the length of the schools already existing.

Mr. DOLPH. I agree with the Senator from New Hampshire, that if we are to enter upon this work at all, the amount proposed in this bill to be appropriated is not only not too large, but it is inadequate to the work; but that was not the point I was addressing myself to. The point I was directing the attention of the Senate to was that I thought it had been stated by the Senator from New Hampshire that the money to be appropriated by this bill would not reach the large class of children in the South who are not now enrolled in schools. As I said, I have not so understood the provisions of this bill. In the first section, after providing that $77,000,000 shall be appropriated, and giving the amount to be appropriated each year, the bill continues:

Which several sums shall be expended to secure the benefits of common-school education to all the children of the school age mentioned hereafter living in the United States.

And in the third section it is provided that—

No money shall be paid out under this act to any State or Territory that shall not have provided by law a system of free common schools for all of its children of school age, without distinction of race or color, either in the raising or distributing of school revenues or in the school facilities afforded.

And in the tenth section it is provided:

That the moneys distributed under the provisions of this act shall be used only for common schools, not sectarian in character, in the school districts of the several States and Territories.

I had been led to believe from these provisions that it was the intention of this bill that before the States receive the benefit of it, the money to be apportioned to them under it, they should provide a system of free schools which should reach every portion of their territory and give every child of school age, white or black, within their borders an opportunity to acquire an education; but when I turn to the eleventh section of the bill, which provides what reports shall be made of the expenditure of the money received by the States and what shall be done in case there is a failure to observe the provisions of the bill,

and read it, I conclude that it is susceptible of a construction which will defeat the intention of its framers, that its provisions are inadequate to secure the application of the money to the education of the illiterate class. I find in the eleventh section that the governor of each State is required to report to the Secretary of the Interior among other things—

The number of public, common, and industrial schools, the number of teachers employed, the total number of children taught during the year, and in what branches instructed, &c.

But there is no provision in the bill, as I now remember, requiring that the governor shall report how many school districts there are in the State; that he shall report whether or not the whole State has been subdivided into school districts or other subdivisions for school purposes; that he shall report the number of children in each school district, white and black, with the number of children attending school in each district. He may under the provisions of the bill as it stands report the number of schools and the number of children, white and black, attending the schools, and no one can tell, neither the Secretary of the Interior nor any one else, from the report whether or not the money has been so distributed as to afford the means of education to all the children of school age in the State without distinction of color.

I have prepared an amendment to be inserted in section 11, line 12, after the word "also," which is as follows:

A statement of the number of school districts in such State or Territory, and whether any portion of such State or Territory has not been divided into school districts or other territorial subdivisions for school purposes, and, if so, what portion, and the reasons why the same has not been so subdivided; the number of children of school age in each district, and the relative number of white and colored children in each district.

If the report is required to contain the matters stated in this proposed amendment, then the Secretary of the Interior will be able to ascertain whether or not the territory has all been subdivided into school districts, whether or not schools have been maintained in all the school districts, whether or not the money has been impartially expended as between the white and colored children in the several school districts; and from that report he can determine whether or not the provisions of this bill have been faithfully complied with, and whether or not the State is entitled to receive the next allotment of money to be appropriated under this bill.

But, sir, when we come to the last clause of section 11, which may be said to contain the sanction of the bill, that is to say, the only part of the bill which provides any penalty, if I may use that expression without offense, for failing to comply with the provisions of the bill, I find it is provided:

And if any State or Territory shall misapply or allow to be misapplied, or in any manner appropriated or used other than for the purposes herein required, the funds, or any part thereof, received under the provisions of this act—

And now follows another provision—

or shall fail to comply with the conditions herein prescribed, or to report as herein provided, through its proper officers, the disposition thereof, and the other matters herein prescribed to be so reported, such State or Territory shall forfeit its right to any subsequent apportionment by virtue hereof until the full amount so misapplied, lost, or misappropriated shall have been replaced by such State or Territory and applied as herein required, and until such report shall have been made.

I understand the misappropriation here meant to be an entire diversion of a portion of the money to some other purpose than that provided in the bill; it is provided that if that shall be done and there shall be a failure to make the report no further apportionment shall be made to the State; but when the State has replaced the money so misappropriated and has made the report, then it shall receive its apportionment. In other words, the Secretary of the Interior shall cause to be paid over to the State this fund. But there is no penalty prescribed for not keeping the other provisions of the act. There is no penalty prescribed if the money is used for educational purposes and a discrimination is made between white and colored children. When the governor of the State makes a report and any money which has been taken from the fund has been restored to it, the next apportionment is to be made to the State.

I propose to strike out of this clause the words "or shall fail to comply with the conditions herein prescribed," so that it will permit the Secretary of the Interior to cause to be paid to a State its apportionment under this act after any money which may have been misappropriated has been restored and after it shall have made a report; and then I propose to add a provision for a case where the State shall use these funds contrary to the provisions of the act and shall discriminate between white and black children in the application of the fund to the purposes of education; I propose to add the following:

And if any State or Territory shall have failed, except as permitted by section 8, to apply the money expended by it out of the amount apportioned to it under the provisions of this act, for any one year, to the support of common schools, free for all its children of school age, without distinction of color, and in such a way as to provide, as near as may be, for the equalization of school privileges to all the children of the school age prescribed by the law of such State or Territory, within such State or Territory, no subsequent allotment shall be made under this act until Congress shall so determine.

I think this is a very necessary provision. My friend from New Hampshire says that the provision is not necessary, because Congress must make the appropriation in any case; but there are some able men in the Senate who believe this bill carries its own appropriation and makes a continuing appropriation; and if it does not, and it is necessary for Congress to make in appropriation bills from year to year an appropriation to carry into effect the provisions of this bill, that appropriation will be made not later than the 3d of March and probably during the last days of February at the short sessions, and in other years it will be made during the last days of June. An appropriation may be made before a report is made. As the bill now stands it would authorize a report to be made at any time, and then the Secretary of the Interior would be authorized to pay the money which had been appropriated in advance by Congress to the State. Therefore it seems to me the misappropriation of the money, the application of it to the various schools of the State so as to discriminate between the children of school age in the State contrary to the provisions of this bill, ought to prevent the State from receiving any other apportionment until Congress shall so declare.

The amount appropriated by this bill may be, as it is stated by the chairman of the Committee on Education and Labor, a very inadequate sum for the exigencies of the case; but, sir, when we consider that this $77,000,000 must be raised by taxation in some form from the people and upon the industries of this country, that its burdens will largely fall upon the laboring population of the country, upon men who labor for their daily bread and have children of their own to clothe and support, this sum assumes importance enough to require us to place in this bill sufficient provisions to see that it is applied in the States in accordance with the intention of the friends of the measure.

I do not intend to discuss these amendments or the bill at length, and I desire it to be distinctly understood that the amendments are not proposed out of any hostility to this measure or the people of any portion of this Union. I am in sympathy with the object sought to be accomplished by this bill, so far as I understand it, which is the education of the illiterate children of school age in the South, who it is conceded are largely composed of colored children.

I confess that I am not as clear as to the constitutionality of the measure as I was when it was under discussion at the last Congress; but if this bill can be put in such a shape as to reasonably assure me that the money to be appropriated under its provisions will be used in the manner intended by the friends of the bill and will promote the object sought to be attained, the education of the colored children of the South, and not otherwise, I stand ready to resolve whatever doubts I have as to the constitutionality of the measure in favor of it. But, sir, as the money to be appropriated under this bill is to go largely to the Southern States, as it is admitted that the necessity which calls for Federal aid exists in the Southern States alone, as the illiteracy of the colored people of the South is the excuse for making this large appropriation from the Federal Treasury, I would much prefer to support a bill which made appropriations to the Southern States only.

I agree with the Senators from Kansas, and with others who have taken the same view of the matter, that the people of the Northern States have not demanded this aid, that they do not need it. The money which they will receive under the provisions of this bill, in my judgment will be an injury to the common school systems of those States. It will, it is true, relieve the people of those States in some measure from the burden of taxation for school purposes, but it will teach them to rely upon the Federal Government for aid, and make them feel more keenly the burdens of taxation when that is withdrawn, and I fear it will lessen their estimate of the value and benefit of their common school system.

One of the greatest objections to my mind to this bill is, that it makes an appropriation for the aid of the education of the people of the North where it is not needed, and where the money will prove an injury to the existing system of common schools which, supported and controlled by the States alone, has made such unexampled progress, has achieved such grand results. In a word, sir, I do not believe that the cause of education or the general welfare of this country demands that money should be appropriated out of the Federal Treasury to aid education in the North, and the fact that it does raises to my mind one of the greatest constitutional objections to the bill. And, sir, inasmuch as it is admitted that the necessity for this aid is the illiteracy of the colored people of the South I should much prefer that whatever money is appropriated for the cause of education in the South should be made directly and exclusively for the education of that race and for the support of colored schools. The constitutional objections which could be made to such a bill——

Mr. GEORGE. Will the Senator allow me to make a statment there?

Mr. DOLPH. Certainly.

Mr. GEORGE. I understand the suggestion of the Senator to be that it is proposed to make this appropriation directly for the education of colored illiterates of the South.

Mr. DOLPH. I think so.

Mr. GEORGE. I would suggest this difficulty to the Senator on that subject, that by the constitution of the State of Mississippi and the other Southern States the school fund is directed to be appropriated equally and impartially to the two races without distinction on that subject, and that by the act of admission or readmission into the Union of the Southern States the provisions of their constitutions on this subject are made fundamental conditions, and that the result

of a law now giving this fund exclusively to the colored people would be that the colored people would be entitled to share equally with the whites in the State school fund which is insufficient for both races, not only the school fund that now exists, but any that might be raised, and then in addition to that they would have this Congressional bounty.

Mr. EDMUNDS. May I ask my friend from Mississippi for information what the state of things is on this point? I understand him to say that by the law of Mississippi, whether constitution or statute no matter, there is no discrimination between colored and white children in respect of receiving the benefit of the school fund.

Mr. GEORGE. None whatever.

Mr. EDMUNDS. Now, does the law of Mississippi provide for separate white and colored schools, or is the education common?

Mr. GEORGE. It provides for separate schools.

Mr. EDMUNDS. Does the provision of law which distributes the fund distribute it to those separate schools as such, or how?

Mr. GEORGE. The common-school fund is distributed in Mississippi in about this way: The teachers are paid per capita for the scholars, so much for each scholar that attends school, and wherever a school can be gotten up of sufficient numbers to authorize the employment of a teacher or a teacher can be gotten at the price per capita allowed by law, one is established.

Mr. EDMUNDS. May I ask the Senator, with the permission of my friend from Oregon——

Mr. DOLPH. I yield with pleasure.

Mr. EDMUNDS. May I ask how many white schools, in round numbers, there are in Mississippi or were in the last year, or the year before that?

Mr. GEORGE. I am very sorry that I am not able to answer that question. Before I came here this winter I procured a statement from the superintendent of education upon that subject, giving the number of white schools, the number of colored schools, the number of teachers employed in each, and the number of children attending each. When the discussion arose upon this question I looked for that paper and I was unable to find it. I have a general knowledge, though, of this sort, because I am pretty familiar with the condition of things there, and I feel authorized to state that there are as many or more colored children attending the common schools of Mississippi than there are whites. I feel safe in making that statement.

Mr. EDMUNDS. But I suppose among the children of school age there must be two or three times as many colored children as white children in that State.

Mr. GEORGE. Oh, no, not two or three times. There is a majority, about one hundred and seventy-five thousand or one hundred and eighty thousand majority of colored people in the State of Mississippi out of a million and a quarter people.

Mr. EDMUNDS. Is not all this information to be found in the published reports of the superintendent of education or some official of that State?

Mr. GEORGE. I presume so. I have not looked that up. I had that paper, or I thought I had it among my papers.

Mr. EDMUNDS. About what year were these school laws made in respect to the distribution of the funds? Whereabouts in the statutes of Mississippi can this information be got?

Mr. GEORGE. In answer to that I will state that the present school system was inaugurated immediately after the adoption of the constitution in 1869, and the laws enacted in Mississippi from 1869 up to 1876 were enacted by Legislatures that were supposed especially to represent the colored people. I suppose the Senator understands that. They were Republicans, and a majority of them were elected by the votes of the colored people. Since 1876 the majority has been Democratic in the State Legislature, and I suppose laws have been passed all along during all these years from 1870 up to the present time.

Mr. EDMUNDS. May I ask from what the school fund of Mississippi is derived? By direct taxation, or out of a fund, or how?

Mr. GEORGE. The school fund of Mississippi is derived, first, from all fines and forfeitures for breaches of the criminal laws, the licenses for retailing vinous and spirituous liquors, receipts from the redemption—that is a singular provision of our constitution—from the redemption of land when forfeited to the State for non-payment of taxes. This seems to be the rule on that subject. In Mississippi if taxes are not paid on a tract of land it is put up by the tax-collector and offered for sale. If a private individual buys it, he gets title to the land and the money goes into the treasury. If no private purchaser will bid the amount of tax due upon the land, then the land is knocked off to the State; the State becomes the purchaser. Then, say, for two years—I believe that is the time—the owner has a right to redeem the land. The redemption money when the land once goes to the State goes into the common-school fund, although the tax on that land of itself would not have gone there. I believe those are the general sources of the fund.

Mr. EDMUNDS. All this is merely a current fund; there is no permanent fund?

Mr. GEORGE. I am going on now to make a statement. Then there is local taxation.

Mr. DOLPH. I should like to resume.

Mr. GEORGE. I am very nearly through. My colleague reminds me of another fund. Under the constitution the Legislature may levy a poll-tax not exceeding $2 per head. I believe about $1 is now levied, owing to the difficulty of collecting the larger amount. Of the colored people not one in ten paid the poll-tax at the higher price, and it is now fixed at $1. But by the constitution of the State that poll-tax goes exclusively to the school fund. In other words, the polls can not be taxed in Mississippi except for school purposes. Then there are local taxes in the counties levied in the counties for schools in the counties, and then the State—I desire to call the attention of the Senator from Vermont to this—without levying any special school-tax, the Legislature every year makes an appropriation of one or two hundred thousand dollars out of the general fund raised by the State for school purposes.

I believe I have about answered the question.

Mr. DOLPH. I am not going to occupy many minutes.

Mr. EDMUNDS. I did not mean to trouble the Senator.

Mr. DOLPH. It is no trouble. I do not see from the statement of the Senator from Mississippi that there would be any difficulty in applying this fund as I have suggested. If it is true that the illiteracy of the colored race is the necessity which calls for Federal aid, and if it is also true that in Mississippi there are separate schools, schools for the white and schools for the colored children, I see, I say, no difficulty in applying the fund which is appropriated by the Federal Government to aid the colored schools, and there is no reason why colored children should not also participate in the funds which are raised by the State for the purposes of education.

I do not think that there would be any graver constitutional objections to such a bill than can be urged to this bill. As was said by the junior Senator from Kansas [Mr. PLUMB], this bill does not proceed upon the idea of equality between the States. Under its provisions the Northern States will receive small apportionments out of this money, and they will contribute large sums to the fund; and the Southern States will receive correspondingly large sums and contribute correspondingly small sums; so that the bill can not be defended upon the principle of equality; and if equality between the States is at all necessary in the appropriation of money from the Federal Treasury for the purpose of education, then this bill is palpably unconstitutional; and, besides, the same objection could be raised to every appropriation which we make annually for the support of Indian schools that could be raised against a bill making appropriations for colored schools alone.

But, sir, I do not believe that equality is necessary. I think the constitutionality of this measure, if affirmed at all, must be affirmed on other principles. The people of this country, North and South, are one people with equal rights and privileges guaranteed by one Constitution and regulated by general laws prescribing equal obligations and duties. Within the limits of the Federal Constitution this nation is a unit, and Congress in its benefactions and in the exercise of its powers should know no section of this country. The common defense and the general welfare are intrusted to Congress, and it should be a matter of constant solicitude how they can best be promoted. A danger in New York or in Oregon or in Mississippi or in Alabama which threatens the political fabric is a national danger, whether that danger arises from the fact that a considerable portion of the citizens of those States intrusted with the ballot are illiterate or from force or fraud which prevents an intelligent and free and full expression of the will of the majority at the polls; and when such a danger exists it is the duty of the General Government, through its legislative department, to remove the danger by appropriate legislation.

The fathers of the Republic believed that the prosperity and happiness of the people and the perpetuity of republican institutions depended upon the intelligence and virtue of the people and their belief has become crystallized into an axiom in our politics. A large amount of illiteracy in any government is a menace to it. The remedy for such an evil, the defense against such a danger, is to educate. As was said by the senior Senator from Kansas [Mr. INGALLS] the other day the paramount duty of educating the illiterates in any State lies with the State itself; and it is as much the duty of Mississippi and Alabama and Georgia to educate their illiterate citizens as it is of all the other States of the Union. But when for any cause an illiterate population in any State can not be educated, and when in the opinion of Congress the illiteracy exists to such an extent as to imperil the prosperity of the people and the perpetuity of the Government, I believe it to be the duty of Congress, legislating for the common defense and the general welfare, to eradicate the evil and to defend against the danger.

It will be seen that I base the constitutionality of this measure entirely upon the existence of illiteracy in the several States to such an extent as to call for Federal aid. I do not stop to inquire who is responsible for that illiteracy, but I am not willing to admit that the people of the North or the Federal Government are under any moral or legal obligation to the Southern States or the colored people of the South to educate them because being slaves they were made free and have been made citizens of the United States. The people of the North have committed no crime against the colored people of the South. The Federal Government has done no injury to the Southern States or to the people of the Southern States, white or black.

Sir, I glory in the history and the achievements of the great Union Republican party, in its administration of the National Government, including the striking of the fetters from four millions of slaves and

making them freemen, and I have no excuse and no apology and no restitution to offer.

The colored people of the Southern States do not exert that influence which they are entitled to by virtue of their numerical strength. "Knowledge is power." Education will complete that which was begun by the emancipation proclamation and the fifteenth amendment. It will teach men who are free by the will of thepeople of the United States, as expressed in the Federal Constitution, to know their rights, and, as was said yesterday by the Senator from New Hampshire, knowing their rights dare to maintain them.

The senior Senator from Kansas [Mr. INGALLS] the other day spoke to us about the influence of education in settling and developing the Northern States. He drew a vivid picture of the march of civilization from Plymouth Rock to the shores of the Pacific, and grand as the story was it was not overdrawn. There is no doubt that the thrift and energy and enterprise which have swept across the continent on parallel lines from the shores of New England, overcoming every obstacle, subduing every foe, transforming the wilderness into fertile fields and populous cities, laying the foundations of great and populous and wealthy States, is largely the outgrowth of the general diffusion of knowledge by the common school system.

Sir, I trust I have a just pride in the achievements of the people of the North. I know something of their privations, of their toils, and of their successes, but I listened with no greater degree of pride or pleasure to the story of their achievements than I did to the recitals of the wonderful advancement which the people of the South have made in every branch of material prosperity since the war. The prosperity of any portion of the country is the prosperity of the whole, and I see in the increasing prosperity of the South, in her increasing manufacturing interests, in her increased facilities for transportation and travel, in the newly-awakened and growing interest in education, a prophecy and a promise of a glorious future when the South in wealth, in prosperity, in the general diffusion of knowledge, and I hope too in the free exercise by all her citizens of all their civil and political rights, will rival any other portion of our common country; and I pray God to speed that day.

I read not many days since an article reviewing the Blair bill published in the Inter Ocean, of Chicago, under the caption of "National Education." It was written by a gentleman who has had large opportunities to observe the social and political and educational systems of the South, a gentleman who has made this question of national aid to education a study, a gentleman who is thoroughly in favor of educating the colored population of the South, but who believes that this bill with its present provisions would be unjust to the people of the South, and would not accomplish the object for which it was intended. If I could expunge some of the more vigorous expressions concerning the dominant party in the South without doing injustice to the author and without impairing his presentation of the case I should be glad to do it, but as I can not do it I ask leave to incorporate the whole in my remarks.

The PRESIDENT *pro tempore*. If there be no objection the paper sent to the desk by the Senator from Oregon will be inserted in the RECORD by the Reporter.

The paper is as follows:

INDIANAPOLIS, IND., *February* 13.

The educational bill now before the Senate is a curious instance of the lack of political knowledge and sagacity on the part of legislators who merely jump at an idea without taking the trouble to investigate details. So far as the matters herein referred to are concerned, it is identical with the Blair bill which passed the Senate at the last session of Congress and the Willis bill, which was reported to the House but failed to be reached on the Calendar. These measures are based on the following hypothesis:

1. That a sum of money be appropriated to each State for the cure of illiteracy—the amount assigned to each being estimated on the number of illiterates in each State, according to the census of 1880.

2. That the same shall be used by the respective States for the promotion of elementary education in the public schools, without distinction as to race.

As a result about four-fifths of the fund will go to the Southern States, as it ought to do, in order to remove

THE OVERWHELMING IGNORANCE

of both races in that region. The necessity for this is readily shown by the following tables, compiled from the census of 1880:

	Total population.	Illiterates ten years old and upward.
The North	31,938,459	1,442,064
The South	18,217,324	4,808,528
Total	50,155,783	6,250,592

In fact, the measure is designed really to aid the educational interests of the South, which were prevented from keeping pace with those of the North by the fact of slavery in the antebellum days, so that the burden of properly educating the masses is now greater than those States can possibly bear. This is not only just and proper because of the nation's responsibility for slavery, by which the North became a partaker in its profits and responsible for its injustice, but is also a matter of sound policy. The nation, by Congressional action and its unavoidable results, gave the freedman of the South the ballot. By this means the property qualification which had been attached to the exercise of the elective franchise in most of those States was broken down and suffrage made universal among the whites also. The result of this is that the whole mass of Southern ignorance is represented in our national affairs either by the exercise of balloting power by illiterate voters or their deprivation of such privilege because of the weakness resulting from their ignorance. The extent of the peril arising from this may be seen by examining the following table:

Illiterates ten years old and upward.

State.	Illiterates.	Per cent. of population.
Virginia	430,352	40.6
North Carolina	463,975	48.3
South Carolina	369,848	55.4
Georgia	520,416	49.9
Florida	80,183	43.4
Alabama	433,447	50.9
Mississippi	373,201	49.5
Louisiana	318,380	49.1
Total illiterates in eight States	2,989,802	
Average per cent. of illiteracy		48.4
Average per cent. in the Northern States and Territories		8.5

No one can dream for a moment that republican institutions are safe when 75 per cent. of a majority in Senate, House of Representatives, and the electoral college is controlled by a population 48 per cent. of which are unable to read and write. In fact, no thoughtful man will fail to perceive that the whole sum of $10,000,000 a year, or thereabouts, should be expended at the South. The Northern States do not need the pittance each would receive, and it seems almost farcical to include them in the bill. It should have embraced only those States in which the percentage of illiterates exceeded 12 per cent. of the population, and should cease as to any State as soon as its percentage of illiteracy was reduced to that limit. This proportion of ignorance is easily handled by the States themselves, and may be accounted not dangerous to the nation.

The most important fact connected with the measure, however, is the relation it bears to the education of the two races. It should be borne in mind that in all the Southern States the schools for the two races are distinct, and the funds for their support are now distributed according to the number of each race in the separate school districts, or else according to the number of children of each race within the school ages, as prescribed by the laws of the respective States. Practically there is no difference in these standards; to distribute according to the number of children is in effect to distribute according to the proportion of the two races. So that, if a State have 1,000,000 whites and 500,000 blacks, the white schools will have twice as much money as the colored schools.

The bill in question requires the fund thereby appropriated to be distributed in the same manner as the respective school funds, though it is assigned to the States on the basis of illiteracy. According to the report of the House committee of the last Congress the State would receive on account of each illiterate about $1.50 on the basis of an appropriation of $10,000,000. This sum, distributed as proposed, would give to the white schools of each State more than one-half of the whole sum, though only about one-fourth of the illiterates are of that race. In other words, instead of the national fund going to the education of the respective races in the ratio of their illiteracy each white illiterate will draw from this fund two or three times as much as the colored illiterate in the same State.

The following table will show the practical operation of this measure:

Black and white illiteracy, census of 1880, *ten years old and upward.*

States.	White.		Black.	
	Illiterates.	Per cent.	Illiterates.	Per cent.
Virginia	114,692	18.2	315,660	73.7
North Carolina	192,032	31.5	271,943	77.4
South Carolina	59,777	21.9	310,071	78.5
Georgia	128,934	22.9	391,482	81.6
Florida	19,763	19.9	60,420	70.7
Alabama	111,767	24.7	321,680	80.6
Mississippi	53,448	16.3	319,753	75.2
Louisiana	58,951	18.4	259,429	79.1
Total	739,364	22.2	2,250,438	78.1

It will be seen that there were almost three times as many colored as white illiterates, and, considering the character of the appropriation and the fact that all the school-houses and educational equipment of the ante-war systems in those States are held by and for the use of the white race, it would seem as if good policy and common sense would demand that the remedy should be spread somewhat evenly upon the sore—that the colored schools should be benefited somewhat in proportion to the amount to be received by the State on account of colored illiteracy. The following tables will show what would actually occur under the provisions of this bill. See foregoing table for the number of white and colored illiterates in each State, and for the amounts that would be received by several States on account of white and colored illiterates respectively on a basis of $10,000,000, or $1.60 for each illiterate:

States.	Received on account of white illiterates.	Paid on account of colored illiterates.
Virginia	$184,424	$505,172
North Carolina	308,316	435,184
South Carolina	98,817	493,883
Georgia	205,688	612,312
Florida	32,000	96,000
Alabama	179,252	515,348
Mississippi	85,199	512,801
Louisiana	94,623	415,377
Total	1,182,406	3,600,692

In other words, these eight Southern States would receive from the national Treasury on account of 739,364 white illiterates $1,182,406, and on account of 2,250,438 colored illiterates would receive annually $3,600,692 of the public funds of the nation. How would this be divided between the races? Who would be the real beneficiaries of the fund under the provisions of this bill? If distributed as the bill requires, supposing not a dollar to be lost or wasted, the white and colored schools would receive it in the proportions shown in the following table:

Amounts that white and colored schools would receive respectively under the Blair bill in several States.

States.	Population.		Schools would receive—	
	White.	Colored.	White.	Colored.
Virginia	880,858	631,707	$401,877	$287,728
North Carolina	867,242	532,505	460,718	282,782
South Carolina	391,105	604,472	233,916	358,784
Georgia	816,906	725,274	442,528	391,472
Florida	142,605	126,888	71,763	56,237
Alabama	662,185	600,320	364,363	330,237
Mississippi	479,398	652,199	253,265	344,735
Louisiana	454,954	484,992	247,125	202,875
Total	4,695,253	4,335,357	2,475,555	2,314,850

In other words, these States receiving $1,182,406 from the national Treasury on account of 739,364 white illiterates, and $3,600,692 on account of 2,250,438 colored illiterates, will apply $2,475,555 of this fund to white schools, and only $2,314,850 of it to colored schools. So that while each illiterate black and white alike will draw $1.60 from the national Treasury for the benefit of the State, each white illiterate will receive for his education in a white school several times the amount that will be applied to the education of the colored illiterate in the schools of his race.

The following table shows the comparison between the amounts applied for the benefit of each:

Comparative value of white and colored illiteracy under the Blair bill.

States.	Amount received from General Government for each illiterate.	Amount applied to white schools for each white illiterate.	Amount applied to colored schools for each colored illiterate.
Virginia	$1 60	$3 54	$0 90
North Carolina	1 60	2 60	1 03
South Carolina	1 60	3 89	1 15
Georgia	1 60	3 43	99
Florida	1 60	3 63	93
Alabama	1 60	3 26	1 02
Mississippi	1 60	4 73	1 07
Louisiana	1 60	4 21	1 01

It is no wonder the most ardent Bourbons of the South are in favor of the Blair bill. It enables them to make the ignorant negro simply a cat's-paw with which to pull chestnuts out of the fire for the benefit of themselves. Such sentimental obstructionists as Mr. Blair may think that the colored man, when he comes to understand the full force and effect of this measure, will feel highly gratified to know that those who made his ignorance compulsory, who made it a felony to teach a slave and a misdemeanor to teach a free black to read or write, are now able to appropriate the lion's share of the nation's bounty to their own use and benefit. There seems to be almost no limit to the capacity of our Northern legislators to play into the hands of their Southern antagonists.

The Republican party fairly forced upon the negro the power of the ballot, for the negro's sake, of course, and had hardly begun to boast of its sagacity in so doing before the ku-klux klan wrenched it from the negro's feeble hand and appropriated its power for the advantage of the Bourbon Democracy. Now, Mr. BLAIR and his company of heedless enthusiasts are anxious to immortalize themselves by appropriating money under the plea of educating colored illiterates, to be used instead for the benefit of those who kept the negro in ignorance, and will keep him in subjection until he becomes strong enough to assert his rights and manfully maintain them.

It is no wonder, in view of these facts, that the cheap, simple, practical method which I had the honor to present to the country in "An Appeal to Cæsar," a year ago, was so bitterly assailed by the Bourbon leaders of the South. By that plan waste and misappropriation were made practically impossible; and the colored schools of every township were secured the benefit of just that proportion of the fund to which the colored illiterates of the township entitled them. In other words, colored illiteracy would have been enabled to share fairly and equally with white illiteracy in the nation's bounty. If this outrage on the just rights of the colored people of the South shall be consummated by the active agency of Republican Senators, the negro will have reason to pray to be delivered from his friends almost as heartily as he besought relief from bondage.

ALBION W. TOURGEE.

Mr. PLATT. Mr. President, I do not wish to occupy the attention of the Senate more than five minutes. I have taken no part in this discussion. I am in great doubt as to how I shall vote upon this bill. It will depend somewhat upon the shape which I shall find that it has assumed when it reaches a final vote. But I have been studying the figures of this case somewhat and I want to put them in the RECORD so that if they are wrong they can be corrected.

I think this bill receives its support in my section of the country, in my State, because good, philanthropic people believe that we ought to aid largely in the education of colored children at the South. I believe the people whom I represent think that the object and design and effect of this bill is to accomplish that purpose. If the figures which I have made up are correct, a very small portion of this money is going for the education of colored children in the South.

Out of the whole $77,000,000 but between $18,000,000 and $19,000,000 are to be applied, according to this bill, to the education of colored children in the South. What I want to do, what I would be glad to do by a bill, is to appropriate money for that purpose alone. I do not want to aid the Southern States in the education of white children, and I do not want the General Government to aid the Northern States in the education of any children. The thing that troubles me about voting for this bill is that it asks me to vote $58,000,000 and over for the education of white children and only between $18,000,000 and $19,000,000 for the education of colored children.

I have taken from the tables furnished by the Senator from New Hampshire in his speech, the amount of money which each State is to receive under this bill. I have it carried out in each case, even to dollars and cents. By it I find that the Northern States and Territories receive $18,571,468, leaving for the Southern States $58,428,532. The items are as follows:

Amount to be paid to free States and Territories.

Arizona	$72,388 30	Nevada	$50,419 04
California	662,051 95	New Hampshire	177,216 30
Colorado	129,783 50	New Jersey	659,809 18
Connecticut	352,202 22	New Mexico	708,220 88
Dakota	59,737 09	New York	2,721,066 98
Idaho	22,031 23	Ohio	1,633,718 21
Illinois	1,801,616 46	Oregon	91,978 52
Indiana	1,372,441 26	Pennsylvania	2,825,324 98
Iowa	577,532 84	Rhode Island	307,210 44
Kansas	489,147 72	Utah	109,363 10
Maine	274,708 81	Vermont	196,236 51
Massachusetts	1,152,116 61	Washington	48,188 66
Michigan	789,592 67	Wisconsin	698,420 03
Minnesota	428,060 02	Wyoming	6,889 40
Montana	21,151 46		
Nebraska	142,843 63	Total	18,571,468 00

Amount to be paid to former slave States.

Alabama	$5,370,848 45	Missouri	$2,586,674 03
Arkansas	2,560,170 97	North Carolina	5,749,121 37
Delaware	240,359 17	South Carolina	4,582,792 26
Florida	993,548 79	Tennessee	5,089,262 62
Georgia	6,448,482 66	Texas	3,920,914 78
Kentucky	4,316,930 63	Virginia	5,332,498 25
Louisiana	3,945,051 48	West Virginia	1,057,895 33
Maryland	1,666,442 88		
Mississippi	4,624,339 33	Total	58,428,532 00

Now, turning to page 1270 of the RECORD containing the Senator's speech of February 10, I find that there are in the Southern States which are to receive these $58,000,000, of white school population, 3,899,961; of colored school population, 1,803,257. In other words, the school population of the South which is to receive these $58,428,532, is 68.3 per cent. white. Now divide that $58,428,532 between the white children and the colored children and you will find that 68.3 per cent of it, which by this bill must, I suppose, be applied to the education of the white children unless a distinction is made, and I understand none is intended by the bill, would give for the education of white children in the South $39,954,014 and for the education of colored children only $18,464,518.

Mr. GEORGE. Will the Senator allow me to ask him a question?

Mr. PLATT. Certainly; but I am really through with my remarks.

Mr. GEORGE. I desire to know where you run the line as between the South and the North.

Mr. PLATT. In the Southern States I include Alabama, Arkansas, Delaware, Florida, Georgia, Kentucky, Louisiana, Maryland, Mississippi, Missouri, North Carolina, South Carolina, Tennessee, Texas, Virginia, and West Virginia.

Mr. GEORGE. Are Maryland and Delaware left out?

Mr. PLATT. No; I spoke of Delaware and Maryland. I include all the former slave States. I only desire to put these figures in the RECORD that they may be corrected if they are not accurate.

Mr. BLAIR. I can as well explain to the Senator on his point now as at any time. He is correct in stating that the theory of the bill is to instruct white and colored children alike, to give them the same assistance from the National Government, or to so apply this money that it shall result in white and colored children having the same opportunity for education. The figures which he gives us show the just proportion existing between the white and colored school populations of the South. About two-thirds are white and one-third colored. He says sixty-eight and a fraction per cent. are white and the rest are colored. If it were just 33⅓ per cent. colored it would be just 66⅔ per cent. white, so that you see mathematically the relation between the two races is almost that of 2 to 1.

The theory of the bill is that there shall be no difference between the education of the white child and of the colored child, and it is quite as much for the benefit of the colored children who are to live with the white children now and hereafter that their white associates whose parents have subjected them to indignities in the past shall be elevated by education so that they will have a living chance among them. That is the theory of the bill; and in order to secure this equalization of school privileges, the bill does not say that this amount

which the National Government contributes shall be divided exactly per capita between all the children, white and black. The theory of the bill being that there shall be no discrimination between the children of the two races and that an equalization of school privileges or advantages shall be secured to all regardless of color, the bill provides, in the tenth section, which I incorporated in my remarks yesterday, that the fund coming from the National Government combined as it will be with the State school fund, the whole shall be so distributed as to secure this equality of school privileges.

If, as is suspected by many, and as is complained of by some—and I do not know whether it may not be admitted in some instances is the case—the white child at present receives a larger proportion of the school funds at the South than the colored child, then if this money is distributed according to the provisions of this bill the colored children will come to share more largely of it; and this is the way that the money of the national appropriation combined with the money of the State appropriation, the whole is to be distributed then in violation of the practice which has thus far obtained in the South where there is this discrimination in favor of the white race. The whole hereafter is to be so distributed that there shall be no discrimination. If it is not so distributed, then when the question comes to Congress whether there shall be a further appropriation the Congress may withhold any further appropriation, and it is tried year by year to see whether this rule of distribution is observed, the funds of the National Government being applied with those of the State government and the whole distributed in such a way as to give an actual equalization of school privileges to all. That is the theory of the bill, and I do not know how it can be made to serve the purpose any more perfectly.

Mr. PLATT. May I ask the Senator a question?

Mr. BLAIR. Certainly.

Mr. PLATT. Does he think that in New England, for instance—I do not like to speak of anything which has a sectional sound—but does he think that in that portion of the country which we both represent it is understood generally among the public that this bill is for the purpose of aiding the education both of white and colored children, and that such a large proportion of the money appropriated will go for the purpose of the education of white children?

Mr. BLAIR. I certainly think so. I think the people all through the country who take an interest in this bill understand that it is to secure this equalization of school advantages. As a matter of fact the people of the North, or at least great numbers of them, believe that the colored race is discriminated against. I believe that it is discriminated against in many localities. I have come to believe that as a rule the disposition in the Southern States of the dominant race is to do justice to the colored child; but that a discrimination exists there to some extent I doubt not, and therefore it is that the tenth section of this bill provides that the money shall be so used as to secure an equalization of advantages. If you could treat the school fund of the State and the school fund coming from the nation as separate amounts or sums of money, and they were to be distributed separately and the school fund of the State should continue to be distributed with discrimination as in the past it is supposed to have been, then under the provisions of this bill the school fund coming from the national Treasury must be given more absolutely to the colored population, and if necessary must go *in toto* to the colored population; otherwise that equalization of school privileges can not be secured which the bill demands and which must be carried out so far as it possibly can be, or there will be no subsequent annual appropriation.

Mr. LOGAN. Will the Senator allow me to make a suggestion? The distribution of the fund under this bill is based on the illiteracy of those of ten years of age and upward. That being the basis, the illiteracy, why could it not be distributed according to the illiteracy of the white and colored children? In that way you certainly would give the colored children a greater proportion than you do by this scheme. If that is the intention of the bill—and it seems to me it ought to be at least—why not amend the bill in that respect so as to distribute according to the illiteracy of the two classes of people?

Mr. BLAIR. I do not know how that could be done without involving great difficulties, and probably resulting in discrimination. We certainly should recognize it if, by so doing, the money should be distributed to some extent on the basis of color. The bill undertakes to obliterate that distinction; and the bill, in order to insure that obliteration and that equality of privileges, provides that all the children shall have an equality of privilege, and the money shall so go.

Mr. LOGAN. The Senator misunderstands me. The money is appropriated from the Treasury by this bill based on the illiteracy of persons ten years old and upward. That does not discriminate at all. But in the distribution for school purposes, when we come to distribute the fund to the schools in the States, why could it not be distributed then on the basis of the illiteracy of the races in each class of schools? There are two kinds of schools, we find, in Mississippi and other States—two classes of schools, colored schools and white schools. Why, then, not distribute this money according to the illiteracy of the two races of school age in the States where these two races exist to such an extent? It does seem to me that would be fair, and in that way you would do what the intention of this bill was when it first started out some years ago, because we started it on the proposition that we were going to try to educate the colored people. I think we have moved some distance away from that. I have no amendment prepared and have none to suggest. I merely ask a question.

Mr. BLAIR. Will the Senator allow me a moment on that very point?

Mr. ALLISON. Mr. President——

Mr. BLAIR. Let me answer the Senator from Illinois. The idea of the bill is that the national fund and the State fund shall be combined and the whole distributed without reference to color at all. If, however, the Senator's idea should be adopted and the national fund be distributed upon the basis of illiteracy as between the colored and the white, the State fund would of course be distributed upon the same condition, and it ought to be and would be, and the result would be just exactly the same as if you were to combine the two funds and distribute them according to the school population.

Mr. LOGAN. Oh, no; the Senator is very much mistaken as to the suggestions I made. We are not dealing with the State fund at all; we are dealing with the national fund to be appropriated from the National Treasury; and in fact it seems as though this bill has purposely avoided the hand of the nation having anything to do with this money except to appropriate it. It seems as though that had been studiously avoided in this bill. So it would not refer at all to the State appropriation or to the State school fund, but merely to the national fund that is appropriated by this bill in aid of the State. That fund is certainly a separate fund, and if it goes into the treasury of the State the State officers certainly know the amount received, and it is very easy to make a computation of the amount received and distribute that according to the illiteracy of the children of the different races. There are two classes of schools kept up in the Southern States.

Mr. BLAIR. The Senator is certainly right in saying that the true distinctive theory of the bill has been to make the appropriation to the States, to trust the States, and require certain conditions in expenditure to be complied with, and if they are not complied with then to withhold the subsequent appropriations until they are complied with, or wholly if future Congresses should see fit to exercise their discretion in that way. It has never been understood that this appropriation was to be followed into the State as a separate and distinctive fund. It has never been claimed on this floor in any of the former discussions that it would be right that this money should be appropriated as a separate national fund and expended by the national hand or its expenditure within the States superintended any further than to enforce a compliance with the conditions contained in the act by which the money was originally given. If now it should be proposed to adopt a bill based on an entirely different theory of course we have new grounds to discuss and new conclusions to be drawn. But this bill, as the Senator well says, studiously attempts to avoid anything like an interference by the national hand with the money after it passes to the State, but trust to the honor of the State, and requires of the State an account of all it has done, and if it fails to comply with the conditions which are imposed with the gift then the nation has its remedy.

It has been thought that it was not best that the nation should undertake to interfere with the management of the common schools in the States and that the States should not be taught that they could be relieved of their obligation to take care of the colored child as well as the white child.

Mr. EDMUNDS. May I ask my friend a question?

Mr. BLAIR. Certainly.

Mr. EDMUNDS. He says, and correctly, that this bill does not interfere with the action of the States in any affirmative way; but the bill certainly does say that this money shall be appropriated so as not to distinguish between white children and colored children, does it not?

Mr. BLAIR. Certainly; there shall be no discrimination on account of color.

Mr. EDMUNDS. That being the state of the case, it still authorizes in express terms each State to have separate schools for white children and for colored children, and to have the benefit of this money accordingly, and that shall not be considered a discrimination.

Mr. BLAIR. It does not require them to have such schools.

Mr. EDMUNDS. No, but it authorizes them to do it.

Mr. BLAIR. To have them where they now exist.

Mr. EDMUNDS. That being the state of the case, where is the objection in point of constitution or of fitness to saying that where a State does have a separate system of white and colored schools, according to their respective needs by the numbers of the children of each of these schools, they shall have this aid?

Mr. BLAIR. This bill does say so. It says so in those words in the tenth section, where it requires that all the children in the State, irrespective of color, shall, by the operations of this bill, come to receive an equalization of school advantages or school privileges.

Mr. EDMUNDS. Then, if that is the object——

Mr. BLAIR. Let me answer further, because it is necessary to do so. The Senator seems to be assuming, and others seem to be understanding, that all the children in the State can be reached even by the action of this bill. He seems to be assuming, too, that all the children in the Southern States will be divided into white and colored schools. Now as a rule that is already the case, and both races seem to like it the better, but nevertheless it is not universally the case.

There are many schools in the sparsely settled districts where the people are very poor, where the white child and the colored child study together in the same schools. The Senator will remember that years ago we of the North looked with great reprehension upon the establishment of any distinction in the matter of schools between the two races, and I think it was only when we found that the colored race as a whole preferred schools of their own that we came to acquiesce in the existing order of things; and to-day we should find quite as much difficulty in forcing an amalgamation or combination of the races in the same school from the colored people as we do from the whites; but nevertheless that is a feeling which is gradually passing away and will pass away, and ought to pass away, and as intelligence increases the tendency will be enhanced.

I would not like to see entering into the national legislation any feature that would seem to look to the permanency of the existing condition in regard to separate schools; but the prejudice being for the present time such that it would be impossible to combine them together, the bill provides that for the present the matter of separate schools shall not be considered a discrimination as between the races.

Mr. EDMUNDS. My question was this: If I correctly understand the Senator from New Hampshire, this bill is now intended to prevent, and, as he thinks, does prevent, any discrimination in the application of this fund between white and colored children and white and colored schools; and, inasmuch as a good many Senators feel that it does allow such discrimination, why not make it clear and plain that no such discrimination shall exist, and while we recognize, as the Senator's bill does, the present propriety, or at least not the present impropriety, of the separate education of the two classes, and say in plain terms that where any State has a separate system of white and colored schools according to the respective needs of these two classes, according to the number of their children who need education in their respective school districts and counties, this money shall be distributed? If that is the theory of this bill let us make it plain and say so.

Mr. BLAIR. I think the bill in requiring that every child irrespective of color shall have an equality of school advantages, so far as that may be produced by this act in connection with the school fund applied by the State itself, does say so and says so by a rule which, like the Golden Rule, is the most exacting of any; and if we undertake by express provisions to in any way insure anything more generally applicable than the rule laid down in the bill, I think we shall be likely as we go into particulars to injure the efficiency of the bill.

The time to make particular specific enactments amendatory of this law is when by virtue of a year's operation of it we have found that the law is imperfect. The law is in general, comprehensive terms like the Declaration of Independence, which requires freedom for all men, and when we find that there is in its practical operation any failure to work out its theory, we can then legislate with an intelligence and a directness that may give efficiency.

Mr. EDMUNDS. Mr. President, I was under the impression that the best time to amend a bill was when it was under consideration, and not to pass it imperfectly and take the chances of amending it afterward. Perhaps I am wrong as to the best methods of legislation. If I am right in that, this bill being now under consideration and the Senator from New Hampshire saying that the purpose of the bill is, and as he thinks the language of it is, to exclude every discrimination between the necessities of the white and the colored child, then I wish to know why it is not proper to say so in explicit terms as it can be applied to the various States where they have separate schools for the white and the colored, and therefore to say plainly and fairly on the very theory of the bill as he states it—and I have no doubt that was its theory—so that there can be no dispute about it, that in a State where there are kept up white and colored schools, those two races shall be aided in accordance with the numbers of children of each race; so that if in the State of Vermont there are ninety-nine white schools and only one colored school and there are ninety-nine white children of the school age to one of the colored children of the school age, in that State this fund shall be apportioned according to the respective needs of those two races and their respective schools; and if the case is the reverse in the State of Mississippi or in the State of North Carolina or wherever, and there are three colored children and three colored schools to every one white child and every one white school, give this bounty of the United States, if we may call it a bounty—and I do not mean that in the sense of a mere gift; I think it is a duty—give what we call a bounty for a short word, according to the necessities of the case as it is in that particular State. So if there are three colored children and three colored schools to one white in Mississippi, let the three colored schools get three-fourths of the whole number and the one white school get the one-fourth of the whole number of dollars that we give to that State for this purpose.

Is not that fair? The Senator says that is the theory of the bill. If it be the theory of the bill, as it ought to be, then let us say so now when the bill is under consideration, and not wait for the ultimate bias of ulterior events, as some politician said, to bring about a rectification of wrong legislation which we enact now.

Mr. HOAR. Mr. President, I am not so much impressed by the difficulty of my honorable friend from Connecticut or by the difficulty of my honorable friend from Vermont as I am almost always with the suggestions which those very able and clear-minded Senators see fit to make.

Now, as I understand, the theory of this bill is a very simple one. We find in certain States in this Union a degree of ignorance in grown people and in children alike, likely to continue under existing provisions for education for a long and indefinite period, which in the judgment of those of us who favor any legislation on this subject constitutes a menace to the safety of the life of the nation itself. We suppose that in a nation largely founded by Puritans, wholly founded by races of men accustomed to self-government under institutions founded upon moral rules and moral distinctions, the moral relations are as important as the physical; and if we have the right to draw the sword and slay to preserve the life of this nation menaced in war, we have the right to open the purse and give to preserve the life of the nation menaced by a destruction of the intelligence necessary for republican self-government in time of peace. And that is the constitutional proposition upon which, to my mind, this bill must rest.

Mr. PLATT. The Senator sometimes interrupts me. Will he allow me to interrupt him? I quite agree with him that when illiteracy reaches the point where it becomes a menace to the existence, I might say the fair prosperity of the nation, there is constitutional ground for national interference; but my trouble is this, and I am seeking information as to how I ought to vote——

Mr. HOAR. I would rather finish part of my speech and come to that hereafter, than be compelled to depart from what I was saying to take that up now.

Mr. PLATT. I wanted to ask the Senator this question: Does he think in Massachusetts or Connecticut or New Hampshire there is any such illiteracy as menaces the existence or the prosperity of the Government; and, if not, how does he justify the appropriation of money for education in those States?

Mr. HOAR. If my honorable friend agrees with me in the fundamental proposition upon which he and I can rest legislation of this kind one important step toward the result has been accomplished and taken.

Now he asks me why it is that, finding this nation menaced by the fact that recent events and recent constitutional and legal changes have brought into the government, the administration of the State, a degree of ignorance increasing the proportion which was there before—why, finding that, and proposing to protect the life of the nation in the future against that danger, that destruction, I simply propose to do it by a bill which is general and not particular or individual in its application? The answer to that is, that it is because in all legislation it is desirable to legislate by universals and not by particulars. We legislate in Connecticut and in Massachusetts mortgaging, and it is the bottom mortgage on every dollar of the property of the rich man and poor man alike, house and palace and farm and railroad, to give every child in those States a good common-school education. I might as well get up and ask, "Is there any danger that the child of General HAWLEY or Senator PLATT will want an education if the State does not provide it? Are not these men well enough off?" The answer is that your system is better, that it secures national care, national control, national supervision, national jealousy, by having all the citizens of the United States or of the State which is acting in the particular case, on some general theory receive its benefits.

The scheme of this bill is this: You find a necessity which is represented by 100 and you find means of meeting that necessity which would secure education for the State, which is only represented by 7. Now we come in and say, let the nation eke out the school systems of the country, and let us have a scheme which applies to the whole country alike. If the illiteracy is but one-thousandth of the whole, the State gets the proportion of one to a thousand; if the illiteracy is one-tenth of the whole the State gets relief in proportion as ten is to one hundred; and if the illiteracy is 50 per cent. of the whole, the State gets relief in that proportion. But the rule we go upon in all legislation is to establish some system of universal national application.

Mr. LOGAN. Will the Senator allow me to ask a question? He did not do me the honor to refer to me in speaking of this suggestion that was made by myself; but I would like to ask him a question. He says now that this bill is for the purpose of bringing the people who were placed in this condition by the Government up to the proper elevation, so far as education is concerned. Now, I desire to ask him if there are any other people, except the colored people brought in, who are in this condition? And, further than that, if this bill goes upon the basis that the illiteracy from ten years up to one hundred shall be counted—and that is the basis of the bill—is not a large proportionate share of this money based upon the older people of that country who are colored people, and the offering of the money because of the fact that these older people are illiterate? If they are the ones upon whose illiteracy the distribution of this money is based, I ask the Senator if the colored people ought not to be the ones who should receive the greatest benefit?

Mr. HOAR. It seems to me, with great respect to the gentlemen who have made this proposition, that it is very much as if a man with a wife and seven children should come to the house of the honorable Senator from Illinois and say, "We have not got provisions enough in our house; I have got enough, about three-fourths of what will keep my family from starving; I wish somebody would help me with the

other quarter;" and the Senator should say, "Well, I will help you with the other quarter; the wife and seven children shall all have enough to eat; but I will particularly specify that the old man shall not eat any of the food that comes from me, because he can take care of himself;" or, "the old woman shall not have it; it shall go to the youngest and smallest children." The answer is that if you eke out the fund which in a particular State is needed to supply the necessity of a general common-school system for rich and poor, it not only will lead to countless embarrassments and discomforts, but it will not in the least any more tend to accomplish the result to specify that the particular child who is in ignorance shall be the one who shall have this particular money. You are piecing out your blanket so that it will cover the whole bed. It is not necessary to say to what particular part of the blanket the patch shall be attached.

Mr. EDMUNDS. May I ask the Senator a question?

Mr. HOAR. I should a little rather state this fully, and then hear what the Senator has to say at the close, for I rose to make an argument of my own, and not to be cross-examined by the most skillful cross-examiners alive.

Mr. EDMUNDS. The Senator is quite right in preferring to speak without interruption.

Mr. HOAR. You carry this thing all through. Suppose this aid goes to the State of New York, for example. We will suppose that the State of New York needs an extra $500,000 to make her school system universal. That is the condition of the bill, that every State shall have established a system for the education of all its children without distinction. Now you go the State of New York, and with an additional grant of $500,000 you have got all that New York needs for a reasonable common-school education, and we give her that grant from the Treasury in the case I suppose. Would it be of any sort of use to say: "Why in the city of New York there is an Irish ward, or a German ward, or a Scandinavian ward, where there is not a child who knows how to read and write; let us specify that when New York gets the $500,000 she shall put all of it or so much of it as is their due proportion to their illiteracy there?" The answer is, what you are enabling New York to do is to extend her common-school system over the persons whom it does not reach and cover.

Now, in further answer to the suggestion of the honorable Senator from Illinois, it is true that this bill, as was shown the other day, takes as the basis of distribution, considering the fact that the Northern States are to receive so little, persons who are illiterates over ten years of age without any upward limit, instead of confining it to persons between ten years of age and twenty-one; and the effect of that, as was shown by the statistics, is that the South gets a very much less proportion of this grant than it would get if you confined it to children between ten and twenty-one. By the present bill Mississippi gets four times as much as Massachusetts. If you made an amendment confining it to children between ten and twenty-one, Mississippi would get fifteen times as much as Massachusetts, and so on.

The Senator from Vermont inquires why, if you are to give this fund for the purpose of curing an illiteracy, which is largely caused by the addition to our citizenship of the colored population of the South, you do not require a State when it gets the fund to make the distribution between the white and colored schools upon the same principle, especially as the bill recognizes the existence, or does not propose to terminate the existence, by any national authority, or by any condition of this bill of the separation between the two races in the schools. Now, it seems to me that there are several good answers to the question put by the honorable Senator from Vermont. In the first place, I agree with the Senator from New Hampshire that it will be a very bad thing indeed whenever we recognize by legislation a race distinction in this country in national legislation.

Mr. LOGAN. You do it in this bill.

Mr. HOAR. I do not think so. The two races have determined, most unwisely as I think, but it is something which probably no legislation can change within any time which this bill covers, that they prefer to educate their children separately. I think it is a very bad determination, one of the most unfortunate things that have happened in the history of this country; but it is absolutely beyond our control, and therefore——

Mr. GEORGE. Will the Senator allow me to make a statement right there for his benefit?

The PRESIDENT *pro tempore*. Does the Senator from Massachusetts yield?

Mr. GEORGE. I mean to say this, that from the year 1869 to 1876, when it was supposed the colored people and the Republican party controlled Mississippi, when the common-school system was inaugurated, the system of separate schools was inaugurated at the same time and kept up.

Mr. HOAR. I certainly never refused to yield to any Senator when I was addressing the Chair, but it does seem to me that the person who has the floor is entitled to select the time while he occupies it when that interruption shall take place.

Mr. GEORGE. I thought I had your consent. I beg pardon.

Mr. HOAR. A person who is undertaking to state briefly a connected argument in five or ten minutes, which was all I was doing, is fairly entitled to finish his own statement before any courtesy compels him to drop that and reply to the questions of half a dozen other Senators: What do you think of this? What do you think of that, and what do you say to that? I shall be happy to yield to the honorable Senator from Vermont, or the honorable Senators from Mississippi, or Illinois, or any other Senator if I can, but I should like to complete my own statement first if I may. The questions absolutely drive the argument out of my head.

I was saying that we find this unfortunate condition of things existing, and practically it will be impossible to do any considerable good to those communities in this way unless the bill goes so far as to say that the two races having established this system down there we will not regard their action in that particular as an objection to their receiving the benefits of the bill. Then the Senator from Vermont says, but why not go further and establish by national authority in the distribution of this fund in the State itself a difference in right and in lawful privilege based upon race; because the proposition of the Senator from Vermont in the first place takes these people, separating them by reason of race, and then declares that the races shall be compared with one another in the matter of illiteracy and the distribution made in that way. If the suggestion were to take each school district without regard to whether the children are white or black, each school, and give to that particular school the benefit of this fund in proportion to the ignorance of the children it contained we should avoid this particular objection. But I do not suppose any Senator would seriously press that proposition on the attention of the Senate, because the result would be that the whole national aid for education must only go practically to children who were beginners.

The bill goes upon the ground that if you have a school system which is giving a common-school education to all the children of a State, it shall, in proportion to the particular need of the State, eke out the State provision for that purpose; and that is all.

Mr. ALLISON. In order that this question may be thoroughly presented to the Senate, I desire to offer an amendment which I have had on my table some days respecting it, to come in at the end of section 2. I think I can convince the Senator from Massachusetts and other Senators that this is not a proposition to divide the money upon race, but a proposition to divide it upon the principle of the bill, which is illiteracy; and that if this money is to be given upon the basis of illiteracy, that basis should run through the bill. If we have colored children who are more illiterate than white children in a State, the principle of the bill as well as the principle of exact justice requires that the donation given by the Government shall be to that particular portion of the people who are illiterate, whether they be white or black. I merely offer the amendment now that it may be printed.

The PRESIDENT *pro tempore*. The proposed amendment will be printed. It is not now in order.

Mr. ALLISON. I know that it is not in order at this time.

Mr. EDMUNDS. Let the amendment be read for information.

The PRESIDENT *pro tempore*. The amendment will be read for information.

The Chief Clerk read as follows:

> And in each State in which there shall be separate schools for white and colored children, the money paid in such State shall be apportioned and paid out for the support of such white and colored schools in the proportion that the illiteracy of the white and colored persons aforesaid bears to each other as shown by such census.

Mr. EDMUNDS. Mr. President, the Senator from Massachusetts in opposing the idea of equality in this distribution between the colored and white children in States where the State law makes a discrimination as it regards the methods and places of education says that if you have a family, which is his case, of a father and mother and seven children, it is no part of our mission in giving some money to help them keep from starving to inquire into the respective conditions of the children of that family, and we must assume that the father and mother will treat all the children alike. That is very fair and very right; but when the father and mother come to us for this donation and say to us, "We have a law in our family which says that out of our seven children four of them, who are colored (and three of them are white), shall be fed in separate rooms and shall sleep in separate beds and live in separate houses," then I think it would be fair for the giver of all good and perfect gifts out of the Treasury to say, "If you have got a law of that kind in your family, as we want to help all your children, we will provide that this bread and butter and beef, &c., to the extent of 25 per cent. that is necessary, shall be divided according to your law of separation of your family; and that the four colored children of yours, who live in a separate house and sleep in a separate bed and are taught in a separate school, shall have the four-sevenths of this money that we give, and your white children shall have the three-sevenths."

That is the argument, and that is my answer to it; and that is exactly this case. The Congress of the United States does not propose, at least so far as I am concerned, to create any distinctions between races, but in making this donation of money it proposes to recognize distinctions and separations that the respective States have chosen in their own wisdom to make. I make no quarrel with that distinction. I am inclined to believe, differing from the Senator from Massachusetts, that under existing conditions of affairs it is better for the children of both races and for the ultimate good of those respective States that

they should at present be educated separately. I think it is better for them all, as it strikes me.

Therefore the proposition of the Senator from Iowa, instead of creating distinctions, assumes and takes up the very distinction that the laws of these States make themselves and creates no new one. It says simply that wherever that rule of separation and inclusion and exclusion exists, there and then, and so far and no farther, shall the application of this money be made to the two respective classes in proportion to the numbers of those classes and the numbers of those schools. Is that interfering with the rights of the States? Is that making race distinctions, or color distinctions, or any other distinctions? It takes the case as it finds it. In applies this gift in exactly the way the State has chosen to apply its own gifts and donations and contributions and taxations of public money for the support of these schools. Is not that right? That is all there is to it.

Now, the Senator from Massachusetts has seemed to think, differing from his friend from New Hampshire, that this bill does not do that thing. But the bill does say in section 3 that this provision in regard to education, without any discrimination of race or color, shall not be construed to interfere with the separation of the races that the States may make in their schools, as follows:

Provided, That separate schools for white and colored children shall not be considered a violation of this condition.

The condition being that there shall be education out of this fund without distinction of race or color.

Then the bill provides that it recognizes, and admits, and submits to, in the giving of this gift, the right of each State to do what many of the States have done, to institute separate schools for their white and their colored children. When such a State makes such a distinction by its laws, and it turns out that in that State there are three colored children needing education to one white, it is not right that this gift, if it is to be devoted to the purpose we all say it is, of helping them all alike, should be applied in the same proportion, in accordance with the State law which makes that distinction, and therefore place this bread of life, as it is, of political and moral and social life, and I might almost say of spiritual life, on the plates and tables of the people who need it according to the State separations and institutions that each State has made for itself. That is the proposition.

Take the State of Vermont for illustration, where to be sure there is no such thing as separate education between the white and colored children. There are very few colored people there, but they all go to the schools with their little white friends, there being no objection anywhere among children that ever I have seen to playing marbles or playing ball or anything in the streets between white and colored; and therefore in our State there is no objection to their receiving the same bounties and being taught in the same way. I am not criticising other States where there are greater numbers of these people, if that were to make any difference; I am saying nothing about that. The proposition is not to allow the State of Vermont to take this fund upon the theory of general illiteracy and then authorize her to give one-half of it to one race and one-half of it to the other, when of one race there are nine to ten that need it to one in the other.

If the State of Vermont chooses to say that her white and colored children shall be educated separately, and when the statistics show that in the State of Vermont there are four colored children to one white that are illiterate, or four colored persons on the basis of this bill, then apply the money according to that need, in conformity with the institution of the State itself, in order that all may fare alike out of this gift, and not leave it to the discretion and the temptation of any State to unjustly and unduly distribute this money as the political or other social bias may be in one State or another, according as one race or the other may have the preponderance of political power. That is my proposition.

Mr. HOAR. The Senator from Vermont in replying to the illustration which I put of the family seems to me not to understand as I do the bill itself. Now, the proposition is this: This bill comes in and says in the first instance, in order to get this money you must have a school system provided by your laws for all the children and making an equal provision for all, which is the common-school system of which we speak. In other words, the only separation is not a separation in school privileges, for that cuts off the right of the State to the bounty of the bill altogether, but only a separation in the place where these school privileges are held. The family with the three white children and the four colored children dining at the separate table or living in the separate room is first required to be able, with the addition of this fund which we supply, amply to provide food equal alike for all. That is in the bill; that is secured. That, therefore, answers the last suggestion of my honorable friend from Vermont, where he says that if they have nine colored children in Vermont in a certain town and only one white, the State of Vermont shall not give the one more than it gives to the other nine. That is all provided for and settled and fixed.

The criticism that is made on the bill is that when you find out the extent of the national bounty by finding out the illiteracy or the needs of each State, when you have got the unit of the school system, to wit, the State, you do not go further and say that the particular sum of money which comes from the national Treasury shall be traced into white or colored schools in proportion to the amount of the inability to read and write of the children in each. In the first place, there is no necessity for that; the whole thing is secured without it. In the next place, it is very objectionable, because there you have implanted for the first and only time in national legislation a provision that this money is to go in a certain way to people, to be sure in proportion to their illiteracy but because of a distinction of race. It is introducing this objectionable feature, and without the slightest reason or the slightest advantage to be gained from it.

Then there is another reason which seems to me absolutely fatal to the proposition of the honorable Senator from Vermont. Suppose you have got in a common-school system two sets of schools side by side. In one they are teaching the A B C and the writing of ordinary English words; in the other they are a little further advanced and are studying arithmetic, geography, and history, which come I think within the definition of common-school education in this bill. The State, having been compelled, in the first place, to give equal advantages to all those children, so that they have got a school where the whole thing is taught, and taught to everybody as he comes, is required by the honorable Senator from Vermont to go further and to say that whereas in your school system one set of children has got a little beyond the census test of being able to write their names, you have got a graded school in the city of Richmond, in the city of Boston, or anywhere else, and you must take all the money which you are putting into the general school fund, and under which the State was maintaining both those schools, and give it to the school simply where the children can not write their names. Now, what is the use of that proposition?

Mr. EDMUNDS (in his seat). That is not my proposition at all.

Mr. HOAR. Will the Senator tell me why it is not his proposition?

Mr. EDMUNDS. I did not want to interrupt the Senator, although I did make that remark privately to him. My proposition is exactly the proposition that the Senator from Iowa has stated in his amendment, that this distribution between white and colored schools does not depend upon the state of education in those particular schools, but it depends upon precisely what the bill says as to the distribution to the States, and that is according to the illiteracy of the white and colored races in the State, on the scheme of the bill, of ten years of age and upward; and therefore the state of education in a graded school, or in a common school, or in an intermediate school does not touch the question at all.

Mr. HOAR. Then you have got two towns side by side in each of which there are a hundred children at school, and in one of them the hundred children who are at school have not learned to write or have not learned to read before they left home. They require the simplest, cheapest, and easiest kind of education. In the next town, the children being of wealthier parents, have got a step forward, and they go into the public schools for the first time able to read the English language and to write their names. Now, the Senator from Vermont says that the State which is required to furnish the schooling needed for both, and which is eking out in doing it its own funds, all except this provision, shall take this particular sum and pour it into the treasury of one town to the exclusion of the treasury of the other.

Mr. EDMUNDS. I have not said anything of the kind.

Mr. HOAR. If that is done, the result will follow that the States ought to be permitted to make a distinction. If you are educating every child in Mississippi, and the State of Mississippi has a school fund that is supplied by Congress, or from public lands or anywhere else, four-fifths of which goes to educate black children in proportion to their illiteracy, and only one-fifth goes to educate white, although the white children are as numerous as the black—take the State of Louisiana, where the two races are about equal—does it not follow, and ought it not to follow, that if the black children are provided for chiefly or amply from the national Treasury the State should be permitted to put its white children on an equality by making a larger provision for its own; and thus you have built up, necessarily built up, inequalities in the school system, inequalities of education, inequalities of administration, inequalities of application between the two races.

Mr. ALLISON. I move that the Senate adjourn.

The motion was agreed to; and (at 5 o'clock and 56 minutes p. m.) the Senate adjourned.

HOUSE OF REPRESENTATIVES.

THURSDAY, *February* 25, 1886.

The House met at 12 o'clock m. Prayer by the Chaplain, Rev. W. H. MILBURN, D. D.

The Journal of yesterday's proceedings was read and approved.

ESTIMATES FOR SCHOOLS, DISTRICT OF COLUMBIA.

The SPEAKER laid before the House a letter from the Secretary of the Treasury, transmitting additional estimates from the commissioners of the District of Columbia for the service of the public schools in the District; which was referred to the Committee on Appropriations, and ordered to be printed.

ENTRANCE TO GALVESTON HARBOR.

The SPEAKER also laid before the House a letter from the Secre-

tary of War, transmitting, with accompanying maps, a report from the Chief of Engineers upon the improvement of the entrance to Galveston Harbor; which was referred to the Committee on Rivers and Harbors, and ordered to be printed.

SENATE BILLS REFERRED.

The SPEAKER also laid before the House Senate bills of the following titles; which were severally read a first and second time, and referred as follows:

A bill (S. 1634) authorizing the President of the United States to grant permission to one or more officers of the Army to accept temporary service under the Government of Corea—to the Committee on Military Affairs.

A bill (S. 23) giving a military record to Thomas Miller—to the Committee on Military Affairs.

A bill (S. 91) to amend an act entitled "An act to grant a right of way for a railroad and telegraph line through lands of the Choctaw and Chickasaw Nations of Indians to the Saint Louis and San Francisco Railway Company, and for other purposes"—to the Committee on Indian Affairs.

A bill (S. 333) for the relief of settlers and purchasers of lands on the public domain in the States of Nebraska and Kansas—to the Committee on the Public Lands.

A bill (S. 605) for the relief of the estate of J. J. Pulliam, deceased—to the Committee on War Claims.

A bill (S. 718) for the relief of Francis Gilbeau—to the Committee on War Claims.

A bill (S. 1631) relative to a certain accepted draft in the Department of State—to the Committee on Claims.

A bill (S. 1564) for the erection of a monument to the late Ulysses S. Grant—to the Committee on the Library.

A bill (S. 1020) authorizing the District of Columbia to convey the alley, 15 feet wide, running east and west between lots 6 and 7 in square 635, comprising an area of 3,480 square feet of land, to the owner of said lots—to the Committee on the District of Columbia.

NATIONAL BANKING ASSOCIATIONS.

The SPEAKER also laid before the House a bill (H. R. 327) to enable national banking associations to increase their capital stock and to change their names or location, passed by the Senate with an amendment; which was referred to the Committee on Banking and Currency.

EULOGIES ON THE LATE VICE-PRESIDENT.

Mr. REID, of North Carolina. Mr. Speaker, I am instructed by the Committee on Printing to present a privileged report.

The report was read, as follows:

The Committee on Printing, to which was referred joint resolution (H. Res. 124) to print 31,000 copies of the eulogies on Thomas A. Hendricks, late Vice-President of the United States, have considered the same and recommend its adoption. The estimated cost will be as follows:

1,000 copies unbound	$373 85
31,000 copies bound in cloth	11,646 70
	12,020 55

The joint resolution was read, as follows:

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That there be printed of the eulogies delivered in Congress on Thomas A. Hendricks, late Vice-President of the United States, 31,000 copies; of which 10,000 copies shall be for the use of the Senate, 20,000 for the use of the House of Representatives, 500 copies for the use of the Department of State, and 500 copies shall be for the use of Mrs. Eliza E. Hendricks; and the Secretary of the Treasury be, and he is hereby, directed to have printed a portrait of the said Thomas A. Hendricks to accompany said eulogies, and for the purpose of engraving and printing said portrait the sum of $500, or so much thereof as may be necessary, is hereby appropriated out of any money in the Treasury not otherwise appropriated.

Mr. REID, of North Carolina. Mr. Speaker, I move the passage of the joint resolution.

The joint resolution (H. Res. 124) to print 31,000 copies of the eulogies on Thomas A Hendricks, late Vice-President of the United States, was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

Mr. REID, of North Carolina, moved to reconsider the vote by which the joint resolution was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

SILVER COINAGE.

Mr. HEWITT. I ask unanimous consent to present at this time, and have printed in the RECORD, a memorial of savings-banks of the State of New York, 122 in number, representing 1,165,000 depositors, in reference to the suspension of the coinage of silver. The memorial is not long. I do not ask to have the names printed.

There being no objection, the following memorial was ordered to be printed in the RECORD, and was referred to the Committee on Coinage, Weights, and Measures:

To the honorable the Senate and House of Representatives of the United States in Congress assembled:

The undersigned, representatives of the savings-banks of the State of New York, respectfully submit that they hold in trust for over 1,165,000 persons their savings, averaging about $375 for each depositor, aggregating the sum of over $437,000,000, and that all the funds and property of the said savings banks and all their earnings and accumulations belong exclusively to their depositors, chiefly industrious persons of small means, and that your petitioners have no interest therein except as custodians for said depositors. As such representatives we respectfully petition the Congress of the United States to repeal the law which directs the coinage of the 412½-grain silver dollars.

We heartily agree with the opinions expressed upon this subject by the President of the United States in his recent message, and we pray that it may please Congress to enact that the said coinage be discontinued, for the reason, among many others of weight, that its continuance, unregulated by the demands of trade or by the ability of the circulation to absorb it, tends to sever our currency from the gold standard, to compromise the national credit, and to create distrust in the minds of the people.

To make our securities, principal and interest, payable in silver dollars, and thereby reduce the exchange value of the savings of the people by 20 per cent., would be a loss of purchasing power of the funds in the savings-banks of New York State alone equivalent to a shrinkage in value of nearly $100,000,000; and that, as the value of the currency would be alike impaired, whether in savings banks or elsewhere, this vast sum would represent only a small portion of that loss to be apprehended from the continued compulsory coinage of the standard silver dollars, the greater portion of which loss must be borne by the industrial classes whose interest we serve.

And your petitioners will ever pray, &c.

ORDER OF BUSINESS.

The SPEAKER. The Chair will now proceed to call the standing and select committees for reports.

H. LEHMAN.

Mr. HEWITT, from the Committee on Ways and Means, reported a resolution in reference to the case of H. Lehman; which was referred to the House Calendar, and, with the accompanying report, ordered to be printed.

PERMANENT AND INDEFINITE APPROPRIATIONS.

Mr. RANDALL. By direction of the Committee on Appropriations I desire to report for the purpose of printing and recommitment a letter of the Secretary of the Treasury, with accompanying documents, in relation to the bill (H. R. 3271) to repeal certain laws relating to permanent and indefinite appropriations. The object of the committee in asking that this communication be printed and recommitted is that the House may be in full possession of the information which is before the committee.

Mr. BLAND. Would it be in order to ask the gentleman from Pennsylvania whether this bill contains any provision for the repeal of any portion of the existing law in regard to the silver question?

Mr. RANDALL. It has no relation to that subject.

The SPEAKER. If there be no objection the communication will be ordered to be printed and recommitted.

Mr. RANDALL. Permit me to say that this document embraces the opinions of the heads of the different Departments in relation to the propriety of repealing certain appropriations which are known as permanent and indefinite appropriations. The Mint appropriation would be among these. I did not at first understand the gentleman's question. This document is now presented merely for the information of the House; we are not asking any action upon the proposition.

Mr. BLAND. I thought it best that attention should be called to the fact.

Mr. RANDALL. There is nothing coming from our committee except what would be fully stated in the light of day.

The SPEAKER. In the absence of objection the communication will be recommitted to the Committee on Appropriations, and ordered to be printed.

JAMES HOOPER.

Mr. HAMMOND, from the Committee on the Judiciary, reported back adversely the bill (H. R. 3465) for the relief of James Hooper; which was laid on the table, and the accompanying report ordered to be printed.

UNITED STATES COURTS IN FLORIDA.

Mr. OATES, from the Committee on the Judiciary, reported back favorably the bill (H. R. 5221) to change the time of holding United States circuit and district courts in the southern district of the State of Florida; which was referred to the House Calendar, and the accompanying report ordered to be printed.

CITIZENS' NATIONAL BANK, OF LOUISVILLE, KY.

Mr. MILLER, from the Committee on Banking and Currency, reported back with amendments the bill (S. 952) to authorize the increase of the capital stock of the Citizens' National Bank of Louisville, Ky.; which was referred to the House Calendar, and the accompanying report ordered to be printed.

ATLANTIC AND PACIFIC SHIP-RAILWAY.

Mr. REAGAN, from the Committee on Commerce, to which was referred the bill (H. R. 2414) to incorporate the Atlantic and Pacific Ship Railway Company, and for other purposes, reported a bill (H. R. 5885) to incorporate the Atlantic and Pacific ship-railway; which was read a first and second time, referred to the Committee of the Whole House on the state of the Union, and, with the accompanying report, ordered to be printed.

Mr. CRISP. On behalf of the minority of the Committee on Commerce I ask leave to file their views upon the bill just reported, and, inasmuch as we have not had an opportunity to see the report of the majority, I ask that the minority may be allowed one week within which to file their views.

The SPEAKER. If there be no objection leave will be granted to present within one week the views of the minority of the Committee on Commerce upon this bill, to be printed with the report of the majority.

There being no objection it was ordered accordingly.

DISEASES OF CATTLE.

Mr. SWINBURNE, from the Committee on Agriculture, reported back the memorial of O. M. Wozencraft, M. D., on the cause and prevention of cattle-fever in the Western States, and Texas-fever or cattle-plague in the Southern States; which, with the accompanying report, was ordered to be printed and recommitted.

MILITARY ACADEMY APPROPRIATION BILL.

Mr. WHEELER, from the Committee on Military Affairs, reported a bill (H. R. 5886) making appropriations for the support of the Military Academy for the fiscal year ending June 30, 1887; which was read a first and second time, referred to the Committee of the Whole House on the state of the Union, and, with the accompanying report, ordered to be printed.

Mr. WHEELER. I desire to state that I shall call up this bill on Tuesday next.

POST-OFFICE APPROPRIATION BILL.

Mr. BLOUNT, from the Committee on the Post-Office and Post-Roads, reported a bill (H. R. 5887) making appropriations for the service of the Post-Office Department for the fiscal year ending June 30, 1887; which was read a first and second time, referred to the Committee of the Whole House on the state of the Union, and, with the accompanying report, ordered to be printed.

FORFEITURE OF RAILROAD LAND GRANT.

Mr. PAYSON, from the Committee on the Public Lands, reported back favorably the bill (H. R. 391) to declare forfeited certain lands granted to the State of Michigan to aid in the construction of a railroad from Ontonagon to the Wisconsin State line; which was referred to the House Calendar, and the accompanying report ordered to be printed.

RED LAKE INDIAN RESERVATION, MINNESOTA.

Mr. PEEL. I am directed by the Committee on Indian Affairs to ask that the bill (H. R. 1269) in relation to the Red Lake Indian reservation in the State of Minnesota be taken from the House Calendar and recommitted to the Committee on Indian Affairs, as they desire to consider in connection with the bill some amendments suggested by the Indian Department.

The SPEAKER. If there be no objection the bill indicated by the gentleman will be taken from the House Calendar and recommitted.

There was no objection, and it was ordered accordingly.

INSURANCE COMPANIES, DAKOTA.

Mr. BOYLE, from the Committee on the Territories, reported, as a substitute for H. R. 2831, a bill (H. R. 5888) to legalize and validate the general laws of the Territory of Dakota for the incorporation of insurance companies, and to authorize and empower the Legislative Assembly of said Territory to pass such general laws; which was read a first and second time, referred to the House Calendar, and, with the accompanying report, ordered to be printed.

By unanimous consent House bill 2831 was laid on the table.

MARYLAND AND DELAWARE FREE SHIP-CANAL.

Mr. COLE, from the Committee on Railways and Canals, reported back favorably the bill (H. R. 1041) to provide for the construction of the Maryland and Delaware free ship-canal as a means of military and naval defense, and for commercial purposes; which was referred to the Committee of the Whole House on the state of the Union, and, with the accompanying report, ordered to be printed.

THE LIGHT-HOUSE TENDER LILLY.

Mr. WARNER, of Missouri, from the Committee on Claims, reported, as a substitute for H. R. 1775, a bill (H. R. 5889) for the relief of the officers and crew of the light-house tender Lilly and the inspector of the fourteenth United States light-house district; which was read a first and second time, referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

By unanimous consent House bill 1775 was laid on the table.

CHANGE OF REFERENCE.

On motion of Mr. SPRINGER, the Committee on Claims was discharged from the further consideration of a letter from the Secretary of War, transmitting a report from the Quartermaster-General of the Army upon the claim of Catherine C. B. Merrill, executrix of C. Merrill, deceased; and the same was referred to the Committee on War Claims.

On motion of Mr. SPRINGER, the Committee on Claims was also discharged from the further consideration of the bill (H. R. 2088) for the relief of Andrew Shoenfelt, and the same was referred to the Committee on War Claims.

GRAFTON MUNROE.

Mr. SHAW, from the Committee on Claims, reported, as a substitute for H. R. 4401, a bill (H. R. 5890) for the relief of Grafton Munroe, late postmaster at Annapolis, Md.; which was read a first and second time, referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

By unanimous consent House bill 4401 was laid on the table.

ADVERSE REPORT.

Mr. LYMAN, from the Committee on War Claims, reported back adversely the bill (H. R. 2631) for the relief of John M. Engle; which was laid on the table, and the accompanying report ordered to be printed.

JOHN M. ROBESON, DECEASED.

Mr. GEDDES, from the Committee on War Claims, reported back favorably the bill (S. 209) for the relief of the legal representatives of John M. Robeson, deceased; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

ESTATE OF WILLIAM FREDERICK SHLAGEL.

Mr. DORSEY, from the Committee on Private Land Claims, reported, as a substitute for H. R. 3395, a bill (H. R. 5891) to authorize a patent for the south half of the southeast quarter of section 34, in township 22, of range 15 east of the sixth principal meridian, to Elizur B. Hall, as administrator of the estate of William Frederick Shlagel; which was read a first and second time, referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

By unanimous consent House bill 3395 was laid on the table.

KANSAS CITY, FORT SCOTT AND GULF RAILROAD COMPANY.

Mr. ATKINSON, from the Committee on Railways and Canals, reported back favorably joint resolution (H. Res. 26) for the relief of Kansas City, Fort Scott and Gulf Railroad Company; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

NATURALIZATION LAWS.

Mr. TUCKER, from the Committee on the Judiciary, reported, as a substitute for H. R. 2905, a bill (H. R. 5892) amending section 1874 of the Revised Statutes and confirming the orders and proceedings of certain Territorial courts in cases arising under the naturalization laws of the United States; which was read a first and second time, referred to the House Calendar, and, with the accompanying report, ordered to be printed.

By unanimous consent House bill 2905 was laid on the table.

PERSONAL EXPLANATION.

Mr. COWLES. I rise, Mr. Speaker, for the purpose of making a parliamentary inquiry. Yesterday, while the House had under consideration the bill (H. R. 4833) relating to the taxation of fractional parts of a gallon of distilled spirits and when the bill was on its passage, I demanded the yeas and nays. The proceedings as reported in the RECORD this morning show that fact. Usually I speak so as to be heard in this Hall, and it is evident I spoke sufficiently loud yesterday for the Official Reporter to hear me distinctly. Members in different parts of the House also heard my demand for the yeas and nays. Now, I wish to know whether there is any way in which my colleagues and myself can place ourselves on record on the passage of that measure?

I make no reflection, of course, upon the honorable gentleman who occupied the chair on yesterday in your stead, my distinguished friend from Illinois [Mr. SPRINGER]. He did not hear me make the demand for the yeas and nays. I can only speak; I can not make him hear.

The SPEAKER. The Chair does not know of any method by which the gentleman from North Carolina can place upon record the fact that he was opposed to this bill except by the mere statement which the gentleman has now made.

Mr. STORM. I recollect distinctly standing quite near the gentleman from North Carolina and heard his colleague call for a division, and immediately afterward the gentleman himself demanded the yeas and nays. I was near, and remember it distinctly.

Mr. SPRINGER. I desire to state, Mr. Speaker, that when a division was called for on the passage of that bill nearly every member in the House, as it appeared, rose to his feet, and I was proceeding to count and had gotten as far in the count as the middle aisle, when there was a general cry all over the House, "no further count demanded." I thereupon stopped counting and asked the question, "Is further count insisted upon?" and waited for some little time for a response. There being no response, I thereupon announced that no further count being insisted upon, the bill is passed. It seems that during this announcement the gentleman from North Carolina [Mr. COWLES] called for the yeas and nays. I did not hear the demand, or it certainly should have been recognized, because I am especially careful when occupying the chair to allow gentlemen to have every latitude in the way of division, tellers, or by the yeas and nays. I regret very much the fact that I did not hear the demand, and only the more regret it because gentlemen desired to make a record on this bill.

Mr. REID, of North Carolina. I will state, Mr. Speaker, that I called for a division on the passage of the bill, and my colleague [Mr. COWLES] demanded the yeas and nays, which demand was not heard.

The question was taken on a division on the demand made, and while the count was progressing some gentleman cried out, "no further count demanded." Then my colleague called for the yeas and nays, as the RECORD shows. He desired the yeas and nays upon the bill in order to go upon the record in opposition to it.

Mr. BRUMM. I would like to add that on this side of the House the demand was heard by a number of gentlemen right around me—the demand for the yeas and nays—immediately following the call for a division.

The SPEAKER. There seems to be no controversy about the fact that the demand was made.

Mr. BRUMM. I thought it well that it should be understood the demand was heard on this side of the House.

ADVERSE REPORT.

Mr. MATSON, from the Committee on Invalid Pensions, reported back with an adverse recommendation the bill (H. R. 4387) for the relief of Mrs. Josephine D. Hellyer; which was ordered to be laid on the table, and the accompanying report printed.

CHANGE OF REFERENCE.

On motion of Mr. MATSON, the Committee on Invalid Pensions was discharged from the further consideration of the bill (H. R. 3910) for the relief of Mrs. Elizabeth Ward, and the same was referred to the Committee on Pensions.

ORDER OF BUSINESS.

Mr. MURPHY. I demand the regular order.

The SPEAKER. The regular order is the call of committees for the consideration of bills. The hour begins at five minutes before 1 o'clock. The call rests with the Committee on Railways and Canals.

Mr. TOWNSHEND. Mr. Speaker, I desire to give notice that after this hour I propose to call up the pension appropriation bill for consideration.

Mr. MURPHY. I move that the House resolve itself into Committee of the Whole on the state of the Union.

The motion was agreed to.

The House accordingly resolved itself into Committee of the Whole on the state of the Union, Mr. SPRINGER in the chair.

ILLINOIS AND MISSISSIPPI RIVER CANAL.

The CHAIRMAN. The House is now in Committee of the Whole on the state of the Union for the further consideration of the bill the title of which the Clerk will read.

The Clerk read as follows:

A bill (H. R. 5869) to provide for the acceptance by the United States of the proposed grant of the Illinois and Michigan Canal, and all its appurtenances, from the State of Illinois, and for the construction of the Illinois and Mississippi River Canal.

The CHAIRMAN. The gentleman from Iowa [Mr. MURPHY] is entitled to the floor for five minutes remaining of the hour begun on yesterday. [See page ——.]

Mr. MURPHY. Mr. Chairman, I have thought it best to read as a part of my remarks the report of the committee, feeling confident that it will perhaps accomplish more good than any remarks I could make in the time occupied by the reading. The report is as follows:

The Committee on Railways and Canals, to whom was referred the bill (H. R. 3022) to provide for the acceptance by the United States of the proposed grant of the Illinois and Michigan Canal, and all its appurtenances, and for the construction of the Illinois and Mississippi River Canal, beg leave to submit the following report:

The Illinois and Michigan Canal extends from Chicago and the waters of Lake Michigan southwesterly to the city of La Salle, a distance of 96 miles, and there connects with the Illinois River Improvement. This canal was built by the State of Illinois, aided by grant of lands from the United States, and has been in successful operation since its completion in 1847. It is 60 feet wide at water-line, with a water depth of 6 feet. The total cost of the work was $6,557,681.50. It has been the practice of the State to operate the canal on the policy of low tolls, and yet its net receipts over operating expenses amounts to $2,993,691.74.

By an act of the Legislature of Illinois, approved April 28, 1882, "the Illinois and Michigan Canal, its right of way and all its appurtenances, and all rights, titles, and interest which the State has in any real estate ceded to the State by the United States for canal purposes," was ceded to the United States upon the express condition that the grant should be accepted within five years, and that thereafter the said canal should be maintained as a national water way for commercial purposes, to be used by all persons without discrimination, under such rules and regulations as Congress may prescribe. This act was ratified by a large majority of the voters of the State, at the election of November 7, 1882.

The proposed canal from Hennepin, on the Illinois River, to the Mississippi, is designated as the Illinois and Mississippi River Canal, and is known as the "Hennepin Canal." It has been surveyed by authority of the Forty-seventh Congress, under the direction of the Secretary of War, and the United States engineers report "a perfectly feasible route" for a canal 80 feet wide at the water-line, with 7 feet of water. When completed direct water communication will be secured between the Great Lakes and the water ways of the East to the Mississippi River on the west and the Gulf of Mexico on the south. The length of the line from Hennepin to the Mississippi at the mouth of Rock River is 74.5 miles. A feeder 37.1 miles in length is to be built extending to Dixon, on Rock River, and called the Rock Island route. Major Benyaurd, in his report, says of the dimensions of canal and locks:

"It is proposed to make the canal and feeder 80 feet wide on the water surface, and 7 feet deep, with slopes of 1 on 1½. The locks for the main canal are 170 feet long and 30 feet wide. These latter dimensions were adopted after considering the question of low-water navigation on the Upper Mississippi, as affecting barge transportation. The hull measurement of the larger size barges adapted to the passage of the locks is, according to the custom-house authorities, about 300 tons, though with deeper water afforded by higher stages of the river, and also by the proposed dimensions of the canal, such barges can, with the box-top, carry over 600 tons; but we had to be governed by the minimum draught of the boats at the most unfavorable stage of the main river.

"The same lock dimensions for the Hennepin Canal were also adopted by Colonel Macomb in the report of 1874, in connection with the subject of transportation routes to the sea-board."

The estimated cost of constructing this canal and feeder, including right of way, is $6,672,880.67; the estimated cost of enlarging the Illinois and Michigan Canal, $2,298,919.15; total, $8,971,809.82. This estimate is for the construction of what is known as the Rock Island route, which is recommended by the committee.

The propo ition in the bill is to accept of the proffered grant of the Illinois and Michigan Canal made by the State of Illinois on the terms proposed, and to construct, under the direction of the Secretary of War, the Illinois and Mississippi River Canal (called the Hennepin), thus connecting the great water systems of the East and West.

Your committee deems it necessary to enter more fully into a description of the proposed canal in this report, but would respectfully call the attention of the House to considerations in favor of the passage of the bill.

WHY THE BILL SHOULD BE PASSED.

The four great departments of industry which give employment to our people are agriculture, mining, manufactures, and commerce, and that it is the duty of the Government to promote and protect each of these branches by wise and appropriate legislation is acknowledged by all, and it must be conceded that the cost of transportation is a factor of the highest importance, not only to these industries, but, as we hope to show, to the whole country.

In discussing this question it must be borne in mind that the agricultural districts, which furnish a surplus of wheat, corn, oats, and barley, lie west of the Alleghanies, and for the most part these cereals are produced in the great valleys of the Mississippi and Missouri and their tributaries. The distance, then, that these products of the farm must be transported to find a market is very great, whether that market be furnished by the more sterile Eastern portion of our own country or abroad, whether in New England or Great Britain. It is, moreover, apparent that to the producer every dollar of the cost of transportation he is obliged to pay in reaching a market which might have been saved is a burden laid upon him without a compensation, and for which there is no justification. A farmer who declines to adopt such improvements as will enable him to produce a crop of corn or wheat at the least possible cost will soon find himself distanced in the race for success. This is equally true of a Government to which is intrusted the legislation necessary to insure the cheapest modes of marketing the products of the soil. In this active and intelligent age the laggard nation is left behind.

Railway rates on wheat mount up to from 12 to 15 cents per bushel between Chicago and New York as soon as lake navigation ceases, while in summer it is scarcely half the higher figure. The proportionate charge by rail for the transit of a bushel of wheat between Chicago and Buffalo would be in the winter from 6 to 8 cents, while by lake it is generally 2 cents, and often less than that. The freight on a bushel of wheat between Saint Paul and Chicago is from 12 to 15 cents, while Major Benyaurd has shown that by the Mississippi and the Hennepin Canal it would not exceed 6 cents. Now, why this difference? We answer that it is owing to the existence of the great lakes and of the Erie Canal, a free water way on which heavy articles can be carried at less cost than is possible by railways, and with which pooling and combination to maintain prices is impossible.

Take another illustration, furnished in the transportation of anthracite coal. This fuel is wanted for consumption in almost every city and village in the great Northwest, and if the rates of transportation were reduced, as would be the case if the Hennepin Canal was in operation, the market for this mine product would be increased many fold. This coal is now taken from Erie, Pa., and from Buffalo to Chicago for 60 cents per ton, while the railways west from Chicago charge $2 per ton freight from that city to the Mississippi River.

Now, if this canal was in operation freight on this coal would not exceed 50 cents per ton, thereby saving $1.50 per ton over present railroad rates, and the saving on salt, iron, nails, oil, glass, paints, and all heavy merchandise would be equally great.

Not alone in grain and coal will the construction of this water connection between the two great national water systems of the country prove beneficial to both producers and consumers, but it is believed that it will prove a substantial blessing to every manufacturer and employé in all New England, New York, New Jersey, Pennsylvania, and Ohio. In short, it will be the great reducer and regulator of freight rates from the Missouri and Mississippi to the seacoast. It will enable the manufacturer to obtain a larger and a better market and the producer a higher price—a benefit to all.

Is further argument necessary to convince the most skeptical that the construction of this canal, thus forming a link that will connect the great Mississippi River with the lakes, thereby furnishing an all-water route to the commerce of the East and the produce of the West and Northwest, is urgently demanded? As it may be asked what relief would that afford, we answer, what relief do the lakes, the Erie Canal, and the Hudson River afford? Let us see: All-water rates on grain from Chicago to Buffalo, a distance of 1,000 miles, are often but 1½ cents per bushel, and contracts have been made from Chicago to New York, including transfer charges, for 6 cents per bushel. Hence, is not the conclusion inevitable that if the Hennepin Canal is built and an all-water communication furnished from all points on the Mississippi and Missouri Rivers to the lakes the present freight charges will be reduced more than 50 per cent.?

The railroads are charging from the Mississippi and Missouri Valleys to Chicago from 12 to 15 cents per bushel. Now, if this canal was constructed, wheat would be carried by water at from 3 to 5 cents per bushel from corresponding points, which would be a saving over present railroad rates of from 8 to 10 cents per bushel; and the saving would be equally great on oats, corn, and other products. But suppose the saving to be only 5 cents per bushel over present railroad rates, there would be a saving amounting to millions of dollars annually, which would be left in the pockets of the people, and not find its way into the pockets of railroad magnates. It is thus clearly seen that the saving, over present railroad rates, in one year would widen and deepen the Michigan and Illinois Canal and construct this canal over and over again.

Your committee, in giving this question that careful thought and consideration which it merits, is not unmindful of the fact that this question of interstate commerce has been agitated by the public and on the floors of Congress for years, in the vain hope that some relief would be furnished the people by reduction in transportation rates, and we are sorry to say that so far no practical good has resulted; hence we think it would be an act of wisdom on the part of this Congress if it would improve and extend our water communications, and thereby furnish a little practical relief.

Your attention is called to a communication on this subject, addressed to the Legislature of New York by that distinguished statesman, ex-Governor Seymour. He says:

* * * "A false and mischievous idea has grown up in our country that Europe depends upon us for food. This is not true. They can get all they want from many parts of the world; from India, South America, and Australia. In South America vast herds of cattle are killed merely for their hides. The carcasses are left to decay. Great Britain, which buys more of our provisions than any other country, is building railroads in Northen India to cheapen transportation, and in sending farming tools into that region to improve its agriculture. This policy has been followed by a great increase in its production of grain. Within a few years the exports of wheat from India have grown up to many

millions of bushels. The governments of Europe are trying to lessen our exports as they give us such heavy balances against them. For this reason, Germany and France shut out our pork, and other governments show great uneasiness, as we disturb their relationship to their people. Our only course is to undersell other countries; as labor is higher here than elsewhere, we must depend upon smaller charges for carrying. That region is fast becoming one of our strong competitors.

"We only sell to Europe because we have cheaper modes of sending our products to their markets. We have been able to do this because we have cut down the cost of carrying. Our exports grow up as carrying rates are cut down. Railroads have always followed lower rates upon water routes, but the last are the cheapest, as is shown by the table of rates in the report on commerce and navigation of the General Government. Our agricultural interests are the most important of all. When water routes are closed by winter, railroad rates go up; when they are opened in spring, rail rates go down. * * * We are now able, if we are wise, to overcome the greater cost of production in our country, owing to our higher wages, by our cheaper transportation. We are to have a hard struggle to keep our lead as a food-supplying country, and we must give up the delusion that Europe depends upon us for food. It will only buy of us if we can deliver it to them at the lowest cost. The delusion that the Old World depends upon us for food stimulates extravagance in Congress and corruption in Legislatures. If we fail to uphold our water routes as protection against unjust and unwise charges for transportation, we shall suffer in the future."

INTERSTATE COMMERCE.

The question of interstate commerce and of cheapening transportation has engaged the attention of the whole country for years. This agitation led the Senate in the last Congress to appoint a committee of able and experienced Senators, who have recently reported the results of their investigations in an able paper. A careful examination of that report fully discloses the difficulties that lie in the way of so controlling railways as to permit of no injustice being done to the people or to these corporations.

The aggregate capital of the railway corporations of the United States is believed to be over $8,000,000,000. Their affairs are conducted by the best business talent the country affords; they have before them the very natural object of making their investments pay, and although these corporations are in all respects amenable to the State and National Governments which created them, yet they have rights that must be respected, and they have interests that must be protected; for the whole country has shared, and must continue to share, in the benefits and blessings of our unequaled extent of railway facilities; but conceding all this does not justify the conclusion that the Government, by whose authority these corporations have life, should place in their hands the exclusive inland carrying trade of the country. Railway rates should be regulated in the interests of the people, and your committee are of the opinion that free water transportation is well calculated to secure that end. On this point the testimony taken by the Select Committee of the Senate on Interstate Commerce is so conclusive, and applies with such force to the proposed Hennepin Canal, that your committee insert their conclusions in this report:

THE EFFECT OF WATER COMPETITION UPON RAILROAD CHARGES.

"The evidence before the committee accords with the experience of all nations in recognizing the water routes as the most effective cheapeners and regulators of railway charges. Their influence is not confined within the limits of the territory immediately accessible to water communication, but extends and controls railroad rates at such remote and interior points as have competing lines reaching means of transport by water. Competition between railroads sooner or later leads to combination or consolidation, but neither can prevail to secure unreasonable rates in the face of direct competition with free natural or artificial water routes.

"The conclusion of the committee is, therefore, that natural or artificial channels of communication by water, when favorably located, adequately improved, and properly maintained, afford the cheapest method of long distance transportation now known, and that they must continue to exercise in the future, as they have invariably exercised in the past, an absolutely controlling and beneficially regulating influence upon the charges made upon any and all other means of transit."

WHEAT AND CORN.

As per official estimate the crop of wheat for the year 1884 in the Upper Mississippi States was 188,349,000 bushels, and of corn, for the same year, 837,574,000 bushels, making a total of 1,025,923,000 bushels of these two staples. Now, it is well known that the market value of this vast amount of grain is determined by the price that can be obtained abroad for so much of it as seeks a foreign market. The cost of production and the cost of transportation has nothing whatever to do in determining the price. It is not, then, perfectly clear that whatever is saved in the cost of transportation is an absolute gain to the producer, and, therefore, a failure to secure any possible saving in the transportation lays a burden unnecessarily upon the producing farmers of the West.

To more definitely show the immense saving which would be effected by the construction of the proposed canal, your committee would again call attention to the amount of wheat and corn produced in the States of the Upper Mississippi Valley in 1884, as above stated, showing a total of 1,025,923,000 bushels. Now, suppose one-half is shipped eastward for consumption and for export, and the saving is only 2 cents per bushel, it reaches over $10,000,000 in a single year, whereas, as is believed, the saving is equal to at least 5 cents per bushel, and you have the fabulous sum of over $25,000,000 annually, to say nothing of the saving on heavy articles going West, which would amount to many millions more.

THE EFFECT OF FREE WATER TRANSPORTATION ON RAILWAYS.

Your committee are unwilling to admit that cheapening transportation on heavy articles, thus benefiting the people, will result in damage to the great railway interests of the country; on the contrary we believe that whatever is for the general good will, in the end, prove beneficial to our railways.

We do not desire to antagonize the railways, which have done so much to develop the country generally, and the great West in particular. The place these public corporations have to fill is to serve the purpose of rapid transit for passengers and mails, and such freighting as can bear the charges imposed without inflicting a loss on the consumer or producer that is burdensome, but in the matter of all heavy freights not requiring special speed, it is now demonstrated that our extended national water ways must be brought into use. Missing links like the Hennepin Canal must be constructed and the crippled industries of our country must thereby be restored to a condition of health and prosperity.

NATIONAL CHARACTER OF THE WORK.

Your committee would point to the important fact that when the Illinois and Michigan Canal becomes a national work, and the "Hennepin" a part of the same, then will there be a great public water way connecting Chicago with Saint Louis and New Orleans, on which fleets of barges towed by steam will ply and connect these three great cities of the West.

The sugar, rice, and cotton of the delta of the Lower Mississippi and the valuable lumber of Alabama, Arkansas, and Tennessee will have another outlet at rates which will leave the producer a fair margin, while the produce and manufactured articles from the North will find their way to the consumers of the South at living rates of freight.

When, as it is hoped in the near future will be the fact, we have either a canal cut through the Isthmus, or a way provided for carrying over it our merchant vessels as they ply between New Orleans and the various sea-ports of our neighbor republics of South America, laden with the interchangeable products of the Northern and Southern hemispheres of the American continent, then our city of New Orleans should be, and we hope will be, in readiness to become the great metropolis of the South as New York is of the East, and will be equipped with a water course permeating every part of our great Mississippi Valley, ay, and through the great lakes to the Gulf of Saint Lawrence.

EFFECT ON OUR EXPORT TRADE.

Your committee would be unfaithful to the interests of this great internal improvement if they failed to call the attention of the House to the intimate connection that exists between our export of cereals, especially of wheat, and cheap transportation. The States of Illinois, Iowa, Missouri, Minnesota, Kansas, and Nebraska, all lying westward from Chicago, are large wheat-producing States. For many years the surplus wheat and flour of the United States have found a market in Great Britain, but it has already transpired that we are severly menaced with competitors for this great market, a fact that demands our serious attention.

Our shipments of cereals to foreign markets have gradually fallen off. In 1880 our exports of these commodities amounted to 288,000,000 bushels and decreased from year to year until in 1885 the shipments had fallen to 162,000,000, being a decrease of 126,000,000 in five years. During the same period there has been a constant increase in wheat shipments to the English markets from Australia, Russia, and India. The increase in exports of wheat from the latter country have been most remarkable. In 1872 the first experimental cargo came to Liverpool from India. In 1875 she sent only 1,500,000 of bushels; in 1882, 37,000,000, and last year India shipped to England over 60,000,000 of bushels.

WHAT ENGLAND IS DOING IN INDIA.

How comes it to pass that the shipments of wheat from India have increased so enormously? The answer is that the English Government has expended large amounts of money, over $100,000,000, to cheapen the transportation of wheat from inland India to the seaboard, and thus the production of wheat, which before was without a market, has been largely increased. What, then, is the duty of the American Congress? Shall we yield the contest for a market without a struggle? Shall we not rather begin now to improve our natural water courses and to construct such connecting links as the Hennepin Canal, to the end that the remote portions of our great country may be brought as near as possible to the sea by cheap freights, and thus maintain a foreign market for our surplus?

The period will doubtless come in our country when, with a largely increased population and a diversified industry, all of our tillable soil will be required to produce the breadstuffs we shall then need for home consumption; but time enough must elapse before we reach that point to justify a determined effort on our part to maintain for our surplus cereals that foreign market we have so long enjoyed. Suppose we fail in this, and as a consequence the balance of trade turns against the United States; will any one contend that financial disaster and commercial ruin would not be the result? If we would avert the dire consequences that most certainly would follow such a changed condition of our foreign trade, we must see to it that our inland rates of transportation on our surplus cereals are reduced to a minimum, and your committee believe that the construction of the proposed canal would do more to accomplish that end than would be possible in any other expenditure of the same amount of money.

SHALL THE UNITED STATES BUILD THE CANAL.

But, says the objector, you may be correct in your estimate of the great importance of cheap inland transportation; it may be true that agriculture, mining, manufactures, and commerce may all be greatly benefited in the way you describe, but it is not right for the General Government to undertake to build canals within States; the States through which these public improvements may chance to be located should construct at their own cost.

When the Hennepin Canal is in operation, its benefits will be felt in every county between the Mississippi and Missouri Rivers, and in Kansas and Nebraska as well. Indiana and Ohio will send their bituminous coal, and Pennsylvania her anthracite and her iron ore more cheaply to the West, and so will New England and New Jersey feel the influence of reduced rates of freight; while the Empire State, with her unrivaled metropolitan seaport, will share with Philadelphia and Baltimore in the increase and permanence of a foreign trade, which without cheap inland freight would not exist. Shall it be said that Illinois should do all this? Nay, verily. Your committee are brought to the conclusion that too much has already been done by the General Government in the improvement of our water courses to allow such an unjust policy to prevail; too many millions have already been expended on improvements not a whit more national in their character than the canal, by which it is proposed to simply remove an obstruction that nature has left in the way of connecting the waters of the Gulf of Saint Lawrence with those of the Gulf of Mexico, to justify the conclusion that any single State should construct this canal.

COMMENDATIONS AND INDORSEMENTS.

No public improvement, in the knowledge of your committee, has received the indorsement that this has. As early as the year 1845 a water convention was held at Memphis, Tenn., with Hon. John C. Calhoun, that strict constructionist of South Carolina, as presiding officer. It was represented by five hundred and fifty-three gentlemen from sixteen States, and the following resolution passed that body unanimously:

Resolved, That the project of connecting the Mississippi River with the lakes of the North by a canal, and thus with the Atlantic Ocean, is a measure worthy of the enlightened consideration of Congress."

In 1872 the President of the United States called the attention of Congress to this canal and other water improvements, and suggested the selection of a committee, with power to investigate and act. In compliance with the President's wish, the Senate selected seven out of that body, Senator William Windom, of Minnesota, being its chairman.

By referring to page 232 of the report made by that committee to the Senate you will find the following statement made:

"The freight charged by the Chicago, Rock Island and Pacific Railway Company is 8 cents per 100 pounds from Henry to Chicago, between which points there is water competition, while the rate to Tiskilwa, only 12 miles farther west than Henry, and beyond the effect of canal competition, is 15 cents per 100 pounds, nearly as much for 12 miles as for 100 miles."

And it is proper for your committee to state that both these points are on the proposed canal, Henry east of Hennepin and Tiskilwa west.

A further reference to that report of the Senate committee will show its indorsement and strong reasons why it should be constructed in the interest of commerce. The General Assembly of the State of Iowa did, in 1864, in 1870, in 1874, in 1880, in 1882, in 1884, and at the present session of its Legislature, memorialize Congress for the construction of this canal. Illinois, through its legislative body, has also repeatedly memorialized Congress and requested its representatives to support this improvement. The Legislature of New York has twice passed resolutions, almost unanimously, urging Congress to construct this canal, and requested its representatives to vote an appropriation therefor.

In 1884 President Arthur saw proper to call the attention of the Forty-eighth Congress by special message to the public importance of this water communication, and therein recommended its consideration.

The Forty-seventh Congress ordered a survey of said canal and appropriated $30,000 to pay the expense.

Maj. W. H. H. Benyaurd, of the Civil Engineer Corps, made said survey, and his reports and estimates are on file, and we are confident that a careful perusal of said report will satisfy the most skeptical that this canal should be built because of its worth and merit.

Every convention that has been held in the interest of Western water ways has given this canal a favorable indorsement. We will refer to a few particularly: One in Saint Louis, in 1880; one in the city of Davenport, Iowa, in 1881; one in New Orleans, in 1885, and one in Saint Paul, last September. These conventions were composed of hundreds of delegates, representing all the States in the Mississippi and Missouri Valleys, North and South, with governors, members of Congress, and United States Senators of those States, and it pleases your committee to say that after careful and general discussion all of these great bodies passed resolutions unanimously indorsing the construction of this canal, and urging Congress to make an appropriation therefor.

It has been indorsed twice by the National Board of Trade, held in Washington in July, 1884 and 1885, and by the Industrial Congress, held in Chicago in May, 1884.

In March, 1885, a select committee was appointed by the Senate to investigate and report upon the subject and regulation of transportation by railroad and water routes. By reference to pages 167 to 175 inclusive, it will be seen that that committee, after careful investigation, concluded that this water improvement was absolutely necessary in the interest of commerce, and that the General Government should, without further delay, make the necessary appropriation. The last Congress was petitioned by the leading wholesale merchants, business men, and manufacturing companies of New Haven, Meriden, Norwich, and Hartford, Conn.; of Manchester, N. H.; of Fitchburg, Worcester, Springfield, Pittsfield, North Adams, and Holyoke, Mass., and of Pittsburgh, Pa.

The commercial bodies of Chicago, Saint Paul, Minneapolis, Saint Louis, La Crosse, Duluth, Davenport, Muscatine, Rock Island, Buffalo, Syracuse, and New York have all memorialized Congress for its construction.

The New York Board of Trade and Transportation has a membership of one thousand business firms in New York city. It devotes its income and time to the consideration and decision of questions of public interest. It is not a trading body. Twice this board has indorsed the "Hennepin Canal," after careful consideration and full discussion.

Your committee would call particular attention to the language of one of these indorsements, namely, the Produce Exchange, of New York. They number three thousand members, and they never take action without careful deliberation by reference to proper committee, and then act on their report. And it must be said to their credit, they gave this canal their unanimous indorsement, which was prefaced by saying:

"That this was the first time since their organization that they had recommended the General Government to aid or construct internal improvements, or had asked or advised their Representatives in Congress to vote appropriations for any internal improvement of any kind; that this was an exception, and if they were not firmly convinced that it had merit they would not depart from their universal rule."

WOULD THE EXPENDITURE BE A PROPER ONE?

Again it may be thought that the amount required to construct the "Hennepin" and improve the present canal ($9,000,000) is too large a sum for such a locality.

Reference has already been made to the saving of $10,000,000 per annum on grain freights alone, which it is believed this great improvement will secure, and in this connection your committee beg leave to refer to the amount of internal-revenue tax collected in the last fiscal year from the States that produce so largely the cereals for which cheap transportation will be secured by building this canal:

Illinois	$23,075,864 61
Iowa	2,222,059 15
Kansas	170,202 02
Nebraska	1,971,296 12
Minnesota	492,704 97
Missouri	6,276,165 85
	34,228,292 72

It will be seen that a small per cent. of the amount thus actually paid into the United States Treasury annually by the States named would build the "Hennepin" and improve the Illinois and Michigan Canal as proposed; and it should not be forgotten that the people of these States contribute their full share to the payment of whatever of duties on imports are laid to raise the revenue and to protect the manufacturing industries of the country. These States do not come here to ask for themselves special favors, but only that which is manifestly for the interest of all sections, and to the injury of none.

The people of these States are as intelligent, as enterprising, and as fair-minded as any other, and it is not too much to say that, in the name of fair play, they insist on the construction of this great improvement.

Whenever it shall be in the future, as it has been in the past, that the great Northwest shall be called on to vote for the improvement of our harbors and rivers, or to do anything properly demanded in the interest of commerce, its Representatives will not withhold the needed aid; and your committee will not doubt but that Congress will, by the passage of this bill, accept the grant of the Illinois and Michigan Canal, generously offered by the State of Illinois, and construct the Illinois and Mississippi River Canal, thus uniting the great water systems of the East and West and of the North and South in one grand highway for internal commerce.

Your committee therefore, in consideration of the importance of the construction of the Hennepin and Rock Island Canal, and of the enlargement of the Illinois and Michigan Canal, in the interest of the great and rapidly growing commerce of the country and of the people, and especially of the Northwest, report back said House bill 3022 with a substitute, and recommend the passage of the substitute.

Mr. Chairman, is it not an admitted fact that no other country has so many great rivers and lakes, extending from the far interior to the tide water in so many directions, as ours? Great navigable channels for commerce, with comparatively few obstructions, and who says these obstructions shall not be removed, the channels opened, widened, and deepened, so that Congress can have some hope in the near future to render aid and comfort to the producer of the Northwest and furnish help and contentment to the consumer of the East, a universal blessing that all good people would take pride in? For the true object in life is happiness, and, as governments are founded solely for the benefit of the governed, why should not this Government, as a blessing to our people, improve our natural water ways, and construct artificial ones, when such action will be productive of so much good?

Yes, Mr. President, transportation by water is admitted to be the cheapest possible the world over, and we, the American people, who boast that we are correct by instinct, have made the least water improvement for navigation in the interest of commerce of any civilized nation.

For who does not know that the sum total for internal improvements in this country is utterly insignificant when compared with those of European countries of far less financial ability?

Now, in modern times civilization has but two modes of transportation—by rail and by water. Has not the Government of the United States furnished hundreds of millions of dollars to aid railways that are private corporations and under the control of persons and individuals? For we all know that this question of interstate commerce, in the blind effort to furnish a remedy by Congressional action, has so far proven abortive and done no good, that State assistance and legislative action have accomplished but little. And I am confident that when the Congress of these United States found no legal or constitutional objection to voting aid and assistance to private corporations, in the interests of the public, it ought not and will not hesitate to grant the same aid and assistance to improve our natural water ways and construct artificial ones when it is seen that necessity demands them as the only correct and certain regulators of railroad rates.

And it ought, and will, give to the commerce of the East and the producers of the West and Northwest the cheapest possible transport, which is by water.

Mr. Chairman, the construction of this canal will connect the Upper Mississippi with the great lakes, and 600 miles of that father of waters will be made available and will make navigation continuous and complete from the city of Saint Paul to the great lakes, and thence to the seaboard, a distance of 2,000 miles. You may ask, what is the inducement? What relief would that afford? I answer, what relief do the lakes, the Erie Canal, and the Hudson River afford? Why, rates on grain from the Western lake ports to Buffalo, a distance of 1,000 miles, are often but 1½ cents per bushel—it has been shipped for less—and contracts have been made from these ports to New York, including transfer charges, for 6 cents per bushel. Hence will any one doubt or dispute the statement, that if this canal is built, and an all-water communication furnished from all points of the Mississippi River to the lakes, that the present freight charges will be reduced from 50 to 75 per cent.; that instead of paying 12 to 15 cents per bushel it will be carried from 3 to 5 cents per bushel. Which saving will leave in the pockets of the producers millions that are now paid out to railroad corporations and companies; and what is true of the grain shipped East is equally true of merchandise shipped West. Take, for example, by way of illustration, the anthracite coal of Pennsylvania, which, you well know, is consumed in large quantities in the Northwest since the introduction of base-burning stoves into domestic economy. This coal is brought by water from Erie, Pa., and laid down in Chicago, a distance of over 1,000 miles, for 60 cents per ton; and you all know it costs to-day $2 per ton to transport this coal to the Mississippi River, a distance of less than 200 miles.

Now, construct this Hennepin Canal and it will not cost 50 cents per ton—thereby a saving of $1.50 per ton over present railroad rates. What is true of coal is equally true of salt, nails, oil, glass, lumber, iron, paints, and all other heavy merchandise; and equally true of Eastern shipments of all kinds of grain and farming products.

And, Mr. Chairman, I now make the statement that, by comparison and mathematical calculation, if you adopt this report, and this great water way is opened from the Mississippi and Missouri Rivers to the lakes, the surplus grain of the States of Illinois, Iowa, Kansas, Nebraska, Minnesota, and Wisconsin, there will be a saving of 6 cents per bushel over present railroad rates now charged, and 6 cents per bushel would amount to $31,326,105.50. This is no dream of fancy, for the annual board of trade for the city of Chicago, which is as follows, proves its correctness, which I now read:

4. The vast volume attained by the annual cereal product of the States directly tributary to the Upper Mississippi presents yet additional support to the plea for an all-water transportation route to the East. The annual report of the Chicago Board of Trade for 1882 estimates the crop yield thus:

	Bushels.
Illinois:	
Wheat	52,302,900
Corn	187,336,900
Oats	18,696,000
Total	258,335,800
Iowa:	
Wheat	25,487,200
Corn	178,487,600
Oats	99,141,000
Total	303,115,800
Kansas:	
Wheat	33,248,000
Corn	150,452,600
Oats	29,700,000
Total	213,400,600
Nebraska:	
Wheat	14,947,200
Corn	82,478,200
Oats	44,555,700
Total	141,981,100
Minnesota:	
Wheat	37,630,500
Corn	21,127,600
Oats	9,417,650
Total	67,575,750
Wisconsin:	
Wheat	20,145,400
Corn	30,201,600
Oats	12,780,800
Total	63,127,800

Thus is presented a grand total of 1,047,536,850 bushels as the product of three cereals only in a single year from six States, constituting only a part of the widely extended area certain to be affected and benefited by an extension to the Upper Mississippi of the water-route system of transportation reaching westward from New York, but now having its western terminus at Chicago. But consideration of these facts would be seriously incomplete were it not made to

include the fact that, vast as are the aggregates of productions in the States named for the year 1882, they are certain to be yet largely increased year by year. Comparative statistics are almost startling in that regard. Thus, as a single illustration where many might be given, the wheat product of Iowa from 1849 to 1860, as shown by carefully compiled statistics, aggregated 50,000,000 bushels; from 1860 to 1870, 195,000,000; from 1870 to 1881, 375,000,000 bushels. Of corn the yield was, from 1849 to 1860, 250,000,000; from 1860 to 1870, 550,000,000; and from 1870 to 1881, 1,800,000,000 bushels. Estimating the wheat at 85 cents per bushel and the corn at 35 cents, a curious statistician has recently shown (see Clinton Iowa Agriculturist, February 2, 1883) that the total value of these two crops in Iowa, excluding those of 1882, would equal $1,177,000,000, or more than the highest estimate of the value of all the gold product of California from its discovery on June 19, 1848, to June 30, 1881.

Yes, Mr. Chairman, it is admitted and can not be denied but that cheaper transportation is absolutely necessary if we intend to find a market abroad for our surplus products. For it is a maxim in commercial law that man will buy where he can buy the cheapest and sell where he can sell the dearest, and as experience shows that water routes are the cheapest, why should not we improve our natural water routes and construct artificial ones, when, like the Erie Canal and this canal, they only form connecting links? And I refer in this connection to the following statement by Mr. Horatio Seymour, jr. He says:

Experience shows that water routes are the cheapest for many kinds of transportation, as will be made clear by the following statement:

Average rate per bushel of grain.

Year.	Chicago to Liverpool.			New York to Liverpool.	
	By lake and canal.	By lake and rail.	By all rail.	Steamer rates.	Sailing vessel rates.
1868	25.3	29.0	42.6	14.36	.....
1869	24.1	25.0	35.1	12.98	.....
1870	17.5	22.0	33.3	11.56	.....
1871	21.6	25.0	31.0	16.32	.....
1872	26.6	28.0	33.5	15.28	.....
1873	19.2	26.0	33.2	21.12	19.82
1874	14.2	16.9	28.7	18.16	15.66
1875	11.4	14.6	24.1	16.14	14.24
1876	9.7	11.8	16.5	16.04	15.28
1877	7.5	15.8	20.3	13.86	13.52
1878	10.1	11.4	17.7	15.22	14.18
1879	13.0	13.3	17.3	12.40	11.80
1880	13.2	15.7	19.7	11.76	10.20
1881	18.6	10.4	14.4	8.16	9.50
1882	8.7	10.9	14.6	7.76	.....
January 1 to November 1, 1883	9.16	12.0	16.1	.....	.....
Six months, January 1 to July 1	.....	.....	.....	9.08	12.50

It will be seen from the foregoing statement that the average difference in an all-rail route of transport from Chicago to New York of grain since 1868 to 1882 is a saving of 9¾ cents per bushel on the average by an all-water route over an all-rail route. And this saving on the amount we shipped abroad in 1880, which was 288,000,000 bushels, as given by official statement, would be two millions eight hundred and odd thousand dollars. And as our foreign shipments are only about one-half that is transported from the West to the East we can correctly calculate on at least $2,000,000 more saved by an all-water transport for home consumption. That would make $4,800,000 saved by water transportation over rail routes from Chicago to New York in one year, and if the saving on Western shipments was an equal sum, that would be a saving of $9,600,000; and in this connection I wish to call your attention to the reports of the leading trunk lines, collated by Mr. Joseph Nimmo, jr., in a table illustrating the successive reduction of freight charges on those roads and on the Erie Canal, respectively, which furnish striking evidence on this point. I read from Internal Commerce of the United States for 1880, appendix, page 230:

Of twelve of the railroads therein enumerated, maintaining an average freight charge of from 1.85 to 3.168 cents per ton per mile, respectively, in 1868, the only ones maintaining for the year 1880 an average freight charge of .88 of a cent per ton per mile were those having no water-route competition. This is a summary of that exhibit as to the charges for 1880 per ton per mile:

RAILROADS HAVING COMPETITION IN WATER ROUTES.

	Per ton per mile.
New York Central Railroad	$0 00.88
Pennsylvania Railroad	00.88
New York, Erie and Western Railroad	00.84
Philadelphia and Erie Railroad	00.56
Lake Shore and Michigan Southern Railroad	00.75
Michigan Central Railroad	00.842
Pittsburgh and Fort Wayne Railroad (for 1879, for 1880 not given)	00.76

RAILROADS NOT COMPELLED TO MEET WATER-ROUTE COMPETITION.

	Per ton per mile.
Boston and Albany Railroad	$0 01.20
Chicago, Burlington and Quincy Railroad (for 1879, for 1880 not given)	01.023
Chicago and Northwestern Railroad (for 1879, for 1880 not given)	01.49
Chicago, Milwaukee and Saint Paul Railroad (for 1879, for 1880 not given)	01.76
Chicago, Rock Island and Pacific Railroad (for 1879, for 1880 not given)	01.21
Erie Canal rate for 1880	0 00.49

Thus it will be seen that the four leading trunk railroads running to Chicago from the Upper Mississippi Valley States maintained an average of .63 of a cent per ton per mile freight charge in excess of the average freight charge of seven other trunk railroads eastward of Chicago, where tariff rates were, as Mr. Fink has explained, constantly under the control of the potentially operative competition of the water routes of the lakes and the Erie Canal. The fact thus cited to attention is a very important one. Its existence is urged as furnishing an argument for the opening up of an extension of the water route of the lakes to the Upper Mississippi so strong that its force can neither be moderated nor escaped.

Is any more argument necessary? Will any more be required to support the proposition that if the Government of the United States will do its duty to the people and construct this canal the people of the Northwest can save 50 per cent. over present rates of transportation, and 50 per cent. would amount to over $10,000,000 annually? And when you add to that a corresponding saving of 50 per cent. to the Eastern people on their manufactured goods and other products, that would be a saving of $10,000,000 to them, making an annual saving over present rates of $20,000,000. Thus it can be seen with the naked eye that the saving over present railroad rates in one year would build the canal three times. Hence, in the light of the foregoing, will any gentleman on this floor contend for a moment that this internal (not, as it is sometimes termed, "infernal") improvement is not worthy, meritorious, and necessary? This is no local matter, for cheap transportation benefits the consumers and producers alike. It is true the farmers are more urgent in demanding these improvements, because cheap transportation is indispensable to foreign markets for their surplus grain. And is there any question more seriously agitated by the public to-day, or of so much importance as to guard with zealous care the agricultural interests?

For you all know it has been the greatest factor in the commercial prosperity of this nation, and will continue to be, if right and justice is done. You may ask what special rights the farmer has over any other class for consideration. I will answer: They have all the right which the furnishing of 80 per cent. of all our exports during the last sixty years can give them, and they have the further right—they furnish the production from whence comes our internal revenue.

So, you see, all the other interests combined export only one-fifth as much as the farmers, and any one of them has received five times as much care, aid, and protection from this Government. Will this continue? If we act wisely it will not, but if we act unwisely, and fail to do our duty by constructing this canal and improving all our water ways, thereby increasing our facilities and reducing the present cost of carriage, we will find that our producing rivals, Russia, Australia, and India, will supply the Liverpool market instead of the United States of America. For if that market takes its supply from these nations, our surplus will be a burden; and, believe me, this is no dream of fancy, for a casual investigation will show the situation and danger.

Will any one deny that it is a maxim of commercial law "that man will buy where he can buy the cheapest, and sell where he can sell the dearest?" And hence, is it not a mathematical conclusion that the saving of 5 to 10 cents per bushel on our hundreds of millions of surplus, in its carriage, would find a demand that if not saved it would not? And is it not wise and just to protect our farmers, and let them enjoy in the future, the same as in the past, the sunshine and comfort that $200,000,000 will furnish from the sale of these surplus products abroad? For if we have a foreign market, that is the amount we will receive.

Yes, my friends, investigation tells us that we have to-day formidable competitors in the Liverpool markets, and their growth and strength increases daily. We learn that India, one of our competitors, sent her first trial cargo to Liverpool in 1872. In 1875 she sent 1,500,000 bushels of grain. She kept on increasing yearly until in 1882 she shipped over 37,000,000 bushels of wheat; which increase has continued until last year she shipped 74,000,000 bushels, being three-fourths as much as the United States exported in 1880. Now, I ask in all candor, is not this conclusive that this competition is real, substantial, and permanent?

Supply and demand is the arbitrary rule that fixes prices, not by force of imagination or supposition, but by mathematical calculation. And remember there is no protection, low or high tariff, to aid or assist our honest farmers in finding a market for their surplus products.

But it is said canals are played out, and this age and generation are too progressive; that we have not time to give them thought or consideration; and I fully realize that before you can convince you must be heard, and you can not be heard without attention. And while I am satisfied that all things have their day and generation, do we not believe in resurrection and reform? And how often do we find reform absolutely necessary in all departments of life, for we have ups and downs in life the same as "puts and calls."

Yes, Mr. Chairman, history tells us that during the latter half of the eighteenth century there was a greater rage for canals than for railroads. In the third quarter of this—the nineteenth—century it was the reverse, and I am of the opinion that the latter part of this century will ever be famous for the canals constructed.

In England and Wales they have 4,332 miles of inland water ways, of which 2,919 are canals, and the total cost is estimated at $100,000,000.

Russia has 900 miles of canal, which, in most instances, unite head-

waters of rivers that have their outlets at opposite extremities of the continent.

Sweden abounds in lakes which cover 14,000 square miles, with no navigable rivers except those which have been made so by internal improvements and canals. Sweden has nevertheless great internal navigation, her lakes, rivers, and bays being connected by over 300 miles of canals. There is direct water communication between the Baltic Sea and Gothenburg, and the distance from Stockholm to Gothenburg is 370 miles—one 50-mile canal, and the same distance along the Baltic; the balance of 270 miles is through lakes, bays, and rivers, and thus made made navigable.

Germany had in 1878 1,250 miles of canals, 70 in number, which are being increased annually.

Holland has 930 miles of canals and 340 miles of river navigation. The North Holland Canal, 52 miles long and 16 feet deep, is the greatest work of its day. It was constructed from 1819 to 1825 at a cost of $4,500,000.

France has the Canal du Mede, which unites the Atlantic with the Mediterranean and Bordeaux with Cette. The celebrated canal of Languedoc was built from 1667 to 1681—two hundred years ago. It is 171 miles in length and 5 feet 3 inches deep. It seems France has 8,120 miles of inland water transportation—by river, 4,997 miles, and canal, 3,123 miles. Actual cost of these canals, $163,690,715; for river improvements, $67,785,152, being a total, up to 1872, of $231,475,867 expended by France for internal improvements; and in the face of this, in 1878 the estimated cost of canals and other internal improvements yet to be completed and constructed, $200,000,000 more. Hence it will be seen that France, with a standing army of over five hundred thousand men, three hundred and two ships of war, and fifty thousand marines, at an annual cost of $115,000,000, a public debt of four and three-quarter billions, almost double the amount which our national debt ever was, and a population of only 37,000,000, has expended on her water ways double what we have. And now, Mr. Chairman, I wish to contrast the action and expenditure of France for cheap water transportation with the United States, for an examination will tell us that our Government has only expended for all kinds of internal improvements since its foundation the small sum of $111,000,000; and out of this sum canals have only had a trifle over $10,000,000.

Mr. Chairman, shall the nations of the Old World teach us the duties of the hour? Are we willing to yield the proud position of leader in the world's proud march of progress to which we have been called by the god of nature?

This nation of ours, administered by the people and for the people, should not rest until our national water ways that are navigable are made perfect and complete by water connections like this canal.

Yes, this canal is demanded by every reason which should influence statesmen to legislate for the good of the people.

Will any one deny that the industry of our country is paralyzed for the want of money which lies locked up in the Treasury, and if paid out only on Government bonds will not aid or assist the commercial interests of our country or find bread and meat to the poor and needy who are willing to work early and late to keep gaunt want and wretched poverty from darkening their firesides? Yes, Mr. Chairman, we will do our duty and pay out, I hope, millions of dollars that are now rusting in the Treasury for this and other much needed public works, which action will result in a blessing to our people whose representatives we are, and thereby warm the firesides and gladden the hearts of thousands of our fellow-citizens by giving them employment and thereby put bread into the mouths of their suffering families.

And in this connection I wish to call the particular attention of this House to a question asked by our friend BLANCHARD, from Louisiana, and the reply thereto of Hon. J. C. Dore, of Chicago, when before the Committee on Rivers and Harbors at this session of Congress.

Mr. BLANCHARD said: "Would it not be proper to say, if we were to take one-half of what it costs France, England, or Germany to maintain their standing armies—such armies as we do not maintain—and put that in improvements, it would accomplish a great deal of good?"

Mr. Dore, answering, said: "Inferentially I am on the same line. The United States has no such burden. It is a common saying that we have no navy, and our Army is little more than sufficient for a national police; and yet, forsooth, with an immense annual surplus of revenue, how many of our legislators will say this great nation of sixty millions of people, and having now fifty billions of dollars of wealth, can not afford to spend $25,000,000 annually on internal improvements? If we intend to compete with other nations in the markets of the world we must adopt the same means to insure success, if we can not do better. If we do not, we shall not deserve success and will continue to be beaten as we are now."

And, gentlemen on this floor, are we ready to yield the proud position of leader in the world's grand march of progress? Are we willing to allow our foreign market to be taken from us and captured by foreign rivals?

Mr. Chairman, I have no interest in this subject, except the interest I take in all things that concern the honor and welfare of my country and its prosperity. We are to have a hard struggle to keep our lead as a food-supplying country, and we must give up the delusion that Europe depends upon us for food, for it will only buy of us if we can deliver at the lowest cost. The delusion that the Old World depends upon us for food stimulates extravagance in Congress and corruption in legislatures. If we fail to uphold our water routes as protection against unwise and unjust charges for transportation, we will suffer in the future. Yes, Mr. Chairman, it is estimated that the United States can produce to-day enough to supply 100,000,000 of people, while our consumption is for 50,000,000, so that we have a surplus of 100 per cent. What is to be done with this surplus if we can not compete and find a market abroad? Must it not rot in the storehouse? And in this connection I wish to call your close attention to a vital fact, and upon which rests our future prosperity, and that fact is a self-evident truth. If we have a market where we can take and sell our surplus products we will prosper, but if we have not we will not. To provide a market for our surplus is the question, for in my judgment our want in the near future is a market for our products.

To-day our want is supplied by a foreign demand, but who is bold enough to assume that it will continue with the sharp competition of rival nations that are to the front to-day? In that competition we can only hope to be successful by a cheaper transportation to the seaboard. Hence it is that the united producing interests of this country demand with one voice that Congress shall make the necessary appropriations to improve our natural water ways and construct artificial ones, when they form a connecting link, like the Hennepin Canal, to the end that our prosperity in the past will be enjoyed in the future, for without a market our surplus would be a burden; and remember, you never miss the water till the well runs dry. And, Mr. Chairman, I say how we are to provide, keep, and hold a market for what we have to sell is one of the most important subjects that can command the attention and respect of American statesmanship, for good statesmanship will not only provide for the present, but, if wise, will look into the future. So I may say that the construction of this water way by the General Government is needed and demanded, and that demand is voiced by the merchants and manufacturers of the East, seconded by the consumers of western products, and echoed back by ten millions of the producers of the Northwest, who have sweat and toiled, early and late, in the useless effort to contend by labor and patient toil against the unjust charges and willful extortions of railroads.

And, Mr. Chairman, in this statement I am but echoing the refined wisdom of that distinguished statesman, President Monroe, who in his first message to Congress said. I quote:

> When we consider the vast extent of territory in the United States, the great amount and value of its productions, the connection of its parts, and other circumstances on which their prosperity and happiness depend, we can not fail to entertain a high sense of the advantage to be derived from the facility which may be afforded in the intercourse between them by means of good roads and canals. Never did a country of such vast extent offer equal inducements to improvements of this kind, nor ever were consequences of such magnitude involved in them.

Yes, Mr. Chairman, they are of great magnitude. Now, take this link in water connection—the Hennepin Canal—which connects the Mississippi River and its tributaries and our great inland lakes. Look at the map attentively; study it carefully. The now called Michigan and Mississippi Canal will carry freight from the Mississippi River to Lake Michigan at Chicago, and from thence the lakes will carry it to Buffalo, thence by the Erie Canal and the Hudson River to New York city, and from New York city by water around the world.

And, Mr. Chairman, if a single doubt rests in the mind of any gentleman on this floor I feel confident it will be removed when his attention is called to an article published in the New York Herald, prepared by that well-known writer on water ways, Col. Alexander D. Anderson, of New Orleans. He says:

> Of the hundreds of streams which comprise the Mississippi River system forty-three are navigable, and either intersect or border twenty-one of the forty-seven States and Territories.
>
> These twenty-one States and Territories contain 51 per cent. of the nation's area and 58 per cent. of the population.
>
> The heads of navigation of the respective rivers are designated by cross marks on the accompanying diagram.
>
> The total mileage of the forty-three rivers is 15,640.
>
> The mileage of navigation attaching to each of the twenty-one States and Territories is approximated as follows:

Arkansas	2,100	Indian Territory	720
Missouri	1,870	Minnesota	660
Louisiana	1,650	Wisconsin	560
Mississippi	1,380	Ohio	550
Montana	1,310	Texas	440
Dakota	1,280	Nebraska	400
Illinois	1,270	West Virginia	390
Tennessee	1,260	Pennsylvania	380
Kentucky	1,230	Kansas	240
Indiana	840	Alabama	200
Iowa	830		

PRODUCTS OF STATES INTERSECTED.

> The above-mentioned twenty-one States and Territories, which are either intersected or bordered by the navigable portions of the Mississippi and its tributaries, produced during the last census year 98 per cent. of the sugar, 94 per cent. of the coal, 89 per cent. of the corn, 81 per cent. of the pig-iron, 76 per cent. of the oats, 74 per cent. of the wheat, 68 per cent. of the cotton, 65 per cent. of the tobacco, 60 per cent. of the hay, 57 per cent. of the forest products, 56 per cent. of the wool; and contained 82 per cent. of the swine, 77 per cent. of the mules, 74 per cent. of the horses, and 73 per cent. of the cattle, other than working oxen and milch cows.

Their total grain product during the last census year was as follows, in bushels:

Indian corn	1,558,358,656
Wheat	342,230,515
Oats	310,271,709
Barley	18,868,089
Rye	13,947,824
Buckwheat	5,082,580
Total	2,248,779,373

In other words, the States and Territories tapped by the navigable portions of the Mississippi River system produced grain to the extent of 44 bushels for every man, woman, and child, as enumerated in the census of 1880. They are, then, not only the granary of the nation, but of the world.

And, Mr. Chairman, it is with pride as well as pleasure I take this opportunity of saying that our esteemed friend, Colonel Anderson, could not and did not forget to mention this canal improvement, and I now read his concluding statement:

In addition to this grand showing for the mighty Mississippi, the Michigan and Mississippi Canal, 74½ miles long, will connect this great river water-way system with our inland lakes—over 2,000 more more miles of water-way—it will cost the people of the United States only $5,000,000 to build it entire, and it will save to the people in return each year, on freight, not less than $50,000,000. And the Dixon Sun with heart and soul says, Let Congress, for the people, build it, and build it promptly!

Mr. Chairman, I ask in all candor if there ever was a canal constructed by the hand of man upon God's "green earth" that formed a link by its construction, and thus connected navigable waters, that did not prove worthy and meritorious? Hence is it rash to conclude that if you will build this canal its benefits to commerce are guaranteed and certain? Take for example and by way of illustration its twin sister, the Saint Mary's Falls Canal, which connects two great waters of the lakes. It was constructed by a donation of Government land, like many railroads constructed by the same aid, and is to-day a private corporation. And be it said to the honor and manliness of the people of that section they are praying to have Congress make an appropriation and purchase it, so that it will be a free water route, and then they will not be burdened by its toll charges. That canal was constructed and put in operation in 1855, and the following table will show its increase in transportation in twenty years; and allow me to say this is no Munchausen dream, for I was furnished this statement by the Civil Engineers Department a few days since:

Tonnage carried through Saint Mary's Falls Canal; registered tonnage used to 1880 *inclusive, freight tonnage since.*

1855	100,000	1871	750,000
1856	100,000	1872	920,000
1857	180,000	1873	1,200,000
1858	225,000	1874	1,060,000
1859	350,000	1875	1,260,000
1860	400,000	1876	1,540,000
1861	280,000	1877	1,440,000
1862	360,000	1878	1,660,000
1863	510,000	1879	1,680,000
1864	570,000	1880	1,740,000
1865	420,000	1881	1,560,000
1866	460,000	1882	2,080,000
1867	560,000	1883	2,260,000
1868	440,000	1884	2,870,000
1869	525,000	1885	3,200,000
1870	680,000		

This tonnage, if oats, would be 208,750,000 bushels; if corn, would be 116,428,571⅔ bushels; if wheat, would be 108,666,666⅔ bushels.

Mr. Chairman, the report or our Committee on Railways and Canals that I have read in my opening remarks shows conclusively that no water improvement of any kind, no matter where located, has received the indorsement that this one has. But as the Produce Exchange of New York is one of the largest and oldest commercial bodies of this country I wish to call particular attention to their action and memorial.

To the board of managers of the New York Produce Exchange:

Your committee on trade, to whom has been referred the question of application to Congress for the building of the Hennepin Canal by the United States, have given to this subject the attention demanded by its important bearing on the internal commerce of the country, and respectfully report as follows:

In the opinion of your committee there can be little, if any, question that the proposed opening of a water way from the Mississippi River to the Illinois and Michigan Canal and the great lakes promises highly advantageous results not only to the Northwest States but to the whole northern country east of the Mississippi River. Besides furnishing new means of transport to the Atlantic seaboard for the produce of Iowa, Minnesota, Nebraska, and other grain-producing States, such a canal would also act as a welcome regulator of railroad freights in the Northwest.

There can be little question, also, that neither private enterprise nor the State of Illinois, within whose territory the canal would be situate, nor any other State directly benefited, nor all these combined, will or can undertake an enterprise which is sure to meet the determined opposition of the railroad interest.

The question before us therefore simply is: Shall the United States build and maintain this canal, and can this exchange, in view of the well-grounded opposition to the policy of internal improvements in general, consistently recommend such action on the part of the General Government?

After mature consideration your committee have come to the conclusion that this question should receive an affirmative answer from your board, and for the following reasons:

The ground on which the Hennepin Canal is to be built has been repeatedly surveyed with a view to that improvement by the United States Government and by other competent parties. The practicability of the project has been established and the cost has been reliably ascertained. The scheme therefore can not be classed with a large number of internal improvements annually brought before Congress, which are indefinite in their scope and in the results expected, and of uncertain cost.

The Hennepin Canal further differs from many of those proposed improvements in so far as it is sure to benefit a very large section of the country, our own State included. The General Government, further seems to be committed to an extensive improvement of the Mississippi River, of which the Hennepin Canal may justly be considered part and parcel; and the fact that its construction would inure to the benefit of the Northern States east of the Rocky Mountains only strengthens its claim on the whole country, which for a long time to come is, according to the policy already adopted, to be taxed to the improvement of the Mississippi River in its southerly course. Your committee therefore feel justified in recommending to your board the adoption of the following preamble and resolutions:

Whereas the completion of a water way from the Mississippi River to Lake Michigan by the construction of the Hennepin Canal promises to realize advantages of national importance; and

Whereas there are insuperable obstacles in the way of having such improvement carried out by private enterprise or by the States immediately benefited; and

Whereas the building of the Hennepin Canal may justly be regarded as part of the improvement of the Mississippi River: Therefore,

Resolved, That in the opinion of the New York Produce Exchange the United States Government should undertake to build the Hennepin Canal and to maintain the same free for all time to come.

And further resolved, That our Senators and Representatives be requested to join the Representatives of other States in providing the necessary legislation for carrying out this plan.

L. F. HOLMAN,
Chairman.
JOHN SINCLAIR.
WALTER CARR.
SAML. S. CARLL.
GUSTAV SCHWAB.

NEW YORK, *December* 19, 1881.

Mr. Chairman, I fear I have committed waste upon your patience, and my only apology is my zeal and earnestness. I have long since been impressed with the importance of this canal project; that impression has grown into a conviction; and in conclusion I thank you most sincerely for your indulgence and beg of members on this floor to vote for this bill, for our Government in the past has shown a genius for improvement aided by many practical ideas, an indomitable industry that has electrified the world. Will she now sit idly by and allow natural commerce, that by right of legitimacy belongs to her, to be lost by inaction? If she does, that monument of honor and glory which proudly stands in this city, and was erected by the hand of progress, will crumble into dust and return to mother earth that bore it.

Mr. ROWELL. Mr. Chairman, I do not think there is any danger of overestimating the importance of this transportation question. My friend on the right asks me if I meant to say there was no danger of the passage of this bill. If I thought there was no chance for its passage I would not waste breath in talking about it to the House.

To my mind upon the wise solution of this question of transporting freight throughout the United States depends the future prosperity of this country. If there was any possibility of turning a question of this character into a partisan one by which votes could be lost or won, then there would not be any question of the attention of this House to the discussion upon this bill, every man's ears would be open and every man seeking to understand the question involved. But because this is purely a business question affecting the pockets and the prosperity of the people, out of which by no possibility can grow partisan politics, we become indifferent and drift apart, and so cast our votes upon the final issue without a real understanding of the merits of the case.

Our railroad system, the wonder growth of the nineteenth century, has opened up the great wilderness of the United States. It has peopled this vast country with the freest and most intelligent people the world knows anything about. It has brought into neighborly intercourse the people on opposite sides of the continent. It is breaking down the barriers of provincial civilization and molding us into a homogeneous people. But with this system which has done so much for the United States and for all the world, with this miracle-working system have come those evils which always go hand in hand with the greatest good. I never knew in all my personal observation or in my reading a blessing to be conferred upon humanity without finding right by the side of it a curse; and the business of legislation is to minimize the evil and get the most out of the good. Competition in most instances between railways alone has proved a failure as a safe regulator of charges.

The facility for combination and the skill of railway management have been too strong to permit the benefits expected in this direction.

Railroads are in the very necessity of the case monopolies. You can not make anything else out of them. The cost of construction, the immense consolidation of capital necessary to build a long line of road, makes a pre-emption of the country through which it goes not only possible but necessary. Legislation thus far has proved without effect in the way of controlling this monopoly and preventing it from having its natural growth—the natural growth of the power of consolidated wealth, the natural growth of the power arising from the pre-emption of any particular section of the country and the absolute control of the commerce and trade and traffic that pass across it.

While I do not despair of beneficial results from legislation yet to be had, I am quite sure we must seek it in other channels than those now advocated before any real relief will be had.

One solution and one only thus far has presented itself to the American people. Wherever water transportation has been made effective it has solved the whole question of cheap transportation and has been worth volumes of statutes upon that question. Wherever railroads

have been obliged to compete for traffic with water routes this question has always settled itself.

Chicago has become the metropolis of the great West because located at the lower end of Lake Michigan, with a complete water course through the great lakes and the Erie Canal to the Atlantic seaboard. It has been able to gather in the great grain crops of the Northwest, in order that they might obtain the advantages of water competition thence to the markets of the East and the Old World. All over the Western country freights take the shortest routes to Chicago. You do not need legislation to control the railway traffic from thence to the Atlantic.

The lakes and the canal control whenever the summer months melt out the ice and allow competition between the water ways and the railways; and we get the benefit of it largely in the winter as well as in the summer. Because of the fact that the lines of railway extending eastward from Chicago and paralleling those lines farther north and farther south—because those roads have to compete in the summer, they are compelled to study cheaper methods of transportation, they are compelled to economize, to straighten out their lines, to make smaller grades, and to do all those things that wise men may do to enable them to compete with the lake routes and still make dividends for their stockholders. And so in the winter, where the water ways are ice-bound, we get the benefit of that economy; we get the benefit of the study of the railway men to make profits and to cheapen railway transportation. So all through the West we have the unparalleled low rates of transportation from Chicago, and the only trouble is when you get beyond and out of the line of water-route competition.

Now, the proposition of this bill is simply to extend Lake Michigan 500 miles westward to Saint Paul. That is the whole of it. When you figure it all down, when you strip it of all outside issues, and get away from the multitude of figures that only confuse the mind, the simple question for this House to pass upon is whether it is worthy of the attention of the United States and of the American Congress to consider the question of moving Lake Michigan 500 miles into the interior and penetrating the very heart of the great wheat fields of the Northwest. That is all there is of it. You build a canal almost straight from the southern end of Lake Michigan to the Mississippi River, and then for 400 miles more you pass up with good transportation to Saint Paul. There you are in the center of another railway system that brings there the great grain crops of all the Northwestern country.

It is 500 miles more of water competition—I will not say transportation, for I believe—and I propose to deal with all questions fairly—I believe that in the future the great body of the crops of the West moving eastward and the products of the East moving westward will be transported by rail as they are to-day. To my mind, it does not make any difference whether there is only one canal-boat a day passing over that canal, or whether there are a thousand, any more than it makes any difference whether Lake Michigan is whitened with the sails of commerce or whether the sight of a schooner is only occasionally presented to us there. So long as the lakes exist, so long as the Erie Canal is open, just so long will the price of freighting eastward be very largely controlled by the cost of freighting around by the water ways. And the same is true of Saint Paul and all the tributary country along the line between Saint Paul and Chicago. So long as you have this cheap canal across from the lake to the river, and so long as you have the Mississippi open for barge and steamboat transportation to Saint Paul, just so long will it be impossible for those who control any other method of transportation to charge much more than the cost by the water way. Therefore if you build this canal it becomes the regulator of railroad rates 500 miles farther westward into the very heart of that country which supplies the East and the Old World with bread; it necessarily cheapens the cost of that transportation, and if it does that it adds something to the profit of the farmer, it takes off something from the cost to the consumer, and all the people, producers and consumers alike, are benefited by the lessened cost of producing and carrying to market. It may be said that this is a State enterprise, and that Illinois ought to build this canal. We know, as matter of history, that New York built the Erie Canal, and because New York built that canal we may be told on this floor that Illinois ought to build this canal to the Mississippi. I call the attention of gentlemen to the fact that the circumstances in the two cases are entirely different.

The Erie Canal was built before the days of railroads. I remember, when a boy, emigrating to the Western country, passing across the whole State of New York upon the Erie Canal, and I never lost the impression that I received then of the magnitude of the great West from seeing the tremendous amount of commerce that was passing over that canal at that time. When the Erie Canal was built all Western New York, as well as the farther West, was shut out from market. Its building brought the richest part of the State of New York into a condition to be settled up and made productive, but it did more than that. It directed the commerce of all the great West down to New York city and made that city the commercial metropolis of the New World.

But, Mr. Chairman, suppose that canal did not exist, and this House were asked to build a canal across the State of New York, I ask gentlemen upon this floor, in view of all that canal has done, and all that it is doing, in the way of cheapening traffic between the East and the West, could there be any reason offered here against its construction except that it would take some money out of the Treasury? Who of us would consent that the project should be abandoned? Who that represents the great State of New York upon this floor would for a moment consent that that great water way, which conveys the commerce of the West down to the seaboard at New York city, should be closed up, even if the Congress of the United States had to be called upon to appropriate money to keep it open? It does not need, as I have already said, that all this commerce, or even the most of it, shall go by the canal; it does not need that the railways shall cease to carry the great bulk of that commerce; it simply needs that there shall be in existence a water way on which boats can float; then, because of the existence of that water way, the railroads must conform their charges to the rates established by its competition.

Why, Mr. Chairman, it is within your memory and mine—it is only a few years ago—that the railways of Illinois traversing that State parallel with the line of the Illinois River and Canal put their freights down so low that the canal could not pay expenses; the purpose being to close it up and force its abandonment so that it should no longer compete with them. Immediately the Legislature of the State appropriated a certain sum of money to keep up that canal. Every year from that time such an appropriation has been made, but not one dollar of it has ever been called for or used in keeping up the canal, because when the power of the State was found to be behind it there was no railroad company so foolish as to suppose that it could be broken down by competition, and thenceforward they have been satisfied to take such reasonable rates as water competition has compelled them to accept.

Mr. Chairman, I have no more interest in this canal than any other member upon this floor. No portion of my district is within 80 miles of it; no portion of the products of my district will ever be transported over it, unless the great Northwest shall cease to compete with us in feeding the world. This canal simply crosses the State of Illinois. We have the lakes. They influence freight all over the north half of our State, whether the roads run into Chicago or whether they do not. This canal is to do for the wheat-fields and the corn-fields of Iowa, Nebraska, and Minnesota what the lakes and the Erie Canal have done for the wheat-fields and corn-fields of Illinois. That is all there is of this canal. It is a national enterprise. If it is to the interest of New York and New England to send the products of those States into the Northwest, if it is to the interest of Pennsylvania to send her coal and her iron into the Northwest, it is also to the interest of the eastern half of this country to get the wheat, and corn, and oats, and whatever other products the rich farms of that region yield, down to the seaboard with just as little toll as possible.

There is no part of this country that will not feel the effects of such cheapening of transportation as will be effected by penetrating inland into the great wheat-fields 500 miles more. Chicago may get some special benefit by the increased business brought there. Our local labor market may be benefited, and I hope it will be; but these are only incidental advantages, which do not change the national character of the enterprise.

I can see no objection that any gentleman can raise if he admits the premises. If he admits that the building of this canal will cheapen transportation to the extent of a fraction of what is claimed by the special friends of the bill, he admits the whole case, unless he has constitutional objections to building any public improvement at the expense of the nation. I say when that is admitted that is all there is of the case.

Wherever ship-canals have been built, wherever navigable rivers come in conflict with railroad transportation, the things which I claim for this canal have taken place. Why, sir, in the discussion of the question of regulating railroad freights, when we propose to fix a certain rate we are met with the objection that wherever the railroads come into competition with the water ways they must have the privilege of cutting down their rates in order to get traffic. So it is everywhere. Take the city of Peoria, in which my colleague, Mr. WORTHINGTON, resides, the second city in the State of Illinois in population, in wealth, and in business. Why, its great distilling interests, the largest in the United States, have been built up because Peoria is in direct water communication with the Atlantic seaboard.

[Here the hammer fell.]

The CHAIRMAN. The hour within which this bill may be considered under the rule has expired, and the Committee of the Whole will rise.

Mr. ROWELL. I reserve the residue of my time.

The CHAIRMAN. The gentlemen has ten minutes of his time remaining.

The committee rose; and the Speaker having resumed the chair, Mr. SPRINGER reported that the Committee of the Whole House on the state of the Union had had under consideration the bill (H. R. 5869) to provide for the acceptance by the United States of the proposed grant of the Illinois and Michigan Canal, and all its appurtenances, from the State of Illinois, and for the construction of the Illinois and Mississippi River Canal, and had come to no resolution thereon.

ENROLLED BILLS SIGNED.

Mr. NEECE, from the Committee on Enrolled Bills, reported that the committee had examined and found truly enrolled bills of the following titles; when the Speaker signed the same:

A bill (S. 150) to quiet title of settlers on the Des Moines River lands in the State of Iowa, and for other purposes;

A bill (H. R. 3827) to remove the political disabilities of Thomas L. Rosser, of Virginia;

A bill (H. R. 3846) to remove the disabilities of Alexander P. Stewart, of La Fayette County, Mississippi; and

A bill (H. R. 4409) to remove the disabilities of Edward G. W. Butler, of Missouri.

LEAVE OF ABSENCE.

Mr. PRICE, by unanimous consent, obtained leave of absence for ten days, on account of important business.

PENSION APPROPRIATION BILL.

Mr. TOWNSHEND. I move that the House resolve itself into the Committee of the Whole on the state of the Union for the purpose of considering the pension appropriation bill.

The motion was agreed to.

The House accordingly resolved itself into Committee of the Whole on the state of the Union (Mr. CRISP in the chair), and proceeded to the consideration of the bill (H. R. 5201) making appropriations for the payment of invalid and other pensions of the United States for the fiscal year ending June 30, 1887, and for other purposes.

The bill was read.

Mr. TOWNSHEND. Mr. Chairman, it is perhaps proper that the report of the Committee on Appropriations, which accompanies this bill, should be read.

The CHAIRMAN. The report will be read.

The report (by Mr. RANDALL) was read, as follows:

The Committee on Appropriations, in presenting the bill making appropriations for the payment of invalid and other pensions for the fiscal year 1887, submit the following in explanation thereof:

The estimates upon which the bill is based will be found on page 149 of the Book of Estimates for 1887, and amount to $75,830,200.

The accompanying bill appropriates $75,754,200, apportioned as follows:

For the payment of pensions	$75,000,000
For fees and expenses of examining surgeons	500,000
For salaries of pension agents	72,000
For clerk-hire	150,000
For rents	20,000
For fuel	1,200
For lights	2,000
For postage, stationery, and incidentals	9,000

The amount for payment of pensions is increased over the sum appropriated for 1886, $15,828,000.

The amount for examining surgeons is the same as was given for the current year.

The salaries of pension agents is fixed by law; consequently no change is made in the amount for their compensation as compared with the sum given for 1886.

A reduction of $73,800 is made under the sum which was given for 1886 for clerk-hire, rent, fuel, lights, postage, stationery, and incidentals for agencies, in accordance with the estimates submitted and the law approved March 3, 1885 (Statutes at Large, volume 23, page 362).

No reduction is made in any item of the estimates except that for fees of examining surgeons, which is reduced $76,000, and made to conform to the sum given for 1886 for that service.

The total increase of the bill over the amounts appropriated for 1886 is $15,754,200.

The provisions of the bill are based upon existing law, and without regard to any legislation that may hereafter be enacted.

The bill contains no new legislation.

REFERENCES.

Section 4755 of the Revised Statutes provides that Navy pensions shall be paid out of the "Navy pension fund," upon an appropriation by Congress, so far as the same may be sufficient.

The naval pension fund at present amounts to $14,000,000, bearing interest at the rate of 3 per cent. per annum, and is created under the provisions of sections 4751 and 4752 of the Revised Statutes.

The payments on account of Navy pensions during the fiscal year 1885 aggregated $850,135.84.

The compensation of pension agents is fixed by the act of June 14, 1878 (Supplement to the Revised Statutes, pages 347 and 348), by the act of July 4, 1884, and by the act of March 3, 1885 (Statutes at Large, volume 23, pages 99 and 362).

The compensation of examining surgeons is fixed at $2 for each examination by section 4 of the act of July 25, 1882 (Statutes at Large, volume 22, pages 175 and 176), and the act of March 3, 1885 (Statutes at Large, volume 23, page 362).

Number of pensioners on the roll, annual value of pensions, and disbursements on account of pensions, 1879 to 1885, inclusive.

Years.	Number of pensioners on the roll.	Annual value of pensions.	Disbursements on account of pensions as reported by the Treasury.
1879	242,755	$25,493,742 15	$35,121,482 39
1880	250,802	25,917,906 60	56,777,174 44
1881	268,830	28,769,967 46	50,059,279 62
1882	285,607	29,341,101 92	61,345,193 95
1883	303,658	32,245,122 43	66,012,573 64
1884	322,756	34,456,600 37	55,429,228 06
1885	345,125	38,090,985 28	56,102,267 49

DEPARTMENT OF THE INTERIOR, PENSION OFFICE,
Washington, D. C., January 27, 1886.

SIR: I have the honor to acknowledge the receipt of your request of to-day for a statement giving the amounts expended each year from 1879 to 1885, inclusive, and properly chargeable to the acts of January 25 and March 3, 1879.

In response, I have to submit the following:

1879	$3,797,646 89
1880	12,504,075 50
1881	25,962,259 31
1882	28,200,119 88
1883	34,741,580 50
1884	22,451,997 25
1885	26,842,362 84
Arrears paid to June 30, 1885, in cases on roll January 25, 1879	24,904,800 87
Total	179,404,872 00

Very respectfully,

JOHN C. BLACK,
Commissioner of Pensions.

Hon. SAMUEL J. RANDALL,
Chairman Committee on Appropriations,
House of Representatives.

Mr. TOWNSHEND. Mr. Chairman, the Committee on Appropriations has instructed me to present to this House the bill making provision for the payment of all invalid and other pensions for the fiscal year ending June 30, 1887.

This bill, with the exception of the salaries of the clerical force employed in the Pension Office at Washington, appropriates the money to pay the allowances granted by law to all pensioners of all wars.

The committee has recommended that $75,754,200 be appropriated for the items mentioned in this bill, as follows:

For the payment of pensions	$75,000,000
For fees and expenses of examining surgeons	500,000
For salaries of pension agents	72,000
For clerk-hire	150,000
For rents	20,000
For fuel	1,200
For lights	2,000
For postage, stationery, and incidentals	9,000

This sum increases the amount appropriated at the last session for the present year $15,828,000. This increase is rendered necessary by the accelerated disposition of the immense number of claims which have for years accumulated in the Pension Office, and does not mean any actual increase in the ultimate cost of the pension-roll. In fact, the sooner the pending claims are disposed of, although for the time being the aggregate amount is swollen in size, yet economy will be accomplished, because then the clerical force and other expenses attending the adjustment of claims are proportionately decreased. The Commissioner of Pensions assures me that with the present rapid progress his office is making in the disposition of claims he expects within twelve months to finish the consideration of all of the 171,000 claims he found pending in the office when he was appointed last March. This demonstrates that the efficiency of the force in the Pension Office has greatly improved. It is far better for the claimants and the Government that applications should be disposed of as quickly as possible.

The amount for examining surgeons is the same as was given for the current year, but the estimate for the incoming year has been reduced by the committee $76,000, because it believes that the sum which was appropriated for the present year will be sufficient to pay the fees of the examining surgeons for the next year. This is the only reduction made in the estimates of the Department.

The provisions of this bill are based upon existing law and without regard to any legislation that may hereafter be enacted.

In view of the severe criticism upon the legislation of Congress concerning pensions and other claims of soldiers it is proper that I should now devote some attention to the subject.

The sum of money appropriated by this bill is large, but it should be and no doubt will be as cheerfully sanctioned by Congress and borne by the people as the expenditure of any other money out of the national Treasury.

The account with the heroes of the Revolution and their widows has been closed by death. Beginning, therefore, with the war of 1812, this bill includes the pensions allowed to all soldiers of all the wars of the Republic. It is indeed a sacred debt, it being the pecuniary compensation we acknowledge that we owe the soldier for the crippled limb or diseased constitution with which his services to his Government afflicted him. It covers what the Government promises to pay the widow for the life of her husband, the orphan for a father, and a dependent parent for a son.

It is true this bill makes a larger appropriation of the public money than any other which comes before Congress; but, sir, no appropriation is more just, and no money paid out of the Treasury accomplishes more general good than the money expended by this bill. The money thus appropriated is not hoarded up in bank vaults or taken out of the channels of commerce. It is at once put in circulation in every section of the land. A vast majority of pensioners are poor. Necessity compels them quickly to part with the price of their sufferings. Bakers, butchers, merchants, doctors, lawyers, bankers get a share of it. This money quickens trade and dispenses a degree of prosperity throughout the land.

The best use that can be made of the vast surplus in the Treasury will be to pay it out upon meritorious claims for pensions and other

just dues to the soldier. Who can doubt the justice of their claims upon the liberality of the nation or estimate the value of their services. The Mexican veterans endowed this Republic with a larger domain and more wealth than resulted from the war of any other country in any age. California, Nevada, Utah, Colorado, New Mexico, and Arizona, with all their wealth, were purchased with the blood and sufferings of the Mexican soldiers, and yet when in their poverty and old age they appeal for but a pittance of the incalculable wealth they have bestowed upon their country, and at a time when its Treasury is filled with millions it can not use, their appeal is ungratefully, yea, shamefully, disregarded.

What has been done for the Union soldier for his suffering and sacrifices during the late war? Only one-tenth of the number who enlisted have been allowed a pension. The equalization of bounties and their claims for arrears of pension remain unsettled. Not an acre of land has yet been given to him out of the public domain, although more than twenty years have elapsed since the close of the war.

Sir, some insist that danger to our financial standing is threatened by the prospect for payment of such claims of the soldiers. I do not believe it. The financial soundness of no man or nation can be injured by provisions for the payment of just debts. On the contrary such a course strengthens financial stability and increases substantial prosperity.

The money paid on the claims of soldiers is not lost to the country. We simply take it out of the Treasury, where it can do no good, and put it in circulation, where it is greatly needed.

One of the measures against which the loudest outcry is raised and the strongest prejudices are sought to be made against all pension laws is that which proposes to repeal the limitation upon arrears of pensions in claims filed since July 1, 1880. The opposition to that measure is most intense and unrelenting from the moneyed classes who received the richest benefits from the results of the late war.

Sir, I insist that the measure so clamorously assailed can be maintained upon the soundest principles of justice, and its enactment is demanded by good faith and patriotism.

What is the nature and effect of that measure? If adopted it will simply place applicants for pensions who have filed their claims since July 1, 1880, upon the same footing with those who applied before that date, and in all cases when the claim is allowed it grants arrears from the date of discharge. Why should such a discrimination be made? Why should he who filed his claim on June 30, 1880, and before receive arrears of pay extending back to the date of discharge, while pensions allowed in equally as meritorious cases filed next day and since shall only commence from date of allowance?

Why should the applicant living in this city, and who did not prepare his claim until June 30, and put it into the Pension Office a few moments before the close of the office that day, receive arrears, but the soldier living in Illinois, who prepared and put in the mail his claim on the same day, be denied the arrears, as has been held by the Government officials? If as we know in many instances a soldier able to live without a pension refrains from burdening his Government with his claim, but when old age overtakes him or poverty commences to pinch and he finds a need for the help of the Government which he helped and saved in the days of its distress, or as in other cases where the seeds of disease planted during his service have ripened into a disability which deprives him of the strength to maintain himself or family—tell me wherein lies the justice of the law which denies the soldier's right to arrears in such instances?

Sir, the answer is irresistible that the claims of all pensioners to arrears is just, and that the Government has by the act of 1879 already committed itself to the policy of paying them.

The only answer made to these inquiries is that it will cost too much money to pay the arrears. This was the sole ground of opposition to the bill equalizing the bounties of Union soldiers, and resulted in the ultimate loss of the bill passed for that purpose by both Houses of Congress. Sir, the paramount question should be not what such measures will cost, but are they just? This Government will fall from its proud height as the grandest in the world if it shall fail to be just to all classes. If it can, as it has done, afford to be just to its creditors it can afford to be just to its soldiers. In 1869 Congress passed one short bill giving the creditor a bond payable in coin worth par in specie in lieu of a bond payable in greenbacks then worth only 75 cents on the dollar, thereby granting a bounty to the bondholder to the extent of $600,000,000. This bounty, unlike that due the soldier, had not been promised to the bondholder when he loaned his money to the Government.

After thorough consideration of the data found in the Departments the highest estimate placed upon the aggregate cost of arrears of pension under the laws now on the statute-books and that proposed in the bills now pending does not exceed four hundred and eighty-three millions. Now, sir, if you should add to this the cost of equalizing the bounties of the Union soldiers the whole sum would not exceed the bounty granted to the bondholders by the law of 1869.

There were two classes who were directly instrumental in the preservation of the Union during the late war: The bondholder and the soldier. Cupidity was the motive of many of the former; patriotism was the motive of the latter. The first class loaned their money to the Government; the latter class loaned their lives. The bondholder has not only been made whole by repayment of every dollar of the principal, but he has received enormous usury or bounty, if you please. We can never make the soldier whole. We can never repay him for his loan and sacrifices. The manly form which left the side of a loving wife and the care of dependent children, and who fell defending that flag on the battlefield, can never be restored to the desolate home he left behind him. Can we ever restore the crippled limbs and shattered health of those who escaped death in the hospital or on the field? No! And yet when measures are proposed to pay what was promised the soldier at the time his help was called for those who advocate such measures are denounced as demagogues.

The young soldier whose bones whiten a Southern battlefield can never be restored to a heart-broken widowed mother who was dependent on him for protection and support.

Sir, the advocates of popular rights have in all countries and in all ages been denounced by the oppressor as a demagogue. Every noble name which this country has added to the roll of fame has been denounced as a demagogue. It is a word which, when unjustly applied, has ceased to be a stigma. Call me a demagogue if you please, but do not call me unjust or ungrateful.

The charge of demagogism, if true, should visit condemnation on him who is guilty of it; but, sir, he is a white-robed angel compared with the execrable demon of private or public ingratitude.

Let us for a few moments see how the account stands between the Government and the two classes I have mentioned, the bondholder and the soldier.

A very interesting table is appended to the report of the Commissioner of Pensions, which shows what has been paid to the bondholder for the use of the money he loaned, and what has been paid the soldier, his widow and orphans, for life, limb, and health.

It is as follows:

TABLE 25.

Year.	Pensions.	Interest.
1862	$852,170 47	$13,190,344 84
1863	1,078,513 36	24,729,700 62
1864	4,985,473 90	53,685,421 69
1865	16,347,621 34	77,395,090 30
1866	15,605,549 88	133,067,624 91
1867	20,936,551,71	143,781,591 91
1868	23,782,386 78	140,424,045 71
1869	28,476,621 78	130,694,242 80
1870	28,340,202 17	129,235,498 00
1871	34,443,894 88	125,576,565 93
1872	28,553,402 76	117,357,839 72
1873	29,359,426 86	104,750,688 44
1874	29,038,414 66	107,119,815 21
1875	29,456,216 22	103,093,544 57
1876	28,257,395 69	100,243,271 23
1877	27,963,752 27	97,124,511 58
1878	27,137,019 08	102,500,874 65
1879	35,121,482 39	105,327,949 00
1880	56,777,174 44	95,757,575 11
1881	50,059,279 62	82,508,741 18
1882	61,345,193 95	71,077,206 79
1883	66,012,573 64	51,436,709 50
1884	55,429,228 06	47,926,432 50
1885	65,733,094 27	47,014,133 00
Total	765,092,640 18	2,205,019,419 19

The Commissioner failed to add the six hundred millions donated to the bondholder by the law of 1869. But that distinguished soldier and accomplished gentleman, bearing upon his body ghastly wounds received in defending the flag, who presides over the Pension Bureau, most aptly comments on this table as follows:

It will be seen that the sum of $2,205,019,419.19 has been paid from 1862 to 1885 on the interest of the public debt, while that paid for pensions during the same period amounts only to the sum of $765,092,640.18, showing an excess of the former over the latter of $1,439,926,779.01. The citizens may well be proud of both sides of the showing and alarmed at neither.

It is well to think that the great wealth of the land is in close league with its patriotism, and that as the former volunteers now gladly contribute to the national resources, so the nation ungrudgingly bestows its pledged support to its former defenders who are now disabled.

Now permit me to quote the language of a profound thinker, one of our ablest living statesmen and one of the most trusted and trustworthy counselors of the President—the Secretary of the Interior. Hear what he says in his report in comment on this table:

I know of no burden of Government that is more cheerfully borne than that of the pension system. I concur fully in all efforts to demonstrate that it is universally regarded as a noble beneficence, and in the view that when well and cleanly administered it is noble in its purpose and good in its results, diffusing with liberal and just hand the wealth of a wealthy people among those who suffer from the strokes of war and have become impoverished by its misfortunes.

From a statement in the report of the Commissioner it appears that the amount of money paid as pensions does not equal the amount of interest paid upon the public debt incurred during the war. So long as the premium paid to those who contributed the money exceeds that paid to the defenders of the country, I think the complaint of excessive pensions is not well founded.

These gentlemen as well as all who demand justice for the soldier are classed as demagogues by many of those who received the largest gains from the sacrifices and sufferings of the soldier.

Sir, as a citizen of this grand Republic I am proud to know that it matters not what political party may administer the executive department of this Government the interest of the soldier is safe. I sincerely trust that our legislation will soon prove that the interests of all the soldiers of all the wars of the Republic can safely be intrusted to this Congress.

As I have already said, you can not make the soldier whole for his sacrifices in the time of war. This could not be done if we should pass the Mexican pension bill, the arrears-of-pension bill, the bill equalizing bounties, or the bill I have heretofore introduced granting the Union soldier a bounty-land warrant, as has been done with the soldiers of all previous wars, or even if you should do for him what practically Congress has done for the bondholder, make good the difference in value of his monthly wages, which was promised him to be paid in specie, but which he was compelled to accept in greenbacks, at times only worth 60 per cent. in specie.

Much complaint has been made by pension examining surgeons because of delay in the payment of their examining fees. This delay has been occasioned by a construction placed upon the law by the Treasury Department as far back as 1871 by Auditor Rutherford, and reaffirmed by the Treasury officials in 1878, in which it was held that "payments for pension surgeons' fees, &c., should be paid for all time due and claimed out of money appropriated for the fiscal year in which the voucher is presented and paid."

Since then the practice has been to pay the arrears due pension examining surgeons for services rendered in any previous year out of the money appropriated for the payment of fees for services rendered during the current year for which the appropriation was made. By reason, therefore, of the use of money intended for services rendered during the present current year being paid on the claims of services rendered by surgeons in the last and previous years the pay of the present surgeons has been postponed until additional appropriations are made. This decision imposes a hardship upon the present force of examining surgeons, and I do not believe it is a proper construction of the law. Section 3690 of the Revised Statutes provides that appropriations for any fiscal year "shall only be applied to the payment of expenses properly incurred during that year." I do not believe that the fees of pension examining surgeons can properly be made an exception to this statute.

In order to obviate this trouble in the future it is submitted that the better course will be to confine the appropriations of the current year to the payment of services rendered during that period, and provide for any arrears due for services in past years by a direct appropriation in the general deficiency bill. In order that this may be done I shall offer an amendment directing how the money appropriated by this bill shall be used.

At the end of line 39 insert:

And all money appropriated by this act other than for the payment of pensions shall be disbursed subject to the provisions of section 3690 of the Revised Statutes of the United States.

I ask that the following tables, taken from the report of the Commissioner of Pensions, may be appended to my remarks:

TABLE 12.—*Statement of the number of each class of Army pension claims filed since* 1861 *on account of disability or death from causes originating since March* 4, 1861; *also the total number admitted of each class named, arranged according to State or Territorial military organizations.*

States and Territories.	Invalids.		Widows.		Minor children.		Mothers.		Fathers.		Total of all classes.		Number of men furnished by each State, Territory, and District of Columbia, from April 15, 1861, to close of war.	
	Number filed.	Number admitted.	Number filed.	Number admitted.	Number filed.	Number admitted.	Number filed.	Number admitted.	Number filed.	Number admitted.	Number filed.	Number admitted.	Number of men furnished.	Aggregate reduced to a 3 years' standard.
Alabama	469	81	294	156	127	82	72	26	16	.....	978	345	2,556	1,611
Arkansas	451	337	920	226	472	350	160	59	30	5	3,033	977	8,289	7,836
California	736	238	98	32	22	13	42	19	9	2	907	299	15,725	15,725
Colorado	551	211	70	30	25	13	25	7	6	2	677	263	4,903	3,697
Connecticut	7,666	5,435	2,888	2,207	904	776	1,148	750	250	74	12,856	9,242	55,864	50,623
Delaware	1,311	715	400	253	117	98	201	125	49	11	2,078	1,202	12,284	10,322
Florida	167	19	118	69	51	30	25	6	3	.....	364	124	1,290	1,290
Georgia	24	2	13	5	2	.....	5	1	1	.....	45	8	.....	.....
Illinois	53,245	30,377	15,829	10,590	7,435	6,088	5,341	2,709	1,729	430	83,579	50,251	259,092	214,133
Indiana	48,785	27,442	14,107	9,037	6,474	5,441	4,152	2,187	1,246	301	74,764	44,408	196,363	153,376
Iowa	20,445	12,260	5,812	4,350	2,757	2,423	2,141	1,044	778	181	31,933	20,258	76,242	68,630
Kansas	4,416	2,065	1,217	694	622	457	371	152	90	19	6,716	3,407	20,149	18,708
Kentucky	17,243	6,390	5,495	3,288	2,251	1,666	2,281	1,138	828	164	28,098	12,646	75,760	70,832
Louisiana	661	242	384	200	94	63	83	36	11	3	1,233	533	5,224	4,654
Maine	16,667	10,763	4,490	3,477	1,717	1,516	3,503	2,735	1,198	664	27,585	19,155	70,107	56,776
Maryland	4,809	2,251	1,432	855	398	294	646	351	157	38	7,442	3,789	46,638	41,275
Massachusetts	21,998	14,175	7,942	5,996	2,362	2,070	3,605	2,527	951	412	36,858	25,189	146,730	124,104
Michigan	21,211	11,170	6,531	4,850	3,082	2,663	2,510	1,433	820	212	34,154	20,338	87,364	80,111
Minnesota	5,753	3,105	1,257	839	594	517	523	295	222	76	8,349	4,822	24,020	19,693
Mississippi	134	6	49	11	19	5	15	4	.....	.....	317	26	545	545
Missouri	17,144	6,658	6,317	3,682	3,019	2,248	1,699	804	461	86	28,640	13,478	109,111	86,530
Nebraska	496	209	90	44	38	28	36	15	9	5	669	301	3,157	2,175
Nevada	52	18	1	1	.....	.....	3	1	1	.....	57	20	1,080	1,080
New Hampshire	7,635	5,127	2,610	2,096	860	723	1,303	923	464	174	12,872	9,092	33,957	30,849
New Jersey	10,196	6,006	3,246	2,254	1,101	904	1,201	803	238	72	15,982	10,039	76,814	57,906
New York	73,183	41,907	22,525	16,128	6,886	5,714	10,911	6,948	3,050	1,025	116,555	71,812	448,850	392,270
North Carolina	900	207	337	172	109	76	100	37	39	12	1,494	504	3,156	3,156
Ohio	62,724	31,517	16,640	10,138	6,226	6,118	6,508	3,730	1,771	453	93,869	51,956	313,180	240,514
Oregon	95	32	8	3	4	2	.....	.....	.....	.....	108	37	1,810	1,773
Pennsylvania	59,837	32,948	16,752	11,298	5,021	4,664	8,565	5,138	2,456	667	93,223	54,715	337,936	265,517
Rhode Island	2,492	1,360	907	674	268	219	398	262	78	25	4,138	2,540	23,236	17,866
South Carolina	40	3	13	4	1	.....	2	1	.....	.....	56	8	.....	.....
Tennessee	8,490	2,762	3,672	2,282	1,498	1,090	1,304	624	369	74	15,282	6,882	31,092	26,394
Texas	82	27	21	4	4	3	5	2	2	.....	114	36	1,965	1,632
Vermont	9,438	5,892	2,405	1,842	925	798	1,605	1,094	630	258	15,003	9,884	33,289	29,068
Virginia	58	25	17	10	7	4	12	8	3	.....	97	47	.....	.....
West Virginia	8,795	3,689	2,161	1,317	839	643	897	422	274	55	12,966	6,126	32,068	27,714
Wisconsin	21,194	12,076	5,615	4,052	2,472	2,188	3,373	1,275	864	238	33,518	19,709	91,327	79,260
Dakota	45	22	3	1	.....	.....	1	1	.....	.....	49	24	206	206
District of Columbia	424	177	210	125	47	37	71	52	20	9	772	400	16,534	11,506
Indian Territory	133	42	474	221	321	139	21	.....	4	.....	953	402	3,530	3,530
Montana	2	1	2	.....	.....	.....	.....	.....	1	1	5	2	.....	.....
New Mexico	58	25	45	26	3	2	16	9	3	.....	125	62	6,501	4,432
Utah	3	1	.....	.....	.....	.....	.....	.....	.....	.....	3	1	.....	.....
Washington Territory	20	7	2	.....	.....	.....	1	.....	.....	.....	23	7	904	904
United States Army	13,519	7,296	3,303	2,015	963	737	2,089	1,182	422	132	20,296	11,362	.....	.....
United States Volunteers	2,330	905	973	563	253	168	264	117	73	22	3,893	1,775	.....	.....
United States Colored Troops	12,635	3,780	11,470	4,963	2,996	1,595	3,543	863	606	58	31,250	11,279	93,441	91,789
Total	539,781	290,108	169,165	111,080	63,925	52,673	70,777	39,962	20,229	5,950	863,878	499,793	2,772,408	2,330,273

TABLE 13.—*Appropriations and expenditures for the Pension Office each year since* 1862, *properly chargeable to the expenses of settling claims.*

[Form A.]

Fiscal years.	Salary fund.		Expenses and per diem of special agents.		Contingent fund of the Pension Office.		Fees for examining surgeons.		Total amounts.	
	Appropriated.	Expended.	Appropriated.	Expended.	Appropriated.	Expended.	Appropriated.	Expended.	Appropriated.	Expended.
1862	$82,340 00	$113,746 04	.....	.....	$15,000	$4,221 39	.....	.....	$97,340 00	$117,967 43
1863	165,040 00	149,322 64	$2,500	.....	10,000	18,167 23	.....	$10,000 00	177,540 00	177,489 87
1864	186,840 00	210,335 76	2,500	.....	15,000	16,544 77	.....	50,000 00	203,340 00	276,880 53
1865	236,340 00	230,080 49	2,500	.....	12,000	20,957 72	.....	50,000 00	250,840 00	301,038 21
1866	257,920 00	246,367 45	2,500	.....	15,000	17,891 97	.....	50,000 00	275,420 00	314,259 42
1867	261,340 00	311,835 24	2,500	.....	15,000	27,092 90	.....	50,000 00	278,840 00	388,928 14
1868	257,920 00	337,487 17	10,000	.....	22,000	27,394 21	.....	50,000 00	289,920 00	434,881 38
1869	426,440 00	368,033 60	20,000	.....	20,000	43,217 28	.....	60,000 00	466,440 00	471,250 88
1870	334,240 00	334,592 90	25,000	.....	15,000	39,811 70	.....	40,000 00	374,240 00	414,404 60
1871	367,418 00	356,192 41	30,000	.....	29,000	57,281 34	.....	40,000 00	426,418 00	453,473 75
1872	421,160 00	436,772 26	40,000	.....	17,000	57,550 53	.....	50,000 00	468,160 00	544,322 79
1873	471,609 00	453,968 47	40,000	.....	12,500	74,994 72	$100,000	75,000 00	624,109 00	603,963 19
1874	445,580 00	446,051 78	40,000	.....	12,500	74,099 35	100,000	75,000 00	598,080 00	596,051 13
1875	453,700 00	472,507 45	40,000	.....	12,500	73,740 00	100,000	90,000 00	606,200 00	636,247 45
1876	479,780 00	459,747 88	40,000	$40,999 12	12,500	32,403 66	125,000	90,000 00	657,280 00	623,150 66
1877	446,680 00	445,153 31	50,000	40,022 70	17,500	18,267 84	101,000	100,000 00	615,180 00	603,443 85
1878	444,430 00	444,355 70	40,000	38,235 80	16,500	10,303 30	137,600	134,805 26	637,930 00	627,700 06
1879	538,330 00	493,595 13	40,000	35,860 50	14,000	14,298 50	51,000	86,296 00	643,330 00	630,050 13
1880	537,350 00	581,689 00	40,000	26,437 19	23,000	20,000 00	204,500	75,047 00	804,850 00	703,203 79
1881	687,155 00	686,738 92	40,000	22,745 12	32,000	26,987 76	101,000	115,610 00	860,155 00	852,081 80
1882	858,530 00	867,401 02	125,000	89,148 63	56,000	50,934 20	289,000	232,565 37	1,329,530 00	1,240,049 22
1883	1,957,150 00	1,729,556 71	300,240	170,085 47	40,000	59,995 42	578,000	573,431 81	2,875,390 00	2,533,069 41
1884	1,941,550 00	1,924,934 34	240,000	368,740 03	34,000	33,910 68	725,000	636,725 91	2,940,550 00	2,964,310 96
1885	*2,195,353 80	2,118,596 00	580,000	516,097 16	†34,000	33,228 23	500,000	481,963 13	3,309,353 80	3,149,884 52

* This item includes salaries and expenses of special examiners.

† This item is included in contingent fund of Interior Department.

TABLE 13.—*Statement of the number of claims settled each year since* 1862; *those for increase, war of* 1812, *and bounty-land reduced to the basis of Army original claims; also the average cost per case to settle the same, both as to the total number settled and those settled by allowance only.*

[Form B.]

Fiscal years.	Claims settled by allowance and rejection.				Claims settled by allowance.				Amounts expended and chargeable to the cost of settling claims.	Average cost per case.	
	Number of Army and Navy original claims.	Increase claims reduced to the basis of originals, proportion of 6 to 1.	War 1812 and bounty-land reduced, proportion of 4 to 1.	Total number settled on the basis of Army and Navy originals.	Number of Army and Navy original claims.	Increase claims reduced to the basis of originals, proportion of 6 to 1.	War 1812 and bounty-land reduced, proportion of 4 to 1.	Total number allowed on the basis of Army and Navy originals.		Settled by allowance and rejection, on basis of original claim.	Settled by allowance only, basis of originals.
1862	766	150	1,636	1,200	462	117	1,636	800	$117,967 43	$98 30	$132 54
		25	409			19	409				
1863	9,477	102	602	9,644	7,884	66	602	8,054	177,489 87	18 40	22 06
		17	150			11	150				
1864	47,385	284	1,812	47,885	39,487	205	1,812	39,974	276,880 53	5 78	6 92
		47	453			34	453				
1865	48,188	487	116	48,298	40,171	331	1,161	40,516	301,038 21	6 23	7 43
		81	29			55	290				
1866	51,209	1,594	406	51,570	50,177	1,297	406	50,494	314,259 42	6 09	6 22
		266	101			216	101				
1867	43,689	43,581	954	51,190	36,482	23,581	954	42,317	388,928 14	7 59	9 19
		7,263	238			5,597	238				
1868	34,505	42,029	1,077	41,779	28,921	32,029	1,077	34,528	434,881 38	10 40	12 59
		7,005	269			5,338	269				
1869	47,767	17,341	1,630	51,069	23,196	15,064	1,650	26,119	471,250 88	9 22	18 04
		2,890	412			2,511	412				
1870	20,545	8,737	1,758	22,138	18,221	6,545	1,758	19,751	414,404 60	18 71	20 98
		1,454	439			1,091	439				
1871	18,148	4,594	11,180	21,708	16,333	5,263	2,827	17,917	453,473 75	20 88	25 30
		765	2,795			877	707				
1872	18,283	6,973	25,466	25,811	13,712	5,480	21,064	19,801	544,322 79	21 08	27 36
		1,162	6,366			913	5,266				
1873	15,099	25,134	12,242	22,349	10,634	21,761	5,768	15,693	603,963 19	27 02	38 48
		4,189	3,061			3,627	1,442				
1874	11,906	27,231	3,422	17,309	9,089	22,173	1,607	13,186	596,051 13	34 25	45 20
		4,538	955			3,695	402				
1875	13,870	22,145	3,516	18,423	10,496	15,561	1,063	13,355	636,247 45	34 53	47 64
		3,674	879			2,593	266				
1876	13,439	13,272	1,297	16,425	9,736	7,474	365	11,672	623,150 66	37 93	56 28
		2,612	324			1,245	91				

Pensions allowed.

Wars.	Survivors.			Widows.			Totals.
	Invalid.	Service.	Total.	Invalid.	Service.	Total.	
War of the Revolution	2,513	35,405	37,918	.....	24,151	24,151	62,069
War of 1812 with Great Britain	4,627	25,690	30,317	2,585	34,196	36,731	67,048
War with Mexico	3,809	.....	3,809	3,810	.....	3,810	7,619
Indian and all other wars, except Revolution, 1812, and Mexican	959	.....	959	430	.....	430	1,389
Navy	1,670	377	2,017	1,516	.....	1,516	3,563
Military peace establishment	1,056	.....	1,056	.....	.....	.....	1,056

TABLE 24.—*Statement of the number of military and naval forces of the United States engaged in the following-named wars, from the commencement of the war of the Revolution to the commencement of the war of the rebellion, and of the pensions allowed to the soldiers, and their widows, of said wars.*

Wars.	Date.		Troops engaged.			
	From—	To—	Regulars.	Militia and volunteers.	Navy.	Total.
War of the Revolution	Apr. 19, 1775	Apr. 11, 1783	130,711	58,750	15,000	
Estimated additional				105,330		309,791
Northwestern Indian war:						
General Harmer	Sept. 19, 1790		320	1,133		1,453
General St. Clair						2,300
General Wayne		Aug. 3, 1795	2,843	2,387		5,230
						8,983
War with France	July 9, 1798	Sept. 30, 1800			4,593	4,593
War with Tripoli	June 10, 1801	June 4, 1805			3,330	3,330
Northwestern Indian war: * General Harrison	Sept. 11, 1811	Nov. 11, 1811	250	660		910
Creek Indian war	July 27, 1813	Aug. 9, 1814	600	13,181		13,781
War of 1812 with Great Britain	June 18, 1812	Feb. 17, 1815	85,000	471,622	20,000	576,622
Seminole Indian war	Nov. 20, 1817	Oct. 21, 1818	1,000	6,911		7,911
Black Hawk Indian war*	Apr. 21, 1831	Sept. 31, 1832	1,339	5,126		6,465
Cherokee disturbance or removal	1836	1837		9,494		9,494
Creek Indian war or disturbance	May 5, 1836	Sept. 30, 1837	935	12,483		13,418
Florida Indian war	Dec. 23, 1835	Aug. 14, 1843	11,109	29,953		41,122
Aroostook disturbance	1838	1839		*1,500		1,500
War with Mexico	Apr. 24, 1846	July 4, 1848	30,954	73,776	7,500	112,230
Apache, Navajo, and Utah war	1849	1855	1,500	1,061		2,561
Comanche Indian war	1854	1854		503		503
Seminole Indian war	1856	1858		2,687		2,687

* For pensioners, see table of "Pensions allowed."

Mr. HENDERSON, of Iowa. Mr. Chairman, I am gratified indeed to note the patriotic expressions of my colleague on the subcommittee [Mr. TOWNSHEND] having charge of this bill; and I thoroughly concur with him in the main with respect to the statements he has made. There is one point, however, that he has failed to make clear to this House; I presume possibly it has escaped his notice. But the report read and the remarks made by the gentleman in charge of the bill show that there is an increase of $15,754,200 in these appropriations for the year ending June 30, 1887, and my colleague on the committee attributes this increase to the accelerated work in the Pension Office. It is not my purpose, Mr. Chairman, to attempt to detract in the slightest degree from the good work of any officer of the Government; but I deem it my duty to call the attention of the Committee of the Whole to the appropriations for the last few years—since, for instance, the arrearage act of 1879; and a lesson may be drawn therefrom which may explain this matter on a different basis from the one adopted by my colleague on the committee.

In the first place the gentleman has failed to call the attention of the committee to the fact that the Commissioner of Pensions stated to the Committee on Appropriations that there would be a deficiency of about $6,000,000 upon the expenditures of the current year; so that the $60,000,000 which were appropriated for the year ending June 30, 1886, are confessed by the Commissioner of Pensions to be insufficient to meet the requirements of the law.

But I desire to give one or two additional facts. What has been appropriated heretofore? For the year ending June 30, 1882, there was appropriated $65,750,000. For the year ending June 30, 1883, there was appropriated $100,307,999.18. For the year ending June 30, 1884, there was appropriated $86,295,000. For the year ending June 30, 1885, the appropriation was $76,586,846.24. For the year ending June 30, 1886, Congress appropriated $60,000,000. The present bill proposes to appropriate $75,754,200. The average appropriation for six years is $77,449,007. Hence we are $1,694,807 below the average of the last six years.

Now, Mr. Chairman, the average annual appropriation for the payment of pensions for the last six years is $77,449,007, making the appropriations for this year $1,694,807 below the average appropriations of the last six years.

Mr. WILSON. Will my colleague on the committee allow me a single suggestion?

Mr. HENDERSON, of Iowa. With great pleasure.

Mr. WILSON. I understand that the gentleman is pursuing his present line of argument to show the efficiency of the working of the Pension Office, and that the appropriations made from year to year hitherto have been larger on that account than the appropriations made the present year. If the gentleman will turn to the Commissioner's report he will find a statement of the disbursements made by the office in those years, which, I submit, is a fairer test of the work of the office than the appropriations made here, which in a great many of those years simply included a reappropriation of the balance coming over from the previous fiscal year.

Mr. HENDERSON, of Iowa. My excellent friend from West Virginia [Mr. WILSON], with a mind always clear and fair, only anticipates me. I had intended to come to the disbursements in the very next stage of my remarks. But I do not desire to pass from these points until I have impressed upon the committee that while prominence is given in this report and in the remaks of the gentleman in charge of the bill to the fact that there is in this bill an increase of $15,754,200 over the appropriations of last year, yet we are still $1,694,807 below the average of the last six years.

I deem this important for the reason that I find a well-considered effort on the part of gentlemen of this House to frighten the country with the idea that the appropriations for pensions are now and likely to be so tremendous that a halt should instantly be called.

Mr. TOWNSHEND. My friend will allow me to make this suggestion: It is perhaps true the average appropriation is what he states, but does he not know the amount which was expended falls far below the average of appropriations? For instance, $40,000,000 in one year was returned to the Treasury and reappropriated. The average expenditure this year will fall far below the average of appropriations.

Mr. HENDERSON, of Iowa. No, sir; but on the contrary the expenditures have never equaled the appropriations, as I will show. That was the point called out by my good friend from West Virginia [Mr. WILSON].

Mr. TOWNSHEND. Since I have been a member of the Committee on Appropriations we have reappropriated $40,000,000 which had been turned back into the Treasury.

Mr. HENDERSON, of Iowa. Twenty millions of dollars for the year ending June 30, 1884, but none for last year.

Mr. TOWNSHEND. For 1884. So the expenditure falls far below the average you mention.

Mr. HENDERSON, of Iowa. Yes; that is what I am coming to. Now, Mr. Chairman, having touched on appropriations for this purpose, I come to the point suggested by the gentleman from West Virginia. And here is a lesson I wish every gentleman of the committee to take into consideration, that the appropriations are no guide to the cost of pensions, nor can you find from the report of the Commissioner of Pensions the true data. It can only be found from the Treasury Department. Now, the expenditures on account of pensions for the year ending June 30, 1881, were $50,059,279.62; for 1882, $61,345,193.95; for 1883, $66,012,573.64; for 1884, $55,429,228.06; and for 1885, $56,102,267.49.

The average payments and disbursements for these five years were $57,789,708.55. The last year's payments were $1,677,441.06 less than the average of the last five years. It is true, the Commissioner says, a deficiency will yet come in, although it has not been reported to the Treasury Department.

Now, then, the reason why there is an average deficiency of about $20,000,000 between the amount appropriated and the amount expended, as nearly as I can gather from the records of the Department, is, that there is a large amount in excess every year covered into the Treasury. The reason why the Pension Office does not give it (and I am not referring to it as something to the discredit of the Pension Office because you can not get the data there) is, as I understand the facts, the Pension Office charges the sums sent to the pension agencies as if expended, whereas each agency may have a large amount in excess, half a million or a million, which, if not expended at the end of every two years, must be covered back into the Treasury of the United States.

RANDALL AND BLACK FIGHTING PENSIONS.

Now, gentlemen of the committee, this is all I deem necessary to say specifically in reference to this bill. It has been shown in the report for what these appropriations are designed, and I presume you have observed the reading of the report. But, sir, in this report I also find a matter which was not read when the rest of it was read. I presume the gentleman in charge of the bill deemed it not necessary. Here is a letter from the Commissioner of Pensions to the honorable chairman of the Committee on Appropriations, giving the amount which has been paid out for arrearages under the arrearages acts of 1879. What that has to do with this particular bill I am unable to comprehend. The good judgment of the gentleman in charge of the bill did not call for the reading of this letter, from which I draw the inference that he did not deem it necessary for the purposes of this bill. But it is here in the report.

That is not all, Mr. Chairman, for the country has lately been treated to a very large amount of information in reference to arrearages. We have a letter from the present Commissioner of Pensions to the honorable chairman of the Committee on Appropriations giving estimates of what the passage of the proposition to grant arrearages to soldiers would probably cost. Why the Committee on Appropriations, or rather its able and honorable chairman, took this load on his shoulders I am not prepared to say. I can not believe it was because there was not sufficient faith in the able and patriotic Committee on Invalid Pensions, but I have watched and waited for some time for some explanation.

I find in the New York Herald of January 27 last a letter from the Commissioner of Pensions to the honorable chairman of the Committee on Appropriations. The head lines are not poetic, but they are startling and are a sermon in themselves. So choice are they I will venture to read them to the committee:

Wild pension schemes—It would take every dollar in the Treasury to pay them—Over $302,000,000 in peril—A raid organized for the benefit of pension claimants—Mr. RANDALL's timely action.

Well, I am glad that we have a gentleman in this House so patriotic as to rescue this country from the danger which seemed to threaten it. Why was all this done? Why was the letter of the Commissioner of Pensions given to the country twenty-four hours in advance of any knowledge of it coming to the members of the Committee on Appropriations? Why was it that the leading Democratic journals of New York published it with such pleasant head lines before humble members of the Committee on Appropriations knew what was going on in the giant intellects of other members of that committee?

Mr. RANDALL. It did not come from the Committee on Appropriations, or from any member of the committee, or from me.

Mr. HENDERSON, of Iowa. I am very glad indeed to know that, Mr. Chairman. I understood that there were but two copies given out, one to the chairman of the Committee on Appropriations——

Mr. RANDALL. And mine was not given out.

Mr. HENDERSON, of Iowa. And one to the President of the United States. The gentleman from Pennsylvania disclaims it, the President of the United States is not here, and it is only a question now between "the king and the cobbler"—Commissioner Black and President Cleveland. I am glad indeed, I repeat, that the chairman of my committee shows that his skirts are clear.

Mr. SOWDEN. Will the gentleman from Iowa allow a question?

Mr. HENDERSON, of Iowa. Well, I am not getting along very rapidly with my speech. There are quite a number of things that I wish to refer to, and I can not yield much more.

Mr. SOWDEN. I would like the gentleman from Iowa to tell this committee whether that letter which was published in the New York Herald was not brought to light on account of and to show the vast amount of money suppositiously involved in the amendment offered to the widows' pension bill by the gentleman from Indiana [Mr. BROWNE]?

Mr. HENDERSON, of Iowa. I do not see any question to answer; but I thank the gentleman for the word "suppositious," so discretly used in his speech.

Mr. SOWDEN. But is not that the fact, that it was evolved because of the amendment proposed by the gentleman from Indiana and to show the effect of it?

Mr. HENDERSON, of Iowa. I can not yield to the gentleman for a speech. I do not yield to a speech I can not hear.

Now, Mr. Chairman, a word in regard to this letter. When that letter came out from Commissioner Black I examined it very carefully, and I was startled by the statement that $302,836,200 would be the result of the passage of the arrearages bill.

Mr. TOWNSHEND. Will the gentleman allow a suggestion?

Mr. HENDERSON, of Iowa. Well, I think I can not yield any further, but I will if you will be brief; I have only an hour.

Mr. TOWNSHEND. I know the gentleman does not wish to do any injustice to Commissioner Black. I understand the character of the letter published in the New York Herald purports to give the substance of a letter from Commissioner Black to Mr. RANDALL, the chairman of the Committee on Appropriations, does it not?

Mr. HENDERSON, of Iowa. Oh, yes; word for word, letter for letter, *in hæc verba*.

Mr. TOWNSHEND. And that letter was called for by the chairman of the committee. It was a request on the part of the chairman of the committee to the Commissioner of Pensions to furnish certain information to the Committee on Appropriations.

Mr. HENDERSON, of Iowa. And in regard to a bill not before the committee, and which could not come before it. That is exactly what I have stated.

Mr. TOWNSHEND. Still the chairman had a right to make the inquiry so that the committee could have the information.

Mr. HENDERSON, of Iowa. Undoubtedly; so, too, had every other gentleman in Congress. But it was not germane.

Mr. TOWNSHEND. I simply do not want any injustice done to the chairman.

Mr. HENDERSON, of Iowa. Well, Brother RANDALL can take care of himself, I suppose, in this matter.

Mr. RANDALL. I do not know whether I answered the question of the gentleman in full. I understood it to relate to the manner in which the letter got out. I have answered that distinctly, that it did not come from the copy in my possession.

Mr. HENDERSON. Yes, I got a negative answer from you on that point. You did deny it just now.

Mr. RANDALL. And I have no knowledge of the publication whatever. As to why the letter was prompted, I have no hesitation in saying that I felt it my duty, as the chairman of the Committee on Appropriations, to inquire, with my experience here under former legislation, what was likely to be the probable amount of cost to the Government by this amendment. That I did on my own motion, unsolicited from any quarter to make the inquiry.

Mr. HENDERSON, of Iowa. Then I would like to ask my friend from Pennsylvania the chairman of the Committee on Appropriations if he has extended his field of inquiry to embrace all other subjects of legislation which are before all of the other committees of this Congress and likely to involve an increase of expenditures?

Mr. RANDALL. No, sir; but only with respect to that with which I am specially charged.

Mr. HENDERSON, of Iowa. Does the consideration of the pension bills for our poor soldiers alone have his warning care and is that the only field of investigation?

Mr. RANDALL. We had to appropriate money——

Mr. HENDERSON, of Iowa. For laws not yet made. [Applause and laughter.]

Mr. RANDALL. And it was with a view to the proper performance of that duty that the inquiry was made.

Mr. HENDERSON, of Iowa. Now let me take up this famous letter of Commissioner Black, because it has not only been telegraphed over the country, but it was telegraphed with a ninety-three-million-dollar lie in its stomach; and though I have been a pretty careful reader of the organs of the Democracy published in New York city, I have failed to see published a correction or recantation of the falsehoods that are given to the nation through those Democratic media. When I take up this letter and analyze it I see at once from the face of it that it contains a repetition or duplication of $80,468,100. In other words, that amount, as is shown in Commissioner Black's letter, on his theory, would still have to be paid under the arrearages acts of 1879. But as he included the same amount when he came to a final computation of the amount which would probably be allowed on the claims still pending should the arrearage bill pass, this amount is contained twice. In order to do him justice——

Mr. MATSON. I desire to ask a question of the gentleman from Iowa.

Mr. HENDERSON, of Iowa. Unless I am assured of more time I must decline further interruptions, although there is no gentleman to whom I would more willingly yield than my friend from Indiana.

Mr. MATSON. I only wish to ask the gentleman if he is not aware that General Black published a subsequent letter soon after the other, in which he corrects his mistake.

Mr. HENDERSON, of Iowa. I am just coming to that. I have not seen any letter from him published. But I will state what occurred.

Not desiring to do any injustice to the Commissioner of Pensions I drew a letter, addressed to him, as carefully as I could, on the day after his letter appeared, and sent it from this House by a riding page. In that letter I said to him in substance: Have you not duplicated this $80,400,000 in your recapitulation? In other words, do you not charge to the operation of the contemplated bill to grant arrearages $80,400,000 that must be paid anyhow, whether Mr. BROWNE's amendment goes through or not?

The question was drawn as clearly as I could make it. The Commissioner was stubborn. Two days afterward I got this letter, in which he sticks to his text, and says in closing:

It is believed the sum given, $302,836,200, is approximately correct.

That letter was dated January 30.

Now, Mr. Chairman, a day or two after that we had the Commissioner before the committee, and he changed front three times. (I will say I am not used to this committee business, and if I transgress any rules or courtesies of the committee I want to be brought up with a round turn, because I do not want to do anything improper in so ex-

ceedingly proper a body.) [Laughter.] But three times he changed front, until every member of the committee agreed that the point I had taken was correct; and then he gracefully yielded. And then, after fixing the thing up, an appendix, like a tail to the first great battering-ram that was let loose on the country, was put in to take back and fix up the blunder which he refused to acknowledge in my correspondence with him.

While I am not prepared to analyze motives, it is no secret in this Chamber, Mr. Chairman, that the effect of that letter acted like magic and carried terror into other committee-rooms about this Capitol. Whether it will be finally successful in intimidating any committee from meeting the patriotic requirements of the hour remains to be seen. I myself do not believe that it will. But it is finally developed that only two hundred and twenty-two millions will be the amount resulting from the passage of the bill; and that is mere speculation by a Commissioner of Pensions who could not get it hammered into his head that he had committed a blunder that blazed out from the pages of his own letter.

That is not all. There are still thirteen millions to be deducted. For when he estimates what will be payable under the acts of 1879 he puts it on a fifteen-year basis. I credit this discovery to my able friend from Maryland [Mr. MCCOMAS], who called my attention to it.

When he comes to compute it on the final calculation he puts it at the average of eighteen years. That would apply to those coming under the act of 1879, and makes up $13,000,000 and over that should be deducted in addition to the $80,400,000.

COST OF ARREARGE ACT.

But, Mr. Chairman, let me call the attention of this House to another fact. The whole theory of the cost of the arrearages goes upon the assumption that 60 per cent. is still to be allowed on pending pension claims. Every member of this House who has aught to do in aiding these men in getting recognition or speeding their claims knows that of the 171,000 claims now pending for invalid pensions, and the 61,582 claims for widows and old fathers and mothers, the great body of them to-day are practically in a state of rejection. They are still there. They are trying to get the evidence, but they have become practically the dregs of the claims of the last twenty years, and 60 per cent. is a wild and extravagant speculation as to what will finally be due. In my judgment $150,000,000 will more than cover all that possibly can be due and payable under the arrearages bill should it become a law; and I am as good a speculative philosopher as Commissioner Black is, and I have studied this, I believe, with as much care, and desire to get at the truth.

Now, while I am on this subject, I am going to furnish a little Democratic campaign fodder, to put it into my speech for the benefit of my Democratic friends.

Mr. RANDALL. If it will not interrupt the gentleman, I should like to ask him what he figures out or believes will be the cost of the amendment as offered by the gentleman from Indiana [Mr. BROWNE].

Mr. HENDERSON, of Iowa. I have just said I do not believe it would cost over $150,000,000.

Mr. RANDALL. I did not hear the gentleman make the statement.

COMMISSIONER BLACK'S TRUCKLING PARTISANSHIP.

Mr. HENDERSON, of Iowa. And that is speculative to some extent of course; but we have had nothing else but speculation as yet. I was saying that I proposed to furnish some Democratic campaign fodder for my friends on the other side. And we are friends. We talk out in meeting sometimes, but we like each other all the same. The Commissioner of Pensions in his last report treats the country to this delightful little paragraph, which is so rich, so dignified, and so patriotic, and gives such evidence of his non-partisan peculiarities, that I think I may be pardoned if I give the committee the benefit of it. Here on page 15 of his report he says:

> At one time the Pension Bureau was all but avowedly a political machine, filled from border to border with the uncompromising adherents of a single organization, who had for the claimant other tests than those of the law, and who required, in addition to service in the field, submission to and support of a party before pensions were granted. Not always, but often was this true; not openly, but surely were the tests applied; and the vast machinery of a professed governmental office became a party power. The enormous array of the medical boards established in every quarter was almost solidly partisan; made so not openly but surely. People of one faith filled every one of the great agencies. Examiners, trained in unscrupulous schools, traversed the land as recruiting sergeants for a party.

Ah, my gentle Commissioner, when you wrote that paragraph, realizing that you had been a gallant soldier for your country, I fear you thought you might be suspected by the political party that was elevating you to place of not being sufficiently partisan, and therefore you felt it your duty to let yourself down several degrees lower and deeper than any Department or bureau chief appointed under this administration!

Let us analyze this beautiful piece of—rhetoric, I may call it. I will not use a stronger term. [Laughter.]

In the first place the Commissioner says: "Examiners trained in unscrupulous schools traversed the land as recruiting sergeants for a party."

His own report shows that there is an average of 306 examiners in the whole United States. I am not very expert in figures unless I can take my own time, but, on a rough calculation, that would be about one examiner to each one hundred and eighty thousand of the population. What a slaughter by one examiner! What a tremendous influence he must wield over the elections throughout the country! But there is another little fact that ought to be considered in this connection, and I challenge any gentleman here to correct me if I misstate it. No member of Congress on this floor ever saw a pension examiner of his own district doing business in his district. The rules of the Pension Office, which were never set aside or suspended by that faithful chief Commissioner Dudley, did not allow a pension examiner to do business in his own Congressional district. Nay, Mr. Chairman, an examiner was not even permitted to put his foot on official business within the confines of his own State. That is the rule that Commissioner Dudley made, in order that the claimant should gain no undue advantage by having his case investigated by an examiner who could be brought under local influences where the claimant lived. No man could have stepped higher or farther outside the field of partisanship than did Commissioner Dudley when he made that regulation and enforced it.

Mr. MATSON. Will the gentleman allow me to interrupt him a moment?

Several MEMBERS. Go on.

Mr. HENDERSON, of Iowa. I will hear the gentleman's question.

Mr. MATSON. I want to ask the gentleman if the rule to which he refers was not the law—whether that rule was not established, not by Commissioner Dudley, but by the law itself?

Mr. HENDERSON, of Iowa. That makes the case all the stronger. I am very glad to have that fact brought to my recollection. I remember now that that is the law, and I shall be glad if any gentleman following me will point out any violation of that law by Commissioner Dudley. In my own Congressional district, which is teeming with soldiers, not only with men who went to the war from my own State but others who have moved westward from the Eastern and the Middle States—in my own district I never saw a pension examiner that I knew by sight or by name when he entered my district.

The examiners had no power politically to aid me or to injure me, and that was the rule throughout the country. And yet this Commissioner of Pensions, perched upon a pinnacle of purity so high that even the Angel Gabriel can not see him, makes this wholesale charge against the administration of the law by his predecessor.

The Commissioner speaks, too, of the board of examiners. I am glad he mentioned them. I learned something on that subject last fall in traveling over my own State. In my city there was a board of examiners.

The chairman of that board—I will give his name—was Dr. G. M. Staples, a man who served all through the war. He was one of the most distinguished surgeons from my State; he was surgeon of a regiment, surgeon of a brigade, surgeon of a division, surgeon in charge of one wing of the army that advanced upon Atlanta. He had spent years upon this board of examiners; he knew all the difficulties soldiers had to encounter in getting up their proofs, and he knew also how to detect fellows who would try to play the sneak. He could not be fooled by any of that class, of whom there were a few in every army, that had the colic when they did not have it very badly. [Laughter.] He was a man fully qualified and equipped by training and experience to understand the needs of the soldiers, and at the same time to protect the interests of the Government. Another gentleman had been appointed upon the board from its organization, my own family physician—appointed, though, before he became such, so that I had nothing to do with his appointment.

These two experienced men were removed from the board and two young men appointed in their places—men, I concede, of character and position, of good standing and good repute, gentlemen for whom I would with pleasure become a voucher as to their character, but gentlemen who had no knowledge of the experiences of the Army such as Dr. Staples had. I remember, too, learning, when going through the district of my distinguished colleague, Colonel HEPBURN (if I may be pardoned for mentioning his name), at the town of Creston, that two men who had served in the Army were removed from the board of examiners there. One of them was a Democrat and voted for Mr. Cleveland, but he committed the heinous crime of voting also for my colleague, Mr. HEPBURN. These two gentlemen were both kicked out and inexperienced civilians put in their places.

One evening when I spoke in the city of Muscatine, in the district of my distinguished colleague [Mr. MURPHY], who can talk more Hennepin Canal into you in five minutes than any man living [laughter], I met two gentlemen who had been removed from the board, who had served through all the war, experienced surgeons, and there were then two vacancies on the board, as I was told, the Department not having been able to fill their places.

In other words, two-thirds of all the examining surgeons of this country—men of experience, the great majority of them comrades of the soldiers, equipped with knowledge and with a kindly feeling for applicants—were stricken down and men without experience put in their places, many of them civilians. And, as is suggested to me, this was done as a matter of policy. It is proclaimed in this report.

I do not wish to dwell longer upon that point, for my watch tells me that my time is flying.

Mr. CUTCHEON. How about the statement as to other tests than those of the law being applied to pensioners?

Mr. HENDERSON, of Iowa. I am glad my friend from Michigan [Mr. CUTCHEON] reminds me of that point. It is suggested in this report that these parties who filled the offices had for the claimants "other tests than those of the law." I would like to see the man living who could testify to this. The Commissioner says this was not done openly. Where did he get his information? Did he get it from some of those slimy wretches who fawn around incoming power in order that they may hold place? If so the testimony will not go far with me; and the Commissioner ought not to incorporate into his report a statement of that kind based upon the evidence of that class of sneaks. That is the only term in the English language that will describe them. If I were out on the Western prairies I would use an expletive with it. [Laughter.]

Now I have had a good deal to do with the Pension Office——

Mr. SOWDEN. Will the gentleman allow me a question?

Mr. HENDERSON, of Iowa. No, my friend must excuse me; I can not yield. I have several things I want to say, and my watch is hurrying me up.

Mr. SOWDEN. I only wish to say——

Mr. HENDERSON, of Iowa. I can not yield. I hope my friend will keep good-natured; Pennsylvania is all right.

When interrupted, with nothing but a kindly motive, I know, I was about to say that during all the time since 1882 that I have had business dealings with the Pension Office, under the last and the previous administration, it never once occurred to me in any verbal or written communication that it was a political machine. I never once suggested to the last Commissioner, who was an intimate friend, any political reasons for the allowance of any claim; and I do not believe that any member on this floor or any man who has held a seat here ever did so. I do not believe it would have been conducive to the health of any gentleman to enter the presence of General Dudley with a dishonorable proposition like that referred to in the report of Commissioner Black.

SOUTHERN SECTIONALISM AND DEMOCRATIC MISMANAGEMENT.

But, Mr. Chairman, I pass over that. I want to come now to another subject, the question of the cost of the passage of the arrearages bill. Gentlemen say it is going to cost too much. I compliment my friend in charge of this bill [Mr. TOWNSHEND] for his sentiments on that subject. We will pull together like good fellows side by side when we can do it. My answer on this question of cost has been partially made; but I have something more to say on that subject: That is simply and solely a question for the Committee on Ways and Means. If it is true that there is logic and justice in these claims underlying the arrearages bill, that ends the question. They are just, they are logical, and the honor of the nation is pledged to pension the soldier from the moment that the service of the country injured him.

But gentlemen tell us, "Ah, but the receipts and expenditures must be looked into." In a very able, dignified, and well-tempered speech by my distinguished friend who now occupies the chair [Mr. CRISP] attention was called, if my memory serves me right, to the fact that there would be a deficiency, according to the report of the Secretary of the Treasury, in June 30, 1887. I will admit that the Secretary so states. According to the report of the Secretary of the Treasury, the income from all sources for the year edding June 30, 1885, was $323,690,706.38; the expenditures $305,830,970.54, showing a surplus June 30, 1885, of $17,859,735.84. As compared with the former fiscal year, notwithstanding the Government has been in the hands of a great "economical and reform party"—I love to roll that as a sweet morsel under my tongue—there has been a decrease in receipts of $24,829,163.54, and an increase of expenditures of $16,100,690.78. For the year ending June 30, 1886, it is estimated that there will be a surplus of $24,250,000. For the year ending June 30, 1887, the Secretary of the Treasury estimates there will be a deficiency of $24,589,552.34.

Now, I shall be glad if the chairman of the Committee on Ways and Means will watch these figures. Let no one be intimidated by them. If they prove to be true, for one I would a good deal rather let the foreign gentlemen who want to come in here and traffic in American ports and other American markets pay a little more duty, in order that we might be able to meet the just and honorable obligations of the country. [Applause.] Or I would take another step, and let gentlemen who smoke tobacco and cigars, and now and then take a little whisky and beer (and we will not stop to discuss who are and who are not paying the tax now)—I would let them continue to pay their tax rather than break our faith or fail to fulfill a single one of the pledges made by this Republic to the men who were invited in its hour of danger to put their shoulder to the wheel to save this free Government from destruction. [Applause.]

That is my policy, and I caution gentlemen of the Ways and Means Committee: Gentlemen go slow in reducing taxes. First, make sure what you are about, read the reports of your Government before you go further. Make Johnny Bull pay for the privilege of coming into the rich markets of America to transact his business in competition with our home producers. We will then take care of our own people. [Applause.]

How much time have I left, Mr. Chairman?

The CHAIRMAN. The gentleman has ten minutes of his hour remaining.

Mr. HENDERSON, of Iowa. I want to reserve some of my time, but there is another theme I desire to touch upon before resuming my seat. It is a subject, Mr. Chairman, I approach with reluctance and hesitation.

Mr. CANNON. I will yield to the gentleman from Iowa a portion of my time if he desires it.

Mr. HENDERSON, of Iowa. I thank the gentleman from Illinois for his kindness. Mr. Chairman, I approach with hesitation the point to which I refer, and that is the attitude of certain members of this House to this question of pensions. I say I approach it with delicacy, because the weak spot in my nature is, I have not got a hating heart. I can knock a fellow down when I am mad, but the next minute I wish to pick him up and help him and be his friend. In aught I may now say let no member of this House misinterpret my motives or sentiments.

In the speeches of the distinguished chairman of the committee made immediately after the famous Black letter came out—or in order not to rob any gentleman of his deserts, the famous Randall-Black letter—the chairman of this committee made a speech on Friday night, (private pension bill night), a most elaborate and carefully-prepared speech, in which he took up and gave currency to the ninety-million-dollar statement of the letter just alluded to. The major premise of that speech was that those who had stepped forward to save the country in its hour of peril were entitled to receive fair pensions. That was the major premise; the minor premise was this: that he was opposed to giving $12 a month to widows, because it was an exorbitant pension. The major premise was broad and patriotic in favor of giving liberal pensions, but the minor premise stated in his view that $12 a month was too large an amount. Then his assault on the arrearages proposition was made with that breadth, force, and power of which we all know the gentleman from Georgia to be capable.

Does any one here claim that $12 a month is too much for a widow who has had her natural and legal prop taken away from her? Those who indulge in the narcotic weed spend twice that much in a month and puff it away in smoke. Yet when it is proposed to give the woman whose natural support is in the grave the sum of $12 a month it is said to be too much. I wish I could feel that these gentlemen themselves are really impressed with the fact that in reality it is an exorbitant pension. But I could not help noticing the negative vote on that bill, and I ask the Clerk to read that negative vote as a part of my remarks—I refer to the widows' pension bill increasing the pension from eight to twelve dollars a month—giving with the name the State from which the member comes.

The Clerk read as follows:

J. M. Allen, Mississippi; Ballentine, Tennessee; Burnes, Georgia; Bennett, North Carolina; Blanchard, Louisiana; Blount, Georgia; Bragg, Wisconsin; Breckinridge, Arkansas; Breckinridge, Kentucky; Cabell, Virginia; Clements, Georgia; Cowles, North Carolina; Cox, North Carolina; Crain, Texas; Crisp, Georgia; Croxton, Virginia; Culberson, Texas; Daniel, Virginia; Dargan, South Carolina; Davidson, Alabama; Davidson, Florida; Dibble, South Carolina; Dougherty, Florida; Forney, Alabama; Glass, Tennessee; Hammond, Georgia; Harris, Georgia; Hemphill, South Carolina; Henderson, North Carolina; Herbert, Alabama; Hewitt, New York; Irion, Louisiana; Johnston, North Carolina; Jones, Alabama; Laffoon, Kentucky; Lanham, Texas; Martin, Alabama; McMillen, Tennessee; McRae, Arkansas; Miller, Texas; Mills, Texas; Morgan, Mississippi; Oates, Alabama; O'Ferrall, Virginia; Peel, Arkansas; Perry, South Carolina; Reagan, Texas; Reid, North Carolina; Reese, Georgia; Richardson, Tennessee; Sadler, Alabama; Sayers, Texas; Singleton, Mississippi; Skinner, North Carolina; Stewart, Texas; St. Martin, Louisiana; Stone, Kentucky; J. M. Taylor, Tennessee; Throckmorton, Texas; Tillman, South Carolina; Trigg, Virginia; Tucker, Virginia; Turner, Georgia; Wellborn, Texas; Wheeler, Alabama.

Mr. HENDERSON, of Iowa. Mr. Chairman, the total noes were 66. The total Democratic noes were 66. [Applause on the Republican side.] The total Republican noes were none. [Renewed applause.] The total noes South were 64; the total noes North were 2.

I pause here to say that I have not failed to note the names of those South who voted in the affirmative, and I note some of those who have been on opposing battlefields from me. I wish, sir, that there had been more of them, in order to feed the tendency of my mind for fraternity.

There were 2 votes in the negative from the North, one Mr. HEWITT, of New York, which does not disturb me much, because he is not a standing authority on any great question. [Laughter.] There is not a scrap-book, an economic scrap-book in the land but has him as the leading authority on both sides of the tariff question. [Laughter.]

If that does not dispose of my friend from New York, the eloquent allusion of my distinguished friend from Illinois [Mr. TOWNSHEND] in charge of this bill, when he referred to hostilities coming from the money power of the country, may possibly touch his case. As for my friend from Wisconsin [Mr. BRAGG], the other Northern Democrat voting against the bill, I am in a little deeper trouble.

Still his speech on that question showed that he—one of the leading Democratic chieftains of the West, and recognized as such—was unwilling to recognize a widow for the purpose of a pension unless she was married to the fellow before he got hurt or was killed. But, sir, he will not go very far as Northern authority, for the reason that a man who would make a fight against a widow and at the same time make his leading effort in this Congress to restore to the enormous pay and

position that he has been restored to in this House Fitz-John Porter is not a high authority, at least in some parts of the country. [Applause on the Republican side.]

The CHAIRMAN. The time of the gentleman from Iowa has expired.

Mr. HAMMOND. Mr. Chairman, I am so grateful for the honorable mention of my name by the gentleman from Iowa this morning, that I ask the House unanimously to extend him unlimited time. [Laughter on the Democratic side.]

Mr. SOWDEN. I object.

Mr. CANNON. Can I be recognized now?

The CHAIRMAN. The Chair has promised to recognize the gentleman from Kansas [Mr. RYAN].

Mr. RYAN. Well, if I can be recognized now, I will yield so much of my time to the gentleman from Iowa as he may require.

Mr. CANNON. That was my purpose.

Mr. HENDERSON, of Iowa. I will require but a few minutes.

I am very much obliged to the gentleman from Kansas who has yielded me the time, and also to the gentleman from Pennsylvania for his objection. As to the gentleman from Georgia, for his motion, I assume that it is inspired from nothing but the kindliest motives, and therefore doubly thank him. [Laughter on the Republican side.]

Now, sir, this is a significant vote. There is a great lesson to be learned from this vote. In the late campaigns in the North—I do not know how it is down South—the Republican party was charged with being a party of sectionalism, a party that waves the ensanguined garment that keeps up sectional lines. The man that will ever make that charge on a public stump in America after that sample vote closes his eyes to the truth.

THE SOUTH WAIVING THE "BLOODY SHIRT."

Mr. TILLMAN. Will the gentleman permit me to ask him a question?

Mr. HENDERSON, of Iowa. Oh, yes; I have time now to answer.

Mr. TILLMAN. I do it good-naturedly.

Mr. HENDERSON, of Iowa. I know that.

Mr. TILLMAN. And as patriotically as the gentleman himself.

Mr. HENDERSON, of Iowa. Oh, yes.

Mr. TILLMAN. I have a country to serve as well as he has.

Mr. HENDERSON, of Iowa. Certainly.

Mr. TILLMAN. Considering that the cotton States, or rather what are known as confederate States, pay about one-third of the amount derived by the Federal Government from taxation—being based on consumption on imported goods and whisky and tobacco—I say considering that the taxation of the Federal Government is based upon consumption and not upon property, and therefore while the South, or the ex-confederate States, pay about one-third of the total amount paid by the Federal Government for pensions, of which they do not get back 3 cents; considering also that $8 a month from the foundation of the Government to the present time has been deemed a sufficient pension to a widow, can the gentleman blame the Southern members for trying to restrain the necessarily large expenditures for pensions within the rule that has prevailed heretofore?

Mr. HENDERSON, of Iowa. I never was more grateful for an interruption. I arraign no gentleman on this floor for his vote; but I say this in reply to the gentleman, that there is no section of this country that, before God, is under deeper and more profound obligation to pay this debt, or every dollar of their share of it, than the Southern States. [Applause on the Republican side.]

Was it a day of pleasure for us when our flags were unfurled and we marched southward? Was it something we craved and desired when we turned our backs upon our homes and our faces upon death? Ah, Mr. Chairman, I speak for one. *I fought for the South as well as for the North, and that my friend did not do.* [Applause on the Republican side.] I laid my life at his feet as much as I did to keep a roof over my own head. And now that we can all meet here together, men who stood in serried columns against each other for four years, I think that those who cast that negative vote and those covered by the question of the gentleman are under as profound a moral and legal obligation to meet this indebtedness as we are, if not more so. And if he will follow my record on this floor he will find I have voted with you gentlemen and raised my voice to help you in your appeals to give you substantial aid. I have done it in the teeth of opposition sometimes, but never have you appealed to me for one to stand by the development of the Southern country and found me shirking the duty. I have not read this vote on the widows' bill for the purpose of stirring up bad blood in you, and I know that you can not do it with me. That is not my motive. My motive is this——

Mr. OATES. Will the gentleman permit me——

Mr. HENDERSON, of Iowa. In a moment. My motive is this: I feel in the kindest and sincerest spirit imaginable that the time has come when sectional lines should be dropped, but when sixty-four members upon that side of the House, all from the South, said that $12 were too much to pay a widow, I say that the sectional lines were kept up and the bloody shirt was unfurled in our faces.

Mr. McMILLIN. May I ask the gentleman a question?

Mr. HENDERSON, of Iowa. I will hear the question of the gentleman from Alabama [Mr. OATES].

Mr. OATES. I do not understand that the gentleman alleges that any member from the Southern States has voted against pensions.

Mr. HENDERSON, of Iowa. There are these 64 votes against pensions.

NO CONSTITTTIONAL LAW IN THE SOUTH.

A MEMBER. Against an increase of pensions.

Mr. OATES. Will you not allow us when we vote for pensions to exercise same judgment as to the amount? Or are we here as slaves, and not permitted to exercise even that privilege?

Mr. HENDERSON, of Iowa. No, no; not as slaves; God knows that I want all the members on this floor to stand as equals. I concede the constitutional right. One of the oldest members on this floor, the distinguished gentleman from Texas [Mr. REAGAN], said in discussing the widows' bill he would exercise his constitutional rights on this floor. I concede that; but I do say another thing, and the remark of the gentleman from Alabama [Mr. OATES] suggests it to my mind. I say there is more than one way of observing the Constitution and more than one way of trampling it under foot.

To-day, Mr. Chairman, the Constitution is thrown in our faces as a shield to cover an almost solid vote against that little pension bill. And yet there is hardly a Constitution of the United States to be found in the Southern States. I assert here and now as my conviction that if these gentlemen respected the Constitution as they say they would not have the control in this Chamber; if they respected the Constitution instead of ballot-box stuffing and shotguns, they would not have control of the executive of this nation. [Groans and applause.] Ay, you may groan, gentlemen, but you yourselves do know, and you boast of it, too, that you will control this Government in spite of the Constitution, and I tell you here and now in this Chamber that there are as great crimes under the forms of law committed in your section as there was when Sumter was fired on. For one, I protest against sectional control of this country, with the Constitution absolutely defied.

These are my sentiments. I say that the gauntlet was thrown in that vote against fraternal feeling. But I say to my friend here and now, that that vote shall never control one vote of mine to a sectional course. I shall vote to build up the South, for God knows it needs it, and you have felt the force and effect of war. I shall give every vote that I can for the South as I would for Iowa, and that is saying a good deal.

Now, Mr. Chairman, I do not desire to occupy the attention of the committee longer. [Cries of "Go on!"] I only desire to say in closing that I sincerely trust that no gentleman, especially those who were in the ranks against me, misinterpret my feelings, for I say to you now I would rather spend eternity in hell with a confederate who tendered life with his views than be in heaven for ever with a Northern copperhead. [Laughter and applause.] I respect you, and ever shall respect you, and I say to you, call on me when you want help, *under the Constitution.* [Applause.]

Mr. RYAN. How much time have I remaining?

The CHAIRMAN. Fifteen minutes of the time of the gentleman from Kansas [Mr. RYAN] have been occupied.

Mr. RYAN. I reserve the balance of my time.

Mr. WILSON, of West Virginia, and Mr. CANNON rose.

The CHAIRMAN. The gentleman from West Virginia is recognized.

Mr. WILSON, of West Virginia. If the gentleman from Illinois [Mr. CANNON] desires to speak now, I will reserve my time.

Mr. CANNON. I should prefer to have the gentleman from West Virginia proceed, as there has just been a speech on this side of the House.

Mr. TOWNSHEND. As no one seems desirous of speaking, I move that the committee rise.

The motion was not agreed to.

Mr. WARNER, of Ohio, rose.

Mr. WILSON, of West Virginia. How much time does the gentleman from Ohio desire?

Mr. WARNER, of Ohio. I rose to take the floor.

Mr. TOWNSHEND. I suggest that the gentleman from Ohio [Mr. WARNER] be recognized in his own right.

The CHAIRMAN. The gentleman from Ohio will proceed.

Mr. WARNER, of Ohio. I have not risen to go into a general discussion of the pension question. What modification should be made in the pension laws is a question which I did not suppose was coming up for discussion at this time when the single proposition before the House is a bill appropriating $75,000,000 to pay pensions for the coming year. Such bills, my experience has been, have gone through this House almost without debate and almost without opposition.

But to-day the opportunity has been taken to drag politics into the debate on a pension appropriation bill and to arraign certain officials. Now, Mr. Chairman, when the gentleman from Iowa [Mr. HENDERSON] arraigns the present Commissioner of Pensions for a statement made in his report, and claims that it is without foundation in fact, I call his attention to what the country well knows, and that is that the late Commissioner of Pensions during the last Presidential and Congressional election left his place in the Pension Office—left his high seat as judi-

cial officer in the Pension Department—and went to the State of Ohio to take charge of the political campaign, and there remained for five or six weeks, in charge of the Republican campaign in that State, all the time holding on to his office and drawing his salary as Commissioner of Pensions.

Not only did the Commissioner go to Ohio to take charge of the Republican campaign, but officers under him were sent out to that State and to other States to do similar work. My friend from Cincinnati [Mr. BUTTERWORTH] knows what some of them went there for.

Mr. BUTTERWORTH. I do very well. I know they went to counteract the performance of a pack of scoundrels there.

Mr. WARNER, of Ohio. My friend from Cincinnati knows very well what they went there for; he knows they went there to help in the Republican campaign while drawing pay from the United States Treasury. Some of them were sent elsewhere, ostensibly on duty connected with the office, but in fact to do political work. It is well known in the State of Ohio that the late Commissioner of Pensions increased the number of special examiners and special agents in that State just before the October election. My own district had some six or eight sent into it just before the election. In other districts, safely Democratic, there were only one or two, or the usual number. Not only that, Mr. Chairman, but it is well known that the late Commissioner, as chairman of the campaign committee in Ohio, employed by the hundred men who went all over that State, into every county and township in the State and into every school district, to do political work. I do not say any of this class were paid out of the pension fund or any money appropriated by Congress, but out of the campaign fund provided for the election in that State.

These agents represented themselves as in the employ of Mr. Dudley, the Commissioner of Pensions. They hunted up soldiers who were applicants for pensions, and wherever they found a Democratic applicant they pursued him to his home and told him if he voted the Democratic ticket he need not expect to have his pension allowed. They represented themselves as coming from the Commissioner of Pensions, who had come to Ohio for the purpose of managing the campaign. They said they knew what they were talking about, and that if the applicants expected to get their pensions they must vote the Republican ticket. I am talking about what I know was represented.

Mr. GROSVENOR. Will the gentleman allow me to ask him a question?

Mr. WARNER, of Ohio. Not now. I am on the floor now for but very little time, and I can not yield.

Mr. GROSVENOR. Just for one question.

Mr. WARNER, of Ohio. Very well.

Mr. GROSVENOR. Do you think it was those pension agents in your district that had such a terrible effect upon your vote, or was it the fact that you did not vote for the bill to appropriate money to pay pensions? [Laughter on the Republican side.]

Mr. WARNER, of Ohio. Mr. Chairman, in reply to my colleague's question, I will inform him that I did vote for the bill appropriating money to pay pensions. I do not think there was a single vote against it on the floor of this House. I don't remember that there was. My colleague asked that question evidently without knowing the facts.

Mr. GROSVENOR. Did you vote for the Mexican pension bill after it came back from the Senate?

Mr. WARNER, of Ohio. I most certainly did not, and I do not expect to vote for it if it comes up again in the same form. I shall vote for no bill that proposes, as that did, to grant to men who were merely borne on the roll fourteen days, who never left their States, or perhaps their counties, the same pensions that it allowed to men who served throughout the war and were wounded or disabled. [Applause on the Democratic side.] A more unjust proposition than that in my judgment never was presented in this Hall. I voted against it; I spoke against it everywhere in my district, and the people understand my position on that bill. So I shall vote against it again if it comes up again in that form or with the same provisions. So much for that.

I come back now to the main question, which is the prostitution of the Pension Office for political purposes under the late Commissioner of Pensions—not only the prostitution of his own high functions, but also the conduct of some of his subordinates. I say that those special agents of his, or who claimed to be, flooded every district and every township in the State of Ohio before our October election—I do not say with his knowledge; I have no right to say that; but presumably so, because of the position he took in that campaign; they went all over the State, telling the soldiers that they must vote the Republican ticket or else their pensions would not be allowed, and if they were drawing pensions that they would lose them.

Why, Mr. Chairman, there is scarcely a Democratic soldier in my district who can not testify to this thing. Not only by such agents, but by Republicans generally who engaged in political work was this done; it was the common stock in trade in the campaign; and I think they were justified in assuming what they did by the position which the Commissioner himself took when he abandoned his high official position and went out to Columbus to take charge of the campaign for the Republican party.

Mr. CUTCHEON. I ask the gentleman to yield for a question.

Mr. WARNER, of Ohio. Certainly.

Mr. CUTCHEON. The charges which the gentleman has made in regard to the use of the Pension Office for political purposes are broad and sweeping.

Mr. WARNER, of Ohio. I am aware of that, because the facts are broad and sweeping.

Mr. CUTCHEON. I would like to ask the gentleman whether he has any proof in an authentic form of the statement he has made?

Mr. WARNER, of Ohio. There are plenty of witnesses. I myself know of many of these things.

Mr. CUTCHEON. Will the gentleman give us his specific authority?

Mr. WARNER, of Ohio. The gentleman knows, does he not, that General Dudley was managing the Republicans in Ohio? Let me state further that the Commissioner, as I am now advised, had his office at Columbus in the office of the agent for paying pensions. I know that he sent out telegrams all over the State; at least he sent a great many into my district, some of which were intercepted and shown to me, disclosing exactly what he was doing.

Now, I will say to my friend from Michigan, I never have charged that these political agents were sent out by Commissioner Dudley. I say they so represented themselves. Many of them were strangers. Nobody knew them. They found out the soldiers, followed them to their homes; and soldiers and their friends came to me and told me what had been told them. I was told—I am not telling any secrets—by Republicans on the stump that these men were not really pension agents, but were political agents sent out by General Dudley at the head of the campaign committee, and were paid out of the campaign funds. That, I think, is correct. I believed it then, and I believe it now

Mr. BUTTERWORTH. Why did you not say that in immediate connection with the charge?

Mr. WARNER, of Ohio. I did.

Mr. BUTTERWORTH. You have just said these men were wholly unauthorized, as you have been advised, yet the statement you made before implied that they were sent out by the Pension Office.

Mr. WARNER, of Ohio. My colleague is mistaken. I said they claimed to come from Mr. Dudley. I said that I did not know whether he sent them or not. I only know what they claimed. The six or eight special examiners or special pension agents I spoke of were a different class; they were sent from the Pension Office.

Mr. BUTTERWORTH. The gentleman should not have disconnected the two statements.

Mr. WARNER, of Ohio. The fact that Mr. Dudley left his place here in Washington and went to Columbus to take charge of the campaign there, still holding his office—for he resigned to take effect at a certain time, really depending on the result of the election—is evidence enough to me. I do not want any other evidence as to what he was doing and was willing to do in that campaign.

The fact that General Dudley, holding the office of Commissioner of Pensions, was willing to leave his duties here and go into a State of which he was not a citizen, with which he had no political relations, and there take charge of a political campaign, is all the evidence I want that he was ready to do all the other things charged against him. And such a prostitution of high official position I do not believe can be found in any other case in the records of this country, and I hope it never will be repeated.

Mr. CUTCHEON. Will the gentleman name any of these political agents besides General Dudley?

Mr. WARNER, of Ohio. Mr. Rathbone was one.

Mr. CUTCHEON. Will the gentleman name another?

Mr. WARNER, of Ohio. I could name a good many, for I made some investigation into this matter.

Mr. CUTCHEON. Let us have them all.

Mr. WARNER, of Ohio. As a gentleman near me suggests, "their name is legion." The class of political agents I have referred to could be found in every township and every school district—in my part of the State at any rate.

Mr. CUTCHEON. Then it ought to be easy to name more than one.

Mr. WARNER, of Ohio. These men were strangers to me, but they were there, and I say they were supported by Republicans who were engaged in political work in that canvass in their representations to soldiers that if they voted the Democratic ticket they would never get their pensions. That was said so many times that it became an old story. The soldiers were told that their claims for pensions would not depend upon their service for their country, would not depend upon scars or wounds or disability, but upon whether they supported the Republican party or not. This is the way pensions were mixed up with politics in that Dudley campaign in Ohio.

Mr. CUTCHEON. Now, will the gentleman allow me one more question on that point?

Mr. WARNER, of Ohio. My friend is so good-natured that I must yield to him.

Mr. CUTCHEON. About 531,000 invalid pensions have already been granted; and all of them, except those granted since the 4th of March last, have been granted under Republican Commissioners. Does the gentleman claim that these 531,000 pensioners are all Republicans?

Mr. WARNER, of Ohio. Oh, no. No such claim is made.

Mr. CUTCHEON. About half are Democrats.

Mr. WARNER, of Ohio. I will go further; I will go so far as to say I do not think the question of politics has determined the allowance of pensions generally. I only talk things that take place about election times, and especially the election two years ago when General Dudley went to Ohio to manage the campaign. When they thought there was something to be gained by this course they did attempt to connect the allowance of pensions with politics, and for that purpose the Commissioner left his place in the Pension Office and went out to Ohio. [Applause on the Democratic side.]

Mr. CUTCHEON. Did he not file his resignation before he went?

Mr. WARNER, of Ohio. But he drew his pay all the time and communicated all the time with the Pension Office. [Applause on the Democratic side.] He was in frequent communication with the office, and during that time some question arose between him and the deputy commissioner, Mr. Clarke, as to who had authority, He claimed to have authority notwithstanding the fact that he left the Pension Office to go to Ohio to manage a political campaign. His resignation could have been easily enough recalled if Blaine had been elected. That is the impartial management of that office under the Commissioner to which the gentleman from Iowa referred.

Mr. BOUTELLE. Will the gentleman allow me to ask him a question?

Mr. WARNER, of Ohio. Take the examining boards, the boards of surgeons who pass upon questions of disability. I do not say there were not Democrats who were members of such boards under the former Commissioners, but so far as I know there was no Democrat on any examining board in my district. When the present Commissioner came in I advised as a measure of simple justice that there should be at least one man of the opposite party on every examining board in the country. The present Commissioner in this way has constituted all his examining boards.

Mr. HEPBURN. Let me correct the gentleman. It is only fair to state that in Iowa on every one of the examining boards there was a Democrat.

Mr. WARNER, of Ohio. Iowa then must have been an exception, for I do not know of any in Ohio. Certainly there was none in my district. I should like to have the gentleman tell us what Democrat was on the examining board in Keokuk.

Mr. SOWDEN. There were no Democrats appointed on examining boards in Pennsylvania.

Mr. BOUTELLE. Permit me to ask the gentleman a question.

Mr. WARNER, of Ohio. Certainly. I always yield.

Mr. BOUTELLE. I wish to ask whether the absence of Republican pension examiners accounted for the remarkable gains achieved in Hamilton County last year?

Mr. WARNER, of Ohio. I refer to the election two years ago.

The CHAIRMAN. Gentlemen will suspend for one moment until the Clerk reads Rule IV, clause 1.

The Clerk read as follows:

1. When any member desires to speak or deliver any matter to the House, he shall rise and respectfully address himself to "Mr. Speaker," and, on being recognized, may address the House from any place on the floor or from the Clerk's desk, and shall confine himself to the question under debate, avoiding personalities.

The CHAIRMAN. The Chair has had that provision of the rules read for the purpose of suggesting to members when they are disposed to interrupt the member occupying the floor that if they will address the Chair much less confusion will result than under the present system of members interrupting the occupant of the floor without his consent and without addressing the Chair.

Mr. WARNER, of Ohio. I have been asked what reduced the vote in my district. Just these agencies and the misrepresentations made to the soldiers, who believed, as hundreds have since said to me, that if they voted for me and for Cleveland for President it would be the last of their pensions. They were made to believe their pensions did not depend upon their services, wounds, or disability, but upon how they voted. That, I say, was constantly and persistently put before them in campaign documents and by such agencies as I have referred to everywhere. My colleagues all know this. My case was not exceptional.

Mr. CUTCHEON. I ask the gentleman from Ohio if he thinks that is the measure of the intelligence of his constituents to believe anything of that kind?

Mr. WARNER, of Ohio. Doubtless Democratic soldiers in my friend's district were told the same thing, and if they were told so by agents claiming to represent the Commissioner of Pensions they would be likely to believe it.

Mr. GROSVENOR. Will the gentleman yield to me?

Mr. WARNER, of Ohio. Certainly.

Mr. GROSVENOR. How was it your district happened to be afflicted with so great a loss when other Democrats seemed to have gained during that memorable transaction?

Mr. WARNER, of Ohio. I can give another reason for that. [Laughter.] There was a reduction of about five or six hundred, I think. Last year the district went Republican. It has gone Republican before. But the reason why there was so large a reduction was because more money was spent there to back up these agencies than in any other district in the State. [Applause.]

They seemed to be very anxious indeed for some reason to defeat me. Even my good friend and colleague on the other side came over and tried to help them do it. I do not think in doing so that he exactly represented the facts in the case; but nevertheless we have been good friends and I hope nothing will disturb that relation. He was doing service for his party and he always does that well.

Mr. GROSVENOR. I went over to explain some political inconsistencies into which my friend seemed to have fallen.

Mr. WARNER, of Ohio. Yes, my friend thought that I should have voted for the Mexican pension bill as it came back from the Senate with its load of amendments, as well as for some other matters about which we differed. Now my constituents seemed to think, after a review of the matter, that I was about right after all.

Mr. CUTCHEON. Do I understand the gentleman from Ohio to admit that some of his Democratic constituents are purchasable with money?

Mr. WARNER, of Ohio. Mr. Chairman, I am sorry to say in answer to the gentleman from Michigan that I have never known a district in which there were not some men who could be influenced by money.

It is, I admit, a sad state of affairs, and in this connection I will take occasion to say that in my opinion the most threatening danger that besets this country to-day comes from the use of money in connection with elections. [Applause.] Not less than $25,000, probably double that sum, was spent in my district—mostly a country district—to secure my defeat, and pension agents and General Dudley were doing all they could besides.

Mr. BROWNE, of Indiana. May I ask the gentleman from Ohio a question?

Mr. WARNER, of Ohio. Certainly. I will yield; I am in a yielding mood.

Mr. BROWNE, of Indiana. I entirely agree with the gentleman that the great danger confronting our institutions is the tendency to a plutocracy. It not only affects elections of representatives to Congress, but may I not ask my friend from Ohio if it is not suspected as having entered into legislative bodies to influence the election of United States Senators? [Laughter and applause.]

Mr. WARNER, of Ohio. I am afraid so; but let me assure my friend that if he will take the trouble to inquire about it he will find my record always against such influences; and he will find no apology anywhere from me for any such practices. I hold in abhorrence the use of money to control elections of any kind, and I have always denounced it and always shall denounce it.

Mr. REED, of Maine. Let us now hear from the rest of the Ohio Democracy. [Laughter.]

Mr. WARNER, of Ohio. Now, Mr. Chairman, I come back to the organization of the Pension Office. My friend from Iowa explains that two or three chiefs have been removed from the Pension Office.

There are something like two thousand, or perhaps a little less than two thousand, Government employés in that office. This is an enormous force for one office. It is an office, too, let me say, where politics never ought to be permitted to enter. Any Commissioner of Pensions who would permit a question relating to the politics of an applicant for a pension to be asked in that office would dishonor the office. The rights of soldiers to pensions do not depend upon their politics, and politics ought not to enter there any more than in a court of justice. Why, what would you think of a court of justice where rights of litigants were made to turn on their political affiliations, or where even a suggestion of a political nature was allowed? The Pension Office should be as far above political influence as any court of justice.

But, sir, to the organization of the Pension Office. There have been two or three removals, but it should be remembered that there are nearly two thousand persons employed—at least one thousand seven hundred or one thousand eight hundred altogether.

A MEMBER. How many are Democrats?

Mr. WARNER, of Ohio. How many are Democrats? I was told that out of nearly two thousand but sixty-eight—I believe that was the number—were Democrats and all the rest were Republicans. My information may not be exact, but I am not far out of the way; the great majority of them are Republicans. Now, I am free to say I think there ought to be some more removals. I think it due to the Democratic party and to the country that there should be more Democrats in that office. Instead of complaining of two or three removals, the real grounds of complaint I think are that there have not been a good many more removals. But I do not think that the present Commissioner of Pensions has permitted political questions to enter the office since he has been there.

Mr. FUNSTON. Will the gentleman let me ask him a question?

Mr. WARNER of Ohio. Oh, yes.

Mr. FUNSTON. I desire to ask the gentleman if he says that he is opposed to political questions entering there and that there ought not to be a political question raised, why there should be more Democrats there?

Mr. WARNER, of Ohio. I want the office to be made non-partisan by putting partisans out—by putting out men whose sole recommen-

dation for appointment was the fact they were zealous partisans. [Applause on the Democratic side.]

Mr. CUTCHEON. And by putting in partisans on the other side. [Applause on the Republican side.]

Mr. FUNSTON. Of course that is the logic.

Mr. WARNER, of Ohio. To be non-partisan both parties should be indiscriminately there. It should be divided fairly between the parties, which is not the case now. Let me remind my friend that the one qualification essential to secure an appointment there under Republican administrations—I do not say the only qualification, but the essential qualification was, was he a good Republican? Was he a zealous member of his party and a good political worker? In many cases I apprehend no other question was asked. Now, I want to free the Pension Office from this abuse.

Mr. CURTIN. Will the gentleman permit me to ask a question?

Mr. WARNER, of Ohio. Certainly.

Mr. CURTIN. If the offices are not partisan and you do not put partisans out and partisans in, what is the use of holding an election? [Laughter and applause.]

Mr. WARNER, of Ohio. My distinguished friend from Pennsylvania has presented the Flanagan enigma again. He asks what are we here for? But on that point I will define my position at any rate. I believe such places as these, and above all others places in the Pension Office, ought to be non-partisan. This service should be non-partisan. But we do not make it so by keeping only Republicans in, men who were appointed solely because they were active political workers in the Republican party. I believe in letting such partisans step down and out. We require all who enter this non-partisan service to go in through the non-partisan gateway—the Civil Service Commission. Why should not all be treated alike?

Mr. PERKINS. Will the gentleman permit me to ask him a question?

Mr. WARNER, of Ohio. Yes, sir.

Mr. PERKINS. Is the gentleman aware that the present Commissioner of Pensions has kept Republican members of Congress standing in the ante-room while he was conferring with Democratic members as to who should be discharged?

Mr. WARNER, of Ohio. I have not heard that and I do not see how that could well be, for there have not been any discharges. There are certain offices which I believe ought to be changed with every change of administration. Every head of a Department, bureau, or division ought to be changed and made harmonious with the administration. I believe that the men occupying such places ought to be in sympathy with the administration and in harmony with its policy. As to the places that are merely ministerial, let them be made non-partisan by putting out those who were appointed solely because they were partisan, or at any rate require all to go through the same ordeal to stay as to get in. In other words, make the service non-partisan by putting all on the same footing. Give Democrats at any rate an equal chance.

Now, Mr. Chairman, I want to call attention to one other thing, and I will then take my seat. I desire to make one remark in justice to the present Commissioner of Pensions; and that is, that I have heard no complaint from any soldier from any part of the country that there has been any partisanship in decisions rendered on pension claims; and instead of there being no pensions allowed, as the soldiers were told, there have been more pensions allowed upon their merits, and on the evidence presented, under the present administration of that office than were ever allowed in the same time under any other administration of this office. I am certainly borne out by the facts in this statement.

When I came in here to vote for this pension bill, to vote to appropriate seventy-five millions to pay pensions for the coming year, I did not expect to have anything to say or that there would be any discussion on the bill at all further than to explain the appropriation. I am in favor of extending the provisions of the pension laws so as to embrace all soldiers who are now disabled, if they have a military record that justifies the presumption that their disability is due to their service. I say such soldiers are entitled to pensions as much as they were when in the service to their pay. But that is a very different proposition from putting everybody on the pension-list at the same rate, whether he performed service or not and whether in any way disabled or not.

Mr. RANDALL. I desire to leave the arena of bitter partisan politics for a moment to assume the safer ground of history and truth. I was unwilling that the sun should go down without making the statement I desire now to submit.

I became chairman of the Committee on Appropriations for the Forty-fourth Congress. I acted in that position during the first session of that Congress. I was Speaker for five years, and then again became a member of the Appropriations Committee for a Congress, and again chairman of that committee for the last Congress, and I am now chairman; and I desire to say this is the first time that I have known of partisan politics and sectionalism being introduced in connection with the debate upon this bill. [Applause.] I would perhaps have remained silent notwithstanding, except that, whether intended or not, there might go abroad to the country the impression that the Democratic party, and more particularly the Southern element—who I call by name the confederates of our party—have in any way shown any hostility whatever to any of the bills for the payments of pensions during the whole of that period. And when the effort was made, whether intended or not, to make a record against these gentlemen because they exercised their own choice in voting as to the amount that should go to the widows—when the effort was made to send that to the country as evidence of hostility to the payment of pensions, I could not sit here and submit to such an imputation on those gentlemen without contradiction. On the contrary, my experience has shown me that they have displayed a wonderfully generous disposition and full-heartedness in every particular whenever pensions to Union soldiers or the widows of Union soldiers were involved. I now and here place my experience against the impression that might be made, whether intended or not, by the speech of the gentleman from Iowa [Mr. HENDERSON] that there is on that side any hostility from any quarter of this country represented on this side to the payment of what is justly due to those who were disabled and to the dependents on those who fell in the war for the Union. [Applause.]

Mr. MORRISON. In all the years of the war, and the nearly ten years following immediately after it, our friends on the other side of the House politically had control of the Government in all its branches. They are skilled alike in statecraft, in manifestation of mindful care for the soldier of the late war, and in display of patriotism. In all these years certainly they would not fail to busy themselves in making the most ample provision for the soldiers by providing them with suitable and ample pensions and allowances of every kind. Since then, in the dozen or more years I have had the honor of serving here, no Southern man ever failed to vote, at least I do not remember the name of a Southern man who ever failed to vote for the last dollar that in the long years of watchful care and much law-making the Republican party had provided by law should be paid to the soldier. [Applause.] If any gentleman knows of a Southern man who has ever failed to vote the last dollar recommended by the Republican Commissioner of Pensions to keep faith with the soldier and to pay him all our Republican friends had declared to be his due and provided by law should be paid, I would like to know the name of that Southern man. What is his name?

Mr. HAMMOND. Will the gentleman allow me to ask him a question for information?

Mr. MORRISON. Yes, sir; I have said all I care to say.

Mr. HAMMOND. My question is, Who fixed the rate of the widows' pension at $8 a month? What party fixed it?

Mr. TOWNSHEND. If my colleague will allow me, I will say that the Republican party during the war, and when they had power in both Houses of Congress, fixed the rate of pension for the Union soldiers.

Mr. HAMMOND. My question is, Who fixed these widows' pensions which it is now sought to have raised?

Mr. MORRISON. I do not know that I can answer that question positively. I do not now recollect whether this rate of $8 was fixed before or since the late war. Whenever fixed, it so remained. It is not yet above $8.

Mr. CANNON. Mr. Chairman, I desire to say a single word now, more in reply to the gentleman from Pennsylvania [Mr. RANDALL] than anything else, and then I shall reserve the balance of my time until to-morrow. The gentleman from Pennsylvania stated that in his long experience as chairman of the Committee on Appropriations and as Speaker of this House he never before had witnessed a political discussion upon an appropriation bill.

Mr. HOLMAN. No; upon a pension bill.

Mr. RANDALL. I said upon the annual pension appropriation bill.

Mr. CANNON. Then, Mr. Chairman, if that is what the gentleman said, I will say in reply that, as I understand the facts, the speech of the gentleman from Iowa [Mr. HENDERSON] was provoked by the misinformation obtained by the chairman of the Committee on Appropriations from the Commissioner of Pensions and sent out by him or some one else to the country.

Mr. RANDALL. I was not dealing in little matters, as to who was hurt or who was not hurt. I spoke of history.

Mr. CANNON. I say the speech of the gentleman from Iowa was provoked by the information obtained by the chairman of the Committee on Appropriations from the Commissioner of Pensions and sent broadcast over the country, stating the cost of the arrears act as proposed would be $80,000,000 more than it would be in fact even from his own premises, for the purpose of shaping the policy not only of that committee, but of the Committee on Pensions, touching the proposed legislation, and I think unfairly alarming the country upon the question of cost of the repeal of the limitation of the arrears-of-pension act.

Mr. RANDALL. I will reply to that.

Mr. CANNON. Now, Mr. Chairman, I want to indorse what the gentleman from Iowa [Mr. HENDERSON] has said, and to state that his utterances in exposing that misstatement, which most of the people of the country probably believe to be true, was apt and timely; but although the misstatement is exposed the truth will not overtake it, as truth in such a case never does overtake error.

Mr. RANDALL. I will answer the gentleman in that particular. No man in this House was more surprised at the figures developed than I was. But, as chairman of the Committee on Appropriations, I felt,

of my own motion, that it was my duty to inquire what would be the cost of this legislation, because I remembered that on a former occasion $75,000,000 was stated as likely to be the cost of the arrears bill, and I knew that up to the present time it had cost $176,000,000. My inquiry, therefore, was made as a mere matter of precaution, but I of course stand by what I did. I did my duty regardless of the facts developed.

Mr. TOWNSHEND. Will my friend from Illinois [Mr. CANNON] allow me to make a statement here in defense of the Commissioner of Pensions?

Mr. CANNON. I would prefer just now to answer the gentleman from Pennsylvania [Mr. RANDALL] and yield to my colleague from Illinois afterward. The gentleman from Pennsylvania saw his duty clear, as chairman of the Committee on Appropriations, to travel outside of the legitimate jurisdiction conferred upon that committee by the rules and the order of the House, to get a statement from the Commissioner of Pensions which was not correct, and which has gone broadcast over the country.

Mr. RANDALL. I am not responsible for its incorrectness.

Mr. CANNON. I understand that. The gentleman from Iowa [Mr. HENDERSON], on the other hand, saw his duty clear in the consideration of this bill in the greater committee, the Committee of the Whole House, having jurisdiction of this and all other matters of a kindred nature, to correct that mistake before the House and the country. So I think the gentleman from Iowa was strictly within the line of duty. One word further. The gentleman from Pennsylvania [Mr. RANDALL] said that this was the first time that he had witnessed a political discussion upon a pension appropriation bill.

Mr. RANDALL. So far as I could remember.

Mr. CANNON. Now there is a rule in pleading that a demurrer is carried back to the first faulty pleading, and the gentleman's objection, if legitimate objection it be, would probably travel back through the gentleman from Iowa [Mr. HENDERSON] and lodge upon the devoted head of my colleague from Illinois [Mr. TOWNSHEND], who stood in his place here for several minutes glorifying the present Commissioner of Pensions, and adroitly, as his speech will show, seeking to sing the praises of his side of the House and to excuse their shortcomings.

Mr. RANDALL. Will the gentleman from Illinois [Mr. CANNON] allow me to say that I am not engaged in singing the praises of any party or of any section in connection with this subject. I rose simply to do justice and state truth. As to the information I sought, it was my duty to inquire about these matters. For what I did I make no apology at all, and the gentleman does not understand the subject properly if he does not know that even though the Committee on Invalid Pensions should recommend this legislation and pass it through the House, yet it would still remain for the Committee on Appropriations to recommend to the House the appropriations necessary to execute the law.

The bill to increase the pensions of widows has not become a law, but if it should, then the Committee on Appropriations will have to recommend to this House the appropriation of a sufficient sum to carry that law into effect, which will be about $6,166,000. So that the gentleman from Illinois [Mr. CANNON] is quite wrong in supposing that I was in the least degree outside of the strict line of duty.

Mr. CANNON. The gentleman is chairman of the Committee on Appropriations, but, under the revised rules, that committee has power to do one thing only, namely: to report the appropriations in pursuance of existing law; it has no power to report legislation touching pensions or anything else. And, while I do not seek to criticise him further than to defend the gentleman from Iowa, if he needs any defense, I do say, as the gentleman from Iowa said, that this action, if apt at all, would have come with greater propriety from my colleague from Illinois, the chairman of the Committee of Ways and Means [Mr. MORRISON], which committee reports and recommends legislation to levy taxes and raise revenues to pay pensions and carry on the Government.

Mr. RANDALL. The gentleman has never heard me utter a complaint or a grumble about the duties of the Committee on Appropriations, whether in their present condition or formerly.

Mr. CANNON. Now, Mr. Chairman, I wish to say a word in reply to my colleague from Illinois, the chairman of the Committee of Ways and Means [Mr. MORRISON]. An able and adroit man is my colleague. [Laughter.] No man on either side of the House admires him for his ability and personal qualities more than I do. In order to avoid the force of the point made by the gentleman from Iowa [Mr. HENDERSON], in speaking of the vote that was had at this session of Congress (the record of which was read at the Clerk's desk on the passage of the widows' pension bill, showing the solid vote of Southern Democrats against it), my friend from Illinois failed to make any answer to that, but sought to avoid its effect by saying that in all his experience his Democratic friends had voted every time to make appropriations to pay pensions in pursuance of existing law.

That is doubtless true, for I understand that everybody on both sides has done that. But that did not meet the charge made by the gentleman from Iowa [Mr. HENDERSON]. His statement was from the record that on the bill to pass the act increasing the widows' pension and that of dependent parents from eight to twelve dollars a month the vote against it came solidly from the Southern Democrats, except the gentlemen from New York [Mr. HEWITT] and Wisconsin [Mr. BRAGG], which showed sectionalism in the gentleman's party friends from the South.

I might go further in the proof of that sectionalism and demonstrate that during the first and second sessions of the last Congress, with a Democratic majority of 70 to 80 in the House, almost the identical sectional force upon that side stood day after day and night after night availing themselves of the rules of the House, filibustering against the consideration of provisions which had been passed by a Republican Senate to put every soldier who had been honorably discharged after three months' service and is now disabled and dependent upon his labor for support upon the pension-roll without further proof. True, my colleague [Mr. TOWNSHEND] stood during those days and nights, as we all remember so well, lifting up his voice and crying aloud for the passage of that bill.

Mr. REED, of Maine. But it was "the voice of one crying in the wilderness."

Mr. CANNON. Mr. Chairman, when that side of the House, with its 70 or 80 majority, was reminded in the last Congress that the House made the rules and could unmake them, that they had the power, with the aid of our side of the House, to so amend the rules as to cut off dilatory motions and pass that bill as it came from the Senate, my colleague from Illinois and Northern Democrats were silent.

I stand ready now so far as this question of pensions is concerned to welcome my colleague [Mr. TOWNSHEND] into the Republican party, provided he will come over and stay with us until the battle is fought through, and provided further, that after this desirable pension legislation fails—for it is liable to fail in this Congress as it did in the last and through the same means—he will not go home and get upon the stump and say "great is Democracy!" and quote his own sayings here in favor of this legislation to cover up and excuse the shortcomings of his party friends.

Mr. Chairman, it will not be the fault of the Republican side of the House if these measures fail to pass.

Mr. TOWNSHEND. I hope my colleague will now yield to me for a few words in reply.

Mr. CANNON. I have promised to yield to the gentleman from New York [Mr. HISCOCK].

Mr. HISCOCK. Mr. Chairman, a great deal has been said about the entire willingness of our friends on the other side always to make ample appropriations in pursuance of law in those Congresses presided over by the gentleman from Pennsylvania and controlled by Democratic committees. I desire to call attention to a bill which we were compelled to pass at the first session of the Forty-seventh Congress—a bill providing:

That to supply a deficiency in the appropriation for Army pensions for the fiscal year ending June 30, 1882, the sum of $16,000,000 is hereby appropriated out of any moneys in the Treasury not otherwise appropriated.

The previous Congress had adjourned without making ample appropriations for the pensioners; and one of the first duties that we were called upon to discharge when the Forty-seventh Congress met was to supply the deficiency that had been created by a lack of appropriation on the part of the preceding Congress. I remember further, that it was in pursuance of a grand political scheme——

Mr. MORRISON. Will the gentleman allow me——

Mr. HISCOCK. A great political scheme by which we were compelled to provide for thirty or forty millions of deficiencies in the Post-Office Department and in other Departments, $16,000,000 being for pensions. These deficiencies were added to the sum total of appropriations which we were compelled to make in order to raise the charge that the Republican party was extravagant.

Mr. RANDALL. All that the gentleman says can not move me from my position that the $16,000,000 appropriation to which he refers related to a deficiency resulting from miscalculation as to the amount to be paid under the arrears bill.

Mr. HISCOCK. That has always been the trouble, Mr. Chairman, "miscalculation."

Mr. RANDALL. No, sir; if I recollect aright, and I think I do, we appropriated at that time, as on other occasions, both for the current pension-roll and for the arrears, the entire sum that was asked by the officers of the Government belonging to the Republican party.

Mr. HISCOCK. I beg the gentleman's pardon. The matter was discussed; and it was said, "If we do not appropriate enough, a Republican Congress will be in session before there will be any necessity to expend the money, and they can appropriate it." Instead of the sum being charged to the Democratic party, it was charged to us. We were compelled to make the appropriation or there would have been no money in the Treasury to answer the drafts made on behalf of the pensioners. Sixteen millions of dollars! There could be no mistake of arithmetic in reference to so large a sum as that—nearly one-quarter of the whole bill. So far as that item is concerned, it is reported by the committee on this bill; yet a Democratic committee reported a bill—we could protest against it, of course—reported a bill embracing an aggregate appropriation which any arithmetical calculation would have demonstrated was insufficient for the needs of the service.

Mr. RANDALL. Admitting what the gentleman says to be true—it is not true, but admitting it for the sake of argument—his statements do not detract from the disposition on this side of the House at all times to give the entire sums shown to be necessary for the pensioners.

Mr. HISCOCK. I will not undertake to say that gentlemen on the other side expected to cheat the pensioner out of his pension; but they were willing to use the appropriations for that service, as for every other, for political purposes. Their position was, "We will create a deficiency in the pension appropriation, and in the Post-Office Department, and all along the line, so that when the Republican party shall come into power they shall find that insufficient appropriations have been made for the service of the Government; that the Government will be starved unless they will provide for these deficiencies." The sum-total of all those deficiencies, amounting to between thirty and forty million dollars, we were compelled to appropriate for; and the cry upon the stump during the ensuing canvass was "Republican extravagance!" And this cry was based upon the large appropriations we were compelled in this way to make for these different branches of the service.

Mr. CANNON. I now yield five minutes to the gentleman from Maine [Mr. REED].

Mr. REED, of Maine. Mr. Chairman, I had not expected to say a word in this debate until the discussion shifted round to something which very decidedly interests me and has interested me during all my experience in this House. I venture the assertion that in this House the appropriations for the Government have too often been brought here not with reference to the needs of the country, but with reference to political speeches to be made after the adjournment of Congress.

My friend the gentleman from New York [Mr. HISCOCK] has touched only on one phase, I think—that is, the making of appropriation bills not to meet the needs of the country, but known to be, and mathematically demonstrable to be, inadequate to the necessary expenditures of the Government, and all for the purpose of concealing by a deficiency bill the actual expenditures of the country under a Democratic appropriation committee; and the last Congress witnessed the culmination of this abuse. At the last Congress appropriations were deliberately carried through this House which were not sufficient for the purposes of this Government, and which were shown on this floor not to be sufficient under existing laws, because they knew on the other side that the Republican Senate would have to make the necessary additions to carry out and execute the laws of the country. Thereupon immediately the large Democratic newspapers made contrast between Democratic economy and Republican extravagance, and the gentleman from Pennsylvania [Mr. RANDALL] made his annual procession across the country with his budget of figures, explaining how economical he had been and consequently what a saving he was to the country. [Laughter and applause on the Republican side.]

Now, Mr. Chairman, we witnessed that thing in the House in one particular instance, when the House entirely overthrew the Post-Office appropriation bill as presented by the committee, then under the able leadership of the gentleman from Illinois [Mr. TOWNSHEND]. The House made the appropriations which were needed, but the gentleman from Pennsylvania came back, like a distinguished military chieftain during the war from some Winchester or other, and carried the whole Democratic side of the House against appropriations which were made in accordance with law, and against the very appropriations which the gentleman from Pennsylvania and the Democratic side of the House had to vote for in the final results of the bill. But they did it with a complaint, a dismal groan heard all over the country that they were forced to do it by the wicked and expensive Republican Senate, when they did it in accordance with law, when they did it because they had to, when they did it because they knew they would do it from the very time when the bill came before the House. [Applause.]

I do hope, Mr. Chairman, when the gentleman from Pennsylvania makes his next pilgrimage and combines economy with the science and practice of protection [laughter] that some knowledge of the exact condition of things may penetrate the country, so that budget of tabular statements may fall where it belongs—to the ground. [Applause on the Republican side.]

Mr. RANDALL. A word in reply.

Mr. CANNON. Let me know how much.

Mr. RANDALL. I will give you a portion of my time.

Mr. CANNON. How much time have I remaining?

The CHAIRMAN. Twenty-eight minutes.

Mr. CANNON. I will yield to the gentleman from Pennsylvania.

Mr. RANDALL. I can afford to be good-natured.

Mr. CANNON. How much time does the gentleman want?

Mr. RANDALL. Only one moment or two will be necessary to answer what has been said. I wish to state that I have here the official Book of Estimates for the year to which the gentleman from New York [Mr. HISCOCK] has alluded. I find there that the Republican departmental estimates for the year 1882 were $50,000,000, and that there was appropriated for that year $50,000,000, just as I stated. The deficiency of $16,000,000 was subsequently appropriated.

Mr. HISCOCK. Will the gentleman yield to me?

Mr. RANDALL. You have made your statement, and I will not take long to answer it. [Laughter.]

So far as the gentleman from Maine [Mr. REED] is concerned I only want to say this, That the appropriations last year were made, as they always have been made, under the rule of the party to which I belong, as close as possible to the requirements of the Government. I remember very well on a former occasion, years ago when there was an enormous reduction, that a Republican Secretary of the Treasury informed us, notwithstanding that heavy reduction, we might have gone $11,000,000 deeper. Last year the appropriations were very carefully estimated and appropriated for, and I find the deficiencies now presented are only about $3,000,000. [Applause on Democratic side.]

Mr. REED, of Maine. Under the action of the Republican Senate—that answers the gentleman. [Applause on the Republican side.]

Mr. RANDALL. Not in the least. The Senate is not the sole body in control of this Government. This House is a co-ordinate branch of the Government.

Mr. MCKINLEY. Only one?

Mr. RANDALL. I would like to hear what the gentleman has to suggest as to another beside the Senate.

Mr. MCKINLEY. I wish to ask the gentleman whether they do not have two co-ordinate branches. I understood him to say they had only one.

Mr. RANDALL. I said this House was a co-ordinate branch. We have the Senate, the Executive, and the House. I know of no other.

Mr. MORRISON. And a useless judge or two. [Laughter.]

Mr. MCKINLEY. I understood the gentleman to say his party had one branch of the Federal Government.

Mr. RANDALL. I have repeated what I said.

Mr. REED, of Maine. I protest against this interruption, as the gentleman from Pennsylvania, I thought, was about to answer me.

Mr. RANDALL. I only wanted to answer the statement of the gentleman from Maine by giving the House the true statement of the case. I do not mean of course to say that the gentleman stated anything untrue.

Mr. REED, of Maine. Of course you did not.

Mr. HISCOCK. A single word, Mr. Chairman, in response to the suggestion of the gentleman from Pennsylvania, that we appropriated the full amount that came to us in the annual estimates of the Departments for the last year. Now, I am clear, and associates of mine who are now and were upon the committee then will bear me out in the assertion, that subsequent investigation proved that that amount would be insufficient.

The subcommittee delegated to investigate the question came to the conclusion that it was insufficient, but the result was that these $16,000,000 were not appropriated. There were scant appropriations in the Post-Office service and scant appropriations all along the line, and solely for the purpose that the Democracy might in the fall go to the country upon the economical appropriations, and that the next year, when we were compelled to go to the country, they might point to the aggregate of our appropriations and institute a comparison between ourselves and the appropriations made by a previous Congress. We felt the full force of that argument, and thirty-two millions, I think, in the aggregate—I have already had occasion heretofore in this House to point to the items—but thirty-two millions in the aggregate we were compelled to provide for which should have been provided for by the last Democratic House of Representatives.

Mr. CANNON. I now yield three minutes to the gentleman from Maine [Mr. BOUTELLE].

Mr. TOWNSHEND. I hope the gentleman from Maine will wait until to-morrow, so that I can now move that the committee rise.

Several MEMBERS. Oh, no; let us pass the bill to-night.

Mr. BOUTELLE. I shall occupy but a little time.

The CHAIRMAN. The gentleman from Maine is recognized.

Mr. BOUTELLE. Mr. Chairman, I want to direct the attention of the committee to one point which has been raised in this debate, and that is with reference to the suggestion that heretofore there has never been anything known like partisan discussion or partisan lines being drawn upon a pension appropriation bill.

I find in a political manual of a single year, which has been handed me, two or three illustrations of the fallacy of that statement. For instance, in 1879, on the 1st day of March, in the other branch of Congress, pending the consideration of a bill making appropriation to carry out the provisions of the arrears act of January 25, 1879, an amendment was offered making the law granting pensions to soldiers and widows of the war of 1812, applicable to soldiers and sailors of the war with Mexico, to which the following amendment was moved:

Provided further, That no person who served in the confederate army during the late war of the rebellion, or held any office, civil or military, in the late confederacy, shall be entitled to receive a pension under this act.

On the vote upon the adoption of that provision there was a solid Republican vote of 24 and a negative vote of 26 solidly Democratic, with the exception of one Senator from Florida and one from South Carolina.

On the same day the following amendment was offered to the same provision.

Mr. SOWDEN. May I ask the gentleman a question?

Mr. BOUTELLE. I can not yield. I have but three minutes.

Pending the consideration of a provision making the law pensioning the soldiers and widows of soldiers of the war of 1812 applicable to the soldiers and sailors of the war with Mexico an additional amendment was offered, as follows:

Provided further, That no pension shall ever be paid under this act to Jefferson Davis, late president of the so-called confederacy.

Upon that amendment the division, as might naturally be supposed, was strictly upon party lines, the vote being 23 Republicans in favor of the amendment and 21 Democrats and 1 Republican from South Carolina against it.

Again, on the 19th day of June, 1878, when the arrears-of-pension bill was under consideration in the House, I find that the vote recorded stood 164 in the affirmative and 61 solid compact Democratic votes in the negative. I am unable to state on which side of that question the sympathies of the gentleman from Pennsylvania were enlisted, as he is not recorded.

Mr. RANDALL. Let me answer that by saying that it only confirms the truth of my statement. The provision in question and the debate upon it had no reference whatever to an annual pension appropriation bill. It was the Mexican pension bill and the amendments to it, and not an annual bill.

Mr. BOUTELLE. I beg pardon; the previous votes in the Senate were upon amendments to an appropriation bill which had been regularly reported from the House Committee on Appropriations and passed by the House.

Mr. RANDALL. And I submit that the House has nothing whatever to do with the Senate.

Mr. ALLEN, of Mississippi. Let me ask the gentleman from Maine if he wants the House to adopt all the bad precedents of the Senate?

Mr. BOUTELLE. And in response to the gentleman from Pennsylvania I will say that I was talking of the general purposes of the bills in question to show how the parties in Congress stood upon them.

Mr. CANNON. Mr. Chairman——

Mr. TOWNSHEND. I move that the committee do now rise.

Mr. CANNON. I yield three minutes to the gentleman from Indiana, Mr. BROWNE.

Mr. BROWNE, of Indiana. I do not care to continue the discussion in the line in which it seems to be progressing now. I regret as much as any gentleman that this discussion has taken the course it has taken; but I am not willing that this afternoon session should close without saying one word upon the subject that was brought so prominently to the attention of the House and the country by the gentleman from Ohio [Mr. WARNER].

The late Commissioner of Pensions is my constituent and my personal and political friend. When the charge that has been preferred against him by the present Commissioner of Pensions appeared in his report General Dudley demanded a full, free, and true examination of these charges, and that question is now, if I am correctly informed, pending before a committee of the Senate.

I want to say here if the gentleman from Ohio can name any one reputable man living now who was commissioned by General Dudley to interject politics into the consideration of a pension claim, or to use it for the purpose of influencing any vote, I will right in this presence here denounce him as unworthy of the confidence of any people or any party.

Mr. WARNER, of Ohio. I made no such charge.

[Here the hammer fell.]

Mr. CANNON. I yield three minutes more to the gentleman from Indiana.

Mr. BROWNE, of Indiana. The gentleman from Ohio intended this country should understand that the ex-Commissioner of Pensions let loose an army corps of his agents in his district and other districts in Ohio and the Northwest for the purpose of influencing the vote of pension claimants by representing to them or telling them that unless they voted in a particular way their pensions would not be granted.

Mr. TOWNSHEND. I know of instances where it was done.

Mr. BROWNE, of Indiana. I ask the gentleman from Illinois [Mr. TOWNSHEND] to appear before the Senate committee and give the names of such persons to be examined under oath, and I will undertake to say they are either disreputable scoundrels if they so testify or that they have committed willful and corrupt perjury.

Mr. TOWNSHEND. No, sir; some of them are as honorable men as you are, and as good soldiers as you were.

The CHAIRMAN rapped to order, and requested Mr. BROWNE, of Indiana, to suspend his remarks until the House should come to order.

Mr. BROWNE, of Indiana. No man on this floor representing any constituency has a higher personal or moral character than General Dudley. And I want to say more than that: He, unlike some of his traducers, went from the beginning of the war under the shadow of that flag and testified his devotion to his country by leaving his good right leg on the battlefield at Gettysburg. Do not assail him by innuendo. Do not come in the presence of this House and retail slanders that are unsupported by a single statement of fact. Do not tell things here that he is charged as having done without being frank enough to tell who are the witnesses by whom you propose to establish it. When a tribunal has been erected before which he has submitted his case for trial, I ask these his defamers to go there and present his case. I warrant it he will be vindicated by that tribunal as he is already vindicated by the country whose interest he has served. Before those who know him he needs no vindication.

Mr. WARNER, of Ohio. What was Colonel Dudley doing in Ohio in 1884? For what did he leave the Pension Office?

Mr. BROWNE, of Indiana. Before he went to Ohio he notified the administration of his resignation as Commissioner of Pensions and proposed then to go out.

Mr. WARNER, of Ohio. But he assumed to be Commissioner all the time and drew his pay as Commissioner.

Mr. BROWNE, of Indiana. It is the rule of the Department to grant to every employé who resigns one month's pay after his resignation and they induced him to accept it——

Mr. WARNER, of Ohio. Who did? The Republican party, not the country.

Mr. BROWNE, of Indiana. With the knowledge that when he entered the Ohio campaign he never intended to return to his position, and during that time he had no official connection with the administration. If he went into the gentleman's district for the purpose of defeating him for Congress he could not have done the country a better service.

Mr. WARNER, of Ohio. The gentleman has admitted the whole of my charge. He was there for just that purpose, but he did not succeed and the country did not approve of his being there and it did not make him governor.

[Here the hammer fell.]

Mr. TOWNSHEND. I rise to a question of order. There is too much confusion in the Hall.

The CHAIRMAN. The point of order is well taken.

Mr. TOWNSHEND. I ask my colleague [Mr. CANNON] to yield to me for a motion that the committee do now rise.

Mr. CANNON. I yield for that purpose.

Mr. TOWNSHEND. I move that the committee do now rise.

The motion was agreed to.

The committee accordingly rose; and the Speaker having resumed the chair, Mr. CRISP reported that the Committee of the Whole House on the state of the Union, having had under consideration the bill (H. R. 5201) making appropriation for the payment of invalid and other pensions of the United States for the fiscal year ending June 30, 1887, and for other purposes, had come to no resolution thereon.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. MCCOOK, its Secretary, announced that the Senate had passed bills and a joint resolution of the following titles; in which the concurrence of the House was requested:

A bill (S. 877) for the relief of Robert H. Anderson, of the State of Georgia;

A bill (S. 1100) to amend the ninth section of an act entitled "An act making appropriations for the current and contingent expenses of the Indian Department and for fulfilling treaty stipulations with various Indian tribes for the year ending June 30, 1886, and for other purposes," approved March 3, 1885;

A bill (S. 1476) to amend the act of Congress approved June 12, 1884, entitled "An act to authorize the construction of bridges across the Wisconsin, Chippewa, and Saint Croix Rivers, in the State of Wisconsin;" and

Joint resolution (S. R. 35) setting apart public reservations for statues to Columbus, Lafayette, and James A. Garfield.

The message also requested that the House of Representatives return to the Senate the joint resolution (H. Res. 71) authorizing the Superintendent of Public Buildings and Grounds in the District of Columbia to supply plants and shrubs to fill certain vases in the Pension building.

The message further announced that the Senate had passed the following resolution:

Whereas the leases heretofore made of the bath-house and hot-water privileges upon the reservation of Government lands at Hot Springs, Ark., have expired by limitation of law; and

Whereas the Attorney-General of the United States has given an opinion that such leases may be renewed by the Secretary of the Interior without additional legislation;

Be it resolved by the Senate of the United States (the House of Representatives concurring), That in the opinion of Congress such leases of bath-house and hot-water privileges should not be renewed by the Secretary of the Interior unless the Forty-ninth Congress shall adjourn without having legislated with reference thereto.

ENROLLED BILL SIGNED.

Mr. PERKINS, from the Committee on Enrolled Bills, reported that the committee had examined and found duly enrolled a bill of the following title; when the Speaker signed the same:

A bill (H. R. 3829) for the relief of Frances E. Stewart, administratrix of Michael S. Stewart, deceased.

RETURN OF A JOINT RESOLUTION.

The SPEAKER. The Chair lays before the House a message from the Senate, which will be read.

The Clerk read as follows:

IN THE SENATE OF THE UNITED STATES, *February* 25, 1886.

Ordered, That the Secretary be directed to request the House of Representatives to return to the Senate the joint resolution (H. Res. 71) authorizing the Superintendent of Public Buildings and Grounds in the District of Columbia to supply plants and shrubs to fill certain vases in the Pension building.

The SPEAKER. If there be no objection, the joint resolution will be returned to the Senate.

There was no objection.

VACANCY ON EDUCATIONAL COMMITTEE.

The SPEAKER. The Chair appoints to fill a vacancy on the Committee on Education Mr. WILKINS, in place of Mr. CURTIN, declined.

Mr. TOWNSHEND. I move that the House do now adjourn.

The motion was agreed to; and accordingly (at 5 o'clock and 5 minutes p. m.) the House adjourned.

PETITIONS, ETC.

The following petitions and papers were laid on the Clerk's desk, under the rule, and referred as follows:

By Mr. ATKINSON: Petition from 30 clergymen, 11 physicians, 21 lawyers, 43 teachers, 96 business men, and 34 officers of temperance and other societies of Huntingdon and Franklin Counties, Pennsylvania, asking for scientific temperance instruction in all schools under control of the Federal Government—to the Committee on Education.

By Mr. BALLENTINE: Petition of Alfred A. Young, for heirs and executrix of William and Joseph Young, deceased, of Giles County; of Fannie Young, of Giles County, and of William Smith, of Lawrence County, Tennessee, asking that their war claims be referred to the Court of Claims—to the Committee on War Claims.

By Mr. BLANCHARD: Papers relating to the claim of Catharine Jones, wife of Carroll Jones, of Natchitoches Parish, Louisiana—to the same committee.

By Mr. BLAND: Petition of James Duncan, of Miller County, Missouri, for relief—to the same committee.

By Mr. BRADY: Petition of W. Pulley, of E. A. Harper, and of W. E. Bailey, for reference of their claims to the Court of Claims—to the same committee.

By Mr. CATCHINGS: Papers relating to the claim of Martha A. Gibbs and of Emily R. Martin, of Warren County, Mississippi—to the same committee.

By Mr. CLEMENTS: Petition of Sarah Chapman, of Walker County, Georgia, asking that her war claim be referred to the Court of Claims—to the same committee.

By Mr. CRAIN: Petition of citizens of Wharton County, Texas, in favor of the improvement of the bar at Galveston, Tex.—to the Committee on Rivers and Harbors.

By Mr. CUTCHEON: Petition of District Assembly No. 83, Knights of Labor, Manistee, Mich., in favor of a Territorial organization of the Indian Territory—to the Committee on the Territories.

By Mr. R. H. M. DAVIDSON: Memorial from the Board of Trade of Key West, Fla., relative to the proposed increase of duty on leaf-tobacco—to the Committee on Ways and Means.

By Mr. DINGLEY: Petition of F. M. Drew and 125 others, soldiers and officers of the late war, for the amendment of the pension law so as to allow arrears to all invalid soldiers from date of discharge—to the Committee on Invalid Pensions.

Also, memorial of marine insurance companies, of Boston, for the passage of the bill allowing the licensing of masters and mates of American sailing vessels to pilot their own vessels, and exempting American vessels in tow of a steamer in charge of a United States pilot from the obligation to pay a State pilot not needed nor used—to the Select Committee on American Ship-building and Ship-owning Interests.

By Mr. ERMENTROUT: Memorial of Frank Battles and others, for the passage of an act to incorporate the American College for the Blind—to the Committee on the District of Columbia.

By Mr. FELTON: Petition signed by all of the county and city officers of Santa Clara County, California, in favor of the abrogation of the Burlingame treaty—to the Committee on Foreign Affairs.

By Mr. FINDLAY: Memorials praying for the restoration of the cooperage interests—to the Committee on Ways and Means.

By Mr. FORNEY: Petition of Henry C. Howell, executor and one of the heirs of George W. Howell, deceased; of James M. Green, of Cherokee County; and of John W. Wesson, of De Kalb County, Alabama, asking that their war claims be referred to the Court of Claims—to the Committee on War Claims.

By Mr. FULLER: Petition of J. H. Cornish and 135 citizens of Mitchell County, Iowa, asking the passage of a law requiring all imitations of butter and cheese be labeled with a United States stamp—to the Committee on Ways and Means.

By Mr. GALLINGER: Petition of F. F. Lane and 46 others, citizens of Keene, N. H., for an appropriation for erection of public building in said city—to the Committee on Public Buildings and Grounds.

By Mr. GROUT: Memorial of M. L. Comings, in behalf of pension for James Carlin—to the Committee on Invalid Pensions.

Also, papers in the case of Lieut. W. A. Phillips, Company F, Second Regiment Vermont Volunteers, for relief—to the same committee.

By Mr. HAMMOND: Petition of the grand jury of Spalding superior court, and of citizens, in favor of appropriations to aid education—to the Committee on Education.

Also, memorial of the Knights of Labor of Atlanta, Ga., in favor of liberal appropriation for internal improvements—to the Committee on Railways and Canals.

By Mr. HATCH: Petition of W. H. Butler and another, against Chinese immigration—to the Committee on Foreign Affairs.

By Mr. D. B. HENDERSON: Paper from John Mullan relating to the House of the Good Shepherd—to the Committee on Appropriations.

By Mr. HEPBURN: Petition of James S. Walker and others; and of Raymond Lorang and others, citizens of Page County, Iowa, praying for the forfeiture of the unearned lands of the original grant to the Sioux City and Saint Paul Railroad—to the Committee on Public Lands.

Also, petition of H. G. Aukeny and 50 others, of Adams County, and of E. F. Sullivan and 100 others, of Union County, Iowa, protesting against the passage of a general bankrupt law—to the Committee on the Judiciary.

By Mr. HEWITT: A volume of petitions from bank officers and others, of New York savings-banks, for the repeal of the law directing the coinage of the 412½-grain silver dollars—to the Committee on Ways and Means.

Also, petition of carriage-builders and others, in favor of a reduction in the duty on imported varnish—to the same committee.

By Mr. KELLEY: Petition of Mrs. C. J. Williams and others, and of H. P. Redd and others, for an amendment to the Constitution which shall declare that the right to vote shall not be denied or abridged by the United States or any State on account of sex—to the Committee on the Judiciary.

Also, petition of J. G. Brill & Co. and 30 others, manufacturers, of Philadelphia, Pa., praying for the speedy enactment of all legislation necessary to put in force the reciprocity treaty with Mexico—to the Committee on Ways and Means.

By Mr. KLEINER: Petition of ex-Union soldiers and citizens of Pike County, Indiana, praying for a uniform pension—to the Committee on Invalid Pensions.

By Mr. MORGAN: Petition of heirs of Mrs. Alice Hardaway, of Benton County, Mississippi, asking that their war claim be referred to the Court of Claims—to the Committee on War Claims.

By Mr. NEAL: Papers to be considered with House bill 5769, granting a pension to Sarah F. Harvey; and also with H. R. 5772, granting a pension to William T. Green—to the Committee on Invalid Pensions.

Also, papers to be considered with H. R. 5770, for the relief of Wallace N. and Ellen J. Hoge—to the Committee on War Claims.

By Mr. NELSON: Petition and resolution of the Knights of Labor of Duluth, Minn.—to the Committee on Labor.

By Mr. OWEN: Petition of Noah Rosenberger and others, for payment of value of property destroyed—to the Committee on War Claims.

Also, petition of W. H. Shaw and others, for pension legislation recommended by the Grand Army of the Republic pension committee—to the Committee on Invalid Pensions.

Also, petition of George W. Waters and others, and of Albert M. Boyle and others, for a service pension to all Union soldiers—to the same committee.

By Mr. PLUMB: Petition of George Woelfel, Levi Price, L. B. Ray, and 19 others, of Morris, Ill., asking protection of law to cattle branded on Western ranches—to the Committee on Agriculture.

By Mr. RANDALL: Petition of J. F. Kincade and others; of Jesse E. Thompson and others; of Fernando Nolan and others; of Joseph Grant and others; of W. O. Hawk and others; of Thomas P. Gable and others; of George H. Jones and others; of C. H. McHenry and others; and of Rafael Romero and others, to change the time of the meeting of the Legislature of New Mexico, and to authorize the governor to reapportion the Territory—to the Committee on the Territories.

Also, appeal of St. Ann's Infant Asylum, for an increase of appropriation—to the Committee on Appropriations.

By Mr. REAGAN: Petition of citizens of San Augustine County, Texas, for deep water at entrance to Galveston Harbor—to the Committee on Rivers and Harbors.

Also, petition of 16 citizens of Leon County, Texas, and of citizens of Houston County, praying for an appropriation to secure deep water at Galveston Harbor—to the same committee.

By Mr. T. B. REED: Petition of York Manufacturing Company and others, citizens of Saco, Me., for an appropriation to improve Saco River navigation—to the same committee.

By Mr. RYAN: Papers relating to the claim of Davis & Lewellen—to the Committee on Claims.

By Mr. SCOTT: Petition of citizens of Norfolk, Va., on the silver question—to the Committee on Coinage, Weights, and Measures.

By Mr. SENEY: Petition of William S. Decker and 40 others, citizens of Wood County, Ohio, for pension legislation requested by the Grand Army of the Republic—to the Committee on Invalid Pensions.

By Mr. SESSIONS: Petition of citizens of Allegany County, New York, for an amendment of the patent laws so as to prevent frauds on the farmers—to the Committee on Patents.

By Mr. SHAW: Petition of Mary E. Carroll, of Carroll County, Maryland, praying that war claim of Christian Carroll be referred to the Court of Claims—to the Committee on War Claims.

By Mr. SPRIGGS: Petition of Henry A. Dewey, of Oneida County, New York, praying for the removal of certain disabilities, and proof thereof—to the Committee on Invalid Pensions.

By Mr. SPRINGER: Petition from some parties with regard to the Presidency—to the Committee on the Judiciary.

Also, memorial Knights of Labor of Decatur, Ill., relating to the Hennepin Canal—to the Committee on Railways and Canals.

By Mr. STAHLNECKER: Petition of citizens of New York relative to the duty on marble—to the Committee on Ways and Means.

By Mr. STRUBLE: Petition of E. C. Herrick and 14 others, citizens of Cherokee County, Iowa, asking that Congress submit to the States a proposition to so amend the Constitution as to protect the women of the States and Territories in the enjoyment of the right of equal suffrage with men—to the Committee on the Judiciary.

By Mr. WILLIAM WARNER: Petition of William H. Rodenald and others, of Independence, Mo.; of Frederick Eitelgeorge and others, and A. L. Chapman and others, of Kansas City, Mo., for payment of certain claims of Missouri militia—to the Committee on War Claims.

By Mr. WHEELER: Petition of Claborn W. Hunt, administrator of W. L. Shelton, deceased, of Jackson County, Alabama, for compensation for property taken and used by the United States Army during the late war—to the same committee.

The following petitions, praying Congress to place the coinage of silver upon an equality with gold; that there be issued coin certificates of one, two, and five dollars, the same being made legal tender; that one and two dollar legal-tender notes be issued, and that the public debt be paid as rapidly as possible by applying for this purpose the idle surplus now in the Treasury, were presented and severally referred to the Committee on Coinage, Weights, and Measures:

By Mr. SESSIONS: Of farmers of Chautauqua County, New York.

SENATE.

FRIDAY, *February* 26, 1886.

Prayer by the Chaplain, Rev. E. D. HUNTLEY, D. D.

The Journal of yesterday's proceedings was read and approved.

HOUSE BILL REFERRED.

The joint resolution (H. Res. 124) to print 31,000 copies of the eulogies on Thomas A. Hendricks, late Vice-President of the United States, was read twice by its title, and referred to the Committee on Printing.

PETITIONS AND MEMORIALS.

The PRESIDENT *pro tempore* presented a petition of Local Assembly No. 2143, Knights of Labor, Krumroy, Ohio, praying for the passage of the bill restoring the wages of employés in the Government Printing Office to the former rate; which was referred to the Committee on Printing.

Mr. CULLOM presented a petition of Local Assembly No. 4146, Knights of Labor, of Lincoln, Ill., praying for the construction of the Hennepin Canal; which was referred to the Committee on Commerce.

Mr. MAXEY presented a petition of Knights of Labor of Terrell, Tex., praying that an appropriation be made for the improvement of the harbor at Sabine Pass; which was referred to the Committee on Commerce.

Mr. JONES, of Arkansas, presented a memorial of 486 visitors at Hot Springs, Ark., remonstrating against the removal of bath-houses from the Government reservation at that place; which was referred to the Committee on Public Lands.

Mr. WILSON, of Iowa, presented a petition of J. W. Hedberg and 45 other citizens of Iowa, praying for the passage of an act of absolute forfeiture of the unearned lands within the limits of the grant to the Sioux City and Saint Paul Railroad Company; which was ordered to lie on the table.

He also presented a petition of the Fairfield monthly meeting of Friends, comprising 500 members, located in Ohio; a petition of Winnesheik (Iowa) monthly meeting of Friends; a petition of citizens of West Branch, Iowa; a petition of the New Sharon (Iowa) monthly meeting of Friends; and a petition of the Earlham (Iowa) monthly meeting of Friends, praying the passage of the bill (S. 355) to promote peace among nations, for the creation of a tribunal for international arbitration, and for other purposes; which were referred to the Committee on Foreign Relations.

Mr. PLUMB presented a petition of citizens of Morris and Wabaunsee Counties, Kansas, praying the passage of the bill to open the Oklahoma lands in the Indian Territory to settlement; which was referred to the Committee on Indian Affairs.

He also presented a petition of ex-Union soldiers residing in Kansas, praying for the passage of what is known as the Weaver bill, proposing to pay the Union soldiers of the late war the difference in value between the depreciated greenback currency in which they received their pay and gold; which was referred to the Committee on Military Affairs.

REPORTS OF COMMITTEES.

Mr. BLACKBURN, from the Committee on the District of Columbia, to whom was referred the bill (S. 1339) to amend the police regulations of the District of Columbia, reported it with an amendment.

Mr. HARRIS, from the Committee on the District of Columbia, to whom was referred the bill (S. 1543) fixing the rate of interest upon arrearages of taxes due July 1, 1884, and on all special improvements due the District of Columbia, which may be paid within a specified time, reported adversely thereon; and the bill was indefinitely postponed.

Mr. PIKE, from the Committee on the District of Columbia, to whom were referred the bill (S. 346) to amend an act entitled "An act to incorporate the National Safe Deposit Company of Washington, in the District of Columbia," approved January 22, 1867; and the bill (S. 62) enlarging the powers of the Washington Safe Deposit Company, and for other purposes, reported adversely thereon; and the bills were postponed indefinitely.

Mr. INGALLS, from the Committee on the District of Columbia, to whom was referred the bill (S. 1587) in relation to the trustees of the Reform School of the District of Columbia, reported it without amendment.

Mr. BROWN, from the Committee on the District of Columbia, to whom was referred the bill (S. 1008) to empower the Board of Foreign Missions of the Methodist Protestant Church to hold property in the District of Columbia, reported it with an amendment.

Mr. CAMERON, from the Committee on Commerce, to whom was referred the bill (S. 805) to authorize certain foreign-built steamships in the service of the International Navigation Company to be registered as vessels of the United States, reported it with amendments.

BILLS INTRODUCED.

Mr. HARRIS introduced a bill (S. 1646) to amend an act entitled "An act for the erection of a public building at Chattanooga, Tenn.," approved February 25, 1885; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Public Buildings and Grounds.

Mr. MITCHELL, of Oregon, introduced a bill (S. 1647) for the relief of Henry H. Wheeler, of Crook County, Oregon; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Claims.

Mr. CULLOM introduced a bill (S. 1648) granting an increase of pension to William Collinsworth; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Pensions.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. CLARK, its Clerk, returned to the Senate, in compliance with its request, the joint resolution (H. Res. 71) authorizing the Superintendent of Public Buildings and Grounds in the District of Columbia to supply plants and shrubs to fill certain vases in the Pension building.

ENROLLED BILL SIGNED.

The message also announced that the Speaker of the House had signed the enrolled bill (H. R. 3829) for the relief of Frances E. Stewart, administratrix of Michael S. Stewart, deceased; and it was thereupon signed by the President *pro tempore* of the Senate.

ORDER OF BUSINESS.

The PRESIDENT *pro tempore*. If there is no further routine morning business the Calendar is in order under Rule VIII, and the first case on the Calendar will be reported.

Mr. MITCHELL, of Oregon. In pursuance of the notice given by me, I ask that the Calendar may be laid aside for the purpose of enabling me to have taken up Senate bill 1483, what is known as the Chinese bill, for the purpose of submitting some remarks upon it.

The PRESIDENT *pro tempore*. Pending the Calendar the Senator from Oregon asks that it be postponed and that the bill indicated by him be taken from the table for consideration. The Chair hears no objection to the request of the Senator from Oregon.

Mr. HALE. I gave notice yesterday that at the close of the remarks of the Senator from Mississippi [Mr. GEORGE], who was then entitled to the floor, I should move that the Senate go into executive session. The hour was so late when the Senator from Mississippi finished that I did not think it then advisable to attempt to interfere with the progress of the bill which was at that time before the Senate, but I wish to give notice now that at the end of the remarks of the Senator from Oregon [Mr. MITCHELL] I shall make a motion that the Senate proceed to the consideration of executive business.

PROHIBITION OF CHINESE IMMIGRATION.

The PRESIDENT *pro tempore*. The bill called up by the Senator from Oregon will be read by its title.

The CHIEF CLERK. A bill (S. 1483) abrogating all treaties heretofore made and now operative between the United States Government and the Chinese Empire, in so far as they, or any of them, provide for, recognize, or permit the coming of Chinese to the United States, and in

so far as they, or any of them, inhibit the United States from absolutely prohibiting the coming of Chinese to the United States; and repealing all acts of Congress, in so far as they, or any of them, recognize or permit the coming of Chinese to the United States; and absolutely prohibiting the coming of Chinese to the United States, excepting only diplomatic, consular, and other officers, and prohibiting the landing of any Chinese therein, excepting only such diplomatic or other officers.

The PRESIDENT *pro tempore*. If there be no objection the bill will be regarded as before the Senate as in Committee of the Whole, and the Senator from Oregon is entitled to the floor.

Mr. MITCHELL, of Oregon. Mr. President, nothing but the deepest sense of official duty and obligation to a devoted, generous, and deserving constituency could induce me at this early day in my term to obtrude myself on the attention of the Senate, and thus in a sense and to a certain degree violate that unwritten law of this body, so well understood but not always observed, in reference to the privileges of new members. I trust the importance and urgency of the questions involved, coupled with the fact of the peculiar and intimate relation they bear to the people of the State and coast I in part have the honor of representing, will justify me in doing that which under other circumstances might seem something of an impropriety.

It is a rule, recognized by physicians and surgeons, that desperate cases in medicine and surgery require heroic treatment; when the cancer is malignant and uncompromising, is making unrestrained inroads on the system and startling headway toward the vitals, all temporizing with narcotics, herbs, and palliatives must give way to the knife; and though the emergency and the means may compel the sacrifice of human blood in order to save human life, the ulcerous, devouring sore must, with all its cancerous roots, be cut from the body and cast away. So it is with the body-politic. When it is assailed by an extraordinary evil, menaced by an unyielding and rapidly advancing vice, which brings into grave and imminent peril not only the best interests of our people but the most cherished institutions of our country the time for temporizing has passed away; the more ordinary remedies must be put in the background, and the amenities which under other circumstances should be observed toward foreign powers and their subjects must upon the principle of self-preservation give way to such heroic and aggressive measures as the necessities of the case render absolutely essential. In the case under consideration such treatment seems necessary to the vindication of the most sacred rights and privileges of our people, the maintenance of our civilization, and the preservation of the domestic peace and tranquillity of the Republic.

Such an evil, a vice more terrible in its tendencies, more degrading in its influences than has been suggested, is to-day not merely paralyzing the rights of the laboring classes, not only absolutely destroying the interests of American labor in a large section of this country, not only fastening its fangs and exuding its leprous virus into the very vitals of the moral and physical being of our body-politic, and casting physical and moral infection on every side, but, worse than all this, absolutely disturbing the public peace, creating internal dissension and strife, and bringing into the most imminent peril the domestic tranquillity of our people, the Christian civilization of the age, and the general welfare of our nationality.

From such an evil are the people of the whole Pacific coast suffering to-day through the presence in their midst of large numbers of an unclean, non-assimilating, and pagan race. To such an infliction, national in its character, malignant and devilish in its tendencies, are they now subjected. Impending over them and gradually but surely extending its dominion eastward like a cloud of wrath, it imperils the rights of labor, of property, of peace, of life itself. To meet and successfully grapple with and finally subdue and eradicate from our land this dire scourge will require some more heroic treatment, some more vigorous remedy, some more emphatic measure, some firmer, more decided, and aggressive governmental step than has ever yet been taken by the American Congress or the Government of the United States through any of its departments or instrumentalities, and one, moreover, which never can be taken rightfully or properly and at the same time preserve inviolate the present existing treaty stipulations between the United States Government and the Chinese Empire, and such an one, moreover, which in my judgment we can not within any reasonable time hope to obtain through the treaty-making power by any further negotiations with the empire.

Hence it is that in the measure which I have submitted, and which is now under consideration, it is proposed that the States and the people of this Republic, as they constitutionally and of right may do, through their Senators and Representatives in the Congress of the United States, with the approval of the Executive, or even by a sufficient vote of the Congress without his approval, remove those barriers that have for years stood in the way of Congress in the form of treaty stipulations, and which have restricted and prevented it from inaugurating the necessary measures and exercising the requisite powers to successfully deal with this momentous question—with this herculean evil.

In other words, it is proposed by the bill under discussion as a first essential step to clear the way of all obstructions, so that Congress may constitutionally and rightfully rise in the scale of legislative power and action to that position which time and circumstance have demonstrated is absolutely necessary to meet this political scourge, by wiping out of existence every treaty stipulation with China which in any manner or in any form recognizes or permits the coming of Chinese to this country, or which inhibits the United States from absolutely prohibiting Chinese immigration to the United States; and then, the right of way to Congress being thus clearly secured, the bill proposes to absolutely prohibit the coming of Chinese whether subjects of the Chinese Empire or otherwise, as well those who have been here and have returned, those who are now here and who may hereafter leave the United States and attempt to return, as those who have never yet been within our limits, to any port or place within the United States, or from landing or remaining therein, excepting only diplomatic, consular, or other commissioned officers and their household and body servants.

In considering this bill two questions of importance present themselves:

First. Has the United States the constitutional right or power by an act of the Congress to abrogate or repeal a treaty with a foreign nation; and

Second. If so, does the importance to this country of the questions involved, the magnitude of the evil to be dealt with, the interests of the people to be subserved, the institutions that are to be protected, the peril that is to be warded off, and the preservation and vindication of the public peace, justify the step proposed?

First, as to the constitutional power of Congress to abrogate or repeal an existing treaty between the United States and a foreign nation. And, further, does a subsequent act of Congress repeal and abrogate the provisions of a prior treaty with a foreign nation in so far as it conflicts with such provisions?

These are propositions so well settled as to require but little more than the statement of the proposition and a reference to the decisions of the Supreme Court of the United States. And but for the fact that this power has, since the introduction of the bill under discussion, and with an air of self-importance as amazing as it is absurd and ridiculous, been flatly denied by one of the great journals of the metropolis (the New York Times) and its senseless assertion taken up and, parrot-like, repeated in an ignorant as well as an offensive manner by the Post of the national capital, no argument whatever in its support would now be offered.

The morning subsequent to the introduction of the bill under consideration the New York Times, in its issue of the 12th instant, had the following editorial:

> Senator MITCHELL, of Oregon, has introduced a new anti-Chinese bill by which he coolly proposes to sweep away all treaty provisions which stand in the way of an absolute prohibition of Chinese immigration, and to exclude from the country all Mongolian immigrants and prevent the return of any that may leave the country. The logical sequel of this kind of legislation would be a provision for sending out of the country all the Chinese now here, which would place us squarely on the policy of China of a generation ago. The chief drawback about this policy is that it does not discriminate on the proper lines. If we are to exclude from this country objectionable immigrants we should so draw the line as to exclude those that are objectionable because they are objectionable, and not those that belong to one particular race because they belong to that race. If we are going to filter the incoming population we should so arrange our strainer as to exclude the scum. *It may be stated also for Senator Mitchell's information that treaties can not be amended or abrogated by statute law.*

While in its issue of February 15 the constitutional expounder of the Washington Post exposed his consummate stupidity on the subject by the following editorial:

> The anti-Chinese bill introduced by Senator MITCHELL, of Oregon, shows two things—his narrow-mindedness and his ignorance. He proposes to sweep away all treaty obligations that affect immigration from China. Yet, he ought to know that a treaty can not be abrogated by an act of Congress. His bill prohibits all Chinese immigration. The purpose is to prevent the admission to the country of objectionable immigrants. But this bill declares against a certain class, not because they are objectionable, but because they are Chinese. The illiberality and the ignorance seem to be furnished in equal quantities.

Now, then, Mr. President, as the constitutional lawyers of the New York Times and the Washington Post have, in the infinitude of their professional wisdom and the profundity of their constitutional and international lore, so kindly for my information volunteered the statement that "treaties can not be amended or abrogated by statute law," I shall take the liberty for *their* information, as also for all interested, to attract attention to a few suggestions upon that point; and I do this not so much for the mere purpose of proving what every lawyer knows to be true—that is to say, that Congress has the undoubted power to abrogate our existing treaties with China—but rather for the purpose of calling attention to the fact that our courts, lawyers, jurists, and best statesmen while conceding this power, have concurred as to the duty of Congress to abrogate a treaty whenever it is pernicious in its operations or ruinous to the state. And in this connection I assert it as a fact that the doctrine that a subsequent act of Congress in so far as it conflicts with the provisions of a prior treaty with a foreign power or an Indian tribe abrogates the treaty to that extent, is one that has received the unqualified sanction of every department of this Government, legislative, executive, administrative, and judicial, and no man but an ignoramus in the profession, and I might perhaps say with propriety in every other respect as well, would expose himself or his paper to ridicule by asserting to the contrary.

True, article 6 of the Constitution provides that—

This Constitution, and the laws of the United States which shall be made in pursuance thereo, fand all treaties made, or which shall be made, under the authority of the United States, shall be the supreme law of the land.

Even though the doctrine that a subsequent statute in direct conflict with a prior statute, whether purporting to repeal the former, or that otherwise operates as such repeal, could not be properly applied to a case of a subsequent statute coming in direct conflict with a prior treaty, the contention can be successfully maintained, and has been time out of mind, that for certain great purposes for which the Constitution was ordained and established by the people of the United States, such as the common defense and general welfare, including the power to declare war; to regulate commerce with foreign nations and among the several States; to levy and collect taxes, duties, imposts, and excises; to coin money and regulate the value thereof; to raise and support armies; to borrow money on the credit of the United States; to establish a uniform rule of naturalization; to promote the progress of science and useful arts; to provide and maintain a navy; and in fact all the powers vested in Congress by the Constitution, the powers so vested can not be taken away, impaired, or in any manner abridged by the Executive and the Senate in pursuance of the exercise of the treaty-making power.

The supreme right on the part of the Government to exercise at all times and under all circumstances through the Congress any power delegated to it by the Constitution, and the exercise of which in its judgment may become necessary to the vindication of the great rights which pertain to the common defense and the general welfare, stands pre-eminent, above and beyond the reach or assailment of any other power, whether executive, judicial, or administrative; and the treaty-making power, although guaranteed by the Constitution, is limited and subordinated to the exercise by Congress of those supreme powers necessary to the execution of the general purposes specified, for which the Constitution was ordained, and the right to exercise which are by the terms of the Constitution, specifically or inferentially, granted to Congress.

Story in his Commentaries on the Constitution, volume 3, section 1502, makes the following statement:

The treaty-making power is necessarily and obviously subordinate to the fundamental laws and constitution of the state, and it can not change the form of the Government or annihilate its constitutional powers.

Story in his Commentaries on the Constitution again in section 1508, volume 2, in speaking of the treaty-making power remarks as follows:

The power to make treaties is by the Constitution general, and of course it embraces all sorts of treaties—for peace or war, for commerce or territory, for allowance or succors, for indemnity for injuries or payment of debts, for the recognition and enforcement of principles of public law, and for any other purposes which the policy or interests of independent sovereigns may decide in their intercourse with each other. But though the power is thus general and unrestrained, it is not to be so construed as to destroy the fundamental law of the state.

A power given by the Constitution can not be construed to authorize a destruction of other powers given in the same instrument. It must be construed, therefore, in subordination to it, and can not supersede or interfere with any other of its fundamental provisions. Each is equally obligatory and of paramount authority within its scope, and no one embraces a right to annihilate any other. A treaty to change the organization of the Government or annihilate its sovereignty, to overturn its republican form, or to deprive it of its constitutional powers, would be void, because it would destroy what it was designed merely to fulfill—the will of the people.

Inasmuch, therefore, as the Congress has by virtue of an express grant in the Constitution the "power to regulate commerce with foreign nations," and inasmuch as the Burlingame treaty is in all its essential particulars nothing more nor less than a regulation of commerce between the United States and China, and as an act of Congress inhibiting the coming of Chinese to this country and absolutely excluding them from it would be the exercise of the power to regulate commerce with foreign nations, it therefore follows that the making of the treaty did not and constitutionally could not, in any manner or in any respect, impair the power of Congress to pass a prohibitory act whenever in its judgment it became necessary to do this; and to hold that the Burlingame treaty and the treaty supplementary thereto should be construed as an inhibition on the power of Congress to pass a prohibitory law, would be simply to declare that the treaty itself was absolutely void, because in such a case the effect of the treaty would be to deprive Congress of its constitutional power.

But the doctrine that a subsequent act of Congress abrogates a prior treaty in so far as it conflicts with its provisions is one that has been recognized in this Government since the matter was first discussed or the question raised nearly ninety years ago; and it has received the sanction of every department of the Government—legislative, executive, administrative, and judicial—commencing with its exercise by Congress, when in July 7, 1798, an act of Congress was passed abrogating our treaties with France. That act declared among other things as follows:

That the United States are of right freed and exonerated from the stipulations of the treaties and of the consular convention heretofore concluded between the United States and France; and that the same shall not henceforth be regarded as legally obligatory on the Government of the United States or citizens of the United States.

But not only so. The Department of Justice has through its Attorneys-General, at different times, proclaimed this doctrine in unqualified terms. Attorney-General Crittenden (see Opinions Attorneys-General, volume 5, page 345), in discussing the question of conflict between a prior treaty and a subsequent act of Congress with reference to the Florida claims, uses the following language:

An act of Congress is as much a supreme law of the land as a treaty. They are placed on the same footing, and no preference or superiority is given to the one or the other. The last expression of the law-giving power must prevail; and just for the same reason and on the same principle that a subsequent act must prevail and have effect, though inconsistent with a prior act, so must an act of Congress have effect though inconsistent with a prior treaty.

Again, Attorney-General Akerman, as late as the year 1870, in the case of the Choctaw Indians (see Opinions Attorneys-General, volume 13, page 357), said:

There is nothing in the Constitution which assigns different ranks to treaties and to statutes; both the one and the other, when not inconsistent with the Constitution, seem to stand upon the same level and to be of equal validity; and as in the case of all laws emanating from an equal authority, the earlier in date yields to the later.

But not only so. Repeatedly has the Federal judiciary through its circuit and supreme courts, without reserve, doubt, or qualification of the doctrine, held that the power to abrogate a treaty with a foreign power, as well as with the Indian tribes, does not rest exclusively with the Executive and the Senate, but does reside in the Congress. The court, in Taylor vs. Martin (2 Curtis's Circuit Court Reports, 454), in discussing this subject, uses the following language:

It is impossible to maintain that under our Constitution the President and the Senate exclusively possess the power to modify or repeal a law found in a treaty. If this were true no change in a treaty could be made without the consent of some foreign government. That the Constitution was designed to place our country in this helpless condition is a supposition wholly inadmissible. It is not only inconsistent with the necessities of a nation, but negatived by the express words of the Constitution. That gives to Congress, in so many words, power to declare war, an act which *ipso facto* repeals all treaties inconsistent with a state of war. It can not, therefore, be admitted that the only method of escape from a treaty is by the consent of the other party to it or a declaration of war.

To refuse to execute a treaty for reasons which approve themselves to the conscientious judgment of a nation is a matter of the utmost gravity, but the power to do so is a prerogative of which no nation can be deprived without deeply affecting its independence. That the people of the United States have deprived their Government of this power I do not believe; that it must reside somewhere and be applicable to all cases I am convinced, and I feel no doubt that it belongs to Congress.

But the Supreme Court of the United States, the supreme arbiter in all questions of this character, finally settled the doctrine beyond the power of future controversy in this country in the case known as "the Cherokee Tobacco case," reported in 11 Wallace, page 616. The court in that case, opinion by Mr. Justice Swayne, uses the following language:

The effect of treaties and of acts of Congress, when in conflict, is not settled by the Constitution. But the question is not involved in any doubt as to its proper solution. The treaty may supersede a prior act of Congress (2 Peters, 314), and an act of Congress may supersede a prior treaty (2 Curtis, 454; 1 Woolworth, 155).

In the cases referred to these principles were applied to treaties with foreign nations. Treaties with Indian nations can not be more obligatory. They have no higher sanctity and no greater inviolability or immunity from legislative invasion can be claimed for them. The act of Congress must prevail as if the treaty were not an element to be considered. If a wrong has been done the power of redress is with Congress, not with the judiciary.

This doctrine, so well settled that it is a matter of amazement that any one, much less the constitutional expounders of great metropolitan journals, should assert to the contrary, was fully recognized by President Hayes in his veto message of March 1, 1879, wherein he gave his reasons for withholding his approval of the bill passed both Houses of that Congress restricting the immigration of Chinese to the United States; although on the ground of policy solely he vetoed the bill, he in terms recognized the power of Congress to abrogate the Burlingame treaty in these words:

The authority of Congress to terminate a treaty with a foreign power, by expressing the will of the nation no longer to adhere to it, is as free from controversy under our Constitution as is the further proposition that the power of making new treaties or modifying existing treaties is not lodged by the Constitution in Congress, but in the President, by and with the advice and consent of the Senate, as shown by the concurrence of two-thirds of that body.

A further declaration is made in this message:

A denunciation of any treaty by any government is confessedly justifiable only upon some reason, both of the higest justice and of the highest necessity.

And in this connection it may not be out of place to attract attention to the fact that in the passage of the bill in the Forty-fifth Congress abrogating the Burlingame treaty the two Houses of Congress by a most decided vote declared not only in favor of the power of Congress to abrogate a treaty with a foreign power, but did actually in that particular instance, in so far as the Congress could do it in the absence of executive approval, absolutely abrogate, set aside, and repeal the Burlingame treaty. The vote on the passage of that bill was in the House of Representatives 155 yeas, 72 nays, not voting 61, and most of whom were paired. The vote in detail is as follows:

YEAS—155.

Acklen,	Bayne,	Blount,	Caldwell, W. P.
Aiken,	Beebe,	Boone,	Calkins,
Aldrich,	Bell,	Brentano,	Campbell,
Atkins,	Benedict,	Brewer,	Chalmers,
Bailey,	Bicknell,	Bright,	Clarke of Kentucky,
Baker, John H.	Blackburn,	Buchner,	Clark of Missouri,
Baker, William H.	Blair,	Cabell,	Cobb,
Banning,	Bliss,	Caldwell, John W.	Cole,

Cook,	Gunter,	Luttrell,	Pa'ge.
Covert,	Hale,	Mackey,	Shallenberger,
Cox, Jacob D.	Hamilton,	Maish,	Singleton,
Cox, Samuel S.	Hanna,	Majors,	Slemons,
Cravens,	Harmer,	Manning,	Smith, William E.
Crittenden,	Harrison,	Martin,	Southard,
Cummings,	Hartzell,	Mayham,	Sparks,
Davidson,	Hatcher,	McMahon,	Steele,
Davis, Horace	Hayes,	Metcalfe,	Stenger,
Deering,	Hazelton,	Mills,	Throckmorton,
Dibrell,	Henkle,	Money,	Townsend, Amos
Dickey,	Herbert,	Morse,	Townshend, R. W.
Durham,	Hewitt, Abram S.	Muldrow,	Turner,
Eden,	Hewitt, G. W.	Neal,	Turney,
Elam,	Hiscock,	O'Neill,	Vance,
Ellis,	Hooker,	Page,	Van Vorhees,
Ellsworth,	House,	Patterson, T. M.	Walker,
Errett,	Hubbell,	Peddie,	Ward,
Evans, James L.	Hunton,	Pollard,	White, Michael D.
Evins, John H.	Ittner,	Potter,	Whithorne,
Ewing,	Jones, Frank	Pound,	Wigginton,
Felton,	Jones, James T.	Rea,	Williams, Jere N.
Finley,	Keightley,	Reagan,	Williams, Richard
Fort,	Kenna,	Reilly,	Willis, Albert S.
Foster,	Ketcham,	Rice, Americus V.	Willits,
Freeman,	Killinger,	Robertson,	Wilson,
Garth,	Kimmel,	Robinson, M. S.	Wren,
Gause,	Knapp,	Ross,	Wright,
Gibson,	Landers,	Ryan,	Yeates,
Giddings,	Ligon,	Sapp,	Young, John S.
Glover,	Lockwood,	Sayler,	

NAYS—72.

Bacon,	Crapo,	Lathrop,	Sampson,
Bagley,	Cutler,	McCook,	Sexton,
Banks,	Danford,	McGowan,	Sinnickson,
Bisbee,	Denison,	Mitchell,	Smalls,
Bouck,	Dunnell,	Monroe,	Smith, A. Herr
Bragg,	Dwight,	Morgan,	Starin,
Briggs,	Eames,	Norcross,	Stephens,
Brogden,	Hardenbergh,	Overton,	Stewart,
Bundy,	Harris, Benj. W.	Patterson, G. W.	Strait,
Burchard,	Harris, Henry R.	Phelps,	Swann,
Burdick,	Hart,	Pridemore,	Thompson,
Cain,	Hendee,	Pugh,	Tipton,
Candler,	Henderson,	Rainey,	Townsend, M. I.
Cannon,	Humphrey,	Randolph,	Waddell,
Caswell,	Hungerford,	Reed,	Warner,
Chittenden,	James,	Rice, William W.	Watson,
Clark, Rush	Jones, John S.	Robbins,	Williams, C. G.
Conger,	Joyce,	Robinson, G. D.	Williams, James.

NOT VOTING—61.

Ballou,	Evans, I. Newton	Lapham,	Springer,
Bland,	Forney,	Lindsey,	Stone, John W.
Boyd,	Franklin,	Loring,	Stone, Joseph C.
Bridges,	Frye,	Lynde,	Thornburgh,
Browne,	Fuller,	Marsh,	Tucker,
Butler,	Gardner,	McKenzie,	Veeder,
Camp,	Garfield,	McKinley,	Wait,
Carlisle,	Goode,	Morrison,	Walsh,
Claflin,	Harris, John T.	Muller,	White, Harry
Clark, Alvah A.	Haskell,	Oliver,	Williams, Andrew
Clymer,	Henry,	Phillips,	Willis, Benj. A.
Collins,	Hunter,	Powers,	Wood,
Culberson,	Jorgensen,	Price,	Young, Casey.
Davis, Joseph J.	Keifer,	Riddle,	
Dean,	Kelley,	Roberts,	
Eickhoff,	Knott,	Shelley,	

So the bill was passed.

During the call of the roll the following announcements were made:

Mr. MULLER. On this question I am paired with my colleague from New York, Mr. Willis. If he were present, he would vote "no" and I would vote "ay."

Mr. HUNTON. My colleague, Mr. Goode, is absent by reason of sickness and is paired with Mr. Camp, of New York.

Mr. HAMILTON. My colleagues, Mr. Brown and Mr. Fuller, are absent and paired. I do not know how they would vote if they were here.

Mr. PHELPS. I desire to announce that on this question Mr. Ballou, of Rhode Island, is paired with Mr. Henry, of Maryland.

Mr. HERBERT. My colleague, Mr. Forney, is absent by order of the House, serving on a committee.

Mr. TUCKER. I am paired generally on all political questions with Mr. Lapham, of New York.

Mr. HARRIS, of Virginia. I am paired with Mr. Wait, of Connecticut.

Mr. RYAN. My colleague, Mr. Phillips, is absent on important business. If present, I think he would vote "ay."

Mr. HALE. My colleague, Mr. Frye, is absent by order of the House, serving on a committee.

Mr. BAKER, of Indiana. My colleague, Mr. Brown, is absent by reason of sickness.

Mr. METCALFE. I am paired with my colleague, Mr. Bland. As I am assured that if present he would vote "ay." I will vote "ay."

Mr. STONE, of Iowa. I am paired with Mr. Shelley, of Alabama. If he were here, I would vote "no."

Mr. HENKLE. On political questions my colleague, Mr. Henry, is paired with Mr. Ballou, of Rhode Island.

Mr. BOYD. I am paired with Mr. Roberts, of Maryland.

Mr. OLIVER. I am paired with Mr. Carlisle, of Kentucky. If he were here, I would vote "no" and I am informed he would vote "ay."

Mr. MCKENZIE. I am paired with Mr. Powers, of Maine.

Mr. HASKELL. I am paired with Mr. Knott, of Kentucky.

Mr. WHITE, of Pennsylvania. I am paired with Mr. McKinley, of Ohio.

Mr. BRAGG. My colleague, Mr. Lynde, is absent by order of the House, serving on a committee.

Mr. MAISH. My colleague, Mr. Clymer, is absent on account of sickness.

Mr. EVANS, of Pennsylvania. I am paired with my colleague, Mr. Clymer.

The result of the vote was then announced as above stated.

Mr. COX, of New York, moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

The vote in the Senate was yeas 39, nays 27; as follows:

YEAS—39.

Allison,	Eaton,	McPherson,	Saunders,
Bailey,	Eustis,	Maxey,	Sharon,
Bayard,	Garland,	Mitchell,	Shields,
Beck,	Gordon,	Morgan,	Spencer,
Blaine,	Grover,	Oglesby,	Teller,
Booth,	Hereford,	Paddock,	Thurman,
Cameron of Pa.,	Jones of Nevada,	Patterson,	Voorhees,
Coke,	Kirkwood,	Plumb,	Wallace,
Dennis,	Lamar,	Ransom,	Windom.
Dorsey,	McDonald,	Sargent,	

NAYS—27.

Anthony,	Davis of Illinois,	Hoar,	McMillan,
Bruce,	Davis of West Va.,	Howe,	Matthews,
Burnside,	Dawes,	Ingalls,	Merrimon,
Butler,	Edmunds,	Jones of Florida,	Morrill,
Cameron of Wis.,	Ferry,	Kellogg,	Randolph,
Conkling,	Hamlin,	Kernan,	Withers.
Conover,	Hill,	McCreery,	

All of whom voting yea, I will state for the information of the New York Times and the Washington Post, voted to abrogate a treaty by an act of Congress.

But not only so. A doctrine akin to this has been recognized time and time again by Congress in the passage of revenue laws. In 1857 the United States entered into a treaty with Denmark in which there was a provision to the effect that "no higher or other duties shall be imposed on the importation into the United States of any article, the produce or manufacture of the dominion of the treaty-making power, than are or should be payable on like articles, being the produce or manufacture of any other foreign country."

Subsequently, in 1875, the United States entered into a treaty with the Hawaiian Islands in which certain products were admitted free of duty, and it was insisted upon the part of the exporters in Denmark that by virtue of the provision in the Hawaiian treaty similar products to those admitted under the Hawaiian treaty should come in free of duty, but the circuit court for the southern district of New York held as follows:

The stipulation in a treaty with a foreign power to the effect that no higher or other duties shall be imposed on the importation into the United States of any article, the produce or manufacture of the dominion of the treaty-making power, than are or shall be payable on the like articles the produce or manufacture of any other foreign country, does not prevent Congress from passing an act exempting from duty like products and manufactures imported from any particular foreign dominion it may see fit.

And although we have similar provisions to that contained in our treaty with Denmark, in our treaties with Prussia, Sweden and Norway, the Two Sicilies, Portugal, Nicaragua, Hayti, Honduras, and Italy, yet none of these provisions in these several treaties has ever stood in the way of Congress enacting such tariff laws as was deemed necessary and proper.

In fact, the national House of Representatives so long ago as on the 7th day of April, 1796, adopted a resolution declaring that when a treaty depended for the execution of any of its stipulations on an act of Congress, it was the right and duty of the House to deliberate on the expediency or inexpediency of carrying such treaty into effect. And though it is a fact that President Washington in his message of 30th of March, 1796, denied this right on the part of the House of Representatives, it has been exercised time and time again during all the administrations of the past.

It is true a doctrine contrary to that which has become firmly settled in this country as applicable to treaties between certain nations, and to which the United States is not a party, has sometime been asserted but not maintained by these foreign nations; as, for instance, the congress of Paris in 1856, in which Great Britain, France, Prussia, Sardinia, and Freiburg were represented by ministers plenipotentiary, declared it to be an essential principle of the law of nations that—

None of them can liberate itself from the engagements of a treaty nor modify the stipulations thereof unless with the consent of the contracting parties by means of an amicable understanding.

But this doctrine has never received the sanction of either the executive, administrative, or judicial authorities of this country; nor has the doctrine been practically acted upon, carried out, or enforced by any of the governments represented in that congress; but, on the contrary, a notable example of an entire repudiation of this doctrine by Great Britain is to be found in the passage by the British Parliament of the act of 1870 abrogating in part our extradition treaty with that Government of 1842. And it may as well be remembered by those who are so punctilious upon the subject of interference with treaty stipulations that Great Britain in the passage of that act did so without making any inquiries whatever of the Government of the United States, and without soliciting its consent, and without giving any notice whatever of its intention to modify the provisions of the extradition treaty by an act of Parliament.

During the discussion of the Chinese question in the Senate in May, 1876, this very question as to the power of Congress to abrogate a treaty came up and was alluded to as follows:

Mr. OGLESBY. I should like to ask the honorable Senator from Vermont, as I do not know myself, whether any conflict exists or not on the point concerning which I am about to inquire. Suppose under the treaty-making power a treaty should be made with China which should contain certain specific regulations

upon this very question, and it should be duly ratified by the Senate, and a law of Congress under the power to regulate commerce with foreign nations should be passed upon the same subject, general but internal in its application, and yet in conflict with the terms of the treaty, I should be obliged to the Senator from Vermont to state if he knows whether there has been any determination by the Supreme Court as to how that conflict would be regarded under the Constitution of the United States. Would the law passed by Congress regulating commerce in conflict with a treaty upon that subject prevail or would the treaty prevail?

Mr. EDMUNDS. As I understand it, the Supreme Court of the United States has two or three times (but once is enough, it being a unanimous opinion) determined that under the Constitution, just as it reads, the laws passed by Congress and treaties are both of them equally the supreme law of the land, any law or regulation of a State to the contrary notwithstanding. I do not quote the words but that is the substance. Now, that being the state of the Constitution, the Supreme Court has decided unanimously more than once, and I think upon perfectly impregnable grounds, that, if a law is in conflict with a treaty that existed when the law was made, the treaty, to the extent that the law does conflict with it, is abrogated by the general sovereign power of the nation. Whether that abrogation would be an act of injustice or of war, or whatever it might be called, toward the foreign nation with whom we had the treaty, is a question with which, of course, the courts have nothing to do. On the other hand, if a law as a commercial regulation, to say nothing about the right of the House of Representatives to originate revenue bills and tariff bills—waiving all that—if a law about the introduction of persons should be passed, and afterward the President and the Senate should conclude a treaty with a foreign power which conflicted with the law, then in the same way the treaty would override the law and abrogate the law to that extent. In other words, the last act of the sovereign power exercised in either way under the Constitution, being a complete exercise of sovereign power, would prevail.

But, again, in 1879, when the act abrogating the Burlingame treaty was finally passed through both Houses of Congress, Senator Thurman, of Ohio, expressed his views upon this question as follows:

It has been said—

Referring to the prohibition of Chinese immigration—

that it can only be done by the negotiation of a new treaty. I do not know that that proposition has been distinctly advocated upon this floor; but if it does lurk in the mind of any Senator I beg him to listen to the very few observations I have to make upon it.

To me it seems perfectly clear that the proposition can not for a moment be sustained, and that it would be ruinous to this country, or to any country, to hold that a treaty can only be put an end to by the negotiation of another; for that would put you completely at the mercy of the party with whom you had negotiated the treaty. Take, for instance, this very case. If we can only put an end to this treaty by negotiating a new treaty with China then it is in the power of China, by refusing to negotiate a new treaty or such a one as we desire, to hold us to this treaty, however detrimental to our interests it may be.

Mr. HAMLIN. Will the Senator allow me to ask him if he knows of any one who holds that doctrine?

Mr. THURMAN. I said I did not know; but it has been said and it has been argued, and the Senator from Maine knows very well that, when he and I were members of the other House in the celebrated Oregon discussion, it was stoutly maintained then that the convention with Great Britain, known as the Oregon convention, could not be put an end to by an act of Congress.

Mr. President, I said that the very necessity of the case requires that this power should reside in Congress. It must reside somewhere, and it must reside in that department of the Government which can judge for itself, irrespective of what any foreign power may say. The very existence of the Government itself might depend upon the exercise of this power. It is very true that if we were, without cause, to put an end to a treaty and thereby prejudice the other party to it, we should, in morals and according to the law of nations, be responsible in damages for such abrogation; but still the power to do so exists in every party to a treaty. In the nature of things it must be so. Treaties are like partnerships. There is no such thing as an indissoluble partnership; there is no such thing as an indissoluble treaty. Either party may declare it abrogated, being responsible if it abrogates it without due cause; but the treaty itself is at an end. And that Congress is the right department of the Government to put an end to it follows, as a matter of course, if it be admitted that there is some other mode of putting an end to it than by the negotiation of a new treaty. If it does not belong solely to the treaty-making part of the Government to put an end to it by the negotiation of a new treaty, then, *ex necessitate*, it must belong to the legislative department of the Government, and this is perfectly consistent with the declaration of the Constitution in article 6:

"This Constitution, and the laws of the United States which shall be made in pursuance thereof, and all treaties made, or which shall be made, under the authority of the United States, shall be the supreme law of the land."

A treaty is a law according to the Constitution, and its modification or its abrogation belongs to that department of the Government which makes and unmakes laws.

Mr. President, in pursuance of this view we have again and again modified, or even abrogated, or put an end to treaties. The most notable case—one that excited this country very greatly at the time it happened—was the action of Congress in 1798 in regard to the treaties made with France, including that celebrated treaty of the Revolution with France, to which we owed so much in achieving our independence. In 1798, by act approved July 7, Congress declared as follows:

"*Be it enacted by the Senate and House of Representatives in Congress assembled*, That the United States are of right free and exonerated from the stipulations of the treaties and of the consular convention heretofore concluded between the United States and France, and that the same shall not henceforth be regarded as legally obligatory on the Government or citizens of the United States."

Senator Thurman, proceeding, further said:

There was a treaty abrogated expressly by act of Congress, and on the question of power it does not in the least militate against this exercise of power by Congress that the preamble to this act sets forth divers causes why the treaties ought to be abrogated, and alleges breaches of the treaty on the part of France; because, whether there was cause or not cause to abrogate that treaty, if the Congress had no power to abrogate it, if the power to abrogate it resided with the treaty-making portion of the Government, then no matter what was the cause, Congress had no right to pass that law. But it was not so regarded then. Congress did pass that law; and we have again and again since, and notably in our treaties with the Indian tribes, modified or even put an end to them, according to our own opinion of what was right and proper; and that we have that power in the opinion of the Supreme Court of the United States has been conclusively shown by the Senator who last spoke on this bill.

Mr. Justice Field, in the case of the Chinese laborer from Hong Kong, decided by him in United States circuit court of the ninth circuit, September 24, 1883, in discussing this very question, said:

It will not be presumed, in the absence of clear language to that purport, that Congress intended to disregard the requirements of a treaty with a foreign government, or to abrogate any of its clauses. At the same time, an act of Congress must be construed according to its manifest intent, and, so far as the courts are concerned, must be enforced. A treaty is in nature a contract between two nations, and by writers on public law is generally so treated, and not as having of itself the force of a legislative act. The Constitution of the United States, however, places both treaties and laws made in pursuance thereof in the same category and declares them to be the supreme law of the land. It does not give to either a paramount authority over the other. So far as a treaty operates by its own force without legislation, it is to be regarded by the courts as equivalent to a legislative act, but nothing further. If the subject to which it relates be one upon which Congress can also act, that body may modify its provisions or supersede them entirely. The immigration of foreigners to the United States and the conditions upon which they shall be permitted to remain are appropriate subjects of legislation as well as of treaty stipulation. No treaty can deprive Congress of its power in that respect. As said by Mr. Justice Curtis in Taylor *vs.* Morton: Inasmuch as treaties must continue as part of our municipal law, be obeyed by the people, applied by the judiciary, and executed by the President while they continue unrepealed, and inasmuch as the power of repealing these municipal laws must reside somewhere, and nobody other than Congress possesses it, then legislative power is applicable to such laws whenever they relate to subjects which the Constitution has placed under that legislative power. (2 Curtis C. C. Reports, 459.)

IS THE TREATY PERNICIOUS TO THE STATE, PREJUDICIAL TO ITS BEST INTERESTS, AND SHOULD IT BE ABROGATED?

The power of Congress, therefore, to abrogate these treaties being beyond question the next proposition to which I desire to attract attention is this: Do the admitted facts, read and known by all men, either demand or justify its exercise in the manner proposed by this bill? I insist, without fear of successful contradiction, that they not only justify but imperatively demand it. And in this connection I concede that the abrogation of a treaty with a foreign power by Congressional enactment should never be attempted, much less consummated, except for the gravest, most satisfactory, and conclusive reasons. But if from its inception it has been, or has for any reason since become, either contrary to the fundamental law, prejudicial to the state, or in its operation or effect pernicious to the commonwealth, and in its tendencies violative of the public peace or subversive of public justice, then no higher duty could possibly devolve on the American Congress than that of striking it down and wiping it out, either on account of its illegality or because it was from its inception, or has become, a vicious enemy of the state. Indeed, writers on international law agree in the declaration that a treaty that is prejudicial or pernicious to the state is absolutely void, just as a treaty is that is in conflict with the fundamental law. Vattel, in his Laws of Nations, section 228, in discussing this subject, says:

Every treaty prejudicial to the state or contrary to her fundamental laws being in its own nature void, the oath that may have been added to such treaty is void likewise and falls to the ground together with the covenant which it was intended to confirm.

And continuing further he says:

A treaty pernicious to the state is null and not at all obligatory.

And further, page 259:

Though a simple injury or disadvantage in a treaty is not sufficient to render it invalid, the case is not the same with those inconveniences that lead to the ruin of the state.

While Grotius, the great author of international law, states the following rule:

The natural law, by which every nation is bound to maintain its own existence, is not abdicated by treaty.

In this connection I shall assume that it is conceded by over 95 per cent. of all intelligent, reasoning men of mature years in the United States who have given to this subject any consideration, whatever may be their opinion as to the abstract right of the proposition as to whether their coming should be absolutely excluded by law, that the presence of Chinese in this country is an evil colossal in character, insidious in its operations, pernicious in effect, provocative of dissension and strife, the corrupter of public and private morals, a blight upon American labor, an obstruction to the rightful demands of honest toil, a disturber of the public peace, a restraint on desirable European immigration, a common enemy of the toiling millions of our land, a gradually and rapidly expanding and fearful menace to the best interests of our Republic, and a poisonous cup to the lips of Christian civilization.

Whatever may be the sentiment on this subject east of the Rocky Mountains where the shadows of this great scourge have as yet comparatively so lightly fallen, there is among the people west of the Rocky Mountains but one sentiment, but one mind, but one judgment, on this great and all-absorbing question, if we may except an occasional mercenary journal whose venal proprietors attach more value to the patronage of the Chinese six companies than they do to the rights of the masses of the people or the best interests of the State, or an occasional corporation whose interest is to degrade labor, cheapen the price of honest toil, and obtain the services of the laboring man at the lowest possible price.

As bearing upon this question of unanimity of opinion on the Pacific coast in opposition to Chinese immigration, it may be well to remember that six years ago, through the action of the Legislature of the State of California, the question was submitted to a vote of the people of that State. The whole vote cast was 155,521—a full vote. Of these, 154,638 were cast in opposition to Chinese immigration, while only 883 votes were cast in favor of it. And it is an unquestionable fact that public opinion on this question in the infected districts—and by this is meant the whole Pacific coast, including, as I believe, also the State of Colorado

and the Territories of New Mexico, Wyoming, Montana, and Dakota—has ever since been becoming more solidified, more robust, more aggressive, and is now more determined and emphatic than ever before.

To-day there is but one voice on the Pacific coast on this question, coming alike from the field and the workshop, the bench and the bar, the rostrum and the pulpit, while the press, irrespective of party, with but an occasional exception as stated, is indefatigable and able not only in its attacks on the dreadful invasion but also in insisting that the real remedy is that proposed by the bill I have presented. As evidence of my statement in this regard, I attract attention to the following editorials and extracts from some of the leading journals of San Francisco, that have fallen under my notice the past few days.

I find in the San Francisco Evening Post of the 15th instant the following report of a pulpit discourse recently delivered in that city by the celebrated Congregational divine, Rev. Dr. Barrows:

At the First Congregational church last evening Rev. C. D. Barrows, the pastor, delivered a strong anti-Chinese sermon, in which he favored adopting any legal measure for expelling the Mongolian from this country. He said the time had come when the pulpit could no longer be silent, but must show equal interest with the press in affairs of this character. Self-protection was always justifiable, and if so in individuals why not in communities. Invasion, he remarked, was not immigration. If one invites a stranger to share a meal, and he proposes not only to take his portion, but that of the family and turn them out of doors, should the host submit? There was no question that the Chinese were usurping our rights and the laws human and divine entitled us to protect ourselves. The speaker declared that justice must not be forgotten, and defied the philosopher or missionary to prove by the Bible that there was any justice in the present state of affairs. The Chinese should be removed in accordance with justice, and there should be no more such immigration. Religious people made a great mistake when they thought that the only thing to do with the Chinese here is to Christianize them. In conclusion he stated that there was a necessity to readjust the national policy, and that we must make our country one of reunited States, and not the home of vagabonds.

The Evening Post comments editorially in the same issue, as follows:

Two weeks ago Rev. John Gray preached in the same strain at the Episcopal Church of the Advent. Neither of the reverend gentlemen said anything novel upon the theme which engaged his eloquence—for indeed, no one can say anything new upon so well worn a subject—but the fact that two clergymen, belonging to denominations so respectable, numerous and influential, should seize the present occasion to speak out so boldly and intelligently upon the Chinese question is noteworthy and gratifying. There has been a great advance within the past ten years in the position of the Pacific coast pulpit on this subject. Time was when here, as elsewhere throughout the country, it was thought that the pro-Chinese view was necessarily the Christian view. The argument ran thus: As it is the duty of Christians to convert the heathen, everything that facilitates this work is to be encouraged; Chinese who are brought to this country come directly under Christian influences—therefore, Chinese immigration should be approved. Long experience has shown, however, that it is no easier to convert the Chinaman here than on his native soil, and it has also become painfully apparent that whatever benefit, spiritual or other, which the Chinese may derive from being in America, nobody else gains any permanent advantage. It has been seen that the presence of the Chinese means poverty, suffering, and moral and religious blight to many of our own race.

The church view of the Chinese question has, therefore, broadened so as to take in the souls of white as well as of Mongolians, and the result is that many clergymen are now among the most earnest advocates of exclusion. The religious press of the coast is almost as outspoken as the secular in its antagonism to coolyism. Of late the Occident, the Presbyterian organ, has been doing good missionary work in enlightening its pious contemporaries of the East as to the evils, material and spiritual, which accompany the advent of the picturesque heathen from Asia into American communities. It is significant of the changed attitude of the church that the anti-Chinese convention held recently at San José selected a Baptist clergyman of that city as its agent and representative to travel through the State and organize anti-cooly clubs.

How can our esteemed contemporaries of the East reconcile these facts with their theory that hostility to the Chinese is confined on the Pacific coast to t. e ignorant and the vicious? We should like to see the sermons of Dr. Barrows and Rev. Mr. Gray printed in pamphlet form and sent to every newspaper office in the Union—especially to every religious newspaper office.

The San Francisco Evening Post in its issue of the 12th instant, in referring to the introduction of the bill now under discussion, speaks editorially as follows:

THE MITCHELL BILL.

Senator MITCHELL, of Oregon, has introduced a Chinese bill of a much more thorough character than any that has yet been offered by a responsible statesman. It abrogates all existing treaties with China, so far as they hamper the United States in dealing with immigration; forbids the entry of any Chinese persons except government officials and their servants; provides punishment for any master of a vessel who brings Chinese in violation of the law; prohibits the naturalization of Chinese, and makes due provision for the execution of the act. No chance is left for the courts to nullify the law. The prohibition of immigration, with the one exception named, is absolute. In express terms, it applies to all persons of Chinese race, whether subjects of the Chinese Empire or not. The amiable witness, who appears with mechanical regularity to swear that the petitioner once lived on "Dupon'stlee'," would, under this measure, find his occupation gone, for previous residence is not recognized by the bill.

As to the justice of this proposed act there can not be two opinions on the Pacific coast. It is precisely what the Post has been recommending for months, and what will have to come, sooner or later.

The Daily Evening Bulletin of the same issue said, among other things in its leading editorial, the following:

SENATOR MITCHELL'S PROPOSITION.

Senator MITCHELL, of Oregon, has introduced a bill in the Senate to abrogate all treaties which give the Chinese the right to enter this country and then effectually exclude them. There is not much doubt but that is a step which will have to be taken sooner or later. The movement against the coolies which is now so general throughout the Pacific coast goes by different names. As a matter of fact it is merely a popular effort more determined than anything that has yet been attempted to shake off Mongolianism. Its object is nothing more than the full and complete re-Americanization of the Pacific States and Territories, which are about the only areas not well filled up in the United States at this time. It might as well be understood by all those who gave any thought to the subject, East or West, that this movement is not going to come to a halt, or that there is not going to be a reaction of any consequence. The conflict is as irrepressible as that between free and slave labor formerly in the South. It will proceed until the only logical solution possible under the circumstances is reached—that is to say, the absolute, complete, and eternal exclusion of the servile and disturbing Chinese element. If there is not legislation wise and broad to facilitate and guide the movement, it will, before long, assume another more ultra and less manageable form.

To Senator MITCHELL's proposition, therefore, Congress will in time have to come. No doubt the wisest thing to do is to accept and enforce it now.

The San Francisco Morning Call of the 13th instant said editorially in reference to this question and this particular measure:

MITCHELL'S ANTI-CHINESE BILL.

Senator MITCHELL has begun where other anti-Chinese legislators will end. The present Congress may not be prepared for the bill Mr. MITCHELL has presented, but the next Congress will be. The people of the United States appear to have made up their minds that Chinese immigration must be stopped, the only question now being as to the necessity of an act of legislation which abrogates existing treaties. The Mitchell bill will be opposed in Congress on the ground that it is a discourtesy to the State Department to give notice of the abrogation of a treaty through Congressional action. It will be held by some that the State Department should exhaust diplomatic resources in the effort to obtain such a treaty as we want before Congress shall declare a treaty abrogated. It seems to us, however, that time enough has been wasted in waiting for the State Department to act. There is much reason to doubt if that Department is intensely interested in keeping Chinese out of the country. It is certain that the Treasury Department has construed the present law to admit Chinese in transit without assuming the duty of ascertaining if the Chinese so admitted left the country as they reported their intention to do.

In various ways the Departments have done much to render the present law ineffective. There is some excuse, in consequence, if Congress, representing the people, takes the task of getting rid of Chinese into its own hands. Nine years ago, in the early part of Mr. Hayes's administration, an exclusion law was passed which did not pretend to conform to existing treaties. The President vetoed it on the ground that it would be discourteous to China to announce through Congress the abrogation of a treaty. Under the stimulant of this Congressional act the State Department set its intellectual forces at work, and in the course of time the treaty of 1880 was agreed upon. By that treaty we agreed to allow all Chinese then in the country to go and come at pleasure. The go-and-come clause in the treaty has proved fatal to its usefulness. The "go" was all right, but the "come" was a mistake. Senator MITCHELL's bill eliminates the word "come" wherever it occurs. The facilities for going are not in the least impaired, but we do not want any one Chinaman to go but once. The Call has frequently expressed the belief that the present act might be made effective by literal construction and rigid enforcement.

But the courts say that literal construction violates the spirit of the treaty. Rather than violate the spirit of the treaty the courts have so construed the act that it serves but little purpose. It increases the cost of landing Chinese in the country, but it does not apparently materially diminish the number landed. Now, if we must disregard the treaty, let us do so in an open and manly way. Let us say to the Chinese Government that on and after a certain date no Chinese laborers will be allowed to land in the United States. The stupendous folly of permitting a Chinaman to return and repeat his raid should be openly renounced. Provision can be made for the migration of recognized merchants whose business requires an occasional trip to China. But when a Chinese laborer goes he should be denied the privilege to return. The Call favors all legislation which will strengthen the present law. If the Morrow bill can be passed and the Mitchell bill can not, let us have the Morrow bill. If it does not work better than the present law, Congress will be ready for the Mitchell bill before its fiftieth session expires.

The Call, in another recent editorial, said:

MAKE IT TIGHT.

A Washington dispatch says it is thought that all the anti-Chinese legislation the Pacific coast desires will be conceded by Congress. The anti-Chinese legislation which the Pacific coast especially desires is an enactment which will keep Chinese out of the country. Our experience convinces us that this can only be done by the enactment of a law forbidding Chinese laborers to return at all. When they go let them stay. So long as we undertake to provide for the return of the Chinese laborers, so long will fresh Chinese be sent in the place of those departed. We do not ignore the provision in the last treaty which allows Chinese then in the country to go and come of their own accord. It is, however, within the constitutional power of Congress to notify the Chinese Government that this provision of the treaty can not be observed without abandonment of the purpose for which the treaty was made. We have tried during four years a restriction law which carefully observed the provisions of the treaty. Between Department decisions and judicial decisions, all intended to carry out the spirit as well as the letter of the treaty, this law has been made ineffective. We now want a law that can not be construed away. The bill Representative MORROW has introduced limits the time within which a Chinese laborer may remain in China without forfeiting the right to return to two years. This is a disregard of the treaty, which makes no limit at all. An air-tight and water-proof Chinese exclusion law is what the Pacific coast now desires.

The Chronicle, in discussing the pending bill editorially, said:

He [MITCHELL] has gone further than the most strenuous opponents of the Chinese have thus far gone, but it is just as well for Congress to face it now. MITCHELL will doubtless furnish reasons to justify the legislation he proposes, and show that the trade with China is not worth considering.

But the San Francisco Daily Evening Bulletin, returning to the subject in its issue of the 15th, publishes the following editorial under the head of

THE RISING TIDE OF PUBLIC OPINION.

If Senator MITCHELL's bill, with some modifications, or any other bill having a like purpose in view, can be passed, the Chinese question will be solved for all time. That bill rises fully to the gravity of the case. If the question of our relations with China were broadly and ably presented, there is not much doubt that his proposition will become the law of the land. Mr. MORROW's bill was introduced early in the session. It went as far as it was thought it was possible to go at that time. But since then the Chinese question has undergone an entire change on the Pacific coast. One whole stage in the natural process of its solution has been jumped over. There was no one who favored MORROW's bill who did not know that at some future time some other and more ultra measure would have to be adopted. By the act of the people in every city and town of importance on the whole coast the question has been advanced one step on the Calendar, so to speak.

Revolutions never go backward. A social, moral, industrial, hygienic, financial, and ethnological revolution is now in progress in California and the other States and Territories of the Pacific. The general and, in many respects, lawful uprising of our people has stripped the question of the falsehoods by which it was surrounded. It is not the revolt of one class against another, however justifiable, but of a unanimous people determined to prevent the further defile-

ment of this fair land by a heathen horde. Is is Americanism asserting itself against the debased and servile Mongolism of Asia. For the time being the Pacific coast is fighting on the forepost of civilization. The movement is one which will occupy a greater space in history than the small souls who are now seeking to dwarf or divert it for gain imagine possible. It will rank second in the great moral and philanthropic movements of the epoch. The overthrow of black slavery was the first. The extinction of the more subtle Coolyism of the present day is the second.

Senator MITCHELL's bill is necessarily more in accord with the rising tide of popular determination to extirpate the Chinese evil once for all than any previous measure. There ought, in the present condition of things, to be no trouble about accepting it. There is no reciprocity at all in our dealings with China. We have received no reciprocal advantages. The case can be summed up in a few words: We enjoy no more rights in China than any other civilized nation; but our country alone has been opened up for the traffic of the man-dealers of Canton. That traffic is openly carried on with Cuba, Brazil, and Asia and is sanctioned by treaty. Here it is cloaked and disguised because our laws forbid forced labor. Some people do not believe that the Chinese are held to service and labor in the United States because they do not see them driven about in gangs.

The chains which bind these slaves are invisible. They were forged out of their religion and their civil polity. The relatives of the Chinese peon are mortgaged at his home for the faithful performance of his contract. If he fail they are sold into slavery. He goes about apparently as a freeman, but his acts show the collar on his neck. Expensive lawyers are hired to represent Coolies in the efforts to evade the restriction law, but in nothing else. Coolies move in obedience to orders issued by a central authority. They can not leave the country without the permission of their owners. If they attempt to do so they are removed from the steamer under trumped-up charges of felony. By cutting the Gordian knot as proposed by Senator MITCHELL we bring this slave incursion to an end. There is no reason to believe that such a summary method of proceeding will result in the commercial loss of any kind. Even if it did, every consideration of patriotism, morals, philanthropy, and civilization would require that the sacrifice should be made. But China has too good a thing in the trade with the United States to relinquish it. Besides, we are masters of the situation. By discriminating duties on tea and silk we can build up Japan at the expense of China.

Nor is there any necessity for diplomatic delay. No nation is bound to continue a treaty that is working it a constant and manifest injury. Great Britain did not ask permission when it modified by act of Parliament the extradition treaty which it had with us. It was enough for it that, in its opinion, that treaty was doing violence to some of the principles upon which its government was founded. No permanent, satisfactory arrangement can be made whereby certain classes of a people of whom we know but little, and of whose language we are all ignorant, are to be admitted and certain others excluded. The exigencies of the Burlingame Treaty, when the object was to adhere to the letter of that one-sided document, required that some such arrangement should be set up, but for the reasons stated it can never be made to work. There will always be fraud and imposition in the administration of any law of that kind. It is by far preferable that an end should be made of the whole business right off. The Chinese can not be admitted to this country. There are millions of them standing ready to overwhelm us if the gates are not finally and firmly shut.

But the sentiment expressed in these editorials and on the bill under discussion is not confined by any means to the Pacific coast, and as a sample I attract attention to the following editorial found in the Philadelphia Press in its issue of the 11th instant:

POTTERING WITH A GRAVE QUESTION.

The anti-Chinese outbreak at Seattle, Wash., is the first exhibition only of a hostility which has long been growing. During a year past there has been a manifest increase in the aversion to this class of immigrants on the Pacific Slope, and the determination to be rid of them is now much stronger than ever. A trial of nearly four years of the restriction act has shown that it is little better than a rope of sand as a bulwark against the Mongolians. The frauds that can be practiced under it are numerous, and the wily Chinese were not slow to find the loopholes and to take advantage of them. The knowledge of these facts has aroused the people of the Pacific Slope as they were never aroused before on the subject. Numerous meetings have been held to interchange opinions on the question, and two State conventions have been called to insure united action in dealing with the evil. One convention will assemble in Portland, Oreg., next Saturday, while the other will meet in San Francisco March 10.

These events ought to impress upon Congress the necessity for taking this matter into serious consideration at once. The legislation of the past has been mere pottering and was enacted evidently in the hope that the question would settle itself in time. This, however, it has not done, and to-day the situation is more grave than ever. The great shame of the whole business is that it has been viewed more in its political aspects than in any other light. As the great majority of the members of Congress reside on this side of the Rocky Mountains and have no personal knowledge of the subject, they have taken that view of it which was likely to benefit their party most. Meanwhile the evil has gone on increasing. Instead of diminishing under the restriction act, the number of Chinese is believed to have steadily increased. According to the census of 1880 there were 73,548 Mongolian immigrants in California, 9,472 in Oregon, 3,166 in Washington Territory, and 104,000 in the whole country. California now estimates its Chinese population at 75,000, and the other States and the Territories in that vicinity admit no decrease. The frauds practiced on the custom-house officials and the ease in crossing the British Columbia border will account for this increase.

It is evident that some other policy must be tried. It is unjust to one of the fairest portions of the country for the rest of the nation to sit by supinely and see its prosperity retarded, its labor demoralized, and its people contaminated and refuse relief.

It will no longer do, therefore, to urge here or elsewhere in all this broad land that it is the irresponsible hoodlum element of the West only that is inveighing against Chinese immigration and crying out against their infectious, demoralizing, and pernicious presence.

This cry, always unfounded in fact, has in the face of events past and now transpiring become obsolete. The voice of honest labor, the intelligent demand of vital industries, the piteous wail of indigent toil—struggling for life in the unequal and unfair contest of competitive trial with the servile labor of Asia, transplanted, unfortunately, as it has been in American soil with all its tragic train of degradation, its ruinous tendencies, its debasing practices, its revolting customs and nameless crimes, are practically a unit on this great question in diguifying the movement on the Pacific coast in opposition to the Chinese as one in the interest of the general welfare, the conservation of public peace, the preservation of domestic tranquillity, the unfettering of public and private justice, and the vindication of the rights of American labor on American soil.

In view of the fact that the discussions of this question in Congress during the past fifteen or twenty years, and of the investigations that have been made under the direction of the two Houses of Congress, and the reports that have from time to time been submitted, with volume after volume of accompanying testimony, whereby have been spread upon the CONGRESSIONAL RECORD and before Congressional eyes evidence without limit and in its character overwhelming and conclusive, showing in all its horrid phases and in its real, abhorrent character the evil nature, the contaminating tendencies, and horrible results of Mongolian life and habits on American soil, it would seem superfluous to waste the time of the Senate in a repetition of the disgusting facts or in rehearsing the many arguments that have been made bearing upon this great question.

It is not a new question; the public mind is not in ignorance in reference to it; Congress is not unadvised; the executive and administrative departments of the Government can not be blind in view of the past and present disclosures, either as to the real state of the case or the gravity of the situation. And if the evidence and arguments heretofore submitted to Congress are in any respect wanting in verity or deficient in amplification or force, and surely they are not, they are to-day being strongly and emphatically supplemented, supported, and sustained by the scenes of riot and anarchy and dissension and bloodshed that have occurred during the past few months in Wyoming and California and Washington Territory and other sections of the Pacific coast, and all of which, however indefensible or unjustifiable they may be, and however untrue or unjust it would be to, in any manner, charge the responsibility upon the Knights of Labor or upon any other class of intelligent and respected workingmen, it is true that they may be traced directly to the fact that there is imbedded within the population of these districts an abnormal element, a foreign body, a non-assimilating mass, a hideous putrefaction, the absolute and continual tendency of which is to provoke dissension and strife and anarchy and bloodshed.

The presence of nearly or quite two hundred thousand Mongolians, coming from among the worst classes of the lowest order of Asiatic life, and planted amidst and intermingled with a home population of less than one and a half millions on the Pacific coast, is an indigestible substance in the stomach of the body-politic of these communities; it is a nauseating emetic, which the people of that coast have been compelled to swallow, dipped from the stagnant and sickening cesspools of Pagan filth, and until it is ejected and thrown out the life and character, and destiny of that people will rest under the shadow of an affliction infinitely worse than that suffered by the Egyptians from the divers curses to which they were subjected.

In reference to the recent disturbances in Washington Territory and in other portions of the West, while we may and do reprobate violence under whatever pretense evoked or however great the provocation, except in support of law and order, it will not do, nor will the facts sustain the assertion, to say that it is the hoodlum or tramp or irresponsible element that is engaged in peaceable and orderly manifestations of opposition to the Chinese on the Pacific coast. As honorable and intelligent and respectable and worthy a class of workingmen as ever honored themselves and their families in this country, or their race, by honest effort and honest toil, suffering as they are to-day in their individual persons and in their families from the deprivation of the means of subsistence from the cheap and degraded labor of these rice-eating swarms of Asiatic serfs who have crowded them unceremoniously from the pick, the shovel, the hod, the plane, and the bench; from the factory and the hotel, from the field and the railroad, from the canal and the mine, from the garden and the shop, from the fisheries and the ways of travel, from the streets and the restaurants, from the manufactories and other places and vocations whereby men by their daily toil provide for self and wife and children and home, and goaded to a wild and, I may say, not inexcusable desperation, rise up in their majesty as intelligent, independent, suffering, resolute men, and protest by vigorous word and determined action against the presence in their midst of an element that is to them destructive of the means of subsistence and life and an insurmountable obstruction against them in every avenue of honest employment and fair recompense.

Is it to be wondered at that under these circumstances there will at times, through the indiscretions of the less discreet and peacefully inclined, occur occasional conflicts requiring the interposition of the strong arm of the law? The greater wonder is that the patience of communities composed of intelligent and worthy native-born and naturalized American citizens, whose homes have been established on these Pacific shores, whose families are there, and whose dependence is exclusively upon the fruits of their daily toil, and whose means of livelihood are filched from them day by day and hour by hour by a homeless band of male pagans, to whom home and family and fireside and children and domesticity are entire strangers, does not give way to desperation and to high-handed and united effort to immolate and destroy these destroyers of their peace and happiness. That this is not done under circumstances of such intense aggravation and of such aggravated provocation is to the workingmen and working-women of the Pacific coast a crown of unspeakable glory, and it rightfully commends them and their

interests to the favorable consideration and real sympathy not alone of Congress and the Executive but of the people of the entire nation.

As the public mind in this country has become so fully informed and thoroughly educated upon the general question as to the unadvisability of this character of immigration, and the public judgment is, as I believe, so firmly fixed, I have made no particular effort in what I have said to rehash the testimony bearing upon this question. I will, however, depart so far as to submit a quotatian from Bayard Taylor, with whose writings all are familiar, and whose long residence in China enabled him to speak with accuracy upon the subject. In his work on India, China, and Japan, published in 1855, he says:

It is my deliberate opinion that the Chinese are, morally, the most debased people on the face of the earth. Forms of vice, which in other countries are barely named, are in China so common that they excite no comment among the natives. They constitute the surface-level, and below them are deeps of depravity so shocking and horrible that their character can not even be hinted. There are some dark shadows in human nature which we naturally shrink from penetrating, and I made no attempt to collect information of this kind; but there was enough in the things which I could not avoid seeing and hearing—which are brought almost daily to the notice of every foreign resident—to inspire me with a powerful aversion to the Chinese race. Their touch is pollution; and, harsh as the opinion may seem, justice to our race demands that they should not be allowed to settle on our soil. Science may have lost something, but mankind has gained, by the exclusive policy which has governed China during the past centuries.

But as in my judgment there are no two opinions upon this question in this contry, it is but a waste of time and a useless performance to adduce further testimony upon this point.

THE BURLINGAME TREATY NOT ONLY IN ALL RESPECTS VALUELESS TO THE UNITED STATES COMMERCIALLY, BUT A STANDING CURSE.

But it has been said that we can not afford to break faith with China, we can not afford to surrender the great privileges that have accrued and are accruing to the United States by reason of the Burlingame treaty. In answer to this I unhesitatingly say that never in the history of national compacts, never before in the execution of treaties between governments was any nation so shamefully overreached, fooled, bamboozled, outwitted, and swindled as was the United States in the adoption of the Burlingame treaty. The truth is, in that bargain the United States absolutely got nothing worthy of the mention that it did not possess before, while many of its then existing rights and privileges were materially restricted and in consideration of which it made a grant, an unqualified concession to an idolatrous nation, to an Asiatic empire, the result of which, unless restrained, will ere many years cast a blight upon our nationality, a paralysis upon American labor, a blot upon our civilization, a mildew upon our progress, and become a serious stumbling block in the way of the advancement and prosperity of our Republic.

What rights, or privileges, or concessions, or powers, or advantages were given or granted to the United States by virtue of the provisions of the Burlingame treaty that we did not possess by virtue of our treaty with China of June, 1858? Let us inquire. In the first article of the Burlingame treaty China asserts that in making concessions to the citizens or subjects of foreign powers of the privileges of residing on certain tracts of land, or resorting to certain waters of that Empire for purposes of trade, the Emperor of China had not by prior treaty or by any means relinquished his right of eminent domain or dominion over the said land or waters; and it is stipulated that no such concession or grant shall be construed to give to any power or party which may be at war with or hostile to the United States the right to attack the citizens of the United States, or their property, within the said land or waters; and the United States is by this article prohibited from attacking the citizens or subjects of any power or party, or their property, with which they may be at war on any such tract of land or waters of the said empire; and the article then proceeds to absolutely and materially restrict the rights which the United States then enjoyed by stipulating that grants of land theretofore made to the United States or any of its citizens in China for the purpose of trade or commerce should in no event be construed to divest the Chinese authorities of their rights of jurisdiction over persons and property within said tracts of land, except so far as that right may have been expressly relinquished by treaty. The first article of the Burlingame treaty, therefore, so far from granting any new rights or privileges, is but a restriction on the rights and privileges of the United States and their citizens in China which they possessed before.

The same may be said of the second article, as it stipulates that any privilege or immunity in respect to trade or navigation with the Chinese dominions which may not have been stipulated for by treaty shall be subject to the discretion of the Chinese Government, and may be regulated by it accordingly.

The third article is also a concession to the Chinese Government, for which we receive nothing. It stipulates that the Empire of China shall have the right to appoint consuls at the ports of the United States, who shall enjoy the same privileges and immunities as those which are enjoyed by public law and treaty in the United States by the consuls of Great Britain and Russia, or either of them.

Article IV concedes naught that we did not possess under the treaty of 1858, save and except it is stipulated that the sepulture of our dead shall be held in respect and free from disturbance or profanation, for which we extend the same courtesies.

The stipulation in reference to the exemption of citizens of the United States in China from disability or persecution on account of their religious faith, and the enjoyment of liberty of conscience, are but little, if indeed anything, more than an elaboration of concessions then enjoyed by the United States under the treaty of 1858, while all these rights, privileges, and protections are thrown around Chinese subjects in the United States.

Article 5 of course concedes nothing to the United States, while the United States by its provisions, in an hour of thoughtlessness on the part of the great premier, Mr. Seward, and of the Executive and the Senate, and I might say of the entire people of the whole nation, while boasting of the protection they pretend to give to American labor and American interests, threw open wide the doors of the nation and bid welcome to our midst at their pleasure the countless millions of yellow idolaters of the Celestial Empire.

Article 6 is an elaboration and guarantee of the rights and privileges acceded to Chinese subjects in the United States by article 5 of the treaty.

But what do we get by article 7? The enormously valuable concession that citizens of the United States shall enjoy all the privileges of the public educational institutions under the control of the Government of China enjoyed by citizens or subjects of the most favored nation, and the right upon their part to freely establish and maintain schools within the Empire of China at those places where foreigners are by treaty permitted to reside; while all these privileges are extended to Chinese subjects in the United States. Wondrous concession, that the civilization of free enlightened America, the outgrowth of popular and scientific education and of Christianity, should be graciously admitted to the sacred educational temples of the descendants of Confucius in a land where popular education is unknown, where the sciences are strangers, and Christianity is unheard of!

And now having traveled through each and every article of the treaty, except the last, without being able to discover a single solitary new grant or concession to the United States or its citizens that is or ever has been or ever can be worth so much as a farthing, we come to consider the last article in the treaty to find a second Chinese wall more formidable than that which held the Tartars at bay for over fourteen centuries, erected with our consent, builded in part with our own hands around the Chinese Empire and all its vast territory, so broad and firm and high as to forever exclude from whatever fields of enterprise that country may possess all American enterprise, capital, and labor.

The United States—

Says this article—

do hereby disclaim and disavow any intention or right to intervene in the domestic administration of China in regard to the construction of railroads, telegraphs, or other material or internal improvements.

And again:

On the other hand, his majesty, the Emperor of China, reserves to himself the right to decide the time and manner and circumstance to introduce such improvements within his dominions; and it is further stipulated that whenever his Imperial Majesty shall determine to construct or cause to be constructed works of the character mentioned within the empire, the United States shall, on demand of the Emperor of China, designate and authorize suitable engineers to superintend and carry on the work for China, and will recommend to other nations that they respond to the request of China in that regard in like manner.

The Daily Evening Bulletin of San Francisco, in discussing this question and suggesting the advisability of abrogating the Burlingame treaty, in a recent issue of that paper made the following statement:

When the argument comes up on the latter point it will not be difficult to demonstrate that in that compact we gave everything and got nothing whatever in return. It would be impossible to find an instance in which a nation was more grossly overreached than we were on that occasion. The instrument will be searched in vain for any right or privilege conceded to Americans which all other foreigners do not enjoy. The history of diplomacy does not reveal another instance of a bargain so entirely one-sided.

It is therefore evident that were the Burlingame treaty and the supplementary treaty of 1880 wiped out of existence to-morrow *in toto* our interests in China would not be damaged to any material extent whatever, while on the other hand results incalculable in their value would inure to the benefit of the United States. The objection that our commerce with China would suffer and great commercial interests be stricken down by the abrogation of this treaty is not well-founded. It is based upon an entire misconception of the facts; it is founded in an erroneous impression of the benefits alleged to have been conferred upon this country by the Burlingame treaty; it is made in ignorance of the real state of facts in reference to our trade with China. China has too much at stake, too many interests to subserve to close her ports against American commerce. Her exports to the United States are nearly 300 per cent. more in value per annum than the value of our exports to China.

I hold in my hand a statistical statement showing the kind, qualities, and values of the imports into the United States from, and the exports of the United States to, China during the year ending June 30, 1885, which I ask the permission of the Senate to incorporate in my remarks without stopping to read it.

Statement showing the quantities and values of imports into the United States from and the exports from the United States to China during the year ending June 30, 1885.

IMPORTS.

Articles.	Quantities.	Values.
FREE OF DUTY.		
Chemicals, drugs, and dyes, not elsewhere specified		$124,524
Coffee.....pounds...	254,051	26,872
Farinaceous substances, and preparations of, not elsewhere specified		65,698
Hair, not elsewhere specified		65,366
Hides and skins, other than fur-skins		388,544
Silk, unmanufactured:		
Cocoons.....pounds...	2,098	1,256
Raw, or as reeled from the cocoon.....pounds...	1,030,580	3,199,851
Waste.....pounds...	13,420	10,711
Spices, unground		42,860
Tea.....pounds...	35,895,835	8,038,896
Wood, unmanufactured, not elsewhere specified		33,429
All other free articles		52,761
Total free of duty		12,050,768
SUBJECT TO DUTY.		
Chemicals, drugs, dyes, and medicines, not elsewhere specified:		
Opium, crude.....pounds...	5,501	21,311
prepared for smoking.....pounds..	21,402	182,186
All other		27,740
Cotton, manufactures of		128,752
Earthen, stone, and china ware		33,062
Fish, not elsewhere specified		57,075
Furs, dressed on the skin, and manufactures of fur		221,956
Hats, bonnets, and hoods, and materials for		979,869
Oils, vegetable, fixed, or expressed, other than olive.....gallons...	399,428	188,880
Provisions, meat products		42,742
Rice, not elsewhere specified.....pounds...	38,363,652	728,974
Rice, granulated, or rice meal.....pounds...	358,039	9,141
Silk, manufactures of		618,696
Spirits, distilled, and spirituous compounds, proof-gallons	81,170	27,698
Sugar, brown (not above No. 13).....pounds...	1,888,406	44,341
Tobacco, manufactures of		42,763
Vegetables:		
Pickles and sauces		37,903
All other		45,231
Wool, and manufactures of		28,920
Wool, and manufactures of:		
Unmanufactured.....pounds...	1,141,604	102,757
Manufactures of		28,960
All other dutiable articles		641,844
Total subject to duty		4,241,401
Total imports of merchandise		16,292,169
Total imports of gold and silver coin and bullion		1,529
Total imports		16,293,698

EXPORTS.

Books, maps, engravings, and other printed matter		26,445
Breadstuffs:		
Wheat, flour.....barrels...	7,000	35,734
All other		4,784
Clocks and parts of		51,819
Cotton, manufactures of:		
Colored.....yards...	74,446	24,644
Uncolored.....do...	51,216,132	3,400,339
All other		9,531
Gunpowder and other explosives		419,361
Iron and steel, manufactures of:		
Firearms		768,076
All other		38,329
Oils: Mineral, refined.....gallons...	15,421,400	1,455,234
Provisions, comprising meat and dairy products		35,977
Wood, and manufactures of		25,667
All other articles		120,238
Total exports of domestic merchandise		6,396,178
Total exports of foreign merchandise		322
Total exports		6,396,500

From this statement, it will be seen that the whole amount of merchandise imported from China to the United States during this period amounted in value to the sum of $16,292,169, of which amount only about one-fourth, or $4,241,401, was subject to duty, the balance being on the free-list; while the sum total of our exports to China on domestic commodities during the same time was $6,396,178, our total exports of foreign merchandise but $322, making our total exports $6,396,500.

The port of San Francisco alone exported merchandise to all foreign countries during the year ending June 30, 1885, more than six times the amount in value than did all the ports of the United States, San Francisco included, export to China during the same period, her exports of merchandise for that year being $38,115,624, while the port of Portland, Oreg., the next nearest port of consequence to China, if we may except Astoria, Oreg., exported in all that year merchandise within $2,000,000 of the amount sent to China by all the ports of the United States, San Francisco and Portland included.

Nor has our export trade with China increased, but on the contrary largely decreased, during the past few years under the operation of the Burlingame treaty. Our total exports to China for the year ending June 30, 1885, were less by nearly $500,000 than they were seven years ago. In that year, ending June 30, 1878, they were $6,867,255, and our exports to China during the year ending June 30, 1885, were less by $1,968,036 than they were in 1881, and, small as it is, less than double that when the Burlingame treaty was ratified. But, not only so, it requires a drain of our gold and silver of nearly $10,000,000 annually to square our account with China, to say nothing of the immense drain of many millions annually sent out of the country through the operation of the Chinese.

Recurring to the immense drain of specie from our country involved in this trade, I submit the following statement from the Bureau of Statistics, Treasury Department, showing the value of the foreign trade with China and Hong-Kong and our annual total exports of gold and silver to China during the past fifteen years.

Value of the foreign trade of the United States with China and Hong-Kong.

Year ending June 30—	Exports.		Total exports.	Imports.	Total imports and exports.
	Domestic.	Foreign.			
MERCHANDISE.					
1870	$3,051,616	$64,765	$3,116,381	$14,565,527	$17,681,908
1871	2,041,836	28,996	2,070,832	20,064,365	22,135,197
1872	2,915,465	21,370	2,936,835	26,752,835	29,689,670
1873	2,547,085	8,885	2,555,970	27,191,759	29,747,729
1874	2,078,565	55,096	2,133,661	18,568,940	20,702,601
1875	3,551,038	15,710	3,566,748	14,676,416	18,243,164
1876	4,715,115	14,777	4,729,892	12,847,633	17,577,525
1877	4,903,075	34,631	4,937,706	12,301,684	17,239,390
1878	6,850,931	16,324	6,867,255	18,120,483	24,987,738
1879	5,930,954	11,245	5,942,199	18,084,694	24,026,893
1880	3,974,447	4,324	3,978,775	24,020,707	27,999,482
1881	8,361,949	2,585	8,364,534	24,717,557	33,082,091
1882	9,106,902	16,978	9,123,880	22,638,433	31,762,313
1883	7,845,753	12,328	7,858,081	22,060,225	29,918,306
1884	7,705,022	5,405	7,710,427	17,121,373	24,831,800
1885	6,395,178	322	6,396,500	16,292,169	22,688,669
GOLD AND SILVER.					
1870	3,369,547	2,554,138	5,923,685	62,960	5,986,645
1871	1,878,380	1,693,267	3,571,647	1,950	3,573,597
1872	4,799,470	1,199,865	5,999,335	700	6,000,035
1873	4,789,608	2,364,941	7,154,549	181	7,154,730
1874	6,621,400	2,759,641	9,381,041	39,772	9,420,813
1875	5,210,966	1,392,403	6,603,369	6,840	6,610,209
1876	5,842,947	2,086,642	7,929,589	6,908	7,936,497
1877	12,255,259	3,175,606	15,430,865	10,952	15,441,817
1878	13,200,925	3,011,650	16,212,575	7,559	16,220,134
1879	4,413,618	3,017,744	7,431,362	134,635	7,565,997
1880	4,282,381	2,230,442	6,512,823	90,991	6,603,814
1881	1,367,034	2,111,568	3,478,602	41,179	3,519,781
1882	2,307,620	2,142,500	4,450,210	36,005	4,486,215
1883	4,168,736	2,971,744	7,140,480	192,801	7,333,281
1884	4,936,985	4,404,574	9,341,559	5,260	9,346,819
1885	5,188,705	9,384,528	14,573,233	1,529	14,574,762

But another consideration of immense importance must not be lost sight of in the consideration of this question. Prior to the existence of the Burlingame treaty Americans on the Pacific coast and elsewhere within the limits of the United States carried on whatever trade we had with China and received the benefit of it. How is it to-day? Over 95 per cent. of the whole trade is monopolized and carried on by Chinese. The chimera, therefore, in reference to our great commerce with China and its alleged immense importance to this country cannot delude much longer, and when put in the balance against the great evils that are resulting to this country and our people from the presence of the Chinese, it should not be considered for one moment, even though the effect of the abrogation of the treaty might be to deprive us wholly of this trade, which, as I have endeavored to show, it most certainly will not; for, even conceding the importance of that trade and the desirability of retaining it, China will never close her ports against it, treaty or no treaty. The advantages are too greatly in her favor; the profits are all on her side of the ledger. The benefits inuring from it are in favor of China and not of the United States.

With Great Britain her account stands quite differently. England is not compelled to go down in her exchequer every year to the tune of many millions as have we in order to settle a balance of trade with China. Her opium from India alone very nearly pays for the Chinese products purchased by her.

It was proclaimed with a flourish of trumpets when the Burlingame treaty was consummated that a new market for our surplus wheat was to be opened up to the producers of this country; that the rice-eating millions of China would at once become a bread-eating people. But what is the result? Eighteen years have passed away and our annual total exports of breadstuffs to China, including wheat and flour, is of the value of less than $40,000, the exact amount for the year ending

June 30, 1885, being $35,734—a mere bagatelle. And so with our provisions, comprising meats and dairy products; $35,977 in value is the sum of all they purchased from us in the last year.

In fact, if we may except the two products of uncolored cotton manufactures, the value of our exports of which to China during the past year was $3,400,339, or considerably over one-half of all our exports to that country, and refined petroleum, amounting to $1,455,234, our export trade with China amounts to absolutely nothing; while from her free list she, through her importations, is permitted to enter into competition with our producers of hides and skins, chemicals, drugs, and dyes, unmanufactured rare woods, hair, and other of our productions.

From this it will be seen we have in that time sent to China in gold and silver to balance our account $131,134,815. In the four years and seven months ending July 31, 1879, we exported from San Francisco alone, to China, specie to the amount of $49,848,918. This immense sum of over $131,000,000 in gold and silver is in small part the tax that has been levied on the white labor of the Pacific coast and handed over to the Mongols of Asia. But to this add not less than from $75,000 to $100,000 per day that is daily being absorbed by the laboring Chinese of the Pacific coast, and only a very small fraction of which finds its way back into American life and industries, and the balance of which, amounting to untold millions, is sent out of the country, and then some adequate conception may be had of the enormously bad bargain this country struck with China when the Burlingame treaty was made.

RESTRICTION ACTS.

Restriction acts have in the past proven mere delusions and snares. They do not meet the evil, but rather aggravate it by offering opportunities for their evasion through the crafty practices, fraudulent devices, and bold perjury of the criminal Chinese. They have only been placed on the statute-book to be evaded through perjury, chicanery, and fraud, and to have their efficiency destroyed by judicial and departmental construction in strained efforts to harmonize their provisions with the letter and spirit of the treaties.

This bill, unlike our restriction acts and proposed acts, is not elastic; it is absolutely iron-clad; it leaves nothing to construction; it is conclusive. It is not open to the objection of being liable to have its vitality sapped or its efficiency destroyed by judicial or departmental decision. No delicate questions as to conflict between act and treaty are left open for construction or determination by either court or department; all questions as to the power of consuls to issue certificates; all issues as to their fraudulent character; all inquiries, judicial or otherwise, into the identity of the hundreds of Chinese who come regularly to our ports under claim that they have formerly resided here and are therefore under the restriction acts entitled to return, whose names are not only *idem sonans* as a rule but in person *facies omnibus una*, are wholly dispensed with. The premium held out by mere restriction acts to professional perjurers is withdrawn. The opportunity for the exercise of Chinese cunning, Mongolian chicanery, and Pagan prostitution of the forms of law to the base purposes of eluding the requirements of law, is forever taken away.

Restriction acts simply apply the knife in a rather delicate manner to some of the outer branches of the deadly upas tree, while the bill under consideration lays the ax with a determined and vigorous hand at all of its poisonous roots. Restriction merely is a harmless anodyne applied with a delicate brush to an incurable ulcer; prohibition is the surgeon's knife thrust vigorously beneath the festering sore. The one is simply boxing and fencing with an athletic giant-evil that is making rapid strides toward Mongolianizing the Pacific coast; the other is grasping that evil boldly and energetically and defiantly, but yet constitutionally, by the throat and downing it without form or ceremony. The one is a pretense and a fraud in that it assumes to be legislation in pursuance of treaty stipulations, when in fact it is in violation of them, while the other proclaims to the world that the treaty itself is a fraud upon American labor, on public justice, on public and private morality, and on American civilization, and as such it has become the duty of Congress to brush it aside. Our past experience on this subject has proven that restrictive legislation on this subject does not restrict, but rather, under its operation, the number of Chinese in this country is augmented. While the census of 1880 showed but about 105,000 Chinese all told in this country, the number now here, as ascertained by careful estimates in the various localities occupied, is not less than from 180,000 to 200,000.

If, therefore, this class of immigration is so objectionable as we all concede it to be, if it is so fraught with disaster to the best interests of our Republic and people, if its effect is so baneful, as we claim, on American labor, subordinating it to that of the cooly labor of Asia, if it is such a blight on public and private morals through its squalidness, wretchedness, and crimes; through its drain on the vitalizing currents of our financial, physical, and moral life; through the operation of all its vile instrumentalities, such as opium dens, houses of prostitution, and other snares of virtue and haunts of vice it has already established in startling numbers, not only in every city and town of the Pacific coast, but also in every city of any magnitude throughout the entire land; if, as is susceptible of abundant and conclusive proof, this immigration has transplanted from the hot-beds of moral and physical corruption in the depths of Asia new, detested, and nameless crimes, whose very touch is pollution, whose mention is forbidden in this presence, and whose infection is moral and physical death; and if again no great interest of trade or commerce is to be protected by withholding the blow necessary to its destruction, then why should Congress hesitate to rise at once, and without further delay, to the demands of the hour, and in the exercise of its constitutional power strike with unsparing hand a death-blow at the vitals of American civilization's direst foe? To hesitate in the presence of such a danger is to parley with the assassin and treat with the corrupting invader of home and fireside. It is to fire blank cartridges when full-weighted leaden bullets are demanded.

The conflict that is being waged on this subject of the Asiatic occupation of this country is as irrepressible as the conflict that resulted in the overthrow of human slavery. It is a conflict for supremacy on American soil between intelligent, enlightened, and honest American labor and the cheap and degraded labor of the lowest order of the Mongol; a conflict between morality and vice, order and anarchy, Americanism and Asianism; a conflict between civilization and heathenism, Christianity and paganism; a conflict between two opposing forces in all essential particulars non-assimilating and repellant when considered in the relation of the one to the other; and the one or the other of which must and will ultimately and necessarily be driven to the wall; nor does it require any peculiar prescience to determine the result of the contest, if the United States Government either stands supinely by and does nothing, or, what is but little more effective for good, simply attacks the advancing army of invaders with wooden swords and paper bullets under pretense of conforming to treaty stipulations and sustaining diplomatic relations.

Public opinion, when so nearly unanimous as it is on this subject, is not often wrong in this country and this age, and it is to-day, in a voice whose echo shall startle the empire and command the respect and approval of all civilized nations, demanding of Congress the enactment of a prohibitory law that will at once and forever end this great controversy and strangle this arch enemy of free labor, of law, order, tranquillity, and civilization itself.

I now move a reference of the bill to the Committee on Foreign Relations for their consideration.

The motion was agreed to.

AID TO COMMON SCHOOLS.

Mr. HALE. Mr. President——

The PRESIDENT *pro tempore*. The hour of 2 o'clock having arrived, it is the duty of the Chair to lay before the Senate the unfinished business.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (S. 194) to aid in the establishment and temporary support of common schools.

Mr. HALE. I now rise to make the motion indicated by me at the beginning of the session to-day, that the Senate proceed to the consideration of executive business.

The PRESIDENT *pro tempore*. The Senator from Maine moves that the Senate proceed to the consideration of executive business.

Mr. BECK. I should like to ask the Senator from Maine——

Mr. EDMUNDS. The motion is not debatable.

The PRESIDENT *pro tempore*. The motion is not debatable.

Mr. BECK. I do not desire to debate it. I have no objection to an executive session, but I suppose the object is to consider a case from Maine that has been somewhat debated in committee.

Mr. EDMUNDS. It is not in order to talk about the object of an executive session.

The PRESIDENT *pro tempore*. The motion is not debatable.

Mr. BECK. I merely asked the Senator from Maine the object of his motion.

Mr. HALE. I should like to hear the Senator from Kentucky, although I presume he would have no right to proceed.

Mr. INGALLS. That can be stated after the doors are closed.

Mr. HALE. I am not going to refer to any particular thing, but I do not desire to go into executive session unless the object I have in going in can be accomplished; and if the Senator from Kentucky, who I know is interested in the same matter but perhaps upon the other side, has anything to say with reference to it that will oblige us to come again into legislative session, I desire that he should state it now rather than that we should go through the form of going in and coming out.

Mr. BECK. All I desire to say is that we shall save a great deal of time by not taking up the matter now when it can be done Monday as early as the Senator from Maine may desire, when I shall aid him to go into executive session. The Senator from Indiana [Mr. VOORHEES] is absent to-day and many matters we desire to look at can be presented on Monday.

Mr. HALE. Does the Senator say that he is not ready for an executive session?

Mr. BECK. I am not ready.

Mr. HALE. Upon that assurance of the Senator I can not insist on the motion, because I know well it would only result in going in and coming out. Therefore I will withdraw the motion, but with the understanding that on Monday early I shall expect the Senator's co-operation with me in securing an executive session.

Mr. BECK. I shall help the Senator.

The PRESIDENT *pro tempore*. The motion is withdrawn.

Mr. BLAIR. Regular order.

The PRESIDENT *pro tempore*. The pending question is on the amendment proposed by the Senator from Indiana [Mr. HARRISON] to the amendment of the Senator from Alabama [Mr. MORGAN]. The amendment and the amendment to the amendment will be reported.

The CHIEF CLERK. The amendment is to add as a new section:

SEC. —. That the money that shall be appropriated in pursuance of this act for the purposes of education in the Territories shall be apportioned according to a census that shall be taken in each of the organized Territories, at the expense of the United States and under the direction of the Secretary of the Interior, on or before the 1st day of June, 1886.

The amendment to the amendment is to substitute the following:

That the apportionment of the money that shall be appropriated in pursuance of this act for the purposes of education in the Territories shall be upon the basis of the illiteracy therein, as provided in section 2 of this act; but in determining the number of illiterates therein the Secretary of the Interior is authorized to receive and consider, in addition to the census returns of 1880, any evidence that may be submitted to him showing the number of illiterates in any such Territories and shall determine therefrom before the first distribution is made the amount to which such Territory is entitled.

Mr. BLAIR. I wish to understand in just what form it is. Is the amendment of the Senator from Indiana a substitute for the amendment of the Senator from Alabama?

The PRESIDENT *pro tempore*. It is a substitute for the amendment of the Senator from Alabama.

Mr. BLAIR. I think then it is an amendment that should be adopted.

The PRESIDENT *pro tempore*. The question is on agreeing to the amendment to the amendment.

The amendment to the amendment was agreed to.

The PRESIDENT *pro tempore*. The question is on agreeing to the amendment as amended.

The amendment as amended was agreed to.

The PRESIDENT *pro tempore*. The bill is still open to amendment. If no further amendments be proposed——

Mr. PLUMB. I think some amendments have been proposed.

Mr. ALLISON. I offer the amendment of which I gave notice yesterday.

Mr. BLAIR. There are other amendments which were offered earlier.

Mr. ALLISON. I offer the amendment now, to come in at the end of section 2.

The PRESIDENT *pro tempore*. The amendment of the Senator from Iowa will be reported. There is no other amendment pending.

Mr. BLAIR. There are several amendments pending, if the clerks would state them.

The PRESIDENT *pro tempore*. There are no other amendments pending in the sense that they have been offered. Notice has been given that several would be offered, but they are not pending. The amendment proposed by the Senator from Iowa will be read.

The CHIEF CLERK. It is proposed to add to section 2:

And in each State in which there shall be separate schools for white and colored children, the money paid in such State shall be apportioned and paid out for the support of such white and colored schools in the proportion that the illiteracy of the white and colored persons aforesaid bear to each other, as shown by said census.

Mr. ALLISON. I desire to modify my amendment by striking out in line 4 the words "such white and colored;" so as to read: "and paid out for the support of schools in the proportion that the illiteracy," &c.

The PRESIDENT *pro tempore*. The Senator can modify his amendment.

Mr. ALLISON. I will modify it in that way.

The PRESIDENT *pro tempore*. The amendment will be read as modified.

The Chief Clerk read as follows:

And in each State in which there shall be separate schools for white and colored children, the money paid in such State shall be apportioned and paid out for the support of schools in the proportion that the illiteracy of the white and colored persons aforesaid bear to each other, as shown by said census.

Mr. BLAIR. Does the Senator from Iowa desire to take the floor on the amendment?

Mr. ALLISON. I do not care to do so at this moment.

Mr. BLAIR. I do not understand as yet whether the Senator has modified his amendment by unanimous consent, or whether the amendment is under discussion as he originally offered it. I should like to ask the Senator how he understands that to be.

Mr. ALLISON. I leave it as I originally offered it for the present, so that the Senator may have an opportunity to debate it on that basis.

The PRESIDENT *pro tempore*. The modification is withdrawn.

Mr. BLAIR. Before the question is taken on the amendment I desire to offer a few observations upon it. It is in its nature, in its inevitable effect, the introduction into the provisions of the bill of a discrimination based upon race, as I understand it. It can have no other effect; and it seems to me it is a late day for the American Congress to adopt that class of legislation. The bill itself, careful all the way through, in all its provisions, excludes any such idea; and the bill itself is not one of recent origin, or one which has lacked careful and sharp criticism in the past. It is not here with its terms unstudied or its real meaning readily misunderstood.

I have had occasion several times to allude to the fact that the provisions of this bill, and especially its provisions in this regard, have undergone the close scrutiny not only of our friends upon the other side of the Chamber but upon this side of the Chamber, and never until the offering of this amendment has it been necessary that there should be any modification of them. The only legitimate effect of this amendment is to introduce an element of discord, to revive discussions which I supposed had become obsolete in this country, to arrest and arraign as against this bill constitutional difficulties, to raise questions as to whether the bill itself may not by the insertion of this provision become unconstitutional, and if there were no difficulty at all, it is calculated, in the practical administration of the act among the people where we hope it will be most useful, simply to occasion confusion, mischief, and possibly the entire destruction of the favorable operation of the law; and it seems to me there is on this side of the Chamber some misapprehension as to the nature of the basis of the distribution which is made use of in the bill, that of illiteracy, as to the portion which goes to the several States, and I would be delighted if more of the Senators who have this objection were present and would hear what is to be said in explanation of the position assumed in the bill and the views which were so entirely satisfactory to this side of the Chamber until now, but there are some here who have not before listened to what I have now to say, perhaps.

It should be borne in mind that the basis of distribution established in this bill, which was never objected to before in the Senate so far as I know—certainly the objection never was exhibited in the form of a vote so as to pass upon the record—the basis of distribution in this bill is illiteracy. It is not white illiteracy; it is not colored illiteracy; no money goes to any part of this country because the man who is to be benefited by it is white or because he is colored, nor because the child who is to receive the benefit of the operations of this bill is of one color or of another color. No dollar goes to the State of Mississippi because there are white illiterates there or because there are black illiterates there. Illiteracy is taken in its broadest sense, inclusive of all individuals who are illiterate, be they white or black; and there is no discrimination in regard to color by the adoption of the rule of the bill as to the distribution among the States. The illiteracy is not of one color or the other; but illiteracy of all is the basis.

It would be just as sensible to say that the provisions of this bill should be more largely favorable to illiterates who were only 5 feet high than to illiterates who were more than 5 feet high as to say that the provisions of this bill should be more favorable to the illiterates of one color than to those of another color. In the adoption of illiteracy as the basis of distribution there is no reference, as I said before, to the matter of color, and it is not properly to be charged against this bill that because in the State of Mississippi or in any other State there are more illiterates of the blacks, therefore the children of a particular color in that State should receive the larger benefit from the operation of the act. As I stated before, it would be just as reasonable to make a discrimination among illiterates upon their relative sizes or weights or any other arbitrary and non-essential distinctions that might exist as between them as individuals. The substance which is at the bottom of all this line discrimination, now offered as an amendment to this bill, disappears.

Now, a little further. Here is another objection which exists in the minds of some people. They say to us, "You distribute this money upon the basis of illiteracy and the illiterates in particular States are more of them blacks than whites." Therefore they reason that the amount which goes to the States is based or ought to be based on color, because more of the illiterates happen to be black than happen to be white. But that is not so. If every one of these illiterates were white precisely the same amount of money would go there, and would go there because it is illiteracy that is dangerous and it is illiteracy only that we are dealing with.

Suppose now, to reverse the condition of things, that in the North the illiteracy existed and in the South where they have this colored population they had a degree of intelligence such as we now have at the North, would you undertake to say, would it be claimed that the South, understanding the fact that she was more intelligent but had a larger number of negroes, people of the colored race, within her borders, should therefore receive the larger amount? On the other hand, although the illiterates were all white, under the rule of distribution adopted in the bill the money would go to the North if its people were thus illiterate; they would get the money instead of the South.

They tell us that the basis of distribution comprises all the illiterates, those who are of the school age and those who are over the school age; and so it does; and therefore they say that as you depend upon the aggregate illiteracy in all the States of persons over ten years of age, when you have distributed the money upon that basis to the State and it has gone into the State, it should be paid out in the State for the education of the illiterates on the same basis. But that is a *non sequitur;* it does not follow at all. It is an absurdity. This basis of illiteracy is only, as I explained in what I said the day before yesterday, an arbitrary method which we adopt because no other so good has been suggested to determine the basis of distribution from the national Treasury to

the States; that is all. But when the money reaches the State, what is it to be paid out for? By the provisions of the bill, by the dictates of common sense, it is to be paid out to educate those who are within the ages when they can receive education. Simply because the money is distributed originally upon the basis of the illiteracy of the aged as well as the young, is it to be understood when the money is in the State it is to be applied to the illiterate who are there as such, regardless of age? By no means, for, of course, none of us understand, none of the very Senators who urge this objection will rise in their place and say the money should be thus distributed. If it is not to be thus distributed, what becomes of their objection that it should be applied in the State to illiterates because it goes to the State on that arbitrary basis of distribution?

The money being sent to the State, illiteracy having been assumed as a general measure for all, and the share of the State (which as I said the other day is based on the lack of education and its inability, by reason of poverty, to bear taxation to remove that illiteracy), the money being once in the State on that basis, it is to be paid out to educate those who ought to be educated, those whom the common schools can educate; it is no time in the day, no time in the century, no time in the history of mankind to say that a child is to receive more or less simply because he is of one or the other color, in this country at least. This amendment proposes to say that; that is the purpose of it; the money shall be paid out in such a way as to give the children of a certain color a larger proportion of the money than the children of another color get. That is the only effect of it, and I think it is entirely wrong.

Mr. President, there is another objection to this amendment. It proposes to distribute the money to schools and not to the individuals who may attend the schools. The measure of distribution is to existing schools and the schools that may exist, so that the effort to derive all that can be had on the part of the existing schools will tend to exhaust the moneys. A school that is established for three or six months, as the case may be, getting its money now, desiring to increase its facilities, to give additional advantages to the scholars who may be attending it, is directly and selfishly interested at once to prevent the establishment of any other schools.

The Senator's amendment says give it to the schools. The schools existing have the right to the whole of it by the amendment, and thus the existing schools are by the provisions of this amendment at once organized into a board to prevent the spread of any of the money beyond themselves. It has been already one hundred times stated in the debate, and never contradicted, that the great region beyond the schools that already exist is the greatest source of danger, and it is to that as yet unpenetrated region that we should endeavor to distribute this additional money so far as we can.

The amendment is pernicious in its practical operation by reason of the fact that it contemplates white and colored schools existing in one county and builds them up to oppose the distribution of any money beyond themselves. It prevents the spread of schools. If this were not on other grounds an objectionable amendment, there is that which is an insuperable objection. Time is short that I must not enlarge upon it any longer. I have indicated the objections.

While I am on my feet, as the Senator from Oregon [Mr. DOLPH] thought it necessary last night to make part of his address the two-column article of Judge Tourgee, in which is discussed this same point, somewhat with the air of a master, of a gentleman who has said all that there is to be said and disposes of those who may have a little different opinion with him on this subject as though their opinions were of the most trifling account, I shall venture to go over this article with him and suggest as I go over it a few of the reasons of my dissent, and the dissent of the committee, and the dissent of the Senate, and, as far as I know, of the country generally with his views. I refer to the sense of the Senate as expressed at a former Congress. It must be remembered that the bill before the Senate now is precisely the same bill that passed the Senate in the Forty-eighth Congress. This is a lengthy article on the necessity of assistance to remove the illiteracy of the country, which is a very strong one, a repetition of arguments the writer has himself made on many occasions and which have often been made in this Chamber and elsewhere. Speaking of the educational bill he says—I read from the RECORD:

> The educational bill now before the Senate is a curious instance of the lack of political knowledge and sagacity on the part of legislators who merely jump at an idea without taking the trouble to investigate details.
>
> One would suppose that after spending three weeks on this matter in the last Congress the whole Senate might reasonably have been looked upon as tolerably diligent investigators, but, of course, their final action must necessarily disclose lack of intelligence on their part.
>
> So far as the matters herein referred to are concerned, it is identical with the Blair bill which passed the Senate at the last session of Congress and the Willis bill which was reported to the House, but failed to be reached on the Calendar. These measures are based on the following hypothesis:
>
> 1. That a sum of money be appropriated to each State for the cure of illiteracy—the amount assigned to each being estimated on the number of illiterates in each State, according to the census of 1880.

That, of course, is correct.

> 2. That the same shall be used by the respective States for the promotion of elementary education in the public schools, without distinction as to race.
>
> As a result about four-fifths of the fund will go to the Southern States, as it ought to do, in order to remove the overwhelming ignorance of both races in that region.

As a matter of fact he has overstated that. It is somewhat between two-thirds and three-fourths.

> The necessity for this is readily shown by the following tables, compiled from the census of 1880.

These tables have been printed already, and there is no fault to be found with the tables as far as they go. He selects, however, certain particular States, not including the whole of the Southern States, in order to make the showing for his views apparently as strong as possible.

> The extent of the peril arising from this may be seen by examining the following table.

By which he shows that in Virginia there were 430,352 illiterates, 40.6 per cent. of population, and so in several other States, the total in eight States of illiterates being 2,989,802, an average per cent. of illiteracy of 48.4. The average per cent. in the Northern States is figured out here as 8.5.

> The most important fact connected with the measure, however, is the relation it bears to the education of the two races. It should be borne in mind that in all the Southern States the schools for the two races are distinct, and the funds for their support are now distributed according to the number of each race in the separate school districts, or else according to the number of children of each race within the school ages, as prescribed by the laws of the respective States. Practically there is no difference in these standards; to distribute according to the number of children is in effect to distribute according to the proportion of the two races. So that, if a State have 1,000,000 whites and 500,000 blacks, the white schools will have twice as much money as the colored schools.

Then he makes this assertion:

> The bill in question requires the fund thereby appropriated to be distributed in the same manner as the respective school funds, though it is assigned to the States on the basis of illiteracy.

There is a very serious misstatement of fact. The bill provides that the money goes to the State which must, under the operation of the bill, be combined with the funds of the State, and however they may have been distributed hitherto, the whole must be so distributed hereafter as to secure equality of school privileges without regard to race or color. So this is a very pointed and absolute misstatement of the bill.

> According to the report of the House committee of the last Congress.

He goes on to show that the average amount going to each illiterate is $1.60, but it is not because he is a white illiterate or because he is a black illiterate but because he is an illiterate. He gets under the bill (the distribution of $10,000,000 being the basis assumed by the calculation) $1.60 because he is an illiterate, not because he is white or black. Making up another table of certain States, Virginia, North Carolina, South Carolina, Georgia, Florida, Alabama, Mississippi, and Louisiana, he says:

> It will be seen that there were almost three times as many colored as white illiterates, and, considering the character of the appropriation and the fact that all the school-houses and educational equipment of the ante-war systems in those States are held by and for the use of the white race, it would seem as if good policy and common sense would demand that the remedy should be spread somewhat evenly upon the sore—that the colored schools should be benefited somewhat in proportion to the amount to be received by the State on account of colored illiteracy. The following tables will show what would actually occur under the provisions of the bill. See foregoing table for the number of white and colored illiterates in each State, &c.

And he says:

> Received on account of white illiterates, $1,182,406; paid on account of colored illiterates, $3,690,692.

There is where the gentleman is again entirely in error. There is not a dollar of this money received in the State of Mississippi or in any other State because of white illiteracy or because of black illiteracy, but the distribution is made to the States by reason of the fact of the actual illiteracy there. The modification now proposed in this bill is to the effect that the money shall go into these States in proportion, not to the illiteracy itself, but in proportion to the illiteracy of persons of a particular race, and having gone in that way it shall be applied to the illiterate children of that particular race. But does any man rise here and say that, in view of our actual duty as a nation, it is any more essential to the future peace of the country that the colored child who is of school age should be educated, than it is that the white child of school age who sits beside him and lives in the same community, and is to be a citizen of the same State and the same country in the future, should be educated? No, sir; and this effort is simply one to discriminate in favor of children of a certain color against other children of another color. He goes on and makes this statement:

> So that while each illiterate black and white alike will draw $1.60 from the national Treasury for the benefit of the State, each white illiterate will receive for his education in a white school several times the amount that will be applied to the education of the colored illiterate in the schools of his race.

Now, as a suggestion to this gentleman who criticises Congress and those interested in this bill with considerable freedom, as a suggestion to him which may probably admonish him that he has not thought too much on the subject, as he possibly might have done, I call the attention of the Senate to his statement that this money is to be applied in the States to the education of illiterates, the men of a hundred years of age and the women of a hundred years of age who are reckoned as illiterates in making up the basis of illiterates. When the $1.60 gets into the States the white illiterate is to receive his $1.60 and the black illit-

erate is to receive his $1.60; that is the statement here made, showing the utter confusion of mind under which the gentleman was laboring, and who by his miscalculations has made some confusion apparently in the Senate.

There is much more of this article, but I have attended to the substance of it and shown the fallacy of the ground on which the gentleman proceeds; and I have said myself as much as I desire to say in reference to the pending amendment. As I stated before, it concentrates the activities of existing schools for the prevention of the spread of the money where there are no organized schools and where it is still more needed than in the schools that already exist. It is introducing into this bill a discrimination as to color, seems designed to do that. Its purpose is to carry more money to the colored child than the white child of school age; and it is an anomaly as a Republican proposition. It has been always understood that the mission of the Republican party was to carry universal freedom, to make practically the Declaration of Independence a reality to every son and daughter of the country, regardless of race or color. It is pretty late to introduce this now, pretty late for me to learn this lesson. I trust I shall not be obliged to do so in order to support this bill.

Mr. ALLISON. Mr. President, I offered this amendment in good faith, hoping thereby to improve the bill under consideration. The bill, it is true, was debated here a few years ago at considerable length and passed I believe at that time substantially as now proposed by the Committee on Education and Labor. I then voted for the bill with some distrust in my own mind as to the propriety of that vote as the measure then stood. I have heard the Senator from New Hampshire two or three times say that the vote cast on this side of the Chamber two years ago was in pursuance of some arrangement in a Republican caucus, and that the Republican party thereby was committed not only to the general features of an educational bill providing for national aid, but that the provisions of this bill had passed the ordeal of the caucus as well as of the Senate. I need not tell that Senator or any gentleman on this floor that Republican caucuses do not attempt to bind Senators with reference to public measures, and that every Senator upon this floor is at liberty to vote as he chooses upon any public measure notwithstanding the views of the majority of the members of the party to which he belongs.

The justification of this bill as presented in this Chamber by those who have advocated it thus far is that because of the fact that by national legislation we gave the franchise some years ago to a large class of ignorant voters we are required now to extend national aid in order that the votes of this class may in the future be cast intelligently, and also upon the further ground that it is of national interest to every State in this Union that the ballots to be cast should be cast intelligently.

Those are the only two grounds upon which I have heard the bill justified upon either side of the Chamber. In other words, if we had not emancipated the colored race, and if they were not a part of the body-politic in the several States and in the United States, would there now be a party in this Chamber that would suggest a bill such as is here proposed? Or if the colored race was as intelligent in the Southern States as the white race in those States is, would such a proposition be presented here to-day?

The basis of this bill is that there has been thrown into the civil polity of those States a class of people who have not had an opportunity to become educated and yet have had thrust upon them the ballot. Now, for myself, I would prefer, and I think I said so two years ago, that any donation or aid that is to be given by the General Government for this purpose should be given to the colored race exclusively; but I saw then as I see now that that is perhaps not a practicable measure; and therefore I am willing to give a portion of the money that is gathered together into the Treasury of the United States for the purposes of education, based upon the ideas that are presented to us by the promoters of this bill and all other bills which have been presented to the Senate of a similar character, namely, that we are to educate the illiterate portion of those people, whether they be white or colored.

The Senator from New Hampshire speaks as though the proposition contained in my amendment was a new feature in this proposed legislation. Why, Mr. President, with the exception of this bill now laid upon our tables as passed by the Senate two years ago, I do not know of a single person or association that has suggested to Congress this legislation who has not proposed that it should be upon the very basis stated in my amendment. The Senator from New Hampshire took a large amount of testimony, and with the exception of a few gentlemen who appeared, from the Southern States before his committee every educator in this country, without exception so far as I have been able to examine, suggested that this distribution should be made upon the basis of illiteracy.

Mr. BLAIR. On the basis of illiteracy?

Mr. ALLISON. On the basis of illiteracy in the State, and not on the basis of illiteracy to the States.

Mr. BLAIR. Certainly that is the bill itself. The money goes to the State in proportion to the illiteracy in the State. That determines the rule of division between the States.

Mr. ALLISON. If that is the provision of the bill as it stands to-day, then there can be no objection to the amendment which I have proposed, because that is to make it certain and clear and specific that the provisions of the bill shall apply to the illiterate people in those States, and not to the people who are not illiterate.

Mr. RIDDLEBERGER. Will the Senator from Iowa allow me to suggest an objection, which is that the amendment makes a distinction on the ground of color between white and colored people. The moment that the United States Government shall draw that distinction, it will destroy the public schools.

Mr. ALLISON. Mr. President, so far from making a distinction between the white and colored race, this amendment absolutely abstains from such distinction; it places this bill just where its promoters say it should be placed, namely, on the ground of illiteracy. Can it be proposed, and will Senators on the other side of the Chamber ask, that the white race in the Southern States, who for two hundred years successively have oppressed the colored race, shall now, in the distribution of national aid, take from one-third to one-half of the very money which the colored race ought to have because of their illiteracy in that section? Is it possible that in this rush in the South for supremacy or for education, the white people there, with this advantage of two hundred years, with the advantage of race, if you please, and of power, will not consent that the poverty-stricken race which has been thrown upon them, as they say, as voters, taking a part in the Republic with them, shall have that portion of the money which their illiteracy fairly entitles them to? I want to ask any Senator upon the other side of the Chamber if he is desirous and willing that the white race itself shall receive, on account of the illiteracy of another race, that portion of the fund which by the very terms of the bill is to be given on the basis of illiteracy? Is it possible for a Southern State to say to us, "You shall not appropriate money and give it to our schools even unless you do it upon the exact basis of school population, without reference to the fact that the white population in the South is educated as 80 per cent. is to 20 when compared with the colored population?" Will the Senator from Virginia say to me that it is an unfair distribution to give to the illiterate classes of the State of Virginia in proportion to their illiteracy, and that it will be fairer to give to the white race of that State one-half or more of this money, when in fact that white race shows that as compared with the colored race it is educated in the proportion of 80 to 20 per cent?

Mr. RIDDLEBERGER. Yes, sir; I do say it is unfair. It is unfair from two standpoints, and the Senator's amendment would so cripple the public schools as that the poor children, whether white or black, if it shall be incorporated in the bill, will never receive the benefit of public education, for you are drawing the line between the two races.

Mr. ALLISON. Mr. President, I must of course submit to the judgment of a Senator who represents a portion of this population; but he should see as other Senators see that in the State of Virginia, and in every other Southern State, there is already a distinction drawn between the two races with respect to their schools. They have separate schools in every State, white and colored, do they not? Are there mixed schools in any of the Southern States? If there are, I have not noticed such a state. Therefore the distinction is already drawn. I am told that even constitutional provisions in these States require that the distribution of moneys shall be between white and colored schools, recognizing everywhere the distinction.

Mr. BLAIR. The bill provides that separate schools may exist; not that they must exist.

Mr. ALLISON. Now, Mr. President, will the Senator from New Hampshire appropriate the money of the Treasury of the United States for the purpose of educating people who do not require to be educated, under the provisions of this bill?

Mr. BLAIR. Certainly not. The bill does not——

Mr. ALLISON. Does he not desire that this bill shall apply to those people who are to-day within its provisions, namely illiterates?

Mr. BLAIR. Certainly.

Mr. ALLISON. And if so, should it not be applied in proportion to that illiteracy?

Mr. BLAIR. Certainly.

Mr. ALLISON. Very well. Now, that is my amendment.

Mr. BLAIR. The Senator's amendment, however, wants to apply it according to color, and not illiteracy.

Mr. ALLISON. I will read it again. I distinctly disclaim any suggestion of color; I will read it:

> And in each State in which there shall be separate schools for white and colored children, the money paid in such State shall be apportioned and paid out for the support of such white and colored schools in the proportion that the illiteracy of the white and colored persons aforesaid bear to each other, as shown by said census.

I ask the Senator from New Hampshire if the school moneys in the Southern States are not now distributed to white and colored schools?

Mr. BLAIR. Not wholly.

Mr. ALLISON. Are they not now applied to white and colored schools under their laws?

Mr. BLAIR. To some extent.

Mr. ALLISON. Is not that the provision of every Southern State?

Mr. BLAIR. I will answer the Senator.

Mr. ALLISON. I ask the Senator to answer.

Mr. BLAIR. I understand that white and colored schools are the rule in the Southern States, that there is no law, constitutional or otherwise, as far as I have known or heard, compelling the schools to be unmixed, wholly of one or wholly of the other race, but some of the schools are mixed; and the region where there are no schools, taking the South as a whole, comprises as many or more children as that where schools are already organized.

Mr. ALLISON. Now, I will ask the Senator at that point whether or not the present provision for common schools in the Southern States together with the provisions of this bill will be sufficient to enable those States to establish schools in every part of those States for the benefit of all the children?

Mr. BLAIR. Nobody can tell until the effort is made whether it will be sufficient to organize all the States entirely.

Mr. ALLISON. I ask the Senator's own opinion.

Mr. BLAIR. It will go further than the existing condition of things. The bill provides that they shall apply all the moneys in that direction as far as they can.

Mr. ALLISON. I ask the Senator to state whether or not, in his opinion or in the opinion of the Committee on Education and Labor, the amount of money now raised by taxation in these States, supplemented by the amount proposed to be granted by this bill, will provide common-school education for all the white and colored children of school ages in those States?

Mr. BLAIR. I do not suppose it will, and make those schools of any efficient length, but it will add very largely. It will go a great way toward it.

Mr. ALLISON. But does not the Senator believe and has he not stated over and over again in his reports that to make an efficient school system of six months in the year in those States would require an appropriation from the Federal Treasury of from twenty-five to thirty million dollars per annum, and that $15,000,000 is the lowest possible sum that could be profitably expended, covering both colored and white children?

Mr. BLAIR. I have stated always that I thought the amount proposed by this bill was not sufficient. I tried to have $105,000,000 appropriated, running over ten years. The Senate reduced the time two years and made the sum $77,000,000. I do not understand the Senator's point precisely.

Mr. ALLISON. I will enable the Senator to understand it in a moment.

Mr. BLAIR. I wish the Senator would.

Mr. ALLISON. I shall try to make myself clear. On the statement of this Committee on Education and Labor, on the statement of the Senator from New Hampshire, when this bill shall have passed, and when the power of the State for taxation shall have been exhausted, there will still be a large number of the school children in those States that will not have the benefit of education.

Mr. BLAIR. Not so much as they ought to have.

Mr. ALLISON. They will not have the benefit of this common-school education. Therefore, in the nature of things, there will be a scramble for the money that is to be appropriated here and for the money to be expended which is raised under the tax laws of those States. Now I say that in that scramble we should see to it by our legislation that those people who are illiterate and whom we propose to aid shall have their share of this money; and for that reason I have suggested the pending amendment.

Mr. RIDDLEBERGER. Will the Senator allow me to ask him where he proposes to insert this amendment?

Mr. ALLISON. At the end of section 2.

Mr. RIDDLEBERGER. It is not stated on the print itself.

Mr. ALLISON. I know it is not.

Mr. RIDDLEBERGER. At the end of section 2?

Mr. ALLISON. Yes, sir. I have here the handy volume presented to us by the Senator from New Hampshire, and though he is somewhat criticised for it I want to thank him for it, as furnishing us a vast amount of information. In one of the tables presented in the speech of the Senator, found on page 1211 of the RECORD, there is given the illiteracy of the white and colored races in the Southern States and in all the States of the Union.

Taken altogether, the white illiteracy in the United States of those above ten years of age is only 9 per cent. The illiteracy of the colored race is 70 per cent. as shown by that table, as against an average of 9 per cent. for the whites. If you will take that table and run over the Southern States you will find that with the single exceptions of North Carolina and Tennessee the white illiteracy in the Southern States is less than 20 per cent. of the population, and that the colored illiteracy in every one of those States exceeds 70 per cent., and in some of them it is 85.

Mr. BLAIR. Will the Senator from Iowa allow me to ask him a question?

The PRESIDING OFFICER (Mr. FRYE in the chair). Does the Senator from Iowa yield to the Senator from New Hampshire?

Mr. ALLISON. Yes, sir.

Mr. BLAIR. What does the Senator mean by white illiteracy and colored illiteracy as bearing upon the necessity of the education of children, whether white or black?

Mr. ALLISON. I think I understand the purport of the Senator's question. I mean what is stated in the table, the total illiterate population ten years old and over, the white illiterate population and the colored illiterate population. I mean what the table says, and it shows that of those persons ten years of age and upwards in the whole United States the average of white illiteracy is 9 per cent. and of colored illiteracy 70 per cent.; and then I add, as appears from the table, that with two exceptions the white illiteracy in the Southern States themselves does not exceed 20 per cent.

The Senator from New Hampshire will say that that includes the white and colored population from ten years of age to a hundred. I have heard that statement made before; but fortunately for us he has himself furnished us a table which gives us an opportunity of making an accurate comparison between the white and colored races as to illiteracy of those from ten to twenty-one years of age. Table 7, also found on page 1211, shows the white and colored adult males and the adult male illiterates of the two races, with percentages, for each State and Territory. Curiously enough, the illiteracy of that table is substantially the illiteracy of the other, showing that the proportion of illiteracy runs from ten years and upward to the age of twenty-one, and clear beyond it to the age of one hundred, if you please, and that the percentage of illiteracy of people of school age is substantially the same as it is of those who are above twenty-one years of age, as shown by this table.

Mr. BLAIR. Well, assume it to be so.

Mr. ALLISON. I assume that where there are separate schools for white and colored children, if we are to appropriate money for the aid of such schools it is fair justice to both the classes that that aid shall be given in proportion to the illiteracy found in the separate schools of colored and white children.

Mr. HOAR. Will the Senator allow me to ask him a question?

Mr. ALLISON. I will.

Mr. HOAR. If convenient to him at this time?

Mr. ALLISON. Just now.

Mr. HOAR. I wish to ask two questions, one being a prelude to the other. I ask whether the Senator does not understand that by the bill, section 3, lines 17 to 22, section 10, section 11, lines 17 to 25, and the last section, section 15, it is enacted that no State shall get any of this money which does not distribute all the moneys that it raises for common-school purposes equally for the education of all the children without distinction of race, which does not provide for all its children without distinction of race or color an equal opportunity for education? So the condition of the bill is the supplying by the State of a sufficient common-school education for all its children of both races.

Now, I put the second question at the same time. That being answered in the affirmative, would it not follow from the Senator's amendment either that colored children of school age are to have a larger sum expended on the education of each child than the white children, or that the State must itself remedy this inequality voted by Congress and make an inequality in its own distribution by giving more to white children so as to have the result come out equal?

Mr. ALLISON. I will answer the Senator's last question first by asking him another. If there are two hundred children in school on either side of this Capitol, on one side of it only twenty of the hundred able to read and write and on the other side eighty out of the hundred able to read and write, does he believe that it will cost no more in labor to educate the eighty children who are unable to read and write than it will cost to educate the twenty children on the other side who are unable to read and write?

Mr. HOAR. I not only believe that, but I believe it will not cost as much. Will the Senator allow me to explain?

Mr. ALLISON. Yes, I should like to hear the explanation.

Mr. HOAR. If you have got eighty children out of the hundred well educated, able to read and write at least, but still going on with their common-school education on one side, and eighty children out of the hundred on the other side who can not read or write and have left home at that point, the eighty per capita—not *per numeros* but per capita—in any reasonable and just system, if they were the children of the same father and mother loving and prizing all alike, as they are to the State, will not require, until they are further advanced, as costly an education per capita as those who are a little further advanced. In other words, as you advance the degree of education you must have teachers of a higher grade, of higher pay, and all those things.

The defect of the Senator's amendment, as it seems to me, is that he does not consider that when you have got a perfect common-school education for everybody, then all you want to do is to secure it so that everybody has an equal chance; and because the ignorance of the black children is the occasion for national interposition you can not give $20 a head to educate them while the white children, who would not, if there were not any blacks, need any help at all, get but $5 apiece to educate them. Let each of them have $10 apiece, and educate them all.

Mr. ALLISON. The Senator in answering the question very carefully excludes *per numeros* and includes per capita. The situation that I describe is exactly the situation between these two races. Here is the colored race having 2,200,000 children of school age. Of those 2,200,000 in the Southern States 70 per cent. are illiterate. There are,

say, an equal number of white children in those States between the ages of ten and twenty-one; only 20 per cent. of them are illiterate; and yet the Senator from Massachusetts tells me that this money should be distributed exactly equally upon the basis of numbers and not upon the basis proposed in the main features of the bill.

Does not the Senator from Massachusetts know that the 20 per cent. in the Southern States have the advantage by association in the white schools over the 80 per cent., so that day by day and moment by moment, by contact they take in the education which their fellows have already acquired in the school? Does he not know (no one knows better than he does) that those white school children as they trundle home from school go to intelligent and Christian mothers and fathers, and sisters, and brothers, surrounded as they are by the intelligence of home influence and home life; whereas the 80 per cent. of the colored race go home to fathers and mothers in hovels where neither father nor mother can write or read even the Gospel which gives them salvation? Yet when we come to contribute the public bounty on the ground, and the ground alone, that we have placed an illiterate race in a position to take part in the affairs of government, and we are therefore bound in honor to contribute of our substance to enable them intelligently to take that part, the Senator says that we can not do it unless we give dollar for dollar upon an exact and measurable equality, as much to the white race already educated and who have the start of the colored race in civilization by thousands of years, and that we are doing an injustice when we propose to give the money upon the basis of the necessities of those people!

Mr. EDMUNDS. And where the State law makes the distinction.

Mr. ALLISON. And where the State law by positive enactment makes the distinction, and places the races in separation in the schools. If it was not in the Senate of the United States, I should think any other proposition than the one which I make was monstrous; but it seems that even my proposition is regarded as ridiculous by the Senator from Massachusetts and the Senator from New Hampshire.

Upon the question of white and colored schools I wish to read one or two statements which I find in this handy volume respecting the methods of appropriating this money, because, as I understand, in every Southern State—and if there is a Southern State in which this is not done I will ask a Senator from that State to give me the information—to-day by law and by constitutional provision the moneys raised for schools must be distributed between the white and colored population substantially alike. Is there an exception to that rule? Is there a State in the South that discriminates in its laws against the colored race? If there is, I am not aware of it.

Mr. RIDDLEBERGER. Will the Senator allow me to ask him whether the effect of his amendment would not be—I do not refer to the whole effect of it but one partial effect—to allow a State that has a large proportion of white illiterates to discriminate against them? I so read the amendment.

Mr. EDMUNDS. There is no distinction between white and black. Each one takes its share.

Mr. RIDDLEBERGER. I understood it in the way I have stated. If I am mistaken I should like to be informed.

Mr. ALLISON. It is an absolute mistake. On the contrary, it is to make the equality absolute, so that the application shall be to the illiterates, whether they be white or black or of any other race.

Mr. RIDDLEBERGER. Does the amendment apply to States where the white and colored schools are distinct?

Mr. ALLISON. Yes, sir; and only there.

I find in the testimony a statement made by a gentleman from South Carolina with reference to the schools in the city of Charleston.

Mr. BLAIR. On what page, please?

Mr. ALLISON. I read from page 1254 of the RECORD containing the speech of the Senator from New Hampshire. Mr. Thompson appeared before the committee and gave information respecting South Carolina. He said:

> I now desire to call the attention of the committee to the second point I make, which is that the State of South Carolina is unable because of her impoverished condition to give proper instruction to all classes of her people. The scholastic population of the State—

In 1875—he thinks it is substantially the same as the census of 1880—

> was, whites 85,678, colored 152,293, making a total of 237,971 children—

Between the ages of 10 and 16 years.

> The school attendance in South Carolina for the year 1880-'81 was, whites 61,339—

Or within 24,000 of the whole number—

> Colored, 12,119—

Or less than one-twelfth of the whole number. Out of 152,293 colored children between the ages of ten and sixteen, with absolute equality in your laws, with absolute equality in the distribution of your funds, there were but 12,119 who appeared at the schools in the State, according to this intelligent gentleman, Mr. Hugh Thompson, of South Carolina.

Mr. HAMPTON. Will the Senator allow me to interrupt him?

Mr. ALLISON. Yes, sir.

Mr. HAMPTON. I think that the Senator has made a mistake in quoting from that statement, for the report of Mr. Thompson, who was subsequently governor, will show a larger attendance of colored children in South Carolina than of white, if my recollection is right. I have before me the report of the present superintendent of education, which shows that there are 178,000 children attending school in South Carolina, and in those schools, supported nearly *in toto* by the white people, the report shows that there are 99,000 colored children at school, and but 79,000 white children.

Mr. ALLISON. I am glad to know that the present report shows an improvement in that direction. I only take this statement from the testimony furnished to me by the chairman of the Committee on Education and Labor, because I read from his speech.

Mr. BLAIR. The statement was made as to the condition in 1875, the Senator will observe.

Mr. ALLISON. Senators will observe that the language is "the school attendance in South Carolina for the year 1880-'81." Who was in power then, may I ask the Senator from South Carolina? Was the Republican party then in power there?

Mr. HAMPTON. No; the Democratic party. The Republicans had control in 1875.

Mr. ALLISON. The Democratic party was in power, and in 1881, so says Mr. Thompson, the whites attending school were sixty-one thousand, and the colored twelve thousand. As the Senator from Connecticut [Mr. PLATT] very properly suggests, if they have made such a rapid progress between 1880-'81 and 1885-'86 it would seem that even they might get on without the appropriation suggested in the bill. But I do not wish to take that view of it.

I wish now, Mr. President, to call your attention to another statement made by Mr. Thompson:

> Taking the illiteracy of South Carolina shown by the return of the last census, which I had an opportunity of observing last night, the ratio of white illiterates to the whole population is 7.77 per cent.

Mr. Thompson was mistaken in that; the ratio is 15 per cent., as shown in another part of the speech, as taken from the census of white illiteracy.

> The ratio of colored illiteracy to the whole population is 33.09.

That was too low a statement also for South Carolina. Then he says—

> I maintain that as far as controlling the white illiteracy in the State is concerned, South Carolina is able, ready, and willing to control it; and that she is equally ready and willing to control the colored illiteracy, but that it is beyond her power to do so. It is from this class of our citizens, a class to whom I claim that the State government of South Carolina in all its departments has done full and ample justice, that the trouble comes.

It never entered the mind of Mr. Hugh Thompson when he was before the committee that the State of South Carolina would grasp at one-half of this fund for her white children, although her white children were illiterate only to the extent of 15 per cent.

Mr. BLAIR. Will the Senator allow me to make a suggestion to him?

Mr. ALLISON. Yes, sir.

Mr. BLAIR. I wish to say that by virtue of the bill South Carolina is obliged to so apply all the funds that she otherwise would give to her white children as that there will be produced an equalization of privilege to all.

Mr. ALLISON. The State of South Carolina, by her laws, by her constitution, by every reason that can apply to human nature or to human justice, is required to do that thing, whether the Government of the United States gives 1 cent or $1,000,000. Those people are a part of her population; she has for hundreds of years secured the benefits of their labor, and made herself largely rich and opulent before the war because of the labor of those people or their fathers. Can South Carolina or any Southern State say that it does not behoove her to use whatever portion of money she can raise by taxation properly for the education of the children of that State?

Mr. BLAIR. The Senator's question should be answered in the affirmative. The other question immediately occurs, has she done it? The statistics which the Senator has read show that she has not done it. When she accepts this money she contracts to do it hereafter.

Mr. ALLISON. South Carolina and all the Southern States now are required to do this thing. Does the Senator believe if they do not do it now that they will do it under the provisions of his bill?

Mr. President, this is an exceptional bill. Here we propose to turn over to the States, a thing unexampled and unprecedented, $77,000,000, to be expended under State authority and State control, without one particle of supervision on the part of the General Government. Can any Senator give me an instance in the history of the United States from its foundation where that thing has ever been done before?

Mr. BLAIR. There has never been a contribution from the National Government which was not precisely in that same way, without supervision and without conditions.

Mr. ALLISON. There has never been any contribution like this.

Mr. BLAIR. There were the contributions to go to the common schools in the case of the proceeds of the sales of public lands; and the $28,000,000 which I showed day before yesterday went principally to the benefit of schools was given absolutely without any conditions at all, and was distributed in a single year.

Mr. ALLISON. The Senator from New Hampshire has failed to read the history of that transaction. Does he not know that that $28,000,000

was never given to the States at all; that it was a loan to the States, and by the very terms of that loan made a sacred trust, and each State receiving its share was bound to pledge its good faith to return every dollar of that money, and that every dollar to-day stands against the States on the books of the Treasury Department, and they stand indebted for it? No conditions! Why, that was a loan of surplus revenue, a loan to be collected presently, not by a statute of the United States, but Secretary Manning, if he chooses to do so, can issue an order to-day requiring the State of Ohio and the State of Massachusetts to pay that money in sixty days. The law was so rigid in its character and so perfect in detail that all the Secretary of the Treasury has to do is to demand of the States the money, and they are bound in good faith to return it. Assimilate that to a donation of $77,000,000 that goes into the treasury of the States as a gift, without control, without limitation except as the States through their officers give an account of their action in communications to the Secretary of the Interior!

Mr. BLAIR. Will the Senator allow me to interrupt him for a moment?

Mr. ALLISON. Yes, sir.

Mr. BLAIR. That is quite an impassioned statement of the matter, which is proper enough, but the Senator must know that there is no substance to it.

Mr. ALLISON. Well, Mr. President——

Mr. BLAIR. If the Senator will allow me——

The PRESIDENT *pro tempore*. Does the Senator from Iowa yield?

Mr. ALLISON. I will yield once more.

Mr. BLAIR. The Senator was not yielding more than is usual in debate. If he thinks he is indulging in any excessive courtesy I shall not interrupt him.

The PRESIDENT *pro tempore*. The Senator from Iowa has a right to the floor and ought not to be interrupted except with his consent.

Mr. BLAIR. I insist that he ought to be interrupted, by the usages and practice of the Senate, unless he insists that he shall not be interrupted; and I do not understand that I am at all indulging any unusual assertion of myself on this occasion.

The PRESIDENT *pro tempore*. Does the Senator from Iowa yield to the Senator from New Hampshire?

Mr. ALLISON. I yield to the Senator from New Hampshire. He has spoken so little on this subject that I feel that I ought to yield whenever he asks me to do so.

Mr. BLAIR. As I said before, if the Senator thinks that he indulges in any unusual courtesy, I shall not trespass upon him.

Mr. ALLISON. No, certainly not.

Mr. BLAIR. I wish to say with reference to his statement in regard to the $28,000,000 distributed, deposited as a matter of form, always understood as a matter of form and not of substance, every dollar of it was distributed throughout the States according to their own inclinations, appropriated by them fifty years ago generally to the aid of the schools, already expended in that way, and no human being has the slightest idea that the assertion of the reserved right, which was a mere formal matter, will ever be made at all.

Mr. ALLISON. That was a side question, and I would not have alluded to it but for the fact that the Senator from New Hampshire has several times in the debate mentioned it as a precedent for this bill. I state again, and I challenge contradiction, that there is not within the range of public legislation in this country, save and except perhaps the illustration made the other day by the Senator from Mississippi, a case in which public money has been appropriated without the direction and control of the General Government. That was the case of Venezuela, where we made a contribution many years ago to relieve distress in that country. But in every other instance the United States has undertaken to follow the money that it has appropriated. Now, why does it not do so here? It does not do so in deference to gentlemen upon the other side of this Chamber who have constitutional scruples with reference to the power of the General Government to go into the States upon this question. I respect those constitutional scruples. I am willing myself to trust the States largely in this regard; but while I am so willing I desire for one, if I am to vote for this bill, that the money shall go where the Senator from Mississippi and other Senators upon that side of the Chamber have said it was necessary it should go—that is, to those people who are illiterate in their several States, without reference to color or race, and not because of color or race.

Mr. President, I do not wish to occupy the attention of the Senate with regard to the amendment which I have offered. Every Senator understands it as well as I do. The tables show conclusively that if we do not adopt this amendment, instead of doing what the trustees of the Peabody fund, what the association of teachers, what the large number of petitioners who have petitioned for such a bill as this seem to think we are doing, we are providing for the education of the white race in the Southern States, who I think, as this gentleman from South Carolina thinks, are abundantly able to educate themselves.

This amendment is not to be whistled down the wind, I give notice, by mere statements that there are general provisions in the bill already which cover the case. If the bill now does what is proposed in my amendment, then the amendment can do no harm; but if the bill does not do that, the amendment clinches the irregularity and the injustice proposed in the tenth section of this bill by providing, not that this distribution shall be made on the basis of illiteracy, but providing absolutely that it shall not be so made, but that it shall be made upon the number of school children in the State, and no other basis can be adopted under it. So, Mr. President, I have offered this amendment in good faith believing that it is essential.

Mr. HOAR. Where does the Senator find what he says in the tenth section?

Mr. ALLISON. It is found in the fourth and fifth lines of that section:

> As near as may be for the equalization of school privileges to all the children of the school age prescribed by the law of the State or Territory.

Mr. HOAR. That is very different from what the Senator from Iowa said.

Mr. ALLISON. That is to be taken in connection with the other sections of the bill, which require that this fund shall be distributed on the basis of school population. So then the provisions of this bill are intended to clinch and make more certain a distribution which I think is unjust and unfair.

Now I wish to say one thing further with reference to this bill before I close, and that is that I am willing to vote this money for the purposes which I have indicated; and when I do that I do not desire to be understood as voting for it because the State of Iowa receives a small pittance of this money. Of this $77,000,000 to be thus distributed in eight years the State of Iowa will receive only $575,000, less than 10 cents per annum upon the school children of my State; yet we expend in the State of Iowa annually for schools by taxation five and a half million dollars. What kind of taxation, a Senator asks. Not State taxation, not Federal taxation, but county and local taxation under our laws. Under our school system the people who are benefited by the schools vote for the taxes, distribute the money, and account to the tax-payers for the money thus expended; and under this local system, which I suppose is substantially the local system of every State, we last year collected and for several years have collected an amount exceeding $5,000,000 for school purposes.

Mr. BUTLER. What about the public lands granted to your State?

Mr. ALLISON. I thank the Senator for suggesting that question. The State of Iowa, as every other State except the original thirteen that got all the lands within their borders, and the State of Texas which came into the Union with all her lands, received a portion of the public lands within her limits for the benefit of her school system, under an arrangement which was common to all the States admitted by which the lands of the Federal Government should not be taxed. Under that provision the State of Iowa has a school fund of near $4,000,000, a school fund built up, if I may use that term, by the same means and from the same source that was given to the State of Mississippi, to the State of Alabama, and to every other State of this Union, so far as I know, except the original thirteen and those that were admitted within a few years after the adoption of the Constitution.

Mr. GEORGE. I ask the Senator how many sections were donated for schools in each township in Iowa?

Mr. ALLISON. I believe the grant in Iowa was every sixteenth section in a township.

Mr. GEORGE. And the thirty-sixth section, too?

Mr. ALLISON. No; we only had one section in a township—the sixteenth. I will answer the Senator from Mississippi, however, by saying to him that in this handy volume, from which I have so often quoted, I find that the State of Mississippi received a little more land on account of schools than did the State of Iowa. So whatever our brethren of South Carolina and New York and other older States may say, it does not become the Senator from Mississippi to say that Iowa has received a bounty that was not also given to the State of Mississippi. That sum I say is $4,000,000, accumulated from these resources, the income of which amounts to the enormous sum of $240,000 per year, and that is the only income the State of Iowa has from a permanent school fund—$240,000 a year as against five and a half million dollars expended.

Mr. BUTLER. Raised by taxation?

Mr. ALLISON. By taxation and taxation alone. We have 1,800,000 people there possibly—1,700,000 by the last census—and we have taxed ourselves in this way for the purpose of educating the children of our State. I submit to the Senator from South Carolina that although we have a rich and fertile soil and an industrious population, yet when you get off into the inner regions of the State in which I live, where our people reside upon the prairies at a great distance from fuel, they have to struggle day by day to secure a livelihood sufficient to enable them to live as the people of Iowa desire to live and to educate their children as the people of Iowa desire to educate them.

As I have said, I would prefer that this bill were put upon a different basis with reference to the distribution of the money. I should be content to be more liberal than this bill provides in reference to where the money should go. I would surrender for the State of Iowa this pitiful 10 cents per annum to each one of its children of school age, and I would give it to the illiterate children of South Carolina and Mississippi, who need it more than we do, and upon the very basis which the Senator from Massachusetts stated the other day as the justification for

this bill, namely, the basis that it was necessary to have an intelligent people to exercise intelligently the powers of a free government.

In the State of Iowa, as shown by the census, only 2.2 per cent. of her people are illiterate. Is it possible that upon any basis of justification any portion of this money should go to Iowa? I do not believe it. I do not believe that in any of the Northern States there is such illiteracy as would endanger the institutions under which we live. I believe that in all these States we have not only the ability but the disposition, from local taxation gathered in each community from the great body of the people, to educate them as they should be educated. Now, our Southern friends say to us that they have not the ability to educate their white people and their colored people as well. If they have not I am willing for one to go to the national Treasury and give them such portion of the money there as is needed to properly aid them in this work; but I want them to apply that money where the trouble is, to the illiterate people of the South and not to the intelligent people of the South.

Mr. President, I have occupied much longer time than I intended in these remarks.

Mr. HAMPTON. I rose while the Senator from Iowa was speaking to correct what I thought was a mistake into which he had fallen. I did not have the document before me then, but I have it now. In the report of the Secretary of the Interior for this year, and in the report of the Commissioner of Education submitted with the report of the Secretary of the Interior, I find that the whites enrolled in public schools in 1882–'83 in South Carolina were 74,157; the colored children enrolled in public schools were 98,398. In 1883–'84 the enrollment respectively was, of whites 84,028 and of colored 101,591; and the report of the superintendent for 1884–'85 shows the enrollment of whites to be 78,458 and of colored 99,565. I have no doubt that the figures from which the Senator quoted were a misprint. That is all I have to say.

Mr. TELLER. Mr. President, I do not yield to any man on this floor or elsewhere in my support of public schools. I have as high an opinion of the great work of the public schools as any person can possibly have. I am anxious to extend to all parts of the country financial aid if it be necessary, and I am also anxious to go beyond that, to create in the minds of the people a desire to keep up public schools and an attachment for the public-school system.

I ventured the other day when this bill was before the Senate to criticise its terms. I regret to say that this appeared to meet disapprobation on the part of some of the friends of the bill, and there was at least the intimation, if nothing further, that the opposition to the bill was not in good faith but was made for the purpose of defeating the appropriation. So far as I am personally concerned I have no constitutional objections to the bill. I have no constitutional difficulties in dealing with this subject. Long ago, on this floor and elsewhere, I have committed myself unequivocally, unhesitatingly, unrestrictedly, to the power of the General Government to contribute out of its great abundance to the support of public schools anywhere within its jurisdiction. I have no difficulty in following such appropriations by Federal control. I have no doubt of the proposition that when the General Government has contributed the money the General Government may also direct where it shall go and how it shall be expended.

I do not see myself how any man on either side of the Chamber can maintain that the right exists in the General Government to appropriate the money, and yet that the General Government has not the power to direct its expenditure. It does not follow because the power exists in the General Government to follow an appropriation, that it necessarily should do so. In all of my utterances upon this question, I have assumed that the purpose of the appropriation was first to meet a present emergency, to meet an emergency that ought to have been met many years ago, secondly to stimulate the States to build up within their borders a school system to which the people should become so thoroughly and certainly attached that under all circumstances it would be maintained. Because my views have been in that direction I have been willing to a great extent to trust the States. I have been willing to vote for appropriations that should give to the States the money, and then trust to their honesty and their zeal in the cause of public education for a proper application of the money so appropriated. But I should not be willing to vote a dollar of public money to any State if it was not with the understanding that if the State did not properly apply the money, the General Government might withdraw the appropriation, or in case of great emergency might interfere and establish schools within the borders of the State.

I do not think the beneficiaries of this bill—and when I speak now of the beneficiaries I mean the people who are to receive the great share of this money—ought to complain of a moderate restriction or of a moderate direction as to the appropriation of the money. I would not myself be in favor of establishing side by side with the State schools, as long as the States were making an effort to maintain public schools at all, national schools. I would not be in favor of interfering with the State schools. Neither do I understand that any amendment which has so far been offered to this bill, including even the amendment offered by the Senator from Iowa, in any wise interferes with the State schools or can in any wise impair their usefulness or their efficiency.

It has been said all through this discussion which has now lasted in this body for nearly five years, and it has been said over and over again, that the States who are to receive the greatest proportion of this money were too poor to furnish to the children of those States proper and suitable educational facilities. Mr. President, I have never myself agreed to that proposition. I do not believe to-day that there is a State or a Territory within the jurisdiction of the United States that is not abundantly able to maintain a reasonable common-school system for the education of all the children of the State or Territory; but I realize the fact that in some of the States the people have been unwilling, have been reluctant to pay the necessary expenses for the maintenance of public schools.

I have taken some pains to look over the census returns and ascertain the comparative wealth of the States which or whose people are thus complaining. I do not say the complaint comes altogether from the regions of country where school facilities have not been furnished, for the complaint comes with equal volume from people of our own section of the country who insist that the South is unable to maintain public schools. According to the census of 1880, the State of Alabama was estimated to have $338,000,000 of assessable property, and I find that in that year the State of Alabama paid $448,498 for public instruction, for school facilities to the great number of children within its borders. I find that Arkansas was estimated to have $246,000,000 of assessable property and paid $479,471 for school purposes. Delaware had $138,000,000 of assessable property and paid $207,000 for public schools. Florida had $95,000,000 of assessable property and paid $133,000 for schools. Georgia, with $554,000,000 of assessable property, paid $613,260 for public schools. Mississippi, with $324,000,000 of assessable property, paid $803,000 for public schools. North Carolina, with $446,000,000 of assessable property, paid $582,000 for school purposes. South Carolina, with $296,000,000 of assessable property, paid $341,176 for school purposes. West Virginia, with $307,000,000 of assessable property, paid $553,000 for school purposes. Tennessee, with $666,000,000 of assessable property, paid $795,000. Colorado, the youngest of the States, had $149,000,000 of assessable property and paid $752,000 for the support of public schools. Nebraska, with $290,000,000 of assessable property, paid $1,358,346. Texas, with $725,000,000 of assessable property, paid $1,150,332, less than $200,000 as much as Nebraska.

Mr. President, these figures, in my judgment, show that the people of the South and the people of the North are everywhere financially able to take care of the public-school system, a fact that I knew as well five years ago when I voted for aid to the public schools of the land as I know it to-day. I have never based any vote I have given nor any utterance I have made in defense of appropriations of Federal aid to the schools of the land upon the theory that the States were unable to support public schools, but upon the theory that they had declined or neglected to do so, and with the hope that by our so giving Federal aid they might be incited to see the beauty and the advantage of the common-school system, and that they might thus do in the South what has been done in the North and what has been done in the great West. I said five years ago on this floor, educate the community and they will maintain schools no matter now poor they may be. I have seen it illustrated and exemplified in my acquaintance with the Western country. Let me speak of my own State, and I speak of it with the utmost pride, and I think I may speak of it as an illustration of what I have said before, that the people who have been educated in the public schools, who have seen the advantages of the system, love it as they love no other institution in the land, and they place it a little even above the church of their fathers.

In 1859 the great wave of emigration departed from the settled States across the arid regions of the West and lodged at the foot of the Rocky Mountains; thousands of men went out there, staid a few days, and returned; but many remained, and more came. In 1861 the Government of the United States gave to those people a Territorial organization with exactly the boundaries that the State of Colorado has to-day. In September, 1861, in the midst of war, in the midst of tumult, in the midst of excitement, the people of that Territory organized their first government. The Legislature met the last of September, and on the 7th day of November following the people of that Territory through their Legislature adopted a complete and perfect free-school system. They not only adopted a free-school system to give every child within the borders of Colorado a common-school education, but they established a university, and they attached to the common schools a high-school system that has been efficient and valuable to the people of Colorado so that to-day in all the towns and cities of any considerable importance in the State the high schools send out boys fully qualified to enter Yale, Harvard, or Princeton or any other of the great institutions of the land.

Mr. President, when the people of Colorado adopted that system there had never been a surveyor in the Territory, there was not an acre of land except a few grants on the southern border that was not owned by the General Government. The first school-houses we built were built upon the public lands before we could get control of the title from the General Government. We have followed it from that day to this. We have to-day the most efficient school system of any State in the Union, I think, and last year we paid beyond Federal aid, for the

purpose of maintaining our public schools, $21.43 for every child in the State between the age of six and sixteen years, and taking that as the basis we have put 90 per cent. of our children in the public schools. We have maintained in addition three institutions of high character, one for the education of people in practical metallurgy and mining, another for giving them the highest education that can be given in a university; and we have maintained also an agricultural college built long before we ever received a dollar from the Government of the United States in support of our schools.

I know that when we speak of the school system in the West Senators say: "You have received magnificent donations of public land." Why, Mr. President, when I speak of the expenditure of money I speak of an expenditure over and above and beyond anything that the Government has given to us. Last year the total receipts from the Government aid that we received and passed into our school fund were less then a dollar per capita for the children enrolled in our schools. I had hoped that by an appropriation of this character we could stimulate in all sections of the country some of the spirit that has pervaded the people of Colorado and of Nebraska and other Western States, who in their very beginning, in their poverty, were ready to part with their money for the purpose of establishing and maintaining a free-school system. If this bill can be properly amended, if it can be put in proper shape, I believe that that will be the result; and I am anxious myself to vote for a measure which will accomplish that, even if no very great deal of immediate result follows from the appropriation of this money. If we could put into the hearts and minds of the people of Louisiana and of Mississippi and of Georgia the sentiment of attachment to schools and the school system that pervades in some other sections of the country they would find means to maintain schools for all the people within their borders.

I know it was said by the Senator from Mississippi on the other side that we have a virgin soil and that we have natural advantages. Mr. President, when we went to Colorado we went 600 miles beyond the line of a railroad. When the first school-house was built in Colorado there was not a mile of railroad within 600 miles. There was scarcely a break in that great arid region; but little had been done. Those people were there in a new country, with undeveloped riches, it is true, but requiring great labor to make them available. They had yet to tear down the mountains and fill up the valleys to make an entrance into the mountains where the riches were in existence. All of these things they did, but they did not while doing them neglect the school system.

Since we adopted a State government we have had a constitution which provides that the State shall not run in debt, the State shall contract no debt that exceeds $50,000; and yet we allow our school districts to run in debt whenever it is necessary for the protection of the interest of the children of the State. We have no State debt; we do not allow the municipal authorities to run in debt beyond a limited sum, and yet the school districts of Colorado have borrowed a million of money to put in school-houses in that new State. We do not ask a dollar of Federal aid, and I do not believe there is a man in Colorado who would accept a million of money from the Government of the United States if it would interfere with our cherished State system of public schools, and I am as clear from wanting to interfere in the system of public schools in the South as I am to have the Government interfere with the system in my own State. I believe, however, that it is but fair and proper and prudent that the Government of the United States when appropriating this money should have at least a discretionary control over it, so as to see that it goes to the class of people who are particularly needing the education that, under the unfortunate circumstances which have surrounded them, they have been unable to acquire.

I do not see myself why any Senator on the other side should be sensitive when it is proposed to say that if there are three times as many black children assembled in black schools as there are white children in white schools there shall be three-fourths of the money appropriated to those black schools. If they were all assembled in one school then I could see that there would be no propriety in saying that it should be divided according to the illiteracy of the races; but they are not unlike some other sections of the country, and not unnaturally—I do not wonder at it myself—they do not propose to commingle the whites and the blacks together. I believe it is better in the South that the two races should be kept in separate schools. But if there are three schools required to educate the black children in a State and only one required for the white children it does not strike me that it can be objectionable to the friends of this bill if it should be said by the giving power, "We give to you three for one class and one for the other;" $3 for the three schools and $1 for the one school, and in that proportion.

If this bill can be put in such a shape that it will carry out the two great purposes for which I have contended, I shall cheerfully vote for it. If it does not, I think we had better wait another year. We have waited for twenty years. If it is a duty that the Government owes now to appropriate this money, it is a duty that it owed twenty years ago; and, I am free to say, it is a complaint I have made more than once; it was a duty twenty years ago, but it was a duty which the Government failed to perform. I want to perform it in such a manner that it shall accomplish the two great purposes—first, that it shall educate the uneducated, and, second, that it shall be received by the people in such a spirit and in such a manner as to attach them to the system, and not create an antagonism and an opposition to the public-school system at the South.

Mr. MILLER, of New York. Mr. President, although a member of the committee which reported this bill, I have thus far refrained from taking part in the discussion, because I hoped that the debate had upon this bill in the last Congress would be considered sufficient, and that upon that debate then had this bill might have passed without a prolonged discussion, such as we have now had. While debate has been had upon the constitutional power of the Government to make this appropriation, I have taken little or no interest in it, believing that the Senators upon this side, from their political training and political beliefs, would hold steadily and unanimously to the ground that there is sufficient constitutional warrant for it; believing also that the Senators on the other side of the Chamber, or a majority of them, while they may have been taught in a school holding to a stricter and more limited interpretation of our fundamental law, would yet, recognizing the voice coming up from all the South asking for more and better schools, decide finally this question in favor of the broad construction of the Constitution and that their votes would also be given for the bill. I believe that substantially the Senators upon this side do hold to the constitutional power of the Government to make this appropriation, and I have no doubt that a majority of the Senators on the other side will at least take that view and emphasize it by their votes.

But for the last week or more an opposition has sprung up in this Chamber against this bill which I am unable to comprehend. While it does not attack the power of the Government to make the appropriation, it has fought the bill at every step; it has embarrassed it by amendments which, if carried out, would entirely destroy the principle upon which the bill is founded. Many amendments have been proposed for which I can find no other reason than a desire on the part of some of the Senators to substantially break down this bill. I regret this exceedingly. I hold this bill, or at all events the subject of which this bill treats, to be by far the most important question before the American people.

I shall not detain the Senate at this time in going into any extensive discussion of the necessities for this measure. They are admitted by all. The bill proposes to meet the great danger which threatens our institutions from a vast mass of illiteracy found chiefly in one portion of our country. It undertakes to appropriate this large sum of money in such a way that the bulk of it shall be distributed where the bulk of the evil is found. It undertakes to appropriate the money upon the basis of illiteracy.

It may be urged against that that it does not lead to a just and equitable distribution of this fund between the States; but it is believed that it meets all the equities of the case and the necessities of the case, for it is undoubtedly true that in proportion as any State is illiterate just in that proportion is it unable to meet the demands which come upon it for education, because illiteracy is but another name for poverty. If the laboring population of any section of our country are illiterate they are at the same time poor, and at the same time they are inefficient workmen. Increase the education of the laboring classes and you increase in exact proportion the power of the laboring classes to care for themselves and to care for the Government of which they are a part. Therefore if it shall be found under this distribution, to be made under the census of 1880, that there is a large amount of illiteracy in any particular State of this Union, it will also be found that the assessable property of that State has also been diminished by that illiteracy, and that for that reason it is unable to bear the extra burden which comes upon it. I believe that if it be looked at in that light the ground-plan of this bill for the distribution of this money to the States on the basis of the illiteracy of the people will be seen to be as near right as possible.

After the money has been distributed to each individual State and Territory, we then come to another important question, and that is, how the money given to the State shall be distributed within the borders of the State to the various schools and to the children therein taught. This bill, after having taken account of the whole illiteracy of a State in the distribution of the money to the State, when it comes to the distribution of the money in the State itself undertakes to deal only with the children of school age in that State. It can go no farther than this. It can not attempt to educate the citizens of any State who have passed the school age. And, therefore, it is that the amendment of the Senator from Iowa, if it be enacted, would entirely change the plan of the distribution as proposed in this bill. Is it wise to do so? I think not.

What are the provisions of this bill? In section 3 it is provided that—

> No money shall be paid out under this act to any State or Territory that shall not have provided by law a system of free common schools for all of its children of school age, without distinction of race or color, either in the raising or distributing of school revenues or in the school facilities afforded.

Before any State can avail itself of any portion of this appropriation it must have complied with those provisions. By that section we require

of each individual State that it shall distribute its public moneys for school purposes in exact proportion to the number of children of school age of either race, white or black. If it fails to provide by law for doing that, then it can avail itself of none of the benefits of this act. While we do not undertake to impose laws or regulations on the State, yet we have provided in this bill that their school laws shall be equal and exact and that the money shall be distributed to the children of both races in equal proportions as they shall bear to the whole number of children of the school age.

Then in section 10 we have further provided:

That the moneys distributed under the provisions of this act shall be used only for common schools, not sectarian in character, in the school districts of the several States and Territories, in such way as to provide, as near as may be, for the equalization of school privileges to all the children of the school age prescribed by the law of the State or Territory wherein the expenditure shall be made, thereby giving to each child, without distinction of race or color, an equal opportunity for education.

Thus, Mr. President, this bill undertakes to say to the States that if they take this money they must first provide by their laws for an equal distribution of their own school fund which they raise by direct taxation; secondly, it undertakes to say that if a State receives this public money it shall distribute it in like manner to all the children of school age, white or black. What can be more just than that? What other plan can be devised which will so carefully guard the school system of any State than a provision of law that the public moneys shall be distributed throughout the State to the various schools and school districts in exact proportion to the number of children of school age?

Mr. RIDDLEBERGER. Will the Senator allow me to ask him a question?

Mr. MILLER, of New York. Certainly.

Mr. RIDDLEBERGER. I wish to suggest to the Senator from New Hampshire that that phrase "of school age" occurs several times with reference to the State laws, and at other times with reference to the ten and twenty-one years that we find in this bill. I suggest, while I think of it, to the Senator from New Hampshire to look at that and see whether he had not better fix it from ten to twenty-one, or say what he means exactly by "school age," so that there will be no doubt about it.

Mr. BLAIR. There is only one school age spoken of, that is the school age fixed by the State.

Mr. RIDDLEBERGER. I do not propose an amendment; I only make the suggestion for the Senator's consideration.

Mr. BLAIR. I understand.

Mr. MILLER, of New York. Mr. President, I was about to say that the plan laid down in this bill for the distribution of this money is substantially the plan followed to-day in every Northern State, at least, of this Union in the distribution of its public moneys for school purposes. The State of New York raises by direct taxation for its schools a little more than $3,000,000, and by local taxation in the various school districts and cities, in round numbers, about $10,000,000 per annum. The $3,000,000 of the public money raised by public taxation upon all the property of the State is divided among the various schools of the State, chiefly upon the basis of the number of school children that are found within each several school district. Some of it is appropriated in proportion to the number of teachers employed and some other minor considerations, but the chief consideration in the distribution of the public money, I say of every State in this Union, is the number of children of the school age. Now, if we attempt to lay down any other plan in the distribution of this money, we shall bring into confusion the school systems of all the States of this Union, North and South, for I do not believe that if this bill shall pass there is a single State in the Union that will refuse to receive its quota or that will fail to bring itself under the law. Although we may not need it in the North, although we may be able to carry on our schools without Federal aid, yet the State of New York has never refused any aid coming from any source for the support of its schools, and I have no doubt that whatever proportion of public money under this bill may come to that State will be received and properly distributed. But to-day it distributes its public money under the plan which I have mentioned. If another plan shall be laid down in this bill, then certainly great changes will be necessary in the school laws of nearly all, if not all, the States of this Union.

The vast amount of illiteracy in the South, and particularly among the colored race, has led many of the humanitarians of our country to study this question long and carefully and to devise and propose many remedies for the cure of the evil. Soon after the war it was proposed that special aid should be asked from the Federal Government for the education of the colored people alone; and through the Freedmen's Bureau for awhile the Federal Government undertook to do something in that direction, but thus dealing with one race alone it was found a failure and was abandoned. Private individuals have given a portion of their wealth for this cause, and the Christian churches of the North have raised vast sums of money and have expended them for the education of the colored race in the South. Against that I have no word to say; I have approved of it all. But when the Federal Government comes to act, the Government which acts for all the people alike, certainly it seems to me that it ought to be our endeavor here to rather abolish and obliterate all distinctions of race and color and to seek to mold into one homogeneous mass all our people, North and South.

If the amendment of the Senator from Iowa [Mr. ALLISON] should prevail what would be the condition of affairs in the South? This amendment reads—

And in each State in which there shall be separate schools for white and colored children, the money paid in such State shall be apportioned and paid out for the support of such white and colored schools in the proportion that the illiteracy of the white and colored persons aforesaid bear to each other, as shown by said census.

The Senator made an efficient argument in support of this amendment. I have no doubt he is sincere in believing it to be wise and just; but before we adopt the amendment we had better pause in the consideration of this bill and abandon it all, for if the amendment shall prevail I believe it will be the beginning of a war of races which neither you nor I nor any of us will see the end of. Under the laws of the Southern States to-day their public moneys are to be distributed equally between the children of the two races in exact proportion to their numbers. If it has happened thus far that the white race has been better educated in the South than the colored race, and if that still be true, it comes not because of any fault of the law; it may come because of a failure to properly execute it; but I would suggest to my friends on this side that it may come largely from the same reasons which, prevailing in the North, always lead to this condition of affairs—that the children of poor parents in the North are, as a rule, more illiterate than the children of the rich people; that the children of the poor people in the North, although there is an abundance of free schools in their neighborhood, sometimes find it necessary to labor for the support of their parents, and thus are deprived of the advantages of the schools which are in their immediate vicinity. Undoubtedly in the Southern country the colored children, who are scattered over the whole vast territory upon plantations and farms, and who are early put to work, do not find it possible to avail themselves of the advantages of education which come to the children of the owners of the soil, which come to the children of the white people who largely live in the cities and towns and thereby have better means of education.

I hope and believe that the difference which is found in the South between the illiteracy of colored children and of white children is due to the circumstances that I have mentioned, rather than to any disposition upon the part of the governing classes of the South, for the governments of all the Southern States are now absolutely in the hands of the white people—I say I hope and believe that is due rather to these circumstances than to any indisposition upon the part of the whites of the South to afford equal educational privileges to the children of the colored race.

But if there shall be found anywhere in the South a disposition upon the part of some of its people to deprive the colored children of their fair share of the public moneys, if it has been so in the past, I believe that this measure and the interest which this measure will create in every county, in every parish, and in every school district in the South will do very much to remove that trouble, and will do very much to improve the education of the colored children.

However, if we shall say by this measure that the money shall be distributed not in proportion to the number of school children of each race, but in proportion to the illiteracy of all the children of each race, then it will undoubtedly result in giving in round numbers about $3 of this fund to every colored child of the South to $1 to every white child of the South, and it will undoubtedly bring about a condition of feeling upon the part of the people of that section which will be anything in my judgment but conducive to the welfare of the country or to the education of all the people.

We might as well, I say, entirely abandon this bill and make a direct appropriation of so much money to be distributed absolutely to colored schools and none others, for if the principle of the amendment as I have stated it be correct, or approaches correctness, then it would certainly be better and wiser to distribute none of this fund whatever among the white schools, but to give it all to the colored schools. For one I trust that that will not be done. As the provisions of the bill now stand, the plan upon which it is based is in my judgment the only correct plan upon which we can distribute the public fund for this purpose; and rather than see this amendment prevail, bringing this degree of uncertainty into the operations of all our school laws in each State, fearing also that it would bring about a race hatred and a race war in the South, I would prefer to see the measure fail entirely. I have confidence enough in the American citizen of all portions of our country to believe that the measure will be substantially executed not only in accordance with its letter but with its spirit, and that our fellow-citizens of the South will see to it, so far as they are able, that equal school privileges shall be given to all their children of school age, without distinction of race or color.

If I did not believe that I would not be willing to vote a single dollar for this purpose. Believing it, I am willing to vote enough of the public money to make such a beginning in this matter that the Southern States shall be so lifted out of their darkness and illiteracy that when this $77,000,000 shall have been distributed such a public spirit

will have been created in the South that from that time on they will be able to go on with their common-school system perfected, and carry it to complete perfection, as we have done at the North.

I trust, then, that the friends of this bill will not attempt to destroy it by changing its plan; but if it can be made more certain in its operations, if anything can be added to it in the line in which I have spoken, in the distribution of the fund, I shall for one gladly welcome such amendments. Thus far I have seen none which in any way add to the bill, but all of them now pending will substantially, I believe, if adopted, do very much to destroy the efficiency of the bill and take away very much from the benefits which are expected to accrue.

Mr. HALE. There are several Senators who, I believe, desire to speak upon the pending amendment, and if any Senator at this late hour desires to take the floor I shall not make the motion which I rose to make.

Mr. RIDDLEBERGER. Mr. President, I have a peculiar interest in this educational bill, and I shall not detain the Senate three minutes in expressing my opposition to the amendment of the Senator from Iowa.

If I had but one appeal to make to those who pretend to be friends of the colored people of the South, leaving out the white people entirely, I would simply say, never endeavor to make a race distinction in the matter of education.

I have considered this amendment in connection with the bill; I have asked the judgment of gentlemen in whom I have confidence, and I do find, according to all the judgment that I have obtained, according to the best opinion that I can make up, that it discriminates between the white people and the colored people of the South. It discriminates in favor of the colored people; and the moment that the Federal Government undertakes to do that it will justify what States may do, and what some have done.

These are the only remarks, sir, that I wish to make. I hope there will be no discrimination in the bill. Let this fund go to the States, and let it be distributed not according to color, but as the bill itself now provides, according to the illiteracy found in the States.

ADJOURNMENT TO MONDAY.

Mr. HALE. I move that when the Senate adjourn to-day it adjourn to meet on Monday next.

Mr. BLAIR. I hope that motion will not be pressed at this time, and that it will not prevail if it is pressed, because it is very necessary that we should get on with the bill to-morrow.

The PRESIDENT *pro tempore*. The motion is not debatable. The question is agreeing to the motion of the Senator from Maine, that when the Senate adjourn to-day it be to meet on Monday next.

The motion was agreed to.

BILLS INTRODUCED.

Mr. BUTLER (by request) introduced a bill (S. 1649) for the relief of William M. Bryant, of Washington city, D. C.; which was read twice by its title, and referred to the Committee on Patents.

Mr. DOLPH introduced a bill (S. 1650) to provide for the establishment of a port of entry at Semiahmoo, in the Territory of Washington; which was read twice by its title, and referred to the Committee on Commerce.

Mr. McPHERSON introduced a bill (S. 1651) authorizing the Secretary of the Treasury to make final adjustment of claims of certain foreign steamship companies arising from the illegal exaction of tonnage dues; which was read twice by its title, and referred to the Committee on Claims.

Mr. MILLER, of New York, introduced a bill (S. 1652) to regulate the forms of bills of lading and the duties and liabilities of ship-owners and others; which was read twice by its title, and referred to the Committee on Commerce.

EXECUTIVE SESSION.

Mr. HALE. I move that the Senate proceed to the consideration of executive business.

The motion was agreed to; and the Senate proceeded to the consideration of executive business. After forty-two minutes spent in executive session the doors were reopened, and (at 5 o'clock and 17 minutes p. m.) the Senate adjourned.

EXECUTIVE NOMINATIONS.

Executive nominations received the 26th day of February, 1886.

ASSISTANT UNITED STATES TREASURER.

William Wayland Sutton, of Ohio, to be assistant treasurer of the United States at Cincinnati, Ohio, to correct error in name.

JUSTICE OF THE PEACE.

Luke C. Strider, of the District of Columbia, to be a justice of the peace within and for the said District, *vice* Hillman A. Hall, resigned.

POSTMASTERS.

Chester Johnson, at Thompsonville, Hartford County, Connecticut, *vice* Agnes Stewart, commission expired.

Gustavus Schuasse, at Rapid City, Pennington County, Dakota, *vice* John R. Brennan, resigned.

Edward P. King, at Hawkinsville, Pulaski County, Georgia, *vice* H. H. Whitfield, deceased.

Frank Chapman, at Fenton, Genesee County, Michigan, *vice* Dexter Horton, commission expired.

Mary Houston Gillespie, at Aberdeen, Monroe County, Mississippi, *vice* James W. Lee, resigned.

Thomas W. Poindexter, at Dillon, Beaver Head County, Montana, *vice* John T. Yoe, resigned.

Frank Kneedler, at Phillipsburgh, Warren County, New Jersey, *vice* John J. B. Reiley, whose commission expired February 6, 1886.

James P. Lowell, at Waynesborough, Franklin County, Pennsylvania, *vice* George Middom, commission expired.

Edward H. Lucas, at Florence, Darlington County, South Carolina, *vice* Joshua E. Wilson, resigned.

Thomas E. Haynes, at Franklin Williamson County, Tennessee, *vice* Charles S. Moss, commission expired.

George R. Guernsey, at Windsor, Windsor County, Vermont, *vice* Uriel L. Comings, commission expired.

CONFIRMATIONS.

Executive nominations confirmed by the Senate February 23, 1886.

NAVAL OFFICER OF CUSTOMS.

Henry P. Kernochan, of Louisiana, to be naval officer of customs in the district of New Orleans, in the State of Louisiana.

SURVEYORS-GENERAL.

Richard P. Hammond, jr., of San Francisco, Cal., to be surveyor-general of California.

Benjamin H. Greene, of New Orleans, La., to be surveyor-general of Montana.

RECEIVER OF PUBLIC MONEYS.

Henri W. Young, of Independence, Kans., to be receiver of public moneys at Independence, Kans.

POSTMASTERS.

William G. McCarty, to be postmaster at Jefferson City, county of Cole, Missouri.

W. F. Dyer, at Austin, Lander County, Nevada.

William Perkins, at Winnemucca, Humboldt County, Nevada.

Executive nomination confirmed by the Senate, February 26, 1886.

ASSISTANT TREASURER OF THE UNITED STATES.

William Wayland Sutton, of Ohio, to be assistant treasurer of the United States at Cincinnati, Ohio.

HOUSE OF REPRESENTATIVES.

FRIDAY, *February* 26, 1886.

The House met at 12 o'clock m. Prayer by the Chaplain, Rev. W. H. MILBURN, D. D.

The Journal of the proceedings of yesterday was read and approved.

PRINTING AND BINDING FOR DEPARTMENT OF STATE.

The SPEAKER laid before the House a letter from the Secretary of the Treasury, transmitting an estimate from the Secretary of State of an appropriation for printing and binding for the Department of State for the current fiscal year; which was referred to the Committee on Appropriations, and ordered to be printed.

CLERICAL FORCE, INDIAN OFFICE.

The SPEAKER also laid before the House a letter from the Secretary of the Treasury, transmitting an amended estimate from the Secretary of the Interior of an appropriation for clerical force in the Indian Office for the next fiscal year; which was referred to the Committee on Appropriations, and ordered to be printed.

HUMBOLDT HARBOR, CALIFORNIA.

The SPEAKER also laid before the House a letter from the Secretary of the Treasury, transmitting a letter from the Light-House Board recommending an appropriation for the removal of the light-house at the entrance to Humboldt Harbor, California, and for the purchase of a new site; which was referred to the Committee on Commerce, and ordered to be printed.

APPROPRIATION FOR UNITED STATES MINT.

The SPEAKER also laid before the House a letter from the Secretary of the Treasury, transmitting a letter from the Director of the Mint recommending an increase in the estimate of an appropriation for workmen for the next fiscal year from $150,000 to $170,000; which was referred to the Committee on Appropriations, and ordered to be printed.

WATER-TANK, FREEDMAN'S HOSPITAL, DISTRICT OF COLUMBIA.

The SPEAKER also laid before the House a letter from the Secretary

of the Treasury, transmitting an estimate from the Secretary of the Interior of an appropriation to repair the water-tank at the Freedmen's Hospital, Washington, D. C.; which was referred to the Committee on Appropriations, and ordered to be printed.

QUARTERMASTER'S DEPARTMENT.

The SPEAKER also laid before the House a letter from the Secretary of the Treasury, transmitting additional estimates from the Secretary of War of appropriations for the service of the Quartermaster's Department, United States Army; which was referred to the Committee on Military Affairs, and ordered to be printed.

J. W. MERRIMAN, UNITED STATES CONSUL.

The SPEAKER also laid before the House a letter from the Secretary of the Treasury, transmitting a letter from the Secretary of State recommending an appropriation to reimburse J. W. Merriman, United States consul at Iquique, Peru, for loss of Government funds by fire; which was referred to the Committee on Claims, and ordered to be printed.

SURVEY OF ARKANSAS RIVER.

The SPEAKER also laid before the House a letter from the Secretary of War, transmitting a report from the Chief of Engineers of an examination and survey by Capt. H. S. Taber, of the Corps of Engineers, of Arkansas River from Fort Gibson to Wichita, Kans.; which was referred to the Committee on Rivers and Harbors, and ordered to be printed.

SIGNAL SERVICE.

The SPEAKER also laid before the House a letter from the Secretary of War, transmitting a communication from the Chief Signal Officer recommending a change in the wording of the estimate for the support of the Signal Service for the next fiscal year; which was referred to the Committee on Military Affairs, and ordered to be printed.

SENATE BILLS.

The SPEAKER also laid before the House Senate bills of the following titles; which were severally read a first and second time, and referred as indicated below:

A bill (S. 877) for the relief of Robert H. Anderson, of the State of Georgia—to the Committee on the Judiciary.

A bill (S. 1100) to amend the ninth section of an act entitled "An act making appropriations for the current and contingent expenses of the Indian Department, and for fulfilling treaty stipulations with various Indian tribes, for the year ending June 30, 1886, and for other purposes," approved March 3, 1885—to the Committee on Indian Affairs.

A bill (S. 1476) to amend the act of Congress approved June 12, 1884, entitled "An act to authorize the construction of bridges across the Wisconsin, Chippewa, and Saint Croix Rivers, in the State of Wisconsin"—to the Committee on Commerce.

STATUES OF COLUMBUS, LAFAYETTE, AND GARFIELD.

The SPEAKER also laid before the House a joint resolution (S. R. 35) setting apart public reservations for statues to Columbus, Lafayette, and James A. Garfield; which was read a first and second time, and referred to the Committee on the Library.

HOT-WATER PRIVILEGES AT HOT SPRINGS.

The SPEAKER also laid before the House the following concurrent resolution of the Senate; which was read, and referred to the Committee on Public Buildings and Grounds:

Whereas the leases heretofore made of the bath-house and hot-water privileges upon the reservation of Government lands at Hot Springs, Ark., have expired by limitation of law; and

Whereas the Attorney-General of the United States has given an opinion that such leases may be renewed by the Secretary of the Interior without additional legislation:

Be it resolved by the Senate of the United States (the House of Representatives concurring), That in the opinion of Congress such leases of bath-house and hot-water privileges should not be renewed by the Secretary of the Interior unless the Forty-ninth Congress shall adjourn without having legislated with reference thereto.

LEAVE OF ABSENCE.

By unanimous consent leave of absence was granted as follows:

To Mr. LINDSLEY, for two days.

To Mr. LEHLBACH, until Friday next, on account of important business.

LIGHTS AND SIGNALS.

Mr. LONG, by unanimous consent, presented the following resolution of the American Ophthalmological Society, concerning lights and signals; which was read, referred to the Committee on Commerce, and ordered to be printed in the RECORD:

The following resolution is, by vote of the American Ophthalmological Society, at its twenty-first annual meeting, July 16, 1885, presented to the Senate and House of Representatives of the United States in Congress assembled:

Voted, That the society would again express most hearty approval of the international commission twice recommended in a bill reported by the Naval Committee of Congress, and indorsed by the international medical congress, London, 1881; to consider and agree upon standard colored lights and signals, &c., and the visual power and color sense of officers and sailors.

The society would particularly support the international congress vote that "every government, especially the maritime governments, should be requested to place one or more members on the commission, and chiefly experienced naval officers and medical specialists."

Very respectfully, your obedient servant,

O. T. WADSWORTH, *Secretary*.

TELEPHONE INVESTIGATION.

Mr. MORRISON. I present a privileged report from the Committee on Rules.

The Clerk read as follows:

IN THE HOUSE OF REPRESENTATIVES, *February* 15, 1886.

Mr. HANBACK submitted the following resolution, which was referred to the Committee on Rules:

"Whereas grave charges have been made and are constantly being made by the leading press of the country reflecting upon the integrity and official action of certain officers of the Government of the United States: Therefore,

"*Be it resolved*, That a special committee, consisting of eleven members of this House, be appointed, and when so appointed said committee is hereby directed, at as early a day as possible, to make inquiry into any expenditures upon the part of the Government incurred relative to the rights of the Bell and Pan-Electric Telephone Companies to priority of patents; said inquiry to include all organizations and companies which have sprung from the Pan-Electric Telephone Company, or for any other purpose; and also to make full inquiry into the issuance of the stock known as the "Pan-Electric Telephone stock," or any stock of any company, or companies, or organizations springing out of the Pan-Electric Telephone Company, to any person or persons connected at the time of such issuance with either the legislative, judicial, or executive departments of the Government of the United States; to whom, when, where, or in what amounts, and for what consideration in money, service, or influence, said stock, if any, was delivered; also as to what opinions, decisions, and orders relating to said stock have been made by any officers connected with the Government, and by whom, and all the circumstances connected therewith and arising therefrom; and also as to what suit or suits, if any, have been brought in the name of the United States to test the validity of patents issued, or any other right in controversy between the Bell and the Pan-Electric Telephone Companies; what contracts have been made, what moneys paid or to be paid to any person or persons as assistant counsel to the Attorney-General or Solicitor-General of the United States; the reason and authority for constituting the United States as a party to said suit or suits, and all matters connected therewith; and to the end that the people of the United States may be fully advised, the committee is granted the right to send for persons and papers, to sit in session during the sessions of the House, to employ a stenographer, and to incur any and all reasonable and necessary expenditures as may be deemed requisite for the purposes of such investigation, such expenditures to be paid out of the contingent fund of the House."

IN THE HOUSE OF REPRESENTATIVES, *February* 15, 1886.

Mr. PULITZER submitted the following resolution; which was referred to the Committee on Rules:

"*Resolved*, That the resolution creating a select committee, proposed by Mr. HANBACK, of Kansas, be so amended as to authorize said committee to inquire whether any of the telephone companies have in any way influenced or attempted to influence officials or official action through newspapers acting from interested and improper motives. And also whether any corporations or their managers or representatives contributed large sums of money for political campaign purposes upon the agreement that a certain person acceptable to them should be appointed a judge of one of the courts of the United States which may have to decide litigation concerning telephone suits."

The Committee on Rules, to which were referred the two resolutions hereto attached, have had the same under consideration, and now report them back to the House with the recommendation that the resolution proposing an investigation of the facts concerning the alleged issue of stock by the Pan-Electric Telephone Company, and other companies and organizations connected with it, to public officials be amended by striking out the word "special," in the first line of the resolution, and inserting the word "select," and by striking out the word "eleven," in the second line, and inserting the word "nine;" so that the committee will consist of nine members instead of eleven, as in the proposed resolution.

The committee also recommend that the said resolution be further amended by striking out all after the word "therewith," in the seventh line, on the third page of the resolution, and inserting the following in lieu thereof:

"And the said committee is further authorized and directed to ascertain and report whether either of the telephone companies herein mentioned, or their officers, agents, or employés, have in any manner improperly influenced or attempted to influence officials or official action by or through the public press; and, if so, when, by whom, and in what manner such influence was exerted, or attempted to be exerted, and what newspaper or newspapers were so used or attempted to be used by them.

"The said committee shall have the right to send for persons and papers, to administer oaths, to sit during the session of the House, to employ a stenographer, and incur any and all such necessary and reasonable expenses as may be required for the purpose of conducting the said investigation, not to exceed the sum of $1,000, which shall be paid out of the contingent fund of the House, upon proper vouchers, certified by the chairman and one other member of the committee; and may report at any time."

The committee recommend the passage of the resolution with these amendments, and that the other resolution be laid on the table.

Mr. GIBSON, of West Virginia. Mr. Speaker, is this resolution debatable?

The SPEAKER. The gentleman from Illinois [Mr. MORRISON] is entitled to the floor upon his report; and unless the previous question should be demanded, and ordered by the House, the report is debatable.

Mr. MORRISON. I demand the previous question. After it is ordered we will hear what the gentleman from West Virginia has to say.

The SPEAKER. If the previous question should be ordered without prior debate, under the rules of the House thirty minutes will be allowed for debate, fifteen minutes for the report and fifteen minutes against it.

Mr. GIBSON, of West Virginia. I would like to oppose the report.

The previous question was ordered.

The SPEAKER. The Chair will recognize the gentleman from West Virginia to control the time in opposition to the report and the gentleman from Illinois to control the time in support of it.

Mr. MORRISON. Mr. Speaker, this is the unanimous report of the Committee on Rules. The amendments proposed are intended to embrace in one resolution all the committee found in both which was deemed essential. I do not propose to anticipate anything by discussing this subject before we have the information on which intelligent discussion may be based. We propose that a select committee shall examine and make full report upon this question. If the gentleman from

West Virginia has anything to say I am willing he shall proceed now. I will, however, reserve my time, to be used afterward should I deem it necessary.

Mr. GIBSON, of West Virginia. Mr. Speaker, it is with extreme reluctance that I undertake to oppose a resolution prepared and reported to this House by gentlemen for whom I have so much respect as I have for the authors of this report. But I feel that I, as well as they, have a duty to perform to my constituents and to the country; and I am unwilling to sit here and see this body drifting into an investigation that can not bring respect to it, confidence to the country, or any good to any human being.

There has never yet been made such a charge against any person occupying an official position in connection with this matter as to justify the trial of any man before any tribunal in this country. A gentleman who is a member of this House—I refer to the gentleman from New York [Mr. PULITZER], himself the editor of a paper—did not see fit in his official capacity as a member of Congress to attack these gentlemen in the open, honest, and manly way that a Representative ought to have done, but undertook to retreat behind the irresponsible columns of his paper for the purpose of creating a scandal—for what motives I am not here to say.

Mr. HOLMAN. I trust my friend from West Virginia will remember that the gentleman referred to is not now present in his seat.

Mr. GIBSON, of West Virginia. I can not help that, Mr. Speaker. I remember that he ought to be here. I remember that gentlemen who have lived a long life and established an honorable reputation by their integrity and capacity, gentlemen who have won the confidence of the whole country, are being arraigned by this irresponsible newspaper clamor, and the Democratic majority in this House, under the influence of this hue and cry, are rushing to do that which must only do these gentlemen injustice.

There is not a charge embraced in one of these resolutions. They do not charge there has been any corrupt official act done by any one of these parties. They do not charge the Attorney-General has given a corrupt decision or that the Secretary of the Interior has given a corrupt decision. They do not charge that a dollar of money has been illegally expended. On the contrary, they refrain with wonderful facility from making any such charge.

All that has been done in this telephone matter has been to refer it to the courts. Let the courts decide whether it was properly referred or not. If properly referred, what has this Congress to do with the question of its reference?

Ah, but it is said these gentlemen some time or other got stock. I stood on this floor and heard a member of this body boast that he owned hundreds and thousands of railroad stock, and that he would combine with the railroads to defy the laws of the country by clogging up the courts, and no outcry was made against it. I stand here and see all around me men who own railroad stock, men who own stock in national banks, voting, with their stock in their pockets, on these questions, and no outcry is raised against it. I remember the distinguished gentleman from New York [Mr. HEWITT], himself one of the great manufacturers of the country, is at work, and has been at work all the time, to revive the tariff, so that his manufactures might become more profitable. [Laughter and applause on the Republican side.] I remember one of the gentlemen on the Coinage Committee, a gentleman from South Carolina, is a member of the national bank. Indeed, you may turn all round and you will find members on this floor who are members of national banks.

Mr. BROWNE, of Indiana. Will the gentleman permit me to ask him a question?

Mr. GIBSON, of West Virginia. Not in fifteen minutes.

Mr. BROWNE, of Indiana. Did they pay for their stock, or was it given to them gratuitously? [Laughter and applause.]

Mr. GIBSON, of West Virginia. I will answer that question. It is no matter whether they paid for it or it was given to them gratuitously; the question is, have they got that stock, honestly or dishonestly. It is altogether a childish question to ask what they gave for their stock, for that has nothing at all to do with the matter.

How many members in this House, Mr. Speaker, own national-bank stock? How many own railroad stock? If I am not misinformed the late President of the Senate was himself the honored counsel of one of these telephone companies. Who cried out against that? If I am correctly informed the present President of the Senate is a national-bank stockholder. Who cries out against that?

Mr. CUTCHEON. Was his stock presented to him?

Mr. GIBSON, of West Virginia. Does that make the fraud? Do you not know that it is not the manner in which the stock was come by, but the action influenced by the stock?

Mr. CUTCHEON. But that fact signifies something.

Mr. GIBSON, of West Virginia. Oh, yes, it signifies a good deal when you have nothing else to do but to arraign the character of most honorable gentlemen against whose record you can say nothing.

Now, sir, this committee reports, if it reports anything, these gentlemen got stock without paying anything for it. Is that wrong? Who is going to say that is wrong? If we are going to undertake to hold ourselves responsible for not paying our constituents for all they have done for us, how many of us would be bankrupt? They can not report that they came by their stock wrongfully. That is a matter we have nothing to do with. The question is, Have they been corruptly influenced in their conduct? Nobody pretends it.

It resolves itself down, therefore, to the pitiful scene of the American Congress going into an investigation as to a question of taste. You can do nothing with these men on these charges. You can only decide, if you can decide anything, that some may have received stock in that way. That is the whole sum and substance of this investigation.

I am not standing as a champion of this administration or of these men. I am frank to say, while I consider the honesty and cleanliness of this administration as being equal to any that we have ever had, I have but little regard for its politics. [Laughter on the Republican side.] But I am here to protest against this Congress, I am here to protest against the Democratic majority, going into an investigation which can reflect no credit upon it and which can do no good.

If any gentleman wishes to make charges against these men, if the Attorney-General, who has built himself up by his integrity and capacity, is to be assaulted, let him be assaulted at least with the certainty you would a chicken-thief. If you wish to attack Joseph E. Johnston, who is not a member of Congress, and was not when this stock was received by him, let him at least be assaulted with some of the manliness and boldness that a soldier of reputation deserves. And if you wish to attack Lamar, or Atkins, or any other man, let it be done in a manly, straightforward way; but do not let men go behind the irresponsible columns of a newspaper to assassinate the character of men while we stand by to help them by giving countenance to their assaults.

Then you want to go further; you are not satisfied with that only; but the newspapers that make this report and publish it to the country must be investigated; you propose that Congress must investigate that question also and report whether or not they have been paid anything.

Now, are we not entering upon a magnificent field of investigation? Are we not entering upon a field of investigation in which it is not only impossible to accomplish anything, but which would be absolutely ridiculous in its results on any report the committee could make? How can you go into a general investigation of the newspapers? Can you arraign all of them that published anything about the matter? Can you go into every Congressional district and find out which newspaper brought the most influence to bear upon its member of Congress? It is utterly impossible. They can do nothing whatever. It is futile, therefore, to enter upon an investigation of this matter.

But, Mr. Speaker, there has been already one investigation of this subject, and the committee that investigated it reported that but $38.50 have been expended by the Government. That report was made unanimously and agreed to by the author of these resolutions. But that is not sufficient.

Do not gentlemen know that you can not deal with this sort of insinuation or slander without giving it more or less reputation? You have only to bring charges against anybody, man or woman, let the community take it up, discuss it, open your investigating committee, either in church or out of it, and you blacken and damn the best character in the land, and do it on a foul and cowardly insinuation that men do not dare to make openly.

Mr. MORRISON. Mr. Speaker, I do not propose to follow or imitate the gentleman from West Virginia in speaking of what is involved in this matter before I know what are the actual facts. It is the purpose of this report to ascertain these facts, that we may act upon them and deal with them in a fitting or becoming manner.

A member of this House arose in his place and presented resolutions demanding an investigation of matters affecting the official conduct of an officer or officers of the Government——

Mr. GIBSON, of West Virginia. Let me suggest that the gentleman made no charges. He simply stated that it was currently reported in the newspapers.

Mr. MORRISON. Any gentleman rising in his place here on his responsibility as a member presenting a question of this character, whether he gets the facts upon which he bases his action from the newspapers or from the gentleman from West Virginia, makes charges and is responsible for them. Upon his responsibility as a member of this House he says substantially that he believes there is reason for the investigation because of the charges; that he believes in the truth of the matter he presents and the alleged facts upon which the charges are founded. Any gentleman who would ask for an investigation without such belief is hardly fit to be here; for one I am unwilling to assume there is any such member here.

This investigation having been demanded by a member of the House, the Committee on Rules, and every member of that committee, thought it improper to refuse it, and as a political friend of the officer supposed to be most affected, if anybody is to be affected by the investigation, having unlimited confidence in his honor, his personal and official integrity, I want this resolution passed, that the investigation may go on, that the facts may be known and justice done.

Mr. ROGERS. I ask a single moment.

Mr. MORRISON. I yield to the gentleman from Arkansas for a moment.

Mr. ROGERS. Mr. Speaker, I think I can safely say that no gentle-

man who is supposed to be affected by these charges will, in the slightest degree, welcome the opposition which the gentleman from West Virginia has seen fit to make against the report of the Committee on Rules.

For my own part, and speaking for myself alone, I welcome this resolution with all my heart. I have but one regret to express, and that is, that I think it possible it might have been made broader, and if it could be made broader I am sure that I will meet the desires of those gentlemen when I say that I would welcome it in all its length and breadth and in every direction. For myself, therefore, I repeat, I welcome the resolution and hope this investigation will be made thorough and searching, with a view of ascertaining every fact for and against every party who may be directly or indirectly affected by these assertions of the newspapers.

Mr. GIBSON, of West Virginia. Allow me a word.

Mr. MORRISON. I yield three minutes to the gentleman from Arkansas [Mr. BRECKINRIDGE].

Mr. BRECKINRIDGE, of Arkansas. Mr. Speaker, I do not think that it would have been seemly in the Attorney-General or in his friends to demand an investigation because of charges made through the press of the country; but I do think, when a gentleman, a member of the House, rises in his place, as has been done here, and approaches this question in any manner that is at all serious, that then the friends of the Attorney-General and his political associates, while still they may not ask an investigation, yet they can with propriety welcome one that is instigated from an unfriendly source or from a suspecting source.

This is no time to discuss the merits of the case for which we propose to appoint a committee to gather evidence; but every allusion that is made by a member of the House upon the merits of the case is entitled at least to some consideration. The suggestion has been thrown out that the Attorney-General got his stock in this telephone company as a gift, and in the remarks which have been made by his friends upon the floor to-day no allusion has been made to that point. I would not have the country believe that any of us who come from the State from which the distinguished official comes, that any of us who are proud to call ourselves his personal friends as well as his political associates have any soreness upon that point, as one that will not bear probing and the most searching scrutiny. It is not asserted that even if it were a gift, which I utterly deny, that it contemplated or in any way could contemplate influencing him in his official conduct, and I have never seen any attempt to prove that, in all the outcry we have heard, which I do not mean to characterize.

I am utterly ignorant of the whole status of the case if he did not acquire the stock that he did acquire in the usual and customary manner of acquiring such stocks.

Without proposing to go with any fullness into the question, I will simply say that every gentleman knows that when patent companies are incorporated the value of the stock depends upon the value of the inventive idea, and they frequently pay an income, if the patent be successful, upon enormous volumes of stock, and yet let the manufacturing of the invention be done by other capital and parties, the company simply selling the royalties. He subscribed for the stock and made himself liable to assessments as every subscriber is liable to assessments; and I am utterly ignorant of the fact if he acquired it in any way other than that in which such stocks are always acquired by incorporators. And I am happy to say I am firm in the belief that the country will see clearly that this is a case to be tried by the courts and not by the Attorney-General; that his skirts have been perfectly free of all instigation or encouragement of any litigation that could possibly accrue to his advantage, and that the company which, while a Senator, he entered as a stockholder, as any other citizen could enter, was and is one which never could come before Congress for favorable legislation; and that he in no wise in his official capacity could influence the value of the stock any more than if he were a shareholder in a piece of real estate in the city of New York or in his own State or had any other property that could come before the courts of the country. We are not sore upon the point, and I trust the case will be fully investigated.

Mr. MORGAN. Will the gentleman permit me a question?

Mr. BRECKINRIDGE, of Arkansas. Yes, sir.

Mr. MORGAN. Upon what principle can this House without lowering its dignity go into an investigation of loose charges made by a newspaper?

Mr. BRECKINRIDGE, of Arkansas. I think that question is hardly before the House.

Mr. MORGAN. Has anybody made official charges here?

Mr. GIBSON, of West Virginia. No charges have been officially made.

Mr. MORRISON. I yield to the gentleman from Maine [Mr. REED].

Mr. REED. I appreciate the natural feeling of solemnity which has fallen upon the Democratic party at this moment. To be stopped in the midst of a career of great and well-advertised purity—to be stopped in the midst of a career which had for its motto the turning out of "rascals;" to be obliged to stop and consider the question whether by some accident instead of turning them out they had not got in—is of course painful. [Laughter.] I do not intend to detract from the solemnity of the occasion by discussing prematurely the results of this investigation. I only wish to tender, in passing, to the Democratic party the assurances of the respectful consideration which we all have for their situation. [Laughter.] For a long time they have been busy filling the atmosphere with observations which have been the result of the action of Congressional investigating committees. The poisoned chalice returned to their own lips seems a shade bitter, I notice. I desire also in passing to express the very slight opinion which I have of the results of Congressional investigation, although I hope in common with all citizens of the Republic who are proud of its history and its possibilities that the result of this investigation may show that public officials have been wrongly charged.

But it is desirable under the fierce onslaughts of the gentleman from West Virginia [Mr. GIBSON] to say a few words in defense of the resolution. I think I even ought to defend the gentleman from New York [Mr. HEWITT] who is absent, by suggesting that the gentleman from West Virginia is mistaken in supposing that the gentleman from New York is here for the purpose of building up his own industry. I think he is here for the purpose of attempting to break down other people's industries. [Laughter.]

Now, as for this investigation, here is a charge based upon statements which have thus far not been denied, that a gentleman who occupies a high public position had received, while a Senator of the United States, stock in a company, the par value of which, at least, was enormous, and for no other reason apparent thus far than because he did occupy that prominent position. It turns out also that he has published an opinion declaring that the Pan-Electric patents in no respect infringed upon the Bell patents, and that, I understand, without announcing his connection with the company. But upon that I may be mistaken; that may be cleared up, and certainly ought to be.

Mr. BRECKINRIDGE, of Arkansas. Will the gentleman permit me to say that he was published in the prospectus of the company in which that opinion was published as the attorney of the company?

Mr. REED, of Maine. Then I desire to say this same official, who has declared that the Bell patent was not infringed upon by the Pan-Electric patent, yet refused as Attorney-General to decide upon the annulment of the Bell patent, because he was interested in the Pan-Electric patent. Now if the Pan-Electric patent did not infringe upon the Bell patent, where was he interested? In these matters I do not mean to state that what I have said is in any way final. I only say that these are matters which it is not unreasonable that both sides should desire to have investigated, and the friends of the Attorney-General have stated their wish and his wish and those on the other side have stated theirs, and there seems to remain solitary and alone the gentleman from West Virginia as the sole conspicuous figure on this occasion.

Mr. MORRISON resumed the floor.

The SPEAKER. The gentleman from Illinois [Mr. MORRISON] has one minute of his time remaining. The gentleman from West Virginia [Mr. GIBSON] has two minutes of his time remaining.

Mr. MORRISON. I want to use the minute that remains to me in disabusing the mind of the honorable gentleman from Maine in supposing the Democratic party is in any trouble. We propose to investigate charges against our own people as we did against theirs; and I trust if we find them guilty of anything unbecoming honest officials we will not be found, as some of the gentlemen were on the other side, attempting to shield them. [Applause.]

Mr. GIBSON, of West Virginia. Mr. Speaker, I not only concede to the gentleman from Maine [Mr. REED] that our desire is to turn the rascals out, but I desire to inform him that my object now is to stop the rascals from talking. Now, Mr. Speaker, as I said before, I am not here as a representative of any of the gentlemen concerned in this matter. I have not consulted their wishes. I am here as the representative of my constituency upon this floor. I am consulting the dignity of this House, I am consulting common justice and humanity, when I undertake to stand here to prevent this Congress, if possible, from rushing into a futile and senseless investigation that can do it no good, neither party good, nor good to the men they propose to investigate. I have no doubt those gentlemen, knowing their own honesty and knowing that they have been upright in all these transactions, would court investigation, but are we here to investigate every man who wants his character established? Are we here to investigate every man whom somebody else wants to blacken? I am opposing these resolutions because they contain no charge; I am opposing them because they are not founded upon any authority and because they do not comport with the dignity of this House.

Mr. ROGERS. Mr. Speaker, has the gentleman from Illinois [Mr. MORRISON] any time left?

The SPEAKER. The gentleman from Illinois has exhausted his time.

Mr. ROGERS. Then I ask unanimous consent of the House to make a single remark which will not be offensive to anybody.

Mr. BROWNE, of Indiana, and Mr. REED, of Maine. I hope it will be granted.

Mr. ROGERS. What I wish to say is in response to the query of the gentleman from Maine [Mr. REED], who asked why it was that Mr. Garland could not appear in the prosecution of this suit. The answer to that is, that long before he became Attorney-General he was the pub-

lished general counsel of the Pan-Electric Company. In addition to that, as I understand the fact, this litigation was brought about at the instance, in part, of the Pan-Electric Company, of which Mr. Garland was then a stockholder. Therefore, having at a former period been counsel of the company, and being a stockholder also, at the time of the institution of the suit for the cancellation of the Bell patent he could not, upon grounds of professional ethics, appear in that case at all. So that if to-day he were completely relieved of every dollar of stock that he owns in that company, and had no longer any interest in it, still it does not occur to me that, with due regard to professional ethics, he could appear at all in the pending litigation.

Mr. DUNN. Will my colleague permit me to correct him on one point?

Mr. ROGERS. I will if I am mistaken.

Mr. DUNN. You said "this litigation;" the litigation now pending was not begun at the instance of any telephone company, but at the instance of the Government. The first suit was begun at the instance of a number of companies, but this litigation was not, and no telephone company has anything to do with it except the Bell company, which is defending.

Mr. ROGERS. I simply desire to convey this idea, that as I understand it this whole effort to cancel the Bell patent was brought about by and grew out of the suit which was instituted at Memphis after Mr. Garland had become the general published counsel of the Pan-Electric Company and was also a stockholder, and that, therefore, professional ethics forbade his appearing in this litigation at any stage in the proceeding.

The SPEAKER. The question is on agreeing to the amendments reported from the Committee on Rules. Are separate votes upon the amendments demanded? If not, the vote will be taken in gross.

The amendments were agreed to.

The resolution as amended was then adopted.

Mr. MORRISON moved to reconsider the vote by which the resolution was adopted; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

MONOPOLY OF TELEGRAPHIC FACILITIES.

Mr. DOCKERY. Mr. Speaker, I desire to present a privileged report from the Committee on Accounts.

The report was read, as follows:

"IN THE HOUSE OF REPRESENTATIVES, *February* 1, 1886.

"*Resolved*, That the Committee on the Post-Office and Post-Roads is hereby empowered to ascertain whether additional legislation is needed to prevent a monopoly of telegraphic facilities, to secure to the Southern, Western, and Pacific States the benefits of competition between telegraph companies, and to protect the people of the United States from unreasonable charges for telegraphic services. Said committee is hereby authorized to send for and examine persons, books, and papers, to administer the oath to witnesses, and to employ a stenographer; and the expenses of such investigation, not to exceed a total of $2,500, are hereby authorized to be paid out of the contingent fund of the House in the manner now provided by law."

This resolution was reported favorably from the Committee on the Post-Office and Post-Roads and referred to the Committee on Accounts for consideration as to the expenditure authorized to be made from the contingent fund of the House. The object of the resolution is to enable the Committee on the Post-Office and Post-Roads to inquire into the relation of the land-grant railroads to certain telegraph lines, and to ascertain whether the conditions under which land grants were made to such roads, and bonds issued by which telegraphic lines were to be constructed and maintained by such roads, are being complied with. To do this, in the opinion of the Committee on the Post-Office and Post Roads, it may become necessary to send for persons and papers, and to examine witnesses under oath. The Committee on the Post-Office and Post-Roads having recommended to the House that this authority be given to it, the Committee on Accounts respectfully report the resolution back with the recommendation that the expenditure from the contingent fund, or so much thereof as may be necessary, not to exceed $1,500, be authorized.

Mr. DOCKERY. Mr. Speaker, the report, I think, shows very clearly the purpose of the resolution. If any one desires further explanation, I will yield to the gentleman from Kansas [Mr. ANDERSON], the author of the resolution, to make it; but, if not, I shall demand the previous question on the adoption of the amendment and the passage of the resolution.

The previous question was ordered. The amendment was agreed to, and the resolution as amended was then adopted.

Mr. DOCKERY moved to reconsider the vote by which the resolution was adopted; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

DEFICIENCY APPROPRIATION BILL.

Mr. BURNES, from the Committee on Appropriations, reported a bill (H. R. 5893) to provide for certain of the most urgent deficiencies in the appropriations for the service of the Government for the fiscal year ending June 30, 1886, and for other purposes; which was read a first and second time, referred to the Committee of the Whole House on the state of the Union, and, with the accompanying report, ordered to be printed.

Mr. ROGERS. I reserve all points of order on this bill.

SMOKING IN THE HALL.

The SPEAKER. The Clerk will read clause 7 of Rule XIV.

The Clerk read as follows:

While the Speaker is putting a question or addressing the House no member shall walk out of or across the Hall, nor, when a member is speaking, pass between him and the Chair; and during the session of the House no member shall wear his hat, or remain by the Clerk's desk during the call of the roll or the counting of ballots, or smoke upon the floor of the House; and the Sergeant-at-Arms and Doorkeeper are charged with the strict enforcement of this clause

The SPEAKER. Complaint is made that this rule is violated by smoking upon the floor of the House. The Chair hopes that gentlemen will observe the rules, because the air of the House unfortunately is bad enough at any rate. The officers of the House will see that this rule is respected.

ORDER OF BUSINESS.

The SPEAKER. This being Friday, the Chair will proceed to call the committees for reports of a private nature.

CHANGES OF REFERENCE.

On motion of Mr. BRAGG, by unanimous consent the Committee on Military Affairs was discharged from the further consideration of bills of the following titles; which were respectively referred as indicated:

A bill (H. R. 4494) to confer the rank of lieutenant by law on Nathaniel Johnson Coffin—to the Committee on Pensions.

A bill (H. R. 3513) for the relief of Paul Leary—to the Committee on War Claims.

A bill (H. R. 2786) to remove the charge of desertion which now stands against the name of Thomas Cummings—to the Committee on Naval Affairs.

A bill (H. R. 4385) granting a pension to J. M. Dennis—to the Committee on Invalid Pensions.

WILLIAM HUNTINGTON.

Mr. HOWARD, from the Committee on Claims, reported back favorably the bill (H. R. 2918) for the relief of William Huntington; which was referred to the Committee of the Whole House on the Private Calendar, and the accompanying report ordered to be printed.

JULIA D. GRANT.

Mr. JONES, of Texas, from the Committee on the Post-Office and Post-Roads, reported back favorably the bill (S. 579) granting the franking privilege to Julia D. Grant; which was referred to the Committee of the Whole House on the Private Calendar, and the accompanying report ordered to be printed.

ELON A. MARSH AND MINARD LAFEVER.

Mr. ATKINSON, from the Committee on Patents, reported, as a substitute for H. R. 1779, a bill (H. R. 5894) for the relief of Elon A. Marsh and Minard Lafever; which was read a first and second time, referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

House bill 1779 was, by unanimous consent, laid on the table.

Mr. GILFILLAN. I am instructed by a minority of the Committee on Patents to ask leave to present their views on the bill just reported to accompany the report of the majority.

The SPEAKER. If there be no objection the leave requested will be granted.

There was no objection.

NEWTON DAY.

Mr. MATSON, from the Committee on Invalid Pensions, reported back with amendment the bill (H. R. 448) granting a pension to Newton Day; which was referred to the Committee of the Whole House on the Private Calendar, and the accompanying report ordered to be printed.

ENOCH GOSS.

Mr. MATSON, from the Committee on Invalid Pensions, also reported back favorably the bill (H. R. 549) granting a pension to Enoch Goss; which was referred to the Committee of the Whole House on the Private Calendar, and the accompanying report ordered to be printed.

DANIEL H. ROSS.

Mr. MATSON, from the Committee on Invalid Pensions, also reported back favorably the bill (H. R. 524) granting a pension to Daniel H. Ross; which was referred to the Committee of the Whole House on the Private Calendar, and the accompanying report ordered to be printed.

ROBERT C. M'KEE.

Mr. MATSON, from the Committee on Invalid Pensions, also reported back favorably the bill (H. R. 525) to restore Robert C. McKee to the pension-roll; which was referred to the Committee of the Whole House on the Private Calendar, and the accompanying report ordered to be printed.

ADVERSE REPORTS.

Mr. MATSON, from the Committee on Invalid Pensions, also reported back adversely bills of the following titles; which were severally laid on the table, and the accompanying reports ordered to be printed:

A bill (H. R. 526) for the relief of Anna Hollikoh; and

A bill (H. R. 519) granting a pension to Joseph Van Arsdel.

FREELAND HASTON.

On motion of Mr. MATSON, by unanimous consent the Committee

on Invalid Pensions was discharged from the further consideration of the bill (H. R. 4480) authorizing and directing the Secretary of the Interior to place the name of Freeland Haston on the pension-roll; and the same was referred to the Committee on Pensions.

ALONZO V. RICHARDS.

Mr. CONGER, from the Committee on Invalid Pensions, reported back favorably the bill (H. R. 601) granting a pension to Alonzo V. Richards; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

MRS. CATHERINE M'CARTY.

Mr. CONGER, from the Committee on Invalid Pensions, also reported back favorably the bill (H. R. 5603) granting a pension to Mrs. Catherine McCarty; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

JOSHUA L. MORRIS.

Mr. CONGER, from the Committee on Invalid Pensions, also reported back favorably the bill (H. R. 5599) granting a pension to Joshua L. Morris; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

ANTHONY HARSEL.

Mr. MORRILL, from the Committee on Invalid Pensions, reported back favorably the bill (H. R. 4114) granting a pension to Anthony Harsel; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

LEANDER C. MITCHELL.

Mr. MORRILL, from the Committee on Invalid Pensions, also reported back with an amendment the bill (H. R. 4992) restoring Leander C. Mitchell to the pension-roll; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

CHANGE OF REFERENCE.

On motion of Mr. MORRILL, the Committee on Invalid Pensions was discharged from the further consideration of the bill (H. R. 5312) granting arrears of pension to Hugh O'Neill; and the same was referred to the Committee on Pensions.

H. P. M'FARLIN.

Mr. WINANS, from the Committee on Invalid Pensions, reported back with an amendment the bill (H. R. 3848) for the relief of H. P. McFarlin; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

MARY S. DOUGLAS.

Mr. WINANS, from the Committee on Invalid Pensions, also reported back favorably the bill (H. R. 2805) granting a pension to Mary S. Douglas; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

JANE M. LANGLEY.

Mr. O'HARA, from the Committee on Invalid Pensions, reported back favorably the bill (H. R. 2254) for the relief of Jane M. Langley; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

ADVERSE REPORT.

Mr. O'HARA, from the Committee on Invalid Pensions, also reported back adversely the bill (H. R. 3668) granting a pension to Walter D. Plowden; which was laid upon the table, and the accompanying report ordered to be printed.

FREDERICK BAUMAN.

Mr. PINDAR, from the Committee on Invalid Pensions, reported back favorably the bill (H. R. 4589) granting a pension to Frederick Bauman; which was referred to the Committtee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

CHANGE OF REFERENCE.

On motion of Mr. PINDAR, the Committee on Invalid Pensions was discharged from the further consideration of the bill (H. R. 2859) for the relief of William Betts; and the same was referred to the Committee on Pensions.

JOSEPH CHALFANT.

Mr. SWOPE, from the Committee on Invalid Pensions, reported back favorably the bill (H. R. 2011) granting a pension to Joseph Chalfant; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

ADVERSE REPORT.

Mr. SWOPE, from the Committee on Invalid Pensions, also reported back adversely the bill (H. R. 2012) granting a pension to Alexander Caskey; which was laid on the table, and the accompanying report ordered to be printed.

CHANGE OF REFERENCE.

On motion of Mr. ELDREDGE, the Committee on Pensions was discharged from the further consideration of the bill (H. R. 5779) granting a pension to Peter Falkner; and the same was referred to the Committee on Invalid Pensions.

On motion of Mr. SPRINGER, the Committee on Claims was discharged from the further hearing of the bill (H. R. 3761) to quiet land titles in the State of Mississippi; and the same was referred to the Committee on Indian Affairs.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. MCCOOK, its Secretary, announced that the Senate had passed a bill of the following title; in which the concurrence of the House was requested:

A bill (S. 54) to provide for the allotment of lands in severalty to Indians on the various reservations and to extend the protection of the laws of the United States and the Territories over the Indians, and for other purposes.

SAMUEL H. MOER.

Mr. JOHNSTON, of Indiana, from the Committee on War Claims, reported back with favorable recommendation the bill (H. R. 3365) for the relief of the heirs and legal representatives of Samuel H. Moer; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

ADVERSE REPORTS.

Mr. JOHNSTON, of Indiana, from the Committee on War Claims, also reported back with adverse recomendation bills of the following titles; which were severally ordered to be laid on the table, and the accompanying reports printed, namely:

A bill (H. R. 1337) for the relief of the Protestant orphan asylum of Natchez, in the State of Mississippi;

A bill (H. R. 811) for the relief of the trustees of the Baptist church at Crab Orchard, Ky.; and

A bill (H. R. 815) for the relief of the heirs at law of John Patton, deceased.

WASHINGTON L. PARVIN AND HENRY A. GREENE.

Mr. LYMAN, from the Committee on War Claims, reported back with favorable recommendation the bill (H. R. 5535) for the relief of Washington L. Parvin and Henry A. Greene; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

PATRICK FLYNN.

Mr. LYMAN, from the Committee on War Claims, also reported back with adverse recommendation the bill (H. R. 331) for the relief of Patrick Flynn.

On motion of Mr. HITT, the bill with adverse recommendation was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

ALEXANDER WORRALL.

Mr. GEDDES, from the Committee on War Claims, reported back with amendments the bill (H. R. 4476) for the relief of Alexander Worrall; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

ORDER OF BUSINESS.

The SPEAKER. This completes the call of the standing and select committees.

Mr. SPRINGER. I move that the House resolve itself into Committee of the Whole for the consideration of the Private Calendar.

The motion was agreed to.

The House accordingly resolved itself into Committee of the Whole, Mr. HATCH in the chair.

The CHAIRMAN. The House is now in Committee of the Whole for the consideration of the Private Calendar. The Clerk will report the first bill.

JAMES MILLINGER.

The first business on the Private Calendar was the bill (H. R. 1217) for the relief of James Millinger.

The bill is as follows:

Be it enacted, &c., That the Secretary of War be, and he is hereby, authorized and directed to examine into, ascertain, and determine the value of property appropriated by the United States forces, belonging to James Millinger, while engaged in the lumber and planing-mill business, at Nashville, Tenn., during the years 1862, 1863, 1864, and 1865, and also the loss said Millinger sustained on account of the military occupation of the Overton House, in said city, during said years; and the sum of $22,000, or so much thereof as may be necessary, is hereby appropriated, out of any moneys in the Treasury not otherwise appropriated, to enable the Secretary of War to adjust and the accounting officers of the Treasury to pay said Millinger the amount of his said losses, as allowed and approved under authority of this act: *Provided*, That the award of the Secretary of War for such losses shall be final, and the payment thereof shall be held and taken as a complete relinquishment and satisfaction of all claim for damages sustained by him as aforesaid.

Mr. SPRINGER. I call for the reading of the report.

The report (by Mr. PERRY) is as follows:

The claimant alleges that he was a loyal citizen, residing at Pittsburgh, Pa., in 1860, when he entered into a partnership with Robert McClay to carry on the lumber and planing-mill business at Nashville, Tenn. The style of the firm was Robert McClay & Co., and they erected at Edgefield, Tenn., a steam saw-mill, which cost them $13,000.

It is alleged that in April, 1860, the said firm contracted with John Overton, of Nashville, Tenn., to build a large hotel there; that the work was well under way when the war commenced, and was continued till the capture of Nashville by the United States troops under General Buell; that in September, 1862, said hotel was taken by the United States forces, and held and used as barracks by United States troops till September, 1865, thus preventing said firm from completing the building according to contract.

It is also alleged that the United States forces took possession of the said saw-mill early in 1862, and ran the same one hundred and fifty-eight days, and consumed 50,000 feet of lumber and saw-logs belonging to said firm.

It is alleged that on the return of Overton from the rebellion, in February, 1865, he took the oath of allegiance, and received from the Government rent for the use of said hotel after that time.

Claimant applied to the War Department for relief, and the Qurtermaster-General referred the matter to General Thomas Sands, who instructed General George W. Marshall, at Nashville, to investigate and report thereon. He reported as follows:

ASSISTANT QUARTERMASTER-GENERAL'S OFFICE,
Nashville, January 31, 1867.

Respectfully returned with the information that the case has been carefully and thoroughly investigated. Mr. Millinger having failed to furnish any memoranda or statement of articles lost or destroyed on account of the military occupation of the building, we called upon his attorney in this city, who made the inclosed statement, which is taken from the chancery court records in this city, and set forth in a suit brought by him, or firm to which he belonged, against Overton.

This statement has been submitted to the most reliable architects, builders, and mechanics in this city, and they inform me that the prices charged were low at the time the articles were furnished, and much below what it would cost to replace them. By examination of the affidavit of Charles Ferguson, taken in the city of Pittsburgh, Pa., and used as evidence in the suit in chancery, we find that the articles enumerated in George W. Jenkins's communication were shipped to this place by Millinger, and were placed in the Overton House, and that he (Millinger) purchased all the interest in this claim from his partner, assuming all responsibility for the indebtedness of the firm by virtue of their contract for the construction of this building. Careful investigation shows that at the time the military took possession of the building Millinger (or his firm) had in said building—

540 doors and trimmings, worth	$5,654 75
670 windows and trimmings, worth	12,573 00
Base-boards and grounds, worth	1,668 00
Total value of property	19,893 75

All these articles were destroyed by the soldiers quartered in said building.

Undoubtedly Mr. Millinger's claim for $19,893.75 is just and right, and $22,000 would not replace the articles destroyed.

GEO. W. MARSHALL,
Brevet Major-General and Assistant Quartermaster General.

Received at the Assistant Quartermaster-General's Office, Louisville, February 4, 1867. Respectfully returned to the Quartermaster-General. Attention invited to the foregoing indorsement:

THOMAS SANDS,
Assistant-Quartermaster, U. S. A.

The War Department decided that it had no authority to pay the claim. The claimant then filed a claim before the commissioners of claims, and this tribunal held that it had no jurisdiction of the case.

The claimant alleges that McClay's interest in the contract was assigned to him, but furnishes no evidence of such assignment. There is no evidence to show the amount of work that had been done upon the hotel. There is no evidence to show what the claimants's interest was in the property of the firm of R. McClay & Co.

It seems that an investigation by the Secretary of War is a matter of necessity before intelligent action can be had upon this case.

The committee therefore report the accompanying bill for his relief, with recommendation that it pass.

Mr. PERRY. I think that the principal facts upon which this bill is based are sufficiently set forth in the report of the committee. I do not know that I could add anything to it, and unless there is some opposition I move that the bill be laid aside to be reported to the House with a favorable recommendation.

Mr. HOUK. I would like to ask the gentleman in charge of this bill a question. I imperfectly heard the reading of the report, but, as I understand it, this is in effect to provide payment for property destroyed in the Zollicoffer barracks, Nashville?

Mr. PERRY. No, sir; in the Overton House.

Mr. HOUK. Well, it is the same building.

Mr. NEGLEY. I think the question as to the facts in this case, with permission of the gentleman from Tennessee, can be answered in a very few words.

This property, Mr. Chairman, was destroyed by the Federal troops. It was property which was in the building at the time of its occupation by the troops of the United States. This building was taken possession of and occupied by a portion of my command, and this man——

Mr. WARNER, of Missouri. Will the gentleman from Pennsylvania yield for a question?

Mr. NEGLEY. Certainly.

Mr. WARNER, of Missouri. Does not the report state the fact that Mr. Overton was paid for the rent of the building, and this claim is made now for property—doors, windows, sashes, and other materials destroyed by the Federal troops while occupying the building?

Mr. NEGLEY. I know nothing of the destruction of the property or the data upon which the committee made its report.

Mr. WARNER, of Ohio. The report of the Assistant Quartermaster-General, as shown here, sets out that—

All these articles were destroyed by the soldiers quartered in said building.

The claim is for some $19,893.

Mr. NEGLEY. It is altogether possible that the property was destroyed.

Mr. HOUK. Now, Mr. Chairman——

The CHAIRMAN. The gentleman from Pennsylvania is entitled to the floor.

Mr. HOUK. I was wondering how the gentleman got the floor away from me.

The CHAIRMAN. The Chair was under the impression that the gentleman from Tennessee had yielded the floor, and recognized the gentleman from Pennsylvania.

Mr. HOUK. Very well.

Mr. NEGLEY. I thought the gentleman was seeking information and desired to give it to him. From the fact that my command occupied a portion of this building, and perhaps all of it, for the period covered by this claim, and possibly did destroy this property, I am sure Mr. Millinger is the loser.

He was in Pittsburgh, unable to go there and protect his property, and for months it was occupied by the troops with the presumption that Mr. Overton was in the Southern confederacy and an enemy of the country, and they had very little respect consequently for his property. Later on Mr. Millinger made an effort to obtain pay. Failing in that, he now appeals to Congress, and all I need say is, the claim is a just one. Mr. Millinger is an honest man, and he has waited for years for this small contribution toward a large loss.

Mr. HOUK. I did not seek the floor with the view of antagonizing this bill except conditionally. From the reading of the report and the statement of the gentleman from Pennsylvania [Mr. NEGLEY] it appears this is a bill seeking payment for property not delivered to or used by the Army, but destroyed in the exigencies of war. Now, I am as liberal as any man ought to be, and I am perfectly willing to vote for this bill on condition that all other claimants who were loyal to the country shall be paid on precisely the same conditions. But, sir, for the past seven years, and how long before I do not know, when one of my constituents, or some Union man from the South, where it cost something to be a friend of this Government in those days, comes here and presents a claim for property under precisely the same circumstances we are told that the Government does not pay for property destroyed in the progress of the war.

I therefore desire to say, and have only sought the floor for the purpose of saying, that if the Committee on War Claims and this House propose to lay down the rule to pay all persons alike for this class of property which was destroyed I will vote for it, but I am unwilling to stand here and see my constituents and the people in the border States every day repelled from Congress and from the Departments on the ground that their property was destroyed in the processes of war, and then stand here and see a man, because forsooth he comes from the other side of the line, paid for his property destroyed under precisely the same circumstances. It is unfair. It is unjust. It is not treating all alike. If this report is correct this bill ought not to pass unless this House is ready to say to every claimant who can place himself before Congress as loyal and whose property was destroyed—unless this House is ready to say to all such "come on with your claims, and all will fare alike and all will be paid alike." I am in favor of that and will support this bill if you pass it with that understanding.

This is about all I want to say. Let us do justice in these matters. Let us be entirely fair to these claimants. Let us understand what we are doing. This report says this property was destroyed, when from the report nobody knows what became of it, except that it was destroyed.

Mr. STEELE. Do you know it was destroyed?

Mr. HOUK. We do not know from the report what became of it. It was there, and then it was not there. But what I want to call the attention of the House to, and to emphasize it, is that it is not right to treat men from one side of the line in this country one way and men from the other side of the line in another way. I know my constituents are constantly repelled, men who were as loyal as anybody, men who were in the United States service at the time their property was taken. Colleges in my country, that were used and occupied precisely like this hotel, were used for barracks, used for hospitals, used for various army purposes, the very colleges which sent out and built up the loyal sentiment in my country that made the people adhere to the Union come here and ask pay for their property destroyed in this way, and they are repelled constantly, and told it was destroyed in the progress of the war, and that it is not the policy of the Government to pay for it.

Mr. NEGLEY. Will the gentleman allow me to ask him a question?

Mr. HOUK. Yes, sir.

Mr. NEGLEY. Have there not been millions of dollars paid to Southern claimants upon many claims where the evidence was of a very doubtful character? To my own knowledge there have been millions of dollars paid for cotton and other Southern products.

Mr. HOUK. Possibly there have been. There are two millions of

dollars due to the people of Tennessee for property with a better foundation than this case has and where the parties have not the face to ask for pay.

Mr. NEGLEY. I know the gentleman tries to be fair——

Mr. HOUK. I try to be.

Mr. NEGLEY. Then I suggest to him that he should treat each case on its merits. I am sure he has not examined this case carefully. If he did so, he would not make the assertion that there are any claims now pending more meritorious than this one.

Mr. BUCHANAN. The claimant in this case resides near my own home. He is old, broken down, and penniless. He has with him a blind wife. They are supported by the daily wages of a son at the hardest of manual toil. At the breaking out of the war he was a man of means, and extensively engaged in business; and residing in Pittsburg, he had upon his hands a contract for the erection of a building in Nashville.

During the erection of that building, and before it was turned over to the owner, the war broke out, and the unoccupied building was taken possession of by the United States troops, and this gentleman has never been able from that day to this to recover from the owner of the building for the work done or the material furnished in the erection of that building, because of the technical defense that he did not complete the work within the time specified in the contract.

The owner of that building in Nashville, Tenn., has the fruits of this man's toil to-day; so that in a contest of equity between inhabitants of Tennessee and the people of other portions of the country there is that to be taken into consideration.

Mr. HOUK. Will the gentleman permit me a question?

Mr. BUCHANAN. Certainly.

Mr. HOUK. You say that the owner of this building in Nashville has the fruits of this claimant's toil.

Mr. BUCHANAN. Yes, sir.

Mr. HOUK. Then why do you ask the Government to pay for John Overton's building?

Mr. BUCHANAN. We do not ask the Government to pay for these fruits of this claimant's toil, but we do ask it to pay for other things which the Government got the benefit of. We do not, in this bill, ask the Government to pay a cent for the erection of the building, but at the time it was taken possession of by the troops there were in it, according to the report of the agent of the Quartermaster's Department, made shortly after and never disputed, five hundred and forty doors and trimmings, six hundred and seventy windows and trimmings, and a lot of base-boards and grounds. Those had been put in that building ready to be placed in position, but were not yet in position, and they were used by the troops that were quartered in the building. The men took the doors and the window-frames to boil their coffee with. And now shall this great Government of ours say to this man that he shall not be paid for that material which was taken and used by the troops of the Government for such purposes? This property was destroyed, part of it in that way and part of it in another; but the agent of the Quartermaster's Department has reported that these materials were in the building at the time, and I quote the words of the report: "All these articles were destroyed by the soldiers quartered in said building."

Now what does this bill propose?

Mr. HOUK. Will the gentleman yield for another question?

Mr. BUCHANAN. Certainly.

Mr. HOUK. If you are going to pay this man for this property that was destroyed as you have stated, why is it that your committee fails to report and permits to lie unacted upon bills to pay a half-dozen colleges whose property was used in a similar manner, or used more directly for the benefit of the Government?

Mr. BUCHANAN. Mr. Chairman, the inquiry of the gentleman may be pertinent, but it is addressed to the wrong person. I am not a member of that committee.

Mr. HOUK. Excuse me.

Mr. BUCHANAN. I have no interest in this bill except to see that right is done to a deserving and needy man. As I was going on to say when the gentleman asked this question, what does this bill propose? It proposes simply this, not to accept the investigation which has already been made under the direction of the Quartermaster's Department, but to authorize the Quartermaster-General to again investigate this claim and pay what he finds to be due. Now, is there any reason why such an authority should not be vested in the Quartermaster-General's Office? I believe the bill does not go as far as it ought to go. I believe we ought to be willing in this House to accept the findings of the Quartermaster's Department heretofore made. Those findings are already on file in the office of the Quartermaster-General, but this bill is so guarded that we do not ask him to accept them; we authorize him to investigate the claim again and to pay such proportion of the amount claimed as he finds should be paid. As I have said, this man to-day is penniless. The gentleman from Tennessee [Mr. HOUK] has spoken of other claims coming from his State and elsewhere. This man also has other claims which he does not ask us to pay, because he knows that under the past policy of Congress he can not expect to be paid. Nevertheless it is a fact that, independent of the property involved in this claim, he has contributed the whole of his fortune for the success of the Union cause. It seems to me, Mr. Chairman, that there should be no question about the passage of this bill.

Mr. MCMILLIN. Will the gentleman permit me to ask him a question?

Mr. BUCHANAN. Certainly.

Mr. MCMILLIN. Will you help pay other claims of a similar nature to this?

Mr. BUCHANAN. I will, most assuredly.

A MEMBER. That is "log-rolling."

Mr. BUCHANAN. I do not care whether it is log-rolling or not; if it is honesty toward loyal men, I say yes to the gentleman from Tennessee.

Mr. HOUK. That is the contract I have been trying to make

Mr. BUCHANAN. If the gentleman puts it on any "Pan-Electric" basis, I shall have to repudiate it. [Laughter.]

Mr. ROWELL. Mr. Chairman, there is a feature of this case which has not been stated either in the report or by any gentleman who has attempted to explain the case.

This gentleman had a contract to build a hotel in the city of Nashville, Tenn., for a man named Overton. When Nashville was taken possession of by the Union forces Mr. Overton went with his friends southward, and continued within the confederate lines until the close of the war. He was a disloyal man; and his property in the city of Memphis and this uncompleted hotel in the city of Nashville were taken possession of by the Union forces and were used from that time until the cessation of hostilities. In this hotel were a large number of doors and window-blinds not yet placed in position—not one of them a kind of property necessary for the use of the army. As a matter of course, this large hotel being used by the Union forces, the doors and window-blinds lying around loose were destroyed. Mr. Millinger thought he had an action against Overton for the destruction of this property, and he commenced a suit in the courts of Tennessee to obtain a mechanic's lien against this building for the amount of property that he had placed in it—these doors and blinds. He was defeated in his action because the property had not been placed in position, and the owner of the building did not get the benefit of it.

Mr. BUCHANAN. And on the other ground that he had not completed the building within the time specified in the contract.

Mr. ROWELL. The first ground was enough. He then filed his claim against the United States for the rental value of the building, claiming that, being in possession, not having delivered the building over to the owner, he was entitled to the rent; and that he, being loyal and being in possession for the purpose of completing the building, the disloyalty of Overton should not prevent him from collecting the rent from the United States, which rent during the time the building was occupied would cover his claim for the destroyed property.

At the same time he owned a mill, with which Overton had nothing to do, and which did belong to a loyal man. That mill was taken possession of and used by the United States forces. In the last Congress I reported a substitute bill, providing for an investigation of the rental value of this mill. If that is the purpose of the bill now before us, I am in favor of it; but if this bill is to go further and admit the doctrine that the Government of the United States is to pay for the destruction of a lot of doors and window-blinds which in the exigencies of war were destroyed by the "boys" of the army who perhaps did not in all cases respect private property as much as they ought to have done, then I am opposed to that portion of the bill. If the bill simply covers an investigation of the rental value of this man's mill, I am in favor it.

Mr. NEGLEY. If the gentleman will allow me, I think I can correct a false impression in his mind. This property was really not destroyed in the sense in which we use the term with reference to other property taken without necessity. Nashville at that time was in a state of siege. The troops were unable to obtain lumber or fire-wood except by cutting down trees within the confines of the city. During this period a portion of these doors, &c., was used to inclose the building, which was at that time occupied as a hospital. A large portion—perhaps the greater portion—of this property was used in that way, and thus destroyed. I say there is no good ground to refuse payment in this case. It is technical and unfair to ask a man, after these many years, to come in here and make proof when he was at the time thousands of miles from that spot which was then within the control of the United States forces.

Mr. HOUK. I concur with the gentleman from Pennsylvania; but if there be good ground in favor of this claim, that good ground should be applied alike to everybody under similar circumstances.

Mr. NEGLEY. I will vote with the gentleman for every act of justice; and I enter my protest here and now against the rejection of honest claims against the Government.

Mr. ROWELL. Mr. Chairman, I did not read the evidence as it is now stated to be by my friend from Pennsylvania [Mr. NEGLEY]. Yet I think I read all the evidence there was in this case during the Forty-eighth Congress.

Mr. NEGLEY. But the gentleman forgets the fact that I am a living witness to the statement I have made; and I certainly have made no statement before.

Mr. ROWELL. Certainly I accept the statement of the gentleman

as a "living witness." But in the consideration of a case before the War Claims Committee the testimony of living witnesses ought to be reduced to writing and put on file so that we might consider it.

Mr. NEGLEY. But I was not a claim agent. I had nothing whatever to do with this case; had no knowledge it was pending, and I was not here to make any statement.

Mr. ROWELL. Witnesses are not claim agents.

Mr. NEGLEY. A good many of them are. [Laughter.]

Mr. ROWELL. I undertake to say that no quartermaster ever seized doors and windows to be burned as fuel in a place like Nashville, situated as it was at the time this building was taken possession of and when this property disappeared. Nashville was not in a state of siege when this building was first occupied, nor for a long time thereafter.

Mr. NEGLEY. Why, the gentleman has certainly not followed the course of events there. From the very moment when General Buell withdrew from Nashville the city was substantially in a state of siege, and there was not a pound of forage or grain or food obtained except by armed forces.

Mr. ROWELL. Oh, if the presence of a few guerrillas or raiding cavalry forces made Nashville in a state of seige, then every point occupied in the State of Tennessee during all the war was in a state of siege. There was not any trouble in getting wood at Nashville, as we know by the wood contracts which have turned up in Congress time after time, there being at least two during this Congress.

The point I desire to make is this: Congress cannot enter upon the business of paying for depredations. I undertake to say that the injury to the Overton building and the destruction of the finished material about to be put into place can not be classed in any other way than as depredations. I am willing and anxious to vote to pay for every honest claim, but I am opposed to opening the door and entering upon this other line of claims. They exist everywhere.

Mr. BUCHANAN. Will the gentleman let me ask him a question?

Mr. ROWELL. Yes, sir.

Mr. BUCHANAN. Did we not the other day pass a bill providing for the payment of a claim in Kentucky for thirty-odd cords of wood, and did not the committee raise the price from $3, as originally charged, to $6, as allowed in the bill and report, and was not the reason for that expressly stated by one of the gentlemen from Kentucky to be because they included in it fence-rails, and were not those depredations?

Mr. ROWELL. It has been my experience that dry fence-rails make good fuel.

Mr. BUCHANAN. But they can not beat a good pine door.

Mr. ROWELL. It was my experience when I passed across the river below Vicksburg that by order of the commanding general of the Army all the fence-rails were taken down and cut up into cord-wood to be used on the steamboats. While it is true a pine door makes pretty good fuel, it would be very expensive. I recollect that we passed a bill in the last Congress to pay for cutting up the planking on a pier running out into one of the bays of the Pacific Ocean, but we reduced all that planking to cord-wood and allowed only for the value of that cord-wood. Now, if you will take the pine boards that went into the doors and the pine boards that went into the window-blinds and reduce them to cord-wood and prove that cord-wood was seized by proper authority or under proper circumstances, I would be willing to pay for it; but I am not willing to pay for diamonds when we only need anthracite coal. I am not willing because the Government took lawful possession of a hotel, owned by a man who would not remain in the Union lines, to pay under color of loyalty for injury done to that building.

Mr. BUCHANAN. But this property never did belong to that man.

Mr. ROWELL. Mr. Overton?

Mr. BUCHANAN. It had never passed into his possession.

Mr. ROWELL. There are a great many pieces of property out of his possession which may belong to a man. The courts of Tennessee decided he was entitled to the property; that Overton owned the property and was entitled to it, and that Millinger was not entitled to receive pay for his blinds and doors.

Mr. BUCHANAN. Does not the gentleman understand that when he is erecting a building under contract, a building to be delivered at a future time, the material not yet placed in position remains his? That is a fundamental principle.

Mr. ROWELL. That depends on the statute law of the State; but the possession of the building under the laws of Tennessee did not remain in him, and he had not any right to run the building under the claim he made.

Mr. BUCHANAN. Did not remain in whom?

Mr. ROWELL. In the man who was erecting the building.

Mr. BUCHANAN. Mr. Millinger?

Mr. ROWELL. He was the contractor and did not have possession of the building he was erecting.

Mr. BUCHANAN. He had possession of it for the purpose of completing his contract.

Mr. HOWELL. He was a loyal Pennsylvanian inside the rebel lines, and going ahead with work for disloyal men during the continuance of the war.

Mr. BUCHANAN. But in a State that was not declared to be in a state of insurrection.

Mr. ROWELL. But in a State declared to be in a state of insurrection.

Mr. O'NEILL, of Pennsylvania. Mr. Chairman, the gentleman from Illinois [Mr. ROWELL] has said he would not oppose an honest claim. I have looked into this matter; this gentleman, Mr. Millinger, being a Pennsylvanian, who in good faith took, with the other members of his firm, a contract to build the Overton Hotel. I believe that fact is undisputed. About 1862 Mr. Overton thought it worth while to go beyond the Union lines and join the army of the enemy. I do not know whether or not he was fleeing for his life, but still he went South; there is no disputing that fact, and he staid away until 1865, getting back some time in the spring of that year, and sought pardon from this most beneficent Government, and he got it. He then set up some claim for the rent of that building, and I say this in reply to the gentleman from Missouri [Mr. WARNER], that he made this claim for a few months' rent and it ended in the proper department of the Government paying him the rent. I do not know how much was allowed, but it was occupied in that way for some three or four months at a rental value of $3,000, or about that.

Now, Mr. Millinger was the party who suffered. He complied with his contract as far as he was able to comply with it, and hence he had the right to have the benefit of the work that he had done and the material that he had purchased. He could not get that in the courts of Tennessee, because they decided that the building was not finished and had not been delivered to Overton under the contract. His only resource then is to come here and ask Congress to award to him so much money for the loss he has sustained. It is a very simple case. The Committee on War Claims, it should be remembered, do not absolutely ask to have the twenty or twenty-two thousand dollars appropriated to pay the claim; but the bill provides in its last few lines that it must go to the War Department, which Department must examine into the character of the claim and the facts upon which it is based, and it must go through that Department satisfactorily before they can get $1 of the $22,000 that the committee recommends shall be paid if the claim is allowed or is favorably recommended by the Department. Mr. Millinger can not get a dollar unless the vouchers which are examined by the Department of the Government are declared to be right and proper.

Mr. WARNER, of Missouri. Will the gentleman permit a question?

Mr. O'NEILL, of Pennsylvania. Yes, sir.

Mr. WARNER, of Missouri. Do I understand the gentleman from Pennsylvania to claim that one cent of the $22,000 provided for in this bill is for rent or occupation of the Overton building during the war?

Mr. O'NEILL, of Pennsylvania. No, sir; not for rent.

Mr. WARNER, of Missouri. And is it not a fact that by the express provisions of the bill, under the report of the Committee on War Claims, the entire amount is allowed for the articles that were destroyed by the United States troops while they occupied it?

Mr. O'NEILL, of Pennsylvania. Yes, sir; that is what I have said.

Now, sir, and answering the gentleman's question in the affirmative, this claim is for the material that was in that building which belonged to Mr. Millinger when the United States troops took possession of it and destroyed this material. They occupied it for three years or more, from 1862 to 1865, and these articles were taken. I do not mean to say they were all destroyed, but were used for some purpose or other, and Mr. Millinger could never get compensation for his material which was in the building. He could have gone on and completed this contract if he had been permitted to do so. He was ready to continue his work and complete the building; and here the matter stares us in the face that this material, valued at $22,000, was taken possession of in some form or other, and the owner of it comes now and asks Congress to give him that amount of money for his material. That is all there is of it.

And yet this bill, as I have said before, does not give it absolutely, but remands the question to the War Department; so that under any circumstances we are not in danger of paying anything to Mr. Millinger, or acknowledging any claim of his that is not susceptible of proof which must be satisfactory to the proper authorities.

Mr. WARNER, of Missouri. May I ask another question?

Mr. O'NEILL, of Pennsylvania. Certainly.

Mr. WARNER, of Missouri. I wish to ask if by the terms of this bill Congress does not pledge itself to the doctrine that it will pay for property destroyed belonging to a Union citizen?

Mr. O'NEILL, of Pennsylvania. Yes, sir.

Mr. WARNER, of Missouri. And does it not provide when the amount is ascertained that that is all that is to be done and makes the appropriation for the payment of it through the Secretary of War, without having to come back to Congress again?

Mr. O'NEILL, of Pennsylvania. Yes, sir; I will read a few lines of the bill which answers that question fully.

> And the sum of $22,000, or so much thereof as may be necessary, is hereby appropriated, out of any moneys in the Treasury not otherwise appropriated, to enable the Secretary of War to adjust and the accounting officers of the Treasury to pay said Millinger the amount of his said losses, as allowed and approved under authority of this act.

He does not come back to Congress, but must submit to an investigation on the part of the War Department.

Mr. PERKINS. For what purpose?

Mr. O'NEILL, of Pennsylvania. To ascertain how much of this $22,000 is due him.

Mr. PERKINS. And not to ascertain the circumstances under which it was taken—whether there was a contract, whether the Government is liable or not?

Mr. O'NEILL, of Pennsylvania. No, sir; the War Department must investigate the matter and act upon the claim. But the fact is that another report was made at the instigation of Secretary Stanton through the Quartermaster-General's Department, and it was shown that it was a contract that Millinger had entered into, a contract to construct the building; and that when the United States troops occupied the building—and my colleague [Mr. NEGLEY] has shown that they not only occupied it, but that many doors and sash and other material was destroyed and converted to hospital purposes—this property was taken, which forms the basis of this claim.

Mr. GOFF. Will the gentleman allow me a question? What is the date of the contract under which this work was begun?

Mr. O'NEILL, of Pennsylvania. Something prior to 1862. I am not exactly clear as to the date.

Mr. BUCHANAN. In April, 1860.

Mr. O'NEILL, of Pennsylvania. And it is shown that Mr. Millinger had secured all of this material to the value of some $22,000 which was taken away by United States troops and destroyed or converted to hospital uses after occupying the building for some three years, or until the fall of 1865.

Mr. NEGLEY. And he lost all his profits in the building?

Mr. O'NEILL, of Pennsylvania. Yes, sir; every dollar was lost to this man. Why, sir, I have no doubt he would have been very glad to have received compensation as rental. It would have amounted to $30,000 or $35,000, based on what was paid to the man Overton after he served through the war and had been pardoned by the Government.

I look upon this as a just claim. I say we have good precedents for it. We have paid such claims reported from the War Claims Committee. I do not know whether in this Congress or not—one was referred to by my friend from New Jersey [Mr. BUCHANAN]—but we have paid such claims, and I have always thought there was no committee in this House more careful in looking into a case than the Committee on War Claims.

I do not mean to say every claim can be paid or that every claim can be indorsed by Congress when it is examined. But when we have a claim which has been examined by a competent committee of this House and it is reported favorably to this House and referred to this Committee of the Whole, I say, Mr. Chairman, we should take this report as embracing the true facts of the case and should be guided by it to a great extent. Hence I say in justice to this man Millinger, whose capital was put into the finishing of this building, we should allow the bill to pass, so that the Secretary of War and the proper officials can ascertain what is due to him and pay him.

Mr. PERRY. I believe I am entitled to the floor as having reported the pending bill, and I desire to say a word or two of explanation to do away with the impression that seems to have been created by the words of the report. This claim was originally presented for the use and the occupation of a saw-mill, for the use and occupation of the building, and for the destruction of the property in the building. Altogether I suppose it would have amounted to $60,000 or $70,000. Upon one of these points, as to the value of the property destroyed in the building, the Quartermaster-General's Department sent an officer to ascertain the amount of the property destroyed, and the report of that officer is embodied in the report of the committee. But that is not the essence of the claim.

This bill covers the claim for use and occupation of the building or the rent of it as much as it does for the destruction of the property left in the building. And besides that, this amount covers the amount claimed for the use of the saw-mill for one hundred and fifty-eight days, which, according to a great deal of the testimony in the case, was worth $50 a day. As to the use and occupation of the saw-mill, which is not denied, the claim was investigated by the War Department and it was decided to be a just claim; but before it could be paid the act of 1867 was passed, which prevented the payment for the use and occupation of property in disloyal States. That is all that prevented this man from receiving his pay for the use and occupation of the saw-mill at the time the claim was examined by the Quartermaster-General's Department.

So far then as the claim for the use and occupation of the mill is concerned it has been passed upon by the proper officers and has been allowed, and was only prevented from being paid by the passage of the act of 1867.

The other two branches of the claim are for the use and occupation of the hotel and for the destruction of the property contained in the building. The language of the bill is not that he shall be paid for the property destroyed; it is—

> And also the loss the said Millinger sustained on account of the military occupation of the Overton House in said city during said years.

So, whether you say this amount of $22,000 shall cover the destruction of the property, or the use of the hotel building, or the use of the saw-mill, in any event the amount is utterly inadequate to compensate the man for the use of the saw-mill, which was worth seven or eight thousand dollars, the rent of the building, which was worth $10,000 a year, and for the property, which, on the report of the Quartermaster-General's Department, was worth $19,000.

I think, therefore, the House is under a wrong impression as to this being a bill to pay for property destroyed in the building. It is really to pay for the use and occupation of the building by the United States troops and United States authorities during the war. So far as that is concerned I am not familiar with the record of this House as to war claims, but I believe that such claims have been passed heretofore, and if any have been this ought to be.

Mr. REED, of Maine. Will the gentleman yield to me for a question?

Mr. PERRY. Yes, sir.

Mr. REED, of Maine. Can an instance be given of a claim like this being allowed by the House?

Mr. PERRY. I am not familiar, as I have said, with what has been the action of the House with reference to such claims. This is the first time I have been on the Committee on War Claims, and this is the first report I have made. I am not familiar with the record of the House in these matters, but I think we recommended the other day the payment of a claim for ice.

A MEMBER. That was under a contract.

Mr. PERRY. There was a claim for it which we allowed.

Mr. REED, of Maine. This is a very wide territory we are opening. The armies of the United States, in territory which was reconquered, certainly inflicted a great deal of damage. If we are to pay for it, with the other expenses of the war, certainly any future war will become impossible.

Mr. PERRY. The Government did pay Overton, after he came back and took the oath of allegiance in 1865, $3,500 rent for this building.

Mr. REED, of Maine. Under what circumstances?

Mr. PERRY. They had occupied the building after they paid Overton.

Mr. PERKINS. Under contract?

Mr. PERRY. No, sir; no contract. The occupation, as I understand it, was continuous from 1862, when it was occupied as Millinger's property. It was occupied up to the end of 1865, and Overton got the rent for 1865.

Mr. ROWELL. You do not mean that Overton got any rent until after he took the oath?

Mr. PERRY. No, sir; but if he was entitled to the rent after he took the oath, I do not see why Millinger, who was a loyal man all the time, was not entitled to be paid.

Mr. BUCHANAN. That is just the point in the case.

Mr. SPRINGER. Mr. Chairman, the question is whether this does not come within the class of claims which have been uniformly rejected by this House and by Congress. The gentleman from South Carolina [Mr. PERRY] states that this was not for property destroyed but for occupation of the premises. If that be so, the report is certainly unfortunately drawn. The report says that investigation shows that at the time the military took possession of the building Millinger, or his firm, had in the building 540 doors and trimmings worth $5,654.75; 670 windows and trimmings worth $12,573; base-boards and grounds worth $1,668; making a total value of $19,895.75. "All these articles were destroyed by the soldiers quartered in said building. Undoubtedly Mr. Millinger's claim for $19,895.75 is just and right, and $22,000 would not replace the articles destroyed."

That is the basis of the claim.

Now, if the Government had taken this property, these doors and windows and trimmings, to be used in the construction of a building for the use of the Army, then the property would have been taken for ordinary quartermaster's stores. But, according to the statement in the report, these building materials were found in a hotel, which was occupied by a portion of the United States troops as barracks, and were destroyed. They may have been burned up, used for fire-wood, as in many cases such kinds of property were during the war. But this claim describes that kind of destruction of property which Congress can not afford to pay for, and certainly we ought not to make this case a precedent. The Committee on War Claims, as I understand it, has made a rule that all claims of this class shall be reported adversely. If so, this bill is inadvertently before the House, and was, perhaps, reported without investigation upon this point.

The only cases in which these war claims have been sustained or can be properly sustained is that the property was taken and used as quartermaster's supplies for the use of the Army in the field, and Congress has uniformly refused to pay any cases of the mere destruction of property incident to the military occupation. I hope, therefore, that this bill will not pass, for if it does it will open up a vast, unlimited, and illimitable field of claims which, if they were all to be paid, would bankrupt this country, and the payment of which is not demanded by any principle of justice or by any rule which prevails in cases arising in time of war.

Mr. PERKINS. Will the gentleman permit me to ask him a question?

Mr. SPRINGER. Certainly.

Mr. PERKINS. I will ask the gentleman from Illinois [Mr. SPRINGER] if this bill does not by its provisions go even much further than he has suggested—if it does not contemplate that this man shall be compensated for all the damages he sustained in consequence of the Federal occupation of this building?

Mr. SPRINGER. The bill does go further than I have stated.

Mr. PERKINS. It has been argued here that this man lost all the money that he had invested in this building in consequence of its occupation by the troops, and this bill now proposes to pay him in full for that loss.

Mr. NEGLEY. Oh, no; not at all.

Mr. PERRY. The amount is limited.

Mr. PERKINS. But why impose upon the Government officers the labor of making the investigation if we are going to pay this man for all the loss sustained up to the limit of $22,000? The report says he has sustained a loss much in excess of this claim, and if we are going to pay this claim at all why not pay it in full?

Mr. PERRY. On the principle, I suppose, that "half a loaf is better than no bread."

Mr. SPRINGER. Mr. Chairman, the report, as I have shown, enumerates articles said to have been destroyed to the amount of over $19,000, and proposes an appropriation of $22,000. The difference between the $19,000 and the $22,000 is intended, I suppose, to pay for the loss covered by this language: "and also the loss said Millinger sustained on account of the occupation of the said Overton House in said city during said year." That is, of course, objectionable. This comes within the class of cases which have been uniformly rejected, and I trust the bill will not pass.

Mr. PERRY. I wish to ask the gentleman from Illinois [Mr. SPRINGER] this question: Do you think this claimant would be entitled to the rent of his saw-mill which was used by the Government for one hundred and fifty-eight days?

Mr. SPRINGER. That claim does not appear here.

Mr. PERRY. Yes, sir.

Mr. SPRINGER. It does appear from the report that he received rent for the building after he returned.

Mr. PERRY. No, sir; it was Overton who received the rent.

Mr. SPRINGER. Well, Overton and this claimant both claimed rent for the same property. There is only one piece of property in question. I read from the report:

> It is alleged that on the return of Overton from the rebellion in February, 1865, he took the oath of allegiance, and received from the Government rent for the use of said hotel after that time.

Mr. JOHNSTON, of Indiana. Will the gentleman from Illinois [Mr. SPRINGER] yield for a motion to recommit this bill to the Committee on War Claims?

Mr. SPRINGER. I will yield for that purpose.

Mr. JOHNSTON, of Indiana. Mr. Chairman, I move that this committee recommend that the bill be recommitted to the Committee on War Claims.

The CHAIRMAN. There is a motion now pending that the bill be laid aside to be reported to the House with the recommendation that it do pass.

The Chair understands the gentleman from Indiana [Mr. JOHNSTON] to offer his motion as a substitute for that.

Mr. SPRINGER. The pending motion can be amended by striking out the recommendation that the bill pass and inserting a recommendation that it be recommitted to the Committee on War Claims.

Mr. HOUK. Mr. Chairman, is an amendment to the motion of the gentleman from Indiana in order?

The CHAIRMAN. The Chair thinks it is.

Mr. HOUK. Then I move as an amendment that this bill be reported to the House with a recommendation that it be recommitted to the Committee on War Claims with instructions to bring in a bill of a general character to cover all this class of cases.

Mr. BUCHANAN. I rise to a point of order.

Mr. SPRINGER. That motion is not in order now.

Mr. BUCHANAN. If the motion of the gentleman from Tennessee [Mr. HOUK] is entertained, I raise the point of order that the proposed instructions are out of order—that such general bill should emanate from the Committee on the Judiciary.

Mr. HOUK. I suppose the question of order is debatable.

The CHAIRMAN. The gentleman from Tennessee will please reduce his amendment to writing, so that the Chair may see just what it is, as a point of order is raised upon it.

Mr. SPRINGER. The amendment simply proposes that this private bill be recommitted with instructions that a general law be reported, which would not be in order.

Mr. PERKINS. The motion of the gentleman from Tennessee is in effect to convert a private bill into a general bill. I make that point of order.

Mr. HOUK. I think it probable that is a good point. [Laughter.]

The CHAIRMAN. The Chair sustains the point of order as stated by the gentleman from Kansas [Mr. PERKINS].

Mr. HOLMAN. Mr. Chairman, it seems to me some motion should be made which would indicate the views of the Committee of the Whole in regard to this class of claims, which are becoming very numerous. Up to this time no claim of this character, so far as I am aware, has passed Congress. Here is a claim for damages only, committed by the Army in the progress of the war; and the question is whether this House is prepared to enter upon the policy of paying claims of this class. All our legislation up to this time, both during the war and since, is against such a policy. There is not an enactment touching claims against the Government growing out of the war that does not expressly prohibit the payment of this class of claims. Inasmuch as the bill now before the House proposes in a very tangible form to make a direct appropriation of money to pay a claim of this character, it seems to me my friend from Ohio [Mr. GEDDES], the chairman of the War Claims Committee, and other gentlemen on that committee, would desire to have a direct instruction as to whether Congress, so far as the action of this House is concerned, proposes to pay this class of claims.

Mr. GEDDES. I trust the gentleman will permit a remark in response to his suggestion.

Mr. HOLMAN. Certainly.

Mr. GEDDES. I have no doubt the Committee on War Claims would be gratified to receive at any time instructions from this House as to the course to be pursued by the committee; but, in reference to the apprehension the gentleman has expressed, I will assure him that he need give himself no uneasiness in regard to the action of that committee. We have reported numerous cases since this bill was reported, indicating the policy of the committee. So that, on this particular point he need not be apprehensive; and I feel that the committee will need no instructions, although they will certainly not interpose any objection to instructions.

Mr. HOLMAN. Mr. Chairman, I understand, then, from the statement of the gentleman from Ohio, that the attitude of the commitee is against this class of claims.

Mr. GEDDES. I am not prepared to say that, because I think this claim has in part been misapprehended. It was not investigated in the committee, because we had not the evidence or exhibits upon which the committee could act. It was for the purpose of obtaining such evidence as would be required for a satisfactory investigation that this report was framed and this reference of the case proposed. Our discussion here at present is, as it would be in committee, without a sufficient basis upon which to proceed.

There may be some matters in this claim that ought to be considered and are entitled to consideration; therefore I am not prepared to answer in the broad terms of the gentleman's question and say that this claim is groundless and ought not to be allowed, for it will be observed that this man had a saw-mill in the vicinity of Nashville; the Government forces took possession of that saw-mill; he was there prior to the war; he was a loyal man; he was engaged under a contract to make certain improvements and to erect certain buildings in Nashville, and was engaged with a large force at his mill and elsewhere in furnishing material for those buildings. The United States forces took possession of his mill, took possession of his lumber, took entire control of his business. Hence there may be much in the case that would be the foundation of a good claim to compensation for what might be regarded as really and strictly quartermaster stores.

Mr. HOLMAN. I wish to call the attention of the gentleman from Ohio to the fact that none of those matters are involved either in the bill or in the report. Indeed the report excludes all such matters from consideration.

Mr. BUCHANAN. Will the gentleman from Indiana yield for a suggestion?

Mr. HOLMAN. Yes, sir.

Mr. BUCHANAN. A good deal of time has already been consumed on this floor upon this bill. I did not introduce the bill; I did not report it. I have taken an interest in it simply because the claimant is at present a resident of my State, living near my own home. Having advocated the bill on this floor, I will say that if a simple motion to lay the bill aside with a recommendation that it be recommitted can prevail, I, as a friend of the bill, shall support that motion.

Mr. HOLMAN. Mr. Chairman, I have no objection whatever——

Mr. JOHNSTON, of Indiana. Will my colleague [Mr. HOLMAN] allow me to make a suggestion as a member of the Committee on War Claims?

Mr. HOLMAN. Certainly.

Mr. JOHNSTON, of Indiana. I have made this motion to recommit because this discussion has developed facts in this case of which before I had no knowledge; and there may be some things embraced in this bill which would not be sanctioned by the committee if their attention were called to them. I have made the motion to recommit in order that the Committee on War Claims may have an opportunity to do justice to themselves by a reinvestigation of the case.

Mr. HOLMAN. I have no objection to that course being pursued; and it is perhaps due to the Committee on War Claims that such a course be adopted, for the report accompanying this bill would appear upon its face to have been the result of a misapprehension. If these two papers taken together—the bill and the report—should go to the Quartermaster's Department they would be simply an instruction to inquire into the amount of property which, as appears upon the face

of the report, was not appropriated to the use of the Government, but destroyed in the ordinary casualties of war. Believing from what has been said that there is a misapprehension as to the real state of the case, and that unintentionally the report itself does not take into account the particular phraseology of the bill, I think myself that as a matter of entire fairness the bill should be recommitted.

Mr. BUCHANAN. I wish in justice to myself to say that I did not read this bill until after this debate began. I was familiar with the facts of the case and had read the report. While not abating one jot of my conviction that this claim is just and should be paid; while I believe that upon fuller investigation the War Claims Committee will arrive at the conclusion that it shall be paid, I do not hesitate to say that there is in the bill some language which is unfortunate in form.

The amendment of Mr. JOHNSTON, of Indiana, was agreed to.

The question being taken on the motion as amended that the bill be reported to the House with a recommendation that it be recommitted to the Committee on War Claims, the motion was agreed to.

JOHN M'NAUGHTON.

The next business on the Private Calendar was the bill (H. R. 1877) for the relief of John McNaughton.

The bill was read, as follows:

Be it enacted, &c., That the Secretary of the Treasury be, and is hereby, authorized and directed to pay, out of any moneys in the Treasury not otherwise appropriated, to John McNaughton, of Gervais, Scioto County, Ohio, the pay and allowances due said John McNaughton for services rendered the United States as second lieutenant of Company G, First Regiment of West Virginia Cavalry Volunteers, from the 16th day of August, A. D. 1863, to the 5th day of February, A. D. 1864.

Mr. THOMPSON. I ask that the report of the committee be read.

The report of the committee (by Mr. HIESTAND) was read, as follows:

The Committee on War Claims, to whom was referred the bill (H. R. 1877) for the relief of John McNaughton, submit the following report:

John McNaughton, now of Gervais, Scioto County, Ohio, was enrolled as a private, Company G, First Virginia Cavalry Volunteers, on the 14th day of August, A. D. 1861, and was discharged, as first sergeant of said company, on the 15th day of August, A. D. 1863, for promotion to second lieutenant of said company. He was commissioned as second lieutenant of said company on the 12th day of August, A. D. 1863, by the governor of West Virginia, and was assigned to duty, and served as such until the 5th day of February, A. D. 1864. As soon as his duties in the field permitted, he applied to the proper officer for muster, but his application was refused on the ground that his company did not have the requsite number of men, under General Orders No. 182, Adjutant-General's Office, series of 1863, to entitle it to a second lieutenant. Notwithstanding he had been mustered out as an enlisted man, and had been refused muster as lieutenant, yet he was held to service without pay, rations, or clothing until February 5, 1864, and during all that time performed service as second lieutenant. Since then he made application to the proper department for pay, but his claim was rejected because there was no law governing the case.

In view of these facts, the committee recommend the passage of this bill for his relief.

Mr. THOMPSON. I move that the bill be laid aside to be reported to the House with the recommendation that it do pass.

The motion was agreed to; and the bill was accordingly laid aside to be reported to the House with the recommendation that it do pass.

WILLIAM CLIFT.

The next business on the Private Calendar was the bill (H. R. 4413) for the relief of William Clift.

The bill was read, as follows:

Be it enacted, &c., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to William Clift, of Hamilton County, Tennessee, the sum of $3,000, for wood taken and used by the Army of the United States during the late war.

The report (by Mr. HIESTAND) was read, as follows:

The Committee on War Claims, to whom was referred the petition of William Clift, submit the following report thereon:

"The facts out of which this claim for relief arises will be found stated in House Report of the Committee on War Claims No. 245, first session of the Forty-eighth Congress, a copy of which is hereto appended.

"The committee adopt the said report as their own, and report herewith a bill appropriating the sum of $3,000, and recommend its passage.

"The Committee on War Claims, to whom was referred the petition of William Clift, of Hamilton County, Tennessee, asking for compensation for timber and wood, stated at $19,645, makes the following report:

"The facts in the case are as follows: In 1863 the claimant and one William Stringer were the owners in common of certain lands lying on the north side of the Tennessee River, in Hamilton County, Tennessee, containing about 5,000 acres. It was covered with timber, principally oak, when, in the fall of 1863, the United States Army advanced and took possession of this section of the country. From that time until the close of the war details were almost constantly employed on the land cutting the timber and hauling it away for the several uses of the Army. The Government erected a saw-mill near this land, and a great deal of the timber was sawed on that mill. The timber was used in the construction of bridges, storehouses, and other army buildings. The greater part, however, was taken for fuel for the use of the Army. Some tracts were entirely cut off, some culled, and some untouched.

"The claim was investigated by Lieut. Col. J. A. Ekin, chief of quartermaster's department of the South, through his agents, Dougherty and Woodburn, who took a large amount of testimony and made a very full report. Army officers, as well as private citizens, testified to the intense loyalty of the claimant. He suffered greatly in his person and property on account of his devotion to the cause of the Union. There is no doubt but the timber was taken by the United States Army and used by it. United States officers testify to this. The value of the timber was the only thing in dispute.

"These agents, after much time spent in investigating this claim, recommended paying claimant for 12,030 cords of wood, at 75 cents per cord, amounting to $9,022.50. Colonel Ekin, in making his return of the claim in November, 1875, also recommended the payment of the same amount. In August, 1876, the Quartermaster-General gave direction to report this and six other cases, mainly for timber taken from lands in the vicinity of Chattanooga, Tenn., on the basis of the settlement made in the Abner C. Carroll cases referred to the Treasurer March 6, 1871. In that case the timber was considered as constituting one-half of the value of the land. On that basis claimant's demand was reduced to $3,435.23.

"The Quartermaster-General's Department was not satisfied with this. Joseph Livsey was appointed agent by the Quartermaster's Department, and in October, 1876, he commenced taking depositions to show the value from the assessment of lands in that county, and by showing its value before and after the war.

"The witnesses differed greatly in value, some swearing the assessment was no criterion of value, that lands were assessed sometimes at only one-half, and sometimes one-fourth their actual value; that this tract was only valuable for its timber, the land being what is termed "ridge land."

"On looking over all the testimony in the case, the committee believe that the claimant should be allowed the sum of $3,000, which is $435.23 less than any of the Government agents found. The only reason given by the War Department for its rejection was that the claimant made his demand so high ($19,545) that it was fraudulent on its face. This might be a good rule to follow in some cases in order to discourage the presentment of dishonest claims, as, for instance, where a man claimed for four horses taken and used by the Government when he had only two. He must have known his claim was fraudulent.

"But the claim in this case rested purely on the opinion of witnesses, and widely different results would be attained according to the basis upon which the estimate was made. When the number of cords was the basis (and who will say that was fraudulent?) a much larger result was reached. When the assessment was taken as a basis and a comparison with other tracts similarly located, a smaller amount was found to be due, and when we consider that these statements are usually prepared by lawyers or claim agents who always insert the largest amounts, knowing always that they can recover less than they claim but can never recover more, the claimant should not in this case be regarded as presenting a fraudulent claim.

"He is now about eighty-five years of age, has suffered much for his country, and the sum now allowed ($3,000) ought to be paid, and the committee report favorably that sum, and recommend the passage of the accompanying bill."

Mr. HIESTAND. I move that the bill be laid aside to be reported to the House with the recommendation that it do pass.

Mr. WARNER, of Ohio. Mr. Chairman, the report discloses the fact that this claim was investigated by the Quartermaster-General's Department and a certain sum found to be due.

A MEMBER. Found by the agent of the Quartermaster-General.

Mr. WARNER, of Ohio. But it does not disclose why, if this sum was found to be due, it was not paid through the Quartermaster-General's Department.

Mr. STORM. I think the gentleman will find that the report does disclose that fact.

Mr. WARNER, of Ohio. It is not disclosed, so far as I heard the reading of the report, by the report itself.

Mr. STORM. If the gentleman had watched the reading of the report closely he would have seen that the rejection was based upon the fact that this claimant laid a claim for a larger amount of cord-wood than was afterward proved to have been taken, and therefore the whole claim was rejected as fraudulent. That was the ground upon which the Quartermaster-General's Department rejected it.

Mr. RICHARDSON. Now, Mr. Chairman, the facts are not exactly as they have been stated by the honorable gentleman from Pennsylvania [Mr. STORM], who drew the report of the Committee on War Claims in the last Congress, and whose report has been used by the Committee on War Claims at the present session. The fact is there were not exactly 19,000 cords of wood used, but the mistake arose, or rather the case presented here was that the agent of the Quartermaster-General thought this claimant was charging too much for the 19,000 cords of wood. It was not that they did not take the wood, and not that it was not used for the Army, but that the agent thought that he had charged too much for the wood, and therefore the price was cut down.

Mr. STORM. Was I not correct in stating that the claim was for more than the Government thought was due, and therefore the whole claim was rejected as fraudulent?

Mr. RICHARDSON. Yes; and for that reason, as it was fraudulent on its face, no part of the claim should be allowed.

Now, Mr. Chairman, I will state that this is not a case in which a man comes and presents his claim for 4 cords of wood when he only lost 2—it is not a case where a man comes and presents his claim for 19,000 cords of wood when he had not lost any wood at all; but it appears the Quartermaster-General concluded that the claimant had charged too high a price for his wood, and therefore decided the whole claim was fraudulent. As a matter of fact, the amount of wood taken was about 19,000 cords, and the claimant produced witnesses who proved that the wood was worth the amount he swore it was worth when he presented his claim. The Quartermaster-General, not being satisfied, sent his agents out to ascertain as to the amount due. They went out and reported 19,000 cords as the amount taken, but he was not satisfied with that report. He sent his agents out again and directed them to estimate the value of the wood taken upon the basis of what is called the Abner C. Carroll case. In that case, to get at the value of the wood, they take the value of the land with the wood upon it, and estimate the wood as worth half that amount, and the land only as the other half. Therefore they said, after the wood was taken, they would settle at half the amount the land was worth with the wood upon it. That would bring the claim down to $3,450 in round numbers. But the committee at the last session said we will reduce it $400 more, and simply allow him $3,000.

This committee come along and adopt that report, as I stated, and say that this claimant should have this small sum of about $3,000, to which the claim has been reduced.

Now, Mr. Chairman, I want to say briefly that this old man was about

sixty-eight years of age when the war broke out. He was loyal to the Union, and went to work and raised a regiment for service in the Union Army. He was captured and carried to Atlanta, Ga., by the confederate troops. Subsequently he made his escape and came back to East Tennessee, but was compelled to lie out in the mountains in that inhospitable country at that time, whereby he lost not his life but the sight of one of his eyes, and his physical strength was greatly impaired. He suffered a great deal. Notwithstanding his loyalty and the loss that he endured, this committee have reduced the amount that is properly due him, in my judgment, to less than one-half, and I hope this committee will not hesitate now to allow this old man this poor pittance of his claim.

Mr. Chairman, he tried to live long enough to get the benefit of this claim. I regret to say that only last week he died at the advanced age of eighty-nine. He could not live long enough to reap the benefit of that to which he was entitled from his country which he had served so well, he having been a colonel at the advanced age of seventy.

Mr. STORM (from his seat). Congress beat him.

Mr. RICHARDSON. Yes, as my friend from Pennsylvania suggests, Congress beat him; he could not live long enough to get his rights. Now, I have an amendment which I desire to offer, and which is rendered necessary by the long delay in the passage of this bill. This amendment I am directed by the committee to submit.

The CHAIRMAN. The Clerk will report the amendment of the gentleman from Tennessee.

The Clerk read as follows:

Amend by striking out in the fifth line the words "William Clift" and insert "the legal representatives of William Clift, deceased."

The amendment was agreed to.

Mr. RICHARDSON. I move that the bill be laid aside to be reported to the House with favorable recommendation.

Mr. SPRINGER. Before that is done, Mr. Chairman, I desire to say a word.

I understood the gentleman from Indiana [Mr. HOLMAN] at a former sitting of this committee to state that it had not been the policy of Congress to pay any claims that had been rejected by the Quartermaster's Department; and that it was the settled policy of Congress that the decision of the Quartermaster, under the law of July 4, 1864, was to be regarded as final in these cases. Now, it seems to me that if that department of the Government, authorized by a special law to investigate cases and report upon them to Congress for its action, has rejected a case and that claim thereafter comes into Congress and you are asked to pay it, we are simply constituting Congress a high court of appeals from the Quartermaster's Department of the Government.

Mr. STORM. What else is it?

Mr. SPRINGER. Well, I am opposed to constituting Congress a court of appeals from that tribunal or any other of the Government. I would like to have a finality at some place in the affairs of this Government where a claim would be regarded as having been finally quieted.

Mr. STONE, of Kentucky. May I ask the gentleman a question.

Mr. SPRINGER. Certainly.

Mr. STONE, of Kentucky. Who constituted the Quartermaster-General an infallible tribunal to pass upon these claims, a tribunal whose decisions should be beyond appeal?

Mr. SPRINGER. Congress did.

Mr. STONE, of Kentucky. Then I would like to ask, if Congress did that, if Congress has not the right to declare that that infallibility has ceased? [Laughter.]

Mr. SPRINGER. Oh, yes. We have assumed the right to do almost anything. What I am now objecting to in regard to this bill is that it is setting a precedent for reviewing the decisions of the Quartermaster's Department (which Congress has created as a tribunal for the consideration of these claims) after they have been rejected.

Mr. RICHARDSON. Mr. Chairman, a single word in response to the gentleman from Illinois as to Congress passing upon these questions. If the Quartermaster's Department was constituted a court and had rendered a final judgment upon a claim, we might not review that decision unless it was clearly shown that the court, for reasons not satisfactory to us as a reviewing tribunal, had not properly considered the matter.

Now, the Quartermaster-General went forward and gave his reasons for disallowing this claim, and when his reasons are investigated you see at once they are not good. The only reason he gave in the world was that the claim was fraudulent on its face.

Mr. SPRINGER. Well, was not that a good reason?

Mr. RICHARDSON. No, sir; not in this case; for the proof showed that the amount of wood absolutely lost was double the amount you are offering to pay him for. It can not be a fraudulent claim on its face, for the reason set forth in the admirable report of a former member of the War Claims Committee which has been read here to-day.

Mr. JOHNSTON, of Indiana. Will the gentleman from Tennessee permit me to make a suggestion?

Mr. RICHARDSON. Yes, sir.

Mr. JOHNSTON, of Indiana. I wish to suggest to the gentleman from Illinois that it is too late for this Congress now to say that it will not review a decision of a lower court. We spent a whole week reviewing, with a view to set aside, the judgment of a military court rendered twenty years ago; and can not we now set aside a decision one man made refusing to pay a man for his wood that was taken while he was in the Federal Army or sent from his home by confederate troops?

Mr. HAMMOND, of Georgia. Now, what have you got to say? [Laughter.]

Mr. SPRINGER. My friend from Georgia says, now what have I got to say. Well, to some that would be satisfactory, so far as this side of the House is concerned; but how is it with the gentleman's friends upon the other side? What have you to say about setting aside these decisions?

Mr. JOHNSTON, of Indiana. We voted, sir, to pay a loyal man, who served his country faithfully, for what was taken by the Government, while you voted to reward a man who failed to do his duty to his Government; and that is the difference between us.

Mr. SPRINGER. That is not the question at issue. The gentlemen over there voted they could not set aside the finding of that tribunal. They stated in their arguments there was no power in the Constitution to do so.

Mr. RICHARDSON. I submit the gentleman has no right to inquire into the reasons which prompted gentlemen on the other side to vote as they did.

Mr. SPRINGER. I am commending the argument to gentlemen on the other side of the Chamber to whom it applies.

Mr. HOUK. Will the gentleman yield to me for a moment?

Mr. SPRINGER. Yes, sir.

Mr. HOUK. I wish to reply to one remark made some time ago by the gentleman from Illinois [Mr. SPRINGER]. He started out by saying it had been the policy of Congress not to pass a claim in any case where the Quartermaster-General had rejected it. Now, Mr. Chairman, we have paid claims in every Congress I have been in, and I suppose in every Congress since the war, which Quartermasters-General had rejected. And it seems to me that the Quartermaster-General having with reference to these matters limited powers scarcely amounting to judicial functions, it is peculiarly the prerogative of Congress, when they find a case like this where absolute injustice has been done, to do justice. This is not like the decision of a court-martial or any other judicial power, for the Quartermaster-General is only a clerk of the Secretary of War.

Mr. SPRINGER. I regret Congress did not provide in the act of 4th July, 1864, for appeals to the Court of Claims. But no appeal was provided for. It was understood the decisions of the Quartermaster's Department were to be final. And if every claimant who is not satisfied with the judgment of the Quartermaster-General on his case is to come to Congress, I ask when Congress will get the opportunity of transacting any public business?

Mr. HOUK. I can answer the gentleman, if he will permit me.

Mr. SPRINGER. I can answer the question myself; it is so easy a question. [Laughter.]

Mr. HOUK. The gentleman ought not to ask the question if he does not want an answer. My answer is that Congress will be relieved of all these cases whenever we go to work and provide a tribunal vested with judicial power and make it what the gentleman assumes the Quartermaster's Department to be, a court whose jurisdiction shall be final and conclusive.

Mr. SPRINGER. That does not answer my question. The act of 4th of July, 1864, did constitute the Quartermaster-General a court.

Mr. HOUK. The gentleman does not understand my answer.

Mr. SPRINGER. It did authorize the Quartermaster-General to pass finally on these cases, and that was not in the interest of the Government as against the claimant, but in the interest of the claimant as against the Government; because the claims were small in amounts. We passed a bill a short time ago including hundreds of these claims, some of them as low as $15. It was supposed by those who occupied these seats before us, when that act was passed, that great hardship would result from sending these claims to the Court of Claims, where the cost would be great, and to accommodate that class of claimants the cases were sent to the Quartermaster-General's Department for adjudication. And when the Quartermaster-General had passed upon them as a matter of protection to the Government, they regarded the decisions as final.

The bill was laid aside to be reported to the House with the recommendation that it do pass.

PRYOR N. LEA.

The next business on the Private Calendar was the bill (H. R. 79) for the relief of Pryor N. Lea; reported from the Committee on War Claims.

The bill was read, as follows:

Be it enacted, &c., That the Secretary of the Treasury be, and he is hereby, directed to cause to be paid to Pryor N. Lea the sum of $1,919, in full discharge of his claim against the Government of the United States for rescuing three United States soldiers from a sand-bar in the Mississippi River on the 1st day of January, 1864, and for board, medical aid, and nursing given them while unable to return to their command, and also for board furnished other United States soldiers while guarding said sick.

The report (by Mr. JOHNSTON, of Indiana) is as follows:

The Committee on War Claims, to whom was referred the bill (H. R. 79) for the relief of Pryor N. Lea, report as follows:

The facts out of which this claim for relief arises will be found stated in House

Report of the Committee on War Claims No. 2423, second session of the Forty-eighth Congress, a copy of which is hereto appended.

Your committee adopt the said report as their own, and report back the bill and recommend its passage.

"The Committee on War Claims, to whom was referred the bill (H. R. 5701) for the relief of Pryor N. Lea, report as follows:

"This bill authorizes the Secretary of the Treasury to pay claimant $1,919 for rescuing three United States soldiers from a sand-bar in the Mississippi River on January 1, 1864, and for board, medical attention, and nursing, and also for board furnished twenty-five United States soldiers while guarding them.

"The facts in the case are as stated in the following extract from the memorial of the claimant:

"'On the last day of December, 1863, Col. E. H. Wolf, commanding at Fort Pillow, sent Lieutenant Alexander, of the Fifty-second Indiana Volunteer Infantry, in command of a squad of men up the river, about 20 miles above the fort, to look after some smuggled goods that had been reported to them. They were in a yawl on their return after dark; they were blown upon a sand-bar in the river opposite to my house. The sand-bar is some 5 or 6 miles long, and they were blown upon the lower end, about 2 miles below my house. It was snowing and blowing, and a terrible storm was raging. Eight of the men, including the lieutenant, waded out on the bar, and the others attempted to row the boat around to them in deeper water, but were driven down the river by the wind and driven ashore on the Arkansas side; all of which I learned from them. The bar was perfectly barren and there was nothing to protect them from the storm. On the morning of the 1st of January, 1864, I heard voices calling, and seemingly in distress, and ran down to the river. I was informed by George Clark, one of the soldiers, that Lieutenant Alexander and four of the men had frozen to death, and that they, the others, were almost frozen. They begged and implored me to rescue them. The channel between the bar and the shore was between one-fourth and one-half of a mile wide. The river was filled with floating ice, and the wind was blowing a perfect gale. My skiff was about half-full of ice frozen perfectly solid, caused by the waves lashing over the sides and freezing. My oars were thickly coated with ice.

"'I crossed the channel with my boat in this condition, and found George Clark, George Haveland, and James Hendrickson, all of the Fifty-second Indiana Infantry, still living; the others were all dead. I got them into my skiff, and succeeded in reaching the shore with them. George Clark's feet, hands, and ears were frozen. George Haveland's feet and hands were so badly frozen that they all had to be amputated—the feet between the ankle and the knee. James Hendrickson was very badly frosted; his face, hands, and feet were frozen. I got them all to my house, and dispatched a man to Colonel Wolf, at Fort Pillow, immediately, informing him of the condition and whereabouts of said men. I had to pay the man $20 in United States currency to get him to go, the weather was so extremely cold. I also sent for two physicians, the best that could be had, (there being no Army physician accessible), Dr. Hazard, of Osceola, and Dr. Fain, living at the same place at that time. They came and waited on all the parties until the regimental physician arrived from Fort Pillow, and assisted in the amputation of the limbs above mentioned, and attended them after the regimental physician left, for which services they presented their bills to me, and I paid them the sum of $200 in United States currency, $100 each.

"'George Clark, George Haveland, and James Hendrickson remained at my house until the 1st of April, 1864, before they could be removed, at which time Clark and Hendrickson were removed. Haveland died a few days after, and I had him buried at my own expense. They were in a condition to need continual care and attention during all of that time, both day and night, and I and my family did much of the nursing. It was well worth the sum of $6 per day to take care of them as we did, and we took care of them ninety days, as charged in the account. Besides, there was nearly $300 worth of bedding destroyed by them, for which there is no charge made in the foregoing account. Colonel Wolf responded to my message by sending out twenty-five men and the regimental physician on the morning of January 2, 1864, with instructions to take said men into the fort, but they were unable to be removed and they all remained fifteen days. They had no provisions with them, and I boarded them during that time. It was worth $25 per day to board the twenty-five men, and I boarded them fifteen days. There were four nurses in addition to the twenty-five men, who remained from the 1st of January, 1864, until the 3d of March, 1864 (62 days). It was worth $4 per day to board the four nurses. Provisions were very high and scarce. I furnished medicines to the value of $50. I made several trips to Memphis for medicines (a distance of 75 miles), but I do not include my expense in the above charge; the medicines charged for actually cost me more than $100. No vouchers or receipts were ever asked or given for any of the above services, board, medicines, or money paid, nor has the same ever been included in any claim presented to Congress, any court, Department, or officer of the United States, or to any other authority.'

"The papers to which reference is made in the memorial of claimant have been furnished this committee, and they find the claim stated as follows:

To board of 25 men, Fifty-second Indiana Volunteer Infantry, from January 1, 1864, to January 15, 1864, 15 days, at $25 per day	$375 00
Boarding 4 men belonging to Fifty-second Regiment Indiana Volunteer Infantry, from January 1, 1864, to March 3, 1864, 62 days, at $4 per day	248 00
Nursing 3 soldiers of same regiment from January 1, 1864, to April 1, 1864, 91 days, at $6 per day	546 00
To medicines	50 00
To amount paid Drs. Hazard and Fain	200 00
To services in taking care of soldiers and for household effects damaged	500 00
	1,919 00

"The statements of the claimant are corroborated by affidavits of officers who were stationed at Fort Pillow at the time of the occurrence. The loyalty of the claimant is also established by the officers then stationed at Fort Pillow.

"The committee are of opinion that his charges are just and reasonable, and report back the bill with the recommendation that it do pass."

The bill was laid aside to be reported to the House with the recommendation that it do pass.

FIRST NATIONAL BANK OF SHAKOPEE, MINN.

The next business on the Private Calendar was the bill (H. R. 1245) to authorize the increase of the capital stock of the First National Bank of Shakopee, Minn.; reported by Mr. MILLER, from the Committee on Banking and Currency.

The bill was read, as follows:

Be it enacted, &c., That the Comptroller of the Currency be, and he is hereby, authorized and directed to allow the First National Bank of Shakopee, Minn., to increase its capital stock, in accordance with existing laws, to any sum not exceeding $250,000.

Mr. BEACH. I move that this bill be passed over for the present, retaining its position on the Calendar. Gentlemen interested in this bill no doubt will remember that we passed a general bill covering all cases of this nature. That bill has also passed the Senate, and will no doubt become a law in a very few days. I think there is no use in lumbering up the statute-books with special acts under those circumstances.

Mr. STRAIT. The general bill has not become a law yet, and I know of no reason why this bill should be passed over.

Mr. MILLER. I move that the bill be laid aside to be reported to the House with a favorable recommendation.

Mr. BEACH. I ask my friend from Minnesota [Mr. STRAIT] whether this bill the bill now under consideration has passed the Senate or not?

Mr. STRAIT. It is on the Senate Calendar reported favorably.

Mr. BEACH. Yesterday, as I understand, they took the position in the Senate that they would pass no more special bills of this kind.

The bill was laid aside to be reported to the House with the recommendation that it do pass.

LIEUT. WILLIAM P. RANDALL.

The next business on the Private Calendar was the bill (H. R. 1151) authorizing the President of the United States to appoint Lieut. William P. Randall a lieutenant-commander on the retired-list of the Navy.

The bill was read, as follows:

Be it enacted, &c., That the President of the United States be, and is hereby, authorized to nominate and, by and with the advice and consent of the Senate to appoint, Lieut. William P. Randall, United States Navy, a lieutenant-commander on the retired-list of the Navy, with the retired-pay of that grade from the date of such appointment.

Mr. SPRINGER. Let the report be read.

Mr. THOMAS, of Illinois. I ask for the reading of the report, together with the letter at the end, omitting the naval record, which is of some length.

The report (by Mr. THOMAS, of Illinois) was read, as follows:

The Committee on Naval Affairs, to which was referred the bill (H. R. 1151) authorizing the President of the United States to appoint Lieut. William P. Randall a lieutenant-commander on the retired-list of the Navy, beg leave to report the same to the House of Representatives with the recommendation that the bill do pass.

This recommendation is based upon facts which are presented in a report made to the House of Representatives, Forty-seventh Congress, which report was adopted by the Committees on Naval Affairs of both branches Forty-eighth Congress, and is also adopted and made a part of this report (Appendix A).

To summarize the case, it appears that Mr. Randall entered the service in July, 1861, as acting master; that he was an officer of conspicuous gallantry and ability, winning promotion from grade to grade until, in March, 1865, he became a lieutenant-commander, with which rank he was honorably discharged from the volunteer service, December 19, 1865. Less than a year later he was appointed in the regular Navy, and in 1870 had reached the rank of lieutenant. After twelve years' service in that grade he was ordered before a medical board to be examined for promotion, and was rejected for the reasons stated in an extract from the report of the board, hereunto annexed and marked Appendix B.

The committee are especially impressed with the fact that the disabilities which prevented his promotion to the rank he now seeks had existed during practically the entire period of his service; that the hernia and deafness were caused by injuries received in the line of duty aboard the Cumberland, and that throughout his twenty years of service they had not interfered with the prompt and entirely efficient performance of his whole duty.

APPENDIX A.

Lieutenant Randall has recently failed of recommendation for promotion to the grade of lieutenant-commander on the active-list because of physical infirmity wholly. But for these infirmities, which are mainly the direct results of hard and faithful service in war, Mr. Randall would have been unanimously recommended for promotion by the examining board.

The record of this officer is an admirable one. The retired-list of the Navy was created and intended for the protection of just such men as Mr. Randall, and we could wish that it contained no names less worthy than his.

Mr. Randall was an experienced navigator at the opening of the war of 1861, and was about to sail in command of a whaling ship at that time. He gave up his command, offered his services to the United States, and on the 24th of July, 1861, was appointed an acting master in the United States Navy. He was ordered to the Cumberland, and served on that vessel at the capture of Forts Clarke and Hatteras, and in the contest with the Merrimac, at Newport News, March 8, 1862, he was in command of the after pivot-gun, which was the last gun fired on the ship in that memorable contest. On the 28th of May, 1862, he was promoted to the rank of volunteer lieutenant, and served on the gunboat Port Royal through the summer of 1862. From January 26, 1863, he commanded the United States bark Pursuit until August 12, 1864, and from that date he commanded the United States bark Restless until February 23, 1865, when he took command of the United States steamer Hendrick Hudson, and remained in that command until March 9, 1865.

On the 17th of March, 1865, he was promoted to the rank of volunteer lieutenant-commander. On the 19th of December, 1865, he was honorably discharged from the United States Navy with the rank of lieutenant-commander.

On the 23d of November, 1866, he was appointed as acting master; March 12, 1868, he received a commission as ensign in the regular Navy, and was promoted as lieutenant March 11, 1870.

Since that time Mr. Randall has served in that rank, and has rendered very valuable service to the Government, as appears by his record herewith reported. His record is without a spot or stain. He was desirous of remaining on the active-list, but when the time for his promotion came he was found mentally and morally qualified, but physically disqualified, and was retired as a lieutenant. We think that his service and record entitle him to retirement as lieutenant-commander, the rank which he reached on his own merits and record in the volunteer service, and before he entered the regular Navy.

In proof of his worth and merits as an officer, we append hereto a letter signed by members of the retiring board and other officers of the Navy. Such an indorsement ought to entitle Mr. Randall to favorable consideration.

NAVAL RECORD.

Lieut. William P. Randall was born in New Bedford, Mass. In 1861 was about to sail in command of a whale ship when the war commenced; was furnished with a certificate signed by the president of every insurance office in the city, to the effect that their offices would insure any vessel under his command at the lowest rates of insurance; without further indorsement was appointed an acting master in the United States Navy, July 24, 1861, and ordered to the United States ship Cumberland, serving on that vessel at the capture of Forts Clarke and Hatteras, and afterward in the engagement with the Merrimac at Newport News, March 8, 1862, at which time he had command of the after pivot-gun (which was the last gun fired from that ship). May 28, 1862, promoted to the rank of volunteer lieutenant and ordered to the gunboat Port Royal, Com-

mander George W. Morris, which vessel did good service on the James River through the summer of 1862, and joined the East Gulf Squadron in the fall of that year. January 26, 1863 (being at that time the executive officer), detached from the Port Royal and ordered to command the United States bark Pursuit; commanded this vessel until August 12, 1864, when he was detached and ordered to command the United States bark Restless; these vessels were engaged in blockading the coast of Florida, and while commanded by Lieutenant Randall did much injury to the enemy, for which he received two complimentary letters from the admiral commanding (Admiral Stribling), with orders to read them on the quarter-deck at muster.

February 23, 1865, took temporary command of the United States steamer Hendrick Hudson (Restless undergoing repairs at Key West), and went to Saint Mark's for General Newton, United States Army, and staff, March 9, 1865. Promoted to the rank of volunteer lieutenant-commander March 17, 1865; detached from United States bark Restless and ordered to take the prize steamer Ruby to New York; arrived in New York with the Ruby April 14, 1865, and waited orders until August 17, 1865, when he was granted four months' leave of absence; on December 19, 1865, was honorably discharged from the United States Navy, with the rank of lieutenant-commander. October 30, 1866, presented himself to the examining board at Hartford, Conn., for admission to the regular service, and was rejected on account of injuries received in the line of duty during the engagement between the Cumberland and Merrimac, but obtained permission from Washington for examination. He presented himself the second time, November 22, 1866, and on December 7, 1866, received an appointment as acting master on temporary service, and was ordered to the United States steamer Peoria, which vessel went to the West Indies and returned with the yellow fever on board. Detached from her in Norfolk, Va., and went to the hospital July 29, 1867; was on sick-leave until September, 1867, when he was ordered to the United States receiving ship Ohio, March 12, 1868 (three years and three days after receiving his appointment as a volunter lieutenant-commander). He received a commission as ensign in the regular Navy October 12, 1868. Detached from the Ohio and ordered to command the United States steamer Leyden December 18, 1868. Promoted to master January 27, 1869, and detached from the Leyden and ordered to the United States steamer Narragansett. Joined the Narragansett in Havana March 17, 1869. In July the Narragansett went in quarantine at Portsmouth, N. H., with yellow fever on board, when he was detached and ordered to the Boston navy-yard. September 1, 1869, ordered to command the United States steamer Palos. In October, 1869, was detached from the Palos and took command of the United States steamer Leyden. Commissioned as lieutenant March 21, 1870.

May 18, 1870, detached from the Leyden and ordered to the monitor Saugus. Joined the Saugus at Havana June 4, 1870. September 30, 1870, detached from the Saugus and ordered to command the United States steamer Mayflower. Detached from the Mayflower November 3, 1870, and ordered to the United States receiving-ship Ohio, navy-yard, Boston. May 5, 1871, temporarily detached from the Ohio and ordered to Key West, Fla., as executive officer, to assist in bringing the Saugus to Philadelphia. June 22, 1871, returned to the Ohio. September 15, detached from the Ohio and ordered to the United Srtes steamer Iroquois. January 15, 1872, detached from the Iroquois and ordered to the United States steamer Canandaigua. August 4, 1874, detached from the Canandaigua at Key West, and sent home by medical survey (with Chagres fever) on sick-leave. November, 1874, ordered to the ordnance department, navy-yard, Boston. June 10, 1875, ordered to torpedo station, Newport, R. I. October 10, 1875, detached from torpedo station and ordered to the United States receiving-ship Ohio, navy-yard, Boston. October 28, Ohio's crew all transferred to the receiving-ship Wabash. April 16, 1877, granted six months' leave of absence. October 15, 1877, ordered back to the United States receiving-ship Wabash. September 2, 1878, ordered to the Ranger, Asiatic station, as executive officer. Detached from the Ranger February 20, 1880. March 10, 1881, ordered as member of a board to organize search for the steamer Jeannette. April 7, 1881, ordered to special duty under the Bureau of Navigation. Placed on the retired-list of the Navy February 15, 1882.

WASHINGTON CITY, *February* 17, 1882.

In consideration of the good record and long service of Lieut. William P. Randall, United States Navy, and as the disabilities that prevented his promotion on the active list are physical and incurred in the line of duty, the undersigned believe that if he is placed on the retired-list of the Navy with the rank of lieutenant-commander it will be an act of justice to a deserving officer who held this rank during the late civil war.

JOHN L. WORDEN,
Rear-Admiral, U. S. N.,
T. H. PATTERSON,
Rear-Admiral,
JNO. C. FEBIGER,
Rear-Admiral,
JOHN RODGERS,
Rear-Admiral, U. S. N.,
C. R. P. RODGERS,
Rear-Admiral,
Members of Retiring Board.
WM. G. TEMPLE,
Commodore.
JOHN H. UPSHUR,
Commodore.
S. R. FRANKLIN,
Commodore.
J. G. WALKER,
Captain, Chief of Bureau of Navigation.
J. C. P. DE KRAFFT,
Commodore, Hydrographer, Bureau Navigation.
P. C. JOHNSON,
Captain, Chief Signal Officer, Bureau of Navigation.
R. R. WALLACE,
Captain, U. S. N.
EARL ENGLISH,
Commodore, U. S. N., Chief of Bureau of Equipment and Recruiting.
THOS. SCOTT FILLEBROWN,
Captain.
ED. T. NICHOLS,
Rear-Admiral, U. S. N., Chief of Bureau of Yards and Docks.
DAVID AMMEN,
Rear-Admiral, U. S. N.

APPENDIX B.

WASHINGTON, *February* 10, 1882.

[Extract from the report of the medical examining board for promotion in the United States Navy in the case of William P. Randall, lieutenant, United States Navy.]

Each member of the board then proceeded to make a careful physical examination of the candidate, which being concluded, the board decided thereupon as follows: We hereby certify that Lieut. W. P. Randall, United States Navy, is not physically qualified to perform all his duties at sea, and do not recommend him for promotion. He has right inguinal hernia, which, according to a written statement made by Medical Director Charles Martin, United States Navy, and which was presented to the board, occurred in the line of duty on board the United States ship Cumberland, February 22, 1862. He is nearly deaf in left ear. He is green blind, together with a general feeble color sense.

J. N. BROWNE,
Medical Director and President.
DAVID KINDLEBERGER,
Medical Inspector and Member.
JOHN C. SPEAR,
Medical Inspector and Member.

JOHN C. DULIN, *Recorder.*

Mr. THOMAS, of Illinois. Mr. Chairman, this bill was considered by the Committee on Naval Affairs, and was unanimously reported, and, unless some gentleman desires to antagonize it, I do not wish to occupy further time, as the bill received the unanimous report of three several Naval Committees since I have been a member of the House.

Mr. WARNER, of Ohio. Mr. Chairman, I do not rise to antagonize the bill, but to make an inquiry. This officer, I understand, is now on the retired-list, but I did not learn from the report with what rank.

Mr. THOMAS, of Illinois. With the rank of lieutenant. He had served twelve years as a lieutenant, and the time had come for his promotion, and he came up for promotion, but he was found to be partially color-blind, and on account of the regulations he could not be given the rank to which he would otherwise have been entitled.

Mr. WARNER, of Ohio. Then this bill proposes to advance him on the retired-list to the rank of lieutenant-commander?

Mr. THOMAS, of Illinois. Yes. He is now on the retired-list as a lieutenant.

Mr. WARNER, of Ohio. Will my friend from Illinois [Mr. THOMAS] state what is the pay pertaining to his present rank?

Mr. THOMAS, of Illinois. I can not state it exactly at this moment, but his pay will be at least $175 more.

Mr. SPRINGER. Is that all?

Mr. THOMAS, of Illinois. That is all.

There being no objection, the bill was laid aside to be reported to the House with the recommendation that it do pass.

BENJAMIN M. SIMPSON.

The next business on the Private Calendar was the bill (H. R. 61) for the relief of Benjamin M. Simpson.

The bill was read, as follows:

Be it enacted, &c., That the Secretary of the Interior be hereby authorized and directed to reissue and deliver to Benjamin M. Simpson a Revolutionary bounty-land scrip for eighty acres of land.

Mr. HOLMAN. I ask that the report in that case be read.

The report (by Mr. GREEN, of New Jersey) was read, as follows:

The Committee on Private Land Claims, to which was referred the bill (H. R. 61) to authorize the Secretary of the Interior to reissue and deliver to Benjamin M. Simpson a Revolutionary bounty-land scrip for 80 acres of land, have had the same under consideration and report that the bill ought to pass. The committee find: It is alleged that Hon. JOSEPH WHEELER deposited a Revolutionary bounty-land scrip, the property of Benjamin M. Simpson, for 80 acres of land, in the Land Office of the Department of the Interior, and that said scrip was lost or mislaid while in possession of the said officers of said Land Office. The following letter from the Commissioner of the Land Office shows that Congressional action is necessary to authorize the Department to reissue said scrip to Benjamin M. Simpson, the owner thereof:

DEPARTMENT OF THE INTERIOR, GENERAL LAND OFFICE,
Washington, D. C., August 22, 1885.

SIR: I have the honor to acknowledge the receipt of an affidavit by B. M. Simpson and a letter from this office to your address, dated the 5th of June last, in the matter of a Revolutionary bounty-land scrip founded on Virginia military warrant 6542, which scrip was some months since lost or mislaid in this office. The affidavit referred to specifies the lost scrip as number 7269, and as filed for the purpose of procuring a reissue or certified copy thereof.

Having been indentified in this manner by number, a careful search reveals the fact that said scrip when issued July 29, 1836, was not recorded. At that time the practice of the office was to record the first or lowest numbered piece issued on any given warrant, and the following pages of the record book only giving the succeeding numbers with the money value of each, to the full satisfaction of the warrant or the full issue of scrip at the time. I know of no law authorizing a reissue of this class of Government obligations. Greatly regretting the accident which has caused this trouble, I am compelled to suggest Congressional action as the only relief to be found.

Very respectfully,

W. A. J. SPARKS,
Commissioner.

Hon. JOSEPH WHEELER, *Alabama.*

Your committee therefore report back the bill (H. R. 61) and recommend its passage with the following amendments:

Amend section 1, line 3, after the word "Interior" insert "on satisfactory proof of the loss of said scrip."

Amend the preamble by striking out the word "was," at end of third line of preamble, and insert "is alleged to have been."

Mr. WHEELER. Mr. Chairman, I wish to state, as the report does not fully develop the fact, that this scrip was placed in the Interior Department a year and a half since under the old administration of that office, and that the loss was occasioned by a change of officers. The officials now in that office were not in office at the time the scrip was presented there, and they think it very probable that their predecessors put it away in some pigeon-hole or filed it somewhere; but a strict search has failed to reveal where it is. I make this statement in order to show that the present officers have not been guilty of any neglect.

The amendments reported by the committee were agreed to; and the

bill as amended was laid aside to be reported to the House with the recommendation that it do pass.

H. J. T. MOSS.

The next business on the Private Calendar was the bill (H. R. 2463) for the relief of H. J. T. Moss.

The bill was read, as follows:

Be it enacted, &c., That the Postmaster-General is hereby authorized and directed to adjust and settle the claim of H. J. T. Moss, postmaster at Saint Jo, Tex., for money-order funds lost in transit, notwithstanding the provisions of the act entitled "An act authorizing the Postmaster-General to adjust certain claims of postmasters for loss by burglary, fire, or other unavoidable casualty," approved March 17, 1882.

Mr. LANHAM. I ask that the report in that case be read.

The report was read, as follows:

The Committee on Claims, to which was referred the bill (H. R. 2463) for the relief of H. J. T. Moss, respectfully report in favor of its passage, and hereby adopt the following report submitted by the Committee on Claims in the Forty-eighth Congress, as giving the facts of the case:

[House Report No. 2154, Forty-eighth Congress, first session.]

The Committee on Claims, to whom was referred the bill (H. R. 6661) for the relief of H. J. T. Moss, submit the following report:

The bill is to authorize and direct the Postmaster-General to adjust and settle the claim of H. J. T. Moss, postmaster at Saint Jo, Tex., for money-order funds lost in transit, notwithstanding the provisions of the act entitled "An act authorizing the Postmaster-General to adjust certain claims of postmasters for loss by burglary, fire, or other unavoidable casualty," approved March 17, 1882.

The claimant has made the following affidavit:

SAINT JO, TEX., *April* 21, 1884.

I hereby certify that on the 26th day of October, 1883, I did place $482 surplus money-order fund in a letter addressed to the postmaster, Sherman, Tex. Said letter, sealed and numbered 26, was placed in register package envelope No. 25, all in the presence of H. C. Frie; placed same in mail-pouch, locked and delivered same to John Bellah, carrier. After robbery made all reports to special agent was required, and last of November wrote to superintendent of money-order business concerning the loss; have sent tracer after registered package No. 25, which tracer shows package received at Marysville, Tex., and not received at Gainesville; also sent said tracer to special agent at Austin, Tex.

H. J. T. MOSS, *P. M.*

Sworn to and subscribed before me this April 22, 1884.

R. F. SAMPSON,
J. P. and ex officio Notary Public.

The said witness, H. C. Frie, makes affidavit that he was present as stated by the claimant, and saw him place $482 surplus money-order fund in a letter addressed to the postmaster at Sherman Tex.; saw him inclose said letter in registered package envelope No. 25, place the same in the mail-pouch, and lock and deliver the mail-pouch to the carrier. The testimony of Moss and Frie is corroborated by the statement of W. A. Phillips, assistant postmaster at Saint Jo. Sam Bellah, postmaster at Marysville, Tex., testifies that the records of his office show that registered package No. 25, mailed at Saint Jo, Tex., on the 26th day of October, 1883, addressed to the postmaster, Sherman, Tex., was received at his office and forwarded in mail-pouch for Gainesville, in good order, on the 26th day of October, 1883. The mail-carrier, C. H. Smith, states that between Marysville and Gainesville he was stopped by a man in disguise, with pistol in hand, and forced to give up the mail; that the robber cut the mail-pouch and went through the contents, and took one letter therefrom that looked like an official envelope, being of large size. Kate Brown, postmaster at Gainesville, Tex., testifies as to the robbery, that pouches were cut and contents rifled.

"From all of which it is evident that said $482 surplus money-order fund was lost without any fault of claimant. It appears that soon after the loss he wrote to Special Agent Parker at this place concerning the loss, but received no reply. About four months after the robbery he wrote to the Superintendent of the Money-Order System to know how to proceed to get credit for the amount lost, and in reply received a letter from the assistant attorney-general Post-Office Department informing him that the three months had expired in which the Department could adjust and settle his claim, and that his only remedy was by special legislation. He was ignorant of this statute of limitation, and consequently delayed too long in placing his claim before the Post-Office Department. We do not think he should be made to lose said $482, he not having been guilty of any culpable negligence."

The committee therefore report favorably, and recommend that the bill do pass.

Mr. LANHAM. The facts stated in the report are sustained by the evidence before the committee. I therefore move that the bill be laid aside to be reported to the House with the recommendation that it do pass.

Mr. BEACH. Will the gentleman state when this loss occurred?

Mr. LANHAM. In 1883.

Mr. BEACH. After the passage of the general act to which allusion has been made?

Mr. LANHAM. Yes, sir; in October 1883.

Mr. HOLMAN. I wish to make a further inquiry. Upon a hasty reading of this report, I do not notice any statement that this official was required by any order of the Post-Office Department to transmit these funds.

Mr. LANHAM. Such was the fact, however.

Mr. HOLMAN. It does not appear upon the face of the report.

Mr. LANHAM. As I understand it, the post-office at Sherman was the depository for the postal funds of this office.

Mr. BUCHANAN. Will the gentleman from Texas yield to me while I assure the gentleman from Indiana [Mr. HOLMAN] that I raised that question in the Committee on Claims and it was investigated there, and we became thoroughly satisfied that the action of this man was in accordance with the post-office regulations.

Mr. HOLMAN. I think that where funds are being transmitted as these were by a Government officer in obedience to the orders of the Department and are lost, relief ought of course to be furnished.

Mr. BUCHANAN. There can be no question about that.

There being no objection, the bill was laid aside to be reported to the House with the recommendation that it do pass.

DAVID WEBSTER.

The next business on the Private Calendar was the bill (H. R. 1464) for the relief of David Webster.

The bill was read, as follows:

Be it enacted, &c., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay to David Webster, of Concord, N. H., out of any money in the Treasury not otherwise appropriated, the sum of $302.80, balance due him for travel and attendance as a witness before the Committee on Expenditures in the War Department of the Forty-fourth Congress.

Mr. HOLMAN. Let the report be read.

The following report (by Mr. GALLINGER) was read in part:

The Committee on Claims, to whom was referred the memorial of David Webster for payment of fees as a witness before the Committee on Expenditures in the War Department, submit the following report:

The facts in this case were inquired into and fully stated in favorable reports made by the Committee on Claims of the Forty-seventh and Forty-eighth Congresses, respectively, the latter of which reports we adopt, and which is as follows:

"David Webster, of Concord, N. H., on the 20th day of March, 1876, was duly summoned to appear forthwith before the House Committee on Expenditures in the War Department, of which committee the Hon. Hiester Clymer was chairman. Mr. Webster happened to be in the city at the time of the service of the subpœna, but was the next day intending to leave for his home in New Hampshire. He reported to the committee in obedience to the summons, and was informed by the chairman of said committee that he must remain in attendance upon said committee until his testimony was given, and that he must not depart without leave. In obedience thereto he remained, reporting nearly every day to said committee, until the 7th of April, 1876, when he gave his testimony. (See Report 799, first session Fourth-fourth Congress, on 'The Management of the War Department,' pages 415 to 422.)

After he had testified he requested to be discharged, but the chairman of the committee informed him that he would again be wanted. He remained in constant attendance upon said committee until the 8th day of July, 1876, when his papers, which were taken by the committee at the time he gave his testimony on the 7th of April before mentioned, were returned to him, and Mr. Clymer, the chairman of the committee, told him he was discharged.

The evidence shows that Mr. Webster had been in attendance as a witness one hundred and ten days when he was discharged. He claimed pay for that period of time and also for his travel from Concord, N. H., to the city of Washington, 536 miles. He was allowed for attendance only from the 20th day of March to the 5th day of April, twelve days, at $4 a day, $48, and for five days more, at $3 a day, $15, making $63 in all, with no allowance for travel.

It appears that Mr. Webster objected to receiving this amount, but finally took the money, protesting that he was entitled to his lawful fees for the full time and for his travel in addition.

On the 13th of June Mr. Webster addressed the following letter to Mr. Clymer, the chairman of the committee:

WASHINGTON, *June* 13, 1876.

DEAR SIR: The undersigned most respectfully asks to be discharged as a witness in cases now under investigation before your honorable committee, if in your opinion there is not a positive necessity for being longer detained. I further desire to have my papers returned that your honor stated would be returned to me when I was no longer needed as a witness by your committee.

Be so good as to order an immediate settlement, that I may not be detained from my home in Concord, N. H., any longer than is absolutely necessary.

I am, very truly, yours, &c.,

DAVID WEBSTER.

To Hon. H. CLYMER,
Chairman War Department Committee of Investigations,
House of Representatives.

And in response thereto he was notified by Mr. Clymer that he could not be discharged until further notice. Hence he remained until the 8th day of July, 1876, as before stated.

The memorialist says that at the same time Hallett Kilbourn, esq., was confined in the Capitol for contempt, and that he felt obliged to remain in attendance during the long period he did remain, fearing that if he disobeyed the subpœna he might be dealt with the same as Kilbourn.

Your committee are of opinion that witnesses, when summoned to attend before committees of the House by its authority, and who obey the subpœna by actual attendance, as the claimant did in this instance, are entitled to their pay.

Previous to March 29, 1876 (see House resolution passed March 31, 1872), witnesses summoned to appear before the House or its committees were entitled to fees as follows: $4 per day for attendance and 5 cents per mile for travel in coming to or going from the place of examination. On said 29th of March the following resolution was adopted by the House of Representatives:

"The rule for paying witnesses summoned to appear before this House, or either of its committees, shall be as follows: For each day a witness shall attend, the sum of $3; for each mile he shall travel in coming to or going from the place of examination, the sum of 5 cents each way; but nothing shall be paid for traveling when the witness has been summoned at the place of trial."

In this case Mr. Webster resided several hundred miles from Washington; he was here upon expense the whole time, and your committee recommend that he be paid the lawful fees for the one hundred and ten days, being $330, and his lawful fees for travel from this city, where he was summoned, to his home, at Concord, N. H., being 536 miles, at 5 cents per mile, amounting to $26.80 for travel, total $356.80, deducting from which sum the $63 already paid, leaves $302.80 his due, and we report the accompanying bill in order that he may be paid, and recommend its passage.

APPENDIX.

To the honorable Senate and House of Representatives of the United States in Congress assembled:

The undersigned, your memorialist, David Webster, of Concord, N. H., respectfully represents that he was summoned as a witness on the 20th day of March, 1876, to appear forthwith before the Committee on Expenditures in the War Department of the House of Representatives, of which the Hon. Hiester Clymer was chairman, and a copy of the summons is hereto annexed.

In accordance with the command in said summons, the undersigned, on the 21st day of said March, appeared before said committee, and was instructed by the said chairman of said committee to remain in Washington, subject to the call of the committee.

On the 4th day of April, 1876, said chairman notified your memorialist to appear before said committee on the 7th day of said April, and in accordance with said notice your memorialist attended before said committee at the time named and gave his testimony. A copy of said letter is hereto annexed. Your memorialist then asked of the said committee a discharge as such witness, in order that he might return home to Concord, N. H. He was ordered not to leave Washington on any account, as he was needed further as a witness, and if he should leave without first being discharged as such witness he would be pun-

ished for contempt, and imprisoned the same as Kilbourn, who was adjudged to be in contempt for not answering questions.

Your memorialist remained in Washington to answer to the call of said committee till the end of one hundred and ten days. Your memorialist repeatedly urged upon the chairman of said committee his discharge as such witness, from the 1st of May, 1876, till his final discharge, but was always denied his discharge. On the 13th day of June, 1876, your memorialist addressed a note to the committee urging his discharge as a witness; but said chairman replied that your memorialist must not leave, for the committee had not got through with him. A copy of said note is hereto annexed.

Your memorialist respectfully submits that he is entitled by law to the sum of $440 as a witness before said committee on said summons, and he has received on the same the sum of $63 only. Annexed to this memorial is a copy of the voucher on which said $63 was paid.

Your memorialist respectfully claims that he is entitled lawfully to his fees for travel from Concord, N. H., to Washington and return, and to $440 for his attendance as a witness one hundred and ten days, less the $63 represented by said voucher.

Your memorialist very respectfully asks that an appropriation be made by Congress to pay said claim.

DAVID WEBSTER.

DECEMBER 9, 1880.

STATE OF NEW HAMPSHIRE,
Merrimack, ss:

Then personally appeared David Webster and made solemn oath that all the matters that are stated as facts in said memorial he knows to be true. Before me.

HENRY P. ROLFE,
Justice of the Peace.

By authority of the House of Representatives of the Congress of the United States of America.

To JOHN G. THOMPSON, Esq.,
Sergeant-at-Arms, or his Special Messenger:

You are hereby commanded to summon David Webster, No. 237 Pennsylvania avenue, Washington, D. C., to be and appear before the Committee on Expenditures in the War Department of the House of Representatives of the United States, of which Hon. Hiester Clymer is chairman, in their chamber in the city of Washington forthwith, then and there to testify touching matters of inquiry committed to said committee, and he is not to depart without leave of said committee.

Herein fail not, and make return of this summons.

Witness my hand and the seal of the House of Representatives of the United States, at the city of Washington, this 20th day of March, 1876.

[L. S.] M. C. KERR, *Speaker.*

Attest:

GEO. M. ADAMS, *Clerk.*

I certify the within to be a true copy of the original subpœna.

JOHN G. THOMPSON,
Sergeant-at-Arms, House of Representatives.

HOUSE OF REPRESENTATIVES,
Washington, D. C., April 4, 1876.

DEAR SIR: You will please attend a meeting of the Committee on Expenditures in the War Department to give testimony, on Friday, the 7th of April, at 12 m.

Very truly, yours,

HIESTER CLYMER.

DAVID WEBSTER, Esq.,
237 Pennsylvania avenue.

House of Representatives of the United States to David Webster.

For attendance as a witness before the committee of the House of Representatives investigating expenditures in the War Department, from the 20th day of March, 1876, to the 5th day of April, 1876, twelve days, at $4.... $48
Five days, at $3..... 15

63

Approved:

HIESTER CLYMER, *Chairman.*

187-. Received of Mr. George Adams, Clerk of the House of Representatives of the United States, —— dollars in full of the above account.

—— ——.

I certify the above to be a true copy.

INGHAM CORYELL.

CITY OF WASHINGTON,
District of Columbia, ss:

Personally came before me, James A. Main, a notary public in and for the city and District aforesaid, David Webster, who, being duly sworn, deposes and says as follows:

I am a resident of the city of Concord, in the State of New Hampshire. I came to the city of Washington in January, 1876, to prosecute a certain claim before the Committee on Appropriations of the House of Representatives, but after waiting a couple of months, and learning that it was not at all probable that said committee would take any action in the premises, I relinquished the matter, and on or about the 20th of March, 1876, prepared to return to my home in the city and State aforesaid, and intended to leave Washington on the morning of March 21, 1876; but at about midnight on the 20th of March I was called from my bed and served with a summons to appear as a witness before the Committee on Expenditures in the War Department.

The next morning I called at the House committee-room at the Capitol to see Mr. Clymer, chairman of the committee, and told him that I was anxious to return to my home, but he answered that I could not go until the committee discharged me; that I must hold myself in readiness to appear before the committee at any moment.

On the 4th day of April, 1876, I received a note from Mr. Clymer, chairman of the committee, requesting me to appear on the 7th of that month before the committee to give testimony, and I went on that day and testified. After I had testified before the committee I asked Mr. Clymer if I might then leave the city and return to my home, and again he answered that I must not go until the committee discharged me, but to hold myself in readiness to appear again before the committee at a moment's notice from him, as "you will again be required after certain witnesses (naming them) have been examined." I waited until the month of May, and not having been discharged I consulted Lawyer Jordan about the matter and requested him and others to have me released from further attendance before the committee, but they met with no success. I frequently saw Mr. Clymer and made the same request of him, but he said my papers that had been offered in evidence had not been printed, and that I would be wanted again.

Some time in the month of June I caused to be written a letter to Mr. Clymer, asking for my discharge as a witness before the committee, the receipt of which he personally acknowledged, and told me I should be fully and well paid for my attendance, as my per diem would be $4, unless he should discharge me and resummon me. And so I remained, to the neglect of my business at home, until about the 8th day of July, 1876, when my papers were returned to me, and Mr. Clymer told me I was discharged then from further attendance before the committee. I was then offered the sum of $63 as payment for my attendance before the committee, but declined to receive it until I should consult Mr. Jordan, my attorney. He told me to receipt the $63, as it would not prejudice my claim for witness fees for the entire period from the date I was summoned until the day I was discharged, and so I accepted the same, and on the 11th day of July, 1876, started for my home. During this entire period I was here at considerable expense to myself, and anxious to return home, but was detained by Mr. Clymer.

DAVID WEBSTER.

Subscribed and sworn to before me this 4th day of May, 1882.

[SEAL.] JAMES A. MAIN, *Notary Public.*

I, James M. Burnham, of Hopkinton, in the county of Merrimack, and State of New Hampshire, on oath say: That I was a Capitol watchman in Washington, D. C., during the spring and summer of 1876. About the 20th of March of said year, Mr. David Webster, of Concord, N. H., informed me that he had been summoned as a witness to appear before the House Committee on Expenditures in the War Department, the chairman of which was Hon. Hiester Clymer, of Pennsylvania, and for weeks and months following I almost daily met said Webster in and outside of the rooms occupied by said committee for purposes of investigation, and had assurances both from the said Webster and others, in whom I had confidence, that the said Webster was holding himself in readiness as a witness pursuant to orders from said committee. The said Mr. David Webster being then as now a resident of my own county and State, with whom I was on quite intimate terms. I kept myself well informed as to what was done by said committee, especially that portion of it relating to said Webster. Many times in said committee-room I have seen said Clymer and Webster engage in conversation; and about the 1st of July, 1876, I heard said Clymer, near the door of the said committee-room, demand of said Webster that he should remain in Washington till discharged—that he (Webster) must not leave the city without his permission. A few hours before said Webster left Washington for home (about July 13, 1876) he angrily and bitterly complained to me concerning the refusal of Mr. Clymer to pay him the entire sum due him as a witness, and said he should leave with a Washington attorney at law, for collection, a bill in full for everything due him as a witness. I am not interested in this claim sought to be established.

JAMES M. BURNHAM.

Subscribed and sworn to before me this 27th day of December, 1881. The affiant is the person he represents himself to be, and is a credible witness. Witness my hand and seal this 27th day of December, A. D. 1881.

[SEAL.] JOHN F. JONES, *Notary Public.*

I, R. W. Browning, of Washington, D. C., being sworn, do depose: That in the spring of 1876 I became acquainted with Mr. David Webster, of New Hampshire. I became aware of the fact that he was a summoned witness before the Committee of the House of Representatives on Expenditures in the War Department; that I was a regular attendant of the sessions of the committee when taking testimony; that I saw Mr. Webster nearly every day awaiting to give in his testimony; that I called upon Hon. Hiester Clymer, at the request of Mr. Webster, and requested the said Clymer to call Mr. Webster as soon as possible, as he was very anxious to get away from Washington; that I was present when Mr. Webster gave his testimony; that in reply to the inquiry of Mr. Webster as to being at liberty to leave the city, the chairman, Mr. Clymer, said, "No; we are not done with you yet;" that I saw Mr. Webster after that in the committee-room and outside, and in reply to my inquiries he informed me that he was still awaiting discharge; that I met him the day of his discharge at the Capitol, when he informed me that Mr. Clymer had just discharged him that day (some time in July, 1876).

R. W. BROWNING,
331 Missouri avenue.

Subscribed and sworn to before me this 3d day of May, A. D. 1882.

[SEAL.] JAMES A. MAIN, *Notary Public.*

CITY OF WASHINGTON,
District of Columbia, ss:

Personally came before me, James A. Main, a notary public in and for the District aforesaid, I, Parker Jordan, who, being duly sworn, deposes and says as follows:

I have been personally acquainted with Mr. David Webster since the spring of the year 1876; that my first knowledge of, or acquaintance with, said David Webster was when he was in attendance before the Committee on Expenditures in the War Department of the House of Representatives as a witness; that in May, 1876, the said David Webster came to me and stated he was in attendance as a witness before said committee of the House, and was anxious to be released from further attendance thereon in order that he might return to his home in New Hampshire, and to that end wished my assistance; that between the time of the coming to me of the said David Webster and the 7th or 8th day of July, 1876, I frequently called personally on Mr. Clymer, chairman of said committee, and requested the discharge of said David Webster from further attendance as a witness before said committee, but that the said Mr. Clymer, chairman of said committee, positively declined at each interview to discharge the said Webster, and positively forbade him to leave the city of Washington until he was discharged; that on or about the 7th or 8th day of July, 1876, I called on Mr. Clymer, chairman of said committee, and again requested the discharge of the said David Webster, whereupon the said Mr. Clymer told me he would, on the next day thereafter, discharge the said David Webster from further attendance before said committee, and I so informed said David Webster; that on the next day thereafter, to wit, on or about the 8th or 9th day of July, 1876, the said David Webster called on me at my law office in said city, and stated to me that the clerk of the committee desired to pay him but for a small portion (I forget how much) of the time that he had been in attendance before said committee as a witness, and that he intended to leave the city without accepting the amount that had been offered him, and return to his home; that as a lawyer I advised said Webster that the acceptance of the amount that had been tendered him would by no means prejudice his claim for fees for the entire period of more than one hundred days that he had been in attendance before said committee; and that upon this advice the said David Webster accepted a certain sum of money, but how much I do not now remember, and left for his home immediately.

I. PARKER JORDAN.

Subscribed and sworn to before me this 3d day of May, 1882.

[SEAL.] JAMES A. MAIN, *Notary Public.*

Mr. GALLINGER (before the reading of the report was concluded). Mr. Chairman, the remainder of this report embraces merely documentary evidence tending to sustain what has already been read. It is hardly necessary the Clerk should read further.

Mr. WARNER, of Ohio. Mr. Chairman, this is one of the many bills which wear a very familiar look—bills which appear in every Congress—

sometimes reported adversely and sometimes favorably. I remember——

Mr. GALLINGER. Mr. Chairman, I would inquire who has the floor.

Mr. WARNER, of Ohio. I do not wish to take the gentleman off the floor.

The CHAIRMAN. The gentleman from New Hampshire [Mr. GALLINGER] was recognized and is entitled to the floor.

Mr. GALLINGER. My request was that the remainder of the report, being composed merely of documents bearing upon matters already presented in the report, be not read.

The CHAIRMAN. The report is being read in the time of the gentleman from New Hampshire, and he can have any portion or all read, as he desires.

Mr. GALLINGER. Mr. Chairman, this claim may possibly have a "familiar" sound to the gentleman from Ohio [Mr. WARNER] and some other gentlemen on this floor; but it is nevertheless a just claim, and one which, in my judgment, ought long ago to have been paid. As to the gentleman's statement in regard to "adverse" reports, I may say that if any such report has ever been made to Congress on this case I am not aware of the fact. It is a fact that the Committee on Claims in the Forty-seventh Congress, and again in the Forty-eighth Congress, reported unanimously in favor of the claim; but unfortunately for this poor claimant the bill went upon the Calendar and was not reached before the adjournment of the Congress.

The Committee on Claims in the present Congress have very carefully inquired into the facts in this case, and they, like their predecessors in the Forty-seventh and Forty-eighth Congresses, have made a unanimous report that this poor man is entitled to the sum of $302.80 for services as a witness before a committee of this House in 1876. The report embraces a copy of a letter bearing date June 12, 1876, addressed by Mr. Webster to Hon. Hiester Clymer, chairman of that committee. By reference to the files of the House the original of that letter will be found, and it seemed to our committee conclusive evidence that Mr. Webster was detained in this city at that time by order of that committee, and the date of the letter is only a few days prior to the time when he received his discharge and returned to his home in New Hampshire.

I am not here to discuss the question why Mr. Webster was not paid his entire fees. The fact remains that he was detained in this city, that Mr. Kilbourn was at that time incarcerated for contempt in not remaining here as a witness, and the further fact appears that Mr. Webster, in June of that year, addressed this letter to the chairman of that committee, asking that certain papers in the hands of the committee be returned to him and that he might be discharged as a witness. Upon the face of the evidence it is clear to my mind, as it was to the mind of every member of the Committee on Claims, that this man was detained in this city during the entire time he says he was and that he ought to receive compensation for the time he was here under order from that committee of the House of Representatives.

Mr. Chairman, I reserve the remainder of my time until I hear any objections that may be made to the payment of this claim.

Mr. WARNER, of Ohio. Mr. Chairman, I remember investigating this claim myself on one occasion. My recollection is—although I have not all the circumstances in mind—that the claim as to this witness having been detained here was denied by the committee before which he appeared. My recollection is (if I am in error of course some gentleman can set me right; I am merely giving my recollection) that this claim was made before the committee of which the honorable Mr. Clymer was chairman. This very claim was preferred there, and that committee before which he had appeared to testify refused to allow more than had already been paid, not wholly because the law did not justify the allowance, but because they did not consider him fairly entitled to more, on the ground that instead of being detained here by the committee he voluntarily remained in the city.

These are my impressions. My friend from South Carolina [Mr. TILLMAN] may remember the circumstances more distinctly. This bill was reported adversely, I think, in the Forty-seventh Congress.

Mr. BUCHANAN. Favorably.

Mr. WARNER, of Ohio. Unfavorably.

Mr. TILLMAN. The report in the Forty-eighth Congress was unfavorable.

Mr. GALLINGER. Allow me to correct the gentleman. This bill was reported favorably by the Committee on Claims in both the Forty-seventh and the Forty-eighth Congress.

Mr. TILLMAN. That is very different from my recollection.

Mr. WARNER, of Ohio. My understanding is that there was an unfavorable report in one of those Congresses, upon the ground that the committee before which this man had appeared and before which the claim was preferred believed he was not entitled to the compensation he claimed. My conclusion was that they, having the facts before them at the time, could form a more correct judgment than we could then or can now.

Mr. SPRINGER. When this case was considered in the Committee on Claims I was of opinion on its first consideration that it was without merit. I asked that the matter be postponed until another meeting of the committee, in order that the subcommittee, with the clerk of the committee, should examine the records of the committee of which Mr. Clymer was chairman to see whether this witness was actually in attendance during the time for which he was claiming payment. That postponement was had and the examination made. The subcommittee found that according to the records of the committee to which I have referred this witness was in attendance as he claimed.

Mr. BRECKINRIDGE, of Kentucky. Then why was he not paid?

Mr. SPRINGER. The next question which presented itself was that which the gentleman from Kentucky now suggests, Why was not the man paid? Why did not the committee before which he had appeared audit his allowance and give him a certificate so that he could at that time draw his pay? This matter was not sufficiently explained. That committee did allow him $63 for attendance. But the committee evidently kept him longer than they intended—perhaps they forgot him. Still he was held by their subpœna, and was not discharged until the time he states. It would seem that the committee did not desire to adjudge itself negligent by giving him a certificate for the whole time covered by his claim. His letters asking to be discharged from time to time are on file, but no discharge was given until a few days after the date of the letter referred to by the gentleman from New Hampshire [Mr. GALLINGER].

The very question raised by the honorable gentleman from Kentucky was asked by myself in the committee, Why did not Mr. Clymer's committee audit this account? If they kept him here they should have allowed him pay. The law provided that he should be paid. But it seems they did not make the allowance; and this party did not get pay for attendance for the whole time during which, as the record shows, he was in attendance.

Mr. WARNER, of Missouri. Just one word on this claim. When this matter was before the Committee on Claims it was held in abeyance for some time. We find in this report the affidavit of David Webster, setting out fully and clearly all the circumstances that detained him here as a witness in the city of Washington. It was ascertained by that committee that Mr. Webster is a gentleman of reputable character, as good as any gentleman possibly in the community in which he lives. It is also shown in this report that his statement was corroborated and supported in the main by two disinterested witnesses; and in addition there appears in the file-room of this House the letter of this man addressed to the chairman of the committee asking that he be discharged. It is also in evidence and supported here that he visited the chairman and asked to be discharged, and that he was informed he could not be discharged as he would be wanted again before the committee after certain other witnesses had given their evidence, and he remained here believing if he went away he would be guilty of contempt and be incarcerated and punished.

This case was carefully investigated, and it does seem to me, as far as all the evidence on file is concerned, irrespective of the memory of gentlemen who may have been in Congress at that time, there can be no doubt as to its justice.

Mr. GALLINGER moved that the bill be laid aside to be reported to the House with the recommendation that it do pass.

Mr. TILLMAN demanded a division.

The committee divided; and there were—ayes 57, noes 18.

So the motion was agreed to.

The bill was accordingly laid aside to be reported to the House with the recommendation that it do pass.

DAVID W. JONES.

The next business on the Private Calendar was the bill (H. R. 1557) for the relief of David W. Jones.

The bill was read, as follows:

Whereas the United States pension agent at Washington, D. C., August 23, 1880, issued a check numbered 63632, drawn on the Treasury of the United States, in favor of David W. Jones, a pensioner residing at Hagerstown, Md., for $1,549.33 in payment of pension then due said David W. Jones; and

Whereas said check was lost while being transmitted by mail in course of collection between the National Park Bank of New York and the National Metropolitan Bank of Washington, D. C.: Therefore,

Be it enacted, &c., That the pension agent at Washington, D. C., be, and is hereby, instructed to issue duplicate check numbered 63632 for $1,549.33 in favor of David W. Jones for one lost in the mail on the 31st day of August, 1880: *Provided*, That said David W. Jones shall first execute a bond, with good and sufficient sureties, to be approved by the Secretary of the Treasury, to hold the United States harmless against the double payment of said check.

The report (by Mr. GALLINGER) was read, as follows:

The Committee on Claims, to whom was referred the bill (H. R. 1557) for the relief of David W. Jones, submit the following report:

The facts in this case were inquired into and stated in a favorable report made by the Committee on Claims of the Forty-eighth Congress, which report we adopt, and which is as follows:

"On the 23d day of August, 1880, the United States pension agent at Washington, D. C., issued a check numbered 63632, drawn on the Treasury of the United States, in favor of David W. Jones, a pensioner residing at Hagerstown, Md., for $1,549.33, in payment of pension then due said David W. Jones. On the 27th of August, 1880, the National Bank of Chambersburg, Pa., remitted said check by mail to the National Park Bank of New York. Said check was duly received by said National Park Bank of New York, and by said National Park Bank was forwarded for collection, with other items, by mail on the 31st of August, 1880, to the National Metropolitan Bank of Washington, D. C. The letter in which were said inclosures failed to reach its destination, and every effort was made to trace it through the post-office, but without success. Said National Park Bank of New York has since received and collected duplicates of all the inclosures in

said lost letter, with the exception of said check. Said bank was informed that special provision would have to be made by Congress for the issue of a duplicate. Said check has never been presented for payment.

"In consideration of the above facts, the committee therefore report back the bill, and recommend its passage."

On motion of Mr. GALLINGER, the bill was laid aside to be reported to the House with the recommendation that it do pass.

ADVERSE REPORT.

The next business on the Private Calendar was the bill (H. R. 398) for the relief of Henry Washburn and Thomas Washburn, with an adverse report.

Mr. GALLINGER. This was reported by me adversely, but on motion of the gentleman from Illinois [Mr. EDEN] it was put on the Private Calendar. I do not see that gentleman in his seat this afternoon, and therefore by unanimous consent I suggest it be passed over informally.

There was no objection, and it was ordered accordingly.

JOHN A. MORRIS.

The next business on the Private Calendar was the bill (H. R. 274) for the relief of John A. Morris.

The bill was read, as follows:

Be it enacted, &c., That the Secretary of the Treasury be, and he is hereby, directed to pay to John A. Morris, out of any money in the Treasury not otherwise appropriated, the sum of $117.10, that being the amount of a draft issued by the Third Assistant Postmaster-General which has not been paid, and which draft is now held by said John A. Morris.

The report (by Mr. NEAL) was read, as follows:

The Committee on Claims, to whom was referred the bill (H. R. 274) for the relief of John A. Morris, respectfully report as follows:

On the 18th day of March, 1873, the Third Assistant Postmaster-General issued to John McLeod, as part payment on a contract for carrying the mail from Mount Vernon, in Montgomery County, Georgia, to Reidsville, Tattnall County, Georgia, a draft on J. L. Dunning, then postmaster at Atlanta, Ga., for the sum of $190.10. McLeod, for value, indorsed said draft to John A. Morris, who is the present owner thereof. At the time of the indorsement to him Morris was sick, and hence some delay elapsed before the draft was presented at the post-office in Atlanta for payment. When presented, Dunning, the postmaster, on whom the draft was drawn, had departed this life, and his successor declined to pay it.

Morris then applied to the Government for payment, and was informed that in settling with the estate of Dunning the Government had given credit to said estate for the amount of this draft, and that Mr. Morris could sue the estate of Dunning or appeal to Congress for relief. It is not pretended by any one that this draft has ever been paid. Your committee are of the opinion that the accounting officers of the Government should not have allowed the estate of Dunning credit for this draft unless he had accepted or paid it, and the fact that they did so, without the knowledge or consent of Morris, the *bona fide* holder of said draft, should not, and does not, relieve the Government from its liability for the amount thereof.

Your committee therefore report back the bill with the recommendation that the same do pass.

Mr. HOLMAN. Does the bill contain the usual clause?

Mr. SPRINGER. This is not that kind of a case exactly. This is the case of a check sent to the person to whom the Government was indebted, to be paid by the postmaster at the town mentioned. The postmaster died before the check was presented. As soon as the check was issued the Postmaster-General credited that postmaster with the payment of the check. On settling the accounts it appeared his books were balanced, and the check paid by him; but the Government never paid the amount of the check to the person in favor of whom it was drawn, and who was entitled to receive the money.

Mr. HEPBURN. Why not?

Mr. SPRINGER. Because the postmaster died, the Government of the United States previously having credited his account.

Mr. HOLMAN. The Government had a claim against the post master. Was it due to his negligence?

Mr. SPRINGER. It was done in the course of business, and there was no negligence on his part.

There was no objection, and the bill was laid aside to be reported to the House with the recommendation that it do pass.

Mr. SPRINGER moved that the committee rise.

The motion was agreed to.

The committee accordingly rose; and the Speaker having resumed the chair, Mr. HATCH reported that the Committee of the Whole House had had under consideration the Private Calendar and had directed him to report back sundry bills with various recommendations.

RECOMMITTAL OF A BILL.

A bill (H. R. 1217) for the relief of James Millinger, in accordance with the recommendation of the Committee of the Whole House on the Private Calendar, was recommitted to the Committee on War Claims.

BILLS PASSED.

Bills of the following titles, reported without amendment, were severally ordered to be engrossed and read a third time; and being engrossed, they were accordingly read the third time, and passed:

A bill (H. R. 1877) for the relief of John McNaughton;

A bill (H. R. 79) for the relief of Pryor N. Lea;

A bill (H. R. 1245) to authorize the increase of the capital stock of the First National Bank of Shakopee, Minn.;

A bill (H. R. 1151) authorizing the President of the United States to appoint Lieut. William P. Randall a lieutenant-commander on the retired-list of the Navy;

A bill (H. R. 2463) for the relief of H. J. T. Moss;

A bill (H. R. 1464) for the relief of David Webster;

A bill (H. R. 1557) for the relief of David W. Jones; and

A bill (H. R. 274) for the relief of John A. Morris.

Amendments to the following bills were agreed to, and the bills as amended were ordered to be engrossed and read a third time; and being engrossed, they were accordingly read the third time, and passed:

A bill (H. R 4413) for the relief of William Clift;

(On motion of Mr. WARNER, of Ohio, the title of the bill was amended to read, "A bill for the relief of the legal representatives of William Clift, deceased.")

A bill (H. R. 61) for the relief of Benjamin M. Simpson.

Mr. SPRINGER moved to reconsider the several votes just taken; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

ORDER OF BUSINESS.

Mr. MORRISON. I move that the House take a recess until half past 7 o'clock this evening.

Mr. BRAGG. I desire, with the consent of the chairman of the Committee on Invalid Pensions, to move that the order assigning Friday for the transaction of private business may include private bills from the Committee on Military Affairs.

Mr. HOLMAN. Unless the gentleman from Wisconsin is able to indicate the bills to be considered——

Mr. BRAGG. I have made my motion.

The SPEAKER. Is it for this evening only or generally?

Mr. BRAGG. Generally hereafter.

Mr. MORRISON. I object. I move that the House take a recess until half past 7 o'clock this evening.

The motion was agreed to; and accordingly (at 4 o'clock and 30 minutes p. m.) the House took a recess until half past 7 p. m.

EVENING SESSION.

The recess having expired, the House (at 7 o'clock and 30 minutes p. m.) resumed its session, Mr. MCMILLIN in the chair as Speaker *pro tempore*.

The SPEAKER *pro tempore*. The Clerk will read a communication from the Speaker of the House.

The Clerk read as follows:

SPEAKER'S ROOM, HOUSE OF REPRESENTATIVES,
Washington, D. C., February 26, 1886.

SIR: I hereby designate Hon. BENTON MCMILLIN Speaker *pro tempore* for the session of this evening.

J. G. CARLISLE, *Speaker.*

Hon. JOHN B. CLARK,
Clerk House of Representatives.

The SPEAKER *pro tempore*. The Clerk will now read the order under which the House assembles to-night.

The Clerk read as follows:

Resolved, That on each Friday the House shall take a recess from 5 o'clock p. m. until 7.30 p. m., at which evening sessions private bills reported from the Committee on Invalid Pensions and the Committee on Pensions, and bills reported from the Judiciary Committee to remove political disabilities only, be considered.

Mr. MATSON. I move that the House resolve itself into a Committee of the Whole House for the consideration of the Private Calendar under the special order just read.

The motion was agreed to.

The House accordingly resolved itself into Committee of the Whole, Mr. HATCH in the chair.

The CHAIRMAN. The House is now in committee for the consideration of the Private Calendar under the order just read. The Clerk will report the first bill upon the Calendar.

GILES C. HAWLEY.

The first business on the Private Calendar was the bill (H. R. 424) to amend the military record of Giles C. Hawley, and to place his name on the pension-roll.

The bill is as follows:

Whereas it appears from the military record of Giles C. Hawley, late of Company L, Second Illinois Cavalry, that a deafness with which he is affected existed prior to his enlistment in the United States Army; and

Whereas the said Giles C. Hawley avers that said record is false, and by reason of its falsity he is barred from getting a pension, whereto he claims title: therefore,

Be it enacted, &c., That the Secretary of War be, and he is hereby, authorized and directed to amend the military record of Giles C. Hawley by expunging said averment; and that the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-roll the name of the said Giles C. Hawley, to draw a pension of $— per month from the —— day of ——, 18—.

Amend the title so as to read: "A bill to pension Giles C. Hawley."

The report (by Mr. NEECE) is as follows:

That Giles C. Hawley enlisted in Company L, Second Illinois Cavalry, on July 15, 1861, and was discharged November 14, 1861, for disabilities. His military record shows him with his company and regiment all the time from his enlistment until he was discharged at Fort Holt, Ky., on account of deafness.

The surgeon of the regiment certifies in the certificate of disability that he was so deaf that he could not hear an ordinary command, and had been slightly so during his service. In said certificate of disability Captain Delano, who was in command of said company, says that said Hawley is so deaf that he can not hear

an ordinary command, and that his hearing has been somewhat defective for several years, so he had been informed by Hawley's friends.

It appears from the evidence that Hawley had been engaged in the mercantile business, at the town of Augusta prior and up to the time of his enlistment. A great number of his neighbors and those who had dealt with him for years just prior to his enlistment testify that his hearing was not defective prior to his enlistment. He swears himself that his hearing was good up to the time of his enlistment.

It also appears from the evidence that Hawley was not sick, and performed his duties as a soldier up to some two months prior to his discharge; that after a hard march and a great deal of exposure the said Hawley caught a very severe cold, and from the effects of which he became very deaf, and never has recovered.

From the evidence there is no question but what said Hawley's hearing was reasonably good prior to enlistment, and that the cause of his great deafness is owing to exposure in the military service; he, being a merchant, probably was not so rugged and hardy as men engaged in other employment. The statement of Captain Delano was based on hearsay only; and admitting all that the surgeon of the regiment says in his certificate be true, "that his hearing was slightly impaired during service," this, in the judgment of the committee, ought not to debar the said Hawley from receiving his pension for the actual injuries he did sustain in the service, which were due to exposure and hard service. But it appears from the evidence that the surgeon of the regiment was not acquainted with said Hawley prior to his enlistment, and as he had no occasion to treat him until after he had taken the cold referred to, and had become sick and deaf from its effect, it does not seem as though the statement of the surgeon in his certificate ought to overbalance a whole community who had known said Hawley and done business with him for many years prior to the war. Since his return from the war the evidence shows him to be so deaf that you can only make him hear by means of a trumpet of some kind.

Your committee is of the opinion that said Hawley's deafness is due to injuries that he received while in the service of the United States, caused by cold and exposure while in the line of his duty, and that he is entitled to a pension.

We therefore recommend that the title of the bill be amended so that it will read "A bill to pension Giles G. Hawley," and that said bill be amended as follows:

Strike out all after the enacting clause and insert:

"That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-roll the name of Giles C. Hawley, late of Company L, Second Illinois Cavalry, and pay him a pension, subject to the provisions and limitations of the pension laws."

The amendments were agreed to.

The bill as amended was laid aside to be reported to the House with the recomendation that it do pass.

AMANDA RODGERS.

The next business on the Private Calendar was the bill (H. R. 4224) for the relief of Amanda Rodgers.

The bill is as follows:

Be it enacted, That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-roll the name of Amanda Rodgers, widow of Matthew Rodgers, late of Company C, First Regiment United States Dragoons, subject to the limitations and provisions of the pension laws.

Mr. MATSON. I ask for the reading of the report in this case.

The report (by Mr. WHITE, of Pennsylvania) was read, as follows:

The Committee on Pensions, to whom was referred House bill 4224, after duly considering it, report it back, recommending its passage with the following amendment: "and that she be paid a pension of $16 per month from the 24th day of November, 1882, during her natural life, in case she so long remains the widow of Matthew B. Rodgers."

Matthew B. Rodgers was a corporal in the United States Army, Company C, First Regiment United States Dragoons, and while in said service he received wounds and injuries, for which on the 2d day of June, 1836, he was granted a pension of $4 per month, to commence on the 20th day of November, 1837, which was subsequently raised to $16 per month, which he was drawing at date of his death, November 24, 1882. He was an invalid for many years prior to his death. Amanda Rodgers is his widow, and shared with him the sorrows of life, cared for him in his afflictions, and laid him in his last resting place. She is poor, aged, and infirm, and the committee recommend that the bill as amended do pass.

Mr. MATSON. This bill is reported by the Committee on Pensions. Whether any member of that committee is present or not I do not know. There is no reason stated that I can see why this widow should be pensioned at any higher rate than many others of the aged widows who are seeking relief, and no reason why she should have arrears of pension when arrears are refused to all those who are benefited by special acts of Congress.

I move to amend the bill by striking out that portion which provides for arrears of pension, and also that provision which fixes the rate of pension at $16 per month, and insert that she be placed upon the pension-roll subject to the provisions and limitations of the pension laws.

Mr. WHITE, of Pennsylvania. Mr. Chairman, I reported that bill from the Committee on Pensions; and the reason the committee fixed the amount at $16 per month was because the husband of this widow, Amanda Rodgers, was a long time in the service, and his pension was finally increased, I believe by special act of Congress, to $16 per month. As she was aged and infirm, the committee supposed it would be right to give her the same pension that her husband was drawing at the time of his death, during the few remaining years of her life, to commence from the date of his death. That is the reason which influenced the committee, and we thought it right to report the bill in this shape believing it would meet the approval of the House.

The CHAIRMAN. The Clerk will report the bill as proposed to be amended.

The bill was again read as proposed to be amended.

Mr. DOCKERY. The gentleman from Pennsylvania, I suppose, will be willing to consent to strike out the arrears?

The CHAIRMAN. The question is on agreeing to the amendments proposed by the gentleman from Indiana.

The amendments were agreed to.

The bill as amended was laid aside to be reported to the House with the recommendation that it do pass.

Mr. DOCKERY. I request, Mr. Chairman, that an order be made to have the reports in all of these cases printed although their reading may not be called for.

The CHAIRMAN. Without objection that order will be made.

There was no objection, and it was so ordered.

LIZZIE KENAMORE.

The next business on the Private Calendar was the bill (H. R. 4112) granting a pension to Lizzie Kenamore.

The bill is as follows:

Be it enacted, &c., That the Secretary of the Interior be, and he hereby is, directed to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of Lizzie Kenamore, widow of Grant A. Kenamore, late captain of Company D, Forty-eighth Regiment Missouri Infantry, and pay her a pension from and after the passage of this act.

The report (by Mr. MORRILL) is as follows:

We find that the claimant is the widow of Capt. Grant A. Kenamore, of Company D, Forty-eighth Missouri Volunteers. Captain Kenamore served in Company G, Ninth Missouri State Militia, from April 1, 1863, to September 21, 1864, and in Company D, Forty-eighth Missouri, from September 22, 1864, to March 23, 1865.

On the 29th of August, 1882, he filed application for pension, alleging that while in the line of duty making the grand rounds as officer of the day at or near Rollo, Mo., about December 1, 1864, his horse fell and his left arm was broken at the elbow-joint, his left shoulder badly injured, and his upper lip split open. The lip has never healed, and he can only take food now in a liquid form. In January, 1865, the claim was allowed, and he was granted a pension for the injury to the elbow.

The injury to the lip developed into a cancer, from which he suffered all that it would seem possible for a human being to suffer, and from which he died July 7, 1865. The Department rejected the claim for pension for cancer on the ground that the cancer was not the result of said injury. As the cancer was the admitted cause of his death, this decision in the original claim renders it impossible for the widow to establish her case. There is a large amount of evidence showing that the soldier was free from the disease at enlistment. Dr. Hudspeth testifies that he is positive that there was no sore on Kenamore's lip when he enlisted. The only evidence to show prior disability is that of Dr. Hyer, who says, "before the war he showed me a crack in his lip, and I advised him to keep it covered with court plaster."

One other witness thinks he saw soldier with a piece of court plaster on his lip. Captain Kenamore asserted most positively that there was no disease of the lip when he enlisted. Hon. R. P. Bland says, March 24, 1885:

"I know his reputation for truth and integrity in all regards. I know that it is good as the best. He would not make a false statement for any consideration. I am fully satisfied that the evidence of Dr. John Hyer in that regard is a mistake. I know Dr. Hyer, and I do not believe he would knowingly make any false statement; but when he says he thinks the sore on the lip was there before the war, and was treated by him at that time, he no doubt has mistaken dates, as I am credibly informed that after the war Dr. Hyer did examine Kenamore's lip. Dr. Hyer is old and quite feeble, and he is mistaken in this case. Captain Kenamore is at death's door. His only hope and wish is to leave a support for a wife soon to be a widow, one that has been to him a tender friend and support in all his great affliction. His afflictions have been and are terrible. This wound on his lip turned to an eating cancer, that has literally devoured his face. His tongue and throat are nearly gone. He can survive but a few days, or months at most. In the very jaws of death he reiterates the truth that his lip and face were sound before he got this wound in the service. Unintentional injustice has been done him."

After a careful review of the evidence submitted, your committee are convinced that the evidence fails to show that the disease existed at enlistment, and they therefore recommend the passage of the bill.

The bill was laid aside to be reported to the House with the recommendation that it do pass.

ELLEN M. MITCHELL.

The next business on the Private Calendar was the bill (H. R. 2022) increasing the pension of Ellen M. Mitchell; reported adversely from the Committee on Invalid Pensions.

Mr. MATSON. Mr. Chairman, this is an adverse report, and I ask that the bill be laid aside informally for the present, not to lose its place upon the Calendar.

Mr. BINGHAM. I should desire the bill to be taken up at this time for consideration if the chairman of the committee has no objection.

Mr. MATSON. I have very serious objection. I do not think such a bill should pass without the vote of a full House; that is my judgment, and it has been the policy of the committee heretofore in such cases.

Mr. BINGHAM. What does the gentleman mean by a full House?

Mr. MATSON. I mean by a quorum in the House. If the House sees fit to increase a widow's pension to $50 a month there can not be much complaint; but to begin here and establish a precedent, and I think that is the judgment of the committee I represent, is objectionable. I know it would not be satisfactory to the committee.

Mr. BINGHAM. I have no desire, of course, to antagonize all of the other bills that are upon the Calendar; and yet, at the same time, I should like to be able to make some arrangement with the chairman of the committee whereby we could get this bill before a full House. I have no desire to block legislation——

Mr. MATSON. I have no knowledge as to when the bill will be reached.

Mr. BINGHAM. If the chairman will indicate how we can get the bill before a full House it will be satisfactory to me to postpone it until that time.

Mr. MATSON. The bill may be reported—I have no objection to that—reported to the House adversely, for the action of the House to-morrow——

Mr. BINGHAM. It can not be taken up to-morrow.

Mr. MATSON. Or on some other day when a quorum of the House is present. Next Friday, for instance, it will stand upon the Calendar at that point, and may be reached by consent.

Mr. BINGHAM. I have no objection if that can be done.

Mr. MATSON. And let it be understood that it is to be discussed for fifteen minutes on each side.

Mr. BINGHAM. In recognition of the rule of the House to which the gentleman refers I do not wish to press the consideration to-night.

Mr. JOHNSTON, of Indiana. I submit the chairman of the Committee on Invalid Pensions can not make an arrangement of that kind; that the bill shall be discussed for fifteen minutes on each side.

Mr. McMILLIN. The gentleman from Indiana will permit me to state that that comes as a matter of course after the previous question is ordered on a bill without debate. The rules provide for that, and it would come as a matter of parliamentary law.

Mr. JOHNSTON, of Indiana. Yes, sir, if the previous question is ordered; but I do not suppose any one who wants to pass the bill would want to move the previous question.

Mr. McMILLIN. Then it would come up without any limit on the debate. That would be the effect of it if the previous question was not ordered.

Mr. BINGHAM. Then I understand the gentleman from Indiana [Mr. MATSON], as chairman of the Committee on Invalid Pensions——

The CHAIRMAN. The Chair will state to the gentleman from Pennsylvania the gentleman from Indiana asks unanimous consent that this bill be laid aside and reported to the House adversely, with the understanding it shall be brought up before the House next Friday as unfinished business or when business of this character is reached.

Mr. BRADY. Will that alter the special order? I understand there is a special order by which these pension bills come up for consideration each Friday evening. Will this proposed action change the effect of the special order and permit the bill to come up next Friday?

The CHAIRMAN. If it goes over as unfinished business it will come up next Friday after the morning hour.

Mr. BRADY. Then it can come up at that time under the proposed arrangement notwithstanding the special order?

The CHAIRMAN. Certainly.

Mr. McMILLIN. The special order simply extends the rule, and does not limit it in any particular.

Mr. JOHNSTON, of Indiana. It is right we should have a clear understanding about this. It has been stated that this will be reached in its regular order as unfinished business. I would suggest that it may not be reached next Friday, because there are a number of private bills that will stand ahead of this on the Calendar.

Mr. McMILLIN. But none of those bills have been reported to the House. This will take precedence of those not reported.

Mr. JOHNSTON, of Indiana. There are a number of bills on the Private Calendar reported from the Committee on War Claims and other committees. Would this bill take precedence?

Mr. McMILLIN. The bills to which the gentleman refers have not passed the Committee of the Whole. This under the proposed arrangement will have passed the Committee of the Whole, and will come up as unfinished business.

Mr. BRADY. It will come up in its turn?

The CHAIRMAN. The Chair thinks there is no question about the order in which this bill will be reached. It will come up as unfinished business next Friday.

Mr. BRADY. If this is the understanding, I have no objection. I think, notwithstanding the adverse report which has been made, this is a most worthy case, and we will have no objection to presenting it fully to the House.

Mr. O'NEILL, of Pennsylvania. As I understand, this bill will come up in the order of all bills reported from the Committee of the Whole to-night, whether adversely or not.

The CHAIRMAN. Except, the Chair will state, that it will not come up in the House to be finally acted upon as other bills that come up at this evening session reported this evening from the Committee of the Whole. It will go over till next Friday.

Mr. McKENNA. Do I understand this bill will take precedence of other bills on the Private Calendar when it comes up next Friday?

The CHAIRMAN. If the proposed arrangement is made, the bill will be reported to the House adversely, and come up next Friday after the morning hour as unfinished business.

Mr. McKENNA. Then I object.

Mr. BINGHAM. If objection is made we are willing now to consider the bill on its merits.

Mr. McMILLIN. I suggest that the bill be passed over informally for the present.

Mr. PERKINS. I move that the bill be passed over informally.

Mr. BINGHAM. I hope the gentleman who made the objection will withdraw it. This will not bar any other legislation. We have ample time to consider all the business coming before the House.

Mr. McKENNA. I withdraw the objection.

The CHAIRMAN. Is there objection to the request of the gentleman from Indiana [Mr. MATSON]? [After a pause.] The Chair hears none, and it is so ordered.

MARGARET A. CASWELL.

The next business on the Private Calendar was the bill (H. R. 1634) for the relief of Margaret A. Caswell.

The bill was read, as follows:

Be it enacted, &c., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of Margaret A. Caswell, widow of Egbert H. Caswell, formerly of Company E, Thirty-fourth Regiment of New York Infantry Volunteers.

The report (by Mr. SAWYER) is as follows:

The Committee on Invalid Pensions, to whom was referred House bill 1634, beg leave to submit the following report:

That in the Forty-eighth Congress a bill similar to this was introduced and referred to the Committee on Invalid Pensions, who made their report hereto annexed. The bill passed the House, but was not reached in the Senate.

From an examination of the case this committee adopt the said report as their own in this case and recommend that the bill pass.

The Committee on Invalid Pensions, to whom was referred bill H. R. 2473, ask leave to submit the following report:

The petitioner is the widow of Egbert H. Caswell, whose certificate of discharge shows that he enlisted in the service of the United States, in the late war, on the 15th day of June, 1861, for two years, in Company K, Thirty-fourth Regiment New York Volunteers, and that he was discharged March 21, 1863, at Philadelphia, Pa. The surgeon's certificate pronounces one of his disabilities to be a fracture of the tibia while on duty at Bolivar Heights, by falling from a stone wall while engaged in drawing water for his company. The ankle frequently swelled and was at times very painful after walking or standing. At Fair Oaks, Va., May 31, 1862, he received wounds in battle still more serious. J. J. Woodward, United States Army surgeon, testifies that at this time Caswell was disabled by a gunshot wound in the left leg, and also in the right thigh, and that he was rendered deaf in the right ear by reason of the bursting of a shell near that organ. He was forced to use crutches for several months after his discharge. He also received a bayonet thrust through the palm of his right hand.

For his several wounds he was treated in hospitals at Philadelphia and Washington; was reported by his physicians as having partial paralysis of the leg, and that he died, finally, from softening of the brain. It is a fair inference that this result was superinduced by exposure in the service and wounds received, but more directly from the bursting of the shell, which may have caused concussion of the brain. Your committee are of the opinion that he died from the causes before stated, directly traceable to his service, and think his widow should receive some aid from the Government in the form of a pension, and therefore recommend the passage of bill H. R. 2473.

The bill was laid aside to be reported to the House with the recommendation that it do pass.

SARAH B. JACKSON.

The next business on the Private Calendar was the bill (H. R. 1635) for the relief of Sarah B. Jackson.

The bill was read, as follows:

Be it enacted, &c., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of Sarah B. Jackson, widow of William B. Jackson, late of Company A, Ninety-first Regiment New York Volunteers.

The report (by Mr. SAWYER) is as follows:

The Committee on Invalid Pensions, to whom was referred the bill (H. R. 1635) for the relief of Sarah B. Jackson, submit the following report:

That in the Forty-eighth Congress a bill for the relief of Mrs. Jackson was introduced into the House, referred to the Committee on Invalid Pensions, who made their report (which is hereto annexed), and the bill passed the House.

The bill then went to the Senate, and was referred to the Committee on Pensions, who made a favorable report February 6, 1885, but it was so late that the bill was not reached or passed. Their report is also hereto annexed.

From an examination of the case, the committee believe it to be meritorious, and adopt said reports as their own, and recommend the passage of the bill.

[House Report No. 1170, Forty-eighth Congress, first session.]

The Committee on Invalid Pensions, to whom was referred the bill (H. R. 5800) for the relief of Sarah B. Jackson, having considered the same, make the following report:

The petitioner alleges that her husband lost his life by falling from a railroad bridge while attacked by dizziness, resulting from serious wounds received in battle in the service of the United States. It is in evidence that the soldier had his lower jaw shot away in the battle of Hatcher's Run, Va., March 31, 1865. He was discharged because of this wound. The disability was rated total, for which he was receiving at time of death a pension of $8 per month. The records show that he enlisted September 1, 1864, and was mustered in the next day as a private in Company A, Ninety-first Regiment New York Heavy Artillery Volunteers; was discharged July 27, 1865, and died September 18, 1865, up to which time he received his pension, application having been filed in August. His family therefore derived but little good from the pension, his death occurring soon after its allowance. The widow did not apply for pension until March 12, 1877, but it was rejected because "the injury to spine by a fall was not caused by or dependent upon wounds received in the service of the United States."

The widow's affidavit gives the reason for delaying her applications for pension, as well as other facts pertinent to the case. It is as follows: That her late husband, the soldier above mentioned, was a pensioner of the United States; that he returned from the Army to their home in July, 1865, suffering from a severe wound of face, destroying the lower jaw; that, although said wound was healed over, it was very distressing, causing darting pains from the jaw to the top of the head and almost continual suffering; that owing to said wound her said husband could not eat any solid food, and in consequence she had to prepare for him and feed him with liquids from a spoon; that her said husband was before enlistment a sound, healthy man, and was not subject to fainting spells, but after his return he did at several times become unconscious and faint; said faintness was caused, as she veribly believes, by the wound aforesaid and the lack of nourishment which said wound prevented him from receiving.

Deponent further says that owing to this disfigurement of face and the consequent affection of his speech, her said husband was loth to be seen upon the street or spoken to, and therefore rarely went out of the house except to attend his church or prayer-meeting. That about 2 o'clock on Sunday afternoon on or about 17th of September, 1865, her said husband on his way to prayer-meeting was taken with one of his fainting spells, and fell from a bridge, which fall, as she verily believes, so affected his brain and other parts in sympathy with the wound of face that he was not able to rally from the additional injuries inflicted, and that his death in a few hours subsequently, namely, at 8 o'clock next morning, was entirely attributable to the wound for which her husband was pensioned.

She further states that neither she nor any of her friends were thus advised of

her rights in the premises, and even if she had been her mental condition of distress would not have enabled her at that time to have considered them; that it was only at the late date, when her condition of need suggested to her mind by friends her rights to a pension, that she sought for the evidence requisite.

She further states that the railroad bridge from which her husband fell crossed the Mohawk River at Cohoes; that said bridge was 25 feet wide and 800 feet long and 60 feet to the bed of the river. There was on each side of the railroad track a walk about 9 feet in width. These walks were habitually used by pedestrians (as also by her husband before as well as after enlistment, on his way to and from the church) who had occasion to cross the river.

Thomas Fitzgerald testifies that he knew William B. Jackson, the deceased soldier herein referred to, since the year 1855; that he knew said soldier intimately when he entered the Army, and saw him when he returned from the Army, and frequently thereafter until his death, which occurred about September, 1865.

Deponent states of his personal knowledge that said soldier was not subject to fits or fainting spells before enlistment, and that his bodily health was good.

Deponent further states that after return from the Army, and until his death, the soldier was subject to fainting spells, which were evidently caused by the wounds from which the soldier suffered, the whole lower jaw being shot away and his condition being very much debilitated.

Matthew C. Cook testifies that he knew the deceased soldier, William B. Jackson, referred to. He saw him fall from the bridge across the Mohawk River at Cohoes. Said bridge was a common thoroughfare, and was used by said Jackson habitually on his way to prayer-meeting, and was so being used when he fell. He helped to pick said Jackson up, and saw that he was badly hurt. He stated to him that he was taken with a dizziness which caused his fall. He had been told by said Jackson's wife and others that his wound caused him to be faint at times, and he believes said wound received in the Army was the cause of the dizziness producing the fall, and of which he subsequently died.

Your committee verily believe that the wound received in the service was the true causation of the soldier's death. The evidence that he was a sound man, and not subject to dizziness prior to enlistment, and that subsequent to receiving his wound he was frequently attacked with vertigo and frequently fell, is amply proven. He was an honest, upright, sober man, and it is not difficult to conclude that his death is referable to his Army disability. Believing this, the committee recommend the passage of the bill.

[Senate report No. 1183, Forty-eighth Congress, second session.]

The Committee on Pensions, to whom was referred the bill (H. R. 5800) granting a pension to Sarah B. Jackson, have examined the same, and report:

The facts in this case are set forth in the report of the Committee on Invalid Pensions of the House of Representatives (H. R. Report No. 1170), made during the last session, as follows: [See House report immediately preceding.]

It appears by affidavit made in 1880 that both of the physicians who attended the claimant's husband after his fall were dead at that time, so that no further or explanatory evidence could be obtained from them.

Upon appeal in 1880 the case was rejected on the ground that the evidence did not show "conclusively" that the deceased was subject to fits, or if he was that they were due to or the result of his wound.

Augusta Scott swears she saw deceased when he fell from the bridge; "that just before falling said Jackson reeled or staggered as though suffering from dizziness or vertigo; that he tried to recover himself, and then fell from said bridge, which caused his death."

Dr. W. Van Steenberg, the surgeon who attended deceased, swears that Jackson, after receiving said wound, was subject to attacks of vertigo, causing blindness and fainting: that he verily believes said wound was the direct and immediate cause of such attacks of vertigo and blindness and fainting, and the cause of the accident which resulted in death. In a second affidavit he swears he attended Jackson till he died; that Jackson told him that from the time of his injury he had "fainting fits," and it was in one of these that he fell; "that Jackson said these fits were caused by his wound, and to the best of my knowledge they were."

There are papers in the case to show that Dr. Van Steenberg's moral and professional standing is good.

Rev. C. A. Waldron, who buried the deceased, says, in a letter of November 17, 1881:

"I recollect his coming back from the war in a disabled condition, subject to fainting spells, and which was the cause of his falling from the bridge. There is no question as to the validity of the widow's claim."

J. H. Masten, the postmaster at Cohoes, has written several letters stating the facts.

That before enlistment he was a sound, healthy man, but after he came back he was subject to fainting fits and loss of memory.

He says:

"It is well known by those best acquainted with Jackson that his illness, which occasioned what resembled epileptic fits (in one of which he fell from the bridge, receiving injuries from which he died), was the direct result of his wound. I have not the slightest personal interest in the matter, but think a great injustice has been done a very worthy and conscientious widow, who is poor and deserving of a pension, considering the circumstances of her husband's death."

Jackson died about six weeks after his discharge.

In view of this evidence and all the circumstances in the case, your committee concur in the report of the House committee, and recommend the passage of the bill.

The bill was laid aside to be reported to the House with the recommendation that it do pass.

SAMUEL F. GARRETT.

The next business on the Private Calendar was the bill (H. R. 1840) granting a pension to Samuel F. Garnett.

The bill was read, as follows:

Be it enacted, &c., That the Secretary of the Interior be, and he is hereby, authorized and directed to place the name of Samuel F. Garnett, late a private in Company I, Thirty-ninth Ohio Volunteers, on the pension-roll, and pay him a pension at the rate of —— dollars per month from and after the passage of this act.

The Committee on Invalid Pensions reported the bill with the following amendment:

In line 4, strike out "Garnett" and insert "Garrett."

In line 6, strike out the words "and pay him a pension of —— dollars per month from and after the passage of this act."

And insert in lieu thereof as follows:

"Subject to the provisions and limitations of the pension laws."

The report (by Mr. ELLSBERRY) is as follows:

The Committee on Invalid Pensions, to whom was referred the bill (H. R. 1840) for the relief of Samuel F. Garrett, having considered the same, beg leave to submit the following favorable report:

Claimant enlisted July 4, 1861, in Company I, Thirty-ninth Ohio Volunteer Infantry, and served until July 9, 1865, when he was honorably discharged. He applied for pension November 3, 1879, alleging that he was disabled by reason of having contracted chronic diarrhea and inflammatory sore eyes while in the line of duty by reason of exposure and hard service.

His claim was rejected January 12, 1884. The proof is clear and strong that he was and is greatly disabled. Dr. Stableton, who was his father's family physician, testifies that before enlistment he was a sound, healthy young man, free from disease of any kind. The records of the War Department show that he was treated for his alleged disabilities while in the service in Government hospitals.

His officers and comrades testify to his having chronic diarrhea in November, 1861, and sore eyes in 1863, and that he never recovered from either disability during his service. His neighbors, who have known him from boyhood, testify to the continuance of the diseases from the time of discharge, in 1865, up to the present. Drs. Grinnell, Graham, Stephenson, and Connell, skillful and reputable physicians, bear positive testimony to his disabled condition from the causes alleged.

Notwithstanding the rejection of this claim by the Department, the Department examiner, R. G. Charles, recommended its allowance in the following words:

"From my examination of all the evidence in this case, I am of the opinion that the claim should be admitted for chronic diarrhea and inflammation of eyes. I think that claimant has been disabled for performing manual labor during the years from 1863 to 1882 in degree one-half."

All of the witnesses testifying in support of the claim are of the highest character and best standing, and all of them have lived in the same community with the claimant since his birth.

In view of all the facts presented, the committee recommend that the bill do pass.

The amendments were agreed to.

The bill as amended was laid aside to be reported to the House with the recommendation that it do pass.

JAMES L. M'CLARRAN.

The next business on the Private Calendar was the bill (H. R. 1943) granting a pension to James L. McClarran.

The bill was read, as follows:

Be it enacted, &c., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-roll the name of James L. McClarran, late of Company H, Twenty-third Regiment of Ohio Volunteer Infantry, subject to the provisions and limitations of the pension laws, and pay him a pension from and after the passage of this act.

The report (by Mr. ELLSBERRY) is as follows:

The Committee on Invalid Pensions, to whom was referred the bill (H. R. 1943) for the relief of James L. McClarran, having considered the same and accompanying papers, submit the following report:

The claimant, James L. McClarran, late a private in Company H, Twenty-third Regiment Ohio Volunteers, filed his application for pension June 16, 1877, alleging disability to left hip and side by a fall from a horse in May or June, 1861.

The records in the Adjutant-General's office show that said McClarran was enrolled on the 30th of May, 1861, at Columbus, Ohio, in Company H, Twenty-third Regiment Ohio Volunteers, to serve three years or during the war, and mustered into service on that day at Camp Jackson. He was discharged September 20, 1861, for disability.

Capt. James L. Drake and numerous other witnesses testify to the circumstances under which claimant received the injuries mentioned. The witnesses all concur in the statement that prior to and at the time the injuries were received the company was in camp at Loudonville, Ashland County, Ohio, under orders to be mustered into service, and the said James L. McClarran, in company with Christopher Shank, another member of said company, was ordered by Capt. James L. Drake to go to Napoleon, Holmes County, Ohio, and bring back to Loudonville certain members of the company who had gone home on temporary leave of absence, and while on the road to Napoleon, in the line of duty, and without any fault on his part, he was thrown from his horse, receiving the injuries of his left side and hip, from which he suffered constantly, and on account of which he was discharged for disability in September, 1861.

Christopher Shank testifies that he was with McClarran by order of Captain Drake; saw him receive the injury, helped to take care of him, and was with him till his discharge.

Numerous witnesses testify that said McClarran was sound and able-bodied at the time of enlistment, and that the injuries are of a permanent nature, from which the claimant still continues to suffer.

P. H. Clarke, M. D., examining surgeon, certifies to the disability, and then says:

"He is able to labor but a portion of the time. I rate his disability at three-fourths or $6 per month."

A. V. Patterson, M. D., another examining surgeon, certifies to the disability, and then says:

"In my opinion the said James L. McClarran is one-half (½) of total, $4 per month; incapacitated for obtaining his subsistence by manual labor."

The claim was rejected on the record and the claimant's statements as to time and place of receiving said injury, the statements of the witnesses fixing the time of injury in May, 1861, and the records show him as enlisted May 30, 1861.

There is no conflict in the evidence as to the nature or extent of the injury or the place and circumstances under which it was received. It is not pretended that claimant did not receive the injury as described, but the discrepancy as to time in the testimony of claimant is seized upon as the only ground upon which his claim could be rejected.

Your committee think that it is evident from all the testimony in this case that the injuries received, and from which the claimant has suffered so long, were received in the line of duty, and therefore recommend the passage of the accompanying bill.

There being no objection, the bill was laid aside to be reported to the House with the recommendation that it do pass.

D. P. SIMMONS.

The next business on the Private Calendar was the bill (H. R. 2159) for the relief of D. P. Simmons.

The bill was read, as follows:

Be it enacted, &c., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of D. P. Simmons, late a private in Company F, Eighty-first Regiment Pennsylvania Volunteers.

The report (by Mr. SWOPE) is as follows:

The Committee on Invalid Pensions, to whom was referred the bill (H. R. 2159) for the relief of D. P. Simmons, submit the following report:

Durand P. Simmonds, private Company F, Eighty-first Regiment Pennsylvania Volunteers, was enrolled September 1, 1864, and mustered out June 1,

1865. He claims a pension for alleged rheumatism and heart disease contracted in the service and in the line of duty.

This claim was rejected October 8, 1885, on the ground of "there being no record and no medical evidence showing the existence of said disabilities in the service or since discharged. The board of examining surgeons fails to find any disability at the present time. As the alleged diseases are obscure in their character, the lay testimony filed is not considered competent to establish the claim."

The claimant alleges that he contracted his rheumatism and heart disease from heavy lifting and exposure in front of Petersburg, and says that he is unable to furnish the testimony of his regimental surgeon, "as his condition was such before going to hospital that he did not know whether he was treated or not;" and he also alleges that he "does not know the whereabouts of any commissioned officer of his company." He also states that Dr. Graham informs him that he was not with the regiment when he contracted his disability, and Dr. Yorris has been dead three or four years. Dr. Fitch, the only physician who has treated him since his discharge, has moved away, and he does not know his whereabouts; has used patent medicines, and has been treated by his mother since his discharge.

The record in the Surgeon-General's Office is, that claimant was admitted to the hospital October 20, 1864, the diagnosis being malarial fever; that he was admitted to depot field hospital October 31, 1864, with diarrhea, and transferred November 6, 1864; that he was admitted to Campbell's general hospital, Washington, D. C., November 8, 1864, with remittent fever, and returned to duty November 22, 1864. No further record nor evidence of treatment found.

Claimant states that he was detailed to cut and carry logs to build breastworks in front of Petersburg, Va., where he contracted rheumatism and heart disease, and that he was frequently excused from duty by reason of said diseases, with which he has continued to be troubled ever since.

F. M. F. Simmons, the claimant's brother, testifies to the same facts, and says that his brother was taken sick with a pain through his shoulders and heart, and affiant left him in a critical condition at "Plough Barracks." After his return from the regiment he received a letter from him stating that he was unable to do duty, and that he has been failing ever since his discharge. It is stated that this witness' "standing is not first class."

Moses Smith, private, Company F, Eighty-first Pennsylvania Volunteers, testifies that claimant contracted rheumatism and heart disease about the middle of October, 1864, from exposure and overexertion. Claimant contracted inflammation of lungs, was taken away from the regiment, and did not return for a month; when he did return, was hardly able to do duty from rheumatism and heart disease. In later evidence he repeats the above statements substantially. I. Johnson and Richard Campbell testify that they knew claimant intimately for twenty-five years before enlistment, and that he was free from rheumatism and heart disease; also, that since his discharge claimant's health has been broken, he is frequently unwell and unable to work in consequence of said disease.

Two neighbors testify to having lived near him since 1871 and 1872, and that he often complained of rheumatism and heart disease, and also that he has been disabled one-half the time from said diseases.

Salome A. Simmons, who is the claimant's mother, and who states that she has had experience as a nurse and "doctor" for a good many years, states that when he returned from the Army in June, 1865, he was broken in health from rheumatism and heart disease; has had frequent dizzy spells, and pain in his side, and when he "overworked his back would swell in a ridge on the left side of the spine; he has constantly grown worse since his discharge; for a large part of the time has been unable to do any hard work, and is sometimes totally disabled."

Five other parties testified to claimant's being unable to work one-half of the time, and for last two years has been unable to perform any manual labor.

S. D. Freeman, M. D., examining surgeon, testifies that this man has had pleuritis and pericarditis, with effusion of fluid in left pleural cavity; the apex of his heart pulsates four inches to the right of its normal position; pulse is 100 and unsteady; respiration hurried; has the peculiar look of his disease. He rates his disability at one-half. This examination was made July 28, 1881.

E. G. Brown, examining surgeon, July 11, 1883, testifies that after looking him over thoroughly he concluded that he is a subject of a mild intercostal neuralgia. There is tenderness at vertebral point in sixth and seventh intercostal spaces; can discover no organic effects of anything of rheumatic character about joints, tendons, or muscles; can discover no indication of heart trouble in form of murmurs or otherwise. The intercostal neuralgia may produce some annoyance and possibly a slight disability for manual labor, though he thinks it is hardly of a pensionable character.

The evidence in this case is conflicting. The hospital records show that claimant was treated for malarial fever, diarrhea, and remittent fever; his brother says that he was taken violently ill from overexertion, and a comrade (not of the best character for veracity) testifies to the same; his mother, who claims to be a "doctor," testifies to the existence of rheumatism and heart disease; one examining surgeon, under date of July 28, 1881, describes minutely his heart affection, and another, two years later, says he could detect no symptoms of heart disease and no traces of rheumatism, and says it was intercostal neuralgia.

It is hardly probable that Mrs. Simmons, with no medical training, could diagnose an obscure affection of the heart correctly, but adding her testimony as to the outward and visible symptoms to the expert testimony of Dr. Freeman, who gives a very minute diagnosis of the case, your committee incline to the opinion that the claimant is entitled to the benefits of the pension law, and they therefore recommend that relief be afforded him and that the bill do pass.

There being no objection, the bill was laid aside to be reported to the House with the recommendation that it do pass.

SUSAN WOOLLEY.

The next business on the Private Calendar was the bill (H. R. 443) granting a pension to Susan Woolley.

The bill was read, as follows:

Be it enacted, &c., That the Secretary of the Interior be, and he is hereby, authorized and directed to place the name of Susan Woolley, of Indiana, widow of Benjamin Woolley, late a private in Company C, Ninetieth Regiment of Ohio Volunteers, on the pension-roll, subject to the provisions and limitations of the pension laws.

The report (by Mr. MATSON) is as follows:

The Committee on Invalid Pensions, to whom was referred the bill (H. R. 443) granting a pension to Susan Woolley, submit the following report:

A bill for the relief of this claimant was favorably reported by this committee and passed by the House in the Forty-eighth Congress, but failed of consideration in the Senate. Your committee adopt the printed report of this committee, Forty-eighth Congress, as follows:

The Committee on Invalid Pensions, to whom was referred the bill (H. R. 6782) granting a pension to Susan Woolley, have had the same under consideration, and submit the following report thereon:

The claimant, Susan Woolley, was the lawful wife of Benjamin Woolley, who enlisted as a private in Company C, Ninetieth Ohio Volunteer Infantry, on the 6th day of August, 1862, to serve three years, and who was discharged from the service on the 13th day of June, 1865 (the war being ended), having served almost three years.

The evidence shows that this soldier was strong and vigorous at enlistment; that he was a brave soldier, having been wounded twice, once in the left side and once in the right hand.

It is also in evidence that afterward and during the remainder of his term of service he was a constant sufferer from chronic diarrhea and piles.

After being mustered out of service in 1865 he returned to his family a broken-down man, and immediately began treatment with his family physician, but receiving little or no benefit. It is further shown that he left home about June, 1868, for Nashville, Tenn., to procure employment, and succeeded in getting employment in the Quartermaster's Department, United States Army; that while so engaged he was taken down sick and sent to the post hospital in July or August of the same year, since which time no trace has been had of him.

A witness well acquainted with him, and who had lived in the family with him, testifies that she visited him in the hospital, where she found him suffering from his old wound, gangrene having set in. The doctor in charge would not permit her to converse with Woolley at any length on account of his very weak condition. This witness only remained in Nashville a day or two, being there on professional business.

Dr. Kuehne, who was also well acquainted with Woolley, testifies that he saw him at the same hospital, and suffering from his old wounds, and that he is sure, from his condition, that he could never get well.

Two persons testify to reading the death notice in the Nashville newspapers.

The evidence is conclusive as to the domestic happiness of the family.

Two children were born to them, both boys, one of whom died a few years since; the other is badly afflicted, he being insane. At the time Woolley left his family he gave his wife $300, and it was the intention for her to come to him as soon as he became permanently located.

The best citizens of Dearborn County, Indiana, unite in saying that this is a worthy woman; that she has no means for support, except to wash from day to day; that she is now very old, infirm, and in destitute circumstances. It is also shown that she has not remarried since the disappearance of her husband in June, 1868.

The claimant's declaration for pension has been rejected by the Pension Office on the ground that there is no record or other satisfactory evidence showing that her husband died as alleged, and of causes chargeable to his military service. It appears that the records of the hospital referred to, covering the period of alleged death, have been lost, and none of the medical officers in charge of the same can be found.

Sufficient evidence has been presented, however, to convince your committee that the soldier was admitted to said hospital and treated for diseases directly connected with his Army service, and that when last heard of was in such a condition as to preclude almost any possibility of recovery; his relations with his family, according to the evidence presented, were such as could suggest nothing short of devotion to those for whose comfort he struggled, even after he had been badly wounded in the service of his country.

While the Pension Office, upon the evidence presented, could not grant the pension asked for, it is clear that the case possesses merit which should not be ignored by this committee, and therefore they report favorably on the bill, with the recommendation that it do pass.

There being no objection, the bill was laid aside to be reported to the House with the recommendation that it do pass.

BRIDGET SHERLOCK.

The next business on the Private Calendar was the bill (H. R. 556) granting a pension to Bridget Sherlock.

The bill was read, as follows:

Be it enacted, &c., That the Secretary of the Interior be, and he is hereby, authorized and directed to place the name of Bridget Sherlock, mother of Stephen Sherlock, late of Company F, Fifteenth Indiana Volunteers, on the pension-roll.

The report (by Mr. MATSON) is as follows:

The Committee on Invalid Pensions, to whom was referred the bill (H. R. 556) beg leave to submit the following report:

A bill for the relief of this claimant having been reported favorably by this committee and passed the House, Forty-eighth Congress, and not having been reached in the Senate, your committee adopt the printed report of this committee, Forty-eighth Congress, as follows:

"The Committee on Invalid Pensions, to whom was referred the bill (H. R. 556) granting a pension to Bridget Sherlock, have had the same under consideration and beg leave to report as follows:

"Stephen Sherlock enlisted as a private soldier in Company F, Fifteenth Indiana Volunteers, on the 14th day of June, 1861, and served as such until the 23d day of November, 1862, when he was honorably discharged by the order of General Rosecrans upon a certificate of disability given to him as the result of a severe injury received during the siege of Corinth, "resulting in scrotal hernia and numbness and difficulty in using the lower extremities. His case is one of very bad scrotal hernia, caused by a fall over a log, May 10, 1862, in front of Corinth, while carrying a heavy load of rails upon his shoulder for the purpose of building a road over which to pass the artillery and wagons during that memorable siege."

"The above is the language of the certificate. He was the son of Patrick and Bridget Sherlock, who were, at the time of his enlistment, quite old and feeble, and depended largely upon said Stephen for a support. After his discharge he returned to the home of his parents, at Bedford, Ind., and within a few months took employment on the Louisville, New Albany and Chicago Railroad as the conductor of a freight train. It is clearly shown by the testimony of the family physician that his disability continued until his death, and that it had approached a condition of paralysis that would probably have rendered him totally helpless.

"While in the employ of the railroad company, as aforesaid, in leaving the train, and because of his disability contracted in the Army, he fell under the wheels of the train and was so injured that his left foot was amputated. By reason of the weak and enfeebled condition of his blood erysipelas resulted, and he died of that disease.

"Because he did not die of the injury which he received in the Army his mother's claim for pension was rejected. His father is dead, and his mother is now nearly eighty years of age and has no property. The evidence of her dependence at the time of his death is clear and convincing.

"This committee think that, under all the circumstances, she should be pensioned. If the son had not met his death he would have been pensioned long ago upon the record made by the Government as to his injury in the service. He did not get any pension; his mother should, and the committee therefore recommend the passage of the accompanying bill."

There being no objection, the bill was laid aside to be reported to the House with the recommendation that it do pass.

ROBERT M'ALEXANDER.

The next business on the Private Calendar was the bill (H. R. 464) granting a pension to Robert McAlexander.

The bill was read, as follows:

Be it enacted, &c., That the Secretary of the Interior be, and he is hereby, ordered to put the name of Robert McAlexander on the pension-roll of the United States, subject to the rules and limitations of the pension laws, he being a soldier in the Union Army in the late war, and member of Company F, Eighty-seventh Indiana Volunteers.

The report (by Mr. MATSON) is as follows:

The Committee on Invalid Pensions, to whom was referred the bill (H. R. 464) granting a pension to Robert J. McAlexander, submit the following report:

Robert J. McAlexander, late a private in Company F, Eighty-seventh Indiana Volunteers, asks that a pension be granted him for disabilities incurred in the line of duty in the battle of Chickamauga, Georgia, September 19, 1863. The records show that he enlisted in the service August 12, 1862, and was discharged June 10, 1865. He was on detached duty as orderly at brigade headquarters, and entered the battle of Chickamauga a sound and robust man. During the fight a cannon-ball killed his horse under him, and in the fall that immediately followed the pommel of claimant's saddle struck him in the lower part of the bowels and inflicted severe injury to groins.

While there was no eye-witness to this mishap, the surrounding circumstances are such as to clearly establish the incurrence of the injury as stated by the claimant in his declaration.

The claimant's petition for pension was denied upon the ground that there existed no connecting medical evidence from time of receiving injury to the time it developed proper, between the 6th and 12th of June, 1867.

Dr. Charles E. Triplett, late surgeon of the Eighty-seventh Regiment Indiana Volunteers, testifies that he treated claimant on the battlefield of Chickamauga, Georgia, for injuries in the bowels and groins, and told claimant at the time that the injury would result in a double rupture. The doctor further states that claimant was a brave and valiant soldier.

Horace C. Long, late captain of Company F, Eighty-seventh Indiana Volunteers, testifies that he saw claimant go into the battle of Chickamauga with General Vandever and his escort; that soon after the said McAlexander's mishap—which was that his horse was struck by a cannon-ball, and fell upon him, injuring his groins and the lower part of his belly, which subsequently resulted in rupture—he, the affiant, was informed of the fact, as it was near his regiment that the injury occurred. Captain Long states that he was not an eye-witness to the occurrence, but the surrounding circumstances were such that he has no doubt whatever as to the facts as previously set forth. He further states that McAlexander was a brave soldier and faithful to every duty, serving his entire time of enlistment, from 1862 to 1865, in active service, and had he gone to the hospital after receiving his injury he could very easily have had a hospital record sufficient to give him a pension, but as he was full of "eternal grit" he continued in the line of duty although suffering continuously, until honorably discharged at the close of the war.

Other comrades testify to have heard of incurrence of injuries by claimant at the time of the battle, but your committee is of the opinion that sufficient facts have been adduced to show that this is a meritorious case and the claimant justly entitled to the relief provided in the accompanying bill, with the following amendment: Strike out of lines 3 and 4 the word "ordered" and insert instead thereof the words "authorized and directed."

The amendment recommended by the committee was agreed to.

There being no objection, the bill as amended was laid aside to be reported to the House with the recommendation that it do pass.

THOMAS FERGUSON.

The next business on the Private Calendar was the bill (H. R. 533) for the relief of Thomas Ferguson.

The bill was read, as follows:

Be it enacted, &c., That the Secretary of the Interior be, and he is hereby, authorized and directed to restore to the pension-roll, subject to the provisions and limitations of the pension laws, the name of Thomas Ferguson, formerly a member of Company B, Ninety-first Regiment Indiana State Volunteers.

The report (by Mr. MATSON) is as follows:

The Committee on Invalid Pensions, to whom was referred the bill (H. R. 533) for the relief of Thomas Ferguson, submit the following report:

The accompanying bill having passed this committee and the House, Forty-eighth Congress, and not having been reached in the Senate, your committee adopt the report of this committee of the Forty-eighth Congress, as follows:

"That Thomas Ferguson enlisted in the military service of the United States as a private in Company B, Ninety-first Regiment Indiana Volunteers, August 10, 1862, and was discharged on surgeon's certificate of disability for paralysis of bladder and chronic diarrhea.

"February 12, 1868, he was pensioned at the rate of $6 per month for atrophy of testicle and penis; March 8, 1869, increased to $8, and November 25, 1873, to $18 per month for spinal disease.

"December 2, 1878, the name of pensioner was dropped from the roll by order of the Secretary of the Interior, on evidence submitted by a special examiner of the Pension Office that the disability for which claimant was pensioned was due to intemperate habits and not to his military service. The evidence in support of this charge is entirely *ex parte*, and without notice to claimant.

"Dr. E. A. West, of Pleasantville, Pike County, Indiana, testified September 16, 1879, that he has practiced medicine for five years and has treated claimant for spinal disease, and that he has been a constant sufferer from said disease; that he knows these facts from personal observation.

"A. J. Harrington, M. D., of Spurgeon, Pike County, Indiana, testifies (November 9, 1882) that for three years after the war claimant was a sober man, as he knows of personal knowledge; that he is now a man of temperate habits, but he is informed he was dissipated three or four years ago.

"Frederick Gyring, J. M. Fleeneer, Jacob Lyring, Hiram Williams, and Thomas Gourley, all citizens of Pike County, certified to be reputable citizens and witnesses whose statements are entitled to full credit, testify to substantially the same facts as those given by Dr. Harrington.

"We have examined all the evidence in this case very carefully, and find the soldier was discharged from the service on account of the disability for which he was pensioned; that the numerous medical examinations by different United States surgeons and boards all agree as to the nature and extent of his disability, and its continuance from the date of incurrence while in the service and in line of duty to the present, and that a clear preponderance of the evidence is in favor of the restoration of the soldier to the pension-roll, and accordingly your committee recommend the passage of the accompanying bill."

There being no objection, the bill was laid aside to be reported to the House with the recommendation that it do pass.

THOMAS SIMPSON.

The next business on the Private Calendar was the bill (H. R. 3326) granting a pension to Thomas Simpson.

The bill was read, as follows:

Be it enacted, &c., That the Secretary of the Interior be, and he hereby is, authorized and directed to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of Thomas Simpson, late a private in the Seventh Indiana Battery in the war of the rebellion.

The report (by Mr. MATSON) is as follows:

The Committee on Invalid Pensions, to whom was referred the bill (H. R. 3326) granting a pension to Thomas Simpson, submit the following report:

This committee of the Forty-eighth Congress reported a bill favorably for the relief of this claimant, the same having passed the House but failed consideration in the Senate. Your committee now adopt the printed report of this committee Forty-eighth Congress:

"The Committee on Invalid Pensions, to whom was referred the bill (H. R. 1924) granting a pension to Thomas Simpson, late of the Seventh Indiana Battery, beg to offer the following report:

"The claimant, Simpson, enlisted January 2, 1864, as a private in the Seventh Indiana Battery. At that time the evidence is conclusive that he was a strong and healthy man.

"George C. Masterman, who was second lieutenant of the battery, testifies that on or about the 22 of July, 1864, at Atlanta, Ga., the battery was ordered into position; that the claimant, with others, was ordered in front of the battery to carry rails to build breastworks; while so engaged the order was given to fire; Simpson not being aware of the order came immediately in range of one of the guns, the concussion of the shell or the powder knocking him down, rendering him insensible for fifteen or twenty minutes, he being so close to the gun that his face was blackened by the powder. That after this occurrence he was never able to do full duty again during the remainder of his term of service; that before this he had always been able to do duty at all times.

"Comrades Fletcher, Johnson, and Deford all testify substantially to the foregoing, saying they were present and witnessed the occurrence and that they can not be mistaken about it.

"The evidence is that there was no surgeon with the battery regularly; that occasionally one would be detailed, but would remain only a short time. The records of the Surgeon-General's Office show that Simpson was admitted to general hospital at Jeffersonville, Ind., May 23, 1865, from New Albany, Ind., as convalescent (no other diagnosis), and returned to duty June 8, 1865. That the regimental records are not on file. Claimant was discharged July 13, 1865, under provisions of General Order No. 27, Department of Kentucky. His neighbors who were acquainted with him before he entered the service testify that since discharge he has not been able to perform labor for at least two-thirds to three-fourths of the time.

"The claimant filed application for a pension in June, 1866, and alleged partial deafness and blindness; also incapacity to do manual labor, caused by concussion. This has been rejected by the Pension Office for the reason that the medical examination does not disclose the fact that applicant was injured to the extent of preventing him from obtaining a living by manual labor. Against this, however, is the testimony of his neighbors, who all unite in saying that they knew him before he entered the service to be a strong, healthy man, and since discharge that he is a broken-down man and not able to do manual labor; that his injury has developed into epilepsy, and at the present time that he is totally incapacitated from earning a living by manual labor.

"Your committee recommend the passage of the accompanying bill."

There being no objection, the bill was laid aside to be reported to the House with the recommendation that it do pass.

DELILAH KNILL.

The next business on the Private Calendar was the bill (H. R. 2689) granting a pension to Delilah Knill.

The bill was read, as follows:

Be it enacted, &c., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of Delilah Knill, widow of Thomas H. Knill, late of Company D, Second Regiment of Wisconsin Infantry Volunteers, at the rate of $8 per month from and after the passage of this act.

The report (by Mr. WINANS) is as follows:

The Committee on Invalid Pensions, to whom was referred the bill (H. R. 2689) granting a pension to Delilah Knill, submit the following report:

That Delilah Knill is the widow of Thomas H. Knill, Company D, Second Regiment Wisconsin Infantry Volunteers.

He enlisted April 20, 1861, and was discharged March 23, 1863, on surgeon's certificate for gunshot wound on the back of right hand, completely destroying the functions of the extensor tendons. The wound was received in battle near Gainesville, September 28, 1862. Government granted him a pension for his disability at $6, $8, and $15 per month up to the time of his death, April 19, 1883. The widow filed application for pension in her own right June 17, 1884, which was rejected on the ground that the soldier's death was accidental and not due to his service.

It appears the soldier at the time of his death was attending an engine in the Norwegian Plow Works in the city of Beloit, Wis. It happened, as follows: He was putting rosin on the belt from the main shaft of the engine, for which purpose he stepped on a block used for that purpose, which stood between the wheel and the wall and was about 2 feet high; that in stepping down off the block his foot turned and he stumbled and fell directly into the wheel and was instantly killed. Had he not been crippled in his right hand this would not have happened, because close by the block on his right hand was a bench used for support, which he would have caught and not fallen, but having in his left hand the rosin and the right being crippled by the gunshot received in battle, he was not able to save himself from the fall and consequent death. This is the testimony of J. C. Bokardy, an eye-witness, whose reputation is certified as good.

It seems to your committee that it is not a forced or strained conclusion to connect the death of this soldier with his military service. All the circumstances connected with it are so natural and easy to understand that there is hardly a doubt that if his good right hand had not been rendered useless in the defense of the nation's life, it could easily have saved his own by holding to the support within his reach.

It is further shown that Delilah Knill is poor, and since the death of her husband depends solely on her daily labor for her own and children's support. This appears from the testimony of the present mayor, marshal, and aldermen of the city of Beloit. All the evidence points to the fact that she is the worthy widow of a brave and worthy soldier, and while the Commissioner of Pensions is clearly in the right in rejecting her claim under the pension law, we believe it is a case appealing strongly for Congressional relief, and we therefore amend the bill by striking out all of lines 8 and 9, and recommend that the bill do pass.

The amendment striking out, in lines 8 and 9, the words "at the rate of $8 per month from and after the date of the passage of this act" was agreed to.

The bill as amended was laid aside to be reported to the House with the recommendation that it do pass.

TOBIAS M. COON.

The next business on the Private Calendar was the bill (H. R. 4976) for the relief of Tobias M. Coon.

The bill was read, as follows:

Be it enacted, &c., That the Secretary of the Interior be, and he is hereby, directed to place on the pension-roll of his Department the name of Tobias M. Coon, late a private in Company A, One hundred and eighteenth Regiment Ohio Volunteer Infantry, subject to the rules and regulations of the Department.

The report (by Mr. WINANS) is as follows:

The Committee on Invalid Pensions, to whom was referred the bill (H. R. 4976) for the relief of Tobias M. Coon, have considered the same and report:

That Tobias M. Coon enlisted in Company A, One hundred and eighteenth Regiment Ohio Volunteers, August 12, 1862, and was discharged July 5, 1865. He applied for a pension December 23, 1878, alleging disability from gunshot wound in left leg above the knee, received at the battle of Mossy Creek, in the State of Tennessee, December 29, 1863, which has caused continuous and permanent lameness. His claim was rejected February 2, 1885, on the ground that evidence in a special examination showed that claimant was not wounded in the service as alleged. This testimony was given by Isaac Coon and Tobias P. Coon, a brother and nephew of claimant, who were comrades, and in the action when the wound as claimed was received. They say after the charge, while standing in the ranks, they saw the hole in claiman's pants, but that the ball did not enter the leg. Tobias P. said he saw the spot about an hour after it was done; it was black and about an inch wide; that claimant did not leave the company till May, 1864, when he was sick and sent to hospital, and contracted scrofula, to which he attributes claimant's lameness. The hospital records say claimant had "diarrhea acute" in May 1864, and again, in November, 1864, intermittent fever; no mention of scurvy or scrofula. Isaac Coon says his lameness is caused by bone scurvy.

All the testimony agrees that claimant was struck or grazed by a ball at the time and place as claimed, and that the disability exists.

John W. Kincaid, lieutenant Company A, One hundred and eighteenth Regiment Ohio Volunteers, says, at a place called Mossy Creek, on or about the 29th of December, 1863, claimant received a gunshot wound of left leg above the knee, causing lameness of left leg; that he knows this fact from personal knowledge.

Surgeon William H. Philips states that he knew Tobias M. Coon, of Company A, One hundred and eighteenth Ohio; that he was surgeon of said regiment from September, 1862, to May, 1864; that in an engagement with the enemy near Mossy Creek, East Tennessee, December 29, 1863, claimant was wounded by the entrance of a ball upon the internal surface of the left knee-joint, just in front of the inner surface of the left hamstring; that said wound was dressed by him for some weeks, when claimant was sent to hospital at Knoxville.

Dr. P. B. Wright and Dr. William Clark both testify that claimant was lame in the left knee; that a scar, apparently made by a small ball or buckshot, was plainly visible, and that a foreign body corresponding to such ball could be felt back of the knee-joint. Dr. Wright says the ball seems lower by an inch or two than ten years ago when first examined by him.

From all the evidence in the case the conclusion of your committee is that the relief prayed for in this bill should be granted. Whether the disability arises from the cause alleged, which the weight of evidence would seem to indicate, or from scurvy, as the brother and nephew say, the fact of disability as claimed exists and is not disputed. There is nothing to show that good and faithful service was not rendered by this soldier. There is no claim of prior unsoundness; none that he was not in line of duty. If in filing his declaration he had claimed to be suffering from the various ills flesh is heir to, then, whether gunshot or scurvy, his just claim for a disability could have been allowed with arrears.

Your committee recommend the passage of the bill.

Mr. MATSON. Mr. Chairman, I move to amend that bill by striking out, in line 7, the word "department," and insert in lieu thereof the words "pension laws;" so that it will read "subject to the rules and regulations of the pension laws."

Mr. BRADY. Mr. Chairman, why not make this bill like all the others, so as to read "subject to the provisions and limitations of the pension laws?"

Mr. MATSON. I accept that amendment.

The amendment was agreed to.

There being no objection, the bill as amended was laid aside to be reported to the House with the recommendation that it do pass.

JOHN W. ROBSON.

The next business on the Private Calendar was the bill (H. R. 2753) for the relief of John W. Robson.

The bill was read, as follows:

Be it enacted, &c., That the Secretary of the Interior be, and is hereby, authorized and directed to place on the pension-roll, subject to the limitations and provisions of the pension laws, the name of John W. Robson, late a private in the Sixth Wisconsin Battery, at the same rate as other soldiers of similar disability.

The report (by Mr. WINANS) is as follows:

The Committee on Invalid Pensions, to whom was referred H. R. 2753, having had the same under consideration, report:

That a similar bill was introduced in the Forty-eighth Congress, and reported favorably, which report we adopt as our own, and is hereby submitted as follows:

[House Report No. 1938, Forty-eighth Congress, first session.]

"The Committee on Invalid Pensions, to which was referred the bill (H. R. 3833) for the relief John W. Robson, having had the same under consideration, hereby submits the following:

"The accompanying bill asks that John W. Robson, of Madison, Wis., be placed upon the pension-rolls of his country, subject to all the limitations and provisions of the pension law.

"His case is a sad one, and his cause meritorious to the last degree, the history of which shall be briefly recited.

"John W. Robson, a native of Great Britain, who came to America in 1850, enlisted as a private at Milwaukee, Wis., in the Sixth Battery, Wisconsin Volunteers, September 13, 1861, going at once into training at Camp Utley, Racine, Wis. After training a little less than two months, he was not mustered in, but was discharged, because his body lacked half an inch of the prescribed height. He thus not only lost compensation during that period, but lost his own time and the proceeds of his private business, and was compelled to beat his way home without money, being aided a portion of the way by the kindness of a benevolent lady, who, hearing his parley with the railway conductor, paid the required fare.

"A few months later, being still anxious to serve his adopted country, Mr. Robson was informed by Lieut. A. W. Bishop, now of the regular Army, that the question of under size would probably not be again raised against him, as the needs of the Government were becoming more urgent, and to recruit a company of eleven men and he should have a suitable office as a reward. He therefore recruited in Sauk County, Wisconsin, the company of eleven soldiers.

"In the mean time Lieut. John W. Fancher returned and began recruiting for the Sixth Battery, and wanted Mr. Robson and his recruits. As the Sixth Battery was the one in which he originally enlisted, he went to Milwaukee, taking the eleven recruits, all of whom enlisted with him. Not having a knowledge of the ways of the world, Mr. Robson received no commission for his successful recruiting and enlistment, but went into and through the rebellion as a private, while the credit that belonged to him was enjoyed by Lieutenant Fancher.

"After gathering several deserters and about thirty volunteers, Mr. Robson was sent to the front in charge of them, arriving at Rienzi, Miss., within twenty days and in time to participate in the terrible battle of Corinth, October 3 and 4, 1862, which was the first engagement of the Sixth Wisconsin Battery, that had enlisted more than a year before, and from which he had been excluded, as already mentioned.

"Thus Mr. Robson, by reason of having been discharged for short stature, lacked about ninety days of being able to veteranize under the act of Congress of 1863. Those who enlisted first with him veteranized under that act and re-enlisted, receiving $400 bounty and a forty-day furlough each. He had enlisted with them, but could not veteranize nor receive a furlough or a bounty. He participated in all the battles of his battery, and also served during the period while the veterans were enjoying their bounties and furloughs at home.

"He was mustered out in July, 1865, having fought as long and in as many battles, for half as much money, as those who enlisted at the time of his first enlistment.

"On returning home, he was taken ill with rheumatism, chills and fever, and the malarious diseases contracted during army life. He was better and worse at intervals, sometimes confined to his room, and sometimes able to be out. While partially convalescent, he was asked by Nye J. Gibbs, adjutant-general of Wisconsin, to superintend the firing of a national salute on the 22d of February, 1866, in celebration of Washington's birthday.

"Being an expert artilleryman, which was the reason of the request, he complied, though too ill to attempt any labor or business, and began firing from a cannon relinquished by the Federal Government. The gun, having an imperfection, of which fact, however, he was not aware, exploded a charge prematurely, and severed his right arm at the shoulder and otherwise severely injured him.

"The wounds were at once aggravated by the malarious poisons which his system had absorbed in the South, and which were still further developed and brought into activity by those injuries, and he is not healed to this day. For five years he was unable to walk without a staff, and unable to work. For weeks and months together it was necessary to keep a child or nurse to carry food or drink to his mouth, so deeply were his bones affected by this malaria.

"Finally the insidious poison left the wounded part, and concentrated itself in his head. A portion of the skull bone was cleft; other portions are now loosening; the cranium is bare, cracked and feverish, a source of infinite pain, suffering, trouble, and expense, and in such condition as to render traveling away from home impossible without an attendant.

"Thus Mr. Robson, who served valiantly through the rebellion with his two brothers, is not only disabled for life, but is also an invalid for life. He was ill at the time of firing the salute of February 22, 1866, the direct effects of his army life; but as he had no hospital record, having served every day without a moment's furlough, and as his legitimate army illness was so overshadowed by and merged in with the results of the accident just mentioned that he and his physicians were for the time unable to clearly separate the legimate results of the two, he did not apply for a pension. These same difficulties have ever since restrained him from asking an annuity under the general pension laws, though, with his friends, he never doubted the justness of his claims.

"He was preparing to make an application for a pension when the explosion took place; but after that the physician who attended him (Dr. A. H. Rudd) died; the old war diseases mixed and merged with the wounds resulting from the explosion so that subsequent medical advisers were unable to testify to his exact condition before the injury, though they agreed that his terrible afflictions were originally caused by army life, and thus he has been dragged along, close companions of despair, alternately renewed and deferred hope and poverty.

"If those who wish, in dealing with the soldiers, to make the word of promise to the ear and break it to the heart, desire, they can indeed balance themselves on the technical point that Mr. Robson did not suffer all his disabilities in battle; but he served every day for over three years faithfully and gallantly in the rebellion; the fact that he was one-fourth of an inch under the prescribed standard height deprived him of those bounties, privileges, and emoluments enjoyed by his taller comrades who enlisted with him; he gave his skill and services to fire a national salute in honor of the birth of the Father of his Country, which resulted in shattering an arm and shoulder and intensifying the operations of the malaria absorbed in the Army; in short, he is disabled, one-armed, and an invalid for life, because, and only because, he was a soldier.

"His present deplorable condition of poverty and physical ailments are the direct result of his service to his country, without any qualification or reservation whatever. Because, then, the circumstances attending his disability were such that it would be difficult for him to secure an adequate annuity under the general pension laws, should he, amidst so many recipients of aid by special act of Congress be denied justice?

"Mr. Robson, when the country was in the throes of civil war and the result was quivering in the balance, might have fortified himself behind a technicality and even escaped the draft by showing that he was less than the standard height. But he did not. After being rejected once for this reason he tried again, when times were more troublous, and every faithful, patriotic volunteer was a precious gift, and being accepted in spite of the technicality of short stature, bore the burden of a private gunner to the end of the rebellion.

"Can this great Government, which he helped to save, and for and in whose service he has been physically ruined, now hide behind a paltry technicality, which he scorned in the hour of need, and deny him a few crumbs from our bursting Treasury? This Government must be just if not generous. It has been generous with thousands; let it now be just with this one crippled, sick, and pensionless veteran, the son of a foreign country, who can rest his cause upon nothing but his own merits and the honorable intentions and correct judgment of the Congress of the United States. Do not thrust him aside like an old stage-horse, because the country has had the benefit of his youth and strength, and has no further use for his sick and crippled body, for the time may come when we shall need the services of his young sons now struggling on through the poverty that patriotism entailed upon their father and upon them.

"Wherefore your committee recommends the passage of said bill."

Mr. BRADY. I move to amend that bill by striking out the words "at the same rate as other soldiers of similar disability." They seem to be superfluous.

The amendment was agreed to.

There being no objection, the bill as amended was laid aside to be reported to the House with the recommendation that it do pass.

FIDELIA A. CHENEY.

The next business on the Private Calendar was the bill (H. R. 2197) granting a pension to Fidelia A. Cheney.

The bill was read, as follows:

Be it enacted, &c., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-roll the name of Fidelia A. Cheney, widow of Charles S. Cheney, deceased, late a soldier of Company G, Ninth Pennsylvania Reserves, subject to the provisions and limitations of the pension laws.

The report (by Mr. SWOPE) is as follows:

The Committee on Invalid Pensions, to whom was referred the bill (H. R. 2197) placing on the pension-roll the name of Fidelia A. Cheney, widow of Charles S. Cheney, late a soldier of Company G, Ninth Regiment Pensylvania Reserves, have had the same under consideration and make the following report:

Charles A. Cheney enlisted as a private in Company G, Ninth Pennsylvania Reserves, on the 22d day of July, 1861, and was discharged February 8, 1862. The soldier alleges that, September 12, 1861, while on picket at Great Falls, Md., he took cold, diarrhea, fever, with rheumatism affecting heart and lungs, also partial loss of hearing, for which diseases he claimed pension. He died the 26th day of May, 1885, as is alleged by his widow, claimant under this bill, from disease contracted in the line of duty. The Pension Office rejected the widow's claim because the soldier's death was "not due to disease contracted in the service," alleging that there was no satisfactory evidence that the soldier had rheumatism in the service, and that the record shows that he had an injury of foot at time of his enlistment, "which no doubt accounts for his lameness."

Dr. D. S. Marquis, December 13, 1879, testifies to soundness prior to enlistment.

F. C. Fogarty and Thomas Ryan, neighbors, make joint affidavit as to his soundness prior to enlistment.

Four other parties certify as to prior soundness.

F. B. Swearinger, late adjutant of claimant's regiment, April, 1879, testifies that claimant was discharged for disability.

John B. Bookbank, late captain of claimant's company, testifies, December 13, 1879, that claimant, while on picket at Great Falls, Md., September 12, 1861, became sick, and was sent to hospital by reason of rheumatism. He returned to company after many weeks, and was never after able to perform duty, and was examined by a surgeon and ordered discharged by reason of rheumatism contracted in service.

M. C. Hunter, late lieutenant of claimant's company, December 13, 1879, says that claimant was taken sick at the time and place alleged, and was discharged as an invalid.

Dr. S. A. Craig, January 3, 1882, testifies that he knew claimant thirteen and a half years ago. He was then suffering from rheumatism, heart and lung diseases. These complaints have progressed slowly, year by year, since.

H. A. Eliott knew claimant in September, 1862. He was then suffering from rheumatism and deafness.

Two other witnesses testify the same.

William Gray, in an affidavit September 24, 1881, testifies that he met Charles S. Cheney at Alexandria, Va., some time in the year 1862, at which time he was confined to the house, suffering with diseases contracted in the service.

William Gray, A. B. Smiley, A. S. McDowell, and James Seaton testify that in 1861, up to the time of his enlistment, and for at least one year and a half prior thereto, they saw the said Charles S. Cheney almost daily; that during said time he was employed at Clinton mines, in Fayette County, Pennsylvania, as a tippleman, at which work he made a full hand, and had the appearance of a man in good health; that he showed no indications of rheumatism or heart disease, or any defect of hearing, and they never heard him complain of any of said diseases.

Charles Cheney and Mary A. Cheney, father and mother of the applicant, in an affidavit made December 23, 1881, testify:

"That their said son, from discharge to 1876, was able to do merely light work three-fourths of his time, and since that has been unable to do any work at all; that his hearing was dull when discharged, resulting from fever, and has grown gradually worse from year to year, so that he can now scarcely hear at all; that they firmly believe all the diseases with which he is now suffering are the direct result of sickness contracted in the Army."

On the 13th of April, 1881, the parents testify—

"That at date of and prior to enlistment the applicant was in sound health, able to tipple 3,000 bushels per day; that when he returned home in February, 1862, he was an invalid, emaciated and reduced, and has been an invalid ever since; that his troubles seem to be deafness, rheumatism, and heart disease, the direct result, as they believe from all they have been able to learn, of a severe and protracted spell of camp or typhoid fever, contracted after he entered, and while in, the Army; that he has not been able to do any ordinarily heavy manual labor since discharge."

Dr. S. A. Craig testifies that—

"He attended the soldier since 1878, and that he required closer attention year after year; that during 1884 his visits became more frequent, as he was then confined almost entirely to his house. Immediate cause of death, exhaustion."

An examination of the testimony in this case, which is very voluminous, has fully satisfied your committee of the following points:

(1) That the soldier at time of his enlistment was in good health, and there is no evidence of any prior unsoundness except a slight cut in one of his feet when a boy, which had no connection whatever with the diseases causing his death.

(2) That the soldier while on picket with his command in the field in September, 1861, contracted a severe cold, which resulted in typhoid fever, followed by heart affection and rheumatism, by which he was disabled from further duty in field, for which he was discharged February 8, 1862.

The testimony of numerous witnesses goes to show that the claimant from his discharge continued to suffer from these diseases, which became aggravated from year to year until, as is shown by the affidavit of Dr. S. A. Craig, his attending physician, he died of heart trouble, pulmonary trouble, and exhaustion.

Shortly after claimant's discharge he was granted a pension for deafness, resulting from the attack of typhoid fever in the service.

The attention of those who investigated the case seems to have been directed wholly to this deafness, and which was only one, and, in the opinion of your committee, the least important, of the consequences of the typhoid fever from which he suffered in the Army.

From the evidence, your committee are of the opinion that the soldier died from a sickness the result of disease incurred in the service in line of duty, and they recommend that his widow be granted the relief asked for, and that the bill do pass.

There being no objection, the bill was laid aside to be reported to the House with the recommendation that it do pass.

SARAH A. GETTIS.

The next business on the Private Calendar was the bill (H. R. 2196) granting a pension to Sarah A. Gettis.

The bill was read, as follows:

Be it enacted, &c., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-roll the name of Sarah A. Gettis, dependent mother of Lewis J. Gettis, deceased, late a private in Company I, Thirtieth Iowa Infantry Volunteers, who enlisted under the name of Lewis J. McCoy.

The report (by Mr. SWOPE) is as follows:

The Committee on Invalid Pensions, to whom was referred the bill (H. R. 2196) granting a pension to Sarah A. Gettis, dependent mother of Lewis J. Gettis, deceased, late a private in Company I, Thirtieth Iowa Infantry Volunteers, have had the same under consideration and respectfully report:

That an examination of the testimony on file in this case shows beyond doubt the following facts:

The Pension Office, in its review of the case, says:

"There is no question as to death of son in line of duty and of dependence of mother. The point involved is, did the son recognize the obligation and aid in maintenance of mother?"

They concede that he aided to the extent of his ability in support of his mother prior to his going to Iowa, but they reject the claim upon ground of want of evidence of his contributing to her support during his absence in Iowa. As to this point the evidence adduced from some neighbors well acquainted with the family goes to show that the object of his trip to Iowa was to try to secure a home for his mother there, and want of success in a boy of fifteen years of age in an undertaking of that kind ought to be no great matter of surprise, and certainly should not be considered as evidence of any indisposition on his part to contribute to his mother's support. It is further stated that when his mother objected to his enlistment it was urged, and her son consented to the plea, that he could better contribute to her support with his pay.

Soldier in this case enlisted in Company I, Thirtieth Iowa Volunteers, on the 22d of August, 1862, being then a little under seventeen years of age. He went with his regiment to the field, took sick, and was sent to the hospital, and died on the 2d of November, 1862, after a short illness, of disease contracted in the service in line of duty. His mother, Sahah A. Gettis, was, at the time of his enlistment and many years prior thereto, a widow, and yet remains a widow. It is proven that she was at time of soldier's enlistment, and for several years prior thereto, a poor woman without property, and that she now is entirely dependent upon her own labor for support; that soldier was her only child, and that she was up to the time he started to Iowa partially dependent upon him for support, having nothing besides except the fruits of her own labor, which was as domestic or charwoman.

The testimony in this case is very voluminous, and an examination of it has satisfied your committee that the soldier had contributed to the support of his mother prior to enlistment; that he proposed contributing more largely from his pay, but which intentions were, however, frustrated by his early death; that the mother was largely dependent upon him at the time, and stands in need of his services more and more as age advances.

Your committee therefore recommend the passage of the bill.

Mr. BRADY. I move to amend this bill by inserting after the word "pension-roll," line 4, the words "subject to the provisions and limitations of the pension laws."

The amendment was agreed to.

There being no objection, the bill as amended was laid aside to be reported to the House with the recommendation that it do pass.

PETER F. SAEMAN.

The next business on the Private Calendar was the bill (H. R. 1988) granting a pension to Peter F. Saeman.

The bill was read, as follows:

Be it enacted, &c., That the Secretary of the Interior be, and he is hereby, authorized to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of Peter F. Saeman, late of Company I, Seventh Pennsylvania Reserves.

The report (by Mr. SWOPE) is as follows:

The Committee on Invalid Pensions, to whom was referred the bill (H. R. 1988) granting a pension to Peter F. Seaman, respectfully report:

Peter F. Seaman was enrolled July 7, 1861, at Harrisburg, Pa., in Company I, Seventh Regiment Pennsylvania Volunteers. May 5, 1864, his company was in action at the Wilderness, Virginia, on which occasion he was captured, and released February 27, 1865. Prisoner of war record shows this soldier captured as above, and paroled at North Carolina Ferry, North Carolina, February 26, 1865.

This soldier claims a pension for hernia, which he alleges occurred while he was a prisoner at Andersonville, and was rejected because "there is no record of alleged disability; inability to furnish testimony showing the existence of alleged disability while in the service or at the date of his discharge." His case was also unfavorably reported by the Committee on Invalid Pensions, Forty-eighth Congress, "because there is no evidence of the disability in the military service." Because of the rejection of the claim by the Pension Office, and the unfavorable report upon it in the Forty-eighth Congress, your present committee have made a thorough examination of it. Peter F. Seaman was not present at the muster-out roll of his company, dated June 16, 1864, at which time their three years' service had expired, but he was mustered out April 3, 1865, with remarks, "Captured May 5, 1864, at the Wilderness, Virginia."

With respect to his soundness previous to enlistment, Dr. P. J. Tryon testifies to having been the family physician, but says that he never had him under treatment, and that to the best of his knowledge he was not ruptured before the war.

A. Ziegler, late lieutenant Company I, Seventh Pennsylvania Volunteers, testifies:

"That he was well acquainted with claimant at the time of his enlistment; that he was in good health, was 'examined and passed a creditable examination,' and that the examining officers were particular in not taking any that were ruptured; that on or about September, 1864, at Andersonville, he, the said claimant, was ruptured. This occurred under circumstances unknown to me, as I was not confined in the same prison with claimant."

John Musenker testifies:

"That claimant came to Ashland in spring of 1865, and engaged in business, and that through conversation both he and others became aware that he was ruptured."

Peter Bastian testifies that claimant lived in his house for some years, and learned through conversation with him that he was ruptured, "got worse, and was compelled to wear a truss."

In his statement claimant says that he never showed the rupture to any one, except his family physician, who has since died.

Comrade A. Miller states that he was taken prisoner with claimant; that he was free from rupture when he enlisted, and that to the best of his knowledge he was ruptured at Andersonville, but that it did not come to his knowledge until at Florence in November, 1864.

A. Shipper testifies that claimant was free from rupture when enlisted, and knows he got ruptured while confined in Andersonville, September, 1864.

E. R. Scholl, examining surgeon, under date of December 17, 1878, says that Peter F. Seaman is one-half of total incapacitated from obtaining his subsistence by manual labor; that he has scrotal hernia on the left side, and is obliged to wear a truss.

A perusal of some of the testimony has satisfied your committee of the entire good faith and sincerity of this claimant. The injury is alleged to have occurred at Andersonville prison, and proof of its incurrence is, from the nature of the case, next to impossible, nor can it reasonably be expected.

Nor did he immediately upon his release occupy himself in endeavoring to procure proof to substantiate his claim. He, however, showed his injury to his family physician, who, unfortunately for the claimant, is since dead. If this soldier had been a different style of man to what his letters indicate him to be he might be in possession of such proofs as would satisfy the most exacting. But he says:

"At the time of my enlistment I did not inquire whether I was to receive pay or not. I knew the country was in danger, and that the Government was in need of such men as I was at that time, and I at once left home to serve it. I served it faithfully for three years; was confined for nine long months; was ruptured while in prison, and from that cause can not follow my trade (carpenter and wheelwright)."

Men inspired by such motives do not usually look forward as to how they may be personally benefited; they neglect the "main chance," and it often happens that though by far the most deserving they are the least able to substantiate their claims.

Your committee, however, are of the opinion that this soldier entered the service a sound man; that he was ruptured while a prisoner at Andersonville; that his disability still continues so as to prevent his earning his living by manual labor, and they therefore report this bill favorably and recommend that it do pass.

There being no objection, the bill was laid aside to be reported to the House with the recommendation that it do pass.

M. S. CLAY.

The next business on the Private Calendar was the bill (H. R. 4103) granting a pension to M. S. Clay.

The bill was read, as follows:

Be it enacted, &c., That the Secretary of the Interior be, and he hereby is, authorized and directed to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of M. S. Clay, of Bates County, Missouri, late a member of Company A, Twenty-second Illinois Infantry, and also a member of Company E, of the Fourth Wisconsin Cavalry.

The report (by Mr. TAULBEE) is as follows:

The Committee on Invalid Pensions, to whom was referred the bill (H. R. 4103) granting a pension to M. S. Clay, having examined the same, submit the following report:

M. S. Clay enlisted as private in Company A, Twenty-second Illinois Volunteers, June 26, 1861, and was discharged on medical certificate of disability on February 22, 1862. He filed claim for pension on August 1, 1885, which was rejected on December 4, 1885, on ground that disability did not exist in a pensionable degree. In fact, this is the only possible question that could arise in the case, and this decision is based wholly on certificate of board of medical examiners, which is as follows:

"General appearance indicates good health, with the nutritive system in healthy condition; slight tenderness of the lumbar vertebra, and same tenderness on each side of vertebra, more particularly to the right; as objective symptoms are slight we make no rate."

The proof shows that while in the service and line of duty he received an injury to his back while building breastworks at Camp Lyon, Mo., and that he contracted lung disease, for which last disability he was subsequently discharged. The proof also shows that he has been a constant sufferer from his said disabilities ever since his discharge, and your committee believe he is now afflicted in a pensionable degree.

They recommend the passage of the bill.

There being no objection, the bill was laid aside to be reported to the House with the recommendation that it do pass.

CUDBERT STONE.

The next business on the Private Calendar was the bill (H. R. 927) granting a pension to Cudberth Stone.

The bill was read, as follows:

Be it enacted, &c., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-roll, subject to existing pension laws, the name of Cudberth Stone, late a private in Company H, Fourteenth Regiment of Kentucky Volunteer Infantry.

Amend the title so as to read: "A bill granting a pension to Cudbert Stone."

The report (by Mr. TAULBEE) is as follows:

The Committee on Invalid Pensions, to whom was referred the bill (H. R. 927) granting a pension to Cudberth Stone, having carefully considered the same, submit the following report:

Cudbert Stone enlisted as a private in Company H, Fourteenth Kentucky Volunteers, on the 3d day of October, 1861, and was honorably discharged therefrom on the 31st day of January, 1865.

He applied for pension on July 29, 1881, and his claim was rejected on the 14th day of October, 1884.

He based his claim on piles, resulting from exposure while in the service and in the line of duty.

His claim was rejected on the ground that claimant was not in the line of duty when he contracted said disease. This conclusion seems to be deduced from a statement made by the claimant to the effect that he was afflicted with diarrhea while he was undergoing sentence of court-martial.

He shows, however, by his own and the affidavit of other credible witnesses that he contracted diarrhea while in the line of duty, and that the said disease of piles was the result of chronic diarrhea and hard service and exposure which he had and underwent while in the line of duty, and that said disease has totally disabled him from performing manual labor of any kind.

In view of the long and faithful service and the high character of the claimant, and the well-established facts that claimant was a stout and able-bodied man, free from all and any disease when he enlisted, and that by reason of his faithful services to his country and the great suffering and hardship through which he passed while in said service his health was permanently destroyed, the committee earnestly recommend the passage of the bill with the title and bill amended as to the orthography of the Christian name of the beneficiary as follows: "To be spelled 'Cudbert' instead of Cudberth,'" to correspond with the muster-roll of said company.

The amendment recommended by the committee was agreed to.

There being no objection the bill as amended was laid aside to be reported to the House with the recommendation that it do pass

JANE W. DEVEREUX.

The next business on the Private Calendar was the bill (H. R. 1100) granting a pension to Jane W. Devereux.

The bill was read, as follows:

Be it enacted, &c., That the Secretary of the Interior be, and he is hereby, authorized and directed to place the name of Jane Devereux, mother of George N. Devereux, late of the Tenth Massachusetts Battery, on the pension-roll, subject to the provisions and limitations of the pension laws.

Amend the title so as to read: "A bill granting a pension to Jane W. Devereux."

The report (by Mr. LOVERING) is as follows:

The Committee on Invalid Pensions, to whom was referred the bill (H. R. 1100) granting a pension to Jane W. Devereux, submit the following report:

Jane W. Devereux is the mother of George M. Devereux, late private in the Tenth Massachusetts Battery.

He enlisted September 1, 1862, and was killed at Reams Station August 26, 1864. She filed a claim as dependent mother, which was rejected April 29, 1884, on the ground that at date of soldier's death claimant was not dependent upon him for support, "as at that date the husband had a sufficient income for and did furnish the claimant adequate support."

To controvert this statement she submits evidence of neighbors and people who knew her husband well. At one time prior to the war he was well off, but lost his property by indorsing notes. He was a proud, high-spirited man, and resorted to all sorts of devices to make it appear he was fairly well off, and to conceal his condition from his friends and from his wife, and when he died was $3,000 in debt.

Original letters of soldier are filed with the case as proving he contributed to aid in the support of his mother while in the Army, namely: one dated Poolesville, Md., March 16, 1863, says:

"A day or two ago I sent you $35, per Adams Express, which you will receive in a day or so."

Another letter says:

"You will find inclosed $15. After this you may get the money at the city hall, for I shall allot $9 a month to be drawn by you at home."

E. W. Johnson, employer of son prior to enlistment, in 1860 or 1861, testifies:

"From various remarks and conversations with him, am convinced the money paid him was given his mother for support."

G. W. Warren, justice of municipal court, Charlestown, Mass., testifies to knowing claimant and her husband for thirty years; well remembered the son George, who was killed in battle, and knew that they were partly dependent upon him for support; knew that the father was embarrassed during the war and up to the time of his death in 1881; that the claimant has not sufficient means for her support.

S. D. Larvin, grocer, Boston, testifies:

"Have been acquainted with John N. Devereux, husband of claimant, for last twenty-five years; have had business connections with him, and at many times conversations with him regarding his financial difficulties; have known he must have been insolvent for the last twenty years. It was difficult to collect bills incurred for family expenses. He seemed to have a dread of appearing bankrupt, and so dragged along, subject to writs of attachment and trustee continually; his embarrassment arose from indorsements."

Charles E. Raymond, Cambridge, of firm of Thomas Dana & Co., Boston, wholesale grocers:

"I had business with husband of claimant during most of the years of my acquaintance, and for many years previous to his death considered him insolvent and of no pecuniary responsibility. Declared his intention of going into bankruptcy, and I furnished him money for that purpose."

Hugh J. Tolland, Boston, testifies:

"Have heard him complain that he could not get money to pay his debts. Am satisfied that during the last years of his life he was continually struggling to pay his debts and provide for his family."

Samuel B. Locke, of Boston, Mass., testifies:

"Knew the late John N. Devereux from 1855 to the date of his death, 1881; well acquainted with his financial standing; know that at no time in that period was he able to pay his debts; frequently lent him money to pay his notes. All the property he represented was mortgaged for more than its value, leaving at his demise not one dollar."

A letter of claimant, November 26, 1883, to Hon. H. M. Teller, Secretary of the Interior, is filed, in which she says:

"My only son gave his young life to his country, and that country amply able to aid me his mother, why don't they do so? Had they left me my son I should not in my old age be left in this condition—asking aid and receiving none."

Since the death of her husband, in order to exist, she has sold articles of her household furniture—things, as she says, they were a life-time collecting.

In view of all the evidence submitted your committee are of opinion that this mother, who is now sixty-five years of age, poor, with no one to aid in her support, should be put upon the pension-roll the few remaining years of her life, believing that the Government deprived her of her son, killed in battle at the tender age of nineteen years, to whom had he been spared she could have looked for that partial sustenance she now asks from the Government. They therefore recommend the passage of the accompanying bill, with the following amendments: Insert in the title between the word "Jane" and the word "Devereux" the letter "W.;" also in the fourth line of the bill the same amendment, so it shall read "Jane W. Devereux."

The amendment recommended by the committee was agreed to.

There being no objection, the bill as amended was laid aside to be reported to the House with the recommendation that it do pass.

MARY ANN MURPHY.

The next business on the Private Calendar was the bill (H. R. 4538) granting a pension to Mary Ann Murphy.

The bill was read, as follows:

Be it enacted, &c., That the Secretary of the Interior be, and is hereby, authorized and directed to place on the pension-roll, to date from October 23, 1863, subject to the provisions and limitations of the pension laws, the name of Mary Ann Murphy, widow of John Murphy, deceased, late a landsman on the United States steamer Rhode Island, who died October 23, 1863, on account of disease contracted in line of duty in the naval service of the United States.

The amendments reported by the committee were read, as follows:

In lines 4 and 5 strike out the words "to date from October 23, 1863."

In line 8 strike out "on" and insert "in."

After the words "United States," in line 8, strike out the words "steamer Rhode Island, who died October 23, 1863, on account of disease contracted in the line of duty in the naval service of the United States" and insert "Navy;" so that the bill will read:

"*Be it enacted, &c.*, That the Secretary of the Interior be, and is hereby, authorized and directed to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of Mary Ann Murphy, widow of John Murphy, deceased, late a landsman in the United States Navy."

The report (by Mr. LOVERING) is as follows:

Mary Ann Murphy is the widow of John Murphy (second), landsman in the United States Navy, United States steamer Rhode Island, who died in service at the naval hospital, Philadelphia, October 23, 1863, of "ascites." He enlisted November 20, 1862. She made application for a pension November 14, 1862, which was rejected December 8, 1871, because landsman's fatal illness did not originate in line of duty, claimed to be established by affidavit of Dr. Webber, United States Navy, under date of October 8, 1868, as follows:

That John Murphy (second) was on board the Rhode Island at the time I was surgeon of that vessel. He had an attack of ascites, for which he was sent to the hospital. Just before the above-mentioned attack he went ashore on liberty. I was told by himself, or his mates, I forget which, that he became intoxicated and slept all night in the open air, exposed to rain. In a very short time, from one to four days, his sickness commenced. It is possible that the hot climate and his labors in the fire-room (I was told he did fireman's duty, but have no recollection of that) predisposed him to this attack and rendered it more surely fatal.

As against this vague remembrance and hearsay evidence as to drunkenness of sailor, which seems to have been the point of disallowance by the Pension Office, appears the evidence of Lemuel Pope, acting master's mate, and several comrades, as follows:

Mate Pope testifies—

"Quite a number of the fireman and coal-heavers were used up by the excessive heat and hard work in the fire-room. That Murphy, when he came off sick-list, did duty on deck; remembers the affair at Saint Thomas in August, 1863; don't think Murphy was either drunk or overstaid his liberty, for I had charge of the launch that brought off liberty men. Remember distinctly who were drunk and who overstaid their liberty, having had to go and hunt them up. Know that Murphy was not drunk nor overstaid his liberty."

William Sutherland, seaman, John Fitzgerald, fireman, Peter J. Howard, landsman, corroborate the statement of Mate Pope that Murphy was not drunk at the time of liberty at Saint Thomas; that some few of the crew did get intoxicated, but that Murphy did not. Fitzgerald, who was associated with him in the fire-room, says he knows he was complaining from sickness for some time before they went ashore at Saint Thomas, from the effects of the heat and hard work; if he had been intoxicated or had laid out all night he would have known it, being his companion in the fire-room.

John Howard certifies:

"We had no rain or storm when we had liberty at Saint Thomas; the weather was pleasant."

William Sutherland testifies:

"Remember Murphy's going ashore, saw him when he returned on board; he had a paper bag in his arms; he was sober, free from intoxication, and I did not hear he was drunk, and do not believe he was; only two men came on board intoxicated. The men were not allowed to sleep in the streets; the soldiers would have taken them to the barracks. I was captain of the fore-top; previous to this liberty, to my knowledge, said Murphy was in the fire-room; was taken sick; he went on sick-list, and was not well after this time. Most of the men were sick on that cruise. There were two John Murphys on board then. I remember this one, John Murphy, second; I took him in a boat; was one of the hands that carried him on board the Ticonderoga; he was then sick; this was three or four weeks after liberty at Saint Thomas."

As against the hearsay evidence of Surgeon Webber, we have this positive evidence of the attesting witnesses, sufficient to establish the fact, that John Murphy was not drunk when on liberty at Saint Thomas, in any court in the United States.

Your committee believe an injustice has been done this claimant in the rejection of the claim, and they therefore recommend passage of the accompanying bill as amended.

The amendments reported by the committee were agreed to.

There being no objection, the bill as amended was laid aside to be reported to the House with the recommendation that it do pass.

WALTER S. HAYNES.

The next business on the Private Calendar was the bill (H. R. 1113) granting a pension to Walter S. Haynes.

The bill was read, as follows:

Be it enacted &c., That the Secretary of the Interior be, and he hereby is, authorized and instructed to place the name of Walter S. Haynes, late a private in Company F, Thirty-sixth Massachusetts Volunteers, on the pension-roll, subject to the provisions and limitations of the pension laws.

The amendments reported by the committee were read, as follows:

Strike out, in line 4, the word "place" and insert "restore to the pension-roll."

In line 6 strike out the words "on the pension-roll."

The report (by Mr. LOVERING) was as follows:

Walter S. Haynes enlisted August 6, 1862, in Company F, Thirty-sixth Regiment Massachusetts Volunteers, and was discharged for disability September 28, 1863. He applied for a pension, which was granted June 16, 1864; certificate No. 29637. He alleged in his original application—

"That on or about July 12, 1863, he was attacked by malarial fever, followed by chills and fever. Soon after an abscess appeared upon his right hip and another upon his right groin, producing great swelling of the abdomen and lower limbs."

He was first pensioned at $8 per month, which was afterward reduced to $6, and then to $4 per month, at which rate he was last paid March 4, 1870, at which time he was dropped from the roll, as the result of an examination during which he admitted to the examining surgeon that he had "slight swelling of the ankles before enlisting." He filed a claim for restoration February 12, 1881, for malarial poisoning and rheumatism, which was finally rejected September 16, 1885—cause: "No disability from malarial poisoning since filing of claim"—prior to which the papers were returned to the chief of the board of review with the following indorsement from the chief of the eastern division:

"I am of opinion that the grounds of rejection on this claim for restoration are not tenable. Aside from the alleged admission of claimant the proof of soundness is all sufficient."

The evidence in support of this claim is certainly of the strongest character as to the incurrence of the disabilities, and the rejection of the claim seems to have been based almost wholly upon the honest admission of claimant as to slight swelling of ankles before service, which is not an uncommon occurrence in the case of people whose business, similar to claimant's (grocery), required constant standing for long hours.

John Burns, M. D., family physician from 1859 to 1862, testifies to claimant's soundness prior to enlistment, and that if he was not sound he should have known it. No recollection of ever having treated him for any cause.

William F. Draper, captain of claimant's company, testifies:

"That when encamped at Newport News, Va., claimant contracted rheumatism, on account of which he was excused from duty, and was under treatment in hospital for same; never able to perform regular duty until he was discharged."

George P. Sanderson, of claimant's company, who was detached as a hospital attendant, testifies that—

"While regiment was at Newport News, Va., after a heavy snow-storm, which broke down many of the tents, claimant was admitted to the hospital suffering from rheumatism, the case being one of the worst that came under my notice."

J. P. Prince, late surgeon of the Thirty-sixth Massachusetts Volunteers, testifies that—

"Soldier was under my treatment for rheumatism during the early part of 1863, for a number of months, exceeding eight, and while an enlisted man, and to the best of my knowledge and belief this disease was contracted in the line of duty; he was constantly excused from duty by me or one of my assistants."

Dr. A. F. Bryant, late surgeon of Thirty-sixth, certifies that—

"Soldier, while in service and line of duty, suffered from rheumatism, disabling him for active duty for a period of ninety days, and more or less till time of his discharge; have seen him since and find him suffering from same disease."

The certificate of disability for his discharge says: "Prostration following and consequent upon malarial disease and difficult locomotion."

J. F. Jarvis, M. D., certifies from 1864 to 1872:

"Saw him every day or so, being near neighbors; knew he was suffering from articular rheumatism, and conversed with him frequently in regard to his condition; in August, 1878, attended him professionally for an attack of subacute rheumatism, chiefly affecting hands and lower extremities; that these are distorted by the disease to such an extent as to incapacitate him from earning a living, and he always will be, in my opinion; the disease was contracted in the Army."

E. N. Whitten, M. D., says:

"In 1870 treated claimant for articular rheumatism, chiefly affecting lower extremities, from which he continued to suffer, and is now (1881) suffering; my opinion is that the disability is permanent."

C. B. Witherle, M. D., surgical house officer, Massachusetts general hospital, certifies:

"Claimant had the middle toe of his left foot amputated at this hospital for a troublesome deformity, apparently the result of rheumatic inflammation in the joint."

The reports of pension examining surgeons are herewith appended.

John G. Metcalf, M. D., Mendon, Mass., says, September 4, 1869:

"Right knee swollen and painful, being attacked by rheumatism; find him with articular rheumatism of the different joints of both upper and lower extremities, at times interfering with his ability to labor; in my opinion present rheumatism had its origin in original disabilities."

Dr. Ormand Martin, 1870, testifies:

"He has no disability from intermittent fever, and none from abscesses of hip joint; he is badly disabled from rheumatism; he has bad swelling of right ankle and knee; that he says he has been very lame since his discharge; he now has large deformed joints of right hand and is feeble looking, and I have no doubt he is very lame in right leg and shoulder; he admits he had slight swelling of his ankles before entering the Army; his disability is total."

The pension examining board at Boston, Mass., February 9, 1881, say:

"We find him a very great sufferer from chronic rheumatism. Left foot is badly drawn, and he has recently had a toe amputated on account of the pain the pressure of the toes together occasioned; his feet and ankles are badly swollen, though he says they are much better than at times; his heart-sounds are weak and distant, and though we get no murmurs, we incline to believe he has hypertrophy of left ventricle. We rate third grade, $18 per month."

The board at Lowell, Mass., January 23, 1884, appear to have spent their time in questioning the soldier as to how he contracted his disability and what he complains of now, and wind up what your committee, from its very great experience in examining this class of papers, do not hesitate to say was a very superficial examination, if indeed any proper examination was ever made, as follows:

"We find no enlargement or deformity of any joint except of the two great toes, which claimant says is hereditary. Heart normal. We rate for rheumatism and results, nothing. The claimant does not suffer from the disability for which he was originally pensioned, nor from rheumatism, and is not entitled to restoration or renewal or any rating."

The board of surgeons at Salem, Mass., under date of June 18, 1885, find him, after a long and most thorough examination, disabled from causes alleged, and recommend that he be restored to the roll, aggregating his disabilities at third grade, $18 per month.

The reviewer of all this evidence sums up his report as follows:

"It is evident that original description of disability did not cover the real cause of the disability, the abscesses which appear to have resulted from rheumatism, and that the pension was paid for rheumatism as appears from the certificates of examination therefor. I think certificate should be reissued to correct description of disability, and to restore from date of last payment at $4 per month, and increased to $8 from August, 1870, and $18 from February 9, 1881, for rheumatism and results."

Your committee are of opinion that all the evidence in the case tends strongly to prove incurrence of disability in the service. That he was a hearty, robust man when he enlisted is clearly proven from his family physician testifying that he never treated him for any cause. The evidence in service shows conclusively in his favor as contracting disability, and all the evidence since service shows he has been a constant sufferer therefrom. We therefore recommend the passage of the accompanying bill as amended. Strike out the words "on the pension-roll" in the sixth line of the bill; strike out, also, the word "place" in the fourth line and substitute therefor the words "restore to the pension-roll."

The amendments reported by the committee were agreed to.

There being no objection, the bill as amended was laid aside to be reported to the House with the recommendation that it do pass.

JOHN P. BRINEGAR.

The next business on the Private Calendar was the bill (H. R. 4116) increasing the pension of John P. Brinegar.

The bill was read, as follows:

Be it enacted, &c., That the Secretary of the Interior be, and he is hereby, authorized and directed to increase the pension of John P. Brinegar, late a corporal of Company E, Fourth Regiment of Kentucky Volunteers, to $50 per month (certificate numbered 114767).

The amendment reported by the committee was read, as follows:

In line 6, strike out "fifty" and insert "forty."

The report (by Mr. MORRILL) is as follows:

The Committee on Invalid Pensions, to whom was referred the bill (H. R. 4116) increasing the pension of John P. Brinegar, submit the following report:

We find that claimant enlisted August 6, 1861, in Company E, Fourth Kentucky Volunteers, and was discharged October 3, 1864; that at the battle of Chickamauga, September 19, 1863, he received a gunshot wound in his right side, for which he was granted a pension November, 1871, at the rate of $8 per month. This pension has since been increased as the disability increased, until he is now receiving $24, the injury being rated as equivalent to the loss of a hand.

Dr. D. M. Claggett testifies February 10, 1886:

"I hereby certify that I have this day examined John P. Brinegar, and find an extensive necrosis of the crest of the ileum, discharging a stinking ichorous pus through three tortuous sinuses, one in front of the ileum, one near the back bone, and one near the posterior extremity of the ileum. I have treated him at various times during the past twelve years, and removed several spicula of dead bone. The discharge has been continuous since I first treated him, and very moderate exercise has been sufficient to cause it to become inflamed and painful, and discharge more copiously. He is and has been for past twelve years entirely unfit to perform manual labor, except at the risk of his life, and from the situation of the sinuses at the back he is not able to wash and dress them as they require without the aid of an assistant."

Dr. E. S. McDonald corroborates the above, adding:

"That the wound is so situated as to make it impossible for the patient to cleanse and dress it properly, thereby necessitating the services of a nurse or other person. After a careful examination, I feel warranted in saying that the injury above described greatly endangers the life of the patient from pyæmia and its close proximity to the abdominal cavity. He is a continual sufferer and wholly incapacitated for manual labor."

Hon. A. M. DOCKERY, a member of this House, testifies that he is personally acquainted with the claimant and has been for fifteen years; that he is an honorable man and a great sufferer; he also vouches for Drs. Claggett and McDonald as accomplished physicians and gentlemen of high standing. As the law now is, the Department can fix no rate between total disability and that condition which requires the constant aid and attention of another person. In many respects the condition of the man is much worse than that of a helpless paralytic would be. He is a constant sufferer, requiring a portion of the time the attention of another, and with a disease so offensive as to partially exclude him from the society of friends and neighbors, with no possible hope of recovery and uncertain as to what moment death may come, and with the certainty that any sudden or violent exercise on his part will surely hasten it.

Your committee recommend the passage of the bill with an amendment striking out "fifty" in line 6 and inserting "forty."

The amendment reported by the committee was agreed to.

There being no objection, the bill as amended was laid aside to be reported to the House with a recommendation that it do pass.

J. FRANCIS HOPPER.

The next business on the Private Calendar was the bill (H. R. 4918) granting a pension to J. Francis Hopper.

The bill was read, as follows:

Be it enacted, &c., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of J. Francis Hopper, late captain of Company C, Sixth Missouri Volunteer Cavalry, and to pay him a pension at the rate of $20 per month, to take effect from and after the date of his discharge.

The amendment reported by the committee was read, as follows:

At the end of the bill strike out the words "and pay him a pension at the rate of $20 per month, to take effect from and after the date of his discharge."

The report (by Mr. MORRILL) was as follows:

The Committee on Invalid Pensions, to whom was referred the bill (H. R. 4918) granting a pension to J. Francis Hopper, submit the following report:

Claimant enlisted June 22, 1861, in Company C, Sixth Missouri Cavalry; was promoted to lieutenant December 28, 1861, and to captain February 16, 1862, and resigned November 17, 1862, on account of ill-health. He made application for pension July, 1884, alleging injury to ribs of left side by horse falling and effects of fever, rheumatism, and heart disease. This was rejected on the ground that no pensionable disability had existed since filing. The medical board of examiners at Leavenworth report him one-fourth disabled; no other examination is shown. Capt. J. C. De Gress, United States Cavalry, testifies:

"That Captain Hopper, on the march from Batesville to Helena, Ark., in 1862, was attacked with fever, the result of malarial influences and exposure, whereby he became wholly unfitted for duty. He suffered from this disease at time of resignation.

"He knows these facts from having served in the same regiment with him and having been instrumental in getting his resignation accepted. He was also intimately acquainted with claimant from April 15, 1862, until his resignation was accepted. At the time his resignation was accepted leave of absence could not be obtained, and his condition was such that he had to resign or die. He could not have survived if he had remained at Helena, Ark. He was utterly used up with fever and rheumatism, and the surgeons gave him no hope of recovery unless by change of climate."

William S. Burke testifies:

"I am personally acquainted with the above-named claimant, having known him intimately since January, 1861. We are both newspaper editors by profession, and worked together in the same office at Council Bluffs, Iowa, and Leavenworth, Kans. At the time I first knew claimant, and at enlistment at Council Bluffs in the Fourth Iowa Infantry, he was a strong, healthy, and able-bodied man, full of vigor, and to all appearances free from any disease whatever. In August, 1862, he returned to Council Bluffs on sick leave as captain of the Sixth Missouri Cavalry, having been promoted from the ranks. At that time he was suffering from bone-break or swamp fever and rheumatism, and was a very sick man. He was treated by Dr. P. J. McMahon, since deceased, and who stated to me on one occasion that he feared Hopper was completely broken down. In January, 1863, he again returned to Council Bluffs. He was much debilitated and broken down by disease. I have known him ever since, and know that by reason of said disease he has been unable to earn his living by manual labor."

William Hickman, a comrade, testifies as to injury by horse, and of his having rheumatism in service. Claimant states under oath that he was treated by Dr. M. W. Robbins, surgeon of the regiment, and by a resident physician by order of Dr. Robbins; that in 1872 and 1878 he was treated by Dr. Davis, whom he is unable to find; that the disease has continued ever since discharge, and by reason of it he was obliged to abandon his work as printer.

The evidence seems unusually clear, definite, and strong. Of its incurrence in the service there can be no doubt. The amount of pension will be decided by the examining surgeons who may hereafter examine him.

Your committee recommend the passage of the bill, with an amendment striking out all after the word "cavalry."

The amendment reported by the committee was agreed to.

There being no objection, the bill as amended was laid aside to be reported to the House with the recommendation that it do pass.

SILAS S. WHITE.

The next business on the Private Calendar was the bill (H. R. 1398) to grant a pension to Silas S. White.

The bill was read, as follows:

Be it enacted, &c., That the Secretary of the Interior be, and he is hereby, authorized to place on the pension-roll the name of Silas S. White, late a private in Company G, Seventy-seventh Regiment of New York Volunteers, subject to the conditions and limitations of the pension laws.

The report (by Mr. MORRILL) was as follows:

The Committee on Invalid Pensions, to whom was referred the bill (H. R. 1398) to grant a pension to Silas S. White, submit the following report:

We find that claimant served from April, 1840, to April, 1845, in Company K, United States Infantry, and from November 21, 1861, to October, 1862, in Company G, Seventy-seventh New York Volunteers.

July, 1876, he applied for a pension, alleging injury to back by falling of a sand-bag carried by a comrade while building fortifications before Yorktown, Va. The records in the War Department show that he was discharged upon surgeon's certificate October 2, 1862, on account of "an injury to the back caused by the fall of a sand-bag on him at Yorktown. He is unable to assume the erect position." He was discharged at the New York City Hospital, where he was treated, but can not give the names of the surgeons.

Two comrades of claimant testify in the case, Jerome Hewitt and John Thornton. Hewitt says that he served in the Army of the United States in the war of 1861 in same company with claimant; that their company was employed in 1862 in fortifying in front of the enemy at Yorktown. Knew White before he went into the Army; he was a hearty man. Know that claimant was injured there at Yorktown in line of duty, and that he went to the hospital, and that he went home on furlough on account of his injuries rendering him unfit for service. Knew claimant after his discharge from the Army; lived near neighbor to him, and he was not able to work much for about two years after he came home; could not do more than one-third as much work as before.

Comrade Thornton testifies substantially the same, and adds that he (Thornton) was sent with claimant to the hospital at Annapolis, Md., and from there they were allowed to go home to New York State on furlough. At Saratoga Springs they were examined by a surgeon who pronounced them unable to return, and extended their furlough thirty days; then they started to return to their regiment and got as far as Albany, when White was stopped by a hospital surgeon and pronounced unfit for service, and detained there in hospital a month. They started again for their regiment, and got to New York city, where they were detained and treated by Dr. Vanderbilt for about six weeks, and then discharged.

The report from Sugeon-General's Office shows claimant entered the hospital in New York August 20, 1862, and was discharged therefrom October 6, 1862. Since the discharge of claimant his condition is shown by neighbors who knew him, both in New York and in Nebraska, to be that of one suffering from some affection of his back, and unable to do much, if any, work; as some say, who knew him before his enlistment, "not more than one-third as much labor since service as before," which claimant always claimed resulted from the injury received at Yorktown.

Dr. J. L. Gand, of Humboldt, Nebr., testified, in 1881, to having known claimant over eight years, and has been consulted at different times about his health. He has had partial paralysis of the arms and upper part of the back, which occasionally affects the urethra and bladder. He has been unable to perform manual labor for eight years. His wife is compelled to help him dress and undress, and deponent considers his disease permanent. Deponent thinks his disabilities result from injuries of the spine, which cause the paralysis.

The medical examiner at Falls City, Nebr., in 1878, reports claimant totally disabled. February 9, 1886, Drs. Cox and Williamson, of Humboldt, Nebr., made an examination of claimant and report:

"Find blind piles, which bleed often on defecation; also prolapsus of rectum of an inch in length, at rest; soreness of abdominal muscles, and great tenderness in region of kidneys and lumbar muscles; great pain in defecation and in urinating, with retention at times; indication of diseased condition of kidneys; is unable to perform manual labor for a livelihood; with a disability of three-fourths times at least. This disability reaches back through a period of ten years' personal acquaintance on the part of Dr. J. G. Cox and five years on the part of Dr. A. L. Williamson."

This soldier is now over seventy years of age, unable to perform any manual labor, and without any means of support. He served his country faithfully as a soldier for six years. The country ought to provide for him for the few remaining years that he will live.

Your committee therefore recommend the passage of the bill.

There being no objection, the bill was laid aside to be reported to the House with a recommendation that it do pass.

NIRA D. GWYNNE.

The next business on the Private Calendar was the bill (H. R. 1361) granting a pension to Niva D. Gwynne.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior is hereby directed to place on the pension-roll the name Niva D. Gwynne, widow of the late N. M. L. Gwynne, a private in Company H, Thirteenth Regiment Ohio Cavalry, and that she be allowed a pension of $50 dollars a month from and after the passage of this act.

The amendments reported by the Committee were read, as follows:

In line 4 strike out "Niva" and insert "Nira."

At the end of the bill strike out the words "and that she be allowed a pension of $50 a month from and after the passage of this act" and insert "subject to the conditions and limitations of the pension laws."

Mr. WARNER, of Missouri. I desire to suggest a formal amendment to insert, in line 5, in lieu of "N. M. L. Gwynne," the full name of the soldier "Nathaniel McLean Gwynne."

The CHAIRMAN. If there be no objection this amendment will be agreed to.

There was no objection.

The CHAIRMAN. The question is now on the amendments reported by the committee.

Mr. WARNER, of Missouri. I wish to offer an amendment to the amendments submitted by the committee. This bill as originally introduced proposed to place the name of this widow upon the pension-roll and allow her $50 a month. In lieu of that portion of the amendment of the committee which proposes to insert the words "subject to the conditions and limitations of the pension laws" I move to insert "and that she be paid a pension of $24 a month during her natural life, so long as she remains the widow of said Nathaniel McLean Gwynne."

Mr. Chairman, I am reluctant to suggest an amendment which seems to be in opposition to the fixed rule of the House as to granting pen-

sions to widows of deceased soldiers. But, sir, I recognize the fact that there are exceptional cases; that there are cases which when the facts are known require possibly a departure even from this fixed, and I have no hesitancy in saying wise, rule adopted by this House.

This soldier entered the service a mere lad as a private in the Thirteenth Ohio Cavalry. He went through the trials and hardships of the war until disabled July 30, 1864, when he was severely wounded at the battle of Petersburg. What I shall state of the heroic conduct of Nathaniel McLean Gwynne is no fancy picture. In that engagement his regiment lost their colors. Boy that he was, he rushed to the very teeth of the guns of the enemy and rescued the colors. As he was returning with them to his regiment a ball nearly severed his left arm from the shoulder; another minie-ball pierced his knee; but still he clung to the staff of the flag with his right hand, and with its folds in his teeth he carried it back to his regiment. They seized and embraced him as brave men naturally would a young man under such circumstances. For this conduct the Congress of the United States voted him a medal of honor.

He has left a widow and a boy; and I say such an example of heroism, of distinguished bravery, entitles his widow and boy to recognition now that the soldier is dead.

We have said, sir, in language as strong as it could be made that we would provide not only for him who has borne the battle but for his widow and his orphan; and as the Congress of this nation recognized the distinguished bravery of this soldier, let us say to this boy to-day in his home in Missouri, "Thus has the Congress of your country rewarded you and your mother for the distinguished heroism of your father; tread you in his tracks."

I think, Mr. Chairman, if there ever was a case that appealed for special action—for a departure from the general rule we have adopted with reference to pensions—this is that case. I submit it.

Mr. BRADY. I would like to hear the report read.

A MEMBER. What pension did the soldier receive?

Mr. WARNER, of Missouri. I wish to say that this distinguished soldier—and I use the word "distinguished" understandingly, for it is the acts of such men that render the fame of a Grant or a Sherman a possibility in a nation like ours—drew a pension of $24 a month from 1866 to the time of his death, about a year since. My amendment proposes merely to allow to this widow the same pension which the Government gave her husband during his lifetime.

Mr. MATSON. Mr. Chairman——

The CHAIRMAN. The Clerk will read the report, the reading being called for by the gentleman from Virginia [Mr. BRADY]. After the reading the Chair will recognize the gentleman from Indiana [Mr. MATSON].

The report (by Mr. MORRILL) was read, as follows:

The Committee on Invalid Pensions, to whom was referred the bill (H. R. 1361) giving a pension to Nira D. Gwynne, submit the following report:

We find the claimant is the widow of Nat. M. Gwynne, who enlisted May 10, 1864, in Company H, Thirteenth Regiment Ohio Volunteer Cavalry, and was honorably discharged March 21, 1865; that in the assault on Petersburg, Va., his left arm was so badly shattered that an immediate amputation was necessary. He also received a wound at the same time in his knee. For this he received a pension until his death, January 6, 1883. His widow filed her application for a pension, alleging that he died from the effects of nervous prostration, as a result of these wounds. She is unable to show that the wounds were the direct and immediate cause of his death, and consequently can not receive a pension through the Department. The evidence is very strong that the soldier's death was the result of his injuries received in the service.

Dr. Joshua Thorne testifies:

"I was consulted professionally by Nathaniel L. M. Gwynne about ten years ago, and on several occasions afterward up to about three days before his death, in January, 1883. When I first saw him I found extreme hyperesthesia of the left shoulder and of the cervical spine, with severe pains in the shoulder, neck, and head. I found that the aforesaid pains proceeded from disease of the nerves of the arm, and resulted from the gunshot wound for which the arm had been amputated. I found neural salerosis in the median and in the ulnar, and my opinion was that it was a case of neural sclerosis which had involved the brainial plexus, the cervical spine, and the brain. In subsequent examinations I found the brain to be so involved as to produce frequent attacks of mania, and for some time before death severe neuralgia of the pneumogastric nerves was found. About three days before death I saw the patient and found pains in the brainial plexus, in spine, and head, and cramps in stomach and partial mania. I never saw him after."

Dr. Robert L. Wood, one of the most learned and able physicians of Missouri, says:

"I did not treat Mr. Gwynne for his malady at any time, and I can only speak of his condition as a personal associate. His arm was amputated about 3 inches below the shoulder joint, if I am not mistaken. The injury, which necessitated the amputation of the arm, was so severe that it shattered the bone terribly. The plexus of nerves supplying the arm was literally torn to pieces. In consequence of the fracture it was next to impossible to obtain a healthy stump. The end of the arm bone (humerus) was necrosed. As a result of the serious injury of the nerves to the arm the shoulder wasted away, the shoulder-blade and end of the collar-bone standing out very prominently (muscular atrophy). The stump of the amputated arm was quite often in a state of suppuration. Mr. Gwynne also received a wound in the knee. This knee constantly suppurated. Beyond a questionable doubt the deceased arm-stump and the necrosed knee were the causes, direct and indirect, of his death."

In a letter to the committee Maj. WILLIAM WARNER, a member of this House, speaks of the distinguished services of the soldier as follows:

"Permit me to state that for many years I was intimately acquainted with Mr. Gwynne. He lost his arm at Petersburg July 30, 1864; at the same time he received a gunshot wound in the knee. For two years before his death I was, through business connected with the Grand Army of the Republic, in company with the deceased nearly every day. He was a great sufferer from his wounds, that in the knee being a running sore. Time and time again he has told me of his sufferings from these wounds. His nervous system was broken down, so much so that at times he had no more control over himself than a child. He often said to me that he knew his injuries would cause his death, yet if he had his life to live over again, if his country needed his services, he would cheerfully give them, even with the absolute knowledge that he would be thus maugled.

"This I believe, for no braver man than Gwynne ever entered the Army. As a beardless soldier-boy, on July 30, 1864, he daringly rescued the flag of his country from the very jaws of the enemy's guns; in returning with it to his regiment his arm was almost torn from its shoulder, but he held on to the flag, returning it to the Union line baptized with his blood. For his heroic conduct on that day he received one of the few gold medals which Congress ordered to be presented for distinguished bravery on the battlefield. I do not entertain a doubt that but for his wounds he would have been alive and well to-day. He has left a wife and one child, a boy, in destitute circumstances; let them realize the fact that the country remembers one of its bravest defenders in providing for his widow and orphan."

It seems reasonable to assume that his death was the direct result of his military service. Believing it to be the duty of the Government to provide for this widow and her helpless child, your committee recommend the passage of the bill, with an amendment striking out all after the word "cavalry," in line 6, and inserting "subject to the conditions and limitations of the pension laws."

Mr. MATSON. Mr. Chairman, I am glad that the gentleman from Missouri has placed on the record of this Government, both by the letters of the gentleman who made this report as well as his timely and eloquent speech this evening, the heroic deeds of this soldier. That is well. I am glad, too, the Congress of the United States thought fit to give him a gold medal on account of his heroism in battle. But this question, Mr. Chairman, of giving a pension to this widow larger than has been allowed to the widows of other soldiers who rendered perhaps equally as brave and heroic service—for there were certainly some who did that in the many engagements of the war—to give her more than others are drawing, and especially when she must come here to get a pension at all, to ask the favor of Congress, I think would not be right. It would be establishing a precedent for thousands of applications, based upon the special service and the special heroism of the soldier, asking that his widow should be pensioned. Why, it is not only the rule of Congress in relation to special cases, but it is the law itself, that all persons of the same rank shall receive the same pension. That is the law. The law makes no distincton. It can not afford to do so, because when you come to measure these things by individual cases you do necessarily much greater injustice than if you allow that well-established rule to prevail of giving the same pension to soldiers of the same class and rank.

So I insist, Mr. Chairman, we can not safely, notwithstanding the eloquent speech of the gentleman from Missouri, enter upon this precedent in this case.

Mr. DOCKERY. Mr. Chairman, I wish to add just a word to what has been so well and eloquently said by my colleague from Missouri [Mr. WARNER]. Mr. Chairman, I knew this soldier after the war. I say in neither army during the late strife was there a more distinguished, knightly, or chivalrous soldier than the man whose widow tonight asks at our hands this pension of $24 a month.

Mr. Gwynne was one of the soldiers who fought from 1861 to 1865, and when the war was over he gave all the energies of his nature and all the aspirations of his heart to build up the waste places and to restore real and genuine fraternal feeling between the different sections of this country. I hope sincerely in this case, and for the reasons so eloquently stated by my friend, the House will accede to the amendment offered by my colleague and allow the widow of this soldier $24 a month.

I fully sympathize with the point made by the distinguished chairman of the Committee on Invalid Pensions [Mr. MATSON], and if I thought it might be a precedent for thousands of other claims, as he seems to apprehend, I would not press it upon the attention of the House, but when it is such a distinguished case and so peculiarly meritorious, I do hope the committee will see the propriety of adopting the amendment submitted by my colleague.

Mr. McMILLIN. Mr. Chairman, I rise to make only one suggestion. After recognizing the valor that has been attributed to this soldier, which I do with great pleasure, giving it all the weight it should have in our deliberations here, I wish simply to make this suggestion, that out of the thousands and tens of thousands of soldiers who lost their lives and never returned to home or family or friends, and whose widows now get a pension, whether, when they have been valorous enough to give their lives to the country, it is judicious now to make an exception because of more conspicuous, not greater, but more conspicuous valor on the part of this soldier, whether we should tax the widows and orphans of those who lost their lives to increase this pension above what is received by those whose husband's lives were lost on the battlefield. That is all the suggestion I have to make.

Mr. WARNER, of Missouri. I do not wish to be placed in the attitude I would ask a pension of $24 a month for this widow if it jeopardized the claim of any other widow in the United States entitled to a pension, or if it jeopardized the claim of any soldier who is entitled to a pension from this Government. I believe I would be doing injustice to the memory of my gallant comrade did I contend for anything of the kind on this floor. I present it simply as an exceptional case of a man no more brave perhaps than thousands and tens of thousands of men who marched to the front and gave the greatest evidence of devotion a man can give to his country, his life, no more, but still this case does rise above those in this one distinguished act of gallantry and bravery.

I might say, perhaps it would not be proper here, and I do not wish any discussion outside, that I hope yet to see the time when an American citizen will blush that any man who defended that flag in the hour of the country's danger is an inmate of an almshouse in any part of the country.

Mr. JOHNSTON, of Indiana. Mr. Chairman, there certainly is no member of this committee who will go further in voting pensions than I will, and I would willingly to-night vote for a bill granting a pension to the widow of every soldier of this country at the rate of $24 a month. I would go further, sir, and vote to pension every man who served his country faithfully in the Army and the widow of every soldier of the country who died either on the battlefield or from the effects of wounds or of the war. I would pension the widows of such soldiers, whether the death of the soldier resulted from the effects of wounds or not. But to take out one exceptional case, the case here of the widow of one soldier who did one brave act, and make that a subject for Congressional generosity, when there are thousands of others just as much entitled to the increase, I do not think would be fair. I do not think it is right. There are thousands of men in the country to-day who are disabled by the war and unable to secure a pension at all upon some mere technicality of the pension law. There are hundreds of widows of soldiers to-day who are unable to secure a pension because they can not prove that their husbands died from the effects of wounds received or of disease contracted while in the service—thousands of them.

This is one of those cases where the widow was unable to obtain the pension through the Department because her proof failed to comply with the technical requirements of the law, by showing that he died from the effects of wounds. She comes here now asking a pension at the hands of this Congress.

That pension I am willing to grant; but to go beyond that and give a pension of $24 a month, when other widows are getting but $8, as the law now stands, is not right or fair to them. I am always willing to acknowledge and reward brave acts, but this is merely one of many. There are many soldiers who have done as brave or even braver acts than that, not only by risking their lives to rescue a flag from the enemy, but who have risked their lives and been wounded on perilous expeditions where their effort was to save a whole command, where a man risked his life and became wounded and maimed not to save a flag alone, but a regiment or a brigade, and where he threw his life into the breach to save the lives of his comrades.

I say such a man is as much entitled to honor as this man; and the principle that this amendment would involve is not a correct one. I have been opposed and am now opposed to making a distinction between the widows of soldiers of any rank. I have opposed that on this floor heretofore.

Mr. DOCKERY. May I ask the gentleman a question?

Mr. JOHNSTON, of Indiana. Yes, sir.

Mr. DOCKERY. I wish to ask the gentleman if it is not true that the Congress of the United States itself has recognized the exceptional character of this case and made it a very special exception by voting this soldier a medal for his distinguished valor?

Mr. JOHNSTON, of Indiana. That may be very true. Congress may be willing to reward the heroic soldier for one heroic act by giving him a medal of honor as a distinguished mark for some peculiar act of bravery, but that distinction does not go to the extent of saying that there are not thousands of others who are just as much entitled to a medal as he. Men are soldiers, Mr. Chairman, because they love the Government. They enlist for the purpose of defending the flag they love; and to pick out the widow of one soldier and say to her that because your husband did one valorous act, one heroic deed, we will put you in a condition to live in ease and comfort, although you married this man after he got out of the service, after he was wounded, after he performed the act, while you did not have to endure any of the hardships this other poor woman did who sent her husband out in the beginning of the war, who was deprived of his association and care during the war, and he laid his life down upon the battlefield. We give that poor woman $8, while we give you $24. I say the principle is not right. It is a distinction between persons where there is no reason or excuse for it. One man went to risk his life and save his country just as well as the other did.

Mr. McKENNA. Will the gentleman from Indiana permit a suggestion?

Mr. JOHNSTON, of Indiana. Certainly.

Mr. McKENNA. Let me draw the attention of the gentleman from Indiana to the circumstances surrounding this case. Does he not know from the description of the service of this soldier that he served in the war from 1861 to the end of it; and no doubt exists that he performed the act of gallantry of which the gentleman on my right [Mr. WARNER, of Missouri] has spoken? The widows of other soldiers are entitled to pensions, but the soldier in this case performed this conspicuous act of gallantry, which his other comrades did not dare to do, and put himself within the range of every rifle in the hands of the enemies who were in view of him. He risked every danger. Does not that make him conspicuous in his gallantry? Does not that make a distinction in his favor, and place him upon a different footing, and that he should be rewarded and his widow should be pensioned accordingly?

Mr. JOHNSTON, of Indiana. Now, I will play the "Yankee" with the gentleman, and answer his question by asking another.

Mr. LOUTTIT. Do not attempt to play the Yankee with a Californian, for you will get beat every time. [Laughter.]

Mr. JOHNSTON, of Indiana. If he performed this service before he was married to this woman and while a mere boy, for she afterward married him, and the Government pensioned him at $24 a month, what right does she now have to come here and get a higher pension than the widows of other soldiers who gave their husbands' lives for their country?

Mr. McKENNA. Let me suggest that the gentlemen who have opposed this proposition all have said this was a meritorious case and the lady deserved the pension, but they object to it because they say some other lady who has not got it deserves it equally well. I suggest that when that other lady comes possessing the like merit we can then extend to her the like reward.

Mr. LOUTTIT. That is California. [Laughter.]

Mr. JOHNSTON, of Indiana. The gentleman from California does not state my proposition correctly. I do not say that this lady is entitled to any more than anybody else. I am not putting it on the ground that somebody else will come up and ask a like pension. But I say if a man is ordered to march up to the cannon's mouth, and he does it in obedience to the order of the commanding officer and there stands till he is shot down, he is entitled to as much credit as the man who voluntarily runs into danger when not ordered.

There is many a man who has done a conspicuous and foolish act for which he has no right to be rewarded. I do not say this is one of them. But the man is to be rewarded who does his duty in the face of danger, and one man who stands up in the face of danger and risks his life is as much entitled to reward as another who does so.

Mr. McKENNA. Does not that obliterate all the distinctions of the pension law, and would it not give the soldier's widow as much as the general's widow?

Mr. JOHNSTON, of Indiana. Yes, sir; and you are now coming right back to my proposition. I say the widow of the private soldier should have as much as the widow of the man who commanded his regiment. I say there should be no distinction. That is my proposition, that it is unfair to make these distinctions; and if there is precedent for it, it is time we were stopping it and treating alike all men who served their Government from the same patriotic motives, and treating alike their widows and their children, not making an aristocracy of the one and leaving the others to labor. We should treat them all alike with our pension laws and treat them so that the private soldier with the musket upon his shoulder and the knapsack upon his back will feel his Government honors him, and will stand by him the same as it stands by the man that is higher in rank. The knowledge that the Government will do that will make good citizens, good patriots, men willing to lay down their lives for their Government when they know that the Government feels that the man who treads the humble path of life is as good as the man who happens to have had rank thrown around him.

Mr. LOUTTIT. On this bill I have simply this to say. It is reported by a member of the Committee on Invalid Pensions whose reports are creditable to him; and the way in which they have been treated by this House and the Committee of the Whole of this House show that he is regarded as the equal of any member of that committee.

This is a report that is presented by Major MORRILL, of Kansas. If there be any mistake that that gallant man makes in his reports to this House it is the mistake of erring on the safe side, on the side of economy. This report as presented by the gentleman from Kansas does not, I think, do to the soldier, or the widow of the soldier, whom it is intended to benefit, the full justice to which she is entitled. I say that the soldier who took all the risks of the war, who went forth with his command, who was found ever in the front, who faced every phase of danger that it was possible for a soldier to find himself confronted with, and who in addition to that went forth beyond and in front of his command and rescued from capture the colors of his regiment or his company, valued as its standard of honor, is entitled to a little distinction above one that simply stood in the ranks.

So far as I am concerned I make no question that the widows of those who have given their lives or have periled their lives in behalf of their country should be placed upon the same footing. But I say do not give the higher rank the lower price, but let us raise them to the same limit.

I remember a few evenings ago hearing the distinguished gentleman from Indiana [Mr. JOHNSTON] who has just preceded me say that so far as he was concerned—and I understand he was a commissioned officer in the Army—that between him and the private soldier he recognized no distinction. I will say to the gentleman that the law recognizes a distinction—the Government recognizes it. It recognizes it in the pay and the certificate and the check it paid to the honorable gentleman and the check and the pay it gave to the man who wore the blue without a strap or insignia that showed a rank beyond that of the private, but who waked at the call of the same bugle and marched at the same tap of the drum as he did.

As a member of this Congress who comes from a State so far from here that the echo of war was scarcely heard within its borders, and that to-day receives less than any other State of the Union under the pension law, I wish to say she does not take a back seat behind any of the thirty-eight States in raising her voice on behalf of the widows of those who fell in the glorious cause. I say that we desire justice to be done to the widows of our brave soldiers, and are willing to recognize bravery wherever it may have been shown.

As a member of the California delegation I most heartily second the remarks of my colleague [Mr. MCKENNA] and ask that the amendment be agreed to and that this bill be passed, so that this distinguished soldier, distinguished for his bravery, wounded in the arm, carried back to his command, but carried with the other arm and hand clasping the flag of his country, shall receive from this Congress recognition equal to that which he received from the one that sat here before and voted to him a medal such as has been voted to few, and so that his widow may be able to say, In his life he was honored, and in his death the Republic has proved itself not ungrateful.

Mr. DOCKERY. Mr. Chairman, I am very much interested in the adoption of the amendment proposed by my colleague from Missouri [Mr. WARNER], but I do not desire to occupy further time in the discussion of it, as there are other cases on the Calendar that are awaiting consideration. I therefore ask for a vote on the amendment, and I hope that it will prevail.

A MEMBER. Let the amendment be read.

The amendment was again read, as follows:

Strike out the words "subject to the conditions and limitations of the pension laws" and insert the words "and that she be paid a pension of $24 a month during her natural life, so long as she remains the widow of Nathaniel McLean Gwynne."

The House divided; and there were—ayes 15, noes 11; so the amendment was agreed to.

Mr. NEECE. I do not think we can afford to let this bill pass in that form. We ought to treat all the widows alike.

Mr. MATSON. Wait until it comes into the House.

There being no objection, the bill as amended was laid aside to be reported to the House with the recommendation that it do pass.

FANNIE E. EVANS.

The next business on the Private Calendar was the bill (H. R. 4426) for the relief of Fannie E. Evans.

The bill was read, as follows:

Be it enacted, &c., That the Secretary of the Interior be, and is hereby, authorized and directed to place on the pension-roll the name of Fannie E. Evans, widow of George S. Evans, late colonel of the Second Regiment California Cavalry, and pay her a pension of $30 per month, commencing September 17, 1883, with such increase per month for her children as provided for by the general pension law, subject to the provisions and limitations prescribed thereby.

The report (by Mr. LOUTTIT) is as follows:

The Committee on Invalid Pensions, to whom was referred the bill (H. R. 4426) for the relief of Fannie E. Evans, having had the same under consideration, beg leave to submit the following report:

The soldier in this case, George S. Evans, served during the Mexican war in Ben. McCollough's company, participating in the battle of Monterey and minor engagements under General Taylor, and was discharged at the close of the war. He entered the Union service during the late war, with the rank of major in the Second California Cavalry, on the 16th of October, 1861. He was promoted to lieutenant-colonel on December 1, 1861, and to colonel February 1, 1863, and brevetted brigadier-general for meritorious services.

In May, 1864, he was appointed adjutant-general of the State of California, which position he held for nearly four years. He was absent on a scouting expedition in 1862, and in command of the expedition to Owens Lake in July and August, 1862, and was in the various Indian engagements at the Spanish Fort and other places. During the spring of 1863 he tendered his resignation, and it was accepted on the 23d of April, 1863. In his General Order No. 14, dated at Camp Douglas, Utah Territory, May 31, 1863, he alleges as the cause of his resignation serious physical injuries induced by exposures of nearly two years of military life, constantly in the service, on the march, or in the field, which had to a certain extent invalidated his performance of further military duty.

Dr. Robert K. Reid testifies under oath that he was a surgeon during the late war, and that during the battles at Spanish Fort, Utah Territory, General Evans incurred a double hernia, incapacitating him for further performance of his duties and necessitating his resignation.

Dr. I. S. Titus in a letter to Dr. Reid, dated January 29, 1884, states that he attended the soldier at intervals during the last twelve years of his life, and can account for many of the symptoms, which were hard to diagnose during his life. Is satisfied that much of the sciatic pains of which he complained was incident to unusual pressure of his truss necessary to keep the hernia reduced, and binding him fast across the abdomen, always preventing him from any physical exertion or labor. This, connected with his tendency to obesity, kept up a certain stasis of circulation to a tendency of determination of the blood to the brain, which was an immediate factor in inducing his attack of cerebral apoplexy, from which his death resulted.

This claim was rejected by the Pension Office on November 17, 1884, upon the ground that there was no connection as to cause and effect between the hernia incurred by General Evans in the service and the cerebral apoplexy of which he died. It is, however, shown in the papers in the case, the most important of which are cited as above, that General Evans did contract an incurable disability while in the service, and taking for granted that the physician who testifies to his death and who is of an unimpeachable character properly diagnosed this case, and believing, as your committee do, that the statements that the soldier died of celebral apoplexy, superinduced by the effects of hernia are true, your committee are clearly of opinion that the meritorious services of General Evans during two wars merit some recognition from his country, and it is therefore recommended that the bill do pass after amending same by striking out all after word "cavalry," in line 6, and inserting the words "subject to the conditions and limitations of the pension laws."

The amendment recommended by the committee was agreed to.

There being no objection, the bill as amended was laid aside to be reported to the House with the recommendation that it do pass.

MRS. MARY A. RIPLEY.

The next business on the Private Calendar was the bill (H. R. 5127) granting a pension to Mrs. Mary A. Ripley.

The bill was read, as follows:

Be it enacted, &c., That the Secretary of the Interior be, and he hereby is, directed to place the name of Mary A. Ripley, a nurse in the war of the rebellion, on the pension-roll of the United States, and to pay her a pension of $12 per month during the remainder of her life: *Provided*, That said pension shall begin from the date of the passage of this act.

The report (by Mr. ELLSBERRY) is as follows:

The Committee on Invalid Pensions, to whom was referred the bill (H. R. 5127) granting a pension to Mrs. Mary A. Ripley, submit the following report:

That Mary A. Ripley was a voluntary nurse in the Army of Potomac during the war of the rebellion is shown conclusively by the numerous original passes among the papers in her case.

She avers in her petition, which is sworn to, that she became a nurse upon the personal request of President Lincoln and Surgeon-General Barnes. The following are extracts from letters of indorsement among her papers.

Lieut. John J. Gosper, secretary of Arizona Territory, speaks of her in the following commendatory and earnest language:

"I have been acquainted with Mrs. Mary A. Ripley since the commencement of the late war, and am conversant with the fact of her having given both time and money freely for the comfort of the sick and suffering in the hospitals. Knowing of her excellent service in that capacity in these trying times, and knowing further that she is in great need of the small amount justly her due from the United States, I most earnestly advocate the passage of an act looking to the relief of this deserving and worthy lady."

John S. Poler, formerly receiving and distributing agent New York Soldiers' Relief Association, says:

"It affords me satisfaction to state that with the sick and helpless Mrs. R. was always praised for her uniform kindness and attention. Among the many hospitals where I have met with Mrs. Ripley in the discharge of the above-named duties, I may name Falls Church, Fredericksburg, Alexandria, Georgetown, and several in and about this city. I have no hesitation in saying that I believe her services were of great value to the country at the time when faithful attendants were not plenty."

General Rufus Ingalls, says:

"Mrs. Ripley is one of those ladies who sacrificed much of personal comfort and means during the war in caring for our sick and wounded soldiers. I personally know of her humane efforts, and that they were of an importance entitling her to some recognition now on the part of the Government."

Maj. Albert M. Edwards, Twenty-fourth Michigan Volunteers, says:

"I take great pleasure in recommending Mrs. Dr. Ripley, of Alexandria, Va., to the kind attention of the officers and soldiers of the Army of the Potomac. Mrs. Ripley has visited this regiment several times during the past winter as an independent agent of the Sanitary Commission. She has brought with her sanitary supplies for the sick, and with her tender hand and kind words of cheer has soothed and encouraged the suffering soldier."

In view of the foregoing and the additional facts that this person is now advanced in age, and in restricted pecuniary circumstances, your committee are of opinion that she should be granted the pension she asks for, and therefore recommend the passage of the accompanying bill, with the following amendment: In line 6 of the bill strike out the word "twenty-five" and insert the word "twelve."

The amendments recommended by the committee were agreed to.

There being no objection, the bill as amended was laid aside to be reported to the House with the recommendation that it do pass.

LOUISA WEITZEL.

The next business on the Private Calendar was the bill (H. R. 2601) to increase the pension of Louisa Weitzel, widow of Godfrey Weitzel, late a major-general of volunteers.

The bill was read, as follows:

Be it enacted, &c., That the pension of Louisa Weitzel, widow of Godfrey Weitzell, late a lieutenant-colonel in the Corps of Engineers, United States Army, and a major-general of United States volunteers, be, and the same is hereby, increased to $50 per month.

The report (by Mr. ELLSBERRY) is as follows:

The Committee on Invalid Pensions, to whom was referred the bill (H. R. 3601) to increase the pension of Louisa Weitzel, widow of Godfrey Weitzel, late a major-general of United States Volunteers, respectfully report:

He was graduated from the Military Academy and promoted to the grade of brevet second lieutenant in the Corps of Engineers July 1, 1855.

He served as assistant engineer in the construction of the defenses of New Orleans, La., from 1855 to 1859, and as assistant professor of engineering at the United States Military Academy from September, 1859, to January, 1861.

During the war of the rebellion he served in the engineer company at Washington, D. C., January to April, 1861, and in the defense of Fort Pickens, Florida, April to September, 1861, as chief engineer on the staff of Brigadier-General Mitchell, constructing fortifications for the defense of Cincinnati, Ohio, October to December, 1861; in command of company of sappers and miners in defense of Washington, D. C., December, 1861, to February, 1862, and as chief engineer on the staff of Major-General Butler (Department of the Gulf) February to August, 1862, being engaged in the attack and capture of New Orleans April 20, 1862, and its subsequent defense, May to September, 1862; promoted to the rank of brigadier-general of volunteers August 29, 1862.

General Weitzel was in command of the force in the Lafourche campaign, October, 1862, to April, 1863, being engaged in the action of Labadieville, October 27, 1862; the destruction of the rebel gunboat Cotton January 14, 1863, and in several skirmishes; he was in command of the advance in Major-General Banks's operations in Western Louisiana April to May, 1863, being engaged in the combat at Camp Bisland April 13-14, 1863, and pursuit of the enemy with several skirmishes April, 1863; in command of a division at the siege of Port Hudson May 27 to July 8, 1863, participating in the assaults of May 27 and June 14, 1863; in command of a division of the Nineteenth Army Corps in the Lafourche campaign July, 1863; on the expedition to Sabine Pass, Texas, September, 1863, and in the Western Louisiana campaign September to December, 1863.

During the operations before Richmond, Va., he was in command of the Second Division of the Eighteenth Army Corps, May 2-29, 1864, and chief engineer of the Army of the James, May 20 to September 30, 1864, being engaged in the action at Swift's Creek, May 9, 1864; skirmishes and combats near Drury's Bluff May 14-16, 1864, and in constructing the defenses of Bermuda Hundred, James River, and Deep Bottom.

He was in command of the Eighteenth Army Corps (Army of the James) September 30 to December 3, 1864, being engaged in the repulse of the assault upon Fort Harrison September 30, 1864, and the assault of the enemy's lines on the Williamsburg and Nine Mile roads October 30, 1864.

Promoted to the rank of major-general of volunteers November 17, 1864, he served in command of the Twenty-fifth Army Corps December 3, 1864, to February 4, 1865; as second in command on the first expedition to Fort Fisher December 7–29, 1864; in command of all troops north of the Appomattox River during the final operations against the army under General Lee, March and April, 1865, he having taken possession of Richmond April 3, 1865. From April, 1865, to February 4, 1866, he was in command of the District of the Rio Grande, Texas.

Since the close of the war General Weitzel has served as superintending engineer of the construction of Forts Knox and Popham, Maine, 1866; of the survey and improvement of the Falls of the Ohio River, August, 1867, to July, 1882; of the survey and improvement of the Tennessee River, August, 1867, to May, 1871; of the improvement of the Ohio River, July to September, 1869; of the survey and improvement of the Cumberland and Wabash Rivers, July, 1870, to April, 1873; of the survey of the French Broad River, July, 1870, to May, 1871; of the eleventh light-house district May, 1873, to May, 1878, and October, 1878, to July, 1882; of the construction of the Saint Mary's Falls Canal and of various surveys and improvements of rivers and harbors in Eastern Michigan from May, 1873, to April, 1878, and October, 1878, to July, 1882; of the management and repairs of the Louisville and Portland Canal, June, 1874, to July, 1882; of various surveys and improvements of rivers and harbors in Eastern Pennsylvania, Delaware, and New Jersey, and of the defenses in Delaware Bay and River, from August, 1882, until the day of his death.

From June, 1870, until December, 1883, General Weitzel was a member of many important boards of engineers upon the improvements of harbors and rivers, the location and construction of locks, canals, and movable dams, and the plans and locations of bridges. He was a member of the commission to devise protection for the wharves at New Orleans against the encroachments of the Mississippi River in 1878, and chairman of the commission advisory to the board of harbor commissioners of Philadelphia, Pa., from August, 1882, until his death.

General Weitzel was promoted successively from the grade of lieutenant to that of lieutenant-colonel, Corps of Engineers, and major-general of volunteers.

He received the brevets of major, United States Army, "for gallant and meritorious services in the battle of Thibodeaux, La.," October 27, 1862; lieutenant-colonel "for gallant and meritorious services in the capture of Port Hudson, La.," July 8, 1863; colonel "for gallant and meritorious services in the capture of Fort Harrison, Virginia," September 29, 1864; brigadier-general "for gallant and meritorious services in the campaign terminating with the surrender of the insurgent army under General Robert E. Lee," March 13, 1865; major-general "for gallant and meritorious services in the field during the war," March 13, 1865, and major-general of volunteers "for meritorious and distinguished services during the war," August 26, 1864.

General Weitzel died at Philadelphia, Pa., May 19, 1884, and left his widow and young children unprovided for in life.

In consideration of these facts and of the distinguished services of General Weitzel during the war and since then, we recommend the passage of the bill.

There being no objection, the bill was laid aside to be reported to the House with the recommendation that it do pass.

LOUISA J. M'FARLAND.

The next business on the Private Calendar was the bill (H. R. 1940) granting a pension to Louisa J. McFarland.

The bill was read, as follows:

Be it enacted, &c., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of Louisa J. McFarland, of Richland County, Ohio, widow of Allen McFarland, late of Company E, One hundred and twenty-eighth Regiment Ohio Volunteers.

The report (by Mr. ELLSBERRY) is as follows:

The Committee on Invalid Pensions, to whom was referred the bill (H. R. 1940) for the relief of Louisa J. McFarland, having considered the same and accompanying papers, submit the following report:

Allen McFarland, the husband of claimant, enlisted in the military service of the United States, and was enrolled December 17, 1863, as a private in Company E, One hundred and twenty-eighth Ohio Infantry, and served until duly discharged, July 13, 1865.

He filed an application for pension January 21, 1878, and was subsequently granted a pension, commencing from that date.

The basis of his claim for pension, as set forth in his declaration, was that while firing a heavy salute at Johnson's Island, Ohio, April 15, 1865, he contracted deafness of left ear and partial deafness of right ear.

Allen McFarland, the soldier, died May 18, 1881, and claimant filed her claim for pension, as his widow, February 20, 1882.

J. W. Craig, M. D., and M. P. Mason, M. D., of Mansfield, Ohio, testify to their knowledge of Allen McFarland, and the cause of his death.

Dr. Mason says:

"He treated him at different times in 1879, and until his death, and that he was mentally weak, and that he suffered from dullness and dizziness of his head; was very irritable and exacting, and at times would become offended at the most trifling matter and become very violent; that he noticed this peculiarity the first time he met him, and that he grew worse all the time, and the injuries caused mental derangement, which resulted in his death."

Dr. Craig, in his testimony, says:

"That he was acquainted with Allen McFarland from the 27th of March, 1879, until his death; that when he first knew him he found him dull of hearing, troubled with dizziness and fullness of his head; that he was mentally irritable, and that he continued to grow worse till his death. At times he was very violent, and would lose control of himself; noticed this peculiarity the first time I met him, and that he grew worse all the time, and that he regarded his injuries as the cause of his mental aberration which resulted in his death. I was present at the examination after his death and found arsenic in his stomach."

The application of claimant for pension was rejected June 22, 1885, on the ground that the death of the husband was not due to the service.

It is clearly established in this case that the mental condition of plaintiff, which terminated in insanity and death, was caused by the injuries received in the service and in the line of duty, and to deny his surviving widow a pension would do her great injustice; and therefore your committee recommend the passage of the accompanying bill.

There being no objection, the bill was laid aside to be reported to the House with the recommendation that it do pass.

Mr. MATSON. Mr. Chairman, I move that the committee do now rise.

The motion was agreed to.

The committee accordingly rose; and Mr. MCMILLIN having resumed the chair as Speaker *pro tempore*, Mr. HATCH, from the Committee of the Whole House on the Private Calendar, reported that they had had under consideration, pursuant to order, sundry bills on the Private Calendar, and had directed him to report the same to the House with various recommendations.

PENSION BILLS PASSED.

Bills of the following titles, reported without amendment from the Committee of the Whole House on the Private Calendar, were severally ordered to be engrossed for a third reading, read the third time, and passed:

A bill (H. R. 4112) granting a pension to Lizzie Kenamore;
A bill (H. R. 1634) for the relief of Margaret A. Caswell;
A bill (H. R. 1635) for the relief of Sarah B. Jackson;
A bill (H. R. 1943) granting a pension to James L. McClarran;
A bill (H. R. 2159) for the relief of D. P. Simmons;
A bill (H. R. 443) granting a pension to Susan Woolley;
A bill (H. R. 556) granting a pension to Bridget Sherlock;
A bill (H. R. 533) for the relief of Thomas Ferguson;
A bill (H. R. 3326) granting a pension to Thomas Simpson;
A bill (H. R. 2197) granting a pension to Fidelia A. Cheney;
A bill (H. R. 1988) granting a pension to Peter F. Saeman;
A bill (H. R. 4103) granting a pension to M. S. Clay;
A bill (H. R. 1398) granting a pension to Silas S. White;
A bill (H. R. 3601) to increase the pension of Louisa Weitzel, widow of Godfrey Weitzel, late a major-general of United States Volunteers; and
A bill (H. R. 1940) granting a pension to Louisa J. McFarland.

Amendments reported from the Committee of the Whole House on the Private Calendar to bills of the following titles were severally agreed to, and the bills as amended ordered to be engrossed for a third reading, read the third time, and passed:

A bill (H. R. 424) to amend the record of Giles C. Hawley and to place his name on the pension-roll;
A bill (H. R. 4224) for the relief of Amanda Rodgers;
A bill (H. R. 1840) granting a pension to Samuel F. Garnett;
A bill (H. R. 464) granting a pension to Robert McAlexander;
A bill (H. R. 2689) granting a pension to Delilah Knill;
A bill (H. R. 4976) for the relief of Tobias M. Coon;
A bill (H. R. 2753) for the relief of John W. Robson;
A bill (H. R. 2196) granting a pension to Sarah A. Gettis;
A bill (H. R. 1100) granting a pension to Jane Devereux;
A bill (H. R. 4538) granting a pension to Mary Ann Murphy;
A bill (H. R. 1113) granting a pension to Walter S. Haynes;
A bill (H. R. 4116) increasing the pension of John P. Brinegar;
A bill (H. R. 4918) granting a pension to J. Francis Hopper; and
A bill (H. R. 4426) granting a pension to Fannie E. Evans.

CUDBERT STONE.

The next bill reported from the Committee of the Whole House on the Private Calendar with amendments was the bill (H. R. 927) granting a pension to Cudberth Stone.

The amendment reported from the Committee of the Whole House, striking out "Cudberth" and inserting "Cudbert," was agreed to.

Mr. PERKINS. Mr. Speaker, I think the phraseology of this bill should be changed. It provides for granting a pension "according to existing laws;" and under that language, if the law should be changed, the pensioner possibly would not get the benefit of it. I suggest an amendment making the language conform to the usual phraseology—"subject to the provisions and limitations of the pension laws."

The SPEAKER *pro tempore*. If there be no objection the amendment proposed by the gentleman from Kansas will be adopted.

There was no objection, and it was ordered accordingly.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

NIRA D. GWYNNE.

The next bill reported from the Committee of the Whole House on the Private Calendar with amendments was the bill (H. R. 1361) giving a pension to Niva D. Gwynne.

The amendments reported from the Committee of the Whole were read, as follows:

Strike out "Niva," in line 4, and insert "Nira," and strike out "subject to the conditions and limitations of the pension laws" and insert "and that she be paid a pension of $24 per month during her natural life so long as she remains the widow of Nathaniel McLean Gwynne."

The question being taken on agreeing to the amendments, there were—ayes 11, noes 10.

Mr. MATSON and Mr. WINANS. No quorum.

The SPEAKER *pro tempore*. The point is made that no quorum has voted.

Mr. MCKENNA. Mr. Speaker, may I inquire what is the general rule regulating these meetings on Friday nights?

The SPEAKER *pro tempore*. They are regulated by the rules of the House like other meetings, the only limitation being that business is confined to pension bills and bills removing political disabilities. The House, however, is governed by the same rules and practice as during ordinary sessions. The point being made that no quorum has voted, the Chair orders tellers, and appoints the gentleman from Indiana [Mr. MATSON] and the gentleman from Missouri [Mr. WARNER].

The House again divided; and the tellers reported—ayes 11, noes 9.

Mr. WHITE, of Minnesota. I move that the House adjourn.

The motion was not agreed to.

Mr. DOCKERY. Mr. Speaker, we do not desire to be factious or to delay the business of the House, but we insist that in this and other matters the majority of those present ought to govern.

Mr. MATSON. Mr. Speaker, I have no feeling about this matter. I know none of these parties. According to all the evidence, both that given on the floor of the House and that by private testimony, this soldier did his duty nobly. I have no disposition to detract from his merits, or to do anything unkind toward any one related to him. But to adopt the amendment now pending would establish a precedent which we can not afford to establish; that widows shall be pensioned at rates in accordance with the heroic conduct of their husbands. That rule we can not follow and do anything like justice. If we establish such a rule by the passage of this bill, there will be hundreds of cases in which persons of all ranks will come here and insist that because their husbands did some conspicuous act of gallantry the widows' pensions should be increased.

For what is widow's pension granted? Is it for the degree of disability suffered by her husband? No. Is it because of the heroism displayed by him as a soldier? No. It is based upon the simple fact of the loss of her husband and her claim upon the Government in her dependent condition. That is all there is of it. For this reason the law makes no distinction on account of the nature of the services rendered by the soldier. Are we now to overturn this well-established principle?

Somebody has suggested this evening that there is no system in our laws with relation to pensions. I admit there is a want of system; but there is some little system left. Do you wish to destroy what little remains, and enter upon a policy of pensioning persons according to a rule which can not possibly be administered in such a way or to do justice? Congress in granting pensions to widows can not measure the value of the services of the husband, and say that one widow shall be pensioned at $8 a month, another at $16, another at $24, and so on all the way through the line to $100 or perhaps $1,000 a month.

It can not be done. It is utterly impossible. It is striking, as I have already suggested, at the very foundation of the whole pension system. Yes, what little of it may be left, as is suggested to me. This appears therefore, Mr. Speaker, to us to be a very serious matter, although these gentlemen say this is an exceptional case. That point is always urged for everything that is tried here, that it is an exceptional case. It may be said there is no other like it. That may be true. There are no two things exactly alike.

It is asked in the case of Mrs. Mitchell whose husband was a major, or of some rank below that of a general officer; it is insisted that her pension should be increased to $50 a month. We ask on our part such proposition shall be voted on in a full House. In this case also we ask this bill shall go over and be voted on in a full House. That is all we ask. If a quorum of the House sees fit to establish it as a precedent—if this House, after hearing the question fully discussed, shall consent to what has been proposed, very well. But I do protest against the few members who are now present undertaking to establish a precedent so grave that it must necessarily bring us, if adopted, into great trouble hereafter.

Mr. DOCKERY. Let me ask the honorable chairman of the Committee on Invalid Pensions whose fault it is that a quorum of the members is not present at this time?

Mr. MATSON. It is certainly not the fault of those who are here to-night. Now, Mr. Chairman, I think it is our duty before we enter upon so grave a thing as this is to have at least an expression of the opinion of a majority of a quorum. That is my idea. I do not think a few of us coming here moved by good impulse, as no doubt we all are—coming here with a recollection of the gallantry, heroism, and love of country exhibited by this man Gwynne, acting under good impulses, but not altogether guided by the cool, calm judgment of what the law of the land ought to be—whether the law which has stood so long shall now be changed in order that we may enter upon a scheme of granting pensions under which necessarily injustice must be done—I say before entering upon the establishment of such a grave precedent I do insist we shall have a vote by a quorum of the House.

Mr. DOCKERY. As I understand it this is merely a difference of opinion.

Mr. MATSON. Certainly.

Mr. DOCKERY. Have we not in respect to other differences of opinion taken the action of the members who were present without calling for a quorum?

Mr. MATSON. Yes; we have. But in my judgment on matters of grave principle it is our duty to call for a quorum. I do not assume to be more responsible than any other member of the committee or of the House, but upon a question of grave principle unsettling a law so well fixed and so long established, it seems to me it is the duty of every member whose conviction is upon that side of the question to insist, before it is done, that it shall be done by a vote of a quorum of the House, and after such discussion that the country may know why the law so well established and so long enforced is to be revolutionized and changed.

Mr. BROWN, of Pennsylvania. I wish to ask the gentleman from Indiana a question.

Mr. MATSON. Certainly.

Mr. BROWN, of Pennsylvania. Does the gentleman consider it a graver violation of the general principle of dispensing equality to grant this widow $25 a month than in the case or two which follows to grant widows $50 a month just because their husbands by good fortune had reached the position of major-general in the Army?

Mr. MATSON. If that had been an original question of granting $50 a month to a widow of a general officer in the Army I should have opposed it more vigorously than I am trying to oppose the precedent now sought to be established. But that is not an original question. Congress entered upon it a great many years ago before I ever thought of coming to Congress. It was adopted, and you can not refuse it now to the few remaining widows of general officers. You can not say to them their husbands were not as loyal as the husbands of those widows to whom it has already been granted. And that shows the danger of establishing this precedent because that has already grown into such a custom, notwithstanding we deem it unjust and wrong and ought not to have been entered upon, yet after one or two cases had been passed it has come to be granted without question. So it will be in relation to this matter if we pass this special act. If you establish this precedent by granting to this widow this pension of $24 a month on account of conspicuous gallantry, then you will have claimants of all ranks asking that their pension shall also be increased on account of the heroism of their husbands. You will thus establish a precedent that will continue to trouble you, and it will be impossible to do justice to anybody.

Are you going to stand here and discuss what battle this man was in, and what conspicuous service he rendered, when his widow comes and asks you for a pension? Whether he was brave in this battle or the reverse, are you going to establish that idea here? Upon legislation of a special character are you going into that sort of thing?

I think when this matter is well understood and deliberated upon this House will not be ready to do that. The only thing we can safely do is to adhere to the rule which has been so long established and so well observed.

Mr. BROWN, of Pennsylvania. I wish to call the gentleman's attention to the fact that he is trying to be consistent, and yet while allowing a pension to go through of $50 a month to the widow of a major-general, he stands here and higgles over $24 a month in this single instance of the widow of a man who was conspicuous for valor in the battlefield.

Mr. MATSON. Now, Mr. Speaker, I want to answer the gentleman from Pennsylvania upon that proposition. If this was a proposition to pension this man it would be a different matter altogether from that presented now. But the pension in this case is to go to the widow who married him after the service was performed.

Mr. BROWN, of Pennsylvania. But you do not make any distinction as far as the widows of major-generals are concerned.

Mr. McKENNA. May I ask the gentleman from Indiana a question?

Mr. MATSON. Certainly.

Mr. McKENNA. I understand the gentleman to say that we must not make any exception to the general laws. Now I will ask him is not every single one of these pension bills passed by Congress an exception in some manner or other to the general laws and because the general law will not pension the claimants, and is there any inconsistency in singling out examples of conspicuous gallantry and rewarding them accordingly?

Mr. MATSON. What the gentleman says is true in one sense of the word. All of this special legislation is as a matter of course to that extent exceptional, that is to say, those who come here are granted the favor of Congress when they can not get it in the ordinary channels. That is exceptional legislation, and it seems to me to be exception enough. You have already made an exception in the case of this widow by asking, which is not denied, the grant of a special pension in her case, because for some reason or other she can not obtain a pension through the Pension Office. Therefore you make an exception in her case by granting a pension at all. And yet she insists, or her friends do for her, that she should have still further exception, not because of anything she did—she is no more than the widow of any other soldier who was entitled to a pension—but because of an act of gallantry of the man she subsequently married.

Mr. McKENNA. Will the chairman of the committee yield for another question?

Mr. MATSON. Yes, sir.

Mr. McKENNA. Does not she receive a pension on account of the merit of her husband?

Mr. MATSON. She does not.

Mr. McKENNA. Upon what ground, then?

Mr. MATSON. On account of the death of her husband.

Mr. McKENNA. Then why is she given a pension on account of the death of her husband? If you died would your widow be entitled to a pension on account of your death?

Mr. MATSON. If I died from disease contracted in the service, or from wounds or injuries received in the line of duty while in the service, my widow would be entitled to a pension.

Mr. McKENNA. Then it was on account of merit or for what he had done in the Army by reason of services rendered to the country which entitled her to a pension?

Mr. MATSON. Not at all.

Mr. McKENNA. When she comes and asks for reward, shall we not give it according to the full merit of her husband?

Mr. MATSON. I would not be granted a pension, nor would my widow if I died, nor the widow of any soldier on account of mere service, but on account of my death and because of the fact that the death resulted from service—from wounds or injuries received in the service.

Mr. McKENNA. The service antedating the death.

Mr. MATSON. And this woman has been unable to show in the Pension Office that her husband's death did so result. She comes here and we give her a pension. We have made an exception to that extent, and I am perfectly willing to do it to that extent, but not further. I think there are circumstances which entitle her to a pension; but to go further and say that while we are granting it for the death of her husband, that because his death was exceptional or because his service was exceptional we will give her more than the thousands of others equally exceptional, I say we can not afford to do that. It has not been shown, even to the satisfaction of the Pension Office, that his death resulted from his service.

Mr. BRADY. Let me ask the chairman of the committee if he does not think the evidence before the committee establishes that fact?

Mr. MATSON. She ought to have the benefit of it, and we should extend our equitable powers that far and pension the widow. We ought to do it. But she is not entitled to a single cent more than the widows of the hundreds and thousands of brave men who stood in the ranks, who marched to the cannon's mouth and were shot down. Why should she be? The hundreds of thousands who lost their lives in battle required just as much nerve, just as much heroism to stand in the ranks and march to death, as myriads did—required just as much courage as this young fellow displayed, brave and generous as he was to do this conspicuous act.

Mr. GALLINGER. Let me ask the chairman of the committee why should Congress single out this man and confer a medal upon him?

Mr. MATSON. Because of one conspicuous act.

Mr. GALLINGER. It was a very extraordinary thing for Congress to do, I understand.

Mr. MATSON. I presume it was. I do not know of many instances of that kind.

Mr. McKENNA. That is all.

Mr. MATSON. I do not know of any instances of that kind. But there is no reason why his widow should receive more on that account. She is not pensioned for the gallantry, but for the disability.

Mr. McKENNA. I differ with you on that.

Mr. MATSON. Not even for his disability. She is pensioned for his death and nothing else. The law is based upon that, and now you seek to unsettle that idea.

Mr. DOCKERY. The distinguished chairman of the committee has spoken of the danger of establishing bad precedents. I want to say I have voted almost alone of the members from the Southern States for every pension proposition, whether of a general or a private nature. And if the fear is as to establishing a precedent, I want to say, hailing from that quarter and representing largely confederate soldiers, I am willing to establish the precedent and make it right here to pension liberally outside of the usual provisions of the law men that are singled out for conspicuous gallantry by the Congress of the United States and their widows when they are dead.

Mr. MATSON. I would be willing to pension men for their conspicuous conduct, but not their widows, because the widows are to be pensioned for the death of their husbands.

Mr. BRADY. I understand the gentleman to say he regarded this as a special case because the Congress had passed a resolution granting a medal for bravery to this man. I would ask, can there be any objection to granting pensions in cases of this nature? This is a peculiarly strong case.

Mr. MATSON. I think there is an objection as regards the widow, not as regards the soldier; because then you enter upon the idea of pensioning the widow not according to the disability of the soldier, not even according to any disability, but according to acts of heroism; and proceeding upon that idea you could not possibly weigh justly what the pension ought to be.

Mr. BRADY. But it is a pension granted on account of the services and the gallant and conspicuous conduct of the soldier.

Mr. MATSON. Not at all. There is no pension granted on that ground.

Mr. BRADY. I beg to differ with you.

Mr. MATSON. Not to a widow or soldier. The pension is for disability.

Mr. DOCKERY. I wish to ask the gentleman from Indiana if he knows the number of cases that would come under this category? Does he know the number of men that have been singled out by Congress to receive medals for conspicuous gallantry?

Mr. MATSON. I do not. I will say to the gentleman I do not remember of having heard of more than two or three cases like this—I mean cases of private soldiers.

Mr. DOCKERY. Then it would not be an expensive precedent.

Mr. MATSON. But if you start on this idea of granting pensions because Congress has singled a soldier out on account of acts of heroism, you will next find them quarreling among themselves as to who should be so distinguished.

Mr. BRADY. You will not have many such cases.

The SPEAKER *pro tempore*. The Chair will remind the House that the tellers having reported the vote, and the absence of a quorum having been ascertained, nothing is now in order but a motion for a call of the House or a motion to adjourn. The Chair has allowed the discussion to proceed thus far to ascertain if any understanding could be arrived at.

Mr. BROWN, of Pennsylvania. I move that the House do now adjourn.

Mr. WARNER, of Missouri. I ask the gentleman from Pennsylvania to withdraw that motion for a moment.

Mr. BROWN, of Pennsylvania. I would be willing to withdraw it if there was any prospect of an amicable arrangement being made.

Mr. WARNER, of Missouri. With the indulgence of the Chair and of the House, if there is no objection, I should like to say a word or two.

The SPEAKER *pro tempore*. Does the gentleman from Pennsylvania insist on his motion? There is nothing in order but a motion to adjourn or a motion for a call of the House. For what purpose does the gentleman from Missouri [Mr. WARNER] rise?

Mr. WARNER, of Missouri. I rise desiring to make a very brief statement.

The SPEAKER *pro tempore*. The Chair begs to state that general discussion is not in order, and that a quorum not having voted, only one or the other of the two motions the Chair has indicated is in order.

Mr. MATSON. If the Chair will allow it I will be very glad to hear what the gentleman from Missouri has to say. I ask unanimous consent that he be permitted to proceed.

The SPEAKER *pro tempore*. But the gentleman from Pennsylvania has moved that the House adjourn.

Mr. BROWN, of Pennsylvania. I yield to the gentleman from Missouri.

The SPEAKER *pro tempore*. For what length of time?

Mr. WARNER, of Missouri. I shall not occupy more than two minutes. Mr. Speaker, I had thought that, the distinguished gentleman, the chairman of the committee, having been indulged so long in opposition to this case, a few moments at least by unanimous consent might be granted to the other side.

I am here, Mr. Speaker, to do what I can to secure a pension for every soldier's widow in this land. I am here to do what I can to secure a pension for every deserving soldier. I am here to do what I can to secure a pension for every soldier who fought in the Union Army, who to-day by reason of disease, poverty, or old age is incapable of earning a living, whether he incurred the disability in the line of duty or not. But, sir, believing that I am in the right, and having no fear of the precedent that will be set in this case, I am willing that the people of my State may know of the precedent that I have tried to establish here; and I am willing that it shall go out that upon this case a quorum has been called to defeat the will of the majority of this House.

I attribute no improper motives to any gentleman, because I apprehend and am willing to concede the gentleman from Indiana is liberal in his views and desires to do what is right. And, sir, I would rather this widow should receive simply this pension that is granted to her under the general law than that I should stand here to obstruct for one night a single case that is to follow? I am unwilling to stand here as an obstructionist to prevent legislation. I hope I may never occupy that position so long as I am a member of this House. And to permit these other cases to be acted upon promptly, as they should be, I am willing to withdraw this amendment, and after the pension shall be granted to this widow, subject to the provisions and limitations of the pension laws, I am willing then to meet the gentleman on the floor of the House, when there shall be a quorum present, and see whether or not the House thinks it proper to establish such a dangerous precedent as to give the widow of this heroic soldier the pitiful sum of $24 a month. Sir, I withdraw the amendment.

The bill as amended was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

The title was amended so as to read: "A bill giving a pension to Nira D. Gwynne."

MARY A. RIPLEY.

The next bill reported with amendments from the Committee of the Whole House was the bill (H. R. 5127) granting a pension to Mary A. Repley.

The amendments were agreed to.

The bill as amended was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

The title was amended so as to read: "A bill granting a pension to Mary A. Ripley."

ELLEN M. MITCHELL.

The next bill reported by the Committee of the Whole was the bill (H. R. 2022) to increase the pension of Ellen M. Mitchell.

The SPEAKER *pro tempore*. Without objection this bill goes over in accordance with the agreement entered into, to be considered when the House is full.

There was no objection.

RECONSIDERATION.

Mr. MATSON moved to reconsider the various votes by which bills had been passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

Mr. MATSON. I move that the House do now adjourn.

The motion was agreed to; and accordingly (at 9 o'clock and 30 minutes p. m.) the House adjourned.

PETITIONS, ETC.

The following petitions and papers were laid on the Clerk's desk, under the rule, and referred as follows:

By Mr. BALLENTINE: Papers in the claim of Joseph Townson, of Giles County, Tennessee—to the Committee on War Claims.

By Mr. BARBOUR: Papers relating to the claims of John Grubb, jr., and of Ellzey Chamblin, of Loudoun County, Virginia—to the same committee.

Also, papers relating to the case of George F. Rider—to the Committee on Claims.

Also, petition of Belle Dinges, W. E. Dinges, and W. S. Georges; of John Grubb; and of Ellzey Chamblin, of Loudoun County, Virginia, asking that their claims be referred to the Court of Claims—to the Committee on War Claims.

By Mr. BLANCHARD: Petition of Annie A. Hertzog and of Lestan Prudomme, of Natchitoches Parish, Louisiana, asking compensation for property taken and used by the Federal forces during the late war—to the same committee.

By Mr. W. C. P. BRECKINRIDGE: Petition and affidavit of Thomas Kephart, Company I, Thirteenth Kentucky Infantry, for a pension—to the Committee on Invalid Pensions.

By Mr. CLEMENTS: Memorial of citizens of Catoosa County, Georgia, for an appropriation for educational purposes—to the Committee on Education.

By Mr. COWLES: Petition of citizens of Caldwell County, North Carolina, against the passage of a bankrupt law—to the Committee on the Judiciary.

By Mr. CULBERSON: Petition and papers in the claim of Frank T. Mitchell, of Bowie County, Texas—to the Committee on War Claims.

Also, petition of F. C. Gardner, administrator of Fulding C. Gardner, deceased, of Franklin County, Texas, asking that his war claim be referred to the Court of Claims—to the same committee.

By Mr. DINGLEY: Petition of J. B. Coyle and others, of Portland, for construction of a breakwater at Matinicus Isle, Maine—to the Committee on Rivers and Harbors.

By Mr. ELY: Memorial from West Point, Cuming County, Nebraska, concerning the abolition of the Presidency—to the Committee on the Judiciary.

By Mr. GLASS: Petition of A. B. Crenshaw, Tennessee, for reference of his war claim to the Court of Claims—to the Committee on War Claims.

By Mr. GOFF: Petition of Local Assembly No. 1484, of Good Intent, and of No. ——, of Benwood, W. Va., relative to form of government for the Indian Territory, and as to the homestead laws—to the Committee on the Territories.

By Mr. GROUT: Memorial of John O. Leland *et al.* in favor of a pension for William Bridgers, jr.—to the Committee on Invalid Pensions.

By Mr. HALSELL: Papers to accompany bill for the relief of John Burnam—to the Committee on War Claims.

By Mr. HARMER: Memorial of the Board of Trade of the city of Philadelphia relative to the bill to regulate interstate commerce—to the Committee on Commerce.

By Mr. D. B. HENDERSON: Petition from citizens of Dubuque, Iowa, asking for legislation against the hot-branding of cattle—to the Committee on Agriculture.

By Mr. HERMAN: Petition from citizens of South Oregon, for extension of time to the Oregon and California Railroad Company for completion of their road from Oregon to California—to the Committee on the Public Lands.

Also, memorial of Oregon Legislature asking for the dedication to the people of the United States of six townships of land in Southeastern Oregon, to be known as Crater Lake Park—to the same committee.

Also, memorial from the Portland Board of Trade for the creation of the Crater Lake Park—to the same committee.

Also, memorial of Walla Walla (Wash.) Board of Trade for continuance of grant to Cascade Division of the Northern Pacific Railroad—to the same committee.

Also, memorials from 1,500 citizens of Oregon for continued improvement of and appropriation for Yaquina Bay, Oregon—to the Committee on Rivers and Harbors.

By Mr. HILL: Petition of Knights of Labor of Vermont, asking for organization of Oklahoma Territory—to the Committee on the Territories.

By Mr. J. H. JONES: Petition of citizens of Henderson, Rusk County, Texas praying for an appropriation for deep water at Galveston, Tex.—to the Committee on Rivers and Harbors.

By Mr. KETCHAM: Petition of R. L. Coe and 18 others, citizens of Union Vale, N. Y., for the passage of House bill No. 4342 (the Oklahoma bill)—to the Committee on the Territories.

By Mr. KLEINER: Papers and evidence in the case of Theo. McFerson, of Evansville, Ind.—to the Committee on the Post-Office and Post-Roads.

By Mr. LORE: Petition of William F. Warrington and 43 others, citizens of Delaware, for an appropriation of $10,000 for the improvement of Indian River, Sussex County, Delaware—to the Committee on Rivers and Harbors.

By Mr. McKINLEY: Petition of Knights of Labor of Wadsworth, Ohio, praying that wages of the Government Printing Office be restored to rate paid prior to March 4, 1877—to the Committee on Labor.

By Mr. McRAE: Memorial and resolutions of the Arkansas State Horticultural Society, asking for the elevation of the Commissioner of Agriculture to a Cabinet position, and indorsing the propositions for the establishment of agricultural experiment stations, and for creating a pomological department—to the Committee on Agriculture.

Also, memorial and resolutions of the same, protesting against doubling the postage on plants, seeds, scions, and other fourth-class matter—to the Committee on the Post-Office and Post-Roads.

By Mr. MORROW: Three memorials of citizens of San Francisco, Cal., concerning the abolition of the Presidency—to the Committee on the Judiciary.

By Mr. J. J. O'NEILL: Petition of Missouri Woman's Suffrage Association, urging a constitutional amendment—to the same committee.

By Mr. ROMEIS: Petition for the relief of Dr. A. R. Lord, of Clyde, Ohio—to the Committee on Invalid Pensions.

By Mr. SENEY: Petition of Hiram J. Starr and 4 others, citizens of Ohio, praying for the passage of the bill (H. R. 1601) authorizing a bridge to be constructed across the Arthur Kill, or Staten Island Sound—to the Committee on Commerce.

By Mr. SOWDEN: Petition of the executive committee of the League Island Mutual Protection Association, in behalf of the laborers, workmen, and mechanics employed by the Government of the United States from July 1, 1877, to December, 1883, and who were compelled, in violation of the eight-hour law of June 25, 1868, to labor ten hours or submit to a reduction of 25 per cent. in their wages, &c., and asking relief, &c.—to the Committee on Labor.

By Mr. SPRINGER: Petition of Local Assembly No. 2511, Knights of Labor, of Pekin, Ill., in favor of internal improvements—to the Committee on Railways and Canals.

Also, petition of the same assembly, for the organization of Oklahoma, &c.—to the Committee on the Territories.

Also, petitions of Robert E. Moore; of Antrim Roller Milling Company; of Phillip Rainey, and Oliver Coultas, favoring the construction of a bridge across the Arthur Kill, New York Harbor—to the Committee on Rivers and Harbors.

By Mr. STEELE: Petition of William B. Baker, late of Company G, Fifty-fourth Indiana Volunteers, asking for a pension—to the Committee on Invalid Pensions.

Also, petition of James E. Gordon and 400 others, asking that a pension be granted to all soldiers and sailors of the late war—to the same committee.

By Mr. SWOPE: Petition of 100 citizens of Tawanda, Bradford County, Pennsylvania, praying that bill H. R. 4902 become a law—to the same committee.

By Mr. SYMES: Petition of 450 representative citizens of Colorado, for scientific temperance instruction in all schools under the control of the Federal Government—to the Committee on Education.

By Mr. J. M. TAYLOR: Petition of A. L. Burrow; of Turner J. Fuller; of W. N. Collins, administrator of Z. I. Hunt, deceased; of John A. Green, administrator of William Darnell, deceased; of A. S. Rogers; of W. A. & J. P. Cobb, administrators of estate of Samuel Cobb; of Robert Davie, and of William M. Wharton, administrator of John W. Lore, all of Madison County; of E. A. Collins, administrator of W. P. Collins, deceased, of Gibson County, and of Nelson O. Underwood, of Weakly County, Tennessee, asking compensation for property taken and used by the United States Army during the late war—to the Committee on War Claims.

By Mr. TOOLE: Memorial of the Board of Trade of Fort Benton, Mont., praying for an increased appropriation to be expended on the Missouri River above Bismarck, Dak.—to the Committee on Rivers and Harbors.

By Mr. VIELE: Petition of citizens of New York, in favor of a constitutional amendment giving the right of suffrage to women—to the Committee on the Judiciary.

By Mr. J. B. WEAVER: Petition of M. K. Gillette and 30 others, praying Congress to pay the soldiers according to their contract when they entered the service, to wit, in coin or its equivalent—to the Committee on War Claims.

Also, petition of Knights of Labor of McDonough County, Illinois, praying Congress to pass a law for the Hennepin Canal—to the Committee on Railways and Canals.

Also, petition of L. G. C. Price and about 50 others, and of W. H. Palmer and about 50 others, citizens of Iowa, praying for an act to absolve forfeiture of the land grant heretofore made to the Sioux City and Saint Paul Railroad in O'Brien County, Iowa—to the Committee on the Public Lands.

By Mr. WEBER: Petition for a life-saving station at Youngstown, Niagara County, New York—to the Committee on Commerce.

The following petitions, praying Congress to place the coinage of silver upon an equality with gold; that there be issued coin certificates of one, two, and five dollars, the same being made legal tender; that one and two dollar legal-tender notes be issued, and that the public debt be paid as rapidly as possible by applying for this purpose the idle surplus now in the Treasury, were presented and severally referred to the Committee on Coinage, Weights, and Measures:

By Mr. J. B. WEAVER: Of Samuel Sites and 165 others, of Kansas; and of James Steel and 75 others, of Indiana.

By Mr. HOWARD: Of citizens of Washington County, Indiana.

IN THE HOUSE OF REPRESENTATIVES,

SATURDAY, *February* 27, 1886.

The House met at 12 o'clock m. Prayer by Rev. S. K. COX, of Washington.

The SPEAKER. The Clerk will report the special order under which the House meets to-day.

The Clerk read as follows:

Ordered, That hereafter, until the further order of the House, there shall be a session of the House on each Saturday for general debate in the Committee of the Whole House on the state of the Union, no other business to be transacted.

Mr. BEACH. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the state of the Union for general debate.

A CORRECTION.

Mr. DOCKERY. Mr. Speaker, I desire to make a correction.

The SPEAKER. The Chair thinks there is some doubt as to the right of the House to-day, under the special order, to entertain any proposition whatever.

Mr. DOCKERY. I simply wish to correct the RECORD.

The SPEAKER. If there is no objection the Chair will hear the gentleman.

Mr. DOCKERY. In the debate last evening on the amendment to the bill to increase the pension of Nira D. Gwynne I am reported as saying that I have voted, almost alone of the members from the Southern States, for every pension proposition. That is incorrect. Neither in terms nor by implication, neither directly nor indirectly, did I refer to the vote of any other member, North or South. I may add that the delegation from my State, so far as I remember, have voted as a unit upon all pension propositions heretofore considered by the House.

Mr. BEACH. Now, Mr. Speaker, I renew my motion that the House resolve itself into Committee of the Whole.

The motion was agreed to.

The House accordingly resolved itself into Committee of the Whole on the state of the Union for general debate, Mr. CRISP in the chair.

The CHAIRMAN. The House is in Committee of the Whole for debate only, under the special order.

SILVER QUESTION.

Mr. CANDLER. Mr. Chairman, of all the powers of government, the two which affect most directly and potentially the prosperity and happiness of the great mass of citizens are the powers to impose taxes and to prescribe the character and volume of the currency of a country. In our country for the last quarter of a century these powers have been exercised—let us be charitable enough to suppose from the force of circumstances that could not be controlled, and not from choice—with special reference to the interests of a small class of citizens, the opulent, with little regard for the interests of the great middle and poorer classes of society.

Under the Constitution and the laws of Congress the General Government alone can furnish a currency for the business of the people, while Congress alone, under this Constitution, has the power "to coin money and regulate the value thereof;" and while it is expressly declared in the organic law that no State shall pass any law making anything but gold and silver a legal tender in the payment of debts, banks organized under charters granted by the States were formerly permitted to issue their notes redeemable in gold and silver, of which a sufficient amount for redemption purposes was required to be at all times kept in their vaults.

But in order to give the national banks a monopoly of the business of furnishing a currency for the country, Congress, not having the power under the Constitution to suppress or prohibit directly these issues, falling back on its powers to impose taxes to raise revenue for the support of the Government, imposed a prohibitory tax on them, and thus indirectly did that which it was unauthorized to do directly, and all paper currency, except only such as is issued directly by the Federal Government or indirectly under its authority by the national banks, was and has remained suppressed, and the national banks have had for nearly a quarter of a century the monopoly thus granted them.

To-day the currency of the country is composed of about eight hundred and ninety-three millions of gold and silver coin, three hundred and forty-six millions of legal-tender Treasury notes, and the notes of the national banks, amounting on the 1st of November to three hundred and fifteen millions, and now perhaps to less than three hundred millions. The total amount of money of all sorts in the country, gold, silver, and paper, is therefore only about fifteen hundred and forty millions. Of this amount seven hundred and twenty millions was, on the 1st of November, locked up in the vaults of the Government Treasury and the banks of the country, leaving in the hands of the people to pay all taxes, municipal, State, and Federal, and carry on the business of the country, only $788,000,000, an average of only about $13 per capita, an amount entirely inadequate to the transaction of the business of the country and the preservation of prosperity among the people.

To this undue contraction of the currency and the war of the bondholders on silver is due the universal paralysis of business and suffering among the people all over the country. In France, which is to-day of all European nations the most prosperous and in which as in our country one-half the entire population is engaged in agricultural pursuits, the average per capita is more than three times as much. When we remember in view of these facts that the average tax direct and indirect paid annually by every head of a family to the Federal Government alone, to say nothing of State, county, and municipal taxes, is $25 per capita per annum, we should not wonder that the fires have gone out in our furnaces, that the hum of our factories is hushed, that our farmers are in debt and their farms mortgaged to secure the payment of debts that are running at ruinous rates of interest.

This is the situation in our country to-day, because for a quarter of a century, almost a generation, all the financial legislation of the country has been in the interest of a favored few at the expense of the toiling millions of farmers, mechanics, and wage earners of the country. The national banker and the bondholder have been the especial pets of the Government, while the interests of the men who pay the taxes and fight the battles of the country have been subordinated to those of the favored few who fight no battles and pay no taxes. Our mechanics and artisans are idle half the time, and when employed are poorly paid, and our farmers and farm laborers not only find the product of their toil barely sufficient to support themselves and families, but they are burdened with taxes to pay interest to those who pay no taxes themselves.

I have no sympathy with those who for partisan purposes array the poor against the rich. I despise the demagogue who, by appeals to the prejudices and passions of the ignorant, incites labor strikes and encourages mob violence as a remedy for the real or imaginary wrongs of the laboring masses. I abhor any and every thing that tends to array class against class, and I disclaim in advance any desire to pander to the prejudices of any class of citizens; but it is the truth, a lamentable truth, that the American farmer is the hardest worked, the poorest paid, and the heaviest taxed man on the American continent.

Money is power, and aggregated capital is always able to take care of itself. Trades unions and co-operative associations of artisans and mechanics are organizations to protect their members. They fix their hours of work and the prices of their labor. Bankers and lawyers, merchants and manufacturers have their organizations for their own self-protection, and Congress and State Legislatures enact laws for their special benefit; but the hand of legislation has seldom been stretched out toward the farmers, who constitute nearly half of the entire population of this country, except to wring from their hard earnings exorbitant taxes to pay the expenses of the Government and subsidies and bounties to those who are more favored by the powers that be. Last year—a year of abundant harvests—closed upon nearly thirty millions of farmers who were poorer than when it opened.

And why? Because, as I have already said, all the legislation of Congress for the past quarter of a century has been in the interest of the national banker, the bondholder, and the millionaire, and no regard has been had to the interest of the agricultural classes. The excuse for all this is that when the Government found itself involved in one of the most desolating wars of modern times, to meet the expenses it issued about four hundred millions of its Treasury notes. Fearing that the currency would become too much inflated and urged on by those who had grown rich on the spoils of war and desired paying investments for their recently acquired wealth, it issued interest-bearing bonds and bought up nearly all of this four hundred millions of notes.

To supply the deficiency in circulating medium thus created and to interest capitalists in sustaining the credit of the Government the national-bank law was enacted, and under it the banks were allowed, upon the deposit in the Treasury of these interest-bearing bonds, to issue their own notes to the amount of 90 cents on the dollar of the face value of the bonds. They got the interest on the bonds deposited and also

the interest on their own notes loaned to the people. For many years this operation was exceedingly lucrative to the banks. Many of the bonds deposited cost them only 50 cents on the dollar—some of them even less. All of the bonds of the Government were held by the banks or their allies, the private capitalists. The poor were unable to hold them.

Notwithstanding it was expressly provided in the law authorizing their issue that these bonds, which amounted to over $2,000,000,000 at the close of the war, were to be paid in greenbacks, the bondholders claimed that they had sustained the credit of the Government and were therefore entitled to special consideration, and that the bonds ought to be paid in coin, gold and silver. Accordingly Congress, on the 18th of March, 1869, passed "An act to strengthen the public credit," wherein it was provided that the bonds should be paid in coin.

Thus Congress yielded to the bondholder all that he demanded, agreed to pay him in coin, and thereby made his bond worth more than twice what it cost him. Under the terms of the refunding act of 1870 this contract that the bonds should be paid in coin—silver and gold—was renewed. It provided that they should be paid in coin of the standard value at that time—July 14, 1870—that is, in gold dollars containing 25.8 grains of standard gold, or silver dollars containing 412½ grains of standard silver. It does seem that the bondholders ought to have been satisfied with this generosity of the Government, but they were not.

No sooner had they succeeded in having the contract so changed as to secure the payment of their bonds in silver and gold instead of in greenbacks—the currency in which the soldier who risked his life on the field of carnage was paid and the farmer who supported the soldier was paid—than they began to connive with the holders of corporation bonds in this country and the bondholders in Europe to demonetize silver and again change the contract so as to be paid in gold alone, instead of silver or gold at the option of the Government.

In pursuance of this agreement they succeeded in having inserted in the Revised Statutes, by some means which has never yet been satisfactorily explained, a provision in these words:

> The silver coins of the United States shall be a legal tender at their nominal value for any amount not exceeding $5 in any one payment.

Thus surreptitiously depriving silver of its debt-paying power. This was done when the statutes were revised by a commission not authorized to add to nor take from them, but only to classify and re-arrange the laws as they already existed. This volume, with the unauthorized provision above quoted inserted, was adopted by Congress in 1874, and I hazard nothing in saying not ten men in either branch knew that the provision virtually demonetizing silver was in it.

The passage of the Bland act of 1878, in spite of the earnest and unceasing opposition of Wall street and the national banks and bondholders, restored to the old Hamilton dollar of 371¼ grains of pure silver its legal-tender quality to any amount. This was a partial remonetization of silver, but it did not go far enough, because its coinage was limited. It was only half a victory for the people over the bondholders. They were not conquered, but continued the war on silver, and, aided by a timid Secretary of the Treasury, they have succeeded in depreciating the price of silver bullion but not of the silver dollar, which does now and always will while the American eagle is stamped upon it buy as much food or clothing or any other commodity that the poor man wants as the gold dollar.

Many honest persons, alarmed at the prophecies of the gold-bugs of the direful consequences of the continued coinage of silver, have fallen into the error of supposing these prophets of evil to be sincere when they claim that to enlarge the volume of silver will drive gold from the country. But these honest but timid men have not investigated the question. It is a plausible theory, but will not work in practice. The experience of every nation proves the contrary to be true. These same gold-bugs in 1878, at the time of the passage of the Bland act, made the same prediction; but the facts as shown by the official reports of the Secretary of the Treasury and his subordinates prove that the reverse is true.

At the date of the passage of the resumption act, or rather the date at which it went into effect, January 1, 1879, the whole amount of gold in the United States was $278,000,000; and as the coinage of silver has gone on steadily every year at the rate of nearly thirty millions a year, the amount of gold has steadily increased year after year until on the 1st day of January, 1886, according to the official report of the Director of the Mint it was six hundred and twenty-six millions.

Germany, who tried the experiment of demonetizing silver under the most favorable circumstances under which it has ever been tried, met with the same or indeed a more striking experience. After the defeat of Napoleon at Sedan she imposed upon France, crushed and impoverished by the war, an indemnity of a thousand millions of gold and collected it. Bismarck, desirous of crushing her as completely financially as he had on the field of battle, and seeing the coffers of Germany filled to overflowing with gold, demonetized silver, the only metallic money left to France after she had paid all her gold to him as a war indemnity. Demonetize silver in Germany, he reasoned, throw all her immense supply on the market, and the value of French silver will be destroyed and her currency will be only irredeemable paper and her power as a commercial rival forever broken. He carried out his plan.

The silver of Germany was called in, demonetized, and sold to England in such quantities that in a few months the price of silver had fallen 20 per cent. in the London market. The German mints were worked to their utmost capacity coining French gold into German marks to supply the place of demonetized silver. No nation on the earth ever made the transition from bimetallism to monometallism under such favorable circumstances, and yet the result there after silver was demonetized was the same as here under the menace of its demonetization. German industries languished from one end of the empire to the other. Her factories were idle or run on short time. Tens of thousands of her people were idle and begging for work, and in a short time, in her effort to destroy France, she damaged her own prosperity more than the thousand millions she had wrung from her rival.

Impoverished France, on the other hand, with nothing left but her six hundred millions of despised silver, recovered from her defeat and exhibited a degree of elasticity unprecedented in the history of nations. Her silver, the money of the people, the money which sustains the retail trade and supports all the industries of every nation, was left. Her people were thereby kept busy, and her industries of every sort prospered. The demonetization of silver in England and Germany did not affect its value in France. Under such circumstances monometallic Germany, with coffers full of gold, languished, and to-day prosperity is a stranger to her borders. Her thousand millions of French gold, together with her entire home supply, has dwindled down to two hundred and forty millions, while France has her six hundred millions of silver with which she started and nine hundred millions of gold besides.

As Germany made the transition from bimetallism to monometallism under the most favorable circumstances any nation ever had for the experiment, so we now have the best opportunity for inaugurating a currency unsurpassed by any in the world to take the place of one inaugurated as a necessity to meet the temporary requirements of the Government under the stress of war. Already the national banks have contracted their circulation to the lowest limits possible to keep their places in the system because they can not afford to pay a premium of 24 per cent. for bonds on which to issue currency to the extent of only 90 per cent.

It is better for the capitalist who has a hundred thousand dollars of United States bonds to go into Wall street and sell them to a few for one hundred and twenty-four thousand in gold, as he can do, and go into private banking, than to deposit them in the Treasury and take out his ninety thousand of national bank-notes. The interest on the extra thirty-four thousand which he gets when he sells his bonds is almost or quite as much as the interest on his bonds bought at so high a premium. The contraction of the currency from this cause alone has been going on very rapidly, and for the last three years the volume of the paper circulation of the country has been reduced nearly $50,000,000. Had the Secretary of the Treasury continued to call and pay the 3 per cent. bonds the last year as he had for years before, he estimates that the contraction from that cause alone would have been for the year forty millions more.

These monthly calls of bonds have been resumed; thirty millions have been called within the last ninety days, and as a consequence the process of contraction is going on now at a rate much more rapid than ever before. When all the threes held by the banks as a basis of circulation, which amounted on the 1st of November to one hundred and thirty-nine millions, are called and paid off, national-bank circulation will be practically at an end. Because, as has already been said, the banks can not afford to take out currency on the fours and four-and-a-halfs, which command so high a premium. At that time, which is only a few months in the future, the national banks will cease to be banks of issue. They may and perhaps will be continued as banks of discount and deposit, but they can no longer be relied on to furnish a currency for the country.

For this purpose some other means must be devised. Two paths only are open to us, the issue of Treasury notes, such as we now have in limited quantity, based on the faith and credit of the Government and redeemable in coin to an amount sufficient with the specie in the country to supply the demands of trade, or the issue by the Government of coin certificates, payable not in gold nor in silver but in either, at the option of the Government, in exchange for all the gold and silver coin and bullion that may be brought to the Treasury. Each of these plans has its advocates. Either would supply the demand now so urgent for a currency to take the place of the national-bank bills so rapidly disappearing. Either would be a good currency and would always be at par with gold. The latter is perhaps preferable because its volume would always depend on the amount of gold and silver taken annually from the mines, and the experience of all governments has been that the increase of the volume of gold and silver, when used concurrently as a circulating medium, or the basis of a circulating medium, is so nearly in proportion to the natural increase of population that there is less danger of sudden and disastrous contractions and expansions in the volume of a currency based upon it than in a currency based on anything else.

Nature regulates the volume, and it can not be diminished nor increased by legislative enactment. All that legislation has to do is to fix the relative value of the two metals and provide for their free coin-

age at these rates, or the issue of a paper currency on it redeemable in either metal at the relative value so fixed by law. Nor does this demand any new legislation in this country. The relative value of gold and silver coin, as it has been fixed since the passage of the Mint act, of 412½ grains of standard silver to 25$\frac{8}{10}$ grains of standard gold, is according to the experience of civilized nations as nearly correct as it can be got. Indeed, the proportion of 16 grains of silver to 1 of gold is a little greater than in France and other European countries, where the proportion is 15½ to 1.

All this cry about the "dishonest dollar" and "fraud dollar" and "80-cent dollar" is for a purpose. When silver was demonetized and reduced to the condition of a commodity of course its bullion value went down in the same proportion as other commodities. Retain its legal-tender quality and restore the free coinage it had for seventy years, and it will quickly appreciate and reach a parity with gold. In the language of the unanswerable report of the minority of the Committeee on Coinage, "the decrease in the use of gold as a consequence of the increased use of silver will decrease the value of gold, and while silver rises gold will fall and the two will reach a parity midway."

The clamor for the demonetization of silver is not inspired by a real conviction that silver is cheap and unfit for a coin metal, nor by a fear that it will drive gold from the country, but by a selfish desire on the part of the holders of gold which is now hoarded, and the thousands of millions of national, State, and corporation bonds, who desire to strike down silver, one-half of the world's metallic money, and thereby increase the purchasing power of gold, the other half. This merciless effort on the part of the fortunate few who hold the gold and the interest-bearing debts of the governments and corporations of the world to double their own wealth at the expense of the great masses of the toiling millions is nothing new.

Professing to be alarmed at the unprecedented yield of the gold fields in California and Australia when the richness of these mines began to be realized, these same bondholders and bullionists demanded the demonetization of gold in order to enhance the value of their securities, and some of the nations of Europe, notably Germany, Holland, Belgium, and Portugal, did wholly or partially demonetize their gold, and Russia prohibited the exportation of silver lest if gold were demonetized she might be left without metallic money. We are now witnessing a repetition of the same effort to double the value of the money of the rich few by destroying the value of that of the millions of the poor. The only difference is that then the attack was made on gold by the opulent classes of some of the nations of Europe, and now it is made on silver by the same classes not only all over Europe but in America as well.

Then the attack was made on gold by a few nations with little or no concert of action; now it is made on silver with the most perfect concert of action, the object being in both cases to make the rich richer and the poor poorer. If Congress should make the great mistake of yielding to the demands of the monometallists it will be only a few years until the balance of trade, which has been largely in our favor, will turn against us and silver being no longer money our gold will rapidly go to pay our foreign debts and we will have no metallic money. Nor is this all. Our silver, being no longer valuable to us, will be sold in the markets of the world as bullion at whatever price the demand for it will command.

England, whose Indian Empire almost equals in extent the United States, with a variety of soil and climate adapted to the successful cultivation of all the products of the three zones, and teeming with a population of 250,000,000 of cheap laborers who work for 50 cents a week, and whose sole metallic money is silver, will buy our discarded silver at 60 per cent. of its coin value, send it to her Indian mints, and stamp it 100 cents on the dollar and buy all the wheat and cotton she wants for the consumption of her home empire. In eight years her imports of wheat from India have increased tenfold and now amounts to one-half as much as she buys from us, and at this rate it would be only a few years until there would be no market for American wheat in London, but Indian wheat made with Indian cheap labor at 50 cents a week will be offered in New York in competition with American wheat grown with American labor costing seven to ten times as much.

Already she is a formidable rival for America's cotton trade, and it is only a question of time when she will, with her cheap labor, drive all low-grade American cotton produced with American dear labor from the markets of the world. Strike down silver and these results will quickly follow: the products of the American wheat and cotton fields will be a drug on the markets of the world; our agricultural labor will be unemployed; our farms will grow up in weeds, or, worse still, will pass into the hands of those who already hold mortgages on them, and their present owners will be mere tenants or day laborers.

The great debtor class, which comprises, perhaps, three-fourths of our entire population, will find that it will require twice as many bushels of wheat or bales of cotton or days' work to pay their debts when gold alone is money as it did when they contracted them with gold and silver both money and a legal tender. To-day, twenty years after the close of the war, when more than half of the war debt has been paid, and after silver has been part of the time demonetized and another part half way remonetized, and when industries have been paralyzed by baneful financial legislation and the partially-successful and ever-threatening menace that it shall be entirely stricken down, it is a fact that practically the war debt is larger than it was when it reached its maximum nominal limit of $2,800,000,000.

Owing to the contraction of the currency, the hoarding of gold, and the unceasing effort to dishonor silver, it would require to-day to pay off the remaining fourteen hundred millions of the debt more cotton, or wheat, or iron, or labor, at the prices these commodities now command, than it would have required to pay the whole twenty-eight hundred millions at the close of the war, so great has been the shrinkage in the purchasing power and the debt-paying power of every commodity except gold. And yet the earnest, unceasing effort of the creditor class is to still further depress the price of property and labor and the products of labor, and render it still more difficult not only for the Government but for all its citizens who owe anything to pay it. Congress should not suffer this scheme of the bondholders to be consummated.

These debts as well as most of the corporation debts of the country were contracted with gold and silver and Treasury notes, all legal tender, and the law, as has been said, expressly provided that they should be paid in either. They knew this when they bought the bonds, for the act authorizing their payment in either silver or gold, at the option of the Government, is printed on each bond, so that no one could be deceived in the matter. When the bondholders first presented their preposterous claim to payment in gold alone the Congress of the United States, astonished at their audacity, passed, after exhaustive debate, a concurrent resolution—this was in the month of January, 1878—in these words:

Whereas by the act entitled "An act to strengthen the public credit," approved March 18, 1869, it was provided and declared that the faith of the United States was thereby solemnly pledged to the payment in coin or its equivalent of all the interest-bearing obligations of the United States except in cases where the law authorizing the issue of such obligations had expressly provided that the same might be paid in lawful money or other currency than gold and silver; and

Whereas all the bonds of the United States authorized to be issued by the act entitled "An act to authorize the refunding of the national debt," approved July 14, 1870, by the terms of said act were declared to be redeemable in coin of the then present standard value, bearing interest payable semi-annually in such coin; and

Whereas all bonds of the United States authorized to be issued under the act entitled "An act to provide for the resumption of specie payments," approved January 14, 1875, are required to be of the description of bonds of the United States described in the said act of Congress, approved July 14, 1870, entitled "An act to authorize the refunding of the national debt;" and

Whereas at the date of the passage of said act of Congress last aforesaid, to wit the 14th day of July, 1870, the coin of the United States of standard value of that date included silver dollars of the weight of 412½ grains each, declared by the act approved January 18, 1837, entitled "An act supplementary to the act entitled 'An act establishing a mint and regulating the coins of the United States,'" to be a legal tender of payment, according to their nominal value, for any sum whatever: Therefore,

Resolved by the Senate (the House of Representatives concurring therein), That all the bonds of the United States, issued, or authorized to be issued, under said acts of Congress hereinbefore recited, are payable, principal and interest, at the option of the Government of the United States, in silver dollars of the coinage of the United States containing 412½ grains each of standard silver; and that to restore to its coinage such silver coins as a legal tender in payment of said bonds, principal and interest, is not in violation of the public faith, nor in derogation of the rights of the public creditor.

To provide now, in the face of this explicit declaration of Congress, that they shall be paid in gold alone, as the bondholders demand and as has been the custom of the Secretary of the Treasury, is an outrage upon the people and should not be tolerated. The coinage of silver should be continued; indeed, it should be free as the coinage of gold is. All gold and silver bullion carried to the mints should be received and coined for the holder into standard gold and silver dollars of the weight and fineness now prescribed by law, or should be paid for at its true coin-value in coin certificates, redeemable at the option of the Government in either coin. The bonds should, as the law and the contract and good faith to the people demand, be paid in coin, either gold or silver, as the Government may elect.

Do this, Mr. Chairman. Cease to dishonor silver, but restore it to its position as a debt-paying metal assigned it by the fathers, which it held for seventy years side by side with gold, equal with gold, and prosperity will return to bless our country, agriculture will flourish, manufacturers will revive, and commerce will again enliven our marts of trade. The balance of trade will continue to be largely in our favor. Foreign gold will flow in in exchange for our surplus products and swell our coffers, and our people will be as they ought to be with the boundless resources at their command, the richest as well as the happiest people on the face of the earth.

Mr. LANHAM. Mr. Chairman, I desire to take advantage of the present opportunity for the purpose of submitting a few remarks upon a subject of great interest not only to the people of my State but to cattle-growers and beef consumers throughout the country. I had occasion in the last Congress to invite attention to the magnitude and importance of the stock-growing business of Texas and to show, among other things, that within its limits was to be found about one-seventh of all the cattle in the United States. Our stockmen have viewed with alarm the discriminations which have been put in operation affecting the success of this great industry. To-day we are almost deprived of market outlet for our cattle either by land or sea. Our ports are in shallows and our drivers and shippers are met with obstructions as soon as they attempt to transcend our State lines in the shape of restrictive if not absolutely prohibitory police and quarantine regulations and exorbitant inspec-

tion laws of other States and Territories, to which are superadded apprehended dangers of interference *in transitu* growing out of the provisions of the animal industry law.

A practical embargo is laid upon our commerce. We have no sufficient water transit, and we are afraid to ship by rail or drive our herds through the country. A condition known as splenetic fever is said to attend cattle driven from a lower to a higher latitude. This is perhaps no more peculiar to Texas cattle than those of other sections, but owing to our geographical situation and the extent of our transactions in and movement of cattle, it is more frequently termed "Texas cattle fever." It is estimated by scientists that ninety days after the removal of cattle from their accustomed range there is no danger of their communicating any infection to other cattle in consequence of this fever, and that they are wholly exempt from any liability to have it during the months from November to May, independent of migration. This splenetic fever furnishes the excuse for the enactment of laws unfriendly to Texas cattle interests and their attempted exclusion from market, as well as interference in the transportation from one State to another.

Mr. Chairman, a bill was introduced by me early in this session, and referred to the Committee on the Territories, which I send to the Clerk's desk and ask to have read.

The Clerk read the bill (H. R. 2418), as follows:

To disapprove chapter 49 of the acts of the Legislative Assembly of the Territory of New Mexico, entitled "An act to prevent the introduction of diseased cattle into the Territory of New Mexico," approved March 19, 1884.

Be it enacted, &c., That the act of the Legislative Assembly of the Territory of New Mexico entitled "An act to prevent the introduction of diseased cattle into the Territory of New Mexico," approved March 19, 1884, be, and the same is hereby, disapproved.

Mr. LANHAM. Mr. Chairman, the act of the Territorial Assembly of New Mexico, to which this bill relates, from its title seems to be harmless and unobjectionable, but it is, nevertheless, in my judgment, violative of the Federal Constitution, detrimental to the interests of contiguous States and the country at large, and also to the well-being and development of the Territory of New Mexico itself. I have introduced, also, a similar bill, having for its object the disapproval of a kindred act of the Legislative Assembly of Arizona. It may be well, at the outset, to call attention to the language of this act of the Legislature of New Mexico. It provides:

SECTION 1. That it shall be unlawful for any person or corporation to drive or transport or cause or procure to be driven or transported into the Territory of New Mexico any cattle which are, or within twelve months prior to their introduction to this Territory have been, affected with or exposed to any contagious or infectious disease, or which within such period have been driven or transported from or through any district of country where such disease was known to exist at the time of such driving or transporting, or without the certificate of the inspector of cattle, as hereinafter provided, being first obtained.

SEC. 2. The governor shall appoint, at such convenient points as he may deem proper within the Territory, and as near as possible to the frontier, inspectors of cattle, whose duty it shall be to inspect all cattle destined for introduction into the Territory, and to ascertain whether any of such cattle are, or have been, infected with, or exposed to, any contagious or infectious disease, or have been driven or transported from or through any district of country where such disease was known to exist as mentioned in section 1 of this act; and for this purpose he may require affidavits of the persons in charge of such cattle as to all the facts connected with their driving or transporting.

SEC. 3. If upon such inspection and investigation such inspectors shall be satisfied that such cattle are free from contagious or infectious disease, and are otherwise proper to be admitted under the provisions of section 1 of this act, he shall give to the person in charge of such cattle a certificate to this effect, and if not so satisfied he shall refuse to give such certificate.

SEC. 4. The said inspectors shall hold their offices during the pleasure of the governor, and shall be entitled to receive $1 per head for all high grade or thoroughbred cattle inspected, and 20 cents per head for all other cattle inspected, not exceeding 1,000 head at one time, and for any excess above 1,000 in the same herd or lot 10 cents per head, and 10 cents per mile for the distance necessarily traveled in going from their usual place of abode to the place of inspection, such fees and mileage to be paid by the owner of the cattle before the delivery of the certificate of inspection; and in case a certificate is not given they may be recovered by the inspector from the owner in a civil action.

SEC. 5. For the purpose of taking the affidavits mentioned in section 2 of this act the inspector shall have power to administer oaths, and any person who shall swear falsely in such affidavit shall be deemed guilty of perjury.

SEC. 6. The provisions of this act shall apply to shippers and carriers as well as owners of cattle, and the certificate of the inspector shall not relieve them from liability, either criminal or civil, for the introduction of cattle contrary to the provisions of section 1 of this act.

SEC. 7. The inspector may appoint a deputy, who may act in his absence.

SEC. 8. Every person having in charge cattle destined for introduction into this Territory, whether as owner or carrier, or as agent of either, shall, at least ten days beforehand, notify the inspector nearest the proposed point of entrance to the Territory, of the time and place when and where such cattle will be ready for inspection, which place shall be beyond the boundary line of the Territory, and he shall hold the cattle at the place so designated until inspected.

SEC. 9. Any inspector who shall knowingly give a false certificate, or shall without good cause under this act refuse to give a certificate of inspection, or shall willfully delay in making inspection when notified, shall be deemed guilty of a misdemeanor, and shall be liable to the injured party for damages arising from such refusal or delay.

SEC. 10. Any person or corporation who shall violate the provisions of section 1 of this act shall be punished by a fine of $5,000 for each offense, to be imposed by the court on conviction upon indictment or information, or to be recovered as a penalty by the Territory in a civil action; and shall also be liable for all damages resulting therefrom. Each lot or herd of cattle unlawfully brought into the Territory shall constitute a separate offense.

SEC. 11. This act shall take effect from and after its passage.

A subsequent act provides that the inspectors appointed shall be required to give a bond in the penal sum of $5,000, and that any person damaged by any improper or malicious action of such inspector may bring action therefor in the name of the Territory against such inspector and his sureties on his official bond, and recover thereon the amount of such damage not exceeding the penalty of said bond.

Mr. Chairman, it is clearly within the power of Congress to exercise supervision over Territorial legislation, and it is the duty of Congress to hold in check any unconstitutional procedure on the part of the Territories by asserting its veto power when a necessity arises, and hence the law provides (section 1850, Revised Statutes) that all laws passed by the Legislative Assembly and governor of any Territory (except in the Territories therein mentioned) shall be submitted to Congress, and if disapproved shall be null and of no effect.

The succeeding section provides that the legislative power of every Territory shall extend to all rightful subjects of legislation not inconsistent with the Constitution and laws of the United States. There are numerous instances where Congress has asserted its prerogative in such cases. The act of July 1, 1836, passed at the first session of the Twenty-fourth Congress, disapproved and annulled certain acts of the Territorial Legislature of Florida creating banks and incorporating banking insurance companies. In the Thirty-ninth Congress certain former acts of the Legislative Assembly of the Territory of Montana were disapproved and declared null and void, and the same was done in the matter of legislation in the Territory of Washington at the second session of the Fortieth Congress.

The Constitution of the United States provides that Congress shall have power "to regulate commerce among the several States." It further provides that "no State shall, without the consent of the Congress, lay any impost or duty on imports or exports, except what may be absolutely necessary for executing its inspection laws; * * * and all such laws shall be subject to the revision and control of Congress."

I maintain that this act of the Territorial Legislature of New Mexico is in conflict with these constitutional provisions. It can not be claimed that the Legislature of New Mexico has the right to interfere with interstate commerce. It can not be claimed that it has the right under the Constitution to levy this exorbitant and extraordinary charge for inspection fees.

If New Mexico, under the pretense of preventing the introduction of diseased cattle, can enact a statute whereby any cattle which within twelve months may have been affected with or exposed to any infectious disease, or within such period may have been driven from or through any district where such disease was known to exist at the time of such driving, and lodge the execution of this law in the caprice or discretion of an unscientific inspector, who can determine in his own good pleasure the propriety of the issuance of a health certificate, it can set at defiance all veterinary science and sanitary laws, and just as well extend the period to three or five years. The prohibition would be but little more severe.

Suppose cattle were started from Kansas or Colorado or Texas in the spring or midsummer and were to arrive at the New Mexico line in December or January, when no splenetic fever could possibly exist (and that is what is meant, for no case of pleuro-pneumonia has ever been known in that region), is it not possible for the inspector, under this law, to say to the owner, "Your cattle had splenetic fever last spring or summer, or passed through a district where it existed, and even though without disease now it is not 'otherwise proper' for them to be admitted—I am not satisfied?" If the cattle are brought directly across the country from east to west, the same declaration may be made. If the owner of a herd has held his cattle for years within ten or twenty miles of the Territorial line, in the same climate and intermingling, as cattle will, at intervals with the New Mexican cattle, and being of the same grade and quality as those within the Territory, feeding on the same pasturage and subject to like conditions, an embargo is laid upon him should he choose to remove his stock within this favored region. If he drive from a higher to a lower latitude he is confronted with the same difficulties. If he be a resident of the Territory and buys cattle outside of its limits and attempts to take them into New Mexico, if the law be administered, he is subjected to the same embarrassments. It is not difficult in view of these conditions to perceive how commerce is restrained and injuriously affected, and that the introduction and transportation of healthful and merchantable cattle into and through the Territory may be entirely prevented.

A State has the power under the Constitution by implication, at least it is not enjoined from so doing, to lay an impost that may be absolutely necessary for executing its inspection laws, and even then is subject to the revision and control of Congress. If it be conceded that a Territory is invested with the same authority, it certainly has not the right to enact such a rigorous and oppressive law as the one herein complained of and levy such enormous duties as those contemplated in the inspection fees in the fourth section of the act which is sought to be annulled. Cattle perfectly healthful may be detained beyond the boundary line of the Territory for no telling how long to await the arrival and convenience of an inspector, who must be notified ten days in advance, and who is not even required to be a veterinary expert or conversant with grades of cattle, and if perchance they can run the gauntlet of his examination the owner is compelled to pay per head $1, 20 cents, or 10 cents, contingent upon the grade and number of cattle.

If he have five hundred high-grade cattle he must pay $500 to enter the Territory with them; if he have one thousand head of ordinary cattle he must submit to the imposition of a $200 tax; if he have five thousand head it will cost him $600 for the mere privilege of introducing his

stock into New Mexico, independent of the mileage of the inspector, and outside of the expense and time lost in the detention of his herd and the deterioration of his stock in consequence of holding them upon an insufficient range, which last he is often wholly unable to do. This tax is imposed without regard to where the cattle come from, or when they are admitted. There is no exemption in the act as to the altitude from whence the cattle hail, the season of the year in which they are shipped or driven, or former sanitary considerations.

I know of one firm who paid $238 in November last for the privilege of taking two hundred and thirty-eight Hereford calves into Arizona from the Territory of Wyoming and State of Missouri. I believe it would not be an exaggeration to state that one hundred thousand head of cattle have been prevented from entering New Mexico from the State of Texas alone under the unjust operations of this act, and that more than twenty thousand head have been turned loose on the western border of Texas adjoining New Mexico since the 1st of last November, entailing vast loss and inconvenience to the owners, to which no official bond of an inspector could respond. Are such hardships as these, and many others that might be enumerated, "absolutely necessary for executing the inspection laws" of New Mexico? I earnestly invite the attention of the committee having this matter in charge, the Congress of the United States, and all fair-minded men to a careful and impartial investigation of this subject.

Mr. Chairman, the essential purpose of these acts is not confined to what appears in their titles. They have been enacted ostensibly to protect the herds of the two Territories from infection, while, in my opinion, their "true inwardness" involves the exclusion from the public lands of said Territories of all cattle not now upon them, and, while operating with general injustice, it is especially actuated by hostility to the State of Texas. In this connection I request attention to the following circular letter:

[Circular letter No. 1.]

OFFICE OF SECRETARY,
CATTLE AND HORSE GROWERS' ASSOCIATION OF NEW MEXICO,
Las Vegas, N. Mex., January 18, 1886.

DEAR SIR: This association has just learned that Congressman LANHAM, of Texas, has introduced a bill into the House asking for a repeal of section 49 of the acts of the last Legislature of New Mexico, which section has reference to the law of quarantine as established by New Mexico to protect her stock interests from contagious animal diseases. Will you kindly call the attention of members of your association who have influence in Washington, and especially with ANTHONY JOSEPH, Delegate in Congress from this Territory, to the urgent necessity that exists to defeat said bill when it shall come before the House for action. New Mexico must not be made the quarantine ground for Texas cattle. Your prompt action in the matter may be the means of averting the deplorable consequences which would result to our stock interests by the raising of the quarantine restrictions.

The bill has been referred to the Committee on Territories, which is composed of the following-named Representatives: WILLIAM D. HILL, chairman, Ohio; WILLIAM SPRINGER, Illinois; A. JOSEPH, New Mexico; J. T. SPRIGGS, CHARLES E. BOYLE, ISAAC S. STRUBLE, BARNES, SADLER, DAWSON, COOPER, HERMAN, STEMES.

I also call your attention to the fact that the Atchison, Topeka and Santa Fé Railway is desirous of breaking up the quarantine law, and to this end it has instructed its solicitor, Judge Waldo, of Santa Fé, to prepare suit to test its validity. This is probably the most important litigation in connection with the live-stock interests that will occur in the Territory for some years, for if our quarantine law be declared unconstitutional it will have the effect of flooding our ranges with Texas and diseased cattle.

Respectfully,

J. D. WARNER, *Secretary.*

"New Mexico must not be made the quarantine ground for *Texas* cattle." In other words, Texas cattle must not be allowed to enter New Mexico at any time or under any circumstances! They are liable to "flood our ranges!" Who gave these associations the public lands of New Mexico?

Mr. Chairman, an enormous amount of cheap beef is grown in Texas. It can not be consumed within her borders and is a source of supply for the whole country by the natural laws of trade. One of the principal outlets for it is by a trail up the Pecos River, in the extreme western part of the State. Whether the object is to sell beef cattle, to transfer young stock to the great maturing ranges of the Northwest, or to seek new ranges in unsettled regions, it is equally necessary to use this trail.

Almost all the land over which it passes through New Mexico and Arizona is United States Government land. There are a few scattered claims of *bona fide* agricultural settlers along the line, and it is customary to drive the herds around them without doing any damage whatever. It passes through New Mexico and into Arizona, and there is a violent opposition to its use by the stock associations of those Territories. I think these so-called inspection laws are made at the suggestion of these associations. They are so drawn as to partially accomplish the closing of the trail.

At the last session of the Legislative Assemblies of New Mexico and Arizona these associations, it is believed, used their power to secure the passage of the acts referred to. This was the more easily done because there existed at the time considerable public excitement, fostered by sensational newspaper reports, in regard to the probability of herds of cattle from the Gulf regions infecting with splenetic fever cattle on ranges over which they were driven.

What would have been a perfectly valid reason for legitimate inspection, had the facts been as supposed, was made use of to establish what amounts to an embargo.

Even men owning land within the Territorial boundaries can not reach it with their cattle without paying this enormous tax, and their land is used by those who are already inside.

The agricultural pioneer in his advance westward seeking a homestead on the public lands in a new country is generally accompanied by a small herd of cattle. They graze upon the unoccupied public lands surrounding his farm and yield him a support during the first two or three years before his wild land can be brought into proper condition for successful agriculture. These men with their cattle are effectually stopped on the New Mexico and Arizona frontiers by their inability to pay the enormous tax levied by these so-called quarantine laws and the other restrictions indicated, and the settlement of the Territories is greatly retarded. As far as the prevention of infection goes there is an act of Congress now in force, known as the pleuro-pneumonia act (United States Statutes, Forty-eighth Congress, first session, chapter 60), which affords ample protection to any State or Territory that wishes to prevent the entry of diseased cattle. The disapproval by Congress of these Territorial acts will not leave New Mexico and Arizona unprovided for in this respect.

Mr. Chairman, the land and stock syndicates in New Mexico and Arizona have no right to shut out a lawful competition or to build a Chinese wall around those Territories. They have no right to retard immigration or prevent the introduction of capital, or to establish monopolies in real estate or live-stock enterprises; and the Legislatures of these Territories have no constitutional authority to enact the law which I have quoted and block the progress of interstate commerce or levy these onerous and oppressive taxes upon the owners of cattle who may desire a fair showing in these Territories for purposes of commerce or obtaining homes.

I have said that this law is detrimental to the well-being and development of New Mexico. In this connection I will read an editorial found in a New Mexico paper confirmatory of what I have said. Coming as it does from that Territory, it is especially worthy of attention. Speaking of the bill introduced by me the Interpreter, published at White Oaks, N. Mex., says:

THE QUARANTINE FARCE,

Congressman LANHAM, of Texas, has introduced a bill to abrogate the quarantine law of New Mexico. This is a move in the right direction and we sincerely trust that the bill will be passed. There never was any necessity for this law. It inflicts unnecessary expense and trouble upon immigrants and cattle shippers, retards the development and settlement of New Mexico, prevents the introduction of capital, cows, and citizens, and accomplishes no good except for a few land pirates who want the whole earth

For years, to our personal knowledge, the Texas fever has been said to exist in the southwestern portion of that State. All during that time Texas cattle have been driven into and through New Mexico, and yet no one ever heard of any loss of stock in the Territory from Texas fever until a few individuals and companies, whose fraudulent land-holdings are well known, came to the front in the organizations of the various cattle associations in this country. The fact is the big cattle kings of New Mexico want to keep this land for themselves. They do not want any more settlers to come in, nor do they want more cattle to come. They organized as a cattle association and then went to Santa Fé and with the help of those in power got the quarantine law passed for the express purpose of preventing as far as they could the settlement of this fair land. The quarantine law is a farce, but one that makes the immigrants cry instead of laugh. It is an engine which is being used to prevent people from entering upon this fair domain and securing homes. It is a wicked law and ought to be abrogated.

I have also noticed the following special dispatch from El Paso, Tex., near the border of New Mexico, which merits consideration, as it purports to give the expression of prominent New Mexican stockmen as well as the newly appointed inspector for the southern district of New Mexico upon the same subject:

EL PASO, *January* 22, 1886.

It is possible that there will be a strong effort made to abolish the unjust territorial quarantine now prevailing against Texas cattle. Many prominent New Mexican stockmen see the unjustness and uselessness of the measure and openly urge that it be abolished, during the winter months at least. Alexander Rogers, the newly appointed inspector for the southern district of New Mexico, arrived here to-day to establish his headquarters. Like other fair-minded stockmen, he states that the quarantine is needless and works a great injustice to Texas and should be abolished for the winter at any rate. He said further that in the report which he will shortly make out he will state the situation and recommend a change. Great weight can be attached to the position of Mr. Rogers. He is one of the wealthiest and most far-seeing and fair-dealing stockmen in the Territory and furthermore holds a lucrative position which will be lost if the quarantine is abolished.

Mr. Chairman, much more could be said and abundant additional evidence produced to show the propriety of and necessity for the passage of this bill, but I will not consume further time, hoping that what I have said may prove sufficient to attract attention to its merits and invite for it a careful consideration which ought to be speedy, inasmuch as the annual spring movement of cattle will soon begin.

Mr. HENDERSON, of Iowa. I wish to ask the gentleman from Texas the name of the paper he read from a moment ago.

Mr. LANHAM. The Interpreter, published at White Oaks, N. Mex. I will hand it to the gentleman from Iowa.

Mr. HENDERSON, of Iowa. The purpose of this bill which the gentleman advocates is, as I understand, to disapprove of the legislative acts on this subject as passed both by the New Mexico and Arizona Legislatures.

Mr. LANHAM. I have addressed myself more especially to the New Mexico act, but there is also a bill pending for the disapproval of a similar statute passed by the Territorial Assembly of Arizona to which I have alluded.

Mr. WEAVER, of Nebraska. Mr. Chairman, from expressions of sentiment already recorded by the representatives of the people there

can remain no doubt that for once the united efforts of the moneyed oligarchy, assisted by the executive officers of the nation, will fail to successfully carry out the conspiracy to double the nation's burden and paralyze the industries of the country by proposed legislation the sole object of which is to increase their own material wealth by making money dear and all species of property relatively cheap.

Think of the lamentable consequences, if once consummated, of the damnable conspiracy to deprive the common people of this country, in the sweat of whose faces the nation has achieved all her greatness and the conspirators all their amassed and uncounted millions, of the only money that ever reached the body of the people.

Who has ever seen gold dollars doing the business of this country? Those who have mingled with the masses and have knowledge of the ordinary business and commercial transactions carried on in this great country know well that gold is not the money that keeps alive the thousand industries that supply bread for the sustenance and clothes for the protection of the millions.

No one sees gold save the favored few, who through a failure on the part of the Secretary of the Treasury to execute the plain letter of the law, by using silver, absorb all of this money. In defiance of the law successive Secretaries of the Treasury have created a class of favored creditors to whom all the nation's gold has been and is being paid, and now when all that precious coin and metal, except what still awaits them in the Treasury of the United States, has been gathered into the coffers of the money kings, comes the startling advice from the President and the Secretary of the Treasury to discontinue the coinage of silver, and the further advice from the Secretary to call in the $346,000,000 of the legal tenders.

If such advice were to prevail, what then would be the condition of our finances?

The money of the United States to-day is:

National-bank circulation	$269,000,000
Unlimited legal tender	346,000,000
Gold bullion and coin	609,000,000
Silver bullion and coin (including limited tender)	283,000,000
Total	1,507,000,000

Four hundred and ninety-four million of the above is the amount in the Treasury, as shown by the Treasurer's December statement, and is doing none of the business of the country, and if the policy shall still obtain to hold this large surplus in the Treasury, and if the further advice of the Secretary of the Treasury is to be followed in calling in the $346,000,000 of unlimited legal tenders—then for business purposes and all the commercial transactions of this great country we will have $1,507,000,000—($494,000,000 in the Treasury + $346,000,000 greenbacks), which leaves $667,000,000, or little more than $12 per capita for the sixty millions of people of the United States to carry on the business of a nation the extent of whose territory, the growth of whose population, and the wonderful increase of whose wealth, with her great commerce, coupled with an energy of her citizens that knows no bounds, requires more money per capita to foster and keep alive her industries and afford business facilities than any other nation on the globe. Think of her growth in territory, population, and commerce and her yet comparatively undeveloped condition before receiving with any degree of favor the suggestion to pursue a policy the tendency of which is to paralyze the industries and dampen the zeal of our citizens.

We have more than four times the extent of territory that we had originally on the acquisition of our independence.

The area of the United States in square miles is:

Original limits of the thirteen States	820,680
Louisiana, purchased of France in 1803 for $15,000,000	889,579
Florida, purchased of Spain in 1819 for $5,000,000	66,900
Territory confirmed by the Oregon treaty in 1842 and 1846	308,052
Texas, annexed in 1846 (Texas debt, $7,500,000)	318,000
New Mexico and California, in 1847 (cost of the war, $15,000,000)	522,955
Gadsden purchase, of Mexico, in 1853 for $10,000,000	45,535
Alaska, purchased of Russia in 1867 for $7,200,000	577,390
Total square miles	3,559,091

We have grown in population until we have twenty times what we had when our independence was secured.

Our growth from 1790 to 1880 is shown by each census to be—1790, 3,929,214; 1800, 5,308,483; 1810, 7,230,881; 1820, 9,633,822; 1830, 12,866,020; 1840, 17,069,453; 1850, 23,191,816; 1860, 31,443,321; 1870, 38,558,371; 1880, 50,155,783; and to-day we have nearly, if not quite, 60,000,000 of people.

Our growth in material wealth and in commerce has greatly surpassed our growth in territory and population.

The value of the annual products of the productive industries of the United States, as shown by the census of 1880, in a table taken from The Tariff Record, was:

The States of the Appalachian range and Atlantic plain, area 570,600 square miles:

Agriculture	$766,000,000
Manufactures	3,520,800,000
Mining and quarrying	99,300,000
Fisheries	33,430,000
Forestry	83,400,000
Aggregate value	4,502,930,000

To this sum should be added the products of the Pennsylvania and New York oil fields, valued in the census year at $20,000,000.

The States of the Rocky Mountain range, Pacific plateau, Sierra Nevada and Cascade ranges, and Pacific slope, area 1,330,000 square miles:

Agriculture	$95,500,000
Manufactures	158,800,000
Mining and quarrying	70,808,000
Fisheries	8,200,000
Forestry	11,941,000
Aggregate value	345,649,000

The States of the basin of the fluvial system of the Mississippi River, area 1,726,601 square miles:

Northern States:

Agriculture	$1,013,800,000
Manufactures	1,549,600,000
Mining and quarrying	56,315,000
Fisheries	1,614,000
Forestry	124,800,000
Aggregate value	2,746,129,000

Southern States:

Agriculture	342,300,000
Manufactures	172,500,000
Mining and quarrying	2,334,000
Fisheries	552,000
Forestry	17,800,000
Aggregate value	535,486,000

Grand total:

Agriculture	1,356,100,000
Manufactures	1,722,100,000
Mining and quarrying	58,649,000
Fisheries	2,166,000
Forestry	142,600,000
Aggregate value	3,281,615,000

RECAPITULATION.

Atlantic States	$4,502,930,000
Pacific States	345,649,000
Mississippi Valley States	3,281,615,000

These figures do not embrace the value of internal traffic, foreign commerce, and other branches of industry not productive, and therefore which do not add to the productive wealth of the country.

The growth in the resources of this country for thirty years may be seen from an official table taken from part 1, page 2, of the report treating on the internal commerce of the United States, which shows:

Resources.	1850.	1880.
Improved land in farms.....acres...	113,032,614	*284,771,042
Wheat produced.....bushels...	100,485,944	420,154,500
Corn produced.....do.....	592,071,104	1,551,066,855
Horses on farms.....number...	4,336,719	10,838,111
Milch-cows on farms.....do.....	6,385,094	13,125,685
Swine on farms.....do.....	30,354,213	43,270,086
Pig-iron produced.....tons...	563,755	5,146,972
Coal produced.....do.....	7,358,899	96,000,000
Railroads in operation.....miles...	9,021	121,592
Value of products of manufacture.....	$1,019,106,616	*$5,369,579,191

*For the census year 1880.

Our foreign commerce for the year ending June 30, 1885, amounts to more than thirteen hundred millions of dollars.

Total exports	$725,682,946
Total imports	577,525,092

Our internal commerce amounts to more than ten times all our foreign commerce, and in round numbers equals fifteen thousand millions of dollars.

I have spoken of the wonderful development and resources of this country only to give emphasis to the proposition that a country which has made such acquisitions in people and wealth and carries on such an extended commerce can not without great loss and suffering be deprived of the most potent factors and agents that have kept alive the industries and multiplied the wealth of a thrifty and intelligent people—the silver dollar and the greenback dollar.

The arguments that might apply with some degree of force to fully developed portions of Europe, where comparatively no silver is produced, has no force in this great undeveloped country, that produces nearly one-half the silver of the world, and where all the annual gold product, were it all coined into dollars, would only be sufficient to pay three-fifths of the annual interest on the interest-bearing debt of the United States.

While our national liabilities draw a low rate of interest, yet the aggregate required annually for that purpose is about fifty millions of dollars and the annual gold product is but thirty millions and constantly diminishing.

I have said that this great country is as yet comparatively undeveloped.

The State of Texas alone with a population as dense as that of Belgium would have over 125,000,000 people; twice as much as the present population of the United States, or the same State peopled as France would have over 47,000,000 inhabitants.

Nebraska as densely populated as the Netherlands would contain nearly 24,000,000 human beings; Kansas peopled as Germany would number more than 17,000,000 souls; California as New York more than 16,000,000, and Dakota as Massachusetts nearly 33,000,000.

The whole United States peopled as Belgium is peopled would em-

brace more than 1,700,000,000 inhabitants, or thirty times our present population.

Germany has a population of 216 to the square mile, and has reached her greatness. England has a population of 289 to the square mile, and many years have passed since this nation was fully developed; since which time she has never forgotten to oppress and rob the poor.

The United States has but 14 inhabitants to the square mile, or but 1 where Germany has 15 and where England has 20.

Mr. Speaker, I ask in the name of Manning, and this without a desire to take this great name in vain, yes, and in the name of all the illustrious patriots—the present incumbent's immediate predecessors—who, in willful disobedience to the solemn enactments of Congress, have been trying to substitute gold for the palladium of our liberties (first, before opening the Treasury door to the golden horse, having made sure that no one was in the belly but the privileged class of creditors, namely, the bondholders), I ask, I say, why, in this great country of undeveloped resources, with its mines of gold and silver sufficient to supply its people with an abundance of good money, we should follow in the footsteps of England and Germany and lend the law-making power of this country to the agrandizement and enriching of the few and to the oppression of the many and the demoralization of the whole country?

This proposition to make gold alone the standard is an insult to the intelligence of all thinking men.

Mr. Speaker, aside from individual, corporate, and municipal indebtedness, the world's debts—I mean national indebtedness—amounts to $22,885,200,000, and the interest on this sum alone at 3 per cent. amounts to more than six times the annual gold product of the world.

The report of the Director of the Mint, pages 131 and 132, shows that the world's production of gold for 1884 was only $95,292,569, while the interest on the world's national indebtedness at 3 per cent. amounts to $686,556,000, or nearly seven times the whole annual product of gold throughout the world.

The world's debts.

Nation.	Debt.	Per capita.
LATIN NATIONS.		
France	$4,750,000,000	$126 00
Italy	1,921,000,000	71 00
Spain	1,487,000,000	87 00
Belgium	252,000,000	46 00
Portugal	377,000,000	49 00
Roumania	103,000,000	19 00
Brazil	386,000,000	38 00
Costa Rica	5,000,000	27 00
Guatemala	4,000,000	4 00
Honduras	36,000,000	102 00
Nicaragua	3,000,000	10 00
San Salvador	4,000,000	9 00
Argentine Republic	65,000,000	27 00
Bolivia	17,000,000	7 00
Chili	51,000,000	24 00
Colombia	15,000,000	5 00
Mexico	396,000,000	42 00
Peru	214,000,000	79 00
Ecuador	16,000,000	14 00
Hayti	5,000,000	9 00
Uruguay	48,000,000	109 00
Venezuela	67,000,000	36 00
Total	10,222,000,000	73 00
TEUTONIC NATIONS.		
Germany	89,200,000	2 00
Austria	1,919,000,000	52 00
Netherlands	378,000,000	99 00
Sweden	48,000,000	11 00
Norway	19,000,000	11 00
Switzerland		
Luxemburg	2,000,000	10 00
Denmark	25,000,000	13 00
Total	2,480,200,000	25 00
SCLAVONIC AND GREEK NATIONS.		
Russia	1,607,000,000	22 05
Russia (Finland)	13,000,000	7 00
Servia		
Greece	97,000,000	66 00
Total	1,717,000,000	23 00
ANGLO-SAXON NATIONS.		
Great Britain	3,764,000,000	106 00
British India	794,000,000	3 00
United States	1,884,000,000	37 00
Total	6,442,000,000	19 00
OTHER NATIONS.		
Persia		
Siam		
Turkey	1,226,000,000	45 00
Japan	316,000,000	9 00
Sandwich Islands	1,000,000	18 00
Liberia	1,000,000	1 00
Egypt	455,000,000	26 00
Tunis	25,000,000	12 00
Zanzibar		
Total	2,024,000,000	23 00

Debt of all nations.

	Government debts.	Annual expenditures.
Anglo-Saxon nations	$6,442,000,000	$1,078,700,000
Teutonic nations	2,480,200,000	561,600,000
Sclavonic and Greek nations	1,717,000,000	470,000,000
Latin nations	10,222,000,000	1,331,000,000
Other nations	2,024,000,000	259,000,00
Total	22,885,200,000	3,700,300,000

The world's debt A. D. 1700	$1,500,000,000
The world's debt A. D. 1869	18,000,000,000
The world's debt A. D. 1883	22,885,200,000

A glance at these figures, with the application of a very limited knowledge of mathematics by way of interest computation, should satisfy any one but expectant beneficiaries and their agents and Secretaries of the Treasury that we want all the silver of this country made into money, not only to aid in carrying on the varied industries of the country and to expedite and make sure of its development, but we want it to aid in paying off the $1,800,000,000 of indebtedness of this country, and, as well, to apply it in payment of that portion of the indebtedness covered by interest-bearing bonds as of that which bears no interest.

The law is plain and has made no distinction, but the favored class of creditors has been preferred, in defiance of the law, by one whose duty it was to execute the law. Here is the law; let it be read:

SEC. 3693. The faith of the United States is solemnly pledged to the payment in coin or its equivalent of all the obligations of the United States not bearing interest, known as United States notes, and of all the interest-bearing obligations of the United States, except in cases where the law authorizing the issue of any such obligation has expressly provided that the same may be paid in lawful money or other currency than gold and silver. But none of the interest-bearing obligations not already due shall be redeemed or paid before maturity, unless at such time United States notes are convertible into coin at the option of the holder, or unless at such time bonds of the United States bearing a lower rate of interest than the bonds to be redeemed can be sold at par in coin. The faith of the United States is also solemnly pledged to make provisions at the earliest practicable period for the redemption of the United States notes in coin.

SEC. 3694. The coin paid for duties on imported goods shall be set apart as a special fund, and shall be applied as follows:

First. To the payment in coin of the interest on the bonds and notes of the United States.

Second. To the purchase or payment of 1 per cent. of the entire debt of the United States, to be made within each fiscal year, which is to be set apart as a sinking fund, and the interest of which shall in like manner be applied to the purchase or payment of the public debt, as the Secretary of the Treasury shall from time to time direct.

Third. The residue to be paid into the Treasury.

It does not take a lawyer to interpret this statute so plainly written. A butcher, a wood-sawyer, a street-car driver, or a chimney-sweep can understand it. Yes, any one but a Secretary of the Treasury knows just what ought to be done.

You will remember that when Ulysses was invited to join the clans in avenging the wrong that had been perpetrated upon the King of Sparta by taking a hand in the siege of Troy, he played he was crazy. The truth is, he wanted to stay with his beautiful Penelope, and for the further reason of the coupon interest recently clipped in the shape of his son Telemachus.

When Ulysses was detected in his trick he went along all right.

And now that the Secretary has been detected in his trick of playing crazy when refusing to pay out the silver coin to the bondholders as provided by law, while his true reason is his love for the bondholders and his high regard for their coupons and his desire to stay with them, we do hope that he will follow the example of Ulysses and from this time execute the law in good faith for the people and not forget that the bondholders and Wall Street gamblers are but a small portion of the people of the United States.

From the standpoint of national indebtedness alone we can readily see how impracticable it is to undertake to erect the single standard of gold, but when we go a step further and consider municipal, corporate, and private indebtedness, and then consider the amount of gold there is in the world, together with the annual product, the proposition appears too absurd to discuss.

The world's debts of corporations, states, and municipalities amount to nearly $12,000,000,000 and private indebtedness amounts to over $70,000,000,000, so that all the debts of the world—national, corporate, and private—amount to more than one hundred thousand millions, while all the gold in the world is less than four thousand millions; hence if all the gold in the world were at once applied to the liquidation of the debts of the world it would not pay 25 per cent. of the same, and all the world's annual product of gold would not pay one-tenth of 1 per cent. on the aggregate indebtedness of the world.

Now, Mr. Speaker, for an answer to the inquiry as to whether or not the bondholders have had more or less than what they are entitled to by the law under which the Government became obligated, let the facts bear witness and attest to the wrongs that have been inflicted upon the people and the favors that have been extended to the bondholders by a failure to execute the law in the first instance, and in the second instance by Congress yielding to the importunities and influence of the bondholders and passing the law of 1869 which pledged the faith of the Government for coin in the discharge of this indebtedness.

Up to that time legal tenders, commonly known as the greenback, was lawful money for the discharge of the bonded obligations of the Government, and no one could plead a want of knowledge of this fact, because written upon this circulation, on each and every dollar, we find "This note is a legal tender at its face value for all debts, public and private, except duties on imports and interest on the public debt."

This was the money that paid for the bonds when gold ranged from $1.17½ to $2.18. From 1862 to 1866, inclusive, the price of gold in greenbacks was:

1862	$1 17½
1863	1 47½
1864	2 18
1865	1 81
1866	1 46

During the five years, on an average, it took $1.62 in legal tender to buy $1 in gold, so that on an average for all these years $100 in gold, by first converting it into legal-tender notes, would buy $162 in bonds, and this is the way in which the bonds were bought—bought with greenbacks and were payable in the same money; and yet not a dollar in greenback currency was ever paid in discharge of bonded indebtedness, and notwithstanding the greenback had paid for the bonds and paid the Army of more than two and one-half millions of soldiers who saved both the country and the bonds and had greatly appreciated in value since the purchase of the bonds, yet the rapacity of this species of pediculi that has been sucking the blood of the nation (the bondholders) was not satisfied until the passage of the act of 1869 pledging the Government to the payment of the bonded obligations in coin. By this wicked and unpatriotic legislation from twenty to thirty cents on every dollar of bonded indebtedness was legislated into the pockets of the bondholders and out of the pockets of the tax-payers of this country, because at the time of this legislation the greenback dollar would buy only about 70 cents in coin.

One would suppose that the national devil-fishes, with whose tentacles has already been clawed out of the national Treasury several hundred millions of dollars by the legislation of 1869 without any consideration received on the part of the Government, could see it to their own interest to rest content with the one grand larceny so successfully consummated, lest by their continued efforts to absorb all the national revenues by making money scarce they might so paralyze the hands of industry as to make doubtful the ability on the part of the Government to pay their continued exactions—but their greed seems to have no limit.

We are constantly reminded of the great drain made upon the national Treasury by the payment of such immense amounts of pensions to our soldiers, but the amount paid in pensions is comparatively small when compared with the amount that has been paid to the bondholders.

There has already been paid to the bondholders four times the amount of money that has been paid to the soldiers, their widows and orphans, as may be seen by the report of the Commissioner of Pensions.

Year.	Pensions.	Interest.
1862	$852,170 47	$13,190,344 84
1863	1,078,513 36	24,729,700 62
1864	4,985,473 90	53,685,421 69
1865	16,347,621 34	77,395,090 30
1866	15,605,549 88	133,067,624 91
1867	20,936,551 71	143,781,591 91
1868	23,782,386 78	140,424,045 71
1869	28,476,621 78	130,694,242 80
1870	28,340,202 17	129,235,498 00
1871	34,443,894 88	125,576,565 93
1872	28,553,402 76	117,357,839 72
1873	29,309,426 86	104,750,688 41
1874	29,033,414 66	107,119,815 21
1875	29,436,216 22	103,093,544 57
1876	28,257,395 69	100,243,271 23
1877	27,963,752 27	97,124,511 58
1878	27,137,019 08	102,500,874 65
1879	35,121,482 39	105,327,949 00
1880	56,777,174 44	95,757,575 11
1881	50,059,279 62	82,508,741 18
1882	61,345,193 95	71,077,206 79
1883	66,012,573 64	51,436,709 50
1884	55,429,228 06	47,906,422 50
1885	65,733,094 27	47,014,133 00
Total	765,092,640 18	2,205,019,419 19

In addition to the interest, $389,054,445 has been paid upon the principal, so that the account stands thus:

Total amount paid to bondholders	$3,094,073,864 19
Total amount paid to pensioners	765,092,640 18
Excess paid bondholders and pensioners	2,328,981,224 01

The soldier was paid for his services when it took on an average during the war $1.62 in greenbacks to buy $1 in gold, but while the greenbacks saved the country and bought the bonds it was not good enough for the privileged class, and was in 1869 actually demonetized so far as being applicable to the bonded indebtedness is concerned, and then for the first time the nation was pledged to pay coin.

And again by the act of 1870 the national debt was refunded and again the bondholders exacted a pledge at the hands of the Government that the bonds should be paid in coin of the standard value prescribed by the act of July 14, 1870, and to the end that no one should be able to gainsay the fact, upon the face of the bond was written the pledge of the Government to pay both the interest and principal in coin of the standard value of the United States of July 14, 1870.

Our silver dollar was an unlimited legal-tender then and is now, and contained the same amount of silver with the same degree of fineness then as now; yet for all these years not one dollar in silver has been paid the bondholders, while the Secretary of the Treasury is constantly complaining that the vaults of the Treasury are overloaded with silver dollars, and this in the face of the fact that more than one hundred and ninety-four millions of the national debt are option bonds and drawing interest, and can be paid at the pleasure of the Government, and are payable in silver coin of the present standard.

From this state of facts what should be the judgment of the country upon this kind of management?

It should be what it is, that the conspiracy of the bondholders to make a second raid upon the Treasury by repudiating the written contract and demonetizing silver, and thus double the value of the bonds, is being aided and abetted by the Secretary of the Treasury.

Who can wonder at the general stagnation of business throughout the country? Who can utter surprise that hundreds of thousands of strong, willing men throughout the country should be idle and their families perishing from hunger and cold while the country was never so full and overflowing with everything to make life happy? Yet the laborers—the producers of wealth—are unable to obtain the necessaries of life. But I say who should be surprised at this state of affairs when five hundred millions of the people's money is locked up in the Treasury; when it is recommended by the head of the Treasury that three hundred and forty-six millions more be taken from the business industries of the country, and that we discontinue the coinage of silver; when one-half of the gold of the country is locked up in the Treasury, and every inducement on the part of the executive power of the nation is held out to hoard up and keep from the active business of the world the other half, through the hope of making one dollar worth two, by striking down silver and discontinuing its coinage?

I tell you that the laws of our country which have so ruthlessly been put under foot by the executive department of the Government must be executed.

The damnable conspiracy to shear the people semi-annually has to be abandoned.

The money in the Treasury must be put into circulation by the payment on the nation's matured debt, and the interest thereby stopped—because the law provides for this.

Why pass other laws when the laws remain a dead letter upon the statute-books? Why ask by resolution for the policy of the Executive when we all know what that policy is? A policy to absolutely disregard the solemn enactment of Congress.

I think it was John the Baptist when on the Jordan circuit who announced that a greater than he was to come after him. It is safe to say that if our Secretary of the Treasury had been there in place of John the announcement would never have been made.

What has the Secretary of the Treasury to do with policies? The Congress of the United States it is that makes policies and crystallizes them into laws and there remains but one thing for the Secretary of the Treasury to do, and that is to carry out the enactment of Congress.

I favor free coinage of all silver bullion produced in the United States. Because of our great undeveloped resources and our great internal commerce, which exceeds that of any other nation in the world, no people require more money per capita nor can support more silver per capita, as a part of her money, than the people of the United States.

The legislator who has fear that we would be overburdened with silver dollars under free coinage, limited to our own silver production, based on present annual output of mines in the United States, ought to be returned to the school-house until he has acquired such a knowledge of figures as to be able to show from our quantity of annual silver supply when applied to our increasing population and demand for business facilities that all our available silver coined into dollars would not keep pace with our increasing population and business demands.

Let us see where figures take us. France, with a population of 38,000,000 and no undeveloped territory, has a circulation of $550,000,000 of silver, or $14½ per capita. The United States, with a population of 60,000,000, to carry the same amount of silver per capita would require $870,000,000 in silver. The continued coinage of $40,000,000 a year for twenty years with the amount of silver we have on hand would only put us a little in advance of France, and that based on our present population. But judging of our prospective population twenty years hence, as shown by census returns, where will we be in point of population at the end of that time?

From 1870 to 1880 our growth in population was nearly 33⅓ per cent., and we have closely approximated to this increase at each decennial enumeration since 1790. This per cent. in ten years would give us a population of 60,000,000 + ⅓ of 60,000,000, or 80,000,000, and at the end of another ten years would give us 80,000,000 + ⅓ of 80,000,000, or nearly 107,000,000 population.

At the end of twenty years, if we were to keep every dollar of $40,000,000 coined each year in the country, together with the amount we now have, we would have of silver about $1,000,000,000, which to a population of 107,000,000 would give $9 per capita instead of $14.50 now carried by France. And from that time forward with an increasing population of 33⅓ per cent. the coinage of $40,000,000 per annum—and this is the limit of our present production after deducting the amount used in the arts and manufacturing—would only amount to $1 per capita for the increase; that is, the annual coinage would equal only $1 per capita for increase in population for a decennial period or $10 per capita for coinage during a whole decade. Figures show that with the coinage of $40,000,000 per year, with our increase of population, we never could reach $10 per capita or $4.50 per capita less than France has to-day. Let us see. We have now reached the end of twenty years, when, judging from our past growth, we have 107,000,000 population, and this increased for the next decade 33⅓ per cent. will give us 107,000,000 + one-third of 107,000,000, or about 143,000,000. And the ten years of coinage at $40,000,000 per annum would give us $400,000,000 to add to the $1,000,000,000 already coined, or $1,400,000,000, which amount would supply to our increased population between $9 and $10 per capita, as will readily be seen by dividing the population into the number of silver dollars: $1,400,000,000 ÷ 143,000,000 (population) gives 9\frac{11}{13}$ per capita.

One step further shows to a mathematical certainty that relying upon continued increase of population, as shown by our past history, we could never reach the maximum point of $10 per capita in silver by coining $40,000,000 per annum.

At the end of the next decennial period our population would stand 143,000,000 + 33⅓ per cent. of 143,000,000, which is a little more than 190,000,000. And silver coin at this time would be $1,400,000,000 + $400,000,000, the product of ten years' coinage at $40,000,000 per annum, which would give $1,800,000,000, and this number of dollars divided by our population, now increased to 190,000,000, would give us 9\frac{9}{19}$ per capita, or the same number of dollars per capita as before with a smaller fraction. And now we have reached a period where with continued average increase of population and a coinage of $40,000,000 per annum the amount per capita would continuously grow less.

After a careful inquiry, as is shown by the report of the Director of the Mint, 1883, page 15, by sending out 8,000 circular letters, 5,406 of which were answered, it was ascertained that between five and six millions of silver is used in the arts and in manufacturing, and of course this must fall far short of comprehending the full amount so it is safe to say that under free coinage not over $40,000,000 per annum would flow to the mints for coinage, where limited to domestic bullion.

But, Mr. Speaker, there is no use of arguing this question with a view to convincing the money-kings of this country. Their whole purpose is to steal something by legislation, by act of Congress. Nothing so much as class legislation and a failure on the part of the Treasury to fairly execute the law has made it possible for a few designing schemers to literally rob the nation.

Nothing seems to satisfy their ambition but gold. They strive to appease their passions; they endeavor to pacify their consciences with the gilded bauble of wealth.

Love of country—patriotism—a desire for the prosperity of the masses never found lodgment in their ignoble souls. Favoritism must stop. The representatives of the people must correct the existing evils and legislate for the masses, or in absence of this, when there shall be no other hope, the barefooted militia will come down from the hills and take charge of the Capitol.

The safety of the people rests in the honest administration of the laws. Had the law been properly administered there would be no complaint of too much silver in the country. What a shallow pretense to urge against the coinage of silver that as fast as it is paid out it comes back to the Treasury. Why should it not come back to the Treasury? The Treasury is open for that purpose—of receiving dues to the Government and as frequently paying the same out in discharge of Government obligations. That is what money is for—to discharge obligations. Can not the Treasurer pay out the money as frequently as it is returned so long as the nation has millions of matured debt drawing interest? The surplus money in the Treasury should be applied on the debts of the nation and made to do the business of the country instead of being locked up in the Treasury, and then general prosperity would follow; but so long as the Treasury is managed in the especial interest of Wall-street gamblers general prosperity will not be known.

Nearly all the bankers and bondholders of the East have joined the crusade against silver, and for the obvious reason that by destroying silver they greatly increase the value of the gold and money securities in their hands. They arrogate to themselves an exclusive knowledge on finance, and, in the past, by their united efforts, have controlled Congress and the action of the Treasury officials to the great detriment of the general public.

I know of but one firm of New York bankers who have shown the manhood to expose the fallacies of this great cry against silver, and I will incorporate as part of my remarks a circular letter from this New York banking firm, the name of which is Moore & Schley:

NEW YORK, *February* 17, 1886.

While it is conceded that the controlling factors in the financial and business situation favor a higher range of values on the Stock Exchange, there is a very general apprehension here at the East that some action by Congress on the silver question may affect the market adversely. It would be well, therefore, to consider this matter from a common sense point of view, so that dealers in securities may know what to do if Congress should follow one of several possible courses.

The prevalent belief among those who are best posted is that the present Congress will not suspend the coinage of the silver dollar, and that matters will go on for another year as they have for the past eight years; that is, that every month $2,000,000 of silver bullion will be coined into standard dollars. Assuming that this will be the case, what effect will it have upon the market? The advocates of silver coinage claim that we can only judge by the experience of the last eight years, which they say has been favorable not only to the value of securities but all values, because since that time we have been steadily adding to our stores of gold, without very largely increasing our silver reserve. The fact is emphasized that from 1873 to 1878 inclusive, a period of six years, the exports of gold exceeded the imports by $123,754,210, an average of $20,625,000 a year.

Since the passage of the silver bill in 1878, the imports of gold have exceeded the exports by $200,856,031; this, too, in addition to retaining in the country all the gold we mined. In 1877 we had in the United States less than $200,000,000 of gold. The Financial Chronicle estimates it at $175,000,000, but the Mint authorities say $193,000,000. The Director of the Mint, in his report just issued, estimates the total stock of gold on January 1, 1886, at $626,733,863, showing an addition to our gold reserve of $433,000,000 since the passage of the silver coinage act in 1878. Curiously enough the excess of our exports of silver over imports since 1878 has been about $16,000,000 per annum. According to the Mint authorities, our total stock of silver is $297,904,950, considerably less than half our stock of gold. Every year since the silver coinage act was passed has seen our store of gold increase, relatively to our store of silver. These facts are curiously at variance with the belief so generally entertained that the silver coinage, under what is known as the Gresham law, is driving gold out of the country. Bimetallic France has had similar experience. With 20,000,000 less population than the United States, it has a coinage of nearly 600,000,000 five-franc pieces, the equivalent of our silver dollars, or some $380,000,000 more than our total silver coinage. At the same time France holds more gold than any nation on earth. Its gold reserve is $850,000,000. The Bank of France shows a steady gain in its gold reserve, while that of England and Germany, the gold-mint countries, remains stationary. The Bank of France, at present, holds $30,000,000 more in gold than the banks of England and Germany combined. According to the silver advocates, were we to continue coining silver dollars at the rate of two million per month we would not have as many as France, relatively, until a good way into the twentieth century; and yet the French 5-franc pieces, with 3 per cent. less silver than the American standard dollars, circulates on a par with gold.

But there are other facts which seem to show that silver coinage has not proved detrimental. The following comparison of the condition of the national banks in 1877 and 1885 shows that they, at least, have lost nothing by the silver coinage:

	October 30, 1877.	October 30, 1885.
Capital stock	$479,500,000	$527,500,000
Undivided profits and surplus funds	167,300,000	206,500,000
Specie	22,700,000	174,900,000
Deposits	630,400,000	1,120,100,000

Then the deposits in savings-banks in 1885 show that they were $200,000,000 greater than in 1881. The figures for 1877 are not available, or they would show a still larger increase.

The fact that exchange is near the gold exporting point, and that some of the yellow metal has been shipped since January 1, has led to the fear that we will lose a great deal of gold in the near future. But, as the Evening Post and other anti-silver publications have shown, this does not seem at all credible while the balance of trade is in our favor. The exports and imports of the United States, as reported by the Bureau of Statistics, for six successive years are instructive on this point. The values of the merchandise exports and imports for the entire year have been, in millions of dollars:

	1880.	1881.	1882.	1883.	1884.	1885.
Exports	889.7	883.5	768.0	795.2	749.4	688.8
Imports	696.8	670.2	732.9	687.1	629.3	587.5
Excess of exports	192.9	163.3	35.1	108.1	120.1	101.3

Then the current stock speculation is attracting European money for investment this side of the water.

True, our exports have fallen off in money value; we are shipping some gold, and may continue for a time to do so, but we have plenty of the yellow metal to spare.

But suppose the extremists should succeed in committing the Government to as free a coinage of silver as of gold, what would happen? The silver men claim that even then there would be no premium on gold until the proportion of the silver to gold would be greater than it now is in France. With 20,000,000 more population we have only $220,000,000 in silver, less than $4 per capita, while France has $600,000,000, or about $14. Our gold reserve is about $11 per capita, while that of France is about $23. At this rate we could coin $1,000,000,000 in silver, without excluding gold from circulation. What the silver men themselves claim for free coinage is perhaps best expressed in one of the resolutions passed at the Metropolitan Hotel silver meeting.

"*Resolved*, That in the event of free coinage being enacted the United States need not fear either an export of her gold or a very large increase of her silver; for if other nations send their silver to our mints to be coined in larger quantities than now, they must do so either to distribute it here in payment for merchandise which they have not hitherto been buying, in which case they would increase our exports and quicken and stimulate our production; or they must do so in order to exchange it in this country when coined for gold; but in such case, if gold is at a premium, its holders here will get the premium and the country will lose nothing, and if gold is not at a premium here in silver, then the inducement to send the silver here will have disappeared and it will not come."

While free coinage might be carried in the House of Representatives, it would hardly go through the Senate, and if it did would be promptly vetoed by President Cleveland. It is not improbable that Congress will authorize the issue of one and two dollar certificates in place of the greenbacks of similar denominations. This will practically add forty to fifty million more dollars to the hundred and forty million now in circulation. This will end the accumulation of silver, except as against certificates, which would be reassuring to the speculative public. In a general way it may be laid down as an axiom that every addition to the currency of the country enhances values, and that when either gold, silver, or their paper representatives are withdrawn their prices fall off.

It is now to be considered what would occur were the silver coinage to be suspended. The impression is universal at the West and South that there would be an immediate break in prices of all kinds. The price of silver has already fallen from 51d. to 46¼d. per ounce. It would probably take a slump of 35d. If this one metal only was affected it would be a comparatively trifling matter; but in the shrinkage of values which has taken place since bimetallism was set aside by the commercial world, silver has proved to be the best measurer of values; that is to say, silver to-day will buy as much of any product of land or labor as it did before it was demonetized in Europe in 1872. The real phenomenon is that the purchasing power of gold has increased from 20 to 30 per cent. Were the American support of the silver market withdrawn the purchasing power of gold would be enormously enhanced, which fact would show itself in an unprecedented crash in prices. This view would not be the correct one, but every operator in the West would sell the market right and left, and there would be plenty here at the East to follow their example. Indeed, the main argument of those who favor the stoppage of the silver coinage is that it will create so much bimetallism. There has been great suffering in England, especially among those who do business with the East Indies, where silver is the exclusive currency, and its depreciation makes exchange so high as to turn trade profits into losses.

Probably this reasoning of the anti-silver coinage advocates is correct; but as we are having a revival of business and a buoyant feeling, not only on the stock exchange but in all departments of trade, it does not seem probable that an American Congress would care to do evil that possible good may come, and thus voluntarily bring about the same distrustful condition of things which exists in England and Germany, the two leading gold-unit countries. Demonstrations by mobs of unemployed workmen, such as have been seen in London and the manufacturing districts of England, are not experiences such as the American public will care to go through.

In the above the silver side of this controversy is presented for the reason that the anti-silver newspapers and financial authorities of the East have had the ear of our public almost exclusively. Those who deal in securities should have all the data for forming correct judgments of their own.

Yours, respectfully,

MOORE & SCHLEY.

This letter, embracing as it does many facts and figures covering the whole financial question, sustains the conclusions of my arguments on the proposition that there is no danger to be apprehended from the full and free coinage of silver.

Mr. CLEMENTS. Mr. Chairman, it has been directly charged by the enemies of the standard silver dollar that it is a "dishonest dollar." Is this true? If it is, then our laws are wrong, and the Government is a perpetrator of fraud against its own people. What foundation is there for this charge? As faithful representatives of honest constituencies it becomes our duty to answer this question. If the allegation be true, then the wrong should be righted, for the honor of the people we represent is more precious than silver or gold.

But upon what reason do the enemies of silver in their warfare upon it base this indictment of fraud and dishonesty? It is not because a silver dollar will not buy as much as a gold dollar in our country, nor that it will not purchase as much of any of the commodities of trade or the necessities of life as it ever did. Therefore, it is not because silver is not worth as much as it has ever been when tested by its purchasing capacity; and beyond controversy this is the only true and honest test, for this is its sole use as coin. But it is said that where it is not by law made a legal tender it is only worth from 80 to 85 cents; and upon this statement of fact the charge of dishonesty is based.

By what measure of value is this alleged depreciation of silver arrived at? It is not pretended that it is ascertained or proven in any other way than by its relative value as compared to gold, and that in such countries as have demonetized silver. What right have we to judge here of the value of our silver dollars, or of their honesty as legal-tender, debt-paying dollars by the gold standard alone where silver has not been depreciated but gold has been enhanced in value by reason alone of the total or partial demonetization of silver in other countries? I submit that gold is not the only standard or test of value by which silver is to be tried. Capital seeks to demonetize what appears to be the more plentiful metal and to make the dearer one the sole standard. Germany and Austria demonetized gold and made silver the standard in 1857 for fear of an inundation from the rich mines of California and Australia. In Austria silver is still the standard and gold is only a commodity and not money.

The following tables show that of the people of the world over 700,000,000 have adopted silver as the sole standard, and over 180,000,000 the double standard, gold and silver, and less than 90,000,000 the single gold standard:

SILVER-STANDARD COUNTRIES.

	Population.
Russia	76,000,000
Austria	36,000,000
Egypt	4,500,000
Mexico	8,000,000
Central America	2,600,000
Ecuador	1,300,000
Peru	3,400,000
China	400,000,000
British India	237,144,456
Total	768,944,456

DOUBLE-STANDARD COUNTRIES.

Greece	1,400,000
Roumania	4,000,000
Colombia	2,900,000
Venezuela	1,600,000
Chili	1,900,000
Uruguay	400,000
Paraguay	1,200,000
Japan	33,000,000
Holland	3,700,000
France	36,200,000
Belgium	5,100,000
Switzerland	2,700,000
Italy	26,800,000
Spain	16,400,000
United States	50,000,000
Total	187,300,000

GOLD-STANDARD COUNTRIES.

Great Britain	32,000,000
Canada, Cape of Good Hope, and Australian colonies	7,060,000
Germany	42,000,000
Norway	1,700,000
Sweden	4,300,000
Total	87,000,000

According as one of these metals has been demonetized the other has appreciated in value where it has been erected as the sole standard. Why? Simply because debt-paying money has been made scarcer and therefore, harder to obtain by the striking down of the other metal, and the purchasing power of the former is thereby increased.

We must judge of the honesty of our silver coin in the light of our own laws, our own condition, and our own obligations, rather than by the whims and fancies of other governments wholly different from ours in form and purpose, and with different surroundings and interests. Ours is not an effete monarchy. It is not a despotism ruled in the interest of a ruling class or subservient to capitalists and creditors irrespective of the rights of others, or rather it should not be. Ours is, in theory at least, a government by the people, for the people. It should be as jealously watchful of the rights of the humblest citizen as it is of its own honor. The disposition of the question under consideration will materially affect the rights and conditions of all classes of the people, for the ability of the debtor to pay depends largely upon the supply of money. If it is plentiful it is more easily obtained and it takes less property to procure it than when it is scarce, for then it is dearer and requires more property to be sacrificed to raise it. The creditor will be affected by the determination of the question, for it will in great measure determine the value or the purchasing power of his money, which becomes greater just in proportion as money is made scarcer.

When we consider the magnitude of indebtedness, as shown by the following statement and estimate, which must be discharged in lawful money, we can better appreciate the importance of the determination of what shall be lawful money and the amount of it:

Statement of the national, State, county, municipal, and railroad debt in the United States, and an estimate of the individual real and personal mortgage debt.

United States, 1885	$1,438,542,995
Aggregate State, funded and unfunded, 1885	262,175,245
Territorial, 1880	179,178
County, 1880	123,677,668
Municipal	698,270,199
Railroad, funded, 1884	3,669,115,772
Individual mortgages (estimated)	6,000,000,000
Total	12,192,161,057

What right has the creditor to refuse payment in the legal-tender coin of the law at the time of the contract? What right has he to demand payment in a dearer coin? Is he not asking substantially an impairment of the contract in his own favor and against the debtor? This brings us to the consideration of what have been the legal-tender coins of our country. Among the powers of Congress enumerated in the Constitution are the following: "To coin money, regulate the value thereof and of foreign coin, and fix the standard of weights and measures." The same instrument forbids that the States shall "make anything but gold and silver coin a tender in payment of debts." Silver is just as much the recognized coin of the Constitution as gold.

Under the authority above cited Congress, as far back as 1792, authorized the unlimited coinage of silver as well as gold, establishing exactly the standard silver dollar of to-day of 412½ grains. Its coinage as legal-tender money was not interrupted until 1873–'74. Then in 1878 a limited amount of not more than $4,000,000 and not less than $2,000,000 was required to be coined per month. It has ever since its establishment orginally been a legal tender except as limited from 1873 to 1878, yet we hear constantly of the so-called "gold bonds" and "gold obligations" of the Government, and the bonds principal and interest are being paid in gold, in compliance with the avaricious demands of the holders. There are justly and legally no gold obligations of the Government except gold certificates; the former are all payable upon their face in coin, not gold alone, for we have already seen that silver is as much a part of our legal coin as gold is. A bond, therefore, payable in coin is payable in either silver or gold at the option of the debtor.

It is discouraging to him who loves justice to see how unjustly and oppressively the tax-paying people have been discriminated against in the interest of manipulating capitalists. The holders of greenbacks by the funding of the public debt became holders first of bonds bearing 6 per cent. interest, the latter payable in coin. Then in 1869, at the hands of a Republican Congress, by some means they secured the passage of an act requiring payment of the principal of their bonds in coin, notwithstanding the greenbacks which they had exchanged for them at

so great an advantage were receivable at their face value "for all debts, public and private, except interest on the public debt and customs dues."

This specific exception of the "interest on the public debt" and not the principal, as well as the stipulation in the bonds to pay the interest in coin and the absence of such a stipulation as to the principal, clearly shows that the demand of the bondholders was unfounded, except in their greed, and the allowance of it was a great wrong against the taxpayers. Not content with these ill-gotten advantages, and fearing that their right to hold them might be questioned, they secured in the act of July 14, 1870, a provision requiring the new bonds under that act to be paid, principal and interest, in coin of the standard value prescribed by law at that date. At this time the coinage of silver was free and unlimited. They were thus cautious to secure themselves against any possible fluctuation by reason of a change in the standard weight of either coin by subsequant legislation.

Still not content, they secured the demonetization of silver in 1873 by means since characterized as stealth, hoping thereby to secure payment of their bonds in gold alone and that greatly enhanced in value and purchasing power by reason of the striking down of silver. Their bonds were already exempted from taxation of any kind. Why should accumulated capital be so favored while the poor pay taxes on the little they have? In addition to all this they are permitted under the national banking laws to make these bonds a basis for banking and to issue bills amounting to 90 per cent. of the amount of the bonds as currency. Within a few years the holders of greenbacks, taxable and non-interest bearing, not worth over 50 cents on the dollar, have by the means just recited become holders of non-taxable interest-bearing bonds payable in coin, principal and interest. Actually being paid in gold, and while their interest is regularly paid by the Government, they issue and use bank bills amounting to 90 per cent. of the bonds—all without additional investment or consideration since they became the owners of the depreciated greenbacks.

Accustomed to having their demands granted at the expense of the tax-burdened people they in 1881 demanded and secured at the hands of Rutherford B. Hayes a veto of an act refunding a part of the public debt and reducing the rate of interest on the same. What right, legal or moral, have they to demand more now than the contract entitles them to? They should be content with the money of the contract—the money of the Constitution, silver or gold at the option of the debtor.

To establish the single standard of gold and demonetize silver would be to require all debtors to sacrifice more property to procure gold or its equivalent to pay their debts contracted when silver was at par and a legal tender than they will have to do if both are retained. This would be no less unjust and oppressive to the debtor than it would to the creditor to arbitrarily scale and reduce his claim merely to favor the debtor. Neither would be right. It is contended that we should increase the amount of silver in the dollar so as to bring it up to gold in value everywhere. This would be the same wrong, the same oppression, because it would be requiring that much more of value to obtain a dollar or the bullion to make a dollar. To require silver bullion of equal value to the gold bullion in a dollar would be to further burden debtors under existing laws about 20 per cent. which, on the aggregate of ascertained and estimated indebtedness referred to, would amount to $2,438,432,209.

Those who have been the beneficiaries of so much and oft-repeated favoritism at the hands of the Republican Congresses of the past now have the audacity to demand the suspension of the coinage of silver. This is one demand that will not be granted, if I may be permitted to judge beforehand of the action of this House. It ought not to be granted. It is time that the great body of the people who support the Government were receiving some consideration at the hands of Congress.

But let us notice another objection that is urged against the coinage of silver. It is said that its demonetization in other countries and continued coinage in this will tend to drive the gold out of our country and to bring in the silver from those countries where it is demonetized. Like many theories, this looks plausible upon its face; but the facts do not sustain it. It is safer to follow the truth, demonstrated by actual experience, by stubborn facts, than to be frightened to the right or to the left by mere unsupported theory.

When the coinage act of 1878 was passed the cry went up that gold would leave our country and depreciated silver would take its place. This evil has been prophesied from that day to this. But what are the facts? The coinage of silver at the present rate has been going on now for seven years, and there is to-day more gold in the country than there was seven years ago. For the last fiscal year ended June 30, 1885, our total exports of gold were $8,476,892, while our imports for the same year were $26,691,696, showing an excess of imported gold of $18,214,804. Our exports of silver for 1884 were $26,051,426, for 1885 $33,750,633, an excess of $7,698,207 last year over the year before. Despite the warnings and evil prophecies of those who look with horror for the substitution of what they are pleased to call the "baser metal" for gold the importation of the latter has increased while the exportation of the former has increased. In 1873, while silver was demonetized, it was estimated that there was in this country at that time $135,000,000 gold coin; it was then at a premium of 15½ per cent. About $98,000,000 of this was in the Treasury and in the national banks, not in actual circulation. In 1876 the amount was estimated to be $153,493,378.

The following table from the Director of the Mint shows the yearly increase of gold since the resumption of silver coinage:

Statement showing the estimated amount of gold and silver coin and bullion in the United States on the 1st of January each year, from 1878 to 1885, inclusive, the amount in the Treasury, and the amount in active circulation.

	1878.	1879.	1880.	1881.	1882.	1883.	1884.	1885.
In the United States:								
Gold coin	$218,000,000	$273,000,000	$327,000,000	$395,000,000	$487,000,000	$524,000,000	$552,000,000	$563,000,000
Gold bullion in mints and New York assay office	10,671,164	5,275,424	61,634,318	95,260,851	87,977,602	51,981,432	66,406,346	63,422,646
Total gold coin and bullion	228,671,164	278,275,424	388,634,318	490,260,851	574,977,602	575,981,432	618,406,346	626,422,646
Silver coin	65,000,000	95,000,000	128,000,000	157,000,000	186,000,000	213,000,000	242,000,000	264,000,000
Silver bullion in mints and New York assay office	3,374,982	11,057,140	4,492,421	6,183,224	3,607,829	4,468,193	5,661,841	5,665,758
Total silver coin and bullion	68,374,982	106,057,140	132,492,421	163,183,224	189,607,829	217,468,193	247,661,841	269,665,758
In the Treasury:								
Gold coin and bullion	116,520,934	135,382,639	157,790,321	156,742,095	172,617,467	171,504,568	219,014,739	234,975,851
Silver coin and bullion	6,853,789	30,557,533	56,542,114	79,142,799	99,161,408	125,009,727	151,207,884	181,362,978
Total	123,374,723	165,940,172	214,332,435	235,884,894	271,778,875	296,511,295	370,222,623	416,338,829
Outside of the Treasury:								
Gold coin and bullion	112,150,230	142,892,785	230,843,997	333,518,756	402,360,135	404,476,864	399,391,607	391,446,795
Silver coin and bullion	61,521,193	75,499,607	75,950,307	84,040,425	90,446,421	92,461,466	96,453,957	88,302,780
Total	173,671,423	218,392,392	306,794,304	417,559,181	492,806,556	496,938,330	495,845,564	479,749,575

The coinage of silver therefore has not driven gold away from us. It has not begun to do so. It does not threaten to do so. There is no cause for alarm on this account. The balance of trade—that is, the difference between the value of products exported and imported—has far more to do with the influx or outgo of gold than does the coinage of silver. This balance, owing to the richness of our soil, the amount and variety of our productions of agriculture and manufactures, and the thrift and energy of the American people, has continued in our favor. The surest way to preserve this balance in our favor is by wise laws justly administered to promote individual prosperity among the people. If we have individual prosperity, national prosperity must follow.

There should be a removal of vexatious restraints upon commerce, grievous burdens and unjust discriminations imposed by vicious laws, which inure to the advantage of a favored few and oppress the many. The thrift of the American people and the richness of their heritage would insure untold prosperity, individual and national, if freed from the blighting effects of unjust discriminations and oppressive burdens. There should be sufficient currency provided to meet the requirements of the increasing population, business, and developments of our growing country. Money that is good enough for the employés of the Government, its officers and laborers, ought to be good enough for the bondholder, who is favored in so many ways.

The last objection urged against the further coinage of silver which I shall notice is that the money vaults are crowded and we will soon have no place to put it. This is scarcely worthy of reply. In the first place, no sufficient reason has been shown why it is not paid out in discharge of our bonds, now subject to call, and upon which we are paying interest, while the silver that ought to be in circulation lies idle in the

Treasury. The reason why it has not been put in circulation, I fear, is that it has not been in the hands of its friends. The minimum amount required by law is all that has at any time been coined under the present law. Repeated recommendations have been made for a suspension of this, and that which is required by the law to be coined is not paid out on due bonds and put in circulation, but is hoarded in vaults. If its inconvenience be an objection to it, that is obviated by the silver certificate, which is especially popular and acceptable among the people.

If there is not room for it in the vaults there is in the pockets of the people, where it will find its way if you pay it out to the creditors of the Government, who will employ it in the various business channels of the country, and it will reach the people. Compel the bondholder to take it according to the contract, and he will then be found helping to sustain silver and not to degrade it. There ought to be an increase of the coinage of silver. The annual production of gold is slightly decreasing, while population and commerce are increasing; and, notwithstanding the diminishment in the annual gold production, there is an estimated increase in the amount of bullion and coin used in the arts and manufactures. In the year 1883 $4,875,000 of gold coin was used in this way. The following statement shows the amounts of gold and silver bullion used for these purposes during the last fiscal year:

Deposits of gold and silver bullion at assay office, at New York, for bars supposed to have been used in the arts and manufactures during the fiscal year ended June 30, 1885.

[From statement of Mr. Andrew Mason, superintendent.]

Classification.	Gold.	Silver.
United States coin		$659 22
Foreign coin	$57,763 09	84,864 76
Foreign bullion	368,887 83	794,203 58
Plate, &c.	514,019 13	179,922 19
Domestic bullion	2,217,306 15	4,535,508 75
Large gold bars exchanged for gold coin and redeposited for small bars, $920,021.59 less the charges and fractions paid in gold coin	919,192 16	
	4,077,162 36	
Large gold bars exchanged for gold coin and taken by manufacturers	859,118 99	
	4,936,281 35	5,595,158 50

Some professed friends of silver say that the only way to uphold it is to suspend coinage here until it can be resumed in other countries which have demonetized it. While we must admit that the action of other great powers toward the coins must affect us in greater or less degree it would be un-American for us to conform at once to foreign policies without an effort to maintain our national coins intact, and to uphold one of the great products of this country. The remedy is not to suspend but to increase the coinage. The amazing prosperity of France after her unsuccessful conflict with Prussia, with an immense public debt, has been largely attributed to her financial policy. She provided and has maintained in circulation an ample volume of currency. With a population of about 33,000,000 she has over $850,000,000 in gold coin and about $541,000,000 in silver, or a total of about $1,391,000,000, beside a paper currency of about $556,000,000, making in all $1,947,000,000 or over $50 per capita. With about two-thirds the population of the United States she has twice as much silver coin, which is a legal tender at par and circulates.

The amount of money of all kinds, including paper, in the United States, hoarded and in circulation, is not over $24 per capita. In the face of these facts I fail to see the danger attending continued coinage, but upon the other hand I believe that the present continued depression is in fact the result of a lack of sufficient currency to meet the demands of the business of the country. A sufficiency of currency would stimulate business, lead to investments, developments, and remunerative employment for labor, and consequent prosperity. Scarcity of money embarrasses business and produces stagnation, prevents employment of labor, and causes suffering. Our condition demands increased coinage rather than suspension.

The Secretary of the Treasury in his report states that about 54 per cent. of the metal money of the world is silver and about 46 per cent. gold. The United States is by far the greatest silver-producing country in the world and can not afford to aid in striking it down. It does not appear that other nations have so completely abandoned silver as the monometallists would seem to represent. The appended statements show the world's production of both metals for the years 1882–'83–'84; also the coinage of various countries for the same years. These tables are taken from the report of the Director of the Mint.

Silver has been the stand-by of the people in many times of depression and threatened disaster, remaining among them when gold, the dearer metal, had to some extent concentrated in the hands of capitalists and bankers so that it has been, and that not without reason, called the "people's money." The effort to destroy it is but one more step in line with many that have been taken heretofore to transfer the earnings of the masses to the coffers of the rich and the strong. At no time in the history of our country has it been so important to the interests of the people as now for them to have a large circulation of silver. It will go far in protecting them against the effects of the manipulations and speculations of those who in recent years have absorbed unprecedented fortunes, which are often combined and organized in support of schemes for further accumulation of the products of toil by those who toil not and yet by their wits absorb the wealth produced by others. It is the money of the fathers and of the Constitution, tested by experience and approved by the people. Let us have more of it.

World's production of gold and silver.

[Compiled from official statistics furnished by the countries named, except when otherwise stated.]

Countries.	1882.				1883.				1884.			
	Gold.		Silver.		Gold.		Silver.		Gold.		Silver.	
	Kilos.	*Dollars.*	*Kilos.*	*Dollars.*	*Kilos.*	*Dollars.*	*Kilos.*	*Dollars.*	*Kilos.*	*Dollars.*	*Kilos.*	*Dollars.*
United States	48,902	32,500,000	1,126,063	46,800,000	45,140	30,000,000	1,111,457	46,200,000	46,343	30,800,000	1,174,205	48,800,000
Russia	35,913	23,867,933	7,781	323,427	*35,913	23,867,933	*7,781	323,427	32,829	21,818,304	9,336	388,000
Australia	43,550	28,943,217	2,475	102,878	†39,873	26,500,000	12,151	89,418	‡42,960	28,551,101	12,788	115,960
Mexico	1,409	936,223	703,508	29,237,798	1,438	955,639	711,347	29,568,576	1,780	1,183,137	655,868	27,257,885
Germany	376	249,890	214,982	8,934,652	457	308,722	230,664	9,589,300	555	368,853	248,115	10,311,659
Austria-Hungary	*b*1,580	1,050,068	*b*47,118	1,958,224	1,638	1,088,615	48,708	2,024,645	1,658	1,101,707	49,424	2,054,070
Sweden	17	11,298	1,500	62,350	37	24,599	1,583	65,800	19	12,627	1,816	75,472
Norway			5,893	244,954			5,645	234,645			6,387	265,490
Italy	*d*109	72,375	*d*432	17,949	*d*109	72,375	*d*432	17,949	*d*109	72,375	*d*432	17,949
Spain			*e*74,500	3,096,220			*e*74,500	3,096,220			3,562	148,000
Turkey	10	6,646	2,164	89,916	*10	6,646	*2,164	89,916	*10	6,646	*2,164	89,916
Argentine Republic	*f*118	78,546	*f*10,109	420,225	*f*118	78,546	*f*10,109	420,225	*f*118	78,546	*f*10,109	420,225
Colombia	5,802	3,856,000	18,283	760,000	*5,802	3,856,000	*18,283	760,000	*5,802	3,856,000	*18,286	760,000
Bolivia	*g*109	72,375	*g*264,677	11,000,000	*g*109	72,375	384,985	16,000,000	*g*109	72,375	‖384,985	16,000,000
Chili	245	163,000	128,106	5,325,000	*245	163,000	*128,106	5,325,000	*245	163,000	*128,106	5,325,000
Brazil	*g*1,116	741,694			952	632,520			‖952	632,520		
Japan	‖952	‖632,520	‖21,121	‖877,772	256	170,270	21,121	877,772	‖256	170,270	‖21,121	877,772
Africa	*a*3,000	1,993,800			*a*3,000	1,993,800			*a*8,000	1,993,800		
Venezuela	3,904	2,595,077			*c*5,022	3,338,058			¶5,022	3,338,058		
Dominion of Canada	*g*1,643	1,094,926	*g*1,641	68,205	1,435	954,000	*g*1,641	68,205	‖1,435	954,000	*g*1,641	68,205
France			14,291	594,053			6,356	264,275			‖6,356	264,275
Peru	*h*179	119,250	*h*45,909	1,908,000	*h*179	110,250	*h*45,909	1,908,000	179	119,250	45,909	1,908,000
Total	148,939	98,984,840	2,690,573	111,821,623	141,733	94,197,341	2,812,972	116,923,373	143,381	95,292,569	2,770,610	115,147,878

* Estimated same as official statement for 1882.
† Official for Victoria and New South Wales, with estimated production of the other provinces.
‡ Amounts parted from deposits at the Sydney and Melbourne mints.
§ The estimate of 1883 with increased deposits at Melbourne and Sydney mints (99,222 ounces) added.
‖ Estimated same as official for 1883.
¶ Same as Consul Dalton's estimate for 1883.
a Estimated by Dr. A. Soetbeer, 1879.
b Official for Hungary, with former annual production for Austria added.
c Report of Consul Dalton, Consular Report for May, 1884, page 394.
d Estimated same as official statement for 1877.
e Estimated same as official statement for 1880.
f Estimated same as official statement for 1879.
g Estimated same as official statement for 1881.
h Estimated same as official statement for 1884.

Coinage of various countries—calendar years, except for India, Mexico, Brazil, and Japan.

[Compiled from official statistics.]

Countries.	1882.		1883.		1884.	
	Gold.	Silver.	Gold.	Silver.	Gold.	Silver.
United States	$65,887,685	$27,972,035	$29,241,990	$29,245,980	$23,991,756	$28,534,866
Mexico	453,500	25,146,260	407,600	24,083,921	328,698	25,377,378
Bolivia		1,684,865		†1,600,000		
Argentine Republic			4,530,210	1,715,445		
Great Britain		1,021,381	6,831,169	6,291,517	11,309,819	3,204,894
Australia	18,701,959		19,903,722		22,196,106	
India	170,543	29,386,322	67,044	24,927,400		13,847,656
Germany	3,167,085	6,407,157	21,002,897	594,564	13,723,494	114,319
Austria-Hungary	2,829,590	3,122,819	2,154,390	5,532,491	1,244,975	3,390,163
France	722,206	223,853				23,169
Belgium	2,016,117					
Italy			783,027		62,165	2,121,953
Netherlands		608,312		81,095		182,910
Norway		69,680	192,708	37,520		
Sweden	39,876	17,707	436,619	250,468	1,022,420	132,784
Spain	1,996,310	10,671,842	3,327,235	10,523,421	4,983,004	6,738,971
Portugal	162,000		217,080		186,840	
Japan	565,645	4,367,393	544,290	3,130,892	569,415	3,008,724
Brazil	25,508	9,994	52,801	23,589		
Russia			12,793,575		19,840,543	1,020,786
Turkey	2,960,056		1,344,640	44,000		
Colombia				699,114		
Switzerland			985,000			
Honduras		76,314				
Persia			47,117	605,579		
Peru						1,409,949
Sandwich Islands						700,000
China						160,000
Total	99,697,170	110,785,934	104,845,114	109,306,705	99,459,240	90,039,443

†Approximate.

Statement showing the production of gold and silver by States and Territories, for the calendar year 1884.

State or Territory.	Gold.	Silver.	Total.
Alaska	$200,000		$200,000
Arizona	930,000	$4,500,000	5,430,000
California	13,600,000	3,000,000	16,600,000
Colorado	4,250,000	16,000,000	20,250,000
Dakota	3,300,000	150,000	3,450,000
Georgia	137,000		137,000
Idaho	1,250,000	2,720,000	3,970,000
Montana	2,170,000	7,000,000	9,170,000
Nevada	3,500,000	5,600,000	9,100,000
New Mexico	300,000	3,000,000	3,300,000
North Carolina	157,000	3,500	160,500
Oregon	660,000	20,000	680,000
South Carolina	57,000	500	57,500
Utah	120,000	6,800,000	6,920,000
Virginia	2,000		2,000
Washington	85,000	1,000	89,000
Wyoming	6,000		6,000
Alabama, Tennessee, &c	76,000	5,000	81,000
Total	30,800,000	48,800,000	79,600,000

Mr. JONES, of Texas. Mr. Chairman, in the discussion of the currency or any other question of general interest we should not forget that the Government of the United States rests upon the consent of the governed; that this is a government of the people, for the people, and by the people; and that the people established the Government that all might enjoy its blessings, and to secure this end legislation should be promotive of the greatest good of the greatest number. Each man is a sovereign, and is supposed to be capable of self-government and capable of acting in association with his neighbors, not only to advance his own interests, but the interests of others; and to do this each and all must bear alike the burdens, as well as share the blessings to result from the association thus formed.

The silver question, as it is called, affects the prosperity and happiness of every citizen, whatever his vocation, in every part of our great country. And as the people are acting through us, their representatives and agents, let us resolve to settle this question as the constituencies we represent may desire. Who are our constituents? Are the bondholders of Europe and their allies in the United States, who are the holders of the bonds of the United States and of the States, the national bankers, the gold-kings, and the lenders of money—are these our constituents, or do we represent all the people, the rich and the poor, those living luxuriously, and laborers in the fields, in mines, in shops, producers and consumers?

Who is demanding the suspension of the coinage of silver? Are the millions of laborers, men and women, who toil with their hands, finding few resting places in this life, and they who produce the cotton and the cereals, and dig from the earth coal, gold, silver, and other minerals, upon which all live, are these demanding the demonetization of silver or the suspension of its coinage? The answer comes up from every cotton, corn, and wheat field, and from every mine and workshop in the land, No; but the demand emanates from the bondholder, the national banker, and the money-lender. The questions to be settled by us, and they should be settled by this Congress, are, Shall the people's wishes be respected, and shall they govern this country, or shall the millionaires of Europe and their allies, the millionaires of this country, a few thousand in number, govern it?

Do you not know that a feeling exists, which is fast developing into a conviction, all over the country from Maine to California, among all classes of laborers and producers, and among the people generally, that the hard times, the increasing poverty of the masses, the suffering and distress that meet the eye wherever you look, result from the controlling influence of the money oligarchy in State Legislatures and in Congress? This conviction stifles hope and energy, it begets distrust, destroys love of country. Who can love a country that not only fails to give equal and just laws to all, but, instead, subsidizes a class with millions annually and yields a willing obedience to its selfish and tyrannical dictation?

The producers of the wealth of the country, though poor, are intelligent, and after years of toil and failure begin to understand why they fail, and why the few millionaires who neither toil nor spin fare sumptuously every day and are arrayed in purple and fine linen. These millions of laborers and producers must be respected and protected from the greed and rapacity of the few who wield the wealth of the nation by means of Government subsidies and by means of unjust class legislation, or strikes will continue and grow in magnitude and dignity, and the army of tramps that now marches through the country will become so large and dangerous that the military arm of the Government will be invoked and strengthened at great cost to the Treasury to protect life and property.

All questions of public policy should be adjusted with reference to

"the greatest good to the greatest number." The silver question being one of public policy should be determined on this principle. We have a creditor class and debtor class. The debtor greatly exceeds in numbers the creditor class. To diminish the volume of the currency enhances its value, adds to the value of the creditor's securities, and in the same ratio lessens the ability of the debtor to pay by decreasing the value of his property and increasing the number of his hours of labor. The advocates of a single gold standard argue that to continue the coinage of silver and give it, as gold has, a legal-tender quality for all debts will be dishonest and unfair to the creditor, notwithstanding the debt was contracted to be paid in either gold or silver at the option of the debtor. This is absurd and needs no answer.

The next objection to the coinage of silver is, it has been demonetized in England, Germany, France, and other states in Europe which lessened the value of silver not only there but in this country, and as it is cheaper than gold, the more valuable coin will be hoarded or will be taken to the single gold standard countries in their commercial intercourse with the United States. This position is triumphantly answered by the official report of the Director of the Mint, furnished me on the 24th day of February, 1886, which states that since the partial remonetization of silver in 1878 the importation of gold into the country has greatly exceeded its exportation, and the exportation of silver has greatly exceeded the importation, although the bondholders and bankers predicted the contrary result. And from 1873, when silver was demonetized, till 1878, when it was remonetized, the exportation of gold was greatly in excess of its importation, and the exportation of silver for the same period exceeded its importation. Let the report speak for itself. One fact is worth a thousand arguments or assertions.

Imports and exports of gold and silver.

UNITED STATES.

Fiscal years.	Gold coin and bullion.		Silver coin and bullion.	
	Imports.	Exports.	Imports.	Exports.
1873	$8,682,447	$44,856,715	$12,798,490	$39,751,859
1874	19,503,137	34,042,420	8,951,769	32,587,985
1875	13,696,793	66,980,977	7,203,924	25,151,165
1876	7,992,709	31,177,050	7,943,972	25,329,252
1877	26,246,414	26,500,374	14,528,180	29,571,863
1878	12,976,281	9,204,453	16,491,099	24,535,670
Total	89,097,781	212,851,991	67,917,434	176,927,794
1879	5,624,948	4,587,614	14,671,052	20,409,827
1880	80,758,396	3,639,025	12,275,914	13,503,894
1881	100,031,259	2,565,132	10,544,238	16,841,715
1882	34,377,054	32,587,880	8,095 336	16,829,599
1883	17,734,149	11,600,888	10,755,242	20,219,445
1884	22,831,317	41,081,957	15,504,777	29,868,748
1885	26,691,696	8,477,892	16,550,627	33,753,633
Total	288,048,819	104,540,388	88,397,186	151,426,861

This report conclusively shows that both metals are necessary; that one is inadequate to meet the demands of the business of the country; that both metals having equal dignity in the currency will support each other and form a basis upon which the credit of the country can rest securely. If we should stop here and study this report we would be forced to conclude that the remonetization of silver in 1878 saved the credit of the country and averted calamities that are painful to contemplate.

But the stake is great. The money power has never failed, without reference to truth or its effects upon the general prosperity of the country, to achieve success, and triumphing now the millionaires will double their wealth, and the national banks will perpetuate their power. When silver is demonetized, and the greenbacks are called in, and that is part of the policy of the gold advocates, their places will be supplied by national-bank currency. The bonds of the United States are now worth from 16 to 24 per cent. premium. With the demonetization of silver and the withdrawal of the $346,000,000 of greenbacks from the currency, the bonds of the United States will never be paid, the national debt will be fostered as a blessing, and the bankers will be invested with the indestructible mastery of the country's fortunes.

But the question arises, Why, when the currency is exclusively gold coin and national-bank currency, will not the country be drained of its gold? Is it because gold is cheaper in Europe than our national-bank currency? If so, why? Gold as merchandise in the single gold-standard countries is worth a hundred cents in the dollar; no more, no less. It has intrinsic value. It is the standard of value. But national-bank currency is not worth the paper it is printed on without the guarantee of the United States that authorized its issuance. Can any man explain why the United States may not keep its silver coin at par with its gold coin as well as it can keep its non-interest-bearing greenback notes and national-bank currency at par with gold, which is the case now?

Foreign commerce requires comparatively little money. The productions of one country are exchanged for those of another. Commercial paper, checks, bills of exchange, and clearing-house balances have been substituted for money in commercial transactions and the balances paid in money are comparatively light. How can the country's condition or that of its commerce be improved by the demonetization of silver and substituting national currency? There is more value and worth in a standard silver dollar of 412½ grains, coined and stamped by the Government under legal authority, with full legal-tender functions in the payment of public and private debts, than can be given to a national-bank note by the Government. The silver dollar in England as bullion is worth 80 cents, and the bank note there would be worth nothing.

With all the efforts of the money-power in Europe and of this country, aided by Presidents and their Secretaries of the Treasury since the partial remonetization of silver in 1878, to depreciate its value, the standard silver dollar is still worth 100 cents. It buys gold dollar for dollar, it pays debts without discount, except the bonded debt of the United States, and it should be used to pay the bonds of the Government, according to the contract of the Government with the bondholders when the obligations were issued. It pays, or at least its representative pays, the salaries of all the officers in the Government from the President to the humblest official. Yet it is not an honest dollar. It is locked up in the vaults of the Treasury because the people do not want it, and its circulation can not be increased, the advocates of the single gold standard of value tell us. There would not now be a silver dollar in the vaults of the Treasury not represented by a certificate in circulation if the Secretary of the Treasury had not, by an order issued 1st November, 1881, stopped the exchange of the standard silver dollar or the silver certificate by the assistant treasurer at New York for gold coin or gold bullion. The Treasurer of the United States, in his report to Congress dated November 1, 1880, says:

> The demand for silver certificates, under the circular of the Department dated September 18, 1880, authorizing their exchange for gold coin and bullion, has been quite extensive at New Orleans, Saint Louis, Chicago, and Cincinnati; and there were paid out at these points during the month of October $3,485,000 in silver certificates for an equal amount of gold coin deposited in the subtreasury in New York.

And in December, 1881, the Secretary of the Treasury in his report says:

> The Department has issued silver certificates at the subtreasury offices upon a deposit of gold coin in like amount with the assistant treasurer at New York, and through this means certificates have been issued for nearly all the silver held by the Treasury. The certificates amount to about $66,000,000 and are now outstanding.

After this the Secretary exchanged silver certificates for gold coin, dollar for dollar, which swelled the amount of gold purchased with silver to $80,730,500. In January, 1885, the exchange of silver certificates ceased by order of the Treasurer. Why the purchase of gold with silver certificates was discontinued we are left to conjecture. The only reasonable conclusion is that the Department feared the balance of the silver or silver certificates would get into circulation. The bankers and even bondholders can not or should not complain; if the Treasury can purchase gold coin and bullion with silver or silver certificates, to accommodate them as a higher order of creditors, how can they complain or object to silver and insist upon its demonetization? Why should the Government be alarmed and insist upon "currency reform" by the demonetization of silver and the retirement of greenbacks?

The facts just stated, taken from the Treasurer's reports, do not establish the assertion "that there already exists a lack of confidence among the people touching 'our financial processes,'" if it is intended by this expression to convey the idea that the people had lost confidence in silver coin or silver certificates. But it is time that the people were alarmed and should begin to lose confidence in "our financial processes" when the failure to pay silver coin as well as gold coin to the creditors of the Government is persisted in. The bondholders and bankers hoard the gold, prvent its circulation, deprive the country of its use, contract the currency, and thereby extort more money from the laboring and producing classes. Laborers and producers do not hoard gold. They have it not to hoard. Pay the creditors of the Government in silver as well as gold, according to contract, and they will have less to hoard.

It is further objected that the Treasury has to pay out every month $2,000,000 in gold for two millions or more of silver dollars to be added to the idle mass already accumulated in the Treasury. Every ounce of silver bullion in the market or that has been put on the market since its remonetization could have been purchased by the United States with silver coin or silver certificates. If silver will and does purchase gold, dollar for dollar, and it takes gold to buy silver bullion, the parity of value between the two, gold and silver, is surely established—at least in the United States.

It is estimated that the national debts of civilized countries, excluding India, China, and Japan, are in round numbers $25,000,000,000 and the other indebtedness of the same countries is estimated to be several times the amount of the national debts, and that the entire bonded debt aggregates $75,000,000,000, and that this indebtedness is payable in gold or silver. It is also estimated that the total metallic currency amounts to $7,000,000,000, of which about half is gold and the other half is silver. The national debt of the United States, according to the

report of the Treasurer on 31st day of December, 1885, was $1,843,713,715.80, of which $1,274,037,001.66 bears interest. The report of the Director of the Mint shows that on the 1st of July, 1885, the amount of coin in the country was about $820,000,000, of which $542,000,000 consisted of gold coin and $278,000,000 of silver coin. The gold and silver bullion in mints and assay offices on July 1, 1885, and available for coinage was $71,501,682. making the actual amount of coin and bullion in the country $892,500,519.

The domestic production of gold bullion on July 1, 1885, amounted to $31,584,436, and of silver bullion, same year, $32,250,044. The total coinage value of the gold and silver bullion purchased at the mints was $89,683,850. In addition to the gold coin and gold bullion and silver coin and silver bullion mentioned, the United States have in circulation in legal-tender Treasury notes (greenbacks), $346,000,000; and the 1st of November, 1885, there were twenty-seven hundred and twenty-seven national banks in existence, with their note circulation of $315,847,168, aggregating a grand total of about $1,500,000,000 of coin and paper currency in the United States. If we strike down silver as a legal tender in the payment of debts in the United States and reduce it to the status of merchandise and adopt the single gold standard, we need not refer to the opinions of political economists or great financiers to be informed that gold will appreciate in value and in its purchasing power just in proportion to the contraction of the currency caused by the withdrawal of silver from circulation. And if silver be demonetized it will be in order next to retire the $346,000,000 in greenbacks.

The same interest and influence that oppose silver demand the retirement of greenbacks. Will the overtaxed millions of laborers and producers consent? Will they submit patiently if it be done? The United States pay no interest on its silver or silver certificates, or on the greenbacks, yet they are as good as gold in the payment of all public or private debts, although greenbacks are not legally receivable for customs dues. The last report of the Treasurer shows that the New York customhouse received for the fiscal year 1885 United States legal-tender notes, $36,161,000. While the greenbacks make up part of the currency, yet they are only notes against the Government redeemable in coin. But the national banks would have silver retired, leaving only gold to redeem the greenbacks. The greenbacks and silver constitute nearly half of the currency of the country. The national banks, the creatures and agents of the United States, would continue to take from the people the $12,000,000 or $15,000,000 with which they are subsidized by the Government in the way of interest on the bonds they hold against the United States and upon which they pay no tax, and continue to dominate their creator, who is but the agent of the people, to the ruin and bankruptcy of millions of laborers and producers, and finally to the destruction of the liberties of the people.

The efforts to debase or to destroy the monetary quality of silver is a war of capital against labor, of the wrong against the right. We can not take lessons from Europe without injury to our system of government and without reducing the people to the pitiable condition of European laborers and paupers; neither will the brave, intelligent, liberty-loving people of this country long submit to a policy that imposes such conditions. We want no lords or princes in this country. We want to encourage our people of all classes to attain, if possible, a higher standard of manhood. One step in that direction, enabling them to make further progress in social, moral, and intellectual elevation, is taken when an ample and sufficient gold and silver and paper currency is conceded by the Goverhment. We have not a sufficiency of money now in circulation to secure the best results in our interstate commerce, in the transactions between individuals of the same State and between individuals of the different States and Territories.

The United States contains a population approximating 60,000,000 souls. Its climate and soil are attracting hundreds of thousands of people annually from other countries. This fair land can produce all comforts and luxuries in such vast volume that even proximate estimates are impossible. It can supply with homes and give employment to ten times its present population. Our productions are varied from climatic causes. The people of one section supply those of other sections with their surplus. But this internal commerce is not carried on like foreign commerce, by barter, the exchange of one article for another. The medium of exchange is money. People of one section buy what they need from the people of another or different locality, always in each transaction paying money. Home markets can not be made successful, and stimulate production and yield profits to the people without money.

The more money the people have the more they will buy of food and clothing and commodities. The demand for the products of labor compensates the laborer and encourages increased production, and when the producer and consumer are both benefited the *ultima thule* of human government has been attained. And one of the necessary steps to be taken to secure this desideratum is the provision of a sound and an abundant currency. Mankind, from the days of Abraham, the father of the faithful, whose money was shekels of gold and shekels of silver, through all the centuries intervening between that time and the present, have made gold and silver their currency and the basis of their currency when they could get them. France has a population little greater than half that of the United States, within territorial limits less than those of one of our States, with few exports of the productions of the soil, she has gold and silver, and paper money redeemable in gold and silver, greatly in excess of the currency of the United States.

Mr. Burchard, the Director of the Mint, on the 20th of June, 1885, reported that France had in gold coin and gold bullion $848,000,000 and in silver coin and silver bullion $595,000,000. These sums aggregate $1,443,000,000, an amount of gold and silver nearly equal to the entire currency of the United States consisting of gold coin and gold bullion, silver coin and silver bullion, greenbacks and United States currency. In addition to her gold and silver France had $574,675,197 of outstanding notes of the Bank of France, and her gold and silver and bank notes were at par and all legal tender. The statesmen and financiers and people of France do not think she has too much money. The population of France is thrifty and energetic. We have facts enough to justify the conclusion that the demonetization of silver or the suspension of its coinage involves a contraction of the currency, which is now not half enough, and it will bring about results in our home markets in interstate commerce, in the shrinkage of values in real and personal property, that will utterly ruin the debtor classes, paralyze business, and fill the land with poverty, distress, and crime.

The writings of great political economists, historians, and statesmen tell of and deplore the contraction of the currency by the demonetization of silver and the adoption of the single gold standard of value. Leon Fouchet said in 1843:

If all the nations of Europe adopted the system of Great Britain, the price of gold would be raised beyond measure, and we should see produced in Europe a result lamentable enough. The Government can not decree that legal tender shall be only gold, in place of silver, for that would be to decree a revolution, and the most dangerous of all, because it would be a revolution leading to unknown results.

In a memoir read before the French Institute in 1868, M. Wolowski said:

The suppression of silver would bring on a veritable revolution. Gold would augment in value with rapid and constant progress, which would break the faith of contracts and aggravate the situation of all debtors including the nation. It would add at one stroke of the pen at least three milliards to the twelve milliards of the public debt.

In 1869, Rothschild, the great financier, as a member of the monetary commission appointed by the French Government, said:

The actual state of things—that is to say, the simultaneous employment of the two precious metals—is satisfactory, and gives rise to no complaints. They now demand that silver should be demonetized as fifteen years ago they demanded that gold should be. In fact, whether gold or silver dominates for the time being it is always true that the two metals concur together in forming the monetary circulation of the world, and it is the general mass of the two metals combined which serves as the measure of the value of things.

Alexander Hamilton, in his report to Congress in 1791 upon the subject of the mint, said:

To annul the use of either of the metals as money is to abridge the quantity of circulating medium, and is liable to all the objections which arise from a comparison of the benefits of a full with the evils of a scanty circulation.

Mr. Jefferson, who was a member in General Washington's Cabinet with Mr. Hamilton, in 1792 wrote to Mr. Hamilton:

I return you the report on the mint. I concur with you that the mint must stand on both metals.

At the international monetary conference held at Paris in 1881, ex-Senator Allen G. Thurman, an unselfish patriot and profound statesman, after fully investigating the subject, said:

I believe that bimetallism will ultimately prevail; for I can not see how the vast structure of credit, the most distinguishing feature of modern industry and commerce, can be supported on a gold basis alone. With both metals its base has often been found too narrow, but with one it would be, to my apprehension, positively unsafe.

I have given you the opinions of some of the greatest men of the times in which they lived and acted as to the wisdom of keeping both gold and silver as the standards of value, and as to the effect of contraction which would necessarily follow the retirement of silver as money. We can not forget the financial troubles that followed the demonetization of silver in this country in 1873. The United States produces nearly one-half of the silver produced in the world. We should encourage its production, re-enthrone and give it equal dignity with gold as money, as a standard of value and as a full legal tender for all debts, public and private.

But it is feared by the gold advocates that the United States will be a great reservoir into which Europe will empty her despised and dishonored silver. Can this be, as long as we control the mints and can prescribe rules for their government as to coinage and the character of bullion to be coined? We can use our mints only for the coinage of silver bullion produced in the United States. The United States is big enough to stand alone. We have the richest country in the world. We now produce everything that our people require for food and clothing except sugar, coffee, and tropical fruits, and they are produced in silver-standard countries near our borders, which we can get in exchange for products of the United States. Why should we not adopt an American policy suited to the wants of the people of our own country and that is consistent with our peculiar system of government?

In this country the people sustain a very different relation to the Government from that which the people of European states sustain to their governments. In this country the people govern; in Europe the people are governed and kept in subordination by large standing armies, and

are oppressed with taxes imposed partly to sustain the agency of their enslavement. Our people produce a large surplus of cotton, corn, wheat, pork, and beef. The United States produce 45 per cent. of the precious metals of the world. Wells, Fargo & Co. report the gold and silver product of the United States for the five years ending December 31, 1884, to have been $145,244,551 gold and $215,658,033 silver. Of the $145,244,551, gold, at least one-third, or $48,441,267, was extracted from silver-bearing ores that never would have been mined had it not been for their richness in silver. If silver coinage is stopped, the gold supply from this source will also stop.

The credit of the United States is as good as that of any country even in a state of progressive development, when most of the civilized countries have attained their full growth in greatness and are annually sending thousands of their populations to this country for employment and the means of living.

The balance of trade is in our favor, and will continue so if our agricultural and mining products should be emancipated from hindering tariffs and efforts to dishonor silver. Wisdom and experience demand that the United States should regulate the volume of currency and not give the power to individuals or soulless corporations to do it, and that the supply of currency should be full and ample, consisting of gold and silver, and paper convertible into coin on the demand of the holder. The United States have the ability to do it. France and other countries achieve the result without half the resources and little more than half the population of the United States.

A national debt is a national calamity. National banks can, as they have done and will do again when they can profit by it, contract or expand the currency, depress values, add Black Fridays to the calendar of crime and disgrace the country that permits them to exist. The United States should pay her debts in gold or silver as the one or the other may be the cheaper or more convenient, and with the payment of her indebtedness we will get rid of national banks and their currency, and save the people millions of dollars expended annually as interest.

If the United States can sustain national-bank currency at par with gold there will be no trouble to replace it with Treasury notes redeemable in gold and silver, and by the free coinage of silver as well as gold. Then the people will govern and not be governed. The United States will then have her New York the peer of England's London to fix prices on the productions of the country. England now controls the price of silver and is stimulating the productions of wheat and cotton in India by exchanging silver, which she has depreciated, for her cotton and wheat and thereby forced down the price of American cotton and wheat. England is speculating in silver, making great gains for herself and developing the resources of her Indian colonies to the great injury of our great staples. And our money kings who are in sympathy with the money lords and princes of Europe are contributing their powerful influence here to make silver still cheaper, regardless of the prostrating effect that it will have and is having upon agriculture and labor in this country.

I will repeat, agriculture is the basis of our prosperity. Our true policy is to encourage it and protect the millions who are engaged in it. The hardy sons of toil should not longer be left to the tender mercies of the powerful money kings and corporations who control the prices of labor and the products of labor to their enrichment and to the greater impoverishment of the producer and laborer. The producers and laborers number millions. The Shylocks are comparatively few in number. They can perish and the world will not be poorer, nor will virtue and patriotism disappear. But not so with the millions of laborers and producers. Goldsmith said truly:

> Princes and lords may flourish or may fade,
> A breath can make them, as a breath hath made;
> But a bold peasantry, their country's pride,
> When once destroyed can never be supplied.

[Applause.]

The people's will should be done. They demand a full and abundant metallic currency, consisting of gold and silver, and paper redeemable with coin. And to secure it to them silver should be restored to the place it occupied in the currency before the misfortunes of the Government enabled its selfish creditors to dishonor it. To suspend the coinage of silver is tantamount to demonetizing it. Gold and silver are found together in the mines. They have been used as money by civilized nations through all time; even the Son of Man used silver to pay tribute to Cæsar. Let us honor God by using every provision He has made for the good of man, and the people will be prosperous and happy again. [Great applause.]

Mr. JONES, of Texas (at the conclusion of his remarks), said: If I have any time remaining I yield it to my friend from Kentucky [Mr. WOLFORD].

The CHAIRMAN. The gentleman from Kentucky [Mr. WOLFORD] is entitled to the floor for twenty minutes.

PENSIONS TO SOLDIERS AND SAILORS OF MEXICAN WAR.

Mr. WOLFORD. Mr. Chairman, I have nothing to say on the great question of silver coinage, except that I am in favor of the unlimited coinage of silver and gold.

I rose for another purpose. I send to the Clerk's desk and ask to have read as part of my speech a bill which I have introduced to pension the soldiers of the Mexican war.

The Clerk read as follows:

A bill (H. R. 607) granting pensions to the soldiers and sailors of the Mexican war.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Interior be, and he is hereby, authorized and directed to place the names of all the surviving officers, soldiers, and sailors who enlisted and served in the war with Mexico for any period during the years 1845, 1846, 1847, and 1848, and were honorably discharged, and their surviving widows, on the pension-roll, at the rate of $8 per month, from and after the passage of this act, during their lives.

SEC. 2. That the Secretary of the Interior is authorized and directed to make such rules and regulations as are necessary to carry this act into effect: *Provided*, That where it shall appear that a discharge is lost, secondary evidence may be permitted; and where it shall appear an applicant has received a land-warrant, that shall be sufficient evidence of an honorable discharge, unless the evidence shows that he procured it by fraud.

Mr. WOLFORD. Mr. Chairman, this bill is perhaps the first pension bill ever introduced into the Congress of the United States that ignored on its face the existence of a civil war. It proposes to grant pensions for services in the Mexican war regardless of anything that may have happened since; and as the Supreme Court has decided in the case of the three months' pay, the benefits of this bill will go to all sections alike. Every soldier who served in the Mexican war will under this bill receive a pension of $8 a month.

This is a very small compensation for the great amount of good that the services of these soldiers brought the country, even in a pecuniary point of view. The wages of our private soldiers in the Mexican war were only $7 a month, and were therefore not equal to the pay that has since been granted by the enactment of the Congress of the United States for similar services. These old men, for most of them are now old, served their country in a foreign land. The endured hardships and privations. They endured them as one people, coming from the North and the South, from the East and the West, with one object in their hearts—to obey their country's call, to vindicate their country's honor, and protect the rights of their fellow-citizens.

In what I am about to say I feel that I am approaching ground that is not popular; I feel that I am about to place myself in opposition to a prejudice which strongly prevails in some quarters. But I wish to speak particularly about a determination on the part of the Committee on Pensions, to which I belong, to spoil what I consider to be the harmony of this bill. My distinguished friend [Mr. ELDREDGE] who sits beside me, the chairman of our committee, himself an excellent soldier and a man of great ability, has proposed, and the majority of the committee have agreed with him, to put upon that bill an amendment providing that persons under political disability shall not draw a pension under the bill.

Now, I want to ask my Union friends—and certainly I think I am a Union man, and I have shown myself as much in favor of pensions as any man ought to be—I wish to ask my Union friends, why should you, after a cooling time of more than twenty years, still show your hatred toward your Southern brother? When everybody is rejoicing that we are one country and one people, when everybody is looking forward to our great advancement in wealth and everything that can make us grand and glorious, when everybody is rejoicing in the universal Union sentiment that pervades in our land from one end of it to the other, why should you say, "There is a little wormwood and gall that we can not get rid of?" That is not according to the history of human nature. I have probed this thing. I have endeavored, so help me God, in thinking about it to look at every side of the case that promised me any light.

I have probed the thing. When I ask a brother Union soldier, or a man zealous in the Union cause, "Why do you want that in it?" he says, "Well I can forget everybody and everything else," and I speak plainly, "but Jefferson Davis; I can not forget him." Why what is the matter with you? Why can you not forget? Is not every man who entered the confederate army, who understood its purport and meaning, just in the same position, and has he not done exactly what Jefferson Davis did, attempt to divide the Government? Have you concentrated your hate so as to hurl it all upon one man's head? Is there so much gall in your soul—and I am speaking now to my distinguished and kind-hearted friend from Pennsylvania, Mr. BROWN—is there that much gall in your soul that you want to concentrate it all upon a personal given object and vent it all upon him to the exclusion of the rest of mankind, and thus dry up the abundant source, the glorious source, of brotherhood and brotherly love flowing into every heart throughout the length and breadth of this land? Why do you want to do it? But I want to talk a moment about this.

Mr. REAGAN. Will the gentleman allow me a word, if it will not interrupt him too much?

Mr. WOLFORD. Well, I have no objection, if I can get time to finish my speech.

Mr. REAGAN. I only wanted to say that my friend from Mississippi, Colonel SINGLETON, read upon the floor of the House several years ago—five or six years ago—a letter from Jefferson Davis, when a bill was pending to pension the soldiers of the Mexican war, stating that he had been entitled to a pension from the time the bill was passed

to pension the wounded and invalid soldiers of the Mexican war but he never felt it necessary to ask the Government for it; and he would prefer that his name should be excepted from any bill passed for the benefit of the soldiers, so that it should not stand in the way of the Government doing justice to his comrades in arms.

Mr. WOLFORD. If Jefferson Davis, rising above the ordinary grade of mankind, was so noble as to resign his pension for the sake of his fellow-soldiers in Mexico and was willing that he should be singled out as an individual never to be allowed a pension or any consideration for his services, I hope to be no less magnanimous. I will be no less magnanimous than he is, and because he has done so I am so much the more in favor of putting in his name. [Laughter.]

But I remember, and I want to talk a little about it because my friend here, the chairman of the committee is a very powerful man; he beat me in the committee and I fear he will beat me in the House, but I shall vote for it without that provision in it, although I am opposed to leaving it out.

But I want to call back the attention of my friends upon this floor to a little bit of history, and it happened to be a little history in which I was personally interested, for I took part in it. When I was a young man in a foreign country we were fighting in Mexico at a place called Buena Vista (or Fair View, which is the meaning of it in the English language.) We could see away up the valley; we had got that far into the Mexican country in our advance upon the Mexican capital. We had about four thousand effective men and were surrounded by the army of one of the most celebrated generals of the Mexican Government, General Santa Anna, who thought it would be easy work with his twenty-odd thousand men, inclosing us in every direction, to capture the little band of American invaders. I remember in that fight that one of our regiments, overpowered by a ferocious charge, a brave and gallant regiment, commanded by Colonel Bowles, of Indiana, left the field, and I remember at that critical time that we were forming a line to resist the attack of the Mexican lancers. We were in a critical condition indeed. I saw some soldiers away up in the valley who were coming toward our rear and others coming toward us in every direction. Suddenly we found that we were surrounded. Shortly afterward I heard the clear ring of a rifle, then a volley, then another. I turned to my regimental colonel, who died that day, Colonel Clay, son of the great Clay, and asked, "Who is that?" His reply was, "It is Jefferson Davis with the Mississippi Rifles;" and I remember how Miñon and his lancers retreated before the powerful volleys of the Mississippi Rifles, commanded by Colonel Davis, and I remember when they left the field a little afterward we were fearfully engaged in a great contest to liberate the great John Harding, of Illinois, who had gone too far in a charge following the retreating Mexicans and had been surrounded.

Our colonel, McKee, fell dead and was carried off the field; our lieutenant-colonel, Henry Clay, was killed; but victory was ours. I remember after the battle we brought the dead bodies and laid them down before General Taylor's marquee and there wept over our dead, for Kentucky was almost literally massacred in that fight. While mourning over our dead, with hearts full and beating but still feeling pride in the result, for glorious victory was ours, I remember hearing General Taylor say to his adjutant-general, Major Bliss, to go and call Jefferson Davis to come to him. He came at once while we were standing there and General Taylor met him. That was the first time I had ever seen Mr. Davis. General Taylor said to him, "My daughter is a better judge of men than I am. Henceforth your gallant conduct in saving our army makes you entitled to be my son, and I forgive you."

I understood there had been a difficulty about a marriage. But Davis was then considered a patriot. Davis was then considered a hero, and everybody acknowledged and history acknowledges the fact that that gallant man at that particular critical moment saved our army, saved us from surrender. And what effect it had upon the war all men conversant with history know. At that time Davis, that great man, stood with the Mississippi Rifles and turned the tide of victory against a superior, overwhelming force, with his heart beating for the success of the American cause, a lover of the Union, a lover of the flag. Are we to say to him that because you did wrong in after years, because you attempted to revolutionize our Government and divide our country and make two sections of it, we will put on the record that we owe you a spite, that you can never be forgiven?

I, sir, have nothing to forgive in Jefferson Davis. He did as an honest man what he believed to be right. But I look upon him not as Davis, the president of the southern confederacy, for I forgive all that. I put it behind me when the war was over. I did not wait, as I heard a distinguished gentleman say in the Fitz-John Porter debate, I did not wait ten years for cooling time. God knows I was cool enough when the war was over. [Laughter.] When it was all over I forgave the men we had been fighting. I have looked upon Jefferson Davis as a great man, who saved our army in Mexico and who saved the country. Now, you tell me I ought to agree to say with you that I never forgive and never forget that there is one place on earth as well as in another region where forgiveness never comes, and that is the American Congress. [Laughter.]

I want to say to gentlemen who feel in that way that the people are ahead of you. I want to say truthfully, candidly, and kindly to my distinguished friend, the chairman of our committee, that the people have forgiven Jefferson Davis. He is now a citizen paying taxes, obedient to the Government, honoring and loving it, although he does not ask an office, although he does not ask a pension. It is for you and your children that I speak more than for Jefferson Davis. He is but one man. He will be remembered by every man who was in the Texan war as one who loved his country and as a gallant man. And I want to say to you here and now that it is for your sakes I ask that you shall not put on the records of the American Congress a declaration of spite; that you shall not legislate for vengeance, but that you will show that you legislate as true patriots and as true statesmen ought to legislate—upon a high and elevated plane, looking to the future glory and the future honor of our country as blessing after blessing will flow to it.

But, sir, I believe I have said all I want to say against that amendment. I do appeal to you as lovers of your country, and lovers of your children, and of your own and your country's reputation, for your vote will be recorded—I do appeal to each of you not to say, "I will let the spite I owe to one man mar the beauty of a bill that ignores the existence of a civil war." I appeal to you for your good and your country's good and advantage, not particularly for Jefferson Davis.

I want to say a few other things in connection with this subject. Jefferson Davis needs no vindication from me. His history stands out before the world, and is known and read of all men. But I do not want to put him in the enviable position that it shall be considered that he was so pure and bright that even malice and spite could find no other mode of assailing him than this. If you feel like putting that spite upon record, do you think your constituents will vindicate you? I will tell you who will not vindicate you. Future generations that read that record will not. For the time is coming fast, and coming powerfully, when there will be but one feeling on this subject—the feeling that we are all one people, with one heart and one soul and one hope of future glory, and we will be united.

I want to say another thing on this subject. I want to go a little further with reference to this Mexican pension bill. I have heard it suggested that it would cost a heap of money. It will cost only about a million dollars.

A MEMBER. More than that.

Mr. WOLFORD. I would not care if it should cost $10,000,000. Even then I would support it with all my heart.

This is strictly a service pension. It is for the service these men did their country, making their country rich by the results of that war. You ask me, are you for a service pension to the Union soldier? Here I would say to my friend from Texas, who thinks we are seeking to empty the Treasury, I am a strict economist, one who will contend that we ought to pay all our debts. But we ought to do everything that policy and interest and principle demand for our soldiers. I am for a service pension all the way round everywhere, as well as for invalid pensions. You tell me it will break up the credit of the country. Stop a minute; I want the attention of my Southern brethren.

You pay a good deal of taxes, and I honor you for the way you have voted pensions for the United soldiers. God knows what we would do if the case were the other way, if all the money went to you and none of it to us; we might be selfish. [Laughter.] But you vote pensions with a magnanimity that has astonished me. And I want to say to the country here and now, to the credit of our Southern brethren, that they have come up with the love of the Union, and the love of the soldiers, and the love of liberty, and the love of the country in their hearts, and have voted pensions freely to the very men they fought.

Mr. REAGAN. We have voted the full estimates of the Department every time.

Mr. WOLFORD. Yes, sir; they have voted the full amount called for by the Department every time, and they have done it nobly. In doing that they have had to do what the men of the North have not been called upon to do, they have had to vote pensions to the men they fought during the war, and they have done it, and done it cheerfully. Therefore, sir, in my judgment this cry ought to be stopped, that men who act such a noble part in this matter are not worthy to be trusted.

[Here the hammer fell.]

Mr. ROBERTSON. Mr. Chairman, I ask unanimous consent that the time of my colleague be extended.

The CHAIRMAN. Will the gentleman from Kentucky [Mr. WOLFORD] state how much time he desires?

Mr. WOLFORD. I want about fifteen minutes more, if I can have it.

The CHAIRMAN. If there be no objection, the time of the gentleman from Kentucky [Mr. WOLFORD] will be extended as requested.

There was no objection.

Mr. WOLFORD. I thank the committee, and we will put the time at twenty minutes for fear I might not have enough. [Laughter.]

Now, sir, having answered that proposition, and answered it in a way that I think no Union man can object to, I want to go on and throw a little further light upon this question. My friend from Texas—and if there is any man that I admire for his candor and his boldness and his nobility and his great judgment it is my distinguished friend Mr. REAGAN—my friend asks, "When will this thing stop?" Well, sir, I will tell you when I am willing to have it stop, and I want your atten-

tion: When every soldier of all our wars has had a disability pension, if he is sick or wounded and a service pension for the service he has rendered to his country, then I am willing this thing should stop, but not until then. [Laughter.] But gentlemen say, "We shall never be able to pay it," and they say we have rivers to clean out——

A MEMBER. And harbors to build.

Mr. WOLFORD. Yes, Mr. Chairman, rivers to clean out and harbors to build, and I am for all that [laughter]; and you have the tariff to reduce, and I am for that, too. But gentleman say, "Where will you get all the money?"

I see the chairman of the Committee of Ways and Means here, and I know that he and his committee have sense enough to get the money. [Laughter.] I have no fears about that. Even if it should happen that they should have to lay a tax upon the income of the rich men who made fortunes by following our Army while our soldiers were suffering; even if that should come to pass they will be able to provide the money. I do not want to dictate to them how they shall raise it, but I say that if you make the law they will find the money.

And now, sir, let me state distinctly what I want. I want our rivers, all of them, cleaned out so as to give us cheap transportation. I want our Navy to be built up again; I want the flag of America to float once more over American bottoms with all the honor and all the glory that it ever had. I want our Army supported. I want all these things done, and it will take a good deal of money to do them all, and then I want justice done to our soldiers, and that will take a heap of money. [Laughter.] I want all these things done, sir, and now I want to submit a suggestion or two as to the means of doing them. Remember that all this money is not to be paid out in a day. Even if you should pass this law now you could not get in the applications for a good while. I am afraid you will not pass it now. [Laughter.] I do not expect to come to Congress any more, but I want to see all these things done, and unless you go to work and do them I may be tempted to run again. [Renewed laughter.]

Mr. Chairman, I want all our debts paid. I want to pay all the debts we owe the South, the cotton tax and everything else. I want to pay every individual what we owe him, and then I want to pension all the soldiers. [Renewed laughter.] I want to make a clean record for the nation. Do you tell me that will take a vast amount of money? Yes, sir, it will. I do not deny that; but how are we going to raise that money? Well, sir, we have about sixty millions of freemen who will raise it for us. We have a country growing rich from day to day. I know it will require some financial skill to furnish the money for the first few payments, but in the mean time the wealth of the country will be continually increasing. Gradually, yearly, daily, hourly, the wealth of this country has been increasing for years, and so it will increase, as I hope and pray and expect, for all time to come. Do not you gentlemen expect that? Is not that your anticipation of American progress and American thrift and American glory? Is not that what you expect to be worked out by the free, enterprising, shove-ahead power of the American people? Yes, sir. Our country will grow richer and richer from day to day, while the soldiers who are drawing pensions will grow fewer and fewer. Fifty years from now they will all have been paid in full and the country will be richer than ever. That is not a long time to take to pay off a great national debt.

I hope the Democrats will be in power then to pay it [laughter], but whoever is in power I want the debt paid. Even in ten years from now the number of pensioners will have fallen off immensely, and in the same time the wealth of the country will have grown immensely. Consider that brethren. Consider that you are legislating for all time. You are legislating to establish a principle and a precedent that will be an honor to you and to your children forever. Why, sir, I could not bear to think of my country in any other character; I could not bear to think of her otherwise than as the champion and the exemplar of everything that is honest and honorable and pure. We have a right to hope, and I do hope, that during the next fifty years we shall have no war to trouble us, but if we should have a war "sufficient unto the day is the evil thereof;" and one thing you may rely upon, we shall have a united country to fight it. I want every soldier that has served his country and has become disabled to have a pension for service and a pension for his disability. I do not go with my friend from Ohio [Mr. WARNER] in his doctrine, that nobody should be pensioned unless he was shot. I go upon the idea that we are to do justice to all our people, and, above all things, to the soldiers that served their country.

What more do you want? One man said to me, "Why, I believe you would be for pensioning the rebel soldiers." Well, all the rebel soldiers who fought in the war with Mexico I do want to pension. I think nothing less would be just. These men say to us, "We are poor." God knows they are. They say, "Our country has been ravaged by war." God knows that is true. But say some of our Union men, "It is right for the Southern people to help to pay the taxes to provide pensions for the Union soldiers." But what about those poor fellows whom we on the Union side wounded? I intend to introduce a bill next Monday—and I avow it—to give to every soldier of the confederate army who lost a leg or an arm by our bullets or by anything that we did, an artificial leg or an artificial arm at the expense of the Government. I want my Union friends to reflect whether that would not be right. They vote pensions to the soldiers that were wounded by the bullets of the other side; and we say it is right. Now, let us do something for the soldiers that we wounded. I think that is fair play. Though they were standing under different colors, though the great flag of the Union that I have loved from boyhood did not wave over them, although they did not claim its protection, yet as they have now come back and are loving and honoring that flag I can not say to the poor soldier of the Mexican war, "We have taken your money for taxes on cotton and other things and you are suffering and in need, but we will not pay you back anything." I can not say to them, "We will not do you justice; we will not let any money circulate in your community." Such treatment of them is not in my heart. I abhor the very idea of such a course of legislation.

I tell you, gentlemen, that a long way in advance of this Congress stand the Union soldiers and the Union officers. I have had correspondence with them; I have received numerous letters that I intend some day to lay before Congress, and I feel justified in saying that twenty different Union soldiers within my knowledge who are now drawing pensions from the Government are giving the money to confederate soldiers. I say the Union officers and soldiers stand in advance of you. They are willing to support legislation which will say to these men that they shall not suffer.

But you say, "We must not give a pension to a man who does not love the country." Of course not; but do you suppose there is anybody now who does not love his country? Do you suppose that any man who was brave enough to fight does not now love this country of ours?

I read in the Bible when I was a boy that the Saviour once put this case to a certain pharisee who had peculiar notions: A man forgave to one debtor a great amount, and to another debtor a small amount; and the question was which of these debtors loved him most. The force and justice of the conclusion were evident; and the reply was "the man who received the most." So it is in this case. If you would be magnanimous and generous to these men, if you would make upon this question a history that will be a bright and glorious monument to you when you are dead, you will say to the wounded confederate soldier, "We will give you an arm, we will give you a leg." I do not care how far you go in that direction. I do not want to be misunderstood on that proposition. I am making no demagogue speech. I think everybody will agree with me on that. [Laughter.] I do not care how far you go in that direction.

Mr. BROWN, of Pennsylvania. You do not care, I suppose, if we give each of them two legs.

Mr. WOLFORD. Certainly not, if they need them. I want to see all the wounds of the war healed; I want to see all sections of this country restored to harmony. I want to see the Union soldier love his country because his country loves him and gives unmistakable evidence of that love. I want to see the confederate soldier love his country because that country, forgiving any wrong that may have been done, loves him. He is "bone of our bone and flesh of our flesh." He is a part of this great country. He has a heart that beats in unison with yours in loving the flag.

The savage Indian has been bountied and pensioned, although he has fought the Government, scalped your men, and misused your women. He is the ward of the Government and receives its bounty. But, great heavens, we can not do anything for our brethren. We can do everything for the Indian; we can be kind to him; we can love him; we can show our love by unmistakable evidences. But we can not love our brother, although it is claimed the Union is to be restored in heart, in feeling, in soul. Now, gentlemen, do you not think you are going too far? Do you not think you are going in the wrong direction?

But you say, "We want to vindicate the American arms." Why, sir, the American arms have vindicated themselves everywhere. They need no vindication from you. Their history is known of all men. And the confederate arms have vindicated themselves; they need no vindication from you.

But it is in behalf of what I concede to be true policy, true manhood, and true statesmanship that I appeal for the Union soldier, and for the confederate soldier, and for everybody else who lives under this prosperous and beneficent Government. They live harmoniously and prosperously because they live with a deep consciousness of its justice. [Applause.]

Now, Mr. Chairman, I am reminded of a notable thing in the history of our country, going way back to the days of the Revolution. I had forgotten it for years, and it has only just come again into my memory. I am reminded, sir, that after that terrible struggle through which our forefathers fought for the purpose of gaining our independence, that after the Revolution had been accomplished, after the trials and tribulations and dangers of that day, just so soon as our free Government was successfully started on its career of honor and glory, the cries of hate engendered in that Revolution of Tories and Whigs were forgotten. At one time those party cries had led men into conflict and were followed by blood and devastation, and yet, when peace was restored, they were restored. The words, "Whig" and "Tory," are not to be found anywhere in the Constitution, and I thank God for it. It was a manifestation of the magnanimity and statesmanship of our forefathers. Everybody was able to hold office, no matter where they had fought, with the

British against us, or with our own people for independence. They were united and harmonious, and moved right along under the blessings of God. Whigs and Tories alike, at the very beginning, were elected to State Legislatures and to Congress. Whig boys married Tory girls, and Tory boys married Whig girls. [Applause.] And let me tell you, Mr. Chairman, that this thing of marrying and giving in marriage will go right on whether you go on or not. [Great laughter and applause.]

The CHAIRMAN. The gentleman's time has expired.

Mr. WOLFORD. Very well; I think I have expired too. [Laughter.]

Mr. PERKINS. Mr. Chairman, I believe in this Government: I believe in the American people; I believe in honest, good, old-fashioned Anglo-Saxon English; I believe in denouncing wrong wherever it is found to exist, and in upholding the right though sensitive natures are disturbed by the effort; I believe the past is worth remembering, and the sacrifices made for an imperiled nation are worthy of commemoration. Believing this, Mr. Chairman, I presume to address this House at this time with some trepidation, as this is largely an era of cant; an era of "peace and good-will;" an era in which the blunders of the administration are to be condoned and its crimes forgotten and forgiven; an era in which nothing is to be said of the past, and an era in which the only man of the present to be impaled upon the panels of public opinion and denounced as a wrongdoer is the man who by industry and toil, guided by intelligence and excellent judgment, has accumulated property and is the fortunate possessor of more than the majority of his neighbors.

To this era it is difficult to adjust myself. But the interests involved in this silver discussion and in the practices of this national Democratic administration are so vital to my constituents, are so far-reaching and important to us as a people, that I avail myself without further apology of the privilege of submitting a few suggestions to the consideration of this body. In section 8, article 2 of the Constitution of the United States we find many of the enumerated powers given to Congress; and in paragraph 5 of such section authority is given "to coin money, regulate the value thereof and of foreign coin and fix the standard of weights and measures," and no duty that is imposed upon this legislative body is more important than that given by this paragraph of our organic law and no duty has been attended with more difficulties or embarrassments. It is a power possessed by every civilized government of the world, and one of the highest and most necessary acts of sovereignty. It would be interesting, and yet perhaps not profitable to this discussion, to review the history of the nations of the world in this particular and observe how speculative and experimental legislation has been, and how natural laws and the conditions of the people have greatly dominated in matters of finance.

We would find in such review that at some time in the world's history almost everything had been used for money or as the medium of barter and exchange. In the days of the Cæsars land was used as a cumbersome and burdensome medium of exchange, and as late as the Norman Conquest we find the people of England bartering and conducting their business and commercial transactions with "living" and "dead money"—the "living money" consisting of cattle and slaves, and the "dead money" of the coins and metals in use among the people. But the first recorded account of a purchase and sale was with silver, when Abraham bought of Ephron the field of Machpelah for a burial place for Sarah, his wife, and "paid 400 sheckles of silver, current money with the merchant," and from the earliest historical period silver has been the common medium of exchange and used by every country having a metallic currency.

In the days of William the Conqueror the pound "sterling" was designated as the standard money of England and represented an actual pound of silver, and from that time until 1717 silver was the sole standard of value and the principal money with which England fought her battles, paid her soldiers, developed her industries, educated her children, widened her commerce, extended her power, and became the proud and imperious nation of the eighteenth century. In that year Sir Isaac Newton reformed the mint and provided for the unrestricted and unlimited coinage of both gold and silver and gave to each full legal-tender qualities, and this continued the law of England until 1797, when the free coinage of silver was suspended, the coins outstanding, however, remaining full legal tender if of full weight. With the suspension of the coinage of silver came the suspension of cash and specie payments, and for twenty-four years the Bank of England enjoyed the substantial control and monopoly of furnishing through its bank notes the circulating medium of the United Kingdom.

In 1821 specie payments were resumed, and from that time until the present gold has been the single standard in Great Britain, except as the Bank of England in 1844, by act of 7 and 8 Victoria, was permitted to hold 25 per cent. of its reserve in silver. In our own country we find that wampum, codfish, tobacco, and many articles have been used as mediums of exchange, but that at all times the silver dollar, when obtainable by the people, was the popular representative of value and the common medium of barter and sale. In fact it is no disparagement to gold to say that the silver dollar has been longer known, more widely used, more extensively circulated, and is more familiar to mankind than any other coin of either metal.

In 1785 it was adopted by the American Congress as "the unit of account," Mr. Jefferson recommending it because it was "familiar to the minds of the people;" and in 1792 its coinage was provided for, and the American dollar of 371¼ grains of pure silver came to stay; and from that day to this it has been a full legal tender for all obligations, and yet we are told they are dishonest dollars. When they became such and why I shall be glad to have elucidated during this debate. From our first coinage act in 1792 to the present the debts of our country, governmental, State, municipal, corporate, and individual, have been contracted with the solemn assurance in the law that they might be paid in silver dollars. In fact, for more than a half century this could not have been otherwise. We were without gold, and silver dollars were our only dollars; and until 1849 there was not a bondholder or banker in New York or elsewhere who had ever seen a gold dollar, and I think I am within the figures when I say there are twenty-five million people in the United States to-day who never saw one at any time.

The silver dollar had been staunch and honest; with it the colonial debts were paid and the obligations of the young Republic, contracted in the war of the Revolution, discharged; with it Great Britain was beaten in 1812 and 1813, and our armies sustained in 1846–'47–'48 when carving from the domain of Mexico that vast empire which has contributed so much to our greatness and power and made the golden eagles of America possible; with it we have secured our wonderful growth and development; by its kindly presence our arts and sciences have grown, our people have been educated and thrift and contentment secured for them in a higher order than ever before known in the history of governments. Yet in an evil hour the Congress of the United States listened to the siren voice of the tempter and in 1873 dishonored American silver. With the hand of stealth it closed the doors of the mints of the Government and said to the hand of labor, "Mine no more silver, as the imprint of the nation shall not be given to the product of your industry and your toil." And it did this when the silver dollar was worth more than gold, and when unfriendly European governments were saying we must go down to death in consequence of the immense debt put upon us by a slave-holders' rebellion.

The German Empire two years before enacted a statute demonetizing silver, and the Latin Union, frightened by the warfare of Germany upon silver in 1874, refused it free coinage and provided for only a limited coinage at the mints of the union, and the Scandinavian states in 1876, yielding to the pressure of the monometallists, demonetized it and took away its legal-tender properties. The period of depression that followed this legislation is known to all. Every nation experienced it, and the wretchedness, the squalor, the want, the misery, the suffering, and the days of agony, and the weeks of hunger experienced by thousands in every realm, remind us of a period that God grant may never come to us again. But it is and will be argued that this period of depression, of stagnation, of retrogression, of misery and want may be ascribed to other causes than the demonetization of silver. Grant it; and yet what were they? What single cause contributed to it so much as this unwise, unhealthful legislation?

Some gentlemen will say the balance of trade was against us during that period. Ah, gentlemen, you forget that this stagnation, this period of depression, was universal. Was the balance of trade against all the world? And is it not a most remarkable fact that this cloud of gloom, of despondency, of depression, of "balance of trade" followed at once in the wake of this legislation against silver, and continued at high tide in our own land until 1878, when Congress, in obedience to the demand of the great heart of the American people, again opened the doors of our mints in part to the metal dishonored in 1873? That the legislation demonetizing silver contributed to this congestion of business and the wretchedness we witnessed during those long years can not, in my judgment, be questioned. Silver was depreciated and dishonored, gold was laureled and crowned; and yet who during all that period saw a gold dollar or received one in business? A few may have bought them as souvenirs or as relics of better days, but not one of them was in circulation among the people as money or given in compensation for honest toil. The volume of the currency was contracted, prices were depreciated, labor was without employment or remuneration, and it looked much as if there was to be a return to the experiences of the Dark Ages.

It has been said that at the commencement of the Christian era "the money of the Roman Empire aggregated $1,800,000,000. By the end of the fifteenth century it had shrunk to less than $200,000,000." During this period of contraction and loss "a most extraordinary and baleful change took place in the condition of the world. Population dwindled, and commerce, arts, wealth, and freedom all disappeared. The people were reduced by poverty and misery to the most degraded conditions of serfdom and slavery. The disintegration of society was almost complete. The conditions of life were so hard that individual selfishness was the only thing consistent with the instinct of preservation. All public spirit, all generous emotions, all the noble aspirations of man shriveled and disappeared as the volume of money shrunk and as prices fell."

This is but an exaggerated picture of our own condition during the period of which I speak. Various explanations have been given of this breaking down of the framework of society, and of man's demoralization, but it was certainly coincident with the shrinkage of values, the loss of money and its contraction below the necessities and demands of labor

and commerce. The demoralization, the crumbling of institutions, the wretchedness and selfishness of man kept even step and pace with the shrinkage in the stock of money and the depreciation of prices. And as with us, what a suggestive coincidence it is that the first glimmer of light, the first ray of sunshine to dispel the darkness of despair, only came with more money. Instead of coming with the remonetization of silver, as in our land, it came with the invention of bills of exchange and paper substitutes, through which the scanty stock of the precious metals was increased in efficiency and the demands of business supplied.

With a sufficiency of money manufactures will flourish and multiply, commerce will be stimulated and invite investments, capital will encourage the energies of the people to production, and production is wealth. The laborer will find employment, and will be worthy of his hire, and, what is more important to wife and little ones, will receive it. Individual and national prosperity will follow. Homes will be multiplied in number and the common happiness of man augmented. We all know the difference between periods of business activity and business depression, between growth and stagnation, between unhealthy congestion and honest, legitimate expansion. A scarcity of money means a lack of production, dull times, suspension of business, low wages or none at all, non-payment of debts, tramps, poverty, want, and general wretchedness. Which shall we have? This is the important inquiry of the hour.

People with fixed incomes may survive these periods of contraction and depression, but to the common laborer and the debtor it brings a train of evils, crushing in its momentum and irresistible in its power.

This brings us as legislators, as representatives desiring our country's good—the good of all, rich and poor, strong and weak, the laborer and the capitalist—to the practicable questions: What shall we gain by the destruction of the money faculty of silver? Can we sustain ourselves and promote our common good with gold and paper money based on gold only? The first question I will examine briefly a little later. To examine the second intelligently we must profit somewhat by the experiences of the ages gone, and must ascertain the amount of gold and silver in circulation as money or in existence in such a state as to be converted into money if business should require. The quantity has been variously estimated, and all calculations are at best largely conjectural.

But it is well settled that for nearly thirty years the production of gold has been steadily declining, instead of expanding, with the growth of numbers and with the exchanges of mankind, while its consumption in the arts has been so increased by the advancing wealth and population of the world that at this time it absorbs every dollar of the annual yield of the mines, leaving absolutely none for monetary purposes. In a very able and interesting speech recently delivered in the Senate, Senator TELLER introduced a table furnished him by the Director of the Mint, giving his estimate of the world's stock of gold and silver. This table I use, and it will be observed, as suggested by Senator TELLER, that in this table no estimate is made of the silver of China, Java, Persia, Siam, and other Asiatic countries, and as all these contain much silver it is evident the estimate is too low.

Stock of gold and silver coin and bullion in the principal countries of the world.

Countries.	Population.	Gold.	Silver.	Total.	Per capita.		
					Gold.	Silver.	Total.
United States	*58,000,000	$300,000,000	$283,000,000	$592,000,000	$10 50	$4 88	$15 38
Great Britain and Ireland	35,246,562	583,500,000	95,000,000	678,500,000	16 56	2 69	19 25
Dominion of Canada, including Manitoba and Newfoundland	4,506,563	9,326,000	4,500,000	13,826,000	2 07	1 00	3 07
British India	252,541,210	.....	1,037,000,000	1,037,000,000	.....	4 10	4 10
Ceylon	2,758,166	.....	772,000	772,000	.....	28	28
Australia, Tasmania, and New Zealand	2,798,898	65,000,000	5,000,000	70,000,000	23 22	1 79	25 01
Cape of Good Hope	780,757	30,000,000	2,441,000	32,441,000	38 42	3 13	41 54
France	37,672,048	848,000,000	549,900,000	1,442,900,000	22 51	15 79	38 30
Algiers	2,867,626	9,300,000	5,915,000	15,215,000	3 24	2 06	5 30
Guadeloupe	185,460	281,000	281,000	662,000	2 06	1 52	3 58
Belgium	5,585,846	64,000,000	59,500,000	123,500,000	11 46	10 56	22 12
Switzerland	2,846,102	17,000,000	14,700,000	31,700,000	9 97	5 16	11 13
Italy	28,452,639	†140,000,000	†72,000,000	†212,000,000	4 92	2 53	7 45
Greece	1,979,423	2,702,000	2,702,000	5,404,000	1 36	1 36	2 72
Spain	16,625,800	130,000,000	70,000,000	200,000,000	7 82	4 21	12 03
Cuba	1,394,516	28,181,000	.....	28,181,000	20 20	.....	20 20
Luzon	4,450,191	762,000	2,236,000	2,998,000	17	50	67
Portugal, including Azores and Madeira	4,550,609	30,000,000	10,000,000	40,000,000	6 59	2 20	8 79
Germany	45,235,061	334,420,000	211,480,000	545,900,000	7 39	4 67	12 06
Austria-Hungary	35,839,428	45,000,000	75,000,000	120,000,000	1 26	2 09	3 35
Sweden and Norway	6,479,168	14,296,783	5,138,368	19,435,151	2 21	79	3 00
Danish Kingdom	2,096,400	13,936,000	4,958,000	18,894,000	6 64	2 36	9 00
Netherlands	4,172,921	28,000,000	57,000,000	85,000,000	6 71	13 66	20 37
Russia	98,323,000	‡124,008,153	.....	124,008,153	1 26	.....	1 26
Turkey	21,987,000	30,600,000	35,200,000	74,800,000	1 39	1 41	3 00
Roumania	5,376,000	163,000	11,387,000	11,550,000	03	2 12	2 15
Mexico	9,787,629	‡10,000,000	40,000,000	50,000,000	1 02	4 09	5 11
Central America	2,891,600	2,318,000	374,000	2,692,000	80	13	93
Argentine Republic	2,540,000	10,000,000	10,720,000	20,720,000	3 93	4 22	8 15
Colombia	3,000,000	.....	4,000,000	4,000,000	.....	1 33	1 33
Peru	3,050,000	62,000	1,820,000	1,882,000	02	60	62
Venezuela	2,075,245	2,000,000	123,000	2,123,000	96	06	1 02
Chili	2,430,500	.....	6,000,000	6,000,000	.....	2 47	2 47
Bolivia	2,325,000	.....	5,400,000	5,400,000	.....	2 32	2 32
Uruguay	428,245	4,601,000	1,000,000	5,601,000	10 49	2 28	12 77
Hayti	572,000	4,000,000	780,000	4,780,000	7 00	1 36	8 36
Japan	36,700,100	92,000,000	44,383,712	136,383,712	2 50	1 21	3 71
Hawaiian Islands	66,895	549,900	950,000	1,499,900	8 20	14 21	22 41
Total		3,202,106,895	2,775,611,089	6,067,717,916			

*Estimated by the Director of the Mint. †Wahrung's Politik, 1884. ‡Bank reserves only.

But whether this estimate is too high or too low, it is known to all that hitherto the two metals have not sufficed as a circulating medium, and all nations have been compelled to resort to paper or to other representatives of value to make up the lack of gold and silver. But if this paper or other representative of value is to be of permanent worth, it must have some fixed proportion to the amount of gold and silver held as the basis of its issue. As said by Senator TELLER in the speech from which I have quoted:

> We can not have forgotten in this country the large issue of the national notes during the war, without any considerable amount of gold and silver in reserve, either in the hands of the people or in the vaults of the Government. Its rapid depreciation was not from a want of faith in the Government ultimately paying these notes, but because it was apparent that the Government could not then pay in coin. In the nature of things, a paper currency not based on gold or silver will not circulate beyond the territorial limits of the nation issuing the same; but make it exchangeable on demand for coin, and its value will be substantially the same throughout the commercial world, the difference being only the cost of the exchange.

If then it has been found necessary to aid gold and silver in doing the world's business, what philosophy is there in the proposition that from this time forth gold alone will suffice? Are the wants of the people to be less? Is trade to be less active? Is labor to be idle? Are the sons of Aaron to want less? Is there to be no compensation for work? Is there to be no thrift, no growth, no development, no prosperity? Is all to be stagnation and deterioration? These are conditions not to be encouraged, conditions we do not want, conditions that the dictates of humanity should prompt us one and all to guard against, if possible, by wise and patriotic legislation. We need all the metal money we have, and all the paper money it will sustain, for the convenience of trade.

Fifty-eight million of people need more money than thirty million, and one hundred million will need more than fifty-eight, and as the days and years go by we find a constantly increasing demand in the busy and swelling activities of life. As our commerce is widened, our interests diversified, our progress promoted, our demand and necessity for money is augumented; and yet, knowing this and realizing it, as all must, bankers and capitalists confront us with the proposition that our mints must be closed to silver, that this metal that has served us so faithfully and honestly in all these years shall be discarded and dishonored, and

that, with Great Britain and Germany, we will only accept gold as the standard of value and give it to our creditors as the only money worthy of the Government.

Professor Soetbeer, who is generally accepted as the best European authority on the statistics of gold and its consumption in the arts, estimates that the annual yield of the mines of the world was $134,000,000 during the decade ending with 1860. It fell to $125,000,000 per year for the decade ending with 1870, and to $113,000,000 per year during the decade ending with 1880, and for the year 1880 it was only $101,000,000. Since that year it has continued to decline, and for the year 1884 the same authority estimates the yield at $93,000,000, and being a supporter of the single gold standard he can not be suspected of a disposition to underrate the production of that metal.

In respect to the consumption of gold in the arts and for ornamentation Soetbeer estimates that in Europe, America, and Australia alone, exclusive of old jewelry and of other old materials reworked, the annual average was $13,300,000 during the decade ending with 1850, $18,600,000 with the decade ending 1860, $38,200,000 during the decade ending with 1870, and $55,600,000 per year for the decade ending with 1880, and for the last year it is estimated that the amount was $81,000,000. We all know how enormous the development of wealth has been within fifty years, and especially since the great impetus given to industry and commerce by the mining discoveries in California and Australia and the yield of silver in Nevada and Colorado. The use of gold for purposes of luxury, splendor, and the arts depends upon the wealth rather than upon the population of the world; and in modern times, with the constant increase of human control over the forces of nature, opulence is advancing in all civilized countries much more rapidly than population, and the figures show, as we would expect them to show under such circumstances, a corresponding increase in the use of gold in the arts.

During the thirty India fiscal years ending March, 1880, the net annual import of gold for that country averaged $16,000,000, and during the last five fiscal years ending March 31, 1881, it is estimated that the average annual importations was a little in excess of $20,000,000. Thus we see that the total yield of all the gold mines in the world is consumed in the arts and decorations of Europe, America, and Australia, with the imports to India, and not a single dollar is left to repair the waste and loss of coins or to supply the expanding necessities of the people and the enlarging commerce and exchanges of the world. With these facts patent to all, and confronting us like a revelation, the monometallists of the country ask us to strike down all else but gold and to exalt it as the only money with which the people shall be permitted to pay their debts.

In the days of their ignorance and superstition Aaron erected a golden calf for the children of Israel; but Moses in his superior wisdom and loyalty to God struck it down and with fire burned it and reduced it to powder. Let our modern Aarons beware how in their avarice and greed they exalt false gods and command obedience to them, or the men who work our mines and conduct our workshops, who build our railroads and cultivate our farms, who subdue our prairies and make of them the gardens of the world, may rise in their majesty and power and strike down the golden images and bury in the *débris* those who exalt and erect them. [Applause.]

We have in the United States, it is estimated, about $626,422,646 in coin and gold bullion. With this we are to maintain our credit, pay our debts, carry on the concerns of government, build up the industries of the nation, give employment to men, and do all that a government can do for the happiness and prosperity of the people. Let us for a few moments look at this as a practical proposition, and let us contemplate what we owe as a people and as a nation. The national debt on the 1st day of this month was $1,845,923,686.47. The State, county, and municipal debt (estimated) is $1,125,585,546. The railroad and corporation debt (estimated) is $5,750,914,158, and the individual debt is estimated at $9,000,000,000, making a grand total of $17,722,423,380.47 as our indebtedness. Estimating our population at 58,000,000, this makes a per capita debt of $305.55 for every man, woman, and child claiming the benefits and protection of our Government.

Dividing the gold we have among our fifty-eight million of people gives to each $10.81. With these $10.81 the demand of the monometallist is that our people shall pay a per capita indebtedness as it becomes due of $305.55. Does it need a prophet to tell us the result of such legislation? Shall we make the experiment that we may know from actual experience the wretchedness, the beggary, the want that can be inflicted upon the country by taking from silver and every representative of money except gold its legal-tender functions? Shall we so legislate that we may know how labor and all productions of labor will depreciate and fall in value while gold and the interest collected by the money-loaner will appreciate and advance? Milton put into the mouth of Satan this language, "Which way I fly is hell;" and yet, in my judgment, his troubles were not comparable to those of the debtor class of this country should we give heed to the importunities of those wanting such legislation.

In our boyhood days we read the story of Atahualpa, the captured Inca of Peru, and we remember how our hearts went out to him in sympathy, and our breasts choked with indignation as we contemplated the conditions of his ransom. Long and loud were the anathemas we expressed against his captors as we condemned them to proper punishment for their cruelty and their wrong. As the condition of his discharge from captivity he was compelled to fill a room 22 feet long, 17 feet wide, and 9 feet high with gold. But in this more modern day the proposition is made to us that to secure our ransom from the captivity of debt we shall, for the gratification of our creditors, fill eleven hundred and forty-five rooms 22 feet long, 17 feet wide, and 9 feet high with glittering gold, and we see the President of the United States standing by, clapping his hands and contemplating the task with pleasurable emotion and asking Congress to see that the burden is imposed upon us without unnecessary delay. To him the sufferings of the poor and the direful consequences to the debtor class are of no importance. The creditor must have his gold though bankruptcy and ruin prostrate every industry and leave desolate every hearthstone.

Mr. Chairman, in considering the dangers that are said to be impending and the phantoms that are presented to our vision by the advocates of the single standard unless Congress shall promptly arrest silver coinage, we naturally inquire: "What has been our actual experience in the past, and particularly under the silver act of 1878?" Have we had gold and paper money redeemable in gold in sufficient volume to do our business, accommodate our commerce, answer to the demands of trade, and give thrift and prosperity to the people? Has there been a time in the history of our Government when gold could do this? Is it reasonable to suppose there will come a time in the history of our Republic when gold can do this? In fact, does history tell us of a government since the morning stars sang together where gold existed in such quantities that it furnished a sufficient circulating medium for the people and answered to the demands and necessities of the government?

Did the coinage act of 1878 drive gold from our country and precipitate upon us the crisis depicted by the alarmists? Did it convert America into a "dumping-ground" for cheap silver from all Europe, and bring dishonor upon the Government and repudiation to the people? These questions must be answered in the negative. At the beginning of 1878 we had been virtually without metallic money for seventeen years. In the popular sense, at that time it was not money. The people were strangers to it. It was in the vaults of the Treasury or owned by banks and kept from the circulating medium of the country. During the preceding seven years we had produced about $300,000,000 of gold and almost as much silver, and yet thousands of men actively engaged in business had never handled a dollar of either except it was in subsidiary silver coin. From the demonetization of silver in 1873 until the coinage act of 1878 became a law, the exports of gold exceeded the imports $123,754,210, or an average of $20,625,000 per year.

With the remonetization of silver came prosperity; confidence was restored, labor was encouraged, business was revived, and the pulse of the nation was again buoyant and healthy. Trade turned in our favor, and instead of gold leaving us, driven out by the despised silver dollar, it came to us by millions and passed into the hands of the common people, and for the first time in twenty years performed the functions of a circulating medium. Since the act of 1878 the gold coming to our shores has exceeded the exports $200,856,031, and we have been adding to our stock more than $60,000,000 each year, and during the same period the foreign demand for silver has been such that the exports have exceeded our imports. But let us examine a little further the condition of the country and see if the predictions of the bondholders and bankers of 1878 have been verified in a single particular. In that year we had in gold coin in the United States $218,000,000, and in bullion in the mints and assay offices $10,671,164, making a total of gold coin and bullion, $228,671,164.

Now, we have in gold coin and bullion (estimated) $626,733,869. In 1877 the deposits in the national banks were $630,400,000. In 1885 they were $1,120,100,000. In 1877 the capital stock of the national banks was $479,500,000. In 1885 it was $527,500,000. In 1877 there was in specie in the national banks $22,700,000. In 1885 it had grown to $174,900,000, and during this time it is estimated that the accumulations of the people in the savings-banks had increased $300,000,000.

In addition to this we had reduced the bonded indebtedness of the Government about $600,000,000, had advanced its credit, had resumed specie payment, had lowered the rate of interest, and was almost the only government in the world that had more gold in 1885 than in 1877. Is this not a good showing for the despised "buzzard dollar?"

What is there in this history that proves the legislation of 1878 unwise, dishonest, or disastrous? With the assistance of silver we have made this progress and increased our stock of gold $397,751,482. Only one nation in the world has more gold than the United States, and this nation (France) has three times and one-half as much silver per capita as we. And while we have been making, with the assistance of silver, this wonderful accumulation of gold, England, Ireland, Scotland, and Germany, where silver is dishonored, and where gold is the only standard, have witnessed its departure from their shores and have seen the bank deposits grow less day by day and the condition of the people more precarious and the condition of the government more unfortunate. [Applause.] This is the answer experience has furnished to those who would dishonor silver and send it a fugitive from the land where it is produced in greater quantities than in any other government of the entire circuit of the sun.

True it is that the bullion value of the silver dollar is not a hundred

cents in gold; but does it necessarily follow from this that it is a "dishonest dollar," "a clipped dollar," or an "80-cent dollar?" Compare it with the standard of produce, of merchandise, of labor (the real representative of value), and we find no depreciation in the intrinsic worth of the 371¼ grains of honest silver represented by the silver dollar. These tables have been given and comparisons made by others in the course of this debate and I will not repeat them, but repeat the inquiry, Has not gold been appreciated and put beyond its real value by this proposed legislation and by the action of European governments? But if silver has been depreciated, who is responsible for it?

In 1873 when the coinage was suspended in this country, and when Germany and the Scandinavian states were demonetizing it, it was worth more than gold and commanded a premium. Then, in the judgment of these monometallists, it was worth too much. But now, having wrought its ruin, as they contend, they ask that it shall be spurned by all, and some of them pretend to say they do this in the interest of silver; some of them with a smile that is "childlike and bland" suggest, "Let us suspend its coinage until its value has appreciated and until an international convention can be held by all the great commercial governments of the world and its coinage provided for." What an innocent and unsophisticated suggestion, and yet how insincere or ill-advised. They know, as is known by every bimetallist in the land, that it is this organized fight against the silver dollar that has worked its depreciation as compared with gold. They know, as is known by every bimetallist, that France, with a population only two-thirds as great as ours and with barely one-eighteenth of the territory, sustains a full legal-tender silver circulation of $535,000,000 (more than double our own) and sustains it at an exact parity with gold, and has during these recent years of divergence, and without any loss in the volume of its gold money, although the silver dollar of France in bullion is worth 3 per cent. less than our own. And they know, as every man, woman, and child should know, that if the coinage of silver was made free, and this administration would make an honest effort to promote its usefulness and value, the silver dollar would be worth a hundred cents in gold coin in less than twelve months. [Applause.]

But instead of this, the persistent cry of this administration has been that no one wanted silver; that it was rapidly filling the vaults of the Treasury to overflowing and could not be gotten into circulation; that it was token-money and no longer passed current in commercial centers, and so eager was the new President to join in the crusade against silver that he was not content to wait until his inauguration and until he was inducted into office and had the constitutional right of submitting to Congress his recommendations, but had the indecent haste of sending to the Forty-eighth Congress an ante-nuptial message [laughter] urging immediate legislation against the people's money. Let it be said, however, to the credit of the Democratic members of this House, that they could not be frightened by a novice in statesmanship and stood faithful by the people's money. The fear of disfavor with the appointing power did not deter them and the recommendations from the Hudson passed as the imaginary conjurings of the brokers and bankers of Wall street.

If there are any who doubt the effect of the policy of this administration upon silver, let me quote from a few English authorities. At the beginning of 1885 the London price of silver per ounce was 50*d.*, but it fell to the panic price of 47½*d.* on the 17th day of September, upon the publication in the London Times of that day of the following dispatch from Philadelphia, under the date of September 16:

A Cabinet council was held yesterday to consider the silver question. Both the President and Secretary of the Treasury will recommend Congress to stop the coinage of silver dollars.

The London Economist of September 12, commenting upon the fall in silver, said:

In the main, it is only the old cause—apprehension as to the future of silver—which has been in operation for years, but which has been recently revived and intensified by the agitation in the United States against the continuous coinage of silver.

The London and China Telegraph of the 29th of September says:

At a Cabinet council held in Washington on the 15th instant it was resolved to recommend Congress to stop coining silver under the Bland bill, and the semi-panic on Thursday, September 17, was a not unnatural consequence.

The London Bankers' Magazine for the beginning of October says:

The agitation of the repeal of the Bland act is a main cause of the depreciation. The amount of silver coinage in the States is £5,000,000 annually; and were Congress to sanction an abrogation of the law that enforces the absorption of that amount by the Treasury a complete glut would doubtless be seen on the market.

The Manchester Guardian of October 16 says:

The recent heavy fall in the silver market and the Eastern exchanges has been caused mainly by an apprehension of the repeal of the American silver coinage act of 1878.

But it is said that silver should be demonetized that we may have a certain inflexible standard of value. When did gold become such? When, where, under what circumstances, and in what government has it stood by the people, resisting panics and protecting them from the calamitous consequences of a fluctuating and uncertain circulating medium at times of danger or of national distress? We all know how it scampered from business and took refuge in old stockings and behind iron bars when treason organized its battalions and marshaled its armies for the overthrow of our Republic. And it is a fact that I commend to the thoughtful consideration of the advocates of the single standard upon the floor of this House that in England in twenty-seven years, beginning with 1847, the Bank of England changed its rate of interest two hundred and twenty-three times, and the range of fluctuations was from 2½ to 10 per cent. It is now about 2 per cent. While in one hundred and twenty-two years preceding 1816, when the single gold standard was adopted, there were only sixteen changes, and the rate never fell below 4 per cent. and never rose above 6 per cent.

For more than fifty years England with her single metal standard has been conspicuous for the frequency and violence of her commercial and monetary panics. In fact I charge and I challenge history to confirm the statement that gold unsupported by silver is as unstable as fiat money. The long experience of England has shown it to be one of the most fluctuating and treacherous of currencies, and, with free trade, has pauperized the farmers and laborers of Great Britain until only yesterday thousands and tens of thousands of them were marching the streets of London and Nottingham threatening the government and asking for bread that they might live. The head of the British ministry a few years ago said, "England did not become rich by adopting gold, but adopted gold because it was already rich." It had accumulated its great wealth under a sounder and better system, which has enabled it thus far to endure the mischiefs of a single standard, which, as has been said, "has made it the peculiar seat of monetary crises, just as Egypt is of the plague and India of the cholera." History does not tell us of a government that ever had too much gold and silver for its own good and for the prosperity of its subjects, and in the ages gone we find no trace of any commercial people that have been able to grow and thrive upon gold alone as its circulating medium.

Mr. Chairman, can we hope to reverse the experience of the centuries? Have we learned the secret of the famed genii and secured the magic wand with the touch of which we can convert the baser metals into gold? Unless so we should heed the lessons emphasized by the experiences of all nations and all tongues from the day of Adam to the present. If we would avert the danger and heresies of fiat paper money; if we would restore confidence and revive our drooping industries; if we would encourage commerce and open up new avenues; if we would overcome the present congestion and send the hot blood of business activity into every hamlet in the land; if we would put the spindles in motion and give employment to labor; if we would legislate for the good of all and for the happiness and prosperity of every hamlet, let us be done with this effort to appreciate the price of gold and to add additional burdens to the debtors of our land. [Applause.]

Mr. BRUMM. The gentleman from Kansas argues about getting rid of the dangers of fiat money if we do so and so. Now, does the gentleman know of any paper fiat money which ever existed in the world?

Mr. PERKINS. If you will observe my line of argument it is this: there is not sufficient gold in the country to do its business, and unless we have silver to sustain gold we must necessarily come to fiat paper money.

Mr. BRUMM. The gentleman from Kansas mistakes my question. Many have been under the impression that what are known as the "greenback" and national-bank notes are fiat money. The gentleman, however, seems to use the words "fiat paper money" as though he had experience in this or some other country of the use of such fiat paper money. My point is that there never has been any such fiat paper money in the world. I ask the gentleman to show me where there has been, and if he can not do so it is evidently unfair to make such reference to fit paper money.

Mr. PERKINS. My proposition is that unless we have gold sustained by silver we must necessarily come to fiat paper, and in order to avoid the embarrassment and difficulties of resorting to fiat paper money I want to stand by the honest silver dollar.

Mr. BRUMM. Does the gentleman mean to say we have any difficulty or embarrassment resulting from fiat paper money, or is it only an impression he has?

Mr. PERKINS. During the war we had so-called fiat paper money which resulted in embarrassment and difficulty to the people and the Government.

Mr. BRUMM. Does the gentleman mean to say that during the war there was anything like fiat paper money in this country?

Mr. PERKINS. No, not exactly, for although it was called fiat paper money it was not absolutely so, because it was to be redeemable in coin some time or other.

Mr. BRUMM. There never was any fiat money in this country nor in any other. I ask the gentleman to mention any such case if he knows of any.

Mr. PERKINS. I can not stop in the course of my speech to answer the gentleman's question, and I will content myself merely by referring to George Law's money and to the assignats of France and other instances.

Let us stand by those metals which in consequence of their divisibility, portability, durability, and indestructibility have demonstrated their intrinsic worth and their real value as money or as mediums of barter and exchange. Rust and mold can not corrode them, and chemical action is not likely to work their disintegration. Mr. Chairman,

let us make the coinage of these royal metals free and unlimited, and let us provide for silver and gold certificates of $1 and upward on all deposits in the Treasury or subtreasuries of gold or silver bullion or coin of standard fineness when $10 or more shall be presented. Let us inform the world that we can not be used by Great Britain as an assisting party in driving silver from monetary use in the commercial world, and let us inform the world that without such assistance it can not be done.

Let us say in deeds that are not capable of misconstruction that we fully realize the disasters that would follow the world's dethronement of silver. Let us say, as President Francis A. Walker, an able advocate of the suspension of silver coinage, has recently been compelled to admit, "that among its consequences will be the enhancement of the burden of all debts and fixed charges, acting as a steady drag upon production, and that suffocation and strangulation are words hardly too strong to express the agony of the industrial body when embraced in the coils of a contracting currency."

If the business of the world is to be based on metallic money, as I think it should be, the production of either metal would be entirely insufficient. But gold and silver must both be used as money to supply the necessities of trade, commerce, and humanity, and to give stability to each, and the production of both must continuously increase if the world is to grow in wealth, comfort, and human happiness. Denounced as the silver dollar is, England and Germany use it for the payment of their wage-workers, but want only gold for their creditors.

In this Government of the people and for the people let us demand justice for all; and as we are engaged in this discussion the tidings come from Germany and Great Britain that light is dawning, that the clouds are breaking, that the mists are disappearing, that the people are thinking, bankers are talking, chambers of commerce resolving, and even the "Iron Chancellor" of Germany discussing whether the oppressive and ruinous single standard shall not give way to the more liberal, the more stable, the more progressive double standard of the United States of America. [Applause.] Gold will no longer be crowned as the only royal money, but with it will modestly sit silver listening to the importunities of the people, helping the unfortunate, and contributing relief to the exigencies and necessities of trade and commerce.

Mr. Chairman, we do not come with the hands of communism to tear down or to destroy, we do not come in lawless organizations to demand that which is wrong or to defeat that which is right, we do not come asking that the accumulations of other years shall be taken from its possessors and distributed to the unfortunate. But we do come with hands bronzed in the bright sunshine of our Western prairies, and hardened in the mines of our Western mountains, asking that in this imperial Chamber of the nation's greatness there shall be some recognition of labor. [Applause.] We come asking that in this representative body the poor as well as the rich, the weak as well as the strong, the debtor as well as the creditor shall be remembered and legislated for. We come asking that the pioneer, who with ox-team and plow is marking the way for future empires, or breaking the prairies to feed the hungry, shall not be forgotten. Capital is strong, capital is vigilant, capital is organized, capital is capable of taking care of itself, and if neglected by the Government will find means of its own for investment and profit. As said by the gentleman from Maryland [Mr. FINDLAY], "The money-owners have cities of refuge in all the capitals of Europe, in which they find ready access by the purchase of foreign exchange." But not so with the wage-worker, the toiler, the debtor, and the unfortunate. These need the fostering care of a sympathetic Government and the encouragement and protection of wise and helpful legislation, and let us show an appreciation of their necessities as well as a disposition to do justice to all. As said by a distinguished Senator in the course of debate in the Senate Chamber, "I have no sympathy with any ambition which seeks for any object to array labor against capital. As labor is before capital and created capital, labor should be first considered, not forgetting, however, that capital is the handmaid of labor and, if wisely employed, its truest and best friend. The legislation, therefore, which serves labor most serves capital best." Let us do what we can to contribute to the thrift and prosperity of all, the employer and employed—the farmer and manufacturer, the debtor and creditor—and believing the precious metals of our Western mountains is one of the most important agencies to accomplish this I would stand loyally by each and would not demonetize or dishonor either. [Applause.]

But, Mr. Chairman, I wish to look briefly at the general policy of the present administration. I wish to turn the "Pan-Electric" light [laughter] upon its professions and practices and ascertain what there is of good for the general public. It has professed a respect for the civil-service statute, and yet has broken its provisions and violated its requirements with impunity when inclination prompted it so to do. It has professed a desire for an honest and efficient public service, but has appointed convicted felons and incompetent men to positions of trust and responsibility.

It has professed a willingness to correct mistakes, and yet has sent to the Senate for confirmation the names of men known to be morally unfit and a reproach to the communities from whence they come; and if you wish the names of some of these there are Democratic members upon the floor of this House that can give them.

It has professed a disposition to send men abroad who could represent us with credit and with advantage to our country, and yet there are vacant places in our diplomatic service to-day because odious and objectionable representatives were not received; and it is said that men have been designated to speak for this great nation of 58,000,000 people in the courts of Europe who until the time of their appointment had never been in a Northern State in their lives, and who had no conception of the interests and greatness of their country, and who for more than twenty years had not taken enough interest in its wonderful growth and development to have their political disabilities removed.

It has professed a wish to observe and enforce the law, and yet we see it violating statutes, ignoring legislation, and organizing to enforce a policy of its own.

It has professed a desire to promote and advance the interest of the laboring masses, and yet we find it authorizing the employment of convict labor on our public works and organizing to break down some of our largest and most successful industrial institutions.

It professes to favor American commerce, and yet refuses to carry out laws enacted by Congress to encourage and strengthen American shipping, and by its unjust and unlawful discriminations has taken the business of carrying the American mails from the most important line of American vessels.

It professes love for the American Navy, but demands from American ship-builders tests never heard of in naval warfare, and refuses to accept the Dolphin until she can encounter blizzards and ride the sea in storms so violent and tempestuous that naval reformers can not retain their places and witness her movements.

It professes economy and retrenchment, but wants $50,000,000 per year more than its immediate predecessor to conduct and carry on the concerns of government. [Laughter.]

It professes to desire the good of all classes and all sections, and yet, commencing with the western boundary of the State of New York and continuing thence west to the Pacific Ocean, a distance of 3,200 miles, who in all that vast empire of wealth and intelligence is selected to speak for the people and look after their interests in the Cabinet of this so-called reform administration? We find the national banks, the standard oil companies, and the telephone companies represented [laughter]; the aristocratic families and cod-fisheries of New England remembered [laughter], and the State of Delaware and the solid South provided for; but who speaks for Pennsylvania, Ohio, Indiana, Michigan, Illinois, Wisconsin, Minnesota, Iowa, Nebraska, Kansas, Colorado, Nevada, Oregon, and California, and the great Territories of Dakota, Wyoming, Idaho, Utah, New Mexico, Arizona, and Washington?

Mr. BROWN, of Pennsylvania. Wall street speaks for them.

Mr. PERKINS. Here live more than twenty-one million five hundred thousand people, intelligent, patriotic, industrious, and devoted to their country—the ex-soldiers of the Union, the farmers of the great prairies, the workers in the mines, the representatives of great cities, the toilers in every avocation and business known to our land—and their only Cabinet representation in this administration is in the person of a pleasant gentleman from Wisconsin, who never had a day's experience in governmental matters in his life until honored by his preferment, and who had only reached a fair measure of fame in the local courts of his State as a practicing attorney. We find it contracting the currency, making no effort to reduce the bonded debt of the nation until forced to do so by public opinion, and bringing silver at great expense to the Government from distant mints to Washington that Congress might be frightened at the extraordinary display.

It professes a desire to lessen the burdens of the people and to contribute to the growth and development of all sections, but it has no word for internal improvement and no encouragement for the great water ways of the country and the cheap transportation of the people.

It professes a wish for the good of American industry and the prosperity of American labor, but in its coils enterprises are stranded, workmen discharged, labor suspended, and doubt and disparagement expressed for the capacity of the engineers of the American Navy, while the accomplishments of the John Bulls who are the constructing engineers of her majesty's service are exalted and magnified. "It's English, you know." [Laughter.]

It professed justice, sincerity, and love of fair play, but organized star-chamber methods and secret inquisitions that the names of honorable men might be blackened in the dark and their official reputations compromised and ruined by nameless defamers and paid falsifiers, until the Washington Post, the national Democratic organ, was compelled in decency and for the good of its own organization to make this indignant protest against such dishonorable practices:

> Things were managed thus by the council often when the life and honor of the noblest in the land were at the mercy of every anonymous assassin. Such methods flourished in the days of Torquemada; even later, when malice, tyranny, hatred, savagery nursed into evil life the *lettre de cachet*. But civilization has long ago condemned them, and every fiber of a freeman's heart protests against their restoration. The transfer of the Government to the Democracy can be effected without resorting to methods so unwholesome and abhorrent. This practice of incriminating, prosecuting, and condemning Republican office-holders, trying them without a hearing, and casting them out branded with a nameless crime is the most repulsive thing to which our politics has ever given birth.
>
> [Applause.]
>
> If persisted in it will disgust and alienate every manly soul, and it will bury its authors and contrivers fathoms deep in odium.

It has professed a desire for honest elections and for the purity of the ballot-box, but it has pardoned the Mullins of Cincinnati and appointed the Pillsburys of Maine and the Meads of Mississippi to places of responsibility and power, and, as Senator HOAR is reported as saying, "If President Cleveland were to write over the gate of the White House, 'Frauds upon the elections will be profitably rewarded here,' he could not make the declaration more significant than he has made it by the 'character of his appointments.'"

It professes patriotism, but lowers the flag of the Union at the death of Jacob Thompson, and in its messages to Congress has no mention to make of that distinguished statesman, that invincible soldier, that incomparable citizen, the commander of our armies, the President of our nation, the loved of all—General Ulysses S. Grant.

This, in brief, Mr. Chairman, is the national Democratic reform administration of the nineteenth century, and as we listen to its professions and look upon its practices, is it any wonder that the mass of the American people are now of the opinion that when God in His inscrutable Providence permitted this organization to secure control of the destinies of this nation He made a great mistake? [Great laughter and applause.]

The CHAIRMAN. The gentleman's time has expired.

Mr. THOMAS, of Illinois. The gentleman from Kansas has not yet concluded his remarks, and I move that by unanimous consent he be allowed further time.

The CHAIRMAN. How long does the gentleman desire?

Mr. PERKINS. About fifteen minutes.

There was no objection, and it was so ordered.

Mr. PERKINS again took the floor and concluded the speech as above.

Mr. EVANS. Mr. Chairman, the suspension of the coinage of silver is certainly one of the most important questions that will come before us during the sessions of the present Congress.

A large number of the members of this House are believers in a double standard. Between them and us there is an honest difference of opinion in relation to this question; therefore no man has the right to arrogate to himself that he is right and everybody who does not agree with him is wrong. No human intellect can claim infallibility. Let us then examine the question in a calm, considerate, and rational manner, with due respect for the opinions of those with whom we may differ.

The large amount of standard dollars in the United States Treasury coined out of the silver purchased under the provisions of the act of 1878 and for which the Government has no use should not fail to draw the attention of Congress to the fact that there is something wrong in the policy inaugurated under that law, especially as the standard dollar of 100 cents can only command 79 to 80 cents in gold in the markets of the world.

It has long been a pleasant dream with many political economists that gold and silver could be used as a metallic currency at a certain fixed ratio between them and under a system of unlimited coinage. This pleasing delusion is agitating the minds of political economists and legislators in our own and foreign countries at the present day.

With this view all civilized countries have fixed a ratio between gold and silver money, which they hoped would be permanent, from 1 to 14 and up to 1 to 16; but the ratio in every country has been a sliding scale which would never remain permanent except for a very few years or months at a time.

In our own country in the last hundred years it has varied about 37 per cent., the rate in 1781 being as 1 to 13.33 and in 1876 as 1 to 17.87, in 1883 being 1 to 18.40, the average for the year 1884 being about 1 to 20; showing a heavy fall in the value of silver as measured by gold.

In England you are aware that gold is the principal metallic currency; Germany has demonetized silver and adopted gold, whilst the Latin Union, composed of France, Belgium, Italy, and Switzerland, has adopted gold as their principal metallic currency with a limited coinage of silver at a pro rata according to their respective populations. But at the present time no nation, except India, Mexico, and the United States, is coining silver. Russia has a silver currency, and India and the East generally have the same. The poorest nations always have the cheapest metal for currency, as being best adapted to their small dealings in their internal commerce, as shown in the small coins of India and China.

In order to refresh the memory it will not be amiss to briefly review the efforts that were made to establish the double standard by international conferences. During the universal exposition or "world's fair" held in Paris, 1867, there was a "monetary conference" composed of about twenty European nations and the United States, the object of which was, as stated by the French minister of foreign affairs at the opening of the convention, "to substitute, instead of the variety of monetary types actually in use, metallic coins struck in accordance with uniform regulations and placed beyond any variations of exchange, which would in effect be to remove one of the most serious obstacles to the development of international relations."

In other words, it was to ascertain whether the nations could agree on unification of coinage by adopting a universal unit, such as the franc, the dollar, or the pound sterling; whether the gold or single standard or the double standard should be adopted; and whether or not a fixed ratio between the two metals could be maintained.

The conference wrestled manfully with these and other questions pertinent to the subject through eight sessions, extending from June 17 to July 6, 1867.

They came at last to the conclusion to report to their respective governments the result of their deliberations to be a recommendation of a single standard of gold; coins of equal weights; coins of equal fineness, coins divided according to the decimal system and a gold piece of five francs as a unit. Mr. Parien proposed this paragraph, namely: "The conference expresses the hope that the measures taken by the governments of the different States to modify their monetary system, in conformity with the basis laid down by the conference, may end in diplomatic conventions," which paragraph was unanimously adopted. Mr. Samuel B. Ruggles was our representative in the conference. The hope expressed above was not acted on until a decade later.

About 1876 the increasing production of silver instigated the owners of the mines to look around for a market for it. In 1874 there was coined by our mints $5,983,600; in 1875 the coinage was $10,070,368; and in 1876 it was $19,126,502; in 1883 it was $28,835,470, showing a rapid increase of that metallic coin.

By a joint resolution of Congress passed August 15, 1876, a commission of distinguished Senators, Representatives, and citizens was appointed to inquire, among other things, "into the change which has taken place in the relative value of gold and silver; the causes thereof, whether permanent or otherwise; the effects thereof upon trade, commerce, finance, and the productive interests of the country, and upon the standard of value in this and foreign countries;" and also into the policy of the restoration of the double standard in this country, and, if restored, what the legal relations between the two coins, gold and silver, should be.

This commission sat for a long time in New York and Washington. They examined men eminent as statesmen, political economists, theorists, writers on currency, bankers, brokers, and business men of every kind who were supposed to have any knowledge of the movements and operations of the precious metals and the causes moving thereto.

The majority of the commission came to the conclusion, as stated in their report, that "the causes of the recent change in the relative value of gold and silver are mainly the demonetization of silver by Germany, the United States, and the Scandinavian states, and the closure of all the mints in Europe against its coinage.

These principal causes were aided by a contemporaneous diminution of the Asiatic demand for silver and by enormous exaggerations of the actual and prospective yield of the Nevada silver mines. The effect of all the causes, principal and accessory, reached its culminating point in the panic of July, 1876, in the London silver market. Many of these causes were essentially temporary. The Asiatic demand for silver has somewhat recovered its accustomed force, and the delusions in respect to the Nevada mines no longer exist.

What "delusions" there may have been concering the Nevada mines I know not, but the last report of the Director of the Mint shows a regular annual coinage of over twenty-eight millions of the standard silver dollars, and the report of the Secretary of the Treasury shows that more than seventy-six millions of them remain unused in the Treasury.

The report further states:

> The commission have been able to arrive at only the one single conclusion, that resumption in this country is not practicable under the circumstances until the existing laws making gold the sole metallic legal tender are repealed.

And yet, if I remember right, specie payments were successfully resumed within two and a half years of the sitting of the commission and before nine millions of the standard silver dollars were coined. The commission therefore recommended the restoration of the double standard and the unrestricted coinage of both metals, but were unable to agree upon the legal relation that should be established between them, which rendered their recommendations of little value.

The minority of the commission, however, came to a different conclusion. They showed with great clearness the great tendency of silver to large fluctuations in the markets of the world, and that it was unreliable as a standard of value. In this regard they are sustained by the fact that when the report was written silver was worth 53*d.* per ounce, while now it is worth only about 47*d.* per ounce. Among the conclusions at which they arrived was this, that—

> The so-called double standard is an illusion and an impossibility. The prolonged attempts made both by France and the United States to establish such a standard have been complete failures, causing much confusion and inconvenience, necessitating frequent changes of legislation, and resulting only in the alternate establishment of one or the other precious metal as the sole standard.

The suggestions of the majority of the commission for the more extended coinage of silver were carried out in the law of February 28, 1878, which provided for the coinage of the silver dollar of 412.5 grains which had been discontinued by the act of 1873.

The act of 1878 also provided that the President should invite the governments of the Latin Union, and such others as he might deem advisable, "to join the United States in a conference to adopt a common ratio between gold and silver for the purpose of establishing internationally the use of bimetallic money and securing a fixity of relative value between these metals."

Pursuant to the invitation extended to them by the United States, twelve European governments met at Paris on the 10th of August, 1878, and continued through seven sessions until the 29th of that month, our country being represented by Reuben E. Fenton, W. S. Groesbeck (who had been one of the silver commission in 1876), Francis A. Walker, and S. Dana Horton, all eminent political economists.

Our representatives submitted two propositions to the conference, the first recommending the unrestricted coinage of silver and its use as money of unlimited legal tender, and the second that the use of both gold and silver as unlimited legal tender might safely be adopted by equalizing them at a relation to be fixed by international agreement. The convention listened to the arguments of our representatives with great attention and gave them full consideration. At their closing session, however, the conference adopted a memorandum, in reply to the American propositions which amounted in Pickwickian style to this: That both gold and silver should be used as money, but that the selection of one or the other or both at a time should be governed by the special position of states; that is, the restriction of the coinage of silver should be left to the states individually, and that under the circumstances in which states found themselves there could be no discussion of the adoption of a common ratio between the two metals.

The conference wound up its session by resolving itself into a mutual admiration society, and after scattering compliments toward each other generally, and to the United States in particular for having called them together for an interchange of views on such an important subject, they adjourned without having arrived at any practical conclusions. Our representatives were thus politely bowed out with permission to return home as wise as they went.

Thus ended fruitlessly the second international conference in which our Government has endeavored to procure the adoption of a universal standard. Undismayed by its own past experience and failures to maintain a double standard and unconvinced of its impossibility by the rebuffs that it received in two international conferences, our Government still endeavors to achieve the impossible. Although the coinage of gold and silver from 1792 to 1834 was unrestricted, yet silver being overvalued formed the bulk of our metallic currency, and gold being undervalued here was exported where its true value was better appreciated.

In 1834 Congress overvalued gold, and the result was that it became the predominant coin. Silver being undervalued commanded a premium and was sent abroad, its value as bullion being about 3 per cent. more than its value as coin. Thus gold continued practically the standard from 1834 till 1862, when we went into an irredeemable paper currency. In 1873 silver was demonetized, not being a legal tender over $5. The act of 1878, however, gave it new life and afforded a market for the silver miners in the Western States and Territories, at the expense of the people of the nation who are now compelled to take at par a silver coin which is 21 per cent. under par.

This experience of our own country and the futile efforts of international conferences to agree upon a double standard, and the demonetization of silver by England, Germany, the Latin Union, and the Scandinavian states ought to convince legislators that it is impossible to maintain a double standard; the fluctuations in the price of silver forbid it. In our country the relative value of silver to gold was never the same for more than three consecutive years, and in England the divergence was larger than our own. To preserve a fixed ratio between the two metals for any length of time would thus seem to be an impossibility.

To attempt to maintain a double standard is as absurd—

Said Mr. Bowen, of the silver commission—

as it would be to declare by law that two clocks should both be the standard for measuring time, though, as everybody knows, no two clocks can be made which shall keep perfect time with each other.

It is as absurd as it would be to enact a law that any two commodities the result of human labor should bear a fixed relative value the one to the other.

Gold and silver receive their value from different causes, such as the expense of getting them from the mines, the amount needed for the uses of nations, and the hostile or favorable legislation of governments; each one of these causes has a bearing upon the price or value of them in the markets of the world. Hence it is that fixed ratios between the products of labor can never be long maintained.

In the early history of our State in a county adjoining my district the authorities were compelled to raise funds by taxation for the support of the county. As money was not plenty the authorities agreed to take country produce at prevailing rates, so on October 6, 1685, the tax collector was ordered to receive good and merchantable Indian corn at the rate of 2s. 8d., good and merchantable wheat at 4s. 6d., and good and merchantable rye at 3s. 6d. per bushel. This was on the same principle as establishing a fixed rate between silver and gold. The ratio between the grains did not remain stable very long, for at December term of the same year the court raised the price of wheat to 5s., rye to 5s., and 3s. for Indian corn.

The arbitrary power of legislation may make the gold and silver dollar equivalents in payment of debts among ourselves for a time, but whenever the balance of trade shall turn against our country the disparity in value between the two coins will be made apparent. If such a state of affairs existed to-day, gold would be rapidly exported and we would be remitted to a silver currency; the importing merchant who had been obliged to take silver dollars in payment for his merchandise would find that $1,000 of such coins would only be worth about $800 in the markets of England or France. If he should have to undergo so great a shave in purchasing his goods abroad, he would endeavor to make it up by sufficient additional charges on his wares to reimburse him in his loss, and the loss on the value of his money would be eventually imposed on the consumer of the merchandise that he should sell.

Aside from the violation of the well known laws regulating metallic currency that we are at present perpetrating there is a moral aspect of the question that deserves consideration. We are purchasing silver at a price that makes the coined dollar worth only about 80 cents, and we are imposing those dollars on the people at the rate of 100 cents. So successfully has been this imposition on the public that it appears from the information furnished us by the Director of the Mint that the Government has made a profit of $25,338,389.97 on the coinage of silver in the seven years ending June 30, 1885; and every man who has a silver dollar in his pocket has indirectly paid 20 cents into the Treasury without receiving an equivalent.

The great mass of this profit has arisen from the coinage of $218,259,761 coined up to December 31, 1885. That the silver coinage is excessive and not needed for the wants of the people is shown by the fact that seventy-six millions of silver dollars and $28,000,000 of fractional silver coins remained unused in the Treasury when that report was written. What nation but our own would perpetrate such a wrong on its citizens? Does it not stand alone as the great robber of the people? It assumes to itself that prerogative in a time of peace and in the midst of plenty. If a private individual should coin and circulate a silver dollar of the exact weight and fineness of the standard dollar, he would be guilty of a misdemeanor, and be obliged to suffer punishment, while the Government assumes the right to impose on the people depreciated coins to a profit of $25,000,000, benefiting none save the silver miners.

To them it has afforded a good market for their surplus silver, which is being piled up by the ton and useless in the Treasury. Why should this be so? Why should not the money used to buy silver bullion for coinage be used instead to pay on our interest-bearing debt, and thus relieve us of interest thereon? A much smaller outrage on a nation than this forcing on our people a depreciated coin created a great ferment in Ireland and led to the overthrow of a scheme of petty robbery of the Irish people.

In 1724 George I, of England, granted a patent to William Wood to supply the people of Ireland with copper half-pence and farthings. His patent authorized the issue of £108,000. Wood began to send his coins over to Ireland and to supply them with small change. Swift, in his Draper letters, resisted the issue, alleging that they were short weight and worthless metal. Carteret, the viceroy, endeavored to force their circulation. The whole country was in a ferment; the grand jury of the city of Dublin denounced them as a nuisance, and so strong was the hatred of the people to the debased coin that when about £40,000 was put in circulation the home Government was obliged to buy back its patent by giving Wood a pension.

And yet the people of the freest government on earth patiently and quietly submit to the imposition upon them at par of coins worth only 79 cents on the dollar.

Having shown that our efforts thus far to establish a common ratio between gold and silver by international agreement have been failures, the question presents itself, can we single-handed and alone maintain a double standard, and at the same time continue to coin not less than two millions of silver dollars per month? We have shown that the conclusion arrived at by the different conferences was that no nation could adopt free coinage of both metals successfully, except by international agreement. Even the most sanguine advocates of bimetallism admit this fact. In the conference of 1881 the French minister of finance, who was instrumental in having the conference called, and an ardent advocate of bimetallism, said:

In order that the metal silver may recover its former value it is indispensable that it should be freely coined side by side with gold, and as no state either wishes to stand or could stand alone in resuming such coinage, it is absolutely certain that we shall not find our way out of the present difficulties until an international bimetallic treaty shall have been concluded.

M. Cernuschi, another member of that conference, who is perhaps the ablest and most earnest advocate of a bimetallic system, says:

That the only remedy is universal bimetallism; Germany can not resell gold to become again silver, monometallic, and France can not alone, at her own risk and peril, recommence coining silver.

Bimetallism can only be rehabilitated by the co-operation of all the States, India included.

Neither India nor any State can defend itself singly; either all the States will be rescued by means of a general understanding or none will be so.

In speaking of resumption of specie payments in the United States, he says:

In order to resume it is necessary to rehabilitate silver; give the silver dollar the same value as the gold dollar. To enable this plan, however, to be adopted, it is first of all necessary to be sure that Europe will become bimetallic.

As late as 1885 he said:

So long as the bimetallic treaty proposed in 1881 by the United States and France is not accepted either by England or Germany not one silver 5-franc piece should be coined by France; not one single silver dollar should be coined by the United States. In no form, under no pretext, should silver currency be increased either in France or the United States.

These are the opinions of some of the ablest bimetallists of the world. They realize the great danger to any one nation of an adherence to a double standard and a continuance of unlimited coinage. Common sense divested of selfish interests ought to teach the advocates of bimetallism in this House that the course they are pursuing will send us to financial ruin, and to silver monometallism, just as surely as the night follows the day. It may not be this month, nor next, nor possibly next year; but when the time comes that the Secretary of the Treasury will be compelled to pay, either by legislative enactment or by reason of the payment of duties in silver or silver certificates, the principal and interest of the public debt in silver coin, then will follow the further depreciation of silver, which, being the cheaper currency, will drive the gold out of circulation, leaving us stranded on a silver basis and at the mercy of foreign countries. I tell you, gentlemen, the business people of this country are watching with the deepest interest the action of this House in the faint hope that you will do something to avert the impending crisis. If you fail to heed the warning given by our own people, as well as by the bimetallists of Europe, that no nation can stand alone on a double standard, and by your persistence you bring about the calamity which they so much dread, the responsibility as well as the condemnation of sixty millions of people will rest upon your heads.

Mr. Chairman, it has been charged that we who are not believers in a double standard, at least under existing circumstances, are anxious to demonetize silver. This is not true, and is unfair. I am sure that no advocate of a suspension of silver coinage desires its demonetization. But we believe that the continued coinage of it will create such an excess of cheap dollars as will send gold to a premium and thereby drive it out of circulation, the result of which will be to drive us to a silver basis. Instead, then, of having a double standard, we will be reduced to silver monometallism.

The advocates of unlimited silver coinage seem to lose sight of the important fact that over $600,000,000 of gold coin will be entirely withdrawn from circulation, and thereby contract the circulating medium to such an extent as to produce the most disastrous results. They also seem to forget that all commercial transactions are conducted on a gold basis. Everything that we import has to be paid for in gold or its equivalent. It is a plausible but erroneous idea of the silver advocate, who favors protection, that an abundant silver currency will raise the price of goods so as to protect the American manufacturer. It is true a plethoric currency may raise the price of goods, but when such prices are raised it makes our market a first-class one for foreign manufacturers, and thus brings more foreign products into our country to compete with our people. This was exemplified by the large amount of imports when paper money was so abundant and depreciated during the war.

There is another important fact that we must not lose sight of, that is, we import annually not less than $193,213,624, much of which is in raw materials on which there is no duty for the reason that they are not produced in our own country and are required in the manufacture of American goods. If we are remitted to a silver basis, and the manufacturer is compelled to pay for his raw material in the money he receives or to buy gold, he will pay out at the present value of the standard dollar 20 per cent. more than the value of the money he receives. This procedure will add to the cost of his goods, which the consumer will have to pay or buy imported goods to the great detriment of the productive industry and labor of our people. We are told by the advocates of silver in the Forty-fifth Congress that if we would restore it to its legal-tender character it would soon go to par with gold. What has been its history? The following table will show:

Average price of bar silver per ounce in London.

	Pence.		Pence.
1877	54 1/16	1882	51 3/16
1878	52 5/16	1883	50 1/2
1879	51 1/2	1884	50 1/2
1880	52 1/2	1885	48 5/16
1881	51 1/16	1886	46 1/2

Average gold value of a standard silver dollar.

	Cents.		Cents.
1877	92.9	1882	87.8
1878	89.1	1883	85.8
1879	86.8	1884	86.1
1880	88.5	1885	82.3
1881	88.0	1886	79.0

For nearly eight years we have been coining silver at the rate of more than $2,000,000 a month; has the continued coinage and its remonetization increased its value as promised? The figures show that it has had the opposite effect; neither has this large amount of silver added to the circulation increased the business interests of the country, as the farmer, the manufacturer, the merchant, the mechanic, and the laborer can testify.

Let us examine further and ascertain if possible who is to be benefited and who is to be injured by a continuance of silver inflation. It is doubtful if anybody in the long run is benefited, not even the bonanza princes. If the United States would suspend silver coinage there would be some hope for an international agreement on a fixed ratio. But so long as we are willing to supply foreign countries with a market for their surplus silver there is not the remotest prospect for such an agreement. If we continue to coin the minimum $2,000,000 a month in addition to what we may receive from abroad, I venture to predict that it will not be long before we will be remitted to a silver standard. We will then be classed with Russia, Austria, the South American states (except Brazil), India, and Japan.

And arrayed against us in the use of the gold standard will be the powerful nations of Great Britain, the Scandinavian States, Germany, Portugal, Turkey, Egypt, Brazil, Canada, Liberia, and Australia.

But you will say that these states are using silver; that is true, but they are all under the gold standard, silver being used for subsidiary and local purposes. Now let us see who will be injured by a silver standard. The number is legion; the calamity will be national, but upon none will it fall with so heavy a weight as the working classes. Those who earn their daily bread by the labor of their hands, they are the creditors of the nation to whom is paid, according to the census report and as shown by Mr. Lacey in an able speech before this House in the last Congress, $3,000,000,000 annually.

He says:

This vast sum is no doubt much less than the sum actually paid as wages in the United States during a single year. Now, if we should cut down the purchasing power of our currency 12½ cents on the dollar, the reduction on this amount of wages would be $387,000,000—a total loss to the wage classes in one year of an amount equal to eight years output of all the silver mines of the United States. Now, in order to make a market for $46,000,000 of silver bullion, that is to increase its price by 1, 2, or 3 cents per ounce, are we willing to risk precipitating a loss of $387,000,000 annually upon the laborers, the wage receivers of the country?

But if Mr. Lacey had made his estimate at the present value of silver, the loss instead of being $387,000,000 would be over $600,000,000 annually. It may be claimed that they would get the same number of dollars as if paid in gold or its equivalent. That is true, but the purchasing power of the dollar would be diminished by the advance of everything they consume in order to meet the depreciation in the currency. This has been the experience of our country in times past and is the universal experience the world over.

The advocates of unlimited coinage claim that plenty of money will benefit the laboring classes. This greatly depends upon what kind of money it is. Cheap money benefits no one, particularly the wage-worker. Mr. J. H. Walker in an address on the perils of wage-workers shows conclusively that the periods of cheap money and inflation were detrimental to their interests. He says:

While wages slowly increased from 1861 in the number of dollars paid the workman, their purchasing power—the value of their wages measured by what they could buy—just as surely decreased. In 1860 the wages of a dyer were 67 cents a day; the total cost of food supply for a year was $225. In 1864 his wages were $1 per day; total cost of same food and supplies $441.61. By this it will be seen that the purchasing power of his dollar in 1864 was 50 cents against 67 cents in 1860. In 1860 plain weavers were paid 72 cents per day, in 1864 $1.08; they could only buy with the $1.08 what they could buy with 55 cents in 1860.

It took nearly eighteen years before their wages were worth as much as in 1860. To-day their wages are worth one-sixth more than in 1860, with a greater purchasing power. It took six years for carpenters' wages to have the same purchasing power as in 1860. Machinists who were paid $2 in 1860 and $2.50 in 1864 could only buy with their $2.50 what they could buy with $1.27½ in 1860. It was eight years before their wages were worth to them as much as 1860. To-day their wages are worth one-eighth more than in 1860. Locomotive engineers were paid $2.40 in 1860 and $2.80 in 1864, but the $2.80 would only buy as much as $1.42½ in 1860. It was ten years before their wages were worth as much as in 1860. To-day their wages are one-third more than 1860. He says:

The wages of every class the country over shows substantially the same thing.

It took in every instance from six to eight years for the wages to equal in purchasing power those of 1860; those years between 1860 and 1870 were the years of inflation and cheap money. Mr. Walker makes this estimate:

Taking the country over, and reckoning five persons to a family, it would give ten million families. Assuming that the earnings of each family be $2.50 of three hundred days, shows that the loss to the wageworkers of the country by the depreciation of the currency was $2,750,000,000, a sum equal to the public debt on August 31, 1865, its highest point, and nearly double the present debt. This loss occurred in about a period of six years. This experience of the American wageworker is precisely that of his brother in France during inflation times, excepting not so severe. There thousands of artisans and their families died of starvation; their wages, while nominally high, would not buy enough to sustain life. The history of England shows the same state of things during the clipping and debasing of her coin, and also in the times of her inflated paper currency.

From the foregoing statements it might appear that the farmer was benefited by inflation; but what affects a part injuriously will sooner or later affect the whole. The producers and consumers are to a great extent composed of the same individuals. The farmer's necessities are greater than the wage-worker's. He consumes much of the same things the wage-worker has to buy, and in addition many others. In times of inflation he is compelled to pay higher prices for labor and higher prices for the many kinds of machinery requisite to carry on his busi-

ness. Nearly everything the farmer produces—namely, wheat, corn, oats, barley, wool, beef, hides, tallow, &c.—may be regarded as raw material. It has always been conceded that the producer and the consumer suffer most in times of inflation and cheap money. The farmer is the producer and the wage-worker the great consumer. Hence it is what affects one must necessarily affect the other.

One of the objections urged against suspension of silver coinage is that we want a larger circulating medium. The cry is that the Secretary of the Treasury is hoarding up the silver whilst the people are suffering for the want of it. I have no doubt some of its ardent advocates would be willing to see him sow it broadcast as the farmer sows his seed, in order to get rid of it. Let us see if this assertion of the scarcity of money is correct. It is shown by the reports of the banks at New York that money was never so plenty and the rates of interest so low; from $60,000,000 to $70,000,000 over and above the legal and necessary reserve has been much of the time lying idle in their vaults, and the rate of interest has been from 1½ per cent. to 2½ per cent. on call loans.

Only the other day, I am informed by a member of this House, the town of Springfield, Mass., borrowed on six months' time $250,000 at the rate of 2$\frac{11}{16}$ per cent. This is the experience of all other money centers; millions of capital is lying idle throughout the country for the want of safe investments at very low rates of interest. The cry for more money is a fallacy, a deception, and a cheat. We never had so much money as at present. Counting the coin and paper money authorized by the Government, we find that there is not less than one billion five hundred million of circulation. When we come to consider how little of this amount is used in the daily transactions of business it would seem that a very much less volume of circulation would serve us.

The late Comptroller of the Currency, John J. Knox, showed by actual experiments that less than 2 per cent. of coin is used in the whole volume of business done in the United States, and 94 per cent. by checks and drafts. This proves two things: First, that the people do not want coin, especially silver, as a medium of exchange, on account of being inconvenient and cumbersome; second, that $600,000,000 of gold coin is a sufficient basis for the paper circulation and the trade and commerce of the country. But in addition to this we have 218,000,000 of standard silver dollars as a legal tender. It is not the amount of money or its cheapness that makes good and prosperous times. Protection to the labor and the manufacturing interests of the country will do tenfold more to bring us back to prosperity than a cheap, depreciated currency.

They tell us that the principal and interest of the public debt is payable in coin, and that the holders thereof ought to be paid in silver. There is nothing so important to the stability of a nation as its public credit. A very large proportion of our bonded debt is paying only 3 per cent. interest. Is it at all probable that so low a rate could have been obtained if the assurance had not been given that both principal and interest would be paid in gold? When Jay Cooke & Co. undertook to place $1,000,000,000 of the bonds there had not been coined as much as nine millions of silver dollars since the formation of the Government, and that was not in circulation. It was thoroughly understood that the bonds negotiated through Jay Cooke & Co. were payable in gold; they were the Government's authorized agents and promised in all their circulars that both principal and interest would be paid in gold. Ever since that time, when the debt was many millions greater and the annual interest more than double, we have continued to pay in gold or its equivalent.

This idea of paying our bonds in depreciated currency is not a new one. The question came up in the Fortieth Congress, when it was strongly urged that the debt should be paid in legal-tenders, which were then worth only 60 to 70 cents on the dollar. The record of the Democratic party on this question was in favor of paying the "bloated bondholders" in this depreciated currency. It is not necessary to show in this argument who were the "bloated bondholders;" suffice it to say that thousands of them were widows and orphan children, many of them wards of the nation, made so by the unjustifiable war of the rebellion, which also made it neccessary to issue the bonds to pay the debt that the war created. The same gentlemen who fought to destroy the Union are here, with very few exceptions, to-day advocating the payment of these bonds, principal and interest in a currency, the depreciation of which is equal if not greater than one-fifth its nominal value, and who can tell how much lower it will fall if the Government is forced to pay in silver?

Surely this is not the way to keep faith with those patriotic people who came forward with their means in the hour of the country's peril and the country's greatest need. When her credit was so low that she could not borrow money at the close of Buchanan's administration for less than 12 per cent. they loaned their money at a much less rate of interest and at a much greater risk, but they did it to sustain the Government and preserve the Union. Shall these people who furnished the means to put down the rebellion, and who have exchanged their bonds many times since, taking each time a lower rate of interest, now be told that "We will no longer pay you in gold or its equivalent, but you must be satisfied with a depreciated currency worth only 79 cents on the dollar?" The Government can not afford to do a dishonest thing any more than a private individual; if it undertakes to force depreciated silver on the holders of the bonds, it will soon find that it will borrow no more money at 3 per cent. per annum.

Mr. Chairman, I am in favor of the suspension of silver coinage, for the present at least, in order to give to gold the duty of settling large balances at home and abroad and remitting to silver the duty mainly of affording subsidiary coin for the smaller transactions of our people at home. While I have but little faith in a double standard I would regard it as unwise to demonetize silver, especially at this time when we have not less than 220,000,000 standard silver dollars on hand; but I would suspend its further coinage in the hope of being able to keep as large amount as possible in circulation and at par with gold, and also with the view of protecting us against the introduction of silver from abroad, and in the still further hope of an international agreement between us and the other leading nations of the world upon some fixed ratio as well as a fixed limit of the amount to be coined in proportion to gold. I am not in favor of the demonetization of silver or any other money of the United States. After having made the standard dollar a legal tender, I claim that the Government has no right to take away that quality without first passing a law for its redemption. This argument applies with equal force to the trade-dollar, which was made a limited legal tender, as well as to the standard dollar.

This brings me to a question in which many of the people of my district are deeply interested; that is, the redemption of the trade-dollar. I showed from careful investigation, in an argument in the last Congress, that the people of Pennsylvania were the holders of $2,560,927 trade-dollars and of this large amount only $123,044 were taken at a discount. I said then that the Government certainly has no just right to take away the legal-tender quality of its obligations at will; if so, it can take away with equal justice the legal-tender quality of the standard dollar. The Government has no more right to break its contracts than an individual or a corporation. This action on the part of Congress was a great injustice to the people, for it left upon their hands a mere disc of silver bullion of no more value as an instrument for the payment of debts than a silver bar. I showed that in many instances these trade-dollars were held by poor people, by merchants, farmers, and trades people, who took them at their face value and could not afford to lose.

The opposition to their redemption in the last Congress came from two opposite elements:

First. Those interested in the bullion market. They opposed it for the reason that the bill provided that the trade-dollars redeemed should be regarded as a part of the monthly purchase of silver bullion; they claimed that the effect of this would be to diminish the amount of bullion purchased.

Second. Those who favored a suspension of silver coinage opposed its redemption for the reason that the House refused to count it as a part of the monthly coinage, but passed the bill without any restriction, the effect of which would be to add five or six millions to the amount already coined. In my judgment both the elements opposed to the redemption of the trade-dollars are responsible for the loss that the people have sustained. There are at present several bills before this House providing for their redemption and recoinage, one introduced by myself, which provides that they shall be exchanged for standard dollars and then coined into subsidiary coin. As there seems to be sufficient subsidiary coin for the present, and a surplus in the Treasury, it might be better to exchange it for trade-dollars. In this way the Government would be getting 420 grains of silver for 395.8 grains of subsidiary coin. In this she would be no loser but a gainer, and the holder of the trade-dollar would gladly accept the exchange as the best way out of the difficulty.

In view of the fact that the trade-dollar was once a legal tender, made so by the act of Congress, and subsequently demonetized by it without any provision for its redemption; that several millions are still in the hands of the people who took them at their face value; that circumstances over which they had no control depressed them to their mere bullion value; that the Government would not lose in exchanging them, and on the other hand the holders will lose, if not exchanged, to the extent of 20 per cent., not counting loss in interest, I can not urge too strongly upon this Congress the duty we owe the innocent holders to redeem them.

To demonetize them without providing for their redemption was a great breach of faith on the part of the Government, and ought never to have been permitted. I am opposed to the further coinage of the standard silver dollar at this time, and do not conceive it necessary for the redemption of the trade-dollar; but if it should be, I would vote for such a bill to the extent of such redemption, believing it to be our solemn duty to relieve the people of a depreciated coin which is a mere token, worth only its value in bullion, and that the confidence of the people in this great Government of ours to pay all its obligations may not be destroyed.

But to return to the main question. Mr. Chairman, with all the facts before us, is it not time that the compulsory coinage of the silver dollar should cease? Is it not time that the illusion in favor of a double standard should be set aside? Has not the experience of all nations shown

that an unrestricted coinage of both metals must result in the expulsion of one or the other metal as a currency, according to the demand or supply of either, the change of ratio, and legislation of different countries with different interests?

Our experience of the difficulty of maintaining a double standard and the futile efforts of our commissioners at two international money conferences to convince the delegates of its propriety seems to me to answer the question and to indicate the impolicy of our country in endeavoring to maintain silver at a fixed ratio with gold.

The Director of the Mint is no doubt fully satisfied that the coinage of the silver dollar should cease. His predecessors, Mr. Burchard and Mr. Linderman, were also of the opinion that a double standard could not be maintained.

Mr. Burchard, in his last report, says:

While believing that the equal coinage of both metals by all nations is desirable in order to give greater stability to the values of commodities and credits, yet in view of our inability to continue the increase of our silver circulation at the present rate without ultimately expelling a large portion of the present stock of gold, as well as of the waning hope of the co-operation of the legal commercial nations in securing the general use of silver and its unlimited coinage as money, and of the present abundant paper and increasing gold circulation, I suggest the question again for the consideration of legislators, whether the law directing the monthly coinage of not less than $2,000,000 worth of silver bullion into standard dollars should not be modified or repealed.

Coming down to the present administration we have the earnest recommendation of the President in his first annual message to this Congress, as well as the recommendation of the Secretary of the Treasury, that the coinage of the silver dollar should cease.

It behooves us to take warning in time; gold is rapidly disappearing, as is shown by the payments of Government duties in silver coin and in the decrease of our exports to Great Britain. The English returns of trade show that our exports for the month of January, 1886, were $13,855,000 less than they were for January, 1885; and our imports were $535,000 greater for the same month (January) than for the corresponding month last year.

With our exports decreasing and our imports increasing it will not take long for the balance of trade to turn against us. It is also evident that our bonds are rapidly coming home from the London market, due no doubt to the agitation of their payment in silver. The decrease in exports, the increase in imports, and the return of our securities from abroad have occasioned the export of nearly $7,000,000 of gold within the last sixty days.

If Congress can in any way force the United States Treasurer to pay principal and interest on Government bonds in silver dollars you will soon find gold disappearing as by the hand of the magician, only to be reproduced by the payment of a premium. This will bring about a contraction of the circulating medium and the unsettling of all values to such an extent as to produce a financial crisis worse, much worse, I fear, than any this country has ever experienced.

Mr. Chairman, these are my honest convictions in relation to this important question. I shall therefore regard it as my duty to vote against House bill 5690, introduced by Mr. BLAND, which provides for free coinage, and if the opportunity offers will substitute House bill 2058, introduced by myself, which provides for the suspension of the coinage of the standard silver dollar.

ORDER OF BUSINESS.

Mr. CLEMENTS. I move that the committee do now rise.

The motion was agreed to.

The committee accordingly rose; and Mr. CLEMENTS having taken the chair as Speaker *pro tempore*, Mr. CRISP reported that the Committee of the Whole House on the state of the Union had been in session for debate only under the order of the House.

And then, on motion of Mr. BLAND (at 4 o'clock and 45 minues p. m.), the House adjourned.

PETITIONS, ETC.

The following petitions and papers were laid on the Clerk's desk, under the rule, and referred as follows:

By Mr. ATKINSON: Papers relating to the claim of Samuel A. Sanderson—to the Committee on War Claims.

By Mr. BRADY: Petition of St. Ann's Infant Asylum, with recommendations of Dr. D. H. Teeple, Superintendent C. E. Dye, of police, and others, appealing for an increase of appropriation for the asylum—to the Committee on the District of Columbia.

By Mr. BURROWS: Petition for the repeal of the limitation to arrears-of-pension act—to the Committee on Invalid Pensions.

Also, petition of G. W. Smith and others, of S. Van Hise and others, of J. T. Keables and others, of R. M. Shaffer and others, and of W. J. Martin and others, against the suspension of silver coinage—to the Committee on Coinage, Weights, and Measures.

By Mr. CUTCHEON: Memorial of D. Gerbert & Sons and others, in regard to branding cattle—to the Committee on Commerce.

By Mr. DINGLEY: Remonstrance of J. C. Poole and 25 others, against bill to prohibit the importation of mackerel between March 1 and June 1 of each year—to the Committee on Ways and Means.

By Mr. FISHER: Memorial of Local Assembly No. 3570, of Harrison, Mich., asking for liberal appropriations for public improvements—to the Committee on Railways and Canals.

By Mr. FORD: Petition of 450 citizens of Elkhart County, Indiana, praying for a pension to all honorably discharged soldiers of the late war who served sixty days or longer—to the Committee on Invalid Pensions.

By Mr. GLASS: Petition of J. M. Atkins, of Dyer County; of David Bright, of Obion County, and of W. E. Matthews, executor of William Clements, deceased, of Gibson County, Tennessee, asking that their war claims be referred to the Court of Claims—to the Committee on War Claims.

By Mr. GROSVENOR: Petition of John G. Davis and others, of Perry County, Ohio, in favor of the Oklahoma Bill—to the Committee on the Territories.

By Mr. HALSELL: Petition of David Martland and 61 others, citizens of Muhlenburg County, asking for the passage of an act prohibiting Chinese emigration to this country—to the Committee on Foreign Affairs.

By Mr. J. T. JOHNSTON: Petition of James Hampton and 166 others, soldiers and citizens of Hendricks County; of W. W. Weatherhalt and 70 others, soldiers and citizens of Spencer County; of D. A. Miller and 172 others, soldiers and citizens of Marion County; of A. S. Henderson and 33 others, soldiers of Cook County; of John D. Johnston, George W. Parker, and 200 others, soldiers and citizens of Madison County; and of W. H. Sayert and 233 others, soldiers and citizens of Spencer County, Indiana, for the passage of House bill 3320, pensioning all Union soldiers—to the Committee on Invalid Pensions.

By Mr. J. H. JONES: Petition of cititizens of Tyler, Smith County, Texas, praying for sufficient appropriation to secure deep water at Galveston, Tex.—to the Committee on Rivers and Harbors.

Also, petition of citizens of Tyler, Smith County, Texas, asking for a liberal appropriation to deepen the channel at Sabine Pass, Texas—to the same committee.

By Mr. LITTLE: Petition of W. C. M. Baker, of Columbus, Ohio, praying for a certain amendment to the patent laws—to the Committee on Patents.

Also, petition of S. C. Quigley, and 110 others, of Xenia, Ohio, praying for the passage of a bill therein set forth, providing, among other things, for granting a pension of $8 per month to all honorably discharged Union soldiers, the repeal of the arrearage clause, &c.—to the Committee on Invalid Pensions.

By Mr. LIBBEY: Petition of the citizens of Smithfield, Va., relative to the improvement of Pagan Creek—to the Committee on Rivers and Harbors.

Also, petition of citizens of Nansemond County, Virginia, asking for the improvement of Nansemond River—to the same committee.

Also, petition of the Board of Pilot Commissioners and other citizens, of Norfolk, Va., asking an appropriation for the improvement of Norfolk Harbor—to the same committee.

Also, petition of citizens of Norfolk, Va., for the improvement of the Elizabeth River—to the same committee.

Also, petition of citizens on the Western Branch of the Elizabeth River, asking an appropriation for the dredging out and deepening the waters of the said Western Branch—to the same committee.

Also, petition of the Merchants and Manufacturers' Exchange of Norfolk, Va., and of the Norfolk and Portsmouth Cotton Exchange, for the improvement of Norfolk, Va.—to the same committee.

By Mr. LONG: Resolutions of American Ophthalmological Society concerning lights and signals—to the Committee on Commerce.

By Mr. LOVERING: Petition of Mary H. Adams, widow of Columbus Adams, late private Fourth United States Light Artillery Battery, for a pension—to the Committee on Invalid Pensions.

By Mr. LOWRY: Petition of 22 citizens of Fort Wayne, Ind., for the passage of a bill embodying the recommendations of the pension committee of the Grand Army of the Republic—to the same committee.

By Mr. MILLER: Petition of George Witting and 120 others, of citizens of Austin County, and of the common council of the city of Dallas, Tex., for the improvement of the harbor at Galveston, Tex.—to the Committee on Rivers and Harbors.

By Mr. MITCHELL: Petition of 132 representative citizens of New Haven and Middlesex Counties, Connecticut, for scientific temperance instruction in all schools under the control of the Federal Government—to the Committee on Education.

By Mr. PEEL: Petition of 172 citizens of Arkansas, asking for the division of western district of Arkansas, with court at Fayetteville—to the Committee on the Judiciary.

Also, petition of David Maberry, of Washington County, Arkansas, asking that his war claim be referred to the Court of Claims—to the Committee on War Claims.

By Mr. RANDALL: Petition of cigar manufacturers, against any change being made in the construction of the law in relation to the duty on Sumatra tobacco, or any increase in the tariff on the same—to the Committee on Ways and Means.

By Mr. RICHARDSON: Petition of R. W. Martin, of Rutherford County, Tennessee, asking that his war claim be referred to the Court of Claims—to the Committee on War Claims.

By Mr. ROWELL: Memorial of Assembly No. 2819, Knights of Labor, Lincoln, Ill., in favor of public improvements—to the Committee on Railways and Canals.

By Mr. SCRANTON: Memorial of J. Gardner Sanderson, vice-president of Wallkill Portland Cement Company, praying for specific instead of ad valorem duty on cements—to the Committee on Ways and Means.

By Mr. SENEY: Petition of R. M. Littler, asking protection for dairy products—to the Committee on Agriculture.

By Mr. STAHLNECKER: Paper of William B. Wait and others, committee, in relation to the American College for the Blind—to the Committee on the District of Columbia.

By Mr. TAULBEE: Petition of citizens of Clark County, Kentucky, in relation to duties on hemp and flax and hemp products—to the Committee on Ways and Means.

By Mr. TUCKER: Memorial of citizens of Virginia, for increase of pay of district judges of the United States—to the Committee on the Judiciary.

By Mr. WADE: Petition of M. M. James and others, of Jasper, Mo., in favor of Oklahoma bill—to the Committee on the Territories.

By Mr. WHEELER: Petition of Charles E. Holt, of Limestone County; of George W. Burrow, of Jackson County, and of Duncan Stuart, praying that their claims be referred to the Court of Claims—to the Committee on War Claims.

By Mr. WINANS: Papers relating to the claim of William H. Wright—to the same committee.

The following petitions, praying Congress to place the coinage of silver upon an equality with gold; that there be issued coin certificates of one, two, and five dollars, the same being made legal tender; that one and two dollar legal-tender notes be issued, and that the public debt be paid as rapidly as possible by applying for this purpose the idle surplus now in the Treasury, were presented and severally referred to the Committee on Coinage, Weights, and Measures:

By Mr. J. A. ANDERSON: Petition of 76 citizens of Saline County, Kansas.

SENATE.

MONDAY, *March* 1, 1886.

Prayer by the Chaplain, Rev. E. D. HUNTLEY, D. D.

The Journal of the proceedings of Friday last was read and approved.

EXECUTIVE COMMUNICATIONS.

The PRESIDENT *pro tempore* laid before the Senate a communication from the Secretary of War, transmitting papers showing the status of certain portions of the land included in the military reservation of Fort Missoula, Montana Territory, in regard to which legislation is desired; which, with the accompanying papers, was referred to the Committee on Military Affairs, and ordered to be printed.

The PRESIDENT *pro tempore* laid before the Senate a communication from the Secretary of the Treasury, transmitting, in response to a resolution of the 16th of December, 1885, copies of certain disallowed accounts and vouchers; which was read.

The PRESIDENT *pro tempore*. What disposition shall be made of the accompanying papers?

Mr. HALE. The papers accompanying the communication in relation to the many cases of suspended accounts and vouchers are numerous and bulky, but it will be almost impossible for the Committee on Appropriations to examine them unless they are printed. I ask, therefore, that the papers accompanying the communication be printed, and that they be referred, with the letter of the Secretary of the Treasury, to the Committee on Appropriations.

The PRESIDENT *pro tempore*. The communication will be referred to the Committee on Appropriations, and the motion to print will be referred to the Committee on Printing under the rule.

Mr. HALE. Will there be any necessity under the rule to refer to the Committee on Printing a motion for printing the usual number of copies? I do not think that the cost would reach the sum that the rules name as the maximum which can be printed without such a reference.

The PRESIDENT *pro tempore*. The Senator from Nebraska [Mr. MANDERSON] will be able to state as to that.

Mr. MANDERSON. I will state for the information of the Senator from Maine that under the rule such a motion goes as a matter of course to the Committee on Printing, whether to print the usual number or additional copies, unless the Senate otherwise order.

The PRESIDENT *pro tempore*. That was the impression of the Chair. The Chair now has the rule before him.

Rule XXIX provides that—

> Every motion to print documents, reports, and other matter transmitted by either of the Executive Departments, or to print memorials, petitions, accompanying documents, or any other paper, except bills of the Senate or House of Representatives, resolutions submitted by a Senator, communications from the Legislatures or conventions, lawfully called, of the respective States, and motions to print by order of the standing or select committees of the Senate, shall, unless the Senate otherwise order, be referred to the Committee on Printing.

Mr. HALE. Undoubtedly. I was asking that the Senate dispense with that rule and order these papers printed now, because I have made examination enough to know that no investigation of them can be made unless they are printed. Therefore I move that they be printed and referred to the Committee on Appropriations.

The PRESIDENT *pro tempore*. That motion is in order. By the ordinary course the motion to print would be referred to the Committee on Printing, but the Senator from Maine moves that the papers be printed without a reference to the Committee on Printing.

Mr. MANDERSON. I should like to ask the Senator from Maine, as I did not hear his remarks, to state the nature of the papers.

Mr. HALE. The resolution called upon the Secretary of the Treasury to furnish to the Senate complete lists of all the numerous cases of suspended vouchers and accounts. The Senator from Nebraska, of course, is aware that since last March the accounting and comptrolling officers have taken upon themselves what seems to me an extraordinary jurisdiction, and have held up scores and hundreds of cases where persons intrusted with the funds of the Government, paymasters and other bonded officers, have paid out money in accordance with previous unbroken precedents, and the accounting officers have refused to allow the accounts, so that those officers of the Government find their accounts held up and the money which they have paid out has gone from them and they are left without recourse.

Under those conditions I introduced a resolution calling for information, and the Secretary of the Treasury has furnished the information in a large mass of accounts that need to be printed in order to be examined. Nobody would undertake to go through them, and the Committee on Appropriations would find it impossible to go through them unless they were printed; and as it is desirable to examine the subject as soon as possible, I ask that the rule be dispensed with, and that they be printed without a reference to the Committee on Printing.

The PRESIDENT *pro tempore*. It is moved that the communication, with the accompanying papers, be referred to the Committee on Appropriations, and that the accompanying papers be printed without a reference to the Committee on Printing.

The motion was agreed to.

PETITIONS AND MEMORIALS.

The PRESIDENT *pro tempore* presented a petition of the Lake Carriers' Association of Buffalo, N. Y., praying for the passage of Senate bill 1004, to amend the laws in regard to shipping, &c.; which was referred to the Committee on Commerce.

Mr. WILSON, of Iowa. I present a joint resolution of the General Assembly of Iowa, favoring the establishment of a Northwestern branch of the National Home for Disabled and Indigent Soldiers and Sailors in that State, which, without reading, I ask to have printed in the RECORD, and referred to the Committee on Military Affairs.

The joint resolution was referred to the Committee on Military Affairs, and ordered to be printed in the RECORD, as follows:

Joint resolution and memorial of the General Assembly of Iowa, relating to a Northwestern branch of the National Home for Disabled and Indigent Soldiers and Sailors.

Whereas the policy of the General Government is to make suitable provision for the care of disabled and indigent soldiers and sailors of the civil war through the maintenance of national soldiers' homes; and

Whereas a very large number of the old soldiers and sailors at the close of the war sought residence in the Northwest, in order that they might avail themselves of the free lands of the Government and in the hope of being better able here than elsewhere to provide for the future support of themselves and families; and

Whereas the Government as yet has made no provision for the establishment of a branch of said home in the Northwest; and in view of the further fact that the homes already created are inadequate for the care of old soldiers and sailors eligible to admission: Therefore,

Be it resolved by the General Assembly of the State of Iowa, That our Senators and Representatives in Congress be earnestly requested to exert themselves to present the needs of the soldiers and sailors of the Northwest in this regard, and to labor as their wisdom and sense of justice may dictate, to the end that provision be made by Congress for a Northwestern branch of the Soldiers' Home; and that our Senators and Representatives furthermore make all proper effort to secure the location of such Northwestern branch within the State of Iowa, as in the judgment of this General Assembly such location would best accommodate the largest number of old soldiers and sailors to whom such home would be available in time of misfortune as a just recognition of a faithful Government of their services and sacrifices in time of great national emergency.

ALBERT HEAD,
Speaker of the House.
J. A. T. HULL,
President of the Senate.

Approved February 18, 1886.
WM. LARRABEE.

I hereby certify that the above and foregoing is a true copy of the enrolled joint resolution and memorial as the same appears on file in my office.

In witness whereof I hereunto set my hand and affix the great seal of state. Done at the capitol in Des Moines, this 20th day of February, A. D. 1886, of the United States the one hundred and tenth, and of the State of Iowa the fortieth.

[SEAL.] FRANK D. JACKSON,
Secretary of State.

Mr. PLUMB presented a petition of Knights of Labor of Ellis, Kans., praying for liberal appropriations for the construction of works of internal improvement; which was referred to the Committee on Commerce.

Mr. CONGER presented a petition of the Knights of Labor Associa-

tion of Harrison, Mich., praying for the construction of the Hennepin Canal and other public works so as to give employment to laboring men; which was referred to the Committee on Commerce.

Mr. COKE presented a petition of citizens of San Jacinto County, Texas; a petition of citizens of Huntsville, Walker County, Texas; a petition of citizens of Hayes County, Texas, and a petition of citizens of Milam County, Texas, praying that an appropriation be made for the purpose of securing deep water in Galveston Harbor, Texas; which were referred to the Committee on Commerce.

He also presented petitions of citizens of San Augustine County, Texas, and a petition of citizens of Dallas, Tex., praying for an appropriation to secure deep water at Sabine Pass, Tex.; which were referred to the Committee on Commerce.

Mr. HARRISON presented the petition of Thomas F. Shaw and 63 others, citizens of Moore's Hill, Ind., praying Congress to pass a joint resolution at this session submitting to the several State Legislatures a proposition to so amend the Constitution as to protect the women of all the States and Territories in the enjoyment of the right of suffrage on equal terms with men; which was ordered to lie on the table.

He also presented a petition of the Dublin monthly meeting of Friends, located in Indiana, praying for the passage of the bill (S. 355) to promote peace among nations, for the creation of a tribunal for international arbitration, and for other purposes; which was referred to the Committee on Foreign Relations.

Mr. TELLER presented a joint memorial of the General Assembly of Colorado, favoring the removal of the Southern Ute Indians from Colorado; which was referred to the Committee on Indian Affairs.

He also presented a joint memorial of the Legislature of Colorado, favoring the restoration of the provision of the tariff act of 1867 as regards wool; which was referred to the Committee on Finance.

Mr. CULLOM presented a petition of Knights of Labor of Quincy, Ill.; a petition of Knights of Labor of Geneseo, Ill.; a petition of Knights of Labor of Grape Creek, Ill.; a petition of Knights of Labor of Carbon Cliff, Ill., and a petition of Knights of Labor of Chicago, Ill., praying for the construction of the Hennepin Canal; which were referred to the Committee on Commerce.

He also presented a petition of Knights of Labor of Clinton, Ill., praying for the restoration of wages at the Government Printing Office to a certain former rate; which was referred to the Committee on Printing.

He also presented resolutions adopted by the board of managers of the Lake Carriers' Association at a meeting held at Buffalo, N. Y., favoring the passage of Senate bill 1004, to amend the laws in regard to shipping, &c.; which were referred to the Committee on Commerce.

He also presented resolutions adopted by the board of managers of the Lake Carriers' Association at a meeting held at Buffalo, N. Y., remonstrating against the passage of the bill (H. R. 1619) to regulate the forms of bills of lading; which were referred to the Committee on Commerce.

Mr. CULLOM. I also present resolutions, adopted by the Illinois State board of agriculture, favoring the enactment of a law placing all dairy products and all imitations of or substitutes for the same under governmental inspection, to the end that such articles shall be branded and sold under their proper names and upon their merits, and also asking legislation for the protection of the people against the adulteration of other food products by a system of thorough Government inspection. I move that the resolutions be referred to the Committee on Agriculture and Forestry.

The motion was agreed to.

Mr. DAWES presented petitions of Knights of Labor of Milford, Brookfield, Spencer, and Newburyport, Mass., praying for the opening of Indian Territory to homestead settlement, that a Territorial form of government be provided for that Territory, and that lands in severalty be allotted to Indians; which were referred to the Committee on Indian Affairs.

Mr. SPOONER presented resolutions of the Chamber of Commerce of Milwaukee, Wis., favoring the Cullom interstate commerce bill, but recommending that the provision prohibiting a greater charge for a less than a greater distance be stricken out, and that the bill be amended so as to require five days' notice of reduction in freight rates before taking effect in order to protect holders of property in transit; which were ordered to lie on the table.

He also presented a petition of the Department of Wisconsin, Grand Army of the Republic, praying the passage of a bill for the relief of John Calihan, late a private in Company G, One hundred and forty-seventh New York Volunteers; which was referred to the Committee on Pensions.

He also presented a petition of Knights of Labor of Milwaukee, Wis., praying for the restoration of wages at the Government Printing Office to a certain former rate; which was referred to the Committee on Printing.

Mr. MANDERSON presented a petition of citizens of Omaha, Nebr., praying for a constitutional change in the present form of government abolishing the Presidency; which was referred to the Committee on Privileges and Elections.

Mr. BROWN. I present a memorial from the Board of Trade of the city of Savannah, Ga., addressed to the Senators and Representatives from that State, requesting them to oppose the Morrison tariff bill in its present shape. As the memorial is short, I ask that it may be read.

The memorial was read, and referred to the Committee on Finance, as follows:

SAVANNAH, GA., *February* 27, 1886.

DEAR SIR: The members of this board of trade, in general meeting assembled yesterday, adopted the following resolutions in opposition to the Morrison bill. Permit me, by instruction, to invite your usual careful attention to the same, which explains itself, namely:

"Whereas the tariff bill now pending in Congress, known as the Morrison bill, seems to be unjust to our section, inasmuch as more than one-half of the proposed reductions falls upon the products of a very small section of the country without any adequate reduction on articles consumed by same section: Therefore,

"*Be it resolved*, That we are opposed to the Morrison bill for the reason that the greatest reductions are made upon three of the four principal products of this section, namely, lumber, rice, and sugar.

"*Resolved*, That we are opposed to the Morrison bill for the reasons that with the present duty on rice we find it hard to compete with the foreign article, as shown by the fact that the imports of foreign rice and rice flour is already larger than the domestic products, and a further reduction would entirely destroy our profits on home products, and thus render valueless a large area of land upon which large sums of money have been expended to make it available for rice culture, and rendering it unfit for other use, and throwing out of employment a large number of our colored population, both men and women, who, by their training, are unfitted for other occupation.

"*Resolved*, That we urge upon our Senators and Representatives that they oppose the passage of the bill as it now stands, and that the secretary be instructed to send to each member from this State a copy of these resolutions."

(True extract from minutes.)

Yours, truly,

GEO. P. WALKER, *Superintendent*.

Hon. JOSEPH E. BROWN,
Washington, D. C.

Mr. HAMPTON presented five petitions of officers of the Army, praying for the passage of Senate bill 137, to organize each regiment of infantry into three battalions; which were referred to the Committee on Military Affairs.

Mr. MAXEY presented a petition of the mayor and council of Dallas, Tex., praying that an appropriation be made for improving the harbor at Sabine Pass, Tex.; which was referred to the Committee on Commerce.

Mr. GIBSON presented a petition of insurance agents of Louisiana, praying for the passage of an act to require the testing of chains and anchors, and for the better securing of life and property on shipboard; which was referred to the Committee on Commerce.

He also presented a petition of Knights of Labor of Morgan City, La., praying for the opening of the Ohlahoma lands in the Indian Territory to settlement, &c.; which was referred to the Committee on Indian Affairs.

Mr. EDMUNDS. I present the petition of Perry Porter and a considerable number of others, ex-Union soldiers of the State of Vermont, praying that the laws relating to the bounties which were offered be so amended as that private soldiers who became entitled to the bounties and were afterwards promoted on the field for gallant service should not lose the benefit of the bounty; which seems to me to be a very just thing. I move that the petition be referred to the Committee on Military Affairs.

The motion was agreed to.

Mr. EDMUNDS. I present the petition of H. W. Brownell, a Vermont soldier and officer, praying for a pension, his claim having been rejected at the Pension Office upon grounds which appear to me to be quite technical and improper. I move that the petition be referred to the Committee on Pensions.

The motion was agreed to.

Mr. CAMERON presented a petition of the Knights of Labor of Mahanoy City, Schuylkill County, Pennsylvania, praying that liberal appropriations be made for internal improvements; which was referred to the Committee on Commerce.

Mr. INGALLS. I present a memorial of great length and extraordinary inaccuracy concerning the abolition of the Presidency, which is signed by ten citizens of Kansas, all evidently of foreign birth, in which they ask for certain legislation to change the executive frame of this Government to correspond with that of certain European nations. I present this paper with pleasure, although it is based upon an entire misconception of the Constitution of the United States and an appalling ignorance of the history to which it refers. I move that it be referred to the Committee on Privileges and Election.

The motion was agreed to.

Mr. VOORHEES. I present a petition of C. H. Hurlburt and 379 other representative citizens of the twelfth district of Indiana, including 20 physicians, 23 clergymen, 6 lawyers, 6 teachers, 167 leading business men, and 9 officers of temperance and other societies; and a petition of 203 representative citizens of Parke and Warren Counties, Indiana, praying for scientific temperance instruction in all schools under control of the National Government. It is stated that "the Church of Christ, of Metz, joins in this petition by Mr. Stewart, its pastor." I move that the petitions lie on the table.

The motion was agreed to.

Mr. DOLPH presented a petition of the Grand Army of the Republic, Department of Oregon, praying that an appropriation be made for furnishing gravestones to mark the last resting-place of deceased soldiers

in the State of Oregon; which was referred to the Committee on Military Affairs.

Mr. PALMER presented petitions of Knights of Labor of Battle Creek, Harmony, and Manistee, Mich., praying for the opening of the Oklahoma lands in the Indian Territory to settlement, &c.; which were referred to the Committee on Indian Affairs.

He also presented the petition of Charlotte A. Cleveland and 22 other citizens of Saint Louis, Mo., and the petition of Mrs. J. C. Swan and 48 other citizens of Muskegon, Mich., praying that the right of suffrage be granted to women; which were ordered to lie on the table.

He also presented a petition of Andrew F. Schafer and other citizens of Ionia, Mich., praying for the restoration of wages at the Government Printing Office to a certain former rate; which was referred to the Committee on Printing.

He also presented a petition of Knights of Labor of East Saginaw, Mich., praying for the restriction of Chinese immigration and labor; which was referred to the Committee on Foreign Relations.

Mr. COCKRELL. I present a memorial of James G. Edwards, M. W., and E. Beal, R. S., of the Local Assembly 717 of the Knights of Labor of Bevier, in the county of Macon, State of Missouri, in regard to alleviating the distress everywhere prevalent among the laboring classes of the civilized world, and praying for the construction of the Hennepin Canal. The petition was sent to my colleague [Mr. VEST], and owing to his illness has been sent to me to be presented. I move that it be referred to the Committee on Commerce.

The motion was agreed to.

Mr. COCKRELL presented a petition of citizens of Jasper County, Missouri, praying for the opening of the Oklahoma lands in the Indian Territory to settlement, &c.; which was referred to the Committee on Indian Affairs.

He also presented a petition of Knights of Labor of Kirksville, Mo., praying for the passage of the bill introduced by Mr. FORAN in the House for the restoration of wages at the Government Printing Office to a certain former rate; which was referred to the Committee on Printing.

Mr. LOGAN. I present the petition of Capt. Dixon Shirault, of Virginia, who claims that after having been in the service of the Government as a light-house watchman for forty years and upward, and being old and poor, he was removed for no cause whatever. He desires Congress to take into consideration his situation and to see whether he can be pensioned. Although he asks for a pension, I think the Committee on Commerce would be the proper committee to consider the matter, and I move the reference of the petition to that committee.

The motion was agreed to.

Mr. LOGAN presented petitions of Knights of Labor of Bloomington, Ill., Pekin, Ill., Staunton, Ill., and Galesburg, Ill., praying for the opening of the Oklahoma lands in Indian Territory to settlement, &c.; which were referred to the Committee on Indian Affairs.

He also presented petitions of citizens of Cross Roads, Ill., citizens of Franklin County, Ill., and of ex-Union soldiers, praying for legislation in accordance with recommendations of the national pension committee of the Grand Army of the Republic; which were referred to the Committee on Pensions.

He also presented a petition of citizens of Petersburg, Ill., praying for the restoration of wages at the Government Printing Office to a certain former rate; which was referred to the Committee on Printing.

He also presented the petition of John M. Davis, late a captain in Company H, Sixty-third Illinois Infantry Volunteers, praying to be restored to his former rank; which was referred to the Committee on Military Affairs.

He also presented petitions of Knights of Labor of Streator, Tuscola, Pekin, Staunton, and Carbon Cliff, Ill., praying that an appropriation be made for the construction of the Hennepin Canal; which were referred to the Committee on Commerce.

He also presented a petition of citizens of Norfolk and Portsmouth, Va., praying that Congress authorize the appointment of an agent at Portsmouth to assist claimants in that locality to secure pensions; which was referred to the Committee on Pensions.

He also presented a petition of citizens residing in different parts of the United States, praying that the Government adopt a certain financial policy; which was referred to the Committee on Finance.

REPORTS OF COMMITTEES.

Mr. FRYE, from the Committee on Commerce, to whom was referred the bill (H. R. 4838) to abolish certain fees for official services to American vessels, and to amend the laws relating to shipping commissioners, seamen, and owners of vessels, and for other purposes, reported it with amendments.

Mr. FRYE. That is a House bill, and it provides, together with the amendments which the Committee on Commerce have recommended, for everything which is called for in Senate bill No. 1004. I therefore report back the bill (S. 1004) to abolish certain fees for official services to American vessels, and to amend the laws relating to shipping commissioners, seamen, and owners of vessels, and for other purposes, and move that it be indefinitely postponed.

The motion was agreed to.

Mr. BROWN, from the Committee on Railroads, to whom was referred the bill (S. 511) to provide for the settlement of accounts with certain railway companies, reported it with amendments, and submitted a report thereon.

Mr. MAHONE, from the Committee on Public Buildings and Grounds, to whom were referred the following bills, reported them severally without amendment:

A bill (S. 117) making an appropriation for the extension and enlargement of the United States custom-house at Kansas City, Mo.; and

A bill (S. 1474) for the extension and repair of the public building at Belfast, Me.

RELATIONS BETWEEN THE SENATE AND EXECUTIVE DEPARTMENTS.

Mr. PUGH. I am instructed by the minority of the Committee on the Judiciary to ask leave to submit their views upon the resolution which was referred to that committee, upon which a majority report has been made, in relation to the office of district attorney for the southern district of Alabama. I ask that the minority report be printed for the use of the Senate. I make the motion to print it for the use of the Senate in the usual form; and I ask also that the views of the minority be printed in the RECORD, and lie on the table in the mean time, to be called up when the majority report is considered.

The PRESIDENT *pro tempore*. The Senator from Alabama, from the minority of the Committee on the Judiciary, asks leave to submit the views of the minority, and that they may be printed as a document, and also in the RECORD. Is there objection? The Chair hears none, and that order will be made. The views will lie upon the table.

Mr. PUGH. To be called up when the majority report is considered.

The PRESIDENT *pro tempore*. The majority report is on the Calendar, and this will take its place with that.

Mr. PUGH. Let it take its place with the majority report on the Calendar.

The PRESIDENT *pro tempore*. It will be placed on the Calendar with the majority report.

The views of the minority are as follows:

Mr. PUGH, from the Committee on the Judiciary, submitted the following:

Views of the minority on the letter of the Attorney-General of the United States declining to transmit to the Senate copies of official records and papers concerning the examination of the office of the district attorney of the southern district of Alabama.

The minority of the Committee on the Judiciary, to whom was referred a letter from the Attorney-General of the United States declining to transmit to the Senate copies of official records and papers concerning the administration of the office of the district attorney of the southern district of Alabama from January 1, 1885, to January 25, 1886, respectfully submit the following report:

When President Cleveland came into office he found at least 95 per cent. of the civil offices of the United States filled by Republicans, who had enjoyed their honors and emoluments through a period of twenty years, and as a rule these public positions had been distributed as rewards for partisan service, which the recipients continued to render after their appointment.

The President was elected on the declaration that civil office was a public trust, to be so treated by incumbents in practice as well as in theory; and also upon the conviction of a majority of the people that it was a standing menace to the honesty, purity, and safety of the Government to perpetuate in these offices partisan officials who had procured their positions by partisan service, and employed their emoluments, power, and influence for personal gain and as aids in securing party supremacy.

The party to whom the President owes his nomination and election had been exiled from all participation in the civil administration of the Government for nearly a quarter of a century, and it seemed reasonable and just that the five millions of voters who had been thus politically ostracized should be allowed at least a fair share of the offices which had been created for the benefit of the whole people, without regard to party divisions. The friends and supporters of the President made application to him for a redistribution of the public trusts under the Government, so that they might receive, not as the spoils of victory, but as public honors and emoluments, at least a fair share of what was then monopolized by his political opponents, who were and had been unfriendly to Democratic principles, and could not be trusted as agents to promote the usefulness and success of Democratic administration.

No other President has ever been subjected to such severe trial or had to meet so many grave difficulties since he entered upon the discharge of the duties of his high office. No other President has ever had, in quantity and quality, such an abundant supply of valid reasons and causes urging him to a free exercise of his power of removal from Federal office; and no other President ever resisted with more firmness the just claims of his supporters, or used his power of removal more conscientiously, cautiously, and sparingly. Nearly twelve months have elapsed since the President's inauguration, and six hundred and fifty will more than cover the whole number of removals or suspensions. Had the number reached as many thousands as hundreds he would not by this time have made an equal division between the two national parties of the offices not embraced in the civil service law.

Notwithstanding these undeniable facts and circumstances, the six hundred and fifty nominations sent to the Senate in the suspension cases made during the recess of the Senate have been allowed to remain before the committees without consideration and final disposition. In the able and ingenious report of the majority of the committee, the Senate and the country are informed for the first time of the grounds and reasons for such long delay and non-action. The basis and justification for this remarkable procedure, by which suspension cases are to be postponed an indefinite period, and important legislative business interrupted, and no purpose served but to agitate and distract the public mind, is the suspension of Duskin from the powers and duties of the office of district attorney of the southern district of Alabama, whose term of office has long since expired, and the nomination of Burnett to take the place. Duskin has made no complaint to the Judiciary Committee, the Senate, the President, or the Attorney-General, that he was wronged by the suspension. The Judiciary Committee is in possession of full information showing that Burnett was recommended to the President by all the members of Congress from Alabama on personal knowledge of his high character and qualifications for the office; and that since he has been in discharge of its duties he has the unqualified indorsement of the judge and clerk of the district court of the United States, both Republicans.

The resolution of the Senate directs the Attorney-General "to transmit to the Senate copies of all documents and papers that have been filed in the Depart-

ment of Justice since the 1st day of January, 1885, in relation to the management and conduct of the office of district attorney of the United States for the southern district of Alabama." The answer of the Attorney-General is that—

"The papers and documents which are mentioned in said resolution and still remaining in the custody of the Department have exclusive reference to the suspension by the President of George M. Duskin, the late incumbent of the office of district attorney for the southern district of Alabama, and it is not considered that the public interest will be promoted by a compliance with said resolution and the transmission of the papers and documents therein mentioned to the Senate in executive session."

Stripped to the naked truth, without any special pleading, the case made for the decision of the Senate on their resolution and the answer of the Attorney-General is whether the Senate has the right to demand of the Attorney-General the transmission against the order of the President of the only paper or document of the description mentioned in the resolution when that paper or document is stated in the refusal to relate exclusively to the removal of Duskin by the President, and for that reason alone not transmitted. The paper shows on its face to what it relates, and it requires the exercise of no judgment to determine its character. The President holds that it is not a public document, and there can be no doubt about the correctness of his decision, which must be accepted as conclusive.

It is an undeniable truth, without qualification or exception in any case, that every right, power, privilege, or prerogative created by any law or granted in the Constitution to Congress or any department or officer of the Government has some just reason, use, necessity, or foundation for its existence and support. The majority of the Judiciary Committee in their report affirm the right of the Senate, in executive session or in open session, to direct the Attorney-General or any head of a Department, or to request the President, to transmit to the Senate, in open or executive session, any paper on the files of the Department or in the possession of the President if such paper relates to an "official act" of the President or the head of any Department, although such "official act" is the removal or suspension by the President of a civil officer of the United States.

The minority deny that the claim of the majority of the committee in the case now before the Senate or in any case where the paper or document relates exclusively or materially to removals or suspensions by the President has any foundation or recognition to support it in the Constitution or any valid law, custom, or precedent. The burden rests upon the majority of the committee of showing that the right or power exists in the Senate under the Constitution or some law, custom, or precedent, and the reason, use, or necessity for it to direct the head of any Department, or to request the President to send to the Senate, in open or executive session, any paper or document in the President's possession or on the files of any of the Departments, not public, but relating exclusively or materially to his official act of removal or suspension of a civil officer of the United States.

It is difficult for the minority to decide what unmistakable rights, powers, or prerogatives are claimed for the Senate in the report of the majority that are controverted in this proceeding, or that have any bearing, application, or significance whatsoever to the real issue joined between the Senate and the President. The committee seems to think that it strengthens their claim to the papers and documents in question that the order to transmit them is made by the Senate upon the head of a Department. It is broadly asserted in the majority report that "it is within the constitutional competency of either House of Congress to have access to the official papers and documents in the various public offices." If it is not intended by the majority that this "constitutional competency of either House of Congress to have access to official papers and documents in the various public offices" should embrace papers and documents relating exclusively to removals and suspensions by the President, why make the claim of right in the two Houses so sweeping and comprehensive?

It is admitted in the majority report that no statute confers the right on either House to direct the Attorney-General to send to either House any official papers and documents, but the committee claims that the right exists "as a necessary incident from the very nature of the powers intrusted by the Constitution to the two Houses of Congress," "that either House must have at all times the right to know all that officially exists or takes place in any of the Departments of the Government." Can any grant of power in the Constitution to either House of Congress be found "that in its very nature requires that either House should have at all times the right to know anything, wherever or in whatever form it may exist, about removals or suspensions of Federal officers by the President?

The minority admit once for all that any and every public document, paper, or record on the files of any Department or in the possession of the President relating to any subject whatever over which either House of Congress has any grant of power, jurisdiction, or control under the Constitution is subject to the call or inspection of either House for use in the exercise of its constitutional powers and jurisdiction. It is on this clearly defined and well-founded constitutional principle that wherever any power is lodged by the Constitution all incidents follow such power that are necessary and proper to enable the custodian of it to carry it into execution. Whether the power is granted to Congress, or either House, or to the President, or any Department or officer of the Government, or to the President, by and with the advice and consent of the Senate, the principle is as fundamental as the Constitution itself that all the necessary incidents of such grants accompany the grants and belong to and can be exercised by the custodians of such powers jointly or severally as they may be vested by the Constitution.

It is on the application and enforcement of this unquestioned rule of construction that either House of Congress has the right, inherent in the power itself, to direct the head of any Department or request the President to transmit any information in the knowledge of either, or any public or official papers or documents, or their contents, on the files or in the keeping of either; provided such papers or documents relate to subject-matters or things in the consideration of which the House making the call can use such information, papers, or documents in the exercise of any right, power, jurisdiction, or privilege granted to Congress or either House, or to the President by and with the advice and consent of the Senate.

But if all the power granted in the Constitution over the subject-matter or thing to which papers or documents relate, wherever they may be found, is vested by the Constitution in the President exclusively, the only rightful custodian of all such papers or documents, or the information they contain, is the chief executive officer to whom the Constitution has intrusted all the power its framers were willing to grant over that subject. It would be a reflection upon the common sense of the framers of the Constitution to decide that they had vested in the President and the Senate all the power to make and ratify treaties, and while withholding from the House of Representatives all such power they had granted by implication to the House of Representatives the right to have access to all the papers and documents upon which the President and Senate had acted in making and ratifying treaties.

Why was the possession or inspection of such papers and documents by the House of Representatives refused by President Washington? For the plain reason that the House of Representatives had no power over treaty-making. It would be equally unreasonable to conclude that the framers of the Constitution had declined to divide the power of removing Federal officers between the President and Senate, and, after vesting all such greater power of removal (if it has been done) in the President alone, they should at the same time give to the Senate by implication or as a necessary incident of another power the less right of advising and consenting to removals. That would amount to vesting the principal power of removal in the President and imposing a limitation upon it to be found as a mere incident of another and different power, of advising and consenting to appointments.

The view enforced by the minority in this report of the vital and paramount question presented from the committee to the Senate makes it unnecessary to notice the attempt of the majority to make something out of the fact that the resolution of the Senate is directed to the Attorney-General, and that as he is an officer created by a law of Congress, either House has just as much power over him as the President, except to say that if such reasoning is sound it would compel the Secretary of State to transmit to the House of Representatives on its order all papers and documents relating to the making and ratifying of treaties on file in the State Department, which is also the creation of a law of Congress. Besides, the effort to place the duty of transmitting the papers called for to the Senate upon the head of a Department, as separate and distinct from the President, or to say this is not the act of the President, is not permissible. The President speaks or acts through the heads of the several Departments in relation to subjects which appertain to their respective duties. This principle is recognized by the Supreme Court in Wilcox vs. Jackson, 13 Peters, 513, and many subsequent decisions.

Without circumlocution, or evasion, or generalizing, or dealing in subtilties, or refining on irrelevant and misleading cases cited in the majority report, the minority of your committee, after making as diligent a search as time and opportunity allowed, feel satisfied that from 1789 to 1867, a period of seventy-eight years, not a single case can be found and not a single case occurred in which the Senate in executive session by resolution or otherwise directed the head of any Department or requested the President to transmit to the Senate in executive session papers or documents on file, or in the custody of the head of the Department, or the President, relating exclusively or materially to removals of Federal officers by the President during the recess or the sessions of the Senate, and such resolution was obeyed by any head of a Department or the President. To meet the case squarely the minority feel the utmost confidence in stating that during a period of seventy-eight years, from 1789 to 1867, no such resolution as that now before the Senate was ever obeyed by the President or any head of a Department. The majority of the committee says:

"The instances of requests to the President and commands to the heads of Departments by each House of Congress from those days until now for papers and information on every conceivable subject of public affairs are almost innumerable; for it appears to have been thought by all the Presidents who have carried on the Government now for almost a century that even in respect of requests to them, an independent and co-ordinate branch of the Government, they were under a constitutional duty and obligation to furnish to either House the papers called for, unless, as has happened in very rare instances, when the request was coupled with an appeal to the discretion of the President in respect to the danger of publicity to send the papers, if in his judgment it should not be incompatible with the public welfare."

Is this broad statement made as an authority for the call on the Attorney-General to send to the Senate in executive session the papers in his Department relating exclusively to the suspension of Duskin by the President? If not, what purpose is intended to be served by the statement? If intended to sustain the present call on the Attorney-General, would it not be a remarkable coincidence that Washington, who signed the act of Congress declaratory of the exclusive right of the President to make removals, and Madison, whose matchless powers were devoted to the passage of that act, intended, as he declared in the debate, as a "permanent settlement of the constitutional power of the President to make removals within his discretion without accountability to the Senate" to obey requests, or for his Cabinet officers to obey demands for the transmission of papers to the Senate in executive session, or to either House in open session, relating exclusively to an "official act" or removal, over which he believed he had been intrusted with the sole power by the Constitution? And would it not be equally inexplicable that such a request or demand would have been obeyed by John Quincy Adams or by Andrew Jackson "in times of the highest party excitement and stress in 1826 and 1835?" If Adams and Jackson were willing to obey such requests and demands, or ever did so, why did Mr. Benton, in 1826, and Mr. Calhoun, in 1835, report bills to the Senate requiring the President to transmit to the Senate the cause of removals and the papers relating thereto, which bills fell still born on the table of the Senate?

It is not true that a single precedent can be found for a continuous period of seventy-eight years that gives any support whatever to the present demand of the Senate upon the Attorney-General to transmit papers relating exclusively to the removal of Duskin.

Every precedent cited in the report of the majority has for its foundation the constitutional power of the Senate to participate with the President in the official act to which the papers called for related. The Senate shares with the President the treaty making power, and he can make no appointment to office without the advice and consent of the Senate. Upon the subjects of treaty making and appointments papers relating thereto when requested or demanded have been sent to the Senate, for the plain reason that the President and Senate are jointly intrusted with powers in relation to treaties and appointments which the Senate can not safely and wisely exercise without the inspection of papers and documents relating thereto in the Departments or in the keeping of the President. No such foundation, reason, or necessity exists in the matter of removals from office.

The demand in the present case upon the Attorney-General and its persistent pressure by the majority of the committee, after he has declined, on the order of the President, to obey it, for the sole reason that the only papers in his Department filed there since January 1, 1885, relate exclusively to the removal of Duskin by the President, necessarily implies that in the judgment of a majority of the committee the Senate has the same constitutional power over removals that it has over appointments—that is the power of advising and consenting thereto. There is no escape from this crucial test of who is in the right in this controversy, the Senate or the President.

The question is the same as that presented in the first Congress in 1789; revived in the Senate in 1826; pressed again in the Senate in 1835; revived again in 1867, when the President was hampered by unconstitutional legislation forced through Congress by a revolutionary majority under the pressure of overruling party necessity; soon revived again by President Grant in 1869, and ending in reactionary legislation restoring the power and calling it "suspension" from office to the "discretion" of the President, and thereby conferring upon him the power, if he wills to exercise it, of expelling permanently from office any incumbent, with or without cause, and in defiance of any power in the Senate to prevent the President from making the suspension perpetual. The same old struggle again comes up in this Senate without provocation or any meritorious excuse or justification. In self-defense the President and the friends of his constitutional prerogative in the Senate are again forced to meet and answer the question, Where does the power of making removals from Federal office reside? Does the Constitution answer this question? All it says is:

(1) "The executive power shall be vested in a President of the United States of America."

(2) "He shall have power, by and with the advice and consent of the Senate, to make treaties, provided two-thirds of the Senators present concur; and he shall nominate, and, by and with the advice and consent of the Senate, shall appoint ambassadors, other public ministers and consuls, judges of the Supreme Court,

and all other officers of the United States, whose appointments are not herein otherwise provided for, and which shall be established by law; but the Congress may by law vest the appointment of such inferior officers, as they think proper, in the President alone, in the courts of law, or in the heads of Departments."

(3) "The President shall have power to fill up all vacancies that may happen during the recess of the Senate, by granting commissions which shall expire at the end of their next session."

(4) "He shall take care that the laws be faithfully executed, and shall commission all the officers of the United States."

The question of the meaning of the above quotations from the Constitution, and what disposition, if any, they make of the power of removing officers of the United States, came up for consideration and settlement by the first Congress in May, 1789. There were many framers of the Constitution in that Congress, and none of them had more to do in that great work, or were more familiar with its meaning than Mr. Madison. This debate, considered the most remarkable in the history of Congress, is published in Annals of Congress, 1789, volume 1, from pages 372 to 585.

The minority of your committee are satisfied that they are unable to produce anything themselves, or from others, that can add to what was said in that famous debate on the question reported to the Senate. The decision was made by statesmen fresh from the work of framing the Constitution, and at a time when no political parties had been organized to influence judgment and control opinion. No settlement of any controverted question ever had higher sanctions or more to commend it to unquestioned acquiescence.

Said Mr. Madison:

"However various the opinions which exist upon the point now before us, it seems agreed on all sides that it demands a careful investigation and full discussion. I feel the importance of the question, and know that our decision will involve the decision of all similar cases. The decision that is at this time made will become the permanent exposition of the Constitution; and on a permanent exposition of the Constitution will depend the genius and character of the whole Government."

The following are extracts from some of the speeches made on that memorable occasion:

Mr. Madison said: "I think it absolutely necessary that the President should have the power of removing from office; it will make him, in a peculiar manner, responsible for their conduct, and subject him to impeachment himself if he suffers them to perpetrate with impunity high crimes or misdemeanors against the United States, or neglects to superintend their conduct, so as to check their excesses. On the constitutionality of the declaration I have no manner of doubt.

"It is said that it comports with the nature of things, that those who appoint should have the power of removal; but I can not conceive that this sentiment is warranted by the Constitution. I believe it would be found very inconvenient in practice. It is one of the most prominent features of the Constitution, a principle that pervades the whole system, that there should be the highest possible degree of responsibility in all the executive officers thereof. Anything, therefore, which tends to lessen this responsibility is contrary to its spirit and intention, and unless it is saddled upon us expressly by the letter of that work I shall oppose the admission of it into any act of the Legislature.

"Now, if the heads of the Executive Departments are subjected to removal by the President, we have in him security for the good behavior of the officer. If he does not conform to the judgment of the President in doing the executive duties of his office he can be displaced. This makes him responsible to the great executive power, and makes the President responsible to the public for the conduct of the person he has nominated and appointed to aid him in the administration of his department. But if the President shall join in a collusion with this officer, and continue a bad man in office, the case of impeachment will reach the culprit and drag him forth to punishment.

"But if you take the other construction, and say he shall not be displaced but by and with the advice and consent of the Senate, the President is no longer answerable for the conduct of the officer; all will depend upon the Senate. You here destroy a real responsibility without obtaining even the shadow; for no gentleman will pretend to say the responsibility of the Senate can be of such a nature as to afford substantial security. But why, it may be asked, was the Senate joined with the President in appointing to office, if they have no responsibility? I answer, merely for the sake of advising, being supposed, from their nature, better acquainted with the character of the candidates than an individual; yet even here the President is held to the responsibility—he nominates, and, with their consent, appoints. No person can be forced upon him as an assistant by any other branch of the Government.

"There is another objection to this construction, which I consider of some weight, and shall therefore mention to the committee. Perhaps there was no argument urged with more success, or more plausibly grounded against the Constitution, under which we are now deliberating, than that founded on the mingling of the executive and legislative branches of the Government in one body. It has been objected that the Senate have too much of the executive power even by having a control over the President in the appointment to office.

"Now, shall we extend this connection between the legislative and executive departments, which will strengthen the objection and diminish the responsibility we have in the head of the Executive?"

Mr. Sedgwick (volume 1, First Congress, page 400): "But they say the Senate is to be united with the President in the exercise of this power. I hope, sir, this is not the case; because it would involve us in the most serious difficulty. Suppose a discovery of any of those events which I have just enumerated were to take place when the Senate is not in session, how is the remedy to be applied? This is a serious consideration, and the evil could be avoided no other way than by the Senate sitting always. Surely no gentleman of this House contemplates the necessity of incurring such an expense. I am sure it will be very objectionable to our constituents; and yet this must be done, or the public interest be endangered by keeping an unworthy officer in place until that body shall be assembled from the extremes of the Union.

"It has been said that there is danger of this power being abused if exercised by one man. Certainly the danger is as great with respect to the Senate, who are assembled from various parts of the continent, with different impressions and opinions. It appears to me that such a body is more likely to misuse this power than the man whom the united voice of America calls to the Presidential chair. As the nature of the Government requires the power of removal, I think it is to be exercised in this way by a hand capable of exerting itself with effect, and the power must be conferred upon the President by the Constitution, as the executive officer of the Government."

Mr. Madison said (page 463):

"The Constitution affirms that the executive power shall be vested in the President. Are there exceptions to this proposition? Yes, there are. The Constitution says that in appointing to office the Senate shall be associated with the President, unless in the case of inferior officers, when the law shall otherwise direct. Have we a right to extend this exception? I believe not. If the Constitution has invested all executive power in the President, I venture to assert that the Legislature has no right to diminish or modify his executive authority. The question now resolves itself into this: Is the power of displacing an executive power? I conceive that if any power whatsoever is in its nature executive it is the power of appointing, overseeing, and controlling those who execute the laws.

"If the Constitution had not qualified the power of the President in appointing to office, by associating the Senate with him in that business, would it not be clear that he would have the right, by virtue of his executive power, to make such appointment? Should we be authorized, in defiance of that clause in the Constitution 'The executive power shall be vested in a President,' to unite the Senate with the President in the appointment to office? I conceive not. If it is admitted that we should not be authorized to do this, I think it may be disputed whether we have a right to associate them in removing persons from office, the one power being as much of an executive nature as the other; and the first only is authorized by being excepted out of the general rule established by the Constitution in these words: 'The executive power shall be vested in the President.'

"The judicial power is vested in a Supreme Court; but will gentlemen say the judicial power can be placed elsewhere, unless the Constitution has made an exception? The Constitution justifies the Senate in exercising a judiciary power in determining on impeachments; but can the judicial power be further blended with the powers of that body? They can not. I therefore say it is incontrovertible, if neither the legislative nor judicial powers are subjected to qualifications, other than those demanded in the Constitution, that the executive powers are equally unabatable as either of the others; and inasmuch as the power of removal is of an executive nature, and not affected by any constitutional exception, it is beyond the reach of the legislative body.

Mr. Clymer said (page 489):

"If I were to give my vote merely on constitutional ground, I should be totally indifferent whether the words were struck out or not; because I am clear that the Executive has the power of removal as incident to his department; and if the Constitution had been silent with respect to the appointment, he would have had that power also. The reason, perhaps, why it was mentioned in the Constitution was to give some further security against the introduction of improper men into office. But in cases of removal there is not such necessity for this check. What great danger would arise from the removal of a worthy man when the Senate must be consulted in the appointment of his successor? Is it likely they will consent to advance an improper character? The presumption therefore is, that he would not abuse this power; or, if he did, only one good man would be changed for another.

"If the President is divested of his power his responsibility is destroyed; you prevent his efficiency and disable him from affording security to the people which the Constitution contemplates. What use will it be of to call the citizens of the Union together every four years to obtain a purified choice of a representative if he is to be a mere cipher in the Government? The Executive must act by others, but you reduce him to a mere shadow when you control both the power of appointment and removal. If you take away the latter power he ought to resign the power of superintending and directing the executive parts of the Government into the hands of the Senate at once, and then we become a dangerous aristocracy, or shall be more destitute of energy than any government on earth. These being my sentiments, I wish the clause to stand as a legislative declaration that the power of removal is constitutionally vested in the President."

Mr. Madison said (page 495):

"However various the opinions which exist upon the point now before us, it seems agreed on all sides that it demands a careful investigation and full discussion. I feel the importance of the question, and know that our decision will involve the decision of all similar cases. The decision that is at this time made will become the permanent exposition of the Constitution; and on a permanent exposition of the Constitution will depend the genius and character of the whole Government. It will depend, perhaps, on this decision whether the Government shall retain that equilibrium which the Constitution intended, or take a direction toward aristocracy or anarchy among the members of the Government. Hence how careful ought we to be to give a true direction to a power so critically circumstanced.

"It is incumbent on us to weigh with particular attention the arguments which have been advanced in support of the various opinions with cautious deliberation. I own to you, Mr. Chairman, that I feel great anxiety upon this question; I feel an anxiety, because I am called upon to give a decision in a case that may affect the fundamental principles of the Government under which we act and liberty itself. But all that I can do on such an occasion is to weigh well everything advanced on both sides with the purest desire to find out the true meaning of the Constitution, and to be guided by that and any attachment to the true spirit of liberty, whose influence I believe strongly predominates here.

"Several constructions have been put upon the Constitution relative to the point in question. The gentleman from Connecticut [Mr. Sherman] has advanced a doctrine which was not touched upon before. He seems to think (if I understood him rightly) that the power of displacing from office is subject to legislative discretion, because, it having a right to create, it may limit or modify as it thinks proper. I shall not say but at first view this doctrine may seem to have some plausibility. But when I consider that the Constitution clearly intended to maintain a marked distinction between the legislative, executive, and judicial powers of Government; and when I consider that, if the Legislature has a power such as is contended for, they may subject and transfer at discretion powers from one department of our Government to another; they may on that principle exclude the President altogether from exercising any authority in the removal of officers; they may give it to the Senate alone, or the President and Senate combined; they may vest it in the whole Congress, or they may reserve it to be exercised by this House—when I consider the consequences of this doctrine and compare them with the true principles of the Constitution I own that I can not subscribe to it.

"The doctrine, however, which seems to stand most in opposition to the principles I contend for is, that the power to annul an appointment is, in the nature of things, incidental to the power which makes the appointment. I agree that if nothing more was said in the Constitution than that the President, by and with the advice and consent of the Senate, should appoint to office, there would be a great force in saying that the power of removal resulted by a natural implication from the power of appointing. But there is another part of the Constitution no less explicit than the one on which the gentleman's doctrine is founded; it is that part which declares that the executive power shall be vested in a President of the United States. The association of the Senate with the President in exercising that particular function is an exception to this general rule; and exceptions to general rules, I conceive, are ever to be taken strictly.

"But there is another part of the Constitution which inclines, in my judgment, to favor the construction I put upon it: the President is required to take care that the laws be faithfully executed. If the duty to see the laws faithfully executed be required at the hands of the Executive Magistrate, it would seem that it was generally intended he should have that species of power which is necessary to accomplish that end. Now, if the officer when once appointed is not to depend upon the President for his official existence, but upon a distinct body (for where there are two negatives required, either can prevent the removal), I confess I do not see how the President can take care that the laws be faithfully executed. It is true, by a circuitous operation he may obtain an impeachment, and even without this it is possible he may obtain the concurrence of the Senate for the purpose of displacing an officer; but would this give that species of control to the Executive Magistrate which seems to be required by the Constitution?

"I own, if my opinion was not contrary to that entertained by what I suppose to be the minority on this question, I should be doubtful of being mistaken, when I discovered how inconsistent that construction would make the Constitution with itself. I can hardly bring myself to imagine the wisdom of the convention who framed the Constitution contemplated such incongruity. There is another maxim which ought to direct us in expounding the Constitution, and

is of great importance. It is laid down in most of the constitutions or bills of rights in the republics of America; it is to be found in the political writings of the most celebrated civilians, and is everywhere held as essential to the preservation of liberty, that the three great departments of government be kept separate and distinct; and if in any case they are blended, it is in order to admit a partial qualification, in order more effectually to guard against an entire consolidation.

"I think, therefore, when we review the several parts of this Constitution, where it says that the legislative powers shall be vested in a Congress of the United States under certain exceptions, and the executive power vested in the President with certain exceptions, we must suppose they were intended to be kept separate in all cases in which they are not blended, and ought, consequently, to expound the Constitution so as to blend them as little as possible. Everything relative to the merits of the question as distinguished from a constitutional question seems to turn on the danger of such a power vested in the President alone. But when I consider the checks under which he lies in the exercise of this power, I own to you I feel no apprehensions but what arise from the dangers incidental to the power itself; for dangers will be incidental to it vest it where you please.

"I will not reiterate what was said before with respect to the mode of election, and the extreme improbability that any citizen will be selected from the mass of citizens who is not highly distinguished by his abilities and worth; in this alone we have no small security for the faithful exercise of this power. But, throwing that out of the question, let us consider the restraints he will feel after he is placed in that elevated station. It is to be remarked that the power in this case will not consist so much in continuing a bad man in office as in the danger of displacing a good one. Perhaps the great danger, as has been observed, of abuse in the executive power lies in the improper continuance of bad men in office. But the power we contend for will not enable him to do this; for if an unworthy man be continued in office by an unworthy President, the House of Representatives can at any time impeach him, and the Senate can remove him, whether the President chooses or not.

"The danger then consists merely in this: The President can displace from office a man whose merits require that he should be continued in it. What will be the motives which the President can feel for such abuse of his power and the restraints that operate to prevent it? In the first place, he will be impeachable by this House, before the Senate, for such an act of mal-administration; for I contend that the wanton removal of meritorious officers would subject him to impeachment and removal from his own high trust. But what can be his motives for displacing a worthy man? It must be that he may fill the place with an unworthy creature of his own. Can he accomplish this end? No; he can place no man in the vacancy whom the Senate shall not approve; and if he could fill the vacancy with the man he might choose, I am sure he would have little inducement to make an improper removal. Let us consider the consequences. The injured man will be supported by the popular opinion; the community will take sides with him against the President; it will facilitate those combinations, and give success to those exertions which will be pursued to prevent his re-election.

"To displace a man of high merit, and who from his station may be supposed a man of extensive influence, are considerations in the mind of any man who may fill the Presidential chair. The friends of those individuals and the public sympathy will be against him. If this should not produce his impeachment before the Senate, it will amount to an impeachment before the community, who will have the power of punishment by refusing to re-elect him. But suppose this persecuted individual can not obtain revenge in this mode; there are other modes in which he could make the situation of the President very inconvenient, if you suppose him resolutely bent on executing the dictates of resentment. If he had not influence enough to direct the vengeance of the whole community, he may probably be able to obtain an appointment in one or the other branch of the Legislature, and being a man of weight, talents, and influence, in either case he may prove to the President troublesome indeed.

"We have seen examples in the history of other nations, which justify the remark I now have made. Though the prerogatives of the British king are great as his rank, and it is unquestionably known that he has a positive influence over both branches of the legislative body, yet there have been examples in which the appointment and removal of ministers have been found to be dictated by one or other of those branches. Now if this be the case with an hereditary monarch, possessed of those high prerogatives and furnished with so many means of influence, can we suppose a President, elected for four years only, dependent upon the popular voice, impeachable by the Legislature, little if at all distinguished for wealth, personal talents, or influence from the head of the department himself—I say, will he bid defiance to all these considerations and wantonly dismiss a meritorious and virtuous officer? Such abuse of power exceeds my conception. If anything takes place in the ordinary course of business of this kind, my imagination can not extend to it on any rational principle.

"But let us not consider the question on one side only; there are dangers to be contemplated on the other. Vest this power in the Senate jointly with the President, and you abolish at once that great principle of unity and responsibility in the executive department which was intended for the security of liberty and the public good. If the President should possess alone the power of removal from office, those who are employed in the execution of the law will be in their proper situation, and the chain of dependence be preserved; the lowest officers, the middle grade, and the highest will depend, as they ought, on the President, and the President on the community. The chain of dependence, therefore, terminates in the supreme body, namely, in the people, who will possess, besides, in aid of their original power, the decisive engine of impeachment.

"Take the other supposition, that the power should be vested in the Senate, on the principle that the power to displace is necessarily connected with the power to appoint. It is declared by the Constitution that we may by law vest the appointment of inferior officers in the heads of Departments, the power of removal being incidental, as stated by some gentlemen. Where does this terminate? If you begin with the subordinate officers, they are dependent on their superior, he on the next superior, and he on—whom? On the Senate, a permanent body; a body, by its particular mode of election, in reality existing for ever; a body possessing that proportion of aristocratic power which the Constitution no doubt thought wise to be established in the system but which some have strongly excepted against.

"And let me ask, gentlemen, is there equal security in this case as in the other? Shall we trust the Senate, responsible to individual Legislatures, rather than the person who is responsible to the whole community? It is true, the Senate do not hold their offices for life, like aristocracies recorded in the historic page; yet the fact is, they will not possess that responsibility for the exercise of executive powers which would render it safe for us to vest such powers in them. But what an aspect will this give to the Executive? Instead of keeping the departments of Government distinct, you make an executive out of one branch of the Legislature; you make the Executive a two-headed monster, to use the expression of the gentleman from New Hampshire [Mr. Livermore], you destroy the great principle of responsibility, and perhaps have the creature divided in its will, defeating the very purposes for which a unity in the Executive was instituted.

"These objections do not lie against such an arrangement as the bill establishes. I conceive that the President is sufficiently accountable to the community; and if this power is vested in him, it will be vested where its nature requires it should be vested; if anything in its nature is executive, it must be that power which is employed in superintending and seeing that the laws are faithfully executed. The laws can not be executed but by officers appointed for that purpose. Therefore, those who are over such officers naturally possess the executive power. If any other doctrine be admitted, what is the consequence? You may set the Senate at the head of the executive department, or you may require that the officers hold their places during the pleasure of this branch of the Legislature, if you can not go so far as to say we shall appoint them; and by this means you link together two branches of the Government which the preservation of liberty requires to be constantly separated."

The following are the judicial recognitions and sanctions of the validity and binding character of the settlement made of this great question in 1789. Chancellor Kent, in his Commentaries, volume 1, tenth edition, page 346, uses the following language:

"This (meaning the settlement in 1789) amounted to a legislative construction of the Constitution, and it has ever since been acquiesced in and acted upon as of decisive authority in the case. It applies equally to every other officer of Government appointed by the President and Senate whose term of duration is not specially declared. It is supported by the weighty reason that the subordinate officers in the executive department ought to hold at the pleasure of the head of that department, because he is invested generally with the executive authority, and every participation in that authority by the Senate was an exception to a general principle and ought to be taken strictly. The President is the great responsible officer for the faithful execution of the law, and the power of removal was incidental to that duty and might often be requisite to fulfill it. It may now be considered as firmly and definitely settled, and there is good sense and practical utility in the construction."

The Supreme Court of the United States in *ex parte* Hennen (13 Peters, page 259) says:

"It was very early adopted as the practical construction of the Constitution that the power of removal was vested in the President alone, and such would appear to have been the legislative construction of the Constitution. For in the organization of the three great Departments of State, War, and Treasury, in the year 1789, provision is made for the appointment of a subordinate officer by the head of the Department, who should have the charge and custody of the records, books, and papers appertaining to the office, when the head of the Department should be removed from the office by the President of the United States. (1 Story, 5, 31, 47.)

"When the Navy Department was established in the year 1798 (1 Story, 498), provision was made for the charge and custody of the books, records, and documents of the Department in case of vacancy in the office of Secretary by removal or otherwise. It is not here said by removal by the President, as is done with respect to the heads of the other Departments; and yet there can be no doubt that he holds his office by the same tenure as the other Secretaries, and is removable by the President. The change of phraseology arose, probably, from its having become the settled and well-understood construction of the Constitution that the power of removal was vested in the President alone in such cases, although the appointment of the officer was by the President and Senate."

Again, the Supreme Court of the United States in Blake's case (United States Reports, volume 103, page 232) quoted approvingly its antecedent decision in the following language:

"But it was very early adopted, as the practical construction of the Constitution, that this power was vested in the President alone. And such would appear to have been the legislative construction of the Constitution."

In Kilbourn *vs.* Thompson (103 United States Reports) the identical principles involved in the present conflict between the Senate and President are elaborately considered and decided.

Justice Miller, delivering the opinion of the court, said:

"It is believed to be one of the chief merits of the American system of written constitutional law that all the powers intrusted to Government, whether State or national, are divided into three grand departments, the executive, the legislative, and the judicial; that the functions appropriate to each of these branches of Government shall be vested in a separate body of public servants, and that the perfection of the system requires that the lines which separate and divide these departments shall be broadly and clearly defined. It is also essential to the successful working of this system that the persons intrusted with power in any one of these branches shall not be permitted to encroach upon the powers confided to the others, but that each shall by the law of its creation be limited to the exercise of the powers appropriate to its own department and no other.

"To these general propositions there are in the Constitution of the United States some important exceptions. One of these is that the President is so far made a part of the legislative power that his assent is required to the enactment of all statutes and resolutions of Congress. This, however, is so only to a limited extent, for a bill may become a law, notwithstanding the refusal of the President to approve it, by a vote of two-thirds of each House of Congress. So also the Senate is made a partaker in the functions of appointing officers and making treaties, which are supposed to be properly executive, by requiring its consent to the appointment of such officers and the ratification of treaties. The Senate also exercises the judicial power of trying impeachment and the House of preferring articles of impeachment.

"In the main, however, that instrument, the model on which are constructed the fundamental laws of the States, has blocked out with singular precision and in bold lines in its three primary articles the allotment of power to the executive, the legislative, and the judicial departments of the Government. It also remains true as a general rule that the powers confided by the Constitution to one of these departments can not be exercised by another. It may be said that these are truisms which need no repetition here to give them force. But while the experience of almost a century has in general shown a wise and commendable forbearance in each of these branches from encroachments upon the others, it is not to be denied that such attempts have been made, and it is believed not always without success.

"The increase in the number of States, in their population and wealth, and in the amount of power, if not in its nature to be exercised by the Federal Government, presents powerful and growing temptation to those to whom that exercise is intrusted to overstep the just boundaries of their own department, and enter upon the domain of one of the others, or to assume powers not intrusted to either of them."

"The House of Representatives having the exclusive right to originate all bills for raising revenue, whether by taxation or otherwise, having with the Senate the right to declare war and fix the compensation of all officers and servants of the Government and vote the supplies which must pay that compensation, and being also the most numerous body of all those engaged in the exercise of the primary powers of the Government, is for these reasons least of all liable to encroachment upon its appropriate domain. By reason, also, of its popular origin, and the frequency with which the short term of office of its members requires the renewal of their authority at the hands of the people—the great source of all power in this country—encroachments by that body on the domain of co-ordinate branches of the Government would be received with less distrust than a similar exercise of unwarranted power by any other department of the Government. It is all the more necessary, therefore, that the exercise of power by this body, when acting separately from and independently of all other depositaries of power, should be watched with vigilance, and when called in question before any other tribunal having the right to pass upon it, that it should receive the most careful scrutiny.

"In looking to the preamble and resolution under which the committee acted, before which Kilbourn refused to testify, we are of opinion that the House of

Representatives not only exceeded the limits of its own authority, but assumed a power which could only be properly exercised by another branch of the Government, because it was in its nature clearly judicial.

"The Constitution declares that the judicial power of the United States shall be vested in one Supreme Court, and in such inferior courts as the Congress may from time to time ordain and establish. If what we have said of the division of the powers of the Government among the three departments be sound, this is equivalent to a declaration that no judicial power is vested in the Congress, or either branch of it, save in the cases specifically enumerated to which we have referred. If the investigation which the committee was directed to make was judicial in its character, and could only be properly and successfully made by a court of justice, and if it related to a matter wherein relief or redress could be had only by a judicial proceeding, we do not, after what has been said, deem it necessary to discuss the proposition that the power attempted to be exercised was one confided by the Constitution to the judicial and not to the legislative department of the Government. We think it equally clear that the power asserted is judicial and not legislative.

"If, indeed, any purpose had been avowed to impeach the Secretary, the whole aspect of the case would have been changed. But no such purpose is disclosed. None can be inferred from the preamble; and the characterization of the conduct of the Secretary by the term improvident and the absence of any words implying suspicion of criminality repel the idea of such purpose, for the Secretary could only be impeached for high crimes and misdemeanors. How could the House of Representatives know until it had been fairly tried that the courts were powerless to redress the creditors of J. Cooke & Co.? The matter was still pending in a court, and what right had the Congress of the United States to interfere with a suit pending in a court of competent jurisdiction?

"Again, what inadequacy of power existed in the court or, as the preamble assumes, in all courts to give redress which could lawfully be supplied by an investigation by a committee of one House of Congress, or by any act or resolution of Congress on the subject? The case being one of a judicial nature, for which the power of the courts usually afford the only remedy, it may well be supposed that those powers were more appropriate and more efficient in aid of such relief than the powers which belong to a body whose function is exclusively legislative.

"If the settlement to which the preamble refers as the principal reason why the courts are rendered powerless was obtained by fraud or was without authority or for any conceivable reason could be set aside or avoided, it should be done by some appropriate proceeding in the court which had the whole matter before it and which had all the power in that case proper to be intrusted to any body, and not by Congress or by any power to be conferred on a committee of one of the two Houses.

"The resolution adopted as a sequence of this preamble contains no hint of any intention of final action by Congress on the subject. In all the argument of the case no suggestion has been made of what the House of Representatives or the Congress could have done in the way of remedying the wrong or securing the creditors of Jay Cooke & Co., or even the United States. Was it to be simply a fruitless investigation into the personal affairs of individuals? If so, the House of Representatives had no power or authority in the matter more than any other equal number of gentlemen interested for the Government of their country. By 'fruitless' we mean that it could result in no valid legislation on the subject to which the inquiry referred.

"The supreme court of Pennsylvania, in a well-considered case, reported in Pennsylvania State reports, volume 103, page 486, use the following language: 'In considering where the power of removal is lodged, we may draw some light from the interpretation given to the Constitution of the United States. It declares the President 'shall nominate, and, by and with the advice and consent of the Senate, shall appoint' officers therein named. It is silent on the question of removal of any officer, but declares the judges, both of the Supreme and inferior courts, shall hold the offices during good behavior. As to other officers, Congress in 1789 affirmed the right of removal to exist in the President, without any co-operation of the Senate. That view was acquiesced in as the true construction of the Constitution until the passage by Congress of the tenure-of-office act of 2d of March, 1867, which was superseded by the act of 5th April, 1869, of a modified character. Apart from this legislation, the fact that the consent of the Senate was necessary to authorize the President to appoint did not prevent him from removing the officers at his pleasure."

Mr. Webster is paraded as an authority to support the present claim of the Senate. In the great debate on "executive patronage," in 1835, Mr. Webster spoke as follows:

"The bill before the Senate, it must be observed, expressly recognizes and admits the actual existence of the power of removal. I do not mean to deny, and the bill does not deny, that at the present moment the President may remove these officers at will, because the early decision adopted that construction and the laws have since uniformly sanctioned it. The law of 1820 expressly affirms the power. I consider it, therefore, a settled point; settled by construction; settled by precedent; settled by the practice of the Government, and settled by statute.

"At the same time I am very willing to say that, after considering the question again and again within the last six years, in my deliberate judgment the original decision was wrong. I can not but think that those who denied the power in 1789 had the best of the argument, and yet I will not say that I know myself so thoroughly as to affirm that this opinion may not have been produced in some measure by that abuse of the power which has been passing before our eyes for several years. It is possible that this experience of the evil may have affected my view of the constitutional argument."

Senator Thurman, in the protracted debate in 1869 on the bill to repeal the "tenure-of-office act," used the following language:

"Believing that the original interpretation of the Constitution is the correct one; that the power of removal from office is an executive power; that the duty of exercising that power is enjoined upon the President by the provision of the Constitution that he shall take care that the laws be faithfully executed; believing that the assent of the Senate is not a necessary and logical result that the Senate consents to appointments; believing that no such inference follows from the concurrence of the Senate in making appointments; and believing also that it is wiser that it should be as our fathers settled it; that the offices will be better filled and the laws more faithfully executed if this power is vested in the President alone, I feel bound to vote for an unqualified repeal of the 'tenure-of-office act.'"

Senator Morton, in the same debate in 1869, spoke as follows:

"It was said by the Senator from Illinois that from the beginning men's minds have divided upon the question as to whether this power of removal existed in the Executive absolutely or in connection with the Senate. That the President might exercise it absolutely in the absence of legislation or restriction is confessed by the continued practice of the Government for seventy-eight years down to 1867.

"But the Senator says the minds of men were divided before that time on the question. Sir, that division did not amount to much. There have been very few questions raised in this country that there has not been something said on both sides within the last seventy or eighty years; but there has been as strong a union of opinion in favor of the exercise of this power by the Executive in the absence of legislation as can be found, perhaps, upon the exercise of any other power that is granted by the Constitution. Moreover, there has been a great unity of sentiment from the first that legislation upon that power was not desirable.

"My understanding of the tenure-of-office act is that it was adopted for a special purpose; that it was special in its character; that it was intended to meet a condition of things that had never occurred before in the administration and which we hope will never occur again. It was not made for all future Presidents. Sir, let me ask this question: If the tenure-of-office act had not been passed when it was, and was not now the law of the land, would it enter into the head of any Senator of any Member of Congress now to pass such a law? The enactment of the law was brought about by a peculiar state of public affairs.

"Senator SHERMAN in the same debate in 1869 used the following language: 'But now when we appeal to the Senate to yield to the President the same power of removal that has been exercised by Washington and every President from Washington down to Johnson, we are referred to old manuscripts that have never been printed before; we are referred to the debates of Webster and Clay and Calhoun, &c.

"'What is the secret of the whole of it? Why, sir, during Washington's administration the anti-Federalists were opposed to Washington and opposed to his appointing power; they opposed conferring upon Washington the power to remove the Secretary of State. After Washington's administration expired, and John Adams served his fitful four years with a majority much of the time in both Houses against him, where were those gentlemen then with their notions about the power of the President and the power of removal? In the time of Jefferson and Madison and Monroe where were those gentlemen who were afraid of executive authority? Did they propose to repeal any of the laws passed in the time of Washington? Not at all. In the time of John Quincy Adams Mr. Benton made a speech which has been read. Then John C. Calhoun, who had quarreled with Andrew Jackson, took up the banner of Benton, and made Benton's speech over again, and Mr. Webster and Mr. Clay joined in. If there was so much danger of this executive power why did not the Democratic party, with a large majority in both Houses, and with a President on their side, repeal these old laws which conferred upon the President the power of removal?

"'It always has been so, and it always will be so. Notwithstanding all that will be written and said, the ins will try to limit the power of the outs, and the outs will try to limit the power of the ins. There is no doubt about it. When the Democrats are in power, the Republicans seek to limit their power. When the Republicans are in power, the Democrats on the other hand seek to limit their power. So it has been in all times; and I do not think we are any wiser or better than our fathers, and probably no worse.'"

But the crowning indorsement of the settlement of this question by our fathers in 1789 and how it should now be regarded is contained in the great speech of the distinguished Senator from New York [Mr. EVARTS], who always weighs well the full force and meaning of every word he utters. On the impeachment trial of Andrew Johnson (one among other specifications being that he had without cause removed Secretary Stanton) Mr. EVARTS used the following language:

"The Congress of 1789 decided and its successors for three-quarters of a century acquiesced in that doctrine. I will not weary the Senate with a thorough analysis of the debate of 1789. It is, I believe, decidedly the most important debate in the history of Congress. It is, I think, the best-considered debate in the history of the Government. I think it included among its debaters as many of the able, wise, and learned men, the benefit of whose public service this nation has ever enjoyed, as any debate or measure which this Government has ever had or entertained. The premises in the Constitution were very narrow. The question of removal from office as a distinct subject had never occurred to the minds of the men of the convention. The tenure of office was not to be made permanent except in the case of judges of the Supreme Court. The periodicity of Congress, of the Senate, and of the Executive was fixed. Then there was an attribution of the whole interior administrative official powers of the Government to the Executive with the single qualification, exceptional in itself, that the advice and consent of the Senate should be required as a negative on the President's nomination only."

"If on these grounds you dismiss the President from this court convicted and deposed, you dismiss him the victim of the Congress and the martyr of the Constitution by the very terms of your judgment, and you throw open for the masters of us all in the great debates of an intelligent, instructed, fearless, practical nation of freemen division of sentiment to shake this country to its center—the omnipotence of Congress as the rallying cry on one side, and the supremacy of the Constitution on the other."

The minority of your committee beg leave to call the attention of the Senate to a few of the most conspicuous and illustrious protests against the wisdom of any attempt by the Senate to usurp the President's power of removal.

Senator Morton, in his speech on the bill to repeal the "tenure-of-office act," in 1869, spoke as follows:

"What is the effect when the Senate becomes a tribunal for the trial of the causes for which men are suspended? Scarcely any officer can be found of any importance who will not have some Senator upon this floor as his friend, and that Senator will stand up and inquire, 'What are the causes for which this man has been suspended? I have known him; he is my friend; perhaps I secured him the appointment, and I can not consent to his removal unless there is some tangible and sufficient cause made out.' Then the Senate must enter upon the investigation. They must examine into the causes of this man's suspension. Is he an honest officer? If not, what has he done? If he is an incapable officer, wherein has he failed? These are questions we must pass upon.

"Each one of these suspensions is a case. If we concur in the suspension after examination, the officer goes out of this Chamber with a blemish upon his character which he can scarcely outlive. If we refuse to concur in the suspension, we say to the world the President has done this man injustice, either intentionally or unintentionally. If he acted in good faith, he acted in ignorance; if he was well informed, then he acted in bad faith, or out of malicious feelings toward this man.

"The President is in some respects on trial also, and as he is to be put on trial as to whether his judgment has been intelligent, or has been an honest one in regard to the man suspended, he must feel a great deal of interest in the result, and if he is to be adjudged in this way he will hesitate a long time before he makes the suspension. He may be satisfied in his own mind that an officer is not doing right, but unless he can procure facts that are tangible in themselves, and that can be laid definitely before the Senate, or can be stated intelligently before a jury, he will not suspend that man, and the mal-administration goes on. Will you tell me, sir, that any administration can be conducted efficiently under the operation of that law?

"Now, Mr. President, let me suppose that this law remains in force, what will be the effect of it? When we come back here in the month of December we shall find a long docket of these cases of suspensions, perhaps several hundred of them, and they will have to be tried one by one. We take up the first case. That, perhaps, takes one afternoon, or one entire executive session. It may be two or three; and I tell you, sir, that this Senate will not have time, if it devotes its whole time to the consideration of these cases, to pass upon them if the President shall suspend every officer that, in his judgment, ought to be suspended for dishonesty or inefficiency. It will impose upon the Senate a labor that it can not perform. It will be physically impossible for it to discharge that labor.

"There must be responsibility somewhere. The very essence of successful administration under every constitutional Government is that the responsibility shall be distinctly located somewhere. Suppose he suspends an officer, and the Senate does not concur in that suspension, that part of the responsibility

then belongs to the Senate. It is divided between some sixty or seventy gentlemen on this floor, and the share of each gentleman is very small. If the responsibility is placed between the President and Senate, neither of them will have the whole of it. We divide it up until it amounts to nothing."

Again we quote from the well-considered speech of Senator SHERMAN in the same debate:

"Has the Senator from Vermont arrived at that exemplary and forgiving state of mind that he would not be willing to remove any man who disagreed with him in opinion, or, in other words, who was a Democrat, unless he could be convicted of crime upon satisfactory evidence?"

Mr. EDMUNDS. Permit me to ask the Senator whether I ought not to have arrived at that virtuous point on true principles of government whether I have or not?

"Mr. SHERMAN. I do not think so. I believe that all the leading officers of this Government ought to be in harmony with the political sentiments of the majority, and that although the doctrine of Governor Marcy was rather too bluntly stated in his expression that 'to the victors belong the spoils,' yet in actual practice, in theory, and in fact, no administration of this Government ever did or ever will exist without practically acting upon the rule that to the successful party belong the great offices of the Government. It may not be according to the theoretical codes of morality and public policy which the Federalists talked of when the Democrats were in power and which the Democrats talked of when the Federalists were in power, but still it is a rule of practical administration which will always be applied in a republican form of government.

"Now, in my judgment, the tenure-of-office law can not with due regard to the public interests be practically enforced. What has been our experience within two years? When we came back here we were met with piles of documents which the President sent to us; various papers showing that certain officers of the Government had performed acts which in his judgment amounted to misdemeanor, &c., and for which they were suspended. He gave us specific facts and evidence.

"These cases were referred to the appropriate committees. What were we called upon to examine? We had to take up and carefully read piles of papers and examine each particular case, like a chancellor or a judge of assize. Every suspended officer contended that he was the most innocent man born since the time of Adam. He demanded a trial and copies of charges and proof and a formal hearing before the committees of this body, he converting us into a court and jury to try his particular case. If we could not try him, why demand charges and evidence?

"If the tenure-of-office act was right in principle we were bound to examine each case to see whether or not the accused officer was, according to the language of the law, guilty of misconduct in office or crime or had become incapable or legally disqualified. 'The result was that some of the committees of this body could not transact their business. These cases were referred and after great delay were reported upon. In one case the accused was tried, convicted, and sent to the penitentiary while we were deliberating whether he was properly suspended or not.' The result was that we did not and could not determine them.

"There probably will be from five hundred to five thousand removals during the next year in the service of the United States in the ordinary course of the business of this country. The number of offices to whose appointment the confirmation of this body is required I should estimate in round numbers at from five to twenty thousand. We know there are great multitudes of them whose appointments require the confirmation of the Senate. If we have to remain here and act upon the cases of all removals in order to evade the second section, we put ourselves to a great deal of unnecessary trouble merely to evade one of our own laws. If we adjourn and leave the President without any power to remove and only the power of suspension, his hands are effectually tied. He can not suspend a postmaster, or a revenue officer, or any of this vast multitude of officers, unless he is prepared upon satisfactory evidence to make out a case of crime or misconduct in office.

"It is practically impossible thus to administer the Government. The practical effect of the tenure-of-office act is to keep bad men in office, to divide the responsibility for their misconduct, to enable the President to shield himself from responsibility, and to destroy the energy, efficiency, and unity absolutely necessary in the executive administration of various departments of the Government. That was the practical effect.

"Now, Mr. President, look at the actual result as we know it existed. It was the common practice for applicants for office to run here to members of the Senate and say: 'I can get an appointment if I am sure of confirmation.' There was not a member of the Senate who was not pressed constantly by his constituents to pass his judgment in advance on the question of confirmation and before his appointment. 'I can get the appointment if I am sure of confirmation,' which reversed the whole order of proceeding in filling the offices of the Government. The Senate became the appointing power. That was the course of business. The result was that many men who had an acute sense of honor, who wished to be free from all this kind of double complication, would not seek or accept office under an administration so hampered and controlled.

"The duty of the Senate is to advise and consent to appointments. The Constitution confers on this body no power to remove. We consent to removals; we advise as to confirmations. When a man is removed from office and another name is sent here we pass simply upon his qualifications and fitness for the office; but the Constitution confers upon us no power to proceed in the removal. That is conferred only by the tenure-of-office act. Nowhere else do we derive such a power. By the tenure-of-office act the power of removal as well as the power of confirmation is conferred on the Senate; and I say with such a power invested in the Senate it will be impossible to avoid controversy and collision between the executive power and the Senate. We shall share in and finally monopolize the power of the Executive over all the offices of the Government.

"Senators must very easily draw distinction between the power of removal and the power of confirmation. The power of confirmation is a resulting power, depending on the previous act of another officer of the Government; and all we say in our act of confirmation is whether or not the person named is a man fit to discharge the duties of the office. That power can not and will not be abused; but the power of removal is a very different power, a power never contemplated to be invested in the Senate.

"It seems to me that we are now acting as judges in our own case. If this great power of the Senate is maintained to prevent the removal of any officer of this Government it is maintained by the Senate for its own behalf. The public judgment will say that, although we are not nominally interested, we are maintaining powers that were never conferred upon the Senate until two years ago, and which were then conferred for a special purpose. In my opinion we ought to be careful that our judgment should be impartial, and not to be influenced by a love of power.

* * * * * * * *

"We share in one-half of the legislative authority of this Government. We are judges over all officers in the trial of impeachment. We participate with the Executive in the power of appointing to office, also in the power to make treaties. I ask if all these great powers are not sufficient for the ambition of any Senate.

* * * * * * * *

"As a general rule it is not wise to mingle the powers of the various departments of the Government. There are three great divisions or departments of the Government that stand apart from each other. They form the triangle of public safety, and upon them rest the safety, order, and good conduct of society. These are the legislative, the executive, and the judicial departments. They have been in exceptional cases mingled. The Senate shares with the President in the appointing power, and also shares with the President in the treaty-making power, &c. It is not wise in my judgment to overlook this division of powers."

The foregoing overwhelming array of authorities, reasons, and arguments demonstrate conclusively the far-seeing wisdom and statesmanship of the settlement of the great question now before the Senate by our fathers in 1789. No one had the temerity to disturb it until 1814, during the administration of Mr. Madison.

In the debate in 1835, found in Congressional Debates, volume 11, part 1, page 530, Senator Grundy said: "When Mr. Granger, in 1814, was dismissed from the office of Postmaster-General by Mr. Madison a great sensation was produced both in and out of Congress. This I know, for I was here at that period. Mr. Granger was known to be an able and efficient officer. He was a great favorite with the Democracy of New England. He was not dismissed for any delinquency in the discharge of his public duties. In this state of things the following resolution was introduced into the Senate of the United States, as appears from the second volume Executive Journal, page 504. Mr. German submitted the following motion for consideration:

"'*Resolved*, That the President of the United States be, and he is hereby, requested to inform the Senate whether the office of Postmaster-General be now vacant, and if vacant, in what manner the same became vacant.'

"This resolution was rejected by a vote of the Senate, which shows it was the understanding at that time that they had no right to interfere in cases of removal."

This is the only instance, since the decision of the Congress in 1789, in which any member of the Senate has attempted to call on the President for his reasons for removal, until the present Chief Magistrate came into office. In 1830, Mr. Holmes, then a Senator from Maine, introduced a series of resolutions, one of which called for the President's reasons for removals from office, as follows:

"*Resolved*, That the President of the United States be respectfully requested to communicate to the Senate the number, names, and offices of the officers removed by him since the last session of the Senate, with the reasons for each removal.

"On motion by Mr. Grundy that said motion be postponed indefinitely, it was determined in the affirmative—yeas 24, nays 21."

The tenure-of-office law, passed in 1867, was the first and only legislative interference by the Senate with the President's power of removal; and the objects and exceptional reasons of that act of usurpation have been fully explained by those who aided in its passage. President Grant, in his first annual message, in 1869, recommended the total repeal of the tenure-of-office law, for the reason that it would be impossible for him to administer the Government under its operation. The House, by nearly a unanimous vote, recommended the repeal.

The House bill was amended in the Senate as now found in sections 1767 and 1768. Section 1767 is part of the original act, with the material qualification that it is subjected to the control of section 1768. Section 1768 is the controlling part of the whole act as it now exists. That section provides that—

"During any recess of the Senate the President is authorized, in his discretion, to suspend any civil officer appointed by and with the advice and consent of the Senate, * * * until the end of the next session of the Senate, and to designate some suitable person, subject to be removed, in his discretion, by the designation of another, to perform the duties of such suspended officer in the mean time; and the person so designated shall take the oath and give the bond required by law to be taken and given by the suspended officer, and shall, during the time he performs the duties of such officer, be entitled to the salary and emoluments of the office, no part of which shall belong to the officer suspended. The President shall, within thirty days after the commencement of each session of the Senate, except for any office which in his opinion ought not to be filled, nominate persons to fill all vacancies in office which existed at the meeting of the Senate, whether temporarily filled or not, and also in the place of all officers suspended; and if the Senate during such session shall refuse to advise and consent to an appointment in the place of any suspended officer, then, and not otherwise, the President shall nominate another person as soon as practicable to the same session of the Senate for the office."

It must be conceded, as this section expressly provides, that the President's power to suspend a civil officer in vacations of the Senate is "discretionary," and that such suspended officer remains out of the office at least until the Senate adjourns, when he is again certainly liable to be suspended if reinstated by the operation of section 1768, which is denied by many of the best lawyers in the Senate, and so on without limitation as to time or discretion should the President elect to exercise his power of suspension. On this discretionary power of the President to suspend, as called in the statute, or to remove from office under the Constitution, the Supreme Court of the United States, in the case of Marbury *vs.* Madison, 1 Cranch's Reports, at page 165, says:

"By the Constitution of the United States the President is invested with certain important political powers, in the exercise of which he is to use his own discretion, and is accountable only to his country in his political character and to his own conscience. To aid him in the performance of these duties he is authorized to appoint certain officers, who act by his authority and in conformity with his orders.

"In such cases their acts are his acts, and whatever opinion may be entertained of the manner in which executive discretion may be used, still there exists and can exist no power to control that discretion. The subjects are political. They respect the nation, not individual rights, and being intrusted to the Executive, the decision of the Executive is conclusive."

In relation to the exercise by the President of his power of suspension or removal for cause, the distinguished Senator from Vermont [Mr. EDMUNDS] in the debate on the bill to repeal the tenure-of-office act, used the following language in answer to Senator Morton:

"I say with him that the President of the United States has no business to nominate to us a man—I am now speaking of moral business, because the Constitution gives him a right to nominate as often as he pleases—the President has no right to propose to us to put out one man and put in another unless there is cause. Now, what is cause? The Constitution has made the cause. The united discretion of the President of the United States and the representatives of the States; that is cause. If the President of the United States thinks for any reason that satisfies his moral nature that it is better to make a change in an office, and proposes it to us, and we are satisfied for any reason that is consonant to our moral sense of right and wrong that that change ought to or may be made, then it is done and there is cause. My friend may go into a dissertation if he wishes to do so when it comes to his turn to speak upon proximate and final cause. There is ever so much discussion in books of philosophy about that.

"But it is cause enough for me, sir, constitutional cause, if the Senator will, when the President of the United States acting, if he is honest as he always must, upon a conscientious regard for the public service and a conscientious sense of his responsibility to the people and to God, chooses to send in one man's name for a place that another man holds. When he has done that he has done his duty, whether that cause satisfies my friend and me or not. Then it becomes our opportunity to speak and to consider, and if we are satisfied with the cause, or with any other cause that appeals to our judgment and good sense, the act is accomplished."

We have in this extract the key to the report of the majority of your committee.

The Senator from Vermont, the able chairman of the Judiciary Committee, is entitled to the distinction of being the author of the remarkable discovery that the unqualified, exclusive, and independent power of removing or suspending officers of the United States can be conceded to the President for his free exercise for any cause or reason that may satisfy him, and that the Senate has no right to interfere with or control in any manner the use of such power by the President; but that after the President has so exercised his power and made the suspension for any cause satisfactory to him, and nominates to the Senate a person to take the place of the suspended officer, then the power of the Senate intervenes to "advise and consent to th' nomination," which is just as absolute, exclusive, and independent as the President's power to suspend and nominate, and that in the exercise of this power the Senate can decide with or without cause, or for any cause satisfactory to them, to withhold their advice and consent to the nomination.

The soundness of this proposition may be admitted, as the Senate can arbitrarily exercise any discretionary power; but it leaves the question unanswered whether the Senate has any constitutional or lawful right to request the President or direct the Attorney-General to transmit to the Senate in executive session papers and documents, in the keeping of either, that relate exclusively to suspensions by the President under section 1768 of the tenure-of-office act. Such papers and documents have no existence or character as public documents. They relate solely to a matter under the absolute power and control of the President, "in the exercise of which," in the language of the Supreme Court, "he is to use his own discretion, and is accountable only to his country in his political character and to his own conscience."

The right of the Senate or House to papers and documents in the keeping of the President or the heads of Departments must be decided by their contents and character and the use that can be made of them in the exercise of any power or jurisdiction intrusted to either House by the Constitution in executive or legislative session. If the papers and documents can instruct or aid either House in the exercise of legislative or executive powers or privileges intrusted to them by the Constitution, the right of either House to the possession of such papers or documents or their contents has never been questioned. It is impossible, in the judgment of the minority, for the majority or for the Senate to find the slightest support, excuse, or justification for their claim to the papers and documents relating exclusively to suspensions by the President, except on the ground that the Senate has the same power under the Constitution of advising and consenting to suspensions by the President that they have to advise and consent to his appointments.

There is no ingenuity sufficiently skilled in special pleading to separate the two powers of suspension and appointment, and make each absolute and independent of the other, and at the same time claim that the custodian of one power is entitled to all the papers and documents in the sole keeping of the custodian of the other power and relating exclusively to matters within his jurisdiction.

But it is insisted that the President has no right to know or to inquire what use the Senate intends making of the papers and documents. Can it be seriously urged that if the papers and documents called for are not public, but private, and relate exclusively to the official acts of the President, for which he is under no responsibility to the Senate, that the Senate has any right to their possession? Who is to judge whether the papers and documents are public or private—the President, who knows their contents and to what they relate, or the Senate, who has no such information? How is the Senate to pass on the character and contents of the papers and documents before seeing them, and how will it be if after inspection of the papers and documents the Senate decides it has no right to their possession? How can the President possibly avoid knowing what use the Senate intends making of the papers when they show on their face that they can not be made to relate to anything but suspension? And if it were possible for the President to close his eyes to the contents of the papers and documents and the use that is to be made of them by the Senate, can the right be denied to those Senators who resist the claim of the Senate to have inspection of papers and documents relating exclusively to suspensions by the President to know what use is intended to be made of the papers and documents by the Senate?

The minority claim to know what use is intended to be made by the majority of your committee of the papers and documents called for and relating exclusively to suspensions, and with that knowledge the minority are satisfied that their possession and use by the Senate is unconstitutional and supported by no law, usage, or public policy, and that their transmission to the Senate was rightfully refused by the Attorney-General on the order of the President. The minority of your committee can not close their report without expressing surprise at the appearance in the majority report of the following resolution:

"*Resolved*, That the provision of section 1754 of the Revised Statutes declaring 'That persons honorably discharged from the military or naval service by reason of disability resulting from wounds or sickness incurred in the line of duty shall be preferred for appointments to civil offices, provided they are found to possess the business capacity necessary for the proper discharge of the duties of such office' ought to be faithfully and fully put in execution, and that to remove, or to propose to remove, any such soldier whose faithfulness, competency, and character are above reproach and to give place to another who has not rendered such service is a violation of the spirit of the law, and of the practical gratitude the people and Government of the United States owe to the defenders of constitutional liberty and the integrity of the Government."

Under what action of the Senate does the majority claim the authority to report such a resolution to the Senate for its adoption? What possible connection has the subject mentioned in the resolution with the papers and documents called for in the case of the suspension of Duskin, which is the only matter referred by the Senate to the Judiciary Committee? The information of the minority of your committee is that Duskin never was a Union soldier, but, on the contrary, was either a member of the confederate army or a confederate sympathizer in his native State of North Carolina.

The minority of your committee fully indorse section 1754 of the Revised Statutes, and heartily favor its faithful execution; but their information and belief satisfy them that under its operation during the administrations of Republican Presidents partisan and political influences and considerations have governed in a great degree in the selection of the intended beneficiaries of that statute, so that no equal and just distribution has been made by Republican Presidents among the meritorious class described in the law, as is doubtless desired alike by Republican and Democratic soldiers and marines, who were comrades in a common cause.

Such unauthorized action of the majority of your committee serves one purpose, and that is to furnish additional proof of what was before manifest, that the object and intent of this extraordinary proceeding is to secure political and partisan advantage and benefit. The inevitable result is to arraign President Cleveland and try him by the Senate, with an unfriendly political majority, for making suspensions in alleged violation of his public pledges and promises not to make removals or suspensions except for cause.

President Cleveland's promises and pledges are part of the published history of the country, and for their faithful performance he denies his responsibility to the Senate, and stands ready for trial by the people. He did make the promise that during the term of a civil officer he would not suspend or remove him for the sole reason that he was a Republican. Merely being a Republican, if he had been and was a capable, faithful, and efficient officer, the President declared he would not regard as sufficient cause. But if such officer while in office had used its power or influence or emoluments to promote the organization and success of his party, by attending county, district, State, or national conventions and making himself active as a partisan in elections, the President has publicly declared such conduct and action by any incumbent, however capable, faithful, and efficient in the discharge of his official duties, as a violation of the spirit of the law declaring that civil office is a public trust for public uses, and not to be employed as an element of power in party organizations and elections, and that such conduct would be treated as sufficient cause for suspensions.

The President declines to submit voluntarily to the decision of a tribunal having no jurisdiction over the question, the sufficiency of such cause for suspensions especially, when his fear is that such conduct in the officer might be regarded by the Republican majority as a reason for the retention of the incumbent in office. The President will never avoid a trial by the people for the exercise of any of his powers, or the discharge of any of his official duties, as he will have a fair tribunal on the whole truth. But he declines obedience to any unlawful summons to trial under usurped authority by an unfriendly tribunal on mere papers and documents relating exclusively to suspensions, and containing in nearly every case only a partial statement of the causes, facts, and reasons for his official act of suspension. In a large majority of the cases of suspension, as the minority are informed, the President had information communicated to him orally by persons considered reliable, which it would be impossible for him to remember or reproduce in every case so as to put the Senate in possession of all the facts which governed him in the suspension, if the Senate had the authority under the Constitution or laws of the United States to call him to an account.

In conclusion, the minority of your committee are gratified at being able to state that in the Forty-sixth Congress, when the Democrats had a majority in the Senate, no such spectacle as that now exhibited to the country was ever witnessed in the history of its proceedings.

All of which is respectfully submitted.

JAMES L. PUGH.
RICHARD COKE.
GEORGE G. VEST.
HOWELL E. JACKSON.

RECORD FOR LEGATIONS ABROAD.

Mr. MANDERSON. I am directed by the Committee on Printing to report back without amendment the joint resolution (S. R. 47) to forward a copy of the daily CONGRESSIONAL RECORD to each of our legations abroad. The passage of this joint resolution is desired by the State Department, and it has also received the indorsement of the Committee on Foreign Relations. I ask that it be now considered.

By unanimous consent, the Senate, as in Committee of the Whole, proceeded to consider the joint resolution.

Mr. INGALLS. Does this joint resolution require the signature of the President of the United States before it becomes effective?

The PRESIDENT *pro tempore*. It does.

Mr. INGALLS. I move, then, to change it to the form of a bill.

The PRESIDENT *pro tempore*. The Senator from Kansas moves that the joint resolution be changed to the form of a bill. Is there objection? The Chair hears none, and that amendment will be agreed to.

The joint resolution was accordingly changed to a bill (S. 1653) to forward a copy of the daily CONGRESSIONAL RECORD to each of our legations abroad; and it was read twice by its title.

Mr. ALLISON. Does the bill provide for the method by which these copies of the RECORD shall be sent?

Mr. LOGAN. It provides for sending them through the State Department.

The PRESIDENT *pro tempore*. The bill will be read.

The Chief Clerk read the bill, as follows:

Be it enacted, &c., That the Public Printer be, and he is hereby, authorized and directed to forward, free of charge, through the Department of State, one copy of the daily CONGRESSIONAL RECORD to each of our legations abroad, commencing at the beginning of the present session.

Mr. ALLISON. That would require an appropriation if it is to be done through the Public Printer. Of course that means that these copies of the RECORD shall be sent postage prepaid.

Mr. MANDERSON. I will state, in answer to the inquiry of the Senator from Iowa, that for a number of years the CONGRESSIONAL RECORD was sent to our legations abroad, and, as suggested in the letter of the Secretary of State, which I shall ask to have read for the information of the Senate, by the terms of the limitation of the act providing for its distribution the distribution ceased in 1881. The proposition is that the Public Printer shall furnish to the Secretary of State the necessary numbers daily for this use, and they are to be sent abroad by the State Department.

Mr. ALLISON. But the criticism I make upon the present language is that the duty of sending them abroad is imposed upon the Public Printer.

Mr. MANDERSON. Not as I understand it.

Mr. ALLISON. Very well. I ask that that provision may be again read.

Mr. MANDERSON. I ask that the letter of the Secretary of State be also read.

The PRESIDENT *pro tempore*. The bill will be again read.

The Chief Clerk read the bill.

Mr. INGALLS. That means free of charge to the Printer?

The PRESIDENT *pro tempore*. The letter of the Secretary of State will be read.

The Chief Clerk read as follows:

DEPARTMENT OF STATE, *Washington, February* 16, 1886.

SIR: On the 18th day of December, 1880, Congress passed a joint resolution directing the Public Printer to forward free of charge one copy of the daily CONGRESSIONAL RECORD to each of our legations abroad. This joint resolution expired by limitation on the 4th day of March, 1881.

Our ministers abroad have since in many instances made application to this Department to be supplied with this publication, but it has not been thought

proper to incur the expense of sending it in absence of Congressional authorization.

It is very obvious that if the CONGRESSIONAL RECORD were sent to our legations, it would very materially aid our ministers abroad in the discharge of their public duties by informing them fully and promptly as to the current proceedings of Congress, a subject in regard to which they are frequently called upon for information both by the officers of the countries to which they are respectively accredited and by our own citizens engaged in business in foreign countries. I would therefore respectfully recommend the adoption of a joint resolution authorizing and directing the Public Printer to forward, free of charge, through the Department of State, one copy of the CONGRESSIONAL RECORD to each of our legations abroad, commencing with the beginning of the present session.

Inclosing for your consideration a draft of a joint resolution in relation to the subject, I have the honor to be, sir, your obedient servant,

T. F. BAYARD.

Hon. JOHN F. MILLER,
Chairman of the Committee on Foreign Relations, Senate.

Mr. INGALLS. Does that mean that the Public Printer is to furnish these copies of the daily RECORD to the Secretary of State in sufficient number to enable him to send them to the legations, or that they are to be sent from the Public Printer's office direct? And does that "free of charge" mean free of charge for printing or free of postage? It is left in doubt. I understand that the State Department forwards its dispatches and mail direct to the legations in a daily or weekly dispatch bag, or else to some central dispatch agent, from which they are distributed over the continent; and I should suppose that the bill ought to be, of course, specific as to the method, in order that the Public Printer may determine whether he is to send a sufficient number of these copies to the Secretary of State, and whether his functions end there.

The PRESIDENT *pro tempore*. The occupant of the chair happens to know that the phrase "free of charge" means in this case that instead of being charged to the State Department, as such things sometimes are, they are not to be charged to the State Department and taken out of its contingent fund.

Mr. INGALLS. That ought to be so stated.

The PRESIDENT *pro tempore*. The bill is in the precise form in which it came from the State Department. It is still open to amendment. Does the Senator from Kansas propose an amendment?

Mr. INGALLS. No, sir.

The PRESIDENT *pro tempore*. If there be no amendment as in Committee of the Whole the bill will be reported to the Senate.

Mr. EDMUNDS. As amended. An amendment has been made changing the form.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

Mr. EDMUNDS. Now, let us hear the title read.

The CHIEF CLERK. A bill to forward a copy of the daily CONGRESSIONAL RECORD to each of our legations abroad.

Mr. INGALLS. That does not express the purpose of the bill. The bill is to forward the copies to the Secretary of State for that purpose, and if the bill is to have its title consistent it ought to be amended. I have no suggestion to make further than that.

The PRESIDENT *pro tempore*. The title will stand as reported unless an amendment is offered to it.

REMOVALS AND SUSPENSIONS FROM OFFICE.

Mr. HOAR. I am directed by the Committee on Privileges and Elections, to whom were referred a resolution offered by the Senator from Virginia [Mr. RIDDLEBERGER] in relation to the removal and suspension of Federal officers, &c., and an amendment to the resolution proposed as a substitute by the Senator from Alabama [Mr. PUGH], to report the same without recommendation and move that they lie upon the table.

The committee found that the same subject had been dealt with by another committee of the Senate, who have now made a majority and a minority report, and they did not think it worth while to take the trouble to undertake to formulate a resolution which would express the opinion of the committee, or a majority of it, on this very important question, believing that the Senate would probably dispose of the whole subject in some way under the resolution reported by the Committee on the Judiciary. We therefore report back the resolution without recommendation, and I move that the resolution and the substitute lie on the table. They can then be called up by either Senator interested, if either shall desire to call them up, at any time.

The PRESIDENT *pro tempore*. The order to lay on the table will be made, if there be no objection.

EULOGIES ON VICE-PRESIDENT HENDRICKS.

Mr. GORMAN. From the Committee on Printing I report back the joint resolution (H. Res. 124) to print 31,000 copies of the eulogies on Thomas A. Hendricks, late Vice-President of the United States, and I ask for its present consideration.

By unanimous consent, the Senate, as in Committee of the Whole, proceeded to consider the joint resolution.

The joint resolution was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

Mr. GORMAN, from the Committee on Printing, to whom was referred the bill (S. 1478) to authorize the printing of the eulogies delivered in Congress upon the late Thomas A. Hendricks, reported adversely thereon, and the bill was postponed indefinitely.

EULOGIES ON REPRESENTATIVE ELLWOOD.

Mr. MANDERSON. I am directed by the Committee on Printing to report back the joint resolution (H. Res. 105) to print 12,500 copies of the eulogies on Reuben Ellwood, late a Representative in Congress, with a recommendation that it do pass, and I ask for its present consideration.

By unanimous consent, the Senate, as in Committee of the Whole, proceeded to consider the joint resolution.

The joint resolution was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. CLARK, its Clerk, announced that the House had passed the following bills; in which it requested the concurrence of the Senate:

A bill (H. R. 61) for the relief of Benjamin M. Simpson;

A bill (H. R. 79) for the relief of Pryor N. Lea;

A bill (H. R. 274) for the relief of John A. Morris;

A bill (H. R. 1151) authorizing the President of the United States to appoint Lieut. William P. Randall a lieutenant-commander on the retired-list of the Navy;

A bill (H. R. 1245) to authorize the increase of the capital stock of the First National Bank of Shakopee, Minn.;

A bill (H. R. 1464) for the relief of David Webster;

A bill (H. R. 2463) for the relief of H. J. T. Moss; and

A bill (H. R. 4413) for the relief of the legal representatives of William Clift, deceased.

BILLS INTRODUCED.

Mr. PLUMB introduced a bill (S. 1654) granting a pension to Joseph Mays; which was read twice by its title, and referred to the Committee on Pensions.

He also introduced a bill (S. 1655) to create an additional land district in the State of Kansas; which was read twice by its title, and referred to the Committee on Public Lands.

Mr. PLATT introduced a bill (S. 1656) granting a pension to John Rodgers; which was read twice by its title, and referred to the Committee on Pensions.

Mr. BLAIR. By request of the legislative committee of the Federation of Labor Unions I introduce a bill. The same bill was introduced by me in the Forty-seventh Congress.

The bill (S. 1657) to legalize the incorporation of national trades unions was read twice by its title, and referred to the Committee on Education and Labor.

Mr. ALDRICH introduced a bill (S. 1658) to amend section 3336 of the Revised Statutes of the United States; which was read twice by its title, and referred to the Committee on Finance.

Mr. GIBSON introduced a bill (S. 1659) authorizing the Secretary of the Interior to transfer the United States barracks at Baton Rouge, La., except that portion that lies westward of a line 50 feet east of the center of the railroad track of the Louisville, New Orleans and Texas Railroad Company, to the Louisana State University and Agricultural and Mechanical College at said place, for educational purposes; which was read twice by its title, and referred to the Committee on Military Affairs.

Mr. ALDRICH introduced a bill (S. 1660) granting a pension to Samuel E. Tracy; which was read twice by its title, and, with the accompanying paper, referred to the Committee on Pensions.

He also introduced a bill (S. 1661) granting a pension to Philip Ford; which was read twice by its title, and, with the accompanying paper, referred to the Committee on Pensions.

He also introduced a bill (S. 1662) granting a pension to Welcome H. Kenyon; which was read twice by its title, and, with the accompanying paper, referred to the Committee on Pensions.

He also introduced a bill (S. 1663) granting a pension to Hannah Cottrell; which was read twice by its title, and, with the accompanying paper, referred to the Committee on Pensions.

Mr. PALMER introduced a bill (S. 1664) to confirm the homestead entry of Hugh Foster; which was read twice by its title, and referred to the Committee on Public Lands.

Mr. CAMERON introduced a bill (S. 1665) for the relief of Byron R. McIntyre; which was read twice by its title, and referred to the Committee on Pensions.

He also introduced a bill (S. 1666) granting a pension to Edward Corning; which was read twice by its title, and referred to the Committee on Pensions.

Mr. CULLOM introduced a bill (S. 1667) for the relief of John Jumper; which was read twice by its title, and referred to the Committee on Indian Affairs.

Mr. COCKRELL introduced a bill (S. 1668) to authorize the construction of bridges over the Missouri River at the most accessible point between the mouth of the Femme Osage Creek and a point 2 miles above the city of Saint Charles, in the county of Saint Charles; and

also at the most accessible point in Saline City, or within 5 miles above or below the same, over the said Missouri River, in the county of Saline, in the State of Missouri; which was read twice by its title, and referred to the Committee on Commerce.

He also introduced a bill (S. 1669) granting a pension to Dobson Amick; which was read twice by its title, and, with the accompanying paper, referred to the Committee on Pensions.

He also introduced a bill (S. 1670) granting a pension to John Hicks; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Pensions.

Mr. SHERMAN introduced a bill (S. 1671) granting a pension to William M. Walker; which was read twice by its title, and referred to the Committee on Pensions.

He also introduced a bill (S. 1672) for a public building for a marine hospital at Gallipolis, Ohio; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Naval Affairs.

Mr. INGALLS introduced a bill (S. 1673) granting a pension to Charles G. Paris; which was read twice by its title, and referred to the Committee on Pensions.

Mr. BOWEN (by request) introduced the following bills; which were severally read twice by their titles, and referred to the Committee on Indian Affairs:

A bill (S. 1674) for the relief of William Watson;
A bill (S. 1675) for the relief of William Slusher;
A bill (S. 1676) for the relief of Dolly A. Gillette, widow and administratrix of Chauncey B. Gillette;
A bill (S. 1677) for the relief of Lewis B. Gillette;
A bill (S. 1678) for the relief of G. D. Connally and E. D. Bulen;
A bill (S. 1679) for the relief of Albert Thorn;
A bill (S. 1680) for the relief of Lewis H. Baker;
A bill (S. 1681) for the relief of Dillon and Maxon;
A bill (S. 1682) for the relief of William H. Young;
A bill (S. 1683) for the relief of Elizabeth Tully, widow and administratrix of Michael Tully;
A bill (S. 1684) for the relief of Thomas McGee;
A bill (S. 1685) for the relief of William H. Harlow;
A bill (S. 1686) for the relief of L. C. Geroux and Nazier Dion;
A bill (S. 1687) for the relief of John A. Dunn;
A bill (S. 1688) for the relief of Merrill E. Metcalf;
A bill (S. 1689) for the relief of Andrew J. Hammond;
A bill (S. 1690) for the relief of George Martin;
A bill (S. 1691) for the relief of Frederick Smith;
A bill (S. 1692) for the relief of Thomas French;
A bill (S. 1693) for the relief of Edmond H. Uhlig;
A bill (S. 1694) for the relief of Robert Williams & Co.;
A bill (S. 1695) for the relief of James Douglass;
A bill (S. 1696) for the relief of James H. Lemmon;
A bill (S. 1697) for the relief of Hewitt and Adams;
A bill (S. 1698) for the relief of Philip Gomar;
A bill (S. 1699) for the relief of St. Ledger Beck;
A bill (S. 1700) for the relief of Michael Stapleton;
A bill (S. 1701) for the relief of Charles F. Johnson;
A bill (S. 1702) for the relief of James Beman;
A bill (S. 1703) for the relief of James A. and C. A. Moor;
A bill (S. 1704) for the relief of John Bichtold;
A bill (S. 1705) for the relief of Daniel L. Smith;
A bill (S. 1706) for the relief of William P. Hess, administrator of Joseph Eubanks, deceased;
A bill (S. 1707) for the relief of George S. Comstock;
A bill (S. 1708) for the relief Simonton and Smith;
A bill (S. 1709) for the relief of Horatio M. Foster and P. P. Garner;
A bill (S. 1710) for the relief of Hiram Davis;
A bill (S. 1711) for the relief of Isaac Varney;
A bill (S. 1712) for the relief of Abram T. Litchfield;
A bill (S. 1713) for the relief Joel F. Wisely; and
A bill (S. 1714) for the relief of Elbridge Gerry.

Mr. BOWEN introduced a bill (S. 1715) to regulate the transportation of live stock; which was read twice by its title, and referred to the Committee on Commerce.

Mr. MAHONE introduced a bill (S. 1716) for the relief of Frederick Foote, of Fairfax County, Virginia; which was read twice by its title, and referred to the Committee on Claims.

Mr. MANDERSON (by request) introduced a bill (S. 1717) for the relief of Robert H. Montgomery, captain Fifth Cavalry, United States Army; which was read twice by its title, and referred to the Committee on Military Affairs.

Mr. LOGAN introduced a bill (S. 1718) authorizing the Chicago, Saint Louis and New Orleans Railroad Company, and the Illinois Central Railroad Company, or either of them, to construct a bridge over the Ohio River at or near Cairo, Ill.; which was read twice by its title, and referred to the Committee on Commerce.

Mr. CULLOM introduced a bill (S. 1719) recognizing Elias J. Beymer as an enrolling officer; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Military Affairs.

Mr. HARRISON introduced a bill (S. 1720) granting a pension to John Thrasher; which was read twice by its title, and referred to the Committee on Pensions.

Mr. COKE introduced a bill (S. 1721) for the relief of the heirs and legal representatives of Matthew Allison, deceased; which was read twice by its title, and referred to the Committee on Claims.

AMENDMENT TO INTERSTATE-COMMERCE BILL.

Mr. PLUMB. I present an amendment to the bill (S. 1532) to regulate commerce, as reported by the Select Committee on Interstate Commerce, which I desire shall be printed and laid on the table. I ask that the amendment be read.

The PRESIDENT *pro tempore*. The proposed amendment will be read.

The CHIEF CLERK. It is proposed to amend Senate bill 1532 by adding:

SEC. —. That it shall not be lawful for any railroad company or for any manager, officer, or employé of any such company to issue or deliver to any member of Congress, or to any officer or employé of the Government, or to any person at the request or on behalf of such member of Congress or employé, or to any member of the family of such member of Congress or officer or employé, any pass, check, or other instrument entitling the person to whom issued or any other person whomsoever to ride over any such railroad, or any part thereof, free or for a rate or charge less than that required to be paid by the general public. And it shall likewise be unlawful for any member of Congress or for any officer or employé of the Government to apply for or receive for himself or for another, or to use any such pass, check, or other instrument, or in any way to travel over any such railroad or any part thereof at and for any rate or charge lower than that charged to the general public; and any person who violates any of the foregoing provisions shall be subject to imprisonment not exceeding six months, or a fine of not less than $500 or both, such imprisonment and fine, in the discretion of the court.

The PRESIDENT *pro tempore*. The proposed amendment will be printed and lie on the table.

BASIS OF BANK CIRCULATION.

Mr. BOWEN. I submit an amendment to the bill (S. 1594) providing for a new basis for the circulation of national banks, and for other purposes, which I ask may be printed and laid on the table. The bill is now upon the table, and I wish to say that on Wednesday morning of this week, at the expiration of the morning hour, or at such time as shall meet the convenience of the Senate, I propose to address the Senate upon the bill.

The PRESIDENT *pro tempore*. The amendment will be printed and lie on the table.

PAPERS WITHDRAWN AND REFERRED.

On motion of Mr. BLACKBURN, it was

Ordered, That the papers relating to the improvement and enlargement of the barracks at Newport, Ky., be withdrawn from the files of the Senate.

On motion of Mr. MAHONE, it was

Ordered, That the papers in the case of Arthur Connell be withdrawn from the files of the Senate and referred to the Committee on Claims.

Ordered, That the papers on file in the office of the Secretary of the Senate relating to the claim of Frederick Foote be withdrawn and placed with the Committee on Claims.

On motion of Mr. JONES, of Arkansas, it was

Ordered, That the papers relating to the claim for pension of Gibson Morrison be taken from the files and referred to the Committee on Pensions.

Ordered, That the papers in the claim of Samuel K. Stone and Isaac H. Marks be taken from the files and referred to the Committee on Claims.

On motion of Mr. MANDERSON, it was

Ordered, That the papers on file in the Secretary's office pertaining to Senate bill No. 1978, second session Forty-sixth Congress, for the relief of C. N. Emery, be withdrawn from the files.

HOUSE PENSION BILLS.

A message from the House of Representatives, by Mr. CLARK, its Clerk, announced that the House had passed the following bills; in which it requested the concurrence of the Senate:

A bill (H. R. 424) to pension Giles C. Hawley;
A bill (H. R. 443) granting a pension to Susan Woolley;
A bill (H. R. 464) granting a pension to Robert McAlexander;
A bill (H. R. 533) for the relief of Thomas Ferguson;
A bill (H. R. 556) granting a pension to Bridget Sherlock;
A bill (H. R. 927) granting a pension to Cudbert Stone;
A bill (H. R. 1100) granting a pension to Jane W. Devereux;
A bill (H. R. 1113) granting a pension to Walter S. Haynes;
A bill (H. R. 1361) giving a pension to Nira D. Gwynne;
A bill (H. R. 1398) granting a pension to Silas S. White;
A bill (H. R. 1557) for the relief of David W. Jones;
A bill (H. R. 1634) for the relief of Margaret A. Caswell;
A bill (H. R. 1635) for the relief of Sarah B. Jackson;
A bill (H. R. 1840) granting a pension to Samuel F. Garrett;
A bill (H. R. 1877) for the relief of John McNaughton;
A bill (H. R. 1940) granting a pension to Louisa J. McFarland;
A bill (H. R. 1943) granting a pension to James L. McClarran;
A bill (H. R. 1988) granting a pension to Peter F. Saeman;
A bill (H. R. 2159) for the relief of D. P. Simmons;
A bill (H. R. 2196) granting a pension to Sarah A. Gettis;
A bill (H. R. 2197) granting a pension to Fidelia A. Cheney;
A bill (H. R. 2689) granting a pension to Delilah Knill;
A bill (H. R. 2753) for the relief of John W. Robson;
A bill (H. R. 3326) granting a pension to Thomas Simpson;

A bill (H. R. 3601) to increase the pension of Louisa Weitzel, widow of Godfrey Weitzel, late a major-general of United States Volunteers;
A bill (H. R. 4103) granting a pension to M. S. Clay;
A bill (H. R. 4112) granting a pension to Lizzie Kenamore;
A bill (H. R. 4116) increasing the pension of John P. Brinegar;
A bill (H. R. 4224) for the relief of Amanda Rodgers;
A bill (H. R. 4426) granting a pension to Fannie E. Evans;
A bill (H. R. 4538) granting a pension to Mary Ann Murphy;
A bill (H. R. 4918) granting a pension to J. Francis Hopper;
A bill (H. R. 4976) for the relief of Tobias M. Coon; and
A bill (H. R. 5127) granting a pension to Mary A. Ripley.

The foregoing thirty-five pension bills from the House of Representatives were severally read twice by their titles, and referred to the Committee on Pensions.

HOUSE BILLS REFERRED.

The following bills from the House of Representatives were severally read twice by their titles, and referred as indicated below:

The bill (H. R. 61) for the relief of Benjamin M. Simpson—to the Committee on Public Lands.

The bill (H. R. 79) for the relief of Pryor N. Lea—to the Committee on Military Affairs.

The bill (H. R. 274) for the relief of John A. Morris—to the Committee on Post-Offices and Post-Roads.

The bill (H. R. 1245) to authorize the increase of the capital stock of the First National Bank of Shakopee, Minn.—to the Committee on Finance.

The bill (H. R. 1464) for the relief of David Webster—to the Committee on Claims.

The bill (H. R. 2463) for the relief of H. J. T. Moss—to the Committee on Post-Offices and Post-Roads.

The bill (H. R. 4413) for the relief of the legal representatives of William Clift, deceased—to the Committee on Military Affairs.

The bill (H. R. 1151) authorizing the President of the United States to appoint Lieut. William P. Randall a lieutenant-commander on the retired-list of the Navy was read twice by its title.

The PRESIDENT *pro tempore*. The bill will be referred to the Committee on Naval Affairs.

Mr. DAWES. That same bill is upon the Calendar, reported from the Committee on Naval Affairs. I suppose it would be proper for the bill to lie on the table, so that it may be substituted for the other bill, if the Senate shall so desire.

The PRESIDENT *pro tempore*. If there be no objection that order will be made.

EXECUTIVE SESSION.

Mr. HALE. Following the suggestion made on Friday in a colloquy between the Senator from Kentucky [Mr. BECK] and myself, I now move that the Senate proceed to the consideration of executive business.

The PRESIDENT *pro tempore*. The Senator from Maine moves that the Senate now proceed to the consideration of executive business.

Mr. BLAIR. I ask the indulgence of the Senate to say a word.

The PRESIDENT *pro tempore*. Does the Senator from Maine withdraw his motion?

Mr. HALE. Yes, sir.

Mr. BLAIR. The Senator from Maine has said to me privately that he makes the motion at this time in the hope that the executive session may be brief and possibly concluded before the hour of 2 o'clock, when the unfinished business in legislative session will be in order. In that hope and with the understanding that should the executive session be prolonged beyond that hour the unfinished business will retain its position on the Calendar, I do not wish to make any opposition to the motion to go into executive session at this time.

Mr. HALE. I renew the motion.

The PRESIDENT *pro tempore*. The Senator from Maine moves that the Senate proceed to the consideration of executive business.

The motion was agreed to; and the Senate proceeded to the consideration of executive business. After one hour and eighteen minutes spent in executive session the doors were reopened.

RELATIONS OF SENATE WITH EXECUTIVE DEPARTMENTS.

The PRESIDING OFFICER (Mr. GRAY in the chair). The Chair lays before the Senate a message from the President of the United States, which will be read.

The Chief Clerk read as follows:

To the Senate of the United States:

Ever since the beginning of the present session of the Senate the different heads of the Departments attached to the executive branch of the Government have been plied with various requests and demands from committees of the Senate, from members of such committees, and at last from the Senate itself, requiring the transmission of reasons for the suspension of certain officials during the recess of that body, or for the papers touching the conduct of such officials, or for all papers and documents relating to such suspensions, or for all documents and papers filed in such Departments in relation to the management and conduct of the offices held by such suspended officials.

The different terms from time to time adopted in making these requests and demands, the order in which they succeeded each other, and the fact that when made by the Senate the resolution for that purpose was passed in executive session, have led to a presumption, the correctness of which will, I suppose, be candidly admitted, that from first to last the information thus sought and the papers thus demanded were desired for use by the Senate and its committees in considering the propriety of the suspensions referred to.

Though these suspensions are my executive acts, based upon considerations addressed to me alone, and for which I am wholly responsible, I have had no invitation from the Senate to state the position which I have felt constrained to assume in relation to the same, or to interpret for myself my acts and motives in the premises.

In this condition of affairs I have forborne addressing the Senate upon the subject, lest I might be accused of thrusting myself unbidden upon the attention of that body.

But the report of the Committee on the Judiciary of the Senate, lately presented and published, which censures the Attorney-General of the United States for his refusal to transmit certain papers relating to a suspension from office, and which also, if I correctly interpret it, evinces a misapprehension of the position of the Executive upon the question of such suspensions, will, I hope, justify this communication.

This report is predicated upon a resolution of the Senate directed to the Attorney-General and his reply to the same. This resolution was adopted in executive session, devoted entirely to business connected with the consideration of nominations for office. It required the Attorney-General "to transmit to the Senate copies of all documents and papers that have been filed in the Department of Justice since the 1st day of January, 1885, in relation to the management and conduct of the office of district attorney of the United States of the southern district of Alabama."

The incumbent of this office on the 1st day of January, 1885, and until the 17th day of July ensuing, was George M. Duskin, who, on the day last mentioned, was suspended by an executive order, and John D. Burnett designated to perform the duties of said office. At the time of the passage of the resolution above referred to the nomination of Burnett for said office was pending before the Senate, and all the papers relating to said nomination were before that body for its inspection and information.

In reply to this resolution, the Attorney-General, after referring to the fact that the papers relating to the nomination of Burnett had already been sent to the Senate, stated that he was directed by the President to say that "the papers and documents which are mentioned in said resolution and still remaining in the custody of this Department, having exclusive reference to the suspension by the President of George M. Duskin, the late incumbent of the office of district attorney for the southern district of Alabama, it is not considered that the public interests will be promoted by a compliance with said resolution and the transmission of the papers and documents therein mentioned to the Senate in executive session.

Upon this resolution and the answer thereto the issue is thus stated by the Committee on the Judiciary at the outset of the report:

"The important question, then, is whether it is within the constitutional competence of either House of Congress to have access to the official papers and documents in the various public offices of the United States created by laws enacted by themselves."

I do not suppose that "the public offices of the United States" are regulated or controlled in their relations to either House of Congress by the fact that they were "created by laws enacted by themselves." It must be that these instrumentalities were created for the benefit of the people and to answer the general purposes of government under the Constitution and the laws, and that they are unencumbered by any lien in favor of either branch of Congress growing out of their construction, and unembarrassed by any obligation to the Senate as the price of their creation.

The complaint of the committee, that access to official papers in the public offices is denied the Senate, is met by the statement that at no time has it been the disposition or the intention of the President or any Department of the executive branch of the Government to withhold from the Senate official documents or papers filed in any of the public offices. While it is by no means conceded that the Senate has the right in any case to review the act of the Executive in removing or suspending a public officer upon official documents or otherwise, it is considered that documents and papers of that nature should, because they are official, be freely transmitted to the Senate upon its demand, trusting the use of the same for proper and legitimate purposes to the good faith of that body. And though no such paper or document has been specifically demanded in any of the numerous requests and demands made upon the Departments, yet as often as they were found in the public offices they have been furnished in answer to such applications.

The letter of the Attorney-General in response to the resolution of the Senate in the particular case mentioned in the committee's report was written at my suggestion and by my direction. There had been no official papers or documents filed in his Department relating to the case within the period specified in the resolution. The letter was intended, by its description of the papers and documents remaining in the custody of the Department, to convey the idea that they were not official; and it was assumed that the resolution called for information, papers, and documents of the same character as were required by the requests and demands which preceded it.

Everything that had been written or done on behalf of the Senate from the beginning pointed to all letters and papers of a private and unofficial nature as the objects of search, if they were to be found in the Departments, and provided they had been presented to the Executive with a view to their consideration upon the question of suspension from office.

Against the transmission of such papers and documents I have interposed my advice and direction. This has not been done, as is suggested in the committee's report, upon the assumption on my part that the Attorney-General or any other head of a Department "is the servant of the President, and is to give or withhold copies of documents in his office according to the will of the Executive and not otherwise," but because I regard the papers and documents withheld and addressed to me, or intended for my use and action, purely unofficial and private, not infrequently confidential, and having reference to the performance of a duty exclusively mine. I consider them in no proper sense as upon the files of the Department, but as deposited there for my convenience, remaining still completely under my control. I suppose if I desired to take them into my custody I might do so with entire propriety, and if I saw fit to destroy them no one could complain.

Even the committee in its report appears to concede that there may be with the President, or in the Departments, papers and documents which, on account of their unofficial character, are not subject to the inspection of the Congress. A reference in the report to instances where the House of Representatives ought not to succeed in a call for the production of papers is immediately followed by this statement:

"The committee feels authorized to state, after a somewhat careful research, that within the foregoing limits there is scarcely in the history of this Government, until now, any instance of a refusal by a head of a Department, or even of the President himself, to communicate official facts and information as distinguished from private and unofficial papers, motions, views, reasons, and opinions to either House of Congress when unconditionally demanded."

To which of the classes thus recognized do the papers and documents belong that are now the objects of the Senate's quest?

They consist of letters and representations addressed to the Executive or intended for his inspection; they are voluntarily written and presented by private citizens who are not in the least instigated thereto by any official invitation or at all subject to official control. While some of them are entitled to executive consideration, many of them are so irrelevant, or in the light of other

facts so worthless that they have not been given the least weight in determining the question to which they are supposed to relate.

Are all these, simply because they are preserved, to be considered official documents and subject to the inspection of the Senate? If not, who is to determine which belong to this class? Are the motives and purposes of the Senate, as they are day by day developed, such as would be satisfied with my selection? Am I to submit to theirs at the risk of being charged with making a suspension from office upon evidence which was not even considered?

Are these papers to be regarded official because they have not only been presented but preserved in the public offices?

Their nature and character remain the same whether they are kept in the Executive Mansion or deposited in the Departments. There is no mysterious power of transmutation in departmental custody, nor is there magic in the undefined and sacred solemnity of Department files. If the presence of these papers in the public offices is a stumbling-block in the way of the performance of Senatorial duty, it can be easily removed.

The papers and documents which have been described derive no official character from any constitutional, statutory, or other requirement making them necessary to the performance of the official duty of the Executive.

It will not be denied, I suppose, that the President may suspend a public officer in the entire absence of any papers or documents to aid his official judgment and discretion. And I am quite prepared to avow that the cases are not few in which suspensions from office have depended more upon oral representations made to me by citizens of known good repute, and by members of the House of Representatives and Senators of the United States, than upon any letters and documents presented for my examination. I have not felt justified in suspecting the veracity, integrity, and patriotism of Senators, or ignoring their representations, because they were not in party affiliation with the majority of their associates; and I recall a few suspensions which bear the approval of individual members identified politically with the majority in the Senate.

While, therefore, I am constrained to deny the right of the Senate to the papers and documents described, so far as the right to the same is based upon the claim that they are in any view of the subject official, I am also led unequivocally to dispute the right of the Senate, by the aid of any documents whatever, or in any way save through the judicial process of trial on impeachment, to review or reverse the acts of the Executive in the suspension, during the recess of the Senate, of Federal officials.

I believe the power to remove or suspend such officials is vested in the President alone by the Constitution, which in express terms provides that "the executive power shall be vested in a President of the United States of America," and that "he shall take care that the laws be faithfully executed."

The Senate belongs to the legislative branch of the Government. When the Constitution by express provision superadded to its legislative duties the right to advise and consent to appointments to office and to sit as a court of impeachment, it conferred upon that body all the control and regulation of executive action supposed to be necessary for the safety of the people; and this express and special grant of such extraordinary powers, not in any way related to or growing out of general Senatorial duty, and in itself a departure from the general plan of our Government, should be held, under a familiar maxim of construction, to exclude every other right of interference with executive functions.

In the first Congress which assembled after the adoption of the Constitution, comprising many who aided in its preparation, a legislative construction was given to that instrument in which the independence of the Executive in the matter of removals from office was fully sustained.

I think it will be found that in the subsequent discussions of this question there was generally, if not at all times, a proposition pending to in some way curtail this power of the President by legislation, which furnishes evidence that to limit such power it was supposed to be necessary to supplement the Constitution by such legislation.

The first enactment of this description was passed under a stress of partisanship and political bitterness which culminated in the President's impeachment.

This law provided that the Federal officers to which it applied could only be suspended during the recess of the Senate when shown by evidence satisfactory to the President to be guilty of misconduct in office, or crime, or when incapable or disqualified to perform their duties, and that within twenty days after the next meeting of the Senate it should be the duty of the President "to report to the Senate such suspension, with the evidence and reasons for his action in the case."

This statute, passed in 1867, when Congress was overwhelmingly and bitterly opposed politically to the President, may be regarded as an indication that even then it was thought necessary by a Congress determined upon the subjugation of the Executive to legislative will to furnish itself a law for that purpose, instead of attempting to reach the object intended by an invocation of any pretended constitutional right.

The law which thus found its way to our statute-book was plain in its terms, and its intent needed no avowal. If valid and now in operation it would justify the present course of the Senate and command the obedience of the Executive to its demands. It may, however, be remarked in passing that, under this law, the President had the privilege of presenting to the body which assumed to review his executive acts his reasons therefor, instead of being excluded from explanation or judged by papers found in the Departments.

Two years after the law of 1867 was passed, and within less than five weeks after the inauguration of a President in political accord with both branches of Congress, the sections of the act regulating suspensions from office during the recess of the Senate were entirely repealed, and in their place were substituted provisions which, instead of limiting the causes of suspension to misconduct, crime, disability, or disqualification, expressly permitted such suspension by the President "in his discretion," and completely abandoned the requirement obliging him to report to the Senate "the evidence and reasons" for his action.

With these modifications and with all branches of the Government in political harmony, and in the absence of partisan incentive to captious obstruction, the law as it was left by the amendment of 1869 was much less destructive of executive discretion. And yet the great general and patriotic citizen who on the 4th day of March, 1869, assumed the duties of Chief Executive, and for whose freer administration of his high office the most hateful restraints of the law of 1867 were, on the 5th day of April, 1869, removed, mindful of his obligation to defend and protect every prerogative of his great trust, and apprehensive of the injury threatened the public service in the continued operation of these statutes even in their modified form, in his first message to Congress advised their repeal and set forth their unconstitutional character and hurtful tendency in the following language:

"It may be well to mention here the embarrassment possible to arise from leaving on the statute-books the so-called 'tenure-of-office acts' and to earnestly recommend their total repeal. It could not have been the intention of the framers of the Constitution, when providing that appointments made by the President should receive the consent of the Senate, that the latter should have the power to retain in office persons placed there by Federal appointment against the will of the President. The law is inconsistent with a faithful and efficient administration of the Government. What faith can an Executive put in officials forced upon him, and those, too, whom he has suspended for reason? How will such officials be likely to serve an administration which they know does not trust them?"

I am unable to state whether or not this recommendation for a repeal of these laws has been since repeated. If it has not, the reason can probably be found in the experience which demonstrated the fact that the necessities of the political situation but rarely developed their vicious character.

And so it happens that after an existence of nearly twenty years of almost innocuous desuetude these laws are brought forth—apparently the repealed as well as the unrepealed—and put in the way of an Executive who is willing, if permitted, to attempt an improvement in the methods of administration.

The constitutionality of these laws is by no means admitted. But why should the provisions of the repealed law, which required specific cause for suspension and a report to the Senate of "evidence and reasons," be now, in effect, applied to the present Executive, instead of the law, afterward passed and unrepealed, which distinctly permits suspensions by the President "in his discretion," and carefully omits the requirement that "evidence and reasons for his action in the case" shall be reported to the Senate?

The requests and demands which by the score have for nearly three months been presented to the different Departments of the Government, whatever may be their form, have but one complexion. They assume the right of the Senate to sit in judgment upon the exercise of my exclusive discretion and executive function, for which I am solely responsible to the people from whom I have so lately received the sacred trust of office. My oath to support and defend the Constitution, my duty to the people who have chosen me to execute the powers of their great office and not to relinquish them, and my duty to the Chief Magistracy, which I must preserve unimpaired in all its dignity and vigor, compel me to refuse compliance with these demands.

To the end that the service may be improved, the Senate is invited to the fullest scrutiny of the persons submitted to them for public office, in recognition of the constitutional power of that body to advise and consent to their appointment. I shall continue, as I have thus far done, to furnish, at the request of the confirming body, all the information I possess touching the fitness of the nominees placed before them for their action, both when they are proposed to fill vacancies and to take the place of suspended officials. Upon a refusal to confirm I shall not assume the right to ask the reasons for the action of the Senate nor question its determination. I can not think that anything more is required to secure worthy incumbents in public office than a careful and independent discharge of our respective duties within their well-defined limits.

Though the propriety of suspensions might be better assured if the action of the President was subject to review by the Senate, yet if the Constitution and the laws have placed this responsibility upon the executive branch of the Government, it should not be divided nor the discretion which it involves relinquished.

It has been claimed that the present Executive having pledged himself not to remove officials except for cause, the fact of their suspension implies such misconduct on the part of a suspended official as injures his character and reputation, and therefore the Senate should review the case for his vindication.

I have said that certain officials should not, in my opinion, be removed during the continuance of the term for which they were appointed solely for the purpose of putting in their place those in political affiliation with the appointing power, and this declaration was immediately followed by a description of official partisanship which ought not to entitle those in whom it was exhibited to consideration. It is not apparent how an adherence to the course thus announced carries with it the consequences described. If in any degree the suggestion is worthy of consideration, it is to be hoped that there may be a defense against unjust suspension in the justice of the Executive.

Every pledge which I have made by which I have placed a limitation upon my exercise of executive power has been faithfully redeemed. Of course the pretense is not put forth that no mistakes have been committed; but not a suspension has been made except it appeared to my satisfaction that the public welfare would be improved thereby. Many applications for suspension have been denied, and the adherence to the rule laid down to govern my actions as to such suspensions has caused much irritation and impatience on the part of those who have insisted upon more changes in the offices.

The pledges I have made were made to the people, and to them I am responsible for the manner in which they have been redeemed. I am not responsible to the Senate, and I am unwilling to submit my actions and official conduct to them for judgment.

There are no grounds for an allegation that the fear of being found false to my professions influences me in declining to submit to the demands of the Senate. I have not constantly refused to suspend officials, and thus incurred the displeasure of political friends, and yet willfully broken faith with the people for the sake of being false to them.

Neither the discontent of party friends nor the allurements constantly offered of confirmations of appointees conditioned upon the avowal that suspensions have been made on party grounds alone, nor the threat proposed in the resolutions now before Senate that no confirmations will be made unless the demands of that body be complied with, are sufficient to disbourage or deter me from following in the way which I am convinced leads to better government for the people.

GROVER CLEVELAND.

EXECUTIVE MANSION,
Washington, D. C., March 1, 1886.

Mr. HARRIS. I move that the message be printed and lie upon the table.

Mr. EDMUNDS. On that I ask for the yeas and nays. I do not propose that it shall lie on the table just now, if I can help it.

Mr. HARRIS. I move that the message be printed, if the Senator will allow me to modify my motion.

Mr. EDMUNDS. Very well. On that motion I should like to say a word, if there is no objection.

The PRESIDENT *pro tempore*. The Senator from Tennessee moves that the message be printed.

Mr. EDMUNDS. I add to that an amendment that it be referred to the Committee on the Judiciary.

The PRESIDENT *pro tempore*. The Senator from Vermont moves that the message be referred to the Committee on the Judiciary.

Mr. HARRIS. I have no——

Mr. EDMUNDS. I believe I have the floor just now.

Mr. HARRIS. If the Senator will allow me, I wish to say that I have no objection——

Mr. EDMUNDS. If the Senator will allow me, I will go on to say what I wish to say.

The PRESIDENT *pro tempore*. The Senator from Vermont has the floor on the question of reference.

Mr. HARRIS. I will not interrupt the Senator, though I do desire——

Mr. EDMUNDS. I merely wish to say a word. I did not doubt that the Senator from Tennessee did not intend to cut off any observations that might be made. I simply wish to remark in moving to re-

fer this document to the Committee on the Judiciary that it very vividly brought to my mind the communications of King Charles I to the Parliament, telling them what in conducting their affairs they ought to do and ought not to do, and I think I am safe in saying that it is the first time in the history of the republican United States that any President of the United States has undertaken to interfere with the deliberations of either House of Congress on questions pending before them otherwise than by messages on the state of the Union which the Constitution commands him to make from time to time. This message is devoted simply to a question for the Senate itself in regard to itself that it has under consideration. That is its singularity. I think it will strike reflecting people in this country as somewhat extraordinary, if in this day of reform anything at all can be thought extraordinary.

I only wish to add to what I have said the statement, so that it shall go with this message, so far as the newspapers will do me the honor to have it go, that the President of the United States has, unintentionally no doubt, entirely misstated the question. The Senate of the United States in its communications to the heads of Departments, not his heads of Departments, but the heads of Departments created by law, directed them to transmit certain official papers; and that is all. The President of the United States undertakes to change the question into a consideration by the Senate of his reasons or motives for putting a civil officer, as it might be called, under arrest, with which the Senate has not undertaken in any way to make any question at all.

By every message that he has sent to this body—and they are all public—he has asked the Senate to advise and consent to the removal of one officer and the appointment of another. That is what he has done; and the Senate in calling for these papers, to say nothing of wider considerations about great deficiencies in the Department of Justice, is asked to remove these officers without knowing the condition of the administration of their offices. But I do not wish to go into that discussion now. I move that the message be referred to the Committee on the Judiciary.

Mr. HARRIS. Mr. President, for reasons that I may not refer to here, I have no desire nor will I consent to the discussion of the questions involved in the message at this time. I moved that the message be printed and lie upon the table, according to the universal custom of this body when the subject-matter had been reported upon by a committee; and the Senator from Vermont, as chairman of the Committee on the Judiciary, had already laid upon your table an elaborate report upon the general questions to which this message refers. Hence my motion was the ordinary motion made here under the circumstances that surround us at this moment. I have made no earthly objection to the message going to the Committee on the Judiciary if the Senator from Vermont desires it to go there; but it is unusual, because the subject-matter of the message has already been reported upon by the Senator from Vermont, and therefore in accordance with the unbroken usages of the body I moved that the message be printed and lie upon the table. I now renew that motion.

The PRESIDENT *pro tempore*. The Senator from Tennessee moves that the message be printed and lie upon the table.

Mr. EDMUNDS. I ask a division of that question.

The PRESIDENT *pro tempore*. On that question the yeas and nays are asked for, as the Chair understands.

Mr. EDMUNDS. I made a motion to refer, and the Senator gave way to me and withdrew his motion to lay on the table and I made a motion to refer.

Mr. HARRIS. I first made the motion to print and lie upon the table, and upon the suggestion of the Senator from Vermont I modified the motion to one merely to print, and the Senator from Vermont suggested that he would move, or did move, that the message be referred to the Committee on the Judiciary. That is the exact history of the transaction.

Mr. EDMUNDS. Yes; but the Senator from Tennessee has a perfect right, pending my motion to refer, to move to lay on the table. There is no doubt about that, and on that question I ask for the yeas and nays.

Mr. HARRIS. Very well. I make the motion that the message be printed and laid upon the table, and I join the Senator from Vermont in asking for the yeas and nays.

The yeas and nays were ordered.

The PRESIDENT *pro tempore*. The question is on the motion of the Senator from Tennessee that the message be printed and laid upon the table.

The Secretary proceeded to call the roll.

Mr. CAMERON (when his name was called). On this question I am paired with the Senator from South Carolina [Mr. BUTLER]. If he were here, I should vote "nay."

Mr. FAIR (when his name was called). I am paired with the Senator from California [Mr. MILLER].

Mr. PLUMB (when his name was called). I am paired on this question with the Senator from Missouri [Mr. VEST]. If he were present, I should vote "nay."

Mr. RANSOM (when his name was called). I am paired on all party questions with the Senator from New York [Mr. MILLER]. If he were here, I should vote "yea" and he would doubtless vote "nay."

The roll-call was concluded.

Mr. BOWEN. I am paired with the Senator from Florida [Mr. JONES].

Mr. ALDRICH. I am paired on political questions with the Senator from West Virginia [Mr. CAMDEN]. I have transferred the pair to the Senator from Connecticut [Mr. HAWLEY], who is absent on account of sickness in his family.

Mr. COCKRELL. My colleague [Mr. VEST] is detained at home by illness, but if here he would vote "yea." He is paired with the Senator from Kansas [Mr. PLUMB].

Mr. PLATT. I desire to say in behalf of my colleague [Mr. HAWLEY] that if here he would vote "nay."

Mr. CULLOM. The Senator from New York [Mr. EVARTS] is absent, and is paired with the Senator from Alabama [Mr. MORGAN].

The result was announced—yeas 27, nays 32; as follows:

YEAS—27.

Beck,	Eustis,	Jackson,	Riddleberger,
Berry,	George,	Jones of Arkansas,	Saulsbury,
Blackburn,	Gibson,	Kenna,	Vance,
Brown,	Gorman,	McPherson,	Voorhees,
Cockrell,	Gray,	Maxey,	Walthall,
Coke,	Hampton,	Payne,	Wilson of Md.
Colquitt,	Harris,	Pugh,	

NAYS—32.

Aldrich,	Edmunds,	Mahone,	Sawyer,
Allison,	Frye,	Manderson,	Sewell,
Blair,	Hale,	Mitchell of Oreg.,	Sherman,
Chace,	Harrison,	Morrill,	Spooner,
Conger,	Hoar,	Palmer,	Stanford,
Cullom,	Ingalls,	Pike,	Teller,
Dawes,	Logan,	Platt,	Van Wyck,
Dolph,	McMillan,	Sabin,	Wilson of Iowa.

ABSENT—17.

Bowen,	Evarts,	Miller of Cal.,	Ransom,
Butler,	Fair,	Miller of N. Y.,	Vest.
Call,	Hawley,	Mitchell of Pa.,	
Camden,	Jones of Florida,	Morgan,	
Cameron,	Jones of Nevada,	Plumb,	

So the motion was not agreed to.

Mr. EDMUNDS. The question recurs on my motion to refer.

The PRESIDENT *pro tempore*. The Senator from Vermont moves that the message be referred to the Committee on the Judiciary.

Mr. EDMUNDS. And printed.

The PRESIDENT *pro tempore*. The motion is that the message be printed and referred to the Committee on the Judiciary.

The motion was agreed to.

EXECUTIVE SESSION.

Mr. HALE. I move that the Senate proceed to the consideration of executive business.

The motion was agreed to; and the Senate proceeded to the consideration of executive business. After two hours and fifteen minutes spent in executive session the doors were reopened.

AID TO COMMON SCHOOLS.

The PRESIDENT *pro tempore*. The Chair lays before the Senate the unfinished business, which is the bill (S. 194) to aid in the establishment and temporary support of common schools.

Mr. BLAIR. I give notice that immediately after the conclusion of the morning business to-morrow I shall ask the Senate to take up and proceed with the consideration of the education bill.

Mr. EDMUNDS. I move that the Senate adjourn.

The motion was agreed to; and (at 5 o'clock and 35 minutes p. m.) the Senate adjourned.

CONFIRMATIONS.

Executive nomination confirmed by the Senate on the 24th day of February, 1886.

POSTMASTER.

John H. Shaffer, to be postmaster at Kankakee, Kankakee County, Illinois.

HOUSE OF REPRESENTATIVES.

MONDAY, *March* 1, 1886.

The House met at 12 o'clock m. Prayer by Rev. S. K. COX, of Washington, D. C.

The Journals of the proceedings of Friday and Saturday last were read and approved.

LEAVE OF ABSENCE.

By unanimous consent, leave of absence was granted as follows:

To Mr. WILKINS, for four days, on account of the death of a friend.

To Mr. ARNOT, for ten days, on account of important business.

To Mr. LAIRD, indefinitely, by reason of the death of his brother.

To Mr. GIBSON, of West Virginia, until Wednesday next, on account of important business.

To Mr. CANDLER, for ten days, on account of important business.

TRUSTEE OF REFORM SCHOOL, DISTRICT OF COLUMBIA.

The SPEAKER, under the statute of May 31, 1876, announced the

appointment of Mr. LE FEVRE as consulting trustee of the Reform School of the District of Columbia on the part of the House for the present Congress.

ABUSE OF THE PRIVILEGES OF THE FLOOR.

Mr. BEACH. Mr. Speaker, I rise to a question of privilege.

The SPEAKER. The gentleman will state it.

Mr. BEACH. The question I raise is one affecting the dignity and integrity of the proceedings of this House. I will send to the desk a copy of the New York Times of Friday last, the 26th of February, and ask the Clerk to read an article which forms the basis of the question of privilege I now raise.

The Clerk proceeded to read as follows:

Captain Eads has secured a report from the Commerce Committee for his ship-railway scheme, and it goes on the Calendar along with the Hennepin Canal, the Erie Canal, and the Maryland and Delaware Canal bills. There are friends for all of these schemes. Eads's undertaking pledges the United States to assure the incorporators of the canal net profits to the extent of $2,500,000 a year for fifteen years; the Hennepin Canal calls for an expenditure that may be $8,000,000 or $10,000,000; the Erie bill calls for $5,000,000 of Government money; the Maryland bill asks as a beginning for $1,000,000. The Tehuantepec Ship Railway is expected to get the votes of members from the South and Southwest, because those sections are interested in it as a measure calculated to draw trade from and through the Southwest. If the members from those sections want the bill to pass they will desire the assistance of the friends of the Hennepin scheme, who certainly do want their bill to go through. The votes in favor of the Erie Canal bill lent to Eads and to Hennepin would expect to get the Eads and Hennepin votes in return. Nothing but a log-rolling——

Mr. REAGAN (interrupting the reading). What paper is this that is being read?

Mr. BEACH. It is the New York Times of Friday last.

Mr. REAGAN. Why is it being read?

The SPEAKER. The gentleman from New York stated that he rose to a question of privilege, and sent this paper to the desk, with request to have an article read which he states forms the basis of the question of privilege——

Mr. REAGAN. What is the question of privilege?

The SPEAKER. But the Chair thinks before the gentleman can call for the reading of the paper he must present some motion or proposition to the House.

Mr. REAGAN. I asked what paper it was because I noticed that false statements are incorporated in it with reference to the public business before the House.

Mr. BEACH. I have offered it as prefatory to a motion which I am going to make, and which is the question of privilege to which I refer.

Mr. BROWNE, of Indiana. I do not see, Mr. Speaker, that what has been read raises any question of privilege anyway.

The SPEAKER. The Chair thinks, under the rulings made heretofore, that a proposition must be presented to the House in a case when a gentleman rises to a question of privilege which he states involves the dignity of the House or the integrity of its proceedings, and then the gentleman can support his proposition by any argument, or have anything read which he chooses in his own time, provided it is pertinent.

Mr. BEACH. If the honorable gentleman from Texas had not interrupted the reading of this paper, or had the Clerk been permitted to conclude it, the gentleman would have seen that a question of privilege is involved.

The article in question charges, and it not only appears in the New York Times but the press generally throughout the country make the charge, that Captain Eads has been upon the floor of the House during this session of Congress; and that, I submit, is a question of privilege. It is a question which affects the dignity of the House and the integrity of its proceedings.

And unfortunately, Mr. Speaker, that article is true. I know, of my own knowledge, that it is true. I have no personal acquaintance with Captain Eads, but I know him by sight, and I have seen him on the floor of the House during the sessions of the House recently engaged in conversation with members. Not only has Captain Eads abused the privileges of the floor, but they have been abused by many others. This fact is so well known to the members that I do not deem it necessary to raise a committee of investigation. I simply call attention to it, and ask that this House, in order to put a stop to the continuance of the abuse, will pass the resolution I now send to the desk.

The SPEAKER. The Clerk will report the resolution.

The Clerk read as follows:

Resolved, That the Doorkeeper of the House be, and he hereby is, directed, during the continuance of this Congress, to strictly enforce Rule XXXIV.

Mr. BROWNE, of Indiana. Is he not already instructed to do that by the rules?

The SPEAKER. That is the duty of the Doorkeeper and the officers of the House under the rule.

Mr. BROWNE, of Indiana. Why not extend the resolution by requiring that the officers of the House shall see that all of its rules are enforced?

Mr. REAGAN. Let me ask when was Captain Eads on the floor of the House while in session?

Mr. BEACH. If the gentleman addresses his inquiry to me personally, I will state that within the last ten days I have seen him on the floor of the House.

Mr. MORRISON. During the session of the House?

Mr. BEACH. During the session of the House.

Several MEMBERS. That is a mistake.

Mr. MORRISON. I do not believe he was on the floor.

Mr. REAGAN. I have no idea that he ever was while the House was in session.

Mr. DUNHAM. Do you know Eads personally?

Mr. BEACH. I do by sight.

Mr. DUNHAM. And you have seen him on the floor?

Mr. BEACH. I have.

Mr. CLARDY. Do I understand the gentleman to say that Captain Eads was on the floor during the session of the House?

Mr. BEACH. That is just what I have said two or three times already.

Mr. CLARDY. I do not think he has been out of his bed during that time. He is sick.

Mr. HEARD. I desire to make the same statement as my colleague from Missouri. Mr. Eads has been sick, as I have been advised by his attorney, and confined to his room, I will not say for ten days, but for some time at least. I have never seen him on the floor of the House during this session, and I think the gentleman from New York [Mr. BEACH] must be mistaken.

Mr. BEACH. Probably a large number of members have not seen him.

Mr. REAGAN. I do not believe Captain Eads was ever on the floor of the House during the session of the House.

Mr. BEACH. That statement simply raises the question of veracity between the gentleman from Texas and myself. I assert I have seen Mr. Eads on the floor of the House within the last ten days or two weeks.

Mr. REAGAN. The whole object seems to have been to introduce before the House an editorial from the New York Times. One of the statements of that editorial is that a bill has been reported here for the Tehuantepec Ship-canal, which guarantees $2,500,000 profits to the railroad annually. No such bill has been reported to the House. No bill that guarantees one cent of profit under any possible circumstances to the company has been reported to the House. I suppose the object is to start this slander on a measure in order to create a public sentiment against it before members have had a chance to consider it on its merits.

Mr. STEELE. I rise to a point of order.

The SPEAKER. The gentleman will state it.

Mr. STEELE. I make the point of order that the gentleman is out of order, and I call for the regular order.

The SPEAKER. The Chair thinks there is nothing before the House but the resolution.

Mr. BURROWS. I move that the resolution be laid on the table.

The question being taken on the motion of Mr. BURROWS, it was agreed to; and the resolution was laid on the table.

Mr. BEACH addressed the Chair.

The SPEAKER. There is nothing before the House.

Mr. BEACH. I offer the resolution which I send to the desk.

Mr. STEELE. I call for the regular order.

The SPEAKER. The gentleman from New York states that he offers another resolution, which may be privileged. The resolution will be reported.

The Clerk read as follows:

Whereas it is asserted in the public press that Rule XXXIV——

Mr. BLAND. I rise to a question of order.

The SPEAKER. The gentleman will state it.

Mr. BLAND. I do not understand that this is offered as a question of privilege.

Mr. BEACH. I do offer the resolution as a question of privilege.

The SPEAKER. The Chair so understood the gentleman. The resolution will be reported.

The Clerk read as follows:

Whereas it is asserted in the public press that Rule XXXIV, regulating admission to the floor of the House, is being violated: Therefore,

Resolved, That the Committee on Rules be instructed to inquire into the facts, and report as to the truth or falsity of the said charges and what remedy, if any, is necessary to secure a strict enforcement of the rule.

Mr. BLAND. That could come in its regular order. I submit that the resolution is not in order now.

Mr. DUNHAM. Let the resolution be again read.

The resolution was again read.

The SPEAKER. The Chair thinks this presents a question of privilege.

Mr. BROWNE, of Indiana. Would it be in order to move to amend the resolution by including in it the rule which prohibits smoking?

The SPEAKER. The resolution is open to amendment.

Mr. BEACH. I am willing to accept that amendment.

Mr. BROWNE, of Indiana. I would like also to have the Committee on Rules define what is meant by the "floor of the House." There are many gentlemen who think that they may smoke anywhere outside the seats without being guilty of an infraction of the rules. I call the

attention of the House to the fact, because I am in the habit of violating this rule as much as anybody else.

The SPEAKER. Does the gentleman from Indiana propose an amendment?

Mr. BROWNE, of Indiana. I desire to include also Rule XIV, and to instruct the committee to inquire whether that rule is being violated, and to define what is meant by "on the floor of the House."

The SPEAKER. The gentleman will please reduce his amendment to writing.

Mr. REAGAN. While the gentleman is formulating his amendment, I would like to ask if the House really proposes to enter into a solemn investigation, whether somebody has been on the floor that was not entitled to be there? If there was such a violation of the rule why was not the point made at the time, so that any one violating the rule could have been sent out of the House?

Mr. BEACH. I will state, in answer to the gentleman from Texas, that not only Captain Eads but others have violated the privileges of the floor. I wanted to put a stop to this abuse. That is the reason why I have offered this resolution.

Mr. REAGAN. A stop could have been put to it at once by calling attention to the fact and having the rule read. But I can see no reason for a formal Congressional investigation as to whether somebody has been here on the floor who was not entitled to that privilege.

Mr. BROWNE, of Indiana. I send up my amendment. It can be inserted at the proper place.

The Clerk read the proposed amendment, as follows:

Amend the resolution by inserting "clause 7 Rule XIV, and to define what is meant by the 'floor of the House.'"

The SPEAKER. The question is upon agreeing to the amendment.

Mr. HAMMOND. Before the amendment is voted upon, I desire simply to say that the question whether there has been a violation of Rule XXXIV, whether persons have been on the floor not coming within the rule, is a serious one. And if that rule has been violated those who have been violating it ought to be exposed. The effort to ingraft upon the resolution the amendment about smoking is simply an effort to introduce a thing which is ridiculous in comparison with a graver question.

Mr. BROWN, of Pennsylvania. It occurs to me, Mr. Speaker, that the amendment is not at all ridiculous. I think it is a matter of a great deal of concern to members of the House, especially those who do not smoke, and it ought to be a matter of some importance to those who do smoke. They ought to be taught the purport of the rule in this way, if they are not able to understand it without the appointment of a committee of investigation.

Mr. BROWNE, of Indiana. Mr. Speaker, I submit that to the average member there is something apparently ridiculous in the whole matter. We have a rule of the House prohibiting intrusion upon the floor by any persons not mentioned in the rules as entitled to come upon the floor. The officers of the House are charged with the execution of that rule, and, so far as I know, it has been most rigidly enforced. If there has been now and then a violation of it, such violations have been extremely rare.

Mr. BROWN, of Pennsylvania. Not so as to violations of the rule against smoking on the floor.

Mr. BROWNE, of Indiana. Violations of the rule governing admission to the floor have been exceedingly rare, and all that is necessary in order to put a stop to them is to bring them to the attention of the officers of the House. If that is done I know from our experience in the past that the rule will be enforced. Now, so far as the rule against smoking is concerned, that rule has been repeatedly read during this Congress, but gentlemen who are smoking in their seats when their attention is called to it simply retire to the rear of the desks and continue to smoke at some point there, believing in good faith, I suppose, that they may do so without violating the rule.

Mr. MILLIKEN. Has the gentleman from Indiana himself violated the rule in that way? He has told us that he has been one of the most frequent violators of the rule generally.

Mr. BROWNE, of Indiana. I know of no rule of law that requires me to criminate myself. [Laughter.]

Mr. MILLIKEN. That is entirely satisfactory, Mr. Speaker.

Mr. BROWNE, of Indiana. Mr. Speaker, I am in earnest and in entire good faith in calling the attention of the House to the violation of this rule. It is offensive to many gentlemen, and the rule of the House ought to be observed—ought to be observed in good faith—and gentlemen should know that the floor of the House upon which smoking is prohibited means anywhere this side of the cloak-rooms. Therefore, if we are to investigate this question of the violation of our rules, I hope that this rule, which is more frequently violated than any other, will be included, so that we may have it enforced in the future.

Mr. BEACH. I did not suppose, Mr. Speaker, that this simple resolution offered by me, which was intended more in the nature of an admonition to the Doorkeeper to perform his duties than for any other purpose, would give rise to so much smoke. [Laughter.] I now ask the previous question on the amendment and on the adoption of the resolution.

The previous question was ordered.

The question was taken on agreeing to the amendment offered by Mr. BROWNE, of Indiana; and on a division there were—ayes 85, noes 51.

Mr. BEACH. No quorum has voted. I demand the tellers.

The SPEAKER. The gentleman from New York [Mr. BEACH] makes the point that no quorum has voted. The Chair appoints as tellers the gentleman from Indiana [Mr. BROWNE] and the gentleman from New York [Mr. BEACH].

Mr. BEACH (before the vote by tellers was completed). Mr. Speaker, no further count is demanded.

The SPEAKER. No further count is demanded. The ayes have it, and the amendment is agreed to.

Mr. NEECE. Now, Mr. Speaker, I move to lay the resolution as amended on the table.

The question was taken; and there were—ayes 71, noes 54.

Mr. BEACH. Mr. Speaker, I demand the yeas and nays. I want to know who is in favor of enforcing the rules of the House.

The question being taken by a rising vote, 27 members voted in the affirmative.

A MEMBER. Count the other side.

The House divided; and there were—ayes 27, noes 110. Less than one-fifth of the last vote voting in the affirmative, the ayes and nays were not ordered.

The motion to lay the resolution on the table was then agreed to.

CALL OF STATES AND TERRITORIES.

The SPEAKER. The Chair will proceed, under the rule, to call the States and Territories for the introduction of bills and joint resolutions. Under this call petitions and memorials from State and Territorial Legislatures are in order, and also resolutions of inquiry addressed to the heads of Departments.

STEPHEN C. SLAYTON.

Mr. FORNEY introduced a bill (H. R. 5895) granting a pension to Stephen C. Slayton; which was read a first and second time, referred to the Committee on Pensions, and ordered to be printed.

RIGHT OF WAY TO MEMPHIS AND PENSACOLA RAILROAD.

Mr. JONES, of Alabama, introduced a bill (H. R. 5896) granting the right of way over the public lands to the Memphis and Pensacola Railroad Company, and for other purposes; which was read a first and second time, referred to the Committee on the Public Lands, and ordered to be printed.

PUBLIC BUILDING AT SELMA, ALA.

Mr. DAVIDSON introduced a bill (H. R. 5897) for the purchase of suitable grounds in the city of Selma, in the State of Alabama, and the erection thereon of a public building for a post-office of the United States in said city, and appropriating money for said purpose; which was read a first and second time, referred to the Committee on Public Buildings and Grounds, and ordered to be printed.

RICHARD FACION.

Mr. WHEELER introduced a bill (H. R. 5898) for the relief of Richard Facion; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

ROBERT BEARD.

Mr. WHEELER also introduced a bill (H. R. 5899) to place the name of Robert Beard, Company B, United States Colored Troops, upon the pension-roll; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

EXECUTORY CONTRACTS WITH INDIANS.

Mr. ROGERS introduced a bill (H. R. 5900) repealing an act of Congress declaring executory contracts with Indians null and void; which was read a first and second time, referred to the Committee on the Judiciary, and ordered to be printed.

RIGHT OF WAY THROUGH INDIAN TERRITORY.

Mr. PEEL introduced a bill (H. R. 5901) to grant to the Rogers, Siloam and Muscogee Railroad Company a right of way through the Indian Territory, and for other purposes; which was read a first and second time, referred to the Committee on Indian Affairs, and ordered to be printed.

JAMES M. COOK.

Mr. PEEL also introduced a bill (H. R. 5902) to grant pension to James M. Cook for injuries received in war with Mexico; which was read a first and second time, referred to the Committee on Pensions, and ordered to be printed.

JESSE G. FEATHERSTONE.

Mr. PEEL also introduced a bill (H. R. 5903) to grant a pension to Jesse Featherstone, late private in Colonel Bradford's Regiment Tennessee Volunteers in Seminole war; which was read a first and second time, referred to the Committee on Pensions, and ordered to be printed.

MALISSA JANE EARLS.

Mr. PEEL (by request) also introduced a bill (H. R. 5904) to grant a pension to Malissa Jane Earls; which was read a first and second

time, referred to the Committee on Invalid Pensions, and ordered to be printed.

JAMES C. GARRISON.

Mr. PEEL (by request) also introduced a bill (H. R. 5905) to grant a pension to James C. Garrison for injuries received in the late war; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

GEORGE W. NOKES.

Mr. PEEL (by request) also introduced a bill (H. R. 5906) granting a pension to George W. Nokes; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

WILLIAM M. MIDDLETON.

Mr. BRECKINRIDGE, of Arkansas, introduced a bill (H. R. 5907) for the relief of William M. Middleton; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

ALEXANDER DAVIS.

Mr. BRECKINRIDGE, of Arkansas, also introduced a bill (H. R. 5908) for the relief of Alexander Davis; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

FRAUDS IN BOOT AND SHOE TRADE.

Mr. BRECKINRIDGE, of Arkansas, also introduced a bill (H. R. 5909) relating to frauds in the boot and shoe trade; which was read a first and second time, referred to the Committee on the Judiciary, and ordered to be printed.

JUDICIAL DISTRICTS IN ARKANSAS.

Mr. McRAE introduced a bill (H. R. 5910) to detach the counties of Howard, Little River, and Sevier from the western and add them to the eastern district of Arkansas; which was read a first and second time, referred to the Committee on the Judiciary, and ordered to be printed.

Mr. McRAE also introduced a bill (H. R. 5911) to provide for the holding of terms of the United States courts at Texarkana, Ark., and for other purposes; which was read a first and second time, referred to the Committee on the Judiciary, and ordered to be printed.

ROBERT HARRISON.

Mr. HENLEY introduced a bill (H. R. 5912) granting a pension to Robert Harrison; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

JAMES Q. SHIRLEY, ETC.

Mr. HENLEY also introduced a bill (H. R. 5913) for the relief of James Q. Shirley and the estate of Francis De Long; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

QUARANTINE STATION AT SAN FRANCISCO.

Mr. HENLEY also introduced a bill (H. R. 5914) to establish a quarantine station at the port of San Francisco; which was read a first and second time, referred to the Committee on Commerce, and ordered to be printed.

WAGES OF SEAMEN.

Mr. MORROW introduced a bill (H. R. 5915) to amend section 4536 of the Revised Statutes of the United States relating to the wages of seamen; which was read a first and second time.

The SPEAKER. This bill will be referred to the Committee on the Judiciary.

Mr. MORROW. This proposed amendment to the Revised Statutes relates to seamen's wages, a subject which we find embraced in the bill reported from the Select Committee on American Ship-building and Ship-owning Interests.

The SPEAKER. That may be; but under the rules of the House the Chair thinks a proposition which relates to judicial process and the exemption of certain property from attachment should properly go to the Committee on the Judiciary.

Mr. MORROW. I ask unanimous consent that the bill be referred to the Committee on American Ship-building and Ship-owning Interests.

There being no objection, the bill was referred to the Committee on American Ship-building and Ship-owning Interests, and was ordered to be printed.

SECTION 793 REVISED STATUTES.

Mr. MORROW also introduced a bill (H. R. 5916) to amend section 793 of the Revised Statutes of the United States; which was read a first and second time, referred to the Committee on the Judiciary, and ordered to be printed.

CHARLES L. SCUDDER.

Mr. MORROW also introduced a bill (H. R. 5917) for the relief of Charles L. Scudder; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

LIEUT. PALMER C. WOOD.

Mr. MORROW also introduced a bill (H. R. 5918) for the relief of First Lieut. Palmer C. Wood, Twelfth United States Infantry, acting commissary of subsistence United States Army; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

A. C. BRADFORD.

Mr. MORROW also introduced a bill (H. R. 5919) for the relief of A. C. Bradford; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

JOHN KELSEY AND WIFE.

Mr. MORROW also introduced a bill (H. R. 5920) for the relief of John Kelsey and his wife, Emma Kelsey; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

CHINESE EVIL.

Mr. MORROW also presented a memorial from the Legislature of Washington Territory, concerning the evils arising from the presence of Chinese on the Pacific coast and praying for suitable legislation to remedy the same; which was referred to the Committee on Foreign Affairs, and ordered to be printed.

JOHN RYAN.

Mr. LOUTTIT introduced a bill (H. R. 5921) granting an increase of pension to John Ryan; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

MINERAL LANDS.

Mr. McKENNA introduced a bill (H. R. 5922) to enable the State of California to take lands in lieu of the sixteenth and thirty-sixth sections found to be mineral lands; which was read a first and second time, referred to the Committee on the Public Lands, and ordered to be printed.

JAMES H. CHAPMAN.

Mr. WAIT introduced a bill (H. R. 5923) for the relief of James H. Chapman, assistant paymaster of the United States Navy; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

TAXATION OF PETROLEUM.

Mr. BUCK submitted the following resolution; which was referred to the Committee on Foreign Affairs:

Resolved, That the Secretary of State be requested to communicate to the House of Representatives, if not incompatible with the public interest, copies of the recent correspondence and dispatches between the Secretary of State and the minister of the United States at The Hague touching the subject of taxation of petroleum in Holland and in the Dutch colonies and that of the export therefrom of leaf-tobacco to the United States.

PATENT LAWS.

Mr. MITCHELL introduced a bill (H. R. 5924) to provide for the revision, improvement, and amendment of the laws relating to patents for useful inventions; which was read a first and second time, referred to the Committee on Patents, and ordered to be printed.

REPEALING PATENT LAWS.

Mr. LORE introduced a bill (H. R. 5925) to repeal the patent laws now in force and to establish another system of reward for inventors; which was read a first and second time, referred to the Committee on Patents, and ordered to be printed.

LIGHT-HOUSE, ANCLOTE KEYS, FLORIDA.

Mr. DAVIDSON, of Florida, introduced a bill (H. R. 5926) making an appropriation for the completion of a light-house at Anclote Keys, west coast of Florida; which was read a first and second time, referred to the Committee on Appropriations, and ordered to be printed.

LOUISA KEARNEY.

Mr. DAVIDSON, of Florida (by request), also introduced a bill (H. R. 5927) for the relief of Louisa Kearney; which was read a first and second time, referred to the Committee on Pensions, and ordered to be printed.

JOHN JUMPER.

Mr. CLEMENTS (by request) introduced a bill (H. R. 5928) for the relief of John Jumper; which was read a first and second time, referred to the Committee on Claims, and ordered to printed.

ADOLPHUS M. COHEN AND JACOB COHEN.

Mr. NORWOOD introduced a bill (H. R. 5929) for the relief of Adolphus M. Cohen and Jacob Cohen, of Savannah, Ga.; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

GEORGE N. BEACH.

Mr. CRISP (by request) introduced a bill (H. R. 5930) for the relief of George N. Beach; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

ERDMUTHE KIRCHNER.

Mr. ADAMS, of Illinois, introduced a bill (H. R. 5931) granting a pension to Erdmuthe Kirchner, mother of Carl Kirchner; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

PUBLIC BUILDING, DENVER, COLO.

Mr. SYMES introduced a bill (H. R. 5932) to change the limit of appropriation for the public building at Denver, Colo.; which was read a first and second time, referred to the Committee on Public Buildings and Grounds, and ordered to be printed.

MICHAEL MAYER.

Mr. SYMES (by request) also introduced a bill (H. R. 5933) for the relief of Michael Mayer; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

JAMES B. M'CUBBIN.

Mr. SYMES (by request) also introduced a bill (H. R. 5934) for the relief of James B. McCubbin; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

WILLIAM FIGLEY.

Mr. HITT introduced a bill (H. R. 5935) to remove the charge of desertion against William Figley, late of Company A, Eleventh Illinois Volunteers, and granting him an honorable discharge; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

JACOB A. HENRY.

Mr. PLUMB introduced a bill (H. R. 5936) for the relief of Jacob A. Henry; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

SARAH GREGG.

Mr. PLUMB also introduced a bill (H. R. 5937) granting a pension to Sarah Gregg; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

SARAH E. M'CALEB.

Mr. PLUMB also introduced a bill (H. R. 5938) for the relief of Sarah E. McCaleb; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

PHINEAS T. RICHARDSON.

Mr. HENDERSON, of Illinois, introduced a bill (H. R. 5939) for the relief of Phineas T. Richardson; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

NEWTON T. BURNETT.

Mr. RIGGS introduced a bill (H. R. 5940) to grant a pension to Newton T. Burnett; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

ALFRED J. WORCESTER.

Mr. RIGGS also introduced a bill (H. R. 5941) for the relief of Alfred J. Worcester; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

MARY BROWN.

Mr. RIGGS also introduced a bill (H. R. 5942) to grant a pension to Mary Brown; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

RENSSELLEAR METCALF.

Mr. WARD, of Illinois, introduced a bill (H. R. 5943) granting a pension to Rensselear Metcalf; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

DANIEL LANNON.

Mr. WARD, of Illinois, also introduced a bill (H. R. 5944) for the relief of Daniel Lannon; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

GEORGE S. THROING.

Mr. WARD, of Illinois, also introduced a bill (H. R. 5945) for the relief of George S. Throing; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

HENRY BAUMANN.

Mr. WARD, of Illinois, also introduced a bill (H. R. 5946) for the relief of Henry Baumann; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

GEORGE G. EAGLE.

Mr. WARD, of Illinois, also introduced a bill (H. R. 5947) for the relief of George G. Eagle; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

JOHN W. CHICKERING.

Mr. WARD, of Illinois (by request), also introduced a bill (H. R. 5948) to authorize the appointment of John W. Chickering to the rank of first lieutenant; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

JOHN C. WEAVER.

Mr. LANDES introduced a bill (H. R. 5949) for the relief of John C. Weaver; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

CATHERINE REISINGER.

Mr. LANDES also introduced a bill (H. R. 5950) granting a pension to Catherine Reisinger, widow of Martin Reisinger, late private Company B, Twenty-fifth Regiment Indiana Volunteers; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

JOHN M. MATTINGLY.

Mr. LANDES also introduced a bill (H. R. 5951) granting a pension to John M. Mattingly, private Company A, Tenth Regiment Kentucky Infantry Volunteers; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

HENRY T. WOOLEN.

Mr. LANDES also introduced a bill (H. R. 5952) granting a pension to Henry T. Woolen, Company B, Seventy-first Regiment Indiana Volunteers; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

JAMES B. LOGAN.

Mr. TOWNSHEND introduced a bill (H. R. 5953) for the relief of James B. Logan; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

REBECCA J. TAYLOR.

Mr. TOWNSHEND also introduced a bill (H. R. 5954) for the relief of Rebecca J. Taylor, guardian of the minor children of Richard E. Waldo, late of Company A, Eighty-eighth Regiment Illinois Volunteers; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

ISAAC WILLIAMS.

Mr. TOWNSHEND also introduced a bill (H. R. 5955) for the relief of Isaac Williams, late of Company G, Fifteenth Regiment Illinois Volunteers; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

MINERVA A. ROSS.

Mr. TOWNSHEND also introduced a bill (H. R. 5956) granting a pension to Minerva A. Ross; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

PENSION BUREAU.

Mr. SPRINGER submitted the following resolution; which was read, and referred to the Committee on Expenditures in the Interior Department:

Resolved, That the Committee on Expenditures in the Interior Department be instructed to investigate the expenditures and management of the Pension Bureau during the present and previous administrations, and also to ascertain and report what foundation there is for the statements in the annual report of Commissioner Black in reference to partisan management and extravagance of that bureau during the terms of office of his predecessors, with power to send for persons and papers and compel the attendance of witnesses.

SETTLEMENT OF PUBLIC LANDS, ETC.

Mr. PAYSON introduced a bill (H. R. 5957) to open to settlement certain public lands, create a land office, and for other purposes; which was read a first and second time, referred to the Committee on the Public Lands, and ordered to be printed.

FORFEITURE OF LAND GRANT TO WISCONSIN.

Mr. PAYSON also introduced a bill (H. R. 5958) to forfeit certain lands granted by Congress to the State of Wisconsin to aid in the construction of railroads; which was read a first and second time, referred to the Committee on the Public Lands, and ordered to be printed.

RIGHT OF WAY IN UTAH.

Mr. PAYSON also introduced a bill (H. R. 5959) granting a right of way through certain public lands of the United States in the Territory of Utah, &c.; which was read a first and second time, referred to the Committee on the Public Lands, and ordered to be printed.

JENNIE REED.

Mr. OWEN introduced a bill (H. R. 5960) granting a pension to Jennie Reed, widow of William Reed, a soldier of the Union Army in the late war; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

CYRUS VIGUS.

Mr. OWEN also introduced a bill (H. R. 5961) granting an increase of pension to Cyrus Vigus, a soldier of the war of 1812; which was read a first and second time, referred to the Committee on Pensions, and ordered to be printed.

ALONZO H. GRIGGS.

Mr. KLEINER introduced a bill (H. R. 5962) for the relief of Alonzo H. Griggs; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

ELIZABETH SAILER.

Mr. KLEINER also introduced a bill (H. R. 5963) for the relief of Elizabeth Sailer; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

NANCY BALDWIN.

Mr. KLEINER also introduced a bill (H. R. 5964) granting a pension to Nancy Baldwin; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

MARTHA SHINER.

Mr. KLEINER also introduced a bill (H. R. 5965) granting a pension to Martha Shiner; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

THOMAS HARRIS.

Mr. KLEINER also introduced a bill (H. R. 5966) for the relief of Thomas Harris; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

CYRUS PHILLIPS.

Mr. WARD, of Indiana, introduced a bill (H. R. 5967) granting a pension to Cyrus Phillipe; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

PATRICK FITZPATRICK.

Mr. WARD, of Indiana, also introduced a bill (H. R. 5968) for the relief of Patrick Fitzpatrick; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

ORRIN LAWTON.

Mr. WARD, of Indiana, also introduced a bill (H. R. 5969) granting a pension to Orrin Lawton; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

ASBURY CHAPLIN.

Mr. WARD, of Indiana, also introduced a bill (H. R. 5970) granting a pension to Asbury Chaplin; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

ALBERT PICKARD.

Mr. WARD, of Indiana, also introduced a bill (H. R. 5971) granting a pension to Albert Pickard; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

EVA FRANCIS.

Mr. WARD, of Indiana, also introduced a bill (H. R. 5972) granting a pension to Eva Francis; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

PUBLIC BUILDING AT SOUTH BEND, IND.

Mr. FORD introduced a bill (H. R. 5973) to provide for the erection of a public building in the city of South Bend, in the State of Indiana; which was read a first and second time, referred to the Committee on Public Buildings and Grounds, and ordered to be printed.

REPRESENTATIVE OF M. T. HIGGINS.

Mr. MATSON introduced a bill (H. R. 5974) for the relief of the legal representative of Margaret T. Higgins, deceased; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

MICHAEL M'GRAYEL.

Mr. MATSON also introduced a bill (H. R. 5975) to increase the pension of Michael McGrayel; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

MARY M. WELLS.

Mr. MATSON also introduced a bill (H. R. 5976) for the relief of Mary M. Wells; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

CONDEMNED CANNON.

Mr. BROWNE, of Indiana, introduced a bill (H. R. 5977) donating condemned cannon to Sol Meredith Post, Grand Army of the Republic, Richmond, Ind.; which was read a first and second time, referred to the Committee on Military Aaffairs, and ordered to be printed.

JAMES P. ROUCH.

Mr. BROWNE, of Indiana, also introduced a bill (H. R. 5978) for the relief of James P. Rouch; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

JAMES H. TORBET.

Mr. JOHNSON, of Indiana, introduced a bill (H. R. 5979) increasing the pension of James H. Torbet; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

JAMES COLVIN.

J. G. HOWARD introduced a bill (H. R. 5980) for the relief of James Colvin; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

ALBERT SCHMIDLER.

Mr. HOWARD also introduced a bill (H. R. 5981) for the relief of Albert Schmidler; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

ELIJAH WILKERSON.

Mr. HOWARD also introduced a bill (H. R. 5982) for the relief of Elijah Wilkerson; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

MARY A. DAWSON.

Mr. HOWARD also introduced a bill (H. R. 5983) for the relief of Mary A. Dawson, wife of William A. Dawson; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

HENRY M. BEADLE.

Mr. HOWARD also introduced a bill (H. R. 5984) for the relief of Henry M. Beadle; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

AUSTIN P. COX.

Mr. COBB introduced a bill (H. R. 5985) for the relief of Austin P. Cox; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

PUBLIC BUILDING, VINCENNES, IND.

Mr. COBB also introduced a bill (H. R. 5986) for the erection of a public building at Vincennes, Ind.; which was read a first and second time, referred to the Committee on Public Buildings and Grounds, and ordered to be printed.

MARIA VIRGINIA BROWN.

Mr. BYNUM introduced a joint resolution (H. Res. 127) for the relief of Maria Virginia Brown, of Indiana, assignee; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

MARY E. HILL.

Mr. HOLMAN introduced a bill (H. R. 5987) for the relief of Mary E. Hill; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

JOHN HOLLORAN.

Mr. HOLMAN also introduced a bill (H. R. 5988) to correct the record of John Holloran, late an ordinary seaman, United States Navy; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed,

MARY L. BRADFORD.

Mr. FREDERICK introduced a bill (H. R. 5989) to restore Mary L. Bradford to the pension-roll; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

UNITED STATES JUDICIAL DISTRICTS, IOWA.

Mr. FREDERICK also introduced a bill (H. R. 5990) amending the act of July 20, 1882, dividing the State of Iowa into two judicial districts; which was read a first and second time, referred to the Committee on the Judiciary, and ordered to be printed.

NORTHWESTERN BRANCH OF SOLDIERS' HOME.

Mr. FREDERICK also presented a joint resolution and memorial of the General Assembly of Iowa, relating to the Northwestern Branch of the National Home for Disabled and Indigent Soldiers and Sailors; which was referred to the Committee on Military Affairs.

BENJAMIN W. GAYLORD.

Mr. FULLER (by request) introduced a bill (H. R. 5991) granting an increase of pension to Benjamin W. Gaylord; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

CONDEMNED CANNON FOR GRAND ARMY OF THE REPUBLIC.

Mr. FULLER also introduced a bill (H. R. 5992) granting a condemned cannon and carriage to Abernethy Post, No. 48, Grand Army of the Republic; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

NORTHWESTERN BRANCH OF SOLDIERS' HOME.

Mr. FULLER also presented a joint resolution and memorial of the General Assembly of Iowa, relating to the Northwestern Branch of the National Home for Disabled and Indigent Soldiers and Sailors; which was referred to the Committee on Military Affairs.

HENRY HEVER.

Mr. MURPHY introduced a bill (H. R. 5993) granting a pension to Henry Hever; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

CURTIS L. SNYDER.

Mr. MURPHY also introduced a bill (H. R. 5994) granting a pension to Curtis L. Snyder; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

MEMORIAL OF STATE OF IOWA.

Mr. MURPHY also presented a memorial to Congress from the State of Iowa; which was referred to the Committee on Military Affairs.

DAVID T. ELDERKIN.

Mr. HENDERSON, of Iowa, introduced a bill (H. R. 5995) granting a pension to David T. Elderkin; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

HENRY JORDAN.

Mr. HENDERSON, of Iowa, also introduced a bill (H. R. 5996) granting a pension to Henry Jordan; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

NORTHWESTERN BRANCH OF SOLDIERS' HOME.

Mr. HENDERSON, of Iowa, also presented a joint resolution and memorial of the General Assembly of Iowa, relating to a Northwestern Branch of the National Home for Disabled and Indigent Soldiers and Sailors; which was referred to the Committee on Military Affairs.

ELIZABETH LUCE.

Mr. HOLMES introduced a bill (H. R. 5997) granting a pension to Elizabeth Luce; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

CHARLES WICKWARE.

Mr. HOLMES also introduced a bill (H. R. 5998) to correct the date of muster of Charles Wickware; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

BRANCH OF SOLDIERS' HOME.

Mr. HOLMES presented a joint resolution and memorial of the General Assembly of Iowa relating to the establishing of a Northwestern Branch of the National Home for Disabled and Indigent Soldiers and Sailors; which was referred to the Committee on Military Affairs, and ordered to be printed.

HENRY C. HUFF.

Mr. CONGER introduced a bill (H. R. 5999) granting a pension to Henry C. Huff; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

GEORGE W. CRAMBLETT.

Mr. CONGER also introduced a bill (H. R. 6000) granting a pension to George W. Cramblett; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

JOHN H. JAQUES.

Mr. HEPBURN introduced a bill (H. R. 6001) for the relief of John H. Jaques; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

GEORGE W. M'CLOUD.

Mr. HEPBURN also introduced a bill (H. R. 6002) granting a pension to George W. McCloud; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

JOHN H. M'CLELLAND.

Mr. LYMAN introduced a bill (H. R. 6003) for the relief of John H. McClelland, late of Company B, Twenty-ninth Iowa Volunteer Infantry; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

EDWIN MOON.

Mr. LYMAN also introduced a bill (H. R. 6004) for the relief of Edwin Moon; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

THOMAS H. HUTTON.

Mr. LYMAN also introduced a bill (H. R. 6005) for the relief of Thomas H. Hutton, late of Company A, Twenty-ninth Iowa Volunteer Infantry; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

EZEKIAL F. JUDD.

Mr. LYMAN also introduced a bill (H. R. 6006) for the relief of Ezekial F. Judd, Company K, One hundred and twentieth New York Volunteer Infantry; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

M. V. CROUCH.

Mr. LYMAN also introduced a bill (H. R. 6007) for the relief of M. V. Crouch, late private Company F, Fifteenth Iowa Volunteer Infantry; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

ARLINGTON M. HARRINGTON.

Mr. LYMAN also introduced a bill (H. R. 6008) for the relief of Arlington M. Harrington, late a private soldier in the Mexican war; which was read a first and second time, referred to the Committee on Pensions, and ordered to be printed.

JOHN S. HERWICK.

Mr. LYMAN also introduced a bill (H. R. 6009) for the relief of John S. Herwick, late Company I, Second Iowa Volunteer Infantry; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

ROBERT H. MONTGOMERY.

Mr. CAREY introduced a bill (H. R. 6010) for the relief of Robert H. Montgomery, captain Fifth Cavalry, United States Army; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

ORDNANCE, ETC., ISSUED TO KANSAS.

Mr. RYAN introduced a bill (H. R. 6011) to authorize the Secretary of War to credit the State of Kansas with certain sums for ordnance and ordnance stores issued to said State, and for other purposes; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

LEANDER W. COREY.

Mr. ANDERSON, of Kansas, introduced a bill (H. R. 6012) to increase the pension of Leander W. Corey; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

RIGHT OF WAY THROUGH INDIAN TERRITORY.

Mr. ANDERSON, of Kansas, presented a concurrent resolution of the Legislature of Kansas, asking right of way through Indian Territory for certain railroads; which was referred to the Committee on Indian Affairs, and ordered to be printed.

Mr. ANDERSON, of Kansas, also presented a concurrent resolution of the Legislature of Kansas, favoring grant of right of way through Indian Territory to certain railroads; which was referred to the Committee on Indian Affairs, and ordered to be printed.

RAILROAD LAND GRANTS IN KANSAS.

Mr. ANDERSON, of Kansas, submitted the following resolution; which was referred to the Committee on the Public Lands:

Resolved, That the Secretary of the Interior be, and is hereby, requested to immediately furnish the House of Representatives with the names of all settlers, and a description of the odd-numbered sections of land settled upon by such settlers, within the granted limits of each of the land-grant railroads in the State of Kansas, prior to the definite location of said roads, which lands so settled upon have heretofore been certified to or for the benefit of said railroad companies respectively; also the names of settlers and a description of the lands settled upon within the indemnity limits of said roads prior to the selection of such lands by the said railroad companies; also a description of lands claimed by said companies and heretofore included within the granted and indemnity limits of said roads, but which the records of the General Land Office show to be outside and beyond said limits.

BRIDGE AT ATCHISON, KANS.

Mr. MORRILL introduced a bill (H. R. 6013) to authorize the construction of a bridge across the Missouri River at some accessible point within 2 miles north and 2 miles south of the city of Atchison, in the county of Atchison, in the State of Kansas; which was read a first and second time, referred to the Committee on Commerce, and ordered to be printed.

CORRECTION OF ARMY RECORDS.

Mr. MORRILL also introduced a bill (H. R. 6014) to correct the Army record of certain officers named therein; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

FORT LEAVENWORTH STREET RAILWAY.

Mr. MORRILL also introduced a bill (H. R. 6015) authorizing the Leavenworth and Suburban Street Railway Company to extend its railway across the military reservation to Fort Leavenworth; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

JOSEPH PERKINS.

Mr. MORRILL also introduced a bill (H. R. 6016) granting a pension to Joseph Perkins; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

GEORGE M. WILLIAMS.

Mr. MORRILL also introduced a bill (H. R. 6017) granting a pension to George M. Williams; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

NAPOLEAN B. M'KAY.

Mr. MORRILL also introduced a bill (H. R. 6018) for the relief of Napolean B. McKay; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

MARIA HOLLANDS.

Mr. MORRILL also introduced a bill (H. R. 6019) granting a pension to Maria Hollands; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

LEVI M. STARNE.

Mr. FUNSTON introduced a bill (H. R. 6020) granting a pension to Levi M. Starne; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

THOMPSON M'KINLEY.

Mr. FUNSTON also introduced a bill (H. R. 6021) to pay Thompson McKinley $375 for service voucher issued to him during the late war

by Capt. George W. Harrison, assistant quartermaster United States Army; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

GEORGE Y. MILLER.

Mr. PERKINS introduced a bill (H. R. 6022) granting an increase of pension to George Y. Miller; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

FRANK SHERBINAW.

Mr. PERKINS also introduced a bill (H. R. 6023) for the relief of Frank Sherbinaw; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

PUBLIC BUILDING, WINFIELD, KANS.

Mr. PERKINS also introduced a bill (H. R. 6024) for the erection of a public building at Winfield, Kans.; which was read a first and second time, referred to the Committee on Public Buildings and Grounds, and ordered to be printed.

COMMON SCHOOLS.

Mr. WILLIS introduced a bill (H. R. 6025) to aid temporarily in the support of common schools; which was read a first and second time, referred to the Committee on Education, and ordered to be printed.

JOHN SELBY.

Mr. WILLIS also introduced a bill (H. R. 6026) granting a pension to John Selby; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

WILLIAM M'FADDEN.

Mr. WILLIS also introduced a bill (H. R. 6027) granting a pension to William McFadden; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

ILLEGAL TAXES.

Mr. LAFFOON introduced a bill (H. R. 6028) to refund certain income taxes illegally collected; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

LAFAYETTE ELDER.

Mr. LAFFOON also introduced a bill (H. R. 6029) for the relief of Lafayette Elder; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

CHRISTIAN CHURCH, HENDERSON, KY.

Mr. LAFFOON also introduced a bill (H. R. 6030) for the relief of the Christian Church of Henderson, Ky.; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

JOHN G. BAILEY.

Mr. LAFFOON also introduced a bill (H. R. 6031) for the relief of John G. Bailey; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

OMAR S. BROWN.

Mr. LAFFOON also introduced a bill (H. R. 6032) for the relief of Omar S. Brown; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

JOHN ANDERSON.

Mr. LAFFOON also introduced a bill (H. R. 6033) for the relief of John Anderson; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

PHILIP PRATHER.

Mr. LAFFOON also introduced a bill (H. R. 6034) for the relief of the heirs of Philip Prather, deceased; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

T. W. CRABTREE.

Mr. LAFFOON also introduced a bill (H. R. 6035) for the relief of T. W. Crabtree; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

GREEN B. KELLY.

Mr. TAULBEE introduced a bill (H. R. 6036) for the relief Green B. Kelly; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

JOHN BARKER.

Mr. TAULBEE also introduced a bill (H. R. 6037) granting a pension to John Barker; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

SUSANNA ADAMS.

Mr. TAULBEE also introduced a bill (H. R. 6038) granting a pension to Susanna Adams; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

GREENVILLE R. HALE.

Mr. TAULBEE also introduced a bill (H. R. 6039) for the relief of Greenville R. Hale; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

PHILIP HAMMON.

Mr. TAULBEE also introduced a bill (H. R. 6040) granting a pension to Philip Hammon; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

JACKSON MARTIN.

Mr. TAULBEE also introduced a bill (H. R. 6041) to restore to the pension-roll the name of Jackson Martin; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

J. M. THORNBURY.

Mr. TAULBEE also introduced a bill (H. R. 6042) granting a pension to J. M. Thornbury; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

ADALINE COMBS.

Mr. TAULBEE also introduced a bill (H. R. 6043) granting a pension to Adaline Combs; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

ELIZA FRANCESCO.

Mr. TAULBEE also introduced a bill (H. R. 6044) granting a pension to Eliza Francesco; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

ADAM FELTNER.

Mr. TAULBEE also introduced a bill (H. R. 6045) granting a pension to Adam Feltner; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

H. C. WILKEY.

Mr. STONE, of Kentucky, introduced a bill (H. R. 6046) for the relief of H. C. Wilkey, of Columbus, Ky.; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

BRIDGE ACROSS OHIO RIVER AT CAIRO, ILL.

Mr. STONE, of Kentucky, also introduced a bill (H. R. 6047) to authorize the Chicago, Saint Louis and New Orleans Railroad Company, and the Illinois Central Railroad Company, or either of them, to construct a bridge over the Ohio River at or near Cairo, Ill.; which was read a first and second time, referred to the Committee on Commerce, and ordered to be printed.

HENRY HALLECK.

Mr. STONE, of Kentucky, also introduced a bill (H. R. 6048) for the benefit of Henry Halleck, of Eddyville, Ky.; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

JAMES A. GREGORY.

Mr. STONE, of Kentucky, also introduced a bill (H. R. 6049) for the benefit of the heirs of James A. Gregory; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

MRS. C. C. CARNER.

Mr. STONE, of Kentucky, also introduced a bill (H. R. 6050) for the relief of Mrs. C. C. Carner, of Fredonia, Ky.; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

MRS. SARAH L. LARIMER.

Mr. WOLFORD introduced a bill (H. R. 6051) to compensate Mrs. Sarah L. Larimer for important services rendered the military authorities in 1864 at Deer Creek station, Wyoming, and for loss of property taken by the Sioux Indians; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

ISHAM COOMBS.

Mr. ROBERTSON introduced a bill (H. R. 6052) for the relief of Isham Coombs, of Hart County, Kentucky; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

JAMES G. PHILLIPS, SR.

Mr. ROBERTSON also introduced a bill (H. R. 6053) for the relief of James G. Phillips, sr., of Lebanon, Marion County, Kentucky; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

JAMES H. KENNEDY.

Mr. McCREARY introduced a bill (H. R. 6054) granting a pension to James H. Kennedy, of Madison County, Kentucky; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

SOLOMON H. KUHN.

Mr. McCREARY also introduced a bill (H. R. 6055) granting a pension to Solomon H. Kuhn, of Laurel, Ky; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

JOHN H. M'BRAYER.

Mr. McCREARY also introduced a bill (H. R. 6056) for the relief of John H. McBrayer, of Anderson County, Kentucky; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

A. CARSON.

Mr. McCREARY also introduced a bill (H. R. 6057) for the relief of A. Carson, of Lincoln County, Kentucky; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

A. C. ROBINSON.

Mr. McCREARY also introduced a bill (H. R. 6058) for the relief of A. C. Robinson, executor of Jacob Robinson, late of Garrard County, Kentucky; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

JAMES M. CORNELISON.

Mr. McCREARY also introduced a bill (H. R. 6059) for the relief of James M. Cornelison, of Madison County, Kentucky; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

J. C. NEWLAND.

Mr. McCREARY also introduced a bill (H. R. 6060) for the relief of J. C. Newland, of Spencer County, Kentucky; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

G. W. EVANS.

Mr. McCREARY also introduced a bill (H. R. 6061) for the relief of G. W. Evans, of Garrard County, Kentucky; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

J. A. CLARK.

Mr. McCREARY also introduced a bill (H. R. 6062) for the relief of J. A. Clark, executor of James Clark, deceased; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

JAMES MADISON MARTIN.

Mr. McCREARY also introduced a bill (H. R. 6063) for the relief of James Madison Martin, of Lincoln County, Kentucky; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

SAMUEL M'CLURE.

Mr. McCREARY also introduced a bill (H. R. 6064) granting a pension to Samuel McClure, of Rock Castle County, Kentucky; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

ISABELLA BULLOCK.

Mr. McCREARY also introduced a bill (H. R. 6065) granting a pension to Isabella Bullock, wife of John C. Bullock, deceased, late of Owsley County, Kentucky, which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

NEWPORT BARRACKS, KY.

Mr. McCREARY (by request) also introduced a bill (H. R. 6066) to authorize the Secretary of War to improve and enlarge the barracks at Newport, Ky.; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

GEORGE W. GRAY.

Mr. HALSELL introduced a bill (H. R. 6067) for the benefit of George W. Gray, of Logan County, Kentucky; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

H. J. PEARSON.

Mr. HALSELL also introduced a bill (H. R. 6068) for the benefit of H. J. Pearson, of Simpson County, Kentucky; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

OWEN P. WILSON.

Mr. HALSELL also introduced a bill (H. R. 6069) granting a pension to Owen P. Wilson, of Edmonson County, Kentucky; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

WILLIAM T. CAMPBELL.

Mr. HALSELL also introduced a bill (H. R. 6070) granting a pension to William T. Campbell, of Kentucky, late of Company F, Fifth Regiment of Kentucky Volunteers; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

WILLIAM T. SALMONS.

Mr. WADSWORTH introduced a bill (H. R. 6071) for the benefit of William T. Salmons; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

C. S. COUNTS.

Mr. WADSWORTH also introduced a bill (H. R. 6072) for the benefit of C. S. Counts; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

GEORGE W. LAWRENCE.

Mr. DINGLEY introduced a bill (H. R. 6073) for the relief of George W. Lawrence; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

AMOS L. ALLEN.

Mr. DINGLEY also introduced a bill (H. R. 6074) for the relief of Amos L. Allen; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

JAMES L. HOLDEN.

Mr. DINGLEY also introduced a bill (H. R. 6075) for the relief of James L. Holden; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

LIGHT SHIP OFF CHESAPEAKE BAY.

Mr. FINDLAY introduced a bill (H. R. 6076) to establish a light-ship off the entrance to Chesapeake Bay; which was read a first and second time, referred to the Committee on Commerce, and ordered to be printed.

NICHOLAS GAUSTER.

Mr. FINDLAY also introduced a bill (H. R. 6077) for the relief of Nicholas Gauster; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

MRS. LOU GOBRIGHT M'FALLS.

Mr. McCOMAS introduced a bill (H. R. 6078) granting an increase of pension to Mrs. Lou Gobright McFalls; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

THOMAS P. MORGAN, JR.

Mr. McCOMAS also introduced a bill (H. R. 6079) for the relief of Thomas P. Morgan, jr.; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

HEIRS OF THE LATE FRANCIS I. WHEELER.

Mr. SHAW introduced a bill (H. R. 6080) for the relief of the heirs of the late Francis I. Wheeler; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

JOSEPH SCHOFIELD AND SARAH N. GIESE.

Mr. SHAW also introduced a bill (H. R. 6081) granting a pension to Joseph Schofield and Sarah N. Giese; which was read a first and second time, referred to the Committee on Pensions, and ordered to be printed.

CHARLES ROBINSON.

Mr. SHAW also introduced a bill (H. R. 6082) granting a pension to Charles Robinson; which was read a first and second time, referred to to the Committee on Invalid Pensions, and ordered to be printed.

REPEAL OF CLAUSE RELATING TO PATENTS.

Mr. WHITING introduced a bill (H. R. 6083) to repeal the second clause of section 4887 of the Revised Statutes relating to patents; which was read a first and second time, referred to the Committee on Patents, and ordered to be printed.

NATIONAL TRADES UNIONS.

Mr. LOVERING introduced a bill (H. R. 6084) to legalize the incorporation of national trades unions; which was read a first and second time, referred to the Committee on Labor, and ordered to be printed.

GEORGE NORWOOD.

Mr. LOVERING also introduced a bill (H. R. 6085) granting a pension to George Norwood; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

DILENO ROBINSON.

Mr. LOVERING also introduced a bill (H. R. 6086) for the relief of Dileno Robinson; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

PATRICK MURPHY.

Mr. LOVERING also introduced a bill (H. R. 6087) granting a pension to Patrick Murphy; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

NELSON MONROE.

Mr. LOVERING also introduced a bill (H. R. 6088) granting an increase of pension to Nelson Monroe; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

LEWIS A. TREEN.

Mr. ELY introduced a bill (H. R. 6089) to relieve Lewis A. Treen from the charge of desertion; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

WILLIAM W. WHEELER.

Mr. ELY also introduced a bill (H. R. 6090) granting a pension to

William W. Wheeler; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

ANN M. HOUGH.

Mr. WINANS introduced a bill (H. R. 6091) granting a pension to Ann M. Hough; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

PARMELIA SMITH.

Mr. ELDREDGE introduced a bill (H. R. 6092) granting a pension to Parmelia Smith; which was read a first and second time, referred to the Committee on Pensions, and ordered to be printed.

LEWIS G. CLARK.

Mr. ELDREDGE also introduced a bill (H. R. 6093) to increase the pension of Lewis G. Clark, who served through the Mexican war; which was read a first and second time, referred to the Committee on Pensions, and ordered to be printed.

PARK, MARQUETTE, MICH.

Mr. MOFFATT introduced a bill (H. R. 6094) granting to the city of Marquette, Mich., certain lands for park purposes; which was read a first and second time, referred to the Committee on the Public Lands, and ordered to be printed.

COLLECTION OF POSTAL REVENUES.

Mr. WAKEFIELD introduced a bill (H. R. 6095) to simplify and economize the collection and management of the postal revenues; which was read a first and second time, referred to the Committee on the Post-Office and Post-Roads, and ordered to be printed.

JACOB MIX.

Mr. WAKEFIELD also introduced a bill (H. R. 6096) to increase the pension of Jacob Mix; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

BETSEY BARTHOLOMEW.

Mr. WAKEFIELD also introduced a bill (H. R. 6097) granting a pension to Betsey Bartholomew; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

DANIEL D. DUNCAN.

Mr. HALSELL introduced a bill (H. R. 6098) for the benefit of Daniel D. Duncan, of Kentucky; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

LAND PATENT TO W. HELENA RANDALL.

Mr. WAKEFIELD also introduced a bill (H. R. 6099) to authorize the Secretary of the Treasury to issue a patent for certain land to W. Helena Randall; which was read a first and second time, referred to the Committee on the Public Lands, and ordered to be printed.

ISAAC SLOCUM.

Mr. WAKEFIELD also introduced a bill (H. R. 6100) for the relief of Isaac Slocum; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

PENSIONS OF RAILWAY-MAIL EMPLOYÉS.

Mr. STRAIT introduced a bill (H. R. 6101) to provide for the pensioning of persons engaged in the Railway-Mail Service; which was read a first and second time, referred to the Committee on Pensions, and ordered to be printed.

JOHN JONES.

Mr. STRAIT also introduced a bill (H. R. 6102) to place the name of John Jones, late captain of the First Minnesota Battery, on the retired-list of the Army; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

GEORGE CHAMBERS.

Mr. WHITE, of Minnesota, introduced a bill (H. R. 6103) granting a pension to George Chambers; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

BRIDGE ACROSS SAINTE MARIE RIVER.

Mr. GILFILLAN introduced a bill (H. R. 6104) to authorize the construction of a railroad bridge across the Sainte Marie River; which was read a first and second time, referred to the Committee on Commerce, and ordered to be printed.

PAUL LEARY.

Mr. MORGAN (by request) introduced a bill (H. R. 6105) for the relief of Paul Leary, of the District of Columbia; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

JOHN WHITE.

Mr. MORGAN (by request) also introduced a bill (H. R. 6106) granting a pension to John White; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

PUBLIC PRINTING.

Mr. BARKSDALE introduced a bill (H. R. 6107) to provide additional accommodations for executing the public printing and expediting the same; which was read a first and second time, referred to the Committee on Printing, and ordered to be printed.

HORATIO N. SPENCER, DECEASED.

Mr. BARKSDALE also introduced a bill (H. R. 6108) for the relief of the legal representative of Horatio N. Spencer, deceased; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

CATTLE BREEDING, ETC.

Mr. BARKSDALE also introduced a concurrent resolution to print 6,000 additional copies of the report of the consuls of the United States on cattle breeding and dairy farming; which was referred to the Committee on Printing, and ordered to be printed.

NATIONAL CEMETERY, CORINTH, MISS.

Mr. ALLEN, of Mississippi, introduced a bill (H. R. 6109) to construct a road to the national cemetery at Corinth, Miss.; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

ROAD TO NATIONAL CEMETERY NEAR VICKSBURG.

Mr. CATCHINGS introduced a bill (H. R. 6110) providing for the repair of the road leading from Vicksburg to the national cemetery heretofore constructed by the United States; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

PUBLIC BUILDING AT NATCHEZ, MISS.

Mr. VAN EATON introduced a bill (H. R. 6111) for the erection of a public building at Natchez, Miss.; which was read a first and second time, referred to the Committee on Public Buildings and Grounds, and ordered to be printed.

LIGHT-HOUSE, PEARL RIVER, MISS.

Mr. VAN EATON introduced a bill (H. R. 6112) making an appropriation to erect a light-house at the mouth of Pearl River, Miss.; which was read a first and second time, referred to the Committee on Commerce, and ordered to be printed.

ELIZABETH MACKIN AND EDWARD DOOLEY.

Mr. VAN EATON also introduced a bill (H. R. 6113) for the relief of Elizabeth Mackin and Edward Dooley, heirs of Joseph and Mary Dooley, deceased; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

BRIDGE ACROSS WEST PASCAGOULA RIVER, MISSISSIPPI.

Mr. VAN EATON also introduced a bill (H. R. 6114) to require the New Orleans, Mobile and Texas Railroad Company to construct and maintain a suitable draw in said company's bridge across the West Pascogoula River, in the State of Mississippi; which was read a first and second time, referred to the Committee on Commerce, and ordered to be printed.

N. M. BERRY.

Mr. BARRY introduced a bill (H. R. 6115) for the relief of N. M. Berry; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

G. W. WILBURN.

Mr. HATCH introduced a bill (H. R. 6116) granting a pension to George W. Wilburn; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

JAMES D. COTTON.

Mr. HATCH also introduced a bill (H. R. 6117) granting a pension to James D. Cotton; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

GEORGE HARMON.

Mr. HATCH also introduced a bill (H. R. 6118) granting a pension to George Harmon; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

ALBERT LONG.

Mr. BURNES introduced a bill (H. R. 6119) to increase the pension of Albert Long, private Company C, Eleventh Missouri Cavalry; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

RICHARD HORRIGAN.

Mr. BURNES also introduced a bill (H. R. 6120) for the relief of Richard Horrigan; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

LUDWELL R. RINGO.

Mr. BURNES also introduced a bill (H. R. 6121) for the relief of Ludwell R. Ringo; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

RECEIVERS OF RAILROAD CORPORATIONS.

Mr. GLOVER introduced a bill (H. R. 6122) to provide for the prosecution in State courts of certain actions against receivers of railroad cor-

porations appointed by order of any court of the United States; which was read a first and second time, referred to the Committee on the Judiciary, and ordered to be printed.

RAILROAD TRANSPORTATION OF MAILS.

Mr. GLOVER also introduced a bill (H. R. 6123) to regulate the compensation of railroads for transportation of the mails on railroad routes; which was read a first and second time, referred to the Committee on the Post-Office and Post-Roads, and ordered to be printed.

FREDERICK LINNES, AND OTHERS.

Mr. GLOVER also introduced a bill (H. R. 6124) for the relief of Frederick Linnes, William Wiegand, and Henry Woeckener, of Saint Louis, Mo.; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

W. C. DAVIS.

Mr. HALE introduced a bill (H. R. 6125) granting a pension to W. C. Davis; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

TEXAS PAN HANDLE.

Mr. HALE also introduced a joint resolution (H. Res. 128) requesting the State of Texas to inform the Congress of the United States whether or not a cession of that portion of the "Pan Handle" of said State lying north of the Canadian River can be obtained by the United States, and, if so, on what terms and for what considerations; which was read a first and second time, referred to the Committee on the Territories, and ordered to be printed.

HENRY G. BOLLINGER.

Mr. STONE, of Missouri, introduced a bill (H. R. 6126) granting a pension to Henry G. Bollinger, of Saint Clair County, Missouri; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

ROBERT ELLINGTON.

Mr. STONE, of Missouri, also introduced a bill (H. R. 6127) granting a pension to Robert Ellington; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

SUSAN A. DUNCAN.

Mr. WARNER, of Missouri, introduced a bill (H. R. 6128) granting a pension to Susan A. Duncan; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

JASON W. NEWELL.

Mr. WARNER, of Missouri, also introduced a bill (H. R. 6129) to place the name of Jason W. Newell on the pension-roll; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

FRANK MANHART.

Mr. WARNER, of Missouri, also introduced a bill (H. R. 6130) granting a pension to Frank Manhart; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

JOHN H. GAUSE.

Mr. WARNER, of Missouri, also introduced a bill (H. R. 6131) granting a pension to John H. Gause; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

WILLIAM LYNCH.

Mr. WARNER, of Missouri, also introduced a bill (H. R. 6132) granting a pension to William Lynch; which was read a first and second time, referred to the Committee on Pensions, and ordered to be printed.

E. R. FRY.

Mr. WARNER, of Missouri, also introduced a bill (H. R. 6133) for the relief of E. R. Fry; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

HUGH MULHOLLAND.

Mr. DOCKERY introduced a bill (H. R. 6134) granting a pension to Hugh Mulholland; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

JAMES W. SANFORD.

Mr. BLAND introduced a bill (H. R. 6135) granting a pension to James W. Sanford; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

JOHN W. FARRIS.

Mr. BLAND also introduced a bill (H. R. 6136) to increase the pension of John W. Farris; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

COURSE OF CHANNEL OF MISSOURI RIVER.

Mr. HEARD introduced a bill (H. R. 6137) to provide for the correction of the course of the channel of the Missouri River and the protection of the landing thereon at Arrow Rock, Mo.; which was read a first and second time, referred to the Committee on Rivers and Harbors, and ordered to be printed.

JOSEPH A. M'GUIRE.

Mr. HEARD also introduced a bill (H. R. 6138) granting a pension to Joseph A. McGuire; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

SARAH M. CRONK.

Mr. HEARD also introduced a bill (H. R. 6139) granting a pension to Sarah M. Cronk; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

JOSHUA H. GRAVES.

Mr. WADE introduced a bill (H. R. 6140) granting a pension to Joshua H. Graves; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

LEE L. BETTERTON.

Mr. WADE also introduced a bill (H. R. 6141) for the relief of Lee L. Betterton; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

ALVIN A. AYRES.

Mr. WADE also introduced a bill (H. R. 6142) to correct the military record of Alvin A. Ayres; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

MARIA E. BRIERLY AND OTHERS.

Mr. WADE also introduced a bill (H. R. 6143) for the relief of Maria E. Brierly, Eveline Brierly, Pauline Dumars, late Pauline Brierly, and Thomas H. Brierly; which was read a first and second time, referred to the Committee on Indian Affairs, and ordered to be printed.

W. B. HOMER.

Mr. WADE (by request) also introduced a bill (H. R. 6144) for the relief of W. B. Homer; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

JAMES K. SHELTON.

Mr. WADE also introduced a bill (H. R. 6145) granting a pension to James K. Shelton; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

J. R. GAMMON.

Mr. WADE also introduced a bill (H. R. 6146) for the relief of J. R. Gammon; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

FREDERICK MARIM.

Mr. WADE also introduced a bill (H. R. 6147) granting a pension to Frederick Marim; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

THOMAS B. EAST.

Mr. WADE also introduced a bill (H. R. 6148) granting an increase of pension to Thomas B. East; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

SUNDRY CIVIL BILL, 1878.

Mr. O'NEILL, of Missouri, introduced a bill (H. R. 6149) to amend the fifth paragraph of the act of June 20, 1878, making appropriations for sundry civil expenses of the Government; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

EUPHEMIA R. SMITH.

Mr. DORSEY introduced a bill (H. R. 6150) for the relief of Euphemia R. Smith, widow of Garrett Smith, late of Company A, One hundred and nineteenth Regiment Pennsylvania Volunteers; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

HENRY W. DEAVER.

Mr. DORSEY also introduced a bill (H. R. 6151) for the relief of Henry W. Deaver, Company I, Thirty-ninth Indiana Regiment of Infantry; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

THEODORE H. MEHRING.

Mr. DORSEY also introduced a bill (H. R. 6152) for the relief of Theodore H. Mehring; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

QUALIFICATION OF VOTERS, UNITED STATES TERRITORIES.

Mr. WOODBURN introduced a bill (H. R. 6153) to provide for the qualification of voters in the Territories of the United States, and for other purposes; which was read a first and second time, referred to the Committee on the Territories, and ordered to be printed.

PUBLIC BUILDING, KEENE, N. H.

Mr. GALLINGER, introduced a bill (H. R. 6154) for the erection of a public building in the city of Keene, in the State of New Hampshire;

which was read a first and second time, referred to the Committee on Public Buildings and Grounds, and ordered to be printed.

JOSEPH TRENT.

Mr. McADOO introduced a bill (H. R. 6155) to extend the term for the period of seventeen years from the expiration of the original grant of a patent to Joseph Trent; which was read a first and second time, referred to the Committee on Patents, and ordered to be printed.

JOHN RAMSEY.

Mr. McADOO also introduced a bill (H. R. 6156) for the relief of John Ramsey; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

MARGARET VAN HOUTEN.

Mr. McADOO also introduced a bill (H. R. 6157) for the relief of Margaret Van Houten, of Jersey City, N. J.; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

LIGHT-HOUSE AT SQUAN INLET, NEW JERSEY.

Mr. BUCHANAN introduced a bill (H. R. 6158) to provide for the erection of a light-house at or near Squan Inlet, in the State of New Jersey; which was read a first and second time, referred to the Committee on Commerce, and ordered to be printed.

LIFE-SAVING SERVICE.

Mr. BUCHANAN also introduced a bill (H. R. 6159) making provision for the widows and minor children of persons perishing in the Life-Saving Service; which was read a first and second time, referred to the Committee on Commerce, and ordered to be printed.

CHRISTINA B. KNAPP.

Mr. GREEN, of New Jersey, introduced a bill (H. R. 6160) granting a pension to Christina B. Knapp; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

PUBLIC BUILDING AT ELIZABETH, N. J.

Mr. GREEN, of New Jersey, also introduced a bill (H. R. 6161) for the erection of a public building at Elizabeth, N. J.; which was read a first and second time, referred to the Committee on Public Buildings and Grounds, and ordered to be printed.

JOSEPH POTTER.

Mr. GREEN, of New Jersey, also introduced a bill (H. R. 6162) granting a pension to Joseph Potter; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

JOSEPH J. M'INTIRE.

Mr. GREEN, of New Jersey, also introduced a bill (H. R. 6163) granting a pension to Joseph J. McIntire; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

FRANKLIN R. EWING.

Mr. GREEN, of New Jersey, also introduced a bill (H. R. 6164) granting a pension to Franklin R. Ewing; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

JAMES P. HIGGINS.

Mr. GREEN, of New Jersey, also introduced a bill (H. R. 6165) granting a pension to James P. Higgins; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

DANIEL DONOVAN.

Mr. GREEN, of New Jersey (by request), also introduced a bill (H. R. 6166) for the relief of Daniel Donovan; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

MICHAEL AHR AND OTHERS.

Mr. JOHNSON, of New York, introduced a bill (H. R. 6167) to remove the charge of desertion against Michael Ahr, Jacob A. Sisson, and John Hill; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

GEORGE W. JAYCOX.

Mr. KETCHAM introduced a bill (H. R. 6168) granting a pension to George W. Jaycox; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

POSTAGE ON BULBS, ETC.

Mr. BAKER introduced a bill (H. R. 6169) regulating the rate of postage on bulbs, plants, and seeds; which was read a first and second time, referred to the Committee on the Post-Office and Post-Roads, and ordered to be printed.

MARY A. VAN ETTEN.

Mr. BAKER also introduced a bill (H. R. 6170) granting a pension to Mary A. Van Etten; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

COINAGE.

Mr. JAMES (by request) introduced a bill (H. R. 6171) to provide for the issue of Treasury certificates on deposited bullion, authorizing coinage, and for other purposes; which was read a first and second time, referred to the Committee on Coinage, Weights, and Measures, and ordered to be printed.

MARY WHITE.

Mr. JAMES also introduced a bill (H. R. 6172) granting a pension to Mary White; which was read a first and second time, referred to the Committee on Pensions, and ordered to be printed.

JAMES H. BLOOD.

Mr. MILLARD introduced a bill (H. R. 6173) granting a pension to Col. James H. Blood; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

ROMANTICUS LAKE.

Mr. LINDSLEY introduced a bill (H. R. 6174) for the relief of Romanticus Lake; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

PRIVATE LAND CLAIMS IN FLORIDA, ETC.

Mr. BLISS introduced a bill (H. R. 6175) to revive and amend an act entitled "An act for the final adjustment of private land claims in the States of Florida, Louisiana, and Missouri, and for other purposes," approved June 22, 1860; which was read a first and second time, referred to the Committee on Private Land Claims, and ordered to be printed.

CONGRESSIONAL RECORDS FOR LEGATIONS.

Mr. BELMONT introduced a joint resolution (H. Res. 129) for furnishing the daily CONGRESSIONAL RECORD to legations of the United States abroad; which was read a first and second time, referred to the Committee on Printing, and ordered to be printed.

MARGARET MAYHAM.

Mr. PINDAR introduced a bill (H. R. 6176) granting a pension to Margaret Mayham; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

JAMES W. FLETCHER.

Mr. SAWYER introduced a bill (H. R. 6177) for the relief of James W. Fletcher, late a private in the Army of the United States in the late civil war; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

JOHN BRIGGS.

Mr. SAWYER also introduced a bill (H. R. 6178) for the relief of John Briggs, a soldier of the war of 1812; which was read a first and second time, referred to the Committee on Pensions, and ordered to be printed.

CHARLES A. KIMBERLEY.

Mr. SESSIONS introduced a bill (H. R. 6179) granting a pension to Charles A. Kimberley; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

DUTY ON LUMBER, SALT, COAL, COKE, AND IRON ORE FROM CANADA.

Mr. HEWITT introduced a bill (H. R. 6180) to admit free of duty lumber, salt, coal, coke, and iron ore produced or mined in the Dominion of Canada; which was read a first and second time, referred to the Committee on Ways and Means, and ordered to be printed.

COMMISSIONER OF ARCHITECTURE.

Mr. HEWITT (by request) also introduced a bill (H. R. 6181) to establish the office of commissioner of architecture, and a board of public buildings, and for other purposes; which was read a first and second time, referred to the Committee on Public Buildings and Grounds, and ordered to be printed.

CHARLES V. MESLER.

Mr. WEBER introduced a bill (H. R. 6182) for the relief of Charles V. Mesler; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

BRIDGET M. CULLEN.

Mr. ADAMS, of New York (by request), introduced a bill (H. R. 6183) for the relief of Bridget M. Cullen; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

BVT. MAJ. GEN. WILLIAM W. AVERELL.

Mr. ARNOT introduced a bill (H. R. 6184) for the relief of Bvt. Maj. Gen. William W. Averell, United States Army; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

SURPLUS MONEY IN THE TREASURY.

Mr. BENNETT introduced a bill (H. R. 6185) to provide for the distribution of the surplus money in the Treasury of the United States among the several States by depositing the same with such States in proportion to their respective representation in the Senate and House of Representatives of the United States; which was read a first and sec-

ond time, referred to the Committee on Ways and Means, and ordered to be printed.

MARY M'LAUCHLIN.

Mr. BENNETT also introduced a bill (H. R. 6186) granting a pension to Mary McLauchlin; which was read a first and second time, referred to the Committee on Pensions, and ordered to be printed.

DESTRUCTION OF STILLS, TUBS, FURNACES, ETC.

Mr. COWLES introduced a bill (H. R. 6187) to prevent the destruction of stills, tubs, furnaces, &c., used in the distillation of grain or fruit, and to make the same criminal; which was read a first and second time, referred to the Committee on the Judiciary, and ordered to be printed.

JOHN A. FAGG.

Mr. JOHNSTON, of North Carolina, introduced a bill (H. R. 6188) for the relief of John A. Fagg; which was read a first and second time, referred to the Committee on Pensions, and ordered to be printed.

JOHN BUTLER.

Mr. JOHNSTON, of North Carolina, also introduced a bill (H. R. 6189) for the relief of John Butler; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

IVAN HUGHES.

Mr. JOHNSTON, of North Carolina, also introduced a bill (H. R. 6190) for the relief of Ivan Hughes; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

MEMOIRS AND REPORTS OF GEOLOGICAL SURVEY.

Mr. REID, of North Carolina, introduced a joint resolution (H. Res. 130) to distribute copies of special memoirs and reports of the United States Geological Survey; which was read a first and second time, referred to the Committee on Printing, and ordered to be printed.

FREEDMAN'S SAVINGS AND TRUST COMPANY.

Mr. O'HARA introduced a bill (H. R. 6191) to amend section 8 of an act approved February 21, 1881, entitled "An act amending the charter of the Freedman's Savings and Trust Company, and for other purposes;" which was read a first and second time, referred to the Committee on the Judiciary, and ordered to be printed.

MARY NORMAN.

Mr. O'HARA also introduced a bill (H. R. 6192) granting a pension to Mary Norman; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

CHARLES FOREMAN.

Mr. O'HARA also introduced a bill (H. R. 6193) granting a pension to Charles Foreman; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

MAGGIE E. WARNER.

Mr. O'HARA also (by request) introduced a bill (H. R. 6194) granting a pension to Maggie E. Warner; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

ISAAC M. SHEPHERD.

Mr. WARNER, of Ohio, introduced a bill (H. R. 6195) for the relief of Isaac M. Shepherd; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

DWIGHT BERRENTZ.

Mr. WARNER, of Ohio, also introduced a bill (H. R. 6196) granting a pension to Dwight Berrentz; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

THOMAS BLAZER.

Mr. WARNER, of Ohio, also introduced a bill (H. R. 6197) granting a pension to Thomas Blazer; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

DAVID CROYS.

Mr. IKE H. TAYLOR (by request) introduced a bill (H. R. 6198) to remove the charge of desertion against David Croys; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

PUBLIC BUILDING, YOUNGSTOWN, OHIO.

Mr. IKE H. TAYLOR also introduced a bill (H. R. 6199) to provide for the erection of a public building in the city of Youngstown, Ohio; which was read a first and second time, referred to the Committee on Public Buildings and Grounds, and ordered to be printed.

DONATION OF CONDEMNED CANNON.

Mr. ROMEIS introduced a bill (H. R. 6200) to authorize the Secretary of War to transfer four small condemned cannon to McMeen's Post, Grand Army of the Republic, No. 19, at Sandusky, Ohio, for monumental purposes; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

THOMAS J. CRONISE.

Mr. ROMEIS also introduced a bill (H. R. 6201) to authorize the payment of the claim of Thomas J. Cronise for services rendered in the late war; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

DEPARTMENT OF INDUSTRY, ETC.

Mr. BUTTERWORTH introduced a bill (H. R. 6202) to create a department of industry and bureau of labor, and for other purposes; which was read a first and second time (the first reading being in full, at the request of Mr. BUTTERWORTH), referred to the Committee on Labor, and ordered to be printed.

PETER MARCH AND OTHERS.

Mr. BUTTERWORTH (by request) also introduced a bill (H. R. 6203) for the relief of Peter March, Thomas J. Wright, administrator, and others; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

PATENTS.

Mr. BUTTERWORTH (by request) also introduced a bill (H. R. 6204) amending the law in relation to the granting of patents; which was read a first and second time, referred to the Committee on Patents, and ordered to be printed.

MARINE HOSPITAL, GALLIPOLIS, OHIO.

Mr. GROSVENOR introduced a bill (H. R. 6205) for a public building for a marine hospital at Gallipolis, Ohio; which was read a first and second time, referred to the Committee on Commerce, and ordered to be printed.

FERDINAND C. CONNER.

Mr. GROSVENOR also introduced a bill (H. R. 6206) granting a pension to Ferdinand C. Conner; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

DAVID VIERS.

Mr. GROSVENOR (by request) also introduced a bill (H. R. 6207) for the relief of David Viers; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

INSTRUCTOR AT SOLDIERS' ORPHANS' HOMES.

Mr. GROSVENOR also introduced a bill (H. R. 6208) to amend section 1225 of the Revised Statutes so as to authorize the detail of an officer of the United States Army as instructor at soldiers' and sailors' orphans' homes established by authority of the States of the Union; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

GEORGE A. CASSEDY.

Mr. GROSVENOR also introduced a bill (H. R. 6209) for the relief of George A. Cassedy; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

FERDINAND C. CONNER.

Mr. GROSVENOR also introduced a bill (H. R. 6210) for the relief of Ferdinand C. Conner; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

WILLIAM JACK.

Mr. GROSVENOR also introduced a bill (H. R. 6211) granting a pension to William Jack; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

GEORGE A. ELLISON.

Mr. GROSVENOR also introduced a bill (H. R. 6212) granting a pension to George A. Ellison; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

SALLY ANN BRADLEY.

Mr. GROSVENOR also introduced a bill (H. R. 6213) granting a pension to Sally Ann Bradley; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

STAFFORD PALMER.

Mr. GROSVENOR also introduced a bill (H. R. 6214) granting a pension to Stafford Palmer; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

J. W. LINKIN.

Mr. GROSVENOR also introduced a bill (H. R. 6215) granting a pension to J. W. Linkin; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

DAVID HARRINGTON.

Mr. McKINLEY introduced a bill (H. R. 6216) to remove the charge of desertion against record of David Harrington; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

ELI HAINES.

Mr. McKINLEY also introduced a bill (H. R. 6217) for removal of the charge of desertion against the record of Eli Haines; which was read

a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

JOHN Q. BELLVILLE.

Mr. THOMPSON (by request) introduced a bill (H. R. 6218) granting a pension to John Q. Bellville; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

LUSETTA SPICER.

Mr. THOMPSON (by request) also introduced a bill (H. R. 6219) for the relief of Lusetta Spicer, widow of Henry T. Spicer, late of Company I, Second West Virginia Cavalry Volunteers, war of 1861; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

PUBLIC BUILDING FOR THE DISTRICT OF COLUMBIA.

Mr. CAMPBELL, of Ohio, introduced a bill (H. R. 6220) to provide for the erection of a municipal building for the District of Columbia, and for other purposes; which was read a first and second time, referred to the Committee on Public Buildings and Grounds, and ordered to be printed.

B. N. EWING.

Mr. CAMPBELL, of Ohio, also introduced a bill (H. R. 6221) for the relief of B. N. Ewing; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

AMENDMENT TO THE CONSTITUTION OF THE UNITED STATES.

Mr. HILL introduced a joint resolution (H. Res. 131) proposing an amendment to the Constitution of the United States in relation to the election of United States Senators; which was read a first and second time, referred to the Committee on the Judiciary, and ordered to be printed.

GEORGE E. WELLS.

Mr. HILL also introduced a bill (H. R. 6222) granting a pension to George E. Wells, of Van Wert, Ohio; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

SARAH A. CORGAN.

Mr. HILL also introduced a bill (H. R. 6223) granting a pension to Sarah A. Corgan; which was read a first and second time, referred to the Committee on Pensions, and ordered to be printed.

FANNY REEVES.

Mr. ELLSBERRY introduced a bill (H. R. 6224) granting a pension to Fanny Reeves; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

ABIGAIL H. CAREY.

Mr. ELLSBERRY also introduced a bill (H. R. 6225) granting a pension to Abigail H. Carey; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

SAMUEL DAVIDSON.

Mr. ELLSBERRY also introduced a bill (H. R. 6226) granting a pension to Samuel Davidson; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

PETER JOHNSON.

Mr. ELLSBERRY also introduced a bill (H. R. 6227) granting a pension to Peter Johnson; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

HESTER A. DUNHAM.

Mr. ELLSBERRY also introduced a bill (H. R. 6228) to restore to the pension-roll Hester A. Dunham; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

MARY A. CAMPBELL.

Mr. ELLSBERRY also introduced a bill (H. R. 6229) granting a pension to Mary A. Campbell; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

PENSIONS TO ALL INVALID SOLDIERS OF LATE WAR.

Mr. ELLSBERRY also introduced a bill (H. R. 6230) granting pensions to all invalid soldiers, or their widows, of the United States in the late civil war who are dependent upon their daily labor for support; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

JAMES M. ANDREWS.

Mr. OUTHWAITE introduced a bill (H. R. 6231) to relieve James M. Andrews from the charge of desertion; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

JOSEPH DANIEL.

Mr. GEDDES introduced a bill (H. R. 6232) granting a pension to Joseph Daniel; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

ERASTUS F. SQUIRE.

Mr. GEDDES also introduced a bill (H. R. 6233) granting a pension to Erastus F. Squire; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

LOUISA GOTT.

Mr. FORAN introduced a bill (H. R. 6234) granting a pension to Louisa Gott; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

LAKE SHIPPING.

Mr. FORAN also introduced a bill (H. R. 6235) to regulate lake shipping; which was read a first and second time, referred to the Committee on Commerce, and ordered to be printed.

WILLIAM STRAUB.

Mr. JACKSON introduced a bill (H. R. 6236) to relieve William Straub from the charge of desertion and grant him an honorable discharge; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

SAMUEL SHULER.

Mr. FLEEGER introduced a bill (H. R. 6237) for the relief of Samuel Shuler; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

DAVID H. RUSSELL.

Mr. FLEEGER also introduced a bill (H. R. 6238) for the relief of David H. Russell; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

OLIVER WHITSELL.

Mr. SCRANTON (by request) introduced a bill (H. R. 6239) for the relief of Oliver Whitsell; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

DEPOSITS NATIONAL BANKS.

Mr. BRUMM (by request) introduced a bill (H. R. 6240) to provide for the security of deposits in national banks; which was read a first and second time, referred to the Committee on Banking and Currency, and ordered to be printed.

THOMAS M. TATEM.

Mr. BAYNE introduced a bill (H. R. 6241) granting a pension to Thomas M. Tatem; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

LOUIS DAVIS.

Mr. BAYNE also introduced a bill (H. R. 6242) granting a pension to Louis Davis; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

JAMES E. B. DALZELL.

Mr. BAYNE also introduced a bill (H. R. 6243) granting an increase of pension to James E. B. Dalzell; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

HENRY BERRY.

Mr. BAYNE (by request) also introduced a bill (H. R. 6244) granting a pension to Henry Berry; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

ROBERT HEDIAN.

Mr. STORM introduced a bill (H. R. 6245) to provide for the correction of the military record and pay of Robert Hedian; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

AMY C. CAPWELL.

Mr. STORM also introduced a bill (H. R. 6246) for the relief of Amy C. Capwell; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

MAYBERRY VANCE.

Mr. STORM also introduced a bill (H. R. 6247) granting a pension to Mayberry Vance, of Danville, Pa.; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

LOUIS A. WOLLENWEBER.

Mr. ERMENTROUT introduced a bill (H. R. 6248) granting a pension to Louis A. Wollenweber; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

ALBERT SCHAEFFER.

Mr. ERMENTROUT also introduced a bill (H. R. 6249) increasing the pension of Albert Schaeffer; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

THOMAS A. ROWLEY.

Mr. NEGLEY introduced a bill (H. R. 6250) to increase the pension of Thomas A. Rowley, late brigadier-general United States Volunteers; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

GUSTAVE SCHLEITER.

Mr. NEGLEY also introduced a bill (H. R. 6251) granting an increase of pension to Gustave Schleiter; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

SUSAN V. YOUNG.

Mr. BOYLE introduced a bill (H. R. 6252) granting a pension to Susan V. Young; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

JAMES B. GROOMES.

Mr. BOYLE also introduced a bill (H. R. 6253) granting a pension to James B. Groomes; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

JEREMIAH T. REED.

Mr. BOYLE also introduced a bill (H. R. 6254) granting a pension to Jeremiah T. Reed; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

JAMES B. GROOMES.

Mr. BOYLE also introduced a bill (H. R. 6255) for the relief of James B. Groomes; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

JONATHAN GARRETT.

Mr. BOUND (by Mr. HIESTAND) introduced a bill (H. R. 6256) for the relief of Jonathan Garrett, late of Company F, Ninety-third Regiment Pennsylvania Volunteers; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

JULIA CONNELLY.

Mr. BOUND (by Mr. HIESTAND) also introduced a bill (H. R. 6257) for the relief of Julia Connelly, widow of Thomas Connelly, deceased, late of Company G, Seventy-ninth Regiment Pennsylvania Volunteers; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

MARY A. WRAY.

Mr. BOUND (by Mr. HIESTAND) also introduced a bill (H. R. 6258) for the relief of Mary A. Wray, widow of Adam Wray, Seventh Pennsylvania Reserve Corps; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

AMOS PLANK.

Mr. SWOPE introduced a bill (H. R. 6259) for the relief of Amos Plank, administrator of John W. Black, deceased; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

VALENTINE SAUPPE.

Mr. SWOPE also introduced a bill (H. R. 6260) for the relief of Valentine Sauppe; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

FREEMAN ENFIELD.

Mr. CAMPBELL, of Pennsylvania, introduced a bill (H. R. 6261) for the relief of Freeman Enfield, late a member of the Fifty-fourth Regiment, Pennsylvania Volunteers; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

AUGUST GROSSE.

Mr. CAMPBELL, of Pennsylvania, also introduced a bill (H. R. 6262) to remove the charge of desertion from the military record of August Grosse, late a member of Company B, First Maryland Cavalry; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

DANIEL LOHR.

Mr. CAMPBELL, of Pennsylvania, also introduced a bill (H. R. 6263) for the removal of the charge of desertion from the military record of Daniel Lohr, late a private Company E, One hundred and seventy-first Pennsylvania Volunteers; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

CORRECTION OF AN OFFICER'S RECORD.

Mr. O'NEILL, of Pennsylvania (by request), introduced a bill (H. R. 6264) to correct an officer's record; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

JOHN MONTGOMERY.

Mr. WHITE, of Pennsylvania, introduced a bill (H. R. 6265) for the relief of John Montgomery; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

PHILIP ARNER.

Mr. WHITE, of Pennsylvania, also introduced a bill (H. R. 6266) granting a pension to Philip Arner, late first lieutenant Company E, Sixty-second Regiment, Pennsylvania Volunteers; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

SAMUEL SHILLING.

Mr. WHITE, of Pennsylvania, also introduced a bill (H. R. 6267) granting a pension to Samuel Shilling, late of Company E, One hundred and forty-eighth Regiment, Pennsylvania Volunteers; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

AMOS SHIREY.

Mr. WHITE, of Pennsylvania, also introduced a bill (H. R. 6268) to remove the charge of desertion from the military record of Amos Shirey; which was read a first and second time, referred to the Commitee on Military Affairs, and ordered to be printed.

JAMES W. GUTHRIE.

Mr. WHITE, of Pennsylvania, also introduced a bill (H. R. 6269) granting a pension to James W. Guthrie, a son of Alexander Guthrie, a soldier of the war of 1812; which was read a first and second time, referred to the Committee on Pensions, and ordered to be printed.

UNIFORMITY OF CURRENCY.

Mr. CURTIN (by request) introduced a bill (H. R. 6270) to make all dollars, whether bond, Treasury note, or metal dollars, and national-bank notes, of the commercial value of 100 cents; which was read a first and second time, referred to the Committee on Banking and Currency, and ordered to be printed.

COIN IN EXCHANGE FOR UNITED STATES NOTES.

Mr. CURTIN (by request) also introduced a bill (H. R. 6271) to authorize a perpetual loan of gold and of silver coin and of gold and of silver bullion to the Federal Government without payment of any interest thereon in exchange for legal-tender United States notes, and for other purposes; which was read a first and second time, referred to the Committee on Ways and Means, and ordered to be printed.

W. C. M'KAY.

Mr. HERMAN introduced a bill (H. R. 6272) for the relief of W. C. McKay, of Pendleton, Umatilla County, Oregon, and to pay him $19,942, compensation for depredations committed in 1855 by Cayuse, Walla Walla, Umatilla, and other Indians then in hostilities in Oregon; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

HENRY H. WHEELER.

Mr. HERMAN also introduced a bill (H. R. 6273) for the relief of Henry H. Wheeler, of Crook County, Oregon; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

REGISTERS AND RECEIVERS OF UNITED STATES LAND OFFICES.

Mr. HERMAN also introduced a bill (H. R. 6274) to classify and fix the salaries of registers and receivers of United States land offices; which was read a first and second time, referred to the Committee on the Public Lands, and ordered to be printed.

JOHN H. BABB.

Mr. EVERHART (by request) introduced a bill (H. R. 6275) granting an honorable discharge to John H. Babb; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

JOHN F. MAHLER.

Mr. OSBORNE introduced a bill (H. R. 6276) granting a pension to John F. Mahler, late private in Company C, Fifty-sixth Regiment Pennsylvania Volunteers; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

WILLIAM A. HARPER.

Mr. BROWN, of Pennsylvania, introduced a bill (H. R. 6277) granting a pension to William A. Harper; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

MARGARET O'CONNOR.

Mr. BROWN, of Pennsylvania, also introduced a bill (H. R. 6278) granting a pension to Margaret O'Connor; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

SARAH CADY.

Mr. BROWN, of Pennsylvania, also introduced a bill (H. R. 6279) granting a pension to Sarah Cady; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

DAVID SMITH.

Mr. BUNNELL introduced a bill (H. R. 6280) granting a pension to David Smith; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

JOHN HENRY.

Mr. HARMER introduced a bill (H. R. 6281) granting an increase of pension to John Henry; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

AMBROSE A. LECHLER.

Mr. HARMER also introduced a bill (H. R. 6282) granting a pension to Ambrose A. Lechler; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

JANE D. MUMFORD.

Mr. SPOONER introduced a bill (H. R. 6283) granting a pension to Jane D. Mumford; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

THOMAS H. CROSS.

Mr. SMALLS (by request) introduced a bill (H. R. 6284) for the relief of Thomas H. Cross; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

PUBLIC LIBRARY, BEAUFORT, S. C.

Mr. SMALLS also introduced a bill (H. R. 6285) to restore to the town of Beaufort, S. C., the books, maps, and pamphlets of the public library of said town taken away by the United States during the war of the rebellion; which was read a first and second time, referred to the Committee on the Library, and ordered to be printed.

AUSTIN HANDCOCK.

Mr. HOUK introduced a bill (H. R. 6286) granting a pension to Austin Handcock, late private Company F, Third Tennessee Infantry; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

JOHN M. GLASS.

Mr. HOUK also introduced a bill (H. R. 6287) for the relief of John M. Glass, of Greene County, Tennessee; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

JOHN HAYDEN.

Mr. HOUK also introduced a bill (H. R. 6288) granting a pension to John Hayden; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

WILLIAM CARTER.

Mr. HOUK also introduced a bill (H. R. 6289) to correct the muster-roll of William Carter, Third Tennessee Infantry Volunteers; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

MRS. CHARLOTTE SMITH.

Mr. HOUK (by request) also introduced a bill (H. R. 6290) for the relief of Mrs. Charlotte Smith, for services as hospital nurse; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

Mr. HOUK also introduced a bill (H. R. 6291) for the relief of Mrs. Charlotte Smith for service in nursing sick and wounded soldiers; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

W. K. RANSOM.

Mr. RICHARDSON introduced a bill (H. R. 6292) for the relief of W. K. Ransom; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

N. G. TERRY.

Mr. RICHARDSON also introduced a bill (H. R. 6293) for the relief of N. G. Terry, of Bedford County, Tennessee; which was read a first and second time, and referred to the Committee on Claims.

MARY CAROLINE INGRAM.

Mr. NEAL introduced a bill (H. R. 6294) for the relief of Mary Caroline Ingram and Elizabeth L. Rumage, of McMinn County, Tennessee; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

REPEAL OF INTERNAL-REVENUE LAWS.

Mr. NEAL also introduced a bill (H. R. 6295) to repeal the internal-revenue laws; which was read a first and second time, referred to the Committee on Ways and Means, and ordered to be printed.

J. D. MASON.

Mr. JOHN M. TAYLOR introduced a bill (H. R. 6296) for the relief of J. D. Mason, of Jackson, Tenn.; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

A. W. JONES.

Mr. JOHN M. TAYLOR also introduced a bill (H. R. 6297) for the relief of A. W. Jones, president of the Memphis Conference Female Institute, Jackson; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

JOHN R. ALSTON.

Mr. JOHN M. TAYLOR also introduced a bill (H. R. 6298) for the relief of the legal representatives of John R. Alston, deceased; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

CALVIN P. SPENCE.

Mr. JOHN M. TAYLOR also introduced a bill (H. R. 6299) for the relief of Calvin P. Spence, of Decatur County, Tennessee; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

THOMAS CARY.

Mr. JOHN M. TAYLOR introduced a bill (H. R. 6300) to remove the charge of desertion against Thomas Cary, of Henderson County, Tennessee, and to place him on the pension-roll; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

MOSES DIFFIE.

Mr. JOHN M. TAYLOR also introduced a bill (H. R. 6301) for the relief of Moses Diffie, late of Henderson County, Tennessee; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

FRED. B. BARNES.

Mr. JOHN M. TAYLOR also introduced a bill (H. R. 6302) authorizing the Adjutant-General of the United States to place the name of Fred. B. Barnes on the muster-roll, &c.; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

MRS. F. A. LEA.

Mr. JOHN M. TAYLOR also introduced a bill (H. R. 6303) for the relief of Mrs. F. A. Lea, of Madison County, Tennessee; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

BEACON-LIGHTS ON TENNESSEE RIVER.

Mr. JOHN M. TAYLOR also introduced a bill (H. R. 6304) to provide for protecting the navigation of the Tennessee River by extending the system of beacon-lights to said river; which was read a first and second time, referred to the Committee on Commerce, and ordered to be printed.

MRS. M. A. CRITTENDEN.

Mr. JOHN M. TAYLOR also introduced a bill (H. R. 6305) for the relief of Mrs. M. A. Crittenden, of Madison County, Tennessee; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

RICHARD ATKINSON.

Mr. CALDWELL introduced a bill (H. R. 6306) for the relief of Richard Atkinson; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

PROMOTIONS IN THE NAVY.

Mr. BALLENTINE introduced a bill (H. R. 6307) to regulate promotions in the Navy; which was read a first and second time, referred to the Committee on Naval Affairs, and ordered to be printed.

WAGES IN GOVERNMENT PRINTING OFFICE.

Mr. ZACH. TAYLOR introduced a bill (H. R. 6308) for the restoration of wages of the employés of the Government Printing Office; which was read a first and second time, referred to the Committee on Labor, and ordered to be printed.

CONTAGIOUS OR INFECTIOUS DISEASES.

Mr. ZACH. TAYLOR also introduced a bill (H. R. 6309) to modify and re-enact an act entitled "An act to prevent the introduction of contagious or infectious diseases into the United States;" which was read a first and second time, referred to the Committee on Commerce, and ordered to be printed.

FOREIGN MAILS.

Mr. ZACH. TAYLOR also introduced a resolution requesting information from the Postmaster-General in regard to the foreign mails of the United States; which was referred to the Committee on the Post-Office and Post-Roads, and ordered to be printed.

CORONNA, TAUSSIG & CO. AND OTHERS.

Mr. ZACH. TAYLOR (by request) also introduced a bill (H. R. 6310) for the relief of Coronna, Taussig & Co. and others; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

MRS. MARIA WALKER.

Mr. THROCKMORTON introduced a bill (H. R. 6311) granting arrears of pension to Mrs. Maria Walker, of Waco, Tex., widow of John H. Walker, a soldier of the Revolutionary war, and restoring her to the pension-roll; which was read a first and second time, referred to the Committee on Pensions, and ordered to be printed.

JAMES M. GRIGSBY.

Mr. THROCKMORTON also introduced a bill (H. R. 6312) for the relief of James M. Grigsby, of Montague County, Texas; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

SAN ANTONIO, TEX.

Mr. SAYERS introduced a bill (H. R. 6313) to release unto the city of San Antonio, Tex., for its use as a public thoroughfare, certain portions of the military reservation near said city; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

DIPLOMATIC SERVICE.

Mr. REAGAN submitted the following resolution; which was referred to the Committee on Foreign Affairs:

Resolved, That the Committee on Foreign Affairs be, and is hereby, requested to inquire and report to the House at as early a day as may be practicable what changes and consolidations, if any, can be made in the diplomatic service of the United States in foreign countries, with due regard to international comity, and without impairment of the efficiency of the service.

JAMES CARLIN.

Mr. GROUT introduced a bill (H. R. 6314) to increase the pension of James Carlin; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

HELEN M. STICKNEY.

Mr. GROUT also introduced a bill (H. R. 6315) granting a pension to Helen M. Stickney; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

MARY H. SANBORN.

Mr. GROUT also introduced a bill (H. R. 6316) granting a pension to Mary H. Sanborn; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

NEWELL C. LANGLEY.

Mr. GROUT also introduced a bill (H. R. 6317) for the relief of Newell C. Langley; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

PUBLIC BUILDING, STAUNTON, VA.

Mr. TUCKER introduced a bill (H. R. 6318) for the erection of a public building at the city of Staunton, Va.; which was read a first and second time, referred to the Committee on Public Buildings and Grounds, and ordered to be printed.

THOMAS WRIGHT.

Mr. LIBBEY (by request) introduced a bill (H. R. 6319) for the relief of Thomas Wright; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

JURISDICTION OF COURT OF CLAIMS.

Mr. LIBBEY (by request) also introduced a bill (H. R. 6320) for the extension of jurisdiction of the Court of Claims for the use of patents and patented inventions against the United States; which was read a first and second time, referred to the Committee on the Judiciary, and ordered to be printed.

EDWIN WILKINSON.

Mr. WISE introduced a bill (H. R. 6321) to rerate the pension of Edwin Wilkinson; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

RETIRED OFFICERS OF THE NAVY.

Mr. WISE also introduced a bill (H. R. 6322) for the relief of certain retired officers of the Navy; which was read a first and second time, referred to the Committee on Naval Affairs, and ordered to be printed.

REBECCA M'GEE.

Mr. TRIGG introduced a bill (H. R. 6323) granting a pension to Rebecca McGee; which was read a first and second time, referred to the Committee on Pensions, and ordered to be printed.

H. G. DENNIS.

Mr. TRIGG also introduced a bill (H. R. 6324) for the relief of H. G. Dennis; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

WILLIAM FALL.

Mr. BARBOUR introduced a bill (H. R. 6325) for the relief of William Fall; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

STEPHEN CASEY.

Mr. BARBOUR (by request) also introduced a bill (H. R. 6326) for the relief of Stephen Casey; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

EDWIN B. HAY.

Mr. BARBOUR (by request) also introduced a joint resolution (H. Res. 132) for the relief of Edwin B. Hay; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

POPLAR GROVE CEMETERY, VIRGINIA.

Mr. BRADY introduced a bill (H. R. 6327) making an appropriation to construct a road from Petersburg, Va., to Poplar Grove Cemetery, in Dinwiddie County, Virginia; which was read a first and second time, referred to the Committee on Military Affairs and ordered to be printed.

DRY-DOCK AT NORFOLK NAVY-YARD.

Mr. BRADY also introduced a bill (H. R. 6328) to authorize the construction of a dry-dock at the Norfolk (Va.) navy-yard; which was read a first and second time, referred to the Committee on Naval Affairs, and ordered to be printed.

THOMAS WILLIAM SMITH.

Mr. BRADY also introduced a bill (H. R. 6329) for the relief of Thomas William Smith; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

EMILE GUERIN AND CHERI P. MAJOR.

Mr. BRADY also introduced a bill (H. R. 6330) to confirm to Emile Guerin and Cheri P. Major title to certain lands; which was read a first and second time, referred to the Committee on Private Land Claims, and ordered to be printed.

GEORGE ANNA LIPPE.

Mr. BRADY also introduced a bill (H. R. 6331) granting a pension to George Anna Lippe; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

WILLIAM C. MALLOY.

Mr. BRADY also introduced a bill (H. R. 6332) for the relief of William C. Malloy; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

ALEXANDER FLANEGAN.

Mr. SNYDER introduced a bill (H. R. 6333) for the relief of Alexander Flanegan, late veterinary surgeon first division Second Army Corps Army of the Potomac; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

AMERICAN PRODUCTS IN FOREIGN COUNTRIES.

Mr. WILSON (by request) introduced a bill (H. R. 6334) to procure and publish certain information relative to demand for and prices of American agricultural and other products in foreign countries; which was read a first and second time, referred to the Committee on Agriculture, and ordered to be printed.

REVIVAL OF ACTIONS, COURT OF CLAIMS.

Mr. WILSON (by request) also introduced a bill (H. R. 6335) to revive the right of action in the Court of Claims under the provisions of the captured and abandoned property act; which was read a first and second time, referred to the Committee on the Judiciary, and ordered to be printed.

MARTHA J. A. RUMBAUGH.

Mr. BRAGG introduced a bill (H. R. 6336) for the relief of Martha J. A. Rumbaugh, administratrix of George H. Rumbaugh; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

JAMES D. WOOD.

Mr. BRAGG also introduced a bill (H. R. 6337) for the relief of James D. Wood, late captain and assistant adjutant-general of volunteers in the war of the rebellion; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

ORSON D. NIMS.

Mr. BRAGG (by request) also introduced a bill (H. R. 6338) for the relief of Orson D. Nims; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

HARRISON W. MOORE.

Mr. BRAGG (by request) also introduced a bill (H. R. 6339) for the relief of Harrison W. Moore, late private First Wisconsin Cavalry, Company A; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

PROSPECT HILL CEMETERY.

Mr. GUENTHER (by request) introduced a bill (H. R. 6340) to amend an act incorporating the proprietors of the Prospect Hill Cemetery, approved June 13, 1860; which was read a first and second time, referred to the Committee on the District of Columbia, and ordered to be printed.

THOMAS DOUGLASS.

Mr. VAN SCHAICK introduced a bill (H. R. 6341) to remove the charge of desertion against the Army record of Thomas Douglass; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

ANDREW B. KELLEY.

Mr. VAN SCHAICK also introduced a bill (H. R. 6342) to remove the charge of desertion from the Army record of Andrew P. Kelley; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

A. S. WILLIAMSON.

Mr. VAN SCHAICK also introduced a bill (H. R. 6343) granting a

pension to A. S. Williamson, late of Company E, Tenth New York Cavalry; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

WILLIAM W. RYAN.

Mr. THOMAS, of Wisconsin, introduced a bill (H. R. 6344) for the relief of William W. Ryan; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

JAMES WHITTY.

Mr. THOMAS, of Wisconsin, also introduced a bill (H. R. 6345) for the relief of James Whitty; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

PIZARRO COOK.

Mr. THOMAS, of Wisconsin, also introduced a bill (H. R. 6346) for the relief of Pizarro Cook; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

JOHN ADAMS.

Mr. THOMAS, of Wisconsin, also introduced a bill (H. R. 6347) for the relief of John Adams; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

MARTHA M. BIRDSALL.

Mr. LA FOLLETTE introduced a bill (H. R. 6348) granting a pension to Martha M. Birdsall; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

PETER SULLIVAN.

Mr. CASWELL introduced a bill (H. R. 6349) granting a pension to Peter Sullivan; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

LOUISA CHAURETTE.

Mr. CASWELL also introduced a bill (H. R. 6350) granting a pension to Louisa Chaurette, guardian of the minor children of Nelson Fountaine; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

DAVID HAKE.

Mr. CASWELL also introduced a bill (H. R. 6351) granting a pension to David Hake, war of 1812; which was read a first and second time, referred to the Committee on Pensions, and ordered to be printed.

MARY ANN HARRY.

Mr. CASWELL also introduced a bill (H. R. 6352) for the relief of Mary Ann Harry; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

JOHN LANG.

Mr. CASWELL also introduced a bill (H. R. 6353) for the relief of John Lang; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

PATRICK FORD.

Mr. BEAN introduced a bill (H. R. 6354) for the relief of Patrick Ford; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

JOHN F. MALO.

Mr. GIFFORD introduced a bill (H. R. 6355) for the relief of John F. Malo; which was read a first and second time, referred to the Committee on Indian Affairs, and ordered to be printed.

BRIDGE ACROSS MISSOURI RIVER.

Mr. GIFFORD also introduced a bill (H. R. 6356) to authorize the construction of a bridge across the Missouri River at any point within the counties of Brulé and Charles Mix, Dakota; which was read a first and second time, referred to the Committee on Commerce, and ordered to be printed.

LEWIS COLLEGIATE INSTITUTE, IDAHO.

Mr. HAILEY introduced a bill (H. R. 6357) to approve an act of the Legislative Assembly of the Territory of Idaho entitled "An act to establish by charter and enlarge and improve the corporation to Lewis Collegiate Institute, approved February 4, 1885;" which was read a first and second time, referred to the Committee on the Territories, and ordered to be printed.

BRIDGE ACROSS THE YELLOWSTONE RIVER.

Mr. TOOLE introduced a bill (H. R. 6358) to authorize the construction of a bridge across the Yellowstone River, in the Territory of Montana; which was read a first and second time, referred to the Committee on Commerce, and ordered to be printed.

ESTATE OF G. CLENDENIN, JR.

Mr. TOOLE also introduced a bill (H. R. 6359) for the relief of the estate of George Clendenin, jr., deceased; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

HEIRS OF LUCIEN B. MAXWELL.

Mr. JOSEPH introduced a bill (H. R. 6360) for the relief of the heirs of Lucien B. Maxwell, deceased; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

SMYTHE & BABCOCK.

Mr. JOSEPH also introduced a bill (H. R. 6361) for the relief of Smythe & Babcock; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

HEIRS OF JOHN S. CHISUM.

Mr. JOSEPH also introduced a bill (H. R. 6362) for the relief of the heirs of John S. Chisum, deceased; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

RICARDO PINO.

Mr. JOSEPH also introduced a bill (H. R. 6363) for the relief of Ricardo Pino; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

MILITARY POST AT DEMING, N. MEX.

Mr. JOSEPH also introduced a joint resolution (H. Res. 133) authorizing and directing the Secretary of War to establish a new military post at Deming, N. Mex., and appropriating $200,000 for that purpose; which was read twice by its title.

Mr. JOSEPH. I ask that the joint resolution be read.

The joint resolution was read *in extenso*, and was referred to the Committee on Military Affairs, and ordered to be printed.

UTAH SUPREME COURT.

Mr. CAINE introduced a bill (H. R. 6364) relating to the supreme court of the Territory of Utah and providing for the establishment of judicial districts therein; which was read a first and second time, referred to the Committee on the Judiciary, and ordered to be printed.

E. A. MOREHOUSE.

Mr. VOORHEES introduced a bill (H. R. 6365) to remove the charge of desertion against the naval record of Edward Allen Morehouse; which was read a first and second time, referred to the Committee on Naval Affairs, and ordered to be printed.

ADMISSION OF WASHINGTON TERRITORY.

Mr. VOORHEES also presented a memorial of the Legislative Assembly of Washington Territory, praying for the admission of Washington Territory into the Union of States; which was referred to the Committee on the Territories.

BIENNIAL SESSIONS, ETC.

Mr. VOORHEES also presented a memorial of the Legislative Assembly of Washington Territory, in relation to the times of holding the biennial sessions of the Legislative Assembly of the Territory of Washington; which was referred to the Committee on the Territories.

IMPROVEMENT OF NOOTSACH RIVER.

Mr. VOORHEES also presented a memorial of the Legislative Assembly of Washington Territory, praying for the improvement of the Nootsach River; which was referred to the Committee on Rivers and Harbors.

FISHERIES OF WASHINGTON TERRITORY.

Mr. VOORHEES also presented a memorial of the Legislative Assembly of Washington Territory, praying for an appropriation of $10,000 to be expended by the United States Fish Commission in developing the fisheries of Washington Territory and for the introduction of the best varieties of food-fishes, lobsters, oysters, &c., into the waters of Washington Territory, for the purpose of propagation; which was referred to the Committee on Appropriations.

ISSUE OF BONDS FOR CONSTRUCTION OF COURT-HOUSE.

Mr. VOORHEES also presented a memorial of the Legislative Assembly of Washington Territory, praying that the county of Columbia, in Washington Territory, be authorized to issue bonds for the construction of a court-house; which was referred to the Committee on Territories.

FORTIFICATIONS ON PUGET SOUND, WASHINGTON TERRITORY.

Mr. VOORHEES also presented a memorial of the Legislative Assembly of Washington Territory, praying for the erection of fortifications on Puget Sound, Washington Territory; which was referred to the Committee on Appropriations.

CHINESE ON THE PACIFIC COAST.

Mr. VOORHEES also presented a memorial of the Legislative Assembly of Washington Territory, concerning the evils arising from the presence of Chinese on the Pacific coast, and praying for suitable legislation to remedy the same; which was referred to the Committee on Foreign Affairs.

CASCADE LOCKS, WASHINGTON TERRITORY.

Mr. VOORHEES also presented a memorial of the Legislative Assembly of the Territory of Washington, relative to appropriation for the Cascade locks; which was referred to the Committee on Rivers and Harbors.

The SPEAKER. If there be no objection the Chair will recognize gentlemen who were not in their seats when their States were called.

There was no objection.

EDWARD S. TOBEY.

Mr. COLLINS introduced a bill (H. R. 6366) for the relief of Edward S. Tobey, postmaster at Boston, Mass.; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

JOHN J. BUTCHER.

Mr. COLLINS (by request) also introduced a bill (H. R. 6367) for the relief of John J. Butcher; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

ISABELLA H. ANNETTE.

Mr. COLLINS also introduced a bill (H. R. 6368) for the relief of Isabella H. Annette; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

RETURN OF TWIGG SWORDS.

Mr. COLLINS also presented a joint resolution (H. Res. 134) authorizing the President to return the Twigg swords to Rowena Guedalla; which was referred to the Committee on Military Affairs.

REPORT OF CAPTAIN HEALY ON CRUISE IN ARCTIC OCEAN.

Mr. COLLINS also offered the following resolution; which was referred to the Committee on Printing:

Resolved, That the Secretary of the Treasury be, and he is hereby, requested to transmit to the House of Representatives the report of Capt. M. A. Healy, United States Revenue Marine, upon the cruise of the revenue-marine steamer Corwin in the Arctic Ocean in the year 1885, with all accompanying documents.

ETHAN A. SAWYERS.

Mr. WOLFORD introduced a bill (H. R. 6369) for the relief of Ethan A. Sawyers; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

FREDERICK ALGER.

Mr. NEECE introduced a bill (H. R. 6370) to pension Frederick Alger; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

ELIAS J. BEYMER.

Mr. TOWNSHEND introduced a bill (H. R. 6371) recognizing Elias J. Beymer as an enrolling officer; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

CHARLES A. CHASE.

Mr. MILLIKEN introduced a bill (H. R. 6372) to pension Charles A. Chase; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

HAYES NITRO-GLYCERINE SHELL.

Mr. MILLIKEN also offered the following resolution; which was referred to the Committee on Military Affairs:

Resolved, That the Committee on Ordnance and Gunnery be, and are hereby, requested to ascertain what arrangements, if any, can be made to secure for the United States the absolute control of the "Hayes nitro-glycerine shell," described and illustrated in the Scientific American February 27, 1886.

UNSETTLED ACCOUNTS, POST-OFFICE DEPARTMENT.

Mr. MILLIKEN also offered the following resolution; which was referred to the Committee on the Post-Office and Post-Roads:

Resolved, That the Secretary of the Treasury be, and is hereby, requested to report to the House of Representatives at the earliest possible date the names of persons appearing as public creditors upon the books of the Register of the Treasury and Auditor of the Treasury for the Post-Office Department, or who have pending in either of said bureaus unadjusted accounts between July 1, 1860, and July 1, 1885; and that such report shall be so classified as to show in three separate lists the names of persons to whom interest is due, the names of those having unsettled accounts and balances as postmasters, and the names of other public creditors and persons having unadjusted accounts; and such lists shall embrace the name in which the account or balance stands, his post-office address, amount of account or balance, whether debit or credit, how it accrued, and such explanatory remarks as it may be deemed proper to make.

NIGHT SCHOOLS, DISTRICT OF COLUMBIA.

Mr. COMPTON introduced a bill (H. R. 6373) to provide free public instruction at night in the District of Columbia; which was read a first and second time, referred to the Committee on the Dirtrict of Columbia, and ordered to be printed.

HENRIETTA HARMAN.

Mr. COMPTON also introduced a bill (H. R. 6374) for the relief of Henrietta Harman; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

DR. F. O. ST. CLAIR.

Mr. COMPTON also introduced a bill (H. R. 6375) to refund to Dr. F. O. St. Clair $97.80, duties on a monument to the memory of Francis J. Townshend, late of the United States Navy; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

GULF AND CHICAGO AIR-LINE RAILWAY.

Mr. MARTIN (by request) introduced a bill (H. R. 6376) to grant to the Gulf and Chicago Air-line Railway Company the right to construct bridges over navigable water courses; which was read a first and second time, referred to the Committee on Commerce, and ordered to be printed.

GEORGE A. HOLT.

Mr. DAVENPORT introduced a bill (H. R. 6377) for the relief of George A. Holt; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

JACOB SHEATS.

Mr. BURROWS introduced a bill (H. R. 6378) for the relief of Jacob Sheats; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

IRA HAGERTY.

Mr. BURROWS also introduced a bill (H. R. 6379) for the relief of Ira Hagerty; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

KATE BARNHART.

Mr. BURROWS also introduced a bill (H. R. 6380) for the relief of Kate Barnhart; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

ABEL J. LEWIS.

Mr. BURROWS also introduced a bill (H. R. 6381) granting a pension to Abel J. Lewis; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

GAS-WORKS IN DISTRICT OF COLUMBIA.

Mr. BURROWS also introduced a bill (H. R. 6382) regulating gas-works in the District of Columbia; which was read a first and second time, referred to the Committee on the District of Columbia, and ordered to be printed.

ROBERT PARK.

Mr. BURROWS also introduced a bill (H. R. 6383) for the relief of Robert Park; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

JACOB SHOWERS.

Mr. BURROWS also introduced a bill (H. R. 6384) for the relief of Jacob Showers; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

G. W. HEWIT.

Mr. BURROWS also introduced a bill (H. R. 6385) for the relief of G. W. Hewit; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

PLEASANT P. ROUNDTREE.

Mr. HALSELL introduced a bill (H. R. 6386) for the relief of Pleasant P. Roundtree; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

TRANSPORTATION OF UNITED STATES MAILS.

Mr. BURROWS, in accordance with consent already granted, presented the views of the minority of the Committee on the Post-Office and Post-Roads upon the bill (H. R. 4864) to enforce the obligation to carry the mails of the United States; which were ordered to be printed with the report of the majority.

EXPENSES OF AGRICULTURAL DEPARTMENT.

Mr. KING submitted the following resolution; which was referred to the Committee on Agriculture:

Resolved, That the Commissioner of Agriculture be instructed to furnish for the information of the House a statement showing what portion of the $51,500 appropriated for the "chemical division" and "laboratory" for the present fiscal year has been expended and for what purpose, giving a detailed statement of all expenditures and of the balance on hand.

PROPOSED IMPEACHMENT OF SECRETARY OF TREASURY.

Mr. BRUMM. I hold in my hand a petition of sundry citizens, which I ask unanimous consent to have printed in the RECORD—the body of the petition, without the names. It is a petition of Samuel P. Brigham and others, asking for the impeachment of Daniel Manning, Secretary of the Treasury of the United States, for high crimes and misdemeanors.

The SPEAKER. The gentleman from Pennsylvania asks unanimous consent to present this petition and have the body of it printed in the RECORD.

Mr. BEACH and others objected.

ORDER OF BUSINESS.

The SPEAKER. This being the first Monday of the month, the Chair, as the next business in order, will entertain motions of individual members for suspension of the rules.

PUBLIC BUILDING AT WILLIAMSPORT, PA.

Mr. BROWN, of Pennsylvania. I move to suspend the rules so as to discharge the Committee of the Whole House on the state of the Union from the further consideration of House bill No. 2148, and to pass the same with the amendment reported by the Committee on Public Buildings and Grounds.

The SPEAKER. The Clerk will read the bill, after which the Chair will ask for a second upon the motion to suspend the rules.

The Clerk read as follows:

A bill (H. R. 2148) to amend an act entitled "An act to provide a building for the use of the United States circuit and district courts of the United States, the post-office, and other Government offices at Williamsport, Pa.," and making an additional appropriation therefor.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the first section of the act entitled "An act to provide a building for the use of the United States circuit and district courts of the United States, post-office, and other Government offices at Williamsport, Pa.," approved August 3, 1882, be, and the same is hereby, amended by substituting the words "two hundred thousand dollars" in the place of the words "one hundred and twenty-five thousand dollars;" so that the first section of said act, as amended, shall read as follows: "Shall not exceed the cost of two hundred and twenty-five thousand dollars."

SEC. 2. That the sum of $50,000, in addition to the sum heretofore appropriated, be, and the same is hereby, appropriated, out of any money in the Treasury of the United States not otherwise appropriated, to be expended and used, under the direction of the Secretary of the Treasury, for the purchase of additional grounds, and for the prosecution of the work of constructing and furnishing materials therefor.

Mr. EDEN. I demand a second on the motion to suspend the rules.

Mr. BROWN, of Pennsylvania. I ask unanimous consent that a second may be considered as ordered.

Mr. EDEN. I have no objection to that.

The SPEAKER. In the absence of objection a second will be considered as ordered. Under the rules thirty minutes will now be allowed for debate, fifteen minutes for and fifteen minutes against the motion to suspend the rules. The Chair will recognize the gentleman from Pennsylvania [Mr. BROWN] to control the time in support of the motion and the gentleman from Illinois [Mr. EDEN] to control the time in opposition.

Mr. HOLMAN. I ask the gentleman to let the report be read in his time.

Mr. EDEN. Very well.

The SPEAKER. The report will be read in the time of the gentleman from Illinois.

The Clerk read as follows:

Mr. BROWN, of Pennsylvania, from the Committee on Public Buildings and Grounds, submitted the following report, to accompany bill H. R. 2148:

The Committee on Public Buildings and Grounds, to whom was referred the bill (H. R. 2148) to amend an act to provide a public building for the use of the United States circuit and district courts, post-office, and other Government offices at Williamsport, Pa., and making additional appropriations therefor, respectfully submit the following report:

That in the first session of the Forty-seventh Congress a bill was introduced and passed the Committee on Public Buildings and Grounds, appropriating what was at that time deemed a sufficient sum to purchase grounds and erect the proper building thereon. This bill was, however, amended in the House, reducing the amount to $100,000. Under the provision of this act more than a year's time was spent in trying to secure a location for a price that the limited appropriation would justify for ground expenditure. One location was fixed by a commission appointed for the purpose, but was rejected by the Secretary of the Treasury for the reason that the price charged for it was so great that the money left after paying for the same would not construct a building anywhere near the capacity demanded by the present wants of the district to be benefited.

A second location was finally fixed upon and the purchase of a lot made, but as it only includes part of a square and is cut off by a strip of 70 feet frontage from one of the streets bordering it, the Supervising Architect, with the approval of the Secretary of the Treasury, recommended the postponement of the plans for the building and the purchase of material until, if possible, further appropriation could be secured through act of Congress. Accordingly, in the Forty-eighth Congress a bill was introduced and received a unanimous report from the Committee on Public Buildings and Grounds in its favor. A portion of this report is incorported herein and adopted by this committee:

"The city of Williamsport is one of the most rapidly-growing cities in Western Pennsylvania. It had in 1880 a population of nearly 19,000, and at present is the center of a lumbering business equal to that of any city east of the Alleghany Mountains.

"The internal-revenue receipts for 1882 were $242,357; for 1883, $252,287.

"An appropriation was made in 1882 of $50,000, and the limit fixed for the whole building and grounds at $100,000. A lot of 130 feet front has been recently purchased, but it is separated from the west side of the square by a lot of 70 feet frontage. By purchasing the latter the whole square, 200 by 204 feet, will belong to the Government, and the building can then be located beyond external fire hazard and so as to command the view of the streets converging at this point. In his letter upon this point the Supervising Architect states that 'the limit of $200,000 stated in the bill, including site, would be no greater sum than is necessary for the erection of a suitable building for the purposes required.'"

Twenty counties in the State of Pennsylvania are dependent upon the United States courts located at Williamsport as the place to transact such legal business as they have in these courts. They are the counties of Bradford, Cameron, Centre, Clearfield, Clinton, Columbia, Elk, Juniata, Lackawanna, Luzerne, Lycoming, McKean, Mifflin, Montour, Northumberland, Potter, Snyder, Sullivan, Susquehanna, Tioga, Union, and Wyoming, and contain an area of 15,458 square miles.

This district had a population in 1880 of 834,490. It includes the largest share of the great anthracite coal region of the State, and has ten bituminous coal-producing counties within its limits. Many of the counties have extensive lumbering and bark interests, the counties of Cameron, Clearfield, Elk, McKean, Potter, and Tioga containing more timber and bark than all the other counties in the State of Pennsylvania. Williamsport is the central point for the manufacture of this great product, and has manufactured during the last ten years from four to five hundred million per annum. That city contained near 20,000 population in 1880, and recent estimates and thorough canvass in making up directories this year fixes the population between 28,000 and 29,000. Within the past two years more than nine hundred new buildings, at a cost of $1,300,000, have been constructed. Within the same time a new bridge across the Susquehanna has been built at a cost of $35,000. An electric-light plant, with a paid-up capital of $75,000, and a public steam-heating plant, with a paid-up capital of $100,000, have within the past year been put in operation, and within the same time 2 miles of pavement have been laid. The receipts of the post-office in Williamsport during the year 1885 amounted to the sum of $29,204.23, being an increase over the year 1884 of $495.34, and the net income to the Government during 1885 over all expenditures was $16,183.83.

The county of McKean, located within this Congressional district, is by far the largest petroleum producing county in the United States. Indeed, during the last decade, from one-half to two-thirds of all the oil produced in this country came from territory within the limits of McKean County. Petroleum is now one of the largest exports of American product. Since 1881 it has averaged above $48,000,000 annually, and for the year 1885 it was above $49,000,000. When it is remembered that a single county in the sixteenth Congressional district produces more than half of this export trade each year, something of the necessities for proper court facilities may be understood. The counties comprising the district to be benefited by the construction of a United States court building at Williamsport are, most of them, the old counties of the State, and with all their several interests to be settled in the United States courts, up to the present time no place has been provided for the reception or protection of court records, though there is now the accumulation of forty years.

It is believed that notwithstanding the large revenues derived to the Government from the various products of nature and the taxes paid by its people, not a single dollar, prior to 1882, when the first appropriation for this building was authorized, has ever been made for public improvements within the limits of the sixteenth Congressional district of Pennsylvania. That the great demands for a court-house and post-office be supplied at as early a date as possible, and that the building when constructed shall be adequate to the wants of the near future as well as the present, the committee report favorably on this bill and recommend its passage, with the following amendments: Section 1: In line 12, strike out the word "fifty" and insert the word "twenty-five," and in line 9, between the word "hundred" and the word "thousand," insert the words "and twenty-five."

Mr. EDEN. I state, Mr. Speaker, the reason why I made the objection was because it seems these bills for the erection of and extension of public buildings are continually being brought before the House. There are a great many in course of erection and a great many more which are in anticipation. Bills as originally enacted fix a limit that seems to be reasonable, and the House passes the bill under the belief that limit will be regarded, and that will be all the money which will be expended; but such is the reverse of what happens. After the work has been inaugurated we have propositions coming here for an increase of appropriation, and far beyond the limit fixed in the original law. I did not catch the amount of the increase in this case; will the gentleman from Pennsylvania inform me what it is precisely?

Mr. BROWN, of Pennsylvania. One hundred and twenty-five thousand dollars.

Mr. EDEN. In addition to the $200,000 in the limit?

Mr. BROWN, of Pennsylvania. I will state to the gentleman from Illinois that instead of going on experimenting with the money previously appropriated, the Architect, discovering that it would be impossible to erect a building to meet the public wants for the sum appropriated, postponed the work until sufficient appropriation could be made to provide for a proper, suitable, and complete building.

Mr. EDEN. Has any work been done upon the building?

Mr. BROWN, of Pennsylvania. No; the plan has not even been drawn. The whole thing remains in abeyance until an adequate appropriation can be made.

Mr. EDEN. It occurs to me, Mr. Speaker, they could erect a good public building for $200,000, and sufficient to accommodate this place of 19,000 population.

Mr. BROWN, of Pennsylvania. I wish to state in this connection that has been the difficulty from the beginning. It has been found that the amount appropriated, $100,000, while it would provide a post-office and other Government offices, still would not be sufficient to provide also proper court facilities.

Gentlemen will observe that a population of more than a million is to be accommodated at this place. It includes the great anthracite region as well as the petroleum country. A vast amount of business is done in this center.

The SPEAKER. The gentleman from Illinois has seven minutes of his time remaining.

Mr. EDEN. I will reserve it. Before resuming my seat I would like to ask the gentleman from Pennsylvania why the sum of $200,000 will not answer the purpose?

Mr. BROWN, of Pennsylvania. I will answer candidly I fear it would not answer. I wish to state further to the gentleman that that has been the difficulty from the beginning. If the bill as originally recommended in the Forty-seventh Congress had been allowed to pass without amendment there would have been no necessity for coming back for an additional appropriation. The amendment to the bill when originally proposed has been the cause of all of the difficulty in regard to those public building bills.

Mr. DIBBLE. Mr. Speaker, the Committee on Public Buildings and Grounds have given full and careful consideration to this and other bills before them, and have realized the force of the objection made by the gentleman from Illinois [Mr. EDEN] in relation to the extension of the limits of public buildings. But that has arisen in the present case from the fact that the original limit was too small for the purpose intended, and it is the opinion of the committee after careful examination that the amount asked for in this bill is the minimum amount adequate for the purpose.

And I would beg leave further to say, Mr. Speaker, for the information of the House, that the Committee on Public Buildings and Grounds have endeavored to adopt, as a precaution against the recurrence of such increases in the future, a provision which is incorporated into all of the original bills which may be presented to the House at this session from the committee—not only the ordinary provision fixing a limit of cost, but one providing further that before the Secretary of the Treas-

ury shall approve the expenditure of one cent of the money appropriated the Architect of the Treasury must submit an estimate, carefully prepared, by which it will be shown that the expenditure for the site and the expenditure for the building as estimated, allowing for the space required for the public offices, will not exceed that limit. That has to be submitted as preliminary even to the purchase of the site, so that we are surrounding the future appropriations for public buildings with every possible safeguard to preclude the necessity for extensions of limit hereafter.

Mr. BROWN, of Pennsylvania. I now yield two minutes to my colleague [Mr. BAYNE].

Mr. BAYNE. Mr. Speaker, I am acquainted with the necessities of this situation, and I am quite sure that the money appropriated for this purpose will be judiciously appropriated, as the building proposed to be erected is one of public importance and necessity. Its location is in the region of the great oil-fields of Pennsylvania, the product of which brings into this country from foreign nations between fifty and sixty millions of dollars annually, and in the last twelve months saved us from having the balance of trade charged against us. The courts of Western Pennsylvania have litigation about railroads, about navigation, and the varied interests of our end of the State are so great that there is of necessity an immense amount of business in all the courts of Western Pennsylvania.

In this town of Williamsport there is a United States court; and the judge of the district court for Western Pennsylvania holds two terms a year, I believe, at which a large number of cases are tried. Population all about there is increasing, and I am satisfied that if the Architect of the Treasury forms his estimates on the wants of that section for the present, in a very few years such a building will not be adequate to the demands made upon it. I feel sure that this building is needed, and the bill should receive the support of every member of Congress who wishes to provide for an actually existing public necessity.

Mr. BROWN, of Pennsylvania. I reserve the remainder of the time so that I may use it if it be necessary.

The SPEAKER. The gentleman has ten minutes of his time remaining.

Mr. BEACH. I would like to ask the gentleman from Pennsylvania a question.

Mr. BROWN, of Pennsylvania. Very well.

Mr. BEACH. I do not propose to consume a great deal of time, but there is certain information which I think should be in the possession of the House before it proceeds to vote upon this bill. I would like to know the amount of rent that the Government now pays for the post-office in that location. I do not know whether the report states the amount or not.

Mr. BROWN, of Pennsylvania. I do not know that the report in this respect answers the question of the gentleman from New York exactly; but one year ago $2,000 was paid for the rent.

Mr. BEACH. Does the report state the facts in that respect?

Mr. BROWN, of Pennsylvania. I do not think it does.

Mr. BEACH. And can the gentleman answer as to the amount of revenue collected there, and the rents paid for the accommodations of the judges and courts?

Mr. BROWN, of Pennsylvania. I think the amount paid is about the same as that paid for the post-office, although I am not certain. I might say for the information of the gentleman from New York that the authorities have not been able to rent a proper place to hold the courts, and they have no place now in which to preserve the valuable records of forty years of court business.

Mr. BEACH. I understand the gentleman from Pennsylvania then to say that the Committee on Public Buildings and Grounds have reported a bill here recommending this appropriation without entering into an investigation as to the amount of revenue derived, of postal revenue, or the amount the Government is obliged to pay for the rent of the post-office, as well as the amount of rent for a building for the accommodation of the court. This is very important information, and should be in the possession of the House.

Mr. BROWN, of Pennsylvania. All of these have been investigated.

Mr. BEACH. But I ask if they are incorporated in the report?

Mr. BROWN, of Pennsylvania. Perhaps not, these particular items to which you refer, but the matters to which I have referred are incorporated in the report, and the importance of the bill is fully set forth.

I desire now, Mr. Chairman, to yield three minutes to my colleague, Governor CURTIN.

Mr. CURTIN. Mr. Speaker, the court at Williamsport has been held for a long time, as long back as I can remember, and with very insufficient accommodations. It is a court for all of the northern part of Pennsylvania; and if any public building is required anywhere it certainly is required there. It is not in my district, although it is in a part of Pennsylvania with which I should be familiar and of which I should know something as to what is required for the accommodation of the public.

Mr. Speaker, I hold wherever it is proper on account of population, or of business, or for the accommodation of the people to put a public building it is a duty, and I am ready to vote for it. I believe that this great Government should have the business of the people transacted in their own buildings, where there can be proper accommodations and safety, and not be renting buildings to be prepared for its occupancy.

I have no more to say than that, in my judgment, it is perfectly proper and perfectly legitimate, in view of the interrogatories of the gentleman from New York, to say that I hardly think the committee should be expected to put all of these things into its report. You might as well expect a jury in making their verdict to put in the evidence. [Laughter.]

Mr. EDEN. Is the time for debate exhausted?

The SPEAKER. It is not. The gentleman from Illinois [Mr. EDEN] has still five minutes under his control and the gentleman from Pennsylvania [Mr. BROWN] has seven minutes.

Mr. BROWN, of Pennsylvania. I desire to reserve the balance of my time.

Mr. EDEN. I yield to the gentleman from Ohio [Mr. WARNER].

Mr. WARNER, of Ohio. I only desire to ask a question. I understood the gentleman from South Carolina [Mr. DIBBLE] to say that this bill contained a provision restricting the expenditure to the amount provided in the bill; and not only that, but that it prohibited the Secretary of the Treasury from making a contract that would involve any more. I do not see that provision in the bill.

Mr. DIBBLE. The gentleman from Ohio misapprehended my remark. I stated that I recognized that this coming back for increases was an evil arising from the framing of the bills when originally introduced; that in this Congress the Committee on Public Buildings and Grounds had framed a rule under which when a building was authorized those provisions were put in. So that not even the site could be purchased until a full estimate had been made and submitted and approved within the limits of cost.

But this is the case of an increase of appropriation, and the site has already been purchased on the greater portion of it. The report describes a small piece additional to be purchased, and in the judgment of the committee the requirements for the public records of a court of the United States, and a very important court, together with the requirements for the other public offices, justify this amount of expenditure, judging from experience in the cost of buildings under similar circumstances.

Mr. WARNER, of Ohio. Then I ask my friend from Pennsylvania what assurance we have when this amount has been appropriated that it will complete the building or that more will not be called for under the plans and specifications as made?

Mr. BROWN, of Pennsylvania. You have the assurance that the architect has said that the amount is sufficient, and that assurance was never given before.

Mr. WARNER, of Ohio. But there is nothing of that kind in the bill. It seems to me the bill should contain such a provision.

Mr. DIBBLE. It says it shall not exceed in cost this amount of $225,000.

Mr. WARNER, of Ohio. But that does not prohibit the Secretary going on under specifications that will require a larger amount before we get through.

Mr. DIBBLE. I think it does.

Mr. WARNER, of Ohio. On whose recommendation is this asked? Was it recommended by the Secretary of the Treasury?

Mr. BROWN, of Pennsylvania. It was.

Mr. EDEN. I would like to inquire of the gentleman from Pennsylvania when it was the Secretary of the Treasury made the recommendation of an increase?

Mr. BROWN, of Pennsylvania. The Secretary made this recommendation more than a year or two years ago—at the beginning of the last Congress.

Mr. EDEN. For how much?

Mr. BROWN, of Pennsylvania. The amount named in the bill.

Mr. EDEN. I wish merely to add to what I stated before that I called attention to this increase of appropriations for this public building for the reason that, judging by what is transpiring at the other end of the Capitol, we are likely to have a very large number of these public buildings; and if we indulge in extravagant appropriations for these court-houses at places of 15,000 or 20,000 inhabitants, we will run up a large bill before we get through. I have no objection to a reasonable and proper appropriation for this building, but I do not think $225,000 is necessary for a public building at a small place like this.

Mr. SPRINGER. Will the gentleman from Pennsylvania allow me a word?

Mr. BROWN, of Pennsylvania. I yield the gentleman from Illinois [Mr. SPRINGER] two minutes.

Mr. SPRINGER. This bill was before the last Congress, and in the closing hours of that Congress it was practically reached for consideration under an agreement made by the chairman of the Committee on Appropriations at that time that bills of this character should be brought forward and placed upon the sundry civil appropriation bill. It happened that I was presiding at the moment and intended to recognize for the next motion of this kind the gentleman from Pennsylvania [Mr. BROWN], but the time was very short. Twelve o'clock of the 4th of March was rapidly approaching; it was then about 8 o'clock on the morning of the 4th of March; and in order to save the sundry civil bill and an extra ses-

sion of Congress, a motion was made to suspend the rules and dispose of all the business at once. So that this bill by that parliamentary motion failed of consideration at that time. I regretted it, because I felt at the time injustice had been done to the gentleman from Pennsylvania. Therefore I cordially support this bill, and think it ought to pass.

Mr. BROWN, of Pennsylvania. I thank the gentleman from Illinois for the statement he has just made to the House.

Mr. HOLMAN. I wish to ask the gentleman from Pennsylvania whether $225,000 was the sum mentioned in the bill of last session?

Mr. BROWN, of Pennsylvania. That was not the amount mentioned in the bill of last session. But the 70 feet of land required to be purchased made the necessary increase.

Mr. HOLMAN. What was the amount mentioned in the bill of last session?

Mr. BROWN, of Pennsylvania. Two hundred thousand dollars.

Mr. HOLMAN. That was what I thought.

Mr. BROWN, of Pennsylvania. If no other question is to be asked about this I call for a vote.

Mr. MORRISON. Will the gentleman yield to me a moment? I would like to know if this bill my colleague [Mr. SPRINGER] was talking about a moment ago is the old bill with $50,000 added? Is this the same bill increased $50,000?

Mr. BROWN, of Pennsylvania. Oh, no; there is $25,000 added; 70 feet more ground have to be purchased.

Mr. MORRISON. Which you did not know you wanted two years ago.

Mr. BROWN, of Pennsylvania. Oh, yes; we knew we wanted it.

The SPEAKER. The question is on the motion of the gentleman from Pennsylvania [Mr. BROWN] to suspend the rules and pass the bill that has been read with the amendments reported by the Committee on Public Buildings and Grounds.

The question being taken, the rules were suspended (two-thirds voting in favor thereof), and the bill, with the amendments, was passed.

PUBLIC BUILDING, FORT SMITH.

Mr. ROGERS. Mr. Speaker, I move to suspend the rules, discharge the Committee of the Whole on the state of the Union from the further consideration of the bill (S. 610) to provide for a public building for the use of the Federal courts, post-office, and internal revenue and other civil offices, and the United States jail in the city of Fort Smith, Ark., and put the same upon its passage, with the amendments reported by the Committee on Public Buildings and Grounds.

The SPEAKER. The bill will be read.

The bill was read, as follows:

Be it enacted, &c., That the Secretary of the Treasury be, and he is hereby, authorized and directed to cause to be constructed at Forth Smith, in the State of Arkansas, on block 514, as the same is described on the map of the reserve addition to the city of Fort Smith, Ark., as surveyed by George H. Lyman, and approved by the Interior Department November 8, A. D. 1884, and which block was heretofore reserved, selected, and set apart for that purpose, a suitable building, with fire-proof vaults extending to each story, for the accommodation of the United States courts, post-office, and internal-revenue and other Government offices; and for this purpose there is hereby appropriated, out of any money in the Treasury not otherwise appropriated, the sum of $125,000, to be expended under the direction of the Secretary of the Treasury, who shall cause proper plans and estimates to be made so that no expenditure shall be made or authorized for the full completion of said building beyond the amount herein appropriated: *Provided*, That the building shall be so situated as to leave an open space around the same of not less than 40 feet in width.

SEC. 2. That the Secretary of the Treasury be, and he is hereby, authorized and directed to remodel and construct, out of and from the building now owned and used by the United States as a United States court-house and jail, located within the walls of the abandoned military reservation at Fort Smith, Ark., a suitable jail for the care and confinement of United States prisoners; and for this purpose there is hereby appropriated, out of any money in the Treasury not otherwise appropriated, the sum of $50,000, to be expended under the direction of the Secretary of the Treasury, who shall cause plans and estimates to be made so that no expenditure shall be made or authorized for the completion of said building beyond the amount herein appropriated.

The amendments were read, as follows:

The committee recommend that the sum of $100,000 be fixed as the limit of the cost of the court-house building, and the $25,000 be the limit of cost for the alteration of the present building necessary for the purposes of a jail; and to that end that the bill (S. 610) be amended as follows: Strike out the words "and twenty-five" between the words "hundred" and "thousand" in the first section of the bill; second, strike out the word "fifty" and insert in lieu thereof, the words "twenty-five" between the words "sum of" and "thousand," in section 2 of the bill.

The SPEAKER. Is a second demanded?

Mr. BEACH. I demand a second.

Mr. ROGERS. Mr. Speaker, I ask unanimous consent that a second be considered as ordered.

There was no objection, and it was so ordered.

The SPEAKER. The gentleman from Arkansas [Mr. ROGERS] is entitled to fifteen minutes in support of the bill and the gentleman from New York [Mr. BEACH] is entitled to fifteen minutes in opposition to the bill.

Mr. ROGERS. Mr. Speaker, if the gentleman from New York desires to occupy the floor now I will yield to him.

Mr. BEACH. Mr. Speaker, my purpose in demanding a second was simply that the House might have some explanation of this bill.

Mr. ROGERS. Very well.

Mr. Speaker, if I can have the attention of the House for a brief time, I think I can make such a statement as will satisfy the House of the merits of this bill.

As gentlemen are aware, the United States district court for the western district of Arkansas has criminal jurisdiction of nineteen counties in that State and also of the five civilized tribes of Indians. It was stated the other day before the Judiciary Committee (I have not made the calculation myself) that this court and one other transact 10 per cent. of the entire business of all the Federal courts. I know from the Attorney-General's report that it disposes of more business than any other one court in the country.

Mr. EDEN. Does the Government own the land on which it is proposed to erect this building?

Mr. ROGERS. Yes, sir; the Government owns the land upon which this jail is proposed to be constructed. It likewise owns a block of lots 300 feet square upon which the other building is proposed to be erected, and the block of lots is reserved by the Government for that purpose, and the location is entirely eligible.

During the past summer a Senate committee, composed of Senator DAWES, Senator MORGAN, and Senator JONES (the latter not being present), visited Fort Smith and inspected this jail and the building occupied by the court, and I am told that when this bill came up in the Senate committee the question was asked with surprise by the Senator from Massachusetts why it was that these improvements had not been made long since; and the record shows that when the bill was on its passage in the Senate he inquired whether the amount provided in it for the construction of the jail was sufficient to construct a proper building. The amount then was $125,000 for the court-house and $50,000 for the jail. The House committee, however, have cut down the appropriation. They have cut off $25,000 from the appropriation for the jail and the same amount from that for the court-house, leaving only $25,000 for the jail and $100,000 for the court-house. I wish now to invite the attention of the House briefly to a portion of the committee's report, which shows that during the year 1883 the cost of the transportation of prisoners from that jail to Detroit, Mich., was $5,706.60. It also shows that it cost the Government to guard the jail $600 a month, $7,200 a year.

It thus appears that these two items, the cost of transporting to Detroit prisoners who are convicted in that court and the cost of guarding the jail, amounts to something over $12,000 a year, a sum which would pay 4 per cent. on $300,000. Mr. Speaker, I proceed now to read briefly from the Attorney-General's report, which I may remark in passing merely reiterates what the Attorneys-General of the United States have said upon this subject in two previous annual reports. This is what the Attorney-General says:

THE JAIL AT FORT SMITH, ARK.

The United States court for the western district of Arkansas has criminal jurisdiction, in addition to those counties of the State comprised in said district, over that part of the Indian Territory set apart and occupied by the Cherokee, Choctaw, Chickasaw, Creek, and Seminole Indians, and it therefore happens that a large number of prisoners are held at Fort Smith. These are confined in what is commonly dignified by the title of the "United States jail," but which in reality is little better than a pen, in which white, Indian, and negro prisoners are indiscriminately huddled, and with none of the conveniences of modern prisons, such as hospital facilities, proper ventilation, &c. The place is, however, as its name indicates, the United States jail, and is under the exclusive control of the Government, to which, it must be admitted, it is a standing reproach. The expenses of its management are all paid by the Government, and it is under the immediate supervision of the United States marshal. This officer has done the best he could with the materials at hand, and it is not his fault that he is the nominal warden of the most miserable prison, probably, in the whole country.

The jail consists of two rooms, partially under ground, with barred doors and windows, but with no cell arrangements whatever. The rough stone floors are damp, and the air is fetid in spite of the plentiful use of lime and whitewash, as indeed it must be where fifty or more prisoners are confined, the sick and the well together, in a small space, almost utterly devoid of any of the modern sanitary appliances. It is not surprising, therefore, that the reports of the Detroit house of correction, in which United States prisoners sentenced from the western district of Arkansas are confined, are said to show that many of the deaths in that institution are among those convicts who were held in jail at Fort Smith previous to their trial and sentence.

Not only is the health of these prisoners almost certain to be impaired or ruined by this mode of imprisonment, but is is manifestly unjust and cruel to confine detained witnesses and boys charged with minor and first offenses in the same room with murderers and outlaws. Yet here this state of things exists, and is unavoidable under present circumstances.

The attention of Congress has been repeatedly invited to this subject in former reports of this Department, but without result, and I am now anxious to make the urgent necessity for immediate action fully apparent.

I therefore most earnestly repeat the recommendations of my predecessor, that Congress make provision for the building, by the Government, of a suitable jail at Fort Smith, in which the United States prisoners may be confined in a proper and humane manner. Such a building can be erected, if deemed expedient, partially or wholly by prison labor, as these prisoners are confined in abject idleness, and might be employed in the work with advantage to the Government and decided benefit to themselves.

Now this court is held in an old barracks, in which there is nothing except a plank floor to separate the court-room from the jail. This place, in which during 1883 the court, according to the clerk's report, sat two hundred and ninety-one days, is ventilated only at the two ends. In these two pens half under ground, the building being I believe about 55 feet by 58, there were kept in 1883, as shown by the certified report of the clerk, an average of seventy-eight prisoners throughout the entire year. In this court that year five hundred and eighty-eight cases were tried or disposed of.

What is worse than all else, there are, as stated by the Attorney-Gen-

eral, no provisions whatever for health or sanitary conveniences. There is not even a closet; and until recently they have not had even ordinary water facilities, which they now have by reason of the town having recently built water-works, and by the direction of the Department of Justice the water has been carried to the jail and provisions made for bathing.

In my judgment the sum of $125,000 is not sufficient to build this jail and court-house, but the committee have differed with me on that subject, and for the sake of humanity, in order that we may have some improvement upon the present state of things, I have consented, rather than have further delay and imperil the bill by antagonizing the amendment they have required, to ask its passage as it is, in the hope that it may be corrected in conference.

But, Mr. Speaker, it is shown by the papers before me that the court-house itself is leaky. The old slate roof on this abandoned army barracks allows the water to leak through, and I have Judge Parker's letter stating that the building must be abandoned unless some steps be speedily taken to improve it so that the sessions of the court may be held in a comfortable place. It is in these words:

AT CHAMBERS, UNITED STATES COURTS,
Fort Smith, Ark., December 12, 1883.

SIR: I write you to state to you the condition of the building here in which I hold court and the great necessity of the Government erecting a new court-house. As you are aware, the court is now held in a building belonging to the United States, which was used, when a military fort was located here, as a barracks for soldiers. The basement is now used as a jail and the court-room is immediately over the jail. The court-room is very poorly arranged. It has neither convenience nor comforts, and because it is over the jail is very unhealthy.

The clerk's and marshal's offices are most miserable affairs. They are much too small—have no conveniences whatever. The records in the clerk's office are in a very unprotected and unsafe condition. The roof of the building is a slate roof, very old, and now in such a condition that it can not be repaired. The roof leaks very badly. We will very soon have to vacate the building if something is not done.

The United States owns the land here, and the best remedy that suggests itself to me is for the Government to erect a new building.

As you are aware, the criminal business of this court is very heavy. The court affords protection to a large class of people in the Indian country. The civil business is heavy and increasing all the time. The necessity for a new court-house here at this time is greater than at any other place. That necessity is an immediate one. If in accordance with your views, I have to request that you recommend an appropriation by Congress for the erection of a building to be used as a court-house, and the present court-house can then be repaired for a jail.

I am, most truly, your obedient servant,

I. C. PARKER.

Hon. BENJAMIN HARRIS BREWSTER,
Attorney-General.

I also read the Attorney-General's letter, as follows:

DEPARTMENT OF JUSTICE,
Washington, December 18, 1883.

The Speaker of the House of Representatives:

I have the honor to transmit herewith copy of a letter from Hon. I. C. Parker, United States district judge for the western district of Arkansas, dated 12th instant, at Fort Smith, relative to the condition of the building now used for the United States courts and suggesting the necessity for the erection of a new building by the Government.

Your attention is invited to the statement of Judge Parker where he says, "The necessity for a new court-house here at this time is greater than at any other place. That necessity is an immediate one. If in accordance with your views, I have to request that you recommend an appropriation by Congress for the erection of a building to be used as a court-house and the present court-house can then be repaired for a jail."

I heartily indorse the suggestion of Judge Parker and respectfully recommend that an appropriation be made for the purpose mentioned.

Very respectfully, your obedient servant,

BENJAMIN HARRIS BREWSTER,
Attorney-General.

In 1870 the private building which had been rented for court purposes was burned to the ground; and I recollect very well (for my own law office was situated underneath the rooms occupied by the court) that herculean efforts were required to save the public records from destruction by fire; and, indeed, many of the court papers were destroyed or lost; the record books, however, were saved.

Here is a court sitting in an old building which is exposed to the peril of fire, uncomfortable, inconvenient, unsuitable, and without proper facilities for the dispatch of business of the court. In this building, as the clerk certifies, the court sits almost every day from 8 o'clock in the morning till sometimes half past 6 o'clock in the evening, and often holds night sessions. The court is in almost perpetual session the whole year round in a building where, according to the testimony of the officers of the court, the very stench from the prison rises and penetrates throughout the entire building, with no room fit for either the marshal, clerk, the juries, or officers of the court, and with a jail which, kept under the very best regulations, is simply horrible and inhuman.

It will thus be seen that there is no proper provision for the convenience of the court or the dispatch of its business or for the health and safety of the prisoners. The expense of transportation and of the necessary guard, which will be dispensed with by the construction of a new building, amounts to 4 per cent. upon $300,000, which is nearly three times as much as the committee propose by this bill to expend.

Mr. LONG. Can a suitable building be erected for $125,000?

Mr. ROGERS. My judgment is that it can not. The committee have thought otherwise.

Mr. LONG. How many prisoners are confined there?

Mr. ROGERS. As I have said, the number averages about seventy-seven the year round; and I can state from my personal knowledge that during the months of June and July of the past year about one hundred prisoners were confined there in two rooms 50 by 29 feet and a 7-foot ceiling when the thermometer stood at 90°. The talented and accomplished daughter of one of the Senators from Massachusetts accompanied the Senate committee last summer on their visit to this place and she went home horrified at this "black hole of Calcutta," and published in a Massachusetts periodical an article on the subject which does credit both to her head and her heart. I shall take the liberty of publishing this article in the RECORD in connection with my remarks:

A UNITED STATES PRISON.

ANNA L. DAWES.

Prisons or jails belonging to the United States itself are comparatively rare. The census of 1880 mentions but four, and the last report of the Attorney-General submits statements from these four, one of them being the jail at Washington city. The country has a right to expect that these few prisons under the control of the Government itself, supported by the nation and supervised by its own officers, shall be model institutions. We look to them for concrete examples of the latest discoveries in this direction. Pœnology is an exact science by this time, and some of its brightest triumphs have been achieved in our own land, while American adepts teach willing audiences from many countries. It is interesting, therefore, to see what the United States considers the best system. With all the resources of the nation behind her, and all the wisdom of her famous students of this awful science to guide her, we look anxiously for her conclusions. We ask what system has been adopted, what employment provided for her criminals, whether they work for the state or for contractors, how their day is arranged, what punishments are allowed.

Innumerable questions of interest to the student of social science immediately present themselves at the mention of a prison under the management and control of the United States Government.

In the western part of the State of Arkansas is located at the flourishing city of Fort Smith one of the few prisons belonging to the United States. This large and growing town, in the midst of a beautiful region, bordered by the Arkansas River, believes itself to be a coming center of great industrial interests. Already famous as the terminus of one celebrated railroad, it expects soon to be the meeting point of others, and to gather there much trade. Meanwhile it contains every facility for comfortable and luxurious living, and prides itself upon keeping abreast of the latest civilization. On the very borders of the Indian Territory, in its earlier days it was the depot of supplies for that vast reservation, and although its importance in that regard disappeared with the advent of the railroad which traverses the Territory itself, it still retains the United States court having jurisdiction over that region. Whatever crime against national law may be committed in a tract extending westward 150 miles and embracing a belt of country 200 miles wide, is tried in this court, and accordingly whatever arrest is made by a United States officer among its 60,000 inhabitants, the criminal is brought to this place. It is easy to understand that the court is overloaded with business and its prison with criminals. The industrious and painstaking judge who sits on this bench is occupied, according to a recent statement of Mr. Garland, two hundred and ninety-seven days in the year, but the cases brought before him must still wait weeks and months for trial, so overburdened is the court. The jail is as full as the docket. Technically this place of detention is a jail, but though not a penitentiary, it partakes in some respects of the nature of a prison, as will be seen. Its population is most heterogeneous. Here come men of all ages, accused of the gravest crimes or of the most trifling offenses. Here they await trial and here, in many cases, they suffer punishment; a difficult situation needing most careful attention and most skillful arrangement, it would be said. What, then, has the United States done to supply the need? How is the prison arranged and situated? What system is employed?

The student of prisons and criminals must be particularly interested in this prison, so exceptional in its necessities and so unlimited in the opportunity for the best appliances and regulations.

The United States prison at Fort Smith consists of two rooms in the cellar of the Government building, with no light except what comes from underground windows and no outside ventilation. In these two rooms were confined during the month of June, in this year, one hundred and nine prisoners; nine of them accused of murder, and two already convicted of that crime. This is the whole of the prison!

A fuller description of this extraordinary place, this piece of mediæval barbarity, only makes the horror worse. The Government building is a relic of the old military post, occupied as such until within twenty years. It is a large, low Southern house, once the quarters of the commandant of the post, built of brick with stone foundations and surrounded by wide verandas. Its rooms are used by the court and for similar purposes, and its cellar is the United States jail. The brick partition which supports the upper stories is the sole and only division contained in this remarkable prison. Each of the rooms thus made, or cells as they are called, is 55 feet long and 29 feet broad. Their height from floor to ceiling is at the utmost 7 feet. The small windows which light this black hole are at each end under the wide verandas. At one end of the jail the guard-room is located in front of them, but these windows are larger than those at the opposite end in the other room, being fully 6 feet by 3. Of course the solid partition between the two rooms prevents any draught. The climate at Fort Smith is that of interior Arkansas, a long, hot, dry summer, with the close atmosphere of a valley among low hills, without the Gulf breezes and lacking the strong winds of the open prairie. In early June the days were already stifling with heat, and the nights were only relieved by a warm breeze that blew off the river across the localities most favorably situated. The amount of such a breeze which would penetrate under the wide verandas of a Southern house into a crowded cellar can be easily reckoned. Hoping to make the air more bearable, the flag-stones of the floor are constantly wet down, and the noisome air is heavy with the rising steam and dampness.

Into these reeking holes are crowded criminals of every age and degree. The court has jurisdiction over all crimes committed between the white men on the reservation, against white men by Indians, against Indians by white men under certain conditions, and over all infringements of United States laws. Its prisoners are some of them full-blooded Indians, wild with all their savage passions and filthy beyond any Eastern conception; some are border ruffians who have lost none of their villainy, or their loathsomeness is losing the picturesqueness of a past day; some are the low-lived, mean, and sneaking population who hover on the borders of this neutral country; some are hardened criminals of the worst type who have fled from the law of the "States" to seek refuge in the wilds of the Indian country; some are innocent boys brought here for a trifling theft; young men who, in a moment's rage, have broken the public peace; respectable tradesmen who have unwittingly infringed some stringent United States regulation about arms or liquor; innocent citizens accused by some revengeful neighbor and awaiting trial; outcasts whose crimes are beyond the possibility of mention; murderers who have been caught, not in their first, but in their fifth or seventh murder. It is literally true that at Fort Smith all these

persons are confined in the same room, the close, unventilated, wretched place already described. Nor are the prisoners limited to those awaiting trial. In the midst of the desperadoes, the villains, and the murderers are all those criminals already sentenced whose terms do not exceed a single year. Those sentenced to a longer term are sent to Michigan. Happy the convict whose crime is large, in the Indian Territory, for worse is a single year of Fort Smith than a cycle of Detroit!

Men who have been already convicted of murder are confined with the rest. There is absolutely nothing to hinder their free communication with their fellows. Five men are hanged at once in Fort Smith sometimes. At present there are nine men accused of murder in these two rooms, free to influence their companions, and, like all the rest of their associates, without the slightest check upon their opportunity to teach their horrid lore to young and old. The laws of the United States in regard to Indian reservations are very strict. No liquors may be sold in them, for instance, or carried there for sale, or given away. The temptation to break this regulation seems almost irresistible, by reason of the enormous profits resulting from such illicit trading, and often it happens that the man breaking this law is as young in years as in crime. Lads who have committed small thefts are also in this prison to-day, side by side with men under indictment for the most dastardly outrages known to justice. The average number in confinement is seventy-eight, and in June of this year, as has been said, the number had risen to one hundred and nine.

The only opportunity for washing given to this multitude of men is the single sink in each cell. There are no baths; only now and then some more fortunate prisoner is allowed the use of a coal-oil barrel sawed in two, this primitive wash-tub being the best that is afforded by the Government to this institution. The perplexed officials have tried many expedients to relieve the foulness of the place. The single bucket which serves the convenience of this considerable population is placed in a closet in the chimney, that the odors may be carried off through the only method of ventilation known to this jail. The prisoners spend their time as suits themselves. No work is possible. To relieve the tedium of the slow days a mock court is held and men are tried for such offenses as spitting upon the floor, and, on conviction, are sentenced to sweep it. Recently one poor wretch suffered such an accumulation of sentences of this nature that he appealed to the court upstairs. The wooden cots and blankets which constitute the beds are put one side during the day, or serve as seats. When feeding-time comes the rations are pushed through a slide in the door, and one after another these miserable beings retire to some corner like dogs to eat their portion. In the matter of exercise a regular routine is kept up. The prisoners divide themselves into squads, which march up and down the room at intervals; but be their stay there long or short, they see no ray of sunlight, they breathe no single breath of outside air.

This dark, crowded, underground hole is noisome with odors of every description, dirty beyond description, horrible with all horrors—a veritable hell upon earth. What must it be for the sick? Impossible as it seems to credit the fact, the sick and the wounded must live in these same rooms! There is no other provision for them, there is no other place where they can be put. There is "no refuge from the wild and ungovernable men around them," no relief from the close air, the eating and drinking and sleeping. It completes the picture to remember that small-pox is a disease very common to the Indian.

It should be made evident that for this state of things the people of Fort Smith are in no way responsible. It is a United States prison, and they have no more control over it than they have over the Capitol at Washington. They would welcome any attempt on the part of the Government to remove this plague spot and substitute a suitable and decent jail. Nor are the officers to be charged with neglect or blindness. They do all that in them lies to remedy the evils; they make the best of the matter with no little thought and labor and painstaking. But here are the prisoners and here are the accommodations provided for them by the United States Government.

There is no question, shameful though the conclusion be, where the blame lies. The worst fact in the whole disgraceful series is the fact that the National Government knows all about this horror. It can not even plead ignorance, for the report of the United States marshal in October, 1884, to the Department of Justice* contains a full statement of the matter, with all the particulars, the statistics, and a diagram of the prison. What was done about it? In June, 1885, nothing had been done about it. There was no lack of money in the United States Treasury, for we had changed administrations on the ground of a surplus, and at this very town the Government was just then selling the three hundred acres which surrounded the original fort. There was no lack of facilities, for Fort Smith is large and well-equipped, and situated on a great railway, and the officers for its court are able and distinguished. There was no lack of knowledge on the subject in a country which possesses such experts as Brinkerhoff, and Brockway, and Wayland, and a score of others like them, and in which prison conferences are annual occurrences.

What excuse has the Government of the United States to offer for the existence and continuance of this scandal?

I do not care to consume any further time at present, but will answer any question that any gentleman may desire to put.

Mr. BEACH. The gentleman from Arkansas [Mr. ROGERS] has made a very strong argument in favor of the construction of a jail at the place referred to, but I would like to hear why there should be a new post-office and court-house there. I would like to know what population the place has, what the Government revenues are at that point, and what the Government at the present time is paying for post-office and court accommodations.

Mr. ROGERS. I will answer the gentleman in the first place by saying that the post-office at the present time is not in a proper building. You can not rent a suitable building there in a central and convenient locality for a post-office for less than $1,000. What was the gentleman's other question?

Mr. BEACH. I would like to know the population of the place.

Mr. ROGERS. The population in 1880 was a little over 3,000; but the committee find from the testimony before it that the population has now reached about 8,000. Indeed, I think it is more than that. Since 1880, when the census was taken, we have constructed gas-works, water-works, street railways, and made various other improvements. Indeed, I know of no town in the South that is growing more rapidly than this little place.

Mr. BEACH. Then, if I understand my friend from Arkansas, he proposes that we spend $125,000 for the construction of a court-house and post-office in a place that, according to the census of 1880, had only 3,000 population.

* Report Attorney-General, 1884, page 143.

Mr. ROGERS. It has increased to 8,000.

Mr. BEACH. Well, even a population of 8,000, it seems to me, does not justify the expenditure of so large a sum of money. If we proceed in this way to erect public buildings of this expensive character wherever there is a population of 8,000, I do not think even the large amount of money in the Treasury to-day will meet the demand.

Mr. ROGERS. What in the world has the population of the town to do with the question of the necessity for suitable buildings if the facts stated are true? The Government must hold the court and provide for its officers and safely keep the prisoners; the necessity for suitable buildings exists, even if there were no post-office and no town, if the court is to be held there in the future.

Mr. BEACH. I look, Mr. Speaker, at the matter from a business standpoint. If the Government is paying a large amount of rent it may be more economical to erect a public building. These facts should be furnished to the House before any bills of this character are allowed to pass. We should know exactly how much the Government is paying out, and look at it, as I have said, in a business way, and not make large appropriations simply because it is asked for on the part of some member of the House. If we do look at it in a business way we will find, I fear, that a large number of the bills reported from the Committee on Public Buildings and Grounds after consideration before the House will fail of passage.

Mr. ROGERS's motion was agreed to, two-thirds having voted in favor thereof; and the rules were accordingly suspended, and the bill passed.

Mr. EDEN. I now move that the House adjourn.

Mr. BLAND. I hope that motion will not prevail, as I wish to make a favorable report.

The SPEAKER. The noes seem to have it.

Mr. HOLMAN. I demand a division.

The House divided; and were—ayes 61, noes 73.

So the House refused to adjourn.

ASSISTANT SECRETARY OF WAR.

Mr. STEELE. I move to suspend the rules that the Committee on Military Affairs may report back and pass the bill (H. R. 5836) providing for an assistant Secretary of War.

The bill was read, as follows:

Be it enacted, &c., That the President be, and he is hereby, authorized to appoint, by and with the advice and consent of the Senate, an officer to be called the Assistant Secretary of War, whose salary shall be $5,000 per annum, and who shall perform all such duties in the War Department as shall be prescribed by the Secretary of War, or as may be required by law, and who shall act as Secretary of War in the absence of that officer.

The SPEAKER. The Chair understands the motion is to suspend the rules and report the bill from the Committee on Military Affairs and pass the same.

Mr. STEELE. That is the motion I submit.

Mr. HOLMAN and Mr. REED, of Maine. Let us have a second.

Mr. STEELE. I ask by unanimous consent that the second be considered as ordered.

Mr. HOLMAN. I think we had better have a count of the House

Mr. STEELE. Very well.

Mr. HOLMAN and Mr. STEELE were appointed as tellers.

The House divided; and there were—ayes 19, noes not counted.

So (two-thirds not voting in the affirmative) the rules were not suspended and the bill was not passed.

Mr. HOLMAN. I rise to debate it, and I suppose it goes over.

The SPEAKER. The bill remains in the Committee on Military Affairs.

SOLDIERS AND SAILORS OF THE MEXICAN WAR.

Mr. ELDREDGE. I move to suspend the rules, discharge the Committee of the Whole House on the state of the Union from the further consideration of the bill (H. R. 807) granting pensions to the soldiers and sailors of the Mexican war as amended by the Committee on Pensions, and pass the same.

The bill was read, as follows:

Be it enacted, &c., That the Secretary of the Interior be, and he is hereby, authorized and directed to place the names of all the surviving officers, soldiers, and sailors who enlisted and served in the war with Mexico for any period during the years 1845, 1846, 1847, and 1848, and were honorably discharged, and their surviving widows, on the pension-roll, at the rate of $8 per month, from and after the passage of this act, during their lives.

SEC. 2. That the Secretary of the Interior is authorized and directed to make such rules and regulations as are necessary to carry this act into effect: *Provided*, That where it shall appear that a discharge is lost, secondary evidence may be permitted; and where it shall appear an applicant has received a land-warrant, that shall be sufficient evidence of an honorable discharge, unless the evidence shows that he procured it by fraud.

The amendment of the committee was:

Add the following proviso:

"*And provided further*, That this act shall not apply to persons under political disabilities."

Mr. BAYNE. I demand a second.

Mr. ELDREDGE. I ask the second be considered as demanded.

Objection was made.

The SPEAKER appointed as tellers Mr. BAYNE and Mr. ELDREDGE.

The House divided; and there were—ayes 145, noes 11.

Mr. BAYNE. No quorum.

The House again divided; and the tellers reported—ayes 162, noes 13.

So the motion to suspend the rules was seconded.

The SPEAKER. Under the rules thirty minutes are allowed for debate, fifteen in support and fifteen against it. The Chair will recognize the gentleman from Michigan [Mr. ELDREDGE] in control of the time in support of the motion and the gentleman from Pennsylvania [Mr. BAYNE] in control of the time in opposition to it.

Mr. ELDREDGE. Unless there is some gentleman desiring to speak in opposition to the bill, I have nothing to say.

Mr. MCKINLEY. I wish to inquire of the gentleman from Michigan who proposes this bill whether it repeals section 4716 of the Revised Statutes so far as that section applies to Mexican soldiers and sailors?

Mr. ELDREDGE. It does not.

Mr. MCKINLEY. The gentleman is no doubt familiar with that section. I listened attentively to the reading of the bill, and I understood it applied to all Mexican soldiers except such as were under political disability.

Mr. ELDREDGE. That is a fact.

Mr. MCKINLEY. If that is the only exception, it occurs to me it does repeal section 4716 as to the Mexican soldiers save those under political disabilities.

A MEMBER. What is the section?

Mr. MCKINLEY. It is as follows:

SEC. 4716. No money on account of pension shall be paid to any person, or to the widow, children, or heirs of any deceased person, who in any manner voluntarily engaged in, or aided or abetted, the late rebellion against the authority of the United States.

Do I understand the gentleman to say that this bill does not repeal that section of the statutes?

Mr. ELDREDGE. It does not.

Mr. MCKINLEY. I think it does.

Mr. MORRISON. Of course it repeals it in part; it is intended to repeal it to the extent of allowing or granting a pension to all who served in the Mexican war and whose political disabilities have been removed.

Mr. ELDREDGE. I yield two minutes to the gentleman from Indiana, the chairman of the Committee on Invalid Pensions.

Mr. MATSON. Mr. Speaker, the section of the statute read by the gentleman from Ohio [Mr. MCKINLEY] is one that applies to pensions generally. This bill, however, as I understand it, and as I think the House understands it, provides a service pension for the soldiers of the Mexican war. The provision of the general law in question is in relation to pensions granted for disability.

Now, so far as pensioning the soldiers of the Mexican war for service is concerned, the effect of that statute is repealed; but so far as repealing any pension for a disability is concerned, it can not be said by anybody that there is a line or a letter in this bill that can be construed in any such light as that. Because if the repeal obtains at all it will be by implication only. There is no express provision in the bill which would warrant such a construction.

Mr. REED, of Maine. Let me ask the gentleman if this pension proposed to be granted now is in addition to the pension already being drawn?

Mr. MATSON. No; I will answer the gentleman from Maine; this is a mere pension for service. If already pensioned for disability this would not apply.

Mr. REED, of Maine. But if a man has his pension for wounds or disabilities incurred in the Mexican war, does he not receive an additional pension under the provisions of this bill?

Mr. MATSON. He does not; at least I presume such is the construction. As to that, I will have to submit the question to the gentleman from Michigan, the chairman of the Committee on Pensions, who reports the bill. But as I understand it, it does not.

There is one thing I wish to say for the information of the House as well as the gentleman from Ohio, that there is nothing in this that repeals a pension for disabilities granted to any Mexican soldier.

Mr. LONG. What is the estimated cost of this bill?

Mr. MATSON. That I must submit to the chairman of the committee for answer, as he has investigated the subject.

Mr. ELDREDGE. It is estimated that it will cost about $4,000,000 at first; but this amount will be constantly reduced.

Mr. REED, of Maine. I hope the gentleman in charge of the bill will give us the information as to whether this bill will have the effect of giving two pensions to those who are now drawing pensions for disability. It is important that the House should have this information.

Mr. MORRISON. It gives a pension of $8 a month to every surviving soldier of the Mexican war, but no soldier can have two pensions.

Mr. REED, of Maine. I hope there will be some authoritative explanation as to the effect of the bill.

Mr. BRECKINRIDGE, of Arkansas. If the gentleman from Michigan will give me his attention for a moment: The gentleman from Maine asks if a Mexican soldier is now receiving a pension for disabilities incurred in the Mexican war would he, under the operation of this bill, receive an additional pension for service?

Mr. ELDREDGE. He would not receive it.

Mr. MATSON. Upon the proposition as to whether an additional pension is granted by this act or not, I desired to say a moment ago, in response to the inquiry of the gentleman from Ohio, that at the last session of Congress a law was enacted providing that no man should be permitted to draw two pensions at the same time.

Mr. BROWNE, of Indiana. But here is a law which, if passed, is subsequent to that, and does it not by implication at least repeal the former law?

Mr. BRECKINRIDGE, of Arkansas. The chairman of the committee, who has given the subject consideration, states that it will not have that effect.

Mr. HISCOCK. But this is the later act, and would not that be construed as the effect of it?

Mr. ROGERS. The gentleman from Michigan has stated that it has no such effect.

Mr. BROWNE, of Indiana. But it repeals the preceding law by implication.

Mr. HISCOCK. Let me ask the gentleman from Arkansas: Do you think it would have any such effect?

Mr. ROGERS. I have not examined the subject myself.

Mr. HISCOCK. Then I ask the chairman of the Committee on Invalid Pensions: Have you any doubt but that the passage of this act would be construed as a repeal of the former law?

Mr. MATSON. If the gentleman from New York addresses his question to me, I have no doubt upon the subject myself. This is a bill to grant a service pension to the soldiers of the Mexican war, and that only; and under the law as it now exists, no man can draw two pensions. Hence it would not have the effect of permitting the additional pension to be drawn.

Mr. HISCOCK. You have pensions now for disability. Now, does this repeal the pension for disability if it grants the service pension?

Mr. MATSON. It does not.

Mr. MILLS. The general rule is that, while under the existing law no man can draw two pensions, if a special law is passed granting a pension—by special act—that would not in any manner repeal the general law prohibiting the drawing of two pensions.

Mr. CUTCHEON. But this is not a special law; and being the latest law, it will repeal all laws in conflict with it as to the entire class to which it applies.

Mr. MILLS. No, sir; not if it is a special law confined to a special kind of case.

Mr. MATSON. In the first place, the law does not repeal by implication.

Mr. HISCOCK. I desire to make a suggestion to the gentleman from Indiana [Mr. MATSON]. If a soldier is already drawing a pension for disability under existing laws and you pass a law that provides for a service pension, have you any doubt that that will give him two pensions?

Mr. MATSON. In view of the law which prohibits the drawing of two pensions I have no doubt but he will draw only one. If he was pensioned $8 for disability, and this bill became law, he would have the right to make an election which pension he would receive.

Mr. MCCOMAS. I would like to ask one further question of the gentleman from Indiana [Mr. MATSON] or the gentleman from Michigan [Mr. ELDREDGE]. This bill provides for the pensioning of any soldier who has been in the service for any period. That might be half a day or an hour. Now is not that almost too short a time for a service-pension? The bill does not fix fourteen days or any period. A man might have entered the service and been discharged within the next half hour.

Mr. ELDREDGE. The gentleman can read the bill and he can understand it as well as I can. It does not provide any particular length of service, but treats all alike.

Mr. MCCOMAS. What is meant by "any period?" Is not that too loose and uncertain an expression?

Mr. ELDREDGE. To my idea it is not. I think a man who went into the Mexican war is entitled to a pension. There may have been a few men who went into the war for a shorter time than fourteen days, but perhaps not a dozen of them are now living.

Mr. MCCOMAS. And the bill does not require that during any moment of the period in which the man shall have been engaged in the war he should be on Mexican soil. I am in favor of a good bill for pensioning the soldiers of the Mexican war, but I do not want to vote loosely for pensions to anybody for service anywhere.

Mr. BRUMM. As I understand, this bill does not grant accumulating pensions?

Mr. ELDREDGE. No, sir.

Mr. BRUMM. This bill allows a service pension of $8 a month. Now, if a soldier is receiving less than $8 could he receive the pension under this bill?

Mr. ELDREDGE. He could elect which pension he would draw. If there is a Mexican soldier now drawing a pension at a less rate than $8 and he chooses still to draw that he can do it, but is not compelled to do so.

Mr. BRUMM. What provision of the bill guarantees that?

Mr. BRADY. I will state for the information of the gentleman from

Pennsylvania and for the committee that there is a general law, and under that law the pensioner can elect which pension he shall receive, but under the present law governing pensions no man can draw two pensions at the same time.

Mr. McMILLIN. Mr. Speaker, I am thankful to the gentleman from Michigan for his kindness in yielding me a few minutes of the short time allowed for the discussion of this important measure. In that brief time no one can set forth one tithe of the merit of a measure intended to grant pensions to the soldiers who fought the battles of the Mexican war and to their widows. Nor will it be possible to recount one hundredth part of their glorious achievements. But, sir, I will strive to answer one or two of the objections made to this measure.

The question has been asked whether it would not be possible for a person to draw two pensions under this bill when he is already pensioned for disability. At the last Congress, it will be remembered by those who were here, we passed an act providing that in no instance could a person receive two pensions. This bill does not repeal that law in express terms, and it could not be held to repeal it by implication in view of the contemporaneous discussion here, which in doubtful cases is always an element in construing acts of Congress or of other legislative assemblies. For it will be remembered that the author of the bill and others advocating it have said all along that it was not the intention to grant double pensions. Sir, how is it we can hesitate to grant this pension? Forty years after the service was rendered we are called upon to do some small measure of justice to the men who rendered the service in the Mexican war, and can we refuse? Only the other day this House passed a bill granting, not $8 a month, as provided in the bill, but $12, to widows of soldiers of other wars. Will it hesitate now to grant $8 to the soldiers of the war with Mexico? It seems to me every principle of justice will sustain us in making this long-refused act of recompense to those who almost doubled the territory of the United States, or that portion of it which was embraced in the original colonies.

Mr. Speaker, it has been asked how much money would be required to meet the requirements of this bill if it should become a law. It will be remembered this House did not hesitate a few days ago to pass a bill which entailed from six to ten millions of dollars' additional expense on the Pension Department. A gentleman who has called on the Commissioner of Pensions, Mr. ELDREDGE, says, on the best evidence he can get, this will only require $4,000,000 per annum. It must be remembered that those who were in that war are now in old age.

Mr. MORRISON. Not by a good deal. [Laughter.]

Mr. McMILLIN. And their number will rapidly diminish as time advances. My friend from Illinois says humorously they are not old. I know that in faithful friendships, devotion to principle, and love of country they are young as when they crossed the burning border of the Mexican States. But the gray hairs in their venerable heads tell the story of how age is advancing and toil wearing them.

Where is the man so devoid of patriotism that his heart does not beat with patriotic pride when he thinks of their deeds of valor? In the springtime of life they left home, country, and loved ones and took up their line of march over burning sands and beneath scorching skies to battle for the extension of our boundaries and the glory of our flag. How well they fought, how bravely fell, I have not time to tell. No pension we can give will adequately compensate for their sacrifices and their sufferings or add one laurel to their brow. Of those who fell it has been truly said by the eloquent O'Hara:

> On fame's eternal camping ground
> Their silent tents are spread,
> And Glory guards with solemn sound
> The bivouac of the dead.

But, Mr. Speaker, there is one thing we can do; we can show our gratitude by doing justice to them, and by so doing we will honor ourselves and the age in which we live.

We can take many of those valiant sons from the poor-houses of the country, and thereby show that we are not ingrates, and thereby relieve the military servants of the Government of that poverty into which many of them have been cast by the very service that we now seek to compensate.

Mr. REED, of Maine. I desire to ask the gentleman from Tennessee a question.

Mr. McMILLIN. The gentleman from West Virginia [Mr. WILSON] desires to ask me a question. I yield to him.

Mr. WILSON, of West Virginia. I wish to ask the gentleman from Tennessee whether he does not think this bill should be confined to soldiers who served in Mexico?

Mr. McMILLIN. Sir, there are changes I would make to the bill. I introduced one myself at the beginning of the session which I prefer to this. But under our rules we can not annul this one now or substitute another for it. When I am, therefore, required to vote for or against this, I do not hesitate to support it rather than oppose so meritorious a class of citizens.

The SPEAKER. The gentleman from Michigan [Mr. ELDRIDGE] has only two minutes of his time remaining.

Mr. McMILLIN. Then I can not occupy more of the time of the gentleman from Michigan and yield, thanking him again for his courtesy and the House for its attention. I would be pleased to answer the question of the gentleman from Maine if I had any time left.

Mr. HISCOCK. I ask the gentleman from Michigan [Mr. ELDREDGE] if he will accept this amendment:

Provided further, That no pension shall be allowed under this act to a person receiving a pension for a disability unless such person resigns the pension for disability.

The SPEAKER. Does the gentleman from Michigan [Mr. ELDREDGE] yield?

Mr. ELDREDGE. I have reserved the balance of my time.

Mr. BAYNE. Mr. Speaker, I yield three minutes to the gentleman from Indiana [Mr. BROWNE].

Mr. BROWNE, of Indiana. Mr. Speaker, if this bill does not contemplate duplicate pensions it is radically wrong. Suppose a Mexican-war soldier was wounded or incurred disability in that war and he is on the pension-roll at $2 or $4 a month, if it be true that this bill does not put him on the pension-roll at $8 a month you do that man injustice. The chairman of the Committee on Invalid Pensions says that this bill does not contemplate duplicate pensions, that a man now receiving a pension can not under this act receive an additional one. Therefore you put on the pension-roll at $4 a month a man who has incurred a disability in the service, and at the same time you put on the pension-roll at $8 a month a man who has incurred no disability.

Mr. MATSON. Will my colleague yield for a suggestion?

Mr. BROWNE, of Indiana. I have only three minutes.

Mr. MATSON. I simply wished to suggest to my colleague that under the law the soldier has a right to elect which pension he will take.

Mr. BROWNE, of Indiana. Mr. Speaker, I say that if this bill does not in terms grant a duplicate pension it is radically wrong so far as that case is concerned. Take another case: Suppose a man was in the service in the Mexican war and was subsequently in the service of the United States in the war of the rebellion; suppose he incurred a disability in the latter war for which he has a service pension of $2, $4, or $6 a month; it is insisted that the soldier gets nothing whatever for his service in the Mexican war, and he can not get anything unless his pension is duplicated.

But, Mr. Speaker, my chief objection to this measure is not that it provides a service pension, but that it does so unjustly. There never was any sense or logic in giving a man who served only five, or six, or ten, or fourteen days the same amount of service pension you give to a man who served a year or more. This bill gives pensions to men who never left the States in which they were rendezvoused. By this bill men who were never even *en route* to Mexico receive pensions equal to the pensions you give men who were in the army of invasion and fought in all the battles. If you would pass a service pension graduated according to the amount of service performed there would be some sense in it.

But I object again, Mr. Speaker, because the records of the War Department disclose the fact that subsequent to the 14th of September, 1847, when the last hostile gun was fired in the Mexican war, forty thousand, or nearly forty thousand, enlistments were made. I undertake to say that at least twenty-five thousand of those men never even marched in the direction of the front, and it is to bring contempt and contumely upon the whole business of pensions to put on that honorable roll, alongside of the soldiers who were wounded and maimed and disabled and disfigured in their country's service, a class of men who did not perform any military service at all.

[Here the hammer fell.]

Mr. BAYNE. Mr. Speaker, I yield three minutes of my time to the gentleman from Michigan [Mr. CUTCHEON].

Mr. CUTCHEON. Mr. Speaker, I am anxious to vote for a Mexican pension bill, but I can not see my way clear to vote for this Mexican pension bill. It gives a service pension without any service whatever. It is a bill to grant a pension to men neither for service, for wounds, for disability, for age, nor for any other consideration that is recognized by any law as a ground for a pension. I can not vote for this bill because of its indefiniteness. As the gentleman who has just taken his seat has said, it does not require that a man should have even set his face in the direction of Mexico. It not only does not require that he should have heard a hostile gun in that war, but he need not have been within 2,000 miles of a hostile gun. There is no limitation of age in the bill; there is no limitation of disability; there is no limitation in it that ought to be in a pension bill of any kind whatsoever. As the gentleman from Indiana [Mr. BROWNE] has remarked, we bring discredit upon the entire pension policy when we grant pensions in this loose and unlimited way. Therefore, Mr. Speaker, I shall be compelled reluctantly to cast my vote against this bill, but I hope that another Mexican pension bill may be brought in here more definite and guarded in its terms, a bill for which we can all vote.

So far as regards the repeal of the clause forbidding the payment of pensions to those who have been in the confederate service, I have no objection to that. I am willing to waive that matter. If men who did good service to their country in the Mexican war were afterward swept into the maelstrom of rebellion by the dominant sentiment of their section, I am willing to remember the good they did in the days

of their young manhood and forgive them the wrong that they committed in later years. I do not object to this bill upon that ground. But I do object to it upon the ground that it is contrary to every principle of our pension legislation to grant pensions without any limitation as to time, without any limitation as to service, without any limitation as to disability, without any limitation as to age.

[Here the hammer fell.]

Mr. BAYNE. I now yield three minutes to the gentleman from Ohio [Mr. WARNER.]

Mr. WARNER, of Ohio. Mr. Speaker, this bill changes the grounds of a pension from disability to service. Soldiers of the Mexican war, like those who served in the war for the Union, are now entitled to pensions for disability; indeed this bill proposes not only to change the basis of pensions from disability to service, but actually, as my friend from Michigan [Mr. CUTCHEON] has just remarked, proposes to grant pensions for no service at all; and not only that, but to grant the same pension for no service at all as for service all through the Mexican war.

Under this bill the man who never left the camp of his enlistment is to be allowed the same pension as the soldier who fought the desperate battle of Buena Vista under Taylor or participated in the charge at Chapultepec and was wounded and disabled. This is monstrous injustice. Such a proposition, in my judgment, ought not to receive the vote of a single member on this floor, and deserves only to be scouted out of the House. Again, Mr. Speaker, if a man who merely enlisted in the Mexican war is entitled to a pension for enlistment only, I want to know why the million of Union soldiers now living who not only enlisted but served one, two, or three years, participating in battle after battle and incurring all the hardships of actual war, are not entitled to pensions for that service. If it were permissible under the rules, I would now move an amendment to this bill so as to include in it all Union soldiers who served in the late war. If one is entitled to service pensions the other is.

Let us stand on some principle. Some gentleman suggests that a soldier of the Mexican war must probably be now sixty years of age. If age is to be the ground of pension, that is another thing. But is not a man who served in the late war and is now sixty as much entitled to a pension as one who served in the Mexican war and is only sixty? If pensions are to be given for service, then equal service should entitle men to equal pensions. If for age, then to all on arriving at the same age. We can not depart from safe principles and escape the legitimate consequences; and the consequences of this bill, let me tell this House, will be to open the Treasury doors to an expenditure reaching to thousands of millions of dollars before it ends.

[Here the hammer fell.]

Mr. BAYNE. I yield one minute to the gentleman from Maryland [Mr. MCCOMAS].

Mr. MCCOMAS. Mr. Speaker, on the present pension-roll, as appears by the report of Commissioner Black, there are 244,000 persons, and of these 132,000 receive a smaller amount of pension than this bill proposes to give to every soldier of the Mexican war. These 132,000 persons receive on account of disability less than $8 a month; 90,000 persons on the present roll get less than $4 a month, though they may have served in many battles, and 27,000 get from $2 a month down to $1 for actual service. I would vote for a properly framed bill to pension soldiers of the Mexican war. I did vote for such a bill in the last Congress, but I can not vote for a measure which discriminates against the soldiers of the late war, many of whom served four years, participating in many battles. I can not vote to give for no service a greater pension than is now allowed to many of the soldiers of the late war, suffering under disability contracted in actual service.

[Here the hammer fell.]

Mr. BAYNE. Mr. Speaker, I have no objection whatever to pensioning by any proper bill the soldiers of the Mexican war. Every man who served in the Mexican war and who at this time needs the aid of this Government shall have my vote to secure to him a pension. But I believe the whole theory and principle of this bill are hostile to our established policy in regard to pensioning the soldiers of the Government. The bill proposes to pension whole regiments of men who never saw a battlefield; men who simply enlisted in the service and who went through the form of being mustered in, but who never shouldered a musket, or at least never fired a cartridge in the Mexican war. It proposes to pension certain classes of men who have an accumulation of property and do not need this aid from the Government.

Numbers of the men who served in that war have all the means that they require. Yet this bill contemplates paying to these men a pension of $8 a month, though they may not have served a week or ten days in the Mexican war. It is proposed to do this when there are now in the poor-houses many indigent soldiers of the late war—more than 700 of whom are living on the bounty or charity of the State of Pennsylvania because they can not now get a pension from the Government. Yet the soldiers of the Mexican war, most of whom do not seek this gratuity, because they are not in indigent circumstances, are to receive under this bill a pension whether they be poor or rich, while others who served their country and are now in impoverished circumstances are to be denied the same bounty.

Let us frame and pass a pension bill which will embrace those who are in indigent circumstances, whether they served in the Mexican war or in the war for the suppression of the rebellion. Let us vote the bounty of the Government in that direction, but let us not vote to pay from fifteen to twenty million dollars a year to men most of whom do not need the money. When we undertake to carry out the pension system on that principle we are squandering the public money and are doing a gross injustice to the men who really served their country faithfully and who earned a pension in consequence of having contracted disease or disability in the military service.

I think, sir, this bill has not been well considered. I do not think it underwent the scrutiny of gentlemen who desire to put a pension on the real merits of the case, because if it had they would have drawn a line between those who had rendered actual service and those who only enlisted and never fired a gun anywhere, drew a sword anywhere, or lifted a hand during the war with Mexico. There were, I understand, probably thirty regiments which were mustered into the service near the close of the Mexican war which never left the States, never entered Mexican territory, and yet this scheme would give each one of such soldiers $8 per month, when thousands of the Union soldiers of the late war who have been found to have pensionable disabilities are getting but $2 to $4 per month.

[Here the hammer fell.]

Mr. ELDREDGE. I have only two minutes remaining, and I will yield that to the gentleman from Kentucky.

Mr. WOLFORD. Mr. Speaker, the object of the opposition to this bill, and gentlemen can not deceive the country, is because there are some men who live in a section of the country where you do not who will get the advantage if it should pass. The people will not be deceived, and they will put the opposition on its proper ground.

It is alleged this is purely a service pension. So it is, but we must not forget that this is not a new thing in the history of this Government. A service pension was given to the soldiers of the Revolutionary war, and a service pension was given to the soldiers of the war of 1812. We want to give a service pension at this time to the surviving soldiers and sailors of the Mexican war.

My friend from Ohio [Mr. WARNER] would not vote for a service pension for anybody. Much as he talks about the Union soldier, he would not vote him a service pension. I would vote for a service pension to the Union soldier just as I propose to vote to give a service pension to those who won victory for us in the Mexican war. They deserve it at our hands. They gave the country more than a million of square miles of the richest land in the world, and they did it although the country paid them only the pitiful sum of $7 a month. I am for the Union soldier; but I go further—I would not only pension the Union soldier, but I would also pension the surviving Mexican soldiers; they not only fought for the country, but went upon foreign soil, leaving their families and homes, and won victory for us in a foreign land.

[Here the hammer fell.]

Mr. GROSVENOR. In order to give members of the House further opportunity to examine this question I move that the House do now adjourn.

The House divided; and there were—ayes 128, noes 44.

Mr. MCRAE demanded the yeas and nays.

The yeas and nays were refused, 22 only voting in favor thereof.

So the motion was agreed to; and accordingly (at 5 o'clock and 18 minutes p. m.) the House adjourned.

PETITIONS, ETC.

The following petitions and papers were laid on the Clerk's desk, under the rule, and referred as follows:

By Mr. BAKER: Petition of Daniel Green, F. J. Allen, and others, citizens of Brockport, N. Y., for such legislation as will render the manufacturer alone responsible and liable in cases of infringements on patented inventions—to the Committee on Patents.

By Mr. BARBOUR: Petition of Robert E. Russell and of Maranda Johnson, administratrix of Alexander Johnson, Loudoun County, Virginia, asking that their war claims be referred to the Court of Claims—to the Committee on War Claims.

Also, petition of Susan Wood, widow of William Wood, asking to be placed on the pension-roll—to the Committee on Invalid Pensions.

Also (by request), petition of citizens of Washington city, asking the abatement of a nuisance by an act—to the Committee on the District of Columbia.

Also, papers relating to the claim of Alexander Johnson, of Loudoun County, Virginia—to the Committee on War Claims.

By Mr. BARKSDALE: Papers relating to the claims of Mrs. Ann Ewing, of Jackson County; of Elizabeth Cessna, of Hinds County; of Amanda H. Young, of Hinds County, Mississippi—to the same committee.

By Mr. BAYNE: Memorial of Lester P. Chester and Freeland Chester, of Allegheny County, Pennsylvania, praying for the passage of the bill (H. R. 4041) to establish a commission of Alabama claims—to the Committee on the Judiciary.

By Mr. BLANCHARD: Memorial of John Grant, of Louisiana, pray-

ing for the Government to purchase Grant's Pass—to the Committee on Commerce.

By Mr. BRADY: Petition of George Anne Lippe, for a pension, with affidavits of Dr. Clarence C. Howard and others in support of same—to the Committee on Invalid Pensions.

Also, petition of Mayor Jarratt, of Petersburg, Va., and others, citizens of Prince George and Dinwiddie Counties, for an appropriation to build a macadamized road from Petersburg to the national cemetery at Popular Grove, where sixty-one hundred and ninety-nine Union soldiers are buried and sixteen battles and other engagements were fought—to the Committee on Military Affairs.

By Mr. BRUMM: Petition of Samuel P. Brigham and others, asking for the impeachment of Daniel Manning, Secretary of the Treasury of the United States, for high crimes and misdemeanors—to the Committee on the Judiciary.

By Mr. BURNES: Memorial of 55 citizens of Clearmont, Mo., and vicinity, in favor of the passage of the pension bill recommended and indorsed by the Grand Army of the Republic—to the Committee on Invalid Pensions.

By Mr. BURROWS: Petition of William B. Croxon and others; of G. Papson and others; of John B. Divine and others, and of H. W. Armstrong and others, against the suspension of silver coinage—to the Committee on Coinage, Weights, and Measures.

By Mr. CANNON: Memorial of John Conley, Knights of Labor of Cross Creek, Ill., in favor of Hennepin Canal, &c.—to the Committee on Railways and Canals.

By Mr. CATCHINGS: Papers relating to the claims of A. W. Brien, of Warren County, and of William D. Walker, of Vicksburg, Miss—to the Committee on War Claims.

By Mr. CARLETON: Petition of J. Bridgham & Co., R. C. Truax, Dr. Dixon, and many others, citizens of Bad Ax, Mich., asking for the passage of Hous bill 4902—to the Committee on Invalid Pensions.

By Mr. COBB: Three petitions of citizens of Knox County, Indiana, for a law giving all Union soldiers a pension of $8 per month—to the same committee.

By Mr. COLE: Papers relating to the claim of Mrs. Catherine Harris—to the Committee on War Claims.

By Mr. CONGER: Memorial of members of Monthly Meeting of Friends, of Earlham, Iowa, praying for the passage of Senate bill 355, for the promotion of peace among nations, for the creation of a tribunal for international arbitration, &c.—to the Committee on Foreign Affairs.

By Mr. CRAIN: Petition of citizens of Galveston, Tex., asking for the adoption of the Government plan for obtaining deep water at that port—to the Committee on Rivers and Harbors.

Also, petition of the same, favoring adoption of contract plan for securing deep water at Galveston, Tex.—to the same committee.

Also, petition of citizens of Austin County and of Goliad County, Texas, for deep water at Galveston, Tex.—to the same committee.

Also, petition of citizens of Matagorda County, of Brazos County, of Perry's Landing, and of Brazoria, Tex., for improving bar at mouth of Brazos River, Texas—to the same committee.

Also, petition of mayor and common council of Dallas, Tex., in favor of Sabine Pass, Tex.—to the same committee.

Also, petition of citizens of Aransas County and of Nueces County, Texas, favoring improvement of Aransas Pass, Texas—to the same committee.

By Mr. CRISP: Petition of C. H. Smith, James Woods, T. B. Myers, and others, citizens of Schley County, Georgia, asking the passage of the Blair bill—to the Committee on Education.

Also, papers relating to bill for the relief of George N. Beach—to the Committee on Claims.

By Mr. CROXTON: A bill to deepen Rappahannock River below Fredericksburg, Va.—to the Committee on Rivers and Harbors.

Also, bill to deepen the mouth of the creek at Sack's Island—to the same committee.

Also, bill to remove the bar at the mouth of Piscataway Creek—to the same committee.

By Mr. DIBBLE: Memorial of the Charleston Exchange, of Charleston, S. C., in favor of the continuance of compulsory pilotage—to the Select Committee on American Ship-building and Ship-owning Interests.

By Mr. DORSEY: Resolution of the board of trade of the city of Omaha, Nebr., in support of the Hoar bill fixing the payment of the Union Pacific Railway Company's debt to the United States—to the Committee on Pacific Railways.

By Mr. DOUGHERTY: Memorial of citizens of Bradford County and of citizens of Alachua County, Florida, in reference to entrance to Cumberland Sound—to the Committee on Rivers and Harbors.

By Mr. DUNN: Petition of H. C. Duravant, administrator of Samuel B. Lanier, of Mississippi County, Arkansas; and of Laura M., Jameson W., and Clarence Rice, and Fannie C. Gordon, *née* Rice, heirs of Jamison W. Rice, deceased, late of Phillips County, Arkansas, asking that their war claims be referred to the Court of Claims—to the Committee on War Claims.

By Mr. FLEEGER: Petition of 465 representative citizens of Mercer and Butler Counties, Pennsylvania, for scientific temperance instruction in all schools controlled by the Federal Government—to the Committee on Education.

By Mr. FORD: Petition of 135 representative citizens of Marshall, Kosciusko, and Saint Joseph Counties, Indiana, for scientific temperance instruction in all schools controlled by the Federal Government—to the same committee.

Mr. Mr. FREDERICK: Petition of citizens of Butler County, of Lima County, of Black Hawk County, and of Tama County, Iowa, asking for the division of the northern judicial district of Iowa—to the Committee on the Judiciary.

By Mr. FULLER: Memorial of Winnesheik monthly meeting of Friends of State of Iowa, asking for the passage of Senate bill 355, entitled "A bill to promote peace among nations by the creation of a tribunal for international arbitration, and for other purposes"—to the Committee on Foreign Affairs.

By Mr. FUNSTON: Petition of the Society of Friends of Hesper, Kans., for the passage of Senate bill 355, to promote peace among nations—to the same committee.

Also, petition of citizens of Blue Mound, Kans., for payment to ex-soldiers the difference between paper currency and coin—to the Committee on War Claims.

Also, petition of citizens of second Congressional district of Kansas asking for the passage of the bill to restore printers' wages—to the Committee on Labor.

Also, petition of Thompson McKinley, of Conner's Station, Kans., for payment of quartermaster's voucher—to the Committee on War Claims.

Also, petition of citizens of Olethe, Kans., for the passage of the Oklahoma bill—to the Committee on the Territories.

By Mr. GIFFORD: Petition to reimburse Angus McKay for property taken by revenue-collector—to the Committee on Claims.

By Mr. GILFILLAN: Resolutions of Local Assembly No. 3877 of Knights of Labor, of Minneapolis, Minn., in favor of public improvements—to the Committtee on Railways and Canals.

By Mr. GOFF: Petition of Zebedee Brown and others, of Braxton and Lewis Counties, West Virginia, praying for the passage of the pension law requested by the Grand Army of the Republic—to the Committee on Invalid Pensions.

By Mr. R. S. GREEN: Petition of Franklin R. Ewing, of Joseph J. McIntire, and of James P. Higgins, of New Jersey, for pensions—to the same committee.

By Mr. GROSVENOR: Petition of Hon. J. B. Foraker and a great many steamboatmen and owners in Ohio, Pennsylvania, and West Virginia, praying for the building of a marine hospital at Gallipolis, Ohio—to the Committee on Naval Affairs.

Also, petition of David Viers, for removal of charge of desertion, &c.—to the Committee on Military Affairs.

By Mr. GROUT: Papers relating to the claim of Mary H. Sanborn, for a pension—to the Committee on Invalid Pensions.

By Mr. GUENTHER: Petition of S. B. Stoddard, for a pension—to the same committee.

By Mr. HALSELL: Papers relating to the claims of M. B. W. Camp; of Asbury Dawson; of A. Drain; of Allen County; of Samuel E. Carpenter; of James E. Ewing; of James W. Foster; of Sebastian Heeter; of W. P. Hendricks; of James W. Herndon, administrator of Peter Burr, deceased; of Cumberland Presbyterian church, Russellville; of C. E. Blewett; of James Boven; and of Willis E. Arnold, of Kentucky—to the Committee on War Claims.

Also, papers to accompany bill for the benefit of Robert Lashley—to the same committee.

Also, affidavit of H. Barner, to accompany papers in claim of Mary F. Grider—to the same committee.

By Mr. HAMMOND: Petition of Dr. J. F. Van Hane and others, of Walten County, Georgia, in favor of aid to education—to the Committee on Education.

Also, papers relating to claim of James Mitchell—to the Committee on Claims.

By Mr. D. B. HENDERSON: Petition of Henry Jordan, for an invalid pension—to the Committee on Invalid Pensions.

Also, memorial from 9 citizens of Dubuque, Iowa, concerning the abolition of the Presidency—to the Committee on the Judiciary.

Also, petition and papers from county officers and citizens of Black Hawk County, Iowa, praying for a special act pension to David T. Elderkin, of Finchford, Iowa—to the Committee on Invalid Pensions.

By Mr. T. J. HENDERSON: Petition of Mrs. E. T. Lippincott, president of O. E. S. S., and others, prominent citizens of Orion, Ill., praying that an amendment to the Constitution may be submitted to the several States protecting women in the right of suffrage—to the Committee on the Judiciary.

Also, memorial of Local Assembly No. 4175, Knights of Labor, of Carbon Cliff, Ill., indorsing the plan of the construction of the Hennepin Canal—to the Committee on Railways and Canals.

By Mr. HEPBURN: Memorial of Knights of Labor of Clarinda, Iowa, asking for the construction of a number of internal improvements and especially the Hennepin Canal—to the same committee.

By Mr. HERMAN: Petition of citizens of Oregon, for the improve-

ment of the Umpqua River, and for the improvement of the Yaquina Bay—to the Committee on Rivers and Harbors.

Also, memorial of the Oregon, Legislature for continued improvement of the entrance to Yaquina Bay—to the same committee.

By Mr. HILL: Petition of George E. Wells, for a pension—to the Committee on Invalid Pensions.

By Mr. HOLMAN: Petition of May E. Hill, late a nurse in the Union Army, praying for compensation for services rendered by her as such nurse, and papers connected therewith—to the Committee on War Claims.

Also, resolutions of the city council of Lawrenceburg, Ind., asking an appropriation to construct a levee at that city to confine the Ohio River at that point to its main channel during great floods, in the interest of navigation—to the Committee on Rivers and Harbors.

By Mr. J. T. JOHNSTON: Petition of R. W. Thompson and others, citizens of Terre Haute, Ind., for the improvement of the Wabash River—to the same committee.

Also, petition of Michael Kelly, to be relieved from the charge of desertion—to the Committee on Military Affairs.

By Mr. J. H. JONES: Petition of Ben. Wilson and others, citizens of Shelby County, Texas, for ample appropriation to deepen the channel at Sabine Pass, Texas—to the Committee on Rivers and Harbors.

By Mr. KLEINER: Petition of Martha Shiner, and of Nancy Baldwin, for pensions—to the Committee on Invalid Pensions.

Also, petition of Elizabeth Sailer, widow of Frederick J. Sailer, late Company L, Fifteenth Regiment A. T. Heavy Artillery, for a pension—to the same committee.

By Mr. LANDES: Petition of John R. Banney and 36 others, citizens and ex-soldiers, praying passage of the proposed Grand Army of the Republic pension bill—to the same committee.

By Mr. LIBBEY: Petition of Mrs. P. L. Ward, praying that her case be not referred to the Court of Claims—to the Committee on War Claims.

By Mr. LINDSLEY: Petition of 275 representative citizens of Delaware County, New York, for scientific temperance instruction in all schools under control of the Federal Government—to the Committee on Education.

By Mr. LONG: Memorial and petition of American Woman Suffrage Association, for impartial suffrage—to the Committee on the Territories.

By Mr. LYMAN: Papers to accompany House report for the relief of Arlington M. Harrington, late a soldier of the Mexican war—to the Committee on Pensions.

Also, papers to accompany House report for the relief of Ezekiel F. Judd, late of Company K, One hundred and twentieth New York Infantry; of Thomas H. Hutton, late Company A, Twenty-ninth Iowa Infantry; of Edwin Moore; of John H. McClelland, late Company B, Twenty-ninth Iowa Infantry, and of John S. Hennick, late Company I, Second Iowa Infantry—to the Committee on Invalid Pensions.

By Mr. McCOMAS: Petition of Reformed Church of Sharpsburg, Md., for compensation for property, &c., taken by the United States Army, and stated at $806.22—to the Committee on War Claims.

Also, petition of John L. Belt, of Frederick County, Maryland, for pay for stores and supplies taken and used by the United States Army, and stated at $1,905—to the same committee.

Also, petition of Daniel Killigan, late of Company G, Thirty-seventh Regiment New York Volunteers—to the Committee on Invalid Pensions.

By Mr. McCREARY: Petition of J. C. Newland, of Spencer County, Kentucky, for relief—to the Committee on War Claims.

Also, petition of citizens of Shelby County, Kentucky, protesting against the passage of any bankrupt law—to the Committee on the Judiciary.

Also, petition of A. Carson, of Lincoln County, Kentucky, for relief—to the Committee on Claims.

Also, petition of Samuel McClure, of Rock Castle County, Kentucky, asking for a pension—to the Committee on Invalid Pensions.

By Mr. McRAE: Petitions from citizens of Howard, Little River, and Sevier Counties, Arkansas, asking to be detached from the western and added to the eastern judicial district—to the Committee on the Judiciary.

By Mr. MATSON: Petition of George W. Crayton and 324 others, and of C. R. Young and 32 others, ex-Union soldiers, of Texas, asking for additional pension legislation—to the Committee on Invalid Pensions.

By Mr. MILLARD: Petition of E. T. Pattis and others, against the manufacture of oleomargarine—to the Committee on the Judiciary.

By Mr. MILLER: Petitions of citizens of Fayette County, of citizens of Lee County, and of Rancho, Tex., for deep water at Galveston, Tex.—to the Committee on Rivers and Harbors.

By Mr. MOFFATT: Petition of citizens of Northport, Mich., for further telegraphic communication—to the Committee on Commerce.

By Mr. MORGAN: Petition of Gray W. Smith, of Benton County, Mississippi, asking that his war claim be referred to the Court of Claims—to the Committee on War Claims.

By Mr. MURPHY: Petition of Henry Hever and of Curtis L. Snyder, for pensions—to the Committee on Invalid Pensions.

By Mr. NEAL: Petition of citizens of Polk County, Tennessee, protesting against the passage of any bankrupt law—to the Committee on the Judiciary.

By Mr. NEECE: Petition of 40 citizens of Rock Island County, Illinois, for the eight-hour law to be applied to the public printing—to the Committee on Labor.

Also, petition of 44 citizens of Rock Island County, Illinois, for woman suffrage—to the Committee on the Judiciary.

Also, petition of Barnett P. Payne and 298 others, praying for the pension legislation recommended by the pension committee of the Grand Army of the Republic—to the Committee on Invalid Pensions.

Also, petition of the Knights of Labor of Carbon Cliff, Ills., asking for the passage of the Foran bill of January 6, 1886—to the Committee on Labor.

Also, memorials of Knights of Labor of Colchester, of Rock Island, of Bushnell, and of Coal Valley, Ill., for certain internal improvements—to the Committee on Railways and Canals.

By Mr. NEGLEY: Petition to increase the pension of Thomas A. Rowley, late brigadier-general United States Volunteers—to the Committee on Invalid Pensions.

By Mr. J. J. O'NEILL: Petition of Barbers' Assembly, Knights of Labor, asking for the passage of a law closing barber shops on Sunday—to the Committee on Labor.

Also, petition of pilots and engineers, asking for refund of excess of license paid—to the Committee on Claims.

Also, petition of P. T. Bowen, H. G. Trader, M. F. Hobbs, W. B. Smith, and L. M. Herbert, committee of the Knights of Labor, asking that the provisions of all eight-hour bills be extended to apply to all persons employed by or on behalf of the District of Columbia—to the Committee on Labor.

Also, petition of William H. Scothem, of Missouri, for relief—to the Committee on Claims.

Also, resolutions adopted by merchants of Saint Louis, urging the passage of the bill conferring jurisdiction in the United States courts of certain cases arising in the Indian Territory—to the Committee on the Judiciary.

By Mr. PAYSON: Petition of 231 representative citizens of Woodford, Livingston, Iroquois, and Ford Counties, Illinois, for scientific temperance instruction in all schools controlled by the Federal Government—to the Committee on Education.

By Mr. PETERS: Petition of G. W. Fletcher and 50 others, ex-soldiers, asking for equalization of pay and bounty—to the Committee on War Claims.

Also, petition of Davis Weythman and 30 other citizens, favoring opening of Indian Territory—to the Committee on Territories.

By Mr. PETTIBONE: Papers relating to the claim of William M. Brewster, of Claibourn County, Tennessee—to the Committee on War Claims.

By Mr. PLUMB: Memorial of Labor Assembly No. 3538, of Streator, Ill., for the construction of the Hennepin Canal—to the Committee on Railways and Canals.

Also, memorials of citizens of Grundy and Will Counties, Illinois, concerning the abolition of the Presidency—to the Committee on the Judiciary.

By Mr. REAGAN: Petition of citizens of Leon County, Texas, praying for action to secure deep water at Sabine Pass, Tex.—to the Committee on Rivers and Harbors.

Also, petition of citizens of Anderson County, Texas, praying for action for the improvement of Galveston Harbor, Texas—to the same committee.

By Mr. RICHARDSON: Petition of T. A. Gannaway, of Tennessee, asking readjustment and payment of salary as postmaster—to the Committee on the Post-Office and Post-Roads.

Also, petition of N. G. Terry, of Tennessee, asking that certain internal-revenue taxes illegally collected be refunded—to the Committee on Claims.

By Mr. RIGGS: Protest of George Ertel & Co., against the passage of House bill 5354 for relief of Peter K. Dederick—to the Committee on Patents.

Also, petition of the Illinois State board of agriculture, asking legislation relative to imitations of dairy products—to the Committee on Ways and Means.

Also, resolutions of Local Assembly No. 1959, Knights of Labor, of Quincy, Ill., favoring the Hennepin Canal and other improvements—to the Committee on Railways and Canals.

By Mr. RYAN: Petition of C. R. Noe and 157 citizens of Leon, Kans., in favor of paying soldiers of the late war the difference between the depreciated and the par value of the currency paid them by the Government during the war—to the Committee on War Claims.

Also, petition and resolutions of the Travelers' Protective Association, of Leavenworth, Kans., in favor of the passage of Senate bill known as the Platt bill—to the Committee on Commerce.

Also, petition of W. J. McGavock and many others, citizens of Kansas, in favor of the ratification of the reciprocity treaty with Mexico—to the Committee on Foreign Affairs.

Also, petition of E. G. Roberts and others, of Morris County, and of D. Disbrow and many others, of Topeka, Kans., in favor of the bill to

open the Indian Territory to white settlement—to the Committee on the Territories.

By Mr. SENEY: Protest of S. L. Stover and others, against the passage of House bill No. 5538—to the Committee on Commerce.

By Mr. SESSIONS: Petition of 277 representative citizens of Chautauqua County, New York, for scientific temperance instruction in all schools under control of the United States Federal Government—to the Committee on Education.

By Mr. SEYMOUR: Petition of A. L. Dennis and others, praying for speedy legislation in aid of reciprocity treaty with Mexico—to the Committee on Foreign Affairs.

By Mr. SHAW: Petition for pensions to the children of Joseph L. Scholfield of the Revolution—to the Committee on Pensions.

By Mr. SMALLS: Petition of citizens of Beaufort, S. C., requesting the erection of a public building for custom-house, post-office, and for such other purpose as may be needed by the United States Government—to the Committee on Public Buildings and Grounds.

By Mr. SPOONER: Petition of Thomas J. Morgan and others, of Rhode Island, for scientific temperance instruction in all schools under control of Federal Government—to the Committee on Education.

By Mr. SPRINGER: Memorial of the State board of agriculture of Illinois, in regard to the adulteration of dairy products, &c.—to the Committee on the Judiciary.

By Mr. STEELE: Petition of William T. Spencer and 100 others, of Swayzee, Ind., asking for a pension to all soldiers—to the Committee on Invalid Pensions.

By Mr. W. J. STONE, of Kentucky: Petition of citizens of Lyon and Marshall Counties, Kentucky, praying a pension be granted Silas D. Collie—to the same committee.

Also, petition of M. H. Carson, M. D., asking compensation for medical services rendered during the late war—to the Committee on War Claims.

By Mr. W. J. STONE, of Missouri: Petition of Henry B. Hecker and others, of Henry County, Missouri, for the passage of a bill embodying the recommendations of the pension committee of the Grand Army of the Republic—to the Committee on Invalid Pensions.

Also, petition of W. W. Wheelock and others, of Vernon County, Missouri, for the same—to the same committee.

Also, petition of George Crilly, for relief—to the Committee on the Public Lands.

By Mr. STORM: Memorial and papers to accompany House bill for relief of Amy C. Copwell—to the Committee on Claims.

Also, memorial of Robert Hedian, for relief—to the Committee on War Claims.

Also, memorial of Mayberry Vance, for a pension—to the Committee on Invalid Pensions.

By Mr. STRAIT: Petition of Lizzie P. Hawkins and 15 others, citizens of Shakopee, Minn., praying for the right of woman suffrage—to the Committee on the Judiciary.

By Mr. SYMES: Petition of Knights of Labor of Aspen, Colo., regarding Chinese immigration—to the Committee on Foreign Affairs.

Also, house joint memorial of the Colorado Legislature, in favor of removing the Ute Indians—to the Committee on Indian Affairs.

Also, senate joint memorial of the Colorado Legislature, requesting the restoration of the tariff of 1867 on wool—to the Committee on Ways and Means.

Also, senate joint memorial of the Colorado Legislature, that settlers upon public lands may acquire a safe title from the Government of the United States—to the Committee on the Public Lands.

Also, memorial from Denver, Colo., concerning the abolition of the Presidency—to the Committee on the Judiciary.

By Mr. VAN SCHAICK: Memorial of the Grand Army of the Republic, Department of Wisconsin, asking for the passage of bill for the relief of John Calehan—to the Committee on Invalid Pensions.

Also, resolutions of the Chamber of Commerce of Milwaukee, indorsing the Cullom bill for the regulation of interstate commerce—to the Committee on Commerce.

By Mr. VIELE: Memorial and petition of the American Geographical Society—to the Committee on Military Affairs.

By Mr. VOORHEES: Petition and paper of Edward A. Morehouse, asking for the removal of the mark of desertion—to the Committee on Naval Affairs.

Also, papers in the case of Dennis Storrs, Marvin Nunnick, Fritz Gibbon, Donald McDonald, and Daniel Hines, of Washington Territory, in the removal of obstructions to the navigation of the Skagit River—to the Committee on Claims.

Also, letter from A. J. Chapman, relative to the improvement of Columbia River—to the Committee on Rivers and Harbors.

By Mr. TAULBEE: Petition of Green B. Kelly, for relief—to the Committee on War Claims.

By Mr. ZACH. TAYLOR: Petition of Ben. Kenney; of Wiley W. Walker; of John W. Stephens, son and heir of John N. Stephens, deceased, and of Marienne Stith Truhart, heir of C. A. Stith, of Shelby County, Tennessee; and of Joseph and Henry Townsend, heirs of Peter Townsend, deceased, of Tipton and Chicot Counties, Tennessee and Arkansas, asking that their several war claims be referred to the Court of Claims—to the same committee.

Also, papers relating to the claim of Dr. William F. Still, of Madison County, Tennessee—to the same committee.

By Mr. J. R. THOMAS: Resolution of the State board of agriculture of Illinois, requesting legislation compelling the proper stamping of all imitations of dairy products, and for other purposes—to the Committee on Agriculture.

By Mr. THROCKMORTON: Petition of 547 cititens of Cooke County, Texas, praying for a sufficient appropriation to secure deep water at Galveston, Tex.—to the Committee on Rivers and Harbors.

By Mr. TOWNSHEND: Petition of citizens of Jefferson County, Illinois, praying for the passage of a bill granting a pension to Minerva A. Ross, widow of Patrick Ross—to the Committee on Invalid Pensions.

Also, petition of George W. Smith, for increase of pension—to the same committee.

Also, petition of Joseph Manis, Company I, Sixtieth Regiment Illinois Volunteers, for relief—to the same committee.

Also, petition praying for pension law embodying recommendations of the Grand Army of the Republic—to the same committee.

Also, petition for the relief of George W. Mooke, Company C, One hundred and tenth Regiment Illinois Volunteers—to the same committee.

Also, petition of Sarah Lee, representative of Simeon Lee, for relief—to Committee on the Post-Office and Post-Roads.

By Mr. WADE: Petition of William S. Norfleet, administrator of Jacob Shultz, deceased, of Greene County, and of Jane Weatherman, of Taney County, Missouri, asking that their war claims be referred to the Court of Claims—to the Committee on War Claims.

By Mr. WARD: Petition of William H. Akins and Jacob D. Felthousen, praying for relief for inventing new and useful improvements in sewing-machines—to the Committee on Patents.

Also, memorial and petition of the Knights of Labor of Frankfort, Ind., for additional and more significant legislation against the immigration of Chinese—to the Committee on Foreign Affairs.

By Mr. WADSWORTH: Petition of citizens of Catlettsburg, Ky., against cruelty in branding live stock, &c.—to the Committee on Agriculture.

By Mr. A. J. WARNER: Petition of members of the Chesterfield monthly meeting, asking for the passage of Senate bill 355, to promote peace among nations—to the Committee on Foreign Affairs.

By Mr. WILLIAM WARNER: Petition of civil engineers and architects, recommending the passage of bill H. R. 2085—to the Committee on Manufactures.

By Mr. WHEELER: Petition for the relief of James Sumner—to the Committee on War Claims.

Also, papers relating to the claim of Mrs. Nancy J. Howard, of Jackson County, Alabama—to the same committee.

By Mr. A. C. WHITE: Paper in the claim of Lena Kebler, for a pension—to the Committee on Pensions.

Also, petition of John W. Guthrie, for a pension or other suitable allowance—to the same committee.

Also, paper relating to the case of William Miller, for relief—to the Committee on Military Affairs.

Also, paper relating to the case of Elizabeth Sirwell, for a pension—to the Committee on Invalid Pensions.

Also, petition of Susan Barn for a petition—to the same committee.

Also, petition and paper of Daniel Black for relief—to the Committee on War Claims.

Also, affidavits of S. W. Gibson, Elisha T. Custerline, Robt. Donaldson, Robt. Pennington, and Andrew J. Stevenson, for bounty claimed to be due them—to the same committee.

Also, petition of Amos Shivey for the removal of charge of desertion—to the Committee on Military Affairs.

Also, petition of John Montgomery, for relief for property used and destroyed during the late war—to the Committee on War Claims.

Also, papers in the case of Elizabeth Henderson, for relief—to the same committee.

Also, paper relating to the case of David S. Faith—to Committee on Pensions.

Also, petition of citizens of Clarion County; of Armstrong County; of Hillville; and 10 other petitioners, citizens of Pennsylvania, for an appropriation for the improvement of the Allegheny River—to the Committee on Rivers and Harbors.

By Mr. MILO WHITE: Petition of 821 representative citizens of Fillmore, Dodge, Olmstead, and Winona Counties, Minnesota, for scientific temperance instruction in all schools under control of Federal Government—to the Committee on Education.

By Mr. WILLIS: Petition of tanners of Louisville, Ky., asking for legislation in regard to branding live-stock—to the Committee on the Judiciary.

Also, papers to be filed with bill for relief of W. J. Heady—to the Committee on Pensions.

By Mr. WINANS: Petition of Gurden L. Wright and others, for the passage of H. R. 4902—to the Committee on Invalid Pensions.

By Mr. WISE: Petition protesting against increasing the rate on fourth-class mail matter—to the Committee on the Post-Office and Post-Roads.

By Mr. WORTHINGTON: Petition of Knights of Labor of Edwards, Ill., for passage of Hennepin Canal bill, &c.—to the Committee on Railways and Canals.

The following petitions, praying Congress to place the coinage of silver upon an equality with gold; that there be issued coin certificates of one, two, and five dollars, the same being made a legal tender; that one and two dollar legal-tender notes be issued, and that the public debt be paid as rapidly as possible by applying for this purpose the idle surplus now in the Treasury, were presented and severally referred to the Committee on Coinage, Weights, and Measures:

By Mr. FUNSTON: Of citizens of Garnett, Kans.

By Mr. J. T. JOHNSTON: Of Smith H. Samuels and others, of Indiana.

By Mr. NEECE: Of 40 citizens of Colchester, Ill.

By Mr. PETERS: Of T. J. Grant and 30 others, citizens of Spearville, Kans.

By Mr. SESSIONS: Of farmers in Allegany County, New York.

By. Mr. SYMES: Of citizens of Plattville, Colo.

SENATE.

TUESDAY, *March* 2, 1886.

Prayer by the Chaplain, Rev. E. D. HUNTLEY, D. D.

The Journal of yesterday's proceedings was read and approved.

EXECUTIVE COMMUNICATION.

The PRESIDENT *pro tempore* laid before the Senate a communication from the Secretary of War, transmitting, in response to a resolution of the 27th ultimo, a report from Maj. M. B. Adams, Corps of Engineers, concerning the utility of a breakwater at Gordon's Landing, on Lake Champlain, in Vermont; which, with the accompanying papers, was referred to the Committee on Commerce, and ordered to be printed.

PETITIONS AND MEMORIALS.

The PRESIDENT *pro tempore* presented a petition of 121 citizens of Norwalk, Huron County, Ohio, praying for the enactment of a law requiring scientific temperance instruction in the public schools of the District of Columbia and the Territories, and in the Military and Naval Academies, the Indian and colored schools, supported wholly or in part by money from the national Treasury; which was ordered to lie on the table.

He also presented a petition of 39 ex-Union soldiers, praying for the passage of the pension bill recommended by the pension committee of the Grand Army of the Republic; which was referred to the Committee on Pensions.

Mr. CAMERON presented a petition of the Knights of Labor of Philadelphia, Pa., praying that liberal appropriations be made for the construction of works of internal improvement; which was referred to the Committee on Commerce.

He also presented a petition, signed by 439 citizens of Butler and Mercer Counties, Pennsylvania, and a petition, signed by 258 citizens of Warren and Erie Counties, Pennsylvania, praying for the enactment of a law requiring scientific temperance instruction in the public schools of the District of Columbia and the Territories, and in the Military and Naval Academies, the Indian and colored schools, supported wholly or in part by money from the national Treasury; which were ordered to lie on the table.

Mr. McMILLAN. I present the petition of Rev. C. A. Cressey and 15 other clergymen, 7 physicians, 7 lawyers, 43 teachers, 104 business men, and 16 officers of temperance and other societies; and also a similar petition from 821 representative citizens of Minnesota, including 20 clergymen, 9 physicians, 13 lawyers, 47 teachers, 179 business men, 53 officers of temperance and other societies, together with 500 who voted in mass meetings; and also a petition signed by 248 citizens of the District of Columbia, praying Congress to pass the bill now pending, providing for scientific temperance education in the District of Columbia and the Military and Naval Academies and colored schools. I move that the petitions lie on the table.

The motion was agreed to.

Mr. MORRILL. I present the petition of 299 representative citizens of Vermont, praying for the enactment of a law requiring scientific temperance instruction in the public schools of the District of Columbia, in the Territories, and in the Military and Naval Academies, the Indian and colored schools, supported wholly or in part by money from the national Treasury. This petition is signed by 18 clergymen, 16 physicians, 4 lawyers, 42 teachers, 109 business men, and 110 officers of temperance and other societies. I move that it lie on the table, as the bill on that subject has been already reported.

The motion was agreed to.

Mr. MORRILL. I present a like petition, signed by 252 representative citizens of Vermont, including 17 clergymen, 15 physicians, 11 lawyers, 24 teachers, 79 business men, and 45 officers of temperance and other societies, praying for the passage of the bill. I move that the petition lie on the table, and as I suppose there will be no opposition to the bill whenever it comes up, I trust it will pass.

The motion was agreed to.

Mr. CONGER. I present the petition of 395 representative citizens of Charlevoix, Kalkaska, Lake, Mason, Oceana, and Wexford Counties, Michigan, signed by 43 clergymen, 21 physicians, 25 lawyers, 29 teachers, 183 business men, 76 officers of temperance and other societies, praying for the passage of the bill requiring instruction in the nature and effects of alcoholic drinks and other narcotics in all schools supported wholly or in part by money from the national Treasury. As there has been a report in this matter, I move that the petition lie on the table.

The motion was agreed to.

Mr. CONGER. I also present another petition from 222 representative citizens of Allegan, Ionia, and Kent Counties, Michigan; also a petition of 422 representative citizens of Oakland, Ingram, and Genesee Counties, Michigan; also a petition of 132 representative citizens of Saint Clair, Macomb, and Huron Counties, Michigan, with many of whom I am personally acquainted; also a petition of 243 representative citizens of Montcalm and Saginaw Counties, Michigan, and a petition of 395 representative citizens of Branch, Calhoun, and Eaton Counties, Michigan, urging the passage of the same bill. I move that the petitions lie on the table.

The motion was agreed to.

Mr. CONGER. Let me add that 1809 citizens of Michigan have personally signed these petitions; that there are resolutions of meetings certified to by their officers to the same effect, and there are included in the signatures of officers of meetings to these petitions the names of some 3,500 citizens of Michigan.

Mr. ALDRICH. I present a petition numerously signed by the leading citizens of Rhode Island, in favor of the bill just referred to by the Senator from Michigan [Mr. CONGER]. I move that the petition lie on the table.

The motion was agreed to.

Mr. CULLOM. I present a petition of 234 representative citizens of Clay, Cumberland, Washington, and Richmond Counties, in the State of Illinois, composed of 16 clergymen, 13 physicians, 4 lawyers, 28 teachers, 159 business men, and 11 officers of temperance and other societies, all praying for the enactment of a law requiring scientific temperance instruction in public schools; also a petition of 148 representative citizens of Woodford, Livingston, Iroquois, and Ford Counties, in the State of Illinois, composed of 7 clergymen, 7 physicians, 4 lawyars, 25 teachers, 71 business men, and 34 officers of temperance and other societies, praying for the enactment of the same law; also a petition of 234 representative citizens of Union, Randolph, and Perry Counties, of the State of Illinois, composed of 14 clergymen, 16 physicians, 7 lawyers, 15 teachers, 108 business men, and 74 officers of temperance and other societies; also a petition of 100 representative citizens of Madison and Saint Clair Counties, of the State of Illinois, composed of 7 clergymen, 9 physicians, 3 lawyers, 18 teachers, 40 business men, and 23 officers of temperance and other societies, in favor of the enactment of the same law; also a petition of 186 representative citizens of Kane, Boone, Bureau, and McHenry Counties, of the State of Illinois, composed of 20 clergymen, 14 physicians, 12 lawyers, 65 teachers, and 75 business men, to the same effect; also a petition of 438 representative citizens of Schuyler, Mercer, McLean, Macon, and Warren Counties, of the State of Illinois, composed of 18 clergymen, 36 physicians, 5 lawyers, 42 teachers, 275 business men, and 62 officers of temperance and other societies, praying for the enactment of the same legislation. As the bill has been reported, I move that the petitions lie on the table.

The motion was agreed to.

Mr. MANDERSON. I present a petition of a goodly number of citizens of Nebraska, praying for legislation looking to the preservation of large game, as buffalo, deer, antelope, and elk, in the Western country. I move that the petition be referred to the Committee on Territories.

The motion was agreed to.

Mr. SAWYER presented a petition of F. W. Lueck and other citizens of Juneau, Wis., praying for the passage of a bill increasing the pensions of soldiers who have lost an eye; which was referred to the Committee on Pensions.

Mr. ALLISON presented a petition of the Knights of Labor of Clarinda, Iowa, praying that liberal appropriations be made for works of internal improvements, and particularly for the construction of the Hennepin Canal; which was referred to the Committee on Commerce.

He also presented a resolution adopted by Buena Vista Grange, Patrons of Husbandry, of Newton, Jasper County, Iowa, favoring the unlimited coinage of silver; which was referred to the Committee on Finance.

Mr. PIKE. I present a petition of citizens of the first district of New Hampshire, including 13 clergymen, 18 physicians, 12 lawyers, 57 teachers, 229 business men, and 18 officers of temperance and other socities, and a petition of citizens of the second district of New Hampshire, including 18 clergymen, 7 physicians, 4 lawyers, 22 teachers, 93 business men, and 26 officers of temperance and other societies, praying for the passage of a bill providing for scientific temperance instruction in the schools of the District of Columbia, the Territories, the Military

and Naval Academies, and all schools that are supported wholly or in part by the National Government. As the bill has been reported from the Committee on Education and Labor, I move that the petitions lie on the table.

The motion was agreed to.

Mr. COCKRELL presented a petition of Knights of Labor of Bevier and Macon County, of the State of Missouri, praying that an appropriation be made for the construction of the Hennepin Canal; which was referred to the Committee on Commerce.

Mr. PAYNE. I present three petitions of leading citizens of Ohio, comprising clergymen, physicians, lawyers, teachers, business men, officers of temperance and other societies, praying for the enactment of a law requiring scientific temperance instruction in the public schools of the District of Columbia, in the Territories, and in the Military and Naval Academies, the Indian and colored schools, supported wholly or in part from the national Treasury. I move that the petitions lie on the table.

The motion was agreed to.

Mr. CALL. I present nine petitions of citizens of Walton and Washington Counties, in West Florida, praying for the passage of the bill introduced by me to revoke the grant of lands made to the State of Florida in 1856. This petition comes to me from respectable sources and purports to be signed by nearly the entire population of those counties. I move that the petitions be referred to the Committee on Public Lands.

The motion was agreed to.

Mr. CALL. I present the petition of the town council of the town of Tampa, Fla., signed by the president of the council and under the seal of the town council. The petition prays for the passage of an act for the location of certain pieces of Girard scrip upon tracts of land bordering on the limits of the town of Tampa known as the Fort Brooke military reservation. It states that the town of Tampa is interested in the location of this scrip and the issuance of patents thereunder; that the offering of said land at public sale or the entry thereof under the settlement laws would probably place the title in the hands of speculators and prove a serious detriment to the best interests of the town, and whereas the said W. B. Henderson has agreed that in case he obtains a patent from the Government for said lands that he will convey to the family of the late Louis Le Bell their home on said lands where they have lived so many years, therefore the proceedings of the council show that an agreement has been made by which the town is to receive such parts of it as are desired or useful to it, and that the president of the town council be directed to petition Congress in their name for such legislation as may be necessary to perfect title under said scrip location and to request their Senators and Representatives to urge and support the enactment of such a measure.

The petitioners pray for the location of such scrip under the authority of a special act of Congress.

In presenting the petition I wish to say, inasmuch as there have been very great misrepresentations in regard to myself and to others standing in official position here, as will be seen from the newspaper I shall refer to, that from the first period of my occupying a seat in this Chamber, seven years ago, I did in conformity with a petition sent from the town of Tampa introduce into this body and advocate the passage of a bill, and a favorable report of the Committee on Public Lands, donating this reservation to the town of Tampa. From that time to the present at every Congress I have introduced petitions and bills to that effect, and have persistently and continuously urged the favorable report of the bill and its passage by the Senate. Several persons who own and control newspaper interests adverse to the people and the State have for some time been engaged in publishing false and defamatory statements and criticisms in regard to me, to whom and their statements I shall at an early day ask the attention of the Senate and the people, and have made the Fort Brooke military reservation and my action in respect to it the subject of some of these defamations. The records of the Senate and the General Land Office and the testimony of the members of the Committee on Public Lands attest my earnest support of the donation of the land to the town, and the absolute falsehood of these statements to the contrary. The telegrams sent in my name were entirely proper, and in the interest of those who were seeking to secure the land against entry by strangers, as before that time 40 acres, I think, of it had been located with scrip and patented to a Mr. Charles Brush before any one in Tampa knew that it was subject to entry. I append hereto some letters and evidence from the General Land Office showing my action in the premises.

The entries upon the reservation, which had been made before I came into the Senate, have been set aside at my instance. All private entries from that time to the present have been set aside.

There have been various attempts made to locate this reservation, which is quite valuable, being immediately adjacent to the town of Tampa and almost necessary to the further extension of the town, by individuals under the homestead and pre-emption laws, and under scrip locations. I have at times been applied to to prevent the location by strangers and speculators without the knowledge of the people of Tampa or those directly interested. I have allowed at such times the attorneys of those who represented the interests of the people of Tampa and the citizens resident there to telegram in my name information of such proceedings, and in all instances this has been done with the knowledge of my opposition and that I should protest and ask to set aside such entries. In every case that has been done since I have been in the Senate, and at this session I had introduced and there was pending and under the consideration of a subcommittee of the Committee on Public Lands a bill to donate this land to the town of Tampa for educational and other purposes.

I desire to submit, as a part of the few remarks which I shall make on this occasion, a statement taken from the records of the General Land Office and other papers, which I will ask to have printed in the RECORD without delaying the Senate to hear it, in order that the people of that locality may know precisely the condition of this reservation and how it stands before the committee.

I wish to say further that the gentlemen who are proposing to locate this land for the benefit of the town are largely interested in the town of Tampa, are citizens of high character, and have, no doubt, the best interests of the town at heart. I understand that there has been an arrangement made between them and the town council of Tampa which is satisfactory to the authorities; but I am also advised that there is opposition on the part of some persons, and I am informed that the council and these gentlemen desire me to state that they wish the utmost publicity given to their action in this respect, and that those who have any opposition to it shall be heard before the Committee on Public Lands. They desire me to submit with the petition a bill, which I shall hereafter introduce, and the paper which I hold in my hand, the Tampa Guardian, being a representation on the part of some persons having opinions or interests adverse to the action of the town council, opposing it upon the ground that the reservation should be donated entirely and absolutely to the town at its will and discretion.

I therefore ask in connection with the petition that the newspaper sent to me, being the Tampa Guardian, containing certain statements in regard to it on the part of certain persons opposing this action of the town council, may be referred in like manner to the Committee on Public Lands:

The letters of Hon. John T. Lesley and Capt. James McKay, in reference to the Fort Brooke reservation, were placed in my hands by Senator CALL in 1882-'83, to select a suitable attorney to represent these gentlemen, according to their request. I selected Mr. John S. Tucker.

The telegrams, in question, were sent by persons representing the Tampa gentlemen. Senator CALL's opposition to their entries was communicated by me to the attorney, and has always been well known to all parties claiming interests in this reservation. Senator CALL has had no connection with any of these parties, but has always opposed all entries, both theirs and all others. I was at that time employed as a clerk of Senator Johnson's committee, and for that reason was frequently in Senator CALL's company, and being well acquainted in this city was asked by him to select an attorney for Mr. Lesley and others.

The facts in this matter are well known to me and to others, by whom they can be easily established.

H. B. LITTLEPAGE.

WASHINGTON, D. C., *February* 24, 1886.

Having seen an article in a Florida newspaper charging Senator CALL with double dealing and collusion with parties in Tampa, in certain homestead and scrip locations made on the Fort Brooke reservation, I desire, in justice to Senator CALL, to make a statement of the facts within my knowledge in reference to the matter.

Senator CALL, in 1883, through Capt. H. B. Littlepage, of this city, placed in my hands letters from Hon. John T. Lesley and Capt. James McKay, of Tampa, in which he was requested to obtain an entry of this reservation for the town of Tampa, and, if this could not be done, then for certain gentleman citizens of that town; and that if it was not in his power to give them his personal aid and support that he would select a suitable attorney to represent them.

Senator CALL stated to me, through Captain Littlepage, and subsequently in person, that the writers of these letters were men of character and standing in their community, but that he was committed to the support of a bill for the donation of the land to the town of Tampa for educational and other purposes, and that he should oppose all private entries, as he had been doing, until otherwise instructed by the people of Tampa.

It is due to the Senator to say that he has always firmly and persistently maintained this position both in the Senate and before the General Land Office, and so far from being in collusion with the parties seeking to obtain these entries, I know that he has been their strongest opponent; but for him I am of opinion that these entries would have been confirmed, or at least some of them.

Very respectfully,

JNO. S. TUCKER, *Attorney at Law.*

UNITED STATES SENATE.

Washington, D. C., August 4, 1884.

I hereby state that I am a member of the Committee on Public Lands of the United States Senate, and that Senator CALL, of Florida, has repeatedly appeared before that committee during the past and previous sessions of Congress and urged the committee to report favorably a bill offered by him for the donation of the Fort Brooke reservation to the town of Tampa for public schools and parks and other purposes. Mr. CALL was quite urgent about this bill, but the committee could not find time in the press of other more important business to reach a satisfactory conclusion about it.

JOHN T. MORGAN,
United States Senate.

Statement relating to the Fort Brooke military reservation in Florida.

The Fort Brooke military reservation at Tampa, Fla., was originally established by executive order of December 10, 1830, covering an area of 16 miles square, and after various modifications and reductions the remainder, as it then stood, containing 148.11 acres, was duly relinquished in writing by the Secretary of War to the Secretary of the Interior January 4, 1883, under the act of August 18, 1856, and on the 17th of March, 1883, a subdivision plat of the relinquished tract was sent by the Commissioner of the General Land Office to the register and receiver at Gainesville, Fla. The plat was received at the local office March 22, 1883. On the same day Edmond S. Chew made homestead entry of said land, and on the 26th and 30th of the same month Clifford Herrick and Lewis Bell,

respectively, filed declaratory statement for the same. On the 2d of April, 1883, the said Commissioner instructed the register and receiver by telegram to allow no entries upon any of the land.

Subsequently, in the same month, several parties applied to file on said tract, but their applications were rejected because of the Commissioner's instructions.

The several claimants were then invited to submit reasons why said tract should not be disposed of at public sale. After considering these reasons the Commissioner rendered decisions of date December 17, 1883, and January 22, 1884, to the effect that the land was not subject to entry, but that it was his duty to order it into market that it might be appraised and sold as the law contemplates and requires, and directed the entry and filings to be canceled.

The several parties then appealed from these decisions and filed briefs thereon, and in a lengthy opinion the decisions were affirmed by the Secretary of the Interior on May 16, 1884.

On June 14, 1884, a joint motion was filed by the attorneys for the several applicants for a review of the Departmental decision of May 16, 1884, which motion was denied May 21, 1885, the Secretary finding that "said decision appears to have been well considered, and a careful examination of the same fails to disclose any errors therein." (Decisions Department of the Interior, volume 2, pages 603 and 606, and volume 3, page 556.)

On November 27, 1883, William B. Henderson made application at the Gainesville, Fla., land office to locate upon the land, which was then public land, four 40-acre pieces of land certificates numbered as subdivisions 11, 12, 13, and 14, respectively, issued under "an act for the relief of the heirs of Joseph Gerard," approved February 10, 1855 (10 Stat., 849), which permits them "to enter, each one of them severally, or his or their heirs, one section of the public lands without the payment of any consideration," &c.

This application is now pending in the General Land Office, and was not before the Department nor considered in the decisions herein cited.

The application to locate said scrip was in the interest of the citizens of the town of Tampa, and the expense attending its purchase and location has exceeded $17,000. The town council of Tampa have petitioned Congress to authorize the location of this scrip, and in view of the fact that Congress by act of July 23, 1848, gave a quarter-section of the same reservation to the town of Hillsborough it is believed that the petition should be granted, independent of the fact that the right to said land under the application named would seem to be beyond dispute or question.

Congress has frequently passed acts of this character, and among others the act of January 21, 1885 (public act No. 15), which permitted Charles Popper to make a private entry of certain lands in the Camp Douglas military reservation in the Territory of Utah.

Finally, it is suggested that the bill in question is intended to perfect the only proper application under existing laws now pending for the land for the reason that all other applications have been rejected by the Department of the Interior.

WM. B. HENDERSON.

To Hon. WILKINSON CALL,
United States Senate.

The people should resent the wrongs perpetrated—The sentiment of the people—The ring's last struggle—The methods used—Scene in the council chamber—Reports and resolutions, how adopted—Councilman Knight's absence—The yeas and nays.

All will agree that the Fort Brooke reservation question is one of the most vexed in which the interests of Tampa have ever been complicated. In order to present the matter properly before our readers we will review the matter back a few years. In the month of January, 1883, the War Department abandoned Fort Brooke as a military post and turned the same over to the Interior Department. By this action it was understood by many that this land, embracing a fraction over 148 acres, was subject to homestead and pre-emption. By a letter at our command, written by Senator CALL, we learn that as soon as he ascertained the action of the War Department he telegraphed to Capt. John T. Lesley, at Tampa, the fact, and for him to homestead the reservation; he also states that a telegram was sent in his name to Dr. E. S. Carew and a Mr. Carlisle, at Gainesville where the local land office is located, to the same effect. Captain Lesley not being at home, failed to receive the telegram, as stated by him in a recent meeting of the town council, and the telegraph operator, who was in the employ of W. B. Henderson, took advantage of the information intended for Captain Lesley, and homesteaded the land. In the mean time Dr. E. S. Carew, having superior access to the land office, got out the necessary papers and within a few hours was a homesteader also, and occupies the land at this date. Other parties made claims and so the matter has stood until the Commissioner of the Land Office ruled that the land was not subject to homestead, and refused to recognize any such claim.

During the present session of Congress we believe that Senator CALL has introduced a bill donating this tract of land to the town of Tampa. By this action he represents the interests of our people, notwithstanding there are facts and statements in existence that clearly show to unprejudiced minds that the Senator's actions and efforts have not been consistent with this movement.

But now comes Messrs. J. T. Lesley and W. B. Henderson, who claim that they have invested in Gerard scrip to the amount of about $17,000 that they have placed (or desire to place) on this land, and in this connection we shall have to speak more fully.

About three months ago the Tampa Board of Trade began to agitate this question with a view to securing the reservation for the town to be used as a public park, its adaptability and desirability for this purpose being very favorable. About the same time the question was brought before the town council. Mr. Henderson, who is a member of the council, requested, as a personal favor, at one meeting when the subject was introduced, that the matter be deferred one month, when Captain Lesley desired to appear before the council and submit a proposition.

Action was postponed, but Captain Lesley did not appear, and we understand that the council adopted and sent a memorial to the Department, and to our Representatives in Congress, asking that a speedy settlement of the question be reached if possible.

LATER DEVELOPMENTS.

On the 9th instant a special meeting of the council was called. Captain Lesley appeared before it and submitted a proposition to the effect that if the council would indorse his scrip claim of $17,000 and give its influence in having a bill passed by Congress allowing said claim, he would bind himself to donate such portion of the reservation as might be agreed upon. Colonel Sparkman also appeared and advised the council to compromise. A committee was appointed to confer with Messrs. Henderson and Lesley, and to report the character of the arrangement that could be made. The council met again on the 11th, but the committee asked further time to report, and an adjournment to the 17th instant was made.

PROCEEDINGS.

Members present, W. T. Haskins, president, G. B. Sparkman, S. A. Jones, H. L. Branch, W. B. Henderson, Dr. J. P. Wall, T. E. Jackson, and T. C. Taliaferro.

The president excused Mr. Henderson from participation in the proceedings owing to his being an interested party in the question before the council.

The following report from the committee was submitted:

MAJORITY REPORT.

To the president and members of the town council of the town of Tampa:

We, the undersigned committee, who were appointed by your honorable body to confer with Messrs. Henderson and Lesley in reference to some concert of action in obtaining the military reservation, beg leave to submit the following report:

Whereas we have considered that the speedy settlement of this question is of paramount importance to the town from the representations of their attorneys; and

Whereas we believe that Messrs. Henderson and Lesley have vested legal rights in the reservation, and that the subjoined proposition agreed upon between these gentlemen and ourselves, as a committee, is a fair, reasonable, and liberal proposition for the town, and we recommend its adoption by the council.

The proposition as agreed upon is that Henderson and Lesley shall donate to the town a strip of the reservation, beginning at a point in the branch where it intersects the middle of Franklin street, running from thence in a direct line as a continuation of Franklin street, so as to take in the clump of live oaks lying to the westward of said line, to a point south of the house occupied by Dr. E. S. Carew, thence west at right angle with said line either to the east line of Tampa street, if that will include the trees before referred to, or if not, then to the middle of said Tampa street, thence north parallel to the first-mentioned line to the branch, thence up said branch to the point of beginning.

We further recommend that the land lying between this plot and the bay on the south be either donated to the town for hotel purposes, or be sold for that purpose by Messrs. Henderson and Lesley, and the proceeds be given to the town for such purposes as the town council may designate.

We further recommend that Franklin and Tampa streets be extended to the bay with width of 80 feet, except on each side of the park, on either side of which to be 50 feet.

We further recommend that Messrs. Henderson and Lesley enter into a written contract with the council conditioned to carry out the provisions of this agreement, and that the council pass a resolution requesting our Senators and Representatives in Congress to take such action as will enable Messrs. Henderson and Lesley to perfect their scrip location on said reservation.

G. B. SPARKMAN,
S. A. JONES.

A motion to lay the above report on the table was lost; Wall, Jackson, and Taliaferro voting in the affirmative; Sparkman, Jones, and Branch in the negative. The President decided in the negative.

Mr. T. E. Jackson, from the committee, then submitted the following:

MINORITY REPORT.

Mr. Chairman, and Gentlemen of the Town Council:

As a member of the committee appointed to confer with Messrs. Henderson and Lesley as to their proposition made to the council in regard to the Fort Brooke military reservation, I beg leave to submit a minority report. I differ with my colleagues as to what our report should consist of. I believe that it was merely the duty of this committee to ascertain and report the best arrangement for the interests of the town that could be effected with Messrs. Henderson and Lesley, who have clearly stated to us that they would, in the event of their securing this reservation, give to the town of Tampa, for the use of the town as a park and for hotel purposes, that portion of the reservation lying between a line drawn from the center of Franklin street to the bay, and a similar line drawn from the center of Tampa street to the bay, and bounded on the north by the little stream which runs through the reserve, and on the south by a public road which skirts the bay, with a street of 40 feet on the sides of said park, and his was the best they would do, and all this provided the town would assist them to get the remainder for themselves; and such a report I was willing to make to the council. I can not say that I believe Messrs. Henderson and Lesley have any legal rights to that reservation, for I do not so believe. Nor can I recommend to the town council a settlement of this matter, so far as the town is concerned, upon any such basis. And, furthermore, I very much doubt the wisdom and propriety of the town council entering into any bargain in this matter, for I must say that I do not put any faith in this scrip which has been mentioned, a number of legal minds to the contrary, among whom are all of the legal talent of this corporation.

Respectfully submitted.

THOMAS E. JACKSON,
Member of the Town Council and of the Committee on Reservation.

A motion to adopt the majority report carried, as follows: Sparkman, Branch, and Jones voting in the affirmative; Wall, Jackson, and Taliaferro voted in the negative. W. T. Haskins, president, decided in the affirmative.

The following resolution was then offered and adopted:

"Whereas W. B. Henderson has an application pending in the General Land Office at Washington, D. C., for the location in his name of certain pieces of Gerard scrip upon the following parts of land, viz: Lots 8, 9, and 10, of section 24, township 29 south, range 19 east, and lots 12, 13, and 14, of section 19, township 29 south, range 19 east, in the State of Florida; and

"Whereas the expenses attending the purchase and location of said scrip upon said lands aggregate nearly $17,500; and

"Whereas the town of Tampa is directly interested in the location of said scrip and in the issuance of a patent thereunder; and

"Whereas the offering of said land at public sale or the entry thereof under the settlement laws would probably place the title thereto in the hands of speculators, and thereby prove a serious detriment to the best interests of said town; and

"Whereas the said W. B. Henderson has agreed that in case he obtains a patent from the Government for said lands that he will convey to the family of Louis Le Bell their home on said lands, where they have lived so many years: Therefore,

"*Resolved*, That the president of the town council be directed to petition Congress in our name for such legislation as may be necessary to perfect title under said scrip location, and to request our Senators and Representatives to urge and support the execution of such a measure.

"Passed town council this 17th of February, 1886.

"WM. T. HASKINS, *Pres. Council.*

"Approved this 18th day of February, A. D. 1886.

"DUFF POST, *Mayor.*"

On motion the resolution was adopted, Sparkman, Jones, and Branch voting yes; Wall, Jackson, and Taliaferro voting no. Haskins decided in the affirmative.

The following resolution was adopted during the meeting:

"Whereas Mr. S. M. Sparkman, the present attorney for the town of Tampa, and whereas he has been the attorney for Messrs. Henderson and Lesley in the Fort Brooke military reservation for several years, and whereas he requested the town council to designate some attorney to represent the town council in preparing a contract between Messrs. Henderson and Lesley, in reference to said reservation:

"*Be it resolved*, That Mr. S. M. Sparkman be requested to obtain the services of Messrs. Hammond & McFarlane to represent the town council in said business."

To a person unacquainted with the circumstances and inside facts of the above proceeding it may not look so bad, but when considered from an independent and searching standpoint, for downright chicanery, bossism, and misrepresentation there can hardly be a parallel in the country—certainly not in the history of Tampa. The scheme has been so ingeniously engineered that the true inwardness of the transaction has been generally concealed from the public. However

we have faith that prompt and energetic measures can yet defeat this well-planned scheme to swindle the citizens of Tampa, and we hope by this article to so clearly portray the facts that the people will fully realize the enormity of the wrong that has been perpetrated already, and at this moment is being furthered. Blind and implicit confidence in the honor of men is the foundation for much of the imposition and fraud that is practiced all over this country.

There is no question but that the Fort Brooke reservation belongs to the Government at the present time, and that the Government can do what it pleases with it. It will also be conceded that the value of this land is enhanced owing to its location alongside the rapidly developing and promising city of Tampa. The Government is rich; it does not need the land; in many instances it has shown a liberal disposition in aiding the development of sections and towns, and there is no good cause to doubt its generosity in this instance. Why has this reservation not been donated to Tampa before now? Perhaps the principal reason is that it was never asked to do so until a few weeks ago. We have not explained to Congress what use we could make of it; no effort has been made to get it by the town. But just now, when the citizens have commenced action and petitioned Congress, and our Senator has introduced a bill in behalf of the town, the town council steps in, takes the bit in its unrighteous mouth, and barters away the town's claim and prospect, for what? About 5 acres of the 148, with the recommendation that the remainder be given to Capt. John T. Lesley and Mr. W. B. Henderson. But let us examine briefly this action of the council on the known facts. Why did not Captain Lesley meet the council at the time agreed about two months ago, when it was possible for all the members to be present? Why was it necessary to seek such a time when Councilman Knight was absent from the city to call a special meeting to consider such an important question? Mr. Knight informs us that he was interviewed by an interested party upon the question a few days before he left the city, and that he informed the gentleman that he would not consent to anything that was not for the interests of the town, but that he did not receive an inkling that a "special meeting" would be called. Why were Captain Lesley and Mr. Henderson afraid to present their proposition to the board of trade? Is it not more largely representative of the business interests of Tampa than the town council?

If these men have so much legal right to the reservation why was it necessary to use such extraordinary measures to effect a compromise with anybody? Is there not evidence sufficient to indicate that there is a "black man" in the woodpile? But this is not all. Col. S. M. Sparkman, who is the attorney for Messrs. Lesley and Henderson, and is also the salaried city attorney employed by the council, appeared at the meeting, without notifying the council of his position, that another legal adviser might have been employed in the case, and proceeded to advise the council to compromise with his clients. If this is professional, usual, and right, then we are not posted in legal ethics. We shall not comment upon the majority report of the committee as published above. Its contents and the signatures attached will be sufficient to show in whose interest it was drafted. But we are proud to chronicle that the adoption of this scheme was not unanimous, and that it required the vote of the president of the council to break the tie. For the courage and independence displayed by Dr. J. P. Wall, Thomas E. Jackson, and T. C. Taliaferro the citizens of Tampa owe a tribute of confidence and gratitude. For those members who winced and wiggled before their masters they will doubtless express their righteous contempt should they ever dare to offer their names before the public again. Within forty-eight hours after the passage of the resolution Captain Lesley, with a copy in his pocket, was off for Washington, D. C. With the signature of the president of the council attached, and that of Mayor Post, the instrument is calculated to deceive. It does not represent the sentiment of the people of Tampa; and our assertion is supported by the votes of Dr. Wall, Mr. Jackson, and Mr. Tailaferro, and the opinion of Mr. Knight. What do the citizens propose to do?

The PRESIDENT *pro tempore*. The petition and papers will be referred to the Committee on Public Lands.

Mr. MAXEY presented a petition of Knights of Labor of Jefferson, Tex., praying for the restoration of wages at the Government Printing Office to a certain former rate; which was referred to the Committee on Printing.

He also presented a petition of Knights of Labor of Austin, Tex., praying the enactment of a law forever prohibiting the immigration of Chinese into the United States; which was referred to the Committee on Foreign Relations.

Mr. HOAR. I present the petition of James L. Frisbee, of Massachusetts, and several hundred others, workmen who have been employed by the United States since the passage of the law of 1868 and between July, 1877, and December, 1883, in various navy-yards. They have found that while that law, requiring the employment of men but eight hours a day by the Government, was in force they were compelled under an erroneous construction and contrary to the true meaning, intent, and spirit of the law to work ten hours in order to receive a day's wages. They were compelled either to submit to ten hours' work or to submit to a reduction of their wages; and they desire that there may be an act of Congress passed paying them the wages for the extra two hours, or that they may be authorized to bring suit before some proper tribunal, to be clothed with jurisdiction for that purpose, which tribunal shall be required to interpret the law according to the meaning of Congress.

I desire to say that having been cognizant of the purpose of that legislation from the beginning, in my judgment these petitioners are entirely right in their construction of the law, as I have had occasion many times, both in this House and the other, to say during the years which have elapsed since this grievance originated. It seems to me it was the purpose of Congress to test under the Government, with the authority of the Government, the soundness of an economic law which had been affirmed by workingmen of this country as well as by many writers who had no personal interest in the subject, that on a large scale of permanency in ordinary mechanical and manufacturing employments the individual workman will be a larger producer working eight hours a day than working a larger number of hours; that the increased intelligence, activity, skill, vigor, and work will make him a better and a more valuable producer, if he can have the leisure to rest and the respite of the other hours of the day. There was a very remarkable experiment tried upon that question in the United States armory at Springfield, the results of which were quite surprising to persons who had not entertained that opinion before, and which have already been laid before the public.

I move that the petition be referred to the Committee on Education and Labor.

The motion was agreed to.

Mr. DOLPH. I present numerous petitions signed by several thousand merchants, traders, land-owners, farmers, and professional men, resident and carrying on business in the seven counties of Oregon which chiefly constitute the Willamette Valley, showing that such counties contained a population at the last census of 65,000 persons; that the assessed property of this population is valued at $42,000,000 and over; and also setting forth the large agricultural resources of the country, and the importance of Yaquina Bay to the commerce of the country; stating that the improvement of Yaquina Bay has been undertaken by the General Government, and praying that an appropriation be made to complete its improvement at the present session of Congress. I ask that one of the petitions, which is not long, may appear in the RECORD without the names.

The PRESIDENT *pro tempore*. If there be no objection that order will be made, and the petitions will be referred to the Committee on Commerce.

The petition is as follows:

To the honorable the Senate and House of Representatives of the United States in Congress assembled:

The humble petition of the merchants, traders, land-owners, farmers, and professional men, resident and carrying on business in the seven counties of Oregon which chiefly constitute the Willamette Valley, showeth—

That the seven counties of the State of Oregon now in question contain 2,500,000 acres of land;

That the population by the last census was just 65,000 persons, and is rapidly growing;

That the realized property of this population is returned by the assessors as $42,178,000, or an average of over $650 per capita.

That although only 606,000 acres out of 2,500,000 are in cultivation, yet these seven counties raised in the year 1884-'85 the following, among and in addition to a proportionate quantity of other agricultural and pastoral products, namely: Six million bushels of wheat, 4,000,000 bushels of oats, 2,500,000 pounds of hops, 1,250,000 bushels of apples, and 900,000 pounds of wool; although the wheat yield of the year in question was below the usual average. The above figures are from the official returns in the office of the secretary of the State;

That until the opening of Yaquina Bay to commerce by the construction of the Oregon Pacific Railroad between Corvallis (in the heart of the Willamette Valley) and Yaquina Bay, the only outlet for our products and channel of our traffic was by way of Portland and the Columbia River, involving unnecessary distance and useless expense and delay;

That the improvement of the entrance to Yaquina Bay has been undertaken by the Government of the United States, and out of an estimated requirement of $465,000 only $150,000 has hitherto been appropriated;

That the result so far has been to demonstrate the possibility of entire success in deepening the harbor entrance, so that vessels of the largest size and capacity will be able to enter and leave the port with ease and safety; yet that to leave the work unfinished, in its present state, would be to have inflicted harm on the State of Oregon and its population, in place of untold good;

That since the railroad work in connection with the port of Yaquina was commenced, upward of $125,000 in custom duties have been received by the United States Government, or credited to that port;

That the steamship Yaquina, of 1,500 tons burden, since October 1, 1885, is making regular and frequent trips between Yaquina and San Francisco, carrying a large tonnage in grain and many passengers. The effect of the new route has already been felt from one end of the Willamette Valley to the other, and a large and increasing volume of traffic is seeking the Yaquina harbor;

That the charges for pilotage and towage at Yaquina are and must continue low, because it occupies but half an hour to take a vessel from the deep waters of the Pacific Ocean and land her passengers at the docks in Yaquina Bay, where a vessel lies alongside her wharf in 20 feet of water, in a land-locked and quiet harbor, with anchorage room for the whole commerce of the Pacific coast;

That your petitioners pray for the appropriation at this time of the full sum of $300,000, being the balance of the amount estimated by the United States engineer officers as the cost of completing the improvement of the entrance to Yaquina Bay, believing that Congress will recognize from the facts in this petition the urgency and importance of carrying out this most necessary improvement in accordance with their prayer.

And your petitioners will ever pray.

Mr. PALMER presented a petition of 208 citizens of Barry, Branch, and Calhoun Counties, Michigan, and a petition of 456 citizens of the District of Columbia, praying for the enactment of a law requiring scientific temperance instruction in the public schools of the District of Columbia and elsewhere; which were ordered to lie on the table.

Mr. PLUMB presented a petition of citizens of Ottawa, Kans., praying the opening of the Oklahoma lands to homestead settlement; which was referred to the Committee on Indian Affairs.

REPORTS OF COMMITTEES.

Mr. EDMUNDS. I am instructed by the Committee on the Judiciary, to which was referred the bill (S. 1076) providing for the collection of statistics touching marriage and divorce, to report it with a recommendation that it be laid on the table, and with a written report, which sets forth in substance, while we think the object proposed by the bill is highly important, it being the same bill that the same committee reported at the last Congress, we are of opinion that under the statute creating the Bureau of Labor the Commissioner of that bureau can more conveniently collect these statistics than can the Bureau of Statistics, as the bill provided for; and all that is necessary to accomplish this purpose is to put into the proper appropriation bill an appropriation to enable the Commissioner of Labor to accumulate the statistics.

We therefore recommend that the bill be laid on the table, and I ask

that our recommendation, with an amendment which is drawn up in our report, be referred to the Committee on Appropriations, so that we shall comply with the rules in regard to its being in order when the proper appropriation bill comes up.

The PRESIDENT *pro tempore*. The Senator from Vermont from the Committee on the Judiciary reports back the bill indicated, with a recommendation that it lie on the table, and that the report, with the amendment proposed, be referred to the Committee on Appropriations. That order will be made if there be no objection.

Mr. SEWELL, from the Committee on Pensions, to whom was referred the bill (H. R. 2021) granting a pension to Margaret A. Blake, reported it without amendment.

He also, from the same committee, to whom was referred the bill (S. 226) granting a pension to Margaret D. Marchand, reported it without amendment, and submitted a report thereon.

He also, from the Committee on Military Affairs, to whom was referred the bill (S. 1377) to grant the right of way for railroad purposes through the lands of the United States powder depot near Dover, N. J., to the Morris County Railroad Company, reported it with an amendment, and submitted a report thereon.

Mr. PAYNE. I am instructed by the Committee on Pensions, to whom was referred the bill (S. 736) granting a pension to James D. Reney, to report it adversely. I ask that it be placed on the Calendar.

The PRESIDENT *pro tempore*. The bill will be placed on the Calendar with the adverse report of the committee.

Mr. PAYNE. I am directed by the Committee on Pensions, to whom was referred the bill (S. 775) granting arrears of pension to Timothy Kibby, to report it adversely. I ask that it be placed on the Calendar.

The PRESIDENT *pro tempore*. The bill will be placed on the Calendar with the adverse report of the committee.

Mr. WALTHALL, from the Committee on Military Affairs, to whom was referred the bill (S. 557) to grant for the use of the public a street across the United States grounds in the city of Chattanooga, in the State of Tennessee, reported it with an amendment, and submitted a report thereon.

He also, from the same committee, to whom was referred the petition of Capt. John A. Lee, United States Army, praying to be retired with the rank of major, asked to be discharged from its further consideration; which was agreed to.

Mr. CAMERON, from the Committee on Military Affairs, to whom was referred the letter of the Secretary of War, recommending that provision be made for quarters for keeper of Yorktown Monument, submitted a report thereon, accompanied by an amendment intended to be proposed to the sundry civil appropriation bill making an appropriation of $2,500 for that purpose; which was referred to the Committee on Appropriations, and ordered to be printed.

He also, from the same committee, to whom was referred the letter of the Secretary of War, transmitting plans and estimates for the construction of a permanent wharf at Fort Monroe, Va., submitted a report thereon, accompanied by an amendment, making an appropriation of $80,000 for that purpose; which was referred to the Committee on Appropriations, and ordered to be printed.

Mr. HARRISON, from the Committee on Military Affairs, to whom was referred the bill (S. 976) for the relief of certain officers of the Signal Service, reported it without amendment, and submitted a report thereon.

Mr. MANDERSON, from the Committee on Military Affairs, to whom was referred the following bills, asked to be discharged from their further consideration, and that they be referred to the Committee on Claims; which was agreed to:

A bill (H. R. 822) for the relief of William H. Wheeler;
A bill (H. R. 4411) for the relief of A. Gates Lee;
A bill (H. R. 4412) for the relief of John A Coan; and
A bill (H. R. 832) for the relief of D. E. Downing.

Mr. COCKRELL. The Committee on Military Affairs, to which was referred the bill (S. 215) for the relief of Edward P. Vollum, introduced by me, and referred to that committee at my instance, have instructed me to report the same back adversely, and to recommend that the bill be indefinitely postponed, because the claim provided for therein is already provided for under the general law for the adjustment of claims of officers, &c., for losses in the service.

The PRESIDENT *pro tempore*. The bill will be postponed indefinitely if there be no objection.

PENSION OF WIDOWS AND DEPENDENT RELATIVES.

Mr. VAN WYCK. I am directed by the Committee on Pensions to report back the bill (H. R. 545) to increase the pensions of widows and dependent relatives of deceased soldiers and sailors with an amendment providing that the pensions to minor children shall be increased from $2 to $4 a month.

In this connection I desire to say that while I shall ask for the speedy consideration of the bill, I shall move that the pension to minors shall be increased to $5 instead of $4, as fixed by the committee. I shall also ask the consideration by the Senate of another amendment, which was not adopted by the committee, to provide that insane, idiotic, or helpless children shall receive the pension given to minor children beyond the existing limit to the time that the disability of insanity or idiocy may continue.

Mr. LOGAN. Is not the Senator from Nebraska going to ask the Senate to take up the bill soon?

Mr. VAN WYCK. I shall ask its consideration by the Senate just as soon as possible.

Mr. LOGAN. I merely wish to say that I hope the Senator having charge of the bill will call it up soon, and that there will be no objection to it and that the bill will be passed just as the House left it. Let the other matters which the Senator has suggested, which I do not oppose and some of which I would favor, be acted upon separately, but let the bill pass if the Senate is in favor of it as the House passed it, so as not to encumber it in any way whatever, and then take up the other matters.

I hope the committee will also report in a very short time the bill introduced by the Senator from Kansas in reference to arrearages, so that we may act upon the bill and decide it one way or another.

I only make these remarks for the reason that I have received, and am receiving every day, so many letters in reference to the matter, and I know there is a great deal of feeling on account of the delay. I hope the Senator will not offer his amendments to the bill, but will let them come up in some other bill, and let this House bill be called up speedily and acted upon.

Mr. VAN WYCK. The committee appreciate and fully sympathize with the suggestions made by the Senator from Illinois, and they have pursued the policy not to place in this or any bill which improves the condition of the soldiers and relates to their pensions any provision except what may be proper and legitimate. In this bill from the House providing for an increase of pension to widows and dependent relatives it was also provided that the pensions to minors shall continue at $2 per month. It is a part of the bill as passed by the House that the pensions to minors shall be continued at $2 per month, and therefore it is legitimate and proper in this bill to provide a rate of pensions for minors and also to continue the pensionable age of minors from sixteen to eighteen years. That is all the amendment proposed by the committee. It belongs to that class of pensions, and that alone. The committee have desired to do precisely what the Senator from Illinois desires; and I believe that at the last Congress we should have passed a distinct pension bill for the soldiers of the Mexican war, and let that stand upon its own merits alone. I am decidedly in favor of that proposition to-day.

It is because the amendments referred to are merely in the line of the bill itself that they have been proposed by the committee. They are proper and legitimate to the bill, as I think the Senator from Illinois will realize when he gives the subject further consideration.

The PRESIDENT *pro tempore*. The bill will be placed on the Calendar.

STATUE OF JAMES A. GARFIELD.

Mr. MANDERSON. I am directed by the Committee on Printing to report back the joint resolution (S. R. 39) to authorize the printing of the proceedings in Congress in accepting the statue of the late James A. Garfield, President of the United States. I report it back favorably and ask for its immediate consideration.

By unanimous consent, the Senate, as in Committee of the Whole, proceeded to consider the joint resolution.

The joint resolution was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

CLAIMS UNDER FRENCH AND SPANISH TREATIES.

Mr. MANDERSON. There was referred to the Committee on Printing a communication from the President of the United States, in response to a Senate resolution of February 9, 1886, transmitting, with a letter from the Secretary of State, a full report upon the subject of French spoliation claims. The Committee on Printing have communicated with the State Department with reference to the importance of this document, and also with Senators interested in the subject-matter, and believing that more than the usual number should be printed, present a concurrent resolution and ask for its immediate consideration.

The concurrent resolution was considered by unanimous consent and agreed to, as follows:

Resolved by the Senate of the United States (the House of Representatives concurring), That the statements relative to the payments of awards under treaties with France and Spain, transmitted by the President of the United States in response to Senate resolution of February 9, 1886, be printed, and that 5,000 additional copies of said message and statements be printed; of which 1,000 copies shall be for the use of the Senate, 2,000 copies for the use of the House of Representatives, and 2,000 copies for distribution by the Department of State.

NATIONAL SAFE DEPOSIT COMPANIES.

Mr. PIKE. On Friday last I reported adversely from the Committee on the District of Columbia the bill (S. 346) to amend an act entitled "An act to incorporate the National Safe Deposit Company of Washington, in the District of Columbia," approved January 22, 1867; and the bill (S. 62) enlarging the powers of the Washington Safe Deposit Company, and for other purposes, and the bills were postponed

indefinitely. I wish to enter a motion to reconsider the vote by which the bills were postponed indefinitely.

The PRESIDENT *pro tempore*. The motion to reconsider will be entered.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. CLARK, its Clerk, announced that the House had passed the bill (S. 610) to provide for a building for the use of the Federal courts, post-office, and internal revenue and other civil offices, and a United States jail in the city of Fort Smith, Ark., with amendments; in which it requested the concurrence of the Senate.

The message also announced that the House had passed a bill (H. R. 2148) to amend an act entitled "An act to provide a building for the use of the United States circuit and district courts of the United States, the post-office, and other Government offices at Williamsport, Pa.," and making an additional appropriation therefor; in which it requested the concurrence of the Senate.

BILLS INTRODUCED.

Mr. GORMAN introduced a bill (S. 1722) to provide for a joint celebration by the sixteen American republics on the 4th of March, 1889, in honor of the one hundredth anniversary of the Constitution of the parent Republic, the United States; which was read twice by its title, and referred to the Committee on Foreign Relations.

Mr. CALL. I introduce a bill to accompany the petition which I presented this morning.

The bill (S. 1723) to authorize the entry of certain lands in the State of Florida was read twice by its title, and referred to the Committee on Public Lands.

Mr. JACKSON (by request) introduced a bill (S. 1724) for the relief of the legal representatives of A. J. Tynes, deceased, of Nashville, Tenn.; which was read twice by its title, and referred to the Committee on Claims.

Mr. DOLPH introduced a bill (S. 1725) granting an increase of pension to Margaret E. Pierce; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Pensions.

Mr. CULLOM introduced a bill (S. 1726) granting a pension to Augustus Field Stevens; which was read twice by its title, and referred to the Committee on Pensions.

He also introduced a bill (S. 1727) granting an increase of pension to George W. Williams; which was read twice by its title, and referred to the Committee on Pensions.

Mr. PLUMB introduced a bill (S. 1728) to confirm the title to certain lands in the Territory of Arizona to Francisco Aguilar and his legal representatives; which was read twice by its title, and referred to the Committee on Private Land Claims.

PUBLIC BUILDING AT FORT SMITH.

The PRESIDENT *pro tempore*. If there be no further routine morning business the Calendar is in order.

Mr. BLAIR. I move that the Senate now proceed to the consideration of the unfinished business.

The PRESIDENT *pro tempore*. The Senator from New Hampshire moves that the Senate proceed to the consideration of the unfinished business, the morning business having been concluded.

Mr. BERRY. I ask the Senator from New Hampshire to withhold his motion, as the Senator from Wisconsin [Mr. SPOONER] desires action upon the amendments of the other House to a bill which has just been returned from that body.

Mr. BLAIR. I will yield for that, it being a formal matter, as I understand.

Mr. SPOONER. The House of Representatives has passed and returned to the Senate with amendments the bill (S. 610) to provide for a building for the use of the Federal courts, post-office, and internal revenue and other civil offices, and a United States jail in the city of Fort Smith, Ark. The bill is returned amended by cutting down the appropriation. A very full showing was made to the Committee on Public Buildings and Grounds, which had under consideration the bill, and it is very clear that the appropriation as cut down by the other House is inadequate. I desire to move that the Senate non-concur in the amendments of the House of Representatives.

The PRESIDENT *pro tempore*. The Chair will lay before the Senate the amendments of the House of Representatives to the bill. They will be read.

The CHIEF CLERK. Page 1, line 13, strike out the words "and twenty-five;" so as to read, "the sum of $100,000."

Page 2, line 2, strike out the word "fifty" and insert "twenty-five;" so as to read, "the sum of $25,000."

The PRESIDENT *pro tempore*. The question is on concurring in the amendments of the House of Representatives.

The amendments were disagreed to.

Mr. SPOONER. I now ask for the appointment of a committee of conference on the disagreeing votes of the two Houses.

The PRESIDENT *pro tempore*. The Senator from Wisconsin moves that a committee of conference be appointed. If there be no objection that order will be made.

By unanimous consent, the President *pro tempore* was authorized to appoint the conferees on the part of the Senate, and Mr. MAHONE, Mr. SPOONER, and Mr. BERRY were appointed.

AID TO COMMON SCHOOLS.

Mr. BLAIR. I renew my motion.

The PRESIDENT *pro tempore*. The Senator from New Hampshire moves that the Senate proceed to the consideration of the unfinished business, being the bill (S. 194) to aid in the establishment and temporary support of common schools.

The motion was agreed to; and the Senate, as in Committee of the Whole, resumed the consideration of the bill.

The PRESIDENT *pro tempore*. The pending question is on the amendment proposed by the Senator from Iowa [Mr. ALLISON], which will be read.

The CHIEF CLERK. It is proposed to add to section 2:

> And in each State in which there shall be separate schools for white and colored children, the money paid in such State shall be apportioned and paid out for the support of such white and colored schools in the proportion that the illiteracy of the white and colored persons aforesaid bear to each other, as shown by said census.

Mr. CALL. Before the amendment is voted on I desire to submit a few observations to the Senate in regard to it.

The amendment provides that in each State in which there shall be separate schools for white and colored children the money paid in such State shall be apportioned and paid out for the support of such white and colored schools in the proportion that the illiteracy of the white and colored persons aforesaid bear to each other as shown by the census.

The bill provides that the money shall be paid out without distinction of race, in the proportion of the illiteracy in a State, to the whole of illiterates as shown by the census.

The amendment is objectionable because it is a reflection upon the States and the principle of government which we have adopted. It departs from the condition imposed by the bill, which is a mere limitation as to the object to which this donation shall be applied, reserving to the United States, if it should not be applied in good faith, the right to discontinue it, and that is sufficient. But it goes further and it requires that there shall be a minute supervision, and that this money shall be applied in the proportion of illiteracy in the different localities, wherever the proportion of illiteracy in the one race or the other shall be greater; that on that account that locality shall be provided for not equally in amount per capita, but in larger amounts per capita as to race, and the fact being that there is a greater amount of colored illiterates, the amendment in fact is that the colored illiterate shall have a greater amount per capita than the white illiterate. The State laws, without discrimination of race, provide that the money shall be applied equally, and it is applied according to the attendance upon the schools, and there is no other method in which it can be applied, and here comes now a provision that while the Constitution imposes under the amendment the duty on the State in spirit, if not in terms, to apply all the public funds of the States equally to the races without discrimination.

While in good faith the Southern States have done that, this amendment requires that there shall be in effect a discrimination, that while the States apply their money equally to the schools that may be organized, giving to each race the full privilege and opportunity alike to organize in each locality a school and appointing a superintendent whose duty it is to see that that is done in every place so far as he has power, for of course education is not compulsory, but making by law the fullest and fairest and equal provision for both races, this amendment comes in and says that you shall not do that, this money which is given by the United States shall not be applied according to your full and equal provision without discrimination of race, but the absolute proportion of illiteracy shall be taken without reference to school attendance, and that sum shall be set apart, and whether the schools are organized or not, whether there is attendance there or not, it shall be paid out in larger amounts per capita to the race containing the larger proportion of illiterates. Now, we will suppose that there is a State where the white people are one hundred thousand in number and the colored people one hundred thousand and the proportion of colored illiterates is 80 per cent. and of whites 20 per cent. The amendment of the Senator from Iowa [Mr. ALLISON] provides that the colored children shall receive 80 per cent. of this money and the white children 20 per cent. Now, the State law gives each 50 per cent. of the State fund, therefore the colored children will have 80 per cent. plus 50 per cent., and the white children 50 per cent. plus 20 per cent., or 70 per cent. to the colored children's 130 per cent. per capita. And as the colored children's percentage of attendance is less than that of the whites this percentage is increased per capita by a sum equal to 50 or 70 per cent. more per capita, or the colored child will receive per capita about 200 per cent. to the white child's 70 per cent.

That is the unquestionable effect of this provision without reference to attendance, which is the necessary and only practicable rule in all the States, Northern and Southern, of the distribution of public money for schools, for it can not be otherwise paid out, whether it is State or Federal money. But under this amendment it must be paid out, not in the proportion of attendance, not in the proportion of schools with

their numbers, but in the fixed proportion of the illiteracy of the one race to the other. That is not practicable, and is in many respects unjust and unwise, and would render inefficient to a large extent the appropriation. But the objection to it is that it is based on both an expressed and implied distrust of the States, and in principle the Senator from Iowa reflects as much upon his own State as he does upon other States, for it is the principle of our Constitution, and if it is not true that Constitution is worthless, that the States are competent, that a sound public opinion will sooner or later in the general, in the average, require them to do that which is the best for the interests of their people; and that is the principle of our Government.

But here we come now to this application of public money in the hands of the States for a public purpose, and we say, "We distrust you; we will do more than require conditions which in good faith you must observe, and for which if not observed we will suspend the money; but we will require a condition implying that you can not be trusted to deal with this money fairly toward the colored people in your communities in your State. We will require you to apply this money so that the two races shall have unequal educational privileges." That is an unnecessary reflection. It is an improper one. It is one violative of the very principle of our Government that the States are the support and strength of the National Government. When after the war the States were restored to the Union it was done under the policy of the Republican party with an appreciation of the fact that the States as organisms could be, should be, and must be trusted, and that they were essential parts of our system of government. Why, then, shall we now adopt an unnecessary amendment, based entirely upon the implied assertion of their infidelity to the performance of their obligations—upon the proposition that they are not necessary and proper agencies to administer the functions of government and to protect the rights and promote the happiness of the people who direct and control the exercise of their powers.

But, furthermore, it is an assertion on the part of Congress that the colored people must look alone to the legislation here for their protection, and that will lead to disturbance and strife and ill-will between the races. There is no man in the Senate who is more willing than I and my colleagues representing these States to do justice to the colored people. I would like to have an industrial and a common school in every colored neighborhood, and that both white and colored children in all the States, Northern and Southern, should have full and ample provision for a common-school and an industrial education, the one being as necessary, if not much more useful, than the other. Having that feeling, and knowing that such is the feeling of the people and the public policy of these States, I object to any assertion which implies the contrary and to any legislation based upon such a proposition. I object again, as most hurtful to all the people of the United States, to any legislation by the Congress of the United States which proposes by any means to give to the colored child two-thirds per capita and to the white child one-third per capita. The people of Iowa and Kansas would condemn this as much as the white people of the Southern States would condemn it, and I believe the intelligent colored people of the South would condemn it as unwise and hurtful to them.

The report of the Commissioner of Education conclusively establishes that these States have performed their duty in this regard with equal fidelity to the Northern States; they compare favorably with the State of the honorable Senator from Iowa by the reports of their own superintendents as to the fidelity, without any conditions imposed by Congress, with which they have discharged their duties in respect to education towards all their people without reference to race or color, and I propose to refer for a moment to these reports made by the superintendents of the different States in order to exhibit that fact.

We should bear in mind that the Southern States emerged from a civil war with their industrial organization destroyed. Whether the labor was there or not, whether the same wealth-creating capacity was there in the soil and labor as has been suggested by Senators here was there or not, it was disorganized both in respect to the white and the colored people. They were passing from a system of compulsory to free labor, uneducated in the one and unaccustomed to the other. It necessarily destroyed the productive capacity of the country for a considerable period of time. It forced large numbers of white people who had never known what the necessity of labor in the fields was; men and women raised in luxury and wealth had to resort to actual labor in the field, and a large portion of the vast cotton production of the Southern States has been ever since produced by that class of people and their children who became a new element in the productive capacity of the country. It left the colored people to begin to learn to labor without other compulsion than the mere necessities of provision for life, and it was a lesson that took time to learn.

So these States went into this new system of education not only with the values of real estate destroyed, not only without the capacity to obtain the means of establishing their agricultural industries except by enormous rates of interest, destructive rates, such rates as was stated by the Senator from Mississippi as required the sale in every Southern State of from one-fifth to one-third of the whole real estate of the country for taxes. They went into it also without that magnificent provision for education given by the United States to some other States in the shape of land which was always unequal and is to-day not only in the specific amounts but in the fact that the lands donated by Congress to the States of Kansas and Iowa and the other Northern and Western States became immensely valuable and were worth from ten to twenty dollars an acre, while in the Southern States they were worth nothing. They never were worth anything more than one or two or three dollars an acre on the average, while because of the increasing immigration to the Northwestern States the donation of Congress was five, six, ten, twenty times more in actual available money than it was in the Southern States.

Now, the true test of the fidelity with which these States have applied their money to the education of both races is to be found in the attendance upon the schools. Take the State of Florida where there is only a partial return, but the proportions are as good as if the returns were complete. There are two or three counties omitted from which returns are not made.

The usual school attendance from six to twenty-one years of age in 1883–'84 was 66,798. (I think the census is incorrect.) There were enrolled in the public schools 58,311. The average of daily attendance was 38,881; the average per cent. of attendance, 53.71. Now, let us see what it is in the State of Iowa. In Iowa the per cent. of attendance to school youth is 48.29, and yet Iowa has a magnificent school fund, an organized system based on the credit of the United States which after the war remained good, the money of the United States remained a circulating value there giving life and value to everything. In the State of Florida everything was ruin, everything was lost; the State had to be rebuilt; yet we find that these States impoverished, with their limited means, without aid from the Government have established a system under which they have an actual attendance of the school youth of 53 per cent. as against 48 in the State of Iowa, and yet we have been told a great deal about self-reliance and the necessity of self-reliance among the Southern people! We have been censured and reproved as if we had come to the Congress and asked the United States to assume all our burdens of taxation, while the fact is that you have invited us to consider and discuss the proper administration of a fund which you have proposed should be placed in the control of the States just as the public lands and their proceeds were, for the advancement of the education of all the people.

Mr. GRAY. Will the Senator from Florida allow me to ask him a question?

Mr. CALL. I shall be very glad to do so.

Mr. GRAY. I ask on the figures he has just read which seem to make a showing so much to the credit of Florida, and I believe they are very much to the credit of the State he represents, why it is that he should seek aid from the Federal Government in order to support a school system which is so creditable by his showing to the State he represents? Why should he seek aid from the Federal Government toward that system which is already doing a better work and a greater work than the State of Iowa, which is one of those States that is regarded as not intended to be specially benefited by this bill?

Mr. CALL. I think I can answer that to the Senator's satisfaction. Florida has only money enough to send her children to school three months in the year. Iowa has money enough to send her children for a much longer period of time. I will state to the Senator that his own State of Delaware needs progress, and so does even the State of Massachusetts; and in all the States there is a necessity for more encouragement on the part of somebody; and the General Government, which is the great promoter of intelligence within the limits of its power, which disseminates information where it may constitutionally do so without interfering with the rights and authorities of the States, is in my judgment the proper authority to stimulate every enterprise which is for the good of all the States without interfering with their autonomy or the domestic powers of government belonging to them.

In the State of Kansas there are 411,259 children of school age. There are enrolled in the public schools only 303,601. Even with her magnificent provision for education there are 100,000, nearly one-fourth of the children of Kansas, either because of the poverty of her people—and I apprehend that they are among the richest agricultural people in the world in the general average of their means—one-fourth of the children even of Kansas with her magnificent provision of about 3,000,000 acres of public lands donated by Congress, lands worth $10 an acre, and a half million of dollars of money, proceeds of sales of public lands under the 5 per cent. law, and perhaps averaging more than that, and according to the report of the State superintendent of Kansas one-fourth of the children of school age there are not even enrolled in the public schools.

Mr. INGALLS. A very large proportion of them are at private schools. The Senator's statement is entirely illusory.

Mr. CALL. Let us see. We have the tables here. The average daily attendance is only 207,000, and that is another 100,000 off, and the statistics are made out by the State superintendent of schools of Kansas.

Mr. HOAR. Did the Senator read any statistics in regard to Massachusetts?

Mr. CALL. Not yet. I shall presently.

Mr. HOAR. I thought he said something about Massachusetts.

Mr. CALL. While I do this I do so with the most profound respect for these great communities and for their progress and for their educational systems; but I mean to say that in every community, with our present economics, there is a necessity for new education, for industrial education. It is probably not because the means do not exist there, but because the necessities of the people, the necessities of labor require that even children should devote themselves to some other object than education in schools.

Mr. HOAR. I do not know what statistics the Senator reads from.

Mr. CALL. I read from the report of the Commissioner of Education for the year 1885.

Mr. HOAR. I have had occasion to verify the fact that within the last year or two there are more children enrolled in the public schools of Massachusetts than there are children of the school age there. I suppose that is accounted for partly by children from other States coming in, and partly by the fact that children outside of the school age are in the common schools, but there are more children enrolled than there are children of school age in the State.

Mr. CALL. I obtained my information from the report of the Commissioner of Education.

Mr. GRAY. I should like to say a word. I have understood that the burden of the argument of the Senator from Florida as well as of the arguments of other Senators in support of this bill on the question of expediency had been that there was a special emergency existing in the Southern States by reason of the mass of ignorance with which they had to struggle owing to the enfranchisement of a previously enslaved race. Now that emergency seemed to me to have been very strongly expressed and very strongly presented and made something of an impression on my mind that there was a special emergency in a portion of our common country which would justify the expenditure of the money of the whole people in order to meet it.

Now, if I understand the argument of the Senator to-day, he is showing, and showing with great clearness and in a way that must gratify his own pride, that the State of Florida, which he in part so ably represents, is quite abreast with some of the most advanced of the Northern States in the matter of education. I would submit, then, that there is no pretense that there is the existence of this special emergency in his State, at least. He has shown, if he has shown anything, that the State of Florida with all these disadvantages has been able to meet them and to overcome them and make a showing of school attendance and school facilities equal to other States, and I think I might add from consulting the statistics of the newspaper, the New York Evening Post, that I have before me, also quite equal to the State of New Hampshire, the State of the Senator who reports and is so ably supporting this bill. The State of Florida is quite abreast with that State. Then I would ask the Senator from Florida whether his argument is still on the ground that there is a special exigency in the State of Florida in view of the figures he has already read?

Mr. CALL. I do not think the Senator from Delaware will discover any inconsistency in the fact that every child in a State may be enrolled and every child may attend school, but if there is only money enough to send him or her to school for one month, while in another State there is money enough to send him six months, the necessity is greater in the one State than in the other. The average in Florida, I think, is not more than three months. There is the element of difference. Then there is the difference of schools inadequately supplied with teachers, because of inability to pay them such salaries as competent teachers can afford to have; then an insufficient number of schools requiring children to travel daily long distances to reach them, thus diminishing their efficiency. The statistics prove the faithful efforts of the State and her school superintendent and the disposition of her people, and not the financial ability of the people to do what ought to be done.

And I was mentioning this to show the fidelity with which these people had endeavored to carry out the duty which they in their constitutions and laws acknowledged to be a duty and in reference to the amendment proposed by the Senator from Iowa which is based upon a distrust of their application of this money without discrimination of race and equally and faithfully for the benefit of both races. That was the point which I was making.

I will stop for a moment to answer the Senator from Massachusetts by reading from Public Document No. 31 of 1878, being a report on the statistics of labor of Massachusetts, which is the best authority I can get to show the condition of things in all the States and by comparison to show how earnestly and how faithfully the impoverished States of the South have endeavored to discharge this duty.

> The total number under twenty years of age employed we find to be 77,871. Of these 6,978 or 8.9 per cent. are illiterate. Those under fifteen years of age (included in the preceding figures for those under twenty), number 21,132, of which 3,144 or 14.8 per cent. are illiterate. We have seen which industries bear the burden of ignorance, and an examination of the city and town showings enables us to discover which cities and towns are largely responsible for this unlawful illiteracy.
>
> The table given herewith shows 3,215 illiterates among 14,907 persons under twenty years of age employed in eleven cities and towns. This is a percentage of 21.6.

I am not citing that for the purpose of making any reflection upon the State of Massachusetts, which I am willing to testify leads perhaps the civilization of the world in this respect, except perhaps in the way of industrial education; I am citing it to show, conceding its excellence in that respect, the earnestness with which the States of the South, which are now thought unworthy of being trusted, have endeavored to perform this great public duty.

Mr. HOAR. I do not know what publication the Senator is reading from or what the date of it is. I have not the figures from Massachusetts schools at the Capitol; I have them at my house; but I have had occasion to investigate this matter within a few months carefully and thoroughly, and I wish to state to the Senator as the result of a late most thorough return, first that the illiteracy of children of school age in Massachusetts is substantially all among persons of foreign birth. There is substantially no child a native of Massachusetts who could be classed as an illiterate over the age of ten years. There may be a few, but it is not 1 per cent. It is not enough to be more than accounted for by instances of illness unfitting the child for going to school or by mental peculiarity. The other fact which I wish to state is that in the last school year reported, the school year of 1884, there were more children of the school age, which is between five and fifteen, if I recollect, attending schools in Massachusetts than the whole number of children of school age in the State. I say there were more children attending the public schools of Massachusetts than the whole number of children of school age in the State, which is to be accounted for I suppose, as I said just now, partly by the fact that some children not within the school age attend the schools and partly by the fact that some come in from other States.

Mr. CALL. I have no doubt the Senator is perfectly right, as he generally is in such matters.

Mr. HOAR. The State of Massachusetts, in regard to the matter of the education of persons born within its borders—and there is no distinction in the schools between them and others—is at the head of the entire civilized world.

Mr. CALL. I concede that to be so.

Mr. ALLISON. I do not wish to controvert the statement made by the Senator from Massachusetts, but I think, so far as my own State is concerned, it is quite up to Massachusetts on this whole matter of common-school education.

Mr. HOAR. It beats Massachusetts when you mix both foreign and native-born. It is ahead of Massachusetts there. I spoke of the native-born children.

Mr. ALLISON. By the State census, which was taken last year, it is disclosed that only 1.21 per cent. of our people between the ages of ten and twenty-one are illiterate.

Mr. HOAR. One and twenty-one hundredths per cent.?

Mr. ALLISON. Yes, sir.

Mr. HOAR. In our State among the natives it is one-tenth of 1 per cent.

Mr. ALLISON. I merely wanted to put in a protest on behalf of Iowa.

Mr. CALL. I have none of the feeling that would make a reflection upon States either North or South. If the State of Massachusetts and the State of Iowa can contribute more to the happiness of mankind by a better system of education, by industrial education, than any other States, I shall rejoice in it, and so should I in any other agency that would produce a greater amount of human good; but yet I read in the statistics of labor published by the State of Massachusetts, the ninth annual report of the bureau of statistics of Massachusetts, February, 1878, the following as establishing the necessity of great care and great public consideration to this subject of education; and I believe that the chairman of the Committee on Education and Labor is performing, and the Senator from Massachusetts in giving him his valuable aid, a work for which this country ought to be and will be grateful to them. I read in this report as follows—conceding that Massachusetts is leading the civilization of the world on the subject of education, of common-school education, if not industrial education:

> Of the 439,583 persons representing the farmers, farm laborers, skilled workmen in manufactures and mechanical industries and unskilled laborers we have presented tabulations as regard nativities, periods of age, and prevalence of illiteracy for 348,795, or 74 + per cent. These cover the purely productive occupations, with the exception of the comparatively few persons engaged in fishing and as apprentices, so there can be objection to the statement that the presentations in this part of the report indicate plainly the presence and influence of the foreign-born element in our productive industries.

In these productive occupations the great industries of the country upon which the safety and the prosperity of the whole depend, in the State of Massachusetts in the presence of this magnificent provision for education there are 31,000 out of 348,000 persons who are absolutely by the report illiterate or were in 1878.

Now let us see how Iowa stands by comparison with our Southern States. This is the report of Hon. John W. Akers, State superintendent of public instruction in the State of Iowa, and therefore to be taken as an authentic and truthful statement. In 1884 there were 621,222 children in the State of Iowa. Enrolled in the public schools 469,537 out of 621,222; 152,645 children, or near one-fourth in that State with its magnificent provision for education unenrolled in the public schools of the State. The average attendance was 300,000 out of 621,222, another hundred thousand off. Per cent. of enrollment to school 75.58. Per cent. of attendance to school youth 48.29, and the per cent. of at-

tendance to enrollment 63.89. Now look upon the poorer people here in my own State. Here is your 48 per cent. We have an average attendance in the State of Florida of 53.71 per cent.

Mr. President, you may carry this comparison to all the Southern States, and you will find with the exception of one or two which have the most liberal provision for education—you will find this evidence of their fidelity by the fact of the average attendance in the schools we have. It is only three months. That perhaps may need some explanation. A longer amount of school time among the laboring people would diminish the number, for I have no desire to do injustice, but I say these figures show conclusively the fidelity with which, with their small and insufficient means these States are providing for the education of their people under the most difficult circumstances.

Now the Senator from Iowa proposes to carry his distrust of these people who have accomplished so much in their administration with their very limited means, their small resources, and he proposes to say, "We will give this money according to the proportion of illiteracy, because there the illiteracy of colored people is in excess, and that shall be a fixed amount; and you shall not receive any aid from the Government if you do not apply it regardless of your own State taxation and State resources, which, accepting your constitutional amendment in good faith, they have provided shall be equally given to the children who attend the schools, giving to each race the opportunity and the privilege and the right by law to organize a school wherever there are enough school children for it." Although they have accomplished these results you propose to say to them, "We distrust your application of this money according to this practical and wise rule of equal per capita distribution according to school attendance, and therefore we will fix a proportion not of attendance upon the school, but the proportion of actual illiteracy between the races," which we will add to the equal part of your school taxation which the colored child receives, so as to give the colored children who attend school two or three times more to each colored child than the white child receives. I ask the Senator from Iowa would this result of his amendment be in conformity with the constitutional amendment which he imposed on the States.

I have a feeling of gratitude to the Senator from Massachusetts for the liberal support which he has given to this bill, and for the enlightened principles on which he bases that support. The people of the States ought not to be subject to distrust, nor to such a reflection upon our system of government as seems to be placed upon us. The States are an organism and must be trusted. If they are not trusted, if the Senator from Iowa is right in his idea, and the people of a State have not sufficient virtue to do what is right according to their constitution and laws, but they must be dictated to and required to be restrained and directed by the minutest details, then we have failed in our ideas of government; we have established a government upon a false basis which can not be maintained.

Mr. ALLISON. Will the Senator allow me to ask him a question?

Mr. CALL. Certainly.

Mr. ALLISON. If there were no colored persons in Florida would the Senator from Florida think, after describing the situation of the schools in that State, that it would be necessary to invoke the aid of the National Government for the education of the white children of that State?

Mr. CALL. While there are as many people who have not had the opportunity of education as there are now, I would, if Florida had only the same means she now has.

Mr. ALLISON. Then the Senator thinks that under the present situation in Florida, with reference to the white race alone, Federal aid, or aid from the National Government, is necessary in order to provide such school facilities as they require?

Mr. CALL. I think we have not enough. Without saying it is necessary, I think it would be very wise on the part of the Government to give aid to them, just as I think it was wise to give it to Iowa. The provisions of this bill will not more than equalize other States with Iowa in the bounty received from the National Government.

Mr. ALLISON. Now, do I understand the Senator from Florida to state that the colored race in Florida is in the same condition practically as the white race with reference to education, or are they more illiterate?

Mr. CALL. They are more illiterate, of course.

Mr. ALLISON. Being more illiterate, do they not require a larger expenditure of money for the purposes of education than do the white race in Florida?

Mr. CALL. Certainly, no doubt of that.

Mr. ALLISON. Now, is there any injustice, if that be true, in applying this money where this education is needed?

Mr. CALL. Yes, it is manifest. In the first place you say that you can not trust the State of Florida to do it.

Mr. ALLISON. So far from stating that, I propose that the State of Florida shall do exactly what the Senator says he wants her to do, educate her people according to their illiteracy.

Mr. CALL. But you say, find out how many colored illiterate people there are in the State of Florida, and by that fix the proportion that is to go to them and to the whites; it shall be their money, and it shall be applied to no other purpose than for their education per capita. That is your amendment. The State of Florida replies to you that under the amendments to the Constitution which you have adopted, which we recognize as a part of our law, we tax our people, and we apply those taxes to the colored people equally with the whites, and your amendment to this bill comes in and says that while we do this we shall apply the money given us by the National Government, not in proportion to attendance upon the schools, but "we will give you *in solido* a sum of money according to the number of colored illiterates, which you shall apply to no other purpose" but per capita to the colored illiterates, and if that should be done it would create an inequality. You would give by that amendment the colored people an equal portion of the tax raised by the State, and then you would give them the larger proportion in proportion to illiteracy, while the State would apply in proportion to the actual and practical attendance upon the public schools. This you would fix by an arbitrary rule, and fix it upon the ground that the State can not be trusted to do it. That is the objection to the amendment.

I have said, Mr. President, that the States have largely different resources for the education of their children. One has lands that are immensely valuable. In the other the lands are scarcely salable at any price whatever. In one the donations by Congress because of the increased immigration into those States ran up rapidly into large amounts of money and became vast funds built up for the permanent education of the people. I find that California received 6,749,394 acres of land; that Minnesota received nearly 3,000,000 acres—2,969,000; Oregon, 3,329,000; Kansas, 2,801,000; Nevada, 3,000,000; Nebraska, 3,702,000; Colorado, 3,000,000, and so on, while Florida received 908,000. Compare that 908,000 acres of land in its money value, in its practical uses for school purposes, with the nearly 3,000,000 acres received in the State of Kansas. The one would be a fund of $30,000,000; the other would be less than $1,000,000. Alabama received of the 2, 3, and 5 per cent. of net proceeds $1,012,837.03; Arkansas, $232,317.03; Colorado, $33,162; Iowa, $626,075; Florida, $33,162.27. That shows the difference in the value of land in one State and another. The same beneficence was intended by the law, but the disparity in value was fortunate for some States because of the immense increase of population in their midst. So on it runs. I will not here say more on this subject.

Mr. PLUMB. May I ask the Senator what makes land more valuable in Iowa than in Florida?

Mr. CALL. Because you have more people there.

Mr. PLUMB. What makes people go to Iowa in preference to Florida?

Mr. CALL. Because you have better lands there, better for grain, better for that kind of labor which you have in Kansas. The old labor under the slave system went into cotton, tobacco, and sugar regions, and the other labor went into the grain-producing countries.

Mr. PLUMB. I think perhaps the difference between Florida and Iowa goes deeper than the Senator from Florida is willing to admit. The attractiveness of Iowa as compared with Florida is not simply the fertility of the soil. It is the class of people who go there and the institutions they find when they get there.

Mr. CALL. It is well for every one to have a good opinion of himself and his people, and I do not object to the Senator from Kansas entertaining the opinion that the people of Kansas are the best people in the world. I think there are two or three hundred thousand people there from all parts of the world, by the census reports from all nationalities and all races and of all kinds, and it may be the fact of their being in Kansas makes them better than anybody else. If so, I am gratified that such is the fact. I am content with the people among whom I was born and have grown up. I do not see elsewhere in the exhibition of virtues and excellent qualities any better people, nor do I see any people who have performed the trusts committed to them with any more fidelity and success than the Southern people, to whose care the destinies of the colored people were committed when they were sent away from the Northern States, who within a century have brought them from a barbarian's condition to such a state that they have had the rights of citizenship given to them, and are regarded as factors in the civilization of the day. That is a trust which the Senator from Kansas has not performed; nor do I see that in respect to the education of the children of his State and the number of children in Kansas who are to-day, according to the report which I will read, without school education because, perhaps, of the economies which make them labor always without opportunities of education, that he has performed the trust of educating those people any better than the impoverished people of the South have done with their proportion of actual school attendance to-day; and that is the test, and not declarations as to which people one thinks the best or which the worst.

Mr. PLUMB. Will the Senator permit me to say to him that while I do not question that the South has civilized the black man, and the people of Kansas have not had as much to do in that way as the people of Florida have done, I want to call his attention to the fact that that is not the fault of the Southern people themselves.

Mr. CALL. I think we had better let by-gones be by-gones.

Mr. LOGAN. Then what do you mention them for?

Mr. CALL. I have not mentioned them. I beg pardon of the Senator from Illinois, I have not touched upon that subject.

Mr. LOGAN. I beg to ask a question.

Mr. CALL. Let me vindicate myself from that remark. I have said that I have the greatest respect and admiration for the people of Kansas, for the people of Illinois, for the people of Massachusetts. I have no reflection to make upon them of any kind.

Mr. LOGAN. What I rose for was this: The Senator seems to be discussing a proposition which I think is very foreign to this subject, and that is as to the amount of land Florida received and the number of acres of land Iowa received. My understanding of this proposition is that it is to be based upon the illiteracy of the people and not upon the quantity of land they received.

Mr. CALL. Yes.

Mr. LOGAN. Now, if the Senator would confine himself to the illiteracy of the people of Iowa and his own State, probably the difference would be more marked than the reference to the quantity of land. I find in his own State about 88,000 children of school age, and 39,000 of them I believe go to school. I believe that is about the way it runs.

Mr. CALL. Let us see. The pertinency of my remarks is this: I am discussing an amendment to the bill that is based upon the idea that the State of Florida can not be trusted to apply this money fairly to all her children without respect to race or color, and the Senator from Kansas who has just spoken has made that a very strong point. He has referred to the want of self-help, and he has made a great many reflections upon the people of the Southern States and upon the State of Florida.

Mr. LOGAN. I have nothing to do with that. I find in a report that I have here, which may not be precisely accurate, that the school population of Florida is 88,677, and the number enrolled in the public schools is 39,315. That is taken from the census report.

Mr. CALL. The report which I read is the report of the Commissioner of Education, and it is based on the "reports of Hon. E. K. Foster and Hon. Albert J. Russell, State superintendents of public instruction, for the two years indicated, with some figures from Hon. George P. Raney, in the Peabody fund report for 1884." The figures are as I stated at first, but I think there are more children; I think there is a larger number of children in the State; but this report states that there are two or three organized counties from which returns had not been received at the time the report was made. It says 66,198 of school age; enrolled in the public schools 68,311; per cent. of average attendance of school youth 53.71. That is the feature I have been speaking of. The percentage of attendance is the test in every community of the extent to which they avail themselves of the advantage of school education.

Mr. LOGAN. I call the Senator's attention to the part in reference to his own State, not for the purpose of making the contrast——

Mr. CALL. I understand.

Mr. LOGAN. But for the purpose of calling his attention to the inaccuracy of the report he is reading from; he will find the census reports differing very materially from that which he reads, by thousands.

Mr. CALL. The census was made some years ago, a good many years ago.

Mr. LOGAN. Not very many years ago. The report which I have given is the number of school children at that time, a much greater number than he read. Your report now made is sixty-six thousand children of school age. The census gives the enumeration of eighty-eight thousand children of school age in your own State. So there is an inaccuracy somewhere.

Mr. CALL. Yes; I so stated when I first referred to the subject, but the fact is not important in this connection.

Mr. LOGAN. I merely called the Senator's attention to it so that he might see that there is certainly quite an inaccuracy in one or the other report. The report of the census is much more favorable to his State than the report he reads from.

Mr. CALL. There were several counties stated in the report before me not to have been heard from, and the report is based upon the 66,000, leaving out the counties not heard from, so that the inaccuracy was in advance stated; but the proportion remains the same. It is a large proportion; it compares favorably with Iowa or Kansas, and with all these States, in the actual attendance upon the schools; and the report shows every dollar of taxation which the State can bear has been imposed on her people, and it shows also an equal taxation compared with the Northern States for that purpose even upon these communities with so much smaller resources.

Mr. LOGAN. The Senator does not seem to understand the point I was trying to suggest.

Mr. CALL. I understand the point well enough.

Mr. LOGAN. I will state it again if the Senator will allow me. I beg pardon for interrupting him.

Mr. CALL. I do not object.

Mr. LOGAN. The Senator makes his estimate and percentage upon a report that gives but 66,000 school children in his State. That reduces those of school age some 20,000; so that the percentage he makes can not be correct. It increases the percentage of those going to school over and above what the percentage would be in a State where the enumeration is made accurately. It was to that I desired to call his attention, that his percentage can not be correct in reference to the children going to school and those of school age in his State when the difference is so very great, some 20,000.

Mr. CALL. The Senator is mistaken. You might say the percentage might be more or it might be less, it might be varied by the amount; but the variation might be a larger percentage because of the better attendance of those not reported. That is the only possible difference. And the probability is that the percentage of school attendance to school population would not be materially changed.

Mr. LOGAN. But the percentage of 53 as to 60,000 would be much greater than the percentage of attendance to 88,000.

Mr. CALL. The percentage might be more or might be less. You mean to say that for the remaining 20,000——

Mr. LOGAN. No, I mean to say that that report of children of school age on which you base the percentage of those going to school as a comparison is much greater according to that report than it would be if the report was accurate in reference to the number of those entitled to go to school. That is what I mean.

Mr. CALL. You mean to say this, and that is all you can correctly say, that of the 20,000 children not enumerated and not reported here if the proportion of those that went to school was less than the proportion of those already enumerated, this would be to that extent reduced. But then there is just as much reason to believe that with the 20,000 not reported the average attendance upon the schools would be better as there is that it would be less, so that after all this is substantially correct.

Now, to come to the Senator's own State, Illinois, let us see how the figures stand. In all this I am not endeavoring to institute a comparison for the purpose of casting a reflection upon any State. I admit the efficiency with which these duties have been performed by them; I admit that the Northern States have been advancing the civilization of the world by their system of public instruction; but I am saying that these implied imputations and reflections upon the Southern people are unjust; that they are States of the Union, and with an enlightened public opinion, with faith in the improvement of all mankind, and with generous, true, and noble efforts they are endeavoring with equal earnestness and zeal to contribute their part, under much greater disadvantages than the people of Kansas or Iowa or Illinois, to the greater and happier future of our race, and the statistics I have read conclusively prove this statement to be true.

Now let us see what are the statistics in the State of Illinois, with their great provision for public education which we have not in these States—equally with that here proposed—a bounty from the State of Virginia and from the National Government. The children of school age, according to the report of the State superintendent, Hon. Henry Rabb, for the two years indicated, 1883 and 1884, was 1,069,274; enrolled in graded public schools 328,705; enrolled in ungraded public schools 399,976; average daily attendance 485,625. The whole number in public schools 728,681 out of 1,069,274. Per cent. of enrollment to school youth, 68.14; per cent. of average attendance, 45.42; and with an average attendance of 485,562 out of 1,069,274, or 583,649 children on an average in that State without public-school education.

Mr. LOGAN. Now, if the Senator will allow me, I should like to call his attention to one thing in reference to Illinois, inasmuch as he has mentioned that State, that perhaps he is not aware of. Illinois has over three million population. In Illinois we have, besides our common-school system and our graded schools, private schools that are not enumerated there. We have in Illinois twenty-eight colleges that are filled with students, and we have all varieties of schools outside of the common schools. So the statement there does not give the facts in reference to the children of Illinois, except those who attend the common schools.

Mr. CALL. The proportion as stated in this report of Hon. Henry Raab ought to be correct. He puts the number of pupils in private schools at 75,821. That still leaves 500,000 children an average of school age in the State of Illinois without any instruction at all or any attendance on schools if this report is correct. It is no reflection on the State of Illinois. Education is to be the great business of the age in the future, not war, not vast appropriations for the destruction of mankind, but education, industrial education, for the preservation of human life, by which the children and men and women of the country will be enabled to be self-supporting and free from the oppression of poverty, of ignorance, want, and pauperism; and it is no reflection on these States that they are not able to have a compulsory system of education which will bring every child to the public schools, but it should admonish Senators how far they are from the truth in their harsh assertions as to the Southern States and the Southern people.

I am not suggesting points of difference for the purpose of making imputations. I only wish to show that the presence of the large uneducated body of people in these States is not attributable to a want of intelligent and zealous effort on the part of the people and the State governments either South or North in their endeavor to educate their people.

Now let us compare the magnificent fund the State of Illinois has to educate her people with that of other States. The whole expenditure for public schools was $9,628,186; valuation of public school property, $21,038,489; amount of school fund, $9,437,714; average monthly pay

of men teachers, $51.31; average monthly pay of women, $40.44. Compare that even per capita with the small sum which the State of Florida has to educate her children, notwithstanding the same tax is imposed in the State of Florida as in other States, and consider the fact that the children of that State are dependent entirely upon her taxable resources derived from her industries with a small contribution from the Peabody fund and the agricultural endowment given by Congress.

In the State of Florida the means for the support of the State public schools come first from the interest on the common-school fund distributed among the counties in proportion to the number of children in each between four and twenty-one years of age. That is a tax imposed. In the State of Florida all the money, all the bonds, and all the investments which were made before the war were lost. Those bonds were swept away. The school fund of that State invested in bonds was sold, I believe, under a decree of Judge Woods, of the United States court, to pay a debt of a railroad company for which certain individuals were responsible who have grown vastly rich upon the property of the corporation the debts of which the school fund was sold to pay for. It is now raised by a tax upon the people of the State distributed among the counties in proportion to the number of children in each between the years of four and twenty-one; second, from a State school tax of not less than 1 mill on $1 annually; third, from an annual county tax not to be less than one-half the amount apportioned for the year from the State school fund. These are the resources on which the State of Florida supports the system of public instruction, as stated in the report of the Commissioner of Education.

Mr. ALLISON. What is the school age?

Mr. CALL. The school age is from six to twenty-one years; I think that is the statement of this report. Not only have they done that, but they have provided a school for deaf mutes and for the blind, and made an appropriation of $10,000 for 1883 and the same for 1884 to aid this good work. The city of Saint Augustine made a gift of five acres of land and $1,000 in money. There is also a reformatory industrial school suggested by the commissioner of education, Mr. Russell, a most efficient and capable officer of the State, who is devoted to this work.

I am comparing the educational statistics of the State of Florida with the State of Iowa for the purpose of showing the trust and confidence which ought to be reposed in that State as in the other States. Now, let us see what the taxes and resources of the State of Iowa are. The public schools are sustained from the income of a State school fund and from county and district taxes in Iowa. That is a great fund which I have already alluded to.

School finances.	1883-'84.	Increase.
Whole expenditure for public schools	$5,856,068	$297,809
Valuation of State school property	10,430,247	481,004
Permanent State school fund	4,009,866	328,434

Now let us see what the taxes are:

The State fund, comprising the proceeds of public school lands sold and rented, of intestate estates, and such other means as the General Assembly may provide, is distributed to the districts in proportion to the number of youth five to twenty-one.

The same law precisely, not in proportion to the number of illiterates but to the number of youths attending school, every community having the right, and it is the only practicable rule, to organize its own schools, having a sufficient number of scholars, and receive equally from the public funds.

County taxes must be not less than 1 mill nor more than 3 mills on the dollar; district taxes must not exceed 10 mills on $1 for a school-house fund, $5 a pupil for a contingent fund, or $15 for each resident pupil for a teachers' fund, this last including the amount received from the State by semi-annual apportionment.

In Florida, as far as the State is concerned, and in every community I suppose where they are able, though the same efficient district school system is not provided, they contribute to the support of schools from the private funds of the people. You have a better system because the Northern and Western States have more population, and are able to have more schools. There are more people in a locality who will be accessible to the school; but take a community where the people reside far apart—you can not have schools there. There must be some contiguity of residence.

The tax in the State of Iowa, 1 mill, is the same as in the State of Florida, so far as the State tax is concerned. Then the county tax, which corresponds with your district tax, is one-half the amount given by the State from all these several sources. The permanent school fund is itself sustained by a tax on the whole people. It being, as I understand, a funded debt, as to which the State has assumed the obligation and taxed the people to pay it. That is the condition of things at present.

I have thought it proper, Mr. President, not to allow the amendment to be voted upon without expressing this objection to it. I hope it will not be adopted. I trust this measure of confidence which the people of these States have earned by their conduct, the fidelity with which they have endeavored to discharge this duty of public education, will be appreciated and accorded to them; and that the bill as originally reported, which contains all the restrictions and all the conditions that are wise and useful, may be passed.

Mr. SAULSBURY. Mr. President, I do not propose to discuss the amendment of the Senator from Iowa. I have objections to this measure as a whole, and no amendment whatever will reconcile me to it. None that has been adopted, none that it is possible to adopt, can reconcile me to the proposition.

The bill proposes to take out of the public Treasury in the next eight years the sum of $77,000,000. To that proposition I am opposed. I have some respect for the people who pay the money into the public Treasury. Our people have been struggling under heavy taxation for the last twenty-five years, and have been taxed as no other people ever were taxed. They have bent their necks to the yoke and their backs to the burden with a patience that is truly remarkable. Nothing but the vast resources of this country could ever have enabled the people of the United States to bear up under the measure of taxation to which they have been subjected.

This proposition is to tax them further in the next eight years to the extent of $77,000,000 for a purpose to which Federal taxation has never heretofore been applied. It is an enlargement of the liberal use of the taxing power which we have heretofore made. It is a bald proposition to find another purpose for which the taxing power may be exercised and the burdens of the people further increased. I am opposed to any such extension of the taxing power exercised by Congress. There are legitimate purposes for taxation which the people have to meet. The maintenance of the Government, the carrying on of the ordinary affairs of the Government, are subjects for which the people have to be taxed, and for which it is right and proper that they should pay contributions to the Treasury; but it is not every conceivable purpose for which the people are properly and legitimately liable to taxation. I hold that the promotion of education is not a legitimate subject for the exercise of the taxing power of Congress. That is a subject which belongs to the people primarily. The obligation is placed on the parent to educate his child if he is able, and if he is not able the State ought to assist and provide the means whereby the children of the State may be educated; but it is not a duty devolving upon Congress.

I hold there is no authority or warrant in the Constitution to tax the people for any such purpose. But if there were I think that it would be unwise to exercise that power at present. Even if the object were legitimate for which the tax could be imposed, it would be an unwise thing to do, because we have now a debt somewhere between a billion and a half and two billion dollars, for which provision has to be made. We are to-day without a navy. I was talking only yesterday with a naval officer and he said to me we had not a single ship in the service with which we could meet any respectable ship of any foreign power in battle, nor had we one by which we could run away and avoid a battle if we should meet an enemy on the sea. Propositions are here and have been pending in the Senate for years to build up a navy. Without a navy we propose to increase the taxes imposed upon the people, and instead of building up a navy for the defense of the country, instead of erecting coast defenses to protect the country from invasion, we propose to apply money raised by taxation to a subject which has never before received the consideration of the American Congress.

Sir, if we must lay new taxes on the people, let us apply them to the legitimate objects for which Government may tax the people. Let us apply them to building up a navy, to building up our coast defenses, preparing this country to resist invasion if invasion should at any time be attempted. Instead of that, this proposition is to apply it to education, a subject which the States themselves are responsible for and for which they ought to make the necessary provision.

But, Mr. President, if the object itself was legitimate, if the country could bear the taxation proposed in this bill properly, and if the subject of education was a proper subject with which the Congress of the United States had to deal, then I say to attempt to take this money from the people and distribute it in the mode provided in the bill is inequitable and unjust. These taxes are paid into the public Treasury by the whole people. They belong to the people before they are received by the tax-collector and placed in the Treasury; and if there is a surplus left, if there is money there for which the Government has no use, it ought to be returned to the people if it could be returned as nearly in proportion to the ratio in which they paid it into the Treasury as could be possible. But instead of that, instead of dividing it thus according to the population of the States or according to the amount of taxes paid by the States, you propose a reverse ratio of distribution to pay it in accordance to illiteracy, in other words to pay it in a reverse proportion to the share in which it has been paid by the people of the respective States. That is a wholly inexcusable mode for the distribution of the public funds if your object is to distribute them back to the States that paid them. The whole principle and the mode of carrying the bill into operation is liable to the objection of injustice to the people who are to pay the taxes which will be required.

But, Mr. President, there is no necessity for this taxation. I have heard it stated in debate that the object of this was to remedy the illiteracy of the country. There is illiteracy in every State of the Union—more in some States than in others—but there is no necessity for the

Congress of the United States undertaking to remedy that illiteracy. There is not a State in this Union but what is able to provide for the education of every child in it, not one; and while I have heard in this debate about the poverty of the South, or the people of that section, that they were unable to educate the vast amount of illiterate youth in those States, I say they are as able to-day to educate their children as the States of the North.

Why, sir, look at their resources. They have almost a monopoly of the cotton-planting of the world. Their cotton fields produce annually about $300,000,000 worth of cotton. They have the tobacco fields of the country; they have the sugar and the rice; they have natural advantages which no other section of this country has. Besides that they have vast resources of mineral wealth in iron and coal, and then their industries are springing up, their manufactures are rivaling the manufactures of the North, especially in cotton and in iron. Tell me that that people, with all the natural resources which a beneficent Providence has given to them, are not able to rise to the emergency of educating their own children! I do not believe a word of it.

Why, sir, they possess another advantage; they have an abundance of labor and cheaper labor than any other section of this country; and I hazard nothing in saying that the difference between the cost of their labor as compared with the labor of the Northern section of the country, is sufficient of itself to educate every child in the Southern States, black and white. And yet are they to reach forward the hand of a mendicant to ask the bounty of the General Government? Sir, I do not know what kind of a spirit it may be that animates their breasts; but for one, representing a State that has some of the colored population in it, I never want to see a dollar of this money applied to the education of the white or colored people of Delaware, because I represent in part a State that I hold is able to educate, if she has the disposition, every child, white and black, within her borders. She has none of the natural resources of many of these other States; she is without mineral wealth, and her whole sources of revenue are from taxation; but she is fully able to educate every child within her borders whenever she has the disposition to do it, and I hold that is true of every State in this Union.

Mr. President, what authority have you for levying a tax for any such purpose? I have not heard all this debate; I have been away much of the time the bill has been before the Senate, but I have heard enough to know that nothing else can be found except that clause in the Constitution which is claimed to authorize Congress to lay and collect taxes, duties, imposts, &c., for the purpose of paying the debts and providing for the common defense and general welfare of the United States. What is meant by that? Was it to give unlimited discretion to Congress to lay taxes for any and every purpose which in the judgment of Congress might be proper? Is it contended that under the clause to provide for the general welfare and common defense Congress may lay its hands upon the property of the people of this country *ad libitum*, and extort money by taxation from the pockets of the people and apply it according to their own discretion? Is that the meaning of that clause of the Constitution? Why, sir, it has never been held so. Mr. Madison did not hold it to be the true construction of that clause. The general welfare is to be promoted by the exercise of the special grants of power to Congress in the eighth section of the first article of the Constitution. If there was any ambiguity or doubt in reference to what is meant by the general welfare you must turn to other provisions of the Constitution and interpret it as a whole and see what it means. When you turn to subsequent clauses in the eighth section of the first article you find that Congress may establish post-offices and post-roads, for instance. If the meaning attempted to be put on the general-welfare clause is such as is insisted upon, could not Congress have established post-offices and post-roads without any special grant of power for that purpose?

So again there is a grant of power to raise and support armies. If the meaning of the general-welfare clause is that which is contended for, could not Congress have done that under the general provision without any special grant of power in reference to raising and supporting armies? So with reference to a navy; Congress is empowered by special grant to maintain a navy. I ask could they not have done it under this general provision to provide for the common defense and general welfare if the meaning and true interpretation of that provision is what is insisted upon in this debate? Most unquestionably. And I say here now, that no friend of this bill can name any single object for which Congress can legitimately provide that could not have been done under the general power to provide for the common defense and general welfare if the interpretation sought to be put upon it is the correct interpretation.

But, sir, the men who framed the Constitution and the men who adopted the Constitution never conceived of any such interpretation being placed upon it, and hence they went on to delegate in the Constitution by special grants the powers which Congress exercise. It might provide for the common defense and the general welfare by raising and equipping armies, by calling out the militia, by building a navy. The true interpretation by the Father of the Constitution, especially by Mr. Madison, was that Congress might provide for the common defense and general welfare in carrying out what grants of power were specially delegated to Congress in the eighth section of the first article. So that when you look at the Constitution as a whole and interpret the particular phrase general welfare in the Constitution by the general purposes and intent of the Constitution, you will find that this attempted construction of the provision in reference to the common defense and general welfare has no true foundation.

But, sir, if you look to the history of the times when the Constitution was adopted, and the temper and spirit of the people of that period, you must conclude that there was no such purpose in providing that Congress should levy taxes to pay the debts and provide for the common defense and general welfare as is now claimed. If you look at the Constitution historically to ascertain what was intended, you must come to the conclusion that no such purpose was intended as that sought to be given to this clause. What are the facts? Our people had resisted the taxation of Great Britain. They had protested in every possible form against the oppressive use of the taxing power by Great Britain, and they were finally compelled to resist the exercise of that power by open war, which resulted in the independence of this country. They were jealous of the taxing power; and when they framed the articles of confederation they withheld from the Congress under the Confederacy the power to lay and collect taxes; but they provided that the common fund should be raised by the contributions of the different States.

So jealous were they of the taxing power that they refused to intrust the power to lay and collect taxes to the Confederate Congress; and can you now suppose that the temper of the people has changed, and when they came to form the Federal Union that they consented to yield unlimited control of the subject of taxation and surrender it up to Congress? Not at all. Every person familiar with the history of the times knows that it was with great reluctance the States of this Union consented to invest Congress with the taxing power at all, and nothing but the failure of the States to respond to the call under the articles of confederation and the embarrassment that resulted therefrom ever would have induced the people of this country to invest Congress with the power to lay and collect taxes at all.

So, in whatever aspect the question of the right to tax the people is looked at, whatever view you take of it, you must come to the conclusion that it never was intended by the framers of the Constitution in that clause which authorizes Congress to lay and collect taxes, &c., to invest Congress with an absolute power over the subject of taxation both with respect to the extent to which they would exercise it and to the objects to which they were to apply the money raised by taxation.

Mr. President, is this a benevolence? Is it a charity? Then have you not some other objects of charity as well as the illiterates of this country? In every hamlet and town, in every city and village, you have poor people that are starving in garrets or freezing in cellars, without food, fire, or clothing. Why are they not a legitimate object of the benevolence and charity of Congress as the illiterates of the country?

Mr. RIDDLEBERGER. Will the Senator allow me to ask him where he gets from the Constitution the right to appropriate money for charitable purposes? He has been arguing that question. I know that money has been appropriated in that way, and I ask him whether he can give me now anything but the general-welfare clause as authority for it?

Mr. SAULSBURY. For my part I will say to the Senator that I have always believed that this Government was not to be the almoner of charities for any purpose. I voted against the appropriation for the Centennial Exhibition held within 75 miles of my own town.

Mr. RIDDLEBERGER. How about sufferers by the flood on the Mississippi River?

Mr. SAULSBURY. I do not know how I voted on that, but I know I have a conviction that this Government is not to be the almoner of charities. Oh, I have seen—if you call for precedents—I have seen the money of the people squandered for various purposes that there was no constitutional power to squander it for; I have seen it squandered in extravagance that ought not to have been indulged in; but my general view of this question is that Congress has no power to take money out of the people's pockets for charitable purposes. But if they have, if they are to do it, then I say there are other objects of charity that have equal claims upon the benevolence of Congress. You have men and women to-day starving in your cities and in every portion of the country. You see the tramps out of work who are traveling broadcast over your land. You have seen and known that there are men to-day, honest men, anxious to work for their bread and for their meat to support their families, that are out of employment. Are they not as much objects of charity, when their children around them are starving and naked, as the illiterates of the South? You have many other objects to which you could apply your charities if Congress is to convert itself into an almoner of bounty and charity to all mankind. Against all such appropriation of the public money, raised by taxation out of the people, I protest here and now. Confine your appropriations to the legitimate objects of government, and the people will bear it cheerfully and ought to bear it. The people ought to supply the Government every dollar that it needs for its legitimate governmental purposes; but they have a right to complain, to murmur at their servants in this Hall and in the other House, whenever they attempt to lay the heavy hand of taxation

upon them for illegitimate purposes not warranted by the Constitution which we have all sworn to support.

Mr. President, what is to be result? Suppose you pass this bill; look at the consequences. In the first place, it makes provision only for eight years. What will be the result at the expiration of that term? You have taught the people of the States their dependence upon Congress. They will come here and clamor, not for $77,000,000 in eight years, but for a much larger appropriation, and you are forming a precedent to-day that will return to plague you hereafter with reference to appropriations for the same object.

Ah, but say the friends of this measure, we hope to relieve the illiteracy in eight years. You are doing more, Mr. President; you are withdrawing the efforts and energies of the people of the several States from the subject of education themselves. Common experience teaches everybody that everything of value is a matter which costs the people something. Only those things for which men make sacrifices do they appreciate; and whenever you relieve the people of the Southern States or any other States from the obligation to provide for their own children, you have lessened their interest in their public schools, which will be of more detriment to their public schools than all the money you propose to give in this bill will be a benefit to them. That will be the legitimate and natural consequence. You will weaken the efforts of the people of the several States to provide for the education of the children within those States. You will weaken their general interest in the subject of education, and you will bring them here at the expiration of eight years clamoring for a much larger appropriation than that proposed to be given in this bill.

But that is not all, sir. You will invite other applications. You will invite the men who are restless to-day, the labor organizations and other associations of men, to come here and say, "You bestowed your charity to relieve illiteracy; bestow your charity on us to relieve us; we are out of employment." Many of the men who compose those labor associations are worthy men, honest men, anxious to toil for a living, and yet are out of employment. Doubtless there are men, who connect themselves with those associations, of socialistic and communistic sentiments, perhaps enough to control them; but when you become the almoner of charities, dealing out money from the public Treasury for the removal of illiteracy, you invite all these orgnizations of these people that believe they have as much right upon the public bounty as others, you invite them here, and their voices will be heard in these corridors and around this Capitol. Some man will rise in his place in the Senate and voice their wishes. I warn you, Senators, that this is a precedent which will come home to plague in more ways than one, and I beseech you to think carefully in reference to what you are about to do, for I suppose this bill will pass, but I was determined that it should not pass without at least my protest against it.

Why, sir, we know to-day that there is a restlessness in the country, a restlessness arising from want. Men who are willing to work are out of labor. There is a restlessness arising from a communistic feeling that would fasten upon the toil of others, that would disorganize and bring everything to chaos in order that their particular interests might be advanced. Against this you ought to erect barriers, and not extend to them invitations to come here and clamor around these halls. Let us be careful in our legislation. Let us appropriate the money and let us teach the people of this country that the taxes raised from the people are to be applied legitimately, economically, to legitimate objects, and for no other purpose whatever, and you will do more to silence this restlessness and clamor than anything else.

Why, sir, your donations of public lands to railroad corporations, your subsidies that you have granted have educated the people to look to Congress, to look to this as a paternal Government where every man may come and place his hands in the public Treasury and take out what he wants. Are the people, the tax-payers of the country, to have no consideration? Are they to be put up to be fleeced by every person who comes here and extends an impecunious hand and asks for the charities of the Government?

Sir, for one I shall vote against this measure, and no possible amendment to it can put it in a shape that I would vote for it.

I deplore the illiteracy that is in the country as much as others do. I will not take money out of the public Treasury for the purposes of this bill; I will not help impose taxes on the people of this country to promote education in the States. For one I object to this bill and to every feature and provision of it from beginning to the end.

Mr. RIDDLEBERGER. Mr. President, I have listened to speeches when gentlemen were running for office delivered on both sides of a question, but I think this is the first instance in which I have ever heard one that was delivered on four sides, running from the Constitution to the Knights of Labor.

I too, sir, am opposed to the amendment of the Senator from Iowa. I am opposed to it for a very different reason than that assigned by the Senator from Delaware. I am for the public free-school system; I am a sincere advocate of free and general education; and I undertake to say that if the amendment of the Senator from Iowa discriminating between the races should become a part of this bill and the bill should then become a law, you would so discriminate as that the people of the States would destroy the system through which this money is to be paid out. That is my objection to it.

You say by this amendment, if I understand the English language, that the colored child shall have three dollars and the white child one. That is about what the amendment is. Any man who understands the relation of the races in the South, any man who understands the natural prejudice that has continued to exist since the freedom of the slave, must know that the white people will at once destroy the free-school system when the Federal Government has said that it will discriminate, that it will not allow the States to do it by the very constitutions under which they were readmitted into the Union. Destroy the free-school system of Virginia, for instance, and not one dollar of this money can go to either whites or blacks, because it is provided that it shall go to the public schools of the State in this proportion, and I repeat that the moment you draw this distinction, that moment you justify those people in destroying the public schools.

No man who is the friend of public schools, no man who believes in the education of the black race of the South and understands this bill can vote for this amendment. Say or think as you please, when you discriminate here you just intensify the now subsiding prejudice between the races in the South. I would rather not have the bill passed, I would rather let ten years go by without the benefit of this bill, than to have such a discrimination made. It would not only hurt the black children, but it would destroy the means of the education of the white children. It would return many to their homes because it would destroy the public-school system of the South.

As a political question I have never endeavored to treat it; I have endeavored always to view it from the standpoint of education, public-school education.

I am sorry that Senators on this floor here have undertaken to draw distinction between the illiteracy of States and to draw distinctions on the ground of race and color. I am sorry that that has entered into the debate; but I know how hard it is to keep that kind of discussion out of all debates, especially upon a bill like this; but I do appeal to the Republican party to consider what harm they are doing to those they seem to be trying to help. If you make this distinction, you destroy every opportunity they have for education. We are not asking for alms; we are asking for justice. We are not situated like the Senator from Delaware who while he was being taxed for his stamp on matches was making a cent for every cent that he paid out, and we had to buy the matches. I am speaking for a people who pay their taxes without grumbling, and receive nothing in return but good government, the protection of life, liberty, and property, and they would like to have added to them education.

We do not need a navy, so far as certain States are concerned, to protect their cities not located on the Atlantic; yet I am in favor of appropriating money to build a navy, a navy that will put this country in a position at least where it need not be afraid of a threat from Chili. I am ready to vote for it, ready to vote for it out of money that is to come into the Treasury. That which is there we may certainly expend; certainly every Senator on the other side of the Chamber ought to be willing to expend it, for if there be one who did not challenge the Republican party for keeping that money in the Treasury during the last campaign, challenging the Republican party with being the cause of hard times because all that money was kept in the Treasury, I should like him to get up and say so. Now if it is to go out, if according to Democratic doctrine it ought to go out, what better use or better channel of putting it out for the public good than for public education? It is against the Constitution, I am told. It has not been against the Constitution on Democratic theory to make appropriations. I never heard any Democrat refuse them, and very few Republicans do, and those who do are such as have an abundance.

The Knights of Labor, says the gentleman, will be indignant at this appropriation. Why, he does not know who compose the Knights of Labor. They do not allow professional men in their organization; they are laboring men; and while the Senator was warning us of what would become of this country if we did anything that they did not approve, I will tell him that if he keeps up in the line of legislation that he has suggested here to-day, the Knights of Labor will turn upon any Senator from the three counties called Delaware. I believe that the Knights of Labor are law-abiding citizens, and that there is nothing in legislation that would better promote their interests than to devote the surplus fund in the Treasury to-day to the education of their children.

I am for this bill, because I think it does promote the interests of the poor and laboring element of this country. I am for it because I think their children are entitled to an education by this Government, because it is all the Government under the Constitution, in my judgment, can do. It can educate children until they become men capable of taking care of themselves. This Government can do that, and I do not hear anybody denying it except the Senator from Delaware, who says the general-welfare clause will justify you in giving out money for any other purpose but that of free and general education.

The Senator argues that we in the South are better off than they in the North because labor is cheaper. What an anomaly is that, that the cheaper the labor the better the condition of a country? Such a doctrine as that I suppose would make an Irishman happy if he did not know better, by experience, that the cheaper the labor the better off the country is. That is the doctrine, not of the democrat but of the aristo-

crat. I say, sir, that we are not so well off. But it is not upon that ground alone that I stand here pleading for the passage of this bill. I wish it to be passed by the Republican party since I have heard so much against it from the other side. I wish it could be done by States instead of counties; we do need it, our children need it; and while we are poor, and rich, and proud, we still ask for it. We are poor now; we are rich in undeveloped resources; and we are proud of our history—a history that some States have not. Rich, poor, proud, we ask for it because we need it, and because we think it will do good ultimately, not only to our States but to our whole country.

Mr. HAMPTON. Mr. President, on Friday last in some remarks which were made by the Senator from Iowa [Mr. ALLISON] he quoted from the report of the superintendent of education in South Carolina for 1881. I suggested to him that he had fallen into a mistake on account of a typographical error, and I have just received a letter from the present governor of the State who was then the superintendent, calling my attention to the matter. I beg to read it for the information of the Senate:

STATE OF SOUTH CAROLINA, EXECUTIVE CHAMBER,
Columbia, March 1, 1886.

MY DEAR SIR: I observe that in the debate on the educational bill, on the 26th ultimo, Senator ALLISON quotes from a printed report of a statement which I made in 1882 before the Committee on Education and Labor, to the effect that the school attendance in this State for the year 1880-'81 was, white 61,339, colored 12,199. This is a mistake. Each year since 1876 the number of colored pupils attending the public schools in South Carolina has been largely in excess of the number of white pupils. The attendance for 1880-'81 was, white 61,330, colored 72,199, making a total of 133,458. My remarks on the occasion referred to were taken down by a stenographer, and I had no opportunity to revise his report before it was published. I am sure that, at the time, I stated the figures correctly. There are other errors, but of less importance than this one, in the report of what I said before the committee, as published in the CONGRESSIONAL RECORD of the 10th ultimo.

Yours, very truly,

HUGH S. THOMPSON.

Senator WADE HAMPTON,
Washington, D. C.

I stated, as I afterward showed to the Senator from Iowa, that this was a mere typographical error which had led him into a mistake; and by a reference to the report of the superintendent of education, Mr. Thompson, on the 18th of November, 1881, I find that he states there that the school attendance was, of whites 61,339, and of colored 72,199; and the mistake obviously has occurred by the misprint of the figure "1" for "7;" and in justice to the governor I have read this letter so that it may go into the RECORD.

Now, sir, I do not propose to discuss this bill, for I have already expressed my opinion upon it; but I say in all sincerity and as a friend, an earnest and steadfast friend of public education of all classes, and particularly of the colored children in the South, that I believe that if this amendment prevails it will do more harm to those who are intended to be the special beneficiaries of this bill than any other one thing that could be done. Practically, in my own State, I think it would do no harm as far as the disposition of the school fund is concerned, for by an amendment to the constitution ratified on the 26th of January, 1878, it is directed that the school tax shall be distributed among the several districts and counties in proportion to the number of pupils attending the public schools. The school funds of South Carolina payable last year were a little over $500,000. By an estimate which has been made by a very careful man the proportion of taxes paid by the white people in South Carolina is 97 per cent., leaving the colored people to pay about 3 per cent.; and yet by this constitutional amendment, which was adopted in 1878, the proceeds of all the school funds are divided fairly between the two races, and not only fairly, but as the reports of the various commissioners have shown, the colored children have had the benefit during the last ten years largely in excess of the white children. I regret exceedingly to see any experiment tried which might, from the prejudices produced, do harm if this donation should be made.

Mr. BERRY. Mr. President, I do not rise for the purpose of discussing the constitutional question involved in this bill, nor do I propose to discuss at any length the policy of the bill; but, in order that my position may not be misunderstood by the people of my own State, I desire to state briefly why I shall vote for the bill as it came from the committee and why I shall not support the amendment offered by the Senator from Iowa.

It is known to many persons in my State that I have not been an enthusiastic supporter of this measure, that I have gravely doubted the policy of the bill; nevertheless the General Assembly of my State in 1883 by joint resolution requested the delegation in Congress to vote for a measure embodying the ideas and principles contained in this bill. I am satisfied that a large majority of the people of my State are in favor of the passage of the bill. I therefore choose to obey their will and to vote for it; but if the amendment offered by the Senator from Iowa is adopted I conceive that it would not only defeat the purpose of the bill, but it would have a tendency to injure and impair if not utterly destroy the common-school system in the State of Arkansas.

I can better illustrate this by referring to the manner in which the taxes are collected and distributed there between the two races. The money received for school purposes comes from various sources. We have, in the first place, a levy of 2 mills on all the property in the State for school purposes. This money is distributed to the various districts throughout the State, to the children within the school age, without regard to color. In addition to this, the poll-tax of each county goes to the school fund of that county and is distributed to the various districts. Then each district within the State is allowed to levy a tax of 5 mills. This, however, depends upon a majority vote of the legal electors of the district at their annual school meeting.

This money is not divided between the whites and blacks per capita, as seems to be understood by some of the Senators who have spoken upon this measure, but the constitution and the laws require that there shall be no difference in the distribution of the money. Therefore, the effort is to give the white and the colored a school for the same number of months in each year; that is, if the fund is sufficient to give both a school for six months in the year, then both the whites and blacks have school for that length of time. If there is only sufficient money belonging to the district to give them a school for three months, then white and colored children all have school facilities for three months in the year; but in every instance the colored children are allowed and permitted to attend for the same number of months annually as the white children.

Now, if the bill passes as it comes from the Committee on Education and Labor this system will not be changed in any way whatever. The only effect will be to give the children a longer period in which they can attend school in the year and to give them better teachers. But if the amendment of the Senator from Iowa is adopted, which provides that the funds shall be distributed according to the illiteracy of the children between the whites and blacks (and if I understood him correctly he said that the blacks would receive a seventieth to a twentieth for the whites), then the effect would be to give the whites, added to the State fund what they get from this fund, a school say for four or five months in the year, while the colored children would have school for nine or ten months in the year, where each have heretofore had a school of three months.

Does the Senator from Iowa believe that the white people of the State, who pay all the State taxes, would submit to this discrimination against them and in favor of the blacks? Does he believe that it would be right and just and true to promote good faith and good feeling between the blacks and whites in the State of Arkansas or any other State? If an amendment of that character be adopted, discriminating in favor of black children when the State of Arkansas and the white people who have paid all the taxes have been willing to divide fairly with them, the effect would be, as I fear, that the white people in all the districts where they were in the majority would not vote the 5 mills school tax, and the consequence would be that we would not only lose the State fund but we would lose the fund coming from the General Government.

Such would be the effect upon the white people, because they would believe it was an effort and a disposition on the part of the General Government to give the blacks advantages that they did not receive. The effect upon the colored people, as I verily believe, would be simply this: It would make them believe that they were the special and particular wards of the General Government, and all the evils that flowed from the Freedmen's Bureau would speedily follow on the adoption of the amendment offered by the Senator from Iowa. I therefore can not support the amendment. It is not because of any prejudice against the blacks, but it is because I honestly and conscientiously believe that the amendment would disturb the kind relations that now exist between the blacks and whites in my own State.

It has been repeatedly said during the debate that this is a gift, a bounty, a donation to the people of the South. If it be a gift, I submit that it ought to be given freely, it ought to be given graciously, or not given at all. If it be a gift it ought not to be coupled with conditions which we believe would disturb the kind relations which exist between our people and which we believe would tend to destroy our school system. If it be a gift, it ought not be coupled with taunts, with epithets of abuse which tend to degrade and humiliate the donees, and therefore destroy the object and purpose for which it is given.

The bill had its origin in the noblest, the purest, and the best sentiment of the Northern people; and I conceive it ought not be made the pretext for crimination or recrimination between different States of this Union, or between different sections of the Union. I believe that if it be given at all it should be given as freely as the water runs, and that we ought not to be made to understand that we are humiliating ourselves in receiving it.

It has also been said as a reason why this measure should not be passed that the white people of the South were in possession of the proceeds of the labor of the colored people for generations, and therefore there was a double obligation upon the whites to support them—this, too, in face of the fact well known that whatever had been accumulated by that colored labor, whatever had been accumulated by the white labor, prior to the war was either destroyed by the fortunes of war or passed into other hands by the process of reconstruction. I say then that these things ought not, as I believe, to be said if the bill is expected to benefit those for whom the fund is given.

I have seen proper to say this much because I have taken a special and a particular interest in the education of all the people of my State. I

have earnestly and at all times not only voted but urged others to vote for the full limit that the law allows, the 5-mill taxes. During the time that I had the honor to be governor of the State of Arkansas I took an especial interest to promote the best interests of the colored normal school at Pine Bluff, which is now supported by money appropriated from the State treasury, and which is alone for colored teachers. I have at all times and under all circumstances been the firm friend and advocate of the levy of sufficient taxes to educate every child in the State of Arkansas, both black and white. But when I am asked not only to do this but to vote for an amendment which will discriminate against the white people in the South in favor of the blacks, which will disturb the relations that exist between them to-day, when evil consequences are to follow, to vote for an amendment which I believe will tend to injure the school system of my State, I for one will go no further.

I, therefore, can not vote for the amendment; but, as I said before, if the Senators on the other side of the Chamber will give us a square vote upon the merits of the bill, in obedience to the instructions given me by my State I shall cast my vote for it.

I wish to say one word more. The people of Arkansas, and, as I verily believe, the people of the South, those who favor the passage of this bill, are actuated by the spirit and the motive that they desire every child, both black and white, to have the opportunities for an education. Many of them support it, too, because if they opposed it they would subject themselves to the charge that they were neither willing to educate the colored children nor to permit the people of the North to educate them.

For these reasons I trust that the bill will be given a vote upon its merits. If Senators think that it ought not to pass, then let it be voted down, but do not seek to throw the responsibility on us by attaching amendments to it which we can not, which we ought not, and which I, for one, will not, support.

The PRESIDING OFFICER (Mr. MITCHELL, of Oregon, in the chair). The question is on agreeing to the amendment of the Senator from Iowa [Mr. ALLISON].

Mr. ALLISON. I ask for the yeas and nays.

Mr. INGALLS. Mr. President, the Senator from Florida [Mr. CALL] expressed the opinion that the amendment offered by the Senator from Iowa should not be adopted because, as he said, it evinces a settled distrust of the purposes of the States to whom what he calls this donation is to be distributed. He thinks that inasmuch as this is a pure benevolence, a gift, it should be tendered by us as gifts are made by wealthy men who care not how they give, and that to impose any conditions whatever upon the method of distribution is practically an affront, an insult which is to be resented.

Seventy-seven million dollars is a tolerably respectable sum of money; and I have heard no Senator who advocates the bill upon the Democratic side of the Chamber prefer any other reason except that the donation was necessary to enable them to take care of the colored illiterates in their States. The Senator from Mississippi [Mr. GEORGE] last week in his very temperate and reasonable speech used this language:

> I find myself placed by this offer, the white people of Mississippi also find themselves placed in this condition: We have in that State a majority of about 180,000 of colored people. Here is an offer made, as we understand it, by the generous people of the North to aid us in educating them. Are we to reject it? Confessedly we are unable to educate them as we ought to. Then the question presents itself to us, my colleague and myself and others representing States in a similar position, are we to reject this offer? It is in that attitude alone that I will consider the question.

If a Senator from any of the Southern States has made any other declaration or preferred any other claim than this, it has escaped my notice. I affirm that the amendment proposed by the Senator from Iowa does exactly that and only that. It proposes to confine the distribution of this money and limit its expenditure for the very specific purpose for which every Senator on that side of the Chamber has declared that the people of the State whom he represents desire it; yet when any attempt is made to so declare, when any effort is made to place in the statute itself a declaration that the money shall be so disposed of, Senator after Senator rises in his place and says that it is an affront, that it is an insult, that it evinces a settled distrust of the honor and the good faith of the States which under the bill are to receive $60,000,000 out of the $77,000,000 that are to be distributed.

Mr. RIDDLEBERGER. The Senator did not understand me as saying that it was an affront?

Mr. INGALLS. No, sir, I did not. I understood the Senator from Florida [Mr. CALL] to say so, and I understood the Senator from Arkansas [Mr. BERRY] to say that any attempt to devote the greater portion of this money to the education of the colored people in Arkansas would result in the destruction of the common-school system in that State; that it would utterly destroy the good feeling which he says now prevails among the whites and the blacks; and that if there is in the bill any declaration that it is the desire and the purpose of those who vote this $77,000,000 for that purpose to so utter it in the law itself the white people of Arkansas will regard it as such a declaration as will justify them in resorting to the old relations between the blacks and the whites and destroying the public-school system in that State.

What are we to understand by these declarations, sir? What do they mean? On what is the public-school system in Arkansas founded, if, when we are called upon to vote this enormous sum of money, we are told that to distribute it in accordance with the laws of that State will be such an affront, such an insult to the white people of Arkansas, that they will only send their own children to school four months in the year, whereas the colored children will go nine or ten months?

Mr. BERRY. I beg the Senator's pardon; I hope he does not intend to misrepresent me. I did not say that such would be the effect if the money was distributed according to the laws of the State. I said that if the amendment proposed by the Senator from Iowa was adopted, then the result would be to give the colored children, under the present laws of Arkansas, schools for nine or ten months while the white children would have schools for only four or five months under the bill.

Mr. INGALLS. Is there any distinction under the laws of Arkansas as to the school period for white and colored children?

Mr. BERRY. There is not.

Mr. INGALLS. Then how can the distribution of this money upon the basis of the illiteracy of the white and colored children have any effect upon the school period in every year? Is there anywhere in this country elsewhere a stupor so Bœotian; is there elsewhere an intelligence so dense, so impenetrable, and so opaque; is there anywhere else a mental vision of such obliquity as to claim that the language of this amendment, if applied under the laws of the State of Arkansas, will reduce the period for the whites in every school year to four months and increase the school period for the blacks to ten months? I trust not, sir; and I should be glad if some Senator who thinks it is an affront, an insult, in providing for the distribution of $77,000,000 from the Treasury, to provide that it shall be distributed in proportion to the illiteracy of the population, will describe wherein that insult consists, wherein it prevents the white people of any State from appropriating as much money as they please, from fixing their school period at as many months as they please, and expending whatever proportion of their revenues they see fit to distribute in the education of the illiterates within that State within the school age, no matter what their color may be.

No, Mr. President, the purposes and designs and intentions of the supporters of this bill are being gradually developed. They do not propose to have any limitation placed on this fund; they intend to take it and disburse it just as they please. One after another rises here in his place and says, if you declare in this bill exactly in accordance with what its advocates have announced is the purpose, you affront the lofty-souled and high-spirited men who openly confess that they are unable to educate their own illiterates, who come here not as suppliants, because that has been disavowed, not as men asking alms, because that has been repudiated, but as men who are willing to accept a gift. A lofty attitude! "We do not ask anything; we are able to take care of our own affairs; we can educate our own illiterates; we are not mendicants; we are not beggars; we are not asking alms; we are willing to accept a gift; but the gift must be freely offered, without conditions, and we must be allowed to do precisely as we please with it; we do not propose to allow this gift-horse to be looked at in the mouth!"

I think the debate has disclosed the fact that if this money is to be distributed in accordance with the objects and purposes of those who have framed the bill, the more we throw safeguards about it the better, the more we declare emphatically what we intend to be done with it the better; for I observe that the greater proportion of this money is to be distributed under the direction and control of the Secretary of the Interior. If you examine the framework of the bill you will see that the Secretary of the Interior is the officer who is to have the control of this disbursement.

Mr. RIDDLEBERGER. Is that changed by the amendment offered by the Senator from Iowa?

Mr. INGALLS. It is not. The entire framework of the bill is based upon the idea that the Secretary of the Interior is to have the disbursement of this money. To him reports are to be made; and whenever a question arises as to the right of any State or Territory to receive money under its disbursement, to him and to his law officers is the appeal to be made.

Fortunately we have some light on the purposes, we have some insight into the views of the Secretary of the Interior on this great subject. We are not without illumination; and it is very fortunate that before this bill is passed we are enabled to show from his affirmative acts, by the selection that he has made of the law officer of his Department, what are the views, what are the purposes, what are the ideas that animate the Secretary of the Interior with regard to the common-school system of this country.

The Assistant Attorney-General of the United States, who has been selected as the law adviser of the Secretary of the Interior, and who is now acting in that capacity in that Department, who has been there for six or eight months with the approval and concurrence of the Secretary of the Interior, is a gentleman named Zach Montgomery, now, or late, of California, before whom will come all the questions of law that may arise under the construction of the bill, before whom all questions of legal interpretation are to come for decision. He is not without a witness as to his opinion on the subject of common schools in this country. I hold in my hand an acknowledged publication of his upon this subject; and that there may be no doubt or dispute as to the authenticity of this work I announce that he sent me a copy of it himself

with an autographic note declaring that it expressed his convictions and asking me to give it my careful consideration.

Mr. COCKRELL. What is the title?

Mr. INGALLS. It is entitled "Drops from the Poison Fountain"—the words "the Poison Fountain" being in quotation marks—"Facts that are Stranger than Fiction, by Zach Montgomery, of the California Bar;" and that is followed by the very singular invocation: "Read first and condemn afterward," as if it was inevitable that it should be condemned, but that he desired it should first be read.

Copies of this pamphlet will be sent postage paid to any part of the United States for the following prices, in advance, either in money-orders or currency, by registered letter addressed to J. J. Montgomery, Oakland, Cal., box 233.

Published at "Oakland, Cal., 1879." The date is immaterial, because, as I say, he has within two days sent me a copy of the pamphlet avowing it to be his own, and the sentiments contained in it he reasserts and reiterates. He begins:

The writer intends to offer no apology to the reading community for the publication of this book. As soon would he think of apologizing to the slumbering inhabitants of a city in flames for attempting to disturb their rest by the vigorous ringing of a fire-bell. Far better that they awake in anger than to awake not at all.

I skip.

We promise to prove that our boasted New England public-school system, as now by law established throughout the length and breadth of the American Republic, is a poisonous fountain, fraught with the seeds of human misery and moral death.

Mr. RIDDLEBERGER. Will the Senator allow me?

Mr. INGALLS. Well, I will allow the Senator if he desires; but what does the Senator desire?

Mr. RIDDLEBERGER. I simply desire to make an inquiry as to whether it is not possible that Zach, having made that declaration in the book, and knowing it was there, sent the Senator two copies because he knew the Senator from Kansas was against the public-school bill?

Mr. INGALLS. The Senator from Kansas did not receive two copies of the work.

Mr. RIDDLEBERGER. I understood you to say so.

Mr. INGALLS. The one in my hand was obtained from the Congressional Library, and I was entirely familiar with what it contained long before I received the additional copy. The Senator from Virginia jumps before he reaches the stile.

Mr. RIDDLEBERGER. Did you not receive the last copy after you made your speech against the public-school bill?

Mr. INGALLS. I proceed with the expression of the views of Mr. Montgomery:

Adhering to the proposition with which we set out a moment ago, namely, that the people properly educated are more moral, virtuous, contented, happy, and law-abiding than an uneducated people, would you not be forced to the conclusion that there must be something wrong, terribly, radically wrong, in a system of education so much more direful in its results than even illiteracy itself?

The author then proceeds to give tables of statistics for the purpose of showing that public-school education is accompanied by more criminals, by more suicides, by a greater proportion of deaths resulting from degrading diseases than are communities where the common-school system does not prevail; and he proceeds to say:

One very noticeable fact in this connection, as shown by the foregoing tables, is that in the State of Massachusetts, which claims the honor of being the founder of the New England system of education, while she had by far the smallest proportion of illiterate native-born adults of any, even of the New England States, had at the same time much the largest proportion of native white criminals, she having 1 criminal to every 649 native white inhabitants.

That is his view of the results of the common-school system of education. Upon page 12 he proceeds:

And this precious system of education is the great boon for which in 1870 the American people were paying to the tune of $64,030,673, while at the same time they were grinding through this mill of moral death no less than 6,228,000 children.

In speaking about the relations of California to this system he says:

Indeed, so infatuated has our young State become with this crime and pauper breeding system of public instruction, that she has made it a penal offense for the parent or guardian of any child between the ages of eight and fourteen years to keep such child from the public school. * * * Thus it is that the votaries of this system have absolutely undertaken, by the most tyrannical legislation, to strip every parent of the guardianship of his children. * * * So that if these school directors choose to appoint a libertine or a harlot as the tutor of your daughters, and at the same time refuse their gracious permission for you to send them to a private school of your own choice, it is with fines or prison dungeons that the law proposes to reward you, should you, in obedience to the dictates of right, reason, and your own conscience, seek to shield them from the contaminating touch of the vile teacher? Is it any wonder that vice flourishes or that virtue perishes under the influence of such a system?

Upon page 17 he proceeds:

Let any one who doubts the general ignorance of our people on this last subject—

That is, the criminal effect of the public-school system—

test the matter. * * * The truth is that the advocates of this New England system have been so long, so loud, and so persistent in proclaiming to the world its supposed excellences that nine-tenths of the world have, without the least investigation, concluded to accept it for all that its most enthusiastic admirers represent it to be. Were it not for the widespread and almost total ignorance on the part of parents as regards the poisonous and deathly fruits which they and their children and society at large are daily reaping from this anti-parental system of education, it could not survive a single month in its present shape.

On page 19 he says—and I am merely picking out the jewels; all is gem-bearing strata, but I pick out the prominent jewels that appear in the course of this production—

Perhaps, though, we shall be told that so radical a change in the public-school system as that suggested would work the destruction of the system itself. If that be so, then we would ask whether it is better for us to destroy the system, or to let the system destroy us?

Here is another delightful definition of the common-school system and its effects upon society as understood by Mr. Zach Montgomery, Assistant Attorney-General for the Department of the Interior, by whom this common-school money is to be disbursed and by whom questions of law and interpretation are to be decided under this bill!

Should anybody, in making such an estimate, find the profits exceedingly small in proportion to the investment, let him not convert that fact into an argument against education itself, but only against this anti-parental system of education—

Now mark!

a system which, being conceived in crime, brought forth in crime, and nurtured in crime, must, of necessity, propagate crime.

Mr. Montgomery has republished this volume with additions, decorations, enlargements, and amendments, in a volume which I hold in my hand, presented by the author to the Library of Congress, entitled somewhat epigrammatically upon the exterior in a diamond-shaped diagram, "Sixty to one. Why is it? Inquire within." It contains some speeches that were made by Hon. Zach Montgomery, Assistant Attorney-General of the Department of the Interior, to whom the provisions of the Blair bill for education in the South are to be submitted for consideration and for being rendered effectual, which I should be glad, did time permit, to read; but I pass on to one other relation which Mr. Zach Montgomery bears to this subject. Section 10 declares:

That the moneys distributed under the provisions of this act shall be used only for common schools, not sectarian in character.

That means, I suppose, that they are not to be under the control of any religious sect; that religious instruction, it may be, is to be excluded from them.

Mr. EDMUNDS. Sectarian instruction.

Mr. INGALLS. Yes, sectarian-religious instruction. Mr. Zach Montgomery, Assistant Attorney-General for the Department of the Interior, appears to have some very pronounced views on the subject of sectarian education. He evidently is a very loquacious man. On the 6th day of July, 1873, Mr. Zach Montgomery, not then Assistant Attorney-General for the Department of the Interior, delivered a speech before the Roman Catholic Sunday-school teachers in California, which was reprinted in pamphlet form for distribution by his admirers and friends. It obtained a quite extensive circulation, and it so happened that copies found their way as far eastward as the Atlantic coast.

I hold in my hand a report of the speech that was delivered by Mr. Zach Montgomery upon that occasion; and I must be just to him to here declare that he states in a card published in the New York Tribune, either in July or August of the past year, that the pamphlet report of the speech he delivered on the 6th day of July, 1873, was garbled and imperfect. He admits that he made the speech; he does not deny that he entertains the sentiments imputed to him; but he says that the statement was garbled and imperfect, and in his card to the Tribune he recites the paragraphs that he says misrepresent him in that report, and those I shall omit or indicate in the reading that I now propose hastily to make. He does not deny that he entertains the sentiments that are attributed to him in the obnoxious paragraphs, but he affirms that the language is imperfect, and that it does not fully express his views on these subjects. He begins:

Being brought into the presence of so august a body and surrounded by so beautiful an audience I feel embarrassed with a sense of inability to do justice to the subject before me. In case I should commit an unknown error I would ask his grace to absolve me, as I do not know it. Obedience, as you all know, is the crowning act of faith.

Here follows a paragraph that he says does not express the views that he avowed on that occasion; it is in the following language:

I therefore relinquish all preference or desire of my own, and obey the commands of the high political authority of the Church.

He says that sentiment as therein expressed was garbled and imperfect, although he does not state what his language was. But he continues in language that he does not deny:

I deem it the highest station in life to teach the young Catholics the principles of the only Church on the face of the earth—that is, the Holy Roman Catholic Church. The notion the Protestant element entertain about the great progress made in the nineteenth century I wish to warn you to abstain from.

Now follows another paragraph, that he says was incorrectly reported, in this language:

Inroads made by the telegraph, steamboat, railroad, and the printing-press upon our Church are almost irreparable.

He says he did not say that in those words; but he continues in language that he does not deny, having the pamphlet before him, in the card that he published in the New York Tribune for the purpose of denouncing the injustice done to him by the publication of this pamphlet:

They are the means of spreading false rumors and immoral sentiments that corrupt the minds and lives of good Catholics in this far-off land.

Mr. DAWES. Does he admit that he said that?

Mr. INGALLS. He does not deny it. He had the pamphlet before him and denied the preceding sentence in the words I have read, but he does not deny anything that I have not declared that he did deny, and I shall do him the justice in my reading to omit everything that he declares imperfectly represented his sentiments. After going on with a screed about the telegraphic news that comes from Europe and is not important, he says:

But, my friends, you have a higher sphere of usefulness than encouraging the youth to read such corrupting papers. Teach them the holy principles of the Church, and that will save you and them, too, from the whirlpool of Protestantism and heresy in all its forms. A pastor is like a watchman on a house-top. He sees the storm coming, and he warns you. * * * Now, my friends in the Cross, the great secret civil-service corps was established in the holy city of Rome about 1,800 years ago. Some of my audience know where to get instructions about it.

Here follows a paragraph that he says in his card in the New York Tribune did him an injustice and he did not say it in those words:

Obey your pastor and look to him for all your knowledge, both civil and religious. Roman Catholics are persecuted on all sides, in hotels, restaurants, and other places of common resort, by sneers, jeers, and contemptible expressions about the leading Catholics, and eating meat on Friday. Be patient—

He says—

Be patient, and organize yourselves for the day of action. The Protestant theory of independence—

And he does not deny this, Mr. President—

The Protestant theory of independence, making up our minds for ourselves on matters in general, is false, as well as damnable in the extreme. There is no such a thing as personal freedom in religion and morality; the whole power lies with the successor of Saint Peter, Holy Pio Nono, at the holy city of Rome. Look to your leader and he will take care of you.

Your secretary states that more teachers are wanted. A shepherd would not leave his flock at the mercy of the wolves; so I beseech you not to go to the heretics to get the required teachers. Your pastors try to please you, but they can not go beyond the limits prescribed to them by their superiors.

In this country we have Catholic teachers in the public schools; they teach the doctrines of our holy faith. But they are prevented by the laws.

Now something occurs that he says in his card in the Tribune was an injustice:

Now, for the present, they can whisper in the ear of the scholar at times and tell them how, when, and where they can obtain absolution from their sins. The institutions of this country must be made the institutions of the Church.

That, he says, should be stricken out. He did not say that the following sentence should be stricken out, which reads:

And then our Sunday-schools and the so-called public schools will be one. The common schools of this country—

Now, mark what Mr. Zach Montgomery, of California, said about the public schools of this country in a speech delivered before a Sabbath-school assembly:

The common schools of this country are nothing more nor less than so many schools for teaching the young scandal and wrong-doing. I am told by good authority that it is almost impossible to make Christians of the children who attend the public schools. It is high time something was done to correct this evil, and I here venture to say—

Says this man who is to have control of all legal questions arising under a non-sectarian system of public-school education in this country—

And I here venture to say if the Roman Catholics do not stand up for their rights they fail to do their duty.

One paragraph more, he says, should have been omitted, in the following words:

And one of the refuges we have is in the miracle of Most Holy Father at Rome.

Omitting that, the paragraph stands:

Among the persecutors we find the Protestants, the heathens, and the Jews.

Then an omission.

Who will deliver us from all harm and absolve us if we do our duty to the last?

Mr. COKE. I ask the Senator from Kansas what was the date of that address?

Mr. INGALLS. The date of the address was the 6th day of July, 1873, but in July or August, 1885, twelve years afterward, Mr. Zach Montgomery, having obtained possession of a pamphlet containing this report from which I have read, published a card in the New York Tribune, not denying that he made the speech, but only declaring that the paragraphs to which I have called attention and have omitted in my reading were improperly reported and did him injustice. With the entire speech before him he avowed and reiterated and once more assumed for himself all the opinions that were there expressed, except the five paragraphs that he declared in words ought, in justice to him, to be omitted from the publication to which I have referred.

Mr. President, as I have said, this bill is to be under the control of the Secretary of the Interior. The Secretary of the Interior has selected as his law adviser a man who entertains and avows the opinions that I have read. They have not been spoken in a corner; they have been publicly declared and reaffirmed within the present week. If there be any Senator who supports the bill who desires that this money shall be directed in the channel of free, common-school, public education as we have it, and in the direction of non-sectarian education, then I say that so long as the interpretation and control is thus to be left I think there can be no doubt that the more safeguards we throw about it and the more emphatic and minute and explicit we are in our directions as to how this money shall be applied the greater assurance we shall have that it will reach its destination.

Mr. BLAIR obtained the floor.

Mr. BERRY. Will the Senator from New Hampshire yield to me or one moment?

Mr. BLAIR. Very well.

Mr. BERRY. I was simply going to state that I think the Senator from Kansas misunderstood what I said in regard to the amendment offered by the Senator from Iowa. The Senator from Iowa, as I understood him in his speech, stated that if his amendment was adopted the colored children would get, say, $3.50 under this appropriation where the whites would get $1. I said that in my State, where we had a sufficient amount of money in the district, we furnished all the colored children and all the white children in the district a school of three months in the year; that if this amendment was adopted the effect would be when this was added to the fund raised by the State, that the $1 per capita would probably give the whites an additional month, say four or five months, and that the $3.50 added to the colored schools would give the colored children a school, say, of nine or ten months. That was the statement I made.

Mr. BLAIR. Mr. President, this Mr. Zach Montgomery would be of the very slightest importance in the practical administration of this fund; but there is one further fact that the Senator from Kansas failed to state in regard to Mr. Zach Montgomery, which no man knows better than he, who is himself second on the Committee on the Judiciary, to whom the cases of such men as Mr. Zach Montgomery are referred for action by the Senate before their official prerogative or station is secured, and that is, that Mr. Zach Montgomery is not yet confirmed, and this whole matter is entirely in the control of the chairman of the committee [Mr. EDMUNDS], or Mr. INGALLS, who comes second to him upon the Committee on the Judiciary, or Mr. MCMILLAN, Mr. HOAR, Mr. WILSON of Iowa, Mr. EVARTS, Mr. PUGH, Mr. COKE, Mr. VEST, and Mr. JACKSON. So far as that part of it is concerned, it is of very trifling consequence one way or the other.

Mr. Zach Montgomery has some reputation as a lawyer, and in the construction of this bill, if it should become a law, he would be unquestionably, if a conscientious and proper man, likely to construe the statute in accordance with the principles of law. To guard against any danger of that kind—for I will assure the honorable Senator from Kansas that there is danger that this bill will become a law, and be primarily subject to the administration of the Interior Department—I will suggest to him that in the discharge of his duty as a member of the Committee on the Judiciary he take good care to protect the common schools of this country and of these States by the rejection of a man who avows sentiments of so atrocious a character as does Mr. Zach Montgomery, if he is properly chargeable with the utterances which have been stated on this floor. I would look upon such a man as a worse enemy to the country than the arch-fiend himself. We are on guard against that sort of influence.

Mr. Zach Montgomery is but a subordinate at the best, if he were confirmed. The Secretary of the Interior is a gentleman who in the last Congress and for several preceding Congresses WAS a member of this body, and no man made abler speeches or expressed more liberal sentiments in support of this bill and in vindication of the general principles of the common-school system. He is the superior of all his assistant secretaries or his assistant attorneys-general; and in his last report, which was also his first, he says to us in regard to this very bill, which he supported in the last Congress, referring to the report of the Commissioner of Education, which touched upon this subject:

I have been unable, for want of time, to present even a brief of the views and recommendations therein set forth, the greater part of which meet my concurrence, especially his renewed invocation of Federal aid to insure adequate provision for the instruction of the freedmen of the South, and also his recommendation that some measure of Federal aid be extended to public primary education, based on the number of illiterates in the various States as shown by the Tenth Census.

That is the gentleman who will have the practical administration of this measure as far as any national officer will have it. But the primary duties of the Secretary of the Interior in the administration of the law would be chiefly those of computation. Before the bill, if it should become a law, could go into operation the governors or the authorities of the various States must file a report with the Secretary of the Interior showing that they have complied with the preliminary requirements of the measure. Having, by doing this, entitled themselves to the distribution of the first year's appropriation, which is only $7,000,000, it is then paid over as a matter of necessity in the discharge of a mere executory function to the authorities of the States, to be by them paid out in the States in connection with their own school system and as a part of their own school fund, distributed precisely as though it had been originally their own money, in such a way as to give to every child of school age within their jurisdiction an equalization of opportunities for common-school education. At the end of the first year the authorities of the States are to report to the Secretary of the Interior, and through him to the Senate and House of Representatives, what they have done with this money and with their own, treating the whole as one common fund; and if in their expenditure they have failed to so appropriate or apportion the money as to give an equalization of school

privileges in the use of the whole to all children of school age, regardless of color, with no distinction of race, they are not entitled to any further appropriation under the provisions of the bill, and nothing is to be done but to withhold it, or to make such further requirements as the wisdom of Congress may dictate.

Every year's apportionment requires a yearly appropriation. There is the opportunity of the fullest investigation by Congress of all parts of the country where there may be complaint. Nobody is restricted in any school district throughout the country in making known a grievance that may have arisen to him or to any other under the operations of the bill. We all know how almost the primary power of a Legislature is that of investigation. It is perhaps the primary power. Ability to learn of grievances is indispensable prior to legislation for the redress of grievances. That great power of investigation is recognized in the bill, and if there were no recognition of it, it is a constitutional and inherent power, which we should exercise in this as in all other cases.

Beyond that, the Secretary of the Interior himself is charged with the same duty, and to him will come the complaint from the humblest in the land, and he is obliged by the provisions of the bill, and in the discharge of his sworn duty, to see that there be no abuse arising under its administration.

So we have provided in the administration of the law through our national executive officers, in the practical administration of the law by the authorities of the States in all the States, and by the authorities of the Territories in all the Territories, and then by reserving to ourselves in express terms a right which we would have under any circumstances by Congress—in all three directions we have been more than usually careful to provide that there shall be no injury done to the public or to the child. The Treasury is as well guarded as it can be. I do not believe it is possible to throw around this enactment and around the public money which we are proposing to apportion for the benefit of the common schools and the common-school children of the country any stronger safeguards than are already in the bill.

I do not wish to make any speech—I have said enough; but I wish to place in the possession of the Senate a letter which I have just received, dated last Saturday, after the debates of the week and after the amendment offered by the Senator from Iowa had been discussed and its true nature understood. It is a letter which was sent to me from the clergymen of this city, who represent the colored race here, and who by their intelligence and their interest in the subject I think may well be considered as the proper representatives of the race throughout the country. I have no doubt that matter of this kind would come from the entire country were the subject understood and were there time. The letter is addressed to me, and is as follows:

As colored ministers, identified by blood and lineage with the black race, we feel the deepest interest in the problem of education in the Southern States.

That interest is deepened and intensified just now by the consideration of the bill now pending in Congress for the extension of Government aid for national education.

We see by the Congressional reports that the passage of that bill is somewhat endangered by proposals which are causing much diversity of opinion.

We feel as much interested in the collateral points suggested in the Senate as the honorable gentlemen who propose them; but so deep is our anxiety for the passage of the bill itself that we venture the expression of our opinion as colored men that its failure would be a disaster to the whole country, especially to the black race. We advocate the equitable distribution of the funds as set forth in the bill.

We further add an opinion that there are some ills which it would be better for the race to suffer than by the failure of the bill for the people to be left to grope on for years in the deep darkness of their present ignorance and benightedness.

We are, yours, very truly,

ALEX. CRUMMELL,
Rector of St. Luke's P. E. Church.
WALTER H. BROOKS,
Pastor of Nineteenth Street Baptist Church.
WM. WARING,
Pastor of Berean Baptist Church.
JOHN M. BROWN,
Bishop of the African M. E. Church.
GEO. W. MOORE,
Pastor of Lincoln Memorial Congregational Church.
R. A. READ,
Pastor of Asbury M. E. Church.

There has been at least some confusion by the friends of the amendment now pending offered by the Senator from Iowa as to the interpretations which should properly be placed on the amendment. Since the discussion last week I have applied myself once more to the census, and I have figured the thing out mathematically according to the returns of the census and the other data we have in this case. Assuming that this proposed system of white and colored schools should be extended so as to include all the children of school age in the States where the system prevails, and that of course is what is contemplated as the ultimate effect and operation of the bill and of the pending amendment, assuming, I say, that both races are gathered in the schools, the white in the white schools and the colored in the colored schools, then the results which I shall state will take place, bearing in mind, and I wish this to be considered in connection with the fact that the constitution and laws of every one of the States now require the local taxation to be applied to the benefit of all the children who may be gathered in the schools, without regard to race or color; so that by existing law in these States an equal distribution of school privileges is already provided for. Assuming that to be so, and preserving that status, the theory of the bill is to pour into those States a sufficiency of money to nearly double the length of their existing schools, and of such further schools as it may be necessary to establish in order to include the entire school population.

With this as the existing status, the amendment comes in and provides that in the State of Alabama this money shall be so distributed as to give as often as there is $1 given to a white child—not to the white race, but to the white child, who is in need of education just like the colored child, no more, no less—as often as $1 is given to him, to give to the colored child $3; in Arkansas as often as the white child will get $1 the colored child will get $3; in Delaware as often as the white child gets $1 the colored child gets $6; in Florida as often as the white child gets $1 the colored child gets $3; in Georgia as often as the white child gets $1 the colored child gets $3; in Kentucky the white child $1 and the colored child $4; in Louisiana the white child $1, the colored child $4; in Maryland the white child $1, the colored child $5; in Mississippi the white child $1, the colored child $4; in Missouri the white child $1, the colored child $5; in North Carolina the white child $1, the colored child $2; in South Carolina the white child $1, the colored child $3; in Tennessee the white child $1, the colored child $4; in Texas the white child $1, the colored child $4; in Virginia the white child $1, the colored child $4; and in West Virginia the white child $1, and the colored child $3, thus establishing by the terms of the bill a most apparent and, as I think, a most hurtful discrimination, and a discrimination especially hurtful to the colored race themselves.

Its inevitable tendency must be to excite prejudices toward them on the part of their white associates, people double their own in number, owning already at least nine-tenths, probably ninety-five one-hundredths, I presume even more than 95 per cent. of the property, and a prejudice exceedingly hurtful to them during the period of the administration of the bill. Then further, we should instruct them by this national action that the negro is our special ward, and relieve them from the pressure of the duty upon their consciences to take care of the colored men who are with them, who are their laborers and their producers.

We make them the wards of the nation in a more complete sense than is the Indian to-day, and when, at the end of eight years, this bill ceases to operate, the appropriations under it having run down to a merely nominal sum when we consider the increase of population, so that its failure to be distributed the year following will be felt as inconsiderable, the school system meanwhile having improved, wealth increased, and the States become more able to bear taxation—at that period of time we should leave this colored race, entirely dependent, while of property they would have made themselves comparatively no large increase. At present they are wholly unable to bear taxation and do not bear the taxation which affords them anything like a twentieth of the school facilities which they enjoy. Where then would be the colored race; and shall we not have instructed the white race that they have no interest in them?

I do not look at this from the standpoint of the Senators on the other side who advocate this bill and say they are willing to take it. I do not recognize Senators who give expression simply to their sentiments as really representative of the necessities of the people. I do not blame those Senators for failing to express themselves in any way that expresses personal or State humiliation. That can not be expected; but there is behind them a strong desire on the part of the common people, white and black, for this assistance, not because it is assistance, but because it gives them the capacity to be the equal of any other Americans, that their institutions may be homogeneous with ours, that their capacity to produce, that their level of civilization may be the same as the common school has given us at the North and throughout the West. They hunger and thirst for it, and were I a representative of that population on this floor, if it were necessary I would implore for this money on account of the need of my people, but as a representative of another population on this side of the Chamber, I would never taunt those who are too proud, perhaps too justly proud, to come here in the attitude of those who solicit. I vote for this because it is as important for me in New Hampshire that the child of Louisiana or of Mississippi or of South Carolina be educated as it is for the child of New Hampshire. There is the same danger involved to our institutions in the election of a President or any other national officer by the ignorant votes of California or of South Carolina or of Maine, and you can not draw the distinction any more than you can separate the waters of the country, any more than you can draw geographical lines which will separate the waters of the Mississippi. We are all one and no matter where it is located the danger should be removed and must be removed by national power.

Now, sir, this amendment destroys this bill, and we have to select to-day whether we will defeat this bill or defeat this amendment. There can be no question about it. We understand the natural feelings of Senators on the other side. No human being believes that the bill with this amendment in it can go through the House of Representatives, or receive the signature of the President, and we have to make our election whether everything shall be precisely as we should like it, including taunts over the past and embodied in the legislation of the country, or whether we will pass a bill which we have ourselves passed

by the almost unanimous action of the Republicans and a very large proportion of the Democrats in a former Congress; a bill which contains no feature of distribution which has not been in every bill proposing national aid of the twenty that may have been and there are very nearly that number which have been introduced into Congress during the last fifteen years. Every one of them undertook to distribute in precisely the same way that this bill does. There is no new feature in it. There is nothing here that the honorable Senator from Vermont, or from Kansas, or from Iowa is not entirely familiar with in the matter of distribution. They have thought this over, they have considered this, and year after year they have indorsed the principles of distribution contained in this bill, and it is pretty late to think of interjecting here now a principle which can have, as any intelligent man knows, no other effect but the final and, perhaps, the everlasting defeat of this measure.

I will take the liberty of putting the table, from which I read and which contains the data and calculation leading to the conclusion, into the RECORD.

RACE DISCRIMINATION PROPOSED IN THE ALLISON AMENDMENT.

Distribution in the States where there are white and colored schools of their proportion of $7,000,000 to white and colored children of school age in such States, in the proportion that the number of white and colored persons ten years of age and upward who can not write bear to each other by the census of 1880.

States.	Total to both races.	White.	Colored.	Amount per capita of school population.		Proportion of $1 to each child.		Ratio.
				White.	Colored.	White.	Colored.	
						Per cent	*Per cent.*	
Alabama	$488,258 95	$126,947	$361,311	$0 59	$1 73	25	75	1 to 3
Arkansas	227,561 00	111,505	116,056	52	1 51	26	74	1 to 3
Delaware	21,869 00	9,404	12,465	24	1 34	15	85	1 to 6
Florida	90,322 00	22,581	67,741	38	1 19	24	76	1 to 3
Georgia	586,225 00	146,556	439,669	64	1 90	25	75	1 to 3
Kentucky	392,448 00	243,318	149,130	51	2 09	20	80	1 to 4
Louisiana	358,641 00	68,142	290,499	52	2 04	20	80	1 to 4
Maryland	151,494 00	49,993	101,501	20	1 36	12	88	1 to 5
Mississippi	420,394 00	58,885	361,539	31	1 32	19	81	1 to 4
Missouri	235,152 00	171,661	63,491	24	1 26	16	84	1 to 5
North Carolina	522,647 00	214,285	308,361	72	1 51	32	68	1 to 2
South Carolina	416,617 00	66,659	349,958	70	2 08	25	75	1 to 3
Tennessee	462,660 00	245,210	217,450	59	2 04	22	78	1 to 4
Texas	356,446 00	139,014	217,432	76	3 14	19	81	1 to 4
Virginia	484,772 00	130,888	353,884	40	1 40	22	78	1 to 4
West Virginia	96,172 00	84,631	11,541	38	1 22	24	76	1 to 3

I will now read section 8 of a bill which has been introduced by the former Secretary of the Interior, now the Senator from Colorado [Mr. TELLER], and referred to the Committee on Education and Labor, Senate bill 152, proposing national aid, to give $10,000,000, I think, the first year. The eighth section of that bill passes on the question of distribution, and with reading it I close what little I have to say:

SEC. 8. That in such States or Territories as shall maintain separate schools for white and colored children the money so apportioned shall be divided according to the respective number of such white and colored children in such State or Territory.

Precisely the provision of the bill under discussion.

Mr. HOAR. Mr. President, I suppose that if there can be such a thing as committing members of a political party or a political party to any measure, the Republican party is committed to the policy of this bill. I do not of course suppose that any Senator or legislator is bound by any expression of opinion or purpose or desire in the past to anything which, according to the best light that is shed upon the present moment, seems to him of evil policy or influence. Every Republican President who has taken the executive chair since the close of the war—Grant, Hayes, Garfield, Arthur, the last three national Republican conventions, and the Republican conventions in most of the Northern States—have united in calling upon Congress to go to the verge of constitutional power in extending the aid of the nation to the common-school systems of the South.

There are three things, and three things only, which make up the Republican policy, upon which all Republicans are agreed; three things in which the Republican party must live or bear no life; three things inextricably blended together upon which our national life itself must depend; and they are, absolute freedom of the ballot, universality of common-school education, and the maintenance and elevation of the workingman's wages. They are three things dependent upon each other. Not one of this sublime trinity can fail or perish and either of the other two survive.

Now, of course this measure is subject, and should be subject, to every criticism, to every amendment, to every improvement which the ingenuity of any Senator can suggest. It is entitled certainly to a respect which it has not received at the hands of every Senator who has mingled in this debate, if it be true, as the Senator from New Hampshire has stated without contradiction, that it has received the support just as it stands of a Republican caucus of Senators in the last Congress, and that its details were adjusted by a committee composed of some of the ablest representatives of that party then in this Chamber. Of course, nobody claims, as my honorable friend from Iowa very well said, that this is binding on the conscience or judgment of any individual Senator further than perhaps to require him to approach the consideration of the bill with some degree of respect and some degree of anxiety to conform, it may be, individual to the general judgment.

The principle of this bill—and I only rise to speak two or three minutes about it—seems to me not to have been entirely understood. Some Senators from wealthy and populous States, able to take care and proud to take care of their own common-school system from their own resources, said that their States need no bounty from the National Government; that Massachusetts, Iowa, or some other State would spurn and should spurn anything like charity. Why, Mr. President, this is the money of the American people, raised by the American people, paid in by the American people, owned by the American people, and expended by the American people.

When Massachusetts receives one hundred or one hundred and fifty thousand dollars a year from this bill it is not a gift of money, it is merely a diminution or subtraction from the amount of her tax for this purpose, because of the four times that amount which Mississippi will get in any year Massachusetts is to pay four times as much as Mississippi, at least in the way of taxes. But, instead of drawing an arbitrary line at a certain point of illiteracy from the census, or by Mason and Dixon's line, or the line of the old slave States, or the line of the States that went into rebellion, or in any other way, it was conceived that on the whole the best way was to distribute this money on a more national and general principle, just as if we were about to build light-houses on the coast. Massachusetts and Rhode Island before the Constitution was formed, generations ago, built all the light-houses they needed from their own resources, or at any rate all but one or two.

We say we will have a system of light-houses to be expended in proportion among the different States to the size of the exposed coast and the needs of commerce in that place; and that is all. This is therefore not a gift to the States who receive less than their proportion and pay more than their proportion. It is to those States only and merely a diminution of the weight of a tax; and of course that they must understand, and I think they do understand.

Now, Mr. President, the purpose of this bill is this, and it is a very simple one, and after twenty years' discussion in the press and the pulpit, at the meetings of educators and in both branches of Congress, it is the best one as it seems to me which anybody yet has been able to devise; and that is to say to the States of the Union "we will find out what sum of money is necessary, in addition to the sums which are raised or can be raised from your own resources, to furnish in every State a fair and equal common-school education to every child of the school age, and we will distribute in proportion to illiteracy a certain sum of money to be raised from the national Treasury, but you must undertake from your own resources, as a condition of this grant, to supply everything else that is needed to secure a sufficient common-school education the advantages of which are to be open to every child within your borders, without any distinction of race or color."

Then comes in my honorable friend from Iowa, and he introduces an amendment which requires—as much as if it were written in those words, as it seems to me—and I have given it all the care and reflection which a proposition from so eminent an authority deserves—the States

that are to receive this bounty at the South to make themselves in their own expenditures a distinction in favor of their white children, and that is the whole of it and the whole operation of it as it seems to me. Nobody will deny that if you have got, as this bill requires you to have in four or five different places, a system sufficient to give an ample and reasonable common-school education to every child, then the expenditures should be equal. It is true that the negro child represents a race which has been in barbarism and in slavery for uncounted centuries. It is true that the white child represents a race whose predecessors have raised it to the highest pitch of human civilization and human culture and enlightenment. But when those two children are put side by side in the school to stay, or put in separate schools side by side, which schools are to be exactly alike in all respects, is it not going to cost just as much per child to give a common-school education to the child of the poor man as to the child of the rich man? The rich man may send his children elsewhere. That we do not want; we want all the children in the common school between the school ages; but when the children are there the same number of hours, the same number of lessons, the same number of teachers, the same school-books, and the same rules and discipline are to be extended alike to both, and it makes no difference whether one comes from a race of princes and the other comes from a race of slaves.

That being the case you send a million dollars into Mississippi, and you give that whole million dollars to the blacks, every dollar of it, we will suppose, and what follows? It follows that to have an equal and just and reasonable common-school system in the State of Mississippi, under which all the children fare alike without distinction of race or color, the authorities of the State of Mississippi must subtract, and justly should subtract, a million dollars from the grant which they were before making to their colored children and add it to the grant to the white children, and then the two children are alike; and when this bill ends, as the Senator from New Hampshire has very well observed, at the end of eight years you have got fifteen or sixteen States in this country trained to keeping up a distinction, not merely in the disposition of these gifts but in the disposition of all the moneys raised by the States, between their white and their colored children, and you have got to revise and reconstruct and quarrel about their whole matters of the expenditure of money and of school administration in order to set that right.

It appears to me that my honored friend from Iowa—yet it is a pretty audacious thing I know to say about so clear-headed and able a man—seems to make a confusion between the needs of a race. Here are 50,000 colored children who need everything, here are 5,000 white children who need nothing, or here are 5,000 white children needing help to the 50,000 of the other, and he says must not your money go to the children who need it most? The occasion for this grant is that you have this new body of children needing expenditure for education cast upon the community in certain States. If that is the need of your expenditure, why do you not apply your expenditure where the need exists? Well, if you were intending and meaning to remedy the whole evil that would be true; if you were talking about how much should be expended for 5,000 whites, or how much should be expended for 50,000 colored children, that would be true; but here you have a proposition the fundamental and express condition of which, asserted and reasserted and reiterated in this bill, is that the States are to add to what you put in their hands enough to put all these children on a condition of substantial and absolute equality.

Apply it to the State of Massachusetts and the State of Maine, which provide for the children, home-born and foreign-born, alike. They provide for the Irish child, for the child of the Canadian-Frenchman, for the Scandinavian, for the German the same school system that they provide for their own children, and some of these children are descended from races where probably there has not been an ancestor who could read and write since Noah came out of the Ark. And yet we do not say that because in a certain ward in the city of Boston or a certain ward in the city of Worcester all the children are of Irish parentage we will give two or three times as much money per head to the children of that ward as we do to a ward which contains Beacon street or the west end of Boston. We will have a common-school system for both, and the child of the merchant prince and the child of the Irish peasant shall sit side by side on the same benches, or if they are in different schools by reason of their different habitation shall have schools where precisely the same things are taught from the age of six to ten, and the Irish children and the German children and the French children are by no means behind in that equal race which is open to all.

Mr. President, it does not cost and it should not cost one cent more to give an ample common-school education to a child whose ancestors have been in ignorance for generations than to give the same education to a child whose ancestors have been scholars and in wealth for generations. It seems to me that is the answer.

Now, sir, I suppose that this amendment proposed by the Senator from Iowa would require a change in the constitutions probably of a dozen Southern States. I do not know how many; I have not looked to see; but I suppose nearly all the constitutions recently established by those States within the last ten or fifteen years require that their expenditure for common schools shall be made without distinction of race or color. If that be true, this amendment, however well intended, is an amendment hostile to this bill, because it makes it impossible that it should be carried out.

Mr. President, there is but one thing—and it is just as well to speak out plain—which is the formidable obstacle in the secret heart I believe of my friends on this side of the Chamber, and of those persons who elsewhere in this country feel the difficulty in the adoption of this measure. There is not a Senator on this side of the Chamber who is not sure of the support of his constituents, notwithstanding the most liberal grant may be made from the Treasury if he can feel that the great object which we intend to be accomplished can be accomplished constitutionally and honestly and thoroughly. The feeling is the unwillingness to trust the public authorities of the State or of the nation with the administration of this fund.

It is the Zach Montgomery argument, the argument which fears that a great public policy intended to rescue this great Republic from ruin and degradation and illiteracy can not be fairly and honestly carried out by the representatives of the American people, because of the Zach Montgomeries, or whatever the name of the gentleman whose utterances have been read here this afternoon. Of course we have got to trust somebody in this world. We have trusted these Southern communities after the war by restoring them to all the privileges of equal citizenship; we have readmitted the States with their thirty-two Senators on this floor. Whatever warnings we may have had or whatever failures in some instances we may have had in having our confidences vindicated, yet on the whole I suppose nobody regrets the policy of which that was the result.

I believe that the risk, whatever it may be, which has been referred to by Senators here is not so great as the risk of the public consequence which will come from leaving these American citizens, soon to be voters, in this condition of ignorance. Why, Mr. President, the man sits in this Chamber within the sound of my voice to-day who will see the blacks at the South numbering 30,000,000 in this country. Does anybody believe that this Republic can endure if in those 30,000,000 there is a proportion of ignorance like that which the census reports read by the Senator from New Hampshire disclose to-day? I am willing to take a risk the extent of which is but the loss of $77,000,000 from the Treasury on the one side in pursuing the most feasible and practical attempt any man has yet suggested to rescue the Republic from that danger.

However it may be elsewhere, I am sure of the approbation of the great and venerable Commonwealth that I represent in voting for this bill unchanged, unemasculated, untampered with. I have learned my political opinions at the feet of a great statesman and great civil hero, whose form was familiar in the Senate Chamber for a period almost longer than that of a generation of men; and of all the lessons which I have learned from him and which I have learned from the great Commonwealth which was his teacher and inspirer, I have learned to believe in one which he uttered almost with his first public utterance from youthful lips, and which he repeated almost the last time he uttered his voice in life: Trust the Republic and the ideas which are its strength and safety.

I believe the people of the South, whatever else may be said of them, certainly are a people capable of being awakened by generous emotions. Is it credible that there can be any fear that States being American States, receiving this money from the bounty of their associates in the Union for this great public purpose, will fail as men of honor and men of character to apply it to the great purpose for which it is designed? For one I do not believe it.

Now, Mr. President, before I sit down, to show the true character of the bill, I ask to have some extracts from it read. I ask the Secretary to read, beginning at the seventeenth line of section 3, that sentence down to the word "provided."

The Chief Clerk read as follows:

No money shall be paid out under this act to any State or Territory that shall not have provided by law a system of free common schools for all of its children of school age, without distinction of race or color, either in the raising or distributing of school revenues or in the school facilities afforded.

Mr. HOAR. Now I should like to have the tenth section read down to and including the word "education."

The Chief Clerk read as follows:

SEC. 10. That the moneys distributed under the provisions of this act shall be used only for common schools, not sectarian in character, in the school districts of the several States and Territories, in such way as to provide, as near as may be, for the equalization of school privileges to all the children of the school age prescribed by the law of the State or Territory wherein the expenditure shall be made, thereby giving to each child, without distinction of race or color, an equal opportunity for education.

Mr. HOAR. Now I should like to have the clause from line 17, in section 11, down to the word "provided," in line 30 read.

The Chief Clerk read as follows:

And if any State or Territory shall misapply or allow to be misapplied, or in any manner appropriated or used other than for the purposes herein required, the funds, or any part thereof, received under the provisions of this act, or shall fail to comply with the conditions herein prescribed, or to report as herein provided, through its proper officers, the disposition thereof, and the other matters

herein prescribed to be so reported, such State or Territory shall forfeit its right to any subsequent apportionment by virtue hereof until the full amount so misapplied, lost, or misappropriated shall have been replaced by such State or Territory and applied as herein required, and until such report shall have been made.

Mr. HOAR. Now read on to the word "provided" in the thirty-ninth line.

The Chief Clerk read as follows:

Provided, That if the public schools in any State admit pupils not within the ages herein specified, it shall not be deemed a failure to comply with the conditions herein. If it shall appear to the Secretary of the Interior that the funds received under this act for the preceding year by the State or Territory have been faithfully applied to the purposes contemplated by this act, and that the conditions thereof have been observed, then the Secretary of the Interior shall distribute the next year's appropriation as is hereinbefore provided.

Mr. HOAR. Now I ask to have the last section read.

The Chief Clerk read as follows:

SEC. 15. That no State or Territory that does not distribute the moneys raised for common-school purposes equally for the education of all the children, without distinction of race or color, shall be entitled to any of the benefits of this act.

Mr. HALE. Mr. President, the amendment offered by the Senator from Iowa penetrates the hitherto imposing armor of this bill and discloses its fatal hollowness and weakness. It shows how the bill has departed from its original purpose, always heretofore maintained in the early stages of the discussion upon this most important subject, of legislation for the purpose of meeting illiteracy in the South wherever it was found in its most pronounced and dangerous aspect. All the record that has been given us so completely by the Senator from New Hampshire in charge of this bill, made up of reports presented now and heretofore by him, from great educational associations, of representations coming distinctively from Southern sources, from educationists and philanthropists everywhere, states that the object sought was the removal of the distinctive mass of illiteracy in the South in the colored race.

Mr. BLAIR. I do not like to interrupt the Senator——

Mr. HALE. I have but little time, and I ask the Senator not to interfere. I know the Senate is impatient.

Mr. BLAIR. I do not wish it understood that I assent to that statement as a fact.

Mr. HALE. To prove it I am going to read a few things from the mouth of the Senator and from the documents and papers that he has so faithfully placed before the Senate. In his report to the last Congress, found upon page 1240 of the RECORD of February 10—what the Senator from Iowa has well called a handy volume—I find this:

The committee unanimously approve the amount proposed to be appropriated in the bill and its distribution on the basis of illiteracy, and a majority recommend its passage in its present form.

Further along in the same report, on page 1246 of the same RECORD, I find this:

The only reasonable test is, for the present at least, that of illiteracy and not of population.

Still further, upon page 1249:

Whatever is done by the nation now should be directed where it will do the most good. Illiteracy is the disease, and the remedy must be given accordingly. Until the standard of knowledge is brought up to a reasonable level everywhere, implying capacity to discharge the duties of sovereignty and citizenship, the nation must, or at least should, in common prudence, distribute its money upon the basis of comparative ignorance.

In a very brief and pithy memorial presented to Congress in 1882, and adopted by the committee of which the Senator is the head, so far as being incorporated in its report is an adoption, by the committee of the National Educational Association, I find this, and I ask the attention of Senators to it:

Largely more than one-half of a fund for the education of the illiterate would go to the South for negro illiteracy; less than one-fourth because of white illiteracy. If Congress should create a fund which would give $3 per annum per capita for the education of this class alone, it will require an aggregate annual sum of $18,719,958. Of this, Mississippi, *e. g.*, would receive $1,119,603; but of this $959,529 would be for colored illiterates and $160,344 for white illiterates.

Showing that in the stages when this subject was mooted and agitated, and when representatives from the South and from the great educational associations of the country were knocking at the doors of Congress and were asking this benefaction, everywhere it was understood that the basis of distribution would be illiteracy, that the money would be drawn for black and white illiteracy, and would go to cure black illiteracy in a proportion in some cases more than 3 to 1. On page 1254, Hon. Hugh Thompson, of South Carolina, has presented a very luminous paper treating of this whole subject, in which he says:

I believe I speak the sentiment of the majority of the people of the State when I say that we in South Carolina feel that the safety and prosperity of the State depend upon the education of that class of our citizens.

Having just referred before to the colored illiterates—

I need not speak to you, gentlemen of the committee, of the limited opportunities that the colored people have had heretofore for education, but you know that the absolute need for it now is such that if the United States Government does not hold out a helping hand to us at this time we shall continue to send forth each year illiterate voters by thousands.

Thus making his appeal for the colored illiterates, and there is no doubt, I think, in the mind of any Senator who has kept pace with the agitation for this bill, that the present bill does depart from the original purpose and the original claim. When that purpose was felt and known it undoubtedly awakened throughout the country, in the North where most of this money will come from, an answering response, a generous sentiment. There was no parleying, there was no disposition not to give this money from the Treasury, but everywhere, in New England, in the Middle States, in the great West, I believe there was the disposition to recognize this immense mass of illiteracy that had come to us as an inheritance from the war and from the freedom that had been given to the colored man; and that, as has been said in the report from which I have quoted, there was the disease and the medicine should be applied there; and that is why there has been so general accord throughout the North and the feeling here and evinced in the last Congress in favor of this appropriation.

But the bill in a most extreme way departs from any such purpose and leaves the colored man comparatively without the benefit that he should derive from this great benefaction. There were only two ways of the entire distribution of this money, either by population or by school ages, and it is curious that the tables which have been presented to us by the Senator from New Hampshire show that the percentage of illiteracy is just about the same as between the two races, whether you take the entire population or whether you take the school ages. So there were two methods, either to distribute to States and to localities by population or by school age, which is one method, or upon the basis of illiteracy.

What has the committee done? It has adopted both bases. It would not do to make the whole distribution upon the basis of population or school age in the entire country, for then the South would not receive the largest proportion, as everybody desires that it shall, and the object of the bill would be defeated. It would not do to carry the test of illiteracy into the distribution and expenditure of the money because that would give inevitably and unerringly the larger proportion to the colored race. And so the committee rejected that, and the bill is made up on this proposition, and that of itself ought to defeat it or ought to insure the passage of the amendment of the Senator from Iowa, that illiteracy may be the basis to swell the fund, but not the basis upon which it shall be expended.

That is all there is in this bill. You swell the amount that shall go to the Southern States by adopting the basis of illiteracy; but when you have secured five-sixths of the amount of money included in its provisions, then although you approach nearer to the colossal evil that is sought to be remedied, the committee halts in its conclusion and declares that it will go to the rejected basis that it would not consider as applying to the States, and take either population or school age, one of which is about the same as the other. That is the objection that the amendment offered by the Senator from Iowa proposes to remedy. It is entirely clear and distinct in its provisions. It is a perfectly plain course to follow; and this has been most singularly violated in the bill.

I can not so well show this as by quoting from the letter of Judge Albion W. Tourgee, whose interest on all questions which affect the colored man and whose knowledge of the situation in the Southern country are not surpassed by any man. Here are some of the facts and considerations presented by Judge Tourgee. He takes as the basis of his calculations the annual appropriations of $10,000,000, which is just about the average yearly amount given by this bill.

The most important fact connected with the measure, however, is the relation it bears to the education of the two races. It should be borne in mind that in all the Southern States the schools for the two races are distinct, and the funds for their support are now distributed according to the number of each race in the separate school districts, or else according to the number of children of each race within the school ages, as prescribed by the laws of the respective States. Practically there is no difference in these standards; to distribute according to the number of children is in effect to distribute according to the proportion of the two races. So that, if a State have 1,000,000 whites and 500,000 blacks, the white schools will have twice as much money as the colored schools.

The bill in question requires the fund thereby appropriated to be distributed in the same manner as the respective school funds, though it is assigned to the States on the basis of illiteracy. According to the report of the House committee of the last Congress the State would receive on account of each illiterate about $1.50 on the basis of an appropriation of $10,000,000. This sum, distributed as proposed, would give to the white schools of each State more than one-half of the whole sum, though only about one-fourth of the illiterates are of that race. In other words, instead of the national fund going to the education of the respective races in the ratio of their illiteracy each white illiterate will draw from this fund two or three times as much as the colored illiterate in the same State. The following table will show the practical operation of this measure:

Black and white illiteracy, census of 1880, ten years old and upward.

States.	White.		Black.	
	Illiterates.	Per cent.	Illiterates.	Per cent.
Virginia	114,602	18.2	315,600	73.7
North Carolina	192,032	31.5	271,943	77.4
South Carolina	59,777	21.9	310,071	78.5
Georgia	128,934	22.9	391,492	81.6
Florida	19,763	19.9	60,420	70.7
Alabama	111,767	24.7	321,660	80.6
Mississippi	53,448	16.3	319,753	75.2
Louisiana	58,951	18.4	239,429	79.1
Total	739,364	22.2	2,250,438	78.1

It will be seen that there were almost three times as many colored as white illiterates, and, considering the character of the appropriation and the fact that all the school-houses and educational equipment of the ante-war systems in those States are held by and for the use of the white race, it would seem as if good policy and common sense would demand that the remedy should be spread somewhat evenly upon the sore—that the colored schools should be benefited somewhat in proportion to the amount to be received by the State on account of colored illiteracy. The following tables will show what would actually occur under the provisions of this bill. See foregoing table for the number of white and colored illiterates in each State, and for the amounts that would be received by several States on account of white and colored illiterates respectively on a basis of $10,000,000, or $1.60 for each illiterate:

States.	Received on account of white illiterates.	Paid on account of colored illiterates.
Virginia	$184,424	$505,172
North Carolina	308,316	435,184
South Carolina	98,817	493,883
Georgia	205,688	612,312
Florida	32,000	96,000
Alabama	179,252	515,348
Mississippi	85,199	512,801
Louisiana	94,623	415,377
Total	1,182,406	3,600,692

In other words, these eight Southern States would receive from the national Treasury on account of 739,364 white illiterates $1,182,406, and on account of 2,250,438 colored illiterates would receive annually $3,600,692 of the public funds of the nation. How would this be divided between the races? Who would be the real beneficiaries of the fund under the provisions of this bill? If distributed as the bill requires, supposing not a dollar to be lost or wasted, the white and colored schools would receive it in the proportions shown in the following table:

Amounts that white and colored schools would receive respectively under the Blair bill in several States.

States.	Population.		Schools would receive—	
	White.	Colored.	White.	Colored.
Virginia	880,858	631,707	$401,877	$287,728
North Carolina	867,242	532,505	460,718	282,782
South Carolina	391,105	604,472	233,916	358,784
Georgia	816,906	725,274	442,528	391,472
Florida	142,605	126,888	71,763	56,237
Alabama	662,185	600,320	364,363	330,237
Mississippi	479,398	652,199	253,265	344,735
Louisiana	454,954	484,992	247,125	202,875
Total	4,695,253	4,335,357	2,475,555	2,314,850

In other words, these States receiving $1,182,406 from the national Treasury on account of 739,364 white illiterates, and $3,600,692 on account of 2,250,438 colored illiterates, will apply $2,475,555 of this fund to white schools, and only $2,314,850 of it to colored schools. So that while each illiterate black and white alike will draw $1.60 from the national Treasury for the benefit of the State, each white illiterate will receive for his education in a white school several times the amount that will be applied to the education of the colored illiterate in the schools of his race.

The following table shows the comparison between the amounts applied for the benefit of each:

Comparative value of white and colored illiteracy under the Blair bill.

States.	Amount received from General Government for each illiterate.	Amount applied to white schools for each white illiterate.	Amount applied to schools for each colored illiterate.
Virginia	$1 60	$3 54	$0 90
North Carolina	1 60	2 60	1 03
South Carolina	1 60	3 89	1 15
Georgia	1 60	3 43	99
Florida	1 60	3 63	93
Alabama	1 60	3 26	1 02
Mississippi	1 60	4 73	1 07
Louisiana	1 60	4 21	1 01

It is no wonder the most ardent Bourbons of the South are in favor of the Blair bill. It enables them to make the ignorant negro simply a cat's-paw with which to pull chestnuts out of the fire for the benefit of themselves.

Mr. HOAR. I want to ask the Senator, if he will permit me, one question.

Mr. HALE. The hour is so late, and I have only a few minutes, that I would rather proceed.

Mr. HOAR. Not an argument; I only wish to say a word, so that the Senator's narrative may be understood.

Mr. HALE. Go on.

Mr. HOAR. I wish to ask the Senator if he does not know that this basis of expenditure of the money has been one contained in every bill which has been introduced on the subject for the last fifteen years?

Mr. HALE. I have heard that many a time before. I am not in any way troubled by that. I am free to say that it happens not infrequently to me that in one Congress I investigate a thing more deeply than I did in a previous Congress. I am free to say that the danger, that the underlying demerit, that the wickedness, if I may call it so, of the adoption of this bill has never forced itself upon my mind as it has since the discussion in the present Congress.

Mr. HOAR. I will not interrupt the Senator again; but he will pardon me for saying that I did not interrupt him for the purpose of showing any inconsistency in him at all. That was not my point. He stated that the public had asked for these bills and had designed one thing and that now this bill proposed another thing. My proposition was that all the measures which have been before the public and have been discussed by all the persons to whom the Senator alluded in Congress all proposed the same basis of expenditure. That is all.

Mr. HALE. So far as the public desire goes to make this generous grant—for that is what it is—to meet an acknowledged and threatening evil in the South, I have stated that I do not believe that until this year, until the discussion evoked by the amendment of the Senator from Iowa, the people generally who have been interested in this bill have known the effect of its provisions or the departure of the committee from the test that was originally sought to be applied to this measure. I do not believe that that fact has been brought generally to the attention of the people until within comparatively the last few days.

Mr. President, I have listened attentively to every word that the Senator from New Hampshire has uttered, to the debate upon the other side of this Chamber, to the ingenious discussion of the Senator from Massachusetts, who is always able and ingenious, and I have thought sometimes the more so when he had the more difficulties to confront, and I have yet failed to hear anything that by me has been deemed a substantial answer to the provisions and the policy laid down in the short, simple, pithy amendment offered by the Senator from Iowa. A great deal of time has been consumed by ingenious discussion of the proposition that there is something fundamentally wrong in our legislating upon the basis of difference between the races.

Sir, that does not lead me to call a halt for one moment. If there is any one thing that is already settled by Southern policy, that has been ingrafted upon the laws of the States there and in many cases adopted as the organic and constitutional form of law, it is this assertion, bald and square and open, of the distinction between the two races. You may as well talk about our recognizing the flow of the waters of the Mississippi as to talk about our legislating now in reference to any distinction of races. It has become the established and almost natural condition in the South to-day, and is not to be easily broken down and destroyed and removed.

There is no Southern State that will receive the benefits of this benefaction that has not now a line which can not be removed running between white and colored schools; and no Senator who has opposed the provisions of the Allison amendment has, when interrogated, dared to express a hope that he or his children will live to see that line removed. We are confronted by that in legislating, and that the Senator from Iowa must have had clearly in his mind when he offered this amendment. Therefore it is not the amendment that raises the question of the color line. The Senator from New Hampshire and the Senator from New York, in the debate the other day, deprecated any legislation of this kind, as did the Senator from Massachusetts. The Senator from New York declared that it would inaugurate a war of races if we recognized that distinction; and the Senator from Massachusetts, who has just taken his seat, has made an earnest and ingenious appeal here against our legislating in a form that will carry more benefaction from this bill to the colored than to the white scholar.

Does the Senator remember that if this amendment is not adopted each State will receive its fund upon the basis of illiteracy made up largely, as first read by me in the letter of Mr. Thompson, of black illiteracy, and that when that fund is swollen so that Mississippi will receive over $600,000, instead of its going for the benefit of the colored scholar in the schools, the illiterate, it will go in the proportion of 3 to 1 to the white, unless the general provisions which he dwells upon so much in this bill are sufficient to prevent that? I do not believe that those general provisions found in the sections which have been quoted will do that; but I prefer, as he does not, that even if his picture is correct, and the discrepancy is in favor of the colored scholar, the discrepancy should be upon that side rather than upon the side of the white scholar of the South. But there is no such practical difficulty. If this amendment is adopted, it is not going to give in any one State nine months colored schools and three months white schools.

That is only a figment of the imagination brought forward by the Senators who are struggling with the inevitable, pitiless logic of this amendment. There is going to be no such result as that.

All through this debate everywhere there has cropped out allusion to the vast mass of black illiteracy that has not yet been touched by the living fire of education. It lies in all the States, an immense mass blacker than Cimmerian darkness, that is threatening us to-day, and no school that has yet been maintained and no system that the Southern States have been enabled to pursue and to keep up has touched or transmitted fire to that great mass. But if you send this appropriation largely for the benefit of the illiteracy that exists there, then, in-

stead of its unduly increasing the term of the colored schools, it will radiate and penetrate farther and farther year by year, so that where there are one thousand colored children attending school to-day there will be two thousand another year, and three thousand another, and five thousand another, and at last this whole mass will be transfused with the light that we are seeking to send there to the colored race; and that will be the practical benefit of it, and there will be no antagonism between the length of schools of the white and the colored scholars. That darkness and illiteracy is so vast, it looms up so colossally that no man need have any fear that in his life or his service in Congress the benefaction that is given here will any more than encompass it. That is the operation practically of the amendment of the Senator from Iowa, and it is so clear, so plain that it removes every difficulty which has been set up here either by the Senator from New Hampshire in struggling with this amendment, or by the Senator from Massachusetts.

Now what are you going to do with this amendment, Mr. President? What is to be its fate? It can be beaten. The Senator from New Hampshire, the Senator from New York, and the Senator from Massachusetts, and other Senators on this side, with a solid vote upon the other side, may defeat this amendment. That is not an infrequent thing. The uneducated, the illiterate, the poor, the despised, the down-trodden, and not yet erect colored man will suffer; but that is no new thing; such a combination as that has many a time before interfered with his progress and his rights. Thirty-six years ago in the Senate of the United States the rights of the colored man were violated and outraged by a combination of the entire vote of one section of the country and a few recreant Senators upon the other side, and the law was enacted by such a combination that made slavery the rule and freedom the exception for the colored man. Seized in a State in the North, fleeing from bondage, nay, with his feet almost pressed upon the Canadian border, with the cup of liberty at his lips, he was remanded ruthlessly by the law so passed by such a combination to chains and slavery; and he may be here now kept out of what is his due for years by the defeat of this amendment.

Since then the colored man has had an eventful career. His life has been beset with vicissitudes and struggles and persecutions and death. When the war broke out he entered the Union Army. He laid down his body at Fort Wagner and Port Hudson and on scores of other battle-fields. His sympathies were always with the Union and with the flag. On dark nights he piloted the fugitives that were fleeing from Salisbury and Libby and Andersonville to the North; and when the war was over he emerged a grim and pathetic picture that took at once possession of the mind and imagination of every American politician and statesman.

The question was what should be done with him; what should be his status and condition. And, Mr. President, at that time no bill like the one that is now before the Senate was suited to his condition any more than this bill is to-day suited to his darkened state. And so the great amendments to the Constitution were adopted, establishing forever his liberty, clothing him with civil rights, and putting into his hand the ballot. Then there fell upon him a tempest so fearful that if it did not annihilate his race, might well have broken its spirit. The ku-klux riders harried him from Virginia to Texas. The Mississippi plan drove him away from the polls or slaughtered him there. The midnight riders of Louisiana hung him to the rafters of his burning cabin. The first citizens of Kemper County shot him down on election day and murdered his best friend in the presence of that friend's wife and children. New Orleans, Copiah, and Coushatta, and a hundred other ghastly places tell a story at which the world might weep; and the Senator from Massachusetts has never been backward in presenting these wrongs of the colored man to the Senate of the United States or to the House of Representatives or to the country at large; and it is only here now to my surprise that he is found wanting.

All this time the colored man has kept on patiently doing his silent, unobserved, and sometimes unappreciated work. He has plied the plow and the hoe; he has raised cotton and sugar; he has contributed to the resources of the South; he has acquired land. But, above all, he has found that the one thing he needs that shall make liberty and freedom available for him, to say nothing of making him a useful part of the body-politic, is the education that is given to white children in the North and in the South, which he has not got, and which the amendment of the Senator from Iowa seeks, so that it shall pass beyond doubt that he shall have not only in the sections where black schools are to-day established, but in that far-reaching, wide region where they are not to be found.

The amendment may be beaten; I do not know but that it is; but if it is beaten it ought to ring the death-knell of the bill that is presented by the Senator from New Hampshire. To me my way, after that, is plain as a path of shining light. I will not hesitate one moment, Mr. President and Senators, if this amendment of the Senator from Iowa is defeated, in voting against the bill. I ask the Secretary to read the amendment.

The PRESIDENT *pro tempore*. The pending amendment will be read.

The CHIEF CLERK. The proposed amendment is to add to section 2 the following words:

> And in each State in which there shall be separate schools for white and colored children, the money paid in such State shall be apportioned and paid out for the support of such white and colored schools in the proportion that the illiteracy of the white and colored persons aforesaid bear to each other, as shown by said census.

Mr. HALE. I am ready to stand or fall with that amendment. I am ready to take it before any Northern people, nay, before any Southern people. I will take it into the great Commonwealth of Massachusetts that has been so illustriously represented here, and never more so than to-day, right in the Senator's home among his neighbors and with the intelligent men and women and children that live upon New England hillsides and are found in her valleys and come out and make up her audiences in public meetings—I will stand or fall with that amendment, as I will here, Mr. President.

Mr. DOLPH. I submit an amendment to the amendment, and ask the Senator from Iowa if it does not make clearer what is intended?

The PRESIDENT *pro tempore*. The Senator from Iowa submits an amendment to the amendment, which will be read.

The CHIEF CLERK. In line 2 of the proposed amendment, after the word "money," it is proposed to strike out "paid in such State" and insert in lieu thereof "received by said State under the provisions of this bill;" so as to read:

> And in each State in which there shall be separate schools for white and colored children the money received by said State under the provisions of this bill shall be apportioned and paid out for the support of such white and colored schools, &c.

Mr. HOAR. I should like to move an amendment to the amendment. Is it now in order?

The PRESIDENT *pro tempore*. It is not now in order. The question is on the amendment proposed by the Senator from Oregon [Mr. DOLPH] to the amendment of the Senator from Iowa [Mr. ALLISON].

Mr. HOAR. I give notice that I shall move at the proper time these words to be added to the amendment:

> Until there shall be an entirely equal provision in such State for its children of school age, without distinction of race or color.

Mr. BLAIR. The Senator will find by looking at the last section of the bill that it covers all that ground:

> SEC. 15. That no State or Territory that does not distribute the moneys raised for common-school purposes equally for the education of all the children, without distinction of race or color, shall be entitled to any of the benefits of this act.

Mr. HOAR. I think the last section of the bill does cover that ground, but I want to have it covered in the amendment also.

Mr. LOGAN. Will the Senator allow me to offer an amendment?

Mr. HOAR. Certainly.

Mr. LOGAN. I desire to present two amendments, numbered 1 and 2, that they may be printed. I propose to offer them to the bill.

The PRESIDENT *pro tempore*. The amendments will be received and printed.

Mr. EDMUNDS. Let the amendments offered by the Senator from Illinois be read for information.

The PRESIDENT *pro tempore*. They will be read.

The CHIEF CLERK. The first amendment is—

> That for ten years next after the passage of this act there shall be annually appropriated, from the money in the Treasury not otherwise appropriated, the following sums, to wit: The first year, the sum of $15,000,000; the second year, the sum of $17,500,000; the third year, the sum of $20,000,000; the fourth year, the sum of $18,000,000; the fifth year, the sum of $16,000,000; the sixth year, the sum of $14,000,000; the seventh year, the sum of $12,000,000; the eighth year, the sum of $10,000,000; the ninth year, the sum of $8,000,000; the tenth year, the sum of $6,000,000, ten annual appropriations in all, when appropriations under this act shall cease.

The next proposed amendment is:

> SEC. —. That there shall be appropriated and set apart the sum of $2,000,000, which shall be alloted to the several States and Territories on the same basis as the moneys appropriated in the first section, which shall be known as the common-school fund, to be paid out annually to each State and Territory at the end of the year, on proof of the expenditure made during each year, which shall be expended for the erection and construction of school-houses for the use and occupation of the pupils attending the common schools in the sparsely populated districts thereof where the local communities shall be comparatively unable to bear the burdens of taxation. Such school-houses shall be built in accordance with modern plans, which plans shall be furnished free on application to the Bureau of Education, Washington: *Provided, however*, That not more than $100 shall be paid from said fund toward the cost of any single school-house, nor more than one-half the cost thereof in any case; and the States and Territories shall annually make full report of all expenditures from the school-house fund to the Secretary of the Interior, as in case of other moneys received under the provisions of this act.

The PRESIDENT *pro tempore*. The question is on the amendment proposed by the Senator from Oregon [Mr. DOLPH] to the amendment of the Senator from Iowa [Mr. ALLISON].

Mr. HOAR. Mr. President, the scheme of this bill in the particular which is now attacked by the Senatar from Maine is the scheme of every proposition which has been made for national aid to education at the South. The men who drew this bill and those who have drawn the many bills which have preceded it, and the men who voted for it, thought if they distributed the money to the States in proportion to their need, and then required an expenditure in the States equally between black and white, child by child, that was just, the only just method, the only practicable method, and the only method which could be adopted without injury to the colored child.

I have not heard any reply anywhere to that proposition. It has been the opinion of everybody who has desired this thing to be done by the nation, the colored people of the South, their intelligent educators, of educational associations and bodies of philanthropists who are paying out their money million by million from private resources

for the same object, associations like the American Missionary Association—all these persons as well as the persons in both Houses of Congress who have devoted their public lives to this scheme have agreed that it would be destruction to the colored man to send down to the South a fund which is to establish a distinction between races in the school advantages they are to receive.

Maintaining that position, it has occurred to the Senator from Maine as a just and reasonable and proper thing to do, to undertake to taunt me with failing in attachment to the cause of the colored people of this country, and to make a comparison with the persons who in olden times joined in passing the fugitive slave bill. Why, Mr. President, the Senator from Maine admits himself that he did not think of this particular objection before with the force that he has within the last three or four days; but the substance of what he said and his views and vote have been recorded against every scheme to help the colored people to an education by national aid, from the beginning. His is one of the two votes recorded against 33 votes when this bill as it now stands passed the Senate 33 to 11. It is one of the votes, unless I am mistaken, against the Burnside bill and against the bill reported by the honorable Senator from Vermont [Mr. MORRILL]. The Senator will not deny that he has been honestly on constitutional grounds, as they seem to him, on grounds of public policy, the avowed and persistent enemy of every scheme of national aid to education, from the beginning; and now he turns round and undertakes when this amendment is offered which seems to us to introduce a method which is to destroy the benefit of the bill to the colored population themselves, to range himself as the special friend of the colored man and put us who have been devoted to this cause for fifteen or twenty years in the attitude of being opposed to the interests of the class for whose benefit our labors have been directed.

I do not wish to rise here to make an exchange of taunts with my honorable friend from Maine. I have no doubt he pursues sincerely and honestly, as we all know he does ably, the measures which he thinks best for the public good. I have too much respect for him, I have very great respect for him and some little, I hope, for myself, and both would prevent me from undertaking to reply to the passages of his speech to which I have referred.

Mr. President, I have faults and follies, weaknesses and eccentricities and failures enough, and my worst enemy is not as sensible of them as I am myself; but I can afford to laugh at any taunt anywhere within the limits of the American Republic, which is based upon the suggestion that I am unfaithful in purpose or in conduct to the interest of my colored fellow-citizens of the South.

Mr. HALE. Mr. President, no man who has served with the Senator from Massachusetts either in this body or elsewhere can have, with any candor or sincerity, impugned the earnestness and frankness with which he maintains his propositions. It was the farthest thing in my mind, in any comparisons that I was instituting, to insinuate that he was not as earnestly and sincerely of the belief that the proposition which he maintains is a good and sound one as that the proposition which I maintain is good and sound with me. But I did think and do think that he is mistaken, and that he is now pursuing a path which, if carried out to its legitimate end, he will see as well as I shall see, if we both live, is not such as he would desire.

Mr. HOAR. I understood my honorable friend to compare my attitude with that of the men who supported the fugitive-slave bill.

Mr. HALE. The Senator could hardly have supposed that. I was instancing that as a parallel in history as to occurrences and events that have touched upon the career of the colored race; but I certainly had no intention of comparing the political or moral attitude of the Senator from Massachusetts now upon this matter with the men who at that time voted for the act to which I referred. I do not in any way place them upon a level, but all the same I claim, believing in this amendment and not believing in the bill, that the result would be disastrous to the colored race as it was at that time. So with the greatest respect for the Senator from Massachusetts, recognizing his high ability and the earnestness and persistence with which he pursues his course, and giving him all credit for believing in this bill, as I believe in the amendment, I leave it there.

As to my own record upon kindred questions, that is a matter of very little account. I did not vote for this bill in the last Congress because I had my fears and doubts at that time. Those fears and those doubts have been increased, have been sharpened, and are greater and stronger every hour that I reflect upon this bill as reported by the committee, and for these reasons I am against it, and I am in favor of the amendment offered by the Senator from Iowa.

Mr. HARRISON. Mr. President, I have had no purpose to discuss the bill under consideration. If I had had such purpose I should have availed myself of an earlier opportunity in the course of this debate. I have tried to give a great deal of serious thought to the amendment proposed by the Senator from Iowa. The Senator from Maine and others here have spoken of it as a new suggestion, a dawning of a new light upon this question, something that had not been thrown before Congress at the last session, something original with the Senator from Iowa. I suppose he does not assert that claim.

Mr. ALLISON. No, sir. The Senator will allow me to interrupt him. I rose a moment ago to ask the Senator from Massachusetts a question and to remind him that the principle which he now condemns has been contained in every educational proposition that I ever read of coming from educational associations.

Mr. HOAR. I beg the Senator's pardon. I meant to answer his question before I sat down, but not at the particular moment that he sought to interpose when I was on something else. I wish to say that if that be true, then the difference between the Senator from Iowa and me is that I do not think his amendment has the meaning and effect which he thinks it has. That is the trouble.

Mr. ALLISON. I do not like to disturb the Senator from Indiana, and so I will wait until he gets through.

Mr. HARRISON. Go on, sir.

Mr. PLATT. If the Senator from Indiana will permit me, I will move an adjournment.

Mr. EDMUNDS. Oh, no; we must finish the bill to-night.

Mr. PLATT. I have had some experience in the Senate, not so much as others have had; but I find that when we undertake at this hour——

The PRESIDENT *pro tempore*. Does the Senator from Indiana yield?

Mr. HARRISON. I yield to the Senator from Connecticut.

Mr. PLATT. I find when we undertake to force a vote at 6 o'clock the result is that about half the Senate will be away in half an hour paired; and a great many gentlemen are away paired now. I think there might be some arrangement about taking this vote to-morrow, and I wish the Senator from New Hampshire would try to have some arrangement as to an hour at which the vote may be taken to-morrow.

Mr. BLAIR. What hour would the Senator suggest? I have given notice several times of a desire to sit the question out; I did this morning.

Mr. EDMUNDS. I wish to say about arrangements that I do not intend for one to consent to any arrangement that shall deprive me of having a few minutes to state my reasons in favor of the amendment of the Senator from Iowa and my reasons for being obliged to vote against this bill if the amendment is not adopted. Any arrangement that will give me and everybody else who wishes to speak a fair chance, I shall be glad of, and I should prefer to go on to-night and finish it if it takes till morning.

Mr. BLAIR. The Senator knows very well that nobody desires to prevent his speaking on this bill or on any amendment to it. He has urged me more than any other man in the Senate to insist all the time upon action, action; all the while against adjournment; for perpetual sessions, and I do not propose to give way to-night unless the Senate by a call of the yeas and nays adjourns.

Mr. EDMUNDS. I will stand by you on that.

Mr. PLATT. Then I will make the motion.

Mr. BLAIR. Nor in doing this do I wish to assert a disposition to in any way trespass on the general desire of the Senate; but the Senator from Vermont, as we all know, is not sparing in his suggestions that are in the direction of the use of the whip of the Senate on those who may have charge of measures, so that they shall work in the Senate night and day until they are disposed of and other matters can be brought to the attention of the body. I am prepared to stay here. If the Senate see fit to adjourn, it is their matter, and not mine.

Mr. LOGAN. Will the Senator allow me a moment?

Mr. BLAIR. Certainly.

Mr. LOGAN. I wish to say that inasmuch as I have introduced three if not four bills on the subject of general education, and inasmuch as nothing contained in any of these bills seems to be appreciated by anybody but myself, I propose to make a few suggestions in regard to this bill to-morrow. Therefore if the Senator will give way for that purpose I will move an adjournment.

The PRESIDENT *pro tempore*. No motion to adjourn has been received by the Chair. The Senator from Indiana [Mr. HARRISON] has the floor.

Mr. LOGAN. I will ask the Senator to give way for a motion to adjourn.

Mr. HARRISON. I give way for that motion.

Mr. LOGAN. I move that the Senate adjourn.

The PRESIDENT *pro tempore*. The Senator from Illinois moves that the Senate adjourn.

Mr. SPOONER. I ask the Senator from Illinois to give way for a moment. I wish to offer an amendment to the bill that it may be printed.

The PRESIDENT *pro tempore*. The proposed amendment will be received and printed.

Mr. HARRISON. I understand the Senator from Iowa [Mr. ALLISON] expects to be absent to-morrow and desires to say a word or two in response to some of the suggestions of the Senator from Massachusetts [Mr. HOAR]. If the Senator from Illinois will withdraw his motion I will yield the floor to the Senator from Iowa.

Mr. LOGAN. Certainly.

Mr. ALLISON. I only wish now to say that I endeavored to interrupt the Senator from Massachusetts to call his attention to the fact that the principle of this amendment, although it may not have been embodied in form in the bills which have been generally presented and

especially the bill that we voted upon at the last Congress, yet has been universally regarded by the educators of this country as an essential feature of any bill that could be proposed; and I do not in any sense claim the paternity of this suggestion. It is embodied in all the papers that the Senator from New Hampshire has presented. It is running through everything in the way of literature on this subject. The national board of education that assembled at Louisville, and that prepared an elaborate bill upon this subject, incorporated this very provision in their bill more than three years ago, and have pressed it upon both Houses of Congress from time to time as an essential feature of any bill that should be adopted by Congress for the purpose of securing education to the illiterate people of the South. And, therefore, in presenting this proposition I merely do it in pursuance of suggestions that have been made over and over again upon this subject.

I have before me a report made at the last Congress by a Republican minority of the Committee on Education of the House of Representatives upon what is known as the Willis bill, indorsing and embodying the principle of this amendment as essential to any bill that should take money out of the public Treasury of the United States. All the statistics show, as the Senator from Vermont suggests to me, that it is absolutely essential in order that this money may be applied where the difficulty exists. I have not time and I do not wish to detain the Senate for the purpose of reading from the report of the Commissioner of Education on this subject.

I only desire now to say that so far from my amendment being presented in hostility to this bill it is presented for the purpose of improving it in order that it may be acceptable in this day and this hour before its effect is known to the people of the Northern States, and that it shall endure for the eight years for which it is proposed with the approval of the people of this country whose money we propose to appropriate from year to year for the purpose of sustaining these schools.

Let me ask the Senators from the Southern States who are the chief beneficiaries of this bill, if they believe that all the people of this country will willingly assent that $40,000,000 of this $77,000,000 shall go to the sixteen Southern States for the education of the white people and only $18,000,000 for the education of the colored people in these States, when the white people in the South do not show a very great degree of illiteracy beyond that of their brethren in the Northern States. Do you suppose that this bill with this provision in it unchanged as it stands now will endure the criticism of the just people of the Northern States in favor of such an inequitable and unjust application of this money?

It is to promote the bill that I have offered this amendment, and when the Senator from Massachusetts said we might as well speak plainly on the subject, I think I may as well speak plainly upon it as I do not expect to be here when this vote is taken. I have a belief, whether justly or unjustly founded, that this vicious proposition of distribution of money within the States has been made for the purpose of securing votes for this bill in certain sections and localities, without which the votes could not be secured. I am led to that from the statements made to-day by the Senator from Florida [Mr. CALL] in part and the remarks made upon that side of the Chamber by other Senators. They of course are willing that this benefaction shall come from the general Treasury received by taxation from all the people of this country, when in its distribution, local and otherwise, $40,000,000 out of the $58,000,000 that go to one section of this country shall go to build up and support the common-school systems of the white people of the South and supplement the money that they raise for that purpose. More than two-thirds of this money goes for that purpose; and yet every suggestion for this bill comes from the fact that the colored race there is illiterate.

What I want is exact justice, and I venture here and now the prophecy that the people of this country will not consent to the unjust application of this money that is proposed in States where they have distinctions. Seek to remove the idea as we may, there are in every one of these sixteen States separate schools for whites and blacks, required by law, as the Senator from Vermont justly says, and these separate schools are as much recognized as a part of the political policies of those States as any other thing in existence; and even here in the District of Columbia, under our own exclusive control and legislation, everybody who knows anything about the school system of the District knows that there is a line of demarkation in the common schools of the District of Columbia, supported by taxation and by appropriations from the Federal Treasury. And yet because I propose to recognize that distinction and say only in terms that where the separate schools exist there shall be an application of the money in order to benefit those schools in proportion, I am taunted with the statement of the Senator from Massachusetts and the Senator from New Hampshire that I propose to establish a race distinction. I take things as this bill gives them, and I propose to appropriate the money which goes into the Federal Treasury by taxation on the very basis of the bill and upon the basis of the statement that has been made by every man from the trustees of the Peabody fund and from every collective association of educated men that this money should be applied to the sore where it exists, to the illiteracy of the colored man and the white man, if it be in proportion to that illiteracy; and, therefore, Mr. President, I repeat that this amendment is not to be whistled down the wind by any suggestion that I am endeavoring by it to establish a race distinction or to establish any distinction that does not exist now.

Mr. BLAIR. I should like to ask the Senator a question.

Mr. ALLISON. The Senator from Vermont calls my attention to a fact which I did not know, but which is a fact that needs correction, if it be so, and that is that here in this District, where the colored and the white children are placed upon nearly an absolute equality as to numbers in the appropriation of the public funds, only one-third of the money goes to the colored schools, while two-thirds of it goes to the white schools.

Mr. EDMUNDS. That appears from the documents.

Mr. ALLISON. Right upon that subject I have here a report from the State of Georgia which I may use as an illustration—a State in which there are colored youths of school age 240,285; white youths of school age, 267,902, or very nearly an equality between those of school age of the white and colored races. I find on looking down to see how the public schools are administered in the State of Georgia that there are public schools for white pupils, 4,517; public schools for colored pupils, 2,020. There are, with an almost absolute equality of colored and white youths in the State of Georgia, twice as many white schools as there are colored schools; and yet I find that the laws of the State of Georgia are upon a par with the suggested provisions of this bill. The laws of every State in the South provide for an exact equality. To-day there is not a law on their statute-books, there is not a constitution so far as I know but what provides that as between these races there shall be absolute equality of school privileges and other privileges, including civil rights.

Mr. HARRISON. Will the Senator allow me to ask him a question?

Mr. ALLISON. Certainly.

Mr. HARRISON. I want to get at the meaning of the amendment. Does not the Senator understand that the effect of the amendment would be this, in connection with the other provisions of the bill, that the State is put under obligation to make an equal distribution of all the fund it raises, and if the per capita basis is the basis that prevails in the State, then we put the State under bonds to give each colored child just as much per capita as we do the white child?

Now, that being so, if the amendment offered by the Senator is adopted, does it not inevitably result in giving to the colored children a large excess per capita of an educational fund over what the white children have, and do we not restrain the State from equalizing that distribution?

Mr. ALLISON. I see the bent of mind of the Senator from Indiana. But suppose it has the full effect that he suggests for illustration, is not that as necessary to this colored race as any possible thing can be? This is a bounty, with all due deference to the Senator from Massachusetts, by the General Government. It matters not that that bounty is gathered into the Treasury by taxation. It is a bounty, so far as we are concerned, to the State.

The Senator from New Hampshire a while ago, in the most natural way possible, when my friend from Kansas criticised the interpretation which will be placed on this bill by the Secretary of the Interior, said there was no particular interpretation about it, there was nothing for the Secretary of the Interior to do under this bill. I agree with him there is nothing particular for us to do here or for the Secretary of the Interior or any officer of the United States except to pay the money over to these States. We do not follow that money in any sense. Now, if it is a bounty, it is a bounty that we can give with such restrictions and conditions as we choose to place upon it; and if we believe, as I believe, that these restrictions and limitations are necessary in order to equalize the colored race or any other race for education with the white race, then this bill ought to pass with my amendment, even if it goes to the extent suggested by the Senator from Indiana in its interpretation. I am willing to go that far to remove the illiteracy among the colored race equal to 80 per cent. of its entire population, when the illiteracy of the white race in the same locality is only equal to 18 per cent. of population.

Now, Mr. President, I beg pardon of the Senate for occupying even this brief time in the discussion of this amendment; and I would not have done so but for the fact that I shall be compelled to be absent to-morrow. I renew the motion that the Senate adjourn.

Mr. CALL. If the Senator will allow me I should like to ask a question.

The PRESIDENT *pro tempore*. Before the Chair submits the motion to adjourn, the Chair wishes to announce that several messages have been received from the President of the United States, one of which has probably already been published. The Chair will not present them now, but have them read to-morrow morning, if that is the pleasure of the Senate.

WITHDRAWAL OF PAPERS.

Mr. INGALLS. I ask for the adoption of an order withdrawing certain papers, that they may go to the Committee on Claims at its meeting to-morrow morning:

Ordered, That the papers in the case of William Ervin be taken from the files and referred to the Committee on Claims, there being no adverse report.

Mr. EDMUNDS. I am not sure that there has not been an adverse report, if that is the same William Ervin I have heard of before.

Mr. INGALLS. There has been no adverse report.

The PRESIDENT *pro tempore*. The order will be made subject to the rule. The Senator from Iowa moves that the Senate do now adjourn.

The motion was agreed to; and (at 6 o'clock and 3 minutes p. m.) the Senate adjourned.

HOUSE OF REPRESENTATIVES.

TUESDAY, *March* 2, 1886.

The House met at 12 o'clock m. Prayer by the Rev. S. K. COX, of Washington, D. C.

The Clerk proceeded to read the Journal of yesterday's proceedings.

Mr. WEAVER, of Iowa. I ask unanimous consent to dispense with the reading of so much of the Journal as relates to the introduction and reference of bills and joint resolutions.

There was no objection, and it was so ordered.

The remainder of the Journal was read and approved.

POSTAL BALANCES.

The SPEAKER laid before the House a letter from the Postmaster-General, relative to a resolution of the House calling for a report of all balances to and from the United States, as shown by the books of the Register and Sixth Auditor of the Treasury; which was referred to the Committee on the Post-Office and Post-Roads, and ordered to be printed.

MONEYS SEIZED BY GENERALS BUTLER AND BANKS.

The SPEAKER also laid before the House a letter from the Secretary of the Treasury, transmitting, in response to a resolution of the House, a statement of moneys and funds seized by Generals B. F. Butler and N. P. Banks at New Orleans during the late civil war, and of the disposition thereof as shown by the records of the Treasury Department; which was referred to the Committee on War Claims, and ordered to be printed.

PUBLIC STORE, NEW YORK.

The SPEAKER also laid before the House, a letter from the Secretary of the Treasury, inclosing a letter from the appraiser of the port of New York, relative to the necessity of increased accommodations for the United States public store at that port; which was referred to the Committee on Appropriations, and ordered to be printed.

PRINTING FOR TREASURY DEPARTMENT.

The SPEAKER also laid before the House a letter from the Secretary of the Treasury, asking an increase in the appropriations for printing for the use of the Treasury Department for the current fiscal year; which was referred to the Committee on Appropriations, and ordered to be printed.

PRINTING OF CERTAIN EXECUTIVE COMMUNICATIONS.

The SPEAKER. The Chair lays before the House, for the purpose of making an order for their printing, a letter from the Secretary of the Treasury with reference to additional appropriations for a light at the entrance of Gray's Harbor, Washington Territory; also a letter from the Secretary of the Treasury with reference to salaries in the office of the Register, and a letter from the Secretary of the Treasury transmitting an estimate from the Secretary of the Interior of an appropriation for the completion and decoration of the Pension Office, which have heretofore been referred to the Committee on Appropriations, and an order will now be made for their printing.

SENATE BILL REFERRED.

The SPEAKER, under the rule, laid before the House the bill (S. 54) to provide for the allotment of lands in severalty to the Indians on the various reservations and to extend the protection of the laws of the United States and Territories over the Indians, and for other purposes; which was read a first and second time, and referred to the Committee on Indian Affairs.

REPRINT OF TARIFF BILL.

Mr. BARKSDALE. Mr. Speaker, I am directed by the Committee on Printing to submit a privileged report from that committee.

The Clerk read as follows:

The Committee on Printing, to whom was referred the following resolution—

"*Resolved*, That there be printed for the use of the House 30,000 extra copies of the bill entitled 'A bill to reduce tariff taxes,' introduced into the House February 15, 1886, by Hon. WILLIAM MORRISON, and that said copies shall be distributed pro rata among the Members and Delegates by the superintendent of the House document-room, who shall keep a strict account thereof—

report that they have considered the same, and recommend its adoption with the following amendment:

Strike out the word "thirty" in said resolution wherever it occurs and insert the word "two" in lieu thereof.

Mr. BARKSDALE. The estimated cost of printing 2,000 copies is $50.

The amendment was agreed to.

The resolution as amended was agreed to.

Mr. BARKSDALE moved to reconsider the vote by which the resolution was agreed to; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

ORDER OF BUSINESS.

The SPEAKER. The Chair will call the standing and select committees for reports.

DISTRICT AND CIRCUIT COURTS, EAU CLAIRE, WIS.

Mr. CASWELL, from the Committee on the Judiciary, reported back with a favorable recommendation the bill (H. R. 2775) to authorize and establish a term of the district and circuit courts in Eau Claire, Wis.; which was referred to the House Calendar, and, with the accompanying report, ordered to be printed.

BRIDGE ACROSS THE MISSISSIPPI RIVER, KEITHSBURG.

Mr. CRISP, from the Committee on Commerce, reported back with amendments the bill (H. R. 3370) authorizing the construction of a bridge at or near Keithsburg, in the State of Illinois, and for other purposes; which was referred to the House Calendar, and, with the accompanying report, ordered to be printed.

ADVERSE REPORT.

Mr. CRISP, from the Committee on Commerce, also reported back with an adverse recommendation the bill (H. R. 3768) to authorize the construction of a bridge across the Ohio River at Paducah, Ky.; which was ordered to be laid on the table, and the accompanying report printed.

OHIO CENTRAL RAILROAD.

Mr. CRISP. The Committee on Commerce directed the gentleman from Michigan [Mr. TARSNEY] to report back with amendments the bill H. R. 2646. Mr. TARSNEY has been called away by sickness in his family, and I make the report in his absence.

The bill (H. R. 2646) granting to the Ohio Central Railroad Company the right to lay its track through United States lock and dam property in the great Kanawha Valley, State of West Virginia, was reported from the Committee on Commerce with amendments and was referred to the House Calendar, and, with the amendments and accompanying report, ordered to be printed.

BRIDGES ACROSS WISCONSIN AND CHIPPEWA RIVERS.

Mr. WEAVER, of Nebraska, from the Committee on Commerce, reported back with a favorable recommendation the bill (H. R. 5803) to amend an act approved June 12, 1884, entitled "An act to authorize the construction of bridges across the Wisconsin, Chippewa, and Saint Croix Rivers, in the State of Wisconsin;" which was referred to the House Calendar, and, with the accompanying report, ordered to be printed.

SAMUEL W. FRANCIS.

Mr. MORGAN, from the Committee on Patents, reported back with an adverse recommendation the bill (H. R. 4142) for the relief of Samuel W. Francis; which was laid on the table, and the accompanying report ordered to be printed.

KANSAS AND ARKANSAS VALLEY RAILROAD.

Mr. PERKINS, from the Committee on Indian Affairs, reported, as a substitute for H. R. 140, a bill (H. R. 6387) to authorize the Kansas and Arkansas Valley Railway Company to construct and operate a railway through the Indian Territory, and for other purposes; which was read a first and second time, referred to the House Calendar, and, with the accompanying report, ordered to be printed.

House bill No. 140 was laid on the table.

DENISON AND WASHITA RAILWAY.

Mr. HALE, from the Committee on Indian Affairs, reported, as a substitute for H. R. 4764, a bill (H. R. 6388) to authorize the Denison and Washita Valley Railway Company to construct and operate a railway through the Indian Territory, and for other purposes; which was read a first and second time, referred to the House Calendar, and, with the accompanying report, ordered to be printed.

House bill 4764 was laid on the table.

PARTITION OF LANDS IN LOUISVILLE, KY.

Mr. SNYDER, from the Committee on Public Buildings and Grounds, reported back with a favorable recommendation the bill (S. 481) authorizing the partition of certain lands in Louisville, Ky., belonging jointly to John Echols and the Government of the United States; which was referred to the House Calendar, and, with the accompanying report, ordered to be printed.

WILLIAM BOONE.

Mr. MATSON, from the Committee on Invalid Pensions, reported back with amendments the bill (H. R. 473) granting a pension to William Boone; which was referred to the Committee of the Whole House on the Private Calendar, and, with the amendments and accompanying report, ordered to be printed.

WILLIAM J. SUFFALL.

Mr. MATSON, from the Committee on Invalid Pensions, also reported back with a favorable recommendation the bill (H. R. 553) granting a

pension to William J. Suffall; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

MARY S. WEBSTER.

Mr. LOVERING, from the Committee on Invalid Pensions, reported back with amendments the bill (H. R. 4960) granting a pension to Mary S. Webster; which was referred to the Committee of the Whole House on the Private Calendar, and, with the amendments and accompanying report, ordered to be printed.

ANN LITTLE.

Mr. LOVERING, from the Committee on Invalid Pensions, also reported back with a favorable recommendation the bill (H. R. 4539) granting a pension to Ann Little; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

EMILY LOUISA SPICER.

Mr. LOVERING, from the Committee on Invalid Pensions, reported back with amendments the bill (H. R. 5506) granting a pension to Emily Louisa Spicer; which was referred to the Committee of the Whole House on the Private Calendar, and, with the amendments and accompanying report, ordered to be printed.

RINALDO R. SOMES.

Mr. LOVERING, from the Committee on Invalid Pensions, also reported back with a favorable recommendation the bill (H. R. 5284) granting a pension to Rinaldo R. Somes; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

ADVERSE REPORT.

Mr. LOVERING, from the Committee on Invalid Pensions, also reported back with an adverse recommendation the bill (H. R. 5285) granting a pension to George Seeley; which was laid on the table, and the accompanying report ordered to be printed.

SALLY ANN BRADLEY.

Mr. ELLSBERRY, from the Committee on Invalid Pensions, reported back with a favorable recommendation the bill (H. R. 5394) granting a pension to Sally Ann Bradley; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

CORNELIA W. ELLIS.

Mr. ELLSBERRY, from the Committee on Invalid Pensions, also reported back with a favorable recommendation the bill (H. R. 1782) granting a pension to Cornelia W. Ellis; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

MARY ANN MILLER.

Mr. ELLSBERRY, from the Committee on Invalid Pensions, also reported back with a favorable recommendation the bill (H. R. 1816) granting a pension to Mary Ann Miller; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

DANIEL JACKS.

Mr. ELLSBERRY, from the Committee on Invalid Pensions, also reported back with a favorable recommendation the bill (H. R. 4219) granting a pension to Daniel Jacks; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

DANIEL KAIN.

Mr. ELLSBERRY, from the Committee on Invalid Pensions, also reported back with a favorable recommendation the bill (H. R. 1821) granting a pension to Daniel Kain; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

ARREARS OF PENSIONS.

Mr. MORRILL, from the Committee on Invalid Pensions, reported back with a favorable recommendation the bill (H. R. 663) to amend section 2 of an act making appropriations for the payment of the arrears of pensions granted by act of Congress approved January 25, 1879, and for other purposes, approved March 3, 1879; which was referred to the Committee of the Whole House on the state of the Union, and, with the accompanying report, ordered to be printed.

Mr. MORRILL. The minority of the committee ask that their views may be printed with the report of the majority.

The SPEAKER. If there be no objection it will be so ordered.

There was no objection.

MINERVA T. THOMPSON.

Mr. MORRILL, from the Committee on Invalid Pensions, also reported back with a favorable recommendation the bill (H. R. 4111) granting a pension to Minerva T. Thompson; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

MARIA K. RITTER.

Mr. MORRILL, from the Committee on Invalid Pensions, also reported back with a favorable recommendation the bill (H. R. 5693) for the relief of Maria K. Ritter; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

MARY JANE CONRAD.

Mr. TAULBEE, from the Committee on Invalid Pensions, reported back with a favorable recommendation the bill (H. R. 944) for the relief of Mary Jane Conrad; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

ELEANOR FOUST.

Mr. TAULBEE, from the Committee on Invalid Pensions, also reported back with a favorable recommendation the bill (H. R. 5100) granting a pension to Eleanor Foust; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

FRANCIS M. MOORE.

Mr. TAULBEE, from the Committee on Invalid Pensions, also reported with a favorable recommendation the bill (H. R. 6389) granting a pension to Francis M. Moore; which was read a first and second time, referred to the Committee of the Whole House on the Private Calendar, and ordered to be printed.

MRS. MARTHA A. MARBLE.

Mr. O'HARA, from the Committee on Invalid Pensions, reported back with a favorable recommendation the bill (H. R. 5678) for the relief of Mrs. Martha A. Marble; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

WHITFIELD SPARKS.

Mr. O'HARA, from the Committee on Invalid Pensions, also reported back adversely a bill (H. R. 4633) for the relief of Whitfield Sparks; which was laid on the table, and the accompanying report ordered to be printed.

ROSINA HEINEMAN.

Mr. SAWYER, from the Committee on Invalid Pensions, reported back with a favorable recommendation a bill (H. R. 1651) for the relief of Rosina Heineman; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

SARAH MANZ.

Mr. SAWYER, from the Committee on Invalid Pensions, also reported back with a favorable recommendation a bill (H. R. 1593) for the relief of Sarah Manz; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

FRANCES HASENZAHL.

Mr. SAWYER, from the Committee on Invalid Pensions, also reported back with a favorable recommendation a bill (H. R. 1652) for the relief of Frances Hasenzahl; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

STEPHEN SAUER.

Mr. SAWYER, from the Committee on Invalid Pensions, also reported back with a favorable recommendation a bill (H. R. 5038) for the relief of Stephen Sauer; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

CHANGE OF REFERENCE.

Mr. PINDAR, from the Committee on Invalid Pensions, reported back a bill (H. R. 4595) for the relief of Arsenius Kamerer, and asked that the committee be discharged from the further consideration of the same, and that it be referred to the Committee on Military Affairs.

There was no objection, and it was so ordered.

ELLEN CRYMBLE.

Mr. PINDAR, from the Committee on Invalid Pensions, also reported back with a favorable recommendation a bill (H. R. 1548) for the relief of Ellen Crymble; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

ANN LEDDY.

Mr. PINDAR, from the Committee on Invalid Pensions, also reported back with a favorable recommendation a bill (H. R. 4615) for the relief of Ann Leddy; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

EMMA M. SHINER.

Mr. PIDCOCK, from the Committee on Invalid Pensions, reported

back with a favorable recommendation a bill (H. R. 5331) granting a pension to Emma M. Shiner; which was referred to the Committee of the Whole House on the Private Calendar, and ordered to be printed.

JAMES DUNBAR.

Mr. PIDCOCK, from the Committee on Invalid Pensions, reported back with a favorable recommendation a bill (H. R. 3836) granting a pension to James Dunbar; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

JENET L. JOHNSON.

Mr. PIDCOCK, from the Committee on Invalid Pensions, also reported back with a favorable recommendation a bill (H. R. 5702) granting a pension to Jenet L. Johnson; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

TIMOTHY DRISCOLL.

Mr. HAYNES, from the Committee on Invalid Pensions, also reported back with a favorable recommendation the bill (H. R. 4517) granting a pension to Timothy Driscoll; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

POLLY BELDEN.

Mr. HAYNES from the Committee on Invalid Pensions, reported back with an amendment the bill (H. R. 4400) granting a pension to Polly Belden; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

ADVERSE REPORTS.

Mr. HAYNES, from the Committee on Invalid Pensions, also reported back adversely bills of the following titles; which were severally laid on the table, and the accompanying reports ordered to be printed:

A bill (H. R. 4393) granting a pension to Joshua N. Stevens; and

A bill (H. R. 3113) for the relief of Mrs. Elizabeth A. Randall.

JOHN HUNTER.

Mr. SWOPE, from the Committee on Invalid Pensions, reported back favorably the bill (H. R. 1980) granting a pension to John Hunter; which was referred to the Committee of the Whole House on the Private Calendar, and the accompanying report ordered to be printed.

JAMES W. COLVILLE.

Mr. SWOPE, from the Committee on Invalid Pensions, also reported back favorably the bill (H. R. 3148) granting a pension to James W. Colville; which was referred to the Committee of the Whole House on the Private Calendar, and the accompanying report ordered to be printed.

AMELIA M. GREEN.

Mr. SWOPE, from the Committee on Invalid Pensions, also reported back with amendment the bill (H. R. 2193) granting a pension to Amelia M. Green; which was referred to the Committee of the Whole House on the Private Calendar, and the accompanying report ordered to be printed.

JOSEPH E. VAN HORN.

Mr. SWOPE, from the Committee on Invalid Pensions, also reported back favorably the bill (H. R. 4723) granting a pension to Joseph E. Van Horn; which was referred to the Committee of the Whole House on the Private Calendar, and the accompanying report ordered to be printed.

ADVERSE REPORTS.

Mr. SWOPE, from the Committee on Invalid Pensions, also reported back adversely bills of the following titles; which were severally laid on the table, and the accompanying reports ordered to be printed:

A bill (H. R. 4687) to provide for an increase of pension to Charles L. Lowrey;

A bill (H. R. 1072) to amend an act approved February 26, 1885, granting a pension to William Weddingfield; and

A bill (H. R. 4681) granting a pension to Elizabeth Shuler.

SAMUEL FROST.

Mr. NEECE, from the Committee on Invalid Pensions, reported back with amendment the bill (H. R. 4374) granting a pension to Samuel Frost; which was referred to the Committee of the Whole House on the Private Calendar, and the accompanying report ordered to be printed.

HARRY M'ILHINNY.

Mr. NEECE, from the Committee on Invalid Pensions, also reported back with amendment the bill (H. R. 429) granting a pension to Harry McElhinny; which was referred to the Committee of the Whole House on the Private Calendar, and the accompanying report ordered to be printed.

RACHEL W. HEARD.

Mr. BRADY, from the Committee on Pensions, reported back with amendment the bill (H. R. 4031) granting a pension to Rachel W. Heard; which was referred to the Committee of the Whole House on the Private Calendar, and the accompanying report ordered to be printed.

ISABELLA J. RAMSDELL.

Mr. BRADY, from the Committee on Pensions, also reported back favorably the bill (H. R. 5022) increasing the pension of Isabella J. Ramsdell; which was referred to the Committee of the Whole House on the Private Calendar, and the accompanying report ordered to be printed.

MARY E. FILLEBROWN.

Mr. WHITE, of Pennsylvania, from the Committee on Pensions, reported back favorably the bill (H. R. 1138) to increase the pension of Mary E. Fillebrown; which was referred to the Committee of the Whole House on the Private Calendar, and the accompanying report ordered to be printed.

ESTATE OF MALITTY ROSE.

Mr. WHITE, of Pennsylvania, from the Committee on Pensions, also reported back favorably the bill (H. R. 2585) for the relief of the estate of Malitty Rose; which was referred to the Committee of the Whole House on the Private Calendar, and the accompanying report ordered to be printed.

MARGARET B. HARWOOD.

Mr. WHITE, of Pennsylvania, from the Committee on Pensions, also reported back favorably the bill (H. R. 81) granting a pension to Margaret B. Harwood; which was referred to the Committee of the Whole House on the Private Calendar, and the accompanying report ordered to be printed.

CHANGES OF REFERENCE.

On motion of Mr. WHITE, of Pennsylvania, by unanimous consent the Committee on Pensions was discharged from the further consideration of bills of the following titles; which were referred to the Committee on Invalid Pensions:

A bill (H. R. 1323) to place the name of William Killeen on the pension-roll; and

A bill (H. R. 1322) to place the name of Francis Killeen on the pension-roll.

ADVERSE REPORT.

Mr. WHITE, of Pennsylvania, from the Committee on Pensions, also reported back adversely the bill (H. R. 4064) granting pensions to certain soldiers under Major-General Twiggs's command in the Department of Texas at the outbreak of the rebellion in 1861; which was laid on the table, and the accompanying report ordered to be printed.

MRS. LAURA HENTIG.

Mr. ZACH. TAYLOR, from the Committee on Pensions, reported back with amendment the bill (H. R. 2464) to increase the pension of Mrs. Laura Hentig; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

WILLIAM J. OWINGS.

Mr. ZACH. TAYLOR, from the Committee on Pensions, also reported back favorably the bill (H. R. 4097) for the relief of William J. Owings; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

BETSEY MARTIN.

Mr. ZACH. TAYLOR, from the Committee on Pensions, also reported back with amendment the bill (H. R. 4395) to grant a pension to Betsey Martin; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

ADVERSE REPORT.

Mr. ZACH. TAYLOR, from the Committee on Pensions, also reported back adversely the bill (H. R. 2430) for the relief of Mary Burkett; which was laid on the table, and the accompanying report ordered to be printed.

MRS. LIZZIE MAYNADIER PHELPS.

Mr. BUCHANAN, from the Committee on Claims, reported back favorably the bill (H. R. 1604) for the relief of Mrs. Lizzie Maynadier Phelps; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

UNITED STATES STEAMER ASHUELOT.

Mr. BUCHANAN, from the Committee on Claims, also reported back with amendments the bill (H. R. 2110) for the relief of the sufferers by the wreck of the United States steamer Ashuelot; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

UNITED STATES STEAMER TALLAPOOSA.

Mr. GALLINGER, from the Committee on Claims, reported back favorably the bill (H. R. 2258) for the relief of the sufferers by the wreck of the United States steamer Tallapoosa; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

ROBERT STRACHAN.

Mr. GALLINGER, from the Committee on Claims, also reported back

with amendment the bill (S. 574) for the relief of Robert Strachan; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

On motion of Mr. GALLINGER, the Committee on Claims was discharged from the further consideration of the bill (H. R. 3545) for the relief of Robert Strachan, and the same was laid on the table.

MAJ. G. W. CANDEE.

Mr. MCKENNA, from the Committee on Claims, reported back favorably the bill (H. R. 633) for the relief of Maj. G. W. Candee; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

FRANCIS M. BELL.

Mr. FLEEGER, from the Committee on Claims, reported back favorably the bill (H. R. 2086) for the relief of Francis M. Bell; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

CHANGES OF REFERENCE.

On motion of Mr. SOWDEN, the Committee on Claims was discharged from the further consideration of the bill (H. R. 666) to extend the time for filing claims for horses and equipments lost by officers and enlisted men in the service of the United States, and for other purposes, and the same was referred to the Committee on War Claims.

On motion of Mr. GEDDES, the Committee on War Claims was discharged from the further consideration of the bill (H. R. 4542) to grant arrears of pension to John Winchell, and the same was referred to the Committee on Pensions.

ADVERSE REPORTS.

Mr. GEDDES, from the Committee on War Claims, reported back adversely the bill (H. R. 2628) for the relief of the trustees of the Elk Branch church, of Jefferson County, West Virginia; which was laid on the table, and the accompanying report ordered to be printed.

H. A. MYERS.

Mr. GEDDES, from the Committee on War Claims, also reported back favorably the bill (S. 390) for the relief of H. A. Myers, which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

ADVERSE REPORTS.

Mr. JOHNSTON, of Indiana, from the Committee on War Claims, reported back adversely bills of the following titles; which were severally laid on the table, and the accompanying reports ordered to be printed:

A bill (H. R. 895) for the relief of William N. Robb;

A bill (H. R. 2630) for the relief of Henrietta N. Waugh; and

A bill (H. R. 2483) granting jurisdiction and authority to the Court of Claims in the case of the steamer De Soto.

LADY FRANKLIN BAY EXPEDITION.

Mr. BARKSDALE, from the Committee on Printing, reported back with amendments a concurrent resolution of the Senate to print 4,500 copies, with the necessary illustrations, of the International Expedition to Lady Franklin Bay; which was referred to the Committee of the Whole House on the state of the Union, and, with the accompanying report, ordered to be printed.

MONETARY CONFERENCE, 1878 AND 1881.

Mr. FARQUHAR, from the Committee on Printing, reported back with amendments the joint resolution (H. Res. 87) to provide for the printing and distribution of the report of the monetary conference of 1878 and 1881; which was referred to the Committee of the Whole House on the state of the Union, and, with the accompanying report, ordered to be printed.

REPORTS, UNION PACIFIC RAILROAD.

Mr. FARQUHAR, from the Committee on Printing, also reported back with favorable recommendation the Senate concurrent resolution relating to the reports of the Government directors of the Union Pacific Railroad Company; which was referred to the Committee of the Whole House on the state of the Union, and, with the accompanying report, ordered to be printed.

ASTRONOMICAL OBSERVATIONS, ETC.

Mr. FARQUHAR, from the Committee on Printing, also reported back with favorable recommendation Senate concurrent resolution for printing the annual volumes of the astronomical and meteorological observations of the Naval Observatory for 1883, 1884, and 1885; which was referred to the Committee of the Whole House on the state of the Union, and, with the accompanying report, ordered to be printed.

PILOT LAWS.

Mr. DUNN, from the Select Committee on American Ship-building and Ship-owning Interests, reported, as a substitute for H. R. 999, a bill (H. R. 6390) relating to pilotage; which was read a first and second time, referred to the House Calendar, and, with the accompanying report, ordered to be printed.

The bill 999 was ordered to be laid on the table.

ADVERSE REPORT.

Mr. PLUMB, from the Committee on Patents, reported back with adverse recommendation the bill (H. R. 5016) for the relief of Maurice Gandy; which was ordered to be laid on the table, and the accompanying report printed.

KANSAS CITY, FORT SCOTT AND PACIFIC RAILROAD COMPANY.

Mr. PEEL, from the Committee on Indian Affairs, reported, as a substitute for H. R. 102, a bill (H. R. 6391) to authorize the Kansas City, Fort Scott and Pacific Railroad Company to construct and operate a railway through the Indian Territory, and for other purposes; which was read a first and second time, referred to the Committee of the Whole House on the state of the Union, and, with the accompanying report, ordered to be printed.

House bill 102 was ordered to be laid on the table.

ROBERT A. ANDERSON.

Mr. TUCKER, from the Committee on the Judiciary, reported back with a favorable recommendation the bill (S. 877) for the relief of Robert A. Anderson, of the State of Georgia; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

ORDER OF BUSINESS.

The SPEAKER. This completes the call of the standing and select committees.

CONSULAR AND DIPLOMATIC APPROPRIATION BILL.

Mr. BELMONT, from the Committee on Foreign Affairs, reported a bill (H. R. 6392) making appropriations for the diplomatic and consular service of the Government for the fiscal year ending June 30, 1887, and for other purposes; which was read a first and second time, referred to the Committee of the Whole House on the state of the Union, and, with the accompanying report, ordered to be printed.

Mr. HOLMAN. All points of order are reserved upon this bill.

Mr. WARNER, of Ohio. I rise to make a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. WARNER, of Ohio. That is, as to whether or not, under the present rules of the House, it is necessary to reserve points of order to enable a member on the floor of the House to raise questions of order under the rule upon certain items of these appropriation bills?

The SPEAKER. The Chair thinks this is a question that ought not to be decided in advance; and besides that, the Chair will suggest to the gentleman from Ohio that it is a question to be properly presented to the chairman of the Committee of the Whole House on the state of the Union when the bill is under consideration in the committee and not for the Speaker to determine.

Mr. WARNER, of Ohio. It is a question that comes up every time one of these bills comes in, and there ought to be an authoritative decision.

The SPEAKER. This is a question about which there has been much controversy, as the gentleman from Ohio knows, on the floor of the House.

Mr. BELMONT. Mr. Speaker, I ask unanimous consent that the Committee on Foreign Affairs be discharged from the consideration of the following items contained in the estimates:

PAYMENT OF AWARDS BY FRENCH AND AMERICAN CLAIMS COMMISSION.

Payment of the amount necessary to strike a balance with France, after the payment, under the final award made by the late French and American Claims Commission against the United States, of the claims of French citizens against the Government, under the treaty of January 15, 1880, between this country and France, $15,639.16.

INTERNATIONAL BOUNDARY SURVEY, UNITED STATES AND MEXICO.

To enable the President to continue the execution of the engagement of the convention of July 29, 1882, between the United States of America and the United States of Mexico, providing for an international boundary survey to relocate the existing frontier line between the two countries west of the Rio Grande, $100,000, or so much thereof as may be necessary.

HAYTIAN ARBITRATION COMMISSION.

For one-half the expense of joint commission which sat at Washington to arbitrate the claims of Antonio Pelletier and A. H. Lazare against the Government of Hayti, $1,577.44; and for one-half the compensation of the arbitrator, $2,500; in all, $4,077.44, the same being the proportion due from the Government of the United States.

Under the estimates of the Department these were referred to the Committee on Foreign Affairs, but upon consideration it has been thought best, since it has been usual to report them in the sundry civil bill, to refer them back for reference to the Appropriations Committee, and I ask that that reference be made.

The SPEAKER. Is this a part of the report of the Secretary?

Mr. BELMONT. It came before the committee with the estimates of the Department.

The SPEAKER. From the Secretary of State?

Mr. BELMONT. Yes, sir. The committee asks that it be discharged from the further consideration of these subjects, and that they be referred to the Committee on Appropriations. As I have said, they have heretofore been reported in the sundry civil bill.

Mr. BEACH. I wish to inquire whether the purpose the gentleman from New York [Mr. BELMONT] has in view can not be accomplished

under the rule by a simple reference of these papers from his committee to the Committee on Appropriations.

The SPEAKER. This is not a memorial or a petition, which can be referred in that way under the rule; but it is an official paper, referred by the vote of the House to the Committee on Foreign Affairs in the distribution of the President's message and accompanying documents.

The Committee on Foreign Affairs was discharged from the further consideration of the estimates indicated, and they were referred to the Committee on Appropriations.

STANDARD SILVER DOLLARS.

The SPEAKER laid before the House a letter from the Secretary of the Treasury, in response to a resolution of the House of Representatives calling for information concerning the circulation of standard silver dollars and the policy to be pursued as to the payment of silver; which was referred to the Committee on Coinage, Weights, and Measures.

Mr. BLAND. I ask that the communication be printed.

The SPEAKER. It will be printed.

Mr. LANHAM. I ask unanimous consent that it be printed in the RECORD.

The SPEAKER. Is there objection to the request that this communication be printed in the RECORD?

Mr. MORRISON. I object.

The SPEAKER. It will be printed as a document under the rules.

ORDER OF BUSINESS.

Mr. TOWNSHEND. Unless there is a disposition on the part of the House to proceed with the consideration of reports of committees under the hour rule, I would be glad to move now that the House resolve itself into Committee of the Whole on the state of the Union to resume consideration of the pension appropriation bill.

Mr. BLAND. The Committee on Coinage, Weights, and Measures has not succeeded in getting a time fixed for the consideration of the bill reported by that committee; therefore I must insist on the committees being called every morning till that committee is reached and can be heard on the most important subject now before the country.

Mr. DUNHAM. I call for the regular order.

The SPEAKER. Does the gentleman from Illinois make a motion?

Mr. TOWNSHEND. I have no desire to antagonize the wish of the House.

The SPEAKER. The morning hour for the consideration of reports of committees begins at two minutes after 1 o'clock.

TESTS OF IRON, STEEL, ETC.

The Committee on Manufactures was called.

Mr. WISE. I am instructed by the Committee on Manufactures to call up for consideration the bill H. R. 5555.

The SPEAKER. The Clerk will read the title of the bill.

The Clerk read as follows:

A bill (H. R. 5555) authorizing the President to appoint a commission of experts, skilled in the investigation, production, and use of metallic substances and other structural materials, to execute tests and experiments on iron, steel, and other materials used in the construction of bridges, buildings, and mechanical structures, and deduce useful rules therefrom.

The SPEAKER. This bill is in Committee of the Whole House on the state of the Union.

Mr. WISE. I move that the House resolve itself into Committee of the Whole on the state of the Union for the consideration of this bill.

The motion was agreed to.

The House accordingly resolved itself into Committee of the Whole on the state of the Union, Mr. HAMMOND in the chair.

The CHAIRMAN. The House is in Committee of the Whole House on the state of the Union for the consideration of the bill H. R. 5555, which the Clerk will report.

The Clerk read as follows:

Be it enacted, &c., that the President of the United States be, and he is hereby, authorized to appoint a commission of seven members, selected from among men skilled in the investigation, production, and use of metallic substances and other structural materials, to hold their appointment during the pleasure of the President of the United States, which commission shall plan and superintend the execution of such tests and investigations of materials used extensively in the construction of buildings, bridges, ships, and other structures, and machinery, as the Secretary of the Interior shall authorize and direct. The said commission shall organize itself, and adopt such rules and make such assignment of duties among its members as it shall deem most promotive of the object of its appointment. Vacancies occurring from time to time in said commission shall be filled by the President of the United States.

SEC. 2. That the said commission is hereby authorized to appoint a principal expert, who shall personally conduct the examinations and tests which the commission shall direct, with such assistants and laborers as may be necessary, at such rate of compensation as may be recommended by the commission and approved in advance by the Secretary of the Interior. It may also purchase such material for test and investigation as may from time to time be required: *Provided, however*, That no purchases shall be made and no liability incurred under this act until Congress shall have previously made appropriation therefor.

SEC. 3. That manufacturers of iron, steel, and other structural materials who may request tests of their productions shall file with the commission a full and detailed statement of the mode and process of manufacture of such production, also giving the name and character of each of the original ingredients and the proportion which the component parts entering into such production bear to each other.

SEC. 4. That the said commission shall make, on or before the 1st of December in each year, a report to the Secretary of the Interior, containing a full and detailed statement of its work, of the results of the tests and investigations made by it, and also of such scientific principles and practical rules deduced therefrom as it shall consider most useful, which report shall be transmitted by the Secretary to Congress.

SEC. 5. That the members of said commission shall be entitled to mileage and other necessary expenses incurred in the prosecution of their duties, but no salaries as members of the commission; and its accounts shall be returned to and approved by the Secretary of the Interior before any payment is made.

SEC. 6. That this act shall take effect from its passage; and for the purpose of executing the provisions of the same the sum of $25,000, out of any money in the Treasury not otherwise appropriated, is hereby appropriated.

Mr. WISE. I yield the time to the gentleman from Pennsylvania [Mr. CAMPBELL], who is the author of this bill, and who reported it to the House.

Mr. CAMPBELL, of Pennsylvania. This bill provides for the appointment of a commission of seven members, skilled in the investigation, production, and uses of metallic substances and other structural material, who shall hold their appointment during the pleasure of the President. The purpose of the commission is to execute tests and experiments on iron, steel, and other material used in the construction of buildings, bridges, ships, and other mechanical structures. The result of such tests and investigations, and also such scientific principles and practicable rules as may be deduced therefrom, are to be reported annually to the Secretary of the Interior, and by the Secretary transmitted to Congress.

The commission are authorized to appoint a principal expert, who shall personally conduct the examinations and tests which the commission may direct; this expert to receive such compensation as may be agreed upon by the commission and approved by the Secretary of the Interior. The commissioners themselves are not to receive any compensation.

The necessity for such a commission lies in the now recognized and admitted fact that the theories and tables heretofore relied upon, particularly when applied to large sections of iron and steel, are unreliable and misleading, and doubtless have been the cause of many great disasters, resulting in the loss of life and destruction of property, and for which our scientific experts have not been able to satisfactorily account, such as the Ashtabula bridge disaster, the destruction of the great bridge over the Tyne, in England, and other disasters too numerous other structures, buildings, and vessels, too numerous too mention.

The Government has now at the Watertown arsenal the best and most powerful testing-machine in the world. It has the capacity for testing up to 800,000 pounds, yet its mechanism is so perfect that it accurately registers the strength of a single hair. It is the purpose of this bill to utilize this machine and give to the public in a reliable form the benefits of the tests to be made upon it.

By the aid of this machine has already been demonstrated a fact long suspected: that we were being misled by false theories as to the strength of structural materials of large sections; and our scientific men will today admit that without the aid of a testing-machine such as this they could not judge correctly the strength or carrying capacity of one of these heavy beams over our heads in this Hall or the tensile strength of the large bolts which sustain them from above.

The Committee on Manufactures had before them petitions from more than fifteen hundred civil, mining, and mechanical engineers, living in twenty-eight different States, all asking for the adoption of this measure; also, petitions from insurance and other companies, representing $300,000,000 of capital, as well as from builders all over the country. Every person who travels upon one of our steamers or who crosses over a bridge upon a railroad car should be as deeply interested in this question as any of the petitioners, as their safety depends upon the knowlege which the operation of this bill will give to designers and builders.

I now yield twenty minutes to the gentleman from New York [Mr. HEWITT].

Mr. HEWITT. I will occupy only a moment or two in making a statement in reference to the character of this bill, which will modify to some extent the remarks made by the gentleman from Pennsylvania [Mr. CAMPBELL]. That gentleman is under the impression that the great testing-machine at the Watertown arsenal can be made available for experiments by this commission. That was the fact two years ago, but in the course of the investigation made by the Ordnance Commission of the House, of which I have the honor to be a member, we ascertained that that machine, which the gentleman justly says is one of the wonders of the world, is fully occupied in making tests on the Government work. The demand for its use for private sources is so large that the commission came to the conclusion—I think I may state this is a little in advance of any report they may make—came to the conclusion that more testing-machines ought to be built, in order to get at the facts which are necessary to be known, in order that modern structures may be safe and useful. All constructions at this time use steel as the material of principal concern.

Now, there has been in the last ten years a perfect revolution in the manufacture of steel. We have entered upon a new world literally; and all that we knew about steel made only in crucibles is of no use when we come to use open-hearth steel, or Bessemer steel, or basic steel, or steel compressed under the hammer or by liquid compression with the hydraulic press.

The action is totally different from anything we have ever known before, and the result has been a most remarkable reduction in the price

of steel. Steel has now fallen to about 2 cents a pound for large masses, whereas formerly similar masses could not have been produced at a dollar a pound. As a matter of course, the extension of the use of steel has been beyond parallel in the past, but we are moving in the dark, and very much in the dark. Human life, to say nothing of economy of construction, is at stake in this matter. Every locomotive, every car, every bridge, every building has to do with these new problems. Now, I am opposed, as a rule, to all governmental interference with private industries. I am not disposed to set up a governmental test-shop; but unless the Government does intervene these results can not be ascertained. All that we know to-day we know by the use of this testing-machine at the Watertown arsenal, which, as I have said, is overworked. The scientific men of the country (as the gentleman from Pennsylvania [Mr. CAMPBELL], has well said), fifteen hundred in number, have been interesting themselves in the matter for the last three years, and they see no other way out of this difficulty than by the establishment of a commission with power to take the work energetically in hand and get the information which is required by the mechanics and engineers of the country in order to produce safe, economical, useful results. I have no doubt that in the construction of the steamers, upon which the Committee on Naval Affairs hope to report favorably to this House, hundreds of thousands of dollars could be saved if this knowledge were now in hand. It is not in hand, and my urgency about this bill comes merely from the facts which I state to the House and from my knowledge that the work will be productive of results to the country worth a thousand-fold any expense it may involve.

Mr. ANDERSON, of Kansas. Will the gentleman from New York [Mr. HEWITT] permit me to ask him a question?

Mr. HEWITT. Certainly.

Mr. ANDERSON, of Kansas. Was there not a commission some few years since which traversed very much the same ground proposed to be covered by this commission?

Mr. HEWITT. There was; a commission which had the use of the machine at the Watertown arsenal, and to-day the engineering work of this country proceeds upon the incomplete results achieved by that commission. They made a report, which was printed in two large volumes, and which is now in such request that it can not be supplied and undoubtedly ought to be reprinted. I know of nothing more valuable and nothing more incomplete than the results which that commission arrived at. In other words, they got to the fringe of the subject but they really never got beyond that.

Mr. HISCOCK. Will my colleague yield to me for a question?

Mr. HEWITT. Certainly.

Mr. HISCOCK. I wish to ask my colleague whether, if this investigation is to be carried on, it would not be far better to have it conducted by either the War Department or the Navy Department?

Mr. HEWITT. I will answer my colleague by saying that I shall be very glad to see it carried on by any Department. If either of the Departments named would make the investigation I think that would be a very good plan; but the commission proposed is to be a mixed commission. I do not know whether this bill provides for that or not, but the bill which I originally saw did provide for a mixed commission.

Mr. HISCOCK. This does not.

Mr. HEWITT. Well, I think there ought to be a mixed commission. I think it ought to be composed of an engineer officer of the Army, an engineer officer of the Navy, and civilians. I quite agree with my colleague; but I do not want this work to stop in the mean time.

Mr. HISCOCK. As my colleague is well aware, this investigation has been prosecuted to a great extent already, and my idea is that it should be continued by those who have been for some time pushing it on.

Mr. HEWITT. They have not been pushing it in the direction which is necessary for the uses of civil life. The machine at the Watertown arsenal, as my colleague well knows, is now fully occupied in making tests for Government use, chiefly in relation to ordnance.

Mr. MCMILLIN. Will the gentleman from New York [Mr. HEWITT] allow me to ask him a question?

Mr. HEWITT. Yes, sir.

Mr. MCMILLIN. I desire to ask the gentleman what obligation the Government is under to build another testing-machine to make tests of materials for private parties?

Mr. HEWITT. No the slightest.

Mr. MCMILLIN. And, furthermore, whether there is not a claim now pending before this Congress, which was pending also in the last Congress, for $200,000, because the Government has given the use of that machine to private parties.

Mr. HISCOCK. And a claim which ought to be paid, undoubtedly.

Mr. MCMILLIN. I quite agree with the gentleman from New York [Mr. HEWITT] in this, that we ought not to go further in impairing this man's rights.

Mr. REED, of Maine. This does not impair his rights.

Mr. MCMILLIN. This does not impair his rights! The gentleman from Maine [Mr. REED] differs in opinion, very materially in opinion, from the claimant himself.

Mr. REED, of Maine. Mr. Chairman——

The CHAIRMAN. Does the gentleman from New York [Mr. HEWITT] yield?

Mr. HEWITT. I yielded for a question from my friend from Tennessee [Mr. MCMILLIN] with great pleasure. I answer him that there is no obligation imposed upon the Government by this bill to build another testing-machine.

Mr. MCMILLIN. I understood the gentleman from New York [Mr. HEWITT] that it had become necessary to build another testing-machine, and I understood him to advocate doing it.

Mr. HEWITT. I said that one of the conclusions arrived at by the commission (I suppose I may venture to state this unofficially) was, that that present machine at the Watertown arsenal was inadequate to do the amount of work pressed upon it. Undoubtedly the work of this proposed commission would involve the building of new machines at somebody's cost; but there is no provision in this bill that the machine shall be built at the cost of the Government, and I am under the impression that it would not be necessary to build it at Government cost. I think that if this commission had the right to go forward and make the tests the machine would be supplied by other parties, who would simply charge, as the Government does now, a royalty for the use of the machine. As to the other question about the claim of the inventor, the gentleman from Tennessee [Mr. MCMILLIN] is entirely right. There is such a claim pending. I have personally investigated it. I think it is as honest and meritorious a claim as I have ever known; and of all the triumphs of American inventive genius, not excepting the cotton-gin, I look upon this testing-machine as the greatest and highest, and I have never been willing to allow a private individual to build for the Government for $50,000 a machine that cost over $200,000 without recouping him for his actual outlay, especially when the Government finds that machine as essential to the carrying on of its business as it does its Army and its Navy.

Mr. ANDERSON, of Kansas. I wish to ask the gentleman from New York whether the benefits to be derived from the tests proposed in this bill would not more largely accrue to corporations engaged in building heavy structures, as, for instance, railroad bridges and other structures involving large masses of material?

Mr. HEWITT. Beyond all doubt.

Mr. ANDERSON, of Kansas. And whether these benefits would be of any great practical advantage in the use of steel in the ordinary avenues of life or industry?

Mr. HEWITT. I answer my friend from Kansas in both particulars in the affirmative; and while it will be of enormous use to railroad companies which carry him and me, and which are only the servants of the public——

Mr. ANDERSON, of Kansas. Except when they are the masters.

Mr. HEWITT. Well, when they are the masters I bow down and worship as does my friend from Kansas. We can not help ourselves. But whether they be masters or servants, I want to go across bridges safely; and that is the interest the public has in this question.

The CHAIRMAN. The gentleman from Pennsylvania [Mr. CAMPBELL] has notified the Chair that he declines to yield further time to the gentleman from New York.

Mr. CAMPBELL, of Pennsylvania. I yield to the gentleman from New York [Mr. FARQUHAR].

Mr. FARQUHAR. Mr. Speaker, in common with the friends and advocates of this bill in and out of Congress, I have only one fear as to its fate, namely, the indifference which in either House too often characterizes consideration of public measures not coming within the arena of current politics. Were it possible to relatively bring the proposed measure in line with the silver question, the regulation of interstate commerce, tariff legislation, or even the excitable Pan-Electric investigation, it would possibly receive such degree of attention and favor as its friends know it deserves in a Congress of public-spirited legislators.

The original commission, the results of whose work have been called in question during the debate this morning, was created in March, 1875, and expired by limitation in June, 1879. Fault having been found with the work done by that commission, it is fair to say, in justice to the able men who were named as its members, that they lost years of investigation because this testing-machine had not been built and placed at work. There were long conferences as to chemical analyses, as to means and methods of tests, which it is well known to all had been discussed for years in the scientific associations of this country, but had not reached any real results. That is the definite, basal proposition to start with; and it is important by way of apology in judging the work of this commission as shown by its reports.

But it is also fair to say that this commission must have reached some results of general interest when three of the best scientific associations of America have by resolutions and through the speeches of their leaders declared the work of that commission, though imperfect in consequence of the little time it was in existence, of immeasurable benefit both to the Government and to the industrial interests of the land.

During the four years of its existence the board had built, on an entirely new principle, the testing-machine which is now at the Watertown arsenal, concerning which a very competent authority says that

when a few additions to it have been made it will be the most remarkable machine of this kind that has ever been constructed; and already the result of the work on it has been to revolutionize most of our ideas upon the methods of testing metals. Speaking of this machine, Professor Egleston, of Columbia College, as high an authority in physics as this country can produce, says:

While this machine is the most accurate one that has ever been built, it is very expensive to use it, costing nearly $25 a day; but after the work is done, it is not only extremely accurate, but all the work done on it at any time can be compared with any other work done at any previous period; a condition of things which up to this time has never existed. If the work of the commission had produced no other result than to prove that reliable and comparable data could only be obtained on full-sized pieces, and that other testing-machines constructed to work on specimens of reduced area which have been used up to the present time not only do not give comparable results, but that many of them, from faulty construction, are in themselves entirely unreliable, the board would have done all that could have been reasonably asked of it. If this machine, however, or any number of machines like it, is kept constantly in use by private parties, the public will not necessarily be any the wiser for the work done, for the reason that although the expense of such investigations is much greater when done by private individuals than by a commission, these results will not usually be published, nor will the criticism of engineers generally be invited or obtained.

I desire to quote the same excellent authority on a phase of the matter which more practically concerns the public welfare. He says:

The factors of safety used by engineers are taken from tables constructed many years ago by foreign engineers, on materials made under entirely different processes from those now in use and on metals manufactured abroad. We know hardly anything of these factors as applied to material of American manufacture. We are using tables and formulæ which we are finding to our cost are only approximately reliable.

Members of the House will readily call to mind the great Ashtabula disaster, which happened some years ago on the Lake Shore Railroad. It was my province in the course of my own business to pass upon every line of the evidence adduced on that trial, and out of seven or eight experts, scientific men and practical railroad men, who gave testimony in that great case, it is safe to say—and the fact has been alluded to in the debates of scientific bodies—that no two of those men, experts as they were, could agree as to the cause of the disaster, and no two could agree as to the practical "factors of safety" in any construction of that kind. So that great and appalling disaster is as yet entirely enshrouded in mystery. Only a few years ago we had a similar one in Scotland—the great Tay bridge disaster—the cause of which is still a question among scientific bodies in Great Britain.

Now let us learn what practical men, men who are building our railroad bridges every day, say as to their knowledge of the very structural materials they have handled. Mr. Chanute, who is quoted in the report made by this committee, and who is one of the best-known bridge builders in this country, says:

There is great uncertainty as to the actual strength of the bridges which we are daily erecting. Their strength is of course limited by that of the weakest part, but while we endeavor to make every part equally strong, as well as we know how, yet we are almost entirely ignorant as to what is actually the weakest part of a bridge of any magnitude, and of just where it would give way first if loaded to rupture.

The main question involved in the passage of this bill is, shall the Government, having at its command all this expensive machinery at the Watertown arsenal, do all this experimenting in driblets, or shall this Congress authorize the President to appoint this commission of experts to make investigation as to these productions, and so formulate and publish the experiments as to give the industrial world as well as the general public a knowledge as to the true factors entering into construction and chemical analyses?

There have been many complaints made in respect to dilatoriness of the experiments made at Watertown arsenal. I grant that many of our great manufacturers have had good cause to make them. But, "first come, first served," was the rule.

Now, were it possible that the Government might act for itself, I would regard it as still more advantageous if what the Government does in its own experiments shall be superintended by the best scientific knowledge this country can produce in members of these scientific bodies, who shall studiously and persistently systematize all the knowledge gained from these tests and give the results to the public, and not merely allow a few Government officers to reap the benefit of the information obtained by these great machines.

Mr. McMILLIN. Will the gentleman from New York permit me to ask him a question?

Mr. FARQUHAR. With pleasure.

Mr. McMILLIN. Is it not a fact, the result of these tests are now published, and all parties can get the benefit of them if they wish to do so?

Mr. FARQUHAR. They are published the same as many other things are published, by the scientific schools.

Mr. McMILLIN. Yes.

Mr. FARQUHAR. I grant any private individual can go there and get the tests by himself and for himself.

Mr. McMILLIN. What is the use, then, of paying $20,000 for information which can be obtained in that way?

Mr. FARQUHAR. I would like to give the reason why, if it would not infringe on certain men's pride. I will give, however, a general reason. I have much more faith and confidence in a commission constituted of scientific and mechanical engineers of the country than in any commission made up merely of Government officers.

Mr. REED, of Maine. Let me suggest to the gentleman from New York one other thing, and that is, this investigation is to be systematic, and not dependent on the particular wants of persons seeking for particular things. That is another advantage in addition to what the gentleman himself has named.

Mr. ANDERSON, of Kansas. I would like to know of the gentleman from New York whether it is proposed to build a new machine or to remove the Watertown machine and have it supervised?

Mr. FARQUHAR. To use the Watertown machine. Let me answer further that it is the intention of the commission, if appointed, to redetermine many of the formulæ which came from the first report of that old commission. Many of the large manufactories of this country furnished material under the strictest chemical analyses, and were willing to give the chemical analysis of every one of the materials furnished, and not keep the information alone for their own selfish benefit, but give it to the whole country, to every manufacturer, whether he ran a five-thousand plant or a five-million one.

I want to call the attention of the House to another feature outside of the advantage sought to be gained by the passage of this bill, and I hope it is one which appeals to every thinking member of this House. I wish to say that public safety, public economy, and the needs of true knowledge demand the passage of the bill.

Now, the main question involved in the passage of this bill is: Shall the Government, with expensive and reliable machinery in its possession, selfishly do its own testing in driblets and let men of science and manufacturers of structural materials formulate results from detached details; or shall this Congress authorize the President to appoint a commission of experts, skilled in the investigation, production, and use of metallic substances and other structural materials, to execute scientific tests, as the title of this bill recites, and deduce useful rules therefrom? And another question presents itself. Is it not the duty of the Government, careful of the education of its army and naval officers, to place in the hands of the professors and cadets at the national academies text-books correct in theory and fact? How better can this beneficent reform be brought about than by the passage of this measure?

Public safety, public economy, and the need of true knowledge demand it. Hundreds of young men are being graduated annually from our technological schools. When the enthusiasm of the graduate has passed away and they assume the active duties of life as engineers or any other cognate department of science; when duty is measured by responsibility and responsibility by duty; when they come in associated intercourse in national assemblies with such leaders in physics as Egleston, Thurston, Lanza, and scores of others, pre-eminent in scientific attainments—the very men who are petitioning this Congress for the opportunity of scientifically equipping these and like young men for useful places in a grand profession—when these young men, I say, with such mentorial surroundings, enter the active duties of their profession and know that their success lies in doubtful experimental paths with few positive experiential guides, their ambition is dwarfed, and in the professional race of life they are disadvantageously handicapped. This should not be so. Their text-books and standards for official work should be as near perfection as the results of modern scientific investigation can make them. Pass this bill, and thus help on the good work of scientific knowledge.

Having somewhat settled the question as to the need of such a commission as is proposed in the bill, some of the rigid economists on this floor will likely note by its sixth section that an appropriation of $25,000 is needed to execute its provisions, and more than likely will ask themselves the question, Will the thing pay? Experts say that it will. Professor Egleston, one of them, puts it in this way:

If, as the results of the works of such a commission, we could increase the profitable use or cut down the weight of constructive materials 3 per cent., the United States would gain every year over $100,000 in each of its navy-yards.

I hold in my hand a letter on this subject from probably the largest bridge-building company in this country—the Union Bridge Company of Buffalo, N. Y., the company which constructed and completed in thirty-three weeks the famous double-track cantalever railway bridge spanning the Niagara at Whirlpool Rapids, and which has just been awarded the contract for constructing a double-track railway bridge, about a mile in length, in New South Wales, to be completed in two years and a half at an estimated cost of nearly $2,000,000, and for the construction of which the Buffalo company successfully competed with the best-known English, Scotch, French, German, Flemish, Australian, and American engineers. The value which a great company like this places upon testing-machines for determining the proper strength of their own structural iron and steel may be surmised from the fact that they are building for themselves now, at a very large expense, a testing-machine of 600 tons for their own use.

Surely the statement of such a fact should divest their opinion on the merits of the bill under consideration of self-interest.

In this letter they say:

The very tests which should be made to determine the proper strength of structural iron and steel are more elaborate and expensive than any private corporation or company could be expected to carry out, and are of such wide and universal public benefit that they should be executed by the Government.

I know, Mr. Chairman, that the expression has passed beyond provincial bounds that Buffalo, not satisfied with furnishing the country with more than her quota of Presidents of the United States, wants the whole world. I grant that in great engineering enterprises her field is the world—in bridge-building.

Now, Mr. Chairman, in concluding my brief remarks on this important measure I have one remaining desire, and that is to arouse the pride and honor of the members of this House to make a record of enlightened and beneficent legislation by the passage of this bill. Make it possible that the records of the scientific associations of this country and Europe shall preserve for long years to come the fact that the Forty-ninth Congress of the United States appreciated one public interest at least higher than party politics and gave its aid and indorsement to a measure like this.

MESSAGE FROM THE SENATE.

The committee informally rose; and the Speaker having resumed the chair, a message from the Senate, by Mr. MCCOOK, its Secretary, announced that the Senate had agreed to joint resolutions of the House of the following titles, namely:

Joint resolution (H. Res. 105) to print 12,500 copies of the eulogies on Ruben Ellwood, late a Representative in Congress; and

Joint resolution (H. Res. 124) to print 31,000 copies of the eulogies on Thomas A. Hendricks, late Vice-President of the United States.

It also announced that the Senate disagreed to the amendment of the House to the bill of the Senate No. 610, to provide a building for the use of the Federal courts, post-office, internal-revenue and other civil offices, and a United States jail in the city of Fort Smith, Ark., and had requested a conference with the House on the disagreeing votes thereon, and had appointed Mr. MAHONE, Mr. SPOONER, and Mr. BERRY as conferees on the part of the Senate.

The message further announced that the Senate had passed a concurrent resolution, a joint resolution, and a bill of the following titles; in which concurrence was requested, namely:

Concurrent resolution providing for the printing of statements relative to the payments of awards under the treaties with France and Spain;

Joint resolution (S. 39) to authorize the printing of the proceedings in Congress in accepting the statue of the late James A. Garfield, President of the United States; and

A bill (S. 1653) to forward a copy of the daily CONGRESSIONAL RECORD to each of our legations abroad.

TESTS OF STRUCTURAL MATERIALS.

The Committee of the Whole resumed its session.

Mr. CAMPBELL, of Pennsylvania. I yield five minutes to the gentleman from Kansas [Mr. ANDERSON].

Mr. ANDERSON, of Kansas. Mr. Chairman, I know nothing of this bill whatever except in so far as I have sought information during the course of this discussion. It seems to me to amount, however, to this: The first fact is, that there was some years since a commission appointed for the exact purpose proposed by this bill; that the Government had built this testing-machine and had it in operation; that under the supervision of that commission certain valuable tests were made and reported, and that that report is considered to be full and valuable. It also appears that it is now sought to recreate that commission, and to appropriate twenty-five thousand more dollars for the purpose of maintaining the commission, which shall continue the tests. It is alleged that this is unnecessary, first for the benefit of the industries of the country, and second for the benefit of science, and I speak of science first.

In my opinion we have spent altogether too much money on such scientific propositions, as arctic explorations and subjects of that character, which are just precisely such things as this, because turning to the industries of this country and the practical benefit which it is sought by this proposed commission to confer it will be found that it is a benefit that will accrue to large corporations solely, or which will accrue to those who are building large structures, and who must necessarily provide steel and iron and other structural materials in large masses. But, Mr. Chairman, you take an ordinary mechanic of the country, using steel and iron for ordinary purposes, in a house for instance, or in a blacksmith-shop; there is no necessity that he shall test their tensile strength. Probably he knows what it is in advance from experience, and hence he has no need for such tests as are contemplated by this bill, which will benefit only those who use great masses of metal as, say, in large bridges or in the machinery or structures of corporations.

Now, I assert that so far as they are concerned they are able to make their own experiments. If, as the gentleman from New York [Mr. HEWITT] said, it be true that these tests would save in the erection of a bridge or building of a vessel hundreds of thousands of dollars, then that fact of itself is an inducement to the owner or contractor himself to make these tests or have them made at the Watertown arsenal for the purpose of effecting this saving. That might not be true in the case of a contractor for a Government vessel, because then he must follow specifications, but it would be true in the case of an owner or contractor for any other work than Government work; and I can not see why the Government should expend this additional $25,000 for the benefit of a class of men, few in number, who are abundantly able to make that expenditure for themselves, especially as the profit must accrue to them. I would very much rather vote to give to the widow of the dead soldier $12 a month than to give to this commission $25,000 for the purpose of making these tests.

Mr. MILLIKEN. Will the gentleman now yield to me for a question?

Mr. ANDERSON, of Kansas, Yes, sir.

Mr. MILLIKEN. Do you not think the Government itself should understand the tensile power of iron and steel in order to make contracts?

Mr. ANDERSON, of Kansas. Yes, sir; and the last commission gave it that information.

[Here the hammer fell.]

Mr. CAMPBELL, of Pennsylvania. I yield now to the gentleman from Ohio [Mr. MCKINLEY].

Mr. MCKINLEY. I have no desire to consume the time of the committee, and should like to have a vote, if possible, this morning. With that view I yield back the time to the gentleman from Pennsylvania [Mr. CAMPBELL].

Mr. CAMPBELL, of Pennsylvania. I move that the committee rise to report the bill back to the House.

Mr. MCMILLIN. I hope that will not be done. I desire to be heard on this question.

Mr. REED, of Maine. Can the bill be read at this time?

Mr. MCMILLIN. I have no objection to the bill being again read, but not in my time.

Mr. TOWNSHEND. I rise to a question of order. Has not the hour for the consideration of the bill expired?

The CHAIRMAN. It has not. Five minutes of the hour still remain.

Mr. MCMILLIN. Mr. Chairman, a number of years ago the Government, having a difficulty in testing the metals of which its various structures were made, resolved to try to get a testing-machine that would facilitate and make certain that work. A certain appropriation was made, if I remember correctly it was $25,000, for the construction of such a machine. A machinist of the State of New York undertook the work, and at Watertown constructed the machine that has been mentioned in this debate. The Government paid him not only the $25,000 originally contracted for, but, as I now remember, about $30,000 more.

Soon after the construction of that machine, in the Forty-sixth Congress, as will be remembered by those here who were members of that Congress, a proposition was brought before this body to throw open that machine to private individuals for the purpose of testing bridge and other structural material.

The machine is a marvelous one. It has been properly said—I do not know whether the remark has been made to-day, but it has been made in Congress heretofore—that this machine will test the strength of a single hair or of a beam that takes 800,000 pounds to part it. The proposition to throw that machine open to the use of the public passed, and as a consequence the man who built the machine claimed that the Government had injured him by giving the public general use of it, and came before the last Congress, and I presume is before this Congress, asking $200,000.

Mr. SEYMOUR. Will the gentleman permit me——

Mr. MCMILLIN. In one moment I will yield to the gentleman. Now, the parties using that machine under the act of 1871 did not have to pay any part of the construction of the machine, but simply the expense of using it, and if I can read through the cracks sufficiently this proposition is to get rid of paying anything for its use; that is the plain English of this proceeding; and the question here is whether this House will require parties to pay the pittances heretofore paid to get their work well done, or will it appoint a commission to sit at the discretion of the President four years, eight years, twelve years, or twenty years, as the Presidents of the United States may desire, and draw $25,000 per annum for their salary. That is the question.

Mr. CAMPBELL, of Pennsylvania. I insist on my motion that the committee rise.

The CHAIRMAN. The gentleman from Tennessee [Mr. MCMILLIN] has the floor.

Mr. MCMILLIN. I yield now to the gentleman from Connecticut [Mr. SEYMOUR] for a question.

Mr. SEYMOUR. Does not the gentleman remember that the greater portion of the claim made here in the last Congress by the inventor was not for his invention, but for material and money actually expended by him and for the time he had expended on this at the Government's request; and that it was admitted by everybody that there was at least $60,000 due him for time and labor, to say nothing of the value of the invention?

Mr. MCMILLIN. On the contrary, there was not an admission on the part of everybody that there was $60,000 due him. He claimed there was an additional amount due on the original construction.

The CHAIRMAN. The morning hour has expired, and the committee will rise.

The committee accordingly rose; and the Speaker having resumed the chair, Mr. HAMMOND reported that the Committee of the Whole House on the state of the Union, having had under consideration the bill (H. R. 5555) authorizing the President to appoint a commission of

experts, skilled in the investigation, production, and use of metallic substances and other structural materials, to execute tests and experiments on iron, steel, and other materials used in the construction of bridges, buildings, and mechanical structures, and deduce useful rules therefrom, had come to no resolution thereon.

PENSIONS APPROPRIATION BILL.

Mr. TOWNSHEND. I move that the House resolve itself into Committee of the Whole on the state of the Union for the purpose of considering the bill (H. R. 5201) making appropriations for the payment of invalid and other pensions of the United States for the fiscal year ending June 30, 1887, and for other purposes.

The motion was agreed to.

The House accordingly resolved itself into Committee of the Whole on the state of the Union, Mr. CRISP in the chair.

The CHAIRMAN. The House is in Committee of the Whole for the purpose of considering general appropriation bills. The bill first in order is the unfinished business, the title of which the Clerk will report.

The Clerk read the title of the bill, as follows:

A bill (H. R. 5201) making appropriations for the payment of invalid and other pensions for the fiscal year ending June 30, 1887, and for other purposes.

The CHAIRMAN. The gentleman from Illinois [Mr. CANNON] has the floor.

Mr. CANNON. Mr. Chairman, how much time have I left?

The CHAIRMAN. The gentleman has fifteen minutes of his time remaining.

Mr. CANNON. I propose to use a portion of that time. This bill, as has been stated, carries $75,000,000 for pensions. The annual amount of the pension-roll now, saying nothing about the payment of arrears, is about $39,000,000. It is gradually increasing from year to year, and properly so, and no doubt will increase in the future.

A MEMBER. Not long.

Mr. CANNON. There are many propositions made from time to time in the House and the Senate for a change in the law touching pensions. One with which gentlemen are quite familiar is to repeal the limitation in the arrears act—to my mind a very proper thing to do—placing all soldiers upon an exact equality in this respect. The cost, as near as can be estimated, would be from $150,000,000 to $222,000,000.

The latter is the maximum estimate, and my own impression is that one hundred and fifty millions would be more nearly right. A bill passed the House a few days ago increasing the pensions of widows and dependent parents to $12 a month, which will involve a cost of from six to seven million dollars per annum if the bill should become a law, as I think it should. Again, I am informed that there are various bills pending before the appropriate committees, some of which should be enacted. There are bills pending, as I understand, to place upon the pension-roll all soldiers of the late war who were honorably discharged. That is a measure which has a great many advocates throughout the country and many upon this floor. I want to speak of it a moment now in connection with another proposition to which I wish to call attention. Two million eight hundred and fifty thousand enlistments is the best estimate we can get, and doubtless it is very nearly correct, as the total number of enlistments during the late war.

Probably 550,000 of those were double enlistments, giving 2,300,000 as the number of original enlistments. If you deduct from that 800,000, which, as near as I can ascertain after careful inquiry, is about the number of those soldiers who were killed or who died leaving no surviving widows or minor children, it leaves a million and a half as the number who will receive a service pension in the event of the passage of the bill referred to. The average pension of those now upon the roll is about $110 per annum; but count the average at about $100 if the service pension should be given. That would make the cost of passing this bill, after deducting those now on the roll, $117,970,000 per annum. Add to that the $39,000,000, the amount of the annual roll now, and you have $156,000,000 expenditure per annum as the result of such legislation—legislation which, in my judgment, ought not to be enacted.

Yet there is a growing public opinion demanding it, and I have no doubt that the time will come when a bill will pass with perhaps some restrictions giving a service pension to the soldiers of the late war. But I fear that such legislation at this time would do much to break down the policy of the Government which has been pursued since its formation, namely, to rely upon a citizen soldiery for defense, because it would be seen at once that if the pension-roll were to be swollen to that extent it would beget a burden of taxation which would be felt as a grievance even by the very men receiving the pensions, and would postpone, if not render impossible, the repeal of the limitation of the arrears-of-pension act and various other provisions for soldiers who are actually disabled.

Yet, as I have said, I do believe that the public opinion demanding such legislation will continue to grow unless apt and proper legislation is had in another direction, and it is to this other legislation that I now wish to refer very briefly. There is scarcely a neighborhood in this country in which are not found one or more soldiers who are disabled on account of service in the late war, and who are not on the pension-roll owing to their inability to make the technical proof prescribed by the Pension Office, and many of these were the most meritorious soldiers in the service.

To illustrate: A soldier makes his application for pension; his Government, after due examination by its surgeons, mustered him into the service; the law required that he should be a sound man and fill the regulations; but he is now required to prove that he was not disabled at time of muster (his muster should be conclusive upon that point). Again, if there is no record of his disability or treatment in hospital, then he must make strong proof that the disability was incurred in the line of duty; the regimental surgeons, his officers and comrades, are frequently found to have died, in other cases are found to be living in distant parts of the country, and frequently not to be found at all, and when found are not able to recollect with sufficient accuracy the exact injury received and the circumstances under which it was incurred. Many soldiers have said to me that as a general rule a hospital record was the most undesirable thing a good soldier could have while in the service, but the most useful thing a disabled soldier could have when it comes to procuring a pension.

After very careful inquiry, as nearly as I can ascertain, there are one hundred thousand soldiers of the late war—not more than that number—who are disabled, who were honorably discharged, and who are dependent upon their labor in whole or in part for support, and who can not make the technical proof—often in my opinion too technical—to have their names written upon the pension-roll. Many of these are in the poor-house, many receive charitable aid, many are suffering for the want of the necessaries of life and too proud to ask of individuals or municipalities that aid which the Government they helped to save owes them, and which they can not receive on account of the strictness of proof required.

It is time for Congress to step in and cut the gordian knot; it is time as to this class of cases for Congress to set aside the regulations and precedents made by the Pension Office, and by law to place this class of soldiers upon the pension-roll without further proof. This act of tardy justice is not only proper for the soldier, but would prove a measure of economy to the Treasury; for the growing demand to now give every soldier a service pension receives its principal strength from the failure to pension these applicants that everybody knows should be pensioned.

Now a word as to the cost of the proposed legislation. The average annual value of each pension of the 345,000 now on the roll is $110.36. Placing the average annual pension to each of the 100,000 persons proposed would make the amount $10,000,000 a year as the cost of the proposed legislation.

I would couple, however, with such legislation, if I had the power to write legislation upon the statute-book, a provision which would pension the dependent parent who is now dependent. You all understand what the law is on that subject at the present time. Before the old father or mother who lost a son in the Army can obtain a pension not only must dependence be proved, but it must also be proved that the father or the mother was dependent at the time of the death of the son.

Mr. TOWNSHEND. Has not that law been changed? I think it has.

Mr. CANNON. No, sir; it has not been. The Senate last Congress passed a bill changing it.

Mr. TOWNSHEND. No; the House.

Mr. CANNON. The Senate passed a bill last Congress changing the law in that respect, and also providing that soldiers who are disabled and can not make the technical proof required should be pensioned without further proof, but the bill failed in the House.

Mr. TOWNSHEND. Let me ask the gentleman whether the Congress before the last did not pass the Warner bill, which made that change in the law? The bill passed the House, and I supposed it passed the Senate.

Mr. CANNON. No; the change in the law has not been made.

Mr. TOWNSHEND. Such a bill passed the House.

Mr. CANNON. I have but little time, and I want to hasten on.

Mr. TOWNSHEND. The Warner bill did pass in the Congress before the last. It passed the House; I do not know whether it passed the Senate.

Mr. BROWN, of Pennsylvania. It did not become a law.

Mr. CANNON. The Senate bill, which contained both of these provisions, and which passed the Senate in the last Congress, did not pass the House. But it does not make much difference what passed the House or Senate last Congress or the Congress before or any other Congress. This Congress should not stand upon the merit or demerit of any former Congress. The question is, what is the law now and what changes should be made?

I was speaking of the question of pensioning dependent parents. In most instances, when the vigorous boy was just growing into manhood he enlisted. Up to that time he had been dependent upon his parents, rather than they dependent upon him. When he lost his life in the Army the staff upon which the parents depended for support in old age was taken away. Twenty years have passed, and old age and poverty have come upon many of them. They are not like other parents who did not lose sons in the war. Yet you ask these people, under legislation proper at the time of its passage, to prove they were depend-

ent twenty years ago. Now, this legislation touching dependent parents would not be a very expensive matter. I have not estimated this expense, but I have inquired the expense of the other provision diligently.

Another thing: We have now, and properly, under the law as it is, a wonderfully expensive clerical force and a force of special agents in the Pension Bureau, a large clerical force in the Adjutant-General's Office and in the Surgeon-General's Office. Under existing law this force must remain for a long time. Have gentlemen looked to see what that force costs? In the Pension Office, saying nothing about the building, saying nothing about contingent expenses, stationery, and many other expenses, it costs $3,149,000 a year to keep a force of special agents and a clerical force to adjudicate these claims. More than that, as nearly as I can tell it costs about $2,000,000 in the Adjutant-General's Office, in the Surgeon-General's Office, and elsewhere in the Departments of the Government, making over $5,000,000 per annum. Now, I am not here to say that this force is too great under existing law; but I do say that the proposed legislation would only cost $10,000,000 a year, and that a large part of this force costing $5,000,000 a year could soon be dispensed with, and that it would be better to pay this money to worthy soldiers than to an army of office-holders, many of whom, it appears to me, spend much of their time in trying to keep applicants off the pension-roll rather than to expedite the allowance of their claims.

[Here the hammer fell.]

MESSAGE FROM THE PRESIDENT.

The committee rose informally, when several messages in writing from the President of the United States were communicated to the House by Mr. PRUDEN, one of his secretaries, who also announced that the President had approved and signed bills of the following titles:

An act (H. R. 3846) to remove the disabilities of Alexander P. Stewart, of La Fayette County, Mississippi;

An act (H. R. 3827) to remove the political disabilities of Thomas L. Rosser; and

An act (H. R. 4409) to remove the disabilities of Edward G. W. Butler, of Missouri.

PENSION APPROPRIATION BILL.

The Committee of the Whole House on the state of the Union resumed its session.

Mr. WILSON. Mr. Chairman, although a member of the committee which reported this bill, and also of the subcommittee originally charged with its preparation, I had no purpose, and, I may add, no wish, to participate in its discussion on the floor of this House. I had supposed, Mr. Chairman, that, following the salutary custom hitherto, a bill simply making appropriations for the payment of pensions due under existing law, and as to which all of us are agreed, would pass the Committee of the Whole and pass the House without any remarks that would necessarily call for reply. But my friend from Iowa [Mr. HENDERSON], in the speech submitted by him on last Thursday, for reasons which I have no doubt were satisfactory to himself, but as it seems to me under stress of a political emergency, departed from this custom and treated the House to what is happily somewhat novel in recent debates, an old-time, regulation, political, and sectional speech.

It was scarcely necessary, Mr. Chairman, and yet it was exceedingly natural, that the gentleman should pause, from time to time, in the line of his remarks to assure this side of the House that he was animated only by the kindliest feeling. Those of us who know the frankness of the man and the gallantry of the soldier, could have no doubt on that point. We well understood that it was, after all, but stage thunder, or, if the gentleman will allow me to say it, stage roaring; and when the necessities of the occasion allow him to doff the political mask we shall see that he, like Snug the joiner, is "a very gentle beast and of a good conscience." [Laughter and applause.]

But, Mr. Chairman, he presented to us on last Thursday the melancholy spectacle of a politician in search of a political issue. Are there no present issues which call for the thoughtful attention of the patriot and the statesman? Are there no great economic issues which loom portentous on the political horizon of this country that my friend should turn deliberately from the present and from the future and introduce into this body the dead and discredited issues of the past?

In attempting to follow him, as a member of the same committee, I shall, perhaps, occasionally have to do that which I never expected to do on this floor, engage in remarks somewhat partisan. Of that partisanship which consists in full and stout belief in the principles of one's party, and which desires to see those principles applied in the administration of public affairs, I am as guilty as any member on this floor; but of that partisanship which cankers the personal feelings, and finds expression either in personal or sectional prejudice, I hope I am as free as any member on this floor. But if I am not mistaken, Mr. Chairman, there is no longer any successful conjuring with the issues raised by the gentleman from Iowa. If I do not mistake the recent action of the American people, if I do not mistake the general temper of the people; the sectional issue wherever raised and by whomsoever raised, will never lead man or party to another political victory in this country. [Applause.]

The gentleman began his remarks by stating that the amount proposed to be appropriated by this bill was more than $1,000,000 less than the average appropriation for the past six years. That, Mr. Chairman, even if correct, and it is not, is not a matter of any consequence whatever. The amount proposed to be appropriated is the exact sum estimated by the Department for the needs of the coming fiscal year. Whether it be more or whether it be less than the appropriation for the last fiscal year is not, I say, a matter of any moment. No party that has ever held power in this House, whether the preponderance lay upon that side or upon this, has ever failed to make ample appropriations for the payment of pensions. And whether the Republicans held sway or the "confederate brigadiers" in this House, no pensioner on your pension-roll has had to wait one day beyond the allotted time for the receipt of his pension because of any failure here to provide the money. Neither party can claim precedence over the other, neither party can censure the other for dereliction in this respect. If there has ever been a deficiency in the amount appropriated, it has been only because the estimates from the Department itself have been erroneous.

No ground exists for boasting on the one side or the other, and I do not believe any ground ever will exist for such boasting, because I do not believe any House will ever sit here that will refuse to appropriate, promptly, every dollar to pay pensions as they accrue under existing law.

Ah, Mr. Chairman, there is a danger far greater than this. There is rather the danger that henceforward men, in both parties, will so insult the ex-soldiers of this country as to suppose that theirs is a vote which can be obtained for partisan purposes, by holding out to them unlimited largesses from the public Treasury. This, I repeat, is the danger of the future, rather than that there will be lack of funds to meet just demands under existing laws.

Sir, in the course of that debate the gentleman from New York [Mr. HISCOCK], trusting to his memory and not examining the record, plunged into the discussion and said that in the last session of the Forty-sixth Congress there was a deliberate cutting down of the appropriation to the amount of $16,000,000 in the pension bill, for the purpose of throwing upon the incoming Republican House the necessity of making an extravagant appropriation. In order that I may not misquote him I turn to the official record of this House and find his language there. He says:

> The matter was discussed; and it was said, "If we do not appropriate enough, a Republican Congress will be in session before there will be any necessity to expend the money, and they can appropriate it." Instead of the sum being charged to the Democratic party, it was charged to us. We were compelled to make the appropriation or there would have been no money in the Treasury to answer the drafts made on behalf of the pensioners. Sixteen millions of dollars! There could be no mistake of arithmetic in reference to so large a sum as that—nearly one-quarter of the whole bill. So far as that item is concerned, it is reported by the committee on this bill; yet a Democratic committee reported a bill—we could protest against it, of course—reported a bill embracing an aggregate appropriation which any arithmetical calculation would have demonstrated was insufficient for the needs of the service.

And, further, in answer to the gentleman from Pennsylvania [Mr. RANDALL]:

> The subcommittee delegated to investigate the question came to the conclusion that it was insufficient; but the result was that these $16,000,000 were not appropriated.

Now, sir, I return to the RECORD of the last session of the Forty-sixth Congress, and find that the pension appropriation bill then reported was not debated in the House in any form of controversy, was not criticised in this House on the score of its insufficiency in any manner whatever. The gentleman from New York was a member of the committee on Appropriations. If this fact had been developed in committee why did not the gentleman come into the House and raise his voice against the passage of the bill? On the contrary, Mr. Chairman, that bill in the Forty-sixth Congress, although reported from a Democratic committee had, as the chairman of the subcommittee reporting it and carrying it through this House, that distinguished and unmistakable Republican leader, Mr. Jay Hubbell, of Michigan. He not only made no suggestion in the consideration of the bill, that it was insufficient for the demands of the public service, but expressly averred that it exactly followed the Book of Estimates.

> The total amount—
>
> So reads the report—
>
> recommended in the bill carries $50,000,000, exactly the amount recommended by the estimates.

And, mark you, those were the estimates sent down by a Republican Commissioner of Pensions through a Republican Secretary of the Interior.

In the course of his remarks Mr. Hubbell seemed called upon to explain why so large an appropriation was made, and he introduced into his speech some very salutary reflections on the necessity of guarding this beneficent system of pensions against the frauds supposed to be perpetrated under it.

So much for the remarks of the gentleman from New York.

Let me further say that in the method of dealing with the pension appropriations at the Department, there can, in the strict sense of the word, be no deficiency. They are not settled, strictly from year to year, as is the case with the other annual appropriations. They are treated as continuing appropriations against which orders or drafts are drawn;

and when the amount becomes low Congress is called upon to supply additional funds; so if there had been any criticism upon the pension appropriation bill of the Forty-sixth Congress, reported and carried through the House by Mr. Jay Hubbell, I ask the gentleman from Iowa why was it that his party, subsequently thereto, selected him, as had been done previously, to conduct the Congressional campaign of 1882, and gave him as his most efficient adjutant my distinguished friend from Iowa? The reputation of my friend from Iowa on this side of the House is an honored one, and I wish to assure him of the united thanks both of my political associates and myself for the manner in which that campaign was conducted, because I feel that neither he nor Mr. Hubbell will ever have the thanks due to their exertions from the other side of the House. [Laughter.]

The gentleman criticised the chairman of the Committee on Appropriations, because he called upon the Commissioner of Pensions to answer some questions as to the amount probably necessary to meet the payments under the existing laws, and under the proposed changes in the law.

Now, Mr. Chairman, I suppose that any member of this House, to aid him in the performance of a public duty, has the right to call on any Department for the information it may be able to furnish. I suppose there is no man in this House who, with greater propriety than the gentleman from Pennsylvania [Mr. RANDALL], by virtue of his position on this side, by virtue of his position as the chairman of the Committee on Appropriations, could call upon the Commissioner of Pensions for information desired with reference to legislation proposed in this body. But the gentleman is not satisfied; in fact he expresses vigorous dissatisfaction with the answer received from the Pension Office.

I am not here to defend any officer in any Department of this Government. Each man must make his own record; but I do insist that the remark of the gentleman from Iowa was not just to the Commissioner of Pensions. When the vacancy occurred in the Pension Office with the incoming administration, there was probably as much anxiety and as much interest in the country to know whom the President would select for that high and responsible position as for any other place in his power; and when the choice finally fell upon this distinguished soldier from Illinois, there was, I believe, general expression throughout the country that a wise and patriotic choice had been made, and that the office would be conducted under him in a spirit of fidelity to the people of the country and of fairness to all his fellow-soldiers.

I have no long-standing acquaintance with General Black. But I do know that with the first gun that signaled the opening of our civil strife he volunteered into your service as a private soldier. I know that through four and a half years of service, in which he did not lay down his arms until the last echo of a hostile gun had died out in the land, he had fought himself up from rank to rank until he commanded a brigade, bearing upon his person the disabling marks of his own faithful service. It was I say a wise and patriotic choice made by the President, and I do not believe anything has developed since then, certainly nothing has developed in these letters which my friend so criticises, to forfeit to the slightest extent the growing confidence of the people in that officer.

Sir, I turn to the report of the Pension Office for the past fiscal year, and I find this significant fact that since he has been in the charge of that office the delay which so often amounts to a denial of justice, especially in pension cases, has been greatly mitigated. I turn to the table in connection with this report and find that out of between 35,000 and 36,000 cases adjudicated and allowed in the last year, 16,000 of them belonged to the time between the 17th day of March when General Black became Commissioner and the 1st of July, and 19,000 to the nearly nine months of the rest of the year.

But the gentleman from Iowa, in vigorous language, says that in making reply to the letter of the chairman of the Committee on Appropriations he has inserted into the stomach of that letter a ninety-three million dollar lie; and to prove that, he takes two items upon which he comments and to which I will now call the attention of the committee. When asked for an estimate of the amount which will have to be paid under the arrears-of-pensions act, if existing limitations are repealed, he answers $302,000,000. In answer to the question as to the amount that has been paid hitherto he gives the sum as $179,000,000. Now, I perfectly agree with my friend from Iowa, and upon that point I will be as frank as possible, that the $302,000,000, if we take the language in which its summing up is made, is a mistake. What General Black claims, and claims stoutly to this day, is that he understood those questions asked by the chairman of the Committee on Appropriations in a different manner from what they are understood by the gentleman from Iowa and myself. In order to ascertain whether there is a mistake or not——

Mr. HENDERSON, of Iowa. Will the gentleman allow me a question?

Mr. WILSON. Certainly.

Mr. HENDERSON, of Iowa. Since the gentleman from West Virginia has the ear of General Black, will he inform me whether he also claims that he misunderstood the letter I addressed to him trying to correct him, after which he still reiterated that $302,000,000 would be the result of the proposed legislation?

Mr. WILSON. I speak not from having the ear of General Black, but largely from the answer to your letter which you quoted. The first question asked by the chairman of the Committee on Appropriations was:

> What has been the cost to the Government to date as the result of the passage of the acts of January 25 and March 3, 1879, extending the limitation in the filing of applications for pension, and what will be the probable expenditure under the operation of said acts without regard to the second proposition?

The Commissioner answers, as to the first, $179,404,872.96, and that there are now pending in the Pension Office claims, undisposed of but filed before the limitations on the arrears act became operative, which will probably call for a payment of $80,000,000.

Now that question was: What *has been* the cost to the Government to date, &c.? Then comes the second question:

> What *will be* the probable cost, if Congress repeals the limitations imposed by said acts of January 25 and March 3, 1879?

The Commissioner understood that to mean—what will have to be paid from this time forward, supposing such a repeal to be made, upon cases in your office, and answered correctly, $302,000,000; whereas I perfectly agree with my friend from Iowa that the cost of the amendment proposed by the gentleman from Indiana [Mr. BROWNE] would be, on the basis of claims already filed, $80,000,000 less than that; that is to say, $222,000,000.

Mr. Chairman, I submit that this missumming up, if I may so call it, which includes $80,000,000 of what the gentleman in vigorous language has declared to be a ninety-three million dollar lie, was no falsehood but carried with it its own correction, on the face of the statement, and could mislead no one.

Mr. HENDERSON, of Iowa. Will it disturb the gentleman if I interrupt him?

Mr. WILSON. Not at all.

Mr. HENDERSON, of Iowa. The gentleman makes the point that the Commissioner may have made a mistake. I made no complaint until I addressed him a letter, a letter prepared with care, and submitted to Mr. Courts, the clerk of the committee, getting his aid to make it clear and forcible, and the Commissioner of Pensions still would not yield or take back his error, but insisted, in answer to my question, that $302,000,000 would be the result of the passage of the pending bill. Now, if the gentleman desires to do me justice in this debate, let him tell this House and the country why the Commissioner of Pensions reiterated and held to his position after I had so emphatically and kindly brought his error to his attention?

Mr. WILSON. In answer to that I point the gentleman to the letter written by the Commissioner of Pensions on the 5th day of February, in which he answered each one of those questions separately, a letter which was published by direction of the Committee on Appropriations, and a copy thereof mailed to every member of this House, in which letter the Commissioner says that the net additional cost to the Government which the proposed repeal of the limitation act of 1879 will entail is $222,368,100.

Mr. HENDERSON, of Iowa. The gentleman reads, does he not, from the letter which was written to fix up the record after we had the Commissioner in the Committee on Appropriations and had dislodged him from his fallacious position?

Mr. WILSON. I read, Mr. Chairman——

Mr. HENDERSON, of Iowa. You read from letter number two, do you not?

Mr. WILSON. Yes, sir.

Now, Mr. Chairman, if the Commissioner of Pensions had had any purpose to deceive this House or to exaggerate these figures, so as to alarm Congress and the country, would he have submitted to the House in his first letter the basis of his calculation? Would he have given us the figures and the mathematical calculations themselves so that anybody could verify them or see the mistake if there was a mistake? Sir, the Commissioner of Pensions, so far from making any effort of that kind, has declared himself, in his annual report, in favor of the repeal of the limitation on the arrears act—a declaration which I fail to find in the reports of his predecessor, if there is any merit in that.

The Commissioner of Pensions further confines his calculation to the claims now pending in the Pension Office without taking into account the claims to be filed in the future, while the record shows that forty thousand claims were filed last year, and further shows that when the act of January 29, 1879, was passed it so stimulated the filing of claims that the number ran up from about fifty-seven thousand to one hundred and forty thousand the following year. So that, instead of the suggestion of the gentleman from Iowa [Mr. HENDERSON] being correct, that not over $150,000,000 would be needed to meet the cost of the amendment proposed by the gentleman from Indiana [Mr. BROWNE], the $202,000,000 would be required to meet it in cases already pending in the Pension Office. There are two hundred thousand rejected pension cases, about 10 or 15 per cent. of which it is calculated will yet be allowed, and there is also an indefinite number yet to be filed in the future, which go to swell the probable amount and to show that the aggregate may even reach $100,000,000 more than the estimate of Commissioner Black.

But the gentleman from Iowa [Mr. HENDERSON], taking the mathe-

matical calculations of the gentleman from Maryland [Mr. MCCOMAS], insists that there is also a mistake of $13,000,000 in the figures of the Commissioner, because the Commissioner calculated that the claims filed prior to June 30, 1880, and therefore entitled to arrears under the law, would be entitled to an average of $1,500 apiece as arrears, calculated on the basis of $100 a year—but, when he comes to calculate the one hundred and seventy odd thousand claims now pending, he increases the average of arrears to $1,800 instead of $1,500. The gentleman from Maryland [Mr. MCCOMAS] and the gentleman from Iowa [Mr. HENDERSON] claim that here is an additional mistake of $13,000,000. Why, sir, when the claims filed before July, 1880, and therefore entitled to fifteen years' arrears, are thrown into the general mass of claims since filed, forty thousand of which were filed last year, and would therefore call for arrears for twenty years, we see at once that the average changes, and that the Commissioner was justified in taking eighteen years as the average, instead of fifteen, and the thirteen million-dollar "mistake" discovered by these gentlemen vanishes into thinnest air.

The only other attack upon the Commissioner to which I will allude now is the singular one made by the gentleman from Kansas [Mr. PERKINS], when he asked the gentleman from Ohio [Mr. WARNER]: "Is the gentleman aware that the present Commissioner of Pensions has kept Republican members of Congress standing in the anteroom while he was conferring with Democratic members as to who should be discharged?" Did my friend from Kansas desire to be invited into that conference? Had he not rather remain in the anteroom than go in and participate in such a conference with the Commissioner of Pensions? I have no doubt, sir, that if he disclosed all that rests upon his political conscience he could a tale unfold that would mightily help the deliberations of such a conference. [Laughter.]

Mr. PERKINS. Will the gentleman yield to me for a word?

Mr. WILSON. Yes, sir.

Mr. PERKINS. I made that inquiry of the gentleman from Ohio while he was descanting upon the beauties of the reforms inaugurated by the present administration and contrasting it with its predecessor, and I would like to ask the gentleman from West Virginia [Mr. WILSON] now if he ever knew a Republican Commissioner of Pensions keep a member of Congress waiting while he was conferring with his political associates as to who should be discharged from office.

Mr. WILSON. Why, sir, I suppose that in September, October, and November, 1884, when Mr. Commissioner Dudley was in Ohio and Indiana conducting the political campaign a great many Democrats may have been kept waiting to see him. [Laughter.]

Mr. PERKINS. But did not Commissioner Dudley differ from the present Commissioner in this particular, that he resigned his office when he determined to engage in politics?

Mr. WILSON. He resigned to take effect on the 10th day of November, after the Presidential election. I say, sir, I do not blame the Commissioner of Pensions for not allowing my friend to come into conference. I do not blame him for fearing these Kansas "Greeks," even "bearing presents." But I think the general sentiment of the people of this country will commend the Commissioner of Pensions for holding these conferences; I suggest that it would be a gratification to the Democratic people of the country if such conferences took place more frequently, and they commend the example of the Commissioner, in this respect, to other officers in charge of high Departments of this Government.

I believe as firmly in civil-service reform as any man in this country, but I do not believe the way to reform a partisan civil service is to preserve it in amber.

I see the gentleman from Michigan [Mr. CUTCHEON] has just come in; and I turn aside a moment from the line of my remarks to call attention to a statement of his in the course of this debate. He states on page 1747 of the RECORD the number of invalid-pension claims allowed up to this time as amounting to 531,000. Now, my friend from Illinois [Mr. TOWNSHEND], who opened the debate on this bill, said that not one-tenth of the soldiers of the Army had yet been placed upon the pension-roll. I find here a calculation of Mr. Dudley, the late Commissioner of Pensions, in his report for 1882, who had verified his examinations by the records, that counting re-enlistments, the number of soldiers upon the roll during the last war, was a little more than 2,000,000, I believe 2,063,000, and the statement of the gentleman from Michigan would show that more than one-fourth of these have been placed upon the pension-roll, a fact which I do not quote with the view of criticising that statement, but to call attention to a subsequent remark made by him, when, in answer to the gentleman from Ohio [Mr. WARNER], he said that about half of these pensioners were Democrats.

Mr. CUTCHEON. If I said that 531,000 pension claims had been allowed I misspoke; I meant to say that number of claims had been filed.

Mr. WILSON. The language of the gentleman is, "531,000 invalid pensions have already been granted."

Mr. CUTCHEON. I did not intend to say that. The number of invalid-pension claims filed is, I think, between 530,000 and 540,000—probably nearer the latter number than the former. I spoke simply from general recollection.

Mr. WILSON. A further statement of the gentleman was that about one-half of these pensioners were Democrats. Now, I have heard all my life that the great mass of the Federal Army was composed of our friends on the other side, that it was only a peculiar fragment of the Democratic party that was "roped into" the service. Now, it would seem supposing the Democratic soldiers in the Federal Army not to have been as numerous as the Republican, that they must, in common phrase, have done the "heft" of the fighting or so many would not have got wounded and crippled and killed. [Laughter and applause.]

Now, Mr. Chairman, I come to another point in the speech of my friend from Iowa, which he said he approached with reluctance; and I know that a man of his generous impulses must have approached such a line of argument with genuine reluctance. I refer to that part of his speech where he commented upon the vote on this side of the House upon the bill passed, some weeks ago, to increase widows' pensions from $8 to $12 a month. Turning to that vote he had read from the Clerk's desk the names of 66 Democrats who voted in the negative, and he had added to each name the locality from which the gentleman came; and when he found that of those 66 members 64 came from the States of the South, he used this emphatic language:

When 64 members upon that side of the House, all from the South, said that $12 were too much to pay a widow, I say that the sectional lines were kept up and the bloody shirt was unfurled in our faces.

Mr. Chairman, who originally fixed the widows' pension at $8 a month? It was fixed by the party upon the other side of this House while war was flagrant in the land, when the losses were freshest and the needs of the widows were sorest; and it was fixed at $8 a month when the currency of this country was not half so valuable as it is to-day.

Mr. MORRILL. Was not the rate of $8 per month fixed in 1816?

Mr. WILSON. Not the rate for widows' pensions. As I understand, this pension was not fixed until 1862. I may be mistaken about that; but I am proceeding on that assumption, that widows were not included in the pension-list until that time. You gentlemen on the other side made the law that placed widows upon the pension-list; you fixed the amount at $8 a month. During all the years of the war, during all the subsequent years when your control was supreme in every department of the Government, you kept that pension at that sum. In the Forty-seventh Congress, when once again you came into power in this House, you maintained this pension at that rate. Yet when sixty-four gentlemen on this side of the House voted that this pension of $8 a month—worth now $16 of the currency that you originally voted to these widows—was in their judgment sufficient, the gentleman from Iowa says that they "unfurled the bloody shirt in the faces" of his friends. Why, gentlemen, the banner which they unfurled in the faces of your friends is the banner that you unfurled and kept unfurled in the faces of the widows and orphans of the soldiers. [Applause.]

Mr. Chairman, I know that in dealing with this question I am treading upon ashes beneath which fires may yet be smouldering. It was my fortune to exchange the books of a school-boy for the equipments of a private soldier and to follow, in that humble capacity, the flag of my State against the flag of my country, but I will say to the gentleman that he will go no further than I will in voting everything that is just, everything that is fair, everything that consists with the faith and the liberality of this country to the soldiers who fought in behalf of this Government. Sir, I regretted to hear the gentleman from Maine [Mr. BOUTELLE], in the course of his remarks the other day, comment, with some bitterness, on the fact that at one or two points in the South, the people had reared modest memorials to their dead soldiers. Sir, such an utterance does not become a magnanimous man. Such an utterance scarcely comports with the brave and manly character of the gentleman from Maine.

It is true the Southern people, here and there, have erected humble monuments over the graves of their sons, their brothers, and their fathers. It is true that they meet when spring comes to fling on those graves the choicest flowers of their section. [Applause.]

Mr. BOUTELLE. Will the gentleman yield to me?

Mr. WILSON. No, sir. But they do it in no spirit of disloyalty to their country. There is no influence brooding above those graves to kindle any such flames in their bosoms.

Mr. BOUTELLE. I trust the gentleman will allow me.

Mr. WILSON. No, sir. The men who sleep beneath that sod are not the men to come back, even if they could, with weakly lamentations and whisperings of revenge. They do not come, like the phantom hosts of Admiral Hosier, to vex the ears of friends and survivors with repinings. Those survivors discharge a duty for which no man should upbraid them, and for which every brave man ought to respect them. They can, from that sod which to them is sacred ground, appeal to the Searcher of all hearts and declare they cherish neither purpose, wish, nor imagination that does not throb for the glory and the greatness of the American Union. [Applause.]

Sir, as I go back in memory once again to take my place, an humble private in those half-clad, half-fed, but uncomplaining ranks, as I plunge once again into the stifling smoke of the Wilderness, or listen to the swelling diapason of the artillery about the Crater, as I gaze on the

ashen faces of the dead, drink in the delirium of the wild yell that signaled the advancing column, or feel the awful death-like stillness that settled over the sullen and defiant retreat, I encounter no influences, I catch no voice, I feel the kindling of no sentiment that does not urge me in the position I now occupy to do my whole duty to my country and to every section of it. [Applause.] As I look back to that dread panorama, after the lapse of twenty years, I see, or I seem to see, but the stately stepping of that Providence which was using the wrath of man to work out its own comprehensive and beneficent purposes.

The institution of slavery was the baleful heritage which came down to us from our fathers. For its introduction and perpetuation no one section of this country was more responsible than another. In the growth and development of the country economic considerations fastened it upon one section and freed the other sections from it; so it came to pass if to the people of the South to hold on to it seemed death, to let it go seemed also death. It had become so wrought into the social and political organism of our body-politic that, in my humble judgment, nothing less than the heroic surgery of a great civil war could eradicate it. The immedicable wound would yield to nothing but the sword, and the sword pierced very near to the nation's heart; but if the anguish is over, if the wound is healing, what wisdom, what patriotism, what magnanimity in seeking to make it bleed afresh?

Mr. Chairman, the time has come, and I agree with my friend from Iowa, the time has come when we of the South not less than men of the North rejoice in the substantial results of the war. [Great applause.] We feel, no less than you do, those results were worth all the sacrifice necessary to secure them. The immense treasure poured out by the North, with its precious expenditure of human life, the immense treasure poured out by the South, with its precious expenditure of human life, its draught of the bitter cup of defeat, whose awful bitterness no one can know who has never tasted of it, have purchased not the mere preservation of the Union; that was the prime object but the least result of the war. Greater than the preservation of this Federal Union was the extinction of the institution of slavery, and greater than the extinction of the institution of slavery is the total annihilation of every ground, occasion, or excuse for further sectional division or sectional hate. [Prolonged applause.]

Mr. HENDERSON, of Iowa. Amen, and amen, I will say to that, Brother WILSON.

Mr. WILSON. I knew you would; there never could be any ill feeling between the gentleman from Iowa and myself.

Mr. HENDERSON, of Iowa. I know that; and I want that acted on by your friends.

Mr. WILSON. My friend, let me say to you that we do act upon it. That is the feeling which animates us; we try to have you understand that there is for all of us identity of feeling, identity of interest, identity of fortune, North and South [applause]; that there is for us one common career of greatness or of disaster, of glory or of shame.

Henceforth there is for the people of the North and the people of the South no rivalry, except the generous emulation as to which shall contribute most efficiently to the glory and prosperity of the country, and which shall most worthily contribute toward the stability of our institutions, the preservation and transmission to posterity of the liberties we enjoy. [Applause.]

But, Mr. Chairman, I come now to what after all seems to me to be the key-note of the speech of my distinguished friend from Iowa. All before this is matter of inducement; I come now to what is the real object, as I understand it, of his argument. The intent of his speech is plain. Descanting in just and eloquent phrase, to which we could all respond upon this floor, on the debt of the country to its soldiers, a debt and an obligation it is the pride of the people to bear without measuring too closely its burden upon the public Treasury, he turns to the chairman of the Committee on Ways and Means and uses this language:

I would say to that committee go slow in reducing taxes.

Mr. HENDERSON, of Iowa. Finish my sentence, Friend WILSON.

Mr. WILSON. That is all of the sentence.

Mr. HENDERSON, of Iowa. No, sir; take it in connection with the context.

Mr. WILSON. I will read the gentleman's exact language from the RECORD:

That is my policy, and I caution gentlemen of the Ways and Means Committee: gentlemen, go slow in reducing taxes.

Mr. HENDERSON, of Iowa. Yes; go slow in connection with the idea which I had been discussing before, that you may not deprive those who are entitled to it of that which is justly their due.

Mr. WILSON. No; the gentleman did not say that. He was discussing the tariff then. [Laughter.]

Mr. HENDERSON, of Iowa. No; I was showing the necessity of preserving our ability to pay what is due to the soldiers.

Mr. WILSON. You were making a speech on the tariff, as I will show.

Mr. HENDERSON, of Iowa. I beg your pardon——

Mr. WILSON. Let me read further what the gentleman says:

First make sure of what you are about, read the reports of your Government before you go further. Make Johnny Bull pay for the privilege of coming into the rich markets of America to transact his business in competition with our home producers.

Is not that tariff talk? [Applause and laughter.]

Mr. HENDERSON, of Iowa. Yes, to that extent; but in order that you might not cripple yourselves so that you could not pay the pensions which you owed to our soldiers.

Mr. WILSON. Mr. Chairman, I hope I shall not be offensive if I say that it seems to me that the sole remaining mission of the old party that lags superfluous on the stage, is to resist the reduction of taxes. [Applause and laughter.] Its very good masters, and our very good masters, whom in the long stretch of your vicious fiscal policy you have taken into partnership with the Government in levying taxes upon the people, force you to go slow in the reduction of taxes. What matter to them that the same grave burdens of taxes oppress the people to-day that they took upon their shoulders in the stress of a great war and in the spirit of patriotic sacrifice which then animated them? Their cry is still the one echoed by the gentleman from Iowa, "Let us go slow in the reduction of taxes." [Applause.]

Mr. Chairman, what boots it to those gentlemen that distress stalks abroad in all the land to-day? What boots it that there are so many thousands and tens of thousands of the laboring men of the country who find the struggle for bare necessities of life becoming harder and harder every day? What boots it that the specter of want has this very winter taken his seat, an unbidden guest, by the fireside of hundreds of thousands of the toiling men of the country who ask not charity or alms, but for the bare privilege, before God, of getting an honest day's work at an honest day's pay. Go slow in the reduction of taxes! [Loud applause.]

Mr. Chairman, as I read the history of liberty, resistance to illegal and excessive taxation has been the mother of free government. Out of this resistance has been evolved, if I may use the expression, these very institutions which we now enjoy. I am not here to-day, or at any other time, to suggest a change in the fiscal system of the country; but I say that the danger to our institutions to-day exists in the fact that Federal taxes are indirect, insidious, and hidden. They come to the home of every man in the country, no matter how humble he may be, how destitute he may be of the common necessities of life, that they may exact from him their daily tribute. There is no hut in all this land so humble that from it a contributory rivulet does not flow into the great stream that brings this $300,000,000 into the Federal Treasury. [Applause.]

Ah, Mr. Chairman, if there could be presented to the laboring men of this country, to those men that are to-day organizing themselves into associations, conscious of a great hurt and perhaps not always knowing the sources of it, if there could be presented to each one of these men a plain statement, at the end of every year, of the taxes exacted from him, the taxes that have come into the Federal Treasury, the taxes that have gone into the private coffer, we should see a change in the tone of discussion in this House and a change in the method of dealing with public moneys. Not even the gentleman from Iowa [Mr. HENDERSON], bold and courageous as he is, would dare to ring over this assembly the command, "Go slow in the reduction of taxes;" he would rather like all the rest of us say, "Go slow in the expenditure of taxes." [Applause.]

Mr. Chairman, I have said what was the lingering mission of the party represented by the gentleman from Iowa. The day is coming when that last citadel at the other end of this Capitol which it still holds, a citadel, where I fear corporate influence and the power of wealth are stronger than the voice of the people, will pass away from it, and it will sink into the grave of dead and buried parties and the moss will gather upon its tombstone. Then my friend from Iowa—and nobody will be better entitled to perform that pious task than he—will come as Old Mortality to remove the moss and renew its epitaph, and I fancy the inscription over which he will bend with most tenderness, and carve again with greatest distinctness, will be that which recites a truth that no man will ever controvert—that in all its history the old party went "slow in the reduction of taxes." [Applause and laughter.]

Mr. WILSON, at the conclusion of the above remarks, yielded what remained of his time to Mr. MATSON.

The CHAIRMAN. The gentleman from West Virginia has five minutes of his time remaining.

Mr. TOWNSHEND. I suggest to the gentleman from Indiana to reserve his five minutes until he can get his hour.

Mr. MATSON. I am wholly indifferent as to that. I am willing to proceed now with what I have to say, although in five minutes it will be impossible for me to do so.

The CHAIRMAN. At the end of the five minutes the Chair is to recognize the gentleman from Kansas [Mr. RYAN].

Mr. HOLMAN. I shall ask at the end of the five minutes to be recognized with the object simply of yielding my time to my colleague so that he may proceed continuously.

Mr. RYAN. I have no objection to that arrangement.

Mr. MATSON. Mr. Chairman, I think that the savage assault made by the gentleman from Iowa [Mr. HENDERSON] upon the Commissioner of Pensions in relation to the letters that had been written by him to the chairman of the Committee on Appropriations was entirely unjusti-

fiable. The Commissioner of Pensions insists that the figures that are given by him in the first letter, which the gentleman from Iowa criticises, are absolutely correct. He insists, and the letters show the facts to be, that he stated as the total result—not the cost—of the repeal of the limitation the sum of $302,000,000 with some odd figures. He insists that that is absolutely true, because there must be that much money expended on account of arrears if the arrears limitation act is repealed. And so he maintains that that proposition is correct.

The charge of the gentleman from Iowa that the Commissioner of Pensions in making this statement embodied a lie in it is a pretty broad and serious charge, and one that ought not to be made unless it appears by the paper itself that the Commissioner of Pensions did intend to mislead the country and to mislead the House upon this proposition. There is no evidence of anything of the kind. There is no evidence either that the Commissioner of Pensions attempted to intimidate the House or intimidate the country upon this proposition. On the contrary, I think the gentleman from Iowa knew that the Commissioner of Pensions in his annual report had stated an argument in behalf of the repeal of the limitations of the arrears act. I think he knew too that he subsequently testified before the Committee on Invalid Pensions, on the 9th of February, long before the gentleman from Iowa saw fit to make this charge in the House. I think he must have known the Commissioner of Pensions presented an argument there stronger perhaps than any other ever presented on the subject.

Mr. HENDERSON, of Iowa. Will the gentleman permit me?

Mr. MATSON. Certainly I will; because I want to know whether you knew it.

Mr. HENDERSON, of Iowa. Since the gentleman refers to what I knew as going on in the committee, or rather with members of the committee, I will frankly state that I heard repeated, after Commissioner Black gave these figures, which I could not drive him from until I got him into the committee-room—I did hear that the Democratic chiefs of this House, the leaders of the Democracy in this House, brought all their influence to bear upon the Committee on Invalid Pensions to keep them from reporting the bill for the arrearages of pensions. That I heard, and that I admit to my friend from Indiana.

Mr. MATSON. So far as that is concerned, Mr. Chairman, I want to say——

The CHAIRMAN. The time of the gentleman from Indiana has expired.

Mr. HOLMAN was recognized, and gave his time to Mr. MATSON.

Mr. MATSON. I want to say to the gentleman from Iowa that so far as any influence is concerned, brought to bear by the Democratic chiefs of this House, whoever they are, whether it came from high or low sources, the Committee on Invalid Pensions has stood by the proposition, as it stood before this letter was written, and all the time and all the way through.

Mr. HENDERSON, of Iowa. Will the gentleman allow me?

Mr. MATSON. I will.

Mr. HENDERSON, of Iowa. In my remarks on Thursday last I said, as the gentleman will bear testimony, that I did not believe that those influences would intimidate the committee of which he is the honored chairman.

Mr. MATSON. There. Then that matter is disposed of. But why does the gentleman want to escape from the proposition that I make? Why does he seek to divert the attention of the House from the consideration of this question as to what General Black has done and whether the gentleman himself has acted fairly toward General Black? Why does he avoid that question and lug in this proposition about somebody else? I ask him whether he did not know that General Black had expressed himself in favor of this repeal of the restriction in the arrears act?

Mr. HENDERSON, of Iowa. I will answer the gentleman. I say that after General Black, in the kindliest manner, had had his attention squarely called to his misstatement of figures, and had allowed his official position to be used by abler brains and subtler minds to try to kill this movement to pass an arrearage-of-pensions law, I arraigned him for having struck with a mailed hand his comrades of the Army whom he had professed in his report to befriend, and I retract nothing, for I stand on solid ground.

Mr. MATSON. Still the gentleman refuses to say whether he did not know the fact that General Black had made this recommendation in his report.

Mr. HENDERSON, of Iowa. Not when I made my remarks.

Mr. MATSON. The fact remains that General Black did recommend in his annual report the repeal of the limitation, and that he was the first Commissioner of Pensions that ever did recommend it. I will send an extract from his report to the Clerk's desk to be read.

Mr. HENDERSON, of Iowa. I understand what his report is very well. You are right about that.

Mr. MATSON. Because the gentleman from Iowa [Mr. HENDERSON] chooses to assume that General Black has made a mistake, he sees fit to arraign him here and charge him with hypocrisy and double dealing with the soldiers of the country. I ask now that this extract from the report of the Commissioner of Pensions be read, to show his real position on this question.

The Clerk read as follows:

The Commissioner respectfully calls attention to the widespread feeling that the limitation imposed by section 2 of the act of March 3, 1879, is unjust in its operations. If a soldier was entitled to a pension at any time prior to the 1st of July, 1880, no good reason is known to exist why he should not now be allowed to make proof thereof and establish his title thereto, under such restrictions and conditions as the wisdom of Congress may direct. This suggestion relates only to rights then existing by reason of disabilities, and not to the declaration or creation of new rights; it relates only to the remedy conferred and concerns only the question of a limitation in the prosecution thereof.

Mr. MATSON. Mr. Chairman, there is General Black's recommendation as Commissioner of Pensions, there is his conduct all the way through, and I submit it to this House and this country to justify him against any assault that may be made upon him by the gentleman from Iowa [Mr. HENDERSON], who has accused him here of striking his comrades with a "mailed" hand or a "maimed" hand—I do not know which the gentleman said—for both General Black's hands are maimed so that he can not use them because of wounds received in two distinct engagements. [Applause.] I do not know whether there beats in General Black's breast a heart which sympathizes with his fellow-soldiers; perhaps the gentleman from Iowa knows better than I; but I believe—I believe because General Black has shown by his conduct not only in relation to this question but in his whole administration of the Pension Office that he is the true friend of all honorably discharged Union soldiers. [Applause on the Democratic side.] More claims have been allowed, more work has been done with less complaint from the soldiers of the country, during his administration than ever before during the administration of any Commissioner of Pensions since the war, and no politics dragged into it either. [Renewed applause on the Democratic side.]

Now, Mr. Chairman, that is all I have to say upon that proposition; and I really did not intend to say anything, because I thought that my friend from West Virginia [Mr. WILSON] had said all that needed to be said much better than I could. General Black is further assailed here because he stated in this same report that the Pension Office had been "all but avowedly a political machine." Mr. Chairman, I propose to leave out those three words "all but avowedly," and make it a plain simple proposition. I say that the Pension Office was a political machine during the campaign of 1884, and I propose to prove it. Understand I do not charge Colonel Dudley with having allowed a single claim that was not proven because the claimant was a Republican: I do not charge him with having refused to allow a single claim that was proven because the claimant was a Democrat. I do not charge that. I do not believe Colonel Dudley would do that. But that is not the charge which General Black makes. More than that, he does not even mention Colonel Dudley, nor mention the Commissioner at all. But I propose to show that the Pension Office was used as a political machine, and I think it was a political machine because of the example set by the then Commissioner of Pensions.

I was a candidate in 1884 for the seat which I now hold in this House. Hon. George W. Grubbs, a Republican, was the candidate against me. The district was supposed to be tolerably close. I have read the testimony taken by the Warner investigating committee, and on page 49 I find the testimony of the chief of the division, in which all the claims of Indiana soldiers are adjudicated. That chief says——

Mr. BROWNE, of Indiana. What is the page?

Mr. MATSON. Page 49, beginning at the bottom of the page. John M. Comstock, the chief of that division, says that during that campaign Colonel Dudley directed him to treat this gentleman, Mr. Grubbs, who was a candidate against me, with the same courtesy that he would a member of Congress, and that in pursuance of these instructions every privilege accorded to a member of Congress was given to Mr. Grubbs, and that no such order was ever given for anybody else; no other candidate for Congress who was not a member was allowed such privileges.

Now I did not come here to complain about these things. I have no grievances at all. I do not desire to bring any personal grievances before the House. But I come here with this evidence to show that there was politics in the management of the Pension Office at that time. Colonel Dudley himself, if I may be allowed to call the attention of my colleague to the fact, testifies substantially to the same thing on page 243 of this report.

Mr. BROWNE, of Indiana. Two hundred and sixty-three is the page.

Mr. MATSON. Two hundred and forty-three is the number I have on my memorandum, but 263 is probably correct. At any rate I refer to Colonel Dudley's testimony, whatever may be the page.

That is not all that was done. I have here in the letter-book which Colonel Dudley himself kept in the office—the official letter-book—his letter to Major Grubbs, in which he says that he sent him two packages of these slips upon which to make calls, treating him exactly as if he were a member of Congress.

Now, I do not care anything about this matter so far as I am concerned. It is all over; and I may perhaps be allowed to say that it did not have the desired effect.

I want to go a step further in reference to that campaign. Major Grubbs, who was the Republican candidate for Congress, resided at Martinsville, the geographical center of the district I represent.

During the month of June, just before Congress adjourned, I applied at the Pension Office to have a board of examining surgeons established at Martinsville. That request was peremptorily refused. Now let us see what happened. I have here the original letter written by Major Grubbs——

Mr. BROWNE, of Indiana. My colleague will permit me to suggest that the Executive did not furnish that in response to any request on the part of the House. [Laughter.]

Mr. MATSON. No, sir; in response to my request—being a private paper I suppose. Here are the letters of Major Grubbs. I want to read them. Mark you, the Commissioner, Colonel Dudley, had refused at my request to establish a board of examining surgeons at Martinsville.

Mr. BROWNE, of Indiana. I suggest to my colleague that he send all the letters to the Clerk to be read.

Mr. MATSON. I will read them myself. I have here a letter written by Major Grubbs——

Mr. TOWNSHEND. Your opponent.

Mr. MATSON. My opponent. The letter is dated Martinsville, Ind., August 13, 1884:

Col. W. W. DUDLEY:

The best thing that could be done for me in this district, where I need it most, is the appointment of a board of medical examiners at this point. Soldiers of all the counties adjacent are urging it, and have their hearts set upon it. If it could be secured, presumably through any efforts of mine, it would greatly benefit me.

[Laughter on the Democratic side.]

I certainly need every aid that can be afforded, and with it I think I can win

[Renewed laughter.]

Now, let us see what Colonel Dudley said in reply. I have here his reply, dated August 16, 1884. I read from his letter-book:

Hon. GEORGE W. GRUBBS, *Martinsville, Ind:*

DEAR SIR: Your favor of the 13th at hand. I have directed that your inquiries in regard to pension cases shall have prompt attention. As to the establishment of a board of surgeons at Martinsville, I will have the matter canvassed by my medical referee as soon as possible, and if practicable it shall be done.

[Laughter.]

You need not be assured that my best wishes are for your success.

[Applause on the Republican side.]

Yes, but he did not succeed.

Now, Mr. Chairman, I have no unkind feeling for Colonel Dudley. He knows that. Although all this was done, I was disposed to say no more about it, to let it go; and even when General Warner's committee was in session he knows I did not bother about it at all, and did not give him or any member of the committee any information. Once they discovered something in my district, but it was a matter I cared nothing about until it was stated here that General Black had charged upon Colonel Dudley that which could not be proved. I thought it could be. I made here a plain statement of the fact. What did it show? Let us go a step farther. Mr. Grubbs got the board, and the Pension Office now contains slips showing that he asked men to be sent to Martinsville to be examined, and he did not want them to go anywhere else. The board was organized promptly—long before the election.

What else? There are six witnesses who testified before General Warner's committee that it was directed in the Pension Office that no rejections should be made; that this order was given in September, 1884, and that no rejections ever were made until after the election. It was well understood all through that office that this order was made for the purpose of preventing voters from taking offense at the Republican party. Here are the names of the six witnesses who testify on this point (I ask my colleague to take a note if he wishes): William Smith, page 35; J. D. Fardon, page 38; William T. Fisher, page 42; Edwin L. Chapman, page 43; Charles F. Rundell, page 48; and T. F. Kinney, page 46.

There they are, these witnesses who say that no rejections whatever were permitted in the divisions in which they were at work in order that they might not give offense to voters, and thus induce them to vote the Republican ticket. Not only that; here was the fact, the great, controlling fact. The reason why the Pension Office became a political machine was because Colonel Dudley left it, not resigning, but carrying it over the election—leaving the office and resigning as Commissioner, but carrying the resignation over until after the election and going into the State where the battle of the campaign was supposed to be fought.

Mr. HEPBURN. Will the gentleman permit me to ask him a question?

Mr. MATSON. Certainly.

Mr. HEPBURN. Did he not leave it in charge of Colonel Clark, and did not Colonel Clark testify before that same committee he was a Democrat?

Mr. MATSON. I presume he did not.

Mr. ROGERS. If the gentleman from Indiana will permit me I will answer the question.

Mr. MATSON. Certainly.

Mr. ROGERS. He did not testify he was a Democrat.

Mr. MATSON. Colonel Dudley went to Ohio Nobody denies that. You say he was not acting as Commissioner. Let us see whether he was or not. What did he do on the 5th of September, 1885? Why did he send this to E. G. Rathbone, chief of the special examination division, that vast machine of special examinations by which all this work was done? Why did he send this dispatch if he was not acting as Commissioner of the Pension Office:

COLUMBUS, OHIO, 9, 5, 1885. (September 5.)

To E. G. RATHBONE,
Care Colby:

Send Noble to Durnan for the present at once.

W. W. DUDLEY, *Commissioner.*

It is signed, as you see, W. W. Dudley, Commissioner. Noble was special examiner, and Dudley was exerting his power as Commissioner in directing the movement of these men, and, as I have already shown by this testimony, for political ends. It will be observed he signs his name as Commissioner.

More than that. On the 16th of October Colonel Dudley returned to Washington and resumed his place at the desk of the Commissioner for a week or more. Talk of his resigning! Listen to what is uttered under oath by one of the employés then in the Pension Office.

Afterward, about the middle of October, Colonel Dudley returned from Ohio, and on arriving at the Pension Office was generally congratulated upon the success he had met with in the management of the Ohio campaign. Deponent is unable to name the various parties who made these congratulations; it was almost in the shape of a levee; it was in the main building, on the corner of Twelfth street and the Avenue, and at the time deponent met and spoke with Colonel Dudley there was quite a little crowd, probably fifteen or twenty people, and more coming and going.

Deponent states that in reply to these congratulations Colonel Dudley said that they had done well there, and it was a good precursor of the election to ensue.

He came back to Washington, not for the purpose of assuming the duties of his office as Commissioner of Pensions, but in order to be congratulated for his success in Ohio! That is why he did it, is it? Does that look as if he acted as Commissioner or not? He came back after the Ohio campaign and was congratulated in the very office of the Commissioner of Pensions for what he did. It was that pernicious influence of Colonel Dudley to which I refer.

Mr. STEELE. Colonel Dudley's family was here. He made up his mind to live here, and he does live here. It was natural that he should come back here.

Mr. MATSON. He made up his mind before. He testified before the committee that his legal residence was in the State of Indiana, and perhaps he wanted to go back there to take the same part that he did in 1880, along with Dorsey and the rest. In 1884 he went to Ohio and there exercised his splendid powers in the organization of the politics of that State. I make no more criticism than this, that he is such a bitter, earnest, intense partisan he could not keep out of politics if he would. I have only that to say about Colonel Dudley. It is a notorious fact. Yet you will assail General Black because he alludes to these things which are notorious and known to everybody.

Mr. CUTCHEON. Will the gentleman permit me to ask him a question?

Mr. MATSON. Certainly.

Mr. CUTCHEON. It is in regard to the examining board at Martinsville. Does the gentleman understand that it was established or not?

Mr. MATSON. It was at once.

Mr. CUTCHEON. Has it been discontinued?

Mr. MATSON. It has, except we have turned out some Republicans and put in some Democrats. [Laughter and applause.]

Mr. CUTCHEON. The point I wish to get at is this, whether it was established, and, if established, whether it has been continued.

Mr. MATSON. Yes, it was established and it has been continued.

Mr. CUTCHEON. If the present administration continues it, then it does it because it was a good thing to establish it.

Mr. MATSON. I wish to call the attention of gentlemen to the facts about these boards. Here are the figures. There are now on the roster 2,227 examining surgeons. General Black has appointed altogether less than half—1,024.

Yes, Mr. Chairman, 2,227 altogether are on the roster, and less than one half of that number, or 1,024, have been appointed by General Black.

Now, General Black authorizes me to say that less than a hundred, perhaps not more than fifty, Democrats had been appointed on these boards of examining surgeons and as single surgeons prior to the time when he took possession of the Pension Office as Commissioner of Pensions.

Mr. BOUTELLE. Will the gentleman permit a question at that point?

Mr. MATSON. Oh, certainly.

Mr. BOUTELLE. I would like to ask him how the Commissioner of Pensions ascertained the number of Republicans and Democrats occupying these positions.

Mr. MATSON. Well, I suppose he knows a Democrat from a Republican. [Laughter.]

Mr. BOUTELLE. Especially as these men are scattered all over the United States.

Mr. MATSON. Very well; now just be still and I will tell you.

Mr. BOUTELLE. Oh! certainly I will.

Mr. MATSON. I do not mean to be disrespectful at all; but if the gentleman will just be patient I will give him the information.

Mr. BOUTELLE. And I want to ask in this connection——

Mr. MATSON. Let me answer one question before you begin another.

Mr. BOUTELLE. I only want to give you another one at the same time, so that you may consider both together.

Mr. MATSON. One at a time.

Mr. BOUTELLE. Very well.

Mr. MATSON. The gentleman wants to know how General Black knows a Republican from a Democrat. Now, here is a document which I hold in my hand with Colonel Dudley's sign-manual appended to it. Here is the original instrument from which the circulars were printed, and under which these boards of surgeons were to be organized in pursuance of the act of 1882. Let me read a portion of that to the gentleman:

DEPARTMENT OF THE INTERIOR, PENSION OFFICE,
Washington, D. C., February 6, 1882.

DOCTOR—

This, remember now, is the original article; it is not a copy, but the original, bearing the signature in writing of the Commissioner himself—

DOCTOR: Proposing to organize a board of examining surgeons in your city, I write to ask that you will give me a list of your most prominent physicians, from which to make the selection.

Then he goes on to prescribe what shall be their fitness; that they shall be selected because of their professional and personal standing, two of whom in connection with the party to whom the letter was addressed to constitute the board, and winds up with—

They should be Republican in politics.

[Laughter and applause.]

Does that answer the gentleman's question? Now do you not see how they could be recognized? I have not taken any printed circular from which to read this information for you, but here is the original document, with Colonel Dudley's name upon it, from which the printed circulars were made, prescribing as the important, essential qualification that they should be Republican in politics.

Mr. BOUTELLE. Now I hope the gentleman will answer the other question.

Mr. MATSON. Certainly, if you ask one at a time.

Mr. BOUTELLE. I want to ask the gentleman now if it is not understood that Commissioner Black, upon his accession to the office, gave out publicly that he proposed to organize the examining board on the basis of two Democrats to one Republican.

Mr. MATSON. He did. [Cries of "That was right!"]

Mr. BOUTELLE. Is not that true?

Mr. MATSON. Let me answer that.

Mr. BOUTELLE. Well, answer it.

Mr. MATSON. Now, he did it in every instance except perhaps in a half a dozen cases; one in the city of Cincinnati, where political feeling ran so high between the Republicans and Democrats that I presume he thought they could not work together, and I think that fact is so well known that it will hardly be denied and certainly my friend Mr. BUTTERWORTH, if present, would subscribe to it.

Mr. BROWNE, of Indiana. If they had appointed a Republican the Democrats would have counted him out by a returning board. [Laughter.]

Mr. MATSON. Very likely; and if they did not the Republicans would, for they have a very mixed state of politics there.

But, Mr. Chairman, General Black made five or six exceptions; that is all. I asked him the question, and there are only five or six boards; whereas the board that contained a Democrat under Republican administration was an exceedingly rare exception. Is not that true? I have inquired all around me of my colleagues who reside in what may be called the pension district of the country, and every one of them with whom I have spoken tells me that in his district there were no Democrats on the board under the Republican administration. I remember my friend from Iowa, Colonel HEPBURN, said that there were some in Iowa. Some other gentleman made the same remark, but they were exceptions. Now, on the contrary, it is an exception where there is a board that has not a Republican on it under the Democratic administration.

Mr. Chairman, my friend from Iowa [Mr. HENDERSON] saw fit in his speech the other day to assail this side of the House, and he seemed to take special pleasure in hitting a head wherever he could find one, except that he did not hit mine. I do not mean to say anything unpleasant about my friend or anybody else, but he saw fit to assail the members of this House who voted against the widows' pensions That did not do any good. That vote had been taken, and he might just as well have assailed General Grant because he vetoed the bill equalizing the bounties of soldiers. Just as well. That was a bill that was intended, and would by its operation have benefited more soldiers than any bill that has ever been seriously considered by Congress.

Why not, unless you wished to make political capital by your speech—why not assail all who from your standpoint had voted against the interests of the soldiers?

Mr. STEELE. I have introduced a similar bill before your committee, which I hope will give it favorable consideration.

Mr. MATSON. The gentleman has no such bill before our committee. Such a bill goes to the Committee on Military Affairs.

Mr. STEELE. I beg your pardon. It has been referred to the Committee on Invalid Pensions.

Mr. MATSON. If it has, it has been so by mistake. Nobody ever heard of it before. The Committee on Military Affairs has exclusive jurisdiction of that matter of bounty. And if it happens that this bill is before our committee, there are forty such bills before the Committee on Military Affairs, of which the gentleman from Indiana is a member.

Mr. STEELE. In the Forty-eighth Congress I had this bill referred to the Select Committee on Pensions, Bounty, and Back Pay. In this Congress no such committee was appointed, and I was told by the Speaker that it would properly go the Committee on Invalid Pensions, and it was so referred.

Mr. MATSON. That is neither here nor there. Why did not my friend arraign the Forty-seventh Congress? There was a whole Congress, Republican at both ends of the Capitol, that stood there two sessions and passed no bill for the benefit of the soldiers of the country except one to increase the pensions of one-armed and one-legged soldiers; and that was engineered through the House by the great and venerable man from Pennsylvania, Governor CURTIN. Why did you not assail that Congress if you wanted to hit heads as to what may or may not have been done?

Mr. STEELE. In that Congress I introduced a bill very late in the session and it was not acted on.

A MEMBER. Why did you introduce it so late in the session?

Mr. MATSON. It is impossible for me in the confusion to hear what the gentleman from Indiana [Mr. STEELE] says. Allow me to hurry on, for I am occupying more time than I should. In relation to this arrears matter, that seems to be the red flag that aggravates my friend from Iowa [Mr. HENDERSON].

Mr. HENDERSON, of Iowa. Will the gentleman allow me?

Mr. MATSON. Certainly.

Mr. HENDERSON, of Iowa. Will the gentleman kindly state whether he approves of the vote I referred to?

Mr. MATSON. What vote?

Mr. HENDERSON, of Iowa. The vote against the increase of the widows' pension.

Mr. MATSON. I approve of every man exercising his own judgment. [Applause.] I did not vote that way, of course. But I am not here to denounce a man for his vote because he did not agree with me.

Mr. HENDERSON, of Iowa. Neither did I denounce them.

Mr. MATSON. Then there is no issue between us.

Mr. HENDERSON, of Iowa. Will you answer my question. Do you approve of that vote?

Mr. MATSON. Do you mean would I have voted that way? Why ask that question when I voted for the bill?

Mr. HENDERSON, of Iowa. Ah! Are you defending that vote?

Mr. MATSON. I say those gentlemen had a right to vote as their conscience and judgment dictated.

Mr. HENDERSON, of Iowa. A ten-year old child knows that. Do you defend that vote?

Mr. MATSON. I am not called upon to defend it. They are able to defend themselves.

Mr. HENDERSON, of Iowa. I do not want to embarrass the gentleman.

Mr. MATSON. I want to embarrass you about this arrear business. Give me a little chance to do that. [Laughter.] What has your party done in relation to arrears? Why, in the Forty-seventh Congress, when your party was in the majority in both ends of the Capitol, and the Executive, too, where was your measure you might have passed extending the benefit of the arrears act? Why did you not pass such a measure if in earnest about this thing? More than that: how is it your party met in national convention in 1884 and there solemnly declared to the people of this country that you were in favor of repealing that limitation in relation to the arrears of pension; and yet before that moon had changed, in that Republican Senate enough Republican votes were cast against the bill to forever kill it? And yet you stand here and say your party is the especial champion of this bill in relation to the arrears of pensions. Why is it that your Senate has not originated a measure of this kind—the Republican Senate? They have as much power as the House has. How is it that you are arraigning members of the Democratic side of this House as being derelict of their duty and let Republicans go scot free?

Mr. HENDERSON, of Iowa. Will my friend allow me?

Mr. HAMMOND. No, no.

Mr. MATSON. I have promised to yield to the gentleman from Georgia [Mr. HAMMOND], and he objects. The gentleman from Iowa will have time to reply.

Now, I want to submit another proposition. My friend from Iowa

championed the widows' bill, and I was glad to have him champion it, but I would have been better pleased if he had given it as much force when the bill was under consideration as he did afterward. He did not do much good then in the way of hitting heads.

Mr. HENDERSON, of Iowa. Does the gentleman mean to intimate that I did not help the passage of that bill?

Mr. MATSON. You did help it by your vote.

Mr. HENDERSON. Did I not vote and speak for it?

Mr. MATSON. I say you spent your force about it after the thing was over.

Mr. HENDERSON, of Iowa. No, sir; on this floor I fought for that measure side by side with the gentleman from Indiana.

Mr. MATSON. If what I have said is offensive to the gentleman, I will say he did all he could for the bill.

Mr. HENDERSON, of Iowa. I do not know that it matters much what the gentleman says about it, but I want the history of the matter to be correct.

Mr. MATSON. That is quite right. The gentleman was for it, and that is enough. But I still insist that he became much more vehement after the contest was over than while it was on. [Laughter.]

Now, then, that was a good bill. The gentleman and I will agree upon that proposition. That was a righteous bill. But I want to ask him if he does not know that the Republican Senate, by reason of holding that bill for more than a month, has deprived the widows of this country of more than half a million dollars which they might have received under it if the Senate had acted promptly upon the bill?

Mr. HENDERSON, of Iowa. In answer to the gentleman's question I will say that I have inquired into that matter more than once, and have been informed that the reason of the delay is that the chairman of the Senate committee in charge of the bill, Senator MITCHELL, was absent on account of sickness. That is the reason given to me.

Mr. MATSON. Mr. Chairman, it is a poor excuse to say that one Senator out of forty-three Republican Senators can, by reason of his accidental sickness, deprive the widows of this country of the benefits of a bill when time is of the essence of the relief proposed. Here we have the last, and for that reason the hardest, month of the winter, when the widows of the country ought to have the benefit of that legislation, and would have it but for this delay on the part of the Republican Senate. Yet gentlemen arraign the Democrats of this House for dereliction of duty and have no word to say about the shortcomings of their own political brethren!

Mr. HENDERSON, of Iowa. Will my friend still exercise his kindness so far as to permit me to ask him if he has not found that he has to practice a little delay in his committee on the arrears bill?

Mr. MATSON. No, sir; we are not delaying the bill.

Mr. HENDERSON, of Iowa. After it was agreed to be reported it was hung up in air for some time, was it not?

Mr. MATSON. No, sir; it is not hung up. As I have already stated, there never has been a single change in our committee in respect to that bill, and every member of the committee will tell you the same. The bill stands unchanged, except as to one or two little matters.

Mr. STEELE. If my colleague [Mr. MATSON] will allow me, I wish to make an explanation. I do not want to do him injustice, and on looking at my bill I find that when I said it had been referred to his committee I was mistaken. It was referred to the Committee on War Claims.

Mr. CURTIN. If the gentleman will allow me, I will add, for the satisfaction of the House and the benefit of the widows, that I trust that Senator MITCHELL is better. [Laughter.]

Mr. MATSON. Now, Mr. Chairman, figures of every kind have been made in relation to this subject, and some of us have figured in the speech of the gentleman from Iowa in one situation and some in another, but the next time he goes to make up his hell accounts and his damnation balances I want him to take into consideration this page of our legislative history, which shows this delay and dereliction of duty on the part of the Republican party in relation to legislation for the benefit of the pensioners of the country.

Mr. Chairman, I ask to have this circular issued by Commissioner Black in relation to the appointment of examining surgeons printed as a part of my remarks. I now yield the floor to the gentleman from Georgia [Mr. HAMMOND].

The circular of Commissioner Black is as follows:

DEPARTMENT OF THE INTERIOR, PENSION OFFICE,
Washington, D. C., ——, 188-.

DEAR SIR: Upon the suggestion by reliable parties of proper surgeons for the various pension examining boards, there will be sent to each physician, so designated and subsequently selected by the Commissioner, Form No. 3-355, herewith inclosed, and also the blank "Personal Report," to be filled in and returned by the surgeon named for appointment. Upon the return of such report so filled in, if the medical and personal history of the candidate shall be found to be complete and satisfactory, a notice of appointment will be sent to the surgeons so selected, and also the blank oath prescribed by law, copies of which two last-named papers are herewith inclosed.

Upon compliance with the requirements set forth in said blanks, a formal appointment will be made out and the necessary routine orders for the organization of the board will be forwarded to each surgeon so chosen and appointed.

You ask what are the requirements which are deemed essential by the Commissioner of Pensions in the selection of examining surgeons. They are:

First. Appointees must be men of personal honor and integrity, for if the surgeons be lacking in these qualities, it is almost impossible to prevent numerous frauds being committed against the Government.

Second. They must be men of tried professional ability and experience, at least five years of active professional practice being considered essential.

Third. They must be men of diligence, men who would be unwilling to make a slip-shod examination in any case or subscribe to the work of others.

Fourth. Where the above requisites are combined, the Commissioner prefers the appointment of men who have been in the military service of the United States.

Boards to be organized and reorganized will consist in every case, where the above requisites can be combined, of two Democrats and one Republican, it being one of the aims of the Commissioner to strip this branch of the public service of all partisan bias, and to render these boards what they should be, safeguards to the public Treasury, as well as just witnesses to the rights of lawful claimants against the Government.

Boards will be established whenever the public interest demands. The increase in their number being no appreciable increase in expense, the pay being for each separate examination.

Very respectfully,

JOHN C. BLACK, *Commissioner.*

Mr. HAMMOND. Mr. Chairman, so much better and more fully has the matter which I desired to present to the committee been presented by others this morning that I would have preferred that the gentleman from Indiana [Mr. MATSON] had gone on without publishing the fact that he had promised to yield the floor to me. There are, however, two points to which I desire to call the attention of the committee. I am very glad that the first will rest upon the background which has just been made. I have not the pleasure of the acquaintance of Mr. Dudley. I took it for granted that he was a distinguished gentleman, a man in every regard worthy, and had no idea that he had neglected his public duties when he was a Government official to the extent and for the purposes which have been proven in this debate.

He himself admitted in the testimony which has been alluded to, at page 264, that he absented himself from his office for sixty-one days for the purpose of conducting a political campaign. The gentleman from Indiana [Mr. BROWNE] who undertook to defend him when this bill was up before made no remark in his defense except that he had tendered his resignation before he left Washington, and that he only accepted the month's extra pay in consequence of great urging. Mr. Chairman, he tendered his resignation some time between the 5th and the 21st of September, to take effect on the 10th of November. During all that time, as we have it proved, he was away from his office attending to partisan politics. Some gentleman on the other side of the House asked if he was an "offensive partisan." That is exactly the picture of "offensive partisanship" drawn by the present Democratic Executive, and drawn always by the Democratic party.

I appeal to the history of the last Democratic administration, and ask the Clerk to read a letter written by Howell Cobb, when Secretary of the Treasury, in answer to a request by an official in his Department that he might go to his home and make political speeches.

The Clerk read as follows:

MARCH 30, 1857.

DEAR SIR: I reply to your letter at once that you ma ynot misinterpret my silence into an approval of your suggestions. I do not think that a citizen loses his political identity or independence by accepting office under the Government. He does, however, commit himself to the service of the country to the utmost extent required for a faithful discharge of the duties of his position. His political associates ought not to expect of him any service to his party at the expense of his duty to the Government. Holding as you do an office of great pecuniary responsibility, and one requiring your constant personal attention, I can not sanction the propriety of your absence from your post for the purpose of an active engagement in the approaching election of your State.

No one regards with more interest than I do the success of the national Democratic party at this important period in our history. But that success must not be purchased at the expense of the public interest, which might be the case if those holding high and important offices should absent themselves from their posts to conduct the canvass. Regarding your letter in the light of an application for leave of absence, I have withheld my approval for the foregoing reasons.

Very respectfully,

H. COBB, *Secretary of the Treasury.*

Mr. HAMMOND. Mr. Chairman, such was the language of the Democratic party when it was heretofore in power; such has been proclaimed the principle of the Democratic party since it has again come into power. It has been declared that when a man becomes a public officer he may think what he pleases, say what he pleases, and do as he pleases, except that while he holds that public trust his services are to be given to the public and not to his party. The President of the United States says to the people to-day, as Jeremiah said to Israel offending, "Stand ye in the ways, and see, and ask for the old paths, where is the good way, and walk therein, and ye shall find rest for your souls."

Having given publicity to that piece of Democratic history, which the conduct of the Republican party has caused the world to forget for twenty-five years, I desire to say no more upon that line.

What I had further intended to say has practically been anticipated in an excellent manner by the gentleman from West Virginia [Mr. WILSON]. Yet because I have the dates I will go over them. I will first remark that prior to the late war widows' pensions were never fixed, as I remember, at so much per month. The practice from 1798 down to the time of the late war was to give to widows, for five years at a time, the half pay of their dead husbands; and in order, I suppose, that this provision might not be abused, the allowance was renewed in terms of five years. So the law stood up to July 14, 1862. On that day the Congress of the United States first passed the law which, among other things, fixed the pay of non-commissioned officers, privates, and musicians at $8 a month. In the second section of that law it was declared that in case of their death from wounds, &c., the widow should

receive the same pay which had been allowed to the husband. That was the beginning, according to my recollection, of this allowance of $8 a month; and that was the answer to the question which I propounded in the debate when this bill was last before the House.

The first change as to widows' pensions was made June 6, 1866. On that day negro widows were put on the same footing as to pensions with the widows of white soldiers. On February 18, 1867, the pensions of widows of Revolutionary soldiers, married on or before the 1st day of January, 1800, were made equal to the pensions of widows of those who had served in the late war. On July 27, 1868, a pension at the rate of $8 a month was allowed to the widows of all Revolutionary soldiers. By act of February 14, 1871, the widows of the soldiers of the war of 1812 were allowed a pension at $8 a month provided they were married before the treaty of peace. In 1873 widows' pensions were increased after July, 1866, not by a direct allowance to the widow, but by an allowance of $2 a month for each child under sixteen years of age who was the child of the dead soldier.

I mention these things simply to show that although the subject of widows' pensions has been up half a dozen times since the war, no man ever proposed to increase those pensions until this Congress.

Mr. BROWNE, of Indiana. Will the gentleman from Georgia allow me to correct his statement?

Mr. HAMMOND. Certainly.

Mr. BROWNE, of Indiana. During the last Congress the Senate appended to the Mexican-war pension bill an amendment by which the widows' pension was put at the same amount at which it is placed by the legislation recently passed in this House.

Mr. HAMMOND. And that was done with the express purpose of defeating the Mexican pension bill; nothing else. They knew and the gentleman knew that the measure could never be passed in that shape. When the session was nearly at an end an immense amount of pensions was piled on that deserving bill for the purpose of crushing it. Now, when money is worth, in everything that it takes to feed and clothe the widows of the soldiers, twice as much as it was when this rate of $8 a month was established, the gentleman from Iowa [Mr. HENDERSON] arraigns the Southern members of this House for voting against the increase, though his party has kept the pensions at $8 per month all this while.

I was in earnest when I moved to extend his time for the honorable mention of my name in that list.

These facts answer his argument. The stuff in his speech as that "the Constitution is thrown in our faces as a shield to cover an almost solid vote against that little pension bill" needs no answer. No constitutional question arose in that matter. The bitter gall in that speech against men whom he takes by the hand daily as his friends does not need reply. The spirit of the speech, not only in manner but in the cold printed words, carries its own condemnation. He needed no more reply when he himself consigned the confederates to hell and then intensified their hell by his expressed intention to be there with them. [Great laughter and applause.]

Mr. HOLMAN. If I have any time left I will yield it to the gentleman from Pennsylvania [Mr. SOWDEN].

The CHAIRMAN. The gentleman has five minutes of his time remaining.

Mr. HOLMAN. Very well; I will yield it to the gentleman from Pennsylvania.

Mr. SOWDEN. Mr. Chairman, on the occasion when this debate was in progress, February 26, the gentleman from Iowa [Mr. HENDERSON] used the following language:

> Two-thirds of all the examining surgeons of this country—men of experience, the great majority of them comrades of the soldiers, equipped with knowledge and with a kindly feeling for applicants—were stricken down and men without experience put in their places, many of them civilians.

At that portion of the gentleman's remarks I sought to interrogate him, but he declined the courtesy requested. My intention was to refute these charges and insinuations made against the present Commissioner of Pensions.

In my district we knew of no such thing as a Democrat on these medical examining boards under Republican rule. After the entrance of General Black upon the discharge of his official duties as Commissioner of Pensions we found a reversal of the old tyrannical partisan organization of these boards. In their organization he appointed two Democrats and one Republican. What more fair? How can the gentlemen on the other side of the House complain, when under their management of this important branch of the public service they could find no room for Democrats upon these boards. My brave comrade from Iowa [Mr. HENDERSON], who professes such a kindly feeling for the soldiers, does our brave comrade Commissioner Black a great injustice when he charges him with having stricken down two-thirds of all the examining surgeons of the country, and with having replaced them with inexperienced men, in the face of the facts to the contrary. He complains because civilians take the places of some of our brave comrades who were on these examining boards. Is this the fact? Let me assure my brave comrade from Iowa [Mr. HENDERSON] that in my district we have three brave comrades of ours on these boards, and two Republicans.

Why the necessity of assailing and imputing improper motives to the Commissioner of Pensions in the reorganization of the medical examining boards when he has organized them in so non-partisan a manner in the interest of fairness and justness to the soldiers who are applicants for pension. Certainly no honest claimant for pension will complain of the non-political character of the present boards, and no gentleman on the other side of the House should find fault with their complexion when he remembers that under Republican control there were no Democrats appointed to these places. Did not Commissioner Black give us this non-partisan examining board? Have we a right to ask or expect more of him?

Is it not fair to the applicants for pension? Is it not honorable and soldier-like on his part to recognize the two great political parties in the organization and constitution of these medical examining boards? Does this not give the applicants for pensions a fair and honest chance? Who will say that this is not an honest and honorable course on the part of the Commissioner of Pensions? Why then these unkind charges and unsoldierly insinuations? Gentlemen on the other side speak loudly of their love and affection for the brave soldiers who came out of the recent war, and yet have no hesitation to assail and impugn the motives of so brave and patriotic a soldier as Commissioner Black.

Mr. BUTTERWORTH. Mr. Chairman, it was not my expectation to take part in the debate upon this bill, and I rise with reluctance. I am glad to take the floor, however, because it has pleased certain gentlemen to refer to my district and to Hamilton County as the center of all that is iniquitous in politics, with a suggestion, by innuendo, that possibly Republicans were the sinners and I the *deus ex machina* there to work out the mischief. [Laughter.]

Mr. Chairman, the bill before the House is one that will probably receive the support of every gentleman on this floor. Ordinarily it does not give rise to political discussion here, but it occurred when the bill was under consideration my honored friend from Iowa [Mr. HENDERSON] very appropriately called attention to certain facts, which had their birth in the consideration of this bill in committee, and which facts were given to the country, as he asserts, for a purpose, which he pointed out. It is the fact that pending the consideration of the arrears bill before the Committee on Invalid Pension, the honorable chairman of the Committee on Appropriations addressed a letter to the Commissioner of Pensions asking for an estimate as to the amount which would be required to pay those who would be entitled to the arrears in case the bill should become a law. I do not question the necessity nor doubt the propriety of seeking such information.

But it was intimated that that inquiry had no other purpose than to prevent the committee from reporting the arrears pension bill favorably to the House. In other words, it is suggested that the country and this House were to be so startled by the array of figures and the colossal amount involved as to give them pause, even before entering upon the consideration of the measure. I do not say that that was the intention. I do say, if it was the intention it was exceedingly well-timed.

I do not charge the Commissioner of Pensions with willful intent to pervert the facts or to suppress the truth. We all know that there was in the statement an egregious error, an error of $93,000,000. The proposition being to pay arrears of pensions to those who might prove themselves entitled thereto, an inquiry was very properly directed to the Commissioner to ascertain the amount that would probably be required, so that gentlemen might intelligently judge whether the condition of the Treasury, the condition of the revenues of the country, would warrant such a beneficence, such a bounty—nay, not such a bounty, but such a measure of justice to the defenders of the Republic. There was a question as to whether the Commissioner of Pensions intended to mislead. I acquit him of an intention to mislead, nor do I believe he prepared the figures that were submitted to this House.

The numerous experts who have been so swift to pour into willing ears the scandals about the Pension Office are the persons who doubtless prepared and presented to the Commissioner the figures which he subsequently presented to the committee and the House. Those figures did mislead the House and did mislead the country, and my honorable friend from Iowa was justified and right in calling attention to that statement and criticising with some severity the carelessness that could permit so gigantic an error to pass undiscovered; and beyond that, that when discovered it should have been adhered to until the mischiefs, not possibly intended, but the inevitable mischiefs which did result and which must have resulted from scattering that gross misstatement broadcast throughout the country.

Mr. Chairman, another matter was referred to by the honorable gentleman from Iowa. He suggested to this House and to the country that he was, by such votes as were cast by gentlemen upon the other side upon the bill to increase the pensions of widows sometimes led to doubt whether there was indeed that fraternal feeling upon the part of our brethren upon the other side for which we are all longing and which we are seeking to cultivate.

There was a suggestion in his remark, not spoken in words, but its purport and effect was this: That the ashes of our dead had better still be guarded by those who went out with them to battle and who fought by their side in the ranks when they fell.

There was a suggestion that our friends upon the other side, having the feelings and impulses incident to our common humanity, might not

be as swift to do the full measure of justice to the soldiers of the Republic as those from whose hearthstones those soldiers went forth to do battle. It was a natural intimation, the logic of admitted facts.

Nor by this statement did he, nor do I, call in question the right of one solitary individual to determine for himself how he shall vote, nor do I doubt the honesty of the judgment which controls that vote, whether it be cast for or against the measure.

Mr. OATES. Will the gentleman allow me to ask him a question?

Mr. BUTTERWORTH. Yes, sir.

Mr. OATES. If it was so desirable and righteous to increase the pension of widows from $8 to $12 a month, why did not your party do it while in full possession of both branches of Congress for twenty years after the war?

Mr. BUTTERWORTH. I am coming to that. Now, my friend from Alabama calls attention to our alleged shortcomings in this respect as a defense of the course so many of his friends on the Democratic side have been pleased to adopt.

Gentlemen, you will not forget that the country has been staggering under a grievous load; neither will you forget that as the years crept on the aged and infirm, who have heretofore claimed nothing of their country's bounty, now are willing to receive it, although they are not knocking at the doors of this Chamber to demand it. You must recognize the fact that with the waning years the boys and girls growing into manhood and womanhood left the hearthstones where they had been the prop and stay of aged parents.

Those who participated in the great civil conflict, who, once in the vigor of manhood, have come to a time when their strength has failed and their steps are now feeble and they naturally turn to the Republic, which their children saved, to ask it in prayer, if not in petition addressed to this House, to keep the promises that the young republic made when the boys went forth to do battle. No father, no husband, no son at the breaking out of the war, when called upon to do battle for his country, but heard ringing in his ears this call and promise from the Republic: "Go fight my battle and I will be husband to your widow if a widow she must be; I will be a father to the orphans if orphans they must be." And to this hour the young republic has, over your opposition, not by your willing aid, kept the faith. Like Elijah's ravens it has brought bread to the hungry, the feeble, the sick, and the old. Whatever the reason for this delayed justice it does not sound in want of devotion of this side of the House to the Union soldiers of the country. But suppose, for any purpose, good or bad, this generous bounty, this righteous justice had been withheld. What is that to you? Is that a reason why you should oppose it now?

Is that the reason you do not record more than half a hundred votes for it? If it is just and generous why withhold your votes? If the justice is tardy it comes at last with a solid vote on this side of the House and with a majority against it—possibly not a majority, but half the votes against it—upon that side of the House. I am not calling in question your right to exercise your judgment. It is your right. This is our common country and a free country, and no man should be trammeled in the exercise of his judgment here or elsewhere.

Mr. Chairman, I do not care to be led away from the line of discussion which I had intended to pursue, but pause here to wonder if I realize the exact truth as it is; the history we have written, the logic of recorded events.

If we may rely upon the statements made upon that side of the House the men who guarded this Republic in its hour of greatest peril, the men who tore the fingers of disloyalty one by one from the throat of the Republic, are not now to be trusted even to guard the ashes of their dead. To the tender solicitude of those who made pensions necessary in the hundred thousand homes of this country—to their tender mercies the widows, the orphans, the maimed and the crippled throughout the land are to look with generous and hopeful confidence rather than to those from whose firesides those saviors of the nation went forth in response to their country's call. A beautiful spectacle, is it not? A beautiful picture! [Applause.]

I do not, however, purpose to leave the consideration of the Pension Office just yet. I hold in my hand the last report of the Commissioner of Pensions. I do not know what men's lips may say or will say, but in defense of the manhood of both sides of the House I submit that no man can read the part of this report which discusses the character of the force in the Pension Office and Commissioner Black's predecessor without feeling ashamed of the heart that conceived and the pen that wrote it.

I have not time to read the report, but I call your serious attention to it, and in no partisan sense, but in the interest of decent administration. There seems not to have been an avenue of scandal in all the Pension Bureau that was not drained dry, and the files were ransacked in order to befoul the retiring Commissioner. Men who are prompt to—

> Crook the pregnant hinges of the knee
> Where thrift may follow fawning,

rushed forward to bear swift witness against their former chief in order that they might become the pampered and favored menials of the present incumbent of the Pension Office. [Applause.]

A MEMBER. You appointed them.

Mr. BUTTERWORTH. No doubt we appointed them. So did the Master select twelve, but among the twelve He got a Judas. It would be remarkable if among all these the busy and interested search of the Commissioner could not find some one who would turn to slander his former chief to win the smiles of the present incumbent of that office. [Applause.]

I have not time to run through this report. I wish I had. But I must call attention to one further matter. You all know how figures can be made to misrepresent the true state of the facts. It is said figures will not lie, but figures can be made to lie most abominably. We have been regaled by a parade of what Commissioner Dudley failed to do and what the present honored incumbent of the office has done.

But nobody on the other side, not even the chivalrous member from Indiana [Mr. MATSON], mentioned that Commissioner Black came in just as the force was trained and equal to the emergency. The increase of force was appointed in August and began the work, and Commissioner Black came in to reap the harvest of honor due to efficient work, and this done, he turns upon his retiring friend, Colonel Dudley, and seeks to injure him by asserting that every nook and corner of the Pension Office was a political machine, made so by Colonel Dudley. In other words, he insults every man and woman employed in that office by charging that they are mere political machines. His language has vastly more regard to the rhetoric than to the exact truth of his report. In point of rhetoric I find no fault with it at all. I want to call attention for a moment to one or two very choice selections. He says:

> At one time the Pension Bureau was all but avowedly a political machine, filled—

How?

> Filled from border to border with the uncompromising adherents, a single organization, who had for the claimant other tests than those of the law, and who required in addition to service in the field submission to and support of a party before pensions were granted.

Where are they? Point them out. There are ears to which slander flows as naturally as the filthy water in the street to the sewers. He says:

> Not always, but often was this true; not openly, but surely were the tests applied.

When and where and how were these tests applied? Whoever heard of it until the statement was made under menace and threat—implied though perhaps not expressed in words? I do not mean that the august personage said "unless you have information that will enable me to condemn your former chief, I will dismiss you;" but I do mean to say, no man can read the testimony taken by the Warner committee without agreeing with me, that the witnesses were swift, especially Major Clark. He never failed by innuendo and otherwise to assault his chief and to make appear that he had used his office for disreputable and dishonest purposes.

But what else does our distinguished fellow-citizen say? He says:

> The enormous array of the medical boards established in every quarter was almost solidly partisan; made so, not openly but surely.

What does he call "openly?" How are men appointed? He brings here from the files of the office the letter upon which the order was based, nothing secret about it. What does he mean by "covertly?" He says, "Examiners, trained in unscrupulous schools, traversed the country as recruiting sergeants." What unscrupulous schools, Commissioner Black? In the Republican school? Ah, yes; that is unscrupulous, is it? This brings me very properly to the consideration of questions to which my honored friends on the other side have adverted, and whether pertinent to this bill or not, they have been considered. My friend from West Virginia [Mr. WILSON], who has shown to this House how splendidly a brilliant man can present a case which he advocates, has suggested that he deprecates very greatly the discussion of what he is pleased to call "dead issues."

Gentlemen, what are dead issues? We have been constantly embarrassed both by our Democratic brothers and by Mugwumps in trying to determine what are dead issues and what are live issues. Gentlemen have talked here about the ballot and about how it was corrupted by the instrumentality of Colonel Dudley, and one would suppose from the suggestions and innuendoes of my colleague from Ohio [Mr. WARNER] that he stood surrounded by men who were the Lord's chosen and anointed, and who had defended with their bodies and with their prayers the purity of the elective franchise [laughter], and yet history records, and every man within sound of my voice knows, that wherever Democracy reigns supreme an honest ballot and a fair count is a lost art. [Laughter and applause on the Republican side.]

I have stated what the record discloses beyond peradventure, and only with the view of stating the exact truth; and whether it is called a "dead issue" or not, it is known of all men that if we had had in this country even the semblance of what our friends seem to so much desire in Ohio, if we had even the semblance of a fair ballot and a fair count throughout the whole country, your majority had dwindled into an insignificant minority. But that, I suppose, is a "dead issue!" Records do not die, nor can the logic by which they teach be buried in the grave of dead issues.

Mr. Chairman, I have not been an idle or an indifferent student of history. I have studied with some care the history of the ancient republics, the ancient monarchies, and modern monarchies, and I have studied with as scrupulous care the history of my own country. The

logic of great events reaches past the span of one human life. I have not studied simply to ascertain what dynasties reigned, but the influences that placed them in power. I have not studied to learn who gave Rome a republic, but to learn the influences that made a republic possible. I have not studied simply to learn what power swept from the shores of time the Roman Republic, but the influences that rendered its destruction inevitable. Gentlemen of the Democratic party, in buds of promise and flowers of hope you are magnificent; in mere protestation and lip service you are all that can be fairly demanded; but the records of our country disclose that in the matter of loyalty to great principles, protection of the ballot, friendship to our industries, and devotion to all that makes healthful freedom possible, the fruit your buds of promise yield is bitter.

Mr. REAGAN. Will the gentleman allow me——

Mr. BUTTERWORTH. Not now, if my friend will excuse me. I will yield to him in a few minutes. Mr. Chairman, I am not going into a discussion of why it is that in one-half of this Republic the ballot is suppressed. I know the reason urged for it, and it gives me pause quite often when my friends across the line say to me, "Would you put ignorance in control of the intelligence of our country? Would you put control of the property of the country in the hands of beggars?"

There is much force in that; but, gentlemen, if the end sought were defensible the means are not. Mr. Chairman, I have said that it has been a part of my study to ascertain the causes which led to certain results in history. I have prosecuted that study in regard to other republics as well in regard to our own. I agree that in the resolutions you have from time to time adopted there may be found that which is evidence of determined loyalty and love of country. But, gentlemen, your mere asseverations of devotion to-night must be placed in a column by the side of one which records your deeds. There never was a time when the statute-books of Rome bore greater evidence of the purity, virtue, and patriotism of her people than just preceding her fall—a fall which took place in the midst and was the result of political corruption and the general decay of civic virtues.

So your lip service does not satisfy me and will not satisfy the country. What is the logic of what you have done when compared with the record of your dealings with the country? How is it that you with this record can presume to come and pose as the especial champions of the ballot or anything else that ought to find favor in the country? I am disgusted, if it is not unamiable to say so, at that sickly sentimentality which sees a freckle on the fair face of Republicanism, and seeks relief by bathing in a Democratic sewer. [Laughter and applause on the Republican side.]

I have said, gentlemen, that you were full of buds of promise. Take my own city and my own locality, to which our honored friend General WARNER calls attention. I speak of this matter with some feeling, because I have so often been the object of uncharitable attacks from the unscrupulous in politics. And while they struck down and corrupted the ballot they were constantly offering lip service in favor of a free ballot, being the while strangers to it in the lines of their own experience.

Now what does the history of Cincinnati disclose? In 1876 we had the first organized frauds of which Cincinnati knew anything. The record of the penitentiaries and jails of Southern Ohio will show the fruit that was gathered of that corrupt organization. There was no charge or suggestion that the organization for fraud, for repeating from ward to ward and precinct to precinct, was not in the interest of the Democratic party. But you say, "Yes; you convicted our fellows before Republican juries." That is not true. No man was ever convicted there except before a mixed jury.

What else? So gross and outrageous were the frauds of 1876 that in 1878 Democrats and Republicans alike joined to invoke Federal protection.

Mr. BEACH. Will my friend from Ohio yield for a question?

Mr. BUTTERWORTH. If it is in the line of what I am saying, I will yield.

Mr. BEACH. I wish to ask whether the gentleman, when he speaks of the "frauds in 1876," refers to the counting out of Samuel J. Tilden? [Laughter on the Democratic side.]

Mr. BUTTERWORTH. No; I do not refer to the "counting out" of Samuel J. Tilden; nor do I refer to the bloody methods—bloodier even than those of St. Bartholomew—by which you sought to foist him on the American people. [Applause on the Republican side.]

Mr. GROSVENOR. My colleague will allow me to ask whether he adverted to the attempted purchase of an electoral vote in Oregon, or the dispatching of $80,000 to South Carolina to buy a colored man's vote. [Laughter on the Republican side.]

Mr. BUTTERWORTH. My colleague's suggestion is pertinent and timely, but I do not want to be diverted from the matter I have in hand.

In 1878—I speak the truth of history—supervisors and deputy marshals were appointed at the solicitation of Democrats and Republicans alike. On my entrance into this Hall in March, 1879, I was confronted by a petition or memorial containing all that language could convey upon paper in the direction of suggesting intimidation and outrage by myself and fellow-Republicans against the voters of my district. What was the result? A committee, and as fair a one as ever was appointed by this House, went out to investigate—a committee presided over by Hon. JOHN G. CARLISLE, than whom I never knew a fairer man—than whom no fairer Speaker ever sat in that chair [general applause]—it is his reputation at home and it is his deserved reputation here. That committee investigated. Now, I have one fault to find with the committee, and only one. As is the case with most committees engaging in an investigation of that kind, one side was for the prosecution, the other for the defense. In such cases if no case is made out and the majority is for the prosecution, they simply dump the report in without saying a word about it. What they ought to have done—the duty they were charged with—was to come back and report to this House that the electoral franchise had been seriously endangered in some localities and that some just and wise measure should be adopted to correct the abuses, if such existed, no matter by what party practiced.

What was the result of that investigation in another view? That election was found to be the freest, the purest, and the fairest that had been held in Cincinnati within half a century.

What else? Then "the gang" was organized—what we know and what my honored colleague, General WARNER, recognizes as "the gang" was organized. They seized upon Cincinnati. They finally got control of her police. Her police were used to seize the ballot and corrupt it until the outrage became so shameful that Democrats and Republicans alike rose in their might to seize the monster by the throat; and they are endeavoring now to strangle it, although in the accomplishment of that holy purpose they have to fight Democratic officials from the footpad policemen in the street to the supreme judge on the bench at Columbus. [Applause on the Republican side.]

Eighteen hundred and eighty-two I pass over for the present. In 1884, with these instrumentalities called up, we had another onset in which another gentleman and myself were in the arena as contestants. The result is known. A Republican majority was polled in that district in October, but less than that which was given to Mr. Blaine in November, when no supervisors or deputy marshals were appointed. But the moment the sun had gone down on the election, the 13th of October, 1884, a wild cry of "fraud" went up from Democratic throats in the gang. "Stop thief!" was the universal cry; and this House was imposed upon and abused into the belief that a great outrage had been committed. A committee sped out there ostensibly to hunt down Marshal Wright—really to pay out of the public Treasury the expense of laying the groundwork to vacate the seat of the member-elect. That statement may be strong; but I submit that it is thoroughly true. What was the result of that investigation?

What was well known to us was made matter of record for this House and the country. Why, sir, in the night men were seized by ruffianly police, one hundred and fifty-two citizens, some of them voters before the officers who seized them had served their country by quitting it [laughter], and shut in dungeons, and were not permitted to communicate with friend or counsel, and were so kept in a dungeon until after the polls closed on the evening of the day of election, and then turned out without a charge or suspicion of a charge recorded against one of them. Our lovely governor said they were repeaters, and ought to have been shut up. Let me tell you what the facts, the known facts, are, and let reasonable honest men judge whether that statement will hold good.

We did indeed appoint deputy marshals to meet and if possible overthrow the thugs who were there to seize the city. The sewers and avenues of crime in every city within 500 miles of ours were explored in order to find creatures bearing the semblance of man who could be used under the protection of a thug police, deputy sheriffs, and special policemen to debauch the ballot and strike down the will of honest voters in Cincinnati. They came like quails into the camp of the Israelites; each one of them a breathing, social sore, a walking moral and political pestilence. We were admonished, not by Republicans alone, but by Democrats whose consciences would not permit them to learn of such contemplated outrages without providing some defense against it.

What was the sequel? And then I am through with that. They had 1,000 police under the control of men as unscrupulous in politics as my friend would make you believe Colonel Dudley was. What else? They had 1,000 special police. What for? They had 900 deputy sheriffs. What for? To protect imported thugs and domestic scoundrels in debauching the ballot, and kicking honesty and decency into the gutter. And to thwart or hinder this army of political bandits in their work, deputy marshals were appointed. Look for one minute. How is it; and my friend from Ohio, General Warner, knows, if he knows anything—if he does not talk out of the depth of his ignorance, rather from the fullness of his knowledge—he knows there is no place within the corporate limits of Hamilton County where there is ever a riot, where there is ever ballot-box stuffing, where there is anything that suggests fraud and outrage except in the wards which are reliably Democratic.

Nobody denies it. There is no other place where you double, treble, or quadruple the police. They sent us from the State across the Ohio seventy-two earnest gentlemen, provided conveniently with what the average chivalric Kentuckian carries on his hip, to aid us in preserving order!

There is a pretense they came over to see if Kentucky negroes were being voted by Republicans. If they came for that purpose you would like sensible men have taken them to Republican quarters, where negro repeaters would vote, if at all. To spot negro repeaters men would be placed where such repeaters, if such there were, would vote, and not where they could not and would not attempt to vote. You would not place them down where there are none but Democrats; where there are ruffians who deem it a duty to knock a contraband in the head at sight, and where not even well-known Republican citizens were permitted to vote. There would be no need of these watchful Kentucky guardians there.

But there is where they were placed, and where ruffianism held high carnival election day. The consequence was a free ballot and a fair count were as impossible there as it would seem to be in some other localities in this country where they do not pretend to any particular love for negroes, and where their votes are wholly suppressed.

What else? Governor Hoadly had the effrontery to charge these deputy marshals with the riotous events of that day.

Let me call attention, and the record bears me out, to the facts which prove that the charge of Hoadly is groundless. Our police court was presided over by an ultra Democrat. His name is Fitzgerald. He was willing, certainly, if the proof justified it, to send Republican repeaters to the work-house or bind them over to await the action of the grand jury. The Democrats, the gang, if you please, had the police court. They had also the prosecuting attorney. They had a majority of the judges of the common pleas. They seemed to control the grand juries; and would you not suppose they would have hunted down and arrested Republican offenders? They had at command nearly three thousand officers, selected with direct reference to hunting down not merely Republican delinquents but honest, decent men as well. Thus, you see, they had the men to charge, to arrest, to prosecute, and condemn Republican delinquents, if such there were, and you know they would have done it. How many were arrested and convicted? A hundred? no; fifty? no; twenty-five? no; ten? no; five? no. How many then? One! One was convicted, and he was sent to the penitentiary by a creature of the gang for daring to strike down a man, a ruffian, who was attempting to force his way into his house and abuse and insult him.

How many on the other side, agents of the gang, were sent up? More than a score. Not convicted by Republican juries but by juries composed of decent men of both parties.

What else? These outrages by the gang went on until the next election, the election of last year, where, as I have said, frauds were so gross, outrages so palpable and infamous, that the honest people rose as one man to protest against it.

Mr. Chairman, I keep a scrap-book. A scrap-book is a very good thing; it connects different eras, different epochs; it links together facts in the order of their occurrence, which point the logic of events. I want to show you from that book and from the current events of the period what honorable Democrats say about the condition of things in Cincinnati, and at that period, and even now.

Do you [addressing General WARNER] know the Hon. William P. Anderson? Do you? Well, he is an honorable, clean man, who never voted anything but the Democratic ticket in all his life, and that is the only delinquency with which I can charge him. [Laughter.] It is the only one that he will have to answer for, to my knowledge. He, with other honorable Democrats, was ultimately startled into wakefulness by the fact that a gang having seized the machinery of the Democratic party (and I do not charge it upon you, I do not know that you are aware of it), but having seized the machinery of the Democratic party that gang was enabled absolutely to control our city. Mr. Anderson and others recognized the fact that forgery and criminal methods of all kinds were utilized to secure a so-called Democratic victory by the gang. I want to say here that I had proposed to bring into this House the returns from the several Democratic wards in Cincinnati, but I refrained because some of them are too filthy to exhibit to decent men and in the presence of ladies. [Laughter.] And yet in the presence of these offenses, and without condemnation of them, you call Colonel Dudley and arraign him because forsooth he went to Ohio to lend his aid in defeating the success of such planned infamy. Yes, he went to Ohio. He had a perfect right to go there if he wanted to. Why should he not go?

Mr. WARNER, of Ohio. But let me remind my friend that he is speaking now of one election; Colonel Dudley went to Ohio in a previous election.

Mr. BUTTERWORTH. Why, my worthy brother, do you remember the maxim in the law which says, being liberally translated, that no man becomes bad all at once? [Laughter.]

Mr. WARNER, of Ohio. I think that is true as to Cincinnati.

Mr. BUTTERWORTH. Cincinnati has been rotten politically for ten years. A Democratic ring got hold of it and clutched its throat while they robbed its coffers; and yet you stand here arraigning a crippled Union soldier who has no peer in the Pension Office now in point of devoted loyalty to the right, for fighting the leprous pack who were making Cincinnati unfit to live in.

You arraign him here, and while you assail him I have yet to hear a word from you against the infamies that you know were perpetrated all over Southern Ohio.

Speaking of these outrages Mr. Anderson used plain language, which I can not stop to read at length, but will insert.

GOOD WORDS OF A DEMOCRAT—CAPTAIN ANDERSON TO THE COMMITTEE OF ONE HUNDRED.

William P. Anderson, of the executive committee, arose and made the following statement, deliberately:

"Mr. Chairman, I desire to preface a statement I am about to make with a few personal remarks. I have voted the Democratic ticket for over twenty years; have always been a Democrat, and at the last election voted a straight Democratic ticket.

"With this record, after a thorough and impartial investigation, extending over the past three weeks, made as a member of the executive committee of this committee of one hundred, I claim to be able to make a fair statement as far as relates to the part taken by my party in the frauds against the registration and election laws and other outrages preceding and following the last election. These investigations show that the only organized fraud against the registration and election laws at the last election has been within the Democratic party; that the only organizations shielding and protecting the perpetrators of fraud, and endeavoring to hinder and persecute those engaged in exposing and bringing their perpetrators to justice, is also within the Democratic party. Still a Democrat, and diametrically opposed to the principles of the Republican party, this committee and its executive committee have my entire sympathy and hearty support."

Mr. WARNER, of Ohio. I do not live in Cincinnati, I am happy to say.

Mr. BUTTERWORTH. So are we. [Great laughter.]

Mr. WARNER, of Ohio. If Cincinnati is as bad and as corrupt as the gentleman who represents one of its districts says it is, let me ask if that accounts for the fact of sending him here? [Laughter on the Democratic side.]

Mr. BUTTERWORTH. I do not mean in an offensive sense to say that we are glad; I only mean to say that the man who can find it possible to condemn a legless Union soldier for standing by the flag of his country, standing by the principles the triumph of which he believes to be indispensable to the life of the Republic, and while he is condemning that heroic soldier he can stand with serene complacency, and in a voice of unruffled sweetness praise the miscreants, who were beyond all expression corrupt and rotten in the matter of manipulating the ballot in his own State, would not help us much in purifying our political morals. That is the criticism I pass upon my brother.

Mr. WARNER, of Ohio. Will my friend yield a moment just there?

Mr. BUTTERWORTH. Of course I must yield. You are so clever I have to do so, but I do not yield for a speech.

Mr. WARNER, of Ohio. Not for a short speech, one right here to the point?

Mr. BUTTERWORTH. No; not for a speech.

Mr. WARNER, of Ohio. I have some very interesting matter that I would like to inject right here.

Mr. BUTTERWORTH. My friend may be very credulous and believe all he hears in condemnation of his adversaries and late associates, but is prone to close his ears to every just criticism that affects his present political allies.

Mr. WARNER, of Ohio. Because Dudley was a good soldier does that justify his proceedings in the Pension Office and his political campaign in Ohio?

Mr. BUTTERWORTH. No; nor has he done that which will justify men who have winked at and permitted by their silence the accursed crimes which have been made possible by such agencies against ballot-boxes to stand up and point him out as having been derelict in his duty.

Mr. WARNER, of Ohio. I say evidence is abundant he did do all that I charge. I have it here. I would like to submit it in connection with the gentleman's speech, if he will yield to me for that purpose.

Mr. BUTTERWORTH. I said before there was not a sewer of scandal that was not searched in order to defame Colonel Dudley. As in both investigations in Cincinnati so here. There was not, in my judgment, a weak-minded brother trembling for his office, nor an employé suffering from moral obliquity who was not hunted up to get him to testify against the ex-Commissioner of Pensions.

So it was in the investigation at Cincinnati. The jails gave up their convicts. Men were brought from the streets with a penitentiary smell in their clothes [laughter] to denounce Judge Baxter, Judge Swing, and Judge Sage, to denounce the jury composed of Democrats and Republicans, and they were listened to with perfect complacency. When the question was put to one of them whether he was not an ex-convict there was a rush to his relief as if his defenders were drawn to him by the operation of the law of affinity. [Laughter.] Why, sir, judges were wrong; jurors were corrupt; witnesses were perjured; all was wrong. The only clean, spared monument of Heaven's favor was Michael Mullen, the man who had robbed more than a hundred freemen of their ballot.

Mr. WARNER, of Ohio. Who was Mike?

Mr. BUTTERWORTH. He was, *par excellence*, the leader of the Democracy in their raids upon the ballots in Cincinnati on the 13th of October.

Mr. McKINLEY. Who pardoned him?

Mr. BUTTERWORTH. The President pardoned him, but I believe he was imposed upon. I do not think President Cleveland would knowingly give pardon to any man not entitled to it. This Mullen for his service was on leaving prison appointed by his party to a place of honor

and emolument, and how fit he was is disclosed by his record, to which I referred, as well as to what has since been brought to light. I have it here—this is the chief of that rare lot of men whom my friend could not find it in his heart to denounce.

Talk of Colonel Dudley in Ohio! Was it his efforts there that led to the rejection by the Ohio Democratic Legislature of George H. Pendleton and Allen G. Thurman and Durbin Ward. Was it Dudley's visit to Ohio that so demoralized the Democratic Legislature that they were bought to betray public decency and official honesty?

A MEMBER. Who bought them?

Mr. BUTTERWORTH. Oh, you can read the testimony. I take it they were not infamous without reward, and did not betray without getting the thirty pieces of silver as the price of that betrayal.

Pendleton and Thurman were the chosen champions of the best type of Democracy in Ohio. Two-thirds of the Legislature were elected to vote for Pendleton to return him to the other end of this Capitol. Never was our grand old State dishonored and dragged into the mud and filth of corruption and its highest official honors sold in the market for cash until a Democratic Legislature, elected by the gentleman for whom my friend has such tender solicitude, put up the Senatorial office and auctioned it off on the block; sold it to the highest bidder.

And yet gentlemen stand up here and criticise Republican methods, and the Commissioner of Pensions refers in his report to the Republican party as the unscrupulous school in which these examiners were trained! My friend knows that Democrats tramped all over Ohio to find in the Republican ranks of the members-elect to our Legislature one Judas Iscariot, one man infamous enough to betray his flag, his country, truth, honesty, and his God by withholding his vote from JOHN SHERMAN, the acknowledged choice of the Republicans of Ohio, and casting it in favor of the huckster who stood ready to purchase, but you did not find one. Is it in a school like that that your examiners learn to be disloyal and unfaithful to country or to flag or to the clean seed of honor and public duty? Yet he says "trained in unscrupulous schools."

Gentlemen, you who cast the 66 votes against the increase of widows' pensions need not speak for yourselves. You will always find some of our brethren down there ambling to the front to do you service. They run over each other to see who will speak first, in order to get your smiles of favor. There is a fitness and propriety about it which I recognize, and you, too. [Laughter.]

I observe, brilliant as these men of the South are, strong as they are in debate, I notice the moment any one on this side says that which might challenge reply from them, before my honored friend from South Carolina, or my friend from Virginia can possibly get out of his chair, one of our old allies runs down the aisle, and protests that you are more loyal, more devoted to our living, and dead, than we who closed their eyelids in death; and having performed that menial service they turn around, and if you smile they are delighted, and if you frown they are in agony. [Laughter.]

I have said your party was a party of promise. Spread out before us our country's history, and read what is written there that you to-night if you are half the men that the gentleman from Pennsylvania described would not have erased from the record and from the book of our remembrance. What line in our statutes has your party written of which you are proud? What station in the highway of progress have you reached? What desirable point in the line of human progress and enlightened advancement has the great train of progress reached under your management?

I know, as does the world, that as we near some station on this highway of progressive civilization you jump aboard of our train, run through and get out on the cow-catcher, and as we move up to the station, shout "Here we are!" [Great laughter.]

Look at the panorama; there goes the Democratic column, here the Republican; here is the highway along which we have marched, there is the highway along which you move, one way or the other; search them out. At every step of our advance along this highway, is that which makes our country glorious and honorable, which elevates, ennobles, and refines a free people. I shall scan your line of march later on.

Let us go over to Europe and sit down together. We meet there some intelligent German or Englishman who addresses us and undertakes to test your faith and mine as to the comparative virtues of our two great parties. He remarks, "You have a great country over there." "Yes, we have a great country," we both chime in together. "You have two great political parties?" "Yes; we have two great political parties." We agree upon that also. Now, for the sake of making it pleasant for you and disagreeable for myself, I will make you the Republican and I will be the Democrat. [Laughter.] The foreign gentleman says, "You are still a united people over there; you still maintain the integrity of your territory?" You say, "Yes." I do not say a word, but look away. He asks: "Was there any party in your country which fought to destroy that integrity?" I do not feel called upon to answer that question, but you say, "Yes, there was—the Democratic party." Then I pluck up courage and say, "But a great many of my political friends marched in the embattled hosts that defended the country." You answer, "Yes; but then they voted as they shot; they left the ranks of the Democratic party when they entered the ranks of the Union Army." He says again, "But you have maintained the supremacy of your flag?" You answer, "Yes." I either say nothing or I say, "Yes; but my party did not favor nor stand by that supremacy."

What else? Our friend says, "You have a sound currency in your country we are glad to see." Then I hop up with enthusiasm and say, "O, yes; we have a sound currency; we have resumed specie payment!" "Yes," you say to me, "but you remember your party was almost solid against resumption." What else? He says, "You fed your soldiers in your great struggle by using the national credit?" You say "Yes." I chime in and say, "Yes; but my party was and is just now a hard-money party." You say to me: "Yes, it was a hard-money party; it was for 'hard money' when the death-rattle was in the throat of the Republic, when the boys in the Army were starving; when to get gold and silver enough to supply them in camp and bivouac was impossible. But what happened? The men at the front received letters from home telling them that the larder was empty and the children without clothing for the coming winter; and they asked the Republic to redeem its promise to take care of their wives and children, and we used the nation's credit to save the nation's life; but you have no lot or part in all that."

And when we came to resume, to redeem the promises we had made, how did the two parties stand? Almost to a man you voted against it. Gentlemen, where and when have you done anything as the champion of freedom? No man ever breathed freer by reason of anything that your party ever did, by reason of any statute it ever enacted, by reason of any prayer it ever uttered. Yet you pose here as the champion of these things and hold our side of the House accountable because the blessings which have been poured out upon this land under a Republican administration have not been greatly multiplied.

I only refer to these things to show that in the presence of your constant protestations of devotion to the right, the record of your country shows you to have been always wrong; wrong on all subjects, and persistently wrong.

Mr. Chairman, I want to refer to only one other thing. I have said that the gentlemen on the other side are full of promise. As you had insisted for years that the tariff was a griveous burden and that the people were being robbed, they had reason to hope that when you came into power you would revise the tariff. You did come into power in the Forty-sixth Congress and what did you do? The wheels of our industries stood still; hungry men walked through the streets waiting for you to take your hand from the throttles of the great engines of industry. Did you revise the tariff? You did not. Why? Because you had to please two wings of the Democracy; you had to please the friends of my honored friend from Illinois [Mr. MORRISON] and you had to please the followers of my not less honored friend from Pennsylvania [Mr. RANDALL], and, as you could not do both, you did neither. Meantime the business of this country stood still. There were empty factories and idle furnaces and hungry men and women and children. That is what you brought about. [Applause.] No matter what you promised, that is what you did.

[Here the hammer fell.]

Mr. BUTTERWORTH. I would like a few minutes more.

Mr. TOWNSHEND was recognized.

Mr. McCOMAS. Mr. Chairman, if I can be recognized I will yield the gentleman a portion of my time.

The CHAIRMAN. The Chair has already recognized the gentleman from Illinois [Mr. TOWNSHEND].

Mr. TOWNSHEND. Mr. Chairman, I move that the committee now rise; and I will state for the information of the House that I expect to reach a vote on this bill to-morrow evening.

The motion was agreed to.

The committee accordingly rose; and the Speaker having resumed the chair, Mr. CRISP reported that the Committee of the Whole House on the state of the Union had had under consideration the bill (H. R. 5201) making appropriations for the payment of invalid pensions of the United States for the fiscal year ending June 30, 1887, and for other purposes, and had come to no resolution thereon.

PUBLIC BUILDING AT FORT SMITH, ARK.

Mr. ROGERS. I rise to a question of privilege, and call up the message from the Senate asking the appointment of a committee of conference upon Senate bill No. 610.

The Clerk read as follows:

IN THE SENATE OF THE UNITED STATES, *March* 2, 1886.

Resolved, That the Senate disagree to the amendments of the House of Representatives to the bill of the Senate No. 610, to provide for a building for the use of the Federal courts, post-office, and internal revenue and other civil offices, and a United States jail in the city of Fort Smith, Ark., and ask a conference with the House on the disagreeing votes of the two Houses thereon.

Ordered, That Mr. MAHONE, Mr. SPOONER, and Mr. BERRY be the conferees on the part of the Senate.

Mr. ROGERS. I move that the House insist on its amendments, and agree to the conference asked by the Senate.

The motion was agreed to; and the Speaker announced as conferees on the part of the House Mr. DIBBLE, Mr. HENLEY, and Mr. WADE.

And then, on motion of Mr. TOWNSHEND (at 5 o'clock and 15 minutes p. m.) the House adjourned.

PETITIONS, ETC.

The following petitions and papers were laid on the Clerk's desk, under the rule, and referred as follows:

By Mr. BAYNE: Petition of Henry Berry for an invalid pension—to the Committee on Invalid Pensions.

Also, resolutions of Local Assembly 1620, Knights of Labor, of Pittsburgh, Pa., in favor of H. R. bill 1914—to the Committee on Labor.

By Mr. BLISS: Petition of W. L. Brower, John T. White, M. Fitzgerald, M. J. Gleason, Martin V. B. Brown, and others, in favor of the passage of H. R. 1914, for the restoration of wages in the Government Printing Office—to the same committee.

Also, resolutions of John T. Whyte, Nathaniel King, John Collins, and others, of the Euclid Association of Brooklyn, against the passage of the Dingley pilotage bill, and in favor of the restriction of Chinese emigration and of the passage of the Foran bill to restore wages in the Government Printing Office—to the same committee.

By Mr. ERMENTROUT: Memorial of Cooper & Conrad against increasing rate of postage on fourth-class matter—to the Committee on the Post-Office and Post-Roads.

By Mr. EVERHART: Petition against Chinese immigration into the United States, from citizens of Chester County, Pennsylvania—to the Committee on Foreign Affairs.

Also, petition of citizens of United States, praying for a constitutional amendment to prohibit the manufacture, sale, or importation of alcoholic beverages—to the Select Committee on the Alcoholic Liquor Traffic.

By Mr. FISHER: Memorial of Local Assembly No. 3287 of Knights of Labor, of Au Sable, Mich., asking for liberal appropriations for public improvements—to the Committee on Railways and Canals.

By Mr. GALLINGER: Petition of 212 representative citizens of the second district of New Hampshire, for scientific temperance instruction in all schools under the control of the Federal Government—to the Committee on Education.

By Mr. GEDDES: Petition of 426 representative citizens of Holmes and Lorain Counties, sixteenth district, Ohio, for scientific temperance instruction in all schools under the control of the Federal Government—to the same committee.

By Mr. GILFILLAN: Memorial of Local Assembly 3363, Knights of Labor, Minneapolis, Minn., for the Hennepin Canal—to the Committee on Railways and Canals.

By Mr. GLASS: Papers in the claim of John D. Ware, of Haywood County, Tennessee—to the Committee on War Claims.

Also, petition of James L. Palmer, of Hickman County, Kentucky, asking that his war claim be referred to the Court of Claims—to the same committee.

By Mr. GROUT: Petition of Newell C. Langley, for payment to him of such sum of money as will reimburse him for the support of William Langley—to the Committee on Invalid Pensions.

By Mr. HALSELL: Papers relating to the claim of Daniel D. Duncan, of Logan County, Kentucky, with accompanying bill—to the committee on War Claims.

By Mr. HIRES: Petition of many citizens, praying for the passage of House bill 4690, regulating the equal right to fish in the tide waters of the United States—to the Committee on Commerce.

By Mr. HOLMAN: Petition and papers relating to claim of Lewis P. Noble—to the Committee on War Claims.

Also, papers in the claim of John Holleran—to the same committee.

By Mr. HOPKINS: Petition of S. Duffy, W. H. Day, A. B. Wilson, and 75 others, for a law putting oleomargarine, butterine, and all imitations of and substitutes for butter under control of the Internal Revenue Department with a tax sufficient to defray the expenses of enforcing the law—to the Committee on Ways and Means.

By Mr. IRION: Petition of N. A. Badley, Elmo Badley, and H. Badley, heirs of Henry Badley, deceased, of Baton Rouge, La., asking that their war claim be referred to the Court of Claims—to the Committee on War Claims.

By Mr. LANHAM: Petition of citizens of Mitchell County; of citizens of Sipe Springs, Comanche County, Texas, and of citizens of Taylor County, Texas, relative to deep water at Galveston, Tex.—to Committee on Rivers and Harbors.

Also, petition from citizens of Palo Pinto County, Texas, referring to deep water at Sabine Pass, Texas—to the same committee.

Also, petition of Benjamin H. Hay, late Company C, Thirteenth United States Infantry, for a pension—to the Committee on Pensions.

By Mr. LONG: Petition of Knights of Labor Assembly No. 3780, Brockton, Mass., for restoration of wages in the Government Printing Office—to the Committee on Labor.

Also, petition of J. L. Frisbie and 657 others, of Massachusetts, employés of the United States Government, for adjudication of their claims for labor done under the eight-hour law—to the Committee on Claims.

By Mr. LORE: Petition of George H. Gildersleve and 56 others, and of George P. Fisher and 71 others, citizens of Kent County, Delaware, for an appropriation for the improvement of Saint James or Dover River—to the Committee on Rivers and Harbors.

Also, petition of 249 citizens of District of Columbia, and of 136 citizens of Sussex and New Castle Counties, Delaware, for scientific temperance instruction in all schools controlled by the Federal Government—to the Committee on Education.

By Mr. MORRISON: Petition of the Illinois State board of agriculture, relating to unwholesome dairy products—to the Committee on Agriculture.

Also, petition of 92 representative citizens of Madison and Saint Clair Counties, Illinois, and of 449 citizens of the District of Columbia, for scientific temperance instruction in all schools under control of the Federal Government—to the Committee on Education.

By Mr. MORRILL: Petition of 103 representative citizens of the first district of Kansas, for scientific temperance instruction in all schools under the control of the Federal Government—to the same committee.

By Mr. MORROW: Petition of citizens of San Francisco, Cal., favoring the passage of an act requiring the testing of chains and anchors, and for the better securing of life and property on shipboard—to the Committee on Commerce.

Also, papers accompanying House bill 5919, relating to the claim of A. C. Bradford—to the Committee on Claims.

Also, papers accompanying House bill 5918, relating to the claim of Palmer C. Wood, lieutenant Twelfth United States Infantry—to the same committee.

Also, papers accompanying House bill 5920, relating to claim of John Kelsey and wife—to the same committee.

Also, papers accompanying House bill 5917, relating to the claim of Charles L. Scudder—to the same committee.

By Mr. NEECE: Petition of Thomas B. Laughlin, for the passage of a bill for the relief of aged, disabled, diseased, and worn-out postal clerks—to the Committee on the Post-Office and Post-Roads.

By Mr. PEEL: Petition of 25 business men and citizens of Indian Territory, asking right of way through said Territory for railroad from Bentonville, Ark., to Muscogee, Ind. T.—to the Committee on Indian Affairs.

By Mr. PETERS: Petition of Eldred Post, Grand Army of the Republic, Medicine Lodge, Kans., favoring law equalizing pay of ex-soldiers—to the Committee on Military Affairs.

Also, petition of Hon. T. J. Linkenfelder and others, citizens of Sumner County, Kansas, favoring opening of Indian Territory—to the Committee on the Territories.

By Mr. PIRCE: Petition of Prince A. Potter and of Stephen H. Brown, for the passage of joint resolution for the adjustment of postmasters' salaries under act of March 3, 1883—to the Committee on the Post-Office and Post-Roads.

By Mr. PLUMB: Petition of D. A. Cook, commander, and Jacob Bane, adjutant, and 28 others, citizens of Ottawa, Ill., asking that Sarah Gregg be allowed a pension—to the Committee on Invalid Pensions.

Also, petition of Sarah Gregg, for a pension—to the same committee.

Also, communication of 93 soldiers, and of hospital surgeons, to Mrs. Sarah Gregg, who asks a pension—to the same committee.

By Mr. J. W. REID: Petition of members of the New Garden Monthly Meeting of Friends, Guilford County, North Carolina, praying for the passage of Senate bill 355, for the promotion of peace among nations, &c.—to the Committee on Foreign Affairs.

By Mr. RIGGS: Petition of 1,000 citizens, praying for improvement of Hamburg Bay, in Calhoun County, Illinois—to the Committee on Rivers and Harbors.

By Mr. SENEY: Petition of Knights of Labor at Tiffin, Ohio, for the passage of House bill 1914—to the Committee on Labor.

By Mr. SINGLETON: Papers relating to the claim of Rev. Franklin Ball—to the Committee on War Claims.

By Mr. SKINNER: Petition of Theophilus Burton, asking the passage of a joint resolution requiring the Postmaster-General to obey the act approved March 3, 1883, in relation to the adjustment of fees of postmasters—to the Committee on the Post-Office and Post-Roads.

By Mr. STEELE: Petition of 149 representative citizens of Huntington, Jay, and Howard Counties, eleventh district, Indiana, for scientific temperance instruction in all schools under the control of the Federal Government—to the Committee on Education.

By Mr. E. B. TAYLOR: Petition of 1,080 representative citizens of the nineteenth district of Ohio for scientific temperance instruction in all schools under the control of the Federal Government—to the same committee.

By Mr. J. M. TAYLOR: Papers relating to the claims of Napoleon Miller, colored, and of Frederick A. Replogle, of Madison County, Tennessee—to the Committee on War Claims.

Also, petition of E. Frazier, of Chester County, Tennessee, asking that his war claim be referred to the Court of Claims—to the same committee.

By Mr. ZACH. TAYLOR: Petition of John W. Dyer, of Fayette County; of William M. Brewster, and of W. H. Newlee, administrator of John Y. Newlee, deceased, of Claiborne County, Tennessee, asking that their war claims be referred to the Court of Claims—to the same committee.

By Mr. J. R. THOMAS: Petition of 209 representative citizens of Randolph, Union, and Perry Counties, twenty-fifth district, Illinois, for scientific temperance instruction in all schools under the control of the Federal Government—to the Committee on Education.

By Mr. THROCKMORTON: Memorial of J. M. Pearson, J. C. Thompson, H. C. Herndon, Conway McGarrah, and 175 others, praying a sufficient appropriation to insure deep water at Galveston, Tex.—to the Committee on Rivers and Harbors.

By Mr. VAN EATON: Papers in the claim of Jane Williams, of Amite County, Mississippi—to the Cimmittee on War Claims.

By Mr. VAN SCHAICK: Petition of T. and A. Heiss, with accompanying affidavits, in relation to the bill for the purchase by the Government of their harbor at Portage Lake, Mich.—to the Committee on Rivers and Harbors.

By Mr. WELLBORN: Petition of citizens of Kimball, Tex., for appropriation for deep water at Galveston, Tex.—to the same committee

Also, petition of citizens of Mansfield, Tex., for improvement of the harbor at Sabine Pass—to the same committee.

By Mr. A. C. WHITE: Petition of 323 representative citizens of Jefferson, Forest, Armstrong, and Clarion Counties, and of 301 representative citizens of Indiana County, Pennsylvania, for scientific temperance instruction in all schools under the control of the Federal Government—to the Committee on Education.

By Mr. WILSON: Petition of Joseph Cranes, of Jefferson County, West Virginia, asking compensation for property taken and used by the United States Army during the late war—to the Committee on War Claims.

The following petitions, praying Congress to place the coinage of silver upon an equality with gold; that there be issued coin certificates of one, two, and five dollars, the same being made legal tender; that one and two dollar legal-tender notes be issued, and that the public debt be paid as rapidly as possible by applying for this purpose the idle surplus now in the Treasury, were presented and severally referred to the Committee on Coinage, Weights, and Measures:

By Mr. ELY: Petition of Charles W. McLain and others, citizens of Natick, Mass.

SENATE.

WEDNESDAY, *March* 3, 1886.

Prayer by Bishop W. X. NINDE, D. D., of Kansas.

The Journal of yesterday's proceedings was read and approved.

CHINESE IMMIGRATION.

The PRESIDENT *pro tempore* laid before the Senate the following message from the President of the United States; which was read, referred to the Committee on Foreign Relations, and ordered to be printed:

To the Senate and House of Representatives:

It is made the constitutional duty of the President to recommend to the consideration of Congress from time to time such measures as he shall judge necessary and expedient. In no matters can the necessity of this be more evident than when the good faith of the United States under the solemn obligation of treaties with foreign powers is concerned.

The question of the treatment of the subjects of China sojourning within the jurisdiction of the United States presents such a matter for the urgent and earnest consideration of the Executive and the Congress.

In my first annual message, upon the assembling of the present Congress, I adverted to this question in the following words:

"The harmony of our relations with China is fully sustained.

"In the application of the acts lately passed to execute the treaty of 1880, restrictive of the immigration of Chinese laborers into the United States, individual cases of hardship have occurred beyond the power of the Executive to remedy, and calling for judicial determination.

"The condition of the Chinese question in the Western States and Territories is, despite this restrictive legislation, far from being satisfactory. The recent outbreak in Wyoming Territory, where numbers of unoffending Chinamen, indisputably within the protection of the treaties and the law, were murdered by a mob, and the still more recent threatened outbreak of the same character in Washington Territory, are fresh in the minds of all, and there is apprehension lest the bitterness of feeling against the Mongolian race on the Pacific slope may find vent in similar lawless demonstrations. All the power of this Government should be exerted to maintain the amplest good faith toward China in the treatment of these men, and the inflexible sternness of the law in bringing the wrongdoers to justice should be insisted upon.

"Every effort has been made by this Government to prevent these violent outbreaks and to aid the representatives of China in their investigation of these outrages; and it is but just to say that they are traceable to the lawlessness of men not citizens of the United States, engaged in competition with Chinese laborers.

"Race prejudice is the chief factor in originating these disturbances, and it exists in a large part of our domain, jeopardizing our domestic peace and the good relationship we strive to maintain with China.

"The admitted right of a Government to prevent the influx of elements hostile to its internal peace and security may not be questioned, even where there is no treaty stipulation on the subject. That the exclusion of Chinese labor is demanded in other countries where like conditions prevail is strongly evidenced in the Dominion of Canada, where Chinese immigration is now regulated by laws more exclusive than our own. If existing laws are inadequate to compass the end in view, I shall be prepared to give earnest consideration to any further remedial measures, within the treaty limits, which the wisdom of Congress may devise."

At the time I wrote this the shocking occurrences at Rock Springs, in Wyoming Territory, were fresh in the minds of all, and had been recently presented anew to the attention of this Government by the Chinese minister in a note which, while not unnaturally exhibiting some misconception of our Federal system of administration in the Territories while they as yet are not in the exercise of the full measure of that sovereign self-government pertaining to the States of the Union, presents in truthful terms the main features of the cruel outrage there perpetrated upon inoffensive subjects of China. In the investigation of the Rock Springs outbreak and the ascertainment of the facts on which the Chinese minister's statements rest the Chinese representatives were aided by the agents of the United States, and the reports submitted, having been thus framed and recounting the facts within the knowledge of witnesses on both sides, possess an impartial truthfulness which could not fail to give them great impressiveness.

The facts, which so far are not controverted or affected by any exculpatory or mitigating testimony, show the murder of a number of Chinese subjects, in September last, at Rock Springs, the wounding of many others, and the spoliation of the property of all when the unhappy survivors had been driven from their habitations. There is no allegation that the victims, by any lawless or disorderly act on their part, contributed to bring about a collision; on the contrary, it appears that the law-abiding disposition of these people who were sojourners in our midst under the sanction of hospitality and express treaty obligations was made the pretext for an attack upon them. This outrage upon law and treaty engagements was committed by a lawless mob. None of the aggressors—happily for the national good fame—appear by the reports to have been citizens of the United States. They were aliens, engaged in that remote district as mining laborers, who became excited against the Chinese laborers as it would seem, because of their refusal to join them in a strike to secure higher wages. The oppression of Chinese subjects by their rivals in the competition for labor does not differ, in violence and illegality, from that applied to other classes of native or alien labor. All are equally under the protection of law, and equally entitled to enjoy the benefits of assured public order.

Were there no treaty in existence referring to the rights of Chinese subjects; did they come hither as all other strangers who voluntarily resort to this land of freedom, of self-government, and of laws, here peaceably to win their bread and to live their lives, there can be no question that they would be entitled still to the same measure of protection from violence and the same free forum for the redress of their grievances as any other aliens.

So far as the treaties between the United States and China stipulate for the treatment of the Chinese subjects actually in the United States as the citizens or subjects of the "most favored nation" are treated, they create no new status for them—they simply recognize and confirm a general and existing rule applicable to all aliens alike, for none are favored above others by domestic law, and none by foreign treaties, unless it be the Chinese themselves in some respects. For, by the third article of the treaty of November 17, 1880, between the United States and China, it is provided that:

"ARTICLE III. If Chinese laborers, or Chinese of any other class, now, either permanently or temporarily residing in the territory of the United States, meet with ill-treatment at the hands of any other persons, the Government of the United States will exert all its power to devise measures for their protection and to secure to them the same rights, privileges, immunities, and exemptions as may be enjoyed by the citizens or subjects of the most favored nation, and to which they are entitled by treaty."

This article may be held to constitute a special privilege for Chinese subjects in the United States, as compared with other aliens; not that it creates any peculiar rights which others do not share, but because, in the case of ill-treatment of the Chinese in the United States, this Government is bound to "exert all its power to devise measures for their protection" by securing to them the rights to which, equally with any and all other foreigners, they are entitled.

Whether it is now incumbent upon the United States to amend their general laws or devise new measures in this regard I do not consider in the present communication, but confine myself to the particular point raised by the outrage and massacre at Rock Springs.

The note of the Chinese minister and the documents which accompany it give, as I believe, an unexaggerated statement of the lamentable incident, and present impressively the regretable circumstance that the proceedings, in the name of justice, for the ascertainment of the crime and fixing the responsibility therefor were a ghastly mockery of justice. So long as the Chinese minister, under his instructions, makes this the basis of an appeal to the principles and convictions of mankind, no exception can be taken. But when he goes further, and, taking as his precedent the action of the Chinese Government in past instances where the lives of American citizens and their property in China have been endangered, argues a reciprocal obligation on the part of the United States to indemnify the Chinese subjects who suffered at Rock Springs, it became necessary to meet his argument, and to deny most emphatically the conclusions he seeks to draw as to the existence of such a liability and the right of the Chinese Government to insist upon it.

I draw the attention of the Congress to the latter part of the note of the Secretary of State of February 18, 1886, in reply to the Chinese minister's representations, and invite especial consideration of the cogent reasons by which he reaches the conclusion that whilst the United States Government is under no obligation, whether by the express terms of its treaties with China or the principles of international law, to indemnify these Chinese subjects for losses caused by such means and under the admitted circumstances, yet that in view of the palpable and discreditable failure of the authorities of Wyoming Territory to bring to justice the guilty parties or to assure to the sufferers an impartial forum in which to seek and obtain compensation for the losses which those subjects have incurred by lack of police protection, and considering further the entire absence of provocation or contribution on the part of the victims, the Executive may be induced to bring the matter to the benevolent consideration of the Congress, in order that that body, in its high discretion, may direct the bounty of the Government in aid of innocent and peaceful strangers whose maltreatment has brought discredit upon the country, with the distinct understanding that such action is in no wise to be held as a precedent, is wholly gratuitous, and is resorted to in a spirit of pure generosity toward those who are otherwise helpless.

The correspondence exchanged is herewith submitted for the information of the Congress, and accompanies a like message to the House of Representatives.

GROVER CLEVELAND.

EXECUTIVE MANSION,
Washington, March 1, 1886.

EASTERN CHEROKEE INDIANS.

The PRESIDENT *pro tempore* laid before the Senate the following message from the President of the United States; which was read, and, with the accompanying papers, referred to the Committee on Indian Affairs, and ordered to be printed:

To the Senate and House of Representatives:

I transmit herewith a communication of 25th ultimo from the Secretary of the Interior submitting, with accompanying papers, a draught of a bill, recommended by the Commissioner of Indian Affairs, for the payment of money claimed under alleged existing treaty stipulations and laws by such Eastern Cherokee Indians as have removed or shall hereafter remove themselves to the Indian Territory.

The matter is presented for the consideration of Congress.

GROVER CLEVELAND.

EXECUTIVE MANSION, *March* 2, 1886.

INDIAN LAND IN NEBRASKA.

The PRESIDENT *pro tempore* laid before the Senate the following message from the President of the United States; which was read, and,

with the accompanying papers, referred to the Committee on Indian Affairs, and ordered to be printed:

To the Senate and House of Representatives:

I transmit herewith a communication of 26th ultimo from the Secretary of the Interior, with inclosures, requesting legislation to provide for the reappraisement and sale of a small tract of land in the State of Nebraska belonging to the Sac and Fox Indian reservation.

The matter is presented for the action of Congress.

GROVER CLEVELAND.

EXECUTIVE MANSION, *March* 2, 1886.

PROCEEDS OF INDIAN LANDS.

The PRESIDENT *pro tempore* laid before the Senate the following message from the President of the United States; which was read, and with the accompanying papers, referred to the Committee on Indian Affairs, and ordered to be printed:

To the Senate and House of Representatives:

I transmit herewith a communication of the 27th ultimo from the Secretary of the Interior, submitting, with accompanying papers, a draught of a bill prepared in the office of Indian Affairs for the purpose of securing to the Cherokee and others, citizens of the Cherokee Nation by adoption and incorporation, a sum equal to their proportion of the $300,000, proceeds of lands west of 96° in the Indian Territory, appropriated by the act of March 3, 1883.

The matter is presented for the consideration of Congress.

GROVER CLEVELAND.

EXECUTIVE MANSION, *March* 2, 1886.

EXECUTIVE COMMUNICATIONS.

The PRESIDENT *pro tempore* laid before the Senate a communication from the Secretary of the Treasury, transmitting a recommendation of the Light-House Board for an additional appropriation of $60,000 for the establishment of a light at the entrance to Gray's Harbor, Washington Territory; which, with the accompanying papers, was referred to the Committee on Appropriations, and ordered to be printed.

He also laid before the Senate a communication from the Secretary of the Treasury, submitting additional estimates for clerks in the Register's office; which was referred to the Committee on Appropriations, and ordered to be printed.

HOUSE BILL REFERRED.

The bill (H. R. 2148) to amend an act entitled "An act to provide a building for the use of the United States circuit and district courts of the United States, the post-office, and other Government offices at Williamsport, Pa.," and making an additional appropriation therefor, was read twice by its title, and referred to the Committee on Public Buildings and Grounds.

PETITIONS AND MEMORIALS.

The PRESIDENT *pro tempore* presented a petition of Knights of Labor of Newark, Ohio, praying for the construction of the Hennepin Canal; which was referred to the Committee on Commerce.

Mr. PLUMB. I present the petition of a large number of representative citizens of Miami County, Kansas, praying for the enactment of a law requiring scientific temperance instruction in the public schools of the District of Columbia, in the Territories, in the Military and Naval Academies, and in the Indian and colored schools supported wholly or in part by money from the national Treasury. I give notice that in pursuance of the general tenor of the petition I shall move to amend the educational bill by offering an amendment requiring instruction of that kind out of the money which we appropriate. As a bill on the subject has been reported, I move that the petition lie on the table.

The motion was agreed to.

Mr. SEWELL presented the petition of the Woman's Christian Temperance Union of the State of New Jersey, officially signed, representing 4,000 Christian women, praying for the better legal protection of young girls in the District of Columbia; which was referred to the Committee on the District of Columbia.

Mr. CULLOM presented petitions of Knights of Labor of Danville, Monmouth, Newton, and La Salle, Ill., praying for the construction of the Hennepin Canal; which were referred to the Committee on Commerce.

He also presented a petition of Knights of Labor of Danville, Ill., praying for the opening to settlement of public and unoccupied lands in the Indian Territory, and the organization of a Territorial form of government therein; which was referred to the Committee on Indian Affairs.

Mr. TELLER presented a petition of 486 representative citizens of Colorado, praying for the enactment of a law requiring scientific temperance instruction in the public schools of the District of Columbia and the Territories, and in the Military and Naval Academies and the Indian and colored schools supported wholly or in part by money from the national Treasury; which was ordered to lie on the table.

He also presented a joint memorial of the General Assembly of Colorado, favoring the passage of a bill setting apart a portion of the military reservation at Pagosa Springs, Colo., for a public park; which was referred to the Committee on Public Lands.

He also presented a joint memorial of the General Assembly of the State of Colorado, favoring the passage of an act granting relief to Anson Rudd, and providing for the issuing of a patent by the United States to him for certain lands donated to him; which was referred to the Committee on Public Lands.

He also presented a joint memorial of the General Assembly of Colorado, favoring the passage of a bill to set aside and annul the grant of land to Louis Lee and Narcisso Beaubin, in the State of Colorado; which was referred to the Committee on Public Lands.

Mr. FAIR presented a memorial of the Legislature of Nevada, favoring an appropriation by Congress for a hydrographic survey of the State of Nevada; which was referred to the Committee on Appropriations.

He also presented a resolution adopted by the Legislature of Nevada, favoring certain legislation in regard to the boundaries of the Pyramid Lake reservation; which was referred to the Committee on Indian Affairs.

He also presented a memorial of the Legislature of Nevada, favoring the reimbursement of money expended by the States in the late civil war; which was referred to the Committee on Claims.

Mr. FRYE presented a petition of William H. Hussey, Mrs. C. C. Hussey, Mrs. Henrietta Johnson, and other citizens of New Jersey, praying for the better legal protection of young girls in the District of Columbia; which was referred to the Committee on the District of Columbia.

Mr. PLATT. I present resolutions passed by the General Assembly of the State of Connecticut, concerning the removal of the naval training school from Coaster's Harbor Island to the New London naval station. I ask that it may be read.

The resolution was read, and referred to the Committee on Naval Affairs, as follows:

State of Connecticut, General Assembly, January session, A. D. 1886.

[House joint resolution No. 58.]

Concerning the removal of the naval training school from Coaster's Harbor Island to the New London naval station.

Whereas the United States has the title by deed of gift from the State of Connecticut to a tract of land in the towns of Groton and Ledyard, with a water front of about one mile on the river Thames, which land, according to the conditions of the gift, is to be used for naval purposes and is now known as the New London naval station; and

Whereas said naval station, although large sums of money have been expended upon it by the General Government, has been substantially abandoned; and

Whereas said naval station is admirably adapted in every respect to be the headquarters of the naval training school, and could be immediately fitted for that purpose at a nominal expense, while the present headquarters of the school at Coaster's Harbor Island, near Newport, R. I., are, upon the testimony of competent naval officers, unfit for the uses of the institution, and will remain so even after the expenditure of hundreds of thousands of dollars of the people's money:

Resolved, That the Senators and Representatives of this State in Congress be requested to make an immediate, united, and earnest effort to secure the removal of the naval training school from Coaster's Harbor Island to the New London naval station, and have said station designated as the permanent headquarters of said school.

Resolved, That the secretary of state be, and hereby is, instructed to transmit a copy of this preamble and resolution to the Secretary of the Navy and to each of the Senators and Representatives of Connecticut in Congress.

STATE OF CONNECTICUT,
Office of Secretary of State, ss:

I, Charles A. Russell, secretary of state of the State of Connecticut, and keeper of the seal thereof, and of the original record of the acts and resolutions of the General Assembly of said State, do hereby certify that I have compared the annexed copy of the resolution concerning the removal of the naval training school from Coaster's Harbor Island to the New London naval station with the original records of the same now remaining in this office, and have found the said copy to be a correct transcript thereof and of the whole of said original.

In testimony whereof I have hereunto set my hand and affixed the seal of said State at Hartford this 24th day of Februry, 1886.

[SEAL.] CHARLES A. RUSSELL,
Secretary of State.

Mr. MILLER, of New York, presented a petition of citizens of Rensselaer Falls, N. Y., praying for the passage of a bill embodying the recommendations of the national pension committee of the Grand Army of the Republic; which was referred to the Committee on Pensions.

He also presented a petition of the Scipio monthly meeting of Friends, State of New York, praying for the passage of the bill (S. 355) to promote peace among nations, for the creation of a tribunal for international arbitration, and for other purposes; which was referred to the Committee on Foreign Relations.

He also presented a petition of citizens of Salamanca, N. Y., praying for the opening of the Oklahoma lands in the Indian Territory to settlement, &c.; which was referred to the Committee on Indian Affairs.

He also presented petitions of Knights of Labor of Albany and Brooklyn, N. Y., praying that liberal appropriations be made by Congress for public works; which were referred to the Committee on Commerce.

Mr. MILLER, of New York. I present a petition signed by 236 representative citizens of Delaware County, New York, praying for the enactment of a law requiring scientific temperance instruction in the public schools of the District of Columbia and the Territories, and in the Military and Naval Academies, and the Indian and colored schools supported wholly or in part by money from the national Treasury; and another petition of similar character signed by 563 representative citizens of Onondaga and Cortland Counties, New York, for the same purpose. As the bill is now on the Calendar, I move that the petitions lie on the table.

The motion was agreed to.

Mr. INGALLS. I present a petition of Knights of Labor of Larned, Kans., praying for the passage of a bill to restore the wages of the employés of the Government Printing Office, so that they may be the same as were paid prior to March 4, 1877. I move that the petition be referred to the Committee on Printing.

The motion was agreed to.

Mr. INGALLS presented a petition of the Walnut Creek monthly meeting of Friends, State of Kansas, praying for the passage of the bill (S. 355) to promote peace among nations, for the creation of a tribunal for international arbitration, and for other purposes; which was referred to the Committee on Foreign Relations.

He also presented a petition of Knights of Labor of Ellis, Kans., praying that an appropriation be made for the construction of the Hennepin Canal; which was referred to the Committee on Commerce.

Mr. SAULSBURY presented a petition of 127 representative citizens of New Castle County, Delaware, praying for the enactment of a law requiring scientific temperance instruction in the public schools of the District of Columbia and the Territories, and in the Military and Naval Academies, and the Indian and colored schools supported wholly or in part by money from the national Treasury; which was ordered to lie on the table.

Mr. VOORHEES. I present the petition and accompanying exhibits of Thomas U. Walter, of Philadelphia, Pa., on the subject of his claim against the Republic of Venezuela. I move that the petition and accompanying papers be referred to the Committee on Foreign Relations.

The motion was agreed to.

Mr. VOORHEES. I present the petition of a large number of citizens of Indiana who served in the late war of the rebellion, praying for the passage of a general pension law. I move that the petition be referred to the Committee on Pensions.

The motion was agreed to.

Mr. VOORHEES. I have been requested to present a petition of citizens of Indianapolis, Ind., concerning the abolition of the office of President of the United States. I do so without concurring, I presume, in any statement contained in the paper. I move that it be referred to the Committee on Privileges and Elections.

The motion was agreed to.

Mr. VOORHEES presented a petition of Knights of Labor of Knightsville, Ind., praying for the passage of a law prohibiting Chinese immigration; which was referred to the Committee on Foreign Relations.

He also presented a petition of Michael McCaffrey, guardian of Patrick Finegan, late a private in Company A, Sixteenth Regiment United States Infantry, praying to be allowed a pension; which was referred to the Committee on Pensions.

Mr. ALLISON presented a petition of 235 representative citizens of Marshall and Linn Counties, Iowa, composed of 28 clergymen, 10 physicians, 7 lawyers, 33 teachers, 79 business men, and 23 officers of temperance and other societies; and a petition of 178 representative citizens of Delaware, Grundy, Buchanan, and Brewer Counties, Iowa, composed of 18 clergymen, 8 physicians, 30 lawyers, 34 teachers, 68 business men, and 20 officers of temperance and other societies; and a petition of 172 representative citizens of Clay, Emmet, and Lyons Counties, Iowa, composed of 14 clergymen, 5 physicians, 8 lawyers, 21 teachers, 101 business men, and 22 officers of temperance and other societies, praying for the enactment of a law requiring scientific temperance instruction in the public schools of the District of Columbia and the Territories, and in the Military and Naval Academies, and the Indian and colored schools, supported wholly or in part by money from the national Treasury; which were ordered to lie on the table.

Mr. CALL presented a memorial of the Board of Trade of Key West, Fla., remonstrating against the proposed increase of the duty on leaf-tobacco; which was referred to the Committee on Finance.

Mr. PIKE presented a memorial of the Patrons of Husbandry of New Hampshire, remonstrating against the passage of any measure increasing the rate of postage on fourth-class matter; which was referred to the Committee on Post-Offices and Post-Roads.

Mr. SAWYER presented a petition of Mrs. L. E. Thomas and 8 other ladies of Waterford, Wis., praying for a sixteenth amendment to the Constitution of the United States, prohibiting the disfranchisement of any citizen on account of sex; which was ordered to lie on the table.

Mr. EVARTS presented a petition of 472 representative citizens of Ontario, Orleans, and Livingston Counties, New York, and a petition of 122 representative citizens of Clinton County, Ohio, praying for the enactment of a law requiring scientific temperance instruction in the public schools of the District of Columbia and the Territories, and in the Military and Naval Academies, and the Indian and colored schools, supported wholly or in part by money from the national Treasury; which were ordered to lie on the table.

He also presented a petition of Mrs. Lillie Devereux Blake and other ladies of New York, praying for an amendment to the Constitution to protect women in the right of suffrage; which was ordered to lie on the table.

Mr. EVARTS. I present a petition of the representatives of the savings-banks of the State of New York, representing, I understand, with one or two possible exceptions, all the savings-banks in that State. The representatives of those banks hold in trust for over 1,165,000 persons their savings, averaging about $375 for each depositor, and aggregating the sum of over $437,000,000. The petition is that the coinage of silver may be stopped by law. I ask that the petition, which is not long, may be printed in the RECORD, and that it be referred to the Committee on Finance.

The petition was referred to the Committee on Finance, and ordered to be printed in the RECORD, as follows:

To the honorable the Senate and House of Representatives of the United States in Congress assembled:

The undersigned, representatives of the savings-banks of the State of New York, respectfully submit that they hold in trust for over 1,165,000 persons their savings, averaging about $375 for each depositor, and aggregating the sum of over $437,000,000; that all the funds and property of the said savings-banks and all their earnings and accumulations belong exclusively to their depositors, chiefly industrious persons of small means, and that your petitioners have no interest therein except as custodians for said depositors. As such representatives we respectfully petition the Congress of the United States to repeal the law which directs the coinage of the 412½-grain silver dollars.

We heartily agree with the opinions expressed upon this subject by the President of the United States in his recent message, and we pray that it may please Congress to enact that the said coinage be discontinued, for the reason, among many others of weight, that its continuance, unregulated by the demands of trade or by the ability of the circulation to absorb it, tends to sever our currency from the gold standard, to compromise the national credit, and to create distrust in the minds of the people.

To make our securities, principal and interest, payable in silver dollars, and thereby to reduce the exchange value of the savings of the people by 20 per cent., would be a loss of purchasing-power of the funds in the savings-banks of New York State alone equivalent to a shrinkage in value of nearly $100,000,000; and that, as the value of the currency would be alike impaired whether in savings-banks or elsewhere, this vast sum would represent only a small portion of that loss to be apprehended from the continued compulsory coinage of the standard silver dollars, the greater portion of which loss must be borne by the industrial classes whose interests we serve.

And your petitioners will ever pray, &c.

Mr. HOAR. I present a memorial, signed by Jordan, Marsh & Co., and some 20 or 30 others, who are among the principal firms and business men in the city of Boston, remonstrating, for certain forcible reasons which they state, against the bill intended to increase the rate of postage on fourth-class mail matter. I ask that the petition, which is very compact (not longer than a proper statement of it if I made it orally under the rule), be printed in the RECORD without the names.

The memorial was referred to the Committee on Post-Offices and Post-Roads, and ordered to be printed in the RECORD, as follows:

To the Senators and Representatives of the New England States:

The undersigned, business men of Boston, respectfully call your attention to the bill recently introduced into the Senate by Hon. JAMES F. WILSON, of Iowa, which bill is intended to double the rate of postage on fourth-class mail matter.

The rate is now 16 cents per pound, and the proposed change will make the rate 32 cents per pound, or the same as letter postage.

This bill should not be permitted to become a law, because, if passed, its provisions will seriously injure such lines of trade as depend upon the mail for the carriage of their goods, while in every line it will largely increase the expense of conducting business. It will also prove a great hardship to thousands of people who depend largely upon the postal facilities for their daily supplies because of the distance from express offices. At the present rate of 16 cents per pound the price is much higher than that of any other country in the world. If any change is made in the law it should be to reduce the rate to 8 cents per pound, which latter figure is much higher than is charged by England, France, Germany, or any other foreign country.

We trust that you will give this matter your personal attention, as it is one of great importance to the business men and the people of Boston and New England.

BOSTON, *February* 25, 1886.

Mr. MAXEY presented a petition of Knights of Labor of Denison, Tex., praying for the restoration of wages at the Government Printing Office to a certain former rate; which was refereed to the Committee on Printing.

Mr. COCKRELL. I present a memorial of Local Assembly No. 1528 of the Knights of Labor of the town of Trenton, Mo., praying for the enactment of such laws as will protect the weak and oppressed against the encroachments of corporate power, and for the expenditure of the surplus revenue of the Government in the construction of works of internal improvement and of national importance, and especially for the construction of the Hennepin Canal. I move that the memorial be referred to the Committee on Commerce.

The motion was agreed to.

Mr. COCKRELL. My colleague [Mr. VEST] is confined to his house by illness, and has sent me a petition which was forwarded to him from California by an old acquaintance, and for that reason I present it. It is a petition of the Los Angeles Board of Trade, of California, for an increased appropriation for Wilmington Harbor, for the erection and maintenance of a Government building in the city of Los Angeles, and for the establishment of a United States district court in connection with certain counties. As it has so many things in it I presume the petition will have to go to the Committee on the Judiciary. The establishment of a district court seems to be the more important part. I move that the petition be referred to the Committee on the Judiciary.

The motion was agreed to.

Mr. LOGAN presented a petition of Knights of Labor of Danville, Ill., praying for the construction of the Hennepin Canal; which was referred to the Committee on Commerce.

He also presented a petition of Knights of Labor of Danville, Ill., praying for the opening of the Oklahoma lands in Indian Territory to settlement; which was referred to the Committee on Indian Affairs.

REPORTS OF COMMITTEES.

Mr. FAIR, from the Committee on Claims, to whom was referred the bill (S. 42) for the relief of Capt. Nicholas J. Bigley, submitted an adverse report thereon; and the bill was postponed indefinitely.

Mr. MAHONE, from the Committee on Public Buildings and Grounds,

to whom was referred the bill (S. 531) to provide for the erection of a public building at Lafayette, Ind., reported it with an amendment.

He also, from the same committee, to whom was referred the bill (S. 1131) to amend an act to provide for the purchase of a site and the erection of a public building thereon at Detroit, Mich., approved March 2, 1885, reported it with amendments.

Mr. CAMERON, from the Committee on Naval Affairs, to whom was referred the bill (S. 1672) for a public building for a marine hospital at Gallipolis, Ohio, asked to be discharged from its further consideration, and that it be referred to the Committee on Commerce; which was agreed to.

Mr. PIKE, from the Committee on Claims, to whom was referred the bill (S. 542) for the relief of William Ervin, reported it without amendment, and submitted a report thereon.

Mr. GRAY, from the Committee on Claims, to whom was referred the bill (S. 290) for the relief of Davidson Dickson and others, reported it with an amendment, and submitted a report thereon.

Mr. HAMPTON, from the Committee on Military Affairs, to whom was referred the bill (S. 1388) for the relief of the trustees of Isaac R. Trimble, reported it without amendment, and submitted a report thereon.

He also, from the same committee, to whom was referred the bill (S. 1293) to authorize the Secretary of the Treasury to settle and pay the claim of the State of Florida on account of expenditures made in suppressing Indian hostilities, and for other purposes, moved its indefinite postponement, which was agreed to; and submitted a report, accompanied by a bill (S. 1729), to authorize the Secretary of the Treasury to settle the claim of the State of Florida on account of expenditures made in suppressing Indian hostilities; which was read twice by its title.

He also, from the same committee, to whom was referred the bill (S. 457) for the repair of Fort Marion, at Saint Augustine, Fla., and the inclosure of the grounds attached to said fort, reported it with amendments, and submitted a report thereon.

Mr. EUSTIS, from the Committee on Epidemic Diseases, to whom was referred the bill (S. 604) providing for the appointment of a commission to investigate the declared discovery of inoculation of yellow fever and protection so afforded against that disease, moved its indefinite postponement, which was agreed to; and submitted a report, accompanied by a bill (S. 1730), providing for the appointment of a commission to investigate the truth of alleged discoveries of the specific cause of yellow fever and of a method of preventing that disease by inoculation, and to obtain all information possible as to the cause and prevention of that disease; which was read twice by its title.

Mr. BROWN, from the Committee on Foreign Relations, submitted a report, accompanied by a joint resolution (S. R. 50) authorizing Lieut. D. Pratt Mannix, of the United States Marine Corps, to accept the decoration of the third class of the Double Dragon, tendered to him by the Emperor of China on account of distinguished services rendered the empire as torpedo instructor; which was read twice by its title.

He also, from the same committee, to whom was referred the bill (S. 1444) for the relief of William Schuchardt, United States commercial agent at Piedras Negras, Mexico, reported it without amendment, and submitted a report thereon.

Mr. BROWN. I am also instructed by the Committee on Foreign Relations to report adversely in the matter of Capt. D. W. Mullan, of the United States Navy, to whom a medal has been tendered by the Chilian Government on account of the fact that he was permitted to accompany the Chilian army during certain important military operations in the late war between Chili and Peru. The Chilian Government has tendered him as a memento, as it is stated, a medal; and under all the circumstances the committee report adversely on the case.

The PRESIDENT *pro tempore*. The committee will be discharged from the further consideration of the petition.

Mr. DOLPH, from the Committee on Claims, to whom was referred the bill (S. 438) for the relief of James Filor, William Curry, and William Pinckney, submitted an adverse report thereon; and the bill was postponed indefinitely.

STATISTICAL ABSTRACT FOR 1885.

Mr. MANDERSON. I am instructed by the Committee on Printing to report back favorably a concurrent resolution authorizing the printing of 15,000 additional copies of the Statistical Abstract of the United States for the year 1885. I ask for its present consideration.

The concurrent resolution was considered by unanimous consent, and agreed to, as follows:

Resolved by the Senate (the House of Representatives concurring), That there be printed 15,000 additional copies of the Statistical Abstract of the United States for the year 1885; of which 5,000 copies shall be for the use of the Senate and 10,000 for the use of the House of Representatives.

BILLS INTRODUCED.

Mr. EVARTS introduced a bill (S. 1731) to equalize the pension of William Riley, late private of Company G, Fifty-first Regiment New York Volunteers, with those who lost the arm at the shoulder joint; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Pensions.

He also introduced a bill (S. 1732) to regulate commercial sales of goods and merchandise by samples, catalogue, card, price-list, description, or other representation, between residents of the several States and Territories; which was read twice by its title, and referred to the Committee on Commerce.

Mr. COKE introduced a bill (S. 1733) to establish a port of delivery at Dallas, in the State of Texas; which was read twice by its title, and referred to the Committee on Commerce.

He also introduced a bill (S. 1734) to establish a port of delivery at San Antonio, in the State of Texas; which was read twice by its title, and referred to the Committee on Commerce.

Mr. CALL introduced a bill (S. 1735) to provide for a survey and estimate of cost of cleaning out Indian River, in the State of Florida; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Commerce.

Mr. GEORGE introduced a bill (S. 1736) to provide for an addition to the United States building at Jackson, Miss.; which was read twice by its title, and referred to the Committee on Public Buildings and Grounds.

Mr. GEORGE. At the request of one of my colleagues at the other end of the Capitol I introduce certain bills, and ask their reference to the Committee on Claims.

The bills were severally read twice by their titles, and referred to the Committee on Claims, as follows:

A bill (S. 1737) for the relief of James H. Owens;
A bill (S. 1738) for the relief of Helen Loggins, administratrix;
A bill (S. 1739) for the relief of Paschal D. Hammack;
A bill (S. 1740) for the relief of L. B. F. Champion;
A bill (S. 1741) for the relief of Wiley A. Pullen;
A bill (S. 1742) for the relief of Samuel Herd;
A bill (S. 1743) for the relief of Margaret Champion;
A bill (S. 1744) for the relief of William F. Haralson;
A bill (S. 1745) for the relief of Turner Babbitt;
A bill (S. 1746) for the relief of Charles H. Johnson;
A bill (S. 1747) for the relief of Julia A. Thomas, administratrix of J. O. S. G. Greer, deceased;
A bill (S. 1748) for the relief of the legal representatives of Frances E. Gibson, deceased;
A bill (S. 1749) for the relief of T. J. Denson, administrator of the estate of George W. McCabe;
A bill (S. 1750) for the relief of George C. Harper;
A bill (S. 1751) for the relief of Ruth Summers, administratrix;
A bill (S. 1752) for the relief of W. L. Wallace, administrator;
A bill (S. 1753) for the relief of Isaac Haralson;
A bill (S. 1754) for the relief of Franklin Sessions;
A bill (S. 1755) for the relief of T. P. Burnham, administrator of the estate of Dr. J. Burnham, deceased;
A bill (S. 1756) for the relief of Caroline Davidson, administratrix;
A bill (S. 1757) for the relief of W. L. Summers, administrator;
A bill (S. 1758) for the relief of R. T. Cheek;
A bill (S. 1759) for the relief of Louisa Thomas, administratrix;
A bill (S. 1760) for the relief of Mrs. E. A. Anderson, administratrix; and
A bill (S. 1761) for the relief of Chatham Davidson.

Mr. PAYNE introduced a bill (S. 1762) for the relief of Harry S. Kellogg, administrator of the estate of Lyman M. Kellogg; which was read twice by its title, and referred to the Committee on Claims.

Mr. BECK. I introduce a bill to modify the existing provisions of law in relation to the sinking fund, and as it is only ten lines long I ask that it may be read, as I desire to offer a resolution in regard to the subject after a while.

The bill (S. 1763) to modify the provisions of law relative to the sinking fund was read the first time by its title and the second time at length, as follows:

Be it enacted, &c., That the provisions of law relating to the sinking fund be so modified that hereafter the Secretary of the Treasury shall not be required to pay or redeem over $20,000,000 annually of the principal of the debt of the United States for the purposes set forth in section 3694 of the Revised Statutes, or under the provisions of the act of July 14, 1870, and the acts amendatory thereof.

Mr. CULLOM. I ask the Senator from Kentucky if he has information as to the amount of the sinking fund at this time?

Mr. BECK. I asked to have the bill read at length because at the proper time this morning I shall offer a resolution calling on the Secretary of the Treasury to give us positive information in that regard, so that on next Tuesday the Committee on Finance may act on it.

Mr. CULLOM. I did not hear the Senator's remark. I hope that we shall obtain the information.

The PRESIDENT *pro tempore*. The bill will be referred to the Committee on Finance.

Mr. MAHONE introduced a bill (S. 1764) for the relief of Washington Wright and Simon Basye, surviving trustees of Shiloh Baptist church at Fredericksburg, Va.; which was read twice by its title, and referred to the Committee on Claims.

Mr. FRYE introduced a bill (S. 1765) to amend the Revised Statutes relating to the District of Columbia for the protection of girls and for the punishment of the crime of rape; which was read twice by its title, and referred to the Committee on the District of Columbia.

Mr. INGALLS introduced a bill (S. 1766) granting a pension to William Brentano; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Pensions.

He also (by request) introduced a bill (S. 1767) to correct the Army record of certain officers named therein; which was read twice by its title, and referred to the Committee on Military Affairs.

Mr. PLUMB introduced a bill (S. 1768) granting a pension to John D. Fincher; which was read twice by its title, and referred to the Committee on Pensions.

He also introduced a bill (S. 1769) granting a pension to Laura F. Sholes; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Pensions.

He also introduced a bill (S. 1770) granting a pension to J. H. Thornburg; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Pensions.

Mr. GEORGE introduced a joint resolution (S. R. 51) authorizing and directing the Department of Justice to transfer certain rooms which have been occupied by the United States courts to the city of Jackson, Miss.; which was read twice by its title, and referred to the Committee on Public Buildings and Grounds.

PAPERS WITHDRAWN AND REFERRED.

On motion of Mr. MAHONE, it was

Ordered, That any papers on file in the office of the Secretary of the Senate relating to the claim of the Shiloh Baptist church of Spottsylvania County, Virginia, be taken from the files and referred to the Committee on Claims.

On motion of Mr. WALTHALL, it was

Ordered, That the papers in the case of Mrs. Louisa Jackman and others be taken from the files and referred to the Committee on Military Affairs.

On motion of Mr. MILLER, of New York, it was

Ordered, That the papers in the case of Eliza A. C. Jones be taken from the files and referred to the Committee on Claims.

On motion of Mr. SHERMAN, it was

Ordered, That Humphrey E. Woodhouse have leave to withdraw the papers in his case from the files of the Senate.

On motion of Mr. EVARTS, it was

Ordered, That the papers on the files of the Senate relating to the bill (S. 1599) for the relief of the Phœnix National Bank of the city of New York be taken from the files and referred to the Committee on the Judiciary.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. CLARK, its Clerk, announced that the House insisted upon its amendments to the bill (S. 610) to provide for a building for the use of the Federal courts, post-office, and internal revenue and other civil offices, and a United States jail in the city of Fort Smith, Ark.; agreed to the conference asked by the Senate on the disagreeing votes of the two Houses thereon, and had appointed Mr. S. DIBBLE, of South Carolina, Mr. BARCLAY HENLEY, of California, and Mr. W. H. WADE, of Missouri, managers at the conference on its part.

THE SINKING FUND.

Mr. BECK. I offer the following resolution and ask for its immediate consideration:

Resolved, That the Secretary of the Treasury be directed to inform the Senate how much, if any, the actual payments and purchases of the principal of the public debt since July 1, 1877, have been in excess of the requirements of the laws regulating the sinking fund, and further to inform the Senate how the existing laws can be carried out in relation to said fund from this time until the $250,000,000 of 4½ per cent. bonds mature.

Mr. HOAR. I desire to ask the Senator from Kentucky if it is his purpose to have any discussion of the resolution at this time.

Mr. BECK. Not a word. I only ask to have the resolution passed because I introduced a bill to modify, if possible, the sinking fund in consequence of the fact that our present debt——

Mr. HOAR. I have no objection to the passage of the resolution.

Mr. BECK. We have had positive information in regard to the sinking fund to 1877.

The PRESIDENT *pro tempore*. Is there objection to the present consideration of the resolution? The Chair hears none, and the question is on agreeing to it.

Mr. BECK. I ask to be allowed to put in the RECORD, as part of my remarks, a short resolution that I offered in 1878 on the subject, showing the official statement to 1877. It is as follows:

Whereas it is of the highest importance in the present depressed condition of the industries of the people that taxation should be reduced to the lowest point consistent with a faithful discharge of the obligations of the Government and an economical administration of its affairs; and

Whereas the Secretary of the Treasury, in his estimates of the sums to be provided by the present Congress, includes $37,196,045.04 to be applied during the next fiscal year in the purchase of United States bonds under the provisions of the acts of February 25, 1862, and July 14, 1870, providing a sinking fund for the extinction of the national debt; and

Whereas the last Secretary of the Treasury, in his annual report to the Forty-fourth Congress, in December, 1876, showed that up to July 1, 1876, the literal compliance with the provisions of said laws from the time they went into effect required the application of $433,848,215.37 to the purposes provided for in said acts, and that $658,992,226.14 had been so applied, being an excess of $225,144,010.77 over the amount required by the law to be so applied up to that date; and

Whereas the present Secretary of the Treasury, in his report to this Congress, in December last, after repeating the statements of his predecessor upon that subject, says, "On the same basis the amount of the sinking fund would have reached $475,318,888.78 on the 1st of July, 1877, on which date the reduction of the debt, including accrued interest, less cash in the Treasury, since its highest point in 1865, amounted to $696,273,348.17," or $220,954,459.39 in excess of the amount required by law to be provided for that fund: Therefore,

Be it resolved by the Senate (the House of Representatives concurring), That it is unnecessary and inexpedient either to maintain or impose taxes at this time for the purpose of providing for $37,196,045.04 asked for by the Secretary of the Treasury in his estimates for the purpose of providing further for the sinking fund, and that the Secretary of the Treasury is hereby directed not to purchase any bonds for the reduction of the principal of the national debt till the further order of Congress; and that the committees of Congress having charge of the subject be, and they are hereby, instructed not to provide for the payment, during the next fiscal year, for any part of said sum in the adjustment of the taxation required for the maintenance and support of the Government.

The PRESIDENT *pro tempore*. The question is on agreeing to the resolution.

The resolution was agreed to.

GOVERNMENT LAND IN BATON ROUGE.

Mr. GIBSON. I introduced yesterday a bill (S. 1659) authorizing the Secretary of the Interior to transfer the United States barracks at Baton Rouge, La., except that portion that lies westward of a line 50 feet east of the center of the railroad track of the Louisville, New Orleans and Texas Railroad Company, to the Louisiana State University and Agricultural and Mechanical College at said place for educational purposes, and it was referred inadvertently to the Committee on Military Affairs. I ask that that committee be discharged from the consideration of the bill, and that it be referred to the Committee on Public Lands.

Mr. LOGAN. I do not want to interfere with the consideration of the bill, but I should like to know why it should go to the Committee on Public Lands. This land certainly is not public domain; it is military ground now or formerly occupied by the military of the United States; and if there is anything that should go to the Military Committee to be investigated it is a matter of that kind. I know nothing about the bill, and have no objection to its provisions.

Mr. GIBSON. I will state that the Senator from Illinois has precisely the impression which I held when I first introduced a similar bill last year; but I ascertained that by an executive order this public property had been transferred from the War Department to the Department of the Interior, and therefore it is under the jurisdiction at the present time, by that executive order, of the Department of the Interior.

Mr. LOGAN. It makes no difference about that fact; it is land occupied by the military, not now perhaps, but it has been used for barracks and other purposes belonging to the Military Department of the Government. I do not know what kind of an awkward position may have been taken by transferring the land to the Interior Department, but I will make a statement for the Senator's information in regard to one of those reservations. A few days ago, as chairman of the Military Committee, I sent to the Secretary of War for information in reference to one of them, and I was informed that it had been transferred to the Interior Department. I then sent a letter to the Interior Department, and I was informed by that Department that they had nothing to do with it; that it belonged to the Military Department; so that between them I should like to have them settle which one of the Departments has control of this character of property.

But it makes not the slightest difference which Department has control of it; it belongs properly to the military organization of the Government, and therefore this bill should go to the Military Committee. I do not insist on its going there on account of any knowledge I have of it or any objection I have to the bill, but I do not propose to stand here and allow a matter to be taken out of the hands of a committee to which it properly belongs. It has not been very long since ordnance, guns, and everything of that kind was taken out of the hands of the Military Committee for some reason or other, I know not what, and a new committee was organized to examine into that subject. The Military Committee had spent nearly a year in making an examination, had made a report to the Senate of their plans, and everything of the kind, and had got an appropriation of $400,000 for carrying them out; and then all at once a resolution was introduced and a new committee was organized for the purpose of examining those matters that belonged to the Military Committee.

Now, if the object is to entirely abolish the Military Committee, I have no objection as far as I am concerned, if the Senate want to do it; but while that committee exists I shall insist that matters belonging to it shall go there.

Mr. GIBSON. I have certainly no desire whatever to take anything from the jurisdiction or in any way to trench upon the rights or privileges of the Military Committee of the Senate. I introduced a similar bill a year ago, and on applying to the War Department, where I supposed it properly belonged, to ascertain what the view of the War Department was with respect to the transfer of this property for educational purposes, I was informed by the Secretary of War that that Department had nothing to do with it; that the property had been transferred as abandoned property, no longer used as a military post, no longer connected in any way whatever with the military service of the country. I then went to the then Secretary of the Interior, who is at present a member of the Senate—he may not remember it because it was an insignificant matter—and procured from him in writing his opinion on the expediency of this proposed transfer.

The only object I have in the world in connection with this matter is to have the bill considered by one of the standing committees of the Senate, the committee to which it should properly go, in order that the Senate may be advised by that committee what its action should be with respect to the merits of the bill itself. If the Senator from Illinois thinks it should go to the Military Committee I shall acquiesce in his view of the case, for I feel that he and that committee would give to it all the consideration that it is entitled to receive. I have no personal wish with respect to it, sir.

Mr. LOGAN. I will merely say to the Senator that if when all the military reservations, forts, arsenals, and everything of that kind are abandoned they should be turned over as public land, it would be a new feature in the affairs of this Government. That is all I can say about it. If the military authorities of the Government have control of those matters, are they to be taken out of their hands merely by an order? There are sometimes mistakes made in reference to orders. Why should the military reservations of the country be transferred to the Interior Department by the War Department merely to get rid of the trouble, for that is all? They do not belong to the Interior Department at all.

A good many things have been done in this country that there is no particular law for until some court decides what is the law and makes it the law. It is like the Indian reservations of this country. There is not a statute, no word can be found in the statute-books of this country, to authorize the President of the United States to establish an Indian reservation, to diminish or decrease it, and the only authority that is found in the Government to-day to give the President power to do that which he has been doing is in a decision of the Supreme Court based upon nothing. So orders grow up in this way to make law irrespective of the Congress of the United States. So far as I am concerned I do not propose to sit here and allow it to be done if I can prevent it.

The War Department had no right whatever to transfer this property to the Interior Department. There is no law authorizing them to do it, any more than there is a law authorizing the President of the United States to establish an Indian reservation. No such provision exists anywhere in the laws of the United States.

Mr. PLUMB. If the Senator from Louisiana will indulge me for a moment I think I can throw some light on this question. On the 5th day of July, 1884, a law was passed, being chapter 214 of the statutes of the Forty-eighth Congress, the first section of which is in these words, and the bill which was the basis of this law came from the Committee on Military Affairs, of which the Senator from Illinois [Mr. LOGAN] was then, as now, chairman:

That whenever, in the opinion of the President of the United States, the lands, or any portion of them, included within the limits of any military reservation heretofore or hereafter declared, have become or shall become useless for military purposes, he shall cause the same or so much thereof as he may designate, to be placed under the control of the Secretary of the Interior for disposition as hereinafter provided, and shall cause to be filed with the Secretary of the Interior a notice thereof.

Then follows ample provision in the five succeeding sections for the disposition of these lands by the Secretary of the Interior as public lands of the United States. In addition to that, about a year later in the sundry civil appropriation bill, passed at the second session of the Forty-eighth Congress, this item occurs:

For necessary expenses of survey, appraisal, and sale of abandoned military reservations transferred to the control of the Secretary of the Interior under the provisions of an act of Congress approved July 5, 1884, $20,000: *Provided*, That all appropriations herein under public lands shall be expended under the direction of the Secretary of the Interior.

So whatever the action of the President may have been with reference to this particular military reservation, if he, in his judgment, believes this reservation is unnecessary for military purposes he has ample warrant not only in the spirit, but in the letter of the law, to transfer it to the Secretary of the Interior for disposition by that officer, which completely divests the War Department of all interest in it and control over it.

I will say besides that I have somewhere a list furnished me by the Secretary of the Interior recently of all the reservations which have been transferred to the Interior Department under this law, and I should say that fifty or sixty, quite a large number, have been transferred. Whether this was one of them or not I do not know. I only asked the information for the purpose of knowing what the facts were about a reservation in Kansas which I found was included.

Mr. LOGAN. So far as the transfer of abandoned military reservations is concerned I admit that I had overlooked that statute, but the principle is the same. Unless the reservation has been declared an abandoned reservation, the President has no such authority. I do not know in reference to this particular post, but I have always understood it to be a military post, and I have not understood anything about its being declared abandoned. The mere fact of withdrawing troops from a post does not make it an abandoned military post. It has to be made so under law. I am aware now that an act has been passed for that purpose, but authority had to be given by law to abandon a place as a military post. If that has been done, I have nothing to say. If it has not been done, I insist that I am correct that it belongs to the Military Department. I will examine the question and look into it in a day or two, and if I find that this is an abandoned military reservation under the law, I will then report the bill back and ask that it be referred to the Committee on Public Lands.

Mr. GIBSON. That is satisfactory. I withdraw the motion.

The PRESIDENT *pro tempore*. The motion of the Senator from Louisiana is withdrawn.

Mr. COCKRELL. There is no question that the position stated by the Senator from Illinois in his last remarks and by the Senator from Kansas is correct, and the question depends entirely on whether this reservation is an abandoned reservation and has been transferred by the War Department to the Secretary of the Interior. If it is, the bill should go to the Committee on Public Lands. If not, it goes to the Committee on Military Affairs. In order that the Senate may have full information on that question, I ask for the adoption of this resolution:

Resolved, That the Secretary of War make to the Senate a report showing fully all military reservations transferred to the Interior Department as abandoned and useless under the law of July 5, 1884, and the dates of such transfers.

Mr. PLUMB. I will state that I have a list, which I have sent for, and it will be here in five minutes, which will tell the Senator all about it.

Mr. COCKRELL. We had better have this officially and have it printed.

Mr. PLUMB. Very well; mine is not printed. I got a list from the Secretary of the Interior.

Mr. WALTHALL. I happen to be on both the Military Committee and the Committee on Public Lands. In the latter capacity I have very lately had occasion to look into the condition of the barracks property at Baton Rouge, and I was furnished by the War Department with the President's proclamation, made in pursuance of the statute just read by the Senator from Kansas, in which this property at Baton Rouge is declared to be one of the abandoned military reservations and turned over for disposal to the Department of the Interior.

Mr. PLUMB. I have now the official list from the Secretary of the Interior on this subject, which I will ask to have read. It is brought down to the 17th day of February.

Mr. WALTHALL. Before that is read I will state that perhaps this property may not be embraced in that list. It was declared to be an abandoned reservation by a special proclamation embracing this and one other reservation only, perhaps supplemental to the list contained in the paper.

The PRESIDENT *pro tempore*. Does the Senator from Kansas ask that the list be printed?

Mr. PLUMB. I do not know what it contains, but I know it contains what purports to be the list. I ask that it be read for information.

The PRESIDENT *pro tempore*. It will be read.

The Chief Clerk read as follows:

DEPARTMENT OF THE INTERIOR, GENERAL LAND OFFICE,
Washington, D. C., February 17, 1886.

SIR: I have the honor to acknowledge the receipt, by reference from the Department for report, of a letter from Senator P. B. PLUMB, dated February 8, 1886, asking in behalf of the Senate Committee on Public Lands for a "list of the abandoned military reservations turned over by the War Department to the Department of the Interior."

In reply I have the honor to report that the following described abandoned military reservations have been turned over to the Secretary of the Interior by orders of the President under act of Congress approved July 5, 1884 (Stats. 23, page 103):

Name of reservation.	Date of order relinquishing.
Bois Blanc Island, Michigan	July 22, 1884
Fort Butler, New Mexico	July 22, 1884
Camp Cady, California	July 22, 1884
Fort Crittenden (Camp Floyd), Utah	July 22, 1884
Camp Crittenden, Arizona	July 22, 1884
Coal reservation, Wyoming	July 22, 1884
Fort Fetterman, Wyoming	July 22, 1884
Camp Goodwin, Arizona	July 22, 1884
Old Camp Grant, Arizona	July 22, 1884
Fort Hartsuff, Nebraska	July 22, 1884
Camp Independence, California	July 22, 1884
Island in State of Missouri	July 22, 1884
Fort Randall, Dakota (part east of river)	July 22, 1884
Fort Rice, Dakota	July 22, 1884
Bush Lake Valley, Utah	July 22, 1884
Fort Sedgwick, in Colorado and Nebraska	July 22, 1884
Camp Sheridan, Nebraska	July 22, 1884
Fort Steilacoom, Washington Territory	July 22, 1884
Camp Three Forks, Idaho	July 22, 1884
Fort Verde garden tract, Arizona	July 22, 1884
Timber reservation, Arizona	July 22, 1884
Fort Wilkins, Michigan	July 22, 1884
Fort Wallace, Kansas	July 22, 1884
Old Fort Lyon, Colorado	July 22, 1884
Pagosa Springs (old Fort Lewis), Colorado	July 22, 1884
Camp on White River, Colorado	July 22, 1884
Uncompahgre Cantonment, in part, Colorado	July 22, 1884
Fort Thornburgh, Utah	July 22, 1884
Fort McRae, New Mexico	July 22, 1884
Fort Yuma, California and Arizona	July 22, 1884
Fort Sullivan, Maine	July 22, 1884
Fort Sanders, Wyoming	Sept. 6, 1884
Baton Rouge barracks, Louisiana	Sept. 6, 1884
Fort Dodge, Kansas	Jan. 12, 1885
Small part of Fort Bidwell, California	Feb. 16, 1885
Fort Craig, New Mexico	Mar. 3, 1885
Fort Cameron, Utah	July 2, 1885

In this connection I have to state that by executive order dated January 9, 1884, Fort Yuma was transferred to the control of the Interior Department for Indian uses. Also, on August 7, 1883, the Secretary of War turned over Fort Stevenson post and reservation, Dakota, to the Interior Department for school purposes. On October 15, 1883, the Secretary of War, under act of August 18, 1856 (Stats. 11, page 87), relinquished to the Secretary of the Interior two lots in Saint Augustine, Fla., called the hospital lot and the blacksmith-shop lot.

On April 19, 1884, the Secretary of War relinquished the hay reserve for Fort Boisé, Idaho, and on May 7, 1884, he also relinquished the hay reserve for Fort Lapwai, Idaho. These two relinquishments were made because of a decision by this office, concurred in by the Secretary of War, that the act of Congress approved February 14, 1853 (Stats. 10, page 158, section 9), limiting military reservations in Oregon Territory to 640 acres each, applied to the reservations named because of their location in what was originally part of Oregon Territory.

The foregoing comprises a complete list of military reservations relinquished to the Interior Department within the last three years so far as is known to this office.

Senator PLUMB's letter is herewith returned.

Very respectfully, your obedient servant,

WM. A. J. SPARKS, *Commissioner.*

Hon. L. Q. C. LAMAR,
Secretary of the Interior.

Mr. LOGAN. I see the name of this post is enumerated with the others there, and if the Senator from Louisiana or the chairman of the Committee on Public Lands had called my attention to it it would probably have saved the trouble which has arisen. My attention was not called to it, and the fact is that I tried, as chairman of the Military Committee, to get information from the Secretary of War in reference to one reservation, and he referred me to the Secretary of the Interior, and the Secretary of the Interior referred me back to the Secretary of War. I have both their letters on file. Neither one offered to furnish me a list of these reservations, and that led me into the error that I fell into. Of course I have no objection under the law to the bill going to the Committee on Public Lands, but it would have been at least fair, I think, that my attention had been called to this, inasmuch as the list had not been furnished to the Committee on Military Affairs by the Secretary of War, which certainly should have been done. At least when I asked for the information and was referred to the Secretary of the Interior and by him was referred back to the Secretary of War, it seems to me it would have been but fair to have furnished that list to the committee.

Mr. GIBSON. I ask that the Committee on Military Affairs be discharged from the consideration of the bill, and that it be referred to the Committee on Public Lands.

The PRESIDENT *pro tempore.* The pending question is on the adoption of the resolution of the Senator from Missouri [Mr. COCKRELL].

Mr. PLUMB. I think we have the information now.

Mr. COCKRELL. No; I have modified the resolution, and ask that it be read as modified.

The PRESIDENT *pro tempore.* The resolution will be read as modified by the Senator from Missouri.

The Secretary read as follows:

Resolved, That the Secretary of War make to the Senate a report showing fully all the military reservations transferred to the Interior Department as abandoned and useless under the law of July 5, 1884, and the dates of such transfers, and also all military reservations transferred to the Interior Department under any previous law or other authority since July 1, 1865, with dates of such transfers.

Mr. COCKRELL. There are a number of others that have been transferred under the authority of special laws. We had better have a list of them, so that we may not make any mistake.

The resolution was agreed to.

The PRESIDENT *pro tempore.* The Senator from Louisiana [Mr. GIBSON] moves that the Committee on Military Affairs be discharged from the further consideration of the bill named by him, and that it be referred to the Committee on Public Lands.

The motion was agreed to.

WASHINGTON GAS-LIGHT COMPANY.

Mr. VAN WYCK submitted the following resolution; which was read:

Resolved, That the treasurer of the Washington Gas-light Company is hereby required to furnish to the Senate a statement of the amount of the capital stock of the said company, and a statement of every dividend which has been declared by the said company, whether the same has been made in shares, scrip, or cash, or in any other manner whatsoever, since January 1, 1881, and that such statement shall include an account of the money, or securities or property in which money may have been invested, and all cash resources or assets on hand or held by the said company at the present time.

Mr. PLUMB. I suggest that that be amended so that he be required not only to give the date of the dividends but the amount of the same respectively.

Mr. VAN WYCK. Insert the words "amount and date" at the proper place.

The PRESIDENT *pro tempore.* The Senator will please put the amendment in writing.

Mr. VAN WYCK reduced the amendment to writing.

The PRESIDENT *pro tempore.* The modification will now be read.

The CHIEF CLERK. In line 5, after the word "dividend," it is proposed to insert "including date and amount;" so as to read:

That the treasurer of the Washington Gas-light Company is hereby required to furnish to the Senate a statement of the amount of the capital stock of the said company, and a statement of every dividend, including date and amount, which has been declared by the said company, &c.

The PRESIDENT *pro tempore.* The modification suggested by the Senator from Nebraska will be made. The question is on the adoption of the resolution as modified.

The resolution was agreed to.

BASIS OF BANK CIRCULATION.

The PRESIDENT *pro tempore.* If there be no further morning business, the Calendar, under Rule VIII, is now in order.

Mr. BOWEN. I intended to ask the Senate to hear me this morning, as indicated by my suggestion on Monday last that I would ask to be heard on the bill (S. 1594) providing for a new basis for the circulation of national banks, and for other purposes, now lying on the table. I give notice now that I shall ask to be heard on it immediately after the final disposition of the education bill. That bill is now so nearly finished that I shall not interfere with it.

BONDS HELD BY NATIONAL BANKS.

Mr. INGALLS submitted the following resolution; which was considered by unanimous consent, and agreed to:

Resolved, That the Secretary of the Treasury be directed to inform the Senate how many of the bonds called for payment April 1 are held by national banks.

SENATORS' PRIVATE SECRETARIES.

Mr. RIDDLEBERGER. I offer the following resolution:

Resolved, That each Senator shall report to the Senate on Monday next the name of his private secretary.

I ask for the immediate consideration of the resolution, and I have reasons for asking it.

Mr. PLATT. As a great many Senators have not any private secretary, it seems to me that resolution, if it is to be considered, ought to be modified, to say the least.

Mr. RIDDLEBERGER. Does the Senator object to its consideration? I do not hear him.

Mr. PLATT. I think it had better lie over.

Mr. RIDDLEBERGER. I want simply to remark, if the Senator will allow me——

Mr. PLATT. I have no private secretary, and I do not want to be obliged to report.

Mr. RIDDLEBERGER. Neither have I. I want simply to remark——

Mr. PLATT. I withdraw the objection.

Mr. RIDDLEBERGER. I wish to remark, as a reason for offering the resolution, that the last Congress voted to pay private secretaries to Senators, and I am acquainted with the fact that tickets are issued to men to come upon this floor who would not be admitted into the parlors of gentlemen acquainted with them as I am, and yet they have tickets of admission as private secretaries to Senators. That is one of the subjects that I want discussed before the Senate, and possibly I may state some things with which some of the gentlemen on this floor are not acquainted.

Mr. PLATT. I will not object to the resolution. The only objection that I wished to make to it was that it required every Senator to report the name of his private secretary, and I thought it implied that all Senators had private secretaries.

Mr. RIDDLEBERGER. No, sir; I do not understand that. A Senator has the right to employ as many private secretaries as he shall please to pay for. We know also that there are private secretaries under the pay of the Government. We know also that Senators on this floor have their private secretaries and issue their cards to those who receive no pay except that of admission to this floor to black-mail gentlemen, to libel them in their newspapers. That is what I want to have disclosed and discussed here. I want to know whether a man who is capable of libeling a Senator shall have a ticket of admission to this floor; and that is the reason I have for the introduction of this resolution. I do know of such a case and I know of its existence here.

Only this morning we read in the RECORD of what occurred in the House of Representatives because Eads was on the floor of that House. Would it be permissible for me to intimate that while Eads was not on this floor, he has three henchmen here, two of them representing Republican journals and one a Democratic journal, coming to get information, to libel Senators on this floor whenever they can get their type and presses to work, and coming here as the private secretaries of Senators, receiving no pay for it except getting tickets of admission as private secretary from a Senator, who, for instance, has his own son for his private secretary, drawing pay, and the other, no, the creature—I will not say the other, but the creature—coming here with a ticket of admission as a private secretary. That is the reason I have offered the resolution, and I will press it until it shall be known where this thing was evolved from and who has done it.

Mr. HARRIS. Let the resolution be read.

The PRESIDENT *pro tempore.* The resolution will be again read.

The Chief Clerk read the resolution.

The resolution was agreed to.

LOSSES OF OFFICERS AND SOLDIERS.

Mr. COCKRELL. I ask for the adoption of the following resolution——

Mr. BLAIR. I wish to call up the education bill.

Mr. COCKRELL. This is morning business, and we are in the morning hour.

The PRESIDENT *pro tempore*. The resolution will be read.

The Chief Clerk read as follows:

Resolved, That the Secretary of War make to the Senate a report showing the actual proceedings had to date under the act of March 3, 1885, including the claims in full as presented and recommended for allowance, and any difference in views between the officers of the War and Treasury Departments in regard to the same.

Mr. COCKRELL. I did not have time to write the title of the act, but it is the law authorizing the War Department to receive, adjust, and report upon claims for losses by fire, &c., of officers and soldiers. We must have for the information of the Senate, in order to enable us to understand and legislate further if necessary, what action the War Department has already taken under it, and we should also like to know the items of the accounts of such claims and what the officers have allowed as actually necessary and proper, and any differences that may exist between the officers of the War Department and the Treasury Department in regard to what is proper under the law.

The resolution was considered by unanimous consent, and agreed to.

SENATORS' PRIVATE SECRETARIES.

Mr. HOAR. I desire to enter a motion to reconsider the passage of the resolution just passed on the motion of the Senator from Virginia [Mr. RIDDLEBERGER]. I wish to say that that resolution requires each Senator to make a report to the Senate on Monday morning next. It will, I suppose, require every Senator to rise in his place. I should like to move to amend the resolution by filing the names with the Secretary of the Senate, to be printed in the RECORD. I will move that amendment, and then ask that the matter stand till the Senator from Virginia comes in. He is not present now.

The PRESIDENT *pro tempore*. The first question is, Will the Senate reconsider the vote by which the resolution was agreed to? The resolution will be read.

The Chief Clerk read the resolution adopted on the motion of Mr. RIDDLEBERGER.

Mr. COCKRELL. I do not see the Senator who introduced the resolution.

Mr. HOAR. I stated that I should move an amendment and let it stand until the Senator came in.

The PRESIDENT *pro tempore*. The question is on the motion to reconsider.

Mr. McMILLAN. I think it would be as well not to reconsider it in the absence of the Senator from Virginia.

Mr. HOAR. I will let the motion to reconsider stand.

The PRESIDENT *pro tempore*. The motion to reconsider will be entered. The morning business is now concluded.

Mr. BLAIR. I move that the Senate now proceed to the consideration of the educational bill.

The PRESIDENT *pro tempore*. The Senator from New Hampshire moves that the Senate proceed to the consideration of the unfinished business of yesterday.

The motion was agreed to.

Mr. HOAR. I now call up the motion to reconsider the resolution of the Senator from Virginia [Mr. RIDDLEBERGER]. I have the assent of that Senator to the reconsideration.

The PRESIDENT *pro tempore*. The Senator from Massachusetts moves to reconsider the vote by which the following resolution was passed:

Resolved, That each Senator shall report to the Senate on Monday next the name of his private secretary.

The motion to reconsider was agreed to.

Mr. HOAR. I now move to amend by adding:

By filing the same with the Secretary of the Senate, to be published in the RECORD.

Mr. CALL. The resolution has been reconsidered I understand.

The PRESIDENT *pro tempore*. It has been and it is now open to amendment.

Mr. CALL. I desire to say that the name of every Senator's private secretary is already in the Secretary's office, obliged to be there, and to my knowledge is there at this time.

The PRESIDENT *pro tempore*. The question is on the amendment proposed by the Senator from Massachusetts [Mr. HOAR].

The amendment was agreed to.

The PRESIDENT *pro tempore*. The question is on the resolution as amended.

The resolution as amended was agreed to.

SARAH B. JACKSON.

The PRESIDENT *pro tempore*. The unfinished business is before the Senate.

Mr. VAN WYCK. Will the Senator from New Hampshire yield to me for a few moments?

Mr. BLAIR. For what purpose?

Mr. VAN WYCK. In the Forty-eighth Congress, the Senator will remember, a bill was passed by the House of Representatives, a special pension bill, for the relief of Sarah B. Jackson. It was examined in the Committee on Pensions of the Senate, and the report of the House committee concurred in, and a recommendation made that the bill should be passed. When the bill came up, however, an amendment was proposed in the Senate incorporating the same features as have been lately passed in the House bill increasing the pensions of widows and dependent relatives. At the time it was suggested in the Senate that that amendment, though proper in itself, might imperil the passage of the bill, not from counteraction on the part of the House, but possibly because of what might be necessary delay. But assurance was given at the time that if the amendment should be likely to cause delay and prevent the passage of the bill in the House the bill would be recalled and the amendment withdrawn, so that the bill might pass pure and simple.

The amendment was put upon the bill by the Senate and went to the House, and although there was ample time to have passed it, yet the House considered it of more importance, it would seem, to refuse action upon a legislative matter by reason of a controversy growing up there in regard to a contested-election case. This morning the same bill is reported to us passed upon by the House, and I desire to have it put on its passage; and in this connection, as a part of the current history of pensions, I should like to make just one suggestion. I see in the discussion in the House yesterday——

Mr. INGALLS. That will not do.

Mr. VAN WYCK. Then I see from a statement which I have read in a paper that it has been stated that the Senate should have before this time enacted a law increasing the rate of pensions to widows and dependent relatives. I desire to throw back any imputation of that kind, because it appears by the history of this bill that more than a year ago the Senate did introduce and did pass the very same proposition which a few days ago was passed in the House; and not content with that, the Senate was arraigned because long ago it did not itself, a Republican body, pass a pension bill of that nature. It is proper to make the suggestion now that not only a year ago was a bill incorporating the same provision introduced but it actually passed in the Senate; but it so happened that that measure was passed as an amendment to the House bill for the relief of Sarah B. Jackson, and if the House had paused in the discharge of its duties a few minutes it could have enacted it into a law a year ago. If that had been done, the widows and dependent relatives for the last year would have been drawing an increased pension. Therefore it is that this bill was passed on unanimously by the committee and substantially unanimously by the Senate. I ask now that it may be placed on its passage, because on that bill was put the amendment to which I have referred.

The PRESIDENT *pro tempore*. The Senator from Nebraska asks unanimous consent of the Senate to proceed to the consideration of the bill named by him.

Mr. BLAIR. I will consent that the consideration of the school bill shall be laid aside informally with the right to call for it as the special order if this leads to debate.

The PRESIDENT *pro tempore*. The bill was referred to the Committee on Pensions. Does the Senator from Nebraska now report it?

Mr. VAN WYCK. Yes, sir. I report from the Committee on Pensions the bill (H. R. 1635) for the relief of Sarah B. Jackson, without amendment.

By unanimous consent, the Senate, as in Committee of the Whole, proceeded to consider the bill, which proposes to direct the Secretary of the Interior to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of Sarah B. Jackson, widow of William B. Jackson, late of Company A, Ninety-first Regiment New York Volunteers.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

AID TO COMMON SCHOOLS.

Mr. BLAIR. I call for the regular order.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (S. 194) to aid in the establishment and temporary support of common schools.

The PRESIDENT *pro tempore*. The pending question is on the adoption of the amendment proposed by the Senator from Oregon [Mr. DOLPH] to the amendment proposed by the Senator from Iowa [Mr. ALLISON], upon which question the Senator from Indiana [Mr. HARRISON] is entitled to the floor.

Mr. HARRISON. Mr. President, as I said yesterday, it is not my purpose to enter upon a general discussion of this bill. It is unusual legislation. It is suggested and defended upon the ground that in some of the States of the Union there is a dangerous degree of illiteracy. It is agreed on all hands that the great bulk of that illiteracy is found in the colored race of the South, a race that recently came out of a condition of slavery.

The fact that this race was so long held under slavery, a condition of which ignorance was an incident, appeals strongly to the philanthropy and patriotism of the people of all the States to assist in relieving it from that weight of inherited ignorance. It is agreed that in all the old free States the people have both the ability and the disposition to provide for every child of school age a suitable common-school

education. If all the States were now in the condition in which the free States are such legislation as this could not be justified.

It was understood then in framing this legislation that it should be so framed that the bulk of the money would go to the Southern States. It was not thought best to make an arbitrary assignment of so much to each State. At the last Congress it was concluded that it was not best to put this apportionment upon a basis, suggested I believe by myself, that its distribution should be limited to those States that had 10 per cent. or more of illiteracy in their population.

The committee and those who were friendly to this measure therefore sought some general expression as to the division which would accomplish the purpose of giving the larger part of this donation to the Southern States, and yet would seem to be general in its application. After much discussion the basis of this bill was agreed upon, that this fund should be distributed to the States in the proportion that the illiterates in the several States over ten years of age bore to the whole number of such illiterates in the United States. Mr. President, no one supposed that this would be a just basis of distribution in the State to the respective school districts. It was not suggested as a just basis for such distribution. It was suggested wholly for the purpose which I have mentioned.

Now, sir, for one I do not believe in making this legislation a subject of jugglery. I do not believe that we should attempt any tricks for political advantage. I do not believe that we should so legislate as to hold out to our colored friends in the South a promise of substantial aid in the way of education and yet cumber the bill with such unjust limitations as will make its defeat certain, or if it should ever become a law that its kindly execution in the States would be impossible. If we are unfriendly to this general system let us frankly and openly say so, let us kill this bill in an open way; but I object to any suggestion that shall tend to so cumber the bill with conditions as that its kindly and efficient operation in the States shall be absolutely prevented.

Mr. President, I am one of those who feel that the colored race in the South since the war has been subjected to indignities, cruelties, outrages, and a repression of rights such as find no parallel in the history of civilization. I have read with horror the authenticated stories of the cruelties which have been visited upon this docile, kindly, and inoffensive race. I have looked hopefully in the old times to the forcible intervention of the General Government in their defense. I have thought that it might be possible under that stringent legislation which Congress adopted, by the forcible intervention of the Federal authority to protect them in those rights of which they were so cruelly deprived. But I have ceased to have faith in the possibility of that intervention in their behalf, constituted as this Government is with its complex organization of Federal and State Governments, independent within certain limitations. In the States and in the tribunals which they establish and in the venue where the offenses are committed, crimes against the colored people must be tried. Of necessity the successful vindication of the rights of these people fails unless there is a sentiment in the locality where the offenses are to be examined into and punished that reprobates and condemns them.

Mr. President, for one I believe there exists to-day in the Southern States a condition of things that sadly needs to be remedied. I do not see how it can be remedied by the intervention of the Federal authority. I look to two great agencies alone to elevate the colored race to an equality with their white brethren who dwell with them, to secure them in their just rights and to equip them properly, as we must admit they have not hitherto been equipped, to understand the duties of citizenship and to discharge those duties intelligently; I look to two great agencies—the force of public opinion and education within the States. I believe there are no other efficient agencies. I believe the only method by which the colored man can be led up to a manhood which will claim and which will not be denied full and equal rights as a citizen in all the Southern States is this process of education.

Holding these views, Mr. President, I am sincerely solicitous that Federal aid shall be extended to the States in such a way that the kindly impulses of that increasing body of Southern men who show a kindly disposition toward the elevation of the colored man shall be recognized and encouraged.

In attempting to extend this aid there were just two methods open to us. One was to have the general Government administer its own fund in the States, that is, to set up a Federal system of common schools in the States, to appoint the teachers and superintendents, and pay them; and to bring into those schools the colored population of the States. But this process is not now advocated by any one here. I do not think there is a Senator on either side of this Chamber who suggests that course as a solution of this trouble.

Then what was the other method? That we should use the State governments and the institutions which they have established and the officers they have selected as the instrumentalities for the distribution and application of this gift from the General Government. It is agreed, I believe, on all hands that that is the course we must pursue. It is the most promising course. It is a course that makes these Southern States and their officers the instruments of this work that brings them into kindly relations with the race that is to be educated, that stimulates and suggests and promotes the best impulses of their own heart and is calculated to develop a like kindly feeling in the race in whose behalf their efforts are expended.

These things settled, that we are to use the States as the agency of this distribution, what follows? The fundamental mistake that has run through the arguments of the Senator from Iowa and the Senator from Maine is this: They speak of this question as if we were dealing alone with that fund which is contributed by the General Government. That is the error. All of their arguments are upon the idea that we are simply dealing with our own fund and directing its application. That is a mistake. By the conditions of this bill imposed upon the States we deal with the State revenue; we say, "You shall have no benefit of this bill unless you do thus and so with your own revenue."

I agree, if we were dealing simply with our own fund, and if we were leaving the States perfectly free to deal with theirs as they chose, then it is a matter entirely within our own discretion as to how we will have this fund expended. But why have we dealt or assumed to deal with State school funds and taxes by imposing conditions upon their use? Simply because we desire not to make this an independent system, but to ingraft it upon or rather to use it as a stimulus to the school systems of the several States. We say to every State that gets the benefit of it, "you shall distribute the fund you raise for education equally without any discrimination between the white and black children of your State who are of school age." That is the limitation we put upon them. That is asserted in the bill over and over again. I happen to know with what carefulness and with what pains and after what consultations these stringent provisions were inserted in this bill. As the Senator from Massachusetts [Mr. HOAR] suggests to me, we require a system that shall offer school advantages to all the children, and that shall offer those advantages equally to every child without reference to race or color.

When we require that of a State, have we not solemnly declared that that is the true basis upon which to put education in the State? If that confession is not involved, why that requirement? I say it is our proclamation that the ideal school system, the ideal and perfect relation between the white and black races of the South is to be sought and is to be attained when every man, black and white, is secured in the full and equal enjoyment of equal civil rights, and as to education when every child, black and white, of the school age is secured equal privileges in the common schools of the State. These provisions are our declaration that that is the ideal and perfect relation of the races; and it is. Who will ask more?

Mr. President, I have been always the friend of the colored man. I have received him into my camp when a fugitive from his master he sought liberty under the flag; I have fed him; and in a very humble way under the greater instrumentalities that were over me and under God, whose guiding hand was over all, have in small measure contributed to his emancipation; and no one anywhere rejoiced in it more than I. I have seen some illustrations of his hungering for education that touched my heart deeply and filled my eyes with tears. In the camps of the war I have seen an aged colored man who had fled from slavery to the safe refuge of a Union camp who had toiled all day in the employment to which he was assigned, and when the camp was left in silence and soldiers slept, when only the tread of the sentinel broke the stillness of the night, I have seen that poor colored man past three-score prone upon the ground with his head toward a camp-fire and the spelling-book that he had gotten from the chaplain before him, toilsomely learning the lessons of childhood. I know his eagerness to be taught; and his need is too serious and too important a question to be the subject of legislative jugglery.

Now, Mr. President, having admitted by the bill that this condition of equality which the bill requires as a condition before the State can receive any benefit in the ideal condition, shall we incorporate in this bill any amendment that disturbs that condition and that equality? That is the question which is presented by the amendment of the Senator from Iowa.

Mr. President, what I desire is that we shall guard the original distribution of the fund by the most stringent provisions possible, that we shall not allow any State to touch a dollar of it that has not by constitution or statutory law provided a system broad enough and wide enough to take into it every colored and white child in the State; and if there is trouble there let us remedy it. If the bill is not strict enough there, let us make it strict; but let us not because we doubt the sufficient stringency of the bill upon that question incorporate in it something that disturbs and overturns this whole basis of equality between the races in the distribution of the school fund.

Mr. President, when we say to the State "you shall thus equally, per capita"—for that is what it amounts to—"distribute your revenue among the children of the State of school age without reference to race or color," we come under a most solemn obligation to use ours in the same way.

The amendment of the Senator from Iowa provides, as every one who reads it knows, for an unequal distribution. It does not go upon the per capita basis, and the result of it is that after requiring the State to give each colored child his equal share of the State fund, we then deny to the white child an equal share of our donation.

If I understand the effect of the amendment—and I do not think I

can be mistaken, for I have given it careful thought—the result of it is this: We require the State of Mississippi in all the school fund it raises to give to every colored child there the same advantages, the same per capita distribution of its school fund, that it gives to a white child. Now we come in, having thus limited the power of the State to make any discrimination, and we divide this fund in such a way that the per capita allowance of the colored child in the State is largely increased above that of the white child. I do not think any Senator who reads this will deny that that is the effect of the amendment as it stands.

In other words, if the State distributes $1 per capita for school purposes to every child of school age in the State, we require that every colored child shall get his dollar. Then we come in and make a distribution of say $3 per capita out of the national Treasury, and we give $2 of it to the colored child, giving him $3, and $1 of it to the other, giving him $2. If that is not the effect of it, I can not understand language. I want to know if any man who is a real friend of the colored race; I want to know if any of those educated colored men who are at the head of the normal schools at the South, or who are teaching in other schools, who are here in the city of Washington engaged in educational work, or any of those educated colored men who are preaching the Gospel to their fellows, familiar with the wants, desires, and expressions of their race—I want to know if any man of them has ever been found anywhere to ask for the colored people of the South larger educational advantages than are given to the whites.

God knows I would be glad to see anything done that is for the true interest of the colored race in the South; but I can not believe that to so distribute this fund as to keep the colored schools open six months in the year and at the same time so limit the power of the State to make any additional provision for white schools as to require them to close at the end of four months is in the interest of the colored race. I do not believe there is a Senator on this side of the Chamber who represents a State that would consent to such a school system.

Now what I desire is that this appropriation shall so go to the States that every child, taking what the State gives and what the Government gives, shall have a fair, equal, even chance for an education. That is what the colored people demand, and that is what their friends ask for them. To give them less than this is injustice; to give them more than this is fatal.

Mr. President, the amendment of the Senator from Iowa, it seems to me, is fatally defective, even to accomplish the purpose which he intends. Let me read it:

> And in each State in which there shall be separate schools for white and colored children, the money paid in such State shall be apportioned and paid out for the support of such white and colored schools in the proportion that the illiteracy of the white and colored persons aforesaid bear to each other, as shown by said census.

One trouble in dealing with this question is the variety of legislation which we have in the States, and which we call school systems. Some of them are very inappropriately called systems; but every practical man will admit that the distribution of the school revenue must be made at the beginning of the year. If the State of Indiana has $1,000,000 to use for common-school purposes the distribution or assignment of that fund for the year must be made at the beginning of the year. We can not dole it out without a system. We must understand at the beginning how much each school district is to get at least.

Now it may be and probably is true that in many of the Southern States there are no school districts. They deal with schools rather than with school districts. So if I understand this amendment aright its operation would be this: In the case of Mississippi at the beginning of the school year the school superintendent would have to determine how many white schools and how many colored schools there were in the State; and when he had determined that he must make the distribution of this fund upon the basis of the existing schools and to those schools. If that be true, we see readily how these schools may be oversupplied, and what a limitation is put upon the opening of new schools during the year. It seems to me that is the effect of the amendment, that the schools in existence at the beginning of the school year are to get the entire school revenue of the year. The distribution, in other words, is upon the basis of schools and not of illiterate persons in the particular town, township, or school district who ought to be in the school or who might be brought into school. So it seems to me that this amendment fails to answer the purpose even which the Senator from Iowa had in mind.

Now, sir, some Senators have said that since the last session of Congress they have had light on this subject. I want to call the attention of the Senate to an amendment proposed by the Senator from Ohio [Mr. SHERMAN] at the last Congress, and it is a much more reasonable and fair proposition than that in the amendment proposed by the Senator from Iowa.

The amendment was as follows:

> And the sum so paid shall be apportioned among the several counties, cities, towns, parishes, and townships of each State or Territory, and when practicable, among school districts, as defined by this act, in the proportions that the number of persons in such corporations, who being of the age of ten years and over can not write, bears to the number of such persons in such State or Territory according to the census of 1880.

That amendment was proposed at the last Congress by the Senator from Ohio. There were just seven affirmative votes, and yet I submit that if we are to adopt this distribution at all, it should be to the school districts and not to schools, because a distribution to the school districts allows the liberty of organizing new schools and expanding the system of education within the school district, whereas a distribution to schools as such already established does not.

Mr. President, for one I admit that I have had great trouble with some of the provisions of this bill. I profess now that I am ready to consider any amendment that will tend to perfect it that will more certainly accomplish the object we have in view. I think we ought to insist that every Southern State shall deal with the colored people precisely as they deal with the white people, that they shall so deal with their school fund, and I want in what we add to that fund to deal in the same way with our contribution. As I have said, before any greater exaction, any stricter provision as to the kind of system they must have, anything that will tend to secure this fair and equal distribution, I am heartily for and shall support if any such propositions are made. I should not have spoken at all except for the fact that it seemed to me that the amendment of the Senator from Iowa was fatally wrong in two regards: First, that it made the distribution to established schools and not to school districts; and in the second place, it distributed the equal distribution which we require the States to make of its school revenues.

Mr. President, I say the fair thing, to be accepted by all the States, by all the people of both races, is an indiscriminating and equal application of all school funds to the education of all children of school age without reference to race or color.

If some of the amendments which have been proposed, the one suggested especially by the Senator from Massachusetts [Mr. HOAR] to this amendment of the Senator from Iowa [Mr. ALLISON] should prevail, I think it would meet with my support, but in the shape in which it is presented I can not support it.

Let me say, in conclusion, that if we accept the States in the South as the agencies through which this benefaction is to be distributed, then we must put our gift upon that basis that will secure, as I have said before, the co-operation, the hearty and kindly co-operation of the people of those States in executing it; and if they shall fail of this high trust, if being put upon trial before this nation and the world in dealing as trustees with the most sacred trust that ever was confided to a people—if they shall fail to respond faithfully to the trust, then if I shall remain in this Senate Chamber the moment that is developed for one I shall vote to withhold any further appropriation. If they discharge the high trust with fidelity and enthusiasm, then I believe we shall have entered upon a peaceful and a magnificent solution of the gravest problem that confronts us to-day.

The PRESIDING OFFICER (Mr. PAYNE in the chair). The question is on the amendment proposed by the Senator from Oregon [Mr. DOLPH] to the amendment proposed by the Senator from Iowa [Mr. ALLISON].

Mr. FRYE. There seems to be a lull. I hope we shall have a vote now.

Mr. BLAIR. The Senator from Vermont [Mr. EDMUNDS] expressed last night a purpose to speak on this amendment, and he is not now in the Chamber. I suppose courtesy would require, perhaps, that he should be notified; or allow the Senator from Illinois to take the floor.

Mr. LOGAN. Not yet.

Mr. FRYE. Why not have a vote? The Senate is waiting for it.

Mr. HOAR. What is the pending question?

Mr. FRYE. I would not invite further discussion on the bill.

Mr. LOGAN. Mr. President, inasmuch as the Senate——

Mr. HOAR. I should like to move an amendment.

Mr. LOGAN. Very well.

The PRESIDING OFFICER. The question before the Senate is on the amendment of the Senator from Oregon to the amendment of the Senator from Iowa.

Mr. HOAR. Then my amendment would not now be in order.

Mr. PLATT. Let the amendment to the amendment be read.

Mr. LOGAN. Very well.

The CHIEF CLERK. In line 2 of the proposed amendment of Mr. ALLISON it is moved to strike out the words "paid in such State" and insert in lieu thereof "received by said State under the provisions of this bill;" so as to read:

> And in each State in which there shall be separate schools for white and colored children the money received by said State under the provisions of this bill shall be apportioned and paid out for the support of such white and colored schools, &c.

Mr. DAWES. That is a mere formal amendment. It will be better to have it adopted.

Mr. BLAIR. There is no objection to it.

The PRESIDING OFFICER. The question is on the amendment to the amendment.

The amendment to the amendment was agreed to.

Mr. HOAR. Now, I desire to move a further amendment to the amendment. I move to add these words, which are not precisely the same as those I gave notice of last night, but in substance the same; I move to add at the end of the amendment, after the word "census," "until an equal sum per capita is appropriated and paid from the na-

tional and State funds for the education of all children of school age in such State without distinction, it being the object of this act to secure equal advantages to all children of whatever color or race."

I move that as an amendment to the amendment of the Senator from Iowa.

The PRESIDING OFFICER (Mr. FRYE in the chair). The question is on the amendment of the Senator from Massachusetts [Mr. HOAR] to the amendment of the Senator from Iowa [Mr. ALLISON].

The amendment to the amendment was agreed to.

The PRESIDING OFFICER. The question now is on the amendment of the Senator from Iowa as amended.

Mr. EDMUNDS. I move to amend the amendment by striking out all after the word "and" and inserting what I hold in my hand. It is really a substitute for the whole amendment as amended. It is to strike all out and insert:

> And in each State and Territory in which there shall be separate schools for white and colored children the money paid in such State or Territory shall be apportioned and paid out for the support of such white and colored schools respectively in the proportion that the white and colored children between the ages of ten years and twenty-one years in such State or Territory bear to each other as shown by the said census. The foregoing provision shall not affect the application of the proper proportion of said money to the support of all common schools wherein no distinction of race or color shall exist.

Mr. BLAIR. I ask the courtesy for a second reading of the amendment, as my attention was diverted.

The PRESIDING OFFICER. The amendment will be read.

The Chief Clerk read the amendment of Mr. EDMUNDS.

Mr EDMUNDS. Mr. President, I do not think there is any constitutional difficulty in this bill. The Constitution of the United States gave to Congress the power to impose taxes, without any other limitation in the tax clause than that of paying the debts and providing for the common defense and general welfare of the Union. It left Congress apparently, therefore, just where the Legislatures of all the States were left by their constitutions at that time and since, except as there may be in some States special qualifications and exceptions about legislative power to impose taxes. There never was a tax laid in the United States that I remember, passed either by Congress or by a State Legislature, that undertook to state the purposes for which that tax should be expended. That was left to such political discretion as the people who paid the tax acting through their representatives should think fit to exercise.

Then there is the other provision, that no money shall be drawn from the Treasury except in pursuance of an appropriation made by law. There is no other limitation except as you derive it by argument from general considerations. In that clause there is no limitation over the power of appropriation. It recognizes the power of appropriating money in the Treasury, having provided how without limitation, except for paying debts and providing for the general welfare, that money should be got into the Treasury.

The only security, therefore, that the Constitution-makers thought fit to impose upon the public treasure when it had been gathered together in the Treasury was that of the people acting through their immediate representatives and acting through the Senators elected by the States, so that the political discretion and action of those two bodies should be exerted in drawing money from the Treasury. It did not say, no constitution ever had said or could say, that no money should be drawn from the Treasury except in pursuance of an appropriation made by law for a specific purpose named in some other part of the Constitution. It would have been impossible, impracticable, unphilosophical, and unpatriotic; and so they left it in that way.

In addition to that, we have had a hundred years of existence, and among the very earliest acts of the earlier Congresses, if practice and precedent amount to anything in construing constitutions, as I think they do, and in every Congress since you will find a greater or smaller number of bills passed and approved by the Presidents appropriating money out of the Treasury in one form or another for objects that are not specifically named in any of the special clauses of the Constitution and for objects that have no possible relation to any of those specific powers of affirmative action imposed upon Congress as to what it may do as the expression of the public will carrying on an executive performance by affirmative and positive force of law as distinguished from paying money out of the Treasury.

So, then, without going at large into such a discussion, it is perfectly plain to my mind, with great respect to those who think otherwise, that the constitutional power of Congress to devote money in the Treasury to whatever extent Congress chooses to do so to this object or any other benevolence, foreign or domestic, is entirely clear; and I fully agree to what the eloquent Senator from Massachusetts [Mr. HOAR] has said as it regards the promotion of the general welfare by the universality of education as one of the three fundamental elements without which in the long run no government of the people and by the people and for the people can exist. Agreeing to that, it is unnecessary for me to fortify, as I could not by anything I should say, the case as he has so well stated it.

We then come to the question as to what we ought to do. We do find, and all agree as a fact, that in a great many of the States of this Union there is an undue and excessive proportion of people who are ignorant and of children who are ignorant, and that in those States it appears to be a fact that at this present time there are not sufficient resources available from the taxable property of the inhabitants of those States to provide for this emergency. It is therefore, as it seems to me, a case in which the common treasure of all the people may be fairly devoted in aid of this great and necessary object, for the preservation of real republican government.

That being so, we want to do it fairly, we want to do it under such safeguards that we shall be sure that the money will be devoted and applied to the very uses for which it is intended. To do less would be merely to waste the treasure of the people and to defeat the very ends that we have in view.

Now it must be said with all candor and frankness that the previous experience of the United States in devoting public treasure, whether of lands or money or whatever, to the purposes of education in several of the States—I do not say all, because it would not be true—has not been fortunate. I believe it to be true that in several of the States the donations that Congress has from time to time provided have been diverted from the objects to which they were designed and applied to others to which Congress would never have consented if the proposition had been in the first place to do that thing and in that way. Nobody, therefore, ought to object to our taking the utmost care that the purpose we have in view shall be accomplished under every safeguard of due application and due report that it is possible to devise.

When I have looked at the laws of the States in which there are large populations of white and colored people and white and colored children, of course of those people, I have found, differing from the laws of the States with which I am more familiar, that the management and adjustment of school operations is confided to a very few hands, and that in many of those States—and I dare say in all, but I have not looked them through enough to satisfy me—it is left to one man or one small board of men to determine how many school districts there shall be in a county or in a State and to determine how many schools there shall be in each district, and of which determination the particular people who live in that particular locality have no immediate power of correction or improvement. I find in those same States that the positive and affirmative statute regulation is that the white children and the colored children shall not be educated in the same school.

That being the state of the case applied to this bill, as I understand it, as it now stands, it would be within the competence of the school authority in any State to determine under the law of that State in a given county how many white schools and how many colored schools there should be, and in the exercise of that discretion which the law imputes to him he is responsible to nobody except to the power that in the end may turn him out of office and put somebody else in. In the exercise of that discretion in a county where there are ten thousand colored children and five thousand white children he may set up ten white schools and two colored schools, and yet on this bill, as it now stands, the equality being between child and child as child, or man and man as man, the law of the State conforms to the requisition of the law of the United States, and while as between each colored child and each white child that is able to get to school there is equality of education, the practical outcome is that for the great body of the colored children no provision of school-houses and school districts convenient and accommodating, established and set up, is made, while for the white children all is made that the State thinks necessary and can bear; and it can be reversed of course just the same. If the colored people of South Carolina, for instance, who are said to be in a majority there, should act together, as I sometimes have been told that the white race does, and should have their votes counted at the polls and should elect colored governors and legislators and school superintendents and the whole autonomy of that State, under this bill as it now stands it would be within their competence to set up ten colored schools to one white school, and while in each school there would be equality as between each of the children who went to the two, yet taken in the mass the colored population of South Carolina would be provided for and educated while the white population would not be.

I can not agree to a proposition of that kind. I can not agree to leave the public money of the United States in the power of any State or any State authority which can effectuate a discrimination in masses, not trying to do it as between individuals, which will work either way in the method that I have described. That is the way it looks to me.

If, then, this money is first given to these States in proportion to illiteracy without regard to the illiteracy of people who can gain any immediate and direct benefit by education from it, as the bill now stands it goes up to one hundred years or whatever the age of everybody may be; the money being given to these States it ought to be appropriated to the education of both races alike by fair means, so that the children of both races, as near as we can get at it, according to the ages where they could be properly taught, should have equal advantages and fair play, and not equal advantages and fair play as between child and child merely as persons, but equal advantages and fair play as it regards the institution of a school system that makes the proper number of districts and sets up the proper number of schools according to the necessities of each race as the law of the State requires, but those necessities are to be separately considered and separately treated. That seems to me to be fair.

Now, this amendment that I offer proposes that thing, that the money

being taken to the State, it shall be divided between the white and colored schools, where the State makes that distinction, in proportion to the number of the illiterate people between the ages of ten and twenty-one, which is as near as we can get at it by the census. There would be a way, as the Commissioner of Education has shown in his report, to educe from the census the school age in each State, but it would not be the census; it would be something else, although it might be true, and that would be more philosophical. But when I turn to the laws of the State of Kentucky in force in the year 1880—and this census date is taken for all the States alike—I find that Kentucky had in force in that year (I believe she has changed it since, but that would not help this measure, which is based on the census of 1880) a law furnishing two separate ranges of age for school children between the white and the colored, the effect of which plainly is to give the white children a much larger share of the income of that State for their schools than the colored children could get upon the same basis, because it makes the school age of the colored children in narrower compass than the school age of the white children. As, for instance, it may say—I have forgotten the figures, but it illustrates just as well—that the school age of white children shall be between five and eighteen and that the school ages of the colored children shall be between five and twelve; and the consequence would be, if you distribute this upon the theory of the school age of the children by the laws of the several States as they stood at the time of the census of 1880, the State of Kentucky would get a larger proportion for its white children than it did for its colored children, and the white children would get it. That would not do. It is, therefore, necessary, as it appears to me, to take the census statement, which shows us the number of the white and colored persons in these States between ten and twenty-one, by complete and exact tables, as the basis of this division between white and colored schools.

With this amendment, as far as I now understand it, I shall most cheerfully and gladly vote for this bill; but in the state of the laws in these various States, in the state of the power that those laws give and as shown by the reports have been executed, the result of which is that the number of colored children in proportion to the population in many of these States—I do not say all, I have not looked it through—who are able to attend school and get the benefit of whatever the State provides for them is much smaller than of the white children; and it is smaller because it is within the autocratic power of the managers of the school system to whom the discretion as to the number of districts and the number of schools is left, from the cause that they establish more white schools in more convenient localities than they do colored schools, and under their laws they have a right to do it—I mean a legal right; I do not mean a moral right—and they do it. Having done it, the money of the United States, without this amendment, would go to aid and encourage the exercise of that discrimination wherein they set up by their separate arrangement for white and colored children these two methods of education, two forms of education, and enable themselves to appropriate this money, if they might, in a given county, in a given State, almost entirely to the whites and not to the colored. In that state of things, I think this amendment is absolutely necessary.

Mr. BLAIR. I should like before the Senator takes his seat to know whether his amendment provides that the distribution shall be upon the basis of white and colored population between the ages of ten and twenty-one inclusive.

Mr. EDMUNDS. It says between the ages of ten and twenty-one as shown by the census.

Mr. BLAIR. Would that include both ten and twenty-one?

Mr. EDMUNDS. It says ten and twenty-one as shown by the census. If the census shows it inclusive it would be inclusive.

Mr. BLAIR. But the census shows the number, the ages of one, two, three, four, five, six, seven, eight, nine, &c. By this amendment we select from the census tables the number of one age after another from ten to twenty-one in order to get an aggregate; and it would be either inclusive, including the age of ten and including the age of twenty-one, or it would be excluding ten or twenty-one. Which should it be?

Mr. EDMUNDS. I believe there is in the census tables—I have not had time to look at them this morning—one table that shows the number of white and colored persons in each of the States between the ages of ten and twenty-one. Whether that includes or excludes those two ages I do not remember.

Mr. BLAIR. I do not remember seeing such a table. I do not think there is such a table. There is not any such in the Compendium.

Mr. EDMUNDS. If there be not, I am willing to have it either way the Senator prefers, either inclusive or exclusive; but it refers to the census, and therefore whichever the census shows is what it means.

Mr. HOAR. I would suggest to the Senator from Vermont where he uses the word "paid" to insert the word "received." There have been several amendments adopted by the Senate to that effect.

Mr. BLAIR. That is in accordance with the verbal amendment adopted this morning before the Senator from Vermont came in.

Mr. EDMUNDS. I have no objection to that. I will modify my amendment accordingly, so as to read, "received in such State."

The PRESIDENT *pro tempore*. The amendment will be so modified.

Mr. BLAIR. Mr. President——

Mr. LOGAN. Does the Senator from New Hampshire intend to address the Senate at this time?

Mr. BLAIR. I was only about to make an observation in regard to this amendment, but I will yield the floor to the Senator from Illinois.

Mr. LOGAN. I should like to make an observation in regard to it myself.

Mr. President, I do not know that I can throw any light on this subject, and were I even able to do so it might not have the effect of changing the minds of individuals who have made this bill a great study, and especially where there is so great a desire as there seems to be for the paternity of a bill of some sort which is considered to be in the interest of education, even more so than to one amended by others, so that the result desired might be produced. I have no desire to take to myself any credit for this particular scheme, and when the Senator from Indiana insinuated that this bill was to be defeated or interfered with by legislative jugglery, I think that was an expression which might as well have been left unsaid.

I am as sincerely in favor of educating the illiterate people of this country as any Senator on this floor; but if on that account I shall be required to vote for certain provisions in the bill that I deem utterly fatal to a proper use of the fund, it certainly should not be said that it is mere jugglery on the part of persons who desire amendments to be proposed and adopted for the purpose of making this bill better. When the Senator from Massachusetts and the Senator from Indiana and the Senator from New Hampshire speak of elevating the colored race in this land so that they may be qualified as citizens of the United States to perform their duties intelligently toward the Government and themselves, I say I will go as far as either of those gentlemen in that direction, provided that I can be satisfied that the mode proposed will produce that result.

My friend the Senator from Indiana spoke in reference to his having been the friend of the colored man. Why, Mr. President, I hope that all on this side of the Chamber have been the friends of the colored man. When a man is the true friend of a man either white or colored, that is all that need be said. The Senator spoke of their having visited his camp and of his having fed them. I do not wish to go into that. Were I to do so, perhaps I could give in detail the history of the suffering of some of these men and the great benefits bestowed upon this country by their acts that others perhaps know not of. The reasons for our action should first be found, and then the propositions to accord with the reasons should be made into law.

I presume that the Senator from New Hampshire and the Senator from Massachusetts will say that this bill was conceived and brought forth for the benefit of the colored people. That was the idea in the inception of the educational bills that were urged upon Congress. Let us see if I am correct. I have had very little to do with this legislation except to vote for the bills as they have been presented and passed heretofore by the Senate. In reference to the statement made yesterday evening by the Senator from Massachusetts that all bills which had been proposed on this subject heretofore were on the basis of this one in reference to the distribution, I want to call his attention to a few that have been introduced into Congress and failed of consideration either in the committee or in the Senate.

I introduced two bills in 1882, one in 1883, and one in 1884. They were all referred to this Committee on Education and Labor. I appeared before the committee once in order to make such suggestions as seemed to me correct, but I soon came to the conclusion that what little I had to say would have no effect whatever upon the minds of that committee. I came to the conclusion also that the result in that committee would be what it ever has been, that the shrewdness and sharpness of men south of the line on that committee would get the very advantage that they have in this bill. I am not going to criticise them for it; but my conclusion then, as now, was that it was more important to some men to have a bill passed under their lead than it was to assure by a well-guarded bill the education of the colored people.

Why, sir, the proposition I made first in 1882 was that $50,000,000 be appropriated out of the revenues of the United States and distributed according to the population in the States and Territories for the benefit of the illiterate children of the whole country. That proposition was assailed by newspapers, by teachers, and by representatives, and why? Not because it proposed to take a fund out of the Treasury. That was not the reason. What was it? Because the basis of it should be for the education of the colored people. Objection was made to that bill all over the North, made to it in the very cities and towns where these Senators live, upon the very ground that it distributed money equally to all; that it ought to be distributed on the basis of the illiteracy of the people of the States, so that the colored people should have the benefit of it; being most illiterate, should receive the greatest benefit.

And further, it was not only proposed in the bills that I introduced, but in bills introduced by others, that the Government of the United States, in giving as a bounty this large fund to the people of this country for educational purposes, that the fund should be so guarded and protected in the law that there could be no chance for squandering or making an improper use of it. It was urged on the other side of the Chamber that

it interfered with the rights of the States; that it interfered with the Constitution of the country; that it struck down the power of the States to exercise their rights in reference to the education of those who were entitled to education within their borders.

That objection was made, and made on that side of the Chamber. I insisted on having that protection. I insisted on having the Secretary of the Interior as one officer, the presiding officer of the Educational Bureau as another, and the President of the United States as another; that under rules and regulations prescribed by these officers this money should be distributed according to law. It was objected to. Senators on this side of the Chamber, so very earnest for the education of the people, were so earnest that something should be reported to the Senate from the Committee on Education and Labor that would seem to be an advantage to the people, that all of the safeguards in reference to the protection of this fund as it should pass from the Treasury of the United States were stricken down except the mere report to the Secretary of the Interior.

I do not wish to detain the Senate but a very short time. I did not rise to make an elaborate speech upon this subject, but I wish to ask the Senators who are opposed to the proposition introduced by the Senator from Iowa a question. Under the Constitution as it was prior to the amendments the slaves of the South were enumerated and counted as three-fifths of the population of slaves and on that three-fifths representation was given to those States where slavery existed. How is it now? Representation in the electoral college and in the Congress of the United States is given on the basis of the whole colored and white population. Sir, according to the Constitution of the United States, we to-day enumerate the colored people and they count the same as the white people, and on this basis a majority is found in Congress and Presidents elected.

How is it, however, that they are enumerated only for the benefit of the power of those States in which they reside in representation in both the electoral college and the Congress of the United States? When it comes to voting, where are they and where are they counted? The benefit of their enumeration to their friends and country ceases as they approach the ballot-box. Take the State of Mississippi. The total population of that State is 1,131,597; the white population is 479,398, the colored population 650,291. I want the attention of the Senator from Massachusetts to these figures. What is the voting population of the State of Mississippi? Two hundred and thirty-eight thousand five hundred and thirty-two. What is the white voting population? One hundred and two thousand five hundred and eighty. What the colored voting population? One hundred and thirty thousand two hundred and seventy-eight. Nearly 30,000 majority of the persons entitled to vote in that State are colored men. They are counted with their families to swell the representation in Congress and in the electoral college.

How few of them vote, and why? One hundred and twenty thousand votes were cast at the last Presidential election, only 18,000 more votes than there are white voters in that State, in which there are 30,000 more colored voters than there are white voters. What a story does this tell? I am not going to say why this is the case, because I might be mistaken; but take your argument—is it for want of education? I find the white people are educated well enough to vote; at least they do it and send their members to Congress without the votes of the colored people being counted, and send their electors to vote for President; and yet you say to the colored people, "Stand up and be counted." For what purpose? For the purpose of securing a majority in the electoral college, for the purpose of obtaining a majority in the Congress of the United States. When the election comes no man says "stand up and be counted as voters." So then you count them for the benefit of the white people, but do not count them for their own benefit or that of the country.

So, sir, it is with your school bill. You base the money that you draw from the Treasury upon the illiteracy of the people of the United States from ten years and upward; and when you come to examine what do you find? You find the illiteracy of the white people in the South averaging from 12 to 20 per cent. and the illiteracy of the colored people from 40 to 80 per cent. Then how do you draw the money? The large amount of money drawn under your bill is drawn because of the illiteracy of the colored people above school age. You say to the hundred colored men who are seventy years old, who were slaves, and who can not read and write, "Stand up here and be counted." Counted for what? "You can not read and can not write; you are above the school age; you can not go to school; but stand up and be counted." Why? That you may draw money for the benefit of the children of the white people of the South. That is your proposition.

Count them for what? For money. For whom? For themselves? No, sir. The hundred colored men who are counted to-day to draw money out of the Treasury under this proposition stand against a hundred white men who can read and write. The white men draw no money, but the hundred colored men do, and when the hundred colored men are counted for the benefit of the dollars they get from the Treasury they receive no benefit from the fund; they are not educated; but the hundred white men who are educated get an equal division of that, for what? For the benefit of their children. The colored men get only half of that which they have drawn upon the basis of their illiteracy.

Mr. President, this is the old story. Alas! Northern men have always been found in this country and have always been found in the Congress of the United States to legislate in any direction that was wanted on the colored man for the benefit of the white man. If they are not to be represented in the electoral college, if they are not to be represented in Congress, and if they are to be counted merely to make numbers in Congress and in the electoral college, and to draw money for the benefit of others, I think it is about time that we consider some other proposition in reference to a basis for future action.

What wrong is there in this amendment of the Senator from Iowa? You and I stand up here and are counted. I may be an illiterate, and therefore I draw money, but I am beyond the school age and do not get any benefit from it. You are not an illiterate; you do not therefore draw any money, but you have two children and so have I. I draw money for your benefit, for only half of it goes to my children, though I have drawn it. Is that fair, is that honest, is that just to the colored man? Oh, but you say as the Senator from Indiana said, the great idea is to educate the people. So it is, and in our States we educate our people. My own State pays more money by levying a tax on the people to obtain it than you appropriate the first year in this bill for the benefit of the whole. We pay our school fund out of our own pockets. We make no distinction; we appropriate it for the benefit of the schools of all the people. This is our idea and our system.

Now, then, if these people in the South appropriate money for the benefit of all schools from their own pockets, it is only on the basis that it should be done everywhere; but when you appeal to the Government of the United States to appropriate money because you have four or five million people that are illiterate among you and you appeal on their account, in God's name let them have the benefit in proportion to the illiteracy of the two races. That is the proposition of the Senator from Iowa, that whatever money is drawn from the Treasury of the United States shall be disbursed by the States and Territories according to the illiteracy of whom? Of the two races that are to be supplied, the white and the colored. The colored race having a larger percentage of illiterates, drawing a larger part—in fact over three-fourths of the money—in my judgment should be entitled to receive that proportion of the money drawn.

The Senator from Massachusetts said that if we did this several of the States would have to change their constitutions. I must confess I was somewhat surprised at this argument coming from so eminent a Senator as the Senator from Massachusetts. What effect has this appropriation on the constitution of a State? It has nothing to do with it. Your State constitutions provide, perhaps, for the distribution of your school fund equally. I do not know. Some of them do I know. Very well, that applies to the taxes raised based on the property of the State. That has nothing to do with this proposition. This is a fund given by the Government of the United States to help educate the illiterates of the country, and the State representatives are only agents for the distribution of it according to the scheme of the bill.

Mr. HOAR. May I ask the Senator a question?

Mr. LOGAN. Certainly.

Mr. HOAR. I ask the Senator whether he desires as the result of combined expenditure, State and nation, a school system in any State in which one child shall have an advantage over another in education?

Mr. LOGAN. I will answer the Senator. I do not know of any school system in any State, outside of Kentucky, perhaps (and I believe they have changed their law), which makes a distinction between the children of school age.

Mr. HOAR. My question was whether the Senator desired that there should be in the future, as the result of this combined national and State expenditure, such a distinction?

Mr. LOGAN. I will answer the Senator. "Combined!" You must get them "combined." I have nothing to do with what the States shall do with their own funds; but when you ask me what I desire done with this fund, then I will answer you. I desire this fund to be distributed for the benefit of those people for whom the citizens of this country understand it is appropriated, according to the ratio of illiteracy between the whites and the blacks.

Mr. HOAR. The Senator will pardon me.

Mr. LOGAN. Certainly. I never fail to yield to anybody, although some fail to yield to me.

Mr. HOAR. As I understand it, this whole expenditure is proposed to be upon a condition no matter what the States have done in the past. The Senator's views are not any stronger than I have expressed in my Copiah report and in a hundred other forms with regard to outrages in the South; but in the future this bill says to these States, "You must expend equally and have a common-school system which gives every child a good education, black and white equally; you shall not have any of this money unless that is done." Now if, when this is done, we say that the black children shall have three times as much apiece as the white children, then those States whose constitutions now require that they shall distribute their funds so equally have got to alter them, or you will have school systems in all those States where the black children get in the future two or three times as much per capita apiece in the schools as the whites. It seems to me, with great respect to the gentlemen who differ with me on this subject, that it would be very

much as if we undertook to remedy this gross outrage of suppressing the colored vote in the past by coming in by national power and establishing a system in the future that the blacks should have two votes and the whites one.

Mr. LOGAN. Now, I will answer the Senator's constitutional proposition, because that is the way he started out. He said they would have to amend the State constitutions. I may not be as great a constitutional lawyer as the Senator, but I do know something, and what I know I do know about as well as most people. I do know as a lawyer that the proposition of the Senator is not tenable. Why? We make this appropriation as a school fund for the education of children upon the same principle that we make any appropriation for the benefit of the people. I suppose the Senator will agree to that. We may give every dollar, if we choose, to the colored people, without giving a dollar to the white people, and we may not only do that, but we may point out the mode and manner under and by which the money shall be distributed to them in their schools. We have the power to do that. Then, if we have the power to do that, I want to ask what figure does it cut with the constitution of the State to which we give it?

Mr. HOAR. Suppose the State of Mississippi now appropriates a million dollars, and it says in its constitution $500,000 of that shall go to the white children and $500,000 to the black, supposing them to be equal in numbers in the case I put. The United States comes in and gives her a million more, but says that it shall all go to the blacks. Then you have got a school system in Mississippi where, the white and black children being exactly equal in the case supposed—they are not in fact—the white children are getting $500,000 for the same number of heads, while the black children are getting $1,500,000. That is the proposition, putting the two together.

Mr. LOGAN. What has that got to do with the constitution of Mississippi? Nothing in the world.

Mr. HOAR. The Senator does not understand me.

Mr. LOGAN. I do understand you.

The PRESIDING OFFICER (Mr. HARRIS in the chair). Does the Senator from Illinois yield?

Mr. LOGAN. I understand the Senator exactly as he means, and I say that in my judgment he is mistaken. I asked him a question a while ago, if we could not appropriate all of this to the colored people. He admits it. If we can do that, can we not appropriate a part of it for the colored people? If we can provide for the distribution of the fund to the colored people, can we not provide for a part of its distribution? We may provide for appropriating the money. The States are not bound to take it unless they choose to do so. There is no compulsion. There is nothing that infringes upon their constitution, nothing to impair their rights, nothing to interfere with their laws. They may distribute their own money as they see proper under their constitution, for their constitution applies solely to the money raised by taxation upon their people and not to money raised by the Government. So there is nothing in the proposition of the Senator, in my judgment, if he will pardon me for saying so.

Let us go a little further with it, sir. He asks me if I wish to see a school system that will give $500,000 to the white people and a million and a half to the colored people in Mississippi. The colored people in Missippi have at least a quarter of a million more in population than the whites. The colored people need the money. The whites do not need it. When you ask me the question if I would see a greater proportion go to the colored people there than to the white people, I say yes, I would; and that is exactly what I mean, if the Senator wants to know; and I tell him that the people of the Northern country want to see that done, for that is their understanding about it. The people of this country do not understand that we are going to undertake to educate all the white people of the South. They understand no such thing, but sympathy is excited in the people of the North in favor of the poor colored man who has been a slave for two centuries, who has hoed the corn and tilled the cotton, who has built up fortune after fortune for other people, who has lived without learning his letters under a law that proscribed him and prevented him from obtaining an education, until his ignorance was as dark as midnight; and we having liberated these people and placed them on the plane of the white man as citizens of the United States in their illiterate and ignorant condition, we feel it to be our duty to elevate them by education up to the standard where they may as good citizens judge and decide in reference to laws and constitutions as others do. That is the proposition, sir, and that is what is in the minds and the hearts of the American people.

Sir, so far as I am concerned I am willing to test the question before my constituents as to whether they are taking money out of their pockets with the full knowledge that they are doing it to educate only partially the colored people, and that a portion of it is to go to other than the colored people of the South, where the money is drawn wholly upon their illiteracy. When you had a bill before Congress that proposed to educate all the illiterate people of the United States by donations from Congress distributed according to the population of the States and Territories, then the proposition was entirely different; but as I said that proposition was voted down. When I say "voted down" I mean by the acclaim of the people, for they were opposed to it, and although I myself introduced one of the propositions I readily saw that the people were opposed to that character of legislation, and they were only brought to the point because they believed it was measurably for the benefit of the colored man.

Why should any man in the Senate of the United States or in the other branch of Congress representing a Southern constituency object to the majority of this fund going where greater illiteracy is found, I should like to know? If it is the desire of your people that these colored people shall be elevated by education to the same plane with themselves, it seems to me that laying personal success to one side, the heart speaking honestly and candidly would say, "Yes; it is for them that we want it." As has been said and properly so by themselves, these people come not as beggars for the white people, they come not as suppliants for their own class of white citizens, but for the poor, the unfortunate, the down-trodden colored man, who learned naught of government or of anything with regard to the history of himself or his country until he was made a freeman and permitted to get a partial education in the different schools where he was permitted to go.

There is another proposition to which I desire to call the attention of the Senator from Massachusetts. The Senator will pardon me for calling his attention so frequently; I do it merely because of the speech that he made yesterday in which he stated to the Senate of the United States that nearly every proposition by the educational people of this country was on the basis of this bill.

Mr. HOAR. I beg your pardon.

Mr. LOGAN. Then what did the Senator say? I will give way while he states it.

Mr. HOAR. I said:

> The scheme of this bill in the particular which is now attacked by the Senator from Maine is the scheme of every proposition which has been made for national aid to education at the South.

That is what I said.

Mr. HARRISON. Will the Senator from Illinois allow me to interrupt him in that connection?

Mr. LOGAN. Certainly.

Mr. HARRISON. I desire to call the Senator's attention to what I said, and to what perhaps he did not notice. In the last Congress when this bill was before the Senate a proposition was made by the Senator from Ohio [Mr. SHERMAN] in the line of the pending proposition, only as I think better, because it distributed the money to the districts instead of to the schools, and upon that proposition the vote of the Senator from Illinois was recorded with mine and that of the Senator from Massachusetts against it. So the question was discussed then on that line.

Mr. LOGAN. That does not cut any particular figure.

Mr. HARRISON. Oh, no; it is not a question of figure.

Mr. LOGAN. It does not cut any particular figure how anybody voted or how anybody did not vote. On a great many propositions we vote very differently, but I am discussing this question from the standpoint of this bill as now presented.

Mr. HOAR. I will say to the Senator that my statement related solely to those schemes which were intended not to be entirely national, like those of distributing equally, of which I myself introduced one, the first one ever introduced as far as I know—it was introduced about 1869 or 1870—where the gift was to be to the whole country; but every scheme that I know of, which is either confined to the South, or, if not confined to the South, like the present one has a basis which carries it chiefly there, is on this particular basis. That is what I said.

Mr. LOGAN. The Senator from Indiana called my attention to the fact that I voted for a proposition introduced by the Senator from Ohio.

Mr. HARRISON. You voted against it.

Mr. LOGAN. I voted against it; and it was a proposition in the same line with this bill.

Mr. HARRISON. No, sir; it was a proposition directly in the line of the Allison amendment.

Mr. LOGAN. I beg the Senator's pardon. It says:

> That the moneys distributed under the provisions of this act shall be used only for common schools not sectarian in character.

Mr. HARRISON. The Senator has not the right amendment. If he will allow me, I will read it.

Mr. LOGAN. Very well.

Mr. HARRISON. This was the amendment of the Senator from Ohio:

> And the sum so paid shall be apportioned among the several counties, cities, towns, parishes, and townships of each State or Territory, and, when practicable, among school districts, as defined by this act, in the proportions that the number of persons in such corporations, who being of the age of ten years and over can not write bears to the number of such persons in such State or Territory according to the census of 1880.

That was the proposition, and it is exactly in the line of the Allison amendment.

Mr. LOGAN. I do not want to get off into a discussion on side issues, because it is sometimes the case that arguments are attempted to be answered by trying to show how somebody voted at some former time on some former proposition that had nothing to do with the pending proposition. I have never considered that very much of an argument, but still I am perfectly willing for others to indulge in it if they desire.

The amendment he refers to is not such an amendment taken as a whole that would be in line with the proposition in its machinery.

At the time I was interrupted (and I did not object to it, and never do) I was about calling the attention of Senators here present to the fact that the educational men from all over this country, North and South, have ever proposed a distribution on the very line of the Allison amendment. I call attention to a convention that met in Louisville, Ky., which was largely attended by professors and educational people. They draughted a bill and presented it here embodying their views in different sections in reference to this proposition. I have the bill here and I should like to read the section that they proposed in reference to the distribution of the money. It is as follows:

That in States or Territories, or portions of the same, where separate schools for white and colored children are sustained, the moneys received under this act shall be divided and expended among such schools in proportion to the respective number of white and colored illiterates enumerated therein at the United States census last preceding.

There is the Allison amendment adopted right there in the bill framed by those men from all parts of the United States, and there is where the Senator from Iowa [Mr. ALLISON] got it. It is almost *verbatim*.

So as I said it was understood not only by the Northern people, but by the educational people all over the country, that this money was to be distributed in proportion to the illiteracy of the two classes. When I say "all" I know there are exceptions, but I mean the great bodies where they have given expression to their opinions.

Mr. HOAR. May I ask the Senator a question?

Mr. LOGAN. Certainly.

Mr. HOAR. I ask whether that bill contains the condition which this one does, that there shall be in the State affected a full and complete common-school system for all children? That is the essential distinction.

Mr. LOGAN. If the Senator will allow me, and I beg his pardon for saying it, I have the highest regard for him and certainly a high opinion of his ability, and I do hope that so intelligent and so great a lawyer as I recognize the Senator to be will not undertake to pettifog this case.

Mr. HOAR. But the Senator certainly will be willing to answer the question.

Mr. LOGAN. Of course I will answer the question.

Mr. HOAR. I ask whether that bill is not without that condition?

Mr. LOGAN. Without what condition?

Mr. HOAR. Without the condition that there shall be provided by the State a full and complete common-school system for all its children, which this bill contains, and which is the very essence of the thing. There is no such provision in that bill.

Mr. LOGAN. If it cuts any figure in the distribution of this money, where we appropriate it for the benefit of the common schools in the Southern States, whether the provision which was in their bill has anything to do with this measure, I can not understand it. They proposed to give this fund to the States and Territories to be distributed on the basis mentioned.

Mr. HOAR. But the Senator will pardon me; I hate to interrupt him.

Mr. LOGAN. It is not the slightest interruption, I will say to the Senator.

Mr. HOAR. The gentlemen who advocate the Allison amendment and the gentlemen who agree with me seem to have a total misunderstanding with each other upon the one simple proposition which is the basis of this whole thing, and I never can find anybody who answers the question which I put to the honorable Senator just now who does not see that the difference between us disappears. My proposition is to take a sum of money and say to the States, "You must yourselves do everything from your own pocket which, in addition to this, is required to give every black and white child a good common-school education, and when you have done that this shall constitute a part of the fund with which you do it." When that is done, if we say all the funds shall go to the illiterate class of blacks, or a large proportion of it, then we have said that in that State, unless the State makes an unequal distribution of its own fund, there shall be a better education for one class of children than another founded on race; but if you do not put in such a condition and simply come in as George Peabody does, or as Slater does, or as the bill which the Senator reads does, and say, here are $1,000,000 which we want you to take to aid education in your State, then of course the Senator is entirely and absolutely right; it ought to be given to the blacks and to nobody else, or, if to anybody else, in a very small proportion.

I utterly and entirely agree with my honorable friend from beginning to end, and with the Senator from Iowa, and all the others, that until the whole illiteracy is cured the blacks should be preferred. It is only in a bill which says you must cure all the illiteracy in your State before you get anything from us that we say then the education between them all shall be equal.

Mr. LOGAN. Very well.

Mr. HOAR. I beg the Senator's pardon; I do not say this to reply to his argument, but I want him to understand me.

Mr. LOGAN. I do.

Mr. HOAR. Because it would be pretty difficult, being a question here of education and human liberty, for me to be found absent from any band which my honorable friend is leading.

Mr. LOGAN. I want the Senator to understand that I do not insinuate any such thing, because what I say I mean. I have the highest respect for the Senator's opinion, and for his integrity, and for him in every respect. It is not that, but it is the question that we do not all see alike. The Senator agrees with me in this, and I do not wish to misstate it, that up to the time this illiteracy is obliterated the money ought to be divided as I say.

Mr. HOAR. I say so. I do not mean the time in point of this entire period; but when you have got the system which we are to help pay for. Of course illiteracy in one sense is never to be obliterated as long as children are born.

Mr. LOGAN. I understand that, but this bill only runs for eight years and it fits the very niche of the Senator's proposition. It runs for eight years commencing with the age of ten. It is to obliterate the illiteracy that exists now. He agrees with me. After that divide it equally. That is all I want. That is all of my proposition, and that is all there is of it. I propose to say in this bill, divide it according to the illiteracy of the two races, not in some future bill, but now when we are proposing to benefit them, at this time; and I will go further, too, and I want to say this—I say to Senators who reported the bill that in your bill you do not expend much more money in the whole South than we will expend in that little time in my State where I live. Hence it is a drop in the bucket, and when I proposed an amendment here to increase the appropriation some turned up their noses as much as to say, "LOGAN wants to kill the bill." I do not want to do any such thing. I am for the education of these people; I am for it honestly, and I say it to the white people, and they can preach it from the housetops of the South if they have a mind to. I will go there and discuss it with them, that I am for giving the larger portion of it to the colored people, because they are the ones who are entitled to it; it is on account of their illiteracy that you draw this money, and they are entitled to the majority of it.

But I was going to ask what will $7,000,000 amount to in sixteen States, and a small portion of it distributed in all the States? It amounts to bagatelle. I have noticed the amount of taxation in the State of Georgia, in the State of Alabama, and other States that I could mention, and with the amount of taxes levied in some of those States for school purposes there is not sufficient to give the children four months' schooling in the year. Then you add this to their little pittance and what will it amount to?

Hence, in good faith, instead of $77,000,000 in eight years, merely to get people's names before the country that they want to educate the people of the whole country when they can not do it under this bill, I propose to give $138,000,000 for that education, and I will vote for it in the bill running over ten years, commencing at $10,000,000 and increasing for five years, and then decreasing until the ten years expire, so as to make the education run from the time the child is ten years old until he is twenty years old.

Then I shall propose another amendment to the bill, and that is that $2,000,000 extra shall be appropriated in connection with the bill to do what? To build school-houses. You may say what you please about the bill requiring you to give equal education; it is very easy to pass a law that school districts and neighborhoods shall build them themselves, and so on. I propose to give aid to building school-houses where none exist, where the people are poor, where they are not able to do it either by taxation or otherwise. In my State the townships tax themselves a tax for the purpose of building their school-houses, and so on. I find that the laws are different in some of the Southern States. Hence I propose to amend the bill by appropriating $2,000,000 for the benefit of those poor colored people, or poor white people, if you please, where they have no school-houses and are not able to build them. The appropriation of a school fund would not benefit children very much if they have not a school-house at which to attend.

There is nothing requiring the building of school-houses unless it be done by this appropriation, supervised by the Interior Department or whatever Department supervises it. I do not agree to that proposition, however. I think there ought to be a supervisory control by the Government of this money wherever it goes, it makes no difference where. When we had the power in the Government it was said we wanted it under Republican control. It was not so with me. You have now the Democratic party in power, and I am as much for putting it in the control of the Government as I was then, and appointing a commission or a good man at the head of the Bureau of Education who will supervise it and see that school-houses are built, that the schools are proper, so far as this fund is concerned.

I think it would be better for the State if that was the case. I will tell you why. The Senator from Texas [Mr. COKE] made a remark the other day, although he is opposed to the bill, which will prove my position beyond all question. When I say "control" I do not mean that the Commissioner should regulate your schools; I do not mean that he should tell you what you should teach or what you should not teach, but I mean that he should have such a control as to make examinations and report as to where the Government funds go and how used—that they

were properly distributed. It would not interfere with your States, but it would save you a great deal of trouble on the line that the Senator from Texas spoke. Suppose that in some places the schools do not suit and complaint is made and an investigation follows. If you had a man under the Government who had sufficient control to examine papers and see that the money was properly expended you would never have trouble of that kind. In my judgment it would be better for you, and better for the people, and better for the Government if that were the case. It is not the case in the bill, however. I wish it were.

As I said, there seems to be a determination to pass the bill if it had nothing in it but just the naked proposition to dump $77,000,000 into some pool somewhere, if it was called an educational pool. That seems to be the disposition, and to pass it without any regard as to how the fund shall be protected.

Mr. President, I have said all that I care to say in reference to this subject, and what I have said now I have said for the purpose of placing myself fairly before my constituents on the record in this case. I hope that these amendments will be agreed to. I think the bill would be much better with them than without them, and therefore I advocate them. I have been in favor of education ever since I have been old enough to make the matter a study. I have always advocated liberal education wherever I have lived in town, city, or country. I have always been in favor of common schools and schools of a high grade everywhere and I am to-day. In my little town where I lived at one time we have one of the finest normal schools in the United States. I did what I could to get it there. It is a flourishing school or college to-day, sending forth teachers to all parts of the land. So it is no new thing for me to be an advocate of public education.

Therefore I say to Senators here, the bill should not be run through; it should be examined carefully, and it should be guarded in reference to the expenditure of this money, and especially in reference to the proportion in which it is to be distributed to the two races of people. If the Senator from New Hampshire wants to arraign me before the Northern people or the Southern people because I oppose the proposition in his bill, I say to him to do it. I stand before the country upon the idea that we started with, that the white people of the South have not asked for it and do not need it, that the emancipated race are the ones who were intended to receive its benefits, and the ones who should receive them. And if they do and if this money should be used as it ought to be used, for the benefit of the colored people, you will find the time will come in the history of that unfortunate race when there will be songsters and poets in their midst. You will find orators of a superior character among that race if you will only educate them. There is in the colored race an element of music, of poetry, of oratory, that is seldom found anywhere else when we give them the advantages that the white race have had. Let them have that advantage, and if they can outstrip us in the race of life, in God's name let them have the chance. I do not know why the white man with all his advantages and all the privileges that he has had in this Government in times past should fear the colored man. He should rather reach out his hand to him and say, "While you are struggling down in that pit of ignorance and despair I will with what strength I have take your hand and lift you up to the plane where we should both stand, having an equal and a fair chance in life."

Mr. HOAR. I wish to ask the Senator before he sits down whether he has had his attention called to the Allison amendment as it has been amended by the Senate and as it at present stands, because I think it meets his views as well as mine?

Mr. LOGAN. I have not. It has not been adopted yet.

Mr. HOAR. I should like to inquire if my amendment to the Allison amendment was adopted by the Senate?

Mr. LOGAN. It was not adopted by the Senate, but in Committee of the Whole.

Mr. FRYE. It was adopted by the Committee of the Whole.

The PRESIDENT *pro tempore*. The Chair is informed that the amendment offered by the Senator from Iowa was agreed to.

Mr. BLAIR. No, no.

Mr. HARRIS. It was amended.

Mr. HOAR. The Chair will pardon me. The Senator from Iowa offered an amendment which was amended on the motion of the Senator from Oregon.

Mr. DOLPH. Mine was adopted.

Mr. HOAR. That was adopted. Then the amendment which I moved to the amendment of the Senator from Iowa was also adopted; and the amendment so amended is now pending. To that the Senator from Vermont [Mr. EDMUNDS] moved a substitute. I should like to have the amendment as it stands amended already read for the information of the Senate, because it is exactly in the line of the speech of the Senator from Illinois, as I understand him, and it precisely expresses my views.

The PRESIDENT *pro tempore*. The pending amendment of the Senator from Iowa [Mr. ALLISON] will be read as amended.

The CHIEF CLERK. At the end of section 2 add:

And in each State in which there shall be separate schools for white and colored children the money received by said State under the provisions of this bill shall be apportioned and paid out for the support of such white and colored schools in the proportion that the illiteracy of the white and colored persons aforesaid bear to each other, as shown by said census, until an equal sum per capita is appropriated and paid from the national and State funds for the education of all children of school age in such State without distinction, it being the object of this act to secure equal advantages to all children of whatever color or race.

Mr. HOAR. That is the way it stands now.

The PRESIDENT *pro tempore*. The amendment proposed by the Senator from Vermont [Mr. EDMUNDS] as a substitute will be read.

Mr. GEORGE. Are we to understand that the amendment offered by the Senator from Massachusetts to the amendment offered by the Senator from Iowa has been adopted?

The PRESIDENT *pro tempore*. The Chair understands not. The Chair misunderstood the Secretary.

Mr. HOAR. It was adopted, distinctly put by the Chair, and carried in my hearing. There is no doubt about it.

The PRESIDENT *pro tempore*. If the Senator from Massachusetts will allow the Chair a moment he will state, as he has been absent for an hour or two, that the original amendment offered by the Senator from Iowa has been amended by an amendment offered by the Senator from Massachusetts, and now an amendment is offered in the nature of a substitute by the Senator from Vermont, which is the question pending before the Senate.

Mr. GEORGE. I merely wanted to understand the matter.

Mr. BLAIR. The pending question is, as I understand it, upon the amendment in the nature of a substitute moved as an amendment to the amendment of the Senator from Iowa, that having been amended by the proposition of the Senator from Massachusetts.

Mr. BROWN. Let the substitute be read.

The PRESIDENT *pro tempore*. Does the Senator from New Hampshire yield that the substitute may be read?

Mr. BLAIR. Let the substitute be read.

The PRESIDENT *pro tempore*. The substitute proposed by the Senator from Vermont will be read.

The Chief Clerk read as follows:

And in each State and Territory in which there shall be separate schools for white and colored children, the money received in such State or Territory shall be apportioned and paid out for the support of such white and colored schools respectively in the proportion that the white and colored children between the ages of ten years and twenty-one years in such State or Territory bear to each other, as shown by the said census. The foregoing provision shall not affect the application of the proper proportion of said money to the support of all common schools wherein no distinction of race or color shall exist.

Mr. BLAIR. I trust that the substitute may be adopted. It removes all the essential difficulties that were inherent in the Allison amendment. It carries the money upon the best attainable accurate basis to the children, white and colored, in those States where the money is to be distributed for the support of the schools, white and colored, in those States where separate schools are the order of the day, and also provides that should there be mixed schools those who complete their education in such schools shall have their proper proportion of the money. It gives to the whites no more than to the blacks, to the blacks no more than to the whites; and the other provisions of the bill require a like equitable distribution of the funds of the State; so that by this proposed amendment we shall avoid the difficulties that were liable to wreck the bill had the amendment of the Senator from Iowa been adopted. I think myself that the interests of the bill, the prospect of its enactment into law, and a harmonious administration should it become a law, would be greatly improved by the adoption of the substitute offered by the Senator from Vermont.

Mr. President, I do not think any one yields to myself—and I should like the attention of the Senator from Illinois [Mr. LOGAN] for I am talking to him——

The PRESIDENT *pro tempore*. The Senator from New Hampshire requests the attention of the Senator from Illinois.

Mr. BLAIR. I was about to say to the Senator from Illinois that I do not believe he has a friend in this country who appreciates more highly than I do his great services in the Legislature of the country and in the field. There is no one who more highly than I appreciates the deep obligation that the colored race of this country is under to him personally. And I was a little surprised at an occasional remark which he uttered as he proceeded in his address to the Senate. But I do not think this is either the time or the place to agitate considerations of any but the very highest character.

I do not think that it is an occasion when anything save the interests of the country at large, for the time being and for the time yet to be, should enter into our deliberations. I have observed something of the course of public men on this question since it was brought to the attention of the American people, and I take pleasure in saying that to my mind no American citizen has ever come up to the full height of appreciation of the emergency that is upon the American people and has been willing to put in propositions to the Congress of the American people his full sentiments like the Senator from Illinois.

The amount appropriated by the bill is not likely to be sufficient for the removal of this evil, but it will open the way to a more just appreciation of its magnitude and to a more enlarged and statesmanlike action in the future. I believe that the developments which unavoidably must reach the public mind through the practical operation of the bill for one or two years will make manifest the necessity of even larger appropriations. I do not anticipate that they will be permanent ap-

propriations, but by the developments that will come from the practical operations of the law the public mind will become duly apprehensive and sensitive upon the nature and the extent of the alarming illiteracy which now in a halting and a feeble way we are undertaking to remove.

It has been often said during this debate that all the educators of the country have made a proposition similar to that contained in the amendment of the Senator from Iowa. There has never been made upon the floor of the Senate, in any bill that has been introduced, nor in any formal utterance of any educational convention on the face of this continent to my knowledge, a proposition like that of the Senator from Iowa as compared with the other provisions of the bill. The great convention alluded to several times, which was held in Louisville, Ky., formulated its action in this resolution:

Resolved, That this convention cordially approves the principle of giving Federal aid to be distributed among the several States and Territories upon the basis of illiteracy: *Provided*, That such aid shall be distributed under the State laws and by the State authorities exclusively, but with proper guarantees for its faithful application.

There has never been made a proposition for the distribution of the proposed appropriation from the General Government to the children of any particular race—certainly never any such proposition in connection with provisions like those in the bill pending before the Senate. There was embodied in a minority report of the committee of the House of Representatives in the Forty-eighth Congress a proposed bill which it was supposed when the discussion would be reached some time during that Congress the minority would move as a substitute for the majority bill. In the bill which that minority proposed there was a provision substantially the same as that in the Allison amendment making a discrimination in favor of the colored race; but that bill contains no provision that the funds of the State shall not be distributed in the way of discrimination in favor of the white population.

I have often alluded to the evil which must result from any attempt on the part of the National Government to enforce the idea that the white people in the South are not responsible for the school education of all the children who may live within their special jurisdiction, the black as well as the white; and recognizing that obligation, requiring the discharge of that obligation as a condition precedent, the money coming from the National Government is by the terms of the bill to be distributed in the same equitable way without distinction of race or color, equally to all.

I could read *in extenso* from those who participated in the Louisville convention, from the representative men who were in that convention, and from their testimony before the committees of the Senate and the other House, in which they urged this national aid, and urged it as it was impressed upon them by the action of the convention and as the representatives of that convention; and nowhere is there any suggestion that the colored man shall receive this aid because he is a black man. The distinction of race and color has never been enunciated save in the amendment of the Senator from Iowa; for this other matter did not reach Congress in the form of a bill; it was only a proposition, and as a part of that proposition the States were left to use their own funds as they pleased.

In regard to the action of Congress itself upon the question of race discrimination, we have been administering a common-school system in the District of Columbia for many years, and we have recognized by national authority just what has been done in the States—a system of separate schools. To be consistent with ourselves, if we should adopt the Allison amendment we should forever hereafter in this same District of Columbia give to the colored scholar from $3 to $4 as often as we give $1 to the white scholar for education here in this District. Would the Senate, would the nation consent to that? No, sir.

The provisions of the bill and of the amendment which the Senator from Vermont has offered simply require the application to be operative in all the States throughout the country of the same principles which we have adopted in the maintenance of the school system in the District of Columbia.

There is much more that might be said, but I have no wish to prolong this debate. I hope that there may be a vote.

The PRESIDENT *pro tempore*. The question is on the amendment in the nature of a substitute proposed by the Senator from Vermont [Mr. EDMUNDS] for the amendment moved by the Senator from Iowa [Mr. ALLISON] as amended.

Mr. CALL. Mr. President, I only wish to say a single word. The Senator from Vermont stated that he had heard that the State of Kentucky had a difference of school age between whites and blacks. Neither of the Senators from Kentucky is here, and I merely wish to say that the report of the Commissioner of Education for 1882-'83 states as follows in regard to Kentucky:

In 1882-'83 the figures show a large increase of youth of school age, particularly of colored youth, whose increase was nearly three-fourths of the whole increase, which was mainly due perhaps to the fact that the school age was changed from 6-16 to 6-20, or the same as that for whites.

Mr. EDMUNDS. Yes; I stated before that I understood since the census of 1880 the State of Kentucky had changed its law; but the bill refers to the census and the condition of 1880 as of universal application. The laws in force in Kentucky at that time, as I understand and see from these official tables—I have not studied out their statutes, and so speak with that reserve—provide that for white children the school age shall be from six years to twenty years, and for colored children from six years to sixteen years, which, of course, is a heavy discrimination against the colored person.

Mr. CALL. That is true; but I merely wanted to say that that had been corrected.

I wish further to call the attention of the Senator from Vermont to another fact. The Senator from Vermont stated that by reason of the laws in some of the States the distribution of the school fund was in the hands of a single person or of a board composed of a few persons, and not as in other States in the hands of districts and district trustees or commissioners.

Mr. EDMUNDS. The Senator, if I may interrupt him, misunderstood me; at least I did not intend to say that in that form. What I said was, that as far as I had been able to examine their laws I found that the discretionary power of creating the number of school districts and establishing the number of schools as between the two races did not rest with the people of the districts, but with the superior authority.

Mr. CALL. That is much better expressed than I did it, but it is the same idea.

Mr. EDMUNDS. That is exactly what I said before.

Mr. CALL. But by reason of that fact, the Senator said, there had been a discrimination adverse to the colored people in those States.

Mr. EDMUNDS. Yes, that I understand to be so.

Mr. CALL. The best and only proper test about that is in reference to the actual school attendance. The Senator from Vermont will agree with me that the actual school attendance will demonstrate whether that is true. Let us take the State of Vermont, which the Senator will admit is a good State, for example, and compare it with these States, because I am anxious to vindicate the people of the Southern States from the imputation that they have not, without any aid from the National Government, acted with perfect impartiality, of their own accord, as between the two races.

In the State of Vermont the per cent. of average attendance of school youth in the State is 47.86 in the public schools. Let us compare that with South Carolina, which is considered to be the representative of all sorts of unfair discrimination, and see what it is. The per cent. of average daily attendance in South Carolina for 1883-'84 was 43.52. The per cent. of increase was 1.20. The per cent. of decrease in the State of Vermont was 1.20. In Mississippi the per cent. of attendance is 34.51, and you will find that in the State of Minnesota it is only 25 per cent. of daily attendance.

I wish to say to the Senator from Vermont that if it be true that this percentage evidences the fact that there are a very large number, over 50 per cent. of children in the State of Vermont who do not attend the public schools, it is an evidence of discrimination, of unfair administration, for it applies as much to one part of the country as the other. But it is not true. There are other necessities and other circumstances which account for that, doubtless in the poverty, in the want of means, in the employments of the people; but it evidences the fact that there is the same fidelity in the administration of this trust in the States which have been arraigned here for discriminating between the two races and the State of Vermont. The percentage of daily attendance in the Southern States, without any assertion in these reports of any discrimination, is a fair one, and compares favorably with that of other States in the Union.

Mr. RIDDLEBERGER. Will the Senator from Florida allow me to suggest that we have, if we can get it, unanimous consent to take the vote on the pending amendments and on the bill at 5 o'clock? I ask unanimous consent that the vote upon the pending amendments and the bill be taken at 5 o'clock. I think that the friends of the bill are murdering it by talking it to death, and I should like to have a vote before we get into a minority.

Mr. COCKRELL. I object, Mr. President, if delay will kill it.

The PRESIDENT *pro tempore*. Objection is made.

Mr. EDMUNDS. My distinguished friend from Florida cited the State of Vermont to show that there is no discrimination in the Southern States as to educational privileges and practice between the white and colored. I wish to tell him, as I suppose he is already aware, that there is not any such discrimination in the State of Vermont, and, therefore, his application of his case would not apply. But there is still another reason wherein I think I can show my friend that he is deluding himself with his own statistics. The average daily attendance he says in Vermont is 45 per cent., and in South Carolina it is greater. Granted that the statistics are true.

Mr. CALL. No; it is less in South Carolina.

Mr. HARRIS. It is 47 in Vermont and 43 in South Carolina.

Mr. EDMUNDS. Very well; we will call it equal, because I come now to the real point. In the State of Vermont, according to its laws and practice, the actual school year, in which the children go to school year in and year out, is nine or ten months. I do not remember it exactly, but just like a high school or a college it is education all the time, with intervals for rest and play and amusement that young people should have. Therefore, although 90 per cent. of all the children of school age in Vermont get three or four or five months' attendance at

school, when you come to the average daily attendance at one season of the year, in the rural districts one class of children go to school, and therefore in the whole year only make an average daily attendance of so much, and in another part of the year another set go to school.

Mr. HOAR. Women teach the smaller children in summer.

Mr. EDMUNDS. Yes, women keep school in summer, as my friend suggests; and in winter the larger boys and larger girls who are engaged in avocations of the farm and shop, &c., all go, and many of the little children who go in summer do not go to the winter schools on account of danger to their health in hot school-houses, and cold snows, and all that. So the comparison that my friend makes is entirely wide of the mark.

Now, let us take another that seems to come to the mark. In Alabama, where by law there must be separate white and colored education and white and colored schools, the whole number of white children of school age in the year 1883–'84 according to this table was 233,000. I leave off the odd hundreds to save time. The whole number of colored children of school age was 186,000, which is a little more than three-quarters of the whites. Now I come down to the whole number of white pupils in the public schools. There were 130,000. The whole number of colored pupils in the public schools, without reference to the length of time that either of them went, was 84,000, only about three-fifths, or a little over; I am not stating exactly the precise proportion but near enough to see it.

Now, come down to the number of schools, the number of children being what I have stated. Public schools for whites, 3,421; public schools for colored only, 1,797; so that the Senator will see—and I do not make imputations, I do not mean to make any imputations, but for one cause or another the proportionate facilities of schools and school-houses and school districts as between the two races does not appear to be in ratio to the number of white and colored people who ought to be taught.

Mr. CALL. I will simply say in reply to the Senator from Vermont that I am governed by these statistics, which show that in Vermont the percentage of average attendance of school youth is 47.86, and there is another table showing the average daily attendance to be 47.607. So you have got the average attendance of the population in reference to those who come and those who go and spend a part of the time and also the average daily attendance. I take it that the tables are meant for that.

Mr. EDMUNDS. That does not help it out at all.

Mr. CALL. That is, your whole average attendance in proportion to the entire school youth is 47 per cent.

Mr. EDMUNDS. The Senator is entirely mistaken as to the annual attendance.

Mr. CALL. I say there are but two tables, one for daily and the other for annual attendance. In the State of Alabama, to which the Senator referred, there are in the public schools 84,065 colored pupils out of a colored school age of 186,209. I submit to the Senator from Vermont that that is a fair proportion of colored people in average attendance, and they could not attend school without some facilities. It is true the schools are not as long, but I say that 84,000 average attendance out of 186,000 is a fair proportion to the whites, and considering the fact of the greater means of the whites than the colored, it is an evidence of a perfectly fair administration of the school fund in those States as between the races, because that proportion compares favorably with the children in attendance in the Northern States.

The PRESIDENT *pro tempore*. The question is on the amendment proposed by the Senator from Vermont [Mr. EDMUNDS] as a substitute for the amendment proposed by the Senator from Iowa [Mr. ALLISON].

The amendment to the amendment was agreed to.

The PRESIDENT *pro tempore*. The question now is on the amendment as amended.

The amendment as amended was agreed to.

Mr. RIDDLEBERGER. What amendment was the last one?

The PRESIDENT *pro tempore*. The amendment proposed by the Senator from Vermont. The bill is still open to amendment.

Mr. EDMUNDS. I understood the Chair to announce that the amendment as amended was agreed to.

The PRESIDENT *pro tempore*. It was.

Mr. DOLPH. I now, agreeably to previous notice, offer an amendment, the first amendment on the printed paper which I send to the desk.

The PRESIDENT *pro tempore*. The amendment will be stated.

The CHIEF CLERK. It is proposed to add to section 1 the following additional proviso:

And provided further, That no money appropriated by this act shall be paid to any State until three-fourths of all the States have so accepted the provisions of this act.

The PRESIDENT *pro tempore*. The question is on agreeing to the amendment proposed by the Senator from Oregon [Mr. DOLPH].

Mr. DOLPH. Mr. President, on a former occasion I undertook to state generally the object and what I supposed to be the necessity of this amendment. As the bill now stands it provides that no money shall be paid to any State until the Legislature of the State shall by bill or resolution accept the provisions of the act, and such acceptance shall be filed with the Secretary of the Interior. I do not apprehend that it is the intention of the Senate that when one State has accepted the provisions of the bill it shall receive its pro rata appropriation for the year. I do not understand it to be the intention of the Senate that we shall enter upon this scheme of Federal aid to education until a sufficient number of States have accepted its provisions to insure that the scheme will be successful. Therefore I apprehend that some rule is necessary, that we should make some provisions fixing the time when the act shall go into effect and the money be apportioned between the States. The only question with me is what is a reasonable rule. Certainly we must have some rule, and if the one proposed by me is not the proper one, my amendment may be changed.

Mr. BLAIR. The bill has been already amended so that no State gets anything until her Legislature accepts, and then she gets only her proportion, and it would seem to be ruinous to the operation of the bill if that State should have to wait until three-fourths of all the States took this action, when it is the general sentiment of many Senators that their States should not take it at all. The honorable Senator from New York [Mr. EVARTS] the other day at the commencement of his remarks gave notice of his design to offer an amendment, which I understand he will press very soon, providing that any State not desiring to take its proportion of this fund can turn it over to the general fund and let it go in the general distribution to the States needing it.

Mr. DOLPH. I should like to ask the Senator from New Hampshire a question or two.

Mr. BLAIR. Certainly.

Mr. DOLPH. Is it his understanding that the bill as it now stands would authorize the payment to a single State of its pro rata proportion of the appropriation for a single year in case no other States had accepted its provisions within the year?

Mr. BLAIR. There is nothing stated as to the time within which the acceptance shall take place. I understand that every State must accept by an act of its Legislature, in accordance with the amendment to the first or second section offered by the Senator from Colorado [Mr. TELLER] and adopted without objection; and that being done, any State having complied with the conditions of the act would be entitled to its proportion, should there have been already made an oppropriation by Congress, for even the first year yet remains to be appropriated for. Supposing the bill to become a law, the first year it passes under the examination of the Committee on Appropriations and of Congress, and in that case, the appropriation having been made, there is a fund in the Treasury, and the State which has brought herself within the terms of the law would be entitled to her pro rata, and she ought not to be obliged to wait until all the other States of the country see fit to accept before she shall be allowed to receive it.

Mr. DOLPH. I understood that to be the position of the honorable chairman of the Committee on Education and Labor. I understand his position to be that if there is an appropriation at the time and a single State has accepted the provisions of the bill, it shall receive its proportion of the money appropriated whether any other State of the whole thirty-eight ever accepts its provisions or not. In other words, if Mississippi, or Alabama, or Texas accepts the provisions of the bill, that State or those States will receive their proportion whether a majority of the Southern States accept the provisions of the bill or not.

Now, it is the opinion of some members of the Senate, and I think it is not free from doubt, that the bill carries its own appropriation, and that as soon as the bill passes there will be an appropriation made by it for the first year. I for one am not willing that we should commence this experiment by paying money to a single State, or even to half a dozen States, and I do not believe the Senate is willing that we shall. Therefore I think my amendment is necessary; and if three-fourths is too large a number of the States, some one should test the sense of the Senate by proposing an amendment fixing another number.

The PRESIDENT *pro tempore*. The question is on the amendment proposed by the Senator from Oregon [Mr. DOLPH]. [Putting the question.] The noes appear to have it. The noes have it.

Mr. DOLPH. I ask for the yeas and nays.

Mr. PLUMB. I think we had better have an expression of the Senate on that point. I want to say that I feel very sure that some States would not take their proportion if they could be relieved of the burden of the payment which they would have to make; but of course if the States have got to pay their money they will take what little they can get back, although it will be only a small percentage perhaps of what they have to pay. But if this measure is to go into operation——

Mr. RIDDLEBERGER. I ask for a division before this speech-making we are now having. I ask for a division on the vote.

Mr. DOLPH. I have already called for the yeas and nays.

The PRESIDENT *pro tempore*. The Senator from Kansas has the floor.

Mr. RIDDLEBERGER. I know; but he has not got it under the rules. I ask for a division.

The PRESIDENT *pro tempore*. The Senator from Kansas has the floor.

Mr. PLUMB. Mr. President, if this distribution is to be commenced——

Mr. RIDDLEBERGER. I rise to a point of order, that when a vote commences we have a right to continue to the end of that vote.

Mr. PLUMB. No, except when a question is being taken by yeas and nays.

Mr. RIDDLEBERGER. I ask now for a division, and when that is declared I have a right to ask for the yeas and nays, and I mean to do both. I am not unprepared to be ruled out of order, because I perfectly understand that while we have a book here called Rules, its contents rule nobody; but I do ask now that we shall have a division.

Mr. HARRIS. Is the question debatable?

The PRESIDENT *pro tempore*. It is not debatable.

Mr. HARRIS. So I thought.

Mr. RIDDLEBERGBR. Therefore, I say the Senator from Kansas is out of order, and we are entitled to a division on the question.

Mr. PLUMB. I submit the point of order to the Chair.

The PRESIDENT *pro tempore*. The Senator from Kansas has the floor. The chair decides that the question is open to debate.

Mr. RIDDLEBERGER. I appeal from the decision of the Chair. Is that debatable?

The PRESIDENT *pro tempore*. The Senator has a right to appeal from the decision of the Chair.

Mr. RIDDLEBERGER. Then I will debate that, if it is debatable. If it is not debatable, I do not make the appeal.

The PRESIDENT *pro tempore*. The Chair will hear what the Senator from Virginia has to say, and perhaps he can convince the Chair.

Mr. RIDDLEBERGER. I want to know from the Chair whether I am in or out of order?

The PRESIDENT *pro tempore*. The Chair is of the opinion that the Senator from Virginia is out of order.

Mr. RIDDLEBERGER. Does the Chair hold that an appeal from the decision of the Chair is not debatable on this question, and yet allow the Senator from Kansas to debate what is not before the Senate except on a vote?

The PRESIDENT *pro tempore*. Upon the question of the appeal the Chair will hear the Senator and submit the question.

Mr. RIDDLEBERGER. I do not want that, sir. I want to know whether I am in or out of order?

The PRESIDENT *pro tempore*. The Chair has twice decided that the Senator from Virginia is not in order.

Mr. RIDDLEBERGER. And the Senator from Virginia yields under protest.

The PRESIDENT *pro tempore*. The Senator from Kansas has the floor.

Mr. PLUMB. I think that we ought not to have, as I was about to say, the distribution of this money until there is some evidence that it is to be distributed in that general way which the bill contemplates. Unless this money is to be applied generally to the cause of education in the Southern States, I take it that there will be no use in entering on any expenditure under the bill at all. What kind of a position should we be assuming here if we should say that the State of Alabama alone of all the States to be benefited by the bill should accept the money and no other State should accept it? Would any one say we ought to enter upon the subject of education in the State of Alabama and not in the other Southern States? Would any one say that we ought to enter upon the subject of education in any of the States unless we entered upon it in them all?

What little there is left of the Constitution I think would seem to indicate that if we do this business at all we ought to do it generally, for the benefit of all the children of school age in the United States, and not simply for the benefit of those in one State. But if some such proposition as that offered by the Senator from Oregon is not adopted we may find ourselves in just this condition, that we have made an appropriation for one State or for two States and for no more, because the others fail or decline to accept it. What reason, therefore, for declining——

Mr. RIDDLEBERGER. I rise to a point of order again.

The PRESIDENT *pro tempore*. The Senator from Virginia will please state his point of order.

Mr. RIDDLEBERGER. I make the point of order that when there is a vote called for that is *viva voce*, any Senator on this floor has a right to call for a division. I called for it; I called for it in a tone that the President of the Senate could not have failed to hear, and calling for that division it is first to be taken, and there can be no debate ensuing between the mere declaration of a *viva voce* vote by the Chair and the call for a division. If it be otherwise, then there can be no end to any debate here.

If this bill is to be delayed again in this way I want it known who delays it. I want it known that the President of the Senate is not recognizing the rule, so far as I have a right to expound it here in the Senate. I say that when you undertake to take a vote here there are three things to do. One is for the Chair to submit it to a *viva voce* vote, next to a division, and next to the yeas and nays, and between those votes there can be no debate except that which violates every rule that governs parliamentary bodies from the time that the first one was inaugurated. That is my position.

I say now, sir, that I asked for a division on this vote, and I ask for it now. I repeat it now, and when that vote is taken I shall have a right to ask that the vote be taken by yeas and nays.

There is no such thing in this body as the previous question; there is nothing to cut off debate; but there is such a rule as says that any Senator may call for a *viva voce* vote, then for a division, and after that for the yeas and nays. I want it distinctly understood that I have asked for that; and now, if the Senator from Kansas, who is employing every method to beat this bill, shall be allowed, in violation of every principle of parliamentary government or parliamentary form, to make another speech, I want it known that the responsibility lies between him and the President of the Senate.

I insist upon my right to a division of the Senate on the question after the Chair declared that the proposition had failed and was lost. After that I shall insist upon my right to the yeas and nays, and I do not believe that there is a parliamentarian in this body who will not say that it is my right to ask for these things. We have no previous question. I only ask, therefore, that we shall have the vote taken in its proper order: first, *viva voce;* second, on a division; and, third, by the yeas and nays.

I have heard it stated and I have seen it printed that what I asserted in the Senate was generally sat down upon. I care not for that, knowing, as I think I know, that I am right. I am struggling for the passage of this bill, and I am going to continue to struggle for it under the rules of the Senate; and, sir, you can not take from that desk the book that ought to control you and find within it a rule which justifies your rulings a while ago. I say that it is my right, as it is the right of every Senator here, after a vote is taken *viva voce*, to ask for a division, and then that one-fifth of the vote thus taken may proclaim that there shall be a vote by yeas and nays on the call of any Senator who makes it.

I say therefore that I ask for a division. I am entitled to it. I care not to be ruled down under it, but I assert the right because I know it is my right under the rule.

Mr. PLUMB. I move that the Senate do now adjourn.

The PRESIDENT *pro tempore*. The Chair will be allowed to state his position.

Mr. PLUMB. I withdraw the motion for that purpose.

The PRESIDENT *pro tempore*. The Senator from Virginia must be aware that the question was plainly put by the Chair and plainly decided, and the Chair announced that decision in a distinct voice. The Senator from Kansas then rose and took the floor to debate the bill. The Senator from Virginia did not call for a division; he did not call for the yeas and nays——

Mr. RIDDLEBERGER. No, sir; I did not, if the Chair will allow me——

The PRESIDENT *pro tempore*. The Senator from Virginia will please not interrupt the Chair.

Mr. RIDDLEBERGER. Yes, sir.

The PRESIDENT *pro tempore*. The Senator from Virginia did not call for a division; he did not call for the yeas and nays; but when the Senator from Kansas was advancing in his argument on the bill he then rose and demanded a division. It was too late. The Chair wishes kindly but firmly to say to the Senator from Virginia that he has not sought to discriminate against him in the slightest degree; the Senator is mistaken in that; but on the contrary the Chair has often done the reverse; and he appeals to the Senator from Virginia to withdraw the imputation that the Chair ever discriminated against him or sought to deprive him of his rights. The point of order is overruled.

Mr. RIDDLEBERGER. If the Chair will permit me, I did not mean to say that the Chair had discriminated against me; I meant to say that the Chair himself did not comprehend the rule. That is exactly what I meant to say. I meant to say that whenever a vote is proposed to be taken there are three ways in which to take it, first, to ask for a *viva voce* vote, and that no debate can ensue between that and the right of any Senator to call for a division; and that no debate can ensue between that and the right to call for the yeas and nays; and the man who does not comprehend that I say does not comprehend the rules of a parliamentary body.

Mr. PLUMB. I move that the Senate proceed to the consideration of executive business.

Mr. DOLPH. Mr. President——

Mr. BLAIR. I hope that motion will not be made.

Mr. FRYE. Oh, no; let us finish the bill.

Mr. PLUMB. We can not finish the bill to-night.

Mr. DOLPH. I rise to a point of order.

The PRESIDENT *pro tempore*. The Senator from Kansas moves that the Senate proceed to the consideration of executive business.

Mr. HOAR. Before that motion is put, as I have been out of the Senate Chamber, will the Chair kindly state what is the pending question?

The PRESIDENT *pro tempore*. The pending question is on the bill.

Mr. DOLPH. I hope the Senator from Kansas will give way to me for a moment to state my point of order.

Mr. PLUMB. I will do so.

Mr. DOLPH. The question was on my amendment, and I rose in time and called for the yeas and nays. It is possible the Chair did

not hear me. Before the Senator from Kansas took the floor I called for the yeas and nays, and expected the Chair to ask if there was a second to that call. I suppose I was right in doing that without calling for a division first. I desired a full vote of the Senate on my amendment.

The PRESIDENT *pro tempore*. Does the Senator from Oregon say that before the Senator from Kansas rose he called for the yeas and nays?

Mr. DOLPH. I certainly did. I think the Senators around me will bear me out in that. I know the Senator from Michigan [Mr. CONGER] will.

The PRESIDENT *pro tempore*. The Chair will take the word of the Senator on that point, because if he called for the yeas and nays before the Senator from Kansas was recognized he is clearly entitled to them.

Mr. DOLPH. I certainly did.

Mr. PLUMB. I certainly designed to do the same thing. I was discussing the amendment of the Senator from Oregon with no suspicion that it had been defeated.

The PRESIDENT *pro tempore*. If the Senator from Oregon called for the yeas and nays the Chair will submit that question.

Mr. DOLPH. I did.

Mr. PLUMB. I renew my motion.

Mr. HARRIS and Mr. HOAR. Let the yeas and nays be ordered.

Mr. PLUMB. I withdraw the motion for the purpose of having the yeas and nays ordered.

The PRESIDENT *pro tempore*. Is there a second to the demand for the yeas and nays on the question of agreeing to the amendment of the Senator from Oregon [Mr. DOLPH]?

The yeas and nays were ordered.

Mr. PLUMB. Now I move that the Senate proceed——

Mr. BLAIR. I hope the friends of the bill will continue the discussion longer.

Mr. LOGAN. Will the Senator from Kansas yield to me?

Mr. PLUMB. I will.

Mr. LOGAN. I desire to offer, as I did yesterday, two amendments.

The PRESIDENT *pro tempore*. The bill is still before the Senate as in Committee of the Whole and open to amendment.

Mr. LOGAN. I do not care to interfere with the Senator from Oregon, but I desire that my amendments shall be considered as offered.

The PRESIDENT *pro tempore*. The question now is upon agreeing to the amendment of the Senator from Oregon, on which the yeas and nays have been ordered.

Mr. LOGAN. I renew the motion of the Senator from Kansas that the Senate proceed to the consideration of executive business.

The PRESIDENT *pro tempore*. The question is on agreeing to the motion of the Senator from Illinois that the Senate proceed to the consideration of executive business.

Mr. BLAIR. I ask for a division.

The Senate proceeded to divide; and the ayes were 29.

Mr. RIDDLEBERGER. I ask for the yeas and nays.

The yeas and nays were ordered; and the Secretary proceeded to call the roll.

Mr. CHACE (when Mr. ALDRICH'S name was called). My colleague [Mr. ALDRICH] is paired with the Senator from West Virginia [Mr. CAMDEN]. If my colleague were present he would vote "nay."

The roll-call was concluded.

Mr. CULLOM. The Senator from Iowa [Mr. ALLISON] and the Senator from Kentucky [Mr. BECK] have both gone away on committee work, and I believe are paired with each other.

Mr. HOAR. Before the vote is declared I desire to ask unanimous consent that the pending amendment and those of which notice has been given may be printed.

The PRESIDENT *pro tempore*. Before the announcement of the vote, the Senator from Massachusetts asks the unanimous consent of the Senate to have an order made that certain amendments be printed.

Mr. HOAR. That the pending amendment and those of which notice has been given may be printed.

The PRESIDENT *pro tempore*. That order will be made if there be no objection.

The result was announced—yeas 35, nays 22; as follows:

YEAS—35.

Berry,	Dolph,	Logan,	Ransom,
Blackburn	Gibson,	McMillan,	Saulsbury,
Brown,	Gray,	Mahone,	Sewell,
Cameron,	Hale,	Manderson,	Spooner,
Cockrell,	Hampton,	Maxey,	Teller,
Coke,	Harris,	Mitchell of Oreg.,	Vance,
Colquitt,	Harrison,	Payne,	Van Wyck,
Conger,	Ingalls,	Plumb,	Wilson of Md.
Cullom,	Jones of Arkansas,	Pugh,	

NAYS—22.

Blair,	Evarts,	Miller of N. Y.,	Stanford,
Call,	Frye,	Morrill,	Voorhees,
Chace,	George,	Platt,	Walthall,
Dawes,	Hoar,	Riddleberger,	Wilson of Iowa.
Edmunds,	Jackson,	Sawyer,	
Eustis,	Kenna,	Sherman,	

ABSENT—19.

Aldrich,	Camden,	Jones of Nevada,	Palmer,
Allison,	Fair,	McPherson,	Pike,
Beck,	Gorman,	Miller of Cal.,	Sabin,
Bowen,	Hawley,	Mitchell of Pa.,	Vest.
Butler,	Jones of Florida,	Morgan,	

So the motion was agreed to; and the Senate proceeded to the consideration of executive business. After forty-five minutes spent in executive session the doors were reopened, and (at 5 o'clock and 40 minutes p. m.) the Senate adjourned.

EXECUTIVE NOMINATIONS.

Nominations received the 3d day of March, 1886.

UNITED STATES CONSULS.

Mortimer A. Turner, of Arkansas, to be consul of the United States at St. Thomas, *vice* Volney V. Smith, recalled.

Henry Albert Johnson, of the District of Columbia, to be consul of the United States at Venice, to fill a vacancy.

ASSISTANT APPRAISER OF MERCHANDISE.

Henry P. Kitfield, of Massachusetts, to be assistant appraiser of merchandise in the district of Boston and Charlestown, Mass., *vice* Joseph E. Jones, resigned.

PROMOTION IN THE NAVY.

Commodore William T. Truxton, of Pennsylvania, to be a rear-admiral in the Navy, from the 19th of February, 1886, *vice* English, retired.

APPOINTMENT IN THE NAVY.

Elmer Clark Tracy, of New York, to be an assistant surgeon in the Navy, to fill a vacancy in that grade.

MINISTER RESIDENT AND CONSUL-GENERAL.

Jacob T. Child, of Missouri, to be minister resident and consul-general of the United States to Siam, *vice* John A. Halderman, resigned.

CONSUL.

William Gordon, of New York, to be consul of the United States at Medellin, to fill a vacancy.

PROMOTIONS

For appointment in the Army of the United States.

MAJOR-GENERAL.

Brig. Gen. Alfred H. Terry, to be major-general, March 3, 1886, *vice* Winfield Scott Hancock, deceased.

FIRST REGIMENT OF CAVALRY.

Second Lieut. James Lockett, to be first lieutenant, March 1, 1886, *vice* Jenkins, resigned.

SEVENTEENTH REGIMENT OF INFANTRY.

Lieut. Col. Alexander Chambers, of the Twenty-first Infantry, to be colonel, March 1, 1886, *vice* Gilbert, retired from active service.

EIGHTEENTH REGIMENT OF INFANTRY.

Capt. George K. Brady, of the Twenty-third Infantry, to be major, March 1, 1886, *vice* Poland, promoted to the Twenty-first Infantry.

TWENTY-FIRST REGIMENT OF INFANTRY.

Maj. John S. Poland, of the Eighteenth Infantry, to be lieutenant-colonel, March 1, 1886, *vice* Chambers, promoted to the Seventeenth Infantry.

TWENTY-THIRD REGIMENT OF INFANTRY.

First Lieut. William C. Manning, to be captain, March 1, 1886, *vice* Brady, promoted to the Eighteenth Infantry.

Second Lieut. William A. Nichols, to be first lieutenant, March 1, 1886, *vice* Manning, promoted.

CONFIRMATIONS.

Executive nominations confirmed by the Senate, February 26, 1886.

REGISTER OF LAND OFFICE.

Henry C. Tipton, of Melbourne, Ark., to be register of the land office at Harrison, Ark.

SURVEYOR-GENERAL.

John Hise, of Payson, Ariz., to be surveyor-general of Arizona.

POSTMASTER.

George H. Paul, to be postmaster at Milwaukee, in the county of Milwaukee and State of Wisconsin.

Executive nomination confirmed by the Senate, March 1, 1886.

POSTMASTER.

Thomas B. Coon, at Kilbourn City, Columbia County, Wisconsin.

Executive nomination confirmed by the Senate, March 3, 1886.

ATTORNEY OF THE UNITED STATES.

Livingston W. Bethel, of Florida, to be attorney of the United States for the Southern district of Florida.

WITHDRAWAL.

Nomination withdrawn March 3, 1886.

Edmund B. Briggs, of the District of Columbia, to be consul of the United States at Santos, he having resigned the office.

HOUSE OF REPRESENTATIVES.

WEDNESDAY, *March 3, 1886.*

The House met at 12 o'clock m. Prayer by the Rev. S. K. COX, of Washington, D. C.

The Journal of the proceedings of yesterday was read and approved.

CHEROKEE NATION.

The SPEAKER laid before the House the following message from the President of the United States; which was read, and, with the accompanying documents, referred to the Committee on Indian Affairs, and ordered to be printed:

To the Senate and House of Representatives:

I transmit herewith a communication of the 27th ultimo from the Secretary of the Interior, submitting, with accompanying papers, a draught of a bill prepared in the office of Indian Affairs for the purpose of securing to the Cherokee freedmen and others, citizens of the Cherokee Nation by adoption and incorporation, a sum equal to their proportion of the $300,000 proceeds of lands west of 96° in the Indian Territory, appropriated by the act of March 3, 1883.

The matter is presented for the consideration of Congress.

GROVER CLEVELAND.

EXECUTIVE MANSION, *March 2, 1886.*

LAND OF SAC AND FOX INDIANS, NEBRASKA.

The SPEAKER also laid before the House the following message from the President of the United States; which was read, and, with the accompanying documents, referred to the Committee on Indian Affairs, and ordered to be printed:

To the Senate and House of Representatives:

I transmit herewith a communication of 26th ultimo from the Secretary of the Interior, with inclosures, requesting legislation to provide for the reappraisement and sale of a small tract of land in the State of Nebraska belonging to the Sac and Fox Indian reservation.

The matter is presented for the action of Congress.

GROVER CLEVELAND.

EXECUTIVE MANSION, *March 2, 1886.*

CLAIMS OF EASTERN CHEROKEE INDIANS.

The SPEAKER also laid before the House the following message from the President of the United States; which was read, and, with the accompanying papers, referred to the Committee on Indian Affairs, and ordered to be printed:

To the Senate and House of Representatives:

I transmit herewith a communication of 25th ultimo, from the Secretary of the Interior, submitting, with accompanying papers, a draught of a bill, recommended by the Commissioner of Indian Affairs, for the payment of money claimed under alleged existing treaty stipulations and laws by such Eastern Cherokee Indians as have removed or shall hereafter remove themselves to the Indian Territory.

The matter is presented for the consideration of Congress.

GROVER CLEVELAND.

EXECUTIVE MANSION, *March 2, 1886.*

CHINESE IMMIGRATION.

The SPEAKER also laid before the House the following message from the President of the United States; which was read, referred to the Committee on Foreign Affairs, and ordered to be printed:

To the Senate and House of Representatives:

It is made the constitutional duty of the President to recommend to the consideration of the Congress, from time to time, such measures as he shall judge necessary and expedient. In no matters can the necessity of this be more evident than when the good faith of the United States under the solemn obligation of treaties with foreign powers is concerned.

The question of the treatment of the subjects of China sojourning within the jurisdiction of the United States presents such a matter for the urgent and earnest consideration of the Executive and the Congress.

In my first annual message, upon the assembling of the present Congress, I adverted to this question in the following words:

"The harmony of our relations with China is fully sustained.

"In the application of the acts lately passed to execute the treaty of 1880, restrictive of the immigration of Chinese laborers into the United States, individual cases of hardship have occurred beyond the power of the Executive to remedy, and calling for judicial determination.

"The condition of the Chinese question in the Western States and Territories is, despite this restrictive legislation, far from being satisfactory. The recent outbreak in Wyoming Territory, where numbers of unoffending Chinamen, indisputably within the protection of the treaties and the law, were murdered by a mob, and the still more recent threatened outbreak of the same character in Washington Territory are fresh in the minds of all, and there is apprehension lest the bitterness of feeling against the Mongolian race on the Pacific slope may find vent in similar lawless demonstrations. All the power of this Government should be exerted to maintain the amplest good faith toward China in the treatment of these men, and the inflexible sternness of the law in bringing the wrongdoers to justice should be insisted upon.

"Every effort has been made by this Government to prevent these violent outbreaks and to aid the representatives of China in their investigation of these outrages; and it is but just to say that they are traceable to the lawlessness of men not citizens of the United States, engaged in competition with Chinese laborers.

"Race prejudice is the chief factor in originating these disturbances, and it exists in a large part of our domain, jeopardizing our domestic peace and the good relationship we strive to maintain with China.

"The admitted right of a Government to prevent the influx of elements hostile to its internal peace and security may not be questioned, even where there is no treaty stipulation on the subject. That the exclusion of Chinese labor is demanded in other countries where like conditions prevail is strongly evident in the Dominion of Canada, where Chinese immigration is now regulated by laws more exclusive than our own. If existing laws are inadequate to compass the end in view, I shall be prepared to give earnest consideration to any further remedial measures, within the treaty limits, which the wisdom of Congress may devise."

At the time I wrote this the shocking occurrences at Rock Springs, in Wyoming Territory, were fresh in the minds of all, and had been recently presented anew to the attention of this Government by the Chinese minister in a note which, while not unnaturally exhibiting some misconception of our Federal system of administration in the Territories while they as yet are not in the exercise of the full measure of that sovereign self-government pertaining to the States of the Union, presents in truthful terms the main features of the cruel outrage there perpetrated upon inoffensive subjects of China. In the investigation of the Rock Springs outbreak and the ascertainment of the facts on which the Chinese minister's statements rest the Chinese representatives were aided by the agents of the United States, and the reports submitted, having been thus framed and recounting facts within the knowledge of witnesses on both sides, possess an impartial truthfulness which could not fail to give them great impressiveness.

The facts, which so far are not controverted or affected by any exculpatory or mitigating testimony, show the murder of a number of Chinese subjects in September last, at Rock Springs, the wounding of many others, and the spoliation of the property of all when the unhappy survivors had been driven from their habitations. There is no allegation that the victims by any lawless or disorderly act on their part contributed to bring about a collision; on the contrary, it appears that the law-abiding disposition of these people who were sojourners in our midst under the sanction of hospitality and express treaty obligations was made the pretext for the attack upon them. This outrage upon law and treaty engagements was committed by a lawless mob. None of the aggressors, happily for the national good fame, appear by the reports to have been citizens of the United States. They were aliens engaged in that remote district as mining laborers, who became excited against the Chinese laborers, as it would seem, because of their refusal to join them in a strike to secure higher wages. The oppression of Chinese subjects by their rivals in the competition for labor does not differ in violence and illegality from that applied to other classes of native or alien labor. All are equally under the protection of law and equally entitled to enjoy the benefits of assured public order.

Were there no treaty in existence referring to the rights of Chinese subjects; did they come hither as all other strangers who voluntarily resort to this land of freedom, of self-government, and of laws, here peaceably to win their bread and to live their lives, there can be no question that they would be entitled still to the same measure of protection from violence and the same free forum for the redress of their grievances as any other aliens.

So far as the treaties between the United States and China stipulate for the treatment of the Chinese subjects actually in the United States as the citizens or subjects of "the most favored nation" are treated, they create no new status for them; they simply recognize and confirm a general and existing rule, applicable to all aliens alike, for none are favored above others by domestic law, and none by foreign treaties unless it be the Chinese themselves in some respects. For by the third article of the treaty of November 17, 1880, between the United States and China, it is provided that:

"ARTICLE III. If Chinese laborers, or Chinese of any other class, now either permanently or temporarily residing in the territory of the United States, meet with ill treatment at the hands of any other persons, the Government of the United States will exert all its power to devise measures for their protection and to secure to them the same rights, privileges, immunities, and exemptions as may be enjoyed by the citizens or subjects of the most favored nation, and to which they are entitled by treaty."

This article may be held to constitute a special privilege for Chinese subjects in the United States, as compared with other aliens; not that it creates any peculiar rights which others do not share, but because, in case of ill treatment of the Chinese in the United States, this Government is bound to "exert all its power to devise measures for their protection," by securing to them the rights to which equally with any and all other foreigners they are entitled.

Whether it is now incumbent upon the United States to amend their general laws or devise new measures in this regard I do not consider in the present communication, but confine myself to the particular point raised by the outrage and massacre at Rock Springs.

The note of the Chinese minister and the documents which accompany it give, as I believe, an unexaggerated statement of the lamentable incident, and present impressively the regretable circumstance that the proceedings, in the name of justice, for the ascertainment of the crime and fixing the responsibility therefor were a ghastly mockery of justice. So long as the Chinese minister, under his instructions, makes this the basis of an appeal to the principles and convictions of mankind, no exception can be taken. But when he goes further, and, taking as his precedent the action of the Chinese Government in past instances where the lives of American citizens and their property in China have been endangered, argues a reciprocal obligation on the part of the United States to indemnify the Chinese subjects who suffered at Rock Springs, it became necessary to meet his argument, and to deny most emphatically the conclusions he seeks to draw as to the existence of such a liability and the right of the Chinese Government to insist upon it.

I draw the attention of the Congress to the latter part of the note of the Secretary of State of February 18, 1886, in reply to the Chinese minister's representations, and invite especial consideration of the cogent reasons by which he reaches the conclusion that, whilst the United States Government is under no obligation—whether by the express terms of its treaties with China or the principles of international law—to indemnify these Chinese subjects for losses caused by such means and under the admitted circumstances, yet that in view of the palpable and discreditable failure of the authorities of Wyoming Territory to bring to justice the guilty parties or to assure to the sufferers an impartial forum in which to seek and obtain compensation for the losses which those subjects have incurred by lack of police protection, and considering further the entire absence of provocation or contribution on the part of the victims, the Executive may be induced to bring the matter to the benevolent consideration of the Congress, in order that that body, in its high discretion, may direct the bounty of the Government in aid of innocent and peaceful strangers whose maltreatment has brought discredit upon the country; with the distinct understanding that such action is in no wise to be held as a precedent, is wholly gratuitous, and is resorted to in a spirit of pure generosity toward those who are otherwise helpless.

The correspondence exchanged is herewith submitted for the information of the Congress.

GROVER CLEVELAND.

EXECUTIVE MANSION, *March 2, 1886.*

SALARY OF DEPUTY COMPTROLLER OF THE CURRENCY.

The SPEAKER also laid before the House a letter from the Secretary of the Treasury, transmitting a letter from the Comptroller of the Currency relative to the inadequacy of the salary of the deputy comptroller of the currency, and recommending that it be increased; which was referred to the Committee on Expenditures in the Treasury Department, and ordered to be printed.

SURVEYOR-GENERAL OF ARIZONA.

The SPEAKER also laid before the House a letter from the Secretary of the Treasury, transmitting, with accompanying papers, a revised estimate from the Secretary of the Interior of an appropriation for salaries in the office of surveyor-general of Arizona for the fiscal year ending June 30, 1887; which was referred to the Committee on Appropriations, and ordered to be printed.

IMPROVEMENT OF CAPITOL GROUNDS.

The SPEAKER also laid before the House a letter from the acting Secretary of the Treasury, asking that the unexpended balance of appropriation for improving the Capitol grounds for the fiscal year ending June 30, 1885, be reappropriated for the current fiscal year, and that authority be given to pay the claim of Middleton, Lane & Co. for work on the Capitol terraces; which was referred to the Committee on Appropriations, and ordered to be printed.

FORT MISSOULA MILITARY RESERVATION, MONTANA.

The SPEAKER also laid before the House a letter from the Secretary of War, transmitting plats and correspondence showing the status of certain lands in the military reservation at Fort Missoula, Montana Territory; which was referred to the Committee on Military Affairs, and ordered to be printed.

TERRITORY OF NEW MEXICO.

The SPEAKER also laid before the House a letter from the acting Secretary of the Interior, transmitting, with accompanying papers, a letter from the Secretary of the Interior relative to an appropriation for repairs of the adobe palace. Sante Fé, N. Mex., and to an increase of the salary of the secretary of the Territory of New Mexico; which was referred to the Committee on Appropriations, and ordered to be printed.

REFERENCE OF SENATE BILLS.

The SPEAKER, under the rule, also laid before the House Senate bills and a concurrent resolution; which were read a first and second time, and referred as follows, namely:

Joint resolution (S. 39) to authorize the printing of the proceedings in Congress in accepting the statue of the late James A. Garfield, President of the United States—to the Committee on Printing.

The bill (S. 1653) to forward a copy of the daily CONGRESSIONAL RECORD to each of our legations abroad—to the Committee on Printing.

Senate concurrent resolution relative to printing a list of awards made under treaties with France and Spain—to the Committee on Printing.

LEAVE OF ABSENCE.

By unanimous consent, leave of absence was granted to Mr. BROWN, of Ohio, for ten days, from the 25th of February, on account of important business.

ORDER OF BUSINESS.

The SPEAKER. The Chair will now proceed to call the standing and select committees of the House for reports.

IMMEDIATE TRANSPORTATION OF DUTIABLE GOODS.

Mr. BRECKINRIDGE, of Arkansas, from the Committee on Ways and Means, reported back with favorable recommendations Senate bills and a joint resolution of the following titles; which were severally referred to the House Calendar, and, with the accompanying reports, ordered to be printed, namely:

A bill (S. 141) to extend the provisions of the act of June 10, 1880, entitled "An act to amend the statutes in relation to the immediate transportation of dutiable goods, and for other purposes," to the port of Omaha, in the State of Nebraska;

A bill (S. 82) to amend an act entitled "An act to amend the statutes in relation to the immediate transportation of dutiable goods, and for other purposes," approved June 10, 1880; and

Joint resolution (S. 10) to amend the statute in relation to the immediate transportation of dutiable goods, and for other purposes, approved June 10, 1880, so that the provisions of the same shall be extended to the port of Key West, Fla., and the provisions of the seventh section of the statute be extended to the port of Tampa, Fla.

IMPROVEMENT OF MISSISSIPPI RIVER, LITTLE FALLS, MINN.

Mr. BYNUM, from the Committee on Commerce, reported back with amendments the bill (H. R. 4063) to authorize the improvement of the water-power of the Mississippi River at Little Falls, Minn.; which was referred to the House Calendar, and, with the accompanying report, ordered to be printed.

CAPE ORFORD LIGHT-STATION.

Mr. MORROW, from the Committee on Commerce, reported back with favorable recommendation the bill (H. R. 3232) making an appropriation for the purchase of a right of way to Cape Orford light-station, Oregon; which was referred to the Committee on Appropriations, and, with the accompanying report, ordered to be printed.

AGRICULTURAL EXPERIMENT STATIONS.

Mr. HATCH, from the Committee on Agriculture, reported back with amendments the bill (H. R. 3933) to establish agricultural experiment stations in connection with the colleges established in the several States under the provisions of an act approved July 2, 1862, and of the acts supplementary thereto; which was referred to the Committee of the Whole House on the state of the Union, and, with the accompanying report, ordered to be printed.

CHANGES OF REFERENCE.

On motion of Mr. BRAGG, by unanimous consent the Committee on Military Affairs was discharged from the further consideration of House bills and a memorial of the Oregon Legislature of the following titles; which were severally referred, as follows, namely:

The bill (H. R. 3238) to amend section 4700 of the Revised Statutes relating to invalid pensions—to the Committee on Invalid Pensions.

The bill (H. R. 4602) to amend an act to relieve certain soldiers from the charge of desertion—to the Committee on Naval Affairs.

Memorial of the Legislature of the State of Oregon, asking for legislation to investigate alleged fraudulent selection, location, and patenting of those military wagon-road grants from Eugene City to the eastern boundary of Oregon, and also that one from Dalles City, in Oregon, by way of Camp Watson, Canyon City, and Mormon Basin, to Snake River, opposite Fort Boisé, in Idaho Territory—to the Committee on the Public Lands.

FORT WORTH AND DENVER CITY RAILWAY COMPANY.

Mr. WELLBORN, from the Committee on Indian Affairs, reported, as a substitute for H. R. 2407, a bill (H. R. 6393) to authorize the Fort Worth and Denver City Railway Company to construct and operate a railway through the Indian Territory, and for other purposes.

The SPEAKER. Does this bill make an appropriation of money or property of the United States?

Mr. WELLBORN. It is a bill to grant the right of way through the Indian Territory, and I think should properly be referred to the Committee of the Whole House on the state of the Union.

The SPEAKER. Does it dispose of any property belonging to the United States?

Mr. WELLBORN. I can not say that it does. There have been two precedents, however, and in both cases it was considered by the Committee of the Whole House on the state of the Union.

The SPEAKER. It will be sent there without objection; but the Chair thinks that if it does not appropriate money or property of the United States it should go properly to the House Calendar.

Mr. WELLBORN. I have no objection to that reference.

The bill was read a first and second time, referred to the House Calendar, and, with the accompanying report, ordered to be printed.

House bill No. 2407 was ordered to be laid on the table.

SAC AND FOX AND IOWA INDIAN RESERVATIONS.

Mr. PERKINS, from the Committee on Indian Affairs, reported a bill (H. R. 6394) to amend the third section of an act entitled "An act to provide for the sale of the Sac and Fox and Iowa Indian reservations, in the States of Nebraska and Kansas, and for other purposes," approved March 3, 1885; which was read a first and second time, referred to the House Calendar, and, with the accompanying report, ordered to be printed.

BENJAMIN DUBACH.

Mr. MORRILL, from the Committee on Invalid Pensions, reported back with amendments the bill (H. R. 704) granting a pension to Benjamin Dubach; which was referred to the Committee of the Whole House on the Private Calendar, and, with the amendments and accompanying report, ordered to be printed.

ELIZA A. WEEKS.

Mr. THOMPSON, from the Committee on Pensions, reported back with a favorable recommendation the bill (H. R. 2975) granting a pension to Eliza A. Weeks; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

ADVERSE REPORT.

Mr. THOMPSON, from the Committee on Pensions, also reported back with an adverse recommendation the bill (H. R. 4543) granting a pension to David Sarsfield; which was laid on the table, and the accompanying report ordered to be printed.

J. R. MARTIN.

Mr. WARNER, of Missouri, from the Committee on Claims, reported back with a favorable recommendation the bill (H. R. 707) for the relief of J. R. Martin; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

WILLIAM P. MORAN.

Mr. WARNER, of Missouri, from the Committee on Claims, also reported back with a favorable recommendation the bill (H. R. 3547) for the relief of William P. Moran; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

THOMAS B. M'ELWEE.

Mr. NEAL, from the Committee on Claims, reported back with amendments the bill (H. R. 3699) for the relief of Thomas B. McElwee; which was referred to the Committee of the Whole House on the Private Calendar, and, with the amendments and accompanying report, ordered to be printed.

SUSAN A. WAMACK.

Mr. NEAL, from the Committee on Claims, also reported back with a favorable recommendation the bill (H. R. 3998) for the relief of Susan A. Wamack, administratrix of the estate of Stephen M. Farish, deceased; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

ABBIE SHARP.

Mr. McKENNA, from the Committee on Claims, reported back with a favorable recommendation the bill (H. R. 3361) for the relief of Abbie Sharp, formerly Abbie Gardner; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

ADVERSE REPORT.

Mr. LYMAN, from the Committee on War Claims, reported back with an adverse recommendation the bill (H. R. 3521) for the relief of Joseph W. McClurg; which was laid on the table, and the accompanying report ordered to be printed.

LANDS IN PLATTE COUNTY, MISSOURI.

Mr. THOMAS, of Wisconsin, from the Committee on Private Land Claims, reported back with a favorable recommendation the bill (S. 218) to confirm title to certain lands in Platte County, Missouri, and authorize patents to be issued therefor to Kinsey B. Cecil; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

MANAGEMENT OF PENSION BUREAU.

Mr. WEAVER, of Iowa. I am instructed by the Committee on Expenditures in the Interior Department to report back with the recommendation that it be adopted the resolution which I send to the desk. It is not a privileged report. I am also authorized to ask for its present consideration.

The SPEAKER. That can not be done under this call.

The resolution was read, as follows:

Resolved, That the Committee on Expenditures in the Interior Department be instructed to investigate the expenditure and management of the Pension Bureau during the present and previous administrations, and also to ascertain and report to the House what foundation there is for the statement in the annual report of Commissioner Black in reference to partisan management and extravagance of that bureau during the terms of office of his predecessors, with power to send for persons and papers, and compel the attendance of witnesses.

The resolution was referred to the House Calendar, and, with the accompanying report, ordered to be printed.

PILOT LAWS.

The Select Committee on American Ship-building and Ship-owning Interests was called.

Mr. HAMMOND. I was not in the House yesterday when the bill (H. R. 6390) relating to pilotage was reported from this committee. I ask leave to present the views of the minority.

The SPEAKER. If there be no objection, the gentleman from Georgia will have leave to present the views of the minority on the bill he has indicated and they will be printed with the report of the majority.

There was no objection.

TESTS OF IRON, STEEL, ETC.

The SPEAKER. The hour for the consideration of bills under the rule begins at ten minutes after 1 o'clock. The call rests with the Committee on Manufactures.

Mr. HOLMAN. I believe the gentleman from Tennessee [Mr. McMILLIN] had the floor on the bill reported from the Committee on Manufactures.

Mr. McMILLIN. I move that the House resolve itself into Committee of the Whole House on the state of the Union for the further consideration of House bill No. 5555.

The motion was agreed to.

The House accordingly resolved itself into Committee of the Whole House on the state of the Union (Mr. HAMMOND in the chair) and resumed the consideration of the bill (H. R. 5555) authorizing the President to appoint a commission of experts skilled in the investigation, production, and use of metallic substances and other structural materials, to execute tests and experiments on iron, steel, and other materials used in the construction of bridges, buildings, and mechanical structures and deduce useful rules therefrom.

The CHAIRMAN. The gentleman from Tennessee [Mr. McMILLIN] has twenty-five minutes of his time remaining.

Mr. McMILLIN. When the hour for the consideration of this business expired yesterday I had stated to the House that the Government had constructed a machine at Watertown for the testing of metals; that that machine was constructed at great cost; that the Government had magnanimously opened it to the use of private individuals, not upon payment of any part of the cost of the machine or of its wear and tear, but simply on payment of the expense of operating it while it was being used by such individuals. It has seemed to me, Mr. Chairman, that was all that a citizen could reasonably ask of the Government.

It is known by those who have kept the run of the appropriations of Congress that the sum of $10,000 a year is appropriated for the purpose of keeping up and running this machine. The individuals that get the benefit of it are not required even to reimburse the Government for that. But now, not content with paying the pittance that is required for the use of the machine, there is a proposition before Congress to appoint a commission to do the work for these individuals free from all cost; and the question is whether the masses of the people of the United States should be required to pay this cost.

I for one do not believe they should. This bill appropriates $25,000; but it is the intention of its framers that this shall be a perpetual institution, that another permanent commission shall be established, and possibly that, after budding for a while as a commission, it shall bloom out into a full-blown bureau. That will be the result of the legislation which we are entering on to-day. Why do I say that it is to be perpetual? Listen to this provision in the fourth section of the bill: "That said commission shall make, on or before the 1st day of December in each year, a report," &c. Does that look as if it were to be temporary? Is any man here so deluded as to suppose that it is to be temporary and that by any possibility it can be made so? Who ever saw a bureau die in Washington, and how many commissions even have been seen to expire? Now, to show that the object is to enable individuals to get their work done without cost to them I will read a portion of another section of the bill. Section 3 provides "that manufacturers of iron and steel and other structural materials who may request tests of their productions shall file with the commission a full and detailed statement of the mode and process of manufacture," and so on. What other object is there in this bill? None whatever.

Mr. MILLIKEN. Will the gentleman yield to me for a question?

Mr. McMILLIN. With pleasure.

Mr. MILLIKEN. Who makes the tests now?

Mr. McMILLIN. Tests are made now, so far as the Government desires tests, by officials of the Government, and then, under the general law, this machine (which cost more than $50,000 and for which $10,000 are annually appropriated to pay the expense of running and keeping it up) is turned over to individuals, who are allowed to make tests for their own purposes by paying simply the expense of running the machine.

Mr. ANDERSON, of Kansas. May I ask the gentleman a question for information?

Mr. McMILLIN. Certainly.

Mr. ANDERSON, of Kansas. Do I understand that the Government built the present machine and paid for it?

Mr. McMILLIN. The Government built the machine and carries an annual appropriation, as I remember, of $10,000 to keep it up and run it.

Mr. ANDERSON, of Kansas. One more question. The reports which have been made by the Government of course cover about the same ground that is proposed to be covered by the reports of this commission.

Mr. McMILLIN. Reports have been made by the Government. I asked the gentleman from New York [Mr. FARQUHAR] about that yesterday, and his answer will answer the question of the gentleman from Kansas. My question was, "Is it not a fact that the results of these tests are now published, and all parties can get the benefit of them if they wish to do so?" That, I think, is the point in regard to which the gentleman from Kansas desires information. The gentleman from New York answered, "They are published the same as many other things are published, by the scientific schools." So it seems this information is within reach of all parties who make an effort to get it.

Mr. LONG. May I call the gentleman's attention to a provision within this bill?

Mr. McMILLIN. I yield to my friend for that purpose.

Mr. LONG. Does not the bill provide that the information which this commission is intended to obtain shall be limited to such persons as the Secretary of the Interior may authorize or direct?

Mr. McMILLIN. Is the gentleman speaking of a limitation under the present law?

Mr. LONG. I am speaking of the limitation provided in this bill.

Mr. McMILLIN. The provisions of the bill are before all the members of this House, and they can judge of them as well as I can.

Mr. LONG. But is it not true that this information is not to be open to the public at large or to every individual who seeks it, as suggested by the gentleman from Tennessee, but is to be subject entirely to the control of the Secretary of the Interior; in other words, to the control of the Government itself?

Mr. McMILLIN. It is to be under the control of the Secretary of the Interior; but I call my friend's attention to the third section of the bill. I have read a line of it, but now I will read it all, and if it does not mean that individuals are to get the benefit of this information at the expense of the Government, then it is nonsense and means nothing. I read the third section of the bill:

SEC. 3. That manufacturers of iron, steel, and other structural materials who may request tests of their productions shall file with the commission a full and detailed statement of the mode and process of manufacture of such production, also giving the name and character of each of the original ingredients and the proportion which the component parts entering into such production bear to each other.

Mr. Chairman, when stripped of verbiage and shown exactly as it is, this bill is merely designed to enable private parties to get their metals tested and get information at public expense. The Government already tests its metals; it has a machine for that purpose; and if the Government wishes to disseminate information concerning any of these tests, what has it to do but detail one of its engineers or other scientific employés for the purpose of making reports upon the subject? I have no objection to as many tests as may be required; but I do protest against the Government of the United States being encumbered with the cost of tests that are intended for the benefit of private individuals. I see nothing that is desirable provided for in this bill that can not be obtained with the testing-machine we now have under the laws which now control its use—nothing.

Mr. MILLIKEN. May I ask the gentleman another question?

Mr. McMILLIN. Yes, sir.

Mr. MILLIKEN. With what greater efficiency will tests be made under the commission provided for in this bill than they are made now?

Mr. McMILLIN. I am unable to state. I will say to my friend from Maine that I am unable to see why there would be any increase of efficiency. We have schools of engineers; we have scientific men educated at our Naval and Military Academies. Is it possible that we are running those two institutions at the great expense which they annually put upon the country, and yet that we have no material graduated from them which is qualified to superintend and report upon scientific work of this kind? If so, our vast expenditures have been unprofitably made. I think that it can be done under this bill. It is true that the appointment of this commission is to involve no expenditure except what may be allowed to the employés and to one principal expert, and except, further, that mileage and expenses are to be allowed to the members of the commission. We all know what bills come in when provisions of this kind are made. Very probably the most expensive appropriations in the way of pay that Congress makes are those where officers' only salary is the pay for all the traveling they can do and all the feasting they can get. That sort of thing is generally very expensive to the Government.

I now yield fifteen minutes to my friend from Georgia [Mr. BLOUNT].

Mr. BLOUNT. Mr. Chairman, in its general features this bill is calculated to mislead the House into the idea that this is a very small affair; but in point of fact its proportions are exceedingly great, as will be found by looking at the details. The committee themselves in their report say that—

The object of this bill is the creation of a commission of experts to ascertain and make public the strength and other properties of materials used in structures upon a scale beyond that which can be carried out by private means, information rendered necessary by the requirements of the present and increasing developments of the future.

The work to be done is of the greatest importance. Its object is to secure information which will result in more economical construction, in increased safety for life, and in the more assured protection of much valuable governmental and private property now dangerously liable to accident and destruction.

The bill itself in its very terms declares that the commission "shall plan and superintend the execution of such tests and investigations of materials used extensively in the construction of buildings, bridges, ships, and other structures and machinery as the Secretary of the Interior shall authorize and direct." I ask members of the committee to bear in mind the scope of this language: "bridges, buildings, ships, and other structures and machinery." The third section provides—

That manufacturers of iron, steel, and other structural materials who may request tests of their productions shall file with the commission a full and detailed statement of the mode and process of manufacture of such production, also giving the name and character of each of the original ingredients and the proportion which the component parts entering into such production bear to each other.

It is provided in the fourth section that this commission "shall make, on or before the 1st of December in each year, a report to the Secretary of the Interior, containing a full and detailed statement of its work, of the results of the tests and investigations made by it, and also of such scientific principles and practical rules deduced therefrom as it shall consider most useful, which report shall be transmitted by the Secretary to Congress."

The distinguished gentleman from Massachusetts, with the view of showing that the operations of this commission will be properly limited, asks whether this matter will not be under the control of the Secretary of the Interior, and whether that officer may not be trusted to restrain properly the operations of the commission. But, sir, suppose (it is a violent supposition) that the Secretary of the Interior shall undertake to go into details and determine for himself how far the work of this commission shall go, how will he be guided? Will he not look to the terms of this bill? Will he not see in the very section giving him jurisdiction a provision that this commission shall examine all questions as to materials entering into the construction of "buildings, bridges, ships, and other structures and machinery," and will he not attempt to give full effect to the will of Congress as thus expressed? And if the Secretary of the Interior shall apprehend the scope of this measure as it appears to the gentleman from Tennessee and myself (and I presume to most of the other gentlemen here), may we not expect an immense organization in the shape of a new bureau?

Sir, there is nothing more delusive than a provision of this kind, that the Secretary of the Interior or some other Cabinet officer shall direct operations of this sort. Any gentleman with any knowledge of public affairs knows that it is impossible for any Cabinet official, charged with the administration of a great Department of the Government, to enter into questions of detail like those involved here. It is physically impossible for any such officer to do this; and no one with a knowledge of public affairs will suppose that a public officer can undertake to exercise control in such matters. In my judgment, therefore, this bill is to be treated as though this limitation were not contained in it; and this being so, it will come at last——

Mr. HISCOCK. Will the gentleman allow me a question?

Mr. BLOUNT. Certainly.

Mr. HISCOCK. In the judgment of the gentleman himself, was not the building of this testing-machine, to which reference has been made, one of the best expenditures of money ever made by the United States, with reference to its benefits both to the General Government and also to private parties in the construction of bridges and various machinery upon which the safety of human life depends? Have not the benefits of this machine to the General Government and to the public paid for the expense of its construction a hundred times over?

Mr. BLOUNT. Mr. Chairman, turning from this bill to answer my friend's question, I will say I am one of those individuals who believe that Congress is not required to do everything; that the people of this country, if allowed to do some things for themselves, will do them better than under Government direction.

Mr. REED, of Maine. But they have not done this particular thing up to the present time.

Mr. HISCOCK. I would suggest to the gentleman from Georgia that the expense of devising and experimenting with machinery for the purpose of testing the strength of iron and steel, which are constantly used in the construction of bridges, machinery, &c.—the making of a thorough scientific research in reference to such a matter is really beyond the financial ability of private individuals.

Mr. BLOUNT. Mr. Chairman, my friend's sentences in this connection are very attractive; but I can not dismiss from my mind the statement made on this floor that this machine cost the Government $50,000, and that there is an appropriation of $10,000 for this purpose in the sundry civil bill. To tell me that an expenditure of $50,000 for the original construction of a machine and $10,000 a year in the way of a subsequent appropriation is not within the reach of the capital of private individuals is simply ignoring the vast amount of capital always ready to be turned in such directions.

Mr. HISCOCK. The gentleman will allow me to say that the building of engines and the various tests of iron and steel in connection with the results which have been attained could not possibly have been accomplished except under the direction of the Government.

Mr. BLOUNT. I will answer that.

Mr. HISCOCK. I will ask if it refers to these bridge structures which we have built?

Mr. BLOUNT. I do not yield to a speech, but I have no objection to hear the gentleman's question.

Mr. HISCOCK. I wish to have my speech framed in yours.

Mr. BLOUNT. I have no objection to its going there.

Mr. ROGERS. Although a little thin and copious. [Laughter.]

Mr. BLOUNT. My friend from New York asks me the question whether I do not believe good would come to the Government from the use of a testing-machine. Well, sir, the Government has already a testing-machine without the passage of any such bill, and that testing-machine answers all the purposes of the Government. There is no pretense that it does not. If there were, I would join my friend and go further in order to supply the Government with all the information which may be required. But that is not what this bill seeks. It seeks to furnish every manufacturing establishment of this country, at the Government expense, every builder in the country, with the means of testing the material which he may use in the structures which he may erect. It is an exceedingly expensive plan which is suggested, and one which goes far beyond anything which was understood or thought of when the present scheme was begun. Even the Government itself, with the present testing-machine, is not going to the length proposed by this bill in the largeness and extent of the test to be applied.

Now, Mr. Chairman, if the Government is amply supplied with all the facilities for testing this material we have just as well secured the protection of the Government. But that is not all that is sought for by the passage of this bill. It is not alone for the benefit of the Government. It is also for the purpose of giving, as I have already stated,

as the bill in several sections indicates, the opportunity to manufacturers and builders to have all the materials used in the construction of bridges, ships, and buildings tested, not at their own expense, but at the expense of the public.

Mr. LONG. Do you not think it would be for the benefit of the people?

Mr. ANDERSON, of Kansas. Ask him what part of the people.

Mr. LONG. The great body of the people whose lives are at stake.

Mr. BLOUNT. I do not think it would be. I answer unequivocally in my judgment it does not, but that on the contrary there is no iniquity in legislation greater than an attempt on the part of private citizens of the United States to come into this House and use the public Treasury for the purpose merely of advancing their own individual interests. The capital invested in these manufactures is amply sufficient to make all the necessary tests of the material which may be used. It is an outrage, in my judgment, to seek to use the money of the Government not for the benefit of the Government, but for merely private and individual benefit.

Mr. CURTIN. Allow me to ask the gentleman from Georgia a question.

Mr. BLOUNT. Certainly.

Mr. CURTIN. If it is not for the protection of the people whose ingenuity and capital are invested in the production of these materials used in the construction of bridges, ships, and buildings, then what is this Government for? If it is not for their protection, what else has it to do?

Mr. BLOUNT. For their protection! I understand there are several kinds of protection, and I do not know which one the gentleman means.

Mr. CURTIN. I do. Anything that encourages the American people in the development of their interests, in their industries, in their productions, in the protection of human life by supplying tests of iron and steel, which now so largely enter into the economy of our progress as a people.

Mr. BLOUNT. I think the people answer for some purposes themselves. They have their relations in society. If they are allowed to take care of themselves, they will succeed in the future as they have already done in the past in doing so without Government aid. But for a mere fraction of the people to come in and ask for a benefit claiming to be the whole people is something which I can not assent to.

Mr. CURTIN. I presume not; we get our wages for coming here. [Laughter.]

Mr. BLOUNT. I would like to give my friend time to interrupt me as much as he pleases or to any other gentleman, but I occupy the floor by the consent of the gentleman from Tennessee [Mr. MCMILLIN], and he has limited me, and therefore I will ask to be allowed to go on.

The CHAIRMAN. The gentleman has two minutes of his time remaining.

Mr. BLOUNT. I will ask the gentleman from Tennessee whether he will not yield to me further time.

Mr. MCMILLIN. I will yield five minutes longer to the gentleman from Georgia.

The CHAIRMAN. That will make seven minutes in all.

Mr. BLOUNT. I can not consent then to be further interrupted, as I need the time for myself.

Now, Mr. Chairman, with a view of enticing us into the passage of this bill, they propose to make a small matter of the expense. Let us see how that is. Among other things this commission is to have the right to employ a principal expert and such other assistants and laborers as they may see fit. You prescribe the employés in every Department of the Government, but the employés under this commission are left absolutely to the discretion of the commissioners to determine upon what scale the organization shall take place.

Again, it contains a provision permitting this commission to purchase such material for its uses and investigations as it may from time to time require. They shall determine, under the provisions of the bill, what purchases to make, and the only limitation is that no liability shall be incurred until Congress finally makes an appropriation therefor.

Mr. Chairman, we all know how misleading and delusive such restrictive propositions are. I remember one commission that was created here, the National Board of Health, to which we gave $500,000 to be used in emergency; and before they had been in existence six months they came in and asked for a deficiency of $800,000.

You have provided that this commission, consisting of these learned and scientific men, shall have no compensation. You place upon them the superintendence and care of this work, the benefits of which gentlemen seem to take delight in placing before us in a strain that they fancy will catch the ear of the whole people of this land; this commission is to do all of the work, to abandon the consideration of all other business which may interfere (for it is evident that this must occupy their time), and yet they are to do it without compensation. You may find manufacturers interested in forwarding the scheme who will take the position with a view to ingrafting the benefits to be derived from it upon their private business establishments; but the Government, I maintain, can not hope, or reasonably ask even, that scientific men who are capable of being charged with such work as will devolve upon them under this bill shall be expected to do it for absolutely nothing.

Mr. HEWITT. They did it before.

Mr. BLOUNT. My friend from New York says they did it before. Ten thousand dollars——

Mr. HEWITT. No, they have not been paid anything for their services.

Mr. BLOUNT. I do not say that they have been paid. Ten thousand dollars a year has been heretofore used in operating this machine.

Mr. HEWITT. Well, they do not get compensation for their services.

Mr. BLOUNT. I must beg leave to decline interruptions. I would yield to the gentleman from New York [Mr. HEWITT] with equal readiness that I would yield to any gentleman upon the floor if I had the time.

Now, Mr. Chairman, we are entering upon the organization of a service which has no system developed. You do not know, you can not imagine its scope. You are falling into a trap in the terms of this bill, which pretends that while on the one hand its beneficial results are to reach out all over the land, blessing all of our people in a thousand different ways, yet on the other hand it is expected that this is to be done at an expenditure which will reach about $25,000 per annum.

Sir, how fallacious this is I need not say. It is simply absurd; it is not to be hoped for, nor is it in keeping with any experience we have had in reference to any other branch of the public service.

Take any bureau, no matter how humble it was at the beginning, no matter how simple it started, and trace its growth during the years, and see how gigantic has been its strides. I remember when the Fish Commission first started. In the Forty-fourth Congress a small expenditure had been made. The committee were called upon for about $16,000, and voted it upon some prior appropriation, making about $70,000 in all. It has gone on until its annual expenditures go up into the hundreds of thousands. I remember the organization of the Geological Survey of the Territories, which was regarded as a sort of band-box concern, whose expenditures have since grown fivefold and have magnified themselves until it has reached enormous proportions, requiring an expenditure of half a million dollars yearly.

And so, Mr. Chairman, you might go on with a long list of each one of these various bureaus and the same experience will be the result, and the gentlemen who are fathering this measure would not give a shekel for the bill if they did not calculate on its growth, if they did not know of its certain growth; and judging of the future by the past their anticipations are well founded. Let us not be deceived, sir. If the House means to create an enormous bureau with unusual powers to fasten itself on the vitals of the people, let us do it with our eyes open and not be willfully deceived.

Mr. MCMILLIN. I now yield ten minutes to the gentleman from Indiana [Mr. HOLMAN].

Mr. HOLMAN. Mr. Chairman, it will be observed from the reading of this bill that it is a measure providing for a commission and one having less relation to the Government of the United States than any which has been yet established. Indeed, no provision of this bill connects the commission with the Government at all except the provision that the commissioners to be appointed under it shall be selected by the President. The expert and his subordinates are approved of by the Secretary of the Interior, and the Secretary of the Interior approves the expenditures or the bills which may be made by the commission. The exception goes in these respects, as far as I have been able to understand the bill, to that extent only, as far as it has reference and relation to the Government, and beyond that it has no relation to it.

Mr. REED, of Maine. It has relation to the people of the United States.

Mr. HOLMAN. It has no relation to the Government. It is of all commissions which has been suggested to the Congress the most completely outside of and beyond the Government. A more complete organization for private purposes never could have been suggested in Congress. A bureau with capacity in the very beginning to make unlimited appropriations and without any limitation as to duration (except at the pleasure of the President of the United States alone with power to fill vacancies) indefinitely——

Mr. LONG. But there is power in Congress to repeal.

Mr. HOLMAN. Only the power to repeal, I concede. What public duty does the commission perform? Not one under this bill.

All that it has done is to create a commission outside of the Government and appropriate $25,000 for the current year to meet its expenses.

To show, Mr. Chairman, how entirely foreign this enterprise is to the Government of the United States I ask that the present law providing for the use of the testing-machine which has been spoken of at Watertown arsenal may be read.

The Clerk read as follows:

Testing-machine, Watertown arsenal: For caring for, preserving, using, and operating United States testing-machine at Watertown arsenal, $10,000: *Provided*, That hereafter the tests of iron and steel and other materials for industrial purposes shall be continued, and report thereof shall be made to Congress: *And provided further*, That in making tests for private citizens the officer in charge may require payment in advance, and may use the funds so received in making such private tests, making full report thereon to the Chief of Ordnance,

and the Chief of Ordnance shall give attention to such programme of tests as may be submitted to the American Society of Civil Engineers, and the record of such tests shall be furnished to said society, to be by them published at their own expense.

Mr. HOLMAN. It will be observed, Mr. Chairman, that the Society of Civil Engineers are already connected with that testing-machine, but nowhere has this measure any relation to that machine so far as any words in the bill create such a relation. This is not a movement on behalf of the Government. It is not the organization of a bureau for the benefit of the Government. It is simply to carry out enterprises of private citizens and a class of citizens who are amply able to meet the expenses of their own enterprises.

Now, sir, for one I object to going any further in this matter of commissions than we have already gone, and especially commissions having no relation to the Government. You have now two commissions in existence drawing heavy salaries from the Government without any benefit to you whatever. The experience of this Government in commissions has not been favorable; and the organization of commissions outside of the Government irresponsible to the Government—and where is the responsibility here?—is not in harmony with our institutions.

Mr. BROWN, of Pennsylvania. To what two commissions does the gentleman from Indiana refer?

Mr. HOLMAN. To the one connected with the improvements of the Lower Mississippi and the other in reference to the Missouri River. Each of them has some relations with the Government, but at the same time from the irresponsible character they are inefficient and unproductive of good results.

So far as the Government of the United States is concerned it has already ample facilities for testing all metals used in the construction of its ships or in the construction of its public buildings. This bill provides for the organization of a bureau of unlimited proportions with unlimited capacity for growth for private purposes alone, not for the purposes of the Government of the United States. I find this provision in the third section:

That the said commission is authorized to appoint a principal expert, who shall personally conduct the examinations and tests which the commission shall direct with such assistants and laborers.

A principle expert and such assistants and laborers as the commission may desire with the approval of the Secretary.

It is absolutely without limit as to the power of the building up of this bureau, beginning at the very outset with an enterprise outside of the Government—a bureau without limit of growth on the very face of the law itself. I object, for one, to the Government going into such schemes. It has occupation enough when it confines itself to the great purposes of the Government without entering into those great enterprises which belong to our people. You can not by the expenditure of moneys from your Treasury promote one interest, however great it may be, without doing it at the expense of the labor of a great multitude of people who are not benefited by that expenditure. I have said all I desire. I trust this committee will not favor the passage of this bill, but will leave something to this Government, to the energy and enterprise of our people, and not by special and partial legislation promote some interest at the expense of the whole.

Mr. MCMILLIN. I yield five minutes to the gentleman from Illinois [Mr. EDEN].

Mr. EDEN. The bill under consideration appears to be rather a harmless bill if we look merely at the surface of it, but when we come to examine it carefully we find there are some important principles involved in it.

The question is not presented as to whether the Government of the United States is to be provided with the means by which structural material can be tested. These means already exist, and the proposition of this bill is that tests shall be applied for private individuals and corporations at the expense of the Government of the United States; and in order to accomplish this purpose that a new bureau—because this is the foundation of establishing a new bureau—under the Government of the United States shall be set up for the purpose of carrying out not a purpose of the Government, but a purpose for the benefit of individuals.

The gentleman from Pennsylvania [Mr. CAMPBELL] who spoke on yesterday stated that petitions of corporations representing $300,000,000 of capital are asking for the passage of this bill.

It is said that unless the Government provides the means private enterprise will not be able to apply these tests. I take it that these great corporations representing $300,000,000 of capital are amply able to apply all the tests that may be necessary to be applied in the machinery or in the material that they may be engaged in manufacturing for these purposes. There are testing-machines already in the country. This bill provides in a general way for the establishment of a commission unlimited by the terms of the bill as to the number of clerks and employés that shall be appointed.

I say it is unlimited by the terms of the bill. As a matter of course it is subject to the supervision of the Secretary of the Interior, but I say we ought not to establish a commission of this sort, where there is no purpose of the Government to be accomplished by it.

It is said that this testing-machine which the Government has already costs $25 a day to run it. I notice that statement in some of the speeches that have been made here. Now, if that be true, if the purpose of the gentlemen who are asking for the establishment of the commission proposed in this bill is to cast the burden of the expense of testing their material upon the Government of the United States, then it is wrong in principle, and this House ought to vote it down. I see from the report of the committee that the chief reason given for the passage of this bill is this: "The proposed commission would promote largely the interests of manufacturers, by indicating to them the value of the different methods of obtaining strength, and, of still greater moment, securing uniformity in their productions." It occurs to me, Mr. Chairman, that the Government of the United States ought not to be at the expense of applying these tests simply for the benefit of private individuals or corporations, and that is the main ground upon which this bill rests. The Government of the United States does not need this commission. The Government is already provided with the means of making all necessary tests. It is not only provided with the means for making its own tests, but those tests are open to individuals who desire to use them. The second section of this bill provides "that the said commission is hereby authorized to appoint a principal expert." How much is that expert to be paid? This bill does not fix the amount of his compensation.

Mr. HOLMAN. Nor does it contain any limitation of his term.

Mr. EDEN. No, the bill fixes no limit to his term and no limit to his pay. It simply provides that a principal expert shall be appointed, with such assistants and laborers as may be necessary, and leaves the compensation to be recommended by the commission and approved by the Secretary of the Interior.

[Here the hammer fell.]

Mr. MCMILLIN resumed the floor.

Mr. MCMILLIN. I yield the balance of my time to the gentleman from South Carolina.

Mr. TILLMAN. Mr. Chairman, as a member of the Committee on Claims in the last Congress I gathered some facts which may enable the present House to come to a correct conclusion on the merits of this bill. Not only did the Government of the United States pay $25,000, the original contract price, to a man named Emery, who agreed to construct this testing-machine, but it paid him about $30,000 more, so that the machine cost the Government in the neighborhood of $55,000.

The Government first paid the man what he had agreed to build the machine for, and, in addition to that, bore the expense of perfecting several additional inventions connected with it before it was completed, and after it was completed this man Emery took out patents for the improvements on the original design which the Government had in view at the time it entered into the first contract.

Besides that, he came forward in the last Congress and presented a claim against the Government for a very large amount, at least $200,000, for his severe mental effort and pretended cost of materials in perfecting this great testing-machine at Government expense.

Mr. ANDERSON, of Kansas. Had he a patent on the original machine?

Mr. TILLMAN. No, sir; he had no patent on the original design of the machine, but he has taken out patents on the improvements he made at Government expense. I remember asking him the question, "Will you assign your interest in the patents for the improvements on this machine to the Government if we agree to pay you the sum you now ask?" He replied, "I can not, because I have transferred them to a manufacturing company, which has been organized and will soon begin to build these machines for large private manufacturers in this country." And that, Mr. Chairman, is "the cat in the meal-tub."

The large manufacturers of steel and iron, the house-builders, bridge-builders, ship-builders, and the men who take contracts to erect great structures involving the use of strong materials, want to have their tests made upon this machine, either at the expense of the Government or of the patentee, or at the expense of both. No; this bill is brought forward either to bribe the patentee at Government expense or to coerce him. At present any one can have tests made upon the Government machine by simply defraying the expenses of running it. Nothing is charged for the use of it; but the large private manufacturers seek by this bill to compel the Government to run the machine also for their benefit, so that it shall cost them nothing to have any test made, and if in addition to this the patentee (Emery) can be employed about the Government machine at a big salary for an indefinite time he may be reconciled to charge only a small or no royalty on his patents; and if he refuses, then the manufacturers can get along very well anyhow by using the Government machine without any expense to them and in defiance of the patentee.

Suppose you pass this bill; what will be the result? Simply to make the United States a partner with every user and manufacturer of materials employed in the construction of ships, bridges, edifices, &c., and let the private partners get all the profits, while the Government shall bear all the expense. As the gentleman from Georgia [Mr. BLOUNT] suggested, if this bill passes it will be the beginning of nothing more nor less than the organization of a huge bureau of applied chemistry and physics for the benefit of the public.

Mr. LONG. Do you object to that?

Mr. TILLMAN. I do object to it. The Government is not a col-

lege; and is the Government to attempt to play father for the people in everything? Is nothing to be left to the citizen? Do you want to bring us to a point of consolidation and centralization which will equal that of France, which led to her revolution? Manufacturers, contractors, and builders as a class are well able to take care of themselves, and the many should not be taxed for the benefit of the few.

Mr. Chairman, I know as well as any one the absolute necessity of testing, if it can be properly done, iron and steel and other substances that are to be used in important structures, for the simple reason that the ores out of which iron and steel particularly are made differ in almost every mine from which the ore is obtained. In scarcely any two mines have the ores the same amount of sulphur, or arsenic, or phosphorus, or other deleterious mixture, which, if not properly eliminated or counteracted, will serve to weaken the material and render it unfit for a special purpose. I appreciate that consideration; but are not such chemical, metallurgical, and mechanical difficulties incident to every branch of manufacture? And why should the Government set itself up as a gratuitous teacher and experimenter, or, as this bill proposes, as a partner in certain kinds of business? It would be a precedent for Government to engage in other business as a partner with the citizen, and there is no telling where it will stop.

Sir, even after science and art have exhausted all their best efforts to manufacture two Damascus swords, which may have been made, as it was thought, exactly alike—hammered the same length of time out of the same material—it is a well-known fact that one will break under a given test and the other will not. So, too, in the construction of bridges and of the various structures in which metal is used. Accidents will happen; and after human skill and effort have done their best there will be failures. Out of a dozen Collins axes some will be too hard, some too soft. Take two gun barrels, made exactly alike, at the same time, by the same man and by the same process—one will burst by use and the other will not. These things are incident to man's imperfection in knowledge and art. Such difficulties beset us at every step in life.

So far as has appeared necessary in mechanical and chemical industries, in the building of bridges, ships, and other structures, there have been thousands of general tests made, and even tests of the most important ores and materials, by every government in Europe and by this Government, as well as by many large manufacturing firms in this country; these tests are contained in formulas of scientific books, and are perhaps as nearly accurate as any that can be had in a general way. Let those who need special tests for specific ores or materials do the job for themselves, without looking to Government for assistance. I submit the Government should neither be a free-school teacher nor an experimenter for the benefit of a chosen few wealthy contractors and manufacturers, nor a partner with private individuals where the Government will foot all the bills and the private individuals get all the profits.

MESSAGE FROM THE PRESIDENT.

The committee rose informally; and Mr. MCMILLIN having taken the chair as Speaker *pro tempore*, a message in writing from the President of the United States was communicated to the House by Mr. PRUDEN, one of his secretaries.

TESTS OF IRON AND STEEL.

The Committee of the Whole House on the state of the Union resumed its session.

The CHAIRMAN. The gentleman from Tennessee [Mr. MCMILLIN] has one minute remaining.

Mr. MCMILLIN. I yield that minute to the gentleman from Arkansas [Mr. ROGERS], who desires to offer an amendment.

Mr. ROGERS. Mr. Chairman——

Mr. TILLMAN. Mr. Chairman, I dislike to take the gentleman from Arkansas off the floor; but the gentleman from Pennsylvania [Mr. CAMPBELL] asked me if I had any time left to yield it to him. Of course I am grateful to the gentleman from Tennessee for yielding to me what time I have occupied.

The CHAIRMAN. The gentleman from South Carolina [Mr. TILLMAN] was speaking in the time of the gentleman from Tennessee.

Mr. MCMILLIN. The gentleman from Arkansas desired an opportunity to offer an amendment, which I agreed to give him. Still, I have no feeling in the matter, and am entirely willing——

Mr. ROGERS. I will yield for the present; and if there should be any time left, I will occupy it.

Mr. CAMPBELL, of Pennsylvania. I yield one minute to my colleague [Mr. BRUMM].

Mr. BRUMM. Mr. Chairman, there is one proposition which has not been brought out with reference to this bill, and that is the fact——

Mr. ROGERS. Mr. Chairman, my understanding was that the gentleman from Pennsylvania [Mr. CAMPBELL] was the gentleman who wanted the time; and my purpose was to yield to him.

The CHAIRMAN. And he has yielded, as the Chair understands, to his colleague [Mr. BRUMM].

Mr. ROGERS. If there is any time left after the gentleman gets through I will take it.

The CHAIRMAN. There are three minutes remaining.

Mr. BRUMM. I desire to refer to one proposition which seems not to have been thoroughly understood——

The CHAIRMAN. The time of the gentleman from Pennsylvania [Mr. BRUMM] has expired. Two minutes of the hour remain.

Mr. CAMPBELL, of Pennsylvania. I move that the committee rise and report the bill to the House with a favorable recommendation.

Mr. HOLMAN. I rise to offer an amendment. I move to amend by striking out in the first section of the bill the words "during the pleasure of the President of the United States" and inserting "for the period of four years."

Mr. Chairman, this bill provides for the appointment of seven officers of the Government, who are to have an ample allowance for their expenses, and who are to be invested with the large power (subject to the approval of the Secretary of the Interior) of appointing an expert without limit as to salary, as well as assistants and laborers, whose number and compensation the bill does not undertake to define. I trust, sir, we shall not at this time begin to multiply the civil employés of this Government who are to hold their offices without limit as to time. Four years constitute a reasonable term of office, and I should be glad to see this principle applied to every one of the employés of the Government.

[Here the hammer fell.]

The CHAIRMAN. The gentleman from Indiana will suspend his remarks. The hour for the consideration of this bill has expired; and the committee, under the rule, will rise.

The committee accordingly rose; and the Speaker having resumed the chair, Mr. HAMMOND reported that the Committee of the Whole House on the state of the Union, having had under consideration the bill (H. R. 5555) authorizing the President to appoint a commission of experts, skilled in the investigation, production, and use of metallic substances and other structural materials, to execute tests and experiments on iron, steel, and other materials used in the construction of bridges, buildings, and mechanical structures, and deduce useful rules therefrom, had come to no resolution thereon.

PENSIONS APPROPRIATION BILL.

Mr. TOWNSHEND. I move that the House resolve itself into Committee of the Whole on the state of the Union for the purpose of resuming the consideration of the bill (H. R. 5201) making appropriations for the payment of invalid and other pensions of the United States for the fiscal year ending June 30, 1887, and for other purposes.

The motion was agreed to.

The House accordingly resolved itself into Committee of the Whole on the state of the Union, Mr. CRISP in the chair.

The CHAIRMAN. The House is in Committee of the Whole for the purpose of considering general appropriation bills. The bill first in order is the unfinished business, the title of which the Clerk will report.

The Clerk read the title of the bill, as follows:

A bill (H. R. 5201) making appropriations for the payment of invalid and other pensions for the fiscal year ending June 30, 1887, and for other purposes.

Mr. FORNEY. It is my purpose to yield the time assigned to me to the gentleman from Georgia [Mr. NORWOOD].

Mr. MCCOMAS. I ask to yield so much of my time to the gentleman from Ohio [Mr. BUTTERWORTH] as he may need to close his remarks begun yesterday if I can now be recognized for that purpose, say thirty minutes, at the end of which time the gentleman from Georgia can proceed, the remaining thirty minutes of my time to be reserved until further on in the debate.

Mr. NORWOOD. I am content with that understanding.

Mr. MCCOMAS. Very well, then. I will now take the floor and yield thirty minutes of my time to the gentleman from Ohio [Mr. BUTTERWORTH].

Mr. BUTTERWORTH. Mr. Chairman, when the hammer fell last night I was proceeding to say something touching the disclosures of the record as it has been made up with reference to the conduct of our political friends on the other side, and upon which they must base their claims to public confidence if they are entitled to it. It may be that there can be found occasionally an Araminta on this side and a gentleman on the other side who seem to think it is no part of the duty of a member on this floor to scan the record of either political party. What are records for? Is the record of a party—is the record of heroic events preserved only to breed forgetfulness? Do we learn any lessons except from passing events and the record of events which have passed? Do we shape our course for to-morrow except in the light of the experience of to-day, yesterday, and the day before? Sir, if records are only preserved to breed forgetfulness they are indeed needless.

I suggested yesterday that the intelligent patriot learns his duty in the light of experience and in the study of history. There are three kinds of patriots in the world. There is the commercial patriot, who realizes upon his patriotism on each election day. There is the physical patriot, the man who has indeed heroic courage, and who is strong and valiant in battle, but who has not the intelligence to understand that ideas, that principles make war; who has not the intelligence to understand that with the close of the physical strife in the arena of battle the conflict may be, and frequently is, only transferred to the arena of debate, and

the contests continued in that arena are supplemented by the arbitrament of the ballot.

There is another patriot yet, who understands the teachings of history and the logic of events, who in studying the record of the last twenty-five years, nay, fifty, has come to understand what growing influences in this Republic must tend to make it strong and prosperous, and what other influences tend to drive it upon the shoals and rocks of dissolution. There are patriots who scorn to get into high places by shirking duty and dodging onerous and exacting public responsibilities.

There has been an intimation thrown out that I feel bitterly toward the gentlemen of the South. Why should I? Back through the years I trace my line with you. If there is anywhere in my make-up anything which prompts me to deprecate the prosperity or the triumph of any portion of my country achieved by honorable means, I hope it may be removed far from me. If there is in that same make-up anywhere to be found that which under any consideration can induce me to abate one jot or tittle from demanding what I believe to be due to my country, to its honor, to its integrity, to the great industries of the North and the West, I should feel that I deserved the contempt of all worthy men. I shall not, I hope, hesitate to speak plainly in defense of what is worthy, no matter what crosses I may be called upon to take up. I shall not, I trust, be deterred in my course by the doubtful smiles on the one side or suggestive frowns on the other. [Applause.]

The ashes of my ancestors sleep in old Virginia. My father left that State under a quickening sense that the Sermon on the Mount meant something; that the Nazarene meant to prescribe a just rule of conduct when he said, "Inasmuch as ye have done it unto one of the least of these, my brethren, ye have done it unto me." Under that healthful guiding influence multitudes left the slaveholding States and found new homes in the rich valleys of Ohio, Indiana, and Illinois, and the great West, where their spirits were untrammeled and their lips free to bear witness to the truth as they were given to know it. And it is not from such homes that men come forth to engage in inconsiderate assaults upon their fellows for mere difference of opinion, or needlessly renew recollections and awaken memories that should, in deference to public tranquillity and private right, slumber forever.

I spoke yesterday of the means and instrumentalities to which the country is indebted for the present Democratic majority in this House. I spoke of it because it is a part of the written history of this country—a history that contains at once a lesson and a warning. If we fail to learn the one and neglect to heed the other in deference to a sickly sentimentality which compromises with wrong to avoid the wear and tear incident to a manly defense of the right, we must in the end pay the penalty which waits on such dereliction of duty.

Gentlemen of the South, I rejoice with you in your prosperity. Your States are all a part of our common country. But I must say I do not believe that that healthful love of country grows as rapidly in that soil as it ought to.

Mr. Chairman, two years ago I walked through the cemetery near Charleston, S. C., and stood amid the monuments that mark the resting-places of the dead. I read inscriptions upon a hundred of those monuments. Many recorded the heroism of the soldiers whose ashes slept beneath and attested with what valor they had strove in battle for the defense and glory of South Carolina, but of their country they were silent as the dead. From no inscription there could I learn that they who slept below had a country which reached beyond the borders of their State. Is that a hopeful sign, gentlemen upon the other side; is it a hopeful indication that there is a growing affection for the United States—an affection which reaches from ocean to ocean and from lake to gulf, that affection of which we hear you bear eloquent witness so often?

Gentlemen, you have a majority in this House; did it ever occur to you, my countrymen, that the methods by which you attained to that majority may yet come home to plague you? Did it ever occur to you of the Southern section that these examples might be practiced by a rising generation, and that to your undoing? You have heard that Eastern story:

> Of one whose skill
> Called demons up his water-casks to fill;
> Deftly and silently they did his will,
> But when they were full kept pouring still.
> In vain with spell and charm the wizard wrought,
> Faster and faster were the buckets brought;
> Higher and higher rose the flood around,
> Till the fiends clapped their hands above their master drowned.

So, too, it would be well to remember, and perhaps a time may come when you will remember, that the evils you have conjured up to serve you now may stay to torment you; which God forbid. The villainy you teach they may execute, and it may go hard but they better the instruction. There is a voice mightier than mine to teach, a voice you can hear if you listen well, which may whisper in your ear that it may be unwise to let pass unheeded the suggestions made in the behalf I have mentioned.

My friend from West Virginia [Mr. WILSON] said, following the line of remark of my friend from Virginia [Mr. WISE], "we are back in our father's house and are here to stay." That is possibly true. There is, in fact, too much reason to apprehend that it is in view of the agencies employed—employed, too, without rebuke.

Mr. HEWITT. Well, drive them out.

Mr. BUTTERWORTH. He [Mr. WILSON] says, we are satisfied; well, I should naturally suppose they would be. They have the temple, and guard all the approaches. [Laughter.] "Drive them out," says my friend from New York [Mr. HEWITT]. We know of but one method of driving anybody from service in this Hall, and that is by the honest exercise of the ballot.

Mr. HEWITT. That is what hurts.

Mr. BUTTERWORTH. You have felt dissatisfied, and are disposed to criticise this side of the House, because we were prompted, by what you affect to regard as want of charity, in voting solidly against you, on a bill for the relief of Fitz-John Porter. Of that bill, and the action of this House upon it, I submit that the annals of recorded time can not present its fellow.

Coriolanus led the legions of Rome to victory upon a hundred well-fought fields; but he afterward led the Volscians against the "Eternal City." Suppose he had captured Rome, and the Volscians had seated themselves about the Senate (and for the purpose of my illustration, gentlemen of the South, you are the Volscians and this is Rome), and they had proceeded not only to condone the treachery to Rome but to vote a reward for the betrayal of the Roman treasury, the scene enacted here would have had its parallel. Here we witnessed the reward of treachery, voted out of the treasury of the republic betrayed to the soldier guilty of that betrayal, and voted too by the men in whose interest that betrayal took place.

Now, I pass to another matter. I said yesterday that, posing as the friend of the great industries of this country and of the workers engaged therein, and assuming that they were safe under your protection, when charged with the duty of revising the tariff you failed to discharge that high duty, and when in the Forty-seventh Congress we addressed ourselves to that work you flew to the brakes and there by every means known to parliamentary law endeavored to hinder, retard, and, if possible, defeat the accomplishment of that work. But, nevertheless, it was finished, and the wheels of our great industries started, not by your help but in spite of your opposition.

Mr. ADAMS, of New York. How did you vote in the Forty-eighth Congress?

Mr. BUTTERWORTH. Unfortunately, I did not vote in the Forty-eighth Congress at all. [Laughter.]

Mr. ADAMS, of New York. I mean your party?

Mr. BUTTERWORTH. I was not here. My constituents had suffered a lapse. They had gone back temporarily to the beggarly elements of the world. [Laughter.] What next? And I call attention to these, because by their records you shall know them. You shall be judged of to-morrow by the works of to-day, or else all the rules of logic and experience are broken down and perverted, and there are no longer any marks along the highway of human conduct to guide us in the right way.

How was it in the Forty-sixth Congress with apportionment? You were charged with apportioning representation among the people of the States. What did you do? Because this side of the House refused to permit you to give to one man who had fought four years against his country three times the political power in controlling the legislation and administration of the country that is wielded by a man who fought as many years in the country's defense, you permitted that Congress to adjourn without making the apportionment. What did the Republicans do when they came back in the Forty-seventh Congress? At once they addressed themselves to the effort of completing a work which you had attempted but abandoned because we insisted that it should be finished with reference to justice to all sections. We simply sought to know what was right and just in that behalf. So just and so creditable was that apportionment that it commended itself even to your favor and passed without delay or serious opposition.

What else? Now you are solicitous, apparently, about the working people of this country; you are solicitous about the currency of this country, which so immediately affects their interests. The bank charters were expiring, and some legislation was indispensable to prevent financial disturbance and a panic. Did you meet the public requirements and just expectation? You did not. Why? Because you represent the topmost upper-ten and the thoroughly and absolutely lower-million, the bottom of the basin and the brim. The yeomanry of the country, the healthful stratum of active, earnest middle life, you were not actively concerned about. What did you do? Did you touch that question? Though you knew neglect would be followed by contraction and disturbing conditions that would again paralyze all our industries, you did absolutely nothing; shirked your duty, dodged the responsibility. Why? Because you were guided by a rule of action that does not seek merely to do what is right but searches for mere expedients. You were afraid to take action in regard to the bank charters.

What else? There was the Geneva award. You remember that when England, through her sympathetic action, if not by her positive efforts, assisted in the attempt to destroy the young Republic, we said to our mother country, if it ever occurs that this nation can stagger to her feet she will hold you to an account for this; and so she did, and into our Treasury England paid over $15,000,000 to repair the damage her cruisers had done our commerce. There it was in the national

Treasury. You had been appealed to time and time again to proving for its distribution. Why did you not do it? Because two conflictine interests came in here; and unwilling to serve one without both you fell between the two stools and left the duty unperformed. It came over to the Forty-seventh Congress, and, asking no question except what is right and just and believing that what is right and just is always expedient, we addressed ourselves to the work of providing for the distribution of that fund. Our action was satisfactory to the country.

What else? Here was the Mormon question. The civilized world was protesting against that monstrosity, that "twin relic of barbarism." You listened to the prayers of the evangelical associations of this country, you denounced from month to month the evil; but there in your midst sat Elder Cannon, backed and supported by the influence of four healthy, vigorous wives [laughter], and his frown was sufficient to prevent any attempt by you to strike polygamy. The question came before the Forty-seventh Congress, a Republican Congress, and in less than ninety days that evil was put under the ban of the law.

Our industries! You champion them! You can not find a page upon the statute-book from 1798 to this hour where by Democratic votes our industries were even upheld, or for a moment encouraged, and yet the Democratic party poses as a defender and champion of all these. I call attention to them because the whole country is interested in them; because, in the language of my friend from West Virginia [Mr. WILSON], they are "economic questions."

What of our finances? To-day there is too much reason to apprehend that your anxiety is to do that which will catch votes, rather than to do that which will tend in the future to build up the honor and credit of your country and secure its permanent prosperity by the adoption and maintenance of a currency which shall be a fixed and unvarying measure of values, whether of one or both the metals.

Now, only one word more, and I have done, and will yield the floor to my friends. My brother from West Virginia [Mr. WILSON] suggested that we should discuss economic questions and refrain from that which savors of partisan debate. What are economic questions? What profits it to us who represent the two hundred and fifty thousand mills, shops, and factories of the country that we with our voices and with the votes of freemen uphold them if those who have no industries in common with us, and are opposed to the system by which alone ours can be protected—what good, I repeat, does it do us to stand about those industries and defend them if one vote in one section of the country cast to strike them down is worth three votes in our section to uphold them?

Is an effort here and elsewhere to correct that inequality an economic question or not? Are we to be mere lickspittles who can consent, simply consent to stay and breathe God's air without asserting our manhood? I insist, and it is all I claim, that a citizen of Ohio, or Indiana, or Illinois shall have as much right to be heard on this floor by his ballot and that his ballot shall be as potent to influence legislation as that of any other man in any other section of this country. And since this question has to do with economic effects and the rights and well-being of all our people, it is, I submit, a very economic question. And I refer to it because, and only because it comes to our very hearthstones. I shall be glad and rejoice when we shall all turn our eyes toward the morning. In speaking of this great question one of my Democratic friends said to me by way of chiding, "I turn my face toward the morning." I replied, "Yes; yesterday morning." [Laughter.]

We do indeed turn to yesterday to learn the lesson which should guide us in the labor of to-morrow. I shall be glad when the intelligence and the property which is the outgrowth of industry and care, when the thinking men of the South who want that section strong in the right and prosperous in all its border, realizing that their great interests and just ambitions go hand in hand with those of the same class of men in other sections, shall join in a united effort for the general good of all parts of our common country. I shall be glad, gentlemen, when the waters in your rivers shall not run as now unvexed to the sea, but when all those streams shall turn the wheels of a thousand busy industries, when your mines shall awaken at the touch of quickened industry and your coal fields shall be the scene of active enterprise, and you shall rejoice in a prosperity that shall find expression in lifting all men up by enlarging their opportunities and preparing them for a more intelligent discharge of private and public duties.

I agree that the Democratic party is indeed a great leveler, but unfortunately your manner of leveling is to drag men down; ours to lift men up. You, in many sections, are accustomed to make the poor wretch satisfied with his lot, not by pointing him to possibilities above, but to a more wretched condition below. That is what made Democracy strong in the North. True manhood was not exacted; intelligence was not demanded of them; it was only required that they should do the bidding of a great oligarchy and vote the Democratic ticket. You say, "Well, Democratic brethren are pretty numerous." So they are. For the reasons just mentioned it is easier to be a Democrat than it is to be a Republican. One only has to lie still in the boat and float. [Laughter.] He does not have to pull an oar in the current of thought, or lift a hand in the field of moral reform. That is the great difference between the two parties. The motto of the Republican party is, "upward and onward."

And now, in conclusion, I ask you, gentlemen on the other side, to point me to any act of yours in the whole history of the past fifty years of which you are justly proud and which was of your conception or the result of your handiwork. Why, if I did not want to be absolutely and thoroughly amiable, I might cite all the great events of the last half-century in support of my argument. I search in vain to find an industry that would be safer in your keeping. I have asked with earnestness, my fellow-citizens, in each campaign, how it could be possible that the industries of this country could be safer in the hands of people who have none of their own, and who have been laboring for a century to strike ours down. And in this same line it is pertinent to ask, is the free-school system safer in the hands of a party which has no sympathy with the system which in the South would not permit them to exist, and in the North would close the free public schools because they are "godless"—opposing them earnestly and honestly, I admit, but yet opposing them, and on that ground.

Mr. Chairman, I do not desire to occupy more time, and in conclusion I have only to say that my rule of action is, and shall henceforward be, to judge of all parties as I judge of men. I shall continue to act upon the suggestion of the prophet who said, "Show me thy faith without thy works and I will show thee my faith by my works." "We can not gather grapes of thorns nor figs of thistles." Of the principles you have planted and the promises you have made we have gathered nothing that to-day these people prize or that their children can point to with pride in the history that records the achievements of the great Republic. I thank you, gentlemen, for your kind attention, and especially those gentlemen who have yielded me their time. [Prolonged applause on the Republican side.]

Mr. ADAMS, of New York [to Mr. BUTTERWORTH]. Before you sit down, will you allow me to ask you a question?

Mr. BUTTERWORTH. Certainly I will.

Mr. ADAMS, of New York. Why is it that in a Democratic city like New York, in every district in the city, it takes not less than 30,000 votes to elect a Congressman, while in Rhode Island it does not take over 5,000 or 6,000?

Mr. BROWNE, of Indiana. Because they "vote often" in New York city.

Mr. ADAMS, of New York. Not by a good deal.

Mr. BUTTERWORTH. I will tell you. One reason is, as the history of New York shows, that the vote cast there for a Democratic candidate is limited not by the number of voters but by the size of the ballot-box. [Laughter.] Another reason is this: Each State may regulate, as Rhode Island does now and as Virginia used to, the qualifications of its voters; and if my friend is not afraid of his constituents, he will agree with me that the quality of voters—having reference not alone to property, but to intelligence and worth—may sometimes be a more important consideration for the country than the sheer force of numbers where the voters are mere voting machines.

Mr. ADAMS, of New York. I thought you had the privilege of coming from a State that has just honored JOHN SHERMAN by re-electing him to the Senate of the United States?

Mr. BUTTERWORTH. I have.

Mr. ADAMS, of New York. And in a speech delivered by Mr. SHERMAN in the Ohio Legislature a short time ago, he said that the securing of honest elections in New York was attributable to a great man by the name of Samuel J. Tilden?

Mr. BUTTERWORTH. He did. It is the first time I ever knew him to pay that gentleman a compliment, and I suppose he did it because Mr. Tilden is in the decline of life. Now, I want to call my friend's attention——

Mr. ADAMS, of New York. Wait a minute.

Mr. BUTTERWORTH. I want to call the gentleman's attention to another point. You have an election law——

Mr. ADAMS, of New York. Wait a minute. You listen to me.

Mr. BUTTERWORTH. Very well. The gentleman is aggressive, like all New Yorkers. [Renewed laughter.]

Mr. ADAMS, of New York. You said the vote in our city was attributable to the largeness of the ballot-box. I think the election through which we have recently passed shows that it was attributable exclusively to our election laws.

Mr. BUTTERWORTH. Exactly.

Mr. ADAMS, of New York. Under which a Democratic President was elected.

Mr. BUTTERWORTH. Election laws passed by a Republican Legislature over the almost unanimous opposition of your Democratic friends.

Mr. ADAMS, of New York. Not at all.

Mr. BUTTERWORTH. That is the record.

Mr. ADAMS, of New York. Not at all. We do not have contests over the elections in New York as you have in Ohio. But you have not answered my question.

Mr. BUTTERWORTH. What question?

Mr. ADAMS, of New York. Why it is that 30,000 votes are required to elect a member of Congress in any district in New York city, while 5,000 or 6,000 can elect a Congressman in Rhode Island.

Mr. BUTTERWORTH. I have explained that. It depends upon the qualifications of the voters, which are different in different States.

Mr. ADAMS, of New York. It depends upon the law.
Mr. NORWOOD obtained the floor.

MESSAGE FROM THE SENATE.

The committee rose informally; and the Speaker having resumed the chair, a message from the Senate, by Mr. McCook, its Secretary, announced that the Senate had passed without amendment the bill (H. R. 1635) for the relief of Sarah B. Jackson.

The message also announced that the Senate had passed a resolution (in which the concurrence of the House was requested) for the printing of additional copies of the Statistical Abstract of the United States for 1885.

PENSION APPROPRIATION BILL.

The Committee of the Whole House on the state of the Union resumed its session.

Mr. NORWOOD. Mr. Chairman, the valuable time of this House has been wasted for four days in the consideration of a bill to which I presume not one member has any objection. But this arrest of the public business has occurred in consequence of an assault which was made without provocation on the South and on the Commissioner of Pensions by the gentleman from Iowa [Mr. Henderson]. Being from that section, I desire to submit a few remarks in reply to that gentleman. His speech on that occasion, if successful in no other respect, was successful in one, so far as I am concerned, for I never before realized any truth in the cynic's witticism, "Beware of a Scotchman when he smiles." The gentleman must have been exceedingly eager to deliver himself of that piece of declamation, which is as familiar to this House and this country, where it has been delivered a thousand times, as "The boy stood on the burning deck" or "Mary had a little lamb." [Laughter.] But I do not mean to discredit the style of the gentleman's declamation, for I say here and now, as an acknowledgment in the presence of this House, that his declamation of that aged piece of classic fustian was one of the finest physical efforts I ever saw or heard. [Laughter.]

But I say the gentleman was exceedingly eager to declaim that piece of antiquity on that occasion, when we consider the circumstances and the moment of time which he seized upon to enforce our attention. The House was considering the general invalid pension bill. Democrats and Republicans, ex-Federal and ex-confederate soldiers were moving abreast in solid column, without a single straggler, to do an act of mercy and of justice to the survivors of the Union Army and to the widows and orphans, when the gentleman from Iowa, stepping forward, arrested the column, and smiling upon the confederates in that line as gently as Brutus smiled upon Cæsar in the capitol on "the ides of March" when he invited him to lie down and take a rest at the base of Pompey's statue, commenced to address those confederates in about the following delicate, persuasive strain:

"I now approach this subject with great hesitation and delicacy. The weak spot in my nature is, I have not got a hating heart. I can knock a fellow down when I am mad and the next minute pick him up and help him and be his friend. The tendency of my mind is for fraternity. Therefore I beg to say, you have no right to be here. You got here by stuffing ballot-boxes and by killing negroes with shotguns. [Laughter.] Do not misinterpret my motives or sentiments. The tendency of my mind is to fraternity. You gave an almost solid vote three weeks ago against the bill to give a pension of $12 to Union soldiers' widows. There are one hundred and five of you and sixty-five of you voted against that bill—almost a solid vote from the South. Let no gentleman who was in the confederate ranks against me (I speak not of the Union, but against me) misinterpret my feelings. I approach the subject with hesitation and with delicacy. You are a band of criminals. [Laughter.]

"There is hardly a Constitution of the United States to be found in the Southern States. Mr. Oates, I feel in the kindest and sincerest spirit imaginable, and just now I am feeling my own oats. [Laughter.] You criminals boast that you will control this Government in spite of the Constitution, and, feeling in the kindest spirit imaginable, I charge you with as great crimes under the forms of law as when Sumter was fired on. [Laughter.] You pretend that you voted against $12 a month because you thought $8 enough. I wish I could feel that to be true; but I do not, because you smoke $24 worth of cigars a month. [Laughter.] By your almost solid vote you unfurled the bloody shirt in my face, notwithstanding I fought for both sides during the war." [Laughter.]

Mr. HENDERSON, of Iowa. Will the gentleman kindly allow me a word? Does he intend to have that go to his constituents as the speech made by me?

Mr. NORWOOD. I intend this, as the substance of what you said as reported in the Record, to go to my constituents.

Mr. HENDERSON, of Iowa. If you intend to quote that as an original speech made by me, there is not a word of truth in it.

The CHAIRMAN. Does the gentleman from Georgia [Mr. Norwood] yield to the gentleman from Iowa?

Mr. NORWOOD. I can not yield further.

"But, gentlemen, to sum up: As I am at this moment speaking with unusual delicacy for me; as I would not have you misinterpret my feelings; as the tendency of my mind is to fraternity; as I just now feel in the kindest and sincerest spirit imaginable, as you can see by my soft and persuasive language and by my smile, and as I have not got a hating heart, I declare unto you that notwithstanding you waved the bloody shirt in my face; notwithstanding you boast you will rule this Government outside of the Constitution; notwithstanding I don't believe your reason for opposing the increase of widows' pensions; notwithstanding you have no right to be here and commit great crimes to get here; notwithstanding you stuff ballot-boxes and kill negroes and don't read the Constitution, still I declare unto you confederates that I respect you, and ever shall respect you, and I would rather dance an Irish jig on burning coals in hell with you forever than to be eternally in heaven with a Northern copperhead." [Great laughter.]

Mr. HENDERSON, of Iowa. That is pretty stiff; but I stick to it.

Mr. NORWOOD. Mr. Chairman, the compliment paid by the gentleman from Iowa to that ballot-box-stuffing and shotgun brigade has no equal in its sentiment of devotion. In history or fiction there has never been but one instance which approached it, and that was when Dame Quickly was narrating to Pistol and Bardolph the circumstances of the death of Sir John Falstaff [laughter], when Bardolph, in the enthusiasm of his roguish soul, cried out, "Would I were with him, wheresome'er he is, whether in heaven or in hell." [Laughter.]

Speaking for myself only, while I return my profoundest acknowledgments to the gentleman from Iowa for the offer of his society if I should be so unfortunate as to take the wrong road and join him down below [laughter], and while I do not doubt that he will not be much worse than the average of the naturalized citizens of that country so populous with involuntary immigrants, yet I here and now enter my solemn and vigorous protest against accepting his delicate companionship [laughter], for I am persuaded, notwithstanding his peculiar delicacy in approaching a subject and his tendency to fraternal feeling, that no engagement, however pressing it might be upon those who would be going through the very rapid evolutions supposed to be incident to that torrid clime, could prevent the gentleman from arresting the column and mounting upon a red-hot stump and insisting that we should listen to him declaiming that stale piece of political lore. That would be a punishment greater than I could bear. [Laughter and applause.] I would be in favor of inaugurating another rebellion [renewed laughter], even with the certain foreknowledge that the gentleman in ten minutes would be found fighting first for the devil and then for me. [Laughter.]

The gentleman has caused in me the profoundest gratitude by the announcement that he fought for the South during the late unpleasantness between the United and the Confederate States. When that overwhelming outburst of plethoric philanthropy and continental patriotism spurted from his pierced and lacerated bosom, as he approached the gentleman from South Carolina the other day, as a revival preacher leaves his pulpit and approaches a hardened sinner [laughter], I confess that I took an extra grip of my lachrymal ducts, which I discovered were about to leak. [Great laughter.]

I wondered if such patriotism is hereditary, and if it were, I began to think of that gentleman's children. When Horne Tooke was on trial for treason, and the attorney-general began to expatiate about his personal virtues and about his desire to leave his good name as a rich legacy to his children, Horne Tooke was seen to be in tears, and when his counsel asked him the cause, he said he had just been thinking what a very small legacy these unfortunate children would receive. [Laughter.]

Mr. HENDERSON, of Iowa. I would not change it with yours, my friend from Georgia. [Cries of "Oh!" on the Democratic side.] My legacy to my children I can afford to leave side by side with yours.

Mr. NORWOOD. You will have your time to speak when I get through.

Mr. HENDERSON, of Iowa. I throw that in to help along affairs.

Mr. NORWOOD. I thought also how many valuable lives could have been saved if in the beginning of the war the gentleman had approached the confederate lines with his peculiar delicacy, and decorated himself with one of his sweetest smiles; for every confederate soldier would have incontinently fled. [Laughter.] And when they might have recovered their senses, if they ever could sufficiently to consider what it was they had seen, the mystery would have remained unsolved, like another mystery recorded in an old song:

Some said it was the red moon,
And some said nay;
Some said it was the devil,
And they all ran away.

[Great laughter and applause.]

Mr. HENDERSON, of Iowa. I never met them but they did run away before I got through with them. [Applause on Republican side and laughter and applause on Democratic side.]

Mr. NORWOOD. My honorable friend the other day—and have I not the right to call him friend when he fought for me?—declared he had said nothing for the purpose of ruffling the feelings of anybody, and it was certain nobody could say anything that would ruffle his.

But I was speaking of the gentleman's expansive patriotism, and after its exhibition here a few days ago, and I imagined if Ben Lomond could be separated from the Grampian range and transported over the sea, as the gentleman was, and were set down somewhere in the middle of

this country, we will say about the State of Iowa, how natural it would be for Ben Lomond to want to lie down and spread himself all over the United States and the Territories thereof with a sublime disregard of the extreme attenuation of his form. [Laughter.]

But, Mr. Chairman, we can not receive Ben Lomond. Scotland can not bestow upon us her Bruce or her Wallace, for they made glorious history and their names are embalmed in the leaves that record the history they made. But she has bestowed upon us one of her choicest thistles; and, though its flowers have fallen, its thorns are still strong and vigorous. He with his patriotism can cover the whole of the United States and a small majority of the third Congressional district of Iowa and a very considerable part of himself. [Laughter.] His love has never been equaled since the time of Robin Roughhead, who declared if he could have his own way there would be no widows, for he would marry them all, and there would be no orphans, for he would father them all. [Great laughter and applause.]

The literature of Scotland has furnished us with an example that is a prototype, to some extent, of the gentleman from Iowa. The "Wizard of the North" exhausted his genius in producing the character of Captain Dalgetty, whose chief delight and labor were to fight first upon one side and then upon the other, with equal valor, fidelity, and enthusiasm. [Laughter.]

But, Mr. Chairman, truth is stranger than fiction, and the character produced by Walter Scott is more than realized in the character of the gentleman from Iowa, because he can do what no fox-hunter has ever been able to do, that is, to ride upon both sides of a sapling at the same time, and to draw his sword in defense of both sides of his country, as he avows he did in the late war. [Renewed laughter.]

More than that, the gentleman, like a genuine "swash-buckler, 'keeps up the fight after the enemy has disappeared; and like the bully described in "Georgia Scenes," who was caught in the woods down upon his knees swearing and rearing and gouging the earth with his thumbs, the gentleman from Iowa keeps up the fight and makes his solo performance here in order to demonstrate how he "mout fit." [Renewed laughter and applause.]

Mr. Chairman, it has been a rule of my life never to be outdone in courtesy or gratitude if it were possible, and as I feel under the profoundest obligation to the gentleman from Iowa for the declaration that he fought for me during the war, I shall now proceed to defend him against all comers. It has been insinuated here that the gentleman's speech the other day was made for a different purpose than for its effect upon this House; that he was speaking for the third Congressional district of Iowa. Mr. Chairmain, I repel the foul insinuation against the gentleman. It has been said even that he was speaking for the benefit of a successor who is to follow him from that district. That, too, is a mistake, for how can any man possibly know who his successor is to be? Again, it was intimated that he was speaking upon the pension bill for votes, when we all know it was a widow's pension bill, and widows do not vote. [Laughter.] These charges are all unjust; all false. The gentleman was actuated by pure patriotism, but it is of a peculiar kind, in making that attack upon the South. His successor might be his political or his personal enemy, if indeed there be a miscreant in the State of Iowa who could be the enemy of a man who is as full of universal charity as a three-year old doll is full of sawdust. [Laughter.]

But, Mr. Chairman, there is another, a better, and a sadder reason than all of these why the gentleman was not actuated by any selfish motive. I desire to state here that I have made a diagnosis of the case of the gentleman from Iowa, and the conclusion to which I have arrived is that he is afflicted with a disease very common but almost exclusively confined to public men, the name of which was never known until discovered in the State of Georgia This discovery was interesting. An old lady was sick and her husband had called several physicians to see her who treated her without success. Finally a young friend of mine who had just commenced practice was called in, and understanding the situation as soon as he examined the case, he told the husband that he understood it perfectly. He knew the character of the disease at sight, and told the husband that the *vox populi* had got down on her diaphragm. [Great laughter and applause.]

The gentleman from Iowa has a very marked and a very extreme attack of the "*vox populi*." [Renewed laughter.] But in order that we may understand the case better it should be borne in mind that man is composed of two parts, and all other elements entering into his composition may be resolved into these two. One of these is a love of himself, the other a love of his country. In order to shorten the formula we will call one selfishness and the other patriotism. As long as the two qualities are in equipoise the subject is perfectly healthy; but whenever selfishess begins to get a little uppermost it draws vitality from the other side, and the patient becomes very weak, the head becomes very much enlarged, while the thoracic region is very much emaciated. [Great laughter.]

That is the condition of the gentleman from Iowa. [Renewed laughter.] His case is one of the worst I have ever examined. [Laughter and applause.] He has what is called cerebro-elephantiasis. [Loud laughter and applause.] And this disease has increased until the patient's brain is affected. I have before me here a record that gives some of the symptoms of a patient suffering from that disease when it assumes the acute inflammatory cerebro-elephantiasis form. [Renewed laughter.] The difficulty with the patient laboring under the disease to the exient that the gentleman from Iowa has it is, that when he attempts to say one thing that he means, he says another, and here are some of the symptoms laid down in this record which show the character and extent of the disease.

For instance, if the patient is very eager to perform an act he will say, "I approach it with reluctance and hesitation." [Laughter.] If he has no delicacy whatever about expressing himself on a subject, he will approach you and say he approaches you with a great deal of delicacy. If he is ready to fight—and that gentleman is always ready to fight—he will approach you and say that the tendency of his mind is to fraternity. [Laughter.]

These symptoms, Mr. Chairman, are undoubted. That is the condition of the gentleman to-day. I am sorry for it.

And now I will say in conclusion, if the Congressman from the third Congressional district of Iowa will require DAVID B. HENDERSON to move out of his way so the Congressman can see his country the Congressman will be cured of this disease and he will no longer be troubled with the acute inflammatory *vox populi*. [Applause and laughter.]

I yield the remainder of my time to the gentleman from Kentucky [Mr. BRECKINRIDGE].

The CHAIRMAN. The gentleman has twenty-five minutes.

Mr. ALLEN, of Mississippi. Will the gentleman from Kentucky [Mr. BRECKINRIDGE] yield for a moment till the gentleman from Iowa receives the sympathy of his friends? [Laughter on the Democratic side.]

Mr. BRECKINRIDGE, of Kentucky. I presume, Mr. Chairman, that there is not a member of the House who had intended or who does now intend to vote against the bill under consideration, though the sum covered by its provisions is very large, and the amount that will be expended in pursuance of the laws which it is meant to carry out will be distributed almost wholly in one section of the country and although it grew out of the war between the States. The discussion that has taken place and that may hereafter be indulged in can not, therefore, have for its object the advocacy of the pending measure, nor spring out of any desire to strenghthen it in the House. The range of the discussion has been such that it seems to me not improper to put upon record the views which I entertain and which I believe to be those of the district I represent.

I shall take no part in the controversy over the action of the late Commissioner of Pensions, nor of the general conduct of the office, either under him or under the present Commissioner. I may, however, remark, in passing, that it is somewhat curious that the State of Iowa should be able to have over 60 per cent. of the applications for invalid pensions filed by her soldiers allowed, while the State of Kentucky has been enabled to have only 37 per cent. of the claims for invalid pensions filed by her soldiers allowed; that the State of Maine should be so successful as to have passed 66⅔ per cent. of the applications for invalid pensions filed by her soldiers, while the State of Missouri has had less than 39 per cent. of her applications for invalid pensions allowed. I do not mean to say that this difference was solely or at all because Maine and Iowa have been Republican and Kentucky and Missouri Democratic States; for there may be explanations of these and similar results which an examination of the figures filed with the report of the Commissioner of Pensions reveal that are entirely satisfactory.

Nor do I desire to take any part in that branch of this discussion which involves the *per-onnel* of the Pension Bureau and the application of the principles of the civil service to it. I do not know whether the statement made that only sixty-eight of the employés in that immense bureau are Democrats is correct, though I presume it is, and if so no one can for a moment believe that this great disparity was the result of mere accident or chance. It may also emphasize the initial and fundamental error in the practical application of the principles of the civil service to the then existent circumstances.

If it be true that service in any of the Executive Departments ought to be conditioned upon a preliminary examination, then I submit that it was absurd to have retained in office, and that it is now a dangerous error to further retain in office, many thousands of employés who had never passed any examination and who had obtained their positions mainly, if not solely, because of their party position and the possession of political influence. Into the foundation of the superstructure to be erected under this civil-service reform has been carefully inwrought all the incompetency, partisanship, and corruption which in twenty-five years of unlimited power had found their way into the Departments.

Nor will I enter into any discussion concerning Ohio political ethics; nor be tempted into any observations upon the past acts or present relation of either party concerning any other matter than that in hand; nor indulge in any comment on the relations of the members of the Democratic party to each other growing out of residence, except to say that the pretense of any subserviency on the part of any one or any section is a mere figment of the brain when it is honestly charged, and it is worse when not honestly charged. With deference to others, these seem to me to obscure the grave dangers threatening our finances and prevent a clear apprehension of the real questions at issue.

Nor do I desire in what it may seem to me proper to submit to the

committee to even seem to speak for any one but myself. I represent in part a State which contributed to the Federal Army during the late war 75,760 soldiers—a State which will, therefore, receive a fair proportion of whatever money may be expended for pensions; a State in which perhaps more completely than any other State of the Union the animosities growing out of that painful war were healed; where the divisions occasioned by it were the most painful, but the most rapidly and entirely made up. I cordially share the prevailing sentiment of those people, and between the Federal soldiers of Kentucky and myself exist only kind and cordial relations.

There are many personal reasons, growing out of personal friendships and personal ties, which would induce me to vote for the most liberal pension appropriations both as to the rates and as to the objects, and if I were to consult solely my personal emotions and sympathies I would go as far as the most ardent in the support of all the contemplated measures concerning the increase of the pension rates and the pension list. In addition, I believe most cordially in the fundamental principle upon which all pension systems are founded. I believe it is wise to adopt as a settled policy of a republican government that those of her sons who risk their lives and health in her military service shall be rewarded therefor by receiving such pensions as will in some way compensate them for the disabilities which result from their service or take their place in the support of the families which have lost their natural means of support through the casualties of war.

It is right, when a man who is the hope of a family and its capital, deliberately risks that capital in the service of his country, that, so far as it is impaired in the service, it should be made up by the Government to whom the service is given. This is the sole ground, this is the logical limitation of pensions—that, if a man fall, his family shall be put as if he had not fallen; if his strength by disability be impaired, if it was necessary for their support, the impairment shall be made up by the Government.

Therefore, Mr. Chairman, there can be no ground for a pension that is not based on death or disability, and she who claims the pension must be one from whom that impairment has taken her support, for she who, with heroic love, gave her husband to the service stands evidently in a different relation from one who comes to claim a pension for the disability received by her husband before marriage.

Therefore, not only as a matter of sentiment or as the result of gratitude, but upon the colder and harder reasoning of mere economy, I have always defended a liberal pension system. Our country is but in its infancy; already has it had to pass through three foreign and one intestine war. The millennium is not yet upon us; we must expect other wars—wars that may come at unexpected times; and it is wise to let it be understood that those who offer their lives in defense of their country may be assured that if they fall some provision will be made for their families or if they become disabled, a suitable provision in proportion to the disability shall be made for them.

Mr. Chairman, I not only believe this as thinker, but I have a selfish interest in it as a citizen and father. As I project myself and my hopes and my love into that future in which my sons will be called upon to play their part in and for a country which is ours and will be theirs, I know that if war comes they will bear their due part therein, and for their sakes and the sake of the children of all I love, and for the country which is to be their heritage and with whose destiny their destinies are enwrapped, I do most cordially approve of all suitable legislation that makes a fair and proper pension system part of the settled policy of the Republic. But what ought to be the amount of the pension and who ought to be put upon the pension-rolls are not mere matters of sentiment or gush, but are to be determined by a wise consideration of all the circumstances surrounding the Government at any particular period when they are under discussion.

It is not every soldier who enters the army who ought to be put upon the pension-list. It must not be forgotten that for his services what was supposed to be an adequate consideration was at the time paid to him; that the contract expressed and implied by which he entered that service was that he should receive a certain stipulated sum in money and certain stipulated articles, and that only in case of disability should the payments be prolonged beyond the period of service, or that in case of death only should his widow and children become the wards of the people. It is but just that when a wife and family surrender to the country a husband and father who is their support, whose health and strength and labor are their capital from which the comforts of life must come, that if that health or constitution or life is taken some fair consideration shall be given that may take the place of this surrendered capital. But if that husband and father returns, so that his family has precisely the same means of support, the same capital from which the same comforts may be derived, what obligation is there that that family should be treated differently from the families of all other good citizens who well perform their citizenship? Upon what just and reasonable principle can she, who subsequently to the war, with a full knowledge of the condition of the man she is about to marry, marries one who has been a soldier, then make plea to the Government for a pension? She stands evidently in an entirely different relation from the wife who with tears and sorrow, but with patriotic heroism, gave her husband to his country's service.

And then, when we come to consider the question of what pensions we shall pay, it is not mere sentiment or gush that must be allowed to decide the quantum of the pension rate and the lists upon which pensioners shall be borne. There must be some wise calculation, like that of the builder in the parable who sat down and counted what the cost was to be.

We must not put a debt upon the people larger than can be borne. We can not put a burden on our children under a flaunting sentiment of the flag or memories of the past that will gall their shoulders through the years that are to come, and he who says, merely because they run up the star-spangled banner and blow the horn and play the brass band, that all who will not join in that cry are "traitors," is one who would spend other people's money with generosity instead of trying to find out how the public revenue can best be raised. In the spirit I have indicated, and in that spirit alone, I approach the votes which are to be given and which I have given on this subject. It is a matter of economic statesmanship.

The country which these soldiers served has no capital of its own. It is a trustee of its income for the benefit of all its citizens, and that income results solely from taxes, and taxes are coined sweat. Under whatever name your income may be placed, by whatever periphrasis it may be described, it is simply taxes gathered by the tax-gatherer. The Government can give no human being anything that it does not previously take from some other human being. Its generosity is with other people's money, contributed to the public Treasury by the force of the machinery of the law. This income must provide for all the other objects of governmental expense—for the Army and Navy, for the execution of the law, for the payment of the public debt—and it must be so arranged as to make the burden upon the tax-paying citizen as light and as equitable as possible.

Every dollar paid to the pensioner is a dollar added to the taxation of the people; and while it is a dollar that wisely and suitably given is cheerfully paid, it becomes a dollar wrung from labor, unjustly and oppressively exacted, whenever it passes beyond a reasonable provision.

Believing, as I do, that no government has the right to exact one single dollar under any pretense or for any purpose that is not fairly demonstrable to be necessary; utterly denying with uplifted hands and loving heart all claim that this is a paternal government; implicit in my faith that the country is better and her citizenship nobler the more unrestricted and free her people are left in the struggle for life; convinced that the great laws by which man is governed in his social relations is as divinely ordained as the laws which govern the precession of the equinoxes or the melody of the tides, I look with suspicious scrutiny upon every proposition which looks to the increase of taxation and the addition of governmental bounties or power.

The war has been over twenty years. The country needs much. A large and dependent race enfranchised in the march of events needs care and education. The coasts of the Republic are defenseless. From the high seas her flag has almost disappeared. Her water ways, which are the sole corrector of the oppressions of railroad corporations, clamor for improvement. Her monetary and financial systems demand careful and thorough revision. In one sense we have a surplus in the Treasury; in another, and the true sense, we have no surplus. Our public debt, subtracting all our apparent surplus, is still $1,500,000,000. The net debt of the several States, counties, and municipalities in 1880 was $1,036,584,146, and everywhere are the people in debt. It is, therefore, a delusion to speak in glowing terms of an overflowing Treasury and an enormous surplus.

Mr. Chairman, when the proposition came before the House to increase the rate paid to the widow and orphan 50 per cent., and a representative had to consider the elements which entered into his decision upon that proposition, the first fact which met him was that the present rate had been fixed years ago; that it had originally been agreed upon by a former generation of statesmen, that it had been accepted in the very throes of the war; that it had been unchanged when the money in which it was paid was at a large discount; that it had been received without complaint from 1862 to the present time. It was not, therefore, the question, shall the widow and orphan be pensioned? Nor was it the new question, to ascertain from careful calculation what was a fair rate; but it was to add, without any proof of necessity, without any cause given, 50 per cent. to a well-established and long-accepted rate.

The next fact was that the time at which it was offered was a time when a dollar had the largest purchasing power that it had possessed for many years. To-day, he who has a fixed salary is in a better relative condition than he has been for a quarter of a century or more. Everything in the country has almost touched bottom prices. Never, since the war, has a pension been relatively so valuable as it is to-day. Never could it purchase so much of comfort, so much of whatever adds to the pleasure of human life. Instead of there being any necessity in the general state of the country and of its markets and of its prosperity why this change should be made, there was every reason why it should be at least postponed. For while the dollar was now more valuable than ever before, it was also harder to obtain. There is more sweat in the dollar that pays for labor in these hard days of winter than ever before in this country.

Everywhere are the unemployed stalwart men, with wives and children dependent upon them, standing idle in the market place, for no man hath employed them. The unpleasant symptoms of the unsatisfactory condition of labor obtrude themselves upon us on every side. The strikes, which, alas! are the protests of heart and muscle against unjust demands and unrequited toil; the labor organizations, by means of which co-operation may produce more justice and wiser treatment; the sad wails of poverty which come from every city, bear testimony that this is not the time to increase the burden of the laborer, to take more from the earnings of the toiler. There are other widows and other orphans than the widows and orphans of the soldiers; and every dollar added to pensions is in part taken from them. No war can be carried on by the soldier alone. He who drives the plow or the plane, he who strikes the anvil or holds in its place the machinery which, with almost life-like intelligence, weaves the garments that are worn, are as truly the soldiers of the Republic as those who with serried ranks carry her banners to victory. They are the soldiers in the great battle of life, who deserve well of their country, and whose widows and orphans deserve our care and protection. In this discussion I pay a heartfelt tribute to the great army of the peaceful obscure, who in every rank and walk of life, through all their days of care and toil, perform well the part to which they are called; and I hesitate with sincere reluctance to vote any added dollar for any cause to the burdens which are already so hard to be borne.

I plead to-day the cause of the humble home, whose father, buried in an adjoining grave, did not go to the war, but with equal patriotism did his part in the great battle of life. It is not only the soldier element that we are to legislate for, but it is every element of the country in every part of the country. These are the conditions that stared in the face every man who had to pass an intelligent consideration upon this subject.

The provision made by existing laws for pension is in its aggregate startling; I will not attempt to show that it is unreasonable. But I do mean to say that before any increase of it ought to be made the necessity therefor should be demonstrated. The amount paid for pensions up to the 30th of June, 1885, is reported to be the sum of $765,092,640.18. To this must be added the sum of $60,000,000 appropriated for the current year. These aggregate $825,095,640.18. To this add the amount covered by the present bill, $75,754,200. These various sums aggregate $900,849,840.18, which is the sum that has been or will be paid under the laws as they now exist up to June 30, 1887. To this must be added that unknown sum which will have to be paid to those pensioners whose applications, yet undecided, will be allowed. How large this may be is a mere matter of speculation. Some have estimated it (as I see from the admirable and well-tempered speech of the gentleman from Georgia, Mr. CRISP) as adding enough to the present annual appropriation to require the annual expenditure of $125,000,000. Others make it much smaller, but it certainly will not be less than somewhere about $100,000,000, and that for a series of years.

Mr. Chairman, these figures do not of themselves create any very distinct conception in our minds of their magnitude. I find in Spofford's American Almanac that the assessable value of all properties in the great State of Texas is $562,103,227, and in the prosperous State of Kansas $248,845,227, which, added together, is $810,948,510, which is over $14,000,000 less than we will have paid for pensions by the 30th of June, 1886. Kentucky owns $423,775,589 and Iowa $465,747,387. These two States combined ($889,522,976) are $11,000,000 less than the amount we will have paid by the 1st of July, 1887, under existing laws, without the addition of a single pensioner to the rolls. The rich State of Illinois reports $796,341,326, which is in round numbers $29,000,000 less than the amount we will have paid to pensioners by the end of this current fiscal year.

Mr. Chairman, if we could make these dull figures instinct with life, if we could transform them into smiling landscapes, fertile fields, growing cities, loving homes—if we could see them turned into the implements of industry and the herds and flocks which graze upon our fields and bring comfort and prosperity into our homes, and then realize that these lands and homes and flocks have been, so far as value is equivalent thereto, paid in installments year by year under these laws which have been passed for the benefit of but a single class of our citizens, we might form some conception of the magnitude of these sums.

Of course I do not mean to be understood as representing that all the sums mentioned have been paid to and for those who served in the late war, or that there will be a permanent annual expenditure of either $100,000,000 or $75,000,000. Part of the sum—in itself considerable, but relatively quite small—has been and will be paid on account of the war of 1812. And as the pending claims are allowed there will be an increase in the amount needed; then, the climacteric having been reached, there will be a gradual decrease. For how many years and to what extent this increase will continue no one can with any accuracy foretell. Certainly the amounts will reach up into the hundred millions. And we may obtain some conception of the time this burden will rest on industry by looking at the pension-roll of the war of 1812.

Seventy-one years ago that war ended—over two generations have passed away; and yet on June 30, 1885, there were 20,157 persons receiving pensions on account of the services rendered by themselves or their husbands therein. Compare the mighty armies of the last struggle—the multitudinous host which demonstrated to an astonished world that America was the most warlike nation that the world ever saw; with the mere handfuls of men that on our northern frontier, that at Lundy's Lane or the Thames, at the River Raisin or on the plains of Chalmette crowned the young mistress of the West with unfading glory, and we may perhaps realize how at the end of fifty more years the pension-roll, even though a list of honor, will be a burden; so that any increase of either rate or class means an increase of burden for at least fifty years.

It will also be borne in mind that the object of the pension law is not to support, but it is to assist in supporting, its beneficiaries. It is impossible so to frame such a law as to help only those who absolutely need help. Such laws must be, in their nature and in their provision, general; applicable to classes as classes, and not to each individual in the peculiar circumstances of his particular case. The country does not undertake to furnish full support for all the persons on its pension-roll, nor would it be able so to do. So the rates must be adjusted to aid in the support of those who are its objects.

Mr. Chairman, the addition to the annual expenditures by the passage of this widows' bill is estimated to be $6,106,922, which capitalized at 4 per cent. is a real addition to our public debt of $152,673,050. If our annual appropriations for pensions be no greater than the amount covered by the bill now under discussion ($75,754,200), it capitalized at 4 per cent. is an addition to our fixed indebtedness of $1,893,855,000. In view of these figures and of the present condition of the country I for one am not willing to go any further in this road, which leads, first, to repeal of the limitation on the arrears of pensions; and, second, to the grant of pensions to every one whose name was borne on the rolls of the Army during the war. No one can estimate what cost awaits us if we pursue this further.

It is the misfortune of this weak human nature of ours that the noblest emotions may cause lower and meaner motives; gratitude and justice to the soldier may give place to the attempt to gain or retain power by means of extravagant pensions. I impugn no man's motives; I criticise the vote of no Representative; but history reveals the dangers which lie in wait. The expenditure is startling and destructive of every present hope of development, retrenchment, and revision. But this is not its worst effect. It emasculates the courage of our public men; it tempts to low views concerning public moneys, and it fosters a spirit of dependence on Government bounty. It may be years before—God grant it may be never—that stalwart men will fill the air with shouts of "*panem ac ludos!*" "bread and games!" but this has been and may be. Let us appeal to the loftier spirit of self-dependence, the sterner love of independence.

These soldiers are our brethren—bone of our bone, blood of our blood—and want us to be frank and just. To them I confidently appeal from the clamors made ostensibly in their name. With them I am persuaded there is no desire to see heavier burdens laid on other people; they are not clamorous to live on the sweat of their neighbors and friends, of men as brave and as poor as they. I receive with some incredulity statements as to the poverty and sad necessities of any considerable number of the beneficiaries of these pensions. That some of them are in distress is undoubtedly too true. This is true of persons of every vocation in life. The fight to keep the wolf from the door, the strife to make "tongue and buckle meet," the ceaseless battle against sickness, misfortune, weakness, no doubt has gone against some of the most worthy. This is the not uncommon lot of humanity. But that any considerable number of the Federal soldiers or their families are objects of charity or the inmates of poor-houses I can not believe. It is not so in my section; I never knew a Federal soldier in a poor-house. As a rule they are well to do, fairly successful, and more than usually thrifty. The qualities which as a rule urged them to volunteer and to persevere—the energy, earnestness, courage, enterprise which made the Federal Army what it was—characterize them in peace and bring their usual reward.

Mr. Chairman, it can not be; it would be a slander on the army of conquest. I recall another disbanded army—the army of the conquered—whose soldiers have received no pensions. These had borne four years of march and battle, had stood in the opposing ranks exposed to the storm of shell and shot. They returned, not to prosperous communities rich and happy, not to homes of plenty, but to a land desolate, conquered, in ashes. Without pensions they have fought the fight of life.

Mr. Chairman, all these soldiers were of common blood; to-day they are brothers; and I will not believe, I can not believe, that those who were victorious in war have not been fairly successful in peace.

For the brave soldier I have naught but esteem. To him who from conviction offered his life on the wager of the battle I uncover my head and offer my hand. By a tie of common manhood and like service we are brothers. To-day between us there can be no other rivalry than for our country's good, for her glory. He who gave his services to his country can now do her no greater benefit than to call a halt in this wild chase for pensions. The day of reckoning must come; the day of payment will be the day of judgment.

The sober, solid, grave mass of the people I confidently believe agree with these views. For one, here I halt.

I do not mean to say, sir, that I am not willing to put individals on those rolls who for some technical or other reason can not be placed upon the pension-rolls; nor that in certain specified cases, where the disability is of an exceedingly grave and painful character, I might not be willing to increase the rates received, or in some given case, for reasons peculiar to it, that I would not gladly vote whatever might seem to be just; and I am willing, and more than willing, to give to the veterans who in the Mexican war won for us an empire so vast and so rich and opened to us the gateway to other and not yet realized benefits some testimonial not only of gratitude, but of the justice of the country whose area they so greatly increased and whose pathway to a higher destiny they so gloriously widened.

And I entreat that from this time forward you marry indissolubly in the same bill increase of pensions to the mode of raising the necessary revenue. No longer let the vast expenditures be hidden amid rhetorical generalities about our great wealth and overflowing coffers, but let us come down to the practical calculation of the wise builder in the parable, and see where and determine how the needed moneys are to be raised. If we will increase this debt to run for fifty years, let us dedicate a tax to its payment—a tax to be as sacred as the debt. Then we will deal candidly with the country, with the tax-payers, with the pensioners, and with ourselves. It is either mere hypocrisy or folly to thus increase our expenditures to make promises so solemn, and then neglect to provide specifically for their payment.

Now, when the coasts of the Republic are defenseless, when a dependent race enfranchised by the march of events needs care and education; when the fortifications have rotted on our coast and our flag has nearly disappeared from the seas; when the monetary system calls for revision and the tariff system calls for modification and reduction, I for one must halt before I go further in increasing either the lists of pensioners or the amounts that are to be paid them. When, sir, we are called upon to vote additions to these startling amounts, the additions in part to be borne by my people, I will not allow any man on this floor to challenge my vote for any past conduct of mine or anybody else.

It is no answer to my conscience or my heart when men say to me, "You must vote so and so or you will be suspected." I will vote as I believe the best interests of the people, for to-day and to-morrow and for years to come, require at my hands.

There are other things I wished to say, but I have only a few moments remaining. May I be pardoned, in conclusion, for a personal allusion. I feel I can speak with absolute frankness. I have no concealments; I have nothing to hide.

Mr. Chairman, I believe that I represent in the vote that I have cast and that I may hereafter cast that noble and beloved constituency which has intrusted me with its representation. In its boundaries there are no animosities growing out of the war, nor has there been for years. May I be pardoned, merely to illustrate the condition of that district, a personal allusion? Of the two grown men who are dearest to me, one served four years in the confederate army, one four years in the Federal Army; suckled at the same breast, instructed at the same knee, in early boyhood becoming motherless, between the three there is only confidence and affection. There was a fourth, for whom the mother gave her life, and who seemed to grow up with the sunny lovingness that made that mother dear to all with whom she came in contact. In the early flush of his young manhood he laid his life, a Federal soldier, upon the altar of his duty, and he lies at the feet of a venerable man whose earnest, intense, and able devotion to the Union of the States is well known among the people from whom I came.

Standing by those graves and looking across the blue-grass sward can be seen in concentric circles the headstones of the Federal dead, and not far off on the slope of a beautiful hillside, under the shade of forest trees, stands the St. Anthony's cross, draped with the furled banner on the broken flagstaff of a dead confederacy, guarding in its white purity the graves of those who gave their lives for that flag. Scattered all over that beautiful cemetery are fathers and sons and brothers who served in opposing armies; and in the adjoining city, and through all the adjacent country, are those who loved those dead heroes, and live now in sweet accord, forgetful of all that was harsh and bitter, remembering with grateful piety only that which was brave and kindly and heroic. Among those people it has been my happiness to dwell, my hope to die, and there to lie until the resurrection morn, so that, when the sun of righteousness comes in the east, and I rise to meet its beams, the first sight upon which my risen eyes may fall shall be the faces of those who, however divided we may have been in our views of duty, were never divided in our love. [Great applause.]

Mr. Chairman, with memories like these, with ties like these, conscious of the rectitude of the motives which control the vote that I give, I shall meet with contempt all effort to intimidate, all purpose to misconstrue, speaking, acting, voting, as an American Representative on the floor of the American Congress, officially the full peer of any other Representative, come from where he may, whatever he may have been. It is our country, and I shall keep in view with ceaseless care her honor, her prosperity, and her glory, awaiting with calm confidence the decision of the tribunals to which I am responsible, my own conscience and the generous people whose commission I bear. [Prolonged applause.]

Mr. LONG. I will yield forty minutes of my time to the gentleman from Indiana [Mr. BROWNE].

Mr. BROWNE, of Indiana. Mr. Chairman, I will be pardoned if I do not follow in the line of discussion which seems to have been taken during the last hour or two. On the other day, when the question of arrearage of pensions was under consideration, it was charged by my colleague from Indiana [Mr. MATSON] and the gentleman from Kentucky [Mr. WILLIS], by indirection, that I had permitted the two whole years when I had the honor of being chairman of the Committee on Invalid Pensions to pass without bringing into this body a bill to repeal that iniquitous discrimination. I did not answer the charge then, fearing on the impulse of the moment I might be incorrect in my recollection. Since that time I have examined the record, and I find no measure of that character went to the Committee on Invalid Pensions at any time during that Congress. Gentlemen of the House will remember that the arrearage limitation became a bar on the 1st day of July, 1880.

The next Congress began on the first Monday of December, 1880, but a few months after the limitation had taken effect, and in the mean time there had been but little public discussion in this connection; and, if I remember correctly, no bill was even introduced looking to this repeal at any time within that Republican Congress.

I may say further, if necessary to do so in vindication of the committee over which I had the honor to preside, that by the ruling of the Speaker it was not given jurisdiction of any general pension legislation whatever, all bills having reference to pension legislation of a general character being sent by the Speaker to the Committee on the Payment of Pensions, Bounty, and Back Pay.

Mr. MATSON. Will my colleague from Indiana allow me to interrupt him a moment? I know he desires to be correct.

Mr. BROWNE, of Indiana. Certainly.

Mr. MATSON. I think his statement is substantially correct except as to the time when the first session began. It was December, 1881.

Mr. BROWNE, of Indiana. At any rate I am correct in the substantial fact that no bills of that character were introduced and certainly, whether or not, they were not brought to the attention of the Committee on Invalid Pensions which had no jurisdiction of general legislation with reference to pensions. But I do not care to answer further in this connection.

The next matter to which I wish to call the attention of the committee is the charge so freely made that but for the action of the majority—the Democratic majority—the pensions of the widows of our dead soldiery would not have been increased from the pitiful sum of $8 to $12 a month. Now, sir, it is a matter of public history, and part of the records of Congress, that the proposition to increase the pensions of widows from $8 to $12 a month is of Republican paternity. The very first time it appears to have been offered was in the other branch of Congress—in a Republican Senate. It was not only attached to a private pension bill, and in that shape passing that body, but in the last Congress it was appended as an amendment to what was known as the Mexican pension bill and had the approval of a Republican Senate, in which shape it came from that body into this to sleep the sleep that knew no waking. How about that? The gentleman from Georgia [Mr. HAMMOND] says it was appended to that bill for the purpose of killing it, not in good faith, not for the purpose of securing that small measure of justice to the widows of our dead. What is the truth?

The Mexican pension bill was introduced by my distinguished friend from Illinois [Mr. TOWNSHEND] and passed under a suspension of the rules, no opportunity given the House to amend it, and only the meager opportunity of discussing it for thirty minutes, fifteen on each side; and when it went to a Republican Senate what was done? They appended to it by way of amendment, first, the proposition to increase the widows' pensions from $8 to $12 a month; secondly, a proposition against which no man, in my opinion, dare vote who represents a Northern constituency, and that was that when a pensioned husband and father died the pension should inure to the widowed wife and orphaned children in their own right without exacting proof that the husband and father died in consequence of the wound or disability for which he was pensioned. Another proposition was embodied in it to abrogate that iniquitous requirement of pension practice, and perhaps of pension law, that compelled the pension claimant to prove affirmatively that he was a sound man at the time the Government mustered him into its service. What more? It proposed to make sufficient proof of dependence on the part of the mother or the father, dependence on the part of the parents, that such parent was compelled to earn his or her subsistence by daily labor. It also proposed to give a pension to the worthy Union soldier who was disabled or indigent.

These were the important provisions added to it by a Republican Senate, and when that bill came back here it came not loaded with these amendments for the purpose of killing the measure, but that while we were doing justice to the soldiery of the Mexican war we would do something in that way for the Union soldiery of this country. And I now say to gentlemen, if we are to give a service pension to men who were in the Mexican war for fourteen, thirty, or sixty days' service in it, it looks to me as if it were a travesty upon justice and upon

the whole pension system if we are at the same time to deny a service pension to those men who marched through two, three, or four weary years in the dangerous and desolating war of the rebellion.

But speaking of this Mexican pension bill. It came back into this House in ample time to pass. The amendments were accepted by the gentleman from Illinois who introduced the original bill, and he labored with me to get—what? To get a Democratic majority to consent to take up and consider that measure. That majority could have insured its passage, but it persistently refused to do so. It obstructed its consideration in every conceivable way.

Vote after vote was taken upon the preliminary questions in this connection in this House looking toward the consideration of this bill with these amendments. In every instance—and I appeal to the record for the correctness of my statement, in every instance the Republican side of the House voted solidly for its consideration, and in every instance there was a sufficient number of filibusters on the other side to defeat it. That is history—indisputable history.

The reason that this pension bill giving to the widows $12 pension at the suggestion of a Republican Senate was not passed before is that it was defeated by parliamentary strategy on the part of the gentlemen on the other side. They refused to pass it when they had the opportunity. It is asked why the Republicans did not introduce this measure before. I answer that when the necessity for the measure became apparent, when it was seen that old age was fast coming upon these wards of the nation, that their steps were becoming weary and their limbs feeble, that they were tottering heavy with age to the grave, that their wants were correspondingly increasing, then, if it had not occured before, it was believed but a measure of justice that this increase should be made, and the Republican Representatives gave it.

But I come now to the consideration of a matter which more particularly concerns me in this discussion. I need not say which side is responsible for having introduced a partisan question into this discussion. It is here. It is immaterial to me from whence it came. It is, however, within the knowledge of every gentleman who heard the Representative from Illinois [Mr. TOWNSHEND] who began the discussion that he was not content simply to defend the proposed appropriation of $75,000,000 but sought to arraign the party to which I belong for having committed outrages upon the soldiery and upon the people by the adoption of a particular line of financial policy. Further than that by intimation he arraigned the late Commissioner of Pensions for the manner in which he conducted the business of his office, and paid a glowing compliment to that gentleman's successor. My attention is called in support of that arraignment to a brief statement in the report of the Commissioner of Pensions to be found at the fourteenth page, in which he says:

> It is now an offense, prohibited by orders, as well as repugnant to all fairness, for any employé to act as the agent or attorney of any outside party. Yet, within a recent period, one clerk has confessed to the Commissioner that he acted as agent for one man in aiding to prepare from three hundred to four hundred cases. This instance is only solitary in its extent, not its character.

It would have been gratifying to the country, inasmuch as there was but one who engaged so extensively in the violation of rule and law that his name should be given. I would be glad to know what became of the fellow. Is he still in the Pension Bureau or has he been discharged? If so, when? Who was he? I should be glad and I think the gentlemen of the committee would be glad to know who the person is to whom reference is made. Let the country know who the rascal is.

I concede that it is within the possibilities that among 2,500 employés of the Pension Bureau there may have been one who so far forgot his duty as to have engaged in the business that has been attributed to this man. It is not at all remarkable that such should be the case. In selecting public agents it is not always possible to get pure men, even when you have exercised the best possible judgment and have availed yourself of the best opportunities for information. In selecting a large number of agents you will occasionally catch a scoundrel. It will always be so.

Why, sir, this administration coming into power with the blare of trumpets, this administration that had proclaimed its purpose to purify the public service, this administration which if it has any character at all has made it, as claimed by its friends in the parlance of the day, in turning the "rascals" out and putting honest men in—yet this administration has not been altogether successful in this regard. For this morning in a newspaper I found a scrap of current history. It is stated that in looking about for appointees one of the first discoveries of the present administration was one Dr. Meiere, who was generally drunk, and occasionally indulged in the pleasing pastime of drubbing his wife. After a while it found a fellow up in Colorado by the name of Judd, whose principal recommendation for office was that he was a convicted horse-thief. After a time Dunton got to be postmaster, after the courts had certified to his high moral character by a conviction for burglary. After a while Tyrer—I want you to remember his name—after serving two terms, nine years, in the penitentiary was with this record behind him received with rapture into the official embraces of this reform administration. [Laughter.]

And I do not stop here. There was Richard Board, who got into the mail service, and in thirty days he got out again, after having robbed the United States mail. And then coming down a little further to my own State we find Dowling designated for the important position of mail agent, who was either upon his own confession a giver of bribes to corrupt public officials or an abominable liar. The probabilities are that he was both. And lastly, for I do not care to follow this long list to the end, lastly Conroy—my colleagues, some of them, will remember the name; it is a familiar name in the police circles of Indianapolis; it is somewhat familiar among the penitentiary convicts in Michigan City—this Conroy, adorned by the striped apparel of the State-prison convict, was afterward appointed to an important office to illustrate the beauties of civil-service reform. Great is democracy!

I speak of these things simply to show that an administration confessedly pure, that is doing its very best to purify the public service, may sometimes make mistakes and appoint men to office who are unfit for the high trust committed to them.

If this administration, with all its pretensions to reform and purification of the civil service, and with the assistance of Eugene Higgins, can not secure appointees who are respectable and honest, how in the name of God do you expect such a thing at the hands of the Republican party, to whom you have never given credit for any effort at purification?

I come now to another branch of this question, which had very little to do with it when we commenced the discussion, but which seems now to play a very important part. I refer to that "political machine," known as the Pension Bureau, under the administration of Colonel Dudley. In the last Congress the same charges we have heard here were freely made. A committee of the House was appointed to make an investigation. The gentleman from Ohio [Mr. WARNER] was its chairman. That investigation was thorough. I hold in my hand the record of it, containing two hundred and seventy-five pages of closely printed matter. It is almost all devoted to Colonel Dudley, the then Commissioner of Pensions. The committee was raised to, in some manner or other, vindicate its chairman. He had, or thought he had, a grievance. After he had gone through with the investigation for six weeks, and examined witness after witness, he was content to send out his report to the country with barely four lines of reference to Colonel Dudley and his execution of the duties of his office; and in those four lines he makes no charge. I read them:

> The committee can do no more at this late period of the session than to submit, without comment, the testimony upon the relation of the late Commissioner of Pensions, Colonel Dudley, and other officials of the Pension Office, to political work during the late election.

That is the whole of it. The committee was content that the charges so freely made and so widely circulated should go to the country without any comment or expression of opinion whatever as to what it proved or tended to prove. Now, what are the charges? The first charge is that Colonel Dudley prompted or directed in some way or other the special examiners of the Pension Bureau to interfere in the political campaign in the district of the gentleman from Ohio [Mr. WARNER] and in other districts in other States. I shall refer now to an important fact which I think the gentlemen on the other side omitted to introduce. It was developed by this investigation, and is here in the archives of this committee. It is an order issued by Colonel Dudley, issued in good faith and published before that campaign began, and I now send it to the desk that it may be read by the Clerk.

The Clerk read as follows:

DEPARTMENT OF THE INTERIOR, PENSION OFFICE,
Washington, March 6, 1884.

To Special Examiners:

As the time approaches when politics become the universal and often sole topic of conversation, special examiners will find it more difficult than ever to obey the injunctions laid upon them when going out, that they should in no way participate while on duty (and, except when upon leave of absence, they are always on duty) in political discussions or work by word or act.

The functions of special examiners are those of judicial officers seeking for the true facts in cases intrusted to them, and they will not only commend themselves to the communities in which they respectively work but insure the best results to their work and themselves by perfect reticence upon all topics of a political character; and it is hoped that each examiner will heed this timely warning, and to such effect that no just criticism can be made against them on this ground.

Very respectfully,

WILLIAM W. DUDLEY,
Commissioner.

Mr. BROWNE, of Indiana. I assert that order was never violated with the knowledge or consent of Commissioner Dudley.

Now, Mr. Chairman, I ask permission to print in this connection, without reading it, the testimony of Colonel Dudley taken before this committee, which will be found at page 261 of the committee's report. I put this testimony of an upright and truthful man before the country that it may judge between him and his accusers.

I insert it here. Colonel Dudley, being interrogated by the chairman, said:

> The CHAIRMAN. Did you not know that these men throughout the State, especially in close districts, were representing themselves as being in your employment; that you were the Commissioner of Pensions, and that they were in your employment, and do you not know that everywhere, in all parts of the State, they were telling pension claimants that, if they wanted their pensions, they had better vote the Republican ticket?
>
> The WITNESS. No; I do not know it, and if I had known it I would have denounced any man who did it.

The CHAIRMAN. Were not lists of claimants for pensions in the Pension Office furnished to such agents and to others in order that they might carry on political work in that way?

The WITNESS. If there were it was done by yourself and others who were engaged in politics and not by me.

The CHAIRMAN. Myself and others who were engaged in politics in that State did not have anything of the kind. Do you say you did not know that that was going on?

The WITNESS. No, sir; I did not. Nobody has been furnished with such a list out of the Pension Office, with my knowledge or consent.

The CHAIRMAN. Did you not know that these political agents in the State of Ohio had those lists?

The WITNESS. I indignantly deny it.

The CHAIRMAN. You say you did not know that?

The WITNESS. Yes; I say it with all the emphasis that I can give to my denial; and I very much regret that you should ask me such a question, for you know me well enough to know better than to ask it.

The CHAIRMAN. I do know that that was the case in the State of Ohio.

The WITNESS. It was not the case with my knowledge, and you know that it was not the case with my knowledge.

The CHAIRMAN. I know that men were representing themselves all over the State as acting in that capacity.

The WITNESS. You wrote me a letter to that effect, and I answered it and told you that it was not so. You wrote me a letter that the Pension Office was being used to your detriment.

The CHAIRMAN. I ask that the letter be produced. I wrote protesting against admitting $25 contracts of claim agents.

The WITNESS. And I answered you immediately and told you that that was not the case.

The CHAIRMAN. I wrote to you protesting against these contracts.

The WITNESS. No, sir; you wrote with reference to your own election matter. You said that this thing was being used to your detriment, and I answered that that was not true with my knowledge and consent.

The CHAIRMAN. I did write a letter to you on a particular case, but not on the matter about which I have been examining you.

The WITNESS. You wrote me a letter stating that the business of the Pension Office was being used to your detriment, did you not?

The CHAIRMAN. I wrote to you respecting a special pension case.

The WITNESS. You wrote to me that the pension business was being used to your detriment, did you not?

The CHAIRMAN. Produce the letter. I wrote no letter relating to this matter. I am not a witness on the stand.

The WITNESS. But I am.

The CHAIRMAN. Do you deny that you knew that persons employed by the Republican committee and by yourself were making such representations throughout the State of Ohio?

The WITNESS. I do.

Q. But you yourself were engaged while Commissioner of Pensions in conducting or helping to conduct the political campaign in Ohio, were you not?

A. Yes; but I had disengaged myself from the office. I had gone away from the office and was not seeking to control the office in any shape or form.

Q. Did you sign any communications as Commissioner while you were there

A. Only the one I have spoken of.

Q. How did you sign the letter which you addressed to me?

A. I signed it personally.

Q. Are you sure of that?

A. I am very sure of it. You probably have the letter and you can produce it. I do not think you will say that I signed it as Commissioner.

Q. You were drawing pay all this time from the Government?

A. I drew my pay up to the 10th of November, as other officers of the Government did.

Q. You were absent more than thirty days in that year, were you not?

A. I was not the only officer of the Government who was absent for more than thirty days. If anybody was entitled to more than thirty days' leave of absence I was entitled to it, for in every year that I was there in the office I worked—in days' work—a year and a half.

This evidence covers this whole charge and refutes it. I pass it without comment. I defy gentlemen who have taken part in this persecution of Colonel Dudley to produce any witness, special examiner, or pension claimant who is willing to say under oath that any of these officials, at any time or in any way, used or attempted to use, his official position for the purpose of influencing the vote of any man one way or the other.

Next, it is charged that, for political purposes, the employés of the Pension Bureau were directed during a certain period to make no rejections of claims, and that this was particularly the case during the months of September, October, and November, pending the elections of 1884. To prove this the names of six witnesses are given, Smith, Fardon, Fisher, Chapman, and Sundell. I desire to print also, in connection with my remarks, the testimony of each of these six witnesses on that subject. I wish I had time to have every word of it read in the presence of this House. I say here and now, as to the testimony of these witnesses, that it does not in any manner charge or pretend to implicate Colonel Dudley in making any such order.

I assert that no one of them pretends that such instructions came from Colonel Dudley or by his authority. I say further, that every one of these witnesses denies with emphasis that it was told them by any officer or clerk of the Pension Office that this was intended for political purposes. I assert that. Further, in this connection, I desire to put in the testimony of Mr. Comstock and of the then Commissioner of Pensions to show that the explanation of this whole matter was furnished to the committee. They had it in full, and it was unanswerable. Truth always vindicates itself. Further, the record shows that there was a time when the board of review became so crowded with business that it was thought best to suspend for awhile the further consideration of rejected cases in order that the board might have an opportunity to pass upon pension claims that had been already allowed. It was done that the soldiery of the country, whose claims had been passed on favorably, might have the benefit of their pensions. That explanation this committee had, and it is contradicted by no evidence. I have looked through that volume of testimony, and I assert here it is not controverted. Colonel Dudley gives his explanation, and so does Mr. Comstock, who was in charge of the division where it was asserted this order had been given. These explanations will be put of record.

Mr. MATSON. My colleague will allow me to ask whether he intends to have the testimony of those witnesses printed with his speech?

Mr. BROWNE, of Indiana. Every word of it that is at all material. I will insert the evidence of the six witnesses named by my colleague [Mr. MATSON] here.

The first of these is Charles S. Sundell. He said:

Q. What division are you in?

A. The Western division.

Q. The division of which Mr. Comstock is the chief?

A. Yes.

Q. State whether or not, at any time after your return and prior to the November election, you received any instructions from either of your chiefs, or any suggestion from either of your chiefs, or any order from either of your chiefs, touching the preparation of letters notifying claimants of rejected claims, and if so, what.

A. I did not.

Q. Or anything else in reference to rejected claims?

A. No, sir.

Q. You never received any such order?

A. No, sir; not from one of my chiefs.

Q. Did you receive it from any one?

A. No, sir; I was lead to believe, and I understood when I returned, that cases should not be rejected.

Q. How did you get that information?

A. From my colleagues round about me, as I had been away in September.

Q. So that when you got back at the end of September you found that that was the practice in the office?

A. Yes. My colleagues did so, and I followed their example.

* * * * * * *

Q. Was there delay in any work on account of political reasons?

A. No, sir; not on my part.

Q. Was there any instruction or understanding from your superior that any distinction was to be made between Democrats and Republicans in the work that was to be done, or in the allowance or rejection of claims?

A. No, sir.

Q. No distinction was to be made as to the influence and rights of any member of Congress on account of his politics?

A. No, sir.

Q. Every claim was to be considered on its own merits?

A. Yes.

Q. Did you understand, at or about that time, that the Secretary of the Interior was of opinion that claims should be rejected by the board of review and not by an examiner or a chief of division?

A. Yes; I was told so.

Q. And the work of the board of review was very crowded, was it not?

A. I understood so.

Q. So that, in October, on your examination of a claim, if you found that, in your judgment, it should be rejected, that claim, under the view of the Secretary of the Interior, should be sent to the board of review to be passed upon?

A. Yes.

Q. And that became the absolute law of the office, did it not, after Mr. Clarke was appointed Commissioner of Pensions?

A. Yes.

Q. He was acting Commissioner in September, was he not?

A. I understood so.

Q. Was there anything done or ordered to be done, so far as you know, for the purpose of affecting one political party or another in the discharge of the duties of the Pension Office?

A. No, sir.

The witness implicates no one. No one will contend that it casts even a shadow on the official conduct of Colonel Dudley.

The next witness is William Smith. He said:

By the CHAIRMAN:

Q. State your age, residence, and business.

A. I am fifty-two years of age; I reside at 2339 E street, southeast; I am a clerk in the Pension Office.

Q. In what division?

A. In the Western division.

Q. What are your duties there?

A. I am examiner in "dependent" cases.

Q. State what you know as to the practice of the Pension Office in rejecting cases during the late political campaign?

A. What I know in relation to the practice of the Pension Office towards rejected cases in the late campaign has been to hold them up, by instructions from our superiors. That was the general understanding.

Q. During what months was that the practice?

A. I think in the latter part of September and October.

Q. And were cases held up in the office in that way to your knowledge?

A. They were.

Q. You state that they were held up under instructions from your superiors. State who your superiors were.

A. My assistant chief of division, George N. Smith. I do not know of any other superior who gave those orders except he. He was the one who was acting on the work of our section as reviewer. He reviewed our work on rejected cases.

Q. And it was from him that these instructions came?

A. It was from him that these instructions came.

Q. You did not inquire, I suppose, whether he got such instructions from his superiors or not?

A. No, sir; I made no inquiry whatever. I simply obeyed orders and kept the claims on my desk.

Q. In such cases do you receive orders from your immediate superior?

A. Yes; that is the custom of the office.

Now comes T. F. Kinney, who testifies on this point as follows:

By the CHAIRMAN:

Q. State your age, residence, and position.

A. I am forty years of age; I reside in Washington, D. C.; I am an examiner in the Pension Office.

Q. State what division of the Pension Office you are in.

A. The western division.

Q. Give the name of the chief of your division.

A. Mr. Comstock.

Q. Give the names of the assistant chiefs under him.

A. Mr. Green and Mr. George N. Smith.

Q. State what you know about an order or direction from any superior to hold up rejected cases and not report them.

A. Mr. Smith came on the floor one day and was conversing with some other examiners there. In his conversation with them I understood him to say that we were not to write letters of rejection, but to lay the rejected claims aside for the present.

* * * * * * * *

Q. State, if you can, the exact language of Mr. Smith about holding up cases.

A. I can not state his exact language.

Q. State the substance of it.

A. The sum and substance of it was, when cases came back from the board of review requiring letters of rejection to lay them aside.

Q. And not to write the letters?

A. To let the other work go on and attend to everything else in preference to them.

Here is the witness upon whose evidence the gentlemen draw for their whole case.

Edwin L. Chapman said:

* * * * * * *

Q. Do you recollect anything in regard to rejected cases?

A. Yes.

Q. State what it was.

A. I remember that Mr. Smith, the second assistant chief of the division, came to my desk, stood near me and said, "If you have any claims for rejection do not reject them at present, but hold them up."

Q. Did he state how long you were to hold them up?

A. No, sir.

Q. What time was that?

A. I think it was about the first or second week in October, I do not recollect the time exactly.

Q. That order you understood to be general throughout the division?

A. Yes.

Q. Was anything said about the reason for that order?

A. No, sir; not by him.

Q. What was the understanding among the clerks?

A. I understood it was for political purposes.

Q. Was that the understanding among the clerks?

A. I do not know about the examiners generally. I understood it so myself.

Q. Was it talked of among the examiners?

A. It was talked of some, but it has been talked of more since the election.

Q. And it was talked of at that time?

A. Some.

Q. And so far as the talk went, it was the understanding that the order was for political effect?

A. I can not recollect what was said about it.

Q. That was your understanding?

A. That was my personal understanding.

Q. Did you make known that understanding or did you say anything to indicate to Mr. Smith or any one else that that was your understanding?

A. I do not recollect whether I did or not. My recollection about it is quite indistinct.

Q. What did you do with the cases for rejection after receiving that order?

A. When I had a case for rejection, if the rejection was on medical grounds, I referred the question to the medical board and let the board take the responsibility of rejection, and if it was on legal grounds, I let my superior officer take the responsibility.

Q. During this time no letter of rejection was written to claimants?

A. I did not reject any.

Q. Did you reject any claims and notify the claimants?

A. In October I rejected two cases. In the first case I notified the claimant. In the second case the rejection came to my desk on the morning of the day that I left for my home (the 31st of October). That was a Kansas claim. After I returned back I notified the claimant of the rejection.

Q. Then you did reject two cases?

A. Yes. That is, the medical board rejected one of them.

Q. You did not refer any to the board after you got that order?

A. I did not have any to refer.

Q. When did you resume the examination of these cases and report any for rejection?

A. I resumed their examination the first Monday after the November election, when I returned to the office.

Q. Do you recollect how many cases you rejected in September altogether?

A. One or two.

Q. And how many in November?

A. Not any.

Q. How many in December?

A. The medical board rejected two of my cases and the legal board rejected one, which I had submitted for admission.

* * * * * * * *

Q. If I understood you rightly the remark that was made to you by Mr. Smith was, "If you have any claims for rejection hold them up?"

A. That was it.

Q. And that is all he said on the subject?

A. That is all that I remember he said.

Q. I understood further from your testimony that you continued right on, following the course which you had already pursued in regard to the rejection or allowance of claims?

A. Certainly.

Q. If you had a claim which you thought it your duty to reject, you said so?

A. Yes.

Q. You had during the month of October two rejected cases?

A. Yes.

Q. One of those was rejected by the board of review and you wrote the letter of rejection?

A. Yes.

Q. The other was rejected, but coming on your desk the morning of the day that you left on leave of absence you did not have time to notify the party?

A. That was it.

Q. So that your course was not changed in the slightest degree by the remark made by Mr. Smith?

A. No, sir.

Q. Do you know of any distinction being made between Democratic and Republican members of Congress in the matter of giving preference to claims?

A. No, sir.

Q. Do you know of anything being done or any instructions or orders being given by your superiors to do anything for the purpose of its having any political effect?

A. No, sir.

The evidence of the six named witnesses closes with the statements of Fisher and Farden, which I now insert.

William T. Fisher sworn and examined.

By the CHAIRMAN:

Q. State your age, residence, and position.

A. I am twenty-eight years of age; my residence is Washington, D. C.; I am an examiner in the Pension Office.

Q. In what division?

A. In the western division.

Q. What class of cases have you charge of?

A. Invalid and increase and new disability cases.

Q. State what you know about orders not to give out notices of rejection during the months of September, October, and November.

A. I received a verbal order from George N. Smith, second assistant chief of division, that if I had any claims to reject I should lay them on one side.

Q. Was there any reason given why you should lay them on one side?

A. No, sir.

Q. Was there nothing said about it?

A. Not at that time.

Q. How long has Mr. George N. Smith held the position of assistant chief of the western division?

A. I think he was made second assistant chief in May or June, 1884.

Q. How long did he continue in that position?

A. He is in that position now.

Q. Do rejected cases go through him now as they did before?

A. He has charge of the widows' claims.

Q. What time did he give this verbal order that notices of rejected cases were to be withheld?

A. I can not give the exact day, but I think it was in September.

Q. Did he say how long that thing was to last?

A. He did not.

Q. Did he say anything about its continuance until after the election?

A. No, sir.

Q. When did he give you notice that you were to take up these cases again?

A. He did not give me any such notice at all.

Q. Have you ever taken any rejected cases up since?

A. I never had any case to reject.

Q. The work there in the office is done with special reference to the proper advancement of the business of the office?

A. Yes.

Q. And with a view to doing justice to claimants?

A. Yes.

Q. Without distinction as to the men who present the claims, but with each case standing on its own merits?

A. Yes.

J. D. Farden sworn and examined.

By the CHAIRMAN:

Q. State your age, residence, and position.

A. I am twenty-three years of age; I reside at 216 D street northwest; I am a clerk in the Pension Office.

Q. What are your duties?

A. Examining invalid, original, and increase claims.

Q. State whether you received any instructions respecting claims for rejection during the month of September or October last; and, if so, what they were.

A. I do not recollect the exact time, but Mr. Smith, the assistant chief, told me (about the 1st of October, I think) that no more cases were to be rejected there. There was no reason given for it, and I rejected no more claims after that time, I think.

Q. Until what time? When did you begin again to report cases for rejection?

A. I do not think I have rejected a case since then, but my record will show.

Q. During that time what did you do with cases for rejection?

A. I rejected no claims after that order.

Q. While that order was pending, what did you do with cases of that kind?

A. I was on my leave from September 10 until September 29, I think, and when I got back I had between five hundred and six hundred claims on my desk. I did not take up any cases for rejection. The general practice is to take up meritorious cases and put them through.

Q. State whether or not it was a general understanding among examiners in your division that no rejections were to be made at that time.

A. That appeared to be the general understanding.

This evidence nowhere and in no way connects Colonel Dudley with these vague orders and directions about the suspended cases. Indeed it is shown that whatever directions were given in this connection were given by George N. Smith in October or November, and after Colonel Dudley had resigned and gone to Ohio. It is passing strange that George N. Smith was not called by this truth-seeking committee to make a statement of the facts. Again it will be observed that all that was said about this having any political significance was gathered from idle and irresponsible rumor. But on this point Colonel Dudley testifies as follows:

I see from the course of questions asked and from some of the testimony given, that there is a very evident misapprehension about the matter of rejected claims; and it will give me great pleasure, if the committee will allow me, to state what my order was on that subject. Up to about 10th of February, 1883, the practice in the office was (that is, after the constitution of the review board) that, when an examiner had reached the point in a case where in his judgment the evidence warranted the admission or rejection of a case, he briefed the case, stating very succinctly all the testimony on which he relied to form a judgment; and he forwarded that through his proper superior to the board of review, where the case was reviewed and final action taken. The work was accumulating so rapidly and the board of review was so much inclined to get behind with it, that I went to the board of review frequently (perhaps during the three weeks previous to the issuing of this order of 10th of February, 1883), and asked the individual reviewers to give me, as near as they could, the percentage of cases submitted to them for rejection which in their judgment should not be admitted or continued for further testimony and sent back to the division for that purpose. I do not now remember the result of my inquiry, but the percentage of such cases was so insignificant that it convinced me that much of the time of the high-priced labor and valuable service was being spent on dead matter. That is to say that the board of review was spending time in reviewing evidence in rejected cases and finally approving the action of the examiner to an extent that did not justify the sending to them of that class of cases. On that I issued this order of February 10, 1883, after a pretty full consultation with my deputy commissioners. I will read it:

"CIRCULAR.

"1. Hereafter all cases submitted to the review board shall be upon an opinion for admission, with the exception named in last paragraph"—

That is, the last paragraph in this circular.

"2. Attention is invited to the first paragraph of order No. 65, concerning rejected cases"—

Which reads:

"That no cases shall be rejected until every available source of information is exhausted, unless the rejection be clearly on legal points.

"3. Where an examiner is in doubt as to the proper action, no case should be rejected by him except upon consultation with the chief of his division.

"4. Where cases are rejected by an examiner the chief of division should allow the proper credits on his records therefor"—

Without such a regulation as that, it will be readily seen that examiners would be pushing for admitted cases, so as to keep up their records, at the expense of cases which should be rejected. This was so that there should be no unfair advantage taken of it.

"But if afterwards called up and admitted by a reviewer on the same evidence, a double charge for errors in each case so reversed shall be made against such examiner."

The object of that paragraph was to secure deliberation and carefulness on the part of the examiner.

"5. Chiefs of divisions will not permit the consideration of new evidence in rejected cases or re-examination of rejected cases reopened therefor, to the hindrance or delay of cases that may be submitted for admission; and in answer to communications calling up rejected cases, will close the correspondence, if possible, by using the proper circular in response.

"6. This circular-order does not apply to cases submitted from the S. E. D., nor to claims filed since July 1, 1880, that are rejected on the ground of no disability."

In that connection I would like to read a previous order No. 80. It is as follows:

"PENSION OFFICE, *April* 26, 1882.

"*Ordered*, In all cases where report of a medical examination shows no disability, and other evidence tends to show that the disability actually exists, the claimant shall receive another examination by a board of surgeons if practicable, or another surgeon, with specific instructions setting forth the facts in the case; and where this examination shows no disability, no rating of pensions shall be allowed to continue after the date of such a report unless so ordered in writing by the Commissioner or one of the deputy commissioners."

That, so long as I remained Commissioner, was the practice of the office as settled by these orders; and the result was, I thought, beneficial to the service. It insured a review of rejected cases by a competent officer of the division, and did not encumber the board of review with cases which were submitted for rejection. I know nothing of my own personal knowledge as to any change of the order, but judging from the testimony given here, I can see that the impression prevailed that that order was to be rescinded, and that cases were to be sent to the review board hereafter instead of being rejected in the division as that order provided. It is apparent to me, from the testimony I have seen, that the impression prevailed that it was not beneficial for the examiner to spend his time in rejecting cases. That is all, I think, that is in it, and I think that that explains the mater.

Q. Did the action in that regard have any political significance, one way or the other?

A. None under Heaven. It had nothing whatever to do with politics in any shape or form. I notice that my successor was not of the same mind as myself in reference to the wisdom of such a policy as that; and, of course, it was entirely competent for him to change that practice, and I should imagine that the effect would be about such as has been testified to.

This ought to be satisfactory to every fair and candid man whatever his politics.

Now, John M. Comstock was chief of the division to which George N. Smith and the six witnesses whose evidence was taken belonged. Whatever was done in regard to rejected cases he knew. What he says is as follows:

Q. Some testimony has been given as to an order issued, or to an understanding had in your division, that pension cases were not to be rejected during the political campaign. State first if you, as the chief of that division, either officially or unofficially, ever made any such order or suggestion to anybody.

A. Never, to anybody.

Q. State whether any action of that sort (I mean holding up claims and not rejecting them) was taken by yourself, or by any one else with your knowledge, during the fall of 1884.

A. No, sir.

Q. At that time, or prior to it, had not adjudicating examiners been in the habit of rejecting claims?

A. They had been in the habit of submitting them for rejection to the chief of the division or to the assistant chief. Examiners did not reject claims themselves.

Q. But if they concluded that a claim should be rejected, they submitted it either to the chief of the division or to the assistant chief?

A. Yes, recommending such a thing.

Q. Do you know, of your own knowledge, of Mr. Green or Mr. Smith ever issuing any order as to the rejection or non-rejection of claims during the fall of 1884?

A. I have no knowledge of any such order, and never supposed there was anything of the kind until the recent occurrence.

Q. You have heard or read some of the testimony given on that subject before this committee?

A. Yes; I read some of it and I heard some of it.

Q. If any case was held back by any adjudicating examiner during the fall of 1884 and prior to the election, for political and partisan purposes that you know of, I wish you would state it.

A. I have no knowledge of any such case being held back in fact, either in my division or any other division. I never knew of cases being held back for partisan purpose—I mean during Mr. Dudley's administration.

Q. I mean at any time in the fall of 1884. I refer to what would be ordinarily included in the campaign of 1884.

A. Never.

Q. State to the committee whether the Secretary of the Interior at any time intimated to you or to the Pension Office that he thought the rules should be changed in reference to the rejection of claims.

A. I am not acquainted with the Secretary of the Interior, and of course he never suggested anything to me. I heard in October (in the fore part of October, I think), that the Secretary was dissatisfied with the action of the office in some cases; that is, that he thought the adjudicating division was rejecting cases which ought not to be rejected, and that he did not know any reason why cases should not be rejected by the board of review as they had been previously—that is, that the board of review should act upon all cases of rejection. In other words, it was the understanding that the Secretary did not approve of a chief of division or an assistant chief of division rejecting a claim upon a technicality, and wished that cases for rejection would be submitted to the board of review just precisely the same as cases for admission.

Q. In other words, the Secretary wished that the rule should be changed.

A. Yes; that was my understanding.

Q. What was the condition of the work in the board of review at the time?

A. I understood that the board of review at that time was in a crowded condition. I mean by that that the board had a great many cases which it had not been able to work up and which the reviewers had not been able to reach.

Q. In pursuance of this understanding of the wish of the Secretary of the Interior that cases should not be rejected except by the board of review, was not an order to that effect afterward issued?

A. Yes.

I need not pursue this point further. I leave it where the evidence leaves it, and am content that the sincere and impartial of all parties shall pass upon it.

I want to go now to the next point. It is said that Colonel Dudley went to Ohio to engage in political work. He did. Before he went he tendered his resignation. The fact that he had resigned was known everywhere. The news of the event went from one end of the Republic to the other.

Mr. ROGERS. Does the gentleman mean to say that he had resigned or had simply filed his resignation.

Mr. BROWNE, of Indiana. I mean to say that he had resigned, his resignation to take effect by its terms on the 10th day of November following.

Mr. ROGERS. Exactly.

Mr. BROWNE, of Indiana. I intend further to say that from that time forward he disconnected himself absolutely from the Pension Office except in a matter to which I shall call attention if my time does not expire before I get to it. I hope gentlemen will not interrupt me further. I assert that he resigned; and it was known by the country that he had resigned.

It is charged in the next place by the gentleman from Ohio [Mr. WARNER] that Colonel Dudley, while performing political work at Columbus, made his headquarters in the pension paying office. I deny that such was the case. Just before Colonel Dudley went to Ohio for the purpose of taking charge of the political campaign there (which I confess he did), he went to that State with one of his sons to put him in college. For they grow great men in Ohio; they are indigenous to that soil. While there upon that business Colonel Dudley very naturally called at Columbus, where he was the guest of the pension agent; and while he was there gentlemen called on him socially and in no other way. When subsequently he went to Ohio to engage in the campaign he made his headquarters in the rooms of the Republican central committee and nowhere else.

Next, it is said that he continued to perform the duties of Commissioner after tendering his resignation; and my amiable friend and colleague [Mr. MATSON] refers to the Noble telegram. Why, sir, the Noble telegram was sent on the 5th of September before Colonel Dudley's resignation, and all there was in it was that he directed a special examiner, then in New York, to report for duty to a special examiner in Ohio.

Mr. WARNER, of Ohio. I would be glad to ask the gentleman whether he denies that Colonel Dudley returned to Washington and assumed the duties of Commissioner after his resignation had been sent in?

Mr. BROWNE, of Indiana. If the gentleman had permitted me to continue I would have come to that point, for I have nothing to disguise in this case. I want to put in the RECORD the testimony of Mr. Clarke, the first assistant Commissioner, who says—and he certainly was not particularly friendly to Colonel Dudley—that during all the time Colonel Dudley was absent in Ohio he did not perform or assume to perform, so far as Mr. Clarke knew, any of the duties of the Commissioner of Pensions, except to sign one letter, perhaps inadvertently.

Mr. WARNER, of Ohio. Did he not write a letter saying he was here to assume his duties?

Mr. BROWNE, of Indiana. Gentlemen, I give you what Major Clarke said:

Q. Did he act as Commissioner, or assume to act, while he was in Ohio and away from the office?

A. No, sir; I think not.

Q. Did he give any orders or directions in any way to any of the agents or officials of the office?

A. Not that I know of. It is possible that in some communication written to me he may inadvertently have signed his name as "Commissioner." I do not know that that is the fact at all, but it may have been so. If he did that, I do not know what force it might have; but I certainly did not regard it as official at all.

Q. Did he carry on correspondence with the office in his official capacity from Columbus, Ohio, during the time of his absence?

A. If he did, I did not so regard it. I can not tell what his motives may have been or what he intended to do, but I can say that I did not regard any communication that he may have written to me from there as official or as coming from him as Commissioner.

When he returned to Washington he did complete his official report. It was unfinished when he left. When he came back he did finish up some uncompleted business, which, however, began during the time he was in fact the Commissioner of Pensions; but he did no more than affix his signature and close up the business; that was all. It is true that he did receive his salary from the time he went to Ohio until the date when his resignation took effect. He did this with the consent of the authorities, and I assert he did it rightfully. I happen to know, what I believe many of my colleagues know, that long after the hour of 4 o'clock, when the ordinary employés of the Pension Office were at home, Colonel Dudley remained at his desk examining pension records. This work often extended into the weary vigils of the night. Indeed,

it is my impression there was scarcely a night when his labors were not continued in this way long past office hours.

When he left the office it was his habit to take with him to his home voluminous records; and when other gentlemen were engaged in recreation he was endeavoring to adjust the demands of these men who had claims pending in his bureau. He performed more service in proportion to the pay he received than any other public servant ever did within my knowledge. I know of no officer who performed so much work or who had so large a responsibility as the Commissioner of Pensions, and I can say that of the office now as well as then. He received no penny he did not earn—fairly and honestly earn.

I must hasten on, for I have but a minute or two remaining. I want to refer to the charge that Colonel Dudley gave certain courtesies to Major Grubbs, who was the adversary candidate of my distinguished friend from the Greencastle district [Mr. MATSON]. Now, the first thing that strikes me as being novel about this alleged crime against propriety is that Colonel Dudley, sharp, calculating man as he is represented to be, should have left every word of that correspondence both from and to Major Grubbs on the permanent records of the Pension Office. It was put among the official papers, and those official papers are now given out, not only to be bandied about in the discussions of this question on this floor, but to be taken into the secret precincts of Democratic caucuses. Not only this, but the official correspondence, so far as I know, has been dug into from the top stratum to the very bottom in the hope that something would be found that would rise up in judgment against the late Commissioner of Pensions.

[Here the hammer fell.]

The CHAIRMAN. The gentleman from Massachusetts [Mr. LONG] is now entitled to the floor.

Mr. BROWNE, of Indiana. Mr. Chairman, I have never taken occasion, I believe, to address the House for a full hour in my life; and I hope, in consideration of the mercy I have shown, I may be allowed either to finish what I desire to say in this line, or to extend my remarks in print.

Mr. REAGAN. I hope the time of the gentleman from Indiana may be extended.

The CHAIRMAN. The gentleman from Indiana is speaking in the time of the gentleman from Massachusetts.

Mr. REAGAN. I hope the gentleman from Massachusetts will allow the gentleman from Indiana to go on now and finish his remarks.

Mr. BROWNE, of Indiana. I say frankly, while I am not anxious to be heard, I am anxious to complete this record.

Mr. LONG. I have no objection to allowing the gentleman from Indiana to proceed now, if he can do so in his own right.

The CHAIRMAN. The gentleman from Texas asks unanimous consent that the time of the gentleman from Indiana be extended.

Several MEMBERS. How long?

Mr. BROWNE, of Indiana. I think I can get through in fifteen minutes. I will do the best I can. Let me have twenty minutes.

The CHAIRMAN. Is there objection to granting an extension of twenty minutes to the gentleman from Indiana in his own right? The Chair hears no objection.

Mr. BROWNE, of Indiana. I come now, Mr. Chairman, to that part of the charge that Colonel Dudley interfered with the matter of election in the district of my distinguished colleague [Mr. MATSON]. I said it was a singular feature in this case that all the facts, that every line of correspondence so far as we know, is a part of the public record of the Pension Office. It is usual, I think, when crime is committed, or any transaction takes place in which the perpetrator is conscious there is wrong, the evidence of it is concealed. In this case, and I hope the example will be followed by the excellent gentleman who succeeds Colonel Dudley in this case, all the correspondence, even where it alludes to politics, has been left on file to be seen by all generations who are to come after us.

What is it? I can not in the time allowed me refer to all the evidence which is pertinent to the question at issue, but I will take leave to publish it with my remarks when they come to be printed. I want all the evidence in the RECORD bearing on this question, because I wish Colonel Dudley judged not by what gentlemen say about him in heated debate, but what the proof really shows.

I assert now, Mr. Chairman, it will be seen from that evidence that every one of these charges, so far as they assume to implicate Colonel Dudley of a partisan purpose, there is on the contrary not a shadow of proof to sustain them.

What are the facts? John M. Comstock is a man than whom no more honorable gentleman ever held office under a Republican or Democratic administration. My colleague, Mr. MATSON, knows to himself and myself he extended every courtesy we could ask. He never denied any to either of us. If he was not an exemplary gentleman, after an acquaintance of four or five years with him, then I must confess I am not a judge of human character.

Mr. Comstock testifies in this case that Colonel Dudley told him to extend to Major Grubbs all the courtesies he extended to members of Congress. Why not? Why, was not Major Grubbs an honorable man? Was he not like himself a distinguished soldier in the service of the United States? Was he not like my distinguished friend a candidate for Congress, and did he not receive that distinction by an expression of confidence at the hands of a large and respectable party? What was there wrong about it?

Mr. MATSON. Will the gentleman allow me to have a letter read?

Mr. BROWNE, of Indiana. I suppose it is one found last night after the adjournment?

Mr. MATSON. Yes.

Mr. BROWNE, of Indiana. I will let the whole record be printed.

Mr. MATSON. If the gentleman will yield to me I will have the letter read.

Mr. BROWNE, of Indiana. You will have your opportunity. I do not care what it is. I undertake to say if the letter is there it is a part of the records of the Pension Office. I regret this whole correspondence did not fall into the hands of the President. He would have treated it as confidential. [Laughter and applause.]

Mr. MATSON. It has fallen into the hands of Cleveland, and we are now opening the books. [Applause on the Democratic side.]

Mr. BROWNE, of Indiana. Let me say to you, in the language of Holy Writ, another book will be opened before them, and those whose names are not found in it will be consigned to that place where there is weeping and wailing and gnashing of teeth. [Laughter and applause.]

Mr. MATSON. Will the gentleman allow me to have the letter read?

Mr. BROWNE, of Indiana. I will not now, but will proceed with what I have to say. I was explaining that the courtesies of the Pension Office extended to any reputable citizen is not a breach of any duty imposed on the Commissioner of Pensions. It is just what he ought to do. I can call attention to Democrats and Republicans alike, not candidates for any office, to whom this privilege has been accorded. He did it generally to responsible gentlemen who were not in interest for or against a pending claim.

Oh! but it is said he furnished the official envelopes of the Pension Bureau to Major Grubbs. I assert that Mr. Comstock explicitly denied any such order. The language of the Commissioner was that Mr. Comstock should extend to Mr. Grubbs the courtesies usually accorded to members of Congress, and to answer his letters promptly. He denied it went further than that, although he interpreted that to include the furnishing of official envelopes. Colonel Dudley denies with emphasis, under oath, any such envelopes were sent with his knowledge or in pursuance of his instructions. But what if they were? Every claimant receives his communications from the office under their cover. They are thus sent to them through members of Congress and through agents and attorneys, and why not when passed through the hands of a citizen? In that case these envelopes simply subserve the purpose for which they were authorized by law.

But I deny that there is evidence upon the record from any living human being showing that any official envelope was sent to Major Grubbs by Colonel Dudley's direction. I admit that Major Grubbs was a Republican candidate for Congress, and that Colonel Dudley in that contest was in sympathy with him and hoped for his success, but I suppose it is quite as reputable and as much in the line of duty for a Republican Commissioner to grant the courtesies of his office for the purpose of forwarding the prospects of his political friends as it is for a Democratic Commissioner to spread all over the pages of an official report slander after slander and calumny succeeding calumny against his predecessor in office for the purpose of promoting the success of his own party. If gentlemen can stand by the one record, we will try to stand by the other.

This seems a proper place for the insertion of what was sworn to by Mr. Comstock and Colonel Dudley as to the Grubbs transaction. John M. Comstock said:

Q. State to the committee what you know about Mr. Grubbs having the privilege of calling up cases on Congressional blanks, and of having penalty-envelopes sent to him, inside of others, just the same as they are sent to members of Congress.

A. What I know in regard to that is that Mr. Dudley, the Commissioner of Pensions, told me that he was a friend of Mr. Grubbs; that there had been some calls made by Mr. Grubbs; that Mr. Grubbs was a candidate for Congress; and that he (Mr. Dudley) wished me, as a matter of courtesy, to see that these calls were answered. That was about all. I know nothing about penalty envelopes. He sent up Congressional slips.

By Mr. ROGERS:

Q. Who sent them up?

A. Mr. Dudley, the Commissioner of Pensions. They did not come from Mr. Grubbs. Mr. Dudley said that he wanted I should give them attention. He said that Mr. Grubbs was a candidate for Congress from the State of Indiana and was a friend of his; and I considered this in the shape of an order.

By the CHAIRMAN:

Q. Did Mr. Dudley direct you to let Mr. Grubbs have penalty-envelopes?

A. No, sir; but I supposed that that followed. We treated him as if he were a member of Congress.

Q. Who was Mr. Grubbs running against?

A. I have learned that he was running against Mr. Matson.

Q. Did you know it at the time?

A. No, sir; but I learned it soon afterwards.

Q. Did you under those instructions allow Mr. Grubbs to call up cases on Congressional blanks, and did you send out penalty envelopes to him in the same manner as to members of Congress?

A. Certainly. I directed that Mr. Grubbs be treated exactly as a member of Congress. This was done by the direction of the Commissioner of Pensions and by no power of my own.

Q. I assume that if you did it you did it under the directions of somebody, and that you were simply carrying out your instructions?
A. Yes, sir; I carried out my instructions as well as I could in the ordinary way.

By Mr. HART:

Q. In that case Mr. Dudley directed you to treat Mr. Grubbs with the same courtesy as you would treat a member of Congress?
A. Yes.
Q. In carrying out that, Mr. Grubbs took such slips as we have had exhibited here, and made inquiries on them in reference to the conditions of pension claims?
A. I think so.
Q. That was your understanding?
A. Yes; I suppose so.
Q. And when these slips came in the condition of the case would be ascertained by the proper examiner?
A. Yes.
Q. And a letter written to the claimant?
A. Yes.
Q. And an official envelope directed to the claimant?
A. Yes.
Q. And that inclosed in an official envelope directed to Mr. Grubbs?
A. Yes.
Q. So that he can forward it to the claimant?
A. Yes.
Q. In other words, you did precisely with Mr. Grubbs as you would do with me if I sent an inquiry to the office?
A. Precisely.
Q. That is, the condition of the claim is ascertained?
A. Yes.
Q. And a statement of the condition is put in the form of a letter addressed to the claimant?
A. Yes.
Q. And that letter addressed to the claimant is inclosed in an envelope addressed to me?
A. Yes.
Q. And the letter to the claimant is put in an envelope addressed to him and inclosed in the envelope addressed to me?
A. Yes.
The CHAIRMAN. You treated Mr. Grubbs just as you would treat Mr. Hart?
The WITNESS. Yes.

By Mr. HART:

Q. If a claim agent or an attorney or a private citizen of any sort were to write a letter to the Pension Office, in what kind of an envelope would the answer be returned?
A. In a penalty envelope.
Q. In the same kind of envelope which you use with Mr. Grubbs?
A. Yes.

The following is Colonel Dudley's statement:

Q. I wish to ask you some questions about Mr. Grubbs. You stated yesterday that you gave Mr. Grubbs the same right to call up cases that you gave to Mr. Matson.
The WITNESS. Did I say so?
The CHAIRMAN. I think so. Did you give him that right?
The WITNESS. No, I did not.
The CHAIRMAN. Then Mr. Comstock's testimony is not true?
The WITNESS. You are testifying when you say that. Mr. Comstock was instructed by me to answer Mr. Grubbs's inquiries as promptly as possible; and in answering them he was authorized to say that the answers were given at Mr. Grubb's request.
Q. Then you did not give instructions to allow Mr. Grubbs to call up cases on Congressional blanks?
A. No, sir; I did not.
Q. Did you authorize Mr. Comstock to inclose penalty envelopes to Mr. Grubbs?
A. No, sir; I did not.
Q. You did not authorize him to do that?
A. No, I did not.
Q. Did you authorize that in any case except to members of Congress and Government officials?
A. I never have authorized it in any other case than to members of Congress and Government officials.
Q. Then you did not auhtorize Mr. Comstock (I want that to come out plainly) to inclose answers to Mr. Grubbs in penalty envelopes and to allow him to call up cases on Congressional blanks?
A. No, sir; and Mr. Comstock did not say so in his testimony.

Here I leave this matter and pass from it to return to it no more. It did not deserve the consideration it has received.

Another thing, it is said in pursuance of this a board of examining surgeons was appointed at Major Grubbs's suggestion at the city of Martinsville. You have heard the correspondence in regard to that. There may have been an imprudent, or, if you please to put it so, an improper suggestion in the letter of Major Grubbs. The record is there; the country may judge of it; I do not care to discuss its terms. But let us come to the action of the commission, which is assailed. A board of surgeons was appointed at Martinsville. Should it have gone there? Colonel Dudley, in his response to Major Grubbs's letter, says that the matter shall be referred to the proper officials in the bureau; that their opinion shall be taken as to its propriety; and that if it is a proper thing to be done, it shall be done. Would any Commissioner have said less?

Oh, I wish we could turn inside out all the correspondence of all these Department bureaus during the last eight or ten months. I wish it could be revealed in the presence of the country, even the correspondence of this immaculate Bureau of Pensions, to see if some enthusiastic Democrat, in his zeal for pensions or office or something else, may not have made a remark as imprudent and censurable as any that is contained in this letter of Major Grubbs. And yet I would have infinite contempt for any Republican who, at some future time, to bolster up an assault against the reputation of the present Commissioner of Pensions (for whom I entertain the highest personal respect)—I say I would hold in contempt that Republican who would parade such a letter, if such should be found in the archives of the Department after the present Commissioner shall have gone hence and given place to some distinguished Republican soldier—I would hold in contempt the Republican who should bring such a letter in here as a pretext for making an assault upon the official conduct of the present Democratic Commissioner. This board, I say, was appointed. Was it improper? There is no such assertion. Why, Mr. Chairman, it is there yet, and the very fact that the present Commissioner continues it is a sufficient answer to any assumption on the part of the gentlemen on the other side that it was sent there for political purposes. If it was not then required by the exigencies of the service, then there might be some pretext for the charge that it was appointed for the purpose of aiding Major Grubbs in his political campaign.

Mr. MATSON. Will my colleague permit me to ask him a question?

Mr. BROWNE, of Indiana. Yes, sir.

Mr. MATSON. Does not my colleague know that they were all Republicans that were appointed on that board?

Mr. BROWNE, of Indiana. I do not know, and the truth is, I can not find it in my heart to complain of the appointment of any reputable Republican to office. If any gentleman wants to attack any official for appointing Republicans to office, he has my permission to do so, but I can not join in the crusade. I will not complain if the present Commissioner of Pensions appoints two Democratic surgeons on an examining board and only one Republican, or if he appoints all Democrats. All I want him to do is to follow the example of his predecessor: first, find men of experience; secondly, men of character; and, thirdly, as far as may be, men who have seen service in the Union Army. When he has done that he may appoint Democrats if he wants to do so, and I will not attack him for it.

Now, Mr. Chairman, I have gone over all these charges, so far as I know them, and so far as I have been able to ascertain from the records their character, and there is but one other thing to which I desire to call attention. That is a little fragment of evidence which does seem to implicate the Pension Bureau directly in an assault on the Democratic party. It is the testimony of Mr. Burton, which has been referred to here. I send it to the desk to be read.

The Clerk read as follows:

Q. State what Mr. Comstock said on the subject.
A. I went to him and asked as to the credibility of a claimant whose claim I had in my hands and who lived near Mr. Comstock's home, in the State of New York. I was employed in the eastern division. Mr. Comstock said that the man was a fair enough man, but a God damned Democrat, and that he did not want anything to do with him.
Q. Where was that conversation held?
A. In the western division of the Pension Office, Mr. Comstock's division.
Q. When was it?
A. I think it was in the month of April or May; I am not positive.
Q. Do you recollect the name of the case?
A. I do not recollect the name of the case. I had so many cases from that county that I do not recollect any.
Q. What was the name of the man that you inquired about?
A. I can not recollect.
Q. What kind of a looking man was this man whom Mr. Comstock spoke of as a "God damned Democrat?"
A. I don't know; he was a claimant.
Q. Then you can not remember the name of the case?
A. I can not remember the name of the case.
Q. Nor the name of the man whom you inquired about?
A. No, sir. If I went to the files and looked over the cases I could tell the name of the man. I had a good many cases from the county.

By the CHAIRMAN:

Q. You went to Mr. Comstock because that man was from Mr. Comstock's town?
A. Yes.
Mr. HART. Be so good as to obtain for us the name of the man; do your best to get it.
WITNESS. I will.

Mr. BROWNE, of Indiana. The witness never furnished the name of that Democrat and never will. The anathematized man was a myth, existing only in the fertile imagination of Burton. He was anxious to do something for his new masters, and he did it. He has, I suppose, his reward, for such zeal as he displayed merits recognition. It is unnecessary to say that Comstock, under his oath, denounces the whole story as infamously false, for it bears on its face the evidence of its falsity.

The witness Burton was in the presence of the committee—and as he was never again summoned into its presence I take it for granted that both sides alike were disgusted at the exhibition he made of himself.

My want of time forbids my continuing this discussion. I have put in the record every material fact within my knowledge relating to this controversy. I care not to state conclusions, for the enlightened judgment of a just people will see to it that malignity shall not triumph. At every point Colonel Dudley stands vindicated, his character both as a citizen and a public servant untouched by the calumnies fulminated against him.

I conclude by thanking the gentleman from Massachusetts [Mr. LONG] for his kindness in surrendering to me so much of his time, and the committee for its patient and respectful hearing.

Mr. LONG. I yield ten minutes to the gentleman from Ohio [Mr. GROSVENOR].

Mr. GROSVENOR. I yield to the gentleman from Illinois, retaining the floor.

Mr. CANNON. I move that the committee rise.

Mr. TOWNSHEND. Oh, no.

Mr. ANDERSON, of Kansas. It would be more agreeable to the gentleman from Ohio that the committee should now rise.

Mr. TOWNSHEND. I hope the gentleman from Ohio will be permitted to proceed now.

The motion of Mr. CANNON was agreed to.

The committee accordingly rose; and Mr. SPRINGER having taken the chair as Speaker *pro tempore*, Mr. CRISP reported that the Committee of the Whole House on the state of the Union, having had under consideration the bill (H. R. 5201) making appropriations for the payment of invalid pensions of the United States for the fiscal year ending June 30, 1887, and for other purposes, had come to no resolution thereon.

ARMY APPROPRIATION BILL.

Mr. BRAGG, from the Committee on Millitary Affairs, reported a bill (H. R. 6395) making appropriations for the support of the Army for the fiscal year ending June 30, 1887, and for other purposes; which was read a first and second time, referred to the Committee of the Whole House on the state of the Union, and ordered to be printed.

Mr. ANDERSON, of Kansas. I reserve all points of order.

LEAVE OF ABSENCE.

By unanimous consent leave of absence was granted as follows:

To Mr. GALLINGER, for ten days, on account of important business.

To Mr. E. B. TAYLOR, indefinitely.

Mr. TOWNSHEND. I move that the House do now adjourn.

The motion was agreed to; and accordingly (at 4 o'clock and 53 minutes p. m.) the House adjourned.

PETITIONS, ETC.

The following petitions and papers were laid on the Clerk's desk, under the rule, and referred as follows:

By Mr. ATKINSON: Petition of 100 citizens of Fulton County, Pennsylvania, praying for the passage of a bill embodying the recommendations of the pension committee of the Grand Army of the Republic—to the Committee on Invalid Pensions.

By Mr. BARBOUR: Petition and papers of the legal representatives of Matthew Smith—to the Committee on Private Land Claims.

By Mr. BLISS (by request): Petition of Renio Warlick (Cherokee Indian) for indemnification for certain trespasses under the auspices of Indian Office—to the Committee on Indian Affairs.

By Mr. BOYLE: Petition of M. C. Morris, of Greene County, Pennsylvania, for amendment to the pension law—to the Committee on Invalid Pensions.

By Mr. BRADY: Petition for the relief of James P. Anderson, of Virginia—to the Committee on War Claims.

By Mr. BURROWS: Petition of citizens of Allegan County, Michigan, for the passage of a bill embodying the recommendations of the pension committee of the Grand Army of the Republic—to the Committee on Invalid Pensions.

By Mr. J. M. CAMPBELL: Petition of A. L. Hench and others, citizens of Bedford County, Pennsylvania, asking Congress to regulate the branding of live-stock—to the Committee on Agriculture.

By Mr. CATCHINGS: Papers in the claim of James Sessions, of Warren County, Mississippi—to the Committee on War Claims.

By Mr. CUTCHEON: Memorial of Local Assembly 3219, Knights of Labor, in favor of construction of public works and especially of the Hennepin Canal—to the Committee on Railways and Canals.

Also, memorial of Local Assembly 2363, Knights of Labor, Ludington, Mich., in favor of the construction of the harbor of refuge at Ludington, Mich.—to the Committee on Rivers and Harbors.

By Mr. DINGLEY: Petition of Isaac Reed and others, of Waldoborough, Me., for the passage of a bill granting to masters or mates of American sailing vessels the same right to pilot their own vessels as is given to mates and masters of American steam-vessels—to the Select Committee on American Ship-building and Ship-owning Interests.

Also, petition of Israel Snow and 100 others, of Rockland, Me., for the passage of a law allowing the masters or mates of American sailing vessels to be licensed, when competent, to pilot their own vessels in the same manner as masters or mates of American steam vessels are now licensed—to the same committee.

By Mr. DORSEY: Petition of citizens of Nebraska, in reference to the amendment of laws relating to pensions—to the Committee on Invalid Pensions.

By Mr. EVERHART: Remonstrance of citizens of the United States against the recent extension of the Free Zone by the Government of Mexico along its northern frontier—to the Committee on Foreign Affairs.

By Mr. FINDLAY: Memorial of John E. O'Donnell, for relief—to the Committee on Claims.

By Mr. GROUT: Statement of L. M. Shedd in pension claim of Capt. H. O. Nichols—to the Committee on Invalid Pensions.

Also, statement of facts by Hon. Crosby Miller in support of House bill 4398 for the relief of E. M. Chandler—to the same committee.

Also, statement of M. S. Howard as to claim of Mary H. Sanborn for a pension—to the same committee.

By Mr. IRION: Papers relating to the claim of Henry Badley, and of John A Porche, of Louisiana—to the Committee on War Claims.

By Mr. HALSELL: Petition of W. H. Blewett, administrator of Elizabeth G. Blewett, deceased; papers relating to the claims of Algernon S. Walker, executor; of William A. McElwain, and of John Burnam—to the same committee.

By Mr. HARRIS: Petition of citizens of Harris County, Georgia, asking aid to common schools—to the Committee on Education.

By Mr. HAYNES: Resolution of the New Hampshire State Grange, Patrons of Husbandry, against increase of rates of postage on fourth-class postal matter—to the Committee on the Post-Office and Post-Roads.

By Mr. HIESTAND: Petition of citizens of Lancaster County, Pennsylvania, against the reckless use of the branding-iron by stock-raisers—to the Committee on Agriculture.

By Mr. HIRES: Petition of many citizens, praying for an appropriation for the thoroughfares in Cape May County, New Jersey—to the Committee on Rivers and Harbors.

By Mr. J. T. JOHNSTON: Petition of J. A. Curry and 178 others, soldiers and citizens; and of J. A. McCaskey and 50 others, soldiers and citizens of Indiana, for the passage of House bill 3320, pensioning all Union soldiers, &c.—to the Committee on Invalid Pensions.

Also, petition of Knights of Labor of Knightsville, Ind., asking for the passage of House bill 4843, known as the Oklahoma bill—to the Committee on the Territories.

Also, paper in the case of Michael Keely, for relief—to the Committee on Military Affairs.

By Mr. LANDES: Petition of Knights of Labor of Jasper County, Illinois, for the construction of the Hennepin Canal and other internal improvements—to the Committee on Railways and Canals.

By Mr. MILLARD: Preamble and resolution of the New York State Assembly, in regard to interstate commerce—to the Committee on Commerce.

By Mr. MORROW: Papers to accompany House bill 183, relating to the claim of George A. Norton for relief—to the Committee on Claims.

By Mr. OUTHWAITE: Papers in the case of James W. Andrews, who applies to have charges of desertion removed—to the Committee on Military Affairs.

By Mr. PETERS: Petition of Prairie Grove Post, No. 124, Grand Army of the Republic, Kansas Centre, Ky., favoring equalization of pay of ex-soldiers—to the same committee.

By Mr. SCOTT: Petition of 274 representative citizens of Warren and Erie Counties, Pennsylvania, for scientific temperance instruction in all schools under control of the Federal Government—to the Committee on Education.

By Mr. SENEY: Petition of William Karn, of Ohio, for the passage of House bill 1601—to the Committee on Commerce.

By Mr. SHAW: Petition of citizens of Harford County, Maryland, for the passage of a bill embodying recommendations of pension committee of the Grand Army of the Republic—to the Committee on Invalid Pensions.

By Mr. STEPHENSON: Resolution of the State Bar Association of Wisconsin, to increase salaries of the United States district judges—to the Committee on the Judiciary.

Also, memorial of citizens of Ellis, Wis., concerning the abolition of the Presidency—to the same committee.

Also, resolution of the Chamber of Commerce of Milwaukee, Wis., upon interstate commerce—to the Committee on Commerce.

Also, memorial of the Grand Army of the Republic, Department of Wisconsin, for the relief of John Calihan—to the Committee on Invalid Pensions.

Also, petition of Solomon L. Nason and 35 others, of Wood County; of Maurice McCarty and 40 others, of Waupaca County; of E. R. Franklin and 26 others, of Eland; and of John Bates and 3 others, of Chippewa County, Wisconsin, for free coinage of silver—to the Committe on Coinage, Weights, and Measures.

By Mr. CHARLES STEWART: Seven petitions of citizens of Jefferson County, four petitions of citizens of Hardin County, four petitions of citizens of Harris County, four petitions of citizens of Newton County, three petitions of citizens of Jasper County, of Henderson County, of Liberty County, of Orange County, of Williamson County, of Polk County, of Tyler County, of Fort Worth, and of Magnolia Springs, Tex., and of Cameron Parish, Louisiana, for an appropriation to continue harbor improvements at Sabine Pass, Tex.—to the Committee on Rivers and Harbors.

Also, two petitions of citizens of Grimes County, two petitions of citizens of Waller County, of citizens of Montgomery County, of Robertson County, of Houston County, of Huntsville, of Houston, of Cedar Bayou, of Harrisburg, Tex., and of the city council and of the Board of Trade of Houston, Tex., in relation to harbor improvements at Galveston, Tex.—to the same committee.

By Mr. ZACH. TAYLOR: Petition of Mary C. Jackson, of Shelby County, Tennessee, asking that her war claim be referred to the Court of Claims—to the Committee on War Claims.

By Mr. THROCKMORTON: Petition of A. Clark and others, of Thorpe's Springs, Tex., praying a sufficient appropriation to secure deep water at Sabine Pass, Tex.—to the Committee on Rivers and Harbors.

By Mr. VAN EATON: Petition of Edward Mackin and Elizabeth Dooley, to accompany House bill 6112—to the Committee on War Claims.

Also, papers in relation to the erection of a light-house at the mouth of Pearl River, Mississippi, to accompany House bill 6111—to the Committee on Commerce.

By Mr. WHEELER: Petition of Nancy J. Howard, of Jackson County, and of Alfred M. Shelten, of Jackson County, Alabama, asking that their war claims be referred to the Court of Claims—to the Committee on War Claims.

By Mr. A. C. WHITE: Paper in the claim of Henry Barr, father of Jacob Barr, for invalid father's pension—to the Committee on Invalid Pensions.

SENATE.

THURSDAY, *March* 4, 1886.

Prayer by Rev. J. J. BULLOCK, D. D., of the city of Washington.

The Journal of yesterday's proceedings was read and approved.

REPORT OF BOARD OF INDIAN COMMISSIONERS.

The PRESIDENT *pro tempore* laid before the Senate the following message from the President of the United States; which was read, and, with the accompanying papers, ordered to lie on the table and be printed:

To the Senate and House of Representatives:

I transmit herewith for the information of Congress the seventeenth annual report of the board of Indian commissioners for the year 1885, submitted to the Secretary of the Interior in pursuance of the act of May 17, 1882.

The report accompanies the message to the House of Representatives.

GROVER CLEVELAND.

EXECUTIVE MANSION, *March* 3, 1886.

EXECUTIVE COMMUNICATIONS.

The PRESIDENT *pro tempore* laid before the Senate a communication from the Secretary of the Treasury, transmitting, in response to a resolution of the 3d instant, a statement of the amount of bonds called for payment April 1, 1886, held by the Treasurer of the United States in trust for national banks; which was ordered to lie on the table and be printed.

He also laid before the Senate a communication from the Secretary of the Interior, transmitting a recommendation for the printing of the schedules of the second, third, fourth, and tenth censuses of the United States; which was referred to the Committee on Printing, and ordered to be printed.

PETITIONS AND MEMORIALS.

The PRESIDENT *pro tempore* presented resolutions of the General Assembly of Ohio, instructing the Senators and requesting the Members of Congress from Ohio to support the bill for a marine hospital at Gallipolis, Ohio; which were referred to the Committee on Commerce, and ordered to be printed in the RECORD, as follows:

Joint resolution instructing Ohio members in Congress to support certain bill therein pending.

Whereas a bill for the erection of a marine hospital at Gallipolis, Ohio, will come up for consideration by Congress at its present session; and

Whereas the said city of Gallipolis is the proper place for a marine hospital, for the following among other reasons: It is located about midway between Wheeling and Cincinnati; it is located above the highest water ever known in the Ohio River; for ten years past it has been a point for the inspection of steamers and licensing of steamboat officers; it is the terminus of ten steamers and steamboat lines, besides Pittsburgh and Cincinnati, Wheeling and Cincinnati, and Pomeroy daily packets, making not less than eighteen steamers daily doing business at the wharf; and

Whereas the number of steamboatmen in the district of which Gallipolis is the center reaches over 1,000, and for several years past the Government has had a temporary hospital at said place, which has been the source of great benefit to sick and disabled steamboatmen: Therefore,

Resolved by the General Assembly of the State of Ohio, That our Senators in the Congress of the United States be instructed, and our Representatives in Congress be requested, to use all honorable means to secure such appropriation by Congress as may be necessary to erect a marine hospital at Gallipolis, Ohio; and the governor is hereby directed to forward a copy of this resolution to each of our Senators and Representatives in Congress.

JOHN C. ENTREKEN,
Speaker of the House of Representatives.
ROBERT P. KENNEDY,
President of the Senate.

The PRESIDENT *pro tempore* presented resolutions of the General Assembly of Ohio, instructing the Senators and requesting the Members of Congress from Ohio to favor the placing of a nautical training-ship on Lake Erie; which were referred to the Committee on Naval Affairs, and ordered to be printed in the RECORD, as follows:

Joint resolution requesting the governor, and Senators and Representatives in Congress, to use their influence in having a training-ship placed on Lake Erie, for instructing the boys of the industrial schools of this State in nautical arts.

Whereas it is esteemed meet and proper that a portion of our citizens, as far as practicable, should be educated in the nautical arts, in order that our naval and mercantile vessels at sea may, as far as possible, be manned by citizens of our country; and

Whereas the Federal Government has supplied training-ships to some of the States, and officered the same for the training of the incorrigible boys committed to the reformatories of the States in the nautical arts: Therefore,

Resolved by the General Assembly of the State of Ohio, That the governor, and our Senators and Representatives in Congress, be and they are hereby respectfully requested to use their influence with the Federal Government in procuring the same advantages for the State of Ohio, and have placed on Lake Erie a training-ship for the training of such boys in the industrial school for boys as may be found adapted to that purpose.

Resolved, That a copy of this preamble and resolution be sent to the governor, and that he be respectfully requested to transmit copies thereof to our Senators and Representatives in Congress, and that they be requested to earnestly forward the purpose of this resolution.

DANIEL J. RYAN,
Speaker pro tempore of the House of Representatives.
ROBERT P. KENNEDY,
President of the Senate.

Adopted February 25, 1886.

Mr. FRYE presented a petition of Knights of Labor of Bangor, Me., praying that liberal appropriations of the surplus revenue be made for the construction of works of internal improvement of national importance, and especially in favor of the construction of the Hennepin Canal; which was referred to the Committee on Commerce.

Mr. CULLOM presented resolutions of the Chamber of Commerce of Milwaukee, Wis., and resolutions of the Merchants' Exchange of Buffalo, N. Y., favoring the passage of the bill (S. 1532) to regulate interstate commerce; which were ordered to lie on the table.

Mr. WILSON, of Iowa. I present a petition of Knights of Labor of the city of Davenport, Iowa, praying Congress to make liberal appropriations from the surplus revenue for the construction of works of internal improvement of national importance, and to redistribute among the people, in the form of wages, funds hoarded in the vaults of the Treasury that have been taken from the people by taxation on what they eat and on what they wear; also in favor of the construction of the Hennepin Canal by the National Government; and I present a like petition from the Knights of Labor of Clarinda, Iowa. I move that the petitions be referred to the Committee on Commerce.

The motion was agreed to.

Mr. CAMERON presented a memorial of the West Branch Lumberman's Exchange, of Williamsport, Pa., remonstrating against a change of the tariff on lumber; which was referred to the Committee on Finance.

He also presented a petition of Local Assembly No. 4050, Knights of Labor, of Mahanoy City, Pa., praying that liberal appropriation be made for the construction of works of internal improvement; which was referred to the Committee on Commerce.

He also presented a petition of 34 citizens of the State of Pennsylvania, praying for the enactment of appropriate legislation to prohibit the manufacture and sale of all alcoholic beverages in the District of Columbia; which was referred to the Committee on the District of Columbia.

Mr. CAMERON. I present a series of resolutions adopted by the Philadelphia (Pa.) Maritime Exchange, in reference to the Morrison tariff bill. I ask that the resolutions be read, and referred to the Committee on Finance.

The resolutions were read, and referred to the Committee on Finance, as follows:

MARCH 1, 1886.

At a meeting of the board of directors of the Philadelphia Maritime Exchange, held the 1st day of March, 1886, the following preamble and resolutions were adopted:

Whereas it has come to the knowledge of this exchange that in H. R. bill 5576, introduced by Mr. MORRISON, entitled "A bill to reduce tariff taxes," certain reductions are proposed on sugars, while no equivalent reduction is proposed or intended on molasses, which is to be left on the present basis; and

Whereas this exchange has reason to believe that such a discrimination as is proposed by Mr. MORRISON's bill would utterly destroy the molasses-boiling industry in this country; and

Whereas this industry is of great value to the shipping interests of this port, it having furnished inward cargoes last year alone to 178 vessels, of an average tonnage of 400 tons each, and a total tonnage of about 71,000 tons; the freight earnings of these vessels having been about $2,000 each, making a total of about $356,000; and

Whereas these vessels are almost exclusively American bottoms, and depend largely upon this business at certain seasons of the year: Therefore,

Be it resolved, That this exchange enters its earnest protest against any such unjust change in the sugar schedule as the one proposed in H. R. bill 5576, as injurious alike to our Philadelphia industries and maritime interests, as also to the general welfare of our American coastwise marine.

Resolved, That a copy of this resolution be sent to each member of the House of Representatives from Philadelphia and to the two Senators from Pennsylvania. Also, that copies be furnished to the press.

WM. BROEKIE, *President.*

Attest:

EDWD. SHARWOOD, *Secretary.*

Mr. HARRISON presented a petition of 9 clergymen, 15 physicians, 5 lawyers, 15 teachers, 56 business men, and 32 officers of temperance and other societies, citizens of Marshall, Kosciusko, and Saint Joseph Counties, Indiana, praying for the enactment of a law requiring scientific temperance instruction in the public schools of the District of Columbia and the Territories, and in the Military and Naval Academies, and the Indian and colored schools supported wholly or in part by money from the national Treasury; which was ordered to lie on the table.

Mr. HARRIS. I present a petition of the Board of Trade of Los Angeles, Cal., praying that an appropriation be made for the improvement of Wilmington Harbor, and asking also for the establishment of a district court of the United States at that place and the erection of a public building. There are three subjects, each of which should go to a different committee. I will move that the petition be referred to the Committee on the Judiciary, as the establishment of a court would pre-

cede the erection of a building; and as to the commercial feature of the petition, I shall leave that undisposed of at present.

The PRESIDENT *pro tempore*. The petition will be referred to the Committee on the Judiciary.

Mr. MILLER, of New York, presented a petition of Knights of Labor of Schenectady, N. Y.; a petition of Knights of Labor of Johnstown, N. Y.; and a petition of Knights of Labor of Buffalo, N. Y., praying that a liberal appropriation be made for public works, and favoring the construction of the Hennepin Canal; which were referred to the Committee on Commerce.

He also presented a petition of the Watertown Grange, Watertown, N. Y., praying that the rate of postage on fourth-class mail matter be reduced; which was referred to the Committee on Post-Offices and Post-Roads.

Mr. INGALLS. I present house concurrent resolution No. 25 of the Legislature of the State of Kansas, relating to the enlargement of the soldiers' home located at Leavenworth, Kans., which I ask, in accordance with the custom, may be printed in the RECORD, and that it be referred to the Committee on Military Affairs.

The resolution was referred to the Committee on Military Affairs, and ordered to be priated, as follows.

House concurrent resolution No. 25, relating to the enlargement of the soldiers' home located at Leavenworth, Kans.

Whereas the western branch of the Home for Disabled Volunteer Soldiers has been established for the relief and a home for such of the disabled volunteer soldiers in the States of Iowa, Kansas, Nebraska, Missouri, Arkansas, Colorado, and other States, as may, by reason of their infirmities, contracted while in the service of their country, need the protection and care of the General Government; and

Whereas the preparations for the care of such disabled volunteer soldiers, by reason of the recent establishment of this home, are insufficient and incomplete, and the managers of this home are daily compelled to refuse admission to disabled volunteer soldiers who are worthy the care of such a home; and

Whereas there is now need for buildings and accommodations for at least three thousand more disabled and worthy volunteer soldiers from the States above named than can be cared for when the buildings now in process of construction are completed: Therefore,

Be it resolved by the house of representatives of the State of Kansas (the senate concurring therein), That our Senators and Representatives in Congress be requested to secure, if practicable, an appropriation for the enlargement of this branch of the soldiers' home sufficient for the construction of buildings and for the accommodation of not less than three thousand more applicants than the present buildings and improvements will admit.

Resolved, That a copy of this resolution be sent to each one of our Senators and Representatives by the secretary of state, and that a like copy be sent by him to each of the governors of the States named, requesting concurrence of action by their respective States in this philanthropic movement.

I, E. B. Allen, secretary of state of the State of Kansas, do hereby certify that the foregoing is a true and correct copy of the original resolution now on file in my office, and that the same was adopted by the house of representatives on the 10th day of February, and concurred in by the senate on the 16th day of February, A. D. 1886.

In testimony whereof I have hereunto subscribed my name and affixed my official seal. Done at Topeka this 22d day of February, A. D. 1886.

[SEAL.] E. B. ALLEN, *Secretary of State*.

Mr. INGALLS presented petitions of Knights of Labor of Hiawatha and Scranton, Kans., praying for the construction by the Government of the Hennepin Canal; which were referred to the Committee on Commerce.

Mr. INGALLS. I present the petition of many citizens, property-holders and residents of Washington, praying for legislation concerning the steam-railroads within the city of Washington, and for the establishment of a union depot, as provided in what is known as the Vance-Harris bill now pending before this body. I move that the petition be referred to the Committee on the District of Columbia.

The motion was agreed to.

Mr. EVARTS presented petitions of Knights of Labor of Johnstown, Buffalo, and Schenectady, N. Y., praying for the construction of the Hennepin Canal; which were referred to the Committee on Commerce.

Mr. SPOONER presented a petition of the Chamber of Commerce of Milwaukee, Wis., praying for the suspension of the compulsory coinage of the silver dollar; which was referred to the Committee on Finance.

Mr. BLAIR presented a petition of old soldiers and representative business men, citizens of Bradford, Pa., praying for the passage of Senate bill No. 927, to extend the benefits of the act approved March 3, 1879, and the act of March 3, 1885, to certain pensioners whose disabilities are caused by amputation, and increasing the rate therefor, and for other purposes; which was referred to the Committee on Pensions.

Mr. CALL. I present a letter addressed to me, which is in the nature of a petition, and properly goes to the Committee on Public Lands, from D. D. Crews, jr., of Popash, Manatee County, Florida, in relation to certain alleged improper State selections of swamp and overflowed land interfering with homestead settlement under the laws of the United States. I move that the paper be referred to the Committee on Public Lands.

The motion was agreed to.

Mr. CALL. I present also a letter in the nature of a petition from the Board of Trade of the city of Jacksonville, Fla., praying for the passage of a bill establishing a telegraph line and signal station at Point Jupiter, Florida, in the interest of commerce. I move the reference of the paper to the Committee on Commerce.

The motion was agreed to.

Mr. CALL presented the petition of John L. Robinson and 74 others, citizens of Walton County, Florida; a petition of 54 citizens of Cerro Gordo, Holmes County, Florida; a petition of 88 citizens of Summerfield, Holmes County, Florida, and a petition of 28 citizens of Freeport, Walton County, Florida, praying for the forfeiture of the land grant made by the United States in 1850 to the State of Florida for the construction of railroads; which were referred to the Committee on Public Lands.

Mr. MITCHELL, of Oregon. Day before yesterday my colleague [Mr. DOLPH] presented a number of petitions, numerously signed by citizens of Oregon, in which were set out the importance of the early completion of the improvements of Yaquina Bay, Oregon; and a copy of one of the petitions presented by him at that time was inserted in the RECORD. I now present additional petitions, containing the names of 2,230 citizens of Oregon, relating to the same subject. I move that the petitions be referred to the Committee on Commerce.

The motion was agreed to.

Mr. MITCHELL, of Oregon, presented a petition of the common council of the city of Portland, Oreg., praying favorable and speedy action on Senate bill No. 1111, to set apart certain townships in that State in which is located Crater Lake as a public park for the benefit of the people of the United States, to the end that the said bill may become a law; which was referred to the Committee on Public Lands.

Mr. TELLER. I present a memorial of the Legislature of Colorado concerning public lands, and I call the attention of the Committee on Public Lands to the memorial. In all the railroad grants there were excepted from the grants lands to which pre-emption and homestead rights had attached. It was held by the Department for many years that on the abandonment of such pre-emption or homestead rights the lands reverted to the railroads. In 1882 the Department changed that ruling, and held that the lands went to the United States and not to the railroads. Since that time the Supreme Court of the United States have affirmed the view of the Department in 1882. That leaves a great number of people in possession of lands they had purchased from railroad companies many years ago. The Legislature of Colorado in this memorial prays for some legislation upon the subject in order that the *bona fide* purchasers from railroad companies who have lost their rights of pre-emption and homestead may be protected.

I move that the memorial be referred to the Committee on Public Lands.

The motion was agreed to.

Mr. STANFORD presented a petition of the Board of Trade of Los Angeles, Cal., praying for the establishment of a United States district court at that place, &c.; which was referred to the Committee on the Judiciary.

He also presented a petition of the Board of Trade of Los Angeles, Cal., praying that an appropriation be made for the erection and maintenance of a Government building in that city; which was referred to the Committee on Public Buildings and Grounds.

He also presented a petition of the Board of Trade of Los Angeles, Cal., praying increased appropriation for the improvement of Wilmington Harbor, Cal.; which was referred to the Committee on Commerce.

Mr. LOGAN presented petitions of Knights of Labor of Newton, Jones' Shaft, Chicago, and America, Ill., praying for the construction of the Hennepin Canal; which were referred to the Committee on Commerce.

He also presented the petition of the heirs of Carey H. Davis, late private Company H, Seventy-seventh Regiment Ohio Infantry, praying that they be allowed a pension; which was referred to the Committee on Pensions.

Mr. HALE presented a petition of the assembly of Knights of Labor of Bangor, Me., praying for legislation in favor of public works and internal improvements, and indorsing the plan for the construction of the Hennepin Canal by the Government; which was referred to the Committee on Commerce.

Mr. SABIN presented a petition of 17 clergymen, 13 physicians, 11 lawyers, 59 teachers, 213 business men, and 47 officers of temperance and other societies, citizens of Todd, Stearns, Polk, Douglas, and Crow Wing Counties, Minnesota, praying for the enactment of a law requiring scientific temperance instruction in the public schools of the District of Columbia and the Territories, and in the Military and Naval Academies, and the Indian and colored schools supported wholly or in part by money from the national Treasury; which was ordered to lie on the table.

Mr. COCKRELL. I present a petition which was forwarded to my colleague [Mr. VEST], who is indisposed and unable to be present in the Chamber. It is a petition of the Local Assembly No. 1528 of the Knights of Labor at Trenton, Grundy County, Missouri, praying that liberal appropriations be made for the construction of works of internal improvement of national importance, and indorsing the proposed construction of the Hennepin Canal. I move that the petition be referred to the Committee on Commerce.

The motion was agreed to.

REPORTS OF COMMITTEES.

Mr. HALE, from the Committee on Naval Affairs, to whom was referred the bill (S. 1418) authorizing the Secretary of the Navy to pro-

vide libraries for the use of crews of vessels, moved its indefinite postponement, which was agreed to; and reported an amendment intended to be proposed to the naval appropriation bill making an appropriation of $10,000 for the purchase and proper care, under the direction of the Secretary of the Navy, of suitable libraries for the use of the crews of vessels of war; which was referred to the Committee on Appropriations, and ordered to be printed.

He also, from the Committee on Naval Affairs, to whom were referred the following bills, reported them severally without amendment:

A bill (S. 1417) to provide for the deposit of the savings of seamen of the United States Navy;

A bill (S. 1527) to provide a temporary home for certain persons discharged from the United States Navy; and

A bill (S. 1591) to amend an act entitled "An act to authorize a retired-list for privates and non-commissioned officers of the United States Army who have served for a period of thirty years or upward," approved February 14, 1885, so that the same shall apply to the United States Navy.

Mr. HALE. I am also instructed by the Committee on Naval Affairs, to whom was referred the bill (S. 1525) to require the testing of chains and anchors and for the better securing of life and property on shipboard, to ask that the committee be discharged from its further consideration, and that the bill be referred to the Committee on Commerce. I wish to call the attention of that committee to the action of the Naval Committee. While the committee is in favor of the project, it seemed that it more fittingly belonged to the Committee on Commerce, because it deals not with the Navy, but with the commercial marine of the country.

The report was agreed to.

Mr. JACKSON, from the Committee on Claims, to whom was referred the bill (S. 300) for the relief of the Mobile Marine Dock Company, reported it with an amendment, and submitted a report thereon.

Mr. SAWYER, from the Committee on Post-Offices and Post-Roads, to whom were referred the following bills, reported them severally without amendment, and submitted reports thereon:

A bill (H. R. 4415) to make the allowances for clerk-hire to postmasters of the first and second class post-offices cover the cost of clerical labor in the money-order business, and for other purposes; and

A bill (H. R. 4177) to reduce the fee on domestic money-orders for sums not exceeding $5.

Mr. SAWYER, from the Committee on Post-Offices and Post-Roads, to whom was referred the bill (S. 255) to provide for the deposit in the Treasury of the receipts of the money-order system and for the payment of its expenses out of appropriations, reported adversely thereon; and the bill was postponed indefinitely.

Mr. HOAR, from the Committee on Claims, to whom was referred the bill (S. 332) for the relief of John Fraser, reported adversely thereon, and moved its indefinite postponement, which was agreed to; and he submitted a report, accompanied by a bill (S. 1771) for the relief of John Fraser; which was read twice by its title.

Mr. COKE, from the Committee on Commerce, to whom was referred the bill (S. 721) to establish a national live-stock highway and to promote commerce in live-stock between the States, reported it with amendments.

Mr. DOLPH, from the Committee on Commerce, to whom was referred the bill (S. 64) to prevent the obstruction of navigable waters and to protect public works against trespass or injury, reported it with amendments.

He also, from the same committee, to whom was referred the bill (S. 901) to grant the Astoria and Winnemucca Railroad Company the right to construct bridges over navigable water courses, reported it without amendment.

He also, from the same committee, to whom was referred the bill (S. 236) to authorize the Bellingham Bay Railway and Navigation Company to build certain bridges in the Territory of Washington, reported it with amendments.

Mr. DOLPH. I am also instructed by the Committee on Commerce, to whom was referred the bill (S. 902) confirming to W. S. Byers & Co. the right to take and use water from the Umatilla River, on the Umatilla reservation, in the State of Oregon, for manufacturing purposes, to report it adversely. There was a bill for the same purpose referred to the Committee on Indian Affairs and reported favorably, and it has been under consideration during the morning hour. That is the reason why this bill is reported adversely. I move that it be indefinitely postponed.

The motion was agreed to.

Mr. McMILLAN, from the Committee on Commerce, to whom was referred the bill (H. R. 1270) to authorize the Mississippi Water-Power and Boom Company of Brainerd, Minn., to construct a dam across the Mississippi River, reported it with amendments.

Mr. SEWELL. I report, by direction of a majority of the Committee on Military Affairs, the bill (H. R. 67) for the relief of Fitz-John Porter. The Senator from Illinois [Mr. LOGAN] will submit the views of the minority.

Mr. LOGAN. I pray leave to submit the views of the minority, and ask sufficient time to prepare the paper.

The PRESIDENT *pro tempore*. The bill will be placed on the Calendar, and the Senator from Illinois will file the views of the minority hereafter.

Mr. VOORHEES, from the Committee on the Library, to whom the subject was referred, submitted a report, accompanied by a bill (S. 1772) providing for the purchase of "the Capron collection of Japanese works of art," now on temporary deposit in the National Museum; which was read twice by its title.

Mr. LOGAN. The Committee on Military Affairs, to whom was referred the bill (S. 982) granting the right of way to the Wyoming Central Railway Company across the Fort Fetterman military reservation, in the Territory of Wyoming, have directed me to report it back asking to be discharged, and move its reference to the Committee on Public Lands. It is one of the grants that seems to be embraced in the law.

The report was agreed to.

Mr. SHERMAN, from the Committee on Foreign Relations, to whom the subject was referred, submitted an amendment intended to be proposed to the deficiency appropriation bill to pay to the legal representatives of Henry Highland Garnet, deceased, late minister resident and consul-general to Liberia, $445.40 on account of salary; which was ordered to be printed, and referred to the Committee on Appropriations.

THE GRANT COLLECTION.

Mr. SEWELL. I am instructed by the Committee on the Library, to whom was referred the joint resolution (S. R. 46) accepting from William H. Vanderbilt and Julia Dent Grant objects of value and art presented by various foreign governments to the late General Ulysses S. Grant, to report it favorably, without amendment, and to ask for its present consideration.

The PRESIDENT *pro tempore*. The Senator from New Jersey asks unanimous consent for the present consideration of the joint resolution.

Mr. INGALLS. Let it be read for information.

The Chief Clerk read the joint resolution; and, by unanimous consent, the Senate, as in Committee of the Whole, proceeded to consider it.

The preamble recites that William H. Vanderbilt and Julia Dent Grant, by deed of trust executed on the 10th of January, 1885, presented to the United States certain swords, medals, paintings, bronzes, portraits, commissions, and addresses, and objects of value and art presented by various governments in the world to General Ulysses S. Grant as tokens of their high appreciation of his illustrious character as a soldier and a statesman. By the joint resolution the United States accept, with grateful acknowledgments, the property and articles more fully described in the schedule attached to the deed of trust, to be held by the United States and preserved and protected in the city of Washington for the use and inspection of the people of the United States.

Mr. INGALLS. I suggest that the frame be changed so as to make it a bill, in order to have harmony in the statutes.

Mr. SEWELL. There will be no objection to that, I presume.

Mr. HOAR. It is merely a resolve, and nothing else.

Mr. INGALLS. It has to be signed by the Speaker of the House and the President.

Mr. HOAR. Still it is a resolution of thanks. The whole subject is only a resolution of thanks.

Mr. INGALLS. It is not worth while talking about it. If the Senator from Massachusetts objects, let it go.

Mr. HOAR. I think a joint resolution is the proper form.

Mr. INGALLS. Very well. If the Senator knows all about it, let it go.

The joint resolution was reported to the Senate without amendment.

Mr. LOGAN. I suggest to the Senator having the joint resolution in charge whether it would not be a little more appropriate to have the names transposed, so as to accept the gift from Mrs. Julia Dent Grant and Mr. William H. Vanderbilt? Of course I wish to have the joint resolution passed, but I think it would be in a little better taste to transpose the names, and I make that suggestion.

Mr. SEWELL. I have no objection to that. It seems to be appropriate. The committee reported the resolution just as it was referred to them.

Mr. LOGAN. Certainly. I have no criticism to make on the committee. I merely make that suggestion.

Mr. SEWELL. I have no objection to the amendment.

The PRESIDENT *pro tempore*. If there be no objection, the names will be transposed as suggested.

The joint resolution was ordered to be engrossed for a third reading, read the third time, and passed.

The preamble was agreed to.

The title was amended so as to read: "A joint resolution accepting from Julia Dent Grant and William H. Vanderbilt objects of value and art presented by various foreign governments to the late Ulysses S. Grant."

BILLS INTRODUCED.

Mr. LOGAN introduced a bill (S. 1773) for the relief of Lieut. J. McA. Webster, of the Twenty-second Infantry, United States Army; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Military Affairs.

Mr. McMILLAN introduced a bill (S. 1774) for establishing a model farm and school of agriculture for Indians in Northwestern Minnesota;

which was read twice by its title, and referred to the Committee on Indian Affairs.

Mr. MILLER, of New York, introduced a bill (S. 1775) for the relief of Eliza Ellen Ehle; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Finance.

Mr. MITCHELL, of Oregon, introduced a bill (S. 1776) for the relief of William H. Young; which was read twice by its title, and referred to the Committee on Claims.

He also introduced a bill (S. 1777) for the relief of William C. McKay, of Pendleton, Oreg.; which was read twice by its title, and referred to the Committee on Indian Affairs.

He also introduced a bill (S. 1778) for the relief of the heirs of James Sinclair, deceased; which was read twice by its title, and referred to the Committee on Indian Affairs.

Mr. JACKSON introduced a bill (S. 1779) for the relief of John P. Taylor; which was read twice by its title, and referred to the Committee on Pensions.

Mr. CALL introduced a bill (S. 1780) to provide for the payment of Alfred A. Fisher for the rent of certain property in Tallahassee, Fla., for the use of the Army; which was read twice by its title, and referred to the Committee on Claims.

Mr. TELLER introduced a bill (S. 1781) for the relief of Mary E. Hill; which was read twice by its title, and referred to the Committee on Claims.

Mr. MORRILL introduced a bill (S. 1782) to place Jeremiah Phelan, late hospital steward, United States Army, on the retired-list; which was read twice by its title.

Mr. MORRILL. I know nothing at all about the merits of this bill and introduce it by request. I move that it be referred to the Committee on Military Affairs.

The motion was agreed to.

Mr. HOAR introduced a bill (S. 1783) granting an increase of pension to George Bliss; which was read twice by its title, and, with the accompanying paper, referred to the Committee on Pensions.

He also introduced a bill (S. 1784) to amend the record of military service of Seth Bonney; which was read twice by its title.

Mr. HOAR. This bill I present by request. I have not been informed as to the facts about it. I move that it be referred, with the accompanying papers, to the Committee on Pensions.

The motion was agreed to.

Mr. CALL (by request) introduced a joint resolution (S. R. 52) authorizing and directing the Postmaster-General to pay the postal clerks of the Railway Mail Service of classes 4 and 5 the increased salary provided for by the act entitled "An act making appropriations for the service of the Post-Office Department," &c., approved March 3, 1885; which was read twice by its title, and referred to the Committee on Post-Offices and Post-Roads.

REMOVAL OF FOURTH-CLASS POSTMASTERS.

Mr. INGALLS submitted the following resolution; which was considered by unanimous consent, and agreed to:

Resolved, That the Postmaster-General be directed to inform the Senate how many fourth-class postmasters have been removed in each State and Territory since March 4, 1885.

CAPT. NICHOLAS J. BIGLEY.

Mr. VOORHEES. I notice that on yesterday the Senator from Nevada [Mr. FAIR], from the Committee on Claims, reported adversely the bill (S. 42) for the relief of Capt. Nicholas J. Bigley, and that the bill was indefinitely postponed. I ask that the vote by which the bill was indefinitely postponed may be reconsidered, and the bill be placed on the Calendar. I wish to present some reasons why I think the claim should be allowed.

The PRESIDENT *pro tempore*. If there be no objection the order indefinitely postponing the bill will be reconsidered, and it will be placed on the Calendar with the adverse report of the committee. The Chair hears no objection and that order is made.

CHARLES A. SIBLEY.

Mr. CALL. Some days since there was reported adversely from the Committee on Claims by the Senator form Oregon [Mr. DOLPH] the bill (S. 918) for the relief of Charles A. Sibley, guardian of Lloyd M. Stevens, and it was indefinitely postponed without my observation. I ask unanimous consent that the vote by which the bill was indefinitely postponed may be reconsidered, and that the bill be placed on the Calendar.

The PRESIDENT *pro tempore*. The Senator from Florida asks the unanimous consent of the Senate that the vote by which the bill named by him was indefinitely postponed be reconsidered, with a view to its being placed on the Calendar with the adverse report. If there be no objection that order will be made.

PERSONAL EXPLANATION.

Mr. RIDDLEBERGER. Mr. President, I ask leave to make a brief statement in consequence of my attention having been called this morning to a publication in which there appears language which does not appear in the RECORD, and which has been construed to be offensive personally to some Senators, especially to the Senator from North Carolina.

I take this occasion to say voluntarily that if he shall find anything in the RECORD that is in any way offensive to him, and will point it out, I shall see that it is erased before we have the revised edition; for I did not mean to do him any injustice or to reflect upon him in any manner. I had but one object, and that was to call the attention of the Senate to the fact that while we have closed doors as against the whole country we ought not to open them to professional lobbyists who come here to gather information, to persuade Senators if they can, to abuse them if they can not persuade them, and to blackguard them if they can not do either.

I meant no offense to any Senator, and I merely say to the Senator from North Carolina that if anything appears in the RECORD that he so construes I will see that it is erased.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. CLARK, its Clerk, announced that the House had passed the following bills; in which it requested the concurrence of the Senate:

A bill (H. R. 368) to amend an act entitled "An act to provide for the erection of a public building in the city of Peoria, in the State of Illinois," approved May 9, 1882;

A bill (H. R. 1027) for the extension and repair of the public building at Belfast, Me.;

A bill (H. R. 5546) for the erection of a public building at Asheville, N. C.; and

A bill (H. R. 5547) for the erection of a public building at Savannah, Ga.

ENROLLED BILLS SIGNED.

The message also announced that the Speaker of the House had signed the following enrolled joint resolutions; and they were thereupon signed by the President *pro tempore*:

Joint resolution (H. Res. 105) to print 12,500 copies of the eulogies on Reuben Ellwood, late a Representative in Congress; and

Joint resolution (H. Res. 124) to print 31,000 copies of the eulogies on Thomas A. Hendricks, late Vice-President of the United States.

AID TO COMMON SCHOOLS.

Mr. BLAIR. I move that the Senate proceed to the consideration of the unfinished business.

The PRESIDENT *pro tempore*. The Senator from New Hampshire moves that the Senate do now proceed to the consideration of the unfinished business, being the school bill.

Mr. VAN WYCK. I do not desire to interfere with the early close, as soon as possible, of the consideration of the bill which the Senator from New Hampshire has in charge, but I was in hopes that we could this morning have had a little time to devote to the Calendar. Would it not suit the Senator's purpose as well to take up the educational bill at 2 o'clock?

Mr. BLAIR. I think we shall get on with the public business faster by first completing the consideration of the school bill. I insist on my motion.

Mr. VAN WYCK. Will the Senator consent this morning——

The PRESIDENT *pro tempore*. The motion is not debatable

Mr. VAN WYCK. I am merely appealing to the Senator from New Hampshire; that is all.

Mr. BLAIR. I ask that my motion be put, and then if it be necessary to waive it informally for a few moments I shall have no objection.

The PRESIDENT *pro tempore*. The question is on agreeing to the motion of the Senator from New Hampshire to proceed to the consideration of the unfinished business.

The motion was agreed to.

Mr. VAN WYCK. If the Senator from New Hampshire will listen to a suggestion——

Mr. BLAIR. I ask that the unfinished business be placed before the Senate.

The PRESIDENT *pro tempore*. The unfinished business will be announced by its title.

The CHIEF CLERK. A bill (S. 194) to aid in the establishment and temporary support of common schools.

Mr. BLAIR. Now I will hear the Senator from Nebraska.

Mr. VAN WYCK. I call the attention of the Senate to a bill reported from the Committee on Public Lands to confirm entries of lands heretofore made under the land laws of the United States. The Senator will remember that the bill passed the committee without opposition.

Mr. BLAIR. I do not wish to yield for the consideration of the bill indicated.

Mr. VAN WYCK. There will probably be no discussion upon it here.

Mr. BLAIR. I shall assist the Senator at any other time in obtaining the consideration of the bill.

Mr. VAN WYCK. The bill will probably elicit no discussion here. Does not the Senator think so? The friends of the measure are very anxious to get it to the other House.

The PRESIDENT *pro tempore*. Does the Senator from Nebraska make a motion to that effect?

Mr. VAN WYCK. I should like the Senator from New Hampshire

to consent. I do not desire to interfere with the educational bill. The bill I wish to get up will produce no discussion.

Mr. BLAIR. If the bill does not lead to discussion, I consent. If it leads to discussion, I reserve the right to object.

Mr. VAN WYCK. The bill was reported unanimously by the Committee on Public Lands, and it meets the approbation of the Commissioner of the Land Office, who has written a letter on the subject.

The PRESIDENT *pro tempore*. The Senator from Nebraska asks the unanimous consent of the Senate to informally proceed to the consideration of the bill (S. 1319) to confirm entries of lands heretofore made under the land laws of the United States.

Mr. BLAIR. I object. The proper request would be that the pending business be laid aside informally, and I reserve the right to object to the bill if it leads to discussion.

Mr. VAN WYCK. I have no objection to that course.

The PRESIDENT *pro tempore*. The Senator from Nebraska asks that the unfinished business be laid aside informally with a view to take up the bill indicated.

Mr. EDMUNDS. He must ask unanimous consent to lay aside the school bill informally.

The PRESIDENT *pro tempore*. It requires unanimous consent.

Mr. BLAIR. I object, and ask the Senate to proceed with the unfinished business. I shall assist the Senator from Nebraska at any other time in getting the consideration of the land bill.

Mr. LOGAN. I desire to call the attention of the Senate to the fact that the bill (S. 137) to increase the efficiency of the infantry branch of the Army, which has been reported from the Military Committee, is of very great importance, and I wish to have an opportunity of calling it up for action by the Senate as soon as I can. I do not wish to interfere with any matter now before the Senate, but hereafter, as soon as I can do so, I shall ask the consent of the Senate to consider the bill. I do not think it will take very long to get through with it.

Mr. VAN WYCK. Mr. President——

The PRESIDENT *pro tempore*. The question before the Senate is on the amendment of the Senator from Oregon [Mr. DOLPH], on which the yeas and nays have been ordered. The amendment will be read.

Mr. VAN WYCK. Before that is done I will move to proceed to the consideration of the bill (H. R. 545) to increase the pensions of widows and dependent relatives of deceased soldiers and sailors.

The PRESIDENT *pro tempore*. Pending the consideration of the school bill, the Senator from Nebraska moves that the Senate proceed to the consideration of the pension bill indicated by him. The question is on agreeing to that motion. [Putting the question.] The noes appear to have it.

Mr. VAN WYCK. I ask for a division.

The Senate proceeded to divide, and the ayes were 10.

Mr. VAN WYCK. I demand the yeas and nays.

The yeas and nays were ordered.

Mr. CONGER. I have been very anxious that the educational bill should be finished, so that we might go on——

The PRESIDENT *pro tempore*. The Chair must remind Senators that by an express rule of the Senate this question is not open to debate.

Mr. INGALLS. I rise to a parliamentary inquiry of the Chair, and that is, whether, if the motion prevails, the consideration of the pension bill would continue beyond 2 o'clock?

Mr. EDMUNDS. It would.

The PRESIDENT *pro tempore*. The Chair is of opinion that it would if taken up by the order of the Senate, the school bill being now pending, and the pension bill displacing it would continue until it was disposed of.

Mr. INGALLS. If the Chair will allow me to continue my inquiry of the Chair, if this motion should prevail would not the educational bill, so called, come up at 2 o'clock as the unfinished business?

The PRESIDENT *pro tempore*. The Chair is not prepared to decide that at the moment. When the question arises he will do so.

Mr. INGALLS. That controls my vote, and that is the reason why I make the inquiry. I should like to know about that. I want the educational bill to come up at 2 o'clock, and I should like to continue the consideration of the pension bill between now and that time, and I ask the opinion of the Chair upon the subject.

The PRESIDENT *pro tempore*. The Chair is of opinion that the school bill would not come up at 2 o'clock. If the school bill, now being up, is postponed by a vote, the Chair is of opinion that it would not come up again at 2 o'clock; but upon that question the Chair is not entirely certain.

Mr. EDMUNDS. The Chair's impression is clearly right.

Mr. SEWELL. I suggest to the Senator from Nebraska to modify his motion so as to take up the pension bill under the eighth rule, and then I think it would be agreed to. Let us take it up under the five-minute rule.

The PRESIDENT *pro tempore*. If the bill is taken up on motion, it will be taken up open to general debate.

Mr. VAN WYCK. I do not think it would be prudent at this time to do as the Senator from New Jersey suggests. The bill has sufficient merit, and it is necessary that it should be acted upon——

Mr. BLAIR. I object to debate.

The PRESIDENT *pro tempore*. Debate is not in order. The question is on agreeing to the motion of the Senator from Nebraska to proceed to the consideration of the bill indicated by him.

Mr. VAN WYCK. I will state that at 2 o'clock I will consent to suspend the consideration of the pension bill.

Mr. HARRISON. That is what I was going to suggest.

Mr. VAN WYCK. I will consent that at 2 o'clock the educational bill shall come up.

Mr. BLAIR. I shall have to object to any arrangement that would interfere with the consideration of the school bill.

The PRESIDENT *pro tempore*. The yeas and nays have been ordered on agreeing to the motion of the Senator from Nebraska [Mr. VAN WYCK], and the Secretary will call the roll.

The Secretary proceeded to call the roll.

Mr. INGALLS (when Mr. PLUMB's name was called). My colleague [Mr. PLUMB], who is detained from the Chamber to-day by illness, advised me this morning that he is paired with the Senator from Virginia, [Mr. RIDDLEBERGER]. If my colleague were present, I presume he would vote "yea" on the pending motion.

Mr. RIDDLEBERGER (when his name was called). I am paired with the Senator from Kansas [Mr. PLUMB], as his colleague has stated, he being opposed to the educational bill and I being in favor of it. I am paired with him on all propositions relating to the bill, leaving his colleague [Mr. INGALLS] as the arbiter.

The roll-call was concluded.

Mr. CHACE. My colleague [Mr. ALDRICH] is absent on committee service, and is paired with the Senator from West Virginia [Mr. CAMDEN].

The result was announced—yeas 20, nays 28; as follows:

YEAS—20.

Cameron,	Dawes,	McMillan,	Sherman,
Chace,	Harris,	Manderson,	Spooner,
Cockrell,	Harrison,	Mitchell of Oreg.,	Teller,
Conger,	Ingalls,	Sawyer,	Van Wyck,
Cullom,	Logan,	Sewell,	Wilson of Iowa.

NAYS—28.

Berry,	Colquitt,	Hoar,	Pike,
Blackburn,	Edmunds,	Jackson,	Pugh,
Blair,	Eustis,	Jones of Arkansas,	Ransom,
Bowen,	Gibson,	Kenna,	Saulsbury,
Brown,	Gray,	Maxey,	Stanford,
Call,	Hale,	Palmer,	Walthall,
Coke,	Hampton,	Payne,	Wilson of Md.

ABSENT—28.

Aldrich,	Fair,	Mahone,	Platt,
Allison,	Frye,	McPherson,	Plumb,
Beck,	George,	Miller of Cal.,	Riddleberger,
Butler,	Gorman,	Miller of N. Y.,	Sabin,
Camden,	Hawley,	Mitchell of Pa.,	Vance,
Dolph,	Jones of Florida,	Morgan,	Vest,
Evarts,	Jones of Nevada,	Morrill,	Voorhees,

So the motion was not agreed to.

The PRESIDENT *pro tempore*. The question recurs on the amendment of the Senator from Oregon [Mr. DOLPH], which will be read.

The CHIEF CLERK. The amendment is to add to section 1:

And provided further, That no money appropriated by this act shall be paid to any State until three-fourths of all the States have so accepted the provisions of this act.

The PRESIDENT *pro tempore*. On this question the yeas and nays have been ordered.

The Secretary proceeded to call the roll.

Mr. HARRISON (when his named was called). On all matters concerning this bill I am paired with the Senator from Connecticut [Mr. HAWLEY], who is away, as we all know, on account of the death of his wife. I do not know how he would vote upon this question, and therefore I withhold my vote.

Mr. PIKE (when his name was called). I am paired on all questions connected with this bill with the Senator from Maryland [Mr. GORMAN], whom I do not see in his seat.

Mr. INGALLS (when Mr. PLUMB's name was called). My colleague [Mr. PLUMB] is paired with the junior Senator from Virginia [Mr. RIDDLEBERGER].

Mr. SEWELL (when his name was called). I am paired with the Senator from North Carolina [Mr. VANCE].

The roll-call was concluded.

Mr. SAULSBURY (after having voted in the affirmative). I forgot that I am paired on the final passage of the bill with the Senator from Pennsylvania [Mr. MITCHELL], and perhaps the pair will be understood to include amendments; and, therefore, I withdraw my vote.

Mr. COCKRELL. My colleague [Mr. VEST] is sick, and paired with the Senator from Kansas [Mr. PLUMB]. If my colleague were present, I think he would vote "yea" on this proposition.

Mr. BROWN (after having voted in the negative). I am paired with the Senator from Alabama [Mr. MORGAN]. He is absent on account of family affliction. The understanding between him and me was that whenever I did not know how he would vote on an amendment I might vote if I thought proper; but as I see most of the Senators on this side who act with him are voting for this amendment, I prefer to withdraw my vote in this case.

The PRESIDENT *pro tempore*. The vote will be withdrawn.

The result was announced—yeas 17, nays 29; as follows:

YEAS—17.

Cameron,	Cullom,	Ingalls,	Van Wyck,
Chace,	Dolph,	Manderson,	Wilson of Md.
Cockrell,	Gray,	Maxey,	
Coke,	Hale,	Platt,	
Conger,	Harris,	Teller,	

NAYS—29.

Berry,	Eustis,	McMillan,	Sherman,
Blackburn,	George,	Logan,	Spooner,
Blair,	Gibson,	Mitchell of Oreg.,	Stanford,
Bowen,	Hampton,	Palmer,	Walthall,
Call,	Hoar,	Payne,	Wilson of Iowa.
Colquitt,	Jackson,	Pugh,	
Dawes,	Jones of Arkansas,	Ransom,	
Edmunds,	Kenna,	Sawyer,	

ABSENT—30.

Aldrich,	Frye,	Miller of Cal.,	Sabin,
Allison,	Gorman,	Miller of N. Y.,	Saulsbury,
Beck,	Harrison,	Mitchell of Pa.,	Sewell,
Brown,	Hawley,	Morgan,	Vance,
Butler,	Jones of Florida,	Morrill,	Vest,
Camden,	Jones of Nevada,	Pike,	Voorhees.
Evarts,	McPherson,	Plumb,	
Fair,	Mahone,	Riddleberger,	

So the amendment was rejected.

The PRESIDENT *pro tempore*. The Senator from Oregon [Mr. DOLPH] has also submitted another amendment, which will be read.

The CHIEF CLERK. It is proposed to add to section 2 the following:

Until and including the year 1890, and afterward according to the census of 1890: *Provided*, That the district of Alaska shall be considered a Territory within the meaning of this act; and the money apportioned to said District shall be expended annually under the direction of the Secretary of the Interior in the manner provided for the expenditure of other appropriations for educational purposes in said District, and for the purpose of ascertaining the amount to be apportioned to said District the Secretary of the Interior shall ascertain, in such manner as shall be deemed by him best, the number of illiterates therein.

Mr. HOAR. I should like to suggest to the Senator from Oregon that that literally would extend the present arrangement to 1890 only. There may be a very considerable interval between the beginning of the year 1890 and the time when the census returns as to illiteracy are tabulated and made known.

Mr. DOLPH. It is "until and including."

Mr. HOAR. I know; but I should think it would be better to say until the returns of the census of 1890 are completed. I suppose that it will be more than a year, far into 1891, before those results are ascertained.

Mr. DOLPH. This reads "until and including the year 1890;" it includes that year.

Mr. HOAR. But that would not be long enough. I would suggest to the Senator, "until the publication by the census office of the illiteracy under the census of 1890."

Mr. LOGAN. This amendment is offered to section 2. I desire to offer a substitute for section 1 before that is passed on.

The PRESIDENT *pro tempore*. Unless the Senator's amendment relates to the amendment now pending it would not be in order at this moment.

Mr. LOGAN. That is offered to section 2 of the bill; and before we pass from section 1 I should like to offer the amendment I propose to that section. If the Senator from Oregon will withdraw his amendment for a moment I can do so.

The PRESIDENT *pro tempore*. The Senator from Oregon can withdraw his amendment.

Mr. DOLPH. Do I understand that action on the amendment offered by me would prevent an amendment to section 1?

Mr. EDMUNDS. Oh, no.

Mr. LOGAN. Not at all; only it would be going back, and I thought as we went along the amendments would be better offered to perfect the sections in order; but I have no objection to having this amendment acted on.

Mr. DOLPH. I will withdraw for the present until it can be put in shape the first portion of my amendment, and prepare it afterward, down to the word "provided;" and I will offer the rest of it in regard to Alaska, which, as I wish to leave the Senate for a few moments to go to a train, I should like to have acted on now.

The PRESIDENT *pro tempore*. The Senator from Oregon modifies his amendment so that it will stand as it will now be reported.

The CHIEF CLERK. It is proposed to add to section 2:

Provided, That the District of Alaska shall be considered a Territory within the meaning of this act; and the money apportioned to said District shall be expended annually under the direction of the Secretary of the Interior in the manner provided for the expenditure of other appropriations for educational purposes in said District; and for the purpose of ascertaining the amount to be apportioned to said District the Secretary of the Interior shall ascertain, in such manner as shall be deemed by him best, the number of illiterates therein.

Mr. HARRISON. I want to suggest to the Senator from Oregon that it seems to me this is introducing something incongruous in this scheme of education. Indian education is a very different thing from the education of the children in the States. If this amendment should prevail, it would be quite uncertain how much the District of Alaska would receive for educational purposes, and when we come to consider the Indian appropriation bill, which would naturally contain an appropriation for education in Alaska, it would be used as a reason either for omitting any appropriation there altogether or for diminishing the appropriation that is made; and as the Government under the present system is required to appropriate directly for Indian schools, it seems to me that the cause of education in Alaska will be advanced by pursuing that practice, instead of making the uncertain, indefinite appropriation which would be made under the provisions of this amendment, and which, as I have suggested, will probably be considered by the Committee on Appropriations as a reason why they should omit an appropriation for schools in Alaska. They could not tell how much Alaska would get or when it would be received, and in that way they would be compelled to duplicate the appropriation for education there, possibly making it excessive, or we should be liable to the other danger, that they would withhold a necessary appropriation, and the schools in Alaska would be unprovided for for a time.

This introduces the subject of Indian education, which is not a matter in charge of the States at all. The bill is directed to education within the States, that system and scheme of public education which has been in charge of the States. Now we come to deal with a question which the United States Government always deals with; and it seems to me that it is incongruous to insert it here, and that, instead of accomplishing a benefit to the schools of Alaska, it may very possibly result in serious detriment.

Mr. DOLPH. I should like to ask the Senator from Indiana a question. There are other children besides Indian children of school age in Alaska Territory.

Mr. HARRISON. Yes, sir; there is of course a small number of white children there, and if it is limited to the education of such upon any school system of course it is entirely appropriate.

Mr. DOLPH. There is no system of schools now provided by law for the white children of Alaska.

Mr. HARRISON. We have, of course, no legislative authority to establish any system of schools in Alaska, and any appropriation there for education, whether of Indians or of white children, must be a direct appropriation by the General Government.

Mr. DOLPH. It is thought by several members of the Senate that the bill as it stands leaves the question unsettled as to whether or not Alaska is included.

Mr. HARRISON. I think it is more than doubtful whether Alaska is described under the word "Territory" used in the bill; but the difference between the situation in Alaska and in the Territories is this: In all of our Territories we have Legislatures, and we have an organized school system, and we have local taxation for the support of schools; but in Alaska we have no legislative authority whatever—Congress must do all the legislation for Alaska—and therefore it seems to me that, even as to white children there, a direct appropriation for the establishment of schools would be more appropriate and perhaps more efficient.

I sympathize with the purpose of the Senator from Oregon; I would not like to have these people left with deficient opportunities of education; but my suggestion is that perhaps we can better reach this directly in some appropriation bill rather than by incorporating it here.

Mr. DOLPH. One more question. Ought not the bill to be made certain that Alaska either is included or excluded from its provisions?

Mr. HARRISON. I think it is certain. When I said it was more than doubtful, I meant to express the opinion that it would not be included. If it is included at all, it certainly would not be included as an appropriation for Indian schools; and as the Senator's amendment provides for the expenditure of this appropriation in the same manner provided by law for the expenditure of other appropriations for education in other districts, and as there is no such present appropriation except for Indians, it seemed to me that the amendment would limit it to an appropriation for Indian schools.

I only make the suggestion; I am not strenuous about it; but it seemed to me we could deal with that question better hereafter, as it relates to the Indians, if we dealt with it by a direct appropriation, to be expended of course under the Government of the United States as it would be expended, because this only amounts to that. We say we withhold from the total amounts named in this bill so much which we will spend ourselves for education in Alaska. It is just as well to add the necessary appropriation instead of withholding it, as it seems to me. Of course I may be wrong.

Mr. TELLER. It is true that the Territory of Alaska, as it is called in the appropriation acts of last year and the year before, has no Teritorial Legislature, but it has a sort of government established two years ago by an act of Congress. In that there was no provision for schools, but in acts making appropriations there was a provision in one act for $25,000, and in another, as I recollect, for $15,000, making $40,000 appropriated for school purposes in the District or Territory of Alaska, whichever you choose to call it.

The Department at that time, after careful examination, found that the sum was so small that it would be practically of no benefit whatever; that by the time school-houses were built in the different sections of the country where there was a demand for schools there would be nothing left to maintain the schools. Therefore the Department entered into a contract, sometimes with the missionary organizations and

societies that had attempted some years prior to the effort on the part of the Government to furnish school facilities to educate the children of both the natives and such American children as have gone into Alaska. The appropriation that the Senator is afraid will be cut off is about worthless, for it has been demonstrated in the last two years, as I say, that unless the Government is prepared to put in more that $40,000 it might as well practically abandon the schools there.

When we received from the Russian Government, a government not particularly noted for its zeal in behalf of public education, we received a great number of not entirely uneducated people. The Government of Russia had provided school facilities in all the principal villages of that country, and to-day men who both read and write, who were taught under the Russian Government, are seeing their children growing up in ignorance beyond the possibility of sending them to a school either public or private, and what they really had at the expense of the Russian Government when it was in control has been denied to them by this Government that makes such a boast of its zeal and progress in the cause of education.

It has been left ever since the accession of this District or Territory to the United States for the Committee on Appropriations to provide. It is pretty apparent that the committee have not done and will not do the necessary work for that District; and when we are providing for all classes of people I can not see why the people of Alaska and why the people of the Indian country ought not to be included. I made an effort the other day to have the Indians included. It was pretty apparent from the vote of the Senate that that was not desired. I thought then, and I think now, that possibly the Territory of Alaska is included in the bill, but, as the Senator from Oregon says, it ought to be made definite and certain.

Forty thousand dollars will be nothing practically, and if these people should receive a considerable sum of money under this bill there will be plenty of opportunities for the Appropriations Committee to continue the meager and poor appropriations that they have extended to these people. There are not only Indians in that country, but there are white people; and the Indians of Alaska, especially the shore Indians and the island Indians, are of an entirely different class from those Indians that we are generally called upon to provide for.

Mr. HOAR. I should like to ask the honorable Senator what is the number of whites in Alaska?

Mr. TELLER. I would not undertake to say. It is comparatively small, but increasing all the time. It is increasing quite rapidly. There are some gold mines that have recently been discovered; and since we have established a government there—not a very good one, but one under which there is some sort of law at least and the people can have an organized civilized community—there is a disposition on the part of a great many people to go there to mine. I have been informed recently by a Senator who has spent some time there examining into the capabilities of that country that it promises to be a very rich mining region. As soon as that is thoroughly understood on the Pacific coast, in the mining States, it will be filled up with people; and I think this is a fitting and proper occasion for the Government of the United States to provide for this outlying country that pays to the Government an income of $300,000 every year; and we have grudgingly spent, I believe, $40,000 or $50,000 in the last two years, or less than that, for the purposes of government, and about $40,000 for schools. There are a number of schools established and maintained now, and have been for several years, by missionary effort; and but for the fact that those schools were in existence it would have been impossible for the Department to have utilized the money appropriated for schools in that district.

Mr. DAWES. Mr. President——

The PRESIDENT *pro tempore*. The Senator from Massachusetts will allow the Chair to present a letter from the Secretary of the Interior on this subject-matter, which will be read.

The Secretary read as follows:

DEPARTMENT OF THE INTERIOR,
Washington, March 3, 1886.

SIR: In response to Senate resolution of the 15th ultimo, I have the honor to transmit herewith the report of Sheldon Jackson on education in Alaska.

Very respectfully,

L. Q. C. LAMAR, *Secretary.*

To the PRESIDENT *pro tempore of the Senate.*

The PRESIDENT *pro tempore*. The communication, with the accompanying papers, will be referred to the Committee on Territories, and ordered to be printed.

Mr. DAWES. Mr. President, the reason why the proposition of the Senator from Colorado to include Indians under the benefits of this bill was rejected was not because money expended through this agency for education would be less valuable to them than money expended by direct appropriation from Congress, but it was because you can not mingle together two different systems and appropriate money through different channels and under different regulations and apply them to Indians, and that difficulty exists in reference to extending the provisions of this bill over Alaska. All the money that can be expended possibly in Alaska, probably in the next fifteen years, aside from benevolent expenditures of private citizens, must come from the Treasury of the United States, and it does seem to me the height of folly to undertake to expend that through different means and under different plans. You had better expend it entirely through this bill or entirely through independent appropriations, as has been attempted.

It is true that through the Committee on Appropriations there was appropriated $40,000 in the last Congress for educational purposes in Alaska. That it has been of little or no use in Alaska is not because it was only $40,000 and is not because it came through the Committee on Appropriations, but it is because of a conflict which existed in that Territory between the officials in different branches of the administration of affairs in Alaska. I do not care to criticise these officers or to say upon whom of them more blame than upon others ought to rest; but when the report that has just come here from Sheldon Jackson shall be printed, I think all Senators will see that the trouble arose from the unfortunate temperament and disposition and ideas of different officials that went out there. Scholars were taken out of the schools on writs of habeas corpus by the judge who was sent out there upon the application of the natives, and all control and restraint over the scholars was nullified and paralyzed by the different views and policies. I am not here to criticise, as I have said, either of these; but that was the difficulty.

Mr. TELLER. I should like to ask the Senator when these occurrences took place?

Mr. DAWES. They took place in the past, and they took place after the appropriation was made; and as long as it is not a matter that I desire to criticise any individual about, I do not care to find out whether it was an appointee of the present administration or an appointee of the past. I do not lay anything at the door of the past administration in this matter. It arises somewhat from the peculiar exigencies and the peculiar location of that far-off region about which and about the necessities of which and about the best method of appropriating money for educational purposes there we know so little; and if we knew ever so much we should find great difficulty at this distance in prescribing the particular method of expending the moneys appropriated.

Now, if you appropriate it through this bill, you must conform the appropriation to that which is applicable to all the States of the Union—to Massachusetts and to Colorado; and yet that far-off region is as unlike either Massachusetts or Colorado as its people are unlike the Hottentots or the Congo people; and why should we attempt it? Why is it better to get a little through this bill and then eke out the rest of it through the Committee on Appropriations than it is to say at once in the regular appropriation bill we can afford to or we ought to appropriate so much, and we ought to put it under special and particular restrictions, or else we ought to put it (which is wiser) in the absolute discretion of some discreet and wise man who knows what to do with the money there. I know it will be difficult to find such a man. I am not standing here in defense of the man who has made that report which has come here or to say that his attempt to expend that $40,000 was the wisest. I only mean to say that you can not put a dollar into this bill for Alaska under the system of this bill which, in my opinion, will be worth anything in Alaska. Yet a dollar which comes from this source ought to be worth just as much as a dollar from any other source, as it all comes from the Treasury of the United States.

Let us attempt to redeem our pledge made when we obtained Alaska; let us attempt to blot out that striking contrast which exists to-day between the fate and fortune and future of those people who came from half-benighted Russia under our care and of our own enlightened free people; let us address ourselves to remedying the condition they are found in after twenty years of experiment, not under this general system, but under some special legislation that shall have the advantage of a clearer knowledge of the condition and the necessities of these people.

Mr. TELLER. Mr. President, of course I can not say as to what has occurred in Alaska within the last year. It is a year and a day since I have had any more opportunity to know about that than other Senators. It is possible that everything the Senator from Massachusetts says has occurred. If so, it has occurred since my connection with the Interior Department.

The statement I made was that there was not sufficient money. Therefore when the Commissioner of Education, to whom the matter was referred, had laid out a plan for the schools of Alaska, it was discovered that the money was insufficient to do the work, and thereupon it was determined to be a necessity that he should simply aid the schools already established by charity. That was done, and I believe that was the wise thing to do at that time. How well it has succeeded I do not know.

I think perhaps the fault arises in Alaska from the fact that there is a nondescript government there. It is unlike any other government in the world. It is not one that we ought to be proud of. It was established in the interest of economy, to save the expense of a few dollars, to give to those people a government such as we never gave to any other people, when we were pledged by our treaty with Russia to give them such a government as we gave to other citizens of the United States and to treat them in a proper manner.

I do not understand why it is that the Senator lays so much stress on the notion that you have two systems. Who appropriates the money? The magnificent sum that the Appropriations Committee have given or expect to give the Secretary of the Interior is the amount that you appropriate, and whether it comes through this bill or whether it comes through the Committee on Appropriations does not make any difference.

In either case the same hand doles it out, the same power controls it, the same authority determines every question, whether it comes through this bill or through the other. I know that it may be a reflection upon the Committee on Appropriations to declare that they have not been exceedingly liberal; and when the question was before the Senate more than one Senator said on this floor, "we make proper and suitable appropriations for Indian education."

Mr. President, I hold before me the reports of the several agents of the United States made in 1884, and you may go through the volume and you will find that they are all complaining of a lack of suitable facilities. "Fifteen hundred Indians," says one agent, "who have been agricultural and house-living Indians for three hundred years, are without the opportunity of sending their children to school." Seventeen thousand Indians on another reservation had only five or six thousand dollars that could be expended for their benefit, and wanted money to erect public buildings for the education of those children; and yet it is said liberal appropriations are made! It is not true, Mr. President.

If there is any single instance where the Government of the United States has failed in its duty, it is with reference to the educatian of the Indian race; and when an attempt is made to simply put them upon an equality with the other people of the United States, it is said that you are attempting to introduce into this bill a system that will destroy the whole beauty of this grand enterprise for the education of the American children. Who need it more than the Indian children? Who has suffered more from the want of education than the Indians? I have said before all I need to say upon that subject. I understand that the Committee on Indian Affairs and the Committee on Appropriations have been dealing with the subject and are prepared to deal with it; but they have not dealt in such a munificent manner that they need to say that everything has been done which ought to have been done. Judging from the past, they will not do much better in the future than they have done in the past.

Mr. HARRISON. Mr. President, I do not wish to be misunderstood upon this question. I am not insisting, whatever the Senator from Massachusetts may have done, that the appropriations for education in Alaska have been sufficient.

Mr. DAWES. Will the Senator allow me to interrupt him? I have never uttered a word on this floor during the years I have served here that bears the interpretation which either the Senator from Colorado has put or the Senator from Indiana is about to put upon my position. Everybody who knows me knows that I have tired the ear of the Senate imploring more liberal and greater appropriations for the Indians and for Alaska. The Senator knows very well that I stood with him to make $15,000 $25,000 in the very bill to which he alludes.

Mr. HARRISON. I was not imputing any such position to the Senator from Massachusetts, but was only referring to what the Senator from Colorado had said, that the Committee on Appropriations and the Committee on Indian Affairs had claimed that they had been munificent in these appropriations. I simply said that whatever the Senator from Massachusetts or any other member of the Committee on Appropriations might say, I did not occupy such a position. I think they have been stingy and insufficient, and I know, as the Senator from Massachusetts has said, that he did insist in the case of Alaska, as I recollect that he has in other cases insisted, upon larger and more liberal appropriations. I want Alaska to get the largest possible appropriation for education until her needs are fully met. But the point in my mind is, is this the best way to get a full and adequate appropriation for schools in Alaska? I ask the Senator from Colorado who can tell when this amendment passes how much Alaska is going to get and what use is going to be made of it for schools there? The appropriations have been for Indian education. There is a large and increasing number of white people.

Mr. TELLER. Does the Senator want me to answer the question?

Mr. HARRISON. Yes.

Mr. TELLER. I can answer the question. There has been a census taken of Alaska, and it is fair to presume that nearly every person in Alaska who is not a white man is uneducated, for it is a generation since we bought that territory.

Mr. HARRISON. Well, Mr. President, suppose the Senator is right now, and that he can take this bill as it is before us and after a little figuring tell us just how much money Alaska will get for education; what use is going to be made of it? What use are they making of it? He says they have no system of common schools for the whites. They have a system of Indian schools. This amendment provides that the appropriation here shall be expended in that way. Now, come to the matter of the grant. Suppose the Senator was able to tell me that under this bill Alaska will get $20,000. That is inadequate; and now we come to the education bill, which is to supplement that amount. Is it not certain that that amount will be charged up to Alaska, and that just that much less will be appropriated when we come to pass the appropriation bill?

So it has seemed to me that we were introducing here an element which those who are unfriendly to liberal appropriations for Alaska might use and say that you do not need $40,000 this year because you are provided for in the Blair bill, and therefore cut down the appropriation; and it has seemed to me that we should be more apt to get a liberal appropriation for Alaska if we asked it square and flat in the appropriation bill and there defined its use. If this will accomplish more, I am for it. It was only because that doubt was in my mind that I have said what I have.

Now, one word more——

Mr. LOGAN. I do not wish to interrupt the Senator, but I should like to make a suggestion. I agree with the Senator that this bill ought not to have Indian schools attached to it, because there is a separate provision for them; but I ask whether or not the amendment might not be so worded that it would apply to the same grade of schools in Alaska that are intended to be aided by the bill?

Mr. HARRISON. Possibly it might.

Mr. LOGAN. That would avoid the difficulty, because it certainly ought not to apply to Indians.

Mr. HARRISON. That would separate the matter entirely and make this appropriation apply to such white schools as might be established there.

Mr. LOGAN. After they have a school system under the bill.

Mr. HARRISON. Leaving the Indians to be otherwise provided for. It can not be, however, that they can have any school system until we give it to them, because they have no power to pass any legislation there; and I want to say to the Senator from Colorado that the framers and promoters of the bill providing for a civil government in Alaska did not claim that it was an accomplished, a complete, and an adequate system of government. It was quite impossible, aside from any consideration of economy, to give a full Territorial organization to Alaska. There were not sufficient white men there, and those that were there were scattered over 2,000 miles of coast. It would have been impossible to organize a Legislature in Alaska, and I believe it is still impossible. In view of that impossibility executive and judicial officers were provided for the Territory, and a code of laws already in force in the nearest State, namely, the State of Oregon, was put in force there. It was the best that could be done. It may be improved in some details now, but I reassert that the condition of that Territory is not such to-day as to justify a full Territorial organization, including a Territorial Legislature.

Now, what I want is to get the most money we can up to an adequate supply for education there. If this will accomplish it I make no objection. It seemed to me that it was complicating the appropriations in such a way that it would be used by those who might desire to make a small appropriation in the regular bill as a reason for cutting it down by calculations that were too liberal as to the amount that would be received under this bill.

Mr. CONGER. Mr. President, when Alaska was received from the Russian Government there were a majority of the people in that territory, all those called Aleuts, living on the islands away from the mainland and far over toward the Asiatic coast, who were educated, who were Christianized, who had schools in every hamlet, and who lived as civilized people live in the United States, in houses with their proper furniture and proper conveniences. They had their school-houses; they had their churches; they all belonged to the Greek Church, and were under the care of the Russian Government and that Church for their civilization and their education. There was another class living along the coast and up in the edge of the mountains who were wild, unruly Indians, prone to drink, prone to robbery and theft. There were on two little islands in Behring Bay a population of Aleuts who carried on the fur-seal fisheries there, numbering some four or five or six hundred people, who live there to-day, and have for the last twenty years, under the control and carrying on the business of the Alaska Commercial Company, who lease these two little islands up in the mists and fogs of Behring Straits catching the fur-seals.

From the time these people became citizens or inhabitants of a Territory belonging to the United States, this Government never has until within the last two years made any effort whatever to continue the education of these Russian-Greeks, the Aleuts—never a dollar appropriated for their education or for any purpose connected with their religion, their civilization, their livelihood, their protection in any way.

We shall have received in the course of a year or two into the Treasury of the United States as much money as this Government gave for that whole Territory from two little obscure islands in Behring Bay, far north of where these Aleuts live. Three hundred and sixty thousand dollars a year for twenty years has been received in clean cash into the Treasury of the United States as a royalty upon the fur-seals and other furs caught in that region—paid into the Treasury of the United States with but a very trifling expenditure to keep our agents there to see to the delivery of the seals and their protection.

Now, sir, the generosity, the magnanimity of the United States in regard to those people is shown in the fact that some sixteen years ago when the fur-seal fisheries of these islands were offered for sale at public auction, the law provided that the company which got the islands, with a monopoly of the seal fisheries, should maintain schools on the islands for the Aleuts therein, and give them a common-school education. The Government did nothing; the United States contributed not a dollar to the education of any of the people of that Territory. The Government of the United States has received and will receive back into the Treasury at the expiration of the twenty years' lease the $7,000,000

which was paid for the whole territory of Alaska. We have made that country a source of revenue; we have subjected its products to royalties for the support of our Government; and out of the five or six million dollars that we have received from these two little islands in Alaska we never have contributed until two years ago one single cent for the education of the people of Alaska.

These Aleuts are not in any sense in which we speak of them in connection with education, Indians. They were originally Eskimos, coming from Russia, then becoming through generations a distinct people, civilized, Christianized, educated, living in houses, with their church in their midst and their schools with them. Of course when our Government received that territory from Russia by treaty we were obliged to take care of the welfare of its inhabitants. It was not deemed necessary to put into a treaty made with the great Republic of the United States, so religious, with its people so educated, with its loud boasts in favor of the general and universal education of its people, a requirement that the Government of the United States should give some means of continuing the education of those people which the Russian Government had provided for. These several thousand Aleuts live in hamlets scattered along these islands for 2,000 miles, stretching from the neighborhood of Sitka far out through eighteen or nineteen degrees of longitude almost over to the Asiatic coast. They have been left there to be educated by their own people in their own little hamlets, by their priests of the Greek Church as they were before. Now we are asked to extend to those people the common advantages for illiteracy that we do to the people of other portions of the United States.

Sir, if there is one dark stain overhanging the American Republic which the nations of the earth may look upon and taunt us with, it is that we received from a barbaric government—from what we sometimes call a half-civilized government—a portion of its territory, with people in it educated, quiet, civilized, living, sleeping, and eating in their own houses, with the furniture of reasonably good houses in their midst, living in hamlets of from fifty to five hundred inhabitants, with their own churches and their own school-houses; that we received that people from the Russian Government, and have never contributed one cent to their education or permitted them by any form of law to educate their own children. Sir, these Aleuts have not gone back into barbarism. These Aleuts have not forgotten the sign of the cross. These people have not forgotten to assemble themselves on the Lord's day to worship in their own form of worship the God that created them. They have not forgotten their own birthright, their own education, their own religion. They have not engaged in any act whatever unworthy of an educated Christian people.

There are thousands of them on the islands from Unalaska on toward the west, and they are living there supporting themselves by the fisheries and by fur-catching and by such means as they are able in that inhospitable clime to live by, and a large part of their earnings and a large part of what they may accumulate over and above the actual necessities of life they pay for their schools and for their churches for their mental and moral improvement to-day. That is the stain upon my nation, and that is the disgrace to our Republic; and if foreign nations understood and if the philanthropists of foreign nations knew how we oppressed these people they could array it against the Republic more strongly than any other matter that could excite prejudice against our Government and against our people.

Sir, what has become of the little appropriation which was made two years ago for that country, $25,000 for the Indians and fifteen or twenty thousand dollars to help along their schools? The money was there, but I say it with shame for my country, the men who were sent to take charge of its distribution, with the powers that were granted under the Territorial law or District law which we passed, if the reports are all true, joined with those who would encourage drunkenness all along the line of the shore Indians. They did not reach, thank God, the Aleuts, who live in a remote and a too inhospitable region to be brought under their influence. The very man to whom the money was given to expend among these people was four times imprisoned and once sent into a dungeon by the authorities of the United States. Sent there to promote government, sent there to promote order, sent there to enforce good laws, sent there to give their influence as representatives of our people in favor of temperance, of sobriety, of education, and I might almost add, except that it would be met with scorn, in favor of religion of some kind or other, the tone and feeling of some of the officers of the United States was more in favor of distilling what they call in that country koochinoo, a vile intoxicating drink, than it was in favor of good legislation or good order or government. The facts in regard to that matter shall one of these days come before the Senate. They have already come before the Executive of the country, and I am thankful for one to give all due praise for the fact that when the present Executive of the United States obtained information showing how some of the officers of that Territory, appointed under the Territorial laws, had dishonored their position and done the direct contrary of what the people of the United States desired them to do, he removed them and put other and we have some reason to hope better men in their places.

If there is a place on the earth beyond the bounds of civilization, removed from the influences which govern the good people of the United States in their homes, in their thoughts, in their education, and in their religion, it would seem that if we send agents there to make that benighted country a part of our own and like our own, to give it education, to give it intelligence, to give it good government, they join with the worst element that can be found on that coast and encourage the worst license and the worst dissipation. That has been characteristic of that region through the years that are past, and I speak of it now because I invoke beforehand what the world demands and what the good people of the United States demand, a strict investigation of the manner in which the officials of the United States now removed have carried the flag and borne the authority and wielded the sword and governed that people. It is a disgrace to the human race anywhere—among the Kaffirs of Africa or the Patagonians of the South, or wherever barbarity or cruelty or a reckless disregard of the advancing civilization of any people has come to our knowledge. I have some documents on that subject which are not appropriate to this occasion; I have some references to the needs and necessities of the people called Aleuts different from the other Indians of that country and as to the negligence with which they have been treated, which I shall take occasion on some proper opportunity to present to the Senate and invoke its consideration.

Now, sir, I desire to favor this amendment, either in the form it is now or in some other which shall during the recurring years in which this vast appropriation is to be expended for illiteracy among the people of the United States secure its application to Alaska. I do not care whether the people live in a State, or in a Territory, or in a District, or in whatever region it may be. Wherever the flag of my country floats over citizens and inhabitants of the country, there remains the same need for their intelligence and for their advancement and for their education. These people are citizens of a common country, perhaps against their will bought from the dominion of a Russian monarchy, or a Russian despotism, as we call it, to become inhabitants of the territory of the United States and citizens of this great Republic. Wherever they may be, wherever the flag floats, let it float over an educated people; give them the same advantages of and the same chance for education that you give to the frontiersman of the West, to the citizen of the South, to the illiterate of the North. God knows they need that help. Neglected as they have been, the wonder is that during these twenty years these educated and partially civilized and enlightened people have not gone back into vice, have not become savages, have not forgotten to dwell in houses, have not burned up their school-houses for fuel and torn down the cross from their church to mock it in public. The marvel is that the instincts of the people, or the religious convictions within them, have kept them free from vice comparatively, have kept them still civilized, have kept them still willing to contribute of their meager means in excess of their actual subsistence to educating their own children in the best way they can.

I have been told by those who have been there that a more humane, a more hospitable, a more genial, a more generous, a more neighbor-loving people do not exist, either among the heats of the tropics or the snows of the north, than this vast body of Aleuts, who stretch from Sitka far west for 2,000 miles to the Japan Gulf, the hot-water stream of the Pacific, which circles around and passes through their islands and gives them a climate of comparative mildness, but a sterile and non-producing region for grains and fruits.

Sir, if this amendment needs further amendment to make it accomplish the purpose, let it be so amended; but give to these several thousand Aleuts, these members of the Greek Church, these people who have their school-houses, these people who have their churches, these people who have their houses and furniture where they live—give them some little assistance while you are pouring out this $77,000,000 in more favored parts of the country; give them some little portion of this magnificent bequest. Do it to remove the stain from our own people; do it in fulfillment of the pledge, implied if not written, with which we received them at the hands of the Russian Government; do it in the name of their religion and ours, in the name of the American people, who desire to see every individual, high and low, poor and rich, Greek, Gentile, or Jew, brought within the benefits and the advantages of this system of education whose lack we so much deplore, and to restore which and to encourage which we are prepared to-day to give such a bountiful donation.

Mr. BLAIR. Mr. President, the population of Alaska is 23,426 by the last census, and less than 500 are whites. There is no enumeration of the population with reference to education or illiteracy, but, as the Senators have stated, it is fair to presume that the whole of them substantially are unable to write. At all events, they are all in need of common-school education. The amount that would fall under the apportionment of the bill to the inhabitants of that Territory, assuming them all to be illiterate, the first year would be $1,600 and a few dollars over, and when the largest amount comes to be appropriated in the year of the largest amount, $15,000,000 in all, the sum for Alaska would be, perhaps, $3,500; it would be small in any event. But it seems to me that as an act of recognition and confession of that justice which is due to these people it would be well to adopt the amendment. It can do no harm. It is a recognition that they are a portion of the American people and may furnish a precedent of great good in the

future; and certainly the debate which has been evolved by this amendment is very instructive and must have some effect in the direction of more liberal appropriations hereafter. It will be expended, as the amendment provides, under the direction of the Secretary of the Interior, and of course in his discretion it would be properly expended. There is no school system there, but he can make one. That is to say, there is none established by law; but education is going on there under the direction of Christian charity, and a little money poured into that general fund or expended separately under the direction of the Secretary of the Interior would do great good.

I hope that the Senate will adopt the amendment.

Mr. DOLPH. Mr. President, it seems strange to me that when it is proposed to limit the approriations under this bill to the Southern States where the need of Federal aid to education is apparent, the friends of the bill object and say that it should be extended to all the States and Territories upon some basis, and when it is proposed to make certain that the far-distant Territory of Alaska, the Territory which most needs the bounty of the Government for educational purposes, is to be included within the provisions of the bill, the friends of the bill oppose such an amendment.

Mr. HOAR. What friends of the bill oppose the amendment?

Mr. DOLPH. I understand your colleague and the Senator from Indiana to oppose it.

Mr. BLAIR. The Senator knows that when he first suggested it to me several days ago I assented to it as far as I am concerned as one friend of the bill. Certainly any other statement would be unjust to me.

Mr. DOLPH. I did not mean to say *all* the friends of the bill; I should perhaps say some friends of the bill oppose the amendment.

Now, Mr. President, the objections which have been made to this amendment, I think, are based upon want of information as to the facts in the case. As I said some days ago, there is no school system established by law in Alaska. The first appropriation that was ever expended for schools in that Territory was made by the bill creating a District government for Alaska, and the terms of the appropriation were as follows:

> That the Secretary of the Interior shall make needful and proper provision for the education of the children of school age in the Territory of Alaska, without reference to race, until such time as permanent provision shall be made for the same, and the sum of $25,000, or so much thereof as may be necessary, is hereby appropriated for this purpose.

And I believe also the appropriation of $15,000 made at the last session of Congress was in the same terms and could be applied by the Secretary of the Interior to the education of children of school age in the Territory irrespective of race; and the schools so established and maintained at the expense of the Government, with those which are maintained by private donations, are the only schools in the Territory, and the only schools there will be in the Territory probably for a generation. Whatever system of education there shall be hereafter established in the Territory will be established by a law of Congress or by the Secretary of the Interior in pursuance of power conferred upon him by such a law. This amendment is simply intended to give the people of Alaska their proportion of the large amount of money proposed to be appropriated by the bill under consideration, and it is provided that it shall be expended annually under the direction of the Secretary of the Interior, not in his discretion, but virtually in accordance with whatever law Congress may enact upon the subject. Of course if Congress says it shall be expended in his discretion, then it will be so expended; but if Congress shall by law regulate the expenditure of the annual appropriations for educational purposes in the Territory, then whatever appropriations are made under this bill for education in Alaska will be expended in accordance with that law. It is provided that it shall be expended—

> In the manner provided for the expenditure of other appropriations for educational purposes in said District.

And then to meet the objection which has been made that there has been no census taken which shows the number of illiterates in the Territory, it is provided that—

> The Secretary of the Interior shall ascertain, in such manner as shall be deemed by him best, the number of illiterates therein.

I do not agree with the Senators who have said that the money appropriated for education in Alaska has been either misapplied or has not produced good results. I undertake to say that there never has been money appropriated by the Federal Government or by a State for the education of whites or Indians in any part of the United States that has produced better results than the expenditure of the money appropriated by Congress for education in Alaska.

A few days since, in speaking on this question of education in Alaska, I made a letter from Rev. S. Hall Young a part of my remarks. In that letter he states the number of schools now in the Territory of Alaska as follows:

> There are at present in operation nine schools in the archipelago, classified as follows:
> (a) Mission day schools, three, namely: One at Chilcoot Harbor, in the extreme north of the archipelago, taught by Miss Bessie Matthews. The second is at Hoonah, on Cross Sound, and is taught by Rev. J. W. McFarland and his wife. The third is at Longass, in the extreme south of the archipelago, taught by two half-breeds trained at Fort Wrangel, Mr. Louis Paul and wife.
> The teachers of these schools are all paid directly by the Presbyterian Board of Home Missions, and are accountable only to it.
> (b) Government day schools, four:
> 1. At Sitka, Miss Powell, teacher.
> 2. At Juneau, Miss Murphy, teacher.
> 3. At Fort Wrangel, Miss McAvoy, teacher.
> 4. At Jackson, Miss Gould, teacher.
> These schools are supported entirely by the Government, and are under the supervision of Rev. Sheldon Jackson, D. D., agent of education. They were formerly mission schools, but have been handed over to the Government.
> (c) Boarding schools, two:
> 1. The Sitka training school, in charge of Professor A. J. Davis, with eight assistants. This school is supported jointly by the Presbyterian Board of Home Missions and the Government.
> 2. The Thinkit training academy, at Fort Wrangel, in charge of Mrs. S. H. Young and three assistants. This institution is supported entirely by private contributions and is under no society or board.

As I said on a former occasion, the natives of Alaska can never be placed upon reservations and put under Government surveillance. They are at present self-supporting, and there is no reason why they should not always remain so. In order that they may remain self-supporting they must always be treated in respect to their occupations the same as the white inhabitants of the Territory, and in any educational system which we may establish for that Territory schools must be common to all the citizens of the United States and to all the uncivilized tribes. I think the Aleuts, who have been referred to by the Senator from Michigan, are already entitled to citizenship under the provisions of the treaty of cession of March, 1867, article 3 of which provides:

> The inhabitants of the ceded Territory, according to their choice, reserving their natural allegiance, may return to Russia within three years; but if they should prefer to remain in the ceded territory, they, with the exception of uncivilized native tribes, shall be admitted to the enjoyment of all the rights, advantages, and immunities of citizens of the United States, and shall be maintained and protected in the free enjoyment of their liberty, property, and religion.

Mr. Young in his letter to me, to which I have referred, says in regard to this:

> 1. The number of natives in Alaska is computed at 30,000, and of these more than half are called Indians, although their appearance, customs, mode of life, dispositions, and degree of advancement in mechanical arts prove them to be of different race from the Indians of the plains, and point to a comparatively recent Asiatic origin. The term Indian applied to our natives here is misleading.

Then what is the situation? All the schools we have in Alaska today are supported by the General Government, and in the nature of things they must be for a long period. The native population, whether they are Indians or not, civilized or uncivilized, are largely in the majority and will be for many years. They are self-supporting, and, as I have said before, whatever provision is made for their education ought to be a common provision made for all the children of school age in the Territory, the same as we have so far made provision for education in Alaska. There being no Territorial school system, there being no way in which a discrimination can be made between white children and native children under the law, and as the money appropriated is to be expended under the direction of the Secretary of the Interior, there are no two systems in the Territory, as was suggested by the Senator from Massachusetts. There is but one system, the system which we have established or a system to be established for the present under the direction of the Secretary of the Interior, a system to be maintained by appropriations made by Congress; and there is no reason that I can see why the people of Alaska should not share in the bounty of the Government under this bill. There are no obstacles in the way.

Now, in regard to Indian education in the States and organized Territories, there is a difficulty in the way of extending the provisions of this act to Indian schools, because the State school systems and Territorial systems in the organized Territories do not embrace Indian education; that is being carried on entirely at the expense of the Federal Government, while the education of the white children in the States and Territories is being carried on by the States and Territories; but, as I said before, that objection does not obtain in the case of Alaska, and there is no reason why the amendment should not be adopted.

Mr. BLAIR. Mr. President, I rise to make a correction.

Mr. DOLPH. Permit me one word more. I think the Senator from New Hampshire was mistaken about the amount.

Mr. BLAIR. I was about to make a correction.

Mr. DOLPH. I will wait to hear the explanation.

Mr. BLAIR. I compared in my mind at first the whole populations, treating the entire population of Alaska as compared to the entire population of the country, which gave the result I stated when I was on the floor before; but it should be compared, if they are to be considered as illiterates, with the illiterate population of the country, which is 6,239,000. Treating the entire population of Alaska as illiterate, the result would be to give to Alaska some $27,000 under the first distribution and twice that amount when the highest apportionment shall be made under the bill.

Mr. DOLPH. Twenty-seven thousand dollars the first year?

Mr. BLAIR. Yes, the first year. But there never has been any appropriation at all adequate to the necessities of Alaska, and if the Committee on Appropriations, notwithstanding what the Territory gets under this bill, should give as much in their bill, still there would be a call for more.

Mr. GIBSON. Mr. President, when the education bill was under consideration in the last Congress I availed myself of the courtesy of the Senate to discuss fully the constitutional questions and principles involved. I desire now to make no argument, but a brief statement.

While it has been demonstrated that Congress does possess the power under the Constitution to make a grant of the proceeds arising from the sale of the public lands or the public lands themselves, however acquired, whether by cession from the States or by conquest or by treaty or by purchase with money raised by taxation, and may likewise make a grant of the public moneys from the Treasury, however derived, being alike the common resources of the people, to aid common-school education by the States, I must confess it is a power like that to declare war—so liable to abuse. I would not resort to it with the purpose to establish an undeviating and unlimited policy, and would exercise it only under the stress and pressure of the most urgent, exceptional, and extraordinary circumstances.

The justification for its exertion at this time grows out of the most calamitous and stupendous transaction in this century—a war between the enlightened and powerful Commonwealths of the American Union, lasting, it is true, only four years, yet marked by sacrifices of property and life and by battles and campaigns and followed by political and social revolutions without a parallel in the history of civilized man.

The North, that emerged triumphant from the conflict, is not in all respects the North that entered it, for material changes have taken place in the vital conditions of society, resulting in the gradual disappearance of the old simple ways of living, in the creation of a class on the one hand who possess more concentrated wealth and power than any order of nobility in any nation of Europe, exercising a more extensive authority over the occupations of the people than the Federal Government itself, and on the other hand another class dependent upon their daily labor for their daily bread and separated from the former by a deep and widening chasm.

I do not mean to exaggerate the evils of this disproportional distribution of wealth or the manifest growth of discontent and tendencies toward communism, but however much they may be mitigated and modified by wise legislation and practical benevolence, it must be admitted that the self-restraint and composure and disposition to settle all questions upon the basis of justice which will enable the law-making power to meet and master the new social problems and embarrassments aggravated by immigration, and to determine ultimately what shall be the relations of the individual to the State and the limitations upon corporations, are to be found and found only in the discipline and resources of education upon a scale and to an extent not yet generally adopted.

The people will be enabled to control and govern themselves with universal suffrage by means of universal education, or sooner or later they will be governed, as in all the most powerful nations of Europe, by permanent class distinctions with special privileges backed by standing armies. Our own country is the only exception to this rule among great and rich nations. Let us invoke every influence and agency before the population becomes too dense and unwieldy in favor of popular right and education as the surest safeguards of republican government. Better an intelligent ballot than the bayonet; better co-operation and a good understanding than measures of repression.

The South of to-day is not in all respects the South as she stood before the world twenty-five years ago. Never was the discomfiture and ruin of a country more complete. The exhaustion of Prussia under Frederick or of France under Napoleon was not more thorough. All the accumulations of many generations had been devoured. But succeeding her military overthrow, she witnessed all her local institutions—industrial, financial, educational, and religious—all the organized forces of society shattered and pulverized; the very foundations on which they had stood firmly since the settlement of the country torn up and destroyed—a complete *bouleversement*—and her political rehabilitation committed chiefly to her former negro slaves, suddenly elevated not only to be freemen, but enfranchised and intrusted with political control. Accepting the situation as it existed, she put forth every exertion, every circumspection, every resource of patience and wisdom and courage to meet these new conditions, to reconcile herself to them as she could, and to find some firm common ground on which all her people might move forward again in harmonious relations and peaceful order to the enjoyment of self-government and the pursuit of happiness.

The magnitude and difficulty of the task can only be appreciated by those upon whom it was imposed and by those noble-hearted men of the North who, having surveyed the whole field, came forward with generous sympathy and abundant means to aid and assist in the great work of moral and educational advancement. It may be, it doubtless will be, that from the ruins of the old order stronger and happier commonwealths shall arise, as fields on which crops of rich clover pass under the plowshare, though temporarily wasted, become with returning seasons more fertile and productive.

But it must be plain without argument that the one indispensable condition of prosperity, nay, of peace and security and well-being in these communities, the guarantees for life and property since the establishment of universal suffrage, are to be supplied by universal education, and that the burdens upon the property-holders to carry forward this necessary work under these circumstances are altogether out of proportion to their resources.

While these manifest perils and drawbacks to our free institutions exist in the North as well as in the South, they are to be found in a larger measure in the section which was more affected by the passions and changes of the civil war, and which it must be admitted does not receive so large a portion of the expenditures of the Federal Government in pensions and for the public debt and the support of the Army and Navy and the protection of manufacturing industries and shipping interests, while contributing a full proportionate share of the Federal taxation.

Such legislation can be justified only, I repeat, as a temporary expedient to meet a great public exigency and necessity, and must be regarded not as daily bread, but as a medicine for grave national disorders.

The PRESIDING OFFICER (Mr. CULLOM in the chair). The question is on the amendment offered by the Senator from Oregon [Mr. DOLPH].

The amendment was agreed to.

Mr. LOGAN. I offer an amendment in the nature of a substitute for section 1, to strike out section 1 and insert in lieu thereof what I send to the desk.

The PRESIDING OFFICER. The amendment will be read.

The CHIEF CLERK. It is proposed to strike out section 1 of the bill and in lieu thereof to insert:

That for ten years next after the passage of this act there shall be annually appropriated, from the money in the Treasury not otherwise appropriated, the following sums, to wit: The first year, the sum of $15,000,000; the second year, the sum of $17,500,000; the third year, the sum of $20,000,000; the fourth year, the sum of $18,000,000; the fifth year, the sum of $16,000,000; the sixth year, the sum of $14,000,000; the seventh year, the sum of $12,000,000; the eighth year, the sum of $10,000,000; the ninth year, the sum of $8,000,000; the tenth year, the sum of $6,000,000, ten annual appropriations in all, when appropriations under this act shall cease.

Mr. LOGAN. I do not desire to discuss this proposition at any length, but to call the attention of the Senate to this amendment and to the remarks of the Senator having this bill in charge. In the course of his remarks yesterday that Senator said:

The amount appropriated by the bill is not likely to be sufficient for the removal of this evil, but it will open the way to a more just appreciation of its magnitude and to a more enlarged and statesmanlike action in the future.

This shows that the Senator from New Hampshire does not regard this bill as it stands as sufficient to accomplish the end in view. I have always entertained the opinion myself, and do now, that a bill must not necessarily pass exactly as it is reported from a committee, and I hope Senators will not think that every one who proposes an amendment is trying to destroy the bill.

I offer this amendment because I think it is right, and because I do not believe that the amount appropriated by the bill of $7,000,000 the first year is going to do any good so far as the illiteracy of the children of this country is concerned. As I said yesterday, take my own State; the appropriation for school purposes alone last year in Illinois was about $9,000,000, and now you take all the States of the Union and appropriate $7,000,000 to assist in educating the illiterate children of this country. If you take the South alone, and expend the whole $7,000,000 there the first year it would amount to very little. If we intend to educate or assist in educating those children, why not have nerve enough as men to vote an amount that will do them some good? Had we not as well say to our constituents that this $7,000,000 appropriated now is only an entering-wedge? Do you tell me that $100,000,000 is going to educate or assist in educating these people in accordance with this bill? Why, Mr. President, if I should be asked to-day my opinion as to how much money will be appropriated following this appropriation before we cease appropriating for the purpose, if there is any success attained at all, I should say that $250,000,000 will be appropriated before we stop, and I should not be surprised if much more was appropriated. Then why not take hold of this thing in a statesmanlike manner and appropriate sufficient money, if we intend to benefit these people and do them some good?

By my amendment the appropriation (and I am willing to risk my reputation among my constitutents upon what I say on this subject) will amount to $136,000,000 in ten years. Your bill appropriates $77,000,000 in eight years. The school age under this bill is from ten years up to twenty-one. This includes ten years, giving a chance for education to those from ten years old up to twenty, and appropriates what I think will be a sufficient sum to do some good to these people, white or black or whoever they may be.

I make these remarks in good faith, wanting this amendment adopted and the bill passed; and I shall ask for a vote on the amendment at this time unless somebody wishes to discuss it.

Mr. INGALLS. What is the aggregate amount?

Mr. LOGAN. One hundred and thirty-six million dollars in ten years. I said yesterday $138,000,000, but I was mistaken. I have figured it up this morning and I find it is $136,000,000.

The PRESIDING OFFICER. The question is on the adoption of the amendment of the Senator from Illinois [Mr. LOGAN].

Mr. LOGAN. I desire, so that it may be understood, to offer this as a substitute for all the lines of the first section, including the amounts appropriated; but the last five lines, providing for the distribution of the money, are not intended to be stricken out.

The PRESIDING OFFICER. The proviso is to remain in the bill?

Mr. LOGAN. Yes, sir. My motion is only to substitute this amendment in lieu of the appropriations proposed in the first section of the bill.

The PRESIDING OFFICER. The amendment will be reported as proposed.

The CHIEF CLERK. It is proposed to strike out the first section down to and including the word "dollars," in line 11, and to insert in lieu thereof:

That for ten years next after the passage of this act there shall be annually appropriated, from the money in the Treasury not otherwise appropriated, the following sums, to wit: The first year, the sum of $15,000,000; the second year, the sum of $17,500,000; the third year, the sum of $20,000,000; the fourth year, the sum of $18,000,000; the fifth year, the sum of $16,000,000; the sixth year, the sum of $14,000,000; the seventh year, the sum of $12,000,000; the eighth year, the sum of $10,000,000; the ninth year, the sum of $8,000,000; the tenth year, the sum of $6,000,000, ten annual appropriations in all, when appropriations under this act shall cease.

So that the section when amended will read:

That for ten years next after the passage of this act there shall be annually appropriated, from the money in the Treasury not otherwise appropriated, the following sums, to wit: The first year, the sum of $15,000,000; the second year, the sum of $17,500,000; the third year, the sum of $20,000,000; the fourth year, the sum of $18,000,000; the fifth year, the sum of $16,000,000; the sixth year, the sum of $14,000,000; the seventh year, the sum of $12,000,000; the eighth year, the sum of $10,000,000; the ninth year, the sum of $8,000,000; the tenth year, the sum of $6,000,000, ten annual appropriations in all, when appropriations under this act shall cease, which several sums shall be expended to secure the benefits of common-school education to all the children of the school age mentioned hereafter living in the United States: *Provided*, That no money shall be paid to a State, or any officer thereof, until the Legislature of the State shall, by bill or resolution, accept the provisions of this act; and such acceptahce shall be filed with the Secretary of the Interior.

The PRESIDING OFFICER. The question is on the adoption of this amendment.

Mr. BLAIR. I stand by all I said yesterday, and if there were time or occasion for it I would intensify what I said yesterday as to the extent of this evil and what I believe to be the real inadequacy of the provisions of the bill as they stand for its removal, and also by all that I said in reference to the Senator's appreciation of this evil and that he more than any other public man has made proposals calculated for its removal. The difficulty is in the general apprehension of the condition of the public mind and of other Senators who do not quite concur in the views of the Senator and myself, and it has been thought more judicious to begin with a smaller appropriation and try and see how it works. I believe the result will be that further investigation, further light, will lead to an appropriation such as the Senator calls for and perhaps even larger, not permanent, but for the emergency; and the time will come when the American people will be thankful that the Senator has made these suggestions, even if they should not be accepted.

Mr. LOGAN. I ask for the yeas and nays on this proposition; and inasmuch as a great many Senators are absent, I think it would be well to have the record made plain.

Mr. VAN WYCK. May I ask the Senator the aggregate of the sum?

Mr. LOGAN. The proposition that I make in this amendment will in ten years appropriate $136,000,000. Then I intend to offer an amendment proposing $2,000,000 for school-houses, making the whole appropriation $138,000,000.

Mr. VAN WYCK. And the original bill I understand to be $77,000,000. I am surprised that the mover of the bill does not accept the amendment.

The PRESIDING OFFICER. The Senator from Illinois asks for the yeas and nays on his amendment.

The yeas and nays were ordered and taken.

Mr. BROWN (when his name was called). As I have already stated to-day, I am paired with the Senator from Alabama [Mr. MORGAN], who is absent on account of family affliction. If he were here, judging from his course, I have no doubt he would vote against this amendment. If he were here, I should vote for it.

Mr. COKE (when his name was called). I am paired with the Senator from Nebraska [Mr. MANDERSON]. If he were here, I should vote "nay."

Mr. HARRISON (when his name was called). I am paired on all matters pertaining to this bill with the Senator from Connecticut [Mr. HAWLEY]. I therefore withhold my vote.

Mr. KENNA (when his name was called). I am paired on all questions with the Senator from Minnesota [Mr. SABIN], but I understand he and I are in accord on this question, and therefore I vote.

Mr. SAULSBURY (when his name was called). I am paired with the Senator from Pennsylvania [Mr. MITCHELL]. I do not know how he would vote on this question, and I withhold my vote. I should vote "nay," if at liberty. The Senator from Maryland [Mr. GORMAN] is paired with the Senator from New Hampshire [Mr. PIKE].

The roll-call was concluded.

Mr. RANSOM. I should have stated while the roll was being called, as I have no doubt the Senator from New Jersey stated before, that my colleague [Mr. VANCE] is detained by sickness to-day, and is paired on this bill with the Senator from New Jersey [Mr. SEWELL].

Mr. COKE. I was mistaken in supposing that I was paired with the Senator from Nebraska [Mr. MANDERSON], but I am not at liberty to vote, being paired with some gentleman on the other side, who told me he would be absent for an hour or two. I do not see him here, and therefore withhold my vote.

Mr. HAMPTON. My colleague [Mr. BUTLER], who was called off on business, is on general questions paired with the Senator from Pennsylvania [Mr. CAMERON]. I am paired with him on the final passage of the bill, but on amendments I have considered myself free to vote.

Mr. HALE. I am paired with the Senator from Kentucky [Mr. BECK]. I do not know how he would vote, and therefore I do not vote.

Mr. INGALLS. I repeat the announcement that my colleague [Mr. PLUMB] is paired with the junior Senator from Virginia [Mr. RIDDLEBERGER].

The result was announced—yeas 12, nays 30; as follows:

YEAS—12.

Call,	Edmunds,	Logan,	Ransom,
Cullom,	Eustis,	Mahone,	Sawyer,
Dawes,	Jackson,	Pugh,	Walthall.

NAYS—30.

Berry,	Evarts,	Jones of Arkansas,	Platt,
Blackburn,	Frye,	Kenna,	Spooner
Blair,	George,	McMillan,	Stanfor,.
Bowen,	Gray,	Manderson,	Teller,
Cameron,	Hampton,	Maxey,	Van Wyck,
Chace,	Harris,	Miller of N. Y.,	Wilson of Iowa.
Colquitt,	Hoar,	Mitchell of Oreg.,	
Dolph,	Ingalls,	Morrill,	

ABSENT—34.

Aldrich,	Fair,	Miller of Cal.,	Saulsbury,
Allison,	Gibson,	Mitchell of Pa.,	Sewell,
Beck,	Gorman,	Morgan,	Sherman,
Brown,	Hale,	Palmer,	Vance,
Butler,	Harrison,	Payne,	Vest,
Camden,	Hawley,	Pike,	Voorhees,
Cockrell,	Jones of Florida,	Plumb,	Wilson of Md.
Coke,	Jones of Nevada,	Riddleberger,	
Conger,	McPherson,	Sabin,	

So the amendment was rejected.

Mr. LOGAN. I will proceed a little further and offer another amendment, and see if our educational friends really mean what they say, inasmuch as they do not consider me very sound on this bill. I offer this amendment to follow the first section:

SEC. —. That there shall be appropriated and set apart, in addition to the sum of $7,000,000 for the first appropriation, the sum of $2,000,000, which shall be allotted to the several States and Territories on the same basis as the moneys appropriated in the first section, which shall be known as the common-school fund, to be paid out annually to each State and Territory at the end of the year on proof of the expenditure made during such year, which shall be expended for the erection and construction of school-houses for the use and occupation of the pupils attending the common schools in the sparsely populated districts thereof, where the local community shall be comparatively unable to bear the burdens of taxation. Such school-houses shall be built in accordance with modern plans, which plans shall be furnished free on application to the Bureau of Education in Washington: *Provided, however*, That not more than $100 shall be paid from said fund toward the cost of any single school-house, nor more than one-half the cost thereof in any case; and the States and Territories shall annually make full report of all expenditures from the school-house fund to the Secretary of the Interior, as in case of other moneys received under the provisions of this act.

The PRESIDING OFFICER. The question is on the amendment of the Senator from Illinois.

Mr. VAN WYCK. May I ask the Senator under whose supervision this money is to be expended for school-houses?

Mr. LOGAN. Under the same supervision as the money appropriated in the bill for school purposes is to be expended.

Mr. VAN WYCK. I notice the expression in the amendment "where the local community shall be comparatively unable to bear the burdens of taxation." Who is to determine the question of the comparative wealth or poverty of a community?

Mr. LOGAN. That is the simplest proposition in the world. The tax-list will always develop that fact to the school superintendent or the Secretary of the Interior or anybody else who may have charge of it. There is no difficulty whatever about that.

Mr. VAN WYCK. But it is comparative—compared with what?

Mr. LOGAN. Compared with those who are able to build their own school-houses. I am willing the Senator shall suggest any better language and will readily accept it, but I do not know any better language to use myself. When we use the term "comparatively" in reference to any proposition it seems to me we certainly understand what it means.

Mr. VAN WYCK. There might be a comparison between the State of Georgia and another State; or you might take a district in Georgia and compare it with a district in Massachusetts. We might take another line. Who is to determine whether you take one State and compare it with another State, or whether you take a district of one State and compare it with another district of the same State? In one State they might be all comparatively poor as compared with another State. Therefore it seems rather an indefinite term unless there is something more in the act clearly defining what is meant by it.

Mr. LOGAN. I can only illustrate it by speaking of my own State. We build our school-houses in our school districts, and our school districts tax themselves for that purpose. I suppose that in any of these States where they have a common-school system, where there is not a sufficient number of school-houses to accommodate all the children of school age, the authorities in distributing the school fund under their own laws and in distributing the school fund under this bill would

certainly take it upon themselves to decide where there was such poverty as that the people needed assistance in erecting school-houses. If we are willing to risk the distribution of $7,000,000 the first year in the hands of the States, we ought certainly to be willing to risk this $2,000,000 for the purpose of building school-houses in their limits.

The bill, as the Senate well knows, is not exactly in accordance with my notions; but at the same time this distribution is to be made on the same plan as that in the bill for the distribution of the other fund.

Mr. BLAIR. I am personally very anxious that the amendment shall be adopted, because a school-house is as important as a teacher, and in those sparsely settled districts where the funds of the people are not such as that they can well afford the burden of erecting a school-house and providing a suitable building it will be almost impossible to establish a school for a very considerable time unless there be assistance; and as there are extensive tracts of country where school-houses must be erected to make the opportunity for the suitable use of these moneys, it seems to me that we ought not only to provide something in the way of furnishing the school-house, but also make provision that a correct model be used, so that in all the country round about, in all the school-houses which may be built with the local funds, the whole section of country where school-houses are not now abounding shall be supplied with those in reference to sanitary conditions and conveniences to the scholar and to the teacher, and a proper location and every other consideration that can be suggested; and thus from the mere fact of imitation it would soon come to be the case that those portions of our country which now have no school-houses at all would be supplied with the very best that could be found. The amendment is very careful in its provisions, that the school-houses shall be erected in accordance with models which shall be provided free of expense by the Bureau of Education; that is a plan not costly; but they shall be in every respect suitable to the most enlightened and advanced requirements of educators in this regard.

The amount is small. It can not be claimed that it is an effort to construct the school-houses of any portion of the country, because the amendment provides that only one-half the cost of the school-house shall be paid in any case whatever, and in no case shall more than $100 be paid out of this fund. Only $2,000,000 is proposed to cover the whole expense. I hope that the amendment will pass. I think it of the very greatest consequence. I remember the time when in New England the school-houses were almost like the structures of the Dark Ages. And where we have to supply a great extent of country necessarily as the result of this appropriation, we should supply a fund for school-houses and see that they are of the best models.

Mr. HAMPTON. I did not catch the language of the first part of the amendment. I should like to know whether the appropriation of $2,000,000 is to be an annual one or whether it is a sum in gross.

Mr. BLAIR. It is the whole fund to be expended for the purpose.

The PRESIDING OFFICER. That part of the amendment will be read.

The Chief Clerk read as follows:

That there shall be appropriated and set apart, in addition to the sum of $7,000,000 for the first appropriation, the sum of $2,000,000, which shall be allotted, &c.

Mr. INGALLS. That does not appear in the printed amendment.

Mr. BLAIR. That is not the amendment as it was printed.

Mr. LOGAN. No; it is the amendment as I offered it. I inserted the words "in addition to the sum of $7,000,000 of the first appropriation," because I do not want to interfere with the school fund proper in the first year's distribution.

Mr. BLAIR. This is to be in addition to the first appropriation of $7,000,000?

Mr. LOGAN. Yes, sir.

Mr. BLAIR. And you do not contemplate any subsequent appropriation for this purpose?

Mr. LOGAN. No, sir; not at all.

Mr. HAMPTON. I suggest to the Senator from Illinois that the sum should be rather larger than $100 for a school-house. A hundred dollars would scarcely be sufficient to put up a decent school-house. I throw out the suggestion for his consideration. I think if he would enlarge the sum to $150 or $200 it would be better than as the amendment now stands.

Mr. LOGAN. I will state to the Senator that this is intended for the poor people in districts where they are not able to build school-houses. Two hundred dollars will build a school-house that will be a very good one for children. The first part of what little education I had was received in a school-house that did not cost nearly so much as that, and I learned just as well as if it had been a better one. Of course this does not apply to cities or towns where fine school-houses are built, but to sparsely settled neighborhoods, where the people are poor; and in such neighborhoods you will find that a school-house costing $200, where the money is properly expended, will be a very convenient and commodious house, and one in my judgment that will be perfectly comfortable for a common school in any part of the country. Of course nowadays we have school-houses that cost from $1,000 to $50,000. Some of them in my State for the higher graded schools cost enormous sums, too much, I think.

The PRESIDING OFFICER. The question is on the adoption of the amendment of the Senator from Illinois [Mr. LOGAN].

Mr. INGALLS. As the amendment does not correspond in print with that read at the desk, I ask that the first five lines may be repeated by the Chief Clerk.

The PRESIDING OFFICER. The first part of the amendment will be read, as requested.

The Chief Clerk read as follows:

That there shall be appropriated and set apart, in addition to the sum of $7,000,000 of the first appropriation, the sum of $2,000,000, which shall be allotted to the several States and Territories on the same basis as the moneys appropriated in the first section, which shall be known as the common-school fund, to be paid out annually to each State and Territory at the end of the year on proof of the expenditure made during such year, &c.

Mr. INGALLS. There is an inconsistency apparent there from the reading. The amendment provides that this appropriation is to be in addition to the first payment of $7,000,000, and then that is to be paid out annually. That is the language. Then there must be a mistake in calling this "the common-school fund," because the entire fund is the common-school fund. I assume that it must have been intended for something else, perhaps for the school-house fund.

Mr. LOGAN. I will say to the Senator that it was intended for exactly what it says. It is all a school fund, although you divert a portion of it for the purpose of building school-houses. It is all the same fund, except that you use one part for educational purposes and the other for building school-houses. Still I am not particular about the language. I am perfectly willing to modify the amendment in that respect.

Mr. BLAIR. Let it be called the "school-house fund."

Mr. LOGAN. Very well. I am willing to say that.

Mr. INGALLS. Section 13 of the original bill was exactly in the language of the amendment of the Senator from Illinois. That section was stricken out by a vote of the Senate; and in that this fund was described, at the top of page 8, in line 5, section 13, in the original print, as the "school-house fund." So I assume there must have been a mistake.

Mr. LOGAN. The Senator is mistaken. The section was stricken out in the committee.

Mr. INGALLS. It does not appear in the subsequent print of the bill, so it must have been stricken out by the Senate.

Mr. LOGAN. I will state to the Senator that the amendment I present now I offered to the bill when it was pending in the last Congress, and in the draught of the original bill, which was referred to the committee at the present session, this amendment was inserted as a section.

Mr. INGALLS. That is, the Committee on Education and Labor?

Mr. LOGAN. The Committee on Education and Labor, and the committee struck it out.

Mr. INGALLS. It has not been stricken out by the Senate?

Mr. LOGAN. No, sir.

Mr. INGALLS. Then it is in the bill?

Mr. LOGAN. No, sir; it is not in the bill.

Mr. INGALLS. It appears in the first print, Calendar No. 15, Senate bill 194, report No. 4, section 13, in exactly the same language as the amendment offered by the Senator from Illinois. It appears with lines drawn through it.

Mr. LOGAN. Of course.

Mr. INGALLS. Then it could not have been stricken out of the bill unless the Senate agreed to strike it out. The Committee on Education and Labor could not strike it out; they could only report a recommendation that it should be stricken out.

Mr. LOGAN. I am not saying what they could do or what they could not do; I am only speaking of what they did do. I am not discussing as to the proprieties or improprieties or powers; I am only stating the facts. They did strike it out, that is all, and the bill was reprinted with that section out, as it had been reported to the Senate.

Mr. INGALLS. If the Senator will examine the new print put on our tables this morning, he will see that the sections run to section 12 and then skip to section 14, showing that there has been something omitted.

Mr. LOGAN. I can not tell anything about that. It is not in the bill I have before me, and it is not in the bill we have been voting on as read by the clerks.

The PRESIDING OFFICER. If the Senator will allow the Chair one moment, he will state that it appears from the bill that the committee reported to strike out section 13, and that the motion to strike out was sustained in the Senate, so that the original section 13 is not now a part of the bill at all.

Mr. LOGAN. In line 5 of my amendment, after the word "school," I move to insert the word "house;" so as to read, "common-school house fund."

The PRESIDING OFFICER. The Senator has a right to modify his amendment.

Mr. LOGAN. I will do so; and in line 5 I will strike out the word "annually;" so as to read:

To be paid out to each State and Territory at the end of the year on proof of the expenditure made during such year.

Some Senators who are very much interested in the passage of the bill have suggested to me to change the wording so that it will read, beginning in line 12:

Such school-houses shall be built in accordance with plans to be furnished free on application to the Bureau of Education in Washington.

So I strike out the words, in line 13, "modern plans which," and after the word "plans" I strike out the word "shall" and insert the word "to;" so that it will read as I have modified it:

SEC. —. That there shall be appropriated and set apart, in addition to the sum of $7,000,000 of the first appropriation, the sum of $2,000,000, which shall be allotted to the several States and Territories on the same basis as the moneys appropriated in the first section, which shall be known as the common-school house fund, to be paid out to each State and Territory at the end of the year on proof of the expenditure made during such year, which shall be expended for the erection and construction of school-houses for the use and occupation of the pupils attending the common schools in the sparsely populated districts thereof, where the local community shall be comparatively unable to bear the burdens of taxation. Such school-houses shall be built in accordance with plans to be furnished free on application to the Bureau of Education at Washington: *Provided, however*, That not more than $100 shall be paid from said fund toward the cost of any single school-house, nor more than one-half the cost thereof in any case; and the States and Territories shall annually make full report of all expenditures from the school-house fund to the Secretary of the Interior, as in case of other moneys received under the provisions of this act.

The PRESIDING OFFICER. The question is on the adoption of the amendment as modified.

Mr. VAN WYCK. Do I understand the Senator from Illinois to say that the bill, as it has been amended by the Senate, includes no provision for the construction of school-houses?

Mr. LOGAN. No, sir; it does not include any such provision.

Mr. BLAIR. The bill provides that no part of the fund shall be used for school-house purposes.

Mr. LOGAN. It provides that the money shall not be used for school-houses.

Mr. EDMUNDS. Section 13 was stricken out several days ago.

Mr. VAN WYCK. I fail to see how the Senator from New Hampshire can justify the bill with that section stricken out.

Mr. BLAIR. We want to vote it in.

Mr. VAN WYCK. But I understand that it has been voted out.

Mr. BLAIR. No, no.

Mr. INGALLS. It certainly has been voted out.

Mr. BLAIR. Not as the Senator from Illinois has offered it. I will state just the way this whole matter stands. This amendment was moved by the honorable Senator from Illinois in the last Congress the night that the bill passed the Senate. It was strongly sustained, but it was imperfectly understood, very slightly discussed, and it failed. It seemed to some members of the committee at least that it was a valuable feature and that it ought to be added to the bill. So when the bill was introduced in this Congress it was inserted as section 13. The bill went to the Committee on Education and Labor, and one or two members of the committee objected to it and thought that we had better stand on the bill just as the Senate passed it. Their objection was not to the merits of the amendment so much as in deference to the idea that the Senate had once acted on the bill and we had better report it just as the Senate had agreed to it in the last Congress. Accordingly we reported the bill back with an amendment striking out that section, and so the bill came to the Senate with that section stricken out; and in the original print it was just as the Senator from Kansas recollects it to be.

Mr. INGALLS. And the Senate agreed to the amendment of the committee and struck out the section.

Mr. BLAIR. I was going to say that the Senator from Illinois desired to oppose that amendment and to retain the section in the bill, but the matter came up when hardly any one was present, and before I myself was aware of it action had been taken on the amendment. The Senator from Illinois was out of the Chamber.

Mr. LOGAN. I was not in at the time.

Mr. BLAIR. The Senator from Illinois came back, and with considerable surprise found what had been the action of the Senate, and he in the first instance moved the section as an amendment. The bill being still in Committee of the Whole the amendment is technically objectionable, but he has now modified the amendment so that it is not exactly the same provision. Though it is very much like it, still it is not the section that was reported back to be stricken out by the committee. While in substance it is very much the same it is not the same, and is now an amendment strictly in order.

Mr. LOGAN. At the suggestion of some friends of the bill who know more about building school-houses than I do, because I am told they have had some experience in building them for this class of people, it has been thought best that I increase the amount from $100 to $150, which I propose to do, so that the first part of the proviso will read:

That not more than $150 shall be paid from said fund toward the cost of any single school-house, nor more than one-half the cost thereof in any case.

With those changes I offer the amendment as a new section to the bill.

Mr. VAN WYCK. Then I understand as the bill stands now there is no provision for the construction of school-houses.

Mr. BLAIR. I will state to the Senator how that is and how the discussion was in the Senate at the last Congress. The subject has not been up before, that I am aware of, during this debate. It was thought that the States ought to furnish the school-houses, and they are in substance required to do it; but there are a great many reasons why the States should be assisted so far as the amendment will assist them in securing in the sparsely settled and poorer portions of the country some aid from the General Government. The amount is small, and school-houses in the sparsely settled districts, according to the statements of the superintendents of education, never cost over $300. It is a very good school-house that costs $300 in money. To avoid excusing the people from effort on their own part, the amendment provides that not more than one-half of the cost of a school-house shall be paid from this fund. The people will be obliged always to pay the other half, and if they get $150, as the Senator from Illinois has now modified his amendment, out of this school-house fund, they must build a school-house which costs at least $300. If their school-house costs only $200, then by the amendment, they not taking over one-half the cost of any school-house, they must be content with $100. If the school-house costs $100 then they get only $50, and in no case will they get the full expense of the school-house nor more than one-half of it. If the school-house costs $600, they will have to pay it all except $150 by the limitation of the amendment.

Mr. VAN WYCK. I will ask the Senator further, unless there be some provision for the construction of school-houses does he really think that this beneficence will reach the object sought?

Mr. BLAIR. I will tell the Senator about that. Every particle of this money that we are giving can be used in existing school-houses for the prolongation of existing schools, and it would not then carry them more than five months, certainly not over six at the outside; but of course the money is to be used in such a way as to gradually disseminate the blessings of the system to those who do not enjoy it. It is to go into some unexplored country of ignorance, and there the people must have a school-house as well as a teacher; and it would seem to be very proper that we should do something toward the erection of school-houses for the accommodation of those who now have none. Does the Senator understand me?

Mr. VAN WYCK. I understand the Senator's proposition.

Mr. BLAIR. By so far as we distribute this money where there are no schools at all we lessen the length that might otherwise be given to existing schools, but of course in an equalization of school privileges we must do something to reach those who have now no school-houses.

Mr. VAN WYCK. I fail to see how this bill can reach the benighted section which it is intended to reach unless there be provision made to construct school-houses. You can reach the large cities, that are provided for already in a measure, where school-houses have been constructed. The most populous and the most wealthy will be reached by the bill, but the comparatively poor spoken of here, those comparatively unable to bear the burden of taxation, are not reached and can not be reached by the provisions of the bill.

Mr. BLAIR. This amendment will supply them.

Mr. VAN WYCK. But I understood that this amendment was stricken from the bill by the committee.

Mr. BLAIR. If the Senator's object is in some way to cast a reflection upon the committee, he is welcome to take advantage of it.

Mr. VAN WYCK. In the last Congress, when the bill passed the Senate, what provision was made then for school-houses?

Mr. BLAIR. If the Senator's memory were as long as his disposition to find fault, he would recollect that this proposition was discussed very thoroughly, and that by the action of the Senate this matter was stricken out. Some who thought it would be a good idea to have school-houses provided for to some extent had brought forward this amendment, but it was not quite strong enough to be incorporated in the bill. However, it has come to the surface again, and I trust the Senator, in accordance with his suggestions, will try to improve the bill by helping to put this amendment into it.

Mr. VAN WYCK. I do not know that I have obtained a definite answer to my question; but I suppose I may state it as a fact that during the last Congress when this bill left the Senate it had no provision in it for the construction of school-houses. Am I right? Then it seems strange that the committee should be willing that the bill should pass the Senate and be taken to the other House when there had been eliminated from it the only clause which could reach the object to be sought. Here was $77,000,000 to be paid to the wealthy, to be paid to the districts that could bear their burdens of taxation; and so it stands to-day. Is that all? Is this donation to reach no further than that? Is it not to reach the districts which are comparatively unable to bear the burdens of taxation?

If you pass the bill appropriating the $77,000,000 with no provision in it for school-houses, those who are so situated as to be without school-houses can not receive the benefit of this $77,000,000. They will not receive their distributive share until they build the school-houses; and who are to build the school-houses? The Senator says the States, and yet the States for these many years have not built school-houses in those districts. What assurance, what guarantee have you that the States will be more liberal in the construction of school-houses hereafter than they have been in the past? You tender this magnificent bounty of $77,000,000 to them when you know it can not reach the object you seek—the poor, the impoverished, those unable to bear the burden of

taxation. You deny it to them. You provide carefully that there shall be teachers educated, and yet you make no provision for school-houses. Will my friend from Massachusetts [Mr. HOAR] tell me that he thinks the colored men in the South will be able to construct school-houses from their own means in those districts where they have them not to-day? Does he suppose they will do it?

Mr. HOAR. I am in favor of this amendment.

Mr. VAN WYCK. But it seems the bill passed the Senate in the last Congress without this amendment, and had the other House agreed to the measure you would then have thrown $77,000,000 into the pockets of the wealthy, according to your own bill.

Mr. HOAR. As the Senator seems to be in doubt, I will say that I voted for the amendment.

Mr. VAN WYCK. What I desire to know is why this bill, appropriating these millions, should have passed the hands of the Senate without a warning. The Senate had the power, and yet when they gave this $77,000,000 they shut the doors to its benefits to the class they said they wanted to reach. They denied it to them. You deny it to the colored men for whom you have pleaded, and to their children. You have denied it to the stolid ignorance of the Southern States, which you make the basis for this expenditure of millions. You strike out from this bill the only clause which can open the school-house to them. My friend from South Carolina [Mr. HAMPTON] shakes his head. I say that you close the door to the objects that you seek to reach in the title of the bill by its pretended appropriation, and that is the attitude to-day.

Some one says go to the store! What do they generally sell to the colored man in the store in such a locality? Molasses and whisky. Go to the store! Would you send the ignorant colored boy to school at the store? I am surprised that the Senator from Massachusetts should be content to have the colored boy for whom he pleaded go to school at the store.

The cause for this project can very easily be penetrated. The Senator from Louisiana [Mr. GIBSON] pleaded that he wanted universal education to protect universal suffrage. The Senator from Louisiana thought that this was the only thing that could reach and solve the difficult problem. He asks now universal education in behalf of universal suffrage, and I suppose the Senator from New Hampshire will respond amen, and the Senator from Massachusetts will make a loud amen also. Universal education to secure universal suffrage! We believe that; we have taught that; and yet you deny universal suffrage in this very bill; you have guarded it so that universal suffrage can not be secured and will not be secured in your States. You prevent the expenditure of a small sum to construct school-houses, the only mode by which the school-teacher can reach the ignorant child of the South. You provide for education in normal schools in your large cities, where teachers shall be educated to do what? To teach the children in the wealthy districts; and where the people are comparatively unable to bear the burdens of taxation you make them heavier, you do not unloose the burden there. Why not? Let gentlemen answer who think this bill is to be the open sesame to all the virtues of universal suffrage.

The Senator from Louisiana advocates this bill (otherwise I should have made no allusion to it, and it is a very proper inquiry) upon the liberal ground of securing universal suffrage. Why, is not universal suffrage secured already in the States of the Union? The Senator from Massachusetts has repeatedly said on this floor that universal suffrage is a mockery in some of the States of this Union; that they have it not. He insists that it was given to all men without regard to color, not only by law but by the most sacred of all instruments, the Constitution of the United States, given as a right; and yet that same Senator has said that this right has not been secured in many States of this Union.

I am glad the Senator from Louisiana has come to the relief of the Senator from Massachusetts and given him some assurance that universal suffrage can only be secured by universal education.

If that be so, if the Senators having the power to carry this bill through the Senate take that view, why is it, and the nation asks why is it, that this important feature has been eliminated from it? Does not the Senator from New Hampshire know, do not the statistics tell him, not only the proportion of the area of the South, but the proportion of its population who are to-day denied the privileges of common-school education in that section because of their inability or unwillingness to construct school-houses in which they can be taught? Yet the bill leaves it precisely there to-day.

I might properly suggest to the Senator from Louisiana, because it is undoubtedly true, that the vote of the colored men in the South is obnoxious to the white population of those States. It is unpleasant and disagreeable and nauseating for the white man of the South to go side by side with the colored man and deposit his vote in the ballot-box. I take it that that position can not be doubted. Will it be any more acceptable to your white people that the colored man who elbows his way up to the ballot-box can read and write or that he can solve a problem in arithmetic or answer questions in philosophy? Will they be disposed to recognize more willingly the right of the ballot secured by the laws and the Constitution of this country? Will it render the exercise of that right any more agreeable to the men of the South if the negro should be elevated a little above his present condition of ignorance and should know all the rudiments of an English education? If the bill passes as it is now there is no necessity to propound that question. In regard to probably one-half the area of the States you seek to benefit, in regard to one-half and more of the population of the States you seek to benefit, you have denied and taken from the people the privileges of this bill.

Mr. HAMPTON. May I interrupt the Senator for one moment?

Mr. VAN WYCK. With pleasure.

Mr. HAMPTON. I do not like to say anything personal, but I think I am not obnoxious to the charge that he has made, for I can claim that I was the first man in the South after the war, and I believe the first man in America, to propose to give the negroes the right to vote; and I did that immediately after the war.

Mr. VAN WYCK. I am proud to know that the fact is as stated by the gentleman from South Carolina; but did the white men of South Carolina cheerfully follow your example in that direction? Did the white men of Mississippi cheerfully follow you in that direction? There was the misfortune. Here and there there may have been a Moses to lead, but the followers were rebellious as of old.

Mr. VOORHEES. Mr. President——

The PRESIDING OFFICER. Does the Senator from Nebraska yield?

Mr. VAN WYCK. Certainly.

Mr. VOORHEES. The modesty of the Senator from South Carolina doubtless keeps him silent in response to that challenge, but I should like to remind the Senator from Nebraska that the people of South Carolina so followed the advice of their distinguished Senator that they made him governor of the State in a way that stuck even in 1876.

Mr. HAMPTON. The negroes made me governor

Mr. VOORHEES. And the negroes made him governor.

Mr. VAN WYCK. I have no doubt of that. I am proud to know the fact that the distinguished Senator from South Carolina was bold enough and brave enough and good enough to stand out in advance and throw forth that flag the principles of which were implanted in the Constitution of this country. I am proud to know it, and proud to know that the colored people of the South, appreciating that goodness and that greatness and that boldness, placed him in the executive chair of South Carolina to rule over the destinies of the State. I have no doubt if my friend the Senator from Massachusetts were here to take part in this transient discussion, he would only regret that the other Senator from South Carolina and that the other States did not follow the distinguished example set them by the Senator from South Carolina.

This is no part of the argument I am making, because Senators know it is not my wont to allude to these things, and I speak it in no unkindness; I know they will believe me when I say I do not; but I was pointing the argument which I have often heard on this side of the Chamber. I have heard the men of the South arraigned, I have heard Mississippi arraigned by those men who are the special advocates of this bill. They have taunted you now and then with this matter. I am not here to do that. I only allude to the fact that some Senators, notably the Senator from Massachusetts, who is one of the prominent defenders of this bill, have done that thing. He has made the charge which I am only repeating as his, if he will allow me to do so, not as my own. I desire to show him that in passing this bill, taking $77,000,000 out of the Treasury, the object accomplished will not come anywhere near the object he is seeking to gain by it. If we are to accept this $77,000,000 of United States money, then the first thing to do is to construct a school-house, put there a teacher, and open the doors, or otherwise the ignorance to which my friend refers will be nearly as great at the expiration of the eight years as it is to-day, and those whom he seeks to benefit will not be benefited by this measure.

The PRESIDING OFFICER. The question is on the adoption of the amendment of the Senator from Illinois [Mr. LOGAN].

Mr. GEORGE. Mr. President, I desire to say only that I hope this amendment will be adopted. It will enable the people in sparsely settled districts of the South to have schools. I have been in favor of the amendment all the time. I was in favor also of the other amendment offered by the Senator from Illinois granting $136,000,000 for common schools in the South and in the country at large. I voted against it, however, because I did not believe that it would help to pass the bill.

As a member of the Committee on Education and Labor two years ago I concurred in reporting a bill by which $105,000,000 was to be distributed according to the basis mentioned in this bill. That was the unanimous report of the committee. The bill came to the Senate with a proposition to give $105,000,000, but after debate here that amount was cut down to $77,000,000, the amount proposed in this bill. I believed then and I believe now that a bill granting $77,000,000 can pass Congress. I am afraid that a bill granting a larger sum would not pass Congress; and it is for that reason that I opposed the amendment offered by the Senator from Illinois.

Mr. PUGH. I desire to ask my friend from Mississippi a question, as I have great respect for any opinion he may have connected with this measure. This appropriation is made in aid of the States in the establishment of common schools. There must be common schools in existence in the States, established by the States. There can not be

common schools without houses in which to teach the children. There may not be houses enough in certain localities; they may not be such houses as the people would desire; they might want them improved, they might want better houses; but this appropriation is proposed to be made to supply necessarily a local want. If houses are needed they will only be needed in certain parts of certain States. It is to relieve a local want, not a general want. The want for these houses can not be general, because in one-half or two-thirds of every State there are houses sufficient, and they are sufficiently comfortable to answer all the uses. Now, how can we appropriate $2,000,000 out of the Treasury to answer a want that is necessarily local in every State? That is my trouble. I am a friend of the bill; I should like to see these houses built; but I do not desire to load the bill down with these troubles; and my opinion is that the States do not need it; that it is not a want so pressing as to require this appropriation; and I hope the amendment will fail.

Mr. GEORGE. When I was interrupted by the Senator from Alabama I was expressing some views which I entertain upon the amendment of the Senator from Illinois which had been voted down, and I was giving some reasons why I cast my vote against it. I desire to place upon record the statement that I do not think the amount proposed by the Senator from Illinois was extravagant or was beyond the needs of the people of this country for the purposes of education. I would cheerfully vote for that amount. I voted against the amendment solely upon the ground that I believe a larger sum than $77,000,000 (that amount having once received the sanction of the Senate and the larger sum having been voted down) is not likely to be passed at all, and I prefer in this matter to take the deliberate judgment of the Senate as expressed at the last Congress and the deliberate judgment of the committee, of which I am no longer a member, expressed at this session, and to vote for a sum which I think we may get out of the Treasury to assist in the education of the people.

Mr. HARRIS. Is the school-house fund to be a part of the $77,000,000?

Mr. GEORGE. No, sir. In response to the suggestion made by the Senator from Alabama about this being a local want, I understand him somewhat to insinuate a constitutional objection to this appropriation because the want is not general, but local. My answer to that is that it necessarily rests in the discretion of Congress in making such an appropriation to determine how far the want is local and how far it is general. In addition to that, an answer to the suggestion of the Senator from Alabama is found in the fact that this appropriation for school-houses is but a part of the scheme to educate the people; it is only a part of the means of education; and if we have a right under the Constitution to make an appropriation for the purpose of educating the illiterate and poor people of this country, certainly we have the further right to vote to them houses, without which the education can not be given to them. I think that is a complete answer to the suggestion made by the Senator from Alabama.

Mr. LOGAN. Will the Senator from Mississippi allow me to suggest in connection with what the Senator from Alabama has said that I suppose an appropriation for the Coosa or some other river down in Alabama would be a local appropriation, would it not?

Mr. GEORGE. You are after the Senator from Alabama, not after me.

Mr. PUGH. What is the question?

Mr. LOGAN. I suggest to the Senator from Alabama that I think an appropriation for the benefit of the Coosa River would be a local appropriation, yet I do not suppose any one would object to it on constitutional grounds.

The PRESIDING OFFICER. The question is on the adoption of the amendment of the Senator from Illinois [Mr. LOGAN] as modified.

The amendment was agreed to.

Mr. LOGAN. I now desire to offer another amendment.

Mr. PLATT. Will the Senator from Illinois yield to me?

Mr. LOGAN. Certainly.

Mr. PLATT. Mr. President, Senators are no doubt advised of the great affliction which has befallen my colleague. Mrs. Hawley died last evening at half past 6 o'clock. There are to be simple funeral services at the residence of my colleague, at No. 312 C street, at 5 o'clock this afternoon. Many Senators have already left for the purpose of attending, and others desire by their presence to testify their sympathy for my colleague in his great bereavement. I therefore move that the Senate do now adjourn.

The motion was agreed to; and (at 3 o'clock and 50 minutes p. m.) the Senate adjourned.

HOUSE OF REPRESENTATIVES.

THURSDAY, *March* 4, 1886.

The House met at 12 o'clock m. Prayer by Rev. S. K. COX, of Washington, D. C.

The Journal of yesterday's proceedings was read and approved.

REPORT OF INDIAN COMMISSIONERS.

The SPEAKER laid before the House the following message from the President of the United States; which was read, and, with the accompanying report, referred to the Committee on Indian Affairs, and ordered to be printed:

To the Senate and House of Representatives:

I transmit herewith for the information of Congress the seventeenth annual report of the board of Indian commissioners of the year 1885, submitted to the Secretary of the Interior in pursuance of the act of May 17, 1882.

GROVER CLEVELAND.

EXECUTIVE MANSION, *March* 3, 1886.

ARTILLERY SCHOOL AT FORTRESS MONROE.

The SPEAKER also laid before the House a letter from the Secretary of War, transmitting correspondence with officers of the artillery school at Fortress Monroe recommending appropriation for extra-duty pay to enlisted men employed at that school; which was referred to the Committee on Military Affairs, and ordered to be printed.

TAX ON RETAIL LIQUOR DEALERS.

The SPEAKER also laid before the House a letter from the acting Secretary of the Treasury, transmitting a letter from the acting Commissioner of Internal Revenue and recommending amendments of the acts in relation to penalties for carrying on the business of retail liquor dealers without the payment of tax; which was referred to the Committee on Ways and Means, and ordered to be printed.

STATISTICAL ABSTRACT FOR 1885.

The SPEAKER also laid before the House a concurrent resolution of the Senate providing for the printing of 15,000 additional copies of the Statistical Abstract of the United States for the year 1885; which was referred to the Committee on Printing.

ENROLLED JOINT RESOLUTIONS.

Mr. NEECE, from the Committee on Enrolled Bills, reported that the committee had examined and found duly enrolled joint resolutions of the following titles; when the Speaker signed the same:

Joint resolution (H. Res. 105) to print 12,500 copies of the eulogies on Reuben Ellwood, late a Representative in Congress; and

Joint resolution (H. Res. 124) to print 31,000 copies of the eulogies on Thomas A. Hendricks, late Vice-President of the United States.

ORDER OF BUSINESS.

Mr. VIELE. I ask unanimous consent to take up for present consideration the bill H. R. 5552. It requires no expenditure of money. It does a simple act of justice, and I think will lead to no discussion.

Mr. BEACH. Is that bill on the Private Calendar or the House Calendar?

The SPEAKER. The Chair thinks it is on the Private Calendar.

Mr. BEACH. Then it can not be brought up under the call of committees.

The SPEAKER. The bill will be read, after which the Chair will ask for objections.

The bill (H. R. 5552) for the relief of James Cain was read.

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. STORM. Is there a report accompanying the bill?

The SPEAKER. The rules of the House require that in every case a report shall accompany the bill.

Mr. STORM. I would like to hear the report read.

The SPEAKER. The reading of the report would be in the nature of debate. Does the gentleman from Pennsylvania desire to have the report read reserving the right to object?

Mr. STORM. If the gentleman will explain the bill that will do as well.

Mr. REAGAN. Mr. Speaker, if there is a report accompanying this bill I would like to hear it read.

The SPEAKER. The report can not be read except by unanimous consent unless the bill is under consideration, because that would be in the nature of debate; but if there be no objection the report will be read subject to the right to object afterward.

Mr. BURROWS. Mr. Speaker, I dislike to object, but it seems to me that we ought not to fall into the habit of hearing reports and the extended debate which is sometimes indulged in in such cases before the question of objection is raised. It seems to me that it should first be determined whether or not there is objection to the consideration of the bill.

The SPEAKER. The gentleman from Michigan [Mr. BURROWS] objects to the reading of the report.

Mr. BURROWS. I do not object to the consideration of the bill, however.

The SPEAKER. Is there objection to the consideration of the bill?

Mr. REAGAN. I object.

PAY OF JUDGES OF UNITED STATES DISTRICT COURTS.

Mr. SENEY, from the Committee on the Judiciary, reported back adversely bills (H. R. 88, H. R. 594, H. R. 3704, and S. 6) regulating the pay of the district judges of the United States.

Mr. ROGERS. Mr. Speaker, I rise to—I do not know whether it is a question of privilege or how it should be stated, but it is this: In the absence of the gentleman from Ohio [Mr. SENEY] this morning the Committee on the Judiciary took different action upon this subject,

and it occurs to me that as the gentleman was not aware of that fact the report ought to be withdrawn for the present.

The SPEAKER. This is in part a report upon a Senate bill, and the bill does not accompany the report.

Mr. SENEY. The report is based on three bills, two of the House and one of the Senate, and a copy of each bill accompanies the report.

The SPEAKER. One of the bills to which the report relates appears to be a Senate bill, and it does not accompany the report.

Mr. SENEY. The bill was put into the report by me only a moment ago and sent up to the Clerk's desk.

The SPEAKER. The gentleman is mistaken. There is accompanying the report a printed copy of the Senate bill, but the House must act upon the original engrossed bill, the official paper, as it comes from the Senate.

Mr. SENEY. Well, Mr. Speaker, I do not know what is proper to be done under the circumstances. I was instructed by the Committee on the Judiciary to make that report to the House. The report was prepared last week, and would have been made before only that it was delayed at the request of a member of the committee in order that he might have an opportunity to examine it. Had I been in my seat yesterday morning it would have been presented then. Coming into the House this morning, I thought it proper when the Committee on the Judiciary was called that I should present the report to the House, and I was not aware until afterward that the committee this morning had changed its order on the subject. Whatever is proper to be done in the matter I am, of course, quite willing to do.

Mr. OATES. I do not understand that the committee has changed its order except that there is a motion to reconsider pending.

Mr. ROGERS. That is all. If I may be permitted, Mr. Speaker, I wish to make one observation. The facts have been correctly stated by the gentleman from Ohio [Mr. SENEY], and it would not have been necessary at all for me to have called the attention of the Speaker to the last action of the committee on this matter had the gentleman from Ohio happened to be present in the committee-room this morning when that action was taken.

The SPEAKER. As the Chair has already stated, the original Senate bill does not accompany the report, and a report on a Senate bill can not be received unless accompanied by the bill itself.

Mr. HAMMOND. Then, Mr. Speaker, the report is out of order at this time for a different reason from the one stated by the gentleman from Arkansas [Mr. ROGERS].

The SPEAKER. The Senate bill has not been reported back to the House.

Mr. ROGERS. The object of my remark was to prevent the House from getting the impression that the gentleman from Ohio [Mr. SENEY] had knowingly doing anything wrong.

Mr. SENEY. Mr. Speaker, let the report be considered withdrawn.

BRIDGES ACROSS THE ILLINOIS AND DES MOINES RIVERS.

Mr. CRISP, from the Committee on Commerce, reported back with an amendment the bill (H. R. 3371) authorizing the construction of bridges across the Illinois River in the State of Illinois and the Des Moines River in the State of Iowa, and for other purposes; which was referred to the House Calendar, and ordered to be printed.

ATLANTIC AND PACIFIC SHIP-RAILWAY.

Mr. CRISP. Mr. Speaker, in pursuance of the leave heretofore granted by the House, and in behalf of the minority of the Committee on Commerce, I present their views on House bill No. 5885 to incorporate the Atlantic and Pacific Ship Railway.

The paper was referred to the House Calendar, and ordered to be printed.

EXTRATERRITORIAL JURISDICTION OF THE UNITED STATES.

Mr. HITT, from the Committee on Foreign Affairs, reported with a favorable recommendation the bill (H. R. 333) to provide for the exercise of the jurisdiction conferred upon the United States in places out of their territory and dominion and to repeal the Revised Statutes from section 4083 to section 4130, inclusive.

The SPEAKER. Will the gentleman from Illinois please state whether this bill makes an appropriation or requires an appropriation to be made.

Mr. HITT. The bill by its provisions requires an appropriation, but does not expressly make it.

The bill and accompanying report were referred to the Committee of the Whole House on the state of the Union, and ordered to be printed.

PUBLIC LANDS IN ALABAMA.

Mr. VAN EATON, from the Committee on the Public Lands, reported back with a favorable recommendation the bill (H. R. 32) to amend an act entitled "An act to exclude the public lands in Alabama from the operation of the laws relating to mineral lands," approved March 3, 1883; which was referred to the House Calendar, and, with the accompanying report, ordered to be printed.

MRS. M. E. A. FERGUSON.

Mr. ELLSBERRY, from the Committee on Invalid Pensions, reported back adversely the bill (H. R. 1925) for the relief of Mrs. M. E. A. Ferguson; which was laid on the table, and the accompanying report ordered to be printed.

MARY A. FITZPATRICK.

On motion of Mr. ELLSBERRY, by unanimous consent, the Committee on Invalid Pensions was discharged from the further consideration of the bill (H. R. 1780) granting a pension to Mary A. Fitzpatrick; and the same was referred to the Committee on Pensions.

S. B. CRANSTON.

Mr. LANHAM, from the Committee on Claims, reported back favorably the bill (S. 68) for the relief of S. B. Cranston; which was referred to the Committee of the Whole House on the Private Calendar, and the accompanying report ordered to be printed.

Mr. LANHAM, from the Committee on Claims, also reported back adversely the bill (H. R. 1975) for the relief of S. B. Cranston; which was laid on the table, and the accompanying report ordered to be printed.

MRS. CATHERINE B. CULVER.

Mr. LANHAM, from the Committee on Claims, also reported a bill (H. R. 6396) for the relief of Mrs. Catherine B. Culver; which was read a first and second time, referred to the Committee of the Whole House on the Private Calendar, and the accompanying report ordered to be printed.

JOHN F. SLATER.

Mr. SINGLETON, from the Committee on the Library, reported back favorably joint resolution (H. Res. 115) providing for the execution of the joint resolution of February 5, 1883, voting thanks and a medal to John F. Slater; which was referred to the Committee of the Whole House on the Private Calander, and the accompanying report ordered to be printed.

LANDS FOR CALIFORNIA.

Mr. HENLEY, from the Committee on the Public Lands, reported back with amendment the bill (H. R. 5164) to enable the State of California to take lands in lieu of the sixteenth and thirty-sixth sections, found to be mineral lands; which was referred to the House Calendar, and the accompanying report ordered to be printed.

AGRICULTURE.

Mr. GLASS, from the Committee on Agriculture, reported back with amendment the bill (H. R. 2293) to promote agriculture, and for other purposes; which was referred to the House Calendar, and the accompanying report ordered to be printed.

ADVERSE REPORT.

Mr. FORD, from the Committee on the District of Columbia, reported back adversely the bill (H. R. 3426) to incorporate the American College for the Blind; which was laid on the table, and the accompanying report ordered to be printed.

PROMOTION OF ANATOMICAL SCIENCE.

Mr. FORD, from the Committee on the District of Columbia, also reported back favorably the bill (S. 349) for the promotion of anatomical science and to prevent the desecration of graves; which was referred to the House Calendar, and the accompanying report ordered to be printed.

Mr. FORD, from the Committee on the District of Columbia, also reported back adversely the bill (H. R. 2632) for the promotion of anatomical science and to prevent the desecration of graves; which was laid on the table, and the accompanying report ordered to be printed.

PUBLIC BUILDING AT ASHEVILLE, N. C.

The SPEAKER. The hour for the consideration of bills heretofore reported by committees begins at twenty-three minutes before 1 o'clock.

Mr. DIBBLE (when the Committee on Public Buildings and Grounds was called) said: I move that the House resolve itself into Committee of the Whole on the state of the Union for the purpose of considering the bill (H. R. 5546) for the erection of a public building at Asheville, N. C., and I ask unanimous consent that debate on this bill in Committee of the Whole be limited to ten minutes. The bill has already been before the House three different times.

The SPEAKER. The gentleman from South Carolina [Mr. DIBBLE] moves that the House resolve itself into Committee of the Whole for the purpose of considering the bill indicated by him, and, pending that motion, he asks unanimous consent that debate on the bill in Committee of the Whole be limited to ten minutes. Is there objection?

Mr. JOHNSTON, of Indiana (in his seat), objected.

The SPEAKER. Who objects?

Mr. JOHNSTON, of Indiana. Is this a bill for the erection of a public building?

The SPEAKER. It is.

Mr. JOHNSTON, of Indiana. If there is any necessity for debate at all I do not see what good ten minutes' debate can do. But I will withdraw the objection. I can stand it if gentlemen on the other side can.

The SPEAKER. If there is no objection the order limiting debate will be made.

There was no objection.

The motion of Mr. DIBBLE that the House resolve itself into Committee of the Whole on the state of the Union was agreed to.

The House accordingly resolved itself into Committee of the Whole on the state of the Union (Mr. SPRINGER in the chair), and proceeded to the consideration of the bill (H. R. 5546) for the erection of a public building at Asheville, N. C.

The bill was read, as follows:

Be it enacted, &c., That the Secretary of the Treasury be, and he is hereby, authorized and directed to purchase or otherwise provide a suitable site and cause to be erected thereon a substantial and commodious building, with fire-proof vaults extending to each story, for the use and accommodation of the courts of the United States, post-office, and other offices of the Government, at Asheville, N. C. The site, and building thereon, when completed upon plans and specifications to be previously made and approved by the Secretary of the Treasury, shall not exceed in cost the sum of $80,000; nor shall any site be purchased until estimates for the erection of a building which will furnish sufficient accommodations for the transaction of the public business, and which shall not exceed in cost the balance of the sum herein limited after the site shall have been purchased and paid for, shall have been approved by the Secretary of the Treasury; and no purchase of site nor place for said building shall be approved by the Secretary of the Treasury involving an expenditure exceeding the sum of $80,000 for site and building; and the site purchased shall leave the building independent and unexposed to danger from fire in adjacent buildings by an open space of not less than 40 feet, including streets and alleys: *Provided*, That no part of said sum shall be expended until a valid title to the said site shall be vested in the United States, nor until the State of North Carolina shall cede to the United States exclusive jurisdiction over the same, during the time the United States shall be or remain the owner thereof, for all purposes except the administration of the criminal laws of said State and the service of civil processes therein.

The CHAIRMAN. By order of the House, all debate upon the pending bill has been limited to ten minutes. The Chair will recognize the gentleman from South Carolina to control one-half of that time, and if any gentleman desires to oppose the bill the Chair will recognize him for that purpose to control the other half of the time.

Mr. HOLMAN. Let the report of the committee be read.

The CHAIRMAN. That can only be read in the time of some gentleman occupying the floor.

Mr. HOLMAN. I ask by unanimous consent the report may be read, not to take up any portion of the ten minutes.

Mr. DIBBLE. I think, Mr. Chairman, a statement by the gentleman from North Carolina [Mr. JOHNSTON], who is perfectly familiar with the subject, will substitue all the facts set forth in the report.

The CHAIRMAN. The Chair will recognize the gentleman from Indiana as controlling the five minutes in opposition, and if he desires in that time the report can be read.

Mr. DIBBLE. There is a misprint in the bill; the word "place" should be substituted by the word "plan," so it will read "and no purchase of site nor plan for said building shall be approved by the Secretary of the Treasury," &c.

The CHAIRMAN. The Chair hears no objection, and the correction will be made accordingly.

Mr. DIBBLE. I will yield now for three minutes to the gentleman from North Carolina [Mr. JOHNSTON].

Mr. JOHNSTON, of North Carolina. Mr. Chairman, as stated by the gentleman from South Carolina, chairman of the Committee on Public Buildings and Grounds, this is a bill providing for the erection of a court-house in the city of Asheville, N. C. It has passed the Senate three several times—in the Forty-sixth, Forty-seventh, and Forty-eighth Congresses—appropriating $100,000, and each time it has received a favorable report from the Committee on Public Buildings and Grounds of this House but has failed to pass because it was not reached on the Calendar. At this session it was introduced appropriating $100,000, but the committee have reduced it to $80,000, which I think is too small, but at the same time I have to submit to it. The United States court sits in the city of Asheville, a circuit and district court, organized there for fourteen years. It is the largest Federal court in North Carolina. It is situated 200 miles west of any public building in the State. There are now pending before that court four hundred cases to be tried. I have the certificate of the judge of the court, which says that since its establishment there have been over four thousand cases disposed of. On account of the increasing population and business of the State there has been established a State court in addition to the Federal court, and often conflicts arise between the two. I myself have seen the Federal court adjourn because of conflict between it and the State courts.

Besides, Mr. Chairman, there is no place for taking proper care of the records of the Federal court. The clerk's office, where the records of fifteen years are kept, is a building distant from the court-house and liable at any time to be destroyed by fire. It is in a second-story room, where if a fire occurred no doubt the entire records of the courts would be destroyed.

Mr. JOHNSTON, of Indiana. Is this for a court-house only or for a post-office and other buildings?

Mr. JOHNSTON, of North Carolina. It is for a court-house, for a post-office, for a revenue office, and for other purposes set forth in the report.

Mr. JOHNSTON, of Indiana. From the number of cases stated by the gentleman as pending before the court it would seem that they also want a jail.

Mr. JOHNSTON, of North Carolina. We would like to have one, but we have one there now which is satisfactory for the present. The present building is intended to supply the want of accommodation for the various public offices located in that city.

Mr. McCOMAS. What internal-revenue office is located in Asheville?

Mr. JOHNSTON, of North Carolina. The deputy collector of internal revenue for the western district.

Mr. McCOMAS. The deputy collector?

Mr. JOHNSTON, of North Carolina. Yes, sir.

Mr. McCOMAS. Is that a good precedent to establish—to erect public buildings for the accommodation of deputy collectors?

Mr. JOHNSTON, of North Carolina. It might not, but there is also a Federal court sitting there which has been in existence for over fourteen years, and the records of which are now exposed to loss by fire. There is also a post-office there to be provided for. The facts are fully set forth in the report accompanying the bill, which also states the amount of rent paid by the Government, the number of population, and other facts showing the necessity for this public building. My time of course is limited, but I will be glad to answer any suggestion on the part of gentlemen.

The CHAIRMAN. The gentleman has one minute left.

Mr. DIBBLE. The gentleman from North Carolina has one minute of his time left.

Mr. JOHNSTON, of North Carolina. I will reserve that for the present.

The CHAIRMAN. The gentleman from Indiana will be recognized as controlling the time in opposition to the bill.

Mr. HOLMAN. I ought not to be recognized with a view of opposing the measure. Therefore if anybody wishes to oppose the measure I will yield him the floor. If no one rises for that purpose I will occupy the floor to say this: During the last Congress I repeatedly stated the main objections in the country to the erection of public buildings was the large appropriations made for each one, and the fact that those appropriations were made without proper safeguards against demands for subsequent additional appropriations. I am glad to notice this bill meets both objections which I have been so persistent in making—first, as the amount seems to be reasonable for such a building where there has been established a Federal court for fourteen years, which would indicate the necessity for such a building; and secondly, in incorporating proper safeguards against additional appropriations hereafter. It is provided this money is to be expended only on the plan made and after the site has been purchased, so as to secure with reasonable certainty the amount indicated in the bill shall be sufficient to complete the structure. The adoption of such safeguards in my judgment renders legislation of this character much more satisfactory and much safer than where no safeguards are adopted against future demands for additional appropriations.

The CHAIRMAN. The Chair thinks it is due to the committee to state that five minutes of the time allowed for debate should be given to those desiring to oppose the bill. If any gentleman desires to speak in opposition to it the Chair will recognize him for that purpose.

Mr. DIBBLE. No one rising to oppose the bill, I move that the committee rise and report the bill and amendment to the House.

The motion was agreed to.

The committee accordingly rose; and the Speaker having resumed the chair, Mr. SPRINGER reported that the Committee of the Whole House on the state of the Union, having had under consideration House bill No. 5546, had directed him to report the same with an amendment to the House and recommend its passage as amended.

The amendment was agreed to.

Mr. HOLMAN. I believe this bill does not contain an appropriation.

Mr. JOHNSTON, of North Carolina. No, sir.

The bill as amended was ordered to be engrossed and read a third time; and being engrossed, was accordingly read the third time, and passed.

Mr. DIBBLE moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

PUBLIC BUILDING, BELFAST, ME.

Mr. DIBBLE. Mr. Speaker, I move that the House resolve itself into Committee of the Whole House on the state of the Union for the consideration of the bill (H. R. 1027) for the extension and repair of the public building at Belfast, Me.; and I ask unanimous consent that the same limit of debate granted on the preceding bill, to be equally divided in case there shall be any opposition to the passage of the bill, be agreed to.

Mr. CANNON. What is this bill?

Mr. DIBBLE. It is only an extension or addition to this building at Belfast, Me., and involves an expenditure of only $15,000.

The SPEAKER. Without objection the request of the gentleman from South Carolina will be granted.

There was no objection, and it was ordered accordingly.

The motion of Mr. DIBBLE was then agreed to.

The House accordingly resolved itself into Committee of the Whole House on the state of the Union, Mr. SPRINGER in the chair.

The CHAIRMAN. The House is now in Committee of the Whole

House on the state of the Union for the purpose of considering the bill which the Clerk will read.

The Clerk read as follows:

Be it enacted, &c., That the Secretary of the Treasury be, and he hereby is, authorized and directed to cause to be constructed an extension of the public building at Belfa-t, in the State of Maine, in accordance with plans and specifications of the Supervising Architect of the Treasury Department, and also to put said building in a thorough state of repair; and for the purposes herein named the sum of $15,000 is hereby appropriated, out of any moneys in the Treasury not otherwise appropriated, to be expended under the direction of the Secretary of the Treasury.

The CHAIRMAN. Under the order of the House all debate is limited on this bill to ten minutes, and the Chair will recognize the same principle in the distribution and allotment of the time that was observed on the preceding bill.

Mr. DIBBLE. I yield three minutes to the gentleman from Maine [Mr. MILLIKEN].

Mr. MILLIKEN. Mr. Chairman, this bill is for the purpose of extending a public building which is already in existence in the town of Belfast, Me., which is the property of the Government, so that it shall have sufficient capacity to do the Government business in; and I will ask the Clerk to read a letter from the Secretary of the Treasury upon this subject as a part of my remarks.

The Clerk read as follows:

TREASURY DEPARTMENT, *Washington, February 26, 1886.*

SIR: I have the honor to acknowledge the receipt of your letter of the 17th instant in regard to bill No. 1027, H. R., for the extension and repair of the public building at Belfast, Me. I am informed by the Supervising Architect of this Department that the amount ($15,000) asked in the estimate of appropriations recently submitted to Congress for the custom-house, &c., at Belfast, Me., is for the construction of an extension to the building to provide adequate accommodations for the post-office business, for which plans and specifications have been submitted to the Department by the superintendent of repairs for that section. The extension contemplated is 20 feet by 45 feet 8 inches, the full height of the building (two stories).

The present post-office accommodations consist of a post-office working-room 23 feet 8 inches by 16 feet 6 inches, and a room 16 feet 6 inches by 8 feet 8 inches, which is used by the postmaster and for the money-order business. The extension will provide room for the postmaster 18 feet by 8 feet 6 inches, a money-order room 18 .eet by 8 feet 6 inches, increase the size of the working-room to 36 feet by 23 feet, and provide a room in second story for the inspectors of customs 24 feet 3 inches by 18 feet 6 inches, and a files-room 18 feet by 8 feet 6 inches.

The present building is a two-story brick fire-proof structure, with two rooms on each floor. No external ornamentation is contemplated on the extension. The office handles seven daily mails, and is the distributing center for fifty-four post-offices in Waldo County. The present accommodations are too restricted, and about one hundred more boxes could be rented if they could be put up.

The estimated cost of the extension, of fire-proof construction, is $15,000.

Respectfully, yours,

DANIEL MANNING, *Secretary.*

Hon. SAMUEL DIBBLE,
Chairman Committee on Public Buildings and Grounds,
House of Representatives.

Mr. MILLIKEN. I do not desire at this time to say anything further in support of this bill unless there is debate on the other side, in which case I will reserve my time.

The CHAIRMAN. The Chair will recognize any gentleman for five minutes who may desire to oppose the bill. [Cries of "Vote! Vote!"]

Mr. DIBBLE. I move that the committee rise and report the bill favorably to the House.

The motion was agreed to.

The committee accordingly rose; and the Speaker having resumed the chair, Mr. SPRINGER reported that the Committee of the Whole House on the state of the Union, having had under consideration the bill H. R. 1027, directed him to report the same to the House without amendment.

The bill was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

Mr. DIBBLE moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

PUBLIC BUILDING, SAVANNAH, GA.

Mr. DIBBLE. Mr. Speaker, I now move that the House resolve itself into Committee of the Whole House on the state of the Union for the purpose of considering House bill 5547, and I ask the same unanimous consent as to the limitation of debate to ten minutes that was made in the preceding cases.

Mr. CANNON. What is this bill?

Mr. DIBBLE. It is for the erection of a public building at Savannah, Ga.

Mr. EDEN. I would suggest to the gentleman from South Carolina that he modify his request so that the report may be read first, and then allow ten minutes for debate, so that we may understand the bill better.

Mr. DIBBLE. If any gentleman desires to have the report read I shall not object.

The SPEAKER. Without objection the request of the gentleman from South Carolina will be considered as agreed to.

There was no objection.

Mr. DIBBLE's motion was then agreed to.

The House accordingly resolved itself into Committee of the Whole on the state of the Union, Mr. SPRINGER in the chair.

The CHAIRMAN. The House is now in Committee of the Whole on the state of the Union for the purpose of considering the bill which the Clerk will report.

The bill was read, as follows:

Be it enacted, &c., That the Secretary of the Treasury be, and he is hereby, authorized and directed to purchase or otherwise provide a site and cause to be erected thereon a substantial and commodious building, with fire-proof vaults, for the use and accommodation of the United States circuit and district courts and post-office, and other Government uses, at the city of Savannah, in the State of Georgia. The site, and building thereon, when completed upon plans and specifications to be previously made and approved by the Secretary of the Treasury, shall not exceed in cost the sum of $200,000; nor shall any site be purchased until estimates for the erection of a building which will furnish sufficient accommodations for the transaction of public business, and which shall not exceed in cost the balance of the sum herein limited after the site shall have been purchased and paid for, shall have been approved by the Secretary of the Treasury; and no purchase of site or place for said building shall be approved by the Secretary of the Treasury involving an expenditure exceeding the said sum of $200,000 for site and building; and the site purchased shall leave the building unexposed to danger from fire by an open space of at least 50 feet, including streets and alleys: *Provided*, That no part of said sum shall be expended until a valid title to the said site shall be vested in the United States nor until the State of Georgia shall cede to the United States exclusive jurisdiction over the same, during the time the United States shall be or remain the owners thereof, for all purposes except the administration of the criminal laws of said State and the service of civil process therein.

The CHAIRMAN. If any gentleman desires the report to be read the Chair will direct the Clerk to read it as a part of his remarks.

Mr. EDEN. Let it be read.

The report (by Mr. REESE) was read, as follows:

The United States Government, about forty years ago, erected a granite building in Savannah, to be used as a custom-house and for the holding therein of the United States circuit and district courts, and as a post-office. The post-office was in the basement, or on the first floor; the collector's offices and United States marshal's office were on the second floor, and the third floor was used by the courts. The bonded warehouse was on the first floor. The post-office was dark and always damp, and wholly unsuited for the purpose. The court-room (on the third floor) was found, from its first occupation, to be unfitted for the proper hearing of cases. This room is on the corner of two streets, which are the principal avenues of the commerce of that city, and as one of them is paved with stone, the almost incessant roar from drays and wagons frequently interrupts the business of the court. This is the case now. Another and remediless difficulty and obstruction to judicial business exists in the acoustics of the court-room. Two experiments have been made by the Government to prevent this difficulty, and both were wholly unsuccessful.

Your committee had before them letters from several judges who have presided over the circuit and district courts in that room, and among them are Mr. Justice Bradley and Mr. Justice Woods, of the United States Supreme Court, and Hon. John Erskine, retired United States judge. And without further remarks on this head, your committee say that such a room for holding the United States circuit and district court is a discredit to this Government.

Your committee beg leave to submit the full text of the letters of Mr. Justice Bradley and Hon. John Erskine as a part of their report. They would submit, also, Mr. Justice Woods's letter had they it in hand, though it is of the same purport as the two letters submitted. Mr. Justice Woods says that the United States court-room in Savannah is the worst for holding court in the whole of the fifth United States judicial district, which extends from the Savannah River to the Rio Grande.

After the war, when the internal-revenue system was extended South, the Government moved the post-office from the basement of the customs building into a rented house and occupied said basement for the internal-revenue service, and it is so used now.

The post-office is, and for many years has been, in the basement of a rented building. The delivery department is entered by five or six descending steps; the room is dark and poorly ventilated, and the space where mail-bags are received and emptied, letters assorted and stamped and delivered and key-boxes stationed, is about 83 by 18 feet. In fact, all the business of the office, which serves about 60,000 people, and is besides a distributing point for a large territory, is done in the small room, excepting the sale of stamps, registering of valuable packages, and the issuing of money-orders.

Besides the inadequacy of this basement room, the situation of it is most inconvenient for the ladies of the city. It is on the same noisy street which the custom-house is on, which street is next to the river, and one on which ladies object to walking. The location of the post-office, therefore, is so objectionable that ladies rarely go to it to post or receive letters.

Your committee are convinced that a building for holding United States courts and a post-office in Savannah is a necessity. The custom-house, being built of granite and iron and brick, so as to be fire proof, could not be remodeled for that purpose even if it was located in a quiet part of the city. A court-room with the objections pointed out by the three judges named is a reproach to our Government. It is a denial of justice to all parties to a suit for a judge and jury to sit in a room where the judge must leave the bench and sit or stand by the jury in order to be heard, and where counsel, witnesses, jurors, and judge are straining to hear what is said, and where the judge must suspend proceedings to wait until the roar of wheels dies away.

Your committee therefore report back House bill 3880 with a substitute therefor, and recommend that the substitute do pass.

Mr. DIBBLE. Mr. Chairman, the nineteenth line of this bill contains the same misprint of the word "place" for plans, which occurred in a former bill, and I ask that it be corrected.

The CHAIRMAN. If there be no objection the correction will be made.

There was no objection, and it was ordered accordingly.

The CHAIRMAN. Under the order of the House debate is limited to ten minutes. The Chair will recognize the gentleman from South Carolina for five minutes in support of the bill.

Mr. DIBBLE. I yield three minutes to the gentleman from Georgia [Mr. NORWOOD].

Mr. NORWOOD. Mr. Chairman, there are two letters attached to this report, which have not been read, one by Mr. Justice Bradley and one by Judge Erskine, late judge of the district court, and there is also a letter from Justice Woods and one from the presiding judge, Speer, on the same subject, all of which go to show that the court is held in a room in the custom-house in Savannah in which it is impossible to transact the business to the satisfaction of parties, jurors, or of the court; and Judge Bradley says he has long desired that there should

be another court-house there, while Judge Woods states that it is the worst court-house within the fifth district—a district extending as it does from the Savannah River to the Rio Grande.

Mr. BLOUNT. I will ask my colleague does it not actually happen that policemen have often to be stationed there to stop the passage of drays, &c., that the proceedings of the court may go on?

Mr. NORWOOD. That has been done time and again at the request of the judge. The building is situated at the corner of two of the principal business streets of the city, that are paved with stone, and the roar of the wheels from wagons, drays, and the like is such as to drown the voices of the witnesses, the counsel, and the court, and they can not conduct the business while that noise is being made. The acoustics of the court-room are such that Judge Erskine says he has often got down from the bench and sat by the jury in making his charge in order that the jury might hear him.

The Committee on Public Buildings and Grounds report that under such circumstances a court-house there is a necessity. And when it is remembered that that court-house is in the city of Savannah, where the admiralty business is conducted, and it is for the accommodation of both the district and circuit courts, and that there is a very large amount of business transacted in that court, I do not think any gentleman here would hesitate to say that the report of the committee is correct.

As to the post-office, I will say the net proceeds of the post-office are a little over $36,000 a year. The post-office is now in a basement. You descend four or five steps in order to get into the post-office.

The CHAIRMAN. The time of the gentleman from Georgia [Mr. NORWOOD] has expired. The Chair will recognize any gentleman who desires to oppose the bill.

Mr. HOLMAN. I desire only to ask a question. The present building, as I understand, is occupied as a custom-house, internal-revenue office, and court-house.

Mr. NORWOOD. Yes, sir; and for the clerks of the court and the marshal and the storage of records. I will state, if allowed to do so, that many of the records of the court now are stored in the upper room and are not being preserved. Some of the records of the most important trials that have occurred in that court are now being destroyed because there is not room to stow them away properly.

Mr. HOLMAN. My question is this: I understand the present building was erected some forty years ago, and is used now as a custom-house, internal-revenue office, and court-house—for those three purposes; and it is proposed now to erect a building with a view to a post-office, which is not in this building, and the use of the courts; and the present building will be used as a custom-house and for the internal-revenue office. Now the question I wish to ask is this: In view of the fact that this building is to be for those two purposes only, the post-office and the court-house, whether a less sum than $200,000, under all the circumstances, would not be sufficient for the erection of the building?

Mr. NORWOOD. I do not think so. Out of this amount is to come the cost of the purchase of the ground, which may take twenty-five or fifty thousand dollars. You will observe that by a provision of the bill a strip of ground 50 feet wide is to be purchased, besides the ground to be actually occupied by the building, because it can not be erected within 50 feet of any other building; and we can not get ground in the portion of the city that would be suitable for this building at a low price. A high price may have to be paid for the ground, and the remainder of the $200,000 will not be more than is required for the building. It should be remembered that that building must accommodate the district court, circuit court, the clerk, the marshal, and the post-office department to supply a population of some 60,000, and be a distributing office for a large district. I think the sum named in the bill is very reasonable. I asked for $300,000, but the committee cut it down to $200,000.

Mr. DIBBLE. I move that the committee rise and report the bill to the House with a favorable recommendation.

The motion was agreed to.

The committee accordingly rose; and the Speaker having resumed the chair, Mr. SPRINGER reported that the Committee of the Whole House on the state of the Union, having had under consideration the bill (H. R. 5547) for the erection of a public building at Savannah, Ga., had directed him to report the same back to the House with an amendment.

The amendment was adopted.

The bill as amended was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

Mr. DIBBLE moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

PUBLIC BUILDING IN PEORIA.

Mr. DIBBLE. I move that the House resolve itself into the Committee of the Whole House on the state of the Union for the purpose of considering the bill (H. R. 368) in relation to a public building in Peoria, Ill., and I ask unanimous consent that debate on the bill be limited to ten minutes, five minutes on each side.

Mr. MCMILLIN. I suggest that the report be read before the time for debate commences.

Mr. DIBBLE. I have no objection to that.

There being no objection, it was ordered that the report should be read, and thereafter the debate should be limited to ten minutes.

The motion that the House resolve into the Committee of the Whole House on the state of the Union was agreed to.

The House accordingly resolved itself into the Committee of the Whole House on the state of the Union, Mr. SPRINGER in the chair, and proceeded to consider the bill (H. R. 368) to amend an act entitled "An act to provide for the erection of a public building in the city of Peoria, in the State of Illinois," approved May 9, 1882.

The bill was read, as follows:

Be it enacted, &c., That an act entitled "An act to provide for the erection of a public building in the city of Peoria, in the State of Illinois," approved May 9, 1882, be so amended as to extend the limitation of $225,000 to $275,000, for the purpose of completing a third story according to plans and specifications to be previously made and approved by the Secretary of the Treasury, and of purchasing additional ground for said annex.

SEC. 2. That the sum of $50,000 be, and the same is hereby, appropriated, out of any money in the Treasury not otherwise appropriated, to be used and expended for the purposes provided in this act.

The Committee on Public Buildings and Grounds recommended the following amendment:

At the end of section 1 add the following:

"Said additional ground not to cost over $16,000; and no money appropriated for this purpose shall be made available until a valid title to said additional ground shall be vested in the United States, to be approved by the Attorney-General."

The report (by Mr. WORTHINGTON) was read, as follows:

Your committee, to which was referred the bill (H. R. 368) to extend the limitation for the erection of a public building at Peoria and to purchase additional grounds therefor, reports as follows:

The original bill provided for the erection of a public building at a cost of $225,000. Of this amount about $40,000 has been expended for a site, leaving $185,000 for erecting and completing the building. Plans were drawn and contracts let looking to this limit; but these provided for a building of two stories only. It requires all of one story for the accommodation of the post-office and all of one for the revenue offices, leaving no accommodation for Federal courts whatever, unless a third story was erected. It was also found after the building was in process of erection that the first story, designed for the post-office, was entirely inadequate for the accommodation of this department.

Ten railroads diverge from Peoria, making it a great railroad center and distributing point for mail matter. The room afforded by the new building for the post-office is no greater than that now furnished by the leased building used for that purpose, which is entirely inadequate even for present population and business of the city of Peoria. The gross receipts of the post-office for the last year were $68,170, and the net receipts $46,083. The only way to remedy this lack of room for postal facilities is by building a one-story annex. To do this additional ground is required.

The internal revenue collected at Peoria is greater than at any other city in the United States, being for the last year over $13,000,000. This, of course, requires a large force of clerks in connection with the collector's office, and of store-keepers and gaugers, who have almost daily business with the office.

The population of Peoria is about 45,000, and is rapidly increasing. The bill reported, as amended by your committee, limits the amount to be expended in purchasing additional ground to $16,000, which amount your committee believes will be sufficient for that purpose. This leaves of the additional $50,000 asked for $34,000 for the erection of said proposed annex and the completion of the original building, making the total cost $275,000, an amount which your committee deems very reasonable for the largest internal-revenue-tax paying city in the United States.

In view of these facts your committee recommends the passage of the bill, with the following amendment: After the word "annex," in the twelfth line of section 1, add the words "said additional ground not to cost over $16,000, and no money appropriated for this purpose shall be available until a valid title to said additional ground shall be vested in the United States, to be approved by the Attorney-General."

Mr. WORTHINGTON. Mr. Chairman, this matter is quite fully presented by the report, and the great necessity for public offices in the city of Peoria is so generally known that I do not care to consume time in making any remarks on the subject unless some gentleman has something to say in opposition to the bill. I desire, therefore, to reserve my time.

The CHAIRMAN. The Chair will recognize any gentleman who desires to speak in opposition to the bill for five minutes.

Mr. HOLMAN. Mr. Chairman, I believe there is no Federal court now held in Peoria.

Mr. WORTHINGTON. No, sir; but two bills authorizing the holding of terms of Federal courts there have been referred to the Committee on the Judiciary, and there is a bill now pending before the House for the same purpose, which I think will soon be called up.

Mr. HOLMAN. When a bill on this subject first passed in 1882 it provided, I believe, for the erection of a court-house as well as a post-office building.

Mr. WORTHINGTON. Yes, sir.

Mr. HOLMAN. That is some four years ago, and no Federal court has yet been authorized at that point.

Mr. WORTHINGTON. That was simply because the subject could not be brought before the House. The bill was reported favorably in that Congress and in the last Congress. As far back as twelve years ago the matter was presented, and it has been favorably reported at different times since.

Mr. HOLMAN. The Federal courts are held now at only two points in the State of Illinois, Chicago and Springfield.

Mr. WORTHINGTON. Yes.

Mr. HOLMAN. Now, Mr. Chairman, it seems to me that under these

circumstances this proposed legislation is somewhat peculiar. Four years ago, without any law authorizing a Federal court to be held at Peoria, an appropriation of money was made to erect a building there for a court-house. It is quite manifest that for the purposes of internal-revenue offices and a post-office the sum of money named is very large, a good deal larger than the average amount appropriated for such purposes at other places, and it seems to me, with all due deference to the views of my friend from Illinois, that the plan of providing at this time for constructing a large building at Peoria, with reference to the accommodation of the Federal courts, is not judicious. As everybody knows, the main item of expense in the erection of these public buildings is in providing facilities for the courts, and I hardly think it should be done until Congress has first determined that the Federal courts shall be held there. Another fact I wish to call attention to is this:

The Supervising Architect of the Treasury clearly was not justifiable in adopting a plan such as was adopted in this case. The increased expenditure which seems to be now inevitable, because apparently a third story is proper under the circumstances, results from the Supervising Architect having exceeded his powers, and it shows very clearly the importance of the provision incorporated upon bills of this character by the Committee on Public Buildings and Grounds, requiring all the preliminary steps to be taken before any money is expended, to the end that there shall be some wholesome restraint imposed upon the Supervising Architect.

I hardly feel justified in opposing a measure like this, which seems in some respects to be right enough. I am aware that for years there has been an effort on the part of some of the people of Illinois to have Federal courts established at this point, and if that had been determined upon, if a real necessity for this proposed building existed, the case would be different; but it is very doubtful whether there should be a Federal court established at Peoria. The business of those courts is very well divided now between the two points I have mentioned, Springfield and Chicago, and the experience of other States—my own, for instance, in which additional points have been provided for the holding of the courts—has been found very unsatisfactory. I think, therefore, that the people of Illinois would not be benefited by the establishment of courts at Peoria. Mr. Chairman, I am not able to point out any objections to this measure except, first, the large sum which it proposes to appropriate; and second, the fact that there is no necessity for it at this time, as no Federal court has yet been authorized to be held at that point.

Mr. WORTHINGTON. Mr. Chairman, I wish to say, in reply to the gentleman from Indiana, that the case of the city of Peoria is peculiar. It requires so large a provision of office-room for the Federal officers engaged in collecting the immense tax of that district, amounting to nearly $14,000,000, that the question of accommodation for the Federal courts is really scondary to the question of providing for the revenue offices. However, Mr. Chairman, I do not care to spend further time in the discussion of the question, and therefore I move the adoption of the amendment reported by the committee.

Mr. EDEN. Mr. Chairman, if my colleague [Mr. WORTHINGTON] will permit me, I will say that I think there is an evident necessity for the holding of terms of the Federal courts at Peoria. In our State, which is very large and becoming quite populous, Federal courts are held at only two points, Chicago and Springfield. Peoria, which, as remarked by my colleague, is a very important point so far as the collection of revenue is concerned and important also as a manufacturing and commercial city, is clearly the proper place for holding an additional term of the Federal courts in the State of Illinois. The Committee on the Judiciary has reported a bill to this House providing for the establishment of courts there. I know nothing about the peculiar necessity existing for additional room and for this increase in the size of the proposed public building—my colleague can inform the committee about that—but as to the necessity for holding terms of court at Peoria, I am quite satisfied that it exists, and that it ought to be provided for.

The CHAIRMAN. The gentleman from Illinois [Mr. WORTHINGTON] moves that the amendment reported by the committee be agreed to. The amendment will be read.

The amendment reported by the committee was read, as follows:

In line 12, after the word "annex," insert "said additional ground not to cost over $16,000; and no money appropriated for this purpose shall be made available until a valid title to said additional ground shall be vested in the United States, to be approved by the Attorney-General.

The amendment was agreed to.

Mr. WORTHINGTON. I move that the committee rise and report the bill to the House with a recommendation that it be passed with the amendment.

The motion was agreed to.

The committee accordingly rose; and the Speaker having resumed the chair, Mr. SPRINGER reported that the Committee of the Whole House on the state of the Union had had under consideration the bill (H. R. 368) to amend an act entitled "An act to provide for the erection of a public building in the city of Peoria, in the State of Illinois," approved May 9, 1882, and had directed him to report the same back with an amendment and with the recommendation that the bill as amended be passed.

The question being taken on the amendment reported from the Committee of the Whole House on the state of the Union, it was agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

Mr. WORTHINGTON moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

PUBLIC BUILDING AT ROCHESTER, N. Y.

Mr. DIBBLE. I move that the House resolve itself into Committee of the Whole House on the state of the Union for the purpose of considering the bill (H. R. 5549) limiting the cost of the erection of a public building at Rochester, N. Y.

The motion was agreed to.

The House accordingly resolved itself into Committee of the Whole House on the state of the Union (Mr. SPRINGER in the chair) and proceeded to the consideration of the bill (H. R. 5549) limiting the cost of the erection of a public building at Rochester, N. Y.

The bill was read, as follows:

Be it enacted, &c., That the amount heretofore fixed as the limit of cost for the erection of a public building by the United States Government at Rochester, N. Y., be, and the same is hereby, increased to $500,000, and that sum is hereby fixed as the limit of cost for the erection of said building and for the payment for the site thereof; and said additional sum is hereby appropriated, out of any money in the Treasury not otherwise appropriated, to be used and expended for the purposes provided in this act and for the purpose of enlarging and increasing the said building and the site therefor.

SEC. 2. That the officers of the United States Government having charge of the erection of public buildings are required to be governed by the limitation hereby prescribed in making plans and contracts for the erection of said building.

SEC. 3. That the provisions of existing law relating to said building be so amended as to require an open space of not less than 20 feet, in lieu of 40 feet, as provided by the act of May 25, 1882.

The CHAIRMAN. The hour for the consideration of bills called up by committees has expired. Under the rule the committee will rise.

The committee accordingly rose; and the Speaker having resumed the chair, Mr. SPRINGER reported that the Committee of the Whole House on the state of the Union, having had under consideration the bill (H. R. 5549) limiting the cost of the erection of a public building at Rochester, N. Y., had come to no resolution thereon.

ORDER OF BUSINESS.

Mr. TOWNSHEND. Mr. Speaker, before moving to go into Committee of the Whole for the purpose of resuming the consideration of the pension appropriation bill, I shall be glad to have some understanding with the House as to a limitation of time for general debate. I was myself opposed to any considerable general debate on this bill, but the debate having been sprung upon the House, quite a number of members have manifested an earnest desire to engage in the discussion. I have no wish to fix any other limit than what may be considered a reasonable length of time. I suggest, therefore, that when we resume the consideration of the pension appropriation bill all debate on the bill be limited to four hours.

Mr. HENDERSON, of Iowa. Do I understand the gentleman to propose that those four hours be divided by allowing two hours to each side of the House?

Mr. TOWNSHEND. I propose that the time allotted by the House be divided equally between the two sides.

Mr. HENDERSON, of Iowa. Then I have no objection, so far as I am concerned, if the proposition be agreeable to the rest of the House. I have not consulted with members on the Republican side.

Mr. MCMILLIN. I suggest to the gentleman from Illinois [Mr. TOWNSHEND] that by allowing four hours more for general debate he will not get a vote on this bill to-day. It seems to me we might get through this bill in less time than that. We have already spent several days upon it—a thing unprecedented with a pension bill. I think we had better vote this money promptly for pensions than to spend much more time in discussion.

Mr. TOWNSHEND. There are a great many gentlemen who desire to have at least this much time allowed for debate.

Mr. RANDALL. Is it not practicable to dispose of this bill at 5 o'clock to-night? That will allow three hours and twenty minutes, to be divided equally.

Mr. TOWNSHEND. If that arrangement be agreeable to the House, it can of course be adopted. But I think we had better agree among ourselves without any controversy. I understand that a limitation of four hours is satisfactory to gentlemen on both sides.

Mr. RANDALL. Why can we not agree to allow three hours and twenty minutes, instead of four hours, for debate, and then vote at 5 o'clock, so as to pass the bill to-day?

Mr. TOWNSHEND. I think it would be better to make the agreement I have suggested, because there has been an understanding that it would be satisfactory on both sides.

Mr. MCMILLIN. If that arrangement be made, is it understood a vote will be taken this evening? If not, it may give gentlemen an opportunity to do some Department work to-day.

Mr. REED, of Maine. If it be understood that everybody is going to vote for the bill, there will be no necessity for taking a vote by yeas and nays.

Mr. TOWNSHEND. I will say that I hope the bill will be finally disposed of at the end of the general debate.

Mr. McMILLIN. That is inevitable, I presume, because there is nobody opposed to the bill; but my question was whether there would be a vote on the bill this evening, or whether it would be understood that the bill is to go over until to-morrow.

Mr. RANDALL. Is the previous question to be called to-night?

Mr. TOWNSHEND. If this debate goes on, it is my intention to call the previous question this evening on the final passage of the bill.

Mr. HAMMOND. Let the previous question be considered as ordered at the end of four hours.

Mr. TOWNSHEND. It is necessary, of course, we should resolve ourselves into the Committee of the Whole under the rules.

Mr. McMILLIN. If the time be extended to five hours it will carry the bill over until to morrow, which is private bill day.

Mr. CABELL. In my judgment, Mr. Speaker, the vote can be taken on this bill to-day, and it ought to be taken and the bill disposed of.

Mr. DOCKERY. I hope gentlemen on the other side do not wish to occupy the time to-morrow which is devoted under the rules to the consideration of private bills.

Mr. WARNER, of Ohio. And that the previous question be considered as ordered at the end of four hours.

Mr. CANNON. I have had my hour, and so far as I am individually concerned it does not make any difference to me when the vote is taken, but there are several gentlemen who wish to speak on the bill, and if it is to be determined the bill is to be disposed of at the end of four hours they will be cut off. Why not say that at the end of five hours the general debate shall be closed? [Cries of "No!"]

Mr. McMILLIN. There is an order already made by the House setting apart Saturday of each week until further order for debate only, no business to be transacted. If the suggestion be adopted that the debate be extended to five hours, then we will not be able to get a vote to-day; and as to-morrow is private bill day and Saturday is devoted to debate only, necessarily the bill will go over until next week. In my judgment we ought to have a vote to-day.

Mr. HOLMAN. Let there be an understanding that to-morrow shall be devoted to the consideration of this bill.

Mr. HENDERSON, of Iowa. Several gentlemen insist upon being heard, and therefore I would suggest that two and a half hours be allowed on each side, at the end of which time the vote shall be taken.

Mr. REED, of Maine. With the understanding there shall be no yea-and-nay vote, which will save an hour.

Mr. McMILLIN. The rules require there shall be a yea-and-nay vote on the passage of the bill. Any member may insist upon it. It is a good rule and should be observed.

The SPEAKER. There is no motion before the House.

Mr. HENDERSON, of Iowa. I move, then, Mr. Speaker—or I will yield to the gentleman from Illinois to make the motion.

Mr. TOWNSHEND. My proposition, Mr. Speaker, is that four hours be the limit of the general debate. If the gentleman from Iowa wishes to move his amendment he can do so, extending the time to five hours.

Mr. HENDERSON, of Iowa. I will move then that two hours and a half be granted to each side of the House, making five hours in all, of general debate; after which the vote shall be taken.

Mr. REED, of Maine. With the understanding that the yea-and-nay vote is not to be taken.

Mr. McMILLIN. No, that is not agreed to.

Mr. REED, of Maine. If a yea-and-nay vote be taken, that will extend the time to six hours.

Mr. HOLMAN. That can be waived, as the vote will be unanimous.

Mr. McMILLIN. No, I do not wish the House to get into the habit of waiving that very good rule.

Mr. MILLIKEN. The vote will be unanimous.

Mr. McMILLIN. I know it will be, but let us observe the rule which provides for a yea-and-nay vote on the passage of one of the appropriation bills.

The SPEAKER. If the amendment made by the gentleman from Iowa be adopted, giving two hours and a half to each side, it will necessarily involve an amendment to the rules, which give to each member who gets the floor in general debate but an hour, and that proposed amendment to the rules will require unanimous consent.

Mr. TOWNSHEND. My motion is to give four hours, and the amendment of the gentleman from Iowa is to make it five hours.

The SPEAKER. He also proposes that it shall be equally divided, which will require unanimous consent.

Mr. CURTIN. If I am permitted to move an amendment, I should like to provide that the general debate shall be confined to the pending bill. [Laughter and applause.]

Mr. JOHNSTON, of Indiana. If the motion in reference to general debate be adopted, does that cut off the five-minute debate under the rules?

The SPEAKER. The pending proposition is to close general debate.

A MEMBER. I wish it to include all debate.

The SPEAKER. That requires unanimous consent.

Mr. COBB. I object to extending the general debate for five hours.

Mr. TOWNSHEND. I move that the debate be closed in four hours.

Mr. HENDERSON, of Iowa. And I move to amend by making it five.

The amendment of Mr. HENDERSON, of Iowa, was disagreed to.

Mr. RANDALL. I move to make it three hours, but the object and effect of that will be to dispose of this bill to-day.

Mr. HENDERSON, of Iowa. If four hours is agreed upon it will be impossible to cut off the five-minute debate.

Mr. RANDALL. Let the House first agree in reference to the general debate. If the House does not want three hours they can vote it down

Mr. JOHNSTON, of Indiana. It is understood, of course, this does not interfere with the five-minute debate.

Mr. TOWNSHEND. Allow me to say to my friend from Pennsylvania that in my judgment his motion will not economize the time of the House, because gentlemen who insist upon being heard will under the rules occupy the floor under the five-minute debate.

Mr. RANDALL. In my judgment, Mr. Speaker, this bill has occupied time enough, and ought to be disposed of to-day.

Several MEMBERS. It has occupied too long a time already.

Mr. RANDALL. Let us have the vote and let the House determine the question.

The question recurred on the motion of Mr. RANDALL'S amendment, limiting the time to three hours.

The House divided; and there were—ayes 99, noes 58.

So the amendment was agreed to.

Mr. RANDALL moved to reconsider the vote just taken by which the amendment was agreed to; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

The motion as amended was then agreed to.

Mr. TOWNSHEND. I have another proposition to make. The Committee on Appropriations directed me this morning to state to the House to-day that as there was an extreme necessity for the immediate passage of the urgency deficiency bill on account of some three hundred workmen being thrown out of employment in the navy-yard and for various other reasons, that if the House saw proper to do so the pension bill might be temporarily laid aside and its consideration postponed until that bill can be disposed of.

The SPEAKER. But the House can not do that. Both of these bills are in Committee of the Whole House on the state of the Union. If the House resolve itself into Committee of the Whole House on the state of the Union, then it will be proper, when the consideration of the pension bill is reached, to ask that it be laid aside and the other bill taken up.

Mr. TOWNSHEND. I only wished, Mr. Speaker, to make known the desire of the Committee on Appropriations to be understood as willing to consent to that arrangement if it met the approval of the House.

Mr. RANDALL. I think the disposition of the House is to finish this bill promptly and then proceed with the other.

Mr. TOWNSHEND. I have discharged my duty in making known the fact, that the urgency deficiency bill may be taken up and disposed of at once if the House sees proper.

I move that the House resolve itself into Committee of the Whole House on the state of the Union for the consideration of appropriation bills.

The motion was agreed to.

The House accordingly resolved itself into Committee of the Whole House on the state of the Union (Mr. CRISP in the chair).

PENSION APPROPRIATION BILL.

The CHAIRMAN. The House is now in Committee of the Whole for the consideration of appropriation bills.

By order of the House general debate on the pension appropriation bill has been limited to three hours.

Mr. CANNON. Mr. Chairman, I desire to move to lay aside the pension appropriation bill temporarily with a view of calling up, if no other gentleman submits the motion, the urgent deficiency bill, which may be passed I think in a very few minutes.

Mr. McMILLIN. I trust that will not be done. We have had this bill pending here for days and a lengthy discussion upon it. It is to be hoped that we will get rid of it at some time, and think now is the time to conclude it, and not postpone it from time to time to stand in the way of other public business that ought to be promptly transacted.

Mr. RANDALL. We can pass both of these bills this afternoon.

Mr. CANNON. I am not so sanguine upon that point as my friend from Pennsylvania is.

Mr. McMILLIN. There is a disposition on the part of the House to dispose of them promptly. I insist that we do it in regular order.

Mr. REED, of Maine. It should be remembered, too, that we are to take the yeas and nays on the passage of the bill under your absurd rule.

Mr. McMILLIN. If gentlemen will not insist on occupying so much time in discussion we can pass both bills in a very short time. I object to laying this bill aside. Let us dispose of it now.

Mr. CANNON. Mr. Chairman, a word in reply to the gentleman

from Tennessee. It is important that the urgent deficiency bill should be considered at once. Already, for two weeks past, the work upon the armor for the new cruisers has been suspended, three hundred men have been discharged from the Washington navy-yard. Some of them are suffering for the want of employment, and it is important to the Government that this work should be pushed to early completion. It is therefore important that this appropriation be made forthwith.

Mr. ROGERS. I demand the regular order.

The CHAIRMAN. Objection being made to laying aside the pension bill, the committee will rise and report the fact to the House.

The committee accordingly rose; and the Speaker having resumed the chair, Mr. CRISP reported that the Committee of the Whole House on the state of the Union, having been in session for the consideration of general appropriation bills, a proposition was made to lay aside temporarily the pension appropriation bill, being the first bill on the Calendar, which was objected to. The committee had accordingly risen and directed him to report that fact to the House.

The SPEAKER. The question is, Shall the committee be directed to lay aside the pension appropriation bill for the present?

Mr. CANNON. I demand a division.

The House divided; and there were—ayes 51, noes 89.

Mr. CANNON. I ask the yeas and nays.

Mr. RANDALL. I hope not. We can pass this bill to-day and the other too if gentlemen are willing.

Mr. CANNON. Well, I hope we may get these three hundred men at work. I insist upon the demand.

The yeas and nays were ordered, 43 members voting therefor.

The question was taken; and there were—yeas 103, nays 149, not voting 71; as follows:

YEAS—103.

Adams, G. E.	Everhart,	Lyman,	Rowell,
Anderson, J. A.	Farquhar,	Markham,	Ryan,
Atkinson,	Fleeger,	McComas,	Sawyer,
Baker,	Fuller,	McKinley,	Scranton,
Beach,	Goff,	Millard,	Sessions,
Bingham,	Grosvenor,	Milliken,	Spooner,
Bound,	Grout,	Moffatt,	Springer,
Boutelle,	Guenther,	Morrill,	Steele,
Brady,	Hanback,	Negley,	Stephenson,
Browne, T. M.	Harmer,	Nelson,	Stewart, J. W.
Brown, W. W.	Hayden,	O'Donnell,	Strait,
Brumm,	Haynes,	O'Neill, Charles	Taylor, Zach.
Buck,	Henderson, D. B.	Osborne,	Thomas, O. B.
Bunnell,	Henderson, T. J.	Owen,	Townshend,
Burrows,	Hepburn,	Parker,	Van Schaick,
Butterworth,	Hiestand,	Payne,	Wade,
Campbell, J. M.	Hires,	Payson,	Wadsworth,
Campbell, J. E.	Hitt,	Perkins,	Wait,
Cannon,	Holmes,	Peters,	Wakefield,
Conger,	Hopkins,	Phelps,	Warner, A. J.
Cutcheon,	James,	Pirce,	Warner, William
Dingley,	Johnston, J. T.	Plumb,	Weaver, J. B.
Dorsey,	Libbey,	Ranney,	Weber,
Dunham,	Lindsley,	Reed, T. B.	White, A. C.
Ely,	Little,	Rockwell,	White, Milo.
Evans,	Long,	Romeis,	

NAYS—149.

Allen, J. M.	Dibble,	Laffoon,	Sadler,
Anderson, C. M.	Dockery,	Landes,	Scott,
Ballentine,	Dougherty,	Lanham,	Seney,
Barbour,	Dowdney,	Le Fevre,	Seymour,
Barksdale,	Dunn,	Lore,	Shaw,
Barnes,	Eden,	Lowry,	Singleton,
Barry,	Eldredge,	Mahoney,	Skinner,
Belmont,	Ermentrout,	Martin,	Smalls,
Bennett,	Findlay,	McAdoo,	Snyder,
Blanchard,	Foran,	McCreary,	Sowden,
Bland,	Ford,	McKenna,	Spriggs,
Blount,	Forney,	McMillin,	Stahlnecker,
Boyle,	Frederick,	McRea,	Stewart, Charles
Bragg,	Geddes,	Merriman,	St. Martin,
Breckinridge, C. R.	Gibson, C. H.	Mills,	Stone, W. J., of Ky.
Breckinridge, WCP.	Gibson, Eustace	Mitchell,	Stone, W. J., of Mo.
Bynum,	Glass,	Morgan,	Storm,
Cabell,	Glover,	Morrison,	Swope,
Campbell, Felix	Green, W. J.	Muller,	Taulbee,
Campbell, T. J.	Hale,	Murphy,	Throckmorton,
Carleton,	Hall,	Neal,	Tillman,
Catchings,	Halsell,	Neece,	Tucker,
Clardy,	Hammond,	Norwood,	Turner,
Clements,	Harris,	Oates,	Van Eaton,
Cobb,	Hatch,	O'Ferrall,	Viele,
Cole,	Heard,	O'Hara,	Ward, J. H.
Compton,	Hemphill,	Outhwaite,	Ward, T. B.
Cowles,	Henderson, J. S.	Peel,	Weaver, A. J.
Cox,	Henley,	Perry,	Wheeler,
Crain,	Hewitt,	Pidcock,	Whiting,
Crisp,	Holman,	Pindar,	Willis,
Croxton,	Irion,	Randall,	Wilson,
Culberson,	Johnson, F. A.	Reagan,	Wise,
Dargan,	Johnston, T. D.	Reid, J. W.	Wolford,
Davidson, A. C.	Jones, J. H.	Rice,	Worthington.
Davidson, R. H. M.	Jones, J. T.	Richardson,	
Davis,	King,	Riggs,	
Dawson,	Kleiner,	Rogers,	

NOT VOTING—71.

Adams, J. J.	Brown, C. E.	Caswell,	Davenport,
Aiken,	Buchanan,	Collins,	Ellsberry,
Allen, C. H.	Burleigh,	Comstock,	Felton,
Arnot,	Burnes,	Cooper,	Fisher,
Bayne,	Caldwell,	Curtin,	Funston,
Bliss,	Candler,	Daniel,	Gallinger,
Gay,	Kelley,	O'Neill, J. J.	Taylor, E. B.
Gilfillan,	Ketcham,	Pettibone,	Taylor, I. H.
Green, R. S.	La Follette,	Price,	Taylor, J. M.
Hahn,	Laird,	Pulitzer,	Thomas, J. R.
Herbert,	Lawler,	Reese,	Thompson,
Herman,	Lehlbach,	Robertson,	Trigg,
Hill,	Louttit,	Sayers,	Wellborn,
Hiscock,	Lovering,	Stone, E. F.	West,
Houk,	Matson,	Struble,	Wilkins,
Howard,	Maybury,	Swinburne,	Winans,
Hutton,	Miller,	Symes,	Woodburn.
Jackson,	Morrow,	Tarsney,	

So the House refused to direct the Committee of the Whole to lay aside the bill (H. R. 5201).

Mr. RANDALL. I ask unanimous consent to dispense with the reading of the names.

There was no objection.

The following members were announced as paired until further notice:

Mr. CANDLER with Mr. LAIRD, from March 1.

Mr. ARNOT with Mr. STRUBLE.

Mr. REESE with Mr. BROWN, of Ohio.

The following members were announced as paired for this day:

Mr. WILKINS with Mr. HARMER.

Mr. HILL with Mr. COOPER.

Mr. ADAMS, of New York, with Mr. HISCOCK.

Mr. O'NEILL, of Missouri, with Mr. LOUTTIT.

Mr. GREEN, of New Jersey, with Mr. PETTIBONE.

Mr. ELLSBERRY with Mr. EZRA B. TAYLOR.

Mr. MAYBURY with Mr. WEST.

Mr. MILLER, of Texas, with Mr. KELLEY.

Mr. CRISP. I desire to state that my colleague [Mr. REESE] is absent by leave of the House, his absence being caused by sickness in his family.

The result of the vote was then announced as above stated, and the Committee of the Whole House on the state of the Union resumed its session (Mr. CRISP in the chair), and resumed the consideration of the unfinished business, the bill (H. R. 5201) making appropriation for the payment of invalid and other pensions of the United States for the fiscal year ending June 30, 1887, and for other purposes.

The CHAIRMAN. By order of the House all general debate on this bill is limited to three hours. The gentleman from Ohio [Mr. GROSVENOR] has the floor for ten minutes.

Mr. GROSVENOR. Mr. Chairman, by the courtesy of the distinguished gentleman from Massachusetts [Mr. LONG] I have ten minutes allowed me to speak upon the pending question. I shall not enter into a general discussion of the merits of this bill; but I do desire to point out one or two errors into which my colleague from Ohio [Mr. WARNER] seems to have fallen in trying to account for the great personal and political disaster that seems to have befallen him during the memorable campaign of 1884. I want to do that only for the purpose of defending the late Commissioner of Pensions from the unwarranted, unjust, and I think wholly uncalled-for assault that was made upon him. I had some knowledge of what was going on in Ohio politics in 1884 myself. It was a remarkable year in that State. Ohio stood out in the forefront of the contest, and her voice in October was understood to be prophetic of the voice of the whole country in the coming November election.

So it was that both political parties put forth their best efforts to carry the State. Prominent upon the ticket for Congressman was my friend the gentleman whose name I have already mentioned. It so happened that that gentleman was not as successful in carrying the banner of his party in his Congressional district as he had hoped to be. And not only had he himself suffered a misfortune, but it was apparent to all of us that by some means or other the contest had affected the ticket in his district. And now he comes here and argues because of that fact, because of that misfortune, because of that peculiar personal result in his district, therefore General Dudley, the head of the Pension Department of the Government, used the machinery of his office to unfavorably affect the vote in his district.

I want to say here and now that I do not believe the evidence discloses or that the fact exists that General Dudley sent one man into my friend's Congressional district, or that there was any interference on the part of the Pension Department to affect his vote. I know it is customary—I have had troubles of the same kind, and, indeed, of a much worse character, and I know how natural it is, when a man gets up on the morning after the election and feels somewhat as though he had been sat down upon, to look around him and to attempt to attribute his misfortune to some great conspiracy against him. We are all liable in such a case to look in every direction except within. We nearly all of us are inclined to attribute our misfortunes to some overpowering act of Providence or to somebody else, and very seldom lay them at our own door. I want to show my friend has made this mistake in this particular instance, and therefore it is he has come here with this argument of his.

What is the gentleman's argument? He points out two facts; one was the presence of General Dudley in Ohio participating in a political campaign, and the second was his own personal misfortune in his own Congressional district. And without any other evidence than that he argues that these two facts existing it must be that General Dudley did

it. It is the argument *a posteriori*, and generally it depends for its importance on the vivid imagination of the man who makes it. Now, it so happened my friend was a member of the then current Congress, the Forty-eighth Congress, and he was chairman of the Committee on the Payment of Pensions, Bounty, and Back Pay; and it so happened that he put himself in a most awkward position toward the soldiers of his Congressional district.

A committee of the Grand Army of the Republic came to Washington and made arguments in behalf of the amendments which we have so long sought to ingraft upon the statutes of the country before the committee of which the gentleman from Ohio [Mr. WARNER] was chairman, and we left the committee-room assured, as we understood it, that General WARNER was in favor of adopting the amendments which our committee had procured to be put upon the Mexican pension bill in the Senate. I want to be distinctly understood. I say that is how we understood the case, and that is how we stated it to the soldiers of his Congressional district.

Mr. WARNER, of Ohio. But the gentleman does not intend to have it go out that he gathered that inference from anything which I said to him as chairman of that committee or anything that was said by any member of the committee?

Mr. GROSVENOR. I send to the Clerk's desk to have read the personal statement of three of the members of the committee of the Grand Army of the Republic who joined with me in presenting our petition and our case before the committee of which the gentleman from Ohio [Mr. WARNER] was chairman.

A MEMBER. State the substance of it.

Mr. GROSVENOR. Mr. Chairman, I desire simply to embody those three letters in my remarks. The substance of them is this.

Mr. WARNER, of Ohio. They had better be read.

Mr. GROSVENOR. I will state their substance.

Mr. WARNER, of Ohio. Oh, I would rather have them read.

Mr. GROSVENOR. You have an hour, General WARNER, and I have only ten minutes.

Mr. WARNER, of Ohio. No, I have not. I think the House would like to hear the letters read.

Mr. GROSVENOR. Let them be read out of your time, then.

Mr. WARNER. I have no time.

Mr. GROSVENOR. The substance is that General Louis Wagner of Philadelphia, "Corporal" Tanner of New York, and General Merrill of Massachusetts, three gentlemen whose word will go anywhere they are known, state that General WARNER did promise and did pledge himself to us individually and collectively that he would vote for that measure.

Mr. WARNER, of Ohio. Now, Mr. Chairman, I would like to have those letters read. I have never seen them or heard of them.

Mr. GROSVENOR. They were published in the newspapers of the day and they were embodied in a speech made in the gentleman's district.

Unanimous consent was granted for the printing of the letters in connection with Mr. GROSVENOR'S speech. They are as follows:

LAWRENCE, MASS., *September 8, 1884.*

MY DEAR GENERAL: Absence for three or four days has delayed my reply to your letter.

You ask as to the action of the Grand Army committee on pensions as connected with the bill subsequently reported by Chairman WARNER.

My recollection of the matter is this: The national committee of the Grand Army of the Republic on pensions, in appearing before the Pension Committees of Congress, in addition to changes of voting for pensions in specific cases, urged the necessity of a modification of the laws regarding evidence, the loss of much testimony being inevitable from the death of witnesses during the lapse of twenty years.

It is agreed that the average of the new applications for pensions are of the most deserving character—of veterans who have combated a growing disability from wounds or disease, patriotically refusing to seek a pension until compelled from the sheer necessity of increasing infirmity.

The Congressional committee were unanimous in their expressions of concurrence with the views presented by the pension committee, and there was apparently no difference of opinion upon the point that if a veteran was entitled to a pension at all, he deserved it not from the hour of his delayed application, but from the date when the disability actually occurred.

But when the Warner bill was subsequently presented to Congress, while appearing to be the apple of promise to the eye, it was only ashes and bitterness within. There was attached to it the iniquitous provision that if a claimant saw fit to avail himself of its provisions—acknowledged to be necessary as an act of pure justice—he must agree to waive his claim to all arrears of pension and cancel the honest obligations to him from the beginning of his disability.

It was a deliberate attempt to cheat and defraud the soldier with a false and fraudulent pretense of fairness; an attempt to swindle maimed and suffering veterans out of their birthright by a cheap mess of pottage, and as such met the condemnation of the Grand Army committee, and which ought, as expressed in my telegram at that time, to have been buried a thousand feet deep.

If the circumstances did not demand the changes asked by our committee, there was no excuse for presenting this bill; if they did, then the addition of this clause of humiliation and fraud was an atrocious swindle.

Sincerely, yours,

GEORGE S. MERRILL.

General C. H. GROSVENOR, *Athens, Ohio.*

OFFICE OF COLLECTOR OF TAXES,
Brooklyn, September 8, 1884.

MY DEAR FRIEND: There is one point in the Ohio election which is not only of general interest, but is of special interest to the veteran soldiers the nation over.

Our pension committee of the Grand Army of the Republic recommended the giving of pensions to "all honorably discharged soldiers and sailors who are now disabled and are dependent upon their own labor for support or are sixty-five years of age, without compelling them to prove at this date that such disability actually arose from the service."

The thought dominant in my mind when I framed that recommendation was that the bounden duty of the nation is to see that no one of its old defenders shall be subjected to the humiliation of ending his days in want or in the almshouse.

You know our committee had a plain understanding with the House committee and the assurance of General WARNER, the chairman, that this recommendation of ours should go through as presented. In the face of this at the last moment WARNER comes in with his famous amendment, which takes the life out of the whole matter and makes it a mockery or worse.

Gentlemen like Mr. WARNER must be taught that it is not to prove safe to play with soldiers' interests in the committee-rooms and on the floor of the House.

Every old soldier in that Congressional district owes it to the large number of his needy and suffering comrades in the country at large who look to us for assistance to make an example of WARNER and terminate his Congressional career now.

Hoping that result will be accomplished and earnestly advising every old soldier to participate in bringing it about,

I am, very truly, yours,

JAS. TANNER.

Gen. C. H. GROSVENOR.

PHILADELPHIA, *September 8, 1884.*

MY DEAR GENERAL: You ask for my recollection of the hearing granted our committee last spring by the Committee on Pensions, of which General WARNER, of your State, was chairman. I remember well our gratification at the assurance we had from the several members of the committee, but more especially from its chairman, that the points submitted by us met their cordial approval and that they would be presented to the House of Representatives in a properly drawn bill.

Greatly to our surprise and disappointment the bill was so amended in the House, and on the motion of the chairman, as to become a very objectionable measure, exactly the opposite of that submitted by us and accepted by the Committee on Pensions as just and proper.

This action of General WARNER caused the defeat of the bill, delaying the relief needed by and due to meritorious and disabled soldiers and sailors, who now have an opportunity, of which they should promptly and effectively avail themselves, of so amending the general's political existence that he may not be in a position in the next Congress to again prevent the enactment of proper pension laws.

I do not live in General WARNER'S district, but if I did I should assuredly vote for "the other man," whoever he is.

Yours, truly,

LOUIS WAGNER.

Mr. WARNER, of Ohio. I denounce that statement as being utterly untrue whoever makes it.

Mr. GROSVENOR. I shall have no personal contest with the gentleman. I remit him to the question of veracity between him and the three gentlemen whose names I have given. The soldiers of the gentleman's Congressional district believed the statement of those three men and refused to believe the statement of General WARNER, and that was the sole reason why they voted against him. One word further. I have said that I do not believe that Colonel Dudley ever used any of the machinery of the Pension Office against the gentleman from Ohio in his district. I will say further, that as late as the last day of September or the first of October in that year the gentleman from Ohio himself did not understand that Colonel Dudley was opposing him. And that is not all. I undertake to say that he understood that Colonel Dudley was his friend, and was fairly and justly administering the affairs of his office.

[Here the hammer fell.]

Mr. GROSVENOR. Mr. Chairman, I would like to have just three minutes longer to finish this.

Mr. LONG. Mr. Chairman, I find the time is so limited that I shall be unable to say what I had prepared to say. I will therefore waive the opportunity of speaking in this debate, and give three minutes more to the gentleman from Ohio [Mr. GROSVENOR]. The rest of my time I must reserve for other gentlemen.

Mr. GROSVENOR. The fact is, the soldiers of the gentleman's Congressional district and of the State of Ohio have learned to draw the line between the men who merely profess friendship for them and those who act in a friendly manner, and have come to feel that men who promise them support and then come here and act differently are not to be trusted when they go back and ask to be given another term of office.

I deny, therefore, that General Dudley had anything to do with the misfortune of my friend; and he is wholly mistaken in supposing that his district was flooded with money or with the agents of the Pension Department. He talks about $25,000 having been spent by the Republican campaign committee. Does General WARNER suppose that the Republican committee of Ohio were so anxious to keep out of Congress a man who had been so long and so offensively a Republican—a man who had supported all the reconstruction policy of the Republican party—a man who had so often drawn from his pockets the captured pistols that he had taken away from the Democrats of Indiana and held them up to the terror of women and children as the "Democratic bibles" which he had captured—does he suppose that the Republican committee of Ohio desired to spend one-half of all its campaign fund to keep him out of Congress? [Laughter and applause on the Republican side.]

Mr. WARNER, of Ohio. I have never regretted that I voted for Mr. Lincoln.

[Here the hammer fell.]

Mr. LONG. I reserve the residue of my time.

Mr. WARNER, of Ohio. If I can be recognized I should like to reply to my colleague [Mr. GROSVENOR].

Mr. CABELL obtained the floor and said: I yield ten minutes to the gentleman from Texas [Mr. REAGAN].

Mr. REAGAN. Mr. Chairman, I avail myself of the courtesy of my friend General CABELL not to make a speech, but to make a brief statement.

The subject ostensibly under consideration by the House is a bill to appropriate $75,000,000 for pensions. If one unacquainted with the proceedings of Congress should read some of the speeches made on this subject during the last few days he would no doubt be led to conclude that the members of this House from the Southern States were opposed to the passage of the bill, and opposed to granting pensions to the Union soldiers, and that they were being bitterly denounced for their sectionalism and want of patriotism. What are the real facts: For ten years past, during which time I have been continuously a member of this House, a pension bill has been annually passed; and each year the House has appropriated the entire sum asked for by the Pension Office. And on the passage of each bill there has never, as I believe, been a dissenting vote from any part of the country. And the bill now before the House, if the vote had been taken without debate, would have passed without opposition. And even after all the bitter abuse which has been causelessly, wantonly, wickedly, and falsely heaped on the Southern members in this debate, the bill will probably be passed by a unanimous vote.

How long shall we of the South be subject to this cruel injustice? And how much longer shall it be deemed necessary for us to bear it in humility and meekness in order to satisfy these falsifiers of fact and history that we are entitled to the respect due to American citizens and members of the American Congress?

But the gentleman from Iowa has told us that about sixty Southern members voted against the passage of the arrears-of-pension act, and that about an equal number voted against the bill which was passed some days ago to increase the pensions of widows from eight to twelve dollars per month.

While I have voted for all legitimate appropriations for pensions to the full amount of the Department estimates, I am proud to be classed with those who voted against the arrears-of-pension act. It was gotten up and reported to the House to secure the election of a very worthy man to the position of governor of Ohio, and when it was on its passage members of both political parties were urging their friends to vote for it, some of them saying that by doing so they would get ahead of their adversaries for the soldier vote, and that the Senate would defeat it if it should pass the House, showing the hope that it would not pass, but if it did that it was a struggle as to which party should pay the most money out of the public Treasury for votes and for political supremacy. And it was then alleged on this floor by members that it would not cost the Government more than $30,000,000. The first report which came to us from the Pension Office after it passed showed that it would cost the people $750,000,000.

I am also well satisfied with my vote against the bill recently passed to increase the pensions of widows from eight to twelve dollars per month.

First. Because, when money was not worth half as much as it is now, $8 was believed to be reasonable and just, and now, while hard times and a scarcity of money are felt everywhere, and when $8 will buy much more than at any other time during the last quarter of a century, while millions of the tax-payers of this country are suffering poverty and distress, I did not and do not believe it was or is right to increase their burdens by six or seven million dollars more a year, and God only knows how much more than this it will cost.

In the second place I voted against it because it is not a bill limited to the pensioning of those who were the wives of soldiers who fell in battle or who died of injuries received in the service at the time of the death or injury of such soldier, but because it would pension a woman born now, more than twenty years after the end of the war, if, when she grew to womanhood, she should marry a soldier receiving a pension; not pensioned because she suffered from the privations and calamities of war, but because ten, twenty, or thirty years after the war she chooses to marry one who was receiving the bounty of the Government. There is neither reason nor justice in a law that will lead to such a result, unless we mean to create a privileged class, who without reason or right are to be supported by the labor and taxes of others as poor and needy as themselves.

No attempts at intimidation such as we witness here shall induce me to vote for such an iniquity.

The real question about pensions now is not whether just and reasonable pensions shall be paid—for all parties from all parts of the country agree that this should be done—but it is whether we will follow the lead of men who propose extravagant and unreasonable pension laws, not as a means of justice, but for the selfish and unpatriotic purpose of buying votes and popularity among the soldier element, to be paid for by other people's toil and taxes.

The members from the South represent tax-payers and citizens entitled to receive justice at the hands of the Government just as all other Representatives do. And if through cowardly timidity we should vote to sacrifice their rights or consent by inaction to their sacrifice we would be unworthy the great trust they have reposed in us, and unworthy the position and character of Representatives in the American Congress.

While listening to some of the speeches made by members on this question I have wondered to myself what they expected of Southern members, and what character of men they wanted as their associates in this greatest popular legislative assembly in the world.

Would these gentlemen prefer to be associated here with a set of cowardly sneaks, without intelligence to understand the interests of their constituents and courage to represent them? Or would they not feel more comfortable in association with intelligent, self-respecting, manly, and courageous men, who understand and who faithfully perform their duties to their constituents and to the country? Do they suppose it to be better to have a degraded constituency and degraded Representatives rather than an intelligent and manly constituency, and honorable, intelligent Representatives?

What respect can we have for men who can afford to descend to appeals to the sectional prejudice and passion against us, and who try to foment these bad passions by making general charges against the Southern Representatives, "that they ought not to be here because they secured their election by shooting negroes, by fraud, and by ballot-box stuffing;" and who make these charges general against the whole South, but are careful to avoid mentioning time, place, or circumstances which would identify any act of wrong or enable us to disprove such charges? There is not a member of all those from the South who does not know these charges to be false. And the most humiliating fact to us in this connection is that such charges come, among others, from a member from the State of Ohio, and from the city of Cincinnati, where fraud in elections is the rule rather than the exception.

A few weeks ago I made some remarks on the subject of pensions. What I then said was republished in a number of Northern newspapers with expressions of approval. I read extracts from an article in the New York Post of January 29, commenting on what I then said:

> Yet, there is real danger that this piece of pure demagogy, which proposes to appropriate hundreds of millions of dollars, may get through Congress. Senator SHERMAN himself, incredible as it seems, has announced his purpose to support now what he denounced and demonstrated to be a fraud only two years ago. Other Republican Senators and Representatives, who know the folly of the business as well as Mr. SHERMAN does, are ready to sanction it under the excuse that they are only living up to the platform of the last Republican national convention, which pledged the party to the repeal of the limitation clause. A good many Democrats share the belief of Republican politicians that it is good party policy to make such a bid for the "soldier vote."
>
> It would be an extraordinary sequel to the civil war if the residents of the victorious section should be indebted to the representatives of the conquered people for salvation from a financial calamity threatened in consequence of their victory. Yet it seems now possible that the tax-payers of the North may owe their preservation from this frightful burden to the Congressmen of the South—the "ex-rebels." There appears to be little doubt that a majority of the Northern Senators and Representatives are prepared to vote in favor of this outrageous proposition. If it is to be defeated, it must be defeated by Southern Senators and Representatives.
>
> * * * * * * * *
>
> It was long a stock plea for the retention of the Republican party in power that, if the Democrats came into control, they would bankrupt the national Treasury by voting pensions to rebel soldiers. The situation to-day is that the national Treasury is in danger of being bankrupted by reckless pension acts for Union soldiers, and that the main reliance of Republican tax-payers in the North for salvation from this peril is the opposition to such bills of the "confederate brigadiers." There has seldom been a better illustration of the irony of fate.

If time permitted, I would read from several other Northern papers, including the Chicago Herald, the Rock Islander, the Putnam Democrat, and others.

I have also received letters from citizens of nearly or quite all the Northern States, many of them from honorably discharged soldiers, approving what I then said, and if I had the authority of the writers I would be glad to read them.

At the time I made the remarks referred to a member from Kansas demanded to know of me if I could name one person on the pension-roll whose name ought not to be there. I remember seeing in the newspapers last fall that three or four hundred names were dropped from the pension-rolls in Philadelphia, and as many in Chicago, which were improperly on them. And a few days ago a citizen of Fitchburg, Mass., sent me the Boston Globe of February 15, which contains a list of the names of seventeen hundred and fifty-two persons just dropped from the rolls in that city because they were improperly on them. I will read the heading of this list to show why they were dropped, as follows:

> WASHINGTON, *February* 14.
>
> Before the last administration went out the Commissioner of Pensions began the work of comparing the rolls at the various pension agencies throughout the country with a view to dropping the names of those who had died, but who were still carried on the rolls, and also those whose right to a pension had ceased from other causes. When General Black became Commissioner of Pensions he continued that work, and as fast as the rolls of one agency were verified and corrected those of another were taken up. The larger the agency, and the greater the number of pensioners borne upon its rolls, the longer time was, of course, required for verification and correction, and so it happens that the rolls of the pension agency at Boston have just been completed. The names of seventeen hundred and fifty-two pensioners have been dropped at this agency, and the lists and the causes are as follows.

Gentlemen here may now censure and condemn some of us for our opposition to their reckless extravagance in the matter of pensions. But the tax-payers and toilers of all parts of the country will thank us for it; and I doubt not before many years those who go the furthest in this business now will be appealing to us or to our successors to save them and their people from the calamities likely to flow from the dangerous

spirit of reckless and unjust spoliation of property-holders and laborers they are now encouraging.

I will make but one more observation, and that is to warn the gentlemen that they are teaching too many of our fellow-citizens that they ought to be be supported by the labor and property of other people, and teaching them to ask the Government to support them without the necessity of labor on their part, to warn them that they are adopting a course well calculated to destroy the sturdy and self-reliant manhood which has heretofore characterized American citizens, and to convert them into helpless dependents and mendicants. All history warns us against such a course, and history will approve the action of those who resist its adoption. We may too soon reach the point where such a policy will prove the destruction and overthrow of our beneficent institutions and of our great Republic.

Mr. CABELL. I now yield five minutes to the gentleman from Arkansas [Mr. ROGERS].

Mr. ROGERS. Mr. Chairman, it so happened that I served in the Forty-eighth Congress on the Committee on Pensions, Bounty, and Back Pay. In that way I became pretty familiar with the operations of the Pension Office, especially under the ex-Commissioner of Pensions, Colonel Dudley. I am somewhat familiar at this time with the evidence taken by that committee. It was a most important investigation in more respects than one. It brought out the mode and method by which the pension-attorney's fee bill of July 4, 1884, became a law when pension attorneys, as if by the trick of a juggler, were enabled to take from the claimants millions of dollars.

I undertook in my feeble way at the last session to expose that transaction, and I have the satisfaction of having received the thanks of many soldiers, though the law still remains on the statute-books. I shall supplement that work by devoting a little time to the practical workings of the Pension Office itself. And I must be permitted to say that the full fruition of that work, to which the committee devoted a large part of the short session of the Forty-eighth Congress, has not been realized, and will not be, as long as one of the guilty and exposed rascals is allowed to stay in the service. But I am free to admit that I do not attach the blame to them that I do to their chief, who by his example, as I believe, demoralized the whole office; and I do not blame him so much as I do the political methods of the party to which he belonged—methods, it is true, which were the outgrowth of a long and uninterrupted lease of power extending through a demoralized and corrupted stage in the country's history.

And yet that examination is bearing its fruit. I venture the prediction that the gentleman from Iowa, if he remains in Congress for a decade, will not again do the country so great a service as when by his impetuous and injudicious attack on the present Commissioner of Pensions he invited public scrutiny into that office in the light of that investigation aided by subsequent developments. And what led to this attack? It was the following paragraph in the report of the present Commissioner of Pensions:

> At one time the Pension Office was all but avowedly a political machine, filled from border to border with the uncompromising adherents of a single organization, who had for the claimant other tests than those of the law, and who required, in addition to service in the field, submission to and support of a party before pensions were granted. Not always, but often was this true; not openly, but surely were the tests applied, and the vast machinery of a professed governmental office became a party power. The enormous array of the medical boards established in every quarter was almost solidly partisan; made so not openly but surely. People of one faith filled every one of the great agencies. Examiners, trained in unscrupulous schools, traversed the land as recruiting sergeants for a party.

This is a strong statement. If it is true, its gravity will arrest the serious consideration of all good men. If it is not true, good men everywhere should rejoice in seeing the accusation disproved. Both the accused and the accuser were distinguished Union soldiers, disabled in the service, and of high standing in their respective political parties, and among their friends. But the character of neither should shield him from the responsibilities of the situation, or be permitted to overshadow the pertinent inquiry as to whether the beneficence of a great country, extended to those who suffered for its maintenance and preservation, has been cruelly made to depend upon the surrender of those very principles guaranteed to them by its organic law, namely, the right to vote as they pleased and as their judgment directed.

Now let us analyze and examine this charge:

> At one time the Pension Office was all but avowedly a political machine, filled from border to border with the uncompromising adherents of a single organization.

Is this true? It is said on the representation of the Commissioner of Pensions that of the sixteen hundred and sixty-six employés of that Bureau only twenty-eight were Democrats, and this fact is not denied. It is true, then, that the whole office was filled with the adherents of the Republican party. It is probable that but for the civil service the twenty-eight Democrats would have had no footing there.

But the charge continues:

> Who had for the claimant other tests than those of the law, and who required, in addition to service in the field, submission to and support of a party before pensions were granted. Not always, but often was this true; not openly, but surely were the tests applied; and the vast machinery of a professed governmental office became a party power. The enormous array of the medical boards established in every quarter was almost solidly partisan; made so not openly, but surely. People of one faith filled every one of the great agencies.

Now let us look at the proofs. It stands admitted on the statement of the Commissioner of Pensions that of the twenty-two hundred examining surgeons less than one hundred were Democrats, perhaps not more than fifty. That, we think, practically disposes of that point, though the following letter read by the gentleman from Indiana [Mr. MATSON] settles the policy of Colonel Dudley in the organization of these boards:

> DEPARTMENT OF THE INTERIOR, PENSION OFFICE,
> *Washington, D. C., February 6, 1882.*
>
> DOCTOR: Proposing to organize a board of examining surgeons in your city, I write to ask that you will give me a list of your most prominent physicians from which to make the selection.
> They should be Republican in politics.
>
> W. W. DUDLEY.

In support of the former part of the proposition I quote the testimony of witnesses to show the direct part taken by Colonel Dudley in the Pension Office in the matter of the campaign in General MATSON's district in Indiana. I here give the evidence of John M. Comstock, on pages 49 and 50 of the report:

> John M. Comstock sworn and examined.
>
> By the CHAIRMAN:
>
> Q. State your age, residence, and official position.
> A. I am forty years of age; my residence is Washington, D. C.; I am chief of the Western division of the Pension Office.
> Q. What State are you credited to?
> A. New York.
> Q. Did you hear the testimony given here yesterday relating to a Mr. Grubbs of Indiana?
> A. I did.
> Q. State to the committee what you know about Mr. Grubbs having the privilege of calling up cases on Congressional blanks and of having penalty envelopes sent to him, inside of others, just the same as they are sent to members of Congress.
> A. What I know in regard to that is that Mr. Dudley, the Commissioner of Pensions, told me that he was a friend of Mr. Grubbs; that there had been some calls made by Mr. Grubbs; that Mr. Grubbs was a candidate for Congress; and that he (Mr. Dudley) wished me, as a matter of courtesy, to see that these calls were answered. That was about all. I know nothing about penalty envelopes. He sent up Congressional slips.
>
> By Mr. ROGERS:
>
> Q. Who sent them up?
> A. Mr. Dudley, the Commissioner of Pensions. They did not come from Mr. Grubbs. Mr. Dudley said that he wanted I should give them attention. He said that Mr. Grubbs was a candidate for Congress from the State of Indiana and was a friend of his; and I considered this in the shape of an order.
>
> By the CHAIRMAN:
>
> Q. Did Mr. Dudley direct you to let Mr. Grubbs have penalty envelopes?
> A. No, sir; but I supposed that that followed. We treated him as a member of Congress.
> Q. That was your direction, to treat him as a member of Congress?
> A. Treat him with the same courtesy as a member of Congress. I do not remember having seen Mr. Grubbs up to that time.
> Q. Did you ever have any such order in respect to any other candidate for Congress?
> A. No, sir.
> Q. Or any other pension attorney or private citizen?
> A. No, sir.
> Q. That was an exceptional case?
> A. Yes, sir.
> Q. Who was Mr. Grubbs running against?
> A. I have learned that he was running against Mr. MATSON.
> Q. Did you know it at the time?
> A. No, sir; but I learned it soon afterward.
> Q. Did you, under those instructions, allow Mr. Grubbs to call up cases on Congressional blanks, and did you send out penalty envelopes to him in the same manner as to members of Congress?
> A. Certainly. I directed that Mr. Grubbs be treated exactly as a member of Congress. This was done by the directions of the Commissioner of Pensions and by no power of my own.
> Q. I assume that if you did it you did it under the directions of somebody, and that you were simply carrying out your instructions?
> A. Yes, sir; I carried out my instructions as well as I could in the ordinary way.

Now this witness is a Republican, and all vouch for his character. He came before the committee, not to turn State's evidence, but to defend his own conduct in this and other matters. He tells the simple story that the Commissioner himself told him, that Grubbs was a candidate for Congress, that he was his friend, and to treat him with the same courtesy as a member of Congress. He further says that this was the only case of the kind; that it was an exceptional case; that he understood this instruction to carry with it the use of the penalty envelope by Mr. Grubbs, which was a clear violation of the law. On page 51 of the report, the witness says:

> John M. Comstock sworn and examined.
> * * * * * *
>
> By the CHAIRMAN:
>
> Q. When was it that Mr. Dudley gave you these instructions?
> A. It is impossible for me to state.
> Q. State about the time.
> A. I can not do so with any kind of exactness.
> Q. Was it before Mr. Dudley went to Ohio?
> A. Yes. As Mr. Clarke was the acting Commissioner in September, I think it was in the latter part of August.
> Q. It was before Mr. Clarke became the acting Commissioner?
> A. Yes; I think it was in the summer.
> Q. It was before the time that Mr. Clarke assumed the duties of Commissione of Pensions?
> A. Yes.
> Q. Do you know whether it was with Mr. Clarke's knowledge or not?
> A. I can not say.

So that it appears that this interference in politics by the Commissioner was in August, and while he was actually the Commissioner and acting as such. That much is clear; who will deny it?

It is due Colonel Dudley to say that he denies having said what Comstock said he did, but he in the same breath tells us Comstock is a man of veracity. Colonel Dudley, however, admits that he was favoring Mr. Grubbs, and that it was a favor he had never extended to any one else. I quote his evidence, pages 263 and 264:

By Mr. ROGERS:

Q. Did I understand you to say that Comstock did not testify that you authorized him to send penalty envelopes to Mr. Grubbs?
A. If he did, I have misread his testimony. I did not so understand his testimony.
Q. Did you not understand him to testify that you instructed him to extend the same courtesies to Mr. Grubbs as he did to other members of Congress?
A. I do not recollect that he used that language.
Q. If he did so, is it untrue?
A. What I did say to him I have testified.
Q. If Mr. Comstock said so, is that untrue?
A. Mr. Comstock is a man of truth and veracity, and if he were led into making such a remark as that, it is a mistake.
Q. I do not mean to ask you whether it was willfully false, but I ask you whether it is untrue. I want to understand what you did say to Mr. Comstock.
A. I do not say that I can give the exact language which I used, but I told Mr. Comstock that he should answer Mr. Grubbs's inquiries. I also yesterday gave the reason why.
Q. Did you not tell Mr. Comstock to treat Mr. Grubbs substantially as other members of Congress were treated?
A. In that regard to the extent I speak of.
Q. What I want to know is whether or not you directed Mr. Comstock to extend the ordinary courtesies due to members of Congress to Mr. Grubbs, of Indiana, touching the calling up of pension claims in the office during that campaign?
A. I do not think I made use of that language.
Q. State what you did say.
A. As nearly as I can recollect I told Mr. Comstock that he should answer Mr. Grubbs's inquiries as promptly as possible; and that, in doing so, he should say to the claimant that the answer was sent in reply to an inquiry from Mr. Grubbs.
Q. Is that the whole of it?
A. That is the extent of my instructions.
Q. Were you aware that under those instructions Mr. Comstock was extending the ordinary Crongressional favors to Mr. Grubbs?
A. No, sir; I learned it for the first time in this testimony.
Q. Did you ever give an order of the same sort touching any other member of Congress?
A. I do not think I did, but I should have done so if I had been asked.

By the CHAIRMAN:

Q. Did you ever give such an order to a Democratic candidate for Congress?
A. I would have done so if he had asked it. I should not have thought it a very great thing if I had done so.
Q. State what work you were engaged in before you were appointed Commissioner of Pensions.
A. I was United States marshal.

Now, Mr. Chairman, when Colonel Dudley testified that if a Democrat had asked this favor he would have granted it, I was made sad by the realization of "how many good things we miss in this world by not asking for them." Colonel Dudley helping to elect a Democratic Congressman would no doubt amuse his genial and facile preceptor in politics, the ex-Senator from Arkansas, Stephen W. Dorsey.

But I want to show the effect of this misconduct of Colonel Dudley. I quote from the evidence of T. A. Broadus, a clerk in the Pension Office, page 24 of the report.

T. A. Broadus recalled.

By the CHAIRMAN.

Q. Do you know, or did you learn from what took place in the Pension Office, the name of the candidate who was running against Mr. MATSON in Indiana?
A. A man named Grubbs, I think.
Q. How did you learn that fact?
A. Some Indiana case from that district was called up by some man named Grubbs, and we wrote what we called "Congressionals"—that is, letters to members of Congress in reply.
Q. Do you know whether Mr. Grubbs was allowed to use the Congressional blanks for calling up cases the same as if he were a member of Congress?
A. I think some calls have come to my desk on Congressional blanks with Mr. Grubbs's name on them.
Q. Do you know whether Mr. Grubbs was allowed official envelopes in which to return replies to claimants, the same as Mr. MATSON or any other member of Congress?
A. Yes, sir; my recollection is that we treated Mr. Grubbs just as if he had been a member of Congress; that is, we inclosed to him a reply directed to the claimant in an official penalty envelope.
Q. Did you know that Mr. Grubbs was a Republican candidate for Congress?
A. I do not know that it was told me at the time. I rather believe that he was, but I have no official information on the subject.
Q. Do you know of any other gentleman but Mr. Grubbs calling up cases on Congressional blanks and being furnished with official envelopes for replies, except Congressmen?
A. No, sir.
Q. You do not know of any Congressional blanks or official envelopes being sent to any Democratic candidate for Congress, do you?
A. No, sir; I had no instructions as to Mr. Grubbs's politics.
Q. But still you know that he was a candidate for Congress, did you?
A. Yes.

Now I quote from the evidence of Louis J. Harbaugh, another clerk, page 29 of the report:

By Mr. HART:

Q. If I understand you rightly, in sending a communication to Mr. Grubbs, or to any private citizen, the Pension Office would use an official envelope?
A. Yes; in writing to a private citizen the office uses one official envelope.
Q. It would send its communication in an official envelope?
The WITNESS. To whom?
Mr. HART. To the man that the Pension Office was writing to.
The WITNESS. Yes.
Q. Suppose that the Pension Office should have occasion, instead of writing to the attorney of a claimant, to write directly to the claimant himself, what kind of an envelope would be then used?
A. The regulation penalty envelope.
Q. So that the result of sending a communication to Mr. Grubbs in an official envelope, and inclosing an official envelope directed to the claimant, would be precisely the same as if the office had written to Mr. Grubbs and had also written to the claimant, would it not?
A. That depends upon the cause that gives rise to the communication.
Q. Does the Pension Office send any communications to soldiers or claimants that are not in official envelopes?
A. Not that I know of.
Q. You direct an envelope to Mr. Grubbs (he being a private citizen) and that communication goes in an official envelope. If you had occasion to direct an envelope to claimant you would do the same thing; and the complaint which you make is that the office directed an official envelope to go from Grubbs to the claimant?
A. You state it correctly.
Q. You said something a while ago as to an effort being made, or something being done, by Mr. Dudley or some officer in the Pension Office to help to have somebody elected in Indiana; be so good as to repeat it.
A. I stated that when I received this communication from the Hon. G. W. Grubbs I did not know him, and I went to our letter critic, to whom we go with our letters (Mr. Story), and I asked him about it; he said that the Hon. G. W. Grubbs was to be treated just the same as if he was already elected a Congressman; that was prior to the election; subsequently to the election I had another communication to address to the Hon. G. W. Grubbs, and I wrote it just the same as I had done previous to the election, treating him as a Congressman; my letter was sent back by Mr. Story disapproved; I went to see Mr. Story about it, and he said, "Grubbs is not a Congressman any more; do not treat him as a Congressman any more, but as a private citizen; write the letter directed to the claimant in care of "G. W. Grubbs." I said to Mr. Story, "Why is this thusly?" or some such remark, and he said, "Well, Mr. Grubbs was running for Congress out in Indiana against Matson; Grubbs was a friend of Mr. Dudley's and Mr. Dudley was trying to have him elected, but he did not get elected."

Now, if the knowledge of this misconduct, this clear and distinct violation of law, had been confined to Colonel Dudley and to the chief, Mr. Comstock, the effect would not have been so demoralizing. But this could not be. The very organization of the office put the information, as it appears, in the possession of various clerks; they knew then that their chief was using the office for political purposes. They knew it as early as August; and if he could so far depart from public duty, what was to be expected of those under him who wanted to win his favor and promote his desires?

But I must be pardoned for this short digression. I return to the subject, namely, to show that this office was engaged in politics and had other tests than those known to the law as a condition to granting pensions.

I take first the case of Thomas F. Winthrop, who was a special examiner in Ohio, at the October election. I propose to show that by preconcerted arrangement he was at or near the polls on election day, ostensibly to take proof, but really to control votes for Mr. Taylor, the Republican candidate for Congress against my friend General WARNER. Not only that, but that he visited on that day three distinct precincts; and finally made false returns to the Pension Office, returns that he knew were false and criminal, and so admitted under oath. I quote first from the evidence of George Starkey, pp. 5, 6, and 7 of the report:

George Starkey sworn and examined.

By the CHAIRMAN:

* * * * * * *

Q. Do you know the number of your claim?
A. I do.
Q. What is it?
A. No. 279773.
Q. Has the claim been allowed?
A. Not that I know of.
Q. Who is your attorney?
A. A. R. T. & A. P. Lacey, of Washington, D. C.
Q. Have you had a special examination in your case?
A. Yes.
Q. When did that take place?
A. Mr. Winthrop came out on the 11th of October, 1884,
Q. Who is Mr. Winthrop?
A. He is a special examiner of pensions.
Q. He came to your place, you say, on the 11th of October?
A. Yes.
Q. State what took place.
A. He came to my house and took three affidavits from me in my pension case.
Q. Did he make any arrangement for a further examination?
A. Yes; he told me he would be back on the 14th (the day of the election), and I was to meet him at Lawrence town-house on the 14th, about 10 o'clock. I said that I would meet him there.
Q. The 14th was the day of the State election, was it?
A. Yes.
Q. Was the town-house, where you were to meet him, the place of voting?
A. Yes.
Q. Did he leave any word with you to notify anybody else to be there?
A. Yes; he told me to notify George Forshey.
Q. He was to be there also?
A. Yes.
Q. Did he come there on that occasion?
A. Yes.
Q. Lawrence town-house was the place of voting in that precinct, was it?
A. Yes.
Q. And he came on the day of election?
A. Yes.
Q. State what took place on that occasion. What did Mr. Winthrop do, and what was said by him or in his presence?
A. Mr. Winthrop took me down to Mr. Barton's house, which is close to the town-house.
Q. Who is Mr. Barton?
A. He is a Republican.
Q. Where does he live?
A. About 200 yards below the town-house.
Q. What is the town-house?

A. A place for voting and for their township meetings.
Q. Go on and state what Mr. Winthrop did.
A. I went to Barton's house with him, myself, and George Forshey, Elias Forshey, his brother. We all went down together with Mr. Winthrop. I was there a little while and then he sent me after George Sutton to come down.
Q. Who is George Sutton?
A. He is a Democrat.
Q. Who is George Forshey?
A. He is a Democrat too; and Elias Forshey, his brother, is also a Democrat. I asked Mr. Barton whether he would fill me out an affidavit. He said he was a friend of the soldier, and all that.
Q. Did he take any part in the conversation?
A. He came in and slapped George Forshey on the leg in this way [indicating] and said, "You have always been a Democrat, and I am very glad to hear that you are going to vote the Republican ticket." That was right in Barton's house.
Q. What was going on at that time in the house, and what was Mr. Winthrop doing?
A. He was taking affidavits.
Q. He was present in the house taking affidavits?
A. Yes.
Q. Did Mr. Winthrop himself give you any advice there or elsewhere?
A. We went there between 10 and 11 o'clock in the morning, and he kept us until 4 o'clock, when we started to go to the town-house. He was going up to the stable to get his horse. On the way he said, "Boys, Taylor is the man to vote for, if you ever want to get your pensions." That is all he said.
Q. Did he tell you when he thought you would get your pension if you so voted?
A. He told me he thought I would get it in about three weeks; and it is pretty nearly three months ago, and I have not heard from it yet.

* * * * * * *

By Mr. ROGERS:

Q. Would you have voted the Republican ticket at all that day if it had not been for this pension matter?
A. No, sir; I would not.
Q. You voted the Republican ticket because you thought, from the representations made to you by Barton and Winthrop, that you would get your pension if you did so?
A. Yes.

By the CHAIRMAN:

Q. How many votes do you think were controlled at that voting precinct by what was said there by Mr. Winthrop and Mr. Barton?
A. There were several; twelve or fifteen I reckon, and may be more.
Q. You yourself ordinarily take quite an active part in politics, do you not?
A. Yes, sir.
Q. This appointment, I understand, was made with you by Mr. Winthrop to be there on election day, the 14th of October?
A. Yes.
A. Did Mr. Winthrop take any affidavits there on the 13th of October, the day before the election?
A. No, sir; he did not.

So they captured Starkey's vote, that of his son, and he thinks not less than ten or fifteen others, and Starkey being a prominent Democrat and an active worker they kept him from the polls also. That was a good day's work for one examiner. I now quote from the evidence of George Forshey, pages 7, 8, 9, of the report:

George Forshey sworn and examined.

By the CHAIRMAN:

Q. State your age, residence, and occupation.—A. I am past fifty-three years of age; I reside in Lawrence Township, Washington County, Ohio; and am a farmer by occupation.
Q. Were you in the military service during the war?—A. Yes.
Q. In what company and regiment?—A. Company K, Sixty-second Ohio.
Q. The same company that Mr. Starkey was in?—A. Yes.
Q. In what army were you?
A. In the Eastern army.
Q. When did you enlist?
A. I enlisted on the 11th of November, 1861, and was discharged on the 18th of March, 1863.
Q. Were you an applicant for a pension?
A. Yes.
Q. When did you make your application?
A. I made my application either in 1878 or 1879; I can't tell exactly which.
Q. What is the number of your claim?
A. The number of my pension certificate is 141507; I am drawing $2 a month.
Q. Have you made an application for an increase?
A. Yes.
Q. Has the increase been allowed?
A. Not that I know of.
Q. Your case is pending, is it?
A. Yes.
Q. Is your pension claim under special examination?
A. Yes.
Q. State where you were on the 11th of October last.
A. If my memory serves me right, I must have been about home on the 11th of October, in Lawrence Township, Washington County, Ohio.
Q. Did you make any affidavit in your pension case on that day?
A. No, sir.
Q. Did you on the 13th?
A. No, sir.
Q. Where were you on the 14th of October?
A. I was at the town-house of Lawrence Township.
Q. Was that the day of election?
A. That was the day of election.
Q. And the town-house was the place of election?
A. Yes; it was the polling-place.
Q. Did you see Mr. Winthrop on that day?
A. I did.
Q. State where you saw him.
A. I saw him at Mr. Barton's.
Q. Who were present?
A. Mr. Starkey, Mr. Barton, Elias Forshey, and George W. Sutton, I think, and David Martin.
Q. How did you happen to go there?
A. I was invited by Mr. Starkey. He left word for me to be there to give testimony in the case of Mr. Starkey, and to have testimony taken in my own case, so that on the 14th we met there precisely at the hour he invited me to be there.
Q. That was on election day?
A. That was on election day.
Q. State what took place.
A. There was a good deal of talk and electioneering going on there between Mr. Barton and several other organs or politicians of the precinct. We asked Mr. Barton to fill out our affidavits. He said he would providing we would vote his ticket.
Q. What was his ticket?
A. The Republican ticket. He did not like to take our words for it, and accompanied us to the polls and saw us put our votes in.
Q. What are your politics?
A. I am a Democrat.
Q. Have you always voted the Democratic ticket?
A. I always voted the Democratic ticket.
Q. Which of those gentlemen whom you have named were Republicans?
A. David Martin and Norriston Barton were the organs of the Republican party at that precinct to make themselves useful.
Q. State anything further that you heard said in the house at that time.
A. I believe that was all that was said in the house. After we got through there and started up to the polls, Mr. Winthrop spoke on the way of the good qualities of Mr. Taylor, of his soldiership, and of how he sympathized with the soldiers, and to give poor crippled men pensions. He said that Taylor was undoubtedly the man to support, for he knew how to sympathize with the soldier. He said also that you [Mr. WARNER] were not the man. I believe, if my memory serves me right, that he spoke of a bill entitled the Mexican pension bill. I think he spoke of that.
Q. State whether you were led to believe from what took place there that, in order to secure the allowance of your claim, it was better for you to vote the Republican ticket.
A. Yes, I thought the thing looked squally in the way it was, and that is what led me to vote the Republican ticket.
Q. Have you sons who are voters?
A. Yes, I have three sons voters. The third of them gave his first vote that day. I have also a son-in-law who is a voter.
Q. Do you know how they voted?
A. I suppose they voted the way the old man went.
Q. You think that they were led to believe that it was for the interest of the old man to vote in that way?
A. I believe so.
Q. How do you know how they voted?
A. They said that they would vote in that way.
Q. How did you vote in the November election?
A. I voted for Cleveland.

By Mr. ROGERS:

Q. Did you tell your sons before they voted how you were going to vote?
A. Yes.
Q. Did you see them vote?
A. No, I do not know that I did.
Q. How had they voted before?
A. They had always voted the Democratic ticket.

By the CHAIRMAN:

Q. Did Mr. Winthrop go to the polls with you on that day?
A. He went up there as we went up and he stopped right below the crossing place, where we had to cross over a little bridge to go the polls.
Q. He went along with you, did he?
A. Yes; he walked along a piece with me. He was talking and throwing his discourse at me.
Q. Coming back to the gathering in Barton's house, what was said to you there by any of those present?
A. Mr. Martin, to confirm the thing so that it would look pretty strong, came to the house while I was there. He slapped me on the leg in this way [indicating] and said, "You have always been a Democrat." Then he cast his eye toward the special examiner and said, "but I am glad to know to-day that you are going to vote the Republican ticket."
Q. Did Mr. Barton make the affidavit that he proposed to make for you?
A. No; he did not make any affidavit for me.
Q. Did he make any affidavit there for Starkey?
A. Yes; he made an affidavit there for Starkey.

These are ex-soldiers, and Ohio farmers. They came before the committee, under subpœnas, from their distant homes, and I bear testimony to their honorable bearing and decent deportment. I want to give this man Winthrop a fair show, and I quote from his evidence, pages 12, 14, 15, and 16 of the report:

Thomas F. Winthrop sworn and examined.

By the CHAIRMAN:

Q. State your age and position.
A. I am forty-two years of age; I am special examiner in the United States Pension Bureau.
Q. State where you are located.
A. My headquarters are at Marietta, Ohio.
Q. What counties are embraced in your district?
A. When I was originally assigned to the district it embraced the counties of Belmont, Guernsey, Noble, Monroe, and Washington, with headquarters at Marietta.
Q. Do you know whether any other special examiners are at work or have been at work in the same district?
A. I do.
Q. State how many special examiners were at work in that district during the months of September, October, and November, 1884.
A. I think Mr. Galloway was assigned to that district, with headquarters at Cambridge, in Guernsey County.
Q. Any others?
A. Yes; Mr. Bunyea, with headquarters at Woodsfield, Monroe County.
Q. Any others?
A. Mr. Evans, I believe, was in Belmont County. I never met him, but understood he was there.
Q. Are those all the special examiners you know of who were in that district?
A. No, sir.
Q. Who else?
A. Mr. Stanton, with headquarters in Marietta. Mr. Roush was there for a short time during the time named, and so was Mr. Carr. Mr. Carr and Mr. Roush were only there temporarily to examine a few cases.
Q. Are those special examiners all in that district now?
A. No, sir; I think not. Mr. Roush and Mr. Carr were from adjoining districts and were there but temporarily; they examined, I think, four or five cases each.
Q. Are the other examiners all under you?
A. No, sir; they are independent of me entirely.
Q. They were simply assigned to work in that district?
A. Yes.
Q. Where were you during the months of August, September, October, and November of last year?
A. At various places in the district. My headquarters were at Marietta.

Q. And you were at work, were you, in the district that you have named?
A. I was.
Q. Where were you about the middle of October last?
A. I do not know that I can state precisely.
Q. Can you state where you were on the 11th, 13th, and 14th of October, 1884?
A. I do not know that I can state where I was on the 11th. I think I can say as to the day of the election and the day preceding the election.
Q. Look at these papers [handing papers to the witness] and say whether you recognize them as your own daily reports.
A. (After examining the papers.) I do.
Q. As special examiner, you are required, are you not, to make daily reports to the Commissioner of Pensions?
A. I am.
Q. Look over this bundle of daily reports and say whether they are your reports for the month of October.
A. (After examining them.) They are.
Q. These three [exhibiting] are your daily reports for the 11th, 13th, and 14th of October?
A. They are.
The reports were put in evidence, and are as follows:

* * * * * * *

Q. State where you were on the 11th of October [handing the daily report of that day to the witness].
A. In Marietta and Lawrence Township.
Q. How far is Lawrence Township from Marietta?
A. The line is about 7 miles, I think.
Q. In what part of Lawrence Township were you on the 11th?
A. I do not recollect exactly. (Looking at the report.) This report shows that I was in Marietta and Lawrence Township; but I can not tell the exact locality in that township where I was.
Q. Where were you on the 13th?
A. (Referring to the daily report of that date.) In Lawrence Township. I drove out there again from Marietta to Lawrence.
Q. You report that you took three affidavits there on the 13th?
A. Yes.
Q. State whose affidavits you took on that day.
A. I can not state.
Q. What case were you examining?
A. It seems that it was the case of George Starkey.
Q. Take the papers in that case, No. 279773 [handing them to the witness], and state what affidavits you took on the 13th.
A. (After examining the papers.) I seem to have taken the affidavits of Mr. Sutton, Dr. Ulmann, and George Forshey.
Q. Can you tell at what house you were when you took those depositions on the 13th of October?
A. I think I took Dr. Ulmann's at his own house, near Cow Run.
Q. At what house did you take the deposition of George Forshey?
A. I do not recollect.
Q. What day of the week was the 13th?
A. The 13th was Monday, I think; Tuesday was election day.
Q. You do not recollect what house you were at when you took Mr. Forshey's deposition?
A. No, sir; I do not.
Q. Are you sure that you took Mr. Forshey's deposition on the 13th of October? What does the affidavit show? [Handing it to the witness.]
A. I have looked at this affidavit, and it gives the date as the 13th.
Q. Did you take George Forshey's deposition on the 13th?
A. I can not say as to Mr. Forshey. I do not recollect when I did take it.
Q. You have reported that you took it on the 13th, have you not?
A. Yes; my report shows that.
Q. And your daily report for that day shows that you took three affidavits on that day, does it not?
A. Yes.
Q. If you took Mr. Forshey's affidavit you took it at some house, did you not?
A. Yes; I remember that I took Mr. Sutton's affidavit at Mr. Barton's house.
Q. Did you take Mr. Sutton's at Mr. Barton's on the 13th?
A. No; I think that the date is wrong.
Q. Were you at Mr. Barton's at all on the 13th?
A. I do not think I was; I was in the township but I do not think I went up as far as Mr. Barton's house.
Q. Did you take Mr. Sutton's deposition on the 13th at all?
A. I think I took Mr. Sutton's deposition on the 14th.
Q. When did you take Mr. George Forshey's deposition?
A. I am not sure about that.
Q. Look at it [handing the affidavit to the witness]. Is this George Forshey's affidavit?
A. Yes.
Q. Is that George Forshey's signature to it?
A. Yes; I think it is.
Q. You state in it, "Sworn to and subscribed before me this 13th day of October, 1884, and I certify that the contents were fully made known to deponent before signing it."
A. Yes.
Q. That is your signature, is it?
A. Yes; that is my signature.
Q. You have reported that affidavit as having been taken on the 13th?
A. Yes.
Q. But you say now that it was not taken on the 13th?
A. I did not say so with reference to Mr. Forshey's affidavit. I say it with reference to Mr. Sutton's.
Q. At what house did you take this affidavit of George Forshey's?
A. I have taken Mr. Forshey's affidavit in a number of claims that he has.
Q. But this is an affidavit in the claim of Mr. Starkey, is it not?
A. Yes.
Q. At what house did you take this affidavit?
A. I think it was taken at Mr. Barton's.
Q. Were you or were you not at Mr. Barton's on the 13th of October, the day on which the affidavit purports to have been taken?
A. No, sir; I was not.
Q. Then you did not take this affidavit on the day on which you reported that you took it?
A. No, sir.
Q. Were you in Lawrence at all on the 13th?
A. I was.
Q. While you were in Lawrence Township on the 11th of October, did you make arrangements to be there again on the 14th?
A. Yes, sir.
Q. With whom did you make arrangements to be there on the 14th?
A. With Mr. Starkey.
Q. With anybody else?
A. No, sir; I did not.
Q. At what place in the township did you arrange to be on that day?
A. It was understood that I should go to Mr. Barton's.
Q. And you went to Mr. Barton's, did you?
A. Yes.
Q. What day was the 14th of October?
A. It was the day of the State election in Ohio.
Q. Whom did you meet at Mr. Barton's house?
A. I think I met the claimant, Mr. Forshey.
Q. Who else?
A. I saw Mr. Barton there.
Q. Who else?
The WITNESS. Do you wish me to state all the persons that I met there?
The CHAIRMAN. Yes; state all the persons whom you met there on that day, whose depositions you took, and what took place at that house.
A. I met Mr. George Forshey there, Mr. G. W. Sutton, and Mr. Elias Forshey; I do not recollect meeting any others at the house.
Q. Go on and state what took place.
A. I was there at the request of Mr. Starkey, to take evidence in his pension claim.
Q. Whose affidavits did you take there in the Starkey case?
A. I took Mr. Barton's evidence, and Mr. Sutton's, and Mr. Elias Forshey's; I do not recollect any others now.
The CHAIRMAN. This [handing a paper to the witness] is your daily report of the 14th of October. You can use it to refresh your memory.
The WITNESS. This does not give the names of the persons whose affidavits I took, only the number.
Q. State what else took place there on that occasion.
A. I have no knowledge of anything taking place except my taking the depositions; these parties coming in to see me and giving me their statements.
Q. That is all that you recollect having taken place there, is it?
A. Yes.
Q. Do your reports of the 13th and 14th of October show that three depositions were taken on each of those days?
A. They do.
Q. But you state now that those daily reports are not true, and that you did not take three affidavits on each of those days.
A. In two instances they were not true.
C. State whether the deposition which you have signed does not show upon its face that it was taken on the 13th.
A. Yes.
Q. But you state now that it was taken on the 14th?
A. Yes.
Q. As special examiner, do you draw mileage for the distance you travel?
A. No, sir. We have our expenses paid; that is all.
Q. I see you have reported 13 miles to Moss Run; is that correct?
A. That is correct. I do not always go in a direct line to these places. Very frequently I have to go off from the road.
Q. Look at this sheet of your report and state how you have reported Forshey and Starkey and Barton as to credibility.
A. I have reported the claimant, Mr. Starkey, as fair; Mr. Barton as good, and Mr. George Forshey as good. It is my duty to ascertain the credibility of witnesses.

By Mr. WHITING:

Q. What explanation have you to give of the fact that you reported to the Pension Office that you had taken three affidavits on the 13th, whereas now you state that you took no affidavits on that day?
A. I did not state so. I stated that two of those affidavits which are dated on the 13th were taken on the 14th. My only explanation is this: We are expected to do a certain amount of work. I went out on the 13th, but was not fortunate in finding some witnesses whom I went to see, and I took but one affidavit on that day. I made my report the next day, when I had taken five affidavits, and so I divided them between the two days. Of course I have committed a technical, and, perhaps, a criminal error in that.
Q. Did you urge any of those parties, either Starkey or Forshey, to vote for Mr. Taylor?
A. No, sir; I did not.
Q. Did you ask Mr. Barton to encourage them to vote for Taylor?
A. I did not.
Q. Did you have any understanding with him about that?
A. No, sir; I say most emphatically that I have never used my position for political purposes.

By Mr. ROGERS:

Q. I understand from you now that the reason why you dated these affidavits on the 13th which you took on the 14th was so as to cover an extra day. Is that true?
A. I desired to make a good report for both days. That was the idea.
Q. In other words, you wanted it to appear to the Pension Office here that you were active and doing good work.
A. That was the idea.
Q. And so you distributed the affidavits to cover both days?
A. Yes.
Q. While, in point of fact, they were not taken on those days?
A. That is very true.
Q. Is there not a general order in the Pension Office that examiners must be prepared to swear to the facts which they report?
A. Yes.
Q. You knew, therefore, did you not, that this was wrong?
A. I did.
Q. While you were at Lawrence Township on the 14th, state whether or not there was a general conversation between the parties who were there (and in your presence) while these affidavits were being taken, encouraging those persons whose cases you were examining to vote the Republican ticket on that day.
A. No, sir; I do not think I heard anything of the kind.
Q. Did you not yourself, when you got through with the affidavits, and when you were walking along with your buggy, in company with one of these gentlemen, say to him that Mr. Taylor was the proper man to vote for?
A. No, sir.
Q. You did not make any such statement?
A. No, sir.
Q. And no such statement as that was made in your presence on that day?
A. Not to my knowledge.
Q. Do you say that it was not?
A. I can say that I did not hear anything of the kind.
Q. Were you at three separate and distinct voting places on that day?
A. No, sir.
Q. Did you not leave Marietta in the morning?
A. I left Marietta very early in the morning.
Q. Then you went to Lawrence Township?
A. Yes.
Q. And then you went to Cow Run that evening?
A. I drove around by Cow Run.
Q. Then you were at three separate and distinct voting places on that day?
A. I passed them. That is just as near as I was to voting places. I did not get out of my buggy at any of the voting places.
Q. Did you not get out to take affidavits in Lawrence Township?
A. That was away from the polls.
Q. How far from the polls?

A. Possibly a quarter of a mile or an eighth of a mile. It was some little distance from the polling place. I did not stop there.

Q. You did not stop at Lawrence Township?

A. I did not stop at the polls.

Q. Did you not stop in your buggy and inquire for certain parties and get them, and then go to Barton's house?

A. I got out of my buggy some distance below the polling place and walked down to the house.

Q. To what house?

A. To Mr. Barton's house.

Q. Did you get out of your buggy at the polls?

A. I got out at some little distance from the polls.

Q. What do you call some little distance?

A. About a hundred yards.

Q. You made inquiry at the polls for those parties whom you wanted?

A. No, sir. It was understood that I should go to Mr. Barton's house and take affidavits.

Q. You had required them to meet you at Barton's?

A. Yes.

Q. Whom had you required to meet you there?

A. I had simply made an appointment with Mr. Starkey, the claimant, and he was to arrange to have his witnesses there.

Q. Through whom did you notify Mr. Starkey?

A. I had seen him some days prior to that and had taken his statement and commenced his case, and he suggested that the 14th would be a good day for him to go to Lawrence town-house with his witnesses.

Q. It turns out that you were tolerably active on the 14th of October; you managed to get to three voting places on the one day and to take a good many affidavits.

A. It is hardly fair to say that.

Q. It is true, is it not?

A. I can not say that it is.

Q. You say that you left Marietta in the morning and then went to Lawrence town-house and then to Cow Run?

A. I was at three places.

Q. So you made the round trip and took in three of them in one day?

A. Yes.

It will be seen that he admits everything except that he undertook to influence these men to vote the Republican ticket. He even admits that his report was false, and says he made it false in order to have it appear at the office that he was doing good work. He admits these pension claimants were men of good character. He might as well have admitted it all, for he admitted enough to discredit himself.

Now, here are two cases in one day in which party politics was made the test for getting a pension—two cases controlled by one examiner—and through these two claimants at least 10 or 15 votes were manipulated at one precinct; and it must be remembered that this examiner visited three precincts that day. He knew, the whole country knew, for the press was teeming with it, that his chief, Colonel Dudley, was in command that day; and Colonel Dudley knew where his captains were, and what it took to carry Ohio in an October election. Then were there no tests other than the law and service in the field to which claimants had to submit to get their pensions? But let us proceed another step.

Where was the great mass of these examiners in October and November, 1884? This evidence shows that they were concentrated where they could "do the most good." They were in the close districts. In the State of Ohio alone there were sixty-seven on leave, and in Indiana there were thirty-nine. I publish their names as they appear on page 134 of the report, the information having been furnished us by the Pension Office:

List of special examiners on leave in Ohio during October and November, 1884.

Brown, T. J.	Hunter, H. A.	Purman, J. J.
Burnett, J. M.	Huntington, A. S.	Roush, A. G.
Bunyea, S. W.	Hoffliger,	Rice, F. H.
Benjamin, S. C.	Jacobs, J. E.	Richart, E. S.
Burke, T. W.	Johnson, E. N.	Shelby, W. C.
Boardman, E. L.	Kealy, T. C.	Smith, H. P.
Brunson, E. J.	Loomis, B. J.	Stover, H. G.
Carr, J. H.	La Marsna, J. J.	Soale, W. H.
Crosby, W. O.	Lapham, F. A.	Stiles, James
Cook, J. C.	Lyon, G. A.	Switzer, C. J.
Clark, J. K.	Marsh, W. L.	Sweetser, A. H.
Dumble, H. L.	Maxwell, E. H.	Taylor, F. M.
Eells, George H.	McCullough, S. M.	Taylor, W. K.
Elliott, S. H.	McMonigal, W. H.	Van Dyke, W. M.
Elliott, J. H.	McConnell, E. D.	Van Buren, G. M.
Eisenstein, C. F.	McSheey, T.	White, D. T.
Field, F. A.	McEwen, J. A.	Whitney, C. N.
Finney, L. R.	Means, L. H.	Williams, P. E.
Green, C. F.	Quimby, I. W.	Winthrop, T. F.
Green, D. M.	Noble, F. S.	Wallace, H. H.
Halstead, B.	Olds, G. E.	Woodward, W. H.
Howe, George	Patton, H. N.	
Hughes, William	Pipes, F. H.	

Special examiners on leave in Indiana during October and November, 1884.

Brown, T. J.	Gelwick, M. A.	Patton, H. N.
Ballou, J. Y.	Green, C. F.	Pickerill, W. N.
Brown, W. M. E.	Greenawalt, J. G.	Randall, T. G.
Benton, E. V.	Hawes, J. J.	Richardson, L. H.
Carr, J. A.	Hunter, H. A.	Ragsdale, M. S.
Durnan, R. A.	Hayward, H. J.	Richart, E. S.
Durment, E. S.	Kitz, J. E.	Richardson, E. J.
Eppert, C. P.	La Force, H. C.	Terry, O. C.
Elliott, E. P.	Maxwell, E. H.	Van Dyke, W. M.
Field, F. A.	Mills, L. W.	Weik, J. W.
Frazee, Samuel	McSheey, T.	White, D. T.
Foster, J. H.	Mayes, T. A.	Watson, W. W.
Fuller, J. A.	Peed, H. A.	

But I propose to place these facts upon record, so that those who come after us may see how the Pension Office was used at that time. I refer to pages——

Mr. BROWNE, of Indiana. Will the gentleman incorporate into his remarks the evidence to which he refers?

Mr. ROGERS. With great pleasure, if the House will permit it; and I shall ask leave to do so.

Mr. BROWNE, of Indiana. I have no doubt the House will grant leave.

Mr. ROGERS. I will give instances from one or two districts to show how the Pension Office was operated during those periods. First, take the Columbus district of Ohio. The testimony shows that during January, February, and March the examiners in that district were ten; and during the months of September, October, and November, when the elections were on hand, they ranged from twenty to twenty-one. Take the Cleveland district of Ohio. During the months of January, February, and March, as the record shows, there were in that district from six to nine examiners; but from July to December the number ranged from eighteen to twenty-four. Take the Indianapolis district, and I have heard it said on this floor—not publicly—that there has not been an honest election held in the city of Indianapolis since the war. Whether that is true or not, I do not know, and I do not pretend to say.

Mr. BROWNE, of Indiana. I presume it is correct. The Democrats have been carrying that city of late.

Mr. ROGERS. Cincinnati too, it seems; so that the methods which were employed under reconstruction in order to control, humiliate, and subjugate the South have returned to plague their inventors. In the Indianapolis district during the months of January, February, and March the number of special examiners ranged from eleven to fourteen, and during the months of September, October, November, and December the number was twenty-four each month.

Now, these are but samples. If the House will permit me, I will print the whole record on this point; and I want some gentleman to explain why it is that it took twenty-four examiners in that district in October, November, and December, and only eleven to fourteen in the months of January, February, and March. I would like gentlemen also to make an explanation with reference to these other districts that I have referred to.

But, to be more specific, I publish a few sample districts as found on pages 146 and 147 of the report, showing the "number of special examiners in each district for each calendar month of the year 1884."

Columbus district.

January	10	July	11
February	10	August	16
March	10	September	21
April	11	October	21
May	11	November	20
June	13	December	17

Cleveland (Ohio) district.

January	6	July	18
February	9	August	17
March	9	September	24
April	9	October	25
May	12	November	24
June	13	December	24

Indianapolis (Ind.) district.

January	11	July	19
February	14	August	25
March	14	September	24
April	13	October	24
May	18	November	24
June	18	December	24

Knoxville (Tenn.) district.

January	8	July	13
February	12	August	14
March	12	September	19
April	11	October	19
May	12	November	18
June	11	December	19

Louisville (Ky.) district.

January	13	July	19
February	11	August	18
March	12	September	26
April	15	October	28
May	15	November	27
June	15	December	27

Now, contrast these districts with others when there was no political struggle on hand and it will be found that the force was about the same throughout the year. In the Philadelphia district there were more examiners in January than in November, in the Pittsburgh district there was but little change throughout the year, and so on.

What explanation can be offered for this thing except politics—politics in the office and politics in the field?

I can not dwell longer on this point. The secret of this business is better understood when we consider the conduct of the chief of this division, Mr. Rathbone, and his relations to the Commissioner, Colonel Dudley. In the first place, he was selected and put at the head of this division by Mr. Dudley, this being, perhaps, the most important division in the office. When he was appointed he had, perhaps, never gone through a pension claim in his life. He had been an employé in the Treasury Department, but Colonel Dudley knew him and knew his

value. I want to show from Mr. Rathbone's own evidence his relations with Mr. Dudley. They say these people were not "trained in unscrupulous schools." Let us see. I quote from the evidence, page 213. I cross-examined him myself. I read:

(E. G. Rathbone's testimony, pp. 213 and 214 of the report.)

Q. At all events you did not pay your expenses there (to Cincinnati) and back?

A. No, sir.

Q. Be good enough to state to the committee how it happened that you were transferred from the Treasury Department and put in your present position. By what influence or by what arrangement was that done originally?

A. Mr. Dudley asked me to take the position.

Q. What office did you hold at the time you were transferred to the Pension Office and put in charge of the special examiners' division?

A. I was in the Treasury service.

Q. And you were transferred from that service to the Pension Office and made chief of that division?

A. No, sir; I resigned my position as agent of the Treasury Department to accept the position of chief of the special examination division. I did it at Mr. Dudley's request, not only personally, but by various telegrams. He sent a man to Indiana to ask me to take that place, and he labored with me three days before I would accept it. Finally I accepted it, came on to Washington, resigned my position in the Treasury, and took the place of chief of the special examination division.

Q. Had you not been engaged in political work prior to that time with Mr. Dudley?

A. I was in the State of Indiana when Mr. Dudley was marshal there during the 1880 campaign.

Q. You co-operated with him in that campaign?

A. Not any more with him than I did with Mr. New, chairman of the Republican central committee, and a member of the National Republican committee, and with several other gentlemen.

Q. Including Mr. Dorsey?

A. Mr. Dorsey was there.

Q. Mr. Dudley knew your efficiency pretty well in that line, did he not?

A. I can not tell you that.

Q. You claim to be tolerably efficient in that line of work?

A. I have made no claim in that direction.

Q. What do you say about it now as a matter of fact?

A. I would rather you would not try to prove that by me. It is rather a delicate matter for me to touch upon. I might overestimate myself or I might underestimate myself.

Mr. ROGERS. You do not seem to have any extraordinary amount of delicacy when you are talking about your official duties here.

The WITNESS. You ask me here what I think of my capabilities as a politician.

Mr. ROGERS. As a political worker.

The WITNESS. I submit to you that that is not exactly a right course of questioning.

Mr. ROGERS. I think you are probably correct, and I withdraw my question on account of your extreme modesty on that proposition.

I think it will be admitted, after the Indiana campaign in 1880, that Dorsey was not an overscrupulous political school teacher, and I think General Black can well stand on this bit of evidence, that Dudley and Rathbone had both trained if not under, then with him when he "soaped" Indiana in 1880.

But let us travel on. As soon as appointed chief of this division, as I have said, perhaps the most important in the bureau, the division was practically segregated from the bureau by Colonel Dudley's order and placed under Rathbone's control. There is no dispute about this. It is shown that at the time he assumed control he was utterly incompetent. It is so testified to by Colonel Dudley's successor, who had been in the service nearly twenty years, and also by Mr. Peyton, a very intelligent witness. I read from Peyton's evidence, pages 111 and 112 of the report:

By Mr. ROGERS:

Q. Were you in the office when Mr. Rathbone was first appointed chief of the special examination division?

A. I was.

Q. Tell me what efficiency or knowledge he had of the duties of the position to which he was appointed.

A. I presume that he was totally ignorant of pension matters, as Mr. Clarke has testified here.

Q. Do you not know of your own personal knowledge that Mr. Rathbone knew nothing of the pension business when he was appointed to that position?

A. I do not think that Mr. Rathbone was at all familiar with the pension business.

Q. How long was it after he came into the office before he became efficient in that business?

A. I can not say. I do not think that Mr. Rathbone is very well posted upon pension laws and the technicalities of the pension business to-day.

Q. State whether or not it is a fact that Welty and Lyon, the assistant chiefs of that division, were left, in point of fact, to run the division.

A. That is my opinion.

Q. What was Mr. Rathbone's share of the work in that division?

A. I think it related mostly to matters outside of the office.

Q. In other words he did not undertake to run the office?

A. He did while he was here, but I think the other men furnished him all the information he had, and that he relied on them altogether.

Q. While Mr. Rathbone was in Cincinnati in October state what the understanding in the Pension Office was as to what he was engaged in out there.

A. It was generally understood that he had gone away for political purposes, and it was stated that he would not come back until the election was over. It was a sort of mystery there. Nobody could find out where he was. I recollect that I wanted to write him a letter, and they told me that he was away and would not be back until after the election; that was common talk among the clerks.

Q. When did you first find out where he was?

A. I think I did not have any official knowledge of where he was until he rendered his expense account from the 17th to the 27th of October.

Now I read from ex-Commissionor Clarke's evidence, page 67 of the report:

Q. When was he appointed?

A. I do not know; but I think it was about July, 1883.

Q. Did he stay in that position in 1884 without knowing anything more of the duties of the position?

A. Within a few days after his appointment he went into the field.

Q. What did he do there?

A. I suppose he instructed the supervisors in their duties, and got the lay of the ground.

Q. Do you think that he knew anything about the duties of the office up to the fall of 1884?

A. I do not think he did.

Q. He knew practically but very little of the duties?

A. I think so. I think I have heard him say so himself.

Q. What is he doing now?

A. He is chief of that division.

Q. Is he still chief of it?

A. Yes.

Q. And he still knows nothing about his duties practically?

A. He has been in the office since I have had charge it, and I suppose that within that time he has learned to understand his business pretty well.

Q. How long have you been in the Pension Office?

A. About eighteen years.

Q. And you have gone up from what place to the Commissionership?

A. From a first-class clerkship.

Q. And you have a practical knowledge of all the workings of the office from top to bottom?

A. I understand them pretty well.

Before I leave this point, let me read from Commissioner Clarke's evidence, page 66, to show the demoralization of that division under Mr. Rathbone's administration:

Q. Who were the assistants in Mr. Rathbone's division?

A. Mr. John M. Welty and Mr. George A. Lyon.

Q. What has become of these gentlemen? Do they still occupy the same positions?

A. They were transferred to an adjudicating division.

Q. Did that transfer reduce them?

A. No, sir; it did necessarily reduce them.

Q. Why were they transferred?

A. Because of the demoralized condition of the examiner's division, for which I thought they were responsible.

Q. What was that demoralization?

A. It was a general demoralization.

Q. Of what nature—neglect of business, or irregularities, or corrupt practices, or what?

A. Not personal irregularities, but a general demoralized condition. There was no discipline in the division. It was a general demoralization—pretty much everything except personal corruption.

Q. How did that demoralization show itself?

A. By criminations and recriminations among the force. It is pretty hard to describe, but it was there nevertheless; and the only way to abate it was to make changes.

Q. Was one of the charges alleged drunkenness on the part of Welty?

A. Yes.

Q. Did you find, in your investigations, that there was any truth in that charge?

A. If I were on a jury I do not think I would have convicted him on the evidence; but there was a strong presumption as to the truth of the charge, and upon a question of discipline, I would not stop to consider any more than to satisfy myself what was the proper thing to do.

Q. And you thought it best for him to go?

A. Yes.

I need not say more on this point. It is clear that Mr. Dudley understood his man, and the man understood for what he was wanted. I now turn my attention to his misconduct in office.

It appears that just before the October election in 1884, Mr. Rathbone turned up in the city of Cincinnati. He had reached that point by a circuitous route, ostensibly in the public service. Early in the month of October, however, while in Cincinnati, he applied for a leave of absence and obtained it, and entered heart and soul into political work in that city. He himself admits, under oath, that he held a United States deputy marshal's commission under Lot Wright, and went armed on election day. He remained there until after the October election, and when his leave of absence expired again resumed his work ostensibly, and returned to Washington by a circuitous route, managing, as the testimony shows, to have his expenses paid by the Government both ways. He was not only there himself, but there was another man from the Pension Office also there by the name of Jacobs—by the way, still in the service in that Bureau.

This man, Jacobs, who claims to have gone to Cincinnati on some special work for the Pension Office, likewise applied for leave and obtained the same, and engaged in political work there. At the expiration of his leave of absence he returned to Washington, having his expenses paid by the Government both ways. During the first nine days of the month of October, this man Jacobs was ostensibly engaged in some special work for the Pension Office, and about the 10th of the month rendered his reports to the Pension Office for the first nine day's services of that month. These reports were rejected by Commissioner Clarke, who was then the acting Commissioner, on the ground that they did not show that he was performing any services. When Jacobs received notice of the disallowance of his reports, he at once, with the knowledge and consent of his chief, Mr. Rathbone, addressed a letter to the assistant chief in the Pension Office, requesting that his reports for the first nine days of October be returned to him. The letter was marked "personal," and reached the office without the knowledge of the acting Commissioner. The letter was as follows:

[Personal.]

CINCINNATI, OHIO, *October* 11, 1884.

DEAR SIR: Will you please return to me my daily reports for October 1st to 9th, inclusive, and much oblige,

Yours, respectfully,

J. E. JACOBS.

Mr. JOHN M. WELTY.

Appended to that letter is a memorandum of Mr. Rathbone:

Will Mr. Welty please do this?

RATHBONE.

Mr. Welty directed these reports to be sent to Mr. Jacobs, and a letter was prepared by Mr. Peyton, the clerk having the custody of the daily reports of the special examiners, for the signature of Major Clarke, which letter notified Mr. Jacobs that in compliance with his request the daily reports were returned. The Acting Commissioner refused to sign this letter, and retained the reports as parts of the records of the office. These reports are found in the published report on pages 103, 104, 105, and they show no service whatever. It was after all this had occurred that Mr. Jacobs applied for and obtained leave of absence covering that period. He continued absent from the office, according to the testimony of Mr. Peyton, until the 29th of December, without making any daily reports whatever. He subsequently applied for and obtained leave of absence covering all this period, and Mr. Peyton testifies, on page 105 of the report, that Jacobs's reports show no official results from the time he left Washington until his return; so that we have it in black and white that this man was in Cincinnati engaged in politics and that Jacobs, with the full knowledge and consent of Rathbone, had endeavored, by a secret correspondence held with Welty, the acting chief of his division, to abstract from the public records his daily reports without any knowledge or consent on the part of the acting Commissioner.

This is but a sample of the character of correspondence being carried on between Mr. Rathbone and Mr. Welty underneath the acting Commissioner of Pensions. The ex-Commissioner of Pensions states emphatically that neither Mr. Rathbone nor Mr. Dudley had any right to be carrying on any sort of official correspondence with subordinates in the office without his knowledge while he was acting Commissioner. He furthermore says that upon ascertaining this fact he called the attention of the Secretary of the Interior to it, and he issued an order for no mail to be sent and none received except through the Commissioner of Pensions himself.

It also appears that on the 4th day of October, the very day Mr. Rathbone took his leave of absence, he issued the following order:

CINCINNATI, *October* 4, 1884.

Direct H. Perry Smith to report to Eppert for duty at once. Answer.
E. G. RATHBONE, *Chief.*

To D. T. WHITE, *Supervising Examiner,*
Indianapolis.

The Commissioner says in regard to this telegram that he knew nothing of it. I quote his language, found on page 55 of the report:

Q. Did you know anything of that telegram?
A. I did not.
Q. That purports to be a telegram sent from Cincinnati by Mr. Rathbone, chief of the special examining division, to the supervising examiner at Indianapolis.
A. Yes.
Q. Who is H. Perry Smith, the person mentioned in this telegram?
A. He is a pension examiner in the office.
Q. Do you know whether Mr. Smith responded at once by reporting at Cincinnati?
A. I have no knowledge whatever about it.
Q. Had Mr. Rathbone any right, authority of law, or authority of the acting Commissioner to send such an order from Cincinnati to the supervising examiner at Indianapolis?
A. He had no authority from me.
Q. Is it or is it not a violation of the rules of the Pension Office?
A. I should say it was; most certainly.
Q. This correspondence seems generally to have been carried on between Mr. Rathbone, Commissioner Dudley, and those other examiners without the knowledge of the Pension Office?
A. Yes.

Here is another sample of the same character of work. I quote from the testimony of the Commissioner, page 54 of the report:

Q. Look at this telegram [handing one to witness] and state whether you ever saw that before, or not, or knew of any such telegram.
A. No, sir; I never saw it before, and never heard of it.
Q. Please read it.
A. (Reading.) "New York, September 8, 1884. To George Emerson, Laconia, N. H. Letter received; would like you to get to Cleveland soon as convenient; any time this week will do. E. G. Rathbone, chief."
Q. Mr. Rathbone is the chief of the special examiners' division, is he not?
A. Yes.
Q. You have stated that Mr. Rathbone was not on duty at the office at that time.
A. No, sir.
Q. Here seem to be two other telegrams relating to Mr. Noble [handing them to the witness]. Look at them and see whether you ever saw them before, or knew that any such telegrams had been sent or any such orders given?
A. (After examining.) No, sir; I never saw either of them before or heard of either of them.
Q. Read the first of them.
A. (Reading.) "New York, September 6, 1884. To John H. Stibbs, room 92, post-office building, Chicago, Ill. Direct Special Examiner Noble to report at once to Supervising Examiner Duncan, Columbus, Ohio, for duty temporarily. E. G. Rathbone, chief."
Q. Now read the other telegram.
A. (Reading.) "New York, September 6, 1884. To R. A. Duncan, care of pension agent, Columbus, Ohio. Noble, of Chicago, directed to report to you. Commissioner's letter received. E. G. Rathbone, chief."
Q. State what letter that refers to.
A. I do not know.
Q. Was it a letter from you as acting Commissioner?
A. No, sir.
Q. Then it must have been a letter from whom?
A. I presume from the Commissioner of Pensions, who was then absent from the office. Still I ought to state that the mail of the office is very heavy, requiring an hour and a half or two hours to sign it. Of course that would not afford me any time to criticise letters.
Q. Then this correspondence between the Commissioner of Pensions, who was at Columbus, and the chief of the special examiners' division, and certain other chiefs, was being carried on covertly and without your knowledge as acting Commissioner, was it?
A. It would seem so from the papers shown to me.
Q. Do you know whether Mr. Noble obeyed this telegram or not?
A. I do not know.
Q. If he did so, it was without your knowledge?
A. Yes.
Q. And was all this correspondence which you have seen irregular?
A. I should say so, &c.

Mr. Chairman, the Democratic party now in power may learn a valuable lesson from this testimony. In every Department of this Government to-day nearly every chief of a division and some of the heads of bureaus have been retained; but few changes, comparatively speaking, have been made; and yet the Democratic party, charged with the responsibility of Government, must and will be held responsible by the country for the correct administration of affairs.

If this improper correspondence, in violation of the rules of the Pension Office, could be secretly and successfully carried on under a Republican administration, to the detriment of the public service and to the demoralization of that bureau, without detection by its chief until it was brought to light by an examining committee of the House of Representatives, what may we expect when these same people are retained in office under an administration to which they are unfriendly? I invite the attention of the country to the candid consideration of the question presented. This very man Jacobs, of whom I have spoken, and Welty also are still in the Pension Office, and many other persons whose names have been mentioned in this evidence are still in the public service, some of them in important places.

There are other branches of the public service subjected to the same abuses that sprung up in the Pension Office. The railway mail service, for instance, ramifies the entire country, and is out from under the immediate supervision of the heads of the Departments. I may at some future day have occasion to refer, in this connection, to that branch of the public service.

Mr. Chairman, I may be pardoned for this brief digression. I now return to the subject under consideration that I may point out one other abuse in the Pension Office developed by that investigation. During the investigation referred to the committee required Mr. Brock, a clerk in the Pension Office, whose duty it was to keep an account of the leaves of absence of the various employés of that office, to prepare a statement. He prepared a partial statement, and it is found on pages 228, 229, and 230 of the published report. It shows that thirty-nine employés in that bureau were absent with pay, in excess of their annual leave, for various periods of time during that year. In almost every instance this leave was granted during the fall elections, and granted by the acting Secretary of the Interior, Mr. Joslyn, and without the recommendation of the acting Commissioner of Pensions, Mr. Clarke.

Now, Mr. Chairman, these abuses were all developed by that investigation. The attention of Mr. Dudley was called to them. He had every opportunity of reading the testimony; and I believe that in no instance has he been able to explain, upon any reasonable hypothesis, why these abuses were permitted. In many instances he asserted his ignorance of these things; but he could not hope to be otherwise when his own time was being devoted to the Ohio and Indiana campaigns to the neglect of the duties of the Pension Office.

It has been repeatedly said—and, among others, by the gentleman from Indiana [Mr. BROWNE], not now in his seat—that when General Dudley entered politics in the Ohio and Indiana campaign he disconnected himself from the Pension Office, and that when he went there he went with the intention of not returning to the Pension Office. I propose to fix the dates in connection with this matter by the record, upon the sworn testimony of Commissioner Clarke, and by the admissions of General Dudley.

General Dudley left the Pension Office on the 3d of September, 1884; he returned to the city about September 14, 1884—certainly between that time and the 21st of September. Between the 14th and the 21st of September of that year he tendered his resignation, to take effect on the 10th of November following. He left the city on the 21st of September, in the same year, and returned again on the 16th of October.

It is said that he had no connection with the Pension Office after he tendered his resignation. He states in his testimony on pages 251 and 252 that he was here after he returned on the 16th of October for nearly a week, and that he was acting Commissioner and signed at that time considerable of the mail of the Pension Office.

W. W. Dudley's testimony, page 251:

By Mr. ROGERS:

Q. When this letter that you speak of having been sent to you by the Secretary of the Interior, touching alleged violations of the civil-service law, reached you, were you then officially employed in the Pension Office?
A. I was.
Q. Had you at that time notified Mr. Clarke of the fact?
A. I did not think it necessary to notify my subordinates. They found me there. I did notify my superior of the fact.
Q. You had previously done that?
A. Yes. I think that immediately on my return I notified the Secretary of the Interior.
Q. How long had you been away at that time?
A. Forty-six days, I think.
Q. How much of that time had you been in the office?
A. About a week.
Q. And then you left again?

A. Yes. I did not do much duty in the office, owing to the fact that my wife was dangerously ill and I spent part of the day with her. I signed my official mail, but I did not do the signing of the certificates.
Q. How large a part of the official mail did you sign?
A. I signed considerable of it; I can not say how much.
Q. With Mr. Clarke's knowledge?
A. I do not know; I can not say.
Q. Do you know any document which you signed at that time? Is there anything in the office to show it?
A. Yes; I signed my official report for one thing. I did not sign it at that time, however, but later.
Q. What other official papers did you sign?
A. I can not tell; quite a number of them.
Q. Is there anything in the office to show what you signed?
A. I think there may be a number of letters signed by me—letters to the special examination division.

Why did General Dudley return on the 16th of October? The testimony does not disclose the reason; but there is this significant circumstance which I submit to the candid consideration of all. The letter of the Civil Service Reform Association, of New York, dated October 11, 1884, reached the President about that period, and went to the Secretary of the Interior; and General Dudley returned here about three days after the arrival of this letter. The coincidence is marked, and the conclusion is irresistible, that the letter caused him to return.

What other work did he do during the week that he was in the Pension Office? Why, sir, one thing that he did is perhaps without a parallel—certainly in judicial procedure—in the history of the whole country; and that is, according to his own testimony, he set the assistant Commissioner of Pensions at work to ascertain and report the facts with reference to the charges which the Civil Service Commission had made against him. His own testimony, on page 252 of the record, shows this. I quote it:

Q. I am talking about the matters of the Pension Office.
A. No, sir; there was but one head of the office.
Q. Mr. Clarke says he was governing there.
A. I can not help what Mr. Clarke says. He was not Commissioner while I was there.
Q. Was he acting Commissioner?
A. He signed his name as such on papers; but he was not acting Commissioner of Pensions while I was there.
Q. So you tell the committee that you directed the deputy Commissioner to investigate you and to make a report to the Secretary of the Interior as to what you had been doing while you were at the same time acting as Commissioner?—A. I did; and I think it would be grossly bad taste on my part to investigate myself and to report to the Secretary. I so felt at that time, and I feel so now. It made no difference to me who examined the matter. I wanted it examined, and wanted it done quickly, and the letter answered properly and truthfully.
Q. You said that you were in the office a week on that occasion. Where did you go, then?
A. To Indiana.

Q. How long did you stay there then?
A. Until after the November election, I think. I think I arrived here on Saturday of election week, which would be about the 8th of November.

In order that there may be no mistake, I also quote from the testimony of Major Clarke, on page 70 of the report; and also extracts from his answer to the Secretary of the Interior, charging Colonel Dudley with violation of the civil-service laws. I quote it:

Q. I find in your testimony taken before the Committee on Expenditures in the Department of Justice, a copy of the official letter of Mr. Dudley to the assistant Secretary of the Interior, which reads as follows:
"I have the honor to report that I returned to my post of duty on Thursday, the 16th October, having been absent therefrom forty-one days in all. I was absent on the 17th day of October, and returned again to duty Saturday, October 18, and am now on duty as Commissioner."
Q. Did Mr. Dudley leave the office after that?
A. Yes. He was there, I think, a week after that.
Q. Then he assumed to be on duty here at that time?
A. I gathered so from his letter, but that is only an inference.
Q. Had you any knowledge of his performing any of the duties of the office after the date of his letter?
A. I thought he was not performing any duty.
Q. Did he, during that time, sign any letters or official papers?
A. I inquired after he had gone whether he had or not, and I was told that he had. I was groping in the dark.
Q. Do you know whether, during that time, he gave any orders to anybody in the special examiners' division or any other division?
A. No, sir.
Q. Did he send away any examiners from here, so far as you know, while he was here after the date of that letter?
A. No, sir. I thought he was at the office simply as a matter of convenience, being in town. I supposed that he had no connection or business with the office. I want to emphasize that, because it puts me in a somewhat contradictory position here. I think that about the time that this letter of Mr. Dudley's was written, wherein he states that he is now on duty as Commissioner of Pensions, a reference came to me through the Secretary of the Interior of a communication sent to him by Mr. Wheeler, the attorney of the Civil Service Association in New York. It reached me through the Secretary's office by reference when Mr. Dudley was in the office. I think it was the same day that he came there. That is my impression. The messenger who brought it to my office seeing Mr. Dudley at his desk, and the communication being addressed to the Commissioner himself, took the paper to him. It was the complaint of the Civil Service Association in New York.
Q. I think you have been asked to produce that paper and the reply to it. Have you them with you?
A. I have them not now, but I will produce them.
The witness subsequently produced the papers, of which the following are copies:

DEPARTMENT OF THE INTERIOR, PENSION OFFICE,
Washington, D. C., October 20, 1884.

SIR: I have the honor to acknowledge the receipt of the letter of Everett P. Wheeler, esq., of New York city, dated October 11, 1884, addressed to the President, and by him referred to you the 13th instant, "for an investigation of the charges made therein," and the same having been referred by you to this office for report, I respectfully submit the following for your consideration:
Mr. Wheeler writes as counsel for the Civil Service Reform Association, and invites the attention of the President to the fact that Hon. Mr. W. W. Dudley, Commissioner of Pensions, is absent from his post, engaged in conducting the canvass of the Republican party in Ohio, to the entire neglect of his official duties.
He also states that certain charges have been publicly made, which he has not denied, setting forth that Commissioner Dudley has given orders for applications for pensions in behalf of those who are voters and residing in Ohio and Indiana, to be taken up out of their order and have a preference in their examination over the claims of those residing in many of the other States.
Upon these points I will state briefly that Commissioner Dudley left the city on or about September 3d last, when the duties of the office devolved upon me.
On or about ———— Colonel Dudley returned to the city, and while here handed you his resignation as Commissioner of Pensions, the same to take effect November 10 next. He again left the city on September 21, and returned on the 16th of October instant.
* * * * * * *
I am, sir, respectfully,
O. P. G. CLARKE,
Acting Commissioner.
The SECRETARY OF THE INTERIOR.

But it appears from Major Clarke's evidence that Colonel Dudley's presence in the Pension Office was a mere pretense; that he did not regard him as acting Commissioner of Pensions at that time. And this leads us irresistibly to the conclusion that he was back from the Ohio campaign in order to meet the charges made by the Civil Service Reform Association of New York. We again quote from Major Clarke's evidence, page 72 of the report:

The WITNESS. Mr. Dudley brought the Secretary's letter to me open. I suppose that he had opened it. I mention this to show that I did not think he was acting then as Commissioner of Pensions. As the charge was made directly against him I did not consult him on the matter and would not hear one word from him on the subject. He came to me and talked on the outside of this business, and I said to him, "Mr. Dudley, I do not wish you to say one word to me on this subject. I will answer this letter myself, without any reference whatever to you." Once or twice perhaps, before I got all the material and facts together to enable me to make a proper answer, Mr. Dudley introduced the subject, and every time I shut him off, saying to him, "I do not want any information whatever on this subject from you, and you will never see my reply to this communication until it is written and signed, and an official paper. Then, if you have a woman's curiosity, I will have no objection to your seeing what I have done." He never saw it, and had not a word to say about my answer. He never was permitted to dot an "i" or to cross a "t" in it, and it was sent without supposing that he had in the remotest degree any connection with the office.
Q. Then he manifested a desire to talk to you about it?
A. He spoke about it once or twice. I mention this circumstance only to show that I would not have taken that high-handed position if I had supposed that Mr. Dudley was then himself Commissioner of Pensions.
Q. You did not consider that he was acting as Commissioner of Pensions, or that he had any right to sign official papers as such during that time?
A. No, sir. I want to say a little further, because this is a matter which seems to affect my official work somewhat, Mr. Dudley was at his desk when Mr. Joslyn, the Assistant Secretary of the Interior, came to talk with me upon some office business (I do not know the nature of it now), and I said to Mr. Joslyn, "I wish you would tell Mr. Dudley to leave this office and get out of it. He has no business here, and it embarrasses me very much to have him here. If he has come for duty, I am content, but he is simply in the office sitting at his desk, and to me it looks very wrong." I made that statement to the Acting Secretary of the Interior at that time in my office. I mention it to show the good faith in which I was acting toward Mr. Dudley and the office.
Q. Mr. Dudley had, previous to that time, placed his resignation in the hands of the President to take effect on the 10th of November?
A. Yes.
By Mr. ROGERS:
Q. Why was it that you thought that Mr. Dudley had no business in the office under those circumstances?
A. Because upon the face of it, it was a very improper thing.
Q. Why was it an improper thing?
A. Because he had not reported to me that he was there for duty, and I did not think there ought to be any possible connection between a man who had no interest there—and who might possibly do something if he wanted to—and the acting Commissioner of Pensions. I think that the acting Commissioner should be absolutely free.
Q. In other words, you thought that Mr. Dudley was not acting as Commissioner of Pensions, and as he had been charged in the public prints with being in Ohio and Indiana mixing up in politics, he ought to be out of the Pension Office and not connecting himself with it?
A. Yes; having sent in his resignation, I thought it improper and impolitic for him to be in the office. I do not answer the part of your question as to what he was doing when he was absent. That is a matter of history, and of course stands by itself.
Q. At that time the charge had come to your attention through the Secretary of the Interior from the Civil-Service Association at New York that Mr. Dudley was out in Ohio and Indiana dabbling in politics?
A. Yes.
Q. And you thought that if that was true he had no business at the head of the Pension Office under those circumstances?
A. Yes; that is just what I thought, and it worried me very much.

To sum it all up, Mr. Dudley emphatically swears that he was in the Pension Office in the discharge of the duties of the Pension Commissioner. Mr. Clarke squarely denies it, and goes so far as to say that he told Mr. Josyln, then Acting Secretary of the Interior, that he wished Mr. Dudley would leave the office and get out of it; that he had no business there. The impropriety was manifest to Major Clarke. He seemed to think that as Mr. Dudley was going to conduct the Ohio and Indiana campaigns that he ought to disconnect himself from the Pension Office and stay out of it. Mr. Dudley seemed to think that there was no impropriety in this, and proceeded to discharge such duties as he saw fit.

We can hardly conceive of a greater farce than that which Mr. Dudley suggests, namely, that while acting Commissioner he had directed his assistant commissioner to investigate and report upon charges made against him.

Within a week after the 16th of October Mr. Dudley left the Pension Office, again returned to Indiana, and did not return again until after the November elections.

Mr. Chairman, Mr. Dudley did not proceed in this matter from ignorance. He is a man of intelligence and capacity; he is clear-headed, and understood the duties of his office. I believe that he was a good organizer. I believe if he had kept out of politics that he could have elevated the standard of the Pension Office and accomplished great good in that branch of the service. As an evidence of that fact, and as an evidence of his bad faith in the conduct and management of that office, and in the example which he personally set for his employés, I desire to quote from his own testimony, which will speak for itself.

W. W. Dudley's testimony, pages 264, 265, 266, 267:

By Mr. ROGERS:

Q. I understood you to say a moment ago that you regard the employés of the Pension Office as being of a higher standard for integrity and efficiency and fidelity than the employés of any other Department of the Government; am I right in that?

A. They are as high as any, and would compare favorably with the employés in any other office of the Government, taking them as a whole.

Q. You meant to say in that that there was no general dereliction of duty on their part, and that the office is in good working shape and is not demoralized?

A. Yes, it was when I left it.

Q. How was it when you found it?

A. It was a very good office when I found it. There were some practices in it which did not strike me as being the proper thing. There was time wasted, and there were some things which I endeavored to correct by proper circulars and orders and discipline.

Q. Time wasted; that is a very important demoralizing influence, is it not?

A. I think so.

Q. How long were you away yourself last fall in all?

A. I was away fifty-seven days in all.

Q. Do you govern yourself, in taking leave of absence, by the same rules which obtain in regard to subordinate employés?

A. No, sir; and the same rule does not obtain as to the chiefs of bureaus and heads of Departments.

Q. You do not confine yourself to thirty days leave in the year?

A. No, sir; and it is not the custom to do so.

Q. So you took fifty-seven days' leave of absence, did you?

A. Yes; and I took four days in June at the time of the Indiana State convention.

Q. That was sixty-one days?

A. Yes; and there may have been an occasional day at other times.

Q. And, as I understand you, you have frankly stated that during that period you were engaged in political work for your party in Indiana and Ohio, except for the four days that you were attending the Indiana State convention?

A. During the latter sixteen days I was not very active in politics. I was at home with my friends.

Q. Where?

A. In Richmond, Ind.

Q. With those exceptions were you engaged in politics during your absence?

A. I was when I was in Columbus, Ohio, and for three days in Indianapolis.

Q. I want to ask you, in that connection, if you think that it had a very healthful influence on the organization and efficiency of your bureau to have it understood there, as well as all over the country, that its head had quitted his post and gone into the country and had staid away the length of time you have stated looking after political interests?

A. In my judgment it should have no deleterious influence on the office.

Q. You think not?

A. No, sir; unless it was understood that I was acting as Commissioner at the same time. If I were assuming to discharge the duties of the office at the same time I think it would have a bad influence. But if I had disengaged myself from the office and was not asserting any control over it it would not properly have any deleterious effect.

Q. I call your attention to a circular of yours, published on November 11, 1882. You say in this circular, "I am very sorry to be compelled to call the marked attention of the employés of this office to an evil that, if there is power enough vested in me, and I think there is, shall no longer remain as a stigma upon this office.

"In return for the pay you receive for your services you owe the Government and the almost despairing claimants before this office six and a half hours of honest, industrious labor every working day except Saturday, and five and one-half hours on that day, and any encroachments you make upon that time for any purpose, or upon any excuse, save only actual sickness or leave of absence, is at the expense of your personal honesty."

The WITNESS. I would like to reiterate that.

Q. What do you think about that principle now when you apply it to your own leave of absence for six or eight weeks?

A. I think I came within the exceptions named there, and I want to say that instead of working six and a half hours a day I worked for twelve hours a day.

Q. Do you mean in Indiana, or in the Pension Office?

A. I mean in the office. I think I worked eighteen hours a day when I was in Columbus.

Q. But not for the Government?

A. No; for my party.

Q. What do you think of the application of that principle to your absence in Indiana and Ohio?

A. I think that the rule applies to me which applies to other heads of Departments and bureau officers. I think that my absence from the office was a great deal less than that of a good many officers of the Government.

Q. As Commissioner of Pensions would you have applied the same rule to other employés of the Pension Office?

A. To the extent of their regular leave of absence.

Q. But would you have permitted them to be absent for sixty-one days?

A. Not with pay.

Q. But if you could take sixty-one days' leave of absence with pay you could on the same principle take the whole three hundred and sixty-five days?

A. That is a problem in ethics which you are as able to solve as I am. Let me say, in further answer to the question that I was entirely conscious of having worked much more than the law required or expected of me during the time I was in the office. I had worked much more time in the office than I had spent out of the office.

Mr. ROGERS. Many of us here have to do the same thing, but still we do not leave.

The WITNESS. But I understand that for a good half of the year and more you are receiving your full pay as members of Congress while you are indulging in political work.

Mr. ROGERS. Still, that is part of our contract.

The WITNESS. I regarded mine in the same way.

Mr. ROGERS. That you could leave the office and stay away half the year?

The WITNESS. No; but that I could stay away sixty-one days, and more if necessary.

Mr. ROGERS. I read again from this circular of November 11, 1882: "Now you would not wish it known to the country and its defenders that the fifteen minutes required at morning and at noon to get from the street to your desk is taken by you from the time which is theirs, nor would you like them to know that the half hour allowed for lunch is extended to nearly an hour by your eating lunch, when you should be at work, and spending the lunch-time on the street." What does that mean?

The WITNESS. That means just exactly what it says. There is nothing incongruous in that. That is good English. It means that when the lunch-hour arrived they had already eaten their lunch, and then had gone and spent their lunch-hour on the street. I will let that stand on its merits.

Mr. ROGERS. I am not going into the question of grammar. I only wanted to know what you meant; but, as you say, let it stand on its merits. (Continuing to read.) "Would you wish claimants who are waiting and hoping that you will settle their cases soon, that the winter wolf may be kept from the door, to witness the entire cessation of work which with many too often takes place at quarter past 12 and quarter before 4 each day, that you may be out of the office at 12.30 and 4 o'clock? * * * No example is furnished by a single officer of this bureau for the reckless waste of time which it is my intention by this circular order to put an end to, nor can there be any reasonable excuse offered for it." Now, do you not think, in view of this circular, that you yourself set an example of reckless waste of time?

The WITNESS. If I did I offset it fully by setting the example of working a great many more hours than any other employé of the office.

Mr. ROGERS. And the chief of the special examination division, was he not also setting a bad example in staying away more than thirty days (not on pay, however)?

The WITNESS. If he took leave of absence without pay it would certainly not be a disadvantage to the office.

Q. But was not the country entitled to his services?

A. Certainly; if it paid him for them.

Q. Was not the Pension Office needing his services, whether paid or not paid? Was it not his business to be there unless he was sick, and was not the country needing his services there?

A. I think that for the time being he could be well spared.

Q. Would you consent to have all the employés of the office stay away from business that length of time, even though they were not paid beyond their regular thirty days' leave?

A. If they were absent in the exercise of the highest duties of an American citizen, I would say yes.

Q. Would you let them all go home and engage in political work for fifteen days without pay; would you give them leave of absence to be out of the office for fifteen days and to engage in a political campaign?

A. I am rather inclined to believe that I should, if they had a right to vote, and if they believed it their duty to exercise that right.

Q. And if you had at the same time three hundred thousand pensioners depending on the work of the office, and if the Government had already given the employés their thirty days' leave of absence, you would still give them fifteen days more, would you?

A. That is rather too broad a question when you put it that way. The circumstances of each case would have to determine it. It might be that it would be entirely fair to do it, and it might that it would not be right or proper. Each individual case would have to stand by itself.

Q. You would not only let them go home to vote, but you would let them go into another State to engage in political work there?

A. I think that a man is none the less a citizen because he is an employé of the Government.

Q. You would let them not only go home to vote, but you would let them go into another State and work half a month there in politics if they would abandon their pay?

A. I will say in answer to that question that I would not abridge the rights of any man.

Q. Is that an answer to my question?

A. I think so.

Q. Under your obligations to the country and to the Pension Office as Commissioner of Pensions, do you think you would be performing your duties properly if you were to let the whole force leave and go into a political campaign?

A. No, sir; I do not think I would.

Q. That is what you did yourself.

A. I do not wish you to put words in mouth in that way.

Q. Did you not do that?

A. I had disengaged myself from the office to go into the political campaign.

Mr. ROGERS. I was trying to make an application of your own conduct to the whole office.

The WITNESS. I saw your point.

Q. Now, I want to call your attention to another part of your circular [reading]: "There are, I am happy to say, many to whom the circular has no application; probably almost as many as there are to whom it does." In other words, as I understand it, you state here that, at that time, more than one-half of the clerks in the Pension Office were in the habit of wasting their time. This is correct, is it not?

A. You can draw your own inference from it. The intention was to have the circular apply only to those to whom it did apply, and not to censure those who were faithful.

Mr. ROGERS. You say that it has no application to probably almost as many as it has application to?

The WITNESS. You can see the necessity of wording it in that way. It wouldn't be right to make a sweeping assertion against all. It is true that there were abuses of that kind which I sought to correct. It was a mere matter of office regulation.

Mr. ROGERS. And your idea was that more than one-half of the clerks were in the habit of wasting their time?

The WITNESS. I will state it just as I have stated it there. I stated it in general terms so that it might not be taken as an unjust censure on those to whom it did not apply.

Mr. ROGERS. I would like to repeat this to you [reading]: "There are, I am happy to say, many to whom this circular has no application, probably almost as many as there are to whom it does." What did you mean by that?

The WITNESS. There may have been many to whom it had no application—more than there were to whom it had application. I can not give the numerical relative strength of those to whom it did apply and of those to whom it did not apply.

Mr. ROGERS. I did not ask you to do so. I asked you what you mean by those words?

The WITNESS. I meant just what I said; that there were many of them to whom it did not apply.

Mr. ROGERS [again reading from the circular]: "Chiefs of division are hereby required to furnish the chief clerk weekly with a report showing the names of those who, after the delivery of this circular to them, continue the embezzlement of time complained of." What did you mean by that?

The WITNESS. Perhaps that was not a happy expression, in the legal signification of the phrase, but it expressed the idea which I meant to convey.

Mr. ROGERS. As I understand, what you meant to say there was that when a man wasted the public time for which he was paid, he was embezzling the time which belonged to the Government.

The WITNESS. What I meant by embezzlement in the circular was pinching the hours of work.

Mr. ROGERS. Would not that apply as well to the head of the Bureau as to the subordinates?

The WITNESS. You must be your own judge of that. I did not set an example of the practice complained of in that circular; neither did any of the officers of the bureau, and I may state that the effect of that circular on the work of the office was very salutary.

Mr. ROGERS. I think it is a very proper circular if the facts set forth were true; but I was trying to get you to reconcile it with your own conduct in staying away from the office attending to political work.

This volume contains other evidences of abuses in that office while under the management of Colonel Dudley. Some of it has been adverted to by other speakers. It is too voluminous to go into. My remarks are already protracted too much. The fact is, the whole office became demoralized, and was perverted during the campaign of 1884 to the most unholy purposes.

When we reflect that three hundred thousand claimants awaited the adjudication of their claims, that many had been waiting for years in absolute need and want; that the office was months, if not years, behind with its work; that Congress had given him ample means and force, more than any other Commissioner had ever asked for or had; and that all this was disregarded, and that its chief abandoned his post, and subordinates sent to the front by scores to the political battlefield, the whole office consequently demoralized, while worthy and needy claimants were postponed, one can scarcely contemplate with patience Colonel Dudley's evidence, bold and defiant as it is to every sense of public duty, humanity, common decency, and right. No wonder that the country has demanded reform in the civil service. No wonder Indiana repudiated him and the country his party. But, Mr. Chairman, I can not refrain from expressing the conviction that a practical civil-service reform suggests getting rid of the worst element left in the service, and that right speedily. I believe new blood at the head of all bureaus, divisions, and places of responsibility to be absolutely indispensable to true civil-service reform. I believe that every party charged with the responsibility has the right to administer the Government through those friendly to its principles and policies. I do not believe it can be successfully and safely done otherwise.

In conclusion, Mr. Chairman, I want to say to those who have assailed the South, those who have recklessly spoken of Southern Representatives as ballot-box stuffers and murderers, that they neither honor themselves nor their country. The South is quiet, and is struggling to regain its former prosperity. It is improving and developing, and all classes living happily together. The general elections of 1884 were as fair and quiet as in Iowa or New Jersey. In my own State I do not remember of any disturbance at the polls for years. There has rarely been a contest for office in the courts or in the Legislature. I say upon my honor as a gentleman and a Representative, so far as my observation has gone, everybody, without distinction as to race or color, who is qualified, votes as he chooses, and his vote is counted; and the significant coincidence occurred that while the gentleman from Iowa and the gentleman from Ohio stood in their places "waving the bloody shirt" and denouncing Southern Representatives negroes by the hundred were *en route*, or had just arrived in Arkansas, to become citizens. The simple statement as I get it from the public press disproves the charges you make against us. They are unjust and they are untrue. Is the time never to come when sectional criminations and recriminations shall stop? Is there no mission for us but to slander each other?

Mr. Chairman, if I do not mistake every sign, the bloody shirt will never be borne to victory again in this country. It has won its last battle. The country demands of us something better and higher. When strikes are of daily occurrence, when labor is idle, when agriculture barely yields a living, when our industries are all languishing and our fiscal policy unsettled and our taxes undiminished, surely there is enough to engross our serious thoughts and to induce us to turn away from the sectional animosities of the unhappy past.

For one, I had thought I should never embark in anything like a political discussion here; but I am unwilling to permit the charges which have been made against a people who have honored me, and a people utterly incapable of doing what they are charged with, pass without at least entering an earnest denial. This I have done from a sense of duty and in the hope that what I have said may not be without some good result to them. This is my apology for having occupied the time of the committee.

[During the delivery of his speech, not having time to complete what he wished to say, Mr. ROGERS asked permission to extend his remarks in the RECORD.]

Mr. BROWNE, of Indiana. I hope that leave will be accorded.

The CHAIRMAN. The Chair hears no objection; and leave is granted.

Mr. CABELL. Mr. Chairman, I had supposed when this bill was brought into the House that it would have been promptly passed after a brief explanation by the gentleman who reported it. I had never supposed that a bill of this character, which simply appropriated the pension-money provided for by law, would excite here such a debate as it has, and least of all did I suppose the gentleman from Iowa [Mr. HENDERSON], one of the members of the Committee on Appropriations, would rise in his seat when a bill was to be passed principally for the benefit of the people in his own section of the country and deliver himself of an excited speech and thrust into the faces of the representatives of the Southern people every disagreeable thing that he could think of to make them feel humiliated and discredited.

It is true that the gentleman, with an exuberance of patronizing kindness, told us that the lecture he delivered was in fraternity of spirit. But God save us from such fraternity as that! However ingeniously put, the gentleman's lecture was but a reminder to Southern Representatives that they had acted badly in the matter of a vote which they had given, and cautioned, if not commanded, them that they should do better hereafter.

Now, I am ready as a Representative to do my duty on this floor as I see it and as I know it. I was an humble follower of the confederate cause, and so far as I could did my duty to it. I am here to make no apology for that. When the flag of the confederacy went down and my people surrendered, along with them I surrendered in good faith and pledged anew my honest devotion to the Union of these States and to the Constitution of the country. And whatever gentlemen upon the other side may say, and however they may intimate, nevertheless I am as true and loyal to-day to the Government of the United States and to the Constitution as the man who sits in the White House, or any man who in an unmanly way makes assertion or innuendo to the contrary.

The gentleman said that he did not mean to cast any reflection upon those gentlemen who voted against the bill passed a few days ago to increase the pensions of widows. Why should he have said anything about that bill in this discussion? Do his acts comport with his words? If he did not mean to cast reproach upon them and hold them up to the condemnation of the "loyal North and West," why did he parade the names of the Southern men who voted against that bill, and have them read from the Clerk's desk? What was that but intended intimidation—a kind of bulldozing proposition?

The time has come, Mr. Chairman, when that sort of a spirit can not prevail and control here. I say to the gentleman from Iowa, and to any one else who wishes to know it, that I mean to vote so long as I am a Representative here as I think proper, and in accordance with the dictates of my conscience, and for what I conceive to be the best interests of my people and the Government.

The Southern people pay a portion of the taxation of this country. They bear at least one-third of the cost of the pensions which are provided by law and paid out to the soldiers of the country. They have heretofore made no complaint about it. They are willing to concede that the Government should pay reasonable pensions to its worthy soldiers, and their representatives vote for proper bills. Inasmuch, therefore, as we do our proper share in the payment of these pensions, have we not a right and should we not be allowed to say how far this thing shall go and to what extent taxation to pay pensions shall be carried?

No part of this money appropriated to pay pensions, or at least no appreciable part, goes to the South. No part, or but little of it, is received by our people. Yet it seems to be a cause of offense if we say that this pension business has gone quite far enough and that the old rate of $8 per month is sufficient and that we wish to stand by that, at least for the present.

Standing behind the widows and orphans of the soldiers of the country there are some gentlemen who, in the abundance of their loyalty and greatness of their patriotism, frequently by innuendo, and sometimes directly, and generally where they have no other refuge, charge that our people so acted as to entail this expense upon the country, and therefore ought not to object to paying for it.

There are two sides of this question. I shall not discuss it. But if you have such sentiments and intentions, if you think that the South ought to have these burdens put upon her, that these ever-increasing appropriations for pensions and other things of which the Southern people get nothing, should be placed upon them by law and by force, and they not allowed to say one word as to the extent and method of levying such exactions, come out plainly and like honorable men and say so; then everybody would understand you. But do not come in the usually unmanly way, that mock fraternal spirit which one moment breathes friendship and love and the next thrusts into our faces the ungracious charge that we by our conduct entailed obligations and debts upon the country which we therefore ought to be willing to bear and to pay. Let us have always the meaning of your charges and the true inwardness of your attacks upon us.

I say it exhibits a want of manliness on the part of gentlemen on the other side to assail us as they think in our helplessness. Much of the disposition to assail us on this floor comes from the fact that you think our people are by circumstances manacled and gagged and unable or unwilling to say anything in reply to the unpatriotic and ungenerous remarks too frequently made against them. It is time, sir, for this thing to stop. For myself I am tired of it. In the South we do our duty as citizens; and if we do not there is a method under the Constitution by which we can be induced to do it. But that method will be found not to run through unkind allusions, ungenerous attacks at delicate points, or assaults upon our pride as men and Americans. The use and suggestion of such methods as I have named are unbecoming brave men and representatives of this country.

I am sure, Mr. Chairman, that I will not be blamed for mentioning another little matter.

I heard the gentleman from Iowa on yesterday, and it shames me to

have heard him say it, for I take it that he was a brave soldier, as he carries his certificate of soldierly conduct upon his body, and I respect a brave man no matter on which side he fought—but I say I was sorry to hear the gentleman in speaking of confederate soldiers say, "I never met them but that they did run away before I got through with them." Valiant soldier! The gentleman must have been a "holy terror," indeed, when he met his enemies.

It is true, my friends, that sometimes we did give way in the varying vicissitudes of that war; yes, we did sometimes run. I have been with the confederate forces when they did run and retreat, and I have been with them again when they were doing their best running with the Federal forces some distance in front making their best possible time. So far, then, honors are about even, but no unkind allusions of that kind ought now ever to be heard. I will not undertake to say which side was right or which wrong during the war. It is neither profitable nor sensible to rake up the events and ashes of the dead past. We have now but one Government and one country, and duty and patriotism teach us that we should maintain them in their integrity. As an humble Representative I am here for the purpose of helping to maintain this Government of our fathers, and to aid in transmitting to our children the goodly heritage of just and equal laws in a Union of equal States.

Now, Mr. Chairman, I have but little to say in regard to the allegations about the Pension Office and General Black's report. General Black is able to take care of himself, I think. As far as his much-abused report is concerned, it may not in some of its parts have been equal to all the tests of rigid requirement; but in the main that he told the truth about the conduct of certain pension officials no honest man can safely deny.

Was not that office conducted in a partisan way? Read, if you please—and I ask to insert it as a part of my remarks—the letter written by Commissioner Dudley to Mr. STEELE of Indiana, the letter read by Mr. MATSON written to one Grubb. Consider the statements contained in the other records and documents read in the hearing of this House bearing upon this matter, and connect them all with the visit and actions of Colonel Dudley, while Commissioner of Pensions, and his subordinates in the State of Ohio, and if any man can say that the Pension Office and pension business of the country were not conducted in a partisan manner, that man does not wish to be convinced.

Mr. BROWNE, of Indiana. Will the gentleman allow me?

Mr. CABELL. Certainly.

Mr. BROWNE, of Indiana. I have not the slightest objection to the request of the gentleman to put these things upon record, and I hope it will be done; but I will be obliged to the gentleman if he will indicate in his remarks what the subject-matter of the letter and the records may be which he proposes to print.

Mr. CABELL. Simply this: I have not had time to enter upon an extended discussion of this question, because I have given away nearly the whole of the time which was allotted to me for the discussion of the bill. I found that I could not make any speech to the House that would be satisfactory to myself, therefore I have been content to refer in a hurried way to certain points and certain innuendoes as well as charges made by gentlemen against the Southern people. However, the matters to which I particularly alluded were the extracts from the report of the "Warner committee," the letter from Commissioner Dudley to Grubb, and the same Commissioner's letter to Mr. STEELE—to the reading of which some gentleman objected; why I do not know—and which expressed anxiety for Mr. STEELE's election. Now, why an officer of the Government should include in his official letter-book a letter or letters expressive of his anxiety for the election of one candidate for Congress over another, unless he was inspired by partisan zeal, it would be hard to imagine. But I will here, if permitted, give the letter to Mr. STEELE as part of my remarks:

JULY 30, 1884.

MY DEAR FRIEND: It goes without saying that I feel the deepest interest in your success, not only on your own account, but on those of the State, and the Legislature as well. As nearly as I can figure it, there are three members of the Legislature and one Senator in doubt in your district, and I hope that your campaign, and theirs, will be blended so as to be of mutual advantage, as they should be. I will do everything I can to give prompt attention to any calls you may make. I will have letters written with the slips sent by you. Will the prohibition ticket hurt Calkins in your district? If so, in what counties especially?

Very truly yours,

W. W. DUDLEY.

Hon. GEORGE W. STEELE, *Marion, Ind.*

In view of the contents of the letter just read, and the contents of the documents and letters read by other gentlemen, was General Black very far wrong in charging partisanship upon his predecessor?

There is one other matter, Mr. Chairman, to which I shall now call attention, and that in relation to the remarks of the gentleman from Ohio [Mr. BUTTERWORTH], my colleague upon the committee. However, before I come to that I am reminded of a point made in the course of his speech by the gentleman from Iowa [Mr. HENDERSON]. The gentleman in substance said that a good way to keep faith with the soldiers of the country and to pay and increase pensions would be to continue the internal-revenue system—in other words, to keep up the taxation upon liquors and tobacco.

The gentleman's ideas are suggestive, but they are not new. He evidently appreciates a system from which much money can be raised and paid to his people, but the burdens of which neither he nor they are called upon to bear to any great extent. The internal-revenue system is that from which my people having been trying to escape for many years. It is a system of miserable exactions placed upon the people of this country during the period of war, and which it was promised should be removed as soon as it could be done. But it still remains a reproach to the Government and a wrong upon the people.

The tobacco tax and the tax upon spirits distilled from fruits bear with especial hardship upon the people of my section, and here is a reason, if they had no other, why they would urge the Government, and especially their Representatives, to the exercise of the most rigid economy in the preparation and passage of bills carrying money raised from taxation. It is because our people want to get rid of these burdens that they ask us in voting here to use every exertion to have the heavy hand of taxation taken from them, for the Government has indeed laid a heavy hand upon some of our industries. The voice of the tax-gatherer is heard in the land; and the people simply ask that the hand be lifted and the voice of the tax-gatherer be stilled. You can see, therefore, why we can not vote away lavishly the money in the Treasury. Why we do not want to give away anything that is unnecessary, in the way of pensions or otherwise. That is one reason why the Southern Representatives, I say, are willing to do what is reasonable in the matter of pensions, but they ask you to pause before you ask them to impose the contemplated burdens upon their people when it is not necessary for the safety or welfare of the country.

I now desire to refer to what was said by the gentleman from Ohio [Mr. BUTTERWORTH]. That gentleman has gone out of the legitimate range of debate to tell the Southern people how wicked they are, what bad methods they pursue, and with what propriety they could amend their ways. We may be obliged to gentlemen who give this kindly advice to us, but when we know their motives, and that they talk of things of which they know nothing, we feel a reasonable degree of incredulity, for which I am satisfied we will be excused. Gentlemen assume to talk of affairs in the South, gathering their information, I suppose, from irresponsible parties, and especially from that miserable set of vampires and vermin who were sent down among us after the war, and who fell upon us with more blighting effect than the locusts and lice of Egypt. You get your coloring from creatures of that character; and the gentleman from Ohio [Mr. BUTTERWORTH], as if he had heard nothing but gospel truth, proceeds to lecture this side of the House, especially the members from the South, upon the wickedness, rapine, bloodshed, and ballot-box stuffing which he is pleased to assign to the Southern section of the country.

Now it is true, Mr. Chairman, that we have had our troubles down South. We have had many difficulties to overcome and many hard problems to solve—these were incident perhaps to the changed condition of affairs in the country.

But I can say, and say it truly, I know nothing of any such occurrences as the gentleman and others like him have laid to our charge. Such things have not taken place in my country. And I speak for that; I speak within my knowledge, and I say all this talk, or a great deal of it, and the stuff you hear from intermeddlers is simply stuff indeed. Many of these harrowing stories from the South have been brought you by creatures that were so miserable that you spewed them out of your own country, and to our great grief they fell down upon us. I have often wondered why they had been made at all, and I could never solve the problem except upon the principle that God Almighty in His infinite wisdom made these creatures to show what sort of a thing He could make in all its horrors and meanness, when He made the carpet-bagger and dropped him down into the Southern States. [Laughter.]

The gentleman from Ohio [Mr. BUTTERWORTH] dwells with great persistency upon the lessons learned from his faithful allies, the "carpet-baggers," in regard to "ballot-box stuffing," riots, and disturbances at elections down South. Now I will simply say to friend BUTTERWORTH that I knew he was writhing in the "gall of bitterness," but never before his speech realized that he was so closely bound in the "bonds of iniquity." I never before his speech so fully understood the difficulties that compassed him about, and the election troubles that had overtaken that goodly and godly people from whom he comes.

But is it not a pretty state of affairs and a beautiful spectacle exhibited to this side of the House when with one side of his mouth the gentleman pitches into the Southern people and abuses them for their conduct, and from the other pours out a horrid volume on his own people, which, if true—and I have no right to doubt it—shows beyond all question that if there is meanness and corruption and villainy displayed in elections in any country on God's green earth it is in the State of Ohio, and especially in the city of Cincinnati, of which that gentleman seems so proud? I say to the gentleman first cast the beams out the eyes of your own people before you look after the motes in ours. Go sweep around your own door; you will find ample employment. Mend the bad methods of your own country before you undertake to lecture other people upon political morality.

Mr. Chairman, the time which I reserved to myself is I think about exhausted. I have no more discussed the bill before the House than have others who preceded me. I have only endeavored to call atten-

tion to some matters which I think our friends on both sides ought to know and consider. These bitter partisan discussions ought to cease. I am glad to know that they are never precipitated by gentlemen from my section. Our Southern Representatives are here in accordance with the will and the rights of their people. We wish simply in a becoming way to discharge the trusts with which we are charged. For myself, I repeat that as long as I am here I intend to do my duty, so help me God, as I see and understand it uninfluenced by threat or promise. With proper caution we can all do our duty here in a manner agreeable to each other and profitable to the country. The troubles of the past should have no place in this House. The war with all its bitter memories has long been over, and the vile specters of discord and unnatural strife should no longer be paraded before Congress and the country. Let the two sections of the country come together, the better by reason of the discord which lately prevailed between them, and renewed in their attachment to the union of the States and the Constitution of our fathers. And let us as Representatives do our part toward allaying all difficulties and healing all differences, and stand forth as men and patriots in the glorious endeavor to make this Government what God and nature intended it should be—the grandest Republic on the face of the earth.

I yield the remainder of my time to the gentleman from Illinois [Mr. SPRINGER].

The CHAIRMAN. The Chair understood the gentleman from Virginia [Mr. CABELL] to say he only intended to use forty minutes of his time; he has used forty-seven minutes.

Mr. CABELL. I must call then for the rest of the time to which I was entitled, having promised to yield to the gentleman from Illinois [Mr. SPRINGER].

The CHAIRMAN. The Chair is to recognize the gentleman from Ohio [Mr. LE FEVRE].

Mr. CABELL. I yield what time I have to the gentleman from Illinois [Mr. SPRINGER].

Mr. BOUTELLE. I desire to make a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. BOUTELLE. I understood the gentleman from Virginia to ask unanimous consent to print some document or letter. I would like to ask if the gentleman from Ohio [Mr. GROSVENOR] has the same privilege.

The CHAIRMAN. The Chair has not submitted any request from the gentleman from Virginia [Mr. CABELL] as to the printing of any paper. Has the gentleman from Virginia any such request that he desires to have submitted?

Mr. CABELL. I simply requested to put into my remarks the letter I referred to.

Mr. BOUTELLE. I understood the request to be of that nature, and have no objection if the same privilege be extended to the gentleman from Ohio.

Mr. CABELL. I did not formally ask permission, but proposed to include it in my remarks. I simply ask leave to print the letter referred to as a part of my remarks.

The CHAIRMAN. The Chair will say to the gentleman from Maine [Mr. BOUTELLE] that the Chair can not couple the two requests together. The gentleman from Virginia asks unanimous consent to print a letter which he referred to in his remarks.

Mr. BOUTELLE. I do not object if the same permission is given to the gentleman from Ohio.

The CHAIRMAN. Objection is made.

Mr. BOUTELLE. If it can be modified so that the letters proposed to be printed by both gentlemen can go in I do not object.

The CHAIRMAN. Objection is made.

Mr. SPRINGER. Mr. Chairman——

Mr. BOUTELLE. I now ask unanimous consent that the letters presented by the gentleman from Ohio [Mr. GROSVENOR] may be printed in the RECORD.

[Cries of "Regular order!"]

Mr. HENLEY. That consent has just been refused on the other side to the gentleman from Virginia [Mr. CABELL].

Mr. BOUTELLE. I beg pardon.

Mr. HAMMOND. As they objected on that side, we now object on this.

Mr. DUNHAM. We did not object.

Mr. BOUTELLE. No one objected.

Mr. SPRINGER. Mr. Chairman——

Mr. BOUTELLE. Mr. Chairman, I rise to a parliamentary inquiry. I would like to understand whether permission has been given to the gentleman from Virginia [Mr. CABELL] to print the letter to which he has referred here?

The CHAIRMAN. It has not; objection was made.

Mr. BOUTELLE. I did not object.

Mr. DAVIS. Nobody on this side objected.

Mr. SPRINGER. Mr. Chairman, in the brief time allowed me I can not deliver the remarks which I had intended to make upon the subject under discussion; but if an opportunity offers on Saturday I hope to submit some figures to show that every statement made by Commissioner Black in his report is more than sustained by the record. That fact will be made plain hereafter—if not in this debate, then I trust by the investigation which is to be made by the Committee on Expenditures in the Interior Department. I only regret that in the brief time allowed me it is impossible to present the facts. I had hoped that on this anniversary of the inauguration of a Democratic President I would have an opportunity to show that every pledge made by his administration has been carried out, so far as it was possible to carry it out in the first year, and that especially had those pledges been made good in the management of the branch of the Government which has been under discussion here for the last three or four days.

The President was most fortunate in selecting the distinguished gentleman now at the head of the Pension Office to manage that bureau. That gentleman is not the man described by my friend from Iowa—one who would "strike his comrades in arms with a mailed hand." On the contrary, during the time he has been in office he has signed his name to more certificates granting pensions to his comrades than were ever signed in the same length of time by any of his predecessors, and has managed that office as a business institution in the interests of the soldiers of the country.

[Here the hammer fell.]

Mr. RYAN. Mr. Chairman, it would have been more agreeable to me personally, as I doubt not it would have been to both sides of the House, had this bill, about the provisions of which there is no controversy, been so presented here as not to have precipitated this discussion, which has covered the whole field of partisan politics, and has been already so protracted as, doubtless, to have wearied the House and the country. During my service in Congress I have never found it pleasant to engage in bitter partisan discussion upon the floor of the House, and I shall now indulge in no partisan discussion beyond a brief reference to some things that have been said by gentlemen upon the other side. If there be any member upon this floor whose heart is free from sectional prejudice it is myself. In all my service here I have refrained from saying one word that might wound the feelings of any man, no matter what may have been his relation to the Government in the past.

The country will not be surprised, Mr. Chairman, at the 66 votes that were cast here against the bill to increase the pension of the widows of our soldiers, but it may be somewhat amazed at the vociferous sensitiveness displayed upon this floor by the gentlemen who cast those votes. It will strike the people as exceedingly strange that it should be offensive to those gentlemen to kindly refer to that vote or even to have it read from the Clerk's desk. The hundreds and thousands of Union soldiers in the North, in whose breasts there does not linger a single trace of unkindly feeling toward the men who opposed them upon more than a hundred battlefields, will be pained to learn that their old comrade [Mr. HENDERSON, of Iowa] who left his leg upon the battlefield in defending his adopted country, for no other offense under heaven than kindly maintaining his rights and theirs upon this floor, has been the victim of greater abuse and more bitter ridicule than any other member of Congress in the last quarter of a century. The gentleman from West Virginia [Mr. WILSON], to whose speech I listened not only with pleasure but admiration, was kind enough to carry us back to the period of strife in order to make the suggestion that that unfortunate rebellion had been suppressed more by the Democrats of the country than by any other class of our people.

It is not very material here to discuss whether those who participated in the war for the preservation of the nation's life belonged to one party or another. But I have impressed on my mind vividly some of the events and incidents of that unhappy period, and, until recently, I had supposed that Republicans and the Republican party had something to do with suppressing the rebellion. Just how we shall ascertain the relative number of Republicans and Democrats who participated in that conflict on behalf of the Union I do not clearly know. The only official information upon that subject which now recurs to my mind is that with reference to the vote for governor in the State of Ohio in 1863. A man named Vallandigham, whose loyalty was so seriously questioned that he was exiled, was deemed by the Democratic party of that State a fit person to become its standard-bearer for the highest office in the gift of the people of that great Commonwealth. The soldier vote cast on that occasion, as nearly as I now recall, was about 2,000 for Mr. Vallandigham and upward of 41,000 for the Republican candidate, Mr. Brough.

But I repeat, it is not very material for us now to undertake to ascertain whether it was this party or that to which the Union soldiery at that time belonged. For myself, I do all honor to every Democrat who went into that contest. I went into it in obedience to the call of my country—in obedience to what seemed to me an imperative patriotic duty. Not only my duty called me there, but my party associations were such as to bid me go. There was no credit in my going under such circumstances unless it be that credit which ought to be accorded to every man who tries to do his duty under all circumstances. Party association, party influence over the individual member of a political organization is almost supreme. It too often leads us into the path of error when we are almost unconscious of its influence. So that when the Democrat of that period went into the war to preserve the life of the nation, he demonstrated that his love of country was stronger than his party allegiance; and he is far more entitled to credit than am I, whose political associations all impelled me to go.

But, sir, the gentleman from Indiana [Mr. MATSON] was kind enough in his very interesting speech to advert to the act of 1879, providing arrears of pensions for the Union soldiery of the country; and he said he wanted to afflict somebody on this side with something he had to say on that subject. So far as I recollect that is the only law of general beneficence to the masses of the Union soldiery that has been passed during the long years of Democratic ascendency here. We all recollect very well and very clearly, however, that since that time the Democratic press of the country, Democratic stump orators, and Democratic statesmen have pointed to that great act of beneficence with pride. All honor to the Democratic party whenever it does right! He would be an extremely selfish and mean man who would not accord so much to a party that so rarely does right. [Laughter and applause.]

But, sir, I am unwilling to let the occasion pass without reminding our friends on the other side that they are arrogating to themselves rather too much when they undertake to appropriate the entire credit of passing that law. Early in that session of the Forty-fifth Congress—in April, 1878—a Republican member of this body from the State of Iowa [Mr. Cummings] introduced that bill. It went before a Democratic committee, and there it had sweet repose from that day to this. The 19th day of June rolled around, and we heard nothing from the bill. On that day my late lamented colleague [Mr. Haskell], being entitled to the floor for a motion to suspend the rules, presented that bill to the House for consideration and moved its passage under a suspension of the rules. There was no alternative except to vote upon it; and in that way a vote was secured, and the bill was passed. The vote upon that measure was, according to the RECORD, 169 in favor of it and 61 against it. The Democratic vote for it was 48, and the Democratic vote against it 61; so if the measure had rested exclusively upon the Democratic vote cast there would have been a majority against it and the bill would have been defeated. It took 150 votes to carry that measure under a suspension of the rules, of which the Republicans supplied 116 and the Democrats 48; and not a solitary Republican voted against it. Just how much credit our Democratic friends can take to themselves under such circumstances I leave for the country to determine.

Subsequently, February 3, 1879, an effort was made to make provision for the payment of these arrears of pensions; and Mr. Burchard, of Illinois, a Republican, presented a bill for that purpose. It was submitted under a suspension of the rules. The total vote was 140 in the affirmative and 81 in the negative. Of those who voted for it there were but 28 Democrats, while every vote against it was a Democratic vote. Republicans supplied 112 of those 140 votes. The bill failed for the want of the necessary two-thirds vote. Two weeks later the Committee on Appropriations reported a bill and offered it to the House under a suspension of the rules appropriating $25,000,000 to pay arrears and $1,800,000 for ordinary pensions. The vote upon that proposition stood 183 for the bill and 67 against it. Sixty-two Democrats voted for it and 67 Democrats against it, the majority of the Democratic votes cast being against it. It took 177 votes to carry it, of which the Republicans supplied 121.

If it had been left to that Democratic vote the proposition to vote twenty-five millions of money to pay the arrears that were due under the law which had been already passed would have been defeated. In fact, a majority of all the Democratic votes cast were against it.

In the next Congress I do not know of anything occurring of material importance relative to pensions. Nor do I myself undertake to affirm or deny the attitude of that House toward the Union soldiers. I shall leave that entirely to the testimony of a distinguished Democratic Representative who then occupied a seat on this floor. When appealed to by one of his constitutent soldiers to secure him Congressional relief he replied as follows:

HOUSE OF REPRESENTATIVES,
Washington, D. C., April 13, 1880.

DEAR SIR: Your favor was duly received. I would myself cheerfully introduce and urge the passage of a bill such as you suggest, but with the present Democratic House pension bills do not have much favor. It has become almost impossible to get consideration for such a bill at all, and when considered its chance of passing the House is very remote. The rebel general who is at the head of the Pension Committee in the Senate is still more averse to allowing any such bills to pass. It would not be at all probable therefore the bill will be got through. I will confer with your brother, and if he thinks there is anything in the matter, I will very cordially act in the matter.

Very truly,

F. E. BELTZHOOVER.

E. W. CURRIDEN, Esq.

Mr. STORM. Will the gentleman allow me to interrupt him for one minute?

Mr. RYAN. Certainly.

Mr. STORM. I only wish to say that I understand Mr. Beltzhoover always denied the authorship of that letter.

Mr. RYAN. I am willing to give Mr. Beltzhoover the benefit of that denial in the RECORD.

In the last Congress the Mexican pension bill was brought before the House under a suspension of the rules, without opportunity of amendment and with only thirty minutes for debate. While the House was almost unanimously favorable to the bill there was undeniably a strong sentiment to so amend it as to afford relief to some extent to the Union soldiers who were and still are in the main wholly unprovided for. Nevertheless the bill passed the House with very little opposition, 227 votes having been cast for it and only 46 against it. Subsequently, during the same Congress, this bill was returned to the House with certain Senate amendments which provided, first, that Union soldiers who had served a certain period of time and who had no other means of support except their daily labor, if suffering a disability incurred by no fault of their own, incapacitating them for labor, should be put upon the pension-roll. Secondly, that the soldier's widow should have a pension of $12 a month instead of $8 as was provided by existing law. Third, that the minor child of a deceased soldier entitled to a pension under existing law up to the age of sixteen years should have the right to continue to enjoy such pension if of unsound mind so long as such unfortunate condition should exist. Fourth, that the widow of a soldier who was on the pension-roll when he died should be entitled to a pension in her own right, whether the husband died of disease or injuries contracted in the service or not.

No fair-minded man will pretend to deny that these Senate amendments were not only just but were responsive to a high obligation resting upon the Government to extend such relief. The Democrats were then largely in the majority in the House. On motion of General Keifer, from Ohio, who had been Speaker of the Forty-seventh Congress, and who was then a Republican member of the House, on January 5, 1885, to suspend the rules and pass the bill with the Senate amendments, the RECORD shows the vote to have been 129 for and 85 against the motion. Of the number voting for the bill 46 only were Democrats, and all who voted against it were Democrats excepting one Republican from the State of Florida. Of the 129 votes cast for the bill 82 were Republicans. Of all the Democratic votes cast 38 majority were against the bill. Of all the Democrats voting in the negative 2 only voted against the original bill when it originally passed the House, showing clearly that the objection of those voting against the bill rested wholly upon their hostility to the Senate amendments for the benefit of the Union soldiers.

It required two-thirds of all the votes cast to pass the bill. In other words it required 143 votes to pass it, and as it received but 129 votes the bill failed. Let it be borne in mind that of the 191 Democratic members of that House only 46 of them voted to pass the bill with the Senate amendments. The bill failed for want of the necessary two-thirds vote. Repeated efforts during the remainder of that session to bring the bill and Senate amendments before the House for consideration, subject to a majority vote, were persistently and successfully antagonized exclusively by Democrats, and by such extraordinary and revolutionary methods as are commonly denominated filibustering. But for such Democratic hostility in that House to the little relief for the Union soldiers provided for in the Senate amendments the Mexican pension bill would then have become a law, and those old veterans would now be enjoying their just dues from the Government whose flag they so gallantly maintained in a foreign land.

During the present session, and only a few weeks ago, a little pension bill was brought before this body for consideration under a suspension of the rules, increasing the pensions of soldiers' widows from eight to twelve dollars per month. The record shows the vote on that bill to have been 198 for it and 66 against it. Of the 198 votes for it only 79 were Democrats, and all who voted against it were Democrats. It required 176 votes to pass that little bill, of which the Republican members on this floor supplied 119. Of the 183 Democratic members of this body only 79 could be mustered to cast their votes in favor of this little relief for the widow of the soldier who died of injuries received in the service for the preservation of the nation's existence. Such has been the attitude of the Democratic party toward the Union soldier in Congress during all its long years of ascendency in the lower House since the war.

The one objection, frivolous enough it seems to me, they urged against this little increase of the widows' pensions was that the Republican party itself in 1862 fixed the rate at $8. There is this force in that objection: that presumptively the action of a Republican Congress is correct. At the time, 1862, when the rate of $8 per month was fixed it should be borne in mind that the country was impoverished both by the maladministration of the Democratic party during its many years of power preceding 1861 and by the civil war then being waged with all the fury and energies of both sides. We were then not only without money, but the resources of the Government were taxed to the uttermost to maintain our armies in the field. We were wholly dependent upon the public credit. We were incurring an indebtedness approximating one hundred million dollars per day. No wisdom could then forecast the duration of the conflict. It could not be foreseen what might be the result, nor what the burden upon and the condition of the people when the last gun should be fired.

Under such circumstances did the Republican party in Congress declare the rate of the widows' pension should be $8 per month. Twenty-four years have since elapsed. In the past twenty years our prosperity has been unexampled. It has doubled upon the wealth of all our previous existence as a nation. The great public debt of over $3,000,000,000 has diminished until it is no longer a matter of grave public concern. Our resources are inexhaustible and our possibilities of wealth and power almost illimitable. That widow has now become aged, in-

firm, and alas, in too many cases, impoverished. Then who shall say that it is wrong or unjust, under existing conditions, to increase her pension beyond what it was the ability of the country to provide when the rate was fixed at $8 per month?

It will be seen how utterly frivolous is that objection so persistently urged in defense of the 66 votes against the measure. As for myself, without intending any reflection whatever upon the patriotism of any party or any man, I regard the Democratic party wholly without capacity to make provision for the performance of the nation's obligations to the men, their widows, orphans, and dependent relatives to whom we are indebted for our existence as a nation to-day. It is equally, in my judgment, without capacity to crystallize into law any great public policy for the welfare of sixty millions of people. Its incapacity springs chiefly from the inharmonious and incongruous elements which enter into its composition. It is hopelessly divided upon all great public questions—the tariff, the currency, and the soldier.

No sooner was it apparent that the bill introduced by me at the present session to remove the limitation from the arrears-of-pension law was about to be favorably reported from the committee than the distinguished Democratic leaders of this body put their heads together to thwart it, and to this end they solicited the present Commissioner of Pensions to make an estimate of the amount of money that the bill would take from the Treasury, and although that estimate from the Commissioner contained admittedly an exaggeration of $80,000,000, the estimate was blazoned everywhere before the people by the press, without correction, in order to create a public sentiment against the measure. The attitude of the daily Democratic organ here at the capital of the nation at once became aggressively hostile, and boldly declared against all further legislation for the benefit of the Union soldier in a very elaborate editorial, concluding as follows:

> The time has come for answering with a decided negative every proposition to increase the pension charges of the Government, whether the proposition is inspired by demagogism or corruption. Congress has done its full duty by the soldier; let it now turn its endeavor to doing its full duty to the people.

I am nevertheless hopeful that the Republicans of this body may be able to join with themselves a sufficient number of Democrats to pass the bill when it comes before the House, as I trust it will at an early day.

With such a record no one need misapprehend the situation. He would be indifferent or ignorantly credulous indeed who in the face of such a record would still be willing to intrust the guardianship of the Union soldier to the Democratic party.

Now, Mr. Chairman, I find I must proceed very rapidly in order to reach anything like the line of argument I intended to submit.

In the last Congress, at the opening of the first session, I introduced a bill to remove the limitation from the arrears-of-pension law. That was favorably reported by the committee, but we were never able to reach it for consideration. Again, at the beginning of this session, I introduced the same bill, and, as already stated, it has been reported favorably by the committee of this House.

Now, I desire to say a word in reference to that measure. I offered that bill because it appeared to me that the limitation in the law of 1879 was exceedingly unjust. Why should there be such an invidious discrimination? Is the obligation of the Government greater to the four hundred thousand who applied prior to July 1, 1880, than to the one hundred and fifty thousand who have filed their applications since? Have the latter less merit than the former? On the contrary, we are advised the records will show they are of equal merit.

It would be strange if they were not of greater merit, in view of the increased difficulty of procuring proof and the improved methods and increased vigilance employed in adjudicating claims. Did they not all alike respond to the same call to duty? Did they not all alike leave their homes amid tears, every one of which was a drop of blood from the heart of love, every one of which to them was a jewel more precious than any that ever adorned a royal diadem? Did they not all alike, in the language of the report made upon the bill I introduced last Congress, perform the same service, fight the same enemy, follow the same flag, experience the same privations, endure the same horrors of the same Andersonville hell, suffer from similar wounds and diseases in the same war and under the same laws? [Applause.]

It is said the obligation of the Government toward the Union soldier is written in the law. It could not be clearer or stronger than the obligation implied. The dismemberment of the Union was sought upon a principle that would divide it into as many petty nations as there might be diversity of interest; each a constant prey to the caprice and cupidity of greater powers, always exposed to conflicts with each other, each compelled to maintain a standing army and a powerful navy; all sorely oppressed by the most burdensome taxation, and the people always subjected to influences that breed poverty and ignorance. [Applause].

Such a calamity was only averted by the sufferings and blood and valor of these heroes; and instead we have the greatest Republic on the earth, an inseparable Union, holding high over the sister nations the torch of liberty which lights the world; a people the happiest and most prosperous on the habitable globe. This is our heritage, ours to enjoy and ours to transmit.

This is our glorious estate, bought by their sufferings, their blood, and their manhood. What is the measure of the obligation imposed upon us? Shall we stand like ingrates unworthy of our citizenship, and instead of warming the cold and feeding the starving veteran content ourselves with bathing him in a sea of rhetorical glory? Shall we reply to his appeal for justice, for the performance of our solemn obligations, "Oh, yes; we owe all we have to you; but we are free-traders, and that policy calls for a reduction of customs duties, and that will so reduce the revenue that we find ourselves unable to respect our obligations to you."

I fully agree that taxation should never exceed the minimum consistent with the highest public good. Just what that is is the great problem, the correct solution of which requires a high order of statesmanship. I will not discuss that question here further than to say that a scale of taxation that leaves the Government powerless to discharge obligations incurred in preserving the nation's life is a reproach to any people.

It is estimated that one hundred thousand men who fought and suffered for the flag in the late war, now old and infirm, broken in health, indigent, many of them, and their families cold and hungry, are unable to furnish the technical proofs required to establish their right to a pension. Shall we make provision for their relief? The nation's faith is pledged. Shall that be violated? Could any other form of repudiation be more odious? Could the national honor remain unsullied and patriotism among the people, upon whom after all depends the perpetuity of the Republic, find any invigorating nourishment in such ingratitude? Then, sir, any scale of taxation that does not respect such obligations is not only a national stigma but contains the germ of national decay. The poor man, my friend from West Virginia describes as borne down by taxation so insidious that he is not conscious of the oppression, will prefer to endure the ills of that taxation of which he is so entirely unconscious rather than to be relieved of it at the peril of being driven from employment into the horrors of hopeless mendicancy.

Any reduction of taxation that drives men from the mines, the forges, and the workshops in a hopeless search for bread is a national crime. You tell us of men all over the country unemployed, and vociferously demand a scaling of customs duties; but will you afford them relief by a reduction of taxation that will increase their number tenfold? You tell us that agriculture is not sufficiently profitable, but a reduction of taxation that diminishes the consumption and increases the production, that destroys the market and multiplies production, augments the evil of which you complain. Then, I repeat, if we do not go slow, let us go sure, cautiously, and wisely about the delicate task of reducing the public revenues lest we put in peril the public prosperity and the national honor. [Applause.]

In conclusion I call attention to the following extract from the report of the Committee on Invalid Pensions presented to this House last Tuesday:

> The bill introduced December 21, 1885, by Mr. RYAN, and read twice and referred to the Committee on Invalid Pensions, is as follows:
>
> "*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled*, That section 2 of the act of March 3, 1879, chapter 187, entitled, 'An act making appropriations for the payment of the arrears of pensions granted by act of Congress approved January 25, 1879, and for other purposes,' be, and the same hereby is, amended so as to read as follows:
>
> "'SEC. 2. That all pensions which have been or which may hereafter be granted in consequence of death occurring from a cause which originated in the service since the 4th day of March, 1861, or in consequence of wounds or injuries received or disease contracted since that date, shall commence from the death or discharge of the person on whose account the claim has been or is hereafter granted, if the disability occurred prior to discharge, and if such disability occurred after the discharge, then from the date of actual disability, or from the termination of the right of the party having prior title to such pension; and in the consideration of any and all claims for pension in consequence of death from or for disability resulting from disease contracted in the service during the late civil war, the person on whose account the said pension is claimed shall be presumed *prima facie* to have been sound and free from disease at the date of entering the service.'"
>
> "SEC. 2. That all pensions which have been granted by special acts of Congress for wounds, injuries, or diseases received or contracted in the military service of the United States during the late war of the rebellion shall commence at and be computed from the time of the discharge of the person to whom the pension was granted, unless the disability for which the pension was granted occurred after the discharge of the person, and in that case the pension shall begin from the date of disability; and in all cases the pension shall be computed under and be subject to the conditions and limitations of the general pension laws."
>
> The section of the act of March 3, 1879, cited above, provided that the benefits of the prior act of January 25, 1879, granting arrears of pensions, should only apply to claims filed on or before June 30, 1880. The chief object of the bill under consideration is to remove this limitation and extend the benefits of the provision in question to such valid claims as may have been filed since June 30, 1880, as well as all which may hereafter be presented and allowed. The limitation referred to is a practical and unjust discrimination in favor of a portion of our maimed and disabled soldiers and their dependent relatives and against another portion equally meritorious and equally deserving.
>
> * * * * * * * *
>
> In those dark hours, when the Government was appealing to its loyal citizens to preserve it from dissolution, it stood pledged by a statute (section 1659, Revised Statutes), that—
>
> "If any person, whether officer or soldier, belonging to the militia of any State, and called out into the service of the United States, be wounded or disabled while in actual service, he shall be taken care of and provided for at the public expense."
>
> This was a sacred obligation entered into on the part of the United States with every soldier who enlisted to put down the rebellion, and was just as binding on the country as though its authorities had delivered to the soldier when he enlisted a bond to that effect, and when the soldier held up his hand and took the oath required at enlistment and signed his name to the rolls he subscribed to that contract; on his part he promised to do all in his power to maintain the

integrity of the Government on the condition that if he were wounded or otherwise disabled the Government should care for him and those near and dear who were dependent upon him at the public expense. Most loyally did the brave men who shed their blood on the thousand battlefields, made over memorable by their gallantry and devotion, keep their part of the contract. They did maintain the integrity of the Government; they did save their country from disruption and destruction, and they now ask that that Government shall not ignore its part of that contract. They ask to be put on an equal footing with the bondholder, whose securities were indorsed with their blood and given value by their sufferings. They did not get their claims against the Government at 40 cents on the dollar, but paid full value in sufferings and sacrifices.

Happily the country is prosperous and its revenues ample, and while such a favorable condition of affairs affords no warrant for ill-considered bounties or the payment of questionable claims, it must be remembered that we are indebted for our prosperity and for the preservation of the Government itself to the valor and sufferings and sacrifices of the brave and loyal men in whose behalf this measure of justice is invoked.

* * * * * * *

We can but conclude from a careful investigation of the matter that $150,000,000 would be a liberal estimate of the amount to be paid under the repeal of the limitation, and that that amount would be distributed over a series of years, the greatest possible amount in one year not exceeding $50,000,000.

The ability of the country to meet the payment of this sum, vast as it is, no one questions. When the war closed, the Government was paying an annual interest of over $150,000,000. This interest payment alone is nearly $100,000,000 less annually than it was then. During the twenty years that have elapsed since the close of the war, nearly $3,000,000,000 have been paid for interest, and more than eleven hundred millions have been paid on the national debt, while but one-quarter of the amount paid for interest alone has been paid in pensions. Three billions of dollars for the use of money borrowed to carry on the war, and less than $750,000,000 for the lives and the limbs, the sufferings and sacrifices, the desolated homes, the widows and the fatherless children of the brave men who surrendered all their bright hopes of earthly happiness to defend and save their country! The citizen who presented $400 in gold of his easily-earned wealth at the Treasury Department in 1864 received therefor a Government bond for $1,000 drawing 6 per cent. interest, payable semi-annually in gold. If from a feeling of patriotism he had declined to present his coupons until the present time, he would not be told that the statute of limitation had rendered his bond worthless, but he would receive the full amount of that bond and of all the coupons attached thereto. Every honest citizen points with pride to the fact that his Government has promptly and faithfully met every bonded obligation; that not only the letter but the spirit of the law, as construed by the most exacting creditor, has been literally fulfilled.

The debt due the wounded and disabled soldiers, their widows and their fatherless children, should be as sacred as any Government bond, and should be treated with equal justice. The passage of the bill could not in any way lessen the wealth of the country, for the money paid out under its provisions would all be received by a needy and meritorious class of our own citizens.

This bill further provides that the person on whose account the pension is claimed shall be presumed to have been sound and free from disease at the date of entering the service. He will still be required to prove that his disability originated in the service as heretofore. When that fact is established by competent proof the claimant should not be required to go back of his enlistment to prove that he was a sound man. It ought to be sufficient that his disability is pensionable, and that it was contracted in the service while in the line of duty.

These are the material facts which bring him within the scope of his contract with the Government and entitle him to all of its benefits. Besides, in equity, the Government should be estopped from demanding proof of soundness at the time of enlistment, when by its own chosen agents it declared him to be sound, and accepted him into its service, unless they can clearly show that the soldier induced the enlisting officer to accept him by the practice of fraud and deception. Nor does the proposed provision weaken the safeguards which are now thrown around the present system; such is the amplitude of proof required by the Department, and so thorough is the system of testing the veracity of witnesses and their knowledge of the facts to which they depose, that it is most difficult at this late day—twenty years after the war—for the meritorious to establish their claims, while cases of doubtful merit are almost impossible of admission to the benefit of the pension laws. Your committee are satisfied that under the present system there is the minimum of fraud to be apprehended. It is not to be defended upon any principle of justice, nor upon anything in the nature of the obligation of the Government, that the meritorious claimant should be denied a pension from the date of his pensionable disability if it occurred after his discharge, and from the date of his discharge if it occurred before.

Your committee recommend that the following proviso be added to the first section of the bill:

"*Provided*, That application has been or is hereafter filed with the Commissioner of Pensions prior to the 1st day of January, 1888, otherwise the pension shall commence from the date of filing the application."

Believing that this bill as amended is right in principle and justified by sound public policy, that under its operations merited benefits would accrue to many thousands of citizens who are justly entitled to all the consideration that it is in the power of Congress to bestow upon them, and that no public interest can possibly suffer therefrom, your committee most heartily and earnestly recommend the passage of this bill as amended.

The CHAIRMAN. The gentleman has twenty-seven minutes of his time remaining.

Mr. RYAN. I yield five minutes——

Mr. HENDERSON, of Iowa. I would like to ask how that time is calculated, whether the time consumed by the gentleman from Kansas is deducted from an hour or from three-quarters of an hour?

The CHAIRMAN. The Chair thanks the gentleman for his suggestion. The Chair had forgotten that fifteen minutes of the time of the gentleman from Kansas had already been exhausted.

Mr. RYAN. Yes; I was only entitled to forty-five minutes.

The CHAIRMAN. There is twelve minutes of that time remaining.

Mr. RYAN. I yield five minutes to the gentleman from Michigan [Mr. BURROWS].

Mr. GROSVENOR. I rise to a question of privilege.

Mr. BURROWS. I must decline to yield the floor if this is to come out of the time allotted to me.

The CHAIRMAN. The Chair understands the gentleman to state that he rises to a question of privilege.

Mr. GROSVENOR. I desire to state that I am unwilling that the opposition any gentleman may make to the publication of the letter to which I have referred in my remarks shall be used as a basis for objecting to the request of the gentleman from Virginia.

Mr. BURROWS. This, of course, does not come out of my time?

The CHAIRMAN. It does not.

Mr. GROSVENOR. I rose to a question of privilege, and supposed that I could make it as well now as at any other time, and it was my desire to make it before the debate proceeded further.

Mr. HAMMOND. For one I want to say, Mr. Chairman, being under the impression that an objection was made on the other side to the printing requested by the gentleman from Virginia, I made objection to a request from that side. I have been informed that no such objection was made and want to withdraw mine.

Mr. GROSVENOR. I want to ask the consent of the House that the gentleman from Virginia may have the privilege of printing the letter which he desires; and I do not want him deterred in any wise, or to be entangled by any childish opposition that any member may make to the publication of the letter which I desired to have the right to print.

The CHAIRMAN. The gentleman from Ohio [Mr. GROSVENOR] asks unanimous consent that the gentleman from Virginia [Mr. CABELL] have permission to publish the letter to which reference has been made.

There was no objection, and leave was granted.

Mr. BOUTELLE. I now ask unanimous consent that the gentleman from Ohio [Mr. GROSVENOR] have permission to print the letter he has referred to.

Mr. WARNER, of Ohio. The letter my colleague desires to have published is a personal one, and the question of veracity is raised. I ask to have it read, and object to its being printed unless I have an opportunity to comment upon it.

Mr. BURROWS. I do not rise to participate in this debate, but only to make a statement, that the facts of history may not be misrepresented. The gentleman from Georgia [Mr. HAMMOND] the other day took occasion to say:

I appeal to the history of the last Democratic administration, and ask the Clerk to read a letter written by Howell Cobb, when Secretary of the Treasury, in answer to a request by an official in his Department that he might go to his home and make political speeches.

And thereupon the gentleman from Georgia had the letter of Howell Cobb read. He then said:

Such was the language of the Democratic party when it was heretofore in power. Having given publicity to that piece of Democratic history, which the conduct of the Republican party has caused the world to forget for twenty-five years, I desire to say no more upon that line.

Following that line I desire to say this: I hold in my hand the report of the Covode investigating committee. A passage from that report is as follows:

In this connection your committee would fail in their duty did they not call the attention of the House to the custom proved to exist, and with the knowledge of the President, of allowing officers employed under the Government to be absent on leave from their posts, and employed in electioneering for the party to which they belong. Gideon G. Westcott is a notable illustration of this practice. In 1856, being then an appraiser in the custom-house at Philadelphia, he was "absent on leave, in the State central committee-room," some four months; during which time he rendered no service to the Government, yet received his regular salary. The practice has also prevailed in the New York and other custom-houses, of appointing men temporarily for the week preceding the election, and granting them leave of absence, that they might devote themselves to electioneering duties.

Turning then to the testimony of the gentleman referred to, I find it is as follows:

Gideon G. Westcott called and sworn.

By the CHAIRMAN:

Q. Where do you reside?
A. My family reside in Philadelphia.
Q. What is your occupation?
A. I am a merchant.
Q. Were you an appraiser in the custom-house at Philadelphia during the time from 1853 to 1857?
A. I was an appraiser during General Pierce's term, which, I believe, extended over that period.
Q. Were you the postmaster at Philadelphia after that time?
A. Yes, sir.
Q. During the time you were appraiser were you absent from your official duties from June to November, 1856?

Mr. HAMMOND. Will the gentleman allow me?

Mr. BURROWS. Not now.

A. I asked leave of absence from the Department, which was the only leave of absence I had during the term of my office as appraiser, and I think that in July it was granted to me. During all the period of my leave of absence I was in Philadelphia and reported myself daily to the collector.
Q. What was your occupation during the time of your absence?
A. I was serving upon the Democratic central committee during part of the day.
Q. Did you receive your regular salary during that period?
A. Yes, sir. I do not think it was more than three months that I was absent.
Q. How and from whom did you receive it?
A. It was paid at the custom-house.
Q. In the regular way?
A. Yes, sir.
Q. Was this done with the knowledge and consent of Mr. Brown, the collector?
A. Well, Mr. Brown certainly had the knowledge that I had leave of absence, because he knew that I was prepared at all times, in case of any press of business, to come there.
Q. Did he know that you were not rendering any service in the custom-house during that time?
A. That I can not say; I took it for granted that he knew it, because I saw Mr. Brown every day. He was in the State central committee room himself, more or less, every day.
Q. Who is it that grants the leave of absence?
A. The Secretary of the Treasury.

Howell Cobb. [Laughter.]

Q. You had written to the Secretary of the Treasury?
A. Certainly; I had made a formal application to him for leave of absence.
Q. And had got leave from him?
A. Yes, sir.

I close with the language of the gentleman from Georgia modified slightly:

Such was the *practice* of the Democratic party when it was heretofore in power.

[Laughter and applause.]

Mr. HAMMOND. Will the gentleman from Kansas allow me a moment or two?

Mr. RYAN. How much time have I?

The CHAIRMAN. The gentleman has seven minutes.

Mr. RYAN. I ask permission of the House to print in my remarks some extracts from the report of the committee on the pension bill to which I referred.

There was no objection, and leave was granted.

Mr. RYAN. I yield the rest of my time to the gentleman from Iowa [Mr. HENDERSON].

Mr. HAMMOND. I ask the gentleman to yield to me just half a minute.

Mr. RYAN. I promised the gentleman from Iowa all the rest of my time.

Mr. HENDERSON, of Iowa. It was not my purpose to participate further in this debate when I last yielded the floor, nor have I time now for even a brief review of much that I would be glad to discuss. But it seems I hit somewhere pretty hard, for I have been treated to a constant fusillade of abuse since this debate began. I do not regret, therefore, that I did what I did, since that which I did, provoking these attacks, was to quote from the official records of this House the solid vote of the Gulf States against the widows' pension bill. But I am told that I have brought on a political debate on a pension appropriation bill. I deny it, Mr. Chairman. I think I made it apparent in my opening remarks that the whole management of this appropriation bill opened up politics upon a scale gigantic and effective to reach political ends according to the views of the Democracy.

Not that alone. Do these gentlemen expect that the report from Commissioner Black, which was conceived and published with no other motive than to make it a Democratic campaign document, could, by men of honesty and with a spark of courage, be allowed to pass unnoticed upon this floor? Not only that, Mr. Chairman, but the gentleman in charge of the bill, my colleague upon the committee, Mr. TOWNSHEND, of Illinois, devoted two columns and a half of his speech to a discussion of the legitimate elements of the bill, and gave eight columns in his speech, according to the RECORD, to the wide range of the debate wholly outside of the provisions of the bill. And must we remain silent in the presence of every Democratic battery trained in the interests of that party and be condemned if we raise our voices in reply? For one I have no apologies to make. Why not have this discussion on this bill as well as upon any other? This delay works no hardship to the soldier. It is not an urgency deficiency bill; it is the regular pension appropriations bill for the year ending June 30, 1887, and does not come into operation until the end of the year ending June 30, 1886.

I say that it is the regular appropriation bill, and does not go into operation until after June 30, 1886. No soldier is injured by the delay resulting from this debate. No citizen is injured by it. And with all the giant minds of the Democracy exercising their skill and power to "buck and gag" the Committee on Invalid Pensions by means of the work of the Appropriation Committee, and with a report from the Commissioner of Pensions involving politics more truckling and dirty than was ever sent out in a political campaign document by a campaign committee, I for one will not remain silent.

But, Mr. Chairman, what points have been disproved that I laid down in the opening of this debate? Not one. We have been treated to much elegant sport. The buffoon has taken the place of the statesman, and I have been ridiculed before the country by the wit and genius of Southern chivalry. I can stand it. It is thrown in my teeth that I first drew breath within sight of Ben Lomond. That is true, Mr. Chairman; but while it is true that I represent in my birth the land of the thistle, I want to tell the gentleman that "from lowland moor to highland pass" treason never found birth in a Scottish heart. [Applause on the Republican side.] True it is that I was born in Scotland. True it is that a little child I came to America. Does it remain for a simple Scottish boy of twenty-one, not born under the folds of the beautiful flag of America, to teach patriotism to a gentleman who was born upon American soil? [Renewed applause on the Republican side.]

[Here the hammer fell.]

Mr. McCOMAS. Mr. Chairman, if I am recognized, I will yield of my reserved time fifteen minutes to the gentleman from Iowa [Mr. HENDERSON]. [Applause on the Republican side.]

Mr. HENDERSON, of Iowa. I would be glad if I had the time to follow the remarks of more than one gentleman. I have been assailed by the gentleman from Georgia [Mr. HAMMOND] because of my allusion to the other world in comparing my opinion of the Northern copperhead with my estimate of the ex-confederate who placed his bosom in front of my weapon in testimony of his convictions.

I said then, and I repeat it now, that I respect the ex-confederate for his courage, while for the copperhead, who hissed behind our backs while bullets hissed in front, I have not language to express my contempt. [Applause on the Republican side.] When I say "copperhead" I do not say "Democrat." No, sir. I fought side by side with Democrats. They went side by side with us into every danger to save the Union. There is not a soldier in the North but knows the distinction between a Democrat and a copperhead. That distinction I want to keep clear and plain.

Mr. HANBACK. We called them "war Democrats."

Mr. HENDERSON, of Iowa. But why, Mr. Chairman, should the gentleman from Georgia [Mr. HAMMOND] be the only one to rise and take exception to my remark? It was not aimed at him. It was aimed at the ex-confederate soldiers, and I see by the gentleman's own record that from 1861 to 1865 he filled a comfortable State office and never exposed himself to Federal lead. [Laughter.]

I did not apply my remark to him, and may his mind rest in peace! [Laughter.] This morning I have been assailed by a gentleman from Virginia [Mr. CABELL] as being "unmanly" and a "bulldozer." Ah, my fellow-citizens and friends, that is not my reputation at home, and it remains for a member of Congress from the historic and bloody streets of Danville, Va., to howl "bulldozer" at me. [Applause on the Republican side.]

Mr. CABELL. Will the gentleman yield for an answer?

Mr. HENDERSON. I yield not a moment. [Cries of "Regular order!" on the Republican side.]

Mr. CABELL. I knew you would not yield for a question.

Mr. HENDERSON. Give me the time and I will yield. I did it the other day. [Renewed cries of "Regular order!" on the Republican side.]

Mr. Chairman, I recognize with pleasure the gentlemanly and manly character of some of my opponents in this debate. I take pleasure in recognizing in that way the gentleman from West Virginia [Mr. WILSON], and the cultivated and eloquent gentleman from Kentucky [Mr. BRECKINRIDGE], who spent four years of his life in the confederate service. That gentleman drew a picture beautiful, touching, and instructive, of three brothers, all nursed at the same breast, fighting on opposing fields, and yet no barrier between their hearts.

I, too, Mr. Chairman, will attempt to draw "a family picture" if I have the same permission. Three brothers of us met together one night in 1861, under the old family roof, and agreed that in this great land of our adoption the hour had come for us to lay our lives at the feet of our common country. We slept none that night; all sat up. In the morning, before parting, the old father [turning to Mr. NORWOOD], born in Scotland, too, took down the old family Bible [again turning to Mr. NORWOOD], brought from Scotland, and after reading it, knelt among his little group of Scottish-American children, prayed to the God of nations to guard us and make us brave for the right, finished his prayer, and said amen.

The parting you gentlemen have nothing to do with; but those three brothers, "all nursed at the same breast" and "with no barrier between their hearts," went side by side to the war, all, however, fighting on the same side—the side of their country. The eldest, Thomas, fell, shot through the heart, in the deadly "Hornet's Nest" of Shiloh, and he now sleeps in an unmarked grave by the quiet waters of the Tennessee. The next, serving four years and veteranizing, lives, but is almost a physical wreck, his health laid upon the altar of his country. The third and youngest is still pretty well, I thank you; but, Mr. Chairman, I want it distinctly understood that so long as I have a memory to remember what Thomas fought for, so long as I know that for nearly a quarter of a century his widow and children have struggled without that gallant prop [turning to Mr. NORWOOD], Scottish though he was in origin, I feel *not* called upon to get down upon my bended knees in the Capitol of *my* country (with all due respect to the gentleman from Georgia) and apologize for Thomas's death, for William's ruined health, or for myself. [Prolonged applause on the Republican side.]

Mr. Chairman, for myself I have nothing to say. The part that I played in the great drama that touched us all so closely was a very humble one, and merits not the distinguished mention that came from the gentleman from Georgia. Not at all. I deserve no credit for what I did; but the little I did was done cheerfully and honestly, and now, having been sent by my good people to the American Congress, I feel that having widows close to me in my own family, having others come to me and write to me from every quarter of my State, I might almost say every part of the country, I may, perhaps, be permitted to appeal honestly and kindly, as I have done, in behalf of those widows, without being charged with doing it "to get soldiers' votes," or, to use the elegant language of the father of the Democratic side [Mr. REAGAN], "to buy votes," to carry through an "iniquity," as he termed the widows' pension bill. Who should plead for them here if the comrades of their dead may not?

Mr. Chairman, I end this debate as I began it, without one rancorous feeling in my heart. Earnestness and truth are not vituperation and abuse. Gentlemen [turning to Mr. HAMMOND] may smile, but not all on that side smile. I will not refuse to believe that many of you on the Democratic side can appreciate the motives that actuated me in this debate.

My friends, I have only this to say in conclusion, that coming here to this my adopted land, I feel that I should raise my voice without cowardice or cringing, and without unmanly abuse, contending for what I was taught to respect—the rights of every citizen before the law and for the grandeur and honor of my country, the United States of America. [Applause.]

Mr. McCOMAS. I now yield the remainder of my time to the gentleman from Missouri [Mr. WARNER].

The CHAIRMAN. There are seventeen minutes remaining of the time allotted to that side of the House, of which seven will be controlled by the gentleman from Massachusetts [Mr. LONG], if he so desires, he having reserved seven minutes of the twenty to which he was entitled. The gentleman from Maryland [Mr. McCOMAS] can not yield more than ten minutes to the gentleman from Missouri.

Mr. McCOMAS. Then I yield to the gentleman for that time.

Mr. WARNER, of Missouri. Mr. Chairman, I do not feel called upon to enter upon any defense of General Dudley. He, in my judgment, was faithful to every trust as a soldier, private citizen, and official; nor is it my purpose to arraign the Commissioner of Pensions, General Black.

I, sir, wish to raise my voice in behalf of the soldiers of the civil war, my comrades living, whose only means of support is their daily labor, and who by reason of old age or disease are rendered incapable by means of manual labor to earn a living for themselves and those whom God has given them. It is for them that I would speak. We can not shut our eyes to the fact that there are tens of thousands of such in the land, brave, honest, industrious men, but incapacitated by old age or disease. Thus situated, they are in want. Their demands should rise above mere partisan politics. To know their wants should insure immediate action for their relief.

The first act of this Congress was to vote $5,000 a year to that model wife and mother, the widow of General Grant. To this the nation, North and South, said amen.

At that time, as now, many of the old veterans who rendered the glorious achievements and fame of a Grant possible were and are permitted by this people to go hungry, cold, and almost naked.

In their abject poverty, amid their sorrows and sufferings, there comes to them out of the past a voice of wondrous sweetness, saying, "Fear not; a grateful country will care for him who shall have borne the battle." This nation should not be unmindful of its promise to its defenders. Not one of the least of them should ever be suffered to be the recipient of private charity to sustain life or to become the inmate of an almshouse.

Yet I am told that if these our soldiers, thus circumstanced by age or disease, for whom I plead, can trace their disabilities to injuries received or disease contracted in the line of duty while in the service provision is made for such by existing law. It is for the class of soldiers who can not make this proof, yet were always in line for duty, that legislation should be had.

These men, through the years of the war, endured the privations of the camp, the hardships of the march, the shock of battle uncomplainingly. Year in and year out their bed was the ground, from which they oft arose stiff and cold, with many a pain, yet they sought not the hospital tent, but without complaint or murmur took up the line of march. They were as true to duty as is the dial to the sun. The war ended; they returned to the pursuits of civil life; they had never sunk the citizen into the mere soldier. In this battle for a livelihood many have fallen by the wayside, old age or disease rendering them unequal to the task. Every one of whom who is deserving I would have pensioned.

To this, I venture to suggest to the gentleman from Kentucky, those who held the plow while these men fought the battles will not be heard to complain. In the past the storehouse of rhetoric has been despoiled of its choicest words that they might be grouped into eloquent sentences in honor of the heroic deeds of these men for use in party platforms, speeches in Congress and upon the stump, while the men suffer for bread.

This nation owes these old soldiers "a royal debt, which with a bounteous hand they kindly lent."

Shall they be repaid with words? Words, be they ever so eloquent, will not warm the cold, clothe the naked, nor feed the hungry. It is bread and not words that is demanded. It will not do to accuse this or that side for its shortcomings in the past while we do nothing in the present.

The most eloquent tribute possible for mortal tongue to pay to the patriotism and heroism of these men without legislation to relieve their suffering is as idle a mockery as was the statue of Liberty in whose shadow the patriots of France were guillotined, as lifeless as the grinning mummy in the catacombs of Egypt.

Let the promises of the nation made in the day of its extremity to these its defenders—then strong, their steps responsive to the music of the Union—be liberally construed and faithfully enforced in this the day of their extremity and of the nation's prosperity toward those brave men who rendered that prosperity possible.

"Fear not; a grateful people will care for him who shall have borne the battle," said the great apostle of liberty to his chosen disciples. This covenant should not be broken. Let the performance of the nation be equal to her promise Let her not be "as one that keeps the word of promise to our ear and breaks it to our hope." Let not this sacred duty to provide for the soldiers of the Union be postponed. Let these destitute veterans read the nation's gratitude in its acts.

All that I ask for these men we propose, and I trust will do, for the veterans of the Mexican war, and this without regard to whether the recipient be rich or poor. The Mexican veteran gave us increased territory; the Union veteran preserved us a nation. To the Union soldiers the Stars and Stripes, the symbol of the Union of the States established by the fathers, was a pillar of cloud by day and of fire by night.

Sir, the evidence of their bravery and love of country shines forth from every star and is written by the finger of heroism upon every stripe of that flag as it hangs in graceful folds above your head. None of these veterans, who are now old or sick and depending upon their daily labor for support, should be compelled through our neglect of a plain duty to seek food and shelter in the county poor-house, and through its windows look upon that flag for the protection of which two-score and five years ago they offered their lives. Put not off for to-morrow that which can be done to-day.

Let not this Congress adjourn until it supplements the widows' pension bill by a bill providing a pension for these old or sick and destitute soldiers of the Republic.

A few days since the gentleman from Virginia [Mr. WISE] in eloquent words exclaimed, "We are here in the house of our fathers and are here to stay." At this none can rejoice more than I. It gives assurance that the disposition to depart from the paternal roof of Uncle Sam was forever buried by that silent man of destiny at Appomattox, and that henceforth we stand shoulder to shoulder, having but one flag, and that of a united and prosperous country. Yet would it not be proper while here in the house of our fathers, rejoicing over our sons who were lost and are found, to think of those our soldiers, now broken in health and in want of the necessaries of life, who formed their bodies into a living wall between the house of our fathers and the deadly assaults of those who would destroy it, by their loyalty and courage preserving for us and our children a government of the family, by the family, and for the family, in the house of our fathers?

Mr. LE FEVRE obtained the floor and said: I yield to my colleague [Mr. WARNER].

Mr. WARNER, of Ohio. I yield two minutes to the gentleman from Georgia [Mr. HAMMOND].

Mr. HAMMOND. Mr. Chairman, in that length of time I desire simply to vindicate the truth of history which the gentleman from Michigan [Mr. BURROWS] unintentionally perverted. He read testimony which I can not now review of an occurrence in 1856; and said that a witness testified that he did the thing with the consent of the Secretary of the Treasury, Howell Cobb. That was the language of the gentleman from Michigan. Now, Howell Cobb did not become Secretary of the Treasury until March 7, 1857; and on the 30th of that month he wrote, as Secretary of the Treasury, the letter which I had read the other day. As it is an excellent piece of history, I take this occasion to repeat the last two or three sentences:

> No one regards with more interest than I do the success of the national Democratic party at this important period in our history. But that success must not be purchased at the expense of the public interest, which might be the case if those holding high and important offices should absent themselves from their posts to conduct the canvass.

The gentleman may say that the prior administration did not so behave. I do not know what the history is. I do know that if it misbehaved the succeeding administration repented and changed its policy—a thing that gentlemen on the other side do not understand.

[Here the hammer fell.]

Mr. WARNER, of Ohio. Mr. Chairman, my colleague undertook to state what took place in a committee of which I had the honor to be chairman in the last Congress, and in that statement a question of veracity is raised. I appeal to every gentleman on the floor who was a member of that committee, Republicans and Democrats, as to the truth of what I now state, that the Committee on the Payment of Pensions, Bounty, and Back Pay as a committee gave the gentlemen who appeared before us, of which my colleague was one, no assurance as to what it would do. Some conversation was had, but no action taken. The idea conveyed by the letters which I hold in my hand, and which the gentleman asked to have printed, is that I, as chairman of the committee, promised what the committee would do before it had taken any action at all—a proposition absurd on its face. Furthermore, I say that in conversation at the time with either General Wagoner or General Merrill—I forget now which—I criticised some things in the propositions of the soldiers' committee, and he admitted to me that as a matter of public policy it was perhaps going a little too far. On the other hand, the committee reported much that was recommended by these gentlemen, including increase of widows' pensions, and one important bill passed the House but slept in the Senate. To prove that some of the statements in the letters are not true I will read one sentence:

> Greatly to our surprise and disappointment the bill was so amended in the House, and on motion of the chairman, as to become a very objectionable measure.

Now, I appeal to the records of the House.

Mr. GROSVENOR. I rise to a question of order. The gentleman

refused to permit me to have those letters printed; and now he undertakes to put me in the attitude of failing to have the letters read——[Cries of "Regular order!"]

Mr. WARNER, of Ohio. I asked to have the letters read. I propose to have them printed as part of my remarks, if the gentleman does not publish them.

Mr. Chairman, I appeal now to the records of the House to prove that the statement which I have just read is not true, because the bill was not amended at all in the House, nor was there any proposition to amend it by anybody. Therefore I say that the statement bears upon its face the evidence that it contains untruths.

It is proper to remark that the writers of the letters are Republicans, and their purpose in writing these letters is fully enough disclosed in the letters themselves. Their publication in my district at the time they were published was a part of the same programme that sent Commissioner Dudley to Columbus.

But I have something else in hand. I want to read some proof, and I wish I had time to read all I have here. I desire to put it in as proof to support the charge I made that Colonel Dudley, the late Commissioner of Pensions, did leave his place in the Pension Office in this city and go to Ohio to take charge of a political campaign in that State. What for? Were there no Republicans in Ohio capable of managing that campaign? Oh, no! You would not admit that, my friend [referring to Mr. BUTTERWORTH]. [Laughter].

There was an object in it. Let us see what that object was. The Senate had sent back to this House the Mexican pension bill loaded with propositions they knew could not pass, but which could be used they thought to good purpose in the coming campaign. The soldier vote was important. Ohio was then a Democratic State. Its governor and all its State officers were Democrats. It must be carried in October. There was one man who had gained a reputation for peculiar methods in politics in managing a campaign in Indiana. He was the Commissioner of Pensions. The soldiers' vote was important. The Commissioner was just the man to go to Ohio and manage that important campaign. It was necessary to have him there because it was necessary to have the soldiers' vote. [Laughter and applause.]

It is true he resigned, to take effect on the 10th of September, but he came back in October and resumed his duties, as a letter, which will be found on page 70 of the report I hold in my hands, will show, which I will quote from:

I have the honor to report that I returned to my post of duty on Thursday, the 16th October, having been absent therefrom forty-one days in all. I was absent on the 17th day of October, and returned again to duty Saturday, October 18th, and am now on duty as Commissioner.

I quote from Major Clark's testimony:

Q. Did Mr. Dudley leave the office after that?
A. Yes. He was there, I think, a week after that.
Q. Then he assumed to be on duty here at that time?
A. I gathered so from his letter, but that is only an inference.
Q. Had you any knowledge of his performing any of the duties of the office after the date of this letter?
A. I thought he was not performing any duty.
Q. Did he, during that time, sign any letters or official papers?
A. I inquired, after he had gone, whether he had or not, and I was told that he had. I was groping in the dark.

And I will stop to say of Major Clark, on whom some aspersions have been cast in this debate, that a more conscientious, straightforward, faithful officer was not to be found in the Pension Office or any other office. When under oath before the investigating committee he answered in an honest, straightforward manner the questions asked him and no more. It seems that Colonel Dudley before he went to Columbus went to Chicago and then to Indiana, attending all the political conventions, till he finally turned up in Ohio to take charge of the political campaign there. Before he went he ordered certain of his lieutenants to meet him there. They were ordered from place to place. These orders did not go through the Pension Office. More than one hundred of these special examiners altogether were in Ohio just before the October election out of about three hundred and sixty.

Somebody has said there was only one examiner to about 180,000 population, but there were sent into my district alone, I find, eleven, besides some on leave. I said the other day six or eight, but I find instead of six or eight there were eleven of them who were on duty, drawing pay. [Laughter.] Eighteen were sent into my colleague's district to help him. [Laughter.] The official records show there were eighteen there performing duty.

Here is a letter showing exactly how many were down there:

DEPARTMENT OF THE INTERIOR, PENSION OFFICE,
Washington, D. C., June 9, 1885.

DEAR SIR: On Friday preceding the second Tuesday of October, 1884, I boarded an Ohio and West Virginia Railroad train at Porter Station, Gallia County, Ohio, bound for Athens, Ohio; changed to Cincinnati, Washington and Baltimore Railroad at McArthur Junction, and by that road reached Athens. The distance by the route I traveled from Porter to Athens is about 52 miles. At the various stations along the two roads, including Porter and Athens, on the day I refer to, there boarded and left the trains fourteen gentlemen known to me and reported to me by reputable gentlemen to be special examiners of the Pension Bureau.

Very truly, yours,

JOHN L. VANCE.

Mr. JOHN C. BLACK,
Commissioner of Pensions, Washington, D. C.

I suppose this was all accidental! [Laughter and applause.]

In order to see how some of these agents acted, let me turn to page 5 of the report of the investigation (Report No. 2683, Forty-eighth Congress). An appointment was made by one of these examiners with a claimant for a pension in my district to meet him and some other parties on the day of the election. He met them at the house of a leading Republican of that precinct. They met there. This Republican was to furnish an affidavit. He said in substance, in the presence of the examiner—and I refer to the testimony because I have not time to read it—that he would make an affidavit for them if they would vote the Republican ticket. [Great laughter and applause.] I will read some of the evidence, as given by George Starkey:

Q. Did Mr. Winthrop himself give you any advice there or elsewhere?
A. We went there between 10 and 11 o'clock in the morning, and he kept us until 4 o'clock, when we started to go to the town-house. He was going up to the stable to get his horse. On the way he said, "Boys, Taylor is the man to vote for, if you ever want to get your pensions." That is all he said.
Q. Did he tell you when he thought you would get your pension if you so voted?
A. He told me he thought I would get it in about three weeks; and it is pretty nearly three months ago and I have not heard from it yet.

By Mr. BREWER:

Q. Did you vote the Republican ticket?
A. Yes.

By the CHAIRMAN:

Q. Have you sons who are voters?
A. I have one son who is a voter.
Q. State what ticket you have always voted before.
A. I have always voted the Democratic ticket.
Q. What ticket had your son voted?
A. This was the first time he ever voted, and I think I got him to vote the Republican ticket.
Q. And that was the result of this interview with Winthrop, was it?
A. Yes, sir.
Q. What ticket did you vote at the November election?
A. The Democratic ticket.

* * * * * * *

Q. Did either of the other gentlemen who had been in Mr. Barton's house talking with you see you vote?
A. Yes; Barton did. I told him all right; I would vote that ticket. He followed us right along, me and George Forshey, and saw us put in our tickets.
Q. Did he see your son vote also?
A. My son, I think, had voted before that.
Q. Barton followed you along to see how you voted, did he?
A. Yes. They had us in a pretty close place, I tell you. I am a poor man, and have lost my health, and was trying for a pension.
Q. And you were led to believe by what took place there, were you, that if you wanted to get a pension you had better vote the Republican ticket?
A. Yes, sir; I was.

By Mr. WHITING:

Q. Did Winthrop tell you you should have your pension if you voted the Republican ticket?
A. He said I would get it in about three weeks; that is what he said.

The testimony is all printed here, and I wish I had time to read it all to you. It is interesting. In answer to the question how many of his family and friends voted the Republican ticket who had previously voted the Democratic ticket, the response was that fifteen in all were persuaded to vote the Republican ticket on the promise of an early pension. [Laughter and applause.]

Another witness, one Forshey, says that to his certain knowledge eight votes were changed from the Democratic to the Republican side. Here is his testimony:

Q. Where were you on the 14th of October?
A. I was at the town house of Lawrence Township.
Q. Was that the day of election?
A. That was the day of election.
Q. And the town house was the place of election?
A. Yes, it was the polling place.
Q. Did you see Mr. Winthrop on that day?
A. I did.
Q. State where you saw him.
A. I saw him at Mr. Barton's.
Q. Who were present?
A. Mr. Starkey, Mr. Barton, Elias Forshey, and George W. Sutton, I think, and David Martin.
Q. How did you happen to go there?
A. I was invited by Mr. Starkey. He left word for me to be there to give testimony in the case of Mr. Starkey, and to have testimony taken in my own case. So that on the 14th we met there precisely at the hour he invited me to be there.
Q. That was on election day?
A. That was on election day.
Q. State what took place.
A. There was a good deal of talk and electioneering going on there between Mr. Barton and several other organs or politicians of the precinct. We asked Mr. Barton to fill out our affidavits. He said he would providing we would vote his ticket.
Q. What was his ticket?
A. The Republican ticket. He did not like to take our words for it and accompanied us to the polls and saw us put our votes in.
Q. What are your politics?
A. I am a Democrat.
Q. Have you always voted the Democratic ticket?
A. I always voted the Democratic ticket.
Q. Which of those gentlemen whom you have named were Republicans?
A. David Martin and Norriston Barton were the organs of the Republican party at that precinct to make themselves useful.
Q. State anything further that you heard said in the house at that time?
A. I believe that that was all that was said in the house. After we got through there and started up to the polls Mr. Winthrop spoke on the way of the good qualities of Mr. Taylor, of his soldiership, and of how he sympathized with the soldiers, and to give poor crippled men pensions. He said that Taylor was undoubtedly the man to support, for he knew how to sympathize with the soldier.

He said also that you (Mr. WARNER) were not the man. I believe, if my memory serves me right, that he spoke of a bill entitled the Mexican pension bill. I think he spoke of that.

Q. State whether you were led to believe from what took place there that, in order to secure the allowance of your claim, it was better for you to vote the Republican ticket.

A. Yes; I thought the thing looked equally in the way it was, and that is what led me to vote the Republican ticket.

Q. Have you sons who are voters?

A. Yes; I have three sons voters. The third of them gave his first vote that day. I have also a son-in-law who is a voter.

Q. Do you know how they voted?

A. I suppose they voted the way the old man went.

Q. You think that they were led to believe that it was for the interest of the old man to vote in that way?

A. I believe so.

Q. How do you know how they voted?

A. They said that they would vote in that way.

Q. How did you vote in the November election?

A. I voted for Cleveland.

By Mr. ROGERS:

Q. Did you tell your boys before they voted how you were going to vote?

A. Yes.

Q. Did you see them vote?

A. No; I do not know that I did.

Q. How had they voted before?

A. They had always voted the Democratic ticket.

By the CHAIRMAN:

Q. You state that you were made to believe by what took place there that the success of your claim depended, in some degree at least, upon how you voted?

A. Yes. I thought so. That is the way the thing looked to me from the way they were talking.

Q. About how many votes do you think were influenced on that day by such methods?

A. To be honest and upright about it, I think I controlled pretty nearly eight votes on that day.

Q. This was an appointment made prior to election day to have you all there on election day?

A. Yes. I had not seen Mr. Winthrop from the 30th of January, 1884, until the 14th day of October, 1884.

This is the way they did it in my district. [Laughter.]

And remember, Mr. Chairman, this was only on one day and by one of these special examiners, while there were eleven in all, besides some on leave in that district. You can estimate the results from such methods. I do not think I need go any further in sustaining the charge that the Pension Bureau was used for political purposes in that campaign. I ought not neglect to say that the committee found that this special examiner at this very time was making false returns to enable him to charge for liveries he never used and his per diem for time he was not on duty.

I do not charge, sir, that this sort of work was done by Colonel Dudley's order, I do not charge that it was done with his knowledge; but I do charge that it was the logical outcome of his influence while at Columbus managing a political campaign in which every sort of appeal was made to soldiers. I could quote from this testimony evidence to show that politics as the result of this influence permeated the whole Pension Office.

Now, in the little time left I wish to refer to my colleague from the Cincinnati district [Mr. BUTTERWORTH], who in his speech the other day painted his city black, as black as language could paint it—

> As when some mighty painter dips
> His pencil in hues of earthquake and eclipse.

He has shown it to be the most corrupt city on the continent. And yet he has been sent here as its Representative for a good many years. [Laughter and applause.] And it seems to have been growing worse and worse all the time. [Renewed laughter.]

But the gentleman on yesterday appealed to records. He says by their records you shall know them. "Records do not die, nor can the logic by which they teach be buried in the grave of dead issues." Now, I hold him to the logic of the record which is in my hand, and that is the investigation to which he himself has referred and of which the honorable Speaker of this House was the chairman and which he says was fair. I am sorry I have not time to read all the testimony of Mr. Egan and some others.

Mr. Chairman, how much time have I?

The CHAIRMAN. The gentleman has three minutes of his time remaining.

Mr. WARNER, of Ohio. I regret exceedingly that I have not time to refer to some of the testimony which I know my colleague wants to hear and which is undeniable, because it is his own sworn testimony. He has told us in a general way of the corruptions in Cincinnati. I would like to refer to some specific cases. He tells himself how much he paid for the help of that "penitentiary bird," Eph. Holland, to assist him in his election—the man who had two hundred and fifty reasons for voting for him, and every one of them worth a dollar. [Laughter and applause.]

My colleague spoke the other day of "men who were brought from the streets with a penitentiary smell in their clothes." This was one of that kind. I regret that I have not time to read some of this testimony for the benefit of my colleague and the instruction of the House.

Mr. Chairman, I do not apologize for corrupt acts committed by Democrats and condemn corruptions only when committed by Republicans. Whoever commits a fraud on the ballot is an enemy to democracy, an enemy to free government, an enemy to society; and I care not whether it is by the McLean gang or the Tom Campbell gang that frauds are committed, I denounce them everywhere. A Democrat who commits a fraud on the ballot or who seeks to corrupt it is the worst enemy the party has, and the sooner he is got out of it and into the penitentiary the better for the party. But my colleague admits by his testimony, which I hold in my hand, that he paid money to men of the worst character to aid him in his campaign in 1878.

There are three steps that follow one after the other as certainly as night follows day. They are money to corrupt, fraud to overturn, then violence to destroy. [Applause.] The first, from his own testimony, my colleague was willing to take. Can he complain that this

> Bloody instructions, which being taught, return
> To plague the inventor?

By taking the first step did you not pave the way for the second? I call upon my colleague now, instead of whitewashing Republican fraud, to condemn corruption wherever found.

I have never known any occasion when my colleague was not ready, although guilt might be

> Written all
> Black as the damning drops that fall
> From the denouncing angel's pen,

if he was but a Republican, with the whitewash brush to paint him white and write "righteous" and "justified" on his forehead. [Applause.] I know my colleague is patriotic; I believe he earnestly desires to see a better state of things in Cincinnati; but it can not be brought about by simply transferring power from one gang to another. All honest men must place the purity of the ballot above partisan zeal. On that popular government must stand or fall.

The CHAIRMAN. The time of the gentleman from Ohio has expired.

Mr. TOWNSHEND. Of the thirty minutes left to me I yield the gentleman from Ohio ten minutes.

Mr. WARNER, of Ohio. I am very much obliged for that ten minutes.

I repeat that anybody who is willing to commit fraud upon the ballot-box——

Mr. McMILLIN. Or by it.

Mr. WARNER, of Ohio. Yes; or by it, is an enemy to Democracy. They are the worst enemies the Democratic party have; and I say to the gentleman from the Cincinnati district if the investigation going on there shows that any man has got his seat in the Legislature of Ohio, in either house, by fraud, let him be put out, and let the guilty parties be sent to the penitentiary, whether Democrats or Republicans. But my colleague, while denouncing Democrats, comes here to justify the ex-Commissioner of Pensions and to apologize for his course in quitting his place while holding on to his office and drawing his salary and going out to a State not his own to conduct a political campaign because of the peculiar methods he knew how to use.

Mr. BUTTERWORTH. Will the gentleman permit me to ask him a question?

Mr. WARNER, of Ohio. I can not stop for questions now. My friend knows, too, that gang known as the Tom Campbell gang forced a ticket on his party which decent Republicans in his city would not vote for, and yet I have never heard any condemnation of this gang by him. All I ask is that he will not only condemn Democrats who do wrong, but join me in denouncing fraud and corruption in whatever party it is found.

Mr. BUTTERWORTH. Now has the gentleman time to yield for a question?

Mr. WARNER, of Ohio. I have not.

Mr. BUTTERWORTH. Then I will take some other time.

Mr. WARNER, of Ohio. I have a letter or two here that I want to bring before the committee in the time yielded me. Here is one written by Commissioner Dudley. I pass over a great many. And let me say to my friends on the other side of the House, you are not half as anxious for an investigation of the Pension Office as you think you are. But let the books be opened. [Opening a large letter-book.] Here is a letter to John Sherman:

> I have received your letter of the 18th instant, in which you ask that I give Mr. Henry C. Hedges—

Hedges was candidate on the Republican side, I believe.

Mr. GEDDES. In my district, but he could not fool the soldiers.

Mr. WARNER, of Ohio. He says—

> That I give Mr. Henry C. Hedges the same privilege in calling up cases as is accorded to his competitor, the Hon. Mr. GEDDES. I have, therefore, directed that Mr. Hedges's calls be in every case promptly attended to, as I do not wish to make any discrimination whatever between the party nominees.

Mr. BUTTERWORTH. Is that what you find fault with?

Mr. WARNER, of Ohio. What I find fault with is this: You do not find a Democratic candidate who ever had that courtesy extended to him; not one. No such courtesy would have been extended a Democrat, although he might have been as good a soldier as there was in the war. And what is more, take your Pension Office from top to bottom, from garret to cellar, and although your party and the ex-Commissioner of Pensions claim to be the special, the guardian friends of the soldier, you could not find in it one Democratic soldier, however gallantly he

had fought in the war, though he might have lost a limb in battle, unless he voted the Republican ticket. He was told "No, sir; no use for you here." That has been the policy of the Republican party ever since the war. That is its friendship for the soldier as a soldier. The soldier may have fought gallantly, but that went for little if he did not vote the Republican ticket.

We ask now a chance, an even chance, for the wounded and disabled Democratic soldier; we demand now fair play not only in the granting of pensions, but in the equal right to hold office under this Government, which they, too, sacrified so much to save. That is what you have never allowed.

I have been in Ohio—

Mr. Dudley says in a letter to George S. Merrill—

for the past three weeks assisting in the management of the campaign there, and I am going back, to stay until the elections are over, very shortly. I think we will be able to carry the State at the end of a very hard struggle. Indiana will go Republican if Ohio does.

Very respectfully,

W. W. DUDLEY.

He had been there and is going back again.

I will now read a letter addressed to D. O. Bell, Detroit, Mich.:

Your personal telegram came to the office during my sickness and I take this early opportunity to reply by letter, the first I have written since my convalescence. The difficulty which presents itself at the outset in the Sligh-Boise controversy is that Senators PALMER and CONGER do not seem to have agreed on any settled plan of action. Senator PALMER is of opinion that the appointment of Dr. Sligh and the removal of Dr. Boise will result in a defeat of the Republican candidate for Congress in that district.

It would not do to have that done. The Commissioner of Pensions considers it his duty to look to that.

Senator PALMER seems to think otherwise. Now, I know nothing about the two men except what I get through these two Senators, and it is but fair, I think, that I should insist on their coming to an agreement as to what is to be done, as I do not want to do anything to injure the prospects of the party in any way.

Most assuredly he did not.

Mr. HENLEY. Let us have all that published in the RECORD.

Mr. WARNER, of Ohio. I do not suppose the gentlemen on the other side would object to publishing it all. Mr. Chairman, if I have any time left I want now to read some of the testimony of my friend from Cincinnati [Mr. BUTTERWORTH]. I know he will like to hear it.

A MEMBER (on the Republican side). Give us the testimony.

Mr. WARNER, of Ohio. That is what you prefer I know, and I will give it to you.

Mr. REED, of Maine. Give us anything that is not original. [Laughter.]

Mr. WARNER, of Ohio. If it was original it would not be agreeable to the gentleman from Maine. I read now from the report of a committee in regard to an election in the city of Cincinnati, in which my friend [Mr. BUTTERWORTH] was interested, and I read from his testimony. He was on the witness-stand, and he was asked the question:

Are you acquainted with that national character, Ephraim Holland? He answered, I am. * * * One day, after that, I was passing the Gibson House, and Colonel Weitzel was there, and he said to me, "Holland and Duffy are in the room here; come in and see them." I went in. They were in the little room back of the bar-room, and I went in and was introduced to them.

They went "back of the bar-room."

Mr. BUTTERWORTH. Yes; we went back. You always stop *in* the bar-room. [Laughter.]

Mr. WARNER, of Ohio. Yes; I would not go behind the screen, but this was work that required to be screened. The witness proceeds:

After the ordinary salutations I said to them, "Mr. Weitzel informs me that you gentlemen are not supporting the Democracy this fall." Holland assented. I do not remember his words, but he assented. Then Weitzel said, "They are inclined to give you a lift" or "to give the Republican ticket a lift;" I don't remember which he said. Weitzel then said to me, "They will expect to be paid something for their work. Holland said, "Yes; certainly." Said I, "What do you ask?" I think he named three or four or five hundred dollars. I said "No; I won't do that." Finally I said, "I will give you $150 if you will engage faithfully to perform the work and to secure an honest election in the fourth ward."

* * * * * * *

[Laughter.]

I believe I conferred with some of my Republican brethren about the arrangement and they sanctioned it. I walked around and met Holland at the hotel and I paid him three $50 bills again.

* * * * * * *

Q. Do you say that $150 is all that you paid either to the Holland or Duffy party?

A. You have not asked me that. I remember now that that evening, after I had agreed to pay Holland $150, he insisted that there should be paid also for expenses $50 or $60, I don't remember which, and either Colonel Weitzel or I gave him $50 or $60; that was handed to Holland. I did not speak to Duffy except when I was in the room and we were talking together.

Mr. BUTTERWORTH. That was the first time that Democratic influence was ever used for a holy purpose. [Laughter.]

[Here the hammer fell.]

Mr. TOWNSHEND. Mr. Chairman, in order that the balance of the testimony of that interesting witness may go into the RECORD, I yield five minutes more to my friend from Ohio [Mr. WARNER].

Mr. WARNER, of Ohio. I will read some more.

Mr. BUTTERWORTH. Read it all. You will find it good all the way through. It is rich.

Mr. WARNER, of Ohio. Yes, it is rich and rare; there is no question about that. I come now to Mr. Egan.

Mr. BUTTERWORTH. No, no. Go back to Holland. That will show why your party were unable to stuff ballot-boxes in the fourth ward at that election, as they had been in the habit of doing.

Mr. WARNER, of Ohio. Mr. Chairman, Satan never started out on a mission without first putting on the guise of a saint. [Laughter.]

Mr. BUTTERWORTH. I would as lief take your testimony on such a point as that of any man I know. [Renewed laughter.]

Mr. WARNER, of Ohio. Here comes Mr. Egan on the stand. He had an interview with my colleague. He was asked what took place at that interview, and he said, referring to my colleague:

He told me that he was expecting some money, but he hadn't got it—had been expecting it two or three days.

Q. Did he say where he was expecting it from?

A. I think he said from Washington. I left him then. I believe we made arrangements to meet again at his office.

Q. When?

A. I think the Sunday previous to the election.

A MEMBER. Sunday!

Mr. WARNER, of Ohio. Yes, on Sunday. This was holy work. They must have a pure election.

Q. Did you meet him there?

A. Yes, sir.

Q. What took place there?

A. I took some men named Thomas Donnelly, John Carroll, Edward Wilson, Samuel Drew, and John O'Connor.

Q. They went with you to his office on Sunday?

A. Yes, sir.

Q. What was your business there on Sunday?

A. Mr. BUTTERWORTH told me he wanted to get some men to work for him on election day, and I took the men there and introduced them to him. Mr. BUTTERWORTH told us some jokes, and finally made a proposition to them himself, what they were to do.

[Laughter.]

* * * * * * * *

Q. Did Mr. BUTTERWORTH say anything to these men when he gave them the money?

A. I think he did.

Q. State whether or not he did; and, if so, what he said.

A. Yes, sir. He said that he wanted them not to forget to vote for him and Mr. Cullen especially. He said it didn't matter a damn whom they voted for so they voted for him and Cullen.

[Laughter.]

We tried to get into Mr. BUTTERWORTH's office, which is in the Johnson building, I think on the fifth floor. I suppose it is not more than 100 feet from the Gibson House. We wanted to get into the office to get tickets. Democratic tickets had been written with Mr. BUTTERWORTH's name on them which we supposed to be there; but I received some of them afterward, the next morning. We found the office locked, and we could not get in, and Mr. BUTTERWORTH made some remarks that "it was mighty damn funny that a man couldn't get into his own office."

[Laughter.]

* * * * * * * *

We came around on Fifth street, and my brother and him was talking about something connected with money matters. I know, for my brother was making the remark that he could not do nothing with that amount of money, or something like that; anyhow, I interfered in the matter and we walked back to the carriage, and Mr. BUTTERWORTH and my brother parted. After talking with Mr. BUTTERWORTH first, he handed me $10 in silver half-dollars; then he gave me $10 afterward.

* * * * * * * *

Q. How were those men paid? Was the money counted out or given them in envelopes at Collard street?

A. No, it was counted out, $2 apiece.

Q. Where was the money taken from?

A. Mr. BUTTERWORTH reached under the seat of the carriage and pulled out a satchel from underneath and took the money out of it.

[Renewed laughter.]

[Here the hammer fell.]

Mr. WEAVER, of Iowa. I yield five minutes to the gentleman.

Mr. BUTTERWORTH. A Greenbacker always gives away something he has not got. [Laughter.]

Mr. WARNER, of Ohio. The witness proceeds:

Q. Silver or paper?

A. There was silver and paper, because he took a package and broke it open——

The CHAIRMAN. The time of the gentleman has expired.

Mr. WARNER, of Ohio. I thought I had some additional time yielded to me.

The CHAIRMAN. The gentleman who yielded it had none to yield.

Mr. WARNER, of Ohio. I am very sorry, for there is a great deal more of this testimony that is very interesting.

Mr. BUTTERWORTH. You and I will get together and go over it some time. [Laughter.]

Mr. TOWNSHEND. The fifteen minutes remaining I have promised to the gentleman from Ohio [Mr. ANDERSON], and in justice to him I can not yield any more time to the gentleman from Ohio [Mr. WARNER].

The CHAIRMAN. The gentleman from Massachusetts [Mr. LONG] has seven minutes remaining.

Mr. WARNER, of Ohio. I will not now object to my colleague having printed with his remarks this letter on which I have commented. I would be glad to have it printed in connection with my own remarks.

The CHAIRMAN. The committee will come to order. The gen-

tleman from Massachusetts [Mr. LONG] is recognized, and yields his time to the gentleman from West Virginia [Mr. GOFF].

Mr. BUTTERWORTH. I rise to a parliamentary inquiry. I understood my colleague on the right [Mr. GROSVENOR]—and I do not wish to do an injustice to any one—to say in substance in the course of his remarks "I do not read the letters but will print them as part of my remarks." Now, it appears to me that objection should have been made then, because if it had then been made he would no doubt have read the letters in connection; but there being no dissent, he took it for granted that the letters would be published as a part of his remarks. I submit to the House that in fairness to him and to my friend on the other side [Mr. WARNER] they ought to be so published.

Mr. WARNER, of Ohio. Certainly.

The CHAIRMAN. The Chair understood that objection was made.

Mr. WARNER, of Ohio. I do not object to the printing at all.

The CHAIRMAN. The Chair will again submit the request. Unanimous consent is asked that the gentleman from Ohio on the right [Mr. WARNER] and the gentleman from Ohio on the left [Mr. GROSVENOR] have leave to publish with their remarks certain letters to which reference has been made. Is there objection? The Chair hears none, and permission is allowed.

Mr. GOFF. In the light of this discussion surely it will not be inappropriate if we seriously consider the serious facts alluded to by my friend from Iowa. He has spoken naught but truth and soberness. I may be charged with raising the banner of sectionalism; but certainly, in the estimation of all fair-minded men, the charge can not be maintained. Those who desire to evade the force of shameful facts may say I appeal to the recollections of the war, that I stir up the ashes of the civil strife; but those who believe in justice and worship at the shrine of truth, wherever they may be found, will know that I speak of terribly real issues; that I allude to the crying evil of the day—the greatest blot upon the civilization of the age.

The exercise of the ballot is the grandest prerogative of our citizenship. Every American citizen, wherever he lives, wherever born—it makes no difference who rocked his cradle or where God's sunshine first kissed his cheek—is entitled unrestrainedly of his free will to cast one ballot for the principle he adheres to, the man of his choice, and to have that ballot honestly counted as it was cast. To our shame be it said such is not the case with us to-day. We do not object that the South is solid; we do object to the means by which it is made solid. As long as it is so solid, then the North, the East, and the West should be solid by honest means against it.

The effect of such solidity is to give one section of our country much greater power in the Congress of the nation than it is legally or constitutionally entitled to; it destroys our theory of representation; it undermines the confidence of the people in their form of government; it produces results not intended by the voters, and it gives ascendency to principles condemned by intelligent public sentiment. Mr. Chairman, we should not compromise with this great wrong; we have already been too indifferent to it. Justice demands that we should meet it with the courage of other days. If citizens are to be massacred in Mississippi because they support the Republican ticket, if we tolerate it, the day will come when the like will be done in Massachusetts also. If voters are to be intimidated and disfranchised in South Carolina and Georgia because the color of their skin is black, and the nation submits to it, the day will come when it will be so meted out to us in Ohio and West Virginia.

There is one act of President Cleveland's administration above all others that I honor him for, and it has direct bearing on this question. It was, it is, the revocation of the commission of the postmaster at Hazelhurst, Miss., and the remark, "We will draw the line, in making appointments, on murder." Now, do not say I raise a false issue; your chosen Executive—chosen by such shameful means—has given it the sanction of his high authority.

Mr. Chairman, do not misunderstand me. I do not object to the confederate soldier voting just as he pleases, nor to his holding office. It is his right. My country's law concedes him the right, and I believe in it, and for one will defend that right for him. I only ask that he shall be elected by fair ballots, cast by honest voters, and counted as they were cast, and I do protest against that system that sends certificates to this House, based on the subversion of the rights of our fellow-citizens, or written with a pen dipped in the blood of our fellowmen, whose only crime is that God made their skin black or that they dared advocate the glorious cause of liberty and justice, that all men are free and equal, as taught by the grand party at whose shrine I have worshipped from boyhood.

In the contest of 1884 the Republican party would have succeeded had there been as fair a vote throughout the South as there was in the North. The difference of 1,142 votes in the State of New York did not, in truth and in fact, determine the judgment of 55,000,000 people. The honest judgment of our free citizenship was not recorded in that election. The Republican party offered to the people in that contest as a candidate for the Presidency one of the most magnificent men of the century, James G. Blaine, representing all that was grand in American statesmanship, and for the Vice-Presidency John A. Logan, glorious soldier of the West, standing for all that is heroic in the struggle for the Union. Since that party gave the nation Lincoln, Grant, freedom, and the Union it has given us no grander ticket. In the very nature of things it could not be fairly beaten, and it was most unfairly defeated by means of the outrages with which the country is familiar, this political crime for the benefit of the few over the many.

Mr. Chairman, the men so chosen stand not only for the South, but for the East and the West as well as the North; they legislate for all the people of the United States. They regulate taxation; they change the tariff; they decide as to our currency; they determine coinage; they fix pensions; they make appropriations; they decide whether American labor shall be protected by American law, whether free labor shall have good wages or no wages at all.

Mr. Chairman, let us examine the returns from some of the States of the last national election. By the census of 1880 we find the voting population of the five Southern States named to be as follows, as compiled and commented upon by a leading journal of the country:

By the census of 1880 we find the voting population of the five Southern States named to be as follows:

States.	Representatives.	Of voting age.		
		Males.	White.	Colored.
Alabama	8	259,844	141,461	118,423
Georgia	10	321,480	177,967	143,471
Louisiana	6	216,787	108,810	107,977
Mississippi	7	238,532	108,254	130,278
South Carolina	7	205,789	86,900	118,889
Total	38	1,242,472	623,392	619,038

The vote in these States was as follows in the last election:

States.	Cleveland.	Blaine.	Others.	Total.
Alabama	92,978	59,444	1,312	153,734
Georgia	94,567	47,964	309	142,840
Louisiana	63,407	46,417	446	110,270
Mississippi	76,510	43,509	4,691	124,720
South Carolina	69,800	21,733	.....	91,623
Total	397,342	219,067	6,758	623,187

Now compare this vote with that of five Northern States nearest in voting population and representation to these five Southern States:

States.	Representatives.	Males of voting age.
Kansas	7	265,714
Wisconsin	9	340,482
Minnesota	5	213,485
New Jersey	7	300,635
Connecticut	4	177,291
Total	32	1,297,607

Here at the first glance it is seen that there is 55,000 more voting population and six less Representatives, and this recalls the fact that it was a Democratic House of Representatives that made the apportionment.

Now look at the votes:

States.	Cleveland.	Blaine.	Others.	Total.
Kansas	90,132	154,406	20,841	275,379
Wisconsin	146,477	165,157	12,354	323,888
Minnesota	70,144	111,923	21,990	204,057
New Jersey	127,784	123,432	9,649	260,825
Connecticut	67,182	65,898	4,079	137,159
Total	501,719	620,816	68,813	1,201,308

Let us carry this comparison further. These five Southern States send thirty-eight Representatives to Congress on a total vote of 623,187, an average of 16,426 votes to the member. The five Northern States send thirty-two Representatives on a total vote of 1,201,308, an average of 37,541 to the Representative. It, therefore, takes two and one-third times as many votes to make a Congressman in the North as in the South.

Connecticut and Nebraska together send seven Representatives to the House by a vote of 271,248, while South Carolina sends seven by a vote of 91,623—but little over one-third. Wisconsin sends nine Representatives on a vote of 323,888, and Georgia ten on a vote of 142,840. Mississippi sends seven Representatives on a vote of 134,720, and New Jersey the same number on a vote of 260,825. Alabama sends eight on a vote of 153,734, and Kansas seven on a vote of 275,379.

These are a few plain fact and figures which are submitted for the consideration of those who still believe that a freeman's ballot should have as much value and be entitled to as much protection in one State as in another.

Gentlemen of the committee, if I do err in thus speaking of official returns, condemn me for it. If I commit a crime in thus alluding to

what I sincerely believe to be the most heinous crime of the century, I bow to the judgment the country will inflict upon me. If this be the bloody shirt, then as long as there is such blood as this on the garment will I wave it, and as long as my arm has strength will I hold it up to the gaze of the country. The very contemplation of this outrage should cause the blush of shame to mantle the cheek of every true American citizen, I care not where he lives, under what banner he fought, or what party he has affiliated with.

As long as these things are, it is folly to talk of the Republican party having accomplished its destiny. The mission of the Republican party will never be accomplished until the right of every American citizen, native-born and naturalized, white and black, to vote once and to have that vote counted as cast is acknowledged everywhere where the flag of the country floats and the power of the nation is felt.

Mr. ANDERSON, of Ohio. Mr. Chairman, the gentleman from Ohio [Mr. BROWN] when on the floor the other day made the following remark in reference to what had been said about Colonel Dudley's conduct as Commissioner of Pensions:

Democrats, do not come in the presence of this House and retail slanders that are unsupported by a single statement of facts. Before you make such charges, be frank enough to tell who the witnesses are and by whom you propose to establish the facts.

I have spent some time examining the record to see whether I could find any witnesses for the accommodation of the gentleman. It struck me that the best witness I could find would be Colonel Dudley himself and his officers and staff nearest him, if I could see the records, and upon opening the books I found among others a letter written by him in 1881 to Mr. Keogh, of Greensborough, N. C. The Commissioner had dispensed with the services of a certain Republican in his office and Mr. Keogh asked for his return to the office. The Commissioner writes that his reinstatement has been recommended, "although his record is defective," adding "I shall be glad to be of any service to you at any time in making a fight in the old North State." (Letter-book No. 1, page 229.)

Again, I find a letter which Mr. Dudley wrote September 7, 1881, to General WILLIAM MAHONE. General MAHONE had asked him to have a man named Clements, a special pension examiner, transferred for special duty to Easton, Va., during the canvass. The Commissioner writes in answer:

Yours of the 5th received; party called in, and will be sent as requested.

(Letter-book No. 1, page 468.)

Here is another: On September 16, 1881, Hon. J. D. White, of London, Ky., writes, alleging that one Ferguson and one Richards had been discharged in accordance with the orders of the Secretary; among other things, to discharge all blatant Democrats regardless of their standing and records. (Letter-book No. 2, page 65.)

Again, November 23, 1881, Colonel Dudley writes a letter to one J. H. Hines, of Lynchburg, Va., and congratulates Hines upon the services which Stokes, a clerk in the Pension Office, had rendered in the last campaign. (Letter-book No. 3, page 69.)

Again, we find that on the 31st of December, 1881, he wrote a letter to C. D. Sherwin, Goshen, Ind., stating among other things that he would be at home some days before the election, and that as chairman of the Indiana Republican Association some lively work might be expected from him in aid of the party's success. (Letter-book No. 3, page 324.)

We find also a letter written September 11, 1882, to Thomas B. Cooper, chairman of the Republican State committee, 1205 Chestnut street, Philadelphia, Pa., acknowledging the receipt of a letter asking leave of absence for one Thomas F. Monahan, a clerk in the office, for duty during the campaign, and leave of absence was granted to T. F. Monahan for eleven days from the 30th of October, 1882; for twenty-two days from October 18 to November 8, 1884.

We find also a letter written by Mr. Dudley May 26, 1883, to Hon. W. Stone, Pittsburgh, Pa., touching a certain pension case called the Morly case, and stating that if in the judgment of Stone a mistake had been made he would call a halt in the proceedings; and he added that it would be a severe duty that would compel him (Dudley) to do anything that in his (Stone's) judgment would militate against the best interests of the party. (Letter-book, No. 12, page 347.)

The Commissioner was passing upon the case in his judicial capacity, yet he was perfectly willing, as he states, to prostitute his office for the welfare of his party.

In order to show how fairly men were treated, I wish to refer to a letter of Mr. Dudley, written July 17, 1884, to W. S. Kerr, chairman of the executive committee, Mansfield, Ohio. The chairman had criticised General Dudley for allowing Judge GEDDES to take the credit as a Democratic member of Congress for securing a soldier his bounty. The following is the reply of Mr. Dudley:

JULY 17, 1884.

DEAR SIR: I am just in receipt of your letter of the 15th instant, and have to say in reply that the whole subject of Mr. GEDDES's influence with this office has been gone over again and again in correspondence with Mr. W. F. Madden, of Belleville, Mr. J. G. Donaldson, late secretary of the Ohio State Republican executive committee, and with Hon. JOHN SHERMAN. If you will take the trouble to look at a communication sent to Mr. Donaldson July 28, 1883, you will find the whole matter discussed in detail, together with copies of the other letters referred to. In a word, Mr. GEDDES has never exercised any influence with this office not possessed by any other citizen, always excepting a certain amount of courtesy shown to every member of Congress. What use Mr. GEDDES may have made of his Congressional privilege I know not, nor could I control it if I did. I will venture to say, however, that no letter containing the clause, "We take pleasure in notifying you that your pension has been allowed through the special influence of Hon. GEORGE W. GEDDES," was ever sent out from this office. If you can produce such a one I will thank you to forward it to me personally.

Forward the letter you refer to and I will prove it a flat forgery.

Very respectfully,

W. W. DUDLEY, *Commissioner.*

W. S. KERR,
Chairman Executive Committee, Mansfield, Ohio.

That is the way Judge GEDDES was treated.

Mr. GEDDES. Of course they found no such letter. They simply represented to him that they had such a letter, and he requested it; but it never was produced.

Mr. ANDERSON, of Ohio. That is the way Judge GEDDES, a Democratic member, was treated. Now let us see how a Republican under the same circumstances was treated by him:

JULY 30, 1884.

MY DEAR FRIEND:—

He goes on to say that—

I feel the deepest interest in your success, not only on your own account but on those of the State and the Legislature as well, and I hope that everything will be done to help you in your struggle. As nearly as I can figure it, there are three members of the Legislature and one senator in doubt in your district, and I hope that your campaign and theirs will be blended so as to be of mutual advantage, as they should be. I will do everything I can to give prompt attention to any calls you may make.

Calls for status of pension cases—

I will have letters written in the slips sent by you. Will the Prohibition ticket hurt Calkins in your district?

Very truly, yours,

W. W. DUDLEY.

Hon. GEORGE W. STEELE, *Marion, Ind.*

Mr. Chairman, a very considerable parade has been made in regard to a circular letter which Mr. Dudley sent out on the 6th of March, 1884, in which he said:

The functions of special examiners are those of judicial officers seeking for the true facts in cases intrusted to them, and they will not only commend themselves to the community in which they respectively work, but insure the best results to their work and themselves, by perfect reticence upon all topics of a political character. It is hoped that each examiner will heed this timely warning, and to such effect that no just criticism can be laid against him on this ground.

This sounds well. Now if honestly intended to be observed he would cause this to be placed in the hands of the officers to whom directed. Let us see if they were so placed.

I hold in my hand the affidavit of one Mr. Peyton, a Republican, and good authority. It is as follows:

DISTRICT OF COLUMBIA,
City of Washington, ss:

John B. Peyton, being first duly sworn, deposes and says, that he was on the 4th day of March a clerk in the Pension Office at Washington, D. C.; that he was finance clerk, and that it was his special duty to take care of the mail, especially such mail as was to go out. That a bundle of the circulars hereto annexed were placed upon his desk with directions to send one to each special examiner. That within a very few minutes from the time that the circulars in question were placed upon his desk for the purpose aforesaid John M. Welty, then acting chief of the special examination division, removed from his desk every single circular, saying that deponent need not mail them, that he (Welty) would take charge of them.

And deponent further swears that to the best of his knowledge, information, and belief the said circulars were not mailed, but were removed from his desk for the purpose of preventing their general circulation among the special examiners.

And deponent further says that between the time that the said circulars were laid upon his desk until the circular hereto annexed was shown him, he has neither seen one himself nor has he seen any one else with such circular, with the possible exception that one of these circulars may have been in evidence before the Warner committee, although deponent has no recollection of any such circular.

JOHN B. PEYTON.

Subscribed and sworn to before me on this the 4th day of March, A. D. 1886.
[SEAL.] JAS. N. TAIT, *Notary Public.*

[Laughter and applause.]

Next we come to the affidavit of John R. Coffin, to which I ask special attention:

DISTRICT OF COLUMBIA,
City of Washington, ss.

John R. Coffin, being first duly sworn, deposes and says, that between the 26th day of June, A. D. 1880, and the 20th day of November, A. D. 1885, he was employed as a clerk in the Pension Office; and that between the 30th day of June, A. D. 1881, and the 26th day of October, 1884, he was a special examiner, and during that time discharged the duties of said examiner, either in the field or in the special examination division in the Pension Office at Washington, D. C.; and that while engaged in the office at Washington he was chief of that section known as the criminal prosecution and attorney's desk.

And deponent says that during the canvass of 1884 W. W. Dudley, the Commissioner of Pensions, while no order was issued in terms, it is a matter of record, directed that special examiners be sent into those districts where the political warfare was waging, yet it was well understood that special examiners were assigned to those districts and cases given to them for special examination, not that it was the intent or purpose that they should discharge the duties of special examiners, but that, this assignment being a matter of record, they might draw their per diem and traveling expenses for the purpose of performing political work, and deponent instances as then in his own knowledge the fol owing facts:

In the campaign of 1884 deponent was instructed to hand to one Joseph E. Jacobs, then a special examiner, three or four cases for special examination in Ohio, and that deponent understood at the time, and he believes the said Jacobs understood the same, that his mission was a political mission, and that he was not expected or required to report on these cases, and as a matter of fact de-

ponent knows that when the said Jacobs returned no work had been done on them whatever, and that the said Jacobs nevertheless drew his pier diem and traveling expenses at the time during his absence.

And deponent further says that during the canvass of 1884, more special examiners were sent into Ohio during the time that the canvass was pending than he had ever known in his experience in the office to be sent into any one section at the same time; and that deponent further says, that in the special examination division, and in every other division in the office, every clerk believed that he was expected to render what political services he could, and that the circular hereto annexed was certainly understood by deponent, and he believed by every other examiner, not to mean what it said, but was issued for the benefit of the public, and at the time that this circular was issued the Commissioner of Pensions and the then chief of the special examination division were known to be doing nothing else except political work.

JOHN R. COFFIN.

Subscribed and sworn to before me this 1st day of March, A. D. 1886.

CHARLES S. BUNDY,
Notary Public, District of Columbia.

Next we come to the affidavit of John M. Welty. He said that he had been a clerk in the Pension Office since 1880; that he knows these circulars were not sent:

DISTRICT OF COLUMBIA,
City of Washington, ss:

John M. Welty, being first duly sworn, deposes and says, that the circular hereto annexed, and dated upon the face thereof March 6, 1884, was never mailed by him in person, either to any special examiner in person or to any supervising examiner; and further deponent saith not.

JOHN M. WELTY.

Subscribed and sworn to before me this 4th day of March, A. D. 1886.

J. B. WATERMAN, *Notary Public.*

Now, let us see a little further along. A man by the name of Gideon A. Lyon, on being sworn, made affidavit as follows:

DISTRICT OF COLUMBIA,
City of Washington, ss:

Gideon A. Lyon, being first duly sworn, deposes and says, that the annexed circular has been exhibited to him, and that at the date appearing upon its face as the date of the issuance deponent was assistant chief of the special examiners' division of the Pension Office, and that to the best of his recollection, information, and belief he has never seen the circular hereto annexed until the same is this day exhibited to him; and further deponent saith not.

GIDEON A. LYON.

Subscribed and sworn to before me this 4th day of March, A. D., 1886.

J. B. WATERMAN, *Notary Public.*

Let us see whether Mr. Dudley did take any part or not in the campaign. Let us see whether or not the proposition made here by the gentleman is going to be carried out. One P. S. Noble was a special examiner and was in the employ of the Pension Department. He was dismissed from his place by General Black. He afterward wrote a letter to General Black asking to be reinstated in his old place. He also wrote a letter to Colonel Dudley asking him to write and tell General Black the truth about his connection with the Ohio campaign. He (Noble) writes Dudley he was "dismissed for being in Mr. Dudley's counsels, when the truth is that I was your stenographic clerk. * * * I can't help asking you to go to Mr. Black and tell him the exact truth, to wit, that I was not in your counsels, knew not of the secret workings of the campaign, did not even know the cipher, and did not take the pains to know it, but that I tried faithfully and honestly to discharge the duties imposed upon me, which I did."

The accuracy of this statement is indorsed upon the back of the letter in question by W. W. Dudley, so that there can be no question of the fact that drawing pay as a special examiner, not as a matter of election but as a matter of compulsion, he was taken out to Ohio, on the telegram of W.W. Dudley, as his private stenographer, when in the pay of the Government, for the purpose of carrying on the Republican campaign.

He was in Ohio during most of September and October, and was paid his per diem and expenses during part of the time he was in Ohio on that occasion.

Mr. CUTCHEON. Was not Noble on leave of absence all that time?

Mr. ANDERSON, of Ohio. I am glad you asked that question. Mr. Noble during the whole time drew pay and expenses. [Laughter and applause.]

Mr. CUTCHEON. I beg the gentleman's pardon. I yesterday saw proof he was on duty fifteen days in September and six days in November, for which he only drew pay as well as $1.10 for expenses.

Mr. ANDERSON, of Ohio. In November he was paid for nineteen days and in September for twenty-five.

Mr. CUTCHEON. I saw the official roll yesterday.

Mr. ANDERSON, of Ohio. I took it from the official roll last night. [Great laughter and applause.] I was just that much ahead of the gentleman. [Renewed laughter.]

I call attention to the following, which I have also taken from the record:

Sixty-six special examiners on duty in Ohio during the months of September, October, and November, 1884.

Nineteen additional on leave in the State during a portion of the months of October and November, 1884.

P. S. Noble: Paid per diem for twenty-five days in September; in October was paid for nineteen days. Reports himself from September 11 to 24 inclusive as assisting the supervising examiner at Columbus; September 25 and 26, not officially employed; September 27, in office of supervising examiner; September 29 and 30, on leave; October 1 to 12 inclusive, on leave; 13 to 18 inclusive, assisting supervising examiner at Columbus.

Salary paid for whole time.

I now wish to see if we can furnish any more proof on this charge. Special examiners handled the politics of Ohio during that year; and the people will understand, when they once understand the fact that Ohio has been made the central, pivotal turning-point for campaigns within the last twenty years, why the whole power of the General Government was turned into that State to help to continue in power the Republican party, with none but poor Democrats to stand up against it? [Applause on the Democratic side.]

In this view the following papers from the records are very important. Let us see whether the Pension Office was run in the interest of pension business only:

A. D. WIGGINS, being first duly sworn, deposes and says:

I am forty-five years old, and my post-office address is Hillsborough, Highland County, Ohio, and I am a claim agent by occupation, and I have been so occupied since 1878. In the summer of 1882 Alphonso Hart was running for Congress as the Republican nominee, and Hart and I talked the matter over; and I explained to Hart that if we could get Dudley, the Commissioner of Pensions, to favor Democratic claimants and make their cases special and push their claims through we could make good promises and get their votes, and it was necessary for us to have a good many allowed before the election to show said claimants what we could do. We talked the matter over in this way, that Dudley had carried Indiana for Garfield by what we considered questionable means and had helped Foster for Governor in 1881 by making cases of Democratic claimants special. That was the basis upon which we concluded we would work: Get cases taken up out of their order, made special, and have them allowed right away; and I prepared a list of Democratic claimants and Republican claimants (when they had Democratic relatives they could influence). This list I prepared from my books. And a copy of this list I gave to Alphonso Hart. We afterward revised the list so that only about sixty-three names were on the list that Hart kept for the alleged purpose of having the Commissioner make them special, and I know the cases all were called up and acted upon, the principal part of them being allowed. There was a big boom in my pension business.

I wrote to the Commissioner of Pensions, stating this whole proposition to him, and he wrote me back the following letter:

"I saw by the papers that W. W. Dudley would be at Richmond, Ind., about the 1st of October, 1882, and I thought I would go over there and meet him, and I did so, and I met him in the depot and spoke to him and said, 'Colonel, I received your virtuous letter, which was received with a Christian spirit. Colonel, we are in a very close district, and I want my friend to pull through.' He replied, smiling, 'Those cases shall receive prompt attention;' and in parting he said, 'I will do all I can for your friend Hart.' And he carried out to a large extent just what he said in his letter he could not do. Hart and I figured out what relatives these claimants could control, and his vote will show how much he ran ahead of the State ticket and the influence of this maneuver to a large extent influenced the voters in this county in 1882 and 1884. And in 1884 we worked upon the same claimants who had got their claims and those still expecting them. (I thought these claims were all meritorious.) Hart told me we have special examiners to put those claims forward, and before that time, in 1882, we had no special examiner here. E. S. Davis was sent here in 1882 in one case, but in 1884 we had three at work."

Hamer Soule was here in the country on leave in 1884, and I heard of his making speeches for the Republicans, and Hart expected considerable results from Soule's work. Patton and Boardman were here, home to vote. I do not know whether they worked any in politics or not; and during the campaign the claimants would get letters through me telling them of the condition of their cases, and that they had been called up by Mr. Hart, and in a good many cases had been made special at the personal request of Hon. Alphonso Hart, and these letters I have sent to the claimants. I made strong promises, believing that I was justified in doing so, because Hart claimed to have a powerful influence with the Pension Bureau, and often spoke of what Dudley and Walker would do to help him, and the results showed that he did have a great deal of influence with some of the ruling spirits there.

Q. Did La Force tell you how he got his appointment in the Pension Bureau?

A. He told me that in the Garfield campaign of 1880 he did a great deal of effective work for the Republican ticket at Bedford, Ind., and that gave him his place in the Pension Bureau.

Q. Did he tell you he bought votes?

A. I am not clear as to what he said about that, but I got the impression that he did from what he said.

Q. Have you any other letter written by W. W. Dudley in your possession regarding political matters?

A. No.

A. D. WIGGINS, *Deponent.*

Sworn to and subscribed before me this 5th day of February, 1886, and I certify that the contents were fully made known to deponent before signing.

CHARLES T. FORBES,
Special Examiner.

DEPOSITION B.

On this 3d day of February, 1886, at Buford, county of Highland, State of Ohio, before me, Charles T. Forbes, a special examiner of the Pension Office, personally appeared T. P. Vance, who, being by me first duly sworn, deposes and says: I am 49 years old, and my post-office address is Buford, Highland County, Ohio, and I am a lawyer by occupation. I was a supporter of Alphonso Hart in his second race for Congress, and during the campaign I had a conversation with Hamer Soule, who was then connected with the Pension Office as a special examiner, and with whom I was well acquainted, and I had known him a long while, as his folks lived in this or an adjoining county. The conversation above referred to was concerning Hart's race for Congress, both of us being very anxious for him to be elected. Soule said he was quite sure he could secure a great many votes for Mr. Hart by reason of the position he held; that he had the "grip," as he called it, on a great many of them, and that I would see the result of his work at the end of the race; that he was going to deliver the goods.

I had another conversation with some pension official in the bar-room of the Parlor House, and I do not remember what he said about politics, but I know I thought he was a fool and was giving himself away in what he said. The talk I had with Soule was in front of the Parlor House on the platform, in the town of Hillsborough, Ohio; some two or three persons told me they were going to vote for Hart because he had promised to have their pension cases taken up and allowed right away, or pressed along to an early settlement. These men were Democrats. I remember this, because they were the men we wanted to change to Hart.

T. P. VANCE.

DISTRICT OF COLUMBIA,
City of Washington, ss:

G. N. Smith, being first duly sworn, deposes and says, that between April 21, 1870, and the day of the date of the making of this his affidavit he has been a Government clerk, and employed in the Pension Office, and that from or about the month of June, 1880, up to this present time he has been employed from the date of its formation in the Western division, and that for a portion of that time and between the dates of June, 1884, and November of the same year he

was an assistant chief of the said division; that one John M. Comstock was at that time chief of the said division, and that some time in the early part of the month of September, A. D. 1884, he received a verbal order from the said Comstock, which deponent believes was an order given to the said Comstock by the then Commissioner of Pensions, that no more cases were to be rejected in that division; but that nothing whatever was said in reference to the admission of cases; and that the said order continued in force until after the election in said year.

GEORGE N. SMITH.

I wonder if there is any proof now in the case to establish the charge made by General Black in his report.

[Here the hammer fell.]

The CHAIRMAN. By order of the House all general debate on this bill is now closed, and the Clerk will report the bill by sections for amendment and debate under the five-minute rule.

The bill was read at length.

Mr. TOWNSHEND. Mr. Chairman, I have an amendment to offer to come in at the end of line 39. I will state that complaint has been made by pension examining surgeons that their pay has not been made as it should have been made—that is, as they earned it. A difficulty arises from the fact that under the construction of the Treasury Department the money appropriated for this purpose may be used to pay arrears which have accumulated in former years from this source and in order to correct that and that no difficulty may arise in future I offer the amendment which I send to the desk. The object, as will be seen, of the amendment is to provide that the appropriations for the ensuing year for the pay of examining surgeons shall be used for the payment of fees and salaries during that year. This is the better course, in my opinion, and then whatever fees may remain due can be supplied in the general deficiency bill, and not be paid in the manner that has heretofore prevailed in the Department.

The CHAIRMAN. The amendment of the gentleman will be read.

The Clerk read as follows:

At the end of line 39 insert:

"And all money appropriated by this act, other than for the payment of pensions, shall be disbursed subject to the provisions of sections 3678, 3679, and 3690 of the Revised Statutes of the United States."

Mr. RANDALL. I make the point of order upon that amendment.

Mr. TOWNSHEND. The gentleman from Pennsylvania makes the point of order?

Mr. RANDALL. Yes. While it is a very desirable amendment, it should come from the Committee on Invalid Pensions. It has no place under the new rule on this bill.

Mr. TOWNSHEND. I hold, Mr. Chairman, that the point of order is not good, for this reason: The sections of the Revised Statutes to which reference is made require that the money appropriated for the current expenses for any purpose shall be applied to that purpose solely. That is the statute as it exists now; and so it is plain that this does not change any existing law or make any new legislation, but it simply directs the Treasury Department to comply with the existing law and pay out the money for the current expenses of the examining surgeons under the terms of the statute.

Mr. RANDALL. If it does not change existing law, then there is no occasion for it here.

Mr. TOWNSHEND. There is, as I will show the gentleman.

Mr. RYAN. I agree with the gentleman from Pennsylvania; and I want to add that the construction of the Department is that the law referred to by my friend does not apply in this case at all; and hence the object of his amendment is to legislate upon this bill that law.

Mr. TOWNSHEND. My friend is entirely mistaken. I do not desire to legislate on the bill at all; but simply to add that the Treasury Department shall carry out the statute which has been quoted in the amendment, requiring them to use the money intended for the payment of examining surgeons in conformity with the law.

Mr. RYAN. The law to which you refer does not apply in this case, and the object of the amendment, I hold, is to make it apply; in other words, to legislate the law into this bill.

The CHAIRMAN. The gentleman from Illinois, if the Chair understands the statement, admits that under the law as it now exists the requirement of this amendment is substantially or actually enforced.

Mr. TOWNSHEND. Yes, sir; the statute to which reference was made requires that the money appropriated for the payment of fees of pension examining surgeons shall be applied to that purpose. My only object in offering the amendment is that the Treasury Department may act in accordance with the law. It simply directs how the money shall be used, and it changes no law.

Mr. RANDALL. The Department has given a construction under the existing law different from that.

Mr. RYAN. Certainly; and of course the object must be, in introducing this, to change the construction of the law by the Department.

Mr. TOWNSHEND. Let me explain. The effect is this: An officer of the Department in 1872, I believe one of the Comptrollers, by a construction of the statute to which this amendment relates, and another in 1878, I think, following in the footsteps of a previous Comptroller, gave a construction to the statutes which is not warranted, I think, whereby these pension examining surgeons are in certain cases compelled to wait months and sometimes years for their money.

The CHAIRMAN. As the Chair understands the gentleman, if the law is at present as claimed by the gentleman from Illinois, then there would be no purpose in submitting the amendment.

Mr. TOWNSHEND. But, Mr. Chairman, I do not think that is subject to a point of order.

The CHAIRMAN. If the gentleman from Illinois will permit the Chair to finish, the connection will be made clear.

The gentleman from Pennsylvania, however, makes the point of order that the law is not as the gentleman from Illinois now claims it to be; and the Chair is of opinion that by the terms of the proposed amendment the gentleman from Illinois himself admits that the claim of the gentleman from Pennsylvania, who says that the law is not as the gentleman from Illinois says it is, is correct. The Chair is of opinion, therefore, that the proposition does change existing law, and consequently must hold that it is not in order.

Mr. TOWNSHEND. I move that the committee rise and report the bill to the House.

The motion was agreed to.

The committee accordingly rose; and the Speaker having taken the chair, Mr. CRISP reported that the Committee of the Whole House on the state of the Union, having had under consideration the bill (H. R. 5201) making appropriations for the payment of invalid pensions of the United States for the fiscal year ending June 30, 1887, and for other purposes, had directed him to report the same back with the recommendation that it do pass.

Mr. TOWNSHEND. Mr. Speaker, I do not wish to detain the House this evening. It may be that I will have nothing further to say on the bill, as I now feel inclined to leave the discussion as it now stands. I may, however, desire to discuss it further [cries of "Vote!" "Vote!"] for a short time. I am therefore willing to yield for a motion to adjourn. I believe I hold the floor.

The SPEAKER. The gentleman has made no motion.

Mr. TOWNSHEND. But I am holding the floor in my own right.

The SPEAKER. The gentleman will proceed.

Mr. TOWNSHEND. When the House gets quiet I will proceed. I am making a fair proposition. It is now past the usual dinner hour. I have no desire to detain the House at this time, and have no desire to make a speech this evening.

Mr. REED, of Maine. Then let us vote.

Mr. TOWNSHEND. But I desire to say further to the House that at the proper time I shall demand a roll-call on the final passage of the bill.

Mr. McKINLEY. All right; we will give it to you.

Mr. TOWNSHEND. I shall then want the yeas and nays taken.

Mr. McKINLEY. All right; we will give them to you.

Mr. TOWNSHEND. As the House seems unwilling to allow the bill to go over until another day, I shall insist on my right to be heard now. The best answer to make to the inflammatory, the unfair, and unjust assaults that have been made upon the Democratic party in this House and the administration of the Pension Office in this debate is the roll-call, when, in my judgment, it will be shown that every Democrat, be he from the South or the North, will present a solid front in favor of voting this large amount of pensions to the Union soldier. The roll-call will demonstrate that the speeches that have been made on the other side of the House were uncalled-for and were a waste of the valuable time of the House. They were made for a purpose. [Cries of "Vote!" "Vote!"]

The SPEAKER. The gentleman from Illinois is entitled to the floor. Gentlemen will resume their seats.

Mr. DUNHAM. Let us have a vote.

Mr. TOWNSHEND. If there is any virtue in the rules of the House, you shall not have a vote till I have had the time allotted to me by the rule. I wanted to say when I was interrupted that I well know the motives that actuated gentlemen on the other side to make these political harangues.

Mr. BROWN, of Pennsylvania. Why, did you not commence it?

Mr. TOWNSHEND. I did not commence it. I did not utter a word of a political character in opening this debate. The speech I made was confined to the question of pensions; the political elements in the debate were introduced by an assault from your side of the House, and if gentlemen had not desired to make political harangues for use in their own districts, the bill would have passed within one hour of the time that it was introduced into the House by a unanimous Democratic vote.

Mr. HEPBURN. You used up that hour yourself.

Mr. CUTCHEON. Will the gentleman yield for a question at this point?

Mr. TOWNSHEND. What is your question?

Mr. CUTCHEON. Do you think the report of the Commissioner of Pensions has any political bearing, and was not that the real foundation of this whole debate?

Mr. TOWNSHEND. I am not going to be interrupted.

Mr. DUNHAM. Will the gentleman allow me a question?

Mr. BROWN, of Pennsylvania. I rise to make a parliamentary inquiry.

The SPEAKER. The House will be in order. The gentleman from Pennsylvania will state his parliamentary inquiry.

Mr. BROWN, of Pennsylvania. Would it be proper to ask unanimous consent that the gentleman shall have leave to print?

The SPEAKER. The gentleman can not take the gentleman from Illinois off the floor for the purpose of asking such consent.

Mr. TOWNSHEND. The gentleman from Michigan has asked me a question, which I am willing he shall repeat that I may endeavor to answer it.

Mr. CUTCHEON. My question was whether the gentleman from Illinois does not think the report of the Commissioner of Pensions bears a political character, and whether it has not precipitated this entire political debate.

Mr. TOWNSHEND. The gentleman from Michigan has asked me a fair question, which I shall answer, as to whether the report of the Commissioner of Pensions did not provoke the attack which has been made by the other side on the Democratic majority. I do not believe it can properly be so construed. The Commissioner of Pensions, in entering upon the duties of his office, had a right to make known to the Secretary of the Interior, as he did, the condition of affairs as he found them to exist there. Acting in the line of his duty, in pursuance of his solemn duty, he felt compelled to describe in his report a condition of things which he believed, and which I believe he sincerely feels to-day, and which I myself conscientiously believe, at one time existed in that office. Gentlemen here have charged the present Commissioner of Pensions with making an assault on the former Commissioner of Pensions. I defy any gentleman to put his finger upon a word of the report of the Commissioner of Pensions which can be fairly designated an assault on General Dudley. There is not one word in the report which directly applies to ex-Commissioner Dudley. It is only by construction that you can claim the language points to him.

Mr. MILLIKEN. If that did not point to Commissioner Dudley, inasmuch as it was a reflection upon the official predecessors of Commissioner Black, was it not all the worse because it pointed at no particular man, and therefore might be applied to one who was absolutely innocent?

Mr. TOWNSHEND. Mr. Chairman, I shall not undertake to say that the Commissioner of Pensions did not have in his mind the conduct of Commissioner Dudley in Ohio and in Indiana, as it has been shown by the evidence—by the sworn testimony of witnesses read before this House. I will not undertake to deny that he had Commissioner Dudley in his mind; but what I do maintain is that the language used in Commissioner Black's report does not apply to General Dudley, unless you yourselves believe him to have been guilty of the conduct described in that report.

Mr. MILLIKEN. Whom does it describe then?

Mr. TOWNSHEND. Let me read the language used by Commissioner Black, to which so much exception is taken here.

Mr. CANNON. Will my friend allow me to interrupt him a moment?

Mr. TOWNSHEND. I hope the gentleman will not interrupt me now. Let him wait until I read from the report. Now, Mr. Chairman, what is the language used by the Commissioner of Pensions, of which complaint is made? But first let me say, in reply to the attacks that have been made upon him, that General Black needs no defense by me or any one else. Neither his loyalty, his character, his ability, or his fidelity to duty needs any defense whatever. The brilliant military record that he can exhibit is sufficient testimony of his loyalty, and I as his friend can without fear appeal to the people of Illinois, where he is best known, for evidence of his spotless character and of the high esteem in which he is held by civilians and soldiers of both political parties throughout that State. Therefore I do not undertake, nor shall I attempt, to defend him here. As I have said, he needs no defense. But what I do desire and shall attempt in the short time I shall occupy is to demonstrate by reference to the proof that has been produced by gentlemen who have preceded me, and by evidence which I have upon this desk before me, that every line and every word contained in General Black's report to which exception has been taken here is literally and absolutely true. I do not wonder that you gentlemen desire to prevent this dangerous testimony that you know we possess from going to the country.

Mr. MILLIKEN. Will the gentleman permit me?

Mr. TOWNSHEND. Not now. I have not time.

Mr. MILLIKEN. I think Commissioner Black is a good Commissioner, but that Commissioner Dudley's character also is entitled to be protected.

Mr. TOWNSHEND. What does Commissioner Black say in this report? He says this:

> At one time the Pension Bureau was all but avowedly a political machine, filled from border to border with the uncompromising adherents of a single organization.

Let me pause there for a moment. What was the political character of the *personnel* of that bureau under some previous administrations? When Commissioner Black came into office in March last he found one thousand six hundred and sixty-six persons employed there and of the whole number only twenty-eight were Democrats. Was he wrong, then, in charging as he did that "at one time the Pension Bureau was all but avowedly a political machine, filled from border to border with the uncompromising adherents of a single organization?" What further does Commissioner Black say? He says:

> Who had for the claimant other tests than those of the law.

Gentlemen have harped upon that language in their speeches and have challenged and defied us to produce evidence of its correctness. I point to the affidavits which have heretofore been presented in this debate and others that I shall present which show this charge to be true; not the affidavits of those "slimy creatures" in Washington who hold and hope to retain office that have been described upon this floor by gentlemen on the other side of this Chamber, but by men who have served upon the battlefield and who are now engaged in occupations in private life and who have claims for pensions pending in that bureau or who are on the pension-roll.

I can show that the special examiners in many cases inquired into and attempted to influence the politics of applicants. I have the sworn testimony of wounded and disabled Union soldiers who declare under oath that they were told by special examiners that unless they voted the Republican ticket their claims for pension would be in danger. I have the evidence here, but I will not take time to read it unless my statement be challenged but will ask to have it printed with my remarks. When some of the special examiners came among applicants for pensions to investigate the facts in regard to their claims many of them were told in plain and direct language that the way to obtain their pensions was to vote the Republican ticket and abandon the Democratic party. Do you want any of that testimony? [Cries of "Yes!" "Yes!" on the Republican side.]

Mr. DUNHAM. We would like to hear it.

Mr. TOWNSHEND. Here is an affidavit. I will not consume time by reading the entire affidavit. I will give you the name of the soldier and the service in which he was engaged, so that you may examine for yourselves. [Cries of "Read, read!"] I have in my hand the affidavit——

Mr. JOHNSTON, of Indiana. With the permission of the House I would like to ask the gentleman one question. Are these affidavits from the Pension Office?

Mr. TOWNSHEND. These affidavits were made by soldiers living in Congressional districts in Indiana, Illinois, Ohio, Tennessee, and elsewhere.

Mr. JOHNSTON, of Indiana. Did they come out of the Pension Office?

Mr. TOWNSHEND. There are affidavits of this kind lodged in the Pension Office by hundreds; and I now present a specimen of that number.

Mr. JOHNSTON, of Indiana. My question was whether those affidavits came out of the Pension Office.

Mr. TOWNSHEND. I answer the gentleman by saying yes.

Mr. JOHNSTON, of Indiana. How did you get them?

Mr. TOWNSHEND. I got them by asking for them, as I had a right to do.

Mr. JOHNSTON, of Indiana. I ask by whose authority those affidavits are here, if they are a part of the records of the Pension Office? Had not Colonel Dudley as much right to use his office for political purposes as General Black has to furnish the private affidavits of soldiers for Democratic purposes?

Mr. TOWNSHEND. As my friend is a new member and a novice in official business in Washington, I will tell him that any record in any one of the Departments is a public record and that any member of Congress has a right to have access to it.

Mr. JOHNSTON, of Indiana. Does the gentleman say that a member of Congress can go into a Department and take out affidavits without any order?

Mr. TOWNSHEND. I decline to yield further. My furious and frantic friend from Indiana must possess his soul in patience for a short time. It is very unusual for him to hear of a Democratic official in the city of Washington furnishing testimony to Democrats in this House, and I have no doubt that it excites a good deal of anger on the part of the genleman. But I want him to understand that while perhaps in the past the doors of these Departments have been closed to the inquiries of Democratic members of Congress, we have now, thank God, Democratic officials in control of those Departments, and the doors stand open for the fullest inquiry.

Mr. JOHNSTON, of Indiana. I believe the President says that the Senate is not entitled to papers on file in the Departments.

The SPEAKER. The gentleman from Illinois declines to submit to interruption. The Chair hopes the gentleman from Indiana will respect his rights.

Mr. TOWNSHEND. Now, for the purpose of enlightening these gentlemen who seem to be in total ignorance of the facts I want to show that many of the special pension examiners did prowl around and hunt up Democratic soldiers during the last campaign; often where some poor Democratic soldier was drawing a pension a complaint would be sent to the Department which caused inquiry to be made as to whether the pension was propery granted. One of these special examiners would go into a neighborhood where such a pensioner resided and gather up from his enemies and others the gossip concerning him there; would bring the pensioner before him and by intimidation and threats frighten him out of his intention to vote the Democratic ticket, or by promises

regarding his pension would attempt to seduce him from his allegiance to his party.

I have now in my hand an affidavit which I will read to the House confirming this statement. It is the affidavit of Aaron Neal, a soldier living in Franklin County, Illinois. What does he testify? He says that he is fifty-four years of age. That he was in Company C, Fifteenth Illinois, commanded by Colonel Stewart; that he was discharged from the service at Corinth, Miss., &c.; that he incurred disability, &c.; that some two years ago, as affiant was informed, some one unknown, actuated by political reasons, caused charges to be made against him, and as he understood——

Mr. JOHNSTON, of Indiana. Read it all.

Mr. TOWNSHEND. And caused his pension to be stopped; that a special examiner was sent to inquire into the question whether his pension was a proper one or not. Affiant further states that the said special examiner, a man by the name of Conner, while investigating the affiant's case inquired directly of affiant what his politics were, as to what ticket the affiant had voted, and when informed that affiant was Democrat and voted that ticket, the said Connor said to affiant, "How do you expect to draw a pension from a Government that you vote against all the time?" Affiant further states that the said Conner "led me to believe from his conversation and conduct that unless I would vote the Republican ticket my pension standing might be endangered." [Laughter on the Republican side.]

Mr. TOWNSHEND. The affidavit is not very legibly written and is hard to read:

And when I gave him to understand my pension depended on my services to the country during the war and not upon my politics, and that before I would abandon my political convictions I would lose my pension, he paid no further attention to my matter. Affiant further states that he is well acquainted in Franklin County; that for the last two Presidential canvasses it has been generally understood that if Democratic applicants for pensions would vote the Republican ticket their pension claims would be much surer than if they continued to vote the Democratic ticket.

This is the evidence of only one soldier.

Mr. BRUMM. Did he sign that by his mark?

Mr. TOWNSHEND. That is signed, sworn, and certified to.

Mr. BRUMM. I asked if it was signed by his mark?

Mr. TOWNSHEND. No, sir; it is signed with his name in full in his own writing as well as you can sign your name.

Mr. CUTCHEON. Is that a part of the public records?

Mr. TOWNSHEND. Yes, sir.

Let me read another. You remember in the other branch of Congress a short time ago a discussion was had over the removal of an official named Stephenson, who was a chief of a division in the Pension Office. I have an affidavit now which shows the conduct of that officer, to which I wish to direct your attention for a moment. The facts are that this man in elections that have occurred in the sixteenth district of that State during several years past has left his desk in the Pension Office, taken up his headquarters in that district, and used the power of his official character for the purpose of intimidating Democratic soldiers from voting the Democratic ticket by raising fears of unfavorable action on claims, or inducing them to vote the Republican ticket by holding out hopes of the allowance of pensions.

Mr. CANNON. Will you allow me a moment?

Mr. TOWNSHEND. Not now; but I will as soon as I have read this affidavit. Let me read this first. This is an affidavit of John Orrick, sworn to before G. A. Hoff. He had been a private in Company F, One hundred and thirty-sixth Illinois Volunteer Infantry, dated January 26, 1886, in which he testifies on oath as follows:

I am a pensioner of the United States of the Chicago agency. I have been personally acquainted with one Col. F. D. Stephenson, late of the Pension Bureau of Washington, D. C., for the last twenty years. During the campaign of 1884, at Flora, in Clay County, Illinois, said Stephenson met me and electioneered me to vote for one McCartney, a candidate for Congress on the Republican ticket.

Stephenson, aforesaid, knew I was a Democrat. He knew I was an ex-soldier and knew I was drawing a pension; and said Stephenson then and there referred to the fact that he, said Stephenson, was then holding a high position in the Pension Office at Washington, and said that if I would vote for said McCartney for Congress he, Stephenson, would see that my pension would be increased any time I wanted it increased, and further this deponent saith not.

Mr. Speaker, it was not necessary for him to have said anything further Now let me supplement this by another specimen of this same sort of literature.

Mr. CANNON. Now yield to me.

MR. TOWNSHEND. I have very little time.

Mr. CANNON. The gentleman promised me that he would yield to me for a moment.

Mr. TOWNSHEND. Very well.

Mr. CANNON. And I ask him to comply with his promise, for the reason that he is well acquainted with Mr. Stephenson, as well acquainted as I am. He knows, as I do, that that man's character in war and in peace, at home and in Washington, is as fair as snow; and I very much doubt the propriety, and I was almost ready to say the haste, of my friend from Illinois in reading an *ex parte* affidavit from somebody, God knows who, for some purpose, God knows what, to try to blacken the reputation of that man, who is the peer of my colleague, or the peer of myself, or any man on this floor in honor and integrity. [Applause on the Republican side.]

Mr. TOWNSHEND. Now, then, Mr. Speaker, I have yielded to my colleague and I have heard what he, as one of the political confrères of Mr. Stephenson, has had to say in his behalf. As you have heard my colleague's statement, I now ask you to listen to the evidence of Mr. Hord, a soldier, who served under Stephenson during the late war, and when you hear that testimony I will leave you to judge whether these affidavits are trumped up, as has been charged, or whether an attempt has been made to do him injustice or not. Listen to the testimony of one of his former soldiers. He ought not to fear injustice from a comrade in the war:

LOUISVILLE, ILL., *January* 26, 1886.

Hugh L. Hord, being first duly sworn, &c., deposes as follows:

That he is thirty-nine years of age, and is a farmer by occupation; that he resides 4 miles north of Louisville, Ill. During the late war he was a private of Company B, Forty-eighth Volunteer Infantry, and that Ferd. D. Stephenson was captain of said company; that he understood during the political campaign for President for the United States said Stephenson was in the Pension Department; said Stephenson was in Clay County, Illinois, during the aforesaid campaign engaged in political work in behalf of the Republican party; he made violent partisan speeches, and attempted to use his official position to influence soldiers to vote the Republican ticket. I heard him make a speech in Flora, Ill., in which he told pensioners that they were standing in their own light in voting the Democratic ticket. He left the impression on my own mind that he made these assertions in his capacity as pension official. I am at the present time a pensioner of the United States. During the campaign of 1884 I had a private conversation with Capt. F. D. Stephenson. In this conversation he attempted to make me believe that it would be to my interest as an applicant for pension to vote the Republican ticket.

I am authorized by a member of this House, who is acquainted with Mr. Hord, to state that he is a gentleman of veracity and high character.

Gentlemen, look at the spectacle. Here is a poor soldier disabled in the military service of his country; perhaps by that reason unable to maintain his wife and children; dependent upon his pension to furnish bread and meat for them; approached by a Pension Bureau official and given to understand that the food of his wife and children is dependent upon his allegiance to the Republican party.

Mr. CANNON and Mr. HEPBURN rose.

Mr. TOWNSHEND. I will not be interrupted any more.

Mr. REED, of Maine. Where do those affidavits come from?

Mr. SPRINGER. They come from the Pension Office, I presume.

Mr. TOWNSHEND. They come from men as honest as any that sit on this floor.

Mr. BRUMM. Do you know them?

Mr. TOWNSHEND. I know some of them personally.

Mr. BRUMM. Will you name them?

Mr. TOWNSHEND. I have not the time to read all the affidavits before me now. But these are as atoms compared with the cords of affidavits that can be produced.

Mr. LONG. When are they dated?

Mr. TOWNSHEND. Some of them within the last month or two; some of them before that.

Mr. HEPBURN. They do not belong to any pension case. They are affidavits that are sent in response to the request of Mr. Black to bolster up this charge.

Mr. ROGERS. That is a side issue.

Mr. TOWNSHEND. I know this evidence hurts you; but the truth ought to be told.

Mr. BURROWS. I rise to a question of order.

The SPEAKER. The gentleman will state it.

Mr. BURROWS. It is impossible in the confusion to hear the remarks that are being made.

The SPEAKER. The Chair has been doing what he could to preserve order.

Mr. BURROWS. I understood the gentleman from Illinois [Mr. SPRINGER] to state that these affidavits came from the files of the Pension Office.

Mr. TOWNSHEND. And I repeat that statement.

Mr. CANNON. They have come from the files of the Pension Office to base these charges on.

Mr. TOWNSHEND. I have not time to give evidence concerning the conduct of other special examiners. Let me reiterate that these few affidavits that I have read are but specimen bricks of a great fabric, but few of hundreds of cases that are in many instances of a more aggravated character. I have drawn your attention to Illinois because I am best acquainted there.

I have no desire to say anything in regard to General Dudley; he has been discussed by others. I know him and like him as a man. I have respect for him personally, and regard him really as a personal friend. If all that is said of his conduct in Ohio and Indiana is true his work was far less injurious to our party and is insignificant in comparison with the enormity and far-reaching effect of what was done by these drill sergeants of the Republican party, the special examiners who prowled over Congressional districts seeking to seduce Democratic Union soldiers from their allegiance to the Democratic party. It is these special examiners who have committed the greatest crime of all. I do not know whether General Dudley was aware of this conduct of the special examiners or not. I make no such charge against him.

Mr. CUTCHEON. I desire to ask the gentleman a question for information.

Mr. TOWNSHEND. I can not yield now. My time is slipping away. I want to call attention to the conduct of some of the local boards of pension examining surgeons. I will refer to a locality within my own knowledge. It is on the border of my own district in the district represented by my colleague [Mr. THOMAS]. I want to read to you evidence of what transpired there. The affidavit I now hold in my hand is from a soldier residing in Jackson County, Illinois. Hear it read:

I am a pensioner of the United States; disability, measles and results—

This is dated 22d January. Recollect I am reading the affidavit of a soldier—

I am a pensioner of the United States; disability, measles and results; am paid at the Chicago agency at $10 per month. In the fall of 1884 I made application for an increase of pension, and received an order from the Commissioner of Pensions to appear before the examining board at Du Quoin, Ill., for examination. On Wednesday, one of the examining days, I appeared before the board for examination. There was present at that time one other man, from Chester, Ill., for examination. Doctors Burgess and Renfrew, members of the board were present, and previous to the examination I was asked by Dr. Burgess—

One of the members of the examining board—

if I would support Logan and Thomas.

Logan being the Republican candidate for Vice-President, also indirectly a candidate for the United States Senate, and Mr. Thomas, Congressional candidate at the election about to take place.

To which I replied, I will not.

What became of that poor fellow?

I was then examined by Doctors Burgess and Renfrew, and Dr. Mayer, the third member of the board, came in and examined me, separate and apart from the others. After this Dr. Mayer rejoined Doctors Burgess and Renfrew for consultation. During this consultation I was separated from them by a curtain, and overheard the consultation that ensued, and from the best I could understand, Dr. Mayer was in favor of granting an increase, but Doctors Burgess and Renfrew, in an angry and disgusted tone, said they would sign no such paper and make no such recommendation. I then left the consultation room. My application for increase was not granted. And further deponent saith not.

Now, gentlemen, this is the affidavit of the soldier. You might say he was some fellow drummed up, and that he testified against these surgeons because he was disappointed in his failure to obtain from them an increase of his pension. Therefore I want you now to hear the testimony of one of those examing surgeons, confirming the evidence of the soldier. Can any better testimony be demanded than that of one of these Republican members of this examining board?

Mr. CUTCHEON. What is the date of that affidavit?

Mr. TOWNSHEND. The date is January 23, 1886.

Dr. E. Mayer, being first duly sworn, deposes as follows:

I am forty-three years old, a physician by profession, and have practiced my profession since 1867 in this city. I am acquainted with Dr. Warren J. Burgess and Dr. W. J. Renfro, and previous to August, 1885, was associated with them as members of the medical board for examing pensioners located at this place.

Now what does he say?

On some occasions Dr. Burgess asked applicants appearing for examination whether they would vote for Blaine and Logan. I think on some occasions Dr. Burgess expressed to applicants the hope they would support the Republican national ticket.

Oh, what a wonderful power that expression of hope would ordinarily have to the poor soldier, trembling with fear lest his little pension-money should be taken away from him, or his application for a pension or application for an increase be denied, if he should dare to vote according to his political convictions. Listen further:

These instances occurred during the Presidential election of November, 1884, and while the political canvass of that year was pending. Dr. Renfro on several occasions asked questions similar in import to those asked by Dr. Burgess as related above.

Recollect, gentlemen, this is a Republican pension examining surgeon who is testifying—they did not, except in a few instances, appoint Democrats on pension examining boards under the last administration.

Mr. CUTCHEON. Oh, yes; they did. That man is on the board still, is he not?

Mr. TOWNSHEND. I do not know whether he is or not. Now, I will read a letter from a prominent Illinois Republican politician; and I wish to say before I read it that the Republican politicians early discovered that one of the most valuable aids they could secure in a political campaign were these special examiners. It was supposed they would have more influence with soldiers applying for pensions than perhaps any other class of persons could possibly have because the fate of their claims greatly depended upon the report or recommendation of the special examiner. I will now read a letter from John R. Tanner, lately marshal of the southern district of Illinois. He is not the marshal now. I am happy to say that a Democrat now fills that place. I read this letter to show the House how highly the help of these pension examining surgeons was esteemed by the Republican leaders. I wish to say of Mr. Tanner that he is one of the shrewdest and ablest politicians, one of the best workers at the polls, one of the best managers of a campaign in the Republican party in Illinois. This letter I am about to read was written by this gentleman to General Dudley, Commissioner of Pensions. It is dated Springfield, Ill., September 20, 1884.

Mr. CUTCHEON. Is that letter also from the public records?

Mr. TOWNSHEND. This comes from the Pension Office.

Mr. SPRINGER. That letter was written before the election of that year.

Mr. TOWNSHEND. Yes; in September, 1884, right in the heat of the campaign. It is addressed, "Hon. W. W. Dudley, Columbus, Ohio." So it would seem that Mr. Dudley had at that time moved his headquarters from Washington to Columbus. Some question has been made here as to whether he was attempting to exercise the functions of Commissioner of Pensions while he was in Ohio. I have nothing to say upon that point, but I call attention to the fact that this letter is addressed to him in Ohio as Commissioner of Pensions. It refers to the sixteenth Congressional district of Illinois, which is now represented by my colleague, Mr. LANDES, a district which was regarded as reliably Democratic by a majority of 1,400, but in the last election, owing no doubt mainly to the agency of these pension examiners and examining surgeons, that majority was cut down to something in the neighborhood of 300. Here is the letter:

DEAR COLONEL:

The sixteenth Congressional district is composed of Wayne, Edwards, Richland, Wabash, &c.—

Enumerating the counties—

This district gave a Democratic majority in 1881 of 1,440. We have nominated Captain McCartney, the present attorney-general, in this district. We have a good show to elect him. In fact, if the election should occur now, we have him elected. The soldiers, on account of McCartney's brilliant war record and his opponent's copperhead, anti-war record, are, regardless of politics, disposed to support McCartney.

[Cries of "Good!" "Good!" on the Republican side.]

Mr. TOWNSHEND. I give you the whole letter. The writer proceeds:

Now what I want to say is this: In your recent assignment of examiners in Illinois you transferred Wayne, Wabash, and Edwards Counties, the three southern counties in McCartney's district, to the Saint Louis district. These counties really ought to be in this district outside of all political reasons, as all their affiliations are with the other counties of the sixteenth Congressional district, legislatively and judicially, and the regiments were made up largely in this district.

If consistent with your duty, I shall be pleased if you will attach these counties, Wayne, Wabash, and Edwards, to Major Gelwich's district. The major is a safe and discreet man, and is doing us much good. Let me hear from you soon.

JOHN R. TANNER.

Mr. Speaker, I have not time to go further into this testimony confirming the report of General Black, but I say again that these documents I have presented here are but specimen bricks, they are but atoms in the great mass of evidence that can be gathered from the affidavits of soldiers and applicants for pensions in every close Congressional district in this Union. I have not time to go further into it now; but I have produced this much to show that Commissioner Black w s right when he asserted that some of the pension officials "had for the claimants other tests than those of the law, and who required in addition to service in the field submission to and support of a party before pensions were granted," and that "examiners, trained in unscrupulous schools, traversed the land as recruiting sergeants for a party."

Mr. CUTCHEON. Please state whether every one of those affidavits that you have read has not been made since the Commissioner made his report.

Mr. TOWNSHEND. Mr. Speaker, I want to say this further. Talk to me as you may please about bulldozing in the South, talk to me as you may please about Eph. Holland and ballot-box stuffing in Cincinnati, I say here and now that the cruelest instruments ever employed for corrupting the ballot-box were the men that were sent out under a Republican administration in their official character to tamper with the votes of disabled Democratic soldiers and drive them into Republican ranks by threats of depriving them of their means of support. [Applause on the Democratic side.] I care not for the conduct of Dudley. Dudley could not accomplish one-hundredth part as much as these special examiners could. One word more in regard to Commissioner Black. When he came into that bureau he entered upon the work of inaugurating reform, and one of the principal reforms he desired to effect was to put the Pension Bureau on a non-partisan basis.

A MEMBER. Is this a specimen of it—bringing these official records in here?

Mr. TOWNSHEND. General Black has been assailed here. He has a right to defend himself, and it is my right and duty as a Representative of the State of which he is a citizen to see that justice is done to him.

Mr. CUTCHEON. By *ex parte* affidavits to which no man can have an opportunity to reply.

Mr. TOWNSHEND. Now, as evidence of the sincerity of the President to reform the civil service, and of General Black's sincere desire to put that bureau on a non-partisan basis, I wish to call attention to a few facts. When Commissioner Black went into that office he found one thousand six hundred and sixty-six employés there, of whom only twenty-eight were Democrats. He has been there nearly twelve months and has made only one hundred and fifty-five changes in that time.

Mr. BRUMM. Was Clark included in those twenty-eight Democrats?

Mr. TOWNSHEND. Clark was expelled—turned out, or perhaps resigned.

Mr. BRUMM. He was not included in the twenty-eight?

Mr. TOWNSHEND. I do not know, sir.

Mr. BRUMM. Then he would make the number twenty-nine.

Mr. TOWNSHEND. Commissioner Black tells me that while he has made only one hundred and fifty-five changes, and appointed only one hundred and forty-two Democrats of that number, he regrets that he has not yet been able to remove at least one-half of the entire force in that bureau, in order that the two political parties might be equally represented there, and that Democratic soldiers might have as fair an opportunity for a favorable consideration of their cases as Republican soldiers have. [Applause on the Democratic side.]

I do not wish to be understood as fully agreeing with the administration in its method of purifying the civil service by retaining so many Republican office-holders. I am one of those who believe that the country is safest when the reins of Government are intrusted to Democratic hands. But while I believe it better that a larger number of removals should be made, yet I have no doubt of the sincerity of the belief of the President that he is pursuing that policy in regard to the civil service which is wisest and best for the future welfare of the country, and in accordance with his public pledges prior to and since his election.

I hope that General Black will go on and turn out all the men who have misused their offices in the manner I have described here, and I trust he will continue the removals in that Department until he secures at least as many Democratic officials in the Pension Office as there are Republicans.

Mr. Chairman, I have lost so much time by interruptions that I have failed to refer to several points on which I intended to comment. I wish now to say that I can prove by the CONGRESSIONAL RECORD that the Democratic party since it came into power in this House has shown itself to be more liberal in its appropriations for pensions to the soldiers than Republican Congresses ever were. To whom do the soldiers owe the arrearage-of-pension money that they have received? What are the facts in regard to the arrearage-of-pension bill which was passed some years ago? I will give them to you.

The first bill, providing arrears of pensions, was introduced December 9, 1874, in the Senate, and was referred to the Committee on Pensions. Congress was then Republican in both Houses. What did the Republican Senate do with that arrears-of-pension bill? The bill was reported back from the committee to the Senate with an adverse report on the 26th of January, 1875. Hon. D. D. Pratt, Republican Senator from Indiana, who was chairman of the Committee on Pensions, said in reporting the bill adversely:

> I am instructed by the committee to report adversely on Senate bill No. 985, providing for payment of arrears of pension. The committee learn on correspondence with the Pension Office that it will require upward of $9,000,000 to meet the requisitions of the bill. For economic reasons—

"For economic reasons!" There was no consideration for the justice of the bill—no consideration whatever for the interest of the poor soldier, but—

> For economic reasons, as well as others, the committee think the bill should not be entertained.

Senator Pratt moved the indefinite postponement of the bill, and the motion was carried in the household of those who pretend to be *par excellence* the friends of the soldier. In the House, which was Republican in the Forty-third Congress, numerous petitions were received from soldiers and their widows praying for the passage of an act to pay them arrears of pensions. But, sir, they were buried in the committee-room where they died, and a deaf ear was turned to all these prayers. The arrears-of-pension act was thus effectually killed by the Republicans in the Forty-third Congress, when it was supposed the measure would cost only $9,000,000.

What followed? In the next Congress, the Forty-fourth, thank God, the House of Representatives was Democratic; and the soldiers ought to thank God for it also. In that Congress many petitions and memorials were received, as in the previous Congress, from soldiers asking for the payment of their pensions. These were referred to the appropriate committee and promptly and favorably considered. The committee formulated a bill to pay the arrears of pensions and reported it to the House for passage. General A. V. Rice, of Ohio, a Democrat and a gallant Union soldier, who had lost a leg in the service, moved to suspend the rules and pass the bill. The motion of General Rice prevailed in that "Copperhead, Southern-brigadier House of Representatives," as it has been described by Republican politicians. The pension-arrearage bill was stricken down in a Republican Congress, but was lifted up and passed in the Democratic House of the Forty-fourth Congress. General Rice's motion prevailed, the rules were suspended, and the bill passed the House March 3, 1877.

The Senate was Republican by a large majority. Let us see what became of the bill there?

Mr. McKINLEY. Has the gentleman the vote in the House on that bill?

Mr. TOWNSHEND. Immediately on the bill being read in the Senate Mr. INGALLS, a Republican Senator from Kansas, moved that it lie on the table; and his motion was agreed to.

Thus this Democratic bill to pay the soldiers the arrears of pensions was killed by a Republican Senate in the Forty-fourth Congress.

Mr. BOUTELLE. How many Democrats and how many Republicans voted for that bill in the House?

Mr. TOWNSHEND. I am now dealing with the record of the Republican party. Now listen to the record of the Forty-fifth Congress.

Mr. BOUTELLE. But you are not giving the record.

Mr. TOWNSHEND. I do not propose to be interrupted. The bill was killed in the Forty-third Congress, a Republican Congress. It was killed again in the Republican Senate of the Forty-fourth Congress. Then came the Forty-fifth Congress. The bill as it came from the Pension Committee was not exactly in suitable form, it contained no appropriation; nevertheless, the Democratic House, to save time, passed it, and in a few days Mr. Sparks, a Democratic member from Illinois, reported from the Committee on Appropriations a bill to pay the arrears of pensions, which was passed, the amount appropriated being $25,000,000.

The Democratic House of the Forty-fifth Congress passed a bill making an appropriation of $25,000,000 to pay the soldiers' arrears of pensions, whereas the Forty-third Congress, a Republican Congress, and the Republican Senate in the Forty-fourth Congress killed all bills for the same purpose when it was supposed the expenditure would not be much more than one-third of that amount.

Mr. RYAN. The majority of the Democratic votes cast were against the passage of that bill.

Mr. BOUTELLE. It was passed by Republican votes; a majority of the Democrats voted against it.

Mr. TOWNSHEND. I was a member of the Forty-fifth Congress, and voted for the bill. A majority of that House was Democratic; and that bill was passed in that House—the bill which a Republican Senate had scorned and laid on the table.

Contrast the work done for pensioners in the Forty-seventh Congress, which was Republican, with the next, the Forty-eighth Congress, which was Democratic.

The Republican Forty-seventh Congress passed only one hundred and ninety special pension acts, whereas the last Democratic Congress, the Forty-eighth, passed five hundred and twenty-four. These figures show who are the best friends of the soldier.

This is but a tithe of what we have done for the soldier. I have not time to go over this whole record. I would be glad to do so. I say again, I can prove by the Congressional records that the Democratic party in Congress has been more liberal in its appropriations of pensions and bounties to the Union soldiers than the Republicans have ever been.

I have not forgotten the time—I think it was in the Forty-second Congress—when the bill equalizing the bounties of soldiers—a just and proper measure—was lost by reason of the veto of a Republican President or his refusal to sign the bill, and why? Because, as was alleged, it would cost too much money! At the same time that same Republican President in 1869 had signed a bill which practically took $600,000,000 out of the pockets of the people of this country and put that amount in the pockets of the bondholders by declaring that bonds which were then worth but 75 cents on the dollar in specie should be paid at par in coin. When the gentleman from Iowa [Mr. WEAVER], in a past Congress, introduced a bill proposing to do the same thing for the soldier that a Republican Congress did for the bondholder he was laughed at and ridiculed.

Mr. JOHNSTON, of Indiana. Has the committee reported that bill?

Mr. TOWNSHEND. My friend must not get excited. Notwithstanding the outcry against the bill equalizing the bounties of the Union soldiers on account of the large amount which it involved, yet in the first Democratic House which appeared here since the war—the Forty-fourth Congress—that bill was passed and sent to the Republican Senate, where it was indefinitely postponed and killed. If the Republican Senate had been as friendly to the soldier as the Democratic House he would have received his equalized-bounty money long ago.

Gentlemen talk about the Democratic party as if it is but temporarily in power. Let me tell you, gentlemen, the Democratic party has come here to stay. [Applause.] With false pretenses and misrepresentations you have deluded many people in the North into the belief that the Democratic party could not be safely intrusted with power, and thereby for a long time kept us out of power. By corrupting the ballot-box in the North and the unlawful employment of deputy marshals, by the use of the bayonet and intimidation in the South, by fraud, forgery, and perjury of members of returning boards you deprived the American people of their rightful choice for the Presidency in 1876 and seated a usurper in his place.

The most deadly perils which threaten the permanency of the Republic are the shameful methods employed to debauch the elective franchise. The present administration can accomplish no greater reform, can confer upon the country no happier blessing, than to correct the abuses of Federal power at elections. As far as is within the legitimate exercise of its power it should uphold the purity of the ballot-box and insist upon absolute obedience to the sovereign will of the people as there expressed. To this end the polls should be kept free from the intimidation of bayonets, of the unlawful use of deputy marshals, and of all other elements of force. The result of elections should be honestly ascertained and freed from every suspicion of fraud, forgery, or bribery,

and see to it that each citizen of the Republic shall count for one, and that no man shall count for more than one. Adhere with unflinching determination to that cardinal principle upon which our first great leader, Jefferson, founded the Democratic party:

A jealous care of the rights of election by the people; a mild and safe corrective of abuses, which are lopped by the sword of revolution where peaceable remedies are unprovided.

Absolute acquiescence in the decisions of the majority—the vital principle of republics from which there is no appeal but to force, the vital principle and immediate parent of despotism.

[Here the hammer fell.]

The following are copies of the affidavits from which extracts were read by Mr. TOWNSHEND, and which he had the consent of the House to print in full:

VERGENNES, ILL., *January* 22, 1886.

I, William Madden, being duly sworn, depose and say as follows:

I am forty-seven years of age, occupation farmer, and my post-office address is Vergennes, Jackson County, Ill.

I am a pensioner of the United States; disability, measles and results, and paid at the Chicago agency at $10 per month. In the fall of 1884 I made application for an increase and received an order from the Commissioner of Pensions to appear before the examining board at Duquoin, Ill., for examination. On Wednesday, one of the examination days, I appeared before the board for examination. There was present at that time one other man from Chester, Ill., for examination. Drs. Burgess and Renfrow, members of the board, were present, and previous to the examination I was asked by Dr. Burgess if I would support Logan and Thomas at the election about to take place, to which I replied, "I will not." I was then examined by Drs. Burgess and Renfrow, and Dr. Mayer, the third member of the board, came in and examined me separate and apart from the others, and after this Dr. Mayer rejoined Drs. Burgess and Renfrow for consultation.

During this consultation I was separated from them only by a curtain and overheard the conversation that ensued, and from the best I could understand Dr. Mayer was in favor of granting an increase, but that Doctors Burgess and Renfrow, in an angry and disgusted tone, said they would sign no such papers and make no such recommendation.

I then left the consultation room, my application for increase was not granted, and further the deponent saith not.

WM. MADDEN, *Deponent.*

Sworn to and subscribed to before me this 22d day of January, 1886, and I certify that the contents were fully made known to deponent before signing.

H. S. McCAUDLISH, *Special Examiner.*

I, John B. Rawson, of Vergennes, Ill., being duly sworn, certify that the deponent, William Madden, is a man well known in this community, and that his reputation for truth is good. I am a physician by profession, and have known the deponent for the last sixteen years.

JOHN B. ROSSOR.

Sworn to and subscribed before me this 22d day of January, 1886, and I certify that the contents were fully made known to the affiant and before signing.

H. S. McCAUDLISH, *Special Examiner.*

I, Christopher Hack of Vergennes, Jackson County, Ill., being duly sworn, state that I am forty-six years of age, and by occupation a farmer; that I have known William Madden for the last fifteen years, and that his statements are entitled to full faith and credit.

his
CHRISTOPHER + HACK.
mark.

Witness as to mark:
WILLIAM T. INGRAM.
Q. E. BROWNING.

DU QUOIN, ILL., *January* 23, 1886.

Dr. E. Mayer, being first duly sworn, deposes as follows:

I am forty-three years old, a physician by profession, and have practiced my profession since 1867 in this city.

I am acquainted with Dr. Warren J. Burgess and Dr. J. W. Renfrow, and previous to August, 1885, was associated with them as members of the medical board for the examination of pensioners located at this place.

On some occasions Dr. Burgess asked applicants appearing for examination whether they would vote for Blaine and Logan. I think that on some occasions Dr. Burgess expressed to applicants the hope that they would support the Republican national ticket.

These instances occurred previous to the Presidential election of November, 1884, and while the political canvass of that year was pending.

Dr Renfrow on several occasions asked questions similar in import to those asked by Dr. Burgess and related above.

E. MAYER.

Sworn to and subscribed before me this the 24th of January, 1886, and I certify that the deponent was fully acquainted with the contents of this affidavit before signing the same.

Q. E. BROWNING, *Special Examiner.*

LOUISVILLE, ILL., *January* 26, 1886.

Hugh Hord, being first duly sworn, deposes and says:

That he is thirty-nine years of age; is a farmer by occupation; resides 4 miles north of Louisville, Ill. During the late war he was a private in Company B, Forty-eighth Illinois Volunteer Infantry; that Ford D. Stephenson was captain of said company; that he understood that during the late political campaign for President of the United States said Stephenson was an official of the Pension Department; said Stephenson was in Clay County, Illinois, during the aforesaid campaign engaged in political work in behalf of the Republican party. He made violent partisan speeches, and attempted to use his official position to influence soldiers to vote the Republican ticket. I heard him make a speech in Flora, Ill., in which he told pensioners that they were standing in their own light in voting the Democratic ticket. He left the impression on my mind that he made these assertions in his capacity of a pension official. I am at the present time a pensioner of the United States.

During the political campaign of 1884 I had a private conversation with Capt. F. D. Stephenson. In this conversation he attempted to make me believe that it would be to my interest as an applicant for a pension to vote the Republican ticket.

HUGH HORD.

Sworn and subscribed to before me this the 26th day of January, 1886; and I further certify that the contents of the foregoing affidavit were made known to him before signing.

WM. I. CLIFTON,
Clerk of the County Court.

STATE OF ILLINOIS,
Clay County, ss:

I, Gersham A. Hoff, judge of the county court of said county and State, do hereby certify that I have been intimately and personally acquainted with the above-named Hugh Hord, affiant, and that said Hord is respectable and entitled to credit, and so reputed by his neighbors.

G. A. HOFF, *County Judge.*

STATE OF ILLINOIS,
Clay County:

Now, on the 26th day of January, 1886, personally appeared before the undersigned, G. A. Hoff, county judge in and for said county and State, John Orrick, late private of Company F, One hundred and thirty-sixth Regiment of Illinois Volunteers of late war, who, being duly sworn according to law, upon his oath doth depose and say, I am a pensioner of the United States of the Chicago agency; I have been personally acquainted with one Col. F. D. Stephenson, late of the Pension Bureau at Washington, D. C., for the last twenty years. During the campaign of 1884, at Flora, in Clay County, Illinois, said Stephenson met me and electioneered me to vote for one James McCartney, then a candidate for congress upon the Republican ticket. Stephenson aforesaid knew I was a Democrat. He knew I was an ex-soldier, and knew I was drawing a pension; and said Stephenson then and there referred to the fact that he, said Stephenson, was then holding a high position in the Pension Office at Washington, and said that if I would vote for said McCartney for Congress he, Stephenson, would see that my pension would be increased any time I wanted it increased; and further deponent saith not.

his
JOHN + ORRICK.
mark.

Attest:
SAMUEL ENGART.
Q. E. BROWNING.

Subscribed and sworn to before me in the presence of Samuel Engart and Q. E. Browning, the above attesting witnesses; and I further certify that I carefully read the above affidavit over to the affiant before he executed the same, and that the affiant fully understood the same. I further certify that said Orrick is respectable and entitled to credit, and so reputed by his neighbors.

G. A. HOFF, *County Judge.*

Official certificate on file in Pension Department.

STATE OF ILLINOIS,
Franklin County, ss:

Aaron Neal, being first duly sworn, on his oath states, that he is now in the fifty-fourth year of his age; that he was born in the county of Franklin, in the State of Illinois, and has always resided in said county with the exception of about one year, which was spent in the Army; that he was a member of Company C, Fifteenth Illinois Cavalry, commanded by Colonel Stewart; that he was discharged from the service at Corinth, Miss., A. D. 1863, on account of disability contracted while in the line of his duty; that he is now drawing a pension for same disability. Affiant further states that some two years ago, as affiant is informed, some one to affiant unknown, but as affiant believes for political reasons only, undertook to have his pension stopped; that the result of said step was to bring affiant's case before Special Examiner Conner some time in the summer or fall of A. D. 1884.

Affiant further states that the said special examiner, who claimed to be Conner, while investigating affiant's case inquired of affiant what his politics were, or what ticket affiant voted, and when informed that affiant was a Democrat and voted that ticket, the said Conner said to affiant: "How do you expect to draw a pension from a government that you vote against all the time?"

Affiant further states that the said Conner led me to believe from his conversation and conduct that unless I would vote the Republican ticket my pension standing might be endangered, and when I gave him to understand that I understood my pension depended upon my service to the country during the war and not upon my politics, and that before I would abandon my political convictions I would lose my pension, he paid no more attention to my pension matter.

Affiant further states that he is well acquainted in Franklin County; that for the last two Presidential canvasses it has been generally understood that if Democratic applicants for pension would vote the Republican tickets their pension claims would be much surer than if they continued to vote the Democratic tickets; that this impression seemed to be made by nearly all the leading Republicans, but whether such policy emanated from the head of the Pension Department affiant does not know. And further affiant saith not.

AARON NEAL.

Subscribed and sworn to before me, a notary public, by the above-named Aaron Neal; and I hereby certify that I am personally acquainted with said Aaron Neal and believe him to be creditable and worthy of belief.

January, 28, 1886.

W. R. WARD, *Notary Public.*

Mr. RANDALL. I take the floor in my own right and yield to the gentleman from Illinois [Mr. TOWNSHEND] if he will make the motions necessary to pass this bill to-night.

Mr. REED, of Maine. I hope the Democratic party will not permit a speech of the kind just made to go out without giving an opportunity to reply. [Laughter and applause on the Democratic side.] No one dared to make it where there was a legitimate opportunity for reply. [Applause on the Republican side.]

Mr. RANDALL. The gentleman will have plenty of time to reply hereafter.

Mr. SPRINGER. Upon Saturday, which has been set apart for debate only. [Laughter.]

Mr. TOWNSHEND. I would be glad if further time could be given.

Mr. RANDALL. I am on the floor.

Mr. TOWNSHEND. I have but given an atom of what I have behind. [Laughter.]

Mr. RANDALL. The gentleman from Illinois does not seem to desire to call the previous question, and therefore I take the responsibility of making that motion myself. [Applause.]

Mr. TOWNSHEND. Before that is done I ask leave to extend my remarks in the RECORD. I will say I will not abuse that privilege by introducing anything personal.

There was no objection, and it was so ordered.

Mr. RANDALL. I demand the previous question.

The previous question was ordered; and under the operation thereof the bill was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time.

The SPEAKER. The vote on the passage of the bill under the rules will be taken by yeas and nays.

The question was taken; and it was decided in the affirmative—yeas 241, nays 1, not voting 81, as follows:

YEAS—241.

Adams, G. E.	Dowdney,	Laffoon,	Rockwell,
Allen, C. H.	Dunham,	La Follette,	Rogers,
Allen, J. M.	Dunn,	Landes,	Romeis,
Anderson, C. M.	Eden,	Lanham,	Rowell,
Baker,	Eldredge,	Lawler,	Ryan,
Ballentine,	Ellsberry,	La Fevre,	Sawyer,
Barnes,	Ely,	Lindsley,	Sayers,
Barry,	Ermentrout,	Little,	Scott,
Bayne,	Evans,	Long,	Scranton,
Beach,	Everhart,	Lore,	Seney,
Belmont,	Farquhar,	Lowry,	Seymour,
Blanchard,	Felton,	Lyman,	Smalls,
Bland,	Fleeger,	Mahoney,	Sowden,
Bliss,	Foran,	Markham,	Spooner,
Blount,	Ford,	Martin,	Spriggs,
Bound,	Forney,	Matson.	Springer.
Boutelle,	Frederick,	McAdoo,	Stahlnecker,
Boyle,	Fuller,	McComas,	Steele,
Brady,	Gay,	McCreary,	Stephenson,
Bragg,	Geddes,	McKenna,	Stewart, Charles
Breckinridge, C. R.	Gibson, C. H.	McKinley,	Stewart, J. W.
Breckinridge, W. C. P.	Gibson, E.	McRae,	St. Martin,
Browne, T. M.	Glass,	Merriman,	Stone, W. J., of Ky.
Brown, W. W.	Glover,	Millard,	Storm,
Brumm,	Goff,	Miller,	Swope,
Bunnell,	Green, W. J.	Milliken,	Symes,
Burnes,	Grosvenor,	Moffatt,	Taulbee,
Burrows,	Grout,	Morgan,	Taylor, I. H.
Butterworth,	Guenther,	Morrill,	Taylor, J. M.
Bynum,	Hale,	Morrison,	Taylor, Zach
Cabell,	Hall,	Morrow,	Thomas, J. R.
Caldwell,	Halsell,	Muller,	Thomas, O. B.
Campbell, Felix	Hanback,	Neal,	Thompson,
Campbell, J. E.	Harris,	Neece,	Tillman,
Campbell, T. J.	Hatch,	Negley,	Townshend,
Cannon,	Hayden,	Norwood,	Trigg,
Carleton,	Haynes,	O'Donnell,	Tucker,
Caswell,	Heard,	O'Farrall,	Turner,
Catchings,	Henderson, D. B.	O'Hara,	Van Eaton,
Clardy,	Henderson, J. S.	O'Neill, Charles	Van Schaick,
Clements,	Henderson, T. J.	Osborne,	Viel,
Cobb,	Hepburn,	Owen,	Wade,
Cole,	Herman,	Parker,	Wadsworth,
Compton,	Hewitt,	Payne,	Ward, J. H.
Comstock,	Hiestand,	Peel,	Ward, T. B.
Conger,	Hires,	Perkins,	Warner, A. J.
Cowles,	Hitt,	Perry,	Warner, William
Cox,	Holman,	Peters,	Weaver, A. J.
Crain,	Holmes,	Pettibone,	Weaver, J. B.
Crisp,	Hopkins,	Phelps,	Weber,
Croxton,	Howard,	Pidcock,	Wheeler,
Curtin,	Hutton,	Pindar,	Whiting,
Cutcheon,	Irion,	Pierce,	Willis,
Daniel,	James,	Plumb,	Wilson,
Dargan,	Johnson, F. A.	Randall,	Winans,
Davis,	Johnston, J. T.	Reagan,	Wise,
Dawson,	Johnston, T. D.	Reed, T. B.	Wolford,
Dibble,	Jones, J. H.	Reid, J. W.	Worthington.
Dingley,	Ketcham,	Richardson,	
Dockery,	King,	Riggs,	
Dorsey,	Kleiner,	Robertson,	

NAYS—1.

Bennett.

NOT VOTING—81.

Adams, J. J.	Findlay,	Loutitt,	Skinner,
Aiken,	Fisher,	Lovering,	Snyder,
Anderson, J. A.	Funston,	Maybury,	Stone, E. F.
Arnot,	Gallinger,	McMillin,	Stone, W. J., of Mo.
Atkinson,	Gilfillan,	Mills,	Strait,
Barbour,	Green, R. S.	Mitchell,	Struble,
Barksdale,	Hahn,	Murphy,	Swinburne,
Bingham,	Hammond,	Nelson,	Tarsney,
Brown, C. E.	Harmer,	Oates,	Taylor, E. B.
Buchanan,	Hemphill,	O'Neill, J. J.	Throckmorton,
Buck,	Hendley,	Outhwaite,	Wait,
Burleigh,	Herbert,	Payson,	Wakefield,
Campbell, J. M.	Hill,	Price,	Wellborn,
Candler,	Hiscock,	Pulitzer,	West,
Collins,	Houk,	Ranney,	White, A. C.
Cooper,	Jackson,	Reese,	White, Milo
Culberson,	Jones, J. T.	Rice,	Wilkins,
Davenport,	Kelly,	Sadler,	Woodburn.
Davidson, A. C.	Laird,	Sessions,	
Davidson, R. H. M.	Lehlbach,	Shaw,	
Dougherty,	Libbey,	Singleton,	

So the bill was passed.

The following additional pairs were announced from the Clerk's desk for the remainder of the day:

Mr. OUTHWAITE with Mr. STRAIT.

Mr. BYNUM with Mr. WAKEFIELD.

Mr. THROCKMORTON with Mr. BINGHAM.

Mr. DAVIDSON, of Florida, with Mr. ATKINSON.

Mr. ANDERSON, of Kansas, with Mr. HEARD.

Mr. PETTIBONE. I am paired with Mr. GREEN, of New Jersey, but knowing he would vote in favor of the bill I have recorded my vote in the affirmative.

Mr. RANDALL. Mr. GREEN, of New Jersey, would certainly vote in favor of the bill.

Mr. PETTIBONE. So I have stated.

Mr. MCCOMAS. Mr. WAITE, who is absent, would, if present, vote in the affirmative.

Mr. CANNON. So would Mr. BUCK, who is necessarily absent.

Mr. BYNUM. I am paired with Mr. WAKEFIELD; but as he would vote in the affirmative if present, I have voted in favor of the passage of the bill.

Mr. NEGLEY. My colleague, Mr. HARMER, who is absent, would, if present, vote in the affirmative.

The vote was then announced as above recorded.

Mr. RANDALL. I move to reconsider the vote by which the bill was passed, and also move that the motion to reconsider be laid on the table.

Mr. WILSON. I desire to make a privileged report.

Mr. RANDALL. I ask that the Committee on Appropriations be allowed to proceed to-morrow with what is known as the urgent deficiency appropriation bill, otherwise it will have to go over till Tuesday next.

Mr. REED, of Maine. Mr. Speaker, I desire to amend the title of the bill. I move to strike out the last three words.

I have not felt disposed to participate in this debate until the recent exhibition which has been made in the presence of the House. I desire to make a very few observations now. I desire to call the attention of the House to the most extraordinary spectacle which has been presented here during the hour which preceded the vote upon the bill.

It explains other proceedings which have taken place in this House. This debate has been, so far as it has been legitimate, upon the question of the exhibition of partisanship by a public officer while he is occupying a public office. There has been much language of reprobation used by gentlemen on the other side of the House upon that subject; and yet during the last two days the Commissioner of Pensions, in violation of the rules of this House, has been upon the floor of the House. To that nobody has made objection. But to-day the purpose of his presence here has been revealed. What was it? It was to furnish to gentlemen upon the other side, not in their official capacity, not to this House, but to individual members of the House, the records of the Pension Office for the purpose of enabling them to make partisan discourse.

The files of the Pension Office seem to have been plundered, to have been brought here and left in unofficial hands, to be examined and used, not by the whole House, but by individual members of it, for partisan purposes. And in addition to that, a thing which was reserved for the last closing hour of the debate, when it was thought that no reply could be made and no comment uttered, for the production of affidavits——

Mr. CASWELL (from his seat). *Ex parte* affidavits too.

Mr. REED, of Maine. To blacken the character of men who never had an opportunity to defend themselves.

If there is any basis of truth it is the right of cross-examination and the right to face one's accusers; and yet the Commissioner of Pensions has furnished to a member of this House things which are presented here as the official files of his Department, which are one-sided affidavits, and the facts themselves show that every one of them was produced after the Commissioner had made his charges in that party pamphlet which he calls his "report." [Applause on the Republican side].

Is that the example of reform that is set to us? Just think of it a moment. A party that is loudly proclaiming its determination to divorce this office from partisan purposes and partisan action has its Commissioner of Pensions brought upon the floor to furnish and leave in unofficial hands the records of his office!

Worse than that. A deliberate plan is made by the members on the other side to have *ex parte* affidavits dragged here at a time when they believed no opportunity for an answer could be found; and when I appealed to the Democratic party not to permit a performance like that to take place without reply, I was met with a ripple of gentle laughter from these earnest, high-minded, patriotic reformers. [Applause on the Republican side.]

I know how gentlemen on the other side feel, or a large part of them. I know that they sympathize with what I say. I know that they feel they have been discredited as well as the rest of us as citizens of this Republic by such an exhibition as we have just witnessed.

For my part I do not care to deal in ancient history, whether it begins a year back or whether it goes back to the time of Howell Cobb. I prefer to deal with the present. What a spectacle is this which is now presented. I congratulate the Democratic party that only one speaker on that side made use of *ex parte* affidavits, obtained in such a manner, to blacken men who can not be heard.

It would be impossible for me, Mr. Speaker, to add anything to the plain facts of this case.

I yield to the gentleman from Illinois [Mr. CANNON] so much time as he may desire.

The SPEAKER. How much time does the gentleman yield?

Mr. CANNON. I shall only require five or ten minutes.

Mr. REED, of Maine. I yield such time as the gentleman may need.

Mr. CANNON. Mr. Speaker, I only want to occupy a very short time.

Touching these papers, the public records which have been brought in here, while I am not permitted to refer to what is taking place at the other end of this Capitol, yet the President's message is in the possession of the country and in the possession of the House, at least of its members, in which he withholds the files of the Departments from the Senate.

Now, Mr. Speaker, the Commissioner of Pensions, so wise, so able,

so thoroughly conversant with all the proprieties of official life and of official action, a man of mature age, the subordinate to the President of the United States and to the Secretary of the Interior—I feel assured that the Commissioner of Pensions, I will say to the gentleman from Maine, would never have furnished from the files of the Pension Office those *ex parte* affidavits to my colleague from Illinois [Mr. TOWNSHEND], and the letter-books and other public records of his Department, unless he had the direct order of the President of the United States so to do.

Mr. TOWNSHEND. Will my colleague allow one single word?

Mr. CANNON. With pleasure.

Mr. TOWNSHEND. It seems to me that my colleague and another gentleman on that side desire to create the impression that I was the only Democratic member of the House who presented these affidavits to have them read before the House and the country. Do gentlemen forget that they were introduced by the gentleman from Indiana [Mr. MATSON], and similar papers by the gentleman from West Virginia [Mr. WILSON], and yet no one took exception then to their introduction, but their criticism is reserved for me, who made use of them in the closing hours of the debate. I know my colleague would not wish to do me any injustice.

Mr. CANNON. My friend will acquit me of any discourtesy to him. At that moment I was not referring to my friend, but was referring rather to the Commissioner of Pensions and the President of the United States, calling the attention of the House and the country to what must be the fact under the official proprieties, that these records that are under the direction and control of the President of the United States are withheld from members on one side of this legislative body and are produced here to my colleague, no doubt under the order of the President, and also to the gentleman from Indiana [Mr. MATSON] and others.

Mr. TOWNSHEND. Will the gentleman allow me one word?

Mr. CANNON. Certainly; with great pleasure.

Mr. TOWNSHEND. I will say to my colleague I am satisfied the President knows nothing whatever of the production of these documents. They were obtained by me in the Pension Office, and I will say I do not really believe these affidavits are part of the official files. They are documents deposited there coming from all parts of the country. I obtained them at the same time with the gentleman from Indiana and the gentleman from West Virginia [Mr. WILSON].

A MEMBER. He has confessed it now.

Mr. CANNON. I understood my colleague to say the affidavits he read were from the files of the Pension Office.

Mr. TOWNSHEND. I may have made a mistake in that.

Mr. CANNON. Certainly; and I understood him to say that they had more of them there; that these were but specimens of the vast mass of affidavits that he could produce and that were there on file.

Mr. TOWNSHEND. I stated so.

Mr. CANNON. If it be true that the President of the United States did not direct the Secretary of the Interior or the Commissioner of Pensions to produce these affidavits, well and good. I could conceive of no other mode by which they could get here; and even if they had come here by that mode I undertake to say that the action would be unprecedented.

Mr. Speaker, this is a most unfair and reckless use of the garbled records and culled *ex parte* affidavits from the files of the Pension Office. When did the House by resolution or otherwise ask for them? Why are they furnished solely to Democratic members? Why are they away from the depository in the Pension Office provided by law for them, floating around loose in the hands of individual members on the other side? Will they be destroyed in whole or part or will they be returned to the Pension Office? Have they been read in whole or have they been artfully culled and selected or parts of them suppressed, and through such suppression or the suppression of other papers belonging with them the false appears true or the true false? Who knows?

The light of cross-examination has never fallen upon them.

Is this Democratic reform? Is this Democratic fairness? Are these the methods of an administration that has been announcing for a year, "I am holier than thou?"

Mr. Speaker, how different has been the action of this House touching its records.

The other day a *subpœna duces tecum*, from one of the highest courts of the land, was served on the Clerk of this House, to produce a record of this House in the court for the purpose of examination and being offered in evidence. The subpœna was reported to the House and referred to the Judiciary Committee and a resolution of the House passed that the record should not go from its custody in the hands of the Clerk or otherwise; but that the court, through its officer, with the attorneys present, should have power to examine that record within the Capitol in the place where the records are kept.

Mr. Speaker, one word in conclusion. Colonel Stevenson, of Illinois, was for many years chief of one of the divisions in the Pension Office, a man of excellent ability, a faithful officer, a man whose character is as good as that of any man here or in service under the Executive; a man in war or peace the peer of any one, the Commissioner of Pensions not excepted. As a Representative from Illinois I can not be silent when my colleague, Mr. TOWNSHEND, seeks to blacken his character by such *ex parte* affidavits as he has read, made by whom we know not and procured by means we know not of, and whether they be private property of the Commissioner of Pensions or a part of the files in the office conducted by his agents, swift to curry favor with power, I care not; in any event they are *ex parte*, unworthy of credibility, and will not be received by the House or the country to blacken in the slightest degree the character of Colonel Stevenson.

Mr. REED, of Maine. I yield five minutes to the gentleman from Iowa [Mr. HEPBURN].

Mr. HEPBURN. It will be remembered that when the gentleman from Illinois [Mr. TOWNSHEND] introduced an affidavit a little while ago it was in order to show that the late Commissioner of Pensions had prostituted his office to political purposes.

Mr. TOWNSHEND. I beg the gentleman's pardon. I did not introduce it for any such purpose. I stated distinctly I had nothing to say against Colonel Dudley.

Mr. HEPBURN. I do not care what the gentleman said as to that. The whole tenor of his remarks, the whole purpose he had was to blacken the name and the fame of that gentleman, and to do it, too, in a cowardly way, without giving him any opportunity of being heard or of his friends being heard in his defense.

Mr. TOWNSHEND. If the gentleman means by the term "cowardly"——

Mr. HEPBURN. I do not yield. I withdraw the expression.

Mr. TOWNSHEND. If he means the word "cowardly" in a personal sense I want to know it.

Mr. HEPBURN. I have withdrawn it; although I do not suppose it would need a definition at my hands for the gentleman's use. The purpose in my judgment was to blacken the name of this officer, to show that he had used those under his command for political purposes.

Now the present Commissioner goes out upon a lark. He undertakes to make some political capital for his political friends and political party. He makes certain charges in a paper he calls his report. It becomes necessary when that is challenged to get some kind of evidence to sustain it, and this is the kind he has, such as was read here. Attached to the paper the gentleman from Illinois read was one he did not read, which explains how that affidavit was obtained. It explains the character of the affidavit and the purposes for which it is to be used or rather not used. The letter which is attached to that paper is marked "private." Will you look at it and examine it for yourself? It was a private letter that a gentleman named Youngblood addressed to the Commissioner, and it is attached to the affidavit.

Mr. TOWNSHEND. I never noticed the letter.

Mr. HEPBURN. That letter is as follows; I copied it:

KENTON, ILL., *January* 29, 1886.

Mark the date, Mr. Speaker, January 29, 1886.

Hon. JOHN C. BLACK,
Washington, D. C.:

DEAR SIR: At the request of Doctors Rogers and Bundy—

Who are those gentlemen? I ask the gentleman from Illinois [Mr. TOWNSHEND] if they are not members of the examining boards that this Commissioner has appointed?

Mr. TOWNSHEND. They do not live in my district.

Mr. HEPBURN. I ask him if they are not officers of the United States, appointed by this very man who is now using them for political purposes to sustain and bolster up this assault which he has made upon his political adversaries? [Applause on the Republican side.]

I read further from this precious "private" document:

At the request of Doctors Rogers and Bundy, I herewith inclose affidavit of Aaron Neal, which I think fully substantiates your report as Commissioner—

[Applause and laughter on the Republican side.]

The Commissioner was evidently seeking for something to sustain his assault on the Republican party, and he undertook to use these officers that he had himself appointed for the purpose of securing such evidence; and the agent they selected wrote this letter congratulating him upon his success in finding just that kind of dirt that was required to help him in this emergency. [Renewed applause on the Republican side.]

The letter continues:

which I think fully substantiates your report as Commissioner. I will send others as soon as made.

"Others as soon as made."

Mr. BOUTELLE. They appear to have had a factory.

Mr. HEPBURN. This letter is signed, "Yours truly, F. M. Youngblood." Yes, sir; that is the method; that is the way these gentlemen propose to blacken the name of Commissioner Black's predecessor.

[Here the hammer fell.]

Mr. REED, of Maine. Mr. Speaker, how much time have I left.

The SPEAKER. The gentleman has forty minutes left.

Mr. RANDALL rose.

Mr. REED, of Maine. I will yield to the gentleman from Pennsylvania, if he desires.

Mr. RANDALL. I desire to call the previous question.

Mr. REED, of Maine. I do not yield for that purpose. I have a remark to make, and then I will call the previous question, as the gentleman desires.

It will be seen, Mr. Speaker, that what I said in the opening has been amply justified. More than that, it will be seen that what I said hopefully of the attitude of the Democratic party upon this subject has also been justified; for even the gentleman who perpetrated, or who assisted in perpetrating, this thing has himself expressed, so far as we could expect him to do it, his feeling of doubtfulness as to the transaction. When you contrast this freedom of exhibition on this occasion with the reticence of a higher functionary, when you compare these specimens of the means that have been taken to remove men from office under this new plan of civil-service reform with what probably exists elsewhere, and which a high public functionary has thought fit to conceal, you can understand not only what this debate has meant, but also what is the meaning of high public transactions elsewhere. Mr. Speaker, I call for the previous question.

Mr. HOLMAN. Before the gentleman sits down I wish to ask him a question. Does he assume that we have read here a public record?

Mr. REED. Oh, I do not assume at all. The gentleman from Illinois [Mr. TOWNSHEND], on his responsibility as a member of Congress, standing in his seat, stated that they were the records of the Pension Office, and he has admitted it in this debate.

Mr. TOWNSHEND. Mr. Speaker, I said also, in answer to my colleague from Illinois [Mr. CANNON], that if I had stated that they were part of the records or the files of the Pension Office I might be mistaken—that they were not, perhaps, official papers, but were simply deposited in the Pension Office. I so state now, and if I stated otherwise in the hurry of debate I may have been mistaken.

Mr. REED, of Maine. If the gentleman regrets it, that is very well.

Mr. HOLMAN. I trust the gentleman will allow me to say further, that these affidavits, as the gentleman himself must see, could not be a part of the public records of the Pension Office. They were personal papers of the head of that bureau; that is clear; and no other interpretation can be placed on them.

Mr. REED, of Maine. What were they brought here for? Who brought them here?

Mr. SOWDEN. They were brought here for the purposes named in the letter read.

Mr. REED, of Maine. Now, will the gentleman from Indiana [Mr. HOLMAN] kindly tell me whether that letter-book from which copies of letters have been read so freely, was or was not a part of the records of the Pension Office?

Mr. HOLMAN. I am not able to answer.

Mr. REED, of Maine. I am, for I have examined it; and it is; or else it is the private letter-book of Mr. Dudley.

Mr. HOLMAN. I had supposed, and suppose still, from a hasty glance I gave at that book as displayed here on the table yesterday, that it was the letter-press book of the Commissioner of Pensions, which he did not think proper to take away from the office; that it is not a public record, because there are in it matters which manifestly do not pertain to the current business of his office.

Mr. REED, of Maine. Then if it was not a violation of public decency to bring it here, it was a violation of private decency.

Mr. HOLMAN. If it was left there publicly, I do not see why any gentleman may not take it up and use it.

Mr. RANDALL rose.

The SPEAKER. The gentleman from Maine demands the previous question on his amendment.

Mr. REED, of Maine. I will yield to the gentleman from Pennsylvania [Mr. RANDALL].

Mr. RANDALL. I desire the floor in my own right. I want to bring the House to a vote on laying on the table the motion to reconsider the vote on the passage of the bill.

Mr. REED, of Maine. I yield for a moment to the gentleman from Iowa [Mr. HEPBURN].

Mr. HEPBURN. Mr. Speaker, the gentleman from Illinois [Mr. TOWNSHEND], in the course of his remarks, held up an affidavit of one Aaron Neal, and indorsed that man as an honorable soldier—the peer, as I understood him to say, of any one.

Mr. TOWNSHEND. I said nothing whatever of the standing of Mr. Neal. I found his affidavit accompanying the proof which I had before me.

Mr. HEPBURN. Does not the gentleman know that Aaron Neal is a convicted felon, who served a term in the penitentiary of his State for cowardly murder committed in the night? [Applause on the Republican side.]

Mr. TOWNSHEND. No, sir.

Mr. HEPBURN. I am informed that is so, and that the man Youngblood, who prepared and sent the affidavits here, was a "copperhead," and during the war had a child born whom he called Jefferson Davis. Is not that true?

Mr. TOWNSHEND. The gentleman has asked me a question, and I want to answer. Aaron Neal was a soldier in the late war——

Mr. HEPBURN. Was he not a convicted felon?

Mr. TOWNSHEND. I never heard it except from your lips.

Mr. HEPBURN. Then you have answered my question, and I do not yield further.

Mr. TOWNSHEND. I propose now——

The SPEAKER. The gentleman from Iowa does not yield further.

Mr. TOWNSHEND. It is very unfair for the gentleman to refuse me in this way an opportunity to reply.

The SPEAKER. The gentleman from Iowa declines to yield.

Mr. TOWNSHEND. I think the gentleman, if he seeks to be fair——

The SPEAKER. The gentleman from Iowa declines to yield, and the Chair must enforce the rules.

Mr. HEPBURN. I now return the floor to the gentleman from Maine.

Mr. REED, of Maine. I withdraw my motion to amend the title.

The SPEAKER. The pending question, then, is on the motion of the gentleman from Pennsylvania to reconsider the vote by which the bill was passed, and to lay that motion on the table.

Mr. TOWNSHEND. Now I ask the gentleman from Pennsylvania to give me an opportunity for a brief explanation.

Mr. RANDALL. I want to be exactly fair toward both sides.

Mr. REED, of Maine. If the gentleman from Pennsylvania will permit me I will resume the floor and will yield to the gentleman from Illinois [Mr. TOWNSHEND].

Mr. TOWNSHEND. Aaron Neal is a citizen of Franklin County, in my district, but some 60 miles from where I reside. I only know him as I know thousands of people in that vicinity. I know that he was a soldier. I never before heard that he was convicted of any crime whatever. So far as Mr. Youngblood is concerned, I say now and here that he is the peer of the member from Iowa—as honorable a man as the gentleman from Iowa. My colleague [Mr. MORRISON], who stands near me, knows as well as I that Mr. Youngblood is as honorable, upright, and patriotic a citizen of this Republic as the gentleman from Iowa.

Mr. HOPKINS. How was he during the war?

The question being taken on the motion of Mr. RANDALL to lay on the table the motion to reconsider the vote by which the bill was passed, it was agreed to.

ORDER OF BUSINESS FOR TO-MORROW.

The SPEAKER. The gentleman from Pennsylvania [Mr. RANDALL] asks unanimous consent that so much time as may be necessary to-morrow be devoted to the consideration of what is known as the urgency deficiency bill.

Mr. RANDALL. I do not think it will take more than one hour.

The SPEAKER. Is there objection? The Chair hears none; and the order will be made.

ENROLLED BILL SIGNED.

Mr. NEECE, from the Committee on Enrolled Bills, reported that the committee had examined and found truly enrolled the bill (H. R. 1635) for the relief of Sarah B. Jackson; when the Speaker signed the same.

DISTRICT OF COLUMBIA APPROPRIATION BILL.

Mr. WILSON, from the Committee on Appropriations, reported a bill (H. R. 6397) making appropriations to provide for the expenses of the government of the District of Columbia, and for other purposes; which was read a first and second time, referred to the Committee of the Whole House on the state of the Union, and, with the accompanying report, ordered to be printed.

Mr. EDEN. I reserve all points of order on that bill.

TELEPHONE INVESTIGATION.

The SPEAKER announced the appointment of the following as the select committee to investigate the facts concerning the alleged ownership of Pan-Electric Telephone stock by certain public officials: Mr. BOYLE, Mr. OATES, Mr. EDEN, Mr. HALL, Mr. HALE, Mr. RANNEY, Mr. MILLARD, Mr. HANBACK, and Mr. MOFFATT.

LEAVE OF ABSENCE.

By unanimous consent leave of absence was granted as follows:

To Mr. FISHER, for ten days, on account of important business.

To Mr. HOUK, for five days, on account of important business.

And then, on motion of Mr. KING (at 7 o'clock and 35 minutes p. m.), the House adjourned.

PETITIONS, ETC.

The following petitions and papers were laid on the Clerk's desk, under the rule, and referred as follows:

By Mr. W. W. BROWN: Petition of sundry old soldiers and others, citizens of Bradford, Pa., for the passage of House bill 4902—to the Committee on Invalid Pensions.

Also, memorial of the West Branch Lumber Exchange, protesting against the placing of lumber on the free-list—to the Committee on Ways and Means.

By Mr. BUCK: Petition of 281 representative citizens of Tolland and

Henderson Counties, Connecticut, for scientific temperance instruction in all schools under control of Federal Government—to the Committee on Education.

By Mr. J. M. CAMPBELL: Petition of citizens of Somerset County, Pennsylvania, asking the enactment of a law requiring scientific temperance instruction in the public schools under the control of the Federal Government—to the same committee.

By Mr. CAREY: Petition of citizens of Fremont County, Wyoming, praying passage of a general pension law—to the Committee on Invalid Pensions.

By Mr. COLLINS: Two memorials from Boston, Mass., concerning the abolition of the Presidency—to the Committee on the Judiciary.

By Mr. CRAIN: Petition of 146 members of Franklin Assembly, No. 2376, Knights of Labor, Galveston, Tex., favoring the engineers' plan for securing deep water at Galveston, Tex.—to the Committee on Rivers and Harbors.

By Mr. CUTCHEON: Petition of citizens of Osceola County, Michigan, in favor of pension legislation—to the Committee on Invalid Pensions.

Also, resolutions of the Clinton County (Michigan) Wool-growers' Association in favor of the restoration of the tariff of 1867 on wool—to the Committee on Ways and Means.

By Mr. FELTON: Petition of Anti-Coolie Club of Santa Clara County, California, in favor of the abrogation of the Burlingame treaty—to the Committee on Foreign Affairs.

By Mr. FISHER: Memorial of Local Assembly of Knights of Labor, No. 3396, of Cheboygan, Mich., asking for liberal appropriations for public improvements—to the Committee on Labor.

By Mr. EUSTACE GIBSON: Petition of citizens of the Big Sandy Valley, for the improvement of the Big Sandy River, West Virginia and Kentucky—to the Committee on Rivers and Harbors.

By Mr. GILFILLAN: Memorial in relation to woman suffrage—to the Committee on the Judiciary.

Also, memorial from Saint Paul, Minn., concerning the abolition of the Presidency—to the same committee.

By Mr. GROSVENOR: Petition of Cornelius V. Bellows and 65 others, of Marshfield, Ohio, for pension legislation—to the Committee on Invalid Pensions.

Also, petition of L. B. Levenworth, of Havana, N. Y., and a large number of other soldiers of the late war, praying that soldiers' pay be made equal to what it would have been if paid in gold—to the Committee on War Claims.

By Mr. GROUT: Statement of Hon. William Chapin in the claim of William H. H. Buck, Company G, First Vermont Cavalry, for increase of pension—to the Committee on Invalid Pensions.

Also, a paper relating to pension of Helen M. Stickney—to the same committee.

By Mr. GUENTHER: Petition of 216 representative citizens of Winnebago, Lake, Green, and Waushara Counties, Wisconsin, for scientific temperance instruction in all schools under the control of the Federal Government—to the Committee on Education.

By Mr. HALL: Petition of C. J. Ives and 40 others, and of J. C. Smith and 43 others, citizens of Louisa County, Iowa—to the Committee on the Judiciary.

By Mr. HAMMOND: Petition of J. B. C. Quillian and others, citizens of Douglas County, Georgia, in favor of appropriations for aid to education—to the Committee on Education.

By Mr. HERMAN: Petition for forfeiture of town-site of Alkali, now Arlington, Oreg.—to the Committee on the Public Lands.

Also, petition of citizens of Central Oregon for continued appropriations for the Yaquina Bay, Oregon—to the Committee on Rivers and Harbors.

Also, petition of many citizens of Washington County, Iowa, for the passage of the Oklahoma bill—to the Committee on the Territories.

Also, petition of John F. Duncomb and others, citizens of Iowa, for increase of pay of United States district judges—to the Committee on the Judiciary.

Also, petition from citizens of Southern Oregon, for two years' extension of time for completion of the Oregon and California railroads—to the Committee on Railways and Canals.

By Mr. HIESTAND: Memorial of 203 representative citizens, 14 clergymen, 14 physicians, 61 teachers, 80 business men, 24 officers of temperance and other societies, of Lancaster County, Pennsylvania, asking the enactment of a law requiring scientific temperance instructions in the schools of the District of Columbia and the Territories, &c.—to the Committee on Education.

By Mr. JACKSON: Petition of citizens of Washington County, Pennsylvania, asking for the passage of the bill restoring wages in the Government Printing Office—to the Committee on Labor.

By Mr. NELSON: Petition of 341 representative citizens of the twelfth district of Minnesota, for scientific temperance instruction in all schools under control of the Federal Government—to the Committee on Education.

By Mr. LANHAM: Petition of citizens of Tom Green County, Texas, referring to deep water at Galveston, Tex.—to the Committee on Rivers and Harbors.

By Mr. LIBBEY: Petition of Barnett T. Swart, for allowance and payment of claim against the United States for rent of farm in the District of Columbia—to the Committee on War Claims.

By Mr. LORE: Petition of Jacob P. Obier, for the passage of a joint resolution relating to the pay of postmasters—to the Committee on the Post-Office and Post-Roads.

By Mr. McCOMAS: Petition and claim of Ezra Burtner, of Washington County, Maryland, for payment of war claim—to the Committee on War Claims.

By Mr. MILLS: Papers relating to the burning of Brenham, Tex., to accompany House bill 2390—to the Committee on Claims.

By Mr. MORRILL: Memorial of the Knights of Labor of Hiawatha, Kans., in favor of Government aid to Hennepin Canal—to the Committee on Railways and Canals.

Also, house concurrent resolution of the Legislature of Kansas, memorializing Congress for aid for soldiers' home at Leavenworth, Kans.—to the Committee on Military Affairs.

By Mr. NEECE: Petition of Knights of Labor, Monmouth, Ill., praying for the Hennepin Canal—to the Committee on Railways and Canals.

By Mr. CHARLES O'NEILL: Resolutions of the board of directors of the Maritime Exchange of Philadelphia, opposing the reduction of the duty on sugars by the Morrison tariff bill while no equivalent reduction is made on molasses—to the Committee on Ways and Means.

Also, papers relating to the bill for the increase of the pension of Mrs. T. R. Boyle—to the Committee on Invalid Pensions.

By Mr. PERKINS: Letter from J. H. C. Gross, manufacturer of zinc spelter, protesting on behalf of himself and other manufacturers of zinc spelter against the passage of the Morrison tariff bill—to the Committee on Ways and Means.

By Mr. PETTIBONE: Petition of David Burk, of Claiborne County, Tennessee—to the Committee on War Claims.

By Mr. PIRCE: Petition of 121 representative citizens of Rhode Island, for scientific temperance instruction in all schools under the control of the Federal Government—to the Committee on Education.

By Mr. REAGAN: Petition of citizens of Nacogdoches County, praying for action of Congress to secure deep water at Sabine Pass, Tex.—to the Committee on Rivers and Harbors.

By Mr. J. W. REID: Petition from Forsyth and Guilford Counties, North Carolina, signed by Rev. Moses J. Hunt, W. P. Decks, M. D., and 13 clergymen, 3 physicians, 3 lawyers, 28 teachers, 107 business men, and 17 officers of temperance and other societies, asking the enactment of a law requiring scientific temperance instruction in the public schools and in the Military and Naval Academies, the Indian and colored schools supported by the Government, wholly or in part—to the Committee on Education.

By Mr. SENEY: Petition of Wool Growers' Association of Wood County, Ohio, asking for a restoration of the wool tariff of 1867—to the Committee on Ways and Means.

By Mr. SCOTT: Petition of 464 representative citizens of Erie, Venango, and Warren Counties, Pennsylvania, for scientific temperance instruction in all schools under control of the Federal Government—to the Committee on Education.

By Mr. SPRINGER: Petition of Fred Wilkinson and others, of Illinois, for the passage of bill restoring wages of employés of the Government Printing Office paid them prior to March 4, 1877—to the Committee on Labor.

By Mr. STAHLNECKER: Petition of 179 representative citizens of Westchester County, New York, for scientific temperance instruction in all schools under control of the Federal Government—to the Committee on Education.

Also, resolution of the New York Assembly in the interest of interstate commerce—to the Committee on Commerce.

By Mr. W. J. STONE, of Kentucky: Protest of citizens of Graves County, Kentucky, against passage of a bankrupt bill—to the Committee on Judiciary.

By Mr. J. B. WEAVER: Petition of Thomas Bryant and 73 others, citizens of Newbern, N. C., praying Congress to pay to the soldiers of the United States the difference between the depreciated paper in which they were paid and the coin of the contract in which they should have been paid—to the Committee on Military Affairs.

The following petitions, praying Congress to place the coinage of silver upon an equality with gold; that there be issued coin certificates of one, two, and five dollars, the same being made legal tender; that one and two dollar legal-tender notes be issued, and that the public debt be paid as rapidly as possible by applying for this purpose the idle surplus now in the Treasury, were presented and severally referred to the Committee on Coinage, Weights, and Measures:

By Mr. CASWELL: Of citizens of the State of Wisconsin.

By Mr. HERMAN: Of J. B. Prickett and 25 others, citizens of Oregon.

By Mr. SWOPE: Of 110 citizens of Adams County, Pennsylvania.

By Mr. J. B. WEAVER: Of F. Hammon and 145 others, of Arkansas; of J. A. Bush and 46 others, of Washington Territory; of J. S. Keith and 45 others, of Illinois; of N. W. Skelton, of Illinois, and 60 others; of T. W. Wilson and 40 others, of Arkansas; and of F. H. Todd and 18 others, of Missouri.

SENATE.

FRIDAY, *March 5*, 1886.

Prayer by Rev. BYRON SUNDERLAND, D. D., of the city of Washington.

The Journal of yesterday's proceedings was read and approved.

HOUSE BILLS REFERRED.

The following bills were severally read twice by their titles, and referred to the Committee on Public Buildings and Grounds:

A bill (H. R. 368) to amend an act entitled "An act to provide for the erection of a public building in the city of Peoria, in the State of Illinois," approved May 9, 1882;

A bill (H. R. 5546) for the erection of a public building at Asheville, N. C.; and

A bill (H. R. 5547) for the erection of a public building at Savannah, Ga.

PUBLIC BUILDING AT BELFAST, ME.

The bill (H. R. 1027) for the extension and repair of the public building at Belfast, Me., was read twice by its title.

Mr. FRYE. The Senate Committee on Public Buildings and Grounds have already reported, and there is on the Calendar now, a Senate bill exactly the same in terms with that bill, and I ask that the House bill may take the place on the Calendar of Senate bill 1474, Order of Business 270, and that the latter bill be indefinitely postponed.

The PRESIDENT *pro tempore*. The Senator from Maine moves that the House bill take the place on the Calendar of the Senate bill, both being on the same subject.

Mr. EDMUNDS. Is the House bill in the same language?

Mr. FRYE. Exactly.

Mr. HALE. It is the same bill.

The PRESIDENT *pro tempore*. The Chair hears no objection, and that order will be made.

Mr. FRYE. I move that the bill (S. 1474) for the extension and repair of the public building at Belfast, Me., be indefinitely postponed.

The motion was agreed to.

PETITIONS AND MEMORIALS.

Mr. HALE presented a petition of 14 clergymen, 10 physicians, 14 lawyers, 34 teachers, 118 business men, and 42 officers of temperance and other societies of Aroostook, Penobscot, Washington, and Piscataquis Counties, Maine, praying for the enactment of a law requiring scientific temperance instruction in the public schools of the District of Columbia and the Territories, and in the Military and Naval Academies, and the Indian and colored schools, supported wholly or in part by money from the national Treasury; which was ordered to lie on the table.

Mr. DAWES. I have received, addressed to me personally, what is in fact a petition to Congress, signed by members of C. D. Sandford Post, of the Grand Army of the Republic, and a large number of other ex-soldiers, in favor of the passage of the bill increasing the pensions of soldiers who have lost one or both arms. I ask that it may be referred, although it is addressed to me personally, to the Committee on Pensions.

The PRESIDENT *pro tempore*. The paper will be received, if there be no objection, and so referred.

Mr. DAWES. I have also received, in precisely the same form, a remonstrance against the passage of the bill increasing postage upon fourth-class mail matter, signed by Joseph Breck & Sons and a large number of other men in the city of Boston. I ask that it may be received and referred to the Committee on Post-Offices and Post-Roads.

The PRESIDENT *pro tempore*. That order will be made if there be no objection.

Mr. EVARTS presented a petition of 131 representative citizens of Allegany County, New York, and a petition of 219 representative citizens of Chautauqua County, New York, praying for the enactment of a law requiring scientific temperance instruction in the public schools of the District of Columbia and the Territories, and in the Military and Naval Academies, and the Indian and colored schools supported wholly or in part by money from the national Treasury; which were ordered to lie on the table.

He also presented a petition of the Scipio monthly meeting of Friends, New York, praying for the passage of Senate bill 355 to promote peace among nations, for the creation of a tribunal for international arbitration, and for other purposes; which was referred to the Committee on Foreign Relations.

He also presented petitions of Knights of Labor of Albany and Brooklyn, N. Y., praying for the construction by the Government of the Hennepin Canal; which were referred to the Committee on Commerce.

Mr. PIKE presented a petition of Knights of Labor of Nashua, N. H., praying for the construction of the Hennepin Canal; which was referred to the Committee on Commerce.

Mr. CALL. I have addressed to me personally a letter in the nature of a petition, and intended to be referred to the Committee on Public Lands in connection with a resolution which I introduced in the Senate some time ago. The letter or petition is as follows:

FORT MYERS, FLORIDA, *February* 26, 1884.

DEAR SIR: In common with all Florida our section has been victimized by the land-sharks, and the United States Government has suffered the loss of millions.

By fraud and perjury large areas of land have been secured to the State, the agents making selections obtaining pay in land, being an inducement to those creatures to swear that high and dry lands are overflowed and swamp and should be set apart to the State.

The villainy is not confined to Monroe County, but, so far as I have investigated, extends all over the State. Applicants for homesteads are told that such and such land belongs to the State, though common sense teaches that the land has not been under water since Noah's day, and, knowing as much of our country's laws as the scoundrels do, naturally wonder how such moral obliquity has been tolerated by a respectable government. Such special agents as have been sent here to re-examine have, like the notorious jack-leg lawyer, thought it prudent to take fees on both sides. I can show by the testimony of the respectable people of this country, unimpeachable witnesses, that ninety-five out of every hundred tracts selected as swamp and overflowed, have not and never had any standing water on them.

This wholesale robbery requires such treatment as New York gave Tweed. An agent to do his duty must come upon the ground with moral force enough to withstand bribes and blandishments, and no man who has benefited by the steal should be allowed upon the witness-stand. Samples of fraudulent selections can be found all around Fort Myers, up the Caloosahatchee, and, in fact, throughout the whole of South Florida. *O tempora! O mores!*

Yours, truly,

JAMES KELLUM, M. D.

Hon. WILKINSON CALL.

I have also another letter in the nature of a petition from one F. C. M. Boggess, of Fort Ogden, Manatee County, Florida, which states as follows: There was selected by the State of Florida as swamp and overflowed lands, on December 17, 1885, all the United States lands in townships 34 and 35 south, of range 29 east, particularly sections 28, 29, 31, 32. These lands have been recently settled upon as homestead lands. The lands are high hills, as high as the hills around Tallahassee, and have never been overflowed since the old man Noah made his advent from the ark, if then.

This letter states that large numbers of people have been defrauded out of their homestead rights and their settlement rights under improper selections. Without knowing anything in regard to the truth of these statements, I have thought it proper that the rights of all citizens should be enforced when complaint shall be made, and that these papers should be referred to the Committee on Public Lands, which I ask may be done.

The PRESIDENT *pro tempore*. If there be no objection the papers will be referred to the Committee on Public Lands.

Mr. SEWELL. I present three memorials of the State board of agriculture of New Jersey, and ask that they be read and appropriately referred. They are very short.

The following memorial of the State board of agriculture of New Jersey was read, and referred to the Committee on Foreign Relations:

To the Senate and House of Representatives of the United States in National Congress assembled:

Whereas the extreme low price of pork (which is one of the largest crops of the American farmer) is seriously affecting the profits of agriculture in this country; and

Whereas the President, in his recent message to Congress, says, "I regret to say that the restrictions upon the importation of our pork into France continue, notwithstanding the abundant demonstrations of the absence of sanitary danger in its use, but I entertain strong hopes that, with a better understanding of the matter, this vexatious prohibition will be removed; it would be pleasing to be able to say as much with respect to Germany, Austria, and other countries where such food products are absolutely excluded, without present prospect of reasonable change;" and

Whereas the President does not in his message give the information as to the reasons or cause why American pork is absolutely excluded in Germany, Austria, and other countries: Therefore,

Resolved, That the State board of agriculture of New Jersey do hereby request our representatives in Congress to make diligent investigation into this matter, and endeavor to secure such changes as may be necessary to relieve this important industry from the restrictions now imposed upon it by other countries.

By order of the New Jersey State board of agriculture.

E. BURROUGH, *President.*

Attest:

WM. S. TAYLOR, *Secretary.*

The following memorial of the State board of agriculture of New Jersey was read, and referred to the Committee on Agriculture and Forestry:

To the Senate and House of Representatives of the United States in National Congress assembled:

Whereas contagious diseases, such as pleuro-pneumonia among cattle, cholera and other diseases among swine, exist to such an extent in our midst as to seriously affect the profits of agriculture; and

Whereas our State laws fail to eradicate these diseases, on account of their continual introduction by diseased cattle from other States passing over or resting on our soil: Therefore,

Be it resolved, That this State board of agriculture request our members in National Congress to enact such laws as will, in co-operation with those passed by the different States, prevent the transmission of these diseases from one State to another, and quickly and thoroughly eradicate them from our whole land.

By order of the New Jersey State Board of Agriculture.

E. BURROUGH, *President.*

Attest:

W. S. TAYLOR, *Secretary.*

The following memorial of the State board of agriculture of New Jer-

sey was read, and referred to the Committee on Agriculture and Forestry:

To the Senate and House of Representatives of the United States in National Congress assembled:

Whereas the prosperity of the country largely depends upon the economical and intelligent administration of its agricultural interests: Therefore,

Be it resolved, That this State board of agriculture request our members in Congress to elevate the office of Commissioner of Agriculture to the dignity of a Cabinet position, to the end that its influence may be commensurate with the importance of agriculture to the life and prosperity of the nation.

By order of the New Jersey State board of agriculture.

E. BURROUGH, *President.*

Attest:

WM. S. TAYLOR, *Secretary.*

Mr. SEWELL presented a petition of 730 representative citizens of Warren, Sussex, and Hunterdon Counties, New Jersey, and a petition of 144 representative citizens of Gloucester, Salem, and Camden Counties, New Jersey, praying for the enactment of a law requiring scientific temperance instruction in the public schools of the District of Columbia and the Territories, and in the Military and Naval Academies, and the Indian and colored schools supported wholly or in part by money from the national Treasury; which were ordered to lie on the table.

Mr. MILLER, of New York, presented a petition of Knights of Labor of Poughkeepsie, N. Y., praying that liberal appropriations may be made for the construction of public works, and particularly for the construction of the Hennepin Canal; which was referred to the Committee on Commerce.

Mr. LOGAN. I present the petition of John F. Stafford, praying for the purchase by Congress of a life-size portrait of General U. S. Grant. I presented a petition of a similar character in the early part of the session, but it has been lost, I understand, and this is simply a copy of the same petition, which I present that it may go to the committee in order to again call their attention to the subject. I move that it be referred to the Committee on the Library.

The motion was agreed to.

Mr. VANCE presented a petition of Knights of Labor of Raleigh, N. C., praying that appropriations may be made for the construction of public works, and particularly for the Hennepin Canal; which was referred to the Committee on Commerce.

He also presented a petition of the New Garden monthly meeting of Friends, North Carolina, praying for the passage of Senate bill 355 to promote peace among nations, for the creation of a tribunal for international arbitration, and for other purposes; which was referred to the Committee on Foreign Relations.

Mr. COKE. I present the memorial of a large number of citizens of Robertson County, Texas, asking the enactment of a law requiring in all public schools in the District of Columbia, the Territories, and the Military and Naval schools, and in the Indian and colored schools under Government control instruction in physiology and hygiene, which shall give special prominence to the nature of alcoholic drinks and other narcotics and of their effects upon the human system. I move that the petition lie on the table.

The motion was agreed to.

Mr. CONGER presented petitions of Knights of Labor of Ludington and Sheboygan, Mich., praying the construction by the Government of the Hennepin Canal; which were referred to the Committee on Commerce.

He also presented the petition of H. C. Mudge and other ex-Union soldiers, citizens of Michigan, praying such pension legislation as is recommended by the national pension committee of the Grand Army of the Republic; which was referred to the Committee on Pensions.

REPORTS OF COMMITTEES.

Mr. BLAIR, from the Committee on Pensions, to whom was referred the bill (H. R. 1877) for the relief of John McNaughton, asked to be discharged from its further consideration and that it be referred to the Committee on Military Affairs; which was agreed to.

Mr. SAULSBURY. I am directed by the Committee on Foreign Relations to report an amendment to the deficiency appropriation bill, "to pay secretaries of legation for services rendered as chargés d'affaires *ad interim* during the two years ending June 30, 1880, $30,000." I move that the amendment be referred to the Committee on Appropriations and printed.

The motion was agreed to.

BILLS INTRODUCED.

Mr. EDMUNDS (by request) introduced a bill (S. 1785) changing the name of Sixteenth street, in Washington, D. C., to Executive avenue; which was read twice by its title, and referred to the Committee on the District of Columbia.

Mr. PIKE introduced a bill (S. 1786) granting a pension to Mrs. Emily B. Newell; which was read twice by its title, and referred to the Committee on Pensions.

Mr. WILSON, of Iowa, introduced a bill (S. 1787) granting a pension to Mrs. Elizabeth M. Newman; which was read twice by its title, and referred to the Committee on Pensions.

Mr. LOGAN introduced a bill (S. 1788) granting a pension to William S. More; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Pensions.

Mr. GRAY introduced a bill (S. 1789) to facilitate the discharge of persons held for extradition where the President declines to surrender; which was read twice by its title, and referred to the Committee on the Judiciary.

Mr. DOLPH introduced a bill (S. 1790) for the relief of William R. Kilbourn; which was read twice by its title, and, with the accompanying paper, referred to the Committee on Indian Affairs.

PAPERS WITHDRAWN.

On motion of Mr. MAHONE, it was

Ordered, That the papers in the claim of William Tabb be withdrawn from the files, there having been no adverse report.

NAVAL VESSELS.

Mr. HALE submitted the following resolution; which was considered by unanimous consent, and agreed to:

Resolved, That the Secretary of the Navy be directed to transmit to the Senate:

I. A statement of the changes made from the original plans of the Chicago, Boston, Atlanta, and Dolphin, in addition to those specified in a communication from the Navy Department to the House of Representatives of February 11, 1885 (constituting House Executive Document No. 230, Forty-eighth Congress, second session), together with the cost of such additional changes in each case, and also to furnish to the Senate copies of the records of the Navy Department, as follows:

II. Concerning the Dolphin: in addition to the papers accompanying the annual report of the Secretary of November 30, 1885, the letter of the Department of June 12, 1885, to the president of the examining board; the letter of the advisory board of July 13, 1885, accompanying their statement then made; a memorandum showing when the opinion of the Attorney-General was received by the Secretary, and by whom, when, and in what manner it was made public; any orders by the Department for the removal from the vessel of the spars, rigging, or other fittings and equipment, together with any revocation thereof; a complete copy of the agreement under which the ship was taken possession of by the Department, and all writings connected with the same, and also all correspondence, from and including the 20th of March, 1885, to the present time, upon the above subjects between the Department or any of its officers and the contractor or his assignees or the advisory and examining boards or any members thereof which are not contained in said annual report; also a statement as to the present condition of said ship, and whether or not she has been accepted by the Department.

III. Concerning the Chicago, Boston, and Atlanta; the agreement under which the ships were taken possession of by the Department, and all writings connected with the same; and all correspondence since March 20, 1885, concerning these vessels, between the Department or any of its officers and the contractor or his assignees or the advisory board or any members of any board; and all reports of boards since said date, but not any lengthy schedules with such reports.

IV. Concerning the fracture of the shaft of the Dolphin; all reports of the advisory board; any papers or letters constituting the agreement for the substitution of iron instead of steel shafts in the four ships; and all correspondence on this subject between the Department or any of its officers and the contractor or the advisory board or any members thereof.

V. Concerning the payment of the reservations on the four ships; all applications by the contractor for such payment; the letters requesting the opinion of the Attorney-General and his opinion; any letters from the Department to the advisory board relative to verifying the correctness of the payments of installments previously made; all letters and vouchers making the payments of the reservations; all correspondence on this subject between the Department or any of its officers and the contractor or the advisory board or any members thereof; and any records showing that the contractor was in financial difficulty when the reservations were paid him.

VI. Concerning the payment of the reservations on the machinery of the Puritan; the contract for such machinery; all reports concerning the trials thereof; the letters and vouchers making the last payment and the payment of the reservations; and all correspondence on this subject between the Department or any of its officers and the contractor; together with any other records of the Department now existing which in the opinion of the Secretary of the Navy will furnish useful information upon the foregoing six heads of inquiry; all copies furnished to be arranged under each head consecutively according to dates as nearly as may be practicable.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. CLARK, its Clerk, announced that the House had passed a bill (H. R. 5201) making appropriations for the payment of invalid and other pensions for the fiscal year ending June 30, 1887, and for other purposes; in which it requested the concurrence of the Senate.

ENROLLED BILL SIGNED.

The message also announced that the Speaker of the House had signed the enrolled bill (H. R. 1635) for the relief of Sarah B. Jackson; and it was thereupon signed by the President *pro tempore*.

AID TO COMMON SCHOOLS.

The PRESIDENT *pro tempore*. If there be no further routine morning business the Calendar is in order.

Mr. BLAIR. I move that the Senate proceed to the consideration of the school bill.

The PRESIDENT *pro tempore*. The Senator from New Hampshire moves that the Senate do now proceed to the consideration of the unfinished business being the school bill.

Mr. DAWES. Will the Senator allow me? There are two cases of unfinished business upon the Calendar which I think will go through without further debate.

Mr. BLAIR. I ask for action on my motion.

The PRESIDENT *pro tempore*. No debate is in order upon the motion of the Senator from New Hampshire.

Mr. DAWES. I am aware of that.

Mr. BLAIR. The Senator from Massachusetts quite frequently has

a little unfinished business, I observe. Perhaps he will allow us first to get through with the regular unfinished business.

Mr. DAWES. And, if the Senator will indulge me, the Senator from Massachusetts has always kept his promise to withdraw it whenever it causes debate.

Mr. BLAIR. I ask for action on my motion.

The PRESIDENT *pro tempore*. The question is on agreeing to the motion of the Senator from New Hampshire.

The motion was agreed to; and the Senate, as in Committee of the Whole, resumed the consideration of the bill (S. 194) to aid in the establishment and temporary support of common schools.

Mr. LOGAN. I offer an amendment to come in at the end of section 6, after the word "Interior."

The PRESIDENT *pro tempore*. The amendment will be stated.

The CHIEF CLERK. It is proposed to add to section 6 as amended:

And that the Secretary of the Interior is charged with the proper administration of this law through the Commissioner of Education, and they are authorized and directed, under the approval of the President, to make all needful rules and regulations not inconsistent with its provisions to carry this law into effect.

Mr. BLAIR. There must be some mistake as to the number of the section to which the amendment is proposed to be added.

Mr. LOGAN. I wish it to come in at the end of section 6, as printed in the bill that I have before me. Perhaps there has been a reprint. It is the section which reads:

SEC. 6. That the money appropriated and apportioned under the provisions of this act to the use of any Territory shall be applied to the use of common and industrial schools therein by the Secretary of the Interior.

Mr. BLAIR. That has been amended so as to read, "under the direction of the Legislature thereof." There is a reprint on the Senator's desk, he will see.

Mr. LOGAN. I had the wrong bill; but I do not see how that change has been made in the phraseology.

Mr. BLAIR. It was an amendment made by the Senate.

Mr. LOGAN. In what part of the bill is the provision which authorizes the Secretary of the Interior to take charge of this fund?

Mr. MILLER, of New York. That is section 4.

Mr. LOGAN. I have it now. My amendment would come in more properly, under the new print, at the end of section 4. I will offer it to that section; and I wish to call the attention of the Senator from New Hampshire to the object I have in view in offering the amendment.

The Secretary of the Interior being the responsible officer, made so by the bill, I desire to add the Commissioner of Education, so that through him the action of the Secretary of the Interior shall be brought to bear, and that the President be added, so that the three may make all needful rules and regulations not inconsistent with the law. That is the language of my amendment. For instance, in the distribution of the school-house or any fund, I propose that they may make some rule, not by which the States shall distribute the money, but by which it shall be paid from the Treasury of the United States, and upon which they themselves will examine into the question as to its proper distribution or use.

I will state to the Senate the object I have in view. As I said the other day, the suggestion of the Senator from Texas [Mr. COKE] particularly called my attention to it, and I have thought of it since. For instance, complaints may be made in some parts of the country in regard to the use of the money or its appropriation, and that would cause, as he stated and I think very properly, investigations to be made in reference to it. If there should be a rule agreed upon by the Secretary of the Interior and the Commissioner of Education, approved by the President, it would do away with that, because the reports would be made to them, and their statement and examination in reference to the matter would be satisfactory to the Congress of the United States and save a great deal of trouble.

I do not think the amendment interferes in the slightest degree with the idea that Senators have in reference to interfering with the power of the States in regulating their schools, but it is merely to make this a board instead of the Secretary of the Interior. That is my object.

The PRESIDENT *pro tempore*. The question is on agreeing to the amendment proposed by the Senator from Illinois [Mr. LOGAN].

Mr. BLAIR. Let the amendment be read again. I confess I do not understand its object.

The PRESIDENT *pro tempore*. The amendment will be again read.

The CHIEF CLERK. It is proposed to add to section 4:

And that the Secretary of the Interior is charged with the proper administration of this law, through the Commissioner of Education, and they are authorized and directed, under the approval of the President, to make all needful rules and regulations not inconsistent with its provisions to carry this law into effect.

Mr. BLAIR. I do not see any objection to that amendment.

The amendment was agreed to.

Mr. EDMUNDS. On page 8 of the reprint, section 11, line 37, I move to amend by inserting, after the word "then" the words "and not otherwise."

Mr. BLAIR. I have no objection to that amendment.

Mr. EDMUNDS. It merely makes clear an implication that now exists under the law.

The PRESIDENT *pro tempore*. The amendment will be read.

The CHIEF CLERK. In section 11, line 37, after the word "then," the amendment is to insert the words "and not otherwise;" so as to read:

If it shall appear to the Secretary of the Interior that the funds received under this act for the preceding year by the State or Territory have been faithfully applied to the purposes contemplated by this act, and that the conditions thereof have been observed, then, and not otherwise, the Secretary of the Interior shall distribute the next year's appropriation as is hereinbefore provided.

The amendment was agreed to.

Mr. EDMUNDS. I move to transpose section 14, which is the power to alter, amend, and repeal, to the end of the bill.

Mr. BLAIR. That is correct. It should be done; and the numbering of the sections should be corrected accordingly.

Mr. EDMUNDS. That will be changed.

Mr. BLAIR. Section 13 has been misplaced.

The PRESIDENT *pro tempore*. The Senator from Vermont moves to transpose section 14 to the end of the bill. The section will be read.

The Chief Clerk read as follows:

SEC. 14. The power to alter, amend, or repeal this act is hereby reserved.

The amendment was agreed to.

Mr. BLAIR. Let the clerks correct the numbering of the sections.

The PRESIDENT *pro tempore*. That will be done.

Mr. EDMUNDS. I should like to inquire of the Senator from New Hampshire, referring to section 12, whether he understands that the appeal to Congress by a State or Territory claiming this money against the opinion of the Interior suspends the effect of the act of the Secretary so that the money still goes, or whether the decision of the Secretary stands until Congress on appeal shall reverse it?

Mr. BLAIR. I suppose that this contemplates an adverse decision by the Secretary. Of course the money can not go contrary to the decision until it is overruled, and overruled by Congress.

Mr. INGALLS. What is meant by the phrase appealing to Congress? I understand that there would be the right to apply to Congress for relief under any circumstances. There can be no new definition of power in that paragraph.

Mr. BLAIR. That may be so; but it is there, and does no harm.

Mr. INGALLS. It might complicate the action of the Department or of the States by assuming that there was something different from the ordinary right of a State to appeal. I should like to know how a State or Territory could appeal to Congress from an apportionment made by the Secretary of the Interior. There is no proceeding analogous to an appeal from an inferior to a superior tribunal. There is nothing that ever I have heard of to which this could be compared. If it is merely the declaration of an abstract principle that there is a right of appeal to Congress of course it is unnecessary, because the right to appeal exists in any event; but how the action of the Secretary of the Interior could be changed or modified by an appeal to Congress I can not comprehend.

Mr. EDMUNDS. That had better be stricken out. It is entirely unnecessary.

Mr. INGALLS. I will move to strike out after the word "forfeiture," in line 6 of section 12, the remainder of the paragraph.

Mr. BLAIR. I have not the slightest objection.

Mr. HOAR. It seems to me that provision is very properly there and ought to be retained.

Mr. BLAIR. So it seems to me, but it does not do any harm to strike it out.

Mr. HOAR. The act without it would indicate that it was the contemplation of the bill that the judgment of the Secretary of the Interior was a finality, and if a State comes to Congress and says, "the Secretary has made a mistake which we want him to remedy," it might be met with the claim, "Congress has established a tribunal to settle these questions and decide everything on the States, and you are not properly here, undertaking to reverse what is in the nature of an award or a quasi-judicial proceeding." Therefore it seems to me very proper that in the case of so important an exercise of discretion as the withholding from a State of what might amount to millions of dollars as its share of this distribution, the bill itself should point out that a resort to Congress is contemplated if the State deems that it is aggrieved.

The PRESIDENT *pro tempore*. The amendment of the Senator from Kansas [Mr. INGALLS] will be stated.

The CHIEF CLERK. On page 8 of the reprinted bill, section 12, line 6, after the word "forfeiture," it is proposed to strike out all down to and including the word "Congress," at the end of the section, as follows:

And each State and Territory from which such apportionment shall be withheld shall have the right to appeal from such decision of the Secretary of the Interior to Congress.

Mr. BLAIR. It did not seem to me that the language was material; at the same time it is a suggestion, and as the Senator from Massachusetts says it can do no harm and may do good. I have no personal feeling about it as affecting the working of the bill; but as it is opposed, I prefer to stand by the bill as it is.

Mr. EVARTS. Mr. President, there is a countervailing consideration in answer to the suggestion of the Senator from Massachusetts; and that is, if this reservation is retained in this particular instance there

may be an argument that it has not been placed in the attitude of freedom on the part of Congress in regard to other matters. It is a very awkward expression to say that there is an appeal lying from a head of Department to the Congress of the United States, and my judgment was in favor of striking out that clause.

The Senator from Massachusetts suggests that it may seem that Congress has no control if an appeal is not reserved. I think it is an adequate countervailing suggestion that if other subjects are not reserved they are included in the same sense that this is a stipulated contract. I would not desire that there should be any such implication either by this remaining in or any other interpretation of the bill as leaving it in any other situation than a law of Congress which, like all other legislative powers of Congress, is always subject to the action of Congress.

As the Senator from New Hampshire does not regard the clause as very important to the bill, it seems to me that it is a blemish on the bill that it is here, and I desire that it may be struck out.

Mr. HOAR. Mr. President, what has been said in the Senate accompanying the passage of the bill would probably have the same effect if an appeal became necessary to Congress whether this was in or out. It seems to be an absolutely extraneous matter, hardly worth discussing.

The amendment was agreed to.

Mr. DOLPH. I now offer the first amendment on the printed page which I send to the desk.

The PRESIDENT *pro tempore*. The Senator offers for adoption an amendment which will be read.

The CHIEF CLERK. In section 11, line 12, after the word "also," it is proposed to insert:

A statement of the number of school districts in such State or Territory, and whether any portion of such State or Territory has not been divided into school districts or other territorial subdivisions for school purposes, and if so, what portion, and the reasons why the same has not been so subdivided; the number of children of school age in each district, and the relative number of white and colored children in each district.

Mr. CALL. Some of us have not heard the amendment which was announced recently as adopted. I should like to hear it.

The PRESIDENT *pro tempore*. The Senator from Kansas [Mr. INGALLS] moved to strike out, in section 12, the words which will be read.

The Chief Clerk read the words stricken out, as follows:

And each State and Territory from which such apportionment shall be withheld shall have the right to appeal from such decision of the Secretary of the Interior to Congress.

Mr. EDMUNDS. Merely the clause providing for an appeal to Congress.

The PRESIDENT *pro tempore*. The question is on the amendment of the Senator from Oregon [Mr. DOLPH], which will be again read.

The Chief Clerk read Mr. DOLPH's amendment.

Mr. DOLPH. The object of this amendment is obvious. The bill as it stands requires the governor of each State and Territory to report—

The number of public, common, and industrial schools, the number of teachers employed, the total number of children taught during the year and in what branches instructed, the average daily attendance and the relative number of white and colored children, and the number of months in each year schools have been maintained in each school district.

It will be observed that this provision only relates to the number of schools, and from that report the number of school districts could not be ascertained, or whether schools had been maintained in all the school districts, or in what proportion of the school districts, or what the number of children of school age, white or black, was in each of the districts. Therefore it would be impossible for the Secretary of the Interior or any one else to determine from the report whether or not school facilities had been afforded to all the children of school age in the State or Territory. I do not see any objection that can be made to this amendment, as it is not inconsistent with what follows.

Mr. BLAIR. This only applies to the subsequent report after the act has gone into operation. There is no objection to the amendment, as all that information will be in the reports of the superintendents of public education in the various States, and so it may just as well be collected and furnished as any other table.

Mr. DOLPH. It is suggested that the word "and" should be inserted at the beginning of the amendment to make the connection.

The PRESIDENT *pro tempore*. The amendment will be so modified. The question is on the amendment of the Senator from Oregon.

The amendment was agreed to.

Mr. DOLPH. Now I move the adoption of the second amendment on the paper sent to the desk.

Mr. EDMUNDS. I wanted to suggest to the Senator from Oregon that in order to get the full information we ought to have we should know the number of these schools in each district; and therefore after the word "schools," in line 12, which is in perfect harmony with his amendment, I move to insert "in each district." With his permission I will move it now.

Mr. DOLPH. I have no objection.

The PRESIDENT *pro tempore*. The amendment of the Senator from Vermont [Mr. EDMUNDS] will be read.

The CHIEF CLERK. On page 7 of the reprinted bill, at the end of line 12 of section 11, after the word "schools," it is proposed to insert the words "in each district;" so as to read:

And of the number of public, common, and industrial schools in each district,

The PRESIDENT *pro tempore*. If there be no objection that amendment will be considered as agreed to.

Mr. INGALLS. I would like to suggest that after the word "employed," in line 13 of that section, it would be well to insert the words "rate of wages paid." It is nowhere provided that the rate of wages of teachers shall be given.

Mr. BLAIR. That can be furnished just as well. I do not object to the amendment. It is in the superintendents' reports.

Mr. DOLPH. I give way to that motion.

Mr. INGALLS. I move to insert after the word "employed," in line 13, the words "rate of wages paid;" so as to read:

The number of public, common, and industrial schools in each district, the number of teachers employed, the rate of wages paid, &c.

The PRESIDENT *pro tempore*. If there be no objection that amendment is agreed to.

Mr. DOLPH. Now I——

Mr. BLAIR. On the point suggested by the Senator from Kansas, the rate of wages paid, I have here the last report of the superintendent of public instruction of the State of North Carolina. It shows the number of public schools there for whites, 3,845; colored, 2,175; average time of school in days, 58; average monthly salary of white teachers, $24.16; average monthly pay of colored teachers, $22.06; showing that the matter is already collected and can be easily furnished.

Mr. DOLPH. Now I submit my amendment, and I should like to call the attention of the Senator from Vermont to this amendment and ask if it is at all in conflict with the amendment offered by the Senator a few days since and adopted?

The PRESIDENT *pro tempore*. The amendment will be read.

The CHIEF CLERK. In section 11, lines 21 and 22, it is proposed to strike out the words "or shall fail to comply with the conditions herein prescribed," and insert at the end of line 29, same section, the following:

And if any State or Territory shall have failed, except as permitted by section 8, to apply the money expended by it out of the amount apportioned to it under the provisions of this act, for any one year, to the support of common schools, free for all its children of school age, without distinction of color, and in such a way as to provide, as near as may be, for the equalization of school privileges to all the children of the school age prescribed by the law of such State or Territory within such State or Territory, no subsequent allotment shall be made under this act until Congress shall so determine.

Mr. EDMUNDS. Is that amendment in print?

Mr. DOLPH. It is.

Mr. EDMUNDS. It will raise an implication against the equality of the division among white and colored schools.

Mr. DOLPH. I thought it might. When this amendment was submitted and printed the amendment subsequently offered by the Senator from Vermont had not been adopted; and there are several provisions in the bill declaring that the money shall be used as contemplated by my amendment. I think those provisions in some sense are incompatible with the amendment offered by the Senator from Vermont. It seems to me the bill ought to be changed in that respect, or else it is true that the amendment now offered by me is not in conflict with the amendment offered by the Senator from Vermont; but if it is supposed it is in conflict with the amendment already adopted, I will not press its consideration.

Mr. EDMUNDS. I am very much afraid it is. The amendment adopted on my motion in connection with the other parts of the bill would seem to me to require all that the Senator's amendment requires and more, by first requiring equal privileges in general as between child and child, and then, secondly, where separate establishments are kept up, that they shall be treated as establishments on equal terms. That is the way the bill stands now. So I think this is inconsistent.

Mr. DOLPH. It will be understood that the amendment proposed by me and printed was for the purpose of enforcing the declaratory portions of the bill, in which it is directed that this money shall be used for the equal benefit of all the children of school age, white or black; but if by the amendment of the Senator from Vermont there is to be an unequal distribution as between children of school age white and black in any of the States, then I think perhaps the amendment offered by me would be in conflict with it.

Therefore I withdraw the amendment and offer to insert, in line 20 of section 11 of the printed copy of the bill I have, after the word "purposes," the words "and in the manner;" so that the clause shall read:

And if any State or Territory shall misapply, or allow to be misapplied, or in any manner appropriated or used, other than for the purposes and in the manner herein required, the funds, or any part thereof, received under the provisions of this act.

Mr. EDMUNDS. I have no objection to that. That will do.

Mr. BLAIR. I have no objection to it.

Mr. DOLPH. That will cover in part the object I have in view.

The PRESIDENT *pro tempore*. The question is on the amendment of the Senator from Oregon [Mr. DOLPH], after the word "purposes," in line 20 of section 11, to insert "and in the manner."

The amendment was agreed to.

Mr. HARRISON. I want to call the attention of the Senate, and especially of the Senator from Oregon, to the shape in which he has left the intended provision for Alaska. It will be noticed that the amendment adopted on motion of the Senator from Oregon to section 2 is as follows:

That the District of Alaska shall be considered a Territory within the meaning of this act, &c.

The bill provides in section 3 that no State or Territory shall receive any of the benefits of the act until the governor shall file with the Secretary of the Interior certain statements. It is not possible for Alaska to file such a statement. In section 7 it is provided that no greater sum shall be apportioned to any State or Territory than the particular State or Territory expended out of its own revenues the preceding year for common-school purposes. Of course Alaska has expended none. It has no school revenue. So it seems to me unless the amendment is modified so as to take Alaska out from under those general provisions of the bill she would get absolutely and necessarily nothing under this amendment.

Mr. DOLPH. I am not certain about that, but I will examine it, and if necessary submit an amendment. I should like to ask the Senator from Indiana if the substitute which I understand he proposes for the amendment offered by me yesterday in regard to basing this apportionment on the returns of the next census has been submitted to the Senate.

Mr. HARRISON. No, sir.

Mr. DOLPH. If not, I will offer it now, unless the Senator will do it as a substitute for the amendment I withdrew yesterday.

Mr. HALE. While the Senators are waiting to mature the amendment, I wish to move an amendment.

The PRESIDENT *pro tempore*. No amendment is now pending.

Mr. HALE. In line 12, section 2 of the last print of the bill, I move to insert the word "illiterate," after the word "colored," between that and the word "children."

Mr. BLAIR. There is no means of ascertaining that; the census does not show that.

The PRESIDENT *pro tempore*. The amendment will be read.

The CHIEF CLERK. In section 2, line 12, after the word "colored," insert "illiterate;" so as to read:

In the proportion that the white and colored illiterate children between the ages of ten years and twenty-one years in such State or Territory bear to each other as shown by the last census.

Mr. INGALLS. Presumptively in the consideration of this bill all children between the ages of ten and twenty-one are illiterate. How would this affect the distribution?

Mr. HALE. I will state what my object is. If I do not reach it in this way I can in another way. I thought this the clearest and most distinct way of raising the issue which was first raised by the Allison amendment. There was considerable discussion in the body upon that amendment, and there was a disposition largely shown in favor of that amendment. Whether or not, had a test vote been taken upon it, it would have passed, I of course do not know; perhaps it would have been defeated; but certainly it raises a distinctive issue clearly enough to be entitled to a direct vote of this body. That has not been had because of the action taken the day before yesterday, when I will say I was not present, having been called over to the House of Representatives at the other end of the Capitol. It was first amended without any call for a division, I believe, and then, as amended, it was displaced by the amendment of the Senator from Vermont. So the Senate has had no opportunity to vote upon the distinctive proposition submitted by the Senator from Iowa who is absent upon the public business of the country on the order of the Senate, and I desire now in some way, and I think I will devise some way, to bring the attention of the Senate to that distinctive proposition and ask for a vote upon it.

I use the word "illiterate" in moving this amendment because all through the bill illiteracy has been recognized as a distinctive condition. It has been adopted not only in the discussion but in the body of amendments and of the bill as meaning a particular thing, the inability, we will say, to write. That is my purpose in moving this amendment; but if it is better I will move instead to strike out from section 2, as it appears in this print, all after "1880," in line 7, down to and including the word "exist," in line 17, and to substitute for that the Allison amendment in terms.

Mr. EDMUNDS. I will state to my friend what he has probably forgotten, that we are still in committee and it is not in order to amend what the Senate has put in; but the moment the bill is reported to the Senate the question will be on agreeing to this particular amendment, and then it will be open to amendment or we can reject it and insert the Allison amendment or any other.

Mr. HALE. I was under the impression that the bill had passed from the committee and that we were now considering it in the Senate.

Mr. EDMUNDS. Oh, no. The question will arise when the bill is reported to the Senate.

The PRESIDENT *pro tempore*. When the bill is reported to the Senate the very question the Senator suggests will arise.

Mr. HALE. Then I shall have the opportunity to offer the amendment?

The PRESIDENT *pro tempore*. Certainly.

Mr. HALE. I was under the impression that the Senate was considering the bill as in the Senate.

Mr. DOLPH. I now move to insert, after "1880" in line 7 of section 2, the following words:

Until the illiteracy returns of the census of 1890 shall be received, and then upon the basis of that census.

So that the clause will read:

Such computation shall be made according to the census of 1880 until the illiteracy returns of the census of 1890 shall be received, and then upon the basis of that census.

Mr. BLAIR. There is no objection to that amendment.

The PRESIDENT *pro tempore*. The question is on the amendment proposed by the Senator from Oregon [Mr. DOLPH].

The amendment was agreed to.

Mr. EVARTS. Mr. President, I move an amendment to section 10, after the word "and," in line 4, where it reads "States and Territories," to insert "only for common or industrial schools in." That is to remove an inconsistency which exists on the face of the bill between section 6 as it now stands, which has reserved the right to establish industrial schools in the Territories, and section 10 as it now reads, which refers the whole application of the money only to common schools. The Senate will see immediately the effect of this change to read thus:

That the moneys distributed under the provisions of this act shall be used only for common schools not sectarian in character in the school districts of the several States, and only for common or industrial schools in Territories.

Mr. BLAIR. I hope the amendment will be adopted. It removes an incongruity in the bill.

Mr. EVARTS. It is not a new proposition, but makes conformity between the two sections.

The PRESIDENT *pro tempore*. The question is on the amendment proposed by the Senator from New York [Mr. EVARTS].

The amendment was agreed to.

Mr. EVARTS. I now offer an amendment by adding at the end of section 1 the following:

And if any State, by its Legislature, shall decline or relinquish its share or proportion under this act, or any portion thereof, the sum so relinquished shall go to increase the amount for distribution among the other States and the Territories as herein provided.

The proviso in section 1, as it now reads, is:

Provided, That no money shall be paid to a State, or any officer thereof, until the Legislature of the State shall, by bill or resolution, accept the provisions of this act; and such acceptance shall be filed with the Secretary of the Interior.

That would leave it undetermined what would become of the fund that was thus not accepted, and I have only provided that in case a State should decide that it would not accept it, as has been suggested that some States might not, it would be proper to have it determined one way or the other whether this money thus relinquished should go back into the Treasury or whether it should increase the distribution among the other States.

The PRESIDENT *pro tempore*. The question is on the amendment of the Senator from New York.

Mr. DOLPH. I shall ask when this bill comes into the Senate that a separate vote be taken on the amendment which was adopted on the motion of the Senator from Colorado [Mr. TELLER] and also on the amendment offered by me. I think we should either treat all the States as entitled to the provisions of this act and pay all the money to them without requiring an act or joint resolution of their Legislative Assembly, or we should require a certain number of States to accept its provisions before we enter on the work of distributing this aid. If the amendment which I offered is not adopted I think the amendment offered by the Senator from Colorado should be non-concurred in in the Senate. It is unjust to the State of Oregon, for instance. Suppose this bill should pass next February in the other House and then become a law, there will be no session of the Legislature of Oregon for two years, and two years would elapse before it would be possible for the State of Oregon to accept the provisions of this bill in the manner required unless the governor should take the responsibility of calling a special session of the Legislature for that purpose.

I do not think the Senate considered the propriety of some rule upon this subject if this provision is to remain. Nor am I in favor of the amendment offered by the Senator from New York [Mr. EVARTS]. It would be a sort of compulsion upon the States. The citizens of the State would gain nothing by rejecting the money offered under this bill. Instead of it going into the Treasury and lessening the tax on their citizens to supply this fund, it would simply go to the States who accepted the provisions of the bill.

As I say, I shall ask a separate vote both on the amendment offered by me and the amendment offered by the Senator from Colorado. If some provision is not made as to when the bill is to go into effect, or what number of States shall accept it before we commence the distribution, then I think we should see what States accept it and make the distribution at once; otherwise we throw the whole matter into confusion, and it will be impossible for any Secretary of the Interior or any other executive officer to execute the bill, some States accepting its provisions two years after other States are receiving their proportion.

If a State does not accept the provisions of this bill I think the money should go back into the Treasury.

The PRESIDENT *pro tempore*. The question is on the amendment proposed by the Senator from New York [Mr. EVARTS].

Mr. BLAIR. I hope the amendment will be adopted. There is no possible view in which it can do any harm. There has been a carefully cultivated sentiment spread abroad throughout the Northern country that they do not want this money, that it is in some sense dishonorable and humiliating in the great Northern States to receive it, and that they will resent the taking of it. This amendment places them in a most kindly and liberal disposition in regard to the rejection of that which would otherwise go to them, and makes over that which they do not find necessary for themselves in their abundance and intelligence to the more needy portions of the country where the money is wanted; and the whole $77,000,000, as the Senator from Illinois showed us yesterday, would be but a very trifling amount in comparison with the actual want. It does seem to me as though no friend of the bill ought to be opposed to this amendment, but should rather anxiously seek for the adoption of the amendment, and certainly no one opposed to the bill on the grounds which have been stated on this floor can have the slightest objection to its adoption.

Mr. EVARTS. Mr. President, I am unable to understand how this amendment that I have proposed should become entangled with the propositions heretofore made by the Senator from Oregon and the Senator from Colorado and the results of the votes of the Senate on those subjects. This is applied to the simplest matter in the world. There is a clause in the bill that no money is to be paid to any State until that State by its Legislature shall have accepted its provisions. That is indeterminate entirely. What shall become of the money not accepted? I desire to put at least an end to the doubt in respect to a final and peremptory action of any State which may decline to receive or may relinquish this proffer.

The question would then be whether that money should lapse into the Treasury, or whether the fund going to the other States should be thereby increased. I am not able to understand any very good reason why a State should decline this amount on the mere interest of saving its share to be used in diminishing the taxation of the whole United States of America to that extent; but I can very well understand how one of the strong and Northern States, if it should be indisposed to allow its school system to be at all affected by the benefits of this bill, might very well feel that it was not injuring the rights and interests of the other portions of the country that might need more than they received of benefit, and indeed would aid the proposition that this was to go to illiteracy where it was more needed than it was in the strong and educated States. I hope the amendment will be accepted.

Mr. MAXEY. Mr. President, I think the amendment proposed by the Senator from New York is eminently unjust. A State in the exercise of her own judgment, of her own sound discretion, arrives at the conclusion that her system of education without any outside interference or aid can be successfully carried on. That is the opinion of that State, and she concludes that she can not afford to appear in the character of a mendicant or an applicant for charities from other States who are in no respect in better condition than that State. That State refuses to receive its share of the school money offered by Congress. What is the effect of the amendment of the Senator from New York? It is the injection of a penal statute into a bill said to be in aid of education; it is saying to a State, "If you dare to exercise your judgment in doing what you deem to be right for the common schools in your State and decline to take this money, it shall be taken and passed over to some other State which thinks differently, and your people shall be taxed all the same as if you received the money."

Is there any fairness on this earth in that proposition? If, for instance, the State of Texas believes that she can conduct her own school system, and she does it—and I know that to be the fact that she can conduct her own school system after her own fashion, and has abundant ability and the will to educate both races, colored and white, and needs no assistance from anybody to carry that out—and therefore prefers that that share of the money which under this bill would go in aid of the schools of the State of Texas shall remain in the Treasury, has she not that right? And yet if the State comes to that conclusion, to exercise her right, her people are not to be benefited by that conclusion, but her people are to be taxed to raise the amount of money which she would have received and which goes to another State; and thus this amendment is a penal statute injected into this bill. In every sense of the word it seems to me to be unjust.

The PRESIDENT *pro tempore*. The question is on the amendment proposed by the Senator from New York [Mr. EVARTS].

Mr. MAXEY. On that I ask for the yeas and nays.

The yeas and nays were ordered.

Mr. SAULSBURY. I regard this amendment as in the nature of a residuary clause in a last will and testament. We are simply disposing of the whole estate, and if there is a lapsed legacy it goes to somebody else. It is an assignment of all the assets of the Government, and we may as well give it to the beneficiaries. If there is a lapsed legacy in this bequest let it go to the other legatees.

Mr. BLAIR. I do not believe there is a Northern State that will relinquish its rights under this bill if it ever becomes a law. I do not know any sentiment among the Northern people that will prevent their taking all the money they can get honestly for their common schools. This amendment is offered merely as a tribute to a sentiment that does not exist.

The Secretary proceeded to call the roll.

Mr. BROWN (when his name was called). Although I am paired with the Senator from Alabama [Mr. MORGAN], there is an agreement between us as to amendments under which I am at liberty to vote in this case; I therefore vote "yea."

Mr. CHACE (when his name was called). I am paired with the Senator from Arkansas [Mr. BERRY]. My colleague [Mr. ALDRICH] is absent by direction of the Senate on committee service, and is paired with the Senator from West Virginia [Mr. CAMDEN].

Mr. HARRISON (when his name was called). Upon all questions connected with the consideration of this bill I am paired with the Senator from Connecticut [Mr. HAWLEY]. I do not know how he would vote on this amendment, and therefore withhold my vote. If he were present, I should vote "nay."

Mr. SAULSBURY (when his name was called). I am paired with the Senator from Pennsylvania [Mr. MITCHELL].

The roll-call was concluded.

Mr. COCKRELL. I desire to announce that my colleague [Mr. VEST] is still confined at his home by illness, and is not able to be present in the Senate Chamber. He is paired on this bill.

The result was announced—yeas 25, nays 23; as follows:

YEAS—25.

Blair,	Evarts,	Mitchell of Oreg.,	Stanford,
Bowen,	George,	Palmer,	Teller,
Brown,	Gibson,	Payne,	Vance,
Call,	Hoar,	Pugh,	Walthall.
Colquitt,	Jackson,	Ransom,	
Edmunds,	Kenna,	Riddleberger,	
Eustis,	Miller of N. Y.,	Sherman,	

NAYS—23.

Blackburn,	Frye,	Logan,	Sewell,
Cockrell,	Gray,	Manderson,	Spooner,
Coke,	Hale,	Maxey,	Van Wyck,
Conger,	Harris,	McMillan,	Wilson of Iowa,
Cullom,	Ingalls,	Plumb,	Wilson of Md.
Dolph,	Jones of Arkansas,	Sawyer,	

ABSENT—28.

Aldrich,	Chace,	Jones of Florida,	Morrill,
Allison,	Dawes,	Jones of Nevada,	Pike,
Beck,	Fair,	Mahone,	Platt,
Berry,	Gorman,	McPherson,	Sabin,
Butler,	Hampton,	Miller of Cal.,	Saulsbury,
Camden,	Harrison,	Mitchell of Pa.,	Vest,
Cameron,	Hawley,	Morgan,	Voorhees.

So the amendment was agreed to.

Mr. MAXEY. I desire to give notice that when the bill passes into the Senate I shall ask a separate vote upon the amendment just adopted on the motion of the Senator from New York.

Mr. SPOONER. I offer an amendment to section 11. I move to strike out all after the word "provided," where the same occurs in line 39, as follows:

The Secretary of the Interior shall have power to hear and examine any complaints of misappropriation or unjust discrimination in the use of the funds herein provided, and shall report to Congress the results thereof.

And to insert in lieu thereof:

And it shall be the duty of the Secretary of the Interior to promptly investigate all complaints lodged with him of any misappropriation by or in any State or Territory of any moneys received by such State or Territory under the provisions of this act, or of any discrimination in the use of such funds; and the said complaints, and all communications received concerning the same, and the evidence taken upon such investigations, shall be preserved by the Secretary of the Interior, and shall be open to public inspection and annually reported to Congress.

I hope, Mr. President, that this amendment will commend itself to the favorable judgment of the Senate. The language of the section, if I may be permitted to repeat it, which I propose to strike out, is:

The Secretary of the Interior shall have power to hear and examine any complaints of misappropriation or unjust discrimination in the use of the funds herein provided, and shall report to Congress the results thereof.

Every lawyer knows that language permissive in form is frequently held by the courts to be mandatory. Thus the word "may," where the interests of third parties or of the public are involved, is generally construed to be equivalent to the word "shall." There are cases in which words granting power to a judicial or other officer to discharge a given function have been held to be mandatory; but it is quite clear upon the authorities, as I remember them, that the language which it is proposed to strike out would be construed as merely permissive.

One element of weakness in this bill, among those who have felt disposed to favor it on general principles, is the want of security against any misappropriation of this fund by or in the States or Territories among which it is to be distributed. This amendment is designed to remedy that difficulty in a measure, and it can only be remedied in a measure, for it is to some extent inherent. As the bill stands, the only information which Congress is to obtain as to the application of this money made by the States and Territories is derived from reports made by certain State and Territorial officers.

If this amendment is adopted it will constitute, I think, a proclamation in the law to every one in the States which receive a portion of this money that it is a popular fund in which they have an interest and as to which they may make, without difficulty, complaints, if they deem it necessary. I desire by this amendment to give it into the power of every man, woman, or child, North or South, black or white, who conceives that there is any misappropriation or unjust discrimination in the use of this money to lodge a complaint with the Secretary of the Interior, and to make it without possibility of question the duty of the Secretary of the Interior to investigate that complaint; to preserve the complaint itself and all communications concerning it, and all testimony taken upon the subject, as public records, open to the inspection of all the people, and to report that information annually to Congress, in order that we may see what complaints are made and what testimony is taken; and I think in this way we may more efficiently ascertain whether or not the States and Territories are using this fund in accordance with the letter and spirit of the law.

The PRESIDENT *pro tempore*. The question is on the amendment proposed by the Senator from Wisconsin [Mr. SPOONER].

The amendment was agreed to.

Mr. DOLPH. I offer an amendment to the amendment adopted yesterday in regard to Alaska.

The CHIEF CLERK. On page 3 of the reprinted bill, section 2, line 19, after the word "act," it is proposed to insert:

But no acceptance of the provisions of this act, report of the governor of the District, or expenditure by the district for school purposes shall be required.

Mr. DOLPH. That is to cover the suggestion made by the Senator from Indiana that certain provisions of the bill could not be complied with by the District of Alaska. It is merely to except the District of Alaska from compliance with those conditions. I have shown the amendment to the chairman of the Committee on Education and Labor, and he has no objection to it. I have shown it to the Senator from Indiana, and it covers the point made by him.

The amendment was agreed to.

Mr. INGALLS. I observe that the District of Columbia is omitted from the beneficial provisions of this bill. I ask the Senator from New Hampshire whether the omission was intentional, and, if so, why?

Mr. BLAIR. It was struck out of the orginal bill by the action of the Senate in the last Congress. It was in the original bill, and I should be very glad to see the District inserted, as its people appear to be the only portion of the American people who are left out.

Mr. INGALLS. There are especial reasons why the provisions of the bill should apply to the District of Columbia, as the Senator knows, the number of colored children here being exceptionally large. I will therefore move to insert on page 3, in line 18 of section 2, after the word "that," the words "the District of Columbia and," so as to read:

Provided, That the District of Columbia and the District of Alaska shall be considered Territories, &c.

Mr. BLAIR. Let the whole be read now with the amendment.

Mr. INGALLS. The reason I proceed no further is that if the amendment should be agreed to the paragraph will require further amendments grammatically.

Mr. BLAIR. Senators may not have observed the adoption of the amendment last offered by the Senator from Oregon in reference to reports, &c., which I can not exactly understand unless it is read in connection with the section; but I agree to the first suggestion of the Senator from Kansas, the insertion of the District of Columbia at the commencement of the provision touching the District of Alaska.

Mr. INGALLS. Then may we have a vote on that proposition, Mr. President?

The PRESIDENT *pro tempore*. The amendment of the Senator from Kansas will be stated.

The CHIEF CLERK. On page 3, section 2, line 18, after the first word "that," it is moved to insert:

The District of Columbia and.

And at the end of the line to strike out the word "a" and to change the word "Territory" to the word "Territories"——

Mr. INGALLS. Will the Chief Clerk suspend one moment? Upon further examination of the bill I am convinced that the purpose of this amendment would be better promoted by inserting the words "and the District of Columbia" after the word "Territories" in the second line of section 2 so as to read:

That such moneys shall annually be divided among and paid out in the several States and Territories and in the District of Columbia.

Mr. BLAIR. That would be much better.

Mr. INGALLS. I therefore change my motion, and move to insert the words in section 2, line 2, after the word "Territories."

The PRESIDENT *pro tempore*. The amendment will be stated.

The CHIEF CLERK. In line 2 of section 2, after the word "Territories," it is proposed to insert the words "and in the District of Columbia;" so as to read:

SEC. 2. That such money shall annually be divided among and paid out in the several States and Territories and in the District of Columbia in that proportion, &c.

Mr. HARRISON. I wish to ask the Senator from Kansas whether it would not be necessary to modify somewhat in the interest of the District, as was done in the interest of Alaska, some of the other provisions of the bill, as for instance section 3?

Mr. BLAIR. That will have to follow through all the sections of the bill, I suppose.

Mr. INGALLS. It will require a critical examination of the bill if this is adopted in order to make the other provisions operative, but it will be a matter of very small difficulty to accomplish that result.

Mr. BLAIR. Will it not answer all the purposes of the Senator from Kansas to provide in a separate section that the District of Columbia shall be taken to be a Territory under the provisions of this act? That is not exactly the proper form, but had it not better be in a separate section, so as to save the trouble of inserting the words "District of Columbia" wherever the words "States and Territories" occur?

Mr. INGALLS. Even if the suggestion of the Senator from New Hampshire should be concurred in, it will still be advantageous to have the words inserted in the second line of section 2, and the other sections can be provided for later.

Mr. BLAIR. I do not think that will do any harm in the first part of section 2.

The PRESIDENT *pro tempore*. The question is on the amendment proposed by the Senator from Kansas [Mr. INGALLS].

Mr. BLAIR. There is this to be considered, that all the provisions that grow out of the race question exist here in this District, and it seems to me that a separate section providing that the District be treated as a Territory would carry out the purpose.

Mr. EDMUNDS. That might not do, because in some of the amendments it is provided that the Legislatures of the Territories shall act like the Legislatures of States in regard to their laws about schools, and there is not any local legislature here. It can all be accomplished by agreeing to the amendment of the Senator from Kansas as it is now offered, and then a short section of three lines saying that the District of Columbia shall be entitled to all the benefits and subject to all the regulations of the act, so far as applicable. That will do it all.

The PRESIDENT *pro tempore*. The question is on the amendment proposed by the Senator from Kansas [Mr. INGALLS].

The amendment was agreed to.

Mr. INGALLS. Now, I move to insert an additional section, to be placed the last but one in the bill, in the following words:

That the District of Columbia shall be entitled to all the benefits and subject to all the regulations of this act, so far as applicable under its form of government.

The PRESIDENT *pro tempore*. The question is on this amendment of the Senator from Kansas [Mr. INGALLS].

The amendment was agreed to.

Mr. TELLER. I move the following amendment, to be inserted at the end of section 2:

Provided, also, That the Indian Territory shall be considered a Territory within the meaning of this act, and the money apportioned to said Territory shall be expended annually under the direction of the Secretary of the Interior, who shall ascertain, in such manner as shall be deemed by him best, the number of illiterates therein. The provisions of sections 3 and 7 of this act shall not apply to the Indian Territory.

Mr. President, the other day when I attempted to call attention to the Indian tribes, the objection made, which I admitted had considerable force, was the difficulty of carrying out the idea that prevails in this bill so as to be applicable to the Indian Territory. We have now added Alaska to the bill, and provided that the bill shall be applicable to that Territory. There can be no practical difficulty under this amendment in including the Indian Territory, which contains, according to the last report of the Commissioner of Indian Affairs, 65,000 Indians of full blood residents in that section of country. I find the agents also report the number of railroad employés and other people living in the Territory by permission of the tribes, including those to whom they have granted lands, as about one-half of the Indian population, or something over 30,000; they are put at about 35,000. I read from one of the agent's reports:

The number of whites within this agency who are laborers for Indians, employés of railroad companies, licensed traders, pleasure-seekers, travelers, and intruders, must be about 35,000, or half the number of Indians.

It does seem to me that when we are making a general provision we ought to include that class of people in the Indian Territory as well as any other. I will call attention to the report next to the last report of the United States Indian agent at the Union agency in the Indian Territory. I desire to read a brief extract. Speaking of the five civilized tribes he says:

Each of these nations has a public-school system similar to those of the States, and holds teachers' institutes at its capital annually. The settlements are so far apart that schools can be established only at neighborhoods where ten or more scholars can be got together. The neighborhood builds the house and the nation furnishes teachers and books. Most of the teachers are educated Indians who teach the English only in their schools. In addition to the neighborhood schools each nation has academies and seminaries, boarding schools for their children only. The Cherokees have two fine seminaries that have been in successful operation for many years. They are managed and operated by Cherokees. The Choctaws have three large academies, one under the management of the Methodist Church South, and the other two by the Presbyterian missionary board. The Chickasaws have four academies, conducted by contractors who are citizens of the Chickasaw Nation. The Seminoles have two, one under the management of the Methodist Church South, the other by the Presbyterian missionary board, the nation paying the managers about $80 per annum for each pupil boarded, clothed, and educated. The Creeks have four

seminaries, under the management of the following religious societies: The Methodist Church South, Southern Baptist, Presbyterian, and Baptist home missionary societies, the latter for Creek freedmen.

In addition to the above there are subscription schools. These are schools established by private enterprise and students paying tuition, except in cases where individuals or societies in the State pay tuition for certain students. These schools receive no support from the nations. Worcester Academy, at Vinita, under the supervision of the Congregational Society, erected two years ago by funds subscribed by citizens of the Cherokee Nation, is one of the best in the Territory, and has an average of about 100 students. Harrell Institute, at Muskogee, managed by the Methodist Church South, has about 140 students, and has in progress of erection a fine academy building. Indian University, at Tahlequah, managed by the Baptist Home Missionary Society, is a flourishing school. It will be removed to Muskogee as soon as buildings now in course of erection are completed. The schools managed by religious societies, either as pay schools or under contract with the nations, are generally the most successful.

In addition to the white people who go into the Indian Territory, and who, if educated at all, must be educated in these Indian schools, there is a large number, as everybody understands, of freedmen, not less than two or three thousand freedmen, or colored people, within the bounds of the Indian Territory. If the purpose is to provide for all classes of people who are so unfortunate as not to have had all the opportunities of education, there can be no reason why the Indian Territory should not be included. If it is said by anybody that they have abundant means and are able to educate their own children, that may be said of the States which are to receive the benefit of this bill. I heard Senator after Senator here say that his State demanded nothing and required nothing. I said early in the debate that the State which I in part represent did not need it, did not want it, would accept it, of course, but that my course on the bill would not be influenced in the slightest degree whether the State of Colorado received a portion of this money or not. So it is not because all the beneficiaries are unable to support schools, but it is because, when we adopt the system, we have supposed it should include all the people. Why should it not include the Indians of the Indian Territory? Under this amendment there will be no practical difficulty whatever in carrying out the provision. I want the Senate to pass upon this question whether, when we are providing for every portion of the country, we are willing to exclude from the beneficent purposes and objects of this bill the Indian Territory, where they need the aid quite as much as in any other portion of the country.

Mr. BLAIR. Does the Senator's amendment provide for ascertaining the number of illiterates, so as to make the distribution on the basis of illiteracy?

Mr. TELLER. It provides that the Secretary of the Interior shall determine that in such manner as he sees fit.

Mr. BLAIR. I hope the amendment will be adopted.

The PRESIDING OFFICER (Mr. VANCE in the chair). The question is on the amendment of the Senator from Colorado [Mr. TELLER].

Mr. HOAR. Let it be read again.

The PRESIDING OFFICER. The amendment will be read.

The CHIEF CLERK. It is proposed to add to section 2 the following additional proviso:

Provided, also, That the Indian Territory shall be considered a Territory within the meaning of this act, and the money apportioned to said Territory shall be expended annually under the direction of the Secretary of the Interior, who shall ascertain, in such manner as shall be deemed by him best, the number of illiterates therein. The provisions of sections 3 and 7 of this act shall not apply to the Indian Territory.

Mr. DAWES. The Senator will observe that according to the phraseology of his amendment it applies not only to what are called the five tribes, about whom the Senator has read the condition, which I think is very accurate, but it also applies to about as many more Indians who may be termed wild or blanket Indians, who have no other system of education than that furnished by the United States in the appropriation acts from time to time, and have no such system, no such regulations, no such means by which illiteracy can be ascertained as are applicable to the five tribes.

It is pretty difficult to determine whether an appropriation for the benefit of the five tribes in the Indian Territory would be beneficial. One beneficial effect of it I can see, which would be incidental and outside of the question of education. It would have a tendency to bring them nearer to the United States, and make their connection with the United States closer and more familiar. Everything which tends to that, beyond the beneficial effects in the line of education, would be of great advantage. One great difficulty now is that everything that transpires between the United States and them has the opposite effect, and this would have that beneficial effect, if no other.

It is due, however, to say that the condition of education in the five tribes does not result from any lack of means on their part. There is a need of inspiration, there is a need of something that simply a donation of money will not give to those five tribes. They have an abundance of money to support their schools; they do send into the States to be educated every year thirty or forty scholars; they maintain in each of those five tribes two or three of what are called high schools, abundantly supplied so far as money is concerned; and the laws in regard to school attendance, of some of the five tribes at least, are compulsory. Between the ages of five and fifteen every Indian child is, according to law, required to attend a school taught in the English language.

Yet there is something wanting which this money will not give; but so far as the amendment is applicable to the five tribes, if the Senator will confine it to them, I shall vote for his amendment myself, because it will be worth more than all the money to get their faces turned toward the United States, and to get them into co-operating with the United States in all matters that pertain to their welfare. I do not see how it can be applied to the other tribes.

A dollar expended in the education of the Indians is not misspent. I do not care where it comes from, if it can be expended with a fair result and in a manner that will pay back in result a dollar's worth of some kind of education to the Indians. I do not care much about book education for the Indian in these days; but something that will teach him the difference between savage and civilized life is what he is hungering and thirsting for, and not intricate principles of philosophy, moral, intellectual, or any other kind, such as I saw taught. The Senator from Kansas [Mr. INGALLS] and myself heard lessons recited by Indian girls to an Indian teacher, in one of those high schools, in moral philosophy, using the same book that is taught at the colleges here at the North. Yet there is a lack of the knowledge of what makes the difference between a growing and a developing individual life among those Indians, a lack of that which I should like to see them inspired with. I do not see that it is to come by donating to the five tribes an addition of money when what they need they do not feel that they want; and what they do not need is an additional sum of money.

The PRESIDENT *pro tempore*. The question is on the adoption of the amendment proposed by the Senator from Colorado [Mr. TELLER].

Mr. INGALLS. Mr. President, the amendment ought not to be adopted. It is entirely out of proportion with the avowed objects and purposes of the bill, which is based upon a danger that threatens our institutions in consequence of a great mass of unlettered and ignorant holders of the suffrage. The people in the Indian Territory have nothing to do with our suffrage; they are not voters; they contribute nothing whatever, as the citizens of the States do, to the resources of the country from which this money is to be paid.

While I am in favor of the widest and most liberal appropriations for Indian education, this is not the place to do it. We provide for them by special appropriations in the Indian appropriation bill year by year. We establish Indian schools, not in the Indian Territory but in the States, and I will vote for whatever may be necessary to educate the entire Indian population of this country; but they do not belong in this bill, and it is out of proportion and inharmonious with the objects and purposes of it.

Aside from that, as the Senator from Massachusetts has said, it is impossible to apply the provisions of this bill outside the limits of what are known as the five civilized nations. The idea of attempting to distribute this money among the Cheyennes, Arapahoes, and Comanches, and all the other vagrant and wandering and nomadic and predatory tribes that roam over those great regions west of the civilized nations, to anybody who is familiar with their condition is picturesque, to say the least; I shall not characterize it by an offensive epithet, but it is certainly picturesque.

With regard to the five civilized nations, their educational system is on a very satisfactory basis. The Cherokees and the Choctaws pay out of their own resources for the education of their own illiterates a larger proportion of their property, a larger per cent. of their own income, and a greater per cent. per capita than is paid either in Kansas, in Colorado, or in Massachusetts. The Senator from Colorado shakes his head, by that I suppose meaning to express his dissent; but in company with the distinguished chairman of the Committee on Indian Affairs [Mr. DAWES] I visited that region last summer, and we investigated minutely and in detail into the condition of those people. Not only do they not need anything that they would receive under this distribution, but it would be an interference with an enlightened, broad, comprehensive, and efficient system under which the most satisfactory results have been reached.

There we find a nation that absolutely pays no taxes whatever for the support of its own institutions, a nation where there is not a pauper, old or young, male or female, a nation where every family has a fixed local habitation and an abundant support, and after which the institutions of civilization might in many ways appropriately take pattern.

I therefore suggest to the Senator from Colorado that sharing as I do with him in sympathy, and design, and purpose for the elevation of the Indians by education, they have no part nor lot in the fund that is provided in this bill. I shall vote to give them more than their proportion in any bill that may be brought up for that purpose.

Mr. CHACE. Mr. President, I apprehend that the Senator from Kansas is a little mistaken in the scope of this provision, because it will be left, as I understand it, discretionary with the Secretary of the Interior to expend this money entirely for the maintenance of industrial schools, if in his judgment it is fit that it should be so done.

Mr. BLAIR. That is in the bill.

Mr. CHACE. That is clearly the provision of the bill, as the Senator from New Hampshire says. Further, it seems to me that the Senator from Kansas misapprehends the spirit of this bill, the object that is sought to be attained. It is based not altogether upon the idea that it is dangerous to the welfare of the country to have a large voting population who are illiterate, but upon the doctrine that a large body of illiterates are dangerous themselves, whether voters or not; that igno-

rance is a danger to our institutions, a threat to our institutions, and to their stability.

It seems to me also that the Senator is somewhat in conflict with himself, because in the forepart of his remarks he pictured to us these Indians as in a continued nomadic state, having made comparatively little if any progress, leaving us to infer that the hope of education to the Indian was entirely out of our reach; and then he tells us that the civilized tribes have made a large advance and that they are maintaining schools. In fact the whole base and groundwork of his argument is that we have denied to those people the inherent right of suffrage; that we have treated them, while they are here of their own right, as aliens; in other words, because we have done them a wrong through all these years, because we have kept them in a false position, debarred them from attaining the rights of citizenship, we will now continue to add to that wrong by refusing to furnish them the aid which we are proffering to the States and to other Territories, to build them up and prepare them for the rights of citizenship, the only condition which will ever relieve us of this great problem!

I hope, Mr. President, that the amendment will prevail.

Mr. INGALLS. Mr. President, I am aware that the Indian question is a burning issue in Rhode Island and other portions near the seaboard, but I certainly should not be blamed for the want of capacity which the Senator from Rhode Island exhibits to understand my position.

I said nothing whatever about a denial of the rights of education to the Indians. I said nothing whatever about the incapacity of the Indians to be elevated. I said, on the contrary, that many of them had been greatly elevated. I avowed my desire, and my purpose, and my wish, and my intention, to vote for the most liberal appropriations for the education of the Indians. And for the Senator to rise within three minutes after I had made those statements and say that I was in conflict with myself evinces either a disposition to misrepresent or a want of capacity to apprehend.

I made no comparison between the Indians who were roving west of 96° and those who were permanently settled east of that line. That had no part or lot in the statement that I made. My statement was historical, and if the Senator is aware at all of the condition of affairs there he must know that my statement was correct. In saying that there were to the westward nomadic and wandering and vagrant Indians, I did not say that they were incapable of elevation, and in saying that the people to the east of that line had made great advances, I certainly was not endeavoring in any way whatever to cast a stigma upon the Indian character.

I trust, therefore, that the Senator will allow me to be my own interpreter, and not place upon my language a construction that is derived from his own ideas of the Indian question or the relations of Congress to the subject of Indian education.

Mr. TELLER. The difficulty anticipated by the Senator from Kansas in reference to the tribes known as the uncivilized tribes is purely imaginary. The whole matter is left with the Secretary of the Interior, who is the absolute disposer of all the money that is voted by Congress for Indian education. He places it wherever he sees fit in most cases. Of course there are some specific appropriations, but there is a large amount of money which is placed in the hands of the Secretary of the Interior; and he selects the place to put the money. All he has to do when this money comes into his hands is to determine where he will put it, whether he will give it to Cheyennes or Arapahoes in the West, or whether he will give it to the more quiet and peaceable Nez Percés, or whether he will give it to some other of the semi-civilized Indians in that Territory.

The honorable Senator from Kansas states that the civilized tribes have made such a magnificent provision for the education of their children that they are all brought within the opportunities at least of an education.

Such is not exactly the fact. I know the Senator is familiar with the country, that it lies on the borders of his State; I know that he has a pretty thorough acquaintance with it; but yet if he will examine the records he will find that that is not exactly true; that he is mistaken when he says that the opportunities of education are presented to the Indians. Only two years ago a benevolent woman came here to the Senate for an appropriation for the Creeks. It was said by the Appropriations Committee that the Creeks were able to take care of their own children, and undoubtedly that was true. Yet they did not do so, and this woman went into the New England or Eastern States and gathered money to build a school-house—$15,000 for one place and I think about $3,000 for another, and she is maintaining those two schools to-day by charitable contributions from the people of New York and New England and other sections of the country where she is acquainted.

I know that very likely it would be very much a waste of money as applied to the Cheyennes and Arapahoes. I know something about them; I think I know as much about the Cheyennes and the Arapahoes as the Senator from Kansas or anybody else here. They were my neighbors twenty-five years ago. They were not always desirable neighbors, either. I saw them everywhere, in the towns and out of the towns, and when they came to Washington after I was Secretary of the Interior I recognized some of them as men I had seen in their wild, warlike attitude on the plains, and I recollected the time when I had been exceedingly anxious that they should not see me. I know they have not made much progress, and it is doubtful whether they will for some years yet; but there are within the boundaries of that Territory Indians who are making an effort themselves. I called attention the other day to the fact that the Osages had provided that the interest of the moneys held in trust by the Government of the United States for their use should be withheld from every family that declined or neglected to send their children to school for a certain number of months in the year, and I suppose they have abundance of money; but the Nez Percés, of whom I need not speak now, having done so very frequently on this floor, a people who were put there against their will, have not the advantage of schools that they ought to have, and never have had it since they have been there.

There will be no difficulty whatever in the Secretary of the Interior distributing this money; and if those Indians are not voters now, if this great danger of an uneducated voter does not stare us in the face to-day it will stare us in the face very soon, for nobody will suppose that we can keep two hundred and sixty odd thousand Indians in this country out of the citizenship that they will ultimately demand and that the country will give them. A people who could take four million uneducated and ignorant Africans and thrust them at one movement into the body politic, creating citizens of them, and giving them the power in communities where they lived without education, and actually controlling the entire interests of communities, ought not to be alarmed at a few uneducated Indians. But it is wisdom to commence now the education of those Indians and not wait until they are about to be made citizens of the United States.

There is not any reason that can be given why the bill should not apply to the Indians in the Indian Territory as much as it applies to the Indians in Alaska or to the colored men or the white men in any other portion of the country who are needing the benefit of assistance from the General Government.

The PRESIDENT *pro tempore*. The question is on the adoption of the amendment of the Senator from Colorado [Mr. TELLER].

Mr. CONGER. Let it be read.

The PRESIDENT *pro tempore*. The amendment will be again read.

The CHIEF CLERK. It is proposed to add to section 2 the following additional proviso:

Provided, also, That the Indian Territory shall be considered a Territory within the meaning of this act, and the money apportioned to said Territory shall be expended annually under the direction of the Secretary of the Interior, who shall ascertain, in such manner as shall be deemed by him best, the number of illiterates therein. The provisions of sections 3 and 7 of this act shall not apply to the Indian Territory.

Mr. EDMUNDS. I should like to have the Senator from Colorado tell me precisely what he means by "the Indian Territory." Does he mean the country of the Five Nations?

Mr. TELLER. I mean what is always known in common parlance as the Territory lying south of Kansas, set apart for the Indians.

Mr. EDMUNDS. Where the Five Nations are?

Mr. TELLER. Where the Five Nations are; and there are other Indians also there.

Mr. EDMUNDS. I know; but that Territory?

Mr. TELLER. That is what I mean.

Mr. EDMUNDS. That is what the Senator understands to be technically the legal name?

Mr. TELLER. That is technically "the Indian Territory."

Mr. EDMUNDS. It does not cover the roaming Indians in other parts of the United States?

Mr. TELLER. It does not cover roaming Indians at all.

Mr. DAWES. In other words, all Indian tribes outside of the five tribes in that Territory, which are just about as much, according to number, as the five tribes.

Mr. EDMUNDS. I was trying to get at the geographical place. Whether that is a correct definition, I am not quite sure.

Mr. DAWES. It is known in law as "the Indian country." That was the definition originally given to it, and it has come down as "the Indian country" to the present time.

Mr. EDMUNDS. That was my understanding; but the amendment uses the word "Territory," which led me to not quite understand what was meant.

Mr. TELLER. I will say to the Senator that in all the dealings of the Department it is always referred to as "the Indian Territory." The Supreme Court of the United States decided a good many years ago that "the Indian country" meant any Indian reservation. Therefore I did not care about using that phrase, because it would bring up the very question that the Senate decided they would not go into, that is, applying the bill to the people outside of organized communities. These are organized Indian communities, with the exception of the Cheyennes, Arapahoes, and Comanches; perhaps there would be no great danger in leaving this money to the most of them, but the Secretary of the Interior under my amendment will have the absolute control, and he can put it all with one tribe or he can put it all with another, as I understand, as he thinks they ought to have it.

Mr. DAWES. In common language everybody understands what is meant by "the Indian Territory;" but the attempt to apply the term

"Indian country" to all Indian lands did not meet the sanction of the Supreme Court. When it was brought before the circuit court presided over in one of the western districts by a gentleman who was formerly Secretary of War, on the indictment of a man described as committing an offense in the Indian country, he was discharged because in the opinion of the court the term "Indian country" had a technical meaning applicable only to that which we call "the Indian Territory." But in such a statute as this, I have no doubt that the term "Indian Territory" will be sufficiently definite.

Mr. EDMUNDS. Understanding that the term "Indian Territory" is intended to apply to that tract of country where the five civilized nations reside, and other tribes as well who are not civilized, and understanding it to apply also to the members of the five civilized tribes as well as the others, I have one difficulty, although I entirely sympathize with the object the Senator from Colorado has in view. By treaties of the United States with the five civilized nations, the Five Nations, as they are called, it is solemnly agreed that they shall have their own institutions and their own government, of themselves, and by themselves, and for themselves; and under those treaties they have established constitutions and made laws, and have legislatures, by whatever name they call them, and courts of justice, and schools, and everything that belongs to the autonomy of a civilized community.

That being so, to say that those people shall have this money to be expended in that Territory in respect of educating their children under the sole direction of the Secretary of the Interior is putting the children of the five civilized nations, who have governments of their own by our solemn agreement that we will not interfere with, in the same attitude exactly as the wild Indians of Alaska or the wild tribes that have been located within the region of country where the five civilized nations are. It does not appear to me that that would be right; but as it regards the five civilized nations, as they are called the Five Nations, if we are to give them the money at all (which I am quite willing to do if we can arrange the proper phraseology), they ought to stand upon exactly the same basis as a State. Let them accept it, let them be bound to distribute it accordingly, without respect to race or color, and have fair play in educating their children; but we ought not to invade, against the agreements of our treaties, their own autonomy of their own school system and say that their children shall only get the benefit of this money in such a way and under such regulations and arrangements as the Secretary of the Interior shall prescribe, because it does not put them on the footing that they are entitled to be put on, if we are to give any aid at all, by our solemn treaties and obligations with them.

The PRESIDENT *pro tempore*. The question is on agreeing to the amendment of the Senator from Colorado [Mr. TELLER].

Mr. TELLER. I call for the yeas and nays.

The yeas and nays were ordered.

Mr. BLAIR. I wish to make one observation with reference to this matter, which it seems to me would remove the objection of the Senator from Vermont. Whatever goes to the Indian country or Territory is to be expended under the direction of the Secretary of the Interior, and by the provisions of the bill in any Territory (and this is to be considered as a Territory) the money may be expended for common or industrial schools. If the civilized tribes which have been mentioned can not properly receive their proportion, if there is any objection whatever in any way, as undoubtedly there must be from the suggestions made by the Senator, then it will be in the discretion of the Secretary of the Interior to spend it outside of those tribes, among the remaining tribes of wild Indians, and to establish either common schools or industrial schools, one or both, as the case may be; and the whole of it may undoubtedly be expended for industrial schools.

Mr. TELLER. To obviate the objection made by the Senator from Vermont, if I may be allowed to amend my amendment, I will add the following:

No money shall be expended among the civilized tribes except by and with the consent of said tribe.

Mr. EDMUNDS. That does not meet the point.

Mr. TELLER. Why not?

Mr. EDMUNDS. If the Five Nations are to have this money at all, as I am quite willing that they should in their proper proportion, they ought to be put on exactly the same footing as a State; that is to say, as they have a perfect autonomy about everything, just as perfect as the State of Ohio, or Colorado, or Vermont, their own authorities should be put on the same footing as those States, and their council, or legislature, or whatever it is called, should agree to accept this donation, subject to the provisions of the bill; and then their own schools should be aided not in the discretion of the Secretary of the Interior, but according to the provisions of the law.

Mr. TELLER. Do you offer such an amendment?

Mr. EDMUNDS. If I had a minute to do it in I might.

Mr. TELLER. I will withdraw mine and let the Senator from Vermont offer an amendment such as he suggests.

Mr. EDMUNDS. I shall not undertake to do it in a moment, for I do not understand exactly what the Senator wants to accomplish.

Mr. TELLER. I do not think there need be any difficulty practically in this matter. The provision that the Senator from Vermont mentions was of course inserted for the benefit of the Indians, and I do not suppose if the money was apportioned to them that the Secretary of the Interior would think of creating separate and independent schools—that was not my idea—but that he might distribute it as he thought they were entitled to it under the law. I think that there is no practical difficulty; but the amendment may be so modified as to obviate the objection made by the Senator from Vermont.

I think there is a little more in this than a matter of the money that those people are to get. I think the suggestion made by the Senator from Massachusetts that the legislation which recognizes these people as having a connection with us and an interest with us and that we have an interest in them, will be of great advantage to them. As I said a moment ago, the day is not far distant when they must become members of the body-politic. Just what will be done, whether we shall erect a State out there and give them all the rights of Statehood, I do not know; but something must be done. The anomalous condition in which they are living can not be maintained much longer, and everybody understands it. I have my own theory as to what ought to be done; but what will strike the public mind and the legislative department of the Government when they come to act upon it as the proper thing, of course I do not know and can not say. But I am exceedingly anxious that those people should see that when we are providing a general system for the education of the people of the United States, we do not stand them off as having no part or lot with the people of the United States. There are 35,000 white people, as I said before, living inside of that Territory to-day, as shown by the report of 1884. They are citizens of the United States; their children are entitled to be educated, and when their children leave the Indian borders they will become voters. If it is dangerous to have an illiterate voter in Mississippi, in Georgia, or in Alabama, it will be just as dangerous to have that illiterate when he goes over into Illinois or any of the other States and becomes a voter there as if he were a citizen of the United States now.

The PRESIDENT *pro tempore*. The yeas and nays have been ordered on the question of agreeing to the amendment of the Senator from Colorado, and the Secretary will call the roll.

The Secretary proceeded to call the roll.

Mr. CONGER. If the proposition on which we are voting is proposed to be amended I would rather vote on the amendment first.

The PRESIDENT *pro tempore*. There is no amendment pending except the proposition of the Senator from Colorado.

Mr. TELLER. I thought the Senator from Vermont was to offer an amendment.

Mr. CONGER. I understood that an amendment was being prepared.

Mr. TELLER. I supposed the Senator from Vermont was preparing one that would suit him better and accomplish just what I have indicated.

Mr. EDMUNDS. I would not delay the Senate to do it now.

Mr. TELLER. I do not think there need be any great haste about the matter. I will withdraw my amendment for the present and offer it again in the Senate, so that an amendment can be framed which will meet the approbation of the Senator from Vermont and others who now criticise mine in its present form.

The PRESIDENT *pro tempore*. The amendment will be withdrawn if there be no objection. The Chair hears none, and the amendment is withdrawn.

Mr. INGALLS. I ask the Senator from New Hampshire whether he would object to inserting after the word "children," in line 14 of section 11, the words "in the State or Territory, and the total number," requiring the report to contain not only the number of those taught but the total number in the Territory or State, so that we may know the proportion between those who attend school and those who do not? That is not elsewhere provided.

Mr. BLAIR. I think that is provided for in some of the other sections.

Mr. INGALLS. Not in this connection.

Mr. BLAIR. There is no objection to such an amendment, however.

Mr. INGALLS. I move then after the word "children," in line 14 of section 11, to insert the words "in the State or Territory, and the total number;" so as to read:

The number of public, common, and industrial schools in each district, the number of teachers employed, the rate of wages paid, the total number of children in the State or Territory, and the total number taught during the year, &c.

The PRESIDENT *pro tempore*. The question is on agreeing to the amendment of the Senator from Kansas [Mr. INGALLS].

The amendment was agreed to.

Mr. PLUMB. I move to amend the bill in section 5 by adding after "United States," in line 4, the words:

And instruction in physiology and hygiene, with special reference to the nature of alcoholic drinks and other narcotics, and of their effect upon the human system.

The PRESIDENT *pro tempore*. The question is on agreeing to the amendment proposed by the Senator from Kansas [Mr. PLUMB].

Mr. PLUMB. That amendment I presume the Senator from New Hampshire will not object to. While of course I know that his acceptance will not necessarily secure its adoption, at the same time it will be a long step in that direction. It is a proposition to which I think

the Committee on Education and Labor of which he is a member has already agreed; and certainly if this is a good thing at retail it ought to be a good deal better at wholesale. In the present temper of the public mind in regard to this great question I think that such a provision would not only meet with the greatest popular approval, but would be an important step in the direction of a general dissemination of that information which is now much called for, and which undoubtedly will be called for much more in the future.

Mr. BLAIR. I should be very glad indeed if the amendment could be adopted without prospective injury to the final vote on the bill. A bill has been reported to the Senate, and is on the Calendar, providing for instruction as to the effect of alcohol and other narcotics on the human system, in the common schools of the District of Columbia and the Territories, wherein the United States has undoubted authority and can prescribe whatever course of study it sees fit. If such a provision were attached to this bill, it would carry of course by national legislation the provision into the common-school system of all the States, or impose upon them the necessity of rejecting the apportionment which they are to receive under the bill. The Senator may or may not be aware that some sixteen States of the United States have already adopted such a bill by State action, and that it is a sort of instruction which is going rapidly into the common schools. I wish I could see my way, being a strict constructionist of the Constitution, to advocate this as an amendment to the pending bill, but I can not do so.

Mr. GRAY. I do not exactly understand how the amendment of the Senator from Kansas can encounter the constitutional scruples of the Senator from New Hampshire, inasmuch as the whole theory of the bill is that it is a condition, and if it becomes operative at all it is only by the acceptance by the States of the bounty that is proposed, loaded down with the conditions that the bill proposes. I do not understand that the amendment of the Senator from Kansas contemplates anything other or less than imposing an additional condition upon the acceptance of this bounty from the Government.

Mr. BLAIR. I am delighted to know that whenever we shall reach the temperance-instruction bill to which the Senator from Kansas has alluded we are sure of the co-operation of the Senator from Delaware. That is something to which I had not looked forward with the utmost confidence; and now I assure him that I feel greatly relieved and perfectly confident of the final passage of that bill, as I already do of this one.

The Senator suggests that it would not be unconstitutional to carry the provisions of that bill into the common schools of the States for the reason that this bill already contains a provision that a State must first assent before this appropriation shall become operative at all in its jurisdiction, but I think there is a fair prospect that the bill will be amended before we get through in that particular, so that the assent of a State by the formal action of its Legislature will not be required.

Mr. GRAY. I am happy to relieve the mind of the Senator from New Hampshire from any doubts he may have had about the views of so humble an individual as myself on this question, and I will state here and now that I am heartily in favor of such instruction in the common schools of the States. I merely rose, however, to suggest to the Senator that this condition no more than any other condition would violate the arguments and reasoning by which the constitutionality of the bill has been supported, in that it is a condition imposed upon the acceptance of the bounty from the General Government.

Mr. BLAIR. Mr. President, I fear the Greeks bearing gifts.

The PRESIDENT *pro tempore*. The question is on the adoption of the amendment of the Senator from Kansas [Mr. PLUMB].

Mr. PLUMB. I ask for the yeas and nays.

Mr. HOAR. Let the amendment be read again.

The PRESIDENT *pro tempore*. The amendment will be again stated.

The CHIEF CLERK. In section 5, line 4, after "United States," it is proposed to insert:

> And instruction in physiology and hygiene, with special reference to the nature of alcoholic drinks and other narcotics, and of their effect upon the human system.

Mr. GEORGE. Mr. President, I desire to say but a word or two on this amendment, since it seems to be seriously pressed. What I desire to say is that I understand this is a condition which the States must comply with in order to get the benefit of this fund. I state that it would be impossible at first that the State of Mississippi at least should be able to comply with that condition. The colored schools of that State are mainly taught by colored men and women, who are entirely competent to teach the ordinary branches taught in common schools, reading, writing, arithmetic, geography, grammar, and history of the United States, but they are not competent generally to lecture upon physiology and the other matters embraced in the amendment; so if the amendment is passed and those studies are required to be taught this matter, the result would be that the State could not comply with it in a large number of instances, and a failure in any would be a failure in all; and therefore the State would lose the benefit of the appropriation.

Mr. HOAR. I do not conceive that it is within the constitutional power of Congress to appropriate money from the national Treasury and to distribute it among the States making as a condition of its reception by any State a change in its common-school system. To do that would be to prescribe common-school systems to States and to interfere in the most direct manner with them. There can be no more direct manner of asserting control over the common schools of the States than to do that.

Section 5 as it stands is not, in my judgment, a contradiction of that principle, because it is not a condition in substance and effect, whatever it may be in phraseology. It is a definition; it is the universally recognized definition of common-school education, and the things which it contains are universally taught. The bill goes on to say that it shall be deemed a common-school education if it has these things in it, and such other things as the local laws of the States may prescribe. But if you undertake to make a new branch, however desirable it is that it should be taught, like hygiene, or the proposition of Mrs. Hunt (which I heartily favor) of teaching in the common schools the relation of alcoholic drinks to human health and life, however excellent that may be, you have then for the first time put into the bill a proposition on the part of Congress to dictate to the States and to control the States in the matter of their common-school system. The common-school system then is regulated to that extent by Congress. Therefore, I am utterly opposed to the amendment.

Mr. PLUMB. The Senator from Massachusetts evidently has not read this bill or he would not have committed himself to it heretofore as strongly as he has, judging by the position he just now takes. The bill does not provide that the instruction shall be according to the curriculum, if you may so call it, laid down now by State authority or established by that authority hereafter, but it provides a system of education itself, separate and apart from and in addition to that provided by the several States, of which instruction in hygiene, &c., is no more a violation of the Constitution than that already provided. Section 5 is in these words:

> That the instruction in the common schools wherein these moneys shall be expended shall include the art of reading, writing, and speaking the English language, arithmetic, geography, history of the United States, and such other branches of useful knowledge as may be taught under local laws.

That is a specific direction that this money shall only be expended for the purpose of teaching these particular branches of knowledge.

Mr. HOAR. "And such other branches."

Mr. PLUMB. Certainly; that is to say, the ones that are named. We have a right to name physiology and hygiene just as much as we have a right to name United States history.

Responding to what the Senator from Mississippi [Mr. GEORGE] says, I hope he does not suppose that we are to have as the result of this measure the worn-out and effete methods of teaching which are now prevalent in the State of Mississippi and elsewhere. By confession something has to be remedied down there. We are approaching this subject of national education because the States have not done their duty in this particular, because their systems are defective, because the people are slothful and indifferent in regard to the great question of popular education, because they are not willing to tax themselves according to their ability to pay in order that the youth of school age within their respective limits may have the benefits of common-school education.

Mr. President, we are to have something different and something better than what we have had before. The United States Government does not enter upon this subject except it be for the purpose of making things better than they are now. Therefore we shall have teachers who will teach physiology and hygiene as well as American history, and I hope the Senator from Mississippi will not lay the comfort to himself that he seems to imply in his remarks that they are to go on in the old-fashioned, indifferent, easy-going way that they have heretofore, but we are to have some more force and some more ability and energy and addition of scope to the system of Mississippi and Alabama and Texas and so on than we have heretofore had. If we are not to have it, then what is the purpose of this bill? If it is simply to recognize what is now existing, and perpetuate it and maintain it, why pass this provision for an appropriation of $77,000,000 or $79,000,000, as I believe it is now?

So, Mr. President, if we are to enter upon this subject, let the instruction to be given be commensurate with the power, with the intelligence of the American people, backed up by the National Government. We are only on the threshold of this matter now, but before we get through we shall have to add to this $77,000,000 untold millions more, and if the money is to be used for any useful purpose, let the power and the purpose of the National Government to improve that system of education which confessedly is so inadequate be manifested by such directions as shall give ample effect to every dollar of this money.

It is a little late, I think, now to suggest that we are entering upon an unconstitutional field. If we can require the governors of States to give us information in regard to the number of school children and all the details of the school system as administered in the several States, and if we can prescribe the teaching of the history of the United States, we can prescribe any other kind of teaching that we see fit, and we can not only prescribe that, but we can say what kind of a history of the United States shall be used as a school-book in these various schools; and if what I have been told is true on the subject of the histories that

are being used now in the Southern States, the very beginning of this reform, the very first step in regard to the expenditure of this public money ought to be to prescribe a new history of the United States to be put in use among the youths of the Southern States in order that they may be brought up patriotic as well as intelligent citizens, which they ought to be. It will not do now to say that the Government has not got the power to attach just what conditions it pleases to the expenditure of this money. This has all been innocuous enough on the surface, but underneath it all is that very purpose.

To this complexion we must come at last.

The National Government will follow, as it has a right to do and as it ought to do if it expends the money, every single dollar of it into the smallest school-house in the Southern States and in the Northern States as well, to prescribe the persons who shall teach, what they shall teach, and every other thing that goes to and concerns the regulation of every school in the United States where this money is spent.

If it is well enough that the Committee on Education and Labor should report a bill that in all the schools of the District of Columbia and in all the Army and the Navy schools, and in every other school or place where teaching is the result of national expenditure these principles of hygiene shall be taught, why shall we withhold our command that that instruction shall be given when we enter this great national theater, embracing, as it does, not merely the soldiers in the Army of the United States, not merely the small school population of the District of Columbia, but the millions upon whom this Government is to rest in the future? Why should we withhold from them this most useful instruction? Why go at this in a homeopathic way, as though we wanted to experiment upon somebody who might be killed without any very great danger, and yet not apply it to the great mass of the people who are to be benefited by it and through whom the country is to be benefited if it is a good thing?

The PRESIDING OFFICER (Mr. HALE in the chair). The question is on the amendment offered by the Senator from Kansas [Mr. PLUMB], upon which the yeas and nays have been ordered.

The Secretary proceeded to call the roll.

Mr. PUGH (when Mr. BROWN's name was called). I am requested by the Senator from Georgia [Mr. BROWN] to state that he is paired with my colleague [Mr. MORGAN] on the question.

Mr. HARRISON (when his name was called). I announce again my pair with the Senator from Connecticut [Mr. HAWLEY].

Mr. SABIN (when his name was called). I am paired with the Senator from Pennsylvania [Mr. CAMERON], who is absent.

Mr. VANCE (when his name was called). I am paired with the Senator from New Jersey [Mr. SEWELL]. If he were present, I should vote "nay."

The roll-call was concluded.

Mr. SAULSBURY. I am paired with the Senator from Pennsylvania [Mr. MITCHELL]. If he were present, I should vote "yea."

Mr. BROWN. I understand that my pair with the Senator from Alabama [Mr. MORGAN] has been announced. His colleague [Mr. PUGH] is satisfied he would vote against the amendment if here, and as I am against it, I wish to vote. I vote "nay."

The result was announced—yeas 12, nays 34; as follows:

YEAS—12.

Conger,	Gray,	Mahone,	Teller,
Cullom,	Hale,	Maxey,	Van Wyck,
Frye,	Ingalls,	Plumb,	Wilson of Iowa.

NAYS—34.

Berry,	Edmunds,	Jones of Arkansas,	Pugh,
Blackburn,	Eustis,	Kenna,	Ransom,
Blair,	Evarts,	Logan,	Riddleberger,
Bowen,	George,	McMillan,	Sawyer,
Brown,	Gibson,	Manderson,	Spooner,
Call,	Hampton,	Miller of N. Y.,	Voorhees,
Chace,	Harris,	Mitchell of Oreg.,	Walthall.
Coke,	Hoar,	Morrill,	
Colquitt,	Jackson,	Palmer,	

ABSENT—30.

Aldrich,	Dolph,	Miller of Cal.,	Sewell,
Allison,	Fair,	Mitchell of Pa.,	Sherman,
Beck,	Gorman,	Morgan,	Stanford,
Butler,	Harrison,	Payne,	Vance,
Camden,	Hawley,	Pike,	Vest,
Cameron,	Jones of Florida,	Platt,	Wilson of Md.
Cockrell,	Jones of Nevada,	Sabin,	
Dawes,	McPherson,	Saulsbury,	

So the amendment was rejected.

Mr. CALL. I offer an amendment, to add at the end of section 10:

Provided, That nothing in this section shall prevent any State or Territory from applying the money provided in this act to industrial education as a part of its common-school system of instruction.

Mr. President, I regard this amendment as essential to any proper system of common school instruction. Mr. Scott Russell, of England, in a report to the Parliament of Great Britain on this subject, made some years ago, says:

Dissatisfied with our national progress, we have turned our minds to search for the cause of our deficiency. We find that during these years some nations have been occupied in diligently promoting the national education of various classes of skilled mechanical workmen for the purpose of giving skill to the unskilled and rendering the skilled more skillful. We find that some nations have gone so far as to have established in every considerable town technical schools for the purpose of teaching all the youths intended to be craftsmen those branches of science which relate most nearly to the principles of their future craft.

This subject came before the consideration of the Committee on Education and Labor of the Senate, and some of the leading manufacturers and skilled workmen in the United States appeared before the committee. One of them, Mr. John W. Britton, a man of much intelligence and high character, testified as follows:

I will say that I have been a worker for forty-eight years. I have been an employer for thirty-five years. I am a carriage-maker, and a member of the firm of Brewster & Co., Broadway and Forty-seventh street. In that connection I will also state that I am president of a savings-bank. That only bears upon the question as showing the fact that I come in contact with a different class of labor from that employed in my own establishment. Having been a worker myself, I have mixed with working people, and I know them pretty thoroughly. The mechanical classes, however, I am better acquainted with, because all through my mature life I have been in constant communication with them, chiefly, however, as an employer.

He says further:

While on the subject of education I would state that I was chairman of a committee appointed by the Carriage Builders' National Association of the United States, in 1882, on the subject of apprenticeship, and among the duties of that committee was the preparation of an address to the officials having connection with public free education in the United States. That address was issued in large numbers to these officials. With the permission of the committee I will read it:

"*To officials and official bodies in the United States having the supervision of public education:*

"The Carriage Builders' National Association of the United States, in behalf of the industry represented by them and of other mechanical industries of our country, beg leave to call your attention to the necessity of some change in the course of study in our public schools that will pepare those who intend to become apprentices in trades and mechanical pursuits requiring a high standard of taste and skill.

"This association, having recently established in New York city a school for the advancement of technical knowledge among the apprentices and young mechanics of our trade, have at the outset been met with the serious obstacle that very few of the pupils, although they may have attended the public schools of this and other cities, have had any instruction in free-hand drawing and geometry, so necessary to all who wish to engage in the higher mechanical pursuits.

"We are well aware that the studies above referred to are included in the ordinary school course in many of the cities and towns, but we beg leave to call your attention to the fact that boys intending to learn trades leave school earlier than those intending to follow the professions and other pursuits, and usually before reaching that part of the school course in which free-hand drawing and geometry are taught. Thus they are deprived of the very studies which they specially need to make them skilled and intelligent mechanics.

"Your attention is further called to the fact that the advance already made in the mechanical arts in this country calls for a higher standard of taste and skill than heretofore, and there is every evidence that a still greater demand for skilled workmen will arise from year to year in order that in our rapidly increasing production we may successfully compete in the markets of the world with the manufacturers of other countries. At present we are dependent in a great measure upon artisans educated in their trades abroad; but the number of this class seeking our shores for employment is lessening every year, and has almost entirely ceased in many of the trades calling for the higher skill. The lack, too, of any well established apprenticeship system in this country precludes any relief in the near future from that source."

This testimony further establishes the fact that it is a necessity for the continuance of our mechanical skill and successful competition with other nations to have a system of primary instruction in the arts and trades attached to the public schools of the country. Mr. William Steinway, of the celebrated firm of piano-makers, also testified:

The total want of industrial schools in this city is a very great evil. There ought to be industrial schools all over each city where boys can go and find for what business they have aptitude and talent. Then, under regular apprentice laws, under which a boy could be bound for, say, five years at rising wages, commencing at $3 a week for the first year, getting $3.50 the second year, $4 a week the third year, and so on, they would learn a trade well. During the last two or three years the employer could have the advantage, since during the first one or two years he lost.

Every now and then respectable men come to me—farmers, &c.—having boys of sixteen or seventeen years of age, and wanting them to learn the piano trade. We can not take any apprentices, because the boy takes up the place of a man; but in smaller shops they could do so. Still, nobody will take the boy, because the moment he has learned one of the fifteen or eighteen branches of the trade he shifts for himself. Although he has learned the business improperly, still he starts out, and thus it is that not only the piano trade, but most of the woodwork business is shut out from American boys. That is a great evil.

* * * * * * *

Having gone through the panics of 1861, 1867, and 1873, I know that skilled artisans are absolutely independent of bad times, for a skilled workman will always find employment.

The testimony of Mr. John Swinton, formerly of the New York Sun newspaper, a man of extensive information, devoted to the interests of the workingmen, states that there are not less than ten thousand persons who die from starvation because of the bad sanitary conditions, incident on the want of remunerative employment, in the city of New York annually. In France, Saxony, Bavaria, Westphalia, and the German States they have an elaborate system of industrial education connected with their public schools and extending throughout the community. Mr. Edward King testifies:

In Boston there is one of the most striking evidences of the feasibility of educating boys, and in some cases girls, and certainly the feasibility of interesting and educating adult workingmen in the "Industrial School" (I think they call it in Boston), an account of which will be found in Mr. Eaton's report to the Senate on industrial education. But when I was in Boston myself I was at that time informed by those who were interested in that school that it originally started in a church, by simply taking some of the boys from the gutters and giving them jack-knives and pieces of wood and teaching them to cut things of a definite shape. I think they called it the "whittling class"—taking the boys in and putting them on benches on week evenings. Those boys showed such

interest and the teachers had such success in their notions that they finally got portable benches and had them screwed onto the sides of the pews; and the class kept getting larger and larger, and by and by it became so large, and they were so sure of a successful movement, that they obtained a room in some one of the Government buildings, and then they obtained chisels and other tools besides regular work-benches, and had a set of rules for the government of the school, and it was altogether so successful that it has developed now into an institution for practical technical instruction.

THE RUSSIAN METHOD OF TECHNICAL EDUCATION.

At this point I should like to say that the committee will find, if they have not already found, in the report of Mr. Eaton, that the system of technical education introduced first, I think, by Principal Runkle (I think that is his name), of the technological college in Boston, known as the "Russian system," is the one that I think above all others should have the preference, and that is the system of technical education which is least open to the objections that would certainly be raised in the event of the Federal Government taking this matter in hand. I notice that in the case of a witness who testified on this stand on the subject of technical education there was a little editorial article in one of the daily papers to the effect that the gentleman was evidently not aware that people who had no interest in mechanical subjects—general tax-payers—would be taxed for giving a special kind of education to a part of the community.

I would urge that the value of the Russian method of technical education is such that it is not open to any such objection, inasmuch as the work is applied to forms of material which are not to be used for any constructive or business purpose, but are so invented as to demand all kinds of manipulation which would be necessary in any kind of industry, and that in the event even of pupils being destined for a commercial career, the education which they obtain under this method of instruction is an education of their faculties—of their objective powers. It will always be of value to them, and it will be of value to any person, whether he undertakes to follow the life of a mechanic or a life of commerce, or anything else.

I think that a fair examination on the subject will show this committee that a technical education on the Russian system applied in the primary schools, as has been advocated, and demonstrated in Boston to be successful in, I think, a grammar school, as will be found in the report of Mr. Eaton to the Senate, would be successful if applied everywhere. That report demonstrates the feasibility and practicability of the matter I am now advocating.

I believe also that if our Government were to imitate the English method they would have here a far greater success than they have ever had in England. I believe that the American school-boy is so much sharper, is naturally so much more apt a pupil, and his bent of mind is of such a practical character that if the Government of the United States were to make any decent effort in this direction I am positive personally that they would meet with a far greater success than even the Government of England has made.

ECONOMIC VALUE OF TECHNICAL EDUCATION.

The economic value of this is beyond question. It is calculated by Mr. J. Scott Russell, the builder of the "Great Eastern" steamship (and one of the greatest authorities in England on technical education, a man of practical business experience beyond question, and by no means a theorist), that about $125 is all the expense that the English Government was put to in educating each of the workmen who have passed through her technical scheme of education, and that $125 per annum represents, according to him, the technically educated workman over an unskilled or technically uneducated man. One year's economic value, according to Mr. Russell's calculation, pays the teacher and the expense of technically educating such a workman. And if that is true in England, I think it would be to a far larger extent true in America.

* * * * * * *

Let America take note that it is the educated skilled labor, and not pauper labor, as so many believe, which she has good reason to fear and against which she can defend herself only by educating her workingmen equally well.

Mr. President, I could multiply these citations indefinitely from all the practical and successful managers of our large establishments in the United States who are interested in education. They all condemn our system of relying simply upon teaching the child to read and write with great force and impressiveness. Mr. Swinton laid before the committee a formidable and terrible statement as to want and degradation and absolute suffering among the laboring people of Northern cities and communities, and boldly charged that if the Bureau of Labor will do its duty it will present a skeleton so ghastly in every community of death and starvation and suffering, even among the people of our communities where common-school education is best established, as will be appalling.

You only need to read the evidence of the committee to be satisfied of this fact. We have now the examples in England, Germany, and France of systems of instruction in technical education applied to the common schools to primary instruction by which every child is taught the elements necessary in the different trades and is prepared to engage in any of them; and we have the evidence here that our factories, our carriage-makers, as Mr. Brewster especially testifies, have to obtain from Germany the young men who are capable of being educated rapidly in the trades, who are prepared for it—receiving compensation all the time. So of the piano-makers in Mr. Steinway's great establishment, and so of all the other crafts. We have had before that committee their representative men, and their testimony is uniform and to the point that we are getting behind the age with its great inventions substituting machinery for human labor by not having in every State a system of industrial education attached to the primary common schools and going hand in hand with the usual common-school education.

This bill will be comparatively worthless unless we adopt that which in this age of invention every other nation which has made great progress in the arts has adopted. We can not be friends of the laboring people, of the great mass of the people, unless we give the means of learning how to earn a comfortable living. All your speeches about equality before the law will be an empty delusion while we leave them men, women, and children to starve because they have not been taught the practical things which will enable them to earn a comfortable support. Reading and writing does not enable of itself either men or women to labor in the trades and arts which furnish them employment and support. Without the practical knowledge which industrial education affords it will not enable them to perform any of the duties of a citizen either to themselves or the state.

I will not delay the Senate by urging this matter further. Of the polytechnic schools of Germany, Sir Edmund Franklin in his report to the English Parliament in 1867 says:

In the polytechnic schools of Germany and Switzerland the future manufacturer or manager is made familiar with those laws and applications of the great natural forces which must always form the basis of every intelligent and progressive industry. It seems that this superiority more than counterbalances the undoubted advantage which this country has in raw material.

Mr. J. P. Worth, in June 3, 1867, said:

In the matter of primary education, England is well abreast of Austria, France, and Prussia. In the matter of all that tends to connect the workman with the artisan, Austria, France, and Prussia were clearly passing us.

Now in this country there is practically outside of New York, in Mr. Peter Cooper's great institute, and outside of Boston, no attention paid to this connection of industrial education with primary education; but in Russia even, in Germany, in all France, the necessity of providing for the support of the people, the necessity of relieving pauperism, has induced them with enlightened prevision of the future to establish industrial education as a part and parcel of the education of every child. I therefore hope that this amendment will be adopted.

Mr. BLAIR. Mr. President, the Senator from Florida, if I understood him correctly, stated that Mr. Swinton testified before the Committee on Education and Labor that twelve thousand men starved annually in New York city. The statement, as I recollect it—I have not the book before me—was that that number of infants and young children died in consequence of the lack of proper food, proper nursing, and such attention as the community should furnish to its children. That was the statement.

Mr. CALL. I will read the statement.

Mr. BLAIR. Very well. I think it was no statement that twelve thousand grown men starved annually in New York.

Mr. CALL. This is the statement:

The CHAIRMAN. I was not prepared to learn that New York, left to herself, unfed by immigration from foreign countries or from other parts of our own country, would so rapidly disappear. I thought she was growing of herself; but it would seem, from your statement—

That is Mr. Swinton's statement—

that she is being fed simply as the fires of the sun may be fed, by matters drawn in from outside, by absorbing another world or two.

The WITNESS. I would have but to send across the street to get these reports of our board of health. The facts are not disputed. I estimate that of the deaths here, at least ten thousand every year are by starvation. I believe that between ten thousand and twelve thousand people die of starvation in this city every year.

The CHAIRMAN. You mean a prolonged condition of insufficient nutrition, which is equivalent to starvation.

The WITNESS. A prolonged condition of inanition. It is classified in the reports as "febrile diseases," as "lung diseases," as "anemia," &c.; it is put under various fine terms to conceal the ghastly fact of 10,000 persons dying here yearly from a lack of the supplies needed for the generation of the forces of life.

He goes on with what it is unnecessary for me to read in this connection.

Mr. BLAIR. I understood that it applied more particularly to mortality among infants and children, but growing out of the fault of the community in not seeing that the poorer classes had proper provision for nursing and care or the means of getting wages that would supply them.

Now, in regard to the main proposition of the Senator, I should be very glad if it could be adopted; but the appropriations under this bill, as the statistics and facts that have come to our knowledge show, will be insufficient to establish common schools in such efficiency as they ought to exist; and really from the funds which we propose to give, were we to undertake to establish technical schools or industrial schools, we should be simply taking what ought to go to the common school itself; that is, instruction in the ordinary branches, which undoubtedly, as the first duty of the State, should precede instruction in the other branches to which the Senator refers.

At all events it would be, I think, necessary to increase the amount of appropriation if we were to take on this feature; and the Senator should remember that this bill will not prevent the States from making appropriations to industrial schools if they see fit, and in this bill we have retained the feature of industrial schools within the Territories and the District of Columbia, so that we can establish within our own undisputed jurisdiction model schools of the kind that he refers to which will be proper subjects of imitation all over the country through all the States.

I hope the Senator will not really press his amendment, for the reason that we have not got enough money for it anyway, and it must tend, I think, to embarrass the bill.

Mr. CALL. The amendment is only permissive. It is not obligatory. It allows this to be done as part of the common-school education, subject to all the provisions of the bill.

Mr. BLAIR. But we do not undertake to say that the States, if they see a necessity for them, may not establish industrial schools. They may do so to the extent of their entire capacity to bear taxation if they see fit, and it is not to be supposed, even if we give permission to use a portion of this fund for this purpose, that they will do so un-

til they come to have a public opinion which requires the establishment of industrial schools as opposed to common schools, or as an addition to the common-school systems of the States; and when they reach that condition of enlightenment on this subject, they will not hesitate to tax themselves to establish industrial schools. Meanwhile public opinion will be forming, creating a feeling that will look to illustration of the benefit to be derived from industrial schools in the District and Territories if we see fit to establish them, and the States will have something to learn and imitate. Thus we shall have gone as far as we need, it seems to me, unless we can have a much larger appropriation, which we are not likely to get.

Mr. EDMUNDS. This amendment would authorize a State to apply the whole of the money to the sole purpose of industrial education, and, as the Senator from New Hampshire says, it is obvious that the ordinary common-school education must precede industrial education. The boy to be taught to be a machinist must first have been taught to read and write and to do the other things that an ordinary common-school education teaches him to do before he can understand the principles of mechanics and read the books which he must read, receive the instruction which he must receive in what is called an industrial education. I hope, therefore, most clearly that the thing will not be adopted.

Mr. CALL. I have no doubt that the amendment will be adopted without the sanction of the chairman of the committee or the Senator from Vermont; but I do not care anything about the bill without that kind of education as far as I am concerned unless that which teaches the boy and the girl to earn a living.

The report of this committee does exhibit this necessity everywhere throughout this country; and the demand will come up here in such terms that the Congress of the United States will yield to it and agree that while the working people of this country are in a state of want and a state of suffering, and while there is oppression among them which ought to be remedied, there is no other way to remedy it, as they themselves testified uniformly before this Committee on Education and Labor, as their associations, their labor organizations testify, there is no other way to do it but by a system of industrial education; and that industrial education may commence to-morrow with the primer, with the grammar, and ought to commence. It is so in Germany.

Side by side with the very first elements of learning the children have utensils placed in their hands and are taught the elements of drawing, which is one of the primary and essential conditions of a skilled workman in all the trades. This system which is frowned upon by the Senator from Vermont is one by which the workman can be made adequate to the needs of to-day with its great inventions, in which machinery takes the place of human labor; and if I had it in my power I would give $100,000,000 to the encouragement of the States, to be granted to them on condition that an industrial school was opened in every community, and that every child in the United States had access to it. I do not care for the bill without that kind of education.

Mr. LOGAN. I wish to say one word, because I myself would like to see industrial schools established everywhere, but not by this bill. This bill, as I understand it, proceeds upon the theory of removing illiteracy, and that is the whole theory of the bill.

Mr. CALL. It is not my theory.

Mr. LOGAN. Very well; that is the theory of the bill. For that reason I hope the amendment of the Senator from Florida will not be adopted, and for no other.

Mr. EDMUNDS. I must ask two minutes with the indulgence of the Senate to reply to the Senator from Florida.

I do not think, according to my information and observation, that the trouble of the working people of this country is from a want of industrial education; but it is that the working people of this country, the great mass of them being intelligent enough to earn their bread in their various callings, can not find employment, or finding it can not get the wages that they are fairly entitled to. That is the matter with the great mass of the working people of this country; not that it would not be very desirable to teach their children every branch of industrial education just as far as it is possible in the years of childhood. I am for that. But when we are undertaking to aid the States in the rudiments of education in order that their children may be competent to take up the ordinary avocations of life, as they are now, when they grow up, that they may have some means of understanding their rights and the ways of getting on in this world, I do not propose that they shall be taught in their childhood by this money, as the amendment provides for, exclusively how to work and to operate machinery and things of that sort, instead of being taught the things that in the changing affairs of this country it is necessary they should know how to take up.

I repeat that in my opinion the misfortune of the working people of this country is not now a want of intelligence; it is a want of employment at adequate wages and fair play between themselves and capitalists and corporations.

Mr. CALL. I do not agree with the Senator from Vermont. Where a man fails to find employment it is because he is not educated to know how to do the work that is demanded by the country. The machinery of the country is taking the place of labor, and that is the complaint of the workmen. A machine will do the work of a thousand men. Trades by hand that furnished thousands of people in Massachusetts with employment are now being substituted by machinery; and so it is in all the trades, and so it is stated in this report. It is so stated by Mr. Russell, who speaks of the advocates of industrial education in England. When you educate the artisan so that he can turn from making one piece of a shoe which he has been accustomed to all his life to any other trade or occupation, when he has obtained the elements of an industrial education, he may find support in some other pursuit of life. Subdivision and distribution of labor makes that practicable, and the Senator from Vermont differs with all these practical men who are themselves the employers of labor in the great factories in his own country. They testify in this book, without an exception, to the necessity of an industrial education as a part of the primary education of the children of the country.

Mr. Richard J. Hinton testifies:

Q. I understood you to say that in France and Germany they had adopted as part of their public system industrial schools teaching trades and the arts?

A. Germany has a very elaborate system. My more thorough knowledge would go back almost to the beginning of the present German Empire. Prussia, Saxony, Bavaria, Westphalia, and other German states will have a very elaborate system, nearly all of them, in connection with the government. They will all have a school of forestry, they will all have a school in connection with the postal system for teaching logistics and many things connected with that. They now have in Prussia, and I think there are imperial schools in connection with the railroad system, as most of the great through railroad routes have passed under the control of the imperial government. Then different states and different communities will have, in connection with their system of primary and secondary schools, special schools for teaching different avocations or different semi-professional pursuits. In France, as far as I now understand, the system seems to have been more communal and local, more civic than national. In Besançon, for instance, they will have a very elaborate watch school. They make a great many watches. At Mülhausen, before it passed under German rule—I was there in 1873—there were seven or eight very fine institutions or schools for teaching the different branches of weaving, designing, and everything connected with it.

Mr. President, if we are so anxious for the welfare of the working people, for the education of the children of the country, why shall we not do what these despotic governments have done? The testimony is here that since this system of industrial education was established pauperism has decreased, the general condition of the workingman has improved, so that to-day in Paris it is difficult to find a meritorious person suffering from want.

The PRESIDING OFFICER (Mr. COCKRELL in the chair). The question is on the amendment proposed by the Senator from Florida [Mr. CALL].

The amendment was rejected.

Mr. PLUMB. I move an amendment to come in at the close of section 5:

And copies of all school books authorized by the school boards or other authorities of the respective States and Territories used in the schools of the same shall be filed with the Secretary of the Interior and approved by him before apportionment of the money appropriated herein shall be made

The objection that could be urged to this amendment is that suggested by the Senator from Massachusetts that it would make this bill unconstitutional. I have been somewhat amused to find that the Constitution is ample enough to take in all the provisions of this bill as reported from the committee, intricate and far-reaching as they are, but when any amendment is proposed making more definite and certain in any way the extent of national power over the expenditure of the national money, then the cry is at once made that it invades the Constitution. There is just as much in the character of the instruction as there can be in the instruction itself; and if this money is to be usefully spent, if the idea is that we are to have a good result grow out of it, then we ought at every step of the expenditure to so control it that the result may not belie the expectation.

Not only that, but as is suggested it is the duty of the Government to so control it. Where is the guarantee that this money, so generously to be furnished, will produce the result of improving the situation in the South? Practically we offer a premium by the bill as it stands for the continuation of the present illiteracy, because it is by the continuation of illiteracy that the large sums in the future are to be apportioned; and if the illiteracy itself is not to be removed, then of course no good purpose will be subserved by the appropriation of this money.

Mr. President, I have in my hands a history of the United States printed and published for use in the Southern States, and which I am advised has been and most probably now is used in the schools of that section. I wish my friend from Massachusetts who makes such rasping speeches in Massachusetts and such humane and catholic ones in the Senate would take this book home with him and see whether he thinks the teachings contained in it are such as ought to be encouraged by the expenditure of money out of the national Treasury.

Mr. HOAR. Does the Senator mean to imply by that statement that I have made speeches in the Senate of a character different from those I have made in Massachusetts?

Mr. PLUMB. I did not mean any reflection on the Senator. The Senator made some speeches, I know, in the last campaign, at least I read them, about the frauds in the Southern States, implying that he did not trust the South very much, and yet——

Mr. HOAR. Have I not said the same things here?

Mr. PLUMB. I was fairly overwhelmed by the catholicity of his speech the other day on this bill.

Mr. HOAR. I ask the Senator if he means to insinuate or imply that the doctrines which I have expressed in Massachusetts in condemnation and abhorence of the election outrages in the South, I have not whenever there was a proper opportunity expressed here, that I have not gone to the extreme of my power in endeavoring to get the national authority to put them down; or whether he means to imply on the other hand that I have not maintained for the last sixteen years the doctrine about extending national aid to education at the South at home as I have here? I know my honerable friend does not mean to state anything which would seem to be a reflection on me.

Mr. PLUMB. I do not mean to make any reflection at all. I mean simply to compare the degree of confidence which the Senator has in regard to the expenditure of school money with that entire lack of confidence which he has expressed in regard to the action of the Southern people in relation to elections. That was all. The contrast is quite marked, it seems to me.

Mr. HOAR. My honorable friend will permit me to say a word; I do not wish to interrupt him. I think the two propositions are absolutely reconcilable. I was in favor of trusting the South, after the rebellion, with the suffrage again. I did not think we could conduct this nation with a lot of vassal States and subject citizens, Americans who had not the rights of Americans, whatever offense had been given. I knew we were taking a great risk, as all republican government is a great risk. It proceeds on confidence in human nature, on confidence in the belief that in the end what is right, and righteous, and honest, and wise, will prevail over what is wicked, fraudulent, and foolish. Now I am willing to trust the Southern States, under the conditions and safeguards of this bill, with the administration of this money for an object which is as essential to republican government as equal rights of suffrage, taking the same risk I know and guarding against it as well as I can, as I did in the case of the suffrage. I do it with the same confidence in the ultimate result and in the manhood and honor of the American people. I have not made a speech on the subject of Southern elections anywhere in my life, at home or abroad, that I have not reiterated and reiterated and reiterated my belief in the policy which this bill adopts.

Mr. PLUMB. Well, Mr. President, the Senator is welcome to his belief in his consistency. I do not express any opinion one way or the other. But it seemed a little remarkable to me that he should have expressed so great confidence in the entire integrity of the Southern people in regard to the expenditure of this money, in so expending it as to accomplish the national purpose which he had in view, while at the same time he was so lacking in confidence as to the care with which they secure the ballot of the black man. I leave the case, however, as it is now made up.

I have in my hand, as I was proceeding to say, a copy of the history of the United States of America, entitled:

New School History of the United States of America, from the earliest discoveries to the present time, by J. S. Blackburn, principal of "Alexandria High School," Virginia, and W. N. McDonald, A. M., principal of the Male High School of Louisville, Kentucky. Fourth edition revised. Baltimore: W. J. C. Dulany & Co. 1871.

Mr. BLAIR. Eighteen hundred and seventy-one?

Mr. PLUMB. Eighteen hundred and seventy-one. This book has all the marks of usage; I think it has been used before it came into the Library. There can not be any doubt about the authenticity of it. I am bound to express the hope that histories of this kind are not used in all the schools of the Southern States; but yet I can say this, that if this history is in use in any of them the National Government ought to require its extirpation before spending this money; it ought not to be permitted to be used in any school, especially where the Government money goes.

Mr. EDMUNDS. It has gone into a state of innocuous desuetude now!

Mr. PLUMB. I am glad to know that that is the case, and yet the very fact that it is in existence is a sufficient warrant for proposing and voting for the amendment which I have suggested.

I would have been willing to accept any history for use in the Southern States if it would have been thereby agreeable to everybody that should have left out entirely—had a blank page to alone recall the war for the Union; but that which assumes to be a history which deliberately falsifies, which is printed and published and used for the sole purpose of magnifying the cause against the Union, which characterizes the Northern armies as composed almost wholly of European immigrants, of rowdies, roughs, &c., and has naught but contumely for the commanders and the armies under them on the Union side and a great deal worse, ought not to be used as a text-book in schools supported by moneys from the national Treasury.

The Senator from Louisiana [Mr. EUSTIS] asks me where it is used. I do not personally know that it is now used at all, but I have been told to-day, and by a Southern man, that this was not by any means a good sample, because it failed to be as bad as many histories that are or have been used to his personal knowledge in the South.

We may differ about the merits of that great struggle and about the merits of the various armies engaged, about their achievements and the skill of those who led them; but there is no necessity that facts should be misstated, and it is not proper that money from the national Treasury should be used to educate the rising generation to have a contempt for the Government and for the whole people of the North, who are represented as cowards and paltroons in this book, and as everything else but the manly and the brave and the patriotic soldiers that they were.

I should like to know something about the kind of teaching that is to follow this money. I assume that this bill is to pass. I have no doubt that that is to be the result. I want therefore that whatever result may flow from it shall be a good one. I want the National Government to keep such control over this money and the purpose it is to accomplish that the people of the United States may know that their bounty is not misapplied and that under no pretense shall this money levied chiefly from the North be used to inculcate the seeds of a new war or shall do anything in the direction of widening whatever gap may exist between the North and South.

There is a good deal of talk about the necessity for peace between what are called the sections of this country and about the unwisdom of what is called sectionalism; but, Mr. President, there is to be no peace and no lack of this same sectionalism so long as sentiments such as are written in this book are inculcated in the schools of the South or in the schools of any other portion of the country. I have made a somewhat hasty examination of school books that have been published and used in the North, and I never yet have seen in one of them anything calculated to bring contempt upon the Southern people as a people, or upon the Southern armies, or upon the generals who led those armies; and I have never known of any one in public or in private among Northern men to utter any sentiment but that of personal respect for the valor and the fidelity of the men who fought the battles of the seceding States in that great controversy.

Mr. RIDDLEBERGER. Will the Senator allow me to state to him, speaking for one State, that the history used in the common schools of that State is written by a Northern historian, published by a Northern publishing house, and while I do not think it is entirely fair to us, we have accepted it and adopted it; and yet I am in favor of this bill and would not think of putting a history in between the education of the children and what may appear in the history. They get that around their hearth-stones.

Mr. PLUMB. The Senator from Virginia was a meritorious soldier on the Southern side. I would not have expected any less frank and manly declaration from him than the one he has made. Northern types, however, and Northern authors will make work for any market. The mere fact of this work having been printed in Baltimore is nothing against it. I have been told, on what seemed to be very good authority, too, that the school histories which have been printed by Northern publishers for use in the South have been so printed under orders or in deference to a sentiment which required that the history of the war of the rebellion therein contained should be of a wholly different character from that contained in school histories printed for use in the schools of the Northern States.

Mr. RIDDLEBERGER. I beg the Senator's pardon. It is a history written entirely from a Northern standpoint. We do not object to it, because if it does nothing more it teaches the children to read. It does not do, in my humble judgment, justice to our own section, but we do not complain of that. We know all about what occurred during the war, and we are satisfied with its results. We only want to teach our children to read, and we are even willing to teach them to read from Northern histories. We use no history in Virginia that was not written by a Northern historian and from a Northern standpoint so far as the war is concerned, that has been adopted in our common schools.

Mr. PLUMB. There is no objection and can be none to any proper statement of the result of every single battle or occurrence of any kind or description during that period; but any book that does as this book does, habitually speak in a contemptuous and disparaging manner not only of the Northern armies but of the Northern people, is not a book calculated to bring eternal peace, that national feeling which will wipe out in time all the exasperating memories of that great struggle and which will make this a nation in fact as well as in name.

I think, therefore, that when we come to spend this money we should have the same control over it that the States have over theirs, that along with the money shall go our right to say what shall be taught, the instrumentalities to be employed for the purpose of teaching, and everything else that ought to go with the sinews, without which this education can not be given, according to the statement of those from the South who advocate the passage of this bill.

Mr. HOAR. Mr. President, I desire to say that I think my honorable friend from Kansas manifests rather more confidence in Southern opinion in his action than he does in his speech. As I understand it, his proposition is to remedy the evil of this school book printed in 1871 by putting the school books of the whole country, North and South, under the direction of Mr. Secretary Lamar.

Mr. PLUMB. Mr. Lamar may be as bad as the Senator from Massachusetts intimates that he is——

Mr. HOAR. I did not intimate anything about his badness or goodness.

Mr. PLUMB. But probably in the course of a few years we may have another Secretary of the Interior.

Mr. HOAR. I merely stated what the proposition of the Senator was.

ACCOUNTS WITH UTAH TERRITORY.

Mr. CULLOM. I ask unanimous consent to be allowed to introduce a resolution now, as I shall have to leave the Senate, which is important to be acted on, if at all, to-day. I ask that it be read.

Mr. BLAIR. I do not object.

The resolution was read, as follows:

Resolved, That the Secretary of the Treasury be, and he is hereby, directed to report to the Senate what, if any, amount of money has been expended by the United States in behalf of the Territory of Utah since the passage of the act of Congress of June 23, 1874, entitled "An act in relation to courts and judicial officers in the Territory of Utah;" and if any such money has been so expended, whether the United States has been reimbursed therefor; and that pending the answer to this resolution, and until an investigation of the subject may be had by Congress, the honorable the Secretary of the Treasury and the Secretary of the Interior are hereby requested to withhold any and all compensation or allowance to any member or officer of the Legislative Assembly of the Territory of Utah.

Mr. CULLOM. I desire to make a statement of the case in a word or two.

I understand the fact to be that Utah Territory is indebted to the United States nearly $300,000. I have a letter before me stating that fact. The Legislature has been in session some sixty days and has done nothing, but the members are now calling for their pay, and the Secretary of the Treasury, unless something is done to cause him to withhold action in sending a warrant for that purpose, will feel himself compelled to do it. I ask that the resolution be adopted so that the Secretary will be justified in waiting until we investigate the subject before sending the money out.

Mr. HARRIS. Is this a Senate resolution?

Mr. CULLOM. A Senate resolution.

Mr. BLAIR. I object if it leads to debate.

Mr. CULLOM. There is to be no debate. I am through.

The PRESIDENT *pro tempore*. Is there objection to the present consideration of this resolution?

Mr. HOAR. Is this a resolution proposing by one branch of Congress to request the Secretary of the Treasury to abstain from the performance of a legal duty?

Mr. CULLOM. In the first place, the resolution calls upon the Secretary to state the amount of money in which that Territory is indebted to the United States, and in the mean time to withhold sending money to pay the Territorial Legislature until we can ascertain the state of the case.

Mr. HOAR. I think the resolution had better go to the Committee on Territories or some other committee.

The PRESIDENT *pro tempore*. Does the Senator from Massachusetts object to the present consideration of the resolution?

Mr. HOAR. No, I do not object.

Mr. INGALLS. I should like to hear it read once more.

The PRESIDENT *pro tempore*. The resolution will be read.

The Chief Clerk read the resolution.

Mr. HOAR. I suggest to my friend from Illinois that to avoid what seems to be an assertion of authority that the Senate does not possess, he put in after the word "withhold" the words "so far as the law authorizes."

Mr. CULLOM. I have no objection; but this ought to be done in the interest of the United States. I have in hand a letter from the First Comptroller of the Treasury, Mr. Durham, which shows a very large amount of indebtedness from the Territory to the Government, and its Legislature has refused to make the appropriation necessary to reimburse the Government of the United States for the current expenses or the amount of money sent out there.

Mr. INGALLS. I should regret to have the Senate committed to the idea that is contained in the last section of the resolution, that it is within the competence of one body or the other to interfere with appropriations which have been made and expenditures which have been directed by existing laws. I sympathize with the object the Senator from Illinois has in view; but I think the very slight reflection we are able to give to it now will convince him that it is hardly competent for us to interfere with a current existing appropriation.

Mr. CULLOM. I think the suggestion of the Senator from Massachusetts will remedy the evil that the Senator from Kansas seems to fear.

Mr. EDMUNDS. There is no doubt at all that the Legislature of Utah have omitted to make appropriations for paying the expenses of the courts, jurors, witnesses, &c., which all the other Territories are bound by law to do and this Territory as well, because they do not like the Congress of the United States.

It is equally clear that the laws of the United States provide for paying out of the Treasury of the United States the salary or per diem of the members of that Territorial Legislature; and I have no doubt, though I have not looked it up, that there is an appropriation now standing in the Treasury out of which these persons are entitled to their pay. The only ground on which the Secretary could refuse to pay them would be that they had been derelict, as they clearly have been, in their duty in taxing the people of that Territory and raising the money to pay these judicial expenses that they ought to pay and that they are bound to pay.

But would that justify, on a resolution of the Senate alone, the Secretary of the Treasury in withholding money that has been appropriated by law for a particular purpose, and the particular persons in whose favor it has been made are entitled to it on the face of the statute, upon the ground that they personally or as a body have misconducted themselves? It may be open to some question. I should be very much afraid the Secretary could not do it.

The PRESIDENT *pro tempore*. Is there objection to the present consideration of this resolution?

Mr. BLAIR. I must object if there is to be debate.

Mr. CULLOM. Will the Senator allow one further suggestion to see whether there will be any difficulty in consideration of the subject after that? By consent of the Senate I will ask that the resolution be changed into a concurrent resolution, if that will remedy the difficulty.

Mr. INGALLS. A joint resolution.

Mr. CULLOM. Well, a joint resolution.

The PRESIDENT *pro tempore*. The Senator from Illinois modifies the resolution so as to put it in the form of a joint resolution. Is there objection to the present consideration of it in that form?

Mr. BROWN. I object to the further consideration of it at present.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. CLARK, its Clerk, announced that the House had passed the following bills; in which it requested the concurrence of the Senate:

A bill (H. R. 4420) to authorize the publication of a new edition of the Postal Laws and Regulations; and

A bill (H. R. 5893) to provide for certain of the most urgent deficiencies in the appropriations for the service of the Government for the fiscal year ending June 30, 1886, and for other purposes.

The message also announced that the House had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the bill (S. 610) to provide for a building for the use of the Federal courts, post-office, internal-revenue and other civil offices, and a United States jail in the city of Fort Smith, Ark.

The message further announced that the House had passed the bill (S. 85) for the relief of B. Jennings.

HOUSE BILLS REFERRED.

Mr. DAWES. I ask that the deficiency bill just received be referred at once to the Committee on Appropriations.

The bill (H. R. 4420) to authorize the publication of a new edition of the Postal Laws and Regulations was read twice by its title, and referred to the Committee on Post-Offices and Post-Roads.

The bill (H. R. 5893) to provide for certain of the most urgent deficiencies in the appropriations for the service of the Government for the fiscal year ending June 30, 1886, and for other purposes, and the bill (H. R. 5201) making appropriations for the payment of invalid and other pensions of the United States for the fiscal year ending June 30, 1887, and for other purposes, were severally read twice by their titles, and referred to the Committee on Appropriations.

AID TO COMMON SCHOOLS.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (S. 194) to aid in the establishment and temporary support of common schools.

The PRESIDENT *pro tempore*. The question is on the amendment proposed by the Senator from Kansas [Mr. PLUMB].

The amendment was rejected.

Mr. PLUMB. I now renew the amendment striking out so much as requires the books to be approved by the Secretary of the Interior before payment shall be made, simply requiring that they shall be filed in the office of the Secretary of the Interior.

The PRESIDENT *pro tempore*. The amendment will be reported.

The CHIEF CLERK. It is proposed to add to section 5:

And copies of all school-books authorized by the school boards or other authorities of the respective States and Territories, and used in the schools of the same, shall be filed with the Secretary of the Interior.

Mr. BLAIR. I have no objection to that.

Mr. RIDDLEBERGER. Before the question is put on that amendment, I would ask the Senator who offers it if that does not leave it in the power of the Secretary of the Interior to require the State to buy new school-books?

Mr. PLUMB. No; it only requires copies of books actually used to be filed.

Mr. RIDDLEBERGER. I understood the amendment in that way. If that is not required, I am satisfied.

Mr. BLAIR. It simply requires a copy of such books as are used to be filed.

The PRESIDENT *pro tempore*. The question is on the amendment of the Senator from Kansas [Mr. PLUMB].

The amendment was agreed to.

Mr. GRAY. I offer an amendment in line 16, section 1, to strike out the word "until" and insert "unless," and to insert in the same line, between the words "shall" and "be," the words "at its next session after this bill shall have become a law."

Mr. EDMUNDS. So as to read how?

The PRESIDENT *pro tempore*. The section will be read as proposed to be amended.

The CHIEF CLERK. In line 16 of section 1 it is proposed to strike out "until" and insert "unless," and after the word "shall," in the same line, to insert the words "at its next session after this bill shall have become a law;" so as to read:

Provided, That no money shall be paid to a State, or any officer thereof, unless the Legislature of the State shall at its next session after this bill shall have become a law, by bill or resolution, accept the provisions of this act.

Mr. GRAY. The theory upon which this bill proceeds and the whole line of argument that has been adduced in its support by those who have discussed its constitutionality is that it is not coercive, but is a bill which appropriates the money of the whole people of the United States to be applied to a subject which is confessedly retained by the States in their jurisdiction, but only to be so applied with the consent of the States, and to those States alone which shall consent to the application of this money. To some of us who think that this is an unwarranted entering of a domain of legislation prohibited by the whole scheme of our Constitution and Government to the Federal Legislature it is none the less unconstitutional because the consent of the State is invited as a condition precedent to the exercise of the power contemplated by the bill. In other words, it is denied that there are powers of the Federal Government inhering somewhere in the Federal Constitution that can only be energized and brought into activity by the consent and active co-operation of the State.

Now, for one, I do not feel inclined to leave this bill in such shape that those States, if any there be—and I believe there will be some which will have the fortitude and the self-respect to refuse the bounty, the gift, the appropriation of this money out of the Federal Treasury for the purpose set forth in this bill—shall be subject to constant solicitation. I do not want them left in such a position that after this golden stream shall commence to flow from the Federal Treasury their fortitude and integrity shall be constantly and during the whole period of these eight years assailed by this temptation offered by this bill; so that if any State shall accept, it shall accept at the next session of the Legislature which shall meet after this bill shall become a law, and if it do not accept then, that the doors shall be closed, and there shall be no *locus pœnitentiæ* left in which the States which have neglected or declined to accept can hereafter reconsider their action and come within the corrupting influence that is proposed to be exerted by this bill. That is the object of the amendment, and for that purpose I ask for its adoption.

The PRESIDENT *pro tempore*. The question is on the amendment proposed by the Senator from Delaware [Mr. GRAY].

The question being put, there were on a division—ayes 10, noes 26; no quorum voting.

Mr. EDMUNDS called for the yeas and nays, and they were ordered.

The Secretary proceeded to call the roll.

Mr. KENNA (when Mr. CAMERON'S name was called). The Senator from Pennsylvania [Mr. CAMERON] is paired on this bill with the Senator from Minnesota [Mr. SABIN].

Mr. HARRISON (when his name was called). I am paired with the Senator from Connecticut [Mr. HAWLEY]. If he were present, I should vote "nay." I do not know how he would vote on this amendment.

Mr. VANCE (when his name was called). I am paired with the Senator from New Jersey [Mr. SEWELL].

The roll-call was concluded.

Mr. SAULSBURY. I am paired on this bill with the Senator from Pennsylvania [Mr. MITCHELL]. If he were here, I should vote "yea."

The result was announced—yeas 12, nays 36; as follows:

YEAS—12.

Cockrell,	Hale,	Maxey,	Spooner,
Coke,	Harris,	Plumb,	Van Wyck,
Gray,	Manderson,	Sawyer,	Wilson of Md.

NAYS—36.

Berry,	Dawes,	Hoar,	Pugh,
Blackburn,	Dolph,	Jackson,	Ransom,
Blair,	Edmunds,	Jones of Arkansas,	Riddleberger,
Brown,	Eustis,	Kenna,	Sherman,
Call,	Evarts,	Logan,	Stanford,
Chace,	Frye,	Mitchell of Oreg.,	Teller,
Colquitt,	George,	Morrill,	Voorhees,
Conger,	Gibson,	Palmer,	Walthall,
Cullom,	Hampton,	Payne,	Wilson of Iowa,

ABSENT—28.

Aldrich,	Fair,	McMillan,	Pike,
Allison,	Gorman,	McPherson,	Platt,
Beck,	Harrison,	Mahone,	Sabin,
Bowen,	Hawley,	Miller of Cal.,	Saulsbury,
Butler,	Ingalls,	Miller of N. Y.,	Sewell,
Camden,	Jones of Florida,	Mitchell of Pa.,	Vance,
Cameron,	Jones of Nevada,	Morgan,	Vest.

So the amendment was rejected.

Mr. BLAIR. I ask unanimous consent to strike out the proviso beginning in the fourteenth line of the first section down to the end of the section. The language was inserted on the motion of the Senator from Colorado [Mr. TELLER], and he agrees that it may be stricken out. The proviso reads as follows:

Provided, That no money shall be paid to a State, or any officer thereof, until the Legislature of the State shall, by bill or resolution, accept the provisions of this act; and such acceptance shall be filed with the Secretary of the Interior.

That was an amendment put into the bill on the first or second day of the discussion, upon the motion of the Senator from Colorado, and was adopted without consideration by the Senate.

Mr. EDMUNDS. It can not be stricken out now.

Mr. BLAIR. I ask unanimous consent that it be done. The Senator upon whose motion the language was inserted is quite willing that it should be stricken out. The Senator from Oregon [Mr. DOLPH] finds difficulty with it, and certainly it is calculated to embarrass the early operation of the bill, because it seems that many Legislatures will not meet for about two years, and if the bill becomes a law either the other States must wait or those States must call special sessions of their Legislatures for action, and in some instances that would be attended with quite a large expense. The Senator from Oregon says that it would cost in his State at least $15,000 to convene the Legislature in extra session. There does not seem to be any occasion for the proviso.

The bill as it was passed at the last Congress had no such provision in it, and there does not seem to be any occasion for it now. Whenever a State brings itself within the conditions prescribed in the bill to the satisfaction of the United States authorities and an apportionment on that representation has been made of the first amount, then there does not seem to be any reason why the proportion which belongs to the State can not go to it without waiting on the action of other States. I hope the proviso will be stricken out.

Mr. EDMUNDS. I have been trying to the best of my ability to follow the lead of my distinguished friend from New Hampshire in supporting the bill, but I certainly can not agree to the striking out of the proviso, for the reason that if it be not in the bill and the money is to go without any action of the State, the State law-making power, the sovereignty of the State, the persons into whose hands it goes, the State officers will be under no legal accountability for the money at all; because Congress does not undertake to make those State officials accountable, and any man who embezzled a dollar of it could not be convicted under any statute of the United States, and certainly not under any statute of the State, because the State had not authorized or employed him to receive the money at all. Therefore, in my opinion, it is absolutely essential for the administration of the law that this provision should stand, as inconvenient as it may be.

Mr. DOLPH. I should like to ask the Senator a question. Is there any provision in the bill now which would guide the Secretary of the Interior in making the distribution of the money in case one-third of the States whose Legislatures will not meet for nearly two years should not accept its provisions at the time the law becomes operative? I have no objection to the proviso remaining in the bill if some other provision should be made to meet the difficulty in my mind, and the difficulty which really exists in the execution of this measure.

Mr. EDMUNDS. I do not know what the other provisions are as to what would become of the money not accepted, some States accepting at once. I do not know how that is, for I have not studied the bill enough, but I do know, or think I know, with great respect to everybody, that you would be sending these millions of dollars, without this proviso, absolutely to sea without any responsibility or legal accountability at all; and whatever may be the inconvenience we must submit to it. If this money goes to a State officer when the State has not authorized him to receive it, he is certainly not responsible to the State, and he could not be convicted for misappropriation or embezzlement or anything else under the State law; and when you should undertake to convict him under any statute of the United States you would find that the United States by this bill has not undertaken to hold in a criminal or personal sense any State official responsible for it, because the United States by the bill does not undertake to control the conduct of schools in the States, and it ought not to do so. It only makes a benefaction to the State, and its sovereign power must receive it according to the will of that sovereign power and make its own officers responsible for it.

Mr. DOLPH. If it were a mere matter of inconvenience, I should not be tenacious about it; but I do not think it is a mere question of inconvenience; I think it is a question of ability under the provisions of the bill to execute its provisions properly. The United States commences to pay out the appropriation made for the first year. The apportionment of other States will not be paid for the first two years, and those States are either to receive the apportionment of two or three annual appropriations at once, or they will first receive their apportionment under the appropriation for the first year, and be deferred from year to year for all the balance, or they will lose the appropriation simply because they have not had the opportunity to accept the provisions of the bill.

As I said before, I have no particular objection to this proviso remaining in the bill if some additional provision shall be put in to meet the difficulty; but I think it will be found that the matter will be involved in so much confusion that it will defeat the very object the friends of the bill have in proposing this measure.

Mr. EDMUNDS. It is an inherent difficulty.

Mr. DOLPH. There is no difficulty about it if it is provided, for

instance, that if three-fourths of the States or one-half of the States shall first accept the provisions of the bill, the execution of the bill shall be delayed until most of the States have an opportunity to accept its provisions. That would be one way to do it. Another way would be to provide that when a State has accepted the provisions of the bill the State shall have her proportion of the apportionment for the first year, and the next year her proportion of the apportionment for the second year, and so on, so that she shall receive all that she is entitled to; but there ought to be some provision about it, and as the one proposed by me does not seem to meet the idea of the Senate, I would prefer that some friend of the measure who can see the difficulty as well as I can would suggest something else.

Mr. HALE. This proviso is one of the very few absolute safeguards that have been ingrafted on the bill, and I for one object to its being stricken out. Not many obligations are laid upon the States receiving these benefactions. One of the complaints that I and other Senators have made is that it has left things so loose that there will be opportunities to destroy the real object and purpose of the bill, and that because of those dangers the bill is objectionable. But here is the instance of a safeguard which is thrown around the bill. There are few obligations imposed upon the States by the different provisions of the bill, and this is the only provision which declares that no money shall be paid until each State, in the exercise of its discretion and authority as a State, formally accepts the provisions of the bill. If this proviso is stricken out, then the whole thing is left as a loose donation, and every State might receive the money provided in the bill and never agree to accept it under the conditions of the bill, and hereafter Congress and the people and the Treasury would be hopeless.

Therefore I hope that the proviso will not be stricken out, and I trust that the Senator in charge of the bill will not insist on making the motion. Of course he can not make it now except by unanimous consent; but I hope he will not press it when we get the bill into the Senate.

Mr. BLAIR. This provision was not in the bill as it was passed in the last Congress. The question whether the provisions of the bill were such as that a State officer, under his obligation as a State officer, receiving this money for the benefit of the State, would be liable criminally or otherwise if he were guilty of malversation in office, was discussed, and it was thought by the lawyers of the Senate then that the bill was well enough guarded, and it was so passed.

I do not believe there is the slightest difficulty in holding any State officer responsible for his proper official liabilities, civilly and criminally, in case he comes in possession of this money for the benefit of his State, and fails to apply it according to his obligation with reference to other moneys the administration whereof may have been intrusted to him.

But it is not well to have any doubt about this matter, and I myself very well understand that if any one deems this provision essential, it should remain in the bill, and I do not press my request for unanimous consent to make the motion now, nor shall I ask for a vote upon the question in the Senate.

I wish to say, however, in reference to the fancied difficulty suggested by the Senator from Oregon that even the worse difficulty is not relieved by his proposition that three-fourths of the States should assent to the bill. Are not the remaining one-fourth of the States involved in precisely the same difficulty which he seems to imagine now will exist without this provision or the provision he suggests with reference to them all? It is only a question of degree, and the proposition which he makes does not relieve against any actual difficulty, for there is none.

The bill provides that, upon the basis or relative illiteracy, each State shall be entitled to a certain proportion of the $7,000,000 the first year, after having complied with the various conditions required, made the showing that is required by the Secretary of the Interior, which must be transmitted to Congress, and upon which Congress must act before even the first appropriation becomes a matter of fact. All that having transpired, each State which brings itself within the provisions of this act is entitled to its proportion, to be applied to the common schools under its jurisdiction. What might go to another State which has not complied with any of the conditions of the bill is a question which does not need to agitate us at present. It is no use to anticipate all the difficulties that might occur in reference to this particular bill. It is as explicit and definite as any proposition ever brought before a legislative body to the minds of those who take pains to examine it for a few hours, and I do not think it is necessary to multiply difficulties which probably will never occur in its actual practice, or which if they do occur can very well be taken care of after they do come to exist.

Mr. DOLPH. I agree with what the Senator from Vermont said the other day, that the best time to amend a bill is when it is under discussion and before its passage. This is not an imaginary difficulty; it is a difficulty that is obvious. I speak now of the State of Oregon because I am familiar with that State; but there are other States in exactly the same situation. The Legislature of Oregon will meet in January, 1887. Suppose the bill passes the Senate at the present session and passes the other House in February, 1887, after the Oregon Legislature has adjourned. Then it will be two years from next January before the Legislature of that State will meet again; and there are other States in precisely the same category.

That is a difficulty which we can see, and it is a difficulty which may be easily provided against now. Some arrangement ought to be made by which the several States that can not accept the provisions of the bill by the action of their Legislature in regular session before 1888 or 1889 shall not be required to call a special session, or else their pro rata share of this appropriation ought not to depend upon a future Legislature for it, because it is easier now to put a simple clause in the bill than it would be to pass an act to rectify the matter after the bill has become a law. We all know the difficulty of getting legislation through both Houses of Congress.

I am not going to take issue with the Senator from New Hampshire, the chairman of the committee, in regard to how easily the bill may be understood. I think he probably understands it himself, and a good many others do, but I think the provisions are not entirely congruous. I think there are some things left open and undetermined that might just as well be settled.

I offer the following amendment to come in at the end of the first section of the bill:

And any State which shall accept the provisions of this act at the first regular session of its Legislature after its passage shall, upon complying with the other provisions of this act, be entitled at once to its pro rata share of all previous appropriations.

Mr. LOGAN. That is the bill now.

Mr. DOLPH. The Senator from Illinois says that provision is in the bill now.

Mr. LOGAN. No, I say that is the bill now. I mean by that that such would be the construction of the bill, because the Legislature having to accept it could not accept it until it met.

Mr. DOLPH. But in the mean time the appropriation will be made by Congress and will be expended. We have already adopted a proviso requiring the States to accept it. My State will not have accepted the provisions of the bill and will not have become entitled to its proportion. I forget the precise language of the amendment offered by the Senator from New York [Mr. EVARTS], whether it provides that the apportionment must be declined by legislative act, or whether merely a failure to accept it throws out the appropriation of a State not accepting its provisions.

Mr. LOGAN. I suggest to the Senator that his State is in exactly the same condition as the State which I have the honor to represent in part. The State of Illinois will not have a convening of the Legislature until the same time that the Legislature of Oregon will meet, and I presume there are many States which are so situated.

Mr. HALE. Almost all of the States are so situated.

Mr. LOGAN. I do not see any better way of getting at it than by leaving the bill as it is, and if such States desire to receive the fund at once they will call their Legislatures together. Of course that will be attended with some expense; but you can not fix an amendment here that will apply to the different Legislatures and at the same time preserve the protection that there is in this provision in reference to the fund which is to be turned over by the United States.

Mr. BLAIR. Let the amendment of the Senator from Oregon be read. I think there is some misapprehension about it. It struck me that the amendment was well enough.

The PRESIDENT *pro tempore*. The amendment proposed by the Senator from Oregon will be read.

The CHIEF CLERK. It is proposed to add to section 1:

And any State which shall accept the provisions of this act at the first regular session of its Legislature after its passage shall, upon complying with the other provisions of this act, be entitled at once to its pro rata share of all previous appropriations.

The PRESIDENT *pro tempore*. The question is on agreeing to the amendment of the Senator from Oregon [Mr. DOLPH].

Mr. HAMPTON. I suggest to the Senator from Oregon that it would be better to strike out the word "regular," because some of the Legislatures may not meet regularly for two or three years, and the governor may choose to call an extra session in order that they may act at once.

Mr. DOLPH. I do not know that there is any objection to that, and I will modify the amendment in that particular. My intention is only to prevent the necessity of calling a special session of the Legislature in order to secure the right of a State to this money.

The PRESIDENT *pro tempore*. The amendment will be modified by striking out the word "regular."

Mr. EDMUNDS. Let us hear it read as modified.

The PRESIDENT *pro tempore*. The amendment will be read as modified.

The CHIEF CLERK. It is proposed to add to section 1:

And any State which shall accept the provisions of this act at the first session of its Legislature after its passage shall, upon complying with the other provisions of this act, be entitled at once to its pro rata share of all previous appropriations.

Mr. BLAIR. Add the words "or Territory" after "State."

Mr. DOLPH. I will add "or Territory;" so as to read "any State or Territory."

The PRESIDENT *pro tempore*. The question is on agreeing to the amendment as modified.

Mr. LOGAN. That does not change the construction or the meaning of the bill as it would be construed, in my judgment. I may be

mistaken about it; but the first section provides for the first year the sum of $7,000,000, for the second year $10,000,000, and so on. That is the appropriation to be made by the Congress of the United States. Then the section provides:

Which several sums shall be expended to secure the benefits of common-school education to all the children of the school age mentioned hereafter living in the United States.

The appropriation is made for that purpose in one grand sum of $7,000,000. Then the proviso follows:

Provided, That no money shall be paid to a State, or any officer thereof, until the Legislature of the State shall, by bill or resolution, accept the provisions of this act.

So the money to be apportioned to the State will lie in the Treasury until the State accepts it by an act of the Legislature. The proposition of the Senator from Oregon would not in my judgment change the law in the slightest degree, so far as taking the money is concerned.

Mr. DOLPH. In my judgment it would change it very materially, but of course I would not set up my judgment against that of the Senator from Illinois.

Mr. LOGAN. I beg the Senator's pardon, the Senator knows what he means by the amendment; I may be mistaken about it.

Mr. DOLPH. I wish to say that it has been contended here that the bill will not make an appropriation of the sum of $77,000,000.

Mr. LOGAN. No, it is $7,000,000 the first year, then $10,000,000 the second year, and so on.

Mr. DOLPH. Or $7,000,000. It has been contended that even if the bill passes, the appropriation of $7,000,000 must be put in some one of the annual appropriation bills. There are certain annual appropriations that lapse into the Treasury after the first year if not used.

Mr. LOGAN. In two years.

Mr. DOLPH. I understand that to be the rule, or if the time is two years both appropriations might lapse. As I understand the provisions of the bill, there is to be appropriated the first year by a separate act of Congress $7,000,000, and that is to be appropriated for the first fiscal year after the act is passed. If this act is passed before the 1st of July next the appropriation will be for the fiscal year commencing the 1st day of July next, and so on for each year. Therefore I think it very doubtful whether a State which will not have accepted its provisions would come in for any share of the money appropriated by the bill for the first year; but if it did come in, admit for the sake of the argument that it would receive its share of the appropriation, another difficulty stares us in the face, one which has been suggested before, whether the State would receive all the previous appropriations at once, so as to be placed on a par with the other States, and so that the appropriations for that State would cease at the same time that the appropriations cease for the other States, or whether it would receive its annual appropriation for the first year for which it is able to receive it, and then for the year after that, and be postponed as to the other apportionments from year to year.

I do not believe that any Secretary of the Interior would like to take the responsibility of determining what would be done in that case. It would require further legislation, and it is better to fix it by a simple amendment, like that I have offered, and to fix a certain rule in regard to it, and have no further need of legislation.

Mr. LOGAN. So far as my objection to the amendment is concerned, I only think it is in the bill now; that is all. I do not care anything about the amendment, and I do not think it helps the bill the slightest; but if it is thought to be necessary, of course I have no objection to it.

Mr. DOLPH. That is just where the Senator and myself differ about the construction of the bill.

Mr. LOGAN. Certainly; it is a question of construction.

Mr. HALE. I ask for the reading of the amendment.

The PRESIDENT *pro tempore*. The amendment will be again read.

The CHIEF CLERK. It is proposed to add to the first section:

And any State or Territory which shall accept the provisions of this act at the first session of its Legislature after its passage shall, upon complying with the other provisions of this act, be entitled at once to its pro rata share of the previous appropriations.

Mr. HALE. I move to strike out the words "of the previous appropriations" and insert "under the provisions of this bill," because I do not think it wise to use the word "appropriations," thereby committing the Senate to the proposition that this is in itself an appropriation. That gives the Senator from Oregon all that he desires, and does not commit the Senate to that proposition.

The PRESIDENT *pro tempore*. The amendment of the Senator from Maine to the amendment of the Senator from Oregon will be stated.

The CHIEF CLERK. It is proposed at the end of the amendment to strike out the words "of the previous appropriations" and insert "under the provisions of this bill;" so as to read:

And any State or Territory which shall accept the provisions of this act at the first session of its Legislature after its passage shall, upon complying with the other provisions of this act, be entitled at once to its pro rata share under the provisions of this bill.

Mr. DOLPH. If the bill now would give the States their pro rata share from the beginning, I think the amendment of the Senator from Maine would cut them off certainly, because it would only allow them to take a pro rata share from the time they accepted the provisions of the bill. Certainly I do not think it is the intention of the Senator from Maine to make an inoperative provision.

Mr. HALE. I do not think my amendment is open to that construction. It is only to prevent our enacting something here in the hurried manner in which we are proceeding now that shall commit the Senate to the proposition that the bill in itself is an appropriation bill. I do not think it is. I agree with the suggestion of the Senator from Oregon that the appropriations have got to be made in one of the annual appropriation bills, probably the sundry civil bill, and I do not like the word "appropriation" in his amendment.

Mr. DOLPH. Would the Senator be satisfied to insert in my amendment the word "annual," so as to read "previous annual appropriations?"

Mr. HALE. Yes; I have no objection to that.

Mr. DOLPH. Therefore I will modify my amendment by inserting the word "annual" before the word "appropriations." I think that will meet the case.

Mr. HALE. That will save the point.

The PRESIDENT *pro tempore*. The question is on agreeing to the amendment of the Senator from Oregon as modified.

The amendment as modified was agreed to.

Mr. TELLER. I sent to the desk a while ago an amendment which I have modified to meet the objection urged by the Senator from Vermont [Mr. EDMUNDS] and which I should like now to have the Senate act upon.

The PRESIDENT *pro tempore*. The amendment proposed by the Senator from Colorado will be read.

The CHIEF CLERK. It is proposed to add to section 2 the following additional proviso:

Provided also, That the Indian Territory shall be considered a Territory within the meaning of this act, and the money apportioned to said Territory shall be expended annually under the direction of the Secretary of the Interior, who shall ascertain, in such manner as shall be deemed by him best, the number of illiterates therein. If the Secretary of the Interior shall decide to apportion any of the money provided for in this act to the education of children in the five civilized tribes, he shall pay the money so apportioned to the proper officer of said tribe entitled to receive the same. Sections 3 and 7 of this act shall not apply to the Indian Territory.

The PRESIDENT *pro tempore*. The question is on agreeing to the amendment of the Senator from Colorado [Mr. TELLER].

Mr. TELLER. I should like to have the yeas and nays.

The yeas and nays were ordered.

Mr. EDMUNDS. The trouble I have with the amendment as it now stands is that it leaves it entirely to the discretion of the Secretary of the Interior whether the five civilized nations shall be aided in the same way that the people of the States and of the Territories of the United States are aided. If we are going into the Indian Territory at all it seems to me that we ought to make the same donation to the Five Nations that we do to the States and to the organized Territories.

The PRESIDENT *pro tempore*. The Secretary will call the roll on agreeing to the amendment of the Senator from Colorado [Mr. TELLER].

The Secretary proceeded to call the roll.

Mr. HARRISON (when his name was called). I announce again my pair with the Senator from Connecticut [Mr. HAWLEY].

The roll-call having been concluded, the result was announced—yeas 19, nays 30; as follows:

YEAS—19.

Blair,	Dawes,	Manderson,	Stanford,
Bowen,	Dolph,	Miller of N. Y.,	Teller,
Chace,	Hoar,	Mitchell of Oreg.,	Van Wyck,
Conger,	McMillan,	Palmer,	Wilson of Iowa.
Cullom,	Mahone,	Plumb,	

NAYS—30.

Berry,	Frye,	Jackson,	Sawyer,
Blackburn,	George,	Jones of Arkansas,	Sherman,
Brown,	Gibson,	Kenna,	Spooner,
Call,	Gray,	Logan,	Voorhees,
Colquitt,	Hale,	Morrill,	Walthall,
Edmunds,	Hampton,	Payne,	Wilson of Md.
Eustis,	Harris,	Pugh,	
Evarts,	Ingalls,	Ransom,	

ABSENT—27.

Aldrich,	Coke,	McPherson,	Riddleberger,
Allison,	Fair,	Maxey,	Sabin,
Beck,	Gorman,	Miller of Cal.,	Saulsbury,
Butler,	Harrison,	Mitchell of Pa.,	Sewell,
Camden,	Hawley,	Morgan,	Vance,
Cameron,	Jones of Florida,	Pike,	Vest.
Cockrell,	Jones of Nevada,	Platt,	

So the amendment was rejected.

Mr. INGALLS. I call the attention of the chairman of the committee to the language in the second line of section 3:

That no State or Territory shall receive any of the benefits of this act.

I assume that that hardly expresses the intention of the committee. "The benefits of the act" of course would be the results that would flow from the expenditure of the money. I move to strike out the words "benefits of" and insert "money under;" so as to read:

That no State or Territory shall receive any of the money under this act, &c.

Mr. BLAIR. I have no objection to that amendment.

The PRESIDENT *pro tempore*. If there be no objection that amendment will be considered as agreed to. It is agreed to.

Mr. INGALLS. In line 4 of section 3, I move to strike out the words "the character of," after "showing." The report is to show what the common-school system is, not the character of it.

Mr. BLAIR. I do not see any objection to that amendment.

The PRESIDENT *pro tempore*. If there be no objection, that amendment will be made. It is agreed to.

Mr. INGALLS. In lines 15 and 16 of section 3 the language is:

The number of white and colored children of the school age prescribed by this act for each county and city.

There is no school age prescribed by this act for counties and cities, the declaration being the school age in each State and Territory shall be that which shall prevail. I suggest that the words "prescribed by this act for each county and city" are improperly in this section.

Mr. BLAIR. That language has crept in in some of the innumerable amendments that have been offered; it ought to be stricken out.

The PRESIDENT *pro tempore*. The Senator from Kansas will please repeat the amendment; the Clerk did not get it.

Mr. INGALLS. I move to strike out the words "prescribed by this act for each county and city."

Mr. BLAIR. I did not understand that that was the Senator's motion. That refers to another part of the bill. The school age referred to is that prescribed by the law of the State or Territory.

Mr. INGALLS. Well, that is not "prescribed by this act." The language is:

The number of white and colored children of the school age prescribed by this act for each county and city.

It should read:

The number of white and colored children of the school age in each city and county.

Mr. BLAIR. I do not know that there is my enumeration by cities and counties. I am willing that the words "for each county and city" shall be stricken out, if the Senator makes any point about them.

Mr. INGALLS. Let it be read as suggested to be amended.

The PRESIDENT *pro tempore*. The clause will be read as proposed to be amended.

The CHIEF CLERK. In section 3 of the reprinted bill, in lines 15 and 16, it is proposed to strike out the words "prescribed by this act for" and insert "in;" so as to read:

The number of white and colored children of the school age in each county and city, as given by the census of 1880.

Mr. BLAIR. So far as I know there is no such enumeration by the census of 1880, and if that were required to be made before this act could become operative there might be no benefit resulting at all. The words "for each county and city" have crept in in some way. I have never seen them before.

Mr. INGALLS. Then strike them out.

Mr. BLAIR. I move to strike them out.

Mr. INGALLS. If they have crept in, let them creep out.

The PRESIDENT *pro tempore*. The amendment of the Senator from Kansas will be again read, there still seeming to be a misapprehension in regard to it.

The CHIEF CLERK. In section 3 of the reprint, lines 15 and 16, it is proposed to strike out the words "prescribed by this act for" and to insert the word "in;" so as to read:

The number of white and colored children of the school age in each county and city, as given by the census of 1880, &c.

Mr. INGALLS. The Senator from New Hampshire suggests that the words "for each county and city" are improperly in the bill.

Mr. CONGER. But if they were put in by the Senate on the motion of the Senator from Kansas, can they be now stricken out?

Mr. INGALLS. They were not put in on my motion.

The PRESIDENT *pro tempore*. If the words were inserted on motion, they can not be stricken out at this stage.

Mr. BLAIR. The Senator has proposed an amendment which, as I understand it, would embarrass, if not prevent, the operation of the bill. I wish he would modify his amendment by striking out the words "for each county and city," which would occasion no difficulty. If it is thought best to change the bill still further by making it read "the school age prescribed by the law of the State or Territory as given by the census of 1880," that would be all right.

Mr. INGALLS. These various provisions are the conditions precedent to the reception by the State of any money under this act, and there ought to be nothing impossible prescribed. Of course I am not primarily in favor of the bill; but if it is to pass I desire that it shall pass in a condition that will be creditable to the body that enacts it. It certainly is unnecessary to impose conditions which can not be complied with. No governor of a State or Territory could comply with the provisions contained between the semicolon after "schools," in line 14, and concluding with the words "1880," in line 17, because there is no enumeration in the census upon which it can be founded. The language is:

The number of white and colored children of the school age prescribed by this act for each county and city, as given by the census of 1880.

That is an insensible provision, and it ought not to be in the bill; it does not mean anything; and as the Senator from New Hampshire says that by some mishap the provisions have been changed or modified by accident, they ought to be corrected so as to carry out the intention of the framers of the bill. If it means that the number of white and colored children of the school age as exhibited by the census of 1880 in the several municipal divisions are to be filed with the Secretary of the Interior, that is one thing; but to assume that there has been a school age prescribed by this act for each county and city, and then require the enumeration to be made under it as a preliminary condition to receiving any of this money, would be inconsistent.

Mr. EDMUNDS. It seems clear that as far as the census of 1880 is concerned there is no necessity to require any report from the governor of the State or the Territory, because we have it now; we know it just as well as he does. The object of this part of the section is to get a practical report from the State authorities or the Territorial authorities of the condition of their schools in their respective State or Territorial subdivisions, the number of children there of their school age and their colors, which their own school statistics show, as we see by the reports of the Commissioner of Education. I think we ought to strike out, in lines 16 and 17, the words:

This act for each county and city as given by the census of 1880.

And insert:

Law in each of the school subdivisions of each State and Territory.

So that it will read that the governor is to report, &c.—

The number of white and colored children of the school age prescribed by law in each of the school subdivisions of each State and Territory.

So we would call upon the State authorities for a report under their own autonomy, under their own arrangements.

Mr. HOAR. May I ask my friend if that would not require a census each year?

Mr. EDMUNDS. No; only the school census they have.

Mr. HOAR. The number of scholars enrolled in schools is one thing and the number of children is another thing. It would require a census in my State.

Mr. EDMUNDS. So it would, stating it in that way; but look at the reports made by the Commissioner of Education as to what are the school arrangements in the various States. Take Vermont, for instance. I find, as the truth and the law is there, that the reports of the State officers to the governor or the Legislature, or whatever the proper office is, are required to show not merely the number of children who attend school—of course we have no distinction of white and colored there—but the number of children of the school age from ten to eighteen, or whatever it is, in each district, and also the number of the children who have attended, and their average daily attendance. So I should think that what I have suggested would only call upon the State authorities to report under their own arrangements and autonomy the statistics that they under all their laws I suppose have of the children in each one of the districts. But if I am wrong, of course I do not insist on it.

Mr. HOAR. There are a great many States in the Union that do not enroll the children except by the school roll. The children are actually enrolled as attending school in some part of the year. The children of the school age, and especially the distinction between white and colored, I do not think we make in our State in any census we have. It seems to me that it would be sufficient for the purposes of the bill to provide that this report shall contain the number of white and colored children between the ages of ten and twenty-one as given by the census of 1880. To be sure that is all in the census now; but the report would have that list from the census, where it could be in each report compared with the average attendance in the school, and we, or the Commissioner of Education, could very easily determine then how large a proportion of the children attended school, because those laws are uniform. That is, suppose the school age in a particular State is from five to fifteen, which the census does not deal with at all, or from ten to sixteen, or any other period, if we have the census return as the basis the proportion between those classes is known for all reasonable purposes, showing a reasonable proximity, and that will give us all the information that we desire.

The PRESIDENT *pro tempore*. The amendment pending is the amendment proposed by the Senator from Kansas [Mr. INGALLS].

Mr. HOAR. I suggest to the Senator from Kansas to accept that as a modification.

Mr. INGALLS. My attention being diverted for the moment, I did not hear the proposition.

Mr. HOAR. I will restate my proposition. I think in my State there is no census or list of the children annually which would enable this thing to be reported as required by the bill, or as required by the amendment of the Senator from Kansas, and it would require the States that do not do that to have a census every year of the children between certain ages. So I suggest that it should read:

The number of white and colored children between the ages of ten and twenty-one given by the census of 1880.

And although that is in the census now, it would be convenient to have it in the report for comparison, and it would be very easy to form a jugdment as to whether the children generally attend school or not.

Mr. INGALLS. I suppose that was the design, because this is the report required of the governor before the money that is to be distributed under section 2 can be paid out. The language in section 2 is:

And in each State and Territory in which there shall be separate schools, * * * the money received in such State or Territory shall be apportioned and paid out for the support of such white and colored schools, respectively, in the proportion that the white and colored children between the ages of ten years and twenty-one years in such State or Territory bear to each other, as shown by the said census.

I presume this is intended to render it obligatory to incorporate in the report the statistics which will enable the money to be disbursed under section 2. I therefore accept the suggestion of the Senator from Massachusetts, believing that it will effectuate the provisions of the bill.

The PRESIDENT *pro tempore*. The amendment as modified will be read.

The CHIEF CLERK. In section 3, line 15, after the word "children," it is proposed to insert the words:

Between the ages of ten and twenty-one years.

Mr. HOAR. Strike out the words "of the school age prescribed by this act for" and insert "in."

Mr. CONGER. I suggest as a further amendment, to make it more definite, to add "both inclusive," after "years."

The PRESIDENT *pro tempore*. The Secretary will report the whole amendment.

The CHIEF CLERK. In section 3, line 15, after the word "children," it is proposed to strike out the words "of the school age prescribed by this act for" and to insert "between the ages of ten and twenty-one years in;" so as to read:

The number of white and colored children between the ages of ten and twenty-one years in each county and city as given by the census of 1880.

Mr. EDMUNDS. That is all right.

Mr. CONGER. I wish to offer a further amendment.

Mr. HOAR. Let this be adopted first.

Mr. BLAIR. The Senator from Michigan proposes to amend the amendment.

Mr. HOAR. Very well.

Mr. CONGER. I move an amendment to the amendment by adding the words "both inclusive," after the words "twenty-one years."

The PRESIDENT *pro tempore*. Is the amendment accepted?

Mr. INGALLS. That ought not to be put in without further information as to whether the census is based upon that method of enumeration or not.

Mr. BLAIR. It was found out the other day that the census enumerates all the individuals living in the country by their ages; one so many, two so many, three so many, and all the way through, so that the amendment of the Senator from Michigan is entirely unobjectionable.

Mr. CONGER. With that view the amendment is an entirely proper one.

Mr. INGALLS. Let the amendment be so modified.

The PRESIDENT *pro tempore*. The Chief Clerk will report the amendment as now modified by the Senator from Kansas.

The CHIEF CLERK. In section 3, line 15, after the word "children," insert the words "between the ages of ten and twenty-one years, both inclusive, in," and strike out the words "of the school age prescribed by this act for;" so as to read:

The number of white and colored children between the ages of ten and twenty-one years, both inclusive, in each county and city, as given by the census of 1880.

The PRESIDENT *pro tempore*. That amendment will be considered as agreed to if there be no objection. The amendment is agreed to.

Mr. INGALLS. In section 3, line 31, I move to strike out the word "thereupon," at the close of the line. It is a superfluous word.

The PRESIDENT *pro tempore*. The amendment will be reported.

The CHIEF CLERK. In section 3, line 31, after the word "shall," it is proposed to strike out "thereupon;" so as to read:

The Secretary of the Interior shall certify to the Secretary of the Treasury the names of the States and Territories which he finds to be entitled to share in the benefits of this act, and also the amounts due to each.

The PRESIDENT *pro tempore*. If there be no objection that amendment will be considered as agreed to.

Mr. INGALLS. In section 3, line 32, after the word "Treasury," I move to strike out the words "the names of;" so as to read:

The Secretary of the Interior shall certify to the Secretary of the Treasury the States and Territories which he finds to be entitled, &c.

Mr. BLAIR. Perhaps the Senator will amend by adding the word "the" to the clause he proposes to strike out. Otherwise he will have the word "the" in twice, which would seem to be superfluous.

Mr. EDMUNDS. He strikes out the first word "the."

Mr. BLAIR. Very well; that is just the same.

Mr. INGALLS. My motion is to strike out the words "the names of."

The PRESIDENT *pro tempore*. The amendment will be considered as agreed to if there be no objection.

Mr. HALE. I call the attention of the Senator in charge of the bill to section 9, which reads:

That no part of the educational fund allotted to any State or Territory shall be used for the erection of school-houses or school buildings of any description, nor for rent of the same.

I suppose the word "educational" is not used as a word of definition but of general description, and would apply to any fund provided for in the bill. Since the bill was reported the Senate has provided for another fund that in terms it declares shall be expended for school buildings and for rent of the same, and in order to make the provisions harmonious I suggest to the Senator from New Hampshire that section 9 be changed so as to read:

That no part of the fund allotted to any State or Territory under this act shall be used for the erection of school-houses or school buildings of any description, nor for rent of the same, except as hereinafter provided.

Mr. BLAIR. Let it read "under the first section of this act," and shorten the section by leaving out the long words at the end.

Mr. HALE. That will be better still. I will modify it so as to read:

That no part of the fund allotted to any State or Territory under the provisions of the first section of this act shall be used, &c.

Mr. BLAIR. The other fund is explicitly named the "school-house fund."

Mr. HALE. Still it would in general terms be an educational fund.

Mr. EDMUNDS. I should like to hear the amendment to section 9 reported.

The PRESIDENT *pro tempore*. The proposed amendment will be read as modified.

The CHIEF CLERK. It is proposed to amend section 9 so as to make it read:

That no part of the fund allotted to any State or Territory under the provisions of the first section of this act shall be used for the erection of school-houses or school buildings of any description, nor for rent of the same, except as hereinafter provided.

Mr. HALE. The last words "except as hereinafter provided" do not need to be in now.

Mr. EDMUNDS. The first words after "Territory" cover it all, and the last would reverse the whole effect.

The PRESIDENT *pro tempore*. The last words will be omitted.

Mr. EDMUNDS. Stop at the word "same" and strike out the words "except as hereinafter provided."

The PRESIDENT *pro tempore*. That has been already done. The question is on agreeing to the amendment as modified.

The amendment was agreed to.

Mr. EUSTIS. In Louisiana we have no counties. The political subdivisions of the State are called parishes. Therefore I move to insert the words "or parish" after county wherever the word "county" is mentioned in the bill.

The PRESIDENT *pro tempore*. Is there objection to that amendment? The Chair hears none, and it is agreed to.

Mr. CONGER. There is one other place in the bill where, by an amendment, the phrase "the age of children between ten and twenty-one" is used. I do not remember the place.

Mr. BLAIR. That is in the second section, placed there by the amendment offered by the Senator from Vermont.

Mr. CONGER. I move to amend that by adding the words "both inclusive," so that it will include the years of ten and twenty-one.

Mr. INGALLS. It is in section 2, line 13.

The PRESIDENT *pro tempore*. The amendment will be stated.

The CHIEF CLERK. In section 2, line 13, after the word "years," where it occurs the second time, it is moved to insert the words "both inclusive;" so as to read:

Between the ages of ten years and twenty-one years, both inclusive, in such State or Territory bear to each other, as shown by the said census.

The amendment was agreed to.

The bill was reported to the Senate as amended.

The PRESIDENT *pro tempore*. The question is on concurring in the amendments made as in Committee of the Whole.

Mr. HALE. I wish to reserve all amendments made to section 2 from any general vote.

The PRESIDENT *pro tempore*. Shall the vote be taken in gross?

Mr. MAXEY. I ask a separate vote on the amendment adopted in Committee of the Whole on the motion of the Senator from New York [Mr. EVARTS] that if a State declines to receive the money its amount shall pass over to the other States.

The PRESIDENT *pro tempore*. That amendment will be noted. Are there any other amendments excepted?

Mr. HALE. All amendments to section 2.

The PRESIDENT *pro tempore*. They will be reserved.

Mr. GEORGE. I desire a separate vote on the amendment which struck out one of the sections—I have forgotten which—declaring the purpose of the bill not to interfere with the educational systems of the States.

Mr. JACKSON. That is in the seventh section.

Mr. BLAIR. It was struck out on motion of the Senator from South Carolina [Mr. BUTLER]. I have not the original print here.

The PRESIDENT *pro tempore*. The amendment suggested by the Senator from Mississippi will be reserved.

Mr. CALL. I ask a separate vote on the amendment I offered to section 10.

The PRESIDENT *pro tempore*. The amendment of the Senator from

Florida will have to be reoffered. It was not adopted in Committee of the Whole.

Mr. CALL. I simply give notice that I shall offer it at the proper time.

The PRESIDENT *pro tempore*. The question is on concurring in the amendments not reserved.

The amendments not reserved were concurred in.

The PRESIDENT *pro tempore*. The reserved amendments will now be reported in their order.

The CHIEF CLERK. In line 2 of section 2 of the original bill, after the word "Territories," the words "and in the District of Columbia" were inserted.

Mr. HALE. That is not what I am after. I have no objection to that.

The amendment was concurred in.

The next reserved amendment was at the end of line 7 of section 2, after "1880," to insert:

Until the illiteracy returns of the census returns of 1890 shall be received, and then upon the basis of that census.

Mr. HALE. I do not object to that.

The amendment was concurred in.

The next reserved amendment was to insert after the amendment just adopted:

And in each State and Territory in which there shall be separate schools for white and colored children, the money received in such State or Territory shall be apportioned and paid out for the support of such white and colored schools respectively in the proportion that the white and colored children between the ages of ten years and twenty-one years, both inclusive, in such State or Territory bear to each other, as shown by the said census. The foregoing provision shall not affect the application of the proper proportion of said money to the support of all common schools wherein no distinction of race or color shall exist.

Mr. HALE. Mr. President——

Mr. BLAIR. Before the Senator proceeds, one verbal amendment was made, which the Chief Clerk has not read, at the commencement of this matter which the Senator may desire to have struck out. After the word "Territories" the words "and the District of Columbia" were inserted.

The PRESIDENT *pro tempore*. That has already been agreed to.

Mr. BLAIR. It was not read in the line to which I refer, line 8. There are separate schools in the District of Columbia as well as in States and Territories. In line 8, after the words "in each State and Territory," the words "and the District of Columbia" were inserted.

The PRESIDENT *pro tempore*. Those words were not inserted according to the record kept by the clerks.

Mr. BLAIR. The motion was made and put, as I understood. If not, those words had better be inserted.

Mr. EDMUNDS. They should go in lines 10 and 13 as well if they are to go in in line 8.

The PRESIDENT *pro tempore*. The words were not actually inserted on any motion.

Mr. EDMUNDS. There will be no objection to inserting them.

Mr. HALE. I move to strike out after the words "census of 1880," in line 7 of section 2, all that follows to and including the word "census," in line 14, and to insert the following in lieu thereof:

And in each State in which there shall be separate schools for white and colored children, the money paid in such State shall be apportioned and paid out for the support of such white and colored schools in the proportion that the illiteracy of the white and colored persons aforesaid bear to each other, as shown by said census.

That is the Allison amendment.

Mr. HOAR. Is that amendment in order at this time?

The PRESIDENT *pro tempore*. It is.

Mr. HOAR. I thought the amendments reported from the Committee of the Whole must be voted on first.

The PRESIDENT *pro tempore*. This is an amendment to an amendment adopted in Committee of the Whole.

Mr. HOAR. Then I move to add to the Senator's amendment——

The PRESIDENT *pro tempore*. This being an amendment in the second degree, it is not open to amendment.

Mr. HALE. I do not wish to discuss it. The hour is late. Everybody understands that it involves the exact principle brought forward by the Senator from Iowa [Mr. ALLISON], upon which there has been no test vote in the Senate. I desire a test vote upon that. It may control my vote upon the bill. I call for the yeas and nays.

The PRESIDENT *pro tempore*. The Senator will please send the amendment to the desk that it may be read.

The amendment was sent to the desk.

The CHIEF CLERK. It is proposed to strike out all after the words "census of 1880," in line 7, as follows:

And in each State and Territory and in the District of Columbia in which there shall be separate schools for white and colored children, the money received in such State or Territory and in the District of Columbia shall be apportioned and paid out for the support of such white and colored schools respectively in the proportion that the white and colored children between the ages of ten years and twenty-one years in such State or Territory and the District of Columbia bear to each other, as shown by the said census.

And insert in lieu thereof:

And in each State in which there shall be separate schools for white and colored children, the money paid in such State shall be apportioned and paid out for the support of such white and colored schools in the proportion that the illiteracy of the white and colored persons aforesaid bear to each other, as shown by said census.

The PRESIDENT *pro tempore*. Upon this question the yeas and nays are called for.

The yeas and nays were ordered, and the Secretary proceeded to call the roll.

Mr. COKE (when his name was called). I am paired with the Senator from Iowa [Mr. ALLISON] upon this amendment. If he were here, I should vote "nay."

Mr. HARRISON (when his name was called). I am paired with the Senator from Connecticut [Mr. HAWLEY]. I do not know how he would vote. If he were present, I should vote "nay."

Mr. VANCE (when his name was called). I am paired with the Senator from New Jersey [Mr. SEWELL]. If he were present, I should vote "nay."

The roll-call having been concluded, the result was announced—yeas 14, nays 37; as follows:

YEAS—14.

Chace,	Ingalls,	Manderson,	Van Wyck,
Dolph,	Jones of Nevada,	Plumb,	Wilson of Iowa.
Frye,	Logan,	Sherman,	
Hale,	Mahone,	Teller,	

NAYS—37.

Berry,	Edmunds,	Kenna,	Riddleberger,
Blackburn,	Eustis,	McMillan,	Sawyer,
Blair,	Evarts,	Maxey,	Spooner,
Bowen,	George,	Miller of N. Y.,	Stanford,
Brown,	Gibson,	Mitchell of Oreg.,	Voorhees,
Call,	Hampton,	Morrill,	Walthall
Colquitt,	Harris,	Palmer,	Wilson of Md.
Conger,	Hoar,	Payne,	
Cullom,	Jackson,	Pugh,	
Dawes,	Jones of Arkansas,	Ransom,	

ABSENT—25.

Aldrich,	Coke,	McPherson,	Saulsbury,
Allison,	Fair,	Miller of Cal.,	Sewell,
Beck,	Gorman,	Mitchell of Pa.,	Vance,
Butler,	Gray,	Morgan,	Vest.
Camden,	Harrison,	Pike,	
Cameron,	Hawley,	Platt,	
Cockrell,	Jones of Florida,	Sabin,	

So the amendment to the amendment was rejected.

Mr. CONGER. I ask unanimous consent that the same amendment which has been put in other places where "ten and twenty-one years" occur, "both inclusive," may be inserted here.

Mr. EDMUNDS. That has already been done.

Mr. CONGER. In the first place?

Mr. EDMUNDS. Yes; in this amendment to section 2.

The PRESIDENT *pro tempore*. Those words have been inserted.

Mr. CONGER. That is right; but they were not read as being in.

Mr. EDMUNDS. I want in the next clause of this amendment, which is not yet agreed to, in line 17, to change the phraseology. It has been suggested that it was possible that a misconstruction could be put upon the words "common schools wherein no distinction of race or color shall exist," that it would be possible still to make a discrimination in a way which has been stated to me, which I do not see myself, but to guard against any such possibility I move to strike out the words "no distinction of race or color shall exist" and insert "white and colored children are taught together;" so as to read:

The foregoing provision shall not affect the application of the proper proportion of said money to the support of all common schools wherein white and colored children are taught together.

As I say, I do not see the necessity of it myself, but to guard against that apprehension I move to change the words in that way.

The PRESIDENT *pro tempore*. The amendment to the amendment will be stated.

The CHIEF CLERK. It is proposed to strike out, in line 17, the words "no distinction of race or color shall exist" and insert in lieu thereof "white and colored children are taught together;" so as to read:

The foregoing provision shall not affect the application of the proper proportion of said money to the support of all common schools wherein white and colored children are taught together.

The amendment to the amendment was agreed to.

Mr. EDMUNDS. I wish to suggest, and move in fact, as a matter of some convenience in executing this law, in line 18, to strike out the word "provided" and insert what follows, from line 18 to line 27, as a section, because it is a distinct matter in itself and has no relation to the particular question of white and colored schools. It is section 2, page 3, line 18 to line 27, inclusive. It is a topic about the District of Alaska, which has no relation as a proviso to what precedes it. I therefore move to strike out the word "provided," and make that clause, from lines 18 to 27, inclusive, a separate section.

The PRESIDENT *pro tempore*. Is there any objection to the amendment proposed by the Senator from Vermont? The Chair hears none, and the amendment will be considered as agreed to. The proviso will be made a separate section.

Mr. BLAIR. Let it be understood that the Secretary shall number the sections consecutively.

Mr. EDMUNDS. That is a regulation of the rules without any special vote.

Mr. BLAIR. The amendment has not yet been agreed to.

The PRESIDENT *pro tempore*. The question is on the adoption of the amendment made as in Committee of the Whole as amended.

The amendment as amended was concurred in.

The PRESIDENT *pro tempore*. The next reserved amendment will now be read.

The CHIEF CLERK. The next reserved amendment was to insert at the end of the first proviso to section 1:

And if any State, by its Legislature, shall decline or relinquish its share or proportion under this act, or any portion thereof, the sum so relinquished shall go to increase the amount for distribution among the other States and the Territories as herein provided.

The PRESIDENT *pro tempore*. This is the amendment offered by the Senator from New York [Mr. EVARTS].

Mr. MAXEY. On that I ask for the yeas and nays.

The yeas and nays were ordered; and the Secretary proceeded to call the roll.

Mr. CHACE (when his name was called). I am paired with the Senator from Colorado [Mr. STANFORD], but I am informed that if he were present he would vote for this amendment; so I vote "yea."

Mr. SAULSBURY (when his name was called). I am paired on this bill and all amendments to it with the Senator from Pennsylvania [Mr. MITCHELL]. If he were present, I should vote "nay."

Mr. TELLER (when his name was called). I am paired with the Senator from Pennsylvania [Mr. CAMERON]. I do not know how he would vote if present, and I refrain from voting.

Mr. VANCE (when his name was called). I am paired with the Senator from New Jersey [Mr. SEWELL], but upon this question I have transferred the pair to the Senator from New Hampshire [Mr. PIKE]. I vote "yea."

The roll-call having been concluded, the result was announced—yeas 31, nays 19; as follows:

YEAS—31.

Berry,	Edmunds,	Jackson,	Pugh,
Blair,	Eustis,	Kenna,	Ransom,
Bowen,	Evarts,	Mahone,	Riddleberger,
Brown,	Frye,	Miller of N. Y.,	Sherman,
Call,	George,	Mitchell of Oregon,	Vance,
Chace,	Gibson,	Morrill,	Voorhees,
Conger,	Hampton,	Palmer,	Walthall.
Dawes,	Hoar,	Payne,	

NAYS—19.

Blackburn,	Harris,	McMillan,	Spooner,
Coke,	Ingalls,	Manderson,	Van Wyck,
Cullom,	Jones of Arkansas,	Maxey,	Wilson of Iowa,
Dolph,	Jones of Nevada,	Plumb,	Wilson of Md.
Gray,	Logan,	Sawyer,	

ABSENT—26.

Allison,	Colquitt,	McPherson,	Saulsbury,
Aldrich,	Fair,	Miller of Cal.,	Sewell,
Beck,	Gorman,	Mitchell of Pa.,	Stanford,
Butler,	Hale,	Morgan,	Teller,
Camden,	Harrison,	Pike,	Vest.
Cameron,	Hawley,	Platt,	
Cockrell,	Jones of Florida,	Sabin,	

So the amendment was concurred in.

Mr. CONGER. I should like to know where that amendment comes in.

The PRESIDENT *pro tempore*. At the end of the first proviso to section 1. The next reserved amendment will be stated.

The CHIEF CLERK. On page 4 of the original bill, in section 7, the Senate, as in Committee of the Whole, struck out all down to and including the word "provided," in line 6, and inserted "that." The words stricken out are:

That the design of this act not being to establish an independent system of schools, but rather to aid for the time being in the development and maintenance of the school system established by local government, and which must eventually be wholly maintained by the States and Territories wherein they exist, it is hereby provided.

Mr. GEORGE. The question now is on agreeing to the amendment made in Committee of the Whole striking out that clause. Those who are in favor of striking that out will vote "yea," and those who are opposed to striking that out will vote "nay." Is that the state of the question?

The PRESIDENT *pro tempore*. It is.

Mr. GEORGE. I call for the yeas and nays on that question.

The yeas and nays were ordered; and the Secretary proceeded to call the roll.

Mr. CHACE (when his name was called). I am paired with the Senator from California [Mr. STANFORD].

Mr. TELLER (when his name was called). I am paired with the Senator from Pennsylvania [Mr. CAMERON].

The roll-call was concluded.

Mr. HARRISON. I desire to announce again my pair with the Senator from Connecticut [Mr. HAWLEY]. If he were present, I should vote "nay."

The result was announced—yeas 0, nays 43; as follows:

YEAS—0.

NAYS—43.

Berry,	Dolph,	Jones of Nevada,	Payne,
Blackburn,	Eustis,	Kenna,	Pugh,
Blair,	Evarts,	Logan,	Ransom,
Bowen,	George,	McMillan,	Riddleberger,
Brown,	Gibson,	Mahone,	Spooner,
Call,	Gray,	Manderson,	Vance,
Coke,	Hampton,	Maxey,	Voorhees,
Colquitt,	Harris,	Miller of N. Y.,	Walthall,
Conger,	Hoar,	Mitchell of Oreg.,	Wilson of Iowa,
Cullom,	Jackson,	Morrill,	Wilson of Md.
Dawes,	Jones of Arkansas,	Palmer,	

ABSENT—33.

Aldrich,	Fair,	Miller of Cal.,	Sewell,
Allison,	Frye,	Mitchell of Pa.,	Sherman,
Beck,	Gorman,	Morgan,	Stanford,
Butler,	Hale,	Pike,	Teller,
Camden,	Harrison,	Platt,	Van Wyck,
Cameron,	Hawley,	Plumb,	Vest.
Chace,	Ingalls,	Sabin,	
Cockrell,	Jones of Florida,	Saulsbury,	
Edmunds,	McPherson,	Sawyer,	

So the amendment was non-concurred in.

The PRESIDENT *pro tempore*. All the amendments have been disposed of. The bill is still open to amendment.

Mr. EDMUNDS. The last vote leaves the words to stand in the bill, I understand.

The PRESIDENT *pro tempore*. The words stand in the bill.

Mr. PLUMB. The RECORD since this debate began has been made so much the vehicle of everything uttered on this question by newspapers and by others that I ask the Secretary to read an extract from the New York Evening Post of February 27 last, which contains an extract from the last report of the superintendent of education for South Carolina, which records a fact which, if this bill shall become a law, I have no doubt will prove to be profitable. I ask the Secretary to read the extract which I send to the desk.

The PRESIDENT *pro tempore*. If there be no objection the paper will be read.

The Chief Clerk read as follows:

As a matter of fact, the mere passage of the Blair bill through one branch of Congress——

Mr. BLAIR. Does the Senator offer that as part of his remarks or is it put in as a paper?

Mr. EDMUNDS and others. Let us hear it.

Mr. PLUMB. If the Senator from New Hampshire prefers I will read it myself.

Mr. BLAIR. If the Senator puts it in as part of his remarks I do not want to object; but it is very easy to keep us here a long time by reading newspapers.

Mr. PLUMB. After the manner in which the Senator himself was indulged in regard to a whole number of the RECORD, I regard that as being rather impudent on the whole.

Mr. BLAIR. I have no objection to its being printed in the RECORD, as my remarks were to save time.

Mr. PLUMB. I asked that it be read at the desk. If the Senator objects, I will read it myself.

Mr. BLAIR. I do not object to its being read if the Senator wants to make it part of his speech.

Mr. PLUMB. If the Secretary will return it to me I will read it myself.

Mr. COCKRELL. It could have been read in the time that has been consumed by the Senator from New Hampshire in talking about it.

Mr. PLUMB. The article is as follows; and, for fear the Senator from New Hampshire may not have heard my prefatory remarks, I will say that it was published in the New York Evening Post of February 27 last:

As a matter of fact, the mere passage of the Blair bill through one branch of Congress two years ago, with the promise of its becoming a law, had the effect to hinder the progress of the public-school system in South Carolina. In his annual report submitted to the Legislature in December, 1884, eight months after the Senate passed the Blair bill, Mr. Asbury Coward, superintendent of public education, said that the year just closed had been marked by several circumstances which operated adversely to the advancement of educational affairs, and we call the especial attention of every thoughtful person to the circumstance which he cites as last and most important:

"The short and unremunerative crops of 1883, the severity and inclemency of the weather last winter, the delay and difficulty experienced in planting the crops of the current year, the unusual stringency in the circulation of money, which has cramped so generally the business interests of our people, all tended to hinder the work of the public schools. In addition to these drawbacks, the discussion of the policy of Federal aid for the suppression of illiteracy revived into active expression all the latent or hitherto silent opposition to the common-school system of the State."

That is the end of the quotation. What follows is the comment of the editor:

We do not believe that upon more careful reflection any candid journal will longer support a measure the mere discussion of which, by the testimony of the superintendent of education in South Carolina, has already injured the cause of education in the South.

Mr. BLAIR. What is the name of the superintendent?

Mr. PLUMB. Asbury Coward. I will read also, as the Senator from New Hampshire desires that I shall, from the New York Evening Post of the 1st of March.

Mr. BLAIR. Mr. President——

Mr. PLUMB. I decline to be interrupted. I read from the New York Evening Post of the 1st day of the present month the following from an editorial article under the title of "Impressive warnings."

Mr. HARRISON. What was the title?

Mr. PLUMB. "Impressive warnings." After going on to recite the quotation I have just read, the article proceeds:

To careful observers of Georgia's wonderful material progress during the last few years it has been a mystery that so prosperous a Commonwealth did not do more to make her school system worthy of "the Empire State of the South." We have at last discovered the reason. It has been simply because her people had concluded that they were soon going to get liberal appropriations for this purpose from Washington, and consequently did not need to make greater efforts themselves to meet the necessities of the case. So long ago as November, 1882, Mr. Gustavus J. Orr, the State school commissioner, in his report to the Legislature, condemned "the utter inadequacy of the sums which we are applying to the support of schools to the object to be accomplished;" pointed out "the urgent necessity of more liberal appropriations for school;" showed that a tax of only one-fifth of 1 per cent. upon the property of the State would keep the schools in operation six months, nearly twice the period that they were then open, met the former plea of poverty by the declaration that "the time has come when we can do better," and concluded:

"I am sure that we have reached a point where we can continue our schools in operation for six months [nearly twice the period at that time] without unduly burdening the people."

The Legislature failed to act upon Mr. Orr's recommendation. Why? The answer to this question is given in the following letter to the Evening Post from Mr. Woodrow Wilson, author of the work on Congressional government, which has attracted so much attention, a native of the South, who stoutly opposes the Blair bill, as do so many of the most clear-sighted Southerners:

In the winter of 1882-'83 I spent some time in Atlanta, Ga., while the Legislature was in session. The project of Federal aid to education was already then being pushed. One day I dropped into the gallery of the State senate chamber for an hour, and chanced to find a discussion in progress upon a proposal to increase the appropriation for education, as Mr. Orr had urged that the State was so abundantly able to do. Only a small minority favored the measure for heavier taxation. The majority supported a counter-resolution that the Senators and Representatives of the State in Congress be requested to do all in their power to secure the passage of a law giving aid from the Federal Treasury to education in the States.

I heard one speech made in opposition to this begging resolution. It was a sturdy appeal to the self-respect and independence of Georgians, in view of what the speaker treated as the unquestioned ability of the State to support a school system worthy of so great and prosperous a Commonwealth. No attempt was made by the majority to answer his argument, which, like Mr. Orr's plea, was indeed unanswerable. The majority kept silence and contented themselves with passing the resolution appealing for outside help to do what by their very silence they confessed they were able to do themselves. It was evident that no increase in the State appropriation for public education would be voted so long as there was the least prospect of aid from Washington. The whole performance impressed me as a shameless declaration, upon the part of a well-to-do community, of its deliberate determination to enjoy the easy position of a beneficiary of the National Government to the fullest possible extent, rather than to be independent and support a good school system by its own unaided efforts.

There is more to the same effect. It has been widely assumed that all the educators, at least all the professional educators of this country, were in favor of national aid to education. I have in my hand a letter from one of the leading educators of the West, in fact of the entire country, a man well known in public affairs, who is a professor in the State University of Kansas, written on the 27th day of February, from which I will quote one or two paragraphs as showing his position:

I am thoroughly in accord with your position on the Blair educational bill. This has been my position from the first. I can not see how the scheme can be made to work without almost unlimited friction between State and national authorities. Nor can I see any practical limit to the frauds which would surely grow up under its administration. But above all, I deem the whole scheme unconstitutional. We have stretched the general-welfare clause till its real meaning has been almost forgotten. Such juggling with words and their meanings and such "interpretations" will surely bear a full crop of disasters. I am in favor of the nation with a big N, and I assert, and that constantly, that as we turn toward nationalism we are strong, and as we go toward sectionalism or individualism we are weak. But we are not yet through with local government, nor are we ready to abolish State Legislatures. We do not want this country turned into a bureaucracy. The whole policy of the central Government—toward States and individuals—should be to help them help themselves. Protection in life, liberty, and property is about all the protection that a self-respecting State or citizen will ask.

* * * * * * *

The best thing about education is the desire to get it. That is what makes life as an instructor in the Kansas State University so enjoyable. If the time ever comes that boys are sent here instead of young men coming here, I shall emigrate.

If it were not for the late hour there are some other things I should like to call the attention of the Senate to in the same direction, but with the hope that we may have a vote on this bill I will say no more.

Mr. BLAIR. I think that Mr. Coward, the superintendent of South Carolina, certainly must be misrepresented in the article read from the New York Evening Post, which has long been interesting itself for the defeat of this bill. I do not know its motive or the motives of those who make use of its columns. Mr. Coward was one of the superintendents of education, and he appeared in company with a committee of some twelve or fifteen of them before the Committee on Education and Labor and gave his testimony as to the condition of his State and his knowledge of the other Southern States, strongly urging the enactment of this very law; and although he may have perhaps—though I have never seen it—dropped an expression that the delay in furnishing this money as soon as it was hoped it might be received has exerted a depressing effect upon many of those who hoped to receive its benefits earlier, still there can be no stronger expression, in my belief, attributed to Mr. Coward, and he still desires this aid. He understands that his State needs it. Of that I have not the slightest doubt.

In regard to the expression from the gentleman in Kansas, I have nothing further to say than that I have received from his own State many letters from members of the Legislature of the State and prominent business men, in which they assert that the sentiment of Kansas is in favor of this bill.

The PRESIDENT *pro tempore*. The question is on the engrossment and third reading of the bill.

Mr. CALL. I offer an amendment, at the end of section 10 to add the following:

That nothing in this section shall prevent any State or Territory from applying the money provided in this act to industrial education as a part of its common-school system of education.

I will not delay the Senate; I merely wish to read an extract from the report of the royal commissioners to the Parliament of Great Britain on technical instruction. They say:

Intelligent youths of the artisan classes should have easy access to secondary and technical schools by numerous scholarships, and the more promising students of them again to the higher technical colleges.

For the great mass of our working population, who must necessarily begin to earn their livelihood at an early age, and from whom our foremen will be mostly selected, it is essential that instruction in the rudiments of the sciences bearing upon industry should form a part of the curriculum of the elementary schools, and that instruction in drawing, and more especially in drawing with rule and compass, of a character likely to be useful to them in their future occupations as workmen and artisans, should receive far greater attention than it does at present. The importance of the first of these subjects has so far been acknowledged by the education department that in all infant schools simple lessons on objects and the more commonly occurring phenomena of nature have been made obligatory. This system of instruction, if properly illustrated by the exhibition of the object itself, or of diagrams or models of the same, or by the simplest kinds of experiments, is an excellent foundation for the subsequent teaching of elementary science.

* * * * * * *

In the evening schools of North Germany (Fortbildungs-schulen) the studies of the ordinary elementary school are continued, the further instruction being confined mainly to book-keeping and rudimentary mathematics, with some notions of natural philosophy. In the evening schools of the same class in South Germany the instruction given is of a more technical character than in the north.

For instruction in drawing, as applied mainly to decorative work in France, and to both constructive and decorative work in Belgium, the opportunities are excellent. The crowded schools of drawing, modeling, carving, and painting, maintained at the expense of the municipalities of Paris, Lyons, Brussels, and other cities—absolutely gratuitous, and open to all comers, well lighted, furnished with the best models, and under the care of teachers full of enthusiasm—stimulate those manufactures and crafts in which the fine arts play a prominent part to a degree which is without parallel in this country. Instruction in art applied to industry and decoration is now pursued with energy in South Germany and in several of the northern Italian towns, and the influence of this instruction on the employment of the people is becoming very conspicuous in those countries. The government schools of applied art in France, under the decree of 1881, of which the Limoges Decorative Arts School is the earliest example, and which, like the above-mentioned schools, are gratuitous, should be mentioned in this connection.

The technical lectures and classes to which we have referred are in nearly all continental states held not only in the evening, but also, and in some branches, as in weaving, principally, on Sundays; and all the great museums and collections are open on Sundays. No one who has seen the crowds of orderly artisans with their families visit the splendid collections of the Louvre and Conservatoire des Arts et Métiers on a Sunday can have failed to reflect on the powerful educational influence thus brought to bear on that important class of the population.

Home and village industries have been in some cases initiated, in others improved and extended, in districts where, from the poverty of the population and the scarcity of capital, special aids were essential, notably in Baden, Bavaria, and the Tyrol. In the schools established and maintained for this purpose, wood carving, and inlaying, clock-making, filagree work, basket-making, and other simple trades, for which there were local materials and aptitude, have been taught with considerable success. In some cases these industries have been so firmly and permanently established as to render unnecessary the further maintenance of the special schools. In the primary schools of the Black Forest straw-plaiting is taught to girls. Discriminating regard is paid to the capabilities of each sex. In "women's work" schools on the Reutlingen model, and in the professional schools for girls which have been established in France and the Netherlands, instruction is successfully given, qualifying girls for many useful occupations, though these are scarcely of the kind usually understood under the term of manufactures.

I merely wish to say that while the Senate refuses to adopt this amendment, commending, as it must, the object of elementary and permanent school instruction, the Parliament of Great Britain, the royal commissioners in a monarchical government, have recognized its necessity and prescribed it as a rule for all the primary schools in Great Britain.

The PRESIDENT *pro tempore*. The question is on the amendment of the Senator from Florida [Mr. CALL].

The amendment was rejected.

The bill was ordered to be engrossed for a third reading, and was read the third time.

The PRESIDENT *pro tempore*. Shall the bill pass?

Mr. LOGAN, Mr. CONGER, and others called for the yeas and nays.

The yeas and nays were ordered; and the Secretary proceeded to call the roll.

Mr. BROWN (when his name was called). I am paired with the Senator from Alabama [Mr. MORGAN]. If he were present, I should vote "yea" and he would vote "nay."

Mr. KENNA (when Mr. CAMDEN's name was called). My colleague [Mr. CAMDEN] is paired on all questions connected with this bill with the Senator from Rhode Island [Mr. ALDRICH]. The Senator from Pennsylvania [Mr. CAMERON] is paired with the Senator from Minnesota [Mr. SABIN].

Mr. CHACE (when his name was called). On this bill I am paired with the Senator from California [Mr. STANFORD]. If he were present, he would vote "yea" and I should vote "nay."

Mr. DAWES (when his name was called). Upon the passage of this bill I am paired with the Senator from Connecticut [Mr. PLATT]. If he were here, I should vote "yea."

Mr. EDMUNDS (when his name was called). On this question I am paired with the Senator from Kentucky [Mr. BECK]. If he were present, I should vote "yea" and I suppose he would vote "nay."

Mr. HAMPTON (when his name was called). Upon the passage of this bill, as I have already stated, I am paired with my colleague [Mr. BUTLER]. If he were present, I should vote "yea" and he would vote "nay."

Mr. HARRISON (when his name was called). I am paired upon this question with the Senator from Connecticut [Mr. HAWLEY]. If he were present, I should vote "yea" and I understand he would vote "nay."

Mr. McMILLAN (when his name was called). Upon the passage of this bill I am paired with the Senator from Missouri [Mr. VEST], who is detained from the Senate by illness. If he were present, I should vote "yea" and he would vote "nay."

Mr. CULLOM (when Mr. PIKE's name was called). I am informed that the Senator from New Jersey [Mr. SEWELL] is paired with the Senator from New Hampshire [Mr. PIKE]. I am not informed how either would vote.

Mr. BLAIR. The Senator from New Hampshire [Mr. PIKE] if present, would vote "yea." I do not know how the Senator from New Jersey [Mr. SEWELL] would vote.

Mr. PLUMB. The Senator from New Jersey would vote "nay."

Mr. SAULSBURY (when his name was called). I am paired with the Senator from Pennsylvania [Mr. MITCHELL] on this bill. If he were present, I should vote "nay" and I understand he would vote "yea."

The Senator from Maryland [Mr. GORMAN] requested me yesterday, when he left the Chamber unwell, to state, when his name was called, that he was paired with some Senator, I forget whom. The Senator from Maryland would vote against the bill if here.

Mr. TELLER (when his name was called). I was asked to pair with the Senator from Pennsylvania [Mr. CAMERON], which I did on two votes, but I understand he is paired with the Senator from Minnesota [Mr. SABIN], and therefore I vote "yea."

Mr. KENNA. The Senator from Pennsylvania [Mr. CAMERON] is paired on this bill with the Senator from Minnesota [Mr. SABIN].

The roll-call having been concluded, the result was announced—yeas 36, nays 11; as follows:

YEAS—36.

Berry,	Eustis,	Mahone,	Riddleberger,
Blackburn,	Evarts,	Manderson,	Sawyer,
Blair,	George,	Miller of N. Y.,	Spooner,
Bowen,	Gibson,	Mitchell of Oreg.,	Teller,
Call,	Hoar,	Morrill,	Vance,
Colquitt,	Jackson,	Palmer,	Van Wyck,
Conger,	Jones of Arkansas,	Payne,	Voorhees,
Cullom,	Kenna,	Pugh,	Walthall,
Dolph,	Logan,	Ransom,	Wilson of Iowa.

NAYS—11.

Cockrell,	Gray,	Ingalls,	Plumb,
Coke,	Hale,	Jones of Nevada,	Wilson of Md.
Frye,	Harris,	Maxey,	

ABSENT—29.

Aldrich,	Dawes,	McMillan,	Saulsbury,
Allison,	Edmunds,	McPherson,	Sewell,
Beck,	Fair,	Miller of Cal.,	Sherman,
Brown,	Gorman,	Mitchell of Pa.,	Stanford,
Butler,	Hampton,	Morgan,	Vest.
Camden,	Harrison,	Pike,	
Cameron,	Hawley,	Platt,	
Chace,	Jones of Florida,	Sabin,	

So the bill was passed.

Mr. MORRILL. I move that the bill be printed for the use of the Senate as passed by the Senate.

The PRESIDENT *pro tempore*. The Senator from Vermont moves that the bill be printed as it has passed.

The latter motion was agreed to.

RELATIONS BETWEEN THE SENATE AND EXECUTIVE DEPARTMENTS.

Mr. EDMUNDS. I move that the Senate proceed to the consideration of Order of Business 217, being resolutions reported by the Committee on the Judicary on the subject of papers.

The PRESIDENT *pro tempore*. The Senator from Vermont moves to proceed to the consideration of Order of Business 217, being resolutions reported from the Committee on the Judiciary February 18, 1886, expressing the sense of the Senate on the refusal of the Attorney-General to send to the Senate copies of certain papers.

Mr. PLUMB. I should like to make an inquiry of the Senator from Vermont. Is that likely to continue until finally disposed of, or will it be subject to intermissions?

Mr. EDMUNDS. I hope it will continue and be disposed of in two or three days at the most.

Mr. PLUMB. I ask that question for the reason there are matters on the Calendar which ought to be disposed of.

Mr. EDMUNDS. I shall not ask to take up this subject until the end of the morning hour, at present.

The PRESIDENT *pro tempore*. The question is on the motion of the Senator from Vermont.

The motion was agreed to.

COUNTING OF ELECTORAL VOTES.

Mr. HOAR. I desire to give notice that I shall ask the Senate to take up the Presidential count bill, which had precedence on the Calendar both of the measure just passed and of the measure now taken up, either by devoting a half hour to it before 2 o'clock or by laying this aside informally with the consent of the Senate. I think it can be disposed of in twenty or thirty minutes.

ACCOUNTS WITH UTAH TERRITORY.

Mr. CULLOM. I ask leave to introduce a resolution of inquiry, to be followed by a bill which I shall ask to have referred to the Committee on Expenditures of Public Money.

The PRESIDENT *pro tempore*. The resolution will be read.

The resolution was read, considered by unanimous consent, and agreed to, as follows:

Resolved, That the Secretary of the Treasury be, and he is hereby, directed to report to the Senate what, if any, amount of money has been expended by the United States in behalf of the Territory of Utah since the passage of the act of Congress of June 23, 1874, entitled "An act in relation to courts and judicial officers in the Territory of Utah," and if any such money has been so expended whether the United States has been reimbursed therefor.

BILLS INTRODUCED.

Mr. COCKRELL introduced a bill (S. 1791) granting a pension to Mrs. Julia H. Totten; which was read twice by its title, and referred to the Committee on Pensions.

Mr. CULLOM introduced a bill (S. 1792) to direct the Secretary of the Treasury to withhold compensation to the members and officers of the Legislative Assembly of the Territory of Utah until the United States has been reimbursed for certain expenditures on account of said Territory; which was read twice by its title, and referred to the Committee on Expenditures of Public Money.

PUBLIC BUILDING AT FORT SMITH, ARK.

Mr. MAHONE. I ask leave to submit a conference report.

The PRESIDENT *pro tempore*. The report will be received and read.

The Chief Clerk read as follows:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the House to the bill (S. 610) to provide for a building for the use of the Federal courts, post-office, and internal-revenue and other civil offices, and a United States jail in the city of Forth Smith, Ark., having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the House recede from its amendment numbered 2.

That the Senate recede from its disagreement to the amendment of the House numbered 1.

WM. MAHONE,
JNO. C. SPOONER,
J. H. BERRY,
Managers on the part of the Senate.

SAMUEL DIBBLE,
BARCLAY HENLEY,
W. H. WARD,
Managers on the part of the House.

The report was concurred in.

FORFEITURE OF IOWA LAND GRANT.

Mr. PLUMB. I give notice that on Monday, immediately after the conclusion of the routine morning business, I shall move that the Senate proceed to the consideration of Order of Business No. 30, being the bill (S. 149) forfeiting a part of certain lands granted to the State of Iowa to aid in the construction of railroads in that State, and for other purposes.

PAPERS WITHDRAWN AND REFERRED.

On motion of Mr. PLUMB, it was

Ordered, That the papers in the case of William Talbert be taken from the files and referred to the Committee on Claims.

AMENDMENT TO AN APPROPRIATION BILL.

Mr. MAXEY submitted an amendment intended to be proposed by him to the deficiency appropriation bill; which was referred to the Committee on Appropriations, and ordered to be printed.

PENSION OF WIDOWS AND DEPENDENT RELATIVES.

Mr. VAN WYCK. I give notice that on Monday, at the earliest practicable moment, I shall move the consideration of the bill (H. R. 545) to increase the pensions of widows and dependent relatives of deceased soldiers and sailors.

ADJOURNMENT TO MONDAY.

Mr. INGALLS. I move that when the Senate adjourns to-day it adjourn to meet on Monday next.

The motion was agreed to.

ZACH MONTGOMERY.

Mr. COKE. I move that the Senate do now adjourn.

Mr. BLAIR. Before that motion is pressed——

The PRESIDENT *pro tempore*. Does the Senator from Texas yield to the Senator from New Hampshire?

Mr. BLAIR. I wish just a moment.

Mr. COKE. I withdraw the motion.

Mr. BLAIR. During the progress of the discussion upon the school bill, which has just passed, a violent attack was made upon Mr. Zach Montgomery, as will be remembered, and I concurred in the sentiments that were expressed against him, assuming that the statements which were read upon the floor of the Senate represented truly his sentiments. He has since sent me a disclaimer, and knowing no reason to believe him to be other than an honorable gentleman, and being desirous if I have myself done him an injury to repair that injury, I ask that this statement which he has sent me be printed, so that as much publicity be given to his justification as has been to the attack upon him.

Mr. EDMUNDS. What is the paper?

Mr. BLAIR. It is a paper which Mr. Montgomery sends me which was originally published in the New York Tribune, in which he denies what he alleges to have been a misrepresentation of his sentiments as expressed in 1873. It is very brief and I think in justice to the gentleman it ought to be printed.

Mr. INGALLS. If we are going to discuss Mr. Zach Montgomery I have some additional papers and evidence that I wish to present to-night.

Mr. COKE. I insist on my motion.

The PRESIDENT *pro tempore*. Pending the resolutions taken up on motion of the Senator from Vermont [Mr. EDMUNDS], which are now the unfinished business, the Senator from Texas [Mr. COKE] moves that the Senate adjourn.

The motion was agreed to; and (at 6 o'clock and 20 minutes p. m.) the Senate adjourned.

HOUSE OF REPRESENTATIVES.

FRIDAY, *March* 5, 1886.

The House met at 12 o'clock m. Prayer by theChaplain, Rev. W. H. MILBURN, D. D.

The Journal of yesterday's proceedings was read and approved.

AMERICAN COLLEGE FOR THE BLIND.

Mr. WILLIS. Mr. Speaker, on yesterday the gentleman from Indiana [Mr. FORD], from the Committee on the District of Columbia, reported back adversely the bill (H. R. 3426) to incorporate the American College for the Blind. I ask that this bill, with the adverse report, be placed on the Private Calendar.

The SPEAKER. Without objection, that order will be made.

There being no objection, the bill, with the adverse report, was referred to the Committee of the Whole House on the Private Calendar, and ordered to be printed.

LEAVE TO PRINT.

Mr. TOWNSHEND. Mr. Speaker, I asked leave on yesterday to extend my remarks in the RECORD; but I am not sure whether the permission was granted or not.

The SPEAKER. It was objected to by a number of gentlemen.

Mr. TOWNSHEND. Then I ask leave now that that privilege be accorded me.

Mr. WADSWORTH. The RECORD shows, Mr. Speaker, that the objection to the gentleman's request was finally withdrawn.

The SPEAKER. But the Chair understood that a number of gentlemen had objected. The gentleman from Tennessee [Mr. TAYLOR] withdrew his objection, but the Chair had no intimation that other gentlemen withdrew theirs. The Chair will now submit the gentleman's request to the House for unanimous consent to extend his remarks on the pension appropriation bill in the RECORD. Is there any objection?

Mr. PERKINS. If the gentleman from Illinois [Mr. TOWNSHEND], as he suggested last evening, does not intend to incorporate any affidavits which have not been read upon the floor of the House, there will be no objection. He intimated that he had other affidavits; if he intends to incorporate others, objection will be made.

Mr. TOWNSHEND. I shall only desire to incorporate those to which I have alluded.

The SPEAKER. The Chair hears no objection to the request of the gentleman from Illinois.

SALARIES OF POSTAL RAILWAY CLERKS, CLASS 4.

The SPEAKER laid before the House a letter from the Postmaster-General, in response to a resolution of the House calling for information concerning the application of the sum appropriated for the current fiscal year to pay $1,200 and $1,400 salaries to railway postal clerks of class 4; which was referred to the Committee on the Post-Office and Post-Roads, and ordered to be printed.

LEAVE OF ABSENCE.

By unanimous consent, leave of absence was granted to Mr. LEHLBACH indefinitely, on account of sickness.

POSTAL LAWS AND REGULATIONS.

Mr. REID, of North Carolina. Mr. Speaker, I ask unanimous consent to discharge the Committee of the Whole House on the state of the Union from the further consideration of the bill (H. R. 4420) to authorize the publication of a new edition of the Postal Laws and Regulations and put the same upon its passage. I yield to the gentleman from Georgia [Mr. BLOUNT], chairman of the Committee on the Post-Office and Post-Roads, for a statement in regard to the importance of the matter.

The SPEAKER. Consent must first be given by the House.

Mr. BLOUNT. Before that, Mr. Speaker, I ask permission to state simply that the object of this is to reprint the Postal Laws and Regulations, which publication is now exhausted. There is to be a revision also; but it is provided that no extra charge is to be made for that purpose. The last report was made in 1879, and the supply is now entirely exhausted. The Committee on the Post-Office and Post-Roads could do no better than to borrow four or five copies of the Postmaster-General for use in the committee. There are none to be distributed to postmasters throughout the country, and none to members of the House or the Senate who may make application for them. The Postmaster-General is exceedingly anxious to have this reprint made, and its importance must commend itself to the House. I trust there will be no objection whatever to the request.

The SPEAKER. The bill will be read, after which the Chair will ask for objection to its consideration.

The Clerk read as follows:

Be it enacted, &c., That for printing and publishing a new edition of the Laws and Regulations of the Post-Office Department there is appropriated ——— thousand dollars; such edition to be prepared under the direction of the Postmaster-General, and printed at the Government Printing Office. No extra compensation shall be allowed to any officer or clerk of the Department for services in preparing or superintending the publication of such edition. The Postmaster-General may authorize the sale of copies of such edition, not needed for the use of the Department, to individuals, at the cost thereof; the proceeds of such sales to be deposited in the Treasury as part of the postal revenues.

The committee recommend the following amendments:

Fill the blank in the fourth line by adding "consisting of 7,500 copies;" also in line 5, after the word "appropriated," insert "17;" and in line 6, after the word "thousand," insert "four hundred and seventy-five;" also in line 14, after the word "thereof," add "with 10 per cent. added;" so that the bill as amended will read as follows:

"*Be it enacted*, &c., That for printing and publishing a new edition of the Laws and Regulations of the Post-Office Department, consisting of 7,500 copies, there is appropriated $17,475; such edition to be prepared under the direction of the Postmaster-General, and printed at the Government Printing Office. No extra compensation shall be allowed to any officer or clerk of the Department for services in preparing or superintending the publication of such edition. The Postmaster-General may authorize the sale of copies of such edition, not needed for the use of the Department, to individuals, at the cost thereof, with 10 per cent. added; the proceeds of such sales to be deposited in the Treasury as part of the postal revenues."

Mr. DUNHAM. Mr. Speaker, reserving the right to object, I want to ask the gentleman if this provides for any number to be distributed among members of the House or Senate.

Mr. REID, of North Carolina. It does not. I ask for the reading of the report.

Mr. BLOUNT. If the gentleman will allow me, I will state that it has been usual for the Postmaster-General to furnish members on their requisition or request with copies.

Mr. DUNHAM. It seems to me that it would be just as well to incorporate that provision in the bill itself, providing that a number of copies should be distributed among members of the House.

Mr. BUCHANAN. Is not this private bill day?

The SPEAKER. It is.

Mr. BUCHANAN. Then I object.

Mr. BURROWS. I hope the gentleman will not object. It is absolutely necessary to have this reprint. It is unanimously reported from the Committee on the Post-Office and Post-Roads.

Mr. BUCHANAN. How long will it take?

Mr. BURROWS. But a very few minutes.

Mr. PETERS. There will be no debate.

Mr. BUCHANAN. I withdraw the objection.

The SPEAKER. Unless a separate vote is demanded the amendments will be considered as agreed to.

No separate vote being demanded, the amendments were agreed to.

Mr. DUNHAM. I desire to offer an amendment with the object of having copies of this work furnished to members of the House. I ask the committee to accept that amendment. This ought to be a document for public distribution by members of Congress. I therefore move as an amendment to insert a proviso that each member of the House shall be furnished with twenty-five copies.

Mr. BLOUNT. I hope my friend from Illinois will not delay this matter by urging that amendment.

The SPEAKER. The gentleman from Illinois moves to amend the resolution so as to provide that there shall be printed for distribution by members of the House twenty-five copies to each member.

The amendment was rejected.

Mr. RANDALL. I would like to ask the gentleman from Georgia who has charge of this matter whether the printing of this postal guide is to be opened to public competition as to its compilation and printing.

Mr. BLOUNT. I understand this appropriation is placed in the hands of the Postmaster-General for the purpose of having the work printed. There is no restriction as to the mode in which it shall be done. I presume it will be printed, however, by the Public Printer.

The estimate has been made by the Public Printer, supervised by the Postmaster-General.

Mr. REID, of North Carolina. I ask for the reading of the report.

Mr. RANDALL. I withdraw any objection my language might have implied. I supposed this bill related to the Postal Guide.

Mr. REID, of North Carolina. Oh, no.

Mr. RANDALL. I will have something to say about that when it comes up.

Mr. BLOUNT. This is a compilation of the postal laws and regulations.

Mr. REID, of North Carolina. I withdraw the call for the reading of the report.

Mr. ADAMS, of Illinois, I ask the gentleman in charge of the bill if this will be immediately available?

Mr. REID, of North Carolina. Yes, sir; that is my purpose in calling up the bill for consideration at this time.

The bill as amended was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

Mr. REID, of North Carolina, moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

ORDER OF BUSINESS.

The SPEAKER. This being Friday, the Chair will proceed to call the standing and select committees of the House for reports on bills of a private nature.

SILAS JAMES.

Mr. WINANS, from the Committee on Invalid Pensions, reported back with a favorable recommendation the bill (H. R. 2793) granting a pension to Silas James; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

ELIJAH W. PUTNEY.

Mr. WINANS, from the Committee on Invalid Pensions, also reported back with a favorable recommendation the bill (H. R. 4346) granting a pension to Elijah W. Putney; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

A. SCHUYLER SUTTON.

Mr. ELLSBERRY, from the Committee on Invalid Pensions, reported back with a favorable recommendation the bill (H. R. 1937) for increase of pension to A. Schuyler Sutton; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

ELIZABETH WARNER.

Mr. ELLSBERRY, from the Committee on Invalid Pensions, also reported back with a favorable recommendation the bill (H. R. 5729) granting a pension to Elizabeth Warner; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

W. H. H. GILLESPIE.

Mr. MORRILL, from the Committee on Invalid Pensions, reported back with a favorable recommendation the bill (H. R. 1344) granting a pension to William H. H. Gillespie; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

JAMES B. RUSSELL.

Mr. MORRILL, from the Committee on Invalid Pensions, also reported back with a favorable recommendation the bill (H. R. 5692) for the relief of James B. Russell; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

ADVERSE REPORTS.

Mr. MORRILL, from the Committee on Invalid Pensions, also reported back with adverse recommendations bills of the following titles; which were laid on the table, and the accompanying reports ordered to be printed:

A bill (H. R. 5694) for the relief of Jennie Huggins; and

A bill (H. R. 5617) granting a pension to Henry Domeyer.

HENRY BARR.

Mr. SWOPE, from the Committee on Invalid Pensions, reported back with a favorable recommendation the bill (H. R. 2179) granting a pension to Henry Barr; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

ADVERSE REPORTS.

Mr. SWOPE, from the Committee on Invalid Pensions, also reported back with adverse recommendations bills of the following titles; which were laid on the table, and the accompanying reports ordered to be printed:

A bill (H. R. 2063) granting a pension to Mary Kerr;

A bill (H. K. 5178) for the relief of Annie L. Langworthy; and

A bill (H. R. 2071) granting a pension to Charles F. Eilber.

MARY MERRILL.

Mr. O'HARA, from the Committee on Invalid Pensions, reported back with a favorable recommendation the bill (H. R. 4631) granting a pension to Mary Merrill; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

ROXANA V. RILEY & SON.

Mr. O'HARA, from the Committee on Invalid Pensions, also reported back with an amendment the bill (H. R. 5306) granting a pension to Roxana V. Riley & Son; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

DARIUS M. SEAMAN.

Mr. O'HARA, from the Committee on Invalid Pensions, also reported back with a favorable recommendation the bill (H. R. 1279) granting a pension to Darius M. Seaman; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

ELIJAH P. HENSLEY.

Mr. O'HARA, from the Committee on Invalid Pensions, also reported back with a favorable recommendation the bill (H. R. 1707) granting a pension to Elijah P. Hensley; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

JAMES N. HAIR.

Mr. O'HARA, from the Committee on Invalid Pensions, also reported back with a favorable recommendation the bill (H. R. 4977) granting a pension to James N. Hair; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

ADVERSE REPORTS.

Mr. O'HARA, from the Committee on Invalid Pensions, reported back adversely bills of the following titles; which were severally laid on the table, and the accompanying reports ordered to be printed:

A bill (H. R. 1251) granting an increase of pension to Edward Pendergast;

A bill (H. R. 4634) for the relief of Lewis M. Sparks; and

A bill (H. R. 5674) granting a pension to Abbott B. J. Bent.

CHARLES WYANT.

Mr. PINDAR, from the Committee on Invalid Pensions, reported back with a favorable recommendation the bill (H. R. 5705) granting a pension to Charles Wyant; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

MRS. MARGARET A. JACOB.

Mr. PINDAR, from the Committee on Invalid Pensions, also reported back with a favorable recommendation the bill (H. R. 5021) granting a pension to Mrs. Margaret A. Jacob; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

JOSEPH PROST.

Mr. PIDCOCK, from the Committee on Invalid Pensions, reported back with a favorable recommendation the bill (H. R. 5307) granting a pension to Lieut. Joseph Prost; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

ELIZABETH CROWLEY.

Mr. PIDCOCK, from the Committee on Invalid Pensions, also reported back with a favorable recommendation the bill (H. R. 5332) granting a pension to Elizabeth Crowley; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

E. R. SHIPLEY.

Mr. WARNER, of Missouri, from the Committee on Claims, reported back with a favorable recommendation the bill (H. R. 5691) for the relief of E. R. Shipley; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

JAMES ALBERT BONSACK.

Mr. COWLES, from the Committee on Patents, reported back with a favorable recommendation the bill (H. R. 2950) for the relief of James Albert Bonsack; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

LEAVE OF ABSENCE.

Mr. HENDERSON, of North Carolina, by unanimous consent, was granted leave of absence for three days, on account of important business.

WITHDRAWAL OF PAPERS.

Mr. KELLEY, by unanimous consent, obtained leave to withdraw from the files of the House of the Forty-seventh Congress, without leaving copies, the papers in the case of William H. Richardson.

ORDER OF BUSINESS.

Mr. BURNES. Mr. Speaker, I move that the House now resolve itself into Committee of the Whole on the state of the Union for the purpose of considering the urgency deficiency appropriation bill.

The motion was agreed to.

The House accordingly resolved itself into Committee of the Whole on the state of the Union, Mr. MCCREARY in the chair.

The CHAIRMAN. The House having resolved itself into Committee of the Whole on the state of the Union for the purpose of considering the urgency deficiency appropriation bill, the Clerk will report the bill by its title.

The Clerk read as follows:

A bill (H. R. 5893) to provide for certain of the most urgent deficiencies of the appropriations for the service of the Government for the fiscal year ending June 30, 1886, and for other purposes.

Mr. BURNES. Mr. Chairman, it will not be unprofitable, perhaps, to state to the committee that this is the urgency deficiency bill, consisting of eight items. It is not the regular deficiency bill, which is now in course of preparation, and which will contain all the deficiencies estimated for by the Departments and found by the committee lawful subjects of appropriations in its judgment. I mention this fact for the reason that we have been compelled to go over the estimated deficiencies and select such as seemed to demand immediate attention. No items of deficiency not included in this bill are passed upon either favorably or unfavorably by our action on this urgent bill. Other items submitted to the Committee on Appropriations will be passed upon and presented in the regular deficiency bill, which I trust will be reported in the course of three or four weeks.

As I have already stated, Mr. Chairman, this bill contains eight general items; and I will call the attention of the committee to them severally. First is an item of $589.65, "compensation of special agents of the independent treasury." We are advised by the Treasurer of the United States that in consequence of a defalcation which occurred last summer in the subtreasury at New Orleans it was necessary at considerably increased expense to proceed immediately to an investigation, which was special and extraordinary, in consequence of which this deficiency accrued upon the appropriation as of last year. This is a deficiency for the fiscal year ending June 30, 1885.

"Compensation for special agents of the Treasury for the examination of the remaining subtreasuries" is asked for to the extent of $4,000. This is an estimated deficiency. The appropriation for the current year is now exhausted, and out of the nine subtreasuries there remain to be examined the subtreasuries at Philadelphia, Cincinnati, and Baltimore. These examinations are necessarily more expensive than they have been heretofore. We all understand that in consequence of a complete change, or a change more or less complete, in the administration of the different Departments of the Government it has been necessary to be a little more careful and particular in these first examinations than perhaps will ordinarily be considered necessary. In addition to this, we are advised by the Treasury Department that a very large amount of silver has accumulated in the subtreasury, which makes the count more laborious and expensive. At all events, in consequence of these things, it is estimated that a deficiency appropriation of $4,000 will be required to enable the Treasurer of the United States to make such examination as the law requires to be made of the subtreasuries of the country.

Perhaps I ought to say also that the labor of these examinations is usually performed by clerks already in the service of the Treasury Department. It is performed now mainly by them; but because the law requires also the examination of the books and accounts of the subtreasury and the manner of keeping the money therein, it sometimes becomes necessary to employ expert accountants and also expert counters to assist them. The appropriation for this deficiency seems to be a necessity. At all events the appropriation already made is exhausted, and three subtreasuries remain unexamined. With great confidence in the Treasurer of the United States, the committee has yielded largely to his judgment.

The third item is "for repairs of the Treasury building in Washington." For repairing of the roof of this building last year, which had become greatly injured, $6,400 of extraordinary expenses were incurred, leaving but $8,600 for usual expenses, uniformly estimated at $15,000. We are now advised by competent practical mechanics that there are leaks in the roof; that extensive repairs to the building, inside and out, are a necessity; and that an appropriation now for these repairs may save an increased expenditure, and therefore an increased appropriation, which will be necessary if the work be delayed.

The next item is with regard to the propagation of codfish in the waters of the Gulf of Mexico, $12,000. This, we may say, is a matter of experiment; but we have the judgment, experience, and integrity of the Fish Commissioner to guide us. In past years we have placed, as we now place, implicit confidence as well in the intelligence as in the integrity of the Commissioner; and I am proud to say that, so far as I know or have heard any expression of opinion, that confidence has been appropriately placed. At all events he has commenced the transportation of codfish, with a firm and fixed belief that they can be made to prosper in the Gulf of Mexico. Of course we understand that they are a valuable food-fish. Already the work has been commenced. It must cease unless this urgent appropriation is made, for the reason that whatever may be done must be done between now and the 1st or 15th of April at the latest. The question is simply then whether you will go on and finish the work commenced, of giving to the Gulf of Mexico and the waters flowing into it the benefit of this great food-fish. Your committee have been of opinion—I believe without controversy or dissent—that the work auspiciously begun should be carried on to completion.

The next item is for artificial limbs to wounded soldiers. I might in this connection profitably call the attention of the appropriate committee to the fact that the laws with reference to this subject need amendment. In my judgment, and in the judgment I doubt not of many others who have examined the matter, abuses have crept or are likely to creep into this service. We find, strange to say, that although the war has been over for twenty years, the list of recipients of this provision for the wounded soldiers has greatly increased—from 6,000 in 1870 to nearly 19,000—and within the last quinquennial period the increase has been from 16,000 to nearly 19,000.

It is not my purpose, however, to do anything more than call attention to these laws. We propose to appropriate under the law as we find it. We find that already nearly five hundred applicants for either artificial limbs or for commutation allowed under the laws have not been supplied with the one or the other, as they have a just right to be; and the failure has been for want of money. The appropriation is exhausted. Five hundred applicants are clamoring for what is due them, and they need it. We ask an appropriation in this bill of $175,000 for the remainder of the fiscal year. We have been advised that probably $200,000 will be required for this service, but upon a careful estimate I believe the committee unanimously agreed that $175,000 will meet the requirements of all the soldiers entitled either to artificial limbs or to commutation therefor. We have therefore reported an appropriation of that amount.

I next call attention, Mr. Chairman, to the items of appropriation with regard to the jurors' fund and witnesses' fund in the United States courts. The fund for witnesses is exhausted. That for jurors has been reduced during the last month from $60,000 to about $29,000, the amount now on hand. It will be perceived therefore, that if from January 30 to February 28 the expenditure for jurors was nearly or quite $30,000, the courts, now beginning their spring terms everywhere over the country, will necessarily expend more than $30,000 a month; so that by the close of the present month there will be no money in the jurors' fund. In consequence of this condition of affairs we have been asked to make, and in this bill have reported, an appropriation for $50,000, which we trust will be sufficient for the remainder of the current year.

Mr. HISCOCK. How much was the appropriation for the year?

Mr. BURNES. The appropriation was $400,000. The estimate last year was $450,000.

Mr. MCCOMAS. Five hundred thousand dollars.

Mr. BURNES. I thank my colleague on the committee; I should have said the estimate was $500,000, and the appropriation $450,000

Mr. HISCOCK. Then you have in this bill given the amount really estimated for.

Mr. BURNES. Just the $50,000 included in the estimate of last year.

Mr. HISCOCK. Is there any explanation why it was not appropriated for last year?

Mr. BURNES. I will say to my friend from New York but for the extraordinary expenses attending the execution of the laws in certain portions of the country, notably, I may say, in the Territory of Utah, this deficiency would not have occurred. I believe the appropriation was amply sufficient for the ordinary service of the courts of the country, but as my friend from New York knows we have had extraordinary expenses in several places, and especially, as I have already stated, in the Territory of Utah.

Mr. HISCOCK. The point I desire to make, if the gentleman will pardon me, is that now the amount estimated for is the amount you really intend to give.

Mr. BURNES. Yes, sir; the effect is to give the amount estimated for last year.

We have also reported, Mr. Chairman, an appropriation of $135,000 for witness fees in the United States courts. This, I regret to say, is an increase over the estimates of last year.

Mr. HISCOCK. How much did you appropriate last year?

Mr. BURNES. For the current year, $550,000.

Mr. HISCOCK. You cut down the estimates how much?

Mr. BURNES. Sixty thousand dollars.

Mr. HISCOCK. Oh, no; you cut it down $100,000.

Mr. BURNES. Excuse me, the estimate was for $610,000. We cut it down $60,000, making it $550,000.

Mr. HISCOCK. I thought you cut it down $100,000.

Mr. BURNES. No, sir; I will give the gentleman the figures. The estimate was $610,000, and the appropriation was $550,000. The ap-

propriation for 1885 was $600,000. The ascertained deficiency, which we have not put into this bill, because it was not regarded as urgent, is $15,000. So the appropriation for 1885 of $600,000, with the ascertained deficiency of $15,000, my friend from New York will perceive, will amount in all to $615,000 as the amount expended. If this bill should pass with this item in it it would be $685,000 for the current year, as against $615,000 for the preceding year.

Mr. HISCOCK. So far as this item is concerned, then, this bill vindicates the good judgment of the officer who made the estimate for the service for this year.

Mr. BURNES. Mr. Chairman, I have been so accustomed in the transaction of purely business matters, whether of a public or a private character, to look alone to just business principles and considerations that I am almost untutored in the art of looking beyond them for political influences or party advantages. I will say, however, to my distinguished friend from New York, with all the great respect so justly due him, that the deficiency in this case is caused by an abnormal state of things—I had almost said by abnormal proceedings—in the courts of the Territory of Utah. There has been an increase of expenses extraordinary in the courts of Utah, and I may say unexpected, that no wisdom could have foreseen and provided against, whether that wisdom was in the head of a Republican or in the head of a Democrat. But for these extraordinary expenses the appropriation for the current year would have been ample, in my humble judgment, for this service, but in consequence of these extraordinary expenses incurred in pursuing existing laws with reference to that Territory we have been compelled to provide for this deficiency, as estimated by the Department of Justice.

Mr. Chairman, I come next to the consideration of the remaining item in this urgent deficiency appropriation bill, and I beg gentlemen to believe that if I say anything that is not strictly in accordance with the necessities of a business consideration of any proposition I do not intend it. At the same time I have necessarily to allude to gentlemen high in the Navy Department.

Mr. HISCOCK. I suppose the gentleman has the item before him, and I would like to know what was the estimate last year in regard to artificial limbs?

Mr. BURNES. In regard to the artificial limbs the estimate was $550,000 and the appropriation $400,000.

Mr. HISCOCK. You cut down the estimate $100,000.

Mr. BURNES. Let me recall to the gentleman's recollection the remark made by me when I first took the floor.

Mr. HISCOCK. You have here exceeded the estimate $25,000.

Mr. BURNES. I understand the drift of the gentleman's inquiry. Let us be fair to each other.

As I stated in my opening, and as I doubt not every fair-minded man on the floor will admit, we were surprised that instead of an anticipated decrease in the expense under the beneficent laws for the limbless soldiers of the country there has been a substantial and unexpected increase of 20 per cent. in the last five years. Considering the fact that deaths must be numerous, and that twenty-one years have elapsed since the close of the war, we could see no reason in committee and I can see none now for an increase in the number of gentlemen who should have the relief that is afforded by this item of appropriation.

Mr. CANNON. Will my colleague yield to me here?

Mr. BURNES. Certainly.

Mr. CANNON. I desire to call attention to the fact that a reason for this was given by the officials of the Surgeon-General's Office to this effect: Some gentlemen on that side, either of the House or of the Senate, a year or two ago were very anxious, and I do not say improperly so, to have the lists of pensioners published to the country, and they were published in four or five volumes. I think it was a proposition which was advocated at great length by the then and now Senator from Kentucky [Mr. BECK], and the publication of that list has given the claim agents throughout the country the names of these men, and they have flooded the country with suggestions that the pensioners were entitled to artificial limbs or commutation therefor, and many of them are now for the first time making application; and that is about the only good I have ever heard resulting from the publication of these four or five volumes.

Mr. BURNES. I have no question with my friend and colleague on the committee as to the matter of which he spoke. I have no doubt that his statement is founded on due and proper investigation and inquiry as to that branch of the subject. But I have not found it necessary to inquire into that matter. Whatever was the result of legislation upon the subject mentioned by my distinguished friend and colleague on the committee, it will not now be discussed by me. But I can add justifiably that the distinguished and able Senator from Kentucky who has been alluded to has done so much of valuable legislation for the country he can well afford to make now and then a mistake, if he has made any.

Now, Mr. Chairman, passing from these items, let us approach the consideration of another question as Representatives of a business people.

On the 20th day of December, 1882, during, I believe, the Forty-seventh Congress, the naval advisory board having been called upon to sit in judgment upon the propriety of building four new steel cruisers, made an official report to this House and to Congress, not only in favor of building these four cruisers, but adjudging the cost and fixing a limit thereto. They estimated that the four would cost, and ought to cost, $4,099,304; that is to say $1,576,854 for the Chicago, $1,031,225 for the Boston, a like sum for the Atlanta, and $460,000 for the Dolphin.

Subsequently, on January 15, 1883, the same board made what they called a "corrected estimate" with regard to the cost of the Chicago, the largest of the four vessels, and by this "corrected estimate" the cost of the four vessels was decreased to the extent of $77,770. I shall take no further notice of this "corrected estimate," for the reason that perhaps after all it has no bearing on any question necessarily involved by this bill.

On the 3d of March, 1883, at the close of the Forty-seventh Congress, what was called the "Robeson act" was passed into a law. That act contained these words:

> And the Secretary of the Navy is authorized to construct said vessels—
>
> Meaning the Chicago, Boston, Atlanta, and the Dolphin—
>
> and procure their armament at a total cost for each of the same not exceeding the amount estimated by the naval advisory board.

By this same act $1,300,000 were appropriated in gross for the commencement and prosecution of the work. Subsequently, on July 7, 1884, $2,150,099 were appropriated; on March 3, 1885, $162,340 were appropriated; and subsequently a sum, found in the construction fund, under the act of August 5, 1882, amounting to $40,162, was applied to the same expenditure. The present bill for the armament of these cruisers carries an appropriation amounting to $251,863, and all of these make a total aggregate appropriation for this purpose to date of $3,904,464. As you will observe, the balance between the amount thus appropriated and expended and the amount estimated by the naval advisory board to complete the four cruisers is $194,840. I feel it my duty, Mr. Chairman, to say that there can be no question but that further deficiencies will come from the Navy Department before these vessels are finished. I wish the House to understand the proposition: I put upon record the above guess, and when I say guess, I mean guess; and I defy any gentleman upon this floor to do more than guess with reference to the past or future purposes or expenditures of the bureaus of the Navy Department.

Mr. HISCOCK. Do I understand the gentleman from Missouri to prophesy that under the present administration there may be deficiencies in the Navy Department which will require to be provided for?

Mr. BURNES. As I will show my friend from New York before I conclude, it is inevitable—no matter what party is in control of the Government, or what individual is at the head of the Navy—it is inevitable that in order to finish these vessels under existing methods large sums of money over and above the estimates of the advisory board must be appropriated in the future.

In order that I may be understood on this proposition, let me say that from the examination and investigation made we find the little Dolphin, estimated to cost $460,000, is finished, or practically finished. There are a few things, we are told, yet to be done the nature of which I do not know, neither does anybody else; but there is something to be done. But the Dolphin is afloat and practically finished. The Atlanta, it is said, is nearly completed. Now, you know what that means as well as I do. The Atlanta is nearly completed. The Boston will be finished, we are led to guess, say by July next. "It is in a good and advanced state." The work "is progressing favorably and promptly," and, let us hope, energetically. But it is not yet finished and will not be perhaps before the beginning of the fall, although we have some opinions that it will probably be finished during this fiscal year.

The Chicago is at least a year behind the Boston, that is to say, there is a year and three or four month's work yet to be done before the Chicago can be completed so as to receive her armament and move out upon the waves of the oceans.

If we will go to the Bureau of Ordnance we find that the estimates of the naval advisory board for the completion of the armament of the four vessels was $592,304. There have already been appropriated and expended $580,250. That would leave, as you observe, $12,054 yet on hand to be expended for the completion of the naval armament of these ships. But it is estimated, and it is but an estimate, that to complete this armament $343,000 will be required. Admitting that this estimate is a reliable guess, and that we shall be called upon for no more than the $343,000, you will observe that the armament alone which was estimated by the naval advisory board at $592,304 will have cost $923,250.03.

Now, if the armament alone is costing us 58 per cent. more than the estimates, you may make the calculation for yourselves as to the cost of the four cruisers complete. Or rather, if you are not fond of attempting the impossible you may make a simple guess, which will do just as well, in my judgment, as a calculation.

Mr. CANNON. Will the gentleman allow me for a moment?

Mr. BURNES. Certainly.

Mr. CANNON. The armament has been greatly changed and improved, and has cost more than was originally estimated. Yet my friend from Missouri will recollect we did not investigate touching the cost of the cruisers proper, and that in fact their construction was let by con-

tract and at a very cheap rate. And as to whether the amount of contract would be exceeded, I am sure I am not informed by any investigation I have made. Is the gentleman from Missouri?

Mr. HISCOCK. When did the expenditure for the armament commence?

Mr. BURNES. It commenced immediately on the first appropriation of March 3, 1883.

Mr. HISCOCK. How much has been expended to the present time?

Mr. BURNES. Five hundred and eighty thousand two hundred and fifty dollars—$234,000 were immediately obligated on the passage of the bill of March 3, 1883.

Mr. HISCOCK. When was the balance expended?

Mr. BURNES. As some of my friends seem to misunderstand the proposition, I may as well explain it now as at any other time. The Secretary of the Navy allotted to the different bureaus certain sums of money; to the Bureau of Ordnance, $234,000; and, in the language of the chief of the bureau, immediate obligations to the amount of $234,000 were incurred.

Mr. HEWITT. That is true; but the money was not expended.

Mr. BURNES. So that while $234,000 had been set apart for this bureau to be expended, obligations were immediately incurred covering the whole amount so set apart. And if I allude to another matter in this connection my friend from Illinois [Mr. CANNON] will not consider me partisan, for he knows I do not want to be, especially in the consideration of this bill. I am just as ready to hit a head on the one side as the other in discussing a purely business proposition. Strange as it may seem to you, Mr. Chairman, no sooner had this $234,000 been allotted to the Bureau of Ordnance, and no sooner had it been immediately covered by obligations, than the Secretary with one hand allotting it and allowing the obligations to be incurred, with the other drew out $195,000 of it for other purposes. I simply state this as a fact, not because the late Secretary of the Navy was opposed to me in politics, but because it is a fact that ought to be stated, criticised, considered.

Now we come to the business proposition remaining. We sought, after days of labor, to eliminate from this estimate of $343,000 everything that would not be actually necessary during the present fiscal year; and all the items reported in the bill are believed to be necessary for the continuation of the work. The foreign bills must be paid. Vouchers have been issued; the credit and honor of the country are involved, as well as its best interests. Under a system of book-keeping that pays out of one fund to be reimbursed by another they may have been provided for abroad. But in any event we find due to foreign creditors of the Government, for the armament of the cruisers, $37,294.84, and we are simply bound to pay them. There is no escape from it.

We then come to the next item, amounting to $138,713. These are items which we may call domestic bills—obligations of the Government to different establishments in Boston, West Point, &c., and to different parties who are furnishing material or are doing work for the Government. There are $138,713 of these domestic bills.

We might as well pay them now as at any other time. They have to be paid, they ought to be paid; because when we have our agent, whether he be the Secretary of the Navy or the Chief of the Bureau of Ordnance, who contracts these obligations and places the duty upon us to pay them, we are bound to discharge such obligations to our fellow-citizens or return to them the labor and material we have received from them. But of this $138,000, after a calculation or estimate made in consultation with the chief of the bureau, we found that only $89,483 of the amount need be appropriated during this fiscal year; so that instead of appropriating the whole sum, $138,000, which will have to be appropriated during the next fiscal year, we propose to appropriate at this time only $89,483. These two items aggregate what we owe at home and abroad on account of the Bureau of Ordnance.

Then comes an estimate of $130,913 for labor in the navy-yard at Washington and for the materials necessary to be used in profitably employing that labor. We have gone through the estimate, and we believe it is indispensably necessary to make this appropriation at once so that this work may go forward. It may be as well to state that between two hundred and three hundred men have been thrown out of employment for want of this appropriation, and it will be a benefit to the Government to re-employ those same men, many of whom are skilled workmen, and must very shortly seek employment elsewhere unless we make an appropriation to justify their re-employment at the navy-yard. We think, therefore, that this item should be allowed without any sort of question.

I wish now to call attention to the state of the work on the guns, as gentlemen may desire to know how far it has progressed. There are to be in all for the four cruisers twenty-one 6-inch guns, eight 8-inch guns, and two 5-inch guns. Of the 6-inch guns seven are completed, and fourteen about half completed. Of the 8-inch guns none are finished; one is nine-tenths done, two are three-quarters done, one is five-eighths finished, and eleven are not commenced. The two 5-inch guns are completed. There has been no test of the guns, certainly no statutory test, but there has been a large amount of practical unofficial firing. Of the gun-carriages, one for the 8-inch guns is nearly finished, one for the 8-inch guns is five-eighths finished, six for the 8-inch guns are scarcely commenced; seven for the 6-inch guns are half finished, and fourteen for the 6-inch guns are completed.

Thus I have given you the present condition of the guns and the gun-carriages, which are of course large items of expenditure. You will observe in the report that there is a large amount appropriated for powder. In view of the fact that the powder has to be manufactured in the spring on account of temperature, it was deemed necessary to retain the item providing for this expenditure.

Thus, Mr. Chairman, I have gone through the different items in this bill, and I have attempted to do it in a fair, business-like manner, without any sort of reflection upon the friends of either side of the House, or of either party represented here; but I beg to say that, in my judgment, there is an immense amount of work for the Naval Committee of this House to do, and they should do it regardless of all consequences if they desire to prevent, as I am sure they do, vast and profligate expenditures of the people's money by some of the seemingly unrestrained and ungoverned bureaus of the Navy Department.

Mr. BUTTERWORTH. Did the gentleman state where those guns are being manufactured?

Mr. BURNES. At Boston and West Point.

Mr. HISCOCK. Before the gentleman sits down I wish to ask him this question: With this House, which originates the appropriations, in sympathy with the administration, do you think there will be any trouble in the future in so making appropriations that it will not be necessary to provide deficiencies? Is there any doubt about that? We have been for a long time hoping that we might reach that point, and I have frequently heard the declaration made upon this floor that no deficiencies ever ought to be voted.

Mr. BURNES. Mr. Chairman, allow me to say that the appropriation made for the building of these cruisers was exceedingly unguarded and unbusinesslike. It was an appropriation of $1,300,000, to be expended without placing the responsibility upon any particular head or any particular bureau. It was an appropriation that left it within the power of the Secretary to put the money in one bureau, and then draw upon and expend it in another bureau. In the appropriation of July 7, 1884, when $500,000 were appropriated, we improved upon the original appropriation by providing that that should finish the armament, and indeed we had an estimate at that time that $500,000 would suffice to finish it; yet you see it lacks $343,000 of being sufficient. Other restrictions beneficial would have been thrown around it, perhaps, but for the well-known hostility of the other branch of Congress to such limitations.

But we have steadily improved in our modes and methods of appropriation, and from the date of the Robeson bill down to the present hour our legislation, under the direction and guidance of the Appropriations Committee of this House, has been a vast improvement upon the legislation that preceded it, so far as my limited ability and hours of labor have enabled me to investigate and determine.

More definitely answering the interrogation of the distinguished gentleman from New York [Mr. HISCOCK], I would say that there will always be trouble, and great trouble, in making appropriations so that no deficiency will occur. It is not sufficient to prevent deficiencies or other evils that the House is in sympathy with the administration; if both branches of Congress were in such sympathy the millennium of perfect appropriation bills might be said to be at hand. It is well known that many of the perfect forms of appropriation originating in this House have been relentlessly mutilated and disfigured in the other end of the Capitol.

Mr. CANNON. Mr. Speaker, I will occupy a moment in reference to this appropriation for armament, to which the gentleman from Missouri [Mr. BURNES] has just called attention. I agree with him as to the amount necessary to continue the work on the armament for the balance of the fiscal year. I do not, however, agree with him in some of his statements concerning the cost of the cruisers, including the armament. True, the committee in preparing this deficiency bill did not make as full inquiry as they probably will later touching the total expenditures made or hereafter to be made for the completion of the cruisers in every respect. Suffice it to say, however, that upon turning back to the act which the gentleman read—I call his close attention to it—the act authorizing these cruisers of March 3, 1883, we find that the sum of $1,300,000 was appropriated at that time in bulk for the commencement of the work upon the cruisers; and we find in that act this clause:

For the construction, &c.—

Mentioning the vessels—

as recommended by the naval advisory board in its report of December 20, 1882, $1,300,000. And the Secretary of the Navy—

Now mark the language—

is authorized to construct said vessels and procure their armament at a total cost for each not exceeding the amount estimated by the said naval advisory board in said report, and to place the same under contract.

Mr. BURNES. Mr. Chairman, I desire to remind my colleague on the committee that the Chief of the Bureau of Ordnance advised us that under that very provision of the statutes an opinion had been given by the Secretary, which left the whole matter in doubt as to whether it

referred to each one of the different kinds of appropriations or was an appropriation as an entirety.

Mr. CANNON. Why, the appropriation speaks for itself. There is an appropriation of $1,300,000 to commence this work. Then authority was given that certain other appropriations theretofore made might be, so far as they could be, utilized. But the only limitation that was placed upon the construction of these cruisers by this original law was that they should be brought within the estimates made by the naval advisory board. That includes the cruisers and it includes the armament. Those estimates as stated by the gentleman from Missouri [Mr. BURNES] were $4,099,304. That was the only limitation.

Remember, at that time there was also cast upon the Secretary of the Navy by the express language of the act not only the authority but a duty mandatory to construct these cruisers; and the force of that act rests upon him to-day. Now has the Secretary of the Navy expended or estimated in the aggregate one dollar over and above these estimates? I say he has not.

But after the cruisers have been contracted for, after the armament has been nearly completed, an expense of $400,000 and over is added for the improvement of the armament, making it better, if you please, by reason of these years of experience, until the cruisers are being armored in first-class manner. Step by step and year by year changes have been made, which, as anybody could see in this day of improvement, have been profitably made. Yet, notwithstanding this great increase for the improvement of the armament over and above the original estimate, we may take the price of the cruisers according to the contract and add to it the cost of the armament, and there is still nearly $100,000 unappropriated, unestimated for, within the limit originally fixed.

"But," says my friend, "when this sum of $1,300,000 was appropriated in lump, the Secretary of the Navy apportioned it among the bureaus; he apportioned $234,000 for armament, and afterward he found it convenient to take $193,000 of that amount and apply it to work in other bureaus for construction of the cruisers." Suppose he did. I take the position that under the provisions of this general law which made it his duty to construct these cruisers within the aggregate limit for both cruisers and armor, if economy of construction or necessity for construction made it his duty thus to so take the money, he had a right to do it, because all the while there was resting upon his shoulders this mandatory duty to construct these cruisers within the amount limited, and they had been placed under contract.

Why, sir, any other construction rests just as unfavorably upon the present Secretary of the Navy as upon the former Secretary, because while the present Secretary has been in place for a year this work on the armament has been going on; and during the last year, as the gentleman will bear me out in saying, changes in that armament for its betterment have been made to the amount of largely over $50,000. But he has gone on until he has expended the appropriation that was afterward made specific; and he comes to-day, long before the fiscal year has expired, and says, "Give me this money, or I must discharge nearly three hundred men, must stop the work upon the guns and armament, and can not pay the bills that have accrued since I took office on the 4th of March last."

Mr. HISCOCK. You mean that he has changed the plans—improved them?

Mr. CANNON. I mean that you may take the original estimates, and I speak now only of the armament, because I have not investigated or been called upon to investigate closely touching these cruisers otherwise—the Naval Committee will no doubt do that—but as to the armament only, I say that since this original act was passed improvements have been made and ought to have been made. I undertake to say, that if Secretary Chandler or the present Secretary of the Navy had gone to work and constructed the armament as was contemplated three or four years ago when this original act was passed without paying attention to the experience we have since had, without paying attention to recent improvements in guns and armaments, while such a course might have complied with the letter of the law, it would have been such a violation of its spirit and substance that the officer ought to have been censured and would have been censured by Congress.

Mr. THOMAS, of Illinois. I wish to ask my colleague a question. Having just come upon the floor, I do not understand the point he is referring to. Do you refer to the armament of the four ships—Boston, Atlanta, Dolphin, and Chicago?

Mr. CANNON. Certainly.

Mr. THOMAS, of Illinois. I desire to say the original estimate for the armament of those vessels was $440,000.

Mr. CANNON. It has been stated exactly.

Mr. THOMAS, of Illinois. At the time that estimate was made there never had been a high-power rifle gun made in the United States. It was not pretended by the Department at that time that anything like an accurate estimate could be made for the proper completion of this work. The original estimate, however, was granted. Subsequently, as has been stated by my colleague, developments showed the necessity for further appropriation, and an additional appropriation of about $200,000 was made for that work. It has progressed up to this time, and, as my colleague has stated, improvements have been added daily and monthly. New necessities have arisen along the pathway all the time. The character and quality of the armament have been improved more than 500 per cent. We at last have come to the knowledge of the fact that to complete it according to the spirit of the original bill will require almost $1,000,000. Hence there is an estimate for an additional appropriation to complete these guns.

Mr. CANNON. Yes.

Mr. THOMAS, of Illinois. That is the history of these uncertain estimates brought in from time to time. They grew out of our inexperience and our lack of knowledge on these points, but it is a satisfaction to know we have at last reached the ground from which reliable estimates can be furnished.

Mr. CANNON. Yes; the gentleman has stated it better than I could have done, because his knowledge is more extensive. But, sir, I wish to call the attention of the House to the fact that notwithstanding the figures in expense of armament are increased over half a million dollars, so far as anything appears in the investigation before the committee, and so far as I have any knowledge or belief, the armament and cruisers are yet by $92,000 within the limit fixed when we passed the original law three or four years ago. And this includes all appropriations made and estimates for same.

Mr. THOMAS, of Illinois. That is true.

Mr. CANNON. That is all I wish to say about it.

Mr. HISCOCK. Will the gentleman from Illinois explain the difference between himself and the gentleman from Missouri?

Mr. CANNON. I understand there is no difference between us so far as that is concerned touching the recommendations and provisions of this bill.

Mr. HISCOCK. I understood him to say there is a very large difference between you.

Mr. CANNON. No; I think not.

Mr. BURNES. I think not.

Mr. ADAMS, of Illinois. He asks us to infer there will be.

Mr. CANNON. I did not so understand him, but he can speak for himself. He spoke of increase in the armament, but he did not speak of the decrease of the estimated cost of the hulls of the cruisers. I was trying to supplement his statement, covering not only the armament but the entire expenditures for the four cruisers.

Mr. HISCOCK. Taking the gross appropriations together, you are $100,000 inside of the original estimates.

Mr. CANNON. Yes, sir.

Mr. THOMAS, of Illinois. I should like to have my colleague state further that the increased appropriation for the construction of this armament grows out of the fact a part of the appropriation made for the armament was applied to other purposes, and that this additional appropriation does not increase the aggregate cost beyond the limit fixed by the original bill.

Mr. BURNES. I should like to ask the gentleman from Illinois——

Mr. CANNON. Certainly; but I should like to answer that question, and then I will yield to the gentleman from Missouri. I wish to say the gentleman from Illinois is partially right but substantially wrong. [Laughter.] After the $1,300,000 was assigned among the various bureaus $193,000 of the amount assigned for armament was used for payment upon the hulls of the cruisers.

Mr. THOMAS, of Illinois. A portion was assigned.

Mr. CANNON. Yes; assigned by the Secretary. The Secretary, as he had the right to, so long as he kept within the original limit, made an improvement in the armament. Now, having said this much, I wish to pass to some of the other appropriations.

Mr. RANDALL. One moment. I do not think the Secretary taking that money by assignment bears on the point of estimates or appropriations for ordnance in connection with these four steel cruisers. The original estimate was $592,000.

Mr. CANNON. For armament?

Mr. RANDALL. I am speaking of armament; $580,250 has been given by appropriation, and there is yet to give, so as to complete the armament, $343,000.

Mr. BURNES. Oh, no.

Mr. RANDALL. Yes; we have given $580,250 that are available to date——

Mr. CANNON. That is over the original estimate.

Mr. RANDALL. No; but there is a further deficiency of $343,000 to be supplied, which shows that the original estimate was no guide to the cost, because before we complete we shall have to appropriate $923,250 in all, being $331,000 in excess of the estimate for the armament of these four vessels.

Mr. CANNON. Now I want to answer that just here. My friend states what is true as to the armament, I grant you; but I want again to call his attention to the law, that the construction of the cruisers and the armament shall not exceed a certain sum.

Mr. RANDALL. I am simply addressing myself to the facts and the figures as they appear in the estimate and appropriations, and I know these figures can not be controverted.

Mr. HISCOCK. Has the gentleman taken into consideration the ref-

erence which has been made to the constant improvements and betterments which have been maintained in connection with this appropriation?

Mr. RANDALL. That is a mere supposition on the part of the Department, for the guns are I believe unfinished, except one which has been tested——

Mr. CANNON. I do not wish to be taken off the floor.

Mr. RANDALL. You shall have part of my time, if you desire.

Mr. CANNON. For in this connection I desire to correct a statement of my friend.

Mr. RANDALL. I only wanted to show that the estimates of the Department were entirely unreliable as made, as to ordnance, by the Ordnance Bureau of the Navy Department.

Mr. CANNON. Oh, yes; so far as the armament is concerned the estimates were not reliable, and so far as construction is concerned, the construction of the cruisers, the estimates were not reliable; but the armament runs substantially a half million of dollars over the estimate, and the construction of the cruisers over half a million of dollars under the original estimate, and therefore they about counterbalance each other. In fact, when you come to the total you find that you are yet nearly $100,000 within the limits fixed by the law and the original estimates of the naval advisory board. That is all I desired to say in that regard.

Now as to another item. There is another item of $4,000 for the compensation of special agents to examine the books, accounts, moneys, &c., in the several subtreasuries and depositories.

This work is done under a section of the Revised Statutes, and has been for years, and I suppose has been properly done. These examinations are made yearly. Heretofore the appropriation has never exceeded $4,000 per annum for this work.

The mode in which the work has been done heretofore has been to detail a certain number of clerks or employés from the Treasury Department to go and make the investigation, they doing the clerical labor and hiring laborers to do the heavy work and assist in lifting and weighing, &c. Now, I should have said nothing whatever about this appropriation but for the fact that my very good friend from Missouri [Mr. BURNES] says there are yet three subtreasuries to examine before they are all turned over to his Democratic friends. That is true, Mr. Chairman; but the examination to turn the subtreasuries over from one official to another is not a very difficult thing, not a very serious work; and there is no more difficulty in making the examination for that purpose than in making the ordinary annual examination.

Now the Treasurer gives a better reason for this, as follows, in a note appended to the estimate:

> Formerly the appropriation of $4,000 was sufficient for the year; but owing to the large accumulation of silver in the subtreasuries, the expenses of examining them are now more than doubled. The appropriation for 1886 is already exhausted, and an additional amount is needed for the remainder of the fiscal year.

There has been some accumulation of silver in the last year, and I have no objection to that as long as it is represented by silver certificates in circulation, for I would rather have the certificates than the silver; but I do not want to enter upon a discussion of the silver question now. Still you have an accumulation of silver, and you must have means for weighing it, and if you have accumulations of gold you must have facilities for weighing it; and if there is an abrasion of the coins, they must be counted from time to time. It is true the appropriation is exhausted; but the Treasurer says he needs $4,000 more, making $8,000 in all, and when he says it is necessary I am willing he shall have it. He is the Treasurer of the United States, a Democratic Treasurer, a high office under this Government; and when he states that he needs this appropriation I am for giving it to him, as I take it for granted that it is needed like other small incidental expenses personal to the office.

Mr. HISCOCK. I suppose there is no doubt that the clerks have been appointed under the civil-service law?

Mr. CANNON. Ask me someting easy. [Laughter.]

Mr. HEWITT. Why does my friend from Illinois call this expense personal?

Mr. CANNON. Did I say personal?

Mr. HEWITT. I understood so?

Mr. CANNON. I meant with reference to the current administration of the affairs of his office. I mean in a sense so far personal to him as the head of the office.

Mr. HEWITT. And in the course of his official work?

Mr. CANNON. Certainly. I am sometimes not quite apt in the use of words, and I did not know that I had used that expression. But there is another proposition here to which I wish to call attention; that is, an increase of $6,000 for repairs of the Treasury building.

Heretofore it has been $15,000 per annum. I mean the contingencies for that purpose. That is as much as it has ever been, I believe. Now there are $6,000 more. The gentleman from Missouri [Mr. BURNES] said there was some extraordinary expense on the roof. The gentleman will recollect the estimate stated this was necessary because the roof was leaking. It is true that a stitch in time saves nine, and I have come to the conclusion after investigation that that appropriation was necessary. I was only surprised at one thing, that now in the year of our Lord 1886 the rain would still run through the roof and that the iron and steel would corrode and rust under the administration of our Democratic friends.

Mr. HEWITT. But there is no leak in the Treasury now.

Mr. CANNON. "Oh," says my friend from New York, "there is no leak in the Treasury now." My friend will recollect that when the Treasury was turned over to the new administration it was found to be all right except one cent short, but afterward that the cent was found.

Mr. HEWITT. As the gentleman says, a stitch in time saves nine. We look after cents even.

Mr. CANNON. Well, you got that cent; and you have the opportunity to do all you were so anxious about in the last campaign—to count the money in the Treasury. I believe it was the gentleman from New York [Mr. HEWITT] who started that cry.

Mr. HEWITT. Does not the law require it?

Mr. CANNON. Yes; and we had counted it every year, and when you got it you found it was all correct.

Mr. HEWITT. Certainly.

Mr. CANNON. A friend on this side suggests "turn the rascals out." I do not want to talk about that just now. I want to talk about this bill.

Mr. HEWITT. I can well understand that you do not want to talk about it.

Mr. CANNON. I will let you talk about it. But I will say I am willing you should turn out every man you have the nerve and manhood to turn out. I am willing you should turn out the fifty or sixty thousand Republican office-holders who may still be in the service of the Government if you can find Democrats competent to succeed them. But in doing so I want you to stand up as men that won the victory and say, as the truth is, "You are good officers"—as nearly all of them are—"but we have won the race. You must step out, and we will put our men in, who are honest, so far as the law will permit." I am willing you should turn them out in that way and turn your honest men in, as you won the race. I want nothing but manly dealing. I detest hypocrisy even in a little thing like the distribution of offices.

Mr. RANDALL. Will the gentleman yield me a moment to say a word in reference to the six-thousand-dollar item? The gentleman has stated correctly the appropriation was $15,000 last year. He will remember $6,400 of that was to be applied to a new roof, lessening by that amount the amount available for the general repairs of the building. That is the real reason why this deficiency of $6,000 is necessary.

Mr. CANNON. I so stated. But I stated also that while there has been a new roof this year, this deficiency is necessary to keep the new roof from leaking.

Mr. RANDALL. It is not to provide a new roof at all. The reason for it is that $6,400 of the $15,000 appropriated for the current year had to be expended on the new roof, consequently diminishing so much the amount for the general repairs of the building.

Mr. CANNON. Certainly; the gentleman from Missouri made that explanation, and I have made it.

Mr. RANDALL. There is a very strong concurrence of testimony as to that.

Mr. CANNON. I have only referred to this to show that although there is a new roof on the Treasury Department this year, it is now necessary to tinker it so as to keep the water from coming in; and I express my surprise that such a thing should happen under a Democratic administration.

Mr. HISCOCK. I suppose when an appropriation was made on the 4th of last March it was thought sufficient, and the expenditure has been under the present administration.

Mr. RANDALL. There is no charge of abuse of the money by anybody.

Mr. HISCOCK. I make no such insinuation as that; only I am surprised at our being required to vote a deficiency for this service. It is unusual.

Mr. McCOMAS. I shall not detain the committee long, because I apprehend there can not be, and there certainly has not been, much room for division of sentiment with respect to these deficiencies. The items are only seven in number, and whatever may be the opinion as to the reasons for original expenditure, I think it is clear that they must now be conceded and this bill passed.

I am not surprised that some of my Republican brethren here expect too much from our Democratic friends if on the first day of the second year of a Democratic administration we celebrate the advent of an auspicious period of Democratic rule by bringing in a deficiency bill. It will be, perhaps, an admonition to add that it is simply an urgency bill, and that further on the House, if they choose, may look at other items of general deficiencies.

It does seem to me that, as a business proposition, there can be nothing else but the speedy passage of this bill in its main items. I say in its main items. I might possibly exclude the first one, to which my colleague from Illinois [Mr. CANNON] has adverted; but when we are told by the Treasurer (and his estimate comes from the Secretary) that the accumulation of coin in the subtreasuries, as well as the counting of the moneys required by the change of administration involves a little

extra care and labor, why that is one of the natural results of a change from a Republican to a Democratic administration, and upon personal inquiry I find that additional force is needed in the moving of the bags of coin and material in the sub treasuries when these counts take place.

But, Mr. Chairman, if this money shall be this year appropriated to make new employés—I do not mean to insinuate that it will be, but I say if I find that advantage is taken of a law now on the statute-book whereby additional employés may be engaged at $6 a day to count this currency—I serve notice that in the next session I as one humble member of this committee will ask the House to require that the present officials shall continue the method of their Republican predecessors, who detailed for this work persons already in the employ of the Government, instead of employing an additional force at $6 a day. In the faith that the present excellent official means not to use this increased appropriation—because it is an increased appropriation over that of the Republican administration—in the faith that he does not intend to use it for any such purpose, but only, as he has indicated, for the counting of the additional silver and the like, I favor that item in this bill.

Now, Mr. Chairman, I wish to say nothing with respect to the item of repairs in the Treasury building except that human nature Democratic, like human nature Republican, seems to require this annual expenditure, and as it was withheld last year, it comes now in the guise of a deficiency, which makes exactly the amount of the usual annual appropriation for this purpose. Now, if that roof does leak and it can be made still more solid, I say let this six thousand go and the economy with it.

As to the comprehensive remarks of my friend from Missouri [Mr. BURNES] with regard to the fish, he has said all that is now required to be said concerning the codfish, five millions of which, propagated yonder in colder waters, have been taken to the Gulf, and which Professor Baird says can be there multiplied in myriads again and again. But, doubtless by inadvertence, in his otherwise complete statement, my colleague forgot to say that one hundred and fifty million eggs of whitefish and lake fish and shad have been hatched and are now on hand to supply the Northern lakes and inland rivers, the Potomac and the Western rivers, and those South and North; and to delay the distribution of these eggs would be to sacrifice all the expenditure in that direction which has been already incurred. So that it affects not only the codfish in the Gulf, but the whitefish and the shad in the rivers. I wish to make only one remark with respect to the item for artificial limbs.

The Surgeon-General has called attention to the fact that it may be, as has been said here, that the mere publication of the names on the pension-roll has accelerated and increased the demands upon the Government under the existing law for artificial limbs by those who were entitled to the commutation of $75 instead of a limb. I wish to call attention to the fact that we are doing in effect this year, on that appropriation, simply, as the gentleman from New York has said, what we were asked to do last year, and that the commutation oftentimes amounts to far more than the limbs.

Why, Mr. Chairman, there is one private on the roll, who belonged to the Second Minnesota Cavalry, who lost not only his two legs but also his two arms, and, under the law, he is entitled to and has applied for and is now receiving an allowance for the two arms and the two legs which he lost in the defense of his country. So that while on the roll you may find the names of eighteen thousand persons, you will also find that in some cases there are two, three, ay, even four allowances to one person, the soldier being entitled to these allowances under the promise of his Government by reason of loss of limbs by shot or shell, or on account of rheumatism, nervous trouble, paralysis, &c. I think that with the light which we have we can not do otherwise than make the appropriation for this object, because the money in hand, according to the official report, is not sufficient to-day to pay the transportation of wounded and disabled soldiers, who require to be examined every five years; and the period for such examination has now arrived.

Mr. Chairman, I have a word only to say with respect to the matter of the cruisers. I confess, as the distinguished chairman of the committee has said—not because men have been derelict in duty, I do not say that, but because men do not seem to know that which has not yet been tested or tried—we have a remarkable and significant result in the estimates with respect to these cruisers. The proper committee, the Committee on Naval Affairs, when it comes to make provision upon this subject—and I speak as one who aspires to see our coast on the Atlantic, on the Pacific, on the Gulf, and on the lakes defended as becomes a great nation and a greater people—the committee will be required to see that estimates are very carefully guarded; for it is true that $592,000 was the first estimate for the armament of these four vessels; and that estimate having been made in March, 1883, when the question came before the committee and the House on July 7, 1884, it was found that the sum of $683,000 was required instead of $592,000; and keeping pace with the advance of military science and gunners, which seems to go on almost with the celerity of inventive thought all over the world, there was added in July, 1884, an estimate for the Hotchkiss guns, fifty-four in number, making the estimate $737,000. And now the experts in charge of this work say that having expended $580,000, having contracted already under pressing obligations and in view of present needs for an expenditure of $176,000 more, there will be required $166,000 according to their estimate to complete the armament of these four cruisers.

Thus it is true, Mr. Chairman, that the honest and mistaken estimate of $592,000, and the more accurate estimate of $737,000 are now under the teachings of one year's experience swelled to $952,000. Thus it was true under the last administration, and it is true under the present administration of the Navy Department, that as to this matter of armament the officers of the Government have been somewhat in the dark and are feeling their way; and I agree with my colleague on the committee, the gentleman from Missouri, that so far as can now be ascertained $166,000 may not be sufficient to finish the armament of these vessels.

But, Mr. Chairman, while we have thus been groping in the dark with respect to the armament of the cruisers, the most gratifying progress has been made. The Dolphin, having breasted every storm of public criticism and every gale of the tropics, has been virtually completed and accepted. To-day the Atlanta is nearly finished. The Boston is only three months behind, and the Chicago lags only a little in the rear. We shall therefore soon have four of these cruisers, built under contract with a degree of economy which is most encouraging for the future of the Navy in this regard.

Whilst we have thus had these cruisers built with extraordinary cheapness, it at the same time becomes gentlemen to "keep a weather eye open" for extraordinary estimates with respect to the armament of new cruisers, and those estimates should be subjected to the most careful examination. But to-day, with the men of the Washington navy-yard discharged, with the machinery for these great guns standing silent, with the guns themselves lying in the forge, their further progress arrested, there is nothing else to be done than out of the $343,000 now asked by the estimates of the Secretary of the Navy to give the sum of $251,000. It will pay outstanding foreign obligations, which are a debt of honor, and will meet the demands of current contracts already due and pressing. I say, therefore, Mr. Chairman, we can not in my judgment do otherwise than pass this deficiency bill, and guard ourselves carefully in the future when the other deficiencies come here a month or two later.

Mr. BURNES. I now ask that the bill be read for amendment under the five-minute rule.

The Clerk (proceeding to read the bill for amendment) read as follows:

For payment of foreign and domestic bills, for which vouchers have been issued and approved by the Bureau of Ordnance, for the armament of the new steel cruisers, $37,294.84, or so much thereof as may be found necessary.

Mr. HEWITT. I move to strike out the last word for the purpose of putting a question to the gentleman from Missouri [Mr. BURNES] in charge of this bill. I wish to inquire whether the Ordnance Bureau of the Navy Department has incurred debts on behalf of the United States in advance of an appropriation and, if so, under what authority these debts have been incurred, and whether the statute as it now stands permits an officer of this Government in advance of an appropriation to incur a debt on behalf of the United States?

Mr. BURNES. In answer to my friend from New York, I will repeat a statement I have before made. The Secretary of the Navy after allotting $234,000, which was immediately covered by obligations, withdrew $195,000 of the money thus covered by obligations and used it for other purposes. It will be perceived that the obligations were contracted upon the basis of the allotment, and the gentleman may say the withdrawal of the money after the allotment was illegal, or irregular, or inappropriate and unfair. The $500,000 appropriated in July, 1884, exclusively for armament, were sufficient to save the Department from any necessity of violating the law, if it were applied as the law required; but if the $195,000 improperly taken from the bureau after allotment were replaced out of the $500,000, then the law, in my opinion, was doubly violated. If, as claimed by the Bureau of Ordnance, the $195,000 were not replaced out of the $500,000 appropriated, then I presume the violation of law may be considered as confined to the transaction of withdrawing the $195,000 from the bureau after obligations covering it had been incurred.

Mr. HEWITT. My friend from Missouri does not answer my question, which I have put for a purpose. Subsequently to the transfer of the $195,000 an appropriation was made on the 7th of July, 1884, of $500,000, out of which the money so transferred to other bureaus was made good. There being $500,000 in hand, there was at least $300,000 surplus available at that time by the Ordnance Bureau of the Navy Department for the purchase of ordnance. I very well remember the discussion on this floor when I defended that appropriation of $500,000. The then chairman of the Committee on Appropriations thought that there was money enough available for ordnance and that nothing additional was required. It now turns out that, having $300,000 in hand over and above the $197,000 which had been replaced, an officer of this Government contracted obligations to the amount of $120,000 for which there was no appropriation whatever. I call attention to the matter now, because I think this practice most reprehensible. I think it is contrary to the statute; and I trust that now, when a new administra-

tion has come into power—I do not know whether these contracts were made under the old or the new administration——

Mr. HISCOCK. I was about to ask under which administration they were made.

Mr. HEWITT. I say I do not know, and therefore I can not state. But whether they were made under this administration or under the last, the practice is reprehensible; and I call the attention of the House to it at this moment in order that this bad practice may not be continued or repeated.

Mr. CANNON. I will say to the gentleman that the expenditure he now speaks of was made under this administration, within the last twelve months.

Mr. BURNES rose.

Mr. HEWITT. It does not matter where it is made. I condemn it, and I ask the House to condemn it.

Mr. BURNES. Let me go a little further and fully answer the inquiry you made. After this transaction, when $195,000 were taken from the Bureau of Ordnance, I call the gentleman's attention to the fact that in the appropriation of $500,000 there was no provision this $195,000 or the obligations created thereon should be repaid.

Mr. HEWITT. Nor was it necessary.

Mr. BURNES. But in fact it was not repaid, nor any part of it. I say the wrong done was in recalling the $195,000 after the allotment.

Mr. HISCOCK. I ask the gentleman from Missouri whether it is true the wrong was done then? When a Department has exhausted its money is there anything to do but to stop work?

Mr. RANDALL. That is it.

Mr. HISCOCK. The chairman of the Committee on Appropriations says I am right.

Mr. HEWITT. We all agree you are right.

Mr. RANDALL. I say that no officer has a right to involve the Government in contracts or expenditures of money beyond the appropriation.

Mr. HISCOCK. What I am deprecating is the effort on the part of the gentleman from Missouri to throw the blame back.

Mr. RANDALL. We have over and over again in the Appropriations Committee inserted a clause to prevent this practice on the part of officials.

Mr. HISCOCK. I hope it will be lived up to in the future.

Mr. HEWITT. I wish to take issue in the most distinct manner with the statement of the gentleman from Missouri. I do not do it because I wish to antagonize him on his bill, but because I wish to lay the verdict of censure on this bad practice. When $500,000 was made available to the Chief of Ordnance of the Navy Department it was his business to discharge the bills he encountered under that allotment. That was what he did. Out of the $500,000 every dollar of the then existing obligation was paid. And if he had not then the money available to go on with his work, it was his business to come back to the House with an estimate and not expend a dollar until an appropriation was made therefor.

Mr. BURNES. The distinguished gentleman from New York I believe misconceives the law. This appropriation, made in 1884 for the current fiscal year, nor any part of it, could be used in payment of prior expenditures. By express law it must be used in that current year for work and obligations incurred in that year.

Mr. RANDALL. I do not think the statement of the gentleman from New York is correct, because the second appropriation was in the line of the first, to get guns for these four vessels; and the natural and right thing to do was, if they went beyond the limit of the law and involved the Government in expenditures, to pay that first.

Mr. HEWITT. Let me supplement that by saying as a matter of fact that is what they did. They took the money and discharged every one of those obligations. If, as the gentleman from Missouri said, it was contrary to law, then they violated the law twice over.

Mr. RANDALL. This whole transaction is inexcusable, and the officials should have promptly reported the facts to the House, so the remedy might have been in an additional appropriation.

Mr. BURNES. One word more and I am done. The gentleman from New York says as a matter of fact the $195,000 were repaid out of the $500,000. As a matter of fact, the Chief of the Bureau of Ordnance says it was not done. Very likely the gentleman from New York is the better informed of the two as to the fact. I simply report the fact to the House that the officials who did this thing say that out of the $500,000 these $195,000 were not repaid, and that that $195,000 never was made good, nor the obligations based thereon paid.

Mr. HISCOCK. Does the gentleman say that the $500,000 did not more than pay all the contracts outstanding?

Mr. HEWITT. I can settle it out of his own mouth.

Mr. HISCOCK. The gentleman is defending the administration.

Mr. BURNES. I never defend wrong anywhere.

Mr. HISCOCK. No; I know you do not.

Mr. HEWITT. In regard to this estimate of $197,757, the Chief of the Bureau of Ordnance of the Navy Department, Commodore Sicard, writes on the 20th day of January, 1885, as follows:

> This money was obligated on orders given for the ordnance outfit of the steel cruisers, but pending the delivery of the material, and before the appropriations for 1885 became available, the money was used by the Department to meet demands for payment of bills incurred in the construction of the hulls of the ships.

Now that amount was over $195,000. Unless, then, he has paid some portion of that amount, how is it possible that he can come here and ask for only an appropriation of $175,000 to pay all the outstanding bills? He must have paid a portion of it or he would have wanted the whole $197,000 in this deficiency bill.

Mr. McCOMAS. Mr. Chairman——

Mr. KING. What document does the gentleman from New York read?

Mr. McCOMAS. I move to strike out the last word.

The CHAIRMAN. It is not necessary; there is an amendment pending.

Mr. McCOMAS. I desire to say, Mr. Chairman, that if this be true as stated here, that our friends upon the other side are naturally concerned in defending the administration——

Mr. RANDALL. Nobody said that; but that we do not defend wrong under any circumstances, and no matter by whom done.

Mr. McCOMAS. I understand what the gentleman said; but candor compels me to say that I agree fully with the chairman of the committee, and can correct the gentleman from New York [Mr. HEWITT] by giving him the correct figures, which will painfully show that during the last current year, from March 4 until now—that is, from March 4, 1885, down to March 5, 1886—there can be no escape from the fact that the officials in charge of this armament have exceeded the bounds of the law and have expended more money than was appropriated. Five hundred thousand dollars was the sum appropriated; $234,000 was the sum allotted by the Secretary under the law.

Now you take the total of $734,000, and they have already expended $580,000 and were only entitled to $153,747 more by the very paper my honored friend from New York holds in his hand, which shows that they have expended over $176,000 in excess. If that has been done by Republicans in the past I do not know the fact; if it was done by them it was wrong, and always wrong no matter who did it. If it was done by the Democrats within the last year, or is being done now, it is wrong, and it is just as wrong as it was before if the Republicans did it, and I raise my voice in protest against it.

I say that it is a wrong which is not defensible in any party, I care not who does it, and if it was done the year before last and I had been here I would have denounced it, and I denounce it now. I am only willing to vote this appropriation, Mr. Chairman, because it has been expended and the amount is invoked so that the administration may feel that there is that in this action of the House, which I have spoken of in my previous remarks, which will put a stop to these expenditures without authority and excesses without power in the future.

Mr. HEWITT. Will the gentleman tell me why he says he rose to correct my statement, when he has made the same statement that I did and referred to the same facts that I did? I would like to know how he means to correct me?

Mr. McCOMAS. I only want to say that I wished to place the matter correctly before the House and wanted to protect these appropriations in future against such abuses and to place the exact figures before this House.

Mr. HEWITT. Then I wish the gentleman would use the words that express his meaning and not undertake to correct a statement of mine which is simply confirmed by what he says himself.

Mr. KING. I would like to have the gentleman from New York state what document it was from which he read.

Mr. HEWITT. I read an extract of a letter from the chief of the Bureau of Ordnance, Commodore Sicard, dated January 20, 1885, embodied in Senate Executive Document No. 97, second session of the Forty-eighth Congress, being a letter from the Secretary of the Treasury transmitting an estimate for appropriations for completing the ordnance of the new steel cruisers.

I withdraw the amendment.

Mr. SPRINGER. If there is no amendment pending I renew that of the gentleman from New York.

Gentlemen upon the other side have severely condemned what is said to be an illegal expenditure of this money under this administration. I am not so familiar with the details of this matter as to be able to say whether there has been an illegal expenditure of money or not, though I am inclined to think there has been. But I also desire to put on record the fact that the illegal expenditure of money has been made by the same officials in the Department who have been there under the last administration and who are still retained in place.

Mr. McCOMAS. Does that make it right?

Mr. SPRINGER. No, sir; it does not. I want to show, however, to the gentleman that if this administration has been derelict in anything it has been in its slowness in turning the rascals out.

Mr. McCOMAS. I ask the gentleman from Illinois if he does not know this whole expenditure ought to be, and is by law, under the control of the head of the Department?

Mr. SPRINGER. I know these matters are all nominally under the control of the Secretary of the Navy, as other appropriations are nominally under the control of other heads of Departments. But the fact is, no one man can supervise the expenditure of all the appropriations.

He must necessarily and does actually depend in all these matters upon the advice and recommendation of his subordinates. Gentlemen upon the Appropriations Committee know that that is the regular proceeding in all these matters.

I believe Mr. Whitney has desired to observe the law. I believe that if his attention had been called to it he would have enforced the law. I believe now his attention is called to it he will see to it that these unworthy officials whom he has inherited from his predecessors shall be turned out and Democrats, honest Democrats as I know they will be, put in their places.

Mr. HEWITT. I send to the desk and ask to have read sections 3678 and 3679 of the Revised Statutes.

The Clerk read as follows:

SEC. 3678. All sums appropriated for the various branches of expenditure in the public service shall be applied solely to the objects for which they are respectively made, and for no others.

SEC. 3679. No Department of the Government shall expend, in any one fiscal year, any sum in excess of appropriations made by Congress for that fiscal year, or involve the Government in any contract for the future payment of money in excess of such appropriations.

Mr. HEWITT. Now I have asked for the reading of those sections of the Revised Statutes in order that it may not hereafter be alleged that due notice has not been given to these public officials that they will be held to strict account in this House and before the public judgment.

Mr. SPRINGER. I withdraw the formal amendment.

Mr. CANNON. I move to amend by striking out the last two words.

I wish to say a single word in reply to the gentleman frow New York [Mr. HEWITT] and to my colleague [Mr. SPRINGER]. That law which the gentleman from New York has had read is no doubt the law applicable to the expenditure of ordinary appropriations. But if it is to be strictly enforced I will say to him that within the next sixty days or thirty days the mail service would stop on every railroad in this country, owing to the insufficient appropriations for that service. Yet the service will continue, because there is a law independent of the appropriation which says it shall continue.

Mr. HEWITT. There is a law for that.

Mr. CANNON. So you may say as to certain expenditures here. The law of 1883 required the Secretary of the Navy to build these ships, both hull and armament, within a certain amount, the work to be contracted except the armament. The contracts were made, and the whole expenditure and obligation are within the limit originally fixed, so the acts must be so construed as to make all of them operative.

But now a word to my friend from Illinois, who always goes straight to the point. I admire him for that, and always have done so. What are the facts in this case? The Navy Department is organized into bureaus, and at the head of those bureaus are naval officers, every one of them. I do not know what their politics are; I do not care; I have no defense to make for them. The gentleman from Kansas says they are Mugwumps. They may be, or they may be Democrats; I care not at all. It is said that the most of them are Democrats. The President, Commander of the Army and Navy, has the power to transfer any or all of them, in the twinkling of an eye, to duty elsewhere.

I know further, your Secretary of the Navy, if they be, as my colleague from Illinois claims, dishonest and rascals—and they belong to the Navy and are regular Navy officers—has failed to perform his duty if he has not asked the President to do this; and if he has done so and the President has refused, but one course is left to the Secretary of the Navy as an honest and independent man, and that is to resign. So you can travel down either road you please; you can say on the one hand that your Secretary of the Navy and your President are dishonest; and if you do not want to travel down that road, take the other and say that they are foolish and incompetent. You can travel down whichever road you please. The law and my colleague made the situation. Which of the two does the gentleman from Illinois choose for President and Secretary of the Navy? I pause for an answer.

Mr. HEWITT. Will the gentleman allow me to ask him a question?

Mr. CANNON. I was devoting my attention to my colleague [Mr. SPRINGER] and should like to have a reply from him.

Mr. HEWITT. Did my good friend from Illinois [Mr. CANNON], who knows so much now about the public business, who knows more about it than almost any other member, did he know as much when he came here fifteen or twenty years ago—Heaven knows how long ago; his hair has thinned as mine has done since we first came here—did he know as much then as he does now? And have these gentlemen in the Executive Departments had the long experience the gentleman from Illinois has had? Is he not willing to give us a little time to get our hands in, and is it not necessary that abuses of long standing should be pointed out in order that reform may come in, and is it not the duty of the friends of these gentlemen to point out every violation of law as it occurs or comes to our notice? And if we do perform this duty, are we not entirely true to the doctrine we laid down and the pledges we gave to the people, that we would reform the Government if it should be intrusted to our administration?

[Here the hammer fell.]

Mr. CANNON. The gentleman from New York has asked me a question. I hope I will be indulged in a reply. I want to say I accept his apology for the President and Secretary of the Navy, but beg leave to say it is always perilous to put ignorance at the helm even if honesty go with it, and I suggest that the gentleman add to ignorance of public men and measures on the part of the Executive modesty; and in view of the gentleman's confessions I suggest that he stop his President and stop his Secretary of the Navy and stop his Mugwump and Democratic admirers all over the country, from one ocean to the other, crying out eternally, morning, noon, and night, "Great and honest and wise are we!" [Laughter.]

Mr. BURNES. Mr. Chairman, I move that the committee do now rise; and in making that motion allow me to say that I had fondly hoped that we could get through this discussion of business propositions without resorting to the political pyrotechnics to which some gentlemen seem always ready to resort on the shortest possible notice and without the slightest provocation. I regret it, sir, for a reason which I will state. Under former administrations it was never my fortune to meet a Democrat in service here. Our sympathy was never reached by the appointment of our brethren to important offices. With all their kindness and courtesy—for which I thank them—their attentions never took that form. I can not defend them; and being down, although I fear not as fully out as we on this side could desire, I need not harass them.

In the Navy Department I have not found enough Democrats under the present administration to justify me in making a partisan appeal. Therefore I have simply contented myself with looking at the business aspect of these propositions. My motion is that the committee do now rise.

Mr. SPRINGER. Will the gentleman from Missouri [Mr. BURNES] withhold his motion for a moment while I correct a statement of my colleague from Illinois [Mr. CANNON]?

Mr. HOLMAN. Mr. Chairman——

Mr. BURNES. Mr. Chairman, I must insist upon my motion. As I have not yielded to the gentleman from Illinois [Mr. SPRINGER] I can not yield to the gentleman from Indiana [Mr. HOLMAN].

Mr. HOLMAN. Mr. Chairman, I move to strike out the last line of the pending bill. I make that motion in order that I may have read at the Clerk's desk section 3690 of the United States Statutes.

The Clerk read as follows:

All balances of appropriations contained in the annual appropriation bills and made specifically for the service of any fiscal year, and remaining unexpended at the expiration of such fiscal year, shall only be applied to the payment of expenses properly incurred during that year, or to the fulfillment of contracts properly made within that year; and balances not needed for such purposes shall be carried to the surplus fund. This section, however, shall not apply to appropriations known as permanent or indefinite appropriations.

Mr. HOLMAN. Mr. Chairman, I rose simply for the purpose of having that section of the statutes read and making one remark. Taking the three sections of the statute together bearing upon this subject, sections 3678, 3679, and 3690, it seems to me that no portion of the $500,000 appropriation referred to could have been applied to the payment of the $195,000 upon which this item of the deficiency rests; that it was not subject to that application, that it was an appropriation to be applied to the payment of contracts made during the current year, and did not admit of being applied to any preceding liability incurred by this bureau.

A single additional word. I do not know how often gentlemen upon this floor have witnessed just such debates as those which we have listended to during the last few minutes, in which there has been unqualified condemnation of the violation by the Departments of these three provisions of law, and yet it is manifest that notwithstanding the earnestness on this subject which may be expressed here, as long as Congress goes on promptly, as we are doing in this instance, to vote every dollar that is required to make up deficiencies created in violation of law this practice by the Departments will continue. We can not even wait until the regular deficiency bill comes in, but must hasten to pass a special act for the purpose of appropriating moneys to meet liabilities incurred without authority of law. If it is the intention of the House that these three exceedingly important provisions of law shall be complied with by the Departments, you have got to indicate it by something else than the mild protest of speeches on this floor.

Mr. WEAVER, of Iowa. Then would not the proper method be to vote that item out of this bill?

Mr. HOLMAN. If this item is voted out and a few other similar ones there would be left only new appropriations of money for the current year. Here is over $600,000 to be appropriated, part of it new appropriations, not deficiencies; appropriations for the current year, not to meet obligations heretofore incurred, but for the current year, the balance deficiencies in the main originating in violation of law. It is not clear by any means what ought to be done by Congress in such cases, but it is certain that the practice of appropriating money to meet deficiencies, except in cases where causes for the expenditure are imperative and could not be foreseen, ought to cease.

Mr. SPRINGER. Mr. Chairman, I move to strike out the last word. I desire to correct my colleague from Illinois [Mr. CANNON] in regard to the persons who are performing the duties of heads of these bureaus. The gentleman at the head of the Ordnance Bureau is Captain Sicard. He is a naval officer, it is true, and the law requires that the person

appointed to this position shall be a naval officer. The name of the appointee is sent to the Senate by the President. The only restriction upon the President is that the appointee shall be a naval officer. This gentleman has been appointed under the law and is serving. It is alleged that the President should have removed him if incompetent.

The President has been engaged in removing officials found to be unfit or incompetent, but it was impossible for him in the brief space of one year to remove all the incompetent and unworthy officials that he found in office a year ago. He has removed six hundred and forty and odd, and there are twice as many more demanding his attention; and yet the Senate hesitates about confirming the successors to those he has removed. He is obstructed in what he has already done, yet here are gentlemen complaining of him for not doing more. Just give him an opportunity. Confirm his nominations at the other end of the Capitol, and another year will not have passed until the President will have gone through all the Departments of the Government and put honest men in place of those who have abused their trusts.

Mr. DUNHAM. Have you not complained of him faster than we have?

Mr. HEPBURN. For instance, in regard to one of the judges of New Mexico?

Mr. SPRINGER. He was an honest man—as honest a man as any on this floor. I know him well.

Mr. BURNES. I now ask unanimous consent that this debate be closed. If this be not agreed to, I shall move that the committee rise.

The Clerk resumed and concluded the reading of the bill.

Mr. MCADOO. Mr. Chairman, I move *pro forma* to amend by striking out the last word. I want to say to the perturbed gentleman from Maryland [Mr. MCCOMAS] that since the Committee on Naval Affairs of this House has had charge of the naval appropriation bill we have found that there has existed and is existing in the Navy Department a gross abuse with regard to these appropriations. Take the current appropriation for the maintenance of the Navy—for the carrying on of the Department. You may give a lump sum for maintaining the Navy and another lump sum for the civil list; but every ship in the navy-yards may fall to pieces, every dock may become decayed, before the salary list of the Navy goes down a dollar. What do they do? If they find that the question is between repairing a leak in a ship, maintaining a dock that is decaying, or keeping some man on the pay list, the leak goes unrepaired, the dock goes on decaying, but the man remains.

Mr. DUNHAM. Docks do not vote.

Mr. MCADOO. Mr. Chairman, unless this House will let the Navy Department know that only specific items will be dealt with here, that the pay-roll, the civil list of those employed in the navy-yards, shall be submitted to us, this abuse will go on. I can tell the gentleman from Maryland that so far as the majority of this House is concerned, so far as the present Committee on Naval Affairs of this House is concerned, we intend in the naval appropriation bill to submit to the House the items which go to make up the large amount annually appropriated to carry on this vast establishment.

These appropriations have been abused—not alone with regard to the maintenance of the navy-yards and the payment of the civil list, but one fund has been borrowed from constantly to help another. Of course they can avoid reporting a deficiency. Why, sir, the other day a prominent officer of the Navy was before the Naval Committee asking for a lump appropriation to pay the men employed and another to maintain the navy-yards; and he stated that he did not care to which appropriation we made the addition, "for," said he, "if you will increase the amount asked for maintaining ships and keeping them in good repair, I can borrow from that and so maintain the same salary list."

I am glad, Mr. Chairman, that the distinguished gentleman from New York [Mr HEWITT] has brought this matter to the attention of the House and the country. I think I can safely promise for the Naval Committee and for the majority of this House that henceforward this abuse shall be stopped.

Mr. REAGAN. I desire, Mr. Chairman, to confirm the statement of the gentleman from Indiana that year after year we are called upon here to make protests against the violation of the law by the Executive Departments of the Government in expending money which they are not authorized by law to expend, and in fact taking away from the Congress of the United States the power to determine how much money shall be used by the Departments. One purpose of the Constitution was that Congress should determine the amount of money to be expended by the Executive Departments; but those Departments have become so accustomed to violate the law and to make expenditures not justified by law, that it is expected that as a matter of course they will go on and spend what money they please and that we will make up the deficiency.

The gentleman from Indiana, a member of the Committee on Appropriations, has advised us that the only deficiency in this bill is one which was created in violation of law; that the other items are original items of appropriation. I do not know what the gentleman from Indiana means to do with reference to this bill; but I have heard no protest from him against reporting it to the House, and I infer that he will vote for the bill. For myself I shall cease to make mere verbal protests. Upon every showing like this I shall record my vote against the passage of the bill containing appropriations to meet deficiencies thus created in violation of law; and I trust that this House in the face of such a record as we have presented will make a protest which can be understood henceforward on this subject.

Mr. MCADOO. I withdraw my *pro forma* amendment.

Mr. BURNES. I move that the committee rise and report the bill to the House with a recommendation that it pass.

The motion was agreed to.

The committee accordingly rose; and the Speaker having resumed the chair, Mr. MCCREARY reported that the Committee of the Whole House on the state of the Union had directed him to report without amendment and with a recommendation that it be passed the bill (H. R. 5893) to provide for certain of the most urgent deficiencies in the appropriations for the service of the Government for the fiscal year ending June 30, 1886, and for other purposes.

The bill was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time.

The SPEAKER. The question is on the passage of the bill.

Mr. HISCOCK. I desire to inquire what was the remark made a while ago by the gentleman from Texas [Mr. REAGAN] that called upon the Democratic side not to vote for the passage of this bill.

Mr. REAGAN. And the Republican. [Laughter.]

The SPEAKER. In the opinion of the Chair this is not one of the general appropriation bills, and the rules do not require the yeas and nays to be taken on its passage. The yeas and nays therefore will not be taken unless demanded by some member and ordered by the House.

Mr. THOMAS. I call for the yeas and nays.

The yeas and nays were ordered; there being—ayes 33, noes 96; more than one-fifth voting in the affirmative.

The question was taken; and it was decided in the affirmative—yeas 230, nays 20, not voting 73; as follows:

YEAS—230.

Adams, G. E.	Everhart,	Long,	Rowell,
Allen, C. H.	Felton,	Lore,	Ryan,
Allen, J. M.	Findlay,	Loutitt,	Sadler,
Atkinson,	Fleeger,	Lovering,	Sawyer,
Ballentine,	Foran,	Lowry,	Scott,
Barnes,	Ford,	Lyman,	Scranton,
Barry,	Forney,	Markham,	Seymour,
Bayne,	Fuller,	Martin,	Shaw,
Beach,	Funston,	Maybury,	Singleton,
Bingham,	Gay,	McAdoo,	Smalls,
Blanchard,	Gilfillan,	McComas,	Snyder,
Bland,	Glass,	McCreary,	Sowden,
Bliss,	Goff,	McKenna,	Spooner,
Bound,	Green, W. J.	McKinley,	Spriggs,
Boutelle,	Grosvenor,	McMillin,	Stahlnecker,
Boyle,	Grout,	Merriman,	Steele,
Brady,	Hale,	Millard,	Stephenson,
Browne, T. M.	Hall,	Miller,	Stewart, Charles
Brown, W. W.	Halsell,	Milliken,	Stewart, J. W.
Buchanan,	Hammond,	Mills,	St. Martin,
Bunnell,	Harris,	Mitchell,	Stone, W. J., of Mo.
Burnes,	Hatch,	Moffatt,	Storm,
Burrows,	Hayden,	Morgan,	Strait,
Butterworth,	Heard,	Morrill,	Swope,
Bynum,	Hemphill,	Morrow,	Symes,
Campbell, Felix	Henderson, D. B.	Murphy,	Taylor, I. H.
Campbell, J. M.	Henderson, T. J.	Neal,	Taylor, Zach
Campbell, J. E.	Henley,	Neece,	Thomas, J. R.
Campbell, T. J.	Hepburn,	Negley,	Thomas, O. B.
Cannon,	Herbert,	Nelson,	Thompson,
Carleton,	Herman,	Norwood,	Townshend,
Catchings,	Hewitt,	Oates,	Trigg,
Cobb,	Hiestand,	O'Donnell,	Turner,
Cole,	Hires,	O'Ferrall,	Van Eaton,
Comstock,	Hitt,	O'Hara,	Van Schaick,
Conger,	Holman,	O'Neill, Charles	Wade,
Cox,	Holmes,	Osborne,	Wadsworth,
Crain,	Hopkins,	Outhwaite,	Wait,
Crisp,	Howard,	Owen,	Wakefield,
Croxton,	Hutton,	Parker,	Ward, J. H.
Curtin,	Irion.	Payne,	Ward, T. B.
Cutcheon,	James,	Payson,	Warner, A. J.
Daniel,	Johnson, F. A.	Peel,	Warner, William
Dargan,	Johnston, J. T.	Perkins,	Weaver, A. J.
Davidson, A. C.	Johnston, T. D.	Perry,	Weber,
Davidson, R. H. M.	Jones, J. H.	Peters,	Wheeler,
Dawson,	Jones, J. T.	Pettibone,	White, A. C.
Dingley,	Ketcham,	Phelps,	White, Milo
Dockery,	King,	Pindar,	Wilkins,
Dorsey,	Kleiner,	Pirce,	Willis,
Dowdney,	Laffoon,	Plumb,	Wilson,
Dunham,	Landes,	Randall,	Winans,
Eden,	Lanham,	Ranney,	Wise,
Eldredge,	Lawler,	Reed, T. B.	Wolford,
Ellsberry,	Le Fevre,	Rice,	Woodburn,
Ely,	Libbey,	Richardson,	Worthington.
Ermentrout,	Lindsley,	Rockwell,	
Evans,	Little,	Romeis,	

NAYS—20.

Bennett,	Cowles,	Reid, J. W.	Taulbee,
Blount,	La Follette,	Riggs,	Taylor, J. M.
Bragg,	Mahoney,	Rogers,	Throckmorton,
Breckinridge, W. C. P.	McRae,	Sayers,	Tillman,
Clements,	Reagan,	Springer,	Viele.

NOT VOTING—73.

Adams, J. J.	Barbour,	Buck,	Clardy,
Aiken,	Barksdale,	Burleigh,	Collins,
Anderson, C. M.	Belmont,	Cabell,	Compton,
Anderson, J. A.	Breckinridge, C. R.	Caldwell,	Cooper,
Arnot,	Brown, C. E.	Candler,	Culbertson,
Baker,	Brumm,	Caswell,	Davenport,

Davis,	Guenther,	Matson,	Stone, W. J., of Ky.
Dibble,	Hahn,	Morrison,	Struble,
Dougherty,	Hanback,	Muller,	Swinburne,
Dunn,	Harmer,	O'Neill, J. J.	Tarsney,
Farquhar,	Haynes,	Pidcock,	Taylor, E. B.
Fisher,	Henderson, J. S.	Price,	Tucker,
Frederick,	Hill,	Pulitzer,	Weaver, J. B.
Gallinger,	Hiscock,	Reese,	Wellborn,
Geddes,	Houk,	Robertson,	West,
Gibson, C. H.	Jackson,	Seney,	Whiting.
Gibson, Eustace	Kelley,	Sessions,	
Glover,	Laird,	Skinner,	
Green, R. S.	Lehlbach,	Stone, E. F.	

So the bill was passed.

During the roll-call, on motion of Mr. EDEN, the recapitulation of the names was dispensed with.

Under the rule the following pairs were announced from the Clerk's desk until further notice:

Mr. ARNOT with Mr. STRUBLE.

Mr. REESE with Mr. BROWN, of Ohio.

Mr. CANDLER with Mr. LAIRD.

Mr. HENDERSON, of North Carolina, with Mr. JACKSON, until March 9.

Mr. PIDCOCK with Mr. HARMER, until Tuesday next.

For this day:

Mr. HILL with Mr. COOPER.

Mr. GEDDES with Mr. BUCK.

Mr. TARSNEY with Mr. HANBACK.

Mr. FISHER with Mr. EZRA B. TAYLOR.

Mr. CALDWELL with Mr. BURLEIGH.

Mr. ANDERSON, of Ohio, with Mr. CASWELL.

Mr. BRECKINRIDGE, of Arkansas, with Mr. KELLEY.

Mr. ADAMS, of New York, with Mr. HAYNE.

Mr. GREEN, of North Carolina, with Mr. WEST.

Mr. TOWNSHEND with Mr. JOHNSON, of New York.

Mr. SKINNER with Mr. BAKER.

Mr. SENEY with Mr. ANDERSON, of Kansas, on this vote.

Mr. WADE with Mr. DIBBLE.

The vote was then announced as above recorded.

Mr. BURNES moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

MESSAGE FROM THE SENATE.

A message from the Senate was received, by Mr. MCCOOK, its Secretary, announcing the passage of joint resolution (H. Res. 46) accepting from Julia Dent Grant and William H. Vanderbilt objects of value and art presented by various foreign governments to the late General Ulysses S. Grant; in which concurrence was requested.

ORDER OF BUSINESS.

Mr. SPRINGER. I move that the House resolve itself into Committee of the Whole for the purpose of considering the Private Calendar; and pending that motion I desire to yield a moment to the gentleman from Kansas [Mr. RYAN], who wishes to make a request of the House.

Mr. RYAN. Mr. Speaker, on yesterday, not having time to conclude what I had intended to say on the pension appropriation bill, I supposed I had asked leave of the House to extend my remarks, but the RECORD shows that I only asked leave to print some extracts from the reports. I now ask unanimous consent to print some additional remarks in the RECORD upon that bill.

There was no objection.

The motion of Mr. SPRINGER was then agreed to.

The House accordingly resolved itself into Committee of the Whole, Mr. HATCH in the chair.

The CHAIRMAN. The House is now in Committee of the Whole for the consideration of the Private Calendar, and the Clerk will report the first bill.

HENRY WASHBURN AND THOMAS WASHBURN.

The first business on the Private Calendar was the bill (H. R. 398) for the relief of Henry Washburn and Thomas Washburn, reported adversely from the Committee on Claims.

The bill was read at length.

Mr. SPRINGER. By request this bill was laid aside informally on last Friday in order to await the arrival of my colleague from Illinois. After consulting with him I find that he does not desire to press the passage of the bill against the adverse report of the committee. I therefore move that it be laid aside to be reported to the House with an adverse recommendation.

The motion was agreed to.

B. JENNINGS.

The next business on the Private Calendar was the bill (S. 85) for the relief of B. Jennings.

The bill is as follows:

Be it enacted, &c., That the the sum of $3,114.66 be, and the same is hereby, appropriated, out of any money in the Treasury not otherwise appropriated, to pay B. Jennings, late register of the land office of the United States at Oregon City, to reimburse said Jennings for money expended by him as said register, between the 1st day of June, 1859, and December 31, 1860, for additional clerical services and extraordinary expenses during said period, not heretofore allowed or paid.

Mr. EDEN. I call for the reading of the report.

The report (by Mr. NEAL) was read, as follows:

The Committee on Claims, to whom was referred the bill (S. 85) for the relief of B. Jennings, having considered the same, respectfully report:

This bill was reported favorably by Senator SLATER, from the Committee on Public Lands, at the last session of the Senate, and again reported favorably by Senator DOLPH, from the Committee on Public Lands, this session. Your committee adopt the report of Senator SLATER, concurred in by Senator DOLPH, which is as follows:

That the claimant, B. Jennings, was register at the United States land office at Oregon City, in the State of Oregon, and between April 1, 1859, and January, 1861, he paid out of his private funds for clerical service in his said office the sum of $3,114.66, as shown by vouchers forwarded to the General Land Office under date of December 17, 1860, in obedience to a circular letter of the Department of date August 6, 1860.

This claim was reported to Congress by the Department, and its payment recommended, in 1861.

The history of this claim is very fully set forth in a letter addressed to Hon. H. M. Teller, Secretary of the Interior, by the Commissioner of the General Land Office, of date February 6, 1884, from which the following is taken:

"By circular instructions from this office, dated August 16, 1860 (copy herewith), registers and receivers were directed to transmit tabulated statements of amounts paid by them for clerical services rendered under acts of Congress approved August 20, 1818 (vol. 3, p. 466, U. S. Stats.), and August 18, 1856 (vol. 11, p. 91, U. S. Stats.).

"In compliance with said instructions, B. Jennings, register of the land office at Oregon City, presented a statement, supported by the proper vouchers (copies herewith), from which it will be seen that the several amounts paid by him aggregate $3,114.67. On January 19, 1861, the then Commissioner of this office addressed a communication to the acting Secretary of the Interior, recommending an appropriation to pay this claim, and December 21, 1880, this office again recommended the payment of the above amount.

"The extraordinary services rendered by the clerks employed by Mr. Jennings were occasioned by the large number of donation claims passed upon in the Oregon City office, there being of this class 9,040, besides the selection of school and other lands, as set forth in a statement made to this office by Mr. Jennings on December 17, 1860. (See copy herewith.)

"Mr. Jennings has complied with the requirements of the Department by filing the necessary accounts and vouchers. I am of opinion that the claim is a just one."

In a subsequent communication of the same date, addressed to the Secretary of the Interior, the Commissioner further says:

"Referring further to my report of the 6th instant on Senate bill No. 510, for the relief of B. Jennings, late register at Oregon City, Oreg., I have the honor to state that neither the register nor receiver at that office had at any time public moneys of the United States in their possession applicable to payment of salaries of clerks, and that the payments by Mr. Jennings for such services must therefore have been paid from his private funds."

It is unquestioned that additional and extraordinary clerical services were required in bringing up the business of this office; that such services were secured and paid for by Mr. Jennings, and that the Government has had the full benefit of these services and has never reimbursed Mr. Jennings therefor.

Therefore your committee recommend that the bill should pass.

LAND OFFICE, OREGON CITY, *December* 17, 1860.

SIR: Herewith please find vouchers No. 1, Thomas J. McCarver; No. 2, Samuel Holmes; No. 3, Thomas J. McCarver; No. 4, D. B. Hannah; No. 5, Edward T. Jennings; No. 6, William L. White; and No. 7, William B. Campbell, and tabular statement on account of reasonable compensation for additional clerical services and extraordinary expenses in the land office at Oregon City.

Your circular letter of 16th August last requires a statement of the kind of service rendered. The services are various, consequent upon the large arrearage of labor growing out of the donations to actual settlers in Oregon.

This communication has been delayed some five or six weeks, that I might be able to give in detail all and every species of extraordinary labor growing out of donations. After this delay, with diligent investigation, I find myself no nearer accomplishing the end than when I first began.

Bearing in mind the terms of the act of 1818, the allowance thereby made for clerical assistance, I desired to ascertain the aggregate area of land the Government had given away, thereby depriving this office of the percentage contemplated by that act for clerical aid. The record shows the number of claimants, but does not show conflicts, area, or any of the existing embarrassments. Upon the receipt of your circular above referred to, 16th August last, with the assistance of the clerk, Mr. White, I commenced searching records, maps, and papers, determined to give a full history of all the facts connected with the duties and labors in this office, but finding the search so materially trespassing upon the more important business of the office, I was compelled to abandon the further search and submit the case with a brief statement. The records show eight thousand and forty donation claims upon surveyed lands, and over one thousand upon unsurveyed lands; many of the latter, however, have been located upon the respective townships in which they reside after the surveys were completed.

I have examined about five thousand claims, and if those not examined will compare with those examined, will embrace about 2,400,000 acres of land. This land at $1.25 per acre would have been a neat little sum in the Treasury of the United States. An office in the receipt of that amount of money from the sales of public lands, the probability is, there would be but little difficulty in obtaining appropriations for clerical aid, fuel, lights, and other expenses in the land office; but as Congress saw fit to donate lands to actual settlers in Oregon, it is fair to presume a consideration; if so, the Government is as much under obligation to perfect the title to their claims as if they had paid for their land in cash.

The additional labor growing out of donations being an excess of labor over and above the ordinary sales of public lands:

1. Filing, recording, and platting notifications.
2. Taking primary proofs, filing and recording the same.
3. Taking the final proofs, filing and recording the same.
4. Adjusting conflicts of boundaries.
5. Change of boundaries, to avoid conflicts or to include their improvements.
6. To hear and determine difficulties between husband and wife as to the division of their claims.
7. Selection of lands by university commissioners in broken legal subdivisions, made so by donation claims.
8. Selection of lands by superintendent of common schools in lieu of sixteenth and thirty-sixth sections, taken by donation.
9. Furnishing abstracts of notifications to surveyor-general of claims entitled to survey.
10. Additional labor in tract books.
11. Additional labor in making donation certificates accompanied by special plats.
12. Copying a map of papers preparatory to making donation certificates.
13. Numerous correspondence.

The first, second, third, seventh, and eighth will not longer be burdensome to this office. The fourth, eleventh, twelfth, and thirteenth, the labor will be immense, for which no correct estimate can be made.

The labor above enumerated embraces the character of service rendered by the clerks employed by me. One class of service, however, not mentioned is that performed by E. T. Jennings, as notary public, without charge to parties visiting the office.

I most respectfully ask your assistance in procuring an appropriation to meet the expenses and liabilities thus incurred.

Very respectfully, your obedient servant,

B. JENNINGS, *Register.*

COMMISSIONER GENERAL LAND OFFICE,
Washington, D. C.

Mr. WARNER, of Missouri. The report of the committee sets out very fully the facts upon which this bill was based. It seems to me that the payment of this claim was recommended first by the Secretary of the Interior in 1861, and again in 1880. The fact is that this claimant, who was register of the land office in Oregon City, paid out in 1859 three thousand one hundred and odd dollars for the Government which has never been repaid to him, and this claim arises, Mr. Chairman, under a plain provision of the statute. He was authorized to make these expenditures, which were to be reported to Congress by the Secretary of the Interior for approval and payment.

I yield five minutes to the gentleman from Oregon [Mr. HERMAN].

Mr. HERMAN. Mr. Chairman, I thank the gentleman who has charge of this bill for this courtesy, and I thank him as well as the committee of which he is a member most profoundly and with heartfelt gratitude for the kind words incorporated in the report now before us for action.

I have known the venerable Col. Berryman Jennings from boyhood. I am to a certain extent acquainted with the facts cited in the report of the committee. Colonel Jennings is now in advanced years and is upon a bed of suffering. In 1859, 1860, and 1861 Colonel Jennings occupied the position of register of the Oregon City land office in the State of Oregon. At that time the compensation of registers and receivers was fixed at a stated or maximum salary of $500, together with such compensation, not to exceed $3,000 in all, from a stated commission of 1 per cent upon the sales of public lands made by them. In 1850 Congress passed an act granting certain portions of these lands to settlers coming to Oregon as an inducement for settlement. The lands so taken by settlers under the donation act amounted to about 3,000,000 of acres, and therefore took that much from the public lands upon which the registers and receivers would have been entitled to 1 per cent. had the lands been sold under the pre-emption act or by cash entry. Therefore the officers were deprived of this source of revenue in order to make up the maximum compensation allowed by law.

They were also authorized by the act of 1856 to employ clerical hire and to render vouchers to the Interior Department, which, upon being approved by the Department, were forwarded to Congress for payment. To show the accumulation of the public business in that land district I will read an extract from the letter of Colonel Jennings, bearing date December 17, 1860. He says:

"I have examined about five thousand claims, and if those not examined will compare with those examined, will embrace about 2,400,000 acres of land. This land at $1.25 per acre would have been a neat little sum in the Treasury of the United States. An office in the receipt of that amount of money from the sales of public lands, the probability is there would be but little difficulty in obtaining appropriations for clerical aid, fuel, lights, and other expenses in the land office; but as Congress saw fit to donate lands to actual settlers in Oregon, it is fair to presume a consideration; if so, the Government is as much under obligation to perfect the title to their claims as if they had paid for the land in cash.

The additional labor growing out of donations is an excess of labor over and above the ordinary sales of public lands.

The Secretary of the Interior received vouchers from Colonel Jennings of the clerical hire authorized by him and approved these vouchers and made his recommendation to Congress at that time for payment. They were submitted to the proper committees; the committees in each House reported favorably. But unfortunately the bills never reached the action of the House and the Senate together.

Now again, after a lapse of a great many years, this venerable man once again appears before the Congress of his country and asks that this just and long-deferred claim shall be paid before he shall have passed off the scene of action. He is before you now. A bill has passed the Senate after being unanimously reported by the Senate committee. It has come to this House and been submitted to the appropriate committee and is now before the House with the unanimous indorsement of that committee. And I express the hope, Mr. Chairman, that this old man shall not again go from these doors without the payment of this just claim. And I express the additional hope in conclusion that the announcement may be wired to him to his far distant home on the Pacific shores that at last his country has done him justice, and after the lapse of over a quarter of a century that which was due to him has been placed back in his pockets, from which it was taken by his Government.

I yield to the gentleman from Missouri [Mr. DOCKERY].

Mr. DOCKERY. Mr. Chairman, this is a just and meritorious claim, as I regard it, for services rendered to the Government of the United States; services rendered pursuant to law, and for which the claimant has never been compensated.

I had occasion, during the Forty-eighth Congress, as a member of the Committee on Claims, to examine a claim from the State of Oregon, involving the facts presented in this report. It seems that under act of Congress approved August 18, 1856, the Secretary of the Interior was "authorized to allow, subject to the approval of Congress, such reasonable compensation, for additional clerical services and extraordinary expenses incidental to said offices (registers and receivers) as he shall think just and proper, and report to Congress all such cases of allowance at each succeeding session, with an estimate of the sum or sums required to pay the same."

Pursuant to this law, on the 16th August, 1860, the Commissioner of the General Land Office issued the following instructions to all the local land offices, in which he recited the above-quoted provision of law authorizing the expenditure for which this claimant now asks relief at our hands:

You will send on a statement showing the amount actually expended by you as a reasonable compensation for additional clerical services and extraordinary expenses over and above the allowance by said act of 1818 (the same simply referring to the salaries of the registers and receivers).

You will prepare a statement, in tabular form, showing the whole amount paid by you for this additional class of services, when and to whom, designating in each item the name of the party to whom paid and kind of service rendered, sending on the vouchers, with your affidavit verifying the statement.

Such data will enable this office to place the matter on a just and favorable basis for the consideration of Congress.

I do not desire to say anything further. The facts connected with this case are fully presented in the report, submitted by myself, that accompanies House bill No. 1297 of the last Congress; and unless opposition is made by some gentleman on this side I will not continue this discussion further.

Mr. HOLMAN. I would be glad to ask my friend from Missouri whether, in investigating this claim, he found another claim of the same kind on behalf of the receiver. This claim is in behalf of the register, I believe.

Mr. DOCKERY. So far as I know the receiver has never presented any claim. This claim has been presented four times to this body. It has been four times reported favorably by the Senate Committee on Public Lands and has passed the Senate three times.

Mr. HOLMAN. My experience has been in such cases that both register and receiver make the same claim.

Mr. DOCKERY. So far as I have knowledge no claim has ever been presented by the receiver.

Mr. WARNER, of Missouri. I move that the bill be laid aside to be reported to the House with a favorable recommendation.

The motion was agreed to.

HEIRS OF LIEUT. JOHN F. STEWART.

The next business on the Private Calendar was the bill (H. R. 1732) for the relief of the heirs of Lieut. John F. Stewart.

The bill was read, as follows:

Whereas Lieut. John F. Stewart, late of Company A, Fourth Regiment United States Infantry, in active line of service, was regularly promoted and appointed, and did serve faithfully as a second lieutenant of said company from July 29, 1865, until June 19, 1866; and

Whereas the company having been so far from headquarters during its entire period of service in the Northwestern Territories that he failed to receive his commission as second lieutenant, to which he was justly entitled, and failed also to receive the pay due him for his services as second lieutenant: Therefore,

Be it enacted, &c., That the Secretary of the Treasury be, and is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, the sum of $992 to the heirs of Lieut. John F. Stewart, for his services in the United States Army, prior to his death, in the late war.

Mr. REID, of North Carolina. I ask for the reading of the report.

The report (by Mr. REID, of North Carolina) was read, as follows:

The Committee on War Claims, to whom was referred the bill (H. R. 1732) for the relief of the heirs of Lieut. John F. Stewart, submit the following report:

That John F. Stewart was first sergeant in Company A, Fourth United States Volunteer Infantry; that on the 29th day of July, 1865, while his company was stopping at Saint Louis, Mo., while *en route* to Dakota, his said company was without a second lieutenant, and the said John F. Stewart was promoted to that rank with the understanding that he should receive his commission as such. He served faithfully and in a very acceptable manner in that capacity during the entire service of the company in the Northwest, and until its final discharge at Fort Leavenworth, Kans., on June 19, 1866. His captain, Samuel G. Sewall, makes affidavit that it was his understanding that Lieut. John F. Stewart was to be commissioned as such, and that he did all in his power to have his commission made out, but being so far from headquarters he failed to accomplish it. Captain Sewall further states that Lieut. John F. Stewart performed all the duties of the office of second lieutenant faithfully and satisfactorily, and was fully entitled to the commission which was promised him. The said John F. Stewart has since died.

Your committee therefore recommend the passage of the bill.

Mr. REID, of North Carolina. Mr. Chairman, in support further of the facts in this case I desire to read an extract from a letter written by the Adjutant-General to the Secretary of War, reciting the military history of the claimant:

The records of this office show that John F. Stewart was mustered into service as a private, Company A, Fourth United States Infantry Volunteers, October 12, 1864; promoted first sergeant November, 1864.

He is reported on muster-rolls of his company as a first sergeant present for duty, to June 30, 1865; for July and August, 1865, first sergeant, present with remark: "Provisionally appointed second lieutenant, by virtue of special orders No. 43, Headquarters, Northwest Indian Expedition, July 22, 1865." On all subsequent rolls he is borne as a sergeant "acting second lieutenant" to date of his discharge from the service June 19, 1866.

And in a letter written by General Sully this is stated:

When the Fourth United States Volunteers joined me they were very short of officers, so much so that it affected the discipline of the regiment. I reported

this to my immediate commander, Maj. Gen. J. Pope, and by his direction made certain acting appointments, subject to the approval of the Secretary of War.

The approval of the Secretary was never received by me, but as the services of a lieutenant were necessary, I thought it best for the service to allow first-sergeant J. T. Stewart to continue acting as second lieutenant.

He did act during that time as second lieutenant, and was paid only for services as sergeant. But he rendered the service which is stated by General Sully as necessary; and unless some one desires to oppose the bill I shall move that it be laid aside to be reported to the House with a favorable recommendation.

Mr. BEACH. I would like to inquire whether this case is not provided for by the general bill which we passed in the last Congress.

Mr. REID, of North Carolina. I think not.

Mr. BEACH. Will the gentleman state why this does not come within the provisions of that law?

Mr. REID, of North Carolina. I think that bill only provides for the case where the commission had been approved by the Secretary of War subsequently. In this case the commission was never issued at all.

Mr. HOLMAN. That applied only to those who had received commissions.

Mr. REID, of North Carolina. He acted in that capacity, but it was so far from headquarters that he never got his commission.

Mr. BEACH. Mr. Chairman, I would like to inquire of the chairman of the committee whether a large number of other bills of a similar character are not now pending before that committee.

Mr. REID, of North Carolina. I do not know that the chairman of the committee is present, but I will state my knowledge. So far as I know, there are only a few of them. I do not think, however, that that affects the merits of this bill.

The motion of Mr. REID, of North Carolina, was agreed to; and, accordingly, the bill was laid aside to be reported to the House with the recommendation that it do pass.

IDA A. RICHARDSON AND OTHERS.

The next business on the Private Calendar was the bill (S. 178) for the relief of Ida A. Richardson, Caroline A. Urquhart, and Cora A. Slocomb, as the heirs at law of Cora A. Slocomb, deceased, and Ida A. Richardson, and Caroline Augusta Urquhart.

The bill was read, as follows:

Be it enacted, &c., That the Secretary of the Treasury be, and he is hereby, authorized and directed, out of any money in the Treasuary not otherwise appropriated, to pay to the following-named persons the sums specified, to wit: To Ida A. Richardson, Caroline A. Urquhart, and Cora A. Slocomb, as the heirs at law of Cora A. Slocomb, deceased, the sum of $12,714.40; to Ida A. Richardson, the sum of $20,479; and to Caroline Augusta Urquhart, the sum of $5,467.15.

Mr. EDEN. Mr. Chairman, I ask that the report in that case be read.

The Clerk proceeded to read the report.

Mr. EDEN (before the reading was completed). Mr. Chairman, if the gentleman from Kentucky [Mr. STONE] in charge of this bill will make an explanation of it I will withdraw the demand for the reading of the report.

Mr. STONE, of Kentucky. Mr. Chairman, this is one of that class of claims that arose under what was known as the "captured and abandoned property act." It is a claim, as it now stands, for about $38,000. These people, the Slocombs, lived in the city of New Orleans when it was captured by General Butler.

General Butler promised the people of New Orleans, before he took possession of the city, that their persons and property should be protected under the laws of the United States. After taking possession he imposed certain conditions with which the people should be required to comply in order to receive that protection; but this case of the Slocombs he made an exception. He gave Mrs. Slocomb and her two daughters permission to leave the city limits, and promised them protection for their property. That property was protected while General Butler remained in command, as he had promised that it should be. After he was relieved, and after General Banks had taken command, some eighteen months after the capture of the city, General Banks issued what was known as "General Order No. 202," and took possession of the real estate belonging to these people and of all their property then in the city of New Orleans. There were collected for rent, for insurance on some of the property that was burned after General Banks took possession of it, and for dividends on gas stock sums amounting in all to $38,000—in fact the amount was greater than that; but the committee have not thought proper to recommend the allowance of more than $38,000, because the excess was for personal property.

Mr. LONG. What do you mean by that?

Mr. STONE, of Kentucky. Property that was lost through the casualties of war. The money so collected was turned into the Treasury of the United States by order of General Banks. He ordered it turned over to his quartermaster, and in that way it went into the Treasury, and it remains there to-day. As soon as the war was over and hostilities had ceased the President of the United States issued an order turning over to these people all their real estate, and they were put in possession of it again. The money collected as rents and as insurance and as dividends from gas stock was, as I have said, turned into the Treasury, and there it remains. Now these people have come here asking that this money be returned to them. The Committee on War Claims in the Forty-third Congress reported in favor of the passage of a bill refunding this money and a like report was made in the Forty-fourth Congress. In the Forty-fifth Congress the bill passed this House but did not pass the Senate. Again in the Forty-eighth Congress there was a report favorable to the passage of a bill similar to the one that I have now reported here. In the present Congress a bill has been reported in the Senate for the refunding of this money, and is now pending. The Committee on War Claims has reported to the House that Senate bill. This, Mr. Chairman, is a statement of the case in brief. It is simply a question whether the Government of the United States can afford to disregard the action of one of its public officers in time of war; whether or not the Government will attempt to hold the property of private citizens taken in that way. No court has ever decided upon this case, no proceedings have ever been had by which that money was turned into the Treasury. It has simply gone in there as thousands of other dollars went into the Treasury of the United States from the city of New Orleans, large amounts of which have since been returned to the owners. I know it is claimed that these people were disloyal, and that for that reason, perhaps, they ought not to be paid. I say, sir, that the Government of the United States can not afford to disregard the solemn obligation of its commanding general made at the time of the capture of the city. General Butler himself says that he made this case an exception. He gave these people his protection, and allowed them to go to their summer residence in North Carolina for reasons satisfactory to himself.

At a later date General Butler, in a letter which he wrote, stated that he would do all in his power to get their money and other property restored to them, but that he could not take a fee in the case; that it was outrageous the Government should so long have disregarded their appeals and should have held their money so long in the Treasury of the United States.

The Committee on War Claims were, so far as I know, unanimous, with one exception, in reporting favorably this bill. Having made this brief statement of the facts in the case, it seems to me there is no use of continuing the argument unless some one opposes it or can give some reason why the bill should not pass.

Mr. ROWELL. Will the gentleman yield to me?

Mr. STONE, of Kentucky. I yield to the gentleman from Illinois [Mr. ROWELL] for five minutes.

Mr. ROWELL. Mr. Chairman, having written the report made upon this case in the Forty-eighth Congress, I can possibly add something to the details already given by my friend from Kentucky. I desire to treat this question with absolute fairness; and I hope every member will listen to what I have to say.

Mrs. Slocomb and her daughters lived in New Orleans at the breaking out of the war. Mrs. Slocomb was one of those Southern women who dreaded the approach of the war, and she did what she could to prevent secession; but when secession was an accomplished fact she yielded her allegiance to the Southern confederacy. Being a woman of wealth, she subscribed her money liberally to the defense fund of New Orleans. Her only son entered the confederate army as an officer.

When New Orleans was captured, the subscribers to the defense fund of New Orleans were called upon by General Butler to contribute, in proportion to the amount they had thus subscribed, to a fund for the support of the poor in that city; and Mrs. Slocomb paid her proportion.

As is well known, the dealing of the Government of the United States with New Orleans was somewhat different from its dealings with other captured portions of the country, the purpose of the Government being to make at New Orleans a nucleus around which the loyal sentiment of the South might gather and help to build up the Government there. The proclamation of the commanding general contemplated that all people who remained at home and yielded loyal obedience to the Government of the United States should be protected in their persons and their property. Some time after that, Mrs. Slocomb and her daughter called upon General Butler to obtain his consent that they might go to their summer home in the mountains of North Carolina. General Butler asked them if they would take the oath of allegiance. Mrs. Slocomb said: "I have a son in the confederate army. While I opposed secession at the beginning, I yielded obedience to it afterward; and as I have now a son in the confederate army, my sympathies are necessarily with him. But if permitted to go to my home in the mountains, away from all the armies, I pledge you my word that I will do nothing in any shape or form in aid of the confederacy." General Butler took the proposition into consideration; and on the next day he wrote her a letter, in which he stated that he had an old mother at home who might some time fall into the hands of strangers and need a friend; that hoping that some one would do with her as he then proposed to do with Mrs. Slocomb, he gave her permission to depart to her mountain home in North Carolina, and assured her that her property in her absence should be as sacred under the flag as it would be if she remained at home. He thereby made a solemn contract with this woman (who had assisted the confederacy) by which she was permitted to depart. She departed under that contract. So long as General Butler remained in the city the contract was faithfully kept.

Mr. LONG. What was the consideration of the contract?

Mr. ROWELL. The consideration of the contract was her application to go out of the city and her pledge that out of the city and in it she would do nothing in behalf of the confederacy.

Mr. LONG. Was that a good consideration?

Mr. ROWELL. Yes, sir; anything by which one party loses a right or the other gains one is a good consideration. She lost the right to stay there and protect her property by accepting his permission to depart. But for his engagement that her property would be secure she would have remained at home, and her property would have been safe, as it fell under the proclamation made and carried out with respect to all people who remained within the city. After she left the city General Banks took command. Then this property was seized. A building was destroyed upon which insurance had been taken, and the amount of the policy was collected.

[Here the hammer fell.]

Mr. STONE, of Kentucky. I yield the gentleman such further time as he may desire.

Mr. ROWELL. Her houses and her daughters' houses were taken possession of and the rents collected; her gas stock was taken possession of and the dividends collected. Hearing of these facts, she, with her daughters, started back and tried to get inside the city, but General Banks's quartermasters refused to let her enter. As soon as she could get an agent to Washington and have her case presented an order was sent to New Orleans restoring this property to her.

I have now stated the exact condition of the case. I based my report in favor of this bill, as I now base my advocacy of it, upon the proposition that the Government of the United States can not afford to violate a solemn contract made by it, for General Butler represented the Government.

This bill was once passed; and it is fair to say it excited a great deal of discussion in the Northern press—not because of the merits of the bill, but because of the propositions of law embraced in the report accompanying the bill. In that report the right of this party to have her property returned was not based upon General Butler's contract and her departure from the city under it, but was based upon another proposition of law which I do not accept and which I would not support in any case. In this case when the commanding general, representing the Government, put in writing a proposition which, being accepted, put this woman's property under the protection of the flag, the question is whether the Government can violate that promise and take this property out from under the flag after General Butler had guaranteed it protection.

That is the whole of the proposition, and upon that proposition I support the bill.

Mr. WARNER, of Missouri. Is that the proposition upon which the committee reports the bill to the House and asks for its passage?

Mr. ROWELL. I have not seen the report, but the report in the Forty-eighth Congress was made by me.

Mr. WARNER, of Missouri. I ask the gentleman from Kentucky [Mr. STONE] who has charge of the bill is that the principle laid down in the report—is that the principle upon which they ask for the passage of the bill?

Mr. STONE, of Kentucky. The principle is, the Government of the United States having possession of this money in the Treasury, and it having gone there by indirection, it is only right it should be returned.

How much time have I left?

The SPEAKER. Forty minutes.

Mr. STONE, of Kentucky. I desire to reserve it.

Mr. LYMAN. Mr. Chairman, I feel a great degree of embarrassment in rising at this time to address the committee on the pending measure, which I am compelled by my convictions of right and justice to oppose. A novice on this floor, I find myself antagonizing the majority of the Committee on War Claims of the present Congress, a body of gentlemen for whose judgment individually and collectively I have profound respect. I find myself antagonizing the views of a majority of the Committee on War Claims of several Congresses prior to this one. I find myself antagonizing the views of the Committees on Claims of the Senates of the Forty-eighth Congress and of this one, and I find myself antagonizing the judgment of the majority of the Senate of the present Congress. This state of case has induced me to make an unusually careful and thorough examination of the matter with the impression that I must be wrong in the conclusion at which I first arrived. But each succeeding examination has only confirmed previous convictions, and I have found it impossible for me to agree with the report of the majority of the Committee on War Claims.

This is a bill for the payment of nearly $40,000 to Ida A. Richardson, Caroline A. Urquhart, and Cora A. Slocomb. The present claimant, Cora A. Slocomb, was not an original party to these proceedings, but now comes here as one of the heirs at law of Cora A. Slocomb, deceased, who was one of the original claimants, and who was the mother of said Ida A. Richardson and Caroline A. Urquhart, who, with said Cora A. Slocomb, deceased, were the original claimants herein. The basis of the claim fully appears in the record of the case, and the facts are substantially undisputed, and the question for this committee and the House to determine is whether these claimants should, in law and justice be paid this amount of money in view of these facts.

In the year 1862, when Maj. Gen. B. F. Butler, in command of United States forces, took possession with his troops of the city of New Orleans, La., the original claimants, Mrs. Cora A. Slocomb and her two daughters, Miss Ida A. Slocomb (now Mrs. Richardson) and Mrs. Caroline A. Urquhart (*née* Slocomb), were residents of that city, and had been such residents for some time prior thereto, and were the owners of a large amount of real and personal property in said city. Soon after the Federal occupation of the city by General Butler and his troops, in the summer of 1862, Mrs. Cora A. Slocomb obtained permission to go beyond the Union lines somewhere into the Carolinas, and within the confederate lines. It is also claimed that her two daughters obtained the same permission, but on this point, at least as to one of them, there is no evidence before the committee. Some of the evidence tends to show that she retired to her summer residence in the mountains of North Carolina, and some of it tends to show that she went on a visit to her sister somewhere in the Carolinas, but there is no positive evidence in the case as to where any of these parties were after they left the Union lines; and although this claim has been pending before different Congresses prior to this, none of these claimants have deigned to tell us where they spent their time between the time they left the city of New Orleans, in 1862, and the time they returned thereto, in 1865, after the war was substantially over.

At the time these parties went beyond the Union lines there was an order in force requiring persons in New Orleans to take the oath of allegiance to the United States, or else to register themselves as enemies or aliens. These parties, strange to say, were excused from either and all of these requirements, and General Butler says in a letter before the committee that this was the only exception (solitary is the word he uses) to these requirements. The case is wholly devoid of testimony or evidence as to what any of these parties were doing during their absence within the confederate lines, which lasted from the summer of 1862, they departing as soon as possible after the capture of New Orleans, until after the cessation of hostilities in 1865.

Before her departure from New Orleans, Mrs. Cora A. Slocomb having expressed some fears that her property might be interfered with during her absence, General Butler promised her that her property would not be interfered with if she were loyal to the United States and remained so. Some time after their departure Maj. Gen. N. P. Banks superseded General Butler in command at New Orleans, and in 1863, while he was in command, under an order issued from Washington in pursuance of a law of Congress, property situated in New Orleans which had been abandoned, and property owned by absent enemies, was seized for the purposes of the Army and for confiscation proceedings, and these claimants not having yet returned from their so-claimed temporary absence at their "summer resort in the mountains of North Carolina," under said order and for good reasons—at least then supposed to be good—their property was seized as abandoned property and as that of absent disunionists by the United States authorities.

This property was both real and personal. A considerable and perhaps the greater portion of this property, including the residence of the parties, was used for various military purposes incident to war and to the occupation of an enemy's country. That which was not so used was placed in charge of B. F. Flanders, esq., supervising special agent of the United States Treasury Department, who collected the rents thereon. As will hereinafter appear, before the courts had been reorganized in New Orleans so that confiscation proceedings could be commenced, the property was returned to claimants by order of President Johnson. Among this property was fifty-two shares of stock in the New Orleans Gaslight Company, belonging to said Cora A. Slocomb, and fifty-six shares of the same stock belonging to said Ida A. Slocomb (now Mrs. Richardson). While these claimants were still absent within the confederate lines four stores belonging to said Ida A. Slocomb (now Mrs. Richardson), and being a part of the property seized as aforesaid, and which had been insured in the Merchants' Insurance Company of New Orleans at $15,000, were destroyed by fire, and the amount payable on the loss, to wit, $14,300, was paid to Assistant Quartermaster McClure, of the United States Army.

At the close of the war all the said property so seized was, by order of President Johnson, restored to the possession of these claimants. However, no money collected as above stated, including the dividends on the said gas stock, was refunded, the same having been used for the purposes of the Government.

The following, then, is a summary of the claim of these memorialists:

Mrs. Cora A. Slocomb, for rents collected	$12,246 40
For dividends on gas stock	468 60
Total	12,715 00
To Miss Ida A. Slocomb (now Mrs. Richardson) for rents collected	5,675 00
Amount of insurance collected from Merchants' Insurance Company	14,300 00
Dividends on gas stock	504 00
Total	20,479 00
To Mrs. Caroline A. Urquhart (*nee* Slocomb) for rents collected	5,467 15
Total claim of all, and included in the bill (S. 178)	38,661 15

The foregoing matters are practically undisputed, but notwithstand-

ing that be so, in my judgment no part of this claim should be paid, or the bill now under consideration be passed by the House.

It is claimed that the seizure and use of this property by the Federal authorities was without sanction of law, and consequently void. At the time this property was seized the late civil war was being waged with all possible ability on the one side, and malignity and energy on the other. No lawyer, I apprehend, will take issue with me that as a proposition of international law the property of belligerent enemies may be confiscated, and if such confiscation is in fact made by the military authorities, and if the action of those authorities shall be assumed by the sovereign authority, the confiscation is perfect.

Now all the acts done by General Banks at New Orleans and by the military authorities under his command have been substantially adopted and confirmed by the Federal Government. Congress some years since enacted a law exempting military officers from all actions and suits for any acts done in their military capacity, and assuming the defense of any actions brought against them for acts so done by them in their military capacity. So that without regard to the confiscation acts of the United States the property has been properly and legally confiscated. But it is said that our Government had, at the time of the happening of the occurrences now under consideration, confiscation acts. This is granted. But I submit that in this case those laws were complied with as far as under the then existing state of affairs was possible.

Mr. BLANCHARD. Will the gentleman allow a question here?

Mr. LYMAN. Yes, sir.

Mr. BLANCHARD. Did not the confiscation acts of Congress of August 6, 1861, and July 17, 1862, require proceedings *in rem* against property confiscated, and were such steps taken in this case?

Mr. LYMAN. Yes; I am coming to that. I have read all of these statutes and propose to have some of them read here this afternoon before I am done. I have already stated that all the requirements of the confiscation acts passed by Congress at the time of the seizure of this property had been complied with as far as the then existing circumstances and facts would permit. The property was seized, and such of it as was not needed for actual military uses at the time was turned over to the proper officers of the Treasury Department. Everything was done required by the confiscation laws to be done except the proceedings in the courts for condemnation, and these could not be had because the courts, broken up by the war, had not yet been reorganized when President Johnson granted a pardon to these claimants and ordered their property to be returned to them. Two thoughts are here suggested in this connection: First, there is a difference between confiscation and condemnation; this property was duly confiscated, though not condemned, in the exact manner provided by the law for the reasons already stated; and, second, the pardon of President Johnson did not relieve the claimants from any part of the penalty of their treason already executed, it only relieved them from any unexecuted portion of the consequences of their offenses.

I desire to call attention to the acts of Congress then in force, which to my mind settle conclusively that in view of the facts in this case the title to this property has fully vested in the Government of the United States. In order to a full understanding of these statutes and the decisions of the courts thereunder it should be borne in mind that on the 16th day of August, 1861, the President of the United States issued his proclamation declaring certain States, and among them the State of Louisiana, to be in insurrection. (12 Statutes at Large, 1262.)

Prior to the issuance of this proclamation, to wit, August 6, 1861, Congress passed an act, found on page 319, 12 Statutes at Large, of which sections 1 and 2 are as follows:

Be it enacted, &c., That if during the present or any future insurrection against the Government of the United States, after the President of the United States shall have declared by proclamation that the laws of the United States are opposed and the execution thereof obstructed by combinations too powerful to be suppressed by the ordinary course of judicial proceedings, or by the power vested in the marshals by law, any person or persons, his, her, or their agent, attorney, or employé, shall purchase or acquire, sell or give any property of whatsoever kind or description, with intent to use or employ the same, or suffer the same to be used or employed in aiding, abetting, or promoting such insurrection or resistance to the laws, or any person or persons engaged therein; or if any person or persons being the owner or owners of any such property shall knowingly use or employ, or consent to the use or employment of the same as aforesaid, all such property is hereby declared to be lawful subject of prize and capture wherever found, and it shall be the duty of the President of the United States to cause the same to be seized, confiscated, and condemned.

SEC. 2. *And be it further enacted*, That such prizes and capture shall be condemned in the district or circuit court of the United States having jurisdiction of the amount, or in admiralty in any district in which the same may be seized, or into which they may be taken and proceedings first instituted.

The property in controversy here is clearly within the provisions of this act. At the time the same was seized, the proclamation of the President had long been issued. The original claimants herein owned the property; they had knowingly used it, and consented to its use, in aiding, abetting, and promoting the rebellion; it was seized and confiscated. True it was not condemned by the courts, because, as already stated, before the courts were reorganized so that could be done, President Johnson pardoned the offenders and returned their property. On July 17, 1862, long before the seizure of this property, Congress passed an act (12 Statutes at Large, 591) of which sections 6, 7, and 8 are as follows:

SEC. 6. *And be it further enacted*, That if any person within any State or Territory of the United States other than those named as aforesaid, after the passage of this act, being engaged in armed rebellion against the Government of the United States, or aiding or abetting such rebellion, shall not, within sixty days after public warning and proclamation duly given and made by the President of the United States, cease to aid, countenance, and abet such rebellion and return to his allegiance to the United States, all the estate and property, moneys, stocks, and credits of such persons shall be liable to seizure as aforesaid, and it shall be the duty of the President to seize and use them as aforesaid, or the proceeds thereof; and all sales, transfers, or conveyances of any such property after the expiration of the said sixty days from the date of such warning and proclamation shall be null and void, and it shall be a sufficient bar to any suit brought by such person for the possession or the use of such property, or any of it, to allege and prove that he is one of the persons described in this section.

SEC. 7. *And be it further enacted*, That to secure the condemnation and sale of any of such property, after the same shall have been seized, so that it may be made available for the purpose aforesaid, proceedings *in rem* shall be instituted in the name of the United States, in any district court thereof, or in any Territorial court, or in the United States district court for the District of Columbia, within which the property above described, or any part thereof, may be found, or into which the same, if movable, may first be brought, which proceedings shall conform as nearly as may be to proceedings in admiralty or revenue cases; and if said property, whether real or personal, shall be found to have belonged to a person engaged in rebellion, or who has given aid or comfort thereto, the same shall be condemned as enemies' property and become the property of the United States, and may be disposed of as the court shall decree, and the proceeds thereof paid into the Treasury of the United States for the purposes aforesaid.

SEC. 8. *And be it further enacted*, That the several courts aforesaid shall have power to make such orders, establish such forms of decree and sale, and direct such deeds and conveyances to be executed and delivered by the marshals thereof where real estate shall be the subject of sale, as shall fitly and efficiently effect the purposes of this act, and vest in the purchasers of such property good and valid titles thereto. And the said courts shall have power to allow such fees and charges of their officers as shall be reasonable and proper in the premises.

March 12, 1886.

Mr. Chairman, when the committee rose on last Friday I had stated what I claim to be the facts in the matter now under consideration (and which are substantially undisputed) that the money in controversy is the proceeds of captured and abandoned property of confederates, seized by Generals Butler and Banks at New Orleans during the late civil war.

I had endeavored to show that by international law, under the laws of war, this money had become the property of the United States, had been legally confiscated.

I was then proceeding in an effort to show that under the confiscation acts (so called) of the United States, enacted during the war of the rebellion for the seizure of abandoned property, this property had passed to the Government. I had called attention to the proclamation of President Lincoln. I had caused to be read the act of August 6, 1861 (12 Statutes at Large, page 319), and had shown that the provisions of that act had been complied with in all respects in which the then condition of the country would permit—in all except the manner of condemnation; that the property was confiscable, and that it had been in fact confiscated—not formally condemned, it is true. There is a difference between confiscation and condemnation. The latter is a mere form for determining the confiscable character of the seized property, and the form is not material. I had caused to be read the act of July 17, 1862 (12 Statutes at Large, page 591); and that the connection of what I have further to say may be the better preserved, I will ask the Clerk to read a portion of that act again.

The Clerk read sections 6, 7, and 8.

Mr. LYMAN. These provisions of law were in force when the gas dividends and rents in controversy herein were collected and when the insurance money was received, and, as it appears to me, cover the case completely. The owners of the property were engaged in aiding and abetting the rebellion. They had refused to take the oath of allegiance to the United States; they departed its acknowledged jurisdiction voluntarily, and were domiciled within the confederate lines. The proclamation and warning of the President had been given. The property and its proceeds were used for the immediate military necessities of the Government or were turned into the Treasury of the United States. There were no formal proceedings in court, because there were no civil courts in which to proceed. The military authorities alone were in control there and then.

But this, as has already been suggested, did not in any way affect the confiscation of the property. That was already complete. It only affected the manner of condemnation. Prior to the seizure of the property of the claimants, to wit, March 12, 1863, Congress passed an act (12 Statutes at Large, 820), the first three sections of which are as follows:

Be it enacted, &c., That it shall be lawful for the Secretary of the Treasury, from and after the passage of this act, as he shall from time to time see fit, to appoint a special agent or agents to receive and collect all abandoned or captured property in any State or Territory, or any portion of any State or Territory of the United States, designated as in insurrection against the lawful Government of the United States by the proclamation of the President of July 1, 1862: *Provided*, That such property shall not include any kind or description which has been used, or which was intended to be used, for waging or carrying on war against the United States, such as arms, ordnance, ships, steamboats, or other water craft, and the furniture, forage, military supplies, or munitions of war.

SEC. 2. *Be it further enacted*, That any part of the goods or property received or collected by such agent or agents may be appropriated to public use on due appraisement or certificate thereof, or forwarded to any place of sale within the loyal States, as the public interest may require; and all sales of such property shall be to the highest bidder, and the proceeds thereof shall be paid into the Treasury of the United States.

SEC. 3. *Be it further enacted*, * * * And any person claiming to have been the owner of such abandoned or captured property may, at any time within two years after the suppression of the rebellion, prefer his claim to the proceeds thereof in the Court of Claims; and on proof to the satisfaction of said court of

his ownership of said property, of his rights to the proceeds thereof, and that he has never given aid or comfort to the present rebellion, to receive the residue of such proceeds, &c.

The provisions of this act also cover the case under consideration. Its provisions have been carried out as far as the surrounding circumstances would permit, and the owners of the property have never taken the steps therein required to recover the property or to establish a right thereto.

In the case of Mrs. Alexander's cotton (2 Wall., 404), the Supreme Court of the United States held that the property of our enemies was liable to seizure, and that our statutes were for the protection of loyal citizens of insurrectionary States. I beg pardon for reading a portion of the syllabus of that case, as follows:

1. The principle that personal dispositions of the individual inhabitants of enemy territory, as distinguished from those of the enemy people generally, can not, in questions of capture, be inquired into, applies in civil wars as in international. Hence all the people of any district that was in insurrection against the United States in the Southern rebellion are to be regarded as enemies, except so far as by the action of the Government itself that relation may have been changed.

2. Our Government, by its act of Congress of March 12, 1863, to provide for the collection of abandoned property, &c., does make distinction between those whom the rule of international law would class as enemies; and, through forms which it prescribes, protects the right of property of all persons in rebel regions who, during the rebellion, in fact, maintained a loyal adhesion to the Government; the general policy of our legislation during the rebellion having been to preserve for loyal owners, obliged by circumstances to remain in rebel States, all property or its proceeds which has come to the possession of the Government or its officers.

The point in this case was whether the cotton in controversy was or was not "maritime prize." The court held it was not, and that its proceeds should be paid into the Treasury. And I ask attention to the last paragraph of the opinion of the court. The court says:

We think it clear that the cotton in controversy was not maritime prize, but should have been turned over to the agents of the Treasury Department to be disposed of under the act of March 12, 1863. Not having been so turned over, but having been sold by the district court, its proceeds should now be paid into the Treasury of the United States, in order that the claimant, when the rebellion is suppressed, or she has been able to leave the rebel region, may have an opportunity to bring her suit in the Court of Claims, and, on making the proof required by the act, have the proper decree.

And the first proof "required by the act" to be made, the jurisdictional fact, is that the claimants were and remained loyal.

It has been claimed that the Supreme Court has decided in the case of Planters' Bank *vs.* Union Bank (16 Wall., 483) that the seizures of property made during the time that General Banks commanded at New Orleans were illegal. I do not so understand the case. The Planters' Bank was a banking corporation of Mississippi doing business at Natchez. It remitted to the Union Bank at New Orleans, a banking corporation of Louisiana, large sums of confederate treasury notes, forwarded to it drafts and other claims for collections, and confederate bonds for sale, the collections and payments to be made in confederate currency.

In the course of these transactions the Union Bank became largely indebted to the Planters' Bank, and was so at the time the Federal forces captured New Orleans, Mississippi being still in rebellion. In August, 1863, General Banks required the Union Bank to pay to the authorities of the Government the balance due to the Planters' Bank. This was done in confederate notes as per the contract between the two banks. The action was brought by the Planters' Bank to recover from the Union Bank. In passing upon the validity of the order of General Banks the court did not hold that he had no right to seize the property of rebels at New Orleans; that question was not involved in the case; but only held that the confiscation acts did not apply to corporations, but to natural persons or individuals. "Under neither of the acts was the property of a banking corporation made confiscable." Says the court: "Both of them had in view the property of natural persons who were public enemies, or persons who gave aid and comfort to the rebellion, or held office under the confederate government, or under one of the States composing it. In no one of the six classes of persons whose property was by the act of 1862 declared confiscable was an artificial being included." Such was the point decided in that case. Not that enemies' property could not be seized, but that the confiscation acts applied only to natural persons, and not to corporations.

Much stress has been laid on what has been termed the contract of General Butler. There is no proof here that it purported to extend to more than one of the original claimants herein, but that protection was only to be under the laws of the United States while Cora A. Slocomb should spend the summer of 1862 at her summer residence in North Carolina. She went out of the Federal lines, entered the confederate lines, leaving her property in charge of her agent. Time went on, the summer of 1862 passed, the winter of 1862–'63 came and went, the summer of 1863 was nearly spent. The agent of the claimants has died. They have not returned and taken charge of their property. General Banks comes there and assumes command. He finds the property abandoned, and that it was owned by rebel sympathizers residing in the confederate lines, and he seizes the property under the laws of the United States. He acted in the light of the then existing facts. And because a year or more before General Butler, for some unexplained and unknown reason, had given to one of these claimants some kind of a promise, we are asked to declare that this Government has sacrificed all rights, no matter what might thereafter occur, and must take $40,000 out of her Treasury and pay it to aiders and abettors of secession.

This arrangement made by General Butler has been called a contract binding upon the Government of the United States. What an abuse of terms is this? There is not the first or a single element of a valid contract present. Where is the consideration? Where is the authority of General Butler to make such a contract? It is a misnomer to call it a contract. It was simply this, and nothing more: When the city of New Orleans was captured by the Federal forces General Butler issued a proclamation, in which he declared, "All rights of property of whatever kind will be held inviolate, subject only to the laws of the United States."

Afterward Cora A. Slocomb, having secured from him in some way the extraordinary privilege of going beyond the Federal lines and into the confederate lines without taking the oath of allegiance, for the ostensible purpose of spending the summer of 1862 at her "summer residence in North Carolina," also secured from him a personal repetition of the terms of that proclamation and nothing more. And now it is claimed that a contract was made by which the United States is bound, not only during the summer of 1862, and while General Butler commanded at New Orleans, but forever after, notwithstanding new commanders should be sent to New Orleans, notwithstanding new laws should be enacted, notwithstanding these claimants remained in the confederate lines and bore allegiance to the confederate government. You and I, my loyal fellow-citizens, are compelled by the rules of law to know what are the laws of our country; we are conclusively presumed to know them; but a citizen who rebels against his country, commits treason, and leaves his country for his country's good, is no longer held to such accountability. He has a contract with his Government, and while he is seeking to overthrow its laws they must afford him full protection. Absurd!

If the seizure of this property was lawful, that is the end of the question. But the claim of the beneficiaries of the bill now under consideration is largely based upon the alleged illegality of the seizure of the property. Now, this House will not entertain and pay claims over which any other tribunal has jurisdiction while such jurisdiction is not exhausted. If the theory of claimants be correct, and the seizure was wholly unlawful, then it is submitted that there is a full and adequate remedy for claimants in the common-law courts. They can collect their rent from their tenants. They can collect their gas dividends from the gas company. They can sue on their insurance policy and enforce their indemnity notwithstanding the payment to the Government. This has substantially been decided in Planters' Bank *vs.* Union Bank, 16 Wall., before cited; also, in 2 Wall., 404, and a tribunal (the Court of Claims) is especially established for cases of this kind by the act of Congress, 12 Statutes at Large, 821, already referred to; and while that is so claims should not be reported favorably by the War Claims Committee or paid by Congress on an *ex parte* showing.

Again, the evidence before the committee shows conclusively that these claims have all been submitted to both the War and Treasury Departments of the Government, and been rejected by both. It is the well-established practice and policy of this body and of your War Claims Committee to neither report favorably on such claims nor to allow them.

Again, any fair construction of the evidence herein establishes the fact that when these parties received back their property in 1865 they released, as a part of the transaction, all claims for damage and use, and all claims of every kind growing out of the seizure as against the Government. To put it in the mildest possible form, the implication and presumption raised are so strong that, in the absence of any showing to the contrary, they become conclusive, and these claims should not be paid. With this proof on file for so many years, and with so many able gentlemen advocating the claim as at different times have had charge of the interests of these claimants, if this presumption were not true, certainly it would long since have been rebutted.

But the most serious and weighty objection to the passage of the bill now under consideration is the undisputed disloyalty of the beneficiaries. Down to the time when the Federal forces took possession of New Orleans, under General Butler, they most intensely sympathized with, and were substantial supporters of, the rebellion, giving not only sympathy but their labor and money. The only son of one and the husband of another were officers of the confederate army from the first to the last of the struggle. There is no evidence that their sentiments ever changed. They retired at the first opportunity within the confederate lines, and remained there until those lines had ceased to exist, when, and not until then, after all hopes had ceased that the Confederate States government could ever restore to them their property, they procured a pardon and a return of their possessions. If they were loyal why did they require a pardon? But, as already suggested, this pardon could not in the least affect that portion of the penalty of the disloyalty of the claimants already executed. They were permitted to go beyond the Federal lines without taking the oath of allegiance or registering, and this course on the part of the then commanding general at New Orleans is wholly inexplicable to those who knew him there and were familiar with his declared and well-defined policy. Their disloyalty is uncontroverted. There is nothing here to show that they were

not constantly and actively aiding the rebellion during their absence. Great stress is placed upon the fact that General Butler said their property should be protected. It seems to have been so long as General Butler commanded. But the next year, when General Banks was in command, a different state of affairs existed. Different laws had been enacted. We know not what information he had as to these parties. We can and ought to presume that he and the Treasury officials acted in a just, patriotic, and lawful manner in seizing this property when they did. The promises or assurances of General Butler, made the year before, under what circumstances and inducements we know not, cut no figure here.

The Committee on War Claims of this House have adopted a policy which the House has sustained and followed, that claims will not be allowed or paid which are made for property taken under the pressing exigencies of war for building forts, &c. That committee almost daily rejects and reports adversely to the House such claims of men who lived in the border and the insurrectionary States during the war, whose loyalty during that dark and trying period was undoubted, at a time and place when loyalty cost something, and whose all was frequently taken for the benefit and defense of the Government they loved. Their claims are not to be paid because it is said they owed a duty to their country in its time of need, and their misfortunes were but the result of that duty. And yet this House is asked to pay this claim for property taken for the use of the Government while war was flagrant from a confessed and undisputed enemy. We can not afford to do this. We can not afford to be thus ungrateful and unjust at the same time. If this bill shall pass and this claim be paid, hereafter my vote and voice will be given for the payment to loyal persons of all war claims against the Government made by such. No more unjust or undeserving claim could possibly be made than the one now under consideration, and if it is paid I shall endeavor to see that loyal men shall receive some compensation for the sacrifices they made that the Union might be preserved, while we are distributing our bounties to the disloyal. They shall no longer be punished for their loyalty while we reward treason, at least by my vote.

The passage of this bill would open a way to the Treasury of the United States which we can not afford, and set a precedent which will always rise to plague us. Claims amounting to millions of dollars from Louisiana and all the other insurectionary States are now held ready to present as soon as this one shall establish the precedent and pave the way, and I hope this House will pause and consider what we are about to do. During the past year and a half we have heard much in this country from one class of politicians (pardon the word; statesmen, I mean) of the immense surplus unemployed in the Treasury. Admit this class of cormorants, now through this bill knocking at our doors, to the feast, and this troublesome surplus will very soon dissolve in thin air. Another class of statesmen have been complaining that the silver was being hoarded in the Treasury, and not put into circulation. Here we have a solution of the problem. Patriots of the same ilk as these claimants stand ready and eager to circulate it all—among themselves.

Already the forces are being marshaled; even now the troops are being organized. To-day the lines of assault on the Treasury are being formed. They are in readiness to move in force as soon as the breach shall be made by the passage of this measure.

Only the other day, since this bill was reported from the War Claims Committee, this House adopted a resolution, on the motion of one of the most persistent advocates of this bill, requiring the Secretary of the Treasury to report to this House the amount of money and property seized by Generals Banks and Butler during the times they commanded respectively at New Orleans. This report, which has since been received, is to constitute the basis of this new raid upon the Treasury.

This report of the Secretary of the Treasury, dated February 26, ultimo, however, does not prove to be just what was expected. It does not cover such cases as this one. It does not cover money received from private parties direct. It only covers that found in the vaults of the banks. This report shows that in the vaults of the various banks was found by General Butler the sum of $262,534, and by General Banks the sum of $47,889 in par funds and $689,471.38 confederate funds. It does not tell us how much was seized from private individuals such as the claimants herein. So that while these raiders on the Treasury have not got all the information they hoped to get from their fishing excursion, they have got some light. This report was presented to this House on the 2d day of this month, and on the same day the bill (H. R. 6335) was introduced in this House as follows.

A bill to revive the right of action in the Court of Claims under the provisions of the captured and abandoned property acts.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the right of action in the Court of Claims under the provisions of the captured and abandoned property acts be, and the same is hereby, revived and extended for one year from and after the passage of this act, including all cases of seizures under the said acts, or under color thereof, either before or after June 30, 1865, whether adjudicated by the Secretary of the Treasury or not, and without any regard to any statute of limitation.

By this bill it is proposed to open our courts for the collection of all the proceeds of abandoned and rebel property seized by the military officers of the United States during the late war. And the claim now under consideration is to be a test case, the key-note to which the music is to be set.

But, not content with this, rumors are rife all over this Hall, and are no longer a secret, that Generals Banks and Butler and their subordinate provost-marshals collected hundreds of thousands of dollars for which they never accounted to the Government of the United States, and taking the passage of this bill as the text and precedent, it will be claimed that the Government is responsible for every act of every man in the military service, whether it be right or wrong—whether it be by authority or not. They will say, and logically, too, that this claim now under consideration was paid because General Butler, in 1862, without authority, told these parties that their property should be protected under the laws, no matter what they may have afterward done, and that therefore the Government should restore all money and property which its military officers may have stolen even.

And this is not all. The flood will not come from Louisiana alone, but from all the States lately in insurrection. I have been informed by a member of this House representing one of the insurrectionary States other than Louisiana that there are similar claims, amounting to millions of dollars, from his State alone, all prepared and preserved and ready to be presented whenever such an opportunity shall be offered as the passage of the bill now under consideration. It will be taken as a favorable omen, and these claims of disloyal persons for property destroyed during the war all through the insurrectionary States will swarm upon us like the locusts of Egypt. The friends and holders of these claims will seek to realize the substantial benefits of what they will believe to be the full fruition of the oft-repeated boasts of their over-enthusiastic orators, that "the confederacy is at last firmly seated in the saddle," and that some degenerate sons of worthy sires have "come back to the house of their fathers to stay," with all the consequences that the terms imply.

Mr. SPRINGER. May I interrupt the gentleman from Iowa to ask how much more time he desires to occupy?

Mr. LYMAN. I shall probably occupy the entire hour, as I wish to finish what I have begun saying upon this subject.

Mr. SPRINGER. I do not wish to interfere with the business already completed to-day, and wish to ask the gentleman if he is willing to yield now for a motion that the committee rise. He will of course have the right to take the floor again when the committee resumes its session for this character of business next Friday. There are several bills to be reported to the House from the committee, and it is now within a few minutes of the ordinary time for taking a recess. I will ask him, therefore, if he will yield for a motion that the committee rise?

Mr. LYMAN. I have been already requested to yield for the same purpose the gentleman from Illinois asks and desired to do so; and perhaps this is as good a place as any to yield for that purpose.

I am not very well posted in the rules of the House, but presume I will be entitled to the floor when the committee sits again for the consideration of this bill?

The CHAIRMAN. The gentleman will be entitled to the floor when the bill is called up again in the regular order.

Mr. LYMAN. Then I yield for the motion.

Mr. SPRINGER. I move that the committee rise and report the bills that have been acted upon.

The motion was agreed to.

The committee accordingly rose; and the Speaker having resumed the chair, Mr. HATCH reported that the Committee of the Whole House, having had under consideration the Private Calendar, had instructed him to report various bills with sundry recommendations.

HENRY AND THOMAS WASHBURN.

The first business reported from the Committee of the Whole House on the Private Calendar was the bill (H. R. 398) for the relief of Henry Washburn and Thomas Washburn.

The bill was reported with an adverse recommendation, and was laid on the table.

B. JENNINGS.

The next business reported from the Committee of the Whole House on the Private Calendar was the bill (S. 85) for the relief of B. Jennings.

The bill was reported with a favorable recommendation, and was ordered to a third reading; and it was accordingly read the third time, and passed.

Mr. BUCHANAN moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

LIEUT. JOHN F. STEWART.

The next business reported from the Committee of the Whole House on the Private Calendar was the bill (H. R. 1732) for the relief of the heirs of Lieut. John F. Stewart.

The bill was reported with a favorable recommendation, and was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

Mr. REID, of North Carolina, moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

PUBLIC BUILDING AT FORT SMITH, ARK.

Mr. DIBBLE. I rise to present the report of a committee of conference.

The Clerk read as follows:

The committee of conference on the disagreeing votes of the two Houses on amendments of the House to the bill (S. 610) making appropriations for a building for the use of the Federal courts, post-office, and internal revenue and other civil offices, and a United States jail in the city of Fort Smith, Ark., having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the House recede from its amendment numbered 2.

That the Senate recede from its disagreement to the amendment of the House numbered 1, and agree to the same.

SAMUEL DIBBLE,
BARCLAY HENLEY,
W. H. WADE,
Managers on the part of the House.

WM. MAHONE,
JOHN C. SPOONER,
JAMES H. BERRY,
Managers on the part of the Senate.

The statement by the House conferees was read, as follows:

The managers on the part of the House of the conference on the disagreeing votes of the two Houses on the amendments of the House to the bill (S. 610) to provide for a building for the use of the Federal courts, post-office, internal revenue, and other civil offices, and a United States jail, in the city of Fort Smith, Ark., submit the following written statement in explanation of the conference report:

The effect of the agreement of the conference committee is to limit the cost of the court-house building to $100,000, the amount fixed therefor by the House, instead of $125,000, as fixed by the Senate; and to limit the cost of the jail to $50,000, the amount fixed therefor by the Senate, instead of $25,000, as fixed by the House.

SAMUEL DIBBLE,
BARCLAY HENLEY,
W. H. WADE,
Managers on the part of the House.

Mr. DIBBLE. I move the adoption of the report.

The report was adopted.

Mr. DIBBLE moved to reconsider the vote by which the report was adopted; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

LEAVE OF ABSENCE.

By unanimous consent leave of absence was granted to Mr. OUTHWAITE for one week, to attend to important business.

RECESS.

Mr. KING. I move that the House now take a recess until half past 7 o'clock for the consideration of pension bills, under the special order of the House.

The motion was agreed to; and accordingly (at 4 o'clock and 45 minutes p. m.) the House took a recess until half past 7 o'clock p. m.

EVENING SESSION.

The recess having expired, the House reassembled at half past 7 o'clock p. m.

ORDER OF BUSINESS.

The SPEAKER. The Clerk will report the resolution under which this evening's session is held.

The Clerk read as follows:

Resolved, That on each Friday the House shall take a recess from 5 o'clock p. m. until 7.30 p. m., at which evening sessions private bills reported from the Committee on Invalid Pensions and the Committee on Pensions, and bills reported from the Judiciary Commitee to remove political disabilities only, be considered.

Mr. WINANS. I move that the House resolve itself into Committee of the Whole House for the consideration of the class of business provided for in the order just read.

The motion was agreed to.

The House accordingly resolved itself into Committee of the Whole House, Mr. HATCH in the chair.

The CHAIRMAN. The House is in Committee of the Whole for the consideration of bills on the Private Calendar under the special order which has been read. The Clerk will report the first bill.

MARGARET A. POLAND.

The first pension business on the Private Calendar was the bill (H. R. 5154) granting a pension to Margaret A. Poland; reported by Mr. ELLSBERRY, from the Committee on Invalid Pensions, with an amendment.

The bill was read, as follows:

Be it enacted, &c., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-roll the name of Margaret A. Poland, widow of Alexander Poland, late of Leesburg, Loudoun County, State of Virginia, at the rate of $8 per month, to commence on the 27th day of November, A. D., 1863, and continue during the term of her natural life, said Alexander Poland having been killed by armed soldiers of the late Confederate States Government on that date for feeding Union soldiers, furnishing supplies to the United States Army, and because of his devotion to the Union, which pension shall be paid quarterly at the pension agency nearest to Washington, D. C., the arrears to be paid the date of the first quarterly payment of United States pensioners occurring after the passage of this act.

The amendment was read, as follows:

In the seventh and eighth lines strike out the words "commence on the 27th day of November, A. D. 1863, and."

The amendment was agreed to.

The bill as amended was laid aside to be reported to the House with the recommendation that it do pass.

JAMES STONE.

The next business on the Private Calendar was the bill (H. R. 926) granting a pension to James Stone; reported by Mr. TAULBEE from the Committee on Invalid Pensions.

The bill was read, as follows:

Be it enacted, &c., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-roll the name of James Stone, late a private in Company H, Fourteenth Regiment of Kentucky Volunteer Infantry, subject to the provisions of existing pension laws.

Mr. TAULBEE. I move to amend, as follows:

Strike out the words "existing pension laws," and insert in lieu thereof the words "subject to the provisions and limitations of the pension laws."

The amendment was agreed to.

The bill as amended was laid aside to be reported to the House with the recommendation that it do pass.

SANFORD GOIN.

The next business on the Private Calendar was the bill (H. R. 5870) granting a pension to Sanford Goin; reported by Mr. TAULBEE from the Committee on Invalid Pensions.

Mr. TAULBEE. I ask that this bill be passed over informally without losing its place on the Calendar.

There was no objection, and it was so ordered.

WILLIAM BRIDGES, JR.

The next business on the Private Calendar was the bill (H. R. 4389) granting a pension to William Bridges, jr.; reported by Mr. HAYNES from the Committee on Invalid Pensions.

The bill was read, as follows:

Be it enacted, &c., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of William Bridges, jr., of Grafton, Vt., late a private in Company I of the Twelfth Regiment Vermont Volunteers.

The bill was laid aside to be reported to the House with the recommendation that it do pass.

NOAH B. BROOKSHIRE.

The next business on the Private Calendar was the bill (H.R. 4644) granting a pension to Noah B. Brookshire; reported by Mr. O'HARA from the Committee on Invalid Pensions.

The bill was read, as follows:

Be it enacted, &c., That the Secretary of the Interior be, and he hereby is, authorized and directed to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of Noah B. Brookshire, late a private in Company B, Third Regiment of North Carolina Mounted Volunteers.

The bill was laid aside to be reported to the House with the recommendation that it do pass.

WILLIAM TURVILLE.

The next business on the Private Calendar was the bill (H. R. 1275) granting a pension to William Turville; reported with an amendment by Mr. O'HARA from the Committee on Invalid Pensions.

The bill was read, as follows:

Be it enacted, &c., That the Secretary of the Interior be, and he hereby is, authorized and directed to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of William Turville, late a private in Company H, Fifth Regiment Wisconsin Volunteer Infantry.

The amendment was read, as follows:

After the word "Infantry," in line 7, insert:
"And that the pension be paid to his legally constituted guardian."

The amendment was adopted.

The bill as amended was laid aside to be reported to the House with the recommendation that it do pass.

DINWIDDIE B. PHILLIPS.

The next business on the Private Calendar was the bill (H. R. 5876) for the relief of Dinwiddie B. Phillips; reported by Mr. TUCKER from the Committee on the Judiciary.

The bill was read, as follows:

Be it enacted, &c., That all disabilities incurred by and imposed by virtue of the fourteenth amendment to the Constitution of the United States upon Dinwiddie B. Phillips, of Fauquier County, in the State of Virginia, be, and the same are hereby, removed.

The bill was laid aside to be reported to the House with the recommendation that it do pass.

WILLIAM E. HARDY.

The next business on the Private Calendar was the bill (H. R. 5259) granting a pension to William E. Hardy.

The bill was read, as follows:

Be it enacted, &c., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-roll the name of William E. Hardy, late of Company D, Thirty-ninth Indiana Infantry Volunteers, subject to the provisions and limitations of the pension laws, and to pay him a pension from and after the passage of this act.

There being no objection, the bill was laid aside to be reported to the House with the recommendation that it do pass.

MRS. ELIZABETH STEWART.

The next business on the Private Calendar was the bill (H. R. 5253) granting a pension to Mrs. Elizabeth Stewart.

The bill was read, as follows:

Be it enacted, &c., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-roll, subject to the conditions and limitations of the pension laws, the name of Mrs. Elizabeth Stewart, widow of Thomas L. Stewart, late of Company E, Fourth Pennsylvania Cavalry.

The Committee on Invalid Pensions recommended that the bill be amended by inserting before the word "Thomas," in line 6, the word "Lieutenant," so as to make it read "Mrs. Elizabeth Stewart, widow of Lieut. Thomas L. Stewart."

The amendment was agreed to.

There being no objection, the bill as amended was laid aside to be reported to the House with the recommendation that it do pass.

JOHN W. LOGAN.

The next business on the Private Calendar was the bill (H. R. 5000) to place the name of John W. Logan on the pension-roll.

The bill was read, as follows:

Be it enacted, &c., That the Secretary of the Interior be, and he is hereby, instructed to place the name of John W. Logan, dependent father of Clinton M. Logan, late a private in Company F, of the Eighty-fifth Regiment of Illinois Volunteers, on the pension-roll, subject to the limitations and provisions of the pension laws of the United States.

There being no objection, the bill was laid aside to be reported to the House with the recommendation that it do pass.

GEORGE W. FLINT.

The next business on the Private Calendar was the bill (H. R. 5323) granting a pension to George W. Flint.

The bill was read, as follows:

Be it enacted, &c., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of George W. Flint, late a member of Company D, Fifty-seventh Regiment Enrolled Missouri Militia.

There being no objection, the bill was laid aside to be reported to the House with the recommendation that it do pass.

JOHN W. THORNTON.

The next business on the Private Calendar was the bill (H. R. 5252) granting a pension to John W. Thornton.

The bill was read, as follows:

Be it enacted, &c., That the Secretary of the Interior is hereby authorized and directed to place on the pension-roll the name of John W. Thornton, of Lawrence, Kans., and pay him a pension for gunshot wounds received in defending the city of Lawrence during the Quantrill raid, subject to the restrictions and limitations of the pension laws.

There being no objection, the bill was laid aside to be reported to the House with the recommendation that it do pass.

WILLIAM CHRISTIE.

The next business on the Private Calendar was the bill (H. R. 5024) granting a pension to William Christie.

The bill was read, as follows:

Be it enacted, &c., That the Secretary of the Interior be, and is hereby, authorized and directed to restore to the pension-roll, subject to the provisions and limitations of the pension laws, the name of William Christie, late of Company A, Seventh Regiment New York Heavy Artillery Volunteers; said pension to commence from the date when his name was dropped from the pension-roll.

There being no objection, the bill was laid aside to be reported to the House with the recommendation that it do pass.

DR. WILLIAM H. SHEFFIELD.

The next business on the Private Calendar was the bill (H. R. 4163) granting a pension to Dr. William H. Sheffield.

The bill was read, as follows:

Be it enacted &c., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of William H. Sheffield, late assistant surgeon of the One hundred and seventh Regiment New York Volunteers.

The Committee on Invalid Pensions recommended amending the bill by inserting in line 6, after the word "late," the words "volunteer acting;" so as to make it read "late volunteer acting assistant surgeon," &c.

The amendment was agreed to.

There being no objection, the bill as amended was laid aside to be reported to the House with the recommendation that it do pass.

HENRY ANIN.

The next business on the Private Calendar was the bill (H. R. 5334) granting a pension to Henry Anin.

The bill was read, as follows:

Be it enacted, &c. That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of Henry Annin, late a private in the Forty-first Regiment United States Colored Troops.

The Committee on Invalid Pensions recommended that the bill be amended by striking out, in line 6, the second "n" in the name "Annin;" so as to make it read "Anin," and by amending the title in like manner.

The amendments were agreed to.

There being no objection, the bill as amended was laid aside to be reported to the House with the recommendation that it do pass.

PHILIP DEREMER.

The next business on the Private Calendar was the bill (H. R. 5335) granting a pension to Philip Devemer.

The bill was read, as follows:

Be it enacted, &c. That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of Philip Devemer, late a private in Company B, Thirty-first Regiment New Jersey Volunteers.

The Committee on Invalid Pensions recommended that the bill be amended by striking out, in line 6, the name "Devemer" and inserting in lieu thereof "Deremer," and by making a like change in the title.

The amendments were agreed to.

There being no objection, the bill as amended was laid aside to be reported to the House with the recommendation that it do pass.

EDWARD L. HILL.

The next business on the Private Calendar was the bill (H. R. 5333) granting a pension to Edward L. Hill.

The bill was read, as follows:

Be it enacted, &c., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of Edward L. Hill, late of Company G, Fifteenth Regiment New Jersey Infantry Volunteers.

There being no objection, the bill was laid aside to be reported to the House with the recommendation that it do pass.

BENJAMIN S. WOLVERTON.

The next business on the Private Calendar was the bill (H. R. 5336) granting a pension to Benjamin S. Wolverton.

The bill was read, as follows:

Be it enacted, &c., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of Benjamin S. Wolverton, late a private in Company A, Fifteenth Regiment New Jersey Volunteers.

There being no objection, the bill was laid aside to be reported to the House with the recommendation that it do pass.

NOAH HOFFMAN.

The next business on the Private Calendar was the bill (H. R. 5328) granting a pension to Noah Hoffman.

The bill was read, as follows:

Be it enacted, &c., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of Noah Hoffman, late a corporal of Company C, Ninetieth Regiment New York Infantry Volunteers.

There being no objection, the bill was laid aside to be reported to the House with the recommendation that it do pass.

EMELINE CRAWFORD.

The next business on the Private Calendar was the bill (H. R. 5527) granting a pension to Emeline Crawford.

The bill was read, as follows:

Be it enacted, &c., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of Emeline Crawford, widow of Daniel S. Crawford, late a private in Company A, Forty-seventh Regiment of Pennsylvania Volunteer Infantry.

There being no objection, the bill was laid aside to be reported to the House with the recommendation that it do pass.

GEORGE W. SMITH.

The next business on the Private Calendar was the bill (H. R. 5254) to increase the pension of George W. Smith.

The bill was read, as follows:

Be it enacted, &c., That the Secretary of the Interior be, and he is hereby, directed to increase the pension of George W. Smith, late of Company F, Fortieth Regiment of Iowa Volunteers, to $24 per month.

The amendment reported by the committee was read, as follows:

In line 6 strike out "24" and insert "16," so as to read "$16 per month."

The amendment was agreed to.

There being no objection, the bill as amended was laid aside to be reported to the House with the recommendation that it do pass.

MARY B. HOLMES.

The next business on the Private Calendar was the bill (S. 806) granting a pension to Mary B. Holmes.

The bill was read, as follows:

Whereas a bill (S. 2607) was passed by both Houses of the Forty-eighth Congress, second session, and approved by the President on the 3d day of March, 1885, granting a pension to Mary B. Holmes, the widow of John W. Holmes; and

Whereas by an error in the name of the said John W. Holmes (who was in said act styled "Henry" W. Holmes) the said Mary B. Holmes was precluded from obtaining such pension as granted in said act: Therefore,

Be it enacted, &c., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-roll, subject to the provisions and

limitations of the pension laws, the name of Mary B. Holmes, widow of John W. Holmes, late a lieutenant of Company F, Seventy-second Regiment New York Volunteers, and allow her the same pension drawn by her husband during his life, to take effect from the date of the approval of the aforesaid act by the President on the 3d day of March, 1885.

SEC. 2. That the act granting a pension to Mary B. Holmes, approved March 3, 1885, is hereby repealed.

There being no objection, the bill was laid aside to be reported to the House with the recommendation that it do pass.

CARTER W. TILLER.

The next business on the Private Calendar was the bill (H. R. 4002) granting a pension to Carter W. Tiller.

The bill was read, as follows:

Be it enacted, &c., That the Secretary of the Interior be, and he is hereby, authorized and directed to place the name of Carter W. Tiller, dependent father of G. W. Tiller, late a private in Company A, Twenty-eighth Kentucky Volunteer Infantry, on the pension-roll, subject to the provisions and limitations of the pension laws.

There being no objection, the bill was laid aside to be reported to the House with the recommendation that it do pass.

MARGARET E. COCHRAN.

The next business on the Private Calendar was the bill (H. R. 908) granting a pension to Margaret E. Cochran.

The bill was read, as follows:

Be it enacted, &c., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of Margaret E. Cochran, widow of Thomas B. Cochran, late lieutenant-colonel of the Second Kentucky Volunteers.

There being no objection, the bill was laid aside to be reported to the House with the recommendation that it do pass.

HENRIETTA FISHER.

The next business on the Private Calendar was the bill (H. R. 3934) granting a pension to Henrietta Fisher.

The bill was read, as follows:

Be it enacted, &c., That the Secretary of the Interior be, and he is hereby, directed and authorized to put the name of Henrietta Fisher, widow of Thaddeus S. Fisher, deceased, late of Company B, Fourth United States Colored Troops, on the pension-roll, subject to the limitations and provisions of the pension laws.

There being no objection, the bill was laid aside to be reported to the House with the recommendation that it do pass.

HENRY S. COHN.

The next business on the Private Calendar was the bill (H. R. 5881) granting a pension to Henry S. Cohn.

The bill was read, as follows:

Be it enacted, &c., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of Henry S. Cohn, and pay him a pension as second lieutenant of Company C, One hundred and sixth Ohio Volunteer Infantry, according to the degree of his disabilities, in lieu of the pension he now receives as sergeant of Company G, One hundred and sixth Ohio Volunteer Infantry.

Mr. EDEN. If there is a report accompanying this bill I would like to have it read.

The report (by Mr. TAULBEE) was read, as follows:

The Committee on Invalid Pensions, to whom was referred the bill (H. R. 909) granting a pension to Henry S. Cohn, having considered the same, submit the following report and substitute herewith:

Henry S. Cohn is now on the pension-roll as first sergeant of Company G, One hundred and sixth Ohio Volunteer Infantry, and the object of the substitute herewith reported is to place him on the pension-roll as lieutenant in Company C, One hundred and sixth Ohio Volunteer Infantry.

Henry S. Cohn enlisted as a member of the Ohio La Fayette Guards in 1861, he at the time being only fifteen years of age, and continued therein for about four months, participating in the first Bull Run fight, when he was mustered out of service on account of expiration of term of service. He then enlisted in Fifth Virginia Regiment, and was appointed drum-major. Was honorably discharged therefrom in August, 1862, and at once joined the One hundred and sixth Ohio Volunteer Infantry, and at the organization thereof was appointed first sergeant of Company G, then at the age of eighteen years, and served in that capacity until December, 1862.

When at the battle of Hartsville, Tenn., his captain was killed, and the first and second lieutenants both mortally wounded, he took command of his company during the battle, and although his comrades were being killed at a fearful rate this gallant young soldier led his company on to the hottest of the battle until a bullet prostrated him, inflicting a severe wound, from which he has never recovered and for which he is now drawing a pension. During this battle his entire brigade was captured and carried away as prisoners, leaving him with his killed and wounded comrades on the bloody field, when the surgeons of the confederate army came on the field and carried him, with other wounded soldiers, to Church hospital, where he lingered for many months, until he sufficiently recovered to be removed to Camp Denison, Ohio, where he rejoined his command, and, although his wounds had not healed, but were constantly troubling him, he was transferred to Company C, One hundred and sixth Ohio Regiment, and was by regimental orders appointed lieutenant of said company, and served in that capacity from February until 22d day of May, 1863, when he was discharged on account of disability resulting from his wounds.

Your committee believe he is entitled to be rated as a lieutenant on the pension-roll, and therefore recommend that the original bill lie on the table, and report a substitute herewith and recommend its passage.

Mr. WILLIS. Mr. Chairman, if any gentleman doubts the propriety of this bill, I will state that I am personally acquainted with the beneficiary and know that the facts are as stated in the report. I have in my hand the regimental orders, which show that this young man acted as a lieutenant during the period mentioned in the report. These orders can be read if the gentleman from Illinois [Mr. EDEN] so desires.

Mr. EDEN. I do not wish it.

Mr. WILLIS. The only objection to this bill is that under it this gentleman will not get full justice. He ought to receive arrears, but is not urging an application of that kind.

There being no objection, the bill was laid aside to be reported to the House with the recommendation that it do pass.

SARAH ANN MURPHY.

The next business on the Private Calendar was the bill (H. R. 5882) granting a pension to Sarah Ann Murphy.

The bill was read, as follows:

Be it enacted, &c., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of Sarah Ann Murphy, widow of James Murphy, late a private in Company K, Twentieth Kentucky Volunteers.

There being no objection, the bill was laid aside to be reported to the House with the recommendation that it do pass.

JOHN PENNINGTON.

The next business on the Private Calendar was the bill (H. R. 3982) granting a pension to John Pennington.

The bill was read, as follows:

Be it enacted, &c., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of John Pennington, late of Company A, Twenty-fourth Regiment Kentucky Volunteers.

The amendment reported by the committee was read, as follows:

At the end of the bill strike out "of Company A, Twenty-fourth Regiment Kentucky Volunteers," and insert "captain of Company A, Forty-seventh Regiment Kentucky Volunteers."

The amendment was agreed to.

There being no objection, the bill as amended was laid aside to be reported to the House with the recommendation that it do pass.

JOHN L. HUNTER.

The next business on the Private Calendar was the bill (H. R. 2797) granting a pension to John L. Hunter.

The bill was read, as follows:

Be it enacted, &c., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of John L. Hunter, late of Company I, First Regiment of Minnesota Mounted Rangers.

There being no objection, the bill was laid aside to be reported to the House with the recommendation that it do pass.

GEORGE WELLS.

The next business on the Private Calendar was the bill (H. R. 2791) granting an increase of pension to George Wells.

The bill was read, as follows:

Be it enacted, &c., That the Secretary of the Interior be, and he is hereby, authorized and directed to place the name of George Wells, late a member of Company I, One hundred and ninth Regiment of New York Volunteers, on the pension-roll, at such an increased rate of pension as said Wells may be entitled to, under the provisions and limitations of the pension laws, on account of disability caused by paralysis.

There being no objection, the bill was laid aside to be reported to the House with the recommendation that it do pass.

CLAYTON E. ROGERS.

The next business on the Private Calendar was the bill (H. R. 2804) granting a pension to Clayton E. Rogers.

The bill was read, as follows:

Be it enacted, &c., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of Clayton E. Rogers, late a captain in the Fiftieth Regiment of Wisconsin Volunteers.

There being no objection, the bill was laid aside to be reported to the House with the recommendation that it do pass.

BRUNER D. HYATT.

The next business on the Private Calendar was the bill (H. R. 2798) granting a pension to Bruner D. Hyatt.

The bill was read, as follows:

Be it enacted, &c., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of Bruner D. Hyatt, late of Company D, Twelfth Regiment of Wisconsin Volunteers.

There being no objection, the bill was laid aside to be reported to the House with the recommendation that it do pass.

SARAH A. LOVELL.

The next business on the Private Calendar was the bill (H. R. 2802) granting a pension to Sarah A. Lovell.

The bill was read, as follows:

Be it enacted, &c., That the Secretary of the Interior be, and he is hereby, authorized and directed to place the name of Sarah A. Lovell, mother of Richard B. Lovell, late of Company F, of the First Wisconsin Volunteers, on the pension-roll of the United States, subject to the limitations and provisions of the pension laws.

There being no objection, the bill was laid aside to be reported to the House with the recommendation that it do pass.

JOEL D. MONROE.

The next business on the Private Calendar was the bill (H. R. 4058) for the relief of Joel D. Monroe.

The bill was read, as follows:

Be it enacted, &c., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of Joel D. Monroe, late a private in Company C, One hundred and eleventh New York Volunteers.

There being no objection, the bill was laid aside to be reported to the House with the recommendation that it do pass.

HARRIET M. LARRABEE.

The next business on the Private Calendar was the bill (H. R. 4516) granting a pension to Harriet M. Larrabee.

The bill was read, as follows:

Be it enacted, &c., That the Secretary of the Interior be, and hereby is, authorized and directed to place on the pension-roll, subject to the pension laws, the name of Harriet M. Larrabee, widow of L. H. Larrabee, late a private in Company A, Sixth Regiment Maine Volunteers.

There being no objection, the bill was laid aside to be reported to the House with the recommendation that it do pass.

ZEBA S. AYER.

The next business on the Private Calendar was the bill (H. R. 5277) granting a pension to Zeba S. Ayer.

The bill was read, as follows:

Be it enacted, &c., That the Secretary of the Interior be, and hereby is, authorized and directed to place on the pension-roll, subject to the pension laws, the name of Zeba S. Ayer, dependent father of Zeba A. Ayer, deceased, late a private in Company A, Twenty-ninth Regiment Maine Infantry Volunteers.

There being no objection, the bill was laid aside to be reported to the House with the recommendation that it do pass.

JAMES CARROLL.

The next business on the Private Calendar was the bill (H. R. 4642) granting a pension to James Carroll.

The bill was read, as follows:

Be it enacted, &c., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of James Carroll, late a private in Company B, Third Regiment of North Carolina Mounted Volunteers.

There being no objection, the bill was laid aside to be reported to the House with the recommendation that it do pass.

MRS. BRIDGET SMITH.

The next business on the Private Calendar was the bill (H. R. 4070) for the relief of Mrs. Bridget Smith, mother of Patrick J. Smith.

The bill was read, as follows:

Be it enacted, &c., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of Mrs. Bridget Smith, mother of Patrick J. Smith, deceased, late of Company H, Tenth Minnesota Volunteers.

There being no objection, the bill was laid aside to be reported to the House with the recommendation that it do pass.

WILLIAM L. M'CALL.

The next business on the Private Calendar was the bill (H. R. 4632) granting a pension to William L. McCall.

The bill was read, as follows:

Be it enacted, &c., That the Secretary of the Interior be, and hereby is, directed to place the name of William L. McCall, late a private in Company D, Ninth Tennessee Cavalry, on the pension-roll, subject to the conditions and limitations of the pension laws.

There being no objection, the bill was laid aside to be reported to the House with the recommendation that it do pass.

MRS. MARY HASTINGS.

The next business on the Private Calendar was the bill (H. R. 3198) granting a pension to Mrs. Mary Hastings.

The bill was read, as follows:

Be it enacted, &c., That the Secretary of the Interior is hereby authorized and directed to place on the pension-roll, subject to the limitations and provisions of the pension laws, the name of Mrs. Mary Hastings, widow of Robert Hastings, late a private in Mike Galbreath's company of scouts and guides, who was wounded in 1863, and died from said wound in 1866; and that the said Mrs. Mary Hastings be paid a pension of $8 per month.

The amendment of the committee was read, as follows:

Strike out the words:

And that the said Mrs. Mary Hastings be paid a pension of $8 per month.

The amendment was agreed to; and the bill as amended was laid aside to be reported to the House with the recommendation that it do pass.

MARGARET KEARNS.

The next business on the Private Calendar was the bill (H. R. 1543) granting a pension to Margaret Kearns.

The bill was read, as follows:

Be it enacted, &c., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of Margaret Kearns, mother of James Kearns, late a sergeant of Company G, Ninety-fourth New York Infantry.

There being no objection, the bill was laid aside to be reported to the House with the recommendation that it do pass.

JOHN TAYLOR.

The next business on the Private Calendar was the bill (H. R. 3826) for the relief of John Taylor.

The bill was read, as follows:

Be it enacted, &c., That the Secretary of the Interior be, and he is hereby, authorized and directed to increase the pension of John Taylor (certificate 101790), formerly a member of Battery M, Third Regiment New York Light Artillery Volunteers, from $12 to $24 per month.

The amendment of the committee was read, as follows:

Strike out "twenty-four" and insert "sixteen," so it will read, "from twelve to sixteen dollars per month."

The amendment was agreed to; and the bill as amended was laid aside to be reported to the House with the recommendation that it do pass.

AGNES RENZ.

The next business on the Private Calendar was the bill (H. R. 4592) granting a pension to Agnes Renz.

The bill was read, as follows:

Be it enacted, &c., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-roll the name of Agnes Renz, widow of Henry Renz, a musician in the One hundred and nineteenth Regiment of New York Volunteers, subject to the provisions and limitations of the pension laws.

There being no objection, the bill was laid aside to be reported to the House with the recommendation that it do pass.

MARGARET D. MARCHAND.

The next business on the Private Calendar was the bill (H. R. 2060) granting a pension to Margaret D. Marchand.

The bill was read, as follows:

Be it enacted, &c., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of Margaret D. Marchand, widow of Commodore J. B. Marchand, late of the United States Navy, and pay her a pension at the rate of $50 per month from the date of the passage of this act.

The amendment of the committee was read, as follows:

Strike out "and pay her a pension at the rate of $50 per month from the date of the passage of this act."

The amendment was agreed to; and the bill as amended was laid aside to be reported to the House with the recommendation that it do pass.

ELIAS SHEADS.

The next business on the Private Calendar was the bill (H. R. 5438) for the relief of Elias Sheads.

The bill was read, as follows:

Be it enacted, &c., That the Secretary of the Interior be, and he is hereby, directed and authorized to place on the pension-roll, subject to the provisions and conditions of the pension laws, the name of Elias Sheads, dependent father of four sons, all of whom were killed in battle or died from wounds or disease contracted in line of duty.

There being no objection, the bill was laid aside to be reported to the House with the recommendation that it do pass.

MRS. ELIZABETH K. GALLAGHER.

The next business on the Private Calendar was the bill (H. R. 3627) granting a pension to Mrs. Elizabeth K. Gallagher, widow of Bvt. Brig. Gen. Thomas F. Gallagher, deceased, late colonel of the Eleventh Regiment Pennsylvania Reserve Corps.

The bill was read, as follows:

Be it enacted, &c., That the Secretary of the Interior be, and is hereby, authorized and directed to place on the pension-roll, subject to the provisions and limitations of the pension laws, as of the 4th of November, 1883, the name of Mrs. Elizabeth K. Gallagher, widow of Bvt. Brig. Gen. Thomas F. Gallagher, deceased, late colonel of the Eleventh Regiment Pennsylvania Reserve Corps.

Mr. PETERS. Let us have the report read in that case.

The Clerk proceeded to read the report.

Mr. PETERS. I do not ask that the report be read through.

Mr. MORRILL. Does this bill not grant arrears?

Mr. PERKINS. For two years.

Mr. MORRILL. I move to strike out that portion of it.

Mr. TAULBEE. I ask that the remainder of the report be read, to see whether there is any good reason why these arrears should not be granted.

The report (by Mr. SWOPE) was read, as follows:

The Committee on Invalid Pensions, to whom was referred House bill 3627, respectfully submit the following report:

The late Thomas F. Gallagher was mustered into the service July 2, 1861, at Camp Wright, with the rank of colonel of the Eleventh Regiment (Fortieth Regiment United States) Pennsylvania Reserve Corps. He was discharged on the 12th of December, 1862, for wounds received at South Mountain, Maryland, on the 14th September, 1862. He was promoted brevet brigadier-general on the 13th March, 1865.

Colonel Gallagher went into the service of his country a perfectly sound and healthy man. He contracted disease of the kidneys while in the service, and during the entire year of 1862 he was almost entirely unfit for service, yet he always was at his post. He was captured, together with nine of his regiment and all his field officers, and retained in Libby Prison until he was exchanged as a prisoner of war. He did not go into the hospital at any time, but always remained on duty, and after his release from prison he was nursed by his wife at a private house in Washington city until he was able to be removed to his home in Pennsylvania.

After his release from prison he received a "leave of absence" on account of his sickness, and while at home on furlough at that time he was treated for disease of his kidneys by Dr. J. E. Cook, his family physician, and it was the first time he was compelled to consult his family physician or take any medicine, at least while at home.

Dr. De Renneville, his regimental surgeon, was the one who treated him while in the service, and the doctor has since died, and also all the assistant surgeons at the time of Colonel Gallagher's service are dead, with, perhaps, the exception of one, and that one was not called upon by Colonel Gallagher, as his surgeon, Dr. De Renneville, was with him.

Dr. J. L. Cook, his family physician, certifies that he was the family physician of Colonel Gallagher for twenty-five years before his death; that he contracted the disease of the kidneys while away from home and while in the service of his country; that he went into the service a sound man; that after his discharge he was treated by him as his family physician for disease of the kidneys until the time of his death, and that his death was caused by the same disease.

His associates can not certify with any degree of certainty as to the exact nature of the disease that troubled him while in the service, although they do say that he was sick and often really unfit for duty.

Colonel Gallagher did not himself make an application for pension for the reason, as expressed by himself, "that many of the men needed it worse than he," thinking that he had for himself and his family sufficient of this world's goods. Therefore he always refrained from asking aid from the Government.

He died on the 4th day of November, 1883, leaving a widow and three children (the youngest a son aged sixteen years), and he departed this life in the full belief that his widow and children were well provided for, and with the honest conviction (as he frequently assured them) that the Government would protect them should any financial disasters come upon them.

Since his death all his property has been swept away, and his widow and children are left without a home, and indeed without even the necessaries of life. To-day his widow and children are without a home and on the very verge of starvation, and the widow is confined to a bed of sickness.

In accordance with the provisions of the statutes of the United States, in such cases made and provided, the widow of Colonel Gallagher could now (even if she would be successful in having her name placed upon the pension-roll) only receive an annuity and be debarred from receiving any arrearages, owing simply to the fact that her application had not been made prior to the passage of the said statute relative to applications for pensions.

Owing to the death of the regimental surgeon who treated Colonel Gallagher while in service, and the fact of his comrades in the service, who are living to-day, knowing so little or nothing of his exact ailment while in the service, and also the fact of Colonel Gallagher not having any hospital record while in the war, it would be impossible for his widow to make out a case for the Pension Department.

In view of the above facts and the deplorable condition of the widow of this gallant and meritorious officer, which your committee believe to be true in every particular, they unanimously and earnestly recommend the passage of this bill.

Mr. MORRILL. I move to strike out the words "as of the fourth of November, 1883."

Mr. MORRILL'S amendment was agreed to, and the bill as amended was laid aside to be reported to the House with the recommendation that it do pass.

JOHN A. STEWART.

The next business on the Private Calendar was the bill (H. R. 5884) to increase the pension of John A. Stewart.

The bill was read, as follows:

Be it enacted, &c., That the Secretary of the Interior be, and he is hereby, directed to increase the pension of John A. Stewart, late a private in Company A, Sixty-first Regiment Pennsylvania Volunteers, to $45 per month.

There being no objection, the bill was laid aside to be reported to the House with the recommendation that it do pass.

SARAH M. SHEARER.

The next business on the Private Calendar was the bill (H. R. 1061) for the relief of Sarah M. Shearer.

The bill was read, as follows:

Be it enacted, &c., That the Secretary of the Interior be, and he is hereby, directed and authorized to place on the pension-roll, subject to the provisions and conditions of the pension laws, the name of Sarah M. Shearer, widow of Cranford W. Shearer, late lieutenant-colonel of the —— Maryland Volunteers.

There being no objection, the bill was laid aside to be reported to the House with the recommendation that it do pass.

NEWTON DAY.

The next business on the Private Calendar was the bill (H. R. 448) granting a pension to Newton Day.

The bill was read, as follows:

Be it enacted, &c., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of Newton Day, late a private in Company B of the Fourteenth Regiment Indiana Volunteer Infantry.

The amendment of the committee was read, as follows:

Strike out "Fourteenth" and insert "One hundred and fortieth."

The amendment was agreed to; and the bill as amended was laid aside to be reported to the House with the recommendation that it do pass.

ENOCH GOSS.

The next business on the Private Calendar was the bill (H. R. 549) granting a pension to Enoch Goss.

The bill was read, as follows:

Be it enacted, &c., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of Enoch Goss, late of Company D, Fifty-first Illinois Volunteers.

There being no objection, the bill was laid aside to be reported to the House with the recommendation that it do pass.

DANIEL H. ROSS.

The next business on the Private Calendar was the bill (H. R. 524) granting a pension to Daniel H. Ross.

The bill was read, as follows:

Be it enacted, &c., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll the name of Daniel H. Ross, late a private in Company B, First Regiment Mississippi Marine Brigade, subject to the provisions of the pension laws.

SEC. 2. That this act shall take effect from and after its passage.

There being no objection, the bill was laid aside to be reported to the House with the recommendation that it do pass.

ROBERT C. M'KEE.

The next business on the Private Calendar was the bill (H. R. 525) to restore Robert C. McKee to the pension-roll.

The bill is as follows:

Be it enacted, &c., That the Secretary of the Interior be, and he is hereby, authorized and directed to restore to the pension-roll the name of Robert C. McKee, late a private in Company G, Twentieth Regiment of Indiana Volunteers, subject to the provisions and limitations of the pension laws.

SEC. 2. That this act shall take effect from and after its passage.

The bill was laid aside to be reported to the House with the recommendation that it do pass.

ALONZO V. RICHARDS.

The next business on the Private Calendar was the bill (H. R. 601) granting a pension to Alonzo V. Richards.

The bill is as follows:

Be it enacted, &c., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of Alonzo V. Richards, late a second lieutenant in the Signal Corps, United States Army, and that he shall draw a pension at the rate allowed to second lieutenants of said service, and that this shall be in lieu of the pension now paid him.

The bill was laid aside to be reported to the House with the recommendation that it do pass.

MRS. CATHERINE M'CARTY.

The next business on the Private Calendar was the bill (H. R. 5603) granting a pension to Mrs. Catherine McCarty.

The bill is as follows:

Be it enacted, &c., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-roll the name of Catherine McCarty, widow of John McCarty, late a private in Company B, First Regiment Missouri State Militia Volunteers, the pension to date from the death of her husband.

Mr. EDEN. That seems to include the question of arrearage.

Mr. MATSON. I move to strike out of the bill the words "the pension to date from the death of her husband," in the seventh line.

The amendment was agreed to.

The bill as amended was laid aside to be reported to the House with the recommendation that it do pass.

JOSHUA L. MORRIS.

The next business on the Private Calendar was the bill (H. R. 5599) granting a pension to Joshua L. Morris.

The bill is as follows:

Be it enacted, &c., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of Joshua L. Morris, late of Company H, Third Missouri State Militia Cavalry.

The bill was laid aside to be reported to the House with the recommendation that it do pass.

ANTHONY HARSEL.

The next business on the Private Calendar was the bill (H. R. 4114) granting a pension to Anthony Harsel.

The bill is as follows:

Be it enacted, &c., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of Anthony Harsel, late of Company D, Forty-eighth Regiment Missouri Enrolled Militia.

Mr. MORRILL. Mr. Chairman, I move to amend the bill by inserting the word "captain" before the name of the beneficiary of this bill, so that it will read, "Capt. Anthony Harsel." I thought I had done so in the bill, but find that while I made the change in the report I did not incorporate it in the bill.

The amendment was agreed to.

The bill as amended was laid aside to be reported to the House with the recommendation that it do pass.

LEANDER C. MITCHELL.

The next business on the Private Calendar was the bill (H. R. 4992) restoring Leander C. Mitchell to the pension-roll.

The bill is as follows:

Be it enacted &c., That Leander C. Mitchell, of Chariton County, Missouri, formerly on the pension-roll by certificate numbered 103982, but who has been dropped therefrom, be restored to all his rights under said pension certificate and restored to said roll. The committee recommend to strike out the name "Mitchell" and insert "Twitchell." Also amend the title so as to read, "A bill restoring Leander C. Twitchell to the pension-roll."

The amendments were agreed to.

The bill as amended was laid aside to be reported to the House with the recommendation that it do pass.

ORDER OF BUSINESS.

Mr. MATSON. I move that the committee now rise and report these bills to the House.

Mr. BURROWS. I would inquire of the gentleman if he will not

allow the committee to remain in session until we can finish the next two cases on the Calendar?

Mr. MATSON. I had agreed to allow this last case to be called because the gentleman who presented the bill desired to be absent next week. However, I have no disposition to be captious about it, and am willing that the next two cases, if they are important to the gentleman from Michigan, shall be taken up and considered.

H. P. M'FARLIN.

The next business on the Private Calendar was the bill (H. R. 3848) for the relief of H. P. McFarlin.

The bill is as follows:

Be it enacted, &c., That the Secretary of the Interior be, and he hereby is, authorized and directed to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of H. P. McFarlin, late of Company I, Seventh Regiment Michigan Infantry.

The committee recommend the striking out of the words "place on," in the fourth line, and the insertion of the words "restore to."

The amendment was agreed to.

The bill as amended was laid aside to be reported to the House with the recommendation that it do pass.

MARY S. DOUGLAS.

The next business on the Private Calendar was the bill (H. R. 2805) granting a pension to Mary S. Douglas.

The bill is as follows:

Be it enacted, &c., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of Mary S. Douglas, mother of Thomas Douglas, late of Company C, Second Regiment of Maine Cavalry Volunteers.

The bill was laid aside to be reported to the House with the recommendation that it do pass.

ORDER OF BUSINESS.

Mr. MATSON. I move that the committee do now rise.

The motion was agreed to.

The committee accordingly rose; and Mr. DOCKERY having taken the chair as Speaker *pro tempore*, Mr. HATCH reported that the Committee of the Whole House, having had under consideration the Private Calendar under the special order of the House, had instructed him to report sundry bills with various recommendations.

ELLEN M. MITCHELL.

The SPEAKER *pro tempore*. The Clerk will report the unfinished business coming over from the preceding session of the committee.

The Clerk read as follows:

A bill (H. R. 2022) to increase the pension of Ellen M. Mitchell.

Mr. BINGHAM. Mr. Chairman, when that bill went over on the last Friday night session it was presumed by those who construed the rule at the time that the bill would come up for consideration this morning (Friday). I understand that after a conference the Speaker determined it would not, and could not be considered this morning. I therefore ask unanimous consent, and trust the chairman of the Committee on Invalid Pensions will concede it, that the previous question may be considered as ordered on the engrossment and third reading of the bill and also on the passage of the bill and that it may go over for the present, which will throw it over until Monday morning as unfinished business.

Mr. MATSON. I am perfectly content with that, as it was what we intended to do on last Friday.

Mr. BINGHAM. That was the original intention.

The SPEAKER *pro tempore*. If there be no objection that order will be made.

There was no objection, and it was ordered accordingly.

BILLS PASSED.

The following bills, reported from the Committee of the Whole House on the Private Calendar without amendment, were severally ordered to be engrossed for a third reading, read the third time, and passed, namely:

A bill (H. R. 4389) granting a pension to William Bridges;
A bill (H. R. 4644) granting a pension to Noah B. Brookshire;
A bill (H. R. 5259) granting a pension to William E. Hardy;
A bill (H. R. 5000) to place the name of John W. Logan on the pension-roll;
A bill (H. R. 5323) granting a pension to George W. Flint;
A bill (H. R. 5252) granting a pension to John W. Thornton;
A bill (H. R. 5024) granting a pension to William Christie;
A bill (H. R. 5333) granting a pension to Edward L. Hill;
A bill (H. R. 5336) granting a pension to Benjamin S. Wolverton;
A bill (H. R. 5328) granting a pension to Noah Hoffman;
A bill (H. R. 5527) granting a pension to Emeline Crawford; and
A bill (H. R. 4002) granting a pension to Carter W. Tiller.

MARGARET E. COCHRAN.

The next business reported from the Committee of the Whole House on the Private Calendar with a favorable recommendation was the bill (H. R. 908) granting a pension to Margaret E. Cochran.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

Mr. WILLIS. Mr. Speaker, upon that bill, just for one moment, I desire to say that I have a letter from the brother-in-law of this lady, which sets forth the facts in the case; and I have not undertaken to occupy the time of the committee, and will not now, but simply ask in her interest that this letter be printed in connection with the bill.

There was no objection, and it was so ordered.

The letter is as follows:

LOUISVILLE, *February* 27, 1884.

DEAR SIR: Thinking that a brief statement of the life and military services of Lieut. Col. Thomas B. Cochran may have some effect in securing an enlightened and just result in regard to the bill proposing a pension to his widow, Mrs. M. E. Cochran, I hastily prepare the following statement, much of which is personally known to you, and more possibly to Hon. Justice John M. Harlan, who was a personal friend of Judge Cochran, and was in the military service at or about the same time. At the breaking out of the war, Colonel Cochran was a lawyer in full practice in the town of Shelbyville, Ky.; a man of robust health, and was considered to stand at the head of his profession in the place of his residence. He was a man of decided character and always outspoken in his sentiments. His sentiments were so decided and his exertions so effective for the preservation of the Union of the States, that the late General L. H. Rousseau thought it of great importance to get him to take an active part in the military movements that were then being organized at Camp Jo. Holt, near the city of Louisville, and tendered him the command of one of the three regiments then being organized at that place. Mr. Cochran, whose modesty and diffidence were only equaled by his courage and devotion to right, suggested that his brother-in-law, Colona B. Board, who was a graduate of West Point, should be nominated as colonel of the regiment, he himself taking the position of lieutenant-colonel. These are the circumstances under which he entered the service. He at once entered into active service, went into camp at Nolin, served under General Sherman until he was relieved by General Buell; was actively engaged in the Tennessee campaign; was at the battle of Shiloh or Pittsburgh Landing; covered Buell's retrograde movement on Louisville (his regiment being cavalry); led Buell's advance in the campaign on General Bragg; participated in the battle of Perryville, &c. In the succeeding summer was stricken down with typhoid fever, taken to his home and nursed through what all of his friends at the time considered would be a fatal sickness. Before his health was fully restored he joined his command, but continued feeble from the effects of chronic diarrhea, contracted immediately after his return to duty, and from which he was never relieved during his life. His superiors finding him unfit for field duty placed him in charge of transportation at the city of Louisville, where he continued for some time. His physicians finally ordered him to quit the service, and in obedience to their requirements he resigned his commission, and under their advice made a trip to Europe for his health, which was somewhat improved thereby. On his return he undertook to resume the practice of law; was elected to the State senate, and, having removed to Louisville, was elected chancellor of the Louisville chancery court, the most important legal tribunal in the city.

During all this time his health was exceedingly delicate, and he was continuously troubled by the chronic complaint contracted in the Army. He again made a short visit to Europe, another to Cuba, with slight benefit in each instance. He continued his labors as judge of the court, when it was the wonder of his friends and the bar how a man reduced as he was physically should even leave his home. Finally his system could no longer respond to his great will, and a slight attack of erysipelas, which his family thought but little of at first, resulted in his death. For a long time prior he was physically but the shadow of his former self, reduced almost to a skeleton. He kept up only by that indomitable will and determination which were the leading features of his character. It may be proper to say to you that while engaged in the public service, both in his military and civil capacity, he had necessarily so neglected his private affairs that the moderate competency he had accumulated was dissipated, and his widow was left without provision. He never had children, and his widow is dependent on her own exertions for a support. She is now employed as a teacher in a female school at Mount Sterling, in this State. I have hastily sketched the outlines of his life since he entered the Army in order to supplement your own knowledge of his history. It does seem to me that this is a case where the Congress may properly intervene to carry out the principles of the general law, because of the fact that technical construction prevents the officers intrusted with the execution of the law from carrying out its true intent, namely, the fostering protection of the Government to the widow left homeless and poor by reason of the husband's services to the Government. The evidence filed with Mrs. Cochran's application in the Pension Department will fully sustain the facts as herein recited.

With great respect, I remain, yours, truly,

ROBERT COCHRAN.

Hon. A. S. WILLIS, *Washington, D. C.*

BILLS PASSED.

Bills of the following titles, reported from the Committee of the Whole House without amendment, were severally ordered to be engrossed and read a third time; and being engrossed, they were accordingly read the third time, and passed:

A bill (H. R. 3954) granting a pension to Henrietta Fisher;
A bill (H. R. 5881) for the relief of Henry S. Cohn;
A bill (H. R. 5882) granting a pension to Sarah Ann Murphy;
A bill (H. R. 2797) granting a pension to John L. Hunter;
A bill (H. R. 2791) granting an increase of pension to George Wells;
A bill (H. R. 2804) granting a pension to Clayton E. Rogers;
A bill (H. R. 2798) granting a pension to Bruner D. Hyatt;
A bill (H. R. 2802) granting a pension to Sarah A. Lovell;
A bill (H. R. 4058) for the relief of Joel D. Monroe;
A bill (H. R. 4516) granting a pension to Harriet M. Larrabee;
A bill (H. R. 5277) granting a pension to Zeba S. Ayer;
A bill (H. R. 4642) granting a pension to James Carroll;
A bill (H. R. 4070) for the relief of Mrs. Bridget Smith, mother of Patrick J. Smith;
A bill (H. R. 4632) granting a pension to William L. McCall;
A bill (H. R. 1543) granting a pension to Margaret Kearns;
A bill (H. R. 4592) granting a pension to Agnes Renz;
A bill (H. R. 5438) for the relief of Elias Sheads;
A bill (H. R. 5884) to increase the pension of John A. Stewart;

A bill (H. R. 1061) for the relief of Sarah M. Shearer;
A bill (H. R. 549) granting a pension to Enoch Goss;
A bill (H. R. 524) granting a pension to Daniel H. Ross;
A bill (H. R. 525) to restore Robert C. McKee to the pension-roll;
A bill (H. R. 601) granting a pension to Alonzo V. Richards;
A bill (H. R. 5599) granting a pension to Joshua L. Morris; and
A bill (H. R. 2805) granting a pension to Mary S. Douglas.

Bills of the following titles were reported from the Committee of the Whole with amendments. The amendments were agreed to; and the bills as amended were ordered to be engrossed and read a third time; and being engrossed, they were accordingly read the third time, and passed:

A bill (H. R. 5154) granting a pension to Margaret A. Poland;
A bill (H. R. 926) granting a pension to James Stone;
A bill (H. R. 1275) granting a pension to William Turville;
A bill (H. R. 5253) granting a pension to Mrs. Elizabeth Stewart;
A bill (H. R. 4163) granting a pension to Dr. William H. Sheffield;
A bill (H. R. 5254) to increase the pension of George W. Smith;
A bill (H. R. 3982) granting a pension to John Pennington;
A bill (H. R. 3198) granting a pension to Mrs. Mary Hastings;
A bill (H. R. 3826) for the relief of John Taylor;
A bill (H. R. 2060) granting a pension to Margaret D. Marchand;
A bill (H. R. 3627) granting a pension to Mrs. Elizabeth K. Gallagher, widow of Bvt. Brig. Gen. Thomas F. Gallagher, deceased, late colonel of the Eleventh Regiment Pennsylvania Reserve Corps;
A bill (H. R. 448) granting a pension to Newton Day;
A bill (H. R. 5603) granting a pension to Mrs. Catherine McCarty;
A bill (H. R. 4992) restoring Leander C. Mitchell to the pension-roll;
A bill (H. R. 3848) for the relief of H. P. McFarlin;
A bill (H. R. 4114) granting a pension to Anthony Harsel;
A bill (H. R. 5335) granting a pension to Philip Deremer;
A bill (H. R. 5334) granting a pension to Henry Anin;

A Senate bill of the following title, reported back from the Committee of the Whole without amendment, was ordered to a third reading; and it was accordingly read the third time, and passed:

A bill (S. 806) granting a pension to Mary B. Holmes.

A bill of the following title reported, from the Committee of the Whole without amendment, was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time and passed, two-thirds voting in favor thereof:

A bill (H. R. 5876) for the relief of Dinwiddie B. Phillips.

RECONSIDERATION.

Mr. MATSON moved to reconsider the several votes by which bills had been passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

Mr. MATSON. I move that the House do now adjourn.

The motion was agreed to; and accordingly (at 8 o'clock and 55 minutes p. m.) the House adjourned.

PETITIONS, ETC.

The following petitions and papers were laid on the Clerk's desk, under the rule, and referred as follows:

By Mr. BALLENTINE: Petition of A. H. Cole, administrator of A. H. M. & B. R. Stublefield, Wayne County, Tennessee, asking that their war claim be referred to the Court of Claims—to the Committee on War Claims.

By Mr. BLANCHARD: Papers relating to the claim of Annie R. Hertzog, of Natchitoches Parish, Louisiana, and of Lester Prudhomme, of Natchitoches Parish, Louisiana—to the same committee.

By Mr. BOUTELLE: Memorial of the Knights of Labor of Bangor, Me., in favor of the Hennepin Canal—to the Committee on Railways and Canals.

By Mr. W. W. BROWN: Petition of soldiers of McKean County, Pennsylvania, praying for the extension of arrearages of pensions, &c., as proposed by the committee on pensions of the Grand Army of the Republic—to the Committee on Invalid Pensions.

By Mr. BUCHANAN: Memorial of the New Jersey State board of agriculture for the elevation of the office of Commissioner of Agriculture to a Cabinet position—to the Committee on Agriculture.

Also, memorial of the same in relation to pleuro-pneumonia and other diseases among cattle, swine, &c.—to the same committee.

Also, memorial of the same in relation to the restrictions on pork—to the Committee on Foreign Affairs.

By Mr. BURROWS: Petition of D. J. Bingham and others and of George H. Welldin and others, favoring the continued coinage of silver—to the Committee on Coinage, Weights, and Measures.

By Mr. DORSEY: Petition of citizens of Nebraska, in reference to the amendment of the pension laws—to the Committee on Invalid Pensions.

By Mr. GROSVENOR: Memorial of the city of Gallipolis, Ohio, for marine hospital at that place—to the Committee on Commerce.

By Mr. GROUT: Statement of Judge Darnell as to claim of Sally B. Bent for a pension—to the Committee on Invalid Pensions.

By Mr. HEMPHILL: Petition of J. F. Arthur and 180 others, of Camden, S. C., for improvements of Winyaw Bay and rivers tributary thereto—to the Committee on Rivers and Harbors.

By Mr. HENLEY: Papers in the case of Sheily & De Long—to the Committee on Claims.

By Mr. HIRES: Petition of many citizens, praying for the passage of House bill 4690, to equalize the right to fish in the tide waters of the United States—to the Committee on Commerce.

By Mr. J. H. JONES: Petition of citizens of Henderson, Rusk County, Texas, asking for an adequate appropriation to deepen the channel at Sabine Pass, Tex.—to the Committee on Rivers and Harbors.

By Mr. LIBBEY: Petition of citizens of Northampton County, Virginia, for an appropriation for dredging Narsawaddock River, in said county—to the same committee.

By Mr. McRAE (by request): Petition of James R. Young, of Camden, Ark., for relief—to the Committee on the Post-Office and Post-Roads.

By Mr. NEAL: Petition of Nipper James, for a pension—to the Committee on Invalid Pensions.

By Mr. CHARLES O'NEILL: Petition of Mrs. Mary Doyle, widow of First Lieut. John Doyle, asking for a pension—to the same committee.

By Mr. PAYNE: Petition of Society of Friends of Scipio, N. Y., in favor of Senate bill 355—to the Committee on Foreign Affairs.

By Mr. PEEL: Petition of 170 citizens, asking for the division of western district of Arkansas—to the Committee on the Judiciary.

By Mr. PETERS: Petition of W. A. Hopkins and others, and of W. F. Williams and others, of Sharon, Kans., opposing a bankrupt law—to the Committee on the Judiciary.

Also, concurrent resolution of the Legislature of Kansas, favoring the enlargement of the soldiers' home at Leavenworth, Kans.—to the Committee on Military Affairs.

By Mr. ROBERTSON: Petition of Brown & Hambleton and others, citizens of Cloverport, Ky., and vicinity, protesting against the passage of the present or pending bankruptcy bill known as the Lowell bill—to the Committee on the Judiciary.

By Mr. SENEY: Joint resolution of the General Assembly of the State of Ohio, respecting the erection of a marine hospital at Gallipolis, Ohio—to the Committee on Naval Affairs.

Also, joint resolution of the same, relating to a training-ship on Lake Erie—to the same committee.

By Mr. STEPHENSON: Petition of Edward E. Chase and 19 others, citizens of the ninth Congressional district of Wisconsin, for free coinage of silver—to the Committee on Coinage, Weights, and Measures.

Also, resolutions of the Federation of Labor Unions, opposing a change in the mechanics' lien law of the District of Columbia—to the Committee on the District of Columbia.

Also, resolutions of the Master Plumbers' Association, of the District of Columbia, opposing change in mechanics' lien law, District of Columbia—to the same committee.

By Mr. STEELE: Petition of 238 soldiers and 286 others, 524 in all, citizens of Huntington, Ind., to pension all Union soldiers—to the Committee on Invalid Pensions.

By Mr. W. J. STONE, of Kentucky: Petition of citizens of Paducah, Ky., praying the passage of a bankrupt law—to the Committee on the Judiciary.

By Mr. SYMES: Petition of citizens of Colorado, in opposition to passage of bankrupt law—to the same committee.

Also, house concurrent resolution of Colorado Legislature, for a mountain military department with headquarters at or near Denver, Colo.—to the Committee on Military Affairs.

Also, memorial of the Legislature of Colorado, in relation to the Beaubien land grant in that State—to the Committee on Private Land Claims.

Also, memorial of the Legislature of Colorado, for the relief of Anson Rudd—to the same committee.

By Mr. J. M. TAYLOR: Petition of soldiers, praying for the passage of a bill embodying the recommendations of the national committee of the Grand Army of the Republic—to the Committee on Invalid Pensions.

By Mr. WAIT: Resolutions of the General Assembly of Connecticut in regard to the proposed removal of the naval training school from Coaster's Harbor to the New London naval station—to the Committee on Naval Affairs.

By Mr. WHEELER: Papers in the claim of Mobile Dock Company—to the Committee on Claims.

By Mr. MILO WHITE: Petition of W. J. Ives and others; of J. P. Farmer and others, of Hans Everson and others, of Ole Petersen and others, of John Basso and others, of Severin Johnson and others, of C. P. Weld and others, of O. C. Swenson and others, and of L. L. Humble and others, citizens of Minnesota, for the regulation or suppression of the manufacture and sale of imitation dairy products—to the Committee on Agriculture.

Also, resolution of the Saint Paul Chamber of Commerce, opposing the increase of postage on fourth-class matter—to the Committee on the Post-Office and Post-Roads.

The following petitions, praying Congress to place the coinage of silver upon an equality with gold; that there be issued coin certificates of one, two, and five dollars, the same being made a legal tender; that one and two dollar legal-tender notes be issued, and that the public debt be paid as rapidly as possible by applying for this purpose the idle surplus now in the Treasury, were presented and severally referred to the Committee on Coinage, Weights, and Measures:

By Mr. LANHAM: Of citizens of Erath County, Texas.

By Mr. McCOMAS: Of George E. Stevens and 25 citizens of Frostburg, and of Michael Murphy and 34 other citizens of Lonaconing, Md.

The following petitions, praying Congress for the enactment of a law requiring scientific temperance instruction in the public schools of the District of Columbia, in the Territories, and in the Military and Naval Academies, the Indian and colored schools, supported wholly or in part by money from the national Treasury, were presented and severally referred to the Committee on Education:

By Mr. FUNSTON: Of 150 citizens of the second district of Ohio, including 18 clergymen, 7 physicians, 5 lawyers, 13 teachers, 64 business men, and 33 officers of temperance and other societies.

By Mr. WILKINS: Of Rev. Thomas Clayton and 5 other preachers; J. R. McElvey, M. D., and 2 other physicians; 11 teachers; 57 prominent business men, and 5 officers of temperance and other societies.

HOUSE OF REPRESENTATIVES.

SATURDAY, *March* 6, 1886.

The House met at 12 o'clock m. Prayer by the Chaplain, Rev. W. H. MILBURN, D. D.

ORDER OF BUSINESS.

The SPEAKER. By order of the House this day is set apart for general debate in Committee of the Whole House, no other business to be transacted.

Mr. CRISP. I move that the House resolve itself into Committee of the Whole on the state of the Union.

The motion was agreed to.

The House accordingly resolved itself into Committee of the Whole on the state of the Union, Mr. CRISP in the chair.

The CHAIRMAN. The House is in Committee of the Whole House on the state of the Union for general debate only. The gentleman from New York [Mr. MILLARD] is recognized.

THE SILVER QUESTION.

Mr. MILLARD. Mr. Chairman, I do not desire at this time to enter upon an elaborate discussion of the silver question, but the interests involved are so vital to my constituents, and of such importance to the people of the country, I am unwilling this debate should close without stating briefly some of the reasons that will compel me to vote against the free and unlimited coinage of the present standard silver dollar.

My first objection to the proposed legislation is not that it gives to silver unlimited coinage, but that the dollar it proposes to coin contains less than 80 cents' worth of silver; that such a coin is dishonest, and not what it is represented to be. I am in every sense of the word a bimetallist, and I desire it distinctly understood that I am in favor of the use of the silver coin as a part of the lawful currency of the country. As has often been said, it is emphatically the money of the people, and any legislation that will tend to drive out of circulation either gold or silver, leaving only the other as money, would, in my judgment, bring ruin and disaster upon the country.

What our people want and are entitled to under the Constitution is an honest currency, a silver dollar that shall be fixed and stable in its value, whether it contains 412½ or 480 grains of silver; such legislation as will endow the two metals with an equality of value and maintain that equality. If the advocates of silver can bring into the House such a bill, or one that will substantially maintain the equilibrium between the two metals, I would not only vote for it but would vote to open our mints to the free and unlimited coinage of the silver of the world. What the people want is an honest coin, a silver dollar worth, as compared with the gold unit, 100 cents; not a coin possessing a certain value to-day and another to-morrow; that will purchase a loaf of bread to-day and only half a loaf to-morrow; that is a legal tender to-day and scarcely bullion or merchandise to-morrow.

Sir, I do not think the expectations of the advocates of the Bland bill of 1878 have been realized. The promises made by its author and his associates have certainly not been fulfilled. While the measure was under consideration, not only upon this floor but at the other end of the Capitol, the country was told, yes, repeatedly told, that the silver dollar which it proposed to coin in such abundance would become more valuable than gold. It was then, as compared with gold, worth 92 cents. One of its most zealous and distinguished advocates, a colleague of the author of the bill, declared that the real danger was that the Bland dollar would prove too valuable to circulate along with the gold coin and we would be compelled to change the ratio of the two coins.

I call the attention of the committee to the remarks of almost every Member and Senator who spoke in favor of the passage of the bill. Over and over again they declared that the silver coin would rise to the value and dignity of the gold dollar; that the two coins would never part company, but circulate side by side, one the equivalent of the other.

James A. Garfield, then a distinguished member upon the floor of the House, said that if he could be assured of this fact he would vote for the bill; but, said he:

> Believing, as I do, and I shall rejoice if the future proves me mistaken, believing, as I do, that this bill will not bring the two metals to equality nor keep them there, that it will bring no relief to the suffering and distress which now afflicts the country, that it will seriously injure the public credit and thereby injure every citizen, I shall vote to lay the bill on the table.

And he so voted.

James A. Garfield was never nearer right in his predictions. It is eight years since the passage of the Bland bill over the veto of President Hayes and there has never been a day or an hour when the distance between the two coins has not been widening. Instead of becoming the equal of the gold coin, the silver dollar is worth less than 80 cents. Should its coinage be continued as provided by the Bland bill or as provided by the pending bill he is a very brave man who will dare to predict its intrinsic value eight years hence.

Mr. Chairman, there can be no question but that Congress has power to coin money and regulate the value thereof. Article 1, section 8 of the Constitution provides that Congress shall have the power to coin money and regulate the value thereof, but I submit it was never the intention of our fathers that the Government of the United States should make a business of it at the expense of its citizens. This is precisely what the Government is doing to-day. It goes into the market and purchases 80 cents' worth of silver, with which, and at an expense of less than 2 cents for coinage, it makes the dollar prescribed by the Bland bill, and this dollar they say is the dollar of the fathers. Suppose we go on coining this 80-cent piece until every dollar in gold is driven out of the country, we shall then require no legislation to take away its legal-tender properties, as we did the trade-dollar, for it will have none left; and after it has ceased to circulate with gold, suppose Congress shall refuse, yes, persistently refuse, to redeem it, as it has the trade-dollar, which, as is well known, contains 7½ grains more of silver than the Bland dollar.

Sir, the power to coin money and regulate the value thereof does not authorize the coinage of any such dollar. Regulate means to adjust, "to adjust by rule, to adjust by rule or method." The power conferred upon Congress was to go into the gold and silver market of the world, ascertain their relative market value, and fix the ratio accordingly. If you will examine the celebrated report of Alexander Hamilton, made with the view of the establishment of the Mint in 1792, you will find that such was the construction he put upon this clause of the Constitution. Says he, "I would give a preference to neither of the two metals for the money-unit."

In fixing the ratio of 1 to 15 in the act of 1792 his object was the establishment of their just equilibrium and relative value, and from that day down to the passage of the act of 1873 Congress always sought to preserve the equality and equilibrium of value between the two metals. As an illustration I cite the act of 1834, when the value of the gold unit was diminished.

Go into the markets of the world, ascertain the true and relative value of each metal, fix the ratio accordingly, and I will vote for the unlimited coinage of silver. Such a silver dollar will not be a falsification, but contain a hundred cents, an honest coin, and pass from hand to hand as such wherever good money is in use.

In discussing this question I am reminded of the coin known as the trade-dollar—a coin the existence of which is entirely forgotten by the Government at this time.

By the act of February 12, 1873, it was provided that the silver dollar of the United States should be a trade-dollar containing 420 grains of silver. Upon one side of this coin was stamped, emblematic of freedom, the word "Liberty" and the date of its coinage. Upon the other side the figure of the eagle, not any ordinary bird but the real American eagle, with the inscription "United States of America," "In God we trust," and "E Pluribus Unum."

Under this act and between the date of its passage and the passage of the Bland bill the Government coined $35,959,360. A large portion of this coin was exported to China, but the balance was taken by our own people. It was paid out in small sums to the industrial classes, and by them passed to the tradesmen of their respective localities. This coin was issued by the Government as money.

By its high-sounding inscriptions the Government declared it was worth a hundred cents, and the poor man, the mechanic, and farmer took it, relying upon this representation; yet notwithstanding all this, Congress took away its limited legal-tender qualities, took away its moneyed value and reduced it to merchandise. Between five and ten millions of this coin is now held by the people of my own State and the great State of Pennsylvania.

Now, sir, before the Government of the United States should be permitted to coin another 79 or 80 cent dollar, whether under the Bland act of 1878 or any other act, in the name of the poor men and women

who took this coin relying on the representations of the Government that it was an honest coin, an honest dollar, I demand that it shall be redeemed, and redeemed at its face value. The Government owes this much not only to its own honor, but to the men and women who took it in good faith. It is said that it has been bought up by the banks. I care not who holds it, whether it be held by the rich or the poor, the individual or the corporation, the American citizen or the heathen Chinee.

Mr. BROWN, of Pennsylvania. Can the gentleman explain why the trade-dollar was of less value than the silver dollar containing eight grains less silver?

Mr. MILLARD. Because Congress gave the silver dollar the legal-tender quality and took it away from the trade-dollar.

Mr. BROWN, of Pennsylvania. Do you believe in giving the legal-tender quality to coin by law?

Mr. MILLARD. Yes. But when you give the legal-tender quality to any coin, in so far as it is not equal to the unit coin that part of it is fiat.

Mr. BROWN, of Pennsylvania. My question is, do you believe in attaching the legal-tender quality to any coin by law?

Mr. MILLARD. Yes; if you make it equal to the unit coin.

Mr. BROWN, of Pennsylvania. Do not you give the legal-tender quality to the gold dollar without making it equal to anything?

Mr. MILLARD. No, sir.

Mr. BROWN, of Pennsylvania. Is not the legal-tender quality attached to the gold dollar?

Mr. MILLARD. What gives it the legal-tender quality is its intrinsic value.

Mr. BROWN, of Pennsylvania. And it has been made the unit of value, in violation of the very recommendation of Alexander Hamilton that you referred to in the first part of your speech.

Mr. MILLARD. I beg the gentleman's pardon; he is laboring under a mistake.

Mr. Chairman, the only way out of our difficulty is in the establishment of an international ratio between the two metals. Until that is done I am not only opposed to the free coinage of silver, but would fix a date for the suspension of its coinage as provided by the Bland act of 1878.

The act of 1878 has brought no relief to either capital or labor. By the provisions of that act the Secretary is authorized and directed to purchase from time to time silver bullion, at the market price thereof, not less than two million dollars' worth per month, nor more than four million dollars' worth, and cause the same to be coined monthly as fast as so purchased into 80-cent dollars, and a sufficient sum to carry out the provisions of the said act is appropriated out of the money in the Treasury.

But why should the people of the country be taxed at the rate of at least $2,000,000 per month for the coinage of a coin that can not be forced into circulation? Every month there is taken out of the United States Treasury $2,000,000 in gold to meet the requirements of the Bland bill, and if the advocates of that bill could have their way the sum thus taken would be four instead of two million dollars.

Mr. BROWN, of Pennsylvania. What evidence have you that $2,000,000 a month in gold was paid out of the Treasury for bullion?

Mr. MILLARD. The act authorizes the payment of two millions a month as a minimum—from two millions to four millions per month.

Mr. BROWN, of Pennsylvania. Does the act provide that it shall be paid in gold?

Mr. MILLARD. The practice of the Government has been to pay in gold, or its equivalent.

Mr. BROWN, of Pennsylvania. Oh, the practice of the Government; but what is the statute? Does that require payment in gold?

Mr. MILLARD. I do not think it does.

Mr. BROWN, of Pennsylvania. Then why not pay it in silver?

Mr. MILLARD. If we are to have a silver dollar worth only 79 cents I say let us pay it in silver.

Mr. BROWN, of Pennsylvania. Did anybody ever refuse to receive payment for silver bullion in silver?

Mr. MILLARD. I do not think the Government ever offered silver for silver bullion.

Mr. BROWN, of Pennsylvania. That is the trouble. If they would carry out the law faithfully they would.

Mr. MILLARD. I am not responsible for this administration.

Mr. BROWN, of Pennsylvania. But you are responsible for your own allegations in your speech.

Mr. MILLARD. Yes, sir; and I stand by them. I think my friend assumes a great responsibility if he undertakes to justify all the acts of the present administration. [Laughter.]

Mr. BROWN, of Pennsylvania. I am not here for that business.

Mr. MILLARD. Since the passage of the act of 1878, as is well known, upward of two hundred and twenty millions of silver dollars have been coined and stored in the recesses of the Treasury. Of this sum less than $52,000,000 have found their way into circulation; the balance, $168,000,000, are still in the possession of the Government. The Government during the entire period of eight years has been able to keep in circulation less than one-fourth of the total coinage.

But it is said that of this $168,000,000 about $100,000,000 are represented by silver certificates. What are these certificates? They are not legal tender in payments between individuals. They may be included in the reserves of the banks and used in the payment of all public dues. It is said they are redeemable in silver, but none have ever been redeemed and none ever will be. Sir, the condition of our national finances do not justify an appropriation of $28,000,000 per annum, the sum required by the provisions of the act. From the annual report of the Secretary of the Treasury it appears that the receipts of the Government for the fiscal year ending June 30, 1885, were $323,690,706.38—the receipts, all told, $24,829,163.54 less than for the year ending June, 1884; that the expenditures of the Post-Office Department alone exceeded its receipts by $8,381,571.41; that the surplus in the Treasury June 30, 1885, was $40,929,854.32 less than reported June 30, 1884. Sir, we shall require no horizontal reduction of 20 per cent. of the revenues to make the receipts of the Government equal its expenditures, for the same Secretary of the Treasury states the expenditures of the Government for the next year will exceed its receipts by at least $24,000,000.

In view of these facts, I submit whether the President is not right in his recommendations; whether the further coinage of silver as provided by the Bland act ought not to be suspended; whether the act itself should not be repealed.

Mr. BROWN, of Pennsylvania. Now you are defending the administration.

Mr. MILLARD. Upon this question I am. I say the President is right.

Mr. Chairman, we have been repeatedly told during this discussion that this is a contest between the bondholder upon the one side and the debtor class upon the other, and that the passage of the Bland bill was the first blood for the debtor class. If it is meant by this that a debt contracted to be paid in honest money is to be satisfied in a debased and depreciated coin, then the contest has unquestionably been correctly defined. It is also charged upon this floor that the administration is engaged in a conspiracy with this same bondholder in setting aside and refusing to execute the laws.

Sir, the sins and shortcomings of the present administration are quite sufficient without adding this charge to its many offenses. But since the accusation comes from the Democratic side of the House it is barely possible it may not be without some foundation.

My distinguished friend from Texas [Mr. REAGAN] in closing his remarkable speech declared that he would provide for free and unlimited coinage of silver, and would require the Secretary to pay out the silver in the Treasury as he has the gold in satisfaction of all public indebtedness. Sir, I have no more interest in the manner of the payment of the bonds of the Government than any other citizen. I am not a bondholder or the son of a bondholder; neither have I a gold or silver mine.

I do not know what others may think; but as for myself, for the Government of the United States to discharge its national debt in a debased currency, in a coin worth less than 80 cents, such an act would be partial repudiation, would ruin us in the eyes of the civilized world. On the 1st day of August, 1865, our national debt was $2,756,000,000 in round numbers after deducting cash on hand in the United States Treasury. On the 30th of June, 1885, it was only $1,485,000,000 after deducting cash in Treasury. Within twenty years we have paid off, and paid in honest money and according to the contract, $1,271,000,000 of the principal of the national debt and $1,890,000,000 accumulated interest.

Sir, let us not now, at this late day, go into the business of repudiation. I would not say but that, according to the letter of the statutes, the Government bonds, such as were issued or refunded prior to the act of 1873, may not technically be paid in standerd silver dollars, whether they are worth 80 or 100 cents; but such was not the understanding or intention of the parties who paid for them in gold or its equivalent. The silver dollar was not then and had never been employed as a legal tender for the payment of large debts, either public or private. At the time the debt was contracted the silver dollar as a coin of circulation had become obsolete. By the act of 1834 it was substantially demonetized. The average amount of silver dollars annually coined from 1834 to 1873 did not exceed $160,000. From the foundation of the Government down to the passage of the Bland bill the entire coinage of the silver dollar was less than $8,000,000, while the gold coinage during the same period was more than $1,000,000,000.

In view of these facts I submit whether the coin referred to in the several statutes was gold or silver, whether the parties who subscribed for the securities of the Government, purchasing them at par and paying for them in gold or its equivalent, as the case may be, suspected for a moment that the Government, when silver became cheap, would commence to coin it into cheap dollars by the hundred millions with which to pay its creditors. In my judgment, sir, if we should fail to pay them back their money to the strict letter of the bargain we would incur a disgrace that could never be removed from us. We would deprive this nation of an element of its greatest strength, its unquestioned credit. Principle and integrity forbid any other policy. It is the only way in which this Government can keep itself in a position to go into the market of the world hereafter as a borrower.

But this whole matter was settled by the act of February 12, 1873.

The act of February, 1873, provided that the gold coin should be legal tender for the payment of all debts in excess of $5. By this act the standard silver dollar of 412½ grains was abolished and the trade-dollar, containing 420 grains of silver, was authorized and made a legal tender for any amount not exceeding $5 in any one payment. Relying upon the provisions of the said act, many of the bonds then outstanding were refunded at a lower rate of interest and passed from hand to hand in good faith. Can such obligations, against the consent of the holder, be honestly paid off in a cheap and debased coin?

Sir, this is a matter of the greatest importance. It touches the character, credit, and good name of our Government. No nation can afford to deal otherwise than honestly with its creditors. The faith of the nation is pledged to the payment of its obligations not only according to the letter but the spirit of the contract. With nations as with individuals "honesty is the best policy." But this is not all; the agents of the Goverament employed to negotiate its bonds represented the interest to be payable in gold.

I think it will hardly be claimed by any one that a person purchasing the obligations of the Government, relying upon the representations of its duly authorized agents, would be compelled to accept payment other than as represented.

Our Government can not afford to be dishonest upon the theory that our bonds are held by the moneyed kings of Europe, that they are held by foreigners, for such is not the fact. The last official report of the Register shows that out of the $1,000,000,000 of registered bonds outstanding less than $12,000,000 are held abroad. It is a question between the Government of the United States and its own people—the middle classes, the farmers, the mechanic, the tradesman, and the day-laborer. More than 50 per cent. of all the outstanding bonds are held by the savings-banks and trust companies as security for the deposits of our industrial classes, men and women of small earnings, and who are dependent upon the labor of their hands for the support of themselves and families.

There are upon deposit in the savings-banks of the State of New York, a State which I have the honor in part to represent upon this floor, $437,000,000, the larger portion of which is the accumulation of the toiling people of my State. Sir, they are the bondholders and gold-bugs whose implacable avarice so disturbs the distinguished gentleman from Texas [Mr. MILLS], and if I speak with an unnatural fervor it is because the charge of the distinguished gentleman was unjust and uncalled for. I should be found wanting in my duty and patriotism were I not to defend their honor and integrity.

The creditor class of the country are not the bloated bondholders, the millionaires of our great cities, or the stock gamblers of Wall street. It embraces more of the poor than it does the rich and affluent. It is this class our laws were made to protect. It is in their behalf I speak, that they may be protected from the evils and misery attendant upon an unstable and dishonest currency.

Sir, a word further and I am done. It is said that the silver dollar, now being coined under the provisions of the Bland bill, is not a dishonest dollar; that it will buy in the market as much as you can purchase with the gold dollar. While this may be true how long will this condition of things continue? The fact remains that it is worth less than 80 cents; that it is not what it is represented to be; that 20 per cent. of its face value is a fraud and a fiction; that 20 per cent. of its stamp value is fiat, and yet I have heard it repeatedly stated that this is an honest coin, "the dollar of the fathers." I would respectfully remind these gentlemen that "the dollar of the fathers" was for nearly a half-century at par with the gold unit; that the silver dollar of Alexander Hamilton and Thomas Jefferson was a coin that circulated side by side with the gold dollar and maintained its equality for nearly fifty years.

Mr. BROWN, of Pennsylvania. I want to state to my friend that it would now, if it were not for the additional fiat element in the gold dollar.

Mr. MILLARD. The gold dollar has a fixed and permanent value, while the silver dollar is subject to constant fluctuation.

Mr. BROWN, of Pennsylvania. All the difference between the gold and the silver dollar is made up by fiat.

Mr. MILLARD. The fiat added to the 79 or 80 cents worth of silver in the standard silver dollar.

Mr. BROWN, of Pennsylvania. No, sir.

Mr. MILLARD. Twenty per cent. of the silver dollar is fiat.

Mr. BYNUM. If the gentleman will permit, I wish to ask him a question. Was not the silver dollar worth as much as gold until it was discriminated against by being demonetized? Was not the amount of silver in the silver dollar equal in value to the gold dollar until the silver dollar was demonetized in 1873?

Mr. MILLARD. It was not at par with the gold dollar.

Mr. BROWN, of Pennsylvania. Did it not have 3 per cent. more of value than the gold dollar?

Mr. MILLARD. In 1834 it had more than the gold dollar, and the gold dollar was reduced to restore the equilibrium.

Mr. BYNUM. But in 1873 was not the 412½ grains of silver in the silver dollar worth more than the 25.8 grains of gold in the gold dollar?

Mr. MILLARD. From the foundation of this Government until 1873, when the silver dollar was demonetized, we had not coined more than eight millions of silver dollars, while we had coined more than one thousand million gold dollars.

Mr. BYNUM. That is not an answer to my question.

How long, I submit, will it be before this Bland dollar will be rejected and repudiated by the people? How long will it be before the merchant and the tradesman will repudiate it by adding 20 per cent. to the price of their merchandise? Every commodity save the wages of the day-laborer will advance. He will be the first and last to suffer. Its repudiation and rejection has already commenced. No legal-tender enactment can prevent the making of contracts that require payments to be made in gold or its equivalent. It will be repudiated because it is not and never was what it is represented to be. Thomas F. Bayard, Secretary of State, eight years ago, in the Senate of the United States, then a distinguished member of that body, while discussing the right of the Government to pay its bonds in silver, declared that the power to coin money and regulate the value thereof did not mean the power to coin and falsify.

Mr. PETERS. If the purchasing power of the standard silver dollar is the same as the purchasing power of the standard gold dollar, what is the difference?

Mr. MILLARD. I answer the gentleman by saying that the only thing which keeps the silver coin in circulation is the gold dollar behind it.

Said Mr. Bayard, and I quote his exact language:

> Can you demand that a piece of coined silver worth but 90 cents shall be taken as the equivalent of a piece of coined gold worth a hundred cents? You undervalue one coin deliberately. You do not certify the truth as to its value, but you stamp upon that which you know at the time to be false.

Mr. Chairman, the currency of the country is fast drifting toward a silver basis. Only one of two things can save us from great financial disaster: suspension of the coinage, as provided by the Bland bill, or the establishment of an international ratio between the two precious metals. France has ceased to coin silver. The mints of Germany have been closed against its coinage for many years. England still refuses to enter into any arrangement or treaty with the United States and the states comprising the Latin Union by which an international ratio between gold and silver may be established. The chances of the establishment of an international ratio for the coinage of the two metals are not at all encouraging. On the contrary, a majority of the nations composing the Latin Union have recently entered into an agreement by which no more silver is to be coined.

Unless a common ratio between gold and silver can be agreed upon between the United States and England, France, and Germany the sooner the Bland act is repealed the better. History is sure to repeat itself, and the Bland dollar will become little better than the clipped coin of the seventeenth century. In recording the evils of that period in the history of England Lord Macaulay said that—

> It may well be doubted whether all the misery which has been inflicted on the English nation in a quarter of a century by bad kings, bad ministers, bad parliaments, and bad judges was equal to the misery caused in a single year by bad crowns and bad shillings. When the instrument of exchange became thoroughly deranged all trade, all industries were smitten as with a palsy. The evil was felt daily and hourly in almost every place and by almost every class, in the dairy and on the thrashing-floor, by the anvil and by the loom, on the billows of the ocean and in the depth of the mine, nothing could be purchased without a dispute. Over every counter there was wrangling from morning till night. The workman and the employer had a quarrel as the Saturday came around. On a fair-day or market-day the clamors, the reproaches, the taunts, the curses were incessant, and it was well if no booth was overturned and no head broken. The simple and the careless were pillaged without mercy by extortionists, men of business were often bewildered by the confusion into which all pecuniary transactions were thrown, while the ignorant and helpless peasant was cruelly ground between one class which would give money by tale and the other which would take only by weight; the price of the necessaries of life, of shoes, of ale, of oat-meal rose fast; the laborer found that the bit of metal which, when received, was called a shilling, would hardly, when he wanted to purchase a pot of beer or a loaf of rye bread, go as far as a sixpence.

God grant that the misery which overtook the English people by reason of a debased and dishonest coin may never fall upon us.

Mr. BUCHANAN. Will the gentleman yield for a question?

Mr. MILLARD. Yes, sir; with pleasure.

Mr. BUCHANAN. Does not the gentleman know it has been said of Lord Macaulay that as a historian he was as brilliant as a novelist and about as reliable?

Mr. MILLARD. Lord Macaulay was not only a brilliant historian, but he was always sound on finance——

Mr. BROWN, of Pennsylvania. From your standpoint.

Mr. MILLARD. And was followed by the English people.

The continued coinage of silver is demanded upon the theory that it will make money more plenty and relieve the wants of the distressed. Money never was more plenty than to-day. It is exceedingly abundant upon both sides of the ocean. Is it not an extraordinary phenomenon that the rate of interest is only 1½ per cent. at New York, London, or Berlin?

Since the passage of the Bland bill, as is well known, more than two hundred and twenty millions of silver dollars have been coined. Are the times any better to-day than they were in 1878? Is there any less want and suffering than there was then? We have an abundance of money, but no confidence; a million of workmen, but no work. Is labor better compensated to-day than it was in 1878? Scarcely a day

passes that does not record the collapse of some great industry, throwing out of employment hundreds and thousands of men and women.

Mr. Chairman, give us a fixed and stable currency; establish an equality between the two precious metals, a ratio that will be adopted by the leading nations, the states comprising the Latin Union, and we will open our mints to the unlimited coinage of the silver dollar.

Give us a currency that will enable the laboring man when he goes to his work in the morning to know the compensation he will receive at night for his day's work; that the farmer when he sells his corn and wheat may know that the price he is to receive for it is good money and not subject to fluctuation.

Mr. Chairman, in behalf of the great business interests of this country, in behalf of the nation's honor and credit, not only at home but abroad, in behalf of suffering humanity I protest against the passage of this unlimited free coinage bill.

I want to see the American people not only masters upon the land but upon the sea; her foreign mails and her commerce with foreign nations transported not only in American vessels but in ships built by American mechanics, in charge of American seamen, and sailing under the American flag.

I want to see our nation the grandest and the best the sun shines upon, and our people the happiest and most prosperous people in all the world. It is for this that I have ventured to speak at this time against a debased and fluctuating currency, a bill that in my judgment will bring nothing but want and misery to the homes and firesides of the American people. [Applause.]

Mr. Chairman, I yield the residue of my time to the gentleman from Kansas [Mr. FUNSTON].

Mr. FUNSTON. Mr. Chairman, I am thankful for the honor accorded me in folowing the gentleman from New York [Mr. MILLARD].

In discussing this question we ought to put aside all personal and local interests and to contemplate a subject of so much importance to the whole people with a desire only for the greatest good to the greatest number of our fellow-citizens. The statesman who can see only that which is for the interest of his locality is unworthy of the name of statesman. The man who advocates the coinage of silver because it enriches the people of his special locality only, and the man who advocates the coinage of gold solely because it is for the gain of his people, have many steps yet to take before they reach the high plane of true statesmanship.

The grand central idea which should be and which I hope is uppermost in the mind of every gentleman on this floor in the discussion of this question is fairness to all, whatever may be their locality or calling.

The first object of the quack who would foist his nostrums on the credulous patient is to frighten him into the belief that he is sick, whether he is or not. So the political quack places his hand upon the financial pulse of the country and gravely remarks that if we are not already sick we certainly will be very soon, for the superabundance of silver in the national arteries is fast expelling the gold from the financial system of the country.

Mr. Chairman, if that is one of the dangers against which we should guard let us see how imminent it is. Will the coinage of silver drive gold out of the country? According to the report of the Director of the Mint, in 1878, before the renewal of the silver-coinage law had made any perceptible impression, there were $244,000,000 in gold in this country, and according to the report of the Director of the Mint that two hundred and forty-four millions had increased in 1884 to six hundred and ten millions. Here was an increase of three hundred and sixty-six million in gold in six years, and that, too, in the face of the remonetization of silver, whereby $144,000,000 of silver bullion was converted into coin. That does not look like the coinage of silver drives gold out of the country, but it does show quite the contrary.

Now, if we want to go abroad for figures—and there are gentlemen who will not be convinced of anything without going to Europe—let us see whether the coinage of silver has driven gold out of France. France has $537,000,000 of full legal-tender silver coin in circulation, and with this wonderful amount of silver she has $848,000,000 in gold also in circulation, and she, with her bimetallic system, has almost as much gold as both England and Germany combined, in each of which gold alone is money.

Now, will the discontinuance of the coinage of silver cause gold to remain in the country? Let use see about that. From 1849 to 1860, a period of eleven years, there was coined of silver in this country only fifty and one-half million dollars, as shown by report of the Director of the Mint.

In all those eleven years there was coined only as much as is coined now in two years. If the coinage of silver is what frightens gold out of the country it certainly had nothing to frighten it then. But what are the facts? By an approximate estimate by the best authority, there was in those eleven years $1,830,000,000 of gold taken from the California mines, and of that almost fabulous production only one hundred and thirty-seven millions in all that time remained in this country. Thus we see, with almost no coinage of silver for a great nation, gold running out of the country like water through a sieve. These are facts which we place against the theories we have heard so much of and which are so often used to frighten the people into the discontinuance of the coinage of silver.

Mr. Chairman, we are told that the coinage of silver ought to be discontinued because the standard silver dollar is no longer as valuable as the standard gold dollar. Might we not with equal propriety urge that the coinage of gold should be discontinued because the standard gold dollar has become more valuable than the standard silver dollar?

The purchasing power of the silver dollar is about as great to-day as it has been at any time during the last fifty years, and I hold, sir, that their difference in value is as much the result of the advance in the intrinsic value of gold as it is due to the decline in the value of silver.

Professor Jevons, an eminent English financier, informs us that from 1809 to 1849 the intrinsic value of gold increased 145 per cent. The discoveries in California checked that advance. But it was only temporary. Those great mines have been exhausted, and gold has again started out with wonderful strides toward doubling its own value. Every year the demand for it in the arts is becoming greater. The fact alone that it has become dear and hard to get increases the demand for it for ornamental purposes. There are millions who use it for ornamental purposes who would not were it cheap. The world of men and women, struggling to rise above the hod-carrier, when they reach the first round hang gold trinkets on themselves as badges of their rank, and from that to the top round of wealth each strives to outrank his neighbor until the great bulk of the world's gold coin is fast turning into breastpins and watch-chains.

The Director of the Mint, by carefully gathered statistics, reported that in 1881 over $11,000,000 in that year were thus used in the United States, and at least seventy-five millions in the world.

When we consider the fact that the same authority gives the entire production of the world for the previous year at one hundred and six millions, we are not astonished that gold is fast becoming scarce and high and that it is placing itself out of our reach as a means of exchange.

The gradual and certain enhancement in the value of gold can be no better shown than by the report of the eminent German statistician, Dr. Adolph Soetbeers, in his report for a period of two hundred and seventy-five years—1600 to 1875. In a scale of 100 he placed the production of silver in the year 1600 at 66.2 and gold at 33.8, and in 1875 gold had gradually gained in relative production until it had reached 70.8 and silver dropped to 29.2. Now, notwithstanding this wonderful increase in the production of gold over silver, he reports that in the year 1600 gold was 10.12 times more valuable than silver and that in the year 1875 it had increased until it was 15½ times more valuable.

These figures ought to convince any gentleman on this floor of two things: first, that gold has advanced in value; second, that its value has been influenced more by the purposes for which it was used than by its production. We do not desire to conceal the fact that there is at present a wide difference in the intrinsic values of the two coins. But if we are to demonetize one or the other because they do not agree in value (of which I am not in favor), why shall it not be the one which has advanced in value beyond certain limits and become scarce and hard to get—to a degree that renders it insufficient as a means of exchange; and why not continue the one which has increased in quantity commensurate with the business and wealth and population of the country?

Population, which has almost doubled since 1860, demands an increased rather than a diminished currency.

Wealth, which has increased from fourteen billions in 1860 to fifty billions demands an increased rather than a diminished currency. Wealth per capita, which has increased from $514 in 1860 to $900, demands an increased rather than a diminished currency.

The industrial interests, which have increased from one hundred and forty thousand manufactories in 1860 to three hundred thousand, demand an increased rather than a diminished currency.

The unpaid net debt of the Government of $1,485,000,000, requiring 50,000 tons of silver to pay it, demands an increased rather than a diminished currency, and above all the wonderful mortgaged debt of the people of the West in justice demands that they should not be deprived of the honest means of paying those debts. Just as well might you go into their garners and declare that whatever they may have stored there should be sold at half price and that all their hard earnings of years should be shrunk accordingly. It would be cruelty, Mr. Chairman; it would be a crime in the sight of justice; and it would be no less a crime because high officials attempt to perpetrate it. [Applause.]

Mr. Chairman, the men who are demanding the change are not the poor who have been goaded and chafed with want and driven to the wall in the battle of life. Were it they who are demanding half the property of the rich, shrieks of indignant wrath would go up from behind iron-barred counters and from richly-curtained parlors against hungry, gaunt cheeks of want and desperation. But it is not they; it is the demand of Shylock, who already has the pound of flesh and now claims the blood. It comes from men who have no want, no desperations, who are far removed from the aching limbs of men weighed down with debt, who go half clad and poorly fed, man, wife, children, and all, that they may be able to meet the semi-annual demands of the interest-gatherer. It is the heartless demand of the rich for half the property of the poor. It is the demand of communists in gilded palaces. [Applause.] We are told, Mr. Chairman, that we must have gold to pay our balances in the world's trade. We are the richest and the most prosperous people on the face of the earth, and there can be no excuse

for us having any great balances to pay, and it need not be so, unless through the bad management of our financial tinkers, who would deprive the people of the means of business among themselves. With all the advantages given us by our location, fertility of soil, richness of minerals, and mechanical and industrial energy of our citizens and the never-ending resources of the fertile minds of the American people, there should be millions in balances coming to us every year and not one dollar going out, except for such things as we can not produce ourselves.

If gentlemen would come down from their lofty eminence from which they are constantly viewing the world and look around among our own people and study and improve the resources of our own country their minds would be set at ease about our balances in trade with the world. We need no one on the lookout to tell us what the world is doing that we may do likewise—though such seems to be the vocation of gentlemen who do not understand the simplest rules of business at home. They have been telling us that England has abolished her protective tariff and that we must do likewise or suffer the dire calamity of exorbitant prices. We have steadily refused to do so, and yet no one has been robbed by high prices, but instead of which the world's commodities have grown cheaper every year in our markets; and under a protective tariff twenty years of prosperity has smiled on us greater than the world ever saw before.

Another class of statesmen now remind us that England has long ago demonetized silver and that we must do likewise or lose our share of the world's gold. Once we were foolish enough to be half-tricked into acquiescing in the senseless cry, the results of which are too fresh in the minds of gentlemen here and of the people to need recounting. I do not believe the great body of thinking people will weary themselves much about England or Europe getting our gold. Every intelligent man knows they can not get it without giving its full equivalent in something after paying the duties on which they can sell cheaper than we can produce. And every intelligent man knows too that if need be the duties on imports can be so arranged as to bring us as much gold from the monometal gold countries as may be needed to cancel their claims for gold on us. Mr. Chairman, we are not a nation of helpless creatures whose chief duties are to do as Europe does. We are strong and industrious and need ask no favors, and can devise as many ways to get gold from Europe as they can to get it from us.

The time is past for frightening us with Europe. We need to fear only our own inconsiderate actions and the sinister motives of the comparatively few who hold the great bulk of the gold of the country and desire to enhance its value by doubling the demand for it. If we maintain, as we should, the bimetallic system which our fathers established, and stop tampering with it and threatening to demonetize one or the other of the metals, whichever becomes the most plentiful, we will continue to have a stability of currency as in the past and a volume equal to the advanced business and increased population of the country.

I hold, Mr. Chairman, that we can not have a stability of currency without the two metals co-ordinately. The fact that they do not at all times maintain a fixed value toward each other serves of itself as a check on the rise or fall of each, which thus preserves a stability which could not be secured otherwise. The advance in the value of gold is checked by the fact that silver at such times being the cheaper money supplants it as currency, or the advance in the value of silver is checked by the fact that gold at such times being the cheaper money supplants it as currency. Thus in case of the advance of either metal beyond its standard value it loses its use as currency and is reduced in value accordingly, the cheaper metal in either case advancing in value corresponding with its increased duties. Thus a self-regulating influence is kept up, which could not be without the two metals.

To increase or diminish the quantity of metal in the silver dollar until its intrinsic value reaches that of the gold dollar, which has been so frequently suggested, would be to destroy those equalizing influences, for in that event gold alone would have the measuring or purchasing power, and in fact gold alone would be money, and silver would be but a commodity representing its own value measured by gold; and under that system, as its own value increases or diminishes, or as the value of gold increases or diminishes, the quality of the silver dollar would have to be changed to suit the fluctuation of either metal, of which there could be no end.

The facts are, Mr. Chairman, the monetary system of the country is not bad. The thing for us to do is to let it alone. The threat which has been standing over silver during the last year has had a very perceptible effect in the way of its decline and in the way of the advance of gold.

Mr. Chairman, at least one-half the business of this country is done on borrowed capital. Men will not borrow with the prospect before them of having to earn two dollars to pay back the one which they borrow. Business is at a standstill. We look each other in the face and wonderingly ask what shall we do. I say stop tampering with the monetary system. Hew to the line laid out by our fathers almost a hundred years ago. Shut your ears to the twaddle about a rejected currency, or if need be examine the reports of the coin in the Treasury of the United States and you will find there eighty-six millions in net silver and one hundred and forty-four millions in net gold, and if the larger amount indicates the rejected currency then ask yourselves which is the rejected currency. Let it be known that the standard silver dollar will continue to pay a dollar of debt and to do a dollar's worth of business, and in my opinion what gold we may need will soon come around hunting employment.

[Here the hammer fell.]

Mr. MILLARD asked unanimous consent to extend his time; which was granted, and he continued as follows:

After all, what the balance of the world may be doing is not of so much importance to us as a fair and wise management of our own internal affairs. What we want is improvement and development, and reliance on our own resources. We want confidence in our own country, confidence in each other—a confidence that we can take care of ourselves in the face of whatever others may do. Give us this, Mr. Chairman, and an abundance of coin from our own mines and an assurance that the laws under which we have had so great prosperity will be let alone and the eyes of the people will be turned to the front, and we will again enter the rich fields of prosperity. [Applause.]

Mr. DOCKERY addressed the committee. [See Appendix.]

Mr. McCREARY. Mr. Chairman, all matters relating to the monetary interests of our country are important, but the questions most engrossing public attention at present are:

Shall the coinage of standard silver dollars be suspended?

Shall there be free and unlimited coinage of silver? or

Shall we adhere to existing law, which caused twenty-eight millions of standard silver dollars to be coined last year, and which requires the Secretary of the Treasury to purchase silver bullion at the market price thereof, not less than two million dollars' worth per month nor more than four million dollars' worth per month, and cause the same to be coined monthly into standard silver dollars of the weight of 412½ grains troy of standard silver?

At the outstart I desire to state that I disapprove of the severe criticisms which have been made against the friends of suspension and the advocates of silver. These important questions should be discussed fairly and candidly and without passion or prejudice. I believe those who are for suspension of silver coinage, and those who are for free and unlimited coinage, and those who are for adhering to the present law are honest in their opinions and sincere in their utterances.

I respect the opinions of all, and particularly the opinions of the President of the United States and the Secretary of the Treasury, both of whom are wise financiers and able statesmen. I am satisfied their recommendations are the result of careful consideration and sincere convictions and that they are prompted by what they believe will be beneficial to the people and best for the Government. From the commencement of the present administration I have been one of the most earnest supporters of the President, and I have watched with pride and satisfaction his wisdom, firmness, and patriotism, and I desire as far as possible consistent with my convictions to uphold and support his recommendations.

When our ablest and wisest men differ on great questions which involve the prosperity of the country and the harmony of the people hasty action is improper. There is nothing known to men so potent in solving difficult financial problems as time. At present there is great diversity of opinions among those who advocate a change in our monetary system or in the laws relating to coinage, and we should be sure that the welfare of the people and the good of the country will be promoted by the enactment of a new law before we do it.

I do not believe the coinage of standard silver dollars should be suspended.

Silver and gold have been the metals used for the coinage of money since the beginning of commerce among civilized nations. They come to us hallowed by time and indorsed by centuries. There were shekels of silver and shekels of gold in the days of Solomon's power and wisdom and we are told Abraham weighed to Ephron for the cave of Machpelah 400 shekels of silver, current money with the merchant. The Constitution of the United States recognizes the bimetallic system when it declares:

> Congress shall have the power to coin money and regulate the value thereof.

And when it declares:

> No State shall make anything but gold and silver coin a tender in payment of debts.

The first mint act was advocated by Thomas Jefferson and Alexander Hamilton and approved by George Washington in 1792, and it authorized the coinage of both gold and silver as full legal-tender money.

In the world of to-day the quantity of gold and silver in circulation is nearly equal, there being of gold $3,513,000,000 and of silver $3,750,000,000, and it appears as if God, in his wisdom, intended that these two precious metals should stand together and something like equal quantities of each be furnished.

The Secretary of the Treasury says in his report that "statisticians all agree that silver is 54 per cent. of the monetary metal of mankind, while gold is only about 46 per cent." We have in the United States 65 per cent. of gold and 35 per cent. of silver, and the report of the Director of the Mint for 1885 shows that on the 1st of July, 1885, the amount of coin in the United States was some $820,000,000, of which $542,000,000 consisted of gold coin and $278,000,000 of silver coin. The gold and silver bullion in mints and assay offices on July 1, 1885,

and available for coinage, was $71,501,682, making the actual amount of coin and bullion in the country $892,500,519.

The report of the silver commission for 1877 shows the standard of money and the population of different countries of the world as follows:

SILVER-STANDARD COUNTRIES.

	Population.		Population.
Russia	76,000,000	Peru	3,400,000
Austria	36,000,000	China	400,000,000
Egypt	4,500,000	British India	237,144,546
Mexico	8,000,000		
Central America	2,600,000	Total	768,944,456
Ecuador	1,300,000		

DOUBLE-STANDARD COUNTRIES.

Greece	1,400,000	France	36,200,000
Roumania	4,000,000	Belgium	5,100,000
Colombia	2,900,000	Switzerland	2,700,000
Venezuela	1,600,000	Italy	26,800,000
Chili	1,900,000	Spain	16,400,000
Uruguay	400,000	United States	50,000,000
Paraguay	1,200,000		
Japan	33,000,000	Total	187,300,000
Holland	3,700,000		

GOLD-STANDARD COUNTRIES.

Great Britain	32,000,000	Sweden	4,300,000
Canada, Cape of Good Hope, and Australian colonies	7,060,000	Denmark	1,800,000
Germany	42,000,000	Portugal	4,000,000
Norway	1,700,000	Total	92,800,000

It appears therefore that 768,944,456 of the population of the world use silver as their standard, and 187,300,000 use gold and silver as their standard, while but 92,800,000 people use gold only as their standard. If silver should be stricken down as money in the United States and all other nations who use it as money should do the same, two-thirds of the people of the world would have no metallic money; over one-half of the coined money in the world would be destroyed, and one-third of our own coin would be worthless. Therefore if silver has been used in our country since 1792 and has been the medium of exchange since the beginning of civilization, and is now used by nine-tenths of the human race, why should its coinage be stopped in the United States? No demand comes from the people for a suspension.

This country is not suffering by the annual addition now being made to our coin currency. On the contrary, in many localities the people are clamoring for more. The financial and industrial reports from all parts of the United States indicate that everything is improving on the situation of last year. Statistics show that the annual increase of population in our country is nearly 4 per cent., and the value of manufactured articles during the last decade increased nearly 3 per cent. per annum, and the principal productions of agriculture, such as wheat, corn, cotton, and tobacco, increased from 5 to 10 per cent. To meet all this growing wealth and population we should have continued coinage of the precious metals.

The demonetization of silver in 1873 and the constant war made on silver from that day to this has caused a widespread belief that the suspension of silver coinage might ultimately lead to the demonetization of silver. If silver should be demonetized in the United States, where it has had its grand empire for so many years and where nearly one-half the silver of the world is produced, its fate would be sealed, and the signal for the degradation of silver throughout Europe would be given, and then bankruptcy and suffering and ruin would come to millions of people in order that a few capitalists and gold-owners might add to their gains and revel in their wealth.

But what reasons are given by those who wish to suspend the coinage of standard silver dollars?

They say that the silver dollar is a debased, depreciated, light-weight dollar and should not be imposed on the people, but they propose to use the silver already coined in the payments of debts.

Mr. Chairman, every standard silver dollar now in circulation, or now being coined at our mints, has the same amount of pure silver in it that has been in the American silver dollar from the first coinage in 1792. It contained 371¼ grains of pure silver at the time of the first coinage and it contains the same amount of pure silver now, and has more silver in it than the silver dollar of any nation in Europe. It contained 412½ grains of silver and alloy in 1837, and contains the same now.

When we consider all that has been done to disparage silver and remember how it has been assaulted and stabbed in the house of its friends, its present standing is a splendid evidence of its stability. In 1873 it was demonetized because they said it was worth more than gold and would not circulate; and in 1886 they desire to stop its coinage because it is worth less than gold and will circulate. The war made on silver has made an apparent difference in the value of gold and silver; but it should be remembered that gold, like silver, is one of the commodities of life, and its intrinsic value is subjected to exactly the same rigid, economic law of supply and demand. Gold was cheaper than silver from 1834 to 1873.

Thirteen years ago silver bullion was worth 103 cents in gold, now silver bullion is worth only 80 cents in gold. No one asserted then that the amount of gold in the gold dollar should be increased so as to make it correspond with the value of the silver dollar. The purchasing power of the silver dollar is the same now as the gold dollar, and silver bullion more than sustains itself in comparison with other commodities. If silver agitation should cease silver may equal gold in value in a few years. At present the purchasing power of the silver dollar is about 25 per cent. greater than it was in 1873, as is conclusively proven by the tables of the late Director of the Mint, Hon. H. C. Burchard, who shows an average fall of 26 per cent. on ninety articles between 1870 and 1885. If silver bullion was alone in its apparent decline this would indicate depreciation, but when it bears the same relation to all other commodities that it has always borne the margin between it and gold should be accredited to the rise in the value of gold.

Another reason alleged against silver coinage is, if the coinage of silver at present ratio is continued, gold will soon be driven out of our country, and we will be deluged with the unused coins of Europe, which are abundant there on account of demonetization. It has been seventy years since England demonetized silver, and there has not been the slightest current of old silver coins drifting toward this country. Germany had a large amount of silver money, estimated at five hundred millions of our silver dollars, when she demonetized silver in 1873; but her discredited silver coins have not been felt or noticed in our country, and our Mint reports show nothing to indicate disaster or injury to our finances from this cause.

In 1878, when silver was remonetized, we were warned with great earnestness by capitalists, Government officers, and members of Congress that the coinage of silver would drive gold out of the country and produce financial distress and depression. They said that according to the "Gresham law" "bad money drives out good money;" but these predictions were not verified. Gold and silver are both good money. They have circulated together, and neither has driven the other out. As has been well said, so long as the balance of trade is in our favor gold will flow into this country; but when the balance of trade is against us both gold and silver will go out of the country.

The following table, prepared by the Director of the Mint, shows the amount of gold and silver bullion and coin exported and imported during the fiscal years 1878 to 1885, inclusive, and proves conclusively that silver is not driving gold out of our country:

Imports and exports of coin and bullion into United States.

Fiscal years.	Imports of gold coin and bullion.	Exports of gold coin and bullion.	Imports of silver coin and bullion.	Exports of silver coin and bullion.
1878	$12,976,281	$9,204,455	$16,490,599	$24,535,670
1879	5,624,948	4,587,614	14,671,052	20,409,827
1880	80,758,396	3,639,025	12,275,914	13,503,894
1881	100,031,259	2,565,132	10,544,238	16,841,715
1882	31,377,054	32,587,850	8,095,356	16,829,599
1883	17,734,149	11,609,888	10,692,242	20,219,445
1884	22,831,317	41,081,957	14,594,945	26,051,426
1885	29,691,696	8,477,892	16,550,627	33,753,633
	301,025,100	113,744,843	103,914,953	172,145,209

From 1873 to 1878, while silver was demonetized, the exports of gold exceeded the imports of gold $123,754,210, an average of twenty millions per year. Since the coinage of standard silver dollars was resumed our imports of gold coin and bullion have exceeded our exports $187,280,257, and during the same period our exports of silver coin and bullion have exceeded our imports $68,769,745, and during the past year when so much was said against silver the wonderful exhibit is made that $18,214,804 more of gold coin and bullion was brought into this country than was taken out, and $17,212,680 more of silver coin and bullion was sent out of our country than was brought in.

Another reason presented in favor of suspending the coinage of silver is the enormous increase of silver from our mines and from the mines in other parts of the world. The Secretary of the Treasury shows the fallacy of this statement when he declares in his report that "gold from the mines of all the world has doubled in quantity within thirty-five years, silver doubling in the last one hundred years." So that if there is any cause for alarm as regards the increase of the precious metals it exists in the case of gold and not of silver. But this is not a valid reason because the present law only allows not less than two nor more than four millions of silver bullion to be purchased and coined monthly, and no matter what the production of the world may be this can not be exceeded.

A remarkable fact connected with gold and silver which is generally overlooked is the immense amount of each annually used in ornamentation, manufactures, and the arts. Mr. Burchard, the former Director of the Mint, fixes the annual consumption of the world in ornamentation, manufacture, and the arts at seventy-five millions of gold and thirty-five millions of silver. As the last report of the Director of the Mint places the annual production of gold in the world at $95,292,369 and of silver at $115,147,898, we have annually only twenty millions of gold and eighty millions of silver for money purposes in the whole world. Population and wealth are rapidly increasing and it requires but little wisdom to see that before many years have passed the entire gold and silver product of the world will hardly be sufficient to meet the ever-increasing demand.

Again, it is said by monometallists who have suddenly assumed to be friends of laboring men that the coinage of the silver dollar does great injustice to the laboring classes and that they should not be paid in silver. For nearly a quarter of a century these monometallists have been drawing the interest and principal on these bonds in gold, and this is a late day for them to appear in the rôle of philanthropists. There is about twice as much gold money in the United States as silver money. Why have not these gentlemen used their influence with those who have control of the gold to have laboring men paid in gold as well as silver?

The history of the past shows that laboring men, office-holders, pensioners, and soldiers are paid entirely with silver or paper money and that the gold is kept for the bondholders, although every bond they have shows on its face that the bondholders agreed as a part of their solemn contract to receive gold or silver coin of the present standard value for both principal and interest of their bonds. There is nothing in the statement that the laboring classes are injured by the coinage of silver. My observation is that they and most of us are glad to get silver. They well know that a standard silver dollar will purchase as much as a gold dollar and will now buy more cloth, cotton, bacon, sugar, and coffee, or other necessary article than it has done before in many years. They also know that if the volume of currency is contracted by stopping the coinage of silver times will be harder, money will be scarcer, and wages lower.

Again, it is alleged that our public debt should be paid in gold to keep our credit up to a high standard and that it is not just to pay our creditors in silver. If we desire to know how the public debt should be paid we should examine the contract and the law under which it was created. All the interest-bearing coin obligations of the Government now unpaid were issued under the act of July 14, 1870, except the 3 per cent. bonds issued under the act of 1881, and are payable either in gold or silver coin.

Every 5 per cent. bond has this inscription on it:

This bond is issued in accordance with the provisions of an act of Congress entitled "An act to authorize the refunding of the national debt, approved July 14, 1870, amended by an act approved January 20, 1871," and is redeemable at the pleasure of the United States after the 1st day of May, A. D. 1881, in coin of the standard value of the United States on said July 14, 1870, with interest in such coin from the day of the date hereof, at the rate of 5 per cent. per annum, payable quarterly on the 1st day of February, May, August, and November, in each year. The principal and interest are exempt from the payment of all taxes and duties of the United States, as well as from taxation in any form by or under State, municipal, or local authority.

Inscription on face of United States 4 per cent. bond:

This bond is issued in accordance with the provisions of an act of Congress entitled "An act to authorize the refunding of the national debt," approved July 14, 1870, amended by an act approved January 20, 1871, and is redeemable at the pleasure of the United States after the 1st day of July, A. D. 1907, in coin of the standard value of the United States on said July 14, 1870, with interest in such coin from the day of the date hereof at the rate of 4 per cent. per annum, payable quarterly on the 1st day of October, January, April, and July in each year. The principal and interest are exempt from the payment of all taxes or duties of the United States, as well as from taxation in any form by or under State, municipal, or local authority.

The question now is, shall the rights of the bondholders and of the people be adjusted according to the language of the contract, or shall the contract be again changed so as to enhance the value of the bonds?

There has been some strange legislation for the benefit of United States bonds in the last quarter of a century.

Bonds payable in greenbacks, on which the Government realized only 50 per cent., were made payable by a Republican Congress in 1869 in coin.

To still further enrich the bondholders at the expense of the people, in 1873 silver was demonetized, so that the bonds were then compelled to be paid in gold; but an outraged and indignant people arose in their majesty and power and elected a Congress, which in 1878 passed a bill over the veto of the President of the United States remonetizing silver and restoring its time-tried and time-honored power, and made the silver dollar of 412½ grains to pay a full legal tender for all debts public and private.

To remove all doubt on the subject of remonetizing silver and authorizing it to be used in the payment of the public debt, both Houses of Congress, by large majorities, adopted in 1878 the following concurrent resolution, introduced by Hon. Stanley Matthews, then Senator, and now an associate justice of the Supreme Court of the United States:

Whereas by the act entitled "An act to strengthen the public credit," approved March 18, 1869, it was provided and declared that the faith of the United States was thereby solemnly pleged to the payment in coin, or its equivalent, of all the interest-bearing obligations of the United States, except in cases where the law authorizing the issue of such obligations had expressly provided that the same might be paid in lawful money or other currency than gold and silver; and

Whereas all the bonds of the United States authorized to be issued by the act entitled "An act to authorize the refunding of the national debt," approved July 14, 1870, by the terms of said act were declared to be redeemable in coin of the then present standard value, bearing interest payable semi-annually in such coin; and

Whereas all bonds of the United States authorized to be issued under the act entitled "An act to provide for the resumption of specie payments," approved January 14, 1875, are required to be of the description of bonds of the United States described in the said act of Congress approved July 14, 1870, entitled "An act to authorize the refunding of the national debt;" and

Whereas at the date of the passage of said act of Congress last aforesaid, to wit, the 14th day of July, 1870, the coin of the United States of standard value of that date included silver dollars of the weight of 412½ grains each, declared by the act approved January 18, 1837, entitled "An act supplementary to the act entitled 'An act establishing a mint and regulating the coin of the United States,'" to be a legal tender of payment, according to their nominal value, for any sums whatever: Therefore,

Resolved by the Senate (the House of Representatives concurring therein), That all the bonds of the United States issued, or authorized to be issued, under said acts of Congress hereinbefore recited are payable, principal and interest, at the option of the Government of the United States, in silver dollars, of the coinage of the United States, containing 412½ grains each of standard silver; and that to restore to its coinage such silver coins as a legal tender in payment of said bonds, principal and interest, is not in violation of the public faith, nor in derogation of the rights of the public creditor.

Can anything be clearer or more easily understood?

Why should Congress compel the debtor to add more silver to the coin than he agreed to pay; and why should Congress stop the coinage of silver so as to make the dollar harder to obtain? Congress, by the authority granted in the Constitution, "coined money and regulated the value thereof," and contracts have been made pursuant thereto, and the right to pay according to the terms can not be justly or properly taken from the people.

To put more silver in the dollar will oppress the debtor; to put in less will oppress the creditor.

The debtor class of our country made their contracts with the belief that the law in regard to gold and silver would not be changed, and it would now be unjust to them to change the law or impair the contract.

I have been furnished a table which shows that the proposition to increase the bullion in the silver dollar so as to make it equal to the present value of the bullion in the gold dollar will add two thousand four hundred and thirty-eight millions of dollars to the indebtedness of the people of the United States.

Again, it is said in justification of suspension that we have a superabundance of silver coinage. This same cry was raised in 1878. At that time Hon. JOHN SHERMAN was Secretary of the Treasury, and he recommended that the coinage of silver be discontinued when the amount outstanding exceeded $50,000,000. He then thought that we could not carry at par over fifty millions of silver dollars.

Instead of fifty millions of legal-tender silver dollars two hundred and fifteen millions of silver dollars have been coined since 1878; and still the silver dollar is at par with the gold dollar. If his suggestions had been adopted there would have been $165,000,000 in silver withheld, which we now have either in the Treasury or in circulation. During every session of Congress since then efforts have been made to stop the coinage of silver. Mournful predictions have been made, but our commerce and our manufactures and our vast agricultural wealth and other interests make continued coinage necessary.

A careful investigation of our monetary situation and a comparison of our volume of gold and silver with that of other great nations will show that we have less silver and gold per capita than most of the great nations of the world. There is no immediate necessity for changing the present law under which silver is coined.

The report of the Director of the Mint shows that the total coinage of silver dollars to July, 1885, was $203,884,381, and of fractional silver $74,939,820, making total silver money in our country $278,824,261. From this we should deduct silver certificates for which the United States holds an equivalent amount of silver of the denomination of $10, amounting to $140,323,140, and fractional silver held by the Treasury and not in circulation, amounting to $31,236,899; leaving an aggregate of silver in circulation of $107,264,162. And if this is divided pro rata among the people of the United States it shows a silver circulation of less than $2 to the head.

In this connection I present the following statement, taken from the report of the Director of the Mint for 1884, of the per capita specie circulation in France, Great Britain, Germany, United States, and Holland.

Table showing the total specie circulated in France, Great Britain, Germany, the United States, and Holland.

[From the Report of the Director of the Mint for 1884.]

Nations.	Estimated population.	Date.	Gold.	Silver.	Per capita.
France	37,672,048	1881	$848,000,000	$596,900,000	$38 30
Great Britain	35,246,562	1881	583,500,000	95,000,000	19 25
Germany	45,235,061	1880	334,420,000	211,480,000	12 06
United States	50,155,783	1880	610,500,000	262,000,000	19 39
Holland	4,172,921	1883	28,000,000	57,000,000	20 37

These figures are not glittering generalities or unreliable estimates. They were prepared by the highest authority and can not be denied, and they show that the gold and silver circulation of the United States per capita is only half what it is in France, the same as it is in England, and less than it is in Holland.

Eminent statisticians say the amount of gold and silver in circulation in the world is, gold, $3,513,000,000; silver, $3,750,000,000, or 52 per cent. of silver to 48 per cent. of gold.

Now, as we have in the United States about $600,000,000 in gold and two hundred and seventy-eight millions of silver, total for 55,000,000 of people, nearly nine hundred millions, it will require over two hundred millions more of silver to be coined in our country to bring our proportion of silver to gold up to the world's ratio of silver.

Great Britain and Germany have demonetized silver, but the policies of these great creditor nations are dictated by the wealthy classes, who own vast estates and control immense amounts of capital and have large quantities of securities. The middle and lower classes have but little power in shaping financial legislation; yet such has been the depression and financial distress among the people of Germany and England that landlords, tenants, farmers, merchants, and peasants have organized into unions and are demanding the remonetization of silver. A bill passed the German Reichstag a few days ago looking to the remonetization of silver, and this subject is now agitating England very much. It is said that Great Britain holds bonds of other countries to the extent of $3,250,000,000 and Germany to the extent of $2,000,000,000. The last report of the Secretary of the Treasury shows that the United States is a debtor nation to the extent of $1,848,340,335. In addition to this, the public debt of States, Territories, counties, cities, towns, villages, and school districts of the United States is very large, and when we add the railroad debt of the United States we will have an enormous indebtedness estimated at $12,193,161,057.

The prosperity of the United States has been identified from the beginning with the bimetallic policy, and the interests of our country are irreconcilably opposed to the financial policy pursued by Great Britain and Germany. As a debtor nation it is not to our interest to have artificial augmentation of the price of gold at the expense of our silver currency. Our double standard benefits both the poor and the rich. Gold and silver both being legal tenders, gives stability to each and spreads the fluctuations of monetary supply and demand over the whole country. This double-standard system has not only been indorsed by centuries of experience but by many of our wisest and best men. Alexander Hamilton, in his report on the Mint in 1792, said:

> To annul the use of either of the two metals as money is to abridge the quantity of circulating medium and is liable to all the objections which arise from a comparison of the benefits of a full with the evils of a scant circulation.

Ex-Postmaster-General Howe, one of the commissioners at the international monetary conference held in Paris in 1881, said in an able speech:

> We seek a thrifty world, and it is our profound belief that no such world is possible, if its money is limited to a single standard.

And at the same conference ex-Senator Thurman, of Ohio, also one of the commission, in his speech for bimetallism, said:

> I believe that bimetallism will ultimately prevail, for I can not see how the vast structure of credit, the most important feature of modern industry and commerce, can be supported on a gold basis alone.

The amount of silver now being coined each year in the United States is less than 50 cents per capita, and at the rate we have been coining it since 1878 it will take about thirty years to coin as much per head as France now has in circulation, and it will take about thirteen years to bring the volume of silver coinage to the present amount of gold coinage.

Another additional reason for not impairing or interfering with the standard silver dollar is our relations with the great silver-using populations of the world. We are now reaching out for more intimate commercial and business relations with Mexico, Central America, Peru, and Ecuador, and they have silver alone for their standard; and if we wish to trade with Japan, Chili, Colombia, Venezuela, Paraguay, Uruguay, Holland, Switzerland, Italy, and Spain, which are double-standard countries, we must have both gold and silver. If the coinage of silver is stopped the value of silver money and of silver bullion will be much impaired, and gold being more in demand will increase in value, while every industry will be injured. There are three great industrial classes on whom the burden and the injury will be especially heavy, to wit, the wheat-growers, the cotton planters, and the silver miners. These are the greatest money-producing classes in our country, and no other country in the world can now successfully compete with them.

For many years England and Germany have purchased wheat and cotton in large quantities from our people. While gold and silver are on a parity they will buy in the United States, because they will get a better article and save money on transportation; but when the price of silver goes down 25, perhaps 35, per cent., these great countries will buy silver in the United States and ship it to the mints in India, where 250,000,000 people use silver as their only currency, and produce wheat and cotton by the labor of men who hire at 8 cents in silver per day. Our wheat export has already commenced falling off, and the production of wheat and cotton in India has greatly increased. It is claimed by English merchants that if they can buy our silver at 70 cents to the dollar they can lay down in New York at 70 cents per bushel wheat raised in India. Our country is the largest silver-producing country in the world. We produce annually nearly one-half of all the silver produced in the world, and Representatives should consider well before they crush or even cripple the great silver interest of our country.

The last report of the Director of the Mint shows that the United States produced in 1884 $48,800,000, or over 42 per cent. of the world's production of silver for that year. It is impossible to accurately estimate the actual investment in silver mines in the United States, but the author of the report just published on the mineral resources of the United States says it will perhaps reach $300,000,000, and might go to four hundred millions.

Over a hundred thousand persons are engaged in silver mining in our country, and over a half a million of persons are supported by silver mining. Cities, towns, and villages have been built and railroads and wagon-roads and tramways constructed in these mining districts, and civilization has been carried to the far West by brave men and women who are animated by that love of money which springs eternal in the breast of all classes, from the Wall street banker to the humble laborer in a Western mining camp.

It seems to me that neither logic, reason, nor justice point to the suspension of silver coinage at this time.

The representatives of the American people can not afford to stop the coinage of silver and thereby increase the debt burdens of their fellowmen, greatly injure the prosperity of the South and West, sacrifice millions of dollars invested in silver mines, still further reduce the price of grain and cotton, and bring hard times to millions of industrious, enterprising citizens.

Our country is now getting along very well. Buoyant feelings and brightening prospects are beginning to gladden the hearts of the people, and the blessings of peace, prosperity, renewed business, and closer fraternity are felt and appreciated throughout our land. Let nothing be done to blight or change the situation.

Plenty of money vitalizes and quickens the industries of a country, increases and develops resources, employs, happifies, and pays all who labor, and scatters the jewels of contentment among the people; but the existing law on the subject of silver coinage is broad enough and comprehensive enough to meet the demands of the present.

I have shown that I am not in favor of suspension of coinage, neither do I believe it is expedient to authorize unlimited coinage of silver now. Last year there was produced in the United States $48,800,000 in silver bullion. At present this is too much to be added each year to our volume of silver circulation. With free and unlimited coinage of silver, we know not how soon the whole silver product of the world would rush to our country to be coined free at our mints. It will be time enough to have free and unlimited silver coinage when our business population and the demands of manufactures, ornamentation, and the arts make it necessary.

At present I believe we should adhere to existing law, under which not less than two millions of dollars' worth of silver bullion nor more than four millions of dollars' worth of silver bullion are required to be purchased monthly and coined into silver dollars. We should also provide for the issuance of coin certificates of the denomination of one and two dollars in place of greenbacks of the same denomination, and these certificates should be redeemable at the pleasure of the holder in silver or gold. Whenever the surplus or balance in the Treasury, including amount held for redemption of United States notes, shall exceed the sum of $100,000,000, it should be the duty of the Secretary of the Treasury, as provided in the joint resolution lately reported by the chairman of the Committee on Ways and Means [Mr. MORRISON], to apply such excess to the payment of the interest-bearing indebtedness of the United States which is payable at the option of the Government.

All existing financial conditions invite us to a conservative policy. A very short time may suffice to solve the financial problem that now confronts us and indicate clearly the course which we should pursue. When the members of the present Congress were elected, questions relating to the suspension of silver coinage and unlimited silver coinage were but little discussed, but before the next November election ample opportunities will be presented for the fullest and freest discussion of those subjects. In this great country where we have a government of the people, by the people, and for the people we will always be benefited by their cool judgment and conservative intelligence.

The prosperity of our country, and the success and happiness of the people are paramount blessings. Prosperity will open up wider fields and more magnificent views, and cause this great Republic to move on to the accomplishment of its grand destiny; in its valleys, mountains, hills, and plains, crowded and intersected by rivers and lakes; in its agriculture, commerce, manufactures, arts, and inventions are found the elements that make up a great nation, and the human mind can scarcely comprehend the grandeur and growth of our Republic if under wise statesmanship, proper economy, and a just administration of the Government its prosperity is not retarded.

I believe this prosperity can best be promoted under existing circumstances, by not taking either the extreme of suspension or the extreme of unlimited coinage.

I believe also that the success and happiness of the people will be best advanced if agitation of the silver question should cease and attention be turned to reforming the tariff, reducing the expenditures, restoring American vessels to the waters of the world, reclaiming the public lands that have been squandered on railroad corporations, lessening the taxes, and encouraging education in every part of our Republic. [Applause.]

Mr. LANHAM. Mr. Chairman, I earnestly call upon the friends of free silver coinage to organize in order to force a vote upon the bill reported from the committee having jurisdiction of the subject. We have made several ineffectual efforts to fix a day for its consideration. It is believed by many that it is not intended to allow a vote to be taken if parliamentary tactics can prevent. The silver speeches heretofore made in this House, as we all know, have not been delivered in the

presence of an actual consideration of the question. Being of the Committee on Coinage, and having joined in the minority report, I had hoped ere now to have had an opportunity to be heard upon that report. In view of all the surroundings, I am unwilling longer to remain silent upon a matter of the first importance to the people of this country.

Comprehensively considered, two propositions are presented, and from the acceptance of the one or the other there is no logical escape. The real issue is whether the coinage of the silver dollar shall be suspended, or made free and unlimited. There is no middle ground in this contest, and no room for neutrality. From my standpoint of observation it is, in a great measure, a struggle between avarice and popular rights. Nothing I may say is actuated by any feeling of ill-will to the rich.

I am glad that in this free country of ours the avenues to wealth are intended to be open to all. I honor that man who in response to personal thrift, financial foresight, and earnest effort has met with abundant honest reward, while I have no respect for the indolent whiner who envies the honorable success and prosperity of his enterprising neighbor. I care not how affluent a man may grow if it be not done by injustice and oppression to his fellows; but no man or set of men in this land has a right to be legislated into opulence. It is against the unwarranted encroachment and rapacity of the wealthy that I inveigh. The time has arrived in this country when the people must control or be controlled by the forces of associated capital, and nowhere is this thought more prominently suggested than in the question which now confronts us. I have no hesitancy in defining my position on this question.

Early after the organization of the Committee on Coinage I submitted a resolution to the effect that it was the duty of that committee to report to the House at an early day a bill looking to the free coinage of standard silver dollars. This was denounced by a leading Eastern journal as pernicious. I believed then, and believe now, that the only rational, economic, and scientific solution of the question is to be found in the re-establishment of the law as it was aforetime.

"Inquire for the old paths, and walk ye in them." I doubt if we are wiser, better, or more devoted to the interests of good government than our fathers were. They enacted and kept in successful operation free coinage laws for silver as well as gold, and no pernicious effects were observable; on the contrary we had a safe and stable metallic currency, under which the country prospered and the people were contented. These conditions obtained until we lost sight of the ancient landmarks, cut loose from the old moorings, and drifted out upon an unknown sea of reckless experiment.

Mr. Chairman, thirteen years ago the financial crime of the century was perpetrated against the people of this Union. It shocked the public conscience and aroused the righteous indignation of patriots throughout the land. It was said to have been covertly and surreptitiously committed. It was denounced as "a furtive and rascally act" and as "a deliberate and inexcusable fraud." It met with almost universal condemnation. In its wake followed widespread disasters and terrific evils. Panic, bankruptcies, paralysis in business, stagnation in enterprise, and infinite distress abounded. Silver was demonetized.

The lamentable results which ensued are too recent in the recollection of all men to require a fuller recital than a mere reference thereto in order to awaken the gloomy memories of that deplorable era embraced within the years of 1873 and 1878. Aside from conditions of war no half decade in the history of this Government is more memorable for business inactivity and industrial collapse. Prosperity fled our shores, and the shadow of gloom settled down upon us with a darkness that could be felt. We were then under the domination of the Republican party, and popular displeasure and criticism visited upon its head the responsibility and authorship of our troubles.

After five years of dearth and depression, in obedience to the sovereign demand of the people, with a singular concurrence of opinion and a notable absence of party division, Congress remonetized silver, and it was partially restored to its legitimate function as a factor in the money of the country. There were very few to be found then in our National Council who had the hardihood to resist the general requirement of the great body of the people for relief so obviously just and necessary. Public sentiment had just been forcibly formulated by a resolution which passed the General Assembly of Ohio in these words:

Resolved, That common honesty to the tax-payers, the letter and the spirit of the contract under which the great body of its indebtedness was assumed by the United States, and true financial wisdom, each and all demand the restoration of the silver dollar to its former rank as lawful money.

It is said that there were but four negative votes upon the passage of this resolution—three in the House and one in the Senate. On November 5, 1877, the original bill of the eminent gentleman from Missouri [Mr. BLAND] to authorize the free coinage of the standard silver dollar and to restore its legal-tender quality passed the House of Representatives by a vote of nearly 5 to 1—163 voting for and only 34 against its passage. It went to the Senate and was there amended, among other things, so as to "authorize and direct the Secretary of the Treasury to purchase, from time to time, silver bullion at the market price thereof, not less than two million dollars' worth per month nor more than four million dollars' worth per month, and cause the same to be coined monthly, as fast as so purchased, into such dollars."

On the 21st of February following the House concurred in the Senate amendments by a vote of 203 to 72. The bill was vetoed on the 28th of February. The Senate passed it over the veto by a vote of 46 to 19, and the House did likewise by a vote of 196 to 73. So it is perceived that it required five years and the clamor of the whole country to measurably rectify what was apologetically called an oversight or inadvertence by some, and characterized as a crime by others; and had then to be done over Executive objections. The knowledge of this fact, it seems to me, ought to operate as a caveat upon the minds of those who are in a hurry to now undo what little of good has been with such difficulty accomplished, and even temporarily suspend the coinage of standard silver dollars, under the plea and promise of subsequent renewal should necessity arise. This was all that could be accomplished at the time by way of remedial legislation, and was accepted by the House under protest. The Senate obstructed the essential purpose of the House bill—the free coinage of silver—stopped the full flow of patriotic endeavor, and restricted the *quantum* of coinage as contained in the amendment mentioned.

Notwithstanding the well-deserved and unmeasured denunciation which this cruel piece of mal-legislation (act of 1873) received at the hands of the country, and the bitter lessons of experience it taught the people, still there are some among us who have never acquiesced in even the limited restoration of silver coinage, and from time to time there have come to the surface alarming manifestations of a settled and determined purpose to turn back the tide of financial reform, block the rightful office and exercise of silver money and remand the country to the same distressing conditions which obtained in the period to which I have referred.

The monetary centers, the national banks, the owners of fixed incomes, the syndicates of wealth, the possessors of gold, almost every organized association of capital have been steadily and persistently creating, issuing, and distributing from the great sources of money power every conceivable instrumentality of influence and argument with which to control public opinion and direct the legislative mind in favor of the suspension of the silver coinage. Circular upon circular, resolution upon resolution, editorial upon editorial, looking to this object have found their way into every section of the country.

Who can estimate the power for mischief of the varied combinations of moneyed strength when directed by the promptings of greed? Dismal prognostication, persuasion, and menace in turn are part of the *media* which have been adroitly employed in this unhallowed warfare against the rights of the people. I heard on this floor in the last Congress the direst and most calamitous consequences predicted if silver coinage were not immediately discontinued; and yet we still live, even those of us who voted to continue it, and there is no verification of those lugubrious and pessimistic prophecies.

Mr. Chairman, the efforts of anti-silver advocates have not been without their effect. They have succeeded by some sort of cohesive attraction, in accomplishing an almost unbroken confederation and practical unification of all the elements of associated capital and the creditor class in opposition to the further coinage of the silver dollar. The American Bankers' Association, which held its convention in Chicago in September of last year, resolved—

That it is the sense of this convention that the coinage of silver dollars under the compulsory law of 1878, is detrimental to the best interests of the people and dangerous to the welfare of the Government, and that the law should be immediately suspended, and remain inoperative until an international agreement with leading commercial nations shall give substantial assurance of the future relations of gold and silver as money.

This edict of the money-kings has been promulgated with conspicuous energy. There are very few bondholders and plutocrats who have not taken up this refrain and proclaimed it wherever their voice could be heard or their influence exerted, and credit-bearers are rare who have proven indifferent to its behest. There was one remarkable exception to the common spirit and general trend of the arguments and utterances of that convention, which has impressed itself upon my mind as being so honest, liberal, patriotic, and philanthropic, embodying such sound wisdom and practical philosophy, as to merit perpetuation; and with a supreme respect for its logic and unselfishness I here incorporate in my remarks portions of the address of Mr. John Thompson, president of the Chase National Bank of New York city:

We now have had twelve years of warfare over the two precious metals, one party contending for a single (mono) gold standard, the other party contending for the continuing of the double standard. It is a contest between debtor and creditor. The advocates of the mono gold standard commenced the trouble. In 1873 Germany having obtained a thousand millions of gold from France (indemnity money) undertook to substitute gold for silver. At the commencement of this movement silver was at a premium, but the natural effect of supply and demand soon followed. The German silver overstocked the London bullion market; this, together with the absorption of gold, caused a violent parting of the market value of the two metals. Following the lead of Germany, Sweden, Denmark, Norway, and this country, demonetized silver, France, Belgium, Spain, and Italy stopped coining it, and in July, 1876, $4 of gold was equal in the London bullion market to $5 of silver. In 1878 our Congress ordered the purchase and coinage of two millions of silver per month, this being about one-half of the output of our mines.

* * * * * * *

Gold as money is practically unknown by the people; they handle silver and paper money only. If the paper money is redeemable in coin, then it is equal to coin and is more satisfactory than the coin itself.

The debtor class is ten to one of the creditor class; the mortgagors are numerous as compared with the mortgagees. The debtor knows full well that the

conversion of silver into merchandise, instead of being monetized, will fully double the burden of his debt.

* * * * * * *

Congress will not demonetize silver. It always has been and will continue to be money.

The effort, now in full force, to flood the country with fractional coin will soon load the merchants with money which the banks will refuse to take except at a discount, to cover the expressage to some subtreasury, and when there it will be redeemed in silver dollars or silver certificates.

Finally, if the determination to demonetize silver is persisted in, silver will be the standard and gold will be merchandise.

I regret the necessity of this plain talk, and do sincerely hope that some measure can be adopted to perpetuate the double, or bimetallic, standard. The equities, as between debtor and creditor, should not be violated. The wheels of prosperity should not be blocked by the conversion of one-half of the basis of our currency and credit into mere property. The extra liability of suspending specie payments should not be incurred.

* * * * * * *

I do assert that neither precious metal can be thrown into mere merchandise without causing stagnation, depression, and, finally, monetary revolution—a doubling of the purchasing power of the monetized metal and a corresponding cheapening of the price of all property.

The laborer is appealed to to help repudiate silver. I would like to see the laborer who has discovered that a gold dollar buys more bread and butter than a silver or paper dollar. He wants prosperity and employment that he may get the dollar.

Has any one heard of any convention of men of small means and limited transactions, of debtors, of laborers, of the varied and multiplied sons of toil, of those who eat bread by the sweat of their brows, asserting that the coinage of silver dollars is "detrimental to the best interests of the people and dangerous to the welfare of the Government," and demanding the cessation thereof? Do the masses share in these apprehensions? Have any of them asked their Representatives here to demonetize silver and contract the volume of currency? If there be such, let them speak, for them have I offended.

' After the lapse of nearly a quarter of a century during which period the country has been inflicted with Republican misrule, after the vicious act of demonetization in 1873 and the calamities which succeeded it, after the lessons of experience their history furnished, after all we have seen and suffered, learned and lost, it has been reserved for the close of the good year of our Lord 1885—memorable for the accession of the Democratic party to the control of the Government—to furnish the eminently suitable and all appropriate opportunity for an authoritative recommendation to the Federal Legislature to suspend the coinage of silver dollars! That recommendation is met by a bill for free and unlimited coinage.

Mr. Chairman, all men can not see alike, and a spirit of toleration for the opinions of others should prevail. I will not permit myself for one moment to question the motives or impugn the objects of any gentleman here, or any person high in national authority with whom I may be unable to agree upon any subject of legislation or matter of public policy. One man has as much right to his opinion as another. I love to be in harmony with the leading representatives of my party and in sympathy with an administration begotten by that party, but I will never support any measure which does not upon its own merits commend itself to my judgment and conscience, I care not by whomsoever recommended.

I find myself at irreconcilable variance with the recommendation of the President and the officers of the Treasury Department upon the subject of silver coinage. It is to be regretted that the necessity presents itself in the orderly discussion of a tangible proposition formulated and regularly submitted for definitive solution, for Democrats to criticise and oppose the line of policy suggested and advised by the first President their party has had for twenty-five years. It is a painful and unpleasant duty and one which ought to be undertaken in no spirit of indecorous haste.

No circumlocution, however, can disguise the existence of a well-defined hostility upon the part of many Democrats to the coinage policy of the present administration, no management can suppress this truth, and no mere partisan motives or apprehensions should deter us in suitable season from a firm, fitting, and faithful avowal of our convictions. When the interests of the country are involved, it is better that the common good should be conserved, even if an administration be censured, no matter what political party it represents. It is better that legislators be patriots than partisans.

To sustain the propriety of free silver coinage involves a reply to the reasons assigned for its suspension. It is said, among other things, as an argument in favor of suspending the coinage of the silver dollar, in substance:

That the Constitution does not justify the present purchase and coinage of silver dollars, it being beyond the amount needed for a sufficient circulating medium, and that the desire to utilize the silver product of the country should not lead to a perversion of the power "to coin money;"

That no necessity exists for the present silver coinage because only about fifty millions of the silver dollars have actually found their way into circulation, and the custody of the residue has entailed a considerable expense for the construction of vaults for its deposit;

That monthly two millions of gold are paid out for two millions or more of silver dollars, and the continuance of this is liable to result in the substitution of silver for all the gold the Government owns applicable to its general purposes;

That the hoarding of gold has begun, and the time approaches when the two coins will part company;

That gold will go to a premium, and the banks and rich speculators will make handsome profits;

That the laboring men and women of the land will find that the dollar received for the wage of their toil has sadly shrunk in its purchasing power, and the wage-worker must inevitably lose;

That a contraction of the circulating medium will result in consequence of gold quitting the field of circulation;

That the silver dollar is only worth 80 cents, and that we ought to regulate our action on silver coinage by the pleasure and conduct of the Latin Union;

That we now have all the silver dollars needed, and suspension being declared, if any more be at any time required their coinage may be renewed;

That prosperity hesitates and capital timidly shrinks because of the dangers and uncertainties surrounding this question; and

That labor lacks employment and the vast army of the unemployed appeals for a safe and stable currency.

Mr. Chairman, it is my purpose to make some analysis of these propositions, and while it may be beyond my capability to refute the arguments involved, still I shall feel that I have in a measure discharged my duty to my constituency and the country when I declare my radical dissent from the conclusions reached and policy suggested, and as best I can express the reasons which shall control my course.

It is not pretended by the most ardent pro-silver man that the present law is what it ought to be, or by any means free from objection. The purchase of bullion belongs to the power of coinage, and may derive its authority from the means to carry that power into effect, and, if so, is not obnoxious to the Constitution. I believe that all the teachings and traditions of the Democratic party emphasize and crystallize the doctrine that gold and silver are the constitutional money of this country. Our Government started out on that theory. I will not now consume time by questioning the wisdom or correctness of the laws and decisions of courts which have sustained the issuance of paper money, nor the necessity and policy involved in those matters which have been put at rest by supreme judicial decision.

I content myself with the statement that if the framers of our Constitution contemplated and intended gold and silver to be money, it is a principle, and hence indestructible. I do not believe that Congress has now or ever had the constitutional power to demonetize silver or to cripple and hinder it in the proper exercise of its function as money. Daniel Webster said:

I am certainly of the opinion that gold and silver at rates fixed by Congress constitute the legal standard of value in this country, and that neither Congress nor any State has authority to establish any other standard or to displace this standard.

The power is conferred upon Congress to determine the necessity and extent of coinage, and if Congress should say that the coinage of silver dollars shall be absolutely free and unlimited there is no appeal from its decision, it being the peculiar and exclusive province of Congress to determine the question; and no tribunal could or would interfere in disturbing the legitimate prerogative of the law-making power. Unrestricted authority being vested in Congress "to coin money and regulate the value thereof," when its judgment is asserted in favor of the present or increased coinage of silver dollars it is immaterial to any other power in this Government as to what conditions and motives actuate and impel Congress, and all inquiry thereinto is precluded. If it should conclude, as is the fact, that the United States produces nearly one-half of all the silver in the world, and that this precious domestic product ought to be utilized; that the people need the addition to the circulating medium of any number of silver dollars, whether it be in actual circulation, or represented in silver certificates, or confined in Treasury vaults, and should enact its conclusions into law, what power is competent to decree that it is a misuse or perversion of Congressional authority? If Congress should attempt to displace silver as a standard of value I believe, with Daniel Webster, that it would be a violation of the Constitution.

To suspend the coinage of silver, to obstruct its monetary use, to antagonize, in any way, the successful operation of its fiscal office, is, in my judgment, to displace the silver standard of value in proportion to the extent of such obstruction. The lesson learned from past legislation, the unmistakable purpose of gold monometallists and anti-silver agitators, as manifested in all their words and acts, logically conduce to the conclusion that the entire demonetization of silver as a full legal tender is sought to be ultimately accomplished; nor will their efforts in that direction cease until their object is consummated or they are so overwhelmingly defeated as to show the utter futility of further exertion. And now that they have thrown down their gauntlet it is but the response of courage and duty upon the part of those who favor the constitutional rights of silver to accept the challenge and sound no truce until their cause be fully established, which will only be done when the concurrent and equal coinage of the two metals at the mints of the Government is finally assured. The quicker and more decisive the conflict the better it will be for the country.

We find from the report of the Comptroller of the Currency (page 67)

that on November 1, 1885, the amount of coin in this country was $839,129,143, of which $550,927,783 was gold and $288,201,360 was silver. The estimate of the Director of the Mint on January 1, 1886, increases the amount to $847,104,020, or gold, $533,810,148, and silver, $293,293,872, with gold bullion of the value of $72,923,721, and silver bullion of the value of $4,611,078, making a total metallic stock of $924,638,819. The coinage of gold is free and unrestricted; no war has ever been waged against its coinage, although "as money it is practically unknown by the people" and has but little circulation among the masses, they preferring "to handle silver and paper money only." There is no suggestion of complaint against its continued and uninterrupted coinage, or to the effect that too much of it has been coined, or as to the existence of any constitutional objection.

I believe, Mr. Chairman, that there is a necessity for the continued coinage of the silver dollar, because every dollar coined will add that much more to the volume of money required for our large and rapidly increasing population and their commercial wants; because multiplied millions of public and private indebtedness can be discharged in such dollars, and every addition thereto increases the debt-paying capacity both of the state and the citizen. The Comptroller of the Currency, in his report (page 18), says:

Through the operation of the act to authorize the coinage of the standard silver dollar and to restore its legal-tender character, the circulating medium issued by the Government of the United States has been increased in the sum of $213,259,431, of which $49,442,089 in standard silver dollars are in the hands of the people, and $70,670,570 of like coins are in the Treasury of the United States, in addition to $93,146,772 of said standard dollars, which are represented by silver certificates in the hands of the people, and which can be converted into standard dollars at the pleasure of the holder, and are receivable for customs, taxes, and all public debts.

The actual increase of the volume of money in the hands of the people, then, is $142,588,861, or something over $2 per capita, with which to pay taxes, discharge indebtedness, transact business, and purchase the necessities of life. It follows that continued coinage will still further increase the circulating medium—an end, in my judgment, to be devoutly desired, and in the interest of the great mass of the people.

We learn from the Director of the Mint (Report, page 30) that on July 1, 1885, there was of gold coin in the Treasury $179,952,890, in national banks $90,758,847, and in other banks and general circulation $271,462,890. We are not informed in this statement as to the respective amounts in the other banks mentioned and in general circulation. It may be safely assumed, however, that nearly one-half of all the gold coin in the United States is controlled by the banks. I have searched with some diligence and have been unable to find any authentic estimate of the gold coin in actual circulation in the hands of the people. We have an abundance of statistical information, elaborate discussion, and official recommendation upon the silver question.

From the above statements as to the amounts, form, and location of our metallic money it is not obvious that gold has much the advantage of silver in point of real circulation and actual monetary use by the body of the people, and besides there is comparatively little silver held by the banks, the amount in round numbers being only about $12,000,000. It is not astonishing, in view of these facts, that the banks should be unfriendly to silver coinage and look with lively interest to its suspension.

I believe there is a necessity for the continued coinage of the silver dollar because it is essentially the money of the great majority of the people. All over the country silver will settle the transactions and adjust the business of men in moderate circumstances more conveniently and satisfactorily than any other quality of money. In speaking of fractional coins the Secretary of the Treasury says that "in the bulk of human transactions where money passes silver has no rival." The application may be made with equal and it seems to me greater force to the silver dollar, because of its unlimited legal-tender quality. The great business classes who carry the exchanges of the country are not the only people whose preferences, convenience, and interest ought to be consulted.

No sort of money is better adapted to popular necessities, uses, and conditions than silver, and it can not be successfully controverted that everywhere in the country away from the cities and centers of wealth the people prefer silver; and I think it would be difficult to find a farmer, a mechanic, or wage-worker of any kind who would not rather have, and could not more readily utilize in all their ordinary and practical financial affairs, ten standard silver dollars than a ten-dollar gold piece. The laboring men of the country would not object if instead of the less than five dollars in silver per capita now extant in this Government we had fourteen dollars as is the case even in France. I believe we ought to continue the coinage of silver, because to stop it would be not only to limit and contract the volume of money, but it would be to disarrange the prices of all commodities, to injuriously affect the markets, to add to the purchasing power of gold, to curtail the rewards of labor, to augment the wealth of gold owners to the detriment of the rest of the people, to benefit the creditor at the expense of the debtor, to magnify the fortunes of the rich and take from the substance of the poor.

Mr. Chairman, I believe that silver can and will circulate among the people if it be allowed a fair opportunity. Whenever it is fully known and appreciated by those in authority that the people are absolutely determined that it is now and ever shall be in this country the full equal of gold, shall not be discriminated against, but made to assert and enjoy its proper office in the payment of national as well as private debts, then it will circulate. Let it once be affirmatively shown and realized that the people who make Presidents and Secretaries and Congressmen are thoroughly in earnest and will utterly repudiate those who refuse to do their will on this question, and it will circulate. Let the decree go forth from the mighty sovereignty of this country that bondholders, credit-bearers, and goldites can not dominate the policy and conduct of legislation, and it will circulate. Let Treasury officials be made to discharge bonded indebtedness of the United States payable in silver with silver, or, if preferred, with silver certificates, and it will circulate. Let them quit borrowing gold of national banks on the plea of strengthening the Government's gold reserve for the payment in gold on the national debt, and pay out some of the millions of silver on hand in discharge of such debt, and it will circulate. Remove the obstructions at headquarters, consisting in discretionary power or otherwise, and it will circulate. Give it an equal chance with gold and it will circulate.

I have yet to see a workingman who says there is no necessity for silver coinage, or that the silver dollar will not circulate, or hear him complain at any superabundance of standard dollars. I live nearly 1,700 miles from this Capitol, and remote from any mint, and yet I saw standard silver dollars of 1885 in circulation in my county before coming here in November last, and have not seen a gold coin since my arrival in this city. I never saw any man decline to receive a silver dollar, but have frequently heard the request for silver in exchange for gold and paper money. It is by natural selection the people's money and constitutes as statisticians agree 54 per cent. of the monetary metals of mankind. But "the custody" of silver dollars "has entailed a considerable expense for the construction of vaults for its deposit." What expense? How much? How many vaults have been built, where, and at what cost? How many additional watchmen have been employed, and at what salaries?

Does the custody of *gold* cost anything? Does *it* have to be deposited in vaults? Is any vigilance or place of deposit required for *its* safe-keeping? Is greater "structural security" demanded for silver than for gold coin and bullion?

We have a good crop of silver; our mines are rich with this precious metal; it is a vast domestic product and a needful commodity. That would be a poor argument for the provident husbandman who had been blessed with abundant crops as the reward of his toil and thrift to say that it would cost too much to construct cribs and barns in which to garner his harvests. Present or prospective redundancy of yield would not frighten or prevent him from making adequate provision for the custody and safety of the fruits of his labor. We erect spacious and commodious buildings, of great structural beauty, comfort, and security, for the accommodation of the various Departments of the Government and their manifold purposes; for the Army, the Navy, the Judiciary, the Interior, with all its ramified service, the Treasury and its numerous subdepartments, for executive and legislative uses, for postal convenience, for agriculture, for museums and institutes, for bureaus and commissions, for officiary and subofficiary, to say nothing of monuments and statuary. Immense outlays of public money are constantly made for furniture and appliances. It would be an interesting statement to Federal tax-payers if a full bill of particulars were exhibited.

It seems that ingenuity is taxed for the invention of plausible schemes for additions, ornaments, and conveniences connected with the public business of the country. Millions and millions of dollars have been expended and are being annually appropriated for these and kindred purposes. If the public interest requires such expenditures, no reasonable objection can or ought to be interposed. The Government ought to provide proper facilities for the conduct of its necessary business. But it is an extravagant and prodigal expenditure to construct a few simple vaults in which to store the treasure of the country! A wondrous spell of economy has seized upon public attention, and the dreadful spectacle is presented of the necessity to use a little stone or brick and mortar, iron and steel, locks and bars with which to make safe depositories for our silver money! The money of the Government not in circulation among the people ought to be in the custody of the Government. Let us not "strain at the gnat" in the vault while we "swallow the camel" in the stately edifice, or worry our souls any more about the safe-keeping of our silver than our gold. I have searched with some care and have failed to discover in any of the recent reports submitted to Congress just exactly how much it has cost the Government "for the construction of vaults" for the deposit of silver dollars, and being desirous of information upon this subject, I called upon Mr. Bell, the Supervising Architect in the Treasury Department, and from him have received the following:

TREASURY DEPARTMENT,
OFFICE OF THE SUPERVISING ARCHITECT,
December 28, 1885.

DEAR SIR: In compliance with your verbal request of yesterday, I have the honor to inform you that no vaults were supplied by this Department prior to 1878 exclusively for the storage of silver dollars; since 1878, to the present time,

vaults for the storage and safe-keeping of silver dollars have been supplied for the following Government buildings, at a cost for each herein specified:

Baltimore (Md.) custom-house, &c.:	
Vault and fittings, including cost of freight, foundation, &c	$8,268 18
Chicago (Ill.) custom-house, &c.:	
Vault and fittings, including cost of freight, foundations, &c	8,050 02
New Orleans (La.) custom-house, &c.:	
Vault and fittings, including cost of freight, foundations, &c	20,980 67
New York subtreasury:	
Vault and fittings, including cost of elevator, stairease, foundations, freight, &c	38,698 25
Philadelphia Mint:	
Vault and fittings, including cost of foundations, freight, &c	6,985 52
Philadelphia custom-house:	
Vault and fittings, including freight, foundations, elevator, &c	13,274 63
Philadelphia post-office and custom-house:	
Lattice partitions for assistant treasurer, vaults that are temporarily used by superintendent of Mint for storage of coin	992 62
Saint Louis custom-house:	
Vault, fittings, &c., about	7,900 00
San Francisco subtreasury:	
Vault and fittings, including cost of freight, foundations, &c	10,287 25
Vaults and fittings, including cost of freight, foundations, &c	17,159 77
Vault and fittings, including foundations, &c	6,327 16
San Francisco mint:	
Vault and fittings, including foundation, freight, &c	9,346 08
Vault and fittings, including freight, &c	7,588 79
Treasury building, Washington, D. C.:	
Vault and fittings, including freight, foundations, &c	50,090 72

Respectfully yours,

M. E. BELL,
Supervising Architect.

Hon. S. W. T. LANHAM,
House of Representatives, Washington, D. C.

From this it will be observed that the aggregate "expense for the construction of vaults" and incidentals described is $205,949.66. During these eight years it has only cost the Government about one-half the amount per annum which we pay our Senators and Representatives for stationery, and the vaults remain, while the stationery is gone. We learn from the Director of the Mint that the seigniorage on the coinage of silver dollars during the last fiscal year was $4,355,278.84. Subtract the cost of constructing the vaults from the seigniorage earned by the Government in one year and it is difficult to perceive wherein the coinage of the silver dollar is a losing business, without taking into consideration the present value of the vaults.

Mr. Chairman, I am no apologist for extravagant or unnecessary outlays of public money. Economical administration, if it be a possibility under our present system of Federal taxation, is a supreme desideratum; but, according to my mode of thinking, the forces of economy could find countless objects of attack infinitely more "worthy of their steel" and formidable to popular interests than the cost of building vaults for the storage of silver treasure.

Mr. Chairman, I am a bimetallist. I believe that gold is as much constitutional money as silver and silver as gold, and I would not displace either from its rightful position as an equal standard of value. I believe that gold paid out will as inevitably find its way back to the Treasury as silver, less that amount which may be left in actual circulation. I do not believe in the very nature of things that gold can or will circulate among the people to the same extent as does silver, and I further believe that the unrestricted coinage of each would maintain the just equilibrium and rightful purpose of the two metals as money. The discrimination against silver is the cause of the appreciation in gold and the proximate cause of the hoarding of gold. If the coinage of silver were free, like gold, then the great and fundamental law of supply and demand would regulate and preserve the province of each and aid in the maintenance of the desired equivalence. In that event no question of constitutional warrant would arise, and no gold would be required for the purchase of silver bullion. If during the eighty-one years when the coinage of full legal-tender silver dollars was free our mints only coined $8,045,838, why should there now be such a dread that the free coinage of silver will engender a plethora in silver money? It is a matter of speculation as to what amount of silver dollars would be coined. It would depend on a variety of causes. I think it is by no means certain that in the end it would average more than the present annual coinage.

In the estimate of the silver coinages in eighteen countries of the world during the calendar year 1884, it is stated by the Director of the Mint that the amount was $90,000,000. Mexico coined $25,000,000, India $13,800,000, and Spain nearly $7,000,000. If our Government were to coin one-half of this amount per annum, we would not then exceed the maximum allowance under the act of 1878. If we were to coin more under such conditions than we now do, the country would not be endangered. The citizen would vie with the Government in effecting its circulation and stability in value.

Whatever the result might be as to the extent of coinage, such a method would commend itself for fairness, be less dependent for success on artificial than natural causes, and come to us sanctioned by the wisdom and precedent of the past. When gold is made to feel that it shall not be allowed, by legislative enactment or the pleasure and conduct of any Department, to usurp any of the inherent privileges or detract from the constitutional powers of its elder brother, silver, then it will be content to remain the equal associate of silver, and have no desire to part company with it. Gold is aggressive and seeks supremacy over silver, while the latter is simply struggling for the protection of its proper rights. If silver be substituted it will be the fault of gold, and in consequence of its wrongful encroachment on the domain of silver.

But suppose the business of the country should go to a silver basis? While the double standard is right and desirable and ought not be destroyed, still it is my deliberate conviction that if a single standard should be precipitated, which seems to be the purpose of gold advocates, it would be far better for the country and infinitely more equitable to the people that silver should be that standard. For eighty-one years it occupied its appropriate sphere in our standard of values. The Comptroller says:

> What effect this [silver basis] would have it is difficult to predict. It would appear, however, that gold would go to a premium, which would compel its being held to a certain extent as an article of merchandise, and it would not circulate as money. This would probably occasion contraction in credits and financial disturbance.

To contract credits and disturb bondholders would be a dreadful calamity, but how about expanding and magnifying debts, limiting the available monetary supply with which to liquidate them, and upon which the contract was made, and disturbing and oppressing the "vast army" of debtors throughout the land? Is it a small thing "to violate the equities as between debtor and creditor?"

As before intimated, we produce nearly half the silver in the world, and a considerable quantity of it is found in our gold mines. In the economy of nature these metals are united and blended in the earth, so that exploiting the one brings forth the other. There is a geminate relation between them in nature, governmental policy, and financial science, and they can and will fraternize as monetary agencies if left to their normal action and undisturbed by vicious legislation. Shall our silver mines lie dormant and our miners go unemployed in order to augment credits and gratify the greed for gold? Making some allowance for increase in population and one or two unimportant changes since the publication of the subjoined statement, taken from the report of the United States Silver Commission, it will be discovered that nearly three-fourths of the people of the world have an exclusive silver standard, and comparatively few an exclusive gold standard, while 187,300,000 employ the double standard, as follows:

SILVER-STANDARD COUNTRIES.

	Population.		Population.
Russia	76,000,000	Peru	3,400,000
Austria	36,000,000	China	400,000,000
Egypt	4,500,000	British India	237,144,456
Mexico	8,000,000		
Central America	2,600,000	Total	768,944,456
Ecuador	1,300,000		

DOUBLE-STANDARD COUNTRIES.

	Population.		Population.
Greece	1,400,000	France	36,000,000
Roumania	4,000,000	Belgium	5,000,000
Colombia	2,900,000	Switzerland	2,700,000
Venezuela	1,900,000	Italy	26,800,000
Chili	1,600,000	Spain	16,400,000
Uruguay	400,000	United States	50,000,000
Paraguay	1,200,000		
Japan	33,000,000	Total	187,300,000
Holland	3,700,000		

GOLD-STANDARD COUNTRIES.

Great Britain	32,000,000	Norway	1,780,000
Canada, Cape of Good Hope, and Australian Colonies	7,000,000	Sweden	4,300,000
Germany	42,000,000	Total	87,080,000

From this it would appear that a silver standard in this country would harmonize us with those nations which have an exclusive silver standard, and might facilitate the cultivation of our commercial relations therewith to our advantage and the furnishing of better markets for our manufactured products. There need be no fear, however, that the continued coinage of silver will drive gold out of this country or cause a separation of the two metals, if the experience of the past thirteen years be any criterion for the future. From 1873 to 1878 the exports of gold exceeded the imports by more than $123,000,000; from 1878 to the present the imports have exceeded the exports by more than $200,000,000. We have now $433,000,000 more of gold than we had when the silver-coinage act of 1878 was passed, and since that time our exports of silver have exceeded the imports by about $16,000,000 per annum. When silver was demonetized gold went abroad; since its partial rehabilitation gold has remained at home and invited additional importation.

If the bonded indebtedness of the United States be payable in coin; if silver is produced *pari passu* with the increase of population and demands of commerce; if there be less of gold and more of silver attainable; if the primacy in silver production be conceded to the United States, and it is useful for purposes of trade with the vast majority of the people of the globe; if it will pay off mortgages and deeds of trust, and settle any and all private debts; if a bondholder can not decline it, and a poor man is glad to get it, it seems to me that "it is difficult to predict" wherein it would more disastrously affect the country to have silver than gold as the basis. The trouble is that gold wants to be the basis, while silver only contends for its proper share in the standard of values. Let gold "part company" with silver, if it will, the farewell will be self-sought and voluntary; but may the day never come in

"these ends of the earth" when silver, as a fiscal agency, shall be overthrown in our public and private transactions. Rather let it be—

The great avenging day
When Monopoly's columns in the dust shall lay;
When Mammon's power and Mammon's self shall fall,
And one prodigious ruin swallow all!

Mr. Chairman, early in January last there came into my possession the following remarkable document, which in this connection I ask to be reported in *hæc verba*, preserving the peculiar emphasis as contained in the original, and giving the names of the officers and directors:

[Confidential circular.]

Ambrose Snow, President.
D. R. James, Secretary.
John C. Cook, Treasurer.
Gardner R. Colby, George L. Pease, James H. Seymour, Vice-Presidents.
Directors.—Ambrose Snow, H. B. Claflin, John F. Henry, A. B. Miller, H. K. Miller, F. B. Thurber, L. J. N. Stark, Wm. H. Wiley, Darwin R. James, Simon Sterne, Samuel Raynor, Patrick Farrelly, F. A. Schroeder, Levi M. Bates, Thomas P. Ball, John C. Cook, Ferdinand P. Earle, Edmund P. Martin, D. D. Mangam, Wm. D Marvel, Martin N. Day, Dexter H. Walker, Dorman T. Warren, Thomas White, James H. Seymour, Charles L. Rickerson, W. A. Gellatly, Wm. Henry Arnoux, John Nix, Morris S. Wise, Gardner R. Colby, Ethan Allen Doty, Julius Hammerslough, James T. Young, G. Waldo Smith, George L. Pease.

NEW YORK BOARD OF TRADE AND TRANSPORTATION,
New York, December 24, 1885.

DEAR SIR: Thanking you for your letter of recent date, the Committee on Silver Coinage desire to know if you will co-operate with them in the way of distributing documents, and otherwise, for the purpose of influencing public sentiment in favor of the early suspension of the Bland law?

To that end it is earnestly requested—

First. That YOU write a personal letter AT ONCE to the Hon. JOHN G. CARLISLE, SPEAKER OF THE HOUSE OF REPRESENTATIVES, WASHINGTON, D. C., URGING HIM TO REFRAIN FROM PLACING EXTREME SILVER MEN ON THE COINAGE COMMITTEE, and so give "fair field and no favor" to all interests. *This is very important*, and to be of any value must reach Washington before January 5; if TOO LATE FOR LETTER TO REACH, PLEASE TELEGRAPH.

Second. That you write separate personal letters to your own Representative in Congress and your U. S. Senators expressing your views to them in the same manner as you did in your letter to this committee; also asking them if they will favor the suspension of the Bland law.

Third. After writing the above letters, please inquire QUIETLY among your friends and neighbors to ascertain their views upon the question, and induce as many as possible to write Mr. CARLISLE and your M. C. and Senators, in like manner.

Fourth. Please make note of all persons who promise so to write, and send list of their names to undersigned, who will from time to time issue CONFIDENTIAL INFORMATION on the situation. The committee asks in return, occasionally, such information or suggestions as YOU can give.

If you will co-operate in the manner indicated you will assist very materially in a work which promises success. PERSONAL LETTERS are suggested in preference to formal petitions, as experience has shown them to be most effective. Will you favor us with a reply?

Very truly yours,

THE COMMITTEE ON SILVER COINAGE,
A. B. MILLER, *Chairman.*

Mr. Chairman, with one exception, I have not the honor of a personal acquaintance with the gentlemen whose names appear on this "confidential circular," nor any knowledge as to their respective vocations in life. I express the opinion that very few of them are in the ranks of the "vast army" of those who seek employment, and that none of them can be classed with the laboring men and wage-workers of the country. It is my belief that "they toil not, neither do they spin." I wish I had time to enlarge upon the contents of this circular, and the objects involved, but it speaks for itself and conveys its own instruction.

Mr. Chairman, I have yet to hear a laboring man or woman, a Knight of Labor, a member of a State grange or Farmers' Alliance, or a wage-worker of any kind demand the suspension of silver coinage. I know that many of my constituents representing these classes have protested against it in private conversation and by public remonstrance, and I should feel recreant to my convictions of personal rectitude and derelict in the discharge of representative duty if I failed, in their name and behalf, to voice an invincible repugnance and unyielding hostility to the purpose of obstructing or destroying the coinage of silver. I do not believe that the movement against silver is in the interest of the poor man, inspired in behalf of his wages, or organized as a breakwater against the cupidity and avarice of the "banks and rich speculators."

We have seen that the bankers and income-owners seek the suspension of the coinage of silver dollars. Do they meet and resolve and issue their proclamations against their own interests and in pure sympathy with the toilers of the country? If so, the mainsprings of human action have been changed, the current of human motive has been reversed, and men are not what they always have been. To say that the banker has espoused the cause of the poor and the bondholder is in tears for the laborer, that the rich man distresses himself about the poor man's wages, is to make Dives embrace Lazarus, to repudiate a long record of covetousness, and falsify the history of selfishness in the past. Save the solecism! The lion and the lamb have lain down together! The millennium is upon us!

I believe a more "severe contraction of the circulating medium" will ultimately result if silver coinage be suspended for any considerable period than if every dollar in gold which now actually circulates at all should quit the field of circulation, so far as the masses are concerned. The people use silver, while as before stated gold as money is practically unknown by them. I further believe that the hoarding of gold will decrease when the hoarders are made to understand that silver coinage is a permanency.

In reply to the argument that the silver dollar is only worth 80 cents, I have to say that the logic of facts proves that it will buy as much as any other dollar and pay debts to the extent of any other dollar. It is current at the teller's desk, at the merchant's counter, at the drug store, at the blacksmith shop—everywhere. No instance is remembered since 1878, in any part of the country, where ten dollars in silver, gold, Treasury notes, bank bills or coin certificates were not readily interchangeable, and the one held as good and treated as valuable as the other. It may not be without profit and instruction, however, to submit a brief review of the history of silver coinage in the United States since the foundation of the Government, from which it may be ascertained whether the cry of debased and dishonest dollar is well founded.

At the risk of being tedious, and for the information of those who may not have investigated the subject, I copy the following summary, which includes not only the standard silver dollar but the trade-dollar and subsidiary coins:

THE STANDARD SILVER DOLLAR.

Authorized to be coined, act of April 2, 1792. Weight, 416 grains; fineness, .892.4; value, $1. Deviation in weight allowed in coinage, 1.5 grains. Deviation in fineness allowed in assay, .003; lowest, .897; highest, .903. Coinage commenced, 1794. Weight changed, act of January 18, 1837, to 412.5 grains. Fineness changed, act of January 18, 1837, to .900. Coinage discontinued, act of February 12, 1873. Total amount coined previous to act of February 12, 1873, $8,045,838. Coinage reauthorized, act of February 28, 1878. (New pattern.) Amount coined during the fiscal year ended June 30, 1885, $28,528,552. Total amount coined to close of fiscal year ended June 30, 1885, $211,930,219.

THE TRADE-DOLLAR.

Authorized to be coined, act of February 12, 1873. Weight, 420 grains; fineness, .900; "not a legal tender." Deviation in weight allowed in coinage, 1.5 grains. Deviation in fineness allowed in assay, .003; lowest, .897; highest, 903. Coinage commenced, 1874. Coinage suspended by Secretary of the Treasury, February 22, 1878. Total amount coined to close of fiscal year ended June 30, 1878, $35,959,360. Proof pieces executed during the calendar year 1879, $1,541; in 1880, $1,987, and in 1881, $960.

THE SILVER HALF-DOLLAR.

Authorized to be coined, act of April 2, 1792. Weight, 208 grains; fineness, .892.4; value, 50 cents. Deviation in weight allowed in coinage, 1.5 grains. Deviation in fineness allowed in assay, .003; lowest, .897; highest, .903. Coinage commenced, 1794. Weight changed, act of January 18, 1837, to 206.25 grains. Fineness changed, act of January 18, 1837, to .900. Weight changed, act of February 21, 1853, to 192 grains. Weight changed, act of February 12, 1873, to 12.5 grams, or 192.9 grains. Amount coined during the fiscal year ended June 30, 1885, $2,557.50. Total amount coined to close of fiscal year ended June 30, 1885, $122,768,202.50.

THE SILVER QUARTER-DOLLAR.

Authorized to be coined, act of April 2, 1792. Weight, 104 grains; fineness, .892.4; value, 25 cents. Deviation in weight allowed in coinage, 1.5 grains. Deviation in fineness allowed in assay, .003; lowest, .897; highest, .903. Coinage commenced 1796. Weight changed, act of January 18, 1837, to 103.125 grains. Fineness changed, act of January 1837, to .900. Weight changed, act of February 21, 1853, to 96 grains. Weight changed, act of February 12, 1873, to 6.25 grams, or 96.4 grains. Amount coined during the fiscal year ended June 30, 1885, $2,178.85. Total amount coined to close of fiscal year ended June 30, 1885, $38,498,097.50.

THE SILVER TWENTY-CENT PIECE.

Authorized to be coined, act of March 3, 1875. Weight, 5 grams, or 77.1 grains; fineness, .900; value, 20 cents. Deviation in weight allowed in coinage, 1.5 grains. Deviation in fineness allowed in assay, .003; lowest .897; highest, .903. Coinage commenced, 1875. Coinage discontinued, act of May 2, 1878. Total amount coined, $271,000.

THE SILVER DIME.

Authorized to be coined, act of April 2, 1792. Weight, 41.6 grains; fineness, .892.4; value 10 cents. Deviation in weight allowed in coinage, 1.5 grains. Deviation in fineness allowed in assay, .003; lowest, .897; highest, .903. Coinage commenced, 1796. Weight changed, act of January 18, 1837, to 41.25 grains. Fineness changed, act of January 18, 1837, to .900. Weight changed, act of February 21, 1853, to 38.4 grains. Weight changed, act of February 12, 1873, to 2.5 grams, or 38.58 grains. Amount coined during the fiscal year ended June 30, 1885, $315,671.40. Total amount coined to close of fiscal year ended June 30, 1885, $18,608,843.90.

HALF-DIME.

Authorized to be coined, act of April 2, 1792. Weight, 20.8 grains; fineness, .892.4; value 5 cents. Deviation in weight allowed in coinage, 1.5 grains. Deviation in fineness allowed in assay, .003; lowest, .897; highest, .903. Coinage commenced, 1794. Weight changed, act of January 18, 1837, to 20.625 grains. Fineness changed, act of January 18, 1837, to .900. Weight changed, act of February 21, 1853, to 19.2 grains. Coinage discontinued, act of February 12, 1873. Total amount coined $4,906,946.90.

THE SILVER 3-CENT PIECE.

Authorized to be coined, act of March 3, 1851. Weight, 12.375 grains; fineness, .750; value, 3 cents. Deviation in weight allowed in coinage, .5 grains. Deviation in fineness allowed in assay, .003; lowest, .897; highest, .903. Coinage commenced 1851. Weight changed, act of March 3, 1853, to 11.52 grains. Fineness changed, act of March 3, 1853, to .900. Coinage discontinued, act of February 12, 1873. Total amount coined, $1,281,850.20.

We now have, saving a change of pattern, the identical silver dollar that was authorized by the act of January 18, 1837, the act of 1878 reauthorizing the coinage of the very same dollar. The weight and fineness are precisely the same. It contains exactly the same amount of pure silver. Leaving out the five years of demonetization, it has been in use for nearly a half century as the lawful dollar of the United States. It has only been of late years that any cry has been urged against it on account of a lack of intrinsic value, and that clamor has been aggravated for the purpose of appreciating gold. It is a fact that we put more silver in the dollar by 3 per cent. than any other nation except Mexico.

Any owner of gold bullion may deposit the same at any mint, to be formed into coin or bars for his benefit. (Revised Statutes, section 3519.)

When coined he can put it in circulation, invest it in property, or hoard it for the future. The only limitation put upon him is the quantity of bullion he may possess. The capacity of the mines, the success in discovery, the industry of the miner, the demand and supply have regulated the amount of gold coined in the United States. The law now restricts silver coinage, and whether through the unfriendliness of Treasury officials or the opposition of administrations the minimum allowance in the purchase and coinage of silver bullion has rarely, if ever, been exceeded. Silver is fought while gold is favored. Silver, I repeat, has not depreciated, but gold has appreciated in consequence of discriminating legislation. Silver has been abased, while gold has been exalted. I trust and believe that the time is surely coming when that which was made into "shekels, current money of the merchants" in the days of Abraham, shall be exalted to its rightful position in the metallic currency of this country.

What man in this broad land, bondholder or yeoman, has ever lost a cent or suffered any injury in consequence of the amount of silver in the standard dollar? The bondholder paid, upon the average, about 50 to 60 cents in coin for his bond. The law says he may be paid "in coin of the standard value" of July 14, 1870, the date of the refunding act, in these 80-cent dollars if you please. I want to know wherein he is victimized or defrauded if his bond is discharged in standard silver dollars. But suppose you add 20 cents more of silver to the dollar, what is the result? If you construe the contract strictly, when the bondholder presents his obligation, and is tendered in payment a silver dollar of different weight and value from that which obtained when his debt was funded under the act mentioned, may he not decline to receive it and demand payment in gold? If, however, then as now, the debt could be paid in silver, what effect would the additional 20 cents have on the "equities between the debtor and the creditor?" Where the creditor could claim four dollars before he would then demand five. Add one-fifth to public and private debts, and the result is startling. But even that, cruel as such a proposition is, will not satisfy the opponents of silver. Its coinage must be suspended. Money must be made scarcer. Gold must be made higher. The power of the banks and the possessors of gold must be still further increased. The springs of popular endurance, already bent, must be pressed to the last receding point. Gold must be made the only standard. Public obligations and private contracts payable in silver must be paid in gold. The country must be turned over to the dominion of plutocracy.

I say here and now to the enemies of silver, if you would avert the alleged calamity of a silver basis; if you would preserve a constitutional bimetallism in this country; if you would turn away disaster and discontent, let up in your persistent crusade against silver. If I have any proper conception of the real feeling and sentiment of the masses of the people on this subject that Representative who votes to suspend the coinage of silver and whose constituents are not largely composed of urban money-changers, will in my humble judgment—with due deference to the opinions of others—be relegated to the shades of private life; be he Democrat or Republican, if he represents a rural people—farmers, laborers, wage-workers—men of modest wealth or scant possessions, that vote will register his political doom, I care not how pure soever his motives may be, whom it may please, or at whose recommendation it be done. What was said by the Legislature of Ohio in 1877 is re-echoed all over the Union. The people have not changed their opinion. Let those, the rich and powerful, who would now in any measure repeat the deed of 1873, and impair the rank of silver as lawful money, remember the language of that resolution and the experience of the past and take warning; for while this great Republic will fully protect them in all their rights, under the letter and spirit of the contract, still it will not permit them to despoil the tax-payers of the country, add another grain to the weight of debt or another burden to the back of toil.

The latter clause of the banker's resolution before quoted says: "The law (silver coinage) should be immediately suspended and remain inoperative until an international agreement with leading commercial nations shall give substantial assurance as to the future relations of gold and silver as money."

The Comptroller of the Currency says (report, page 19):

> The discontinuance of the coinage of the silver dollar might perhaps have a tendency to bring about some agreement with other nations and the fixing of a standard for a series of years.

The Secretary of the Treasury concedes the improbability of any international agreement.

The President says:

> But it is perfectly apparent that a line of action in regard to our currency can not wisely be settled upon or persisted in without considering the attitude on the subject of other countries with whom we maintain intercourse through commerce, trade, and travel.

It may be well enough to give a brief explanation of the Latin Union about which so much has been said. It was first organized in 1865 between France, Belgium, Switzerland, and Italy, all speaking languages derived from the Latin, whence its name. Greece was added in 1867; and to this day these five nations keep up a monetary league, regulating coinage under the same designation. This agreement stipulates a uniform gold and silver coinage (both of fineness and weight) for all, declares the silver coins legal tender between individuals to the amount of 50 francs, binds the nation issuing them to receive them to any amount, and limits the coinage of 5-franc pieces for a series of years to 120,000,000 francs per annum. This last limitation is now replaced by an agreement to suspend silver coinage for five years, but continuing the gold redemption of silver in each country.

The immediate cause of the Latin Union, it is said, were the gold discoveries of California and Australia. A reference to the map will show that Belgium, Switzerland, and Italy all have a western border on France, while Greece is a little peninsula southeast from France. Being contiguous countries the object of the Union was to facilitate the reciprocal use of their respective coins.

The act of 1878, under which the present silver dollar is coined, provided that "the President shall invite the governments of the countries, composing the Latin Union, so called, and of such other European nations as he may deem advisable, to join the United States in a conference to adopt a common ratio between gold and silver, for the purpose of establishing internationally the use of bimetallic money and securing fixity of relative values between these metals." These countries composing the Latin Union contain in the aggregate 365,705 square miles, of which France has 204,030; Belgium, 11,369; Switzerland, 15,908; Italy, 114,380, and Greece, 20,018. Their combined area is less that that of Texas and Colorado. The district I have the honor to represent is about one-third its size, and I can offset Belgium with Presidio County. The value of the imports and exports of merchandise into and from the United States from and to these countries during the year ending June 30, 1885, is as follows:

Countries.	Imports.	Exports.
France	$56,935,352	$44,562,334
Belgium	8,695,084	25,373,756
Switzerland	13,863,432	46,360
Italy	14,492,908	11,690,142
Greece	596,707	207,822
Total	94,583,483	81,880,414

The aggregate population of these countries, as taken from the latest census of each, is 76,203,463. Ere long and ours will be as great. The area, the population, the extent and importance of our commercial relations and travel with the countries composing the Latin Union do not seem to me to be of such magnitude as to render it absolutely necessary that we should, if permitted to do so, be compelled to join this "monetary league" in order to preserve our financial existence and maintain our national prosperity. If we accept the advice of the bankers and suspend the law until we obtain the international agreement mentioned we will, in my judgment, suspend for all time to come. It seems that repeated efforts have been made to compass this agreement with the Latin Union and other European nations, all of which have resulted in signal failure. It seems that the New York "delegate, well instructed in fiscal science," sent out by the present administration, has met with no better success than his predecessors. "The steps thus taken have more fully demonstrated the uselessness of further attempts" in this direction.

In view of the persistent rejection of all our overtures by foreign governments for the last eight years, it is a mild prediction of the barest possibility when the Comptroller tells us that—

> The discontinuance of the coinage of the silver dollar by our Government might perhaps have a tendency to bring about some agreement with other nations.

Mr. Chairman, I believe with Mr. Pierrepont that—

> It is time that we had a financial system of our own, suited to our conditions, as every other great nation has, and it is high time that we cease begging the old monarchies of Europe to tell us in what ratio to gold we may coin our silver.

I am one of those who believe that our country is large enough, independent enough, and grand enough to act upon its own motion in the establishment of a financial policy without prostrating itself in the dust of humility before foreign nations and supplicating their gracious permission and co-operation in our monetary plans and purposes. We have attained our national majority and can dispense with a guardian. There is other commerce in the world besides that supplied by the countries composing the Latin Union. We are as independent of Great Britain and Germany as they are of us. We have a domestic as well as foreign use for money. Our geographical position and population certainly ought to justify us in coining as much silver as the French have, and we must coin $300,000,000 more before reaching that point.

It is gratifying to learn that the German people are clamorous for the overthrow of gold monopoly. They have observed the glaring iniquities as between debtor and creditor which are consequent upon a single gold standard. Their farmers and peasantry have in no doubtful language declared their grievances to the chancellor and the Reichstag; they say that the gold standard is grossly unjust to debtors, making money dear and threatening ruin to their agricultural interests, and from the late reports it seems that their voice is being heard even by that imperial government. An intrepid course on the part of the United States will excite the admiration of other countries, and inspire

their courage in the vindication of popular rights. Why should we not take the lead and stand in the forefront of the battle for bimetallism? Why should we temporize, copy from or beg affiliation with foreign nationalities? We are as self-supporting as any other government beneath the sun. The trade of the Asian countries, South America, and Mexico invites our attention, and the ports of every clime are open to our commerce.

Mr. Chairman, I favor the continued coinage of the standard silver dollar and would remove therefrom every hindrance and restriction. I would render the mints of the Government accessible to every bullion-owner. If foreign bullion come in, let it be coined into American dollars for the purchase of American merchandise, for American monetary use, and the stimulation of American industries. With the limitation proposed under the bill of the minority I would allow silver to be coined in whatever quantities presented with a privilege and facility equal to gold. I would not add to the present weight and fineness of the silver dollar for the reasons already assigned, and further because it is not desirable or expedient to increase the inducements which would render it an exportable commodity or cause it to be hoarded in consequence of augmented commercial value. I would not reduce it or disturb the present ratio because of the law of the contract. The public debt should be paid before it is made to differ from the then standard value contemplated in the refunding act before mentioned. I would remove the shackles from and enlarge the scope of its usefulness by free and unlimited coinage. This, in my judgment, will suitably adjust the relations between gold and silver coin, and as much as any other measure check and control the variations in the standards of value.

There is just as much necessity for reducing the weight and fineness of gold coin as there is for increasing that of silver. Natural causes will preserve the harmonies between them in the ratio which now subsists when the embargo on silver is raised and give to our metallic currency that stability and value which was designed by the framers of our Government. If perchance some adventurous silver miner, who has braved the exposures and perils which attend the videttes of civilization and paved the way by his labor and courage for a grander development of our glorious country, shall receive some compensation for his efforts and discoveries and find a market for his bullion the people will soon recover from any imaginary shock in consequence of any supposed legislative partiality to his pursuits and grudge him not his well-earned rewards, but find relief in his ultimate contributions to the public weal.

Mr. Chairman, we have a great work before us. May we prove equal to all its necessities. Let us reduce our tariffs, build up our merchant marine, remove the obstacles which retard our commerce with the nations of the earth, coin our silver as we do our gold, and adopt our own national policies. Then "prosperity will not hesitate upon our threshold nor capital shrink from trade," nor opportunity be lacking for the unemployed; but the interdependence and interrelations of labor and capital will be promoted, the kinship of wealth and work conserved, the estrangement between gold and silver averted, and reunited in one happy fraternity all the elements of our national strength will combine to solidify and perpetuate the grandeur and glory of this mighty Republic. Then the rich will not oppress the poor, and the poor will not despise the rich, but peace, contentment, and good-will to men will reassert their rightful dominion in the hearts of the people. [Great applause.]

Mr. ROWELL. Mr. Chairman, that the coinage question is one of grave importance to the American people is evidenced by the fact that in the House and at the other end of this Capitol Senators and Representatives have deemed it worthy of diligent study and elaborate discussion.

If there are any statistics furnished by this or any other country bearing upon the question which have not been produced and commented upon I have not found them. And if many of the figures produced have even a remote bearing upon the real issue involved in the various propositions affecting our coinage—and sought to be enacted into law—I have also been unable to discover wherein they afford us any help in arriving at a correct judgment as to what is our duty in the premises.

Whether what I propose to say will throw any additional light upon the question it is not for me to say. It is sufficient for my purpose that I am permitted in my own way to give some of the reasons which will control my vote when we come to any definite propositions offered for our decision.

I do not think it will aid us in any way to call each other hard names, nor do I think we shall add strength to our convictions by calling in question the honesty of those who differ with us.

If I may be able to fairly understand and correctly represent the deliberate judgment of the constituency for whom I speak I shall have accomplished what I conceive to be the highest duty of a Representative in this House.

I know of no better safeguard to the rights of the people than a knowledge that it is to them that we must account for our actions here.

The questions before Congress and the American people are:

Shall we adopt gold as the sole monetary standard in this country?

Shall we continue the double standard of gold and silver with free private coinage of silver added?

Shall we continue to coin silver under the Bland act, or shall we suspend for the time being the coinage of silver dollars?

Each of these propositions have their advocates in the House, but after all the real question is, shall we adopt the single gold standard or shall we maintain the double standard of gold and silver as the future monetary system of the United States?

Settle in our minds which side of this proposition we stand upon, and we can find some common ground of agreement among those who stand with us as to the details of legislation by which we expect to effectuate our purpose.

For, I take it, those who advocate either temporary or permanent suspension of silver coinage desire eventually to drive silver out of our monetary system except for subsidiary coin, and bring us to a gold standard, pure and simple; and that those who are opposed to suspension, whether they are in favor of free coinage or not, desire to maintain the double standard.

As I view it, this is the sharp issue presented, and one which we must settle in our own minds before coming to the settlement of details of legislation.

I take it for granted also that those who believe in gold alone for this country believe in gold alone for the whole world, and would, if they had the power, blot silver out of existence as money, other than as token coin; and that those who believe in the double standard in this country believe in it for the world's standard, and would, if in their power, make silver and gold the money metals of all nations, and will, so far as in their power, legislate toward that end.

There may be a small number who do not believe in coin money, but who advocate silver with hot earnestness when it grows cheap, and who grow lukewarm and indifferent as it appreciates toward gold in value.

I shall not turn aside from a consideration of the main question to examine the views of such, because they have no place in this discussion.

In looking at the history of this money question it seems to me there is a wisdom not born of conscious reason which in every period of the world's history seems to have guided nations and men to certain necessary conditions of national and individual prosperity and progress. Since history began to be written silver and gold have performed their office of measuring value with reasonable certainty and stability. Everywhere and always, except in these later days, they have held their places as "precious metals" fit to be coined into money as standard measures of the value of one's labor or possessions.

The world's wealth and business have adjusted themselves to the amount of these metals available for coinage.

Their relative amounts and uses have determined the ratio of value between them, and nations have recorded the adjustment in their coinage laws.

Property has been acquired, obligations have been assumed, debts created, credits given, under the sanction and sanctity of laws made with reference to them and in reliance as well upon experience as to the probable amounts and uses of these metals at any given period.

If it is true, as I have assumed, that property values have adjusted themselves to the world's coin supply, it does not take a financier to understand that great disturbance and disarrangement of values must necessarily follow any considerable diminution of the world's coinage. To this view of the question I call especial attention, for I conceive that around it hinges every argument upon either side.

I have said I look upon every attempt to demonetize silver as aimed at its ultimate elimination from the world's money, leaving gold as the only coin money and the only basis for paper currency and for exchanges through the banks.

Taking all the statistics in regard to the world's coin, and it is safe to say there are about $7,000,000,000 now in existence of silver and gold in coin used as money, and that the amount is about equally divided between the two metals, with a possible slight preponderance in favor of gold.

I think it will be admitted that the amount of paper currency which may be safely issued in any nation is always determined by the amount of coin which exists in the nation and which may readily be obtained when required.

I shall also take it for granted that the amount of business which may safely be done through the banks in the way of checks and exchange also bears a direct relation to the amount of available money. Now, if we blot out of existence one-half of the coin of the world it follows that we destroy one-half of the power of coin in the business of the world, one-half of the money available as a support for paper currency or bank exchange. In other words, the business of the world must be done with one-half of the monetary agencies which are now available.

Assuming as I have that all property values are determined by the means available for carrying on the world's business, it follows that a shrinkage of value to the extent that we take away these available means must follow, and that, in the event assumed, we must recast all property values and count the world's permanent property at one-half of its present nominal value.

If you tell me that it is not intended to do this thing all at once, that the process is to be gradual, that silver in the present coined

amounts is to be left to circulate so long as it will perform the functions of money, I answer that the same result will follow, except the process of halving values will be a little slower.

When all the great commercial nations declare it to be their policy to coin no more silver, from that moment the circumstance which has given to silver its chiefest value has been removed, and the value of silver bullion must rapidly decline to such an extent that it will force the present coinage out of circulation into the melting-pots. To avoid greater evils the nations will have to provide for the retirement of its whole silver coinage, except as subsidiary coin not available for the payment of debts or for the transaction of general business. So that look at the question from whatever point you will, every move toward a suspension of silver coinage in the commercial nations is a step toward the elimination of silver from the world's money and the consequent readjustment of all values. When this is accomplished it does not take a prophet to inform us that general bankruptcy will follow, whether it is accomplished immediately or is brought about by slow degrees.

Bankruptcy for everybody but the money-lenders and credit-owners, into whose hands the accumulations of generations now distributed among a great number will speedily be gathered. I grant you, if there were no debts; if every man owned the property in his possession, unencumbered; if no contracts existed extending beyond the hour, it would not make so great a difference with us about the nominal value placed upon our possessions.

Mr. CANNON. The gentleman has just referred to the "capitalists" whose property is represented by credits. I would like to ask him whether if the state of things to which he has just referred were brought about, the "capitalists," who after all must depend upon the permanent prosperity of the masses for their prosperity, would not suffer their share of the calamities which would fall upon the multitude of the people?

Mr. ROWELL. That depends upon how you look at the case. If by means of a depreciation in the value of all property the credit-owners are enabled to gather in the great body of the accumulated property so as to build up large estates for themselves, we shall simply have the condition of a great peasant population, with a few nabob money-owners. In my judgment they would be worse off than they are to-day. It depends upon how a person likes to live—whether he likes to live in great wealth in the midst of poverty, or likes to live in a community where benefits are universally distributed among the people.

Mr. CANNON. The answer of the gentleman is apt; and I substantially agree with him. The object of my question, however, was to direct the gentleman's mind to this point: That those who favor the use of but one metal to the exclusion of the other would in fact bring about a condition of affairs which in the end, from an economic standpoint, would destroy not only the masses of the people but themselves as well. So that those who favor the two metals are not only protecting themselves, but in fact protecting the monometallists from the consequences of their own proposed action.

Mr. WEAVER, of Iowa. In other words, they are the best friends of the monometallists.

Mr. CANNON. Certainly, the best friends of the monometallists.

Mr. WEAVER, of Iowa. So I claim.

Mr. ROWELL. But that is not the condition of things and never can be. Business can not be done in any such way. Every contract projects itself into the future, and the more stable the nominal value of things, on that account, the better it is for all concerned.

We can not separate ourselves from our surroundings, and we must consider the conditions which actually exist if we would correctly ascertain what is best to be done.

In discussing this question the so-called financiers are apt to assume that the only property to be thought about is such property as is produced for daily consumption, ignoring all the permanent wealth.

In the same way they consider debts and credits as being confined exclusively to the short-time transactions of the banks, forgetting that the great body of indebtedness is the long-time debt, represented by bonds and mortgages.

When they assume that the property of the world is consumed each year and that the debts are readjusted every ninety days, and so conclude that it is a small matter to rearrange values, they reason from a false basis and ignore the great facts which ought to control.

I have thus far assumed that the monetary affairs of all commercial nations having business relations with each other are matters of mutual concern and that this question of money is of mutual interest. It follows that the action of any one of these nations must to some extent be influenced by the action of other nations; but, inasmuch as we have only power to legislate for the United States, we are to consider what ought under all the circumstances to be our policy, that policy, I grant you, more or less modified by what other nations are doing and by the influence our acts may have upon the policy elsewhere.

I come to the main questions: Why ought we to eradicate silver from our monetary system? Are we under any legal or moral obligation to the owners of credits to do so? Does the safe and successful prosecution of business in the future demand it?

The answer of either of these questions in the affirmative will conclude the whole question in favor of the monometallists.

The answer of both in the negative, it seems to me, is conclusive of the opposite view.

Now, I assert that there is neither a legal nor moral obligation on the part of the Government toward credits to demonetize silver.

When I agree to pay a certain sum of money at a future time what legal obligation do I assume? Simply, that I will pay in the national coin or its equivalent so many dollars.

The nation on its part assumes this moral obligation toward me: that it will not increase my burden by adding to the amount of silver or gold in its legal coin, as the same existed by law at the time I assumed the obligation, without at the same time making provision to save me against loss by the increase. It assumes a like obligation towards my creditor, that it will not diminish the amount of silver or gold in its coinage so as to compel the creditor to receive less than he contracted for. But as between debtor and creditor there is no express or implied obligation that the bullion value of these metals shall continue the same actually or relatively in the bullion markets of the world.

Both parties take the risk of fluctuation in the very nature of things as they do when dealing in property. I grant you they do not expect such serious fluctuations in those metals as will affect their interchangeable use when coined into money, but the ground of their expectation of permanence in value is not the statute which regulates their coinage nor the duty which the Government owes to them. On the contrary, it is a knowledge of the history of the two metals as money, of the probable product of the mines, of the uses for which money will be required, a knowledge of those natural laws which regulate prices. Upon these they rely with that kind of faith which always enters into every transaction wherein the relation of debtor and creditor is established. As between them I know of no principle of law or morals which requires the nation to protect the creditor against a fall in the value of its coined money or the debtor against a rise in value, except in so far as they are a part of the general public and entitled to the benefit of such wise laws as may be required for the general good.

I recognize the duty of the Government toward all the people to enact such laws as seem best calculated to enhance the general prosperity, to make labor productive, to secure to industry and enterprise liberal returns, and so far as may be to render all kinds of legitimate business secure and stable when intelligently conducted.

And, therefore, I am obliged to concede the right and duty of the nation to exercise such control over its coinage as is required in the changing exigencies of nations, to secure commercial and business prosperity, which includes a reasonable degree of stability in the value of its coin, and this without reference to the demands of debtors or creditors as such, and even at the expense of the one or the other.

No one will deny that silver demonetized will enhance the value of all existing credits now payable in lawful money—and so increase the burden resting upon all debtors, while diminishing the normal value of their property and labor, and as a consequence their ability to meet their obligations.

If, therefore, the question resolves itself into one between debtor and creditor alone there can be but one answer—let the law remain as it is, for that is legal justice and business honesty. If class laws are to be made let them be made in the interest of the weaker—in the direction of equalizing the blessings of life.

The strong can take care of themselves.

Let us encourage enterprise—new industries, the building of better homes, more remunerative labor—rather than lend aid to those who would escape the risks attendant upon business venture to enjoy the certain profit and the indolent life of coupon clipping.

It has been claimed during this discussion that all our debts are, under the spirit of the law, payable in gold, though it is confessed that such is not and has not been the letter of the law, except during about four years of our history.

It is this spirit of the law which is urged as a matter of right and justice to the creditor.

It is insisted that up to 1873—although silver was a legal coin, with the mints open to all comers—yet as a matter of fact silver was not coined in any considerable quantities, and that credits were consequently given with reference to existing facts, to wit, that there was no silver with which to pay. In other words, knowing that the ratio of 16 to 1 in this country and 15½ to 1 in Germany and France and other countries made it more profitable to export silver than to coin it while there was a foreign demand, they had a right to rely upon the continuance of that foreign demand, the maintenance of such a value for silver bullion in foreign markets as would make it more profitable to ship than to coin.

Because that expectation has not been realized they now insist that an expectation ought to have the force of positive law.

So preposterous a claim ought not to be set up by those who assume to teach the House how little we know about this question of money, and who assume that the "average Congressman" mistakes his calling when he presumes to discuss it.

It is perfectly clear to them that we ought to follow the lead of other countries in respect to demonetization. It ought to be equally clear to them that contracts were not gold contracts in this country simply be-

cause it was more profitable to coin silver for Europe than for American use.

I conclude, therefore, that we may assume it as beyond dispute that all debts not specially made payable in gold can in law and morals be discharged by the payment of silver, and that good faith to the creditor does not demand the destruction of that coin. I have no antipathy to banks or money-lenders as a class. They are undoubtedly just as honest and just as patriotic as the average run of citizens, no more so, no less so. But I do not conceive that they are the only or the best financiers from a national standpoint. I speak of them here because it is frequently assumed that they, above all men, ought to be heeded upon the question under discussion. Thus the banks have assumed to be our instructors; from them comes all the agitation in favor of demonetization, and for them it is claimed that their superior knowledge ought to decide the question according to their views.

Oh, they can take care of themselves, say their spokesmen. They are not looking to their own selfish interests, but they are looking out for the property-owners, the wage-workers, and the debtors. So strong are their sympathies with the wage-workers that they want to protect them from being paid in depreciated money. How their sympathy goes out to the struggling poor! If they could only persuade the benighted people to turn over to them the care of their interests we are assured that prosperity will follow.

But somehow or other they do not succeed very well in the attempt. Whenever the voice of labor is heard, whenever the voice of the debtor is heard, whenever the industrial masses speak, we are reminded that we must not suspend the coinage of silver. The sheep are safer in the care of the faithful watch-dog than in that of the smooth-spoken wolf.

It is not true that these financiers are disinterested investigators. They are deeply interested, and that on the side they have espoused. To double the value of their possessions, to increase the purchasing power of money, to raise the rate of interest through scarcity are the golden visions which cloud their judgment. The very nature of their business has narrowed the scope of their investigations.

How to make large dividends rather than how to distribute the blessings and burdens of life is the financial problem which they study and seek to solve.

As for me, I decline to learn from such interested teachers, and shall look beyond and I think above them for wisdom to guide me in casting my vote?

What are the ostensible reasons for a suspension of coinage? Simply, that silver bullion in the ratio of 16 to 1 is not worth as much as gold. That being the cheaper metal it will drive gold out of circulation and in the end make us a silver monometallist nation, place us in the category of semi-civilized nations, force us to the rear in the race for commercial supremacy, and leave the great powers of Europe in possession of all the great business enterprises which enrich the world and conduce to public good. A different reason must have induced demonetization in 1873–'74, for then silver was as valuable as gold. It had been so much more valuable that it did not go into American coin, and the product of our mines had gone abroad to increase the money supply of the Old World.

Indeed, the commercial policy of the country previous to 1861 had for the most part been such as to drive the great body of our coin, gold and silver, out of the country, and leave us without any secure monetary basis, so that it only needed the approach of calamity to disorganize our whole monetary system. Had we so ordered our commercial affairs as to retain at home the $10,000,000,000 of gold produced in California, we would have had no occasion to put into circulation a currency whose circulating value depended upon confidence, rising and falling as the tide of battle was favorable or unfavorable. We must look beyond a difference in value for the action of 1873 and 1874.

I know it is said that the action of Germany in adopting a gold basis would throw some $400,000,000 in silver upon the market; that with free coinage in this country it would be profitable for her people to pay balances in silver and exchange silver for our gold, and that it became necessary to close our mints to silver to prevent the calamity of furnishing a dumping ground for all the silver of Europe.

It is quite possible that some danger threatened from that quarter, and being a protectionist I concede the probable necessity of legislation at that time to keep us in the line of bimetallist nations; but I do not concede the necessity of destroying our own wealth to keep other people from exchanging with us.

Before Europe would have made us the dumping ground for her silver her coinage must have fallen below par in ordinary circulation, something which has not happened yet. In the absence of such a contingency silver coin could not have been profitably shipped to this country for coinage in our mints in the ratio of 16 to 1. Subsequent events have demonstrated the shadowy character of the danger, if any was apprehended.

But I do not believe that such a supposed danger was the real inducement to demonetize.

The cause is to be found in the ever-existing contest of self-interest between the money and credit owners and the property owners, wage-workers, and debtors.

The law was enacted in the interest of contraction, of higher priced money, enhanced value of credits, diminished value of property, lower wages, more burdensome debts.

It was based upon the assumption that we had too large a circulating medium, causing our paper currency to circulate much below par with gold. That was the banker's theory; whereas the true reason was to be found in the fact that we had too little coin, and consequently too little confidence. The great West knows to its sorrow that from 1873 to 1878 there was a scarcity of money instead of redundancy. It was only when a wise statesmanship, not learned from the money kings, turned the nation into the channel of gathering coin from all sources, in preparation for specie resumption, that we gradually but surely came back to stable money and returning prosperity.

Mr. BAYNE. The gentleman has spoken of the importance of a large coinage of gold and silver. I would like to ask him whether it would not be a misfortune to the country if the $550,000,000 of gold now in circulation should be driven from circulation.

Mr. ROWELL. Undoubtedly.

Mr. BAYNE. I would like to ask the gentleman also, whether he does not believe that an inferior currency will drive out of circulation a superior currency.

Mr. ROWELL. I was approaching that branch of the question; and if the gentleman will wait I will come to it directly. I think in what I am about to say I shall meet the very points which the gentleman seeks to raise.

Mr. BAYNE. I would like to ask the gentleman one more question. He said a moment ago that the bankers, those interested in the banking business, seemed to be desirous to take care of the welfare of the country and its people, the wages of the workingmen, and all that. Now, does not the gentleman believe that the bankers of the country are really desirous of maintaining their business on business principles and of carrying it on in such a way as to make it safe, secure, and reliable?

Mr. ROWELL. My judgment is that the bankers, like the rest of us, have a good deal of selfishness in their composition. The managers of the banks study the question of large dividends, and they are very apt to consider a question of this kind as it acts upon themselves, not as it acts upon the great body of the people. I do not think that the president and directors of a bank, in making up a policy, stop to consider whether all over the country the people are going to have distributed wealth or whether wealth will be gathered into a few hands.

Mr. BAYNE. One question more, if the gentleman will permit me.

Mr. ROWELL. Certainly.

Mr. BAYNE. As to the distribution of wealth, I think myself that wealth is accumulated by labor without reference to the banks. But is it not true that every gold monometallic nation in the world to-day is letting out money at a far lower rate of interest than silver monometallic nations or bimetallic nations?

Mr. ROWELL. There the gentleman would lead me off into another line of argument which I can not go into just now.

Mr. WARNER, of Ohio. And it is an argument against the gentleman from Pennsylvania [Mr. BAYNE].

Mr. BAYNE. Did not the gentleman from Illinois himself say but a few moments ago that if we perpetuate the two metals, gold and silver, and have a bimetallic currency in the country, it will bring the rate of interest down so as to make money accessible to borrowers?

Mr. ROWELL. I said, in substance, that.

Mr. BAYNE. Is it not true, let me ask the gentleman from Illinois, that every gold monometallic country in the world is putting out money at a low rate of interest while every silver monometallic country and every bimetallic country in the world are putting out money at a higher rate of interest?

Mr. ROWELL. When I taught school I used to demonstrate to the scholars that 1 was equal to 2, and then asked them to disprove it. And it took a good scholar to disprove it. Figures can be so used as to tell falsehoods or to convey false ideas. An old country, with the accumulations of a thousand years and with few facilities for investment, is obliged to put out money at a cheaper rate of interest necessarily than new countries with only a few years of accumulation; but to attempt to prove that any monometallic country can loan cheaper, with other conditions, than bimetallic countries is in my judgment trying to prove that 1 is equal to 2. [Laughter and applause.]

Mr. BAYNE. Is it not true that the rate of interest is higher in new countries than in the older countries of the world, and does not that very fact meet the proposition which has been stated by the gentleman from Illinois?

Mr. ROWELL. That is an illustration how figures may be distorted. Now, the plains of Asia were settled earliest, and there the population increased to such an extent that it overflowed into Europe, and yet I recollect since then that somehow or other civilization has departed from the plains of Asia, and we have got into the habit of regarding those Asiatic populations as only semi-civilized. We do not go there to find monetary examples and business principles for our imitation.

Mr. BAYNE. If civilization had not departed from Asia, if it had kept pace there with the rest of the civilized nations of the world, Asia

to-day, in my judgment, instead of being a silver monometallic country, would, on the contrary, be a gold monometallic country.

Mr. ROWELL. My friend from Pennsylvania no doubt is the son of a prophet. [Laughter.]

Mr. WEAVER, of Iowa. Our gold friends seem to deal in prophecies altogether. [Renewed laughter.]

Mr. ROWELL. Yes, but so far their prophecies have seldom been fulfilled.

Mr. MILLARD. Is it not the effect of the gentleman's argument to prove 60 cents is equal to 100 cents in a silver dollar?

Mr. ROWELL. No; that is not my argument at all.

Mr. BAYNE. Is not that your effort?

Mr. ROWELL. My effort is to prove the very reverse. And now, having been diverted from the line of my observations, I ask to be permitted to proceed. And just here I beg leave to depart for a few moments from the course of my remarks up to this point in order to take issue with the statement that the demonetization of silver in 1873 brought about the commercial panic and calamity of that year. In my opinion, Mr. Chairman, it is always best to be honest and not to take it for granted that a cause is found because something happens to follow directly after something else. Financial crises and bankruptcies do not come without preparation.

Now, sir, the demonetization of silver in 1873 did not take a dollar out of circulation of this country at that time.

Mr. WEAVER, of Iowa. It was a mere coincidence.

Mr. ROWELL. No, it was not a coincidence. We had gone through four years of war. We had destroyed in this country $10,000,000,000 of accumulated wealth. We had a currency which did not circulate at par. So long as we kept on the top of the crust, so long as we did not know what were the difficulties, embarrassments, and troubles which were concealed from our view, business men everywhere did business on a falling basis, but when we found our losses were as large as they were, and when we found we were doing business on a falling market, because of the sinking value of money, it necessarily brought financial ruin on the country.

Mr. BAYNE. That is all true.

Mr. WEAVER, of Iowa. Do not misunderstand me in the remark I made a little while ago. I said the demonetization of silver was a mere coincidence. I meant that it did not precipitate the panic of 1873.

Mr. ROWELL. We agree, then, on that proposition.

Mr. WEAVER, of Iowa. I do not indorse all the gentleman's remarks, but I agree with him that the demonetization of silver was not the cause of the panic in that year.

Mr. CUTCHEON. Because there was then no silver to be demonetized.

Mr. ROWELL. But I hold that the demonetization of silver, after we opened up our silver mines and began to be the great silver-producing country of the world, delayed us somewhat in getting back to prosperity.

Mr. WEAVER, of Iowa. Yes; it prevented us from getting back as soon as we otherwise would.

Mr. WARNER, of Ohio. Let me ask the gentleman from Illinois a question.

Mr. ROWELL. Certainly.

Mr. WARNER, of Ohio. I would like to ask if demonetization in this country and Europe together, which took place about the same time, did not have its influence in this respect?

Mr. CUTCHEON. But we could not control Europe.

Mr. WARNER, of Ohio. Ah, that is true; but what another country does may affect us in this country, or any other which has commercial relations with it. But the question I wish to ask the gentleman from Illinois is this: If demonetizing silver here and in Europe, thereby shutting off the money supply, did not have some effect upon the money volume here?

Mr. ROWELL. Undoubtedly.

Mr. WEAVER, of Iowa. The bad affect of the act demonetizing silver, so far as it related to the panic of 1873, is this: It interposed an obstacle to prevent the return to prosperity which might have been reached sooner under other conditions.

Mr. ROWELL. Yes; but we might have had the calamity any way.

Mr. WEAVER, of Iowa. Yes; the calamity must have come under the conditions then prevailing.

Mr. ROWELL. Let me return to the line of argument I was following. If there were no debts it would not be so (that is an almost impossible condition in a civilized nation), but so long as a third of a nation's wealth is represented by its credits and outstanding contracts just so long will it be to the interest of the creditor to make money scarce, to limit its amount and so increase its power. But I take it the interest of the general public is best served when money is sufficiently plenty to prevent the money-owners from becoming monopolists, dictating terms to the borrower.

Nature has made the limit in the precious metals—the safe limit for both parties.

I confess to a little surprise at the criticism of our present limited coinage from those who did not want the change of 1873 because silver was dishonest money, but to keep out the silver of Germany. If that was what they wanted then, why should they say now it is inconsistent to coin the production of our own mines while we prevent Germany from trading her silver for our gold?

I think I see another reason for the criticism. Gold persistently refuses to leave the country or go out of circulation. More than $180,000,000 in our favor is the balance sheet between us and other countries since the Bland act went into effect, while the net exportation of silver is some $60,000,000.

Gold flows in, silver flows out.

Since we got down to a specie basis our gold coin has increased by the amount produced by our mines over what has been consumed in the arts and by the amount of our importations. Our silver coin has increased by the whole coinage under the Bland act, and our power to safely float paper currency has increased in a like ratio.

Interest has fallen and property increased in value by reason of this increased coinage, and, notwithstanding the diminished value of silver bullion, the silver dollar has maintained its place at par with gold.

We are constantly told that this state of things can not last; that money-owners will send their money abroad for investment to avoid the danger of a 20 per cent. loss; that they will require gold payments in future contracts and do a great many other terrible things if we do not heed their demands.

Mr. BAYNE. Now, I would ask my friend from Illinois if the situation were such that the money-lenders were making contracts payable in the future in gold coin, would he not deprecate that as I do, as a great danger?

Mr. ROWELL. Yes, I would. I speak of it here, if the gentleman will observe.

Mr. BAYNE. Now the fact is that contracts, and a great many of them are being made this very day, money loaned on mortgages, and other commercial contracts, the stipulation of such contracts is that they shall be paid in gold.

Mr. ROWELL. I have had some personal experience in this regard. I recollect shortly after the close of the war that many money-lenders made five and ten year loans payable in gold, and I recollect that when these contracts became due and they wanted to renew them they could not, but had to go round and beg of the borrower that he would continue his loan by making an ordinary money contract.

I know it to be true in that section of the country which I represent that there are half a dozen willing to lend a thousand dollars where there is one man who wants to borrow a thousand dollars if the security is satisfactory; and if you make money plentiful there is not such danger of making hard contracts as when money is scarce. From 1873 to 1878, when every second farm all over the western world was under a heavy mortgage, when the mortgages became due the debtors could not get the money to release them, nor could they renew the mortgages and had to put the land upon the market. This condition of affairs cut down the value of every farm in my section of the country one-half; a fifty-dollar farm was worth $25; but just as soon as we changed the monetary conditions, as soon as we reached hard-pan, just as soon as a dollar was worth a dollar, the money in the coffers of the money-holders commenced to flow out and the twenty-five dollar farm went back to $50 again. There are more purchasers, as long as money is plentiful, than sellers, and better prices can be obtained. You can not now get any man in the country to make a gold contract.

Mr. BAYNE. All of which justifies and confirms the suggestion I have made, that when money got to par, when the conditions made every dollar of equal value with every other dollar, then the confidence was restored, property appreciated to its proper value, money became plenty, and there was a satisfactory market. But now the tendency is to introduce a debased currency upon the country, and the natural tendency will be to degrade values and reduce them and bring about the very state of things you refer to.

Mr. WARNER, of Ohio. Will the gentleman from Illinois allow a question just here?

Mr. ROWELL. I regret that I can not yield any more time, as I have but little of my hour remaining.

Now I confess their threats do not frighten me very much. Men who have money do not like to let it lie idle and pay taxes on it at the same time. It is not profitable. Men do not usually send money out of a progressive country, with wide fields for possible profits, into old countries where there is more money already than can find safe and profitable use. And then this threat of requiring future promises to pay to be made in gold has less terrors than it would have if the money-owners could succeed in shutting off our coin supply.

With our present supply, increasing as population and business increase, there are more lenders than borrowers, and the power to dictate has passed away. It takes two to make a bargain, and those who have occasion to use borrowed capital occupy the vantage ground. The lender can accept their terms or let his money lie idle.

But we are told that a silver dollar is only worth 79 cents; that while it now circulates at par with gold we are approaching the time when gold will command a premium. It is more than hinted that when that time comes silver will only circulate at its bullion value;

that all the money and currency then in use will be reduced to the bullion value of silver and subject to its fluctuation; that property will then rise in nominal value, the cost of living be increased, and the real pay of the laborer be decreased; that in addition to cheating the creditor out of 20 per cent. of his just dues all who employ labor will be able to oppress their employés.

If these evils should come I am free to confess it would be a great calamity; but I suspect "the Greeks bearing gifts," the money-kings looking out for the laborers and seeking to secure them as allies.

Right here I desire to introduce a table showing the gold and silver coinage of the world, except some of the Asiatic silver nations. I do not wish to take up time in reading it, but use it as illustrating my argument. It is the table furnished by the Director of the Mint, so often used during this debate:

Stock of gold and silver coin and bullion in the principal countries of the world.

Countries.	Population.	Gold.	Silver.	Total.	Per capita.		
					Gold.	Silver.	Total.
United States	*58,000,000	$609,000,000	$283,000,000	$892,000,000	$10 50	$4 88	$15 38
Great Britain and Ireland	35,246,562	583,500,000	95,000,000	678,500,000	16 56	2 69	19 25
Dominion of Canada, including Manitoba and Newfoundland	4,506,563	9,326,000	4,500,000	13,826,000	2 07	1 00	3 07
British India	252,541,210	.....	1,037,000,000	1,037,000,000	.....	4 10	4 10
Ceylon	2,758,166	.....	772,000	772,000	.....	28	28
Australia, Tasmania, and New Zealand	2,798,898	65,000,000	5,000,000	70,000,000	23 22	1 79	25 01
Cape of Good Hope	780,757	30,000,000	2,441,000	32,441,000	38 42	3 13	41 54
France	37,672,048	848,000,000	549,900,000	1,442,900,000	22 51	15 79	38 30
Algiers	2,867,626	9,300,000	5,915,000	15,215,000	3 24	2 06	5 30
Guadeloupe	185,460	381,000	281,000	662,000	2 06	1 52	3 58
Belgium	5,585,846	64,000,000	59,500,000	123,500,000	11 46	10 56	22 12
Switzerland	2,846,102	17,000,000	14,700,000	31,700,000	9 97	5 16	11 13
Italy	28,452,639	†140,000,000	†72,000,000	†212,000,000	4 92	2 53	7 45
Greece	1,979,423	2,702,000	2,702,000	5,404,000	1 36	1 36	2 72
Spain	16,625,860	130,000,000	70,000,000	200,000,000	7 82	4 21	12 03
Cuba	1,394,516	28,181,000	.....	28,181,000	20 20	.....	20 20
Luzon	4,450,191	762,000	2,236,000	2,998,000	17	50	67
Portugal, including Azores and Madeira	4,550,669	30,000,000	10,000,000	40,000,000	6 59	2 20	8 79
Germany	45,235,061	334,420,000	211,480,000	545,900,000	7 39	4 67	12 06
Austria-Hungary	35,839,428	45,000,000	75,000,000	120,000,000	1 26	2 09	3 35
Sweden and Norway	6,479,168	14,296,783	5,138,368	19,435,151	2 21	79	3 00
Danish Kingdom	2,096,400	13,936,000	4,958,000	18,894,000	6 64	2 36	9 00
Netherlands	4,172,921	28,000,000	57,000,000	85,000,000	6 71	13 66	20 37
Russia	98,323,000	‡124,008,153	.....	124,008,153	1 26	.....	1 26
Turkey	24,987,000	39,600,000	35,200,000	74,800,000	1 59	1 41	3 00
Roumania	5,376,000	163,000	11,387,000	11,550,000	03	2 12	2 15
Mexico	9,787,629	‡10,000,000	40,000,000	50,000,000	1 02	4 09	5 11
Central America	2,891,600	2,318,000	374,000	2,692,000	80	13	93
Argentine Republic	2,540,000	10,000,000	10,720,000	20,720,000	3 93	4 22	8 15
Colombia	3,000,000	.....	4,000,000	4,000,000	.....	1 33	1 33
Peru	3,050,000	62,000	1,820,000	1,882,000	02	60	62
Venezuela	2,075,245	2,009,000	123,000	2,123,000	96	06	1 02
Chili	2,420,500	.....	6,000,000	6,000,000	.....	2 47	2 47
Bolivia	2,325,000	.....	5,400,000	5,400,000	.....	2 32	2 32
Uruguay	438,245	4,601,000	1,000,000	5,601,000	10 49	2 28	12 77
Hayti	572,000	4,000,000	780,000	4,780,000	7 00	1 36	8 36
Japan	36,700,100	92,000,000	44,333,712	136,333,712	2 50	1 21	3 71
Hawaiian Islands	66,895	549,900	950,000	1,499,900	8 20	14 21	22 41
Total		3,292,106,836	2,775,611,080	6,067,717,916			

*Estimated by the Director of the Mint. †Wahrung's Politik, 1884. ‡Bank reserves only.

As illustrating how silver and gold circulate together without parting company in countries having a larger amount of silver in proportion to gold than we have, countries, too, which have ceased to coin silver, it is a very instructive table.

In the United States only a little over 31 per cent. of our coinage is silver. In Germany, a gold country, 38 per cent. and more of the coinage is silver, circulating at par with gold. In France over 41 per cent. of the coinage is silver. It is also true that the major part of the reserve in the Bank of France is silver. In Belgium over 48 per cent. of the coin is silver.

These countries are in Europe, near neighbors of England, with her gold standard, having intimate commercial relations with all Europe, and are still able to keep coined silver at par with coined gold. To my mind the simple statement of these facts is a complete answer to those who would terrify us with the threat of gold contracts and gold at a premium, an article of merchandise rather than circulating money.

With from ten to fourteen thousand millions of debts—national, State, municipal, and private—in this country, all payable alike in silver and gold, it seems to me there will be demand enough for all the silver we now have or are likely to have under our coinage laws for many years to come, and that there is no use to which gold can be put which will make it a marketable commodity for other than the uses common to both kinds of coin.

If I am correct, it follows that coined silver is equal in value to coined gold though its bullion value is less.

With such a change in our commerce as to make a balance against us in our dealings with other countries, I must admit that there might be created a market for gold for export capable of bringing it to a premium. Continued assaults upon silver may eventually create such a distrust of its monetary value as to cause its rejection by the people in ordinary business affairs and then bring gold to a premium.

In such event it will not be denied, at least by me, that the good of the great public will require legislation to correct the evil even to the extent of stopping the coinage of silver, for I can not conceive of a condition of permanent prosperity without a reasonably stable money with which to do business and measure property values.

It is sufficient to say we have not reached that condition and do not seem to be getting there very fast.

On the other hand we are gradually draining Europe of her gold and through that means forcing the nations to face the question of restoring silver to its place among their coins and to equality of value with gold.

With that restoration will come the time when we can safely open our mints to free private coinage.

Other agencies are at work in the same direction. Already it is claimed by some statisticians that the consumption of gold in the arts and for ornament in the Old World exceeds the production of the mines; that we are the only nation which is now increasing the gold coinage.

If this is true, there is nothing left for the commercial nations of Europe but a restoration of silver, or a readjustment of property values to conform to the diminished money supply with continued readjustment on a falling scale as the supply grows less and less and the population increases. No nation can face such a calamity and continue to exist.

I come now to the strongest argument which I have yet heard against the continued coinage of silver. And that is that the people have repudiated it; that they will not have it; that continued coinage is only to pile up silver in the Treasury vaults at a heavy cost to the Government without increasing the amount of circulating currency; that, pay it out as we will, whether in actual dollars or in silver certificates, it will flow back in a steady stream into the Treasury and leave none in the hands of the people, or in the banks as a part of their necessary reserve.

If this is true, then I admit we might as well stop the coinage until the people want and will take the money.

It needs no argument to show that a coinage which is not used either for circulation or for reserve adds nothing to a nation's money; in no way helps to maintain property values or foster business. It is as if it had not been.

It becomes a burden to the Government, for the benefit of mine owners only, an element of uncertainty, a breeder of distrust, a thing to be quickly put out of the way.

But is there any reasonable basis for this assumption, or is the wish of its proposers father to the thought?

Since the Bland act went into effect we have coined in round numbers two hundred and fifteen million silver dollars, not counting subsidiary coin. On the 1st day of November, 1885, according to the report of the Comptroller of the Currency, more than 67 per cent. of this

amount, either in coin or silver certificates, which amounts to the same thing, was in circulation—and by circulation I mean in the hands of the people—or in the banks as other money is in bank, either as a part of the reserve fund or of the amount which banks must always have on hand to meet the demands of depositors.

Coining this money at the rate of two millions of bullion per month, and keeping up the coinage month by month, more than one-half has gone out to the people and to that extent increased the money circulation of the country. The remainder is in the Treasury as a part of that great reserve fund which must always be kept on hand to meet the demands upon it and render secure the currency which the nation is responsible for.

On the 1st of last November there were outstanding, not in the Treasury, silver certificates amounting to $93,146,772; in the Treasury, other than the sum held for redemption of certificates outstanding, $70,670,770. It follows that the silver and certificates in actual circulation amounted to $144,329,230, or more than 67 per cent. of the coinage. And this in the face of the fact that at all times the Treasury Department has to the extent of its power discredited silver, joined in the cry against it, and helped to create distrust in the minds of the people; in the face of the fact that silver certificates have been largely of a denomination so large as to prevent their free circulation in business; in spite of the constant attempts to stop the coinage; in spite of the combined attacks from the great money centers of the country, and in face of their relatively smaller bullion value.

To my mind these facts furnish the most conclusive proof that the people needed this coinage, need more of it, and will use it if permitted to do so.

We have had presented elaborate statistics to show that the banks are already hoarding gold, that it is ceasing to circulate, that as fast as silver goes into circulation gold goes out in greater quantities, and that the result is a contraction of circulation, instead of expansion to keep up with increasing population.

Did it ever occur to those who make use of this argument that the banks do not willingly keep on hand more money than business prudence requires of them; that a certain proportion of these deposits must necessarily be kept in their vaults at all times; that national banks must keep good the legal reserves?

Did it ever occur to them that paper is a much more convenient medium for ordinary business than coin, much less subject to loss by wear, and that therefore paper is paid over the counter while they have it on hand, unless coin is asked for?

Will not these facts conclusively account for the gold in the banks without raising the presumption that they are hoarding gold?

My own experience leads me to believe that the banks frequently pay gold to customers who would prefer paper. The same experience leads me to believe that when gold is paid out it goes back to the bank quicker than paper in all those sections of the country where convenience requires a considerable sum of money to be constantly out in the hands of the people.

I therefore see no reason to believe that any class of sensible people in this country are hoarding gold to keep it out of actual use, and so working a contraction of currency.

For the reason which I have stated and for many others which might be given I have come to the deliberate conclusion that neither business, honesty, nor commercial prosperity requires a suspension of silver coinage; that a suspension at the present time would result in great shrinkage of values in property and increased values of credits; that it would therefore be class legislation in the interest of the strong as against the weak amounting to a crime; that silver, notwithstanding its diminished bullion value, has valuable and indispensable monetary uses, is desired and will be used by the people, ought to be continued in our monetary system, and will eventually be restored to its proper place in other nations; that because of discrimination against it abroad, and the consequent shrinkage in bullion value, we ought not to open our mints to free private coinage until conditions change, but in the mean time we ought to give a legal-tender quality to all silver certificates; that until we see more definitely the effect upon other countries of the present tendency of gold toward this country and the gradual decrease of the product of the mines we ought not to change the ratio of metal in the two coins. We can afford to await results with the confident assurance that only good will follow our action.

To give effect to these views will be the purpose of every vote which I may be permitted to record upon the questions involving them. [Applause.]

[Before the conclusion of the foregoing remarks the hammer fell.]

The CHAIRMAN. The time of the gentleman from Illinois has expired.

Mr. LONG. As my turn comes next, if the Chair will allow me to be recognized, I will give such time to the gentleman from Illinois as he may require.

The CHAIRMAN. The Chair will state that the next recognition is promised on the other side for an hour.

Mr. LONG. I am on the other side. [Laughter.]

Mr. ROWELL. I would like to have three or four minutes to finish my remarks.

The CHAIRMAN. Without objection the gentleman will be recognized to complete his remarks.

There was no objection.

[Mr. ROWELL then resumed and concluded his remarks, as above.]

Mr. LAFFOON, Mr. Chairman, it has been my desire while serving as a member of this House in all things and on all occasions to be modest. Nothing but a conviction born of much thought and a sense of duty to myself and my people, whose views I am confident I represent, could induce me to occupy the time of this body. My conception of what constitutes a valuable Representative on this floor does not consist in declamation. The attention which he gives to the private wants of his constituency, and their individual needs, and a ready and willing response to their application for aid in matters affecting their personal interests, enter largely into the discharge of his duties.

I do not desire to be understood as intimating that great questions of national importance affecting the whole country should be overlooked or that we should fail, faithfully, cautiously, and intelligently, to guard the rights of the whole people.

Grave and considerate attention should be given to great national issues in order that we may be able to wisely direct the channel of legislation and aid the diversified interests of our great country.

Great questions of public interest take care of themselves. They do not need the aid of human genius or human effort. Individual will can not long prevail against ideas of public right. Parties form and divisions arise, antagonizing each other in matters of public importance, but the intelligence of the community under the shadow of our institutions assimilates and finally gravitates, after careful consideration, to a common basis on which the masses stand. Let no politician indulge in the folly that he is deceiving the American people. Their intelligence is quick to detect his error, and public sentiment, though for a time deceived, camps on his track and comes as a Nemesis to avenge its wrongs.

The question of silver coinage belongs to no section or no party of our common country. Whatever of good or ill grows out of the legislation of this Congress affects in a greater or less degree in some way all parties, all divisions, all localities of our common nationality.

Owing to the many phases of opinion on this subject I have heard it asserted by many members on this floor that it would be well for Representatives in this discussion to announce in the beginning of their speeches which side of this important question they occupied. For fear that when I have concluded mine some people may not understand exactly my position, I desire to announce for the benefit of those who have "ears and hear not" (and there are plenty of this class on this floor) that I am in favor of the unlimited coinage of the silver dollar of the same weight and fineness used by our fathers.

If this is not sufficiently explicit, let me say that I am in favor of the dollar of 412½ grains, 900 fine, and a free mint to everybody who seeks the coinage of American silver. I want no more to see the Government of the United States in the bullion markets of the world depreciating and underbidding for a metal which is one of the great productions of our country. I favor no royalty on coinage; I favor no seigniorage on coinage, but simply desire, so far as the mintage of the country is concerned, that silver shall be placed on the same footing with gold, and that hand in hand they shall go into the commerce of the world as twin brothers, winning wealth and protecting the financial honor of the nations that have fostered and maintained them. I do not expect when I announce my views for free coinage of silver that this declaration will unsettle the values of this or any other country. The French bourse will not be disturbed. The English will go on as usual. Mr. Bismarck, with his unending titles and with all of his imperial ideas, will continue to attempt to control the finances of his dominion according to his own monetary policy. The bonds of the United States will still command their regular premium, and stocks and other securities will still assert their value in all the money markets of the world, despite the expressed views of myself and the distinguished gentlemen who may differ from me or agree with me on the financial discussion pending in this Congress.

For twenty-five years the trend of American legislation in every department of life has been to make one man rich and another man poor. The rich man has grown richer and the poor man poorer. Fortunes have been amassed all over the land, not by industry, not by labor, not by honest speculation, not by legitimate gains, but by the mere force of legislation. The capital of the land has been exempted from taxation and the burden of supporting the Government has been heaped upon the labor, the productive industry, and the muscle of the country. Grand corporations have been formed, to which has been ceded out of the public domain an area of country almost as large as Cæsar ever ruled or as was ever swayed by the scepter of a Charlemagne. Added to these great cessions the Government has lent its credit to the extent of millions of dollars, on which it is annually paying interest, on bonds issued to enhance and enlarge their wealth. These corporations, built up and fostered by the Government, have grown insolent and are openly defying us in the courts of the country.

Financial legislation, unsettling values and opening up speculation to the money-kings of the country, has been the custom of law-making in this Capitol. The doors have been opened by legislation to those who have money and whose educated acumen enables them to take

advantage of every opportunity thus afforded to speculate on the inert and misinformed farmer, mechanic, miner, and laborer who [illegible] their trades in the quiet walks of life, and who have no paid lobbyists in the corridors and galleries of this Capitol.

The poor people of America, upon whose shoulders has rested to a great extent the burdens of the support of the Government, have had more reasons to be dishonest than any people that I have ever known. Every inducement has been offered to them to repudiate the obligations of their Government, because they have been heaped mountain high on their shoulders by unjust legislation, as I shall attempt to show. The gallant Federal soldier, who had fought the battles of his country and placed his life at its disposal, came back after his bloody campaigns and found the money in which he was paid for his gallant and patriotic service in behalf of his country in the hands of speculators and money-changers who had grown rich on his and his country's misfortunes. The chivalrous confederate came home after defeat to build up his ruined fortune, and with a patriotism unprecedented allied himself with all the good elements who were willing to maintain the credit of the Government. Victory on one side was claimed and defeat on the other side was accepted, and both contending elements united by general consent in building up the waste places and in repairing the losses which the Government had financially sustained.

And let me say parenthetically that I would to God that all losses could have been restored. That the gallant soldiers who gave their lives in obedience to their conception of duty could be recalled from their honored graves. That that noble manhood which illustrated American character and devotion could be permitted to see our present pacification, and that the firesides in mourning, from the Gulf to the lakes, from Georgia to Maine, could be made happy by the presence of our dead soldiery. [Applause.]

The close of our unfortunate civil war found the country divided in sentiment and feeling, but a widespread disposition among the soldiers and civilians on both sides to heal the trouble and to maintain public credit and the honor of the nation by paying the public debt according to the terms of its creation. The public debt then in round numbers was stated at twenty-eight hundred millions of dollars. Our bonded indebtedness had all been created by virtue of the act of February, 1862, modified by subsequent acts previous to 1869, and it was well understood that three-fourths of said bonds were payable in the legal currency of the country. At the gold and silver rating of the bonds they had cost the holders not exceeding 50 cents on the dollar, and oftentimes the 50 cents has been paid in the sale of shoddy goods to the Government at immense profits for the use of the poor soldier, or in the profits on rich contracts made with the Government in its necessities as the war progressed.

The object of the bonds was to reduce the redundancy of the circulating medium and to secure the forbearance of the creditors of the Government in consideration of the interest to be paid according to the contract stipulated in the bond. I have never heard that any holder of those bonds claimed that they had been purchased with the coin of the country. They had all been bought with a depreciated currency and were to be paid back as the contract stipulated in the legal currency of the country. After this the Congress of the United States passed into the hands of the money-changers and legislation was invoked to create wealth in the hands of the few. The original contract was disregarded, the rights of the tax-paying community were overridden, and legislative aid given to build up fortunes accumulated at the cost of the toiling millions of the land.

The act of March, 1869, was passed. The act known as "the strengthening-credit act" became a law. By its terms a new contract was made between the people and the bondholder without any new consideration whatever, and the tax-paying people was made to assume an indebtedness which in terms they had never contracted. The bonds which were payable in the circulating currency of the country were made payable in the legal coin of the United States. By this act the debt of the nation was almost doubled, and in addition the power to pay was decreased in proportion in which the people were robbed of the medium in which bonds were to be paid.

For fear that my remarks may be too liberal to the bondholder and the manner of the creation of the original indebtedness of the Government, I desire to incorporate in what I have to say an extract from a speech made by a distinguished Senator from Kentucky [Mr. BECK], which was carefully prepared by him years ago:

In 1862 the Government sold 6 per cent. 5-20 bonds to the amount of $60,982,450 and received for them greenbacks at their face, dollar for dollar. The demand now is that these bonds shall be paid in gold at their face, and yet, owing to the depreciation of greenbacks at the time of their purchase, only $44,030,649 in gold was paid for them. This makes a clear speculation of $16,951,801 in favor of the bondholder in this first transaction. On this clear speculation the bondholders have received interest for eleven years, amounting to $11,187,188, which, added to its principal, makes the sum of $28,138,989 already received in that single transaction for which not one dollar was ever paid.

In 1863 the Government sold of the same kind of bonds $160,987,550, for which it received an equal amount in greenbacks. A standard authority placed the average price of gold during that year at $1.58 in currency. It will thus be seen that these bonds cost their purchasers but $101,890,854 in gold, leaving a profit of $59,096,696, without including the interest. For ten years, however, the Government has paid interest on this naked profit, this principal, without any consideration. The interest thus paid amounts to $35,458,017, which, added to this fictitious principal, makes $94,555,713, now in the pockets of the bondholders on that year's operation, for which they never paid anything.

In 1864 the Government sold these bonds, amounting on their face to $381,292,250. Again the Government received only depreciated paper for these bond obligations, and at that time our currency was enormously depreciated, if tried by the gold standard. The price of gold during that year was at an average of 201 in currency. The sale of these bonds, therefore, which are now assumed to be gold bonds, only realized to the Government $189,697,636 in gold, less than one-half of their face value. There was left to the capitalists who speculated in them as purchasers the immense profit of $191,594,614. This was the amount of the broker's shave, and on it he has drawn interest from the people for ten years, amounting at this time to $114,956,768. Add this to its principal, which stands as pure speculation, and we find that the bondholders have made as clear gain, as something for nothing, the sum of $306,551,382 on the one year's transaction of 1864.

In 1865 the Government sold bonds to the amount of $279,746,150, on which it suffered a discount of $71,532,060 at the hands of the capitalists. The interest already paid by the people on this discount reaches $38,627,307, making this year's operation realize for the bondholders $110,159,367, for which not one cent was ever paid.

In 1866 the Government sold $124,914,400 of its bonds for which it received depreciated paper currency amounting to $88,591,773 in gold, according to the then price of gold. The difference between the face of these bonds and the amount they realized to the Government was $36,332,627. Eight years' interest received on this shave amounts to $17,434,556. Adding this interest and its principal together and we find that the bondholders have received $53,757,183 out of this year's sale of bonds, for which not one dollar ever left their coffers or reached the United States Treasury.

In 1867 the Government sold of its bonds the immense sum of $421,469,550. The purchasers paid for them $303,215,503, leaving a clear profit to them on the operation of $118,254,047. Taking the interest on this profit for seven years, amounting to $49,661,694, already paid, and the speculators have in their pockets, if these bonds are to be paid in gold, the sum of $167,915,741 on this year's brokerage, and for which they never gave a farthing in consideration.

In 1868 the Government sold its bonds to the still further amount of $425,443,800. Their purchasers paid $312,826,323 for them, clearing by that annual speculation the sum of $112,617,477. Add six years' interest on this bonus, amounting to $40,542,288, to the bonus itself, and we find that these traffickers in a nation's perils have received in this operation $153,159,765 of the people's money, for which not the slightest equivalent was ever paid into the United States Treasury.

In addition to the foregoing 6 per cent. bonds, the Government at different times during the years mentioned issued and sold $195,139,550 of bonds bearing 5 per cent. They realized to the Government $122,957,410, thus leaving to the purchasers a net profit of $72,182,140. Interest already paid on this profit amounts to $26,115,724, which, added to the profit itself, makes the sum of $98,297,864 as the amount now in the pockets of the bondholders growing out of their operations in the 5 per cent. bonds, and for which there is not the slightest consideration.

An account of the bondholders' clear profits arising from no investment at all may therefore be stated in the following tabular form:

1862	$28,138,989
1863	94,555,713
1864	306,551,382
1865	110,159,367
1866	53,757,183
1867	167,915,741
1868	253,159,765
On account of 5 per cent. bonds	98,297,864
Total	1,012,536,004

Notwithstanding this outrage we have to thank the patriotism of all classes of our people who stood by the credit of the country and submitted to the imposition placed on them by this unjust legislation. It brought bankruptcy and ruin to the people and financial disaster overtook the youthful enterprises which had been fostered and were then being built up immediately after the war.

In order to insure the further enslavement of the people to the money power of the country and to make sure that which was left uncertain by the strengthening credit act of 1869, the funding act of 1870 was passed by the terms of which the 5-20 bonds of the United States, which were payable in the legal currency of the country, was funded into what is known as the 4, 4½, and 5 per cent. bonds, payable both interest and principal in coin. The people thought and had reasonable grounds to believe that the insolence of the money power would be appeased by this triumph of their aggression when by this legislation they had secured the change without consideration of the contract and compelled the payment in coin of bonds which were payable in another currency. The people again submitted, and the toiling millions came nobly to the front in time of peace as they had done in times of war to maintain the honor and the credit of the nation under the new financial régime which had been improvised to suit the money changes. The people had hoped and fondly desired that this was the end of moneyed aggression on their rights, and that the moneyed power would be content with this situation and seek only such speculation and profits as this new order of things afforded. Everything had been done which it had asked, and the people, with a valor, a willingness, and a resignation unparalleled in the whole annals of time, submitted and came again without a murmur to the rescue and maintenance of the credit of the Government. But wealth is greedy, aggressive, and always unsatisfied. It has no conscience in the pursuit of its gains. The good of the public, only so far as the necessities of capital require, never enter into its ideas of patriotism.

The capstone of financial iniquity was yet to be added to all this monument of financial oppression. Gold and silver were now the legal mediums for the payment of our public debt, and each were looked to with equal assurance for the discharge of both the principal and interest of our national obligations.

It is an accepted maxim of finance that when you decrease the means of payment you add to the burden of the obligation. The money of the struggling masses consisted in silver. It was the poor man's coin which enabled him to hold his own in discharging his humble indebtedness. The products from his farm, his mine, his workshop, was measured by this medium of exchange. It had been the dollar of his fathers, and he had not an idea, while in the pursuit of his industries in his humble

home, that the Congress of his country would lay its hand upon the sacred dollar of his fathers.

Outrages enough had already been committed on the paying people of the country; but that insatiate greed of the money-changers still demanded another sacrifice, and an act surreptitiously passed through Congress known as the demonetization act of February, 1873, became a law. I will not stop to descant upon the manner of its passage. Permit me, however, to say that it was born under a shadow, and the manner of its birth as well as its purpose demand the execration and condemnation of all honest people. Without debate, without explanation, this law was passed; a horrid legislative monstrosity, which destroyed silver as a debt-paying medium and left gold alone as a money in which all our public obligations could be discharged.

The people, oppressed and burdened by taxation and financial depression, had certainly now a right to think the end of vicious legislation had been reached. But was this the case? With silver eliminated from the circulating medium of the country, with greenbacks in a disgraceful and doubtful condition, the resumption act passed in 1875 became a law. By its terms all debts, public or private, were to be payable after January 1, 1879, in coin, and that meant gold coin, as silver had already been demonetized. The results of this terrible contraction is fresh in the minds of the people. The poverty, disaster, and financial ruin which pervaded the whole country will not be soon forgotten.

The many who have been reduced by that act from affluence to pauperism will surely remember the terrible results which followed its passage. Fortunes—the accumulation of a lifetime—lost, the industries of millions of people paralyzed, beggars and tramps asking bread from door to door, "blighted homes, blasted hopes, and withered energies" are the living witnesses of the iniquity of this legislation. You read in natural history of the terrible anaconda that winds its folds around its victim, each moment making them tighter and more oppressive, until life is extinct, and then feeding upon the lifeless corpse it has made. In the financial legislation of this country it has no prototype. Except for the vitality and the patriotism of the American people and their innate love of the honor and integrity of the nation they would long since have become discouraged.

The coin act of 1869, the funding act of 1870, the gold act of 1873, and the resumption act of 1875 were enough to have discouraged any people on earth except the American people. When I consider their bravery, their forbearance, and their patriotism in the darkest hour of our financial history I honor them, and am proud that I am an American citizen; but I shall always blush with some degree of shame at the tardiness with which they punished the agents who supported the legislation that fastened these burdens on them. It was asserted while the discussion was going on in this House at the date of the passage of some of these acts by a distinguished gentleman who occupies a seat in the other end of this Capitol (Senator KENNA), that "the winds and storms may come, hurricanes may sweep over us, carrying death and destruction on their way, the fates may combine and visit upon us their redoubled furies, but American manhood, resisting oppression as a thing of evil, will rise from its thraldom and reassert the power that bids it to be free."

But the last feather had been put on the camel's back; the will of the people, unawed, undaunted, forced the passage of the act of 1878, which, despite Presidential vetoes and the protest of banking associations, became the law of the land. Limited coinage of silver, after a hard struggle, was restored to the people.

Even limited coinage is distasteful to the money-kings, and they are knocking at the door of this Capitol, after all of this disgraceful legislation, and asking for the suspension of silver coinage. In the light of this legislative history, ought we not to be cautious when we are again asked to suspend the coinage of one of the circulating mediums of this country?

Why suspend its coinage? Why not make its coinage unlimitable so far as American silver is concerned? Who are here asking this sort of legislation? Who are to be benefited by the passage of this sort of a measure? What classes of our people demand the suspension of silver? Are not these pertinent questions, and ought they not to be satisfactorily answered before we act in the premises?

Does the silver miner ask it? In some sections of our country this is almost its exclusive production. The wealth and industry of that people is vastly affected by the action to be taken by us in this matter. Suppose you should by legislation attempt to attack the industries of the Eastern States in the same way; a shout of indignation would go up on this floor and would be echoed in every hamlet and village in New England. The poor miner in the far West, who has braved the winters, who has fought the Indians, and who comes back and lays the result of his labors at the door of the Treasury of the United States, protests against the suspension of silver coinage.

The farmer, the mechanic, and the poor man of the country do not ask the suspension of silver coinage, but are begging at the doors of this Capitol for its unlimited coinage. Can we as the Representatives of the whole people disregard these protests in obedience to the demands of he money-power and creditor class of this country? Can we consent, when the Government, the States, the cities and towns, the public and private corporations, and the people are so deeply involved in public and private indebtedness, to decrease their means of payment by destroying or deteriorating the value or amount of this coinage. But it is said that the silver dollar is not an honest dollar, and that if the Government permits its bonds and the other obligations of States, corporations, and its citizens to be paid in this coin it will be a party to repudiation.

There is not a member on this floor who will assert that there is a bond of this Government that is not payable in the coin of the country. Every law which has been passed by the Congress of the United States under and by virtue of which our bonds have been issued expressly provides for their payment in the coin of the country. Every bond so issued was well understood to be payable in the legal coin of the country, including silver as well as gold, and every purchaser of them was as well aware of the terms of the contract at the time of the purchase as now. These bonds, payable as they are, are quoted in the markets at a premium of more than 20 cents on the dollar, and if the bondholder is tired of his trade with the Government why does not he sell his bond, for which he paid $1,000 and on which he has been collecting his semi-annual interest in gold since his purchase, for $1,200 and then retire to his coupon-clipping room and curse his Government for repudiating its honest obligations, instead of coming here and burdening this Congress with his grievances and saddening its membership with the mournful recitals of his financial troubles?

But it is said that many of these bonds were purchased after the demonetizing act of 1873, and when silver was not a legal coin of the country, and that these purchases were partly made by widows, orphans, and the saving institutions of the country, and if we permit them to be paid in depreciated silver coinage we simply tolerate legal robbery of the widowhood and orphanage of the land. This argument and appeal to this House will be quite insipid when their securities can so easily be disposed of to-day at immense profits. But even if this was not the case what sympathy ought this appeal to excite in this body. Widows and orphans who are able to own Government bonds deserve less the care of this Congress than widows and orphans who have to pay them, and when we legislate on subjects like this do you not think we had as well take care of the numerous poor as the few who are rich and who are able to take care of themselves? But in addition to all this can there be any equity in favor of any holder of the bonds of the Government requiring them to be paid in gold? I do not intend to cite any legal authority for the reason that I am addressing a body largely composed of lawyers, and who I am confident will not controvert the accepted legal proposition which I am about to announce.

No equity can arise out of a contract which would annul or destroy one of its plain provisions or an expressed and definite law under which the contract was made. If a hardship should occur which could not have been foreseen or provided against when the contract was made, then there will arise an equity in favor of the injured party. But in all these transactions between the Government and its creditors the law has been well understood, the terms of the contract have been well defined, and no party except the people has been injured by the transaction. I except from this assertion the people, the tax-paying people, who seem not to have had much to do with all these matters unless you consider the payment of the debt a matter of moment in the transaction. They have had this part of it to attend to, whether they were consulted about the contract or not.

The policy of the money-power is to put silver on the retired-list without a pension; silver protests that it is not sick; that while it has been in the military and civil service of the country for nearly a hundred years it is not superannuated; that while in all the bloody contests of the nation since 1792 to the present time it has been a noble soldier in war and an "offensive partisan" in peace in maintaining and protecting the honor and credit of the country, it has never received a disabling wound or contracted a disease while in active service, and now it insists that it ought to maintain and keep the original rank that it took nearly one hundred years ago, and which it has preserved with untarnished honor and unbesmirched integrity during the dark period of our country's history.

I have here to assert that the silver dollar just as it is now coined, I mean so far as the quantity of pure silver contained in a dollar is concerned, has been the dollar since 1792, and that during the entire period from that time until the demonetization act of 1873 it held its standing as money and was at a premium over gold in all the markets of this country.

I append here a carefully prepared table showing the relative value of gold and silver, covering a period of eleven years, from 1865 to 1876, passing through the time anterior and subsequent to the passage of the demonetization act of 1875:

1865 it was	103.32
1866 it was	103.63
1867 it was	102.67
1868 it was	102.57
1869 it was	102.47
1870 it was	102.67
1871 it was	102.57
1872 it was	102.25
1873 it was	100.40
1874 it was	98.86
1875 it was	96.43
1876 it was	89.12

It will be seen by reference to this table that from 1865 to 1872 silver was at a premium over gold, and if we were to profit by the experience of history would have remained so except for the legislation to which I have referred. But the money-changers say that we will lose our credit with the outside world, we will forfeit our financial honor if we agree to a double standard. I desire to insert here another table which has been carefully compiled, and since it has been so often used on this floor without dispute, I take it will be accepted as a true statement of the facts contained in it. It exhibits the nations that use the silver standard, the double standard, and the gold standard.

SILVER-STANDARD COUNTRIES.

	Population.		*Population.*
Russia	76,000,000	Peru	3,400,000
Austria	35,000,000	China	400,000,000
Egypt	4,500,000	British India	237,144,456
Mexico	8,000,000		
Central America	2,600,000	Total	768,944,456
Ecuador	1,300,000		

DOUBLE-STANDARD COUNTRIES.

Greece	1,400,000	France	36,000,000
Roumania	4,000,000	Belgium	5,000,000
Colombia	2,900,000	Switzerland	2,700,000
Venezuela	1,900,000	Italy	26,800,000
Chili	1,600,000	Spain	16,400,000
Uruguay	400,000	United States	50,000,000
Paraguay	1,200,000		
Japan	33,000,000	Total	187,300,000
Holland	3,700,000		

GOLD-STANDARD COUNTRIES.

Great Britain	32,000,000	Germany	42,000,000
Canada, Cape of Good Hope, and Australian colonies	7,000,000	Norway	1,780,000
		Sweden	4,300,000
		Total	87,080,000

This exhibit shows that in the civilized commercial world 770,000,000 of population use silver alone, 187,000,000 use both silver and gold, and 87,000,000 use gold alone as a legal-tender money. The policy and purpose of the money-changers are to commit us to the gold standard, when we are the silver-producing country of the world—commit us to the policy of legislating against one of our chief products and the favored money of the people. This legislation so far as population is concerned is in the interest of the 87,000,000 against the 956,000,000 in round numbers. We are ably backed in the fight for silver by the vast majority of the world. I am not willing that imperial Germany shall bring us into the financial struggle against republican France. Aristocratic England should not be a factor in dictating our financial policy. We have a country that has become the feeder of the world. With the aid of almost every latitude of temperate climate, our diversified industries, our manufactories, our mines, English gold will seek our markets.

The American people never accomplished anything by cowardice; and when we yield to a financial policy which is wrong, which we ought by our situation to control, we are a set of cowards. I do not represent this kind of constituency, and do not intend to place them in that sort of a light before the American people.

The enemies of silver coinage in the light of all these facts claim that silver is a depreciated metal and that the silver dollar is no longer an honest dollar. How long have they made a fight against silver in order to produce this argument in favor of its demonetization? The skill and ingenuity of the bankers and subsidized statesmen have exhausted themselves in improvising weapons to depreciate it in all the markets of the country. The halls of legislation, the Departments of the Government, the press, stump orators, great conventions of bankers, bondholders, and the aggregated wealth of the sections have neglected no opportunity to assail this heavy metal of our fathers in every conceivable way and on all occasions.

During this long and desperate struggle against silver it has maintained itself in this unequal contest against all odds, sustained by the implicit confidence which the civilized world had in its certainty as a measure of value. The ordeal through which it has passed can but create the impression in the minds of its friends that "it has come to stay." The successful resistance which it has made to all these assaults of its enemies is the best evidence that it is the best money that the world has ever known. It is true that it may be inconvenient to bankers, to the officers of the Treasury, who are simply the servants of the people, and to the great money-changers of the land. It is true that the bloated bondholders may find it cumbrous and unwieldy when they clip their coupons and heap their glittering dollars around them in their ease and luxury. But let me ask this House if the Congress of the United States has not been sufficiently used to meet their every want and every desire? Is it not true that they have piled up fortunes mountain-high not from legitimate gain or from honest industry or speculation, but from advantages acquired by legislation which they themselves improvised and obtained?

Has not the time come in the history of this country when we should begin to consider the interest of the poor man, from the sweat of whose brow the Government finally draws its sustenance and support? You find them driving their plows a-field, in the workshops, the furnaces, and delving in the mines of the country day by day in order that they may shelter their frugal families by night. Their humble industries in time of peace furnish the great staples that maintain the life of the nation, while the bondholder, with his exempted wealth, contributes nothing, comparatively, to the support of the Government. In times of war they are not speculators on the bounty of the country. The plow stands idle in the furrow, the sound of the anvil, the pick, and the loom are hushed, and the sturdy tread of these bold defenders of their country is heard on the ragged edge of battle. They are the people to whose industries, whose muscle, whose brain power the Government looks to pay its national debt. I am here as their friend to aid them in their unexampled effort to be honest and in their struggle to maintain their nation's financial honor, and I will not be a party to the crime of crippling their resources by any legislation looking to the suspension of siver coinage, and in the name of the constituency I represent and the laboring people of the whole country I enter my solemn protest against its suspension and demand for them its unlimited coinage. [Applause.]

Mr. PEEL. Mr. Chairman, the question of silver coinage affects every man, woman, and child in this country. Gold and silver are the great metal moneys of the world. Money is the measure of value both of property and labor. Money is called the sinews of war in time of war, and upon the same principle should be called the life-blood of a nation in time of peace. A sufficient quantity of money compared with population and wealth is as essential to the support and happiness of man as the air we breathe or the bread we eat, and we, the representatives of the people, have as much moral right to deprive them of one as the other.

Gold and silver are the gifts of God to man, and are the natural metals out of which to coin money, by which the value of all else is measured. When plentiful the poor man does well. When scarce the rich man does well and the poor man suffers. Gold and silver have been used as money in all ages and in all countries, and will continue to be used so long as governments exist and recognize the interests of the people.

Under our Constitution it is the duty of the President to submit his views upon all questions of public policy to the Congress of the United States. At the opening of the present one his excellency, among many others, recommends the suspension of the coinage of standard silver dollars. Not temporary suspension, Mr. Chairman, but indefinite suspension—in effect a repeal of the silver-coinage law. The question for us, as the Representatives of the people, is, "Shall we obey his commands?" With due deference to his opinions, I, for one, shall not. To break down or impair one-half of the metal money of the world would not only be a grave mistake but an outrage upon the rights of the people.

It would indeed be a splendid scheme for the bondholders, national banks, money brokers and lenders, but extremely oppressive upon the debtor class and working people of this country. Mr. Chairman, it reminds me of the boy's answer to his father after he had given him a graphic description of the goodness of God in the formation of the crane. The old man said to his son, pointing out the picture of a crane, "See how good and wise the Lord is; He has given the crane a long, slim neck, a long, sharp bill, long legs, and a broad web foot. With his long legs he can wade the water, with his broad web foot he can hold down the fish until he reaches down with his long neck and sharp bill and takes him in for food." The boy, much impressed, but with an eye to both sides of the question, said, "Yes, father, that is mighty nice for the crane but it is h—l on the fish." [Laughter and applause.] So in this case, to destroy one-half of the metal money would be very nice for the bondholder and creditor class, but it would be exceedingly detrimental to the balance of the people. But the advocates of a gold standard insist that it would be better for the poor man to have gold only—*honest money* in other words—better for the laboring classes to have money scarce than to have it plentiful. Every man's experience contradicts such an absurd proposition.

We all know that when money is plentiful business of all kinds flourishes and labor finds ready employment at remunerative prices. Under such a state of things the people are contented and happy. But reverse the order; let money be scarce, business dwindles away, labor ceases to find employment, property and farm products become cheap and dull sale. What money there is ceases to circulate. Those who have it are afraid to let a dollar go. One general gloom and discontent spreads over the entire people; they lose faith in the soundness of their Government and the honesty of their rulers.

Mr. Chairman, this is strange doctrine, indeed. The people of this country are too intelligent to believe in such sophistry; they know it to be a fact, that with a silver dollar they can pay one hundred cents of debt and can purchase as much of the necessaries of life as with a gold dollar. They know that they can travel as far and fare as well upon any steam-vessel or railroad with a silver dollar as with a gold dollar. With it they can pay as much tax, State or Federal, as with a gold dollar. I would feel much obliged to any friend or advocate of gold only, if he will point out or name a single article either of necessity or luxury in this country that a silver dollar will not procure as much of as a gold dollar. If this is true, how, in God's name, does the silver dollar wrong the poor man?

And again, Mr. Chairman, the gold-standard gentlemen say that our silver dollar is a dishonest dollar, a clipped dollar, a so-called dollar, only worth in the great money markets of the world 79 or 80 cents, and

therefore wrong to impose it upon the people. This allegation can not be supported by the facts, for there is as much fine silver in the standard silver dollar of to-day as there was in 1792, or at any time since that date, and its purchasing power is 25 per cent. greater now than in 1870, when it was above par with gold, as will be shown by the following table:

Articles.		Year ending June 30—	
		1870.	1885.
Indian corn	per bushel	$0 92.5	$0 54.0
Wheat	do	1 28.9	86.2
Wheat flour	per barrel	6 11.2	4 89.7
Cotton	per pound	23.5	10.6
Leather	do	28.5	19.8
Mineral oils, refined	per gallon	30.5	08.7
Bacon, hams	per pound	15.7	09.7
Lard	do	16.6	07.9
Pork, salted	do	13.2	06.3
Beef, salted	do	07.3	07.5
Butter	do	29.3	16.8
Cheese	do	15.5	09.3
Eggs	per dozen	39.6	21.5
Starch	per pound	08.2	04.0
Sugar, refined	do	12.6	06.4
Tobacco, leaf	do	11.3	09.9

And these champions of gold—national banks and bondholders; in short, Wall street—have the audacity to proclaim to the country that it is dishonest and bad faith for a great government like ours to force her creditors to accept this depreciated coin in payment of her just debts. Mr. Chairman, I ask this plain, simple question: Is it dishonest or bad faith to pay a debt either public or private according to the terms of the contract? Every honest man will answer, no. Then, Mr. Chairman, it is a fact not to be disputed that when these contracts were entered into, gold and silver were legal-tender money of the United States, and in each of these contracts the Government stipulated to pay the amount named in coin, the law in force at that time being a part of the contract. What lawyer can or will say that the payment of these obligations in either gold or silver coin, at the option of the Government, would not be a strict compliance with both the letter and spirit of the contract? All know it would, and none can deny it. Then where is the bad faith? No one can see it but the greedy bondholder.

Mr. Chairman, let us put the boot on the other foot and see how it would work. Suppose one of these sacred creditors of the nation should owe the Government $100,000, payable in coin of the United States, instead of the Government owing him, and he should tender payment in legal-tender standard silver dollars, and the Government refuse upon the ground that their bullion value in the great money markets of the world—in London if you please—was only worth 80 cents on the dollar, and therefore, demand payment in gold, what do you think this untaxed honest bondholder would say, and especially if his debt was drawing 4 or 5 per cent. interest? No one doubts his reply. Would he not say, and would he not have the legal and moral right to say, that his debt was payable in coin, and that silver is a coin of the United States and was when he made his contract?

But concede, for the sake of argument, that silver is a depreciated coin, and only worth 80 cents on the dollar. Who caused this depreciation? Was it the people, the debtors? No, indeed, I answer, what all know to be true, that it is the result of an unholy and wicked combination and crusade upon it by bondholders foreign and domestic, national banks, money-kings, and money-gamblers, for the sole purpose of increasing the purchasing power of their own wealth. No one knows better than the bondholders that if they can succeed in driving one-half or even one-third of our circulating medium from use, their wealth, consisting as it does largely in untaxed bonds of the Government, will be increased at least 50 per cent. The value of money consists in its power to control people and their property, and as these bondholders have been a party to this intolerable outrage upon humanity they ought not to be allowed to take advantage of their own wrong.

In the face of all this, these gold worshipers insist that in the continued use of silver in paying off our obligations, we cheat these sainted creditors out of 20 cents on the dollar—in other words, pay them coin only worth 80 cents in gold. If this be true, it seems never to have occurred to them that we are swindling the laboring classes, who toil day in and day out, not a few hours at the office desk or counting-room, but from sun-up until sun-down—and that too, either under the scorching rays of the summer sun or before the cold blasts of the winter winds—out of much more.

Mr. Chairman, to this swindling process let us apply the Democratic maxim, "the greatest good to the greatest number," and see how the account stands.

The census of 1880 show about 17,000,000 money earners. Of this vast number, in round numbers, about 3,324,000 are agricultural or farm laborers; about 1,075,000 domestic or house servants; about 1,800,000 common laborers; about 3,834,000 mechanics, miners, railroad employés, &c.; altogether about 10,100,000. Now suppose this vast army of laborers earn $10 per week per head; this gives us something over one hundred million per week paid to them in dollars worth only 80 cents; a clear loss to each of $2, and an aggregate loss of $20,000,000 per week—more than twice the amount paid to the bondholders in the way of interest in a whole year.

So if this is a correct rule, these laborers lose twice as much each week as the bondholders in the way of interest in a whole year. While the bondholders would lose ten millions in a year the laboring people would lose twenty millions in one week, or for a year of fifty-two weeks no less than $1,040,000,000—almost a sum equal to our entire national debt.

Yet, Mr. Chairman, who is it that is crying out fraud against the silver dollar? Certainly not this vast army of farmers, mechanics, and laborers. No, indeed; not them. All we hear from them is give us more silver money, employment at remunerative rates, and a good market for our produce. They, Mr. Chairman, honor the dollar of their fathers and are willing to stand by them throughout all time. They believe, and so do I, that we ought to have free and unlimited silver coinage, at least of American production; they believe, and so do I, that the large surplus now in the Treasury of both gold and silver should be applied to the payment of the national debt that is drawing interest and is payable at the option of the Government; then there would be no more complaint about iron vaults to hold it. Pay it out on the debt and stop the interest and let it seek Southern and Western investments; it will receive a hearty welcome and remunerative fields. Our people are tired paying heavy taxes in the way of high duties on the necessaries of life, and seeing the money drawn from circulation and locked up in the Treasury as dead capital, and $200,000,000 of the public debt outstanding bearing interest that can be paid any day. They want to see their taxes reduced or the money applied to the payment of the public debt and the interest stopped. In God's name, give us one or the other.

The quantity of money for our country depends upon the output of our gold and silver mines, our coinage laws, and the balance of trade.

But, Mr. Chairman, the President, the honorable Secretary of the Treasury, and the friends of their policy urge and insist that if we continue the coinage of silver, it being the cheaper metal, it will drive gold out of the country and leave us with nothing but cheap silver, and when the balance of trade is against us we will have no money with which to pay. While this is the most plausible argument presented by them, yet, Mr. Chairman, with due deference to this very high and reliable authority, I think this argument can be successfully answered in two ways. First, if we are to judge the future by the past, it is not true in point of fact; for, Mr. Chairman, it will be admitted that in 1878, when the Bland act, as it is called, became the law and the recoinage of silver was partly resumed, the same reason was then urged by the gold men and most frightful results predicted.

Now, sir, we have had eight years experience; not a fair test, because it will be conceded that each and every Secretary of the Treasury was and the present one is, hostile to silver coinage. The execution of a law by unfriendly hands is almost no execution at all; but, notwithstanding this, let us take the official reports of the Treasury Department from 1878, the date of the Bland act, to the present and see how the gold has been driven from our shores by silver. The following table, furnished Hon. JOHN H. REAGAN, of Texas, by the Director of the Mint, showing the imports and exports of gold and silver coin and gold and silver bullion for the eight years last past, is as follows:

Imports and exports of coin and bullion into United States.

Fiscal years.	Imports of gold coin and bullion.	Exports of gold coin and bullion.	Imports of silver coin and bullion.	Exports of silver coin and bullion.
1878	$12,976,281	$9,304,455	$16,400,899	$24,535,670
1879	5,624,948	4,567,614	14,671,053	20,409,827
1880	80,758,396	3,639,025	12,275,914	13,503,894
1881	100,031,259	2,565,132	10,344,238	16,841,715
1882	34,377,054	32,587,880	8,093,336	16,829,509
1883	17,734,149	11,600,988	10,692,242	20,219,445
1884	22,831,317	41,081,937	14,594,945	26,051,426
1885	26,691,696	8,477,892	16,550,627	33,753,633
	301,025,100	113,744,843	103,914,963	172,145,209

From this table it will be seen that since the coinage of standard silver dollars was resumed in 1878, we have imported in gold coin and bullion the sum $301,025,100, and have exported the sum of $113,744,843, proving conclusively that during this period we have imported $187,280,257 more in gold than we have exported.

The same table shows that during the same period we have imported of silver coin and silver bullion the sum of $103,914,843 and have exported the sum of $172,145,200, proving just as conclusively that during that period we have exported from this country $68,230,247 more in silver than we have imported. If this official statement is to be believed, instead of silver driving gold out, gold has driven silver out—the very opposite to the prediction of the gold men.

But, Mr. Chairman, the truth is that neither is true; the coinage or

non-coinage of silver has had but little if anything to do with it. The balance of trade that has been in our favor for that long period is the true cause. So gentlemen may rest easy upon that question, for just so long as the United States sells more produce and merchandise to other countries than she buys, imports of gold will be in our favor. This proposition is as plain and simple as if John Smith, a farmer, sells more produce from his farm in a given year than he pays out to produce it—he will have money left, and *vice versa*.

So as long as we, as a Government, sell more than we buy we need not fear that silver will drive our gold from the country, though we have free and unlimited coinage of both. Gold and silver are a part of the material wealth of the world, and seem by the unerring law of nature to develop and yield in proportion to the growth of the country and the wants of the people. When they are taken by the hand of labor in their crude state, they go upon the market as merchandise and so remain until transformed into money according to the laws of nations, each fixing its own standard and ratio. They circulate from country to country as bullion, but between individuals as money, dependent almost solely upon the laws of trade for their scarcity or plentifulness in a given country. Just how much in gold and silver coin and bullion exist in the world we are not advised. The following table, furnished Hon. JOHN H. REAGAN, of Texas, by the Director of the Mint in June last, shows the following:

Countries.	Gold coin and bullion.	Silver coin and bullion.	Total.
United States	$626,422,646	$269,665,758	$896,088,404
Great Britain and Ireland	583,500,000	95,000,000	678,500,000
India		1,037,000,000	1,037,000,000
France	848,000,000	595,000,000	1,443,000,000
Belgium	64,000,000	60,000,000	124,000,000
Switzerland	17,000,000	15,000,000	32,000,000
Italy	140,000,000	72,000,000	212,000,000
Greece	2,700,000	2,700,000	5,400,000
Spain	130,000,000	70,000,000	200,000,000
Portugal	30,000,000	10,000,000	40,000,000
Germany	325,000,000	211,000,000	536,000,000
Austria	45,000,000	75,000,000	120,000,000
Sweden	15,000,000	5,000,000	20,000,000
Denmark	14,000,000	5,000,000	19,000,000
Netherlands	28,000,000	57,000,000	85,000,000
Russia	124,000,000		124,000,000
Turkey	40,000,000	35,000,000	75,000,000
Roumania	163,000	11,000,000	11,163,000
Total	3,032,785,646	2,625,365,758	5,658,151,404

From this table it will be seen that at that date the United States had a fair proportion of the gold and silver coin and bullion of those countries, population considered. But how it will stand with any of them one year hence no mortal man can tell. It will not depend upon the coinage or non-coinage of silver alone, but upon the natural laws of supply and demand. Each country should coin her own production of both gold and silver and add it to the grand volume of the metal money of the world; it will take it all to keep up with the railroad speed of population and trade. Each country enters the great battlefield of commerce, each contending for supremacy, and in this grand struggle for supremacy in trade the volume of money fluctuates and shifts from country to country, as the balance of trade preponderates; that country with the best natural resources, the most energetic and industrious people, the best diffused circulation of money, the lowest burdens in the way of taxation, and the cheapest transportation, comes out winner. Ours being new, overflowing with natural wealth, with her sixty million intelligent and industrious people, will soon stand in the front rank if we, their representatives, will legislate in their interest, instead of in the interests of corporations, foreign and domestic, national banks, bondholders, and money and produce gamblers.

Mr. Chairman, the great scarcity of money in many parts of our country is not altogether traceable to a want of money in the United States, though the amount per capita is too small; it is to the condition of it. There is too much drawn from the people by way of taxation and locked up in the vaults of the Treasury and there remains dead capital. It should be paid out upon our interest-bearing bonded debt, except a small reserve. Reinvestment in Government securities should be made less remunerative by levying an income tax. Then the money, instead of being reinvested in bonds of the Government, would seek Southern and Western investments and thereby revive business and relieve the people.

In conclusion, Mr. Chairman, I only desire to say that while I do not impugn or impeach the motives of any official or any one else upon this great question, yet I must say, in all candor as a Representative, that I regard the present war upon silver as an unpardonable outrage upon the rights and interests of the great mass of the people. But, thank God, they have the power and ought and will assert it. [Applause.]

Mr. LE FEVRE. Mr. Chairman, I am opposed to a suspension of silver coinage by the Government.

I am well aware that this system of free coinage of silver is exceptional, but our financial condition is exceptional.

Before entering upon this let me state my views on money, that have cleared the way, for me at least, to the conclusion that controls my vote. I regard money in the shape of coin as something different in its nature from a circulating medium. As I read history, it appears to me that away back in the early ages of commerce the trading world fixed on coin, gold and silver, as a measure of value, through which to facilitate the exchange of commodities. Having determined the unit of value—as the yard-stick, the bushel measure, and the pound weight, fixed that of length, quantity, and weight—the measure became an abstract idea. It so remains to-day. If all the gold and silver were taken from the world now—as they are, in fact, practically removed—the idea of measure would remain. When, for example, I offer for sale some article of trade, say a beef, I measure the value of the animal at $30. I get in exchange some wearing apparel that the manufacturer tells me is worth $30, or say $20, and the difference is paid me in what we call money, but what is in fact a circulating medium furnished by the Government as such, and measured in value precisely as the beef and clothes are.

Here we see that we are dealing with two separate and entirely distinct things—the measure of value established by trade and recognized by humanity the world over, and a circulating medium furnished us by the Government to facilitate exchange of commodities—and all our trouble comes, Mr. Chairman, from confounding the two. That quality which makes coin—gold especially—a measure of value, as it is claimed, prohibits its use as a circulating medium, for that quality comes of its scarcity. It is valuable because it is rare and has in its intrinsic worth not only this rarity but the value which comes from its uniformity. A circulating medium to be of use must be abundant, but our opponents claim that if gold can be made abundant it loses its value for all else.

Now, the condition of the trading world to-day is exceptional, as I have said, for one of the precious metals, silver, has been found in such quantities that while retaining, in part, its well-established character as a measure of value, it is abundant enough to afford us a circulating medium. For this purpose our opponents, popularly known as gold-bugs, tell us it shall not be used. It will drive gold, they tell us, out of circulation, and, making us a silver people, destroy our credit. Now, gold is not and never has been a circulating medium, and what its presence or absence has to do with our credit is something I can not understand. Credit means confidence in a power to pay, and this power depends entirely on what one has to sell or, in other words, the property which represents the credit, and that is not either the measure of value or the circulating medium. We resumed specie payment—that is, the Government regained its lost credit on the produce sent to Europe, which Europe was ready to receive and pay for, not in bullion, for there was not enough in the world to carry on one day's transactions, but in the exchange of commodities that revived our trade and put us again on the high road to prosperity; a prosperity, Mr. Chairman, that has not continued because, through the control of these very gold-bugs, now fighting us on this floor, it is so arranged that all the immense labor of this land which goes out, or is sold at home in the shape of products of the earth, returns to fatten a few while the many suffer. If to foster wealth in the hands of a minority; if to fill the country with millionaires on the one hand and a vast mass of suffering labor on the other; if to dot the land with castles for capitalists, and cover it with hovels for labor, is prosperity, we are prosperous. We have reached in a hundred years the level found in Europe in a thousand. In common with the peculiar prosperity of the shores from which our fathers fled because they were poor laborers, we have wiped out the class of citizens contented with a competence, and left a gulf that widens every day between the very rich and the very poor.

This, however, is a subject somewhat foreign to the issue now pressed forward in this matter of a circulating medium.

It is the duty of the Government to furnish the people with a circulating medium. It can not make money, for that pertains not to the law-making power, and means only a measure of value. This the Government can not change in any way, for such change means to destroy.

I repeat, it is the duty of the Government to furnish a circulating medium that we call money. This ordinarily is coining the credit of the Government, or rather of the country itself, that is put out in paper, measured by the measure of value, for every note sent out is not stamped as a dollar, but has on the face of it a promise to pay the dollar on demand. Because this demand is seldom made we have fallen into the error of considering it money itself. I do not go so far as the bullionists or hard-money men in asserting that this paper differs from coin in the fact that it has no value. It has a value that may be considered intrinsic, that comes of the power of the Government, or rather the wealth of the country, which assumes shape in the Government itself.

The right, or rather duty, of furnishing a circulating medium has been in a measure farmed out to our two thousand corporations known as national banks. These corporations by a purchase of bonds get the right to issue their own notes as money, and that which our opponents deny to the Government itself is given to these creatures of the Government.

Now, Mr. Chairman, I am not in this placing myself in opposition to our present banking system. While defective in many respects and dan-

gerous to the welfare of the people unless carefully guarded, I am prepared to admit that it is proving itself the best system of banking we ever possessed. Compared with the old system of State banks, out of which it grew, it seems perfection. We are forced to see, however, that it is not only not perfect, but if we do what these banks advocate in the measure before us this system of banking is likely to end in being a curse instead of a blessing. We know that it was called into existence by the late Salmon P. Chase, when Secretary of the Treasury, as a war measure that was to end with the war. Being based on the war debt, the system can not survive the existence of that debt, and one motive felt upon this floor, and which gives life and force to the measure before us, is to be found in a desire to continue the debt that we may continue the banks. Any accumulation of money in the Treasury is viewed with alarm, and the objection to a further free coinage of silver is based on a fear that the silver so accumulated may be used for the redemption of the bonds.

There is another and yet stronger motive that animates these financiers who represent the banks, and that is the check which such free coinage puts on the power these corporations possess of swelling the currency when it is not needed, and so stimulating speculation, and contracting the currency when it is most needed by the people to facilitate trade.

To understand this, Mr. Chairman, we should remember that a banker means a man who has money to loan—at least in times back such was the correct definition. To-day, however, it would seem that a banker is a man who seeks to borrow. But not to dwell on that but to get at what I mean to say, which is that accepting the old time-honored term, a banker means a man whose main business is to loan money. A corporation, then, duly organized, opens its doors to the trader who, needing loans for immediate operations, seeks that source of supply. He deposits his note, duly indorsed, and gets in return, what? Not money but the banker's promise to pay money, which, with the Government's indorsement, passes as a circulating medium. The banker is highly favored. On the United States bonds he holds the Government pays him a handsome interest, and on the notes which he issues, through loans, he exacts handsome interest, so that he is paid both ways; and for what? To furnish a currency which could be had by the people without cost but for the process that is carried out through these corporations.

It is said that it would be dangerous to have the Government go into a banking business. Certainly it would. But as for a banking business which means receiving money on deposit and loaning it, I have not yet met a man who proposes that this shall be done by the Government. To issue its notes receivable as taxes to serve as a currency is not banking in any sense of the term, and this is precisely what we demand of the Government; no more, no less. The war now made on silver is precisely the same war that is and has been made on greenbacks; and this says, in so many words, that the entire power and all the privilege of issuing currency shall be surrendered to these corporations.

I am opposed to this. I am opposed to it on the very grounds which the bullionists assert they occupy, and that is, the danger of inflation. The Government, as I believe I can show, can not inflate—to use the term in its proper sense—but the banks can.

Confounding money as a measure of value and money used as a currency, we are told that to swell the volume of currency is to inflate currency. The same voice that tells us this gets hoarse in asserting that paper currency is not money, but only so many promises to pay money, and yet we are called on to believe that swelling the volume of such affects what it only represents in the form of promises. If it were proposed that the Government should do a banking business, that is, receive money on deposit and loan the same for business purposes, this would be true. But what is the real meaning of inflation? There is a popular superstition that an increase of currency is an increase of money, and, as I have said, affects prices. Is this true? I believe not.

When a man places his note before a banker, or in other words upon the market, what is the measure of its value? Certainly not the scarcity or abundance of money, as we are generally told. It is measured by the credit of the man who signs the note, that is, his character as a business man and the property he is known to possess subject to seizure and execution in case he fails to meet his obligation. This is the measure of his promise to pay. The same properties pertain to the note of the Government; no more, no less. Now the Government may put out its credit in this shape in payment of its debts. It is guarded by this. About the banks there are no such guards. They are governed by their business interests; and the inflation we have to fear from that source is not of currency but of credit. If we study this system of banking we find this to be the fact. When times are good, as it is called, loans are easy and abundant, credit is stimulated unnaturally, and currency is plenty. We have inflation. But pay-day comes, as it must come, and the banks begin calling in their loans, refusing further accommodations, and there is a contraction of the currency.

Now, sir, this is a power not held by the Government, and a dangerous power to confer on corporations. The debts contracted in the inflation of credit, remain through a shrinkage of value that comes from the contraction of the same credit, and the same power that built up the debts, stimulating and encouraging credit, becomes its most cruel and deadly enemy.

I repeat, this is a power not possessed by the Government. The Government may go to its furthest limit in issuing currency, called more properly a circulating medium, without in the slightest affecting prices or stimulating trade. I know that this is denied. But let me illustrate: The Government may fill a man's house with its circulating medium, nay, sir, it may pack that mansion, not with greenbacks but with gold and the owner of this wealth will not take five dollars and purchase a barrel of flour, until he finds where he can place it at five dollars and twenty-five cents. The Government does not undertake to find him such a market. It offers no inducement and stimulates no trade. But a bank does. The officers and directors offer loans for speculative purposes. Half the time they seek such themselves. All the gambling in values that makes Wall street possible and a wheat-pit at Chicago a fact comes of this power given by our Government to a few corporations. This impairs credit and makes our markets uncertain, and sets our business men to gambling. Three-fourths of this business in its healthiest condition is done on credit. Farming out to corporations the great power of the Government to furnish a currency, and adding thereto, as I have said a privilege not in the Government, of contraction and expansion, we have undermined and nearly destroyed our prosperity as a people.

To illustrate the practical workings of this system I read you a letter written me some time ago by a friend in whose intelligence and judgment I have much confidence. It is as follows:

MY DEAR LE FEVRE: The great Mirabeau has said that to succeed in life one has to learn much from those who know less on any given subject than we do. I have of late been getting instruction from the most ignorant of all people on the matter I have been looking into. You know that I was brought up in the Democratic, Benton, hard-money school. I have believed until now that the only safe currency for a people is found in coin, and that a note of either Government or corporation, especially of a corporation, was a curse, and should be condemned if we hoped to prosper.

Well, I came here to this rural region to spend the balance of my days, full impressed with the hard-money doctrine. I came in the midst of this great financial depression with all made stagnant. Now, my first discovery was that in the destruction of credit is a destruction of confidence, and any trade to be carried on must be on a cash basis. Well, the farmers have no money. They purchase all they need, and get their mechanical work done on credit at our little village here through the year, until their crops are available, and these they haul in, sell at the warehouse, take the checks and pay off the year's indebtedness. This depression comes, and the farmer goes, as usual, to the merchant to purchase his calico, blankets, and wearing apparel, and the merchant says: "I am very sorry, but I must have cash for these things. The merchant I buy of in New York will not give me credit, must have the money, and so, in turn, I must have cash." The poor farmer has no money—he never had any—he has no means and so suffers for the necessaries of life. There is a money famine in the land.

Now, Mr. Chairman, in that plain, homely illustration lies all of this much-vexed question. A measure of value fixed by trade is one thing, currency is another, and so long as the Government retains its power of furnishing that currency, and uses its privilege liberally, all will be well. There is no better currency than silver, and the supply should continue.

As I have said, the war on silver is the same as has been and is being made against greenbacks, and the hostility comes from two sources, both powerful, both selfish, and both mischievous. We have, in the first place, the banks striving not only to relieve themselves of their balance-wheel that restrains excess—for so long as the Government issues all the currency necessary for business the contraction and expansion for selfish purposes on the part of these corporations is held, to some degree, in restraint—but they seek to prolong their existence by a continuance of our national debt, and this puts them in accord with that other party, the bondholders, who live in fear that these bonds may be liquidated in the much-denounced silver. These last see that under our form of government it is impossible to continue an unholy and unjust distinction which pays the bondholder in gold and all others in currency.

I represent here, Mr. Chairman, an agricultural district. It suffers, in common with all agricultural interests, from a lack of currency—money as it is called by this people—and I can not represent my people, I can not represent the better interests of the people at large, and consent to what is now proposed—that the Government shall abandon its great privilege of giving the people a safe circulating medium, and donate to these corporations a power that in their hands will be fatal to the progress and prosperity of the nation.

The Government, Mr. Chairman, can do very little for the people, whose creature it is, in the way of furthering their business. On the contrary, it can do a great deal of harm. An interest created by law is a poor thing. An interest fostered by law is no better. In all cases it means benefiting a class at the expense of all others. For twenty-five years we have had a paternal Government that professed to do everything for everybody, while in fact injuring all through its stupid and unconstitutional interference. The world awakens to the fact at last that all distress that curses earth comes from an unequal distribution of property. As a writer on political economy has tersely said: "We have the many who produce all and enjoy nothing, and the few who produce nothing and enjoy all." Against this evil free political institutions avail us nothing. The many may possess the ballot and live in rags; the few may have no political privileges differing from the masses and yet own the people to their ruin.

We boast of having the freest and best government under the sun; and yet under this Government landlordism prevails to a greater extent than under the heaviest despotisms of Europe. But yesterday a

man died in New York, of whom we boasted that he died the richest man in the world. We destroyed the aristocracy of birth to create a meaner and more cruel aristocracy of corporations. We have a larger wealth concentrated in fewer hands than ever was known to the human race before. An ordinary mind can not grasp the amount of money invested in the railroads that cover our land and control the distribution of all its products. And yet this vast wealth is concentrated in the hands of a few men. This is but one item of the many, and I could go on for an hour in enumerating the mere list of these monopolies. The agricultural class, that I in part represent on this floor, is the greatest sufferer. I might, Mr. Chairman, treat this House to a novelty by such enumeration. Everything is discussed here except the material wants of the people and the woes of the poor.

While we deal out with a liberal hand laws affecting these interests and these troubles we discuss politics. We have members representing the Democratic party and members representing the Republican party, yet, looked at from the point of view which I have suggested, there is no member representing the people. There is distress in the land. All business, other than gambling, is paralyzed and on every side depressed. Labor is organizing and arming against capital. In the district I have the honor to represent the farmer can raise nothing that he can sell at a profit. The counties are being shingled with mortgages that can never be lifted. It is therefore an evil hour for the monopolists to appear here and propose to tighten their chains by a legal enactment that seeks to deprive the people of more money in the shape of the soundest currency ever known. [Applause.]

AGRICULTURE.

Mr. GLASS. Mr. Chairman, I desire to submit some remarks on House bill No. 2293, introduced by myself, to promote agriculture.

Availing myself of the latitude of debate allowed in Committee of the Whole, I shall not confine myself to this subject exclusively, but shall have something to say upon subjects having a direct bearing upon the farming interests generally.

This bill is intended to enlarge the scope of duties of our consuls and commercial agents by requiring them to embrace in their reports to the State and Treasury Departments the subject of agriculture as well as of commerce and manufactures. In our legislation the industry of the farmers has to a great extent been subordinated to that of commerce, manufactures, and mining. It is the purpose of this bill to elevate this industry, and to put it on a level with the other great industries that have long received the fostering care of Government.

Under the present law our consuls are required to procure and transmit to the Department of State accurate commercial information of their districts, and to report the prices-current of merchandise as often as may be required to the Treasury Department. Now this bill would have them to procure and transmit through the same channels information of the condition and prospects, monthly, of the crops within the limits of their consulates, so that the facts may be compiled and embraced in the monthly bulletins of the crop reports of the Commissioner of Agriculture; and also to give at least once a year, or oftener if so required by the State Department, the prices-current of all such merchandise and farm products, orchard and garden, as are imported into the ports of their consulates, thereby giving to the farmers of our country a full knowledge of the character and quantity of the products of the soil of the countries where this Government has a consul, in order that our people may be informed as to when there may be a demand and a market for their surplus products of the soil and the prices current of the same. We can not give to the farmer too much information on this subject. And it is certainly the duty of the Government to do this much to advance so great and overshadowing an industry, particularly when it can be done at so small a cost. The agriculturists of the country must become more self-asserting and enforce their just demands for larger and broader recognition in the legislation of Congress. It is the duty of the Government to provide for this large and useful class of our population all such information as will entitle them to know where to find the best and dearest markets for their products and to remove as far as practicable all obstacles to their access to them. This becomes imperative in view of the fact that most of the farm products have tended downward for years in price and many of them have reached a price below which there is no margin above the cost of production.

Legislation should be directed to the end that the farmer be given the freedom of the open markets of the world and all proper facilities afforded him for the transportation and exportation of his products to any market, domestic and foreign. This very numerous class seeks no exclusive privileges, but only such as are enjoyed by every other class in the land. This they have a right to demand, and Congress should not deny it to them. The law should compel our consuls to gather and furnish this agricultural information, that the Commissioner may scatter it broadcast over the land.

There is no good reason why our consuls should confine their reports to the commodities exported from the countries to which they are accredited. Let them embrace all articles imported of considerable value, especially of the products of the soil, the mine, and the workshop, the character of farm tools used in cultivating crops, and whether of domestic or foreign manufacture. This will give our industrial population a better idea of the best markets for their surplus products, and when and where to export them. The masses need information on these subjects, and it is the duty of the Government to procure and furnish it. It can be done through Government agency at much less cost to the citizen than through private channels. A broad and liberal policy in this direction should be inaugurated and carried out.

The farms of the United States are worth more than ten billions, a larger sum than is invested in any other single industry, and the annual returns from these farms exceeds $3,000,000,000. The manufacturing industries of our country produce annually, in round numbers, five billions three hundred and sixty-nine millions, but more than half of this is the cost of raw material, leaving as the gross value of the products of manufacture one billion nine hundred and seventy-five millions—little more than one-half the value of the farm products. Agriculture furnishes employment to a greater number of laborers than any other occupation. About 52 per cent. of our entire population are engaged in this industry or are dependent upon it for a living. Of the seven million six hundred and seventy thousand farmers about four millions own the farms they cultivate, and nearly four millions are farm laborers. Let us dignify this great industry by giving to it a larger and broader recognition in the legislation of this body. Let tardy justice be done that class who toil in the field and the shop, and are the most law-abiding, patriotic, and useful class in the land. This country is pre-eminently agricultural, and in the very nature of things must continue to remain such.

The centers of agriculture have been constantly moving westward, partly in consequence of the rapidly exhausting fields and a want of a more scientific and intensive system of farming. Now, it is the duty of the Government to supplement the efforts of individuals to inaugurate and carry on a more scientific system of tillage by making appropriations for agricultural experiment stations. Our Government has done very little in this direction compared with what foreign governments have accomplished.

The world has been compelled to appeal to science in aid of agriculture. Agricultural chemistry is scarcely an hundred years old. It was about the beginning of this century that Sir Humphrey Davy began his investigations of vegetable physiology and the analysis of plants and soils. And soon thereafter the guano beds of Peru were discovered, and England, as she does in almost every thing calculated to advance her interests, took the lead in the use of this fertilizer.

About 1840 Baron Liebig published to the world the result of his researches into agricultural chemistry and experiments with various fertilizers. These experiments and scientific researches gave a fresh impetus to improvements in agriculture, and the contagion soon became widespread, so that every enterprising nation took it up and made those recently developed scientific truths tributary to further and greater development. No nation can now refuse to adopt and bring into use these scientific methods in farming without being left far in the rear of others in this march of progressive and scientific agriculture. In 1843 George Bennett Laws, of Rothamstead, England, established an agricultural experiment station for the purpose of testing seeds, soils, and fertilizers, as well as the different modes of planting, tillage, and experimenting with the various fertilizers. The results produced and the benefits to agriculture were so wonderful that Germany began to establish these experimental stations, and now has more than one hundred carried on under the direction and at the expense of the government. And almost every country in Europe has more or less of them.

Mr. Chairman, the Government has done so little for the farming interests that it will be more difficult to point out what it has done than to show what it has failed to do. In fact, the farmers of our country have asked but little of the Government, and that little has been doled out with a parsimonious hand. In the early settlement of the country our fathers found the virgin soil of unsurpassed fertility, and scarcely thought that it would ever become necessary to call upon the Government for aid. It was soon ascertained that a sufficiency of the farm products could be raised for home consumption and leave a surplus to go abroad. The value of these exports continued to increase until as early as 1820 they were found to constitute more than 80 per cent. of our entire foreign exports. And they have not since that time fallen below 70 per cent., except for the years 1864 and 1865, and have generally averaged from 75 to 85 per cent. of the whole export trade. It was the larger export of these products in the years immediately preceding resumption, in 1879, that made that financial policy possible.

The balance of trade during this period caused the precious metals to flow to our country in payment for these exports. Otherwise gold would have gone abroad to pay interest upon our indebtedness held by foreigners. The agricultural classes make up more than one-half of our entire population; they feed themselves and those of our people engaged in all other industries, and furnish the raw materials which, when woven into fabrics, clothe the masses, leaving the large surplus which goes abroad and forms the basis of our industrial prosperity.

It is reasonable to estimate that the farmers and tillers of soil pay one-half of all the taxes collected by the General Government. Now, what becomes of these taxes? Are they disbursed with any regard to equity? Are all classes and industries equally fostered and encouraged therewith? Let facts be adduced to testify. Since the organization of

our Government there have been appropriated for the benefit of commerce, say the improvement of rivers and harbors, about one hundred and five millions; to railroad corporations, one hundred millions in Government bonds, principal and interest, and in public lands more than two hundred millions in value. Drawbacks have been paid to those engaged in the fisheries and in the manufacture of imported raw materials that were again re-exported from the country, after having been manufactured here. Subsidies have been granted and paid to ocean-going mail steamers, and untold millions to our manufacturers under the operation of our protective-tariff policy.

Now, Mr. Chairman, I do not propose to discuss here and at this time the policy of such legislation, but simply to show how much Government has done to promote these great industries and how little it has done to advance and develop the greater industry of agriculture. In all the years of our history Congress has appropriated less than five millions of dollars in aid of agriculture, the mother of commerce and manufactures. This industry received no recognition at the hands of Congress prior to the year 1839. Then it was started as a division of the Patent Office, with an annual appropriation of $1,000, for the purpose of collecting and distributing seeds, making investigations, gathering statistics, &c. Down to the year 1854 the annual appropriations had not reached $6,000 in any one year, yet a foundation had been laid and much good done.

During the administration of President Buchanan this industry was further recognized by the appointment by the Secretary of the Interior of a special superintendent of agriculture; and in 1862 the division of agriculture was made a separate Department, with its powers and duties greatly enlarged. This enlargement of its powers and elevation of the rank of its head were due to the fact that the feeding of the Union armies then in the field had become of paramount importance to the country. It was at that time, also, that, in order to encourage and stimulate the production of supplies for this army, the land donations were made to the States for the purpose of endowing industrial universities.

This, Mr. Chairman, in short, is about all that Congress has ever done in aid of the great farming interests of our people. This is very small in view of the magnitude of the industry and in view of the additional fact that it has done so much to make us as a people and as a nation prosperous and independent at home and respected and renowned abroad. Ours has now become the foremost agricultural country of the world, leading all others in the aggregate yield of corn and wheat and cotton and hogs and tobacco, and is far ahead of all others in most of the remaining products of the soil. Chicago now outstrips Odessa, on the Black Sea, once the largest grain-distributing port of the world. New Orleans exceeds all other cities in the value of her cotton trade, and Louisville as a tobacco market. In order that our country may maintain her primacy in this regard and continue to contribute as she does at present more than 80 per cent. of all commodities transported by river and rail, Congress must become more liberal in appropriations for the highest development of this industry.

What have other countries done in aid of agriculture and in order to relieve them from dependence for the farm products of their great rival, the United States?

France expends annually (I give only round numbers) for agriculture and commerce	$20,000,000
Brazil, for agriculture	12,000,000
Russia, for agriculture	11,000,000
Austria, for agriculture	5,500,000
Hungary, for agriculture	4,000,000
Italy, for agriculture	1,914,000
Japan, for agriculture	1,000,000
Great Britain, for agriculture	795,000
Switzerland, for agriculture	142,000
United States, for agriculture	650,000

Of all these countries named, the little Republic of Switzerland alone does less to promote agriculture than the great Government of the United States. Thus, Mr. Chairman, it will be seen how little this Government has done for its greatest industry in comparison with what other governments have done.

Great Britain has been our best market, and the largest consumer of our cotton and wheat, and has taken largely of our meats and other farm products. And she has been unceasing in her efforts, and almost reckless in expenditure, to achieve independence of us as regards her supply of these products. She has explored the civilized world and expended millions in search of countries possessing a soil and climate suitable for the production especially of cotton and wheat. She has subjugated countries, at least one of them, possessing a population five times that of her own, chiefly that she might not remain dependent upon other countries, and more especially upon the United States, for these necessities.

The highest reach of statesmanship has been directed to the development and building up of the agricultural industries in her colonial dependencies, in order that she might there produce the raw material of her manufactures and the breadstuffs for her people. For nearly a half century she has used the best talent at her command experimenting in the production of cotton in India, nor has she hesitated to make any necessary expenditure for expert labor or scientific knowledge in prosecuting investigation to accomplish this end. And her far-seeing statesmen believed that this end was about to be attained when the war between the States had partially cut off the world's supply of cotton. The price of this article had become so high that the unfavorable conditions of climate and seasons for its production in India had been well nigh overcome and its growth and production improved and lagerly increased. But the war ended; the crop of our country in a few years reached its former quantity and assumed its normal position in the markets of the world. India rapidly fell far behind us and soon ceased to hold an important position as a cotton-producing country.

British silver (for that is the coin of India) has gone to India to build railways for the transportation of wheat and other farm products to the seaboard, and these railways traverse the broad valleys of the Indus and the Ganges, that stretch away in fertile plains to the foot-hills of the interior, affording largely increased facilities for transportation. The mountain streams of the country have been tapped by irrigating canals that take the water through the almost rainless regions to the lower valleys, fertilizing the growing crops for hundreds of miles along their way. Through the use of this British silver the production of wheat has been so stimulated and increased that the export to England has reached the large quantity of 40,000,000 of bushels, thereby virtually driving that quantity of our wheat from the British markets. The consequence was a great depression and stagnation of the wheat and flour industries of this country, forcing wheat down to a lower price during the summer of 1884 (and it is but little better now) than it had reached for a century.

While England was making these great efforts to build up and develop he agricultural resources of her East India dependencies, so as to make her independent of our wheat and cotton fields, other causes were operating to deprive us of our next best customers—Germany and France. Each of these nations has become somewhat imbittered against us in consequence of the heavy duties imposed upon their manufactured products imported into this country, and has retaliated by orders and decrees injuriously affecting the introduction of our hog and beef products into their ports. These highly protective duties, while largely increasing the cost of all manufactured articles consumed by the farmers, whether of domestic or foreign manufacture, has the tendency to shut them out from their best foreign markets.

Now, the farmer asks no special privileges, nor does he desire to put burdens upon any class or industry, and he accepts uncomplainingly all the burdens of Government equitably placed upon him, but he does protest against a system of legislation that is destroying his best foreign markets. He expects and demands that some regard shall be had to the principle of reciprocity in legislation affecting his freedom of access to foreign markets. Give to him friendly markets in Europe and other countries for his cereals, provisions, cotton, tobacco, and other products, and he cares but little for any protection against foreign competition; he can then compete successfully with the world.

Congress at last seems disposed to take a broader and more liberal view of this subject than it has heretofore done. And I may be permitted to express the hope that this body will by its legislation elevate the farming industries of this country to a higher plane. What is most needed to accomplish this desideratum is for Congress to do four things. First, to make the Department of Agriculture one in fact as well as in name, and give to its secretary the rank, powers, and privileges of a Cabinet minister. The head of the Department then, having a voice in the treaty-making power, will be better able to protect the farming interests than they have at times been, especially in regard to reciprocity treaties affecting the imports and exports of the farm products.

Next, let Congress pass a bill making annual appropriations to support agricultural experiment stations in connection with the industrial universities created and endowed under the act of 1862. These universities will then become the source whence will emanate the results of scientific research and experimentation. Soils will be analyzed, the physiology of animals and plants will be more fully made known, and the observing and inquiring farmer may become more familiar with the elements of plant food and the chemical constituents of his soils. He will learn more of the germinating qualities of seed and the effect of special fertilizers on various crops. Science will be called into requisition to supplement the productive powers of our rapidly exhausting fields and meadows. Give to the farmer in addition the full benefits of the "Signal Service system" and he will be on the high road to a grand success.

Let these stations be established at all county seats and other important agricultural centers where there may be a telegraph line, so that he may be warned by the flag of the approach of every rain and frost and snow, so that he will be enabled to put his household in order and thereby save thousands of dollars of value to the country. This done, the farmer may the better regulate his planting and harvesting and save much in the way of hay and other farm products from rains, and tobacco and fruits and stocks from destruction by frosts and snow. Notably, the orange crop of Florida might, under such a system, have been saved to the owners during the recent extraordinary blizzard, and hundreds of young stock cared for and saved from perishing by the cold and snow. Also, pass the bill in relation to con-

sular reports, as I have indicated in the beginning of my remarks, and the farmer will feel that his interests have been well-considered.

Mr. Chairman, in addition to these aids to agriculture, farmers, more than any other class, need a stable monetary system and an abundant circulating medium. Relatively, they want cheap money and dear products. A want of sufficient circulation or any sudden contraction or depreciation affects this class most seriously and injuriously. They are sparsely scattered over the rural districts, have the least facilities for intercommunication, and are the last to be warned of danger in an approaching monetary crisis. They can not be so compactly organized as to bring the influence of their numbers and wealth to bear upon legislation in their interest, and are to a great extent at the mercy of the great trades and professions of the country. The latter have their lobbies constantly at this capital and the seats of government in the States to watch and arrest, if possible, all unfriendly legislation to their interests and to encourage such as will promote their schemes, whether for honest purposes or illegitimate plunder. They have their chambers of commerce, boards of trade, and syndicates, and to a large extent these great corporations, for most of them are incorporated, control the capital and subsidize the talent of the country, while the yeomanry and mechanics are considered as the legitimate prey of their avarice and plunder.

And all of this howl about dishonest silver is but a well-concocted plan on the part of the capitalist and the monopolist to make money dearer and labor and commodities cheaper. In other words, it is a contest between creditor and debtor; the one asks the Government to strike down one-half the metal money of the Constitution, and the other, the debtor class, pleads that it may not be done to their ruin. The debtor asks the privilege of paying his debts in the money of the contract, and the creditor demands that half the metal currency of the contract be destroyed that the other half may be doubled in value, thereby increasing almost to that extent the purchasing power of the payment he shall receive from the debtor. Let the debtors be allowed to discharge their debts in the currency of the contract, and this certainly can not wrong any one. Unfortunately for the laboring classes of our country the currency is too much controlled by a class who have the least sympathy for the wealth-producers—I mean the capitalist, the banker, the bondholder, and the interest-receiver.

Go inquire of the men who cultivate your farms, dig your canals, and build your railroads and manufacture your implements and machinery what currency they prefer, and in nine cases out of ten they will inform you the silver dollar. If I desired to know the best currency for the laboring man, I had rather have the opinion of the hod-carrier and the ditch-digger than that of the Vanderbilts and the Goulds.

But it is asserted that gold is less subject to fluctuations in value than silver. The facts will not sustain this assumption. Professor Jenons, an Englishman of high authority in such matters, tells us that from 1800 to 1849 (after the discovery of the California mines), a period of only forty years, gold appreciated in value 145 per cent., while the price of silver was not greatly depreciated after the discovery of the silver mines of Mexico and Peru.

Gold was undoubtedly the first metal produced by man. It is always found in a natural state, that is to say, but slightly mixed with other metals, and rarely in mixed ores. It is therefore easy to detect. It is equally easy to mine; the placer gold is washed in a gourd or bowl, and quartz gold is pulverized in a hand-mortar and washed in a bowl.

In its early history it was used for ornaments, in the arts, and manufactures, and not as money. There is no well-authenticated account of its use as money before the days of Julius Cæsar, forty-six years before Christ. The surface finds of gold in India, China, and Japan were so great up to a thousand years ago that whole pillars of gold upheld the ornaments of the temples in those countries. The Chinese refuse to use it as money because it is generally found upon the surface without labor. Greece for centuries coined nothing but silver, because of the abundance and cheapness of gold. India and China knew that if these pillars were melted down and coined into money the money would rapidly depreciate, and hence refused to recognize it as money. But the supplies of gold are being rapidly exhausted and new mines are not being discovered to any great extent.—*Delmar.*

Among the exhausted countries are all of Asia except Siberia, all Europe, the coasts of Africa, and the whole of America except the Pacific coast of the United States, and some neglected spots in the interior of South America. It is in these few regions, chiefly Siberia, California, Australia, and the interior of Africa, that any considerable quantity of "pay gold" in placers is left. The combined mineral products of these countries now amounts to less than 4,000,000 ounces, or $64,000,000. Add to this the entire yield of this country for the year 1885, say $30,800,000, and we have the sum total of the world's yield, making an aggregate of $94,800,000. The ancient mines of the Golden Tagus, and of Phygia, and of Thrace, and of the Greeks and Romans, and of Bohemia, and Britain of the Middle Ages have all been exhausted and ceased to be worked. In view of these facts and the additional fact that the greater portion of the world's yield at present is being worked up in the arts and manufactures, we might well have to inquire, where will the future supplies for coinage come from?

It is alleged that gold is less liable to fluctuations in its value than silver. This is not entirely true, and so far as it is true, is due to the fact that government in many countries has fixed the price of gold and has not of silver. In 1816, under the premiership of Lord Liverpool, silver was demonetized in England, and from that period on has only been a subsidiary coin. England has no silver mines, and is not particularly interested in fostering the silver-mining industry, and made the change from bimetallism to gold monometallism because her statesmen believed it to be to her interest, and without asking the consent or concert of action of any other nation.

In 1838 Baron Humboldt pointed to Russia from whence in the near future supplies of gold in large quantities would be forthcoming. It alarmed England with its gold standard. His predictions were soon after verified. In 1840 the yearly output from the Russian gold mines included 18,744 pounds avoirdupois of gold, and the yield increased yearly till in 1843 the amount was 40,953 pounds avoirdupois, more than doubling its output as compared with 1840. Much uneasiness was then manifested in England at this sudden turn in the production of gold. It was proposed in Parliament to increase the quantity of metal in the sovereign in order to bring its value up, as it has been done here to increase the quantity of silver in our dollar to bring its relative value up to the gold standard.

But Sir Robert Peel proposed a remedy, and it was to give gold a fictitious value by fixing its price and compelling the Bank of England to pay that price for every ounce of gold bullion offered. This was done and the price fixed at £3 17*s.* and 9*d.* per ounce of standard gold. Thus a fictitious value was put upon gold by act of Parliament in 1844, and so continues to this day. And the operation of our coinage laws has the same effect, practically fixing the price of gold bullion at the Mint at $20.67 per ounce, while silver is left to the fluctuations of the market. Put silver on a footing with gold at your Mint, and it will gradually rise and approach a parity with gold. Germany in 1880 fixed the price that should be paid by the imperial bank of that empire for all the gold bullion offered. Thus has this country, too, legislated to hold up the value of gold and to prevent its fluctuations.

Before these countries fixed the price by law gold was liable to fluctuations in value as silver was. I give a table (Moran, page 173) to show the prices:

Average market price of standard gold per ounce.

	£	s.	d.		£	s.	d.
1809	4	10	9	1814	5	1	8
1810	4	5	0	1815	4	12	9
1811	4	17	1	1816	4	0	0
1812	5	1	4	1816 (October to December)	3	18	6
1812 (from September to December 12)	5	8	0	1817	4	0	0
1813	5	6	2	1818	4	1	5
1813 (November to March)	5	10	0	1819 (to February)	4	3	0
				1820	3	17	10½

It will be seen from the above table that the fluctuations in gold have been frequent and considerable, even after the single gold standard had been established.

It will thus be seen how frequent and how great were the fluctuations in the price of bullion prior to the enactment by Parliament to fix the price. And thus it would be now were these enactments by England and Germany repealed. Let us as a silver-producing country do justice to our own industries, make coinage free and unrestricted as to all American silver, and silver will gradually come up to a parity with gold, and the whole country will be benefited and there will be no disturbance to trade and commerce. The masses, the toilers, want the silver; it has been their money for more than four thousand years, and they cling to it as an ancient heir-loom.

Since Abraham purchased the field and cave of Machpelah from Ephron for "400 shekels of silver, current money with the merchant," down all the ages silver has been used as one of the money metals of the world. History informs us that it was in use in China twenty-two hundred years before the Christian era. The silver mines of Lurium in Greece were among the earliest great mines worked; they have long since been exhausted. Silver is rarely found in its native state, but in combination with other ores; hence, to demonetize silver and discourage and depress the silver mining business would lose to our country a considerable proportion of the lead and copper, as well as gold, that is found commingled with the silver ores in nearly all of our silver mines. The great Comstock lode, that has so frightened the gold-bugs has yielded as high as 41 per cent. of gold. So, Mr. Chairman, silver mining is more of a legitimate industry than gold mining, as the former yields a large percentage of other useful metals.

The relative value of gold and silver at different times has been in ancient Greece and Rome and in modern countries as follows:

In ancient Greece and Rome, 1 to 12; in Greece, after the conquest of Alexander the Great, 1 to 10; in Italy, after the conquest of Julius Cæsar, 1 to 9; after the conquest of Sicily by the Romans, where large quantities of silver were found, 1 to 17; at the end of the fifteenth century, in Europe, 1 to 11; in England, in 1604, 1 to 12½; in France, in 1641, 1 to 13½; in England, in 1666, 1 to 14½; in England, in 1717, 1 to 15½; in Holland, in the middle of the eighteenth century, 1 to 14½; in France, at the same time, 1 to 15.

The production of gold from 1800 to 1848 was equal to 59 per cent. of the total stock in 1800 without affecting in any way that can be discovered the relative value of gold.—*Delmar.*

During our colonial period each Colony had its own monetary system, and there was very little uniformity in the value of their coin circulation, which was chiefly made up of the Spanish milled dollar, the pistareen, and bit, and the pound, shilling, and pence; and these were valued differently in the different Colonies. As early as 1785 Thomas Jefferson and Robert Morris the financier, as he was called, feeling a great want of a uniform standard in our circulating medium, discussed the

matter, and finally agreed upon 15½ to 1, that being the ratio between the two metals in Great Britain; in Spain 1 to 16, and in France 1 to 15—these being the countries with which we had the largest trade. The first silver dollar coined in 1794 contained 371¼ grains of pure silver, and every one coined since contains precisely the same quantity. How, then, can it be a dishonest or clipped dollar?

Our silver dollar has since its first coinage really been the standard of value in this country, always remaining the same, while the quantity of pure metal in the gold dollar has been changed three times. The change in the ratio of the two metals, by putting more metal in the silver dollar, would simply remove us farther from all other bimetallic countries, as we already have more pure silver in our silver dollar than any other country in Europe or Asia. France and the Latin Union maintain silver at 15½ to 1 to gold at par with the latter. To demonetize silver would greatly depress the cotton industry of the country in this way: Manchester, England, works up more by double of our raw cotton than any other manufacturing center in the world, and the great bulk of the fabrics turned out by her mills find a market in India and are paid for in silver.

Now, any good business man can readily see that if you diminish the value by legislation of the coin in which the Manchester manufacturer is paid for his products, you compel him to pay a less price for the raw material or bankruptcy will be his ultimate end. We can also pay in silver coin for all articles imported that we can not produce here, as they come from silver-circulating countries, say our tea and coffee, as each of them chiefly comes from single-standard silver countries. And our manufacturers would certainly not complain if we forbear to go to England or Germany, where they do not want our silver, to purchase their manufactured articles that come in competition with our own manufactured products.

Mr. Chairman, Germany had maintained the single silver standard for more than twenty years. When she began to coin gold in 1871, and ultimately made gold the single standard in 1873, and Bismarck began the work of reducing the silver coin to bullion for export, the price declined so rapidly that he was compelled to desist, and much of the old silver coin yet remains in the possession of the government. The masses there have never been satisfied with the demonetization of silver, and are quite clamorous at times for its restoration, and not only the masses, but many learned men and leading financiers, both there and in England, favor the restoration of the silver coin to the circulation.

But, Mr. Chairman, why should we go to England and Germany to get our monetary system? Are we not able to establish and maintain one of our own, independent of all other countries? We have a greater territorial area than any of them, a larger aggregated wealth than any country on the globe; our products of the soil exceed those of any and of all countries; and in all the elements and essentials that enter into the makeup of a virtuous, a thrifty, and a great nation, we are unsurpassed by any in the tide of time. I say, then, it is humiliating to confess that we are incapable of formulating and maintaining a monetary system of our own, based upon the wisdom and experience of centuries and our own true and substantial interests. And why go to the monarchical governments of Europe for an example? Let us rather look to the freer Governments of Greece and Belgium and of Holland, and to the Republics of France and Switzerland.

Why should we go to the land of the imperial chancellor of despotic William to get our models in finance, where women are still yoked with the ox and the dog to drag the plow along the furrow and the cart along the road; where the countryless Pole is driven from his home and the graves of his ancestors, simply because he will not speak the German language and adopt the German customs? Or why should we look to England, where seven hundred landlords own nearly one-half the lands in the kingdom, and where absentee landlordism has despoiled the fairest isle of the ocean and driven its inhabitants to desperation; that island which has sent its orators to every English-speaking country, and has given to the world more than its share of poetry and of song, and "whose sons have fought successfully all battles save their own."

Let us pause, Mr. Chairman, before we commit this great wrong of demonetization to the debtor classes, thereby invoking the state of affairs that exists in Europe, where the creditor is the master and the debtor is the slave.

SILVER QUESTION.

Mr. TOOLE. Mr. Chairman, under the rules which obtain here I am accorded a voice, but no vote. I feel all the solicitude for the result of your deliberations which can possibly attach to them upon this question, and regret that I can not in some more substantial way share the responsibility of your ultimate action. I speak for a people whose lives, energies, and fortunes have been hazarded in the development of the mineral resources of this country; a people who are the bone and sinew of a Territory whose valleys of gold and mountains of silver have never ceased to swell the volume of the precious metals of the world for a quarter of a century; a Territory which, if measured by the grandeur of its mountains, the fertility of its valleys, the majesty of its rivers, the splendor and utility of its waterfalls, the richness of its mines, the number and value of its herds and flocks, the wealth of its forests, the health and vigor of its climate, and the intelligence, aspirations, and patriotism of its citizens, will soon be permitted to take a place in the grand galaxy of American States, the youngest but the fairest of them all, when representation here will no longer be an empty honor and a delusion, but a full fruition of that sacred and inestimable right. I can not reasonably hope to add anything of value to a discussion that has taken such wide range and been elaborated upon by so many students of the subject both in and out of Congress; nor would I venture to claim the attention of the House upon so important a measure if it were not for the interest felt in it by my constituency.

The recent utterances of the Executive in his message to Congress relating to the suspension of silver coinage, in which he has taken such a decided stand against the continued coinage of the silver dollar, has invested the subject with a dignity and importance which otherwise it would not possess. His position is plain and unambiguous and needs no construction. It is an open declaration of hostility to silver as money, and as such awakened the liveliest interest in this country. No question affecting the administration of government has elicited such careful and considerate attention and investigation. But, happily for the country, as I believe, it has resulted in dispelling whatever of fear and alarm the words of the Executive may have created. The highest order of statesmanship and intelligence asserts and demands that this question shall be considered in the relation that it sustains to the whole country.

Yielding none of the many objections which have been so forcibly urged against a suspension of silver coinage, my inclination leads me to consider briefly two prominent questions involved in it.

First. Has Congress the power to suspend silver coinage under the Constitution?

Second. If it has, does our position among the nations of the earth, considered with reference to our comparative silver productions and commercial position, justify us in pursuing such a course?

Upon the first proposition I am in full accord with the reasoning and conclusion of the minority report of the Committee on Coinage, Weights, and Measures. Referring to the act demonetizing silver, the minority report says:

> This act was clearly an infraction of the true theory of bimetallism, and in conflict with the Constitution. It assumes that Congress should exercise the power of controlling the volume of money by prohibiting the coinage of one of the monetary metals recognized in the Constitution. If, under the Constitution, Congress has the power to prohibit or limit the coinage of silver, so it has that of gold.
>
> To admit that it can demonetize one of the metals is to admit that it can demonetize both; therefore, the gold monometallists, who are so swift in their denunciations of the Supreme Court for holding that Congress has the power to issue paper legal tenders, should consider the result of their own theory of monetary science. For, if Congress has the power to demonetize the metals, it must necessarily result in exercising the authority claimed by the decision of the Supreme Court—that is, in printing legal tenders and forcing them into circulation.
>
> As a constitutional question, it is here claimed that Congress has no lawful right to demonetize either gold or silver; but it is the plain duty to provide for the coinage of both at some regulated value or ratio. The Constitution says "the Congress shall have power * * * to coin money, regulate the value thereof, and of foreign coin." Again, "No State shall * * * make anything but gold and silver coin a tender in payment of debts."

Upon the second proposition I submit that there are three incontestable facts which forbid the pursuit of a policy which will result in the demonetization of silver.

First. Out of the world's product of silver we are now producing about one-half. In 1884 the world's product was $115,147,878; out of this sum the United States produced $48,800,000.

Second. According to a report of Mr. Williams upon the mineral resources of the United States, a work prepared under the direction and supervision of the Bureau of Geological Survey, millions of dollars have been and still are invested in the production of this metal in the United States. He says:

> While, therefore, it is impossible to reach even an approximate estimate as to the actual investment in silver mines, we know it to be a large amount, perhaps $300,000,000, perhaps $500,000,000, possibly more, but certainly in excess of $100,000,000.

Upon this industry alone he estimates that 520,000 people are dependent for support.

Third. Seventy-five millions' worth of gold and thirty-five millions' worth of silver, according to the report of the Director of the Mint, are annually consumed in ornamentation, manufacture, and the arts. The same authority is responsible for the statement that the production of gold for the preceding year was $95,292,369 and that of silver was $115,147,878. In fact, some authorities, considered to be quite as reliable, estimate the amount of gold used in the arts to be equal to the annual production of that metal, leaving us no margin out of which to supply a necessary circulation consequent upon the increase of population and commercial interests of the country. What is there traditionally or historically in the use of silver as money which justifies its subjection to this proposed indignity? It contains the same amount of silver it did in 1792 when it was made the unit of value. It has never changed.

Gold and silver are made money by our Constitution. They have been and always will be so treated the world over as long as civilization endures.

To the citizen and the stranger at home and abroad neither has failed to perform its important office, thus vindicating and confirming the judgment of mankind in the employment of these two metals as the

money of the world. The following table serves to show the amount of gold and silver in the world to 1885, and furnishes us a reliable basis upon which to estimate the degree of usefulness which silver has attained among the nations of the earth.

Countries.	Gold coin and bullion.	Silver coin and bullion.	Total.
United States	$626,422,646	$269,665,758	$896,088,404
Great Britain and Ireland	583,500,000	95,000,000	678,500,000
India		1,037,000,000	1,037,000,000
France	848,000,000	595,000,000	1,443,000,000
Belgium	64,000,000	60,000,000	124,000,000
Switzerland	17,000,000	15,000,000	32,000,000
Italy	140,000,000	72,000,000	212,000,000
Greece	2,700,000	2,700,000	5,400,000
Spain	130,000,000	70,000,000	200,000,000
Portugal	30,000,000	10,000,000	40,000,000
Germany	325,000,000	211,000,000	536,000,000
Austria	45,000,000	75,000,000	120,000,000
Sweden	15,000,000	5,000,000	20,000,000
Denmark	14,000,000	5,000,000	19,000,000
Netherlands	28,000,000	57,000,000	85,000,000
Russia	124,000,000		124,000,000
Turkey	40,000,000	35,000,000	75,000,000
Roumania	163,000	11,000,000	11,163,000
Total	3,032,785,646	2,625,365,758	5,658,151,404

To be more exact and taking the last estimates of the statisticians and bringing them down to this year, by adding the output of the mines to that date, the amount of money in the world of the two metals now is respectively as follows:

Gold	$3,513,000,000
Silver	3,750,000,000

This gives about 48 per cent. of gold and 52 per cent. of silver as the world's ratio.

Since their first discovery there never has been any great disparity in the output of the two metals. Sometimes the annual production of the one exceeded the other, but ultimately about the same proportion is found in both. This fact is not altogether strange; they are bound together in their native or primitive state by an indissoluble tie. No instance is of record where one was discovered without the other was present. In some degree they are chemically combined, wherever found, and this is suggestive of an important fact in the consideration of this question.

I assert it to be true that one-fourth of the gross value of our silver ores is gold chemically combined with silver, and one-fourth is copper chemically combined with silver, and that the cost and expenses of extracting either would not justify its mining and production where this condition exists, if it were not for the value of the other. This is a factor that seems to have escaped the attention of the monometallists in their attempt to establish a gold standard. What is the certain and inevitable result? While the gold monometallists are tightening their grasp upon their gold by destroying silver they are strangling and eliminating 25 per cent. of the production of their favorite metal, which they propose to make the yardstick of commerce, thereby adding 25 per cent. more to the purchasing power of hoarded gold. But these are not the only elements which go to enhance the value of gold. As shown by the report of the Director of the Mint, nearly the entire annual production of gold goes into the arts and manufactures, thus increasing the purchasing power of coined gold.

Later on we will see who has the gold of this country and whose fortunes will be multiplied while millions of the debtor class groan and toil and sweat under the contraction which must follow, if unhappily they ever succeed in their unholy purpose.

Our legislation on this subject ought to be in perfect accord with the Constitution. That instrument mentions only gold and silver as real money. It does not discrimate against either. A fair and honest administration and enforcement of existing laws would long since have gone far to demonstrate the perfect equality of value between gold and silver as a circulating medium. There is a community of interests among the people in upholding silver against the control and manipulation of those who would destroy it. Their words are but the echoes of those who stand behind and direct a crusade, the success of which would be as destructive as the fatal touch of the upas. These observations find support in the fact that this is undeniable.

A SILVER, WHEAT, AND COTTON PRODUCING COUNTRY.

Demonetize silver, or what is equivalent, suspend its coinage, and even under existing law our currency is contracted $24,000,000 annually and the price of silver would fall 25 per cent. The price of cotton and wheat would make the same decline, because the price obtained for the surplus fixes the value of the whole crop, and the price of the surplus sold in foreign markets would be reduced by the competition of the wheat and cotton raised in the Orient purchased with silver which the British bankers and merchants have obtained at a discount of 25 per cent. from the miners of the United States, because the suspension of its coinage decreases the demand. Let us pause for a moment and inquire who have originated and conceived this proposed annihilation of silver.

It can find no well-grounded support in those whose aims and aspirations are to promote the public welfare; no voice of encouragement is heard from the great grain or cotton producing sections of the country. No representative or champion of labor or of the toiling millions rises in this forum to join in the cold-blooded legislative assassination of this twin sister of gold. From whence, then, comes this alarm? Is it not patent that the capitalists of Great Britain and their allies in America have been instrumental in directing this attack upon silver-producing countries with the view of reducing the cost of our great staples of production? In other words, the less the price of silver the less the cost of wheat and cotton raised in India and Africa for British consumption, and which would be taken in exchange for our silver purchased at a depreciated price.

It has been fairly estimated that the debt-paying power, or in other words the purchasing power of wheat, cotton, and silver bullion, would be reduced fully $100,000,000 if suspension of silver coinage should ensue, and, as before stated, if Great Britain can enforce a policy that will reduce the price of silver in the United States, whose mines produced last year over $50,000,000, she will be enabled to transport it to the Orient and purchase their wheat and cotton from those silver-consuming nations that much less, which would necessarily procure a lower level of prices for those staples in this country. This is too plain for argument. The monometallists, however, meet us with the proposition to submit this question to the adjustment of an international congress, wherein we should agree to use the double standard upon a fixed ratio. This would be a delightful panacea if it was only accomplished. It is doubtful whether such a result will ever be reached. Indeed, it is maintained by eminent authority that such a theory is based upon a misconception of the causes that contribute to make the two metals the world's money.

Mr. Hill, who has given this subject great attention, has said lately in an address delivered at Providence that—

> This doctrine seems to have been originally the invention of an Italian, M. Cernuschi, now a banker in Paris, who made a special visit to this country in 1877 for the purpose—in which he completely failed—of persuading Congress that it would be an act of what he called "audacity" on its part to authorize the resumption of silver coinage without first arranging the terms of an accord with the European powers upon the monetary question. This doctrine is certainly not more than a dozen years old, and appears novel to an extraordinary degree when it is remembered that both gold and silver have been regarded and treated as moneys of the world from time immemorial, and have satisfactorily performed the office without a single example in history of the international regulation of the subject. The Latin Union, formed in 1865, is not an example of such a regulation, as it is sometimes supposed to be. All the countries composing it were contiguous and acting upon the double standard, and at the common ratio of 15½ to 1, before they entered into the union. The whole object of the union was to facilitate the interchangeable use of their respective coins.
>
> The doctrine of Cernuschi is not only repugnant to the experience and practice of the world for thousands of years, but it is based upon an entire misconception of both the nature and the causes of the fact that the two precious metals, sometimes called the "noble metals," are the world's moneys. When Daniel Webster said, fifty years ago, that gold and silver were money in this country by the law of the land and money abroad by the law of the world, he neither meant that there was any such impossible thing as legislation for the world, or that there were international treaties upon the subject, which although not an impossible thing, had not been proposed or even thought of. He meant merely that confidence in the value and steadiness of those metals had always existed and was so universal that they were everywhere an accepted medium of exchange, and enjoyed what Edmund Burke called an "everlasting credit."

In 1792, when the fathers of the Republic established free and unlimited coinage of gold and silver and made the silver dollar the unit of value, no compact with other nations was deemed expedient or essential. For eighty-one years the free and unlimited coinage of gold and silver was sanctioned by law. It is true that the same incentive did not exist then as now for this new expedient. At that time we had no debt to speak of. Now our bonded debts are fabulous, and the few who hold them purpose to shape and direct legislation so as to double the price of their property.

I can not reconcile the theory of these gentlemen who insist upon the suspension of silver coinage with the fact I mentioned in the outset that we are a silver-producing country and furnish about 45 per cent. of all the silver that is produced in the world. It would be easier of comprehension if the situation was reversed and we were the purchasers instead of the producers. If such were the condition, there might be some plausibility in it. It needs no demonstration to prove that a destruction of one of the standards of values will increase the value of the other. In other words, that if the coinage of silver is suspended the currency of the country would contract to that extent and in the same proportion the value of gold would be increased.

In addition to this increased value add to the value of the coined gold 25 per cent., made manifest and certain by stopping the production of silver chemically combined with gold, and I undertake to say that you have increased the purchasing power of gold nearly 50 per cent.; and this leads us to a very pertinent inquiry: Where is the gold of this country, and who would be directly benefited by such legislation? There are $562,000,000 in gold coin in the United States, and of this sum it is estimated that national banks own $250,000,000; and so we see the patriotic national bankers, assembled in Chicago in September last, volunteering the following resolution:

> *Resolved*, That it is the sense of the convention that the coinage of the silver dollars under the compulsory law of 1878 is detrimental to the best interests of the

people and dangerous to the welfare of the Government; and that the law should be immediately suspended and remain inoperative until an international agreement of the leading commercial nations shall give substantial assurance as to the future relation of gold and silver as money.

To such a source are the American people invited to turn for disinterested advice upon which to base and formulate the financial policy of this country. No advocate of the present law or of unlimited coinage asks any advantage to silver over gold; but they insist that nothing less than an equal chance to attain that perfect equality against which there is no constitutional inhibition will ever meet with the indorsement or approval of the people.

Among the things demanded here and now is, that if no new legislation is enacted the present law shall be enforced, relating to the payment of the public debt; and that instead of suffering the silver of this country to be piled up in the Treasury, and thereby virtually withdrawn from circulation, it shall be applied to the payment and extinguishment of the interest and principal, certainly in the proportion which the silver coinage sustains to the gold coinage of the country. The law is so plain that "he who runs may read" on the back of every bond that it may be lawfully paid in either gold or silver. It has been said that the law is a jealous mistress, and this is justly true. It may be hard in a particular case, but it is founded on public policy and can not be made to yield to expediency or the circumstances of any given case. It ought to be administered alike to the rich and the poor, the strong and the weak.

A principle once surrendered in a particular case is no longer firm, but trembles at every new attack. If any innovation is to be made upon a plain and positive law for the sake of our institutions do not permit it to be done by any authority less than Congress.

> Stop innovation in its early stage,
> For when the upstart thing grows strong from age,
> No time nor strength of tenets stop its rage.

Who then can successfully sustain the executive department of the Government, of this and the preceding administration, in refusing to utilize the silver on hand and available for that purpose? It would be strange, indeed, if silver did not lose some of its dignity and usefulness as a circulating medium when thus compelled to submit to such discriminating treatment. Since 1878 it has been continually handicapped in the race with gold. What explanation can be made of such a course? Is it not a clear attempt to do indirectly what Congress has refused to do directly, namely, to suspend the coinage of silver, for such is virtually the result?

Let the laws be enforced; let the Executive foster and encourage the production of silver until our silver coinage shall at least amount per capita to that of other countries which purchase our silver and which are to-day noted among the prosperous nations of the world; and then, indeed, will it be time enough to decry and discourage an industry upon which so much depends and destroy a circulating medium which, since time began up to this glad day, has never failed faithfully to subserve its purpose.

It has been seriously argued that a continued coinage of silver would result in flooding us with foreign silver and the expulsion of our gold.

If there was anything in this proposition why does it not follow, by the same parity of reasoning, that our country is the dumping-ground for foreign wheat and cotton? One is as impossible as the other, for the reason that we produce more than we consume, as will appear from the following table, the correctness of which is vouched for by the Director of the Mint.

Imports and exports of coin and bullion in the United States.

Fiscal years.	Imports of gold coin and bullion.	Exports of gold coin and bullion.	Imports of silver coin and bullion.	Exports of silver coin and bullion.
1878	$12,976,281	$9,204,455	$16,490,599	$24,535,670
1879	5,624,948	4,587,614	14,671,052	20,409,827
1880	80,753,396	3,639,025	12,275,914	13,503,894
1881	100,031,250	2,565,132	10,544,298	16,841,715
1882	34,377,054	32,587,880	8,095,336	16,829,590
1883	17,734,140	11,600,888	10,692,242	30,219,445
1884	22,831,317	41,081,937	14,594,945	26,051,426
1885	26,691,696	8,477,892	16,550,627	33,753,633
	301,025,100	113,744,843	103,914,953	172,145,200

It requires a strange philosophy to generate a fear of such a result when it is known that Europe has no supply of silver except its coinages, in which the silver is rated about 3 per cent. higher than it is in our standard dollar, and more than 20 per cent. higher than could be obtained for it in our markets. Our circulation of paper or silver does not approach an equality in volume with other commercial countries, and until it is above and beyond a proper proportion of such our prices can never be inflated above the prices abroad, so as to cause a balance of trade against us.

If we would give stability, dignity, and value to our silver production commensurate with the importance of that industry to the United States without impairing the quantity or intrinsic value of gold, it is essential that a new departure shall be taken by the Executive and Treasury officials. Instead of a policy which seems to be an organized system of assault and consequent depreciation, the opportunity should be seized upon to follow a plain direction that has the sanction and validity of law to support it—one which since 1878 has been trampled under foot and defied with a boldness and determination that brings back the memories of other days when nullification in another form threatened this country.

When reports of our Treasury officials, made in pursuance of law, are published to the world they are clothed with a verity and authenticity which are well calculated to inspire confidence in the public of the absolute truthfulness of their purport.

And so it is that a sentiment has been molded in certain quarters based solely upon such reports that the aggregated silver of the country can find no circulation, and hence its lodgment in the Treasury and subtreasuries of the United States; and that a further coinage is folly and extravagance. Such a statement is illusory and misleading. It is incontestibly true that there are $10 in silver coin to one in gold coin in actual circulation among the people, and that three-fourths of the silver dollars now in the Treasury are represented by silver certificates in actual circulation in the business of the country.

AMOUNT OF MONEY REQUIRED IN THIS COUNTRY.

We have now of gold and silver	$923,000,000
United States notes	346,000,000
National-bank notes	318,000,000
Fractional currency, about	7,000,000
Total money for 60,000,000 people	1,594,000,000

or $26 per capita. This is none too much. As the population and business increase we shall need more, not less. France, a much more compact country than ours, and the soundest country in the world financially, and a republic, has in addition to its $900,000,000 of gold and $600,000,000 of silver between $500,000,000 and $600,000,000 of paper, making a total of $2,000,000,000. This is $52 per capita of her population, or twice as much as we have. She does not find that too large a sum. We should not if we had it.

We certainly, then, have not too much money now; and to avoid disaster we must take care that its volume is not reduced.

For these figures and estimates I am indebted to Mr. Dexter A. Hawkins, of New York, a gentleman of much learning upon this subject.

These considerations are enough to admonish us that we have not reached within fifteen years of the time when, at the present rate of coinage, the question of suspension can be seriously considered. The gentleman from Maryland [Mr. FINDLAY] was disposed to complain in his recent speech because the Government was compelled to furnish a market under existing law for $2,000,000 of silver per month, and characterized it as a form of protection which no other commodity received in this country.

Some practical individual once defined law to be: "That which is confidently asserted and plausibly maintained." The correctness of the gentleman's statement can not be measured by any stronger rule. If this was protection it would seem that silver ought to thrive and prosper under the protecting ægis of the Government. But everybody knows that the contrary is true, and that every time it contracts and shrinks it can be traced to the dissembling and illusory touch of the Government.

Why, sir, instead of silver being a burden and accepting the so-called protection of the Government, it has been loaded down with a weight of seigniorage until it has become an actual investment for the country, out of which the Government has made a net profit of $25,122,184.90 since July 1, 1879, for its coinage. As proof of this statement I submit the following from the last report of the Director of the Mint, pages 8 and 9:

SEIGNIORAGE ON SILVER COINAGE.

Arising from seigniorage on silver coinage, there were in the coinage mints at the close of the fiscal year moneys amounting to $1,177,444.70, known as the silver-profit fund, which had not been deposited in the Treasury.

The seigniorage on the coinage of silver dollars during the fiscal year was $4,355,278.84, and on subsidiary silver coined at Philadelphia $10,197.61; a total for the year of $4,365,476.45. Of this amount, the sum of $67,554.71 was paid for expenses incurred in the distribution of the coin ($63,064.25 being paid the express companies, and $4,354.56 for bags, bagging, &c., and $135.90 for telegraphing).

The sum of $20,879.38 from the same fund was used to reimburse the loss arising from the silver wastage of the operative departments, and the loss on the sale of silver in sweeps during the year, corresponding to the deficiency between their assay value and the amount realized from their sale.

The sum of $5,329,120.99 was covered into the Treasury of the United States, leaving a balance at the coinage mints on June 30, 1885, of $725,366.07.

The distribution of this balance at the close of the fiscal year among the coinage mints was as follows:

Philadelphia	$230,823 17
San Francisco	25,587 22
Carson City	31,045 56
New Orleans	437,910 12
Total	725,366 07

The above statement as approved by this bureau was verified by actual count by representatives from the Department. Of the above balance, the portion at Philadelphia and at New Orleans has since been covered into the Treasury. The amount at Carson and San Francisco has been retained in order to meet the expense of distributing the stock of silver dollars now stored at those mints.

As shown by preceding reports of the Director of the Mint, as well as by the accounts of the coinage mints on file in the office of the Register of the Treasury, the seigniorage on silver on hand at the coinage mints on 1st of July, 1878—the beginning of the fiscal year following the passage of the "act authorizing the coinage of the standard silver dollar," amounted to $424,725.47. The seigniorage

since that date up to June 30, 1885, on the coinage of silver has amounted to $225,328,389.97. Adding the sum of $9,237.54, refunded by Adams Express Company for overcharges, and $4,560.30 surplus bullion and adjustment of silver values carried to the credit of the "silver profit fund," makes a total of silver profits to be accounted for of $25,776,913.28. Of this amount $483,778.23 has been paid as provided by law for expenses connected with the distribution of these coins exclusively, and $170,950.15 used to reimburse wastages and lawsuits on the sale of sweeps incurred in connection with the coinage of the silver dollar. The net profits for the seven years, including the balance in the mints on July 1, 1878, thus aggregates $25,122,184.90. Of this amount $24,396,818.83 was covered into the Treasury of the United States prior to the close of the last fiscal year, and the balance, $725,366.07, was in the coinage mints at the latter date. Of this latter amount $668,733.29, being the balance, as stated above, at the mints at Philadelphia and at New Orleans, has been deposited in the Treasury.

From the above it will be seen that this is protection with a vengeance. If the same kind of protection was accorded to gold, the gold monometallist would characterize it as that protection which the wolf gives to the lamb and the eagle to the dove.

When Russia, Australia, and California were pouring their unprecedented supply into the lap of the world, $900,000,000 in six years, political economists became alarmed, and its demonetization was advised by some. A few nations yielded to the prevalent sophistry of the time and saw safety only in refuge behind silver. Among those who were conspicuously wiser and braver, was France with her bimetallic system. Suppose the coinage of gold had been suspended at that time. Silver would have been king, and gold, excluded from the mints, would for a time have only been a merchantable commodity with only a small demand. The situation now is only reversed. At that time $900,000,000 in gold was dumped upon the country in six years—a production without parallel in all the past. Instead of rejecting it, our legislation stamped it as money and saved it from depreciation. It is no better than its twin-sister, silver, which under similar governmental influence and protection will soon assert and maintain its parity with gold.

It must be apparent to every observer that as our national-bank notes, based upon Government bonds, are steadily disappearing in order to prevent a contraction of $40,000,000 a year, their place must be supplied by some equivalent. How are we to keep up the supply of good money? This question is intelligently answered by Mr. Dexter A. Hawkins, a gentleman from New York, who appeared before the Committee on Coinage, Weights, and Measures a short time ago. He says:

With the payment of our debt the national-bank notes, based upon Government bonds, are steadily disappearing. Their place must be supplied by coin or its equivalent; otherwise a contraction of about forty millions a year will follow, and a consequent depression of business and absorption of property by capitalists.

The output of our mines will easily furnish the mints the silver to do this; and it costs the people nothing to buy and pay for this silver, because it may be done in silver coin or coin certificates. In this way, in a few years, our three hundred and eighteen millions of paper money, based on nothing but a promise, and a promise, too, that within twenty-five years last past has been at one time worth only 40 cents silver to the dollar, will become three hundred and eighteen millions of silver dollars, whose weight has never varied in the ninety-four years of their existence, or certificates for coin held in trust by the Government to redeem these certificates at the pleasure of the holder.

The domestic trade of the country, estimated at $25,000,000,000 per year, is now done, and from the habits of our people always will be done, chiefly with paper representing money. These certificates, representing coin in the Treasury, are the best kind of paper money ever devised by man.

So long as the Government buys the silver at the market price and coins it into standard dollars, these dollars within this country necessarily under the present law will have the same purchasing power and paying power that the gold dollar has.

It is the duty of Congress to provide for and secure the business and prosperity of this country and not of foreign countries, and to take care of the $25,000,000,000 of home trade.

Our foreign trade, both imports and exports, is only about 15 per cent. of our domestic trade. Our exports for the last twelve years have paid for our imports and left an average credit balance in our favor of more than $100,000,000 per year. Unless the business of the country is disturbed by legislation in the interest, not of ourselves, but of foreign countries, this credit balance will continue. But if it is disturbed, and a debit balance is produced, this debt will have to be paid to the gold-using countries with gold and to the silver countries with silver; hence the necessity of keeping both in quantities so large that a draft upon either need not disturb our financial position. The coining of our whole available product of both silver and gold will enable us to do this.

The theory that the possession of a large amount of full legal-tender silver is going to make it more difficult, as the gold monometallists say, for us to pay abroad an adverse balance of trade has no foundation in fact. It is pure fiction. Logically it is like assuming that a large corn crop disables us from exporting wheat when there is foreign demand for wheat; or that large wheat crops hinder the export of corn whenever other nations require that cereal. The truth is, the more we have of either the greater is the amount we can pay out or export of the other without inconvenience. If we had only gold, as desired by the enemies of silver coinage, and that departed to pay debts to gold-using nations, we should have no coin left as a basis of our paper money, and that would vary as heretofore from par to 60 per cent. discount, but if we hold both, the temporary departure of one will only bring the other for the time being more into use, and will support our paper and keep our industries alive.

In my judgment this is not an expedient, but a satisfactory and certain solution of this question.

I refrain from descending further into details, that have already been presented to the House and the country; but, in conclusion, I insist that the time is at hand when, in order to meet the demands of increased population, resources, and inviting future, our silver coinage should be free and unlimited.

When we shall have given each of the metals the same opportunity to work out its own salvation, our attention should then be directed to the establishment and maintenance of commercial relations with the silver-consuming nations, where our silver will find a more appreciative and remunerative recognition than in Western Europe. Such an opening awaits us. It involves no destruction of hundreds of millions of dollars invested in the production of silver, nor the consequent pauperizing of 550,000 people necessarily dependent on that industry—a condition of things which must inevitably follow as a part of the calamity of the suspension of silver coinage.

On the other hand, it is in perfect accord with an honorable national ambition to outstrip all competitors in the race for national greatness; it encourages the development and exploration of our great mineral resources and holds out a reward to labor and capital alike; it lifts the banner of patriotism high above the mere whim and caprice of the money-changer; it forbids that which the Constitution would not sanction—a discrimination against either of the precious metals; it is the capstone upon our monument of financial supremacy, in which every citizen ought to feel an honest and just pride. [Applause.]

Mr. COLE. Mr. Chairman, the message and policy of the President of the United States which has been brought so prominently forward in this discussion marks an epoch in the history of our great country. After twenty-five years of exile the Democratic party has returned to the confidence of the people, and is now seated in the high places of the Government. Such a change as this, so radical in its character, excited for a time the apprehensions of some of the wisest and the best men of the country.

Republicans have imputed wild and absurd theories to the Democratic party. On one hand it was claimed that that party would wreck the Government financially; that it would destroy the value of securities; that it would disturb all the centers of trade, and convert the prevailing prosperity into a scene of universal distress. But in a year's administration of the affairs of the Government by that party its opponents are confounded, and the good people of the country have become thoroughly satisfied with the wisdom, ability, and conservative character of that administration. There has been much said, as naturally there would be in the clamor for office, of a disparaging character; but to-day the great sentiment of the people is that Mr. Cleveland's administration has been marked with vigor, dignity, ability, and an honest determination on his part to discharge the high trust confided to him to the best of his ability, and that he is working for the people and in their interest alone.

In its commendations the press of the country has not been silent, but here in this House, where the Democratic party largely preponderates, there has not been as yet a single voice raised to speak this public sentiment approving of the purposes and conduct of the administration. Therefore it is that my humble voice is raised; therefore it is that I venture so early to say a few words in defense and vindication of that policy which will shortly place the Democratic party, not on an ephemeral basis, but on an enduring one, a basis which will constitute Mr. Cleveland the first of a long line of Democratic Presidents.

The administration, I repeat, has been a vigorous one. It has met all foreign complications in a manner that recalls the vigorous days of Madison and Monroe. Our dignity was preserved in the dispute with the Argentine Republic; our marines were quickly dispatched to restore order at the Isthmus, and the prisoners of English cruelty who appealed to this Government for protection had it accorded to them, though it was unavailing to save them from the fate which had befallen them.

The foreign service has been much improved by the gentlemen of honor and of character who have been sent abroad to represent the Government. My own State feels particularly honored that three of her most prominent citizens have been sent, one to France, one to Austria, and the other to Prussia. At home every department of the Government has been carried on without any disturbance or interruption. Business has been transacted in a satisfactory manner, and the public has entire confidence in the financial policy so strongly marked by Mr. Cleveland.

In his message the President lays down the true democratic doctrine with reference to finance, and states in the gravest manner the importance of this Congress doing something toward relieving the people from an overissue of silver money. It is not necessary for me to follow him in his views upon this subject, as letters and other documents issued by him since his inauguration have discussed the question fully, fairly, and in all its details. He attributes the present dearth of business to this overissue. He appeals to Congress in the strongest manner to relieve the people; and, Mr. Chairman, if we would only be as prompt in the discharge of our duty as the President has been in discharging his, we will not spend any more hours and days of this session in an idle discussion of a subject upon which every gentleman here has already fully made up his mind.

I have been told by distinguished gentlemen at the other end of the Capitol that this overissue of silver is necessary for the poor and laboring man. I do not believe it. Did I think so my vote should certainly be cast with the distinguished Senators from Kentucky and North Carolina. To me the voice of labor is never silent. I hear always the cry of the overworked and oppressed and down-trodden workingman of this country. I am anxious to extend to him and to his every help that lies in my power. In every act of my official life my first thought is "how will this affect the interests of those who toil for their living and who are so much oppressed by reason of the unholy

legislation of the last quarter of a century in the interests of the great monopolies of the land." Did I believe it was for the interest of the laboring man that the silver coinage should be conducted in this unlimited way I certainly would pause and gravely consider what my course should be upon this subject. On the contrary, I honestly think that it is the workingman who pays the penalty of all bad legislation, of all bad laws. It is upon him that the burden of taxation falls. It is upon him and those near to him that hard times press with the greatest severity. And I think to-day that the greatest question before us or that can come before us in this great parliament is this "wage" question. [Applause.]

It is claimed by the friends of silver that cheap money measures will always benefit the workingman. Mr. J. H. Walker has prepared a table to establish the contrary fact, and I wish my friends to note it carefully. In making this table Mr. Walker has not been extravagant in his figures. He has taken only the necessities of a bare existence per family of four, and the figures are too low in my opinion. He has taken for normal prices those of 1860.

The purchasing value of the wages paid in any given year is found by multiplying the wages paid that year by the cost of the necessaries of life at the normal prices of the year 1860, namely, $225, and dividing the product by what the same things actually cost him in the year he received the wages used in the calculation. The wages of a dyer in 1860 was 67 cents a day; total cost of food and supplies, $225. His wages in 1864 were $1 per day; total cost of the same food and supplies, $441.67; *i. e.*, $1 multiplied by $225 is $225, which divided by $441.67 gives 50 cents, which was the purchasing value of his $1 of 1864. Their real wages in 1864 were one-quarter less than in 1860. It was four years before their wages were worth to them as much as in 1860, namely, in 1865, when their wages were $1.20, and would buy what 68 cents would buy in 1860. During this time their real wages averaged 53.9 cents a day, and they lost the value of 189½ days' wages, $126.90. To-day they, those happily employed, are receiving one-third more than in 1860, $1 in a gold currency which will buy as much as the same normal sum would in 1860. Many, very many, are clamoring for work, and I know of no greater misfortune that could befall a country than not to be able to furnish work to its able-bodied men who need and demand it.

Plain weavers, who were paid 72 cents in 1860 and $1.08 in 1864, could only buy with their $1.08 in 1864 what they could buy with 55 cents in 1860.

Their real wages, therefore, in 1864 were one-quarter less than in 1860. With the exception of one year, it was eighteen years before their wages were worth to them as much as in 1860.

During that time their real wages averaged 58¾ cents, and they lost the value of 597½ days' wages, $430—fully two years.

To-day their wages are 85 cents, one-sixth more than in 1860. In leather manufacturing, yard hands, who were paid $1 in 1860 and $1.66⅔ in 1864, could only buy with their $1.66⅔ in 1864 what they could buy with 85 cents in 1860. Their real wages, therefore, in 1864 were 15 per cent. less than in 1860. It was five years before their wages were worth to them as much as in 1860.

During that time their real wages averaged 90½ cents, and they lost the value of 114 days' wages, $114. To-day their wages are $1.67, two-thirds more than in 1860.

Green shavers, whiteners, and skivers who were paid $1.75 in 1860 and $2.50 in 1864, could only buy with their $2.50 in 1864 what they could buy with $1.27½ in 1860. Therefore their real wages in 1864 were more than one-quarter less than in 1860. It was eight years before their wages were worth to them as much as in 1860.

During that time their real wages averaged $1.40⅞, and they lost the value of 416½ days' wages, $729—nearly a year and a half. To-day their wages are $2.90, nearly two-thirds more than in 1860.

Carpenters who were paid the same as the green shavers, &c., in 1860 and 1864, with the same results for those years, got their wages back sooner.

In six years, carpenters' wages were worth to them as much as in 1860.

During that time their real wages were $1.45½, and they lost the value of 260 days' wages, $455—nearly seven-eighths of a year. To-day the wages are $1.75, the same as in 1860.

Machinists, who were paid $2 in 1860 and $2.50 in 1864, could only buy with their $2.50 in 1864 what they could buy with $1.27½ in 1860. Their real wages, therefore, were in 1864 nearly three-eighths less than in 1860. It was eight years before their wages were worth to them as much as in 1860. During that time their real wages averaged $1.61⅛, and they lost the value of 405½ days' wages, $810.60—over one year and a third.

To-day their wages are $2.25, one-eighth more than in 1860.

Locomotive engineers, who were paid $2.40 in 1860 and $2.80 in 1864, could only buy with their $2.80 in 1864 what they could buy with $1.42⅝ in 1860. Therefore their real wages in 1864 were more than two-fifths less than in 1860. It was ten years before their wages were worth to them as much as in 1860. During that time their real wages averaged $1.91½ a day, and they lost the value of 545½ days' wages, $1,309.50—nearly one year and seven-eighths.

To-day their wages are $3.20, one-third more than in 1860.

Locomotive firemen, who were paid $1.20 in 1860 and $1.50 in 1864, could only buy with their $1.50 in 1864 what they could buy with 76⅘ cents in 1860.

Their real wages, therefore, in 1864, were nearly three-eighths less than in 1860.

It was eight years before their wages were worth to them as much as in 1860. During that time their real wages averaged 93⅘ cents; and they lost the value of 468 days' wages, $561.75—more than one year and a half.

I find that the average day's wages lost to each operative in nineteen leading industries is 331.3 days, or about one year and one-tenth.

Taking the country over, and reckoning five persons to a family, it gives ten million families. Assuming that the earnings of each family are $220 a year of three hundred days, shows that the loss to the wage-workers of the country by the depreciation of the currency was $2,750,000,000, a sum equal to the public debt on August 31, 1865, its highest point, and nearly double the present national debt. This experience of the American wage-worker is precisely that of his brother in France during inflation times, excepting not so severe. There thousands of artisans and their families actually died of starvation. Their wages, while nominally high, would not buy enough to sustain life.

The history of England shows the same state of things during the clipping and debasing of her coin, and also in the times of her inflated paper currency. And the same is true of every country that has tried such experiments.

We find laws framed by Republican legislators enabling men to pile up colossal fortunes in the East, while at the same time the wages of the laborer becomes day by day less and less. I remember the day in the city of Baltimore, which I have the honor in part to represent in this House, when the American mechanic was the most independent man in the world. He had his happy home, his hearthstone ablaze, and his larder plentifully filled, his children cared for and educated—peace, happiness, and prosperity were his. But now, toil as he will, work as he may, it is impossible for him to provide the necessaries of life for those who are dependent upon him for support. It seems almost as if there were a conspiracy between those who employ labor to reduce the wages of the workingman in this country to the very lowest possible limit.

Was it not a great Republican orator who said corn-meal diet was sufficient for any workingman? Was it not another great Republican orator who said he did not see why a workingman of America required those luxuries of which the workingman in Europe never dreamed? Has not the Republican party all the way through its history thrown the weight of its influence and its power in behalf of the privileged and money classes and against those who are earning their living by the sweat of their brows? Under the Democratic administration of Mr. Cleveland we may hope to see all this changed; for from his utterances on this subject it is evident he understands that the views, purposes, and aims of the Democratic party are the protection of those who need protection, and opposition irreconcilable and everlasting to monopoly in every shape and form.

"Not on swords and spears
Is the reliance of the coming years;
Not by the cannon's throat shall truth proclaim,
Her mighty mission—not with blood and flame
Inscribe her lessons in the book of Time;
Her strongest weapons shall be words sublime;
Her armies, thoughts; her banners, printed sheets;
Her captains, voices crying in the streets,
The earth is good, and bountiful and fair;
Her choicest blessings are the destined share
Of all her children, who in love combine
Wisely to labor."

On the subject of Chinese labor, which is so exasperating to the "bread-winner" at this time, the President expresses his entire willingness to give earnest consideration to further remedial measures to prevent the influx of elements hostile to our internal peace or security.

There is another topic of the greatest public importance treated of in the message, and that is the question of the defenseless condition of our seaboard. We are at peace, and long may we remain so; but the experience of history teaches us that in time of peace we should be prepared for war. Certainly a system of coast defenses should be adopted at once, and proper appropriations made for carrying it out. Our Navy has almost disappeared from the seas. It will take a long time to construct another. I am glad to say, however, that owing to the excellent machinery in the Washington navy-yard we are manufacturing the very latest and most improved arms. Indeed, there is very little work of any importance with reference to the construction of a new navy which could not be done in that yard and in my own city of Baltimore, where there are thousands of skilled laborers anxious and desirous to do the work. The fame of the Baltimore ship-builder is world-wide, and for beauty and for speed the Baltimore clipper has ever remained unrivaled on the seas.

In the details of the course pursued by the Navy Department in reference to the bad practices which had under Republican administration squandered so many millions of the public money, it will be seen that the Department acted on strict business principles, and that in the con-

troversy between the Secretary of the Navy and Mr. Roach the Secretary preserved the rights of the people. I regret very much that the two additional cruisers and the two gunboats authorized by the Forty-eighth Congress have not been built as yet. The President very satisfactorily explains the reason for the apparent delay—the importance of obtaining proper plans for the construction of these vessels. There is no doubt that he appreciates the importance of a proper navy, and that under his administration that branch of the public service will be restored in such manner as will fix our standing among the nations of the earth. The President informs us that during seventeen years past $75,000,000 have been spent by the Republican party upon the Navy, no traces of which can be found, and he tells us, too, that it is our duty to build up a navy that will compare favorably with those of other countries.

In regard to the Post-Office Department the President states a fact well known to all of us, that a proper attention has been given to the prevention of waste and extravagance, and that good results appear from the report of the Postmaster-General. The President has given much attention to the Indian question, and his recommendation on that subject should be most carefully considered. A large portion of his message is devoted to the consideration of the grave results likely to follow from the establishment of landlordism on the public domain. This has been a great curse to Ireland, and should be avoided by every effort. He also speaks of the subsidies to some of the great railroads of the West. I must confess that I would have preferred to see him still more severe in his denunciation of these two great evils, because the land is the property of the people, and not one acre should be devoted to any railroad or any other corporation whatever.

It is evident that the President does regard "public office as a public trust," and in dealing with the vexed question he is animated by the very highest purposes. His desire is to secure to the people good, wise, and economical government.

When you have read the message and are familiar with its details, it would seem at this time to be a work of supererogation to discuss it; but it is time that we should here, in this great body, speak of it. A Democratic President has in the clearest manner defined his policies; it is equally our duty, as Democratic Representatives, to do the same, to hold up his hands, to stand by him and support him in order that we may reap the full and substantial results of the victory of last year. The good, the wise, the conservative, and honorable administration of public affairs, such as will be given the country for the next three years by Mr. Cleveland will, if we be equally true to our trust, secure for us and our great party a long, prosperous, and victorious career. [Applause.]

Mr. BRADY. Mr. Chairman, the important and interesting question of the power of the General Government to levy and collect direct taxes is presented by the consideration of House bill No. 3, from the Committee on the Judiciary, the report of that committee, and the views of the minority. That bill is as follows:

Be it enacted, &c., That it shall not be lawful for the Secretary of the Treasury, or other person charged with or concerned in the payment of any sum of money from the United States to any State of the Union, to withhold the same from such State, or its duly authorized agent, by reason of any claim that such State is bound for any part of the war tax levied by the act of August 5, 1861, or any act amendatory thereof, or to treat the said tax in any way as a set-off against any claim in favor of any State.

SEC. 2. That all laws or parts of laws, and all rulings or decisions of any Department of the Government or of any officer thereof, inconsistent with the foregoing section, be, and are hereby, repealed and annulled.

I shall not attempt to discuss the important legal questions involved, for that branch of the subject properly belongs to the constitutional lawyers of the House, who, of course, differ upon the material points, but I propose to consider the matter practically—and especially with reference to the State of Virginia, which I have the honor to represent in part upon this floor.

The Constitution, article 1, section 8, says:

Congress shall have the power to lay and collect taxes.

Prior to the adoption of the fourteenth amendment, July 28, 1868, it was clear to my mind that under article 1, section 2, the power to levy direct taxes among the States was vested in the General Government, for the Constitution then said:

Direct taxes shall be apportioned among the several States which may be included in this Union.

The General Government did exercise that power by the act of August 5, 1861, and the acts amendatory thereof, and a direct tax of $20,000,000 was laid and apportioned among the States and Territories according to population.

Mr. Chairman, it is admitted that over $17,000,000 of this amount has been paid, and that the balance stands charged upon the books of the Treasury against fourteen States or the people thereof, over $2,000,000 of this unpaid balance being against the following States: Alabama, $520,821.87; Georgia, $512,959.58; Mississippi, $338,342.10; North Carolina, $190,000.22; Tennessee, $281,775.94; Texas, $225,098.61; Virginia, $213,561.30.

The late Secretary of the Treasury, Hon. Charles J. Folger, in a letter of March 9, 1884, addressed to Hon. GEORGE F. EDMUNDS, certified that of this $20,000,000 direct tax there was imposed upon the State of Georgia $584,367.33, and upon the State of Virginia $937,550.67.

By the joint resolution of Congress, February 25, 1867, $208,479.65 of the amount originally imposed upon Virginia was transferred to West Virginia, leaving $729,071.02 for old Virginia. It further appears that of this direct tax Virginia, or her citizens, paid to the United States $515,569.72, and that Georgia, or her citizens, paid only $71,407.75. There remains due from Georgia $512,959.58, while Virginia's account shows a balance due of $213,501.30.

By the act of Congress approved March 3, 1883, the Secretary of the Treasury was required to pay the State of Georgia $35,555.42 for supplies for the troops in 1817, under the command of General Jackson, engaged in local defense. This $35,555.42 allowed by the said act of Congress has not been paid, because under the ruling of the First Comptroller of the Treasury Department it has been placed to the credit of the State of Georgia on the books of the Treasury against the said balance of $512,939.58, which appears due by the State on account of said direct tax. Now, Mr. Chairman, our ablest lawyers differ upon the question whether or not this balance of $512,939.58 is a debt due by Georgia to the United States, but the fact is that the Government treats it as a debt and holds it as a set-off against the claim of the State.

We are not asked, Mr. Chairman, to pass directly upon the merits of Georgia's case and her claim, which in itself, I think, is equitable and just; but the bill proposes indirectly to relieve Georgia under the cover of other States, and thus the question concerning the direct tax paid by Virginia and other States is presented for the consideration of the House. The bill (H. R. 3) proposes to relieve all the States from the payment of any part of the war tax levied by the act of August 5, 1861, or any act amendatory thereof now due, and to render it unlawful to treat said tax in any way as a set-off against any claim in favor of any State.

I am not, as a Representative from Virginia, opposed to this measure of release, but I do not believe I should support it when another, a better, a more just and proper mode of relief for Virginia and all the other States of the Union is presented, as is evident by the substitute to the bill presented in the minority report.

In the consideration of this matter the fact should not be overlooked that all the States assumed the payment of this direct tax, except Delaware and the then Territory of Colorado and the eleven States engaged on the side of the confederate cause during the late civil war; and as to the State of Virginia and other insurrectionary States by the act of Congress June 7, 1862, the said tax was made a lien upon the land; and as is well known the Supreme Court has decided that the title to land sold under said lien is good and valid.

I am for relieving Georgia, and think she should be paid the $35,552.42, but not at the proposed cost, expense, and loss to Virginia and the other States of the Union.

Mr. Chairman, I favor the substitute to the bill because it will, if adopted, refund to Virginia $515,569.72, to Georgia $71,407.75, and to all the States the full amount of direct tax paid by or collected from them. I fully agree with the minority, because they "favor the restoration of all the States to the status occupied before the imposition of the tax by the remission of all that part of the $20,000,000 not paid to the States delinquent, and the return of all sums of money paid to the States making the payment."

The adoption of the substitute would release Georgia, Virginia, and all the States absolutely, and, as I have before said, Virginia thereby would have refunded $515,569.75, the amount paid by her or her citizens.

I desire to add the substitute to my remarks. It is as follows:

Strike out from House bill No. 3 all after the enacting clause and insert the following words:

"That the Secretary of the Treasury be, and he is hereby, directed to state an account with each of the States and Territories of the United States as they existed on the 5th day of August, 1861, and with the District of Columbia, and in said statement of account he shall place to the credit of each State, Territory, and District all moneys paid by either of them into the Treasury of the United States, or all moneys that were collected by the agents of the United States, from either of them or from their citizens, as direct taxes levied upon the United States, and apportioned among the several States, under the provisions of the act of Congress approved August 5, 1861, and the amendments thereto; and he shall also place to the credit of each State, Territory, and District such sums of money as were earned by any such States, Territories, or District, by reason of collections of said direct taxes made by them and paid into the Treasury of the United States; and said Secretary is directed to pay to each of said States, Territories, or District the sums under said accountings found to be due, and credited to them, respectively; and the said Secretary is further directed to write opposite to any charges of debit that now stand on the books of the Treasury of the United States against any State, Territory, or the District of Columbia, by reason of the direct tax above mentioned, the words 'remitted in full,' and the said unpaid portion of said direct tax is hereby remitted in full to the States, Territories, and District of Columbia, and they are each hereby released from all obligation to pay any of the unpaid portions of said tax."

Mr. WILLIS addressed the committee. [See Appendix.]

ORDER OF BUSINESS.

Mr. BROWN, of Pennsylvania. I move that the committee do now rise.

The motion was agreed to.

The committee accordingly rose; and Mr. WILLIS having taken the chair as Speaker *pro tempore*, Mr. CRISP reported that the Committee of the Whole House on the state of the Union had been in session for debate only under the order of the House.

And then, on motion of Mr. BROWN, of Pennsylvania (at 5 o'clock and 3 minutes p. m.), the House adjourned.

PETITIONS, ETC.

The following petitions and papers were laid on the Clerk's desk, under the rule, and referred as follows:

By Mr. BARKSDALE: Papers relating to the claims of Henderson W. Hendricks, of Nancy Lewis, of Stephen W. Osborne, of Mary D. Ambrogia, of Wilson F. Dillon, and of George W. Farr, of Hinds County; of Mabella A. Stampley and of Matilda E. Chambliss, of Jefferson County; and of Alexander C. Cordill, of Warren County, Mississippi—to the Committee on War Claims.

By Mr. BELMONT: Petition of residents of Patchogue, Suffolk County, New York, and vicinity, asking for a suitable appropriation for deepening and improving the channel in Patchogue River—to the Committee on Rivers and Harbors.

By Mr. BOUTELLE: Petition of citizens of Harrington and of Machias, Me., in behalf of a law to permit the masters and mates of sailing vessels to be licensed as pilots—to the Committee on Commerce.

By Mr. W. C. P. BRECKINRIDGE: Papers in the claim of J. W. Roberts, of Henry County, Kentucky—to the Committee on War Claims.

By Mr. T. M. BROWNE: Petition of 41 citizens of Boston, Wayne County, Indiana, for free coinage of silver—to the Committee on Coinage, Weights, and Measures.

Also, petition of 77 citizens of Henry County, Indiana, for a service pension for the soldiers and sailors of the Union Army in the late war—to the Committee on Invalid Pensions.

By Mr. BURROWS: Petition asking a pension for George Otis—to the same committee.

By Mr. CANNON: Memorial of the Knights of Labor, No. 3710, of Danville, Ill., favoring the Hennepin Canal—to the Committee on Railways and Canals.

Also, memorial of the same, for the organization of a Territorial government for Indian Territory, &c.—to the Committee on Territories.

Also, memorial of James K. P. Weaver, of Arthur, Ill., for removal of the charge of desertion—to the Committee on Military Affairs.

By Mr. W. H. COLE: Petition of the savings-banks of New York, asking for the repeal of the law directing the coinage of the 412½-grain silver dollar—to the Committee on Coinage, Weights, and Measures.

By Mr. EVERHART: Petition of savings-banks of New York State, praying for the discontinuance of the coinage of the silver standard dollar—to the same committee.

By Mr. GROSVENOR: Petition of citizens of Pomeroy, Meigs County, Ohio, for an appropriation for the improvement of the Ohio River at that point—to the Committee on Rivers and Harbors.

Also, petition for the relief of Margaret Green—to the Committee on Invalid Pensions.

By Mr. GROUT: Memorial of Daniel W. Morehouse, asking pensions to those confined in rebel prisons—to the same committee.

By Mr. HALL: Petition of many citizens of Washington County, Iowa, for the passage of the Oklahoma bill—to the Committee on the Territories.

By Mr. HAISELL: Petition of John W. Belt and 202 others, citizens living on Green River, Kentucky, for the purchase from the Green and Barren River Navigation Company the remainder of their lease—to the Committee on Rivers and Harbors.

Also, papers to accompany bill for the benefit of John Burnam, of Kentucky—to the Committee on War Claims.

By Mr. J. H. JONES: Petition of citizens of Upshur County, Texas, for an appropriation sufficient to secure deep water at Galveston, Tex.—to the Committee on Rivers and Harbors.

Also, petition of citizens of Ben Wheeler, Van Zant County, Texas, for the same purpose—to the same committee.

By Mr. MILLER: Petition of citizens of Colorado County, Texas, for the improvement of the harbor of Galveston—to the same committee.

Also, petition and protest of citizens of Columbus, Tex., and of Colorado County, Texas, against the passage of a general bankrupt law—to the Committee on the Judiciary.

By Mr. NELSON: Petition of C. U. Taylor and others, for additional pension legislation—to the Committee on Invalid Pensions.

By Mr. O'DONNELL: Petition of 81 voters of Brookfield Township, Eaton County, Michigan, for the passage of a bill embodying the recommendations of the national pension committee of the Grand Army of the Republic—to the same committee.

By Mr. PETERS: Petition of J. T. Godfrey and others, citizens of Rice County, Kentucky, opposing the passage of a bankrupt law—to the Committee on the Judiciary.

By Mr. PETTIBONE: Petition of Gustavus Gerette, late postmaster at Midway, Tenn.—to the Committee on the Post-Office and Post-Roads.

Also, petition of George Smith, late postmaster at Whitesburg, Tenn.—to the same committee.

By Mr. RANNEY: Petition of George H. Peters and others, relating to pilots, &c.—to the Committee on Commerce.

Also, petition of Brooklyn Savings Bank and some 40 other savings-banks, relating to coinage of silver—to the Committee on Coinage, Weights, and Measures.

By Mr. SENEY: Joint resolution of the General Assembly of Ohio, requesting legislation for certain documents to pass through the mails at pound rates—to the Committee on the Post-Office and Post-Roads.

By Mr. SESSIONS: Petition of citizens of Allegany, N. Y., in favor of opening Oklahoma Territory—to the Committee on the Territories.

By Mr. STAHLNECKER: Petition of savings-banks of New York State, for the repeal of the law directing the coinage of the standard silver dollar—to the Committee on Coinage, Weights, and Measures.

By Mr. TAULBEE: Memorial of mass-meeting of citizens held in the city of Mount Sterling, Ky., in relation to survey of Licking River—to the Committee on Rivers and Harbors.

Also, petition of Samuel Stunburg, for relief, to accompany bill—to the Committee on War Claims.

By Mr. WARD: Petition of the Knights of Labor of Clinton and Tipton Counties, Indiana, praying that the Chinese immigration into this country be prohibited by law—to the Committee on Foreign Affairs.

By Mr. A. J. WEAVER: Petition of G. R. Martin and 34 others, and of P. Van Fleet and 12 others, of Table Rock, Nebraska, for an amendment to the Constitution of the United States giving to women the right of suffrage—to the Committee on the Judiciary.

Also, resolutions of the Board of Trade of Chadron, Nebr., asking that Fort Robinson, Nebraska, be maintained—to the Committee on Military Affairs.

By Mr. MILO WHITE: Petition of citizens of Austin, Minn., for restoring wages in the Printing Department and against Chinese immigration—to the Committee on Labor.

The following petitions, praying Congress for the enactment of a law requiring scientific temperance instruction in the public schools of the District of Columbia, in the Territories, and in the Military and Naval Academies, the Indian and colored schools, supported wholly or in part by money from the national Treasury, were presented and severally referred to the Committee on Education:

By Mr. ROMEIS: Of Rev. William W. Williams, Henry Hathaway, D. D., and 18 other clergymen, 10 physicians, 1 lawyer, 29 teachers, 67 prominent business men, and 55 officers of temperance and other societies, of Lucas and Ottawa Counties, Ohio.

By Mr. WAIT: Of Rev. H. D. Robinson, James Robert Fuller, D. D., and 16 other clergymen, 4 physicians, 7 lawyers, 15 teachers, 122 business men, and 27 officers of temperance and other societies.

SENATE.

MONDAY, *March* 8, 1886.

Prayer by Bishop THOMAS BOWMAN, D. D., of Saint Louis, Mo.

The Journal of the proceedings of Friday last was read and approved.

EXECUTIVE COMMUNICATION.

The PRESIDENT *pro tempore* laid before the Senate a communication from the Postmaster-General, requesting a transfer of a portion of the appropriation for gas for the Post-Office Department to the appropriation for gas for the building occupied by the money-order office and the Sixth Auditor's Office; which was read.

The PRESIDENT *pro tempore*. The communication, with the accompanying papers, will be printed and referred to the Committee on Appropriations.

Mr. ALLISON. I ask that the communication may not be printed, as it is probable that we shall consider the appropriation bill to-morrow morning, and the print might not reach us in time.

The PRESIDENT *pro tempore*. The communication will be referred to the Committee on Appropriations without being printed.

PETITIONS AND MEMORIALS.

The PRESIDENT *pro tempore* presented a joint resolution of the General Assembly of Ohio; which was read, and referred to the Committee on Post-Offices and Post-Roads, as follows:

Resolved by the General Assembly of the State of Ohio, That our Senators and Representatives in Congress be, and they are hereby, requested to use all honorable means within their power to secure appropriate legislation by which "annual catalogues of institutions of learning and annual reports of all missionary, educational, and benevolent institutions and associations shall be placed on the list of matter to be sent through the mails at pound rates."

That the governor of the State of Ohio be, and he hereby is, requested to forward to each of our Senators and Representatives in Congress a copy of this resolution.

DANIEL J. RYAN,
Speaker pro tempore of the House of Representatives.
ROBT. P. KENNEDY,
President of the Senate.

Adopted, *February* 23, 1886.

The PRESIDENT *pro tempore* presented resolutions of the Vessel-Owners and Captains' Association of Philadelphia, Pa., remonstrating against the passage of the bill giving the International Navigation Company of Philadelphia the privilege to buy foreign-built ships; which were ordered to lie on the table.

He also presented resolutions of the Vessel-Owners and Captains' Association of Philadelphia, Pa., favoring an appropriation for a new light-house tender for use on the Delaware Bay and River; which were referred to the Committee on Commerce.

Mr. HALE presented the petition of Henry J. Joy, John B. Redman,

and other citizens of Ellsworth, Me., praying for legislation protecting American merchant vessels from undue exaction for pilotage; which was referred to the Committee on Commerce.

He also presented a memorial of representatives of savings-banks of the State of New York, remonstrating against the coinage of the standard silver dollar; which was referred to the Committee on Finance.

He also presented the petition of Nathaniel A. Hawes, late a private in the Thirty-first Maine Regiment, praying for certain legislation granting him additional pay; which was referred to the Committee on Military Affairs.

Mr. WILSON, of Iowa. I present resolutions adopted by Knights of Labor of Fort Madison, Iowa, favoring liberal appropriations from the surplus revenue for the construction of works of internal improvement of national importance and a distribution among the people in the form of wages of the funds hoarded in the vaults of the Treasury that have been taken from the people by taxation on what they eat and what they wear; also in favor of the construction by the Government of the Hennepin Canal. I move that the resolutions be referred to the Committee on Commerce.

The motion was agreed to.

Mr. WILSON, of Iowa, presented a petition of the Bangor (Iowa) quarterly meeting of Friends, praying for the passage of the bill (S. 355) providing for the creation of an international peace arbitration commission; which was referred to the Committee on Foreign Relations.

He also presented a petition of Hon. J. A. T. Hull, president of the senate of the State of Iowa, Hon. Albert Head, speaker of the house of representatives of that State, and 25 members of the two houses, State officers, &c., and a petition of Wadsworth Post No. 36, Grand Army of the Republic, of Dexter, Iowa, and 75 other citizens of Iowa, praying the Senate to pass House bill 3921, for the relief of Richard Gear; which were referred to the Committee on Pensions.

Mr. SAWYER presented a petition of the mayor and aldermen of the city of Manitowoc, Wis., and ship-owners and merchants of the cities of Manitowoc and Milwaukee, Wis., and Chicago, Ill., praying that a breakwater be built at the mouth of the river at Manitowoc, Wis., outside the piers now being constructed, such a breakwater being required for the purpose of protecting the shipping in the river from damage by the force of waves entering from the lake; which was referred to the Committee on Commerce.

He also presented a petition of Lodge 3585 of the Knights of Labor at Eau Claire, Wis., praying for the construction by the Government of the Hennepin Canal; which was referred to the Committee on Commerce.

He also presented a petition of Lydia C. Wheeler and 32 other ladies, of Dartford, Wis., praying for the passage of a sixteenth amendment to the Constitution of the United States prohibiting the disfranchisement of any citizens on the ground of sex; which was ordered to lie on the table.

He also presented the petition of Ida E. Ryder and 21 others, residents of Fall City, Wis., praying for the passage of a law requiring that all imitations of butter and cheese shall be stamped as such; which was referred to the Committee on Finance.

Mr. HARRIS. I present the petition of Lewis Tillman and 67 others, citizens of Knoxville, Tenn., praying that the Constitution of the United States be so amended as to guarantee the right of suffrage to the women of the United States. I move that the petition lie on the table.

The motion was agreed to.

Mr. HARRIS. I present a letter addressed to myself, but evidently in the nature of a memorial to Congress, remonstrating against the passage of a bill increasing the postage on fourth-class mail matter. There are three such papers from different parts of Tennessee, one from Johnson City, Tenn., signed by J. C. Campbell, another from Rockwood, Tenn., signed by John M. Pilon, and another from Staunton, Tenn., signed by A. W. Martin. They are stereotyped, and evidently intended as memorials to Congress. I move that they be referred to the Committee on Post-Offices and Post-Roads.

The motion was agreed to.

Mr. CULLOM presented petitions of Knights of Labor of Nashville, Urbana, and Bloomington, Ill., praying for the construction of the Hennepin Canal; which were referred to the Committee on Commerce.

He also presented the petition of R. C. Sherwin and 57 other citizens of Peru, Ill., praying that the coinage of silver be placed on an equality with the coinage of gold, and for the enactment of other financial measures in the interest of the people; which was referred to the Committee on Finance.

Mr. PALMER presented a petition of Knights of Labor of Cheboygan, a petition of Knights of Labor of Ludington, a petition of Knights of Labor of Harrison, and a petition of Knights of Labor of Fremont, Mich., praying for the relief of the laboring classes by liberal appropriations for public works, and especially for a harbor of refuge at Ludington, Mich., a work of great national importance; which were referred to the Committee on Commerce.

He also presented resolutions adopted by the Clinton County (Mich.) Wool-Growers' Association, remonstrating against the reduction of the duty on foreign wool; which were referred to the Committee on Finance.

He also presented the petition of Gurden L. Wight and 10 other ex-Union soldiers, praying for the passage of Senate bill 927, for the relief of survivors of the war of the rebellion; which was referred to the Committee on Pensions.

Mr. DAWES. I present a petition of Knights of Labor of Springfield, Mass., praying for the passage of the bill relating to the adjustment of accounts of laborers, workingmen, and mechanics arising under the eight-hour law. I move that the petition be referred to the Committee on Appropriations.

The motion was agreed to.

Mr. PLUMB. I present the petition of Local Assembly 3798 of the Knights of Labor, also of Local Assembly 1045, the first of the town of Hiawatha, State of Kansas, and the other of Scranton, in that State, favoring among other things the construction of the Hennepin Canal. I wish to say that these petitions are evidently prepared at some central place and sent out for this purpose. They all bear the same print, and all are very elegantly printed; and it is to me a little suggestive that there must be some pretty strong private interest behind the Hennepin Canal, or the petitions would not obtain such a wide distribution. While I say that, I have the utmost respect for the assemblies who send these petitions here.

Mr. CULLOM. I should like to know on what ground the Senator suggests that it is done through private interests. The Hennepin Canal is a great public interest. The whole country is interested in its construction.

Mr. PLUMB. Did the Senator himself have the petitions printed?

Mr. CULLOM. No, sir; he did not.

Mr. PLUMB. I move that the petitions be referred to the Committee on Commerce.

The motion was agreed to.

Mr. LOGAN. I take great pleasure in presenting petitions of the Knights of Labor of Albany, Ill., Monmouth, Ill., and Nashville, Ill., and quite a number of other places, in favor of the construction of the Hennepin Canal. I take it for granted that the petitioners are in favor of the Hennepin Canal, first, for the reason that it is a great public enterprise and would be a public benefit, and, second, because it might be an advantage to them in furnishing labor. I presume that had something to do with it. I move that the petitions be referred to the Committee on Commerce.

The motion was agreed to.

Mr. LOGAN presented a petition of ex-soldiers of Jasper, Ohio, praying for the passage of a bill carrying out the provisions asked for by the national pension committee of the Grand Army of the Republic; which was referred to the Committee on Pensions.

Mr. FRYE. The Senator from Illinois will undoubtedly also take great pleasure in learning that the Knights of Labor of Augusta, Me., Lodge No. 4872, are very desirous, as shown by their petition, that the Hennepin Canal shall be built; and also the Knights of Labor of the city of Portland, Me., Lodge No. 2050, whose petition in favor of the Hennepin Canal I also present; and both petitions are in favor of expenditures of money for public improvements. I ask that the petitions be referred to the Committee on Commerce.

Mr. LOGAN. They want cheap food, and that is the way they will get it.

The PRESIDENT *pro tempore*. The petitions will be referred to the Committee on Commerce.

Mr. CAMERON presented resolutions adopted by the Vessel-owners and Captains' Association, of Philadelphia, Pa., in favor of a new light-house tender for the fourth light-house district for the use of Delaware Bay and River; which were referred to the Committee on Commerce.

He also presented resolutions of the Vessel-Owners and Captains' Association, of Philadelphia, Pa., in favor of the establishment of a nautical school at that port; which were referred to the Committee on Commerce.

He also presented a petition of Knights of Labor of Philadelphia, Pa., praying for the construction by the Government of the Hennepin Canal; which was referred to the Committee on Commerce.

Mr. MANDERSON. I present the petition of the Knights of Labor of Lincoln, in the State of Nebraska, setting forth among other things that the condition of hopeless destitution and relentless poverty in the State of Illinois is so great, as shown by the bureau of statistics of that State, that it is necessary that the National Government should come to the relief of the destitute in that State by the building of works of great public importance, among them the Hennepin Canal. I move that the petition be referred to the Committee on Commerce.

The motion was agreed to.

Mr. BECK. I present resolutions of the Board of Trade of Helena, Mont., favoring the passage of a bill requiring the coinage of gold and silver upon equal terms. The last resolution requires Hon. J. K. TOOLE, the Delegate from that Territory, to present the resolution to both Houses. As he can not present them here, he has sent a copy to me to be presented to the Senate. I move the reference of the resolutions to the Committee on Finance.

The motion was agreed to.

Mr. HARRISON. I present a memorial said to be signed by 600 citizens of the Pan-Handle of Idaho, remonstrating against the annexation

of that part of the Territory of Idaho to Washington Territory, and asking, I believe, for its annexation to the Territory of Montana. This subject has been reported upon in connection with the bill for the admission of Washington as a State, but there is a separate House bill providing simply for the annexation of that portion of Idaho to Washington Territory pending before the Committee on Territories of the Senate. That being the case, in order that the memorial may be considered by that committee, I move its reference to the Committee on Territories.

The motion was agreed to.

Mr. HARRISON. I present a resolution adopted by the Fair Play Assembly of Knights of Labor, of Goshen, Ind., not formally addressed to the Senate, but evidently intended for its consideration, in relation to Chinese immigration and other bills pending in Congress affecting the laboring classes. I ask that the paper be received and referred to the Committee on Foreign Relations.

The PRESIDENT *pro tempore*. That order will be made if there be no objection.

Mr. HARRISON presented a petition of the Bridgeport monthly meeting of Friends, Marion County, Indiana, praying for the passage of the bill (S. 355) to promote peace among nations, for the creation of a tribunal for international arbitration, and for other purposes; which was referred to the Committee on Foreign Relations.

Mr. MILLER, of New York, presented a petition of Pomona Grange, of Watertown, N. Y., praying for a reduction of the rate of postage on fourth-class matter; which was referred to the Committee on Post-Offices and Post-Roads.

Mr. BROWN presented a memorial of the faculty of the Georgia College of Eclectic Medicine and Surgery, remonstrating against an increase of postage on fourth-class mail matter; which was referred to the Committee on Post-Offices and Post-Roads.

Mr. GORMAN presented a petition of Knights of Labor of Westernport, Md., praying for the construction by the Government of the Hennepin Canal; which was referred to the Committee on Commerce.

Mr. INGALLS presented a petition of the Glen Elder monthly meeting of Friends of the State of Kansas, praying for the passage of the bill (S. 355) to create a tribunal for international arbitration; which was referred to the Committee on Foreign Relations.

Mr. FRYE presented a petition of Knights of Labor of Belfast, Me., praying for the passage of the bill introduced by Senator MITCHELL, of Oregon, prohibiting the immigration of Chinese into the United States; which was referred to the Committee on Foreign Relations.

Mr. McPHERSON presented a memorial of Ralph S. Demarest, on behalf of himself and his brother Garret Z. Demarest, of Demarest, Bergen County, New Jersey, as innocent purchasers of certificates of award for $13,500, in the year 1877, in reliance upon the treaty of April 25, 1866, the so-called "finality act" of 1873, &c., remonstrating against the ratification of any new convention with Venezuela for opening the Caracas awards until provision is made by the Government of the United States for indemnifying the petitioner and all other such purchasers; which was referred to the Committee on Foreign Relations.

He also presented a petition of citizens of New Jersey, praying for the passage of the bill authorizing a railroad bridge over the Kill von Kull; which was ordered to lie on the table.

He also presented a memorial of citizens of New Jersey, favoring the abolition of the office of President of the United States; which was referred to the Committee on Privileges and Elections.

He also presented a petition of the Woman's Christian Temperance Union of Plainfield, N. J., praying for the better legal protection of young girls in the District of Columbia; which was referred to the Committee on the District of Columbia.

Mr. LOGAN presented a petition of Knights of Labor of Bartonville, Ill., praying that the Oklahoma lands in the Indian Territory be opened to settlement; which was referred to the Committee on Indian Affairs.

Mr. PLUMB presented the petition of R. F. Johnson and 99 others, citizens of Olathe, Johnson County, Kansas, praying Congress to pass the bill to organize the Territory of Oklahoma; which was referred to the Committee on Indian Affairs.

He also presented joint resolutions of the Legislature of the State of Kansas, favoring an appropriation for the enlargement of the soldiers' home located at Leavenworth, Kans.; which were referred to the Committee on Military Affairs.

He also presented a petition of the Fruitland monthly meeting of Friends, of Kansas, praying the passage of bill (S. 355) providing for an international tribunal of arbitration; which was referred to the Committee on Foreign Relations.

He also presented a petition of ex-Union soldiers, praying for the passage of what is known as the Weaver bill, in relation to the pay of soldiers; which was referred to the Committee on Military Affairs.

Mr. BROWN presented a memorial of citizens of Georgia, remonstrating against the passage of a bankruptcy law; which was ordered to lie on the table.

REPORTS OF COMMITTEES.

Mr. PUGH, from the Committee on the Judiciary, to whom was referred the bill (S. 330) to remit the forfeiture of the British bark Viscount Canning, and to refund the proceeds of the sale thereof to her owners, Edward D. Morris and C. R. Morris, reported it with an amendment, and submitted a report thereon.

Mr. TELLER, from the Committee on Public Lands, to whom was referred the bill (S. 1110) to relinquish the interest of the United States in certain lands to the city and county of San Francisco and their grantees, reported it with an amendment.

Mr. PLUMB, from the Committee on Public Lands, to whom was referred the bill (S. 1664) to confirm the homestead entry of Hugh Foster, reported it without amendment.

He also, from the same committee, to whom the subject was referred, reported the bill (S. 1793) to confirm the homestead entry of John Waishkey, jr.; which was read twice by its title.

Mr. BERRY, from the Committee on Public Lands, to whom was referred the bill (S. 431) providing for a resurvey of township 12 south, of range 27 east, in Putnam County, Florida, reported it adversely, and the bill was postponed indefinitely.

He also, from the same committee, to whom was referred the bill (H. R. 129) to protect homestead settlers within railway limits, and for other purposes, reported it with an amendment, and submitted a report thereon.

Mr. WILSON, of Iowa. I am directed by the Committee on the Judiciary to report back somewhat modified an amendment, which was referred to that committee, to the bill (S. 1200) to amend an act entitled "An act to aid in the construction of a railroad and telegraph line from the Missouri River to the Pacific Ocean, and to secure to the Government the use of the same for postal, military, and other purposes," approved July 1, 1862; also to amend an act approved July 2, 1864, and also an act approved May 7, 1878, both in amendment of said first-mentioned act; and to provide for a settlement of claims growing out of the issue of bonds to aid in the construction of certain of said railroads, and to secure to the United States the payment of all indebtedness of certain of the companies therein mentioned. I ask that the amendment be placed with the bill on the Calendar.

The PRESIDENT *pro tempore*. The amendment will accompany the bill on the Calendar.

Mr. WILSON, of Iowa. I am also directed by the Committee on the Judiciary to report back the bill (S. 354) to provide for protecting the interests of the United States in respect of any incumbrances on property wherein they have an interest. The bill relates to the subject embraced in the amendment, and I ask that it be laid on the table, in order that, should there be adverse action on the bill to which the amendment relates, this bill may be ready to be taken up.

The PRESIDENT *pro tempore*. Does not the Senator wish to have the bill placed on the Calendar?

Mr. WILSON, of Iowa. I do not. I ask that it may go on the table, in order that it may be called up if that course shall become necessary.

The PRESIDENT *pro tempore*. The bill will lie on the table.

Mr. HOAR I am directed by the Committee on the Judiciary to report back the bill (S. 420) to amend the law relating to the bonds of executors in the District of Columbia, and ask to be discharged from the further consideration thereof, and that it be referred to the Committee on the District of Columbia.

Mr. INGALLS. That bill is a duplicate of one that has been before the District Committee and has been by that committee reported favorably. Therefore the bill should be indefinitely postponed.

Mr. HOAR. Let it be postponed indefinitely.

The PRESIDENT *pro tempore*. That order will be entered.

Mr. HOAR, from the Committee on the Judiciary, to whom was referred the bill (S. 1558) providing for the judicial ascertainment of claims against the United States, asked to be discharged from its further consideration, and that it be referred to the Committee on Claims; which was agreed to.

He also, from the Committee on the Judiciary, to whom was referred the bill (S. 439) to disqualify justices of the Supreme Court from sitting in the trial of causes which have been previously heard before them in their circuits or otherwise, reported it adversely, and moved its indefinite postponement.

Mr. CALL. I ask that the bill may be placed on the Calendar.

The PRESIDENT *pro tempore*. The bill will be placed on the Calendar with the adverse report of the committee.

Mr. COCKRELL. I am instructed by the Committee on Public Lands, to which was referred the bill (S. 1142) to authorize the Secretary of War to sell certain land of the United States in the city of Saint Louis, Mo., introduced by my colleague [Mr. VEST], to report the same back to the Senate and ask to be discharged from its further consideration, and that it be referred to the Committee on Military Affairs.

The report was agreed to.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. CLARK, its Clerk, announced that the House had passed the bill (S. 806) granting a pension to Mary B. Holmes.

The message further announced that the House had passed the following bills; in which it requested the concurrence of the Senate:

A bill (H. R. 5876) for the relief of Dinwiddie B. Phillips; and

A bill (H. R. 1732) for the relief of the heirs of Lieut. John F. Stewart.

BILLS INTRODUCED.

Mr. BECK introduced a bill (S. 1794) for the relief of Samuel A. B. Woodford, of Clark County, Kentucky; which was read twice by its title, and referred to the Committee on Claims.

Mr. PLUMB introduced a bill (S. 1795) to amend section 5192 of the Revised Statutes of the United States relating to reserve agents; which was read twice by its title, and referred to the Committee on Finance.

He also introduced a bill (S. 1796) for the relief of Charles E Maris; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Military Affairs.

He also introduced a bill (S. 1797) granting a pension to John S. Kirkpatrick; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Pensions.

Mr. PALMER (by request) introduced a bill (S. 1798) to incorporate the Equitable Gas Company, of Washington; which was read twice by its title, and referred to the Committee on the District of Columbia.

Mr. DAWES. Three several messages of the President of the United States have been referred to the Committee on Indian Affairs, each of them containing a draught of a bill recommended by the President. I introduce the bills, so that they may be printed in the ordinary form and referred to the committee in the manner most convenient to be considered by the committee. I therefore introduce them for that purpose.

The bill (S. 1799) for the removal of the Eastern Cherokee Indians to the Indian Territory; the bill (S. 1800) to secure to the Cherokee freedmen and others their proportion of certain proceeds of lands under the act of March 3, 1883; and the bill (S. 1801) for the reappraisement and sale of a certain tract of land of the reservation of the Sac and Fox Indians of the Missouri tribe in the State of Nebraska, were severally read twice by their titles, and referred to the Committee on Indian Affairs.

Mr. MILLER, of New York, introduced a bill (S. 1802) for the relief of Isaac Harter; which was read twice by its title, and referred to the Committee on Pensions.

Mr. CULLOM (by request) introduced a bill (S. 1803) for the relief of William H. Akins and Jacob D. Felthousen; which was read twice by its title, and referred to the Committee on Patents.

Mr. JONES, of Arkansas, introduced a bill (S. 1804) to provide for the management and control of the hot springs at Hot Springs, Ark.; which was read twice by its title, and referred to the Committee on Public Lands.

He also introduced a bill (S. 1805) for the relief of Miss Rosa Wallace; which was read twice by its title, and referred to the Committee on Post-Offices and Post-Roads.

He also (by request) introduced the following bills; which were read twice by their titles, and, with the accompanying papers, referred to the Committee on Claims:

A bill (S. 1806) for the relief of the estate of W. W. Adams, deceased;

A bill (S. 1807) for the relief of the estate of Joseph Fenno, deceased;

A bill (S. 1808) for the relief of the legal representatives of Mary H. Pike, deceased; and

A bill (S. 1809) for the relief of J. J. McAlmont.

Mr. COCKRELL introduced a bill (S. 1810) for the relief Driskill & Sons, Chapman & Tuttle, Payne, Kollar, Phillips Evans, Hunter & Evans, Kollar, McCarty, Colcord, and E. W. and H. F. Spencer; which was read twice by its title, and referred to the Committee on Indian Affairs.

Mr. RIDDLEBERGER introduced a bill (S. 1811) for the relief of Dennis O'Neill, Josiah L. Venable, George H. Boston, James A. Jennifer, Otho Branson, William Blake, and James W. Davenport, Dennis O'Neill & Co., contractors for cleaning alleys in the city of Washington, D. C.; which was read twice by its title, and referred to the Committee on the District of Columbia.

Mr. VOORHEES introduced a joint resolution (S. R. 53) for the relief of Luther F. Warder; which was read twice by its title.

Mr. VOORHEES. I introduce the joint resolution intending it as an amendment to the urgent deficiency bill. Perhaps it should go to the Committee on Appropriations.

The PRESIDENT *pro tempore*. That reference will be made, without printing.

PAPERS WITHDRAWN AND REFERRED.

On motion of Mr. LOGAN, it was

Ordered, That the papers in the case of Akins & Felthousen be taken from the files and referred to the Committee on Patents.

HOUSE PENSION BILLS.

A message from the House of Representatives, by Mr. CLARK, its Clerk, announced that the House had passed the following bills; in which it requested the concurrence of the Senate:

A bill (H. R. 448) granting a pension to Newton Day;

A bill (H. R. 524) granting a pension to Daniel H. Ross;

A bill (H. R. 525) to restore Robert C. McKee to the pension-roll;

A bill (H. R. 549) granting a pension to Enoch Goss;

A bill (H. R. 601) granting a pension to Alonzo V. Richards;

A bill (H. R. 908) granting a pension to Margaret E. Cochran;

A bill (H. R. 926) granting a pension to James Stone;

A bill (H. R. 1061) for relief of Sarah M. Shearer;

A bill (H. R. 1275) granting a pension to William Turville;

A bill (H. R. 1543) granting a pension to Margaret Kearns;

A bill (H. R. 2060) granting a pension to Margaret D. Marchand;

A bill (H. R. 2791) granting an increase of pension to George Wells;

A bill (H. R. 2797) granting a pension to John L. Hunter;

A bill (H. R. 2798) granting a pension to Bruner D. Hyatt;

A bill (H. R. 2802) granting a pension to Sarah A. Lovell;

A bill (H. R. 2804) granting a pension to Clayton E. Rogers;

A bill (H. R. 2805) granting a pension to Mary S. Douglas;

A bill (H. R. 3198) granting a pension to Mrs. Mary Hastings;

A bill (H. R. 3627) granting a pension to Mrs. Elizabeth K. Gallagher, widow of Bvt. Brig. Gen. Thomas F. Gallagher, deceased, late colonel of the Eleventh Regiment Pennsylvania Reserve Corps;

A bill (H. R. 3826) for the relief of John Taylor;

A bill (H. R. 3848) for the relief of H. P. McFarlin;

A bill (H. R. 3954) granting a pension to Henrietta Fisher;

A bill (H. R. 3982) granting a pension to John Pennington;

A bill (H. R. 4002) granting a pension to Carter W. Tiller;

A bill (H. R. 4058) for the relief of Joel D. Monroe;

A bill (H. R. 4070) for the relief of Mrs. Bridget Smith, mother of Patrick J. Smith;

A bill (H. R. 4114) granting a pension to Capt. Anthony Harsel;

A bill (H. R. 4163) granting a pension to Dr. William H. Sheffield;

A bill (H. R. 4389) granting a pension to William Bridges, jr.;

A bill (H. R. 4516) granting a pension to Harriet M. Larrabee;

A bill (H. R. 4592) granting a pension to Agnes Renz;

A bill (H. R. 4632) granting a pension to William L. McCall;

A bill (H. R. 4642) granting a pension to James Carroll;

A bill (H. R. 4644) granting a pension to Noah B. Brookshire;

A bill (H. R. 4992) restoring Leander C. Twitchell to the pension-roll;

A bill (H. R. 5000) to place the name of John W. Logan on the pension-roll;

A bill (H. R. 5024) granting a pension to William Christie;

A bill (H. R. 5154) granting a pension to Margaret A. Poland;

A bill (H. R. 5252) granting a pension to John W. Thornton;

A bill (H. R. 5253) granting a pension to Mrs. Elizabeth Stewart;

A bill (H. R. 5254) to increase the pension of George W. Smith;

A bill (H. R. 5259) granting a pension to Harriet M. Hardy;

A bill (H. R. 5277) granting a pension to Zeba S. Ayer;

A bill (H. R. 5323) granting a pension to George W. Flint;

A bill (H. R. 5328) granting a pension to Noah Hoffman;

A bill (H. R. 5333) granting a pension to Edward L. Hill;

A bill (H. R. 5334) granting a pension to Henry Anin;

A bill (H. R. 5335) granting a pension to Philip Deremer;

A bill (H. R. 5336) granting a pension to Benjamin S. Wolverton;

A bill (H. R. 5438) for the relief of Elias Sheads;

A bill (H. R. 5527) granting a pension to Emeline Crawford;

A bill (H. R. 5599) granting a pension to Joshua L. Morris;

A bill (H. R. 5603) granting a pension to Mrs. Catherine McCarty;

A bill (H. R. 5881) for the relief of Henry S. Cohn;

A bill (H. R. 5882) granting a pension to Sarah Ann Murphy; and

A bill (H. R. 5884) to increase the pension of John A. Stewart.

[The foregoing 56 pension bills were severally read twice by their titles, and referred to the Committee on Pensions.]

JOSEPH BAUMER.

Mr. PUGH submitted the following resolution; which was referred to the Committee to Audit and Control the Contingent Expenses of the Senate:

Resolved, That the Secretary of the Senate be, and he is hereby, authorized and instructed to pay Joseph Baumer his salary as messenger from the 1st day of July, 1885, to December 7, 1885.

THE CIVIL SERVICE.

Mr. VANCE. I offer the following resolution:

Resolved, That the Committee on Civil Service Reform, to whom was referred Senate bill 839, to repeal an act approved January 16, 1883, entitled "An act to regulate and improve the civil service of the United States," be directed to report the same to the Senate forthwith, with such modifications or amendments as to said committee may seem proper.

I ask that the resolution lie on the table, and at a convenient opportunity I propose to ask the indulgence of the Senate to make a few remarks upon it.

The PRESIDENT *pro tempore*. The resolution will lie on the table, and be printed, under the rule.

REPRINTING OF A BILL.

Mr. FRYE. I offer the following resolution, and ask for its present consideration:

Resolved, That there be printed for the use of the Senate 500 additional copies of Senate bill 1616, a bill to promote the political progress and commercial prosperity of the American nations.

The edition is exhausted, and it is necessary to reprint it, as copies are called for.

The resolution was considered by unanimous consent, and agreed to.

SENATE PASSENGER ELEVATOR.

Mr. PIKE submitted the following resolution; which was considered by unanimous consent, and agreed to:

Resolved, That the Committee on Public Buildings and Grounds be directed to inquire into the feasibility of placing a passenger elevator near the eastern entrance to the Senate extension of the Capitol.

FILES IN ADJUTANT-GENERAL'S OFFICE.

Mr. CULLOM submitted the following resolution; which was considered by unanimous consent, and agreed to:

Resolved, That the Committee on Expenditures of Public Money be, and is hereby, directed to inquire into the condition and manner of keeping the records and papers in the office of the Adjutant-General of the United States Army which relate to the military history and service of the Federal soldiers engaged in the late war, for the purpose of ascertaining whether such records and papers are properly indexed and arranged, and are so kept as to enable the Adjutant-General to furnish a prompt and correct military history of the Federal soldiers who served in said war. Said committee is also directed to ascertain what, if any, additional expenditures may be required to place said records and papers in proper condition and to make them readily accessible, to the end that complete and accurate reports upon the military service of such soldiers may be more promptly furnished in the adjustment of pension and other claims; and to report the facts to the Senate.

STEREOTYPE PLATES OF MADISON PAPERS.

Mr. VOORHEES submitted the following resolution; which was considered by unanimous consent, and agreed to:

Resolved, That the Committee on the Library be, and is hereby, instructed to inquire into the propriety of purchasing from William W. Corcoran, esq., the stereotype plates of the Madison Papers.

UNITED LABOR LEAGUE CLAIMS.

Mr. VAN WYCK submitted the following resolution; which was considered by unanimous consent, and agreed to:

Resolved, That the Secretary of the Treasury be directed to forward to the Senate a list of all claims filed by the United Labor League of America under the act of June 20, 1878, making appropriation for the payment of workingmen of the District of Columbia, showing amount claimed, amount paid, and amount still due to each claimant.

CALENDAR INDEX.

Mr. INGALLS. I move that hereafter the Secretary of the Senate be directed to have the daily Calendar of Business indexed, as has been done at previous sessions.

The PRESIDENT *pro tempore*. That order will be made if there be no objection. The Secretary informs the Chair that that is usually done about this period of the session, not before.

AID TO COMMON SCHOOLS.

The PRESIDENT *pro tempore*. The Chair wishes to call the attention of the Senate to the fact that in the school bill, as it is called, there were some errors in referring to sections. The numbers of sections were changed from time to time, and the references being in the body of the sections, the Secretary did not feel at liberty to make the necessary changes without the order of the Senate. Is there objection to the changes being made so as to carry out the will of the Senate manifestly shown on the face of the bill?

Mr. INGALLS. What is proposed, Mr. President?

The PRESIDENT *pro tempore*. The school bill in some sections refers to a certain other section, as, for example, section 8, when it should read section 9, on account of a change made in the numbering of the sections. The Chair is informed there is but one such amendment required, which is in section 12, where a reference is made to section 8, which by the change of sections is really section 9 of the bill, and it is necessary, therefore, to change the text of the bill.

Mr. HARRIS. Is that the only change?

The PRESIDENT *pro tempore*. That is the only change which has been called to the attention of the Chair. Is there objection to this alteration? The Chair hears none, and that order will be made.

SENATORS' PRIVATE SECRETARIES.

The PRESIDENT *pro tempore*. The Chair lays before the Senate a letter from the Secretary of the Senate, transmitting a statement, in reply to the resolution directing that each Senator shall report the name of his private secretary for publication in the RECORD, which will be read.

The Chief Clerk read as follows:

OFFICE OF SECRETARY UNITED STATES SENATE,
Washington, D. C., March 8, 1886.

SIR: In compliance with the following resolution—

"*Resolved*, That each Senator shall report to the Senate on Monday next the name of his private secretary, by filing the same with the Secretary of the Senate, to be published in the RECORD"—

I have the honor to transmit the accompanying statement.

Very respectfully,

ANSON G. McCOOK, *Secretary*.

Hon. JOHN SHERMAN,
President pro tempore Senate United States.

Statement of reports made under Senate resolution of March 3, 1886.

Hon. W. M. EVARTS: Private secretary, H. L. Satterlee.
Hon. G. G. VEST: Private secretary, C. C. Coombs.
Hon. H. E. JACKSON: Private secretary, J. C. McReynolds.
Hon. A. H. COLQUITT: Private secretary, T. C. Howard.
Hon. J. K. JONES: Private secretary, E. L. Givens.
Hon. W. CALL: Private secretary, Mr. Eliot.
Hon. JOHN E. KENNA: Private secretary, J. A. Hutchinson.
Hon. H. B. PAYNE: Private secretary, James Hossach.
Hon. JOHN C. SPOONER: Private secretary, Horace C. Reed.
Hon. J. B. EUSTIS: Private secretary, Ben Hellen.
Hon. JAMES H. BERRY: Private secretary, N. B. Crump.
Hon. E. C. WALTHALL: Private secretary, J. H. Robinson.
Hon. WADE HAMPTON: Private secretary, St. Julian Fillette.
Hon. GEORGE GRAY: Private secretary, Charles W. McFee.
Hon. M. C. BUTLER: Private secretary, E. C. McLure.
Hon. JAMES L. PUGH: Private secretary, James L. Pugh, jr.
Hon. J. N. CAMDEN: Private secretary, F. E. Waterman.

BASIS OF BANK CIRCULATION.

Mr. BOWEN. One week ago to-day I suggested to the Senate that on the following Wednesday I should like to call up the bill (S. 1594) providing for a new basis for the circulation of national banks, and for other purposes, in order to submit some remarks upon it. When the time arrived the school bill was under consideration, and I thought it best to defer making the request. I ask unanimous consent to be heard now upon the bill.

The PRESIDENT *pro tempore*. The routine morning business having been closed, the Senator from Colorado moves that the Senate proceed to the consideration of the bill indicated by him.

Mr. FRYE. I understand that that is simply for the purpose of making a speech?

The PRESIDENT *pro tempore*. It is.

Mr. FRYE. It will not be unfinished business after that, but will be laid aside then?

The PRESIDENT *pro tempore*. The Chair understands that the Senator from Colorado desires to address the Senate upon the bill before moving its reference to the Committee on Finance. The question is on agreeing to the motion of the Senator from Colorado.

The motion was agreed to; and the Senate, as in Committee of the Whole, proceeded to consider the bill.

Mr. BOWEN. There is an error in section 7. I propose to correct it, and also to present now an amendment, which I should like to have incorporated in the bill by unanimous consent.

The PRESIDENT *pro tempore*. The bill not yet having been referred, the Senator can modify it if there be no objection.

Mr. BOWEN. Mr. President, I do not claim for the measure I have introduced perfection in details, but the principle it embodies is sound and right. I launch it upon the legislative sea not knowing where it may now cast anchor; but with an abiding faith that some day—and I hope before it is too late—the wisdom of its provisions will be understood and appreciated and its enactment into law an accomplished fact.

Without further preface, therefore, and without the slightest doubt of the correctness of the conclusions at which I have arrived, I will at once proceed to suggest such facts, illustrations, and arguments in its support as will in my judgment best promote my present hope of directing the attention of Congress and the country, not only to the measure proposed but to the many contemporaneous questions necessarily involved.

That legislation on the currency question is necessary admits of no reasonable doubt. No better evidence of this fact can be adduced than the views of prominent gentlemen interested in our national banking system. I will read what a few of them have had to say at the meetings of the American Bankers' Association.

In the year 1881, Mr. George S. Coe, of New York, one of our most prominent bankers and financiers, said:

It is very obvious that the continued reduction of the public debt is fast removing the foundations of the national banking currency, and that the system itself, thus losing its characteristic support, is approaching dissolution. The advancing price of Government bonds consequent upon their gradual diminution in volume, and strengthened by a growing demand for the investment of trust funds of every character, has already made the service of issuing currency profitless to banks, weighed down as they are with heavy burdens of special taxation.

With the certain progress of this reduction and absorption of bonds it is evident that the existence of the present system of banking can not long be protected, and that very soon some substantial change in the basis of our national currency will be inevitable.

The same gentleman said, in 1884:

The consequences of the civil war, which strained every portion of our social structure, have in every other particular been overcome and obliterated, but we are still struggling with financial questions, the last and most difficult of solution, and these questions yet stand in the way of our permanent prosperity. Their true and final settlement are in fact conditions precedent to national tranquillity and peaceful industry. By the rapid payment of the public debt we are confronted with the early extinction of the national banking currency in the form it now exists.

In the same speech he said:

I think we may look forward to so early an extinction of the debt as to compel a radical change in the existing currency; in fact, the demand for the bonds has already advanced the price to a point where it has ceased to be an object to secure it for deposit for currency. The game is not worth the candle. * * * We have yet to meet the currency question in all its phases.

Mr. Charles S. Graham, of New Jersey, said at the same meeting:

One of the most important questions to be considered at the present time is, "What can be done for the continuance of our national-bank note currency?" As is well known, nearly two-thirds of our national-bank circulation is based on the United States 3 per cent. bonds, which bonds are in fact a continuation of the 5 and 6 per cent. bonds of 1881, pledged as security by the old State banks at the time they reorganized under the national law. These 3 per cent. bonds are being rapidly called in, and many of the national banks in consequence have now little or no circulation, as they decline to replace these with the long bonds at the present market price, now about 120 for the 4 per cent. bonds. It is really a serious question whether the national banking system shall be continued or not, for it is no object to continue in that system without the benefit of circulation.

Hon. Henry W. Cannon, late Comptroller of the Currency, in his report of December 1, 1885, dwells at some length on the same subject. I will read his views from page 15, as follows:

Reasoning upon the theory that the public debt would during the year ending November 1, 1885, continue to be reduced by the payment of the 3 per cent. bonds, and that this production would occasion the reinvestment of trust and other funds invested in threes, and cause a greater demand for and consequent increase in the price of 4 per cent. bonds to a point at which it would be more profitable for the national banks to sell them, the Comptroller estimated in his last annual report to Congress that unless legislation should be secured enabling the banks to issue currency at a fair profit circulation would be reduced at the rate of at least $40,000,000 per annum. It is believed that this estimate would have been substantially correct had the Government continued during 1885 to call and pay the 3 per cent. bonds as rapidly as during the two previous years.

On page 16, same report, he adds:

Unless some measures be taken whereby the banks may be enabled to issue circulation at a reasonable profit to themselves the contraction of national-bank notes will continue. The profit on circulation may be increased by the removal of the tax (and by increasing the amount of currency issued to the par value of the United States bonds deposited); and the Comptroller again respectfully recommends appropriate legislation for that purpose. Even if this be done the national-bank note circulation is still liable to reduction and final disappearance with the reduction and final payment of the debt of the United States.

In his recommendation of appropriate legislation on this subject the Comptroller is right. Our national banks have furnished the country with the best bank currency it has ever had, and next to silver and gold coins and United States notes the best we can ever hope for. But there is one defect of such serious nature that I would rather let the whole system go than to hazard its longer continuance with that one defect remaining; would rather forego all the advantages of the system, and they are many, than to risk the dire disasters which the country stands in constant danger of encountering so long as the banks exist as banks of issue with this one fatal defect in our laws. I refer to the one power which has by our laws been delegated to the banks of regulating the volume of money.

Before giving my reasons upon this point I will remark that after a most thorough and searching examination into the views and opinions of those whose ability and long experience in finance entitle them to be accredited as leaders, I have failed to find any reasons sufficient to satisfy my mind that the country needs national-bank notes at all. On the contrary, I am irresistibly led to the conclusion that the Government, and it alone, should emit the paper currency of the nation.

Among the imposing objections to the issue of paper money directly by the Government which are brandished before us is one which is "covered with the awful hoar of ages," one which is interesting to us only as a traditional belief, and, like many other beliefs which belong to the past and have outlived their usefulness, it dominates over and subjects to its affirmations many of our most careful thinkers. We are told, for example, that Hamilton has said that "the issue of paper money by the Government involves the exercise of powers so dangerous, so liable to abuse, so certain of being abused, that the wisdom of the Government will be shown in never trusting itself with the use of so seducing and dangerous an experiment."

If it be true that the exercise of this particular power carries with it a swift and certain hazard—and I do not now challenge the averment—it is none the less true that this may be said of the exercise of other powers with which all modern governments are vested, powers, too, which are essential to the maintenance of their very existence. Our fundamental law discloses many of these powers; and the late fratricidal war through which we have passed brought to light many latent and almost unsuspected powers—tremendous for evil but doubly potent for good—which that august instrument contains. So that it is hardly a legitimate, and certainly not a very forcible, argument to say that a particular governmental power shall not be exercised, because it is at times dangerous and liable to abuse. This is to challenge and deny the principles upon which our free institutions are based, the doctrine of the capacity of the people for self-government. If the people may not be trusted, if their duly chosen Representatives in Congress lack the needed intelligence and uprightness, where are we to seek these essentials? It has not been thought unsafe to intrust to our governmental machinery, to its administrative heads, the issue and disbursement of many thousand millions of the Government's obligations; and all this was done without asking the consent of any agency or agencies foreign to the Government itself.

It issued these obligations, redeemed them, canceled them, and may again do so. Yet who may not repeat to us with sepulchral solemnity the weighty words of Hamilton, "that the exercise of such powers is both seducing and dangerous." This warning is certainly as applicable to the issue of bonds as it is to the issue of paper money. And how is it suggested that these possible seductive influences and dangers are to be withstood or avoided? Where is the guiding higher intelligence to be found, and where the loftier uprightness?

We are told confidently—not confidentially, for it is proclaimed from the house-tops—that the shining qualities we seek, the saving commonsense, and the stainless, unassailable integrity must be sought and can be found only within the charmed circle of the banking institutions of the country. It will be much safer, we are assured, to lodge this power of regulating the volume of the currency with the national banks.

Recalling what I have witnessed in the past, I wish to ask whether there is not danger that the banks will contract the currency when they deem it their interest to do so? Or, if it suited their purposes better to inflate the currency, would they not do that thing? And would they not use these powers for their corporate advantage regardless of the disaster and ruin which might follow from one end of the country to the other? Can anything be plainer than that the power to control the circulating medium should never be placed in the hands of any class or classes or be controlled by any special interests? A power whose exercise affects so intimately the common weal, which may greatly lessen or make intolerable the general needs, the power to make and unmake at will the vehicle of our exchanges, the power to make this just sufficient for our wants absolutely stable and the honest representative of veritable values, this power, I am clear, should be kept precisely where our organic law has lodged it.

The reverend Senators before me are, it is suggested, mere sciolists, and have all the rashness which goes along with imperfect knowledge; and, at the other end of the Capitol, the material, it is said, is not a whit more promising. This declaration of the incapacity of the people's representatives is the burden of much eloquence at the conventions where annually assemble all the financial wisdom of the country, and where it particularly airs itself, and the banks, therefore, stand ready to do our work. They say we are not competent to the task, and furthermore, we lack the needed integrity. Then come these legal fictions, these corporate entities, these fleeting transitory creatures, ephemera almost, whose lives have only the span which the people mete out to them; they in their little, fitful, fluttering existence propose to take upon themselves one of the most important and delicate functions of government—functions only inherent in and which should be inseparable from sovereign power.

Sir, if we had no such thing as national-bank notes and I should be called upon to vote upon the question of authorizing the issue of such notes, my inclination and judgment would be against it, believing that no person, natural or artificial, should have the power to either expand or contract the volume of the circulating medium. Such power should be left in the hands of the people acting through their chosen representatives, who, elected as they are so frequently, could voice the public judgment and will. Stability and certainty as to the amount of money in circulation is a matter of paramount importance, one to be dwelt upon fully and freely until thoroughly considered and comprehended by every person in the land.

The power to contract or expand the circulation means the power to reduce or increase the price of all property and all labor, the power to produce stagnation or unhealthy activity in every branch of industry and enterprise. Why, sir, if from any cause the national banks should suddenly retire their circulation a crash would follow sufficient to shake this country financially from center to circumference, sufficient to paralyze every industry and bankrupt a majority of business men. No such power should be delegated. No corporation, no set of men having business interests of their own to subserve, should be intrusted with it. On the other hand, Congress, representing the whole people, should hold with an unyielding grip this all-important power.

It was only a few years ago—in 1878, as I remember—that the national banks were largely represented here in Washington, threatening to relinquish their charters and retire their circulation if certain things were done or not done. The mere statement of the fact that such power has been delegated to the banks by the Government is sufficient to startle and fill with consternation the mind of every man who comprehends the disastrous effects which would follow close in the wake of a sudden contraction of the currency to the extent possible under the existing laws relating to the retirement of their circulation by national banks.

By the measure I have introduced I am attempting, among other things, to provide a remedy for the ever-present menace and supreme danger which stares us in the face so long as the volume of our circulation depends upon the ever-changing interests of the national banks. These banks are not the guardians of any interests save their own, and they will do, from time to time, whatever they may lawfully do to promote their own success. This is their right, and it is exactly what every person does in every situation in life. Besides this, it is known that the amount of gold and silver produced from our mines is continually fluctuating, so that it does seem that our only safety lies in fixing the amount of our circulating medium by statute, taking from the national banks their power to retire their notes at will, and by authorizing and requiring the Secretary of the Treasury to keep the volume of money in circulation, as near as may be, up to an amount per capita to be fixed by law, increasing the total volume from year to year proportionately with the increase of population, which as nearly represents the increased uses of money as any basis we can fix upon.

It will be observed that this bill provides for the issue of all money by the Government, and that no retirement and consequent contraction can ever occur. The circulation of the national banks to consist of the same kind of money as the direct circulation of the Government, and provision being made for keeping the whole amount in circulation, the national banks are thus shorn of the dangerous power, which under existing laws they now have, of contracting the volume of currency whenever one or more of them see fit so to do.

It is often asked how a surplus could be kept from accumulating in the Treasury. There are many ways; but I will leave the general discussion of this point until later in the course of my remarks, when I hope to be able to show conclusively how the matter of keeping the vaults of the Treasury fairly free from surplus can always be successfully accomplished. There is no apparent reason existing for having national-bank notes at all, because the legal-tender notes are just as good, each resting on the good faith and permanency of the Government; the first indirectly, having the bonds of the Government deposited in the Treasury as security for their redemption; the second being the direct issues of the same Government, which makes them just as good; indeed the latter is the better money of the two beause its direct legal-tender quality is greater than what the present national-bank notes possess.

The reason why legal-tender notes are shorn of such part of the money function as they are, is that our Government bonds, principal and interest, are expressly made payable in coin; hence the necessity of accumulating coin in the Treasury to meet these obligations and to keep up the reserve fund. To do this we must depend on the coin collected from duties on imports as well as on the coinage of the products of our mines; the latter if all coined as it is mined year by year being inadequate in amount, after deducting therefrom what is used for other purposes, to keep up the reserve and pay the interest on our bonded debt as it falls due.

The basis proposed by my bill for the circulation of the national banks may at first strike many as unsafe, but investigation of the question can not fail to dispel every doubt upon that score. The proposition is to have the national banks deposit with the Treasurer of the United States 70 per cent. of the amount of circulation they may be entitled to under the law; this 70 per cent. to consist of Government bonds, silver and gold coin, one-third of each, and, for the purpose of securing the remaining 30 per cent. of circulation, a statutory lien is created upon the entire assets of the bank which shall have precedence over all other of its liabilities and obligations. This lien, together with the individual liability of the stockholders, can be shown to be ample security. Let it be remembered that the entire amount of the bank circulation is to be money of the nation, so that in no event can the bill-holder sustain loss by a failure of the bank; the point is to make the Government secure as against the banks. The following extract from the last report of the Comptroller of the Currency furnishes evidence which, in my mind, amounts to proof of the soundness of the propositions I am advocating. I read from pages 17 and 18 of that report:

> The results of the liquidation of one hundred and four national banks which have failed, and the affairs of which have been liquidated or are in process of liquidation by receivers under the direction of this office, show in a very interesting manner to what extent it may be safe to permit banks under the national system to issue circulation unprotected by a deposit of United States bonds. Of these one hundred and four banks seventy have been finally closed, and for them the results are absolute. The remaining thirty-four are still in process of liquidation, but have progressed so far that the final result can be estimated with comparative accuracy.
>
> The dividends paid to the creditors of all these banks from the proceeds of their general assets amount to $28,379,080. They had an aggregate capital of $21,858,900, upon which, under the law, they could on deposits or bonds issue 90 per cent., or $19,673,010 of circulation. If at the time of their failure the law had permitted an issue of circulation to the amount of 90 per cent. of capital, unsecured except by a first lien on general assets of the one hundred and four banks mentioned, the note-holders of fifty-eight would have experienced no loss. If the law had authorized an unsecured issue equal to 70 per cent. of capital, the notes of seventy-one of these banks would have been redeemed from the proceeds of their general assets. At 40 per cent. the notes of ninety would have been paid in full, and upon an unsecured issue of 25 per cent. of capital loss to note-holders would have occurred in the case of five banks only or about $62,000 in all.
>
> The experience with these one hundred and four banks shows almost conclusively that if their issues to the amount of 65 per cent. of their capital had been secured by a deposit of bonds to an equal amount the remaining 25 per cent. might have been issued without other security than a first lien on the general assets, and if a safety fund had been in existence it would in the case cited have been drawn upon to the extent of $63,000 only upon a circulation amounting to $5,464,700. For a beginning, therefore, it might be safe to authorize banks to issue circulation amounting to 90 per cent. of their capital, 70 per cent. to be secured by an equal amount of United States bonds at par value, the remaining 20 per cent. being issued without other security than a first lien on such assets. But if the law should provide for the accumulation of a safety fund in the manner suggested, then as such safety fund increased the percentage of circulation unsecured by bonds might be increased as the diminution of the public debt might require and the safety fund warrant.

The following represents in brief the basis of the paper money circulation in several other nations:

England—banks outside the Bank of England base their circulation upon the aggregate assets of each corporation.

Scotch and Irish banks have no security held against their issues except a first lien on their assets.

Canada—circulation limited to unimpaired paid-up capital. Notes are a first lien on assets.

Austria—secured only by the bank assets.

France—notes of Bank of France are secured only by the bank assets; bank notes are a legal tender.

Germany—imperial bank notes secured to the amount of one-third of issues by the legal-tender notes and coin; remaining two-thirds secured by three-months discounted bills.

Austria—Austria-Hungarian banks may issue 100,000,000 notes without trust security; but must hold sufficient reserve to pay coin on demand.

Netherlands—the national bank may issue its notes without limit, but must carry 40 per cent. coin or bullion to meet notes and deposits.

Denmark—Bank of Copenhagen notes may be issued without limit, other than security upon general assets of the bank. Metallic reserve must not fall below three-eighths of circulation.

Sweden—the Bank of Sweden's notes are secured by a coin or bullion reserve of 40 per cent. of its issues.

From this it appears that we are not without abundant precedents for the proposed basis, and that the plan I advocate is not Utopian. It may be urged that this lien on the entire assets of the bank, including deposits, will have a tendency to impair the confidence of depositors in the banks. The experience of bankers as well as depositors does not bear out this idea. People put their money in bank to avoid danger of loss by accident or theft, and because it is the custom in the business world to do business through banks. Depositors have faith in the experience, honesty, and ability of their banker; his credit is good with them for these reasons; besides which the individual liability of each stockholder makes his property outside of his banking interests liable, thus furnishing additional security; all of which, considered in connection with the fact that only one-third of the bank's circulation depends for its security on the assets of the bank, sets at rest all questions touching the comparative safety of depositors, more especially when it is remembered that the plan embodied in this bill, while it continues the tax of 1 per cent. per annum on the circulation of the banks, sets aside in the Treasury the amount thus accumulated as a safety fund, to be used for the purpose of reimbursing the United States for any loss sustained by reason of the inability of a failing national bank to return the amount of legal-tender notes previously issued to it for purposes of circulation not secured by the 70 per cent. of silver, gold, and United States bonds deposited.

That the basis proposed for the issue of circulation to the banks is sound I think will not be questioned. If this be true, it is assuredly wise to adopt it as it can not be disputed that it is better for the banks. If any national banker doubts this let him make a calculation in which he may consider his silver and gold deposited as dead capital, and he will find that the use of his increased amount of circulation and the interest on his deposit of bonds will show a profit of more than 1 per cent. greater than under the present system, to say nothing of the premium he may realize on his bonds liberated from the Treasury and nothing of the benefits of having his circulating notes possess the same money function as all other Government legal-tender notes; better for the Government, because it will fill the Treasury with immense sums in metallic money, thereby strengthening its reserves and giving practicability to our professions of having resumed specie payment, which, in point of fact, is now more a matter of imagination than of fact, and is only maintained because the people have faith in our legal-tender notes for the reason that they have faith in the permanency of the Government and in our steady advancement in national power and wealth. This faith so long as it remains unshaken is a sure guarantee that the people will not lessen our specie reserve, small and weak as it now is, by demanding payment in coin for their legal-tender notes.

History teaches us that the faith and credit alone of a great nation—blessed with a stable government and a conservative financial policy—furnishes a fairly safe basis for its circulating notes. This country is happily so blessed. Upon this faith and credit, but without the stability, our legal-tender notes were equal to the extreme exigencies of a civil war unparalleled in the annals of history. Now, if we can back up these notes by an accumulation of large amounts of coin in the Treasury, which will certainly transpire if this bill becomes a law, we will then be as near an actual specie basis as the limited production of our mines will permit; certainly near enough to guarantee unlimited confidence which amounts to about the same thing as coin until shaken, because a specie basis is founded on coin and confidence. Many years ago banks of issue—State banks and private banks—furnished us with practical illustrations of the effects and results of an imaginary specie basis; their affairs ran smoothly so long as they sailed upon sunny summer financial seas, but they abandoned their pretended specie basis and stranded on the rocks of bankruptcy and ruin whenever met by gales of doubt and suspicion and the cyclones of financial distress and panic. Confidence is all-sufficient so long as it is indulged in generally, but coin is the only bulwark when confidence is dead. In nearly every instance of financial trouble and panic these banks, with few exceptions, suspended specie payment. They suspended in 1814, in 1837, in 1839, and the suspensions lasted for many years. They again suspended in 1857 and finally in 1861, and have never resumed.

These facts show the absurdity of all attempts on the part of banks to maintain specie payments without abundant coin in times of financial distress; but it is different with the Government, because it enjoys the confidence of the people so universally; so much more so than any bank can that it can maintain a specie basis with less coin. So that taking things as we now find them a law like the one proposed will surely put a large additional amount of coin in the Treasury, not only that deposited by the national banks as a basis for their circulation, but like-

wise by the collection of custom duties in coin and by the purchase and coinage of more silver than is now being done. We may rest assured that a knowledge that our coin reserves are surely, steadily, and continually increasing will so increase the public confidence in the Government that belief, faith, and confidence will be practically understood and treated as synonymous with such an expression as fixed fact.

Lest the section of the bill providing for the temporary suspension of specie payments by the Government in times of panic and excitement, shall bring upon myself and the measure unjust criticism, I will anticipate it by answering in advance. The Government stands in a very different attitude from a bank professing to pay in specie, which suspends. Under such circumstances the bank must close its doors, quit business, and finally fail if it can not in a reasonable time resume. But this is not true of the Government, because it proclaims that its suspension is but temporary to prevent panic and financial disaster, and the business world would understand and applaud the act, because, instead of weakening confidence in it, the very reverse would be true, especially when the fact would be that during the suspension coin would continue with a regular flow into the Treasury from the sources I have mentioned. It is a fact, and every business man knows it, that a large majority of the failures of honest men in business could be avoided if they could do what is equivalent to a suspension by the Government. They could in nearly every instance pull through and save themselves and their creditors if they could on their own motion suspend payment, call in their debts, and wind up their affairs. But as they are not permitted to do this they fail. Each creditor being anxious to get in his claim one attachment follows another in hot haste to the extent of destroying general confidence in the ability of the man to pay, whatever may be thought of his integrity.

The Government can not be subjected to such pressure; it can not be sued; so that when it suspends, that is the end of its trouble on this score, and no one will complain, because they know it will resume whenever the crisis, no matter from what cause, passes over.

Nothing but good can result from such a course when necessary to be pursued; business will go right along, the expenses of the Government will be promptly paid in legal-tender notes, which in periods of great trouble have proven themselves equal to the emergency. If suspension of specie payment by the Government involved the suspension of its business or the business of the people it could not, of course, be thought of. But no such things can happen, because under this plan no one but the Government professes to be doing business on a specie basis. Suspension of specie payment has been considered the wisest of financial steps by nearly all the governments on earth in times of financial distress. Take France and England for example. The Royal Bank of France suspended in 1720. A run was made on the Bank of France for specie in 1848, and the bank suspended by order of the government. The Bank of England suspended in 1720. The Bank of France again in 1870 by order of the government. The Bank of England suspended in 1797 by direction of Parliament, and remained suspended until 1823.

When everybody knows that the Government will not allow itself to be drained of specie by a run, no run will ever begin. Hence I say it is wise to accumulate metallic money in the Treasury, keep on increasing the amount to the utmost limit, give the Secretary of the Treasury, with the approval of the President, the power to temporarily suspend and to resume specie payments from time to time; and, above all things, let the United States alone profess to pay in coin, in which, if it is successful, the whole country is virtually on a specie basis, certainly as near it as we shall ever be until the augmenting volume of specie reserves in the Treasury, from sources already indicated, shall have gained on the increasing volume of paper currency, based on increasing population, to the extent necessary to show a regularly continuing ratio of increase of the specie as compared with the paper, and the possibility of the ultimate realization of, not a mere specie basis, but an actual metallic money circulation represented by its more convenient paper representative, dollar for dollar.

The present production of the precious metals does not justify the belief that we shall ever witness the financial millennium described; but it is nevertheless wise to put and keep ourselves in line by proper laws, to reach as far as we can in that direction. Who, after all, can tell? All the great mountain ranges in the center and western part of the continents of North and South America, reaching from beyond far-off Alaska to Cape Horn, constitute one vast mineral belt with capabilities of mineral production almost beyond computation. The great developments made in numerous places up to this time, when we consider their relation to the whole of this great belt, are but as a drop in the bucket. Who after all can fix or even approximate a limit to the volume of metallic money while our hardy prospector keeps on from year to year, pushing farther and still farther into these comparatively unexplored mountain fastnesses, seeking gain for himself by discovery of new mines, while at the same time he is planting the advance mile-stones of progress, civilization, Christianity, and human freedom.

Mr. President, having thus briefly outlined a plan by which we can have a sound national currency, freed from all the dangers attendant upon a delegation of one of the most important of powers—I refer to the power of contracting or expanding the circulation. I pass to the consideration of the remaining section of the proposed law, that relating to the volume of money.

The last annual statement of the Comptroller of the Currency, dated November 1, 1885, gives substantially the following (I speak in round numbers) as the total paper issues of the country, including legal tender, national-bank notes, and outstanding gold and silver certificates: Legal tender, three hundred and forty-seven millions, gold certificates, one hundred and nine millions, silver certificates, ninety-three millions, and national bank notes, three hundred and sixteen millions; making a total of paper amounting to eight hundred and sixty-five millions. The amount of gold and silver coin and bullion in the country is somewhat conjectural. Taking, however, the authority above cited, which probably does not understate the amount, I find that the aggregate of coin and bullion is as follows: Gold and gold bullion, five hundred and eighty-seven millions; silver and silver bullion, three hundred and seven millions; making a total of eight hundred and ninety-four millions. Hence the grand total of coin and paper issues amounts to seventeen hundred and fifty-nine millions; but this aggregate must not be taken to represent the active circulation of the country, that which is distributed among the people, as I shall plainly show.

In order to ascertain what amount is available to the country as a circulating medium, there must obviously be deducted from the gross aggregate I have given, first, the amount of reserves withheld by national banks taking the minimum amount fixed by the statute; next, it is equally evident there should be deducted the amount of gold and silver in the Treasury represented by the outstanding gold and silver certificates issued by it; and, next, the balance of gold and silver remaining in the Treasury, because this sum must be retained there as a reserve fund, weak as it is, for the maintenance of specie payments and to meet the other coin obligations of the Government. The amounts of these items are as follows:

National-bank reserves, two hundred and fifty-five millions; gold and silver in Treasury representing outstanding gold and silver certificates, two hundred and two millions; balance of gold and silver in the Treasury, two hundred and forty millions. These several items, bank reserves, gold and silver in the Treasury to redeem gold and silver certificates, and gold and silver necessary to maintain specie payments amount to, in round numbers, six hundred and ninety-seven millions. But there are other items which must be added to this aggregate. These I find in a report of the Treasurer of the United States dated January 30, 1886. From this report it appears that in addition to the foregoing there is in the Treasury and withheld from circulation the following: Legal-tender notes held for redemption of national-bank notes, forty-eight millions; national-bank notes for redemption of national-bank notes, twenty-four millions; adding these to the previous total will make a total of seven hundred and sixty-nine millions.

Deducting this sum from the total of paper and metallic currency now existing in this country, as heretofore stated, shows that the entire amount of active circulating medium available to sixty millions of people is a fraction less than $1,000,000,000. This is the sum of the currency shown to be in active circulation if only the bank reserves, which the law requires, are deducted. In point of fact the volume of reserves now exceeds the legal requirements by $160,000,000; so that the volume of active circulation is still further reduced by this additional amount so withheld. It will therefore be seen, and this is a point to which I now beg to call the special attention of the Senate and the country, that the maximum amount of active currency which is possible, the very furthest limit to which we can go under existing laws, is barely sixteen and a half dollars per capita, while the actual active circulation of to-day is less than $14 per capita. I must emphasize the fact that the bank reserves of $255,000,000, a proportion of the deposit of the national banks rigorously fixed by law to be retained in their vaults—that these millions, imposing as they are, do not add one dollar to the actual circulating medium of the country.

It is a circulating medium which shall not circulate. It has its functions to perform, valuable and necessary indeed, and that function is to remain "fixed and motionless" in the strong boxes of the national banks. To part with one dollar of it is to violate the positive statutes of the land, no less than sound and accepted principles of banking. But equally true is it that all of the gold and silver thus held in the vaults of the Treasury is, for purposes of circulation, as valueless as if it did not exist. If it were in the depths of the Atlantic it would not be more completely beyond reach; it is a sacred trust, and set apart for what? First, to provide for the redemption of one hundred and nine millions of gold and ninety-three millions of silver certificates issued by the Treasury, which are now a part of the circulating medium of the country, and which, as heretofore stated, I have included in the aggregate of paper issues; and second, the remaining gold and silver in the Treasury, amounting to two hundred and forty millions, are held there by a law more imperative than human statutes. These millions must stay there, as we all understand, and can not safely be diminished, so long as there are $347,000,000 of legal-tenders in circulation to be maintained upon a specie basis. I am aware that the coin of the Treasury, or so much of it as is necessary, is also set apart and pledged for the payment of the accruing interest on the public debt; yet I have as-

sumed, though I have not hitherto formally stated the fact, that the coin derived from duties on imports will more than suffice for this purpose.

But there is another source of diminution or contraction. This is to be found in the losses which have resulted from the destruction and wearing out of a certain per cent. of our paper currency; processes which have been at work for the last twenty years or more. This incident of contraction has not been taken into account by the Treasury officials, whose statements of the paper circulation of the country I have accepted for purposes of discussion; statements based wholly upon the official record of notes issued and of notes redeemed or retired; statements based upon the erroneous hypothesis that all notes not redeemed or retired are still in circulation.

The amount of loss or diminution of the paper issues from the causes mentioned I will not undertake to estimate. Yet when we reflect upon the vast sums of paper which have been in circulation since 1862 we can not escape the conclusion that it must reach many millions. We are therefore safe in assuming that, taking only official data for our guide, the active currency, paper and metallic, in the country may not exceed twelve or thirteen dollars per capita. Will it be maintained by any one who has gone beyond the horn-book in questions of finance that this per capita of circulation is sufficient for the commercial and industrial needs of the country? Evidently it is not considered sufficient by those gentlemen who have taxed their faculties to invent or manufacture, or those who complacently accept statements in which the per capita of circulation in the United States is set down at $36.80, or nearly treble the actual per capita.

I have before me such a statement, to be admired for the audacity, or to be excused, perhaps, for the ignorance which characterizes it. Surely no common man could have produced it; the uniqueness of the effort lifts or lowers him into a distinct category. It may have been the product of much thinking, but with a form of thought with which facts and figures had little to do. To make plain how completely the actual figures have been ignored or juggled with I shall now read from a statement I find in the last annual report of the Comptroller of the Currency, dated November 1, 1885. This gives in detail the total amount of coin and currency in the country at that date:

Gold and bullion	$586,727,787
Silver coin and bullion	307,658,827
Legal-tender notes	346,681,016
National-bank notes	315,847,163
Total	1,556,914,793

Or, in round numbers, a total of one thousand five hundred and fifty-seven millions of metallic and paper currency. This statement includes all bullion and subsidiary coin, that which is in the Treasury vaults and in circulation, and including, of course, all of the bank reserves. Now, taking this aggregate, only 66 per cent. of which can possibly enter into the active circulation of the country, we find that this sum will give less than $26 per capita, instead of the $36.80 of which we have heard, while the actual per capita of active circulation does not, as I have demonstrated, probably exceed twelve or thirteen dollars.

But, Mr. President, behind and beyond all this there is still another source of contraction, which, like a slow poison, does its work surely and steadily and with a certainty which knows no cessation or deviation, and that is the fact that while our population is constantly and rapidly increasing the volume of our money is stationary, indeed it is even now being reduced in amount. This is as much a source of contraction of the currency as if our population were stationary and the volume of circulation was being reduced.

Precisely what amount of circulating medium is demanded by the business interests of the country is, I am ready to admit, a debatable question. But I am clear that the volume of currency, paper or metallic, should never be left to chance. It must not be left to that imagined self-adjusting, self-regulating, automatic process which finds place only in the dreams of the visionary. There exists no such clock-work arrangement in finance. Unfortunately with the people collectively, as with the individual man, the appetite for more money grows upon what it feeds. We do not want the era of the assignats repeated in the United States. There must be a distinct limitation to its volume. It should be definitely and absolutely fixed by law, flexible only in allowing for such increase as the increase of population and growth of business may show to be necessary.

The rule which, in my opinion, closely approximates to the true one is, that the volume of our circulation should be just large enough and no larger, so that money will be just as desirable and not more so than property. This does not mean an inflated currency, and it is equally opposed to contraction—extremes to be avoided at all times and under all circumstances. Under this rule money would not be hoarded, nor could the present state of affairs exist. Money would not be lying idle in the great money centers; it would continually seek investment in new fields of enterprise and industry. Times would be good and all would have a fair chance in the great race of life. Thousands who do not now know where their next sack of flour will come from would then feel that to them were opened equal opportunities with the rest of mankind, and they could see that by persistent and intelligent labor and frugality not only a way to earn a support for themselves and those dependent upon them, but also a fair prospect of laying up a reasonable competency sufficient to educate their children and meet the exigencies of sickness, misfortune, and old age.

Yet aside from the tentative rule I have stated there are other methods of determining what should be the volume of the currency; not with absolute, but with sufficient exactness for our purpose. Our condition as a people is not so peculiar or anomalous that we may not be instructed and in a measure guided by the experiences and experiments of other nations. Looking at that country and the people whose business methods and habits and varied interests most nearly resemble our own, and from whom we get our language and laws, what do we find? What do we ascertain is the actual circulating volume of money required in the United Kingdom of Great Britain? Deriving my information from reliable sources, I find that the currency in active circulation in Great Britain for the year 1884 amounted to $23.70 per capita. This must not be understood to mean the whole of the circulating medium. In order to make the comparison a just one, I have deducted the amounts of bank reserves in this statement of per capita circulation, as I did when I gave the per capita of the active circulation of the United States.

This volume of currency is found to be necessary in a country densely populated, with business centers crowding one another by their proximity, thickly studded with banks, where checks, drafts, bills of exchange, and other kinds of commercial paper are used to an extent far beyond what would be practicable here.

Our vast area alone (thirty times that of Great Britain), the relative sparseness of our population, the distances between our cities and consequent lack of ready intercourse, all the differences so far as the two countries do differ, unerringly indicate that if $23.70 is the proper amount of the per capita circulation of Great Britain a larger per capita is imperatively demanded for the United States. We see that to-day our active per capita is a little more than one-half of that of Great Britain. Expanded to its utmost lawful limit it will not equal two-thirds.

Now let us turn to France and see what is the actual per capita of circulation there. The paper circulation of France is issued by one institution, the Bank of France. Its notes are a full legal tender, and there is no direct limitation of their volume except during a suspension of specie payments. At such periods the government controls the issue.

There are now five hundred and seventy millions of bank notes in circulation. The metallic circulation consists of six hundred millions of silver and eight hundred millions of gold; making a total of over two thousand millions of paper and metal money. Deducting from this total an amount of gold and silver for a reserve fund equal to the paper issues, so as to put these on a specie basis, leaves as the active circulating medium of the country, in round numbers, $1,500,000,000. This amount gives within a fraction of $43 per capita; and yet no French statesman or financier claims that the volume of the circulating medium is too large.

The territory of France has an area of 200,000 square miles, or one-eighteenth the area of the United States. It has one inhabitant for every 3.4 acres of its territory. The United States has an inhabitant for every 38 acres. Yet France, so Frenchmen affirm, needs $43 per capita. I need hardly describe it in detail, for its peculiarities are well known. It is a country at once compact and thickly settled. Money, therefore, as a medium of exchange may be used a score of times over while in this country that money would be *in transitu* between money centers. Here it would be for the time practically withdrawn from circulation. Consequently $1 of the circulating medium in France represents as a vehicle of exchange, from the facility with which its use may be repeated, as explained, considerably more than $1 of our circulation. In no wise do the conditions in France, except as I have stated, differ from those existing in this country so far as these have any relation to the question of the required volume of the circulating medium. The people of France like the people of this country are largely engaged in agriculture. Like ourselves they have their diversified industries and an import and export trade in extent rivaling our own. But in order that we may properly apprehend and appreciate the transforming effects of a sound financial system, let us glance at the checkered fortunes of France for the past century, the frequent changes of government, rarely peaceful changes, and when violent marked by the terrific violence which was the measure of the misgovernment which preceded these revolutions. From the time of the constituent or first national assembly that fated nation has only emerged from one revolution to be precipitated into another. Following the execution of Louis XVI came a long period of legislative or governmental disorder during which faction struggled and intrigued against faction, while the great material industrial interests of the people were either trampled under foot or were wholly neglected by the ruling power. These civil commotions, to use a mild phrase, lasted ten years, and were marked throughout by incessant and ferocious internal strife and bloodshed; at the same time the nation was also engaged in foreign wars which were decimating and impoverishing the people. Then came the reign of Napoleon with fifteen years of almost uninterrupted war. Napoleon's were gigantic wars

which involved all Europe and left France laden with enormous debt, and with almost all private fortunes swept away. Then followed a short era of peace only to see the people again change rulers and dynasties.

Again, in less than two decades Louis Phillipe disappeared and France exchanged a monarchy for a republic, to be suddenly transformed into an empire under Louis Napoleon. His reign like that of his great relative was marked by wars and culminated in supreme disaster. This left France, just fifteen years ago, shorn of two of her provinces, with a stupendous indemnity of 5,000,000,000 francs to pay to her victor, with her people prostrated and humiliated and carrying the largest national debt in existence—a debt more than treble ours. This brief summary shows through what appalling trials that country has passed; how it has been torn by revolutions and despoiled and impoverished by successive wars. Yet France has survived them all and to-day is the most prosperous nation in Europe if not in the world. To what does she owe her marvelous recovery from the accumulated disasters of a century? Her people are industrious and economical, but so are the English and Germans. She enjoys no special advantages of soil or climate; she has no great seaports with unrivaled harbors to shelter her commerce. But there she stands in advance of all the nations and on the high-road to genuine prosperity.

What can account for so surprising, so exceptional a spectacle? How and wherein does she differ from other nations? We have seen that others have the same or similar climate and soil and people. What is the striking or subtle difference which so helps France and so hinders the other nations of the earth? It is not immunity from the ordinary forms of taxation, for she is the most heavily taxed nation on this planet. Yet it is in her immunity from taxation after all, from taxation in its most grievous and oppressive form, from the taxation which comes from a deficient circulating medium, than which nothing can be more intolerable or weigh more heavily upon a people. In France, with her abundant currency largely made up of silver coin, the money is diffused among the people. Here, where the circulation is insufficient, it becomes concentrated; it gravitates to the money-centers. If it were sufficient for the people's use it would be found in the hands of the people, it would be distributed among all classes as in France, and as a certain result we should have here, as in France, a thriving and contented people.

We are told that in these days of rapid communication by telegraph we need less money than heretofore, that it can be transmitted with such facility and rapidity that we can do more business with less money. To a certain extent only is this true. It is easy enough to transmit money rapidly if we have it to our credit somewhere, but this does not reach the difficulty, because when money is contracted the man who starts without any can never get ahead; the greater the volume the greater the ease with which we get it, so that the main point is not the facility for transmitting it, but in the difficulty in having any to transmit when the volume is too small. To better the condition of that great majority of mankind who have no money—so great that it is nearly unanimous—is the prime consideration. It is this great majority that is ground to powder by contracted currency. Banks and men who are rich and deal in money are benefited by the very thing which ruins the rest of the people, for the reason that the rich, who deal directly in money and securities readily converted into it, have only in stringent times to sit still and add to the volumes of their millions in cash by the depreciation in the price of property and labor which is ever the handmaid of a contracted volume of money.

Contract the currency one-half, and the man who contracted debts before that time has to work two days to pay his debt instead of one. It is said by some that there is plenty of money now, and we are pointed to the fact that in all the great money centers there is abundance of it and to the additional fact that it loans at a very low rate of interest, 2 per cent. per annum, on call loans. Out of their own mouths do we convict these gentlemen, for a plethera of money at the great centers is positive proof of scarcity everywhere else; there being but just so much altogether in the whole country, it is perforce true that the more there is at the centers the less there is elsewhere, and this is exactly the trouble now. Can any one deny the present contracted state of the circulation at this time? The coinage of silver has hardly supplied the place made vacant by the retirement of national-bank notes, and there is on the whole less money now than several years ago. Still our population has been increasing at the rate of more than 3 per cent. per annum, and consequently the uses of money in the same proportion.

Yet in the face of all this we are told that we have plenty of money. Under such circumstances how easy it is for the great centers to be flush of ready cash. The leading men who deal directly in it know all these things; begin hoarding; money gets less plentiful for active business purposes; enterprise and business can not reach it, therefore it languishes, and so it goes on "fattening upon what it feeds" until second-rate capitalists and financiers catch the inspiration and they begin to prepare for a rainy day, and are swiftly followed by lesser lights until men with first-class legitimate enterprises but without sufficient money curtail and suspend operations, and labor finds no just remuneration. These deplorable conditions could never be reached with an ample volume of circulation.

Now let us recur to the power of the national banks over the amount of our circulating medium. We find from the utterances of men other than those I have mentioned connected with these institutions—constituting, let us hope, a minority—that the burden of their song is to retire all the legal-tenders and constitute national-bank notes as the sole paper money of the country. This disposition to grasp power means something, and that something is their desire to be able to expand or contract the money of the country to suit their own interests. Shall this power be granted, or shall we take from them that heretofore delegated? Wisdom points only to the latter course, and wisdom in this instance is supplemented by right and justice. Let us give them the liberal basis I have proposed for their circulation, but never, never leave them with the power to crush struggling humanity through the medium of contraction.

And here I wish to deal with the popular fallacy—a fallacy which confronts us at every step—which has become an apothegm. This fallacy is to be found in the assertion that when there is an abundance of money, that then it may be obtained at a low rate of interest; and the rate at which money is loaned at our great money centers is pointed to as irresistible evidence that there is no lack of money in the country. Those who maintain this proposition are misled by a false analogy. Plenty of money, they say, compels a low rate of interest, and a low rate of interest proves in turn that there is plenty of money. Now the error and the false assumption lie in mistaking the earning power of money for its purchasing power. It is absolutely true, and no one thinks of denying it, that the exchangeable value of money, or its purchasing power, bears a certain inverse proportion to the volume of money there is in circulation.

In this particular money is precisely like wheat or any other commodity; make it plenty and you make it cheap. If you are buying wheat when money is abundant, you must pay a higher price or you must give more money for it. In other words, you will get less wheat for a given sum of money; hence it becomes literally cheap money, because you get it by paying a smaller consideration for it. But does it follow from this that when you want to borrow money you should get it at a low rate of interest? The two transactions—of borrowing money and buying money—are far from being identical, though generally assumed to be so. We all know that along with abundant money comes a period of great business activity and enterprise. The growing and multiplied commercial and industrial interests of the country need money; hence borrowers are also multiplied. A borrowing demand for money is created, and, responsive to this demand, the rates of interest are raised. Consequently, when money is abundant the borrowing rates are high.

And on the other hand when there is a scarcity of money in the country, an artificial or a real scarcity, its exchangeable value, its purchasing power becomes greater. We see that more of the commodities can be bought with a given amount—to use a familiar phrase, prices are then low—yet by an inexorable law, the earning power of money, as represented by interest, has fallen. Borrowers may get it at a lower rate of interest; but the security exacted must stand a rigorous scrutiny. But it is said that the difficulty of getting money nowadays is not owing to the scarcity of money, but to the scarcity of collaterals on the part of the would-be borrowers. This is witty enough to be true; yet it is not true. Every youth in a broker's office knows that collaterals which are perfectly acceptable in ordinary times are wholly unavailable during a stringency in the money market. At such times the collaterals required must be susceptible of instant conversion into money, and quotations must show that the proffered securities are well up toward the nineties.

Fair business collaterals which a few months before were unchallenged are now summarily "thrown out" by banks and brokers, and I assert that there is no lack of the collaterals which for years were good enough; but the lack of money brought with it a demand for a different species of security. The collaterals must be gilt-edged. The masses of the people during these periods are poor, wages are low, products, agricultural and others, are cheap because money has an enhanced value. At such times money will buy more for a given sum, which is only saying that money is dear. The contraction goes on; for those who have money continue to hoard. Capital becomes more and more timid because the prices of commodities are low and the tendency seems to still lower prices. It is a well-known law of the stock market that there is brisk buying when stocks are high and advancing, and it is sluggish when prices are low and falling. Business everywhere comes to a standstill; borrowers are few, firstly, because they can see no direction in which money can be profitably or safely employed; and secondly, because, as already stated, of the difficulty of furnishing security which the lender will accept. Therefore, the demand for money becomes limited and the interest upon money, its earning capacity, drops.

Repeating what I have said in axiomatic form, I say when there is a redundant circulating medium prices are high and the rate of interest is high; when the circulated medium is contracted, prices are low and the rate of interest is also low. More briefly still, the prices of commodities and the rates of interest rise and fall with the volume of the currency. There may be periods of paralysis in the money market when this law may seem to fail, but, under normal conditions, the law of gravitation is not more assured or regular.

At this point I will notice certain parts of a letter from the honorable Secretary of the Treasury, of date March 2, 1886, unique, bold, able, and the most complete and radical exposition of the gold monometallic position—sailing, however, declaredly under the bimetallic flag—which has ever been promulgated thoroughly in the interests of the gold monometallists, but full of expressions in favor of that kind of bimetalism which favors the present demonetization of silver as the sure road to ultimate bimetallism. "Let us fear the Greeks bearing gifts."

This I believe to be a fair statement of its purport, but to avoid any and all possibilities of mistake I will read now from page 10 of the printed letter, as follows:

(2) The Revised Statutes and Statutes at Large direct the issue and prescribe the more or less limited uses of several kinds of currency. To but one do they assign the office of a standard. They named the unit of all these currencies and of our money of account with the name—dollar. To but one dollar do they assign the function of a unit of value.

The law of February 12, 1873, sec. 14, (R. S., 3511), reads as follows:

"The gold coins of the United States shall be a one-dollar piece, which at the standard weight of 25.8 grains shall be the unit of value." * * *

Thus the gold dollar, circulating amid all other dollars, then existing or thereafter to be issued, whatever their substance, description or kind "shall be the unit of value." The law is unrepealed and unmodified. No other statute of the United States now in force refers to that office, uses the phrase, or names the thing. The function of the gold dollar as the unit of value is therefore unqualified and unquestionable. Its office as a unit of value was once shared with fifteen times, afterward with sixteen times its weight of silver. Its employment in that behalf is now unshared and sole. Its value is the unit of value, its measure is made the only measure. To that measure every other dollar must conform, while other dollars exist and this law of Congress stands. The simplicity of the language makes definition itself difficult, but dispute impossible. It has made my duty clear.

In reply therefore to the summons of the House, mindful of that duty and my oath, I respectfully answer that while the law remains what it is, I shall endeavor in the future as I have endeavored in the past to conform my official acts to the letter and spirit of its plain requirements, and to so exercise every discretionary power with which it is the pleasure of Congress that my office be vested over the contents, the outgoes, and the surplus of the Treasury, as to maintain every other dollar of their creation in such use and circulation as consists with the preservation of their practical commercial parity with the gold dollar, testing that equality exclusively by the sole "unit of value."

The Secretary's quotations from the law of February 12, 1873, seems to be literal, but his interpretation of it is too wide of the mark to let go unchallenged.

He says the law "is unrepealed and unmodified." I admit it is "unrepealed," but deny that it is "unmodified." That all statutes relating to the same subject must be construed in *pari materia* is one of the rules of construction universally accepted, will, of course, be conceded.

Applying this rule to the section of the statute of February 12, 1873, upon which the Secretary of the Treasury bases his conclusions, and the subsequent statute of 1878, in the first section of which we find the following:

That there shall be coined at the several mints of the United States silver dollars of the weight of 412½ grains troy of standard silver, as provided in the act of January 18, 1837, on which shall be the devices and superscriptions provided by said act, which coins, together with all silver dollars heretofore coined by the United States of like weight and fineness, shall be a legal tender at their nominal value for all debts and dues, public and private, except where otherwise expressly stipulated in the contract.

Now, construing these two statutes together we find that both can stand for the reason that they are not inconsistent with each other.

Were it otherwise, the act of 1873 would stand repealed under the express repealing section of the act of 1878.

Both these statutes being therefore in force, and by which it appears that we have two distinct coin dollars, one of gold and one of silver, each being a full legal tender for all debts public and private, each absolutely and unconditionally the equal under the law of the other, the strained and narrow construction of the honorable Secretary is glaringly manifest when he contends that the gold dollar is the sole unit of value to which "every other dollar must conform."

He plants himself squarely on the ground that because the law of 1873 declared in terms that the gold dollar should be "the unit of value," that it is the sole unit of value. He says:

No other statute of the United States refers to that office, uses the phrase, or names the thing.

This sort of construction will not stand the tests. Every lawyer knows that the name at the head of or in the body of a written instrument does not determine just what it is. It is the substance, the effect of what the instrument contains, which determines what it is, whether deed, bond, lease, or what not.

Every layman knows if two horses are standing together, to one of which is attached a card or notice saying, "This is a horse," and the other being without such attachment or designation, that nevertheless the one is just as much a horse as the other. Right here it might occur to some that the same reasoning would apply to and make a greenback dollar a unit of value also, but there is this distinction: While the greenback is a legal tender generally, there are two kinds of debts which it can not lawfully pay—customs dues and interest on the public debt—besides which it is not a dollar but merely a promise to pay a dollar.

There are but two kinds of dollars known to the laws of this country—one of gold and the other of silver—the weight and fineness of each being fixed by law and each having the same full money functions, being full legal tender for all purposes.

These dollars, therefore, are both units of value, one just as much as the other. To say that the gold dollar is the sole unit of value is to say that the currency of this country is on a monometallic basis. This is the effect of the special pleading of the Secretary of the Treasury.

The Secretary says, in the last paragraph which I have read from his letter:

I shall endeavor in the future, as I have endeavored in the past, to conform my official acts to the letter and spirit of its [the law's] plain requirements.

The spirit of the law of 1878, remonetizing silver, involved the change of the currency of this country from a monometallic basis to a bimetallic basis. If this be true, are there not two kinds of dollars, each of which is a unit of value? And must not the Secretary recognize them both if he lives up to the spirit of the laws of 1873 and 1878? Or are we to understand from his letter, where he says—

And to so exercise every discretionary power, with which it is the pleasure of Congress that my office be vested, over the contents, the outgoes, and the surplus of the Treasury, as to maintain every other dollar of their creation in such use and circulation as consists with the preservation of their practical commercial parity with the gold dollar, testing that equality exclusively by the sole unit of value—

that he intends to treat the silver dollar as an article of commerce measured by his sole unit of value—the gold dollar—and without any regard whatever to the nominal or coin value of the silver dollar created by the law of 1878? I propound this interrogatory because I need to be enlightened on this point and not with any intention of answering it myself.

Further on in his letter the Secretary says:

It is a wise step in the interest of the industries jeopardied by doubt to end the increasing risk of expelling our gold.

This is the cry of the single-standard gold men, who will no doubt extract many crumbs of comfort from the words of our bimetallic Secretary.

The startling cry is heard from them on every hand that continued silver coinage will drive our $550,000,000 of gold coin out of the country. Why? We do not need to purchase more than we sell. If the amount of our purchases abroad just equals our sales, there will be no balance of trade either way, and we will still have our $550,000,000 of gold, with an addition each year of the amount of gold mined in this country, should the amount be more than what is used in the arts, &c.

England can not pay us except in gold, because no foreign coin is a legal tender here. They used to be, but all laws making them so have long since been repealed. England can not afford to bring silver here at a loss of 20 per cent, which would have to be done, because until made coin of the United States we would not take it except at its bullion value. Hence, I say, that unless we buy abroad more than we sell abroad our gold can not, by any legitimate trade or commerce, escape us, and I may add that we do not need to buy more than we sell.

In point of fact we do not need to buy a dollar's worth of anything abroad, because we are nearer self-supporting than any European country. We raise more food than we need, more cotton and wool, out of which we can make our own clothing, than we need, and can get along splendidly without French broadcloth, silks, laces, or foreign wines, so that we have nothing to do but to make up our minds that we are self-sustaining, and that settles it.

Suppose that we had no money whatever with which to purchase anything abroad, and that we should neither buy nor sell anything except among ourselves, and, in consequence, England should do the same thing, which country would have the best of it? I answer without hesitation that we would. If every country save this should sink, leaving us the sole people in existence, I can not see but that we would be at least as well off as we are now. If the nations of the earth constituted one brotherhood we would be the losers, because I say that, without a single exception, we have more resources and can support and take care of ourselves easier than any other nation of people, and would to-day be in a better condition without than with the others. But I do not wish to be understood as expressing any desire to sink the rest of the world to the bottom of the sea, carrying down the millions of souls in other lands, but only to illustrate that the whole idea of regulating ourselves save by ourselves is a matter of but slight, if any, importance.

If we have no advantage over the peoples of the Old World, what, I ask, are we here for, and what brought our ancestors here?

Sir, I hope I am a humanitarian, and do believe in philanthropy, but think that these, like charity, should begin at home.

Because Germany does so and so and England does so and so furnishes no reason to my mind for our doing the same thing. I have yet to learn of any great solicitude on the part of those governments for our happiness and welfare, but I do continually hear men in this country declaiming in one breath about the tottering thrones of Europe and the grandeur of liberty regulated by law here, and in the next insisting that our monetary system must conform to that of the great European powers. This will not do, and for one I say that if we must have an international monetary union, let those powers with tottering thrones conform their monetary system to that of our more stable Government, because, unless our whole scheme of Government is a mistake, it is the perfect one after which those modern offshoots of ancient despotism should copy.